

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, Nova Scotia, on Thursday, April 27, 2017.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Deputy Mayor Bill Masters	District 2
Councillor 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 Doug MacInnes	District 9
Councillor Tom Taggart	District 10
Councillor Wade Parker	District 11

Staff Present

Rob Simonds, Chief Administrative Officer
 Michelle Newell, Director of Public Works
 Scott Fraser, Director of Corporate Services
 Mark Austin, Acting Economic Development Officer
 Dennis James, Municipal Solicitor
 Tracey Venno, Executive Assistant/Recording Secretary
 Pam Macintosh, Planner

Public Hearing

Councillor MacKenzie declared a conflict of interest and removed herself from the table.

Mayor Blair called the Public Hearing to order respecting an application for a Development Agreement made by Janet and Stephen Bagnell, that would allow the construction of three new townhouse-style apartment buildings each containing three units, at 31-33 Dunromin Avenue in Bible Hill. The existing duplex on this property will also be included in this agreement. The text for the application and a related staff report has been circulated to Council members and has been made available to the public.

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

Mayor Blair reminded Councillors that only those Councillors present throughout the Public Hearing process can vote on the Development Agreement when it is eventually considered by Council. The Public Hearing is Council's opportunity to hear about the application and any concerns of residents. Individual Councillors will have an opportunity to debate the merits of the Development Agreement when the motion is presented to Council. Staff are present to answer any technical questions that may arise as a result of the public's input.

Ms. Pam Macintosh, Planner, provided a brief overview of the Development Agreement as well as the Planners Report and Recommendation. Highlights of the proposal were presented including the project being phased in over five years; sketches of the units; and engineering drawings. Ms. Macintosh also indicated that key issues have been addressed, including minimizing the impact of the development on surrounding properties; attention to architectural details and buffering to include landscaping and fencing; and, storm water management. The proposed development is consistent with policies and objectives in the Municipal Planning Strategy and staff are recommending that Council approve the request for the development agreement.

Responding to a question on the driveway size, Ms. Macintosh indicated that the driveway was widened and meets required standards. Concerns of flooding on the back end of the property were expressed, specifically about pooling and stagnant water. Ms. Macintosh advised that Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) have reviewed and accepted the storm water management plans. Additionally, the Municipal Public Works Engineers reviewed the plans and the response was favourable.

Mr. Stephen Bagnell and Mr. Rob Bezanson, Engineer for the applicant, were in attendance to speak on the application. Mr. Bagnell indicated that the plan is for three units, one to be completed this year and the other two units over five years. Mr. Bezanson spoke on the issues of how storm water management would be addressed.

Councillor Taggart, Chair of the Planning Advisory Committee (PAC) provided a report from the PAC meeting held on March 20th where the application submitted by Janet and Stephen Bagnell was discussed. There was considerable discussion concerning storm water management and the Engineer for the applicant was available to speak to PAC regarding the system designed for this proposal. The PAC is recommending to Council that the application be approved.

Mr. Simonds advised that no written submissions were received concerning the Development Agreement Application.

Responding to Mayor Blair's request for members of the public wishing to address Council regarding this application, Mr. Keith Shayne of Teakwood Court, expressed concerns with regards to drainage and residential development potentially preventing future NSTIR work. Mayor Blair advised that Council cannot make a decision based on what NSTIR may or may not do and that this question has to be answered by NSTIR, not Municipal Council or staff.

With no further discussion on the matter from the applicants or questions from members of Council, as Chair of the Planning Advisory Committee, Councillor Taggart placed the following motion on the floor:

Moved by Councillor Taggart
Seconded by Councillor MacInnes

“That Council enter into a Development Agreement with Janet and Stephen Bagnell for 31-33 Dunromin Avenue in Bible Hill, which would allow the construction of three new townhouse-style apartment buildings each containing three units and the existing duplex on this property would also be included in the agreement; and,

That this approval is conditional upon the Bagnells satisfying staff that all requirements of the Development Agreement have been met.”

Motion Carried.
(Councillor Parker opposed)

At this point, Councillor MacKenzie returned to the table.

Approval of Agenda

Moved by Councillor MacInnes
Seconded by Councillor Gregory

“That the agenda be approved with the following amendments:
- Remove Item #18, Negotiations in Closed Session;
- Add Item #13a, Regional Enterprise Network Agreement; and,
- Move Item #13 to precede Item #7.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Boutilier
Seconded by Councillor Stewart

“That the minutes of the meeting held on March 30, 2017 be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on March 30, 2017.

Standing Committee Reports and Recommendations

Council Committee Report from meeting held on April 12, 2017

Deputy Mayor Masters, Chair, presented the report from the Council Committee meeting held on April 12, 2017:

1. Debert Archaeology Program 2017

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

“That Council approves the continued archaeology program for 2017 with the testing of:

1. 20 acres north of Tim Hortons and on the east side of McElmon Road;
2. 10 acres west of McElmon Road, fronting on Highway 104; and,
3. Lots 226 and 227 on Lancaster Crescent; and,

That the cost of the work to be recorded as a deferred expense until the land is sold.”

Motion Carried Unanimously.

2. Kempton/East Mountain Sewer Boundary

Moved by Deputy Mayor Masters
Seconded by Councillor Cavanaugh

“That Council approves the Sewer Area Rate for the Kempton/East Mountain Sewer Boundary be applied to only those currently connected or to those who connect in future.”

Motion Carried Unanimously.

3. Bay of Fundy Gateway Project

Moved by Deputy Mayor Masters
Seconded by Councillor Stewart

“That Council approves that the report entitled the Fundy Gateway Masterplan be accepted as a concept document to inform the phased development of the former Palliser site.”

Motion Carried Unanimously.

4. RECC Annual Reconciliation of Capital Expenditures

Moved by Deputy Mayor Masters
Seconded by Councillor Gibbs

“That Council approves that \$14,222 plus HST be reimbursed to the Rath Eastlink Community Center in accordance with the Operating Agreement for fiscal 2016 – 2017.”

Motion Carried Unanimously.

5. Sponsorship Request – Association of Municipal Administrators Nova Scotia (AMANS)

Moved by Deputy Mayor Masters
Seconded by Councillor Boutilier

“That Council approves endorsing \$5,000 for the Association of Municipal Administrators Nova Scotia 2017 Annual Provincial Conference being held in Truro.”

Motion Carried Unanimously.

ACTION ITEMS**Bible Hill Drainage Issues**

Councillor Parker indicated that there are two issues he is bringing forward. The first is concerning the development on Justamere Drive and how it has affected rear-yard drainage for two homes on Teakwood Court. The option of installing piping from these rear yards on Teakwood Court into the storm sewer on Justamere Drive to alleviate the issue was suggested.

Discussion was held regarding the ownership of infrastructure. Mayor Blair advised that there are a lot of factoring variables, and drainage issues in this area have been ongoing for a number of years. Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) owns the roads and the storm drainage systems.

A question was raised on whether this is a municipal issue. Mr. Dennis James advised that this is a matter concerning private properties. The Municipality has no authority on the matter.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That staff investigate the possibility of draining lots on Teakwood Court through Justamere Drive.”

Motion **DEFEATED**.
(Councillors Gibbs, Cooper, Stewart, Cavanaugh, Gregory and MacInnes opposed)

Councillor Parker indicated that the second issue deals with the drainage course that runs from Teakwood Court, behind the properties along the north side of College Road, and eventually into the Bible Hill Rec Park. There is one blockage within this drainage course on the Patton property, and the owner has indicated a willingness to remove the blockage and install a culvert. Some areas of the drainage course further downstream will also require improvements in order to improve drainage. The work will include a culvert replacement and some watercourse work.

Deputy Mayor Masters advised of a similar situation in his area on Chantilly Lane. The cost to fix the problem was in the range of \$80,000 which Council decided was too much money to fix a problem that is the responsibility of NSTIR.

Councillor Parker indicated that he is not asking for a commitment at this point, rather an estimated cost on the project.

Moved by Councillor Parker
Seconded by Councillor MacInnes

“That staff work with the Village of Bible Hill to investigate the scope of work and associated costs to improve stormwater drainage downstream of Osprey Court and into the Guest Drive Brook.”

Motion Carried Unanimously.

**Tender Award, Hwy 236
/Robie Street Trail**

A multi-use trail in Lower Truro was approved and included in the 2016-17 and 2017-18 Capital Budget. In the summer of 2016, the project was tendered, however, the tender price and all other associated costs exceeded the budget. In September of 2016, Council instructed staff to revisit the design of the trail to include an alternate crossing at McClures Brook. The project was re-tendered in March of 2017 with a closing date in April. Staff is seeking authority for May Council Committee to award the tender for the multi-use trail in Lower Truro.

Moved by Deputy Mayor Masters
Seconded by Councillor Gibbs

“That Council authorizes May Council Committee to award the tender for the Highway 236/Robie Street Trail.”

Motion Carried Unanimously.

Winter Maintenance Reserve

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

“That Council directs staff to create a Winter Maintenance Reserve to be funded by surplus Winter Maintenance costs at the end of each fiscal year, with a maximum Reserve amount of \$100,000; and,

That \$8,000 from 2016-17 be transferred into this newly created Reserve.”

Motion Carried Unanimously.

Approval of 2017-18 Budget

Mayor Blair indicated that over the past couple of weeks, Council met on several occasions and had considerable discussion on the 2017-18 Budget. Concern was expressed about the trend of depleting reserves.

Moved by Councillor MacInnes
Seconded by Deputy Mayor Masters

“That the residential and commercial tax rates be increased one cent and that these funds be transferred into the Special Operating Reserve.”

Motion Carried.
(Councillors Gregory and Parker opposed)

Moved by Councillor Cooper
Seconded by Councillor Parker

“That Council approves a decrease of \$20,369 to the draft operating budget addition item on Animal Control, resulting in the amount of \$30,000 being allocated for this item.”

Motion Carried Unanimously.

Moved by Mayor Blair
Seconded by Deputy Mayor Masters

“That the 2017-18 Operating Budget be approved with the Additions & Deletions as set out at Committee meetings held on April 11, 18, and 20, 2017, as well as those approved by Council on April 27, 2017, with the residential tax rate being increased one cent to \$0.88 and the commercial tax rate increased one cent to \$2.28; and,

That the following Tax Resolution be approved, as presented.”

TAX RATE RESOLUTION

WHEREAS the Municipal Council of the County of Colchester is required to levy rates which it deems sufficient to raise the sum required to defray the expenditure of the Municipality of the County of Colchester for the current twelve-month fiscal period;

RESOLVED that pursuant to **Section 72 of the Municipal Government Act**, the Municipal Council of the Municipality of the County of Colchester estimates that sums amounting to **\$23,867,037** are required for the lawful purpose of the Municipality for the year ending **March 31, 2018**, after crediting the probable revenue from all sources other than rates for the abatement and losses which occur in the collection of the taxes for the said year which may not be collected or collectible;

FURTHER RESOLVED that the said Council authorize the levying and collection of a rate of **eighty-eight cents (\$0.88)** on each \$100.00 of the assessed value of the residential and resource property assessed in the **2017** Assessment Roll;

FURTHER RESOLVED that the said Council authorize the levying and collection of a rate of **two dollars twenty-seven cents (\$2.28)** on each \$100.00 on the assessed value of Commercial Property assessed in the **2017** Assessment Roll;

FURTHER RESOLVED that pursuant to **Section 78 of the Municipal Government Act** in lieu of all rates and taxes of the Municipality, an owner of forest property to which the said section applies shall pay tax equal to twenty-five (25) cents per acre on holdings of 50,000 or less and forty (40) cents per acre on holdings greater than 50,000 acres and where an area, village or commission rate is levied for fire protection, the owner shall pay an additional tax of one (1) cent per acre;

FURTHER RESOLVED that the said Council hereby requires payment of said rates to be made to the Tax Collector or Treasurer of the said Municipality on or before the 31st day of August **2017**;

FURTHER RESOLVED that said Council hereby imposes an additional percentage charge of 15% per annum on all rates and taxes remaining unpaid after the 31st day of August 2017.

Motion Carried.

(Councillors Gregory and Parker opposed)

Chief Negotiator, Collective Bargaining

The CAO advised that this item deals with appointing a Chief Negotiator for upcoming collective bargaining process between the Municipality and the Canadian Union of Public Employees Local 3945. The current agreement expires June 30, 2017.

Moved by Councillor Cavanaugh
Seconded by Councillor Gregory

“That Council appoints Mr. Scott Fraser, Director of Corporate Services as the Chief Negotiator for the collective bargaining process between the Municipality and the Canadian Union of Public Employees Local 3945, with the acknowledgement that he will be joined by other management staff as required.”

Motion Carried Unanimously.

Street Lights, Coldstream Drive

Councillor MacKenzie advised that the streetlights on Coldstream Drive are on the opposite side of the road as the sidewalk and an inquiry has been received on the possibility of relocating the streetlights to the same side as the sidewalk. The Director of Public Works has indicated that she has been in contact with Nova Scotia Power and the estimated cost to move the lights to the opposite side would be \$2,628.

Moved by Councillor MacKenzie
Seconded by Councillor Gregory

“That the streetlights on Coldstream Drive be relocated to the opposite side of the street to align with the sidewalk, at an estimated cost of \$2,628; and,

That the source of funds be the Streetlight Area Rate.”

Motion Carried Unanimously.

Broadband Initiative

Referring to the recent article in the Shoreline Journal which he wrote, Councillor Taggart stated that he is asking for the Municipality to hold a summit on the Broadband Initiative in support of getting the same basic internet service to rural areas that is being provided in the urban core.

Mr. Mark Austin, Acting Economic Development Officer, reported that this is a huge issue across the province. He provided an overview on the complexities with regards to the Broadband Initiative including jurisdictional issues, obstacles faced by small service providers, and the hurdles for municipalities to access funding. Mr. Austin also noted the need for a collective response on this matter, possibly through the UNSM.

Councillor Stewart indicated that the UNSM has identified high speed internet as one of their top five priorities. A pamphlet on this is forthcoming. He advised that the UNSM is actively pushing this and suggested that this become a possible election issue.

Moved by Councillor Taggart
Seconded by Councillor Boutilier

“That a letter be written to the President of the FCM, UNSM, Federal Member of Parliament, and all candidates for the Provincial Election, in support of the residents and the challenges being faced with respect to the Broadband initiative.”

Motion Carried Unanimously.

REN Agreement

A draft REN Agreement, as well as a Participation Agreement with the Truro and Colchester Chamber of Commerce, and Contribution Agreement is currently being reviewed by legal. Staff is requesting that Council give authority to May Council Committee to approve these agreements.

Moved by Councillor MacInnes
Seconded by Deputy Mayor Masters

“That Council authorizes May Council Committee to approve the draft REN Agreement, Participation Agreement and Contribution Agreement.”

Motion Carried.
(Councillor Gibbs opposed)

Correspondence - ACTION

**Kelly Schlay, Receptionist
/Admin. Support,
Communities, Culture and
Heritage**

An email to Mayor Blair requesting May be proclaimed Nova Scotia Gaelic Month.

Moved by Councillor Gregory
Seconded by Councillor Cooper

“That Council proclaims May 2017 as Nova Scotia Gaelic Month.”

Motion Carried Unanimously.

**Kim Keizer, Resident of
Karen Avenue**

An email to Councillor MacInnes regarding the paving of Karen Avenue.

Moved by Councillor MacInnes
Seconded by Councillor Gregory

“That staff be directed to start the petition process for the paving of Karen Avenue.”

Motion Carried Unanimously.

Pam Macintosh, Planner

A memo to Council dated April 27, 2017 concerning a rezoning application for a 37 acre property located on the Old Salmon River Road.

Moved by Councillor Cavanaugh
Seconded by Deputy Mayor Masters

“That the memo concerning a rezoning application for a 37 acre property located on the Old Salmon River Road be referred to the Planning Advisory Committee.”

Motion Carried Unanimously.

**Correspondence -
INFORMATION**

Building Inspector

A copy of the Building Permit Statistics received from the Building Inspector for the month March 2017. Council agreed to receive the report for information purposes.

Development Officer

A copy of the Development Activity Report received from the Development Officer for the month March 2017. Council agreed to receive the report for information purposes.

**Joint Municipal
Accountability and
Transparency Committee**

A copy of a Recommendations Report from the Joint Municipal Accountability and Transparency Committee submitted to the Deputy Minister of Municipal Affairs. Council agreed to receive the Recommendations Report for information purposes.

INFORMATION ITEMS

**Community Trail Funding
Program**

Three applications were received for the January 27, 2017 deadline for the Community Trail Funding Program. Total funding approved was \$46,081 pending 2017-18 budget approval. Following are the groups that applied and amounts approved: Tatamagouche Area Trails Association - \$16,081 for capital work, pending other funding sources; Tatamagouche Area Trails Association - \$16,500 for regular maintenance, pending other funding sources; and, Colchester-Five Islands ATV Club - \$13,500 for capital and maintenance, pending confirmation of landowner permission.

**Memorial Garden Off
Highway 102**

Council previously received correspondence requesting the County take over the maintenance and upkeep of the Veterans Memorial Garden off Highway 102.

The Recreation Department visited the site and determined there is considerable work to be done to the garden initially, however, once this work is completed, the upkeep would be minimal. Although there is considerable work to start, staff estimates costs to be minimal and can be absorbed in the Parks and Recreation Budget.

Due to the location of the Memorial Garden and potential safety concerns such as pull off and parking locations, staff feel that the Parks and Recreation should maintain and assess the garden for this year and if safety is not a factor, consider sourcing a community group to continue the work in future years.

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

Copies of reports from the Mayor and Councillors were circulated in the package or placed on table for this evenings meeting.

CLOSED SESSION

Moved by Councillor Gregory
Seconded by Councillor Cavanaugh

“That the meeting go into closed session at 9:54 pm.”

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Cavanaugh

“That the meeting reconvene in open session at 10:59 pm.”

Motion Carried Unanimously.

**Truro Heights Playground,
Purchase and Sale
Agreement**

Moved by Deputy Mayor Masters
Seconded by Councillor MacInnes

“That Council authorizes staff to proceed with the Purchase and Sale Agreement for a parcel of land located at Anita Crescent, Truro Heights, PID # 20291183, at a purchase price of \$4,000, with source of funds being the Parkland Reserve; and

The Mayor and CAO be authorized to execute the Purchase and Sale Agreement.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Gibbs
Seconded by Councillor Gregory

“That the meeting adjourn at 11:02 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary