

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES

November 16, 2010

PRESENT:

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

STAFF:

Mr. Wayne Anstey, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Cathy Mellett, Municipal Clerk
Ms. Sherryll Murphy, Deputy Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

Mayor Kelly called the meeting to order at 10:10 a.m.

2. APPROVAL OF THE MINUTES – October 19, 2010 (Revised)

Councillor Hum advised that she had met with the Clerks Office regarding the October 19, 2010 minutes; noting that a CD of the meeting would be provided.

Ms. Cathy Mellett, Municipal Clerk, indicated that the minutes of October 19, 2010 were an accurate reflection of the meeting. She stated that audio recordings were always available to the public through the Municipal Clerk's Office and that staff were working to make recordings more accessible via the HRM website.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll that the minutes of October 19, 2010 be approved as presented. MOTION PUT AND PASSED.

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

MOVED BY Councillor Sloane, seconded by Councilor Karsten, that the agenda be approved as presented. MOTION PUT AND PASSED.

3. PROJECT 01341 – COST OF SERVICING STUDY AND REQUESTS TO INITIATE SECONDARY PLANNING STRATEGIES

A document titled Project 01341 Cost of Servicing Study and Requests to Initiate Secondary Planning Strategies, including a staff report dated October 29, 2010 was before Council.

A briefing note dated November 2010 from the Port Wallis Area Land Owners was before Council.

Correspondence dated August 6, 2010 from Ms. Joanne Light was before Council.

Correspondence dated July 8, 2010 from Ms. Wynne Jordan was before Council.

Mr. Austin French, Manager of Planning Services, provided the presentation on Project 01341 – Cost of Servicing Study and Requests to Initiate Secondary Planning Strategies for the Port Wallis, Sandy Lake and Highway 102 West Corridor lands. Highlights were as follows:

- Port Wallis is a large study area of 1500 acres which is the size of Bedford South and West combined
- The Sandy Lake study area is almost 900 acres and is designated as Urban Settlement

- The Highway 102 West Corridor lands are part of the Birch Cove water system; the headwaters of a significant lake system in HRM
- The lands also border the Blue Mountain Wilderness Reserve which is Provincially designated and has been identified as a future park in the Regional Plan
- The area is 1240 acres and has both Urban Settlement and Urban Reserve designation
- Estimates based on the 2006 census show a slight decline in the population growth rate versus what was projected in the Regional Plan
- Staff are recommending that no secondary planning strategies be granted at this time
- The Regional Plan Advisory Committee is recommending a watershed study and secondary planning approval for the Port Wallis lands only
- Staff would prefer to see the results of the watershed studies and the Halifax Water CCME Wastewater Functional Plan prior to granting any secondary planning approvals

Councillor Hendsbee entered the meeting at 10:38 a.m.

Councillor McCluskey put the recommendation from the Regional Plan Advisory Committee forward; noting as a member, that the Committee had spent a great deal of time studying this matter.

MOVED BY Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council adopt the Regional Plan Advisory Committee recommendations to:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;**
- (ii) Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator;**
- (iii) Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands;**
- (iv) Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process at this time;**
- (v) Undertake a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time;**

(vi) Explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year.

A discussion ensued with staff responding to questions.

Mr. French indicated that water studies of this type do not meet debt financing criteria; noting that staff had investigated and the Province did not agree that HRM could recoup costs via Capital Cost Contributions.

Councillor McCluskey expressed concern that people wanted to live in Dartmouth; however, there was no available land. She also noted, for the record, that HRM would never recover the over \$7,000,000 for construction of the Hope Avenue Interchange.

Councillor Johns entered the meeting at 10:46 a.m.

Mr. French advised that staff were suggesting that if the additional growth area of 400 to 600 acres was created by Council, those developments would have to pay Capital Cost Contribution charges which would fund the interchange and the road.

Councillor McCluskey requested that the motion be amended to include the funding motion for the watershed study for the Port Wallis area.

The motion now reads:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council adopt the Regional Plan Advisory Committee recommendations to:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;**
- (ii) Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator;**
- (iii) Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands;**
- (iv) Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process at this time;**
- (v) Undertake a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time;**

- (vi) Explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year;**
- (vii) Approve undertaking a Watershed Study for the Port Wallis study area and advanced project funding in the amount of \$150,000 for Project No. CDV00721-Watershed Environmental Studies in the 2011/12 project budget to undertake this study.**

Discussion on the motion continued.

Regarding why these three areas were being considered for secondary planning strategies prior to the Regional Plan five year review, Mr. French advised that Policy S-3 had been included in the Regional Plan to allow for more time and that planning may be initiated sooner than the review.

Mr. French clarified the financial implications of the current motion. He stated that \$150,000 would be brought forward from the 2011 program budget for the Port Wallis watershed study. He indicated that the Highway 102 West Corridor lands watershed study was currently funded; however, additional funding would be required for the proposed Sandy Lake watershed study. Mr. French stated that the main implication for the current budget year was that staff would be initiating more studies than available funding allowed at a cost of approximately \$300,000, therefore, additional funding would have to be requested in the next fiscal program budget or studies that were already anticipated would have to be deferred.

Mr. French advised that, if the secondary planning strategies were approved, new Capital Cost Contribution charge negotiations would occur during the planning process.

Councillor Hum requested that the motion be split; noting that she would not support development of the Highway 102 West Corridor lands as her District already had plenty of land available for future development.

Several members of Council expressed concern that there was not a balanced supply of housing stock or urban serviceable land in the Eastern Region. It was also noted that secondary planning was only the initiation of a process to look at the potential for development; a process which could take five to ten years prior to houses being built.

Several members of Council also stressed that secondary planning strategies should not be granted prior to the five year review of the Regional Plan as such processes may significantly change how growth occurs.

As Vice Chair of the Regional Plan Advisory Committee, Councillor Hendsbee advised that the Committee wishes to conduct a watershed study for the Highway 102 West Corridor lands as it needs to know what protection was required in order for park land negotiations to be initiated. He stated that it takes time for such studies to be completed and, therefore, the study would coincide with the five year review.

Mr. French clarified that staff supported items 1, 2, 3, and 7 of the motion, however, would not recommend items 4, 5, and 6.

Mr. French indicated that there were ongoing negotiations with the Department of National Defence regarding the Shearwater lands and noted that HRM is still working to be able to construct the Shearwater connector across DND lands, even though the area will remain an airport.

The meeting recessed at 11:50 a.m.

Committee of the Whole reconvened at 1:10 p.m.

Discussion ensued on the motion on the floor which now reads:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council adopt the Regional Plan Advisory Committee recommendations to:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;**
- (ii) Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator;**
- (iii) Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands;**
- (iv) Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process at this time.**
- (v) Undertake a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time;**
- (vi) Explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year;**
- (vii) Approve undertaking a Watershed Study for the Port Wallis study area and advanced project funding in the amount of \$150,000 for Project No. CDV00721-Watershed Environmental Studies in the 2011/12 project budget to undertake this study.**

MOVED by Councillor Hum, seconded by Councillor Sloane that Recommendation 2 be amended by adding the following wording: “and further, to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations.”

Councillor Hum noted that the negotiation process was critical and the public and Council need to clearly understand the approach that will be taken.

In response to a concern raised by Councillor Watts, Ms. Mary Ellen Donovan, Solicitor, advised that the approach articulated by staff is a negotiation not a mediation, therefore; there would be no binding process resulting from the negotiation.

MOTION TO AMEND PUT AND PASSED.

Recommendation 2 now reads as follows:

- ii) **Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator, and further; to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations.**

In response to a comment raised by Councillor Uteck that HRM consider accepting offers of assistance in regard to studies, Mr. French noted that it would be in the best interest for HRM to control the analysis to eliminate any issues surrounding integrity. The Developer(s) will ultimately pay through the Capital Cost Contributions.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Recommendation 4 be amended by replacing “at this time” with “as soon as the Watershed Study is complete”

In response to concerns raised by Members of Council in regard to the timing of the Watershed Study, Wastewater Management Functional Plan and a Secondary Planning Process, Mr. French explained that the usual order is to have the Watershed Study done before the Secondary Planning Process. He noted that the Wastewater Management Functional Plan, underway by Halifax Water, should be completed in eighteen (18) months. A Watershed Study takes one year. Staff can compile a comprehensive Information Report to Council once the Watershed Study and Wastewater Management Functional Plan information is available.

Councillor Sloane expressed concern with Council veering away from the planned five year review of the Regional Plan as the intent of the Regional Plan is to manage growth responsibly and not to extend HRM beyond its means. She advised that she did not agree with the proposed amendment.

Councillor Rankin noted that he was in support of the amendment as the sequence should be a Watershed/Wastewater Study and then the Secondary Planning Strategy given there is a lack of clarity in regard to watershed/wastewater guidelines.

MOTION TO AMEND PUT AND PASSED.

Recommendation 4 now reads as follows:

- (iv) **Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process as soon as the Watershed Study is complete.**

In response to a request for clarification from Council, Mr. Peter Duncan, Manager, Capital Cost Contributions Project, Infrastructure and Asset Management, explained that staff have met with Department of National Defence officials and are awaiting a response from them in regard to the proposed alignment near the Shearwater airfield for the proposed Connector Road. Staff will return to Council once a response is received.

Councillor McCluskey commented that the Shearwater/Eastern Passage lands should not have been discussed today as it is hypothetical. She expressed concern that HRM has not been fair in its balanced growth approach by not looking at development in the "old Dartmouth" area.

Councillor Fisher noted that the Port Wallis land owners have been waiting since the early 1970's and that the Dartmouth Plan indicated that area was to be a development priority as soon as the North Dartmouth Trunk Sewer was done.

Councillor Watts encouraged Council to support the original staff recommendations, #1, 2, 3 and 7 of the current motion, as they represent a balanced approach to growth. The Regional Plan was based on years of public consultation and HRM is only four years into that plan. She noted that her residents have expressed concern with suburban development and its impact on cost and development opportunities in the capital district as well as transportation issues. The question is how to do smart, sustainable growth. HRM needs to adhere to the intent of the Regional Plan. Other plans being worked on such as the Watershed Study and Wastewater Management Functional Plan will be useful as HRM moves forward. She indicated that public consultation was required.

In response to a question raised by Councillor Outhit, Mr. French advised that staff are not recommending a watershed study for Sandy Lake at this time due to a lack of resources. He further advised that a Watershed Study would be premature given that it could take ten years to build the required infrastructure to allow development at Sandy Lake to occur.

MOVED by Councillor Outhit, seconded by Councillor Hendsbee that Recommendation (V) be amended to "Defer undertaking" a Watershed Study and Secondary Planning Strategy for the Sandy Lake area."

Councillor Hendsbee noted that he was not in support of the amendment as the Watershed Study may assist the Giles Road Water Service Boundary situation. He explained that there had been representation from all property owners to go forward with the study.

MOTION TO AMEND PUT AND PASSED.

Recommendation 5 now reads as follows:

- (v) Defer undertaking a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time;**

Councillor Sloane commented that the areas looking for expansion currently have no services while there are areas in the urban centres where services already exist.

Councillor Hendsbee clarified that the sites proposed for Watershed Studies are within the Regional Plan's Urban Settlement zones. The Watershed Studies are a one to two year process with the Secondary Planning Strategy adding another two to three years which means the actual development is five to six years out and will coincide with the Five Year Regional Plan review.

**MOVED by Councillor Hum, seconded by Councillor Watts that Halifax Water, at this time, provide an update to Council on HRM's infrastructure deficiencies.
MOTION PUT AND DEFEATED.**

Councilor Rankin then called for the question on the motion. The motion reads as follows:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council adopt the Regional Plan Advisory Committee recommendations to:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan.**
- (ii) Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator; and further, to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations.**
- (iii) Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor land.**

- (iv) **Undertake a Watershed Study for Port Wallis this year and allow Port Wallis to move to the Secondary Planning Process as soon as the Watershed Study is complete.**
- (v) **Defer undertaking a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time.**
- (vi) **Explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year.**
- (vii) **Approve undertaking a Watershed Study for the Port Wallis study area and advanced project funding in the amount of \$150,000 for Project No. CDV00721-Watershed Environmental Studies in the 2011/12 project budget to undertake this study.**

Council requested a separate vote be taken on each recommendation.

Recommendation 1

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan. MOTION PUT AND PASSED.

Recommendation 2

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator, and further; to bring details of the proposed negotiating process back to Regional Council prior to entering into negotiations. MOTION PUT AND PASSED.

Recommendation 3

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands. MOTION PUT AND PASSED.

Recommendation 4

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to undertake a Watershed Study for Port Wallis this

year and allow Port Wallis to move to the Secondary Planning Process as soon as the Watershed Study is complete. MOTION PUT AND PASSED.

Recommendation 5

MOVED by Councillor Outhit, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to defer undertaking a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time. MOTION PUT AND DEFEATED.

Mayor Kelly called for a vote on the original Recommendation 5 as follows:

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to undertake a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time. MOTION PUT AND PASSED.

Recommendation 6

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council direct staff to explore creative solutions, in regard to funding sources, to have Watershed Studies initiated this fiscal year. MOTION PUT AND PASSED.

Recommendation 7

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council approve undertaking a Watershed Study for the Port Wallis study area and advanced project funding in the amount of \$150,000 for Project No. CDV00721-Watershed Environmental Studies in the 2011/12 project budget to undertake this study. MOTION PUT AND PASSED.

Committee of the Whole recessed at 2:26 p.m.

Committee of the Whole reconvened at 2:48 p.m.

In response to a request by Mayor Kelly for clarification on the vote for Recommendation 5, Ms. Donovan advised that an error had occurred in that the motion was defeated and at that point there was no substitute motion on the floor. Consequently, the vote on the original Recommendation 5 was in error. Ms. Donovan indicated that Council may wish to entertain a motion at this time with regard to Sandy Lake.

Recommendation 5

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee that Halifax Regional Council direct staff to undertake a Watershed Study for Sandy Lake this year and defer any Secondary Planning Process request for Sandy Lake development at this time.

Councillor Lund noted that there was no budget for a Watershed Study this year.

MOTION PUT AND DEFEATED.

Mayor Kelly noted that Council was still silent on the Sandy Lake matter as both motions to undertake and to defer had been defeated.

MOVED by Councillor Outhit, seconded by Councillor Hum that Halifax Regional Council direct staff to defer any Watershed Study for Sandy Lake for two years and also defer any request for a Secondary Planning Process. MOTION PUT AND PASSED.

**4. MUNICIPAL USAGE OF HALIFAX N VIRO SOIL AMENDMENT (CLASS A)
(Deferred September 28, 2010)**

A report dated August 26, 2010 was before Council.

Correspondence dated October 27, 2010 from N-Viro Systems was before Council.

Correspondence received from the following were before Council: Bio Solids and Waste Water Caucus; Dr. Murray McBride, Cornell University and Citizens for Sludge – Free Land.

MOVED by Councillor Hum, seconded by Councillor Sloane that Dr. Marilyn Cameron of the Bio Solids Waste Water Caucus be permitted to present to Committee of the Whole today following the staff presentation.

Members of Council expressed concern that the proper process for requests to present to Council was not being followed.

MOTION PUT AND PASSED.

MOVED by Councillor Karsten, seconded by Councillor Fisher that Ms. Lise Leblanc, Consultant working with Halifax Water, also be permitted to present to Council following the staff presentation. MOTION PUT AND PASSED.

Mr. Richard MacLellan, Manager, Sustainable Environment Management Office, presented his report and responded to issues with the Dunbrack Street Bio Solid project. He assured Council that the use of Bio Solids was safe and environmentally

viable. When requested to find a municipal use for the product to show that it was safe, the decision was made to use it in urban forestry and in areas such as the Fairview Cemetery and some sports fields, however; the use was halted immediately following the Dunbrack Street issue.

Mayor Kelly called Dr. Marilyn Cameron forward at this time.

Dr. Cameron, Chair, Bio Solids & Waste Water Caucus, Nova Scotia Environment Network commented that it did not make sense to spend money removing pollutants from sewage, treat it, and then spread it on soils as this was not recycling, it was pollution transfer. She expressed concern with the metals found in the product such as lead, arsenic, mercury and cadmium. She questioned what was sustainable or safe about this product.

Ms. Lise LeBlanc, LP Consulting Ltd, Certified Nutrient Management Planner, advised that she has worked with the Agriculture Industry for twenty-two years both with the Nova Scotia Department of Agriculture and private industry, and has three science degrees. There has been long term research on Bio solids, however; it's use in HRM is new. Other municipalities have used the product for the last twenty to thirty years; most heavily in the agriculture industry. No Bio solids are used on food crops, a decision that is to be reviewed to ensure it is based on science and not emotion. Most Bio solids products are Class B.

Ms. LeBlanc explained that Nova Scotia soils have been depleted to the point that they are in poor shape. Urban programs in regard to Bio solids have been ongoing in areas such as New York, Sweden, Denmark and the Netherlands with strict regulations. The Class B bio solids produced in HRM are of exceptional quality. Moncton, New Brunswick has recently received an award for their use of bio solids. The odour issue experienced in HRM will be addressed so that it will not happen again. Bio solids are an important product for HRM to use.

Councillor Hum expressed concern in regard to the health impact of bio solid use and why Council was not apprised that the product was being used as there was no policy/direction from Council.

In response to questions by Councillor Hum:

- Dr. Cameron advised that the Federal Study was done on Class A bio solids
- Ms. LeBlanc advised that there are no limitations for Class A Bio Solid use; it is fully supported to be used in any urban, agricultural, or landscaping environment.
- Mr. MacLellan noted that staff did not return to Council for direction as Council had approved the use of the product and staff understood the application to be an operational issue.

Councillor Sloane expressed concern with the use of bio solids after seeing the movie SLUDGE DIET. She submitted documents of related research such as *"Is Sewage*

Fertilizer Safe” in regard to her concerns as well as websites and suggested that staff refer to them.

Ms. LeBlanc clarified for Council that the N-Viro Class A product contains no pathogens.

Councillor Streach noted that the product may not belong in the urban environment in the manner in which it was applied on Dunbrack Street, however; it is popular with many in the agricultural field. The product results in greater growth and a reduced need for purchased fertilizer. He noted that Council has to consider what else they would do with the product if it were not used as fertilizer.

MOVED by Councillor Streach, seconded by Councillor Johns that Halifax Regional Council request that Halifax Water undertake an independent review, by a third party scientific body, of the N-Viro product and it’s uses and report back to Council.

In response to a concern raised by Councillor Johns, Councillor Streach advised that the product, to his knowledge, is not being used on food crops in HRM.

In response to a question by Councillor Johns, Ms. LeBlanc advised that bio solids is treated sewage sludge that is further treated to remove pollutants. She then explained the treatment process which is a chemical/microbial breakdown via heat. Further studies are ongoing in regard to what are referred to as emerging substances such as a study done by the University of Guelph, Ontario. That study found only six pollutants out of the 119 that were tested for and three of the six pollutants were also found in the control plot and were determined to be from the harvester. The Canadian Food and Inspection Agency (CFIA) meets every two months in regard to what testing should be undertaken.

Councillor Johns requested a list of the three pollutants found in the controlled plot. He also requested that he, as the District 19 Councillor, be contacted prior to any Bio Solid product being used in or around his area.

In response to concerns in regard to the odour from the Dunbrack Street project, Ms. LeBlanc advised that improvements to practice were being made to ensure that this situation never happens again. The major factor in this instance was the high heat and humidity experienced during that time frame.

Councillor Uteck advised that she never wants the product used on crops. She expressed concern with the number of athletes contracting ALS who utilize brownfield athletic fields. She requested that Council reconsider its policy for HRM and that the product not be used on playing fields in HRM.

Councillor Uteck raised concern with regard to the contract between HRM and N Viro and the consequences, if any, if HRM decides not to use the product within HRM. In response, Mr. Carl Yates, General Manager, Halifax Water, advised that there is no

requirement in the contract for HRM to take the product. It is, however; important for HRM to show confidence in it's product. Another potential use would be as an energy source which is being explored; that research should be concluded by the end of November. He also noted that as a result of the Dunbrack Street issue, they have learned that it would be best to cure the product for one year prior to spreading.

MOVED by Councillor Uteck, seconded by Councillor Streach that the motion be amended to include that upon receipt of the report, Council undertake a review of the policy and the potential uses of the N-Viro product. MOTION TO AMEND PUT AND PASSED.

The amended motion now reads as follows:

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

- 1. Request that Halifax Water undertake an independent review, by a third party scientific body, of the N-Viro product and it's uses and report back to Council; and,**
- 2. Upon receipt of the report, Council undertake a review of the policy and the potential uses of the N-Viro product.**

In response to a question by Councillor Uteck, Mr. MacLellan advised that there will be a moratorium on the municipal use of bio solids until direction is received from Council.

Members of Council requested that the staff report also provide comment/response to the following questions/concerns:

- how does the Class B product compare to commercial fertilizers
- what is the current condition of Nova Scotia soil in regard to it being over used and depleted of nutrients thus requiring some form of fertilizer as crops need fertilizer

Councillor Adams requested the references for statements made by Dr. Cameron in regard to cadmium and other metals in Bio Solids.

In response to a question raised by Councillor Adams, Mr. Yates advised that, to ensure an objective report, the research for the report Council requested would most likely be done by a University and experts doing research in this area through an RFP process.

- what other economic uses are there for sewage sludge if not used as bio solid/soil amendment
- provide more detail in the report in regard to what the concerns are with the pharmaceuticals that are found in bio solids; what are the potential items to be found and what are the concerns surrounding those items/metals
- what are the environmental impacts of bio solids/bio fuels

- how will the bio solid material be tested once used on parks or for tree planting
- how much bio solid is being dealt with; is there an excess of the product? How much is trucked out each year?
- include the CCME December 2009 report in the research relative to risk
- germinal contact aspects be considered (i.e. as athletes diving into the dirt, children ingesting dirt/breathing in the dust)
- does HRM have third party liability insurance in regard to the N-Viro contract in case something happens in future
- provide some analysis of animal manure in regard to what pathogens / metals / carcinogens it may contain.

Councillor Hendsbee encouraged Council to be more open minded in regard to the use of Bio Solids as it could be used in public gardens or parks. It is important to review how the product is blended. He suggested an initiative, similar to the Compost Give Away, for the Bio Solid. He requested that the report contain more exact science on the impacts of the product.

Councillor Barkhouse requested that the report also address quality assurance and monitoring of the product and provide information on how often the product is tested and how safe is the additive.

In response to a concern raised by Councillor Barkhouse, Mr. Yates clarified that the process to find an independent third party to do the research could be through an invitation to universities or by a Request for Qualifications (RFQ) process that would then lead to the Request for Proposal (RFP) process. He advised that the request would also have to be brought before the Halifax Water Board of Directors.

Members of Council requested that the report also include information in response to the following concerns/questions:

- how will the smell be mitigated
- what was the reason for their being no public education prior to spreading the Bio Solid product
- is Ph level testing done on the HRM land

Councillor Johns requested that staff review the CCME December 2009 report in regard to their conclusions 13, 14, 15 and 20. He also requested that the pros/cons in relation to the technology when curing Bio Solids, such as lime stabilization, be included in the report.

Councillor Blumenthal suggested that staff consult with the group that was recently sent to Switzerland in regard to bio solid use there.

A vote was then taken on the motion as follows:

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

1. **Request that Halifax Water undertake an independent review, by a third party scientific body, of the N-Viro product and it's uses and report back to Council; and,**
2. **Upon receipt of the report, Council undertake a review of the policy and the potential uses of the N-Viro product.**

MOTION PUT AND PASSED.

5. ADJOURNMENT

The meeting was adjourned at 5:06 p.m.

Cathy J. Mellett
Municipal Clerk