

## 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 Wednesday, March 27, 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>virtual</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  
 Dennis James, Municipal Solicitor  
 Michelle Boudreau, Director of Public Works  
 Paul Smith, Director of Community Development  
 Phillip Redden, Director of Solid Waste  
 Scott Fraser, Director of Corporate Services  
 Tracey Venno, Recording Secretary  
 Jenn Mantin, Economic Development Officer  
 Mollie MacBurnie-Haas, IT Support Technician  
 Pam Macintosh, Manager of Planning Services (for items 1 through 3)  
 Jill McGillicuddy, Senior Planner (for items 1 through 3)

### **Public Hearing –Proposed Heritage Designation of Willow Church Cemetery**

Mayor Blair called this Public Hearing to order respecting an application for a Municipal Heritage Property Designation involving an application made by the Willow Church Cemetery Society that would allow for the designation of the Willow Church Cemetery, located at 1778 Willow Church Road in Waugh River, PID # 20006300, as a Municipal Heritage Property. The text for the application and a related staff report has been circulated to Council members and has been made available to the public.

CAO Dan Troke advised that the guidelines of the Heritage Property Act regarding The Heritage Designation and Hearing process have been followed.

Council members were reminded that only those present throughout the Public Hearing can vote on the Heritage Designation when it is eventually considered by Council. This Public Hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have opportunity to debate the merits of the Heritage Designation when the

motion is presented to Council. Staff are present at this Hearing to answer any technical questions that may arise as a result of the public's input.

Jill McGillicuddy, Senior Planner, provided an overview of the application from the Willow Church Cemetery Society to have the Cemetery located at 1778 Willow Church Road in Waugh's River, designated a Heritage Property. Included in her presentation was a brief history of the property; information on the Cairn and plaque place at the site by Nova Scotia Museum; deterioration and maintenance requirements; and photos of the site. Having Municipal designation of the property will provide opportunity for the Society to apply for Provincial grant funding. As per the Colchester Heritage By-law, staff is recommending that this property be designated a Municipal Heritage Property.

Applicant Mildred MacDougall was in attendance to speak briefly on the property noting the aging of the site and the amount of work required. Responding to a question regarding current maintenance of the cemetery, Ms. MacDougall indicated that members of the Society look after the site and is attempting to recruit members.

Councillor Sandeson, Chair of the Planning Advisory Committee (PAC), provided the report for the PAC meeting held on February 21, 2024.

The CAO advised that no written submissions have been received regarding this application.

With no members of the public in attendance to speak on this matter and no discussion or questions from Council members, the following motion was put on the floor:

Moved by Councillor Sandeson, seconded by Councillor Gregory

"That Council designates the Willow Church Cemetery in Waugh River, property located at 1778 Willow Church Road, PID number 20006300, as a Municipal Heritage Property." Carried unanimously.

Mayor Blair advised that the property is now approved as a Municipal Heritage Property, pursuant to the Colchester Heritage Property By-law, and with no further business on this matter, declared the Public Hearing closed.

**Public Hearing, Proposed  
Amendments to the Land  
Lease By-law**

Mayor Blair called this Public Hearing to order respecting an application by zzap Architecture and Planning on behalf of Aburzzi Properties to amend the Municipality's Land Lease Development By-law to permit a land lease development outside the municipal sewer boundary with a communal sewer system. The text for the application and a related staff report have been circulated to Council and have been made available to the public.

The CAO advised that the guidelines of the Municipal Government Act (MGA) regarding advertising of the First and Second Readings and Public Hearing have been followed.

Only those present throughout the Public Hearing can vote on the proposed By-law amendments when eventually considered by Council. This Public Hearing is Council's opportunity to hear of the application and any concerns

of area residents. Councillors will have opportunity to debate the merits of the proposed By-law 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. McGillicuddy presented an overview of the application indicating that zzap Architecture and Planning has applied for amendments to the Land Lease Development By-law to allow for development of rural lands outside of the municipal sewer district, with a communal sewer system. The proposed By-law amendments would be applicable Countywide and would require a negotiated, approved development agreement. Also included in the presentation were details of the property owned by Abruzzie Properties, located near the Great Village interchange; policy considerations specific to Part 6 and Appendix A of the Land Lease Development By-law; and input from both municipal and provincial departments related to the proposal. This type of development, if approved, would help increase affordable housing, provide benefits to seniors, and encourage sustainable growth. Staff recommend that Council approve the amendments to the Land Lease Development By-law as outlined in the staff report.

Following the staff report, Council held discussion on road ownership and maintenance responsibilities; requirements for development agreements; conditions in the existing by-law including road maintenance; clarification on proposed location near the Great Village interchange; regulations regarding minimums and maximum lot size and density; and communal septic systems being regulated by Nova Scotia Environment.

Greg Zwicker and Samantha Horner from zzap Architecture & Planning were in attendance on behalf of Abruzzi Properties. Mr. Zwicker provided a brief overview of the project indicating that it would be rental community of prefab homes where the landlord would be responsible for roads, driveways, parking lots, etc., and the tenants would be responsible for the units and what is on the property. The size of the land is quite large but there is also a lot of watercourses and steep slopes. The actual size of the development would be driven by market as well as NS Environment regulations, i.e. enough water and septic fields. The development would be a phased approach and would help to address current housing concerns.

Council discussion arising from Mr. Zwicker's information included location of development and whether consideration was given to other locations; questions regarding rental costs; amenities; type of housing being one and two bedroom homes; and, density and capacity concerns for the rural area. Ms. Horn noted that the land is currently unzoned and density is not controlled. Mr. Zwicker indicated that he would follow up regarding the rental costs for the units.

Councillor Sandeson, Chair of the Planning Advisory Committee (PAC), provided the report for the PAC meeting held on February 21, 2024.

The CAO advised that no written submissions have been received regarding this application.

There were no members of the public in attendance to speak on this application.

Further discussion was held on the location of the proposed development; notifications to Council members and neighbouring/impacted property owners; public consultation requirements; and, road standards and responsibilities. Staff confirmed that the proposed By-law amendments are not site specific and would be applicable Countywide. Similar changes are being looked at through the County-wide planning process. If developments go forward, proper processes would need to be followed including notifications and community input.

Moved by Councillor Sandeson, seconded by Councillor Gregory

“That Council approves the amendments to the Municipality of the County of Colchester Land Lease Development By-law to permit the development of a land lease community outside of the Municipal Sewer District with a communal septic system.” Motion carried (*Councillors Cooper and Lomond opposed*).

Once amendments have been approved and the Notice of Approval as such is published, the By-law will be in force.

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

**Public Hearing, Amendment to  
the Central Colchester  
Municipal Planning Strategy**

Mayor Blair called this Public Hearing to order respecting staff recommendation for amendments to the 2002 Central Colchester Municipal Planning Strategy (MPS). The request is to amend the MPS to remove the requirement of providing at least 0.4 hectares (1 acre) of land to build more than one apartment building on a property. The text for the proposed amendment and a related staff report has been circulated to Council members and made available to the public.

The CAO advised that the guidelines of the Municipal Government Act (MGA) regarding advertising of the First and Second Readings and Public Hearing have been followed.

Only those present throughout the Public Hearing can vote on the proposed By-law amendments when eventually considered by Council. This Public Hearing is Council’s opportunity to hear of the application and any concerns of area residents. Councillors will have opportunity to debate the merits of the proposed 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.

Prior to presenting, Pam Macintosh, Manager of Planning Services, advised that the proposed amendment is staff driven due to an identified need to consider removing the minimum lot size requirement for multiple residential buildings by development. Highlights of the presentation included increased inquiries to build more than one apartment building on lots of less than one acre of land; planning for growth, requirements and opportunities; process for development agreement to continue as usual; and policy considerations, specifically removal of Policy RP-26 in Part 4, Section 4.4.4 of the MPS. Staff recommends that the MPS be amended, as outlined in the staff report.

Brief discussion was held on this being similar to other municipalities, as well as future potential sewer capacity issues,

Councillor Sandeson, Chair of the Planning Advisory Committee (PAC), provided the report for the PAC meeting held on February 21, 2024.

The CAO advised that no written submissions have been received regarding this application.

There were no members of the public in attendance to speak on this proposed amendment.

Discussion took place on this being a good step towards addressing the housing crisis to make more affordable, accessible and sustainable housing. Responding to a query on the process for future development agreement applications, staff confirmed that the process remains unchanged and would still require the consideration and approval of Council.

Moved by Councillor Sandeson, seconded by Deputy Mayor Stewart

“That Council approves, by way of Second Reading, the amended Central Colchester Municipal Planning Strategy, as presented.” Carried unanimously.

Council’s decision on the Municipal Planning strategy amendment will require review by Municipal Affairs staff and may require approval of the Minister of Municipal Affairs. Council’s decision is not appealable to the Nova Scotia Utility and Review Board. Once Municipal Affairs has rendered their decision on the MPS amendment, a notice is published and the By-law as amended is then in force.

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

#### **Approval of Agenda**

Moved by Councillor Sandeson, seconded by Councillor Benoit

“That the agenda be approved with the following amendments:

- Move Item 13 to Closed Session;
- Add new Item 13, Sewer Service Boundary Extension, North River; and,
- Add Item 13b, RCMP Press Release regarding Mass Casualty Commission Recommendations.” Carried unanimously.

#### **Approval of Minutes**

Moved by Councillor Johnson, seconded by Councillor Gregory

“That the minutes of the meeting held on February 29, 2024, 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 report from the meeting held on March 14, 2024.*

**Colchester Clean Litter Program**

Moved by Deputy Mayor Stewart, seconded by Councillor Benoit

“That Council approves the Colchester Clean Program for three years for the 2024-2026 Spring seasons.” Carried Unanimously.

**Personnel Policy Amendment - Employee Recognition Policy**

Moved by Deputy Mayor Stewart, seconded by Councillor Sandeson

“That Council approves the amended Personnel Policy 5.09 Employee Recognition as presented.” Carried unanimously.

**Personnel Policy Amendment - Reimbursement for Business and Training Expenses**

Moved by Deputy Mayor Stewart, seconded by Councillor Patton

“That Council approves that the amended Personnel Policy 5.05 Reimbursement for Business Travel and Training Expenses as presented.” Carried Unanimously.

**Matching Funds for Arena Efficiency Retrofits**

Moved by Deputy Mayor Stewart, seconded by Councillor Gregory

“That Council approves a Municipal contribution of \$135,299 toward the proposed efficiency retrofits at the North Shore Recreation Centre and \$143,401 toward the retrofits at the West Colchester United Arena, for a total of \$278,700, sourced from the Operating Reserves, and pending the arenas successful grant awards from the Sustainable Communities Challenge Fund.” Carried Unanimously.

**Appeals Committee By-law**

Moved by Deputy Mayor Stewart, seconded by Councillor Sandeson

“That Council approves that adoption of an Appeals Committee By-law be considered together with amendments to the following By-laws:

- Adult Entertainment Establishment;
- Commercial Dog Care and Kennel Facility;
- Construction and Demolition Disposal;
- Livestock Appeals;
- Sewer Use;
- Taxi;
- Dangerous or Unsightly Premises; and,
- Wind Turbine Development.” Motion Carried (*Councillor Cooper opposed*).

**Proposed Amendments - Municipal Fees Policy**

Moved by Deputy Mayor Stewart, seconded by Councillor Cooper

“That Council approves amendments to the Municipal Fees Policy as presented, with the exception of the sewer lateral installation fee being in the range of \$5,000 to \$7,000, based on project, as determined by the Director of Public Works; and,

That Council approves the additional amendments to the Solid Waste section of the Municipal Fees Policy as outlined in the memo included as part of the Council package.” Carried unanimously.

**Annual Account Write-offs**

Moved by Deputy Mayor Stewart, seconded by Councillor Johnson

“That Council approves that the 2023-24 property taxes, water, other receivables, and interest, totaling \$12,722.41 be written off.” Carried unanimously.

**Deer Culling**

Moved by Deputy Mayor Stewart, seconded by Councillor Parker

“That Council approves that a plebiscite for Districts 1, 5, 6 and 11 be added to the upcoming election to determine support for deer culling.” Carried unanimously.

**Flood Advisory Committee – minutes of meeting held on February 26, 2024.**

Moved by Councillor Patton, seconded by Councillor Gregory

“That the minutes of the Flood Advisory Committee meeting held on February 26, 2024, be received.” Carried unanimously.

**Debert Business Park Advisory Committee – minutes of meeting held on March 12, 2024.**

Moved by Councillor Benoit, seconded by Councillor Johnson

“That the minutes of the Debert Business Park Advisory Committee meeting held on March 12, 2024, be received.” Carried unanimously.

**Nominating Committee – report and recommendation of meeting held on March 25, 2024**

Moved by Councillor Boutilier, seconded by Councillor Sandeson

“That Council approve that Brayden Cream be appointed as a citizen representative to the Regional Accessibility Advisory Committee.” Carried unanimously.

**ACTION ITEMS****Second Reading – Amendment to the Dog By-law**

Paul Smith, Director of Community Development, introduced this item noting that the proposed amendments relate to changing the process for dog tag renewal from annual to lifetime registrations. The recommended changes are being proposed for a number of reasons including the steady decline in the sale of tags, sales not being a significant source of revenue, microchipping becoming a more common method of dog identification, convenience for dog owners, and reduced administrative burdens. Council approved First Reading at the February Council meeting and advertised the Notice of Intent to consider Second Reading in the Truro News on March 7<sup>th</sup> and 21<sup>st</sup>.

Brief discussion was held on microchipping and the size and design of the dog tags, with a suggestion to have smaller tags. The Director of Community Development advised that the tags ordered for 2024 are larger than what is preferred so an additional order has been placed for smaller tags. Further discussion was held on advertising of Notices. Mr. Smith indicated that other sources for advertising such as the County website and social media will be utilized for future advertising needs.

Moved by Councillor Benoit, seconded by Councillor Cooper

“That Council approves, by way of Second Reading, amendments to the Dog By-law as presented.” Carried unanimously.

**Household Hazardous Waste Contract Renewal**

Phil Redden, Director of Solid Waste, advised that this item provides Council with the results of the Household Hazardous Waste (HHW) Request for Proposal (RFP) for a five-year contract for the disposal of HHW for Colchester. Included in the report was background information on the current contract and expiration date; RFP submissions; evaluation methodology; resource implications; and options for Council consideration. Staff recommendation is to award the five-year HHW contract to Clean Harbors.

Moved by Councillor Patton, seconded by Councillor Benoit

“That Council approve the award of a five-year Household Hazardous Waste Contract from April 1, 2024, to March 31, 2029, to Clean Harbors, as tendered.” Carried unanimously.

**Date for Special Council Meeting**

Council agreed that April 9, 2024, be approved as the rescheduled date for the Special Council meeting to receive a closed session presentation on the Salmon River School Property.

**September Council Meeting Date**

Deputy Mayor Stewart requested Council indulgence in considering a date change for the September Council meeting scheduled for September 26<sup>th</sup> as this is the opening date for the recently announced Nova Scotia Stampede.

Moved by Deputy Mayor Stewart , seconded by Councillor Patton

“That Council agrees to change the date for the September Council meeting from Thursday, September 26<sup>th</sup> to Wednesday, September 25<sup>th</sup>.” Carried unanimously.

**Letter to Province - MPS & LUB  
Agriculture Concerns**

This item was moved in-camera for Legal Advice.

**Sewer Service Boundary  
Extension, North River**

Michelle Boudreau, Director of Public Works, advised that this item is to seek guidance on the extension of the sewer service boundary in North River. Staff were recently approached by a developer regarding a proposed new residential development in North River. There is no formal subdivision application as yet, however, the proposed location is beyond the Dickson Drive subdivision, and is outside the sewer serviced boundary. A high level review indicates that approximately 20 lots could be accommodated. The Developer has modified his original request down from 200 lots on 60 acres to 12 lots on 10 acres. The Director of Public Works provided options for consideration. However, it was noted that additional capacity review work will require \$5,000 for a flow meter rental as well as staff time. It was also noted that Community Development staff recommend that development be focused with the existing sewer service boundaries at this time.

Discussion was held on timing for a capacity study and timelines for carrying out necessary work; development costs being the responsibility of the developer; waiting for the completion of the sewer capacity review to determine what investments are needed before proceeding with this development; and, if this development would affect other potential future developments.

Moved by Councillor Johnson, seconded by Councillor Patton

“That Council approves the requested 10-acre extension of the sewer service boundary in North River.” Motion carried (*Deputy Mayor Stewart, and Councillors Boutilier, Cooper, and Lomond opposed*).

**RCMP Press Release Regarding  
the Mass Casualty Commission  
Recommendations**

Referring to a RCMP Press Release from earlier today regarding 10 recommendations from the Mass Casualty Commission Report being addressed and other recommendations being worked on, Councillor Cooper indicated that he would like more information on these 10 recommendations which have been addressed.

Brief discussion was held on having new S/Sgt. Marc Rose in to do a report to Council. There was general consensus in having the new S/Sgt. in appear before Council, however, concern was raised about not being able to provide full details on the Mass Casualty Commission Report.

Moved by Councillor Cooper, seconded by Councillor Lomond

“That a letter be send to the Commanding Officer, H-Division, requesting full details and explanation on what has been done to address the ten recommendations in the Mass Casualty Commission Report.” Carried unanimously.

Correspondence – ACTION

**Robert Parker, Warden,  
Municipality of Pictou County**

Letter to Mayors/Wardens dated March 11, 2024, regarding the Province opting out of the Coastal Protection Act.

Moved by Councillor Lomond, seconded by Councillor Sandeson

“That staff be directed to work with our neighbouring colleagues and NSFM to provide a response to the Province on the matter regarding the Coastal Protection Act.” Carried unanimously.

**Pam Macintosh, Manager of  
Planning Services**

Memo dated March 21, 2024, concerning a development agreement application by ZZAP Consulting Inc. for lands in Bible Hill, PID 20067658.

*Councillors Boutilier and Patton recused themselves from discussion on this matter.*

Referring to the sewer capacity issue discussed earlier in the meeting, clarification was sought on if the Bible Hill project would be affected. The Director of Public Works advised that the study for sewer capacity for Bible Hill is just being completed and does not believe the North River capacity issue will affect this Bible Hill project, however, it was noted that upgrades would be required.

Moved by Deputy Mayor Stewart, seconded by Councillor Johnson

“That the development agreement application by ZZAP Consulting Inc. for lands in Bible Hill, PID 20067658 be referred to the Planning Advisory Committee.” Carried unanimously.

Correspondence -  
INFORMATION

**Development Officer**

A copy of the Development Activity Report received from the Development Officer for February 2024.

**Building Inspector**

A copy of Building Permit Statistics received from the Building Inspector for February 2024.

Moved by Councillor Cooper, seconded by Councillor Johnson

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

**Mitchell Bell, Clerk & Treasurer,  
Village of Bible Hill**

Letter to the CAO from Mitchell Bell, Clerk & Treasurer, Village of Bible Hill, concerning tax collection charges.

Moved by Councillor Cooper and seconded by Deputy Mayor Stewart

“That the letter to the CAO from Mitchell Bell, Clerk & Treasurer, Village of Bible Hill, concerning tax collection charges be received.” Carried unanimously.

**INFORMATION ITEMS****Water Utilities - Rate Studies**

This item informed Council that upon filing of the Water Utility budgets with the Nova Scotia Utility and Review Board (NSUARB), the Municipality was advised water rate studies are required for both the Debert and Tatamagouche Water Utilities. Gerry Isenor Consulting Ltd. has provided rate studies for both Water Utilities in the past. Staff have contacted Mr. Isenor and secured pricing for the studies, which are estimated to be \$11,200 per Utility. This includes the rate study and filing/appearing before the NSUARB on the Municipality's behalf.

**Strategic Tourism Expansion Plan – Community Launch**

This item provided Council with an update on the schedule and detail on the Sustainable Tourism Expansion Plan (STEP) and Community Launch Sessions. All are welcome to attend the sessions and notification will be sent to stakeholders, as well as advertised on the Municipality's social media and website.

**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 Gregory, seconded by Councillor Parker

"That the meeting go into closed session at 8:27 pm." Carried unanimously.

Moved by Councillor Gregory, seconded by Councillor Patton

"That the meeting reconvene in open session at 9:29 pm." Carried unanimously.

**Property Matter – 6 Ventura Drive**

Moved by Councillor Cooper , seconded by Deputy Mayor Stewart

"That Council does not allow the release of the restrictive covenants at 6 Ventura Drive." Carried unanimously.

**ADJOURNMENT**

Moved by Councillor Lomond , seconded by Councillor Gregory

"That the meeting adjourn at 9:31 pm." Carried unanimously.

Tracey Veno  
Recording Secretary