

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JULY 15, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Harry McInroy
Councillors: Steve Streach
Keith Colwell (6:00 p.m.)
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin
Gary Meade

**ABSENT WITH
REGRETS:**

Councillors: Gary Hines
Keith Colwell (afternoon session only)

STAFF:

Mr. George McLellan, Chief Administrative Officer
Mr. Barry Allen, Acting Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Patti Halliday, Legislative Assistant
Ms. Sherryll Murphy, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	5
2.	APPROVAL OF MINUTES	5
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	5
4.	BUSINESS ARISING OUT OF THE MINUTES	5
5.	MOTIONS OF RECONSIDERATION	5
6.	MOTIONS OF RESCISSION	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
8.	PUBLIC HEARINGS	5
8.1	By-Law L-115, An Amendment to By-Law L-100 - Cow Bay Road Area Sewer and Water Extension	23
8.2	By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements	24
8.3	Administrative Order SC-30 - Street Closure - Parcel BA-2 Undeveloped Portion of Basil Avenue, Dartmouth (former Mary Lawson School Site) ..	24
8.4	Amendments to By-law T-108, Respecting Taxi and Limousine Licensing (i) By-Law T-124, Respecting Terms of Reference - Hotel Standards Committee(ii) By-Law T-125, Respecting Fixed Taxi Fares	25
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	9
9.1	Correspondence	9
9.2	Petitions	9
9.2.1	Petition - Councillor Cunningham - Parking 79 Crichton Avenue - Edgemere Senior Apartments	9
9.2.2	Councillor Colwell - Request for Crosswalk - Intersection of Upper and Lower Partridge River Roads and the #7 Highway, East Preston	10
9.3	Presentations	10
9.3.1	Greater Halifax Partnership - Quarterly Report - Steven Dempsey	10
9.3.2	Halifax Regional Development Agency - Quarterly Report - Gerald Gabriel	10
10.	REPORTS	10

10.1	CHIEF ADMINISTRATIVE OFFICER	10
10.1.1	Tender 03-213, Fenwood Road - Paving Renewal and Water Main Renewal - West Region	10
10.1.2	Tender 03-244, Anderson Street Pumping Station Replacement - East Region	11
10.1.3	Tender 03-060, One New Rescue Pumper	11
10.1.4	Request for Proposal 03-018, Access-A-Bus Vehicles	12
10.1.5	Request for Proposal 03-012, Forty Foot Transit Buses	12
10.1.6	Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law	12
10.1.7	Case 00594: Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Lot T Cedar Street	13
10.1.8	Proposed Adjustments - Wastewater/ Stormwater Management	13
10.1.9	Electronic Recreation Registration	14
10.1.10	Reserves Transfers 2002-2003	14
10.1.11	Watershed Advisory Boards	15
10.1.12	Transfer to Sale of Capital Assets (Sale of Land Reserve), from Business Parks Expansion Reserve	15
10.1.13	Capital Budget Increase - Cost Sharing Tantallon Village / Murray Drive and Ian Forsyth School	16
10.1.14	Spryfield Business District Association	16
10.1.15	Conseil scolaire acadien provincial (CSAP) Special Election- Appointment of Returning Officer	17
10.1.16	First Reading - By-Law L-116, An Amendment to By-Law L-100, Respecting Charges to Provide for the Construction of a Bridge on Kings Road (private road) - Wellington Motion - Councillor Hines - Move First Reading	17
10.2	IN CAMERA RECOMMENDATIONS (July 8/03)	17
10.2.1	Property Matter - Proposed Parkland Acquisition - Cow Bay Moose Property	18
10.2.2	Personnel Matter - Appointment of Chief of Police	18
10.3	AUDIT COMMITTEE	18
10.3.1	March 31, 2003 Year End Audited Financial Statements	18
10.4	MEMBERS OF COUNCIL	19
10.4.1	Deputy Mayor McInroy (i) 2004 Commemorative Stamp Honouring 250th Anniversary of Halifax Regional Fire Services	19

	(ii) HRM Sites in Eastern Passage - Potential for High School Location	19
	(iii) Access-A-Bus Boundary and Service: District 5	20
10.4.2	Councillor Adams - Residents Associations - Liability Insurance (Information Item #1 - July 8/03)	20
9.3	Presentations	22
9.3.1	Greater Halifax Partnership - Quarterly Report - Steven Dempsey	21
9.3.2	Halifax Regional Development Agency - Quarterly Report - Gerald Gabriel	21
11.	MOTIONS	21
12.	ADDED ITEMS	21
12.1	Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5251 South Street, Halifax	7
12.2	Property Matter - Devonshire Avenue, Halifax	8
12.3	Contractual Matter - Municipal Access Agreements	8
12.4	Legal Matter - Settlement of Claim	9
12.5	Legal Matter - Settlement of Claim	9
12.6	Legal Matter - Harbour Solutions	6
13.	NOTICES OF MOTION	29
14.	ADJOURNMENT	29

1. INVOCATION

The meeting was called to order at 1:30 p.m. with Councillor Warshick leading the invocation.

Later in the meeting, Councillor Goucher, on behalf of Council, extended condolences to Councillor Gary Hines and his family on the recent passing of his father.

2. APPROVAL OF MINUTES - None

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

Additions:

- 12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5251 South Street, Halifax
- 12.2 Property Matter - Devonshire Avenue, Halifax
- 12.3 Contractual Matter - Municipal Access Agreements
- 12.4 Legal Matter - Settlement of Claim
- 12.5 Legal Matter - Settlement of Claim
- 12.6 Legal Matter - Harbour Solutions

At the request of Councillor Hetherington, Council agreed to deal with item 12.6 Legal Matter - Harbour Solutions immediately following the Consideration of Deferred Business

His Worship noted that the public hearings would be held at 6:00 p.m. as advertised.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda, as amended, be approved. 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 - None

8. PUBLIC HEARINGS

8.1 By-Law L-115, An Amendment to By-Law L-100 - Cow Bay Road Area Sewer and Water Extension

This matter was dealt with during the evening session.

8.2 By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

This matter was dealt with during the evening session.

8.3 Administrative Order SC-30 - Street Closure - Parcel BA-2 Undeveloped Portion of Basil Avenue, Dartmouth (former Mary Lawson School Site)

This matter was dealt with during the evening session.

8.4 Amendments to By-law T-108, Respecting Taxi and Limousine Licensing (i) By-Law T-124, Respecting Terms of Reference - Hotel Standards Committee(ii) By-Law T-125, Respecting Fixed Taxi Fares

This matter was dealt with during the evening session.

12.6 Legal Matter - Harbour Solutions

- This matter was dealt with earlier today at an In Camera session and was now before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Rankin that:

WHEREAS beginning in September, 1998, HRM undertook a lengthy and detailed RFQ/RFP process for the implementation of the Halifax Harbour Solutions Project ("Project") and, in October, 2002, signed Agreements ("HREP Agreements") with the Halifax Regional Environmental Limited Partnership ("HREP") and others for the implementation of the Project;

AND WHEREAS Dexter Construction Company Limited had entered into Agreements ("EPC Contracts") with HREP and was one of HREP's subcontractors in connection with portions of the Project;

AND WHEREAS HREP refused to implement the Project on the terms and conditions set forth in the HREP Agreements which were signed in October of 2002;

AND WHEREAS HRM wishes to proceed with a portion of the Project while it undertakes a review of the best means of implementing the balance of the Project;

NOW THEREFORE BE IT RESOLVED as a Resolution of Council that:

- 1. HRM enter into an Agreement with Dexter Construction Company Limited for:
 - (a) the design, planning, engineering, procurement, construction and commissioning of the Sewage Collection Systems, Roads and Outfalls and Diffusers forming part of the Halifax Harbour Solutions Project in each of Halifax, Dartmouth and Herring Cove; and**
 - (b) the procurement, construction and commissioning of the Mengoni Avenue Site Expansion, for a price not to exceed \$116,164,000 plus taxes and inflation, and on the terms and conditions reviewed by Council on July 15, 2003; and****
- 2. The Halifax Harbour Advisory Committee be authorized to review and approve the final form of the Agreement before it is executed on behalf of HRM.**

MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Rankin that Council authorize staff to continue to engage our current external resources on the negotiating team at the current established rate to bring about the implementation of the Harbour Solutions Project within the overall approved budget. MOTION PUT AND PASSED UNANIMOUSLY.

12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5251 South Street, Halifax

- A report from Councillor Sheila Fougere, Chair, Peninsula Community Council, dated July 15, 2003 was circulated to members of Council.**

MOVED by Councillor Fougere, seconded by Councillor Uteck that:

- 1. Regional Council give First Reading to the proposed amendment to the Halifax Municipal Planning Strategy and the Halifax Land Use Bylaw,**

presented as Attachment III of the June 19, 2003 staff report, and schedule a public hearing.

2. Regional Council adopt the amendments to the Halifax Municipal Planning Strategy and the Halifax Peninsula Land Use Bylaw, presented in Attachment III of the June 19, 2003 staff report.

MOTION PUT AND PASSED UNANIMOUSLY.

Note was made that the public hearing was scheduled for August 26, 2003.

12.2 Property Matter - Devonshire Avenue, Halifax

- This matter was dealt with earlier today at an In Camera session and was now before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that:

1. Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with the Alexandra Children's Centre for a portion of PID #00086678, subject to the key business terms and conditions outlined in the Private and Confidential staff report dated July 8, 2003.
2. The July 8, 2003 Private and Confidential staff report not be released to the public until the transaction has been completed.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Contractual Matter - Municipal Access Agreements

- This matter was dealt with earlier today at an In Camera session and was now before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Hetherington that:

1. Halifax Regional Council approve the execution of municipal access agreements with Eastlink and Internetworking Atlantic in accordance with the respective terms outlined in the Private and Confidential staff report dated July 11, 2003.

