

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, February 11, 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
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
 Mollie MacBurnie-Haas, IT Support Technician
 Tim Smith, IT Manager (*for Item No 6*)
 Hilary Paquet, Park and Trails Coordinator (*for Item No 5*)

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 March 11, 2021. Until formally approved by Council Committee, these minutes cannot be relied on as an official record of the February 11, 2021, meeting.

Approval of Agenda

Moved by Councillor Gregory
 Seconded by Councillor Sandeson

“That the agenda be approved with the following additions:

- Item # 14b, Mass Casualty Commission;
- Item # 15b, Scheduling Consideration – Planning Advisory Committee Meeting.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Johnson
Seconded by Councillor Cooper

“That the minutes of the meeting held on January 11, 2021, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

The CAO provided an update on discussions regarding the eligibility of funding for recreation facilities from the Safe Restart Funds as referenced on page 1965 of the January 11th minutes. Following the Council Committee meeting, staff attended a virtual meeting specific to the accountability framework for the Safe Restart funding, however, the eligibility was somewhat ambiguous and required further review. At a subsequent meeting of NSFM with Mayors/Wardens/CAOs, a motion was passed to send a letter to the Federal Government requesting greater clarity on funding and to ensure there are provisions to allocate funds for initiatives such as recreation funding. Further updates will be provided to Council as information becomes available.

ACTION ITEMS**Lease of Parkland to Village of Bible Hill (for Cobequid Trail)**

Hilary Paquet, Parks and Trails Coordinator, advised that this item relates to a request from the Village of Bible Hill to lease a parcel of Municipal parkland. The property is adjacent to the Bible Hill Recreation Park and Guest Drive. The intention is to develop a section of the Cobequid Trail between the Recreation Park behind Guest Drive and will connect to Covington Place over to Osprey Court. A copy of the site plan was included in the Council package distributed for the meeting. The request is to lease the land now with the transfer of ownership at a later date. Complications due to Covid made it difficult to proceed with a land transfer at present. Resource implications if approved would be staff time and legal costs for the preparation of the lease. There is no request from the Village at this time to assist with the development of the trail and the Village would be responsible for the maintenance.

Discussion was held on the proposed term and cost for leasing. Ms. Paquet advised that a five-year term is being suggested with the intent to proceed with a transfer when Covid settles. Additionally, there would be no cost to the Village of Bible Hill for the lease or the transfer of land at a later date. Further discussion was held regarding Section 51 of the Municipal Government Act relative to requirements on the sale or lease of municipal lands, including value of land and requirements for Public Hearings.

Moved by Councillor Boutilier
Seconded by Councillor Parker

“That Council Committee recommends to Council to lease parkland PID 20319331 to the Village of bible Hill for the purposes of development of a section of Cobequid Trail; and,

That the Mayor and CAO be authorized to complete the terms of the lease.”

Motion Carried Unanimously.

Live Streaming Council Meetings Tim Smith, Manager of Information Services, reported that staff were previously directed to look into live streaming Council meetings and report back to Council.

Live streaming can be done with the Zoom Platform, either through Facebook Live or YouTube, with the difference between the two being commenting abilities. With Facebook Live, commenting cannot be disabled so a staff member would be required to monitor the commenting during the meeting. With YouTube, commenting can be disabled. Should Council opt to proceed with live streaming, the following should be taken into consideration to ensure a uniform and professional appearance:

- Cameras should be turned on when a Council member is speaking;
- Names and titles should be entered;
- Camera positioning;
- Muting microphones when not speaking to reduce feedback;
- Early log in to meeting; and,
- Stopping streaming during Closed Session.

Discussion was held on the current Zoom Platform being utilized having the ability for the public to view Council meetings; continuing to register through Administration for meetings; concerns relative to the interaction and commenting during meetings using Facebook for live streaming; the number of complaints/suggestions received on live streaming; and number of requests to attend to date via the current platform. Further discussion was held on transparency and Colchester meetings always being open to the public both for in-person meetings and via the current Zoom Platform, with the exception of Closed Session items.

Moved by Councillor Cooper
Seconded by Councillor Sandeson

“That Council Committee recommends to Council proceeding with the current method being used for Council and Committee meetings.”

Motion Carried Unanimously.
(Councillor Taggart was not available for the vote.)

Crows in Bible Hill

Devin Trefry, Research, Policy and Community Engagement Officer, provided a recap of this item indicating that staff were directed to investigate options to address the problem of crows in Bible Hill. Staff explored how a number of other municipalities, such as the Towns of Kentville, Berwick, Amherst and Antigonish, have dealt with issues involving crows and how best to deter them from roosting in locations for extended periods. The most common solution amongst those municipal units was the use of a Phoenix Wailer, which is produced in Debert.

The Phoenix Wailer device basically produces natural sounds of other birds at intervals that will go off for a programmed period. In some instances, the wailers were operated by municipal staff, some had devices on a mobile unit, while others would loan out the devices to residents to operate. In the case of the Town of Kentville, it took some time to finally get the crows out of Town

as they had to be chased from one location to another. The cost to purchase the Phoenix Wailer would be in the range of \$4,000. This would not include the price of a trailer to transport, if required. The units are low maintenance and last for many years. Also included in his report, Mr. Trefry provided a number of other things that residents could try on their own that could be effective in deterring crows, as well as options for Council consideration.

Clarification was sought on whether this could be something that the Animal Control Officer (ACO) could operate. Crawford Macpherson, Director of Community Development, indicated that he would not recommend that it be operated by the ACO, however, it is possible that it be deployed to the locations but operated by the residents.

Discussion on this item included chasing the crows to areas with fewer people is not dealing properly with the complaint; once the device is purchased it would be a full time job to move it around the County; sounds the wailer makes and whether it could be disturbing to area residents; the possibility of the Village of Bible Hill contributing to the purchase; if there is an option to lease rather than buy; and, purchasing a wailer being an expensive option before exploring other methods to deter the crows.

Moved by Councillor Parker
Seconded by Councillor Patton

“That Council Committee recommends to Council that the Municipality purchase a wailer to deter crows.”

Motion **DEFEATED**. *(Councillors Sandeson, Cooper, Johnson, Gregory, Patton, and Benoit opposed).*

Award of Tender – Screen and Compactor, CCWWTF

Michelle Newell, Director of Public Works, advised that this item is to award the contract for the installation of a fine screen compactor at the Central Colchester Wastewater Treatment Facility (CCWWTF). A request for proposals was issued with three submissions received by the closing date. The proposals were reviewed by staff and scored based on cost and expertise, with the low bid being submitted by EEP. This equipment is in the approved capital budget for 2021-22 and the source of funds is Gas Tax.

With wipes continuing to be a major issue at the CCWWTF, an inquiry was made about whether it could be determined where they are coming from and are we doing enough to educate the residents. Ms. Newell indicated that if staff see that one of the local pumping stations has a lot of wipes in it, staff will do a mailout to that area. In addition to mailouts, staff do a fair bit of educating on this matter including visits to seniors' homes, articles in the County newsletter, and information sharing at the Home Shows.

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That Council Committee recommends to Council that the contract for the supply of a fine screen and compactor at the Central Colchester Wastewater Treatment Facility be awarded to EEP for a total contract amount of \$140,403 excluding HST.”

Motion Carried Unanimously.

Low Income Municipal Tax Assistance Policy

Scott Fraser, Director of Corporate Services, presented the proposed amendments to the Low Income Municipal Tax Assistance Program Policy advising that the rebate amounts are reviewed and adjusted to reflect annual CPI as provided by PVSC; .3% for 2021. In May 2020, staff were directed to review income thresholds prior to the next budget and bring back information to Council. Staff review included exemptions as provided by other municipal units, the Federal Governments Low Income Cut Off (LICO) rates, and estimated average household income in Colchester, as reported by Stats Canada from 2015, adjusted for inflation for present.

Concern was expressed with having different amounts for the thresholds with a suggestion that the rebate should be one amount across the board. Discussion was held on the rationale for three rebate amounts; budget implications of having one rebated amount at the higher rate; and comparatives as provided in the Action Item.

Moved by Councillor Taggart
Seconded by Councillor Johnson

“That Council Committee recommends to Council that the Low Income Municipal Tax Assistance Program Policy be adopted with one rebated amount across the board at \$534.60.”

Motion Carried. *(Mayor Blair, Deputy Mayor Stewart, Councillors Boutilier, Sandeson, and Parker opposed)*
(Councillor Taggart was not available for this vote)

Noise / Fireworks By-law

Mr. Trefry introduced this item noting that the creation of a noise by-law was referred to staff. At the same time, the issue of fireworks was discussed as a source of noise complaints but also with concerns regarding safety issues.

As part of the review process, staff met with the RCMP and one of the issues raised was the difficulties of enforcing noise complaints under the criminal code as it relates to mischief. The RCMP felt that a noise by-law would help with enforcement.

On the safety concerns related to fireworks, staff determined that during a provincial fire ban or high fire index, it is illegal to detonate fireworks. As a result, staff felt a fireworks by-law may not be necessary as the noise concerns could be addressed through the noise by-law.

Several other municipal by-laws were reviewed as part of the process. Staff felt Cumberland County's By-law was a good template and this was used to develop the initial framework for the draft by-law for Colchester including the following:

- It is not specific to decibel limits as devices to measure noise levels can be somewhat problematic;
- The definition within the by-law is more general in nature, basically stating that the by-law applies to *noise or sound that unreasonably*

disturbs the peace and tranquility of a neighbourhood. It further states that *evidence that one person is unreasonably disturbed by noise is a prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.* This leaves discretion to the enforcement officer;

- The list of exemptions with the by-law are straight forward, addressing lawfully operating commercial businesses, noise in response to emergencies, government related work, construction, as well as some recreation activities; and,
- There is a process for granting exemption whereby Council could consider and grant exemptions not specifically listed under the by-law.

Follow-up with staff at Cumberland indicated the by-law to be quite effective, however, it was noted that enforcement in the more rural areas of the County could be difficult.

Mr. Trefry also noted that the draft Noise By-law as presented, was reviewed by the RCMP who were pleased with the draft and felt it was an effective start. The draft was also reviewed by the Municipal Solicitor.

Lengthy debate was held regarding the draft Noise By-law with several points being raised, including:

- Prohibition of any combustion engine and if this would include motorbikes;
- Draft by-law as presented being too comprehensive;
- Concern relative to penalties and clarification on processes (i.e., issuance of Summary Offense Tickets and Long Form Prosecution);
- Issues concerning enforcement;
- Impacts on staff time;
- Whether this draft by-law would address the recreational vehicles travelling up and down roads;
- Existing and allowable exemptions;
- Permitting and processes for exemptions;
- Allowance for detonation of fireworks on specific occasions versus permits being required for all fireworks and inclusion of clause related to provision of fire index bans;
- Support for exemptions for fireworks as listed in the draft by-law but also including single use exemptions such as birthdays;
- Unintended consequences of a noise by-law;
- Existing businesses providing benefits to the economy of the area;
- Consideration for existing businesses to be grandfathered and not require application for exemption;
- Municipal liabilities if unable to enforce;
- Bringing many instances of noise complaints to the lowest common denominator rather than dealing with the specific issue (i.e., fireworks);
- Concerns regarding potential impacts on farm and farming activities;
- Noise by-law being a tool to deal with repeat offenders;
- Section 6(e) of the draft by-law dealing with exemptions in connection with noises from organized recreational activities, such as the operation of motocross tracks; and,
- Number of times a noise by-law has been before Council over the years.

Referring to liability, Dennis James, Municipal Solicitor, confirmed that there is a provision in the Municipal Government Act, Section 513(c) indicating that the Municipality is not liable if acting in good faith.

In response to the point on exemptions for organized recreational activities, those exemptions would be for activities on municipal or public park areas, arenas, etc. Additionally, these types of functions would have time restrictions as outlined in the draft by-law. Recreational activities on private property would not be exempt automatically, rather would be required to apply for an exemption.

Discussion was held on the processes and considerations for granting exemptions; duration and types of events applying for an exemption; discretion to the CAO to grant exemptions; and, public hearing requirements and processes for exemptions.

The consensus was to proceed with bringing the draft by-law back to Council for consideration with some tweaking as per this evening's discussion. Mr. James indicated that from these discussions, clarification and/or consensus of Council is needed on a couple of issues, namely permitting being required for all fireworks or having allowance for specific exemptions and, recognizing and grandfathering existing businesses. The CAO also advised that due to the extensive discussion held this evening, other than the two items identified by the Municipal Solicitor, Council should advise if there are any other items that should be modified and/or added.

On the issue of grandfathering existing businesses, the majority of Council felt that these should not be exempt. For permitting requirements for the detonation of fireworks, the majority expressed satisfaction with the exemptions as specified in the draft by-law.

Further discussion was held on recreational activities/events with clarification being sought on whether some, such as the various motocross events, would be considered as an operating business. Mr. Trefry indicated that any existing business, including agriculture, operating lawfully would continue to do so. If it were an organized recreational activity not considered a business, on a private property, would have to apply for an exemption.

Referring specifically to the existing motocross activities being considered commercial, Mr. James advised that further review with the Research, Policy and Community Engagement Officer, would be done on this in terms of whether these would fit into the definition of existing commercial business.

Responding to an inquiry regarding advancing a by-law to First Reading, Mr. James noted that should a Noise By-law be brought forward for First Reading at the end of the month, Council would still have the discretion to refer back to staff for further modifications.

Moved by Councillor Boutilier
Seconded by Councillor Gregory

"That the draft Noise By-law be advanced to First Reading at the next Council meeting, with amendments as discussed this evening."

Motion Carried. *(Councillor Taggart opposed)*

As per Policy regarding time of meeting, Deputy Mayor Stewart reviewed the agenda at 9:40 pm. Council agreed to continue to 10:00 pm and revisit continuing with the meeting it at that time.

Sidewalks/Streets Ice Pond Drive

Councillor Johnson introduced this item noting that he has carried out an analysis on three streets in his District: Hill Street, William Street, and Ice Pond Drive. Hill Street and William Street currently have sidewalks that are slated for replacement this year. Ice Pond Drive does not have sidewalks. As part of his analysis, he visited five residents on each Hill and William Street, did comparatives on assessments, length of each street, and tax base. Residents of all three streets pay the urban service rate which includes an amount for Active Transportation (sidewalks) and Councillor Johnson asked why ratepayers are paying for sidewalks that they do not have. The Ice Pond subdivision is the busiest feeder street in Prince Heights, and he would like to see sidewalks on this street. The issue regarding condition of the streets would be held off until Council makes their decision on the funding of J Class Roads.

Moved by Councillor Johnson

Seconded by Mayor Blair

“That the matter of sidewalks on Ice Pond Drive be referred to staff to investigate and bring back cost information to Council for consideration.”

Motion Carried Unanimously.

Speed Readers

Councillor Taggart indicated that there is a great demand for the speed reader throughout the County and the RCMP do not have the time to deploy it. He agreed that this is not the best use of RCMP time and would like to refer this to staff to have Municipal staff deploy the speed reader. The CAO advised that staff could provide support to the RCMP on occasion, however, there is no capacity to have the speed readers deployed by staff on a regular basis.

Councillor Taggart stated that the speed reader are an asset, and we need to find a way to have it deployed.

Rural Streetscape Beautification

Councillor Taggart advised that he attended a virtual meeting earlier this week with the Department of Municipal Affairs and Housing (DMAH) and NSFM about grants that are available through the DMAH.

One of particular interest was the Beautification and Streetscaping Program which provides \$25,000 annually, up to 50% of eligible project costs, to municipalities. He would like to see staff look into some type of welcoming signage and beautification and streetscaping, including litter clean up and waste receptacles, at our major intersections in the County, such as Highway 104, Exits 10 and 13, and near the Fundy Discovery Site.

Moved by Councillor Taggart

Seconded by Councillor Sandeson

“That staff investigate what is available under the Beautification and Streetscaping Program and begin discussion on how the Municipality can proceed with this.”

Motion Carried Unanimously.

**Vacant Unused and Untaxed
Farmland and Taxes**

Due to time of meeting, Councillor Taggart indicated that he would table this until the next meeting.

Mass Casualty Commission

Councillor Boutilier advised on a notice that came out recently on the Mass Casualty Commission inviting people with an interest in the public enquiry to participate and wondered if Colchester County should have a collective standing in the enquiry. This would not preclude individuals wanting to participate on their own. Councillor Boutilier noted that this is somewhat time sensitive as the deadline for forms is March 5th.

Moved by Councillor Boutilier
Seconded by Councillor Benoit

“That the Mass Casualty Commission public enquiry be referred to staff to determine how Colchester County should participate.”

Motion Carried Unanimously.

INFORMATION ITEMS

**West Colchester Arena – Kraft
Hockeyville**

Councillor Benoit advised that the West Colchester United Arena has been nominated for Kraft Hockeyville. Nominations are open until Sunday and Councillor Benoit is requesting that this be posted on the Municipal Facebook page. She is also requesting that Council members support this initiative by sharing on their individual social media pages.

The CAO advised that the social media platform can be used to promote the West Colchester United Arena. It was noted that the North Colchester Recreation Centre has also been nominated and this would be promoted as well.

**Scheduling Consideration –
Planning Advisory Committee
Meeting**

The CAO advised that the PAC meeting scheduled for February 8th was cancelled due to inclement weather. It has been rescheduled for February 22nd with the potential to have a First Reading at the February Council meeting. Reference materials relevant to this will be sent after the Council package is distributed.

Director’s Report

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

CLOSED SESSION

The two negotiation items for closed session are not time sensitive and Council agreed to defer these items to the Council meeting at the end of the month.

ADJOURNMENT

Moved by Councillor Gregory
Seconded by Councillor Patton

“That the meeting adjourn at 10:07 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary