

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
June 13, 2023
6:00 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 (arrived 6:14 p.m.)
Deputy Mayor James Edwards
Councillor Ken Tracey
Councillor Darren Bruckschwaiger
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
Michael Seth, Fire Chief and Director of Fire & Emergency Services
Greg Campbell, Manager of Technical Support Services, Water Utility
Matt Viva, Manager of Wastewater Operations
Sheila Kolanko, Property Manager
Kelly McDonald, Clerk’s Department
Sharon MacSween, Recording Secretary

Absent: N/A

Summary of Decisions

Land Acknowledgement

Roll Call

O' Canada

1. APPROVAL OF AGENDA:

Motion to approve the May 23, 2023, Council Agenda and Addendum as circulated. **Carried.**

2. APPROVAL OF MINUTES:

Motion to approve the Minutes from:

- **Council Minutes – May 23, 2023**

Carried.

3. PROCLAMATIONS:

3.1 Longest Day of Smiles:

Motion to proclaim June 18th, 2023, as “Longest Day of SMILES” in the Cape Breton Regional Municipality. **Carried.**

ADDENDUM:

3.2 National Indigenous History Month and Indigenous Peoples Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June to be National Indigenous History Month and June 21st, 2023, as National Indigenous Peoples Day in the Cape Breton Regional Municipality. **Carried.**

4. PRESENTATION:

4.1 Celebrating 120 Years of the Old Town Hall, Glace Bay (1903 – 2023):

A presentation was provided by representatives from the Old Town Hall Glace Bay, as the Society celebrates 120 Years in the community.

For information only.

Continued...

Summary of Decisions (Cont'd):

5. REPORT:

5.1 WindEurope Trip Summary:

A presentation was provided to summarize the CBRM delegation that participated in the WindEurope 2023 Conference in Copenhagen.

For information only.

6. PROTECTIVE SERVICES ISSUE:

6.1 New Staff Appointment – Fire Prevention Officer:

Motion to appoint Fire Prevention Officer Bryce Kehoe as a Municipal Fire Inspector in accordance with the provisions of the *Fire Safety Act of Nova Scotia*, Chapter 6 of the Acts of 2002, Article 19 (1)(b) thereof, to carry out fire inspections within the Cape Breton Regional Municipality in accordance with the said Act and any regulations made thereunder. **Carried.**

7. CORPORATE SERVICES ISSUES:

7.1 Request to Deem Property Surplus: PID 15467095 - Nicholson Avenue/Acadia Street, New Waterford (District 11):

Motion to declare parcel PID 15467095 **surplus** to the needs of the municipality and sell to the applicant (Maple Hill Manor), at market value, subject to the following conditions:

- Subject to a Sanitary Sewer Easement in favour of Cape Breton Regional Municipality for existing sanitary sewer line;
- Subject to an Access Easement in favour of Cape Breton Regional Municipality off Acadia Street;
- Subject to an Access Easement in favour of adjacent property owner (Canada Mortgage and Housing Corporation); and
- Subject to Lot Consolidation and compliance with Land Use By-law and issuance of a building development permit.

Carried.

7.2 Request for Easement – NSPI, Churchill Drive, Sydney (District 5) PID 15080195:

Motion to authorize the Mayor and Clerk to execute an Easement Agreement in favour of Nova Scotia Power Incorporation across the CBRM property as shown on the sketch included in the staff Issue Paper dated June 13, 2023, to permit the applicant's development. All costs and fees associated with the Easement shall be the responsibility of Membertou. **Carried.**

Summary of Decisions (Cont'd):

8. BUSINESS ARISING:

8.1 Council – July 12, 2022:

a) Water / Wastewater Commission Development:

Motion to:

- Approve the Guiding Principles attached as Appendix A to this report for the establishment of a Commission to deliver water and wastewater services regulated by the Nova Scotia Utility and Review Board for the residents of CBRM;
- Authorize CBRM Staff to proceed with development of the Commission board structure depicted in Appendix B, including a total of eight (8) Commissioners, for the combined water/wastewater utility pending the adoption of provincial legislation to formally establish the Commission;
- Approve the organizational structure depicted in the Organization Chart attached as Appendix B for integrated management of the delivery of water/wastewater services in CBRM;
- Approve the revised EPW organization structure depicted in the Organization Chart attached as Appendix B, including Engineering and Capital Projects service delivery, to be supported by user departments.

Carried.

8.2 Council – May 23, 2023:

a) Cossitt Heights Development Request:

Motion that CBRM enter into an agreement with the developer to require funds from the applicant representing the cost estimate, prepared by CBRM Engineering and Public Works, for road construction and services related to the required frontage of the proposed lot parcel 2023-1, as outline and described in the proposed subdivision application attached to the staff Memo dated June 8, 2023, pursuant to Engineering Standards and Specifications. CBRM undertakes to hold the funds in escrow pending completion of road construction and services pursuant to the Agreement of Purchase and Sale dated, September 24th, 2012, and any subsequent amendments.

Carried.

9. REVIEW OF ACTION ITEMS FROM THIS MEETING:

Mayor McDougall-Merrill advised that no action items were to be reviewed from the meeting.

ADJOURNMENT

Land Acknowledgement

Roll Call

O' Canada

1. APPROVAL OF AGENDA:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Deputy Mayor Edwards, to approve the June 13, 2023, Council Agenda and Addendum as presented.

Motion Carried.

2. APPROVAL OF MINUTES:

Motion:

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

- **Council Minutes – May 23, 2023**

Motion Carried.

3. PROCLAMATIONS:

3.1 Longest Day of Smiles:

Motion:

Moved by Councillor Green, seconded by Councillor Paruch, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 18th, 2023, as “Longest Day of SMILES” in the Cape Breton Regional Municipality.

Motion Carried.

3.2 National Indigenous History Month and Indigenous Peoples Day:

ADDENDUM:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Deputy Mayor Edwards, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June to be National Indigenous History Month and June 21st, 2023, as National Indigenous Peoples Day in the Cape Breton Regional Municipality.

Motion Carried.

4. PRESENTATION:

4.1 Celebrating 120 Years of the Old Town Hall, Glace Bay (1903 – 2023):

A presentation on the past 120 years of the Old Town Hall Glace Bay was provided by Old Town Hall Society members including Elke Ibrahim, Vice Chair and Curator, and Roberta Williams, Volunteer. During the presentation, the following was discussed:

- Town of Glace Bay Incorporation in 1901
- 1902 the construction of the Old Town Hall began
- Old Town Hall was designed by George E. Hutchison and built by McCaskill Construction at the cost of \$18,800
- Built to house municipal offices, Glace Bay's Old Town Hall opened in 1903 and operated for over 80 years
- In the late 1980's, it was realized that upkeep for the Old Town Hall was too expensive and for the next 10 years, the Glace Bay Historical Society had ownership of the building
- The building was kept afloat by fundraising and there was hope that the building would be a future museum
- Due to challenges, the keys to Old Town Hall handed to CBRM in 1997
- In 1998, demolition was announced for the then vacant building
- Glace Bay Heritage Museum Society took ownership of the building in 1999 and through fundraising efforts, secured fund to restore the building
- Restoration of the building took place over a one-year-period and the grand opening of the Old Town Hall was held on June 1, 2003
- The building is designated as a Municipal Heritage Property
- Restoration of the second floor of the Old Town Hall began in 2005 and was completed 2006.
- Local craftsmen were involved in the second-floor restoration which included windows, door frames, display cases and cabinets.
- The Marconi Room was built in 2007 to mark 100 years of commercial wireless communications beginning in 1907
- Local residents contributed to the Old Town Hall with their art and artifacts and the importance the mining industry and labour rights of miners, sport and music in the community
- The Museum's second floor opened on June 1, 2010
- In 2013, a year-day celebration marked the 110th Anniversary of the Old Town Hall
- Between 2012 to 2022, the Glace Bay Old Town Hall received thousands of visitors.

Following the Council discussion, Mayor McDougall-Merrill congratulated the Old Town Hall Glace Bay Society on the 120th Anniversary and thanked Elke Ibrahim and Roberta Williams for the presentation.

For Information Only.

5. REPORT:

5.1 WindEurope Trip Summary:

Denis Thibeault, Economic Development Officer - Cape Breton Partnership, provided a presentation on the 2023 Copenhagen WindEurope Trip on behalf of the CBRM delegation. He discussed why they went, what did they do, what was it like, what they learned, where to go from here and ongoing next steps.

Following the presentation, Council discussion took place.

For Information Only.

6. PROTECTIVE SERVICES ISSUE:

6.1 New Staff Appointment – Fire Prevention Officer:

Michael Seth, Fire Chief and Director of Fire and Emergency Services, provided background information on this issue. The following motion was then put forward:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Gillespie, to appoint Fire Prevention Officer Bryce Kehoe as a Municipal Fire Inspector in accordance with the provisions of the Fire Safety Act of Nova Scotia, Chapter 6 of the Acts of 2002, Article 19 (1)(b) thereof, to carry out fire inspections within the Cape Breton Regional Municipality in accordance with the said Act and any regulations made thereunder.

Discussion:

In response to a question, Chief Seth clarified that this staff appointment is not a new position and is to fill a vacancy.

Motion Carried.

7. CORPORATE SERVICES ISSUES:

7.1 Request to Deem Property Surplus: PID 15467095 - Nicholson Avenue/Acadia Street, New Waterford (District 11):

Sheila Kolanko, Property Manager, reviewed the Issue Paper in the agenda package and made a recommendation. The following motion was then put forward:

Continued...

CORPORATE SERVICES ISSUES - Request to Deem Property Surplus: PID 15467095 - Nicholson Avenue/Acadia Street, New Waterford (District 11) (Cont'd):

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Paruch, to declare parcel PID 15467095 **surplus** to the needs of the municipality and sell to the applicant (Maple Hill Manor), at market value, subject to the following conditions:

- Subject to a Sanitary Sewer Easement in favor of Cape Breton Regional Municipality for existing sanitary sewer line;
- Subject to an Access Easement in favor of Cape Breton Regional Municipality off Acadia Street;
- Subject to an Access Easement in favor of adjacent property owner (Canada Mortgage and Housing Corporation); and
- Subject to Lot Consolidation and compliance with Land Use By-law and issuance of a building development permit.

Discussion:

In response to a question by Councillor Green, the Director of Engineering and Public Works advised that Easements would allow CBRM to continue to have access and rights to the sites if CBRM has to make repairs, and the Easement provision will not permit the easement to be built on.

Motion Carried.

7.2 Request for Easement – NSPI, Churchill Drive, Sydney (District 5) PID 15080195:

Sheila Kolanko, Property Manager, reviewed the Issue Paper included the agenda package and made a recommendation. The following motion was then put forward:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Parsons, to authorize the Mayor and Clerk to execute an Easement Agreement in favour of Nova Scotia Power Incorporation across the CBRM property as shown on the sketch included in the staff Issue Paper dated June 13, 2023, to permit the applicant's development. All costs and fees associated with the Easement shall be the responsibility of Membertou.

Motion Carried.

8. BUSINESS ARISING:

8.1 Council – July 12, 2022:

a) Water / Wastewater Commission Development:

Greg Campbell, Manager of Technical Support Services, Water Utility, reviewed his presentation included in the agenda package, and outlined the highlights of the information report. He reviewed the Council decisions that were made in the past, some due diligence that staff has done since last directed from Council, guiding principles, some governance and organizational structure design, updated project timelines, and recommendation.

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Eldon MacDonald, to:

- Approve the Guiding Principles attached as Appendix A to this report for the establishment of a Commission to deliver water and wastewater services regulated by the Nova Scotia Utility and Review Board for the residents of CBRM;
- Authorize CBRM Staff to proceed with development of the Commission board structure depicted in Appendix B, including a total of eight (8) Commissioners, for the combined water/wastewater utility pending the adoption of provincial legislation to formally establish the Commission;
- Approve the organizational structure depicted in the Organization Chart attached as Appendix B for integrated management of the delivery of water/wastewater services in CBRM;
- Approve the revised EPW organization structure depicted in the Organization Chart attached as Appendix B, including Engineering and Capital Projects service delivery, to be supported by user departments.

Discussion:

During discussion, it was clarified by the CAO that this is a starting point to initiate consultation and discussion for legislation and that the Commission will look very similar to the setup of the Water Utility as a shared service. Clarity regarding the contract arrangements between CBRM and the Commission will be required.

Motion Carried.

8.2 Council – May 23, 2023:

a) Cossitt Heights Development Request:

Michael Ruus, Director of Planning and Development reviewed his memo included in the agenda package. He advised that in May 2023, CBRM agreed to permit the agreed phasing to be varied to accommodate the development of two proposed apartment buildings in phase seven. Due to delays in accessing materials for required infrastructure improvements, the developer has requested the option to provide security for the construction of the required road frontage to expedite the ability to obtain a Building/Development Permit. Upon review by staff and the Legal Department, the following motion was put forward:

Motion:

Moved by Councillor Paruch, seconded by Councillor Gordon MacDonald, that CBRM enter into an agreement with the developer to require funds from the applicant representing the cost estimate, prepared by CBRM Engineering and Public Works, for road construction and services related to the required frontage of the proposed lot parcel 2023-1, as outline and described in the proposed subdivision application attached to the staff Memo dated June 8, 2023, pursuant to Engineering Standards and Specifications. CBRM undertakes to hold the funds in escrow pending completion of road construction and services pursuant to the Agreement of Purchase and Sale dated, September 24th, 2012, and any subsequent amendments.

Discussion:

The following was then discussed:

- Encouraging development projects
- Staff recommendation and options
- Securing the ability to ensure road frontage completion
- Former Subdivision Bylaw with similar provisions
- Service Delivery Policy and future situations

Motion Carried.

9. REVIEW OF ACTION ITEMS FROM THIS MEETING:

Mayor McDougall-Merrill advised that no action items were to be reviewed from the meeting.

Councillor Green apologized to Jennifer Campbell, Chief Financial Officer, for comments made during budget deliberations.

Meeting adjourned at 9:33 p.m.

Mayor Amanda M. McDougall-Merrill
/slm

Christa Dicks
Municipal Clerk