

**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE
MINUTES
NOVEMBER 21, 2000**

PRESENT:

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

Regrets:

Councillor Harry McInroy

STAFF:

Mr. Ken Meech, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Mr. George McLellan, Deputy Chief Administrative
Officer
Ms. Vi Carmichael, Municipal Clerk
Ms. Sandra Shute, Assistant Municipal Clerk

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CALL TO ORDER

The meeting was called to order at 2:30 p.m. by Mayor Kelly.

1. **APPROVAL OF MINUTES - November 14, 2000**

MOVED by Councillor Hetherington, seconded by Councillor Rankin to approve the Minutes of November 14, 2000 as circulated. MOTION PUT AND PASSED.

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

Deletion: RFP 00-058 to Design, Build and Operate a Public Parking Facility at Granville, Hollis and Salter Streets in Downtown Halifax

Councillor Rankin asked why this item was being deleted from the Agenda. In response, Mayor Kelly advised that staff indicated the report is not yet complete. More financial data is required. Once this is received, it will be brought to Council.

MOVED by Deputy Mayor Blumenthal, seconded by Councillor Sarto to approve the Order of Business as amended. MOTION PUT AND PASSED.

3. **RFP 00-058 TO DESIGN, BUILD AND OPERATE A PUBLIC PARKING FACILITY AT GRANVILLE, HOLLIS AND SALTER STREETS IN DOWNTOWN HALIFAX**

Deleted as above.

4. **HARBOUR SOLUTIONS PROJECT - PURCHASE OF PROPERTY FOR FOUR TREATMENT PLANT SITES**

- Report dated November 8, 2000 on the above noted was before the Committee.
- Report dated November 10, 2000 re Harbour Solutions Update - Evaluation Process was before the Committee.

The following motion was deferred from the meeting of November 14, 2000 and was now on the floor for consideration:

MOVED by Councillor Hetherington, seconded by Councillor Goucher that the Committee of the Whole recommend:

1. **Council authorize the HSP Land Acquisition Project in the 2000-01 capital budget for an amount of \$11.77 million with funding to come from the Environmental Protection Reserve.**
2. **Council approve the withdrawal from the Environmental Protection Reserve of the amount authorized above to be transferred to the HSP 2000-01 capital budget for the acquisition of property for each of four treatment plant sites plus net HST and directly associated professional fees. The proceeds of any short term lease and the sale of property not required for the Project would be credited to the Sale of Capital Assets Reserve account, and could be used toward acquisition of future properties.**

Mr. Maurice Lloyd, Project Manager, Harbour Solutions advised that the report was before Committee of the Whole at its last meeting but the motion was deferred for one week. He explained the proposal again and added that a recovery of approximately \$6 million was anticipated for the balance of the Coast Guard site in Dartmouth not to be used for the treatment plant. It would net out in the end at about \$5.77 million but the estimated \$11.77 million was required at this time.

Councillor Walker said that Council was being asked to support \$11.77 million to be placed into an account for four sites that the Municipality does not have yet. He asked, should Council agree to the motion, if staff would be bringing the four sites forward to Council or would it be an automatic approval.

In response, Mr. Lloyd advised staff would come back on a site by site basis. Staff came to Council with the request to negotiate for the South End site and once the negotiations were complete, came back to Council again for approval to purchase. What staff did not ask for was that money be taken from the Reserve Fund and put into Capital Reserve.

If each site was coming back to Council individually, Councillor Walker asked why not approve each case separately instead of moving the whole \$11.77 million at one time.

In response, Mr. Meech, Chief Administrative Officer said that the monies would stay in the reserve account until such time as they are required. The request before Council would allow the ability to finance the purchase of the sites from the Special Reserve account for the Harbour Solutions project.

Councillor Walker said he knew Council gave approval for the South End site but at no time was Council told it did not have a right of way to it. In response, Mr. Meech stated that as a result, the Municipality has not yet purchased the site because of the access problem.

With regard to the South End site, Mr. Lloyd indicated that added to one of the conditions of purchase was that the Municipality be given the right of way. That condition has not been met so the purchase has not gone through. He explained problems with his current budget.

Councillor Walker said he would sooner have agreements in place before committing any money.

Mr. Meech clarified that what the recommendation is asking Council to do is authorize the funding for the purchase of the properties to be charged to the Special Reserve Account. The monies would not be transferred until such time as the money is required. He referred to the first part of the recommendation which indicated "authorize the HSP Land Acquisition Project in the 2000-01 Capital Budget..." so that the funds, when needed, would come from the Reserve. It could be done on a site-by-site basis.

Councillor Uteck said she understood Councillor Walker's uneasiness but Mr. Lloyd has to come back to Council after he finalizes the sites. This was just another step in the process.

Councillor Cooper expressed concern because \$11.77 million was coming out of the Environmental Fund and any proceeds from disposal of surplus property would go back into the Sale of Land Account. Six million dollars could go a long way in solving some of the environmental problems in the Municipality. The Councillor wanted to see some way for the funds to go back into the Environmental Fund where they belong.

Mr. George McLellan, Deputy Chief Administrative Officer advised that if money goes to the Sale of Land Account, it would require Ministerial approval to come back out for another purpose other than the purchase of real estate. Ministerial approval may not be withheld, especially for the purpose of harbour cleanup because the province supports it. He suggested the money could be flagged in a sub-account for the development of wastewater treatment lands and facilities.

MOVED by Councillor Cooper, seconded by Councillor Cunningham to recommend to Council that a process to achieve this end be set up.

Councillor Walker asked then what would happen to the interest on the \$6 million from the sale of the Coast Guard lands. If the money is transferred piecemeal, at least Harbour Cleanup would get the interest.

In response, Mr. McLellan said that he understood Mr. Lloyd wanted the funds set aside from Pollution Control to begin to purchase the properties and it would not be a long

process. He understood the properties would be purchased aggressively in the near future.

Under normal circumstances, Mr. Meech indicated there would be long term borrowing to fund this capital expenditure but in this case the Municipality would be able to access the Reserve Account. The monies would not be diverted from Special Reserve until the purchase actually goes through. None of the \$11.77 million would be used for any other purpose than intended.

Mayor Kelly asked if Councillor Walker's issues have been addressed and was he comfortable with the response from staff on a purchase-by-purchase basis.

Councillor Walker responded he did not have any troubles with a purchase-by-purchase basis. The trouble he had was the chance of misplacing \$11.77 million into a Capital Account.

Mr. Lloyd confirmed it would be a purchase-by-purchase basis.

Councillor Cunningham stated he had no problem with the main motion but with regard to the \$6 million, he asked why it could not revert to the Harbour Solutions Reserve Account after the lands are sold. The Councillor did not want to see the money go for another purpose, for instance to purchase land in some other area and Council should make that decision right now.

Mr. McLellan advised that the decision for Council to make right now would be to flag any funds that have to go legislatively into the Sale of Land Account from this transaction solely for the purpose of waste water facilities. Alternatively, the Minister could be asked to release the funds back to pollution control.

Councillor Cunningham stated it would have to be part of the motion being made today. It was really the intention of Councillor Cooper with his earlier motion although he did not really state it.

Councillor Cooper agreed to rephrase the motion in whatever way was necessary to achieve the objective and, therefore, placed the following amendment to the original motion:

MOVED by Councillor Cooper, seconded by Councillor Cunningham to recommend to Regional Council that any proceeds from sale of assets of the Harbour Solutions Project, originally funded out of the Environmental Reserve, and as transferred to the Capital Reserve, be returned to the Environmental Protection Reserve and its purposes, and interim interest, by way of the necessary approvals of the Minister.

Councillor Walker said he understood that once the \$11.77 million is spent and the \$6 million is back for the land in Dartmouth, there would be no extra requirement for capital monies for property.

Mr. Lloyd agreed that was true in terms of the sites but there may be some minor acquisitions for pumping stations. The need for additional funding will not be known until the proposals are reviewed.

AMENDMENT PUT AND PASSED.

The motion as amended now reads:

Committee of the Whole recommends that Council authorize the HSP Land Acquisition Project in the 2000-01 capital budget for an amount of \$11.77 million with the funding to come from the Environmental Protection Reserve.

Committee of the Whole further recommends that Council approve the withdrawal from the Environmental Protection Reserve of the amount authorized above to be transferred to the HSP 2000-01 capital budget for the acquisition of property for each of four treatment plant sites net HST and directly associated professional fees. The proceeds of any short term lease and the sale of property not required for the Project would be credited to the Sale of Capital Assets Reserve account and could be used toward acquisition of future properties.

Further, it is recommended that any proceeds from sale of assets from the Harbour Solutions project, originally funded out of the Environmental Protection Reserve, and as transferred to the Capital Reserve, be returned to the Environmental Protection Reserve and its purposes, and interim interest, by way of the necessary approvals of the Minister.

Mayor Kelly called for question on the amended motion.

MOTION PUT AND PASSED.

Council then moved on to the Harbour Solutions Update - Evaluation Process.

MOVED by Councillor Harvey, seconded by Councillor Adams that Committee of the Whole recommend that Regional Council endorse the evaluation process as described in the Staff Report dated November 10, 2000. MOTION PUT AND PASSED.

At this point Councillor Hetherington brought up the fact that he thought the Community Integration Fund should be reaffirmed as part of the motion above by Council.

Mayor Kelly asked for clarification for the benefit of the new Councillors as to what the fund is, how much it is for and what it will be spent on.

Mr. Lloyd, in response, advised that the budget amount is \$8 million. It has nothing to do with the evaluation but certainly it was good to have the reaffirmation. There would be no expenditure without coming back to Council.

Councillor Hetherington said he wanted reaffirmation that Council realizes there is \$8 million committed by the previous Council and by the process. He would deal with it after question on the motion on the floor.

MOTION PUT AND PASSED.

MOVED by Councillor Hetherington, seconded by Councillor Sloane that Committee of the Whole recommend to Council that Council reaffirm the Community Integration Fund of \$8 million - \$5 million for Herring Cove and \$3 million for the other sites.

Mayor Kelly asked if there was information available as to how the monies will be allocated or spent.

Subsequently, Councillor Hetherington advised there are Community Liaison Committees working in different locations who will work with the proponents, when known, and with the Harbour Solutions team to work out how the funds will be integrated into the community. Those recommendations will be coming back to Council.

Councillor Cooper expressed concern that the integration funds should be used fairly, noting there were many areas of the Municipality with developmental pressures.

Mr. Meech stated that the original intent was to build into the estimate for the project of \$315 million, \$8 million for community integration. A specific recommendation would have to come back to Council on each of the individual projects.

Deputy Mayor Blumenthal asked if the \$315 million was based on provincial and federal government cost sharing as HRM only approved \$210 million.

Mr. Meech responded that if the other third is not received, then the whole funding of the project or the project itself would have to be revisited.

Councillor Rankin pointed out that considerable compensation had been paid to Sackville. Council was now considering clean up of the harbour but Site A at Otter Lake did not get compensation. He expressed the desire to see the scope of the program and know detail, principles and guidelines which would be associated with the sites, and nothing suggesting compensation.

MOVED by Councillor Rankin, seconded by Councillor Goucher that a Staff Report be provided containing information on the philosophy behind the Community Integration Fund and what the funds will basically be used for.

Councillor Walker pointed out that Councillor Hetherington's motion should not have been allowed because it was not on the Agenda. There was no Staff Report with it.

Councillor Adams stated that the community integration money for Herring Cove has nothing to do with compensation but with the fact that a sewage treatment plant needs a guaranteed supply of water. Quality and quantity of water in Herring Cove is suspect at best. Council has to have some reliance on the previous Council and that whatever Council did was the right thing to do.

MOTION PUT AND PASSED.

5. IMPLEMENTATION OF A CONSTRUCTION AND DEMOLITION - C & D - WASTE MANAGEMENT STRATEGY

- Report dated November 15, 2000 on the above noted was before the Committee.

Mr. Brian Smith, Director of Solid Waste Resources, Mr. Paul Dunphy, Director of Planning and Development, Mr. Kurt Pyle, Planner and Mr. Jim Donovan, Planner were in attendance for this item.

Mr. Smith advised that this was a joint report from Solid Waste Resources and Planning. He provided an overview of the report with the aid of overheads. The purpose of the presentation was to provide an update as well as bring forward a recommendation. During the course of his presentation, Mr. Smith advised that staff was proposing that the Solid Waste Resource Advisory Committee assist Council and co-ordinate the public consultation process. Formal approval would have to be obtained from Council in order to meet certain planning legislation requirements.

Mayor Kelly referred to existing operations and whether or not there was a legal non-conforming status for the ones existing or would they have to be phased out or meet the new criteria. In response, Mr. Smith advised that part of the public consultation over the next few months would be to meet with the existing operators, talk to them about what is

being proposed in terms of changes and ask them how long it would take to comply. If they are unable to comply, it would have to be dealt with. This would form part of what would come back to Council.

In response to Deputy Mayor Blumenthal's question regarding existing sites, Mr. Smith advised that staff was not saying that present sites are operating improperly or incorrectly as a general rule. He acknowledged there were some problems with some but there were also opportunities for site growth and to do more. The difficulty was that there was no framework in place for them to work within.

Deputy Mayor Blumenthal asked if there would be some kind of grandfathering process. In response, Mr. Smith advised he did not want to use that term because if Council directs staff to grandfather certain sites, then the ability has been lost to work with them in a co-operative way to try to get them to meet the regulations.

Deputy Mayor Blumenthal asked how much this process would cost. In response, Mr. Smith advised that staff would deal with it in the material being brought forward. He suspected start up would be more of an issue than maintenance of the sites.

Councillor Adams asked, because there would be no duplication of provincial regulations, would the setbacks be based on provincial regulations. In response, Mr. Donovan advised that staff wanted to obtain input from the public before bringing the final package to Council. This would mean a recommendation from Solid Waste Resource Advisory Committee before going to Council.

Councillor Adams asked for information on time frame. In response, Mr. Donovan advised that staff was committed to a very aggressive schedule and looking forward to working directly with Solid Waste Resource Advisory Committee in terms of setting up public participation meetings and then moving quickly to respond to questions and direction from the Committee in order to develop the final regulatory and policy package. He hoped a recommendation would come forward to Council from Solid Waste Resource Advisory Committee in February or March to set a Public Hearing date.

Councillor Adams asked what protection would be afforded against monopolies. In response, Mr. Donovan advised that the whole purpose is to establish a level playing field and loosen up some of the restrictions that apply now.

MOVED by Councillor Adams, seconded by Councillor Warshick to recommend to Regional Council approval of the public participation program, as outlined in Attachment 1 of the report dated November 15, 2000, to begin the implementation of a management framework for construction and demolition waste.

Councillor Goucher stated that with regard to predefined processes for amendments to Municipal Planning Strategies, problems had resulted for one process. It appeared that public meetings proposed did not take into account the local Municipal Planning Strategies as there were Planning Advisory Committees in place in certain areas of the Municipality. He asked if there was any intention to bypass these Committees.

In response, Mr. Donovan advised the intent is to bring forward a regional solution and that was why staff was asking for Council's support for a public participation program on a regional issue. This would not speak to local community public participation processes which would follow the normal process. Any locally based plan amendment process is generally undertaken in accordance with a 1997 motion of Regional Council which outlines the role of Community Council and the Planning Advisory Committees. That motion, however, does not speak to broad regional issues such as this that touch every community in the region and every Municipal Planning Strategy. That was why the request was to have this process championed by the Solid Waste Resource Advisory Committee.

Councillor Goucher said he could not want to see the perception of an end run around the Planning Advisory Committee.

In response to Councillor Goucher, Mr. Donovan advised that what he said does not preclude Solid Waste Resource Advisory Committee from using locally based advisory groups as part of the process.

MOVED by Councillor Goucher, seconded by Councillor Harvey to amend the motion to reflect that the process for the Municipal Planning Strategy and Land Use By-law take into account any existing Planning Advisory Committees that are in place.

Councillor Rankin pointed out that Otter Lake was sited without a Municipal Planning Strategy. It was superseded by the provincial government, sought by the Municipality so they would not have to deal with a Municipal Planning Strategy. He requested that this not be done regionally but have the private applicants come forward through the community.

Councillor Walker pointed out that the amendment is Step 3 whereas the original motion is Step 1. The proposal before Council is to start the consultation process. It was a long way yet getting to the Municipal Planning Strategies. In his opinion, the amendment was out of order.

Mr. Donovan advised that Councillor Walker was referring to the first phase as the consultation phase with the public. After that stage, the Staff Report and amendments would be prepared and brought forward to Council through the normal public hearing process.

Mayor Kelly stated that the amendment could still give direction that as the process commences, to adhere to the Municipal Planning Strategies and Land Use By-laws. It was still in order to deal with this now so that staff would have a very clear direction from Council that they are to adhere to the respective Municipal Planning Strategies and Land Use By-laws.

Mayor Kelly asked for clarification from the mover and seconder that they understood the intent of the motion was for Step 1 and with that, the amendment before Council was to make sure that staff have clear direction that they will adhere to the Municipal Planning Strategies and Land Use By-laws of the respective Districts.

The mover and seconder indicated their agreement.

Councillor Goucher stated all he was trying to embed in the process is the fact that where there are established Planning Advisory Committees and established Municipal Planning Strategies, that the rules embodied in those go through the process. It puts Solid Waste Resource Advisory Committee on notice.

Mr. Paul Dunphy, Director of Planning and Development advised that staff has no problem with Councillor Goucher's amendment. Staff would expect that working with the Solid Waste Resource Advisory Committee, that staff can consult with the various Planning Advisory Committees. Staff wanted to ensure that where there are no Planning Advisory Committees in place, there was some body appointed by Council to carry out the public consultation but not that it would usurp existing appointed bodies.

AMENDING MOTION PUT AND PASSED.

Councillor Cooper, with respect to the public participation policies, asked for clarification that consultation with the industry will happen and what is presented should be in writing and available to everyone else.

In response, Mr. Smith advised he understood the intention was to develop draft materials, discuss them with Solid Waste Resource Advisory Committee and then take the information through a public consultation process.

Councillor Cooper asked if consultation with the industry would be private. In response, Mr. Smith advised that some additional meetings of Solid Waste Resource Advisory Committee would take place to allow for consultation. He did not see a need for private consultation.

MOVED by Councillor Cooper, seconded by Councillor Hetherington to amend the recommendation to Council to include that comments of the C & D industry and construction industry will be recorded and available at the public meetings.

Mr. Dunphy advised that meetings with industry will be shared with the public when talking about establishing policies and regulations. Staff will ensure this information is available at public meetings; otherwise, the public meetings cannot be effective.

AMENDING MOTION PUT AND PASSED.

Mayor Kelly called for the question on the main motion.

ORIGINAL MOTION PUT AND PASSED.

The recommendation, therefore, going forward to Regional Council is:

Committee of the Whole recommends that Halifax Regional Council approve the public participation program, as outlined in Attachment 1 of the Staff Report dated November 15, 2000 to begin the implementation of a management framework for construction and demolition waste to include:

- 1) that process for the Municipal Planning Strategy and Land Use By-law take into account any existing Planning Advisory Committees that are in place.**
- 2) that comments of C & D industry and construction industry will be recorded and available at the public meetings.**

6. ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Vi Carmichael
Municipal Clerk

