

November 28, 2013

MUNICIPAL COUNCIL

A Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, November 28, 2013 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Bob Taylor, Chair	
Councillor Christine Blair	District #1
Deputy Mayor Bill Masters	District #2
Councillor Geoff Stewart	District #3
Councillor Mike Cooper	District #4
Councillor Lloyd Gibbs	District #5
Councillor Karen MacKenzie	District #6
Councillor Michael Gregory	District #7
Councillor Ron Cavanaugh	District #8
Councillor Doug MacInnes	District #9
Councillor Tom Taggart	District #10
Councillor Wade Parker	District #11

**Employee Service
Recognition Awards**

Employees were presented with awards by Council in recognition of their years of service with the Municipality. There were eight employees receiving an award for five years of service, two employees for 10 years, one employee for 15 years, one employee for 25 years, one employee for 30 years, and one employee for 35 years.

**Public Hearing -
Land Use By-law
Amendments**

Mayor Taylor called this public hearing to order respecting amendments to the Central Colchester Land Use By-law involving Part 10 - Commercial Zones, to list existing low density residential as a permitted use in all commercial zones. The C3 and C4 zones will also be amended to permit new low density residential. The staff report has been circulated to Council members and has been made available to the public.

Mr. Ramesh Ummat, Chief Administrative Officer, advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Mayor Taylor reminded Councillors that only those Councillors present throughout the public hearing can vote on the Land Use By-law amendments when it is eventually considered by Council. This public hearing is Council's opportunity to hear the proposed amendments and every concern of residents. Individual Councillors will have an opportunity to debate the merits of the

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amendments 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 this amendment. At the August 15th Council Committee meeting, Council requested that the Planning Advisory Committee (PAC) review the Land Use By-law concerning the issue on non-conforming residential uses in commercial zones. One concern was that a resident was having difficulty obtaining a residential mortgage for their home due to the home being zoned residential and the land beneath the home being zoned commercial. This concern has been resolved by staff. Staff also identified challenges with the existing by-law when dealing with requests to improve existing residential properties in commercial zones.

Staff reviewed the sections of the Land Use By-law related to residential uses in the commercial zones and offered the following recommendations:

1. Existing low density residential uses should be permitted in all commercial zones.
2. Existing policies and standards concerning new low density residential seems to be a basically sound approach except C-3 and C-4 zones. These zones should be amended to permit new low density residential as new commercial developments have been very limited and permitting new residential uses makes for a smooth transition into the existing residential uses.
3. Existing policies and standards concerning medium to high density residential seems to make sense and should remain unchanged.

Staff recommended that Council approve these amendments, as presented, as they are consistent with the policies and objectives outlined in the Municipal Planning Strategy.

As Chair of the Planning Advisory Committee, Councillor Taggart presented the report on this amendment from a meeting held on October 1, 2013. The Committee, upon review, recommended that Council consider approving these amendments to the Land Use By-law.

Mr. Ummat advised that no written submissions have been received regarding this application.

With no further information coming forward on this amendment, Councillor Taggart placed the following motion on the floor:

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Moved by Councillor Taggart
Seconded by Councillor Gibbs

“That, having had second reading, Council approves amending the Central Colchester Land Use By-law, specifically Part 10- Commercial Zones, to list existing low density residential as a permitted use in all commercial zones; and, that the C-3 (Community Commercial) and the C-4 (Local Commercial) zones be amended to permit new low density residential.”

Motion Carried Unanimously.

Mayor Taylor indicated that these are amendments to the Central Colchester Land Use By-law which do not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council’s decision on these amendments 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 hearing closed.

Approval of Agenda

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

“That the agenda for November 28, 2013 be approved with the following additions:

- add to Item #19, Closed Session: Negotiations
- add Item #14b: Rath-Eastlink Community Centre Procurement Policy
- add Item #14c: Lefarge Wastewater
- add Item #17b: Bass River Elementary School
- add Item #17c: Londonderry Post Office.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Blair
Seconded by Councillor Gregory

“That the minutes of the meeting held on October 30, 2013 be approved as circulated.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on October 30, 2013.

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Presentations**Colchester Chamber of Commerce**

Representing the Colchester Chamber of Commerce were Alan Johnson, Executive Director; Stephanie Jones, Incoming President; and Don Hay, Outgoing President.

Mr. Johnson indicated that this presentation was intended to give Council a snapshot of where the Chamber is heading with its policies, community partnerships and planning. The Chamber thanked the County for holding the line on property taxes this year and for its position on such issues as wind farms and flood remediation. The Chamber's #1 priority has always been advocacy. They are the united voice of the Colchester County business community and occasionally partner with Chambers in the Annapolis Valley, Halifax, East Hants, Amherst and Pictou County.

Moved by Councillor MacInnes
Seconded by Deputy Mayor Masters

“That the presentation from the Colchester Chamber of Commerce be received.”

Motion Carried Unanimously.

Central Nova Tourist Association (CNTA)

In her powerpoint presentation, Ms. Joyce Mingo, Executive Director for the Central Nova Tourist Association, indicated that the main purpose for being before Council was to talk about the implementation of a marketing levy in Colchester County. If implemented, the levy would increase the total visitation numbers in the region and provide the ability to deliver marketing to benefit all facets of the tourism industry. The proposed levy would see a \$2.00 room charge on nights sold in accommodations of more than ten rooms.

Ms. Mingo indicated that 15 of the 23 accommodations with ten or more rooms have responded. Of these 15, 11 have indicated their agreement with written support for the levy.

CNTA is looking for Council's support in initiating this marketing levy in Colchester County by way of a resolution, memorandum of understanding and by-law.

Moved by Councillor Stewart

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Seconded by Councillor Gregory

“That the presentation from the Central Nova Tourist Association be received.”

Motion Carried Unanimously.

Train Station Inn

Mr. Jimmie LeFresne is the owner and operator of the Train Station Inn. In his presentation, Mr. LeFresne explained that he was addressing the marketing levy initiative as an operator, not on behalf of the tourism industry. There are 85 accommodation businesses in Central Colchester, 62 of which are under ten rooms. If these businesses are going to be taxed, they should all be taxed, not just those of more than ten rooms. Mr. LeFresne indicated that the Train Station Inn will not be subject to this tax unless he increases the number of rooms. The tax should be charged on those areas where the marketing is going to be focused.

Moved by Councillor Cavanaugh
Seconded by Councillor Taggart

“That the presentation from the Train Station Inn be received.”

Motion Carried Unanimously.

Moved by Councillor Taggart
Seconded by Councillor MacInnes

“That the request from the Central Nova Tourist Association on implementation of the marketing levy in Colchester County be referred to Council Committee.”

Motion Carried Unanimously.

**Standing Committee
Reports and
Recommendations**

Deputy Mayor Masters presented the report from the Council Committee meeting held on November 14, 2013:

**County Personnel
Policies**

Moved by Deputy Mayor Masters
Seconded by Councillor Stewart

“That Council repeals existing personnel policies numbered 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07 and 4.09; and,

That Council approves new personnel policies numbered 4.01, 4.02, 4.03 and 4.04 as attached to the Action dated November 14,

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2013.”

Motion Carried Unanimously.

**Source Water
Protection Advisory
Committee - Debert**

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

“That Council approves the Terms of Reference for the Source Water Protection Advisory Committee for the Debert Water Utility as attached to the Action Item dated November 14, 2013.”

Motion Carried Unanimously.

**Low Income Tax
Exemption Policy**

Moved by Deputy Mayor Masters
Seconded by Councillor Cooper

“That Council approves amendments to the Low Income Tax Exemption Policy by increasing the income level threshold for 2013-14 by five percent for the following number of people residing in a household:

	<u>Current</u>	<u>Recommended</u>
Single	\$22,154	\$23,980
Family - 2	\$29,150	\$31,554
Family - 3+	\$34,980	\$37,864

- and -

By increasing the exemption amount threshold for 2013-14 by five percent for the following number of people residing in a household:

	<u>Current</u>	<u>Recommended</u>
Single	\$166.72	\$180.47
Family - 2	\$222.28	\$240.61
Family - 3+	\$277.86	\$300.77

- and -

That any future amendments to the income level and exemption amount thresholds be based on the annual Consumer Price Index increase on the provincial capped assessment for the fiscal year to which the exemption is applied.”

Motion Carried Unanimously.

**Debert Water Utility
- Three-Year
Operating Budget**

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

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“That Council approves the 2013-14 Operating Budget for the Debert Water Utility, as presented; and,

That staff be authorized to proceed to engage consulting services to do a water rate study.”

Motion Carried Unanimously.

**Millbrook
Community Liaison
Committee**

Moved by Deputy Mayor Masters
Seconded by Councillor Stewart

“That Council recognizes the Millbrook Community Liaison Committee, with the addition of the Deputy Mayor for the Municipality of Colchester and a citizen representative from the Truro Heights area, as satisfying the Citizens’ Monitoring Committee requirement under the newly revised Wind Turbine Development By-law; however, Council does not assume any responsibility or play a role in the management of the Community Sustainability Fund associated with the Millbrook Community Liaison Committee.”

Motion Carried. *(Councillors Cooper and Gibbs opposed)*

**Executive and Audit
Committee**

There was no business arising from the minutes of meetings held on October 28 and November 14, 2013.

**Nominating
Committee**

**Kemptown Citizens’
Monitoring
Committee**

Moved by Councillor Cavanaugh
Seconded by Deputy Mayor Masters

“That Council approves the appointment of Messrs. John Wilson, Harold Parsons and John O’Brien as citizen representatives on the Kemptown Citizens’ Monitoring Committee for the balance of the term of Council.”

Motion Carried Unanimously.

**Debert Source
Water Protection
Advisory Committee**

Moved by Councillor MacInnes
Seconded by Councillor Gibbs

“That Council approves the appointment of Messrs. Don Geldhart, Darren Rogers and Jim Walsh as citizen representatives on the Debert Source Water Protection Advisory Committee for the balance of the term of Council.”

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Motion Carried Unanimously.

ACTION ITEMS

**First Reading -
Local Improvements
By-law Amendments**

During discussion on this By-law, Council requested that amendments be made prior to Second Reading at January Council, namely:

- streetlights to be included in petition process
- Page 3-1.I: delete word 'or' on 6th line of bullet

Moved by Deputy Mayor Masters
Seconded by Councillor Gibbs

“That Council hereby approves by way of First Reading the Local Improvement By-law as amended.”

Motion Carried Unanimously.

Flood Risk Study

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

“That Council authorizes December Council Committee to commit the necessary funds for the Flood Risk Study which is being advanced by the Joint Flood Advisory Committee.”

Motion Carried Unanimously.

Deputy Mayor Masters stepped away from the table momentarily and was not available to vote on this item.

**Director of Public
Works Position**

Moved by Councillor Gibbs
Seconded by Councillor Cavanaugh

“That Council authorizes the position of Director of Public Works be opened for competition in accordance with the County’s Personnel Policies.”

Motion Carried Unanimously.

**Furnace Oil and
Diesel Fuel Tenders**

Councillor MacInnes declared a conflict of interest on this item and stepped away from the table.

Moved by Councillor Stewart
Seconded by Councillor Blair

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Councillor MacInnes reported that he had contacted Lafarge who stated that details were not provided in the ad to encourage residents to call and get further information about the project. Councillor MacInnes recommended to Lafarge that they get in touch with the County about making a presentation to Council.

Mr. Ummat confirmed with Nova Scotia Environment that no final application had been received or approved as yet. Mr. Ummat indicated that he has been unable to connect with Lafarge up to this point.

Moved by Councillor Cavanaugh
Seconded by Councillor Gibbs

“That a letter be written to Lafarge inviting them to make a presentation to the January Council meeting; and, request that any testing of this recycled wastewater be postponed until after this presentation; and, this letter be copied to Atlantic Industrial Services and Nova Scotia Environment.”

Motion Carried Unanimously.

Moved by Deputy Mayor Masters
Seconded by Councillor Gibbs

“That a letter be written to Lafarge regarding Council’s concerns with the ad in the newspaper being misleading to the public and recommend that a second ad be placed with more details on what this test pilot project actually entails; and, this letter be copied to the Minister of Environment with a separate cover letter.”

Motion Carried Unanimously.

Correspondence

ACTION

**Jim Baird, Chair,
Tatamagouche
Village Commission**

A letter to the CAO dated November 12, 2013 from **Jim Baird, Chair, Tatamagouche Village Commission**, regarding the Tatamagouche wall.

Moved by Councillor Cooper
Seconded by Councillor Gibbs

“That Council accepts the decision of the Tatamagouche Village Commission that they do not wish to go forward with the repair of

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the wall as they do not want to assume responsibility for any future costs of potential problems in the area; and, that the Commission and Transportation and Infrastructure Renewal continue to monitor the wall.”

Motion Carried Unanimously.

**Doug Benedict,
Colchester Ground
Search & Rescue
Association**

A letter to the Mayor and Council received November 28, 2013 from **Doug Benedict, Colchester Ground Search & Rescue Association**, requesting a property tax exemption on 73 Ventura Drive, Debert.

Moved by Councillor Cavanaugh
Seconded by Deputy Mayor Masters

“That the letter from the Colchester Ground Search & Rescue Association requesting a property tax exemption on 73 Ventura Drive, Debert, be referred to Council Committee.”

Motion Carried Unanimously.

INFORMATION

Building Inspector

A copy of the Building Permit Statistics received from the **Building Inspector** for the month of October 2013. Council agreed to receive this report for information purposes.

Development Officer

A copy of the Development Activity Report received from the **Development Officer** for the month of October 2013. Council agreed to receive this report for information purposes.

INFORMATION
ITEMS

**Status Update on
Regional Economic
Network - REN-4**

Mr. Ummat indicated that he brought this item forward to update Council on the status of the Regional Economic Network project in this region and to receive feedback from Council on whether the CAO should proceed with the next steps in the process.

Although no motion was put forward during discussion on this item, Council agreed to not go any further in the process at this point.

**Insurance for Not-
for-Profit
Organizations -
Grant Applications**

In response to the fall application deadline of October 11, 2013 for the Not-for-Profit Insurance Program, the County approved 20 applications for a total of \$8,321. An application received from the Cobequid Interpretive Centre is not eligible until February 2014.

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**Bass River
Elementary School**

Councillor Taggart reported that he has called a community meeting for next Wednesday night to get suggestions from residents on what to do with the Bass River Elementary School.

**Londonderry Post
Office**

Councillor Taggart reported that, with Council's direction, a letter has been or will be sent to Canada Post requesting a copy of the job description and qualifications required to fill the position at the Londonderry Post Office. Councillor Taggart spoke to the person responsible for this matter and it appears that Canada Post is not interested in advertising for this position.

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

Copies of reports from Councillors was circulated in the package for this evening's meeting.

Closed Session

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

"That the meeting go into closed session at 11:15 p.m."

Motion Carried Unanimously.

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

"That the meeting reconvene in open session at 12:33 a.m."

Motion Carried Unanimously.

**CoRDA Board of
Directors**

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

"That Council authorizes December Council Committee to make a final decision on the appointment of Council representatives from Districts 1 through 5 to the Colchester Regional Development Agency Board of Directors to replace the current County citizen representatives."

Motion Carried Unanimously.

Adjournment

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

"That the meeting be adjourned at 12:35 a.m."

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Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary