

HALIFAX REGIONAL COUNCIL
MINUTES

April 21, 2009

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

REGRETS: Councillor Andrew Younger

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Sheilagh Edmonds, Legislative Assistant

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1. INVOCATION

The Mayor called the meeting to order 7:00 p.m. with the Invocation being led by Councillor Mosher

Councillor Blumenthal advised that today is Yom HaShoah—the day of the Holocaust memorial. He explained that this is a day when the world remembers the atrocities which occurred to over 6 million people, mostly Jewish, in Europe. Councillor Blumenthal noted that there is a holocaust going on today in Africa, and he added that he hoped the world will grow more tolerant of everyone, no matter what their race or religion. Councillor Blumenthal requested a moment of silence in memoriam of those who were murdered during the Holocaust.

Mayor Kelly asked members of Council to rise for a minute of silence.

Councillor McCluskey requested a minute of silence for the recent passing of Mr. Dan Little, a bus driver with Metro Transit.

Councillor Hum requested a minute of silence for the recent passing of Mr. Derek McDermitt, a community volunteer and coach of the Mount Saint Vincent University women's basketball team.

Mayor Kelly asked members of Council to rise for a minute of silence.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Deputy Mayor Hendsbee advised that tomorrow, April 22, 2009 is Earth Day and he encouraged all residents to take part in Earth Day activities.

Councillor Rankin advised of the Prospect Clean-up Day this Saturday, April 25, 2009 beginning at 9:00 a.m. at the Legion site.

Councillors Sloane and Harvey entered the meeting at 7:04 p.m.

Councillor Rankin advised of a youth dance for those between the ages of 11 and 16, to be held at Brookside Junior High School, Friday April 24, 2009 from 7:00 p.m. to 10:00 p.m.

Councillor Mosher offered congratulations to John W. MacLeod School and Flemming Tower for being selected for a grant to build an accessible playground which will be built June 17, 2009. Councillor Mosher added that from a recycling standpoint, the equipment at John W. MacLeod School will be recycled and put at Chocolate Lake Beach.

Councillor Mosher thanked the parents who attended the Imagine Our Schools meeting last night for their input, noting that over 240 parents attended.

Councillor Streach advised that April 23, 2009 the Marine Drive Valley and Canal Community Council will be holding a public hearing, and the Halifax Water Commission will be holding a meeting regarding water service extension to Middle Musquodoboit.

Councillor Dalrymple thanked 74 HRM volunteers that will be recognized Wednesday, April 22, 2009 and acknowledged and thanked the volunteers that will be recognized Wednesday, April 29, 2009 for the District 2 Volunteer Night at the Beaver Bank Recreation Centre. Councillor Dalrymple also thanked the First River Lake Scouts from Fall River, noting that this Saturday, April 25, 2009 from 10:00 a.m. to 2:00 p.m. they will carry out a community clean-up. He advised that over 150 youth will be out carrying out a clean-up of the community.

Councillor Watts noted that next week, some students of Oxford School will be visiting City Hall and speaking about their recent trip to Boston in regard to the work on environmental projects they've been doing.

Councillor Sloane advised that Citadel High School will be presenting the musical, *The Music Man*, and will be for two nights, beginning April 22, 2009 at St. Patrick's Auditorium. Councillor Sloane also advised that in recognition of Earth Day there will be a party from 11:00 a.m. - 7:00 p.m. tomorrow at Victoria Park,

Councillor Smith advised that Wednesday, April 22, 2009 the Regional School Board Meeting will start at 6:00 p.m. at the former Dartmouth Council Chamber. He added that the School Board will be discussing the \$11 million allocated for the renovations of the Dartmouth High School and the Student Advisory Committee are asking interested residents to attend.

Councillor Barkhouse recognized the volunteers at Oceanview Manor, Eastern Passage who will be celebrating voluntarism Wednesday, April 22, 2009. Councillor Barkhouse also advised of a literacy event Thursday, April 23, 2009 at 6:30 p.m. at Southdale North Woodside School.

Councillor Blumenthal thanked the Highland Park students, staff, and parents who helped out last Friday in cleaning up the north end of Halifax. He also offered congratulations to the volunteers of HRM who will be receiving awards Wednesday, April 22, 2009.

Councillor Mosher noted that today was Councillor Watts' birthday and she wished her a happy birthday. Regional Council provided birthday greetings to Councillor Watts through a round of applause. Councillor Watts thanked Council, and offered birthday greetings to her father, Herb Watts, noting that she shares the same birthday as he.

3. APPROVAL OF MINUTES: March 31, 2009

MOVED by Councillor Blumenthal, seconded by Councillor Wile that the minutes of March 31, 2009 be approved. MOTION PUT AND PASSED.

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

Additions:

- 13.1 Councillor Adams
 - (i) Request for Report re: Development Data, School Closures
 - (ii) Request for Report re: Feeding of Water Fowl on HRM Lakes
- 13.2 Property Matter - Woodlawn Public Library Lease
- 13.3 Legal Matter - Settlement of Claim

Deferrals:

- 8.1 Monarch Rivendale Water Service Boundary
- 11.2.1 Case 01003 - Municipal Planning Strategy / Land Use By-law Amendments and Development Agreement - Regatta Point, Halifax
- 12.1 Councillor Younger
"That the Grants Committee return to Regional Council within three months with a recommendation to Council outlining specific requirements, criteria, and scoring for: 1. Tax exemption levels; 2. Land sales for less than market value; and 3. Community grants.

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

- 5. **BUSINESS ARISING OUT OF THE MINUTES** - NONE
- 6. **MOTIONS OF RECONSIDERATION** - NONE
- 7. **MOTIONS OF RESCISSION** - NONE
- 8. **CONSIDERATION OF DEFERRED BUSINESS** - April 14, 2009

8.1 Monarch Rivendale Water Service Boundary

This item was deferred during the Approval of the Order of Business.

9. PUBLIC HEARINGS - 6:00 p.m. - Joint Public Hearing with Peninsula Community Council

9.1 Case 01095 - Municipal Planning Strategy / Land Use By-law Amendments - Pet Care Facility - 6430 Oak Street, Halifax (Supplementary Report)

A supplementary staff report dated March 30, 2009 was submitted.

A Power Point presentation was submitted.

An extract of the March 24, 2009 Regional Council Minutes, pertaining to this item, was submitted.

A report dated March 13, 2009 from the Chair of Peninsula Community Council, with attached reports dated February 27, 2009 from the Vice Chair of the District 12 Planning Advisory Committee, and staff report dated December 15, 2008 were before Council for consideration. These reports were originally submitted to Council March 24, 2009.

Correspondence was submitted from the following:

Mr. Bob Allison
Ms. Shauna Melanson
Mr. Robert MacLeod
Ms. Jessica Hayes
Ms. Heather D.
Mr. Tom MacRae
Ms. Lynn Sapp
Ms. Karine Renton
Ms. Donna MacRury
Ms. Coleen Logan
Mr. Chris Morris
Ms. Silvia Jay
Mrs. Lynn and Mr. Robin Douglas
Ms. Patricia Padmos
Mr. Robert A. Pottle
Ms. Joan Murray
Ms. Helen Sinclair
Mr. Gilles Belliveau
Mr. Michael Arnoldi
Ms. Janet Chernin

Mr. Paul Sampson, Planner 1, provided the staff presentation on the proposed site specific amendments to the Municipal Planning Strategy and Land Use Bylaw to allow a pet care facility at 6430 Oak Street, Halifax by development agreement.

Mayor Kelly reviewed the rules of procedure for public hearings and opened the hearing for those wishing to speak to this matter.

Ms Janet Chernin the applicant addressed Council in support of her application. Ms. Chernin noted that her operation has never had a citation for breaking any noise bylaws in HRM. In reference to the submitted supplementary staff report, she advised that she is more than willing to adhere to Section 1.3 - Applicability of Other By-laws, Statutes and Regulations - under General Requirements and Administration as contained in the draft Development Agreement, therefore complying with the requirements of any bylaw of the Municipality applicable to her lands. Ms. Chernin added that she chooses to keep her business to a small number of dogs, with a ratio of one person to six dogs, with the maximum number of dogs in her care of 12. She noted that she allows only four or five dogs to board at her home, and she never leaves them unattended. Ms. Chernin offered

her assistance to HRM staff if and when HRM decides to initiate standards for these type of businesses. In closing, Ms. Chernin thanked Peninsula Community Council for its support in the past and present, and her supporters.

Ms. Kat Horne, Sackville, addressed Council and spoke in support of the application and for the kind of business Ms. Chernin offers. She noted that there were no complaints from the neighbours and that Ms. Chernin's neighbours have written letters of support.

Mr. Tom Dorward advised that he has two dogs he puts in Ms. Chernin's dog daycare and finds that she provides terrific in-home care for them. He added that there has never been complaints against her business, and that he fully supports her being able to continue.

Ms. Jennifer Langille, Herring Cove, advised that she puts her dog in Ms. Chernin's dog daycare and that it is a service that she can't find anywhere else. Ms. Langille added that she feels very comfortable leaving her dog there because it is not left alone, and she would prefer this over putting the dog in a kennel. Ms. Langille also indicated that Ms. Chernin provides flexibility in her business, not seen in other types of dog care facilities, noting that last year there was a period of time she was infirmed and confined to home and the hospital, and she was able to keep her dog with Ms. Chernin during these times.

Ms. Heather Morrison advised that she did not have a dog in Ms. Chernin's dog day care, but she knows Ms. Chernin and is a member of Advocates for Responsible Pet Ownership (ARPO). She advised that the kind of business Ms. Chernin runs is the type of business that ARPO would like responsible owners to participate in. She added that well socialized dogs are not only a benefit to their owners, but the community at large.

Nadina MacRae advised that she grew up living next door to Ms. Chernin and she and her family found it very enjoyable living next door to a dog day care. She added that there has never been any problems from her property and Ms. Chernin does her utmost to keep her property clean and sanitary. As well, Ms. Chernin has done things to accommodate the neighbours by providing privacy fencing and keeping the noise to a minimum. Ms. MacRae advised that Ms. Chernin has a sense of responsibility to the larger community as well, noting that she raised \$12,000 for Point Pleasant Park after the hurricane.

The Chair called three times for additional speakers; there being none, it was **MOVED by Councillor Johns, seconded by Councillor Blumenthal that the Public Hearing close. MOTION PUT AND PASSED.**

MOVED by Councillor Watts, seconded by Councillor Sloane that Regional Council approve the amendments to the Halifax Municipal Planning Strategy and Peninsula Land Use By-law, as contained in Attachment A of the March 30, 2009 Supplementary staff report, to allow for a pet care facility at 6430 Oak Street, Halifax, by development agreement.

Councillor Watts advised that this has been a long standing issue and that it is, in a way, the turning point for a new evolution of this type of home-based dog care facility. She added that there has been a lot of discussion about the potential precedent this would set

and whether it is an appropriate use. This is why it is brought forward as a site specific amendment and will be done by Development Agreement. She noted that there were three letters received by the Clerk's Office, not in favour of this application, and although there is some diversity of opinion, there is overwhelming support for Ms. Chernin's business and the compatibility of the business within the neighbourhood. Councillor Watts indicated that she would be willing to work through these issues with the neighbourhood residents and Ms. Chernin.

MOTION PUT AND PASSED.

10. CORRESPONDENCE, PETITIONS & DELEGATIONS

10.1 Correspondence - None

10.2 Petitions - None

11. REPORTS:

11.1 CHIEF ADMINISTRATIVE OFFICER:

11.1.1 Tender 09-152 - Construction of the Prospect Road Community Centre, 2141 Prospect Road, Hatchet Lake

A staff report dated April 7, 2009 was submitted.

MOVED by Councillor Rankin, seconded by Councillor Lund that Regional Council award Tender No. 09-152 Construction of the Prospect Community Centre to Bird Construction Company for a Total Tender Price of \$6,297,788.84 (net HST included) with funding from Capital Account No. CBG00720 - Prospect Community Centre, as outlined in the Budget Implications section of the April 7, 2009 report.

Councillor Rankin acknowledged and thanked members of staff, the architect, and members of the community who worked on this project. He also thank members of Council and Mayor Kelly for their assistance.

MOTION PUT AND PASSED.

11.1.2 Tender 09-216 - Pavement, Curb & Sidewalk Renewal, Seaforth Street and Sidewalk & Curb Renewal, Fern Lane - West Region

A staff report dated March 30, 2009 was submitted.

MOVED by Councillor Watts, seconded by Councillor Blumenthal that Regional Council award Tender No. 09-216 - Pavement, Curb & Sidewalk Renewal - Seaforth Street & Sidewalk & Curb Renewal - Fern Lane to Ocean Contractors Limited for a Total Tender Price of \$339,247.12 (net HST included) with funding from Capital Account Nos. CYU01081 - Paving Renewal Program and CKU 01084 - Sidewalk Renewals, as outlined in the Budget Implications section of the March 30, 2009 staff report. MOTION PUT AND PASSED.

11.1.3 Tender 09-230 - New Paving of Gravel Roads, Autumn Drive, Patricia Road and Harmes Drive, Cow Bay - East Region

A staff report dated April 9, 2009 was submitted.

MOVED by Councillor Barkhouse, seconded by Councillor McCluskey that Regional Council award Tender No. 09-230, New Paving of Gravel Roads, Autumn Drive, Patricia Road and Harmes Drive, Cow Bay - East Region to LaFarge Canada Inc. for a Total Tender Price of \$147,386.33 (net HST included) with funding from Capital Account No. CZU01080 - New Paving HRM owned Subdivision Streets, as outlined in the Budget Implications section of the April 9, 2009 staff report. MOTION PUT AND PASSED

11.1.4 Tender 09-238 - Thin Overlays Phase 1, Various Locations

A staff report dated March 24, 2009 was submitted.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Regional Council:

- 1. Award Tender No. 09-238, Thin Overlays - Phase 1 - Various Locations to Lafarge Canada Inc. for a Total Tender Price of \$744,171.66 (net HST included) with funding from Capital Account No. CZU01082 - Resurfacing Program as outlined in the Budget Implication section of the March 24, 2009 staff report;**
- 2. Approve an increase in the Gross Capital Budget of Capital Account CZU01082 - Resurfacing in the amount of \$100,000, funded from HROP GL2314 - Natural Gas Future Settlement Charges as per the Budget Implication section of the March 24, 2009 staff report to reflect the resurfacing of street(s) that currently have a natural gas pipeline from Heritage Gas.**

MOTION PUT AND PASSED.

11.1.5 Second Reading By-Law S-427, An Amendment to By-Law S-400, Respecting Charges for Street Improvements

A staff report dated March 11, 2009 was before Council for consideration. This report was originally submitted to Council on March 24, 2009.

An extract of the March 31, 2009 Regional Council minutes was submitted.

MOVED by Councillor Lund, seconded by Councillor Sloane that Regional Council approve By-Law S-427, An Amendment to By-Law S-400, Respecting Charges for Street Improvements, as attached to the March 11, 2009 staff report. MOTION PUT

AND PASSED.

11.1.6 Public Utilities Act Amendment

A staff report dated April 9, 2009 was submitted.

MOVED by Councillor McCluskey, seconded by Councillor Sloane that HRM seek from the Province an amendment to the *Public Utilities Act* as set out in Appendix “A” of the April 9, 2009 staff report. MOTION PUT AND PASSED.

11.2 CHEBUCTO COMMUNITY COUNCIL:

11.2.1 Case 01003 - Municipal Planning Strategy / Land Use By-law Amendments and Development Agreement - Regatta Point, Halifax

This item was deferred during the Approval of the Order of Business.

11.3 HARBOUR EAST COMMUNITY COUNCIL:

11.3.1 Feasibility Study / Conceptual Facility Development Study - Dartmouth Sportsplex

A report dated April 15, 2009 was submitted from the Chair of the Harbour East Community Council.

Councillor Smith addressed the matter and indicated that staff have advised him that \$100,000 has already been incorporated for discussion in the upcoming budget deliberations and, therefore, there was no need for a recommendation at this time.

11.4 SPECIAL EVENTS ADVISORY COMMITTEE:

11.4.1 Special Events Grant Funding Requests

A report dated April 15, 2009 was submitted from the Chair of the Special Events Advisory Committee, with an attached staff report dated February 13, 2009.

MOVED by Councillor Johns, seconded by Councillor Sloane that Regional Council:

- 1. Approve the 2009/10 funding amounts identified in Table 2 (page 6) of the report dated February 13, 2009 from the Marketing Levy Special Events Reserve (Q315) amended as follows:
(l) The CTV Olympic Celebration proposed funding amount of \$25,000 be reduced to zero (0).**
- 2. Approve the 2009/10 funding amounts identified in Table 3 (page 11) of the report dated February 13, 2009 from the Festival & Events program**

(C760) as outlined in the Budget Implications section and amended as follows:

- (i) The Atlantic Comedy Festival be awarded an increase of \$500 for a total award of \$3,500.00.**
- (ii) The Weir Rockin' Event be added and awarded \$2,000.**
- (iii) The Winter Regatta, Halifax-Dartmouth Waterfront proposed award of \$750 be removed as the event did not occur.**

Councillor Johns asked that if the Councillors had any concerns or amendments with regard to grants, that they refer them back to the Special Events Advisory Committee for consideration.

MOVED by Councillor Adams, seconded by Councillor Sloane that the request by the Canadian Senior Baseball Championships be referred back to the Special Events Advisory Committee for further consideration. MOTION PUT AND PASSED.

Mr. Andrew Whittemore, Manager, Community Relations and Cultural Affairs, responded to questions.

Councillor McCluskey advised that she was told that the Tall Ships scheduled to come to Dartmouth this summer, were not eligible to receive funds.

Mr. Whittemore indicated he was not aware of this concern, and he advised that he would look into it.

Councillor Mosher advised that last year under the Halifax Regional Water Commission and the sewage treatment plants, \$5000 was set aside for her's and Councillor Uteck's district for events like the Dingle Beach Party. She added that through her own fundraising efforts, she had paid for almost her entire event. Councillor Mosher advised that this year's event has different plans and will be more expensive, and she questioned if this item could go back to the Committee to see if there is money leftover from the Harbour Solutions project that should have gone to her event in the first place.

MOVED by Councillor Mosher, seconded by Councillor Adams that the Dingle Beach Party event be referred back to the Special Events Advisory Committee for further Consideration . MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Sloane that The Canadian Forces Halifax Rock Fest be referred back to the Special Events Advisory Committee for further consideration. MOTION PUT AND PASSED.

Councillor Johns asked that for those items the Councillors have referred back to the Committee, the Councillor be in attendance at the meeting when the Committee deals with the item.

MOTION PUT AND PASSED.

MOVED by Councillor Lund, seconded by Councillor Rankin that staff provide a report on the possibility of increasing funding for festival and events grants by \$15,000, and that the Laser Days of St. Margaret's Festival of the Arts be considered for approval by the Special Events Advisory Committee. MOTION PUT AND PASSED.

12. MOTIONS:

12.1 Councillor Younger

This item was deferred during the Approval of the Order of Business.

13. ADDED ITEMS:

13.1 Councillor Adams

(i) Request for Report re: Development Data, School Closures

Councillor Adams advised that he felt HRM needs a more streamlined process in regard to development data and schools. He advised, for example, that over the past couple of months, *Imagine Our Schools* have been examining schools in Districts 17 and 18. He pointed out that the information they received was different from the information he and Councillor Mosher received. Councillor Adams added that in regard to development data, he would like staff to not only look at the approved development and lots but the potential development, as well. He noted that one development shows 28 approved lots, but in fact they are 28 semi-detached lots, resulting in 56 units. Councillor Adams advised that this is important information when it comes to deciding which schools to keep open.

Councillor Mosher added that a consultant with the *Imagine Our Schools* made recommendations based on projections for enrollment, which was on the development data she received from HRM staff. Since this time, Councillor Mosher pointed out that the consultant has received revised data. Councillor Mosher emphasized the need to have the 'potential' development data as well as the present proposals, noting that the *Imagine Our Schools* process is looking at projected enrollment for the next 10 to 15 years, so the information they are working from needs to be accurate.

MOVED by Councillor Adams, seconded by Councillor Mosher that staff provide updated development data to the School Board (Imagine Our Schools process) and the Councillors.

Mr. Paul Dunphy, Director, Community Planning advised that late yesterday he became aware of the issue, and advised that due to a communication breakdown at the staff level, the data that was built into the Regional Plan (built and unbuilt planned areas) is the basis for which the *Imagine Our Schools* process should be working from, and which would be provided to Councillors.

MOTION PUT AND PASSED.

(ii) Request for Report re: Feeding of Water Fowl on HRM Lakes

Councillor Adams advised of a situation in Williamswood, on Moody Lake where people were feeding birds that gather sometimes at 200 at any given time. The result is the fouling of the lake and the docks along the lake. Councillor Adams indicated that he's looked into the matter and the Municipality cannot do anything more because it does not have the enabling legislation.

MOVED by Councillor Adams, seconded by Councillor Sloane that the Mayor write a letter to the Province requesting that legislation be put in place to prohibit the feeding of water fowl including ducks, seagulls, etc. on all lakes within HRM, as it interferes with migratory patterns; the feces is bad for the lakes; and bread, etc., is bad for the birds. MOTION PUT AND PASSED.

13.2 Property Matter - Woodlawn Public Library Lease

This matter had been dealt with at an In Camera session held earlier on this date and was now before Council for ratification.

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Halifax Regional Council:

- 1. Authorize the Halifax Regional Library Board to enter into a lease with Loblaw Properties Limited, subject to Provincial Ministerial approval, as outlined in the report dated April 3, 2009;**
- 2. Approve payment of \$600,000 to Loblaw Properties Limited to complete tenant leasehold improvements, subject to Provincial Ministerial approval as detailed in the budget implications section of the report dated April 3, 2009;**
- 3. Approve the advance funding of the Operating Cost of Capital of \$442,878 from the 2009/10 Operating Budget to fund Woodlawn Public Library operating expenditures increase in order to execute the lease agreement by April 30, 2009.**
- 4. Not release to the public the Private and Confidential report dated April 3, 2009.**

MOTION PUT AND PASSED.

13.3 Legal Matter - Settlement of Claim

This matter had been dealt with at an In Camera session held earlier on this date and was now before Council for ratification.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that Halifax Regional Council:

1. **Settle the claim brought by the Plaintiff in the amount of \$20,000.00 to achieve a full settlement fo the Plaintiff's action upon obtaining a full release from the Plaintiff from any further claims arising out of the incident of November 13, 2006.**
2. **That the private and confidential report dated April 1, 2009 not be released to the public.**

MOTION PUT AND PASSED.

14. NOTICES OF MOTION: None

15. ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Julia Horncastle
Acting Municipal Clerk

INFORMATION ITEMS
April 21, 2009

1. Proclamation - Holocaust Memorial Day - April 21, 2009
2. Proclamation - World Malaria Day, April 25, 2009
3. Proclamation - Barbershop Harmony Week, April 25 - May 2, 2009
4. Memorandum from the Acting Municipal Clerk dated April 17, 2009
re: Requests for Presentation to Council - None