

Cape Breton Regional Municipality

Council Minutes

January 21, 2025

2:06 p.m. at City Hall Council Chambers

Council

Mayor Cecil P. Clarke

Councillor Gordon MacDonald

Councillor Earlene MacMullin

Councillor Esmond "Blue" Marshall

Councillor Steve Gillespie

Councillor Glenn Paruch

Councillor Steven MacNeil

Councillor Dave MacKeigan

Councillor Paul Nickituk

Councillor Kim Sheppard-Campbell

Staff

Demetri Kachafanas, KC, Interim Chief Administrative Officer

Christa Dicks, Municipal Clerk

Robert Sampson, KC, Regional Solicitor

Jennifer Campbell, Chief Financial Officer

Tyson Simms, Director of Planning and Development

Raymond Boudreau, Director of Water and Wastewater

Sean Tobin, Chief of Staff

Sheila Kolanko, Property Manager

Christina Lamey, Information and Communications Advisor

Jenna MacQueen, Communications Advisor

Spencer Merrill, Information Technology Technician

Kelly McDonald, Administrative Assistant

YueCong Cao, Administrative Assistant

Sharon MacSween, Recording Secretary

Absent

Deputy Mayor Eldon MacDonald (regrets)

Councillor Darren O'Quinn (regrets)

The following does not represent a word for word record of the proceedings of this meeting. The agenda, reports, supporting documents, information items circulated, and video (if available) are online at www.cbrm.ns.ca.

Mayor Cecil P. Clarke called the meeting to order.

Land Acknowledgement

Roll Call

Regrets for the meeting were received from Deputy Mayor Eldon MacDonald and Councillor O'Quinn.

O' Canada

1. Approval of Agenda

Motion

Moved by Councillor Paruch, seconded by Councillor MacNeil, to approve January 21, 2025, council agenda as presented.

Motion Carried

2. Approval of Minutes

Motion

Moved by Councillor MacMullin, seconded by Councillor Marshall, to approve the CBRM minutes from:

- Council Minutes – December 10, 2024

Motion Carried

3. PUBLIC HEARING

**3.1 PLANNING ISSUE - Case 1096: Development Agreement
for 166 Lingan Road, Whitney Pier**

The public hearing proceeded at 6 p.m. as scheduled.

4. Proclamations & Resolutions

4.1 Bell Let's Talk

Motion

Moved by Councillor MacMullin, seconded by Councillor Gillespie, that CBRM Mayor Cecil P. Clarke and Council proclaim Wednesday, January 22, 2025, as Bell Let's Talk Day in the Cape Breton Regional Municipality and encourage all residents to show their support for all those who live with mental illness and those taking action to help them.

Motion Carried

4.2 African Heritage Month

Motion

Moved by Councillor Sheppard-Campbell, seconded by Councillor Paruch, that Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality, proclaim the month of February 2025 as African Heritage Month, and encourage all residents, businesses, and community groups to participate the activities and celebrations and to take the opportunity to reflect on the story of Nova Scotia's vibrant African Nova Scotian Community.

Motion Carried

4.3 Alzheimer's Awareness Month

Motion

Moved by Councillor Sheppard-Campbell, seconded by Councillor MacKeigan, that CBRM Mayor Cecil P. Clarke and Council proclaim the month of January 2025, as Alzheimer's Awareness Month in the Cape Breton Regional Municipality.

Motion Carried

5. Business Arising – Committee of the Whole – January 15, 2025

5.1 Appointment of Development Officer

Tyson Simms, Director of Planning and Development reviewed the staff report and recommendation included in the agenda.

Motion

Moved by Councillor Parsons, seconded by Councillor Paruch, to appoint Jarrett Gosbee as a Development Officer, pursuant to Subsection 243(1) of the Municipal Government Act, and that this appointment be effective for the duration of their current conditions of employment with the CBRM.

Motion Carried

5.2 Request for Municipal Property – Portion of PID 15140601 Laurier Street, Sydney – District 12

Sheila Kolanko, Property Manager, reviewed the report and recommendations included in the agenda package.

Motion

Moved by Councillor Sheppard-Campbell, seconded by Councillor Parsons, to convey the subject property to the applicant pursuant to the Municipal Government Act.

Motion Carried

5.3 Request for Municipal Property – Portion of PID 151232366, Portion of PID 15656523, PID 15656515 Main Street, Reserve Mines – District 8

Sheila Kolanko, Property Manager, reviewed the report and recommendations included in the agenda package noting that written confirmation from the province was received indicating that that the old school will be demolished before the property is turned over to CBRM.

Motion

Moved by Councillor MacKeigan, seconded by Councillor MacNeil, to declare the subject property surplus to the needs of the municipality and sell at market value to the applicant for the location for a new P-6 school.

Motion Carried

5.4 Request for Municipal Property – Portion of PID

15489354, 401 Ling Street, New Waterford – District 11

Sheila Kolanko, Property Manager, reviewed the memo and recommendations included in the agenda package.

Motion

Moved by Councillor Sheppard-Campbell, seconded by Councillor Nickituk, to convey the subject property to the applicant for \$1.00 pursuant to the Municipal Government Act.

Motion Carried

5.5 Expense Related Policies

Demetri Kachafanas, KC, Interim Chief Administrative Officer, reviewed the recommendations including the amendment proposed during the Committee of the Whole meeting on January 14 that were included in the agenda package.

District 7 Councillor noted referencing the Travel Expense Policy for Elected Officials, that there has never been an allocation of the budget for a Councillor. The Interim Chief Administrative Officer advised that the section is in a policy that will be repealed.

Motion

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, the repeal of the following policies to be replaced with the Employment Expense Reimbursement Policy:

- Travel expense policy for Elected Officials legislatively required for review under Section Municipal Government Act, Section 23(4) and in alignment with DMAH's Financial Reporting and Accounting Manual Section 3(3)(b)(ii);
- Travel expense policy for Staff legislatively required for review under Municipal Government Act, Section 23(4) and in alignment with DMAH's Financial Reporting and Accounting Manual Section 3(3)(b)(ii);
- CBRM Hospitality Policy legislatively required for review under the Municipal Government Act, Section 23(5) and in alignment with DMAH's Financial Reporting and Accounting Manual Section 3(5)(c)(ii); and
- Get Well and Bereavement Policy; and
- To approve the CBRM Corporate Credit Card Policy as a supplementary expense related policy outlining specific requirements of corporate purchase cards noting there was a change made in the bullet referencing gift cards.

Motion Carried**5.6 Mandatory Policy Reviews**

Jennifer Campbell, Chief Financial Officer, reviewed the memo and recommendation included in the agenda package.

Motion

Moved by Councillor Paruch, seconded by Councillor Parsons, to re-adopt the Audit Committee Policy as presented.

Motion Carried**5.7 Project to Drill a Replacement Well for the Sydney Water Supply**

Ray Boudreau, Director of Water and Wastewater, reviewed the report and recommendations included in the agenda package.

During discussion, Director Boudreau indicated that Middle Lake Wellfield is located off of the Louisbourg Highway; that staff are not expecting any impact for homes within the geographical area; and the remaining 10 wells within the wellfield have more than enough capacity to meet the demand.

Motion

Moved by Councillor Paruch, seconded by Councillor Sheppard-Campbell, to:

- Approve of the project to drill and commission a new well for the Sydney water supply.
- Authorize the allocation of **\$265,561** from the Water Utility Operating Fund to proceed with the project.
- Direct staff to submit an "Application for Capital Acquisition" to the Utility and Review Board for approval of the project.

Motion Carried**ADDENDUM****5.a) Business Arising: Audit Committee – January 20, 2025****5.a)1. Annual Financial Report - Year Ended March 31, 2024****Motion**

Moved by Councillor MacMullin, seconded by Councillor Gordon MacDonald, to approve and release the:

- CBRM Consolidated Financial Statements for the Year Ended March 31, 2024
- CBRM Water Utility Financial Statements for the Year Ended March 31, 2024
- Audit Findings Report for the Year Ended March 31, 2024

Motion Carried

6. Financial Statements

6.1 CBRM Financial Statements to November 30, 2024

For information only.

7. Committee Reports – N/A

Council Recess

8. In camera

8.1 Legal Advice

Council recessed to move to an in camera session in accordance with Section 22(2)(g) of the *Municipal Government Act*.

Council Reconvened

9. Legal Advice

Robert Sampson, KC, Solicitor, provided a report on a situation dating back to early December 2024 that arose from expense reports from the use of a CBRM corporate credit card.

The full report prepared by Solicitor Sampson and Accountant John MacNeil, will be sent to the Deputy Minister for their review or further direction from the office of the Deputy Minister.

Motion

Moved by Councillor Paruch, seconded by Councillor Parsons, to include the summary spreadsheet in the press release.

Discussion:

Councillor Paruch requested that it be matter of the public record that this council was not aware of what took place and that the councillors that served on the last term, were also unaware.

Motion carried

Council Recess

Council Reconvened

3. PUBLIC HEARING

3.1 PLANNING ISSUE - Case 1096: Development Agreement for 166 Lingan Road, Whitney Pier

Peter Vandermulen, Planner, reviewed the staff report and background information provided in the Council agenda.

One written submission from the public after the submission deadline and was circulated to Council.

The Mayor provided an opportunity for Council to asked clarifying questions. Staff responded to questions regarding on parking along the street and within the defined lot area, property screening and storage, method of notice provided to adjacent property owners, hours of operation for the business, and noise restrictions.

The Mayor asked if the applicant was present to provide an opportunity to address Council.

Mrs. Applicant to Vivienne Camillie, owner of 166 Lingan Road, addressed Council. She stated that an energy efficiency company and Kevin Polegatto will be renting the property.

An opportunity was then provided to Council to ask the applicant clarifying questions.

The applicant indicated that a 10-year lease was prepared for the property.

Public Hearing

The Mayor then opened the floor for Public Hearing.

Michael Snow, resident, asked questions and received information pertaining to parking, development permits and storage.

Motion

Moved by Councillor Parsons, seconded by Councillor MacNeil, to close the public hearing.

Motion carried

Council was provided an opportunity for any additional clarifying questions. Staff then provided clarification regarding parcel boundaries and reference points; parking; temporary loading and unloading areas; and that hours for business operations on Saturday is 8 a.m. to 1 p.m.

After discussion, the following motion was put forward:

Motion

Moved by Councillor Sheppard-Campbell, seconded by Councillor Parsons, approval of the four recommendations provided by staff:


1. Approve, by resolution, Discharge of the existing development agreements, as set out in Attachments A and B of this report;
2. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment C;
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later, otherwise, this approval will be void and obligations arising hereunder shall be at an end; and
4. Approve the proposed amendments to the CBRM Land Use By-law, which shall be substantially of the same form as set out in Attachment D.

Motion carried

Meeting adjourned at 6:45 p.m.



Cecil P. Clarke
Mayor



Christa Dicks
Municipal Clerk
/slm