

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX REGIONAL COUNCIL
MINUTES
MAY 11, 2004**

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor Steve Streach
Councillors: Krista Snow
David Hendsbee
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Len Goucher
Reg Rankin
Gary Meade

ABSENT

WITH REGRETS:

Councillor: Robert Harvey

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Acting Municipal Clerk
Ms. Patti Halliday, Legislative Assistant

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1. INVOCATION

Mayor Kelly called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Rankin.

MOMENT OF SILENCE

Council observed a moment of silence in memory of Mr. Leo Greenwood, former Deputy Mayor and Alderman of the City of Dartmouth. Councillor Hetherington requested that the Mayor, on behalf of Council, send a formal expression of sympathy to the late Mr. Greenwood's wife and family.

ACKNOWLEDGEMENTS

Councillor Goucher congratulated and thanked the members of the Marguerite Centre, Councillor Rankin, Mayor Kelly and others involved in the recent fundraising event.

Councillor McInroy requested that the Mayor, on behalf of Council, send a formal expression of congratulations to Police Chief Frank Beazley on being named an Officer of the Governor General's Order of Merit of the Police Forces.

Councillor Blumenthal requested that the Mayor, on behalf of Council, send a letter of appreciation to Mr. Brian MacDonald, Metro Transit, who initiated the outside rinks, thanking him for his efforts.

SPECIAL PRESENTATION - Halifax Regional Water Commission

Mr. Carl Yates, General Manager, HRWC, made a presentation to Council regarding the Commission's H₂O campaign.

2. APPROVAL OF MINUTES - April 15 & 20, 2004

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the minutes of April 15 & 20, 2004, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

12.1 Proclamation - Community Business Development Corporation Day - May 12, 2004

12.2 HRM Provincial Assessment Legislation and Impacts

12.3 Property Matter - Sale and Street Closure - Polar Place

MOVED by Councillor Cunningham, seconded by Councillor Hetherington, that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION

6.1 Councillor Warshick

Councillor Warshick requested that Council support the Motion of Rescission as the Province is about to pass its budget, and HRM still does not know what it will have to pay for mandatory education. The Councillor stated this motion is not fair to the School Board, and he urged Council to separate the issues and deal with this issue when the Province provides HRM with the amount required for mandatory education funding.

MOVED by Councillor Warshick, seconded by Councillor Walker, that Council rescind that part of clause (f) of the resolution approving the Supplementary Education Funding for the 2004-2005 Tax Fiscal Year adopted by Regional Council on the 20th day of April, 2004 which states “that any increase in the assumed mandatory education funding set by the Province in excess of the increase budgeted by HRM (\$3.5 million) will be offset by a decrease in supplementary funding for the areas of the former Halifax, Dartmouth, Bedford and the County, as applicable.”

Councillor Uteck noted that last year when Council found out the increase in mandatory funding topped what was expected, staff cut other programs and services. The Councillor requested that if the mandatory funding level is more than expected, that staff provide a report as to what services, construction projects, etc., would be cut from the budget. Councillor Uteck stated Council can no longer justify to the citizens why projects and services are cut because HRM cannot run a deficit. The Councillor asked that the motion be deferred until the real impact is provided by the Province.

MOVED by Councillor Uteck, seconded by Councillor Snow, that this matter be deferred until HRM becomes aware of the impact of the 2004-05 Provincial budget.

With respect to last year’s increase in mandatory funding, Ms. Dale MacLennan, Director, Financial Services, noted this over-expenditure was included and managed in monthly and

quarterly projections. She stated it is unlikely staff would be identifying a specific list of projects unless otherwise directed by Council.

In response to comments of Councillor Rankin, Mr. Wayne Anstey, Municipal Solicitor, noted the Motion of Rescission deals with one issue. If it passes, the supplementary education funding would remain unaltered.

Councillor Uteck reiterated if the deferral is defeated and the mandatory funding is over \$3.5 million, she will be requesting a list of projects that will be cut to cover this increased requirement.

Responding to a question of Councillor Goucher, Mr. Anstey stated it is his understanding of the motion, if it stands, is that the supplementary funding would be decreased by the maximum amount allowed to offset any money that was over the \$3.5 million in mandatory funding. For example, if the maximum amount yielded by reducing the supplementary funding by 10 percent was \$2 million, the supplementary funding would be reduced by that amount.

Speaking in support of the deferral, Councillor Walker stated Council needs more information before making a decision.

Councillor Uteck stated if the Halifax Regional School Board would guarantee that any additional mandatory funding paid by HRM would stay in HRM there would not be a need for the motion. She clarified the motion is for protection purposes.

Councillor Warshick stated Council passed, in good faith, all aspects of the budget and the School Board knew exactly how much money they were going to get. However, this motion would change that and, therefore, he could not support the deferral.

If the motion to defer passes, Councillor Goucher requested that clarification on the various viewpoints of the motion be provided in the staff report when it comes back.

A **Recorded Vote** was taken on the deferral, as follows:

MOVED by Councillor Uteck, seconded by Councillor Snow, that this matter be deferred until HRM becomes aware of the impact of the 2004-05 Provincial budget.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Streach, Councillors: Snow, Hendsbee, Cooper, McInroy, Sarto, Cunningham, Blumenthal, Sloane, Uteck, Fougere, Walker, Hum and Goucher.

Members of Council voting **against** the motion: Councillors: Warshick, Hetherington, Smith, Mosher, Adams, Johns, Rankin and Meade.

(Councillor Harvey was absent.)

7. CONSIDERATION OF DEFERRED BUSINESS

8. PUBLIC HEARINGS

8.1 By-Law T-130, An Amendment to By-Law T-108, Respecting the Regulation of Taxis and Limousines re: Various Amendments

C A report from the Taxi and Limousine Committee, regarding the above, was before Council for its consideration.

Mr. Wayne Anstey, Municipal Solicitor, presented the report to Council.

Responding to a question of Councillor Smith, Ms. Andrea MacDonald, Manager, Community Projects, stated there are currently 198 owner licenses in the County Zone. At the end of April there were 185. Also, there are currently 197 driver licenses in the County Zone. Councillor Adams noted the January or February numbers would probably be in the 160 range and there has probably been an increase of 30 percent since this was proposed. Ms. MacDonald stated the variance over the last five years has been from 160 to 190.

Mayor Kelly called for members of the Committee wishing to speak either in favour of or against the amendments.

Mr. Rick Watts, Middle Sackville

Mr. Watts made the following points:

- C The County Zone is the only area not protected regarding the number of roof lights.
- C The County Zone is a unique area with a fixed amount of business and does not have the opportunity for a large influx of business as do the other zones.
- C The County Zone is the most deserving of protection as its drivers work longer hours just to make ends meet.
- C The Zone should be capped to protect the livelihood of the industry.
- C A level playing field should be established.

Mr. Ted Richardson, Lr. Sackville

Mr. Richardson spoke against the limitations making the following points:

- C For the last five years, as many as 35 County drivers have been working at the airport by leasing another's roof light to get an airport license.
- C By limiting the County Zone, these drivers will be forced into a must lease situation which may become more expensive for them as a result of the limitation.

Mr. Robert Richards, Halifax

Mr. Richards made the following points:

- C The recommendation came from the Taxi and Limousine Committee where it was unanimously adopted.
- C There are 36 roof lights at the airport that are leased out. This activity also takes place in the Halifax Zone.
- C The County Zone drivers are only asking for equalization and they should be treated the same as the other two Zones.

Mr. Donald Swinimer, Lr. Sackville

Mr. Swinimer made the following points:

- C The closing of various businesses in the area has had a negative effect on the taxi industry in the County Zone.
- C Adding taxis to a dwindling industry is having a harmful effect.
- C Unlike other areas, the County Zone does not have special events to generate extra business.
- C A cap will be the first step in the right direction to protect the taxi industry in the County Zone.
- C By-Law T-108 needs a lot of adjustments to meet the needs of today's drivers.

Mr. Jeff Rozee, Lr. Sackville

Mr. Rozee made the following points:

- C He began driving in the County Zone two years ago and there has been a decline in the number of calls.
- C An 8 hour work day does not generate enough income and a driver is lucky to get 20 calls in a 12-14 hour day.
- C The last rate increase created a significant decrease in business.
- C Volume of business needs to be built up and this can be done by keeping the number of taxis on the road low.

Mr. Earl Brown, County Driver

Mr. Brown made the following points:

- C There is a lower demand for service in the County Zone than Halifax and Dartmouth.
- C The County Zone does not have business generators such as the Metro Centre, hospitals, bar zone, cruise ships, etc.
- C There has been an increase of 15 more cars working with Satellite Taxi in the last year and a cap is needed.

Mr. Tim Auld, Beaver Bank

Mr. Auld spoke against the limitation, making the following points:

- C Limitations in the other zones has resulted in a decrease of owner operators.
- C He questioned the improvements limitations have provided.
- C The County Zone is small with approximately 50 percent working at the airport, which is traditional.
- C There are two common stands in Sackville and they are generally vacant.
- C Most drivers who work at the airport do not want to work elsewhere.

Mr. Dave Withrow, HRM

Mr. Withrow made the following comments:

- C He supports all the amendments before Council.
- C The decision to put a limitation on licenses in Dartmouth was an informed and educated decision which has worked well.
- C Following amalgamation, lack of by-law enforcement did not enable staff to enforce the newly formed municipal by-law relating to the taxi industry.
- C County Zone drivers are seeking limitation to prevent the problems they foresee happening in the County Zone.
- C Municipal by-laws allow the other 810 taxis to operate in the County Zone under certain conditions.
- C By-law infractions have increased due to the lack of business.
- C Taxi drivers cannot cut their operating expenses and the costs are increasing.

Mr. Ed Flewelling, HRM

Mr. Flewelling made the following comments:

- C It is not financially feasible to add more taxis for peak periods.
- C Upcoming increased bus service will further reduce the taxi business throughout HRM.
- C Limitation is needed now more than ever.

- C New drivers are realizing it is not a profitable career to pursue.
- C HRM has four times the number of taxis per capita compared to other regional municipalities in Canada.

Ms. Julie Hubert, Sackville

Ms. Hubert stated she regularly takes the bus from Downsview Mall and there are currently five to six cars there on a daily basis compared to a year ago when there were one to three.

Mr. Keith Smith

Mr. Smith submitted a petition containing 126 signatures of County Zone drivers in favour of the limitations.

RECESS

A recess was taken at 7:15 p.m. The meeting reconvened at 7:25 p.m.

Mr. Steven Warren, Lr. Sackville

Mr. Warren made the following points:

- C The majority of roof lights at the airport are leased because the drivers cannot make a living in the County.
- C A cap is needed in the Zone so the drivers can made a decent living.

Mr. Harry Boggs, Lr. Sackville

Mr. Boggs stated he gave up his roof light in the County Zone to work at the airport to make more money. A cap is needed in the County to ensure survival for the drivers in that Zone.

Mr. Kevin Hanna, Beaver Bank

Mr. Hanna stated the drivers want the County Zone capped to protect their livelihood.

Mr. Lawrence Warren, Jr.

Mr. Warren stated he works in Zone 3 where there were 25 cars working over the winter. That number is now down to 14 and it is still difficult to make a living.

Mr. Robert Watts, Lr. Sackville

Mr. Watts stated he has been driving for four months, working ten hours a day, and he is not making enough money to make living.

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

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

COUNCIL DECISION

MOVED by Councillor Adams, seconded by Deputy Mayor Streach, that Council give Second Reading to By-Law T-130, An Amendment to By-Law T-108, Respecting the Regulation of Taxis and Limousines re: Various Amendments.

Councillor Adams stated he would like to request Council to consider the licensing procedure for taxi owner licenses, and that they be issued in drivers name so the driver will be the only one using it and leasing does not become a problem. Mr. Anstey advised that this should be addressed at the Regional Taxi and Limousine Committee level before coming to Council.

Deputy Mayor Streach stated the only option is to create an even playing field and the fact it was passed unanimously at the Committee level needs to be taken into consideration.

Councillor Johns spoke in support of all the amendments before Council, stating the County Zone drivers deserve the same rights and protection as received by the other drivers.

Councillor Hendsbee requested that the clauses be voted on separately. He questioned why HRM is in the taxi industry and stated he could not support capping as the municipality should not be regulating the quantity of cabs, only the quality.

Councillor Smith expressed concern with limitation noting population in HRM will increase. However, as the Committee passed this recommendation unanimously, he stated he could support it as long as there is a mechanism put in place to prevent the leasing of roof lights.

Speaking in support of the motion, Council Warshick stated he has not received one phone call this year regarding the lack of cabs. Therefore, he can only assume that limitation in the other Zones has worked.

Councillor Hetherington stated he believes the general public will still be serviced with some regulation in place.

Closing the debate, Councillor Adams urged Council to support the by-law amendments.

(Councillor Uteck and Blumenthal were not present for the entire public hearing and therefore were not eligible to vote.)

The vote was taken on the amendments to the By-law, Clause 1 - *to provide for the payment at the time of the initial application for a taxi driver's license or a limousine driver's license of the cost of the license, the English language proficiency testing and the process prescribed for National Certification.*

MOTION PUT AND PASSED.

The vote was taken on Clause 2 - *an incidental amendment to more particularly describe the taxi driver's course.*

MOTION PUT AND PASSED UNANIMOUSLY.

The vote was taken on Clause 3 - *an incidental change of wording.*

MOTION PUT AND PASSED UNANIMOUSLY.

The vote was taken on Clause 4 - *limits the frequency with which applicants may write the geography test to obtain a driver's license.*

MOTION PUT AND PASSED UNANIMOUSLY.

The vote was taken on Clause 5 - *provides for the removal of a taxi driver's name from the taxi owner's license waiting list in the Halifax zone, if the taxi driver's license lapses for any reason.*

MOTION PUT AND PASSED UNANIMOUSLY.

The vote was taken on Clause 6 - *provides for a limitation of the number of taxi owner's licenses in the Halifax County Zone at 190 licenses and provides a mechanism similar to that in place in the City of Halifax Zone for the issuance of new licenses.*

MOTION PUT AND PASSED.

RECESS

A recess was taken at 7:55 p.m. The meeting reconvened at 8:00 p.m.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

None.

9.3 Presentations

9.3.1 Blue Nose International Marathon

(i) Gerald Walsh, Co-Chair

(ii) Rod McCulloch

A presentation regarding the upcoming Blue Nose International Marathon was made to Council, copies of which were provided.

9.3.2 Boundary Action Reversal Committee

Alma Johnston, Chair

Ms. Alma Johnston, Chair, Boundary Action Reversal Committee, assisted by Ms. Irma Pope, made a presentation to Council regarding the recent boundary change which separated Cherry Brook, Lake Loon and Westphal from their long standing association with Cole Harbour District D and placed them in Preston/Porter's Lake polling District C. In her presentation, Ms. Johnston made the following points:

- C Cherry Brook, Lake Loon, Westphal, Humber Park and Montague Road have had a long standing history with District D - Cole Harbour. The recent boundary change moved some of these communities to District C - Preston/Porter's Lake.
- C Cole Harbour, Westphal and Cherry Brook share many commonalities and children in these areas attend schools in Cole Harbour.
- C The communities have worked together on several community projects and continue to do so for the betterment of everyone.
- C The community has been enriched by the diversity of race, culture, language, education, social economic levels and age.
- C Cherry Brook has a unique traffic infrastructure and pattern similar to Cole Harbour.
- C Cherry Brook has existed since as early as 1786 and is, and has been, the residence of many prominent Canadians.
- C The community of Cherry Brook, although small in size, has contributed greatly to the wider community.
- C The boundary change will have a devastating effect on the community and the repercussions will be far-reaching and will slow down the community's growth.

In closing, Ms. Johnston requested Council's assistance to amend the boundary of District D to include the communities of Cherry Brook, Lake Loon and Westphal.

Ms. Irma Pope, Member, Boundary Action Reversal Committee, addressed Council making the following comments:

- C The decision to amend the boundary was made without proper consultation with the community nor thought as to how it would affect the residents.
- C The boundary changes appear to have been drawn on racial lines.
- C There is concern in the community that they will be taxed again for things for which they have already paid, such as sidewalks, Metro Transit service, etc.
- C Cherry Brook is only five minutes away from the Cole Harbour Fire Service.

In closing, Ms. Pope stated she hopes the Nova Scotia Utility and Review Board will reassess its decision and that HRM supports them in this initiative.

MOVED by Councillor Cooper, seconded by Councillor McInroy, that the information provided during the presentation be retained and referred to any future actions in which the Municipality may become involved regarding future boundary changes.

Councillor McInroy stated the situation should be monitored to ensure the same relationships that existed up to this point continue regardless of where the boundary line is drawn.

MOTION PUT AND PASSED UNANIMOUSLY.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 04-210, Paving Renewal -Erskine St., East Region

- C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

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

- 1. Approve the recovery of Local Improvement Charges for the upgrading of existing asphalt sidewalk to concrete sidewalk for Erskine Street (Hawthorne Street to Dunnolly Street) at the rate to be established in By-Law Number S-414 which will be presented to Council for approval for fiscal year 2004/05, to be applied to the general area rate of District 10.**

2. **Award Tender No. 04-210, Paving Renewal, Erskine Street (East Region) to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$211,200, plus net HST for a total of \$224,778 from Capital Account No. CYU00563, Paving Renewal with funding authorized as per the Budget Implications section of the staff report dated April 30, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.2 Tender 04-214, Paving Renewal - Circassion Dr., East Region

- C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Council award Tender No. 04-214, Paving Renewal - Circassion Drive (East Region) to LaFarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$131,300, plus net HST for a total of \$139,742 from Capital Account No. CYU00563, Paving Renewal Program, with funding authorized as per the Budget Implications section of the staff report dated April 29, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 04-220, New Sidewalk, Smallwood Ave., East Region

- C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

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

1. **Approve the recovery of Local Improvement Charges to be applied to the total district area rate of District 4 for the installation of new concrete sidewalk on Smallwood Avenue, Gander Avenue to Serpentine Avenue at a rate to be established in By-Law S-414 which will be presented to Council for approval for fiscal year 2004/05, to be applied to the general area rate of District 4.**
2. **Award Tender No. 04-220, Smallwood Avenue, New Sidewalk, Gander Avenue to Serpentine Avenue to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a tender price of \$91,860.00, plus net HST for a total Project Cost of \$97,766.00 from Capital Account No. CJU00557, New Sidewalks, with funding authorized as per the budget**

implications section of the staff report dated April 29, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 04-223, Paving, New Sidewalk and Storm Sewer, James St., West Region

- C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Regional Council:

- 1. Approve the recovery of Local Improvement Charges for the new concrete curb and gutter and new concrete sidewalk for James Street (from St. Margaret's Bay Road to the school entrance) at the rate to be established in By-Law Number S-414 which will be presented to council for approval for fiscal year 2004/05, by a special area rate applied to a portion of District 22 (as shown on the sketch attached to the staff report dated April 29, 2004).**
- 2. Award Tender No. 04-223, Paving, New Sidewalk and Storm Sewer - James Street (West Region) to Sackville Trenching Limited for materials and services listed at the unit prices quoted for a Tender Price of \$293,325, plus net HST for a total of \$312,183 from Capital Account No's.CZU00565, Resurfacing and CJU00557, New Sidewalk, with funding authorized as per the Budget Implications section of this staff report dated April 29, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.5 Tender 03-114R, Two (2) 4 Door Sedan Heavy Duty Vehicles

This item was deleted from the agenda.

10.1.6 Tender 04-054, Rebuild of Engines - Woodside I Ferry

- C A staff report prepared for Mike Labecque, Director, Real Property and Asset Management, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Cunningham, that Regional Council award Tender 04-054, Rebuild of Engines - Woodside I to MacLaughlin Diesel Limited for \$78,824.08 plus net HST for a total cost of \$83,891.68 from Capital Account No.CVD00436, Bi-annual Ferry Refit, with funding authorized as per the Budget Implications section of the staff report dated May 3, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Tender 04-203, Wright Avenue Extension, Burnside Business Park Phase 11-2 - Development

C A staff report prepared for Mike Labecque, Director, Real Property and Asset Management, regarding the above, was before Council for its consideration.

MOVED by Councillor`Smith, seconded by Councillor Cunningham, that Regional Council:

- 1. Approve an increase in the Gross Budget for Capital Account No. CQ300634, Burnside Phase 11-2 Development in the amount of \$125,000 with funding as a withdrawal from Account No. Q121, Business/Industrial Parks Expansion Reserve;**
- 2. Approve an increase in the Gross Budget for Capital Account No. CQ300634, Burnside Phase 11-2 Development by \$71,350 with no change in the Net Budget to cover the cost of the installation of a natural gas pipeline from Heritage Gas;**
- 3. Award Tender No. 04-203, Burnside Business Park Phase 11-2 Development to Dexter Construction Ltd. for materials and services listed at the unit prices quoted for a tender price of \$5,692,124.50 plus fully recoverable HST, for a total of \$5,692,124.50; and approve an amount of \$234,433 for testing of materials and unforeseen works that is likely to occur with a project of this magnitude and complexity, from Account No. CQ300634, Burnside Phase 11-2 Development with funding authorized as per the Budget Implications section of the staff report dated April 21, 2004;**
- 4. Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$127,000 plus fully recoverable HST for a total of \$127,000 from Capital Account No. CQ300634, Burnside Phase 11-2 Development, with funding authorized as per the Budget Implications section of the staff report dated April 21, 2004; and**
- 5. Authorize \$135,000 plus fully recoverable HST for a total of \$135,000 to Nova Scotia Power Inc. for the extension of overhead and underground electrical transmission lines from Capital Account No. CQ300634, Burnside Phase 11-2 Development, with funding authorized as per the Budget Implications section of the staff report dated April 21, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.8 Request for Proposal 04-039, Quigley's Corner Pumping Station Sewershed Wastewater Management Study, Eastern Passage

- C A staff report prepared for Brad Anguish, Director, Environmental Management Services, regarding the above, was before Council for its consideration.

MOVED by Councillor McInroy, seconded by Councillor Hetherington, that Regional Council:

1. **Approve an increase to Capital Account No. CSR00503, Infiltration/Inflow Reduction, in the amount of \$6,733 to reflect cost sharing from Halifax Regional Water Commission, with no change to the Net Budget.**
2. **Award RFP 04-039 to CBCL Limited for the engineering study of the Quigley's Corner Pumping Station Sewershed Wastewater Management Study, for an estimated cost of \$103,895 plus net HST for a total cost of \$110,574.40, from Capital Account No. CSR00503, Infiltration/Inflow Reduction. Funding is to be authorized as per the Budget Implications section of this report. MOTION PUT AND PASSED UNANIMOUSLY.**

10.1.9 By-Law V-102, An Amendment to Schedule "D" of the Former City of Halifax Ordinance 180, Respecting Streets

- C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

Councillor Sloane requested that this item be deferred for one week to allow her the opportunity to discuss the issue with staff.

MOVED by Councillor Sloane, seconded by Councillor Hetherington, that this matter be deferred for one week. MOTION PUT AND PASSED.

10.1.10 Roadway Network Optimization Plan

- C A staff report prepared for Geri Kaiser, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Councillor Sloane requested that the Robie Street/Cunard Street component be deferred to allow the opportunity to further discuss and resolve the concerns of the residents.

MOVED by Councillor Sloane, seconded by Councillor Fougere, that the Robie St./Cunard St. component of the Roadway Network Optimization Plan be deferred.

Councillor Fougere stated this plan includes \$4.7 million worth of capital projects which will seriously affect the 14,000 residents of District 14. The Councillor expressed concern with the statement on Page 4 of the report regarding limited public information sessions and

consultation and stated she could not support the intent of the Roadway Network Optimization Plan as it flies in the face of spending public money and not consulting the public.

Mr. Rick Paynter, Director, Public Works and Transportation Services, and Mr. David McCusker, Regional Planning Manager, Transportation, provided an overview of the staff report.

Following a brief discussion, a **Recorded Vote** was taken on the deferral.

MOTION TO DEFER PUT AND LOST.

Members of Council voting **in favour** of the deferral: Mayor Kelly, Councillors: Snow, Cooper, Sloane, Uteck, Fougere, Walker, Hum, Mosher, Adams, Johns and Goucher.

Members of Council voting **against** the deferral: Councillors: Hendsbee, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Rankin and Meade.

(Deputy Mayor Streach, Councillors Blumenthal and Harvey were absent.)

A **Recorded Vote** was taken on the Main Motion.

MOVED by Councillor Hetherington, seconded by Councillor Mosher, that Council endorse the intent of the Roadway Network Optimization Plan, as described in the staff report dated April 28, 2004, with the exception of the Robie St./Cunard St. component which was deferred. MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Councillors: Snow, Hendsbee, Cooper, McInroy, Warshick, Sarto, Hetherington, Smith, Cunningham, Walker, Hum, Mosher, Adams, Johns, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Councillors: Sloane, Uteck, Fougere and Goucher.

(Deputy Mayor Streach and Councillors Blumenthal and Harvey were absent.)

10.1.11 Armview-Pryor-Jubilee Short Cutting

C A staff report prepared for Rick Paynter, Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

- C Information regarding traffic on Bloomingdale Terrace provided by HRM Traffic Services was circulated to Council.

MOVED by Councillor Uteck, seconded by Councillor Walker, that Council approve finalizing the permanent installation of speed humps and a speed table in the Armview-Pryor-Jubilee corridor at an estimated cost of \$15,000 from Capital Account No. CTR00423, Traffic Calming.

In response to a question of Councillor Mosher, Mr. Ken Reashor, Acting Manager, Traffic & Transportation Services, confirmed that the intent of the staff recommendation was to include the permanent installation of the temporary speed humps as well as the two additional speed humps on Bloomingdale. Councillor Mosher requested that the speed humps on Bloomingdale be voted on separately. The Councillor questioned the effectiveness of speed humps on streets with low speeds and stated if the Bloomingdale Terrace speed humps are approved it will set a precedent for other streets.

Mr. Wayne Anstey, Municipal Solicitor, suggested rather than splitting the motion, an amendment could be made to delete the Bloomingdale speed humps. Mr. Reashor added if those speed humps were not approved, it would not be following the original intent of the traffic study, but it would not necessarily affect other streets. However, it will have an impact on the protection of Bloomingdale Terrace.

MOVED by Councillor Mosher, seconded by Councillor Warshick, that the motion be amended to remove the two speed humps on Bloomingdale Terrace.

A discussion ensued regarding whether or not the speed humps on Bloomingdale were included in the staff recommendation. Mr. Anstey stated it was his understanding that the intent was to cover the entire project, which included Bloomingdale Terrace. Councillor Uteck provided some historical background regarding the issue and stated the original intent was to calm the entire area.

Following a brief debate on the amendment, a **Recorded Vote** was taken.

MOTION DEFEATED.

Members of Council voting **in favour** of the amendment: Councillors: Cooper, McInroy, Warshick, Sarto, Smith, Mosher and Adams.

Members of Council voting **against** the amendment: Mayor Kelly, Councillors: Snow, Hendsbee, Cunningham, Uteck, Fougere, Walker, Hum, Johns, Goucher, Rankin and Meade.

(Deputy Mayor Streach and Councillors Hetherington, Blumenthal, Sloane and Harvey were absent.)

Debate continued on the main motion.

In response to a question of Councillor Johns, Mr. Reashor stated staff will be coming back with a revised neighbourhood short-cutting policy to redefine some of the latest issues and to clarify locations where speed humps can be used.

Councillor Cunningham stated he could support the motion, but expressed concern with what the future will hold with regarding speed humps and suggested Council move forward cautiously with respect to this issue.

Councillor Fougere stated the traffic calming measures are the only recourse to the massive infiltration of commuter traffic coming to and through neighbourhoods on the Peninsula.

Councillor Mosher read an excerpt from a letter she received from a resident regarding traffic concerns. The Councillor reiterated if these speed humps are approved other requests will come forward from other areas.

Councillor Rankin stated he will support the motion but expressed apprehension towards what this might lead to in terms of demands from other areas.

Responding to a question of Councillor Adams, Mr. Reashor stated the existing speed humps have reduced speeds. There is no concrete evidence that speed humps alone reduce volumes, however the numbers are lower than what they were before the short-cutting program commenced.

With respect to staff reports, Councillor Adams stated the recommendations need to be more clearly spelled out.

Following further debate, a **Recorded Vote** was taken on the Main Motion.

MOTION PUT AND PASSED.

Members of Council voting **in favour** of the motion: Mayor Kelly, Councillors: Snow, Hendsbee, Cooper, McInroy, Sarto, Hetherington, Smith, Cunningham, Sloane, Uteck, Fougere, Walker, Hum, Johns, Goucher and Rankin.

Members of Council voting **against** the motion: Councillors: Warshick, Mosher, Adams and Meade.

(Deputy Mayor Streach and Councillors Blumenthal and Harvey were absent.)

10.1.12 First Reading By-Law P-1001, An Amendment to By-Law P-1000, Respecting On Street Parking

MOVED by Councillor Fougere, seconded by Councillor Hetherington, that Council give First Reading to By-Law P-1001, An Amendment to By-Law P-1000, Respecting On Street Parking. MOTION PUT AND PASSED.

It was noted the Public Hearing will be held on June 8, 2004.

10.2 MEMBERS OF COUNCIL

10.2.1 Councillor Adams - Leiblin Park, Flooding

Councillor Adams noted Leiblin Park has had extensive flooding over the last number of years. In the early 1990s, the former City of Halifax approved one storm sewer per year in that area. However, this year the remaining two storm sewers on Elmdale Crescent and Ivylea Crescent were taken out of the schedule for storm sewer installation. A number of residents came forward at Chebucto Community Council and expressed their concerns stating that seven of twelve homes have problems. Councillor Adams asked that staff identify potential funding or resources to get these two storm sewers back in the program.

MOVED by Councillor Adams, seconded by Councillor Mosher, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS

11.1 Councillor Snow - Policy P-69 of the MPS for Shubenacadie Lakes Plan Area

MOVED by Councillor Snow, seconded by Councillor Hendsbee, that Council request that staff initiate a process to determine if Policy P-69 of the Municipal Planning Strategy for Shubenacadie Lakes Plan Area (Planning Districts 14 & 17) and any associated land use by-law policies should be amended to allow “for profit” seniors facilities and/or special needs housing, specifically for assisted care seniors facilities. MOTION PUT AND PASSED UNANIMOUSLY.

12. ADDED ITEMS

12.1 Proclamation - Community Business Development Corporation Day - May 12, 2004

This was before Council for information purposes.

12.2 HRM Provincial Assessment Legislation and Impacts

- C A staff report prepared for Dan English, Deputy Chief Administrative Officer, regarding the above, was circulated to Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Halifax Regional Council authorize staff to undertake a full analysis and report on the recent property tax law amendments proposed by the province for the purpose of alerting the Province and HRM residential and commercial taxpayers to the actual impacts; and, further, that the HRM initiate a review of commercial and industrial taxation, specifically, but not limited to tax burden, and invite key stakeholders to participate in this review so as to ensure that solutions are based on actual data and sound and fair taxation principles.

MOVED by Councillor Cooper, seconded by Councillor Walker, that meeting extend beyond 10:00 p.m. MOTION PUT AND PASSED.

Following a brief discussion, the vote was taken.

MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Property Matter - Sale and Street Closure - Polar Place

- C This matter was discussed at an In Camera Session held prior to the Regular session and was now before Council for ratification.

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

- 1. Authorize staff to set a date for a public hearing for consideration of HRM Administrative Order SC-#33 concerning the closure of Polar Place, Halifax, as shown on Attachment "A" of the April 29, 2004 Private and Confidential staff report.**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with Westwood Developments Limited for the purchase of the Polar Place Right of Way, subject to the street closure and the key business terms and conditions outlined in the April 29, 2004 report.**
- 3. The April 29, 2004 report not be released to the public until the property transaction is concluded. MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION

None.

14. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.

Jan Gibson
Acting Municipal Clerk