

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES October 8, 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

Table of Contents

1.	INVOCATION	4
2.	APPROVAL OF MINUTES - September 25, 2002	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
5.	MOTIONS OF RECONSIDERATION - NONE	4
6.	MOTIONS OF RECISSION - NONE	4
7.	CONSIDERATION OF DEFERRED BUSINESS	5
	7.1 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - RDM, Harrietsfield Site	5
	7.2 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - Halifax C&D, Antrim/Goffs Site	5
8.	CORRESPONDENCE, PETITIONS & DELEGATIONS	5
	8.1 Correspondence - None	5
	8.2 Petitions	5
	8.2.1 Councillor Smith - Walk Against Violence	5
	8.2.2 Councillor Rankin - Three Brooks Community & Hubley, NS	6
	8.3 Presentation	6
	8.3.1 No Sweat Policy Campaign	6
9.	REPORTS	6
	9.1 PROGRAM AND SERVICE REVIEW COMMITTEE	6
	9.1.1 Regional Council Mission Statement	6
	9.1.2 Corporate Scorecard	7
	9.2 GRANTS COMMITTEE	7
	9.2.1 Sackville Masonic Building Society, 57 Gloria Ave., Playground Lease and Resolution of Tax Arrears	7
	9.3 CHIEF ADMINISTRATIVE OFFICER	7
	9.3.1 Tender 02-294 - Paving Resurfacing and Sidewalk Renewal, Edinburgh Street - Western Region	7
	9.3.2 Tender 02-296 - Lacewood Drive Upgrades: Phase I - Western Region	8

9.3.3	Appointment of Development Officer	8
9.3.4	Write Off of Uncollectible Accounts	8
10.	MOTIONS	9
11.	ADDED ITEMS	9
11.1	Councillor Uteck - Mayors Task Force on Supplementary Funding	9
11.2	Councillor Uteck - Halifax Port Authority	10
11.3	District Boundaries Advisory Committee	11
11.4	Property Matter - Transaction Policy - Real Property Acquisitions and Disposals	14
11.5	Property Matter - Consolidation and Sale of Parcels A to D with Lot 6A, Crane Lake Drive	14
11.6	Property Matter - Sale of 5557 Cunard Street, Halifax	15
11.7	Property Matter - Sale of 385 Cow Bay Road, Eastern Passage	15
11.8	Contractual Matter - Landfill Gas Recovery Contract	16
11.9	Personnel Matter - HRP Management	16
11.10	Legal Matter - Settlement of Claim	16
11.11	Information Item - School Crossing Guard Remuneration	17
12.	NOTICES OF MOTION	17
12.1	Councillor Uteck - Amendment to Ordinance Number 179 Respecting Residential Parking Permits	17
13.	ADJOURNMENT	20

1. **INVOCATION**

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

2. **APPROVAL OF MINUTES - September 25, 2002**

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal, that the minutes of September 25, 2002 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

The following items were added to the agenda:

- 11.1 Councillor Uteck - Mayor's Task Force on Supplementary Funding
- 11.2 Councillor Uteck - Halifax Port Authority
- 11.3 District Boundaries Advisory Committee
- 11.4 Property Matter - Transaction Policy - Real Property Acquisitions and Disposals
- 11.5 Property Matter - Consolidation and Sale of Parcels A to D with Lot 6A, Crane Lake Drive
- 11.6 Property Matter - Sale of 5557 Cunard Street, Halifax
- 11.7 Property Matter - Sale of 385 Cow Bay Road, Eastern Passage
- 11.8 Contractual Matter - Landfill Gas Recovery Contract
- 11.9 Personnel Matter - HRP Management
- 11.10 Legal Matter - Settlement of Claim
- 11.11 Information Item - School Crossing Guard Remuneration

It was agreed to deal with all agenda items before addressing Item 7 - Deferred Business. It was also agreed to deal with Item 11.9 - Personnel Matter - HRP Management following Item 6 - Motions of Rescission.

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

4. **BUSINESS ARISING OUT OF THE MINUTES**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RECISSION - NONE**

As agreed to during Approval of the Order of Business, Council addressed Item 11.9 - Personnel Matter - HRP Management at this time.

11.9 Personnel Matter - HRP Management

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 Hetherington, seconded by Councillor Goucher, that Council endorse the recommendation of the Chief of Police that Deputy Chief Frank Beazley be appointed as Acting Chief. MOTION PUT AND PASSED UNANIMOUSLY.

With respect to recent speculation regarding two matters related to Police Services, Mr. McLellan stated one is a personnel matter and HRM will not be commenting on it. The second issue was with regard to the senior management of Police Services, and Mr. McLellan advised that this has been settled by the action of the Police Commission, and he requested that if there is any further speculation, that it not include Chief David McKinnon, and that the privacy of the Chief and his family be fully respected during the period of his convalescence.

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - RDM, Harrietsfield Site

This item was addressed later in the meeting.

7.2 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - Halifax C&D, Antrim/Goffs Site

This item was addressed later in the meeting.

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence - None

8.2 Petitions

8.2.1 Councillor Smith - Walk Against Violence

Councillor Smith advised Council that the 3rd Annual Walk Against Violence will be held on Wednesday, October 9, 2002, at 6:30 p.m., Dartmouth Boys and Girls Club, Farrell Road. The Councillor extended an invitation to all Councillors and residents to attend this

event.

8.2.2 Councillor Rankin - Three Brooks Community & Hubley, NS

Councillor Rankin submitted a petition from residents requesting development of a multi-purpose playing field (mini-field) within the community of Three Brooks on land currently owned by HRM and the installation of two basketball hoops and paved courts along side of the existing tennis court. The Councillor asked that the petition be forwarded to staff for consideration in the next capital budget.

8.3 Presentation

8.3.1 No Sweat Policy Campaign

- (i) **Paulette Sadoway - Canadian Labour Congress**
- (ii) **Brian O'Neill - Oxfam Canada**

C An information package from Oxfam Canada was circulated to members of Council.

Mr. Brian O'Neill, Oxfam Canada, and Ms. Paulette Sadoway, Canadian Labour Congress, made a presentation to Council regarding the No Sweat Policy Campaign. In their presentation, they requested that Council pass a No Sweat resolution which entails the adoption and implementation of a No Sweat Procurement Policy.

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

9. REPORTS

9.1 PROGRAM AND SERVICE REVIEW COMMITTEE

9.1.1 Regional Council Mission Statement

C A report from Councillor Ron Cooper, Chair, Program and Service Review Committee, regarding the above, was before Council for its consideration.

MOVED by Councillor Cooper, seconded by Councillor Cunningham, that Regional Council approve the proposed Regional Council Mission Statement as attached to the Program and Service Review Committee report dated October 1, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Fougere took her place at the meeting at 6:30 p.m.)

9.1.2 Corporate Scorecard

- C A report from Councillor Ron Cooper, Chair, Program and Service Review Committee, regarding the above, was before Council for its consideration.

Ms. Betty MacDonald, Manager, Financial Planning, presented the Committee's report to Council. Copies of her presentation were circulated to Council.

MOVED by Councillor Cooper, seconded by Councillor Hetherington, that Council approve the following themes as the basis for Corporate Scorecard:

- C Safe Communities
- C Healthy Sustainable, Vibrant Communities
- C Excellence in Governance
- C Excellence in Service Delivery

MOTION PUT AND PASSED UNANIMOUSLY.

9.2 GRANTS COMMITTEE

9.2.1 Sackville Masonic Building Society, 57 Gloria Ave., Playground Lease and Resolution of Tax Arrears

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

MOVED by Councillor Johns, seconded by Councillor Streach, that Regional Council approve payment of tax arrears in the amount of \$6,349.00 from the *Tax Exemption for Non-Profit Organizations Program 2002-2003* in recognition of the capital contribution made by the Sackville Masonic Building Society towards the construction of a children's playground at 57 Gloria Avenue, Sackville. MOTION PUT AND PASSED.

9.3 CHIEF ADMINISTRATIVE OFFICER

9.3.1 Tender 02-294 - Paving Resurfacing and Sidewalk Renewal, Edinburgh Street - Western Region

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

MOVED by Councillor Fougere, seconded by Councillor Walker, that Council award Tender No. 02-294, Paving Resurfacing and Sidewalk Renewal, Edinburgh Street-

West Region to Dexter Construction Company Limited for materials and services listed at the unit prices quoted for a Tender Price of \$181,240 plus net HST for a total of \$192,892 from Account Nos. CKU00141, Sidewalk Renewals, and CZR00357, Resurfacing, with funding authorized as per the Budget Implications section of the staff report dated October 1, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Tender 02-296 - Lacewood Drive Upgrades: Phase I - Western Region

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

MOVED by Councillor Walker, seconded by Councillor Rankin, that Council award Tender No. 02-296, Lacewood Drive Upgrades: Phase I - West Region to J. R. Eisener Contracting Limited for materials and services listed at the unit prices quoted for a Tender Price of \$360,520.00 plus net HST for a total of \$383,698.00 from Account No. CQ200414, Business Parks - Major Intersection Improvements and CJR00956, New Sidewalks, with funding authorized as per the Budget Implications Section of the staff report dated October 4, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.3 Appointment of Development Officer

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

MOVED by Councillor Blumenthal, seconded by Councillor Goucher, that Regional Council appoint Gary Porter as a Development Officer for the Halifax Regional Municipality as required by Chapter VIII, Section 243 (1) of the Municipal Government Act. MOTION PUT AND PASSED UNANIMOUSLY.

9.3.4 Write Off of Uncollectible Accounts

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

Ms. Catherine Sanderson, Manager, Revenue, made a presentation to Council regarding the write off of uncollectible accounts. Copies of her presentation were provided to Council.

Ms. Sanderson and Ms. Dale MacLennan, Director, Financial Services, responded to questions of Council regarding the issue.

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

1. The real property tax accounts in the amount of \$349,942.03 comprised of \$219,096.44 principal and \$130,845.59 interest as detailed in Schedule 1 of the staff report dated October 3, 2002, be formally written out of the books of account.
2. The business occupancy tax accounts in the amount of \$3,955,847.06 comprised of \$2,750,220.28 principal and \$1,205,626.78 interest as detailed in Schedule 2 of the staff report dated October 3, 2002, be formally written out of the books of account.
3. The general revenue accounts in the amount of \$1,184,940.34 comprised of \$1,180,990.88 principal and \$3,949.46 interest as detailed in Schedule 3 of the staff report dated October 3, 2002, be formally written out of the books of account.
4. The social services inter-municipal amount of \$1,923,485.82 principal only be formally written out of the books of account.

Ms. MacLennan noted that staff will be continuing to work on what HRM's standard should be with respect to uncollectible accounts and what should be considered to be a reasonable amount. This will be incorporated into performance measurement which will be going forward to the Program and Service Review Committee.

Councillor Colwell suggested staff may want to look into the possibility of HRM becoming involved in a similar program as that of the Canada Customs and Revenue Agency with respect to receiving preferential treatment for write-offs.

MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

11. ADDED ITEMS

11.1 Councillor Uteck - Mayors Task Force on Supplementary Funding

Councillor Uteck requested a staff report on the possibility of having a series of public meetings regarding supplementary funding. The Councillor noted that Halifax Regional Municipality applied to the Province of Nova Scotia for more accountability respecting Supplementary Funds and suggested that Council should prepare, via the public forum, to hear what the public views are regarding this funding.

The consensus of Council was that these meetings should be held after the conclusion of the public meetings of the Tax Structure Review Committee.

Councillor McInroy suggested Council should still receive the benefit of a staff report before it is agreed to hold these meetings. Councillor Uteck stated it was her hope that HRM would meet with the Halifax Regional School Board to discuss the purpose of supplementary funding before going to the public. The Councillor agreed that a staff report should be received before scheduling any public meetings.

MOVED by Councillor Uteck, seconded by Councillor McInroy, that this matter be referred to staff for a report regarding conducting a meeting with the Halifax Regional School Board to discuss what the original mandate of supplementary funding was to be and how to then possibly proceed to initiate a series of public meetings to hear the public views regarding supplementary funding and to seek input on any changes that the public may wish to see implemented.

Councillor Goucher noted that the former Town of Bedford and former Halifax County Municipality have area rates in place of supplementary funding.

Councillor Blumenthal suggested Council should not proceed on any changes to supplementary funding until it is known whether or not HRM will be required to pay more mandatory education funding.

MOTION PUT AND PASSED UNANIMOUSLY.

11.2 Councillor Uteck - Halifax Port Authority

Councillor Uteck noted that, due to changes in the Marine Act in 1999, HRM is no longer represented on the Port Authority. The Councillor stated the Port is vital to the future of HRM and it would be prudent for the Municipality to have observer status in this regard.

Mayor Kelly noted that the Marine Act is currently under review and the municipalities have been asked to respond to any changes, and he suggested that this request could be included. Councillor Hetherington suggested, as part of the changes to the Act, HRM should request that voting status be granted for HRM on the Port Authority. In the interim, Councillor Uteck asked that observer status be requested. Councillor Warshick suggested that FCM should be copied on the request to seek its support in this matter.

MOVED by Councillor Uteck, seconded by Councillor Hetherington, that Council request the Mayor to write letter to the Port Authority requesting that HRM be given, in the interim, observer status on the Authority and that changes to the Marine Act be requested so as the Municipality could have a voting position on the Authority in the future. The letter is to also be sent to FCM seeking its support in this matter.
MOTION PUT AND PASSED UNANIMOUSLY.

11.3 District Boundaries Advisory Committee

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 Deputy Mayor Harvey, seconded by Councillor Whalen, that the following Committee of the Whole recommendation be adopted:

- 1. A regional council comprised of 20 polling districts with an average population of 18,000 citizens per district be established for the next civic election.**
- 2. The significant imbalance in voter parity per district be rectified by a redefinition of district boundaries. Further, Communities of Interest be kept together when considering boundaries.**
- 3. The role of Councillor be a full time commitment with appropriate compensation.**
- 4. Administrative support and compensation for councillors will need to be reviewed if councillors are to be able to operate effectively with this increased average number of citizens per district.**
- 5. Council approve these recommendations so the work of the committee can move forward in a timely manner to complete the 2nd phase of the mandate which is to work “on the delineation of the appropriate district boundaries in anticipation of a recommendation to Regional Council”.**
- 6. The Terms of Reference be amended to provide that the second stage of the review process (ie. the delineation of the appropriate district boundaries) be carried out by the District Boundary Advisory Committee with the assistance of staff rather than by staff assisted by the Committee as presently stated;**
- 7. The recommendation of District Boundary Advisory Committee respecting the delineation of the appropriate district boundaries be forwarded to Regional Council on or before February 04, 2003.**

A **Recorded Vote** was requested on each separate recommendation, and the first motion read as follows:

MOVED by Deputy Mayor Harvey, seconded by Councillor Whalen, that the following Committee of the Whole recommendation be adopted:

C A regional council comprised of 20 polling districts with an average

population of 18,000 citizens per district be established for the next civic election.

Councillor Streach suggested this matter should be left independent of Council and stated he would support what was put forth by the Committee.

Speaking against the motion, Councillor Warshick noted a minority report was also received from two members of the Committee which recommended 23 polling districts.

Councillor Mosher stated Council was told block face data and counts that accurately reflect electoral boundaries compared to Statistics Canada would be forthcoming. The Councillor noted this information has not yet been received and put forth the following motion:

MOVED by Councillor Mosher, seconded by Councillor Sloane, that this matter be deferred pending receipt of the block face data as well as a written summary from the District Boundaries Committee detailing the rationale for its recommendation of 20 polling districts. MOTION DEFEATED.

Councillors speaking against the recommendation of 20 polling districts made the following points:

- C The Committee provided no background material justifying a decrease in the number of polling districts.
- C The Nova Scotia Utility and Review Board instructed the Municipality to get input from the residents and this should be taken into consideration.
- C The mandate of the Committee was to obtain information and it is Council's mandate to forward a recommendation to the Nova Scotia Utility and Review Board.

Councillors speaking in support of the recommendation of 20 polling districts made the following points:

- C The matter should be left in the hands of the Committee and the Nova Scotia Utility and Review Board.
- C There will be changes to the electoral boundaries regardless of the recommendation of the number of polling districts.
- C The Committee had the mandate of selecting the appropriate number of polling districts.

A **Recorded Vote** was taken with the following results:

Members of Council voting **in favour** of the motion: Mayor Kelly, Deputy Mayor Harvey,

Councillors: Streach, Sarto, Hetherington, Cunningham, Uteck, Fougere, Whalen, Adams, Johns, Rankin and Meade.

Members of Council voting **against** the motion: Councillors: Hines, Colwell, Cooper, McInroy, Warshick, Smith, Blumenthal, Sloane, Walker, Mosher, and Goucher.

MOTION PUT AND PASSED. (13 in favour, 11 against)

A **Recorded Vote** was then taken on the second motion which read as follows:

MOVED by Deputy Mayor Harvey, seconded by Councillor Whalen, that the following Committee of the Whole recommendation be adopted:

- C The significant imbalance in voter parity per district be rectified by a redefinition of district boundaries. Further, Communities of Interest be kept together when considering boundaries.**

Members of Council voting **in favour** of the motion: All 24 members.

Members of Council voting **against** the motion: None.

MOTION PUT AND PASSED UNANIMOUSLY.

At this time, Council agreed it was not necessary for a Recorded Vote on the remainder of the recommendations. The vote was then taken on the third motion which read as follows:

MOVED by Deputy Mayor Harvey, seconded by Councillor Whalen, that the following Committee of the Whole recommendation be adopted:

- C The role of Councillor be a full time commitment with appropriate compensation.**

MOTION PUT AND PASSED.

Council agreed to vote on the remaining recommendations in one motion which read as follows:

MOVED by Deputy Mayor Harvey, seconded by Councillor Whalen, that the following Committee of the Whole recommendations be adopted:

- C Administrative support and compensation for councillors will need to be reviewed if councillors are to be able to operate effectively with this increased average number of citizens per district.**

- C Council approve these recommendations so the work of the committee can move forward in a timely manner to complete the 2nd phase of the mandate which is to work “on the delineation of the appropriate district boundaries in anticipation of a recommendation to Regional Council”.
- C The Terms of Reference be amended to provide that the second stage of the review process (ie. the delineation of the appropriate district boundaries) be carried out by the District Boundary Advisory Committee with the assistance of staff rather than by staff assisted by the Committee as presently stated;
- C The recommendation of District Boundary Advisory Committee respecting the delineation of the appropriate district boundaries be forwarded to Regional Council on or before February 04, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

11.4 Property Matter - Transaction Policy - Real Property Acquisitions and Disposals

- 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 Smith, seconded by Councillor Sarto, that Council:

1. Approve the real property transaction procedures and approval levels as outlined in the September 30, 2002 staff report.
2. Initiate through Legal and Real Property Services a request for an amendment to Part 12 (XII) Streets and Highways of the Municipal Government Act to allow Council approval of minor/partial street closures without the requirement for a public hearing subject to the criteria outlined in the September 30, 2002 staff report.
3. Approve immediate release of the September 30, 2002 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

11.5 Property Matter - Consolidation and Sale of Parcels A to D with Lot 6A, Crane Lake Drive

- 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 Whalen, seconded by Councillor Walker, that subject to clarification of the exact property involved in this transaction, that:

- 1. Council approve the pricing for Parcels A to F and the area set aside for the extension of Crane Lake Drive totalling approximately 313,296 square feet at the end of Crane Lake Drive Extension, Bayers Lake Business Park, based on the key business terms and conditions outlined in the September 30, 2002 Private and Confidential staff report.**
- 2. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale with MacPhee Pontiac Limited for the purchase of the subject land, based on key business terms and conditions outlined in the September 30, 2002 Private and Confidential staff report.**
- 3. Council not release the contents of the September 30, 2002 Private and Confidential staff report until the transaction has closed. MOTION PUT AND PASSED UNANIMOUSLY.**

11.6 Property Matter - Sale of 5557 Cunard Street, Halifax

- 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 Sloane, seconded by Councillor Smith, that Regional Council:

- 1. Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 5557 Cunard Street, Halifax, be conveyed to Cunard Street Children's Centre for the sum of \$150,000, plus cost of sale expenses estimated to be \$3,000, subject to a Site Survey and Legal Description and the terms and conditions as set out in the Discussion section of the August 1, 2002 staff report.**
- 2. Authorize staff to proceed to a public hearing.**
- 3. Authorize the immediate release of the August 1, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

11.7 Property Matter - Sale of 385 Cow Bay Road, Eastern Passage

- 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 McInroy, seconded by Councillor Warshick, that Regional Council:

1. **Authorize the Mayor and Municipal Clerk to enter into an Agreement of Purchase and Sale whereby the property located at 385 Cow Bay Road, Eastern Passage to be conveyed to the Home Mission Board of the United Baptist Church Convention of the Atlantic Provinces and the Eastern Passage United Baptist Church for the sum of \$43,560 plus cost of sale expenses estimated to be \$3,500, subject to the terms and conditions set out in the Discussion section of the August 28, 2002 staff report.**
2. **Approve in principle to proceed to a public hearing.**
3. **Approve the immediate release of the August 28, 2002 staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

11.8 Contractual Matter - Landfill Gas Recovery Contract

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 Rankin, seconded by Councillor Sarto, that:

1. **The Mayor and Clerk be authorized to enter into a contract with Highland Energy, to upgrade the landfill gas collection system, and share the revenues to be derived from the potential sale of Greenhouse Gas Reduction Emission Credits and electrical energy, in accordance with the contract terms outlined in the October 2, 2002 Private and Confidential staff report.**
2. **Council not release the October 2, 2002 Private and Confidential staff report until the agreement has been signed. MOTION PUT AND PASSED UNANIMOUSLY.**

11.9 Personnel Matter - HRP Management

This matter was addressed earlier in the meeting.

11.10 Legal Matter - Settlement of Claim

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 Blumenthal, seconded by Councillor Uteck, that Halifax

Regional Council settle this claim, as set out in the October 1, 2002 Private and Confidential staff report, brought by the Claimant in the amount of \$28,899.07 as settlement in full upon obtaining a full release from the Plaintiff from any further claims arising out of the accident which occurred on August 15, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

11.11 Information Item - School Crossing Guard Remuneration

C An Information Report prepared by Frank Beazley, Acting Chief of Police, regarding the above, was circulated to Council.

MOVED by Councillor Hetherington, seconded by Councillor Sarto, that the Information Report be received and filed. MOTION PUT AND PASSED UNANIMOUSLY.

12. NOTICES OF MOTION

12.1 Councillor Uteck - Amendment to Ordinance Number 179 Respecting Residential Parking Permits

TAKE NOTICE that at the next regular meeting of the Halifax Regional Council to be held on October 15, 2002, I intend to introduce a motion to amend Ordinance Number 179 - An Ordinance Respecting Residential Parking Permits, Section 4, to read:

“Notwithstanding the provisions of any traffic regulation, the driver or owner of a plate (used to be a vehicle) to which a residential parking permit is currently in force is exempt from time restrictions imposed by parking signs, other than parking meters on the street, or part thereof specified in the residential parking permits.

RECESS

A recess was taken at 7:55 p.m. The meeting reconvened at 8:05 p.m.

At this time, Council addressed Item 7 - Consideration of Deferred Business.

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - RDM, Harrietsfield Site

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

- C A supplementary report prepared for George McLellan, Chief Administrative Officer, regarding the above was previously circulated to Council on September 18, 2002.
- C The Public Hearing was held and closed on September 18, 2002 and the matter was now before Council for a decision.

Mr. Kurt Pyle, Planner, presented the supplementary report to Council which recommended that Council **REJECT** the proposed Plan and By-Law amendments to permit the RDM Recycling Ltd. site in Harrietsfield to be re-zoned to the CD-3 (C&D Disposal) Zone. Mr. Pyle responded to questions of clarification from Council regarding the issue.

MOVED by Councillor Adams, seconded by Councillor Mosher, that Council APPROVE the proposed Plan and By-Law amendments to permit the RDM Recycling Ltd. site in Harrietsfield to be re-zoned to the CD-3 (C&D Disposal) Zone.

Councillor Adams quoted from the staff report which stated that *“Council may not receive ideal proposals which fully comply with the MPS. The approach, therefore, allows Council to rezone sites which do not entirely comply with its current MPS.”* The Councillor noted this is the situation in this case. Councillor Adams also quoted the following from the Budget Implications section of the staff report: *“If no proposal for C&D disposal is approved, C&D wastes will be shipped outside HRM, and HRM would lose Resource Recovery Fund Board diversion credits at an approximate cost of \$15 per tonne.”* The Councillor noted illegal dumping of C & D waste will also take place. Councillor Adams clarified a comment made at the public hearing regarding a tire falling off a truck hitting a car in a school yard, noting that particular truck was not affiliated with RDM Recycling. The Councillor noted there have only been seven complaints to By-Law Enforcement regarding RDM since April 1998.

Councillor Adams also quoted from an August 2002 report from the Halifax and Halifax County Watershed Advisory Board which stated that the site soil findings reported that the site material is a highly impermeable clay till ideal for a C & D debris disposal facility liner. The Councillor noted the Community Monitoring Committee also supports the proposed amendments to the MPS and zoning by-laws to permit the siting of C & D facilities within HRM.

Closing his comments, Councillor Adams showed a photo illustrating the condition of the property before RDM took it over in 1998.

Councillors speaking in favour of the motion made the following points:

- C RDM has vastly improved the appearance of the property since taking it over.

- C The majority of landowners around the facility are not opposed to a disposal license.
- C RDM runs a clean and efficient operation.
- C The material disposed of at the facility will be inert and non-toxic.
- C The understanding is that the recommendations of the Halifax and Halifax County Watershed Advisory Board's report will be followed.
- C The issue of the sidewalk is a provincial responsibility and this should be pursued.
- C From a planning perspective, there is no reason for this property not to be zoned CD-3.
- C The C&D debris disposal is an important piece of the solid waste strategy.
- C The permits must be renewed annually and HRM can exercise control at that time.
- C Council has to show flexibility.

Councillors speaking against the motion made the following points:

- C The location of the facility is too close to a watershed.
- C The report from the Halifax and Halifax County Watershed Advisory Board does not put forth a strong endorsement.
- C The Community Monitoring Committee endorsed the strategy and not the site locations.
- C This is a residential zone.
- C Approval of this will open a "Pandora's Box" for other districts and Council needs to follow its policy.

Closing the debate, Councillor Adams submitted correspondence from Mike Lawrence, RDM Recycling, dated October 7, 2002 which he read into the record. The letter proposed the following:

- C In keeping with its history of community support, RDM would be willing to share the cost of installing an over-head crosswalk sign. This would be placed on the Old Sambro Road to accommodate the children from Birchlee Trailer Park.
- C RDM is prepared to fund a lunch monitor for the school to assist with the concern of the lack of a lunch monitor which causes children who are bused in the morning and afternoon to walk home during the lunch hour.

MOTION PUT AND PASSED.

7.2 Council Decision re: Construction and Demolition (C&D) Plan and By-Law Amendments - Halifax C&D, Antrim/Goffs Site

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

- C A supplementary report prepared for Dan English, Acting Chief Administrative Officer, dated September 20, 2002 was previously circulated to Council.
- C The Public Hearing was held and closed on September 25, 2002 and the matter was now before Council for a decision.

Mr. Kurt Pyle, Planner, presented the supplementary report to Council and responded to questions.

MOVED by Councillor Hines, seconded by Councillor Hetherington, that Council approve the MPS and LUB amendments, as contained in Attachments 1 and 2, to permit Halifax Construction and Debris Recycling Ltd. to establish a C & D disposal facility off Old Guysborough Road as shown on Map 1 of the supplementary report dated October 3, 2002.

Councillor Colwell requested that the Community Monitoring Committee include three residents from Porter's Lake. Both the Mover and Seconder of the motion agreed to this request, and the amended motion now read as follows:

MOVED by Councillor Hines, seconded by Councillor Hetherington, that Council approve the MPS and LUB amendments, as contained in Attachments 1 and 2, to permit Halifax Construction and Debris Recycling Ltd. to establish a C & D disposal facility off Old Guysborough Road as shown on Map 1 of the supplementary report dated October 3, 2002, and that the Community Monitoring Committee include three residents from Porter's Lake. MOTION PUT AND PASSED.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.

Jan Gibson
Deputy Municipal Clerk