

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
January 31, 2023
9:30 a.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 (left at 12:06 p.m.)
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Glenn Paruch
Deputy Mayor James Edwards
Councillor Ken Tracey
Councillor Darren O’Quinn
Councillor Lorne Green

Staff: Marie Walsh, Chief Administrative Officer
John MacKinnon, Deputy 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
Kirk Durning, Director of Parks, Recreation, Buildings and Facilities
Ray Boudreau, Senior Manager of Public Works
Sheila Kolanko, Property Manager
Paul Burt, Manager of Building, Planning & Licensing Laws
Francis Campbell, Manager of Solid Waste
Mike Targett, Community Consultation Coordinator
Sharon MacSween, Senior Administrative Assistant
Angela Ross, Recording Secretary

Absent: Councillor Steve Parsons (Regrets)
Councillor Darren Bruckschwaiger (Leave of Absence)

Summary of Decisions

Land Acknowledgement

Roll Call

O' Canada

Moment of Silent Reflection

Deputy Mayor Edwards recognized the passing of former CBRM Councillor Ross MacKeigan.

Mayor McDougall-Merrill recognized the passing of former Mayor of Mississauga, Hazel McCallion.

Mayor McDougall-Merrill acknowledged the announcement of a new Medical School in the CBRM at Cape Breton University.

1. APPROVAL OF AGENDA:

Motion to approve the January 31, 2023, Council Agenda as circulated. **Carried.**

2. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Special Council Minutes – December 15, 2022**

Carried.

Motion to approve minutes from:

- **Special Council Minutes – December 20, 2022**

Carried.

3. PROCLAMATION:

3.4 White Cane Week 2023:

Motion that Mayor Amanda M. McDougall-Merrill and CBRM Council proclaim the week of February 5th to 11th, 2023 as White Cane Week in Cape Breton Regional Municipality. **Carried.**

Continued...

Summary of Decisions (Cont'd)

4. DELEGATION:

4.1 New Dawn Enterprises – Request for CBRM Land:

Motion that the Legal Department be directed to proceed with the vetting process for the surplus properties outlined in the January 24, 2023 request from New Dawn Enterprises, and included in the agenda package, and to report back to Council. **Carried.**

5. BUSINESS ARISING:

5.1 Council – September 13, 2022:

a) New Central Library - Public Consultation

Motion that the old Courthouse be identified as a viable option for the new central library, and that staff be directed to conduct a structural analysis and report back to Council. **Carried.**

6. CORPORATE SERVICES ISSUES:

**6.1 Request to Deem Property Surplus: PID 15467129 / PID 15467095 –
Nicholson Avenue/Acadia Street, New Waterford (District 11):**

Motion to declare the parcel identified as PID 15467129 **surplus** to the needs of the municipality and sold at market value to the applicant and to approve an Easement over PID 15467095 for the purpose of access and/or parking for the applicant's development for their long-term residential care facility. All costs will be the responsibility of the applicant and subject to lot consolidation and compliance with Land Use By-law and issuance of a building development permit. **Carried.**

6.2 Resolution for Pre-Approval of Debt Issuance:

Motion to approve the following Resolutions:

a) Pre-Approval of the Debenture Issuance Subject to Interest Rate; and

b) Temporary Borrowing Resolution

in the amount of \$3,500,000 for the balance of a loan for the Water Utility as outlined in the staff report dated January 19, 2023 and included in the agenda package.

Carried.

Continued...

Summary of Decisions (Cont'd)

CORPORATE SERVICES ISSUES (Cont'd):

6.3 Call for Applications - Public Transit, and Green Energy Stream of Investing In Canada Infrastructure Program (ICIP):

Motion to approve the funding application for EV Transit Maintenance Facility and Zero Emission Buses for \$56,850,000 under Investing in Canada Infrastructure Program (ICIP); and, to authorize staff to move forward on the acquisition and all necessary documentation of the appropriate lands from Build Nova Scotia related to the Transit Facility Needs, as described in the Issue Paper dated January 24, 2023. **Carried.**

7. BY-LAWS & MOTIONS:

7.1 By-laws:

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

b) **First Reading:**

i) **Passenger Vehicle for Hire By-law (Formally the Tax Bylaw):**

Motion to approve first reading of the proposed Passenger Vehicle for Hire By-law as outlined in the staff Issue Paper dated January 24th, 2023. **Carried.**

8. Extended Absence of Councillor:

Motion that an extended leave of absence be granted to Councillor Darren Bruckschwaiger consistent with Section 17(4) of the *Municipal Government Act* and the CBRM Council Remuneration Policy. **Carried.**

9. COUNCILLOR AGENDA REQUEST:

9.1 Fire & Emergency Services Committee Review:

Motion that the Fire Services Committee be directed to review the current make-up of Fire and Emergency Service Committee and suggest changes to reflect a more inclusive committee and to report back to Council. **Carried.**

10. COMMITTEE REPORTS:

N/A

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

Moment of Silent Reflection

Deputy Mayor Edwards recognized the passing of Ross MacKeigan, former CBRM Councillor and expressed condolences for his family.

Mayor McDougall-Merrill recognized the passing of former Mayor of Mississauga, Hazel McCallion and expressed condolences for her family.

Mayor McDougall-Merrill acknowledged the announcement of a new Medical School in the CBRM at Cape Breton University.

1. APPROVAL OF AGENDA:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor MacMullin, to approve the January 31, 2023 Council agenda as circulated.

Motion Carried.

2. APPROVAL OF MINUTES:

Motion:

Moved by Councillor Green, seconded by Councillor O'Quinn, approval of the Minutes from:

- **Special Council Minutes - December 15, 2022**

Motion Carried.

Motion:

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

- **Special Council Minutes – December 20, 2022**

Motion Carried.

3. PROCLAMATION:

3.1 White Cane Week 2023:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Cyril MacDonald, that Mayor Amanda M. McDougall-Merrill and CBRM Council proclaim the week of February 5th to 11th, 2023 as White Cane Week in Cape Breton Regional Municipality.

Motion Carried.

4. DELEGATION:

4.1 New Dawn Enterprises – Request for CBRM Land:

Alyce Maclean, Project Manager of Housing Development for New Dawn Enterprises, provided background information on New Dawn Enterprises and a presentation on their application to the Canada Mortgage and Housing Corporation Rapid Housing Initiative (RHI) with a request that CBRM contribute surplus land pending the success of their application. The application deadline is March 15, 2023.

After the presentation, the Director of Planning and Development described the typical process for the request. Council then discussed the following:

- The condition of the properties requested and if any had underground infrastructure
- The need for all properties to be vetted prior to making a decision
- City Stream vs. Project Stream

Sheila Kolanko, Property Manager, advised that there was interest in a few properties, noting due diligence was carried out in the past year, and it was determined that there is no further interest in obtaining any of the properties. The majority of the vetting for the properties is complete. She also discussed the process for dealing with surplus properties which can be completed in time for a Public Hearing.

Motion:

Moved by Councillor MacMullin, seconded by Councillor Green, that the Legal Department be directed to proceed with the vetting process for the surplus properties outlined in the January 24, 2023 request from New Dawn Enterprises, and included in the agenda package, and to report back to Council.

Motion Carried.

5. BUSINESS ARISING:

5.1 Council – September 13, 2022:

a) New Central Library - Public Consultation:

Mayor McDougall-Merrill introduced the issue and called upon Mike Targett, Community Consultation Coordinator, to provide background information on the public consultation and how we move forward.

Mr. Mike Targett reviewed the Issue Paper in the agenda package and discussed his work on developing a process to engage the public on two options for the new central library and to allow opportunity for alternative sites to be suggested and considered. He discussed the previous work and consultation that has taken place on the need for a new library and the recommendations from the many Plans and Studies that have been completed.

Mr. Targett discussed the former Courthouse site and the requirement for renovations and expansion, and whether the site is viable and realistic. He noted that it is difficult to answer questions and concerns when the budget is still unknown, and explained that more Council direction is required before consulting the public.

The Community Consultation Coordinator laid out the process from where we are today and recommended the way forward to public consultation.

Kirk Durning, Director of Parks, Recreation, Buildings and Facilities, discussed the timeline for the Green Inclusive Community Buildings Fund and advised that applications are due February 28th. He explained that information is needed for estimates and a RETScreen for baseline of energy consumption in order to submit the application.

John MacKinnon, Deputy Chief Administrative Officer, advised that he reached out to the architect Talbot Sweetapple who completed the initial review of the old Courthouse and indicated the site is a viable option. Mr. MacKinnon recommended that he be invited to present to Council for further discussion.

Some of Council discussion included the following:

- Concerns regarding lack of funding information
- Application completion timeline
- Engineering and Environmental concerns with the Courthouse structure
- Structural analysis of the Courthouse is needed
- Potential partners

Continued...

New Central Library - Public Consultation (Cont'd):

After discussion, the recommendation from staff was clarified and the following motion was put forward:

Motion:

Moved by Councillor MacMullin, seconded by Councillor Tracey, that the old Courthouse be identified as a viable option for the new central library, and that staff be directed to conduct a structural analysis and report back to Council.

Discussion:

Following discussion on the motion, the Mayor called for the vote.

Motion Carried.

6. CORPORATE SERVICES ISSUES:

**6.1 Request to Deem Property Surplus: PID 15467129 / PID 15467095 –
Nicholson Avenue/Acadia Street, New Waterford (District 11):11:12**

Sheila Kolanko, Property Manager, reviewed the Issue Paper in the agenda package and recommended Council declare the parcel **surplus** and to be sold at market value to the applicant, and to approve an Easement over PID 15467095.

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Green, to declare the parcel identified as PID 15467129 **surplus** to the needs of the municipality and sold at market value to the applicant and to approve an Easement over PID 15467095 for the purpose of access and/or parking for the applicant's development for their long-term residential care facility. All costs will be the responsibility of the applicant and subject to lot consolidation and compliance with Land Use By-law and issuance of a building development permit.

Discussion:

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

Motion Carried.

Continued...

CORPORATE SERVICES ISSUES (Cont'd):

6.2 Resolution for Pre-Approval of Debt Issuance:

Jennifer Campbell, Chief Financial Officer, advised that the Water Utility has a loan which must be refinanced; if not, the loan would have to be paid in full. The Resolution requires Council approval.

Motion:

Moved by Deputy Mayor Edwards, seconded by Councillor Green, to approve the following Resolutions:

- a) Pre-Approval of the Debenture Issuance Subject to Interest Rate; and
- b) Temporary Borrowing Resolution

in the amount of \$3,500,000 for the balance of a loan for the Water Utility as outlined in the staff report dated January 19, 2023 and included in the agenda package.

Motion Carried.

6.3 Call for Applications - Public Transit, and Green Energy Stream of Investing In Canada Infrastructure Program (ICIP):

Wayne MacDonald, Director of Engineering & Public Works, reviewed his Issue Paper in the agenda package and recommended Council approve the funding application for Electric Vehicles for the Transit Maintenance Facility and Zero Emission Buses; authorize staff to move forward on the acquisition; and provide all necessary documentation of the appropriate lands from Build Nova Scotia related to the Transit Facility Needs.

Motion:

Moved by Councillor Green, seconded by Councillor O'Quinn, to approve the funding application for EV Transit Maintenance Facility and Zero Emission Buses for \$56,850,000 under Investing in Canada Infrastructure Program (ICIP); and, to authorize staff to move forward on the acquisition and all necessary documentation of the appropriate lands from Build Nova Scotia related to the Transit Facility Needs, as described in the Issue Paper dated January 24, 2023.

Discussion:

Some of the items discussed were as follows:

- Proposed new building and site
- Electric Bus requirements
- Elimination of funding for fossil fuel busses
- Charging stations and storage
- Modifying bus routes to accommodate battery life

Following discussion, the Mayor called for the vote.

Motion Carried.

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

7.1 **By-laws:**

- a) **Second / Final Reading – Public Hearing:** N/A
- b) **First Reading:**
 - i) **Passenger Vehicle for Hire By-law (Formally the Tax By-law): 11:49**

Paul Burt, Manager of Building, Planning & Licensing Laws, reviewed the Issue Paper in the agenda package and recommended Council approve the Bylaw for first reading.

Council discussion included the following:

- Wait times
- Clarification of Schedule C
- Taxis, and depots and operating service areas
- No substantial changes to the Bylaw - just rewording
- Increased information and advertisements
- Airport is serviced by companies in all services areas
- Rideshare
- Fines and levies
- Liability to owners who have sub-contractors
- Suspension and rules
- Correct fare and use of a meter

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor MacMullin, to approve first reading of the proposed Passenger Vehicle for Hire By-law as outlined in the staff Issue Paper dated January 24th, 2023.

Motion Carried.

8. **Extended Absence of Councillor:**

Demetri Kachafanas, Regional Solicitor, advised that Councillor Bruckschwaiger submitted a request for medical leave. The Mayor confirmed that Councillor Bruckschwaiger was not appointed to any committees.

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Gordon MacDonald, that an extended leave of absence be granted to Councillor Darren Bruckschwaiger consistent with Section 17(4) of the *Municipal Government Act* and the CBRM Council Remuneration Policy.

Motion Carried.

9. COUNCILLOR AGENDA REQUEST:

9.1 Fire & Emergency Services Committee Review:

Councillor Steve Gillespie reviewed the Councillor Request Form included in the agenda package and recommended that senior staff be directed to review the current make up of Fire and Emergency Service Committee and make changes to reflect a more inclusive committee.

Council and staff engaged in discussion and shared their perspectives on the issue and reasons behind their position.

A **Point of Order** was raised by Councillor Gillespie in regards to the agenda request, noting that it had been written with no ill intent back in October when the previous Committee was in place.

The Mayor advised that the terms of reference and accountable timelines all can be done within the policy. She suggested direction be given to the Committee to do a review of the terms of reference.

Motion:

Moved by Councillor Green, seconded by Councillor O'Quinn, that the Fire Services Committee be directed to review the current make-up of Fire and Emergency Service Committee and suggest changes to reflect a more inclusive committee and to report back to Council.

Motion Carried.

10. COMMITTEE REPORTS:

N/A

11. Review of Action Items from this Meeting:

Mayor Amanda M. McDougall-Merrill provided her list of action items from the meeting, as follows:

1. Issue Paper and Fire Services related items will be provided to the Fire and Emergency Services Committee and then brought back to Council.
2. Properties requested by New Dawn will be vetted by staff, then back to Council with consideration for deadlines.
3. Green Fund application in February hoping to include the library. Staff are required to get appropriate information and due diligence back to Council.
4. Advocacy on the new ICIP. Recommendation for a workshop to provide a list of priorities.

Meeting adjourned at 12:48 p.m.

Mayor Amanda M. McDougall-Merrill

/acr

**Deborah Campbell Ryan
Municipal Clerk**