

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted virtually via Zoom Webinars, on Thursday, August 26, 2021, at 6:00 pm.

Roll Call

The roll was called with the following Council members in attendance:

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 (<i>arrived at 6:32 pm</i>)
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
Vacant	District 10
Councillor Wade Parker	District 11

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Boudreau, Director of Public Works
 Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste
 Paul Smith, Acting Director of Community Development
 Dennis James, Municipal Solicitor
 Tracey Venno, Recording Secretary
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Jenn Mantin, Acting Economic Development Officer
 Joanna Burris, Sustainability Planner (for Item No. 7)
 Tim Smith, IT Manager

Others In Attendance

S/Sgt. Curtis MacKinnon (for Item No. 12)
 Matt Moore, RECC General Manager (for Item No. 20 in Closed Session)

Due to a directive by the Minister of Municipal Affairs and Housing pursuant to the provincial State of Emergency related to COVID-19, all Colchester Council meetings must be held remotely by teleconference or on a virtual platform. In order to ensure transparency and honour the commitment for Colchester Council to conduct its business in public, these draft minutes are being posted within twenty-four hours of the meeting. They will not be reviewed and approved until the next regularly scheduled meeting of Colchester Council on September 29, 2021. Until these minutes are formally approved by Colchester Council, they cannot be relied on as an official record of the August 26, 2021, meeting.

Mayor Blair welcomed MLA-Elect for Colchester North, Tom Taggart, and congratulated him on his recent success. It was acknowledged that Council has received a copy of the resignation dated August 18th from Tom Taggart as Councillor for District 10.

MLA-Elect Taggart addressed Council to thank Council indicating that over the past 12 years he has been part of great Councils and is very proud of the work that has been accomplished. He looks forward to working with Council in his new role.

Approval of Agenda

Moved by Councillor Sandeson
Seconded by Councillor Gregory

“That the agenda be approved with the following amendments:

- Change Item No. 6 to Special Election Planning;
- Add Item No. 23, Negotiations in Closed Session; and,
- Add Item No. 24, Personnel Matter in Closed Session.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Johnson
Seconded by Councillor Benoit

“That the minutes of the meeting held on June 24, 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 June 24, 2021.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on August 12, 2021:

Debert Military Museum Funding

Moved by Deputy Mayor Stewart
Seconded by Councillor Parker

“That Council approves funding for the Debert Military Museum be increased from \$100 to \$2,000 for fiscal 2021-22, and that the Museum make an application through the Grants to Non-profit Organizations for future years based on their needs; and,

That the annual grant of \$100 to offset the Water Utility disconnection/reconnection fee remain in place.”

Motion Carried Unanimously.

Tender Award – Highway 246 Watermain, Tatamagouche

Moved by Deputy Mayor Stewart
Seconded by Councillor Gregory

“That Council approves the tender for the Highway 246 Watermain Replacement be awarded to S.W. Weeks Construction for a total contract amount of \$167,000 excluding HST, with source of funds being the Tatamagouche Water Utility Depreciation Fund.”

Motion Carried Unanimously.

Pictou Road to Crowland Drive Sidewalk Versus Multi-Use Trail

Moved by Deputy Mayor Stewart
Seconded by Councillor MacKenzie

“That Council approves that a placeholder for the Crowland Drive sidewalk project be included in the capital budget; and, proceeding with a public consultation process.”

Motion Carried Unanimously.

Active Transportation & Sidewalk Project

Referring to the following motion as recommended by Council Committee, Rob Simonds, CAO, advised that it contains wording that would move this project forward if possible, and that discussion will be required to address staff resource capacity. The Director of Public Works previously advised that staff have the ability to do two projects per year and adding this to the capital budget in 2023-24 would exceed staff capacity. The CAO also advised that new information has been received from the Village of Bible Hill that they have this project slated for 2024-25. From a process perspective, the motion would have to be voted down if Council would like to put another motion on the floor to align with the Village of Bible Hill’s timeline.

Moved by Deputy Mayor Stewart
Seconded by Councillor Parker

“That Council approves that the College Road to Regency sidewalk currently in the short-term priorities of the Active Transportation Strategy be advanced to the five-year capital budget for fiscal 2023-24, if possible, and that the Village of Bible Hill be notified for budgeting purposes.”

AND

“That Council re-confirms its approval of the AT / sidewalk priorities contained in the updated Appendix 1: Active Transportation Project Evaluation of the Municipality’s Active Transportation Strategy; and,

That Council include the sequencing of these projects in their five-year capital budget.”

Motion DEFEATED. *(All opposed)*

A question was raised about changing the motion to align with the Village for 2024-25, if this would still have three projects on the list for that year and exceed staff's ability to do two projects in any given year. The CAO advised that while this would align with the Village of Bible Hill timeline for budgeting purposes, discussion would be required regarding financial capacity as well as a shift in projects to accommodate staff resource capabilities.

Moved by Deputy Mayor Stewart
Seconded by Councillor Parker

"That Council approves that the College Road to Regency sidewalk currently in the short-term priorities of the Active Transportation Strategy be advanced to the five-year capital budget for fiscal 2024-25, if possible, and that the Village of Bible Hill be notified for budgeting purposes."

AND

"That Council re-confirms its approval of the AT / sidewalk priorities contained in the updated Appendix 1: Active Transportation Project Evaluation of the Municipality's Active Transportation Strategy; and,

That Council include the sequencing of these projects in their five-year capital budget."

Motion Carried Unanimously.

Green Carts/Compost Collection

Moved by Deputy Mayor Stewart
Seconded by Councillor Parker

"That Council approves staff look at promoting increased education for households with respect to green bins and odour control."

Motion Carried Unanimously.

Trucks Parking on Municipally Owned Roads/Streets

Moved by Deputy Mayor Stewart
Seconded by Councillor Parker

"That Council approves that a letter be written to Connors Transfer Ltd. concerning the parking issue on municipally owned streets."

Motion Carried Unanimously.

Paving of Thrush Lane

Moved by Deputy Mayor Stewart
Seconded by Councillor MacKenzie

“That staff be directed to start the petition process for the paving of Thrush Lane.

AND

That Council approves that the open house requirement of the Local Improvement By-law be waived due to Covid-19 and Public Health Orders and that staff proceed with a mailout petition.”

Motion Carried Unanimously.

Rock the Hub

Moved by Deputy Mayor Stewart
Seconded by Councillor Johnson

“That a letter of acknowledgement concerning the Rock the Hub Events in September not be sent.”

Motion Carried Unanimously.

Flood Advisory Committee - Minutes of Meeting Held on July 15, 2021

The draft Flood Advisory Committee minutes of the meeting of July 15, 2021, were reviewed and received.

Planning Advisory Committee - Report of Meeting Held on August 10, 2021

The Planning Advisory Committee Report of the meeting of August 10, 2021, was presented and received.

ACTION ITEMS

Special Election Planning

Councillor Cooper arrived during discussion on the Special Election Planning.

The CAO advised that this item relates to the planning of the Special Election for District 10, specifically to set the date for the Special Election and grant authority to the CAO to appoint the Returning Officer. Setting the date this evening would allow communication via the September Newsletter, notifying residents of District 10 of the Special Election.

The date for the Special Election must be a Saturday and must be no more than 11 weeks from the date Council is notified of the vacancy. If Council opts to name the date this evening, the latest date for the Special Election would be November 6, 2021. Brief discussion was held on potential benefits of holding it one week earlier, as well as the timelines of the Federal election and how this could impact acquiring a Returning Officer to carry out the duties of the Special Election.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That October 30, 2021, be set as the date for the Special Election in District 10.”

Motion DEFEATED. *(Mayor Blair, Deputy Mayor Stewart, Councillors Sandeson, Cooper, Johnson, MacKenzie, Gregory, Patton and Benoit opposed).*

Moved by Deputy Mayor Stewart
Seconded by Councillor Johnson

“That Saturday, November 6, 2021, be set as the date for the Special Election in District 10; and

That the CAO be granted authority to appoint the Returning Officer.”

Motion Carried Unanimously.

**First Reading - Solar Colchester
PACE By-law Amendments**

Joanna Burris, Sustainability Planner, provided a brief overview of the proposed amendments to the Solar Colchester PACE By-law.

Moved by Councillor Cooper
Seconded by Councillor Sandeson

“That Council approves, by way of First Reading, amendments to the Solar Colchester PACE By-law as presented.”

Motion Carried Unanimously.

**First Reading - Development
Agreement Application by
Anglerite Dash Enterprises Ltd.**

Moved by Councillor Boutilier
Seconded by Councillor Johnson

“That Council approves at First Reading the development agreement application, as presented, for the purpose of forwarding this document to the Public Hearing, reserving consideration of the development agreement until Second Reading following the Public Hearing.”

Motion Carried Unanimously.

**First Reading – Development
Agreement Application by Ramar
Construction Ltd.**

Moved by Councillor Johnson
Seconded by Councillor Benoit

“That Council approves at First Reading the development agreement application, as presented, for the purpose of forwarding this document to the Public Hearing, reserving consideration of the development agreement until Second Reading following the Public Hearing.”

Motion Carried Unanimously.

The issue of having a decent buffer zone was raised. Paul Smith, Acting Director of Community Development, advised that there would be opportunity to discuss this during the Public Hearing and Second Reading.

2021-22 Audited Financial Statements – Authority to Approve

Moved by Councillor Boutilier
Seconded by Councillor Johnson

“That Council authorizes Council Committee at their meeting on September 16, 2021, to receive and approve the 2020-21 Audited Financial Statements.”

Motion Carried Unanimously.

Baler Tender Award

Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste, advised that this item deals with the award of the Baler tender. The existing Baler has been in use since the opening of the Kempton facilities in 1996. All options for maintenance and parts replacement have been exhausted and the Baler has well exceeded its useful life. Brief details were presented on the tender and bid received.

Moved by Councillor Sandeson
Seconded by Councillor Johnson

“That Council approves the award of the RFP for the design/build to Higgins Construction for \$1,615,000 including applicable taxes; and,

That an internal contingency of 10% of purchase price be approved, to be spent only on authority of the Director of Solid Waste.”

Motion Carried Unanimously.

Second Reading, Neighbourhood Nuisance By-law

Mayor Blair welcomed S/Sgt. MacKinnon to this evening’s meeting and thanked him for input on the development of the draft Neighbourhood Nuisance By-law.

Devin Trefry, Research, Policy and Community Engagement Officer, presented an overview of the Neighbourhood Nuisance By-law which included background information leading up to the development of the draft By-law; preamble; definitions; exemptions; and, enforcement and Summary Offence Tickets by the RCMP.

Brief discussion was held on businesses operating outside of business hours; reduced number of complaints of fireworks over last year; medical/therapeutic defenses; and the By-law being open to some discretion. Responding to a query regarding the By-law achieving what is necessary for enforcement, S/Sgt. MacKinnon indicated that it is a tool that can be used by the RCMP when responding to complaints and for those not complying. There could be issues when witnesses may not want to appear in court but the By-law can definitely be utilized as a tool for enforcement.

Moved by Councillor Boutilier
Seconded by Councillor Benoit

“That Council adopts, by way of Second Reading, Chapter 2 – Neighbourhood Nuisance By-law, as presented.

Motion Carried Unanimously.

Temporary Borrowing Resolution

The Director of Corporate Services advised that this item relates to a Temporary Borrowing Resolution (TBR) to refinance a Civic Centre Debenture through the Municipal Finance Corporation. This TBR is not for new debt being incurred, rather is a renewal, and has no impact on borrowing ratios.

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

That Council approves that the Municipality of Colchester request a Temporary Borrowing Resolution in the amount of \$1,133,560; and,

That the Pre-Approval Debenture Issuance, be approved as presented, and that staff be authorized to proceed with a debenture borrowing, subject to the terms within the Pre-approval Debenture Issuance; and,

That the Mayor and CAO be authorized to sign the Temporary Borrowing Resolution and Pre-Approval Debenture, as presented.”

Motion Carried Unanimously.

Capital Budget Approval

Mr. Fraser made a detailed presentation on the five-year capital budget which included a comparison of capital versus operating budgets; capital assets and financing options; decision making process for new and replacement projects; a review of the capital budget document contents; information on fiscal sustainability modelling; and various charts.

During debate on the Capital Budget, a number of topics were discussed such as holdbacks on projects and street paving as outlined being for County owned roads; and how projects are advanced to the Capital Budget process, with an inquiry specific to the Ice Pond Drive sidewalk project as this was referred to the Capital Budget process in February 2021. Staff advised that this would be the appropriate time for discussion on such projects, however, it was noted that clarity is required when making motions referring items to the capital budget process.

Referring to the Ice Pond Drive sidewalk project, the Acting Director of Community Development advised that a preliminary review of this project was carried out and under the criteria of the Active Transportation Strategy, it scored 46 points, putting it in the long-term category. Concern was expressed regarding the scoring for this project with safety being a key issue, and that a more in-depth review should be done. Mr. Smith indicated that staff could look into this and report back to Council.

Discussion was also held regarding the source of funds for the Chantilly drainage project listed in the capital budget. Staff advised that although not the normal process, when Council added this project to the capital budget, source of funds were not identified. Before the project advances, an Action Item would need to be brought forward for Council consideration and source of funds would need to be identified at that time. Staff also noted that a biologist was on site to do a preliminary scope for this project and thousands of fish were found. As such, further investigation is being done to determine if the project will be able to proceed and a report will come back to Council when more information is available.

To allow opportunity for a more in-depth review of the projects and process, Council suggested deferring decision on the Capital Budget to September Council Committee.

Moved by Councillor Cooper
Seconded by Councillor Benoit

“That Council grant authority to Council Committee at their meeting on September 16th to approve the Five-Year Capital Budget.”

Motion Carried Unanimously.

Village of Bible Hill Gas Tax Agreement

Mr. Fraser advised that this item was discussed previously by Council in May 2021 and was referred to staff to negotiate and draft a Gas Tax sharing agreement with the Village of Bible Hill. During discussion in May, the basis of funding was agreed to be cost value of infrastructure. This equates to approximately \$135,000 annually for the Village of Bible Hill. It was noted however, that there would be a one-time top up for the current fiscal year due to increased Gas Tax Funding received. Mr. Fraser also indicated that in response to an inquiry from the Village of Bible Hill to have the ability to bank unused funds for future use by the Village, specific language can be incorporated into the agreement, as presented in the Action Item.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That Council approves entering into an agreement with the Village of Bible Hill relative to the sharing of Gas Tax Funding, with the incorporation of language regarding the ability to carry funds forward, as presented in the Action Item; and,

That the Mayor and CAO be authorized to execute the agreement.”

Motion Carried Unanimously.

Safe Restart Funding

Mr. Fraser indicated that clarification has been received on use of Safe Restart Funds and the ability to provide funding to external organizations that provide municipal services. Staff is seeking direction on if/how Council wishes to proceed with external applications. Information was provided on the allowable categories for use of Safe Restart Funds; funds received and

allocated to date; remaining funds available; reporting requirements; and suggested application and approval processes for Council consideration.

Discussion was held on the application process; facilities eligible to apply; and holding funds in abeyance for the time being for potential future Municipality needs due to the on-going Covid-19 pandemic.

Moved by Councillor Cooper
Seconded by Councillor Johnson

“That Council approves proceeding with recreational and Village applications for Safe Restart Funding; and,

That Action Item(s) be brought back to Council for consideration and final approval of applications received.”

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

Correspondence - ACTION

**Lianne Dimock, Resident,
Glengary Drive**

An email to Councillor Patton concerning a request for the paving of Glengary Drive.

Moved by Councillor Johnson
Seconded by Councillor Patton

“That staff be directed to initiate the petition process for the paving of Glengary Drive; and,

That Council approves that the open house requirement of the Local Improvement By-law be waived due to Covid-19 and Public Health Orders, and that staff proceed with a mailout petition.”

Motion Carried Unanimously.

**Tricia Ralph, Information and
Privacy Commissioner for Nova
Scotia**

Correspondence to the CAO regarding a proclamation for Right to Know Week in Nova Scotia.

Moved by Councillor Cooper
Seconded by Councillor Sandeson

“That September 27 to October 3, 2021, be proclaimed Right to Know Week.”

Motion Carried Unanimously.

**Pam Macintosh, Municipal
Planner**

A memo to Mayor and Council concerning a rezoning application by Central Nova Animal Hospital Ltd.

Moved by Deputy Mayor Stewart
Seconded by Councillor Benoit

“That the rezoning application by Central Nova Animal Hospital Ltd. be referred to the Planning Advisory Committee.”

Motion Carried Unanimously.

Derek Forsyth, Rock the Hub Inc. An email to Jenn Mantin dated August 13, 2021, regarding the Rock the Hub Event.

Moved by Councillor Cooper
Seconded by Councillor Boutilier

“That the email from Derek Forsyth regarding the Rock the Hub Events be received for information purposes.”

Motion Carried. (*Mayor Blair opposed*)

Jillian Peddle/Katherine Dunbar Winsor, Fetal Alcohol Spectrum Disorder, Newfoundland & Labrador Network Correspondence dated August 5, 2021, requesting a proclamation of FASD Awareness Week (September 6-10).

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That September 6-10, 2021, be proclaimed Fetal Alcohol Spectrum Disorder Awareness Week.”

Motion Carried Unanimously.

Ryan Doyle, Author Correspondence dated August 2, 2021, regarding a proclamation for Bullying Elimination Week.

The CAO noted the importance of the topic, however, advised that Council does not usually consider individual undertakings.

Moved by Councillor Boutilier
Seconded by Councillor Johnson

“That the correspondence regarding a proclamation for Bullying Elimination Week be received for information.”

Motion Carried Unanimously

Courtney Bullock, Communications Intern, Legal Aid Alberta An email dated August 18, 2021, requesting the light up of landmarks across the country for the first annual National Duty Counsel Day.

Moved by Councillor Johnson
Seconded by Councillor Benoit

“That the email requesting the light up of landmarks across the country for the first annual National Duty Counsel Day be received for information.”

Motion DEFEATED. (*Mayor Blair, Deputy Mayor Stewart, Councillors Cooper, MacKenzie, Gregory, Patton, Benoit, and Parker opposed*).

Moved by Councillor Cooper
Seconded by Councillor Parker

“That the email requesting the light up of landmarks across the country for the first annual National Duty Counsel Day be referred to staff to contact Nova Scotia Legal Aid for more information.”

Motion Carried. (*Councillors Boutilier and Johnson opposed*)

**Daphne Grant,
Founder/Director, The Echo
Seven Project**

An email dated August 24, 2021, requesting a special illumination of the Fundy Discovery Site for an awareness campaign for the Echo Seven Project.

Moved by Councillor Cooper
Seconded by Councillor Boutilier

“That the email requesting a special illumination of the Fundy Discovery Site for the Echo Seven Project awareness campaign be deferred to September Committee and that staff be directed to come back with costing information for lighting up Municipal buildings/sites.”

Motion Carried Unanimously.

**Stephen Covey, Chief of Police
and Chief Security Officer, CN**

An email to Mayor Blair dated August 24, 2021, concerning a proclamation for Rail Safety Week 2021.

Moved by Councillor Parker
Seconded by Councillor Johnson

“That September 20-26, 2021 be proclaimed Rail Safety Week.”

Motion Carried Unanimously.

**Joe Cooper, Owner, Balamore
Farm Ltd.**

Letter to Councillor Taggart concerning interest in acquiring a parcel of Municipal land.

Moved by Councillor Parker
Seconded by Councillor Benoit

“That the letter of interest in acquiring a parcel of Municipal land from Joe Cooper, Balamore Farm Ltd. be referred to staff.”

Motion Carried Unanimously.

Correspondence - INFORMATION

Development Officer A copy of the Development Activity Reports received from the Development Officer for the months of June and July 2021. Council agreed to receive the reports for information purposes.

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

INFORMATION ITEMS

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 evening's meeting.

CLOSED SESSION

Moved by Councillor Sandeson
Seconded by Councillor Parker

"That the meeting go into closed session at 9:44 pm."

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Cooper

"That the meeting reconvene in open session at 11:14 pm."

Motion Carried Unanimously.

Negotiations – Air Show Atlantic 2022

Moved by Councillor Benoit
Seconded by Councillor Gregory

"That the Mayor and CAO be authorized to execute a Facility Management Compensation Agreement for the Air Show Atlantic 2022, as prepared by staff and Legal Counsel."

Motion Carried Unanimously.

Negotiations – RECC Events

Moved by Councillor Parker
Seconded by Councillor Benoit

"That Council approves funding contributions to the two RECC events as discussed in Closed Session."

Motion Carried Unanimously.

Personnel – National Truth and Reconciliation Day Holiday

Moved by Deputy Mayor Stewart
Seconded by Councillor Patton

“That the September 30th Federal Holiday, National Truth and Reconciliation Day, be recognized by the Municipality and that staff be granted the day off beginning September 30, 2021; and,

That the Regular Council Session scheduled for September 30, 2021, be changed to Wednesday, September 29, 2021, due to this Holiday.”

Motion Carried. (*Councillor Cooper opposed*)

It was noted that the Municipality recognizes the importance of this day, and a suggestion was made to do something to acknowledge it's significance.

ADJOURNMENT

Moved by Councillor Gregory
Seconded by Councillor Patton

“That the meeting adjourn at 11:19 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary