

**CHEBUCTO COMMUNITY COUNCIL
MINUTES**

April 6, 2009

PRESENT: Councillor Mary Wile, Vice Chair
Councillor Stephen Adams
Councillor Russell Walker
Councillor Debbie Hum

REGRETS: Councillor Linda Mosher, Chair

STAFF: Ms. Kirby Grant, Solicitor
Ms. Shawnee Gregory, Legislative Assistant

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1. CALL TO ORDER

As the Chair had sent her regrets, the Vice Chair called the meeting to order at 7:01 p.m.

2. APPROVAL OF MINUTES - March 2, 2009

MOVED by Councillor Walker, seconded by Councillor Hum, that the minutes of March 2, 2009, be approved as presented. MOTION PUT AND PASSED.

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

Additions:

12.1 Case 01115: Stage II, Phase 4 Development Agreement - Mount Royale Residential Development - Regency Park Drive, Halifax

It was agreed that items 8.2.1 and 9.3.1 would be dealt with prior to item 8.1.1.

MOVED BY Councillor Adams, seconded by Councillor Walker, that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Tremont Park Alternate Main Entrance

Councillor Hum advised that there had been no progress on this issue and indicated that she would like it to remain on the Status Sheet.

4.1.2 Sherbrooke Stormwater Flooding Issues

Councillor Hum advised that she had received several emails from staff which she submitted for the record. She stated that the storm water issues were a private property matter and, therefore, staff would not be taking any further action on the matter.

Councillor Hum indicated that this item could be removed from the Status Sheet.

4.1.3 Intersection of Herring Cove Road and Purcell's Cove Road

Councillor Adams advised that there was no update on this issue and indicated that he would like it to remain on the Status Sheet.

4.1.4 Seawall Restoration - Regatta Point and Sir Sandford Fleming Park - North West Arm

Councillor Adams advised that there was no update on this issue and indicated that he would like it to remain on the Status Sheet.

4.1.5 District 10 Traffic Concerns

Councillor Wile advised that there was no update on this issue and indicated that she would like it to remain on the Status Sheet.

4.1.6 Request to Name the Baseball Diamond at Mainland Common the Harold Pelham Memorial Field

Councillor Wile advised that there was no update on this issue and indicated that she would like it to remain on the Status Sheet.

4.1.7 Traffic and Safety Issues on Melody Drive and Skylark Drive

Councillor Hum advised that there was no update on this issue and indicated that she would like it to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RECISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8.2.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance, File No. 15176 - 3 Sylvia Ave., Halifax

C A report dated March 26, 2009 was before the Community Council.

Ms. Brenda Seymour, Development Technician, provided the presentation on the Appeal of the Development Officer's Decision to Approve an Application for a Variance, File No. 15176 - 3 Sylvia Ave., Halifax. She advised that the property was owned by HRM and was currently in the process of being sold to the Home of the Guardian Angel which had been in operation for almost 30 years. She stated that the lands had been rezoned to accommodate the construction of a second storey and expanded services. In closing, Ms. Seymour indicated that while the situation on this property was not typical of the neighbourhood there had been no disregard of any By-Laws.

The Vice Chair reviewed the Rules of Procedure for Appeal Hearings and called for those wishing to speak for or against the appeal of the Development Officer's Decision to Approve an Application for a Variance, File No. 15176 - 3 Sylvia Ave., Halifax.

The Vice Chair called three times for speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Adams, seconded by Councillor Walker, that the variance appeal hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Adams, seconded by Councillor Hum, that Chebucto Community Council:

- 1. Uphold the Development Officer's decision to approve the variance; and**
- 2. Work with the applicant regarding parking issues.**

MOTION PUT AND PASSED.

9.3.1 Ferguson's Cove Neighbourhood Association re: Connaught Battery Park

C A copy of the Connaught Battery Park presentation was submitted.

Ms. Lesley Armstrong, Purcells Cove Heritage Society, and Mr. Roger Field provided the presentation on Connaught Battery Park. The following highlights were noted:

- C Connaught Battery Park was constructed by HRM in 1995;
- C The historical integrity of the site remains intact;
- C There was ease of access to the park with the exception of rocky footpaths running throughout;
- C The park has a small pond for skating as well as an open field area for soccer, horseback riding, kite flying and so on;
- C One main concern was that the provincial lease of this property had expired and had not been renewed by HRM;
- C The park did require several upgrades;
- C Drainage from the pond ran down the access path and into the parking area.

Ms. Armstrong and Mr. Field thanked the Community Council for hearing their presentation and for entertaining their specific maintenance requests.

MOVED BY Councillor Adams, seconded by Councillor Hum, that Chebucto Community Council request a staff report regarding the presenter's specific requests which included; HRM establishing a long term lease with the province or purchase of the full Connaught Battery Park area, commitment to retention and ongoing maintenance of the full park area, commitment to working with local community groups to develop and upgrade the park and ensuring appropriate zoning for the full park area. MOTION PUT AND PASSED.

It was noted that HRM currently maintained the grass at the park.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01234 - LUB Amendments re: Child Daycares, Halifax Mainland

- C A report dated February 5, 2009 was before the Community Council.
- C Correspondence from Fabio Sani dated April 6, 2009 was submitted.
- C Correspondence from Ms. Kays dated April 6, 2009 was submitted.
- C Correspondence from Shelley Sani dated April 6, 2009 was submitted.

Mr. Paul Sampson, Planner, provided the presentation on Case 01234 - LUB Amendments re: Child Daycares, Halifax Mainland. The following highlights were noted:

- C This proposal was initiated by Council;
- C The proposed daycare size reduction from 14 to 8 children before a development agreement would be required came as a result of public consultation;
- C On page 3 of the report dated February 5, 2009, the provincial ratio of 8 children per 1 teacher referred to a licenced setting;
- C 6 children per 1 teacher was the provincial ratio in an unlicenced setting;
- C 8 children was the maximum number of school age children that could be cared for by 1 person;
- C Staff did not recommend any changes to separation distance or owner occupancy;
- C If the Community Council was to approve the amendment; slightly more development agreements would come before them;
- C The amendment would not impact existing facilities.

Councillor Walker clarified that the approximately 15 to 17 existing daycares in District 15 would be grandfathered and, therefore, would not effected by the amendment.

It was clarified that the only issue being addressed would be the amendment that any daycare with over 8 children would require a development agreement.

The Vice Chair reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01234 - LUB Amendments re: Child Daycares, Halifax Mainland.

Ms. Bonny Martell, Fairview, stated that, according to her, one was only considered a babysitter if watching 8 children or less; noting that the amendment would create many new babysitters and no licenced daycares.

Mr. Sampson clarified that there were cases when a licence was required to look after more than 6 children depending on their age.

Ms. Martell stated that a business owner would not take in more than 8 children if it meant that they needed to apply for a licence. She indicated that she had 2 children, ages 13 and 5; noting that her youngest child attended a licenced daycare in Fairview. She advised that she had lived in Fairview for 6 years; noting that she had lived in another area for 2 years without a licenced daycare and did not have a good experience. Ms. Martell stated that she had concerns when her daycare provider had informed her of the public hearing as the proposed development agreement would be the only one of this kind in HRM. She read an excerpt from the Declaration of the Rights of a Child from the Declaration of Human Rights. She advised that it held relevance in trying to protect the most vulnerable in society as it stated that it was our responsibility and that of the government to ensure that the rights of the child were paramount. In closing, Ms. Martell indicated her belief that the proposed amendment would discourage licenced daycare owners.

Ms. Ann Marie Tobin, Clayton Park, stated that she was proud to be working with the Magic Beings Child Care Centre. She indicated that she worked with a young boy with autism; noting that the wonderful thing about having a licenced child care centre was the opportunity for inclusion as he was now part of a group of children who accepted him. She advised that licenced child care centres had specific programs to follow including proper menus, educational outings and the requirement to hire staff who were certified early childhood educators. In closing, Ms. Tobin stated that there was a big difference between licenced and unlicenced daycares and while people should be respected for taking children into their homes the same respect must be given to licenced facilities.

Mr. Sampson clarified the difference between provincial licencing and HRM permits for daycare facilities. He stated that HRM issued permits for as of right daycares and through development agreements for larger centres; noting that it was strictly a matter of land use when HRM and the public became involved.

Mr. Graham Steele, Fairview, advised that he was speaking as the MLA for Fairview and as a parent whose children attended the Magic Beings Child Care Centre. He stated that it would be a mistake for the Community Council to adopt the amendment as the benefits were outweighed by the negative impact it would cause. He indicated that the amendment would limit the range of daycares that were available as no operator would apply for a licence if the number changed which would create more unlicenced daycares. Mr. Steele stated that he could not disagree more with the staff report; noting that the Department of Community Services had taken no position on the issue and had simply provided information to HRM staff regarding how licences work. He stated that everyone in the room knew that the amendment would not effect the Magic Beings Child Care Centre, however, he did not want to send his children to a daycare that violated municipal bylaws as they were in full compliance with Department of Community Services regulations. Mr. Steele advised that neighbours were not opposed to this kind of daycare; noting that one couple had moved into the neighbourhood and did not like it and had since moved. He indicated that the owner had shown that she would deal with neighbourhood concerns; noting that families and workers came from the area making the centre an important community institution. He stated that many HRM schools were in R1 zones and that the Magic Beings Child Care Centre was across from a school. He did not HRM to limit their options when having larger daycares beside schools were a blessing for the community. In closing, Mr.

Steele advised the Community Council to turn down the staff recommendation or send the report back to staff for further information.

Ms. Helen Davies, Fairview, stated that she had lived in Fairview all her life and that her children attended the Magic Beings Child Care Centre. She intended for them to go there again when they began at Fairview Junior High School as the school did not have enough lunchtime programming. She noted that the daycare was a licenced program which followed rules and regulations. She indicated that she felt her children were safe there as she did with any other licenced facility and stated that she supported such facilities.

Ms. Cathy Ward, Fairview, stated that her children had attended the Magic Beings Child Care Centre for approximately four years. She stated that she had a choice between a licenced daycare or a private home and as a low income family she was able to get a subsidy for having them enrolled in a licenced facility. She stated that Magic Beings gave her children structure, activities and friends.

Mr. George Athanasiou, Fairview, stated that he was not there to speak to the Magic Beings Child Care Centre specifically. He indicated that if the amendment passed and owners had to go through rules and regulations they would just stick to having 8 children and under. He noted that by adopting this it would prevent people from providing a service. He believed that the existing number of 14 children was economically sound.

Ms. Jodi Tsitouras, Clayton Park, stated that she understood that the amendment was not going to effect that Magic Beings Child Care Centre, which she ran. She indicated that if the amendment went through residents would have limited access. She noted that private babysitters who looked after less than 8 school age children could not have subsidies which meant a cost to the parent of approximately \$20-\$25 a day versus \$30 a month at a licenced facility that was given subsidies. She was unsure if the Community Council really understood the implications of 8 versus 14 children; noting that the regulation used to be 30 square feet per child.

Ms. Bernadine MacAuley, Clayton Park, wished to point out the main issue in the staff report. She stated that on page 3, the ratio of 1 to 6 was in reference to preschool age children and 1 to 8 if it was a mix of preschool and school age children. She noted that the ratio for a licenced facility was 1 to 14 in HRM, however, she believed it should be 1 to 15. She indicated that development agreements were difficult to obtain and as a small business owner, if she had a daycare she would not have access to the resources to aooky for one. She stated that there was, therefore, no incentive of having a licenced daycare and that was why the amendment would create many more private daycares. She indicated that it was not as simple as going from 14 to 8; noting that the issue began as a change to make the definition consistent. In closing, Ms. MacAuley advised that the impact of this change would be far worse than the existing By-Law as it would be limiting community access to daycares.

Ms. Lisa Sarlanis, Fairview, stated that she was a parent and early childhood educator. She advised that early childhood eductors were trained and continually taking courses on dealing with children with different needs in a regulated environment. She noted that they

should not be compared with babysitters and was confident that the Community Council would maintain the current level of childcare and also encourage more.

Ms. Debbie Lewis-Boyce, Clayton Park, indicated that she had found it very difficult to find childcare once her maternity leave was over. She stated that she was only able to find someone for during the school year; noting that she had a negative experience one summer. She stated that when her daughter was 3 she went to the Children's Garden and that she now attended the Magic Beings Child Care Centre since starting school. Ms. Lewis-Boyce indicated that the Centre was a relief as her daughter did not have to walk on the road from school to get there and was looked after by staff like she was their own. In closing, she stated that she wished to support the Centre.

Ms. Stephanie Carver, Clayton Park, stated that she had 3 children who attended the Magic Beings Child Care Centre; one of whom was the autistic child that Ms. Tobin has previously mentioned. She requested that the Community Council not put up walls for licenced child care centres as they had access to subsidies for children with special needs. She stated that it was impossible to find childcare for a school aged special needs child and that it had been a miracle to find one; noting that she now went to work knowing that her child was in a safe environment. Ms. Carver noted that daycares were inundated with children with special needs and requested that no more impediments be put up. In closing, she noted that she knew the debate was not on licencing, however, when numbers were discussed so were available spaces.

Ms. Linda Christiansen-Ruffman, Furguson's Cove, stated that she was both a sociologist and teacher of Women's Studies and as such was concerned with the lack of affordable childcare spaces and the proposed amendment. She stated that the staff report advised that there had been no proof that the amendment would cause a reduction in childcare spaces, however, she was not convinced of this after hearing from the previous speakers; particularly in regards to special needs children. Ms. Christiansen-Ruffman advised of the danger of big box childcare centres moving in and the need for small scale options. She encouraged the Community Council to provide such options.

Ms. Janna Williams, Fairview, provided a list of things that a licenced child care centre was required to have that a private babysitter was not including; fire safety, nutrition, outside and indoor safety, education, friends, special needs, toys and the ratio. She stated that the ratio of 1 to 8 for babysitters also included their own children which was not the case at licenced centres.

Ms. Brenda Roach, Fairview, advised that she lived across the street from a daycare centre. She stated that, several years ago, when the neighbourhood had learned that a daycare would be moving into the area one of the neighbours had taken it upon himself to petition. She indicated that most neighbours, including herself, had signed the petition, however, looking back, she would now take her name off that list. She stated that she now knew the owners and thought it was important for children to leave school and not have to cross any streets to attend child care. In closing, Ms. Roach stated that, as a neighbour, she supported the Magic Beings Child Care Centre.

Ms. Audrey Jandreau, Silverwood Terrace, stated that she had operated a child care centre for nearly 20 years and that it was almost time for her to retire. She indicated that someone would want to open a new one in its place and that the proposed amendment was pushing towards unlicensed care. She noted that you would not be able to break even with 8 children and one worker. She stated that the amendment would impact other centres in the area and while unlicensed child care centres were okay they were unable to provide subsidies for the growing number of single parent families. Ms. Jandreau indicated that when she opened her centre she had 6 years of university and was a teacher yet she still had to return to school in order to obtain her child care licence which was not required of private babysitters. In closing, she advised that she did support private unlicensed care, however, her concerns revolved around quality care and keeping people in the business.

Ms. Melissa Tsitoras, Clayton Park, stated that her mother owned the Magic Beings Child Care Centre. She noted that she was part of the daycare and that it was safe and everyone was friends there.

The Vice Chair called three times for additional speakers. Hearing none, the following motion was placed:

MOVED BY Councillor Adams, seconded by Councillor Walker, that the public hearing be closed. MOTION PUT AND PASSED.

Mr. Sampson noted that the decision would be based on what was the appropriate balance between the need for conveniently located child care and the need for residential neighbourhoods.

A discussion ensued with Mr. Sampson responding to questions. He advised that the development agreement process would take approximately 8 months total; noting that the approval process for licencing and development agreements were two totally separate processes.

MOVED BY Councillor Walker, seconded by Councillor Hum, that Chebucto Community Council approve the proposed amendments to the Halifax Mainland Land Use By-Law as shown in Attachment A of the report dated February 5, 2009.

A discussion on the motion ensued.

Councillor Walker advised that the issue would not effect the Magic Beings Child Care Centre as it was grandfathered. He stated that child care centres could grow and apply for a development agreement and he thought that the amendment would actually increase spaces; noting that this method worked in Dartmouth. Councillor Walker stated, for the record, that it was his opinion that more residents were not present to oppose the change from 14 to 8 as these things did not seem to bother people until it was in their own backyard.

Councillor Hum thanked everyone for coming forward; noting that she had a number of great licenced and unlicenced daycares feeding into schools in her District. She stated that problems could be avoided if neighbours communicated with eachother more often. Councillor Hum requested a friendly amendment to the motion requesting that a staff report come back in approximately one year with an update on the situation. Councillor Walker agreed.

The motion now reads:

MOVED BY Councillor Walker, seconded by Councillor Hum, that Chebucto Community Council:

- 1. Approve the proposed amendments to the Halifax Mainland Land Use By-law as shown in Attachment A of the report dated February 5, 2009; and**
- 2. Request that a staff report come forward in a year with an update on this matter.**

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance, File No. 15176 - 3 Sylvia Ave., Halifax

This item was dealt with earlier in the meeting. Please see page 5.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS

9.1 Correspondence: None

9.2 Petitions: None

9.3 Presentations

9.3.1 Ferguson's Cove Neighbourhood Association re: Connaught Battery Park

This item was dealt with earlier in the meeting. Please see page 6.

10. REPORTS

10.1 Staff

10.1.1 Case 01003: MPS/LUB Amendments and Development Agreement Regatta Point, Halifax

C A report dated March 3, 2009 was before the Community Council.

MOVED BY Councillor Walker, seconded by Councillor Adams, that Chebucto Community Council recommend that Halifax Regional Council give First Reading to the proposed amendments to the Halifax Municipal Planning Strategy and the Halifax Mainland Land Use By-Law as shown in Attachment A and B of the report dated March 3, 2009 and schedule a joint public hearing with Chebucto Community Council. MOTION PUT AND PASSED.

10.2 Councillor

10.2.1 Street Renaming and Park Dedication to the Late Ron Hanson - Councillor Walker

C An extract of the Chebucto Community Council minutes dated March 2, 2009 was before the Community Council.

MOVED BY Councillor Adams, seconded by Councillor Walker, that Chebucto Community Council request that:

1. The street to be named Ron Hanson Drive be changed to Hanson Drive; and
2. The park to be named Ron “Butch” Hanson Park be changed to Butch Hanson Park.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 01115: Stage II, Phase 4 Development Agreement - Mount Royale Residential Development - Regency Park Drive, Halifax

C A report dated March 12, 2008 was before the Community Council.

Ms. Randa Wheaton, Senior Planner, provided the presentation on Case 01115: Stage II, Phase 4 Development Agreement - Mount Royale Residential Development - Regency Park Drive, Halifax.

MOVED BY Councillor Walker, seconded by Councillor Adams, that Chebucto Community Council:

1. Approve the proposed Stage II Development Agreement for Phase 4 of the Mount Royale Residential Development on Regency Park Drive, Halifax, presented as Attachment A of this report; and

2. **Require the proposed Stage II Development Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Adams

“Take notice that at the next meeting of Chebucto Community Council scheduled for May 4, 2009, I will ask staff to begin the process to rezone the lands of Connaught Battery Park (26 acres) to Park and Institutional (PID to follow). The intent of this motion is to protect this land against any future residential or commercial development.”

14. PUBLIC PARTICIPATION

Mr. Alan Ruffman, Ferguson’s Cove, stated that the Utility and Review Board decision on the Waterside Centre was on the Regional Council In Camera agenda the following day and while he did not know what staff was recommending he hoped that Council would be appealing the decision. He encouraged the Councillors to think seriously about their decision and listen to their staff as the developer had told the UARB that he was going to knock the heritage buildings down if he did not get his way.

Ms. Wendy MacDonald, Halifax, stated that it had come to her attention that documents regarding an analysis study to service an area in the Birch Cove lakes had gone to Council on February 17, 2009. She encouraged Council to refrain from discussing this site for development in the short term and instead encouraged staff to pursue the concept of a regional park. She hoped for Council’s consideration on this matter.

Councillor Hum advised that Council had already been in discussions with staff regarding this matter.

15. NEXT MEETING DATE

The next meeting was scheduled for Monday, May 4, 2009.

16. ADJOURNMENT

The meeting was adjourned at 8:57 p.m.

Shawnee Gregory
Legislative Assistant