

## MUNICIPAL COUNCIL

A Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Court House, Truro, N.S. on Thursday, September 27, 2001 at 7:00 p.m.

### Roll Call

The roll was called with the following Councillors in attendance:

Mayor Mike Smith, Chair	
Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Deputy Mayor Hugh Matheson	District #3
Councillor Richard Elliott	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Soley Lynds	District #8
Councillor Keith Baas	District #9
Councillor Doug Cooke	District #10
Councillor Earl McKenna	District #11

### Public Hearing - Jeff Merritt Application, 258 Pictou Road

Mayor Smith called the public hearing to order respecting an application for a bylaw amendment involving a change to the permitted uses in the C-3 Community Commercial Zone that would allow for accessory cottage industries to residential uses. Specifically, if approved, this amendment would allow

Mr. Jeff Merritt to have a machine and welding shop at his property located at 258 Pictou Road. The text for the application and a related staff report have been circulated to Council members and made available to the public.

The Clerk, Mr. Gary MacIsaac, advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing had been followed.

Mayor Smith reminded Councillors that only those Councillors present throughout the public hearing can vote on the amendment when it is eventually considered by Council and that this public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have an opportunity to debate the merits of the amendment when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Mr. Crawford Macpherson, Director of Community Development, presented a brief overview of this application. Mr Macpherson stated that while the original planning report dealt with the matter as a

proposed MPS Amendment and LUB Amendment, planning staff believed that procedurally the matter could proceed as an LUB amendment without an MPS amendment, and that the developer's request was accordingly being treated solely as an LUB amendment. He also pointed out that in this particular case, staff and PAC did not agree on the recommendations. The staff report recommended against the proposed amendment as it is out of context with the original intent of the C-3 Community Commercial Zone. PAC is supporting the application provided the following conditions were met:

- S the cottage industry is accessory to an R-2 Residential use occupied by the owner of the business;
- S the use shall be located within a wholly enclosed building and there shall be no outdoor storage of any materials, machinery or products;
- S the use shall only be permitted to operate, including the delivery of supplies and materials, between the hours of 8:00 a.m. and 9:00 p.m. (Monday to Saturday, inclusive);
- S the use shall not exceed an area of 186 square metres (2,000 square feet) or the maximum size of an accessory building permitted under Section 6.19, whichever is less;
- S the use shall be permitted in the rear yard only and not within any required side or rear yard specified under this part.

Mr. Jeff Merritt, Property Owner, 258 Pictou Road: Mr. Merritt assured Council that he is not out to 're-invent the wheel'; he just wants to make a living. With respect to noise, Mr. Merritt stated that he has letters from neighbours indicating they are aware of what he is proposing and have no problems with it.

Councillor Masters presented a report from the Planning Advisory Committee meeting held on September 6, 2001.

Mr. MacIsaac presented two written submissions received regarding this application. The first submission from the Village of Bible Hill dated August 28<sup>th</sup> indicates the Village's objection to the adoption of the proposed amendment and recommends such amendments be addressed by the APAC as part of the plan review. The second submission from Valley Meadows (no date) indicates full support of the proposed amendment.

In response to Mayor Smith's call for public presentations, the following was received:

Christine Blair: As a Commissioner from the Village of Bible Hill, Ms. Blair requested that this and similar issues be dealt with in the plan review and that the County staff recommendation be followed. She

also stated that, regardless of the plan review, the Village of Bible Hill opposes this particular business in the C-3 zone.

The Municipal Solicitor advised Council that the amendment should only be approved if in Council's opinion it was reasonably consistent with the MPS.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters  
Seconded by Councillor Taylor

“That Council approves amendments to C-3 Community Commercial Zone of the Central Colchester Land-Use Bylaw to permit cottage industries accessory to a residence by site plan approval as described in the draft amendment presented to Council, September 27, 2001.”

Motion Carried.

Mayor Smith advised that this is a bylaw amendment which does not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council's decision on this application is appealable to the Nova Scotia Utility and Review Board. Any appeal of Council's decision must be made within 14 days of the advertising of same in local newspapers.

As there was no further business, Mayor Smith declared the public hearing closed.

### **Approval of Agenda**

Moved by Councillor Elliott  
Seconded by Deputy Mayor Matheson

“That the agenda be approved as circulated.”

Motion Carried.

### **Minutes**

Moved by Councillor McKenna  
Seconded by Councillor Cavanaugh

“That the minutes of meetings held on August 30, 2001 be approved as circulated.”

Motion Carried.

**Business Arising  
from Minutes**

Emergency Dispatch Services Agreement

Mr. MacIsaac explained that at the last Council session, it was noted that the Town of Stewiacke did not wish to continue participation in the Emergency Dispatch Services Agreement.

Since that time, Stewiacke has verbally requested that they now wish to re-enter this contract and will follow up with written confirmation.

Moved by Councillor Masters  
Seconded by Councillor Elliott

“That Council approves the Town of Stewiacke’s request to re-enter the Emergency Dispatch Services Agreement with Rafuse Associated Business Services.”

Motion Carried.

**Presentations**

**Ms. Jo Ann Fewer, Chief Executive Officer, Colchester Regional Development Agency**, provided Council with an update on CoRDA’s business plan. Accompanying Ms. Fewer were: Vince DeAdder, Christine Blair and Ron Creighton. Ms. Fewer circulated a copy of her overhead presentation, information on the Fundy Biosphere Project, and CoRDA’s October newsletter. Highlights of the presentation are as follows:

Update on six strategic objectives identified for 2001-02:

1. Completion of a one-stop community economic development (CED) shop - all offices but two occupied and two workstations.
2. Creation of an “Invest Here Program/Venture Capital Fund - currently three or four possible CED investment fund projects underway in Colchester County.
3. Completion of the Colchester Communities in Action Project - inventories being collected, consultation underway, new staff member for South Colchester, status quo in other areas.
4. Launch a forum on the knowledge industry/digital economy - created association of IT industry representatives, hosted an IT think tank session, looking for funding for IT projects.
5. Build on the Bay of Fundy as a natural phenomenon - ‘Ultimate Fundy Operator’ program promoted, facilitating meetings to work toward nomination for UNESCO Biosphere Region status, presentation to UNSM delegates in October.
6. Create a forum for individuals on income assistance or earning

low income to discuss CED opportunities - this effort in partnership with various local agencies and Department of Community Services.

Moved by Councillor Cavanaugh  
Seconded by Councillor Baas

“That the presentation from Ms. Fewer be received for information.”

Motion Carried.

### Correspondence

Council requested the following ‘Correspondence’ items be moved from Information to Action:

- S** Nos. 7 and 19: letters from Brooke Taylor and Bill Casey concerning the Brookfield Sewage Treatment Plant infrastructure project
- S** Nos. 11 and 22: letters from Grant Cooke and Mora Stevens regarding proposed changes to the Fire Prevention Act
- S** No. 17: letter from Ronald Russell concerning the Province’s signage regulations
- S** No. 26: letter from Dale Sabeau concerning municipal contributions to school playgrounds

### ACTION

**Angus MacIsaac,  
Minister of Service  
N.S. and Municipal  
Relations**

- and -

**Mayor Anna Allen,  
President, UNSM**

Letters to Mayors/Wardens dated September 5 and 18, 2001 from **Angus MacIsaac, Minister of Service Nova Scotia and Municipal Relations and Mayor Anna Allen, President, UNSM**, enclosing a copy of the Assessment Services Alternative Service Delivery Study and UNSM’s concerns with this Study (summary report distributed, full report on file in Clerk’s office).

Moved by Councillor McKenna  
Seconded by Councillor Elliott

“That the letters from Minister MacIsaac and Mayor Allen concerning the Assessment Services Alternative Service Delivery Study be referred to Council Committee.”

Motion Carried.

**Cathy Fox, 840  
Pictou Road**

A letter to Mayor Smith dated September 7, 2001 from **Cathy Fox, 840 Pictou Road**, regarding the Jack Coupar/Atlantic Central Drive development.

Moved by Councillor Lynds  
Seconded by Councillor Baas

“That the letter from Cathy Fox regarding the Jack Coupar/Atlantic Central Drive development be referred to Council Committee.”

Motion Carried.

**Darlyne Proctor,  
County Waste  
Reduction  
Coordinator**

A letter to the CAO dated September 18, 2001 from **Darlyne Proctor, County Waste Reduction Coordinator**, requesting Council’s support in proclaiming October 15-21 as ‘Waste Reduction Week’.

Moved by Deputy Mayor Matheson  
Seconded by Councillor Edwards

“That the week of October 15-21, 2001 be proclaimed as Waste Reduction Week.”

Motion Carried.

**Kimberly Boudreau,  
Chairperson,  
Insurance  
Information Week**

A letter to Mayor Smith dated September 12, 2001 from **Kimberly Boudreau, Chairperson, Insurance Information Week**, requesting Council’s support in proclaiming October 22-26 as ‘Insurance Information Week’.

Moved by Councillor Cavanaugh  
Seconded by Councillor Masters

“That the week of October 22-26, 2001 be proclaimed as Insurance Information Week.”

Motion Carried.

**Brooke Taylor,  
MLA, Colchester-  
Musquodoboit Valley**

Copies of letters dated September 4 and 12, 2001 from **Brooke Taylor, MLA, Colchester-Musquodoboit Valley and Bill Casey, M.P., Cumberland-Colchester**, requesting immediate expedition of the Brookfield Sewage Treatment Plant infrastructure project.

- and -

**Bill Casey, M.P.,  
Cumberland-  
Colchester**

Mr. Susheel Arora, Director of Public Works, provided Council with a status report on this project. He has been informed by officials of the Canada/N.S. Infrastructure Program that the application has gone through an environmental assessment and is still in the process. There may be additional announcements this fall; however, whether the Municipality goes ahead now or in the spring will depend on when the announcements are made.

**Grant Cooke,  
Province of N.S.**

- and -

**Mora Stevens, Select  
Committee  
Coordinator, House  
of Assembly (N.S.)**

Correspondence to Mayor Smith dated September 12 and 21, 2001 from **Grant Cooke, Province of Nova Scotia and Mora Stevens, Select Committee Coordinator, House of Assembly (N.S.)**, concerning public consultations on fire prevention and proposed changes to the Fire Prevention Act.

Mr. MacIsaac informed Council that he will be attending a public consultation session on this issue being held at the Salmon River Fire Hall on October 2, 2001 at 7:00 p.m. At that time, he will be making a presentation to voice Council's concerns with the draft legislation on downloading fire safety inspection services to the municipalities.

Mr. Mannie Withrow, Building Inspector, will also be making a presentation at this meeting on behalf of the Building Inspectors' Association.

**Ronald Russell,  
Minister of  
Transportation and  
Public Works**

A letter to Mayor Smith dated September 11, 2001 from **Ronald Russell, Minister of Transportation and Public Works**, regarding the Province's recently enacted regulations related to signs on primary and secondary highways.

Councillor LeFresne explained that these regulations affect all signs located on primary and secondary highways and rural roads within the province. Businesses will be limited to one sign in either direction, signs will require a logo, and all signs have to be registered.

**Dale Sabean,  
Chignecto-Central  
Regional School  
Board**

A letter to Mayor Smith dated September 20, 2001 from **Dale Sabean, Chignecto-Central Regional School Board**, in response to our letter concerning municipal contributions for school playgrounds.

Moved by Councillor McKenna  
Seconded by Councillor Taylor

“That a response to this letter be sent to the Chignecto-Central Regional School Board expressing appreciation to the Board for recognizing the Municipality's financial contribution and commitment to the improvement of school playgrounds.”

Motion Carried.

#### INFORMATION

**David Morse,  
Minister of  
Environment and  
Labour**

A letter to Mayor Smith dated August 30, 2001 from **David Morse, Minister of Environment and Labour**, in response to our letter of August 13<sup>th</sup> concerning shipment of sludge to Fundy Compost. Council agreed to receive this letter for information purposes.

**David Johnston,  
President, Waterloo  
University and Chair,  
National Broadband  
Task Force**

A copy of a letter (no date) from **David Johnston, President, Waterloo University and Chair, National Broadband Task Force**, concerning a report entitled 'The New National Dream - Networking the National for Broadband Access'. Council agreed to receive this letter for information purposes.

**Federation of  
Canadian  
Municipalities**

A copy of a letter dated August 31, 2001 from the **Federation of Canadian Municipalities**, concerning a call for letters of intent to apply for Green Municipal Funds, the deadline being October 1, 2001. Council agreed to receive this letter for information purposes.

**Doug MacKenzie,  
Secretary, Salmon  
River Fire  
Commission**

A letter to Kim Paterson dated August 31, 2001 from **Doug MacKenzie, Secretary, Salmon River Fire Commission**, regarding the Commission's withdrawal of its request to Council to re-open Gasper Lane. Council agreed to receive this letter for information purposes.

**Dennis McCormack,  
Canadian National  
Institute for the Blind**

A letter to Mayor Smith and Council dated August 31, 2001 from **Dennis McCormack, Canadian National Institute for the Blind**, requesting support in proclaiming September 24-28th as CNIB Campaign Awareness Week. Council agreed to receive this letter for information purposes.

**Sophie Boisvert,  
Canadian  
Transportation  
Agency**

A copy of a newsletter article from **Sophie Boisvert, Canadian Transportation Agency**, regarding a mediation service for resolution of transportation disputes pertaining to rail and marine modes. Council agreed to receive this newsletter article for information purposes.

**Rick Walker, South  
Colchester  
Development  
Association**

An e-mail to the CAO dated September 6, 2001 from **Rick Walker, South Colchester Development Association**, attaching minutes of a special Board meeting held on August 22<sup>nd</sup> (additional minutes held on file in Clerk's office). Council agreed to receive this e-mail for information purposes.

**Rob Bennett,  
Northeastern Region  
Manager, N.S. Power  
Inc.**

A letter to Mayor Smith dated September 10, 2001 from **Rob Bennett, Northeastern Region Manager, N.S. Power Inc.**, enclosing a report entitled 'Response to the N.S. Energy Strategy Discussion Paper' (report on file in Clerk's office). Council agreed to receive this letter for information purposes.

**Jamie Muir, MLA,  
Truro-Bible Hill**

A letter to Mayor Smith dated September 11, 2001 from **Jamie Muir, MLA, Truro-Bible Hill**, acknowledging receipt of copies of our letters regarding Aliant proposal and August civic holiday. Council agreed to receive this letter for information purposes.

**Joyce and Joseph  
Rushton, Masstown**

A letter to Council dated September 12, 2001 from **Joyce and Joseph Rushton, Masstown**, stating their opposition to compost collection and bins in their area. Council agreed to receive this letter for information purposes.

**Clyde Purvis, CAO,  
Municipality of the  
County of Pictou**

A copy of a memorandum dated September 12, 2001 from **Clyde Purvis, CAO, Municipality of the County of Pictou**, encouraging all Nova Scotia municipalities to write to CRTC regarding the increase in rural telephone service rates. Council agreed to receive this memorandum for information purposes.

**Warren Holmes,  
Senior V-P, Canadian  
Mining Operations,  
CIPEC**

A copy of a letter (no date) from **Warren Holmes, Senior Vice-President, Canadian Mining Operations, CIPEC**, enclosing a copy of the Natural Resources Canada annual report on the Canadian Industry Program for Energy Conservation. Council agreed to receive this letter for information purposes.

**Building Inspector**

A copy of the Building Permit Statistics Report received from the **Building Inspector** for the month of August 2001. Council agreed to receive this report for information purposes.

**Development Officer**

A copy of the Development Activity Report received from the **Development Officer** for the month of August 2001. Council agreed to receive this report for information purposes.

**Verna Gibson,  
Chairperson, South  
Colchester  
Development  
Association**

A copy of a letter dated September 18, 2001 from **Verna Gibson, Chairperson, South Colchester Development Association**, regarding CoRDA's decision to discontinue the Colchester Communities in Action Project. Council agreed to receive this letter for information purposes.

**Brooke Taylor,  
MLA, Colchester-  
Musquodoboit Valley**

A letter to Mayor Smith dated September 18, 2001 from **Brooke Taylor, MLA, Colchester-Musquodoboit Valley**, in response to our letter concerning the use of engine brakes and the Motor Vehicle Act. Council agreed to receive this letter for information purposes.

**Brooke Taylor,  
MLA, Colchester-  
Musquodoboit Valley**

A letter to Mayor Smith dated September 18, 2001 from **Brooke Taylor, MLA, Colchester-Musquodoboit Valley**, in response to our letter concerning CRTC's proposal to increase telephone rates in rural areas. Council agreed to receive this letter for information purposes.

**Jack Layton,  
President, FCM**

A copy of a letter dated September 21, 2001 from **Jack Layton, President, FCM**, regarding the 'Affordable Rental Program' proposal. Council agreed to receive this letter for information purposes.

**Bernie MacDonald,  
Vice-Principal,  
Administration,  
NSAC**

A copy of a letter dated September 18, 2001, from **Bernie MacDonald, Vice-Principal, Administration, N.S. Agricultural College**, concerning a report of NSAC's Groundwater Nitrate Study in Bible Hill. Council agreed to receive this letter for information purposes.

**Jo Ann Fewer, CEO,  
CoRDA**

A copy of a letter dated September 20, 2001 from **Jo Ann Fewer, CEO, CoRDA**, concerning SCDA and the Colchester Communities in Action project. Council agreed to receive this letter for information purposes.

**Mr. and Mrs. R.C.  
Smith, 291 Debert  
Beach Road**

A letter to the Mayor and Councillors dated September 25, 2001 from **Mr. and Mrs. R.C. Smith, 291 Debert Beach Road**, and a list of citizens in the area, protesting compost pick-up in rural areas. Council agreed to receive this letter for information purposes.

**Council Committee  
Reports and  
Recommendations**

**Council Committee  
Report**

Deputy Mayor Matheson presented the report from the Council Committee meeting held on September 13, 2001 which consisted of the following motions:

**Organics Program  
Expansion**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Masters

“That the existing compost collection program be expanded to the area set out in the map dated September 5, 2001 (approximately 4,000 households);

That the program expansion take place in May-June 2002;

That the Municipality extend its collection contract with Truro Sanitation Limited for the expanded compost area for a term coinciding with the existing contract which is due to expire in 2005, at the same unit cost per household that is being charged under the existing program;

That the Municipality tender for green cards this fall; and,

That the current Council practice of charging 50% of the capital lease cost to the general rate be continued for the expansion area and the corresponding adjustment be made to the 2002-03 maintenance budget.”

Motion Carried.

**Lower Truro Water Site**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Masters

“That the Municipality agrees in principle to accept ownership and liability of the public water site on Highway 236 and instruct staff to make the necessary arrangements.”

Motion **Defeated**.

**Road Name Change - Irwin Lake Road(P)**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Lynds

“That Council approves the renaming of an abandoned portion of the Department of Transportation and Public Works Road to Irwin Lake Road (P) and the Department of Transportation and Public Works be notified of this approval.”

Motion Carried.

**Rural Sidewalk Policy**

Moved by Deputy Mayor Matheson  
Seconded by Councillor Baas

“That Council approves the Rural Sidewalk Policy as amended.”

Motion Carried.

**Executive Committee**

There was no business arising from the minutes of an Executive Committee meeting held on September 7, 2001.

**Planning Advisory Committee**

Mayor Smith provided a verbal report from the Planning Advisory Committee meeting held on September 6, 2001.

**Joint Expenditure Board**

There was no business arising from the minutes of a Joint Expenditure Board meeting held on September 17, 2001.

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

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**Central Nova Tourist Association**

Councillor Edwards reported that CNTA is preparing a policy statement to be presented to the Minister of Tourism and Culture with respect to smoking restrictions in restaurants, bars, etc.

**Truro and District  
Chamber of  
Commerce**

Councillor LeFresne reported the International Tulip Festival lost money at its annual event held in May 2001.

**Adjournment**

Moved by Councillor Baas  
Seconded by Councillor Cooke

“That the meeting be adjourned at 10:15 p.m.”

Motion Carried.

Sheila Arsenault  
Deputy Clerk