2. **The July 11, 2003 Private and Confidential staff report not be released to the public.**

MOTION PUT AND PASSED.

12.4 Legal Matter - Settlement of Claim

- This matter was dealt with earlier today at an In Camera session and was now before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Hetherington that Halifax Regional Council settle the claim brought by the Plaintiff in the amount of \$65,000.00 to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the slip and fall accident which occurred on September 7, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Legal Matter - Settlement of Claim

- This matter was dealt with earlier today at an In Camera session and was now before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Blumenthal that Halifax Regional Council settle the claim brought by the Plaintiff for an amount not exceeding that set forth in the Private and Confidential staff report dated July 9, 2003 staff report to achieve a full settlement of the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the motor vehicle accident which occurred on May 11, 1998. MOTION PUT AND PASSED.

12.6 Legal Matter - Harbour Solutions

This matter was dealt with earlier in the meeting.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Petition - Councillor Cunningham - Parking 79 Crichton Avenue - Edgemere Senior Apartments

Councillor Cunningham submitted a petition from residents of 79 Crichton Avenue, Edgemere Senior Apartments, regarding a lack of parking for visitors. Councillor Cunningham noted that the parking situation in the area was deplorable. The Councillor advised that along with the petition was a letter outlining the complaints of the residents and providing some possible solutions to the situation. Noting that staff has reviewed the matter on a previous occasion, Councillor Cunningham requested that staff of Traffic Services review once again the parking situation with a view to bettering the situation.

9.2.2 Councillor Colwell - Request for Crosswalk - Intersection of Upper and Lower Partridge River Roads and the #7 Highway, East Preston

Councillor Colwell submitted a petition containing approximately 107 signatures of residents of the Preston area requesting that a crosswalk be installed across the #7 Highway at the intersection of Upper and Lower Partridge River Roads and the #7 Highway in East Preston.

9.3 Presentations

9.3.1 Greater Halifax Partnership - Quarterly Report - Steven Dempsey

This matter was dealt with later in the meeting.

9.3.2 Halifax Regional Development Agency - Quarterly Report - Gerald Gabriel

This matter was dealt with later in the meeting.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 03-213, Fenwood Road - Paving Renewal and Water Main Renewal - West Region

- A staff report dated July 7, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Mosher, seconded by Councillor Adams that Regional Council:

- 1. Approve an increase in the Gross Budget for CYR00991 - Paving Renewal by \$252,002 with no change in the Net Budget to cover the cost of the water main renewal and cost sharing from the Halifax Regional Water Commission.**

2. **Award Tender No. 03-213, Fenwood Road - Paving Renewals and Water Main Renewal to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$711,870, plus net HST for a total of \$757,637, from Capital Account No. CYR00991, Paving Renewals, and Capital Account No. CGU00461, Sewer Lateral Replacements, with funding authorized as per the Budget Implications section of the July 7, 2003 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 03-244, Anderson Street Pumping Station Replacement - East Region

- A staff report dated July 7, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Sarto, seconded by Councillor Warshick that Regional Council:

1. **Increase Capital Account CGR00501 in the amount of \$75,812 with funding from the Sewer Redevelopment Reserve, Q104.**
2. **Award Tender 03-244, Anderson Street Pumping Station Replacement - East Region, to Blunden Construction Limited for materials and services listed at the unit prices quoted for a Tender price of \$511,249, plus net HST for a total of \$544,177. There is also anticipated costs for extra work and material related to this job, and therefore, the total project is anticipated to cost \$598,529 and will be charged to Account No. CGR00501, Anderson Street Pumping Station, with funding authorized as per the Budget Implications section of the July 7, 2003 staff report.**
3. **Approve the appointment of SNC-Lavalin for construction inspection services for an estimated fee of \$46,133 plus net HST for a total of \$49,099 with funding as outlined in the Budget implications section of the July 7, 2003 staff report.**

Following a brief questioning of staff the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.3 Tender 03-060, One New Rescue Pumper

- A staff report dated July 3, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Warshick, seconded by Councillor Sarto that Council authorize the award of Tender #03-060 for the purchase of one (1) 2004 American LaFrance Rescue Pumper to Nova Enterprises Limited at a cost of \$433,124.17 (net HST included) with funding from Capital Account CVJ00223, Apparatus Replacement, as outlined in the Budget Implications section of the July 3, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Request for Proposal 03-018, Access-A-Bus Vehicles

- A staff report dated July 7, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Meade, seconded by Councillor Sloane that RFP 03-018, a three year purchase agreement for the supply of Access-A-Bus vehicles be awarded to the highest ranking evaluated proposal, Crestline Coach Ltd - Goshen Bus Coaches for a cost of \$1,123,919.00 plus taxes and an allowance of 5 % for a total cost of \$1,255,984.54 with funding authorized as per the Budget Implications section of the July 7, 2003 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Request for Proposal 03-012, Forty Foot Transit Buses

- A staff report dated July 10, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Walker that RFP 03-012, a three year purchase agreement for the supply of Forty Foot Transit Buses be awarded to the highest ranking proposal, New Flyer Industries for a cost of \$21,763,112.00 plus Net HST and an allowance of 5% for a total cost of \$ 24,279,921.93 with funding authorized as per the Budget Implications section of the July 10, 2003 staff report.

After a brief discussion and questioning of staff the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.6 Case 00603: Amendments to the Sackville Drive Secondary Planning Strategy and Land Use By-Law

- A staff report dated July 4, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Harvey, seconded by Councillor Johns that Regional Council:

3. **Approve initiation of the process to amend the Sackville Drive Secondary Planning Strategy and Land Use ByLaw to address several inconsistencies, omissions and housekeeping matters.**
2. **Request staff to follow the Public Participation Program as approved by Council in February 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Case 00594: Halifax Municipal Planning Strategy and Land Use By-Law Amendment - Lot T Cedar Street

- A staff report dated July 8, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Uteck, seconded by Councillor Sloane that Regional Council:

1. **Instruct staff to initiate a process to amend the Halifax Municipal Planning Strategy and Land Use By-law with respect to Lot T, Cedar Street (p.i.d 137273) as set out in attachment A of the July 8, 2003 staff report.**
2. **Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Proposed Adjustments - Wastewater/Stormwater Management

- A staff report dated July 8, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that, due to the tremendous growth in the magnitude of expenditures associated with the policy on service lateral replacements resulting in a significant impact on the

expenditure activity for the Technical and Underground Services (TUGS) section of Public Works & Transportation, Halifax Regional Council revisit the procedure respecting maintenance of building service connections as a means of reducing the funding requirements from Reserve Fund Q106. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 Electronic Recreation Registration

- A staff report dated July 10, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Sloane that Regional Council approve the sole source purchase of the Online and Telephone components of the Recreation Registration to CLASS Software Solutions Inc. for \$97,565.22 plus Net HST for a total of \$103,838.00 from Capital Account No. CIB00206, Class for Windows.

After a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

10.1.10 Reserves Transfers 2002-2003

- A staff report dated July 7, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Cunningham, seconded by Councillor Hetherington that:

1. **As a result of the change in the valuation allowance policy, Council approve the following transfers to the Reserve Funds for the fiscal year ended March 31, 2003:**
 - \$ 1,930,958 to Q308 Operations Stabilization Reserve
 - \$ 1,000,000 to Q310 Service Improvement Reserve
 - \$ 1,500,000 to Q306 Self Insurance Reserve
 - \$ 1,600,000 to Q309 Snow & Ice Control Reserve
 - \$ 400,000 to Q106 Wastewater/Stormwater Management Reserve,**for a total of \$6,430,958. The transfer to Q106 is to be in the form of a loan to be repaid in 2004/05 as outlined in the discussion section of the July 7, 2003 staff report.**

2. **Council approve an amendment to the Reserve Business Case for the Operations Stabilization Reserve to increase the reserve from a maximum of \$1,000,000 to \$2,000,000.**
3. **Pending the transfers noted above, Council approve a withdrawal of \$395,319 from Q106 Wastewater/Stormwater Management Reserve and \$250,000 from Q309 Snow & Ice Control Reserve.**
4. **Council approve a withdrawal of \$269,226 from Q105 Environmental Protection Reserve to reflect actual costs in 2002/03.**

A brief discussion ensued with Councillor Johns requesting that he be provided a copy of the Reserve Policy.

With reference to the 'domestic water plant' noted on page 5 of the July 7, 2003 report, Councillor Sarto requested staff clarify the location of this plant and report as to whether or not this is a revenue generating operation.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.11 Watershed Advisory Boards

- A staff report dated July 7, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Whalen, seconded by Councillor Goucher that Regional Council approve the Terms of Reference and boundaries for the Halifax Watershed Advisory Board and Bedford Waters Advisory Board.

A brief questioning of staff ensued with note being made that the Dartmouth Board boundary descriptions should include the Harbour East Community Council area except for Lake Major and that as the Dartmouth YMCA is no longer located on a Lake, it should no longer have representation on that Board.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.12 Transfer to Sale of Capital Assets (Sale of Land Reserve), from Business Parks Expansion Reserve

- A staff report dated July 9, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Smith, seconded by Councillor Hetherington that a transfer of \$2,000,000 to the Sale of Capital Assets (Sale of Land) Reserve, Q101, from the Business Parks Expansion Reserve, Q121, during fiscal 03/04 and \$1,000,000 to be transferred during fiscal 05/06, pending availability of funds, in the Business Park Expansion Reserve, to repay the initial contribution that created the Business Parks Expansion Reserve. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.13 Capital Budget Increase - Cost Sharing Tantallon Village / Murray Drive and Ian Forsyth School

- A staff report dated July 8, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Meade, seconded by Councillor Warshick that :

1. **Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00677, New Playground Development (Tantallon Village/Murray Drive) by \$15,000, with no change to the Net Budget, to reflect the cost sharing from Nova Scotia Sport & Recreation Commission-Recreation Facilities Development Grant as per the Background section of the July 8, 2003 staff report.**
- **Council approve an increase in the Gross Capital Budget of Capital Account No. CPC00303, Playgrounds Upgrades & Replacements by \$48,000, with no change in the Net Budget, to reflect the combined cost sharing from Nova Scotia Sport & Recreation Commission - Recreation Facilities Development Grant and the Ian Forysth School Playground Committee as per the Background section of the July 8, 2003 staff report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.14 Spryfield Business District Association

- A staff report dated July 3, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

Councillor Adams introduced the following members of the District 18 Business and Development Association seated in the gallery:

Alan MacDonald, South Centre Mall
Reg Horner, Secretary, District 18 Business and Development Association
Sharon Beasley, Past President, District 18 Business and Development Association
Fred Hearn, Spryfield Lumber Mart

MOVED by Councillor Adams, seconded by Councillor Mosher that, contingent on less than 51% of the affected Commercial and Business Occupancy accounts voting against the creation of a Business Improvement District and the area rate to support it:

1. **Council endorse the District 19 Business Development Association's proposal to develop a Business Improvement District in the Spryfield and surrounding business community.**
2. **Area rates of \$0.0859 to the commercial assessment and \$0.1718 to the business occupancy assessment be applied within the Business Improvement District effective with the 2003-04 fiscal year with a minimum of \$50 and a maximum of \$1,000 per account per fiscal year.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.15 Conseil scolaire acadien provincial (CSAP) Special Election- Appointment of Returning Officer

- A staff report dated July 10, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Warshick, seconded Councillor Sarto that Jan Gibson, Deputy Municipal Clerk, be appointed the Returning Officer for the Conseil scolaire acadien provincial Special Election to be held September 20, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.16 First Reading - By-Law L-116, An Amendment to By-Law L-100, Respecting Charges to Provide for the Construction of a Bridge on Kings Road (private road) - Wellington Motion - Councillor Hines - Move First Reading

- Councillor Hines Gave Notice of Motion of his intent to introduce First Reading of By-law L-116, An Amendment to By-Law L-100, Respecting Charges to Provide for the Construction of a Bridge on Kings Road (private road), Wellington at the July 8, 2003 meeting of Regional Council.

MOVED by Councilor Goucher, seconded by Councillor Sloane that Regional Council approve First Reading of By-law Number L-116, Respecting Charges For Local Improvements Projects as attached to the July 2, 2003 staff report.

Note was made that the public hearing will be held on August 19, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 IN CAMERA RECOMMENDATIONS (July 8/03)

10.2.1 Property Matter - Proposed Parkland Acquisition - Cow Bay Moose Property

- This matter was dealt with at an In Camera session held on July 8, 2003 and was now before Council for consideration.

MOVED by Councillor McInroy, seconded by Councillor Smith that

- 1. Council authorize a withdrawal from the Parkland Reserve Account #Q107 of up to \$56,000.00 (inclusive of legal, survey costs, and applicable HST) for the purchase of the Cow Bay Moose headlands and Silver Sands Beach property from Silver Sands Property Ltd. as described in the Private and Confidential staff report dated June 17, 2003.**
- 2. The June 17, 2003 Private and Confidential staff report not be released to the public until after the closing.**

MOTION PUT AND PASSED.

10.2.2 Personnel Matter - Appointment of Chief of Police

- This matter was dealt with at an In Camera session held on July 8, 2003 and was now before Council for consideration.

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington that

- 1. Council approve the appointment of Frank Beazley as Chief of Police and that the CAO be directed to begin negotiations with Mr. Beazley for a two year contract with an option to extend the contract for one additional year.**

2. **The Private and Confidential staff report dated July 5, 2003 be released once negotiations are complete.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 AUDIT COMMITTEE

10.3.1 March 31, 2003 Year End Audited Financial Statements

- A report from Councillor Ron Cooper, Chair, Audit Committee, dated July 9, 2003 was before Council for consideration.

Mr. Larry Hood, KPMG, briefly introduced KPMG's Audit Report, attached to the draft Financial Statements and noted that the report is unqualified, the highest level of assurance given to clients.

Ms. Dale MacLennan, Director, Financial Services and Ms. Pam Caswill, Manager of Accounting, gave a brief presentation relative the March 31, 2003 Financial Report and comparing the third quarter report to the year end results. A copy of the presentation is on file.

Staff then responded to questions from members of Council.

MOVED by Councillor Cooper, seconded by Deputy Mayor McInroy that the Halifax Regional Municipality's audited financial statements for the year ended March 31, 2003 be approved, and that the Mayor and Municipal Clerk be authorized to sign the financial statements on behalf of Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 MEMBERS OF COUNCIL

10.4.1 Deputy Mayor McInroy

- (i) **2004 Commemorative Stamp Honouring 250th Anniversary of Halifax Regional Fire Services**

Deputy Mayor McInroy, referring to a suggestion that the 250th Anniversary of Halifax Regional Fire Services warrants a commemorative stamp, **MOVED, seconded by Councillor Streach that Halifax Regional Council support the application for a commemorative stamp honouring the 250th Anniversary of Halifax Regional Fire Services and that staff be directed to advance whatever to Canada Post documentation is necessary,**

accompanied by a letter from His Worship the Mayor. MOTION PUT AND PASSED UNANIMOUSLY.

(ii) HRM Sites in Eastern Passage - Potential for High School Location

Deputy Mayor McInroy commented that having matured sufficiently to support a High School, Eastern Passage has been seeking a location in the community.

MOVED by Deputy Mayor McInroy, seconded by Councillor Goucher that staff bring forward a report, without any commitment with respect to the sites, identifying HRM owned sites in Eastern Passage which might have potential for use as a high school. MOTION PUT AND PASSED UNANIMOUSLY.

(iii) Access-A-Bus Boundary and Service: District 5

Deputy Mayor McInroy referred to a vision impaired individual living in the Eastern Passage community who resided 300 meters beyond the Access-A-Bus Boundary. He noted that this particular individual had to walk, with her seeing eye dog, along the gravel roadside to catch the Access-A-Bus. The Deputy Mayor, while recognizing that the boundary is a municipality wide issue, indicated he believed this particular boundary should be reviewed.

MOVED by Councillor McInroy, seconded by Councillor Sarto that staff bring forward a report regarding the possible expansion of the Transit Access-A-Bus Boundary, and in particular that the boundary as it relates to the Eastern Passage Community be reported on prior to the August 19, 2003 meeting of Council. MOTION PUT AND PASSED UNANIMOUSLY.

10.4.2 Councillor Adams - Residents Associations - Liability Insurance (Information Item #1 - July 8/03)

- At the July 8, 2003 meeting of Regional Council, Councillor Adams requested that this information item be brought forward to the regular agenda for this meeting.

Councillor Adams referred to the June 18, 2003 information report and noted that he would like to explore more thoroughly the possibility of bringing Residents Associations under HRM's insurance umbrella.

MOVED by Councillor Adams, seconded by Councillor Walker that staff provide further information relative to the possibility of extending Directors Liability insurance coverage under the Halifax Regional Municipality's insurance plan to duly registered

Residents Associations and, in particular, liability insurance such that the officers of the Association are protected when the Association sponsors/holds events.

Addressing the motion, Ms. Dale MacLennan, Director, Financial Services, indicated over above the cost of such an endeavour, management of risk is paramount with insurance. She noted that staff would caution against extending insurance to associations over which the municipality does not have the appropriate level of care and control.

A discussion ensued with Councillor Streach requesting that the report differentiate between those facilities that are owned by the Halifax Regional Municipality and under management agreement and the Associations which are being discussed this evening.

Councillor Cooper requested that the report include information as to the type and level of insurance required by the Halifax Regional Municipality from organizations who are seeking sponsorship for events.

Councillor Smith requested that the report include information regarding the possibility of an area rate to cover the cost of insurance for Resident Associations.

In response to a request from Councillor Blumenthal, Ms. MacLennan indicated that she expected a report outlining how much money has been spent in the last year on insurance and insurance claims would be before Council in the early fall.

After a further discussion, Councillor Adams requested a recorded vote on the motion.

MOTION PUT AND PASSED.

Members of Council voting in favour of the motion were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streach, Warshick, Smith, Sloane, Walker, Whalen, Mosher, Adams, Johns, Harvey, Goucher, Meade.

Members of Council voting against the motion were: Councillor Cooper, Sarto, Hetherington, Cunningham, Blumenthal, Uteck, Fougere, and Rankin.

Councillor Hines and Colwell were absent from the meeting.

9.3 Presentations

9.3.2 Halifax Regional Development Agency - Quarterly Report - Gerald Gabriel

- A document entitled "Halifax Regional Development Agency, Directory of Businesses and Community Organizations, 2002-2003, was distributed to Council.

Mr. Gerald Gabriel, Executive Director, Halifax Regional Development Agency, gave a brief presentation of First Quarter highlights for the Halifax Regional Development Agency and responded to questions. A copy of the presentation is on file.

Councillor Streach thanked Mr. Gabriel and his staff for their hard work over the last number of months indicating that he had first hand knowledge of the success of this organization.

9.3.1 Greater Halifax Partnership - Quarterly Report - Steven Dempsey

- A document entitled "Greater Halifax Partnership, Quarterly Progress Report to Halifax Regional Municipality, for the period January 1, 1003 to June 30, 2003, was circulated to members of Council.

Mr Fred Morely, Vice-President and Chief Economist, Greater Halifax Partnership, gave a brief presentation relative to economic performance over the last year and the outlook for the remainder of the year. Mr. Stephen Dempsey, President and CEO, Greater Halifax Partnership, made a brief presentation providing an overview of the work of the Partnership for the first half of the year. Mr. Dempsey then responded to questions from members of Council.

