

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted virtually via Zoom Webinars on Thursday, August 27, 2020 at 6:00 pm.

Roll Call

The roll was called with the following Councillors in attendance:

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

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Newell, Director of Public Works
 Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste
 Crawford Macpherson, Director of Community Development
 Anna-Marie Manley, Municipal Solicitor
 Tracey Venno, Recording Secretary
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Paul Smith, Manager of Planning Services (for Item #2 & 7)
 Pam Macintosh, Planning (for Item #2)
 Tim Smith, IT Manager
 Mollie MacBurnie-Haas, Desktop Support Technician (for Item #2)

Due to a directive by the Minister of Municipal Affairs and Housing pursuant to the provincial State of Emergency related to COVID-19, all Colchester Council meetings must be held remotely by teleconference or on a virtual platform. In order to ensure transparency and honour the commitment for Colchester Council to conduct its business in public, these draft minutes are being posted within twenty-four hours of the meeting. They will not be reviewed and approved until the next regularly scheduled meeting of Colchester Council on September 24, 2020. Until these minutes are formally approved by Colchester Council they cannot be relied on as an official record of the August 27, 2020 meeting.

Public Hearing – Peppard Drive Parkland

Mayor Blair called the Public Hearing to Order respecting the potential sale of municipal parkland through the Disposal of Surplus Municipal Parkland Policy. If approved as presented, the sale would allow by private transaction, the parkland to be sold to a neighbouring property owner. An Action Item dated May 5, 2020, and additional information dated June 5, 2020, has been circulated to Council members and has also been made available to the public.

Rob Simonds, CAO, advised that the guidelines of the Municipal Government Act regarding advertising of the Public Hearing have been followed.

Mayor Blair reminded Councillors that only those Councillors present throughout the Public Hearing can vote on the proposed sale when eventually considered by Council. This Public Hearing is Council's opportunity to hear the purchase request and any concerns of Colchester County residents. Individual Councillors will have an opportunity to debate the merits of this proposed sale 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.

A request has been received to purchase a parcel of Municipal Parkland on Peppard Drive. Council previously discussed this request and staff were directed to determine if there would be any impacts on the sale of this land. In her presentation, Pam Macintosh, Municipal Planner, provided a background on the property and surrounding properties, the request from Mr. Dunn, and research relative to trail systems. In 2017, Mr. Dunn requested to purchase this parcel of land however, withdrew his request at that time and has come forth again with the request to purchase. In 2018, the property was appraised at \$7,000 and Property Valuation Services Corporation has confirmed that this amount is still accurate today. Council's Disposal of Municipal Parkland Policy allows three options for the sale of land: by tender; through a Real Estate Agent; and, by private sale with a neighbouring property owner. Should Council decide to sell, staff recommend it be by private sale.

Mr. Dunn was unable to attend this evening's meeting, however, Ms. Macintosh read Mr. Dunn's letter into the record and shared a number of photos provided by Mr. Dunn. His concerns are the noise and damage to the property caused mainly by ATVs and Jeeps. Ms. Macintosh indicated that Mr. Dunn does not have an issue with residents using the space for walking and hiking.

The CAO advised that 10 written submissions were received from the following residents in opposition to the sale of the property: Gerald Bates, Darrin Belliveau, Bryson Daley, Doug and Audrey Dickie, Traci and Lisa Gowan, Ryan and Elaine Grant, Kenzie Hearn, Jeff and Kathy Hingley, Daina McCallum and Charley Thompson.

Mr. Doug Dickie was in attendance virtually to address the proposed sale of the land, however, was unable to speak due to technical difficulties. Ms. Macintosh read Mr. Dickie's letter into the record which noted his concerns regarding the sale of the property.

Mr. Jeff Hingley was also in attendance virtually to express his concerns regarding the possible sale. Mr. Hingley echoed the sentiments as noted in Mr. and Mrs. Dickie's letter and noted that his family uses the property almost daily. It is a nice place to go for family and pets. With traffic and speeds on the road, most people in the area utilize the property regularly. Mr. Hingley also indicated that should Mr. Dunn leave, there are concerns that future owners may not continue to allow use by area residents.

Ms. Anna-Marie Manley, Municipal Solicitor, advised Council that under the Municipal Government Act, for the disposal of municipal parkland, Council must be satisfied that the property is no longer required for parks, playground or similar public purposes. If it is decided to proceed with the sale of the property, then Council would need to determine that they are getting fair market value for the land.

During Council debate, clarification was sought regarding where the opposing letters were received from. Mayor Blair advised that the letters of concern were from residents of the subdivision. Further discussion was held on the use of the property; promoting healthy living; and the 50 ft wide piece of land owned by Peppard Developments that runs along the back of homes on the west side of Peppard Drive.

Moved by Councillor Masters
Seconded by Councillor Parker

“That the Municipality retain the parkland property on Peppard Drive.”

Motion Carried Unanimously.

Approval of Agenda

Moved by Councillor Gibbs
Seconded by Councillor Masters

“That the agenda be approved with the following amendments:

- Add item 15b, In-person Meetings;
- Add item 17b, October Council Committee Meeting;
- Add item 17c, Meetings; and,
- Remove items 14 and 15.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Masters
Seconded by Councillor Cooper

“That the minutes of the meetings held on June 25, July 14 and August 20, 2020, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meetings held on June 25, July 14 and August 20, 2020.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on June 11, 2020:

Procurement Policy Amendments

Moved by Deputy Mayor Stewart
Seconded by Councillor Boutilier

“That Council approves the amendments to the Purchasing and Tendering of Goods, Services and Construction Projects Policy, as presented.”

Motion Carried Unanimously.

Covid-19 Property Tax Financing Program Policy

Moved by Deputy Mayor Stewart
Seconded by Councillor Gibbs

“That Council approves the Covid-19 Property Tax Financing Program Policy, as presented.”

Motion Carried Unanimously.

Proposed Sale of Lot 20, Lancaster Crescent, Debert

Moved by Deputy Mayor Stewart
Seconded by Councillor Pash

“That Council authorizes the CAO to sign the Purchase and Sales Agreement for Lot 20, Lancaster Crescent, Debert Business Park.”

Motion Carried Unanimously.

Executive Committee Minutes of Meetings Held on June 23, July 7 & 14, and August 6, 2020

Moved by Councillor Gregory
Seconded by Deputy Mayor Stewart

“That Council receives the Executive minutes of meetings held on June 23, July 7 & 14, and August 6, 2020, as presented.”

Motion Carried Unanimously.

Planning Advisory Committee (PAC) Report from Meeting Held on August 11, 2020

Councillor Taggart provided a summary of the report from the PAC meeting of August 11th and advised that the recommendation of PAC was to initiate a County-wide municipal planning process to address the unregulated recreational use of land in Colchester.

Moved by Councillor Taggart
Seconded by Councillor Pash

“That Council accepts the report from the Planning Advisory Committee and approves a County-wide municipal planning process that will address the unregulated recreational use of land in Colchester be initiated.”

Motion Carried Unanimously.

Flood Advisory Committee Minutes of Meeting Held on June 30, 2020

Moved by Councillor Cavanaugh
Seconded by Councillor Masters

“That the minutes of the Flood Advisory Committee meeting held on June 30, 2020, be accepted as presented.”

Motion Carried Unanimously.

Discussion was held on the flooding situation at Gasper Cross Road; the scope of work to address the issue; and concern regarding property owners not willing to cost share and the Municipality covering the full cost for the work as a result. It was noted that the FAC discussed this at length. The flooding issue at Gasper Cross Road affects a number of property owners and it was decided that the work be carried out for the greater good of the residents.

ACTION ITEMS**Investing in Canada
Infrastructure Program Funding
Application**

Mr. Paul Smith, Manager of Planning Services, introduced this item which relates to the Investing in Canada Infrastructure Program and funding available through the NS Department of Energy and Mines. Staff is seeking support for the submission of applications for funding of two projects: the Fundy Discovery Site Pedestrian Bridge; and Solar Energy for Municipal Buildings. A brief overview was provided on the Program, each of the projects and approximate costs, and funding available if applications are successful.

Moved by Councillor Taggart
Seconded by Councillor Cooper

“That Council supports the two applications by staff to the Investing in Canada Infrastructure Program Climate Change Mitigation Stream, for the Fundy Discovery Site Pedestrian Bridge and Solar Energy for Municipal Buildings.”

Motion Carried Unanimously.

Osprey Ridge Entrance

Michelle Newell, Director of Public Works, indicated that this item was discussed at the August Committee meeting and relates to the on-going maintenance for the Osprey Ridge Entrance. A brief history of the entrance was provided which was put in and maintained by the developer for the last 20 years, however, it is now being requested that the Municipality take over the maintenance. The same request was made to the Village of Bible Hill but was denied. Ms. Newell also noted that the shelter at the entrance houses the mailboxes for the subdivision but has been advised by Canada Post that the mailboxes can remain at the location with or without the shelter. Dennis James, Municipal Solicitor, advised at the last meeting that the Municipality is the legal owner of the property.

Debate was held regarding the way the developer handled this and the possibility of writing a letter expressing Council’s displeasure. Further discussion was held on the costs to maintain the entrance, the options for

Council consideration, and the benefits of the entrance and shelter to the community.

Moved by Councillor Parker
Seconded by Councillor Gibbs

“That the Municipality maintain the Osprey Ridge Entrance on a go forward basis.”

Motion Carried. *(Councillors Cavanaugh, Pash and Taggart opposed)*

First Reading – Municipal Elections By-law Amendments

Devin Trefry, Research, Policy and Community Engagement Officer, advised that Council recently approved Chapter 18 – Municipal Elections By-law, which would allow additional advance polls at the upcoming election, mainly to help mitigate Covid-19. The Department of Municipal Affairs and Housing (DMAH) acknowledged receipt of the By-law, however, informally raised concern regarding that the By-law’s interpretation of Section 146A of the Municipal Elections Act may not be consistent with it’s intent regarding alternative voting methods. The matter was referred to the Municipal Solicitor for review.

Feedback from the Municipal Solicitor indicated that if the phrase “another voting method” in existing legislation was to refer to methods other than in-person voting, clearer language should have been set out in the Act. An amendment to the By-law to include language that would help to clarify this was suggested.

Brief discussion was held on the concerns of DMAH and the By-law being in compliance with legislation. Ms. Manley, advised that with the language in the Act as referenced, not being clear, the DMAH flagged concerns that they were not sure whether another voting method contemplated additional in-person voting. The recommended amendments clarify that the Municipality is setting out the regime that it is for additional in-person advance polls.

Moved by Councillor Boutilier
Seconded by Councillor Masters

“That Council approves, by way of First Reading, amendments for the Municipal Elections By-law.”

Motion Carried Unanimously.

Funding Options – Municipal Portion J Class Roads

Ms. Newell provided a brief introduction of this item noting that Council discussed this matter at length at the August Committee meeting. Council clearly indicated that a review of funding options for the paving of J Class Roads was required and is before Council this evening due to the approaching deadline for submitting the lists of roads to the province for consideration under the Agreement. The deadline originally was October 31st, however, notification was received today that it has been extended to November 30th.

Discussion was held on a number of issues including the Municipality not being responsible for the 50% portion of the cost; covering the 50% through Municipal funds such as Gas Tax or General Revenue; how other municipal

units fund paving J Class Roads; this being another example of downloading by the Province; doing something proactive for the residents, making Colchester a better place to live; and, deferring the discussion on this matter until a later date.

Moved by Councillor MacKenzie
Seconded by Councillor Masters

“That funding options for municipal portion of J Class Roads be deferred to the new Council, with date to be determined.”

Motion Carried. *(Councillor Boutilier opposed)*

It was suggested that this be brought before Council prior to the next budget deliberations.

**Capital Budget – Authority for
September Committee to
Approve**

Moved by Councillor Gregory
Seconded by Councillor Gibbs

“That Council grants authority to approve the 2020/21 Capital Budget to September Council Committee.”

Motion Carried Unanimously.

**Debert Aviation Centre –
Renovation Budget for Capital
Budget**

Crawford Macpherson, Director of Community Development, introduced this item noting that Council recently agreed to purchase the former Orenda building as the anchor facility of the Debert Airport. At the time, the potential costs for renovations was part of the deliberations. An overview of the renovation budget was presented and staff recommend that this be referred to the Capital Budget session in September.

Brief discussion was held on some of the immediate interior renovation requirements; exterior improvements including asphalt and fencing; whether the agreement with the first tenants is in place yet; security issues; and, renovations versus building new.

Moved by Councillor Gregory
Seconded by Councillor Pash

“That Council refer the proposed budget for the Debert Aviation Centre renovation to the Capital Budget process in September.”

Motion Carried Unanimously.

**Crosswalk Highway 311 and
Mountain Lee Road**

Ms. Newell advised that Council had previously referred a crosswalk at Highway 311 and Mountain Lee Road to staff. Since Highway 311 is a provincially owned road, staff forwarded the request to NS Transportation and Infrastructure Renewal (NSTIR) for consideration. NSTIR has advised that the crosswalk is warranted. The estimated cost is \$65,000 and is the responsibility of the Municipality. Should Council approve the crosswalk, it will be constructed in 2021.

Moved by Councillor Boutilier

Seconded by Councillor Cavanaugh

“That Council approves the construction of a marked crosswalk on Highway 311 at Mountain Lee Road, at an estimated cost of \$65,000, to be funded by Special Capital.”

Motion Carried Unanimously.

In-person Meetings

Councillor Taggart raised the issue of in-person meetings noting that he personally has experienced difficulties with connectivity issues and indicated that he is anxious to get back to holding Council meetings in-person. Additionally, he felt that if the province can send children back to school, Council should be able to meet in-person. Councillor Boutilier indicated that he was also in favour of this as he feels in-person meetings are more effective. Any Council members who are not comfortable with meeting in person could attend via Zoom.

Other members of Council expressed concern with resuming in-person meetings at this time for a number of reasons: size of Council Chambers and maximum occupancy; not being able to accommodate physical distancing; wearing of masks; clarity of discussion with masks or barriers; age/higher risk factor; following recommendations of public health; and, recent increased number of Covid-19 cases in the northern region.

For the most part, meeting virtually via Zoom has worked better than originally expected. Mayor Blair suggested that we continue with status quo for the time being and any members of Council experiencing connectivity issues can be accommodated by joining via Zoom in Council Chambers. It was noted however, that there may be occasions when in-person meetings are required and safety measures will be taken to accommodate such meetings.

Correspondence - ACTION

**Brenda Boates, Wildlife
Operations Manager, Cobequid
Wildlife Rehabilitation Centre**

An email to Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste, requesting tipping fees be waived.

Mr. Fraser indicated that from time to time, requests of this nature are received from not-for-profit organizations. It is within Council authority to consider and approve such requests. In this particular case, it is a small amount of C&D type material. Referring to the correspondence received from Ms. Boates, Deputy Mayor Stewart clarified for Council that he did not indicate that the tipping fees would be waived, rather it would be a decision of Council.

Moved by Deputy Mayor Stewart
Seconded by Councillor Masters

“That Council approves to waive tipping fees for three dumpsters from the Cobequid Wildlife Rehabilitation Centre.

Motion Carried Unanimously.

**The Honourable Keith Colwell,
Department of Fisheries and
Aquaculture**

A letter to the Mayor from Minister Keith Colwell requesting support for their Marine Debris Clean-up Program.

Council discussion included being in favour of this initiative; the request for waiving tipping fees being another example of downloading; setting maximum amounts; having confirmation of where the debris is coming from; and having controls in place.

Moved by Councillor Taggart
Seconded by Councillor Pash

“That the Municipality agrees to waive tipping fees for the provincial Marine Debris Clean-up Program up to a maximum of 50 metric tonnes per year and that the source of the debris to be identified at the Scalehouse.”

Motion **Defeated**. (*Mayor Blair, Deputy Mayor Stewart, Councillors Boutilier, Masters, Cooper, Gibbs, MacKenzie, Gregory, Cavanaugh and Parker opposed*)

Moved by Councillor Gibbs
Seconded by Councillor Parker

“That the request from Minister Colwell regarding the Marine Debris Clean-up Program be referred to staff to investigate and bring back information to Council.”

Motion Carried. (*Councillors Cavanaugh and Taggart opposed*)

**Nick Sharpe, Executive Director,
Big Brothers, Big Sisters of
Colchester**

A email to the CAO regarding a proclamation for Big Brothers, Big Sisters Month.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That Council proclaims September as Big Brothers, Big Sisters Month.”

Motion Carried Unanimously.

**Natalie Philbert Watts, Resident
of Truro Heights**

Correspondence received from Natalie Philbert Watts regarding a crosswalk and signage request in Truro Heights.

Councillor Masters advised that there is a crosswalk at the end of Chantilly Lane so he is not sure if the existing crosswalk needs to be redone or if the request is to have the crosswalk in a new position.

Moved by Councillor Masters
Seconded by Councillor Cavanaugh

“That the request from Natalie Philbert Watts regarding a crosswalk and signage in Truro Heights be referred to staff.”

Motion Carried Unanimously.

Darlene Brown, Truro Marshland Community Garden Society An email to Mayor Blair from Darlene Brown, Truro Marshland Community Garden Society, requesting a letter of support for their funding application for a grant from Local Food Infrastructure Fund.

Moved by Councillor Taggart
Seconded by Councillor Parker

“That the Municipality write a letter of support for the Truro Marshland Community Garden Society funding application for a grant from Local Food Infrastructure Fund.”

Motion Carried Unanimously.

Patsy Oxner, Chairperson, CARMA Colchester Chapter An email to Mayor Blair, Council and the CAO, from Patsy Oxner, Chairperson, CARMA Colchester Chapter, requesting rental space in Debert at a discounted fee.

Brief discussion was held on the possibility of accommodating the request of CARMA Colchester Chapter, however, it was noted that the incubator mall would not be an appropriate location.

Moved by Councillor Boutilier
Seconded by Councillor Pash

“That the email from CARMA Colchester Chapter requesting rental space in Debert at a discounted fee be referred to staff.”

Motion Carried Unanimously.

Correspondence - INFORMATION

Development Officer A copy of Development Activity Reports received from the Development Officer for the months of June and July 2020. Council agreed to receive the reports for information purposes.

Building Inspector A copy of Building Permit Statistics received from the Building Inspector for the months of June and July 2020. Council agreed to receive the reports for information purposes.

Tiffany Bartlett, CEO and Secretary to the Board, Colchester-East Hants Public Library An email to the Mayor and Council concerning the elimination of late fines. Council agreed to receive the email for information purposes.

Minister Chuck Porter, Department of Municipal Affairs and Housing (DMAH) A letter to Mayor Blair received August 10, 2020, in response to correspondence regarding the DMAH consultation process. Council agreed to receive the letter for information purposes.

INFORMATION ITEMS

Covid-19 Update As per the request of Council at the March 26th meeting, this item serves to provide Council with ongoing operational and administrative updates and implications relative to the COVID-19 Pandemic.

October Council Committee Meeting

The CAO advised that the schedule of meetings for fiscal 20/21 included a date for a Council Committee meeting in October. As per past practice of not having a Committee meeting in October of an Election year, there will not be an October Committee meeting.

Meetings

Councillor Taggart indicated that last Thursday after unanimously approving the internet contracts, Mayor Blair eloquently thanked the Municipal Solicitors and staff. However, at the end of her comments, she stated Councillors Gregory and Taggart attended a few meetings. As the elected officials appointed to this Committee, Councillor Taggart felt this comment diminished the contribution of elected officials on this project. Councillor Gregory also advised that he was slighted by the comment and felt it showed disrespect. Mayor Blair apologized to both Councillor Taggart and Gregory and stated that there was no intention to diminish any of their contributions, and their work on this Committee is appreciated.

Strategic Priorities Update

The CAO provided a detailed presentation on Council's Strategic Priorities and the many accomplishments over the past four years. Included in his presentation was information and status updates on various strategic priorities, as determined by Council, including the Fundy Discovery Site; Rural Broadband; the Debert Business Park and Debert Airport; the Cliffs of Fundy Geopark; Waste to Energy; Policing Review; Economic Development Initiatives; and Service Capacity Review. Also included in the presentation were highlights on a number of emerging initiatives, infrastructure developments and community support initiatives.

A copy of the report was distributed to Council earlier this evening and a printed copy will be made available in Councillors mailboxes.

Reports from Councillors Appointed to Outside Boards and Agencies

Copies of reports from the Mayor and Councillors were circulated in the package and/or as a separate attachment prior to this evenings meeting.

CLOSED SESSION

Moved by Councillor Gibbs
Seconded by Councillor Pash

"That the meeting go into closed session at 11:03 pm."

Motion Carried Unanimously.

Moved by Councillor Gibbs
Seconded by Councillor Gregory

"That the meeting reconvene in open session at 11:19 pm."

Motion Carried Unanimously.

Property Matter - Lot 217 Purchase and Sale Agreement

Moved by Councillor Masters
Seconded by Councillor Gregory

"That Council authorizes the CAO to sign the Purchase and Sale Agreement for Lot 217, Lancaster Crescent, Debert Business Park."

Motion Carried Unanimously.

Legal

Following an update from the Municipal Solicitor in closed session, Council considered proposed amendments to the Solid Waste By-law regarding the handling of asbestos within Colchester County.

Moved by Councillor Gibbs
Seconded by Councillor Cavanaugh

“That Council approves, by way of First Reading, amendments to Chapter 33 - Solid Waste By-law, as presented.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Cavanaugh
Seconded by Councillor Gibbs

“That the meeting adjourn at 11:22 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary