



**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES
June 24, 2014**

PRESENT: Mayor Mike Savage
Deputy Mayor Darren Fisher
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Sherryl Murphy, Municipal Clerk
Ms. Jennifer Weagle, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:
http://www.halifax.ca/site/exit.php?url=http://archive.isiglobal.ca/vod/halifax/archive_2014-06-24_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/140624cow-agenda.php>

The meeting was called to order at 10:00 a.m., and recessed at 11:18 a.m. Committee of the Whole reconvened in at 11:26 a.m., and adjourned at 11:57 a.m.

1. CALL TO ORDER

Mayor Savage called the meeting to order at 10:00 a.m.

2. APPROVAL OF THE MINUTES – NONE

**3. Integrated Solid-Waste Resource Management Strategy Review – Final Report
(continuation from January 14, 2014)**

The following information was before Council:

- Correspondence from Sandra Knapton; John Cascadden, Vice Chair of McDonald Lake Residents Association and Board member of Five Bridges Wilderness Heritage Trust; Jeremy Jackson, President, Investment Property Owners Association of Nova Scotia; Janet Brush; David Wimberley (dated June 24/14); Carolyn Johns; David Wimberley (dated June 23/14)
- A staff presentation dated June 24, 2014
- Correspondence dated May 22, 2014, from the Halifax Waste-Resource Society, with proposed draft memorandum of understanding
- Correspondence from John Cascadden dated June 16, 2014
- Correspondence from Sandra Levy dated June 10, 2014
- Staff presentation from the January 14, 2014 Committee of the Whole meeting
- Extract of the minutes from the January 14, 2014 Regional Council meeting
- Extract of the minutes from the January 14, 2014 Committee of the Whole meeting
- A motion memo for the June 24, 2014 Committee of the Whole meeting
- Staff report dated January 8, 2014

Mr. Richard Butts, Chief Administrative Officer, reviewed the origin of this matter, noting that there were nine staff recommendations before Committee of the Whole at the January 14, 2014 meeting. Committee of the Whole at that time approved recommendations numbered 1 to 6 and deferred recommendations numbered 7 to 9. Mr. Butts reviewed the motions approved at the January 14, 2014 Council meeting, which are awaiting the amendment process, noting that some are subject to public meetings related to the By-law. Mr. Butts then reviewed the recommendations deferred from the January 14, 2014, Committee of the Whole meeting.

Mr. Butts reviewed action items required for the solid waste system evolution, including an updating of the organics model, recycling facility and business case analysis, and residential collection contracts.

The following motion was on the floor, deferred from the January 14, 2014 Committee of the Whole meeting:

MOVED by Councillor Dalrymple, seconded by Councillor Craig, that Committee of the Whole recommend that Halifax Regional Council:

- 7. Amend By-law S-600 to allow for the export of Industrial Commercial & Institutional (ICI) residual waste (garbage) outside HRM, and amend Administrative Order number 16 to provide for an increase in fees for disposal of ICI residual waste from \$125 per tonne to the assessed system cost of \$170.00 per tonne;**
- 8. Direct staff to initiate consultation with MIRROR NS and the Community Monitoring Committee on options for changes in the operating model (front end processor facility, waste stabilization facility, residual disposal facility) at Otter Lake landfill site A, returning to Council with a transition plan for landfill operations at the site based on diversion**

**outcomes resulting from the changes outlined in the staff report dated January 8, 2014;
and**

- 9. Extend operations at Otter Lake beyond 2014 and direct staff to increase the vertical height of existing and future cells by 15 meters and establish an Integrated Solid Waste Management Campus at the site to support new facilities and alternative technologies as they become viable.**

Councillor Rankin indicated that he will be putting forward a motion of deferral which keeps with the intent of the Memorandum of Understanding. He indicated that the deferral will allow for a consultation exercise between staff, Council, and the Halifax Waste Resource Society (“the Society”).

MOVED by Councillor Rankin, seconded by Councillor Adams, that consideration of recommendations numbered 7, 8, and 9 be deferred and direct staff to meet and consult further with the Halifax Waste Resource Society on the technical issues and/or impacts and report back to Committee of the Whole by October 1, 2014 with a summary of recommendations from the Society and recommended changes to staff’s report and recommendations, if any.

Councillor Rankin acknowledged community members involved in the process present at this meeting, including Mr. Ken Meech, Executive Director of the Halifax Waste Resource Society and the Community Monitoring Committee, as well as Jack Mitchell, President of the Community Monitoring Committee. Councillor Rankin indicated that he hopes that meaningful consultation will bring progress on this matter, in particular with regard to cell height and exporting waste. He pointed out that the Otter Lake Landfill has been permitted for one use only, and any proposals for further use such as recyclables or organic compost would have to be explored further. Councillor Rankin noted that Council has deferred consideration of the use of clear bags for a public hearing, and should do so in good faith for this as well.

Councillor Adams commented that Council has met several times with members of the Community Monitoring Committee and members of the Society, and he is confident that there is a reasonable resolution to be reached. He suggested that the October 1, 2014 date be changed to November 1, 2014, taking into account the summer months and school starting in September, noting that an extra month would give more of an opportunity for participation.

With the agreement of the mover, it was **MOVED by Councillor Adams, seconded by Councillor Dalrymple, that the motion to defer be amended to change “October 1, 2014” to “November 1, 2014”.**

At the request of Councillor Karsten, Mr. John Traves, Municipal Solicitor, clarified that recommendations numbered 7, 8, and 9 were put on the floor on January 14, 2014 and subsequently deferred, and are therefore still on the floor.

MOTION TO AMEND APPROVED.

Deputy Mayor Fisher noted concern that the motions were deferred in January and are again being proposed for deferral. He questioned the expected outcomes of a further deferral and whether it would result in any further progress being made. Deputy Mayor Fisher suggested that a vote should be taken on recommendation number 7 today.

Councillor Watts spoke in support of the deferral. She requested clarification with regard to the membership of the Halifax Waste Resource Society and the Community Monitoring Committee, inquiring whether the membership of each overlaps. She noted that it should be made clear that this would not be about holding further public meetings, but for staff to consult further with the Society between now and November 1st.

Councillor Dalrymple spoke in support of the deferral, indicating that he understands there has not been any consultation with the community on this matter, and a few more months should allow time to get it right through actively engaging with the community group.

Mayor Savage clarified that there was no direction from Council given at the January meeting for staff to consult with community groups, and that the assumption was to come back to Committee of the Whole for further discussion.

Councillor Craig clarified that the motion refers to consultation with the Halifax Waste Resource Society, which is run by a Board of Directors made up of members of the Community and elected officials. He suggested that the roles and responsibilities of the Board members are not clearly defined in relation to this consultation. Councillor Craig suggested that concise parameters are needed for the consultation, such as specifying consultation only with members of the Board of Directors ("the Board") of the Society, and not elected officials. He suggested that further consultation will not restore good faith or achieve agreement on both sides on all topics, and that he believes Council has enough information to move forward on this at this time.

Councillor Karsten questioned the benefit of a further deferral, suggesting that with all of the information before Council at this time, members already know which way they will vote. He commented that Council did not have an opportunity to debate this matter in a public session prior to this and it led to misinformation and misleading of residents.

Councillor Nicoll asked for clarification on what Council intends to achieve through deferral, questioning whether it would be to gather further technical information, or to provide time for greater consultation.

Mayor Savage at this time took a seat with Council, and Deputy Mayor Fisher took the Chair.

Councillor Hendsbee joined the meeting at 10:30 a.m.

Mayor Savage spoke of the origins of the Otter Lake Landfill, noting that Council needs to recognize the concerns of the community which hosts the landfill, acknowledging that the current discussions about the future of the landfill have been difficult on the community and also on Council. He noted that Council needs to make some tough decisions, keeping in mind that there are a number of issues to consider including cost, the environment, and the community. Mayor Savage suggested that if the deferral means a further opportunity for staff to reach an agreement with the Society, he is in support of it.

Mayor Savage returned to the Chair, and Deputy Mayor Fisher returned to his seat with Council.

Councillor Hendsbee indicated that he would not be opposed to the deferral for further consultation, noting that he was involved early in the process with the Community Monitoring Group. He suggested that more dialogue could work out further details with the Society, although he would not support any further deferrals come November. Councillor Hendsbee noted concern with the organics model, indicating that this would have an effect on the types of materials processed at the landfill.

Councillor Rankin noted that all of the elements of the strategy for the Otter Lake Landfill were delivered by the community, and it still endures today. He commented on items that still require further discussion, including the height of the cells, and the campus composition. Councillor Rankin pointed out that the consultant's study recommends a cell height of 10 to 15 metres, and further suggests consulting with the community. He noted that the uses contemplated in the campus composition are wide and varied including types of compost, and many types of waste energy.

Councillor McCluskey noted that she understands that residents fear another Sackville Landfill, although the anger and abuse toward staff that took place at the public meetings on the proposed changes to the Otter Lake Landfill was largely based on misinformation. Councillor McCluskey suggested that recommendation number 7 should not be deferred, and should be debated and voted on today. Mr.

Traves clarified that Council can vote on the motion to defer recommendations numbered 7, 8, and 9 separately.

Councillor Adams made note of disrespectful comments made on social media, commenting that it was unfortunate and that he hopes that people express themselves with an amount of respect. He noted that Mr. Meech, Mr. Donnelly, and Mr. Mitchell are in attendance and available to answer any questions from members.

Mr. Traves clarified that the motion to defer would allow for further consultation with the Society, not further public consultation, unless Council chose to amend the motion.

Councillor Watts commented on the membership of the Society, noting that she understands it currently has 11 members, including 2 members of Council and 9 members of the Community Monitoring Committee. She indicated that she sees this as an opportunity for the Society to give specific feedback to staff, and staff will bring changes back to Council.

Deputy Mayor Fisher noted that recommendation number 7 was deferred from the January meeting due to time constraints, and suggested that it should be voted on today.

Councillor Craig commented on the composition of the Society, noting that it is largely made up of members of the Community Monitoring Committee. He pointed to the commitment of these individuals, which adds to the status of the Landfill as a world class facility. He spoke to the timeliness of updating the agreement from 1999, noting that there have been significant changes to the waste stream since then.

Councillor Rankin referred to the mandate of the Society, which is to comment on the strategy. He encouraged Council not to impose upon the Society or how they would arrive at consensus on their recommendations.

At the request of Councillor Whitman, Mr. Butts clarified that the concept of eliminating flow control has many issues attached to it, such as saving landfill space. He noted that there are trigger points for renegotiation in the contract, and this may trigger a renegotiation.

Councillor Watts commented that her recollection of the January meeting is not that recommendation number 7 was deferred due to time constraints, but because Council came to a point that they were not ready to vote on it. She suggested that recommendation number 7 is integrated with recommendations numbered 8 and 9, and they should remain together.

Councillor Craig indicated he would like to hear from Mr. Meech on the composition and terms of reference of the Society. Mr. Traves referenced the rules of order to determine whether this would be permissible.

Councillor Karsten indicated that Council should articulate what is expected through the deferral for consultation with the Society.

Committee of the whole recessed at 11:18 a.m., reconvening at 11:26 a.m.

Mayor Savage indicated that 2/3 support of Council would be required to allow Mr. Meech to address Council on the composition and mandate of the Halifax Waste Resource Society, **to which Council agreed.**

Councillor Craig clarified his question to Mr. Meech, inquiring as to the membership composition of the Society, and who on the Board of the Society will be working with staff. Mr. Ken Meech, Executive Director of the Halifax Waste Resource Society, advised that the Board of Directors will be meeting with staff, and he believes the Board does not include members of Council.

Councillor Craig pointed out that members of Council are listed on the Registry of Joint Stock Companies ("the Registry") as directors. Mr. Meech indicated that consultation would take place with no more than those members listed as members of the Board of Directors with the Registry. He indicated that he will take the initiative to meet with staff, as the Executive Director of the Society, to arrange for the consultation.

Councillor Hendsbee requested clarification with regard to the role of the local Councillors on the Board, and whether they will be considered participants. He indicated that he believes they should be included and party to the discussions.

Councillor Johns noted that elected officials represent the people of the area and he believes they should be included.

Councillor Craig commented that he does not believe there should be political representation during these discussions, as this is a matter for the Society and staff to work out, and bring their recommendations back to Council for further debate.

Mr. Traves clarified that if Councillors are listed as Directors with the Registry, they will be included in the discussions, and if not, they would be excluded. He suggested that Council would need an amendment if it wanted the Councillors specifically included or excluded.

Councillor Outhit commented that he would want to be there to advocate and facilitate if this matter were in his area.

Councillor Rankin indicated that he and Councillor Adams had never been excluded from discussions on this matter before.

Councillor Nicoll commented on the normal practice to remain in good standing is for societies to review and update their Terms of Reference. She inquired when the last time the Terms of Reference of the Society was reviewed to address such questions as participation by members of Council.

MOVED by Councillor Outhit, seconded by Councillor Johns, that the motion to defer be amended to add "If the local Councillors are not currently Directors of the Board of Directors of the Halifax Waste Resource Society, the Councillors for Districts 11 and 12 be included in the consultation if they so choose."

Mr. Traves clarified that this is an Amendment to the motion to defer.

Councillor Hendsbee noted that Mr. Ken Donnelly, who has acted as a consultant on this matter, is not listed as a Director, and should be included in the discussions as well.

Mr. Traves clarified that the amendment is not an amendment to the Terms of Reference of the Board, but an amendment to include the area Councillors in the discussions.

MOTION TO AMEND APPROVED.

Councillor Rankin asked for a recorded vote on recommendations to defer recommendations 7, 8, and 9.

A discussion was held regarding whether recorded votes can take place in Committee of the Whole. Councillor Hendsbee inquired whether the deferral will have any effect on the next stage of the Request for Proposals (RFP) for residential collections, which he noted is historically done in October, such as the current contracts being extended. Mr. Gord Helm, Manager, Solid Waste Resources, indicated that there will be no implications to the residential collection RFP, but there will be potential implications to other system components. He further clarified that private sector contracts will be influenced by recommendation number 7 and organics and recycling program business cases will be delayed in coming back to Council.

Mayor Savage clarified that a recorded vote would be taken separately on each of the three motions on the floor.

Recommendation number 7

MOVED by Councillor Rankin, seconded by Councillor Adams, that Committee of the Whole:

- (a) **Defer consideration of recommendation number 7 from the January 8, 2014 staff report; and**
- (b) **Direct staff to meet and consult further with the Halifax Waste Resource Society Board of Directors on the technical issues and/or impacts and report back to Committee of the Whole by November 1, 2014 with a summary of recommendations from the Society and recommended changes to staff's report and recommendations, if any. Should the local Councillors not currently belong to the Board of Directors of the Halifax Waste Resource Society, the Councillors for Districts 11 and 12 be included in the consultation if they so choose.**

MOTION PUT AND PASSED. (10 in favour, 7 against)

In favour: Councillors Dalrymple, Hendsbee, Nicoll, Mason, Watts, Mosher, Adams, Rankin, Whitman, Johns.

Against: Mayor Savage, Deputy Mayor Fisher, and Councillors Karsten, McCluskey, Walker, and Craig, Outhit.

Recommendation number 8

MOVED by Councillor Rankin, seconded by Councillor Adams, that Committee of the Whole:

- (a) **Defer consideration of recommendation number 8 from the January 8, 2014 staff report; and**
- (b) **Direct staff to meet and consult further with the Halifax Waste Resource Society Board of Directors on the technical issues and/or impacts and report back to Committee of the Whole by November 1, 2014 with a summary of recommendations from the Society and recommended changes to staff's report and recommendations, if any. Should the local Councillors not currently belong to the Board of Directors of the Halifax Waste Resource Society, the Councillors for Districts 11 and 12 be included in the consultation if they so choose.**

MOTION PUT AND PASSED UNANIMOUSLY.

Recommendation number 9

MOVED by Councillor Rankin, seconded by Councillor Adams, that Committee of the Whole:

- (a) **Defer consideration of recommendation number 9 from the January 8, 2014 staff report; and**
- (b) **Direct staff to meet and consult further with the Halifax Waste Resource Society Board of Directors on the technical issues and/or impacts and report back to Committee of the Whole by November 1, 2014 with a summary of recommendations from the Society and recommended changes to staff's report and recommendations, if any. Should the local Councillors not currently belong to the Board of Directors of the Halifax Waste**

Resource Society, the Councillors for Districts 11 and 12 be included in the consultation if they so choose.

MOTION PUT AND PASSED UNANIMOUSLY.

4. IN CAMERA

The following Private and Confidential Information Item was before Council:

- Private and Confidential In Camera Memorandum dated January 6, 2014 re: Integrated Solid-Waste Resource Management Strategy Review – Final Report

This memorandum was not discussed.

5. ADJOURNMENT

The meeting was adjourned at 11:57 a.m.

Cathy J. Mellett
Municipal Clerk