

HALIFAX REGIONAL COUNCIL
MINUTES

October 23, 2012

PRESENT:

Mayor Peter Kelly
Deputy Mayor Bill Karsten
Councillors: Steve Streach
Barry Dalrymple
David Hendsbee
Lorelei Nicoll
Gloria McCluskey
Darren Fisher
Jim Smith
Mary Wile
Jerry Blumenthal
Sue Uteck
Jennifer Watts
Russell Walker
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin

REGRETS:

Councillors: Jackie Barkhouse
Dawn Sloane
Debbie Hum
Linda Mosher
Peter Lund

STAFF:

Mr. Richard Butts, Chief Administrative Officer
Mr. Martin Ward, Acting Municipal Solicitor
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Jennifer Weagle, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order at 2:05 p.m. with the Invocation being led by Councillor Fisher.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillors noted a number of community announcements and acknowledgements.

3. APPROVAL OF MINUTES – September 25, 2012 and October 2, 2012.

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal that the minutes of September 25, 2012 and October 2, 2012 be approved.

Councillor Watts referred to page 7 of the September 25, 2012 minutes and noted that the recorded vote in regard to the Council decision to hold a public hearing shows her as voting in opposition. Councillor Watts advised that, in fact, she was in favour of the motion and requested that this be noted for the record.

MOTION PUT AND PASSED.

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

There were no additions or deletions to the agenda.

MOVED by Councillor Blumenthal, seconded by Councillor Fisher that the agenda, as presented, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. PUBLIC HEARINGS

9.1 Municipal Planning Strategy and Land Use By-Law Amendments to Planning District 14/17 for the Proposed River-Lakes Secondary Planning Strategy

The public hearing was scheduled for 6:00 p.m., and was dealt with later in the meeting. See page 14.

9.2 Repeal and Replace Administrative Order 39, Amend Administrative Order 15, Repeal By-law T-108, and Enact By Law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines

The public hearing was scheduled for 6:00 p.m., and was dealt with later in the meeting. See page 18.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence: None

10.2 Petitions

10.2.1 Councillor Harvey – Petition RE: First Lake Drive Area and Stormwater Infrastructure Inadequacies

Councillor Harvey submitted a petition containing 20 signatures from residents within the area of First Lake Drive requesting that Halifax Regional Municipality and Halifax Water resolve the stormwater infrastructure inadequacies in the First Lake Drive area of Lower Sackville, specifically, but not limited to the street line of First Lake Drive, running from Cavendish St. to Cabot St. Further, the petition requests that their area be moved to the top of any priority list to alleviate any further damages to the homeowners both inside their properties and for those homeowners experiencing significant land erosion on their properties.

10.2.2 Councillor Adams – Taxi and Limousine

Later in the meeting, during agenda item 9.2 respecting Taxis and Limousines, prior to the opening of the public hearing, Councillor Adams submitted a petition on behalf of the United Cab Drivers Association of Halifax, containing the signatures of approximately 46 licensed taxi drivers or owners, requesting that HRM Council make no amendments to the taxi by-laws except to those of taxi and limousine fares. Refer to page 18.

10.3 Presentations: None

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 07-391 – Collection and Transportation of Source-Separated Solid Waste – Contract Extension

A staff report dated October 4, 2012 was submitted.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council extend the existing residential curb side solid waste collection contracts with the existing contractors for a one year period (July 1, 2013 to June 30, 2014), and authorize a second extension option year at HRM's sole discretion (July 1, 2014 to June 30, 2015) as per the terms outlined in the discussion section of the October 4, 2012 staff report and as outlined in the budget implications section of the report. Funding is from the annual Solid Waste Resources Operating Budget (Account R322 6399) as outlined in the Budget Implications section of the October 4, 2012 staff report.

Councillor Rankin expressed concern that the current contract does not have an extension clause, and he suggested it was important to demonstrate that there is transparency in the tendering process. He noted that the recommendation provides no opportunity for competitors and puts the contract back with the current contractors. Councillor Rankin suggested that this matter should be delayed and Council ask for a legal opinion.

MOVED by Councillor Rankin, seconded by Councillor Uteck that this matter be deferred for one week and that Legal Services be requested to provide an opinion.

Councillor Fisher also expressed concern that the recommendation did not follow policy.

The Chief Administrative Officer explained that it is rare for a contract such as this not to have an extension clause, and noted that the reason it has been brought to Council is because staff are not recommending to tender. He added that the reason for this was that a review of HRM's waste management process was currently being conducted.

Councillor Dalrymple advised that he could not agree with a two year extension because it would be adding another two years to a five year contract. He indicated that he would support a one year extension but could not support a two year extension.

In response to Councillor Dalrymple, the Chief Administrative Officer clarified that the recommendation states the option of a second year extension would be at the Municipality's approval and, therefore, a decision of Council.

In response to a question, Mr. Ken Reashor, Director of Transportation and Public Works advised that, in preparing the report staff consulted with Legal Services and Procurement and both provided the opinion that staff could proceed in this manner.

Councillor Adams noted that there was the potential that the extension could cost \$25 million and he suggested that this matter should be deferred to November 13, 2012 and left to the newly elected Council for decision.

Councillor Rankin advised that he felt that Council should ensure it has a legal opinion on this matter prior to making a decision because it is deviating from the rules of tendering.

The Chief Administrative Officer noted that staff could prepare a tender, however, the specifications would be an issue because the Municipality is currently in the middle of the solid waste strategy review.

With no further speakers on the motion to defer, the Mayor clarified that the motion was to defer the matter for one week.

MOTION TO DEFER WAS DEFEATED (8 in favour, 11 opposed)

Those voting in favour were: Councillors: Fisher, Blumenthal, Uteck, Watts, Walker, Adams, Johns, and Rankin

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Smith, Wile, Harvey, and Outhit

Those not present for the vote were: Councillors Barkhouse, Sloane, Hum, Mosher, and Lund.

MOVED by Councillor Watts, seconded by Councillor Dalrymple that the motion be amended to provide a one year extension, and that if any further extension is required, the matter will come back to Regional Council for decision.

MOTION PUT AND PASSED (19 in favour, 0 against)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those not present for the vote were: Councillors Barkhouse, Sloane, Hum, Mosher, and Lund.

The amended motion now reads:

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that Halifax Regional Council extend the existing residential curbside solid waste collection contracts with the existing contractors for a one year period (July 1, 2013 to June 30, 2014), and if any further extension is required, the matter come back to Regional Council for decision. Funding is from the annual Solid Waste Resources Operating Budget (Account R322 6399) as outlined in the Budget Implications section of the October 4, 2012 staff report.

MOTION PUT AND PASSED (18 in favour, 1 opposed)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those voting against were: Councillor Fisher.

Those not present for the vote were: Councillors Barkhouse, Sloane, Hum, Mosher, and Lund.

11.1.2 Tender 12-206 – Ragged Lake Transit Centre Access – West Region

A staff report dated August 29, 2012 was submitted.

MOVED by Councillor Hendsbee, seconded by Councillor Smith that Halifax Regional Council:

- 1. Award Tender No. 12-206, Ragged Lake Transit Centre Access – West Region, to the lowest bidder meeting specifications, Brycon Construction Limited, for a Total Tender Price of \$1,834,912.17 (net HST included), with funding from Project No. CQU01223, Access Road for New Satellite Transit Garage, as outlined in the Budget Implications section of the August 29, 2012 staff report;**
- 2. Award the Inspection Services portion of RFP No. 10-303, Ragged Lake Transit Centre Access, to Genivar Inc., for a price of \$82,542.37 (net HST included), with funding from Project No. CQU01223, Access Road for New Satellite Transit Garage, as outlined in the Budget Implications section of the August 29, 2012 report; and**
- 3. Increase the contract with Stantec, which was derived from HRM's Standing Offer for Engineering Services (Request for Qualifications No. 09-061), for a price of \$27,114.36 (net HST included), with funding from Project No. CQU01223, Access Road for New Satellite Transit Garage, as outlined in the Budget Implications section of the August 29, 2012 staff report.**

MOTION PUT AND PASSED. (17 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly; and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those not present for the vote were: Deputy Mayor Karsten; and Councillors: Streach, Barkhouse, Sloane, Hum, Mosher and Lund.

11.1.3 Renovations to the Richmond Family Court – Provincial Cost Sharing

A staff report dated September 26, 2012 was submitted.

MOVED by Councillor Blumenthal, seconded by Councillor Harvey that Halifax Regional Council approve an increase to Project No CB X01273 – Architecture Interior (Category 5), with no change to the Net Budget, to reflect secured additional Provincial funding for renovations at the Richmond Family Court, as outlined in the Budget Implications section of the September 26, 2012 staff report.

MOTION PUT AND PASSED. (17 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those not present for the vote were: Deputy Mayor Bill Karsten; and Councillors: Streach, Barkhouse, Sloane, Hum, Mosher and Lund.

11.1.4 Graffiti Abatement

A staff report dated August 2, 2012 was submitted.

MOVED by Councillor Wile, seconded by Councillor Johns that Halifax Regional Council:

- 1. Rescind the existing Graffiti Management Plan (Appendix A to the August 2, 2012 staff report); and**
- 2. Disband the existing Graffiti Task Force in favor of an Operational Stakeholder Group comprised of staff and representatives from partner agencies and community groups.**

Councillor Uteck advised that she was supportive of the motion, however, she would prefer if the use of urban art as an approach in the management of graffiti was maintained and not removed from the Plan as is recommended on page 4 of the report.

The mover and seconder of the motion agreed to this change in the motion. The motion now reads:

MOVED by Councillor Wile, seconded by Councillor Johns that Halifax Regional Council:

- 1. Rescind the existing Graffiti Management Plan, (Appendix A to the August 2, 2012 staff report), with the exception that the use of urban art will be maintained in the abatement of graffiti; and**

2. Disband the existing Graffiti Task Force in favor of an Operational Stakeholder Group comprised of staff and representatives from partner agencies and community groups.

Mr. Ken Reashor, Director, Transportation and Public Works responded to questions of Council.

Councillor Watts indicated that she would like to see this matter come back to either Council or the Community Planning and Economic Development Standing Committee as she felt there needs to be an ongoing discussion on this matter.

In response to a question by Councillor Smith, Mr. Reashor advised that Canada Post and Bell Aliant have given an indication that they are going to continue their programs with regard to art on the postal boxes and Aliant's utility boxes.

MOTION PUT AND PASSED. (16 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly; and Councillors: Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Harvey, Outhit, and Rankin.

Those not present for the vote were: Deputy Mayor Bill Karsten; and Councillors: Streach, Barkhouse, Sloane, Hum, Mosher, Johns, and Lund.

11.1.5 Regional Cooperation – Recycling Agreement

A staff report dated October 23, 2012 was submitted.

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Halifax Regional Council authorize the Mayor and Municipal Clerk to execute a contract with the Municipality of East Hants for the receipt and processing of East Hants' recyclable materials, based upon the terms and conditions table and budget implications as outlined in the October 23, 2012 staff report.

Mr. Ken Reashor, Director, Transportation and Public Works responded to questions.

MOTION PUT AND PASSED. (17 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Harvey, Outhit, and Rankin.

Those not present for the vote were: Deputy Mayor Bill Karsten; and Councillors: Barkhouse, Sloane, Hum, Mosher, Johns and Lund.

11.2 AUDIT AND FINANCE STANDING COMMITTEE

11.2.1 Alternative Service Delivery Models for SAP Support

A report dated October 17, 2012 was submitted from the Chair of the Audit and Finance Standing Committee.

E-mail correspondence dated October 16, 2012 was submitted from Ruth Allen.

Councillor McCluskey indicated that she would like to move this matter to a Committee of the Whole session in order that Council could have a full discussion.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that Council suspend the Rules of Order to move to Committee of the Whole.

The Chief Administrative Officer pointed out that this matter was brought to Council as information only and noted that the essence of it is an operational undertaking.

Ms. Donna Davis, Chief Information Officer, addressed Council and responded to questions. She explained that staff were not at a point of decision as they were still carrying out due diligence, and noted that if the outcome favours to proceed with the transition, staff would be bringing the matter back to Council.

The Mayor noted that two-thirds majority of members present would be required to pass a vote to suspend the Rules of Order.

MOTION PUT AND PASSED (12 in favour, 7 opposed)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten and Councillors: Streach, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Walker, Harvey, and Outhit.

Those voting against were: Councillors: Dalrymple, Blumenthal, Uteck, Watts, Adams, Johns, and Rankin.

Those not present for the vote were: Councillors: Barkhouse, Sloane, Hum, Mosher, and Lund.

MOVED by Councillor McCluskey, seconded by Councillor Rankin that Council adjourn and move immediately to Committee of the Whole.

MOTION DEFEATED (2 in favour, 15 opposed)

Those voting in favour were: Councillors McCluskey and Rankin.

Those voting against were: Mayor Peter Kelly and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Harvey, and Outhit.

Those not present for the vote were: Deputy Mayor Bill Karsten; and Councillors Barkhouse, Sloane, Hum, Mosher, Johns, and Lund.

MOVED by Councillor Walker, seconded by Councillor Outhit that Halifax Regional Council accept the report from the Audit and Finance Standing Committee dated October 17, 2012 for its review.

MOTION PUT AND PASSED. (17 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly; and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Harvey, Outhit, and Rankin.

Those not present for the vote were: Deputy Mayor Bill Karsten; and Councillors: Barkhouse, Sloane, Hum, Mosher, Johns and Lund.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Watts – Request that minutes of the Strategic Joint Regional Transportation Committee meeting be circulated to the Transportation Standing Committee

MOVED by Councillor Watts, seconded by Councillor Uteck that Halifax Regional Council request that the minutes of the Strategic Joint Regional Transportation Committee meetings be circulated as information to the Transportation Standing Committee.

Councillor Watts advised that this request was a follow up to a discussion that was held about a year ago on the road network plan, and at that time she had asked for those minutes to be made available but it never happened. The Councillor added that she was recently reminded that there had also been a formal request that the minutes come to the Transportation Standing Committee.

The Chief Administrative Officer pointed out that these were minutes of a meeting of staff and he questioned the requirement of this type of minutes being submitted to Council. He pointed out that the meetings do not involve setting policy or strategy and that once staff have gathered information and it is ready to be presented, then the work comes to Council.

Councillor Watts noted that there may not be policy established at the meetings, but direction is being set, and she felt it was prudent to have the minutes forwarded to Council.

MOTION DEFEATED. (9 in favour, 10 opposed)

Those voting in favour were: Councillors: Hendsbee, Fisher, Uteck, Watts, Adams, Johns, Harvey, Outhit, and Rankin.

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors: Streach, Dalrymple, Nicoll, McCluskey, Smith, Wile, Blumenthal, and Walker.

Those not present for the vote were: Councillors: Barkhouse, Sloane, Hum, Mosher, and Lund.

12. MOTIONS: None

13. ADDED ITEMS: None

14. NOTICES OF MOTION

14.1 Councillor Rankin

Take notice that, at the next regular meeting of Halifax Regional Council, to be held Tuesday, October 30, 2012, I intend to move a motion to reconsider Council's decision in regard to 11.1.1 Request for Proposal 07-391 – Collection and Transportation of Source-Separated Solid Waste – Contract Extension

14.2 Councillor Watts

Take notice that at the next regular meeting of the Halifax Regional Council, to be held Tuesday, October 30, 2012 I intend to move a motion to request that Council repeal the current practice of disposal of surplus school properties passed as policy by council on January 31, 2012.

14.3 Councillor Watts

Take notice that at the next regular meeting of the Halifax Regional Council, to be held Tuesday, October 30, 2012 I intend to move a motion to request that Council request the Province of Nova Scotia for enabling legislation to consider such proposals as a Medallion Program, which involves transferability of taxi owner licenses.

MOVED by Deputy Mayor Karsten, seconded by Councillor Streach that Council convene In Camera in order to address a personnel matter. MOTION PUT AND PASSED.

At 3:45 p.m. Council convened to In Camera. At 4:10 p.m. Council reconvened.

15. IN CAMERA

15.1 Personnel Matter

15.1.1 Personnel Matter

MOVED by Councillor Rankin, seconded by Councillor Karsten that Council approve the recommendation contained in the October 22, 2012 Private and Confidential report from the Executive Standing Committee.

MOTION PUT AND PASSED. (19 in favour, 0 opposed)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors: Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Smith, Wile, Blumenthal, Uteck, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those not present for the vote were: Councillors: Barkhouse, Sloane, Hum, Mosher, and Lund.

Council recessed at 4:16 p.m., reconvening at 6:03 p.m. Councillors Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, and Lund were absent.

At the request of Councillor Streach, a moment of silence was held in memory of two Eastern Shore 'hockey dads', Vince Penney and Brad Marks, who passed away in a vehicular accident early Sunday morning. Mr. Marks was Volunteer Deputy Chief of the Ostrea Lake Fire Station.

9. PUBLIC HEARINGS

9.1 Municipal Planning Strategy and Land Use By-Law Amendments to Planning District 14/17 for the Proposed River-Lakes Secondary Planning Strategy

First Reading of this matter was given at the October 2, 2012 meeting of Regional Council.

The following information was before Regional Council for consideration:

- A report from the Marine Drive Valley & Canal Community Council dated September 25, 2012, with attached staff report dated August 20, 2012.
- Extract of the draft Regional Council minutes of October 2, 2012
- Copy of the staff presentation.

The following submissions were before Regional Council:

- Email correspondence from Shawn Anderson, dated October 23, 2012.

- Correspondence from Theresa Scratch, Director, Second Lake Regional Park Association, dated October 21, 2012.
- Correspondence from Shalom Mandaville, Soil and Water Conservation Society of Metro Halifax dated October 21, 2012.

Ms. Maureen Ryan, Senior Planner, Planning & Infrastructure, presented the proposed River-lakes Secondary Planning Strategy.

Ms. Ryan responded to questions of clarification from Councillor McCluskey, noting that the base level phosphorus measurement for Lake Thomas, as an example, was 9 micrograms per litre, which was measured through monitoring for the Shubenacadie Lakes Watershed Study. The projected increase with current proposed developments should be about 15 micrograms per litre.

Ms. Ryan further clarified at the request of Councillor McCluskey that the apartment buildings discussed would be a maximum of three storeys, and a maximum of 40 units per building. She clarified that although HRM has no policy to carry out or guarantee affordable housing, the literature suggests that rental units be considered.

At the request of Councillor Harvey, Ms. Ryan clarified that a portion of Lake Charles is within the Second Lake Watershed area and the other area of Lake Charles is within the Sackville MPS area.

Ms. Ryan clarified at the request of Councillor Watts that Phase 1 is for consideration this evening, and Phase 2 will follow the Regional Plan 5 year Review. She also clarified at the request of Councillor Watts that the slide showing the New Residential zone is the "Gibson property" and that there is an allowance in the literature for an increase in residential density, although HRM would maintain control over increases. Ms. Ryan further clarified that although HRM cannot require that housing be built specifically for seniors, it is inferred that it would meet the needs of seniors.

Mayor Kelly reviewed the public hearing rules and opened the floor for those wishing to speak for or against this matter.

Mr. Michael Creighton, resident of Fall River and Chair of the Fall River Vision Implementation Committee, noted that staff have given a good overview of the proposed River-lakes Secondary Planning Strategy. Mr. Creighton commented that the Community worked long and hard to present the vision for development in the area. He thanked staff and Council for their support to date, in particular Maureen Ryan.

Mr. Charles Baker, Fall River, noted that he has lived in Fall River for 27 years. He has attended a number of the meetings for this plan, and thanked the Committee and staff for their many hours of work. Mr. Baker indicated that for the most part he thinks it is a good plan.

Mr. Shalom Mandaville, Soil & Water Conservation Society – Halifax, thanked Maureen Ryan for the great job on this plan. Mr. Mandaville reviewed a slide (which is on file) discussing “Phosphorus: Canadian Guidance Framework for the Management of Freshwater Systems” from the Canadian Water Quality Guidelines for the Protection of Aquatic Life. Mr. Mandaville reviewed the table outlining the total phosphorus trigger ranges for Canadian lakes and rivers. He explained that the trigger range are values that existed before any development occurred. Mr. Mandaville described different methodologies used for determining ranges. He suggested that a codicil of lake carrying capacities be developed. Mr. Mandaville referenced a paragraph of the slide under the header “Compare Current or Predicted Concentration to Baseline Condition” which stated that “Up to a 50% increase in phosphorus concentrations above the baseline level is deemed acceptable (OMOE 1997).” Mr. Mandaville also showed a top-down, bottom-up effects diagram slide of the aquatic food chain (also on file), noting that acid rain has caused a decrease of calcium in the water, which has caused a reduction in zooplankton, which eat algae, hence the increase in algae in our lakes.

Mayor Kelly called three times for any further speakers. Hearing none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Wile, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED by Councillor Dalrymple, seconded by Councillor Streach, that Halifax Regional Council:

Approve adoption of the River-lakes Secondary Planning Strategy and accompanying land use regulations under the Municipal Planning Strategy and land Use By-Law for Planning Districts 14 and 17 as set forth in Attachment 2 (By-Law to Amend the Municipal Planning Strategy for Planning Districts 14 and 17) of the August 20, 2012 staff report; Revised Attachment 3 (By-Law to Amend the Land Use By-Law for Planning Districts 14 and 17), as set out in the staff presentation made to Marine Drive, Valley and Canal Community Council on September 6, 2012; and Attachment 4 (By-law to Amend the Regional Municipal Planning Strategy for the Halifax Regional Municipality) of the August 20, 2012 staff report with a further amendment to Attachment 2 and Revised Attachment 3 as follows:

- **Change the proposed VG (Village Gateway) Zone to a proposed FRB (Fall River Business) Zone of Revised Attachment 3, as set out in the staff presentation made to Marine Drive, Valley and Canal Community Council on September 6, 2012;**
- **Replace the words “the main building” with the words “any building supply outlet” in Section 14E.3 of the proposed FRB (Fall River Business) Zone of Revised Attachment 3, as set out in the staff presentation made to Marine Drive, Valley and Canal Community Council on September 6, 2012; and**

- **Insert the words “of building supply outlets” after the word “building size” in sentence 5 of the preamble to Policy RL-9 and replace the words “commercial buildings” with the words “building supply outlets” in clause (c) of Policy RL-9 of Attachment 2 of the Staff Report dated August 20, 2012.**

Councillor Dalrymple thanked Maureen Ryan and Michael Creighton, as well as other community volunteers involved in the plan from the communities of Fall River, Waverley, Windsor Junction, Lake Fletcher, Lakeview and Wellington: Bill Munden, Owen Evans, Sandra Carr, Bob Guscott, Jim Simon, Joy Gouge, Val Williams, Al MacKenzie, Jerry Deese, Jacqueline Studler, Keith Manchester, Anna McCarron, and the late Paul Burris. Councillor Dalrymple also thanked the members of the Shubenacadie Watershed Environmental Protection Society, the many developers who have presented to the committee, and the many other community members that have taken part.

Councillor Watts indicated support for Phase 1 of this initiative, but noted concern with potential development in the area. She commented that understanding where growth needs to happen is a very important issue, and residential development needs to happen in urban areas first.

Councillor Harvey referred to correspondence received from the Second Lake Regional Park Association, which requested the inclusion of two policies in the River-Lakes Secondary Planning Strategy and MPS and By-law for the 14/17 Planning Districts. He noted that approximately 260 hectares surrounding Second Lake is pending designation as a provincial park. Councillor Harvey also noted that most of the Second Lake watershed is under the Sackville MPS, and Site D Charleswood is under Planning District 14/17.

MOVED by Councillor Harvey, seconded by Councillor Watts, that the motion be amended to include the following policies in the River-Lakes Secondary Planning Strategy and MPS and By-law for the 14/17 Planning Districts:

CF-5 It shall be the intention of Council to seek adequate environmental protection measures and the preservation of adequate open space reserves to support protection of Second Lake and its watershed.

NF-2 It shall be the intention of Council to recognize the Second Lake Regional Park Association and other environmental interest groups through cooperative consultation programs on matters relating to Second Lake and the Second Lake watershed.

Ms. Ryan advised that the Regional Plan has a number of policies aimed at open space retention, such as having to retain 60% open space, and not allowing development of any wetlands. She requested the Solicitor's opinion on whether these policies could be considered as a part of this public hearing.

Council recessed at 6:50 p.m., reconvening at 7:04 p.m. with the same members present.

Mr. Martin Ward, Acting Municipal Solicitor, advised that policy CF-5 would constitute a substantive amendment. It would involve environment protection measures and is a policy without a companion by-law. It was not advertised as a part of the First Reading. Mr. Ward noted that policy NF-2 is a consultative piece that would resolve in a consultative program, that does not require a by-law. Therefore policy CF-F would not be permitted as an amendment, and policy NF-2 would be permitted as an amendment.

Discussion ensued on the amendment.

MOTION TO AMEND DEFEATED. (7 in favour, 10 against)

Those voting in favour were: Councillors Streach, Watts, Walker, Johns, Harvey, Outhit, and Rankin.

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Wile, Blumenthal, and Adams.

Those not present for the vote were: Councillors Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, and Lund.

The question was called on the main motion.

MOTION PUT AND PASSED. (17 in favour, 0 against)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Streach, Dalrymple, Hendsbee, Nicoll, McCluskey, Fisher, Wile, Blumenthal, Watts, Walker, Adams, Johns, Harvey, Outhit, and Rankin.

Those not present for the vote were: Councillors Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, and Lund.

9.2 Repeal and Replace Administrative Order 39, Amend Administrative Order 15, Repeal By-law T-108, and Enact By Law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines

First Reading of this matter was given at a meeting of Regional Council held on October 2, 2012.

Notice of Motion was given at a meeting of Regional Council held on August 14, 2012.

The following reports were before Regional Council for consideration:

- (i) Supplementary Staff Report dated September 26, 2012

- (ii) Supplementary Staff Report dated September 13, 2012
- (iii) Transportation Standing Committee Report dated August 20, 2012

A copy of the staff presentation was before Council.

The following submissions were also before Council:

- Email correspondence from Michael Bowers, Owner, Advantage Taximeter, dated September 23, 2012.
- Correspondence from Kim Howatt dated October 22, 2012.
- Correspondence from Billy Mastrapas and Aris Mastrapas, Blue Line Car Leasing Ltd., dated October 17, 2012.
- Email correspondence from Alphonse DesLaurier, Interim President of the Halifax Taxi Drivers Owners Association, and President of the HRM (Taxi) Medallion Agency, dated October 22, 2012.
- Submission from D.S. Virk dated October 23, 2012 – Ottawa Limousine Service – Schedule No. 10, By-Law 2002-189; and per capital ratio of cabs as of February 2008.

The following submissions were made during the public hearing:

- Submission from Garry Jollimore
- Submission from Bruce Cochrane
- Submission from Michael Bowers, Owner, Advantage Taximeter

Ms. Andrea MacDonald, Manager, License Standards, presented this matter to Regional Council, reviewing the recommendation, rate increases and background on rate increase, extension of zones, and general amendments.

Superintendent Sean Auld, Halifax Regional Police, reviewed the extension of zones and background on the extension of zones, as well as HRP Calls for Service and Assault statistics.

Staff responded to questions of clarification from members of Council at this time.

Responding to questions from Councillor Blumenthal, staff clarified that the Halifax Regional Police monitor the downtown. It was also clarified that the only license fee required by HRM is the \$50 owner license, and airport and hotel licenses are separate.

Superintendent Auld responded to questions of clarification regarding the HRP statistics, advising that the statistics show that when the zones were previously extended assaults decreased from midnight to 3:00 a.m. During the period of the statistics collection, violent crime decreased by 29%. Superintendent Auld discussed details of downtown patrols.

Responding to questions of clarification from Councillor Blumenthal, with regard to s.42(k) of the By-law which states that drivers shall not refuse to transport a disabled person except where such refusal is justified by physical limitations, Mr. Kevin Hindle,

Regional Coordinator, License Standards & Taxi/Limousine, clarified that the process is being monitored and is in place with the Taxi & Limousine Liaison Group. If there are any refusals of service, the complainant can call the Taxi office.

Councillor Adams submitted a petition on behalf of the United Cab Drivers Association of Halifax, containing the signatures of approximately 46 licensed taxi drivers or owners, requesting that HRM Council make no amendments to the taxi by-laws except to those of taxi and limousine fares.

The Mayor opened the floor for those wishing to speak in favour or against the proposal.

Mr. Al DesLaurier, Halifax, Interim President of the Halifax Taxi Drivers Owners Association, and President of the HRM (Taxi) Medallion Agency, noted that he has been a taxi driver since 1965. He feels that Council is under the mistaken assumption that more taxis on the streets will reduce crime. The drivers did their own study which showed that in the Halifax zone there is a problem with demographics. There are a large number of drivers collecting pensions from previous jobs, that refuse to drive downtown. Other drivers with other full time jobs will not drive downtown because they cannot risk getting hurt and losing their full time jobs. Some full time drivers will not drive downtown for safety reasons. If the zones are opened there will only be 30-40 drivers that will drive downtown. Opening zones will create a migration from other zones in Sackville and Dartmouth, leaving a vacancy for customers there. Drivers will migrate to hotels, which are an easier and safer fare.

Mr. Terry Morier, Dartmouth, Interim Vice President, Dartmouth Zone, Drivers Association, and Vice President, Dartmouth Zone, HRM Medallion Agency, noted that he has been a taxi driver for 22 years. When the zones were previously opened, drivers were not consulted whether it was a good or safe idea. Safety is a prime concern of taxi drivers, especially at night. Drivers' experience in Dartmouth is that when county taxis migrated to Dartmouth and then to the downtown, this created an increase in wait times for Dartmouth and county customers, and Halifax drivers had to start driving other shifts or zones. Drivers driving from one zone to another increases the carbon footprint of HRM. He has not seen an increase in business and cannot see the need to open zones. Zones were established to ensure continuous service, speedy wait times, and care and protection of the public. The safety aspect of intoxicated customers is frequently jeopardized by driver unfamiliarity, who are inexperienced and untested in zones. The patience of late night customers is limited with drivers unfamiliar to zones who do not know the fastest and cheapest way to get them home. Dispatch services become annoyed with drivers taking time to get back to their zones. Calls back up and customers get busy signals.

Deputy Mayor Karsten inquired of Mr. Morier whether he supported the other recommendations. Mr. Morier advised that some needed to be "ironed out".

Mr. Clarence Webb, Halifax, advised that he has been a taxi driver for 35 years. He noted that every increase drivers have gotten is a drop rate and so much per mile.

Drivers need a four dollar drop rate, no increase on the price per mile, and extras should go from fifty cents to one dollar. This would be more incentive for people to take a cab home from a bar.

Mr. Dave Buffett, Halifax, Interim Secretary of the Drivers Association, and Vice President, Halifax Zone, HRM Medallion Agency, advised that he is not sure why Council would open the zones. He suggested that the number of taxi stands should be increased, and the number of taxis able to wait at taxi stands should be increased. There are issues with non-taxi vehicles parking in taxi stands, and although he calls the police, these cars are not ticketed. The Downtown Halifax Business Commission wants more taxis available downtown at bar closing time, although closing time is 2:00 a.m., not 11:00 p.m. This creates a longer wait for customers in the Sackville and Dartmouth areas.

Mr. Bruce Cochrane, Dartmouth, is a taxi driver in the Halifax zone. Mr. Cochrane submitted and reviewed an itemized list of concerns with the proposed Administrative Order #39 and By-law T-1000. A copy of Mr. Cochrane's submission is on file.

Mr. Darshan Virk, Hammonds Plains, advised that he has been in the taxi business for the last 40 years. Mr. Virk referred to s. 9.0 of the By-law with regard to obtaining or renewing an owner license, which states that the licensing authority may issue an owners license that is either conditional or permanent, and that an individual may apply in writing or in person to the license authority, or by having an officer of the corporation apply to the licensing authority. He noted that the licensing authority was previously a police officer but is now a citizen. Mr. Virk noted concern that a police officer has more authority than a citizen who, in his opinion, would be more likely to be pushed around or influenced. Mr. Virk indicated that Metro Transit drivers and taxi drivers both drive the residents of Halifax, although Metro Transit drivers don't have to put money into their vehicles. There is no minimum wage in the taxi industry, drivers are self-employed and not part of a union. Mr. Virk noted concern that the Admin Order and By-law changes were put forward without input from the taxi industry.

Mr. Ed Benoit, Lakeside, advised he is a Halifax taxi driver licensed with the Halifax Stanfield International Airport, he is the Secretary of the United Taxi Drivers Association Halifax. He believes that By-law T-1000 will mean the deregulation of the taxi industry and the end of his livelihood. The cost of living including heat, power, and food is going up but is not taken into account with regard to the proposed raise in rates. Mr. Benoit noted that taxi drivers are not responsible for the violence downtown, noting that assaults take place inside the bars also. He commented that by 4:15 a.m. no one is left downtown and there is no need to extend the zones. Mr. Benoit extended an invitation to take members of Council downtown in the early morning on a weekend to see firsthand whether more taxis are needed. They will see that drivers from Dartmouth and Sackville drive around for twenty minutes or more before they pick up a customer.

Ms. Kim Howatt, Halifax, referring to her submission, suggested a full revamping of the By-law. She advocates for the adoption of a Taxi Cost Index, which is being used in

Ottawa, Calgary, and Hamilton. Ms. Howatt noted that drivers need more education and training. She suggested that bars need to be held accountable for the violence downtown, and policing in the downtown area needs to be increased. Halifax needs enforcement officers on the streets to enforce taxi regulations. She encouraged members of Council to put the by-law back on the table and work with the industry to find new and innovative ways of dealing with issues.

Ms. Amanda Jenkins, Middle Sackville, indicated that she is speaking in favour of the amendment to the By-law to ensure that taxi passengers with disabilities are helped to the door when it is required. Her sister Holly Bartlett was blind and passed away after taking a taxi home from an evening with friends. It is believed that she became disoriented and was found ½ kilometre away from her doorstep underneath the MacKay Bridge. The safety and well being of passengers should be a priority and it should be common courtesy for drivers to ensure that all passengers, especially those with disabilities, arrive safely at their destination. Clearly defined roles are required when it comes to accepting fares from disabled passengers.

Mr. David Marriott, Lakeside, advised that he has been driving a taxi for 41 years. He noted that the original raise proposed to the Mayor at a meeting in June 2011 was a \$4 start, \$1 per extra passenger, \$30 hired time per hour, and \$30 wait time, with no increase to the mileage. This was rejected and a 10% blended raise was suggested instead. The next submission was a \$3.30 start, seventy cents for extra passengers, \$2.50 per mile, \$30 for meter wait time, and \$30 hired time, cruise ship passengers \$50 per hour, \$11 dollars for a ten minute tour downtown, airport \$58, and bridge \$1.10. Fifteen percent of the increase would be HST. The response from the Mayors office was that the raise proposal would be forwarded to the new Taxi Liaison Group, although he does not believe that the raise was brought before the group. Drivers were hoping for a small raise in 2011 and revisiting another raise in 2013. Reasonable raises on a regular basis should be given so drivers are not over extending themselves working, creating a dangerous public safety issue. There are a number of groups that are taking away from the taxi industry, including hotels hiring contractors, the base taxi, "gypsy" taxis, rickshaws and shuttle cars. Opening zones will again reduce taxi drivers' incomes.

Ms. Mary Walsh, Halifax, commented that she is a new resident at Northwood Manor. She took a taxi home recently and although she had a sling on her arm the driver would not open the door for her, which she thought was very rude.

Mr. Douglas Brine, Clayton Park, advised that he has been a taxi driver for 47 years and is a past president of the Taxi Drivers Association. He disagreed with Superintendent Spicer saying that taxis leave the zone at 3:00 a.m. Drivers need help at 3:00 and 4:00 a.m. because many of them are fearful of driving at night. Taxi driving is a violent industry and drivers need protection. Mr. Brine commented that drivers don't get fares in the downtown until 1/1:30 a.m. and are very busy at 2:00 a.m. He noted the poor professionalism of many drivers, and suggested having a school for drivers. Mr. Brine indicated that if zones are opened in Halifax, they should be opened everywhere.

Mr. Robert Richards, Spryfield, noted that he has been a taxi driver for 47 years, and was a member of the former Taxi Committee for 16 years and was also a member of the hotel committee. He commented that when the taxi committee was dissolved drivers were left without a way to deal with their issues. Mr. Richards suggested that the Taxi & Limousine Liaison Group is not doing anything, and is a closed door committee. He is concerned that if the zones are opened it will deprive other areas of taxis. He personally will not work downtown for safety reasons. Mr. Richards suggested that Council defer this matter until they can get more feedback from drivers.

Mr. Garry Jollimore, advised that he has been in the taxi business for 30 years and works airport ground transport. He is a member of the Taxi & Limousine Liaison Group, although he is speaking today on his own behalf. He recommends breaking up the amendments to talk about them separately. With regard to the zoning issue, Mr. Jollimore referred to an interview with Christopher Murphy, a sociologist from Dalhousie University and consultant on the Mayors Task Force on Violence. Mr. Murphy, recognized that violence downtown increased from 2-5:00 a.m., recommended that bar hours be reduced after midnight. Bars used to have staggered closing times, which worked well for taxi drivers driving home customers.

Mr. Gordon Soward, Executive Director, Restaurant Association of Nova Scotia, advised that through regular surveying of members, there is a lack of taxis in downtown Halifax and downtown Dartmouth at required times. He noted that there is also an issue with taxi drivers only wanting to take fares traveling close to downtown. There is a further issue of taxi companies not answering their phones late at night. The overall focus should be on providing good customer service. Mr. Soward made a suggestion, based on the city of Calgary, which turned fire hydrant areas into taxi stands and taxi stands into private metered parking. He suggested that taxi drivers work hard and deserve a fair wage. With regard to violence in the downtown, Mr. Soward commented that the pass system is working very well, where people can be banned from all bars downtown for behavioural offences, and the program may be rolled out province wide. He suggested that input from the entertainment industry and restaurants, as well as drivers are key to working on the assault issue.

Mr. Mike Bowers, Advantage Taximeter, suggested that the taxi drivers need a raise. It should not be cheaper for 6 people to take a taxi than to take the bus. Taxis provide an enhanced service over buses. Mr. Bowers referred to his submission where he worked out a rate increase using the Consumer Price Index. He suggested that based on increased gas prices and the cost of living increase, drivers would need a 17.1% increase to equal what they made in 2005. Mr. Bowers suggested that it is a conflict of interest to have companies certifying their own meters, and the ability of private companies to certify their own meters should be removed from the By-law to avoid the overcharging of customers.

Responding to a question from Councillor Blumenthal, Mr. Bowers advised that the meters are not hard to change.

At the request of Councillor Hendsbee, Mr. Bowers explained the math that was used for the measurements in his submission.

The Mayor called three times for any further speakers, hearing none it was **MOVED by Councillor Blumenthal, seconded by Councillor Wile, that the public hearing be closed. MOTION PUT AND PASSED.**

Council recessed at 8:47 p.m., reconvening at 9:01 p.m. with the same members present with the exception of Councillors Streach, Johns and Harvey.

MOVED by Councillor Rankin, seconded by Deputy Mayor Karsten, that Regional Council:

1. **Approve the repeal and replace Administrative Order #39, as set out in Appendix A of the September 13, 2012 staff supplementary report and an amendment to Administrative Order 15, as set out in Appendix B, of the September 13, 2012 supplementary staff report; including:**
 - i. **Rate increases as outlined in the July 13, 2012 staff report, with an amendment to the drop rate, increasing it from \$3.09 to \$3.10;**
 - ii. **Extension of the current open zones to Thursday 12:00 a.m.(midnight) to Friday 5:00 a.m.; Friday 12:00 a.m. (midnight) to Saturday 5:00 a.m.; and Saturday 12:00 a.m. (midnight) to Sunday 5:00 a.m.; and any Sunday night 12:00 a.m. (midnight) to Monday 5:00 a.m. of a long weekend created by a statutory or declared local holiday in effect on the Monday; and**
 - iii. **Addressing housekeeping and general amendments, as outlined in Appendix F of the July 13, 2012 staff report.**
2. **Approve Proposed By-law T-1000 which is to replace and repeal By-law T-108, as set out in Appendix B of the July 13, 2012 staff report, and includes housekeeping and general amendments.**

Councillor Rankin, with the agreement of Deputy Mayor Karsten, indicated that he wished to make an amendment to the motion, to raise the drop rate from \$3.10 to \$3.20. He explained that this is based on a five-year time frame identified which reflected the Nova Scotia Consumer Price Index of 8.9%. If extended for an extra year to a six year time frame, it would reflect a blended rate increase of 12.76%.

MOVED by Councillor Rankin, seconded by Deputy Mayor Karsten, that item 1(i) of the motion be amended to read:

1.(i) Rate increases as outlined in the July 13, 2012 staff report, with an amendment to provide for a blended rate increase of 12.76% of CPI, increasing the drop rate from \$3.09 to \$3.20.

Councillor McCluskey suggested that considering the feedback of the drivers today, this matter should be deferred to obtain further consultation from the drivers.

MOVED by Councillor McCluskey, seconded by Councillor Blumenthal, that this matter be deferred for a staff report in response to issues raised by drivers during the public hearing.

Mr. Brad Anguish, Director, Community & Recreation Services, advised that staff would not be able to prepare a response to all of the issues raised during the public hearing in one week, to have the response to Council for their last meeting.

The Mayor clarified that if this matter were deferred beyond next week a new public hearing would have to be held with the new Council members. Mr. Martin Ward, Municipal Solicitor, agreed with the Mayor's assessment of the public hearing rules.

Responding to questions from Councillor Adams, Mr. Hindle clarified that there are companies controlling a total of 62 owner licenses in HRM.

MOVED by Councillor Blumenthal, seconded by Councillor McCluskey, that the motion to defer be amended to exclude the rate increase (item 1(i)).

Responding to a question from Councillor Blumenthal, Mr. Hindle advised that the members of the Taxi & Limousine Liaison Group were appointed through the HRM public appointments process. Appointments were made through applicants from the industry and public.

The motion to amend the motion of deferral, to exclude the rate increase (item 1(i) from the deferral was voted on at this time.

MOTION TO AMEND PUT AND PASSED. (9 in favour, 5 against)

Those voting in favour were: Deputy Mayor Karsten; and Councillors Dalrymple, Nicoll, McCluskey, Fisher, Wile, Blumenthal, Walker, Adams, .

Those voting against were: Mayor Peter Kelly; and Councillors Hendsbee, Watts, Outhit, and Rankin.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

A vote was taken on the deferral at this time.

MOTION TO DEFER AS AMENDED DEFEATED. (5 in favour, 9 against)

Those voting in favour were: Councillors Dalrymple, Nicoll, McCluskey, Wile, and Blumenthal.

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Hendsbee, Fisher, Watts, Walker, Adams, Outhit, and Rankin.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

Councillor Rankin requested that his four part motion that is now on the floor be voted on in four parts.

Mr. Anguish further explained the use of the CPI data in reaching the 12.76% blended rate increase. He indicated that the Greater Halifax Partnership has agreed with the calculation.

A vote was held on the amendment to the main motion to provide for a blended rate increase of 12.76% of CPI, increasing the drop rate from \$3.09 to \$3.20.

MOTION TO AMEND PUT AND PASSED. (12 in favour, 2 against)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, Fisher, Wile, Blumenthal, Watts, Walker, Outhit, and Rankin.

Those voting against were: Councillors McCluskey and Adams.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

As requested by Councillor Rankin, the main motion was split into a four part vote.

MOVED BY Councillor Rankin, seconded by Deputy Mayor Karsten, that Regional Council:

1. **Approve the repeal and replacement of Administrative Order #39, as set out in Appendix A of the September 13, 2012 staff supplementary report and an amendment to Administrative Order 15, as set out in Appendix B, of the September 13, 2012 supplementary staff report; including:**
 - i. **Rate increases as outlined in the July 13, 2012 staff report, with an amendment to provide for a blended rate increase of 12.76% of CPI, increasing the drop rate from \$3.09 to \$3.20.**

MOTION PUT AND PASSED. (12 in favour, 2 against)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, Fisher, Wile, Blumenthal, Watts, Walker, Outhit, and Rankin.

Those voting against were: Councillors McCluskey and Adams.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

MOVED by Councillor Walker, seconded by Councillor Rankin, that the extension of the current open zones on Thursdays be changed to 12:00 a.m. (midnight) to Friday 3:00 a.m. MOTION TO AMEND DEFEATED. (5 in favour, 9 against)

Those voting in favour were: Councillors McCluskey, Fisher, Watts, Walker, and Rankin.

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, Wile, Blumenthal, Adams, and Outhit.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

The vote was taken on the second part of the main motion at this time.

MOVED by Councillor Rankin, seconded by Deputy Mayor Karsten, that Regional Council:

1. **Approve the repeal and replacement of Administrative Order #39, as set out in Appendix A of the September 13, 2012 staff supplementary report and an amendment to Administrative Order 15, as set out in Appendix B, of the September 13, 2012 supplementary staff report; including:**
 - ii. **Extension of the current open zones to Thursday 12:00 a.m. (midnight) to Friday 5:00 a.m.; Friday 12:00 a.m. (midnight) to Saturday 5:00 a.m.; and Saturday 12:00 a.m. (midnight) to Sunday 5:00 a.m.; and any Sunday night 12:00 a.m. (midnight) to Monday 5:00 a.m. of a long weekend created by a statutory or declared local holiday in effect on the Monday; and**

MOTION PUT AND PASSED. (9 in favour, 5 against)

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, Fisher, Wile, Watts, and Rankin.

Those voting against were: Councillors McCluskey, Blumenthal, Walker, Adams, and Outhit.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

Councillor Blumenthal noted concern with only 14 members of Council present out of 24, and left the meeting at 9:52 p.m.

MOVED by Councillor Walker, seconded by Councillor Hendsbee, that Regional Council remove from the general amendments that corporate owned licenses not become transferable.

Councillor Adams noted concern that this amendment would unfairly target a major license owner in HRM, a family business in operation for 30 years, who are friends of his.

MOVED by Councillor Hendsbee, seconded by Councillor Rankin, to extend the meeting beyond 10:00 p.m. to complete the agenda. MOTION PUT AND PASSED.

Mr. Randolph Kinghorne, Solicitor, HRM Legal Services, spoke to the amendment, noting that it is the general desire of HRM to move toward an owner operated system so that everyone has an opportunity to own a license. He confirmed that licenses are owned by HRM, and are currently leased by companies to drivers.

Discussion ensued on the subject of transferability of licenses.

MOVED BY Councillor Rankin, seconded by Councillor Hendsbee, that the question be put on the amendment. MOTION PUT AND PASSED.

MOTION TO AMEND DEFEATED. (6 in favour, 7 against)

Those voting in favour were: Councillors Dalrymple, Nicoll, McCluskey, Fisher, Walker, and Adams.

Those voting against were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Hendsbee, Wile, Watts, Outhit, and Rankin.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Blumenthal, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

Parts 1(iii) and 2 of the original four part motion were voted on at this time.

MOVED BY Councillor Rankin, seconded by Deputy Mayor Karsten, that Regional Council:

1. **Approve the repeal and replacement of Administrative Order #39, as set out in Appendix A of the September 13, 2012 staff supplementary report and an amendment to Administrative Order 15, as set out in Appendix B, of the September 13, 2012 supplementary staff report; including:**
 - iii. **Addressing housekeeping and general amendments, as outlined in Appendix F of the July 13, 2012 staff report.**
2. **Approve Proposed By-law T-1000 which is to replace and repeal By-law T-108, as set out in Appendix B of the July 13, 2012 staff report, and includes housekeeping and general amendments.**

Those voting in favour were: Mayor Peter Kelly; Deputy Mayor Karsten; and Councillors Dalrymple, Hendsbee, Nicoll, Wile, Watts, Outhit, and Rankin.

Those voting against were: Councillors McCluskey, Fisher, Walker, and Adams.

Those not present for the vote were: Councillors Streach, Barkhouse, Smith, Blumenthal, Sloane, Uteck, Hum, Mosher, Johns, Harvey and Lund.

The motion as amended reads as follows:

MOVED by Councillor Rankin, seconded by Deputy Mayor Karsten, that Regional Council:

1. **Approve the repeal and replacement of Administrative Order #39, as set out in Appendix A of the September 13, 2012 staff supplementary report and an amendment to Administrative Order 15, as set out in Appendix B, of the September 13, 2012 supplementary staff report; including:**
 - i. **Rate increases as outlined in the July 13, 2012 staff report, with an amendment to provide for a blended rate increase of 12.76% of CPI, increasing the drop rate from \$3.09 to \$3.20;**
 - ii. **Extension of the current open zones to Thursday 12:00 a.m. (midnight) to Friday 5:00 a.m.; Friday 12:00 a.m. (midnight) to Saturday 5:00 a.m.; and Saturday 12:00 a.m. (midnight) to Sunday 5:00 a.m.; and any Sunday night 12:00 a.m. (midnight) to Monday 5:00 a.m. of a long weekend created by a statutory or declared local holiday in effect on the Monday; and**
 - iii. **Addressing housekeeping and general amendments, as outlined in Appendix F of the July 13, 2012 staff report.**

2. **Approve Proposed By-law T-1000 which is to replace and repeal By-law T-108, as set out in Appendix B of the July 13, 2012 staff report, and includes housekeeping and general amendments.**

AMENDED MOTION PUT AND PASSED.

16. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS

1. Memorandum from the Municipal Clerk dated October 16, 2012
re: Requests for Presentation to Council – None