

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES JULY 3, 2001

PRESENT: Mayor Peter Kelly (1:15 p.m.)
Deputy Mayor Jerry Blumenthal
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Harry McInroy
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Robert Harvey (2:30 p.m.)
Len Goucher
Reg Rankin

**ABSENT WITH
REGRETS:** Councillors: Brad Johns
Gary Meade

STAFF: Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Sherryll Murphy, Assistant Municipal Clerk

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1. **CALL TO ORDER**

Deputy Mayor Jerry Blumenthal called the meeting to order at 1:05 p.m.

2. **APPROVAL OF THE MINUTES - JUNE 5, 12, & 19, 2001**

MOVED by Councillor Hetherington, seconded by Councillor Sloane that minutes of Committee of the Whole Council meetings held on June 5, 12 and 19, 2001 be approved, as distributed. **MOTION PUT AND PASSED.**

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

MOVED by Councillor Cunningham, seconded by Councillor Sloane that the agenda, as distributed, be approved. **MOTION PUT AND PASSED.**

4. **CAPITAL COST CONTRIBUTIONS**

Mr. Dan English, Deputy Chief Administrative Officer, addressed the Committee of the Whole indicating that staff were not seeking approval of this matter today. However, direction with regard to the appropriate public participation process was being sought. Mr. English then introduced Mr. Ken Brothers, Manager of Operations, Halifax Water Commission noting that he brought valuable experience to the project as a result of his work at the Water Commission in developing the Capital Cost Contribution policy for that organization. Mr. English went on to introduce Peter Duncan, Project Manager for the Capital Cost Contributions project and Mr. Austin French, Regional Coordinator, Community Planning. He noted that Mr. French would be reviewing with Council options relative to the Public Participation process.

Mr. English provided a brief summary of the practices prior to 1995 within the individual units, noting that up until this point the cost of providing oversized services has been borne by the taxpayer. He indicated that the capital cost contribution proposal would actually require the developer to bear the cost which will ultimately be recovered through the sale of individual lots.

1:15 p.m. His Worship joined the meeting and assumed the Chair. Deputy Mayor Blumenthal returned to his seat in Council.

Utilizing a Powerpoint presentation, Mr. English provided a brief background of the legislation dealing with infrastructure and the project. Referring to the Council's priorities, Mr. English indicated that the Capital Cost Contributions policy addressed four of Council's eight business strategies – Planned Growth, Infrastructure, Transportation, and Fiscal Accountability. Mr. English briefly reviewed corporate and staff initiatives relative to the

project and noted that throughout the project stakeholders from the development community have been engaged.

Mr. Peter Duncan, Project Manager, gave a brief project summary, noting that the draft policy had been presented to EMT in December 2000 and that a draft Best Practices Guide had been completed in February 2001. He noted that this guide is funded jointly with the Department of Municipal Affairs and is in essence a 'how to' manual. The intent is that this Guide will be utilized by other municipalities within Nova Scotia in developing their Capital Cost Contribution policy.

Mr. Peter Duncan indicated that the purpose of the Capital Cost Contribution (CCC) policy (found in Appendix A of the Best Practice Guide) is cost apportioning — what is in the charge, what is out of the charge and how to define the charge area. He noted that the CCC policy will determine the amount of the charge. Mr. Duncan noted that a validation of the policy had been undertaken to ensure that realistic numbers will be achieved.

Mr. Duncan indicated that the second phase of the project was implementation. He briefly reviewed stakeholder consultation to date and referred to the necessary MPS/Land Use By-law Amendments and administrative process changes as found in Appendices C and D of the Best Practices Guide. Mr. Duncan itemized the Project Outcomes as follows:

- Funding Program for oversizing policy
- Framework for infrastructure planning
- Integration with other Regional initiatives
- Enhanced Business processes

In conclusion, Mr. Duncan advised that the next steps would be to wrap-up stakeholder consultation and fine tune the draft CCC policy, after which a public participation process will then be developed.

Mr. Ken Brothers, Operations Manager, Halifax Regional Water Commission, provided an overview of the CCC policy defining the terminology within the document. He noted that the CCC policy dealt with hard rather soft services – the MGA defines hard services as roads, water/sewer/storm, signs and signals, transit bus bays and intersections. Charge area is defined as where the CCC will apply. Mr. Brothers noted that Council would be approving each of the charge areas and the charge which will be applied for each of those areas. He went on to note that Capital Cost Contributions are about oversized, trunk and required services whether they are within the defined area or required to service the area. Mr. Brothers indicated that CCC would not impact in any way the developers responsibility relative to local infrastructure. Mr. Brothers advised that CCC is community based vs Regional costs (i.e. more a user pay philosophy). As well, density and traffic costs will be determined by apportionment, again a more use pay basis.

Mr. Brothers went on to define CCC and to provide further details about CCC. The CCC policy is about oversized infrastructure (planned/costed), new development and systems, paramount to success is municipal involvement, developers participation and construction, and community based costing and benefit.

After a brief review of the history of CCC in HRM, Mr. Brothers indicated that the municipal role was one of leadership and facilitation. HRM is the client for the Master Plan Study, will coordinate stakeholder participation, will establish the land use and planning strategies for the charge areas, implement supporting by-laws for CCC and administer the policy, payments and funds.

Speaking specifically to the components of the Policy, Mr. Brothers reviewed the following:

Policy Values

- Framework: High level & Reasonable
- Balance of certainty and flexibility
- Consistency and Predictability
- Simple to understand
- Fair: Among developers, HRM & HRWC

Key Policy Elements

- Master Plan Study: Charge area and O/S
- Implementation Plan: Timing, Sequence of System Construction
- Financial Plan: Based upon MP/IP and Cash Flow (Business Plan)
- Cost Apportioned: Density & Traffic trip
- Criteria for determining cost inclusions

Policy Features

- Fixed Costs
- Defined Collection of Funds
- Defined Payments for System Construction
- Predictability: Policy Guiding Principles

Guiding Principles

- True reference for the policy application
- Fundamental Principles: Direct the cost to the cost causer and whomever derives the direct benefit pays
- Applied fairly and consistently

Stakeholder Involvement

- Policy recognizes that Developers are primary “Capital Cost” causers and contributors
- HRM administering Developer’s money to fund oversized system construction
- Consultation/Negotiation in Master Plan Study
- Developers build the systems

In summary, Mr. Brothers noted that the four key take aways are:

- < CCC : infrastructure charge which funds trunk systems for new development
- < Policy: Getting it right the first time
- < HRM Role is leadership and facilitation
- < Developer’s role is to participate in costing, financing and system construction

Mr. Austin French, Regional Coordinator, Community Planning utilizing mapping reviewed the CCC in the context of regional planning and briefly discussed related regional projects. Referring to the proposed process, Mr. French indicated that the plan was to simultaneously amend 18 Municipal Planning Strategies and Land Use Bylaws and 4 Subdivision By-laws. In terms of the CCC Public Consultation Process, Mr. French indicated there were two options — the Standard Approach which would involve 15 to 25 meetings over 12 to 18 months or the Regional Approach which would involve 5 to 10 meetings over 3 to 6 months. Mr. French indicated that municipal Planning Advisory Committees and Water Advisory Committees would be invited to attend the Open House/Public Forums detailed in the second component of the Regional Approach. Mr. French indicated that staff was recommending the Regional Approach.

A copy of the above presentation and the Best Practice Guide is on file with the Clerk.

Expressing concern that the public would not have sufficient opportunity for input, Councillor Goucher indicated that he would like to see the Standard Approach adopted.

Mr. English noted that this policy does not affect existing residents. He went on to indicate that this is a cost recovery policy which will impact new development only. Referring to the Regional Planning process, Mr. English indicated that residents would have an opportunity to address concerns they might have with the CCC during this process.

MOVED by Councillor Uteck, seconded by Councillor Whalen that Halifax Regional Council approve Option 2, Regional Approach as the Capital Cost Contribution Consultation Process including the following components:

- **Initiation report to Regional Council**
- **Open house & Public forums in Eastern, Western and Central Areas**

- **Report with revised amendments**
- **Committee of the Whole**
- **Regional Council and Public Hearing**
- **5 to 10 meetings over 3 to 6 months**

A further brief discussion and questioning of staff ensued. In response to a question, Mr. English indicated that as a component of the Regional Planning review, regional transportation planning would begin within the next two to three weeks.

Councillor Rankin noted that MPSs are local in nature and that a significant degree of buy-in will be required. He suggested that staff should consider meeting with individual Community Councils to review the proposed MPS and LUB amendments for their areas.

Responding to a question from Councillor Cooper regarding whether the CCC policy will discourage development in areas outside the present service boundaries, Mr. French indicated that the areas identified on the maps were areas about which inquiries have been made. He went on to note that these would not be the only areas which would be considered for CCC. Mr. French indicated that the application of the policy would be region wide.

After a further short discussion the **MOTION WAS PUT AND PASSED.**

5. BY-LAW L-200 RESPECTING LICENSING OF CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND DISPOSAL OPERATIONS

- A supplementary staff report dated June 27, 2001 submitted by K. R. Meech, Chief Administrative Officer was before Committee of the Whole for consideration.
- Correspondence dated July 3, 2001 from Mr. Barry O. Zwicker, Wallace MacDonald & Lively, Ltd requesting an opportunity to address the Committee of the Whole on this matter was also submitted.

Referring to the abovementioned correspondence, His Worship advised that the Municipal Solicitor has ruled that it would be inappropriate to hear from Mr. Zwicker as the public hearing on this matter has been closed and requested that members of Council indicate the action they wished to take in this regard.

Members of Council agreed that it would be inappropriate to receive a presentation from Mr. Zwicker at this time.

Mr. Jim Bauld, Diversion Planning Coordinator, addressed the Committee of the Whole and provided a brief overview of the By-law. Referring to the preamble of the proposed By-Law L-200, Mr. Bauld outlined the purpose of the By-Law. Mr. Bauld went on to outline the

major issues raised at the Public Hearing noting these primarily focused on community and environmental issues.

Mr. Bauld, noting that the proposed amendments to the By-law recommended by staff address concerns raised at the public hearing, briefly reviewed the proposed amendments. In conclusion, he indicated that approval of this By-law within this month will keep the process on schedule.

Councillor Adams briefly reviewed a letter from the Harrietsfield/Williamswood Ratepayers Association Executive which he had distributed to members of Council. He went on to summarize the concerns as follows:

- the increased number of trucks being a danger to school children in the area
- well water issues/contamination - no guarantee that the water will not become contaminated
- property values

MOVED by Councillor Hines, seconded by Councillor Rankin that Council give Second Reading of By-Law 200 respecting the Licensing of Construction and Demolition Materials and Demolition Materials Recycling and Disposal Operations, with the following amendments:

- 1. In Section 5. (1) delete "\$1,000,000" and insert "\$2,000,000".**
- 2. In Section 5. (2) and (4) add the words "and C & D Disposal Site" after the words "C&D Processing Facility".**
- 3. Insert the words "the nearest edge or face of the" immediately before the word "stockpile" in Section 10. (4) c), d), e), f) and h); Section 10 (5) c), d), e), f), g) and i); and Section 10. (6) c), d), e) and f).**
- 4. Delete Section 10. (10) and replace with "Section 10 (10) Notwithstanding subsection (7) and (8), C & D materials on the site of a C & D Processing Facility prior to the coming into effect of this By-Law or arriving on the site on or before April 1, 2002, shall be removed from the site before September 30, 2004".**

A short discussion ensued.

MOVED in amendment by Councillor Sloane, seconded by Councillor Smith that Section 10 (6) d) be amended by deleting '100' metres and replacing it with '60' metres.

A brief discussion ensued and the **MOTION TO AMEND WAS PUT AND PASSED.**

Staff responded to further questions and it was **MOVED in amendment by Councillor Cooper, seconded by Councillor Hines that Section 5. (2) and (4) be amended by deleting the word “and” preceding C & D Disposal Site and replacing it with a comma, and adding “and C & D Transfer Station” after the words “C & D Disposal Site”. MOTION TO AMEND WAS PUT AND PASSED.**

MOVED in amendment by Councillor Cooper, seconded by Councillor Hines that Section 10 (4) d) be amended by deleting ‘30’ metres and replacing it with ‘60’ metres. MOTION TO AMEND WAS PUT AND PASSED.

Councillor Warshick referred to Section 10 (3) and noted that only six of the 10 legal holidays were covered in this Section. He asked that the remaining four holidays be included in the Section.

Mr. Bauld noted that the holidays named in this section were consistent with other Solid Waste operators. He advised that Solid Waste operators did business on the holidays not referred to in this Section.

Mr. Anstey indicated that it was his understanding that although there may be 10 legal holidays, businesses are not required to close. He went on to indicate that employers would be required to give another day or pay overtime to employees if they worked these days.

Councillor Warshick indicated that he would like staff to look the possibility of including the remaining holidays in this By-Law and provide a report in this regard. He further requested that the reference to July 1 in this Section be deleted and replaced with Canada Day.

After a further questioning of staff, the **MOTION, AS AMENDED, WAS PUT AND PASSED.**

The meeting adjourned at 3:30 p.m.

Vi Carmichael
Municipal Clerk