

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, January 25, 2024, 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 (<i>regrets</i>)
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
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
 Anna Marie Manley, Municipal Solicitor
 Michelle Boudreau, Director of Public Works (*up to Agenda Item #7*)
 Paul Smith, Director of Community Development
 Phillip Redden, Director of Solid Waste
 Tracey Veno, Recording Secretary
 Jenn Mantin, Economic Development Officer
 Devin Trefry, Research, Policy and Community Engagement Officer
 Jeanette Himmelman, Systems Analyst

Public Hearing

Councillor Gregory declared a conflict of interest and recused himself from participating in the Public Hearing.

Although not present during Roll Call, Councillor MacKenzie arrived at the start of the Public Hearing.

Mayor Blair called this Public Hearing to order respecting an amendment to the 2001 Tatamagouche Land Use By-law to Part 7, Institutional Zone, section 7.1 to add Commercial Day Care Facilities to the list of permitted uses. 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.

Dan Troke, CAO, advised that the guidelines of the Municipal Government Act (MGA) regarding advertising of the Public Hearing have been followed.

Council members were reminded that only those present throughout the Public Hearing can vote on the amendment when eventually considered by Council. This 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 amendment 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.

Pam Macintosh presented details of the application which is for a land use by-law amendment to add Commercial Day Cares as a permitted use in the Institutional zone. Highlights of the presentation included property location and description of surrounding properties; photographs and site plans; policy considerations; and, input from other sources such as Provincial Public Works and various Municipal Departments. The Village of Tatamagouche have acknowledged receipt of the information. Ms. Macintosh made note of not wanting to negatively impact the two home based daycares in the area, and that the needs assessment conducted by the Province and YWCA identifies need in the community. The application for amendment satisfies all policy and associated criteria and staff recommend that the amendment to add Commercial Day Cares as a permitted use in the Institutional zone be approved.

Consultant Ben Croll was in attendance to speak on behalf of the applicant. He noted the benefits of the development including location being inviting with the mixed uses as well as for the children; the character of the exterior will be maintained; the needs assessment supports growth; economic contributions with six to eight employment opportunities; and use of existing infrastructure. One question was posed regarding sprinkler systems. It was confirmed that sprinklers would be in part of the building as required under building code.

Deputy Mayor Stewart presented the report from the Tatamagouche Planning Advisory Committee from the meeting held on November 27, 2023.

The CAO advised that no written submissions have been received concerning the proposed amendment.

There were no members of the public in attendance to speak on this matter and there were no additional questions from Council members.

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

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

"That Council approve, by way of Second Reading, amendments to Part 7, Institutional Zone, section 7.1 of the Tatamagouche Land Use By-law, to add Commercial Day Care Facilities to the list of permitted uses." Carried unanimously.

Mayor Blair indicated 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 advertising of same in the local newspaper.

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

Approval of Agenda

Moved by Councillor Benoit and seconded by Councillor Cooper

"That the agenda be approved with the following additions:

- 12b, Portapique Memorial." Carried unanimously.

Approval of Minutes

Moved by Councillor Sandeson and seconded by Councillor Johnson

"That the minutes of the meeting held on November 30, 2023, be approved as presented." Carried unanimously.

Business Arising from Minutes

None

Standing Committee Reports and Recommendations

Deputy Mayor Stewart, Chair of Council Committee, presented the reports from the meetings held on December 14, 2023, and January 11, 2024.

Report from December 14, 2023

Policy on Communications

Moved by Deputy Mayor Stewart and seconded by Councillor Johnson

"That Council approves the Communications Policy as presented." Carried unanimously.

Report from January 11, 2024

Regional Accessibility Advisory Committee Terms of Reference

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

"That Council approves the revised Regional Accessibility Advisory Committee Terms of Reference as amended." Carried unanimously.

Council Virtual Meetings Policy Amendment

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

"That Council approves the amendments to the Council Virtual meetings Policy as presented." Carried unanimously.

2024-25 Schedule of Meetings

A request was made to consider changing the date for the second Grants to Non-profit presentation night from March 21st to another evening the following week. Tuesday, March 26th was the date agreed upon.

Moved by Deputy Mayor Stewart and seconded by Councillor Cooper

“That Council approves the 2024-25 Schedule of Meetings as amended.”
Carried unanimously.

2024 FCM Conference

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

“That Council approves the number of FCM Conference attendees as per past practice” Carried unanimously.

It was determined by draw at the January 11th Committee meeting that Councillors Cooper, Gregory and Parker attend the 2024 FCM Conference in Calgary, Alberta, along with the Mayor, Deputy Mayor and CAO; and, Councillor Boutilier as the alternate if one of the selected Councillors are unable to attend. Councillor Parker advised that he is unable to attend and that Councillor Boutilier has confirmed his availability. Additionally, a draw for a new alternate was done with Councillor Sandeson drawn.

Returning Officer and Assistant Returning Officer Appointment

Moved by Deputy Mayor Stewart and seconded by Councillor Sandeson

“That Council appoints Guy Wheeler as Returning Officer for the 2024 Municipal Election; and

That appointment of the Assistant Returning Officer be delegated to the CAO.” Carried unanimously.

Bonding in Tenders

Moved by Deputy Mayor Stewart and seconded by Councillor Patton

“That Council approves that current bonding requirements for construction tenders be maintained.” Motion carried (*Councillor Johnson opposed*).

Flood Advisory Committee – minutes and report and recommendation of meeting held on November 27, 2023

Moved by Councillor Johnson and seconded by Councillor Benoit

“That the minutes of the Flood Advisory Committee meeting held on November 27, 2023, be received.” Carried unanimously.

Flood Advisory Committee Budget Request 2023/2024

Moved by Councillor Johnson and seconded by Councillor Patton

“That Council approves that a budget of \$100,000 and an additional 25% contingency for the 2024/25 operating budget for the small flood program.” Carried unanimously.

Flood Advisory Committee Land Purchase Request

Moved by Councillor Johnson and seconded by Councillor Patton

“That Council approves exploring the option of land purchase of PID #20037370 to maintain secondary access to the old Salmon River School Property for future development purposes.” Carried unanimously.

ACTION ITEMS**Portapique Build-up Project
Request for Funding**

Mayor Blair, Councillor Sandeson and Councillor Patton declared a conflict of interest and recused themselves from discussion on this matter.

Deputy Mayor Stewart assumed the role of Chair for this item.

Scott Fraser, Director of Corporate Services, advised that this item is a result of the recent presentation with a request for funding in the amount of \$40,000 for the Portapique Build-up Project, as a result of a budgeting shortfall. Mr. Fraser noted that the Municipality contributed \$70,000 towards the project initially and an additional \$5,000 in 2023/24 through grants to non-profits. Currently, \$5,000 remains in the budget for grants to non-profits for 2023/24.

During discussion, concern was expressed around how the budget for the project started at \$250K but has grown to \$850K; need to review and be accountable for the budget; wants versus needs; and, the Municipality already giving significant contributions to the project. There was also support for making a contribution to aid in the completion of the project which would help the community move forward from the tragedy. Discussion was held on source of funds should Council wish to provide additional funding. Mr. Fraser reiterated the \$5,000 remaining in the grants budget. Anything over would be from reserves as an unbudgeted item.

Moved by Councillor Johnson and seconded by Councillor Gregory

“That no additional funding be provided for the Portapique Build-up Project.” Motion DEFEATED (*Councillors MacKenzie, Benoit, Lomond and Parker opposed*).

Moved by Councillor Cooper and seconded by Councillor Lomond

“That Council approve \$5,000 for the Portapique Build-up Project.” Motion DEFEATED (*Deputy Mayor Stewart, Councillors Johnson, MacKenzie, and Gregory opposed*).

Moved by Councillor MacKenzie and seconded by Councillor Lomond

“That Council approve \$25,000 for the Portapique Build-up Project.” Motion DEFEATED (*Deputy Mayor Stewart, Councillors Johnson, Gregory, Benoit, and Parker opposed*).

“That Council approve \$4,999 for the Portapique Build-up Project.” Motion DEFEATED (*Deputy Mayor Stewart, Councillors Johnson, Gregory opposed and due to Councillor MacKenzie being away from the camera during the vote, it is recorded as abstaining from the vote.*)

At this point, Mayor Blair resumed her role as Chair.

Operating Bank – Overdraft Renewal

This item relates to the renewal of the Municipality’s banking overdraft limit. The renewal will extend the limit to March 31, 2026.

Moved by Councillor Sandeson and seconded by Councillor Parker

“That Council approves the Borrowing Resolution as presented and authorizes the Mayor and Director of Finance to execute the necessary documentation.” Carried unanimously.

Election E-voting

Devin Trefry, Research Policy and Community Engagement Officer, presented briefly on the options for e-voting for the upcoming Municipal Elections. Included in the presentation was pros and cons for the various options; preliminary cost estimations; and considerations. It was also noted that amendments to the Municipal Elections By-law for alternative voting would be required.

Lengthy debate was held on the benefits and challenges of e-voting vs. hybrid options including cost and administrative efficiencies; budgetary implications for hall rentals; convenience for electors; and ease of transition. A question was raised regarding ability to do a plebiscite with an all e-voting option. Staff would need to investigate how/if plebiscites can be conducted.

Moved by Councillor Parker and seconded by Councillor Sandeson

“That Council approves Option D, E-vote only with Municipal Office as only Voting Assistance Centre, for the October 2024 Election.” Motion DEFEATED (*Mayor Blair, Deputy Mayor Stewart, Councillors Cooper, MacKenzie, Benoit and Lomond opposed*).

Moved by Councillor Johnson and seconded by Councillor Benoit

“That Council approves Option B, Hybrid – E-voting with in-district Paper Ballot on Election Day, for the October 2024 Election.” Motion carried *(Councillors Sandeson, Patton and Parker opposed)*.

Ground Search and Rescue Funding

The Director of Corporate Services provided a brief update on information gathered relative to Colchester Ground Search and Rescue (CGSAR) funding as previously directed by Council. Information included the jurisdictional scan of what municipal units are providing to regional organizations; Towns of Stewiacke and Truro contributions; and financial position of CGSAR. Staff recommend an invitation be extended to CGSAR to make a presentation to Council to provide a three to five year strategic and business plan and resource requirements.

Discussion was held on Fire Brigades funding contributions and the huge benefits they receive from the 50/50 fundraiser, which Ground Search and Rescue organizations are not eligible for; challenges of fundraising; use of time being better spent on training rather than fundraising; contributions of other Colchester funding partners; and the lack of adequate provincial funding.

Moved by Councillor Parker and seconded by Councillor Benoit

“That staff be directed to invite Colchester Ground Search and Rescue to do a presentation on future strategic and business plans and resource requirements.” Carried unanimously.

Moved by Councillor Parker and seconded by Councillor Benoit

“That a letter be written to the Premier requesting matching provincial funding contributions from the Province for Colchester Ground Search and Rescue and that the letter be copied to the three MLA’s.” Carried unanimously.

NS Power – Hurricane Fiona Interest Charges

Referring to a recent CBC News article concerning Nova Scotia Power wanting customers to pay interest related to Hurricane Fiona, Councillor Lomond expressed serious concern with a corporation as large and significant as Nova Scotia Power requesting their customers pay for expenses as a result of poor maintenance that is their responsibility.

Moved by Councillor Lomond and seconded by Councillor Benoit

“That the Municipality write a letter to the Nova Scotia Utility and Review Board and Nova Scotia Power stating expenses incurred as a result of Hurricane Fiona should not be the responsibility of the rate payers.” Carried unanimously.

Legal Council advised of the Nova Scotia Utility and Review Board (UARB) proceedings currently underway and the deadline for public comment/submissions being February 2nd. Brief discussion was held on advocating the issue through NSFPM as well.

Pre-Budget Information Sessions Deputy Mayor Stewart advised that he would like to have some information prior to going into budget deliberations on a number of issues such as the African Nova Scotia Justice Strategy, Colchester Food Bank, Debert Airport, Scotiaport, Air Show Atlantic, Service Exchange costs and implications, financial capacity grant, policing costs and retro pay, EPR and future of our Facility, Waste Management costs, Courthouse renovations, and staffing requirements. He also indicated that he would like to have joint meetings with the Town of Truro on the RECC and other common concerns and Municipality of Cumberland regarding the Cliffs of Fundy Geopark.

Moved by Deputy Mayor Stewart and seconded by Councillor Parker

“That staff be directed to arrange a presentation and/or develop a paper outlining budgetary concerns relating to the upcoming 2024/25 Budget.” Carried unanimously.

Portapique Memorial – Authority for February Committee to Approve

Councillor Lomond declared a conflict and recused herself from the discussion.

Mayor Blair provided a history of the request from family members wanting a memorial to be located at the end of Portapique Beach Road and the challenges relative to the land. It was recommended that to proceed with this, the families form a society to have the funds released. There is \$10K in the Nova Scotia Remembers Legacy Society trust plus an additional \$2K donated by Disaster Management Conference keynote speakers designated for the Portapique Memorial. With the newly formed Society now registered and having purchased the parcel of land where they would like to have a gazebo and landscaping as a memorial, they are requesting the funds be released. The Director of Corporate Services provided an overview of the portion of the funds as outlined in the Nova Scotia Remembers Legacy Society agreement. If Council is satisfied that the conditions as outlined in the agreement have been met, the funds can be released.

Discussion was held on other funds as outlined in the agreement specific to trauma and grief and the possibility of using those funds for the memorial or other project. Anna-Marie Manley, Municipal Solicitor, advised that there is discretionary language in the agreement to allow the Municipality to reallocate funds if it is deemed to benefit the community.

Moved by Councillor Benoit and seconded by Councillor Patton

“That February Council Committee be granted authority for decision on funds for the Portapique Memorial.” Carried unanimously.

Correspondence – ACTION

**Amanda Mombourquette,
Community Innovation Lead,
Eastern Regional/Cape Breton,
NSCC**

Email to Mayor Blair regarding a support letter for NSCC Wind Turbine Technician Program.

Moved by Councillor Parker and seconded by Councillor Lomond

“That Council approves a letter of support for the NSCC Wind Turbine Technician Program.” Carried unanimously.

Jill McGillicuddy, Senior Planner

Memo to Mayor and Council dated January 18, 2024, concerning an application for amendments to Municipality of Colchester Land Lease Development By-law.

Moved by Councillor Benoit and seconded by Councillor Cooper

“That the Memo to Mayor and Council dated January 18, 2024, concerning an application for amendments to Municipality of Colchester Land Lease Development By-law be referred to the Planning Advisory Committee.” Carried unanimously.

Correspondence - INFORMATION

Development Officer

A copy of the Development Activity Reports received from the Development Officer for November and December 2023.

Building Inspector

A copy of Building Permit Statistics received from the Building Inspector for November and December 2023.

Moved by Councillor Sandeson and seconded by Councillor Gregory

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

**Charcy Marchand, Director,
Public Safety and Policing, Nova
Scotia Department of Justice**

Letter to the Mayor dated January 10, 2024, concerning the Municipality’s request for an independent Police Advisory Board.

Brief discussion was held on next steps moving forward. The CAO advised that he has had discussions with the Interim CAO with the Town of Stewiacke and is awaiting some possible dates for a meeting.

Moved by Councillor Benoit and seconded by Councillor Johnson

“That the letter from Charcy Marchand, Director Public Safety and Policing, NS Department of Justice concerning the Municipality’s request for an independent Policy Advisory Board be received for information.” Carried unanimously.

**Susan Ellis, CiB National
Chairperson**

Correspondence to Mayor and Council concerning the Communities in Bloom Program.

Moved by Councillor Benoit and seconded by Councillor Patton

“That the letter from Susan Ellis regarding the Communities in Bloom Program be received and that it be posted on the County website for information purposes.” Carried unanimously.

INFORMATION ITEMS

Tourism Marketing Levy

This item provided an update on the status of implementation of the Tourism Marketing Levy. Jenn Mantin, Economic Development Officer, gave an overview of progresses to date and next steps. A Frequently Asked Question and Answer sheet was included in the package for this evening's meeting.

Brief discussion took place on the establishment and appointment of the various committees working on the Marketing Levy.

Reports from Councillors

Copies of reports from the Mayor and Councillors were circulated in the package and 'On Table' for this evening's meeting.

CLOSED SESSION

Moved by Councillor Johnson and seconded by Councillor Gregory

"That the meeting go into closed session at 8:49 pm." Carried unanimously.

Moved by Councillor Gregory and seconded by Councillor Lomond

"That the meeting reconvene in open session at 9:47 pm." Carried unanimously.

**Personnel – Tax Office Position
Reclassifications**

Moved by Councillor Sandeson and seconded by Councillor Patton

"That Council approves:

1. the salary change to the Tax Clerk position from Range 3 to Range 4.1, effective January 21, 2024; and
2. the reclassification of the Admin Clerk position in the Tax Office to Accounting Clerk with amended salary changes from Range 2 to Range 3.1 effective January 21, 2024; and,
3. Approval of the updated Salary Scale as presented." Carried unanimously.

Personnel – Geopark

Moved by Councillor Cooper and seconded by Councillor Parker

"That Council officially request information as discussed in closed session from the Cliffs of Fundy Geopark Board of Directors and as vetted through Legal Counsel." Motion carried (*Mayor Blair, Councillors MacKenzie and Benoit opposed*).

ADJOURNMENT

Moved by Councillor Gregory and seconded by Councillor Patton

"That the meeting adjourn at 9:50 pm." Carried unanimously.

Tracey Veno
Recording Secretary