

MUNICIPAL COUNCIL

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted virtually via Zoom Webinars, with Council Members in-person, on Thursday, March 25, 2021, at 6 pm.

Roll Call

The roll was called with the following Council members in attendance:

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

Regrets

Mayor Christine Blair

Staff Present

Rob Simonds, Chief Administrative Officer (CAO)
 Michelle Newell, Director of Public Works
 Crawford Macpherson, Director of Community Development
 Scott Fraser, Director of Corporate Services/Acting Director of Solid Waste
 Dennis James, Municipal Solicitor
 Tracey Venno, Recording Secretary
 Devin Trefry, Research, Policy, and Community Engagement Officer
 Dave Westlake, Emergency Management/Protective Services Coordinator
 Mollie MacBurnie-Haas, IT Support Technician
 Pam Macintosh, Planner (*for item no. 2*)
 Heather Maddigan, Finance Manager

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 must be held remotely by teleconference or on a virtual platform. In order to ensure transparency and honour the commitment for Colchester Council to conduct its business in public, these draft minutes are being posted within twenty-four hours of the meeting. They will not be reviewed and approved until the next regularly scheduled meeting of Colchester Council on April 29, 2021. Until these minutes are formally approved by Colchester Council, they cannot be relied on as an official record of the March 25, 2021, meeting.

**Public Hearing and Second
 Reading – Hilden Fire Brigade
Zoning Application**

Deputy Mayor Stewart called this Public Hearing to order respecting an amendment to the 2002 Central Colchester Land Use By-law. The amendment is to Schedule 3, Hilden Zoning Map of the Land Use By-law to rezone a vacant property owned by the Hilden Fire Brigade on Highway 2 in

Hilden from Residential Double Dwelling Unit (R-2), to Institution (I), to build a new fire hall.

The text for the proposed amendment and a related staff report has been circulated to Council members and have been made available to the public.

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

Deputy Mayor Stewart reminded Councillors that only those present throughout the Public Hearing can vote on the amendments when they are eventually considered by Council. The Public Hearing is Council's opportunity to hear the amendments and any concerns of Colchester County residents. Individual Councillors will have opportunity to debate the merits of the amendments 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 an overview of the Hilden Fire Brigade application to build a new three bay fire hall at the proposed location, which would require a rezoning from residential to institutional. Included in her presentation was details of the proposed new hall, map outlining subject property, summary of surrounding properties including various photos, site plans, and current and future land use mapping. Ms. Macintosh noted that there are enabling policies within the Municipal Planning Strategy to allow Council to consider these types of applications.

As part of the process, the application is reviewed both internally and externally by a number of departments. Internal review included Public Works staff, Building Inspector, and Development Officer, and externally through Nova Scotia Department of Transportation and Infrastructure Renewal and Nova Scotia Environment, all of which found the application acceptable.

In conclusion, staff's recommendation is to rezone this property to Institutional and amend the Land Use By-law accordingly.

Chief Sheldon Richardson, applicant, as well as Mike Hamilton and Rob Bezanson were in attendance for this Public Hearing. Mr. Hamilton indicated that he has been with the Hilden Fire Brigade for 33 years. This is a long-term plan of the Brigade and the first step to move the plan forward is to have the property rezoned. They continue to fundraise for the project and it is the hope of the Brigade to have the new hall completed in 2025.

With no questions for the applicants, Councillor Sandeson, Chair of the Planning Advisory Committee (PAC), provided the report from the PAC meeting held on February 22, 2021.

The CAO advised that no written submissions have been received regarding this application. Ms. Macintosh indicated that she received a call from Mr.

Garnet Adams regarding the application. Mr. Adams has seen a copy of the report and is in support.

There were no members of the public wishing to speak on this matter. Responding to a question from a member of Council regarding when the project is expected to start, Mr. Hamilton indicated that the plan is to start in 2025 and to have it built in one year.

With no further discussion on the matter, Councillor Sandeson put the following motion on the floor:

Moved by Councillor Sandeson
Seconded by Councillor Boutilier

“That Council approves, by way of Second Reading, to rezone property owned by the Hilden Fire Brigade on Highway 2 in Hilden from Residential – Double Dwelling Unit (R-2) to Institutional (I).”

Motion Carried Unanimously.

Deputy Mayor Stewart advised that Council’s decision on this application is appealable to the Nova Scotia Utility and Review Board. Any appeal of Council’s decision must be made within 14 days of the advertising of same in the local newspaper.

With no further business on this matter, Deputy Mayor Stewart declared the Public Hearing closed.

Approval of Agenda

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That the agenda be approved with the following amendments:

- Remove Item 9, Funding for J Class Roads;
- Remove Item 12, Police Advisory Board;
- Remove Item 19, Negotiations in Closed Session;
- Add Item 14b, Bad Debts.”

Motion Carried Unanimously.

Approval of Minutes

Moved by Councillor Cooper
Seconded by Councillor Johnson

“That the minutes of the meeting held on February 25, 2021, be approved as presented.”

Motion Carried Unanimously.

Business Arising from Minutes

There was no business arising from the minutes of the meeting held on February 25, 2021.

**Standing Committee Reports
and Recommendations**

Councillor Mike Cooper, Alternate Chair of Council Committee, presented the report from the meeting held on March 11, 2021:

Equity, Diversity, and Inclusion Committee – Terms of Reference

Moved by Councillor Cooper
Seconded by Councillor Patton

“That Council approves the Terms of Reference for the Equity, Diversity, and Inclusion Committee.”

Motion Carried Unanimously.

Reserve Funding

Moved by Councillor Cooper
Seconded by Councillor Gregory

“That Council approves the transfer of funds to the various reserves as presented.”

Motion Carried. (Councillor Taggart opposed)

NS Remembers Legacy Society Community Event Grant Request

Moved by Councillor Cooper
Seconded by Councillor Taggart

“That Council approves a Community Event Grant in the amount of \$5,000 to the NS Remembers Legacy Society for the NS Remembers Memorial Run being held on April 18, 2021; and,

That this funding be approved from the 2020-21 Community Event Grant Budget.”

Motion Carried. (Councillor Parker opposed)

Wastewater Collection Worker – New Position

Moved by Councillor Cooper
Seconded by Councillor Boutilier

“That Council approves that one additional full-time Wastewater Collection Maintenance Worker position be added to the Public Works Department, replacing the winter and summer term positions.”

Motion Carried Unanimously.

ACTION ITEMS

Colchester Ground Search and Rescue Funding Request

Moved by Councillor Patton
Seconded by Councillor Boutilier

“That the previous motion to table discussion on the Colchester Ground Search and Rescue Funding Request be lifted.”

Motion Carried Unanimously.

Dave Westlake, Emergency Management/Protective Services Coordinator, indicated that this item was discussed at length at the February Council meeting and was referred back to staff for clarification on the amount being requested by Colchester Ground Search and Rescue (CGSAR). A summary was provided on components of the presentation received from CGSAR in January; the proposed funding request of \$75,000 broken down by what was being asked from each Colchester, Truro, and Stewiacke; a recap of existing funding contribution totals which did not include in-kind support; and information on the Base Level of Service Agreement.

During discussion, Council expressed concern relative to the Towns of Truro and Stewiacke contributions and Colchester’s support should be conditional upon their agreement to the proposed funding increases. Concern was also expressed with providing funding over the amount of \$50,000 in the existing Base Level of Service for Fire Departments as it may trigger a review of the agreement. It was suggested that the agreement was implemented in 2010 and a review may be in order.

Moved by Councillor Benoit
Seconded by Councillor Taggart

“That Council provide an increase to Colchester Ground Search and Rescue’s operational grant to the sum of \$56,000 as an independent line item in the budget.”

Motion Carried. *(Councillors Boutilier and Parker opposed)*

Fiscal 2021 Annual Write-offs

Heather Maddigan, Finance Manager, provided a summary of this item noting that annually Council is presented with a list of uncollectable accounts to be written off, for consideration. Most of the recommended write-offs are accounts that have been deemed to have no value by Property Valuation Services Corporation (PVSC). There are a couple of general receivable accounts included for write-off. An amount for uncollectible taxes was included in the fiscal 2020/21 budget. A detailed listing of recommended write-offs was included in the Action Item.

Additional information was requested relative to Atlantic Archeology. Ms. Maddigan explained that this was a company leasing space in Debert many years ago. The occupants abandoned the unit, however, the Municipality continued billing for the space. Crawford Macpherson, Director of Community Development, advised that this was an Ontario based company that set up in Nova Scotia. This company was not one of the last two companies providing archeology services in Debert. Discussion was held on whether legal action

was a possibility in this case. Dennis James, Municipal Solicitor, indicated that it may be outside the limitation and inquired about whether there was a signed lease. He would follow up with Finance staff to see if legal action is an option.

Further discussion was held on the amount for Bruce Marr. Ms. Maddigan advised that this amount is for outstanding tipping fees. The company went bankrupt and we have not been successful in collection of the outstanding amount. Procedures have been implemented at the Balefill that do not allow accounts with outstanding balances to enter until the outstanding amounts are paid.

Referring to Atlantic Archeology, it was suggested that if further archeology work in Debert is required, that neither of the principals of this company be permitted to do the work without paying the outstanding amount.

Moved by Councillor Boutilier
Seconded by Councillor Cooper

“That Council accepts the write-offs as presented, with the exception of Atlantic Archeology, and that the Municipal Solicitor bring back more information relative to options for legal action.”

Motion Carried Unanimously.

Granmar Estates Paving Petition

Michelle Newell, Director of Public Works, advised that at the March Committee meeting, a motion was made to initiate the petition process for the paving of Granmar Estates, however, staff were remiss in identifying that direction would be required for the petition process, specifically the elimination of the open house component. Ms. Newell indicated that also included in the Action Item is approximate cost to the 33 homeowners.

Discussion was held on how costs are calculated for corner lots; if information specific to each of the homeowners is provided to each with the mailout petition process; concerns with how costs are calculated based on frontage alone and that a fairer calculation such as being based on assessed value and frontage be looked at. Further discussion was held on the ability to have a public meeting after the mailout petition if the residents wanted, as well as whether a Zoom meeting with the public would be possible. It was noted that an in-person public meeting would be dependent on gathering limits under the Public Health Orders. The Municipal Solicitor also noted that the recommended motion as written waives the public meeting component and if Council wanted to proceed with a public meeting, it would have to come back to Council for further direction. Ms. Newell indicated that she could have a longer timeline for returning petitions, spanning over six weeks, to allow for a public meeting, if desired.

Moved by Councillor MacKenzie
Seconded by Councillor Gregory

“That Council approves the petition process for the paving of Moonlight Court, Sunburst Place and Twilight Drive, with a mailout petition; and,

That the Open House requirement of the Local Improvement By-law be waived due to Covid-19 and Public Health Orders.”

Motion Carried Unanimously.

Debert Aviation Centre Watermain

Crawford Macpherson, Director of Community Development, advised that this item is to authorize Council Committee in April to award the tender for the new watermain in Debert which is required to provide the necessary flow for the fire system at the Debert Aviation Centre (DAC). The cost for this project would be in the range of \$225,000.

Discussion was held regarding source of funds for this project and whether it would fall under the budget for the Debert Aviation Centre or the Debert Water Utility. Mr. Macpherson indicated that this was not worked into the budget for the DAC. Ms. Newell advised that if this were a project for a private company, typically it would not be covered by the Utility, however, options for source of funds can be brought forward with the Action Item in April. Concern was expressed regarding unforeseen expenses and budget overages for this project.

Moved by Councillor Sandeson

Seconded by Councillor Cooper

“That Council authorizes April Council Committee to award the tender for a new waterline on Vickers Street, for servicing the Debert Aviation Centre.”

Motion Carried. *(Councillor Benoit opposed)*

Gas Tax – Village of Bible Hill

Councillor Parker indicated that at a recent Village of Bible Hill meeting, the topic of Gas Tax Funding was discussed. Under the municipal funding agreement for the transfer of gas tax funds, there is a mention of sharing of the gas tax funds with Villages. The issue of concern with the Village of Bible Hill is with having to send a list to the Municipality for consideration makes it difficult to do their five-year capital planning. Kings County has a formula used to distribute gas tax monies to Villages and Councillor Parker indicated that he would like to have staff look into this.

Detailed discussion was held on allocations of gas tax funding; staff providing an analysis of gas tax projects over the last 10 years; Villages being considered in a fair and equitable manner; other areas in the County also being considered in a fair and equitable manner; the importance of Council members representing the County as a whole; and if there are requirements to give Villages gas tax funding or ensure funds are invested for village projects. Scott Fraser, Director of Corporate Services, advised that municipalities are not required to give a percentage or a share to Villages, rather the requirement is to give consideration to requests from Villages for gas tax funding. Having a formula for gas tax funding to Villages would be a decision of Council.

Moved by Councillor Parker
Seconded by Councillor Boutilier

“That Gas Tax funding be referred to staff to investigate and bring back options for the Village of Bible Hill regarding distribution of these funds.”

Motion Carried. (*Councillor MacKenzie opposed*)

Biodiversity Act

Councillor Cooper assumed the role of Chair to allow Deputy Mayor Stewart to speak on this item.

Deputy Mayor Stewart indicated that he has received a number of calls from concerned citizens regarding the Biodiversity Act and the impacts it would have on their lands. There have been changes to the Act since it was first introduced, the last version having removed private property from the Act. However, there are number of issues including the lack of consultation with NSFM/municipalities; why the Act is being put in place now with regulations to follow at a later date; what is the dispute resolution process; the need for a clear understanding of government plans and outcomes; and concerns relative to crown lands.

Moved by Deputy Mayor Stewart
Seconded by Councillor Gregory

“That Council send a letter of concern to the Premier, the Minister of Lands and Forestry, and our three local MLAs requesting consultation with municipalities and private landowners to deal with outstanding concerns around the Biodiversity Act before it becomes law.”

Motion Carried Unanimously.

At this point, the Deputy Mayor resumed the role of Chair.

Bad Debts

Referring to flood work projects, Councillor Cooper expressed concern with approved work being carried out on properties and then property owners not wanting to pay their share of the project costs. There should be something in place to ensure payment for flood projects.

The Municipal Solicitor and Director of Public Works confirmed that any unpaid amounts for flood work would be a lien on property taxes. The Finance Manager advised that the Tax Office no longer issues verbal information to law firms for property sales. A tax certificate is issued and part of the process when issuing tax certificates is checking for any liens on the property.

Correspondence - ACTION

Martin Walton, President, NS Firefighters Benevolent Fund

Letter to the Mayor received March 1, 2021, regarding establishing a fund to provide financial resources and practical assistance to support any firefighter in Nova Scotia.

Mr. Westlake indicated that this is a fairly new initiative that provides funds for firefighters. Not all municipalities provide additional insurance coverage, however, the existing insurance coverage in place for Colchester firefighters through the Municipality provides sufficient coverage.

Moved by Councillor Cooper
Seconded by Councillor Boutilier

“That the letter from Martin Walton, President of the NS Firefighters Benevolent Fund, be received for information.”

Motion Carried Unanimously.

**Chief Darrel Spence and Board
of Directors Chair Gerry Roberts,
Five Islands Fire Brigade**

A letter to the Mayor and Council requesting financial support for the purchase of a trailer.

Moved by Councillor Johnson
Seconded by Councillor Benoit

“That Colchester provide funding in the amount of \$1,384.33 towards costs of the trailer.”

Motion **DEFEATED**. (*Deputy Mayor Stewart, Councillors Boutilier, Cooper, MacKenzie, Gregory, Patton and Taggart opposed*)

Moved by Councillor Taggart
Seconded by Councillor Gregory

“That Council approves reimbursing the Five Islands Fire Department \$4,153 for the purchase of the trailer.”

Motion Carried. (*Councillor Parker opposed*)

**Allison McCormick, Acting Chief
Administrative Officer,
Municipality of Cumberland**

Letter to the Mayor and Council dated March 5, 2021 regarding partnering in the Police Service Review.

Due to the nature of the request, the CAO suggested and Council agreed, that discussion on this matter be referred to closed session.

**Julie Hay, Stewiacke Visitor
Information Centre**

A letter to the CAO requesting funding assistance for the Stewiacke Visitor Information Centre.

Moved by Councillor Cooper
Seconded by Councillor Boutilier

“That the letter from Julie Hay requesting funding assistance for the Stewiacke Visitor Information Centre be referred to budget deliberations.”

Motion Carried Unanimously.

Tracy Kittilsen, Central North River Community Centre

Email to Councillor Patton dated March 16, 2021, requesting support for an application under the FCC Agri-Spirit Fund.

Moved by Councillor Patton
Seconded by Councillor Boutilier

“That Council approves providing support, by way of the Municipality receiving and disbursing funds for the Central North River Community Centre’s application under the FCC Agri-Spirit Fund.

Motion Carried Unanimously.

Mayor Bill Mills, Town of Truro

Letter dated March 16, 2021, to Mayor Blair and Council regarding participating in the Mentoring Plus Strategy initiative.

Moved by Councillor Boutilier
Seconded by Councillor Sandeson

“That the letter from Mayor Mills dated March 16, 2021, regarding participation in the Mentoring Plus Strategy initiative be referred to staff to bring back more information to Council.”

Motion Carried Unanimously.

Tammy MacKay

Letter to Mayor regarding a property tax exemption for the Truro Horsemen’s Club.

Moved by Councillor Boutilier
Seconded by Councillor Parker

“That the letter from Tammy MacKay regarding a property tax exemption for the Truro Horsemen’s Club be referred to staff for further investigation.”

Motion Carried Unanimously.

Correspondence - INFORMATION

Development Officer

A copy of the Development Activity Report received from the Development Officer for the month of February 2021. 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 February 2021. Council agreed to receive the report for information purposes.

Chief Shane Slack, Debert Fire Brigade

Letter to the Municipality from Chief Shane Slack, Debert Fire Brigade, advising of a fire area rate increase.

Moved by Councillor Johnson
Seconded by Councillor Sandeson

“That the letter from Chief Shane Slack, Debert Fire Brigade, regarding a fire area rate increase be received for information purposes.”

Motion Carried Unanimously.

Sherry Martell, Executive Director, Truro and Colchester Chamber of Commerce

Letter to the Mayor dated March 17, 2021, concerning commercial businesses and tax rate.

Moved by Councillor Cooper
Seconded by Councillor Boutillier

“That the letter from Sherry Martel, Executive Director, Truro and Colchester Chamber of Commerce, concerning the commercial tax rate be received.”

Motion Carried Unanimously.

INFORMATION ITEMS

Gorman Road Streetlights

Ms. Newell indicated that this report is to inform Council of the results of the Gorman Road streetlight petition. In order for the petition to be successful, at least 50 percent of the 38 property owners and at least 50 percent of the total assessed value on the street is required. A total of nine property owners were in favour representing 24 percent of total property owners and 26 percent of total assessed value. Therefore, the petition was not successful.

Covid-19 Update

As per the request of Council at the March 26, 2020 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 evening’s meeting.

CLOSED SESSION

Moved by Councillor Gregory
Seconded by Councillor Patton

“That the meeting go into closed session at 8:55 pm.”

Motion Carried Unanimously.

Moved by Councillor Gregory
Seconded by Councillor Patton

“That the meeting reconvene in open session at 9:34 pm.”

Motion Carried Unanimously.

Negotiations

Moved by Councillor Sandeson
Seconded by Councillor Cooper

“That Council grant authority to April Council Committee to deal with the lease agreement for 1 Church Street.”

Motion Carried Unanimously.

ADJOURNMENT

Moved by Councillor Taggart
Seconded by Councillor Benoit

“That the meeting adjourn at 9:35 pm.”

Motion Carried Unanimously.

Tracey Veno
Recording Secretary