

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL MINUTES November 27, 2001

### PRESENT:

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

### REGRETS:

Councillor Sue Uteck

### STAFF:

Mr. George McLellan, Acting Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

|        |  |    |
|--------|--|----|
| 1.     | INVOCATION .....   | 04 |
| 2.     | PROCLAMATIONS .....  | 04 |
| 3.     | APPROVAL OF THE MINUTES - November 6 and 13, 2001 .....  | 04 |
| 4.     | APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF<br>ADDITIONS AND DELETIONS .....                 | 04 |
| 5.     | BUSINESS ARISING OUT OF THE MINUTES .....  | 05 |
| 6.     | MOTIONS OF RECONSIDERATION - NONE .....  | 05 |
| 7.     | MOTIONS OF RESCISSION - NONE .....   | 05 |
| 8.     | CONSIDERATION OF DEFERRED BUSINESS - NONE .....  | 05 |
| 9.     | PUBLIC HEARINGS  |    |
| 9.1    | Second Reading By-Law P-900 Residential Parking Permits By-Law<br>Halifax .....                    | 05 |
| 10.    | CORRESPONDENCE, PETITIONS AND DELEGATIONS  |    |
| 10.1   | Correspondence   |    |
| 10.1.1 | Department of Community Services - N.S. Rehab<br>Centre Resident Relocation to Sunrise Manor ..... | 06 |
| 10.2   | Petitions .....  | 06 |
| 10.3   | Presentation   |    |
| 10.3.1 | Community Coalition for the Waterfront<br>(i) Peter Delefes, Chair<br>(ii) Linda Forbes .....      | 06 |
| 10.3.2 | Free Enterprise vs Taxi Industry Regulation - D. Virk .....  | 07 |
| 11.    | REPORTS  |    |
| 11.1   | MEMBERSHIP SELECTION COMMITTEE   |    |
| 11.1.1 | Citizen Appointments to Boards & Committees .....  | 10 |
| 11.2   | PROGRAM AND SERVICE REVIEW COMMITTEE   |    |

|        |  |    |
|--------|--|----|
| 11.2.1 | Performance Measurement Initiative Update .....  | 10 |
| 11.3   | CHIEF ADMINISTRATIVE OFFICER   |    |
| 11.3.1 | Tender 01-304, Demolition of 2155 & 2173 Barrington<br>Street .....                    | 11 |
| 11.3.2 | Council Meeting Schedule 2002 .....  | 11 |
| 11.3.3 | By-Law O-101 Respecting Open Air Burning .....   | 11 |
| 11.3.4 | Interest on Reserves .....   | 14 |
| 11.3.5 | Second Quarter 2001/2002 Financial Report .....  | 15 |
| 11.3.6 | Beaver Bank Sewer & Water - Recovery of Phase Three<br>Costs .....                     | 16 |
| 11.4   | MEMBERS OF COUNCIL   |    |
| 11.4.1 | Councillor Blumenthal - Snow & Ice Ticketing and Towing .                              | 16 |
| 11.4.2 | Councillor Meade - Prorating Tax - Properties Damaged<br>by Fire .....                 | 16 |
| 12.    | MOTIONS  |    |
| 12.1   | Councillor Streach - Deregulation of the Taxi Industry .....                           | 08 |
| 12.2   | Councillor Mosher - Amendment to Administrative Order Number 1 .....                   | 16 |
| 12.3   | Councillor Adams - To Increase Limit of Taxi Vehicle Licenses in<br>Halifax Zone ..... | 16 |
| 13.    | ADDED ITEMS .....  | 16 |
| 14.    | NOTICES OF MOTION .....  | 17 |
| 15.    | ADJOURNMENT .....  | 17 |

**1. INVOCATION**

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

At a later point in the meeting, Mayor Kelly acknowledged Mr. Tim Olive, MLA and former MLA's Mr. Peter Delefes and Mr. Don Chard who were present in the gallery.

**2. PROCLAMATIONS - NONE**

Councillor Goucher congratulated the organizers, the sponsors and the entertainers of the Grand Parade Tree Lighting on a wonderful job.

Councillor Adams thanked Kevin Johnson, Regional Police, and his team of committee members as well as the District 18 Business Development Association who helped organize the Spryfield Santa Claus Parade.

Councillor Warshick advised the community auction held at Pilot's Pub, for injured taxi driver Michael Tran and his family, had raised \$18,000.

**3. APPROVAL OF MINUTES - November 6 and 13, 2001**

**MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of November 6 and 13, 2001, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 13.1 Motion to refer Item 11.1.1 - Citizen appointments to Boards and Committees back to the Membership Selection Committee.
- 13.2 Councillor Mosher - Avenue of Heroes
- 13.3 Legal Matter - Estate Bequest

Councillor Streach requested his Notice of Motion, item 12.1, be brought forward and addressed following item 10.3.2

Council agreed to hear an additional speaker, Mr. Don Shannon, under item 10.3.2

**MOVED by Deputy Mayor Harvey, seconded by Councillor Goucher, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.**

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

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

9. **PUBLIC HEARINGS**

9.1 **Second Reading By-Law P-900 Residential Parking Permits By-Law - Halifax**

- An extract from the draft November 6, 2001 Regional Council session, on the above noted, was before Council.
- A copy of City of Halifax Ordinance Number 179, Respecting Residential Parking Permits, was before Council.
- A copy of the amendment was circulated to Council.

Mr. Anstey, Municipal Solicitor, advised that under Ordinance 179, the Police Chief has the ability to issue parking permits for streets on which people reside, noting there are instances in some parts of Halifax where, because of the configuration of the parking, there are no spots on those streets for parking. The amendment would enable the Chief to issue a permit in respect of an adjoining street.

In response to Councillor Sloane, Mr. Anstey advised this amendment would apply to dwellings that may have been converted into flats as the current By-Law states that it would apply to buildings that contain no more than four dwelling units.

In response to Councillor Cunningham, Mr. Anstey advised there would be a thirty dollar fee charged (Section 4(4) of the Ordinance).

Mayor Kelly called three times for those wishing to speak either in favour of or in opposition to the proposed By-Law. Hearing none, the following motion was placed.

**MOVED by Councillor Hetherington, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Sloane, seconded by Councillor Fougere, that Council approve the amendment to City of Halifax Ordinance 179, Respecting Residential Parking Permits, by adding to the end of subsection (2), of Section 4 thereof, the words:**

**“or if the parking is prohibited on the street on which the applicant resides or is of a nature for which a parking permit cannot be provided, the Chief of Police may issue a residential parking permit applicable to a street immediately adjacent to the street on which the applicant resides”**

In response to Councillor Blumenthal, Mr. Anstey advised the permit only overrides parking signs and cars would still have to be moved in the event of a snowstorm.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**10.1 Correspondence**

**10.1.1 Department of Community Services - N.S. Rehab Centre Resident Relocation to Sunrise Manor**

- Correspondence from The Honourable Peter G. Christie, Minister of Community Services, dated November 19, 2001, on the above noted, was before Council.

**MOVED by Councillor Sloane, seconded by Councillor Cooper, that the correspondence be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Streach submitted correspondence from Ms. Karen Barberie asking HRM and Council acknowledge the yellow ribbon campaign in support of those serving in the conflict in Afghanistan. The Councillor advised he would make ribbons available.

**10.2 Petitions - None**

**10.3 Presentation**

**10.3.1 Community Coalition for the Waterfront - Peter Delefes, Chair and Linda Forbes**

- Correspondence from Mr. Peter Delefes, Chair, Community Coalition for the Waterfront, dated November 13, 2001, was before Council.

- Copies of reports entitled “Living on the Waters Edge” were circulated to members of Council.

Mr. Peter Delefes, addressing development of the Halifax waterfront, noted:

- The Halifax Open Space and Waterfront Plan sets out a blueprint for waterfront development in future years;
- they have concerns regarding the plan, which in the fourteen acres of still undeveloped land between the Maritime Museum and Pier 21 along the waterfront, proposes a small city of buildings and internal streets;
- they are suggesting that Council consider the views and recommendation outlined in their report;
- Regional Council is best placed to play a coordinating role in bringing together all parties so that the people living in the communities surrounding the harbour are well served;
- they urge Council to ensure that enhancing the importance of development of Dartmouth compliments that of Halifax and, in planning the future of the Capital District, that creative ways are found to inject vitality into Downtown Dartmouth and to build links to the Halifax side;
- Council should coordinate the planning and development of a common vision for the entire harbour, involving all the stakeholders;
- there is no provision for a bicycle path;
- consideration needs to be given to 1.8 million square feet of commercial space along the waterfront on the existing downtown area of the city.

Ms. Linda Forbes, addressing development of the Dartmouth waterfront, noted:

- The businesses in Dartmouth Cove should be seen in the light of what happens in Burnside, Wright’s Cove, Woodside and Eastern Passage;
- there has been a “piece meal” development of the waterfront. There needs to be a vision for the whole harbour and not for unrelated pieces of it;
- all stakeholders have to be included in the process;
- the Municipality needs to question which activities need to be on the water and which are only secondarily marine related uses;
- there needs to be an inventory, information as well as a forum in which to publicly discuss future character of the harbour and harbourfront land.

Mayor Kelly advised HRM has approached the Province requesting the operation of the Waterfront Development Corporation be placed under the auspices of HRM.

Mayor Kelly thanked the presenters for their presentations and advised the information would

be forwarded to staff.

**10.3.2 Free Enterprise vs Taxi Industry Regulation - Darshan Virk**

- Correspondence from Mr. Darshan Virk, United Cab Drivers Association of Halifax, was before Council.

Mr. Darshan Virk, addressing Council regarding the taxi industry in the Halifax Regional Municipality, noted:

- There is confusion that the taxi industry is a free enterprise and there should be unlimited taxis;
- he noted the industry is regulated in such things as type of car, insurance requirements and where a car has to be parked;
- he noted that a taxi driver makes a minimal profit after paying expenses.

Mr. Don Shannon, addressing Council regarding the taxi industry in the Halifax Regional Municipality, noted:

- There are many knowledgeable drivers who know where they are going and are earning a fair return for the hours they put in;
- the vast majority of taxi rides, approximately 8 to 10 thousand per day, occur without incident and the few who may be perceived as a problem overtake the many;
- deregulation would lead to an influx of vehicles who may not provide acceptable service and may create a lack of taxis in other zones;
- the current system allows drivers to work their ten to twelve hours per day and more cars would mean more time necessary for the same return;
- fares would need to increase dramatically to account for the extra competition if the industry is deregulated;
- quality drivers may be forced from the industry;
- they are an integral part of the transportation industry in the Municipality when public transportation is closed for the day.

Mayor Kelly thanked the presenters for their presentations.

Council had agreed to address item 12. 1 at this time.

**12.1 Councillor Streach**

The following Notice of Motion was given by Councillor Streach at the November 20, 2001 Council Session.



***“That staff initiate the process to commence deregulation of the Halifax Regional Municipality’s taxi industry; and, more specifically, have HRM involved only in the aspects of licensing as well as training, safety and fares.”***

- Circulated was correspondence from David Withrow re issues concerning limitation, deregulation and transferability.

Councillor Streach stated he feels that Council is getting mixed messages on this issue. The Councillor reiterated that he still believes that HRM Council should not be in the business of regulating private industry except for the licensing and safety aspects. The Councillor stated he is prepared to table the motion but he wanted it made clear that he will bring it back if the issue does not resolve itself. If Council is not given the satisfaction or peace of mind it is looking for by the industry, he will bring the motion back.

**MOVED by Councillor Streach, seconded by Councillor Hetherington, that the motion be tabled. MOTION PUT AND PASSED.**

**MOVED by Councillor Streach, seconded by Councillor Cunningham, that this matter be referred to staff to write Terms of Reference for conducting an independent review of the taxi industry seeking public input. Further, part of the Terms of Reference be a review of the structure of the Taxi Committee.**

Councillor Blumenthal requested the staff report include information on the costs for a study and questioned whether an independent review would be accepted.

Councillor Streach advised it is not his intention that this assessment be done by HRM staff rather, staff provide Council with direction as to how this would be accomplished. On question, the Councillor clarified that the assessment would be for all areas of HRM.

Councillor Adams stated he would not support this and suggested the request be deferred to allow the Taxi Committee to come forward with recommendations.

Councillor Hetherington stated the makeup of the Taxi Committee should be examined. The Councillor suggested that the membership be made up of Councillors and citizens with no one from the industry as part of the decision making process. The Councillor noted their expertise is needed but the decisions have to be made by other than people within the industry.

Councillor Blumenthal suggested things such as roof light owners and transferability should be examined.

Councillor Smith stated that if there is a report to come to Council it should be from HRM staff and it include information on what is taking place in other cities noting, he was not in favour of HRM spending money on consultants to examine this issue.

Councillor Streach stated all he is asking for is an independent review to have the current Taxi Committee take a step back and allow members of the public to have some input. The Councillor noted that he was looking for a few public hearings in this independent review. The Councillor stated he was not asking for a staff report as such but a Terms of Reference on how HRM would approach an independent assessment.

It was agreed that a response would come forward within 30 to 60 days.

**MOTION PUT AND PASSED.**

**11. REPORTS**

**11.1 MEMBERSHIP SELECTION COMMITTEE**

**11.1.1 Citizen Appointments to Boards & Committees**

This item was referred back to the Membership Selection Committee under the approval of the Order of Business (See page 4)

**11.2 PROGRAM AND SERVICE REVIEW COMMITTEE**

**11.2.1 Performance Measurement Initiative Update**

- A report from Councillor Ron Cooper, Chair, Program and Service Review Committee, dated November 22, 2001, on the above noted, was before Council.

Ms. Maria Medioli, Business Planning Coordinator, Financial Services, with the aid of overheads, presented the report.

**MOVED by Councillor Cooper, seconded by Councillor Fougere, that:**

- 1. Council approve the draft program mission statements attached to the report dated November 22, 2001.**
- 2. Council endorse the proposed next steps of the performance measurement initiative.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3            CHIEF ADMINISTRATIVE OFFICER**

**11.3.1        Tender 01-304, Demolition of 2155 & 2173 Barrington Street**

- A report prepared for Mr. George McLellan, Chief Administrative Officer, dated November 23, 2001, on the above noted, was circulated to Council.

**MOVED by Councillor Walker, seconded by Councillor Fougere, that Halifax Regional Council award Tender No. 01-304 -2155 & 2173 Barrington Street - Demolition, to Force Construction Limited for materials and services listed at the unit prices quoted for a Tender Price of \$99,501. plus net HST and 10% for quality control/quality assurance and unforeseen works for a Total Project Cost of \$1116,488. from Capital Account CSE00386, Pollution Control - Halifax Harbour and with funding authorized as per the Budget Implications section of the report dated November 23, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

(At this point, Council took a ten minute break)

**11.3.2        Council Meeting Schedule 2002**

- A report from Mr. George McLellan, Acting Chief Administrative Officer, dated November 19, 2001, on the above noted, was before Council.

**MOVED by Councillor Warshick, seconded by Councillor Hetherington, that Council adopt the 2002 Regional Council Meeting Schedule as attached to the report dated November 19, 2001.**

Without a vote being taken on the motion, the following motion was placed.

**MOVED by Councillor Warshick, seconded by Councillor Sloane, that the Council meeting schedule be amended such that Council would break the weeks of July 23 and July 30, meet on August 6, break the weeks of August 13 and August 20. MOTION DEFEATED.**

**MOVED by Councillor Sloane, seconded by Councillor Warshick, that the Council meeting schedule be amended such that Council would break for the month of August. MOTION DEFEATED.**

Councillor Cunningham expressed concern with the number of Committee of the Whole meetings. In response, Mayor Kelly noted there is currently a backlog of issues which have been referred to Committee of the Whole and once these have been addressed the meeting requirements will change.

Councillor Hetherington stated that Council had approved a motion previously that Committee of the Whole sessions would only be held "as necessary" and expressed concern that many of the issues being addressed were not by way of a Council directive. Mr. McLellan clarified that some of the issues were staff directed.

**MAIN MOTION PUT AND PASSED.**

**11.3.3 By-Law O-101 Respecting Open Air Burning**

- A supplementary report from Mr. George McLellan, Acting Chief Administrative Officer, dated November 7, 2001, on the above noted, was before Council.
- Correspondence from Gary Rudolph, President, Nova Scotia Road Builders Association, dated November 26, 2001, on the above noted, was circulated to Council.

The following recommendation was before Council for consideration:

***Change Sections 5(d) & 6(a)(iv) By-Law O-101 to increase the distance to 4.6 meters (15 feet) from combustibles.***

***Add a clause in Section 12, By-Law O-101 to read:  
Burning may be conducted in the Rural area during the period a Provincial Burning Permit is not required, weekends only, commencing at 8:00 a.m. to midnight at the discretion of the Fire Chief.***

***Change Section 6, By-Law O-101 banning Camp Fires within the fire protection coverage area provided by fire stations two (2) to eighteen (18) with the following exceptions: public and private camp grounds, Scouting movement, and for religious and ceremonial purposes.***

Chief Mike Eddy outlined the proposed recommendations, noting staff feel these will alleviate some of the concerns that have been previously discussed.

In response to Councillor Johns, Mr. Eddy advised the core area versus a rural area is that the core area is one where there is a direct influence from the fire service office on a day to day basis as opposed to those that are managed by a volunteer fire chief.

In response to Councillor Johns regarding the burning of stumps and larger materials resulting from lot clearing, Mr. Eddy stated yard waste, grass and clippings are not to be burned and advised there is a machine that will chip stumps. He noted that stumps are a cause for concern as they have a tendency to smoulder for days and the smoke from stump burning has become an issue in some areas.

**MOVED by Councillor Johns, seconded by Councillor Goucher that a clause be added to the By-law that would provide opportunity for commercial businesses to apply for a burning permit twice a year.**

Councillor Johns noted there are some areas in his and other Districts that have farms and golf courses and his motion would provide the ability to apply for a permit to burn. The Councillor advised it would not affect District 1 as they are permitted to burn as long as they abide by the Department of Environment rules and regulations.

**MOTION PUT AND PASSED.**

Councillor Colwell read correspondence from Mr. Robert Murphy regarding the proposed By-law. The Councillor noted that the ability to burn after 5:00 p.m creates a dangerous situation in that you cannot see the area being burned and many people abandon the fires before they are completely out.

**MOVED by Councillor Colwell, seconded by Councillor Streach, that a clause be added in Section 12 which reads: "Burning may be conducted in the rural areas during the period that a Provincial Burning Permit is not required, seven day a week, between the hours of 8:00 a.m. to 9:00 p.m. All fires must be completely extinguished by 12:00 midnight. Permits issued are at the discretion of the local Fire Chief, based on the Provincial Forest Fire Index or any hazardous conditions that may cause a fire safety issue in their local area as covered under Section 9"**

In response to Councillor Meade, Mr. Eddy advised the amendment, if approved, would apply to all rural areas. He noted there is currently a provision in the By-law that allows a Fire Chief to determine size of piles, time of day for which the permits can be issued, etc.

Councillor Colwell stated his motion is to ensure there is safe burning and a way to ensure that people can reasonably get things done legally and the Fire Department is aware of where the fires are.

**MOTION PUT AND PASSED.**

Councillor Adams suggested the By-law clarify that it does not impact on indoor wood burning appliances such as wood stoves and fireplaces. The Councillor referenced Section 6(c) and

asked for clarification. In response, Mr. Eddy advised there are special occasions such as Citadel Hill and First Nations Ceremonies that require a traditional fire. He stated they are willing to place additional staff were there is a special event as there are only one or two events of this type in a year.

**MOVED by Councillor Hines, seconded by Councillor Colwell that staff examine the amending Section 4(d) of the By-law be reworded in the following manner and by adding Section 4(e):**

- (d) Notwithstanding any other provision of this By-Law, but subject to Section 5 and 6, no person shall light, ignite or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever except a fire for the sole burning of tree stumps in the open air within the No Burn Zone.**
- (e) Before a Permit is issued by the Fire Chief to permit the burning of tree stumps as referenced in Section 4(d), the applicant must file with the Fire Chief a Bond in a form satisfactory to the Fire Chief with a minimum value of \$10,000.00.**

**MOTION PUT AND PASSED.**

**MOVED by Councillor Goucher, seconded by Councillor Sloane, that staff examine the inclusion of a definition of wood burning appliance in the By-law.**

Councillor Cooper requested staff examine the By-law as it would apply to those areas between the development boundary and rural areas but is still covered by core fire stations. The Councillor noted some of these areas are allowed to have campfires but are not allowed to use things such as metal barrels to burn in the clearing of lots.

**MOTION PUT AND PASSED.**

**MOVED by Councillor Colwell, seconded by Councillor Hines that a clause be added to Section 11 of the By-law to read: "Halifax Regional Municipality Fire & Emergency Services will not collect any fee for residential burning permits, except for those issued in accordance with the provincial burning permits in which case they can collect the funds on behalf of the Provincial Government".**

Chief Eddy advised there is no fee charged for residential permits and the intention is to charge \$50.00 for commercial permits. He stated at no time has the fire service indicated nor has there been a charge as a fire department only wants to be aware of where, what and when burning is going to take place.

