

**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE
MINUTES**

October 25, 2005

PRESENT:

Mayor Peter Kelly
Deputy Mayor Len Goucher
Councillors: Steve Streach
Krista Snow
David Hendsbee
Harry McInroy
Gloria McCluskey
Andrew Younger
Bill Karsten
Becky Kent
Jim Smith
Mary Wile
Patrick Murphy
Sue Uteck
Sheila Fougere
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert P. Harvey
Reg Rankin
Gary Meade

REGRETS:

Councillor Dawn Sloane

STAFF:

Mr. Dan English, Acting Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Jan Gibson, Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. **CALL TO ORDER**

The Mayor called the meeting to order at 1:37 p.m.

2. **APPROVAL OF THE MINUTES** - October 11, 2005

MOVED BY Councillor McCluskey, seconded by Councillor Walker that the minutes of October 11, 2005 be approved as circulated. MOTION PUT AND PASSED.

3. **MRIF CRITERIA**

- A report dated October 20, 2005 was before Council.

Ms. Betty MacDonald, Director, Governance & Strategic Initiatives, presented the report assisted by Ms. Jennifer Church, Coordinator, Intergovernmental Affairs.

Ms. MacDonald advised that the second part of the recommendation has been revised slightly and will now read: "Council adopt the definitions for rural as used in the proposed Regional Plan for rural commuter, rural resource and agricultural as shown in the map in Attachment "A".

MOVED BY Councillor Streach, seconded by Deputy Mayor Goucher that the Committee of the Whole recommend that Regional Council:

1. **Approve 80% of MRIF Funding be allocated to rural projects and 20% elsewhere.**
2. **Adopt the definitions for rural as used in the proposed Regional Plan for rural commuter, rural resource and agricultural as shown in the map in Attachment "A".**

Councillor Karsten arrived at 1:40 pm.

Councillor Adams, in response to Ms. MacDonald's definition of rural commutershed and suburban local centres as described in the Regional Plan, commented that Herring Cove has been excluded from MRIF funding due to the definition of rural and he will not support that definition. He added that Herring Cove has .4km of sidewalk, hourly transit service, one general store, a ladies fitness centre, one apartment building, a volunteer fire department and the water/sewer service is mostly wells and septic systems. He added that Herring Cove just recently received Halifax Regional Police service. Councillor Adams advised that letters were received from Ministers Joe McGuire, John Godfrey and Barry Barnett indicating that Herring

Cove would be a strong candidate for MRIF funding but, with this definition of rural, Herring Cove does not fit the criteria. He inquired as to how to include the community of Herring Cove in the criteria for rural MRIF funding.

Councillors McInroy and Fougere arrived at 1:50 pm.

Councillor Hendsbee arrived at 1:52 pm.

Councillor Snow commented that staff were to return with a definition of rural / suburban / urban including the (tax structure) boundaries and asked that this information be brought forward prior to budget deliberations.

MOVED BY Councillor Adams that Council request that the former county areas, before amalgamation, be considered under the rural infrastructure plan. There being no seconder to the motion, **the motion was lost.**

Councillor Adams stressed that there must be clarification today on the definition of rural in regards to the allocation of the MRIF.

MOVED BY Councillor Adams, seconded by Councillor Walker that the original motion be amended to include the community of Herring Cove in the definition of rural pertaining to the allocation of MRIF funds.

MOVED BY Councillor Snow, seconded by Councillor Hendsbee that the original motion be amended to also include the community of Kinsac in the definition of rural pertaining to the allocation of MRIF funds. Without a vote being taken on this amendment, discussion ensued on the previous amendment.

Deputy Mayor Goucher suggested that Council pass the criteria in principle today with the understanding that specific communities could be added at a later date.

Ms. MacDonald responded to Councillor Streach that other service agreements would not happen if Herring Cove was considered a rural centre.

The amended motion reads as follows:

MOVED BY Councillor Streach, seconded by Deputy Mayor Goucher that the Committee of the Whole recommend that Regional Council:

- 1. Approve 80% of MRIF Funding be allocated to rural projects and 20% elsewhere.**
- 2. Adopt the definitions for rural as used in the proposed Regional Plan for rural commuter, rural resource and agricultural as shown in the map in Attachment "A".**

3. **Approve the inclusion of the community of Herring Cove in the definition of rural pertaining to the allocation of MRIF funds.**

MOTION PUT AND PASSED.

4. **PROPOSED HARMONIZED BY-LAW A-300 - RESPECTING ANIMALS**

- A report dated June 29, 2005 was before Council.
- Four suggested amendments submitted by Councillor Younger were before Council.
- An e-mail dated October 25, 2005 from Councillor Sloane was before Council.

Mr. Brad Anguish, Director, Environmental Management Services, presented the report assisted by Mr. Allan Waye, General Manager, Community Projects, EMS, Ms. Andrea MacDonald, Manager, Animal Control/Taxi & Limo Services, and Ms. Stefanie Turner, Operations Coordinator, Animal Control Services.

MOVED BY Councillor Hendsbee, seconded by Councillor Harvey that Council give first reading to By-Law A-300, Respecting Animals (attached as Appendix "A"), and set a public hearing date to adopt the By-Law and repeal the existing animal related By-Laws to come into effect June 1, 2006.

Mayor Kelly left the meeting at 2:19 pm. Deputy Mayor Goucher assumed the Chair at this time.

Mr. Waye and Ms. MacDonald advised that staff were not looking for a recommendation today as there are minor refinements to be made to the draft By-Law.

Councillor Smith arrived at 2:24 pm.

Deputy Mayor Goucher suggested the motion be to approve in principle in order to move the item forward for a notice of motion at this evening's Council session.

Councillor Younger suggested an increase to the fees to make the program more cost recovery.

MOVED BY Councillor Younger, seconded by Councillor Uteck that the four following amendments be included in the by-law:

1. **Replace Section 14 with the following:**

NOISE

- 14 (1) **No owner of an animal shall knowingly or not knowingly allow any animal to make noise excessively.**

- (2) For the purposes of this section, a dog shall be deemed to be making noise excessively if it barks or howls repeatedly for a period of twenty (20) minutes.

2. Add the following to Section 17:

- (9) The municipality may, by Administrative Order, establish a committee to monitor shelter operations and establish guidelines on humane treatment and euthanasia.

3. Add and/or modify Section 18 as follows:

Amend (1) by adding:

“business” between “three (3)” and “days”

Amend (a) to read:

(a) be sold, adopted; or

Add a new section (3) as follows:

(3) Notwithstanding any other provision of this by-law, no animal kept by the shelter keeper may be sold, adopted, or otherwise disposed of for laboratory or any other experimental purpose.

4. In Section 20 replace the minimum fine of \$100 with a minimum fine of \$200.

As the four amendments were distributed just prior to today’s Council session without an opportunity for staff/Councillors to review the information, Ms. Donovan suggested that staff provide a supplementary report that would speak to Councillor Younger’s four proposed amendments before the draft by-law goes forward for first reading. The supplementary report could provide some refinement in the language to achieve the objective of the amendments without causing prosecution problems.

Ms. Donovan clarified for Councillor Younger that no notice of motion has been given therefore, Council may approve in principle what has been presented then give notice of motion this evening. The supplementary report would be available at the first reading stage.

Councillor Younger stressed that the information contained in the supplementary report be included in the by-law in advance of the public hearing.

Various members of Council expressed concern with the inability of HRM to enforce some of the regulations in the proposed by-Law such as: not feeding waterfowl on HRM property, requirement for certificates of spaying/neutering of cats, licensing of cats. Concern was also

expressed that some aspects of the by-law would set false expectations and that the limitation of three dogs/three cats would be taking rights away from responsible pet owners.

Councillor Snow commented that By-Law Enforcement (animal control) is the most underfunded department in HRM and there is no point in having a by-law if we do not have the resources.

Councillor Kent suggested the wording be reviewed as some of the definitions are confusing.

Councillors Wile, Adams and Harvey suggested that there be some provision in the by-law regarding citizens who deliberately feed pigeons (waterfowl) on private property.

Ms. Donovan suggested the concern of feeding pigeons on private property be included in the supplementary report.

Deputy Mayor Goucher recommended that Councillor Younger's amendments and additional comments of Council heard today be considered by staff. He clarified that the current motion is to include the licensing and limitation of cats in the by-law.

Mr. Anstey responded to Councillor Smith that the February 8, 2005 minutes show that Council approved in principle the section respecting cats. Additional issues such as limitation and licensing are now to be considered.

Mr. Anguish explained that the licensing of cats will be part of the budget preparation as money will have to be invested to commence the program. He advised staff will return with more information on that matter at a later date.

Councillor Murphy expressed concern that the public have not been educated on spaying/neutering/licensing of their pets nor have they been given information on how to be a responsible pet owner. Mr. Anguish responded that funds are being reclaimed in regards to the current contract as the education aspect was not fulfilled.

Mr. Anguish responded to Councillor Kent that the HRM website will be updated with information for the public once staff receive clear direction from Council on what it is Council would like to have included in the proposed by-law.

Councillor Hendsbee suggested that a fee and fine table be included with the by-law to provide clear reference to the registration fees as well as the fines for non-compliance. He further suggested that there be mandatory registration for all cats and dogs and that the penalization structure have incremental fines for repeat offenders. He encouraged the promotion of responsible pet ownership through the offering of a rebate on fees if the pet is spayed/neutered. He also suggested that addresses convicted of cruelty to animals be banned from the ownership of pets.

Council agreed that this item be **deferred** and that staff provide a supplementary report at that time. Council was encouraged to forward additional comments to staff for review.

5. **SERVICE DELIVERY STANDARDS - FIRE & EMERGENCY** (staff presentation)

Deferred to a future meeting due to time constraints.

6. **ADJOURNMENT**

The meeting adjourned at 4:05 p.m.

Jan Gibson
Municipal Clerk