

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, February 24, 2022, at 6:00 pm.

In peace and friendship, and in the spirit of truth and reconciliation, Mayor Blair began by acknowledging that the Municipality of Colchester is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

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 (arrived at 6:01 pm)
Councillor Tim Johnson	District 5
Councillor Karen MacKenzie	District 6
Councillor Michael Gregory	District 7
Councillor Marie Benoit	District 9
Councillor Victoria Lomond	District 10
Councillor Wade Parker	District 11
<u>Regrets</u>	
Councillor Lisa Patton	District 8

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Boudreau, Director of Public Works
 Paul Smith, Director of Community Development
 Scott Fraser, Director of Corporate Service/Acting Director of Solid Waste
 Dennis James, Municipal Solicitor
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Tracey Veno, Recording Secretary
 Jenn Mantin, Economic Development Officer
 Peter McCracken, Manager, Corporate Planning & Strategic Initiatives
 Mollie MacBurnie-Haas, IT Support Technician
 Craig Burgess, Recreation Manager
 Kelly Gratto McCarthy, HR Specialist (for item no. 5(2))
 Tim Smith, IT Manager (for item no. 12)

Approval of Agenda

Moved by Councillor Johnson and seconded by Councillor Gregory

“That the agenda be approved with the following additions:

- Item #11b, FCM Funding Agreement – Signing Authority;
- Item #11c, Mass Casualty Commission Community Support;
- Items #19 & 20, Negotiations in Closed Session.” Carried unanimously.

Approval of Minutes

Moved by Councillor Sandeson and seconded by Councillor Benoit

“That the minutes of the meeting held on January 27, 2022, be approved as presented.” Carried unanimously.

Business Arising from Minutes

None.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on January 27, 2022:

Community Energy and Emissions Plan

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council approves the Community Energy & Emissions Plan as presented.” Carried unanimously.

Requests to Purchase Recreational Lands, Princeton Heights

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

“That Council approves that the Evergreen Drive property (PID 20436044) and that the Spruce Drive property (PID 20259727) be retained by the Municipality.” Carried unanimously.

Low Income Municipal Tax Assistance Program Policy

Moved by Deputy Mayor Stewart and seconded by Councillor Boutilier

“That Council approves amendments to the Low Income Municipal Tax Assistance Program Policy as presented.” Carried unanimously.

Council Proceedings Policy Amendments

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council approves the amendments to the Council Proceedings and Committees Policy as presented.” Carried unanimously.

Covid-19 Mandatory Vaccination Policies

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

“That Council approves the Covid-19 Mandatory Vaccination Policy and the Covid-119 Mandatory Vaccination Policy for Councillors and Citizen Appointees to Committees of Council, as presented.”

Considerable debate took place with both support and concern with the Policies as presented. Given the newest information as provided in the provincial update on February 23rd with plans to begin lifting restrictions and vaccination passport requirements, as well as other municipalities beginning to drop mandatory requirements, some felt that it would be redundant to implement mandatory vaccination policies at this stage. Clarification was sought on how individuals on unpaid leave would be invited back to work if the Policies were implemented this evening.

Dennis James, Municipal Solicitor, provided an update based on the newest information announced by Nova Scotia Public Health and other levels of government. From a legal perspective, the continued advice would be to look to the Occupational Health and Safety Act and the experts' advice and evidence which has changed from that of two weeks ago. Responding to the query about implementation, the Policy is written so as to end when the pandemic ends.

Further discussion was held on having the Policy in place to protect in the future; the Policy having no bearing on unvaccinated employees in light of the recent provincial announcement; slight wording changes to the Policies if proceeding with implementation; vaccinations still being recommended by the Province but easing off mandatory requirements; and implementing the Policies as a protective measure for future outbreaks.

Amending motion

Moved by Councillor Johnson and seconded by Councillor Parker

"That the Policies as presented be amended as follows:

Section 8.01(b) of the Covid-19 Mandatory Vaccination Policy and Section 9.02(b) of the Covid-19 Mandatory Vaccination Policy for Councillors and Citizen Appointees to Committees of Council should read *Nova Scotia Public Health determines the pandemic has ended and/or all restrictions and/or vaccination requirements have been lifted.*" Motion **defeated** (Deputy Mayor Stewart, Councillors Sandeson, MacKenzie, Gregory, Benoit and Lomond opposed).

The amending motion having been defeated, the original motion was voted on and was also **defeated** (Councillors Sandeson, Cooper, MacKenzie, Gregory, Benoit and Lomond opposed).

Truro Horsemen's Club

Brief discussion took place on the request for the exemption; previous requests which were denied; qualifications for exemption; private club status; and the understanding of the request when approved was on a go forward basis. Councillor Boutilier clarified that at the time of the exemption request, the Truro Horsemen's Club was not aware of the need to request an exemption of the back taxes.

Moved by Deputy Mayor Stewart and seconded by Councillor Gregory

"That Council not approve absolving the Truro Horsemen's Club from back taxes since 2019." Motion carried (Councillor Boutilier opposed).

Debert Business Park Advisory Committee – Report from Meeting Held on February 2, 2022

Moved by Councillor Johnson and seconded by Councillor Benoit

“That the amendments to the Terms of Reference for the Debert Business Park Advisory Committee be approved as presented.” Motion carried (Councillors Boutilier and Cooper opposed)

ACTION ITEMS

Tender Award – Barry Avenue Sidewalk Reconstruction

Michelle Boudreau, Director of Public Works, provided background information on the Barry Avenue Sidewalk Reconstruction project, the tender process, advertising, and the three submissions received in response to tender. The low bidder was Basin Contracting Limited and their submission was deemed to be complete. Staff recommend the tender be awarded to Basin Contracting Limited.

Brief discussion was held on the Province re-paving Barry Avenue and whether the projects could be done at the same time. Ms. Boudreau advised that she would follow up with Nova Scotia Public Works on this matter.

Moved by Councillor Johnson and seconded by Councillor Parker

“That Council approves the award of tender for the reconstruction of the Barry Avenue Sidewalk to Basin Contracting Limited for a total contract amount of \$185,575, excluding HST; and,

That an internal contingency of \$20,000 be approved, to be spent only on authority of the Director of Public Works.” Carried unanimously.

Second Reading Wind Turbine Development By-law

Paul Smith, Director of Community Development, provided an overview of the proposed amendments to the Wind Turbine Development By-law, Section 7.2, which would basically put a pause on all applications for a license for a period of six months while staff undertake a review of the by-law; allow for a one time extension of an additional six months; and stipulates applications will be processed in accordance with requirements following the review period.

The Municipal Solicitor noted one minor typo in the first paragraph of Section 7.2 which should read *“For a period of six months commencing January 27, 2022, no applications for a license will be received for small- or large-scale wind turbines while the Municipality reviews the requirements for small- and large-scale wind developments.”*

Moved by Councillor Lomond and seconded by Councillor Sandeson

“That Council approves, by way of Second Reading, amendments to the Wind Turbine Development By-law with the noted correction.” Carried unanimously.

First Reading Remuneration for Council By-law Amendments

The proposed amendments to the Remuneration for Council By-law provides discretion to reduce remuneration of Council members who are removed from Committee assignments; granted a leave of absence; or subject to corrective action under the Code of Conduct for Members of Council. Initially

raised in connection with the mandatory vaccination policy, it could also be used for potential violations of the Code of Conduct.

Moved by Councillor MacKenzie and seconded by Councillor Sandeson

“That Council approves, by way of First Reading, amendments to the Remuneration for Council By-law, as presented.” Carried unanimously.

Sewer System Capacity (Brookfield)

Ms. Boudreau indicated that Council previously directed staff to investigate a sewer capacity issue as a result of a potential development in Brookfield. There are a number of considerations surrounding the development request in Brookfield and the implications extend across the entire County. Staff recommend issuing a Request for Proposals for capacity review in a number of areas across the County.

Brief discussion was held on costs to developers for large development projects. Mr. Smith indicated that development charge by-laws are becoming more common in cities and other municipalities.

Moved by Deputy Mayor Stewart and seconded by Councillor Boutilier

“That staff issue a Request for Proposals for sewer and water system capacity reviews for Brookfield, Hilden, Tatamagouche, Valley and Truro Heights.” Carried unanimously.

Moved by Councillor Boutilier and seconded by Councillor Gregory

“That staff be directed to look into a Development Charges By-law.” Carried unanimously.

2022 FCM Conference

The CAO provided a brief introduction of this item noting that Council usually identifies who will attend the annual FCM Conference. This year it is being held in Regina, Saskatchewan, and will be a hybrid Conference with in-person and virtual attendees. Costs for attending are outlined within the Action Item. Historically, attendees included the Mayor, Deputy Mayor and three members of Council, as well as the CAO.

Moved by Councillor Parker and seconded by Councillor Gregory

“That Council follow past procedures for attending the annual FCM Conference with attendance in-person as well as virtual, for those unable to attend in-person.” Carried unanimously.

Moved by Councillor Parker and seconded by Councillor Cooper

“That in-person attendees for the 2022 FCM Conference include Mayor Blair, Deputy Mayor Stewart, Councillors Sandeson, Johnson, and Lomond, as well as the CAO; and,

That those wishing to attend virtually be permitted to do so.” Carried unanimously.

Councillor Benoit advised that she would be interested in attending virtually.

J Class Road Paving

Councillor Johnson provided background information on the paving of J Class Roads including ownership of the roads; the Cost Sharing Agreement with the province; past processes for getting these roads paved; districts most affected; current budget allotment and required amounts for paving on 15- and 20-year cycles; and, various motions made over the last year to advance the paving of J Class Roads, all of which were defeated. The provincial review is not expected for an extended period, roads continue to deteriorate, and Councillor Johnson indicated that we need to take advantage of the provincial funding available and find a way to get these roads paved.

Discussion on this topic included roads being in the top three concerns of area residents; J Class Roads being provincially owned; some J Class Roads being paved by the Province without the municipal contribution; ranking within the Strategic Priorities Report: concerns with ratepayers in areas with no J Class Roads having to pay; concern regarding increased taxes; and sidewalks and the Active Transportation rates. Other points of discussion included paving of roads being for the betterment of Colchester and communities as a whole. Other projects were cited where taxpayers throughout the entire County pay for that they may not directly be required or used by everyone such as internet and the RECC.

Moved by Councillor Johnson and seconded by Councillor MacKenzie

“That the paving of J Class Roads be added to the upcoming operating budget deliberations.” Motion carried (Deputy Mayor Stewart, Councillors Boutilier and Cooper opposed).

FCM Agreement – Signing Authority

Mr. Smith advised that this item relates to the FCM Property Assessed Clean Energy Fund Financing Resolution previously approved by Council. Explicit authority granting the Mayor and CAO to sign the FCM grant agreement is required and was not included in the Resolution.

Moved by Councillor Sandeson and seconded by Councillor Johnson

“That the Mayor and CAO be authorized to sign the FCM Green Municipal Fund Loan and Grant Agreement, as required by FCM.” Carried unanimously.

Mass Casualty Commission Community Support Initiative

The CAO advised that this item relates to a potential opportunity to extend support to our broader community in relation to the current undertakings of the Mass Casualty Commission (MCC). Background information was provided on recent meetings with representatives from the MCC as well as follow-up discussions with senior staff and Deputy Ministers of various departments in relation to address Council concerns of having proper supports in place for trauma and grief for those in need. Staff is seeking the concurrence of Council to set up network support systems in community centres at times and locations as deemed appropriate by the MCC. Associated costs could include hall rentals, refreshments, cleaning, etc. but it is anticipated that the overall costs would be nominal.

Moved by Councillor Lomond and seconded by Councillor Benoit

“That authority be granted to the CAO to secure appropriate resources to ensure this initiative can meet the needs of the respective communities.” Carried unanimously.

Correspondence - ACTION

Leslie Dykeman

Email dated February 10, 2022, concerning the formation of a Protect Wentworth Valley Committee with a request for Council representation on the Committee.

The CAO and Municipal Solicitor advised that one of the key considerations in Council members being appointed to serve on this Committee is the issue relative to the current review of the Wind Turbine Development By-law. It could put the Council member in conflict if involved in a leadership role of the community group. The Planning Advisory Committee is doing a review of the By-law and the process will provide opportunity for public input. The group could be invited to attend these public meetings and Council members could attend the community meetings to observe and gather information.

Moved by Councillor Parker and seconded by Councillor Cooper

“That a response be sent to Ms. Dykeman explaining the reason why Council will not be appointing a representative to the Protect Wentworth Valley Committee.” Carried unanimously.

Donna Lugar, NS Lyme Disease Support Group

Email dated February 11, 2022, requesting a proclamation for Lyme Disease Awareness Month and lighting of municipal facility.

Moved by Councillor Parker and seconded by Councillor Benoit

“That Council proclaim May 2022 as Lyme Disease Awareness Month and that the Municipality’s Courthouse building be lighted on May 3rd and 4th.” Carried unanimously.

Leanne Roberts, Manager – North Shore Clothing Bank

Letter to County Council dated February 7, 2022, requesting assistance in covering the cost of their tax bill.

Councillor Gregory advised that the North Shore Clothing Bank is a not-for-profit organization under the Colchester Food Bank, located at 27 Blair Ave., a property owned by Sobeys. They are seeking assistance with their taxes. The bill was received by Sobeys but initially was not passed along to the Clothing Bank. Formerly, the property was tax exempt.

Scott Fraser, Director of Corporate Services, advised that this issue began with a review of the Tax Exemption By-law in 2020. Staff discovered that this is a leased property owned by Sobeys and under the MGA, tax exemptions cannot be granted for leased properties. Alternatively, they are now requesting assistance in the form of a grant. Through consultation with the

Municipal Solicitor, it was determined that the organization can apply for a grant, however, they have not applied for a grant under the Grants to Non-Profit Policy so far this year.

Clarification was sought on the amount of the tax bill; why Sobeys is not paying the bill; private business ineligibility for grants; and Council having the discretion to provide a grant through their Grants Policy. Councillor Gregory advised that he has reached out to Ms. Roberts requesting more specific information on the tax bill. Council agreed to defer this matter until more information is received.

**Leah Poirier, Autism Support
Coordinator, Autism Nova
Scotia's Truro Chapter**

Letter to Mayor Blair requesting a proclamation for World Autism Acceptance month.

Moved by Councillor Parker and seconded by Councillor Benoit

"That April 2022 be proclaimed World Autism Acceptance Month." Carried unanimously.

**Katherine Forster and Thomas
Mulcair, Earth Day Canada**

Email and letter to Mayor Blair concerning support and partnership for Earth Day 2022.

Moved by Councillor Sandeson and seconded by Councillor Johnson

"That staff connect with the representatives of Earth Day Canada to gather more information." Carried unanimously.

Correspondence - INFORMATION

Development Officer

A copy of the Development Activity Report received from the Development Officer for the month of January 2022. 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 January 2022. Council agreed to receive the report for information purposes.

**Sara Forbes, Clerk, Village of
Tatamagouche**

Email dated February 8, 2022, concerning the appointment of Village Commissioner Mark LeFresne to the Tatamagouche Planning Advisory Committee.

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

Letter dated February 16, 2022, concerning the appointment of Village Commissioner Donna Van Kroonenburg to the Central Colchester Planning Advisory Committee.

Moved by Councillor Sandeson and seconded by Councillor Benoit

"That Council receives the letters from Sara Forbes and Mitchell Bell." Carried unanimously.

INFORMATION ITEMS

Hybrid Council Meeting Voting Options

Staff had previously been directed to investigate voting options for hybrid meetings that would allow voting on motions and keeping record of voting by Council members. Tim Smith, IT Manager, presented staff's findings noting that the existing software in Council Chambers does not have the ability to be used in a hybrid meeting environment. Additionally, staff also investigated several other software packages and was not able to find anything suitable for hybrid meetings.

Community Trail Funding Program – Winter 2022 Applications

One application was received under the Community Trail Funding Program for the Winter 2022 application deadline. The request was from Central Colchester Junior High School for \$20,000 for the development of a 1.9 km accessible trail that will be on the school property and available for school and community use. Staff have approved a grant in the amount of \$20,000, pending confirmation of project costs and other funding sources.

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.

It was noted that the Tatamagouche Source Water Protection Advisory Committee meeting listed on some of the reports had to be rescheduled.

CLOSED SESSION

Moved by Councillor Gregory and seconded by Councillor Parker

"That the meeting go into closed session at 9:43 pm." Carried unanimously.

Moved by Councillor Gregory and seconded by Councillor Benoit

"That the meeting reconvene in open session at 10:42 pm." Carried unanimously.

ADJOURNMENT

Moved by Councillor Sandeson and seconded by Councillor Gregory

"That the meeting adjourn at 10:42 pm." Carried unanimously.

Tracey Veno
Recording Secretary