

HALIFAX REGIONAL COUNCIL
MINUTES
APRIL 15, 1997

PRESENT: Deputy Mayor Jack Greenough
Councillors Bill Dooks
Gordon R. Snow
David Hendsbee
Ron Cooper
Harry McInroy
Condo Sarto
Bruce Hetherington
Clint Schofield
John Cunningham
Jerry Blumenthal
Graham L. Downey
Larry Uteck
Howard Epstein
Russell Walker
Bill Stone
Ron Hanson
Stephen Adams
Barry Barnet
Robert Harvey
Peter Kelly
Reg Rankin
Jack Mitchell

REGRETS: Mayor Walter Fitzgerald

STAFF MEMBERS: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Jane Nauss, Assistant Municipal Clerk

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1. **INVOCATION**

Deputy Mayor Greenough called the meeting to order at 6:00 p.m. with the Invocation.

2. **PROCLAMATIONS**

2.1 **Earth Day - April 22, 1997**

Deputy Mayor Greenough proclaimed April 22, 1997 as Earth Day.

2.2 **Volunteer Week - April 13 - 19, 1997**

Deputy Mayor Greenough proclaimed the week of April 13 - 19, 1997 as Volunteer Week and presented the following individuals with plaques, honouring them for their spirit of volunteerism within Halifax Regional Municipality: Joan Hayes, Philip Hartling, Robert Symons, Judy Misner, Lynn Leaman and Bette Yetman.

3. **APPROVAL OF MINUTES** - March 18, 25 and April 1, 1997

MOVED by Councillors Hetherington and Schofield to adopt the Minutes of March 18, 25 and April 1, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

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

Deputy Mayor Greenough noted that Mr. Rocky Jones has requested to speak under Presentations - Composting Facilities.

Deputy Mayor Greenough noted there were four items which required ratification as a result of an In Camera Meeting:

- Land Matter - Residual Disposal Facility and Front End Processing Facility
- Land Matter - Metaline Graphics & Sale of Hubbards Square
- Regional Council Summer Meeting Schedule
- Lease Matter - Former Dartmouth City Hall.

Councillor Cooper requested the following be added to the agenda:

- Information Item #4 - Water Main Break - Ardwell Avenue, Spryfield-
- Information item #7 - Booking Administration Fees for Outdoor Athletic Facilities

Councillor Hendsbee requested the following:

- (a) that items 9.2.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5 and 9.5.7 be deferred until after the presentations on the composting facilities.
- (b) that items 11.1.13 and 11.1.14 be heard after 11.1.4.

Councillor Rankin requested ten individuals from the Community Stakeholders Committee (CSC) be permitted to speak on the composting facilities. It was agreed to permit one representative from the CSC to speak.

Councillor Kelly requested Ms. Barbara Verge be permitted to speak on the matter of composting facilities.

Councillor Epstein stated that Ms. Maureen Reynolds would be waiving her right to speak this evening - item 11.1.12 - Proposed Amendments to HRM Act.

MOVED by Councillors Stone and Epstein to approve the Order of Business, as amended. 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. **REPORTS**

9.1 **MEMBERS OF COUNCIL**

9.1.1 **Grand Parade Parking - Councillor Uteck**

Councillor Uteck addressed Council expressing concern on the number of vehicles parked in Grand Parade.

MOVED by Councillors Uteck and Epstein that staff prepare a report on the parking situation at Grand Parade.

In speaking to the Motion, Councillor Uteck suggested staff take into consideration the following:

- restrict parking to 5:00 p.m. - May - October
- restrict parking to certain individuals - i.e. those doing business in City Hall
- restrict parking to those individuals with disabilities
- restrict parking to the oval section of the building.

Comments pertaining to this issue included the costs involved in having to park underground; a "parking pass" for those doing business in City Hall was suggested; the area in front of the building needs to be available as parking space.

MOTION PUT AND PASSED.

9.1.2 **MEALS FOR BOARDS AND COMMITTEES - COUNCILLOR ADAMS**

Councillor Adams expressed concern with the fact that meals / refreshments would not be provided for volunteers sitting on Boards and Committees of Council.

MOVED by Councillors Adams and Barnet to reinstate the policy to provide meals / refreshments to volunteers sitting on Boards and Committees of Council. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 **COMMITTEE OF THE WHOLE**

9.2.1 **Request for Proposals #96-165 - Source Separated Organics Collection.**

Although this matter was deferred to the end of the agenda, Council did not deal with this item.

The following Motions were previously adopted in Committee of the Whole and were subsequently recommended to Council.

9.2.2 (a) **Revised Composition - Grant Committee**

MOVED by Councillors Hendsbee and Schofield to increase the Council membership on the Grants Committee from five to six, with the additional individual to come from the Harbour East Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cooper stated he would like to sit on the Grant Committee.

9.2.2 (b) **Canoe '97**

MOVED by Councillors Hendsbee and Hetherington to approve the Grant Committee recommendation that \$40,000 be held in abeyance to cover municipal services for Canoe '97. MOTION PUT AND PASSED UNANIMOUSLY.

9.2.2 (c) **Neptune Theatre**

MOVED by Councillors Hendsbee and Blumenthal to not recommend a grant to Neptune Theatre at this present time. MOTION PUT AND PASSED.

Councillor Hetherington reiterated his earlier request for a report outlining the grants received by the Neptune Theatre, over the past five years, from the four former municipal units.

9.3 **AD HOC ELECTION EXPENSES COMMITTEE**

9.3.1 **Municipal Election Expenses**

! A memorandum prepared for Deputy Mayor Greenough, Chair, Ad Hoc Election Expenses Committee, was before Council for discussion.

MOVED by Councillors Hetherington and Cunningham that Council recommend to the Municipal Legislation Review Committee that:

- (1) the maximum limits on election expenditures be the same as apply to provincial elections rather than as recommended by the Municipal Legislation Review Committee;
- (2) the recommendation of the Municipal Legislation Review Committee that campaign expenses be disclosed be supported;
- (3) the recommendation of the Municipal Legislation Review Committee that campaign contributions be disclosed be supported with the proviso that the provincial government be requested to increase the threshold level for the disclosure of contributions for provincial elections to \$100.00 from \$50.00;
- (4) tax credits in respect of campaign contribution is not supported at this time;
- (5) the recommendations be effective for the next general election.

Mr. Wayne Anstey, Municipal Solicitor, addressed Council noting this recommendation will be forwarded to the Municipal Legislation Review Committee for their consideration.

MOVED by Councillors Walker and Epstein to amend the Main Motion by deleting "\$100.00" from clause (3). MOTION DEFEATED.

In speaking to the Main Motion, Councillor Adams suggested that the only way clause (3) could be enforced would be to appoint an individual who would accept all contributions, provide a receipt, and forward the funds to the respective candidate. Further, he noted that a benefit must be offered to the contributor.

Councillor Hendsbee referenced the issuance of tax credits, noting this would create a loss of revenue for the municipality. Accordingly, the Councillor suggested this particular aspect be deferred pending further study.

A vote on the Main Motion took place. **MOTION PUT AND PASSED.**

9.4 **REGIONAL HERITAGE ADVISORY COMMITTEE**

9.4.1 **Heritage Grant - 2140 Brunswick Street**

A memorandum prepared for Mr. Turney Manzer, Chair, Regional Heritage Advisory Committee, was before Council for discussion.

MOVED by Councillors Downey and Uteck that Council approve a grant in the amount of \$2125 for the restoration work of 2140 Brunswick Street. MOTION PUT AND PASSED.

9.5 **CHIEF ADMINISTRATIVE OFFICER**

9.5.1 **Tax Sale Policy**

! A Supplementary Report prepared for Mr. Larry Corrigan, Commissioner, Corporate Services, was before Council for discussion.

MOVED by Councillors Stone and Walker that Halifax Regional Municipality implement a tax sale policy whereby staff may institute tax sale proceedings for property taxes outstanding as at the end of any fiscal year, March 31.

Councillor Barnet suggested this matter be deferred pending a report from the Grants Committee.

Another Motion was put on the floor.

MOVED by Councillors Barnet and Kelly to defer this matter pending a report from the Grants Committee.

In speaking to the Motion, Mr. Reg Ridgley, Manager of Treasury, stated under the Municipal Affairs Act, there is a penalty for those municipalities with no tax sale policy in place. The penalty in this case would approximate \$15 million as at March 31, 1997, thereby impacting greatly on the Operating Budget.

MOTION DEFEATED.

A vote on the Main Motion took place. **MOTION PUT AND PASSED UNANIMOUSLY.**

9.5.2 **General Amendments to HRM**

Although this matter was deferred to the end of the agenda, Council did not deal with this item.

9.5.3 Amendments to Provincial Amendments - HRM Act - addressed on page 27

9.5.4 Amendments to Administrative Order Number One - addressed on page 27

9.5.5 Infrastructure Program - addressed on page 27

9.5.6 **Point Pleasant Park - Agreement - HRM - Federal Crown**

- ! A memorandum prepared for Mr. George McLellan, Commissioner of Regional Operations and Mr. Wayne Anstey, Municipal Solicitor, on the above-noted, was before Council for discussion.

MOVED by Councillors Uteck and Downey to authorize the Mayor and Municipal Clerk to execute on behalf of the Halifax Regional Municipality the Memorandum of Agreement attached as Appendix 'A' to the staff report dated April 7, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.7 **Information Session: RFP Recommendation #96-184 - Source Separated Compost Facilities**

This matter was deferred subsequent to presentations pertaining to the above. (see page 24).

9.5.8 **Testing and Inspection Tender No. 97-326**

- ! A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted matter, was before Council for discussion.

MOVED by Councillors Sarto and Hetherington to award Tender No.97-326, Testing and Inspection 1997, to Maritime Testing Ltd. MOTION PUT AND PASSED.

9.5.9 **Taxi & Limousine Rate Change to Accommodate HST First Reading - By-Law T-101 Respecting Taxis and Limousines**

- ! A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted, was before Council for discussion.

MOVED by Councillors Adams and Hetherington that taxi rates within the Halifax Regional Municipality be changed to reflect the increase resulting from the HST, in accordance with Schedule "A" attached to the staff report dated April 1, 1997. The appropriate by-laws would be amended to provide that the mileage and hourly rates for the County, Dartmouth and Halifax increase by the percentage of increased sales tax, with some rounding to accommodate the requirements of taxi meters. There would be no change in the current drop rates or additional passenger charges. MOTION PUT AND PASSED UNANIMOUSLY.

A Motion to give First Reading to By-Law T-101 Respecting Taxis and Limousines, which amends the Taxi and Limousine By-Laws for the former Municipality of the County of Halifax, City of Dartmouth and City of Halifax, was put on the floor.

MOVED by Councillors Adams and Hetherington to give First Reading to By-Law T-101 Respecting Taxis and Limousines, which amends the Taxi and Limousine

By-Laws for each of the former municipalities - Municipality of the County of Halifax By-Law #10; City of Dartmouth By-Law #T-500, and City of Halifax Ordinance #116 - to implement new taxi fares to take into account the HST imposed by the Provincial and Federal Governments on April 1, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.10

MPS Boundary Amendment - 540 Main Street, Dartmouth

! A memorandum prepared for Mr. Dan English, Commissioner, Community Services, on the above-noted, was before Council for discussion.

MOVED by Councillors Cooper and McInroy to authorize staff to proceed with the request to amend the Municipal Planning Strategies for Dartmouth and Cole Harbour/Westphal in accordance with the public participation program adopted on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cooper suggested this matter be forwarded to the Planning Advisory Committee as soon as possible.

10. **PUBLIC HEARINGS**

10.1 **Second Reading - Sewer Charges By-Law S-100**

! This matter was before Council on March 25, 1997 at which time Council gave First Reading to By-Law S-100 - Sewer Charge By-Law.

MOVED by Councillors Kelly and Hetherington to give Second Reading to Sewer Charges By-Law S-100.

Deputy Mayor Greenough called for comments from the public.

MR. DARRELL DIXON - The Armoyan Group

Mr. Dixon addressed Council, and through the use of overheads, requested Council understand that as housing costs increase, implementation of this By-Law will make it harder for people to own homes.

In closing, Mr. Dixon asked Council to consider the following:

- support for quality, affordable housing;
- regional planning to support and encourage housing where services can be efficiently provided;

- changes in development standards and policies be reviewed in the context of regional impacts;
- changes in development standards and policies created in a time line which allows industry to plan at least one year ahead.

MS. ANN JANEGA - Executive Director, Canadian Homebuilders Association of Central Nova

Ms. Janega addressed Council and expressed concern on the fact that the Association heard two weeks ahead of time there would be First Reading of this By-Law; further, she stated this process does not constitute meaningful consultation.

Council was reminded of the impact realized as a result of the last harmonization of rates and taxes.

With respect to the housing industry, a report had been commissioned which noted that the actual cost of housing this year will increase approximately 4.5%.

Ms. Janega noted there is a resource available to this municipality - a strong industry full of competent people with expertise in the areas of levies and rates. Council was urged to take advantage of this expertise and to obtain meaningful consultation from the members of the industry. Accordingly, this will have an impact on the affordability of housing to the people of the Region.

Deputy Mayor Greenough called three times for further comments from the public. There were none.

**MOVED by Councillors Blumenthal and Cunningham to close the Public Hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Walker expressed concern noting that residents of the former City of Halifax are still paying the same taxes even though the monies are being funded from another source. He enquired as to where the money has gone that the former City of Halifax residents have already paid.

Councillor Cooper requested an analysis this by-law will have on people living in development areas and where the anticipated funds will be directed.

Mr. Kulvinder Dhillon stated this By-Law will amalgamate those already in existence and that there would not be a rate increase.

A vote on Second Reading took place.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 **Sale and Street Closure - Lands Abutting 55 Purcell's Cove Road -
Administrative Order SC-3**

! A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, on the above-noted matter, was before Council.

Ms. Anne Feist, Real Estate, addressed Council and through the use of overheads advised that Mr. Kevin Rosborough has approached staff to purchase the above-noted lands which are owned by the municipality. The property abuts land owned by Mr. Rosborough and it has been determined that these parcels of land are surplus to the requirements of the municipality and available for disposal.

MOVED by Councillors Hanson and Stone to consider Halifax Regional Municipality Administrative Order Number SC-3 concerning the closure of Parcel X, Purcell's Cove Road as shown on Plan TT-52-32746 and subject to approval of the street closure;

further, that Council approve the sale of lands identified as Parcel X and a portion of the former Lot 5-A as shown on the sketch attached to the staff report dated April 7, 1997, for \$10,692 as settlement in full, plus any GST or any additional taxes and adjustments that may be applicable.

Deputy Mayor Greenough called for comments from the public.

MR. PETER WHALEN

Mr. Whalen enquired as to where the property was located and following a response from Councillor Hanson, advised he supported the recommendation of staff.

Deputy Mayor Greenough called for further comments from the public. There were none.

**MOVED by Councillors Blumenthal and Schofield to close the Public Hearing.
MOTION PUT AND PASSED UNANIMOUSLY.**

A vote on the Main Motion took place.

MOTION PUT AND PASSED UNANIMOUSLY.

Following a ten minute recess, Council resumed at 8:00 p.m.

11. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

11.1.1 **Citizens Against Health Care Cuts - Dr. Errol Gaum**

- ! Correspondence from Ms. Debbie Kelly pertaining to correspondence dated February 24, 1997 regarding a request for a telephone hot line for health care, was before Council for discussion.

Dr. Gaum addressed Council referencing the implementation of a hot line for health care for the purposes of listening to those in need, to document these stories and forward same to the Provincial Government.

Dr. Gaum was specifically seeking the following: a small office, with minimal office equipment and furniture; two telephone lines; one full-time staff with possibly some seniors to volunteer; hours of operations - 8 - 10 hours daily, including weekends (this could all be done by volunteers), estimated months - 6 months should give enough feed back.

MOVED by Councillors Blumenthal and Schofield that staff prepare a report on the costs involved to set up the following as requested by the Citizens Against Health Care Cuts: a small office, with minimal office equipment and furniture; two telephone lines; one full-time staff with possibly some seniors to volunteer; hours of operations - 8 - 10 hours daily, including weekends (this could all be done by volunteers), estimated months - 6 months should give enough feed back. MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Greenough thanked Dr. Gaum for his presentation.

11.1.2 **Role of the Help Line Society - Veronica McNeil, Executive Director**

- ! Correspondence from Ms. Veronica McNeil, Executive Director, Metro Help Line, dated February 7, 1997, was before Council.

Ms. McNeil addressed Council advising the Metro Help Line provides confidential information and referral, lay counselling and crisis/suicide intervention by telephone and has been serving the community since 1969. There is a volunteer base of 120 people who work 24 hours per day - 365 days per year. In closing, Ms. McNeil shared with Council startling trends in the community i.e. parent support, financial support, addictions, mental health problems, etc. etc.

Deputy Mayor Greenough thanked Ms. McNeil for her presentation.

11.1.3 **Dartmouth BID Occupancy, Billing - Mr. Phillip Levandier**

- ! Correspondence from Mr. Levandier dated March 12, 1997 had been previously circulated to Council. Copies of Business Improvement District (BID) Billings

and a petition were distributed at the time of the presentation.

- ! Correspondence from Mr. Floyd Horne dated April 14, 1997 on the above noted had been distributed to Council.

Mr. Phillip Levandier, representing property owners in the downtown Dartmouth district, addressed Council, expressing his concern on a BID tax levy. The business community was not in favour of this levy and requested that Council defeat this tax. Concern was expressed that the Dartmouth rate is 22 cents/\$100, compared to the Halifax rate of 7 cents/\$100. Accordingly, Mr. Levandier suggested that the BIDs be amalgamated - with the downtown Halifax Board administering the Dartmouth BID.

In closing, Mr. Levandier suggested this was forced membership. Council was requested to consider the points raised in correspondence from Mr. Floyd Horne, dated April 14, 1997.

MOVED by Councillors Cunningham and Schofield to table the petition and refer this matter to staff for a report.

In response to an enquiry from Mr. Levandier as to what will happen to people who are not able to pay this bill, Mr. Ken Meech advised this would be addressed in the staff report.

Councillor Walker requested that the report also address the issue of how difficult it is to withdraw from Business Improvement Districts.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.4 **Construction of Jetty/Breakwater, Bedford Waterfront Property, Site 3.2 - Richard Hattin, Chair, BWDC**

- ! Correspondence from Mr. Richard Hattin, Chair, BWDC, dated March 27, 1997, was before Council.

Through the use of overheads, Mr. Hattin provided background information on the Bedford Waterfront over the past three years. In particular, Mr. Hattin addressed Council on the opportunity that exists to construct a Marine Jetty/Breakwater asset at very low cost. Three levels of government are involved in this project.

Mr. Hattin, provided a brief history of the Bedford Waterfront noting there was 12 acres of parklands, roads and walkways.

In closing, Mr. Hattin proposed a joint contribution of Federal, Provincial and Municipal funds and requested Halifax Regional Municipality contribute \$400,000.

Deputy Mayor Greenough thanked Mr. Hattin for his presentation.

11.1.5 through to 11.1.10 - Presentations - commence on page 17.

11.1.11 and 11.1.12 - Presentations - commence on page 26.

11.1.13 **Concerns of Bedford Waters Advisory Committee - Marvin Silver, Chair**

! Correspondence from Mr. Marvin Silver, Chair, Bedford Waters Advisory Committee (BWAC), dated April 15, 1997, was before Council.

Mr. Silver addressed Council noting the existence of BWAC is threatened and that the following concerns have been raised by the Committee over the past six months:

- What is the status of identifying a representative from Regional Operations to attend Bedford Waters Advisory Committee Meetings.
- What is the status of assigning a Council representative to attend Bedford Advisory Committee meetings.
- Has there been any decision made on the reporting procedure of the Bedford Advisory Committee.
- Has there been action taken on replacement of members on the Bedford Waters Advisory Committee.

In closing, Mr. Silver advised there were numerous other concerns of the Committee, however, these concerns required attention at this point in time.

Councillor Kelly stated that the Committee Advisory Committee is working with BWAC on their reporting structure. Further, there is ongoing testing which should be taking place, however, there have been problems in determining the appropriate staff responsible for same.

MOVED by Councillors Hetherington and Cunningham to refer this matter to staff for a report.

In speaking to the Motion, Councillor Hetherington suggested that BWAC report to North West Community Council.

MOTION PUT AND PASSED UNANIMOUSLY.

Deputy Mayor Greenough thanked Mr. Silver for his presentation.

11.1.14 **Water and Sewer Related Issues - Alan Smith, Chair, Sewer and Water Committee (Beaver Bank Community Awareness Association)**

- ! Correspondence from Mr. Smith, dated March 18, 1997, was before Council. Also, a copy of his presentation was distributed to Council.

Mr. Smith addressed Council noting the issues of water and sewer were of major concern to the residents in Beaver Bank. Following a brief historical background on the problems experienced by residents over the years, Mr. Smith requested support from Council, to expand the serviceable boundary **this year** from Majestic Avenue to Tucker Lake Road.

Problems experienced by residents include contaminated lake, dry wells and polluted wells. Problems are also experienced with the capability of doing laundry and the flushing of toilets.

Deputy Mayor Greenough thanked Mr. Smith for his presentation.

11.1.5 **Costs - Recent Solid Waste Strategy Decisions - Mr. Wayne Hamilton, PROBE**

Conflict of Interest

Councillor McInroy declared a Conflict of Interest as his brother was legal counsel for one of the proponents (RFP #96-184 - Source Separate Compost Facilities), and removed himself from discussions.

- ! A memorandum from Mr. Wayne Hamilton, dated April 4, 1997, was before Council.

Mr. Hamilton addressed Council on the costs associated with Council's recent decisions as they pertain to the Solid Waste Strategy. Further, he expressed the following concerns:

- various recommendations of staff were provided by the proponents;
- an expensive, immediate building program was initiated on an untested site without any contract or technical investigation;
- costs total \$79/tonne to ship to Cumberland with only a 12 cent difference to go to Moncton;
- the cost of the inappropriate site recommended by the proponents' consultants and not the CSC has resulted in major cost increases;
- the \$800,000 technical evaluation turned into \$1.2 million;
- amendments to the HRM Act are not mere housekeeping issues as stated by staff.

In closing, Mr. Hamilton suggested that the municipality cannot afford the increased debt; further, Council should listen to the taxpayers.

Deputy Mayor Greenough thanked Mr. Hamilton for his presentation.

11.1.6 **Proposal for Construction and Operation of Compost Facility off Highway 118 - A. Joy Morgan**

11.1.7 **Miller Composting Facility - Wanda MacInnes**

It was the consensus of Council to permit these two presentations to be given jointly.

- ! Correspondence from Ms. A. Joy Morgan, P. Eng., dated April 8, 1997, was before Council.
- ! Correspondence from Ms. Wanda MacInnes, dated April 10, 1997, was before Council.

Mr. Glen Bowie presented Council with a petition with over 700 signatures opposing a proposal submitted by Miller Composting Corporation to build and operate a composting facility off Highway 118.

In addressing Council, Mr. Bowie stated this was an unacceptable site as it was in close proximity to Lake Charles, and Highway 118. A video tape was shown of a composting facility located in Lunenburg (a copy was presented to the Clerk). Concern was expressed at the unsightliness of the facility. Mr. Bowie hoped this was not the type of facility being proposed and requested Council determine another location and rethink available options.

Deputy Mayor Greenough thanked Mr. Bowie for his presentation.

Councillor Barnet stated that he and Councillor Harvey visited the Lunenburg site and noted the video tape does not correctly reflect the situation, namely; the majority of the tape focuses on a first generation mix waste landfill and not the composting facility. Further, he did not believe that Miller Composting Corporation operated the facility. Councillor Barnet enquired of Mr. Ray Halsey, Regional Operations, if there were any concerns in Lunenburg as they pertain to the composting facility and not the landfill.

Deputy Mayor Greenough suggested any debate be deferred to the end of the presentations.

11.1.8 **Composting Facility - Hammonds Plains - Doug Curren**

- ! Correspondence from Mr. Doug Curren, dated April 1, 1997, was before Council.

Mr. Curren addressed Council hoping that Members of Council will listen to the

residents and make an informed vote on the issue of a composting facility in Hammonds Plains. Mr. Curren stated that Council turned to a poorly researched solid waste document which recommended a site with no regard for location. Further, Council is suggesting two sites with no possible ramifications noted. There has been much opposition to this proposal and still it is on the table.

Mr. Curren referenced concerns as to why Council should not look to the proponent for public trust:

- four references were noted in the Solid Waste/Resource Advisory Committee Report - the references were not favourable;
- on March 25, 1997, Mr. Paul Taylor, the proponent, stated he had a letter from the Department of the Environment all but approving this site, however, the Department has noted this is not correct;
- Mr. Taylor has stated the site will be limited to 45,000 tonnes, however, it would appear that the Department has to be approached for an amendment to increase the tonnage;
- Mr. Taylor stated he did not require 20,000 tonnes and that the site would be built and operated anyway. In response to an enquiry as to why he has not been forthcoming with information for the community, Mr. Taylor stated that without the commitment from the municipality of 20,000 tonnes, this site would not be feasible.

In closing, Mr. Curren stated the proponent does not have the public trust.

Deputy Mayor Greenough thanked Mr. Curren for his presentation.

11.1.9 **Composting Facility - Hammonds Plains - Doug Campbell**

- ! Correspondence from Ms. Cathy Wood, President, Maplewood-on-the-Lakes Residents Association, dated March 12, 1997, was before Council.

Mr. Doug Campbell, spokesman for the Residents Association, addressed Council noting many citizens are upset as no information has been made available. There has been a lack of process and no respect for the community. This facility abutts a major source of drinking water therefore, why put this watershed at risk. Further, there has been no screening for toxic contaminants. Should the water be contaminated, who will be responsible? Staff of the Halifax Regional Water Commission and the Department of the Environment have expressed concern with this proposal. It was suggested there will definitely be an odour, gulls and a discharge.

Mr. Campbell suggested that staff have not carried out their research in this regard as two of the four sites presented have been shut down due to environmental reasons.

In closing, Mr. Campbell requested Council take a moral stand on this issue, and encouraged them to either reject the site and direct SWRAC to go back to the table; to request staff prepare a competent proposal and not use proponents for reference; request the decision be made after completion of a full environmental assessment; or approve selection of this site and the proponent. This last option poses the greatest threat to the Strategy.

Deputy Mayor Greenough thanked Mr. Campbell for his presentation.

11.1.10 **Composting Site and Company - Betty Stacey**

! A copy of correspondence from Ms. Stacey addressed to the Department of the Environment, dated April 14, 1997, was before Council.

Ms. Stacey addressed Council and reading from a prepared statement enquired from members of the North West Community Council as to when a report will be prepared on concerns and questions raised by the 550+ residents during the March 26, 1997 special meeting. Ms. Stacey requested Council to not accept a poorly presented information session with no Department of the Environment representation, as due process.

Council was requested to look at the Land Use By-Law that was changed in February, 1996 which allows such a facility to locate, by right, and have these facilities locate only with a Development Agreement and with full cooperation of the respective community. Ms. Stacey requested that Council listen to the will of the people.

In closing Ms. Stacey reiterated questions which have not been answered:

- when can the residents obtain answers from Council - has there been a report to full Council regarding their concerns; when can the residents obtain answers to questions that could not be asked at the special Community Council meeting on March 26, 1997 due to the late hour.
- has HRM received a response from the Department of the Environment.
- under whose authority was Mr. Wimberley speaking when he stated that all residents' questions have been answered (referencing comments made at the March 26/97 meeting).
- is Goodwood aware that products from across Nova Scotia will be in the landfill - will Council deny a compost site that will generate waste product from across

Nova Scotia.

- who will pay the trucking fees to take unacceptable loads from the Hammonds Plains Composting Site to the Goodwood Landfill for disposal - does this add more cost to the already staggering garbage fee?
- will Council change this Land Use By-Law and give the residents back their rights.

Deputy Mayor Greenough thanked Ms. Stacey for her presentation and advised that staff would attempt to answer her questions.

11.1.10(a) **Mr. Rocky Jones**

Mr. Jones addressed Council expressing the fact there is nothing that reflects the concerns of the black community; further, they have been excluded from the process. If Council is to make an informed decision on the issue of composting facilities, Council must be made aware of all concerns. Residents have approached the Human Rights Commission and an emergency meeting was called. The Human Rights Commission has stated they can conciliate this issue within 30 days. Accordingly, Mr. Jones requested Council defer a decision on the composting facilities for a 30 day period in order that the Human Rights Commission can attempt to facilitate a resolve to this issue.

11.1.10 (b) **Mr. David Wimberley (representing the Community Stakeholders Committee [CSC])**

On a Point of Order, Councillor Hendsbee cautioned Mr. Wimberley for speaking on behalf of the CSC due to a perceived Conflict of Interest - Mr. Wimberley had been involved with the proponent.

Councillor Cooper also expressed a concern with Mr. Wimberley representing the CSC and suggested another member of the CSC address Council.

In response, Mr. Wimberley stated he did not feel he was in a Conflict of Interest as he has not undertaken work as a consultant for the proponent in over a year.

Mr. Wayne Anstey, Municipal Solicitor, stated that a Conflict of Interest does not pertain to presentations and that Mr. Wimberley has the right to speak.

Mr. Wimberley addressed Council stating if there is no organics plan, the entire Strategy is in jeopardy as organics is the cornerstone of the CSC Strategy. The problem appears to be education as the public does not understand the process. Mr. Wimberley suggested the concerns raised this evening have been fundamentally

answered. Both sites are in excellent areas, however, if fault is found with these sites, Mr. Wimberley suggested other sites be located with the municipality covering the expenses of the successful proponents.

**MOVED by Councillors Uteck and Walker to extend the meeting past 10 p.m.
MOTION PUT AND PASSED.**

10.1.10(c) **Ms. Barbara Verge**

Ms. Verge addressed Council referencing the composting facility in Hammonds Plains, noting that composting facilities are considered to be an industrial use and would be permitted, by right, in some industrial zones - however, the number of sites available are limited.

Ms. Verge raised the following points as to how she felt this proposal fails to meet the criteria for Mixed Use - A and B designation:

- Provisions are included in most planning strategies which require new industrial uses, such as composting operations, to be considered by re-zoning or Development Agreement. Industrial zones which would permit a composting operation could pose problems as some require that processing activities be contained within a building.

The location proposed by New Era Farms is zoned GU1 (General Use). Section 15.1 of the permitted uses states "a Development Permit shall be issued for all uses in a GU1 Zone except for the following - industrial uses over 10,000 sq. ft." The proposal before Council is an industrial use over 10,000 sq. ft. and would not be permitted in GU1 zoning. The site is also located in the Upper Hammonds Plains designation. The designation establishes a general use zone that permits all uses with the exception of industrial uses over 10,000 sq. ft., sanitary landfill sites and dumps. P-38 states it shall be the intention of Council to consider permitting industrial uses in excess of 10,000 sq.ft. by an amendment to the schedules of the Land Use By-law to a Mixed Industrial Zone (Policy 21). Policy 21 states in considering amendments to the schedules of the Land Use By-Law to permit new industrial uses in the mixed A and B designation, Council must take into consideration the following:

- (a) the potential for adversely affecting adjacent residential and community facility development by virtue of either the nature or the scale of the proposed industrial operation;
- (b) that the use is not obnoxious and does not create a nuisance for adjacent residential or community facility development by virtue of noise, dust or smell;
- (c) the impact of the industrial use on traffic circulation and in particular,

siting distances, and entrance and exit to the site.

Ms. Verge suggested that Council did not consider that a company would apply to construct or operate a composting facility of this size in an area such as Hammonds Plains. Further, the Nova Scotia Composting Guidelines Appendix B - The Sensitive Land Use Areas Associated Zones (contained in the staff report dated December, 1995 to the Municipal Planning Advisory Committee) identified P-4 - Conservation Zone (Watershed Designation) as a sensitive zone. The New Era Farms proposal abutts this land, again making it unsuitable for a composting facility of this nature and magnitude.

Ms. Verge requested Council reject this site and select a more suitable site and asked when a vote was taken that it be a recorded vote. In closing, she asked the following questions:

- why is there only 15 cents per tonne difference between an open windrow composting facility and an invessel operation;
- who will absorb the costs of transporting it the extra distance out of this site;
- can a motion be brought forward to send a letter to the Minister of the Environment requesting this application be sent to the Environmental Assessment Board for review with public hearings.

Deputy Mayor Greenough thanked Ms. Verge for her presentation.

It was the consensus of Council to permit Mr. Paul Taylor, New Era Farms, to address Council.

10.1.10(d) **Mr. Paul Taylor -New Era Farms**

Mr. Taylor addressed Council noting the following:

- Council has turned to staff for their expertise and advice on this matter;
- the Department of the Environment will review these proposals and make a determination;
- the Halifax Regional Water Commission must be relied upon to protect the water resources;
- costs are too high to locate a facility of this type in an industrial park;
- his company has made an offer to both the Upper Hammonds Plains and Maplewood residents to meet aside from the public information meetings, however, this offer was not accept. Further, his company offered to fly residents (at the cost of the company) to Ontario, to view a site which is comparable to the site proposed for the Hammonds Plains area, however, this offer was not accepted either.

9.5.7 Information Sessions: RFP Recommendation #96-184 - Source Separated Compost Facilities

Council agreed to address this matter following the presentations on this issue.

Hammonds Plains Composting Facility

- ! A memorandum prepared for Mr. George McLellan, Commissioner, Regional Operations, dated April 10, 1997, on the above noted, was before Council for consideration.

- ! Circulated with this item was the following:
 - Minutes of Harbour East Community Council - Special Session - March 19/97
 - Minutes of North West Community Council - Special Meeting - March 26/97
 - Info Memorandum dated April 10/97 - Composting Facilities and Organic Containers
 - Correspondence from Sackville Rivers Association to the Hon. Wayne Adams re Hammonds Plains Composting Proposal
 - Correspondence from John Holm, MLA to the Hon. Wayne Adams re New Era Farms Ltd. Proposed Windrow Composting Facility - Hammonds Plains
 - Correspondence from Rosemary Ash re Composting Facility - Hammonds Plains
 - Correspondence from Linda Wills and Ray Mason re Composting Facilities - Hammonds Plains
 - Correspondence from Paul Taylor, New Era Farms Ltd. Re Composting Facility contract award
 - Correspondence from Douglas Wilson, Fieldfare Environmentals, dated April 13, 1997; Corporation of the City of St. Thomas, Ontario, dated April 14, 1997; Canadian Federation of Independent Business, dated April 11, 1997; Ms. Carol Martell, dated April 13, 1997; Maplewood on the Lakes Residents Association, dated April 14, 1997; Human Rights Commission, dated April 14, 1997; and, Ann and Brent Janes, dated April 14, 1997.

Councillor Cooper expressed concern that the residents feel they have not received all information. Further, the video which had been shown earlier required an explanation.

Councillor Rankin suggested that Council respect the request of the Human Rights Commission and defer a decision in this regard for at least 30 days.

Councillor Cunningham assumed the Chair.

MOVED by Councillors Rankin and Epstein to defer making a decision on the Hammonds Plains Composting Facility for 30 days until such time as further negotiations can take place between residents, proponent and the Human Rights

Commission.

Councillor Hetherington congratulated the residents on the information they have shared with Council this evening. Further, he stated that as Vice-Chair of the Halifax Regional Water Commission, this matter has not been debated by the Commission and that they have grave concerns on this matter.

MOVED by Councillors Harvey and Hetherington to amend the Motion by including “that the Department of the Environment (DOE) make a statement within 30 days, on this proponent’s idea and location; that staff enquire if permits have been issued by DOE to the proponent; and that staff prepare a report addressing the concerns raised by citizens during the April 15, 1997 Council Session.”

A vote on the amendment took place.

MOTION PUT AND PASSED.

The Main Motion, as amended, now reads:

MOVED by Councillors Rankin and Epstein to defer making a decision on the Hammonds Plains Composting Facility for 30 days until such time as further negotiations can take place between residents, the proponent and the Human Rights Commission; further, that the Department of the Environment (DOE) make a statement within 30 days, on this proponent’s idea and location; that staff enquire if permits have been issued by DOE to the proponent; and that staff prepare a report addressing the concerns raised by citizens during the April 15, 1997 Council Session.”

In addressing the Main Motion, as amended, Councillor Walker suggested he was prepared to turn down the proposal this evening based on the information he has received this evening and telephone calls he has received from Vancouver and the United Kingdom regarding problems they have experienced.

Councillor Kelly stated that staff should provide information on the financial and operational costs to enable Council to make an informed decision.

Councillor Hendsbee suggested that two composting facilities are still required and that Council cannot take a step backwards at this point in time.

Councillor Epstein suggested that residents do not disagree with the concept of composting per se, but selection of a site appears to be the problem. He reminded Council there is a distinction between the process and site selection.

A vote on the Main Motion, as amended, was taken.

MOTION PUT AND PASSED.

Wheby Lands - Dartmouth - Composting Facility

Deputy Mayor Greenough, having removed himself as Chair, addressed the matter of the Wheby lands in Dartmouth, noting this facility is in an inappropriate location and should be relocated within the Burnside Industrial Park. Further, Deputy Mayor Greenough stated that the Miller Composting Corporation was prepared to start the relocation process within one week, should Council agree.

MOVED by Deputy Mayor Greenough and Councillor Schofield that the matter of the contract with the Miller Composting Corporation for a composting facility on the Wheby lands in Dartmouth, be deferred for 30 days to enable staff to identify another site within the Burnside Industrial Park. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor McInroy resumed his place at the meeting.

Deputy Mayor Greenough assumed the Chair.

11. **CORRESPONDENCE, PETITIONS AND DELEGATIONS CON'T**

11.1.11 **Proposed Changes to existing Provincial Legislation Governing HRM - Dr. Owen Carrigan, 1st Vice President, Halifax Regional Homeowners Association**

! Correspondence from Dr. Carrigan dated April 9, 1997, on the above-noted, was before Council.

Dr. Carrigan addressed Council noting that public trust was a necessity in a democratic society. Accordingly, he requested Council to reconsider those sections of the HRM Act which deals with private meetings, closed door decisions and settlement of compensation.

Deputy Mayor Greenough thanked Dr. Carrigan for his presentation.

11.1.12 **Proposed Amendments to HRM Act - Maureen Reynolds**

Ms. Reynolds waived her right to speak.

9. **REPORTS CON'T**

9.5 **CHIEF ADMINISTRATIVE OFFICER CON'T**

9.5.3 **Amendments to Financial Provisions - HRM Act**

! A staff report prepared for Mr. Larry Corrigan, Commissioner of Corporate Services and Mr. Wayne Anstey, Municipal Solicitor, had been previously circulated to Council on March 25, 1997.

MOVED by Councillors Stone and Epstein to approve the proposed amendments to the Halifax Regional Municipality Act attached as Schedule 'A' to the staff report dated March 19, 1997 and direct staff to arrange for their introduction before the spring 1997 Sitting of the Nova Scotia Legislature. MOTION PUT AND PASSED UNANIMOUSLY.

9.5.4 **Amendments to Administrative Order Number One**

Although this was deferred to the end of the agenda, Council did not deal with this item - carried over to April 22, 1997.

9.5.5 **Infrastructure Program**

Deputy Mayor Greenough suggested this matter be dealt with the following day during the Capital Budget discussions to which Council agreed.

11.2 **CORRESPONDENCE CON'T**

11.2.1 **Ecology Action Centre, David Brickman, Chair, Transportation Issues Committee Re Traffic Volumes/annual Ridership Data on Both Bridges**

This item was not addressed at this meeting - carried over to April 22, 1997.

11.2.2 **FCM re: Deposit/return Regulations on Beverage Containers**

This item was not addressed at this meeting - carried over to April 22, 1997.

13. **ADDED ITEMS**

It was agreed that Information Items #4 and #7 - "Water Main Break - Ardwell Avenue, Spryfield," and "Booking Administration Fees for Outdoor Athletic Facilities" be discussed on April 22, 1997.

It was also agreed that ratification of the four decisions of Council made earlier In Camera, will be dealt with on April 22, 1997 (Land Matter - Residual Disposal Facility and Front End Processing Facility; Land Matter, Metalline Graphics and Sale of Hubbards Square; Regional Council Summer Meeting Schedule; and, Lease Matter - Former Dartmouth City Hall).

14. **NOTICES OF MOTION**

14.1 **Councillor Dooks**

THAT Community Planning staff prepare amendments to the former Halifax County Subdivision By-Law and to the Musquodoboit Valley-Dutch Settlement Planning Strategy to permit the Development Officer to approve a plan of subdivision showing not more than three (3) lots, where each lot does not meet the lot frontage requirements of the Land Use By-Law for the Musquodoboit Valley-Dutch Settlement area of Part 12 of Section 13.1 of the former Halifax County Subdivision By-Law.

14.2 **Councillor Barnet**

TAKE NOTICE that at the meeting of the Halifax Regional Council to be held on April 22, 1997, I intend to introduce a motion requesting Halifax Regional Council to disband the Solid Waste/Resource Advisory Committee.

14.3 **Councillor Barnet**

TAKE NOTICE that at the meeting of Halifax Regional Council to be held on April 22, 1997, I intend to introduce a motion to request staff to develop a draft by-law prohibiting the resale of entertainment tickets on public property for profit.

15. **ADJOURNMENT**

MOVED by Councillors Hetherington and Adams to adjourn the meeting at 11:30 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

Vi Carmichael
MUNICIPAL CLERK