

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted virtually via Zoom Webinars, with Council Members in-person, on Thursday, February 25, 2021, at 6 pm.

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Councillor Laurie Sandeson	District 2
Deputy Mayor Geoff Stewart	District 3
Councillor Mike Cooper	District 4
Councillor Tim Johnson	District 5
Councillor Karen MacKenzie	District 6
Councillor Michael Gregory	District 7
Councillor Lisa Patton	District 8
Councillor Marie Benoit	District 9
Councillor Tom Taggart	District 10
Councillor Wade Parker	District 11

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Newell, Director of Public Works
 Crawford Macpherson, Director of Community Development
 Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste
 Dennis James, Municipal Solicitor
 Tracey Veno, Recording Secretary
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Dave Westlake, Emergency Management/Protective Services Coordinator
 Jeanette Himmelman, Systems Analyst
 Mark Austin, Economic Development Officer
 Jenn Mantin, Business Development Officer

Approval of Agenda

Moved by Councillor Patton
 Seconded by Deputy Mayor Stewart

“That the agenda be approved as presented.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Cooper
 Seconded by Councillor Johnson

“That the minutes of the meeting held on January 28, 2021, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on January 28, 2021.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on February 11, 2021:

Lease of Parkland to Village of Bible Hill (for Cobequid Trail)

Moved by Deputy Mayor Stewart
Seconded by Councillor Boutilier

“That Council approves to lease parkland PID 20319331 to the Village of Bible Hill for the purposes of development of a section of Cobequid Trail; and,
That the Mayor and CAO be authorized to complete the terms of the lease.”

Motion **DEFEATED**. (*all opposed – Councillor Taggart was not available for the vote*)

Moved by Councillor Parker
Seconded by Councillor Benoit

“That Council approves to sell parkland PID 20319331 to the Village of Bible Hill for the purposes of development of a section of Cobequid Trail, with provisions that if use of land discontinues as parkland, the land would revert back to the Municipality; and,

That the Mayor and CAO be authorized to complete the terms of the agreement.”

Motion Carried Unanimously.

Live Streaming of Council Meetings

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That Council approves proceeding with the current method being used for Council and Committee meetings.”

Motion Carried Unanimously.

Crows in Bible Hill

Moved by Deputy Mayor Stewart
Seconded by Councillor Johnson

“That Council not proceed with the purchase of a wailer for deterring crows.”

Motion Carried. (*Mayor Blair, Councillors Boutilier, MacKenzie and Parker opposed*)

Award of Tender – Screen and Compactor, CCWWTF

Moved by Deputy Mayor Stewart
Seconded by Councillor Sandeson

“That Council approves that the contract for the supply of a fine screen and compactor at the Central Colchester Wastewater Treatment Facility be awarded to EEP for a total contract amount of \$140,403 excluding HST.”

Motion Carried Unanimously.

Low Income Municipal Tax Assistance Program Policy

Moved by Deputy Mayor Stewart
Seconded by Councillor Taggart

“That Council approves that the Low Income Municipal Tax Assistance Program Policy be adopted with one rebated amount across the board at \$534.60.”

Motion Carried. (Councillors Boutilier and Sandeson opposed)

Flood Advisory Committee Report and Recommendation AND Minutes of Meeting Held on January 21, 2021:

Moved by Councillor Johnson
Seconded by Councillor Parker

“That Council approves that the Flood Advisory Committee budget remain at \$100,000 for the 2021/2022 fiscal year.”

Motion Carried Unanimously.

Planning Advisory Committee (PAC) Report from meeting held on February 22, 2021:

Councillor Sandeson, Chair of PAC, presented the report from the meeting held on February 22, 2021.

Moved by Councillor Sandeson
Seconded by Deputy Mayor Stewart

“That Council receives the report from the Planning Advisory Committee meeting held on February 22, 2021.”

Motion Carried Unanimously.

ACTION ITEMS

First Reading – Rezoning for Hilden Fire Brigade

Crawford Macpherson, Director of Community Development, advised that this item relates to a proposed amendment to the Central Colchester Land Use By-law to allow the Hilden Fire Brigade to construct a new fire hall at a new location along Highway 2. The Planning Advisory Committee met on February

22nd to review this application and is recommending the amendment be approved. Under the Municipal Government Act, by-law amendments require two readings. First Reading essentially is to announce Council's intent to consider the application and amendment. If approved, Second Reading will take place at the end of March, where Council will have opportunity to debate the merits of the application as well as conduct a public hearing to receive input from the public.

Moved by Councillor Sandeson
Seconded by Deputy Mayor Stewart

"That Council approves, by way of First Reading, the amended Central Colchester Land Use By-law as presented, for purposes of forwarding this document to a Public Hearing, reserving consideration of the amendment until Second Reading following the Public Hearing."

Motion Carried Unanimously.

Colchester Ground Search and Rescue Funding Request

Dave Westlake, Emergency Management Coordinator, provided information, relative to the funding request from Colchester Ground Search and Rescue (CGSAR). Included in his report was information on past and current contribution levels; in-kind contributions provided; additional ask of the CGSAR seeking a land use agreement; other funding sources; examples of possible increased amounts through implementation of area rates; funding comparatives of other Ground Search and Rescue teams; and options for consideration. Mr. Westlake also noted that the Municipality currently provides operational grants to fire departments who are unable to secure a threshold of \$50,000 from their fire protection area rate through the Base Level of Service (BLS) Agreement. Should Council opt to provide funding over the Base Level Service Agreement, it could trigger a review of the Agreement to ensure equality in funding amongst fire and emergency service providers.

Lengthy debate was held including discussion on the CGSAR request for additional land; maximum funding amount to bring them to the BLS amount; concern regarding inconsistent funding contributions from other Colchester municipal units; what is needed to achieve sustainable funding for the building expansion; ability to bill for consumables; billings for recent events; and the organization providing a crucial service for communities.

Moved by Councillor Taggart
Seconded by Councillor MacKenzie

"That Council provide an increase to Colchester Ground Search and Rescue's operational grant beyond the Base Level of Service to \$70,000, with funds from the operations budget."

Clarification was sought on the amount of CGSAR's request, as well as the intent of the amount stipulated being inclusive of in-kind contributions. The CAO suggested that discussion could be tabled at this time with the intent of having staff bring back information to better clarify amounts being requested.

Moved by Councillor Boutilier
Seconded by Councillor Cooper

“That the discussion on funding for Colchester Ground Search and Rescue be tabled.”

Motion Carried. *(Councillor Parker opposed)*

Mayor Blair confirmed that additional information would be brought back to the March Council meeting.

Second Reading – Amendments to Chapter 3 Repeal of By-laws By-law

As was reported to Council at their January Council meeting, it was determined that two by-laws, the Accounts By-law and the Interpretation By-law, are no longer relevant and should be repealed. The amended Chapter 3 Repeal of By-laws By-law, includes these two By-laws to the list of previously repealed By-laws.

Moved by Councillor Gregory
Seconded by Councillor Sandeson

“That Council approves, by way of Second Reading, amendments to Chapter 3 Repeal of By-laws By-law, as presented.”

Motion Carried Unanimously.

Ice Pond Drive Sidewalk – Cost Estimate

Ms. Newell, Director of Public Works, advised that as per the directive of Council, staff reviewed costs for a sidewalk on Ice Pond Drive and indicated that estimated costs would be approximately \$1,065 per metre, or \$852,000.

Council held discussion on the County’s Active Transportation Strategy (ATS) and who pays the ATS rate; the capital budget process and bringing items back to Council before being tendered; and projects currently on the approved capital budget.

Moved by Councillor Johnson
Seconded by Councillor Parker

“That a sidewalk on Ice Pond Drive be referred to the five-year capital budget process.”

Motion Carried Unanimously.

Funding for J Class Roads

Ms. Newell advised that at their January meeting, Council referred funding for J Class Roads staff to bring back information to Council on options of applying area rates for the paving of J Class Roads, which are Provincially owned. Information included a detailed sampling of various area rate increases in six districts containing 70% of all J Class Roads in the County, on a 15 and 20 year rotation.

Moved by Councillor Parker

Seconded by Councillor Johnson

“That Council approves applying an area rate within the electoral boundaries, as outlined in the Action Item, on a 20-year rotation.”

Motion **DEFEATED**. (Mayor Blair, Deputy Mayor Stewart, Councillors Boutilier, Sandeson, MacKenzie, Gregory, Patton and Taggart opposed)

Councillor Benoit was not available for this vote as she left the meeting due to illness.

Once again, concern was expressed with this being a download from the province. Additional concerns were raised with other potential tax increases for the upcoming fiscal year, as well as the need for public consultation prior to making any such decision on area rate increases. Further discussion was held on needing the information on the remaining 30% of J Class Roads in the County to make an informed decision. Other discussion points included roads being one of the number one priorities of constituents; recognizing this as a download of the province but at some point, it will have to be done; the number of times this matter has been referred back to staff; public consultation options during Covid pandemic; and, any other potential funding sources.

Moved by Councillor Sandeson
Seconded by Councillor Johnson

“That Council directs staff to bring back information at the March Council meeting on area rates for all J Class Roads in the County as well as other potential funding sources for the paving of J Class Roads.”

Motion Carried Unanimously.

Mass Casualty Commission

Mr. Dennis James, Municipal Solicitor, advised that this item relates to Council’s expressed interest in participating in the public inquiry of the mass casualty. It was noted that there is not clear definition on what participation means yet. These submissions are not a request for formal participation in the hearing in the sense of ‘standing’, rather it is for the Commission to determine who is interested in participating, what the nature of the interest is, and at what level of involvement.

The CAO advised that there is a requirement for written submissions with a deadline of March 5th. Staff is not looking for specific direction this evening outlining the position of Council, rather if there is direction to proceed with a submission, an email will be sent tomorrow requesting input in writing. The feedback received will be collated and circulated back to Council to ensure that what is being submitted on behalf of Council has a degree of unanimity.

Moved by Councillor Boutilier
Seconded by Councillor Johnson

“That Council approves proceeding with a submission to participate in the Mass Casualty Commission.”

Motion Carried Unanimously.

**First Reading – Chapter 2 Noise
By-law**

Devin Trefry, Research, Policy and Community Engagement Officer, advised that this item is to consider First Reading of the draft Noise By-law. There will be opportunity for a more fulsome debate and to receive public input at Second Reading, should First Reading be approved.

As part of his presentation, Mr. Trefry indicated that Council had previously directed staff to draft a noise by-law as well as a fireworks by-law for consideration. This most recently came about due to a situation involving fireworks last summer. At their meeting on February 11th, a draft noise by-law was presented and reviewed in detail. Staff indicated that it was felt that the issue of fireworks could be addressed within the draft noise by-law. The draft by-law as presented, largely derived from the Noise By-law of Cumberland County, was vetted through the RCMP and the Municipal Solicitor. There were two main issues from discussions on February 11th: permitting for fireworks; and grandfathering of existing businesses. By a majority, it was agreed that permitting for fireworks as presented in the draft by-law was acceptable. Also by majority, Council was not in favour of grandfathering existing businesses.

Staff are proposing a few additional changes to the draft by-law that was presented on February 11th, which are identified in red print in your package this evening. These proposed changes include a clause specific to fireworks during a ban on open fires issued by the Province; a clause permitting up to two additional occasions for fireworks with time restrictions; delegation for exemptions; modified penalties; and, time restrictions for the detonation of fireworks.

Lengthy discussion was held on the draft by-law as presented. Deputy Mayor Stewart outlined a number of concerns with various clauses in the draft by-law including Section 5; Section 7(b) and (g); Schedule A Parts 1(5), 3(1), and 4. A number of calls and emails were received on this matter with the majority not being in favour. He indicated that what is being proposed is not acceptable; he is not against having a by-law that controls noise during certain time periods and one that does not restrict what people in rural communities have become accustomed to.

Moved by Deputy Mayor Stewart
Seconded by Councillor Johnson

“That First Reading of the Noise By-law not be approved.”

Motion Carried. (*Councillor Boutilier opposed*)

Further discussion was held with a number of points being raised including dealing with fireworks separate from noise; safety being one of the major concerns with fireworks; unintended consequences of a noise by-law;

potential adverse effects on existing businesses; misinterpretation of intentions of the draft by-law; lack of enforcement of other existing regulations; needing a mechanism to deal with repeat offenders; noise versus nuisance; and feedback and input received from the public.

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That staff come back to Council with options for dealing with fireworks and noise/nuisance, as two separate issues.”

Motion Carried. (*Mayor Blair, Councillors Cooper, Johnson, Patton, and Taggart opposed*)

Vacant Unused and Untaxed Farmland and Taxes

Due to time of meeting, Councillor Taggart indicated that he would like this item deferred to the March Committee meeting.

Crosswalk Hwy 289

Deputy Mayor Stewart advised of a situation with two schools on the outreach part of the community that have no safe crossing points between the school and the intersection in Brookfield. A number of students walk along that stretch of highway with no safe crossing spots. Additionally, last year a section of the highway was paved and all of the side streets that had pre-existing crosswalks painted have never been repainted. A copy of a petition initiated by concerned citizens would be left with staff.

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That the petition be referred to staff to discuss with NS Transportation and Infrastructure Renewal to have a crosswalk at Highway 289 in Brookfield and about having the pre-existing crosswalks repainted on the side streets.”

Motion Carried Unanimously.

Correspondence - ACTION

Sara Forbes, Clerk and Treasurer, Tatamagouche Village Commission

Letter dated February 10, 2021, concerning the municipal funding agreement for the transfer of Federal Gas Tax Funds.

Councillor Gregory indicated that he thought this issue came up a couple of years ago and was discussed with the Village of Tatamagouche. Scott Fraser, Director of Corporate Services, confirmed that the process and procedures regarding gas tax funding was previously discussed with the Village. It was suggested that staff contact the Village to review the procedures again.

Moved by Councillor Gregory
Seconded by Deputy Mayor Stewart

“That the letter from Sara Forbes, Clerk and Treasurer for the Tatamagouche Village Commission, be referred to staff.”

Motion Carried Unanimously.

**Donna Lugar, NS
Representative, Canadian Lyme
Disease Association**

An email dated February 17th regarding a proclamation for Lyme Disease Awareness Month 2021.

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That Council proclaims May as Lyme Disease Awareness Month.”

Motion Carried Unanimously.

Leigh and Michael McKeigan

Correspondence and petition requesting paving of the Granmar Estates Subdivision in Crowes Mills.

Councillor Taggart indicated that due to Councillor Benoit having to leave the meeting unexpectedly, she is requesting that this item be deferred to the March Committee meeting. Council agreed.

**Mitchell Bell, Clerk and
Treasurer, Village of Bible Hill**

A letter to the CAO dated February 19, 2021, regarding deer population.

The CAO advised that the Village of Bible Hill has indicated they would be willing to work together on addressing the deer population in the Village. The suggestion of a regional approach with the Town of Truro may be premature as Truro has already engaged in extensive public engagement on this matter. Council agreed that staff pursue discussions with the Village of Bible Hill on the topic of deer population in Bible Hill.

**Florence (Lane) Dobson and
Sharon McLellan**

Letter to the Mayor and Council concerning a memorial site in Colchester County that will honour victims of the April 2020 mass shooting.

Discussion was held regarding both a stand-alone memorial site in the community as well as a joint memorial site with neighbouring municipalities also affected by the tragedy. Concern was expressed about the Portapique community not wanting a permanent memorial site. Referring to the list of names included in the correspondence received, it was noted that a number of the names on the list are not from the community of Portapique. Council discussed and supported the idea of the heart memorial donated by a resident being placed at the joint community and Rotary Club project, however, it was noted that this would not be a decision of Council. It was also agreed that discussions continue with neighbouring municipalities and the Nova Scotia Remembers Legacy regarding a joint memorial site.

Due to the time, 10:14 pm, and the number of items remaining on the agenda, Council discussed the options of continuing with the meeting or deferring the remaining items to another evening.

Moved by Deputy Mayor Stewart
Seconded by Councillor Gregory

“That Council recess and reconvene immediately following the Presentation meeting on Tuesday, March 2nd.”

Motion Carried Unanimously.

RECONVENE

The meeting reconvened at 8 pm on March 2nd with all Councillors in attendance except Councillor Benoit. Others in attendance included Rob Simonds, CAO; Crawford Macpherson, Director of Community Development; Michelle Newell, Director of Public Works; Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste; Dennis James, Municipal Solicitor; Tracey Veno, Recording Secretary; Mark Austin, Economic Development Officer; Jenn Mantin, Business Development Officer; Paul Smith, Manager of Planning Services; and Tim Smith, IT Manager.

Mayor Blair advised that item number 17, Will Kare Paving -New Gravel Pit in North River, is being removed from the agenda as information on this item was distributed to Council via email.

Correspondence - INFORMATION

Development Officer

A copy of the Development Activity Report received from the Development Officer for the month of January 2021. Council agreed to receive the report for information purposes.

Building Inspector

A copy of Building Permit Statistics received from the Building Inspector for the month of January 2021. Council agreed to receive the report for information purposes.

INFORMATION ITEMS

Beautification and Streetscaping Program

Paul Smith, Manager of Planning Services, provided a brief report on this item noting that staff have been taking advantage of funding under this program for a number of years. Three grants have been received and used for the Fundy Discovery Site. Staff have also assisted with applications for the Villages of Bible Hill and Tatamagouche under said program. During a previous presentation to Council on the Fundy Discovery site, staff suggested doing some potential waste management improvements at the site, such as solar compacting waste containers. These containers would qualify for funding under the Beautification and Streetscaping Program and staff would like to make application this year for this purpose depending on what other projects Council may have in mind that might qualify under the program. Mr. Smith also indicated that litter clean-up at major intersections would not qualify under the program, however, it could be utilized for waste receptacles at the locations. It was also suggested that summer students hired by the County could be reassigned to assist with this.

Moved by Councillor Taggart
Seconded by Councillor Sandeson

“That the Beautification and Streetscaping Program be referred to March Committee for discussion.”

Motion Carried Unanimously.

Covid-19 Update

As per the request of Council at the March 26, 2020 meeting, this item serves to provide Council with ongoing operational and administrative updates and implications relative to the COVID-19 Pandemic.

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

Copies of reports from the Mayor and Councillors were circulated in the package and/or as a separate attachment prior to this evenings meeting.

CLOSED SESSION

Moved by Councillor Gregory
Seconded by Councillor Cooper

“That the meeting go into closed session at 8:11 pm.”

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Cooper

“That the meeting reconvene in open session at 10:27 pm.”

Motion Carried Unanimously.

**Negotiations – Truro-Colchester
Partnership for Economic
Prosperity Renewed Funding**

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That Council approves the requested Truro Colchester Partnership for Economic Prosperity contribution amount of \$64,350 for fiscal year 2021-22, contingent upon agreement of all other funding partners at the requested levels.”

Motion Carried Unanimously.

**Property Matter – Debert
Business Park**

Moved by Councillor Gregory
Seconded by Councillor Taggart

“That Council approves the subdivision of Lancaster Crescent Lot 215 and the sale of the newly formed Lot 215a to Flower House Farm Inc. for \$20,000, including an option to purchase Lot 215b; and,

That Council authorize the Mayor and CAO to execute the purchase and sale agreement prepared by Legal Counsel for this transaction.”

Motion Carried Unanimously.

Negotiations

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That Council grant authority to March Committee to deal with the lease agreement as discussed in Closed Session.”

Motion Carried Unanimously.

Personnel Matter

Moved by Councillor Boutilier
Seconded by Councillor Patton

“That Council approves changing the status of the Scale House and Drop Off Operator/Floater position from part-time to full-time and the vacancy be posted accordingly.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Taggart
Seconded by Councillor Gregory

“That the meeting adjourn at 10:35 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary