

COUNCIL COMMITTEE

The Regular Session of the Council Committee of the Municipality of the County of Colchester was conducted virtually, via Zoom Webinars, on Thursday, November 12, 2020, beginning at 6:00 pm.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Christine Blair	
Councillor Eric Boutilier	District 1
Councillor Laurie Sandeson	District 2
Deputy Mayor Geoff Stewart, Chair	District 3
Councillor Mike Cooper	District 4
Councillor Tim Johnson	District 5
Councillor Karen MacKenzie	District 6 (<i>arrived at 7:50 pm</i>)
Councillor Michael Gregory	District 7
Councillor Lisa Patton	District 8
Councillor Marie Benoit	District 9
Councillor Tom Taggart	District 10
Councillor Wade Parker	District 11

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Crawford Macpherson, Director of Community Development
 Scott Fraser, Director of Corp. Services/Acting Director of Solid Waste
 Michelle Newell, Director of Public Works
 Dennis James, Municipal Solicitor
 Tracey Veno, Recording Secretary
 Devin Trefry, Research, Policy and Community Engagement Officer

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 being held remotely by teleconference or on a virtual platform must have draft minutes posted within twenty-four hours of the meeting. This is to ensure transparency and honour the commitment for Colchester Council to conduct its business in public. These minutes will not be reviewed and approved until the next regularly scheduled meeting of Colchester Council Committee on December 10, 2020. Until formally approved by Council Committee, these minutes cannot be relied on as an official record of the November 12, 2020, meeting.

Approval of Agenda

Moved by Councillor Gregory
 Seconded by Councillor Cooper

“That the agenda be approved with the following addition:

- Add Item 13b, Decommissioning Deposits for Windmills.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Gregory
 Seconded by Councillor Cooper

“That the minutes of the meeting held on September 10, 2020, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

Referring to the issue of crossing guards at Birch Street and Cedar Drive as noted on pages 1945 and 1946 of minutes, Councillor Johnson indicated that he has observed these locations over a period of seven mornings and six afternoons, and has had communications with the school Principal and staff. He indicated that following his research, he feels that crossing guards are not warranted at these locations.

Dennis James, Municipal Solicitor, advised that should Council wish to reconsider a previous motion of Council, a request would need to be made to have this added to the agenda this evening or to the agenda at the end of the month. If added this evening, any motion would be a recommendation to Council at the end of the month. Councillor Johnson indicated that he would like it added to the agenda this evening. Council agreed that Item 13c, Reconsideration of the Previous Motion of Council Concerning Crossing Guards at Birch Street and Cedar Drive, be added to the agenda.

Presentation – Pre-Orientation Council Proceedings Reviews

Mr. James made a presentation to Council on some of the fundamentals of Council Proceedings. It was noted that the Council Proceedings and Committees Policy does not refer to Roberts Rules of Order, rather it is an abbreviated version of what has worked for Council for a number of years. As part of the presentation, Mr. James talked about rules to limit discussion on each motion and number of times each member of Council can speak on an item; experiences of the Chair using discretion to ensure effectiveness but not allowing the rules to interfere with Councillor participation in discussion; the importance of Council members being clear on what is being voted on/clarity around motions; Council being the only entity legally able to make decisions; motions from Council Committee and Presentation meetings being recommendations to Council for final approval, unless otherwise granted authority by Council; agendas, procedures for adding items, and benefits of adding in advance; conduct of debate; an overview of motions and amending motions; legal counsel role; and in-camera/closed session discussions. He encouraged members to review and become familiar with the Council Proceedings and Committees Policy.

ACTION ITEMS

Report and Recommendation from Nominating Committee

Mayor Blair advised that the Nominating Committee met on November 4th to review expressions of interest for the citizen representative on the RECC Board; the Council appointments for the Carbon-Free Colchester Advisory Committee; and the Council appointment for the Northern Region Solid Waste Committee. A brief overview on the expressions of interest for each position was provided and the Nominating Committee's recommendations. Council agreed on proceeding with separate motions for each of the positions.

Referring to the recommendation for the RECC Board position, Councillor Boutilier indicated that he was approached by an individual that applied, who is highly qualified to fill the position, with an inquiry as to why they were not selected. Mayor Blair indicated that there were five highly qualified applicants, and each were reviewed and discussed in detail. It was not an easy decision for the Nominating Committee. The CAO further indicated that

currently there is someone on the Board with a financial background. Each of the applicants were well qualified however, one of the considerations during the review was the Board's desire for greater diversity. He indicated that he would be happy to meet with the individual to discuss.

Moved by Mayor Blair
Seconded by Councillor Sandeson

"That Council appoints Melani Lane as the citizen representative to the RECC Board for a four-year term."

Motion Carried. *(Councillor Boutilier opposed)*

Moved by Mayor Blair
Seconded by Councillor Gregory

"That Council appoints Councillors Sandeson and Taggart to serve as representatives on the Carbon-Free Colchester Advisory Committee."

Motion Carried Unanimously.

Clarification was sought on the term for the Carbon-Free Colchester Advisory Committee. It was confirmed that this is an Ad-hoc Committee that will likely be dissolved by the end of the current fiscal year.

Moved by Mayor Blair
Seconded by Councillor Cooper

"That Council appoints Councillor Taggart to serve as the representative on the Northern Region Solid Waste Committee for a two-year term."

Motion Carried Unanimously.

It was noted that at their meeting on October 29th, Council granted authority to Council Committee to approve the appointments to the above noted Committees/Boards.

Municipal Signage for Private Roads Policy Amendments

Michelle Newell, Director of Public Works, provided a brief overview of this item and indicated currently, Public Works staff look after the costs and maintenance involved with replacing signage on private roads. The suggested amendments to the Policy would have the maintenance of private road signs be the responsibility of the private road owners. The Municipality would continue to purchase and supply the signs upon request.

On an inquiry about instructions for installation of road signs, Ms. Newell confirmed that staff could provide instructions to the property owners. Discussion was held regarding this affecting mainly rural areas; signage being a matter of public safety; finding efficiencies for replacing signs; and frequency and repetitive requests.

Moved by Councillor Taggart
Seconded by Councillor Gregory

“That Council Committee recommends to Council that the Policy on Municipal Signage for Private Roads remain in place without changes.”

Motion Carried Unanimously.

Runway Sweeper – Award of Tender

Ms. Newell provided a summary of this item noting that a tender for a Runway Sweeper was advertised on the Municipal and Provincial websites. Twelve bids were received by the closing date, however, only two of the bids were compliant with the tender. Staff recommend that the tender be awarded to MacFarlands Industrial, the lowest compliant bidder.

Moved by Mayor Blair
Seconded by Councillor Sandeson

“That Council Committee recommends to Council that the tender for the purchase of a runway sweeper be awarded to MacFarlands Industrial for a total contract price of \$33,800, excluding HST.”

Motion Carried Unanimously.

Debert Aviation Centre- Award of Tender Fire Suppression System

Crawford Macpherson, Director of Community Development, advised that at the October Council Session, authority was granted to November Committee to award the tender for the Fire Suppression System at the Debert Aviation Centre. The tender for the Fire Suppression System closed on October 29th and upon review of the bids, it was determined that an alteration to the design could reduce costs and would place less demand on the County's water utility. An addendum was issued and provided to the three bidders who submitted for the original tender and all three bidders resubmitted. After review of the bids, staff recommends the tender be awarded to Fire Stop Enterprises.

Responding to an inquiry about the project budget, Mr. Macpherson advised that the project is within budget.

Moved by Councillor Boutilier
Seconded by Councillor Gregory

“That Council Committee award the Fire Suppression System tender for the Debert Aviation Centre to Fire Stop Enterprises for \$305,916 plus HST; and,

That an internal contingency of 10% of the project value be approved, to be spent only on authority of the Director of Community Development.”

Motion Carried Unanimously.

SAFE Restart Agreement & NSFAM/AMANS Funding

Deputy Mayor Stewart declared a conflict of interest and removed himself from the Chair with Alternate Chair Cooper assuming the role of Chair. The CAO also declared a conflict of interest and removed himself from the discussion.

Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste, advised that earlier this year, the Nova Scotia Federation of Municipalities (NSFM) and Association of Municipal Administrators of Nova Scotia (AMANS) lobbied the Provincial Government for funding support for municipalities

experiencing revenue loss due to Covid-19. The Municipality submitted several reports which indicated Colchester's loss for 20/21 to be estimated at \$1 million. On November 4th, notification was received that Nova Scotia Municipalities would receive \$67.5 million under the Safe Restart Agreement (SRA). Colchester's share of that amount would be \$1,024,664, based upon an allocation used for the Federal Gas Tax.

Provincially, municipalities will receive an additional \$1,067,000 in funding beyond what was originally requested. The NSFM and AMANS, who have also been impacted by Covid-19, are requesting 15% from municipalities, from the additional funding. Colchester's share of the ask would be \$3,699.54. Staff are in support of the request and recommend the funding be provided.

Clarification was sought on the \$1,067,000 in additional funding. It was confirmed that Colchester's original submission was for \$1 million and received excess funding in the amount of \$24,664. The 15% requested by NSFM and AMANS is from the excess amount.

Moved by Mayor Blair
Seconded by Councillor Sandeson

"That Council Committee recommends to Council that a one-time payment in the amount of \$3,699.54, be approved from the Safe Restart Agreement, for the Association of Municipal Administrators of Nova Scotia and the Nova Scotia Federation of Municipalities."

Motion Carried Unanimously.

At this point, the CAO returned to the table and Deputy Mayor Stewart resumed his position as Chair.

Noise By-law Considerations

Devin Trefry, Research, Policy and Community Engagement Officer, provided an overview of this item which included Colchester's history relative to its previous Noise By-law; ongoing noise issues and complaints; past and current communications/feedback from RCMP; potential benefits and challenges of having a noise by-law; implementation of a fireworks by-law and/or amendments to existing Outdoor Fire By-law to include fireworks; a noise by-law having unintended consequences; enforcement concerns; and most common legislation to address noise complaints.

At this point, Councillor MacKenzie joined the meeting.

Mr. James advised that the Outdoor Fire By-law is only applicable in Bible Hill. If Council considers amendments to this by-law to address fireworks, it will have to be expanded to other parts of the County. Referring to enforcement, many different tools are looked at. A noise by-law would be a tool in enforcement, but it could also have associated costs as well as challenges.

Considerable debate was held on the implementation of both a noise and a fireworks by-law with PEI legislation being suggested as a reference for fireworks. Points of discussion included fireworks not only being a source of noise but also a potential fire hazard in our extremely dry season; possibility of having permit requirements for fireworks; and banning fireworks for certain

dates. It was also suggested that drones be included in a by-law for consideration.

Referring to a noise by-law, discussion was held concerning unintended consequences; effects varying between rural and urban settings; enforcement challenges; different sources of noise; a by-law being a tool to assist RCMP; noise complaints affecting all in the County at one time or another; and the need to protect citizens.

Moved by Councillor Boutilier
Seconded by Councillor Patton

“That staff be directed to draft both a Noise By-law and a Fireworks By-law to be brought back to Council for consideration.”

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

Lot Permits That Cannot Support Buildings

Councillor Taggart raised the issue of permits for lots that cannot support a building as a result of a call from a constituent having difficulties in obtaining permits/approvals to sell a building lot off a piece a property she owned. He referenced Cumberland County legislation that permits this with specific requirements, and indicated that he would like the matter referred to the Planning Advisory Committee (PAC) for review. Mr. Macpherson requested clarification on whether the Cumberland County legislation reference was their Land Use By-law or the Subdivision By-law. Councillor Taggart confirmed that it is the Land Use By-law adopted in 2018.

Brief discussion was held on limitations under Colchester’s Land Use By-law as there is no By-law in place for the property/area in question. It may be an issue of another item that needs to be added to a county-wide plan.

Moved by Councillor Taggart
Seconded by Councillor Cooper

“That a review of by-laws to give consideration for lots that will not sustain a dwelling but are used for agriculture or forestry uses be referred to the Planning Advisory Committee.”

Motion Carried Unanimously.

Ice Cream Store, College Road

Councillor Parker advised that a petition in support of the Ice Cream Parlour on College Road was placed in Councillor mailboxes. This matter was brought before the previous Council and it was decided to hold off on the order that would prevent the owner from being able to sell to residents after the end of October, Area residents are in favour of leaving the store open and we don’t want to see a small business being shut down, especially during the Covid-19 pandemic. However, at the current location, as a business, it does not fit under the existing by-law.

For the benefit of the new Council members who may not be familiar with the situation, at the request of Councillor Johnson, Councillor Parker provided some background information on the property and the issue currently being faced by the property owner relative to operating a business at this location.

Mr. James and Mr. Macpherson advised that as the property was not in compliance for commercial business at the College Road location, the simplest way to begin the process would be to have the landowner submit an application for rezoning to commercial. This would have staff and PAC working directly with the landowner to determine what the best options are for the activity at that location, with recommendations coming before Council for consideration once the process is completed.

Decommissioning Deposits for Windmills

Councillor Taggart indicated that he serves on a Community Liaison Committee for the Higgins Mountain Wind Development. At a recent meeting, following explanation from Paul Smith and a representative from Cumberland County, it was determined that the Colchester By-law does not have a decommissioning bond included in the document. Mr. James indicated that it was one of the policy considerations at the time but was not included. He advised that this could be referred back to PAC for review or to staff to consider whether a deposit requirement should be added to the by-law. However, if an amendment is made, it would not be retroactive.

Moved by Councillor Taggart
Seconded by Councillor Cooper

“That the Planning Advisory Committee review the issue of a decommissioning bond supplied by the developer be included in the Wind Turbine By-law.”

Motion Carried Unanimously.

Reconsideration of Motion on Birch Street & Cedar Drive Crosswalks

Further to discussions earlier this evening, Councillor Johnson reiterated his findings of the research undertaken concerning crossing guards at Birch Street and Cedar Drive. After detailed review which included observing the locations at peak times, discussions with the school Principal and secretary, as well as a homeowner at the bottom of Birch Street, he feels that there is not enough pedestrian traffic to warrant having crossing guards at these locations.

Moved by Councillor Johnson
Seconded by Councillor Gregory

“That Council Committee recommends to Council that the September 24, 2020 motion approving the immediate funding for the acquisition and implementation of two crossing guards, one at Birch Street and one at Cedar Drive, be reconsidered.”

Motion Carried Unanimously.

INFORMATION ITEMS

Update on Biosolids Larvae Project

This item serves to provide an update on the status of the pilot project to explore the use of Black Soldier Fly Larvae for the stabilization of biosolids.

Director’s Report

A report from the Director of Public Works was circulated in the package for tonight’s meeting.

CLOSED SESSION

Moved by Councillor Gregory
Seconded by Councillor Cooper

“That the meeting go into closed session at 9:15 pm.”

Motion Carried Unanimously.

Moved by Councillor Parker
Seconded by Councillor Gregory

“That the meeting reconvene in open session at 10:12 pm.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Sandeson
Seconded by Councillor Parker

“That the meeting adjourn at 10:12 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary