

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES

February 19, 2002

PRESENT:

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

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Patti Halliday, Assistant Municipal Clerk

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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 Cunningham.

Councillor Warshick acknowledged the appointment of Mayor Kelly as Honorary Team Captain of the Halifax Oland Exports, the host team for the 2002 Royal Bank Cup.

2. PROCLAMATIONS

2.1 Landmine Awareness Week

The week of February 25 - March 3, 2002 was proclaimed to be Landmine Awareness Week in Halifax Regional Municipality.

SPECIAL PRESENTATIONS

Canadian Mixed Curling Champions

With the assistance of Councillor Fougere, Mayor Kelly made a presentation to the Canadian Mixed Curling Champions.

Canadian Men's Amateur Golf Championship - Paul Batchelor

With the assistance of Councillor Goucher, Mayor Kelly made a presentation to Paul Batchelor, a member of the Canadian Men's Amateur Golf Championship team.

3. APPROVAL OF MINUTES - January 29 & February 5, 2002

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of January 29 and February 5, 2002, be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 13.1 Councillor Cunningham
(i) Greenvale School Fire - (condition and security of building)
(ii) Evacuation - District 10

- 13.2 Property Matter - Sale of 14 Doyle Street, Bedford - Former Glen Moir School Site
- 13.3 Property Matter - Property Selection Harbour Solutions
- 13.4 Legal Mater - Settlement of Claim
- 13.5 Legal Matter - Settlement of Claim

The following item was deferred:

- 11.3.4 Background Security Checks

Councillor Colwell requested that the following item be added to the February 26th Regular Council agenda: Information Item #7 - Household Hazardous Waste

It was agreed to hear the presentations before the Public Hearing.

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

- 5. **BUSINESS ARISING OUT OF THE MINUTES**
- 6. **MOTIONS OF RECONSIDERATION - NONE**
- 7. **MOTIONS OF RESCISSION - NONE**
- 8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**

As agreed to during Approval of the Order of Business, Council dealt with Item 10 Correspondence, Petitions and Delegations at this time.

10. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

10.1 **Petitions**

There were no petitions served at this meeting.

10.2 **Presentation**

10.2.1 Halifax - Dartmouth Natal Day Program 2001
Doug MacDonald, Chair
Clyde Paul, Vice Chair

Mr. MacDonald and Mr. Paul made a presentation to Council regarding the Halifax-Dartmouth Natal Day Program 2001 and what is proposed for 2002. Mr. MacDonald expressed thanks to Council and everyone who supported this event.

Mayor Kelly thanked Mr. MacDonald and Mr. Paul for their presentation and their work.

Councillor Sloane acknowledged and expressed thanks to the members of the Halifax-Dartmouth Natal Committee who were present in the gallery. The Councillor also acknowledged the efforts of Mr. Andrew Cox, Coordinator Civic Events and Festivals.

10.2.2 Greater Halifax Partnership - Quarterly Report
Stephen Dempsey, President

C The Greater Halifax Partnership's Quarterly Report for the period of September 1 - December 31, 2001, was before Council for its consideration.

With the use of overheads, Mr. Stephen Dempsey presented the Greater Halifax Partnership's Quarterly Report for the period of September 1 - December 31, 2001 to Council. Copies of the presentation were circulated to Council.

Councillors Fougere and Blumenthal expressed thanks to Mr. Dempsey and to staff of the Greater Halifax Partnership.

Mayor Kelly thanked Mr. Dempsey for his presentation.

9.1 Second Reading By-Law T-119 - Respecting Taxi Limitations

C By-Law T-119 Respecting Taxi Limitations passed First Reading on January 29, 2002, and was now before Council for Second Reading.

C A report from the Taxi and Limousine Committee, dated January 21, 2002, regarding the above, was previously circulated to Council.

C A list of questions from Mr. David Withrow, regarding the above, was circulated to Council.

C A copy of the presentation made by Mr. Withrow, Mr. Flewwelling and Ms. MacIsaac-Flewwelling, regarding the above, was submitted for the record.

Mr. Wayne Anstey, Municipal Solicitor, presented the proposed By-Law T-119 Respecting Taxi Limitations to Council, noting it would amend By-Law T-108 by:

1. Increasing the maximum number of taxi owner licenses in the Halifax Zone for the year 2002 to 610;
2. Providing for the maximum number of owner licenses to increase further over the next three years in accordance with the growth rate of the Gross Domestic Product of the Province of Nova Scotia;
3. Providing for a review of the maximum number of owner licenses after three years; and,
4. Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses.

Councillor Adams requested that, following the Public Hearing, the four amendments be voted on separately.

Responding to a question of Councillor Smith regarding the GDP, Mr. Anstey explained the formula.

In response to a question of Councillor Cooper, Mr. Anstey stated the Committee believed that anyone who was in the industry before 1995 had the opportunity to get an owner's license, since there was no limitation up until that time. Therefore, the Committee felt the opportunity should be given to those who have not yet had that opportunity.

Responding to a question of Councillor Blumenthal regarding the GDP for Halifax, Mr. Anstey stated one reason the GDP for Nova Scotia was suggested was because there was some concern that the growth in Halifax would be higher. In order to provide some comfort to those that felt the growth would be too rapid, it was believed that by using the GDP for Nova Scotia the increase in the number of taxis would be lower.

Councillor Uteck requested that Mr. Anstey provide some background information regarding limitation for the benefit of the Councillors who were not on Council in 1995. Mr. Anstey explained how the limitation was set in 1995. In response to a further question of the Councillor, Mr. Anstey stated if this By-Law was approved, it would put in a mechanism for possible increases for the next three years. Councillor Adams noted if Council takes no action on this issue, the number of licenses will drop over time from 599 to 550. The effect of the proposed change will ensure the number of taxis in Halifax does not go below 610.

In response to a question of Councillor Warshick regarding brokers and dispatch centers, Mr. Anstey stated the Committee does not have the legislative authority to deal with brokers. However, it does have the legislative authority to deal with taxi licenses and driver licenses. Councillor Adams advised that the Committee will be looking to other municipalities to see how those brokers are regulated so an approach can be made to the Minister of Public Works and Transportation for some legislative changes to bring the brokers under the umbrella of the Taxi Ordinance. Responding to a further question of Councillor Warshick, Mr. Anstey stated the proposed By-Law clearly states that someone currently owning a roof light, either directly or as a shareholder of a company, cannot receive an additional owner license. With respect to the Dartmouth Zone, Mr. Anstey stated a motion was raised at the Committee level in November 2001 for an increase in the number of taxi licenses for that area, but it was defeated.

Mayor Kelly called for members of the public wishing to speak either in favour of or against proposed By-Law T-119 Respecting Taxi Limitations.

Mr. Ali Roshanimeydan, Taxi Driver

Mr. Roshanimeydan expressed concern that no members of Council attended an information session regarding this issue which was set up by the Chair of the Taxi Committee. Mr. Roshanimeydan posed several questions to which Mr. Anstey and Councillor Adams responded. Mr. Anstey advised that he has been approached by several drivers who are operating under a leased light who would like to have their own roof light. Mr. Roshanimeydan agreed there are those who would like to have a roof light but they want one from the existing roof lights and they do not want the total number increased. Councillor Adams stated he believes 610 taxis is sufficient. The Councillor stated he received a complaint today regarding the number of taxis available. With respect to the brokers not being fair in the dispatch system, Councillor Adams stated he could not comment on this as it is an issue of subjectivity. With regard to recommendations that Mr. Roshanimeydan stated he brought forward regarding brokers, Councillor Adams stated he did not recall them and, therefore, did not bring them forward to Council. The Councillor stated he has not heard complaints from drivers stating they are not making a fair living. With regard to those leasing roof lights, Councillor Adams stated only one individual came forward on the record stating he did not want the number of roof lights increased even if it meant he would receive his own roof light.

In closing, Mr. Roshanimeydan stated the tax industry will suffer by adding even one additional cab to it. The current drivers have to work 12-14 hours a day to make a decent living, which is causing a safety hazard to the drivers and the public.

Responding to questions of Councillor Johns, Mr. Roshanimeydan stated he is an independent driver and he is not a member of the United Cab Drivers' Association.

Mr. Darshan Virk, 6 Francis Court, Halifax

Mr. Virk expressed concern that copies of By-Law T-108 were not available at First Reading nor at this meeting, and that Council would be making a decision without information as to what is being replaced in the By-Law. Mr. Virk stated he does not believe there is a need for additional cabs in Halifax as the existing drivers are already struggling to make a living. Mr. Virk stated the dispatchers should be regulated and no changes should be made until that time.

Responding to a question of Councillor Adams, Mr. Virk stated he represents 400 taxi drivers.

In response to a question of Councillor Johns, Mr. Virk stated he is the agent and spokesperson for the United Cab Drivers' Association of Halifax, and he currently drives for Green Cab.

Mr. Graham Walker, Solicitor representing 18 taxi drivers

Mr. Walker urged Council not to pass the proposed By-Law in its current form. Mr. Walker stated the drivers he represents have taxi driver licenses but not owner licenses. All of his clients pay \$3,600 - \$5,000 per year to drive their cabs. Mr. Walker stated the figure of 610 licenses is arbitrary and bears no relationship to population. He noted that in 1995 when there were 667 owner licenses, the population was less than it is now. Mr. Walker stated it is his legal opinion that the drivers have a vested interest in the roof lights and their taxi license. He stated that he did not think Council could arbitrarily consider the renewal period at a time where it might decide to put a stop to what has been taking place. Mr. Walker stated it may be found that these have a value that is enforceable by the courts. Mr. Walker suggested that Council is not ready to deal with this matter as there are too many administrative problems, and he urged Council not to proceed at this stage. With regards to the formula using the GDP, Mr. Walker stated he has been advised by an economist that it is a contorted mixture of apples and oranges. With respect to issuing the additional licenses by a lottery, Mr. Walker stated this may be in violation of the Criminal Code of Canada, or it may require the consent of the Attorney General to make it legal. Mr. Walker noted there are 53 drivers who are in the same position as his clients, but some have said they do not want a roof light. With respect to the regulation of brokers, Mr. Walker stated it is his opinion that Sections 171 and 172 of the Municipal Government Act would authorize Council to regulate brokers. In closing, Mr. Walker urged Council not to proceed with this at this time.

Councillor Adams stated all 53 drivers were fully aware of the licensing situation when they entered into leasing agreements. In response, Mr. Walker agreed but stated the municipality has sanctioned these leasing activities over the years and it is his opinion that gives them a legal right to continue the practice. Councillor Adams stated the roof light itself has no value, as the value is in the customer base a driver has obtained.

Responding to a question of Councillor McInroy, Mr. Walker reiterated he believes the municipality would have some legal difficulty in immediately stopping the practice of re-leasing roof lights by the current drivers as it was known by HRM officials and nothing was done. Mr. Walker stated he believes a complete review of the entire taxi industry is needed and that a resolution could be worked out with the industry, including both drivers and brokers.

In response to a question of Councillor Cooper, Mr. Walker stated the GDP is used as a financial calculator and it is not a clear link to the number of taxis that are required, nor is population.

Mr. Anstey inquired why Mr. Walker believed Section 77 takes something away from his clients. In response, Mr. Walker questioned why they should be paying an extra \$5,000 per year when others only pay \$50 per year. He stated it is a completely unfair system. Responding to a question of Councillor Smith, Mr. Walker stated the drivers he represents have only been in the industry for five years and, therefore, will not receive one of the additional licenses being proposed.

Councillor Goucher inquired if HRM could retrieve all the roof lights and reissue them back into the industry. Mr. Anstey responded HRM has the right to do so.

In response to a question of Councillor Johns, Mr. Walker stated his clients are drivers of Casino, Yellow and Y Taxi, and, to his knowledge, they are not members of the United Cab Drivers Association.

Mr. Robert Richards, former member of the Taxi and Limousine Committee

Mr. Richards addressed Council stating the issue of the limitation of 610 should be addressed and the remaining amendments sent back for further review. Mr. Richards noted he is not represented by the United Cab Drivers' Association. Responding to a question of Mr. Richards, Mayor Kelly stated the GDP is expected to be 3.7 next year, and if the formula is adopted by Council, this would mean an additional 22 taxis next year.

Mr. David Scoville, Taxi Driver

Mr. Scoville addressed Council stated he received a taxi driver's license in 1996 and would like to have his own roof light. Mr. Scoville stated he is willing to work the busy hours but cannot do so at the current time without his own roof light.

Responding to a question of Councillor Walker, Mr. Scoville stated it was his understanding in 1996 that before any more owner licenses were issued, his class would receive them first.

Mr. Lorne Baccardax, Manager, Yellow Cab

Mr. Baccardax addressed Council in support of the proposed By-Law as it best addresses the needs of the citizens of Halifax and its visitors. Mr. Baccardax stated the By-Law will allow for growth in the industry. He noted his company is making new investments in its dispatch services which will benefit drivers by less waiting time between calls. Mr. Baccardax stated the By-Law is a compromise and a reasonable solution.

Responding to a question of Councillor Blumenthal, Mr. Baccardax stated his company is already taking steps to purchase the necessary equipment for the dispatch upgrade.

Mr. Donald Shannon, Member of the Taxi and Limousine Committee

Mr. Shannon stated he would like to keep the limit at 550 but that does not seem possible for a number of reasons. Mr. Shannon stated he believes that most drivers will still be able to make a living with a limitation of 610. Therefore, he would support the figure of 610 with some reservations. With regard to the GDP, Mr. Shannon stated that, although he seconded the motion at the Committee level, he now believes that this is not the formula that should be used. In closing, Mr. Shannon stated he sympathizes with anyone who has to pay to lease a roof light, and this situation needs to be corrected to provide a level playing field.

Mr. Brian Downey, Taxi Driver

Mr. Downey spoke in support of the proposed By-Law stating it will allow young people the opportunity to establish a career in the industry.

Mr. David Withrow, Mr. Edis Flewwelling, Ms. Jessie Maclsaac-Flewwelling

Mr. Withrow, Mr. Flewwelling and Ms. Maclsaac-Flewwelling read from prepared text, a copy of which was submitted for the record.

In response to a question of Councillor Warshick, Mr. Flewwelling stated any driver in HRM who wants to own a roof light can, but they have to drive in the County Zone. However, he noted there will a motion at the next Committee meeting to put a limit in that area as well. Mr. Flewwelling stated the proposed By-Law is unfair to those people who have worked for many years in the industry and have been able to build up their business so they no longer have to work 70-80 hours per week.

Mayor Kelly called three times for any further speakers either in favour of or against the proposed By-Law.

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

RECESS

A recess was taken at 8:30 p.m. The meeting reconvened at 8:40 p.m.

COUNCIL DECISION

In response to comments made during the Public Hearing, Councillor Adams made the following points:

- C In 1993 there were 702 taxi owner licenses compared to the 599 today.
- C The national certification would be for drivers who have the opportunity to receive a roof light, and, within one year, they will have to go through that process.
- C Population is not necessarily proportionate to the needs of the taxi industry.
- C Those drivers currently leasing roof lights were aware of the situation they were getting into.
- C With regard to leasing of roof lights, on paper it is leasing of a vehicle and it is legal.
- C The rules of order were followed in placing the issue of the GDP back on the Taxi and Limousine Committee's agenda.
- C With regard to transferability of licenses, the Councillor stated he does not, nor will not, support it.
- C The year 2000 was chosen as the baseline for GDP increases as it was thought that 2000 would be the peak year.
- C The seniority list is simply a list of every driver in Halifax. If it was limited to those that do not already hold a roof light, the list would be reduced and those that do not have a license would have the opportunity to receive one.
- C There would be problems using a system requiring that an application be submitted for a rooflight. By using a list system, it could be indicated if a driver refuses the opportunity to receive a roof light.
- C Drivers in the industry before 1995 had an opportunity to receive a roof light, and the reason they did not was not due to a decision of the City of Halifax, but rather it was for personal or economic situations.
- C The GDP may not be an accurate method to predict growth nor tied closely enough to the necessity for an increase in taxis. The Councillor urged Council to refer this item to the Committee or staff.

Mayor Kelly noted that Councillor Adams requested earlier that the amendments be voted on as four separate motions.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council approve increasing the maximum number of taxi owner licenses in the Halifax zone for the year 2002 to 610.

Councillor Walker expressed concern that Council was not provided with a copy of By-Law T-108 in the agenda package. Mr. Wayne Anstey, Municipal Solicitor, responded that since this was only dealing with one section of an approximate 40 page By-Law, in order to save paper, it was felt that copies of the entire by-law were not necessary. Councillor Walker stated the section of T-108 that was being replaced should have been provided. In response, Mr. Anstey agreed.

Councillor Stretch expressed uneasiness about the motion and stated he hopes that it is a compromise. If so, he would support it at this time.

Speaking in support of the motion, Councillor Smith reviewed the various controls the Municipality places on the taxi industry. The Councillor noted there are approximately 1,100 licensed drivers in HRM, the majority of whom do not have an owner's license but would like to obtain one. Councillor Smith stated this is from where the threat of flooding the industry with cars comes. The Councillor suggested the brokers need to come under some sort of accountability and control. With respect to the Taxi and Limousine Committee, Councillor Smith stated the interests of the various Committee members often overshadows the other. However, he noted the Committee did arrive at a compromise, and, therefore, the Councillor stated he would support the motion on the floor.

With respect to the direction being taken by Council with regard to this matter, Mr. Anstey expressed concern with the individual motions. He suggested Council could deal with this matter in either of two ways. Council could move Second Reading of the By-Law and then amend it as needed, or use the individual motions as a direction to staff to come back with a final revised By-Law, and the vote on Second Reading could be taken at that time. Mr. Anstey stated it is his understanding that the intent of Councillor Adams was not to deal with the issue of 2003-05, but to have those years reconsidered at another time. Therefore, the first recommendation would set the limit for 2002, and subsequent years, at 610. Mayor Kelly inquired if Council dealt with the four separate motions and staff came back with a revised By-Law, would another Public Hearing be required. In response, Mr. Anstey stated it would not because the substance of the By-Law would not be changed, only some parts would be eliminated. Mr. Anstey agreed that voting on the recommendations separately helps to bring focus to the issues, but, in the end, it would mean that Second Reading would probably take place next week.

Councillor Cooper suggested that Councillor Adams consider amending By-Law T-119 by putting a period after the word "time" in the second line of Section 77 (1) and deleting the rest of the paragraph, and removing the last sentence in Section 77 (2). In response, Mr. Anstey

suggested, if Council were to do this, he would suggest also eliminating the phrase "in 2002" in Section 77 (1) because it will effective for more than just 2002. He also suggested that Section 77 (2) be deleted altogether.

In response to a question of Mayor Kelly regarding the process, Mr. Anstey recommended that Council proceed with the amendments as proposed, and staff would take the individual motions as direction to come back with a reformatted By-Law. He noted that, depending on how the votes proceed, it may be possible to hold Second Reading at this meeting.

Mr. George McLellan, Chief Administrative Officer, suggested that if this By-Law is going to be amended it should be sent back to staff for clarification and brought back to Council, as would be the case for any other By-Law. Mr. McLellan expressed concern with Council making up the By-Law as it proceeds through the debate. Mr. Anstey stated there are three distinct points in this By-Law: establishing a limit for this year, a growth mechanism, and the system by which the licenses would be allocated. If the GDP issue is eliminated, it would be his opinion that Council has not necessarily departed from the intent.

Councillor Blumenthal suggested Council should only vote on the license limitation for 2002 at this time and that the remaining items be referred back to the Committee.

Speaking against the motion, Councillor McInroy stated it is his opinion that it would condone the current zone situation, and he was not convinced that this is something Council should continue on an indefinite basis. The Councillor stated he believes there is some artificiality associated with the limitations that are currently in place, and it is not coincidental that they were put in place just prior to amalgamation. Also, Councillor McInroy noted that any recommended increase for the Halifax Zone is being done in isolation of examining the other areas, and he questioned the sensibility of this. With respect to dispatch issues, the Councillor stated this has a significant effect on taxi service in metro. Councillor McInroy suggested that, if steps are being taken to improve the dispatch capabilities, it will have an impact on taxi service. For these reasons, the Councillor stated he believes it is premature to endorse any change in the current situation. Councillor McInroy spoke in support of earlier suggestions by other Councillors that there be a complete review of the taxi industry.

Councillor Cooper suggested the composition of the Taxi and Limousine Committee should be reviewed and made up of people outside the industry. With regard to the number of licenses, the Councillor stated the proposed increase will not make a lot of difference and the matter will be back before Council again for review next year. Therefore, he stated he would support the motion at this time.

Councillor Fougere inquired as to where the limitation number of 610 came. In response, Mr. Anstey stated it was a number passed by the Taxi and Limousine Committee. Councillor Fougere stated eleven additional taxis will not make an appreciable difference in the taxi

service in HRM one way or another. The Councillor stated it probably does not make a difference whether or not Council supports the change as it would be insignificant. Councillor Fougere inquired what difference this amendment is to achieve. In response, Mr. Anstey stated that with the limit set at 550 the number of licenses has been steadily decreasing. In the absence of this amendment, it will steadily decrease until it reaches 550, and while it is decreasing, no new taxi owner licenses will be issued. Mr. Anstey stated that this amendment will at least put the limit above the actual number so there will be room for a few licenses to be issued, and as more people leave the industry, there will always be room for new licenses to be issued. Therefore, the amendment creates the opportunity over time for some new roof lights to be allocated. Councillor Fougere inquired if Council set the limit at the current number of existing licenses it would have the same outcome except for the opportunity for the additional 11 new licenses.

Councillor Goucher advised that he had no problem with the limit of 610. However, he stated there is a basic problem with the licensing system, with enforcement of the licenses and the audit process so it is known who is actually using the vehicle licenses. The Councillor stated the leasing of roof lights is a serious issue and it needs to be addressed.

Responding to a question of Councillor Streach, Mr. Peter James, Regional Coordinator, By-Law Enforcement stated a staff report regarding an independent examination of the entire taxi industry can come forward to Council in three weeks. Based on this, the Councillor questioned why Council could not just deal with the motion on the floor at this time and deal with the remaining items after this report is received. Councillor Hines agreed and also spoke in support of the restructuring of the Taxi and Limousine Committee.

Speaking against the motion, Deputy Mayor Harvey stated he would support HRM getting out of the regulation of the number of roof lights. The Deputy Mayor stated HRM should only be regulating the safety of the cabs and the quality of the drivers, and the industry should be left to take care of itself. Deputy Mayor Harvey suggested that the roof lights should be bought back by HRM and distributed fairly so people who receive them use them, and, if they do not, they can be given to someone else.

With respect to the origin of the figure of 610, Councillor Adams stated it was a number he proposed at Council, and that time, it was close to the existing number of taxis. The Councillor stated that the limit of 610, in conjunction with the "use it or lose it" policies, the requirement for insurance for twelve months of the year, and the 30 day renewal period, will result in better taxi service.

Councillor Cooper inquired how the additional eleven licenses will be distributed. Councillor Adams stated this will be dealt with in the fourth recommendation which he would like to have addressed at this meeting.

The vote was then taken on the motion.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Sarto, that the following amendments to By-Law T-108 be referred to staff:

- 1. Providing for the maximum number of owner licenses to increase further over the next three years in accordance with the growth rate of the Gross Domestic Product of the Province of Nova Scotia.**
- 2. Providing for a review of the maximum number of owner licenses after three years.**

Speaking in support of the motion, Councillor Blumenthal suggested the deferral should also address the issue of transferability and the leasing of roof lights.

Councillor Walker urged Council to defeat the deferral and reject the recommendations outright as they are ill-conceived.

Speaking against the deferral, Councillor Uteck expressed concern with the number of times this issue has been before Council since 1995. The Councillor suggested the Taxi and Limousine Committee have a mediation session to resolve some of its issues.

The vote was taken on the motion of deferral.

MOTION DEFEATED.

MOVED by Councillor Walker, seconded by Councillor McInroy, that Council REJECT the following proposed amendments to By-Law T-108:

- 1. Providing for the maximum number of owner licenses to increase further over the next three years in accordance with the growth rate of the Gross Domestic Product of the Province of Nova Scotia.**
- 2. Providing for a review of the maximum number of owner licenses after three years. MOTION PUT AND PASSED.**

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council approve the following proposed amendment to By-Law T-108:

- 1. Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses.**

Councillor Adams suggested Section 77 (4) (a) should be amended to read as follows: "The name of the taxi driver first drawn by lot from the names of all *who applied for a license during that calendar year.*" On a **Point of Order**, Councillor Uteck expressed concern with last minute changes being proposed right before a vote is taken on an item, leading to confusion on the part of Council. In response, Mr. Anstey advised that the amendment being proposed by Councillor Adams would be a significant change. Based on this advice, Mayor Kelly **ruled the amendment suggested by Councillor Adams to be out of order.**

With respect to the prevention of the leasing of roof lights in the future, Councillor Adams suggested Council should tie the vehicle license to the driver. However, the Councillor noted that the majority of the members of the Taxi and Limousine Committee are not in favour of this. Mr Anstey noted the issue raised is a good one, but it is a more general issue than this particular section of the By-Law. He further noted that those receiving the eleven additional roof lights would be drivers who currently do not own roof lights, and, therefore, would be most likely to be using the roof lights themselves. In response, Councillor Adams stated he knows of one individual who will receive a roof light who is going to lease it out.

Councillor Cooper noted that Council has approved a limitation for the year 2002 only, and he inquired what will happen in 2003. The Councillor suggested this whole issue should be deferred for one month or pending the report from staff regarding the review of the industry.

MOVED by Councillor Cooper, seconded by Councillor Colwell, that Council defer Second Reading of By-Law T-119 for one month or pending the report from staff regarding the review of the entire taxi industry.

Mr. Anstey stated it was his understanding that when the first amendment was passed the words "in 2002" were to be deleted and the limit was being set at 610. He noted if the majority of Council agrees the words "in 2002" should be removed, and if Council is in agreement with the distribution mechanism in Clause 4, 5, 6, 7 and 8 of By-Law T-119, then Second Reading could take place at this meeting.

As there was some confusion as to what was included in the vote on the first amendment, and there was currently a motion on the floor, Mayor Kelly advised that Council would return to this matter to address whether or not "in 2002" should have been included.

With regard to the motion on the floor, Mayor Kelly advised Councillor Cooper that a motion to approve the fourth amendment was on the floor at the time of his motion for deferral. Therefore, the motion to defer can only be for that motion and not the entire By-Law. In response, Councillor Cooper noted a motion for Second Reading of By-Law T-119 would be required at the end of the debate, which has not yet taken place. Therefore, the Councillor clarified that this is what he is deferring. Mayor Kelly reminded Council that the Solicitor advised earlier in the meeting that Second Reading may be permitted to take place at this

meeting, pending the outcome of the vote on the fourth amendment. The Mayor reiterated that Council is now dealing with the motion to adopt the fourth amendment and inquired of Councillor Cooper if he would like his motion of deferral to be applied to that item.

Mr. Anstey confirmed the motion on the floor is addressing the fourth amendment, and, if anything is to be deferred, that is what the motion of deferral has to address. If the fourth amendment is approved, there is a possibility that Second Reading can be given at this meeting.

Councillor Cooper stated the original Notice of Motion was for Second Reading of the By-Law and the issue is now so fractured he does not believe it has any resemblance to what was originally intended by Council when it gave First Reading. Therefore, the Councillor stated he wants the entire By-Law deferred and is not prepared to only defer the fourth amendment.

(Councillor Cooper left the Chamber at this time.)

Mayor Kelly stated unless there is a motion to defer the fourth amendment only, there is no motion on the floor.

Councillor McInroy spoke against approving the fourth amendment, noting the staff report that is forthcoming will address a lot of issues that relate to this subject. The Councillor noted this additional information may help Council to come to a logical conclusion. Councillor McInroy also stated Council has some legal and moral obligation to deal with the issue of leasing of roof lights, and the fourth amendment does not adequately address it.

As Councillor Cooper had left the Chamber, Mayor Kelly inquired of the Seconder of the motion, Councillor Colwell, if it was his intent to leave the motion on the floor to defer the fourth amendment. Councillor Colwell responded in the affirmative. Based on this, Mayor Kelly stated the motion to defer the fourth amendment was on the floor at this time.

MOVED by Councillor Cooper, seconded by Councillor Colwell, that Council defer the following section of proposed By-Law T-119: *Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses, for one month or pending the report from staff regarding the review of the entire taxi industry.*

Councillor Cunningham expressed concern with Councillor Adams' statement that one individual has full intention of leasing out the roof light when it is received, and, therefore, stated he would support the deferral.

Responding to a question of Councillor Goucher, Mr. Anstey stated the issue of leasing roof lights can be brought back to Council.

In response to a question of Councillor Warshick, Mr. Anstey stated if the fourth amendment is deferred, the additional lights approved in the first amendment will not be issued as there will be no mechanism in place to do so.

Councillor Blumenthal suggested Council should not debate this issue any further until the forthcoming staff report is received in three weeks.

Responding to a question of Councillor Walker, Mr. Anstey stated the seniority list could be broken down by year after 1991 to the present, but it cannot be broken down any finer than that. Councillor Walker stated he would support the deferral.

Speaking in support of the deferral, Councillor Streach stated staff will be bringing back a report in the near future that will outline the process to look at an independent audit of the entire taxi industry.

Also speaking in support of the deferral, Councillor Sarto stated it will accomplish the setting up of a mechanism to issue roof lights.

Speaking against the deferral, Councillor Adams noted no changes have been made to the fourth amendment since First Reading. With regard to comments made about the Taxi and Limousine Committee, the Councillor defended the actions of the Committee stating it has respect for what it is trying to accomplish. Councillor Adams expressed concern with Council making an assessment of the Committee based solely on the comments of a few individuals.

Councillor Smith stated the Committee bent over backwards to come up with a compromise to provide an increase in the number of taxis as there was an impression given by Council that it wanted an increase.

The vote was then taken on the deferral of the fourth amendment.

MOTION DEFEATED.

The motion to adopt the fourth amendment was back on the floor.

Councillor Mosher suggested a proviso should be added to the motion that the roof light and the vehicle license be tied to a driver and used for their own personal use, and that the driver be required to sign an affidavit stating that would be the case.

Speaking in support of the motion, Councillor Goucher noted there are other issues that also need to be addressed.

Responding to a question of Councillor Blumenthal, Mr. Anstey stated if the fourth amendment, or something similar, is not adopted than the first amendment to increase the number of licenses will be useless.

MOVED by Councillor Mosher that the motion be amended by adding the proviso that the new eleven licenses be assigned to a driver and they must use it themselves or sign an affidavit stating that the driver will personally use the license.

There was no seconder to the motion. A brief discussion ensued, and the Mayor **ruled the motion out of order.**

As it was now 10:00 p.m., the following motion was put on the floor:

MOVED by Councillor Adams, seconded by Councillor Walker, that the meeting extend beyond 10:00 p.m. MOTION DEFEATED.

The meeting adjourned at 10:00 p.m.

The following items were deferred to February 26, 2002:

- 9.1 Council Decision - Second Reading By-Law T-119 - Respecting Taxi Limitations
- 11.1.1 North West Community Council - The Barrens - Bedford
- 11.2.1 Case H00072 Heritage Registration Hearing, 20 Hester Street, Dartmouth
- 11.2.2 Case H00073 Heritage Registration Hearing, 1137 Ketch Harbour Road
- 11.3.1 Tender 02-206 - Traffic Signal Upgrades - Quinpool Road
- 11.3.2 Tender 01-325 - Sanitary Manhole Infiltration Reduction Program, 2001 Projects and 2002 Pricing Agreement, Various Locations
- 11.3.3 Single-Source Contracting of SAP Canada
- 11.3.4 Background Security Checks - deferred indefinitely
- 11.3.5 Crosswalk Fines & Enforcement
- 11.3.6 First Reading By-Law T-208 Respecting Tax Exemptions - St. Thomas More Church
- 11.4.1 Councillor Goucher - Amendments to Municipal Government Act-Respecting Reduced Speed Zones (info report Jan. 15)
- 11.4.2 Councillor McInroy - MacPass Usage (info report Feb.12)
- 11.4.3 Councillor Uteck - French Immersion Program at L'Ecole Beaufort
- 13.1 Councillor Cunningham
 - (i) Greenvale School Fire - (condition and security of building)
 - (ii) Evacuation - District 10
- 13.2 Property Matter - Sale of 14 Doyle Street, Bedford - Former Glen Moir School Site
- 13.3 Property Matter - Property Selection Harbour Solutions
- 13.4 Legal Mater - Settlement of Claim

13.5 Legal Matter - Settlement of Claim

Vi Carmichael
Municipal Clerk