

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, September 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

Mayor Christine Blair, Chair	
Councillor Eric Boutilier	District 1
Councillor Laurie Sandeson	District 2
Deputy Mayor Geoff Stewart	District 3 (<i>arrived late</i>)
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 (<i>arrived late</i>)
Councillor Victoria Lomond	District 10 (<i>virtual</i>)
Councillor Wade Parker	District 11

Staff Present

Dan Troke, Chief Administrative Officer
 Michelle Boudreau, Director of Public Works
 Scott Fraser, Director of Corporate Services
 Dennis James, Municipal Solicitor
 Paul Smith, Director of Community Development
 Tracey Venno, Recording Secretary
 Devin Trefry, Research Policy, and Community Engagement Officer
 Jenn Mantin, Economic Development Officer
 Jeanette Himmelman, Systems Analyst
 Craig Burgess, Recreation Manager
 Rob Matheson, Manager of Reduction and Recovery Operations
 Pam Macintosh, Manager of Planning Services
 Jill McGillicuddy, Senior Planner

Public Hearing – Amendments to the Colchester Subdivision By-law

Mayor Blair called the Public Hearing to order respecting an application for amendments to the Colchester Subdivision By-law brought forward by staff. Amendments include approval of a lot not meeting frontage requirements for the purpose of a telecommunication tower; addition of flag lots; amendments to the provisions of private roads; and housekeeping text amendments. The text for the application and a related staff report have been circulated to Council members and made available to the public.

The CAO advised that the guidelines of the Municipal Government Act (MGA) regarding the public hearing process have been followed.

Council members were reminded that only those present throughout the Public Hearing can vote on the proposed By-law amendments when eventually considered by Council. This Public Hearing is to hear the application and concerns of area residents. Individual Councillors will have opportunity to debate the merits of the proposed By-law amendments 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.

Ms. McGillicuddy, Senior Planner, introduced the proposed amendments noting that the Canadian Radio-television and Telecommunications Commission (CRTC) regulations have changed, resulting in a requirement for a telecommunication company to acquire land prior to the placement of a telecommunication tower. Currently a lot cannot be created without frontage on a private or public road. A summary of the proposed amendments was provided as outlined in the Senior Planners memo dated August 13, 2024, as well as a memo of the Manager of Planning Services dated August 22, 2024.

Discussion was held on the need for adequate stormwater management as well as requirements for building private roads to standards specifications.

Councillor Sandeson, Chair of the Planning Advisory Committee (PAC), provided a summary of the report for the PAC meeting held on August 13, 2024.

The CAO advised that no written submissions have been received regarding the proposed Subdivision By-law amendments.

There were no members of the public in attendance to speak on the proposed amendments. With no further questions or discussion on this matter, the following motion was put forward:

Moved by Councillor Sandeson, seconded by Councillor Patton

“That Council approves the amendments to the Colchester Subdivision By-law as outlined in the memo dated August 13, 2024, and subsequent memo dated August 22, 2024.” Carried unanimously.

Mayor Blair advised that Council’s decision on the Colchester Subdivision By-law amendments will require a 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 amendments and notice has been advertised, the amendments will be in effect.

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

Approval of Agenda

At this point, Deputy Mayor Stewart joined the meeting.

Moved by Councillor Cooper, seconded by Councillor Gregory

“That the agenda be approved as presented.” Carried unanimously.

Approval of Minutes

Moved by Councillor Cooper, seconded by Councillor Patton

“That the minutes of the meeting held on August 29, 2024, be approved with the following amendments:

- Spelling correction of Dr. Andria Macaulay under Scotia Pool Presentation; and

- Councillor Sandeson recusal on the discussion regarding the sponsorship request for the Steps on Arthur 20th Annual Rotary House Challenge Golf Tournament under Correspondence Action.” 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 September 12, 2024.*

Appeals Committee Terms of Reference

Moved by Deputy Mayor Stewart, seconded by Councillor Boutilier

“That Council approves the Appeals Committee Terms of Reference and its effect being contingent on Council’s passage of Second Reading for the Appeals Committee By-law.” Carried Unanimously.

Community Events Grant Request – Atlantic Dairy Championship Show

Moved by Deputy Mayor Stewart, seconded by Councillor Patton

“That Council approves funding in the amount of \$5,000 for the 2024 Atlantic Dairy Championship Show.” Carried unanimously.

Tatamagouche Water Utility – Three-Year Operating Budget

Moved by Deputy Mayor Stewart, seconded by Councillor Gregory

“That Council approves the three-year Tatamagouche Water Utility operating budget (2024/25, 2025/26 and 2026/27) as presented.” Carried unanimously.

Debert Water Utility – Three-Year Operating Budget

Moved by Deputy Mayor Stewart, seconded by Councillor Sandeson

“That Council approves the three-year Debert Water Utility operating budget (2024/25, 2025/26 and 2026/27) as presented.” Carried unanimously.

Tax Exemption Request – Portapique Mass Casualty Memorial Society

Moved by Deputy Mayor Stewart, seconded by Councillor Boutilier

“That Council approves the request for a tax exemption from the Portapique Mass Casualty Memorial Society for property AAN #'s 06251951, effective 2024-25.” Carried unanimously.

J Class Road Paving Program

Moved by Deputy Mayor Stewart, seconded by Councillor Johnson

“That Colchester participate in funding J-Class roads with the Province under the 50% funding program for fiscal 2025-26.” Carried unanimously.

Tatamagouche Water Utility Advisory Committee – Minutes of meetings held on August 23, 2023, and August 27, 2024

Moved by Councillor Gregory, seconded by Councillor Cooper

“That the minutes of the Tatamagouche Water Utility Advisory Committee meetings held on August 23, 2023, and August 27, 2024, be received.”
Carried unanimously.

ACTION ITEMS

Second Reading – Adoption of Appeals Committee By-law and Amendments to Various other By-laws with Appeal Committee Provisions

The Director of Community Development provided a summary of the new Appeals Committee By-law as well as amendments to the Adult Entertainment Establishment, Commercial Dog Care and Kennel Facility, Construction and Demolition Disposal, Livestock Control, Sewer Use, Taxi, Dangerous or Unsightly Premises and Wind Turbine Development By-laws, all which contain Appeal Committee provisions. The intent with the proposed new by-law was to establish one committee to hear all appeals, thus requiring amendments to the various by-laws having appeal provisions contained within. First Reading was approved at the August Council session and staff is recommending Council approve Second Reading, as presented. It was noted that the proposed new and amended by-laws were vetted through both legal counsel and the CAO.

Moved by Councillor Boutilier, seconded by Councillor MacKenzie

“That Council approves, by way of Second Reading, the following By-laws as presented:

- 1) Adoption of Chapter 17 Appeals Committee By-law; and,
- 2) Amendments to the following:

Chapter 55 Adult Entertainment By-law;
Chapter 36 Commercial Dog Care and Kennel Facility By-law;
Chapter 57 Construction and Demolition Disposal By-law;
Chapter 21 Dangerous or Unsightly Premises By-law;
Chapter 14 Livestock Control By-law;
Chapter 29 Sewer Use By-law;
Chapter 20 Taxi By-law; and,
Chapter 56 Wind Turbine Development By-law.” Carried unanimously.

Stewiacke River Park Bridge Replacement

The Recreation Manager indicated this item is to award the tender for the replacement of the walking bridge in the Stewiacke Park. Three submissions were received in response to the tender with Eagle Beach being the lowest bid. Their submission was deemed to be complete and staff recommend that the tender be awarded to Eagle Beach.

Moved by Councillor Cooper, seconded by Councillor Gregory

“That Council approves the award of tender to Eagle Beach in the amount of \$259,672.14, inclusive of HST, as well as a transfer of fund of \$82,236.82 from the Trail Reserve for the Stewiacke River Park Bridge replacement.”
Carried unanimously.

J Class Roads – Petition Process

Referring to discussion at the September 12th Committee meeting on submitting a list of roads for participation in the Provincial J Class paving program for the 2025/26 construction season, the Director of Public Works advised this item is to seek direction on the issuance of petitions for the paving of Provincial J Class Roads.

Historically, under the Local Improvement By-law, Colchester's funding for roads paved under the Provincial J Class Road Agreement, comes from fronting properties based on a successful petition process. The By-law is somewhat ambiguous in its application to J Class Road paving, specifically around it being defined as applying to the Central Colchester Service Delivery Area (CCSDA). The By-law also allows for area rates to be applied without petition for paving of roads in the CCSDA. Colchester's practice is the petition process.

Due to the deadline to submit a list of roads to the Province, there would not be sufficient time to proceed to the petition process. As such, Council would need to waive the petition process for 2025/26 to submit roads to the Province.

Brief discussion was held on the ability to change decisions on commitment of funds. It was confirmed that funding would need to be determined during budget deliberations for the upcoming fiscal year.

Moved by Councillor Patton, seconded by Councillor Gregory

"That Council waives the petition process for J Class Road Paving candidates for the 2025/26 construction season." Motion carried *(Councillor Cooper opposed)*.

J Class Roads – List of Roads

The Director of Public Works indicated this item deals with submitting roads for consideration under the 2025/26 Provincial J Class Road Paving Program. Staff evaluated 20 provincially owned roads, based on recent complaints received, and assigned condition and priority ratings of the top 10 and prepared rough cost estimates. The top 10 roads and rankings were included in the Action Item for consideration.

Detailed discussion was held with concerns on the ranked list as presented. Key points noted were the condition of Miller Road and how it outranked Hillvale Drive on the list; Hillvale/MacCallum/Hillridge being on the table for the last 10 years; the recent washout of Hillvale being national news; paving of MacCallum being necessary as it is an access road for Hillvale; number of emails and complaints from residents of these road; and communications with the local MLA confirming if Hillvale made the list submitted to the Province, it would get paved. Discussion also took place on the conditions of Thrush Lane, Ice Pond Drive, Burris Drive and Vernon Street; the many complaints received; roads being a strategic priority of Council; comparison stats in relation to number of residents and feeder streets; budget implications; and the importance of setting funds aside during budget deliberations for the paving of roads.

Moved by Councillor MacKenzie, seconded by Councillor Johnson

“That Council approves bringing forward the following J Class Roads for consideration for the fiscal 2025/26 construction season:

MacCallum Drive, Hillvale Drive, Burris Drive, Vernon Street and Ice Pond Drive.” Carried unanimously.

Street Light Petition, Brown Road

At this point, Councillor Benoit joined the meeting.

The Director of Public Works advised that this item seeks Council approval of the petition process for the Brown Road street light petition. The request for streetlighting was received at their August Council meeting and was referred to staff. Council must now approve the issuance of a petition. The Local Improvement By-law requires a public meeting as part of the petition process, however in recent years Council has waived the public meeting component and opted to do the petitions via mail. Staff recommend that the open house requirements be waived and staff proceed with a mail-based petition and if successful, that an area rate be established for the cost of the streetlights.

Moved by Councillor Lomond, seconded by Councillor Benoit

“That Council directs staff to issue a petition for streetlights on Brown Road in Upper Economy; and,

That Council waive the open house requirement of the Local Improvement By-law and proceed with a mail-based petition; and,

That if successful, the residents be billed for streetlights via an area rate based on assessment.” Carried unanimously.

Council Proceedings and Committees Policy

The Research, Policy, and Community Engagement Officer indicated that minor amendments are required to the Council Proceedings and Committees Policy to align with the adoption of the Appeals Committee By-law and various other By-laws containing appeal provisions. Additional changes are proposed to expand on the mandate of the Executive Committee as outlined at section 30 (f) and (g).

Moved by Councillor Sandeson, seconded by Councillor Patton

“That Council approves the amendments to the Council Proceedings and Committee Policy as presented.” Carried unanimously.

Correspondence – ACTION

NONE

Correspondence - INFORMATION

Development Officer

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

Building Inspector

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

Moved by Councillor Gregory, seconded by Councillor Cooper

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

INFORMATION ITEMS

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 Benoit, seconded by Councillor Sandeson

“That the meeting go into closed session at 7:49 pm.” Carried unanimously.

Moved by Councillor Gregory, seconded by Councillor Patton

“That the meeting reconvene in open session at 8:20 pm.” Carried unanimously.

Property Matter

Moved by Councillor Sandeson, seconded by Councillor Benoit

“That Council approve the extension of the Letter of Intent for the purchase of lots 219, 20, and 21 on Lancaster Crescent, as outlined in closed session.” Carried unanimously.

ADJOURNMENT

Councillor Gregory motioned that the meeting adjourn at 8:23 pm.

Tracey Veno
Recording Secretary