

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

**Tuesday,  
August 24, 2021  
6:03 p.m.  
Centre 200  
Main Concourse  
481 George Street, Sydney, NS**

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

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

**Staff:** Marie Walsh, Chief Administrative Officer  
Jennifer Campbell, Chief Financial Officer  
John MacKinnon, Deputy Chief Administrative Officer  
Deborah Campbell Ryan, Municipal Clerk  
Demetri Kachafanas, QC, Regional Solicitor  
Wayne MacDonald, Director of Engineering & Public Works  
Michael Ruus, Director of Planning & Development  
Paul Burt, Manager of Building, Planning & Licensing Laws  
Matt Viva, Manager of Waste Water  
Kirk Durning, Manager of Recreation  
Mike Targett, Community Consultation Coordinator  
Sharon MacSween, Senior Administrative Assistant  
Tanya Nicholson, Recording Secretary

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

The Council met In Camera earlier this date pursuant to Section 22 (2) (e) of the *Municipal Government Act*.

### **Summary of Decisions**

#### **Land Acknowledgement**

#### **Roll Call**

#### **O'Canada**

#### **Moment of Silent Reflection:**

#### **1. APPROVAL OF MINUTES:**

**Motion** to approve minutes from:

- **Council Meeting – July 6, 2021**

**Carried.**

#### **2. APPROVAL OF AGENDA:**

**Motion** to approve the August 24, 2021, Council Agenda as circulated. **Carried.**

#### **3. PROCLAMATIONS & RESOLUTIONS:**

##### **3.1 2021 Acadian Day (for ratification):**

**Motion** that Mayor Amanda M. McDougall, Council of the Cape Breton Regional Municipality proclaim Sunday, August 15<sup>th</sup>, 2021, as “Acadian Day” and encourage all residents to celebrate the rich heritage and culture of all Acadians in Nova Scotia and Canada. **Carried.**

##### **3.2 Arthritis Month 2021:**

**Motion** that CBRM Mayor Amanda M. McDougall and Council proclaim the month of September 2021 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.**

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

**4. PRESENTATION:**

**4.1 Cape Breton Local Immigration Partnership:**

A presentation was provided on Cape Breton Local Immigration Partnership.

**For information only.**

**5. PROTECTIVE SERVICES ISSUE:**

**5.1 New Staff Appointments – Bylaw Enforcement Officers:**

**Motion** to appoint Troy Baker and Brittany McLeod as By-Law Enforcement Officers responsible for the Administration and Enforcement of the CBRM P-100 Parking Bylaw, T-100 Taxi Bylaw, V-100 Vending Machine Bylaw, V-200 Vendors Bylaw and the relevant sections of the *Motor Vehicle Act* pertaining to parking. **Carried.**

**6. CORPORATE SERVICES ISSUE:**

**6.1 Bid to Host 2023 Brier:**

**Motion** to approve the bid submission and financial requirements to host the 2023 Tim Hortons Brier. **Carried.**

**7. BUSINESS ARISING:**

**7.1 Council Meeting – June 15, 2021:**

**a) Washbrook Flood Mitigation Project Update:**

Council **agreed** that staff would present their Issue Paper and the Community Consultation Report first, followed by Council discussion.

**i) Staff Issue Paper:**

Staff presented an Issue Paper on the project history and progress of the Flood Mitigation Project – Wash Brook Watershed.

**ii) Community Consultation Report:**

The Mayor's Community Consultation Coordinator provided an updated Wash Brook Floodwater Containment and Intensity Mitigation Project Group Consultation Report.

**Continued...**

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

**Washbrook Flood Mitigation Project Update (Cont'd):**

**Motion** to table this decision until the required permits have been received.

*Council recessed at 8:10 p.m. and reconvened at 8:16 p.m.*

**Motion to table withdrawn.**

**Motion** to postpone the decision and direct staff to bring back the issue once regulatory permits and approvals are received. **Motion to Postpone Defeated.**

**Motion** directing staff to continue with the construction of the remaining portions of Option Fifteen (15), which includes Pond 5, and the Gilholmes Lake Flow Control Structure (FCS). **Motion Lost.**

The Mayor advised the original motion that was carried at the July 10, 2018 meeting of Council still stands.

**7.2 Council Meeting – July 6, 2021:**

**a) Public Report: Citizen Appointments to Various Committees:**

The Municipal Clerk provided a public report on the citizen appointments to various committees and boards.

**For information only.**

**7.3 Nominating Committee Meeting – August 17, 2021:**

**a) Citizen Appointments to Various Committees:**

**Motion** to appoint:

- **Diversity Committee - Cape Breton University representative**
  - Candidate #1
- **Diversity Committee - Cape Breton-Victoria Regional Centre for Education representative**
  - Candidate #3
- **Port of Sydney Development Corporation Board – Professional Engineering Designation**
  - Candidate #4

**Carried.**

Continued...

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

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

**8.1 By-Laws:**

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

**i) T-300 – Provisions of Tax Information By-Law:**

**Motion** that the T-300 Provision of Tax Information By-Law be approved for second / final reading. **Carried.**

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

**9. PLANNING ISSUES:**

**9.1 CBRM Wildlife Feeding Bylaw Request:**

Council **agreed** to direct staff to look at non regulatory options to be explored as a primary option to achieve any policy objective.

**10. FINANCIAL STATEMENTS:**

**10.1 CBRM to June 30, 2021:**

**For information only.**

**10.2 Port of Sydney Development Corporation to July 31, 2021:**

**For information only.**

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

The Mayor noted there were no action items to be reviewed from the meeting.

**ADJOURNMENT**

The Council met In Camera earlier this date pursuant to Section 22 (2) (e) of the *Municipal Government Act*.

**Land Acknowledgement**

**Roll Call**

**O'Canada**

**Moment of Silent Reflection:**

Councillor James Edwards recognized the passing of the late Kenneth LeBlanc and extended sincerest condolences to his family and friends.

**1. APPROVAL OF MINUTES:**

**Motion:**

Moved by Councillor Cyril MacDonald, seconded by Councillor Gordon MacDonald, approval of the Minutes from:

- **Council Meeting – July 6, 2021**

**Motion Carried.**

Mayor McDougall noted issue 6.1 Bid to Host 2023 Brier, is a competitive bid process that requires confidential detail that cannot be disclosed at this time to the public to maintain a competitive edge. Under the advisement of the solicitor the Mayor asked for permission from Council to go in an In-Camera meeting. The Mayor advised the details will be publicly disclosed once the bid process is complete. The following motion was brought forward:

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Tracey, to move into an In Camera meeting to discuss the Bid to Host the 2023 Brier.

**Motion Carried.**

*In Camera Session took place at 6:11 p.m.*

*Council resumed at 6:27 p.m.*

**2. APPROVAL OF AGENDA:**

**Motion:**

Moved by Councillor Green, seconded by Councillor O'Quinn, to approve the August 24, 2021, Council Meeting Agenda as circulated.

**Motion Carried.**

**3. PROCLAMATIONS & RESOLUTIONS:**

**3.1 2021 Acadian Day (for ratification):**

**Motion:**

Moved by Councillor O'Quinn, seconded by Councillor Cyril MacDonald, that Mayor Amanda M. McDougall, Council of the Cape Breton Regional Municipality proclaim Sunday, August 15<sup>th</sup>, 2021, as "Acadian Day" and encourage all residents to celebrate the rich heritage and culture of all Acadians in Nova Scotia and Canada.

**Motion Carried.**

**3.2 Arthritis Month 2021:**

**Motion:**

Moved by Councillor Gillespie, seconded by Councillor Eldon MacDonald, that CBRM Mayor Amanda M. McDougall and Council proclaim the month of September 2021 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.**

**4. PRESENTATION:**

**4.1 Cape Breton Local Immigration Partnership:**

Ms. Carla Arsenault, President and CEO, Cape Breton Partnership, provided a presentation on the Cape Breton Local Immigration Partnership, highlighting the following:

- Strategic priorities 2019-2022
- Survey respondents
- What was learned from newcomers and the community
- What's next
- Belonging is for everyone campaign
- Workplace inclusion charter and recognition program
- Welcome to Cape Breton Website
- What municipalities can do
- Contact information for CBLIP

Ms. Norma Jean MacPhee, Cape Breton Welcome Coordinator, Cape Breton Partnership, presented the following:

- Cape Breton Welcome Network
- Spreading the word recruiting volunteers August 2020
- Welcome Groups of the Cape Breton Welcome Network
- Let the Welcoming Continue! Welcome Groups connect with newcomers Fall, 2020
- What are Welcome Groups doing to welcome
- Why welcoming matters
- Importance of a Welcome Network
- Activities to date
- How can you help
- Contacts

Following the presentation, Ms. MacPhee advised Councillor Edwards if he had new residents in his District, he could email her and she would forward the information to the CBRM Welcome Group Chair.

Mayor McDougall thanked Ms. Arsenault and Ms. MacPhee for their presentation.

**For information only.**

**5. PROTECTIVE SERVICES ISSUE:**

**5.1 New Staff Appointments – Bylaw Enforcement Officers:**

Mr. Paul Burt, Manager of Building, Planning & Licensing Laws, advised that the position of the Bylaw Enforcement Officer is responsible for the administration and enforcement of several CBRM bylaws and sections of the *Motor Vehicle Act (MVA)* pertaining to parking. Troy Baker and Brittany McLeod were hired for these positions and they must be appointed by Council to administer same..

**Motion:**

Moved by Councillor Green, seconded by Councillor Parsons, to appoint Troy Baker and Brittany McLeod as By-Law Enforcement Officers responsible for the Administration and Enforcement of the CBRM P-100 Parking Bylaw, T-100 Taxi Bylaw, V-100 Vending Machine Bylaw, V-200 Vendors Bylaw and the relevant sections of the *Motor Vehicle Act* pertaining to parking.

**Motion Carried.**

The Manager of Building, Planning & Licensing Laws congratulated former Bylaw Enforcement Officer Ms. Deborah Potter on her recent retirement.

**6. CORPORATE SERVICES ISSUES:**

**6.1 Bid to Host 2023 Brier:**

Mayor McDougall advised an In Camera Council meeting was held earlier this evening to discuss the competitive bid process to host the 2023 Brier.

Mr. Kirk Durning, Manager of Recreation, advised that staff has been working with Destination Cape Breton to put together a bid package for the 2023 Brier which have proposed dates for March 3<sup>rd</sup> – March 12<sup>th</sup>, 2023. Mr. Durning noted the event is projected to attract over 100,000 spectators with an estimated economic impact of \$10 million. The fee to host the event is \$750,000, which is anticipated to be covered by contributions from the Municipality, Provincial, and Federal Governments.

**Motion:**

Moved by Councillor Paruch, seconded by Councillor Tracey, to approve the bid submission and financial requirements to host the 2023 Tim Hortons Brier.

**Motion Carried.**

The Mayor thanked staff, as well as Terry Smith, CEO, and Jo-Lanna Murray, Director of Industry Development of Destination Cape Breton, for their work on this file. The Mayor also noted that once the bid process has concluded and CBRM has received a response from Curling Canada on the award of the bid, Council will publicly disclose the details of the CBRM bid.

7. **BUSINESS ARISING:**

7.1 **Council Meeting – June 15, 2021:**

a) **Washbrook Flood Mitigation Project Update:**

Council **agreed** that staff would present their Issue Paper and the Community Consultation Report first, followed by Council discussion.

i) **Staff Issue Paper:**

Mr. Wayne MacDonald, Director of Engineering & Public Works, and Mr. Matt Viva, Manager of Waste Water, presented an Issue Paper on the project history and progress of the Flood Mitigation Project – Wash Brook Watershed.

ii) **Community Consultation Report:**

Mike Targett, Mayor's Community Consultation Coordinator provided an updated Wash Brook Floodwater Containment and Intensity Mitigation Project Group Consultation Report.

Following the reports, Councillor Paruch noted that Kwilmu'kw Maw'klusuaqn Negotiations Office (KMKNO) did not give their approval so he brought forward the following motion.

**Motion:**

Moved by Councillor Paruch, seconded by Councillor Cyril MacDonald, to table this decision until the required permits have been received.

**Discussion:**

- Regulatory process explained, noting that the Federal and Provincial Governments are responsible for duty-to-consult with First Nations, not the Municipality
- Federal Department of Fisheries and Oceans waiting for final approval from the KMKNO
- Need approval by mid-September to complete the project this year

At this point in the discussion, the Solicitor advised if the project is tabled, the project will be stopped along with the approval process.

**Discussion (Cont'd):**

- Project needs all approvals to proceed
- Benefits to residents and businesses in the flood zone once the project is complete

Continued...

**BUSINESS ARISING: Council Meeting July 15, 2021 - Washbrook Flood Mitigation Project Update (Cont'd):**

**Discussion (Cont'd):**

- Mud Lake project benefits (separate project)
- Revision to Pond 5 plan was made in consultation with the Baille Ard Recreational Association.

At this point Councillor Paruch raised a Point of Order and questioned if the current motion to table was open for debate. The Solicitor advised a Motion to Table is not debatable and is only to be used when some other issue to be discussed is more urgent. It is not proper to use a motion to table to delay a project. A Motion to Postpone would be in order, and the reason for the postponement and for how long must be stated.

**Discussion (Cont'd):**

- Gilholmes Lake component of the project
- Former Council made the decision in 2018 to proceed
- Consultation with the Baille Ard group

At this time, Mayor McDougall asked for clarity on the motion.

The Municipal Clerk advised the motion should be written, read in the record and then vote on same.

Mayor McDougall called for a short recess for Councillor Paruch to draft the motion.

*Council recessed at 8:10 p.m. and reconvened at 8:16 p.m.*

With the consent of the seconder, Councillor Paruch withdrew the Motion to Table.

The following motion was then put forward:

**Motion:**

Moved by Councillor Paruch, seconded by Councillor Cyril MacDonald, to postpone the decision and direct staff to bring back the issue once regulatory permits and approvals are received.

**Discussion:**

- Government funding would cease, and the money spent on the project would have to be repaid
- Director of Public Works & Engineering to circulate the Contribution Agreement to Council which outlines how the money is to be spent
- No other design would have a similar level of effectiveness
- The intent of regulatory approvals
- Construction timelines

The Mayor called for the vote.

**Motion to Postpone Defeated.**

Continued...

**BUSINESS ARISING: Council Meeting July 15, 2021 - Washbrook Flood Mitigation Project Update (Cont'd):**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Green, directing staff to continue with the construction of the remaining portions of Option Fifteen (15), which includes Pond 5, and the Gilholmes Lake Flow Control Structure (FCS).

**Discussion:**

- Percentage of effectiveness (protection) of berms
- KMKNO consultation required (part of Federal and Provincial approval process)
- Ensure best option to protect property
- Potential future stages of development in Baille Ard
- CBRM compliance with the legislation and best environmental stewardship – must rely on recommendations of the engineering experts

*At this point in the meeting, Deputy Mayor MacMullin assumed Chair so that the Mayor could participate in discussion.*

Mayor McDougall comments included:

- Similar levels of effectiveness
- Consider alternatives such as bioswales; educate homeowners (disconnect storm water from sewer); root system of trees
- Loss of valuable forest in Baille Ard
- Science is important, but Council must listen to the views of the citizens

*Mayor McDougall then resumed the Chair and the discussion on the motion continued.*

- Minimizing footprint of the project
- Project scope increased from 3 ½ acres to 7 acres to accommodate concerns of Baille Ard Trail group to protect sensitive areas of the trail
- Opportunity to work with the Baille Ard group and expand the trail
- More residents using Baille Ard Trail since pandemic started
- If motion is defeated project will be stopped
- Work with ACAP to educate residents on mitigation
- Mud Lake funding would not be affected since the project is complete
- Gilholmes Lake and Pond 5 project is funded through the Disaster Financial Assistance program

**The Mayor then called for the vote on the motion, which resulted in a tie vote (6-6). Therefore the Motion was lost.**

Mayor McDougall explained that because this motion was lost, the original motion that was carried at the July 10, 2018 meeting of Council still stands.

It was **agreed** continue the meeting beyond 9:00 p.m.

**BUSINESS ARISING (Cont'd):****7.2 Council Meeting – July 6, 2021:****a) Public Report: Citizen Appointments to Various Committees:**

Ms. Deborah Campbell, Municipal Clerk, provided a public report on the successful candidates for the Port of Sydney Development Corporation Board and Diversity Committee, as follows:

- **Port of Sydney Development Corporation Board of Directors (3-year term):**
  - *Expertise in Marketing:*
    - > Lindsay MacIntosh (Candidate #6)
  - *Expertise in Business and Commerce:*
    - > Gerard Shaw (Candidate #8)
- **Diversity Committee (2-year term):**
  - *Community Member at Large*
    - Joe Costello

**For information only.**

**7.3 Nomination Committee Meeting – August 17, 2021:****a) Citizen Appointments to Various Committees:**

Ms. Deborah Campbell Ryan, Municipal Clerk, provided background information on this issue.

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Paruch, to appoint:

- **Diversity Committee - Cape Breton University representative**
  - Candidate #1
- **Diversity Committee - Cape Breton-Victoria Regional Centre for Education representative**
  - Candidate #3
- **Port of Sydney Development Corporation Board – Professional Engineering Designation**
  - Candidate #4

**Motion Carried.**

**8. BY-LAWS & MOTIONS:****8.1 By-laws:****a) Second / Final Reading – Public Hearing:****i) T-300 – Provision of Tax Information By-Law:**

Ms. Jennifer Campbell, Chief Financial Officer, provided background information on the issue.

**Motion:**

Moved by Deputy Mayor MacMullin, seconded by Councillor Eldon MacDonald, that the T-300 Provision of Tax Information By-Law be approved for second / final reading.

**Public Hearing:**

Chief Financial Officer Jennifer Campbell advised that no public submissions were received.

**Motion Carried.****b) First Reading: N/A****9. PLANNING ISSUE:****9.1 CBRM Wildlife Feeding Bylaw Request:**

Mr. Michael Ruus, Director of Planning & Development, advised that the Port Morien Wildlife Association submitted a request for a new bylaw to be introduced with the intent to regulate the feeding of wildlife in public parks and on CBRM grounds. Mr. Ruus noted CBRM does not currently have internal capacity to effectively enforce additional regulations.

Councillor Gordon MacDonald noted he would like the issue to be discussed at a future date to have the Port Morien Wildlife Association present to Council.

Council discussed the following:

- Allowing Port Morien Wildlife Association to present before Council at a Special Council, themed meeting
- Staff enforcement at this time is not practical
- Other Municipalities adopting similar bylaws
- Non-regulatory options before committing operating funds for enforcement of a new bylaw
- Educating the public
- Public Health and Safety
- “Friends of Wentworth Park” and Signage

Continued...

**PLANNING ISSUE: CBRM Wildlife Feeding Bylaw Request (Cont'd):**

At this time Council *agreed* to direct staff to explore non-regulatory options as a primary option to achieve any policy objective.

Mayor McDougall advised the Port Morien Wildlife Association would be invited to the Special Council themed meeting on the environment in the Fall.

**10. FINANCIAL STATEMENTS:**

**10.1 CBRM to June 30, 2021:**

Ms. Jennifer Campbell, Chief Financial Officer, noted the CBRM financial statements to June 30, 2021 contained an error for Technology: Including 911 Comm Centre on (page 181 of the agenda) and another for Recreation / Cultural Services (page 195 of the agenda). Ms. Campbell advised she would recirculate the corrected statements to Council.

**For information only.**

**10.2 Port of Sydney Development Corporation to July 31, 2021:**

**For Information Only.**

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

Mayor McDougall noted there was no action items to be reviewed from the meeting.

**Meeting adjourned at 9:47 p.m.**

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**Mayor Amanda M. McDougall**

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**Deborah Campbell Ryan**  
**Municipal Clerk**