

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
January 13, 2009

PRESENT: Mayor Peter Kelly
Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Gloria McCluskey
Lorelei Nicol
Andrew Younger
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Reg Rankin
Peter Lund

REGRETS: Councillor Sue Uteck

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS	4
3.	APPROVAL OF MINUTES	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
5.	BUSINESS ARISING OUT OF THE MINUTES	4
6.	MOTIONS OF RECONSIDERATION	5
7.	MOTIONS OF RESCISSION	5
8.	CONSIDERATION OF DEFERRED BUSINESS	5
9.	PUBLIC HEARINGS	
9.1	Case 00790 - Flag Lot Development, Bedford	6
9.2	By-Law T-224, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - Review of Conditional Awards and Records Management	6
9.3	Case 01058 - Amendments to all Land Use By-Laws - Temporary Construction Uses	8
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
10.1	Correspondence - None	17
10.2	Petitions	5
10.2.1	Councillor Adams - Transit Service to Margaret Lorne Manor	5
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	5
11.1.1	Fire - Purchase of Vehicles / Reserve Withdrawals	5
11.1.2	Case 01224 - Amendments to Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law - Eastern Passage	5
11.1.3	Breeding Kennel Fees	18
11.1.4	Proposed Amendments to Administrative Order 11 - Animal Licensing Strategy for 2009	18
11.2	MEMBERS OF COUNCIL	

11.2.1	Councillor Blumenthal - Removal of Recyclables from Curb	18
12.	MOTIONS	18
13.	ADDED ITEMS	18
13.1	Western Region Community Council - Case 01157	18
13.2	Resident Accessibility to Electronic and Hazardous Waste Recyclables Program	18
14.	NOTICES OF MOTION	18
15.	ADJOURNMENT	19

1. **INVOCATION**

The Mayor called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Barkhouse.

2. **SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS**

Councillor Sloane advised that the outdoor skating rink at the George Dixon Centre was now open and encouraged volunteers to come forward.

Deputy Mayor Hendsbee noted that, coinciding with Martin Luther King's birthday, the following events were being held: Saturday, January 17th, The Dream Lives On: A Musical Tribute to Dr. Martin Luther King, Jr. with the Nova Scotia Mass Choir, Rebecca Cohn Auditorium. Monday, January 19th, Legacy of Hope: Discussion of Martin Luther King's Legacy, Dalhousie University. Deputy Mayor Hendsbee also noted that the following day, January 20th, would be the inauguration of President Elect Barack Obama.

Councillor Blumenthal advised that two community rinks, one for hockey and one for families, located at the north end of the Hyland Park School area were ready for use. He thanked Mr. John Blanchard and the Committee members for a great job.

Councillor Smith noted that a Public Information Meeting was being held at 7:00 p.m. in Farrell Hall on Wednesday, January 14th in regard to the Wright's Cove Secondary Planning Strategy.

3. **APPROVAL OF MINUTES - December 16, 2008 and January 6, 2009**

MOVED BY Councillor McCluskey, seconded by Councillor Wile that the minutes of December 16, 2008 and January 6, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 13.1 Western Region Community Council - Case 01157
13.2 Resident Accessibility to Electronic Waste and Hazardous Waste Recycling Programs - Councillor Watts

MOVED BY Councillor Blumenthal, seconded by Councillor Sloane that the order of business, as amended, be approved. MOTION PUT AND PASSED.

5. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

6. **MOTIONS OF RECONSIDERATION - NONE**

7. **MOTIONS OF RESCISSION - NONE**

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

Council agreed to deal with Item 10.2 Petitions at this time.

10.2 **Petitions**

10.2.1 **Councillor Adams - Extension of Transit Service, Herring Cove**

Councillor Adams submitted a petition signed by fourteen (14) residents of the Margaret Lorne Manor, Herring Cove, requesting Metro Transit service to the Manor. The residents requested that Metro Transit extend the current service to the bottom of Hebridean Drive, with a stop at the manor, and a bus shelter to protect the residents. The extension and stop at the Manor would assist the residents in maintaining their independence.

Council agreed to deal with Item 11.1.1 and 11.1.2 at this time.

11.1.1 **Fire - Purchase of Vehicles / Reserve Withdrawals**

- A report dated December 11, 2008 was before Council.

MOVED BY Councillor Streach, seconded by Councillor Sloane that Halifax Regional Council approve an increase to 2008/09 Capital Project Account CVJ01089 in the amount of \$135,000.00, which includes the non-refundable portion of HST for the purchase of three (3) one ton utility vehicles, with funding in the amount of \$135,000.00 to be provided from the Rural Fire Reserve Q128.

MOTION PUT AND PASSED.

11.1.2 **Case 01224 - Amendments to Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law - Eastern Passage**

- A report dated December 22, 2008 was before Council.

MOVED BY Councillor Barkhouse, seconded by Councillor McCluskey that Halifax Regional Council:

1. **Initiate a process to consider amending the Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law to redesignate and rezone the property identified as PID #41269952 in Eastern Passage for the proposed expansion of the Eastern Passage Wastewater Treatment Plant; and**
2. **Direct staff to follow the public participation process approved by Council in February 1997.**

MOTION PUT AND PASSED.

Council agreed to deal with Item 9. Public Hearings at this time.

9. PUBLIC HEARINGS

9.1 Case 00790 - Flag Lot Development, Bedford

- A report dated November 28, 2008 from the North West Community Council was before Council.
- A copy of the PowerPoint presentation was before Council.
- An extract of the December 16, 2008 Regional Council minutes was before Council.

Ms. Thea Langille, Supervisor, Planning Applications, Community Development, presented the report.

Mayor Kelly opened the public hearing calling for speakers wishing to speak for or against the proposal. He gave the third and final call for speakers; hearing none, it was **MOVED BY Councillor Johns, seconded by Councillor Sloane that the public hearing be closed.**
MOTION PUT AND PASSED.

MOVED BY Councillor Outhit, seconded by Councillor Sloane that Halifax Regional Council approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use By-Law as set out in Attachment "A" of the staff report dated October 24, 2008 and that 84 Golf Links Road be grandfathered from the proposed amendments. MOTION PUT AND PASSED.

9.2 By-Law T-224, An Amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - Review of Conditional Awards and Records Management

- A copy of the Grants Committee report dated December 12, 2008 was before Council.
- An extract of the December 16, 2008 Regional Council minutes was before Council.

Ms. Peta Jane Temple, Team Leader, Tax, Grants and Special Projects, presented the report. She noted a correction to Attachment 1 of the staff report dated July 23, 2008 explaining that Section D of Item 2 was a repetition of Section C and should be removed.

Ms. Temple responded to questions of clarification of Council as follows:

- The Community Care Network has been granted full property tax exemption for the portion used by the foodbank; the section used for employment and education training, as per By-Law T-212, was not considered for a subsidy.
- There are vocational agencies who may provide similar services in regard to education/training and may receive 75% exemption of the residential property tax rate.

Mayor Kelly opened the public hearing calling for speakers for or against the proposed By-Law. He gave the third and final call for speakers for or against the proposed By-Law; hearing none, it was **Moved by Councillor McCluskey, seconded by Councillor Sloane that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Younger, seconded by Councillor Sloane that Halifax Regional Council approve:

1. **By-Law T-224, an amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - Conditional Awards and Records Management, as shown in Attachment 1 of the staff report dated July 23, 2008.**
2. **100% tax exemption for the Community Care Network.**

Councillor Younger explained that he has recommended 100% property tax exemption for the Community Care Network as there was no other charitable organization offering similar services to their clients. He explained that the Community Care Network works with the Nova Scotia Community College for job placement/training opportunities. The benefits of the program are that it assists people in moving from social assistance programs into the workforce. Councillor Younger also noted that the difference between an increase in exemption from 50% to 100% would be a small amount and that the clients of the Community Care Network were from all over the Halifax Regional Municipality.

Ms. Temple advised that due process, in regard to the increase from 50% exemption to 100% exemption, would be consideration of the implications to other groups under the existing By-law who would not have been included in the consideration for 100% tax exemption, and; the rationale for that exemption.

Councillor Streach expressed concern with continuing the current level of taxation for Neptune Theatre (100% exemption) as the agreement had been to offer some exemption for a certain number of years, however; ten years later the 100% exemption was still being offered. He

requested an explanation in regard to the rationale considering there were a number of other theatres. Ms. Temple responded that pending a thorough review and potential redesign of the tax assistance program to bring consistency, those groups recommended to continue the current tax exemptions have qualifiers that state:

“pending any redesign of the program”.

Councillor McCluskey expressed concern that a complete review of the tax assistance program to address inconsistencies has not been completed.

MOVED BY Councillor Walker, seconded by Deputy Mayor Hendsbee that Halifax Regional Council refer the recommendation respecting 100% tax exemption for the Community Care Network back to the Grants Committee, and staff, for review with a Supplementary Report to be returned to Council for the February 3, 2009 session.

Councillor Walker explained that Council did not have information before them in regard to how an increase to 100% exemption for the Community Care Network would affect other organizations in HRM. He also noted that when the public hearing was advertised the recommendation was for 50% exemption, not 100%.

In response to Councillor Karsten, Ms. Mary Ellen Donovan, Solicitor, clarified that a second public hearing would not be required if the decision returned to Council from the Grants Committee were comparable. If the recommendation of the Grants Committee resulted in a decision beyond the scope of what was advertised, another public hearing would be required.

MOTION TO REFER PUT AND PASSED.

A vote was then taken on the amended motion as follows:

MOVED BY Councillor Younger, seconded by Councillor Sloane that Halifax Regional Council approve By-Law T-224, an amendment to By-Law T-200, Respecting Tax Exemptions for Non-Profit Organizations - Conditional Awards and Records Management, as shown in Attachment 1 of the staff report dated July 23, 2008 with the exception of the Community Care Network. MOTION PUT AND PASSED.

Council called a five minute recess at 6:45 p.m.

Council reconvened at 6:54 p.m.

9.3 Case 01058 - Amendments to all Land Use By-Laws - Temporary Construction Uses

- Correspondence dated January 12 & 13, 2009 from Alan G. Hayman was before Council.
- An e-mail dated January 12, 2009 from Hal Dobbelsteyn, Conserve Nova Scotia, was before Council.
- A letter dated January 12, 2009 from Dennis Baltzer, Timberlea, was before Council.
- An e-mail dated January 13, 2009 from Cory Withrow, Beechville, was before Council.
- An e-mail dated January 13, 2009 from Matt Whitman was before Council.
- A letter dated January 9, 2009 from Bradley Scott, Basin Contracting Limited, was before Council.
- A letter dated January 9, 2009 from Scott Hoeg, Chair, Surface Operations Committee, Mining Association of Nova Scotia, was before Council.
- An e-mail dated January 13, 2009 from Matthew Gibbon, Timberlea, was before Council.
- A letter received January 13, 2009 from Raymond Cote, Professor Emeritus of Environmental Studies, was before Council.
- A document entitled "The Greener Dig" received January 13, 2009 from Paul Behner, TRAX Construction Ltd, was before Council.
- A copy of the PowerPoint presentation was before Council.
- A copy of the Supplementary Report dated January 12, 2008 was before Council.
- A copy of the Supplementary Report dated January 7, 2009 was before Council.
- An extract of the December 9, 2008 Regional Council minutes was before Council.
- Correspondence dated January 7, 2009 from Ms. Joyce Pardy was before Council.
- Correspondence dated January 9, 2009 from Mr. Paul White, President, Nova Scotia Road Builders Association was before Council.
- A report dated October 21, 2008 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Karsten that Halifax Regional Council proceed with the holding of a public hearing on the proposed revised amendments to all HRM Land Use By-Laws regarding "Temporary Construction Uses" as per staff's recommendation in the January 7, 2009 staff report.

Ms. Mary Ellen Donovan, Solicitor, responded to concerns raised by Council in regard to the timing of the information received and procedural issues as follows:

- legal services has reviewed the letter addressing procedural issues and has found that there were no procedural problems with the process followed to this point.
- there would be no difficulty with Council reviewing the content of the recently circulated PowerPoint document if received prior to the 3:00 p.m. deadline for submissions.

Mr. Paul Dunphy, Director, Community Development, responding to questions of clarification from Council, noted that the process for the Blasting By-Law was a fundamental re-evaluation of the entire By-Law and the role of the Municipality as a regulatory body. The review resulted in staff starting from scratch as the existing document could not be amended into compliance. In contrast, the amendments before Council in regard to Temporary Construction Uses were

considered a housekeeping matter and that the role of the Municipality, as a regulatory body, would not change. He explained that Legal Services had reviewed complaints compiled in regard to the current By-Law and have responded that the By-Law was insufficient for enforcement of compliance. The proposed amendments before Council were intended to make the current By-law effective. Mr. Dunphy further explained that the Supplementary Report circulated to Council today was in response to a submission received just yesterday.

Councillor Mosher expressed concern that proper consultation was not held with all stakeholders in regard to the proposed By-Law amendments for Temporary Construction Uses.

MOTION PUT AND PASSED.

Councillor Streach declared a conflict of interest at this time and exited the Chamber.

Mr. David Lane, Planner, presented the report. Mr. Lane, assisted by Ms. Sharon Bond, Manager, Subdivision and Land Use, and Mr. Paul Dunphy, Director, Community Development, provided the following points of clarification for Council.

- There would be no charge for the development permit and under certain conditions the permit would be renewable.
- Fundamental difference in the Land Use By-Laws would be that there would now be setbacks and separation distances that were not there before. Also, a permit would be required with clear timeframes in regard to rock crushers.
- The Noise By-Law would apply as there is no specific reference to noise in the proposed By-Law.
- Material processed on site must remain on site. If the material were to be removed from the site processed, the “processor” would be considered to be “in a quarry”.
- Excess material may be removed from a site in its raw form for use at another site in its raw form. The raw material would have to be transported to a quarry for processing in order to be used in its processed form at another site.
- There is no proposed definition of rock crusher in the By-Law.
- The original motion included wood chippers and soil screeners, however; during the public consultation process, staff did not hear complaints in regard to those practices and felt it appropriate to omit them from the proposed amendments.
- Separation distances are for Residential and some Institutional zones such as hospitals or groups homes where people would reside. There are no separation distances specified for Commercial / Industrial zones.
- Three advertisements were run in the Chronicle-Herald; December 13th and 20th, 2008 with one additional advertisement placed on January 10, 2009 due to the Christmas Holidays.
- During the public consultation process it was deemed that off site transport of processed material should not be permitted due to the potential for nuisance.

Ms. Mary Ellen Donovan, Solicitor, clarified that the issue was one of undertaking an industrial activity in a residential area. If the excavated rock could be used within the site it would be appropriate to process it. If rock were being crushed for use on a different site then it would be considered use of a residential property for industrial purposes. The proposed amendments are intended to address and clarify when an industrial use was being made of residential land.

- Pyritic slate issues would fall under the provincial Department of Environment guidelines and members of the industry would work directly with the province in regard to those issues.
- Construction and development permits would have controls in regard to setbacks to watercourses that fall under the Land Use By-Laws. The Department of Environment would have jurisdiction for environmental protection matters.
- The public participation process, as approved by Council, included industry stakeholders who provided staff with additional businesses and contact names. Personalized invitations were sent to all with personal contact made by staff.
- There are approximately three (3) Temporary Rock Crushers in HRM and three (3) Quarry operators.

Councillor Adams expressed concern that transporting raw material for processing from a site to a quarry then transporting it to the final site as processed material did not appear to fit in with a “green project”. He also noted that there had been no convictions under the By-Law. He requested a definition of “temporary” rock crushing be provided.

Ms. Sharon Bond responded that “temporary” would be considered incidental to construction on site. Timelines would be assigned with the development permit with an opportunity for renewal.

In response to Councillor Rankin’s request for clarification on whether excess rock could be taken to an HRM construction debris site, Ms. Bond advised that there were industrial zones throughout the municipality that would allow rock crushers to be set up and processing to take place.

Mr. Lane clarified that the intent of the proposed By-Law amendments was to protect neighbouring properties while considering sustainable greener practice; a more balanced approach that would provide initiatives for sustainable environmental and residential neighbours.

Mr. Dunphy explained that the proposed amendments were not being characterized as more green. The amendments would result in less of a nuisance to residential property owners by not allowing a commercial practice in residential areas. A good environmental practice would be to take the excess material to the proper place, however; that is not the primary intent of the By-Law.

Council recessed for five minutes at 7:57 p.m.

Council reconvened at 8:05 p.m.

Mayor Kelly opened the public hearing calling for any speakers for or against the proposal.

Paul Pettipas, CEO, Nova Scotia Homebuilders Association.

Mr. Pettipas advised that the Nova Scotia Home Builders Association applaud staff on their excellent work in regard to this issue. He commented that no one wanted a city of rock quarries and that the key was “temporary” and “on site”. Crushing and using the material on site would be good practice as once you remove the material you skirt the fine line between temporary and quarry activity. Keeping the material on site would also be a good environmental practice as truck traffic, dust and complaints would be reduced. A reasonable and consistent approach has been achieved. Rock crushers and quarrying operations have a stringent set of rules but the temporary rock crushers do not. Mr. Pettipas advised that he had attended the public meetings and that a lot of expertise was put into this effort with a result that works well for most in the industry.

David Barrett, Beaver Bank

Mr. Barrett commented that staff and stakeholders have worked hard on the proposed amendments. He expressed concern with the proposed By-law causing a strain on small businesses noting that the cost of doing business in HRM was very high and that HRM has a reputation for being anti-development. The proposed By-Law could cause a monopoly in the industry. Upon review of the report he noted that the noise from a rock crusher was no more than the noise of an excavator which most people do not notice when in operation. He suggested that a common sense approach would be to permit crushing on site for use on site with a certain percentage permitted to be transported off site. There is no difference in transporting raw material or processed material.

Paul Behner, Halifax, President and Owner of TRAX Construction

Mr. Behner advised that he has twenty-five (25) years experience in the industry and has been involved with better practices in regard to construction waste (stumps, trees, rock) for the last fifteen (15) years. He noted that TRAX Construction developed the “Greener Dig”, copies of which were sent to Council. The goal is to reduce, recycle and reuse yet the proposal does not appear to be in keeping with HRM’s own principals to reduce heavy truck traffic in residential neighbourhoods. He questioned why it was not okay to process rock on site for transport but it was okay for wood stumps to be processed into fibre or biofuel to be sold. He noted that noise was a factor with rock crushers but no mention was made of the noise from wood chippers. He added that it would not make sense to drag out a project just to crush rock as the customer would fire him. He expressed concern with the extremely limited consultation

held with stakeholders and technical engineers and the narrow, out of date view of staff. He urged Council to request more public consultation and geotechnical certification.

Harold Kenny, Halifax, Real Estate Consultant and Environmental Management

Mr. Kenny noted that the proposed by-law amendments were confusing and that some work was required in regard to the wording. He suggested that Section E be separated into two paragraphs and that more consideration be given to extending the setbacks. He also noted that the proposed amendments addressed the days of work permitted but not the hours of work. Mr. Kenny advised that he was in support of the proposed By-Law amendments.

Alan Hayman, Lawyer

Mr. Hayman advised that he attended one of the public meetings and that staff have done an excellent job. He acknowledged his support of the recommendations and intent of the By-Law, however; in response to concerns with the wording, he submitted suggested revisions to the Municipal Clerk which should make the document more clear and easier for the public to follow. In regard to the transport of material from one site to another either in its raw form (pit operation) or processed (quarry operation), he explained that the Municipality had no regulatory authority over pits and quarries as that was solely the jurisdiction of the Province.

A person may apply to the Province for a pit or quarry approval to transport rock, crushed or raw, and for HRM to say that people cannot operate a pit or quarry contravenes the provincial legislation. He also suggested that commercial zones be included in the category and that a 60 metre separation distance would be appropriate.

In response to Deputy Mayor Hendsbee, Mr. Hayman noted that provincial pit and quarry legislation was not limited to road construction.

Mr. Hayman confirmed for Councillor Mosher that he was not speaking on anyone's behalf and that over the last few years he has worked with permits for quarries and road construction.

Peter Pauli, Real Estate Developer

Mr. Pauli noted that industry stakeholders were not part of the public consultation. He advised that he was the Director of UDI (Urban Design Institute) and was completely blind sided by the fact the proposed By-Law was being presented this evening. Mr. Pauli explained that his group developed Mont Blanc in the north end of Halifax, completed in 2007, and intended to use the excess boulders at another site on the Williams Lake Road this summer. Considering there is no other use for that material, it could end up in the woods as transporting it to a third site for crushing and then transporting it back to site was ridiculous. Transporting the boulder to the site and crushing on site would be more efficient, economical and environmentally friendly. If regulations were to be placed on crushing on site, he suggested a minimal size for when that regulation would apply and that the By-Law be worded so that it would not apply to a small crushing project.

Bill Lockhart,

Mr. Lockhart inquired who would monitor the hours of operation, noise and dust control from the portable quarries. He also noted that there should not be excess material at temporary crusher sites.

Michelle Longeville, Hubley, Executive Director of Mining Association of Nova Scotia

Ms. Longeville acknowledged support of this initiative and the work over the last few years. She advised that stakeholders have been involved for a very long time. She indicated that the issue was in regard to the composition of the rock that leaves the site and is taken to a quarry.

Blair Mitchell, Tantallon, Lawyer for TRAX Construction

Mr. Mitchell commented that a full and thorough review of the By-Law and environmental issues has not occurred as directed by Council in 2007. An effective By-Law should include environmental aspects of temporary construction activity. He noted that the only shareholder consultation that took place was to fix the shareholders but that no further submissions were received once the amendments were in place. He suggested that it would be appropriate for Council to direct staff to conduct further substantive review of the issue including a response to the Environmental Act issues.

Kim Conrad, Conrad Brothers Limited, Dartmouth

Mr. Conrad noted that he has been in the quarry business for 52 years. The on site crushing issue started approximately two to three years ago. He advised that quarry operators were not against on site quarrying as long as the material stayed on site. Mr. Conrad explained that he did not understand how the rules changed from the 1960's and 1970's when they were asked to stop crushing; his company moved to the county and were told there was to be no more rock crushing in the City of Dartmouth. Then portable crushers started to appear and after seeing approximately ½ million tonnes being crushed he approached the Department of Environment, who deal with pits and quarries, for clarification of the rules. He explained that there were too many "bootleg" (crusher) operations around and expressed concern that soon you would see a crusher on every corner. Mr. Conrad noted that in some areas of development the material cannot be transported from site due to contaminates.

In response to Councillor Adams, Mr. Conrad advised that a temporary rock crusher could cost between \$500,000 to \$1,000,000.

Scott Hoeg, Board Member of Mining Association of Nova Scotia

Mr. Hoeg advised that following a thorough review by his Committee, which included a quarry and portable crusher operator, an agreement was reached that the proposed amendments were very good. He confirmed that as per the legislation, once blasting and removal of rock has occurred, you would be considered to be operating a quarry. The definition of a quarry comes down to the process; once rock is crushed or processed it becomes aggregate and that is covered under Provincial jurisdiction. The Mining Association became actively involved in this process in September and were provided full access to the process. He acknowledged

that they have had great input and adequate time to review and comment on the material and they have no issue with the Supplemental Report.

Shawn Isner, Fall River, Employee of Portable Crusher Operation

Mr. Isner advised that his company was the first to implement renewable, sustainable, green business practices by producing aggregate on site and keeping trucks off the road. The number one complaint his industry receives has been in regard to truck traffic and dust. Permitting portable crushers eliminates those complaints. Reducing truck traffic also extends the life of the infrastructure. His company was involved with the demolition of the Halifax Infirmary building where no concrete debris was removed from the site as it was crushed and used on site for the parking area; approximately 3296 truck trips were prevented in the downtown core. Another site saw their LEED's (Leadership in Energy and Environmental Design) certified building score increase due to on site crushing reducing truck traffic by 1560 trips out of Burnside. He noted that some on site crushing activity took place within 20' of residents with no complaint. The proposals are reasonable and fair, however; the increased setback distances are unreasonable as his company has operated at six metres with no complaints. A 100 metre setback is too much and the sustainable benefits would be gone.

In response to questions of Council, Mr. Isner advised that his company tries to manage the sites so that they do not crush more material than required for use on site.

Council recessed for five minutes at 8:59 p.m.

Council reconvened at 9:08 p.m.

MOVED By Councillor Younger, seconded by Councillor McCluskey that Regional Council cease discussion upon completion of the public hearing with a vote taken on the issue, and; that all other items remaining on the agenda be deferred to a future Council session.

Councillor Mosher requested the motion be amended to have the Council session cease upon completion of the public hearing and that the debate be deferred. She further noted that as per the Rules of Procedure, Administrative Order 1, Council was not to discuss the issue after the public hearing closed as the decision would be based on what was heard during the public hearing.

MOVED By Councillor Younger, seconded by Councillor McCluskey that Regional Council cease discussion upon completion of the public hearing and that all other agenda items, including debate on Temporary Construction Uses, be deferred to a future Council session.

Councillor Adams requested the motion be further amended to have Council deal with Added Item 13.1 Western Region Community Council - Case 01157 prior to adjournment.

MOVED By Councillor Younger, seconded by Councillor McCluskey that Regional Council cease discussion upon completion of the public hearing, and that all other debate and agenda items, with the exception of Item 13.1 Western Region Community Council - Case 01157, be deferred to a future Council session. MOTION PUT AND PASSED.

Public Hearing Continued:

Margo Young, Dartmouth

Ms. Young advised that she was the President of EDM, a company involved with site planning work for Developers. She suggested that the By-Law be passed with the condition that staff consult with others, including members of the industry, in regard to language and definitions. If the proposed amendments were not passed, she suggested that Council not repeat its broad consultation process as the meetings she originally attended had too broad a group. She noted that staff were able to focus on the key issue causing problems in Dartmouth and have suggested recommendations targeted to deal with that problem. She acknowledged that it was possible quarries were being run by over excavating sites, however; there were other materials being transported from site to site such as native plants which do not generate as much big money.

Mike Hanusaick, Halifax, President, Urban Development Institute of Nova Scotia (UDI)

Mr. Hanusaick noted that the specifics of the amendments have not been vetted through the UDI board, therefore; he was unable to come forward with unanimous support at this time. He commented that the issue of jurisdiction was an important one. Clarifying current practices and understanding of the law to create simple rules for everyone to understand was a good initiative, however; a decision must be made on where the jurisdiction ends. He encouraged Council and staff to consider the “what if” situations such as a large development in one area creating raw material that could be used at another site; possible subdivision of lots; how to control the incidental fill left over after crushing, and; that the industry be provided an opportunity to comment on those scenarios.

Jim Simmonds, Myra Road, Environmental Engineer with StanTech Engineering

Mr. Simmonds commented that he was impressed with the amount of consultation held and that it was great to have that level of debate and passion in regard to environmental issues and sustainability. The proposed By-law was clear, straightforward and met the substance of criteria set out by staff. He suggested that if other work were required that it be done separately. Whether or not it is “green” to transport material from site to site is a broad issue. He acknowledged that most people would follow the By-Law but consideration had to be given to the least common denominator. Safety issues also have to be considered as safety pushes

environmental. He acknowledged that currently it would be possible to set up a temporary crusher and transport the material all over.

Andrew Inch, Halifax

Mr. Inch advised that he worked at a quarry and had participated in the public consultation process noting that staff had compiled a great report and were able to determine a middle position from all the information received. He confirmed that the consultation process did include Developers, members of the Construction Industry and Engineers. He commented that the best solution was to keep the rock on site. If a little material were permitted to leave a site you would be creating an incentive for people to work a way to transport that material. Reusing the rock is a green solution; using it on site halts abuses. He added that it would be very labour intensive to monitor the environmental aspects such as trucking, green house gases, setbacks and he questioned how the Developer would know if their Contractors were taking the material to another site. He advised that he was in support of the proposed By-Law.

Jack Isner, Isner Contracting

Mr. Isner explained that during the late 1990's a tremendous amount of on site rock had to be processed and the aggregate exported. The challenge then was to find a location for that material such as swamps and low level areas but those areas are now gone so the material is required to be taken to quarries. He questioned how members of the industry could remain competitive in the market place when they are trying to cut down on truck traffic by processing the material on site. He explained that he spoke with the Department of Environment prior to investing \$500,000 in equipment (rock crusher) and was told that processing the material on site would not be considered a quarry, if the material were to be transported off site then it would be considered a quarry operation. He advised that material was processed on site for the Metro Transit terminal and that additional material had to be imported to bring the site to the proper grade. The material at the Halifax Infirmary site, concrete and brick, stayed on site thereby reducing truck traffic along Spring Garden Road. He noted that he was a past President of the Nova Scotia Road Builders Association. He cautioned making changes to the wording of the By-law as it may change the whole process and that changes to the separation distances would also have an impact.

Mayor Kelly called three times for any further speakers for or against the proposed by-law, hearing none; it was **MOVED BY Councillor Younger, seconded by Councillor McCluskey that the public hearing be closed. MOTION PUT AND PASSED.**

Ms. Mary Ellen Donovan, Solicitor, confirmed for Councillor Mosher that Council was not to accept additional information in regard to this public hearing as per Administrative Order One (1).

Mr. Paul Dunphy advised that a Supplementary Staff Report containing factual clarification in regard to concerns/comments raised during the public hearing would be prepared for the

January 20, 2009 Council session. He requested that Members of Council forward their questions of clarification to staff by end of day Wednesday, January 14, 2009.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions

This item was dealt with earlier in the meeting. (See page 5).

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Fire - Purchase of Vehicles / Reserve Withdrawals

This item was dealt with earlier in the meeting. (See page 5).

11.1.2 Case 01224 - Amendments to Eastern Passage / Cow Bay Municipal Planning Strategy and Land Use By-Law - Eastern Passage

This item was dealt with earlier in the meeting. (See page 5).

11.1.3 Breeding Kennel Fees

This item was deferred to the January 20, 2009 Council session.

11.1.4 Proposed Amendments to Administrative Order 11 - Animal Licensing Strategy for 2009

This item was deferred to the January 20, 2009 Council session.

11.2 MEMBERS OF COUNCIL

11.2.1 Councillor Blumenthal - Removal of Recyclables from Curb

This item was deferred to the January 20, 2009 Council session.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Western Region Community Council - Case 01157

MOVED BY Councillor Lund, seconded by Councillor Rankin, that Halifax Regional Council give first reading to the Municipal Planning Strategy and Land Use By-Law for Planning Districts 1 and 3 as contained in Attachments "A" and "B" of the staff report dated November 26, 2008 and set a public hearing date for February 3, 2009. MOTION PUT AND PASSED.

13.2 Councillor Watts

This item was deferred to the January 20, 2009 Council session.

14. NOTICES OF MOTION - NONE

15. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS

1. Proclamation - World Religion Day - January 18, 2009
2. Memorandum from Director, Community Development dated December 18, 2008
 re: Inter-supply Lands, Kearney Lake Road
3. Memorandum from the Acting Municipal Clerk dated January 9, 2009
 re: Requests for Presentation to Council - None