

May 28, 2009

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, N.S. on Thursday, May 28, 2009 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Bob Taylor, Chair	
Councillor Christine Blair	District #1
Councillor Gerald Buott	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Karen MacKenzie	District #6
Councillor Jimmie LeFresne	District #7
Deputy Mayor Ron Cavanaugh	District #8
Councillor Bob White	District #9
Councillor Tom Taggart	District #10
Councillor Earl McKenna	District #11

Absent:

Councillor Bill Masters	District #2
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Public Hearing - Rezoning Application - Mr. Wade Dickie, Truro Heights Road

Mayor Taylor called the public hearing to order concerning a rezoning application made by Mr. Wade Dickie to change a portion of his lot from Residential R-2 Zone back to Highway Commercial C-2 Zone, located on Truro Heights Road in Lower Truro.

The text for this application and a related staff report have been circulated to Council members and have been made available to the public.

Mr. Dan McDougall, Municipal Clerk, advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing had been followed.

Mayor Taylor reminded Councillors that only those present throughout the public hearing can vote on the amendment to the zoning map of the Land Use By-law when it is eventually considered by Council. The public hearing is Council's opportunity to hear the application and any concerns of area residents. Individual Councillors will have an opportunity to debate the merits of the amendment to the zoning map of the Land Use By-law 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.

May 28, 2009

Mr. Crawford Macpherson, Director of Community Development, provided a brief overview of the application. The applicant, Mr. Wade Dickie, is requesting the rezoning of a 9,000 square foot portion of an 18-acre parcel of land along the Truro Heights Road from R-2 to C-2. The remainder of the 18-acre parcel is currently zoned C-2. The purpose of the request is to enable Mr. Dickie to sell the entire parcel for commercial purposes. The small portion of the lot was originally zoned R-2 to allow Mr. Dickie's brother to build a house. The brother passed away shortly after the R-2 zoning; therefore the lot was never subdivided or deeded.

Staff are of the opinion that the application is properly before Council and is consistent with the policies of the Central Colchester Municipal Planning Strategy; therefore, staff recommend that the application be approved.

Mr. Wade Dickie was present at the hearing but had nothing to add to Mr. Macpherson's briefing to Council.

In the absence of the Chair of the Planning Advisory Committee, Councillor Masters, Councillor Taggart presented a report on this application.

The Planning Advisory Committee considered this application at its meeting held on May 7, 2009. At that time, the Committee recommended that Mr. Dickie's request go forward to Council for approval.

Mr. McDougall advised that no written submissions had been received regarding the application.

Councillor Taggart placed the following motion on the floor:

Moved by Councillor Taggart
Seconded by Councillor Buott

"That Council approves an amendment to the Truro Heights Zoning Map of the Central Colchester Land Use By-law by changing the residentially zoned portion of lot PID #20349536 located on the Truro Heights Road from Residential R-2 Zone to Highway Commercial C-2 Zone."

Motion Carried Unanimously.

Mayor Taylor advised that this is an application to amend the zoning map of the Land Use By-law which does not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council's decision on this application is appealable to

May 28, 2009

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 the local newspapers.

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

Approval of Agenda

Moved by Councillor White
Seconded by Councillor Buott

"That the agenda for May 30, 2009 be approved with the following additions or deletions:

- delete No. 11: Sale of Surplus Land - Valley
- add No. 15b: HRM Biosolids Tour"

Motion Carried Unanimously.

Appointment of Solicitor

Moved by Councillor Cooper
Seconded by Councillor Blair

"That Council waive policy and appoint Patterson Law as the Municipality's Solicitor for fiscal year 2009-10."

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Edwards
Seconded by Councillor McKenna

"That the minutes of meeting held on April 30, 2009 be approved as circulated."

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of meeting held on April 30, 2009.

Presentations

Ms. Kendra Arsenault, Grant Thornton - County Financial Statements and Mr. Bruce Purchase, County Director of Corporate Services - Treasurer's Statement

Ms. Arsenault presented the 2008-09 Audit Report and Statements to Council and provided a brief report on the audit of the Municipality. A more detailed briefing was provided to the Executive and Audit Committee on May 27, 2009. The first paragraph of the Auditor's Report stated that Grant Thornton had audited the financial statements. The second paragraph indicated the audit was conducted in accordance with the Canadian generally accepted auditing

May 28, 2009

standards. The third paragraph stated that Grant Thornton has provided a clean opinion on the financial results.

Copies of all statements presented were circulated to Council. Councillors were encouraged to read these statements and direct any questions to Mr. Purchase.

Mr. Purchase provided a brief presentation on the Treasurer's Statement.

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor LeFresne

"That Council receive and accept the financial statements as presented and that the Mayor and CAO be authorized to sign the necessary documents."

Motion Carried Unanimously.

Moved by Councillor Taggart
Seconded by Councillor White

"That Council receive and accept the Treasurer's Statement as presented."

Motion Carried Unanimously.

**Standing Committee
Reports and
Recommendations**

Deputy Mayor Cavanaugh presented the report from the Council Committee meeting held on May 19, 2009:

**Debert Army
Paintball Club**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

"That Council authorizes the Municipality of Colchester to enter into an agreement with the Debert Army Paintball Club for use of the second ballfield located next to the Debert Hospitality Centre, for a trial period from June 1, 2009 to November 30, 2009, before consideration is given to a long-term lease with the Club."

Motion Carried Unanimously.

**Waste Management
Master Plan -
Engineering Services**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

"That Council authorizes the detailed design and development of tender specifications and drawings be carried out for the leachate treatment and disposal component (Component #2) of the Waste

May 28, 2009

Management Master Plan along with the detailed design and development of tender specifications and drawings of the upgrades to the Central Colchester Wastewater Treatment Facility (Component #1) of the Waste Management Master Plan, subject to receiving written confirmation of the \$10.6 million Build Canada funding approval.”

Motion Carried Unanimously.

**Sponsorship Request
- Dutch Mason Blues
Festival**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Buott

“That Council approves financial assistance in the amount of \$5,000 toward the 2009 Dutch Mason Blues Festival, source of funds to be the Economic Development Grant Fund.”

Motion Carried Unanimously.

**Termination and
Discharge of
Development
Agreement for East
Mountain Golf &
Country Club**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Cooper

“That Council authorizes that, as a result of the failure of the Developer to commence construction within the time provided for in the Development Agreement, the Development Agreement dated October 25, 2006 between the East Mountain Golf and Country Club Limited and the Municipality of the County of Colchester be terminated and discharged.”

Motion Carried Unanimously.

**Flood Advisory
Committee**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Edwards

“That Council approves the Terms of Reference for the Flood Advisory Committee as presented.”

Motion Carried Unanimously.

**Bible Hill Water
Extension Project -
Phase IV**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Blair

“That Council approves up to a maximum of \$461,601 in funding for the Bible Hill Water Extension Project - Phase IV, based on a sharing of one half of the local costs, source of funds to be the Gas Tax.”

Motion Carried Unanimously.

May 28, 2009

**Modifications to
Standard
Specifications for
Design &
Construction of
Municipal Services**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor LeFresne

“That Council approves the addendum to the Standard Specifications for the Design and Construction of Municipal Services (August 1995) as presented.”

Motion Carried Unanimously.

**Extension of
Municipal Water
Services on Dresden
Way, Colchester
Parks, Debert**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

“That Council approves the project for replacement of the waterline on Dresden Way, Debert, at an estimated cost of \$75,000, source of funds to be revenue from the Debert House Sales Reserve.”

Motion Carried Unanimously.

**Bastionhost Water
Use Agreement**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Taggart

“That Council permits Bastionhost the use of Bunker well #1 only in the Debert Air Industrial Park and that the other Bunker wells, well #2 and well #3, be decommissioned; and,

That the Municipality of the County of Colchester enter into an agreement with Bastionhost for the use of well #1, as presented, subject to review and approval by the CAO and Solicitor.”

Motion Carried Unanimously.

**Planning Advisory
Committee**

Councillor Taggart indicated that the first part of the report had already been presented earlier in the evening during the public hearing and the second part of the report refers to Item #10 on the agenda, First Reading of the County of Colchester Subdivision By-law.

At this point in the meeting, Councillor Edwards left the meeting due to illness.

**Nominating
Committee**

**Flood Advisory
Committee**

Moved by Councillor LeFresne
Seconded by Councillor Buott

“That Council appoints Deputy Mayor Ron Cavanaugh, Councillor Tom Taggart and Councillor Mike Cooper to serve as Council representatives on the Flood Advisory Committee; and,

May 28, 2009

That Deputy Mayor Cavanaugh serve as Chair of the Flood Advisory Committee.”

Motion Carried Unanimously.

ACTION ITEMS

**Area Rates and
Budgets 2009-10**

Moved by Councillor Taggart
Seconded by Councillor MacKenzie

“That the 2009-10 Area Rates for Sewer Capital be amended by increasing the rate from 2 cents to 4 cents.”

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

Moved by Councillor LeFresne
Seconded by Deputy Mayor Cavanaugh

“That the 2009-10 Area Rates for Sewer Capital for the existing Tatamagouche systems be amended by absorbing the 2009-10 rate of 0.015 cents into the Sewer Capital Fund.”

Motion Carried Unanimously.

Regarding the Brookfield Sidewalk, Council agreed that no area rate be established in 2009-10 for new sidewalk projects and that the current deficit of \$217 be written off.

Regarding Water Extensions, Council agreed the area rate of ½ cent for 2009-10 remain as is.

Moved by Councillor LeFresne
Seconded by Councillor Taggart

“That Council approves the 2009-10 Area Rates Budgets as presented on May 19, 2009 and as amended on May 28, 2009.

RESOLUTION RE AREA RATES

WHEREAS the Municipal Council of the County of Colchester is required to levy rates which it deems sufficient for an area or for the benefit of an area for the current twelve month fiscal period;

RESOLVED that pursuant to **Section 75 of the Municipal Government Act**, the Municipal Council of the Municipality of the

May 28, 2009

County of Colchester authorizes the levying and collection of the area rates as per attached Schedule "A" and as amended;

FURTHER RESOLVED that the said Council hereby requires payment of said rates to be made to the Tax Collector or Treasurer of the said Municipality on or before the 13th day of August, 2009;

FURTHER RESOLVED that said Council hereby imposes an additional percentage charge of 15% per annum on all rates and taxes remaining unpaid after the 13th day of August, 2009."

Motion Carried Unanimously.

**First Reading -
Amendments to
Subdivision By-law**

Moved by Councillor Taggart
Seconded by Councillor Buott

"That Council hereby approves First Reading of the proposed amended Subdivision By-law as presented."

Motion Carried Unanimously.

**Purchase of Truck
for Colchester
Central Wastewater
Treatment Facility**

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor White

"That Council approves the purchase of a vehicle for Rural Wastewater Treatment Plant operations and maintenance, source of funds to be the Public Works Vehicle Reserve."

Motion Carried Unanimously.

Correspondence

ACTION

**Dianne Swinemar,
Executive Director,
Feed Nova Scotia**

A letter to the Mayor dated April 30, 2009 from **Dianne Swinemar, Executive Director, Feed Nova Scotia**, requesting that June 2, 2009 be proclaimed National Hunger Awareness Day.

Moved by Councillor Cooper
Seconded by Deputy Mayor Cavanaugh

"That June 2, 2009 be proclaimed National Hunger Awareness Day in Colchester County."

Motion Carried Unanimously.

May 28, 2009

**Peter Burgess,
President, Truro
Curling Club**

A letter to the Mayor dated May 13, 2009 from **Peter Burgess, President, Truro Curling Club**, requesting a letter of support to access federal funding.

Moved by Councillor Blair
Seconded by Councillor McKenna

“That a letter of support be provided to the Truro Curling Club to assist the organization in securing federal funding.”

Motion Carried Unanimously.

**Maritime Centre for
African Dance**

An email to the Mayor dated May 18, 2009 from the **Maritime Centre for African Dance**, requesting sponsorship for a youth dance workshop being held in Truro on June 6, 2009.

Moved by Councillor LeFresne
Seconded by Councillor Cooper

“That the email from the Maritime Centre for African Dance requesting sponsorship for a youth dance workshop being held in Truro on June 6, 2009 be received for information.”

Motion Carried Unanimously.

**County Recreation
Services**

A copy of correspondence from the **County Recreation Services** requesting that the week of May 30-June 6, 2009 be proclaimed Colchester Bike Week.

Moved by Councillor White
Seconded by Councillor McKenna

“That the week of May 30-June 6, 2009 be proclaimed as Colchester Bike Week.”

Motion Carried Unanimously.

**Recreation Nova
Scotia**

A copy of correspondence from **Recreation Nova Scotia** requesting that June 2009 be proclaimed Recreation Month.

Moved by Councillor McKenna
Seconded by Councillor Buott

“That the month of June 2009 be proclaimed Recreation Month in Colchester County.”

Motion Carried Unanimously.

May 28, 2009

**Rhonda Claes,
Glooscap Heritage
Centre**

A letter to Mayor and Council received May 26, 2009 from **Rhonda Claes, Glooscap Heritage Centre**, requesting funding support for National Aboriginal Day celebrations.

Moved by Councillor Buott
Seconded by Councillor Blair

“That Council approves a donation of \$750 in support of the National Aboriginal Day celebrations being held on June 21, 2009, source of funds to be the Economic Development Grant Fund.”

Motion Carried. *(Councillors MacKenzie, LeFresne and Taggart opposed)*

**Michael Gregory,
Chair,
Tatamagouche
Village Commission**

A letter to Council received May 27, 2009 from **Michael Gregory, Chair, Tatamagouche Village Commission**, requesting funding assistance for sidewalk structures in Tatamagouche.

Moved by Councillor Cooper
Seconded by Councillor Buott

“That the letter from the Tatamagouche Village Commission requesting funding assistance for sidewalk structures in Tatamagouche be received for information.”

Motion Carried. *(Councillors Blair, LeFresne and White opposed)*

**Krista McMullin,
Brookfield
Community
Assembly**

A letter to the CAO dated May 27, 2009 from **Krista McMullin, Brookfield Community Assembly**, requesting funding assistance for a luncheon for the Community Service Award event being held on July 18, 2009 in Brookfield.

Moved by Councillor McKenna
Seconded by Councillor LeFresne

“That the letter from the Brookfield Community Assembly requesting funding assistance for a luncheon for the Community Service Award event be referred to Council Committee with authority to make a final decision.”

Motion Carried Unanimously.

May 28, 2009

INFORMATION

Building Inspector

A copy of the Building Permit Statistics Report received from the **Building Inspector** for the month of April 2009. 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 April 2009. Council agreed to receive this report for information purposes.

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

Councillor Taggart reported that he had attended a School Board meeting last evening about the future of the schools in West Colchester.

Councillor Taggart indicated that he had attended the opening ceremonies for the Regional Acadian Games. He also reminded Councillors about the International Day of the Peacekeepers to be held at the Veterans' Memorial Park in Bass River on Friday, May 29th at 9:30 a.m.

Councillor LeFresne reported that he had attended the Tatamagouche Village Commission annual general meeting on Tuesday, May 26th where the Commission presented their annual budget. A motion was passed by residents to increase the tax rate by 20 cents.

Councillor LeFresne also reported on the tour of Creamery Square on Wednesday, May 27th in conjunction with the North Shore Community Development Association annual general meeting.

Councillor Cooper reported on a meeting he attended of the Shubenacadie Canal Commission on May 25th where the main topic of discussion was the Heritage River Project. Also at the meeting, it was announced that the public relations firm, Extreme Communications, have offered to do pro bono work for the Commission and arrangements are underway for the tour scheduled for June 20th. Any Councillors interested in taking the tour should contact the CAO's office.

Councillor Buott reported that he had attended a library meeting where air quality in Stewiacke was discussed along with fixing up the building. Tentative budget was also discussed.

Councillor Buott also reported that he had attended a meeting of the Brookfield Community Assembly where they discussed the event surrounding Brookfield receiving the Community Service Award and the money they would require for the event.

May 28, 2009

Councillor Blair reported that she along with the Mayor and CAO had attended the annual RCMP awards and recognition dinner on Tuesday evening at the Glengarry. Councillor Blair also reported that she and Councillor McKenna continue to attend the regular monthly meetings of the Bible Hill Village Commission where the message was conveyed that Council Committee had recommended to Council that Phase IV of the Bible Hill Water Extension Project be approved.

Mayor Taylor reported on the following activities that he had attended since the last Council meeting:

- Battle of Atlantic event on May 3rd
- On May 12th, attended along with Councillor Taggart, a School Board meeting and brought forward Council's items of concern
- UNSM Spring Workshop, May 13-15, along with Deputy Mayor Cavanaugh and Councillor Buott
- Biosolids presentation on May 21st
- TIR quarterly meeting with CAO on May 22nd
- tour of Creamery Square and North Shore Community Development Association annual general meeting on May 27th

HRM Biosolids Tour

The CAO advised that the proposed date for a tour of the HRM Biosolids Plant is June 17th at 6:30 p.m. There will be a tour of the plant followed by a presentation at the Airport Hilton Hotel. A notice will be sent out to Councillors via email.

Recess

Moved by Councillor White
Seconded by Councillor Buott

“That Council recess to an in-camera session at 9:41 p.m.”

Motion Carried Unanimously.

Moved by Councillor McKenna
Seconded by Councillor Buott

“That Council reconvene in open session at 9:50 p.m.”

Motion Carried Unanimously.

May 28, 2009

CAO Evaluation

Moved by Deputy Mayor Cavanaugh
Seconded by Councillor Cooper

“That Council approves the salary increase for the Chief Administrative Officer; and, that according to the terms of his contract; the increase be effective on the first anniversary date.”

Motion Carried Unanimously.

Adjournment

Moved by Councillor White
Seconded by Councillor McKenna

“That the meeting be adjourned at 9:55 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Recording Secretary