

COUNCIL COMMITTEE

The Regular Session of the Council Committee of the Municipality of the County of Colchester was conducted virtually, via Zoom Webinars, on Thursday, August 13, 2020 beginning at 6:00 pm.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Christine Blair	
Councillor Eric Boutilier	District 1
Councillor Bill Masters	District 2
Deputy Mayor Geoff Stewart, Chair	District 3
Councillor Mike Cooper	District 4
Councillor Lloyd Gibbs	District 5
Councillor Karen MacKenzie	District 6
Councillor Michael Gregory	District 7 (joined at 6:08 pm)
Councillor Ron Cavanaugh	District 8
Councillor Bob Pash	District 9
Councillor Tom Taggart	District 10
Councillor Wade Parker	District 11

Staff Present

Crawford Macpherson, Acting Chief Administrative Officer
 Scott Fraser, Director of Corp. Services/Acting Director of Solid Waste
 Michelle Newell, Director of Public Works
 Dennis James, Municipal Solicitor
 Tracey Veno, Recording Secretary
 Devin Trefry, Research, Policy and Community Engagement Officer
 Mark Austin, Economic Development Officer
 Tim Smith, Manager of Information Services
 Kelly Gratto McCarthy, Human Resources Specialist
 Guy Wheeler, Returning Officer
 Anna Marie Manley, Municipal Solicitor

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 Committee on September 10, 2020. Until these minutes are formally approved by Colchester Council Committee, they cannot be relied on as an official record of the August 13, 2020 meeting.

Approval of Agenda

Moved by Councillor Masters
 Seconded by Councillor Gibbs

“That the agenda be approved with the following additions:

- Item #13b, Doctor Recruitment;
- Item #13c, Crosswalk, Lower Truro;
- Item #13d, Sidewalk, Valley Crossroads to Crowland Drive;
- Item #13e, Crosswalk, East Prince Street near East End Mini Mart.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Mayor Blair
Seconded by Councillor Parker

“That the minutes of the meeting held on June 11, 2020, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the meeting held on June 11, 2020.

At this point, Councillor Gregory joined the meeting.

ACTION ITEMS

**Procurement Policy
Amendments**

Michelle Newell, Director of Public Works, indicated that this item proposes changes to the Purchasing and Tendering for Goods, Services and Construction Projects. The proposed amendments are in relation to a letter received from the Construction Association of Nova Scotia earlier this year with concerns regarding one of the clauses in tenders that disqualify contractors who have current or concluded litigation in the past five years.

The proposed changes remove the section of the Policy that disqualifies people who have had or have ongoing litigation with the County, acknowledging that it could be somewhat unfair depending on the outcome of the litigation. Clauses remain in the Policy that allow evaluation of tenders based on past performance.

Brief discussion was held on the pros of having such a clause in the Policy, being in favour of a clause regarding five-year disqualification and the possibility of the inclusion of a clause if litigation concludes in the Municipality's favour. Dennis James, Municipal Solicitor, advised on the potential challenges of this and indicated that adding language could be looked into if the Municipality is the subject of vexatious litigation, if that is the wishes of Council.

Further discussion was held on support for local purchasing/preference, and having to operate within the realm of the Public Procurement Act and the Atlantic Accord.

Moved by Councillor Taggart
Seconded by Councillor Gregory

“That Council Committee recommends to Council that the proposed changes to Council's Policy on the Purchasing and Tendering of Goods, Services and Construction Projects be approved, as presented.”

Motion Carried Unanimously.

Moved by Councillor Masters
Seconded by Councillor Gibbs

“That Council Committee recommends to Council that a letter be written to the Procurement Council requesting a review of levels relative to local preference, with adjustments at a minimum, to allow for cost of living.”

Motion Carried Unanimously.

**Nominating Committee – Council
Appointments to the Debert
Business Park Advisory
Committee**

Mayor Blair presented the report from the Nominating Committee meeting held on August 11th indicating that the purpose of the meeting was to discuss Council appointments to the Debert Business Park Advisory Committee. Council representation on the Committee is comprised of the Councillor from District Nine as a standing appointment, the Mayor or Deputy Mayor and two other Council members, as appointed by Council. Two responses were received in response to the request for expressions of interest, from Mayor Blair and Councillor Taggart. The Nominating Committee is recommending to Council that both members be appointed to the Debert Business Park Advisory Committee. Mayor Blair reminded Council that at the June 25th Council meeting, authority was granted to August Council Committee to approve the appointments to this Committee.

Brief discussion was held on timelines for appointments of other members to this Committee. Mayor Blair indicated that as per previous discussions of Council, appointments for other members to the Committee would be done following the October Municipal Election.

Moved by Councillor Gibbs
Seconded by Councillor Boutilier

“That Council accepts the report from the Nominating Committee and appoints Mayor Blair and Councillor Taggart to the Debert Business Park Advisory Committee.”

Motion Carried Unanimously.

**Tatamagouche Sewer Upgrades
– Award of Tender**

Michelle Newell, Director of Public Works, provided an overview of the Phase 5 Tatamagouche Sewer Replacement project. Council’s approved Five-year Capital Budget includes the replacement of a section of the sewer in Tatamagouche. The project was delayed mainly due to Covid-19, but work is now expected to begin in September.

The tender was advertised on the Provincial and County websites, with five submissions being received by the closing date. The low bidder was S.W. Weeks Construction and their bid was deemed to be complete. Staff are recommending that the tender be awarded to S.W. Weeks Construction.

It was noted that at the June 25th Council meeting, authority was granted to August Council Committee to award the tender for this project.

Moved by Councillor Gregory
Seconded by Councillor Pash

“That Council authorizes staff to award the tender for Phase 5 of the Tatamagouche Sewer Upgrades to S.W. Weeks Construction, for a total contract amount of \$157,810 excluding HST; and,

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

Motion Carried Unanimously.

Nova Scotia Transportation and Infrastructure Renewal Three-Year Cost Share Agreement

Ms. Newell advised that this item relates to the Three-Year Cost Share Agreement for the paving of J Class Roads and provided a brief overview of the agreement. Essentially the Province funds 50 percent of the cost of repaving provincially owned J Class Roads and the Municipality is responsible for the remaining 50 percent. Council opted not to enter into the last Three-Year Cost Share Agreement. Previous to that, as per Council Policy, the 50 percent portion of costs for roads paved under this Agreement have been cost shared by the residents with fronting properties on the road, based on a successful petition process. Ms. Newell noted that some municipalities pay the 50 percent portion from gas tax or other fees and some choose not to enter into the agreement.

Entering into the Agreement would enable the Municipality to apply to have specific J Class Roads paved, re-paved or chip sealed, with 50 percent of the costs being paid by the Province. It does not commit Council into cost shared paving of provincially owned roads, rather, it allows the opportunity to put forth an annual request for the paving of specific roads for consideration. Any approval is dependent on Provincial funding committed to the Program within the Provincial budget.

The deadline for the Three-Year Cost Share Agreement is August 15th. As such, at their meeting on June 25th, Council granted authority to August Committee to make a final decision on this matter.

Discussion was held on not being in favour of entering into the agreement if residents are required to pay the frontage charge; costs to repave all J Class Roads over 20 years and the County paying the 50 percent costs over the 20-year term; cost sharing the 50 percent municipal portion with the residents; this being another example of downloading from the Province; current condition of J Class Roads; the ability to access the 50 percent provincial dollars towards paving costs with the agreement; and reviewing other options to fund the 50 percent municipal portion. It was stressed that without the agreement, there would be no options and no paving of the J Class Roads.

Moved by Councillor MacKenzie
Seconded by Mayor Blair

“That Council approves entering into the Nova Scotia Transportation and Infrastructure Renewal Three-Year Cost Share Agreement No. 2020-007; and,

That the Mayor and CAO be authorized to sign the Cost Share Agreement.”

Motion Carried. *(Councillor Cooper opposed)*

Covid-19 Property Tax Financing Program Policy

Scott Fraser, Director of Corporate Services, advised that Council had previously approved the Covid-19 Property Tax Financing Program Policy in

principle and directed staff to bring back information outlining criteria for eligibility. At the time, Council indicated that the Policy should include criteria to ensure those impacted financially by Covid-19 were eligible.

Mr. Fraser provided an overview of the Policy, criteria for both residential and commercial properties, and application timelines and process. He also indicated that to date there have been no inquiries and uptake with other municipalities has also been low.

Moved by Councillor Boutilier
Seconded by Councillor Masters

“That Council Committee recommends to Council that the Covid-19 Property Tax Financing Program Policy be approved, as presented.”

Motion Carried Unanimously.

It was noted that due to connectivity issues, Councillor Gregory was not available for the vote and this discussion. Councillor Taggart also had connectivity issues and was unable to reconnect for the remainder of the meeting.

Noise By-law

Councillor Boutilier indicated that there are more and more issues coming forward to members of Council related to noise. He is aware of the history with the RCMP and their request to remove the Noise By-law but believes that it is time to put a by-law in place. The RCMP have a responsibility to respond to a noise complaint, whether it be in the rural or urban area of the County. With a by-law, the RCMP can respond to the complaint and advise that if they are not in compliance, they could be required to pay a fine. With nothing in place, there is no recourse for the offenders.

Further to Councillor Boutilier's concerns regarding noise, Councillor Parker also raised concerns regarding the Outdoor Fire By-law for Bible Hill. Along with the noise issue, fireworks being set off in the area could be a potential fire hazard and he would like to have the existing Outdoor Fire By-law looked at in conjunction with a potential Noise By-law.

Clarification was sought on the Outdoor Fire By-law. Mr. James advised that the County's By-law only applies Bible Hill, however, can be amended to apply to other areas. It was implemented at the request of the Village of Bible Hill Fire Chief.

Lengthy discussion took place on a noise by-law including Colchester's history regarding the past by-law; the RCMP indicating nothing can be done on noise complaints without a by-law; staff efforts in working with the new Staff Sergeant relative to Council concerns with noise complaints; the need for a standardized approach to assist the RCMP; the possibility of a fireworks by-law; enforcement concerns; process and ability for issuing Summary Offence Tickets (SOT); the option to charge fees rather than SOTs; and liability concerns.

Moved by Councillor Boutilier
Seconded by Councillor Parker

“That the investigation of implementing a Noise By-law be referred to staff, and that this be brought back to Council in one month.”

Motion Carried Unanimously.

Osprey Ridge

Councillor Parker advised that he received a request from the residents of Osprey Ridge for the County to take over the upkeep of the entrance of Osprey Ridge.

When Osprey Ridge was built, there is a small building at the entrance that was built for the children to use when waiting for the school bus. At the time, the subdivision was being built, the County was not in favour of this building being put there and indicated they would not look after the maintenance of it. Originally, the developer maintained the entrance, which included maintenance of the building and mowing. However, the developer is no longer looking after this, and the residents are requesting the County take it over. Councillor Parker advised that the building also houses the Canada Post mailboxes for the subdivision and inquired about whether Canada Post could be approached regarding maintaining the building. He stated that the building is an asset to the community as it is still utilized by the children, it enhances the area and keeps the mailboxes off the side of the road.

Mr. James advised that he has received paperwork from the Director of Public Works regarding this issue and suggested that discussion be referred to closed session. Council agreed to continue discussions in closed session following the completion of the open session agenda.

Beaches in West Colchester

This item was added to the agenda by Councillor Taggart. As noted above, Councillor Taggart is unavailable due to connectivity issues, so the item is being deferred to the agenda for the next meeting.

Chantilly Lane Drainage Issue

Councillor Masters indicated that the drainage issue at Chantilly Lane was discussed at Council approximately six years ago. The cost to address the issue was estimated at \$70,000-\$80,000 and at the time, Council decided not to proceed. The drainage issue still exists today. The Municipality has approved three lots for development and there is an additional 25 acres of land for sale for more lots. The County is aware of the issue and constituents purchasing these lots should not have to put up with the drainage issue. Once construction starts on these lots, the drainage problems will increase, and Councillor Masters indicated that he would like to see this addressed. This issue is similar to the issue Councillor Parker had in Bible Hill with Nova Scotia Transportation and Infrastructure Renewal and Village ditches causing drainage issues.

Brief discussion was held on whether this problem could be addressed through the recent changes to the Flood Advisory Committees Terms of Reference. The Director of Public Works advised that it would qualify however, raised potential budgetary issues. Since this drainage issue was last reviewed over five years ago, Ms. Newell suggested that it be referred back to staff for review.

Moved by Councillor Gibbs

Seconded by Councillor Masters

“That the drainage issue on Chantilly Lane be referred to staff for review and brought back to Council for discussion.”

Motion Carried Unanimously.

Expected timelines for this to come back to Council was discussed. Ms. Newell indicated that she would have an item prepared for September Council Committee.

Doctor Recruitment

This item was added to the agenda by Councillor Taggart. As noted above, Councillor Taggart is unavailable due to connectivity issues, so the item is being deferred to the agenda for the next meeting.

Crosswalk Lower Truro

Councillor Masters advised that the crosswalk at the end of the Truro Heights Road near the trail has been painted on the street but not crosswalk lights are not in place. He has received calls from three constituents recently expressing safety concerns. It gives users expectation that a crosswalk exists but there is no indication for approaching traffic that there is a crosswalk. This is an 80 km zone and is now more dangerous than before.

Discussion was held on whether crosswalk lights are being installed. Ms. Newell confirmed that lights are being installed, however, one of the concrete foundations has to be relocated which has caused a delay in the light installation. In the interim, barriers can be put up on both sides of the crosswalk indicating that the crosswalk is closed until the lights are installed.

Further discussion was held on the 80 km speed limit being too fast for the area, especially with the increased traffic at the Fundy Discovery Site, as well as pedestrians and cyclists using the trail.

Sidewalk – Valley Crossroads to Crowland Drive

Councillor MacKenzie indicated that she has received a request from a resident for a sidewalk from the Valley Crossroads to Crowland Drive. With the new McDonalds, gas bar and convenience store, coupled with homes on Crowland Drive and the new quadplex for seniors being built in the area, both vehicle and pedestrian traffic has increased significantly. She would like to add this to the capital budget to have staff investigate the viability of a sidewalk for this area.

Moved by Councillor MacKenzie
Seconded by Councillor Masters

“That a sidewalk at Valley Crossroads and Crowland Drive be referred to the Capital Budget process.”

Motion Carried Unanimously.

Crosswalk – East Prince Street Near East End Mini Mart

Councillor Gibbs indicated that a crosswalk on East Prince near the East End Mini Mart and Ice Pond Drive was discussed back in 2015. He reminded Council of an incident a few months ago where a nine-year-old girl almost got hit by a car. This is a very busy spot and high traffic area and he would like to see a crosswalk at this location.

The process for a crosswalk request includes a completed petition with at least 10 signatures. This would then come before Council and if in agreement, would be referred to staff. The request would then be sent to the Province and if approved, staff would cost out the pedestrian refuge and lights and bring back to Council for consideration.

Councillor Gibbs advised that he has been in contact with the MLA for Truro/Bible Hill and he has written a letter to the Deputy Minister with Nova Scotia Transportation and Infrastructure Renewal regarding a crosswalk at this location. He is seeking Council approval to proceed.

Deputy Mayor Stewart advised that Council approval is not required to proceed with gathering information for a crosswalk request. Once all information is in place, it would be brought to Council for consideration.

INFORMATION ITEMS

2020 Municipal Election – Polling Location

Guy Wheeler, Municipal Returning Officer, updated Council on polling locations for the upcoming Municipal Election. Council previously received a list of proposed locations at the June Council meeting, however, following a review and inspections of all proposed locations, it was determined that several polling locations were not suitable due to accessibility and/or Covid-19, resulting in some changes to the proposed list. There was also concern regarding the availability of public schools as polling locations due to Covid-19, so additional changes were made to address this. Mr. Wheeler provided a detailed review of the changes, which were also outlined in the Information distributed in the Council package.

Update – Funeral Support to Families of Victims, April 18 and 19 Tragedy

This item, prepared by Kelly Gratto-McCarthy, Human Resources Specialist, provided Council with an update on funeral expenses paid to date by the Municipality, to the families of the victims of the April 18 and 19 tragedy.

Referring to Cumberland County's offer to reimburse the Municipality for the victims that resided in Cumberland County, Councillor Boutillier inquired about whether the Municipality of East Hants contributed to the funeral expenses. Ms. Gratto-McCarthy advised that she was only aware of Cumberland's contribution, however, she would look into this and report back accordingly.

Capital Budget

Mr. Fraser provided a brief update on the process and timeline for the Capital Budget noting that staff will present the Capital Budget at the regularly scheduled September Presentation meeting on Tuesday, September 1, 2020. An Action Item requesting that authority be granted to September Committee to approve the Capital Budget will be on the August Council agenda.

Director's Report

A report from the Acting Director of Solid Waste was circulated in the package for tonight's meeting.

CLOSED SESSION

Moved by Councillor Pash
Seconded by Councillor Gregory

"That the meeting go into closed session at 8:57 pm."

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Cavanaugh

“That the meeting reconvene in open session at 10:30 pm.”

Motion Carried Unanimously.

**Land Sale - Lot 217 Lancaster
Crescent, Debert**

Moved by Mayor Blair
Seconded by Councillor Pash

“That Council Committee directs staff to prepare a Purchase Agreement for Lot 217, to be presented at August Council for ratification.”

Motion Carried Unanimously.

**Proposed Sale of Lot 20,
Lancaster Crescent, Debert**

Moved by Councillor Pash
Seconded by Councillor Gregory

“That Council Committee recommends to Council that the CAO be authorized to sign the Purchase and Sale Agreement for Lot 20, Lancaster Crescent, Debert Business Park.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Gregory
Seconded by Councillor Cavanaugh

“That the meeting adjourn at 10:32 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary