

## **MUNICIPAL COUNCIL**

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, Nova Scotia, on Thursday, November 26, 2015.

### **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

### **Also Present**

Mr. Crawford Macpherson, Interim Chief Administrative Officer  
 Ms. Michelle Newell, Director of Public Works  
 Mr. Wayne Wamboldt, Director of Solid Waste  
 Ms. Tracey Venno, Executive Assistant/Recording Secretary  
 Ms. Pam Macintosh, Planner (for item #2 and 3)

### **Public Hearing and Second Reading – Amendments to the Village of Tatamagouche Municipal Planning Strategy and Land Use By-law**

Mayor Taylor called the Public Hearing to order respecting an application for amendments to the 2001 Village of Tatamagouche Municipal Planning Strategy (MPS) and Land Use By-law (LUB). These amendments would apply to Schedule #2, the future Land Use Map of the MPS and to Schedule #3, the Zoning Map of the LUB for a change in designation of a portion of a property from Village Residential to Village Commercial. These amendments would allow for the development of commercial uses. The text for the amendments and a related staff report has been circulated to Council members and has been made available to the public.

Mr. Crawford Macpherson, Interim CAO, advised that the guidelines of the Municipal Government Act regarding advertising of the First and Second Readings and Public Hearing process have been followed.

Mayor Taylor reminded Councillors that only those Councillors present throughout the Public Hearing process can vote on the

amendments when it is eventually considered by Council. The Public Hearing is Council's opportunity to hear the amendments and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of the 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, Planner, provided an overview of the Planners Report and Recommendation on the Tatamagouche MPS/LUB amendment application. The application was made by Mr. Jeff Colburne, requesting to rezone a portion of their properties located on Main Street, Tatamagouche, formerly known as the Irving Service Station, to proceed with development plans on the property. The plans are to reconfigure five lots into three; two commercial lots for a Subway Restaurant, a commercial plaza and a car wash; and one lot, at the back of the property, to remain residential for a four-unit townhouse. Commercial development could occur on the existing four front lots as they are currently zoned commercial, however, the applicant wishes to reconfigure the lots using some square footage from the residential portion to better accommodate the commercial components of the development.

Policy 53 a) of the MPS allows for consideration of amendments due to changing circumstances. Policies 50 and 51 require a proposal to be submitted to support the requested amendments. The applicant has submitted a clear proposal with a number of documents and sufficient information in support of his request for Council's consideration of these amendments.

Internal departments, including Building Inspection and Development have reviewed the site plans. Public Works has reviewed the Servicing Schematic to deal with the issue of adequate drainage for the site redevelopment. External agencies, including Nova Scotia Environment, Transportation and Infrastructure Renewal (TIR) and the Tatamagouche Fire Department were also consulted. TIR, as owners of Main Street, have no objections to the rezoning request. The Fire Department commented that a fire hydrant located on the same side of the development is desired, however, the existing two hydrants in place meet the Municipality's requirements.

Being located within the Village, the lots are adequately serviced by the public water and sewer. Provisions in the LUB require that adequate buffering and screening be provided between residential dwellings and commercial uses. The applicant has met with

individual residents and will accommodate with screening fences and landscaping buffers. The development will be phased in over a number of years, beginning with the construction of the Subway Restaurant. Staff recommendation is to proceed with the amendments.

The applicant, Mr. Jeff Colburne, was in attendance to speak on the proposed amendments. A number of photos were displayed giving a visual of the development plans. Mr. Colburne indicated the reasons for the rezoning request would be to allow for the commercial development to be moved back from the Main Street which would be better for the development, the neighbours, and would be more visually appealing overall. He advised that he has met with neighbouring residents to hear their concerns and work with them. He hopes to begin the first part of the development next spring.

Councillor Gregory provided a brief report from the Tatamagouche Planning Advisory Committee indicating that the Committee met twice in Tatamagouche to discuss the application and to receive feedback from the public. Additional information was requested at the initial meeting which was provided at the second meeting. The Committee was satisfied with the additional information received and agreed that the application be recommended to Council for approval.

Mr. Macpherson, advised that no written submissions were received concerning this application.

Ms. Carol Ferguson, resident of Bayhead, was in attendance to address Council regarding this application. Ms. Ferguson indicated that she attended one of the public meetings and feels that this is bad public policy. She stated that Tatamagouche is a vibrant community with unique businesses that build on the character of the Main Street. There are already a number of good restaurants in the area and a multi national franchise is not needed. This will take away from the successes of the smaller local businesses. She noted that at the public meetings there were comments about job creation but in her opinion, it would only be a few minimum wage jobs created. Ms. Ferguson stated that she is not opposed to new people or new development but is opposed to this type of development.

Responding to Ms. Ferguson's comment on bad public policy, Mayor Taylor noted that the process is properly before Council. There were two public meetings in Tatamagouche as well as the Public Hearing this evening. The Tatamagouche Planning

Advisory Committee has listened to concerns and have taken all issues raised into consideration. The issue being considered is the request for a zoning amendment.

Discussion was held regarding Policy 53 a) and what warrants changing circumstances; the residential portion of the properties currently being landlocked; and, the costs of a fire hydrant and who would bear such costs.

With no further discussion on the matter, Councillor Gregory, Chair of the Tatamagouche Planning Advisory Committee, placed the following motion on the floor:

Moved by Councillor Gregory  
Seconded by Deputy Mayor Masters

“That Council approves at Second Reading, the amended Village of Tatamagouche Municipal Planning Strategy and Land Use By-law, as presented.”

Motion Carried Unanimously.

Mayor Taylor indicated that Council’s decision on the MPS/LUB amendments may require approval of the Minister of Municipal Affairs but is not appealable to the Nova Scotia Utilities and Review Board. Upon approval from Municipal Affairs, the amendments come into effect once notice is published in the newspaper.

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

**Public Hearing and  
Second Reading –  
Amendments to the  
Central Land Use By-law,  
L.V. Hanes**

Mayor Taylor called the Public Hearing to order respecting an application for amendment to the 2002 Central Colchester Land Use By-law. The amendments would apply to Schedule 3, Rural Fringe Area Zoning Map of the Land Use By-law to rezone lands of L.V. Hanes on the Jollytown Road, from Rural General to Rural Industrial, for the expansion of an existing salvage business. The text for the amendments and a related staff report has been circulated to Council members and has been made available to the public.

Mr. Crawford Macpherson, Interim CAO, advised that the guidelines of Municipal Government Act regarding advertising of the First and Second Readings and Public Hearing process have been followed.

Mayor Taylor reminded Councillors that only those Councillors present throughout the Public Hearing can vote on the amendments when it is eventually considered by Council. The Public Hearing is Council's opportunity to hear the amendments and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of the 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, Planner, provided an overview of the Planners Report on the zoning map amendment. The application was made by Vance Hanes of L.V. Investments Ltd. to rezone 63 acres of land located on the Jollytown Road, from Rural General (RG) to Rural Industrial (RM) to allow for the expansion of an existing salvage business. The land is adjacent to a 19 acre parcel of land that was rezoned in 2002/03. There are two buildings, a storage building, and mini home for security purposes currently on the property. The expansion may have an additional storage/processing building constructed in the future. An unauthorized expansion of the salvage yard was discovered earlier this year. The company was notified by the Municipality and activity on that land ceased.

The site is relatively flat with some wooded areas. Other land uses in the area are single residential homes; Raco, a radiator and gas tank manufacturer; and, Inland Technologies, a waste management company. Land along this portion of the Jollytown Road is resource land that is not developed.

The application is made under Policy RFP-37 of the Municipal Planning Strategy (MPS) which includes several criteria that proposals for industrial uses must address; and, IMP-5 which outlines a number of generic considerations applicable to rezoning applications.

Nova Scotia Transportation and Infrastructure Renewal has reviewed this rezoning application and have indicated they have no issues with the rezoning. Salvage operations are regulated through Nova Scotia Environment (NSE) and as such, require regular monitoring to ensure environmental safety. NSE has reviewed the application and pending approval of rezoning, have permitted it. Additionally, the Valley-Kemptown and District Fire Brigade were consulted and have no issues with the expansion.

Staff feel the application addresses current policy consideration and recommend in favour of the rezoning application.

Mr. Peter McNutt was in attendance to speak on behalf of Vance Hanes. He indicated that meetings were held with residents located across the road and they are willing to comply with their wishes to have a tree buffer. There are no plans for future development other than the storage/processing building. Employment will increase from 32 to 47 employees and Mr. Hanes will remain the owner.

Councillor Taggart provided a brief report from the Planning Advisory Committee indicating that the Committee met on October 13, 2015 to discuss the rezoning of lands of L.V. Hanes on the Jollytown Road from Rural General to Rural Industrial, to permit an expansion of an auto salvage/recycling business. The staff report was reviewed followed by discussions between Committee Members, Mr. Hanes and neighbouring property owners. The Committee unanimously recommended in favour of this request and that it proceed to a Public Hearing with Council.

Mr. Macpherson, advised that no written submissions were received concerning this application.

As property owner adjacent to the site, Mr. Bill Hearst was in attendance to address a couple of concerns. The first concern is regarding the water. Leachate from the site can cause problems and if there is an issue with the water in the future, who would be responsible for paying. The second concern relates to the unauthorized expansion. Mr. Hearst inquired as to how this could take place if regular monitoring is done.

Responding to the query on who would be responsible for costs associated with potential water issues, Mayor Taylor indicated that as an auto salvage is regulated by NSE, they would be responsible.

Ms. Macintosh advised that NSE will monitor at least once per year and the advanced technologies such as google maps, it will be much easier to monitor and regulate.

Ms. Carol Ferguson, resident of Bayhead who spoke earlier this evening on the Tatamagouche application, inquired about what penalties were imposed on the owner regarding the unauthorized expansion. Mayor Taylor advised that the owner complied and no penalties were imposed.

As part of the Planning Advisory Committee's discussions during review of the application, it was agreed that additional screening

and buffers at the front of the property be included as part of the development agreement.

Concern was expressed regarding the issue of potential water problems. Even though auto salvages are regulated by NSE, responsibility always seems to fall back on the Municipality.

Discussion was held regarding the proper removal of all wet items from the vehicles. Mr. McNutt confirmed that wet items are removed prior to the dismantling of the vehicles.

With no further discussion on the matter, Councillor Taggart, Chair of the Planning Advisory Committee placed the following motion on the floor:

Moved by Councillor Taggart  
Seconded by Deputy MacInnes

“That Council approves at Second Reading, the amended Central Colchester Land Use By-law, as presented.”

Motion Carried.  
*(Councillors MacKenzie and Parker opposed)*

Mayor Taylor indicated that there is a right of appeal to the Nova Scotia Utility and Review Board for the amendment to the Land Use By-law. A person has 14 days to file an appeal once notice of the Land Use By-law amendment is published in the newspaper.

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

### **Approval of Agenda**

Moved by Councillor MacInnes  
Seconded by Councillor Cavanaugh

“That the agenda be approved with the following amendments:

- Remove Item #17(1) in Closed Session and replace with another Closed Session Negotiations item.

Motion Carried Unanimously.

### **Approval of Minutes**

Moved by Councillor Gibbs  
Seconded by Councillor Gregory

“That the minutes from the meeting held on October 27, 2015, be approved, as presented.”

Motion Carried Unanimously.

**Business Arising from Minutes**

There was no business arising from the minutes of the meeting held on October 27, 2015.

**STANDING COMMITTEE REPORTS AND RECOMMENDATIONS**

**Council Committee Report from October 15, 2015**

*Deputy Mayor Masters presented the report from the Council Committee meeting held on November 12, 2015:*

**Returning Officer – 2016 Municipal Election**

Moved by Deputy Mayor Masters  
Seconded by Councillor Cavanaugh

“That as per Section 4(1c) of the Municipal Elections Act, Council designates its powers of appointment, of both the Returning Officer and Assistant Returning Officer positions, to the Chief Administrative Officer, with approval to re-offer the position of Returning Officer to Lorraine Dawson; and,

That the Returning Officer will coordinate all aspects of the 2016 Municipal Election with a base salary of \$21,000; and,

That the Assistant Returning Officer be hired at an hourly rate of \$18.00; and,

That space be made available to accommodate these positions in either the Courthouse or at the SHRU/Emergency Operations Centre.”

Motion Carried Unanimously.

**RECC General Manager Emergency Spending Policy**

Moved by Deputy Mayor Masters  
Seconded by Councillor Gibbs

“That Council approves the RECC General Manager/Designate Emergency Spending Policy as presented, pending approval of same from the Council of the Town of Truro.”

Motion Carried Unanimously.



### **Salmon River School Demolition**

Moved by Deputy Mayor Masters

Seconded by Councillor Gibbs

“That Council authorizes staff to prepare a public Request for Proposals for the sale of the Salmon River School property located at 2084 East Prince Street.”

Motion Carried Unanimously.

### **ACTION ITEMS**

#### **Chamber of Commerce Board Vacancy – Council Representative**

Due to time constraints and scheduling conflicts, Councillor Taggart feels it would be in the best interest of Council to appoint another member of Council to represent the Municipality on the Chamber of Commerce Board.

Moved by Councillor Cooper

Seconded by Councillor Gregory

“That Councillor Stewart be nominated to represent the Municipality on the Chamber of Commerce Board.”

Motion Carried Unanimously.

There were no further nominations. Councillor Stewart accepted the nomination and was appointed to represent Council on the Chamber of Commerce Board.

#### **J Class Paving**

Ms. Michelle Newell, Director of Public Works, advised that this item relates to the agreement with the province for the cost shared paving of J Class Roads where the Municipality submits a list of roads to the province annually. Cost sharing is 50% province and 50% municipal with the municipal share being recovered from residents. The newest agreement allows for first time paving as well as roads previously paved but in need of repaving.

Concerns were expressed with the agreement and the following points were noted:

- Resident concerns regarding use of recycled asphalt for the paving of J Class roads;
- Inviting the MLA to attend the next resident meeting to hear the concerns first hand;

- Having an article in upcoming newsletter detailing the policy and examples of approximate costs to residents.

Moved by Councillor MacKenzie  
Seconded by Councillor Gibbs

“That Council approves that McCallum, Hillridge and Hillvale Drives be put forth to the Province for consideration under the Cost Shared Paving Agreement for the 2016/17 year, pending a successful petition of the residents.

Motion Carried Unanimously.

**Scotsburn Ice Cream Expansion**

Councillor MacInnes extended congratulations to Scotsburn Ice Cream Company on their recent expansion involving Yasso Inc. Referring to recent odour concerns emanating from the Wastewater Treatment Plant, mainly due to the Scotsburn Plant, and the progress in reducing/eliminating the odour issue, Councillor MacInnes stressed the importance of continued efforts to eliminate the odour issue with the new expansion.

Staff advised that discussion and feedback is ongoing with the Town of Truro and Scotsburn regarding rectifying the odour issue. The Town’s Planning Department has been involved with the expansion and information is being shared with the Municipality’s Director of Public Works.

**Correspondence - ACTION**

**Warren and Andrea Manthorne**

A letter dated November 5, 2015, from Warren and Andrea Manthorne, residents of Upper Onslow, seeking support for a project of building a traditional 1930’s style schooner to recapture part of Nova Scotia’s heritage.

“That the matter be referred to staff to investigate the legalities of providing support to private entities.”

Motion Carried Unanimously.

**Correspondence - INFORMATION**

**Building Inspector**

A copy of the Building Permit Statistics received from the Building Inspector for the month of October 2015. Council agreed to receive the report for information purposes.

**Development Officer**

A copy of the Development Activity Report received from the Development Officer for the month of October 2015. Council agreed to receive the report for information purposes.

**INFORMATION ITEMS****CNTA Meeting Update**

Referring to a recent meeting held in Masstown, the CAO advised that the focus of this meeting was to hear a presentation from the Acting Chief Executive Officer for Tourism Nova Scotia (TNS), in light of the recent announcements on disappearing core funding to groups such as CNTA. It was noted however, that funding for Visitor Information Centres will remain. TNS is reviewing details for other funding programs which should be completed by the end of the year and is seeking feedback from groups like CNTA.

The presentation also included information on tourism industry trends, more emphasis on developing digital/smart phone technology geared toward tourism, and the strategic focus of the new TNS.

A copy of the presentation will be available in the Clerk's Office once received from TNS.

**Burriss Drive Crosswalk**

Council previously directed staff to initiate a petition process for the installation of a school crosswalk on College Road at Burriss Drive. After circulating invitations to all students of Redcliff Middle School, an Open House was held in June to advise residents of the project and associated costs. A total of three parents attended the Open House.

On September 29<sup>th</sup>, staff circulated formal petitions to 253 residents with a response deadline of October 30<sup>th</sup>. The petition included the annual costs to fund the crosswalk, at \$25-\$30 per property owner. A total of 74 petitions were received by the deadline with 49 in favour and 25 against. In accordance with Local Improvement By-law, the 179 unreturned petitions were considered as not in favour. Therefore, with 81% against and 19% in favour, the result was a failed petition.

**Assessment Roll Review**

At a previous meeting, staff were requested to review information regarding the assessment roll. Specifically, Council was seeking information on whether new assessment created by construction was being added to the tax roll; if the wind turbines in Truro Heights were on the assessment roll; and, if the assessment cap is adjusted when a property is sold. Additionally, Council inquired about if and how the assessment roll is checked for accuracy.

Staff reviewed a number of new home constructions to determine if the assessment roll reflected the true value of the construction as opposed to the permit values. In all cases, Property Valuation Services Corporation (PVSC) based the assessment on the value of the new home construction and not the permit value. Of the randomly selected new home constructions used for this review, it was noted that all were included and updated on the tax roll.

Research on the wind turbines in Truro Heights found two properties containing five turbines were included on the assessment roll. It was noted that a portion of the assessed value is commercial use exempt due to the fact that turbines are taxed on the energy produced and not on the structural value.

Regarding the cap assessment being adjusted when a property is sold, this normally takes one full tax billing cycle before the cap is removed.

As a means of verifying that all information is captured in the new roll, PVSC provides staff with a list of permits they have received which is verified with the Municipality's system to confirm that no properties have been missed.

**Waste Receptacles at  
Drive Thru Restaurants  
(Roadside Litter)**

As previously directed by Council, Solid Waste staff met with owners of drive thru restaurants to address waste receptacles being removed from drive thru areas. The main reason for the receptacles being removed was due to the fact that most of the garbage in the bins was not waste generated from their restaurant. Mr. Wayne Wamboldt, Director of Solid Waste, indicated that he agreed that litter is a problem and in order to tackle the problem, you have to change the behavior of people.

Discussion was held on the litter issue and it was agreed that it is a much bigger problem than just the drive thru restaurants. However, it was felt that waste receptacles at these locales is a good corporate service and would help the litter issue. Councillor Taggart requested that roadside litter issue be brought forward at a future meeting as an Action Item for further discussion.

A suggestion was made about the possibility of a program being implemented which would have interested companies having waste receptacles with company advertising, placed in safe locations along highways and roads.

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

Copies of reports from the Mayor and Councillors were circulated in the package or placed on table for this evenings meeting.

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Councillor Cavanaugh briefly discussed the lack of flooding issues with the amount of rain recently received. The flood work recently carried out in the North and Salmon Rivers is proving to be successful. Councillor Gibbs indicated that flood remediation work in Murray Siding is also working and thanked the Flood Committee for their efforts.

Mayor Taylor spoke about the recent success of the Kenny Rogers Concert at the RECC. The event had over 2,000 in attendance. Additionally, a joint meeting with the RECC, Town of Truro and Municipality of Colchester is being coordinated to take place in the 2<sup>nd</sup> or 3<sup>rd</sup> week of December. The meeting is to receive a presentation on events coordination. It was requested that, if possible, the presentation be circulated prior to the meeting.

*At this point, Council decided to remove the closed session item from the agenda.*

## **Adjournment**

Moved by Councillor Gregory  
Seconded by Councillor Cavanaugh

“That the meeting be adjourned at 9:59 pm.”

Motion Carried Unanimously.

Tracey Veno  
Recording Secretary