

**MUNICIPAL COUNCIL**

The Regular Session of the Municipal Council of the Municipality of the County of Colchester was conducted in-person and virtually combined, on Thursday, October 26, 2023, at 6:00 pm.

In peace and in friendship, and in the spirit of truth and reconciliation, it was 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 Council members in attendance:

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Councillor Laurie Sandeson	District 2
Deputy Mayor Geoff Stewart	District 3
Councillor Mike Cooper	District 4
Councillor Tim Johnson	District 5
Councillor Karen MacKenzie	District 6 ( <i>regrets</i> )
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**

Dan Troke, Chief Administrative Officer  
 Scott Fraser, Director of Corporate Services  
 Dennis James, Municipal Solicitor  
 Michelle Boudreau, Director of Public Works  
 Paul Smith, Director of Community Development  
 Phillip Redden, Director of Solid Waste  
 Tracey Venno, Recording Secretary  
 Jenn Martin, Economic Development Officer  
 Mollie MacBurnie-Haas, IT Support

**Variance Hearing at Oxford Court, Valley**

*Councillor Boutilier declared a conflict of interest and removed himself from discussion on this matter.*

Prior to beginning the Public Hearing, Dennis James, Municipal Solicitor, gave a brief refresher on Variances as outlined in the MGA.

Mayor Blair called the public hearing to order respecting a variance approved by the Municipal Development Officer, Colin Forsyth. The variance application was made by Brandon Dennis for a property located on Oxford Court, Valley. The variance has been appealed by neighbours so Council becomes the decision-making body and will decide to either uphold or overturn the decision of the Development Officer.

Dan Troke, Chief Administrative Officer, advised that the guidelines of the Municipal Government Act regarding advertising of the public hearing were followed.

Mayor Blair reminded Councillors that this Hearing is Council's opportunity to hear the variance decision and concerns of residents so notified.

Colin Forsyth, Development Officer, provided a brief overview of the variance request showing maps of the property and surrounding properties, noting the issue involves the setback at the front of the property being less than By-law permits by approximately 10 feet, from 32.8 to 22.8. The measurements for the setback were taken from the road rather than the property line in error. The foundation for the garage was well underway before the error was discovered resulting in a variance request. The error was reported to the Development Officer once realized. Mr. Forsyth indicated that reasons for the approval of the include the owner of the subdivision has offered their support for the variance; it was felt that it was an honest mistake on the applicant's part; uniformity was not enough reason to deny; and, with no other place to put the garage on the property the variance was granted.

The applicant, Brandon Dennis, appeared before Council to address the variance request advising that he has built a lot of houses but mostly in a rural setting. He has never built on such a small lot and measurements were taken from the road instead of the property line in error. Mr. Dennis indicated that it was ignorance on his part, an honest mistake, and a hard lesson to learn.

Responding to questions regarding costs, alternative options, and potential impacts, Mr. Dennis estimated costs would be in the range of \$40,000. Deleting the garage would be the most cost-effective option, however, he felt this would significantly impact the overall value when sold. The potential of other properties being affected with lower assessed values was a concern raised by Council, however, Mr. Dennis indicated he did not feel this would be the case.

The CAO provided a summary of written submissions received including letters from Stacey Morgan and Rob and Valerie Young, as well as a phone call from Mitchell Smith, all opposed to allowing the variance. A letter from Ken Eisnor, Saywood and Groves Ltd, was also received in support of the variance. Copies of the letters were included in the Council package for this evening's meeting.

Responding to a call for residents wishing to comment on the variance application, the following individuals came forward:

Mitchell Smith - indicated that he was the second person in the subdivision. Concerns included the By-law was not adhered to; there is no front yard with the current location of the garage; and traffic/safety as there is no view from his kitchen window. Mr. Smith stated that he would be happy if the garage was removed.

Rob Young - stated that although it does not have direct impacts on him, given the location of the garage, the subdivision does not have the same aesthetics. When pulling into the driveway/garage, the lights would shine

directly on the neighbouring bedroom. Mr. Young also expressed concern with the possible lower assessed value of the other homes.

Responding to concerns raised by residents, the applicant indicated that it was not his intent to upset the residents and he is willing to put vegetation in to serve as a buffer for the neighbouring property.

Discussion was held on the size of the garage, willingness to address the headlights in the neighbouring yard, impacts on the applicant's business, and no additional space on the lot for the garage. Concern was expressed by some members of Council on how this error negatively affects the other residents in the subdivision. Further discussion took place on the options to avoid such mistakes in future such as through location certificates or through building inspection stages. The Municipal Solicitor advised that this would not be included in the duties/authority of Building Inspectors under the NS Building Code Act.

Moved by Councillor Cooper and seconded by Councillor Johnson

"That Council overturns the decision of the Development Officer and refuses the variance request of Brandon Dennis for the property at Oxford Court, Valley." Motion DEFEATED (*Mayor Blair, Councillors Sandeson, Gregory, Patton, Benoit and Lomond opposed*).

Moved by Councillor Lomond and seconded by Councillor Sandeson

"That Council approves that the decision of the Development Officer be upheld and the variance granted to Brandon Dennis for the property at Oxford Court, Valley." Motion carried (*Deputy Mayor Stewart, Councillors Cooper, Johnson and Parker opposed*).

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

#### **Approval of Agenda**

Moved by Councillor Gregory and seconded by Councillor Patton

"That the agenda be approved with the following additions:

- Item #6(4), Executive Committee recommendation from meeting of October 25, 2023;
- Item #12b, Art Selection Committee;
- Item #14b, Fairbanks Centre Grand Re-Opening." Carried unanimously.

#### **Approval of Minutes**

Incorrect minutes were distributed in the Council package for this meeting. The minutes of September 28, 2023, will be distributed for approval at the next regularly scheduled meeting.

#### **Business Arising from Minutes**

No minutes were approved at this meeting.

**Standing Committee Reports  
and Recommendations**

*There were no recommendations from the October 12<sup>th</sup> Council Committee meeting.*

**Flood Advisory Committee – minutes of meeting held on October 3, 2023**

**and**

**Debert Business Park Advisory Committee – minutes of meeting held on September 26, 2023**

Referring to minutes of the Debert Business Park Advisory Committee, Deputy Mayor Stewart raised concerns regarding a development that was previously discussed in Closed Session, however, at a recent external meeting he was asked questions that he did not answer as this was a Closed Session item at Council. Jenn Mantin, Economic Development Officer, advised that the negotiations aspect of the development was discussed in Closed Session, however, the proposed details and plans of the project have been made public by the developer.

Moved by Councillor Cooper and seconded by Councillor Johnson

“That the minutes of the Flood Advisory Committee meeting held on October 3, 2023, and the Debert Business Park Advisory Committee meeting held on September 26, 2023, be received.” Carried unanimously.

**Executive Committee – recommendation of meeting held on October 25, 2023**

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council proceed with a Law Amendments presentation on the Provincial/Municipal service exchange proposal, specifically as it relates to roads.” Carried unanimously.

Although not specified as part of the motion, it was noted that the Law Amendments presentation should be on all aspects of the service exchange proposal.

**ACTION ITEMS**

**Fireworks By-law, First Reading**

Devin Trefry, Research, Policy, and Community Engagement Officer advised that the proposed Fireworks By-law was prompted by a request of the Village of Bible Hill. The By-law was reviewed by representatives of the Village as well as the Bible Hill Fire Chief. If passed at First Reading, there will be opportunity to debate the merits of the proposed By-law and to hear any concerns of the public.

Brief discussion was held on the Fireworks By-law being implemented as a matter to address safety as well as noise.

Moved by Councillor Boutilier and seconded by Councillor Parker

“That Council approves, by way of First Reading, Chapter 15 Fireworks By-law.” Carried unanimously.

**Food Cyclers – Municipal Solutions**

Phil Redden, Director of Solid Waste, indicated that this item is a follow-up to a presentation to Council in June from Food Cycle Science Corporation on a proposal for a 12-week pilot project on a Food Cycler Program. As detailed in the Action Item, a brief overview of the pilot project was provided including information on references from two Municipal units in Ontario who have participated in the pilot; cost of units to both the Municipality and residents; challenges with roll out; administrative requirements; and, staff recommendation to not proceed with the program.

Moved by Councillor Johnson and seconded by Councillor Gregory

“That Council opts not to proceed with the Food Cycler pilot program at this time.” Carried unanimously.

**Deed Transfer Tax By-law Amendment, First Reading**

Scott Fraser, Director of Corporate Services, advised that during budget deliberations, staff were directed to look at increasing the deed transfer tax from one percent to one-and-one-half percent. Details of current and increased revenues with an increase of the deed transfer tax was provided. Also included in the package for this evening’s meeting was information of deed transfer tax rates in the province. Council’s authority to implement the Deed Transfer Tax is set out in Section 102 of the Municipal Government Act. A draft amended By-law was before Council for consideration.

Concern was expressed that with neighbouring units having a lower rate, it could put Colchester at a disadvantage. Additionally, given the current housing crisis, this may not be the opportune time to change.

Dennis James, Municipal Solicitor, advised that a by-law amendment is not required, rather Council can change the deed transfer tax by resolution.

Moved by Councillor Cooper and seconded by Councillor Boutilier

“That Council approves an increase to the Deed Transfer Tax to 1.5 percent, effective January 1, 2024.” Motion carried (*Deputy Mayor Stewart opposed*).

**Wind Turbine Development By-law Amendment, First Reading**

Councillor Gregory declared a conflict of interest and recused himself from discussion on this matter.

Paul Smith, Director of Community Development, advised that the purpose of the proposed amendments to the Wind Turbine Development By-law are to pause new applications for wind turbine development until December 31, 2024, when a county-wide municipal planning strategy (MPS) and land use by-law (LUB) are scheduled for completion. A briefing was provided on the last amendments to the By-law in February 2023.

This amendment results from a request from residents with concerns regarding the density and number of turbines being proposed in Colchester. Council has expressed that wind turbine development would be best managed through a county-wide MPS and LUB which is currently underway.

Moved by Councillor Johnson and seconded by Councillor Sandeson

“That Council approve, by way of First Reading, amendments to the Wind Turbine Development By-law with the noted amendment of section 7.2 (pg. 9) and proceed with Second Reading at a Special Council on November 16, 2023.” Motion carried (*Councillor Boutilier opposed*).

Lengthy discussion was held on recent information that has surfaced on the proposed wind turbine development. Council agreed that more information and education is required prior to Second Reading. Council agreed to hold a special meeting on November 14<sup>th</sup> from 5:00-6:30 pm, to receive a presentation on the proposed development. Staff were directed to extend an invitation to Everwind Fuels.

#### **Colchester Food Bank Support**

Mr. Trefry indicated that the purpose of this item is to consider an expressed need for urgent assistance from the Colchester Food Bank (CFB). At their meeting on October 12, 2023, Council directed staff to invite the Food Bank in for a presentation to better understand their needs. With presentation meetings currently in a back log situation and given the urgency and time sensitivities of the request for support, staff reached out for more information with intent to schedule a presentation for a later date. The Colchester Food Bank proposed the Municipality pay off their mortgage which would assist in their current needs. A copy of the proposal was included with the Action Item. Also included in Mr. Trefry's overview was information on Council's Grants to Non-profit Organizations (GNP) Policy and application thresholds; existing funds remaining in the budget for GNPs; options for consideration; and past Municipal funding support.

Council discussion included support for paying off the mortgage; staying within policy and reviewing additional support during budget deliberations; advocacy for the CFB; and possible funding sources if supported in larger amount.

Moved by Councillor Patton and seconded by Councillor Lomond

“That Council support the Colchester Food Bank in the amount of \$100,000.”

Amending Motion

“That Council stay within policy and support the Colchester Food Bank in the amount of \$5,000; and,

That a presentation be received from the Colchester Food Bank on their needs for future consideration during budget deliberation.” Motion carried (*Councillors Cooper, Lomond and Parker opposed*).

The amending motion having carried, the original motion was voted on as amended and carried unanimously.

**Grant Policy**

Councillor Lomond raised the issue of giving staff discretion for approval of small grant requests up to \$500 that are time sensitive in nature.

Moved by Councillor Lomond and seconded by Councillor Patton

“That a policy be developed to allow staff discretionary spending for Grants to Non-profit organizations.” Motion DEFEATED (*Mayor Blair, Deputy Mayor Stewart, Councillors Boutilier, Sandeson, Cooper, Johnson, Gregory, Benoit and Parker opposed*).

Concern was expressed on how requests over \$5,000 are being handled resulting in discussion on existing language within the Grants to Non-profit Policy, specifically around criteria, guidelines and application thresholds. Debate also was held on process for dealing with requests over \$5,000 and the need for considering on a case-by-case basis.

Moved by Councillor Boutilier and seconded by Councillor Benoit

“That staff be directed to review policy for requests over \$5,000.” Motion carried (*Councillors Cooper, Lomond and Parker opposed*).

**Art Selection Committee**

Moved by Councillor Sandeson and seconded by Councillor Boutilier

“That Mayor Blair and Councillor Patton be appointed to the Art Selection Committee for the 2024 Art Purchase Program.” Carried unanimously.

**Correspondence - ACTION**

**Pam Macintosh**

Memo to Mayor and Council dated October 18, 2023, concerning an application for amendments to the Village of Tatamagouche Land Use By-law by the YWCA Halifax for a property located at 40 Blair Avenue, Tatamagouche.

Moved by Councillor Gregory and seconded by Councillor Cooper

“That the memo to Mayor and Council dated October 18, 2023, concerning an application for amendments to the Village of Tatamagouche Land Use By-law by the YWCA Halifax for a property located at 40 Blair Avenue, Tatamagouche be referred to the Tatamagouche Planning Advisory Committee.” Carried unanimously.

**Rotary Club of Truro**

Email dated October 26, 2023, seeking support for the Rotary Club of Truro Community Yearbook 2024.

*Mayor Blair and Councillor Sandeson declared a conflict of interest and removed themselves from discussion on this matter. The Deputy Mayor assumed the role of Chair for this item.*

Moved by Councillor Boutilier and seconded by Councillor Gregory

“That Council approves placing a one-third page ad in the 2024 Rotary Community Yearbook, consistent with previous years.” Carried unanimously.

### Correspondence - INFORMATION

**Development Officer** A copy of the Development Activity Report received from the Development Officer for September 2023.

**Building Inspector** A copy of Building Permit Statistics received from the Building Inspector for September 2023.

Clarification was sought on what REC stands for in the Development Report. The Director of Community Development indicated that it is recreational development. Brief discussion took place on the request last month to have columns aligned in the Building Permit Stats report to show full names. The CAO advised that this may be a matter of confidentiality and would like opportunity to discuss with the Municipal Solicitor and report back to Council.

Moved by Councillor Patton and seconded by Councillor Gregory

“That the reports from the Development Officer and Building Inspector be received.” Carried unanimously.

### INFORMATION ITEMS

**Equity, Diversity and Inclusion Consultant Update** This item provided an update on the Municipality’s Equity, Diversity, and Inclusion (EDI) Committee on the hiring of a consult to help advance EDI principles within the organization. Introductory Workshops will be taking place in the near future for staff and Council.

**Fairbanks Centre Grand Re-opening** Councillor Cooper indicated that he serves as a representative on the Shubenacadie Canal Commission. The Fairbanks Centre is the main centrepiece of the Commission. They are holding a Grand Re-opening on November 5, 2023, beginning at 1:00 pm. All staff and Council are welcome to attend.

**Reports from Councillors** Copies of reports from the Mayor and Councillors were circulated in the package and ‘On Table’ for this evening’s meeting. Councillor Benoit noted the Debert Business Park Advisory Committee listed on her report on October 24<sup>th</sup> is an error.

### CLOSED SESSION

Moved by Councillor Gregory and seconded by Councillor Patton

“That the meeting go into closed session at 9:18 pm.” Carried unanimously.

Moved by Councillor Gregory and seconded by Councillor Lomond

“That the meeting reconvene in open session at 9:31 pm.” Carried unanimously.

**Negotiation – 4 Hawker Road,  
Debert - Letter of Intent**

Moved by Councillor Benoit and seconded by Councillor Patton

“That Council approve the extension for the Letter of Intent for the purchase of 4 Hawker Road, as presented in Closed Session.” Carried unanimously.

**ADJOURNMENT**

Moved by Councillor Benoit

“That the meeting adjourn at 9:33 pm.” Carried unanimously.

Tracey Veno  
Recording Secretary