

**CAPE BRETON REGIONAL MUNICIPALITY**  
*Council Meeting – Minutes*

**Tuesday,  
August 22, 2023  
6:00 p.m.  
Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS**

**Mayor Amanda M. McDougall-Merrill called the meeting to order.**

**Council:** Mayor Amanda M. McDougall-Merrill  
Councillor Gordon MacDonald  
Councillor Earlene MacMullin  
Councillor Steve Gillespie  
Councillor Eldon MacDonald  
Councillor Glenn Paruch  
Councillor Steve Parsons  
Deputy Mayor James Edwards  
Councillor Ken Tracey  
Councillor Darren O’Quinn  
Councillor Lorne Green

**Staff:** Marie Walsh, Chief Administrative Officer  
Jennifer Campbell, Chief Financial Officer  
Demetri Kachafanas, KC, Acting Municipal Clerk/Regional Solicitor  
Wayne MacDonald, Director of Engineering & Public Works  
Michael Ruus, Director of Planning & Development  
Kirk Durning, Director of Recreation, Parks & Grounds, and Buildings & Facilities  
Paul MacDonald, Manager of Facilities  
Craig MacNeil, Deputy Fire Chief  
Sheila Kolanko, Property Manager  
Anthony Mazzocca, Watershed Coordinator  
Joe Costello, Recreation Program Coordinator  
Sharon MacSween, Senior Administrative Assistant  
Kelly McDonald, Recording Secretary

**Absent:** Councillor Cyril MacDonald (Regrets)  
Councillor Darren Bruckschwaiger (Regrets)

## Summary of Decisions

### Land Acknowledgement

### Roll Call

### O' Canada

#### 1. APPROVAL OF AGENDA:

**Motion** to approve the August 22, 2023, Council Agenda as amended. **Carried.**

#### 2. PROCLAMATIONS:

##### 2.1 International Overdose Awareness Day:

**Motion** to proclaim August 31<sup>st</sup>, 2023 as International Overdose Awareness Day in the CBRM and amplify the strength and experiences of those who have been affected by overdose. #weseeyou. **Carried.**

##### 2.2 Arthritis Month:

**Motion** to proclaim the month of September 2023 as “*Arthritis Month*” and encourage all residents of the CBRM to support the efforts of the Arthritis Society helping to reach Nova Scotians with their message and to support those living with the disease. **Carried.**

##### 2.3 Prostate Cancer Awareness Month:

**Motion** to proclaim September 2023 as “Prostate Cancer Awareness Month” and show support by joining landmarks across Canada by lighting up City Hall Blue during Prostate Cancer Awareness Month. **Carried.**

##### 2.4 St. Mary's Polish Parish Day:

**Motion** to proclaim Sunday, September 10<sup>th</sup>, 2023, as “St. Mary's Polish Parish Day” in the Cape Breton Regional Municipality, and that all residents be invited to join in celebrating the 110<sup>th</sup> anniversary of the only Polish parish in Atlantic Canada and in acknowledging the parish's continuing contributions to our community. **Carried.**

##### 2.5 The 76<sup>th</sup> Anniversary of India's Independence Day:

**Motion** to proclaim Tuesday, August 15<sup>th</sup>, 2023, as India's Independence Day in the Cape Breton Regional Municipality. It is our honour to extend best wishes to all the Indians celebrating the 76th anniversary of India's Independence. **Carried.**

Continued...

**Summary of Decisions (Cont'd):**

**3. BY-LAWS & MOTIONS:**

**3.1 By-laws:**

**a) Second / Final Reading – Public Hearing:**

**i) Marketing Levy By-law:**

**Motion** for Council to approve for second / final reading, the M-200 Marketing Levy By-law and the repeal of the Cape Breton Regional Municipality Marketing Levy By-law pursuant to the *Cape Breton Island Marketing Levy Act*. **Carried.**

**b) First Reading: N/A**

**4. PRESENTATION:**

**4.1 Wetlands as Valuable Assets in the CBRM:**

**Motion** that Council declare August 14-19 “Wetlands Appreciation Week” in the CBRM to participate in the drafting of a municipal wetlands policy. **Carried.**

**Motion** to direct CBRM staff to engage with stakeholders, locally and provincially, to begin the process of the development of a municipal wetlands policy that would include research and consultation. **Carried.**

**5. REPORT:**

**5.1 Municipal Artist Initiative:**

**Motion** for Council to approve \$25,000 to fund the Municipal Artist Initiative for the remainder of this year and increase funding to \$50,000 for the next fiscal year. **Carried.**

**6. CORPORATE SERVICES ISSUES:**

**6.1 Request for Street Closure (Portion of PID 15751126) Portion of Undeveloped Section of Williams Avenue, New Waterford (District 11):**

**Motion** to direct the Legal Department to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for only that portion of the undeveloped section of Williams Avenue (portion of PID 15751126) as outlined and crosshatched on the attached site plan (Attachment “C”) with the intention of deeming it surplus and sold at market value to the applicant. **Carried.**

Continued...

**Summary of Decisions (Cont'd)**

**CORPORATE SERVICES ISSUES (Cont'd):**

**6.2 Request from The Bras d'Or Lake Biosphere Region Association:**

Additional information was requested and at the next Council meeting a decision regarding an appointment will be made.

**6.3 Library Lease Renewals – Dominion Library:**

**Motion** to approve the staff recommendation to renew the Dominion Library lease for a further 5 years, and that the Mayor and Clerk be authorized to execute the Lease Agreement for the Dominion Library. **Carried.**

*Item 6.4 was removed from the agenda.*

**7. PUBLIC SERVICE ISSUE:**

**7.1 Capital Projects Update: Active Transportation, C200 and Transit Bus Shelters:**

**Motion** to approve the funding of \$412,000, \$750,000, and \$150,000 respectively out of the Sustainable Services Growth Fund (SSGF) for Active Transportation, C200, and Transit Bus Shelters projects as presented in the staff Issue Paper dated August 16, 2023. **Carried.**

**8. COUNCILLOR AGENDA REQUEST:**

**8.1 Review of the CBRM Burning Bylaw:**

**Motion** that proposed amendments to the CBRM Burning Bylaw that will provide fairness to all property owners/residents across the CBRM, allowing open air burning on their property by regulation and/or permit, which will encourage safe open air burning enjoyment on their property. **Carried.**

**8.2 Street Racing and Vehicle Noise:**

**Motion** that the issue of street racing and excessive vehicle noise be added to the Police Commission meeting agenda dated for September 11, 2023. This motion includes the request for response to Council outlining what actions can/will be taken to address the issue going forward. **Carried.**

Continued...

**Summary of Decisions (Cont'd)**

**9. COMMITTEE REPORTS:**

N/A

**10. FINANCIAL STATEMENTS:**

**10.1 CBRM:**

**For Information Only.**

**10.2 Port of Sydney Development Corporation:**

**For Information Only.**

**11. Review of Action Items from this Meeting:**

Mayor Amanda M. McDougall-Merrill reviewed her list of action items from the meeting.

**ADJOURNMENT**

## **Land Acknowledgement**

### **Roll Call**

### **O' Canada**

#### **1. APPROVAL OF AGENDA:**

Mayor noted that item number 6.4 regarding properties at Beechmont will be removed from the agenda and item 6.3 will only be addressing the Dominion Library Lease. Florence Library issue will be addressed at a future Council meeting as the Library Board is working on lease terms.

#### **Motion:**

Moved by Councillor Cyril MacDonald, seconded by Councillor Parsons, to approve the August 22, 2023, Council Agenda as amended.

**Motion Carried.**

#### **2. PROCLAMATIONS:**

##### **2.1 International Overdose Awareness Day:**

#### **Motion:**

Moved by Councillor Gordon MacDonald, seconded by Councillor MacMullin, that the CBRM Mayor Amanda M. McDougall-Merrill and CBRM Council proclaim August 31st, 2023 as International Overdose Awareness Day in the CBRM and amplify the strength and experiences of those who have been affected by overdose. #weseeyou.

**Motion Carried.**

##### **2.2 Arthritis Month:**

#### **Motion:**

Moved by Councillor MacMullin, seconded by Councillor Green, that CBRM Mayor Amanda M. McDougall and Council proclaim the month of September 2023 as "*Arthritis Month*" and encourage all residents of the CBRM to support the efforts of the Arthritis Society helping to reach Nova Scotians with their message and to support those living with the disease.

**Motion Carried.**

Continued...

**PROCLAMATIONS (Cont'd):**

**2.3 Prostate Cancer Awareness Month:**

**Motion:**

Moved by Councillor O'Quinn, seconded by Councillor Tracey, that Mayor Amanda M. McDougall-Merrill and Council proclaim September 2023 as "Prostate Cancer Awareness Month" and show support by joining landmarks across Canada by lighting up City Hall Blue during Prostate Cancer Awareness Month.

**Motion Carried.**

**2.4 St. Mary's Polish Parish Day:**

**Motion:**

Moved by Councillor Green, seconded by Councillor Paruch, that the Mayor Amanda M. McDougall-Merrill and Council proclaim Sunday, September 10<sup>th</sup>, 2023, as "St. Mary's Polish Parish Day" in the Cape Breton Regional Municipality, and that all residents be invited to join in celebrating the 110<sup>th</sup> anniversary of the only Polish parish in Atlantic Canada and in acknowledging the parish's continuing contributions to our community.

**Motion Carried.**

**2.5 The 76<sup>th</sup> Anniversary of India's Independence Day:**

Mayor informed the 76<sup>th</sup> Anniversary of India's Independence Day proclamation is for ratification as there was a celebration held at City Hall on August 15<sup>th</sup>, 2023.

**Motion:**

Moved by Deputy Mayor Edwards, seconded by Councillor Parsons, that Mayor Amanda M. McDougall-Merrill and Council of the Cape Breton Regional Municipality proclaim Tuesday, August 15<sup>th</sup>, 2023, as India's Independence Day in Cape Breton Regional Municipality. It is our honour to extend best wishes to all the Indians celebrating the 76th anniversary of India's Independence.

**Motion Carried**

Mayor reminded the public that proclamations and resolutions are always available to the community to contribute to special celebrations and pieces of important information.

Continued...

**3. BY-LAWS & MOTIONS:**

**3.1 By-laws:**

**a) Second / Final Reading – Public Hearing:**

**i) Marketing Levy By-law:**

**Motion:**

Moved by Councillor Green, seconded by Councillor O’Quinn, to approve for second / final reading, the M-200 Marketing Levy By-law and the repeal of the Cape Breton Regional Municipality Marketing Levy By-law pursuant to the *Cape Breton Island Marketing Levy Act*.

**Discussion:**

In response to a question, the Chief Financial Officer advised the Marketing Levy rate is presently at 2%.

**Motion Carried.**

**b) First Reading: N/A**

**4. PRESENTATION:**

**4.1 Wetlands as Valuable Assets in the CBRM:**

Dr. Kathleen Aikens, Chair of the Wetlands Committee and Director of ACAP Cape Breton, provided a presentation titled “Wetlands as Valuable Assets in the CBRM”. Her presentation highlighted topics such as Wetlands Appreciation Week in Nova Scotia, what is a wetland, risks of failing to protect wetlands, wetlands services, wetland loss, current wetland protection, wetland compensation, Washbrook Wetland Project, and Wetlands committee representatives.

After the presentation, the following motions were put forward:

**Motion:**

Moved by Councillor Paruch, seconded by Councillor Eldon MacDonald, that CBRM Council declare August 14-19 “Wetlands Appreciation Week” in the CBRM and proclaim Wetlands Appreciation Week in years going forward.

**Motion Carried.**

Continued...

**PRESENTATION: Wetlands as Valuable Assets in the CBRM (Cont'd):**

**Motion:**

Moved by Councillor Gordon MacDonald, seconded by Councillor Gillespie, to direct CBRM staff to engage with stakeholders, locally and provincially, to begin the process of the development of a municipal wetlands policy that would include research and consultation.

**Discussion:**

The following was then discussed:

- Percentage of wetlands in urban and rural CBRM
- Accurate mapping of existing wetlands
- Wetland compensation and offsets on Cape Breton Island
- Restoring wetlands and levels of services required

**Motion Carried.**

**5. REPORT:**

**5.1 Municipal Artist Initiative:**

Nelson MacDonald, Creative Sector Representative, discussed the amount of work that has been accomplished over the past two years and gave thanks to committee members and staff for their dedication. Mr. MacDonald provided a presentation on Municipal Artist Initiative highlighting topics such as how did we get here, the revised vision, how it works, examples, proposed timeline for 2023, and the program request. The following motion was then put forward:

**Continued...**

**REPORT: Municipal Artist Initiative (Cont'd):**

**Motion:**

Moved by Councillor O'Quinn, seconded by Councillor Green, to approve \$25,000 to fund the Municipal Artist Initiative for the remainder of this year, and increase funding to \$50,000 for the next fiscal year.

**Discussion:**

The following was then discussed:

- Dispersement of funding for projects
- Qualifying applications and application process
- Jury to be convened by CBRM Recreation Department and composed of peer artists from different disciplines
  - 25K for this year will come from the Municipal Grants Fund, as it has not been fully prescribed for the fiscal year
  - Venues and partnerships
  - *Municipal Government Act*
  - 2017 Creative Economy Growth Plan
  - Reporting requirements
  - Funding allocations for future budget per Council direction
  - Leveraged funding
  - Communications regarding the initiative

**Motion Carried.**

**6. CORPORATE SERVICES ISSUES:**

**6.1 Request for Street Closure (Portion of PID 15751126) Portion of Undeveloped Section of Williams Avenue, New Waterford (District 11):**

Sheila Kolanko, Property Manager, reviewed the Issue Paper in the agenda package and advised upon review and consideration of the development proposal, recommended consideration. The following motion was then put forward:

**Motion:**

Moved by Councillor O'Quinn, seconded by Councillor Paruch, to direct the Legal Department to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for only that portion of the undeveloped section of Williams Avenue (portion of PID 15751126) as outlined and crosshatched on the site plan (Attachment "C") of the Issue Paper dated August 22, 2023, with the intention of deeming it **surplus** and sold at market value to the applicant.

**Discussion:**

During discussion, safety regarding the proposed purpose of the street closing was discussed, including clearances for snow plowing and maintenance.

**Motion Carried.**

Continued...

**CORPORATE SERVICES ISSUES (Cont'd):**

**6.2 Request from The Bras d'Or Lake Biosphere Region Association:**

The Acting Municipal Clerk / Regional Solicitor informed the Bras d'Or Lake Biosphere Region Association (BLBRA) provides for ex-officio appointments from the four counties and that the CBRM does not currently have a representative. The BLBRA is asking CBRM to appoint a member to the Association.

During discussion, it was requested that the following information be obtained:

- What is required / time commitment for a Board Member?
- Annual meeting schedule: times, dates, and locations
- Travel requirements

Mayor McDougall-Merrill indicated that either she or the Acting Municipal Clerk would follow up with Mr. Doug Foster to obtain the requested information. She asked that in the meantime, Councillors with an interest in serving to put their names forward. At the next Council meeting a decision regarding an appointment will be made.

**6.3 Library Lease Renewal – Dominion Library:**

The Acting Municipal Clerk / Regional Solicitor informed the Dominion library lease is expired and needs renewal for another 5 years with the same terms and conditions including a 2% cost of living increase per year for the rent. The following motion was then put forward:

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Parsons, to approve the staff recommendation to renew the Dominion Library lease for a further 5 years, and that the Mayor and Clerk be authorized to execute the Lease Agreement for the Dominion Library.

**Motion Carried.**

*Item 6.4 was removed from the agenda.*

**7. PUBLIC SERVICE ISSUE:**

**7.1 Capital Projects Update: Active Transportation, C200 and Transit Bus Shelters:**

Wayne MacDonald, Director of Engineering & Public Works, reviewed the Issue Paper included in the agenda regarding funding for Active Transportation, C200 and Transit Bus Shelters. Then the following motion was put forward:

**Continued...**

**PUBLIC SERVICE ISSUE: Capital Projects Update: Active Transportation, C200 and Transit Bus Shelters (Cont'd):**

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Tracey, to approve the funding of \$412,000, \$750,000, and \$150,000 respectively out of the Sustainable Services Growth Fund (SSGF) for Active Transportation, C200, and Transit Bus Shelters projects as presented in the staff Issue Paper dated August 16, 2023.

**Discussion:**

The following was then discussed:

- Projects account for \$1.13 million of fund, \$1.68 million of the fund remain
- Staff will present to Council at a later date regarding additional projects
- Projects completed and yet to be completed
- Capital reserves
- Frame for project completion

**Motion Carried.**

**8. COUNCILLOR AGENDA REQUESTS:**

**8.1 Review of the CBRM Burning Bylaw:**

Councillor Gordon MacDonald reviewed his agenda request regarding Review of the CBRM Burning Bylaw. Then the following motion was put forward:

**Motion:**

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, that proposed amendments to the CBRM Burning Bylaw that will provide fairness to all property owners/residents across the CBRM, allowing open air burning on their property by regulation and/or permit, which will encourage safe open air burning enjoyment on their property.

**Discussion:**

The following was then discussed:

- Areas where burning is prohibited and not prohibited
- Need for specific definition of open-air burning
- Forest fires
- Public safety
- The environment and climate change

**Motion Carried.**

Continued...

**COUNCILLOR AGENDA REQUESTS (Cont'd):**

**8.2 Street Racing and Vehicle Noise:**

Councillor MacMullin reviewed her agenda request regarding Street Racing and Vehicle Noise. Then the following motion was put forward:

**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Paruch, that the issue of street racing and excessive vehicle noise be added to the Police Commission meeting agenda dated for September 11, 2023. This motion includes the request for response to Council outlining what actions can/will be taken to address the issue going forward.

**Discussion:**

The following was then discussed:

- All terrain vehicles
- Excessive speeding / drag racing
- Resident safety
- After market motor vehicle parts
- Possible penalties
- Noise by-law
- Traffic technology (i.e. camera systems and automated ticketing / mailing) and traffic calming devices
- Mobile speed signs

**Motion Carried.**

**9. COMMITTEE REPORTS:**

N/A

**10. FINANCIAL STATEMENTS:**

**10.1 CBRM:**

**For Information Only.**

**10.2 Port of Sydney Development Corporation:**

**For Information Only.**

**11. Review of Action Items from this Meeting:**

At the conclusion of the meeting, Mayor Amanda M. McDougall-Merrill reviewed her list of action items from the meeting which included the following:

Continued...

**Review of Action Items from this Meeting (Cont'd):**

1. Going forward, proclaim Wetlands appreciation week annually in August, wetlands policy, and research mapping will be brought back to Council.
2. Communicate with Dr. Kathleen Aikens to identify any possible wetlands that she may not be aware of.
3. Fire Services Issue Paper request will go through to Directors group and then back to Council.
4. Grants to artists roll out.
5. Gather more information on Board Members requirements from The Bras d'Or Lake Biosphere Region Association, and gathering names of Council who may be interested in becoming a BLBRA Board member.
6. Request a report from the Port of Sydney Development Corporation regarding Port finances to be provided to Council.

**Meeting adjourned at 8:43 p.m.**

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**Amanda M. McDougall-Merrill**  
**Mayor**  
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**Demetri Kachafanas, KC**  
**Acting Municipal Clerk**