

# **HALIFAX REGIONAL MUNICIPALITY**

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## **HALIFAX REGIONAL COUNCIL MINUTES MARCH 7, 2000**

### **REVISED**

**PRESENT:** His Worship Mayor Walter Fitzgerald  
Deputy Mayor John Cunningham  
Councillors: Stephen Streach  
Gordon R. Snow  
Keith Colwell  
Ron Cooper  
Harry McInroy  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
Graham L. Downey  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Bill Stone  
Graham Read  
Stephen D. Adams  
David E. Merrigan  
Robert P. Harvey  
Peter J. Kelly  
Reg Rankin  
Jack Mitchell

**ABSENT WITH  
REGRETS:** Councillor Jerry S. Blumenthal

**STAFF MEMBERS:** Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Barbara Moar, Assistant Municipal Clerk

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1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **The International Day for the Elimination of Racial Discrimination**

Mayor Fitzgerald proclaimed March 21, 2000 as The International Day for the Elimination of Racial Discrimination.

3. **APPROVAL OF MINUTES**

**MOVED by Councillors Greenough and Deputy Mayor Cunningham that the Minutes of February 22 and February 29 (Special Session), 2000 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the Agenda:

- 13.1 Councillor Downey - Parking, Farmers' Market
- 13.2 Property Matter - Sale of former East Chezzetcook School
- 13.3 Legal Matter - World Wide Fibre
- 13.4 Appointments - Membership Selection Committee
- 13.5 Harbour Solutions

Councillor Schofield expressed some concern with **Information Item No. 17 re Use of HRM Owned Vehicles**, and asked to have this added to the Agenda. It was suggested and agreed that this should be placed on the next Agenda to ensure staff are available to respond to Councillor Schofield's concerns. Councillor Schofield will meet with Mr. Ken Meech, Chief Administrative Officer, before the next meeting.

It was suggested that added item **13.5 Harbour Solutions** be brought forward to be discussed after Item No. 7 on the Agenda.

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

5. **BUSINESS ARISING OUT OF MINUTES - None**

6. **MOTIONS OF RECONSIDERATION - None**

7. MOTIONS OF RESCISSION - None

13.5 Harbour Solutions

The following recommendation from the Committee of the Whole Meeting held today was before Council.

**MOVED by Councillors Greenough and Stone as recommended by the Committee of the Whole that Halifax Regional Council request proposals to go forward as recommended by staff and the consultant, with the addendum that the Halifax Regional Municipality will prepare its own shadow bid.**

Councillor Hetherington stated that one of the main parts of the motion is the fact that there is going to be a shadow bid prepared. He believes this is the only way to determine whether the private or public sector is the cheaper. Referring to the Request for Proposals, the Councillor addressed a concern that he had with asking for a lump sum, and suggested it would be difficult to evaluate a lump sum bid. Councillor Hetherington suggested that there should be a definite separation of the capital and operating costs from the three bidders, and also a site location would be helpful.

As stated earlier at the Committee of the Whole Meeting, Mr. Meech gave reasons for not asking the three short listed proponents for a breakdown of the costs, and he would suggest that HRM not ask for this breakdown. He stated HRM would have its own benchmark shadow bid, and would know from that what portions are operating and capital.

Mr. Meech pointed out that the consultants that HRM would use for the shadow bid would be the current advisors to HRM, and possibly others that would not have any connection to any one of the short listed proponents.

In response to Councillor Kelly's request for clarification on the shadow bid process, Mr. Meech stated that the intention would be for HRM to privately develop its own pricing, inclusive of capital and operational. HRM's internal resources and external consultants would be utilized to assist in preparing the shadow bid. Councillor Kelly stated that staff had already expressed their preference and he urged the shadow bid process to be non-biased and totally independent to arrive at a fair comparison.

Councillor Kelly stated that he would like to have a clause included in the RFP that should HRM find it is cheaper within its own operations, and wish to opt out of this process, that it can do so legally and without penalties. Mr. Meech responded that HRM would advise the three short listed proponents that HRM would be doing a shadow bid, and it would be clearly worded that if the proponents' bids are higher, then HRM would have the option of looking at its own proposal. Councillor Schofield stated that with Mr. Meech's assurance that this would be part of the RFP, he can support the motion.

Councillor McInroy stated that he would be voting against the motion, but he wanted to make it very clear that he supported harbour clean-up without significant delay. The Councillor stated that he continued to support municipal operation of the waste water treatment plants and therefore would vote against the motion on that basis. Councillor McInroy noted that the recent debate had resulted in a municipal shadow bid, but he also had some reservations on this process.

Councillor Uteck stated that in discussions earlier today it was clearly indicated that a shadow bid was to identify which operation would be cheaper. The Councillor stated very strongly that it is not a 'done deal', pointing out that the bids would come back to Council for comparison and would go forward from there.

Councillor Greenough closed the debate, clarifying the intent of the motion.

**MOTION PUT AND PASSED.**

Councillors McInroy and Downey voted against the motion.

**8. CONSIDERATION OF DEFERRED BUSINESS**

**8.1 Council Decision on Second Reading By-Law S-404 Respecting Local Improvement Charges, New Paving Outside the Core Area - 1998**

- The Public Hearing Portion of By-Law S-404 Respecting Local Improvement Charges, New Paving Outside the Core Area - 1988 closed on February 22, 2000. Council Decision was deferred.
- An Information Report, dated March 2, 2000, prepared by Kulvinder S. Dhillon, Director, Transportation & Public Works, regarding the above, was before Council for consideration.
- Petition from residents, dated February 22, 2000, regarding the above, was before Council for consideration.
- A staff report, dated January 12, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council. This report was also before Council on January 25, 2000 and February 1, 2000.

Councillor Colwell reported that the wrong road had been paved in 1993. The residents have had difficulty in getting information from the Department of Transportation, and requested that Council's decision be delayed until the March 21<sup>st</sup> meeting. The Councillor stated that staff had indicated to him that there would be no problem in delaying the decision until the next Council meeting.

**MOVED by Councillors Colwell and Mitchell that this item be deferred to the March 21<sup>st</sup> Council meeting. MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Council Decision on Second Reading By-Law T-202 Respecting Tax Exemptions**

- The Public Hearing Portion of By-Law T-202 Respecting Tax Exemptions closed on December 7, 1999. Council Decision was deferred.
- A Supplementary Report prepared by Jim Hobin, Chair, The Grants Committee, dated February 23, 2000, regarding the above, was before Council.
- Letter dated March 6, 2000 from James Gregg, President, Waegwoltic Club, regarding the above, was before Council for consideration.

Councillor Colwell asked to have the Bluewater Business Centre deleted from Schedules 21 and 28. This removes the company from any tax exemption. The Councillor pointed out that Bluewater Development Agency is operating as a 100% federally funded business competing with adjoining businesses who pay taxes. It was agreed that this would be sent to the Grants Committee meeting scheduled for Thursday, March 9<sup>th</sup>.

Councillor Read stated concerns that he had relating to the Mic Mac Athletic Club, the Waegwoltic Club and yacht clubs. The Councillor pointed out that there are other yacht clubs in HRM that could make exactly the same arguments as the Waegwoltic Club resulting in higher budget implications.

In response to Councillor Kelly's concerns, Councillor Walker advised that the Provincial and Federal Governments have met their commitments. The Councillor stated that the commitment to Neptune Theatre follows an agreement made by the former City of Halifax in 1993. This commitment will be completed next year, at which time the agreement would be up for review.

Councillor Hetherington referred to the notes on page 3 of the report re the Portuguese Society of Nova Scotia noting the comments by the Grants Committee in setting a precedent. The Councillor stated that what had to be taken into consideration is that the Society has been constructing its building for the last two years and during that time they have been charged taxes, based on commercial rates.

Ms. Barbara Nehiley, Special Project Advisor, reported that taxes for the Portuguese Society are \$9,300 for the 1999 fiscal year, and they are in arrears \$17,500, with \$182.00 being interest. Councillor Hetherington stated that this building opened one month ago and they had no way to generate revenue while they were constructing the building.

Mayor Fitzgerald suggested, and it was agreed, that all these requests should go back to the Grants Committee with a total revised figure coming back to Council.

Councillor Colwell went on record as not supporting a grant for the Neptune Theatre. The Councillor recognized the importance of the Neptune Theatre but pointed out that there are

many residents in the rural areas who cannot pay their property taxes.

Councillor Schofield, a member of the Grants Committee, noted that the Committee did not have the material at its last meeting giving comparisons of theatres across the country in comparison to the Neptune Theatre. In response to the Councillor, Ms. Nehiley advised in November 1993, Halifax City Council approved a report from staff recommending the payment of capital grants to Neptune Theatre over a five year period.

Ms. Nehiley stated that in the motion, there was reference to the appropriate taxes. The report also highlighted that included in the recommendation for the business plan of Neptune Theatre was the understanding that Neptune Theatre was expecting on-going support from the municipality on taxes, plus a net on-going grant of \$30,000. Staff believe that by providing the capital grants to go forward and supporting the business plan constitutes a commitment to support Neptune on an on-going basis.

Ms. Nehiley stated that the Grants Committee agreed to support the tax exemption. The recommendation supports further exemptions in order to meet the pre-amalgamation commitment made early in 1996 when HRM Council made an agreement to honour pre-amalgamation commitments and agreements.

In response to Councillor Schofield, Ms. Nehiley advised that the agreement was for the new expanded Neptune Theatre. She added that, in the process of amalgamation, a number of initiatives were left unfinished as a result of staff changing positions and new issues becoming priorities.

Councillor Schofield asked that the Neptune Theatre go back to the Grants Committee for its Thursday meeting to fully review the commitment made by Halifax City Council. The Councillor said he had a concern that last year HRM decided to charge children for playing ball in parks and soccer fields, and there has been no recommendation to reverse this decision.

**MOVED by Councillors Schofield and Snow that these questions be sent back to the Grants Committee, with a report brought back to Council for its next meeting on March 21<sup>st</sup>. MOTION PUT AND PASSED.**

Deputy Mayor Cunningham referred to the Mic Mac Athletic Club stating that for the last four years when grants came before Council he had asked to have this club treated the same as the other boat clubs. The staff report states that the Mic Mac Athletic Club will not be considered until the year 2001, and the Councillor questioned why. Ms. Nehiley responded that the Grants Committee had heard submissions from the Mic Mac Athletic Club, but it had not received an application to increase their exemption. Between the time the Committee met and the budget was finalized, there was not time to make a budget modification that would allow the Committee to include this Club in the coming fiscal year.

Deputy Mayor Cunningham expressed concern that this Club was not included because it is having a very difficult time making its day-to-day commitments. The Councillor asked that this also be referred back to the Grants Committee.

**MOVED by Deputy Mayor Cunningham and Councillor Greenough that Mic Mac Athletic Club be referred back to the Grants Committee. MOTION PUT AND PASSED.**

It was pointed out by Ms. Nehiley that one of the reasons that no exemptions came forward for the 1999 fiscal year was because of the budget constraints. The Committee recommended not to make any additional expenditures in the program.

Referring to the Neptune Theatre, Councillor Stone said HRM had to honour its commitments, including commitments of previous Councils; however, all those who receive grants should be paying some kind of taxes as they receive the use of HRM services, including the use of streets, police and fire.

Councillor Uteck pointed out that 10 days before amalgamation the Dartmouth Council granted all their clubs and facilities 100% tax exemption, and the same for hospital tax. Neptune Theatre is in exactly the same position. The City of Halifax Council gave Neptune Theatre a commitment in the forms of tax exemption and funding. The Councillor stated that Alderney Landing has 100% tax exemption, with a municipal grant of \$175,000. Neptune Theatre has 50% tax exemption.

The Councillor further explained that the reason the Mic Mac Athletics Club was deferred for one year was because the Club enjoyed a liquor license.

Deputy Mayor Cunningham responded that some of the other boat clubs also serve liquor with special event licenses. He pointed out that having liquor licenses in these clubs does not generate revenue as they had previously.

A report will be brought back to Council from the Grants Committee for the March 21<sup>st</sup> Council meeting.

**9. PUBLIC HEARINGS**

**9.1 Second Reading - By-Law No. T-109 Respecting the Halifax Regional Taxi and Limousine By-Law (Taxi Rates)**

- By-Law T-109 Respecting the Halifax Regional Taxi and Limousine By-Law (Taxi Rates), passed First Reading on February 8, 2000, and was now before Council for Second Reading.

- A report, dated February 1, 2000, prepared for Councillor Stephen Adams, Chairman, Taxi & Limousine Committee, regarding the above, was before Council on February 8, 2000.
- Letter from Halifax Seniors Council, dated February 29, 2000, regarding the above, was before Council for consideration.
- A report prepared by Leo Greenwood, Sub-Committee Chairman, Taxi & Limousine Committee, regarding the above, was before Council for consideration.
- Correspondence from Carl Hayre, Halifax Taxi Driver, regarding the above, was before Council for consideration.

In his presentation to Council, Mr. Leo Greenwood, stated that he was a member of the Sub-Committee that was asked to look at a fare increase for taxis that would apply in all three zones. A report from the Sub-Committee included a comparison of expenses re gas, rent, insurance and repairs for taxis in the years 1988 and 2000. Copies of invoices from 1988 were included in the report. Mr. Greenwood had also included a comparison of a taxi driver's income of \$34,500.00 for the years 1988 and 2000. The cost of the expenses were listed for each of these years resulting in a net yearly income for a taxi driver in 1988 at \$22,485.00, and in the year 2000 a net yearly income of \$11,919.00. Referring to the current increases in gasoline, Mr. Greenwood noted that the costs would actually be higher than those shown in the report.

Mr. Greenwood reported that the Sub-Committee, comprised of Mr. Bob Richards (Halifax zone), Mr. Frank O'Brien (County Zone) and Leo Greenwood (Dartmouth zone), are recommending a fare increase in taxi zones for all zones to \$2.50 on the drop and \$2.00 on the mile. Mr. Greenwood urged Council to approve the Sub-Committee's recommendation. In response to a question from Councillor Walker, Mr. Greenwood stated that there would be approximately a 25% increase.

In response to a question from Councillor Sarto, Mr. Greenwood stated that the Committee would look at ways to help the seniors.

Councillor Adams referred to a section in the former Halifax zone by-law that gave a \$3.50 flat rate for shared senior rides, and stated that he would bring this to the Taxi & Limousine Committee's March 20<sup>th</sup> meeting to discuss how this can be implemented. The Councillor stated that this would have no effect on any decisions that may be made tonight on the fares.

Mayor Fitzgerald thanked Mr. Greenwood for his presentation.

Mayor Fitzgerald asked for members of the public wishing to speak either in favour of or against the increase in taxi fare rates.

Tom Tapper, President, Dartmouth Association

- The fare increase was initiated by the Dartmouth Taxi Association, and referred to the Taxi & Limousine Committee. It was agreed that there should be one fare rate for all zones.
- Attached to the Sub-Committee's report was Statistics Canada's breakdown of the cost of living in Nova Scotia in the year 2000, showing a total of \$32,473.
- The issue of shared rides for Seniors will be addressed by the Committee.

James Eisenor

- Services taxi meters and suggested that the rate 12.5 cents each 1/16 mile may be a little high. This works out to \$2.00. He suggested that 10 cents each 1/20 of a mile would be better, and less complicated.
- He pointed out that there is a 5% leeway in the accuracy of a taxi meter, which is eight cents on the old rate. It could be \$1.60 on a mile run or \$1.52 on a mile run. With the proposed \$2.00 rate, a 5% leeway gives 10 cents either way. On a \$10.00 run, not counting the \$2.50 drop, it would be \$1.00 either way. He suggested the leeway be lowered.
- Mr. Eisenor's concern was with the degree of accuracy, and he feels a 5% leeway on a \$2.00 rate is too high.

Pat McLellan, President, Halifax Senior Council

- Supports the need for an increase in taxi fares, but stressed that seniors would be adversely affected by this increase.
- The fastest growing segment are those 85 plus, and Ms. McLellan pointed out that these seniors will eventually not be able to drive their own cars or to use public transit.
- Seniors will be relying on taxis as their only means of transportation.
- Seniors are proposing a system of taxi passes which seniors could purchase and have an opportunity to budget for their transportation expenses. Taxi passes would allow seniors' relatives and friends to purchase these passes.

Councillor Adams stated that the proposal from the Seniors Council will be sent to the Taxi & Limousine Committee for consideration.

Viado Ostarcevic, Halifax

- Taxi driver for 20 years and agreed to an increase in the taxi fares.
- Referred to the problems of getting taxis stating that about 2,000 people decide to leave the bars at 2:00-3:00 AM to go home. Impossible to meet the demand in one hour.

Carl Hayre, Halifax

- Counter proposal prepared and submitted by Mr. Hayre after discussions with taxi drivers on the proposed fare increases.
- Majority of taxi drivers polled by Mr. Hayre feel the proposed fare increase will hurt the taxi industry, and preferred the counter proposal..
- Suggested that the 25% increase on the mileage would hurt the taxi industry, especially on the longer trips.
- Counter proposal is \$2.60 on the drop, \$1.80 a mile, and \$20.00 per hour waiting time.

Heather Fraser, Halifax

- Questioned if the Committee had considered special rates for students.

Leon Thomas, Halifax

- Asked also for consideration of special rates for students.
- Questioned if rates had been addressed for individuals on social assistance, including single mothers taking their children to the hospital, and others. He suggested that these are the people that use the taxis more often every day than those who are going to work every day.

Ali Roshanimeydan

- Referred to the increased costs to drive a taxi and stressed that the increase is needed.
- He totally supports an increase in the taxi fares recommended by the Sub-Committee.
- Suggested that drivers could refuse the long runs because they don't make any money.
- Pointed out that the City of Charlottetown allowed taxi drivers to charge double on New Year's Eve.
- Today there are better taxi vehicles on the road than in previous years.
- He suggested that there should be a charge of at least \$1.00 for an extra person in the taxi, not .50 cents.

Robert Richards

- Taxi Driver for 35 years, a member of the Sub-Committee mandated to come up with an increase for the taxi fares.
- Agreed that the issue of seniors would be addressed at the next Taxi &

- Limousine Committee meeting.
- Supports the increase in Dartmouth and the County. They should be paid at the same rates as drivers in Halifax zone.
- Supports the importance of having better qualified drivers and better vehicles in the HRM taxi industry.
- Suggested that it is possible the reason there are so many calls for a taxi not being answered is because the rate is too low. He pointed out that three people boarding a bus going to Spring Garden Road from downtown would pay \$4.95, and they could ride in his taxi for \$4.70.
- Stressed that the fare increase is based on the Committee's concern for all those in the taxi industry.
- Suggested that if anyone feels he doesn't deserve the raise, just don't change the meter, run on the old rate.
- Pointed out that none of the drivers that attended the Taxi Committee meeting when the issue was raised stood up and said they didn't want the raise.

Derek Mathers, President of Yellow Cab, Armdale Taxi and Y Taxi

- Operates a dispatch system for approximately 300 taxis in the Halifax zone and the only wheelchair accessible taxi service.
- He supports the increase for the Halifax zone drivers.
- The last time drivers received an increase that was not tax related was November 1990 when fares went to \$2.25 a drop and \$1.40 a mile. The proposed rates are \$2.50 a drop and \$2.00 a mile. Factoring out HST, the fares now are \$2.17 a drop and \$1.74 a mile. This means that even with an increase the drop is still below the rate of 10 years ago.
- In 1994 a typical three mile ride would give the driver \$6.45. With the proposed increase, after tax, the driver will receive \$7.39. This 15% increase from 10 years ago is not unreasonable.
- For the consumer, a three mile ride at current rates would cost \$7.20, under the proposed rate, this will increase to \$8.50, representing an 18% increase from the current rates.
- Stated that the proposed increase appears justified, but he does believe business will decline.

Darsham Virk, United Cab Drivers Association, Halifax

- Supports the rate increase. He had discussed the increase with 30 drivers and all agreed with the increase.
- Expenses for taxi drivers are going up every day, as detailed by others.
- Pointed out that drivers are already working 12/16 hours to make a living.
- Suggested that the media is blowing the shortage of taxis out of proportion.
- Stated that adding more taxis would be a disaster for the industry.

Tim Auld, Satellite Taxi

- Member of the Taxi & Limousine Committee
- Supports the taxi rate increase, but he does not support the increase that is being requested.
- Pointed out that a very large increase in third party insurance had been approved for the taxi industry. Increases will be in effect on April 1, 2000.
- Using the example of a new person entering the taxi industry, it would cost him \$1,709 today for insurance. After April 1<sup>st</sup>, this will increase to \$2,169/year.
- Stated that many taxi customers are those people that cannot afford a vehicle or are no longer able to drive. Old age pensions have not increased 25%/33% in the last 10 years. The increase for the County would be 33%.
- Believes an increase is definitely justified, but suggested this be referred to staff for a report. If the increase is found to be correct, suggested that this be implemented over several years.

In response to a question from Mayor Fitzgerald on the number of taxis in Halifax, Mr. Peter James, By-Law Enforcement stated that there are approximately 637 permanent drivers, and 50 drivers in the process of becoming permanent drivers. Mr. James stated there are three zones in the taxi industry, pointing out that the airport is in the County zone.

Mayor Fitzgerald called for more members of the public wishing to speak either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

**MOVED by Councillors Hetherington and Adams that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Adams stated it had been made clear that there is a need for an increase in the taxi fares, and that concerns expressed by seniors and students need to be addressed.

Councillor Adams suggested that before Council makes a decision on the fare increases, that the reports from the Sub-Committee and Mr. Hayre be sent to the Taxi & Limousine Committee meeting scheduled for March 20<sup>th</sup>. The Committee will review both reports and bring back a recommendation to the Council meeting on March 21<sup>st</sup>. Concerns of the seniors will also be addressed at the Committee's meeting.

**MOVED by Councillor Adams and Deputy Mayor Cunningham that the reports from the Sub-Committee and Mr. Hayre be referred to the March 20<sup>th</sup> Taxi & Limousine Committee meeting. A recommendation will be brought back from the Committee to the March 21<sup>st</sup> Council meeting.**

In response to a question from Councillor Hetherington, Councillor Adams stated that if

Council passes this motion there would be no delay in implementing the fare increase. Councillor Hetherington suggested that something should be put in the Taxi & Limousine By-Law stating that every two years, fare increases would be assessed. Councillor Adams responded that this would be considered by the Committee.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2        Exchange of Portion of Parcel 00636571, Intersection of Duke Street and Highway 102 from Province of Nova Scotia for Lot L-46B1 and Lot 44A-3, Burnside Park**

- At the February 15, 2000 Regional Council Meeting, Council adopted the In Camera recommendation to authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for the above property. A Public Hearing respecting the sale was set for March 7, 2000.
- A Supplementary Report, dated February 18, 2000, prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Deputy Mayor Cunningham and Councillor Hetherington that Council reaffirm its decision of February 15, 2000 to authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Province of Nova Scotia for the exchange of a portion of Parcel 00636571 at the intersection of Duke Street and Highway 102 (as per Attachment 'A' in February 18, 2000 staff Supplementary Report) for Lot L-46B1 and Lot 44A-3 in the Burnside Park based on the terms and conditions set out in the February 18<sup>th</sup> staff supplementary report. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.        CORRESPONDENCE PETITIONS & DELEGATIONS**

**10.1        Petitions**

**10.1.1     Councillor Read - Pesticide By-Law**

Councillor Read submitted an additional 53 names to the on-going petition re the elimination of pesticides.

**10.1.2     Councillor Uteck - Pesticide By-Law**

Councillor Uteck submitted additional names to the on-going petition re the elimination of pesticides, noting that in the reference material attached to the petition, that homeowners apply 5.5-12.5 kg of pesticides per hectare of lawn. The Councillor pointed out that this is higher than the rate per unit area in most agricultural areas by a factor of up to 5 times

more.

**10.1.3 Councillor Kelly - Bedford Village Sign**

Councillor Kelly submitted a petition from residents requesting Council's support re the replacement of a Bedford Village sign that was removed by the Annapolis Group.

**10.1.4 Councillor Kelly - Petition to the Province re Mother Berchman's Centre**

Councillor Kelly submitted a petition of 446 **names** to the Province from the Sisters of Charity in support of licensing the Mother Berchman's Centre. The Mayor accepted this petition stating that it would be forwarded on to the Province.

**10.1.5 Councillor Adams - Pesticide By-Law**

Councillor Adams submitted 409 additional names to the on-going petition re the elimination of pesticides, noting that in the reference material attached to the petition, childhood leukemia has been shown to be 6.5 times more common in those whose homes and gardens are treated with pesticides.

**10.1.6 Councillor Merrigan - Street Paving of Westwind Ridge, Middle Sackville**

Councillor Merrigan submitted a petition for street paving of Westwind Ridge, Middle Sackville.

**10.2 Presentations**

**10.2.1 Ms. Jamie Armstrong - Pesticide By-Law**

Reading from prepared text, Ms. Armstrong, a 10 year old, grade four student, spoke to Council on her breathing and other health problems aggravated by the use of pesticides. Ms. Armstrong stated that her apartment was sprayed for pesticides before she was born and again when she was 9 months old. Since the second spraying, she has been hospitalized 15 times, 3 times in the ICU, for asthma. Ms. Armstrong expressed the difficulties she has in enjoying the every day things that all children do, and strongly urged Council to proceed as quickly as possible to put the Pesticide By-Law in place to eliminate pesticides.

Mayor Fitzgerald thanked Ms. Armstrong for her presentation.

**10.2.2 Mr. Phil Brown - Community Gardens and Edible Landscapes**

- Letter from Ecology Action Centre, and attachments regarding the above was

- before Council for consideration.  
Suggested Motion for Council's consideration, regarding the above, was before Council for consideration.

Reading from prepared text, Mr. Brown spoke to Council on Ecology Action Centre's request to strike a committee that would research and recommend policy options to HRM regarding community gardens and other similar urban gardening initiatives. Mr. Brown stated the benefits of community gardens in relation to the environment, recreation, promoting healthier communities, food and economics. Mr. Brown stated that the Ecology Action Centre and others had committed considerable time over the last five years to bring these recommendations to Council, and are very willing to meet with Councillors and staff to share the knowledge they have gained.

**MOVED by Councillors Downey and Schofield that staff be asked to provide a report on the presentation. MOTION PUT AND PASSED UNANIMOUSLY.**

Mayor Fitzgerald thanked Mr. Brown for his presentation.

### **10.3 Correspondence**

#### **10.3.1 Councillor Kelly - DalTech Planning Module**

Councillor Kelly reported on the upcoming Planning Module Centres in the Region at Dal Tech (March 10<sup>th</sup>) and Halifax Hall (March 8<sup>th</sup>).

## **11. REPORTS**

### **11.1 MEMBERS OF COUNCIL**

#### **11.1.1 Councillor Rankin - Twinning of Highway 103 - Upcoming 2000-2001 Provincial Budget**

**MOVED by Councillors Rankin and Mitchell that Council request assurance from the Minister of Transportation & Public Works that the twinning of Highway 103 is in his 2000-2001 budget for deliberations in the Spring. MOTION PUT AND PASSED UNANIMOUSLY.**

#### **11.1.2 Councillor Sarto - Intersection at Portland Street and Regal Road**

Councillor Sarto requested a staff report from the Traffic & Police Services regarding the intersection at Portland Street and Regal Road. The report should outline the nature of accidents and the resulting injuries to drivers and passengers, and what can be done to prevent accidents at this intersection. Noting that on the other side of the road there is a

93 acre development that is supposed to open up this intersection, Council agreed that a request for a report should be sent to the Public Participation Committee.

**11.1.3 Councillor Walker - District 15 Survey Results**

Councillor Walker reviewed the results of a survey that had been sent to residents and businesses in District 15. He stated that 400 responses had been received. The Councillor noted the percentage of satisfied and dissatisfied responses to questions that were raised in the survey dealing with services provided by HRM. The report was received and tabled.

**11.1.4 Councillor Read - Waegwoltic Club**

Councillor Read asked for a staff information report on the arrangement the Waegwoltic Club has for the use of the area that is blocked off at the western end of Coburg Road where it meets the North West Arm. The Councillor asked to have the report address the following issues:

- What were the circumstances which led to this?
- Is there a formal agreement with the Waegwoltic that was approved by Regional Council or the former Halifax City Council?
- Is HRM receiving rent from the Waegwoltic and, if so, at what rate?
- What is the length of the term of the agreement, if any?

Councillor Read suggested that given the limited public access points on the peninsula side of the Arm, consideration should be given to reopening this area for use by the public.

**11.2 GRANTS COMMITTEE**

**11.2.1 Residential Property Tax Rebate Program Increase in Service Level**

- Report from Jim Hobin, Chair, The Grants Committee, dated February 23, 2000, regarding the above, was before Council for consideration.

Ms. Nehiley, Special Projects Advisor, reviewed the February 23<sup>rd</sup> staff report dealing with the residential property tax rebate program, including the Grants Committee's recommendation for a revision of the model. A revision of the model would require an increase in service level, and a budget modification would have to be made for the cost of this revision.

The report from the Grants Committee included Attachment 1 that identified tax rebates for household incomes less than \$15,500, 15,500 to \$20,000 and \$20,001 to \$23,000.

Recommendations from the Grants Committee were identified as:

Priority 1 Add new property tax category where taxes paid is more than \$2,000 so that those with eligible incomes and higher taxes gain more meaningful assistance. Cost of Priority 1 - \$28,500. Under this priority there would be 80 eligible applicants.

Priority 2 Adjust income group division to identify those under \$15,500 and those above that line up to \$20,000. This will result in more participants being eligible to receive higher benefit. Cost of Priority 2 - \$78,547.58. Under this priority there would be 251 eligible applicants.

Priority 3 Add new income category which will broaden eligibility to those with incomes \$20,001 to \$23,000  
Cost of Priority 3 - \$53,691.26. Under this priority there would be 3817 eligible applicants.

Total added cost - \$160,736.84.

**MOVED by Councillors Walker and Schofield that Council, approve, in principle, the revised model for Residential Tax Rebate Program as presented in Attachment 1 of the February 23, 2000 Grants Committee report. MOTION PUT AND PASSED UNANIMOUSLY.**

### **11.3 SOLID WASTE/RESOURCE ADVISORY COMMITTEE**

#### **11.3.1 Illegal Dumping Action Plan**

- Report from Councillor Reg Rankin, Chairman, SWRAC, dated March 2, 2000, regarding the above, was before Council for consideration.
- Staff report to the SWRAC, dated November 9, 1999, regarding the above was before Council for consideration.

Councillor Rankin referred to the five action plans to deal with illegal dumping. These action plans include:

- Adopting an effective regulatory program to ensure appropriate waste management.
- To influence and inform the public and businesses to prevent illegal dumping.
- To assess the current waste disposal practices and programs to identify strategies to prevent illegal dumping.
- To develop and implement program to eliminate existing illegal dump sites.
- To identify the direct and indirect financial and environmental costs of illegal

dumping.

**MOVED by Councillors Rankin and Uteck that HRM Council approve:**

1. **The five Action Plans included in the Task Group Review and Findings Report attached to the November 9, 1999 staff report.**
2. **Staff work with stakeholders outside HRM to allocate costs of clean up, education and enforcement and present recommendations for the 2000/2001 operating budget.**

Councillor Hetherington expressed some concern with the amount of \$50,000 being enough to clean up all the illegal dumping areas in HRM. The Councillor reiterated comments stated at previous meetings that he believes one way to stop illegal dumping would be to put a household hazardous waste depot on the eastern side of Halifax Harbour. Councillor Hetherington stressed the need for staff to look seriously at putting in this depot.

Councillor Colwell stated that this report is a major step forward, but agreed that \$50,000 would not be enough to do the total clean-up. The Councillor said he would also like to see a household hazardous waste depot in his District.

Councillor Rankin suggested that it be incorporated in the report that a letter be sent to the Province asking for approval to dispose of paint products that constitute at least two-thirds of the volume of household hazardous waste materials received by HRM. Council agreed.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4 CHIEF ADMINISTRATIVE OFFICER**

**11.4.1 Tender 99-355 Streets Upgrading, Resurfacing, Central Region**

- A staff report, dated February 29, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Harvey and Fougere that:**

1. **Halifax Regional Council approve the recovery of Local Improvement Charges, by an area rate applied to District 20.**
2. **Halifax Regional Council award Tender No. 99-355, Streets Upgrading, Resurfacing, Central Region, to Dexter Construction Company Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$244,214, and a Total Project Cost of \$280,846 with funding availability as noted in the Budget implications section of the February 29<sup>th</sup>**

staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.2 Tender 99-307 Streets Upgrading, Resurfacing Part III, West Region**

- A staff report, dated February 28, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Downey and Fougere that Halifax Regional Council award Tender No. 99-307, Streets Upgrading, Resurfacing Part III, West Region, to Dillman Enterprises (1995) Ltd. for materials and services specified at the unit prices quoted for a Total Tender Price of \$220,225 and a Total Project Cost of \$253,259, with funding availability as noted in the Budget Implications of the February 28<sup>th</sup> staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.3 Tender 00-003 Two Refuse Transfer Trailers**

- A staff report, dated March 1, 2000, prepared for Brian T. Smith, Director, Solid Waste Resources, regarding the above, was before Council for consideration.

**MOVED by Councillors Sarto and Hetherington that Halifax Regional Council award Tender No. 00-003, Two (2) Refuse Transfer Trailers c/w Top Opening Door and Auxiliary Gasoline Engine to Capital Disposal Equipment Inc. for a tender price of \$92,920.00 per trailer unit for a total tender price of \$185,840.00 (including HST) for the two trailer units, with funding as per the Budget Implications of the March 1<sup>st</sup> staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.4 Tender 00-203 Aldergrove Storm Sewer**

- A staff report, dated February 23, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Adams and Harvey that Halifax Regional Council award Tender No. 00-203, Aldergrove Storm Sewer to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$102,879.00, and a Total Project Cost of \$118,311, with funding authorized as per the Budget Implications section of this report. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.5 Tender 00-201 Parkhill Road Storm Sewer**

- A staff report, dated February 28, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Read and Stone that:**

1. Council authorize the transfer of funds in the amount of \$36,624 from Account No. CRESPOOL, the Capital Pool to Capital Account No. CGR00498, Parkhill Road Storm Sewer.
2. Council award Tender No. 00-201, Parkhill Road Storm Sewer to C. R. Falkenham Backhoe Services Limited for materials and services listed at the unit prices quoted for a Tender Price of \$161,115, and a Total Project Cost of \$185,283, with funding authorized as per the Budget Implications section of the February 28<sup>th</sup> staff report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.6 Maintenance Agreement HRM-05 - Maintenance of Bridges on Former Cost Shared Streets, Halifax Regional Municipality**

- A staff report, dated March 1, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Kelly and Mitchell that Council authorize the Mayor and Municipal Clerk to sign Maintenance Agreement No. HRM-05 on behalf of Halifax Regional Municipality. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.7 Additional Funding - Dismantling of Robb Engineering Buildings Tender 99-181**

- A staff report, dated February 25, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors McInroy and Cooper that Regional Council approve an additional \$22,000.00 toward the dismantling of the Robb Engineering buildings, to be financed from the Parkland Reserves account #Q107, under the approved terms of the original recommendation, which states the total project costs to be reimbursed to the Parkland Reserve through the sale of identified surplus parkland in the Eastern Passage area. MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.8 First Reading By-Law A-100 Respecting License and Permit Appeals Motion**

- At the February 22, 2000 Regional Council Meeting, Council approved, in principle, By-Law A-100, Respecting License and Permit Appeals, and directed staff to arrange for its introduction at First Reading.
- Councillor Adams served a Notice of Motion for First Reading of By-Law A-100 at the February 22, 2000 Regional Council Meeting.

**MOVED by Councillors Adams and Downey that First Reading be given to the adoption of By-Law A-100, Respecting License and Permit Appeals.**

Councillor Walker referred to Schedule 'B' Section 3.(2), that states the Committee *shall include the two Councillors appointed from time to time by Council to the Taxi and Limousine Committee*, and questioned why two of the Councillors had to be from the Taxi Committee.

Mr. Anstey responded that he believed the vast majority of the appeals would be in respect of taxi matters and by appointing the two Councillors from the Taxi & Limousine Committee, it would add something to the Committee. Councillor Adams suggested that the point was to have two members on the Committee that had some knowledge of the taxi industry. Mr. Anstey pointed out that on individual appeals, all five members would not necessarily be hearing the appeal. The legislation provides for three members of the panel being appointed by the Chairman to hear any particular appeal.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.9 First Reading By-Law L-102 Respecting Local Improvement Charges - Beaver Bank Servicing, Phase III**

- A staff report, dated February 15, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration at its February 22, 2000 meeting, where a Notice of Motion was given by Councillor Merrigan.

This item was not addressed. Councillor Merrigan was not prepared to move First Reading until the requested information was received from the Water Commission.

**11.4.10 Case 00060 - Application for a Non-substantial Amendment to Development Agreement for Apartment Building on Brunswick Street, Peninsula Halifax**

- A staff report, dated January 17, 2000, prepared for Dan English, Deputy Chief

Administrative Officer, regarding the above, was before Council for consideration at its February 1, 2000 meeting.

**MOVED by Councillors Downey and Sarto that**

1. **The development agreement to allow for an apartment building on Brunswick Street facing Citadel Hill, between Sackville and Prince Streets, be amended by approving the revised building profiles and cross-section presented in Attachment II of the January 17, 2000 staff report.**
2. **That the agreement be signed within 120 days, or any extension thereof be granted by Council on the request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.11 Public Information Campaign - Winter On-street Parking Policy**

- A staff report, dated February 24, 2000, prepared for Ken Meech, Chief Administrative Officer, regarding the above, was before Council for consideration.

Councillor Walker thanked staff for preparing the Winter Parking Policy. He asked that on page 3, under questions and answers, the question *Is there a set pattern for snow removal in HRM* be removed from the brochure. It was suggested by John O'Brien, Corporate Communications Officer, that this question be replaced with a question on parking penalties. This question could read *What are the penalties if my vehicle is parked on-street while it is snowing or during snow plowing/clean-up or ice control operations?* The answer would state that *Your vehicle can be ticketed or towed or both. The fine for violation of the winter on-street parking policy is \$15.00. Should your vehicle be towed, the cost to retrieve it from the towing company is \$69.00 (subject to change by companies).*

Councillor Fougere referred to the first page of the brochure, suggesting that the words *or night* be added after the word *day* in the second paragraph, on page 2.

**MOVED by Councillors Walker and Hetherington that the question *Is there a set pattern for snow removal in HRM* be replaced with a question on parking penalties, and that the words *or night* be added after the word *day* in the second paragraph on page 2 of the brochure.**

Councillor Stone suggested that staff do whatever can be done in-house, but that further

costs should be deferred until the start of the next winter season.

In response to a question from Councillor Harvey on whether the old parking ban was now officially off the books and the new parking policy was in place, Mr. Dhillon, Director, Public Works & Transportation, responded that this policy would continue next year.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.12 Agreement with the Region of Queens Concerning Disposal of Excess Waste**

- A staff report, dated February 29, 2000, prepared for Brian T. Smith, Director, Solid Waste Resources, regarding the above, was before Council for consideration.

Councillor Rankin stated that the extension of HRM's existing facility should be ready by June 1<sup>st</sup>. Staff have negotiated with the Region of Queens to cover the construction period of the FEP, and also for unforeseen waste daily peaks above design, until the year 2005. It is not expected that an extension to 2005 would be needed, but as there is no fee attached to the agreement, staff are recommending that it be accepted on a contingency basis.

**MOVED by Councillors Rankin and Mitchell that Council ratify the agreement with Region of Queens as outlined and attached to the February 29, 2000 staff report.**

Councillor Uteck asked if the \$150,000 minimum cost shown in the comparison is for a one year period. Councillor Rankin responded that the \$150,000 is based on the \$80.00 per tonne that is in the existing agreement, but there are no service fees or penalties. The \$150,000 basically equates to the 120,000 tonnes that would be delivered up to June 1<sup>st</sup>.

In response to a question from Councillor Cooper, Mr. Brian Smith, Director, Business Operations, responded that the contract excludes the industrial, commercial and institutional sectors. Basically, only residential waste is moved to Queens. Councillor Cooper expressed his concern with the minimum co-operation from the ICI sector, especially with the amount of effort being expended by the residents of HRM in sorting their wastes. Mr. Smith agreed with Councillor Cooper, stating that staff's objective is to get the ICI tonnage down this year, and staff are working on this daily. Councillor Cooper expressed his concern with the length of time it is taking to get the proper response from the ICI sector and suggested that it may be time to increase their user fees.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.13 Amendments to By-Law T-400 (Truck Route By-Law)**

- A staff report, dated February 23, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Hetherington and McInroy that Council approve in principle the adoption of By-Law No. T-401 Respecting the Truck Routes By-Law attached to the February 23, 2000 staff report, and give notice of motion to begin the formal adoption process.**

Deputy Mayor Cunningham had a concern relating to the Dartmouth routes, particularly Maple Street, Nantucket Avenue and Thistle Street, and expressed reasons for this concern. Staff agreed to respond to the concerns of the Deputy Mayor at the next meeting of Council.

In response to a question from Councillor Sarto on whether all truckers are provided with copies of the by-law, Mr. David McCusker, Manager, Traffic & Transportation Services, responded that the information is provided, on request, and it is published in the newspapers. Mr. McCusker pointed out that with the expansion of the trucking industry, it would be difficult for staff to keep up with actively providing copies of the by-law. It is the responsibility of individual truck drivers to make themselves aware of what is stated in the by-law.

Councillor Sarto asked if a one page summary insert could be provided, and Mr. McCusker agreed that staff could consider making a condensed summary, but reiterated his earlier comments that staff could not assume active responsibility to make sure every truck driver in HRM is provided with one. Councillor Sarto acknowledged any effort would be appreciated.

Councillor Stone addressed his concern with trucks going from Kearney Lake Road from the Bi-Hi to Dunbrack Street. He suggested that this be removed from being a truck route, keeping the trucks on the Bi-Hi. The Councillor gave an alternate route for truckers destined for Lacewood or Chain Link Drive, suggesting that there is no need for Kearney Lake Road to be a truck route at night. Councillor Walker expressed his concern that the traffic would be redirected into his District.

Discussion ensued and it was agreed that staff would meet with Councillors Stone and Walker to address these concerns.

### **MOTION PUT AND PASSED**

Councillor Schofield questioned why signs cannot be placed on Highfield Park Drive, parts of Albro Lake Road, Sea King, Victoria, Primrose and Woodland telling the truck drivers that these are not truck routes. Mr. McCusker responded that the policy on signing truck

routes has been to do positive signs, rather than negative signs. He pointed out that 95% of the streets in HRM are not truck routes, and installing signs indicating particular streets are not truck routes would be very costly.

Councillor Schofield questioned whether capital funds could be used to put up signs. Mr. McCusker responded that the installation of traffic control signs is one of the tasks of the Traffic Control Authority, and it is staff's position that it is appropriate to use standard policies throughout HRM on how signs are placed. Mr. McCusker stated that if signage was extended throughout HRM there would be a large additional cost. It was agreed that Councillor Schofield would meet with Mr. McCusker to further discuss this issue.

A supplementary staff report addressing concerns expressed by Councillors will be on the March 21<sup>st</sup> Council Agenda and a notice of motion will be given at that meeting.

**11.4.14 Case 00208 Request for an Amendment to the Municipal Planning Strategy and Land Use By-Law for Planning District 4 (Prospect)**

- A staff report, dated February 18, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

**MOVED by Councillors Mitchell and Streach that:**

- 1. Staff be instructed to initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Planning District 4 to allow Council to consider the conversion of the former Northland Fisheries at 1030 Terence Bay Road (PID Nos. 00384834 and 40501124) to a business centre, inn, and marina.**
- 2. A public participation program be undertaken in accordance with public participation resolution approved by Council on February 25, 1997.**
- 3. Council not waive the required application fee/advertising deposit of \$2,000.00 as requested by the proponent.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Walker and Stone that the meeting continue until 10:30 PM.  
MOTION PUT AND PASSED.**

**11.4.15 Case 00220 Request for an Amendment to the Halifax Municipal Planning Strategy - Area 8 (Gottingen Street Area) of Peninsula North**

- A staff report, dated February 23, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration. Staff was recommending that:
  1. The request to initiate the process to consider amending the Halifax Municipal Planning Strategy and Land Use By-Law for this property, located on the corner of Maitland Street and Prince William Street, be refused.
  2. Should Council decide to proceed with the Plan amendment process, that the application fee/advertising deposit not be waived.

### **CONFLICT OF INTEREST**

Councillor Downey declared a Conflict of Interest on this item, and removed himself from discussions. The Councillor owns a property that is in a similar situation as the property in question.

**MOVED by Councillor Mitchell and Sarto that Council initiate the process to consider amending the Halifax Municipal Planning Strategy and Land Use By-Law for this property, located on the corner of Maitland Street and Prince William Street, and that the application fee/advertising deposit not be waived.**

Mr. Angus E. Schaffenburg, Planner II, noted that this property is located on the corner of Maitland Street and Prince William Street, within the Secondary Planning Strategy for Area 8 of Peninsula North. The Strategy became effective on September 18, 1999. completing the final area of the Peninsula North Secondary Planning Strategy.

The rear portion of the property had been zoned C-2 since 1958, but was changed to High Density Residential designation and zoned R-3 as part of the Peninsula North Secondary Planning Strategy. The overall objective of the area plan is to promote the development of residential uses surrounding the commercial core of Gottingen Street. The request to amend the entire property to commercial is contrary to the overall goals of the area plan.

Despite numerous methods of communication to the public, Mr. Gaudet has stated that he was not aware of the zoning change until a potential purchaser brought it to his attention in November of 1999. Staff are recommending that Council refuse the request, but if Council does proceed with the plan amendment process that the application fee/advertising deposit not be waived.

Councillor Read stated that this planning strategy was discussed to some length last summer by Council and had been the subject of discussion for many years previous to Council's decision. He pointed out that during this whole process there was more than adequate opportunity for public input, and suggested that it would be unfair for anyone to

say they did not have the opportunity to have public input and were not properly informed of the proposal.

Councillor Read stated that it was his understanding that one of the possible intentions for the expansion by the potential new owner is to put in a mini storage on the back part of the lot that is now zoned residential, and the Councillor suggested this would completely destroy the whole concept of having a residential district along Maitland Street. Councillor Read stated the plan strategy was just approved in September, and it is most inappropriate to have a site specific change after all the discussions over the years.

Councillor Snow stated that he knows the owner of this land was not informed, pointing out that this has happened in his District many times. The Councillor stated that unless everyone who owns land on Gottingen Street received a personal phone call re the proposed changes, then he believes Mr. Gaudet has a right to have the changes waived.

Councillor Sarto suggested that he believes the remaining land on Maitland Street is sufficient to reach the goal of residential usage as defined in the planning strategy. The Councillor agreed with Councillor Snow's comments that every owner should have been individually notified, preferably by telephone.

Councillor Uteck noted that this property has been owned by Mr. Gaudet since 1994. She referred to the start of the process in 1996 and all the meetings that were held, newspaper ads, notification to property owners, three meetings of the Peninsula Advisory Committee that were followed by further public meetings, a public hearing, notice to Council, 1<sup>st</sup> and 2<sup>nd</sup> Readings, a plan amendment and a final vote by Council. The Councillor said she would accept that Mr. Gaudet's statement that he was not notified, but would not support waiving the application fee/advertising deposit.

Councillor Mitchell stated that the owner wants to put his property back the way it was, and has stated that he did not receive any notices of this amendment. The Councillor stated that Mr. Gaudet had already agreed to pay the fees.

Mr. Schaffenburg stated that it is staff's suggestion that at least the entire area of Maitland Street should be re-examined with respect to land use policy. He did not think it would be reasonable or fair to look at only one property, as there were a number of properties that were rezoned from C-2. **Councillor Mitchell agreed that the whole block should be re-examined.**

The vote was taken on the motion.

Councillor Mitchell requested a Recorded vote.

The following members of Council voted **in favour** of the motion: Mayor Fitzgerald,

Councillors Streach, Snow, Colwell, Cooper, McInroy, Sarto, Schofield, Uteck, Walker, Stone, Adams, Merrigan, Kelly, Rankin and Mitchell (16).

The following members of Council voted **against** the motion: Deputy Mayor Cunningham and Councillor Read (2).

**MOTION PASSED.**

Councillors Downey, Greenough, Hetherington, Fougere, and Harvey, were absent for the vote.

Councillor Blumenthal was absent, with regrets.

**11.4.16 Project 00012 - Western Common Study**

- A staff report, dated February 14, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for consideration.

Councillor Mitchell introduced members in attendance from the Western Region Needs Assessment Committee, and thanked the Committee members and staff for all their hard work.

Mr. Paul Morgan, Planner, Planning Services, reviewed the February 14<sup>th</sup> staff report including the background, discussions, etc. leading up to the recommendations contained in the February 14<sup>th</sup> staff report.

Councillor Mitchell said staff are going to organize another public meeting for April 5<sup>th</sup> at the Exhibition Park. Referring to the five staff recommendations, the Councillor stated that the intent is to try to have these actions completed before Council's summer break.

**MOVED by Councillors Mitchell and Rankin that at the same time the public participation program to amend the MPS and LUB takes place, the following actions be initiated in order to implement the land use recommendations of the Western Common Study:**

- 1. Staff hold discussions with various organizations such as cyclists, environmentalists, scouts, guides, service organizations, ATV operators, to determine the level of interest in establishing a stewardship committee to manage the wilderness park proposed on the Western Common lands and investigate the level of interest of corporate sponsors to support the park;**

2. All requests for acquisition of lands within the Western Common be deferred pending completion of the public participation program noted above;
3. A working group be formed with representatives from the Newlife Baptist Church, the Prospect Road Recreation Association, Recreation Services and Planning Services to prepare a conceptual design of the Nicholls Lake Park with lands possibly allocated for the Newlife Baptist Church subject to the public participation process;
4. A call for expression of interest be made to any group or organization that may be interested in establishing active recreation facilities on the Western Common and that proponents be requested to include evidence of the financial viability of any proposal being put forward;
5. Staff enter into negotiations with Sunlife Cemeteries and Stuart Dow to resolve outstanding encroachment issues as a necessary condition for approval of outstanding land requests.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.4.17 Pesticide By-Law**

- A staff report, dated March 6, 2000, prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was before Council for Consideration.

The staff report 'Pesticide By-Law' dated March 6, 2000 was tabled, and will be on the March 21<sup>st</sup> Council Agenda for presentation by staff.

**12. MOTIONS**

**12.1 Councillor Kelly - Licensing of Automatic Machines**

To consolidate by-laws respecting the licensing of automatic machines. By-Laws to be consolidated would be:

- a. City of Halifax Ordinance Number 151 "Respecting the Regulation and Licensing of Automatic Vending and Amusement Machines";
- b. Town of Bedford By-Law No. 15100 "Trade and Licensing By-Law";

- c. Halifax County By-Law No. 15 “The Trade and Licensing By-Law”; and
- d. City of Dartmouth By-Law No. A-501.

**The consolidation of the by-laws will standardize the licensing fees for automatic machines throughout the Halifax Regional Municipality.**

**In the creation of an HRM wide automatic machine licensing by-law, the feasibility of expanding the definition of automatic machine to include bank automatic teller machines (ATMs) is to be explored.”**

For clarification, Councillor Kelly stated that the overall intent of this motion is to standardize the four existing by-laws for the former municipalities with respect to the regulation, and licensing of automatic vending machines. The Councillor asked that when staff do their analysis and come forward with a new by-law that they not necessarily go to the highest fee as per other by-laws, and that the report give reasoning and rationale to justify the fee. Councillor Kelly stated that the intent was to also look at encompassing the ATM machines within this by-law. It is not a user fee or tax, it is basically a permit to be able to use the automated operation within HRM.

**MOVED by Councillors Kelly and Mitchell that a staff report be prepared re consolidating the four former municipal by-laws respecting the licensing of automatic machines, and to look at the feasibility of expanding the definition of automatic machine to include banking automatic teller machines (ATMs).**

Councillor Walker asked if this report would be divided into two parts. The Councillor stated that he could support sections (a), (b), (c) and (d) but he believes the second part should not be tied to the first.

Councillor Adams said he would not be supporting the proposal in its present form. The Councillor disagreed with Councillor Kelly stating that, if ATMs are included, it would be a user fee or tax.

Mayor Fitzgerald stated that Councillors’ comments would be noted and Council will make its decision when presented with a staff report

**MOTION PUT AND PASSED.**

Councillor Walker voted against the motion.

**13. ADDED ITEMS**

**13.1 Councillor Downey - Parking, Farmers’ Market**

Councillor Downey asked for a staff report on the use by the Farmers' Market of the parking lot at the corner of Hollis and Salter Streets, between 7:00 am and 1:00 pm on Saturdays.

The following In Camera items were ratified:

**13.2 Property Matter - Sale of Former East Chezzetcook School**

**MOVED by Councillors Colwell and Schofield THAT Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Chezzetcook and District Lions Club for the former Head of Chezzetcook School, East Chezzetcook Road, based on the terms and conditions set out in the staff report dated February 17,2000. Further, that Council set March 28, 2000 as the date for a public hearing respecting the sale of the property at less than market value as provided for in Section 51 of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.3 Legal Matter - World Wide Fibre**

**MOVED by Councillors Adams and Stone THAT the Municipal Access Agreement, attached to the staff report dated March 2, 2000, allowing Worldwide Fibre Inc. access to certain HRM streets, be approved by Halifax Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.4 Appointments - Membership Selection Committee**

**MOVED by Deputy Mayor Cunningham and Schofield**

**THAT Regional Council:**

- 1. Approve the re-appointment of Mr. S. D. Bryson to the Board of Police Commissioners. The term for this appointment is three years and will expire March 2003.**
- 2. Approve the appointment of Councillor Uteck to the Downtown Halifax Business Commission. Councillor Uteck will replace Councillor Downey previously appointed on November 16, 1999.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

The following item was forwarded to Regional Council from the Committee of the Whole meeting held earlier in the day.

**13.5 Harbour Solutions**

Please see page 6.

14. NOTICES OF MOTION

14.1 Councillor Uteck - Re Municipal Owned Heritage Properties

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on Tuesday March 21, 2000, I intend to introduce a motion that:

The Heritage Advisory Committee be apprised and allowed to comment on any municipal owned heritage building that is up for sale including those covenants that are placed on it, before the building is sold.

14.2 Councillor Schofield - Re Feeding of Water Fowl

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on March 21, 2000, I intend to introduce a motion to request staff to prepare a By-Law making it illegal to feed ducks and other water fowl, and pigeons in areas children use for swimming or their play area, and to have staff prepare a report respecting the above to deal with this problem.

14.3 Councillor Adams - Former Halifax and Dartmouth Students

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on March 21, 2000, I intend to introduce a motion for approval by Halifax Regional Council of an amendment to the Municipal Government Act to provide that where the catchment area for a school in the former Halifax County Municipality or the former Town of Bedford is expanded to include students who reside in the former City of Halifax or the former City of Dartmouth, supplementary funding for these students may be expended by the Halifax Regional School Board, notwithstanding that the expenditure of funds may incidentally benefit students who reside outside of the former City of Halifax and the former City of Dartmouth.

15. ADJOURNMENT

MOVED by Deputy Mayor Cunningham and Councillor Adams that the meeting be adjourned at 10:30 pm.

Vi Carmichael  
Municipal Clerk