Councillor Streach, noting that he had the unique opportunity of serving on the Boards of both the Greater Halifax Partnership and the Halifax Regional Development Agency, commented on the value the municipality received through these two bodies. He went on to thank Mr. Dempsey and his staff for their hard and dedicated work over the past year.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 00494: Request to Amend the Halifax Municipal Planning Strategy and Land Use By-Law for 5251 South Street, Halifax

This matter was dealt with earlier in the meeting.

12.2 Property Matter - Devonshire Avenue, Halifax

This matter was dealt with earlier in the meeting.

12.3 Contractual Matter - Municipal Access Agreements

This matter was dealt with earlier in the meeting.

12.4 Legal Matter - Settlement of Claim

This matter was dealt with earlier in the meeting.

12.5 Legal Matter - Settlement of Claim

This matter was dealt with earlier in the meeting.

12.6 Legal Matter - Harbour Solutions

This matter was dealt with earlier in the meeting.

At 4:00 p.m. the meeting recessed.

The meeting reconvened at 6:00 p.m. with all members present with the exception of Councillor Hines who was absent with Regrets.

8. PUBLIC HEARINGS

8.1 By-Law L-115, An Amendment to By-Law L-100 - Cow Bay Road Area Sewer and Water Extension

C By-Law L-115 passed First Reading on June 17, 2003, and was now before Council for Second Reading.

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, dated June 4, 2003, was previously circulated to Council.

Ms. Catherine Sanderson, Manager, Revenue, presented the staff report to Council.

Mayor Kelly called three times for 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 Councillor Hetherington, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Deputy Mayor McInroy, seconded by Councillor Goucher, that Council give Second Reading to By-Law L-115, An Amendment to By-Law L-100 - Cow Bay

Road Area Sewer and Water Extension By-Law, and that Council approve an increase of \$8,100 in the net cost for the project, Eastern Passage, Cow Bay Water and Sewer by reducing the Local Improvement Charges revenue to be collected in the operation budget as per the Budget Implications section of the staff report dated June 4, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

C By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, passed First Reading on June 17, 2003, and was now before Council for Second Reading.

C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated May 28, 2003, regarding the above, was previously circulated to Council.

Mr. Rick Paynter, Director, Public Works and Transportation Services, presented the staff report to Council.

Mayor Kelly called three times for 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 Councillor Blumenthal, seconded by Councillor Cunningham, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that By-Law S-412, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, be given Second Reading and that Council approve the new Local Improvement standard costs as per Schedule "A", attached to the staff report dated May 28, 2003, and that Council apply the new standard costs applicable to all 2003/04 capital projects where such apply. MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Administrative Order SC-30 - Street Closure - Parcel BA-2 Undeveloped Portion of Basil Avenue, Dartmouth

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, dated June 9, 2003, regarding the above, was previously circulated to Council.

Mr. Peter Stickings, Manager, Real Estate, presented the staff report to Council.

Mayor Kelly called three times for members of the public wishing to speak either in favour of or against the street closure. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Warshick, seconded by Councillor Sarto, that Council adopt Administrative Order SC-30 concerning the closure of an undeveloped portion of Basil Avenue Right-of-Way, known as Parcel BA-2, which currently forms part of the former Mary Lawson School Site, as shown on Attachment "A" of the staff report dated June 9, 2003, based on the terms and conditions outlined in the staff report dated June 9, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

8.4 Amendments to By-Law T-108, Respecting Taxi and Limousine Licensing

- (i) By-Law T-124, Respecting Terms of Reference - Hotel Standards Committee**
- (ii) By-Law T-125, Respecting Fixed Taxi Fares**

- C A supplementary staff report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, dated June 19, 2003, was previously circulated to Council.

- C By-Laws T-124 and T-125, Amendments to By-Law T-108, Respecting Taxi and Limousine Licensing, passed First Reading on June 24, 2003, and were now before Council for Second Reading.

Councillor Adams, Chair, Taxi and Limousine Committee, presented the amendments to Council. Council agreed to hold one public hearing and vote on the two By-Laws separately.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the by-law amendments.

Mr. David Withrow, Taxi Driver

Mr. Withrow addressed Council speaking against By-Law T-125, Respecting Fixed Taxi Fares. Some of the points made by Mr. Withrow were as follows:

- C The fare structure additions cause concern, and drivers have questioned why they have to purchase and calibrate meters when they cannot be used at all times as stated in the by-law.
- C Drivers are also concerned about the matter of foreign currency.
- C Fares from the cruise ships to a specific area will be different than the return fare which will cause the passenger to question the driver's integrity.
- C How will traffic delays affect the 10 minute tour? Will the meter be turned on after 10 minutes or will the passenger be requested to vacate the vehicle?
- C The hourly tour rate from the cruise ships is significantly higher than the hourly rate from any other location.
- C The downtown area of Halifax is not clearly defined and this could create numerous problems.

Mr. Ed Flewwelling, Taxi Owner/Operator

Mr. Flewwelling addressed Council speaking against By-Law T-125, Respecting Fixed Taxi Fares. Some of the points made by Mr. Flewwelling were as follows:

- C If this by-law is adopted, the national reputation of professionalism of the HRM taxi industry will be tarnished if tourists feel they have been cheated.
- C By-Law T-108 requires that the meter be used at all times.

Mr. Darshan Virk, 6 Francis Court, Halifax

Mr. Virk addressed Council speaking against By-Law T-125, Respecting Fixed Taxi Fares. Some of the points made by Mr. Virk were as follows:

- C This by-law will tarnish the name of the taxi industry and its drivers.
- C The by-law is discriminatory against tourists.
- C Rate increases will continue in the future due to the number of taxi licenses issued in HRM.

Mr. Virk circulated copies of cruise ship passenger taxi rates that have been in force for the last two years but are not part of the By-Law.

Mr. Peter Roy Kelly, Cherry Street, Halifax

Mr. Kelly addressed Council regarding By-Law T-125, Respecting Fixed Taxi Fares. Mr. Kelly questioned if a non-passenger of a cruise ship takes a taxi from the pier would they be charged \$9 or \$5.

Mr. Robert Richards, Member, Regional Taxi and Limousine and Hotel Standards Committees

Mr. Richards addressed Council regarding By-Law T-125, Respecting Fixed Taxi Fares. Some of the comments made by Mr. Richards were as follows:

- C The meter rates vary depending on traffic, and a trip from the cruise ship to downtown could be more than \$9.
- C He suggested an amendment that the meters be used in the inner core, and the flat rates be used for the airport and the outer core.

Mayor Kelly called three times for any further speakers. Hearing none, the following motion was put on the floor:

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Sloane, seconded by Councillor Blumenthal, that Council give Second Reading to By-laws T-124 and T-125 as attached as Appendices "A" and "B" respectively to the staff report dated June 18, 2003.

MOVED by Councillor Sloane, seconded by Councillor Cunningham, that the motion be amended that the core area, as defined by the Downtown Business Commission, be changed to metered, and that the city tour charge be changed to \$28.75 CDN per hour.

Members of Council speaking in support of the amendment made the following comments:

- C The difference in rates between flat and metered within the downtown area will upset the tourists, and it can leave a lasting impression.
- C City tour rates should be the same regardless of the originating point.
- C The benefits of a flat rate are only for one-half of the trip, as the return trip is metered.

- C The fairest fare would be a metered rate.
- C The proposed by-law does not provide consistency, and there is too much variance and chance of tourists being upset.
- C Concern was expressed with regard to rates being published under the HRM logo and not in by-law.

Members of Council speaking against the amendment made the following comments:

- C The cruise ship passenger taxi rates have been in place for two years and there have been no phone calls or written complaints to the Chair of the Taxi and Limousine Committee regarding the \$9 fare.
- C The \$9 fee would apply to any passenger taking a taxi in the line at the cruise ship.
- C Flat rates are predictable, provide good customer service and consistency in the taxi industry, and they are used in many airports across the world.
- C The cruise ship passengers are paying for a service to have taxis available at the port rather than having to wait for them.
- C Every major city has flat rates from points of entry.
- C The tour rate could be re-examined by the Taxi and Limousine Committee.
- C The current system is professional, reliable, and consistent with world-class cities.
- C The proposed by-law was brought forward by the Taxi and Limousine Committee.

The vote was taken on the amendment. An electronic vote was requested.

MOTION PUT AND DEFEATED.

Members of Council voting **in favour** of the amendment: Mayor Kelly, Deputy Mayor McInroy, Councillors: Colwell, Cooper, Sarto, Cunningham, Blumenthal and Sloane.

Members of Council voting **against** the amendment: Councillors: Streach, Warshick, Hetherington, Smith, Uteck, Fougere, Walker, Whalen, Mosher, Adams, Goucher, Rankin and Meade.

(Councillors Johns and Harvey were absent for the vote. Councillor Hines was absent from the meeting.)

As agreed to at the commencement of the Public Hearing, the By-Laws were voted on separately.

The vote was taken on **Second Reading of By-Law T-124.**

MOTION PUT AND PASSED UNANIMOUSLY. (Councillors Johns and Harvey were absent for the vote. Councillor Hines was absent from the meeting.)

The vote was taken on **Second Reading of By-Law T-125.**

For the record, Councillor Uteck stated she did not support the original fares as put forward.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Councillors: Streach, Colwell, Cooper, Warshick, Smith, Cunningham, Uteck, Fougere, Walker, Whalen, Mosher, Adams, Goucher, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor McInroy, Councillors: Sarto, Hetherington, Blumenthal and Sloane.

(Councillors Johns and Harvey were absent for the vote. Councillor Hines was absent from the meeting.)

13. NOTICES OF MOTION

None.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.

Vi Carmichael
Municipal Clerk