

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
February 28, 2023
6:04 p.m.
Council Chambers
2nd 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 Cyril MacDonald
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
Deborah Campbell Ryan, Municipal Clerk
Demetri Kachafanas, KC, Regional Solicitor
Wayne MacDonald, Director of Engineering & Public Works
Michael Ruus, Director of Planning & Development
Deanna Evely, Director of Human Resources
Paul Burt, Manager of Building, Planning & Licensing Laws
Sheila Kolanko, Property Manager
Sharon MacSween, Senior Administrative Assistant
Angela Ross, Recording Secretary

Absent: Councillor Darren Bruckschwaiger (Leave of Absence)

Summary of Decisions

Land Acknowledgement

Roll Call

O' Canada

“Lift Every Voice and Sing” (Black National Anthem)

1. APPROVAL OF AGENDA:

Motion to approve the February 28, 2023, Council Agenda as circulated. **Carried.**

2. PROCLAMATION & RESOLUTION:

2.1 International Women’s Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill & Council proclaim March 8th, 2023, as “International Women’s Day” in the Cape Breton Regional Municipality. We ask the residents of CBRM to stand as allies for women and show that together we can forge women's equality. **Carried.**

2.2 Canadian Blood Services:

Motion that Mayor Amanda M. McDougall-Merrill and Council request staff write a letter to Premier Tim Houston and the Hon. Michelle Thompson, Minister of Health, and Wellness, on Council’s behalf requesting Canadian Blood Services consider returning blood donation services to Sydney. **Carried.**

3. STREET CLOSING - PUBLIC HEARING:

3.1 Request for Street Closure: Portion of PID 15751670 - Undeveloped Road Parcel, New Waterford (District 11):

Motion for approval of the closure of that portion of PID 15751670 - the undeveloped road parcel as identified in red on Attachment “A” to the staff Issue Paper dated February 28, 2023 pursuant to *MGA*; and

- To deem that portion of the road reserve as identified as the crosshatched area in red on Attachment “A” to the staff Issue Paper dated February 28, 2023 **surplus** and
- To sell the **surplus** property at market value.

Carried.

Continued...

Summary of Decisions (Cont'd):

4. BY-LAWS & MOTIONS:

4.1 By-laws:

a) Second / Final Reading – Public Hearing:

i) P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law):

Motion to postpone the second/final reading of the P-500 Passenger Vehicle for Hire By-law for two (2) Council meetings to allow the Taxi By-law Review Working Group more time for dialogue and further consultation to provide the clarification needed by the affected parties. **Carried.**

b) First Reading: N/A

5. DELEGATION:

5.1 Washbrook Greenway Coalition

Motion to support the Washbrook Greenway project in principle, but request the group to provide a detailed breakdown of their proposed phases to be discussed during Budget deliberations as there are potential capital and ongoing maintenance cost associated with the project.

Motion to Amend the motion to request that staff provide an Issue Paper to be used as a tool so that Council will be have a more informed deliberation at budget.

Amendment Defeated.

Motion to Amend the motion that the Washbrook Greenway project be referred to budget.

Amendment Carried.

Motion as amended Carried.

Continued...

Summary of Decisions (Cont'd)

6. BUSINESS ARISING:

6.1 Nominating Committee - February 14th, 2023:

a) Report on Call for Expressions of Interest - Citizen Representatives on Committees:

Motion to approve the appointment of the following Citizens to the various Committees:

• **CBRM Board of Police Commissioners:**

- Candidate # P-2
- Candidate # P-3
- Candidate # P-5

• **Audit Committee:**

- Candidate #A-1

• **Heritage Advisory Committee:**

- Candidate # H-1
- Candidate # H-2
- Candidate # H-3
- Candidate # H-4
- Candidate # H-5
- Candidate # H-6
- Candidate # H-7

• **Cape Breton Regional Library Board:**

- Candidate # L-4
- Candidate # L-5

Carried.

b) Diversity Committee – Future Direction

Motion to request the Director of Human Resources to explore revisions to the existing CBRM Diversity Committee Governance Policy, committee structure, and mandate, and report back to Council with recommendations. It was also suggested that the Director of Human Resources may want to contact the four citizens who applied to serve on the Diversity Committee for any required input. **Carried.**

Continued...

Summary of Decisions (Cont'd)

7. **COMMITTEE REPORTS:**

N/A

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

ADJOURNMENT

Land Acknowledgement

Roll Call

O' Canada

“Lift Every Voice and Sing” (Black National Anthem)

1. APPROVAL OF AGENDA:

Motion:

Moved by Councillor Parsons, seconded by Councillor Cyril MacDonald, to approve the February 28, 2023 Council agenda as circulated.

Motion Carried.

2. PROCLAMATIONS & RESOLUTION:

2.1 International Women’s Day:

Motion:

Moved by Councillor MacMullin, seconded by Councillor Paruch, that CBRM Mayor Amanda M. McDougall-Merrill & Council proclaim March 8th, 2023, as “International Women’s Day” in the Cape Breton Regional Municipality. We ask the residents of CBRM to stand as allies for women and show that together we can forge women's equality.

Motion Carried.

2.2 Canadian Blood Services:

Motion:

Moved by Councillor Parsons, seconded by Councillor Gordon MacDonald, that Mayor Amanda M. McDougall-Merrill and Council request staff write a letter to Premier Tim Houston and the Hon. Michelle Thompson, Minister of Health, and Wellness, on Council’s behalf requesting Canadian Blood Services consider returning blood donation services to Sydney.

Motion Carried.

3. STREET CLOSING - PUBLIC HEARING:

3.1 Request for Street Closure: Portion of PID 15751670 - Undeveloped Road Parcel, New Waterford (District 11):

Sheila Kolanko, Property Manager, reviewed the request included in the agenda package and recommended approval of the closure of that portion of the undeveloped road reserve and to deem the property surplus and sell at market value as outlined in the staff Issue Paper dated February 28th, 2023.

The Property Manager confirmed that the Legal Department has not received any feedback nor complaints on the issue.

Public Hearing:

The Mayor asked if there was anyone present to speak for or against the proposed street closing; seeing that there was no one, Councillor O'Quinn put the following motion forward:

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Green, approval of the closure of that portion of PID 15751670 - the undeveloped road parcel as identified in red on Attachment "A" to the staff Issue Paper dated February 28, 2023 pursuant to *MGA*; and

- To deem that portion of the road reserve as identified as the crosshatched area in red on Attachment "A" to the staff Issue Paper dated February 28, 2023 **surplus** and
- To sell the **surplus** property at market value.

Motion Carried.

4. BY-LAWS & MOTIONS:

4.1 By-laws:

b) Second / Final Reading – Public Hearing:

ii) P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law):

Paul Burt, Manager of Building, Planning & Licensing Laws, reviewed the Issue Paper in the agenda package dated January 2023, and advised that he received one email for the Public Hearing which is also included in the agenda with the response. He recommended passing the new Bylaw and repealing the current Taxi Bylaw.

Continued...

BY-LAWS & MOTIONS:

By-laws: Second / Final Reading – Public Hearing - P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law) (Cont'd):

Public Hearing:

The Mayor asked if there was anyone present to speak for or against the proposed By-law.

Jim Donohue – owner of First Class Delivery Service – purchased City Wide Taxi and was not part of the steering committee. He feels the proposed changes will hurt his business. He complained that rideshare companies are not using inspected vehicles nor have insurance and are not properly licensed. He wants to be able to use new technology such as Apps for prebooking etc. Lastly, he spoke about how he believed the new By-law would hurt some taxi owners because it would allow some area cars to work in other zones.

Sheila Penny - small business owner of Bud's Taxi from Glace Bay – stated that she agrees with Jim Donohue. She noted that she was involved in the workshop for the new By-law. She explained that there was no discussion during the Workshop that the zones were going to be opening and explained that in the current By-law, a company could only operate in one zone. She noted that there is a company already advertising that they are moving into other areas and this will impact current owners and employees.

Robert MacDonald, co-owner of Sonny's Taxi, explained that he was not provided any information on the new By-law and was not aware of taxi companies being able to work in more than one zone.

Sheldon MacDonald, co-owner of Sonny's Taxi, said he believes that allowing companies to work in multiple zones will take business away from the current companies working in those zones.

Mayor McDougall-Merrill asked if there was anyone else to speak for or against the issue, seeing no-one, she opened the floor for Council discussion.

Discussion then took place on the following:

- Ridesharing and areas of jurisdiction
- Taxi Depot and stands
- Clarification of language in the new By-law
- Mobile applications for Taxi's
- Fines for illegal rideshare company
- Fee schedule

Continued...

BY-LAWS & MOTIONS:

By-laws: Second / Final Reading – Public Hearing - P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law (Cont'd):

Council **agreed** to allow more comments from the public in the Gallery.

Sheila Penny - owner of Bud's taxi from Glace Bay - explained that she needed clarification on the license qualifications for a company to work in other service areas. Paul Burt clarified that they would need a separate license for each service area and also discussed the other requirements.

Jim Donohue – owner of First Class Delivery Service and City Wide Taxi – He does not agree with companies being permitted to provide service in more than one area without having a 24 hour dispatcher in those areas.

Council continued discussion on the following:

- Public Forums and consultation in regards to the proposed By-law
- Service Areas and areas of jurisdiction
- Taxi stand vs a Depot
- Zoning for land use required under the Land Use By-law

Michael Ruus, Director of Planning and Development, advised that there is confusion with the existing By-law and the fact that a company is now using the existing provision to do something that was not done. Further, anyone operating in multiple areas must only have a Depot in one area. He added that Council does not have to complete the second reading tonight to allow more consultation.

The following motion was then put forward:

Motion

Moved by Councillor Paruch, seconded by Councillor Green, to postpone the second/final reading of the P-500 Passenger Vehicle for Hire By-law for two (2) Council meetings to allow the Taxi By-law Review Working Group more time for dialogue and further consultation to provide the clarification needed by the affected parties.

Discussion:

Some of the issues discussed included:

- Service zones and summary offence tickets
- By-law enforcement
- The need for more consultation

A **Point of Order** was raised regarding the discussion not being on the motion. It was noted that further discussion on this issue is needed following the motion.

Motion Carried.

Continued...

BY-LAWS & MOTIONS:

By-laws: Second / Final Reading – Public Hearing - P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law (Cont'd):

Following the motion, further Council discussion continued, and it was noted that clarification would be included when the issue was brought back to Council for final consideration.

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

5. DELEGATION:

5.1 Washbrook Greenway Coalition:

Spokesperson Stephanie Johnstone-Laurette reviewed her PowerPoint presentation and conceptual plan for an accessible trail along the Washbrook in Sydney. She discussed the following:

- Background of the Washbrook Greenway Coalition
- Their Mission
- Project History
- Projects Completed to date
- In-Kind supports
- Project Implementation 2023-26
- Projected Budget

Ms. Johnstone-Laurette is requesting CBRM support for 30% of the funding required to begin Phase 1 of the Washbrook Greenway for the 2023-24 fiscal year and for Council to agree in principle to support a portion of annual costs for the remainder of the construction/capital phase of the project.

After the presentation, and discussion on the issue, the following motion was put forward.

Motion:

Moved by Councillor Paruch, seconded Councillor Cyril MacDonald, to support the Washbrook Greenway project in principle, but request the group to provide a detailed breakdown of their proposed phases to be discussed during Budget deliberations as there are potential capital and ongoing maintenance cost associated with the project.

Motion Continued...

DELEGATION - Washbrook Greenway Coalition (Cont'd):

Motion (Cont'd):

Discussion:

During discussion, some of the issues raised included:

- CBRM Delegation Policy notes refer to staff for an Issue Paper or to another meeting (i.e. budget);
- Staff has been working with this group for about one year and this project is one of the top 10 in the draft AT Plan;
- Legal clarification on “approval in principle” – caution re: funding commitment by the Municipality;
- Funding partners;
- In-kind support that could be provided by CBRM;
- Timelines in terms of CBRM decision on request.

Motion to Amend:

Moved by Councillor Eldon MacDonald, seconded Councillor Paruch, to amend the motion to request that staff provide an Issue Paper to be used as a tool so that Council will have a more informed deliberation at budget.

Discussion on the Amendment:

During the discussion on the amendment, some Council members questioned whether issue papers have been provided at budget in the past and if it is needed. The Mayor then called for the vote on the amendment.

Amendment Defeated.

Discussion resumed on the main motion, noting that the matter should be referred to budget, however a letter of support in principle would not be provided until CBRM funding is confirmed.

Motion to Amend:

Moved by Councillor Paruch, seconded Councillor Parsons, that the Washbrook Greenway project be referred to budget. The Mayor called for the vote on the amendment.

Amendment Carried.

The Mayor then called for the vote on the main motion as amended.

Motion as amended Carried.

The Mayor advised that if more information is needed from the group before budget, staff will be in touch with the group.

6. **BUSINESS ARISING:**

6.1 **Nominating Committee - February 14th, 2023:**

a) **Report on Call for Expressions of Interest - Citizen Representatives on Committees:**

Deborah Campbell Ryan, Municipal Clerk, reviewed her Memo in the agenda package. She summarized the results on the call for citizens and discussed the process to approve in a single motion. Once the citizens have accepted the positions and required background checks have been completed, the names will be publicly released. Council may also nominate alternate candidates, noting the confidential matrix of the applicants that was attached separately.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Cyril MacDonald, to approve the appointment of the following Citizens to the various Committees:

• **CBRM Board of Police Commissioners:**

- Candidate # P-2
- Candidate # P-3
- Candidate # P-5

• **Audit Committee:**

- Candidate #A-1

• **Heritage Advisory Committee:**

- Candidate # H-1
- Candidate # H-2
- Candidate # H-3
- Candidate # H-4
- Candidate # H-5
- Candidate # H-6
- Candidate # H-7

• **Cape Breton Regional Library Board:**

- Candidate # L-4
- Candidate # L-5

Motion Carried.

Continued...

BUSINESS ARISING - Nominating Committee - February 14th, 2023 (Cont'd):

b) Diversity Committee – Future Direction:

Deborah Campbell Ryan, Municipal Clerk, reviewed her Memo in the agenda package.

The Mayor advised that the Director of Human Resources was in attendance for questions.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, to request the Director of Human Resources to explore revisions to the existing CBRM Diversity Committee Governance Policy, committee structure, and mandate, and report back to Council with recommendations. It was also suggested that the Director of Human Resources may want to contact the four citizens who applied to serve on the Diversity Committee for any required input.

Motion Carried.

7. COMMITTEE REPORTS:

N/A

8. Review of Action Items from this Meeting:

At the conclusion of the meeting, Mayor McDougall noted the following items.

1. The letter to Premier Tim Houston and the Hon. Michelle Thompson, Minister of Health, and Wellness, regarding blood donation services reinstatement to Sydney.
2. Bring Taxi industry into conversations to clarify the new proposed Passenger Vehicle for Hire By-law.

Meeting adjourned at 8:49 p.m.

Mayor Amanda M. McDougall-Merrill

/acr

**Deborah Campbell Ryan
Municipal Clerk**