

HALIFAX REGIONAL COUNCIL
MINUTES

December 7, 2010

PRESENT:

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

REGRETS:

Councillor: Linda Mosher

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryl Murphy, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant
Ms. Krista Tidgwell, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION	4
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS	4
3.	APPROVAL OF MINUTES – November 23, 2010.....	5
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	5
5.	BUSINESS ARISING OUT OF THE MINUTES – NONE.....	5
6.	MOTIONS OF RECONSIDERATION – NONE.....	5
7.	MOTIONS OF RESCISSION – NONE	5
8.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	5
9.	PUBLIC HEARINGS	
9.1	Case 15781 – Irishtown Road Municipal Planning Strategy Amendment Request, Downtown Dartmouth.....	12
9.2	Case 15787 – Municipal Planning Strategy Amendments and Amending Agreement – Russell Lake West, Dartmouth.....	18
10.	CORRESPONDENCE, PETITIONS & DELEGATIONS	
10.1	Correspondence	5
10.2	Petitions.....	5
10.2.1	Councillor Adams.....	5
11.	REPORTS	
11.1	CHIEF ADMINISTRATIVE OFFICER	
11.1.1	Request for Proposal 10-070 – Supply and Delivery of Self Contained Breathing Apparatuses (SCBA), Compressed Air Cylinders, Integrated Communications Components, and Accessories for Halifax Regional Fire & Emergency Services	6
11.1.2	Tender 10-083 – EMP Mini Hybrid.....	7
11.1.3	Request for Proposal 10-186 – Construction Management Consultant Services – Central Library.....	7
11.1.4	Sheet Harbour Sidewalk	7
11.1.5	First Reading Proposed By-Law T-143, an Amendment to By-Law T-108, Respecting Regulation of Taxis & Limousines and Proposed Amendments to Administrative Order 39 – Canada Winter Games and Medical Emergencies.....	8
11.1.6	First Reading Proposed By-Law T-227, an Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations 2010-2011	8
11.2	MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL	
11.2.1	Proposed HRM Mobile Home Park By-Law	9
11.3	NORTH WEST COMMUNITY COUNCIL	
11.3.1	Proposed Halifax Harbour Bridges Toll Increase	9
11.4	SOLID WASTE RESOURCE ADVISORY COMMITTEE	
11.4.1	Environmental Goals and Sustainable Prosperity Act (EGSPA) Targets.....	10

11.4.2 Proposed By-Law S-607, An Amendment to By-Law S-600,
Respecting Solid Waste Resource Collection & Disposal –
Diversion Opportunities..... 10 & 20

12. MOTIONS
12.1 Councillor Hum 25

13. ADDED ITEMS
13.1 Events Nova Scotia FIFA Women’s Soccer Opportunity 26

14. NOTICES OF MOTION
14.1 Councillor Lund..... 26

15. ADJOURNMENT 26

1. INVOCATION

Mayor Kelly called the meeting to order at 3:06 p.m. with the Invocation being led by Councillor Adams.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Sloane announced that a reception would be held at the Lord Nelson Hotel on December 9th in honour of Mr. Bernard Smith who has resigned his position with the Downtown Halifax Business Commission. On December 8th, a reception will be held at Durty Nellie's for HRM Fire Fighters Joe Triff and Mike Sears for placing second in the International Fire Fighters Combat Challenge.

Councillor Blumenthal announced the Ward 5 Annual Bingo and Toy Auction to be held at St. Joseph's School on December 11th.

Councillor McCluskey thanked Mr. Timothy Rissesco and staff for the Dartmouth Tree lighting event held on December 4th.

Councillor Nicoll announced the Black Cultural Centre's annual Christmas Concert to be held on December 11th.

Councillor Adams announced the annual Christmas Tree lighting at the Captain William Spry Centre to be held on December 9th.

Councillor Watts announced the Pet Parade will be held on December 11th starting at the Veterinary Hospital at the corner of Quinpool Road and Beech Street.

Councillor Rankin announced the Prospect Christmas Tree Lighting event at the Prospect Regional Community Centre on December 8th and a Christmas tree lighting event adjacent to the Trinity United Church on December 10th in Timberlea.

Councillor Hendsbee announced the following upcoming events:

- International Human Rights Day Symposium to be held at the North Preston Community Centre on December 10th.
- the 79th annual broadcast for funds for the Nova Scotia Home for Coloured Children at the Nova Scotia Community College Waterfront Campus on December 12th.
- the HRM Trails Festive Season Walk and Talk and Santa Social at the Fairbanks Centre in Dartmouth on December 13th.

Councillor Dalrymple announced a Christmas Tree Lighting event to be held at the Grand Lake Ballfield on December 11th.

Councillor Lund announced that the Tantallon Elementary High School is in the semi-finals of a national "Nature Room" contest. To support the school in reaching the finals, residents may vote from December 2nd to the 15th at www.avivacommunityfund.org or

www.Facebook.com/natureroom. He also announced the annual Hammonds Plains Fire Department Food Drive to be held on December 19th.

Deputy Mayor Smith announced the Festival of Lights Celebration at the Dartmouth North Community Centre to be held on December 11th.

3. APPROVAL OF MINUTES – November 23, 2010

MOVED by Councillor McCluskey, seconded by Councillor Wile, that the minutes of November 23, 2010, as presented, be approved. MOTION PUT AND PASSED.

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

Addition: 13.1 Events Nova Scotia FIFA Women's Soccer Opportunity

Deletion: 11.1.4 Sheet Harbour Sidewalk

MOVED by Councillor Blumenthal, seconded by Councillor Fisher, that the agenda, 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**

9. PUBLIC HEARINGS

9.1 Case 15781 – Irishtown Road Municipal Planning Strategy Amendment Request, Downtown Dartmouth.

This item was dealt with later in the meeting. See page 12.

9.2 Case 15787 – Municipal Planning Strategy Amendments and Amending Agreement – Russell Lake West, Dartmouth

This item was dealt with later in the meeting. See page 18.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence – NONE

10.2 Petitions

10.2.1 Councillor Adams

Councillor Adams submitted a petition, containing 301 signatures, requesting that the

Provincial government meet with local residents and recreational ATV users of the Terence Bay area to address amendments to the Wilderness Areas Protection Act.

11. REPORTS

11.1 CHIEF ADMINISTRATIVE OFFICER

11.1.1 Request for Proposal 10-070 – Supply and Delivery of Self Contained Breathing Apparatuses (SCBA), Compressed Air Cylinders, Integrated Communications Components, and Accessories for Halifax Regional Fire & Emergency Services

A staff report dated November 15, 2010 was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Wile, that Halifax Regional Council:

- 1. Award RFP No. 10-070, for the Supply and Delivery of Self Contained Breathing Apparatuses (SCBA), Compressed-Air Cylinders, Integrated Communications Components, and Accessories for HRFE (SCBA) to the highest scoring proponent, Mine Safety Appliances (MSA) for a Total Project Price of \$4,743,424 (net HST included) with funding from Project No. CEJ01227 – Self Contained Breathing Apparatus Replacement as outlined in the Budget Implications section of the November 15, 2010 staff report.**
- 2. Approve advanced capital from the 2011-12 Project Budget of \$2,400,000 from Project No. CEJ01227 – Self Contained Breathing Apparatus Replacement, as per the Budget Implications section of the November 15, 2010 staff report.**

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Outhit, seconded by Councillor Uteck, that the matter be deferred to staff for further clarification on Alternative 2.**

Mr. David Smith, Divisional Chief, Logistics, Halifax Regional Fire and Emergency Services, (HRFE) advised that money could be saved by retrofitting the equipment, however; the process would take months and the issue of non compatible equipment and existing SCBA's starting to fail in emergency situations would remain.

MOTION TO DEFER PUT AND DEFEATED.

THE MAIN MOTION WAS PUT AND PASSED.

11.1.2 Tender 10-083 – EMP Mini Hybrid

A report dated November 16, 2010 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee, that Halifax Regional Council:

- 1. Approve a budget increase of \$101,825.00 to Project No. CTI000695, Transit Emissions Reductions, with funding from the EcoTrust Program;**
- 2. Award Tender No. 10-083 to Cummins Eastern Canada for a total tender price of \$203,649.70 (net HST included), with funding from Project No. CTI000695, as outlined in the Budget Implications section of the November 16, 2010 staff report.**
- 3. Approve the execution of the Contribution Agreement by the Mayor and Municipal Clerk as per Attachment “A” of the November 16, 2010 staff report.**

MOTION PUT AND PASSED.

11.1.3 Request for Proposal 10-186 – Construction Management Consultant Services – Central Library

A report dated November 22, 2010 was before Council.

MOVED by Councillor Sloane, seconded by Councillor Johns, that Halifax Regional Council:

- 1. Award RFP No. 10-186, Construction Management Consultant Services, to EllisDon Limited for a Total Price of \$2,868,929.76 (net HST included), from Project No. CBW00978, Central Library Replacement, as outlined in the Budget Implications section of the November 22, 2010 staff report; and**
- 2. Approve the delegation of contract award authority to the Acting CAO to approve the award of the sub-trade tender packages and Requests for Proposals for this specific project, as outlined in the November 22, 2010 staff report, in order to meet the tight project timelines.**

MOTION PUT AND PASSED.

11.1.4 Sheet Harbour Sidewalk

This matter was deleted during the approval of the agenda. See page 5.

11.1.5 First Reading Proposed By-Law T-143, an Amendment to By-Law T-108, Respecting Regulation of Taxis & Limousines and Proposed Amendments to Administrative Order 39 – Canada Winter Games and Medical Emergencies

A report dated November 30, 2010 was before Council.

MOVED by Councillor Wile, seconded by Councillor McCluskey, that Halifax Regional Council:

- 1. Give First Reading to an Amendment to Administrative Order 39, the purpose of which is to allow for the temporary exemption from taxi zones for the duration of the 2011 Canada Winter Games scheduled to take place February 11-27, 2011 as outlined in Appendix “B” of the November 30, 2010 staff report, and;**
- 2. Give First Reading to By-Law T-143, which amends Section 46(b) of By-law T-108, by adding the following wording “or as otherwise permitted by Administrative Order or by resolution of Council”.**
- 3. Not approve wording to By-Law T-108 relative to dealing with the transportation of passengers during a medical emergency situation.**

MOTION PUT AND PASSED.

11.1.6 First Reading Proposed By-Law T-227, an Amendment to By-Law T-200, Respecting Tax Exemption for Non-Profit Organizations 2010-2011

A copy of the November 15, 2010 Grants Committee report and the October 7, 2010 staff report were before Council.

MOVED by Councillor Walker, seconded by Councillor Dalrymple, that Halifax Regional Council give First Reading to By-Law T-227 the purpose of which is to allow for the following amendments to By-Law T-200 Respecting Tax Exemption:

- 1. The renewal of tax exemption status for the 2010-2011 fiscal year for 176 organizations presently on By-Law T-200 at a combined cost of \$2,580,572;**
- 2. A one-time adjustment to Sport Nova Scotia and Ocean Glen Society tax accounts for a combined total cost of \$9,502;**
- 3. The addition of twelve (12) properties as detailed in Attachment 2 of the October 7, 2010 staff report for a combined total cost of \$113,074;**
- 4. The removal of Nova Scotia Nature Trust Account ANN#04958535, Ostrea Lake, for an annual saving of \$322;**

5. The decline of eleven (11) applications as detailed in Attachment 4 of the October 7, 2010 staff report; and
6. The deferral of fifty-two (52) applications as detailed in Attachment 5 of the October 7, 2010 staff report.

MOTION PUT AND PASSED

11.2 MARINE DRIVE, VALLEY & CANAL COMMUNITY COUNCIL

11.2.1 Proposed HRM Mobile Home Park By-Law

The November 30, 2010 Marine Drive, Valley and Canal Community Council report was before Council.

MOVED by Councillor Hendsbee, seconded by Councillor Johns, that Halifax Regional Council direct staff to bring a new HRM Mobile Home Park By-Law forward to Regional Council and incorporate the new housing standard CSA A277 being proposed within the November 4, 2010 staff Supplementary Report.

Councillor Johns requested that the matter be referred to the Mobile Homes Park Committee, once it is reconvened, for their review and input.

MOTION PUT AND PASSED.

11.3 NORTH WEST COMMUNITY COUNCIL

11.3.1 Proposed Halifax Harbour Bridges Toll Increase

The November 30, 2010 North West Community Council report was before Council.

MOVED by Councillor Johns, seconded by Councillor Harvey, that Halifax Regional Council request that Halifax Harbour Bridges Commission exempt HRM's Metro Transit buses from paying bridge tolls.

Councillor Uteck advised that she is a member of the Halifax Harbour Bridges Commission and that tolling is the only source of revenue for the bridges. Removing the \$471,000 in tolls would require finding that funding elsewhere.

Without a vote being taken on the motion on the floor, it was **MOVED by Councillor Hendsbee, seconded by Councillor Uteck, that the matter be referred to the Halifax Harbour Bridges Commission and HRM Metro Transit staff for consideration and input on possible partnerships/service exchange in regard to alleviating bridge toll charges for Metro Transit buses. MOTION TO REFER PUT AND PASSED.**

11.4 SOLID WASTE RESOURCE ADVISORY COMMITTEE

11.4.1 Environmental Goals and Sustainable Prosperity Act (EGSPA) Targets

The November 30, 2010 Solid Waste Advisory Committee report was before Council.

MOVED by Councillor Lund, seconded by Councillor Sloane, that Halifax Regional Council request that the Mayor sign and forward the attached November 26, 2010 letter to the Honourable Sterling Belliveau, Minister for the Department of Environment. MOTION PUT AND PASSED.

11.4.2 Proposed By-Law S-607, An Amendment to By-Law S-600, Respecting Solid Waste Resource Collection & Disposal – Diversion Opportunities

The December 2, 2010 Solid Waste Resource Advisory Committee report was before Council.

MOVED by Councillor Streach, seconded by Councillor Johns, that Halifax Regional Council not initiate the process to amend By-Law S-600 respecting the following:

- 1. Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services;**
- 2. Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag; and**
- 3. Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.**

Councillor Streach suggested that the issue of those who are not complying with the current requirements be addressed rather than penalizing those who do comply.

Councillor Johns requested that staff consider other alternatives as the opaque bag issue has already been debated at length. He requested information on why the diversion rate is not being reached.

Councillor Uteck advised that she could support a reduction to four bags but not the use of opaque bags as more emphasis on diversion education should be considered prior to introducing clear bags. She requested a separate vote for each of the recommendations.

Councillor Lund noted that he was in support of moving forward to hear the public's comments during the public hearing process.

Mayor Kelly, advising that it was 4:45 p.m., requested a motion from Council on whether to continue to 5:00 p.m. or recess at this time; it was **MOVED by Councillor Walker,**

seconded by Councillor Harvey, that Halifax Regional Council continue until 5:00 p.m. MOTION PUT AND PASSED.

Councillor Hendsbee advised that he was not in support of the motion but would support 50% clear bags whether the total be six bags or four resulting in three or two clear bags. Encouraging more source separation and addressing the issue of those who are not complying is necessary.

Councillor Watts noted that she was in support of the motion as reducing the cost of landfills would be positive, therefore; the move to four bags would be beneficial.

Councillor Walker commented that tackling the issue of diversion must be addressed at the multi-unit buildings. He requested clarification on the definition of a multi-use residential building. He advised that he was not in support of the motion without further information from the Solid Waste Advisory Committee.

Councillor Wile expressed concern with apartment buildings paying double for garbage removal, first through the property tax then again with the cost of refuse removal by private haulers, and; now they are being asked to provide, per unit, a kitchen counter top compost bin.

Council recessed at 5:06 p.m.

Council reconvened at 6:00 p.m. with Councillor Karsten in attendance.

Council agreed to proceed with the Public Hearings at this time then continue discussion on Item 11.4.2. See page 20 for the continuation of Item 11.4.2.

9. PUBLIC HEARINGS

9.1 Case 15781 – Irishtown Road Municipal Planning Strategy Amendment Request, Downtown Dartmouth

The following were before Council:

- A copy of the December 7, 2010 presentation.
- An extract of Regional Council Minutes – November 16, 2010.
- A report from Harbour East Community Council dated October 5, 2010.
- A report from the Heritage Advisory Committee dated November 1, 2010.
- A staff report dated August 6, 2010.
- Email submissions from Jean M. Chard, Jane Bermingham and Greg Baker.

Mr. Mitch Dickey, Planner, Community Development, delivered a presentation to Council.

Councillor Uteck inquired whether there are options for affordable housing within the mixed housing. Mr. Dickey clarified that a variety of housing unit types must be

provided to appeal to families. Staff can review this option; as well the applicant has indicated that there would be smaller units that could qualify as 'affordable'.

In response to a question raised by Councillor Uteck respecting the integration of bike paths into the Shubenacadie Canal, Mr. Dickey advised that it is too early to indicate what would happen on the public lands. Planning has been ongoing on the site between HRM, the Shubenacadie Canal Commission and consultants. If the amendments are approved, the applicant would join these discussions.

Further points of clarification were noted by staff:

- there is no ability for HRM to require any public amenity improvements
- the building footprints would not conform to the HRMbyDesign requirements being brought forward; those footprints date to last winter and staff has since developed a policy that will force these footprints to change substantially
- the standard requirement is for a full traffic impact study
- the HRM Charter only enables the process under HRMbyDesign specifically in downtown Halifax

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing for members of the public to speak.

Mr. Darrell Gerard, Dartmouth, noted that he lives behind one of the tallest apartment buildings on Portland Street and he has yet to see a shadow through the buildings. He expressed concern with building additional affordable housing within the downtown Dartmouth area and provided examples such as 'ladies of the night', a gentlemen's club, robberies and drugs being sold along Queen Street and Dundas Street. Mr. Gerard commented that additional affordable housing would cause these issues to escalate and suggested that the downtown area needs to be cleaned up. He further indicated that he approves of this project and suggested that Councillors visit Queen Street to gain an understanding of affordable housing.

Mr. John O'Connor, Dartmouth, commented that this project is a true opportunity that needs to move forward and residents have waited far too long for progress within this area. Mr. O'Connor further noted as Chairman of the Shubenacadie Canal Commission, the Commission has worked with HRM to develop the CBCL and Ekistics plan to give the downtown Dartmouth a true identity, which he feels has been missed for some years. The Commission is aware that there have been some hesitations respecting height levels; but is confident that Harbour East Community Council and Regional Council will be able to come to a suitable compromise to allow the project to move forward on this site. Mr. O'Connor noted that the Commission is looking to interpret the Marine Railway and inclined plane; as well Starr Manufacturing is a significant part of the heritage and identity of Dartmouth. The Commission will also be moving forward in the near future with a fundraising campaign in conjunction with HRM.

Mr. Allan Billard, Dartmouth, commented that the proposed site is next to the Trans Canada Trail and expressed concern with respect to the curb appeal of as-of-right

buildings. He commented that often these buildings are ugly and provided examples of buildings within the area. Mr. Billard noted that staff's recommendation would allow buildings to be built with an attractiveness that is compatible with future developments in Dartmouth.

Ms. Anne Timmonds, Dartmouth, expressed concern with unattractive developments being built in Dartmouth as compared to Halifax. She commented that this project seems like a positive step forward for Dartmouth. Ms. Timmonds commented that affordable housing would encourage a mixing of various life stages (i.e. young families, empty nesters and seniors) so that they could help each other to have a vibrant community.

Mr. Noel MacKinlay, Dartmouth, indicated his support towards the previous speakers' comments respecting poor development in Dartmouth. He was concerned during the first set of Community Council meetings regarding the height of the original proposal and still has some of those concerns. Mr. MacKinlay noted his support of staff's recommendation and commented that the only way downtown Dartmouth will be developed how most residents have envisioned, is if some standards are changed. He further agreed with the concept of having HRMbyDesign standards implemented.

Ms. Arlene Diepenbrock, Dartmouth, referenced a comment made by Tim Olive of the Downtown Dartmouth Business Commission, respecting HRM having one chance to do this development and residents want to see it done right. She indicated her support for the MPS amendment and expressed her concern with developing as-of-right and the possibility of ending up with another substandard development or something that is not in keeping with the downtown. Ms. Diepenbrock provided an example of the Seaforth Tower development on Victoria Road and the issues she experienced with noise and venting of the garage and hoped that HRM will be able to predict these types of impacts. She further commented that there have been some good developments which respected the current 70 foot height restrictions. As well, if the MPS is amended, it is important for the developers to respect those changes.

Mr. Walter N. Regan, Volunteer of the Sackville Rivers Association (SRA), provided an overview of the SRA's mandate. The SRA requests that Council vote in favour of Case 15781 and noted that they are excited over the prospect of a private developer paying to daylight the Sawmill River for the Shubenacadie Canal Commission and downtown Dartmouth. He noted that the SRA has been lobbying HRM and other government departments for many years to daylight the Sawmill River, which would allow wild Atlantic salmon, wild speckled sea run trout and American eel to return to their natural spawning brooks and lakes. Mr. Regan provided the following arguments in support of daylighting the Sawmill River:

- Dartmouth would be the only other community, aside from Sackville, to have wild Atlantic salmon swimming through its downtown brooks and lakes
- allows wild Atlantic salmon to travel through Burnside and many feeder brooks that feed into the Mic Mac Lake and Lake Banook
- fits into HRM's Daylighting Policy and Sustainable City Policy

- allows small craft to travel from Halifax Harbour, Dartmouth Cove to Minas Basin
- help to reopen the Shubenacadie Canal system; the SCC will be celebrating its 200th anniversary in 2026

Mr. David Harrison, Representing the Seagate Developer, read from his submission and provided a copy to the Clerk for the record. Highlights were as follows:

- speaking in support of the plan amendment
- the development is in keeping with the Regional Plan related to housing types and densification in the downtown
- the development promotes opportunities for a range of new housing, infill on vacant lots, opportunity for canal revitalization, accessible to numerous bus lines and ferry and is consistent with Regional Planning policies that enhance the economic development of the Capital District
- the development is consistent with Regional Plan policies and principles of healthy communities

Mr. Harrison further provided regrets for Tim Olive of the Downtown Dartmouth Business Commission.

Ms. Tracy Duga, Dartmouth, indicated that she lives across the street from Starr Manufacturing. She noted that the day they demolished the building, she received about three more hours of sun. Ms. Duga further commented that she would like to see an attractive development happen and provided an example of the Greenvale School development. She questioned whether Dartmouth will be able to handle the infrastructure with the increase in population (i.e. waiting lists at daycares, traveling to grocery stores).

Mr. Don Chard, Dartmouth, noted that he has been involved with certain levels of municipal planning, both in Halifax and Dartmouth; as well as with organizations that have attempted to bring positive change to the proposed area of Dartmouth (i.e. effort to turn Greenvale School into an arts and cultural centre and save Starr Manufacturing). He commented that these efforts fell short; however, a tasteful development has occurred on the Greenvale School site. Mr. Chard further noted the following points and concerns:

- there is a need for greater control over what can occur on the site
- there is a need for further review respecting the heights of buildings
- the desire for greater residential population in downtown Dartmouth should not be allowed to override the fact that the proposed development is next to a registered heritage building and other properties of heritage value
- the proposed development is on a floodplain; he expressed this concern during the February 15, 2010 public information meeting and reviewed a section of the staff report; there is a need for further evaluation of the implications of allowing any development on a floodplain of this nature; there could be serious liability and insurance issues given a high risk of future flooding in this area if proper measures are not put into place

Mr. Chard indicated that this is a step in the right direction; however, it does not ensure that there will be adequate control over what can/should be built in this area.

Mr. Alan Ruffman, 202 Ferguson's Cove Road, indicated that he assisted with the various stages of the development of the Downtown Dartmouth Secondary Planning Strategy. He requested clarification regarding the proposed heights (7, 14 and 23 storeys). He expressed concern and commented that the public may not be aware that this process is not appealable. He further expressed concern that the people who attended and spoke at the public information meeting may not have had their concerns satisfied. Mr. Ruffman commented that many people who spoke at the public information meeting probably thought they were having an influence on the development. However, most public information meetings result in very little change in the plan/staff recommendation. He commented that there may be concern with the densification going from 100 to 200 units per acres. He expressed concern that doing spot re-planning will breed disrespect by developers and citizens of the planning process.

Mr. Shalom M. Mandaville, congratulated the work of the Shubenacadie Canal Commission and comments made by Walter Regan. He further provided an overview of research respecting the impacts of developments on lakes, including Lake Fletcher. He commented that the Top Soil Removal By-law should address these impacts to the lakes, as well as, post development pollutants.

Mr. Colin May, Dartmouth, previewed photographs of the work done on the Greenvale School. He indicated that three of the documents submitted by staff are incorrect:

- the conceptual site plan with the photograph taken from Goggle Earth is of Greenvale School pre-development
- the site context map and HRM's online mapping portrays an aerial shot of Greenvale School prior to the redevelopment

Mr. May submitted copies of the mappings to Council for the record. He commented that the developer added to the development during the redevelopment and came within six feet of the boundary line. He expressed concern with Council making a decision based on out-dated and incorrect documents.

Mayor Kelly called three times for speakers; there being none, it was **MOVED by Councillor Blumenthal, seconded by Councillor Sloane, that the public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Downtown Dartmouth, as contained in Attachments "A" and "B" of the August 6, 2010 staff report, to add a new Opportunity Site and adopt a new site specific policy regarding site and design issues.

Council entered into discussion.

In response to a question raised earlier by Mr. Chard, Mr. Dickey indicated that the river from Lake Banook flows in a nine foot diameter pipe adjacent to and underneath part of the developer's site. He confirmed that there had been substantial flooding in 1971 given the site's unique characteristics. As the design progresses, staff will be looking for an opinion from a qualified person respecting the risk of future flooding. If there are chances of future flooding, prevention measures would be provided within the Development Agreement.

In response to a question raised earlier by Mr. Ruffman, Mr. Dickey noted that during the initial public information meeting, the developer reviewed two of the three building concepts (7 and 23 storey buildings). An evaluation of the context of the site indicates that 7 and 14 storey building heights conceptually does work, subject to a detailed design process. Further, it was established that 24 storeys would be excessive and therefore, the policy sets a maximum height requirement of 18 stories plus the penthouse.

Mr. Dickey further confirmed that the aerial photographs and HRM's online mapping of the Greenvale lot does not reflect the addition to the School, which was extended approximately six to eight feet from the property line. The land owner could build right to the property line as-of-right; however, staff is recommending that this process go through a Development Agreement, which would bring Policy CH2 of the Regional Plan into affect in evaluating the impact of development on the Greenvale lots. Councillor Sloane noted that affordable housing uses one-third of an individual's income, which allows for low, moderate and high incomes. She asked whether the infrastructure in place on the site has the capacity to handle stormwater runoff (wastewater, groundwater and flooding). Mr. Dickey advised that the capacity and the ability should be there to accommodate it; however, staff will confirm this through the Development Agreement process.

Councillor Sloane further noted that HRMbyDesign reviewed matters such as building height, scale and the quality of design to make sure that communities felt comfortable with new developments. She commented that many residents have indicated the importance of buildings being at a personable scale, which she feels has been implemented.

In respect to Mr. May's comments regarding incomplete mapping, Councillor Hendsbee noted that it takes time to update the mapping and aerial data once a development has occurred; however, Council is aware of the development on the Greenvale site.

Councillor Watts asked whether consideration could be given to adding the second recommendation of the November 1, 2010 Heritage Advisory Committee report to the motion.

Following a brief discussion, Council agreed to the amendment.
The motion now reads:

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that Halifax Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Downtown Dartmouth, as contained in Attachments “A” and “B” of the August 6, 2010 staff report, to add a new Opportunity Site and adopt a new site specific policy regarding site and design issues.

With the following amendments to Attachment A:

- a) Pg. 13, under the heading of Development of Opportunity Site E, remove the words ‘mid to high rise’ from the first sentence; and**
- b) Pg. 16, under section e) (ii), change the word ‘considering’ to ‘allowing’.**

Councillor Lund asked whether stormwater run off from the site would go into the Shubenacadie Canal or be directed elsewhere. Mr. Dickey advised that he could not confirm where it would be directed; however, there are some stormwater pipes that go from private properties into the nine foot pipe. He indicated that there is often concern regarding what comes out of those pipes. The stormwater from the surface area of this site would probably go into the pipe system under the streets; however, staff would review this through the Development Agreement process.

MOTION PUT AND PASSED.

9.2 Case 15787 – Municipal Planning Strategy Amendments and Amending Agreement – Russell Lake West, Dartmouth (Joint Public Hearing with Harbour East Community Council)

The following was before Council:

- A copy of the December 7, 2010 presentation.
- An extract of Regional Council Minutes – November 16, 2010.
- A report from Harbour East Community Council dated October 9, 2010.
- A staff report dated October 13, 2010.
- An email submission from Shalom M. Mandaville dated December 5, 2010.

Mr. Mitch Dickey, Planner, Community Development, delivered a presentation to Council.

Staff responded to questions of clarification raised by Council providing the following information:

- the proposed development is within the serviceable boundary; the water supply is adequate; wastewater from the area goes to the Dartmouth Sewage Treatment Plant

- with the proposed Land Use changes and redistribution of uses, staff feels it is appropriate to accept more parkland; Clayton Developments Ltd. will do some development on some of that parkland

Mayor Kelly reviewed the Rules of Procedure for Public Hearings and opened the hearing for members of the public to speak.

Mr. Shalom M. Mandaville noted that the a main concern is respecting potential impacts that developments have on lakes. He expressed concern that during the first phase of the development the Top Soil Removal By-law was not implemented on a practical level. He noted that the By-Law indicates that, at source, suspended sediment should not increase over 50 milligrams (mg) per litre. He provided photographs of Russell Lake taken by the Russell Lake Residents Association. The photograph taken in 2004/2005 shows that lake is clear. When Clayton Developments Ltd. was developing, the lake was heavily silted. He expressed concern with improper erosion control methodology. Mr. Mandaville further requested that HRM design a stormwater treatment system that will remove all stressors from the lake forever. He commented that stormwater treatment systems should be able to remove 70% of all post development stressors. He further noted that Clayton Developments Ltd. did use CDS devises; however, this does not remove smaller particles.

Mr. Michael Hanusiak, Senior Vice-President and General Manager of Clayton Developments Ltd., advised that Clayton Developments is in the final phase of the Russell Lake Master Plan Community. He noted that the master plan is the product of a Public Participation Committee (PPC). In 2004 the PPC raised the question, "What if the Province and the Halifax Regional School Board decide not to have a school? Clayton Developments agreed to set aside a site in the Master Plan Community for a school, as well as, an alternative use of medium or higher density was discussed and determined. He indicated that there are no PPC representatives or residents from those meetings present tonight, which would suggest that this alternative use/plan is well known and Clayton Developments is simply fulfilling the alternative use. Mr. Hanusiak clarified that if in fact Clayton Developments owes additional monies on the Capital Cost Contribution as a consequence of this change, they are more than happy to pay at the time of subdivision. He further indicated that with the exception of the 2005 photograph of Russell Lake as provided by Mr. Mandaville, that particular area had several points of input from adjacent lands due to a heavy rain fall. The Department of Environment investigated the incident and Clayton Developments has since gone on five years without incident. He further noted that Russell Lake is independently tested four times per year, which Clayton Developments pays for, and he is happy to report that the November 2010 test results is the first time in the history of testing on Russell Lake that there is zero detect for phosphorus at the inlet lake sample.

Mayor Kelly called three times for additional speakers; there being none, it was **MOVED by Councillor Nicoll, seconded by Councillor Sloane, that the joint public hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Karsten, seconded by Deputy Mayor Smith, that Halifax Regional Council approve the proposed amendments to the Dartmouth Municipal Planning Strategy, as set out in Attachment A of the October 13, 2010 staff report.

A brief discussion ensued, highlights were as follows:

Councillor Karsten indicated that the inlet lake count for November 2010 was next to zero and commented that due care and diligence has been taken through the entire development process and these amendments are a process caused by block H not being required for a proposed school site.

In response to a question/concern raised by Councillor Sloane regarding money versus park land, Mr. Dickey indicated that the existing Development Agreement establishes the need for parkland dedications from Clayton Developments Ltd. He explained that staff has indicated that with the requested amendments to the Development Agreement, it is important to acquire additional parkland to serve the altered distribution. He suggested that the Harbour East Community Council, in reviewing the Development Agreement, could review this option.

MOTION PUT AND PASSED.

Council recessed at 8:02 p.m.

Council reconvened at 8:14 p.m.

11.4.2 Proposed By-Law S-607, An Amendment to By-S-600, Respecting Solid Waste Resource Collection & Disposal - Diversion Opportunities

The following motion was before Council for discussion.

MOVED by Councillor Streach, seconded by Councillor Johns, that Halifax Regional Council not initiate the process to amend By-Law S-600 respecting the following:

- 1. Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services;**
- 2. Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag; and**
- 3. Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.**

Council continued discussion on Item 11.4.2 at this time. The following points and concerns were noted by members of Council:

- only 50% of HRM residents are complying with the diversion plan
- the use of one black bag would accommodate personal/sensitive items

- concern with enforcement respecting multiple bags/over the maximum bag limit at curbside

Councillor Blumenthal expressed concern with lost revenue from recycling theft and asked what the total amount HRM is losing. Mr. Gord Helm, Manager, Solid Waste Resources, Transportation and Public Works, advised that the Solid Waste Resource Advisory Committee had raised this concern with Halifax Regional Police and it is being investigated. It is estimated that \$200-300,000 annually is lost in revenue from blue bag recyclables taken from curbside. Mr. Helm further clarified that this motion will not change the blue bag policy.

Further points and concerns noted:

- HRM needs to increase recycling and diversion wherever possible
- Implementation of a system to identify bags placed at curb by multi-unit buildings in order to hold resident/landlord accountable
- clear bags are being used effectively in 33 out of 55 municipalities
- concerned with HRM falling behind as leaders in recycling
- clear bags are a reminder to source separate; encourage/deter from placing organics and recycling in black bags

In response to a request and question raised by Councillor Karsten, Mr. Helm provided an overview of the cost savings to HRM's capital and operating. He further clarified that the ICI sector represents 65% of waste generated in HRM. Further, 50% of the waste being placed into black bags from the ICI sector are items such as organics, paper and recyclables. The clear bag policy allows at source and generator control so that these items do not end up at the Otter Lake landfill. Mr. Helm indicated that it is more affordable for apartment buildings to operate because they pay less for organics and recyclables than collection of garbage. Clear bags would place the onus and responsibility on the property managers and haulers to manage the materials at the property and confirm that those materials are directed to the correct facilities.

Councillor McCluskey noted the importance of continuing to educate residents. She further provided an example of clear bags that are marked due to its contents and residents are not retrieving the marked bags from the curb. She commented that she had contacted the HRM Call Centre; however, the landlords/owners of the buildings should be responsible. Mr. Helm confirmed that this example is a By-law infraction and noted that inspectors go around at the end of the garbage day collection and the following day to determine whether or not materials have been recovered. Mr. Helm further indicated that staff is in discussions with the Province regarding packaging and producer responsibility initiatives.

Councillor Sloane raised the question as to whether HRM has given residents the option to source separate throughout HRM.

In response to a question raised by Councillor Lund, Mr. Helm advised that HRM would be looking at a 15-25,000 ton reduction in waste if it achieves the objected direction

measure but he is unable to advise what the dollar figure would be respecting an operating reduction. He noted that he could review this and report back to Council. Councillor Lund commented that this figure is important to include within the HRM 2011-2012 budget.

In response to a concern raised by Councillor Johns regarding how to address special circumstances such as diapers and spring clean up, Mr. Helm provided examples of special programs in place where residents can register for additional bag pickup and it is incorporated into the collection program.

Councillor Blumenthal exited the meeting at 8:30 p.m.

Councillor Wile suggested that the third recommendation be deferred to allow staff to report back on a viable solution as to how the solid waste can be managed without additional cost to the apartment owners.

In response to a question raised by Councillor Wile, Mr. Helm advised that over the last three years staff has visited over 190 apartment buildings, many with garbage shutes and in working with the property managers and tenant groups through education programs, most of the shutes have been locked and are no longer in use. Residents are now required to deposit their materials into source separate bins in the waste room. Mr. Helm further noted that staff would review various options respecting the ICI sector tax.

Councillor Uteck expressed concern that there has been very little consultation with the:

- Independent Property Owners Association of Nova Scotia (IPONS)
- HRM By-law staff
- Halifax Regional Police
- commercial sector

She went on to suggest that residents could be charged a permit fee to have additional bags due to their special circumstance and expressed concern respecting illegal dumping. Councillor Uteck noted that HRM is still using single source garbage in certain areas and commented that HRM's streets and facilities need to be in order before asking residents to do the same.

Councillor Hum requested that a recoded vote be taken.
Council agreed to split the motion.

MOVED by Councillor Streach, seconded by Councillor Johns, that Halifax Regional Council not initiate the process to amend By-Law S-600 respecting the following:

- 1. Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services;**

A recorded vote was taken.

MOTION PUT AND DEFEATED.

Those voting in favour were: Councillors Johns and Streach.

Those voting against were: Mayor Kelly, Deputy Mayor Smith, Councillors: Adams, Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Karsten, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker, Watts and Wile.

Councillors Blumenthal and Mosher were not present for the vote.

2. Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag; and

A recorded vote was taken.

MOTION PUT AND DEFEATED.

Those voting in favour were: Mayor Kelly, Councillors: Adams, Dalrymple, Johns, Streach, Uteck and Walker.

Those voting against were: Deputy Mayor Smith, Councillors: Barkhouse, Fisher, Harvey, Hendsbee, Hum, Karsten, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Watts and Wile.

Councillors Blumenthal and Mosher were not present for the vote.

3. Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.

A recorded vote was taken.

MOTION PUT AND DEFEATED.

Those voting in favour were: Councillors: Adams, Streach, Walker and Wile.

Those voting against were: Mayor Kelly, Deputy Mayor Smith, Councillors: Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Johns, Karsten, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Uteck and Watts.

Councillors Blumenthal and Mosher were not present for the vote.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council initiate the process to amend By-Law S-600 respecting the following:

1. **Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services;**
2. **Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag; and**
3. **Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.**

MOVED by Councillor Hendsbee, seconded by Councillor Dalrymple, to amend the recommendation two to allow a 50/50 split of black bag and clear bag use.

Councillor Sloane requested a recorded vote, to which Council agreed.

A recorded vote was taken.

MOTION on the amendment was PUT AND DEFEATED.

Those voting in favour were: Mayor Kelly, Councillors: Dalrymple, Hendsbee, Lund, Rankin, Streach, Walker and Wile.

Those voting against were: Deputy Mayor Smith, Councillors: Adams, Barkhouse, Fisher, Harvey, Hum, Johns, Karsten, McCluskey, Nicoll, Outhit, Sloane, Uteck and Watts.

Councillors Blumenthal and Mosher were not present for the vote.

Councillor Rankin requested an addition to the motion that the process include a public hearing, to which Council agreed.

The motion now reads:

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council initiate the process to amend By-Law S-600 respecting the following:

1. **Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services;**
2. **Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag; and**
3. **Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.**
4. **That the By-law S-600 amendments process include a public hearing.**

Following further discussion, Council agreed to split the motion.

MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Halifax Regional Council initiate the process to amend By-Law S-600 respecting the following:

- 1. Reduce the garbage bag limit from 6 to 4 bags/containers for residential collection services.**

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Adams, Dalrymple, Fisher, Harvey, Hum, Karsten, Lund, McCluskey, Nicoll, Rankin, Sloane, Uteck, Walker, Watts and Wile.

Those voting against were: Councillors: Hendsbee, Johns and Outhit.

Councillors Blumenthal, Mosher and Streach were not present for the vote.

- 2. Specify the use of clear bags for garbage for the residential and ICI sector(s) including one black bag.**

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Deputy Mayor Smith, Councillors: Barkhouse, Fisher, Harvey, Hendsbee, Hum, Karsten, Lund, McCluskey, Nicoll, Outhit, Sloane, Walker, Watts and Wile.

Those voting against were: Mayor Kelly, Councillors: Adams, Dalrymple, Johns, Rankin and Uteck.

Councillors Blumenthal, Mosher and Streach were not present for the vote.

- 3. Specify commercial multi-unit property owners provide occupants with a kitchen counter top mini bin.**

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors: Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Johns, Karsten, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Uteck and Watts.

Those voting against were: Councillors: Adams, Walker and Wile.

Councillors Blumenthal, Mosher and Streach were not present for the vote.

4. That the By-Law S-600 amendments process include a public hearing.

MOTION PUT AND PASSED.

12. MOTIONS

12.1 Councillor Hum

“Whereas the Nova Scotia Utility and Review Board is the body appointed by the

Government of Nova Scotia under the Municipal Government Act (MGA) to review, alter or confirm the boundary review required to be undertaken by the Municipality and;

Given that the Nova Scotia Utility and Review Board already has broad powers, under the MGA Section 368, in regard to all aspects of the municipality’s boundary submission”; it was **MOVED by Councillor Hum, seconded by Councillor Sloane, that Halifax Regional Council request that the Province of Nova Scotia amend the MGA Part XVI, Section 369 to remove Council as the body required to conduct the study of the number and boundaries of polling districts in the municipality and to direct that the Nova Scotia Utility and Review Board shall be the body that both conducts the study and sets the number and boundaries of polling districts and number of Councillors for the Halifax Regional Municipality, and to advance this amendment to the Province of Nova Scotia, to take effect for all future boundary reviews.**

Councillor Outhit requested a recorded vote be taken, to which Council agreed.

A recorded vote was taken.

MOTION PUT AND PASSED.

Those voting in favour were: Mayor Kelly, Deputy Mayor Smith, Councillors: Adams, Barkhouse, Dalrymple, Fisher, Harvey, Hendsbee, Hum, Johns, Lund, McCluskey, Nicoll, Outhit, Rankin, Sloane, Uteck, Walker and Watts.

Those voting against were: Councillor Wile.

Councillors Blumenthal, Mosher, Karsten and Streach were not present for the vote.

13. ADDED ITEMS

The following was discussed at an earlier Committee of the Whole session and was now before Council for ratification.

13.1 Events Nova Scotia FIFA Women's Soccer Opportunity

MOVED by Councillor Fisher, seconded by Councillor Sloane, that Halifax Regional Council continue as a candidate host city for the 2015 Women's World Cup and expedite public input and explorations for funding partners both private and public and that further Events Nova Scotia allocate the \$25,000 for the bid deposit.

It is understood by Regional Council that, subject to confirmation by HRM of the business case and commitment to an appropriate facility venue by March 1, 2011, the bid submission will provide Regional Council's commitment to the \$250,000 in kind and \$2 million operational support fee as a required part of the bid submission.

MOTION PUT AND PASSED.

14. NOTICES OF MOTION

14.1 Councillor Lund

"Take notice that, at the next regular Regional Council meeting, to be held on Tuesday, the 11th day of January, 2011, I proposed to move First Reading of By-Law S-607, the purpose of which is to amend the Solid Waste By-Law to include a reduction in the current bag limit, specify the use of clear bags with the provision of one black bag for privacy and to require commercial multi-unit resident properties to provide kitchen counter mini bins for organic collection."

15. ADJOURNMENT

The meeting adjourned at 9:29 p.m.

Cathy J. Mellett
Municipal Clerk

INFORMATION ITEMS
December 7, 2010

1. Proclamation – Alzheimer Awareness Month – January 2011
2. Memorandum from Director, Community Development dated November 3, 2010
re: Grants & Contributions – Evaluation Criteria
3. Memorandum from Chair, North West Community Council dated November 30,
2010 re: Naming of the Sports Field in Range Park, Bedford – Bud Bremner Field
4. Memorandum from Acting Chief Administrative Officer dated November 24, 2010
re: Response – Convention Centre Petition
5. Memorandum from the Municipal Clerk dated December 3, 2010
re: Requests for Presentation to Council – Heritage Trust of Nova Scotia -
Proposed Convention Centre