**MOTION DEFEATED.**

Councillor Johns suggested the definition of commercial burning be reexamined.

Councillor Colwell requested staff examine the duplication of effort with issuing both HRM permits and Department of Natural Resources permits.

Mayor Kelly noted the issue would be going back to staff to reexamine issues and concerns raised.

**11.3.4      Interest on Reserves**

- A report from George McLellan, Acting Chief Administrative Officer, dated November 16, 2001, on the above noted, was before Council.

**MOVED by Councillor Blumenthal, seconded by Councillor Fougere, that:**

- 1.      Regional Council amend sections (i), (j), and (k) of the Resolution for Approval of Operating Budget and Tax Rates for Fiscal 2001/2002 to read:**
  - i)      that the interest rate on the Special Reserve Funds, designated as requiring interest under Section 100(2) of the Municipal Government Act, be set *at a maximum* of 5.5% for the period April 1, 2001 to March 31, 2002.**
  - j)      that the interest rate on the Pollution Control Reserves be set *at a maximum* of 5.5% for the period April 1, 2001 to March 31, 2002.**
  - k)      that the interest rate on all reserves except for those identified in (i) and (j) will be set *at a maximum* of 5.5% for the period April 1, 2001 to March 31, 2002, and,**
- 2.      Interest paid to the Reserve Funds this fiscal year be adjusted as of October 1, 2001 to HRM's short term investment rate.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**11.3.5      Second Quarter 2001/2002 Financial Report**

- An information report from S. Dale MacLennan, Director of Financial Services, dated

- November 16, 2001, on the above noted, was before Council.
- A copy of the overhead presentation entitled "Second Quarter 2001/02 Financial Report" was circulated to Council.

Ms. Dale MacLennan, Director of Financial Services, noted there is currently a projected deficit and the intent is to manage to a balanced budget. The project being looked at currently does not alter that fact and the report will outline the steps to ensure that happens by fourth quarter. She noted the package also includes an update on all details and activities in the CRESPOOL account in response to specific requests by members of Council.

Ms. Pam Caswell, Manager of Accounting, with the aid of an overhead presentation, outlined the report.

In response to Councillor Walker on whether the retiring allowance was included in the projections, Ms. Caswell advised it is being held in abeyance and, if it can be funded this year, it will. She advised HRM has permission from Service Nova Scotia to carry it forward to 2002/03.

In response to Councillor Walker, Mr. McLellan advised \$400,000 was in the CRESPOOL balance but was restricted and, when the policy changed, the \$400,000 was freed up to be added to the balance thus increasing the CRESPOOL balance.

As it was now 10:00 p.m., Council agreed to carry this item forward to the December 4, 2001 Council session and to continue discussion at that time.

**11.3.6 Beaver Bank Sewer & Water - Recovery of Phase Three Costs**

This item was deferred to December 4, 2001.

**11.4 MEMBERS OF COUNCIL**

**11.4.1 Councillor Blumenthal - Snow & Ice Ticketing and Towing**

This item was deferred to December 11, 2001.

**11.4.2 Councillor Meade - Prorating Tax - Properties Damaged by Fire**

This item was deferred to December 4, 2001.

**12. MOTIONS**



**12.1            Councillor Streach - Deregulation of Halifax Regional Municipality's  
Taxi Industry**

This item was dealt with at an earlier point in the meeting. (See page 7)

**12.2            Councillor Mosher - Amendment to Administrative Order Number 1 re:  
circulation of Regional Council reports**

This item was deferred to December 4, 2001.

**12.3            Councillor Adams - Limit of Taxi Vehicle Licenses in the Halifax Zone**

This item was deferred to December 4, 2001.

**13.            ADDED ITEMS**

The following items were deferred to December 4, 2001:

1.     Motion to refer Item 11.1.1 - Citizen appointments to Boards and Committees back to the Membership Selection Committee.
2.     Councillor Mosher - Avenue of Heroes
3.     Legal Matter - Estate Bequest

**14.            NOTICES OF MOTION - NONE**

**15.            ADJOURNMENT**

**MOVED by Councillor Blumenthal, seconded by Councillor Hines, that the meeting be adjourned at 10:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Vi Carmichael  
Municipal Clerk**