

May 25, 2010

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 Tuesday, May 25, 2010 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

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| Mayor Bob Taylor, Chair | |
| Councillor Christine Blair | District #1 |
| Councillor Bill Masters | District #2 |
| Councillor Gerald Buott | District #3 |
| Councillor Mike Cooper | District #4 |
| Councillor Glen Edwards | District #5 |
| Councillor Karen MacKenzie | District #6 |
| Councillor Jimmie LeFresne | District #7 |
| Deputy Mayor Ron Cavanaugh | District #8 |
| Councillor Bob White | District #9 |
| Councillor Tom Taggart | District #10 |

Absent:

| | |
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| Councillor Earl McKenna | District #11 |
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**Public Hearing -
Development
Agreement, Wallace
Property Rentals -
59 Pictou Road,
Bible Hill**

Mayor Taylor called the public hearing to order respecting an application for a development agreement made by Wallace Property Rentals that would allow for the establishment of one 24-unit apartment building and the conversion of an existing single unit house into a two-unit building on this lot. The text for the application and a related staff report have been circulated to Council members and have been made available to the public.

Mr. Dan McDougall, Chief Administrative Officer, advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing had been followed.

Mayor Taylor reminded Councillors that only those Councillors present throughout the public hearing can vote on the development agreement when it is eventually considered by Council. The 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. Pam Macintosh, Municipal Planner, provided a brief overview of

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the application. One outstanding item has now been resolved, that being the provincial Department of Transportation and Infrastructure Renewal has now accepted the developer's stormwater management plan once the required adjustments were made.

Ms. Macintosh also indicated that correspondence had been received from the Village of Bible Hill concerning the garbage and recycle bins abutting the Village property line where odours coming from the bins could be offensive to those in the building. This concern has been brought to the attention of the developer.

Ms. Macintosh reported that the proposed development agreement is complete and properly before Council; therefore, staff recommend approval of the application.

Mr. Ron Wallace - Applicant

In his presentation, Mr. Wallace addressed the garbage concerns from the Village of Bible Hill. Mr. Wallace indicated that he does not like garbage containers either so he constructs mini buildings with siding for this purpose which should eliminate any smell. The mini buildings are also cleaned once a week. He would prefer to leave them in the original location; however, if complaints are received, he will try to be a good neighbour.

Councillor Masters presented a brief report on behalf of the Planning Advisory Committee. The Committee reviewed the application at its meeting on May 4th. Most of the discussion that took place on this application revolved around the stormwater management requirements of the provincial Department of Transportation and Infrastructure Renewal. Councillor Masters was pleased to hear this issue had been rectified and at the appropriate time, he would be prepared to put forward a motion to Council.

Mr. McDougall advised that no written submissions had been received regarding this application other than what was already reported earlier from the Village of Bible Hill.

There were no other members of the public who stepped forward to address Council on this application.

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

Moved by Councillor Masters

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Seconded by Councillor Blair

“That Council approves the Municipality entering into a development agreement with Wallace Property Rentals at 59 Pictou Road, Bible Bill, PID #20338752, which would allow for the establishment of one (1), twenty-four (24) unit apartment building and the conversion of an existing single unit house to a two (2) unit building on this lot.”

Motion Carried Unanimously.

Mayor Taylor indicated that this is a development agreement application 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 the local newspaper.

As there was no further business on this matter, Mayor Taylor declared the public hearing closed.

Approval of Agenda

Moved by Councillor Masters
Seconded by Councillor Buott

“That the agenda for May 25, 2010 be approved with the following amendments:

- add Item #11b: Cottage Garbage Collection;
- add Item #11c: Appointment of Citizen Representative to CoRDA Board (on table);
- add under Item #8: Planning Advisory Committee report from meeting held on May 4, 2010 (on table) and Nominating Committee report from meeting held earlier this evening;
- delete Item #11: Crockett Park Lease
- add under Item #8, Compost Area Rates Report (on table); and,
- add under Presentations: Don Harvey.”

Motion Carried Unanimously.

Appointment of Solicitor

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Cooper

“That Council waives policy and appoints Patterson Law as the Municipality’s Solicitor for fiscal year 2010/2011.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Cooper

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Seconded by Councillor Edwards

“That the minutes of the meeting held on April 27, 2010 be approved as circulated.”

Motion Carried Unanimously.

**Business Arising
from Minutes**

There was no business arising from the minutes of the meeting held on April 27, 2010.

Presentations

Katherine Reid, Nova Scotia Power Inc. (NSPI)

In her presentation, Ms. Reid indicated that she had been contracted by NSPI to act as an Outreach Agent for their new Low Income Homeowner Program. She will be making a similar presentation to the Truro Town Council. The Program is geared towards homes that are heated with electricity. Under the Program, NSPI would conduct free energy audits to determine what upgrades are required in order to reduce the homeowner’s electric bill. The qualifications for the Program are as follows:

- home heated with electricity
- applicant owns their own home
- income threshold of: 1 person before taxes - \$17,400; 2 people before taxes - \$21,600; 3 people before taxes - \$26,500

In addition to circulating a brochure and poster to Council, she indicated that there is also a website where additional information on the Program can be obtained. A notice will also be published in the local newspaper. Other municipalities have offered other suggestions on getting the word out to residents such as: letters sent out to the homeowner, notice in newsletter, or circulation of brochure by Councillors to residents in their district.

Moved by Councillor White
Seconded by Councillor Buott

“That the presentation from Nova Scotia Power Inc. be received.”

Motion Carried Unanimously.

Mr. Don Harvey

In his presentation, Mr. Harvey indicated that the sewer problem continues on Highway 2 North. Most of the residents are hooked up

to the sewer system except for one. Because this property is not

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hooked up, Mr. Harvey stated that their sewage is running into the brook. Mr. Harvey asked if the County could do something to help the property owner get hooked up to the sewer service.

Following a brief discussion, it was recommended that the Department of Environment be contacted to see if they had made a site visit to this property and if so, what the results were.

Mr. Harvey also mentioned that there were two properties on John Bell Road that were unsightly and health hazardous. Mr. Harvey was advised to file a dangerous and unsightly complaint.

Moved by Councillor Buott
Seconded by Councillor Edwards

“That the presentation from Mr. Don Harvey be received.”

Motion Carried Unanimously.

**Standing Committee
Reports and
Recommendations**

Deputy Mayor Cavanaugh presented the report from the Council Committee meeting held on May 13, 2010:

**Green Cart Size
Variation**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council approves the rollout of the 240-litre organic green cart to all year-round and seasonal residential properties in Colchester County which currently do not receive municipal collection service for food and yard waste; and,

That up to 500-80 litre organic green carts be provided, on a first-come/first-serve basis, to new and existing residential properties as a straight exchange of the 240-litre organic green cart; or,

With no exchange, that residents have the option to purchase the 80-litre organic green cart at cost.”

Motion Carried Unanimously.

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Transfer

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

“That Council approves the transfer of lot PID #20221297, located on Dakota Road, Debert, from the Municipality of Colchester to the Colchester Regional Development Agency.”

Motion Carried Unanimously.

**County Personnel
Policies**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Taggart

“That Council approves that the current Personnel Policies numbered 3.01, 3.02, 4.09, 5.05, 6.03 and 6.05 be repealed; and, that revised Personnel Policies numbered 3.01, 3.02, 4.09, 5.05, 6.03 and 6.05, be approved as presented.”

Motion Carried Unanimously.

**Colchester
Transportation
Cooperative Ltd.
Funding Request**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Cooper

“That Council approves a donation in the amount of \$5,000 to the Colchester Transportation Cooperative Ltd. with the condition that \$1,000 of that funding be used for promotional purposes, source of funds to be monies received from the provincial Transit-Rural Incentive Program.”

Motion Carried Unanimously.

**Northumberland
Arts Council
Funding Request**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Edwards

“That Council approves a donation in the amount of \$1,000 to the Northumberland Arts Council, source of funds to be general operations as an unbudgeted expenditure.”

Motion Carried Unanimously.

**Area Rates and
Budgets**

Mr. McDougall made reference to the report on table regarding the composting area rates. Carts will be delivered to rural residents by October 2010 which is the end of the cottage collection season. The document on table offered two options for Council to consider to help reduce the area rate costs to the rural and cottage residents when the service is only being provided for part of 2010-11.

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Moved by Councillor Masters
Seconded by Councillor Blair

“That Council directs staff to adjust the area rates to reflect Option #2 of the Composting Area Rate Report presented on May 25, 2010 , specifically:

- Compostainer Program - Urban: 2010-11 - \$45.00;
- Compostainer Program - Rural: 2010-11 - \$22.50; and,
- Compostainer Program - Cottage: 2010-11: \$6.00.”

Motion Carried Unanimously.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council approves the 2010-11 Area Rates Budgets as amended on May 25, 2010:

WHEREAS the Municipal Council of the County of Colchester is required to levy rates which it deems sufficient for an area or for the benefit of an area for the current twelve month fiscal period;

RESOLVED that pursuant to **Section 75 of the Municipal Government Act**, the Municipal Council of the Municipality of the County of Colchester authorizes the levying and collection of the area rates as per attached Schedule “A” and as amended;

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 12th day of August, 2010;

FURTHER RESOLVED that said Council hereby imposes an additional percentage charge of 15% per annum on all rates and taxes remaining unpaid after the 12th day of August, 2010.”

Motion Carried Unanimously.

**Executive and Audit
Committee**

There was no business arising from the minutes of the meeting held on April 27, 2010.

**Planning Advisory
Committee**

There was no business arising from the report of the meeting held on May 4, 2010 other than what was reported earlier in the evening at the public hearing.

**Nominating
Committee**

A meeting of the Nominating Committee took place earlier this evening regarding Action Item #11c, Appointment of Citizen

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Representative to CoRDA Board.

ACTION ITEMS

**First Reading -
Council Proceedings
By-law Repeal**

Moved by Councillor Masters
Seconded by Councillor Taggart

“At First Reading of the repeal of the Council Proceedings By-law, BE IT RESOLVED by the Municipal Council of the Municipality of the County of Colchester that the Council Proceedings By-law be repealed; and,

That the Clerk file a copy of this repealed By-law in the office of the Minister of Service Nova Scotia and Municipal Relations pursuant to Section 169 of the Municipal Government Act S.N.S. 1998, c18.”

Motion Carried Unanimously.

**Second Reading -
By-law Respecting
Outdoor Fires**

Moved by Councillor Blair
Seconded by Deputy Mayor Cavanaugh

“That Council hereby approves Second Reading of the revised By-law Respecting Outdoor Fires as presented.”

Motion Carried. *(Councillor Edwards opposed)*

As indicated in the Action item, the County Solicitor confirmed that under Section 4 of the By-law, the Fire Chief could exercise his/her discretion to not enforce when circumstances warrant.

**Cottage Garbage
Collection**

Councillor Taggart indicated that the issue of cottage garbage pickup being extended to the week following Thanksgiving was discussed at Council prior to the new contract being approved. He raised the issue again as he has received calls about it.

Councillor Taggart recommended that the issue of changes on the time lines for cottage garbage collection be raised at a future Council Committee meeting.

Moved by Councillor Taggart
Seconded by Councillor Buott

“That the issue of changes on the time lines for cottage garbage collection be referred to Council Committee.”

Motion Carried Unanimously.

**Appointment of
Citizen**

Moved by Councillor Cooper
Seconded by Councillor White

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**Representative to
CoRDA Board**

“That Council approves the appointment of John K. MacDonald as a voting member to the Colchester Regional Development Agency Board of Directors for a three-year term.”

Motion Carried Unanimously.

Correspondence

ACTION

**Darcy Eisner,
Saywood & Groves
Holdings Ltd.**

A letter to the Mayor and Council dated May 4, 2010 from **Darcy Eisner, Saywood & Groves Holdings Ltd.**, regarding subdivision street lighting.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Masters

“That the letter from Saywood & Groves Holdings Ltd. requesting that the County consider taking over the responsibility of maintaining smaller subdivision street light fixtures be received for information.”

Motion Carried. *(Mayor Taylor, Councillors Edwards,
MacKenzie and Taggart opposed)*

**Maurice Rees, South
Maitland Historical
Association**

An email to the Mayor dated May 16, 2010 from **Maurice Rees, Maitland Historical Association**, requesting financial assistance for the South Maitland Historical Association.

Moved by Councillor Edwards
Seconded by Councillor White

“That the letter from the South Maitland Historical Association requesting financial assistance for its organization be received for information.”

Motion Carried Unanimously.

**County Recreation
Office**

A request received from the **County Recreation Office** requesting that the week of May 29-June 5, 2010 be proclaimed Colchester Bike Week.

Moved by Councillor Masters
Seconded by Councillor Buott

“That the week of May 29-June 5, 2010 be proclaimed Colchester

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Bike Week.”

Motion Carried Unanimously.

INFORMATION

Building Inspector

A copy of the Building Permit Statistics received from the **Building Inspector** for the month of April 2010. Council agreed to receive this report for information.

Development Officer

A copy of the Development Activity Report received from the **Development Officer** for the month of April 2010. Council agreed to receive this report for information.

Reports from Councillors Appointed to Outside Boards and Agencies

Councillor Blair provided her report to Council on meetings and events she had attended in the last month. A copy of Councillor Blair’s report was circulated on table.

Councillor Masters reported that he had attended a meeting of the Fundraising Committee for the civic centre project. He will also be attending a monthly meeting of CoRDA in Tatamagouche tomorrow as well as their annual general meeting on June 8th.

Councillor Cooper reported that he had gone on tour with the Shubenacadie Canal Commission. He also reported that the Upper Stewiacke School Principal is retiring this year and that eight people have applied for the position. The applicant who accepted the position lives in Stewiacke and is currently the Principal from Enfield District Elementary.

Councillor Edwards reported that he had attended the Nova Scotia Power information session in Earltown regarding the Nuttby Mountain wind farm. He also attended a dangerous and unsightly appeal hearing last week.

Councillor MacKenzie reported that there had been no meeting of the Library Board this week. Councillor MacKenzie made reference to the difficulty she is having in getting Transportation and Infrastructure Renewal (TIR) to respond to her request to replace some stop signs in her area. Other Councillors also reported that they are having similar difficulties in their district.

Mayor Taylor and the CAO agreed that at the next quarterly meeting with Transportation and Infrastructure Renewal, they would raise the issue of what TIR’s standards are with respect to responding to

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complaints, including the signage problem.

Councillor White reported that he had attended the quarterly CoRDA partners' meeting and the Central Nova Tourist Association's annual general meeting. He will also be attending the CoRDA meeting in Tatamagouche tomorrow.

Councillor Taggart reported that he had attended the UNSM Spring Conference. He also indicated that there will be a ratepayers' meeting in Five Islands on June 7th at 7:00 p.m. to discuss an area rate for a base level of service.

Mayor Taylor provided his report to Council on meetings and events he had attended in the last month. A copy of Mayor Taylor's report was circulated on table.

Recess

Moved by Councillor Masters
Seconded by Councillor White

"That the meeting recess to an in-camera session at 9:37 p.m."

Motion Carried Unanimously.

Moved by Councillor Edwards
Seconded by Councillor Cooper

"That the meeting reconvene in open session at 10:05 p.m."

Motion Carried Unanimously.

Crockett Park Lease

Councillor Cooper made reference to Item #11, Crockett Park Lease, which was deleted from the agenda earlier this evening. Staff had indicated that the lease would be brought forward at the June Council Committee meeting. Councillor Cooper requested that Committee be given authority to make a final decision.

Moved by Councillor Cooper
Seconded by Councillor Masters

"That June Council Committee be given authority to make a final decision on the Crockett Park Lease."

Motion Carried Unanimously.

Adjournment

Moved by Councillor Masters
Seconded by Councillor White

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“That the meeting be adjourned at 10:07 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary