

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES June 18, 2002

PRESENT:

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

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy 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 being led by Councillor Hines.

2. PROCLAMATIONS

2.1 Amateur Radio Week - June 17 - 23, 2002

The week of June 17 - 23, 2002 was proclaimed to be Amateur Radio Week.

ACKNOWLEDGMENTS

Mr. Jim Donovan, Planning and Development Services, acknowledged and introduced a delegation of municipal officials from the People's Republic of China under the sponsorship of the Saint Mary's University geography program, who are visiting Halifax Regional Municipality to learn about citizen-based conservation measures.

On behalf of Council, Mayor Kelly welcomed the delegation to Halifax Regional Municipality and wished them the best during their stay.

3. APPROVAL OF MINUTES - NONE

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

The following items were added to the agenda:

- 13.1 Councillor Rankin - Provincial Government responses regarding the following:
 - (i) Sir John A. Macdonald School
 - (ii) Twinning of Highway 103
- 13.2 Staff Report - Metro Centre Clock/Scoreboard - Temporary Borrowing Resolution
- 13.3 Property Matter - Surplus Opportunity Properties

The following item was deleted from the agenda:

- 11.2.5 (V) Report from Chebucto Community Council - June 10/02

MOVED by Councillor Uteck, seconded by Councillor Sloane, that the Order of Business, Additions and Deletions be approved. MOTION PUT AND PASSED UNANIMOUSLY.

5. **BUSINESS ARISING OUT OF THE MINUTES**
6. **MOTIONS OF RECONSIDERATION - NONE**
7. **MOTIONS OF RESCISSION - NONE**
8. **CONSIDERATION OF DEFERRED BUSINESS - NONE**
9. **PUBLIC HEARINGS - 6:00 p.m.**
- 9.1 **Second Reading By-Law L-301 Respecting Lot Grading**

C By-Law L-301 Respecting Lot Grading passed First Reading on May 21, 2002, and was now before Council for Second Reading.

C A staff report prepared for Paul Dunphy, Director, Planning & Development Services, regarding the above, was before Council for its consideration.

With the use of overheads, Mr. Peter Duncan, Manager, Development Engineering, presented the staff report to Council.

Mayor Kelly called for members of the public wishing to speak either in favour of or against the proposed By-Law.

Ms. Sheila Mann, Pioneer Residents Association

Ms. Sheila Mann addressed Council in support of the proposed Lot Grading By-Law. In her presentation, Ms. Mann expressed concern regarding a wall of fill located on a new subdivision located between Flamingo Street and Pioneer Avenue, noting it creates safety concerns for the many small children who live on Pioneer Avenue. Ms. Mann also noted that the wall of fill has created an unsightly property boundary which affects the character, convenience, and value of the properties on Pioneer Avenue. Copies of her presentation were provided to Council.

In response to Ms. Mann's comments, Mr. Duncan stated the By-Law will set the specifications for a retaining wall, and any wall higher than three feet in height must be approved by a professional engineer. The By-Law will begin to apply at the building permit stage, and it will not be retroactive to those that already have a building permit. With regards to the timing of the issuance of the lot grading certificate, Mr. Duncan stated there are two issues. He stated staff rely on the fact that most home construction is anticipated to be finished in a relatively timely fashion. If the owners want to move into the home prior to the completion of the lot grading, they can do so, but they only have nine months to

complete it.

Ms. Paddy Muir, 11 Tremont Drive, Rockingham

Ms. Paddy Muir addressed Council regarding the proposed by-law and described the recent consequences faced by residents of Tremont Drive due to the absence of such a By-Law in the former Halifax portion of HRM. Copies of her presentation were provided to Council. Ms. Muir urged Council to extend the By-Law to cover Halifax and Dartmouth, noting without this protection for existing homeowners, problems such as those being experienced on Tremont Drive will only increase. Ms. Muir also urged HRM staff and Council to consider measures, beyond the proposed by-law, that go further to protect communal assets.

Mr. Chris Tyler, 16 Tremont Drive, Rockingham

Speaking in support of the general trend of the By-Law, Mr. Tyler stated he supports the direction of the By-Law, but he agreed with Ms. Muir that there is some urgency, and perhaps not enough stringency, in the proposed measures. With regard to the timing of the security deposit, Mr. Tyler stated it appears to assume that grading takes place after building and before occupancy. In the experience of Tremont Drive, the grading took place before the building, resulting in serious excavation and construction before the building begins. He stated it is that damage and irresponsibility that he would like to see the By-Law address. Mr. Tyler stated anyone altering the grade level should be required to pay for a retaining wall, and for the Municipality to ensure they have the means to do so. Mr. Tyler described a situation he experienced several years ago with the development of 14 Tremont Drive, which was similar in the manner it was developed to the situation described by Ms. Muir. Mr. Tyler stated the grading extended, without his permission, 6-8 feet back onto his property and stretched along the property line for about 15 feet to a depth of about 2 feet. The property was subsequently sold and, as a result, Mr. Tyler now has no recourse. He noted the cliff between the two properties is continuing to erode and he has lost several mature trees. In closing, Mr. Tyler urged Council to do what it can to help prevent similar situations from occurring in the future.

Ms. Barbara Clow, 10 Tremont Drive

Ms. Barbara Clow addressed Council in support of the proposed By-Law, but stated, as a result of experience with in-filling adjacent to her property, she is concerned with the implications of delaying the By-Law and some of the potential deficiencies. Ms. Clow stated there is a 20 foot drop at her eastern property line, and she expressed serious concern regarding the safety of her four-year old son, noting the only barrier is a flimsy snow fence. Ms. Clow noted, after contact with several municipal departments, she found she had no recourse to actually require the developer to put up a fence during excavation of the site. She expressed concern that she could also find no provision for a fence in the proposed By-Law. Copies of her presentation were provided to Council.

Mayor Kelly called three times for any further speakers either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Whalen, seconded by Councillor Cunningham, that Council give Second Reading to By-Law L-301 Respecting Lot Grading.

Responding to a question of Councillor Sarto, Mr. Wayne Anstey, Municipal Solicitor, suggested it may be possible for the situation described by the residents of Tremont Drive to be addressed by the Dangerous and Unsightly Committee. He stated staff can examine this over the next few days, and, if appropriate, it can be forwarded to the Committee.

Councillor Rankin inquired if Council could entertain an increase in the security deposit from \$1,000 to \$5,000, or would such an amendment require another Public Hearing. In response, Mr. Anstey stated a 500% increase would be a fairly significant amendment, and suggested a maximum of \$1,500 would be more acceptable. Councillor Rankin stated he would like to see the deposit be raised to at least \$3,000, and put forth the following amendment:

MOVED by Councillor Rankin, seconded by Councillor Goucher, that Section 5.2 (b) of By-Law L-301 Respecting Lot Grading be amended to increase the security deposit to \$3,000.

Mayor Kelly inquired of the Municipal Solicitor if this would be an acceptable amendment. In response, Mr. Anstey stated the issue is whether or not Council believes someone is likely to challenge the By-Law on the basis of the \$2,000 change. He suggested that Council is in as good a position as he is to judge whether or not someone applying for building permit will choose to contest the matter in the courts on the basis of the \$2000 increase, which he noted they will get back anyway in the end if they follow the By-Law. With respect to the dangerous situation as a result of improperly graded lots, Councillor Hetherington formally requested that this be forwarded to the Dangerous and Unsightly Committee so a staff report can be requested.

Councillors speaking against the amendment made the following points:

- C The increase may discourage people from applying for the building permit.
- C The amendment may require another Public Hearing, thus delaying the implementation of the By-Law.
- C There are remedies through other resources such as the Dangerous and

Unsightly Premises Committee, By-Law Enforcement, Engineering, etc.

- C The increased fee will become an issue for individuals constructing their own family home and will become a further burden for those trying to do the right thing.

The vote was then taken on the amendment.

MOTION DEFEATED.

Speaking on the main motion, Councillor Johns inquired if the issue of a safety fence can be addressed through the Dangerous and Unsightly By-Law. In response, Mr. Duncan suggested it may be better to pursue it under that By-Law for temporary construction. He noted it may also be found that this is regulated through the Province's workplace safety regulations.

In response to concerns expressed by Councillor Cunningham, Mr. Anstey stated the By-Law is designed to provide stability for the land to prevent collapsing. He stated that trying to address the safety fence issue some way or another is a laudable approach and it should be examined. However, he noted this By-Law is designed to protect the stability of the land, not necessarily individuals; and, therefore, the safety fence is outside the scope of the By-Law. Mr. Anstey suggested some of the other issues raised could be addressed when the comprehensive lot grading by-law is developed in the future.

Councillor Uteck requested that Clause 3.2 (b), regarding accessory buildings, be deleted. The Councillor stated that an accessory building on the Peninsula can be large enough to store a boat or an RV, and these have become a concern with respect to drainage on the abutting lots. Mayor Kelly advised the Councillor it would be appropriate to put forth such an amendment at this time. In response to a question of Councillor Uteck, Mr. Duncan stated he did not know why the former County By-Law exempted accessory structures but assumed it was because there was no past history of flooding with respect to those properties.

MOVED by Councillor Uteck, seconded by Councillor Fougere, that By-Law L-301 Respecting Lot Grading be amended by deleting Clause 3.2 (b). MOTION PUT AND PASSED UNANIMOUSLY.

Responding to a question of Councillor Smith regarding trailer lots, Mr. Duncan stated the By-Law would apply to situations where a new building permit is necessary.

Councillor Cooper suggested staff should come back at a future meeting and explain to Council the effects of the regulations as it does not appear to have sufficient information.

Councillor Whalen stated it is important to pass the proposed By-Law at this time, and the issue of strengthening it can be examined when the harmonized lot grading by-law is developed.

Closing the debate, Councillor Rankin requested that, when the regional lot grading by-law is brought to Council, staff track examples of instances where public monies were spent on remedying a number incidents of in the former County where drainage was allowed to flow onto other properties. The Councillor noted approximately \$1 million was spent by the County over 3-4 years to correct these situations.

The vote was then taken on the main motion, as amended.

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 Second Reading By-Law S-105 Respecting Sewer Charges

C By-Law S-105, Respecting Sewer Charges, passed First Reading on May 28, 2002, and was now before Council for Second Reading.

CONFLICT OF INTEREST

As they were, or had family members, involved in the landscaping/agricultural industry, Councillors Mosher and Streach declared a **Conflict of Interest** on this matter and removed themselves from the discussion.

Mr. John Sibbald, Environmental and Right-of-Way Services, presented the report to Council.

Responding to a question of Councillor Blumenthal, Mayor Kelly stated future amendments to the By-Law can be brought forward at any time by Notice of Motion and following due process.

Mayor Kelly called for any members of the public wishing to speak either in favour of or against the By-Law.

Mr. Grant Mosher, President, Terra Nova Landscaping

Mr. Mosher addressed Council stating he supports the By-Law in general, although it is not exactly what the landscaping industry requested, it is certainly an improvement towards fairness in the industry. However, Mr. Mosher expressed concern regarding Section 1 (2) (2) of the By-Law and suggested it should read "a rebate of two-thirds of the pollution control charges shall be given" and that this be automatically taken off the water bill. He noted it is already required that the applicant prove that less than 25 percent of the water goes into the sewer.

Mayor Kelly called three times for any further speakers either in favour of or against the By-Law. Hearing none, the following motion was put on the floor:

MOVED by Councillor Cunningham, seconded by Councillor Sloane, that the Public Hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

COUNCIL DECISION

MOVED by Councillor Rankin, seconded by Councillor Hetherington, that By-Law S-105 Respecting Sewer Charges be amended by deleting the words “attributable to the difference between the amount of the water used and the amount of liquid discharged into the public sewer.”

Councillor Fougere inquired if this amendment will provide a 2/3 rebate on the total water consumed as opposed to the difference between the water taken from the tap and that which is discharged into the sewer, noting this would be a significant difference. In response, Mr. John Sheppard, stated the dollar value, in some circumstances, may not be much, but, technically, it will mean that a rebate will be given for water which, in fact, is going back into the sewer. In terms of the calculation of the rebate, Mr. Sheppard advised that the Halifax Regional Water Commission has indicated that performing the calculation will not be a particularly difficult exercise. He also noted that an application form is currently being developed. Based on this information, Councillor Rankin, with the concurrence of Councillor Hetherington, agreed to withdraw his amendment.

MOTION WITHDRAWN.

The vote was then taken on the main motion.

MOTION PUT AND PASSED UNANIMOUSLY.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

10.2.1 Councillor Fougere - Robert Murphy Drive

Councillor Fougere served a petition from residents of Robert Murphy Drive expressing concern regarding the disrepair of their street. The Councillor asked that the petition be referred to staff for a response.

10.3 Presentations

10.3.1 Greater Halifax Partnership(GHP) - Quarterly Report - Stephen Dempsey, President & CEO

- C The Greater Halifax Partnership Council Newsletter, dated June 18, 2002, was before Council for its information.
- C The Greater Halifax Partnership Quarterly Progress Report to Halifax Regional Municipality for the Period January 1 to March 31, 2002, was before Council.
- C A brochure entitled "*Energy for Smart Growth, Economic Impact Analysis of Offshore Development on Nova Scotia*" prepared by The Conference Board of Canada, was before Council for its information.

Mr. Stephen Dempsey, President & CEO, Greater Halifax Partnership, presented the Partnership's quarterly report to Council and responded to questions of Council. Copies of his presentation were provided.

On behalf of Council, Mayor Kelly thanked Mr. Dempsey for his presentation.

10.3.2 Regional Development Agency (RDA) - Quarterly Report - Gene Frampton, General Manager

- C The Halifax Regional Development Agency Core Public Services Performance Report 2001/2002 was before Council for its information.
- C Invitations to three RDA events to be held on Thursday, June 20, 2002, were circulated to members of Council.

With the use of overheads, Mr. Gene Frampton, General Manager, Regional Development Agency, presented the Agency's quarterly report to Council and responded to questions of Council.

On behalf of Council, Mayor Kelly thanked Mr. Frampton for his presentation.

11. REPORTS

11.1 GRANTS COMMITTEE

11.1.1 Community Grants Program: 2002-2003 Awards

- C A report from the Grants Committee, regarding the above, was before Council for its consideration.

Ms. Peta-Jane Temple, Coordinator, Grant Program, presented the Committee's report to Council. Ms. Temple noted a typographical error in the Regional Trails section of the report. "Halifax Urban Greenway Association" was referenced twice, and Ms. Temple stated the second reference should have read "Musquodoboit Trailways Association."

Responding to a question of Mayor Kelly, Ms. Temple advised that the list of 2002-2003 awards can be made available on the Halifax Regional Municipality web site.

MOVED by Councillor Walker, seconded by Councillor Streach, that Council approve the Community Grants Program as detailed in Attachment 1 of the Grant Committee report, dated June 11, 2002, for a total of 111 awards with a total value of \$527,112 for 2002-2003.

In response to a question of Deputy Mayor Harvey, Ms. Temple advised Council that anyone who is declined a grant, receives a letter advising them of that decision. A list of unsuccessful applicants is not disclosed in order to spare any organization the potential of public embarrassment. However, Ms. Temple stated specific feedback can be granted to any applicant. Councillor Warshick inquired if this information would be available to members of Council as well. In response, Ms. Temple stated it could be provided upon request to any member of Council or the public. However, detailed feedback on the specifics of why an application was denied would not be given to the public, unless the informed consent of the applicant was given.

In response to a question of Councillor Sarto, Ms. Temple advised that grant applications for next year will be available in September and the deadline for submission will be January 31, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

RECESS

A recess was taken at 8:05 p.m. The meeting reconvened at 8:20 p.m.

11.2 CHIEF ADMINISTRATIVE OFFICER

11.2.1 Tender 02-207, Paving Resurfacing - Central & Western Regions

C A staff report prepared for Rick Paynter, Acting Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

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

- 1. approve the recovery of Local Improvement Charges for the new concrete curb and gutter on Stokil Drive, both sides, in the amount of \$32,823.00, by levy of frontage charges based on the 2002/03 rates approved by Council to be applied to the general area rate of District 19.**

2. award Tender No. 02-207, Paving Resurfacing - Central and West Regions to Lafarge Canada Inc. for materials and services listed at the unit prices quoted for a Tender Price of \$372,909.00, plus net HST for a total of \$396,883.00 from Account No. CZR00357, Resurfacing with funding authorized as per the Budget Implications section of the report dated June 10, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.2 RFP 02-001, Infiltration/Inflow Reduction Program - Sackville Sewer System, Sub-Sewersheds 6 & 7

- C A staff report prepared for Rick Paynter, Acting Director, Public Works and Transportation Services, regarding the above, was before Council for its consideration.

MOVED by Deputy Mayor Harvey, seconded by Councillor Johns, that RFP 02-001, Consultant Engineering Services, Infiltration/Inflow Reduction Program - Sackville Sewer System, Sub-Sewersheds 6 and 7, be awarded to Hydro-Com Technologies Ltd. for a cost of \$85,900.00 plus net HST, for a Total of \$91,423.00 with funding from Account No. CSR00802 as per the Budget Implications section of the staff report dated June 10, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.3 Administrative Order # 30 Respecting Dangerous and Unsightly Premises

- C A report prepared for Wayne Anstey, Municipal Solicitor, regarding the above, was before Council for its consideration.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that Council adopt Administrative Order #30 Respecting Dangerous and Unsightly Premises. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.4 Project 00382 Plan Amendment to the Bedford Municipal Planning Strategy - Bedford West / Annapolis

- C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, dated June 11, 2002, regarding the above, was before Council for its consideration.

- C A Final Report Business Case & Analysis: Bedford West Area, prepared by The SGE Group Inc., dated May 2002, was before Council for its consideration.

MOVED by Councillor Goucher, seconded by Councillor Uteck, that this matter, relative to the expansion of the municipal development boundary for Bedford, be referred back to Planning staff for a report within three weeks, if possible, regarding

their comment relative to the issue of Alternative 1 of the staff report dated June 11, 2002 (Option 3 of the SGE report).

Councillor Goucher stated he is only looking for some fairness for the proponent in the process. Alternative 1 states that Council may choose to proceed to initiate a plan amendment process to consider expanding the Residential Development Boundary in the Bedford Municipal Planning Strategy to include approximately 90 acres, as indicated as Option 3 by the SGE Group. Councillor Goucher stated this 90 acres now has service at the door, as the former Town of Bedford spent \$600,000 to expand water and sewer to the area. The Councillor stated he believes it is fair to refer this back to staff for examination and discussion with the proponent. Following that, staff would come back to Council with a recommendation relative to the expansion of the boundary and to what extent it should be expanded.

MOTION PUT AND PASSED.

11.2.5 Project 00086 Wentworth / Bedford South Secondary Planning Strategy

- C A staff report prepared for Paul Dunphy, Director, Planning and Development Services, dated June 10, 2002, regarding the above, was before Council for its consideration.
- C A report from the North West Community Council, dated June 3, 2002, regarding the above, was before Council for its consideration.
- C A further report from the North West Community Council, dated June 3, 2002, regarding the above, was before Council for its consideration.
- C A report from the Chebucto Community Council, dated June 3, 2002, regarding the above, was before Council for its consideration.
- C A further staff report prepared for Paul Dunphy, Director, Planning and Development Services, dated June 10, 2002, regarding the above, was before Council for its consideration.

Mr. Paul Morgan, Planner, presented the staff report to Council.

MOVED by Councillor Goucher, seconded by Councillor Whalen, that:

- 1. First Reading be given to the by-law attached to the staff report dated June 10, 2002, to amend the Municipal Planning Strategies and Land Use By-Laws for Mainland Halifax and Bedford; and,**

2. A Public Hearing be scheduled for July 9, 2002 to consider submissions regarding the proposed amendments. MOTION PUT AND PASSED UNANIMOUSLY.

11.2.6 **Project #00082 - Construction and Demolition (C& D) Waste Management Strategy for HRM: Proposed Amendments to all Municipal Planning Strategies and Land Use By-Laws**

- (i) Staff Overview
- (ii) Report from Marine Drive, Valley and Canal Community Council
- (iii) Report from Harbour East Community Council
- (iv) Report from Peninsula Community Council
- (v) Report from Chebucto Community Council
- (vi) Report from North West Community Council
- (vii) Report from Western Region Community Council
- (viii) Staff Report

CONFLICT OF INTEREST

Councillor Streach declared a **Conflict of Interest** regarding this matter and removed himself from the discussion.

Mr. Kurt Pyle, Planner, presented the staff report which recommended *that Regional Council:*

1. *Move First Reading and set a Public Hearing date(s) to consider adoption of the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-Laws;*
2. *Approve the proposed amendments presented in Attachments I (I) through XXXVII (37), inclusive; and,*
3. *In conjunction with the recommended plan and by-law amendments, consider individual applications for C & D processing and disposal facilities in Harrietsfield, Antrim and Dartmouth, and, based on their individual merits, adopt additional planning polices to accommodate such operations where appropriate.*

In his presentation, Mr. Pyle stated that, overall, staff cannot recommend approval of the RDM proposal for a disposal facility as it is located in a residential designation which is inconsistent with the strategy. However, he noted due to the past history of the site, which has been used as an industrial site and salvage yard, it could be considered a unique situation allowing Council to consider this request.

Mr. Pyle noted there was an error on Page 18 of the staff report, and the PID number

should read 41056102. Also, a revised Page 8 of the staff report was circulated to Council.

With respect to the Halifax C & D Antrim site, Mr. Pyle stated staff are awaiting additional information regarding the proximity of the facility to Dollar Lake Provincial Park and Clattenburg Wilderness area. Therefore, staff was recommending deferral of this application, pending receipt of that additional information.

In terms of Metro Construction, Mr. Pyle stated staff are unable to determine if the proposal meets the CD-3 Zone or the C & D Licensing By-Law due to the low level of information provided. He noted that the Department of Environment also requires further information, particularly with respect to blasting. Therefore, staff was recommending deferral of this application, pending receipt of further information.

Responding to a question of Mr. McLellan, Mr. Pyle clarified that staff's position is that the RDM application be rejected unless Council believes it is a unique situation. With respect to the other two applications, staff was recommending that they be deferred pending receipt of further information. Mr. Paul Dunphy, Director, Planning and Development Services, stated staff's recommendation consists of the first recommendations in the staff report dated June 13, 2002, and the third recommendation is only indicating that Council could go ahead with consideration of the three applications, but staff, in fact, was recommending that Council not proceed at this time with any of the individual cases until further information is received.

Mr. Anstey stated it was his understanding that one of the issues driving all the issues being brought forward in one package was the fact that if a site was rezoned contemporaneously with the MPS amendment, then it would be subject to approval by the Minister and not subject to appeal. However, if the policy amendments are moved forward without holding the Public Hearing with respect to the actual rezonings, then, in fact, the opportunity for appeals would be available.

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that this matter be deferred pending receipt of complete information.

Speaking in support of the deferral, Councillor Sloane stated she would like to see the three applications come back to Council separately.

Councillor Adams inquired what are the consequences of an application becoming appealable. Mr. Anstey responded that HRM could be faced with an appeal before the Nova Scotia Utility and Review Board. He noted that if the entire matter is deferred until all the necessary information is received, then it can go forward as one package again. Mr. Donovan clarified that the package is set up so that each one of the proposals has its own separate set of policy amendments that would go with it, so the issue of appeal really does not come into play as there would be a separate MPS amendment, over and above the overall package, needed to implement each of the applications.

Several Councillors spoke against the deferral due to the urgency of dealing with the issue and the lack of complete information.

Responding to a question of Mayor Kelly regarding the length of deferral, Mr. Dunphy stated it will depend upon responses from the Province as well as information provided by the applicants.

In response to a question of Mr. McLellan, Mr. Donovan stated staff is awaiting a response from the Department of Natural Resources regarding the proximity of the Antrim site to Dollar Lake Provincial Park and the Clattenburg Wilderness Area. With respect to the Dartmouth site, Mr. Donovan stated it lacks sufficient technical detail to allow the Province to comment on its feasibility.

Councillor Adams requested that the Mover and Secunder of the motion separate out the three applications and allow the one that is complete to move forward and allow the residents to decide. Councillor Hetherington, the Mover of the motion, did not concur with this request.

MOTION PUT AND PASSED.

11.2.7 First Reading By-Law L-201 Respecting Construction & Demolition (C&D) Licensing

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

Responding to a question of Mayor Kelly, Mr. Brian Smith, Director, Solid Waste Resources, stated the License By-Law applies to the facilities that are already operating as transfer and recycling operations. Therefore, staff are recommending that this proceed at this time.

MOVED by Councillor Hines, seconded by Councillor Goucher, that Council give First Reading to By-Law L-201 to amend C & D Licensing By-Law L-200. MOTION PUT AND PASSED.

11.3 MEMBERS OF COUNCIL

11.3.1 Councillor Mosher - Request for Plan Amendment Change: Limitation of Apartment Development on Through Lots

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

- 1) **Instruct staff to initiate the process to amend the Halifax MPS and Land Use By-Laws to have the restriction that prohibits apartment development on through lots, which currently applies only in the Peninsula South End, to apply throughout the Peninsula and Mainland areas;**
- 2) **Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997. MOTION PUT AND PASSED UNANIMOUSLY.**

11.3.2 Councillor Johns - Route Numbers - Metro Transit Buses

Councillor Johns requested a staff report regarding route numbers on Metro Transit buses. The Councillor noted that the buses no longer have the route numbers on the back of the buses causing confusion for Metro Transit users. The Councillor inquired if it would be possible to have electronic signs on the back of the buses that are similar to the ones on the front of the buses.

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

Councillor Hetherington suggested this report could be brought forward in the form of an email to Council and put forth the following amendment:

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the motion be amended in that the report be delivered to Council via email. MOTION PUT AND PASSED.

The vote was then taken on the main motion, as amended.

MOTION PUT AND PASSED.

12. MOTIONS

13. ADDED ITEMS

13.1 Councillor Rankin - Provincial Government Responses

- (i) **Sir John A. Macdonald School**
- (ii) **Twinning of Highway 103**

Councillor Rankin acknowledged the positive responses received by the Province regarding the issue of Sir John A. Macdonald High School and the twinning of Highway 103 and put forth the following motion:

MOVED by Councillor Rankin, seconded by Councillor Goucher, that the Mayor, on behalf of Council, write letters to the Ministers of Education and Public Works and Transportation acknowledging the Province's positive responses to Council's resolutions regarding the issue of Sir John A. Macdonald High School and the twinning of Highway 103. MOTION PUT AND PASSED UNANIMOUSLY.

13.2 Staff Report - Metro Centre Clock/Scoreboard - Temporary Borrowing Resolution

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

MOVED by Councillor Streach, seconded by Councillor Hetherington, that:

1. **Halifax Regional Council approve the addition of a capital project in the amount of \$2,000,000 for the clock/scoreboard for centre ice of the Halifax Metro Centre.**
2. **Halifax Regional Council approve temporary borrowing resolution TBR02/03-01 for \$2 million, which will be used to finance this project, without cost to HRM, as these funds will be recovered from the Halifax Metro Centre. MOTION PUT AND PASSED UNANIMOUSLY.**

13.3 Property Matter - Surplus Opportunity Properties

C This matter was discussed during an In Camera session held prior to the Regular session and was now before Council for ratification.

MOVED by Councillor Fougere, seconded by Councillor Blumenthal, that Council endorse the property specific recommendations presented in the June 7, 2002 report, on the basis that the final terms and conditions of any individual sale are subject to Council approval, and, further, that the June 7, 2002 report not be released. MOTION PUT AND PASSED UNANIMOUSLY.

14. NOTICES OF MOTION

None.

15. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.

Jan Gibson
Deputy Municipal Clerk