

March 29, 2007

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, March 29, 2007 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Councillor Bill Masters	District #2
Deputy Mayor Hughie Matheson, Chair	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Soley Lynds	District #8
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Absent:

Mayor Mike Smith	
Councillor Bob Taylor	District #1

Public Hearing - Municipal Planning Strategy and Land- Use By-law - Zoning Map Amendment

Deputy Mayor Matheson called this public hearing to order respecting an amendment to the 2002 Central Colchester Municipal Planning Strategy and Land-Use By-law. The amendment is for the Bible Hill/Valley Future Land-Use Map from Low Density Residential to High Density Residential for two properties on Farnham Road and the subsequent rezoning of these properties to R-4, Multiple Residential High Density.

The text for this proposed amendment and a related staff report have been circulated to Council members and have been made available to the public.

The Clerk advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Deputy Mayor Matheson reminded all Councillors that only those present throughout the public hearing can vote on the amendment when it is eventually considered by Council. This public hearing is Council's opportunity to hear the amendment and every concern of area residents. Individual Councillors will have an opportunity to debate the merits of the amendment when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Ms. Pam Macintosh, Acting Planner, presented a brief overview on

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this amendment. The amendment was brought about through an application from Mr. Gerald Crosby last fall to rezone two properties to commercial, one being at 164 Farnham Road and a small vacant parcel adjoining the main one located in Bible Hill. This request was made in order to facilitate a pending sale, the success of which hinges on the success of this amendment. The intended purchasers of the properties, Robert and Kathryn Dockrey, are planning to convert the existing building at 164 Farnham Road into 12 bachelor apartment units. Mr. Crosby has been unsuccessful at trying to sell this building as a single unit. Staff recommend this amendment be approved.

Mr. Robert Dockrey indicated that his plans to convert this building into a 12-unit bachelor apartment dwelling came about because of the shortage of one-person places to live. Other than enlarging the parking lot, there will be no noticeable changes to the grounds or the exterior of the building.

Councillor Masters presented a report on behalf of the Planning Advisory Committee. At a meeting held on February 1, 2007, the Committee agreed that this amendment should be forwarded to a public hearing.

The Clerk advised that no written submissions have been received regarding this amendment.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters
Seconded by Councillor Cavanaugh

“Having had Second Reading, Council approves the amendment of the Municipal Planning Strategy and Land-Use By-law, specifically the Bible Hill/Valley Future Land-Use Map from Low Density Residential to High Density Residential for two properties on Farnham Road (PID Nos. 20066411 and 20066403), and the subsequent rezoning of these properties to R-4, Multiple Residential High Density.”

Motion Carried Unanimously.

Deputy Mayor Matheson indicated that this is an amendment which may require the approval of the Minister of Service Nova Scotia and Municipal Relations and will not come into effect until any

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such approvals have been obtained. Council's decision on this amendment is not appealable to the Nova Scotia Utility and Review Board.

As there was no further business, Deputy Mayor Matheson declared this public hearing closed.

**Public Hearing -
Development
Agreement - 164
Farnham Road,
Bible Hill**

Deputy Mayor Matheson called this public hearing to order respecting an application made by Kathryn and Robert Dockrey for a proposed development agreement to allow the conversion of an existing dwelling into a 12-unit bachelor apartment building. The text for this application and a related staff report have been circulated to Council members and have been made available to the public.

The Clerk advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Deputy Mayor Matheson reminded all Councillors that only those present throughout the public hearing can vote on the development agreement when it is eventually considered by Council. This public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have an opportunity to debate the merits of the development agreement when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Ms. Macintosh provided a brief overview of this application for a development agreement. The application was received from Kathryn and Robert Dockrey in association with the current property owner, Gerald Crosby, as part of a purchase and sale agreement. The agreement would permit the conversion of an existing dwelling into a 12-unit bachelor apartment building at 164 Farnham Road, Bible Hill. As this agreement satisfies all policy and associated criteria outlined in the Central Colchester Municipal Planning Strategy, staff are recommending that this application be approved.

Mr. Robert Dockrey indicated that within the current structure, there are 12 very large rooms with sufficient space inside each one to install a full bathroom, kitchenette and all appliances. There is also a firewall between each room.

Councillor Masters indicated that this application was discussed at the Planning Advisory Committee meeting on February 1st. What

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appealed to the Committee was the heritage aspect of the property and the fact that the outside of the building was not going to change.

The Clerk advised that no written submissions have been received regarding this application.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters
Seconded by Councillor Mingo

“That Council enter into a development agreement with Kathryn and Robert Dockrey that would allow for the conversion of an existing dwelling into a 12-unit apartment building at 164 Farnham Road in Bible Hill; and,

That this development agreement is subject to ministerial approval of the enabling policies and regulations, as adopted by Council on March 29, 2007, and subsequent public notification.”

Motion Carried Unanimously.

Deputy Mayor Matheson indicated that this is a development agreement which does not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council’s decision on this application is appealable to the Nova Scotia Utility and Review Board. Any appeal of Council’s decision must be made within 14 days of the advertising of same in local newspapers.

It should be noted that the development agreement will be approved on the understanding that the Municipal Planning Strategy and Land-Use By-law amendment is potentially subject to review of the Minister of Service Nova Scotia and Municipal Relations. Upon completion of the review, the Municipality will publish a notice in the local newspaper providing the effective date of the amendment. At the same time, it will publish a notice advertising that the development agreement has been approved, at which time, the 14-day appeal period will begin.

As there was no further business, Deputy Mayor Matheson declared this public hearing closed.

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“That the agenda for March 29, 2007 be approved with the following additions:

- add 10b: Request for Street Light at Saxby Lane
- add 10c: Debert Air Industrial Park”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor White
Seconded by Councillor Cooper

“That the minutes of meetings held on February 22, March 8 and March 22, 2007 be approved as circulated.”

Motion Carried Unanimously.

Business Arising from Minutes

Referring to ‘Business Arising’ on Page 2006-127, Councillor Cooper inquired as to whether there was any further update on approaching the Department of Environment and Labour regarding cost sharing in the sewer extension project in Brookfield. The CAO advised that he was going to ask the Department about possible funding for this project under the Capital Assistance Program.

Presentations

Arthur Turple, President and Malcolm Burt, Director of Network Engineering and Operations, Net Bundle

Mr. Burt introduced their company as being able to offer high speed fixed wireless internet, Voice Over Internet Protocol and Cable TV to the rural areas of Colchester County. Within the next year, they plan on putting towers in the most rural areas of the County. Their request to Council is to identify where there is a need for this service and locations within these areas to place the towers.

Moved by Councillor LeFresne
Seconded by Councillor Mingo

“That the presentation from Net Bundle be received.”

Motion Carried Unanimously.

Christine Blair, Chairwoman and Bob Christianson, Clerk and Treasurer, The Village of Bible Hill

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At the invitation of Council, Ms. Blair indicated that her purpose for being here this evening was to present the proposal for the Village of Bible Hill and the Municipality of Colchester to make a joint application to the Municipal Rural Infrastructure Fund to extend the water system in Bible Hill. She would like to see the County and the Village work together to see this \$1.5 million project completed by sharing in the cost of the municipal share of \$250,000 each.

Ms. Blair stated that the recurring stumbling block with this proposal is Colchester's request that the Village not compete against the Municipality for infrastructure funds. The Village cannot and will not agree to such terms because like Colchester, the Village needs that source of funding to deliver their mandate to the residents of Bible Hill.

Moved by Councillor Mingo
Seconded by Councillor White

"That the presentation from the Village of Bible Hill be received."

Motion Carried Unanimously.

**Bible Hill Water
Extension**

To accommodate those in the audience, Council agreed to move this item forward on the agenda.

Moved by Councillor LeFresne
Seconded by Councillor Mingo

"That the Municipality and the Village of Bible Hill jointly apply to the Municipal Rural Infrastructure Fund for two-thirds funding to enable the two water system expansions in Bible Hill; and,

That the remaining one-third share be shared on a 50-50 basis between the Municipality and the Village of Bible Hill, source of funds to be the gas tax revenue."

Motion Carried Unanimously.

Staff noted that this project would now become a priority under the Municipal Infrastructure Program and that it would be managed by the Village of Bible Hill.

Moved by Councillor Cavanaugh
Seconded by Councillor Mingo

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“That the recommendation from the Village of Bible Hill to set up a steering committee to work out the terms for the water system expansion project be referred to Council Committee.”

Motion Carried Unanimously.

At this point in the meeting, Councillor Mingo left the meeting and did not return.

**Standing Committee
Reports and
Recommendations**

Councillor LeFresne presented the reports from Council Committee meetings held on February 15 and March 8, 2007:

Rural Arenas

Moved by Councillor LeFresne
Seconded by Councillor White

“That Council approves the transfer of \$500,000 from the General Operating Budget in 2006-07 to the Operating Reserve for the Rural Arenas.”

Motion Carried Unanimously.

**Colchester
Arenas Audit**

Moved by Councillor LeFresne
Seconded by Councillor Masters

“That Council approves that the Municipality move forward with the issues identified in the three audit studies; engage engineering advice to provide options to achieve this, complete the North Shore Recreation Centre and Don Henderson Memorial Sportsplex and the West Colchester United Arena safety items currently included in the Arenas’ budget; and instruct staff to report back no later than May 2007 with engineering advice on setting out a process for dealing with all other safety issues by January 1, 2008.”

Motion Carried Unanimously.

**Budget Approval/Tax
Rate Resolution**

Moved by Councillor LeFresne
Seconded by Councillor Cooper

“That Council approves the 2007/08 Operating Budget with the additions/deletions as set out on March 8, 2007; and,

That the following Tax Resolution be approved as presented:

WHEREAS the Municipal Council of the County of Colchester is required to levy rates which it deems sufficient to raise the sum required to defray the expenditure of the Municipality of the County of Colchester for the current twelve month fiscal period;

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RESOLVED that pursuant to **Section 72 of the Municipal Government Act**, the Municipal Council of the Municipality of the County of Colchester estimates that sums amounting to **\$15,424,092** are required for the lawful purpose of the Municipality for the year ending **March 31, 2008**, after crediting the probable revenue from all sources other than rates for the abatement and losses which occur in the collection of the taxes for the said year which may not be collected or collectible;

FURTHER RESOLVED that the said Council authorize the levying and collection of a rate of **seventy-one (71 cents)** on each \$100.00 of the assessed value of the residential and resource property assessed in the **2007** Assessment Roll;

FURTHER RESOLVED that the said Council authorize the levying and collection of a rate of **two dollars (\$2.00)** on each \$100.00 on the assessed value of Commercial Property and Business Occupancy assessed in the **2007** Assessment Roll;

FURTHER RESOLVED that pursuant to **Section 78 of the Municipal Government Act** in lieu of all rates and taxes of the Municipality, an owner of forest property to which the said section applies shall pay tax equal to twenty-five (25) cents per acre on holdings of 50,000 or less and forty (40) cents per acre on holdings greater than 50,000 acres and where an area, village or commission rate is levied for fire protection, the owner shall pay an additional tax of one (1) cent per acre;

FURTHER RESOLVED that the said Council hereby requires payment of said rates to be made to the Tax Collector or Treasurer of the said Municipality on or before the 9th day of August, 2007;

FURTHER RESOLVED that said Council hereby imposes an additional percentage charge of 15% per annum on all rates and taxes remaining unpaid after the 9th day of August, 2007.”

Motion Carried Unanimously.

Executive and Audit Committee

Councillor Edwards will meet with the CAO for an update on the joint-use agreement for the Salmon River School.

ACTION ITEMS

Sewer Extension - Lornevale Road

Councillor Cooke requested that Council once again consider either putting this back on the Capital Budget Plan or scrapping the

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project altogether. If it does go back on the list, Councillor Cooke recommended that it be the original proposal of 1,700 meters and that it be left open as to whether it is a small bore system or a conventional type system. It was suggested that this should be placed in Year 5 of the Capital Budget Plan.

Moved by Councillor Cooke
Seconded by Councillor White

“That the original proposal of 1,700 meters for the Lornevale Road sewer extension be placed in Year 5 (2011-12), of the Capital Budget Plan.”

Motion Carried Unanimously.

**2007-08 to 2011-12
Capital Budget**

Moved by Councillor Cavanaugh
Seconded by Councillor Masters

“That the 2007-08 to 2011-12 Capital Budget be approved as presented, with the addition of the Bible Hill water project and the Lornevale Road sewer extension project.”

Motion Carried Unanimously.

**Request for Street
Light at Saxby Lane**

Moved by Councillor Cavanaugh
Seconded by Councillor Edwards

“That the request for a street light at the intersection of Saxby Lane, Farnham Mill Road and Vimy Road be referred to Council Committee.”

Motion Carried Unanimously.

**Debert Air
Industrial Park**

The CAO and Solicitor distributed a report to Council containing the necessary documents involved in the transfer from the Province to the Municipality of the Utilities' Assets at the Debert Air Industrial Park. Staff are requesting authorization from Council for the CAO and Solicitor to proceed with these negotiations.

The Solicitor, Mr. Dennis James, briefed Council on each of the documents which included the agreement for purchase and sale for Sewage Treatment Plants 1 and 2 (STP-1 and STP-2), including \$1.635 million to complete the partially constructed STP-1 and

replace STP-2, and leases for the land on which these plants are located. Further negotiations with the Province and the Confederacy of Mainland Mi'kmaq on the land transfer will take

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place over the next six to nine months. A more formal announcement on these negotiations will take place on Friday, March 30, 2007 at 3:00 p.m. in Debert.

Moved by Councillor Masters
Seconded by Councillor White

“That the Mayor and Chief Administrative Officer be authorized to sign all necessary documents to complete the transfer of the Debert Air Industrial Park Utilities’ Assets from the Province of Nova Scotia to the Municipality of Colchester; and,

That the Chief Administrative Officer be authorized to enter into a service agreement with the Province of Nova Scotia within 10 days following the closing date of this transaction on March 30, 2007, subject to the satisfaction of the Municipal Solicitor.”

Motion Carried Unanimously.

Correspondence

Council requested the following ‘Correspondence’ items be moved from Information to Action:

- No. 1: copy of 2011 Canada Winter Games Bid Evaluation Report dated February 19, 2007
- No. 4: letter dated March 2, 2007 from Transportation and Public Works concerning intersection Highway 102 and Trunk 2, Onslow
- No. 8: invitation dated March 14, 2007 from N.S. Provincial Exhibition Commission to information meeting on future of harness racing
- No. 17: letter dated March 28, 2007 from Northern Aids Connection Society regarding denial of grant from County’s grants to non-profit organizations program

ACTION

**Tim Priest, President,
Colchester County
Truckers Association**

A letter to Mayor and Council dated March 7, 2007 from **Tim Priest, President, Colchester County Truckers Association**, concerning the practice of hiring equipment from local companies for County work sites.

Moved by Councillor Cavaugh
Seconded by Councillor Cooke

“That the letter from the Colchester County Truckers Association

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concerning the practice of hiring equipment from local companies be referred to Council Committee.”

Motion Carried Unanimously.

**Mayor Bill Mills,
Town of Truro**

A letter to Mayor and Council dated March 7, 2007 from **Mayor Bill Mills, Town of Truro**, requesting a 50% municipal share for the Wade Road water extension and the CAO’s interim response.

Moved by Councillor Edwards
Seconded by Councillor Lynds

“That the letter from the Town of Truro requesting a 50% municipal share for the Wade Road water extension be referred to Council Committee.”

Motion Carried Unanimously.

**Charles P. MacLeod,
1006 Salmon River
Road, Truro**

A letter to Mayor and Council dated March 26, 2007 from **Charles P. MacLeod, 1006 Salmon River Road, Truro**, requesting a rezoning of property at 1006 Salmon River Road.

Moved by Councillor Edwards
Seconded by Councillor White

“That the letter from Mr. Charles MacLeod requesting a rezoning of property at 1006 Salmon River Road be referred to the Planning Advisory Committee.”

Motion Carried Unanimously.

**Canada Games
Evaluation
Committee**

A copy of the 2011 Canada Winter Games Bid Evaluation Report dated February 19, 2007 received from the **Canada Games Evaluation Committee**.

Councillor Cooper’s recommendation to refer this report to a future Committee meeting to discuss in more detail was not supported by Council.

**Peter Hackett, Area
Manager-Colchester,
Transportation &
Public Works**

A letter to the CAO dated March 2, 2007 from **Peter Hackett, Area Manager-Colchester, Transportation and Public Works**, regarding the intersection of Highway 102 and Trunk 2, Onslow.

As there was no mention in the letter regarding the County’s request for a street light at this intersection, Councillor Lynds asked that staff follow up with Transportation and Public Works to ensure a response is received on this matter.

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**Jeff Yuill, Chairman,
NSPE Commission**

A copy of an invitation dated March 14, 2007 from **Jeff Yuill, Chairman, N.S. Provincial Exhibition Commission**, to attend an information meeting on April 4th on the future of harness racing.

The CAO advised that this invitation may be in lieu of Council's earlier request to the Commission to make a presentation on the Racino issue. Both Councillor Masters and Councillor Cavanaugh indicated their plans to attend the meeting on April 4th.

**Albert McNutt,
Chairperson,
Northern Aids
Connection Society**

A letter dated March 28, 2007 from **Albert McNutt, Chairperson, Northern Aids Connection Society**, regarding the denial of an application from the Society to the County's grants to non-profit organizations program.

As there is no appeal process in place for this program, staff were directed to respond to the Northern Aids Connection Society advising them that their application for a grant will not be reconsidered and that no further action will be taken.

INFORMATION

**Peter Hackett, Area
Manager, Colchester**

A letter to Mayor Smith dated February 21, 2007 from **Peter Hackett, Area Manager, Colchester**, regarding traffic lights at Valley crossroads. Council agreed to receive this letter for information purposes.

**Lloyd Hines, Chair,
Assessment Services
Transitional Board**

A copy of a letter dated February 23, 2007 from **Lloyd Hines, Chair, Assessment Services Transitional Board**, concerning the 2007-08 budget for assessment services. Council agreed to receive this letter for information purposes.

**Union of N.S.
Municipalities**

A copy of an email dated March 5, 2007 from the **Union of N.S. Municipalities**, regarding the outcome of a UNSM Board meeting. Council agreed to receive this email for information purposes.

**Union of N.S.
Municipalities**

A copy of an email dated March 9, 2007 from the **Union of N.S. Municipalities**, with an update on the meeting of Mayors/Wardens. Council agreed to receive this email for information purposes.

**Allan Sullivan,
Emera**

A copy of a press release dated March 12, 2007 from **Allan Sullivan, Emera**, regarding Nova Scotia Power seeking more renewable energy sources. Council agreed to receive this press release for information purposes.

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- Building Inspector** A copy of the Building Permit Statistics Report for the month of February 2007 received from the **Building Inspector**. Council agreed to receive this report for information purposes.
- Development Officer** A copy of the Development Activity Report for the month of February 2007 received from the **Development Officer**. Council agreed to receive this report for information purposes.
- Clifford Sandeson,
Program
Coordinator,
Imagemakers
Photography Club** A letter received March 22, 2007 from **Clifford Sandeson, Program Coordinator, Imagemakers Photography Club**, requesting financial assistance for a projector and laptop and the CAO's response. Council agreed to receive this letter for information purposes.
- Sandra Falle,
Executive Director,
Third Place
Transition House** A letter to the CAO dated March 22, 2007 from **Sandra Falle, Executive Director, Third Place Transition House**, concerning the municipal contributions toward a new facility. Council agreed to receive this letter for information purposes.
- Federation of
Canadian
Municipalities** A copy of a Members' Advisory dated March 23, 2007 from the **Federation of Canadian Municipalities**, announcing the new FCM President. Council agreed to receive this correspondence for information purposes.
- Union of N.S.
Municipalities** A copy of an email dated March 23, 2007 from the **Union of N.S. Municipalities**, regarding the provincial budget announcement. Council agreed to receive this email for information purposes.
- Union of N.S.
Municipalities** A copy of an email dated March 26, 2007 from the **Union of N.S. Municipalities**, regarding the outcomes of the UNSM Board meeting. Council agreed to receive this email for information purposes.
- Union of N.S.
Municipalities** A copy of an email dated March 28, 2007 from the **Union of N.S. Municipalities**, regarding a UNSM appointment to the E-Waste Committee. Council agreed to receive this email for information purposes.

INFORMATION ITEMS

- Group Insurance
Renewal** Colchester has renewed its group benefits package effective April 1, 2007. The Group Insurance Renewal runs from April 1, 2007 to March 31, 2008. The bi-weekly increase in deductions for employees will range from \$1 to \$2 per pay.
- Household Hazardous
Waste Tender** Two companies, Atlantic Industries and Clean Harbours Ltd., submitted bids in response to a tender call for the disposal of

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Colchester's household hazardous waste. Atlantic Industrial Services was awarded the three-year contract.

**Tax Sale -
March 14, 2007**

Twenty-five properties were advertised for the County tax sale on March 14, 2007. Eleven were removed prior to the sale due to payment by the owner with the remaining 14 properties being sold.

**Reports from
Councillors
Appointed to Outside
Boards and Agencies**

Councillor Masters reported on the latest CoRDA Board meeting. A presentation was made by the County CAO on the Debert Air Industrial Park; the remainder of the condominiums are expected to be sold in the next year; and there are two or three significant sales in progress.

Councillor Edwards reported that he had recently attended the annual general meeting of the Truro and District Chamber of Commerce. Councillors may obtain a copy of the Chamber's financial statements through Councillor Edwards if they wish to do so.

Councillor Edwards announced that the annual general meeting for the Central Nova Scotia Tourist Association is being held May 3-4, 2007 at the Debert Hospitality Centre. Anyone wishing to do so can obtain a copy of CNTA's financial statements through Councillor Edwards.

Adjournment

Moved by Councillor LeFresne
Seconded by Councillor Cavanaugh

"That the meeting be adjourned at 9:55 p.m."

Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary