

**HALIFAX REGIONAL MUNICIPALITY**

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**HALIFAX REGIONAL COUNCIL  
JANUARY 11, 2005  
MINUTES**

**PRESENT:**

Mayor Peter J. Kelly  
Deputy Mayor Goucher  
Councillors: Steve Streach  
Krista Snow  
David Hendsbee  
Harry McInroy  
Gloria McCluskey  
Andrew Younger  
Bill Karsten  
Becky Kent  
Jim Smith  
Mary Wile  
Patrick Murphy  
Dawn Sloane  
Sue Uteck  
Sheila Fougere  
Russell Walker  
Debbie Hum  
Linda Mosher  
Stephen D. Adams  
Brad Johns  
Robert P. Harvey  
Reg Rankin  
Gary Meade

**STAFF:**

Mr. George McLellan, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Jan Gibson, Municipal Clerk  
Ms. Patti Halliday, Legislative Assistant

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**1. INVOCATION**

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

**MOMENT OF SILENCE**

A **Moment of Silence** was observed in memory of those who died in the recent Tsunami disaster.

**ACKNOWLEDGEMENTS**

Councillor Hendsbee acknowledged the presence in the gallery of Ms. Mayann Francis, Director and CEO, Nova Scotia Human Rights Commission.

Councillor Mosher read into the record a letter from the Regional Taxi and Limousine Committee in recognition of the long and dedicated work of Councillor Adams during his term on the Committee from 1996 to 2004.

**2. APPROVAL OF MINUTES - December 7 & 14, 2004**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of December 7 & 14, 2004 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

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

The following items were added to the agenda:

- 12.1 Advisory Committee for Persons with Disabilities - Self Service Gas Pumps
- 12.2 Correspondence from Tree Canada Foundation re: The Adoption of a Resolution by Council on Conservation of Urban Forests

Due to illness, Councillor Sloane requested that Item 5 - Motions of Reconsideration be deferred until January 18, 2005. Council agreed to the request.

(Councillor Sloane left the meeting at this time.)

**MOVED by Deputy Mayor Goucher, seconded by Councillor Karsten, that the Agenda be approved, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION**

5.1 **Councillor Sloane - Grand Parade Parking**

*"To reconsider the motion adopted by Council on December 14, 2004 regarding Item 10.1.10 - Grand Parade Parking."*

During Approval of the Order of Business, this item was deferred to January 18, 2005.

5.2 **Councillor Sloane - Administrative Order Twenty-Eight**

*"To reconsider the motion adopted by Council on December 14, 2004 respecting Administrative Order Twenty-Eight, the Peninsula Community Council Administrative Order."*

During Approval of the Order of Business, this item was deferred to January 18, 2005.

6. **MOTIONS OF RESCISSION - NONE**

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

8. **PUBLIC HEARINGS**

8.1 **Administrative Order SC-38 Respecting Closure of a Portion of Bland Street, Halifax**

C A staff report dated December 9, 2004 was before Council for its consideration.

Mr. Tom Crouse, Team Leader, Real Property and Asset Management, presented the staff report to Council.

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

**MOVED by Councillor Uteck, seconded by Councillor Karsten, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**COUNCIL DECISION**

**MOVED by Councillor Uteck, seconded by Councillor Fougere, that Council approve Administrative Order SC-38 Respecting Closure of a Portion of Bland Street, Halifax,**

**as shown on Attachment A of the staff report dated December 9, 2004.**

For the record, Councillor Uteck stated she did not believe this portion of land should have been offered at fair market value.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions**

**9.2.1 Councillor Younger - Renaming of a Portion of Caledonia Road**

Councillor Younger served a petition from residents of Caledonia Road requesting that the portion of that street between Appian Way and Montebello Road be renamed Breeze Drive.

**9.3 Presentation**

**9.3.1 Accessible Taxis - Lauchie Rutt, Executive Director, Canadian Paraplegic Association**

Mr. Lauchie Rutt, Executive Director, Canadian Paraplegic Association, made a presentation to Council regarding accessible taxis. In his presentation, Mr. Rutt made the following points:

- C The Association wrote to the Taxi and Limousine Committee two years ago requesting that a stakeholder group be put together to discuss the issue of accessible taxis with a goal to get more on the street.
- C Most major cities have accessible taxis and HRM is behind in this regard.
- C The Taxi and Limousine Committee does not appear to want to take this role so it may be left to Council as a whole.
- C In his opinion, the report from the Taxi and Limousine Committee on this issue appears to be based more on personal opinions than on research. Council should reject the report and instruct staff to research expertise in other communities and adopt a model based on those benchmarks.
- C Some options he has observed in other municipalities include: subsidies per ride, capital cost allowances for operators going into the business, zero or minimal cost licensing to help offset capital costs, etc.

Councillor Adams noted the Municipal Government Act does not allow HRM to offer subsidies

to private enterprise. However, it can provide funding to Metro Transit for this particular operation. Councillor Adams stated the demand for accessible taxis does not exist in HRM. In response, Mr. Rutt suggested it may be more cost-effective for HRM to seek legislative changes to allow subsidies than to move the service to Metro Transit.

Councillor McCluskey stated this is an issue that needs to be addressed as soon as possible and seeking legislative changes may be time consuming. The Councillor stated she believes Metro Transit exists to accommodate all people, not just the physically able, and she questioned why Mr. Rutt believes Metro Transit cannot provide this service. In response, Mr. Rutt stated Metro Transit's expertise is in the area of mass transit and busing. Expertise in accessible taxis would need to be developed which also takes time.

Councillor Mosher requested that Item 10.2.1 be moved up on the agenda to be addressed at this time. Council agreed.

## **10.2 REGIONAL TAXI AND LIMOUSINE COMMITTEE**

### **10.2.1 Accessible Taxis**

C A report from the Taxi and Limousine Committee, dated January 4, 2005, was before Council for its consideration.

C Statistical information from Access a Bus was circulated to Council.

**MOVED by Councilor Mosher, seconded by Councillor Snow, that accessible taxis be provided through Metro Transit; and, further, that HRM look to all levels of government to assist with the establishment of such a service for disabled persons throughout Nova Scotia.**

Councillor Mosher noted some concerns with respect to accessible taxis being provided through the taxi industry as there are no zone limitations on accessible taxis and they are not required to complete national certification. The Councillor stated she did not think HRM should be forcing the taxi industry to provide this service. Councillor Mosher inquired if HRM has the authority to allow Metro Transit to offer individual taxi service. In response, Mr. Wayne Anstey, Municipal Solicitor, stated it is his understanding that Metro Transit currently operates a similar service through contract with at least one taxi company. Metro Transit pays the vehicle owner to carry individuals, and the individual is only required to pay the regular Metro Transit fare. Councillor Mosher stated she would like to see ridership and availability data for this service to see if this service could be continued.

Mr. George McLellan, Chief Administrative Officer, stated staff have already been discussing

this issue and, hopefully, staff could have a report in two weeks which would recommend an approach for the upcoming budget.

Based on Mr. McLellan`s response, the Mover and Seconder agreed to amend the motion as follows:

**MOVED by Councillor Mosher, seconded by Councillor Snow, that Council direct staff to come back with an approach for the upcoming budget to provide accessible taxis through Metro Transit; and, further, that HRM look to all levels of government to assist with the establishment of such a service for disabled persons throughout Nova Scotia.**

Councillor Younger stated he could not support seeking an amendment to the MGA to allow for subsidies because that may set a precedent for HRM to subsidize all types of businesses. The Councillor stated if this service is to be provided through Metro Transit, the patron should be charged a taxi fare as that is the service being provided. Otherwise, he stated this service will detract users of the Access-a-Bus service.

Councillor Murphy suggested a combination of different organizations, such as Walter Callow, and private individuals could fulfill the need for this service.

Councillor McCluskey stated she firmly believes this service belongs with Metro Transit and a solution needs to be reached quickly. The Councillor noted HRM is losing opportunities, such as hosting conferences, because it does not provide adequate transportation services for the disabled.

Councillor Karsten asked staff to consider the large constituency of disabled people in HRM. The Councillor stated HRM needs to be aggressive in this issue, and he suggested staff should consider the model used in Ottawa.

Councillor Smith stated HRM also needs assistance from other levels of government with respect to this matter, noting it is a health issue. The Councillor questioned how many taxis Metro Transit would need to run to accommodate all disabled people, noting there would never be enough to completely satisfy all users.

Councillor Harvey suggested Council needs to give staff more specific direction regarding how this service will be provided. The Councillor noted the service has already been discontinued for two months and something needs to be done now. As a short term solution, Councillor Harvey suggested the existing accessible taxi vehicles could be reactivated in the interim until such time the issue is resolved.

Mr. McLellan stated staff would be back to Council with an action plan regarding this issue by

the first of February at the latest. It would be their intent at that time to provide recommendations that would be activated with the budget. Mr. McLellan reminded Council that every dollar spent by HRM on this issue is a dollar not spent elsewhere.

Councillor Fougere expressed concern with the part of the motion referring to ``HRM should look to all levels of government to assist`` and suggested when staff come back to Council with an approach to take it should include a more full investigation as to who, what and how. Councillor Fougere also suggested a letter should be written to the Chamber of Commerce Transportation Committee to task them with any suggestions they may have in regard to a long term approach to a solution.

Councillor Uteck agreed with Councillor Harvey that something needs to be done right away. The Councillor stated she could not support putting provision of this service on Metro Transit as it should be with the private sector with incentives. Councillor Uteck also spoke in support of seeking the appropriate changes to the MGA.

Councillor Meade referenced the Access-a-Bus statistical information provided to Council noting the Access-a-Bus had a 93 percent success rate last year.

Councillor Hendsbee stated he would like to see the mandate of the Access-a-Bus service expanded outside of the urban core.

Councillor Adams stated there is a demand for accessible transit because it does not fulfill the need of all the passengers requiring it. With respect to accessible taxis, the Councillor agreed there is a need for the service but not at the price that is charged.

Councillor Snow suggested this service needs to be provided to all of HRM, not just a portion, noting Transit may not be an answer for the districts that do not have Metro Transit service.

Councillor Johns suggested bringing a retired 2002 Access-a-Bus back into service as an accessible taxi is a potential solution that could be examined by staff.

Councillor Wile stated the excessive charges by accessible taxis needs to be examined as some are taking advantage of the disabled. The Councillor suggested fixed rates need to be established.

Councillor Murphy reiterated that the Nova Scotia Department of Health has a role to play in this issue and this needs to be taken into consideration.

Closing the debate, Councillor Mosher stated income was lost from private accessible taxis when nursing home contracts were lost due to the purchase of facility vehicles. The Councillor inquired if HRM gets compensation for the transportation by Access-a-Bus of dialyses

patients. Councillor Mosher agreed with others that this is an urgent issue, but she stated Council needs to look at reality and action is required by the Province.

**MOTION PUT AND PASSED.**

**10. REPORTS**

**10.1 CHIEF ADMINISTRATIVE OFFICER**

**10.1.1 Taxi and Limousine Committee**

C A staff report dated January 6, 2005 was before Council for its consideration. The report recommended that *the Taxi and Limousine Committee as well as the Hotel Standards Committee be disbanded and that staff be directed to arrange for the introduction of the necessary legislation amendments to accomplish that end.*

Councillor Walker expressed concern that the two committees were not asked for their input on this issue, and, therefore put forth the following motion:

**MOVED by Councillor Walker, seconded by Councillor Hum, that this matter be referred back to staff for a report following consultation with both the Taxi and Limousine Committee and the Hotel Standards Committee, regarding the feasibility of combining both Committees.**

Speaking in support of the motion, Councillor Adams agreed it would be appropriate to consult the members of both committees and ask for their recommendations.

Councillor Wile spoke in support of the work of the Hotel Standards Committee and agreed they need to be consulted in this matter.

Speaking against the motion, Councillor Harvey stated the staff recommendation is the first step to rationalize HRM and Council's relationship with the taxi industry.

Councillor McCluskey stated she supported the motion but suggested a resident representative should be consulted as well.

Speaking against the motion, Councillor Johns referenced the comments in the staff report with respect to the Taxi and Limousine Committee focussing on the financial self-interests of the owners and operation rather than the interest of the public.

Speaking in favour of the motion, Councillor Mosher agreed further dialogue with Committee

members is needed.

Deputy Mayor Goucher stated he could not support the motion on the floor, but would support the staff recommendation, noting HRM is in the minority compared to other municipalities across Canada with respect to regulation of the taxi industry

Councillor Smith stated it was his personal opinion that the current Taxi and Limousine Committee is dysfunctional. However, he stated some kind of committee is needed, but perhaps it should be based on a model of all residents.

Councillor Adams agreed with Councillor Walker that the industry needs to be consulted to see what would serve them best as they deserve the opportunity to recommend something that will help serve their interests.

Councillor Mosher suggested there needs to be consistency when making comparisons between HRM and other municipalities on issues. The Councillor questioned the prominency of the municipalities quoted in the staff report. Councillor Mosher suggested perhaps the mandate of the committee's could be adjusted to address concerns.

Councillor Murphy noted sometimes there are competing interests between the hotel standards and the taxi standards.

Closing the debate, Councillor Walker stated the committees deserve the decency to be asked their opinion as to what they feel is the best to meet the interests of both committees.

**A Recorded Vote** was taken. **MOTION PUT AND PASSED.**

Members of Council voting **in favour** of the motion: Councillors: Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Murphy, Uteck, Fougere, Walker, Hum, Mosher, Adams and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Johns, Harvey and Rankin.

(Councillor Sloane was absent.)

**10.1.2 First Reading - By-Law S-416, An Amendment to By-Law S-400, Respecting Local Charges for Street Improvements Outside the Core**

C A staff report, dated December 3, 2004, was before Council for its consideration.

**MOVED by Councillor Meade, seconded by Councillor Hendsbee, that By-Law S-416,**

An Amendment to By-Law S-400, Respecting Local Charges for Street Improvements Outside the Core be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.

**10.1.3 First Reading - By-Law T-214, an Amendment to By-Law T-201, Respecting Grant Appeals 2004-2005**

C A staff report, dated December 6, 2004, was before Council for its consideration.

**MOVED By Councillor Walker, seconded by Councillor Karsten, that By-Law T-214, an Amendment to By-Law T-201, Respecting Grant Appeals 2004-2005, be given First Reading. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 REGIONAL TAXI AND LIMOUSINE COMMITTEE**

**10.2.1 Accessible Taxis**

This item was addressed earlier in the meeting.

**10.3 PENINSULA COMMUNITY COUNCIL**

**10.3.1 Establishment of Task Force to Oversee Halifax Common**

C Correspondence from Councillor Fougere, Chair, Peninsula Community Council, dated January 4, 2005, was before Council for its consideration.

**MOVED by Councillor Fougere, seconded by Councillor Johns, that this be referred to staff for a report regarding a potential terms of reference and the feasibility of a task force to oversee the Halifax Common in light of potential changes that are foreseeable in the near future.**

Councillor Hendsbee requested the old Halifax Common master plan be referenced in preparation of this report.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**10.4 MEMBERS OF COUNCIL**

**10.4.1 Councillor McCluskey - Proposed Development of a Lake Protection Strategy for HRM**

Councillor McCluskey requested the immediate development of a lake protection strategy. The Councillor stated this is a result of what she has observed happening to HRM lakes, and, more particularly, the 23 lakes in Dartmouth. Councillor McCluskey noted the extensive work conducted by the Soil and Water Conservation Society of Metro Halifax shows that the most stressed lakes in HRM are in the Dartmouth/Cole Harbour area. Development is taking place on the shores of the lakes, resulting in silt (the most insidious of all pollutants) being poured into the lakes.

Councillor McCluskey also expressed concern regarding the abundance of phosphorus in the lakes and the damage it creates. The Councillor further stated that the present development around Morris/Russell Lake, as well as a run-off from the development across from Penhorn Mall, is causing silt to run into the lake. Councillor McCluskey noted that part of the CDA for Morris/Russell Lake has the developer selling one-half of the lots bordering Russell Lake as private lakefront lots, and stated she strongly objects to this as it is one way HRM loses control over the protection of its lakes.

Councillor McCluskey stated HRM needs a limnologist on staff as well as others that have the knowledge and expertise required to protect HRM's lakes, rivers and streams. She noted that the Save Our Lakes Coalition provided staff with a list of ways to start lake protection which she briefly reviewed. Councillor McCluskey also reviewed some of the work conducted by the Soil and Water Conservation Society of Metro Halifax with regard to HRM lakes and stated they deserve a vote of thanks.

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that staff of Environmental Management Services be requested to actively pursue a lake protection strategy to protect lakes in the Halifax Regional Municipality, and, more specifically, the 23 lakes located in Dartmouth.**

In discussion of the motion, some points raised by members of Council were as follows:

- C The strategy needs to address all HRM lakes as well as other bodies of water.
- C There is an HRM regional watershed management study which has been on-going and circulated to Council several years ago. Advisory committees also have active studies.
- C A baseline test of every lake in HRM is needed to know the state of the lakes before development takes place so the effect of any development can be determined.
- C Watershed boundaries may be more appropriate boundaries for municipal planning strategies.
- C The right mechanism to enforce by-laws and environmental regulations needs to be found.
- C There should be stricter guidelines and consequences for developers who harm watercourses.

C This issue of zoning around lakes needs to be examined.

With respect to developments affecting Morris/Russell Lake, Councillor Karsten clarified there is only one development currently taking place which would have an affect on the lake, and the proposed future developments have a lot of strict areas within the development plan that would ensure protection of the lakes. However, he noted enforcement of these regulations is required by HRM and the Province to ensure the lakes are protected.

Mr. Brad Anguish, Director, Environmental Management Services, stated staff have blended the results of the Watershed Resource Management Study with the Regional Planning objectives. Elements of that plan are coming forward for Council's consideration in this year's budget.

Mr. George McLellan, Chief Administrative Officer, advised Council that Dr. Tony Blouin, Manager, Environmental Policy, is a qualified limnologist. With respect to Regional Planning, Mr. McLellan stated the watershed management concerns have been raised to a new level through the Regional Planning process, and staff have worked closely with the watershed advisory groups and continue to do so.

Following further discussion, the following motion was put:

**MOVED by Councillor Smith, seconded by Councillor Goucher, that this matter be referred to staff for a report.**

In response, Mr. Anguish reassured Council that staff have listened to the concerns and all the issues being raised regarding this matter are in the capital plan for EMS, Public Works, and Regional Planning. He advised Council that on January 25, 2005, staff will be providing an update on the Harbour Solutions project at Committee of the Whole, and if at that time, staff does not provide Council with the comfort level it needs to show they have a plan in place, staff could then be directed to provide a report.

Based on Mr. Anguish's comments, **the motion to refer was withdrawn.**

Addressing some concerns expressed regarding the phrase "and, more specifically, the 23 lakes located in Dartmouth" in the motion, the Mover and Secunder agreed to amend the motion to read as follows:

**MOVED by Councillor McCluskey, seconded by Councillor Snow, that staff of Environmental Management Services be requested to actively pursue a lake protection strategy to protect lakes in the Halifax Regional Municipality.**

Following further debate, the vote was taken.

**MOTION DEFEATED.**

**11. MOTIONS**

**11.1 Councillor Younger - Amendment to Administrative Order One**

**MOVED** by Councillor Younger, seconded by Councillor Hendsbee, that Administrative Order Number One be amended as follows:

**S. 64**

**(6) A motion may be made during Committee of the Whole to refer any matter being discussed to the next or other future meeting of Council for further debate. An affirmative vote on the motion to refer will cease further debate on the matter at Committee of the Whole, and the matter shall become an added item without recommendation at the next or other future meeting of Council as determined by the Committee.**

**(7) Recommendations to Council approved by the Committee of the Whole shall be brought forward as an added item for approval by Council in session immediately following dissolution of the Committee of the Whole, or at such future meeting of Council as determined by the Committee, and the rules of procedure will apply to the adoption of such recommendations by Council, provided, however, that subject to subsection (8), the motion to adopt such recommendations shall not be debated.**

**(8) A motion to debate a recommendation of the Committee of the whole at Council shall be approved by a two-thirds majority of the members of Council in attendance at the meeting of Council at which the Motion is put. The motion to debate a recommendation is not debatable.**

Following debate of the motion, a **Recorded Vote** was taken. **MOTION DEFEATED.**

Members of Council voting **in favour** of the motion: Councillors: Hendsbee, Younger, Kent, Wile, Uteck, Harvey, Rankin and Meade.

Members of Council voting **against** the motion: Mayor Kelly, Deputy Mayor Goucher, Councillors: Streach, Snow, McInroy, McCluskey, Karsten, Smith, Murphy, Fougere, Walker, Hum, Mosher, Adams and Johns.

(Councillor Sloane was absent.)

**12. ADDED ITEMS**

**12.1 Advisory Committee for Persons with Disabilities - Self Service Gas Pumps**

C A report from the Advisory Committee for Persons with Disabilities, dated December 14, 2004, was before Council for its consideration.

**CONFLICT OF INTEREST**

Councillor Rankin declared a **Conflict of Interest** on this matter and removed himself from the discussion and vote.

**MOVED by Councillor Meade, seconded by Councillor Sloane, that Regional Council contact the Nova Scotia Utility and Review Board and any other agencies in relation to gas pump regulations to express concern with the growing trend toward self service gas pumps. Further, that organizations such as LEO (League for Equal Opportunities) and the provincial Disabled Persons Commission be copied on this correspondence. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Correspondence from Tree Canada Foundation re: The Adoption of a Resolution by Council on Conservation of Urban Forests**

C Correspondence from Tree Canada Foundation, received on December 15, 2004, was before Council for its consideration.

**MOVED by Councillor McInroy, seconded by Deputy Mayor Goucher, that the correspondence be referred to staff for review. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION**

**13.1 Councillor Younger - Proposed Amendments to Bill C-266**

TAKE NOTICE that at the next regular meeting of Regional Council to be held on January 18, 2005, I intend to introduce a motion as follows:

That in this year, the 60th anniversary of the end of the Second World War, citizens and Regional Council of the Halifax Regional Municipality endorse proposed amendments of Bill C-266 of the Federal Parliament of Canada - which is an act to provide for the issuance of the Memorial Cross as a memento of personal loss - to extend the Memorial Cross award beyond the mother, to the father of the soldier, airman, or crew who dies in the line of duty.

**13.2 Councillor Uteck (for Councillor Sloane) - Administrative Order SC-37**

TAKE NOTICE that at the next regular meeting of Regional Council to be held on January 18, 2005, I propose to introduce a motion for the introduction by Council as a Policy pursuant to Section 315 of the Municipal Government Act, Administrative Order SC-37, the purpose of which is to effect closure of a portion of Maitland Street, Halifax, NS.

**14. ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 p.m.

Jan Gibson  
Municipal Clerk