

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted in-person and virtually combined, on Thursday, October 27, 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 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 (virtual)
Councillor Michael Gregory	District 7 (virtual)
Councillor Lisa Patton	District 8
Councillor Marie Benoit	District 9
Councillor Victoria Lomond	District 10
Councillor Wade Parker	District 11

Regrets

Councillor Eric Boutilier	District 1
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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 Services
 Phillip Redden, 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
 Pam Macintosh, Manager of Planning Services
 Craig Burgess, Recreation Manager
 Tim Smith, IT Manager

Moment of Silence

Council observed a moment of silence former Councillor Berdinus "Bert" Van Zeumeren, who passed away on September 26th.

Public Hearing – Plan Amendments & Development Agreement Application, Tata Holdings Inc.

Mayor Blair called this Public Hearing to order respecting amendments to the 2001 Tatamagouche Municipal Planning Strategy (MPS) and Land Use By-law (LUB), and subsequent Development Agreement to amend both planning documents to allow multiple unit apartment buildings containing 5 or more units by development agreement in residential and institutional zones, excluding the Village Heritage area, and conditional approval of a development agreement. The text for the proposed amendments and development agreement and a related staff report has been circulated to Council members and has been made available to the public.

Rob Simonds, CAO, advised that the guidelines of the Municipal Government Act (MGA) regarding advertising of the First and Second Readings and Public Hearing have been followed.

Mayor Blair reminded Councillors that only those present throughout the Public Hearing can vote on the amendments and agreement when eventually considered by Council. This Public Hearing is Council's opportunity to hear of the amendments and agreement and any concerns of Colchester County residents. Individual Councillors will have opportunity to debate the merits of the amendments and agreement when the motion is presented to Council. Staff are present to answer any technical questions that may arise as a result of the public's input.

Pam Macintosh, Manager of Planning Services, provided a brief presentation on the MPS/LUB Amendments and Development Agreement application by Tata Holdings Inc. Highlights of the presentation included details of the property location and surrounding institutional and residential uses; reason for amendments and Development Agreement to convert the former Tatamagouche Elementary School to a 21 unit residential apartment building; area photos and floor/site plans; policy considerations; and, input from both internal and external departments relative to the application. Staff is recommending that the amendments to the Tatamagouche MPS and LUB be approved. Additionally, it is being recommended that the Development Agreement for a multi-unit residential apartment building be approved subject to approvals of the MPS and LUB amendments. A detailed report was provided in the package for this evening's meeting.

Alan McNutt, applicant, was in attendance for this Public Hearing. He indicated he purchased the property four years ago for senior and affordable housing purposes noting that the affordable housing component is conditional upon provincial approval. The proposed amendments and development agreement are the last steps in the process and Mr. McNutt indicated that with Council's approval, he is looking forward to starting the project.

Responding to queries of Council, the applicant noted that there is sufficient storage available; accessibility has been considered for both the units and parking; and, he is working with Efficiency NS on the project.

Councillor Gregory, Chair of the Tatamagouche Planning Advisory Committee (TPAC), provided the report for the TPAC meeting held on August 17, 2022.

The CAO advised that two written submissions were received, from Michael G Bates and Jeff Williams, both in support of the proposed development.

There were no members of the public and no questions of Council members concerning this application.

With no further discussion on the matter, Councillor Gregory put the following motion on the floor:

Moved by Councillor Gregory and seconded by Deputy Mayor Stewart

“That Council approves, by way of Second Reading, the amended Tatamagouche Municipal Planning Strategy and Land Use By-law, as presented; and,

That Council also approves by way of Second Reading, the Development Agreement, as presented, conditional on successful approvals of the amendments to the Municipal Planning Strategy and Land Use By-law.” Carried unanimously.

Mayor Blair noted that amendments to the Municipal Planning Strategy and Land Use By-law plus a Development Agreement have been approved and they are treated differently for appeal rights. Council’s decision on the MPS amendments will require a review by Municipal Affairs staff and may require approval of the Minister. Council’s decision is not appealable to the Nova Scotia Utility and Review Board. Once Municipal Affairs has rendered their decision on the MPS amendments, the amendments to the LUB can be advertised as there is a right of appeal to the Nova Scotia Utility and Review Board. A person has 14 days to file an appeal once notice of the LUB amendments are published in the local newspaper. Once the appeal period has passed and has not been challenged, the development agreement will be advertised for appeal in the same manner.

With no further business on this matter, Mayor Blair declared the Public Hearing closed.

Election of Deputy Mayor and Alternate Chair

Mayor Blair called for nominations for the position of Deputy Mayor. Councillor Parker moved and Councillor Benoit seconded the nomination of Councillor Stewart, who accepted the nomination. Mayor Blair called three times for further nominations and, on hearing none, the nominations ceased.

Moved by Councillor Sandeson and seconded by Councillor Patton

“That the election of Geoff Stewart as Deputy Mayor be approved.” Carried unanimously.

Deputy Mayor Stewart indicated that he remains committed in his duties as Deputy Mayor and thanked Council for their continued support.

Mayor Blair called for nominations for the position of Alternate Chair. Councillor Parker moved and Councillor Patton seconded the nomination of Councillor Cooper, who accepted the nomination. Mayor Blair called three times for further nominations and, on hearing none, the nominations ceased.

Moved by Councillor Benoit and seconded by Deputy Mayor Stewart

“That the election of Mike Cooper as Alternate Chair be approved.” Carried unanimously.

Councillor Cooper also expressed his appreciation for Council's support.

Approval of Agenda

Moved by Councillor Johnson and seconded by Councillor Cooper

"That the agenda be approved with the following additions:

- Item 12b, FCM Sustainable Communities Conference;
- Item 14b, Thank you." Carried unanimously.

Approval of Minutes

Moved by Deputy Mayor Stewart and seconded by Councillor Lomond

"That the minutes of the meeting held on September 29, 2022, be approved as presented." Carried unanimously.

Business Arising from Minutes

None

Presentation

Peter McCracken, former Manager of Corporate Planning and Strategic Initiatives, made a presentation on Colchester's 2022-23 Business Plan. Highlights of the presentation included the purpose of business planning; characteristics and benefits of business plans; development process; and, content overview. The CAO indicated the Business Plan is a tool which will help to enhance reporting to both Council and communities as a whole. A copy of the 2022-23 Business Plan was included in the Council package for this evening's meeting.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on October 13, 2022:

Former Salmon River School Property – Future Use

Deputy Mayor Stewart advised that he originally supported this motion when presented at October Committee. However, after careful consideration, some concerns were noted relative to whether the two consultation processes undertaken were comparable in nature and if all facts are being taken into consideration. It could put Council in an awkward position for future surveys and/or in the decision making process if all facts are not in order.

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

"That Council directs staff to designate 40% of the lands at the former Salmon River School property for housing development and 60% for park/greenspace; and

That staff also be directed to proceed with a Request for Proposals for the property." Motion carried (*Deputy Mayor Stewart and Councillor Sandeson opposed*).

EV Charging Stations Update/Upper Stewiacke

Councillor Cooper declared a conflict of interest on this matter and recused himself from the discussion.

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council approves the installation of a Level 2 EV charging station at the Upper Stewiacke Co-op at a cost of \$14,452.” Carried unanimously.

2022 Art Selection Committee Representatives

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council appoints Councillor Patton and Lomond to serve on the 2022 Art Selection Committee.” Carried unanimously.

ACTION ITEMS

Dog By-law Amendments – First Reading

Paul Smith, Director of Community Development, provided a brief overview of proposed amendments to the Dog By-law. These amendments are being recommended as a result of previous discussions with the SPCA, as well as concerns of Council, to better manage and administer the By-law. Staff is recommending approval of the amendments and advancing to Second Reading.

Brief discussion was held regarding broadening leashing requirements on municipally owned lands to all community parks; and, barking nuisance being covered under this By-law. Concern was also raised regarding an ongoing issue in Valley where consistent complaints are being received. Dennis James, Municipal Solicitor, advised that this would be better addressed under the Commercial Dog Care and Kennel By-law.

Moved by Councillor Benoit and seconded by Councillor Patton

“That Council approves First Reading of the amended Dog By-law and advancing to Second Reading at their regular monthly meeting in November 2022.” Carried unanimously.

Lower Truro Community Hall – Demolition Cost Recovery Options

The Director of Community Development advised that this item involves recovery of costs associated with the demolition of the Lower Truro Community Hall. Information was provided on ownership of the lands of the former hall; trustees who operated the hall and the financial status of the Association; dangerous and unsightly complaint leading to the demolition of the hall; cost of demolition and outstanding balance owing; complicating factors relating to the property due to possible mapping error; and, options for cost recovery of outstanding balance owing. Staff are of the opinion that the Municipality should internalize the outstanding balance in the amount of \$3,171.99 for the demolition of the hall.

Discussion was held regarding the Quit Claim Deed prepared for the Dickie’s from the Trustees; and, the mapping error and who is responsible for the error. The Municipal Solicitor indicated that he could ask a colleague to make

a call to Property Online to assist with this issue. Staff indicated that they could also assist in the process.

Moved by Councillor Sandeson and seconded by Councillor Patton

“That Council internalize the outstanding balance of \$3,171.99 for the demolition of the Lower Truro Community Hall; and,

That the Municipality cover legal costs incurred by the Dickies in getting lands returned to them.” Carried unanimously.

Councillor Sandeson indicated that she would like to publicly thank the Dickie’s for allowing use of their lands for the Community Hall.

Appointment of Nominating Committee

As per the Council Proceedings and Committees Policy, every two years, Council renews appointments to various Committees. To be consistent with Policy, Council should consider appointing the Nominating Committee this evening. This will enable staff to proceed with Nominating Committee meetings in November to review expressions of interest and make recommendations to November Council for approval. The Nominating Committee consists of the Mayor as a standing appointment and three members of Council.

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council appoint the new Nominating Committee and open the floor for nominations.” Carried unanimously.

Deputy Mayor Stewart moved and Councillor Gregory seconded the nomination of Councillor Patton. Councillor Johnson moved and Councillor Benoit seconded the nomination of Councillor Sandeson. Councillor Cooper moved and Councillor Johnson seconded the nomination of Councillor Lomond. All three Council members accepted the nomination.

Mayor Blair called three times for further nominations and on hearing none, nominations ceased.

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

“That Councillors Sandeson, Patton and Lomond be appointed to the Nominating Committee.” Carried unanimously.

Information to Public and Council

Councillor Lomond advised of a couple of instances where constituents reached out to her on matters that she was not aware of and expressed concern about being ill prepared to address the issues. Interest was expressed in developing a plan which would have information given to Council prior to being released to the public. The CAO advised that one of the instances as noted by Councillor Lomond was in a Director’s Report submitted by the Director of Community Development. The other instance was an anomaly as a result of the Research, Policy and Community

Engagement Officer being out of the office. Continued efforts are being made with all departments relative to improving communications.

Discussion was held on the potential for being inundated with unnecessary information; receiving too many emails; and, not tasking staff with additional work. Some members of Council indicated that if calls are received that they cannot answer, they advise the constituent that they will call them back or redirect the call to the appropriate staff member.

Moved by Councillor Lomond and seconded by Councillor Johnson

“That the development of a proactive method for information sharing between all municipal departments and Council, preceding release to the public, be referred to staff.” Motion carried (*Mayor Blair, Councillors Sandeson, MacKenzie and Gregory opposed*).

FCM Sustainability Conference

Moved by Councillor Cooper and seconded by Councillor Gregory

“That November Council Committee be granted authority to approve attendees to the 2023 FCM Sustainable Communities Conference.” Carried unanimously.

Correspondence - ACTION

Pam Mood, Mayor, Town of Yarmouth

Email dated October 4, 2022, from Mayor Pam Mood, Town of Yarmouth, concerning the NS to Maine Ferry.

Discussion was held on waiting for the completion of the provincial economic study being undertaken on the ferry.

Moved by Councillor Sandeson and seconded by Councillor Benoit

“That the email from Mayor Pam Mood concerning the NS to Maine Ferry be accepted for information purposes.” Carried unanimously.

Vernon Pitts, Warden, Municipality of the District of Guysborough

Email dated October 13, 2022, and corresponding letter concerning lack of support and participation from telecommunications companies during Hurricane Fiona.

Brief discussion took place on the lack of maintenance/improvements to infrastructure by telecommunications companies. Concern was also expressed regarding NS Power’s lack of plans regarding trees affecting power lines.

Moved by Councillor Parker and seconded by Councillor Johnson

“That Council approves writing a letter to the federal Minister of Innovation, Science and Industry concerning the lack of support and participation from telecommunications companies during Hurricane Fiona.” Carried unanimously.

Raj Makkar, Chair, RECC Board *A letter to Mayor Blair requesting Council consider the re-appointment of Duane Rath to the RECC Board as Treasurer for a special two-year term.*

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council grant an extension to Duane Rath as Treasurer on the RECC Board for a special two-year term, conditional upon the RECC Board waiving requirements under the Board’s Governance Manual.” Carried unanimously.

Correspondence - INFORMATION

Development Officer A copy of the Development Activity Report received from the Development Officer for the month of September 2022.

Building Inspector A copy of Building Permit Statistics received from the Building Inspector for the month of September 2022.

Moved by Councillor Benoit and seconded by Councillor Sandeson

“That the reports from the Development Officer and Building Inspector be received.” Carried unanimously.

Mitchell Bell, Clerk/Treasurer, Village of Bible Hill A letter to the Director of Public Works regarding the cost sharing and timelines for Old Courthouse Branch Rd./College Rd. to Regency Point Dr. sidewalk.

Moved by Councillor Parker and seconded by Councillor Johnson

“That the letter from Mitchell Bell, Clerk/Treasurer, Village of Bible Hill regarding the cost sharing and timelines for Old Courthouse Branch Rd./College Rd. to Regency Point Dr. sidewalk be received.” Carried unanimously.

INFORMATION ITEMS

Thank You Councillor MacKenzie advised that she was asked by a number of constituents to pass along a Thank You message to Council and staff for all of the efforts in clearing the yard debris in the aftermath of Hurricane Fiona.

Reports from Councillors Copies of reports from the Mayor and Councillors were circulated in the package and ‘On Table’ for this evening’s meeting.

CLOSED SESSION

Councillor MacKenzie left the meeting at this point due to illness.

Moved by Councillor Gregory and seconded by Councillor Johnson

“That the meeting go into closed session at 8:48 pm.” Carried unanimously.

Moved by Councillor Gregory and seconded by Councillor Johnson

“That the meeting reconvene in open session at 10:14 pm.” Carried unanimously.

Property Matter – 89 Ventura Drive, Debert

Moved by Councillor Benoit and seconded by Councillor Patton

“That Council approves the sale of 89 Ventura Drive as outlined in Closed Session; and,

That the Mayor and CAO be authorized to execute the purchase and sale agreement prepared by Legal Counsel for this transaction.” Carried unanimously.

Property Matter – Lot VD14-4 Ventura Drive, Debert

Moved by Councillor Benoit and seconded by Councillor Sandeson

“That Council approves the sale of Lot VD14-4 Ventura Drive based on the terms as discussed in Closed Session; and,

That the Mayor and CAO be authorized to execute the purchase and sale agreement prepared by Legal Counsel for this transaction.” Carried unanimously.

ADJOURNMENT

Moved by Councillor Benoit and seconded by Councillor Patton

“That the meeting adjourn at 10:17 pm.” Carried unanimously.

Tracey Veno
Recording Secretary