

October 28, 2004

MUNICIPAL COUNCIL

The Inaugural Session of the Municipal Council of the Municipality of the County of Colchester was held in the Court House, Truro, N.S. on Thursday, October 28, 2004 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 Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Absent:

Councillor Soley Lynds	District #8
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Recap of 2004 Municipal Election

Referring to his memorandum to Council dated October 28, 2004, the CAO presented a recap of the results of the municipal election held on October 16, 2004.

Swearing in of Mayor

The CAO administered the Oath of Allegiance and Office to Mayor Smith.

Swearing in of Councillors

Mayor Smith administered the Oath of Allegiance and Office to each of the Councillors.

Mayor Smith noted the absence of Councillor Lynds due to illness and asked for an update on his condition from Councillor Edwards. Councillor Lynds will be sworn in at a later date.

Election of Deputy Mayor

Mayor Smith called for nominations for the position of Deputy Mayor.

Councillor Edwards moved and Councillor Cooke seconded the nomination of Councillor Matheson.

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Mayor Smith called three times for further nominations and, on hearing none, the nominations ceased. As there were no further nominations, Councillor Matheson was declared Deputy Mayor by acclamation.

Election of Alternate Council Committee Chair

Mayor Smith called for nominations for the position of Alternate Council Committee Chair.

Councillor Edwards moved and Councillor Masters seconded the nomination of Councillor LeFresne.

Councillor Cooke moved the nomination of Councillor Taylor who chose to decline.

Mayor Smith called three times for further nominations and on hearing none, the nominations ceased. As there were no further nominations, Councillor LeFresne was declared Alternative Council Committee Chair by acclamation.

Approval of Agenda

Moved by Councillor Cooke
Seconded by Councillor Masters

“That the agenda for October 28, 2004 be approved with the following addition:

- add 10b: Sunday Shopping”

Motion Carried Unanimously.

Appointment of Nominating Committee

As has been done in the past, Council agreed to let Mayor Smith choose the members to sit on the Nominating Committee. His selection was Mayor Smith, Deputy Mayor Matheson, Councillors Cooke and Edwards.

Moved by Councillor LeFresne
Seconded by Councillor Mingo

“That Mayor Smith, Deputy Mayor Matheson and Councillors Edwards and Cooke be appointed to the Nominating Committee.”

Motion Carried Unanimously.

Council Orientation Session

The dates indicated on the Action Item of November 10th or 12th were not suitable to all members. Staff were directed to canvas Council to determine another date for the Orientation Session. If total agreement could not be reached, the date would be set by majority.

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**Provincial Orientation
Session for New
Councillors**

Councillor Mingo indicated she would not be available to attend the Provincial Orientation Session being held in Halifax on November 19th and 20th.

Moved by Councillor Cooke
Seconded by Councillor Taylor

“That Council authorize the attendance of Councillor Cooper, Councillor White and the CAO at the Provincial Orientation Session.”

Motion Carried Unanimously.

**Adult Entertainment
By-law - First Reading**

Mr. Paul Smith, County Planner, provided a brief overview of the draft Adult Entertainment By-law. In the early spring of 2004, Council had expressed interest in exploring possible alternatives to control the establishment of adult entertainment uses throughout Colchester. Staff developed a by-law based on input received from Council and by referring to similar type by-laws from across Canada and the United States.

In addition to a couple of typographical errors, Council had concerns with the issuance of a license for two years (section 3.3.a), the distance of 500 meters from suburban areas not being sufficient (section 4.1), and the cost of a license if the term was reduced from two years to one (section 3.2.c).

Staff advised Council that the amendment to Section 4.1 to read 1000 meters rather than 500 meters is a substantive change and would require another First Reading. The Solicitor also pointed out that the courts may see the 1000 meters as a complete ban of these establishments.

Moved by Councillor Cooke
Seconded by Deputy Mayor Matheson

“That if the term of the license is to be one year, section 3.2.c of the Adult Entertainment By-law be amended from \$1,000 to \$500 for the license application fee.”

Motion **Defeated**.

(Mayor Smith, Councillors Taylor, Masters, Cooper, Edwards, Cavanaugh, LeFresne and Mingo opposed)

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Moved by Councillor Cavanaugh
Seconded by Councillor Mingo

“That section 4.1 of the Adult Entertainment By-law be amended from 500 meters to 1000 meters.”

Motion **Defeated**. *(Mayor Smith, Deputy Mayor Matheson, Councillors Masters, Cooper, Edwards, LeFresne, White, Cooke opposed)*

Moved by Councillor Taylor
Seconded by Councillor Masters

“That Council hereby approves by way of First Reading, the Adult Entertainment By-law, with the following amendments:

- Section 1.3: Second last line should read ‘..... or otherwise affect a licensee’s obligation.....’
- Section 7: Second line should read ‘severable and that if any provision of this Bylaw.....’
- Section 3.3.a: Change two years to one year for the first year and two years thereafter for renewal”

Motion Carried. *(Councillor Cavanaugh opposed)*

For Second Reading at November Council, staff were requested to map out the areas showing where these establishments could be set up for both the 500 meter and 1000 meter definition. Councillors were asked to advise staff of those areas they would like to have included in the mapping. Councillor LeFresne asked for Route 6 and Highway 311.

Sunday Shopping

Councillor Taylor reported that several voters in his district had a tough time with the Sunday Shopping plebiscite because of the way it was worded. This confusion led to results not showing fair representation to the second part of the plebiscite. Other Councillors expressed similar concerns.

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Moved by Councillor Taylor
 Seconded by Councillor Cooper

“That a letter be written to the Province expressing the voters’ frustration with the Sunday Shopping plebiscite process, in particular the results of Question 2 not providing the Province with a fair picture of what voters wanted.”

Motion Carried. *(Councillors LeFresne and Edwards opposed)*

Truro Dog By-law

The purpose of this Information Item was to brief Council on discussions held with the Town of Truro regarding its proposed Dog By-law. The County provides this service to the Town of Truro for a fee which amounts to 40% of the dog control budget. The County by-law and the Town by-law do not have to be identical but should be similar. The County had concerns with the direction the Town by-law was headed, in particular the provisions for vicious dogs and appeal panels. Upon review of a letter dated September 13, 2004 from the County, the Truro Town Council opted to postpone Second Reading of its Dog By-law until these issues were addressed.

Capital Budget Process

At the September 30, 2004 Council meeting, Council approved the Capital Budgeting Process Plan with implementation of the five-year plan to commence with the 2005-06 budget year. Council and staff are requested to identify new projects for the November Council Committee at which time, staff will provide an overview of the status of both existing and new projects. Council will determine which projects should proceed to costing by staff and be brought forward in the budgeting process.

Correspondence

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

- No. 1 and 9: letter from Department of Environment and Labour dated September 2, 2004 regarding lime stabilization and land application of sewage sludge at Inglewood Farms and letter from The Concerned Citizens Group dated October 12, 2004 regarding security and inventory of remaining sludges at Inglewood Farms
- No. 6: letter from Truro Investment Co-operative dated September 29, 2004 regarding investment opportunities in new Truro Investment Co-operative
- No. 5: letter from Canada Wide Science Fair 2007 Host Committee providing a Committee update

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- No. 11: letter from Department of Transportation and Public Works regarding sizing of culvert beneath Old Courthouse Branch Road

ACTION

Constable Graham Purvis, Truro Police Service

A request from **Constable Graham Purvis, Truro Police Service**, to proclaim November 14-20, 2004 as Drug Awareness Week.

Moved by Councillor Cavanaugh
Seconded by Deputy Mayor Matheson

“That the week of November 14-20, 2004 be proclaimed Drug Awareness Week.”

Motion Carried Unanimously.

Ms. Christine Blair, Chair, Village of Bible Hill

A letter to the Mayor dated October 18, 2004 from **Ms. Christine Blair, Chair, Village of Bible Hill**, requesting that the Village be granted a seat on the County’s Standing Advisory Committee.

Council felt that the current Planning Advisory Committee of four Council representatives and four citizen representatives works well and the request from the Village of Bible Hill should therefore be denied.

Moved by Councillor Taylor
Seconded by Councillor Masters

“That the Municipality respond to the Village of Bible Hill stating that the current system works well and its request for a seat on the Planning Advisory Committee is denied.”

Motion Carried Unanimously.

Don Head, Acting Commissioner, Correctional Services of Canada

A copy of a letter received October 27, 2004 from **Don Head, Acting Commissioner, Correctional Services of Canada**, requesting that the week of November 14-21, 2004 be declared “Restorative Justice Week”.

Moved by Deputy Mayor Matheson
Seconded by Councillor Cooper

“That the week of November 14-21, 2004 be declared Restorative Justice Week.”

Motion Carried Unanimously.

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**Mr. Jay Brenton,
Regional Manager,
Department of
Environment & Labour**

- and -

**Mr. Fred Blois, The
Concerned Citizens
Group of RR #1, Truro**

**Mr. John Kelderman,
A/Chair, Truro
Investment Co-
operative**

**Mr. Michael Price, Co-
Chair, Canada Wide
Science Fair 2007 Host
Committee**

**Mr. Troy Webb, Area
Manager, Department
of Transportation and
Public Works**

- and -

Gary MacIsaac, CAO

A copy of a letter dated September 2, 2004 from **Jay Brenton, Regional Manager, Department of Environment and Labour**, regarding the lime stabilization and land application of sewage sludge at Inglewood Farms; and a copy of a letter to Mr. Jay Brenton dated October 12, 2004 from **Fred Blois, The Concerned Citizens Group**, with questions regarding the security and inventory of the remaining sludge at Inglewood Farms.

Councillor Masters reported that the Department of Environment and Labour has performed tests on what still remains in the lagoon at Inglewood Farms; however, it appears that they do not know how to interpret the results. He indicated the Farm Practices Board has made a ruling lambasting Inglewood Farms on where these lagoons were placed and the lack of information available. Staff will obtain a copy of this ruling and place in Councillor mailboxes.

A letter to the Mayor dated September 29, 2004 from **John Kelderman, A/Chair, Truro Investment Co-operative**, regarding investment opportunities in the new Truro Investment Co-operative and an overview of the new Marigold Cultural Centre.

Councillor Taylor reported that the Truro Investment Co-operative made a presentation to CoRDA this week on the investment opportunities this initiative has to offer and that he was asked to bring to Council's attention.

A letter to the Director of Corporate Services dated September 29, 2004 from **Mr. Michael Price, Co-Chair, Canada Wide Science Fair 2007 Host Committee**, providing an update on activities of the Canada Wide Science Fair 2007 Host Committee.

Deputy Mayor Matheson brought this letter forward to inform the new Councillors that Council has provided financial support to this project in the amount of \$50,000 over five years.

A letter of response dated October 12, 2004 to the CAO from **Troy Webb, Area Manager, Department of Transportation and Public Works**, regarding a concern with the sizing of a culvert beneath the Old Courthouse Branch Road and a copy of the CAO's letter regarding this issue dated September 20, 2004.

Councillor Taylor indicated that he cannot accept the response from the Department of Transportation and Public Works that the culvert beneath the Old Courthouse Branch Road is not considered to be undersized and that any flooding on Stephen Avenue is not related to this drainage structure.

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Moved by Councillor Taylor
Seconded by Councillor Mingo

“That a letter be sent to the Department of Transportation and Public Works, copy to Steven Brown, indicating that Council is dissatisfied with the response from the Province that the size of the culvert beneath the Old Courthouse Branch is not the cause of flooding on Stephen Avenue.”

Motion Carried Unanimously.

INFORMATION

Development Officer

A copy of the Development Activity Report for the month of September 2004 was received from the **Development Officer**. Council agreed to receive this report for information purposes.

Building Inspector

A copy of the Building Permit Statistics for the month of September 2004 was received from the **Building Inspector**. Council agreed to receive this report for information purposes.

**Ms. Marie T. Mallally,
President & CEO, N.S.
Gaming Corporation**

A letter to the Mayor dated September 29, 2004 from **Marie T. Mallally, President and CEO, N.S. Gaming Corporation**, reporting on the progress of Responsible Gaming Awareness Week 2004. Council agreed to receive this letter for information purposes.

**Prime Minister Paul
Martin**

A letter to the Mayor dated October 5, 2004 from **Prime Minister Paul Martin** attaching a copy of the Speech from the Throne. Council agreed to receive this letter for information purposes.

**Mr. Fred Blois,
Spokesperson for The
Concerned Citizens
Group, R.R. #1, Truro**

A copy of a letter to Minister Morash dated October 5, 2004 from **Fred Blois, Spokesperson for The Concerned Citizens Group, R.R. #1, Truro**, regarding Inglewood Farms Permit for an Industrial Waste Site. Council agreed to receive this letter for information purposes.

**Union of N.S.
Municipalities**

An e-mail dated October 12, 2004 from the **Union of Nova Scotia Municipalities**, attaching a copy of a brochure on skills development workshops. Council agreed to receive this e-mail for information purposes.

**Michael G. Baker,
Minister of Justice and
Mr. Barry Barnet,
Minister of Service N.S.
and Municipal
Relations**

A copy of a letter dated October 14, 2004 from **Michael Baker, Minister of Justice and Barry Barnet, Minister of Service Nova Scotia and Municipal Relations**, regarding the provincial compensation formula for the municipal role in the Sunday shopping plebiscite. Council agreed to receive this letter for information purposes.

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**Leanne Hachey,
Director of Provincial
Affairs, Canadian
Federation of
Independent Business
AND Mayor Charles
Crosby, UNSM**

A letter to the Mayor dated October 4, 2004 from **Leanne Hachey, Director of Provincial Affairs, Canadian Federation of Independent Business and Mayor Charles Crosby, UNSM**, regarding Business Occupancy Tax and a response letter to Ms. Hachey from UNSM. Council agreed to receive these letters for information purposes.

**Senior Citizens'
Secretariat**

A memorandum dated October 20, 2004 from the **Senior Citizens' Secretariat**, regarding the Task Force on Aging Discussion Paper and Public Meetings. Council agreed to receive this memorandum for information purposes.

**Union of N.S.
Municipalities**

An e-mail dated October 25, 2004 from the **Union of Nova Scotia Municipalities**, with a copy of a letter of congratulations to Mayor John Kinsella and Council on winning the 2004 LivCom Award. Council agreed to receive this e-mail for information purposes.

Recess

Council agreed to recess to an In-Camera session at 9:35 p.m. and reconvened in open session at 9:38 p.m.

**Property Acquisition
for Tatamagouche
Water Utility**

Moved by Councillor LeFresne
Seconded by Councillor Cavanaugh

“That the Municipality purchase a parcel of land on Cooper Road consisting of approximately two acres from Mrs. Annie Leslie for a price of \$4,000, plus costs for both the Municipality and Mrs. Leslie.”

Motion Carried Unanimously.

Adjournment

Moved by Councillor LeFresne
Seconded by Councillor Edwards

“That the meeting be adjourned at 9:40 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Deputy Clerk