

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES November 21, 2000

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

REGRETS: Councillor Harry McInroy

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

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1. **INVOCATION**

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

2. **PROCLAMATIONS**

2.1 **White Ribbon Week (November 25 - December 6, 2000)**

The week of November 25 - December 6, 2000 was proclaimed to be White Ribbon Week.

3. **APPROVAL OF MINUTES - NONE**

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

The following items were added to the agenda:

12.1 Councillor Smith:

- i) Stop Sign - Lancaster Drive at Sea King Drive
- ii) Mailboxes in District 9

12.2 Councillor Hetherington - Request to Move Information Item #4 (Portland Estates Traffic Safety) to the Regional Council agenda for discussion

12.3 Councillor Sarto - HASC and DASC Agencies

12.4 Committee of the Whole - Harbour Solutions Project - Purchase of Property for Four Treatment Plant Sites

12.5 Harbour Solutions Update - Evaluation Process

12.6 Implementation of a Construction and Demolition (C & D) Waste Management Strategy

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

5. **BUSINESS ARISING FROM THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

9. **CORRESPONDENCE, PETITIONS & DELEGATIONS**

9.1 **Petitions**

9.1.1 **Councillor Cunningham**

Councillor Cunningham served a petition containing approximately 110 signatures of employees of Sears, Penhorn Mall, who are opposed to Sunday shopping.

10. **REPORTS**

10.1 **MEMBERS OF COUNCIL**

10.1.1 **Deputy Mayor Blumenthal - Urban Forest Master Plan**

Deputy Mayor Blumenthal suggested the Municipality needs an Urban Forest Master Plan, so all HRM departments know and understand the importance of trees to HRM. This master plan would have a set of standards tied to it, that would outline how work around trees would be carried out in the future. The Deputy Mayor stated that the issue of trees causing concrete sidewalks and driveways to heave has been a problem for years, particularly in the north end of Halifax. Deputy Mayor Blumenthal suggested the use of structural soils needs to be advocated in the design stage of sidewalks, as well as wider turf areas, if longer life of the sidewalks is sought. The Deputy Mayor stated the selection of the tree species needs to be examined and incorporated in the master plan. Deputy Mayor Blumenthal requested that this matter be referred to staff for a report.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 **Councillor Streach - Inquiry re: SOCAN Rates for Community Groups**

Councillor Streach expressed concern regarding the fees being charged to community groups by SOCAN (Society of Composers, Authors and Music Publishers of Canada) in lieu of permission to replay recorded music. The Councillor stated it is his understanding that SOCAN believes they have the right to charge this fee, possibly under copyright laws of Canada. However, Councillor Streach stated to take this to the extent that they are further burdening the community and volunteer groups is going too far, in his opinion. Therefore, the

Councillor requested a staff report to provide an opinion that he can relay back to these community groups to advise them how they should handle this situation.

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

Councillor Hetherington stated this fee practice is creating a situation where non-profit organizations are becoming collection agencies for SOCAN. The Councillor advised that it is his understanding that Recreation has planned a meeting with SOCAN in the near future, and a report could probably be forwarded to Council as a result of this meeting, to determine how this situation can be resolved.

Councillor Warshick noted that SOCAN is doing its utmost to support music, especially Atlantic Canadian musicians, and some of the fees charged are well known to club owners, radio stations, individual community halls, and have long been ignored, resulting in bills of thousands of dollars that are owed. The Councillor stated some of the fees are very minuscule, some as low as \$28, and should be administered by the individual clubs themselves. Councillor Warshick advised Council that there are provisions under SOCAN for exemptions for charitable registered organizations, educational institutions, and for events such as Christmas concerts. Although Councillor Warshick stated he agrees with helping some of the smaller community groups, he further stated that protection also has to be provided to those whose sole income is from writing music.

Councillor Colwell also expressed concern with this issue, suggesting the groups may be able to negotiate an agreement with SOCAN so the problem can be eliminated.

Councillor Harvey noted similar experiences have occurred in Sackville with volunteer groups, particularly with Canada Day events.

Councillor Johns suggested the role of the Audio Visual Licensing Association needs to be examined in context with this issue.

Closing the debate, Councillor Streach noted he is aware of a community group that was advised it would be charged a fee for its Christmas concert. In response, Councillor Warshick reiterated there are approximately 150 different fees that are charged by SOCAN, including several exemptions.

MOTION PUT AND PASSED.

10.1.3 Councillor Warshick - Letter of Congratulations - Mayflower Curling Club

Councillor Warshick requested that a letter be sent by the Mayor, on behalf of Council, offering congratulations to the Mayflower Curling Club on being awarded the 2002 Canadian Mixed Curling Championships. The Councillor noted this event will bring the Municipality into national prominence and will be good for tourism and commerce.

MOVED by Councillor Warshick, seconded by Councillor Cunningham, that a letter to be sent by the Mayor, on behalf of Council, congratulating the Mayflower Curling Club on being awarded the 2002 Canadian Mixed Curling Championships. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.4 Councillor Hines

i) Miller Lake Subdivision Water Boundaries

Councillor Hines reported that he has been advised by staff that a water boundary change is not necessary for the Miller Lake Subdivision, because it is an emergency situation. Therefore, the Councillor stated no action by Council is necessary at this time as the matter is in the process of being resolved.

ii) Lockview High School - Entrance/Exit to Lockview Road

Councillor Hines noted there is a narrow exit from the Lockview High School, causing problems for the school buses making the tight turn. The Councillor noted slippery winter weather conditions could cause serious safety concerns and the potential for head-on collisions. Therefore, Councillor Hines requested a staff report with recommendations as to how to resolve this situation before winter ice and snow conditions become serious.

MOVED by Councillor Hines, seconded by Councillor Streach, that this matter be referred to staff for a report with recommendations as to how to resolve this situation before winter ice and snow conditions become serious. MOTION PUT AND PASSED UNANIMOUSLY.

iii) Garbage Pick Up - Alexander Road Dutch Settlement

Councillor Hines noted Alexander Road is a dead end street in the Dutch Settlement area, and, currently, the residents have to take their garbage to the highway for collection. The Councillor noted there would be no extra cost to have the garbage picked up in front of the ten residences on this street. Councillor Hines stated he has been advised by staff that this situation is already being examined; and, therefore, no action is required by Council at this time.

10.2 CHIEF ADMINISTRATIVE OFFICER

10.2.1 Tender 00-388 Herring Cove Road, Retaining Wall, Halifax

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Mosher, seconded by Councillor Adams, that Council:

- 1. Authorize the transfer of funds from Account No. CRESPOOL, the Capital Pool to Account No. CYU00020, Retaining Walls, as summarized in the Budget Implications Section of the staff report dated November 16, 2000, as per approved Capital Pool Procedures.**
- 2. Award Tender No. 00-388, Herring Cove Road, Retaining Walls, Halifax, to J.R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$114,550.00 and a Total Project Cost of \$131,733.00, with funding authorized as per the Budget Implications Section of the staff report dated November 16, 2000.**

Mr. Gerry Boyd, Senior Design Engineer, and Mr. Wayne Anstey, Municipal Solicitor, responded to questions of Councillor Walker regarding the budget implications. Councillor Hetherington noted the Portland Estates projects have already been completed.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.2 Case 00061: Stage II Development Agreement for Phases IA and 2, Royale Hemlocks

C A staff report prepared for Dan English, Acting Chief Administrative Officer, was before Council for its consideration.

MOVED by Councillor Whalen, seconded by Councillor Walker, that the municipal expenditure of \$710,818.00 (not including HST) previously approved for cost sharing with the applicant for over sizing municipal streets and storm sewers within Phases IA and 2 of Royale Hemlocks be increased by an amount not to exceed \$138,838.00 including net HST to bring the total municipal commitment to \$849,656.00

Responding to a question of Mayor Kelly, Mr. Ken Meech, Chief Administrative Officer, stated it is his understanding that it is intended that this will be part of the cost recovery for development charges that would be levied on a per lot basis.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.3 Diesel Fuel

C An Information Report prepared for Dale MacLennan, Director, Financial Services, regarding the above, was before Council.

Mr. Peter Ross, Manager of Procurement, presented the Information Report to Council.

In response to a question of Councillor Streach, Mr. Ross stated it is intended to include a similar clause in long-term contracts that have fuel costs as a major portion of its expenses.

Responding to a further question of the Councillor, Mr. Ross stated the clause was effective October 1, 2000 for the haulers.

Responding to a question of Mayor Kelly, Mr. Ross stated if the price goes below the bottom band, a fee will be recovered from the haulers, based on the same calculation.

In response to a question of Councillor Walker, Mr. Ross stated the benchmark price is 37.4 cents, not including HST. With respect to the salt contracts, Mr. Ross stated there was an increase included in the budget, and the current amount is well within that budgeted amount.

Councillor Walker suggested there should be a motion of Council to approve this, as it is a budget item and requires an expenditure. Mayor Kelly suggested Council could reaffirm staff's approach with respect to this issue.

MOVED by Councillor Streach, seconded by Councillor Walker, that Council reaffirm staff's approach with respect to the diesel fuel escalation surcharge being added to major contracts.

Responding to a question of Councillor Adams, Mr. Ross stated that prior to discussing these increases with any of the major contractors, consideration would be given to those contracts that have a significant impact on services provided by the HRM directly to the residents, contracts that are greater than one year and also span a period longer than two years, and those that have a major portion of their expenses allocated for fuel.

In response to a question of Councillor Fougere, Mr. Ross stated that each month the benchmark amount could be different, and HRM has the right to change the clause at any time.

Responding to a question of Councillor Sarto, Mr. Ross stated as the rack price for fuel increases or decreases, HRM's fuel escalation clause will also be adjusted.

Councillor Cunningham inquired about the tender process, and Mr. Ross stated most tenders come in as a total price, but staff will set a price for fuel costs within the contract. Speaking in support of the motion, Councillor Rankin stated it is an appropriate response to an unprecedented increase in fuel costs.

Responding to a question of Councillor Smith, Mr. Ross stated this applies to diesel fuel only.

MOTION PUT AND PASSED UNANIMOUSLY.

10.2.4 Enhanced Public Waste Reduction Campaign/Reduction in Residential Refuse Container Limit

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

Mr. Brian Smith, Director, Solid Waste Resources, presented the report to Council, which recommended that Council, in support of its waste reduction objectives and the Integrated Waste Resource System, approve in principle to amend the Solid Waste Resource Collection and Disposal By-Law S-600, effective March 1, 2001, as outlined in the staff report dated November 16, 2000, with respect to a reduction in residential refuse container limits.

In his presentation, Mr. Smith stated, for single family dwellings, it is proposed that the maximum number of regulation containers per mixed waste collection day be changed from 10 to 6, with the exception of four week periods in the spring and fall, when a maximum of 10 regulation containers per mixed waste collection day will be permitted. For multi-unit buildings receiving residential collection, Mr. Smith stated it is proposed to change the maximum number of containers from 5 per unit, to a maximum of 30, to 3 per unit, to a maximum of 18, with the exception of four week periods in the spring and fall, when a maximum of 5 mixed waste regulation containers per unit, to a maximum of 30 per mixed waste collection day will be permitted.

Mr. Smith stated that staff is recommending that Council approve the By-Law amendments in principle, and put forth a Notice of Motion to start the By-Law amendment process.

Responding to a question of Mayor Kelly regarding the impact these changes will have on illegal dumping, Mr. Smith stated he believes there are recyclables and organics in the black bags, which, if disposed of properly, would reduce the illegal dumping problem.

Speaking against the staff recommendation, Councillor Hetherington stated the current system is working well and the public has been very cooperative in terms of recycling. The Councillor suggested if the bag limit is reduced, the extra bags will just end up in front of a neighbour's house for pickup. Councillor Hetherington noted only 6 percent of the residents are putting out

more than six bags. With regards to illegal dumping, the Councillor stated this activity is taking place all over Halifax Regional Municipality. In closing, Councillor Hetherington suggested the bag limits should remain as is for now, and be reviewed in another year or so.

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Halifax Regional Municipality maintain the status quo with respect to residential refuse container limits.

Councillor Uteck suggested that staff should write to the Province requesting that the Nova Scotia Residential Tenancy Act include garbage regulations, and that the landlords be responsible for the enforcement of these regulations. The Councillor suggested the reasons for the increase residential refuse should be examined, noting the proposed bag limit reduction is punishing the majority for the actions of the minority.

Councillor Walker spoke in support of the motion, and suggested the staff report should have included a number, in terms of average bags per household, that staff hope to achieve by reducing the bag limit from 10 to 6.

Speaking against the motion, Councillor Cunningham agreed with staff that a lot of garbage in the black bags belong in the green bin or blue bags, which would greatly reduce the amount of residential refuse. The Councillor stated Solid Waste staff has made a concerted effort to eliminate costs, and suggested that those households putting out more than 6 bags are not recycling. Responding to a question of Councillor Cunningham regarding plastic, Mr. Jim Bauld, Diversion Planning Coordinator, stated there are seven different types of plastic containers, and HRM currently accepts three of them.

In closing, Councillor Cunningham stated Council has bought into this solid waste/resource management system and it is moving in a direction that has been a model throughout North America, and to adopt the motion on the floor would be a step backwards. Therefore, the Councillor urged Council to defeat the motion and adopt the staff recommendation.

Councillor Fougere suggested more positive messages should be sent to the public, such as recycling recoups costs to HRM through the Resource Recovery Fund Board, so the more people recycle, more money would be generated to be put back into the program. The Councillor noted many people may not be aware of this fact. With regards to stewardship, Councillor Fougere stated efforts have been made on the part of manufacturers with respect to packaging, and suggested residents could be encouraged to look for products that have less packaging. The Councillor inquired if a realistic percentage has been determined of the number of people who will never comply to the solid waste program and always put everything in the black bag. Councillor Fougere stated that an expectation of 100 percent compliance is not realistic, and this factor needs to be taken into consideration when determining success

of the program. The Councillor also suggested the Municipality should focus more on electronic media to distribute its education information, rather than printed material, to provide a positive example of stewardship.

Speaking against the bag limit reduction, Councillor Colwell stated his area is the recipient of much of the illegal dumping, which includes appliances and not just construction material. The Councillor spoke against reducing the bag limit, and expressed concern with the haulers performing the quality control measures. Councillor Colwell suggested there needs to be some internal quality control. The Councillor stated the biggest complaint he receives is from people who are moving and have excess garbage for one pick up day which cannot be picked up, and may contribute to the illegal dumping problem.

Mayor Kelly noted illegal dumping is taking place in the urban areas as well.

With respect to quality control, Mr. Smith clarified that staff receives a daily log from the haulers regarding any calls, missed pick ups, etc., and are monitoring what is taking place in the contracts.

(Councillor Colwell left the meeting at 7:30 p.m.)

Speaking in support of the motion, Deputy Mayor Blumenthal stated if the program is made more difficult for residents to follow, it will be less successful in the long run. The Deputy Mayor expressed concern with the theft of curbside recyclables and stated by-law changes need to be made to address this concern. Mr. Smith noted the estimated annual amount being lost due to theft of recyclables is approximately \$100,000. With regards to apartments with six or less units, Deputy Mayor Blumenthal stated they are getting free residential pick up and should be better monitoring the disposal of garbage.

Councillor Sloane stated there is illegal dumping occurring all over the downtown area, and suggested that reducing the bag limit will only make the problem worse. The Councillor stated having a good public awareness campaign and education program first is a good idea, and then the strategic moves could be considered.

Councillor Stretch commended staff's efforts, but noted the six bag limit is still unrealistic for larger families, even those who are using the system properly.

Councillor Smith spoke against reducing the bag limit at this time, and stated education needs to be focussed on the 7 - 12 percent of people who are over the proposed six bag limit. The Councillor expressed concern with the difference in price between the regular and blue bags, and suggested something needs to be done to make the blue bags more affordable to use.

Councillor Sarto stated if the amendment in the bag limit will help decrease the deficit, he would support it. The Councillor inquired what impact the proposed decrease would have on the overall expenditure. In response, Mr. Smith stated he does not have that figure, but if the annual volume of refuse could be reduced by 9,000 tonnes in a year, a savings of \$1 million of operating fees at Otter Lake could be achieved. Mr. Smith noted that HRM is currently spending \$7.5 million on collection of all residential waste. Councillor Sarto stated the residents have to take on some responsibility for the program to make it work successfully.

Councillor Mosher stated she believes the current average number of bags per household is excellent and suggested more research needs to be done as to why there is an increase in refuse. The Councillor also spoke in support of a campaign for public awareness and education.

Responding to a question of Councillor Goucher, Mr. Smith stated the diversion rate for last year was 61 percent, but it is expected to be lower this year. Councillor Goucher stated this a very positive rate. With respect to illegal dumping, the Councillor stated this has been a long term problem, and fines need to be established that will equate to the act. Councillor Goucher stated the simpler the program is, the more people will participate in it; and, therefore, he cannot support the proposed bag limit reduction. With respect to solid waste diversion overall, the Councillor stated staff and the previous Council should be congratulated for an excellent job.

Speaking in support of the staff recommendation, Councillor Harvey stated it enforces the momentum of success of the program. The Councillor noted other areas have a four bag limit, and he does not view the proposed reduction as a hardship for anyone. Councillor Harvey suggested if savings can be achieved by reducing the bag limit, consideration could be given to putting the extra money towards weekly pickup of the green cart in the summer months.

Councillor Warshick expressed concern with the lack of weekly pick up of the green bins, and suggested some of the recycling revenue could be put into this effort. In response to a question of the Councillor regarding any new guidelines for the packaged goods industry, Mr. Smith stated staff has been working with FCM on a packaging guideline. The packaging industry believes it has significantly reduced the weight of their packaging over the last number of years. Mr. Smith stated this is a good start but it is not enough. He noted staff is also working with the Resource Recovery Fund and the Department of the Environment on a paint recycling program. Work is also being done on a stewardship program with the newsprint industry, and money has been received this year from the dairy industry stewardship. With respect to recycling revenue, Mr. Smith stated enough money is currently generated from recycling sales to cover a significant part of the processing plant operation costs, however additional money is not generated to contribute to other programs, such as green bin pickup. Councillor Warshick stated it would be interesting to see what other federal or provincial initiatives may be forthcoming. With respect to advertising, the Councillor stated he finds the

messages from Solid Waste are mixed at times and need to be clarified. Councillor Warshick expressed concern that the costs of the proposed enhanced public awareness and education program are not broken out in the report. The Councillor stated he would be interested in knowing what the budget is, who is doing the media placements, and what sort of professional expertise does Solid Waste have in this area.

Councillor Rankin stated the proposed by-law amendments will be addressing the entire population, when only 6 percent of the population is not in compliance. The Councillor suggested there are other instruments or remedies available to address this problem that are not as blunt and are more effective. Councillor Rankin suggested a specific education program could be implemented to those households not properly participating in the program. The Councillor suggested a more fundamental underlying problem that is driving this issue is that Site A was not built large enough. In response to a question of Councillor Rankin, Mr. Bauld stated the total amount of waste to be disposed at Otter Lake is 148,000 tonnes, of which approximately 85,000 is residential. The processing capacity at Otter Lake was increased with the expansion of the front end processor. Mr. Bauld stated the facility can handle the amount of waste, but it is costing more because there are more tonnes arriving.

Closing the debate, Councillor Hetherington stated the citizens of HRM have to be congratulated for embracing and acting upon the solid waste/resource management system. The Councillor encouraged staff to keep up the promotion of the advertisement campaign and focus on the residents over six bags.

MOTION PUT AND PASSED.

10.2.5 Concerns About Public Ownership and Operation of the Water Supply

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that Council affirm that the municipal water supply of HRM shall remain under public ownership and operation. MOTION PUT AND PASSED UNANIMOUSLY.

10.2.6 Pesticide By-Law

C A staff report prepared for Dan English, Acting Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Streach, seconded by Councillor Hines, that Council reaffirm its direction with the relationship to the implementation of the Pesticide By-Law.

Councillor Streach stated he was not in favour of the implementation of this by-law when it was brought about almost a year ago. The Councillor questioned what is happening to put this program \$200,000 over budget already. In response to a question of Councillor Streach, Mr. Stephen King, Manager Senior Advisor, Parks and Natural Areas, stated implementation funds were not identified in this year's Operating Budget, and a lot of initiatives will be underway over the winter months to meet the start of the phasing in process commencing on April 1, 2001. Mr. Ken Meech, Chief Administrative Officer, stated it was known for some time there would be cost involved, and although it was not specifically budgeted, some money was set aside in the anticipation that an allocation would be required. Therefore, Mr. Meech stated it would not necessarily interfere with any other proposed programs.

Councillor Streach inquired if staff can guarantee the taxpayers that this amount of money will not be for naught in the end. Mr. King stated the overall riding issue is public health and safety, and there is a swing towards that across the entire country. Mr. King stated he believes HRM is heading in the right direction, and a number of municipalities are closely following what HRM is doing. Councillor Streach inquired if the program will continually be over-budget, and Mr. King responded that he did not believe so.

Councillor Streach stated he will not support the motion on the floor.

Councillor Cunningham questioned the need for the motion, stating Council has already passed the By-Law and it is already in effect. Mayor Kelly agreed the motion would have no force or effect as the By-Law is already in place, and **ruled the motion out of order.**

MOVED by Councillor Cunningham, seconded by Councillor Fougere, that a maximum of \$200,000 be withdrawn from the Variable Operating Stabilization Reserve to fund the balance of start up costs that cannot be found within the current operating budget.

Responding to a question of Councillor Fougere, Mr. King stated the money identified in the staff report is for the start up, and includes the overall public awareness program. It is anticipated that the \$200,000 will be spent by the end of the fiscal year, and it is estimated that this will be the maximum amount required.

Councillor Cunningham stated the Municipality has done the Province's work by implementing this by-law and the costs are substantial. The Councillor inquired if any cost-sharing can be expected from the Province and suggested the Mayor write a letter to the Province exploring this. Mayor Kelly agreed that this could be done.

Councillor Mosher spoke in support of delaying the implementation of the By-Law until the spring, to allow the new Councillors the opportunity to be briefed on this issue. Responding to a question of the Councillor, Mr. Meech explained the purpose of the Variable Operating Stabilization Reserve. Councillor Mosher spoke in support of the public awareness and

education program, but questioned the timing of it. The Councillor suggested the funding should be phased as is the implementation of the By-Law.

Speaking against the motion, Councillor Streach stated it is his belief that the Municipality is in over its head with respect to the issue, and the taxpayers will agree. The Councillor questioned the need to proceed so quickly and stated this is the wrong time to be putting this funding in place.

In response to a question of Councillor Hines, Councillor Cunningham clarified that the Pesticide By-Law does not apply to commercial properties or golf courses.

Responding to a question of Councillor Rankin, Mr. King stated there will be a permit to register for medical reasons, and there are two notwithstanding clauses in the By-Law, one is with respect to an infestation of insects or plants that could have a danger to humans. Councillor Rankin inquired if municipal staff will be administering the notwithstanding clauses, and Mr. King replied in the affirmative. The Councillor expressed concern that staff does not have the necessary expertise to do so and inquired if there is a contingency for legal costs, damages, etc. Mr. Wayne Anstey, Municipal Solicitor, stated it is his understanding that HRM would be covered under existing policies. With respect to legal costs themselves, Mr. Anstey stated there the Municipality has no experience on which to base any kind of projections, but at the present time, no significant change is anticipated in that area. Responding to a further question of the Councillor, Mr. Anstey stated most of the HRM insurance policies have a \$100,000 deductible.

Speaking in support of the motion, Councillor Cooper stated it is not appropriate to start the public awareness/education program in April or May, as people need to be educated before they begin to plan how to look after their properties under the By-Law.

Responding to a question of Councillor Whalen, Mr. King confirmed that the funding is for preparation costs. The Councillor suggested that members of Council should accept and respect By-Laws and previous decisions approved by the former Council.

Speaking in support of the motion, Councillor Walker stated these costs could have been eliminated if the By-Law was implemented in one year, rather than being phased in. The Councillor stated that when this By-Law was approved, Council was aware of these costs and should not be questioning them now.

Responding to a question of Councillor Warshick regarding the advertising fee, Mr. King stated \$10,000 is allocated for advertising. The Councillor inquired if advertising and marketing planning are done by in-house staff. Mr. King responded there is a Marketing/Design Division in Shared Services that will be taking the lead on this issue, and a lot of work will be done in-house when it is cost effective. Councilor Warshick stated unless

there is a professional media buyer in place, a lot of money will be wasted, and recommended that a close look should be made as to where and how advertising money is being spent throughout the Municipality.

Speaking in support of the motion, Councillor Harvey agreed with Councillor Whalen that past decisions of Council need to be respected, as well as former members of Council.

Councillor Mosher expressed concern with the timing of the public education, and stated she would prefer that the funding be spent during the time when the Municipality would receive the best financial benefit, and at a time when the education would be more effective. In response, Mr. King stated staff is developing a workshop for December 7th with the industry.

Closing the debate, Councillor Streach concurred with Councillor Warshick's comments regarding the lack of professionals on staff regarding this issue.

Councillor Streach requested a **Recorded Vote**.

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Blumenthal, Councillors: Cooper, Sarto, Smith, Cunningham, Uteck, Fougere, Walker, Whalen, Johns, Harvey and Meade.

Members of Council voting **against** the motion: Councillors: Streach, Hines, Warshick, Hetherington, Sloane, Mosher, Adams, Goucher, and Rankin.

MOTION PASSED (13 in favour, 9 against). (Councillors Colwell and McInroy were absent.)

10.2.7 Hammonds Plains/Kingswood Fire - Claim

C A staff report prepared for George McLellan, Deputy Chief Administrative Officer, regarding the above, was before Council for its consideration.

MOVED by Councillor Rankin, seconded by Councillor Walker, that HRM Fire Services staff continue to participate in a cost recovery plan with the Nova Scotia Department of Natural Resources (Lead Agency) on the premise that the costs not normally recoverable from the Department of Natural Resources, be recovered from the responsible party as identified by the court action.

In response to a question of Mayor Kelly regarding the recovery of costs. Mr. Bruce Burrell, Manager of Safety, stated the fee schedule includes a cost for manpower, so the recovery, net of costs, generates money for the Fire Department units.

MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Smith:

i) Stop Sign - Lancaster Drive at Sea King Drive

Councillor Smith requested a staff report examining the possibility of reinstating the stop sign at the intersection of Lancaster and Sea King Drive, which has been removed in the last year or so. The Councillor stated the traffic at this intersection has quadrupled and some method is needed to discourage people from using this route as a thruway.

MOVED by Councillor Smith, seconded by Councillor Sloane, that this matter be referred to Traffic Services for a report. MOTION PUT AND PASSED UNANIMOUSLY.

ii) Mailboxes in District 9

Councillor Smith requested that the Mayor send a letter to Canada Post requesting information regarding the criteria for the placement of mailboxes in District 9 and the process for changing the location of a mailbox.

MOVED by Councillor Smith, seconded by Deputy Mayor Blumenthal, that the Mayor write a letter to Canada Post regarding the above item. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Councillor Hetherington - Request to Move Information Item #4 (Portland Estates Traffic Safety) to the Regional Council agenda for discussion

Councillor Hetherington expressed concern regarding the Traffic Authority having the responsibility for residential streets, and suggested this authority would be better placed with the Community Councils as they have more contact with the residents.

MOVED by Councillor Hetherington, seconded by Councillor Sloane, that staff be directed to prepare a report to be brought forward at Committee of the Whole in two weeks time regarding the possibility of transferring the responsibility for residential streets from the Traffic Authority to the Community Councils. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Councillor Sarto - HASC and DASC Agencies

Councillor Sarto requested that a letter be sent by the Mayor to the HASC and DASC Agencies to review their intake policy concerning job placement in the workforce for the mentally challenged in the Halifax Regional Municipality.

MOVED by Councillor Sarto, seconded by Councillor Hetherington, that a letter be sent by the Mayor to the HASC and DASC agencies regarding the above. MOTION PUT AND PASSED UNANIMOUSLY.

12.4 Committee of the Whole - Harbour Solutions Project - Purchase of Property for Four Treatment Plant Sites

C This matter was discussed during a Committee of the Whole session held earlier in the day and was now before Council for ratification.

MOVED by Councillor Hetherington, seconded by Councillor Cooper, that, as recommended by Committee of the Whole, Council:

- 1) **Authorize the HSP Land Acquisition Project in the 2000-01 Capital Budget for an amount of \$11.77 million, with the funding to come from the Environmental Protection Reserve.**
- 2) **Approve the withdrawal from the Environmental Protection Reserve of the amount authorized above to be transferred to the HSP 2000-01 Capital Budget for the acquisition of property for each of four treatment plant sites plus net HST and directly associated professional fees. The proceeds of any short term lease and the sale of property not required for the Project would be credited to the Sale of Capital Assets Reserve account and could be used toward acquisition of future properties.**
- 3) **That any proceeds from sale of assets from the Harbour Solutions Project, originally funded out of the Environmental Protection Reserve, and as transferred to the Capital Reserve, be returned to the Environmental Protection Reserve and its purposes, and interim interest, by way of the necessary approvals of the Minister.**

Councillor Walker proposed the following amendment to the Committee of the Whole recommendation:

MOVED by Councillor Walker, seconded by Councillor Fougere, that the following clause be added to the motion on the floor:

- 4) Further, that the money stay in the Environmental Protection Reserve until it is needed by the Harbour Solutions Project and that it be transferred at that time.

The vote was taken on the amendment.

MOTION PUT AND PASSED.

In response to a question of Councillor Rankin, it was noted that a report regarding the use of the community integration fund will be forthcoming to Council.

The vote was then take on the Main Motion, as amended.

MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Committee of the Whole - Harbour Solutions Update - Evaluation Process

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

MOVED by Councillor Hetherington, seconded by Councillor Fougere, that Regional Council endorse the evaluation process as described in the staff report dated November 10, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

12.6 Committee of the Whole - Implementation of a Construction and Demolition C & D) Waste Management Strategy

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

MOVED by Councillor Adams, seconded by Councillor Hetherington, that Council approve the public participation program, as outlined in Attachment 1 of the staff report dated November 15, 2000 to begin the implementation of a management framework for construction and demolition waste to include:

- 1) that process for the Municipal Planning Strategy and Land Use By-Law take into account any existing Planning Advisory Committees that are in place.
- 2) that comments of C & D industry and construction industry will be recorded and available at the public meetings. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION

13.1 Councillor Mosher - 2750 Dutch Village Road

TAKE NOTICE that at the next regular meeting of Halifax Regional Council to be held on Tuesday, the 28th day of November 2000, I propose to move a motion to rescind the motion of Halifax Regional Council adopted on October 24, 2000 as follows:

- 1) Instruct staff to initiate the process to amend the Halifax Municipal Planning Strategy to redesignate 2750 Dutch Village Road from Residential Environments to Commercial: and
- 2) Instruct staff to undertake public participation in accordance with the Public Participation Resolution adopted by Halifax Regional Council on February 25, 1997.

And, to instruct staff to cease all planning activity designated to change the designation of 2750 Dutch Village Road.

14. ADJOURNMENT

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Hetherington, that the meeting adjourn at 9:00 p.m. **MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael
Municipal Clerk