

June 23, 2011

## 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, June 23, 2011 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 Bill Masters	District #2
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

### **Public Hearing - Municipal Planning Strategy/Land Use By-law Amendments**

Mayor Taylor called the public hearing to order respecting amendments to the 2002 Central Colchester Municipal Planning Strategy and Land Use By-law, an amendment to the future Land Use Map for Bible Hill/Valley Zoning Map, Schedule 3 of the Land Use By-law to permit the expansion of an existing Land Lease Development off of Hazel Drive, Bible Hill. The text for the proposed amendments and related staff report have been circulated to Council members and have been made available to the public.

Mr. Dan McDougall, Chief Administrative Officer, 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 Councillors present throughout the public hearing can vote on the amendments when they are eventually considered by Council. This public hearing is Council's opportunity to hear the amendments and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of the amendments 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, Municipal Planner, provided a brief overview of the application. The application is for an expansion of Lexington Park by development agreement. In order to proceed with the development agreement application, the Municipal Planning Strategy (MPS) requires that the area of land be designated Low Density

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Residential. This change would require an amendment to the Bible Hill/Valley Future Land Use Map, Schedule 1 of the MPS and to the Bible Hill Zoning Map, Schedule 3, as Residential. The applicant's request for expansion is sufficient reason for Council to consider this mapping amendment and the proposal agrees with the intent of the policies. The amendment will affect a portion of the Gardiner property and the remaining land will remain as General Commercial. Ms. Macintosh reminded Council that these amendments are applicable to the Municipal Planning Strategy and not the Development Agreement. The information is properly before Council and staff recommend proceeding with the amendment.

Councillor Masters presented a report on behalf of the Planning Advisory Committee indicating that the Committee met on May 31<sup>st</sup>. The developer has been keen on further developing this area but the water extension was needed. Now that the water is there, they are looking at expanding and these amendments are required in order to proceed.

Mr. McDougall advised that no written submissions were received regarding the amendments to the 2002 Central Colchester Municipal Planning Strategy and Land Use By-law.

There were no members of the public who came forward to address Council on the amendments to the 2002 Central Colchester Municipal Planning Strategy and Land Use By-law.

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

Moved by Councillor Masters  
Seconded by Councillor Blair

“That having had second reading, Council amend the Bible Hill/Valley Future Land Use Map, of lands shown in the Planners Report, PID # 20337077, 20067633, 20067559 from Commercial General to Residential and to amend the Land Use By-law for same said lands for Commercial General C-1 to Residential R-2.”

Motion Carried Unanimously.

Mayor Taylor indicated that these are amendments which may require approval of the Minister of Service Nova Scotia and Municipal Relations and will not come into effect until any such approvals have been obtained. Council's decision on these amendments is not appealable to the Nova Scotia Utility and Review Board.

As there was no further business on this matter, Mayor Taylor

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declared the public hearing closed.

**Public Hearing -  
Development  
Agreement  
Lexington Park,  
Bible Hill**

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Mayor Taylor called the public hearing to order respecting an application for a Development Agreement made by Gardiner Properties Ltd., to expand their existing land lease development off of Hazel Drive, Bible Hill. The text of the application and related staff report have been circulated to Council members and have been made available to the public.

Mr. Dan McDougall, Chief Administrative Officer, 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 Councillors present throughout the public hearing can vote on the development agreement application when it is eventually considered by Council. This public hearing is Council's opportunity to hear the application and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of the application 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, Municipal Planner, provided an overview of the application indicating that Gardiner Properties Ltd. have applied to enter into a development agreement to enable the expansion of the existing mini-home park. The properties are located off Hazel Drive and development of the park began in the 1970's with expansions being done in 1998. Now that the water expansion is in place, the developer is interested in expanding further. Land uses of the area is mixed: low density residential and commercial. The proposed development will be phased in over seven years with phase one to begin this year if approved. The Public Works Department have reviewed the application and are satisfied with compliance in relation to the Servicing and Storm Water Management Design specifications. The Department of Environment have been consulted and the applicant is following their policies. The Village of Bible Hill is in favour of proceeding with the development agreement. Staff are of the opinion that the proposed development agreement is consistent with all policies and criteria outlined in the Municipal Planning Strategy and therefore recommend that Council enter into the development agreement with Gardiner Properties Ltd.

Councillor Masters presented a report on behalf of the Planning Advisory Committee. The Committee is pleased overall with the

development proposal. There were some concerns with future phases of the development that were addressed by staff.

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Mr. McDougall advised that one written submissions was received from the Village of Bible Hill regarding the development agreement application, which was read into the record.

Mr. Tom Burke, Village of Bible Hill Chair, appeared before Council to speak on behalf of the Village of Bible Hill indicating that the Village is in favour of the development but had a couple of concerns: green space and parking. If the development on the existing mall property of a two story unit goes forward then there will be a need for additional parking.

Discussion was held regarding the parking issue and it was stated that any future development would have to go through the Planning Advisory Committee and if there was not sufficient parking then the development would not go forward.

Lincoln Thompson of Gardiner Properties Ltd. appeared before Council to speak about the development. He indicated that they are very excited about this newer phase of development. At the existing property, they have done a good job with the landscaping and plan to take the new phase further with a good buffer in the rear. There is no plan for a second story on the existing mall. The plan for a 16,000 square foot expansion involves tearing down the house beside the property. There are plans for additional space for trees and green space won't be affected.

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

Moved by Councillor Masters  
Seconded by Councillor Blair

“That Council enter into a development agreement with Gardiner Properties Ltd., that would allow for the expansion of an existing Land Lease Development off of Hazel Drive in Bible Hill, affecting properties PID # 20337077, 20067633 and 20067559; and

That this development agreement is subject to Ministerial approval of the enabling policies and regulations, as adopted by Council, June 23, 2011 and subsequent to public notification.”

Motion Carried Unanimously.

Mayor Taylor indicated that this is a development agreement 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. The development agreement will be

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approved on the understanding that the Municipal Planning Strategy/ Land Use By-law amendment is potentially subject to review of the Minister of Service Nova Scotia and Municipal Relations. Upon completion of the review by Service Nova Scotia and Municipal Relations, the Municipality will publish a notice in the local newspaper providing the effective date of the amendment. At the same time, it will publish a notice advertising that the development agreement has been approved.

As there was not further business on this matter, Mayor Taylor declared the public hearing closed.

**Approval of Agenda**

Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor Edwards

“That the agenda for June 23, 2011 be approved with the following additions:

- add Item #6b: Willis Howell - Roads in Debert
- add Item #9b: Truro Amateur Boxing Club - Non-Profit Grant (on table)
- add Item #9c: Debert Water Utility Bulk Water Rate Application (on table)
- add Item #9d: Maintenance and Repairs to Special Hazards Response Building on Pictou Road, Bible Hill (on table)
- add Item #9e: Engineering Services for Bible Hill Sidewalk on Pictou Road (on table)
- add to Item #10: Action Correspondence - Stewiacke Valley Historical Society Request for Funding (on table)
- add Item 13b: Land Lease Matter - Closed Session
- add Item 13c: Information Negotiations - Closed Session.”

Motion Carried Unanimously.

**Approval of Minutes**

Moved by Councillor McKenna  
Seconded by Councillor White

“That the minutes of the meeting held on May 26, 2011 and the minutes of the Special Council meeting held on June 9, 2011 be approved as circulated.”

Motion Carried Unanimously.

**Business Arising from Minutes**

There was no business arising from the minutes of the meetings held on May 26 and June 9, 2011.

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**Presentations**

**Mr. Austen Hughes - Wind Prospect Inc.**

Mr. Hughes gave a brief introduction of Wind Prospect Inc. It was established in 1995; they have over 200 staff worldwide; and have offices in Halifax, Vancouver and Denver. Accomplishments to date include the construction of 83 projects. In the Atlantic provinces, specifically Nova Scotia, a 4 MW project was awarded in 2010 which is almost completed.

Mr. Hughes touched on the basics of COMFIT which is a community based feed-in tariff program with the key element being community. Key requirements include wind resource assessment, land, access, community and finance. They are already in discussions with Nova Scotia Power regarding grids. Some of the benefits include meeting renewable energy targets, employment benefits, possible local investment, tax revenue generation and landowner royalty payments.

Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor LeFresne

“That Council receives the presentation from Wind Prospect Inc.”

Motion Carried Unanimously.

**Mr. Willis Howell - Roads in Debert**

Mr. Howell stated that he was representing the people in the area of Chisholm Road in Debert regarding the condition of the roads. There are eight large potholes near 133 Soley Factory Road and questioned who is responsible for supervising work being done on the roads. His recommendation is to have a group of three to five taxpayers volunteer to do the supervision of work done. All work done would include the name of the person who completed the work and if the work is not done satisfactorily, the person be made accountable.

Mr. Willis advised that he hit a large hole at the Masstown Road intersection which caused about \$329 damage to his vehicle. He called to report the incident and was told to put in a claim which he did but was denied due to a technicality.

Mayor Taylor informed Mr. Willis that this issue is the responsibility of the Department of Transportation and Infrastructure Renewal.

There have been issues and concerns regarding roads over the years and the County is now having quarterly meetings with the Department to try and address these issues.

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**Standing Committee  
Reports and  
Recommendations**

Deputy Mayor Cavanaugh presented a report from the Council Committee meeting held on June 9, 2011:

**Tax Exemption By-  
law - Amendments to  
Property List**

Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor White

“That Council approves the addition of the Upper Stewiacke Fire Department to the Tax Exemption Property List, for fiscal year 2011-12 and beyond, for a property at Highway 289, Upper Stewiacke: and,

That the following properties be removed from the Tax Exemption Property List:

- Bell Memorial Park, 1579 Highway 246, New Annan, Property #00273635;
- West New Annan Community Hall, 1137 Warwick Mountain Road, Property #04874935;
- Chisholm Trail Snowmobile Club, New Brittain Road, Five Islands, Property #06404421;
- Dominion Chair (1992) Ltd., land leased to Heritage Society, Property #07348827.”

Motion Carried Unanimously.

**Tidal Bore Viewing  
Location**

Moved by Councillor McKenna  
Seconded by Councillor Blair

“That Council approves that the motion originally presented as one motion regarding the tidal bore viewing location, be divided into two sections with each being voted on separately.”

Motion Carried Unanimously.

Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor White

“That Council authorizes the Municipality of Colchester to work in cooperation with the Truro and District Chamber of Commerce and the Central Nova Tourist Association to maintain the Tidal Bore

viewing location on the Palliser Restaurant property, for the 2011 tourist season only, which would include grass mowing, lighting for the area and liability insurance.”

Motion Carried.

*(Councillors McKenna and MacKenzie  
opposed)*

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Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor McKenna

“That staff be directed to look into developing a separate tidal bore viewing area at MacLellan Corner.”

Motion Carried Unanimously.

**Executive and Audit  
Committee**

There was no business arising from the minutes of the meetings held on May 26 and June 9, 2011.

**Planning Advisory  
Committee**

There was no business arising from the Planning Advisory Committee Report from the meeting held on May 31, 2011 except what was reported earlier in the evening under Public Hearings.

**ACTION ITEMS**

**Sale of County-  
Owned Property -  
882 Pictou Road**

Moved by Councillor McKenna  
Seconded by Councillor Cooper

“That Council authorizes the Mayor and CAO to sign and execute the purchase and sale agreement, and other documentation related to the sale of 882 Pictou Road, to the Department of Transportation and Infrastructure Renewal.”

Motion Carried Unanimously.

**Tatamagouche in  
Bloom Society -  
Funding Request**

Moved by Councillor LeFresne  
Seconded by Deputy Mayor Cavanaugh

“That Council approves \$500 for the Tatamagouche In Bloom Society in support of the Golden Oldies Concert, Frank MacKay and The Lincolns on August 7, 2011, source of funds to be Economic Development Grants.”

Motion Carried Unanimously.

It was noted that although this organization indicated that they had not received previous funding, the Tatamagouche in Bloom Society received funding in 2009/10 in the amount of \$2,000.

**Truro Amateur  
Boxing Club -  
Non-Profit Grant**

The Truro Amateur Boxing Club had requested funding in March 2011 through the Grants to Not-for-Profit Organizations Policy. At that time, Council directed Recreation staff to assist the Club in developing better financial records and when completed, come back to Council with another request.

Mr. McDougall advised Council that this Action Item deals with two

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items: the request for funding and proposed changes to the Grants to Not-for-Profit Organizations Policy. If Council chooses not to make any decision this evening on the grants process, an Action Item will be brought forward in August or September reflecting the suggested changes to the Policy for Council's consideration.

Moved by Deputy Mayor Cavanaugh  
Seconded by Councillor Masters

"That Council approves funding for the Truro Amateur Boxing Club in the amount of \$5,000, conditional upon the renewal of a new lease, with source of funds being the general operating fund as an unbudgeted item."

Motion Carried Unanimously.

**Debert Water Utility  
Bulk Water Rate  
Application**

The CAO advised that the recent Water Rate Study and application for the Debert Water Utility did not include a request for a bulk water rate.

Moved by Councillor White  
Seconded by Deputy Mayor Cavanaugh

"That Council authorizes staff to make application of the Nova Scotia Utility and Review Board for Bulk Water Rates for the Debert Water Utility.

Motion Carried Unanimously.

**Maintenance and  
Repairs to Special  
Hazards Response  
Building on Pictou  
Road, Bible Hill**

Moved by Councillor Masters  
Seconded by Councillor Blair

"That Council approves carrying out repairs to the Special Hazards Response Unit (SHRU) building located on Pictou Road at an estimated cost of \$50,000, source of funds being Municipal Capital Reserve Fund."

Motion Carried Unanimously.

**Engineering Services  
for Bible Hill  
Sidewalk on Pictou  
Road**

The CAO provided an overview of this Action Item which was distributed on table for tonight's meeting. For the past two years, Municipal staff have worked cooperatively with the Village of Bible Hill on projects relating to Public Works and Engineering providing support and technical advice. The CAO indicated that he is pleased with the work the Director of Public Works has done in this area.

Concerns were expressed about not wanting this project to supercede

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other County projects such as the storm management project or sewer on Granville Drive. The Director of Public Works indicated that the other County projects scheduled for this year would continue for this however, there may be some time constraints.

Moved by Councillor Blair  
Seconded by Councillor McKenna

“That Council approves carrying out the work of engineering services for the project of construction of sidewalk sections on Pictou Road in the Village of Bible Hill on an actual cost basis, subject to an upset limit of 15% of the total project cost; and, directs engineering staff to provide the necessary engineering support required for the project to the Village of Bible Hill on a pilot-study basis; and,

That the CAO be authorized to enter into an agreement with the Village of Bible Hill for this project.”

Motion Carried. *(Mayor Taylor and Deputy Mayor Cavanaugh opposed)*

## Correspondence

### ACTION

#### **Stewiacke Valley Historical Society - Request for Funding**

A letter to the Mayor dated June 15, 2011 from the **Stewiacke Valley Historical Society** requesting funding for building repairs.

Discussion was held regarding financial status of the Stewiacke Valley Historical Society specifically about whether the group has funds to contribute to the project. It was advised that this organization has very little backup funding and that most monies received through fundraising goes towards operating expenses.

Moved by Councillor Masters  
Seconded by Councillor Buott

“That Council approves funding in the amount of \$5,000 with the condition that the Stewiacke Valley Historical Society not be eligible for funding for the next five years, source of funds being the general operating fund as an unbudgeted item.”

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Motion Carried. *(Deputy Mayor Cavanaugh opposed)*

INFORMATION

**Building Inspector**

A copy of the Building Permit Statistics received from the **Building Inspector** for the month of May 2011. Council agreed to receive this report for information.

**Development Officer**

A copy of the Development Activity Report received from the **Development Officer** for the month of May 2011. Council agreed to receive this report for information.

INFORMATION  
ITEMS

**Community Trail  
Funding Program -  
Spring 2011  
Applications**

Under the Community Trails Funding Program, three applications were received and approved for the June 3, 2011 deadline for a total amount of \$11,597.

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

Councillor Blair reported that she attended the Village of Bible Hill's regular monthly meeting and annual general meeting, the RCMP Managerial meeting, the Thirsty Church Open House and the Salmon River Fire Brigade's 50<sup>th</sup> Anniversary. The Police Advisory Board meeting is scheduled for the third Monday in July.

Councillor Masters reported that he had attended a PAC meeting and is now officially done with CoRDA.

Councillor Buott reported that he had attended the FCM in Halifax, the Dangerous and Unsightly Committee meeting, the Joint Library meeting and the CoRDA meeting.

Councillor Cooper reported that he had attended the Garden Party at the Lieutenant Governor's house.

Councillor Edwards reported that he attended the CNTA meeting, Dangerous and Unsightly Committee meeting, 60<sup>th</sup> Charter Night Lions International, Salmon River Fire Brigade 50<sup>th</sup> Anniversary and 5<sup>th</sup> Anniversary of Hockeyville.

Councillor MacKenzie reported that she had attended the Joint Library meeting. They are considering the Normal College for the new library.

Councillor LeFresne reported that he has met regularly with the new RCMP Liaison Officer.

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Deputy Mayor Cavanaugh reported that he had attended the Joint Flood meeting and the FCM in Halifax.

Councillor White reported that he had attended a CoRDA meeting today and the CoRDA Annual General Meeting.

Councillor Taggart reported that he had attended the FCM in Halifax, the Dangerous and Unsightly Committee meeting, the Thirsty Church Open House, and has met with the RCMP Liaison Officer.

Councillor McKenna reported that he attended the 50<sup>th</sup> Anniversary of the Salmon River Fire Brigade, the Thirsty Church Open House, the FCM in Halifax, and has met with the RCMP Liaison Officer with a second meeting scheduled for June 24th. A brief update of the Lawn Bowls Committee was provided including the following: the inaugural meeting is scheduled for June 28<sup>th</sup>; there are already 40 people already signed up for membership; the Committee applied for and received a grant; the Fundraising Committee has doubled their initial goal; and they now have a Construction Committee in place.

Mayor Taylor presented his written report, a copy of which was circulated on table for this evening's meeting. In addition to what was in the written report, Mayor Taylor also stated that he attended the Aboriginal Days in Millbrook on June 22<sup>nd</sup>, and a CoRDA meeting earlier today.

**Closed Session**

Moved by Councillor McKenna  
Seconded by Councillor White

“That the meeting go into closed session at 11:25 p.m.”

Motion Carried Unanimously.

Moved by Councillor McKenna  
Seconded by Councillor White

“That the meeting reconvene in open session at 12:08 a.m.”

Motion Carried Unanimously.

**Land Lease Matter**

Moved by Councillor Masters  
Seconded by Councillor Buott

“That Council authorizes the CAO and Solicitor to negotiate a lease agreement with Eastlink or through lease to CORDA for purposes of subletting, at market value, for lands located at Debert, and that the

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lease agreement is not to exceed ten years.”

Motion Carried Unanimously.

**Negotiations**

Moved by Councillor Masters  
Seconded by Councillor Taggart

“That Council authorizes the CAO and Solicitor to negotiate a contract with Blue Rodeo for the concert to be held in August 2011, and, at the discretion of the CAO, if an acceptable agreement cannot be reached, the concert be cancelled.”

Motion Carried. *(Councillor LeFresne opposed)*

**Adjournment**

Moved by Councillor White  
Seconded by Councillor McKenna

“That the meeting be adjourned at 12:15 a.m.”

Motion Carried Unanimously.

Tracey Veno  
Recording Secretary