

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 10, 2022, beginning at 6:00 pm.

In peace and friendship, and in the spirit of truth and reconciliation, Deputy Mayor Stewart acknowledged that the Municipality of Colchester is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq.

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 Victoria Lomond	District 10
Councillor Wade Parker	District 11

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Boudreau, Director of Public Works
 Scott Fraser, Director of Corp. Services/Acting Director of Solid Waste
 Paul Smith, Director of Community Development
 Dennis James, Municipal Solicitor
 Tracey Veno, Recording Secretary
 Devin Trefry, Research, Policy and Community Engagement Officer
 Peter McCracken, Manager of Strategic Priorities & Corporate Planning
 Jeanette Himmelman, Systems Analyst
 Pam Macintosh, Senior Planner (for item no. 6)
 Joanna Burris, Sustainability Planner (for item no. 5)

Approval of Agenda

Moved by Councillor Gregory and seconded by Councillor Sandeson

“That the agenda be approved with the following amendments:

- Item No. 10b, Flooding, Retson Drive;
- Item No. 14b, Property Matter, in Closed Session; and,
- Items No. 14c and 14d, Negotiations in Closed Session.” Carried unanimously.

Approval of Minutes

Moved by Councillor Benoit and seconded by Councillor Johnson

“That the minutes of the meetings held on January 13 and February 1, 2022, be approved as presented.” Carried unanimously.

Business Arising from Minutes

None

ACTION ITEMS

Community Energy and Emissions Plan

Joanna Burris, Sustainability Planner, provided a briefing to Council on the Carbon-Free Community Energy & Emissions Plan (CEEP) which included background information of the Plan, resource implications and next steps. A complete copy of the plan was included in the package for this evening's meeting.

Moved by Councillor Boutilier and seconded by Councillor Cooper

"That Council Committee recommends that Council approve the Community Energy & Emissions Plan as presented." Carried unanimously.

Requests to Purchase Recreational Lands, Princeton Heights

Pam Macintosh, Municipal Planner, advised that this item relates to two requests to purchase municipal recreational land in Princeton Heights. The requests, as attached to the Action Item, were previously referred to staff to investigate and report findings back to Council. Both properties were deeded to the Municipality through the subdivision process in the 1980's and have not been developed for park use. Details were presented on each of the properties, the process and options to consider as per the Municipal Policy on Disposal of Surplus Municipal Parkland, and staff's recommendations.

Moved by Councillor Parker and seconded by Councillor Lomond

"That Council Committee recommends to Council that the Evergreen Drive property (PID 20436044) and that the Spruce Drive property (PID 20259727) be retained by the Municipality." Carried unanimously.

Low Income Municipal Tax Assistance Program Policy

Scott Fraser, Director of Corporate Services, advised that this item relates to the increase of the annual threshold and rebate amounts for the Low Income Municipal Tax Assistance Program Policy. The increases are based on CPI which is 5.41%. Based on similar uptake from previous years, the cost of the program for 2022-23 would be approximately \$394,000.

Brief discussion was held on the process by which individuals apply for the exemption and possible ways to streamline the process.

Moved by Councillor Patton and seconded by Councillor Benoit

"That Council Committee recommends to Council that amendments to the Low Income Municipal Tax Assistance Program Policy be approved as presented." Carried unanimously.

Council Proceedings Policy Amendments

Devin Trefry, Research, Policy and Community Engagement Officer, presented the proposed amendments to the Council Proceedings and Committees Policy which deal with the voting process for the election of Chairs to Committees of Council as well as for Alternate Chair; and to address attendance and accountability for members of Committees of Council.

Referring to the proposed amendments for attendance and accountability, clarification was sought on the process for removal of members from Committees and that discussion with the members should take place prior to removal. Dennis James, Municipal Solicitor, and Mr. Trefry indicated that this would be part of the due process and the proposed amendments are a tool to deal with the issue, if necessary, following that due process.

Moved by Councillor Boutilier and seconded by Councillor Johnson

“That Council Committee recommends to Council that amendments to the Council Proceedings and Committees Policy be accepted as presented.”
Carried unanimously.

COVID-19 Mandatory Vaccination Policies

Mr. Trefry provided an introduction of this item noting that Council has a duty to ensure the health and safety of employees, citizen appointees to Committees of Council, fellow Council members and the public, to the best of their ability. Public Health officials provincially, nationally, and internationally, continue to point to vaccinations as being key to reducing the spread of Covid-19 and as such, Council directed staff to bring forth Mandatory Vaccinations Policies for consideration.

Both the Mandatory Vaccination Policy for Employees as well as the Policy for Members of Council and Citizen Appointees were included in the Council package for consideration. The consequences for employees, which is fairly common across the province, is ‘unpaid leave’. Although Council expressed interest in having consistency between the Policies, because Council members are elected officials and are governed by the Municipal Government Act, consequences will differ from that of employees. Consequences as outlined in the Policy for consideration include being precluded from attending in-person meetings; suspension from all committee appointments except for Council Committee; precluded from attending external meetings including NSFM and FCM; reduced remuneration (amendment to existing By-law required); cannot conduct in-person meetings as their role as Councillor; suspension of expense policy entitlements; and, not being permitted on Municipal property other than in keeping with the Policy for members of the public. Both Policies provide accommodations for anyone who cannot receive the vaccine for any reason protected by Human Rights Legislation.

Mr. James began by advising that early indications are showing support for these type of policies, with recent arbitrations and Queen’s Bench decisions being upheld. It was said that these policies are not mandating vaccines, they are forcing people to make a choice. In reference to the remuneration for Council members, discretion to reduce remuneration to reflect reduced workload would have to be built into the current Remuneration for Council By-law. The difference between Council members and employees is that there is no legal authority for Council to put Council members on unpaid leave. Other consequences, as outlined in the Policy were felt to be comparable options. With citizen appointments, suspension from committees can be done as there is a broad range of discretion to do this. There were no changes to the Employee Policy as was provided for information at January Council.

Considerable debate took place on the Policies. A number of concerns were raised relative to mandating the vaccinations including this going against the Charter of Rights; it being unfair given the few number of unvaccinated employees; ever-changing science, provincial guidelines and regulations; varying regulations amongst the provinces; varying health directives worldwide; both vaccinated and unvaccinated individuals getting and transmitting Covid; daily numbers of vaccinated persons; unpaid leave not being reasonable; passing a mandatory vaccination possibly making those unvaccinated more vulnerable; and, questioning the difference between an

unvaccinated employee or dealing with members of the public who may or may not be vaccinated. Additionally, it was suggested that the Municipality has dealt with this quite effectively over the last 22 months and we should continue in this manner - wearing masks, social distancing, increased sanitizing, adding requirements for temperature checks and testing as an option rather than mandating vaccinations.

There was also support shown for mandatory vaccinations with points including it being a matter of choice; getting vaccinations protect your own health and others; those getting Covid typically have milder symptoms if vaccinated; successes with other inoculations; obligations and duty to provide a safe work environment; unprecedented times; following medical and scientific data from professionals; being consistent with other municipal and other levels of government; the majority of constituents in favour of mandatory; the duty to show leadership; and working together to do what is best for society as a whole/for the greater good.

The Municipal Solicitor reiterated advice from the last meeting including the responsibilities as an employer under the Occupational Health and Safety Act and considering the predominant advice as it relates to the pandemic.

Moved by Mayor Blair and seconded by Councillor Johnson

“That Council Committee recommends to Council that the COVID-19 Mandatory Vaccination Policy and the COVID-19 Mandatory Vaccination Policy for Councillors and Citizen Appointees of Committees of Council be approved as presented.” Motion carried (Councillors Gregory, Benoit and Lomond opposed).

Referring to possible remuneration amendments as outlined in the Policy for Council members, it was noted that when this is brought forward to Council, staff will bring forth proposed wording for First Reading of the Remuneration for Council By-law which would enable that discretion to give effect to this Policy. This could also be applied for breaches under the Code of Conduct.

Truro Horsemen’s Club Back Taxes

Councillor Boutilier indicated that this item is regarding the Truro Horsemen’s Club’s (THC) request for back taxes from 2019 be forgiven. The amount is approximately \$7,300. Council had previously granted the tax exemption but at the time, the Club’s request did not include back taxes. Like everyone else, they are dealing with Covid and are unable to fundraise and host events. The organization is struggling financially and unable to pay their bills. The THC was unaware that the Municipality also collects taxes for the Village of Bible Hill and if this request is approved by Council, they have indicated that they will be approaching the Village for the same.

Mr. James provided an overview of Section 71 of the Municipal Government Act, explaining the options available for Council consideration for registered charities and registered non-profit organizations – exempting tax for a registered Canadian charity versus a reduction from commercial to residential or if the organization is providing a services that would otherwise be provided by the Municipality, an exemption for a registered not for profit. It was noted that the THC is a register non-profit.

Detailed debate ensued with several points being raised including applying for funding as a not for profit through other levels of government; clarification on previous requests and decisions; current financial state of the THC; comparisons between community halls and the THC; concern with the potential to receive similar requests from other halls and clubs if granted; clarification on how the THC is assessed; eligibility for assistance through Safe Restart Funding; and contacting other clubs such as the Air Force Club and Legions for information on possible funding assistance that may be available due to Covid.

Moved by Councillor Boutilier and seconded by Councillor Benoit

“That the Municipality absolve the Truro Horsemen’s Club from back taxes since 2019.” Motion DEFEATED (Mayor Blair, Deputy Mayor Stewart, Councillors Cooper, Johnson, MacKenzie, Patton, Lomond and Parker opposed).

Flooding, Retson Drive

Councillor Parker informed Council of a resident experiencing flooding in the basement of their home on Retson Drive due to the amount of snow and rain. They experienced similar flooding a couple of years ago and at that time, on the suggestion of Rod McLellan, Flood Advisory Committee Consultant, as well as a contractor, installed a back valve and redirected the drainpipe from the ditch in an effort to prevent the flooding. Details on the property and surrounding area including the slope of the property, the nearby brook, the lay of the pavement causing water to run down and the size of some culverts being too small for the amount of water flowing was provided.

Michelle Boudreau, Director of Public Works, advised that the flooding previously occurred seven years ago, and Public Works have visited the property several times, most recently in October, noting the work that has been done in the area. A site visit was conducted today, and the storm drains seem to be running well. This is a property issue as they should not be piping the footing drain to the ditch. No down stream improvements will make the flow better in heavy snow and rain events, especially when the ground is frozen.

Discussion was held on building inspections and whether allowing drainpipes to ditches is permitted. Paul Smith, Director of Community Development, indicated that there are no regulations preventing this and this is something that could be looked into in future.

Moved by Councillor Parker and seconded by Mayor Blair

“That the issue of flooding on the property on Retson Drive be sent to the Flood Advisory Committee for review and report back to Council with recommendations.” Carried unanimously.

Clarification was sought on the process for bringing such items forward and if it is required to be brought to the table for referral to the Flood Advisory Committee. Ms. Boudreau indicated that the homeowner could complete an application under the Small Flood Damage Reduction Projects Policy.

INFORMATION ITEMS

J Class Road Paving Policy

The Information Item included in the Council package for this evening's meeting provided an update on the status of the provincial review and potential changes to the Service Exchange Agreement and J Class Road Paving Program.

Moved by Councillor Boutilier and seconded by Councillor Patton

"That the information item on the J Class Road Paving Policy be accepted for information purposes." Carried unanimously.

Given that this matter has been discussed around the table on several occasions and in great detail, it was noted that as soon as the provincial review is complete, the issue has to be dealt with.

Director's Report

A report from the Director of Solid Waste was circulated in the package for tonight's meeting.

Brief discussion was held on compost for agricultural use.

CLOSED SESSION

Moved by Councillor Gregory and seconded by Councillor Benoit

"That the meeting go into closed session at 8:47 pm." Carried unanimously.

Moved by Councillor Gregory and seconded by Councillor Patton

"That the meeting reconvene in open session at 10:10 pm." Carried unanimously.

Personnel – Assistant Building Official Recruitment

At their meeting on January 27, 2022, Council granted authority to make a decision on the Assistant Building Official personnel matter.

Moved by Councillor Sandeson and seconded by Councillor Patton

"That Council approves the creation of an Assistant Building Official position at Range 5.1 on the Municipality's Salary Scale and commence a recruitment process to fill the position immediately." Carried unanimously.

ADJOURNMENT

Council agreed that the meeting adjourn at 10:12 pm.

Tracey Venno
Recording Secretary