

September 28, 2006

MUNICIPAL COUNCIL

A Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, September 28, 2006 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 Hughie Matheson	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Jimmie LeFresne	District #7
Councillor Soley Lynds	District #8
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Absent:

Councillor Ron Cavanaugh	District #6
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**Public Hearing -
Development
Agreement - 1397
Highway 2, Hilden**

Mayor Smith called the public meeting to order respecting an application for a development agreement made by Luther Sears and Joyce Fraser-Sears for an 11-unit apartment building on a lot containing an existing 10-unit building. The text for this application and a related staff report have been circulated to Council members and have been made available to the public.

The CAO advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing had been followed.

Mayor Smith reminded all Councillors that only those present throughout the public hearing can vote on the development agreement when it is eventually considered by Council. This 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 development agreement 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.

Ms. Pam Macintosh, Acting Planner, presented Council with an overview of this application. The application is for a development agreement that would allow for the establishment of a second

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apartment building of 11 units to be located behind the existing building of 10 units and parking areas. The proposed structure will be 60' x 106' on a lot approximately three acres in size. The three-acre property is located on the east side of Highway 2 in Hilden. In 1999, this property was rezoned from R-2 to R-4 to permit construction of the existing building. The property has access to public sewer services and water will be supplied by on-site wells. A parking lot for 18 vehicles will be established behind the proposed building. The developer proposed to grass around the building and parking area and leave the remaining area treed and in its natural state. The development will contain adequate buffers and separation distances from adjoining land uses together with sufficient landscaping provided. Much of the existing tree cover will be retained.

As the proposed development agreement is consistent with policies and objectives outlined in the Municipal Planning Strategy, staff are recommending approval of the project.

Mr. Luther Sears, applicant, indicated that even with the two buildings on the property, the density is below any big numbers. The storm water issue has been an issue since 1999 but has now been addressed. Mr. Sears stated that they hired an engineer which will more than compensate for any storm water problems that may arise. The property did have a lot of tree buffers but some came down during Hurricane Juan.

Councillor Masters presented a report on behalf of the Planning Advisory Committee. The Committee met on September 12th and had two discussions around stormwater management and the width of the driveway. The driveway had not been an issue with the current building; however, the developer agreed to make it wider in the future if necessary. The Committee recommends approval of the proposed development agreement.

The CAO advised that no written submissions had been received regarding this application.

Mr. Ross Van Buskirk indicated that he lives on the north side of the property owned by Mr. Sears. He said that he and Mr. Sears had some concerns when the initial apartment building was put up. They tried to sort it out but he is still not satisfied. Plans for a buffer were made when the original building was constructed and except for garbage and brush that he put there himself, six years later there is still no buffer.

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Mr. Gerald Kampuis indicated that he is the owner of the property on the south side of the property in question and that he had problems with the original application when it was approved for rezoning. Mr. Kampuis circulated a copy of a letter he had written to Council for this evening's hearing. He then proceeded to read the letter as part of his presentation. Mr. Kampuis stated that his main concern was that when the original building was constructed, promises were made that certain things would be done but there was no follow up by the Municipality to ensure that they had been carried out. For example, it was promised by the developer and the municipal Planning Department that there would only be gravel driveways and parking area as an alternative to asphalt. The driveway was paved within a year.

With the new development, Mr. Kampuis raised concerns about the property frontage.

The applicant responded to questions about planting of trees.

At Councillor Masters' request, the Solicitor and staff agreed to include in the agreement that any trees lost that help maintain adequate screening will be replaced.

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

Moved by Councillor Masters
Seconded by Councillor Edwards

“That Council approves the Municipality entering into a development agreement with Luther Sears and Joyce Fraser-Sears that would allow for the establishment of an 11-unit apartment building with the clarifications and additions as set out in the schedule attached to the development agreement.”

Motion Carried Unanimously.

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

Approval of Agenda

Moved by Deputy Mayor Matheson
Seconded by Councillor Taylor

“That the agenda for September 28, 2006 be approved with the following additions:

- add 14b: Infrastructure - Village of Bible Hill
- add to No. 4, Approval of Minutes - approval of excerpt of

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minutes from a special meeting of Council on September 20, 2006 on the Boundary Review (on table)”

Motion Carried Unanimously.

Approval of Minutes

Moved by Deputy Mayor Matheson
Seconded by Councillor Taylor

“That the minutes of the meeting held on August 31, 2006 be approved with the following amendment:

- Page 2006-69, first paragraph - the last sentence should read ‘....., the Committee will present a copy of their report to Colchester County Council for review and to the Town of Stewiacke for approval.’ ”

Motion Carried Unanimously.

Moved by Deputy Mayor Matheson
Seconded by Councillor White

“That the excerpt of the minutes from the special meeting of Council held on September 20, 2006 on the Boundary Review be approved as circulated.”

Motion Carried Unanimously.

As indicated in the covering memorandum for the September 20th excerpt, Council’s approval is being requested to accompany the application to the N.S. Utility and Review Board as a record of Council’s decision on the proposed boundary changes. A complete set of these minutes, which includes a discussion on the civic centre, will be presented for approval at the regular session of October Council.

Business Arising from Minutes

There was no business arising from the minutes of meetings held on August 31 or September 20, 2006.

Presentations

Terry Hartling, Director of Assessment

Mr. Terry Hartling, Director of Assessment, indicated that in 2006, the total assessed value for all the regions across the province is \$60 billion. Colchester County in the Northern Assessment Region, has 27,097 properties for a total assessed value of \$1,939,206,200 for both residential and commercial. Assessments in the next year will increase by about 10%.

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At the end of his presentation, Mr. Hartling circulated a copy of his presentation and Assessment's annual report for 2005.

Staff Presentation

Crawford Macpherson, Director of Community Development

Mr. Macpherson provided an update to Council on trails development in Colchester by way of a powerpoint presentation.

There are many projects in the works, the key ones being:

Municipality constructed:

1. Cobequid Trail - Old Barns
2. Cobequid Trail - Farnham Brook (ongoing)
3. Stewiacke Park - River walk
4. Falcon - Phoebe Lane, Valley

Actively planning for:

5. Cobequid Trail - NSAC Campus
6. Cobequid Trail - Farnham Brook continuation

Community based projects with municipal funding include:

1. Brule Community Centre
2. Trans-Canada Trail North Shore
3. Kenomee Wilderness Trail

4. North River School
5. Ducks Unlimited Wetlands Trails and Interpretation Centre, Shubie East

Standing Committee Reports and Recommendations

Deputy Mayor Matheson presented a report from the regular session of Council Committee held on September 14, 2006:

Snow Removal Agreement with Province

Staff made reference to a memorandum attached to the Committee report concerning this item. Public Works has been actively pursuing the matter of snow clearing in Debert with the Department of Transportation and Public Works. DOT has indicated that they would not be in a position to swap the roads in the former CPDS with their roads in the Valley area due to restrictions of road width in CPDS roads. However, they have expressed a willingness to continue with the previous agreement on an ongoing basis. This means the Municipality has two options for providing snow clearing service in Debert - either contract it out and do it in-house. Staff recommend that the work be done in-house and evaluate after one year.

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Moved by Deputy Mayor Matheson
Seconded by Councillor Masters

“That Council approves:

1. That the Municipality enter into an extension of the existing snow removal agreement with the Department of Transportation and Public Works; and,
2. That the Municipality provide snow clearing services for the former CPDS streets in-house, as opposed to contracting out; and,
3. That the Municipality enter into an expansion of th existing snow removal agreement with the Department of Transportation and Public Works to include County streets inherited in 2006; and,
4. That a new full-time position be created at an annual cost of \$35,000; and,
5. That the CAO be granted authority to make minor amendments to the schedule of streets set out in this agreement to allow for swapping of new municipally owned streets in future years of the contract.”

Motion Carried Unanimously.

**Master Plan for
Farnham Road
Extension Area,
Bible Hill**

Moved by Deputy Mayor Matheson
Seconded by Councillor Taylor

“That Council approves the undertaking of a Master Plan study for the Farnham Road extension area of Bible Hill, as shown on the map attached to Action Item dated September 14, 2006, and,

That a budget of \$35,000 be set for the Study; and,

That a Steering Committee be created to oversee the Study comprised of the Planning Advisory Committee, a representative of the Village Commission and key land owners.”

motion amended.

Moved by Councillor Mingo (In

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Amendment)
Seconded by Councillor Taylor

“That the motion be amended to include, as part of the Steering Committee, the two Bible Hill County Councillors.”

Motion Carried. *(Deputy Mayor Matheson opposed)*

The motion to amend having carried, the main motion was voted on and carried with Deputy Mayor Matheson, Councillor LeFresne and Councillor Lynds opposed.

**Temporary
Borrowing
Resolution -
Tatamagouche
Water Utility**

Moved by Deputy Mayor Matheson
Seconded by Councillor LeFresne

“That Council approves to proceed with a temporary borrowing resolution in the amount of \$2.3 million for the Tatamagouche Water Utility upgrade.”

Motion Carried Unanimously.

**Street
Improvements/Street
Lighting Petitions**

Moved by Deputy Mayor Matheson
Seconded by Councillor White

“That Council approves that staff be instructed to bring forward amendments to the Street Light Policy to state that a valid petition must include a majority of the property owners and a majority of the total assessment; and,

That staff be instructed to bring forward amendments clarifying that a petition is valid and cannot be changed for a two-year term after it is accepted by Council; and following that time, that amendments will be accepted.”

Motion Carried Unanimously.

**Planning Advisory
Committee**

Councillor Masters presented the report from the meeting held on September 12, 2006. There was no business arising from the report other than what was presented earlier during the public hearing.

ACTION ITEMS

**School
Enhancement, East
Stewiacke**

Conflict of Interest

Councillor Mingo declared a conflict of interest on this matter and removed herself from the table.

Mayor Smith indicated that it had been Council’s intent to deal

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with this matter tonight following a public meeting in East Stewiacke on Tuesday evening. Subsequent to that, discussions have been held with the Honourable Brooke Taylor, MLA for Colchester/Musquodoboit Valley, and with the Deputy Minister of Education. Additional time is necessary to allow these discussions to continue.

In light of this news, Mayor Smith asked that Council delay any decision on this matter until the School Enhancement Committee formally receives additional information from the Minister of Education.

Moved by Councillor Cooper
Seconded by Councillor Taylor

“That the School Enhancement, East Stewiacke issue be deferred until Council’s next regularly scheduled session on October 26, 2006.”

Motion Carried Unanimously.

At this point, Councillor Mingo returned to the table.

**Second Reading -
Chapter 4 - Payment
of Councillors
By-law - Amendment**

Moved by Councillor Taylor
Seconded by Councillor LeFresne

“That Council hereby approves by way of Second Reading, Chapter 4 - Payment of Councillors By-law, as amended.”

Motion Carried.

(Mayor Smith, Deputy Mayor Matheson, Councillors Cooke and Mingo opposed)

**Second Reading -
Chapter 33 -
Garbage Collection
and Disposal By-law
- Amendment**

Moved by Deputy Mayor Matheson
Seconded by Councillor Mingo

“That Council hereby approves by way of Second Reading, Chapter 33 - Garbage Collection and Disposal By-law, as attached.”

Motion Carried.

(Councillor LeFresne opposed)

Art Selection

Moved by Councillor Edwards

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Committee

Seconded by Councillor LeFresne

“That Councillor Edwards and Councillor LeFresne be appointed to serve on the Art Selection Committee for the Municipality’s Art Selection Program for 2006.”

Motion Carried Unanimously.

Street Paving - Cottam Drive and MacLaughlin Avenue

The Action Item indicated that the paving of Cottam Drive, MacLaughlin Avenue and Glenabbey Drive had been previously approved at the June 29th Regular Council meeting. The agreement contains a clause whereby the Municipality will be notified in writing by the Province if the anticipated cost is in excess of 10% over the amount approved by the Municipality. Tenders have now been received for the project and the actual price for Cottam Drive and MacLaughlin Avenue has increased from \$73,000 to \$94,200 or 32%. This will now increase the frontage costs from \$13.48 per linear foot to \$17.89 per linear foot. It was noted that the last bullet on Page 1 of the Action Item should read ‘per linear foot’ not ‘per metre’. No additional direction is sought from Council on the Glenabbey Drive project as the tenders received were higher than budgeted but are just under 10%.

The CAO referred to the letter on table from Mr. Clair Peers, a representative of those who want paving on Cottam Drive and MacLaughlin Avenue. The CAO read the letter from Mr. Peers into the record.

Moved by Councillor White
Seconded by Councillor Taylor

“That the Municipality proceed with the agreement with the Department of Transportation and Public Works to pave Cottam Drive and MacLaughlin Avenue at a cost of \$94,200.”

Motion Carried Unanimously.

November Meeting Dates

Moved by Councillor Mingo
Seconded by Deputy Mayor Matheson

“That the Council Committee session be scheduled for November 9, 2006 and the Regular Council session be scheduled for November 23, 2006.”

Motion Carried Unanimously.

Infrastructure -

Councillor Taylor reported that he had had a good meeting with

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Village of Bible Hill

Chairwoman Christine Blair of the Village of Bible Hill regarding infrastructure in Bible Hill and the Village's interest in becoming part of the County's capital projects.

Moved by Councillor Taylor
Seconded by Councillor Mingo

"That the Municipality's CAO contact the Clerk of the Village of Bible Hill to set the groundwork for an agreement on capital projects."

Motion Carried Unanimously.

Correspondence

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

- No. 10: letter dated September 6, 2006 from Rothsay regarding partnership with County on disposal of wastewater treatment sludge
- No. 9: letter dated August 30, 2006 regarding Municipality's application to Green Municipal Fund
- Nos. 12 and 13: letters from Transportation & Public Works and Canada Post dated September 1 and September 14, 2006 respectively regarding rural mail delivery in Colchester County

ACTION

**David Harrison,
Financial Assistance
Chair, Parrsboro
Headstart Program
Society**

A letter to Councillor Cooke dated September 6, 2006 from **David Harrison, Financial Assistance Chair, Parrsboro Headstart Program Society**, requesting funding for the program.

Councillor Cooke indicated that the enrollment in this program has increased to 28, five of which are from Colchester County. The Society has received \$2,700 from the Municipality of Cumberland but no funding from the Town of Parrsboro. He suggested that the letter be referred to Committee if Council felt it had merit. Staff indicated that in the past, these types of requests were handled through the grants to non-profit organizations process.

Moved by Deputy Mayor Matheson
Seconded by Councillor Lynds

"That a letter be written to the Parrsboro Headstart Program Society

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advising them of the grants to non-profit organizations process and encourage them to apply for funding under this program.”

Motion Carried. *(Councillor Cooke opposed)*

**Sandra Falle,
Executive Director,
Third Place
Transition House**

A letter to Mayor and Council dated September 13, 2006 from **Sandra Falle, Executive Director, Third Place Transition House**, requesting financial support for the organization.

Moved by Councillor Taylor
Seconded by Councillor Cooper

“That the letter from Third Place Transition House requesting financial support for the organization be referred to Council Committee.”

Motion Carried Unanimously.

**Rene Ross, Project
Coordinator, Social
Assistance Reform**

An email and letter dated September 27, 2006 to Mayor Smith from **Rene Ross, Project Coordinator, Social Assistance Reform**, requesting that October 17, 2006 be proclaimed International Day to Eradicate Poverty.

Moved by Councillor Mingo
Seconded by Councillor Edwards

“That October 17, 2006 be proclaimed International Day to Eradicate Poverty in Colchester County.”

Motion Carried Unanimously.

**Scott Henry,
Manager, Atlantic
Region, Rothsay**

A letter to the CAO dated September 6, 2006 from **Scott Henry, Manager, Atlantic Region, Rothsay**, regarding a partnership with the County on disposal of wastewater treatment sludge, including a copy of a letter to Fred Blois dated September 5, 2006.

In response to an inquiry from Deputy Mayor Matheson, staff indicated that they do not have a problem with sharing with Rothsay the terms of reference for this project.

**Laura Blackadar,
Operations
Manager, FCM
Green Municipal
Fund**

A letter to the CAO dated August 30, 2006 from **Laura Blackadar, Operations Manager, FCM Green Municipal Fund**, regarding the Municipality’s application to the Green Municipal Fund.

In response to an inquiry from Councillor Taylor, staff confirmed that an application of intent to apply had been submitted to FCM for the same study referred to earlier on the master plan for disposal of

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wastewater treatment sludge. The way the process works, the Municipality will now go forward with a second application to the Green Fund which may or may not get approved for funding.

**The Honourable
Angus MacIsaac,
Minister of
Transportation &
Public Works AND
Moya Greene,
President and CEO,
Canada Post**

A letter to Mayor Smith dated September 1, 2006 from the **Honourable Angus MacIsaac, Minister of Transportation and Public Works**, regarding Canada Post delivery to residents along Route 311, North River; and, a letter to Mayor Smith dated September 14, 2006 from **Moya Greene, President and CEO, Canada Post**, regarding changes to mail delivery in Colchester County.

Deputy Mayor Matheson inquired as to whether or not all the residents along Highway 311 have had their mail delivery service reinstated. Staff indicated that Councillor Cavanaugh would be asked to provide an update at Council's next meeting.

INFORMATION

**Brian Holland,
Clerk-Treasurer,
District of
Barrington**

A copy of a letter dated August 30, 2006 from **Brian Holland, Clerk-Treasurer, District of Barrington**, regarding employment insurance in western Nova Scotia. Council agreed to receive this letter for information purposes.

**Gloria Kovach,
President, FCM and
Sam Synard, Chair,
Green Municipal
Fund Council**

A letter to the Mayor dated August 30, 2006 from **Gloria Kovach, President, FCM and Sam Synard, Chair, Green Municipal Fund Council**, enclosing a copy of the 2005-06 Green Municipal Fund Annual Report (copy of report on file in CAO's office). Council agreed to receive this letter for information purposes.

**Warden Lloyd
Hines, Municipality
of Guysborough**

A copy of a Summary of Board Outcomes and Standing Committee Meetings received from **Warden Lloyd Hines, Municipality of Guysborough**. Council agreed to receive this correspondence for information purposes.

**Federation of
Canadian
Municipalities**

A copy of a Members' Advisory dated September 11, 2006 from the **Federation of Canadian Municipalities**, regarding FCM submission calls for the long-term federal plan to fix municipal infrastructure. Council agreed to receive this correspondence for information purposes.

**John Evans, CUPE
National
Representative**

Letters to the CAO dated September 12, 2006 from **John Evans, CUPE National Representative**, concerning Small Systems Treatment Manager position grievance. Council agreed to receive these letters for information purposes.

Building Inspector

A copy of the Building Permit Statistics report received from the

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Building Inspector for the month of August 2006. 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 2006. Council agreed to receive this report for information purposes.

**Valerie Gauthier,
Director of Financial
Services, Chignecto-
Central Regional
School Board**

Letters to the CAO dated September 19, 2006 from **Valerie Gauthier, Director of Financial Services, Chignecto Central Regional School Board**, regarding the 2006-07 Budget and Financial Statements for the Chignecto Central Regional School Board (copy of budget and financial statements on file in the CAO's office). Council agreed to receive these letters for information purposes.

**Julie Towers,
A/Manager,
Environmental
Assessment, Dept. of
Environment &
Labour**

A letter to the CAO dated September 15, 2006 from **Julie Towers, A/Manager, Environmental Assessment, Department of Environment & Labour**, regarding pit standards consultation results. Council agreed to receive this letter for information purposes.

**Basil Ryan, COO,
Atlantic Association
of Community
Business
Development
Corporations**

A letter to Mayor Smith dated September 19, 2006 from **Basil Ryan, COO, Atlantic Association of Community Business Development Corporations**, enclosing the 2005-06 Annual Report (copy of report on file in CAO's office). Council agreed to receive this letter for information purposes.

INFORMATION ITEMS

**Municipal Funding for
Community Trails**

At a Council meeting in the spring of 2005, Council approved the adoption of the Municipal Funding for Community Trails Policy and an annual allocation of \$50,000 for community trail maintenance and community trail capital. Two applications were received this year from the Village of Bible Hill and the Colchester Trails Association. In the 2006-07 budget year, there is currently \$14,875 left in this account plus an amount in the reserve for a total of \$32,700 remaining in available funding.

**Site Visit to Devens
Industrial Park,
Massachusetts**

This Information Item attaches a memorandum from the Director of Community Development, describing his site visit to a former military base, Devens Industrial Park.

Reports from Councillors

Library Board

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**Appointed to Outside
Boards and Agencies**

Councillor Mingo reported that the Library Board met in Stewiacke on Tuesday night and that she is looking forward to discussing at the Council table in the near future a new branch location for the Tatamagouche library.

Councillor Cooke indicated that he would like to see Council have the discussion on the Tatamagouche library to see what Council thinks of it.

CoRDA Board

Councillor White reported that the Board had a meeting yesterday, the main topic being land transfers and industrial parks.

Central Nova Tourist Association

Councillor Edwards reported that the Association had a meeting today at which the only contentious issue was that the Truro Visitors Information site is still running.

Truro and District Chamber of Commerce

Councillor Edwards reported that the Chamber recently held a golf tournament and barbeque, both of which he did not attend.

St. Andrews Watershed Stewardship Committee

Councillor Cooper reported that there is a new member on the Board, Mr. Fred Bonner.

Adjournment

Moved by Councillor Mingo
Seconded by Councillor Taylor

“That the meeting be adjourned at 10:05 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary