

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES SEPTEMBER 15, 1997

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

REGRETS: Councillor Howard Epstein

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

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1. **INVOCATION**

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

Mayor Fitzgerald expressed appreciation for the involvement of Mr. Andrew Cox, Civic Events & Festivals Co-ordinator, Members of Council, Canada Trust, and members of the senior community for ensuring the success of the Mayor's Garden Party which had been held September 11, 1997.

A Moment of Silence was observed in memory of Mr. Jim Emmons, By-Law Enforcement Officer, Halifax Regional Municipality, who passed away recently.

2. **PROCLAMATIONS** - None

3. **APPROVAL OF MINUTES** - August 26 and September 2, 1997

MOVED by Deputy Mayor Greenough and Councillor Sarto to adopt the minutes of August 26 and September 2, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

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

The Municipal Clerk stated there was a staff request to discuss item 9.4.14 (Betterment Charge Policy) prior to 9.4.11 (Paving - Kingswood Subdivision & Montague Estates).

Councillor Kelly requested item 9.3.1 (Concerns of Bedford Waters Advisory Committee) be deferred for two weeks. Further, Councillor Kelly announced he would be leaving tonight's Council meeting for a brief time, to attend another meeting, but that he would return to join Council.

MOVED by Councillors Blumenthal and Hetherington to adopt the Order of Business, as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 By-Law S-200 Respecting Smoking

- A memorandum prepared for Ms. Valerie Spencer, Commissioner of Policy and Planning, dated September 15, 1997, was before Council for discussion.

Correspondence from J. Gillivan, President, Hotel Association of N.S. and General Manager, Holiday Inn Select; A. Ruffman, President, Geomarine Associates Ltd.; A. Berry, and L. Pezzack on the above-matter, had been previously distributed to Council.

Staff was recommending that this matter be deferred to September 30, 1997, to which Council agreed.

9. REPORTS

9.1 MEMBERS OF COUNCIL

9.1.1 Utilities and Services - Councillor Dooks

Councillor Dooks addressed Council requesting the Municipal Clerk forward correspondence to Maritime Tel & Tel, Cantel, Cable T.V., Chronicle Herald and the Daily News, requesting information as it pertains to the level of service from each company, in his District.

MOVED by Councillors Dooks and Blumenthal that the Municipal Clerk forward correspondence to Maritime Tel & Tel, Cantel, Cable T.V., Chronicle Herald and the Daily News, requesting information as it pertains to the level of service from each company, in his District; further, upon receipt of the information, that the Clerk prepare a report for Council. MOTION PUT AND PASSED UNANIMOUSLY.

9.1.2 Hazardous Waste - Councillor Dooks

Councillor Dooks addressed Council requesting staff address the issue of only one hazardous waste depot which serves the entire municipality. Council agreed this should be addressed as soon as possible.

9.1.3 Supplementary Education Funding - Councillor McInroy

- A memorandum prepared for Councillor Harry McInroy, dated September 15, 1997 was before Council for discussion.

Councillor McInroy addressed Council noting the recommendation of the Committee, comprised of those Councillors representing the affected areas (former Halifax County Municipality and Town of Bedford) was as follows:

“It is recommended that the Halifax Regional Council have placed on the ballot for the October 18th Halifax Regional School Board elections the question as contained in Schedule “A” (attached to the September 15, 1997 report) regarding the levying of an additional property tax for education on properties in the former Halifax County Municipality and Town of Bedford.”

Council was advised that the Halifax Regional School Board had not provided any comments on the above recommendation as of today’s date.

Councillor Walker suggested an amendment to Schedule “A” where reference to “12 cents” be changed to reflect “14 cents.”

Councillor Kelly suggested there would not be sufficient time to educate the public in assisting them in making a qualified decision. In response to an enquiry from Councillor Kelly as to the amount of funding required, Councillor McInroy stated 3 cents/\$100 of assessment. The Councillor further stated it was not clear if the funds would remain in the area where they would be raised, nor was it clear where the funds would be spent.

Councillor Kelly reiterated his earlier concern regarding sufficient time to educate the public.

Councillor Adams suggested that voter turnout may be low as this is only a School Board election. The Councillor suggested the concept of a plebiscite be forwarded to the Province as he could not support the recommendation of the Committee.

Councillor Dooks suggested that perceived low voter turnout should be put to rest and that people must take responsibility for participating in this democratic process. The Councillor agreed with a question on the ballot, however, he had reservations as to where the funds would be dispersed. Councillor Dooks suggested the funds should be allocated to the students directly for educational needs. The Councillor stated he would support the recommendation of the Committee, however, he did express concern as to voter participation should an individual win a seat on the Halifax Regional School Board by acclamation.

Councillor Barnet stated that although he supports additional funds for the Regional School Board, he did not agree with this proposal.

Councillor Harvey reminded Council this plebiscite was simply a manner in which to test public opinion.

Councillor Mitchell agreed with the question being suggested by the Committee.

Councillor Rankin expressed concern with the process and not necessarily the content of the question. Further, the Councillor suggested the Regional School Board's comments were important. Further concern was also raised in that Regional School Board candidates may be approached with enquiries on this question and the fact they may not be prepared to respond. Councillor Rankin suggested an alternative, perhaps in the form of a survey, be undertaken, to collect the same information as that secured through a plebiscite.

Councillor Hetherington suggested Council was trying to rush this recommendation through and noted that additional information should be obtained prior to voting on the issue. The Councillor suggested that a plebiscite, at the provincial level, should be undertaken during upcoming provincial bi-elections.

Mr. Wayne Anstey, Municipal Solicitor, noted that although the Regional School Board would like to introduce a level education system, an area rate would fragment this wish. Further, the School Board would decide where the funds would be allocated and not the municipality. Mr. Anstey suggested a community meeting or Community Council meeting be held rather than a plebiscite.

Councillor Cooper supported the recommendation of the Committee and noted this is an indication of what the residents would like. Further, Council was reminded this will not affect this year's budget but rather the next. The Councillor further stated that a plebiscite is one way in which to obtain an indication from the public on any given matter.

Councillor Schofield suggested Council's goal is to equalize education across the municipality, however, the Councillor did not feel that a plebiscite was the answer.

Deputy Mayor Greenough suggested that although 3 cents/\$100 of assessment would not be sufficient, it was a starting point. The Deputy Mayor agreed with comments made by Councillor Dooks in that if there is significant interest, either for or against supplementary funding, a higher voter turnout would be encouraged.

MOVED by Councillors McInroy and Cooper that the Halifax Regional Council have placed on the ballot for the October 18th Halifax Regional School Board elections the question as contained in Schedule "A" (attached to the September

15, 1997 report) regarding the levying of an additional property tax for education on properties in the former Halifax County Municipality and Town of Bedford, with an amendment to Schedule "A" replacing reference to "12 cents" being changed to "14 cents." MOTION PUT AND PASSED.

Councillor Kelly left the meeting at this point in time.

9.1.4 Dog Licensing - Councillor Harvey

- A memorandum prepared for Councillor Harvey dated September 9, 1997, was before Council for discussion.

Councillor Harvey requested a staff report on the dog licensing process, specifically detailing the amount collected to date; the method of collection that has been undertaken and the rationale therefor; and recommendations on how the program will be undertaken next year.

Councillor Mitchell stated he would like to see a standard rate across the municipality.

Councillor Hendsbee, Chair of the Animal Registration Committee, stated this information will be addressed in a Committee report to be brought before Council in the near future.

Councillor Cooper suggested this be addressed for the next budget year.

9.1.5 Composting Facility - New Era Farms - Councillor Rankin

- (a) **Legal Opinion**
- (b) **Dept. Of Environment Correspondence**

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest in this matter as his brother is legal counsel for the proponent.

- (a) Councillor Rankin requested a legal staff report for the next meeting of Council as it pertains to covenants.
- (b) Councillor Rankin requested a status report on the August 26, 1997 motion of Council. Further, the Councillor requested the Minister of the Environment be requested to respond to staff's letter of September 5, 1997.

Mayor Fitzgerald ensured this correspondence would be forwarded to the Province this week.

Councillor McInroy resumed his place at the meeting.

9.2 HALIFAX REGIONAL WATER COMMISSION

9.2.1 Halifax Regional Water Commission Design and Construction Specifications, 1997

- A memorandum prepared for Carl Yates, General Manager, and Jamie Hannam, Chief Engineer, Halifax Regional Water Commission, dated September 4, 1997, was before Council.

MOVED by Councillor Hetherington and Deputy Mayor Greenough to ratify and adopt the Halifax Regional Water Commission design and construction specifications, 1997, to enable that document to apply under HRM's existing Subdivision By-Laws. MOTION PUT AND PASSED UNANIMOUSLY.

9.3 BEDFORD WATERS ADVISORY COMMITTEE

9.3.1 Concerns of Bedford Waters Advisory Committee

This matter had been deferred for two weeks (September 30, 1997) at the commencement of the meeting.

9.4 CHIEF ADMINISTRATIVE OFFICER

9.4.1 Tender 97-256 - Eastern Passage Grit Room Addition

MOVED by Councillors Uteck and Dooks to approve the low tender bid of \$310,464 (HST included) to L & R Construction Ltd. for the construction of the Eastern Passage Water Pollution Control Plant Grit Room Addition; further, to authorize the transfer of \$15,440 from Capital Account #83088, Fall River STP to Capital Account #83034 Eastern Passage WPCP Grit Room Addition. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.2 Tender 97-364 - Street Reconstruction and Watermain Renewal, Old Sambro Road, West District

MOVED by Councillors Adams and Hanson to award Tender 97-364, Street Reconstruction and Watermain Renewal, Old Sambro Road between Herring Cove Road and North West Arm Drive, to W. Eric Whebby Ltd. for a bid price of \$266,800 and a Total Project Cost of \$306,820 gross and \$166,077 net, with funding authorized from Capital Account No. 95497, Old Sambro Road

Reconstruction. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.3 Tender 97-232 - Culvert Replacement, Ross Road

MOVED by Councillors Cooper and Hendsbee to award Tender No. 97-232, Culvert Replacement, Ross Road to the lowest bidder, Ocean Contractors Limited, for materials and services listed at the unit prices quoted for a Total Tender Price of \$98,849.40 and a Total Project Cost of \$113,677; with funding authorized from the Capital Account Numbers noted in the Budget Implications Section of the report. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.4 Tender 97-213 - Needham Community Centre - Parking Upgrade

MOVED by Councillors Blumenthal and Hetherington to award Tender No. 97-213, Needham Parking Upgrades to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Total Tender Price of \$74,876.50 and a Total Project Cost of \$86,108 with funding authorized from Capital Account Numbers as noted in the staff report dated September 9, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.5 Fine Option Programme

- A staff report prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted matter, was before Council for discussion.

Staff was recommending that the June 24, 1997 Resolution of Council be referred to the Union of Nova Scotia Municipalities (UNSM) for its consideration. The June 24, 1997 Resolution stated: "That the Governor in Council be requested to amend Order in Council No. 90-183 pertaining to the Fine Option Programme by amending Schedule "A" Section B(e) - the definition of "offender" - to specifically include municipal by-laws in the range of offences recognized by the Programme."

Councillor Walker disagreed with staff's recommendation to forward the above-noted Resolution to the UNSM and stated that the municipality should take ownership of this matter.

MOVED by Councillors Walker and Stone that the Governor in Council be requested to amend Order in Council No. 90-183 pertaining to the Fine Option Programme by amending Schedule "A" Section B(e) - the definition of "offender" - to specifically include municipal by-laws in the range of offences recognized by

the Programme. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.4.6 Harrietsfield Recreation Centre - Funding for Septic System

Councillor Adams noted that a staff report would be forthcoming in the near future.

9.4.7 Winter Parking Ban

- A staff report prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted matter, was before Council.

MOVED by Councillors Stone and Hanson to defer this item to a Regional Council meeting later in September, pending receipt of the staff report. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.8 Pollution Control Charges

- A staff report prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, and Mr. George McLellan, Commissioner, Regional Operations, was before Council for discussion.

MOVED by Councillors Snow and McInroy that the Pollution Control charge be set in accordance with Section 3, Subsection (1) of Sewer Charges By-Law S-100, that all metered water users of the Commission shall pay an Environmental Protection rate of \$1.16 per 1,000 gallons of water; further, that a Wastewater and Stormwater Management rate of \$.26 per 1,000 gallons of water be paid, for a combined rate of \$1.42 per 1,000 gallons of water; further, that staff provide additional information regarding Councillor Epstein's comments regarding the implications of it.

Councillor Walker suggested the report did not address enquiries made by Councillor Epstein during an earlier meeting of Council. In response, Mr. Ken Meech, Chief Administrative Officer, stated that Councillor Epstein had advised his questions had been answered.

MOVED by Councillors Walker and Blumenthal to defer further discussion on this matter to the next meeting of Council pending the receipt of additional information. MOTION PUT AND PASSED.

9.4.9 Murals

- A staff report prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted matter, was before Council for discussion.

MOVED by Councillors Walker and Stone to endorse the Festival of Murals Program in the three phases outlined in the September 8, 1997 staff report, beginning with a pilot project at Dunbrack and Kearney Lake Road. MOTION PUT AND PASSED.

9.4.10 Area Service Loans

- A staff report prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, on the above-noted matter, was before Council for discussion.

Mr. Ron Singer, Director of Finance, addressed Council noting these were loans that occurred prior to amalgamation and are being shown as an unfunded balance.

To clarify further, Deputy Mayor Greenough stated this is an accumulated debt.

MOVED by Deputy Mayor Greenough and Councillor Barnet that the outstanding balances on the area service loans relating to services now covered by the urban general rate, be funded via a debenture and that Council approve a temporary borrowing resolution in the amount of \$1,793,125. MOTION PUT AND PASSED UNANIMOUSLY.

9.4.14 Betterment Charge Policy - Street Paving

- A staff report prepared for Mr. George McLellan, Commissioner, Regional Operations, dated September 15, 1997, was before Council for discussion.

Councillor Rankin suggested this matter be referred to the Development Advisory Group relative to standards and cost recovery, site specific.

MOVED by Councillors Rankin and Mitchell to defer further discussion on this matter until September 30, 1997, following a meeting of the Development Advisory Group on September 26, 1997. MOTION PUT AND PASSED.

9.4.11 Paving - Kingwood Subdivision & Montague Estates

- This matter had been deferred from the September 2, 1997 Regional Council meeting.

Councillor Barnet stated he understood the frustration of both residents and developers alike and noted that Council should *not* go forward with the proposal of Armoyan Properties Limited, thereby supporting the recommendation of staff as stated in the August 28, 1997 staff report.

Mayor Fitzgerald suggested that as item 9.4.14 - Betterment Charge Policy - had been deferred, that perhaps this item should be deferred as well.

MOVED by Councillors Barnet and Rankin to defer this matter to September 30, 1997. MOTION PUT AND PASSED.

Deputy Mayor Greenough assumed the Chair.

It was agreed to discuss item 9.4.12 at this point on the agenda.

9.4.12 1998/99 Capital Budget - Allocation to Community Councils

- A memorandum prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, was before Council for discussion.

MOVED by Councillors Cooper and Hendsbee that a total allocation of \$1 million be provided to the five Community Councils, in accordance with Attachment "A" included in the September 9, 1997 staff report, to support community-based projects as determined by the respective Community Councils.

Councillor Uteck stated he was opposed to Community Councils and that adoption of this Motion would, in essence, provide these entities with too much authority.

Mr. Larry Corrigan, Commissioner, Corporate Services, addressed Council noting that the amount has been earmarked for community based projects which could be defined as priorities of Community Councils. Further, the intent of staff is that the projects would fit into the Capital Project criteria; also, these projects will be costed by staff prior to reaching the Capital Budget stage.

Councillors Uteck, Cunningham, Rankin, Harvey, Blumenthal expressed concern with the Motion.

Those Councillors who supported the Motion included Councillors Dooks, Hendsbee, Cooper, Mitchell, Adams, Stone, Snow and Hetherington.

Councillor Stone advised he was supporting the Motion as he was not pleased with the manner in which capital project requests have been handled in his District (priority wise). Further, Council was reminded that each Community Council must bring their allocation request to Regional Council prior to same being placed in the Capital Budget.

Councillor Dooks suggested that staff need to develop a *new* rural plan to deal with rural issues.

MOTION PUT AND PASSED.

At this point in the meeting, Deputy Mayor Greenough acknowledged the presence of Ms. Wendy Lill, M.P. in the gallery.

MOTION OF RECONSIDERATION

Councillor Cunningham served a Motion of Reconsideration (seconded by Councillor Downey), for the next meeting of Council, on the above-noted Motion.

Following a recess, the meeting resumed at 9:10 p.m.

Mayor Fitzgerald assumed the Chair.

Councillor Kelly resumed his place at the meeting.

9.4.13 School Board Boundaries

- This matter had been before Council on September 2, 1997, with a recommendation from staff stating that a review of the decision of the Utility and Review Board, as it pertains to the above-noted, *not* be undertaken. No decision had been made at this meeting and discussion was deferred to this Council meeting.

Councillor Walker opposed the recommendation of staff and requested a judicial review of the School Board boundaries, for the next municipal election in the year 2000. The Councillor was particularly concerned with the breakdown of boundaries by population, in that it was inconsistent.

Councillor Hendsbee suggested the term “district” be replaced with “zone.” In response, Mr. Wayne Anstey, Municipal Solicitor, stated this should be on the agenda of the Regional School Board, but that correspondence from the municipality pertaining to this, should be forwarded to the Utility and Review Board.

MOVED by Councillors Walker and Stone that the municipality seek a judicial review on the Halifax Regional School Board boundaries; further, that correspondence be forwarded to the Utility and Review Board regarding the term “district” being changed to “zone.” MOTION PUT AND PASSED.

9.4.14 Betterment Charge Policy - Street Paving

This item was discussed prior to item 9.4.11.

10. PUBLIC HEARINGS

10.1 Development Agreement - 1263 South Park Street

- This matter was before Council on September 9 in the form of a Public Hearing. A decision had not been made at that time, therefore the matter was once again before Council, addressing concerns raised at the Public Hearing. An Information Report prepared for Mr. Wayne Anstey, Municipal Solicitor, on the above-noted matter, was before Council.
- Councillor Downey submitted a petition from residents of Wright Avenue opposing the redevelopment of the property.
- Correspondence from Mr. Lowell Blood, Mr. Richard Kassner (Kassner/Goodspeed Associates Ltd.), and written comments from Councillor Epstein who was absent, had also been distributed to Council.

As the Public Hearing portion was not closed as such on September 9, 1997, the following Motion was placed on the floor:

MOVED by Councillors Hendsbee and Snow to close the public hearing portion of the meeting. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Anstey reviewed the Information Report noting it addressed three issues raised during the September 9, 1997 Council Session, namely; alternative uses permitted on the site, do the non-conforming use policies of the MPS apply to the application, and will the removal of the ell diminish the heritage value of the property.

MOVED by Councillors Downey and Rankin that:

- (1) the development agreement presented to the Peninsula Planning Advisory Committee be revised as per Attachment A of the staff report dated July 10, 1997; further,
- (2) that the amending agreement be signed within 120 days, or any extension or discharge thereof granted by Council upon request of the applicant, from the date of the final approval by Halifax Regional Council, and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

In response to a comment from Councillor Uteck that there were individuals in the gallery who wished to address this matter, Mr. Anstey stated that although there was no formal Motion on September 9, 1997 to close the public hearing portion that evening, when Mayor Fitzgerald called three times for further speakers, and the fact there were none, procedurally, the public hearing was closed.

MOTION PUT AND PASSED.

It was agreed to address #11.2 - Presentations - at this point in the meeting.

11. CORRESPONDENCE, PETITIONS AND DELEGATIONS

11.2 Presentations

11.2.1 Annual United Way Campaign - Metro United Way

Chief Vince MacDonald, Chair, Halifax Regional Municipality 1997 United Way Campaign, introduced the Board Chairman of the Campaign, Mr. Murray Coolican, and Mr. Rob Dexter, Campaign Chair.

Mr. Coolican referenced brochures which had been distributed to Council noting the vision of the Metro United Way. Mr. Dexter noted the goal of the United Way, this year, was to strengthen neighbourhoods in communities, and requested Council's support in this regard, particularly as leaders in the community.

Mr. Dexter addressed Council noting this year's goal was to reach \$3.6 million and that with leadership on an individual basis, this goal could be reached. In closing, Mr. Dexter thanked Council for listening to this presentation and requested their support in Chief MacDonald's efforts.

11.2.2 Crosswalk Guards - Ms. Diane Robertson

Ms. Diane Robertson addressed Council on behalf of crosswalk guards within the municipality. The following concerns were raised:

- various guards were experiencing a 65% reduction in pay;
- it is the guards' responsibility to make arrangements for replacements (and pay them) when necessary;
- various guards have worked for 18 years, and do not have a pension;
- the guards are very disappointed with the manner in which they are being treated;
- questioned as to why a guard who has worked for 13 years, now has to be trained, although it was agreed this would be appropriate for new guards;
- prepaid envelopes are required to receive their pay stubs from Eagle Security.

Ms. Robertson enquired as to what the obligations of Eagle Security Limited are other than to pay the crosswalk guards. Further, it was suggested that \$5.50 / hour is not sufficient pay (as opposed to \$13.45/ hour earned in the former City of Dartmouth). In closing, Ms. Robertson implored Council to re-address this issue and enquired if at least \$10/ hour could be considered, or most of the crosswalk guards would be in a position to quit.

Mayor Fitzgerald thanked Ms. Robertson for her presentation and stated that Council will take her comments and concerns into consideration.

11.2.3 Possible Plebiscite - VLTs - Ian S. Coll, Chair, People Against Casinos and VLTs

Mr. Coll addressed Council noting he represented a group of volunteers who were opposed to Casinos and VLTs. Mr. Coll expressed concern that gambling was putting families in dire straits.

The meeting was advised that lounge and beverage rooms want these VLTs, however, Council was reminded these businesses survived prior to the existence of VLTs. Although Mr. Coll understood this is not within the jurisdiction of the municipality, his organization would still like the people to have an opportunity to vote on the issue, and, the Premier has advised he will respect their wishes.

In closing, Mr. Coll suggested that VLTs will disappear as they are not constructive to economic activity. Further, problem gamblers contribute 80% of revenue generated.

Mayor Fitzgerald thanked Mr. Coll for his presentation.

MOVED by Deputy Mayor Greenough and Councillor Hetherington to extend the meeting past 10 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Fitzgerald suggested that item 11.1 (Petitions), 12.3 (70-72 Thornhill Drive), and 10.2 (Second Reading Respecting Taxi Licensing) be discussed next, to which all Council agreed.

11.1 Petitions

11.1.1 Proposed Landfill Site (Site A, Goodwood)

Councillor Mitchell advised since the above-noted petition had already been submitted to Council at an earlier meeting, as well as to the Solid Waste Resource Advisory Committee, this should simply be received for information.

11.1.2 Prospect Residents - Installation of Cablevision

Councillor Mitchell submitted a petition from residents in the Prospect area respecting installation of cablevision.

11.1.3 Dartmouth General Hospital - Nova Scotia Hospital Emissions

Councillor Hetherington submitted a petition from the Dartmouth General Hospital respecting emissions from the Nova Scotia Hospital. The Councillor requested this be forwarded to the Department of the Environment, Department of Health, and Government Services.

11.1.4 Auburn Drive High School

Councillor Cooper submitted a petition from residents in the Auburn Drive High School area expressing concern re loitering and littering. The Councillor requested that the School Board be approached on this matter.

It was agreed that item 12.3 be discussed at this point in the meeting.

12.3 70 - 72 Thornhill Drive - Flooding Problems - Ratification

CONFLICT OF INTEREST

Councillor McInroy declared a Conflict of Interest as his brother is legal counsel for one of the owners.

This matter had been discussed In Camera earlier in the day. For the record, the Municipal Clerk read the Motion which had been adopted In Camera:

MOVED by Councillors Adams and Stone that Council approve settlements to the owners of 70 and 72 Thornhill Drive in the amounts of \$22,000 and \$15,000, respectively, to be used to resolve the flooding problem; further, that a clause be

attached to the deeds disallowing any future claims against the Municipality with respect to this issue. MOTION PUT AND PASSED.

A Motion to *ratify* the aforementioned Motion was put on the floor.

MOVED by Councillors Adams and Walker that the recommendation adopted In Camera, be ratified by Council. MOTION DEFEATED.

Councillor McInroy resumed his place at the meeting.

It was agreed that item 10.2 - Taxi By-Law T-102 Respecting Taxi Licensing be discussed at this point in the meeting.

10.2 Second Reading By-Law T-102 Respecting Taxi Licensing

- By-law T-102 Respecting Taxi Licensing had received First Reading during the September 2, 1997 Regional Council.

Mayor Fitzgerald called for comments from the floor.

MR. ED BENOIT

Mr. Benoit referenced the course now being required and the fact that permanent licenses would not be issued until a course had been completed. Mr. Benoit expressed concern with this latter request as this would assist only the brokers.

DEREK MATHERS, President of Armdale Taxi, Ace-Y Taxi and Yellow Cable.

Reading from a prepared text, Mr. Mathers agreed with the 3 step licensing program for new drivers and that same has the approval of the Taxi and Limousine Committee. This would ensure those individuals getting into the business would be properly trained. In reviewing the 3 steps, Council was advised that step 1 required an English language test; step 2 would entail a geography aspect; and, step 3 would be a National Certification Program which is a self study program and teaches quality taxi service. This latter step should be the program for new drivers as well.

Mr. Mathers stated this program will *not* increase the number of taxi licenses, has the potential to reduce unemployment, and will increase the level of skill and training.

Mayor Fitzgerald thanked Mr. Mathers for his presentation.

MR. DARSHAN VIRK

Mr. Virk suggested this amendment would accommodate only a few and that permanent licenses would be more appropriate. Mr. Virk suggested that tax payers will eventually cover the costs of this training.

Mr. Virk requested Council to not support the amendment and requested that quality rather than numbers be stressed. Mr. Virk stated he would like the industry to be stabilized but that this amendment would not help.

Mayor Fitzgerald thanked Mr. Virk for his presentation.

MR. GORDON SPRAGUE

Mr. Sprague addressed Council noting he owns five taxis but once owned thirty-five, and that he has been in the business for twenty years. Mr. Sprague suggested Mr. Virk was now asking him to give up his last five cars. There are fifteen other small business owners like himself. If these people cannot get drivers, they will be put out of business. This would leave only one company left in the city, thereby creating a monopoly.

Mayor Fitzgerald thanked Mr. Sprague for his presentation.

MR. ROBERT RICHARDS

Mr. Richards addressed Council noting he was a member of the Taxi and Limousine Committee and a member of the Hotel Standards Committee. Mr. Richard suggested that the rooflights be changed to read "Halifax Regional Municipality" rather than "City of Halifax."

Mr. Richards advised that the Motion on this issue, at the Committee level, was passed unanimously.

Mayor Fitzgerald thanked Mr. Richards for his presentation.

MR. MASTRAPAS

Mr. Mastrapas addressed Council noting he has worked hard to build his company and that this amendment will allow more people to work. Without this amendment, his company would fail. Mr. Mastrapas did not support the comments of Mr. Virk.

Mayor Fitzgerald called three times for comments from the floor. There were none.

MOVED by Councillors Adams and Hetherington to close the public hearing portion of the meeting. MOTION PUT AND PASSED UNANIMOUSLY.

Another Motion was put on the floor.

MOVED by Councillors Adams and Hetherington to give Second Reading to By-Law T-102 Respecting Taxi Licensing.

No vote was taken on the Motion. Another Motion was put on the floor

MOVED by Councillors Cooper and Adams to amend By-Law T-102 to incorporate the following at the end, as noted in the Supplementary Report dated September 12, 1997: "The holder of a temporary driver's license shall be disqualified for a period of one year from the date of expiration of that license from applying for or holding a subsequent temporary driver's license." MOTION PUT AND PASSED UNANIMOUSLY.

Another Motion was put on the floor.

MOVED by Councillors Adams and Cooper to utilize the National Certification Program as the third stage program. MOTION PUT AND PASSED UNANIMOUSLY.

A vote on Second Reading took place. **MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Wayne Anstey, Municipal Solicitor, advised that a revised By-Law would be prepared for next week.

At this point in the meeting, Council agreed to deal with item 12 - Motions.

12. MOTIONS

12.1 Councillor Hendsbee - Plebiscite - VLTs

MOVED by Councillors Hendsbee and Hetherington:

WHEREAS the Premier of Nova Scotia, the Honourable Russell MacLellan, has commented that he would respect and accept the will of the people about the availability and access to Video Lottery Terminals;

AND WHEREAS the Regional Municipality does not have regulatory authority over VLT availability on recognized First Nation Reservations; Nor do we, the Regional Municipality, have any jurisdiction over the contractual arrangements between the Province of Nova Scotia and ITT Sheraton and its Casino operations on the Halifax Waterfront;

THEREFORE BE IT RESOLVED that the Halifax Regional Municipality conduct a plebiscite to coincide with the upcoming 1997 School Board Elections that a vote will be taken that will give the electorate of our Regional Municipality an opportunity to decide whether or not VLTs should be permitted and made accessible outside the boundaries of any First Nation Reserve or the Sheraton Casino in the Halifax Regional Municipality.

In speaking to the Motion, Councillors McInroy and Hetherington agreed that the second paragraph should be deleted.

MOVED by Councillor Hetherington and Deputy Mayor Greenough to delete the second paragraph from the Motion. **MOTION PUT AND PASSED.**

The amended Motion now reads:

MOVED by Councillors Hendsbee and Hetherington:

WHEREAS the Premier of Nova Scotia, the Honourable Russell MacLellan, has commented that he would respect and accept the will of the people about the availability and access to Video Lottery Terminals;

THEREFORE BE IT RESOLVED that the Halifax Regional Municipality conduct a plebiscite to coincide with the upcoming 1997 School Board Elections that a vote will be taken that will give the electorate of our Regional Municipality an opportunity to decide whether or not VLTs should be permitted and made accessible outside the boundaries of any First Nation Reserve or the Sheraton Casino in the Halifax Regional Municipality. **MOTION PUT AND PASSED.**

MOTION OF RECONSIDERATION

Councillor Adams served a Motion of Reconsideration (seconded by Councillor Uteck) on the above-noted Motion, for the next meeting of Council.

12.2 Councillor Mitchell - MPS - St. Margaret's Bay

MOVED by Councillors Mitchell and Rankin that the Municipal Planning Strategy for St. Margaret's Bay be amended so as to allow for the consideration of small scale businesses, not otherwise permitted by the Land Use By-Law in residential designations, through either a rezoning or development process. MOTION PUT AND PASSED UNANIMOUSLY.

At this point in the meeting, Council agreed to resume the Public Hearing portion of the meeting.

10.2 Second Reading By-Law T-103 Respecting Taxi Licensing

- By-law T-103 Respecting Taxi Licensing (to increase the cap in the former City of Halifax from 382 to 550) had received First Reading during the September 2, 1997 Regional Council Meeting.

Mayor Fitzgerald called for comments from the floor.

MR. ED BENOIT

Mr. Benoit supported a number of 382 cars rather than 550. Further, Mr. Benoit stated there will be a study carried out in the future and to not increase the numbers to 550 at this point in time.

Mayor Fitzgerald thanked Mr. Benoit for his presentation.

MR. DARSHAN VIRK

Mr. Virk questioned the 550 figure. Mr. Virk suggested that Council wait for the study.

Mayor Fitzgerald thanked Mr. Virk for his presentation.

MR. ROBERT RICHARDS

Mr. Richards was not clear as to how the number of 382 was derived and that 550 was not an unrealistic number. Mr. Richards suggested that Council support Second Reading this evening.

Mayor Fitzgerald thanked Mr. Richards for his presentation.

MR. DEREK MATHERS, President of Armdale Taxi, Ace-Y Taxi and Yellow Cab.

Mr. Mathers addressed Council, and reading from a prepared text supported the change in limitation in Halifax from 382 to 550 taxis. Further, this number was to be reviewed in two years.

Factors which should be taken into consideration when determining an appropriate ratio of taxis, other than population include; Halifax is the centre of three major governments; is a major seaport; has an international airport; 5 major universities/community colleges/training centres; East Coast Naval Defense; surrounded by a large and growing bedroom community; home to the largest medical facilities east of Montreal; has a higher percentage of seniors than average; and, has developed a significant tourist/convention and cruise ship industry.

Since the G7 Summit, Mr. Mathers stated there has been an increase in the number of calls and that this is not the time to cut back on numbers.

Mayor Fitzgerald thanked Mr. Mathers for his presentation.

Mayor Fitzgerald called three times for comments from the floor. There were none.

MOVED by Councillors Rankin and Uteck to close the public hearing portion of the meeting. MOTION PUT AND PASSED UNANIMOUSLY.

Another Motion was put on the floor.

MOVED by Councillors Adams and Rankin to give Second Reading to By-Law T-103 Respecting Taxi Licensing.

Councillor Cooper suggested that the taxi industry was in great turmoil and that perhaps it was time that the membership of the Taxi and Limousine Committee be changed to reflect a group comprised of individuals outside of the industry.

Councillor Cooper suggested Council not support Second Reading.

Councillor Walker enquired as to why Council was considering changing the numbers now when there was a review to take place. The Councillor stated he could not support Second Reading.

Councillor Adams requested the Municipal Clerk correspond with the United Cab Association requesting a list of drivers and who they represent.

MOTION PUT AND PASSED.

10.2 Second Reading By-Law T-104 Respecting Taxi Licensing

- By-Law T-104 Respecting Taxi Licensing (limit of 150 licenses in County of Halifax) had received First Reading during the September 2, 1997 Regional Council Meeting.

Mayor Fitzgerald called for comments from the floor.

MR. TIM AULD

Mr. Auld addressed Council noting he could not support this by-law. Further, Mr. Auld enquired if this was an appropriate time to reduce the number of licenses and suggested that Council ask staff to determine if this by-law was actually needed. Mr. Auld also questioned the number of vehicles at the Halifax International Airport and suggested the numbers be removed from the total Halifax County numbers. In closing, Mr. Auld was not confident that 150 licenses was correct.

Mayor Fitzgerald thanked Mr. Auld for his presentation.

MR. ROBERT RICHARDS

Mr. Richards suggested this aspect needs to be stabilized.

Mayor Fitzgerald thanked Mr. Richards for his presentation.

MR. DARSHAN VIRK

Mr. Virk referenced the concept of open zones.

For the record, Councillor Adams, Chair, Taxi and Limousine Committee, stated he does not support the opening of zones.

Mayor Fitzgerald thanked Mr. Virk for his presentation.

Following three calls for comments from the floor, there were none.

MOVED by Councillors Rankin and Mitchell to close the Public Hearing portion of the meeting. MOTION PUT AND PASSED UNANIMOUSLY.

Moved by Councillors Kelly and Uteck to defer Second Reading of By-Law T-104 pending a staff report.

Councillor Cooper enquired if the Motion could be amended to include clarification of clause 4(b), to which the Mover and Secunder agreed.

The amended Motion now reads:

MOVED by Councillors Kelly and Uteck to defer Second Reading of By-Law T-104 pending a staff report, with said report to include clarification of clause 4(b). MOTION PUT AND PASSED UNANIMOUSLY.

11. CORRESPONDENCE, PETITIONS, DELEGATIONS

This section was dealt with after item 10.1.

12. MOTIONS

Items 12.1 and 12.2 were addressed after 10.2 (By-Law T-102 Respecting Taxi Licenses).

Item 12.3 was addressed after 11.1.4 (Petition - Auburn Drive High School).

13. ADDED ITEMS - None

14. NOTICES OF MOTIONS

14.1 Deputy Mayor Greenough

Deputy Mayor served Notice of Motion (seconded by Councillor Sarto) that at the regular meeting of the Council of the Halifax Regional Municipality to be held on Tuesday, September 30, 1997, he intends to introduce a new by-law respecting streets for First Reading.

15. ADJOURNMENT

MOVED by Deputy Mayor Greenough and Councillor Mitchell to adjourn the meeting at 12:15 a.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK

