

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, September 24, 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 (arrived at 6:51 pm)
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
 Dennis James, Municipal Solicitor
 Tracey Venno, Recording Secretary
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Mark Austin, Economic Development Officer
 Mollie MacBurnie-Haas, Desktop Support Technician

Approval of Agenda

Moved by Councillor Boutilier
 Seconded by Councillor Cavanaugh

“That the agenda be approved with the following additions:

- Item 12b, Special Council Meeting;
- Item 12c, Parking on Fenwood Ave.;
- Items 18b and 18c, Property Matters in Closed Session.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Approval of Minutes

Moved by Councillor Parker
 Seconded by Councillor Cooper

“That the minutes of the meeting held on August 27, 2020, be approved as presented.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on August 27, 2020.

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the report from the meeting held on September 10, 2020:

Nova Scotia Federation of Agriculture Tax Exemption Request

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That Council approves that the Nova Scotia Federation of Agriculture be granted a tax reduction from commercial to residential taxation rate for their property located at 7 Atlantic Industrial Avenue in East Mountain, PID #20331468 (AAN 07375506).”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Tatamagouche Water Utility Three-year Operating Budget

Moved by Deputy Mayor Stewart
Seconded by Councillor Pash

“That Council approves the Tatamagouche Water Utility three-year operating budget (2020/21, 2021/22, 2022/23), as presented.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Debert Water Utility Three-year Operating Budget

Moved by Deputy Mayor Stewart
Seconded by Councillor Pash

“That Council approves the Debert Water Utility three-year operating budget (2020/21, 2021/22, 2022/23), as presented.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

FCM Sustainability Conference

Moved by Deputy Mayor Stewart
Seconded by Councillor Boutillier

“That Council approves funding for Councillors and Councillors-Elect to register and attend the FCM Sustainability Conference being held virtually from October 20th to 22nd.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Executive Committee Minutes of Meetings Held on August 25, September 9, 2020 and Report from August 6, 2020

Moved by Deputy Mayor Stewart
Seconded by Councillor Cooper

“That Council accepts the Executive minutes of meetings held August 25 and September 9, as presented.”

Motion Carried Unanimously. *(Due to technical issues, Councillor Gregory was not available for this vote.)*

Moved by Councillor Taggart
Seconded by Councillor Parker

“That a letter be written to the Federal Minister of Justice requesting that it be made illegal and punishable by law to replicate a current police vehicle.”

Motion Carried Unanimously.

Flood Advisory Committee Minutes of Meeting Held on August 19, 2020

Moved by Councillor Boutilier
Seconded by Councillor Gibbs

“That Council accepts the minutes of the Flood Advisory Committee meeting held on August 19, 2020.”

Motion Carried Unanimously.

Tatamagouche Water Utility Advisory Committee Minutes from Meetings Held on August 22, 2019 and August 25, 2020 and Report from Meeting Held on August 25, 2020.

Moved by Councillor Gregory
Seconded by Councillor Gibbs

“That Council accepts the minutes of the Tatamagouche Water Utility Committee meetings held on August 22, 2019 and August 25, 2020.”

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Deputy Mayor Stewart

“That Council accepts the recommendation of the Tatamagouche Water Utility Committee and denies the request from Joyce Mingo for the account write-off; and,

That Ms. Mingo be required to pay the outstanding amount, less any interest accumulated since the date the request was filed.”

Motion Carried Unanimously.

ACTION ITEMS

Second Reading – Solid Waste By-law Amendments

Dennis James, Municipal Solicitor, advised that Council passed First Reading of the amended By-law at their August Council meeting. At that time, background information was provided in terms of the gap in the By-law structure as a result of the decision on the Colchester Containers matter. The proposed amendments are to address Council’s wishes to restrict the creation of more asbestos disposal facilities within the Municipality and would prohibit any further asbestos disposal facilities that are not operational as of September 30th.

Discussion was held on a number of issues including provincial and municipal jurisdictions relative to the transporting of hazardous materials; regulations previously implemented which would prevent taking materials to sites outside of the County; and the possibility of including wording that would allow for the Municipality to grant permission to export hazardous materials outside the County. Mr. James indicated that amending the wording of Section 6B to grant permission for the exporting of goods outside the Municipal boundaries would not be considered a substantive change.

Moved by Councillor Cooper
Seconded by Deputy Mayor Stewart

“That Section 6B be amended to read ‘Notwithstanding Section 4, the Municipality may permit a person to export or remove asbestos material generated within the Municipality outside the boundaries of the Municipality for the purposes of disposal’.”

Motion Carried Unanimously.

Moved by Councillor Boutilier
Seconded by Councillor Gibbs

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

Motion Carried Unanimously.

At this point, Councillor MacKenzie joined the meeting.

Second Reading – Municipal Elections By-law Amendments

Mr. Devin Trefry, Research, Policy and Community Engagement Officer, provided a brief overview of this item noting that the amendments to this By-law provide language clarifying that the additional polls are intended for in-person voting. Mr. James further noted that these proposed amendments are intended to clarify concerns raised by the Department of Municipal Affairs and Housing (DMAH) regarding Section 146A of the Municipal Elections Act, specific to the language around alternative voting methods. He noted that this is a matter of interpretation of the legislation and based on the language,

it is felt that it fits the original intent of the By-law. As such, an express purpose has been added to indicate the intent is to expand on voting by allowing additional voting dates, which is an alternative to the current model which has a restricted number of advance polling dates.

Mr. James also indicated Provincial and Federal legislation clearly express an intent to have greater opportunity for voting. The Municipal Elections Act is somewhat antiquated in that if voting can be expanded on through e-voting, why would it not include additional opportunity through the traditional in-person voting method. The DMAH does a review of the Municipal Elections Act following each election and it was suggested that this be brought forward for consideration as part of their review.

Moved by Councillor Gregory
Seconded by Councillor Masters

“That Council approves, by way of Second Reading, amendments to Chapter 18, Municipal Elections By-law, as presented.”

Motion Carried Unanimously.

Birch Street/Cedar Drive Crossing Guards

Michelle Newell, Director of Public Works, provided an overview of this item which included requirements under the Crosswalk Policy, locations for the proposed crossing guards, provincial policy requirements; annual costs for crossing guards, and source of funding.

Councillor Gibbs stressed on the seriousness of getting crossing guards in place at Birch Street/Cedar Drive for the safety of students, citing a number of reasons why this is needed including: increased numbers and changes to classrooms at Harmony Heights Elementary School; the addition of preschoolers to this school; increased number of students having to cross the intersections; and heavy traffic and excessive speeding.

Detailed discussion was held on Council adhering to policy and situations when there is a need to circumvent policy. Further discussion was held and concern raised on the length of time it would take to acquire all the necessary documentation and provincial approvals to get crossing guards in place. Ms. Newell indicated that the request has already been sent to NS Transportation and Infrastructure Renewal for necessary approvals and hopes to have a response within the next couple of weeks.

Moved by Councillor Gibbs
Seconded by Councillor Cavanaugh

“That Council approves the immediate funding for the acquisition and implementation of two crossing guards, one at Birch Street and one at Cedar Drive, subject to NS Transportation and Infrastructure Renewal approvals; and,

At the same time, implement the procedures of the Policy and Council do a review once this has been completed.”

Motion Carried Unanimously.

Funding, Biosolids Pilot Project

Ms. Newell advised that this item relates to a Biosolids Pilot Project discussed by Council in February 2020, and potential funding sources for the project. At that time, Council committed to \$10,000 of the total \$40,000 cost for the project and directed staff to apply for funding through Divert NS, however, Divert NS has confirmed they do not fund projects dealing with biosolids. Staff continued to seek other funding sources for the project, such as the Low Carbon Communities Funding Program. Earlier today, staff was informed that the project does not qualify under this program either. Staff will continue to seek other funding opportunities for this pilot project.

Council briefly discussed the benefits of this pilot project and indicated support for funding the full cost, with staff continuing to seek other funding sources.

Moved by Councillor Cooper
Seconded by Councillor Parker

“That Council approves funding the entire Biosolids Pilot Project at a cost of \$40,000 and directs staff to continue to seek other funding opportunities.”

Motion Carried Unanimously.

With Council’s previous commitment to fund \$10,000 towards the project, clarification was requested on source of funds for the additional \$30,000. Mr. Scott Fraser, Director of Corporate Services, advised that it would be an unbudgeted expense.

Funding, Heat Recovery Project, Central Colchester Wastewater Treatment Facility

Ms. Newell provided an overview of this item and indicated staff is seeking Council approval for the submission of a funding application to NS Low Carbon Communities Program for a heat recovery project at the Central Colchester Wastewater Treatment Facility (CCWWTF).

Moved by Councillor Boutilier
Seconded by Councillor Masters

“That Council supports making an application for a Heat Recovery Study at the Central Colchester Wastewater Treatment Facility to the Low Carbon Communities Funding Program, with Council’s commitment to the project being \$15,000; and,

That source of funds for Council’s portion of the project would be the operating budget for CCWWTF and Public Works.”

Motion Carried Unanimously.

Inaugural Council Meeting

Rob Simonds, CAO, advised that staff is seeking directive from Council on how they wish to proceed with the Inaugural Session of Council, specifically as it relates to the swearing in of Council members. Should Council wish to proceed with an in-person meeting, staff would look into a venue that would allow for Covid compliance.

Moved by Deputy Mayor Stewart

Seconded by Councillor Gibbs

“That staff secure a venue for having the Inaugural Council Session in-person.”

Motion Carried Unanimously.

Interest was expressed by members of Council to also resume in-person meeting for regular Sessions of Council. Discussion was held on obtaining information on costs to resume in-person meetings, and requirements for compliance under the Public Health order.

Moved by Councillor Taggart
Seconded by Councillor Gibbs

“That staff be directed to begin the process of finding a venue to accommodate Council and staff to meet in-person, that would be in compliance with the Public Health protocols for Covid.”

The CAO advised that staff would investigate and bring back information to Council in October for discussion.

West Colchester Medical Society *Councillor Taggart declared a conflict of interest and removed himself from the discussion.*

This item relates to a presentation received earlier this month at the September Presentation Meeting from the West Colchester Medical Society and their request for funding in the amount of \$10,000 to assist with their efforts with doctor recruitment in West Colchester.

Moved by Deputy Mayor Stewart
Seconded by Councillor Gregory

“That Colchester County support the West Colchester Medical Society and provide funding in the amount of \$10,000.”

Motion Carried Unanimously.

At this point, Councillor Taggart rejoined the meeting.

Special Council Meeting Mr. Fraser advised of the need for a Special Council meeting in the near future to approve the Municipality’s Financial Statements. This was delayed this year due to the RECC’s approval of their statements. As required by Grant Thornton, the financial statements will be presented virtually, via Zoom.

Council agreed that Tuesday, October 6, 2020, be the date for the Special Council Session.

Parking on Fenwood Ave. Councillor Parker raised the issue of a large truck parking on Fenwood Ave. This matter was discussed at Council a couple of years ago. At that time, there were discussions with the truck driver which alleviated the problem temporarily. However, the driver has resumed parking on the street and the

residents in the area are concerned about having a 50 foot truck parking on the street, especially with the winter season approaching.

Discussion was held regarding the possibility of the Municipality addressing this through an amendment to the Land Use By-law or through a stand-alone by-law dealing with street parking on municipally owned roads.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That the issue concerning large vehicles parking on municipally owned streets be referred to the Planning Advisory Committee to investigate and bring back recommendations to Council.”

Motion Carried Unanimously.

Correspondence - ACTION

**John Barrett, Director of Sales,
Marketing & Development,
Vesey's Seeds Ltd.**

A letter to the Mayor dated September 8, 2020, regarding a gift of 1000 red tulip bulbs to be planted as a memorial to the victims of the April tragedy.

Council discussed a number of options for planting the tulip bulbs including at the memorial site that has yet to be determined, as well as at various sites throughout the County. It was also suggested that some of the tulip bulbs be made available to families and community members affected by the tragedy.

Moved by Deputy Mayor Stewart
Seconded by Councillor Cavanaugh

“That the gift of tulip bulbs from Vesey's Seeds be referred to staff to review and come back to Council with recommendations.”

Motion Carried Unanimously.

Correspondence - INFORMATION

Development Officer

A copy of Development Activity Report received from the Development Officer for the month of August 2020. Council agreed to receive the report for information purposes.

Building Inspector

A copy of Building Permit Statistics received from the Building Inspector for the month of August 2020. Council agreed to receive the report for information purposes.

INFORMATION ITEMS

**Community Park Funding
Program – Fall 2020
Applications**

Under the Community Park Funding Program, one application was received for the Fall deadline. The request was for \$28,700, 27% of the project cost, from the Harmony Heights Elementary School Parent Teacher Group. Funds will be used for the development of three areas of their playground including swings, natural play elements, and outdoor seating/learning areas. Staff has approved a grant in the amount of \$28,700 pending confirmation of other funding sources.

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.

**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 Gregory
Seconded by Councillor Masters

“That the meeting go into closed session at 9:14 pm.”

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Pash

“That the meeting reconvene in open session at 10:22 pm.”

Motion Carried Unanimously.

Property Matter

Moved by Councillor Pash
Seconded by Councillor Gregory

“That Council approves the sale of Lot 21 as discussed in closed session, and authorizes the Mayor and CAO to sign a Purchase and Sale Agreement that satisfies our legal advisors in terms of risk protection.”

Motion Carried. *(Councillor Parker opposed)*

ADJOURNMENT

Moved by Councillor Pash
Seconded by Councillor Gregory

“That the meeting adjourn at 10:24 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary