

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

**Tuesday,  
January 17, 2023  
6:02 p.m.  
Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS**

**Deputy Mayor James Edwards called the meeting to order.**

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

**Staff:** Marie Walsh, Chief Administrative Officer  
Jennifer Campbell, Chief Financial Officer  
Deborah Campbell Ryan, Municipal Clerk  
Demetri Kachafanas, KC, Regional Solicitor  
Wayne MacDonald, Director of Engineering & Public Works  
Michael Ruus, Director of Planning & Development  
Sheila Kolanko, Property Manager  
Sharon MacSween, Senior Administrative Assistant  
Angela Ross, Recording Secretary

**Absent:** Mayor Amanda M. McDougall-Merrill (Regrets)  
Councillor Darren Bruckschwaiger (Regrets)

The Council In Camera met earlier this date in accordance with Section 22(2) (a) and (e) of the *Municipal Government Act* and on January 10, 2023 in accordance with Section 22(2) (c) of the *Municipal Government Act*.

### **Summary of Decisions**

#### **Land Acknowledgement**

#### **Roll Call**

#### **O' Canada**

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

**Motion** to approve the January 17, 2023, Council Agenda as circulated. **Carried.**

#### **2. APPROVAL OF MINUTES:**

**Motion** to approve minutes from:

- **Special Council Meeting – October 13, 2022**
- **Council – October 25, 2022**
- **Council Meeting – November 8, 2022**
- **Special Council – November 16, 2022**
- **Council Meeting November 22, 2022**

**Carried.**

#### **3. PROCLAMATION & RESOLUTION:**

##### **3.1 Conversion Therapy Awareness Day (For ratification):**

**Motion** that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim January 7<sup>th</sup>, 2023 as Conversion Therapy Awareness Day in CBRM. **Carried.**

##### **3.2 Bell Let's Talk Day:**

**Motion** that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim Wednesday, January 25<sup>th</sup>, 2023, 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. **Carried.**

**Continued...**

**PROCLAMATION & RESOLUTION (Cont'd):**

**3.3 African Heritage Month:**

**Motion** that Mayor Amanda M. McDougall-Merrill & Council of the Cape Breton Regional Municipality, proclaim the month of February 2023 as African Heritage Month, and encourage all residents, businesses, and community groups to participate in the activities and celebrations and to take the opportunity to reflect on the story of Nova Scotia's vibrant African Nova Scotian Community. **Carried.**

**3.4 Bill 225 amending the Halifax Regional Municipality Charter:**

**Motion** that Mayor Amanda M. McDougall-Merrill and Council direct that a letter be sent to the Minister of Municipal Affairs and Housing in support of the request by Halifax Regional Municipality to repeal Bill 225, and request that in future, the Minister consult with municipalities before any changes to the *Municipal Government Act* or the *Halifax Regional Municipality Charter* are introduced to the Legislature. **Carried.**

**4. PUBLIC HEARING:**

**4.1 Street Closing: Portion of Undeveloped Road – Falmouth Street, Sydney (District 5):**

**Motion** for approval of the closure of that portion of the undeveloped road reserve as identified in red on Attachment "A" to the staff Issue Paper dated January 17, 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 January 17, 2023 surplus and
- To sell the property, subject to existing CBRM water and sewer lines, at market value, to Joneljim Realty as previously agreed and authorize the Mayor and Clerk to execute the documents to finalize the conveyance pursuant to the 2002 agreement.

**Carried.**

**5. REPORTS:**

**5.1 CBRM 2023 Assessment Roll**

A presentation was provided on the CBRM 2023 Assessment Roll by Property Valuation Services Corporation (PVSC).

**For Information Only.**

**Continued...**

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

**5.2 Port of Sydney Development Corporation:**

**a) Proposal for New Governance Structure:**

**Motion** that CBRM management be authorized to engage in discussions with the Port of Sydney regarding the Governance model and to come back to Council with an Issue Paper providing comment and recommendation. **Carried.**

**b) Financial Statements to November 30, 2022, with Projected Statement to March 31, 2023:**

A presentation was made by the Port of Sydney Board Corporation on their Financial Statements to November 30, 2022 with projections to March 31, 2023.

**For Information Only.**

**6. BUSINESS ARISING:**

**6.1 In Camera Council – January 10, 2023:**

**a) Appointment of CAO Performance Review Committee**

**Motion** that a Committee be established to oversee the CAO Performance Review, consisting of the Mayor and the following four Councillors:

- Councillor Gordon MacDonald
- Councillor Earlene MacMullin
- Councillor Glenn Paruch
- Councillor Lorne Green

**Carried.**

**6.2 In Camera Council – January 17, 2023:**

**a) Memorandum of Understanding – CBRM and Doucet Developments for Sydney Waterfront:**

**Motion** that CBRM enter into the Memorandum of Understanding with Doucet Developments for the Sydney Waterfront as presented. **Carried.**

Continued...

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

**7. CORPORATE SERVICES ISSUES:**

**7.1 Request for Street Closure: Portion of PID 15751670 - Portion of Undeveloped Road Parcel, 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 that portion of PID 15751670 as outlined and crosshatched in red on the map included in the staff Issue Paper dated January 17, 2023 as Attachment "A", with the intention of deeming it surplus and sold at market value. **Carried.**

**7.2 CBRM Dog Bylaw Contract Renewal:**

**Motion** that CBRM enter into a contract with the SPCA, as the successful bidder of the Dog Bylaw Request for Proposals, for the next five years. **Carried.**

**7.3 Wireless Telecommunications Lease – Bell Mobility Inc:**

**Motion** to approve the lease of PID 15275399 to Bell Mobility Inc. on the terms contained in the lease attached to the Issue Paper in the agenda package dated Jan 6, 2023. **Carried.**

**8. COUNCILLOR AGENDA REQUEST:**

**8.1 Rodents:**

**Motion** that staff be directed to prepare a Report on controlling and or eliminating rodents, specifically rats, in the CBRM. **Carried.**

Continued...

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

**9. FINANCIAL STATEMENTS:**

**9.1 CBRM Financial Projections 2022-23:**

Jennifer Campbell, Chief Financial Officer, reviewed the year end projections.

**For Information Only.**

**9.2 CBRM Financial Statements to November 30, 2022:**

**For Information Only.**

**10. COMMITTEE REPORTS:**

N/A

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

**ADJOURNMENT**

The Council In Camera met earlier this date in accordance with Section 22(2) (a) and (e) of the *Municipal Government Act* and on January 10, 2023 in accordance with Section 22(2) (c) of the *Municipal Government Act*.

**Land Acknowledgement**

**Roll Call**

**O' Canada**

**1. APPROVAL OF AGENDA:**

**Motion:**

Moved by Councillor Tracey, seconded by Councillor Parsons, to approve the January 17, 2023 Council agenda as circulated.

**Motion Carried.**

**2. APPROVAL OF MINUTES:**

**Motion:**

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

- **Special Council Meeting – October 13, 2022**
- **Council – October 25, 2022**
- **Council Meeting – November 8, 2022**
- **Special Council – November 16, 2022**
- **Council Meeting November 22, 2022**

**Motion Carried.**

Following a **Point of Order** raised by Councillor Green in regards to the issue of an MOU being added to the agenda. The Municipal Clerk pointed out that the issue was currently listed as item 6.2 on the agenda package.

**3. PROCLAMATIONS & RESOLUTION:**

**3.1 Conversion Therapy Awareness Day ( for ratification):**

**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Green, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim January 7<sup>th</sup>, 2023 as Conversion Therapy Awareness Day in CBRM.

**Motion Carried.**

Continued...

**PROCLAMATIONS & RESOLUTION (Cont'd):**

**3.2 Bell Let's Talk Day:**

**Motion:**

Moved by Councillor Tracey, seconded by Councillor O'Quinn, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim Wednesday, January 25<sup>th</sup>, 2023, 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.**

**3.3 African Heritage Month:**

**Motion:**

Moved by Councillor Green, seconded by Councillor Parsons, that CBRM Mayor Amanda M. McDougall-Merrill and Council the month of February 2023 as African Heritage Month, and encourage all residents, businesses, and community groups to participate in 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.**

**3.4 Bill 225 amending the Halifax Regional Municipality Charter:**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, that Mayor Amanda M. McDougall-Merrill and Council direct that a letter be sent to the Minister of Municipal Affairs and Housing in support of the request by Halifax Regional Municipality to repeal Bill 225, and request that in future, the Minister consult with municipalities before any changes to the *Municipal Government Act* or the *Halifax Regional Municipality Charter* are introduced to the Legislature.

**Motion Carried.**

Continued...

**4. PUBLIC HEARING:**

**4.1 Request for Street Closure: Portion of Undeveloped Road  
Falmouth Street, Sydney (District 5):**

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 as outlined in the staff Issue Paper dated January 17, 2023.

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

Public Hearing:

The Deputy Mayor asked if there was anyone present to speak for or against the request, seeing that there was no one, Deputy Mayor Edwards proceeded with Council discussion.

Councillor Eldon MacDonald then put forth the following motion:

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, approval of the closure of that portion of the undeveloped road reserve as identified in red on Attachment "A" to the staff Issue Paper dated January 17, 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 January 17, 2023 surplus and
- To sell the property, subject to existing CBRM water and sewer lines, at market value, to Joneljim Realty as previously agreed and authorize the Mayor and Clerk to execute the documents to finalize the conveyance pursuant to the 2002 agreement.

**Motion Carried.**

**5. REPORTS:**

**5.1 CBRM 2023 Assessment Roll:**

Deputy Mayor Edwards welcomed Mr. Lloyd MacLeod, Director of Assessment, who introduced Dave Penny, Director for Roll and Data Maintenance in charge of data collection for the province and the other members of the PVSC team in attendance.

**Continued...**

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**REPORTS CBRM 2023 Assessment Roll (Cont'd):**

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Mr. Penny provided a PowerPoint presentation on the PVSC 2023 Assessment Roll for CBRM which included the following:

- Market Value
- Important Dates
- Base Date
- Data Insights – Sales Price
- CBRM's Assessment Roll
- Sector Highlights
- The Appeal Process
- Inquiry and Appeal Period
- PVSC Contact Information

After the presentation, some of the issues discussed included the following:

- The need for additional communication to the public in regards to the assessment process
- Assessment process regarding the Market Value and the state of the property
- The CAP and the fluctuation of the CPI
- Affordable housing and rent increases
- Evaluation methods for apartment buildings
- More detailed information and statistics pertaining to CBRM

The Deputy Mayor thanked PVSC representatives for the presentation.

**For Information Only.****5.2 Port of Sydney Development Corporation:****a) Proposal for New Governance Structure:**

James Kerr, PSDC Chair, introduced the members of the Port of Sydney Development Corporation Board that were in attendance at the meeting and advised that the Port is positioned for growth and propose changes in governance structure.

Marlene Usher, Chief Executive Officer, provided a presentation on the Port and advised that the Sydney waterfront is underdeveloped and discussed the need for infrastructure, highlighting the following:

- Proposed development in Fisherman's Cove and Urban Market
- Significant interest in the Market
- The success of the current 12-month retail operation
- The need for a marine fuel distribution service
- Various upcoming opportunities for services needed in CBRM
- Port location is prime
- Need for repair to the South Dock

**Continued...**

**REPORTS CBRM 2023 Assessment Roll (Cont'd):**

James Kerr discussed the Port's inability to secure capital funding and to apply for government programs. The goal for the Port is to become a true independent Port Authority.

Marlene Usher discussed funding issues with recent Port projects in relation to the CBRM's Capital Priorities. She advised that they have applied for many funding programs during COVID and were denied because they are considered an affiliate of the municipality. Ms. Usher suggested that it would be beneficial for the PSCD to operate as an Authority in order to apply for funding from the other levels of government.

James Kerr advised that in regards to next steps, the Port is asking Council to authorize the CBRM management to engage in discussion with the Port of Sydney regarding the proposed Governance model with new revised articles along with a lease agreement that would benefit CBRM.

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

**Motion:**

Moved by Councillor MacMullin, seconded Councillor Eldon MacDonald, that CBRM management be authorized to engage in discussions with the Port of Sydney regarding the Governance model and to come back to Council with an Issue Paper providing comment and recommendation.

Councillor Lorne Green raised a **Point of Order** in regards to discussion being held prior to allowing the motion to be put to the floor.

Following consultation with the Regional Solicitor and the Clerk, the Chair advised that the motion is in order, and it can be postponed in order to entertain general discussion, or it can be defeated. However if not, discussion at this point has to be on the motion.

*Discussion:*

Some items discussed included the current lease agreement, investment opportunities, funding and the amount of outstanding lease payments owing to CBRM by the Port.

Following discussion, the Deputy Mayor called for the vote.

**Motion Carried.**

In response to a **Point of Order** raised by Councillor Eldon MacDonald in regards to being able to ask questions following the motion, Marlene Usher spoke to new 12 month business model and the effects it had on merchants and residents.

**Continued...**

**REPORTS (Cont'd):**

**b) Financial Statements to November 30, 2022, with Projected Statement to March 31, 2023:817**

Marlene Usher discussed the Financial Statements to November 30, 2022, with Projected Statement to March 31, 2023.

**For Information Only.**

**6. BUSINESS ARISING:**

**6.1 In Camera Council – January 10, 2023:**

**a) Appointment of CAO Performance Review Committee:**

Deputy Mayor Edwards provided background information on the issue. After discussion took place on the suggestion that all of the Councillors who put their name forward to serve on the Committee should be appointed, the following motion was put forward:

**Motion:**

Moved by Councillor Parsons, seconded by Councillor Eldon MacDonald, that a Committee be established to oversee the CAO performance Review consisting of the Mayor and all six (6) Councillors to serve who put their name forward on the Committee, namely: Councillor Gordon MacDonald, Councillor Earlene MacMullin, Councillor Glenn Paruch, Councillor Steve Parsons, Deputy Mayor James Edwards and Councillor Lorne Green

*Discussion:*

After a **Point of Order** was raised that questioned whether or not the Mayor and Deputy Mayor should be on the same Committee, the Municipal Clerk clarified that there was no policy against it and clarified that the Committee is an Ad Hoc special purpose Committee.

The Deputy Mayor called for the vote.

**Motion Defeated.**

Continued...

**BUSINESS ARISING: In Camera Council – January 10, 2023 - Appointment of CAO Performance Review Committee (Cont'd):**

Following the motion being defeated, Deputy Mayor Edwards and Councillor Parsons withdrew their names from the list and the following motion was then put forward.

**Motion:**

Moved by Councillor Paruch, seconded by Councillor O'Quinn, that a Committee be established to oversee the CAO Performance Review, consisting of the Mayor and the following four Councillors:

- Councillor Gordon MacDonald
- Councillor Earlene MacMullin
- Councillor Glenn Paruch
- Councillor Lorne Green

Following clarification on the motion, the Deputy Mayor called for the vote.

**Motion Carried.**

**6.2 In Camera Council – January 17, 2023:**

**a) Memorandum of Understanding – CBRM and Doucet Developments for Sydney Waterfront:**

Marie Walsh, Chief Administrative Officer, advised that the Memorandum of Understanding is in response to the Expression of Interest that was issued by CBRM in 2021 for development of the Sydney waterfront property. She discussed the main points regarding purchase price and development timelines and advised that some areas of waterfront and public space adjacent to the property will be retained by CBRM for future use.

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Gillespie, that CBRM enter into the Memorandum of Understanding with Doucet Developments for the Sydney Waterfront as presented.

**Motion Carried.**

Continued...

**7. CORPORATE SERVICES ISSUES:**

**7.1 Request for Street Closure: Portion of PID 15751670 – Portion of Undeveloped Road Parcel, New Waterford (District 11):**

Sheila Kolanko, Property Manager, reviewed the Issue Paper included in the agenda package and recommended that the Legal Department be directed to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of PID 15751670 and deem it surplus and sold at market value.

**Motion:**

Moved by Councillor O’Quinn, seconded by Councillor Green, to direct the Legal Department to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of PID 15751670 as outlined and crosshatched in red on the map included in the staff Issue Paper dated January 17, 2023 as Attachment “A”, with the intention of deeming it surplus and sold at market value.

**Motion Carried.**

**7.2 CBRM Dog Bylaw Contract Renewal:**

Michael Ruus, Director of Planning & Development, reviewed his Issue Paper in the agenda package and recommended that CBRM enter into a contract with the SPCA, as the successful bidder of the Dog Bylaw Request for Proposals, for the next five years.

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Green, that CBRM enter into a contract with the SPCA, as the successful bidder of the Dog Bylaw Request for Proposals, for the next five years.

**Discussion:**

Following discussion on the issue, the Deputy Mayor called for the vote.

**Motion Carried.**

**7.3 Wireless Telecommunications Lease – Bell Mobility Inc.**

Demetri Kachafanas, Regional Solicitor, reviewed the Issue Paper in the agenda package and is recommended that the lease be renewed for PID 15275399 with Bell Mobility Inc.

**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Gordon MacDonald, to approve the lease of PID 15275399 to Bell Mobility Inc. on the terms contained in the lease attached to the Issue Paper in the agenda package dated Jan 6, 2023.

**Motion Carried.**

**8. COUNCILLOR AGENDA REQUEST:****8.1 Rodents:**

Councillor Gordon MacDonald reviewed his Councillor Request Form included in the agenda package and recommended Council pass a motion to have staff investigate how the CBRM can assist with the control and/or elimination of rodents, specifically rats, in areas that they have become a problem to residents.

**Motion:**

Moved by Councillor Gordon MacDonald, seconded by Councillor Cyril MacDonald, that staff be directed to prepare a Report on controlling and or eliminating rodents, specifically rats, in the CBRM.

**Discussion:**

Some of Council discussion included the idea of new greens bins without the vents. Staff confirmed that green bins have to be inspected by the property owner and if damaged, should be repaired or replaced and this can be done through CBRM's Solid Waste Department at no charge.

**Motion Carried.**

*At this point in the meeting, Council agreed to continue the meeting past 9:00 p.m.*

**9. FINANCIAL STATEMENTS:****9.1 CBRM Financial Projections 2022-23:**

Jennifer Campbell, Chief Financial Officer, reviewed the year-end financial projections as outlined in the Report in the agenda package. She advised that in advance of Budget Workshops, Departments have prepared their estimated year-end forecast for the current fiscal year and noted that the costs associated with Fiona recovery are eligible for DFAA, however there are certain costs that will not be reimbursed. She anticipates an 80% cost recovery; however, nothing is certain until the claim is submitted, and ruling is received.

The Chief Financial Officer provided an overview of the projected operating results and advised that detail would be provided at the Budget workshops. She added that there is no significant surplus or deficit, however the use of the operating reserve that was planned for last year's budget will be required.

**For Information Only.**

**Continued...**

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**FINANCIAL STATEMENTS (Cont'd):**

**9.2 CBRM Financial Statements to November 30, 2022:**

**For Information Only.**

**10. COMMITTEE REPORTS:**

N/A

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

N/A

**Meeting adjourned at 9:19 p.m.**

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**Deputy Mayor James Edwards  
Chair**

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**Deborah Campbell Ryan  
Municipal Clerk  
/acr**