

HALIFAX REGIONAL COUNCIL

HALIFAX REGIONAL COUNCIL
MINUTES
August 2, 2005

PRESENT:

Mayor Peter Kelly
Deputy Mayor Len 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
Stephen Adams
Brad Johns
Robert Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillor Linda Mosher

STAFF:

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

TABLE OF CONTENTS

1.	INVOCATION	04
2.	APPROVAL OF MINUTES - June 28 & July 5, 2005	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	04
5.	MOTIONS OF RECONSIDERATION - NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	04
8.	PUBLIC HEARINGS	
8.1	By-Law T-134 - An Amendment to By-Law T-100 Respecting the Taxi and Limousine Committee	16
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Correspondence - None	05
9.2	Petitions	05
10.	REPORTS	
10.1	CHIEF ADMINISTRATIVE OFFICER	
10.1.1	Tender 05-111, Sackville Transit Terminal	05
10.1.2	Tender 05-244, Dorey Avenue, Burnside Park Phase 11-4	06
10.1.3	Tender 05-247, Paving Renewal, Sanitary Sewer and Water Main Replacement, Chestnut Lane	07
10.1.4	Tender 05-260, Commodore Drive Extension and Phase 11-3 Grading Burnside Business Park	07
10.1.5	Tender 05-261, Paving Renewal Springvale Avenue	08
10.1.6	Tender 05-267, Mount Hope Interchange (Highway111)	09
10.1.7	Administrative Order #36, 2005 Temporary Tax Credit	09
10.1.8	Capital Budget Increase - Cost Sharing, Berry Hill Park Basketball Park Basketball Court & Gravel Parking Area, South Woodside School, Crichton Park School Playground	09
10.1.9	Dartmouth Community Integration Fund - Trail	

	Construction Award	10
10.1.10	Cole Harbour Place - Loan Approval	10
10.1.11	Appointment of Development Officer	11
10.1.12	Naming of Nick Meagher Community Park	11
10.1.13	First Reading By-Law H-402, An Amendment to By-Law H-400, Respecting Marketing Levy Adjustments - Major Facilities Reserve	11
10.2	HERITAGE ADVISORY COMMITTEE	
10.2.1	Case H00163 - Application for Registration of William Black Memorial Church, 10515 Peggy's Cove Rd	12
10.2.2	Case h00169 - Application for Registration of Beechville United Baptist Church and Cemetery	12
10.3	GRANT COMMITTEE	
10.3.1	By-Law T-216, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations 2005-2006 - New Applications	12
10.3.2	HRM Community Grants Program 2005-2006 - Appeals	12
10.4	MEMBERS OF COUNCIL	
10.4.1	Councillor McInroy - Air Travel Disruptions Halifax International Airport - Impact on HRM	13
11.	MOTIONS	13
12.	ADDED ITEMS	
12.1	Councillor Rankin - Peggy's Cove Sewer	13
12.2	Property Matter - Parcel HRWC-1 to HRM and Parcel HWC-33 to Halifax Regional Water Commission	13
12.3	Settlement of Claim Against HRM	14
12.4	Project 00808 - Capital Cost Contribution - Russell Lake West	14
12.5	Councillor Kent - Woodside Ferry Terminal	14
12.6	Councillor Streach - Rural Bus Service	14
13.	NOTICES OF MOTION	15
14.	ADJOURNMENT	20

1. INVOCATION

The meeting was called to order at 3:00 p.m. with the Invocation being led by Councillor Streach.

2. APPROVAL OF MINUTES - June 28 & July 5, 2005

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey, that the minutes of June 28 & July 5, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Rankin - Peggy's Cove Sewer
- 12.2 Property Matter - Parcel HRWC-1 to Halifax Regional Municipality and Parcel HWC-33 to Halifax Regional Water Commission
- 12.3 Settlement of Claim Against Halifax Regional Municipality
- 12.4 Project 00808 - Capital Cost Contribution - Russell Lake West
- 12.5 Councillor Kent - Woodside Ferry Terminal
- 12.6 Councillor Streach - Rural Bus Service

Councillor Karsten requested a letter of congratulations be sent to the Natal Day Committee, especially the Chair Clyde Paul and Co-Chair Lloyd Rosee.

Councillor Murphy requested a letter of congratulations be sent to Sidney Crosby.

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

4. BUSINESS ARISING OUT OF THE MINUTES

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 By-Law T-134 - An Amendment to By-Law T-100 Respecting the Taxi & Limousine Committee

This item was addressed at a later point in the meeting. (See page 16)

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions

9.2.1 Councillor Streach

Councillor Streach served a petition on behalf of the residents of West Jeddore Road requesting the removal of streetlighting from that location.

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Tender 05-111, Sackville Transit Terminal

- A report dated July 25, 2005, on the above noted, was before Council.

MOVED by Councillor Harvey, seconded by Councillor Johns, that Council:

- 1. Award Tender No. 05-111, Sackville Transit Terminal - Central Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$1,405,602 including net HST from Capital Account No. CB300628, Bus Rapid Transit Showcase and CB200452, HRM Heritage Building Upgrades, with funding authorized as per the Budget Implication section of the July 25, 2005 report.**
- 2. Appoint O'Halloran Campbell Consultants Limited to provide construction inspection services for an estimated fee of \$50,284 including net HST from**

Capital Account No. CB300628, Bus Rapid Transit Showcase, with funding authorized as per the Budget Implications section of the July 25, 2005 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Tender 05-244, Dorey Avenue, Burnside Park Phase 11-4

- A report dated July 15, 2005, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Karsten, that Council:

- 1. Approve an increase in the Gross Budget for Capital Account No. CQ300741, Burnside Phase 11 in the amount of \$500,000 with funding as a withdrawal from Business Park Capital Reserve Account Q121;**
- 2. Approve an increase in the Gross Budget for Capital Account No. CQ300741, Burnside Phase 11 by \$35,412 with no change to the Net Budget to reflect the cost sharing of the installation of a natural gas pipeline from Heritage Gas;**
- 3. Award Tender No. 05-244, Dorey Avenue, Burnside Business Park Phase 11-4 Development to Dexter Construction Ltd. for materials and services listed at the unit prices quoted for a tender price of \$1,572,480 including fully recoverable HST, from Capital Account No. CQ300741, Burnside Phase 11, with funding authorized as per the Budget Implications section of the report dated July 15, 2005;**
- 4. Approve the appointment of CBCL Ltd. for construction inspection services for an estimated fee of \$89,655 including fully recoverable HST, from Capital Account No. CS300741, Burnside Phase 11, with funding authorized as per the Budget Implications section of the report dated July 15, 2005;**
- 5. Authorize a payment of \$27,942 including fully recoverable HST to Nova Scotia Power Inc, for the extension of overhead electrical transmission lines from Capital Account No. CQ300741, Burnside Phase 11, with funding authorized as per the Budget Implications section of the report dated July 15, 2005;**
- 6. Approve the appointment of Jacques Whitford Ltd. for construction inspection and lot certification for an estimated fee of \$55,000 including fully recoverable HST, from Capital Account No. CQ300741, Burnside Phase 11, with funding authorized as per the Budget Implications section of the report dated July 15,**

2005.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.3 Tender 05-247, Paving Renewal, Sanitary Sewer and Water Main Replacement, Chestnut Lane

- A report dated July 22, 2005, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Snow, that Halifax Regional Council:

- 1. Approve an increase in the Gross Budget for Capital Account No. CYU00716, Paving Renewal Program, by \$66,568, to reflect cost sharing of the cost of the water main renewal on Chestnut Lane with no change in the Net Budget.**
- 2. Award Tender No. 05-247, Paving Renewal, Sanitary Sewer and Water Main Replacement, Chestnut Lane - East Region, to Amber Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$298,253 including net HST from Capital Account No. CYU00716 Paving Renewal Program, Capital Account No. CGI00677 Sanitary Sewer Renewal and Capital Account No. CGU00461 Sewer Lateral Replacements, with funding authorized as per the Budget Implications section of the July 22, 2005 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Tender 05-260, Commodore Drive Extension and Phase 11-3 Grading Burnside Business Park

- A report dated July 11, 2005, on the above noted, was before Council.

MOVED by Councillor Younger, seconded by Councillor Walker, that Council:

- 1. Award Tender No. 05-260, Burnside Business Park Commodore Drive Extension and Phase 11-3 Grading to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a tender price of \$1,962,386 including fully recoverable HST, from Account No. CQ300741, Burnside Phase 11 with funding authorized as per the Budget Implications section of the July 11, 2005 report.**
- 2. Approve the appointment of CBCL Ltd. for contract administration and construction inspection services for an estimated fee of \$102,115 including fully recoverable HST, from Capital Account No. CQ300471, Burnside Phase**

- 11, with funding authorized as per the Budget Implications section of the July 11, 2005 report.
3. Authorize a payment of \$167,000 including fully recoverable HST to Nova Scotia Power Inc. for the installation or permanent underground electrical transmission lines from Capital Account No. CQ300741, Burnside Phase 11, with funding authorized as per the Budget Implications section of the July 11, 2005 report.
 4. Approve the appointment of Jacques Whitford Ltd. for construction inspection and lot certification for an estimated fee of \$15,000 including fully recoverable HST, from Capital Account No. CQ300741, Burnside Phase 11 authorized as per the Budget Implications section of the July 11, 2005 report.
 5. Approve an increase in the Gross Budget for Capital Account No. CQ300741 Burnside Commodore Drive Extension and Phase 11-3 Grading, by \$30,341 to reflect cost sharing to cover the cost of the gas line installation on Commodore Drive Extension from Heritage Gas with no change in the Net Budget.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.5 Tender 05-261, Paving Renewal Springvale Avenue

- A report dated July 20, 2005, on the above noted, was before Council.

MOVED by Councillor Adams, seconded by Deputy Mayor Goucher, that Council:

1. Approve the recovery of Local Improvement Charges (LIC) for the new concrete sidewalk on Springvale Avenue - West Region by levy of frontage charges, at the rate estimated in By-Law S-418.
2. Authorize a payment of \$5,171 including net HST to Canadian National Railways (CNR) for a flagging crew to be on site from Capital Account No. CYU00716, Paving Renewal Program, with funding authorized as per the Budget Implications section of the July 20, 2005 report.
3. Award Tender No. 05-261, Paving Renewal, Springvale Avenue - West Region to Ocean Contractors Limited for materials and services listed at the unit prices quoted for a Tender Price of \$495,880 including net HST from Capital Account No. CYU00716, Paving Renewal Program, Capital Account No. CTU00561,

Traffic Signal Installation, and Capital Account No. CGU00461, Sewer Lateral Replacement (Paving Projects), with funding authorized as per the Budget Implications section of the July 20, 2005 report.

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.6 Tender 05-267, Mount Hope Interchange (Highway 111)

- A report dated July 19, 2005, on the above noted, was before Council.

MOVED by Councillor Kent, seconded by Councillor Karsten, that Council:

- 1. Approve an increase in the Gross Budget for Capital Account No. CTU00530 by \$5,285,661 with no change to the Net Budget to reflect the Capital Cost Contributions from adjacent land developers.**
- 2. Award Tender No. 05-267, Mount Hope Interchange-East Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$9,189,202 including net HST, from Capital Account No. CTU00530, Highway 111 - Shearwater Interchange/Connector, with funding authorized as per the Budget Implications section of the July 19, 2005 report.**
- 3. Approve the appointment of O'Halloran Campbell Consultants Limited for contract administration and inspection services and additional design fees on this project, for a total of \$169,831 including net HST from Account No. CTU00530, Highway 111 - Shearwater Interchange/Connector, with funding authorized as per the Budget Implications section of the July 19, 2005 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.7 Administrative Order #36, 2005 Temporary Tax Credit Policy

- An extract from the draft July 5, 2005 Regional Council minutes was before Council.
- A report dated June 30, 2005, on the above noted, was before Council.

MOVED by Councillor Uteck, seconded by Councillor Younger, that Council approve Administrative Order #36, 2005 Temporary Tax Credit Policy as detailed in Appendix A, of the June 30, 2005 staff report, for administration of temporary tax credit for the 2005-06 fiscal year. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.8 Capital Budget Increase - Cost Sharing, Berry Hill Park Basketball Court & Gravel Parking Area, South Woodside School, Crichton Park School Playground

- A report dated July 4, 2005, on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Kent, that Council approve an increase in the Gross Capital Budget to Capital Account No. CPC00676 New Park Development by \$30,000 and Capital Account No. CP300559 Playground Upgrades and Replacements by \$26,800 with no change to the Net Budget, to reflect cost sharing, as per the Budget Implications section of the July 4, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.9 Dartmouth Community Integration Fund - Trail Construction Award

- A report dated July 19, 2005, on the above noted, was before Council.

MOVED by Councillor Kent, seconded by Councillor McCluskey, that Halifax Regional Council:

- 1. Award Dexter Construction Company Limited the construction of the Dartmouth Harbourfront Trail from Cuisack Street to Tupper Street, for a total cost of \$499,394 including net HST.**
- 2. Award Dexter Construction the construction of the retaining wall at Cuisack Street for a total cost of \$292,592 including net HST.**
- 3. Funding for the above to come from Capital Account No. CSE00397, Dartmouth Community Integration Fund. Funding is to be authorized as per the Budget Implications section of the July 19, 2005 report.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.1.10 Cole Harbour Place - Loan Approval

- A report dated July 29, 2005, on the above noted, was before Council.

MOVED by Councillor McNroy, seconded by Councillor Smith, that Council approve a loan of up to \$600,000 to Community Builders Inc. for renovations to Cole Harbour Place, with principal and interest to be repaid over ten years based on the repayment

schedule provided by the Municipal Finance Corporation for the resultant debenture. Any debenture issuance costs will be paid by Community Builders Inc. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.11 Appointment of Development Officer

- A report dated July 15, 2005, on the above noted, was before Council.

MOVED by Councillor Smith, seconded by Councillor Walker, that Regional Council appoint Trevor Creasor as a Development Officer for the Halifax Regional Municipality as required by Chapter VIII, Section 243 (1) of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.12 Naming of Nick Meagher Community Park

- A report, dated July 28, 2005, on the above noted, was before Council.

MOVED by Councillor Fougere, seconded by Councillor Wile, that Halifax Regional Council approve the renaming of the Dublin Street Parkette to “Nick Meagher Community Park” in recognition of his long years of service to the community and the city as an Alderman and a citizen. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.13 First Reading By-Law H-402, An Amendment to By-Law H-400, Respecting the Marketing Levy Adjustments - Major Facilities Reserve

- Correspondence from and response to Mr. Richard O’Beirne, Hotel Association of Nova Scotia, was before Council.
- A report dated June 21, 2005, on the above noted, was before Council.

MOVED by Councillor Murphy, seconded by Councillor Walker, that:

- 1. Council approve in principle an increase in the HRM Marketing Levy rate from 1.5% of the daily room rental fee to the maximum 2% rate;**
- 2. Council direct staff to arrange for the introduction and necessary amendments to By-Law H-400, the Marketing Levy By-Law (including the public hearing process) to implement the change in rate;**
- 3. Council approve the establishment of a Major Events Facility Reserve, funded in part by the 0.5% increase in the Marketing Levy, as per the terms outlined in the Reserve Business Case attached to the June 21, 2005 report.**

MOTION PUT AND PASSED.

10.2 HERITAGE ADVISORY COMMITTEE

10.2.1 Case H00163 - Application for Registration of William Black Memorial Church, 10515 Peggy's Cove Road

- A report, dated June 1, 2005, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Deputy Mayor Goucher, that Regional Council approve the registration of William Black Memorial Church, 10515 Peggy's Cove Road, under the HRM Heritage Property Program. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Case H00169 - Application for Registration of Beechville United Baptist Church and Cemetery

- A report, dated June 29, 2005, on the above noted, was before Council.

MOVED by Councillor Rankin, seconded by Councillor Hendsbee, that Regional Council set the date of September 6, 2005 for a Heritage Hearing to provide consideration for the registration of Beechville United Baptist Church & Cemetery, 1135 St. Margaret's Bay Road, Beechville. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 GRANT COMMITTEE

10.3.1 By-Law T-216, An Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations: 2005-2006 - New Applications

- A report, dated June 7, 2005, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Adams, that Regional Council direct staff to set a public hearing date to approve the recommendations set out in the Discussion section of the report dated June 7, 2005 and amendments to Schedules 26 to 30, effective April 1st, 2005, unless otherwise noted. MOTION PUT AND PASSED UNANIMOUSLY.

At a later point in the meeting, Councillor Walker served Notice of Motion for First Reading.

10.3.2 HRM Community Grants Program 2005-2006 - Appeals

- A supplementary staff report, dated July 12, 2005, on the above noted, was before Council.

MOVED by Councillor Walker, seconded by Councillor Rankin, that Regional Council approve the Community Grants Program awards as detailed in Attachment 1 of the July 12, 2005 supplementary report, for a total of 7 awards with a combined value of \$50,000 for 2005-06. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 MEMBERS OF COUNCIL

10.4.1 Councillor McInroy - Air Travel Disruptions Halifax International Airport - Impact on HRM

MOVED by Councillor McInroy, seconded by Deputy Mayor Goucher, that Halifax Regional Council ask the HIAA Board of Directors to consider placement of a protocol or procedure in place to address air traffic disruptions at Halifax International Airport. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Rankin - Peggy's Cove Sewage

MOVED by Councillor Rankin, seconded by Councillor Meade, that a staff report be requested on the provision of sewer and water to Peggy's Cove and further, the report address whether there is merit in writing to the Province encouraging them to give consideration to developing a concept plan to identify solutions. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Property Matter - Parcel HRWC-1 to Halifax Regional Municipality and Parcel HWC-33 to Halifax Regional Water Commission

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that Halifax Regional Council authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby HWC-33, Chebucto Road, lands of Halifax Regional Municipality, as shown on Attachment "A" of the July 14, 2005 Private and

Confidential staff report, is dedeed to the Halifax Regional Water Commission in exchange for Parcel HRWC-1, St. Margaret's Bay Road, lands of the Halifax Regional Water Commission, as shown on Attachment "B" of the July 14, 2005 report. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Settlement of Claim Against Halifax Regional Municipality

- This item was discussed at an In Camera session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor Snow, that Halifax Regional Council settle this claim, as set out in the July 13, 2005 Private and Confidential staff report, for property damage in the amount of \$12,068.80, to achieve a full settlement of this claim upon obtaining a full release from the Claimant's insurer, Federation Insurance Company, from bringing any claims against HRM arising out of the accident on September 13, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Project 00818 - Capital Cost Contribution - Russell Lake West

- This item was discussed at a Committee of the Whole session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor Snow, that Regional Council give First Reading to the proposed Subdivision By-Law amendments to the Subdivision By-Law, as presented in Attachment 1, and schedule a Public Hearing. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Councillor Kent - Woodside Ferry Terminal

Councillor Kent noted the escalator has not been working on a number of occasions and it is her understanding that there is no longer a service agreement in place the escalator. She advised the sidewalks are broken and cracked with portions having areas that are heaved.

MOVED by Councillor Kent, seconded by Councillor Smith, that a staff report be requested regarding a comprehensive plan to address the needs for the Woodside Ferry Terminal. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Councillor Streach - Rural Bus Service

Councillor Streach advised Zinc Bus Services is discontinuing service to the Eastern Shore.

MOVED by Councillor Streach, seconded by Councillor Hendsbee, that a staff report

be requested identifying opportunities to provide a replacement service not only to the Eastern Shore but to all rural areas throughout HRM.

Councillor Adams requested information include the process to be followed.

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

13.1 Councillor Walker

Take Notice that at the next regular Regional Council meeting, to be held on Tuesday, the 9th day of August, 2005, I propose to move First Reading of By-Law T-216, An Amendment to By-Law T-200 - Tax Exemption for Non- Profit Organizations for the 2005-2006 New Applications.

13.2 Councillor Younger

Take Notice that at the next regular meeting of Halifax Regional Council to be held on Tuesday, August 9, 2005, I intend to move First Reading of an amendment to By-Law P-500 respecting Parking Meters, asking for a September 6, 2005 public hearing, and the provision of free parking at municipal meters for vehicles with a provincially issued Veteran's license plate for the remainder of 2005, the Year of the Veteran.

13.3 Councillor Uteck

Following the public hearing during the evening session, Councillor Uteck served Notice of Motion for the formation of a combined committee as per Appendix H of the staff report dated May 16, 2005. (See page 20)

RECESS

The meeting recessed at 4:25 p.m.

Council reconvened at 6:00 p.m. with the following members of Council present: Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Murphy, Sloane, Uteck, Fougere, Walker, Hum, Adams, Johns, Harvey and Rankin.

8.1 By-Law T-134, An Amendment to By-Law T-100 Respecting the Taxi & Limousine Committee

- A memorandum from Ms. Jan Gibson, Municipal Clerk, dated July 18, 2005, on the above noted, was before Council.
- Staff report, dated May 16, 2005, on the above noted, was before Council.
- Correspondence from Derek Mathers, Yellow Cab, was before Council.

Mr. Wayne Anstey, Municipal Solicitor, provided an overview for Council noting:

- Section 1 of T-134 repeals By-Law T-100, the Taxi and Limousine Committee By-Law.
- Section 2 changes the definition of "Committee" so that any reference within the By-Law to "Committee" would be to the Appeals Committee under By-Law A-100.
- Clause 3 would repeal Section 4 of By-Law T-108 which makes reference to the Taxi and Limousine Committee in By-Law T-100.
- Clause 4 should be amended whether or not the rest of the amendments are approved as it deals with appeals going to the Appeals Committee.
- Sections 83 and 83(a) of By-Law T-108 are repealed by Section 5. These two sections deal with the makeup and mandate of the Hotel Standards Committee.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed By-Law.

Mr. Robert Richards, Halifax, spoke in favour of keeping the committee. He noted that through the Hotel Standards Committee a program was put in place to have cars inspected twice a year. He stated Halifax has the best classification of taxi's and taxi drivers. He advised the committee members are not there for their own self interest and it is a functional working committee which makes recommendations to Council.

Mr. Ali Roshani, Halifax, advised he has been a taxi driver for twenty two years and was involved with Hotel Standards as well as an education process being put in place. He stated the taxi committee is needed and an industry member is needed on the committee. He suggested the zones be kept. He further suggested the Hotel Standards Committee be eliminated and a tourism member be appointed to the Taxi Committee. He suggested the representation on the committee be proportionate to the number of cabs in an area with

representation from an accessible taxi user.

Mr. Bill Harrison, Chair, Hotel Standards Committee, noted there are quality parameters for both the hotel standard vehicles and drivers. He noted issues such as safety, accessibility, enforcement and environmental issues still need to be discussed with regards to vehicles and services. He stated they would prefer to maintain status quo as far as the hotel standards committee is concerned, noting if that is not possible Council consider an amended committee that would involve representatives from the taxi and tourism industry.

Mr. Ed Flewwelling, Dartmouth, stated he would prefer to see an amalgamated committee as there is a need for a forum for the industry. He stated he is proud of the industry and he believes they have accomplished a great deal.

Mr. Don Shannon, Halifax, stated there should be more consultation with the public. He stated By-Law Enforcement has not brought enough to the committee in the way of ideas and suggestions. He stated that members of the committee should not have a conflict of interest. He indicated there is no longer the same need for cabs as there once was and the testing of new drivers should be put on hold. He suggested the chair of the committee should not serve more than two terms.

Ms. Darlene Grant-Fiander, stated the hotel standards committee has worked to improve the level of service in HRM. She noted 600 drivers have received national certification. She noted enforcement is a big issue and car standards are not the same across all zones. She encouraged Council or form a joint committee in order to have a more effective committee to ensure the maintenance of the standard level currently in place.

Mr. Darrell Downey, Halifax, stated he would prefer the Taxi Committee stay but have better representation. He noted steps have been taken to improve the industry. He stated it is important to enforce the by-laws at the taxi level. He noted there are zone and permit violations and there is not enough staff to adequately enforce the by-law.

Mr. Harry Boggs, spoke in favour of keeping the committee but suggested amalgamating it with the Hotel Standards committee.

Mr. Derrick Mathers, Yellow Cab, advised he was a member of both committees and would like to see a merging of the committees to retain the work accomplished to date. He suggested positions be added to have a representative from both TIANS and the Hotel Association on the committee. He stated issues can be discussed at a committee level with recommendations coming forward to Council.

Mr. Gerald Duffy, Halifax, spoke in favour of keeping the current committee in place.

Mr. Gary Jollimore, Halifax, advised the committee is functional as it has resulted in a more professional driver today. The cars are newer and the industry is more lucrative since standards were implemented. He stated there is a need for both the Hotel Standards and Taxi Committee.

Mr. Bill Johnson, Halifax, stated the Taxi Committee is needed in order for the industry to continue to provide a good service. He stated taxi drivers need to know what they can and cannot do and the committee provides a forum for drivers to relate their concerns to Council. He stated drivers work long hours and do not want someone without knowledge of the industry making a decision.

Mr. Dennis St. Laurent, stated he leases a license. He advised drivers from other countries feel very vulnerable. He urged Council to support the By-Law allowing drivers to be self sufficient in their own management.

Mr. David Withrow, stated the Committees should be amalgamated allowing for recommendations to come to Council. He stated the taxi business is their business and income provider and the drivers know what would benefit the industry.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Fougere, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

DECISION OF COUNCIL

MOVED by Councillor Uteck, seconded by Councillor Younger, that Council approve By-Law T-134, An Amendment to By-Law T-108, Respecting the Taxi and Limousine Committee. Further, Appendix H as per the staff report dated May, 16, 2005, be approved and brought forward to Council for implementation.

In response to Councillor Fougere, Mr. Anstey, Municipal Solicitor, clarified that the motion on the floor is to adopt the amendments but then bring forward Appendix H. He stated that officially as of this meeting, the present committees would be disbanded and the other amendments would go through. Following this meeting, the second process could begin as Council has already had Appendix H. He advised that if a Notice of Motion was given at this meeting, Appendix H would receive First Reading on August 9th and the public hearing could be held in September.

Councillor Harvey spoke against the motion stating that an amalgamated committee is micro

managing the industry.

Councillor Karsten stated that the decision should be to disband the committee and allow the industry to regulate itself.

Councillor Streach stated that if the motion passed, a new Terms of Reference come forward and an overhaul of the licensing system as it now exists be undertaken.

Councillor Wile noted that the majority of the speakers were in favour of keeping the Committee.

Councillor Rankin requested the motion be split and voted on separately.

Councillor Murphy stated that there are some things that need to be changed within the present structure but does not see disbanding of the committee as a way to solve the problems within the taxi industry.

Councillor Adams spoke in favour of the retention of the taxi committee noting the drivers are willing to support more enforcement.

Councillor Karsten noted that by disbanding the committee Council is not changing anything as Council still has legislative powers. In response, Mr. Anstey confirmed that the industry will be regulated by the legislation which is a By-Law that has been enacted by Council. He confirmed that any committee formed could make recommendations.

As requested, the motion was split.

Part 1

MOVED by Councillor Uteck, seconded by Councillor Younger, that Council approve By-Law T-134, An Amendment to By-Law T-108, Respecting the Taxi and Limousine Committee. MOTION PUT AND PASSED. (20 in favour, 2 against)

Those voting **in favour** of the motion were Mayor Kelly, Deputy Mayor Goucher, and Councillors Streach, Snow, Hendsbee, McInroy, McCluskey, Younger, Karsten, Kent, Smith, Wile, Sloane, Uteck, Fougere, Walker, Hum, Johns, Harvey and Rankin

Those voting **against** the motion were Councillors Murphy and Adams.

Councillors Mosher and Meade were absent.

Part 2

MOVED by Councillor Uteck, seconded by Councillor Younger that Appendix H as per the staff report dated May, 16, 2005, be approved and brought forward to Council for implementation. MOTION PUT AND PASSED. (18 in favour, 4 against)

Those voting **in favour** of the motion were Mayor Kelly, Deputy Mayor Goucher and Councillors Streach, Hendsbee, McInroy, McCluskey, Younger, Kent, Smith, Wile, Murphy, Uteck, Fougere, Walker, Hum, Adams, Johns and Rankin.

Those voting **against** the motion were Councillors Snow, Karsten, Sloane, Harvey

Councillors Mosher and Meade were absent.

NOTICE OF MOTION - Councillor Uteck

Take Notice that at the next regular meeting of the Halifax Regional Council to be held on Tuesday, August 9, 2005, I intend to introduce a motion to formally adopt the staff recommendation respecting a single taxi committee as set out in Appendix "H" as outlined in the staff report of May 24, 2005. This motion will serve to establish a combined committee to serve the stakeholders and taxi industry and the public at large.

14. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Jan Gibson
Municipal Clerk

The following information items were circulated to Council:

1. Proclamation - Halifax Regional Municipality Peace Day - August 6, 2005
2. Memorandum from Acting Director, Real Property and Asset Management dated July 6, 2005
re: Servicing Plan for Athletic Fields in HRM
3. Memorandum from Director, Transportation and Public Works dated July 22, 2005
re: Traffic Island - Erondale Drive
4. Memorandum from Director, Transportation and Public Works dated July 22, 2005
re: Petition - Installation of Sidewalk on a Section of Shore Road
5. Memorandum from Director, Transportation and Public Works dated July 19, 2005
re: Petition - Upgrade of Sullivan's Hill
6. Memorandum from Director, Planning and Development dated July 22, 2005
re: Safety Concerns - Backyard Ponds
7. Memorandum from Acting Director, Legal Services dated July 25, 2005
re: Status of By-Law Prosecutions
8. Memorandum from the Municipal Clerk, dated July 29, 2005
re: Requests for Presentations to Council - None