

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
June 15, 2021
6:01 p.m.
Via Video Conferencing**

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 Bruckschwaiger
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 WasteWater
Sean MacLellan, Supervisor Engineering Services
Gil Boone, Staff Sergeant – CBRPS
Sheila Kolanko, Property Manager
Allan Clarke, Manager of Recreation, Parks, Grounds & Buildings
Karen Neville, Senior Planner
Kristen Knudskov, Planner
Sharon MacSween, Senior Administrative Assistant
Tanya Nicholson, Recording Secretary

Absent: N/A

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

Moment of Silent Reflection

The passing of former Councillors Rod MacArthur and Murray Johnston was recognized. Also the tragic passing of former Librarian Ian Macintosh was also acknowledged by Council.

1. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Special Council Meeting – March 30, 2021**

Carried.

Motion to approve minutes from:

- **Council – May 18, 2021**

Carried.

2. APPROVAL OF AGENDA:

Item 10.1 b)i) was removed from the Agenda

Motion to approve the June 15, 2021 Council Agenda as amended. **Carried.**

3. PROCLAMATIONS & RESOLUTIONS:

3.1 Filipino Heritage Month:

Motion that CBRM Mayor Amanda M. McDougall and Council hereby declare the month of June as “Filipino Heritage Month” in the Cape Breton Regional Municipality. **Carried.**

Continued...

Summary of Decisions (Cont'd)

PROCLAMATIONS & RESOLUTIONS (Cont'd):

3.2 National Indigenous History Month:

Motion CBRM Mayor Amanda M. McDougall and Council hereby declare the month of June as National Indigenous History Month in the Cape Breton Regional Municipality. **Carried.**

4. PRESENTATION:

4.1 PAL Airlines:

PAL Airlines provided a presentation to Council on route expansion, including the launch of flight service from the J.A. McCurdy Sydney Airport.

For information only.

5. STREET CLOSING – PUBLIC HEARING:

a) Portion of Eighth Street, New Waterford, District 11 (New Waterford Hub Project):

Motion for approval of the closure of a portion of Eighth Street, New Waterford, and to deem that portion of Eighth Street, New Waterford (as outlined in red on the map attached to the staff report dated June 15, 2021) **surplus** and convey to the Province of Nova Scotia as part of the transfer of land required for the New Waterford Hub Project. **Carried.**

6. PLANNING ISSUES:

6.1 FINAL APPROVAL – PUBLIC HEARINGS:

a) Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier:

Motion to approve the sale of portions of CBRM properties PID 15547284, PID 15609902, PID 15609910, and PID 15609928 identified on Attachment F of the staff report dated June 4, 2021, for the sum of \$1.00 to the Menelik Hall Society **Carried.**

Continued...

Summary of Decisions (Cont'd):

PLANNING ISSUES - FINAL APPROVAL – PUBLIC HEARINGS - Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier (Cont'd):

Motion for final approval of the zoning amendment request by Menelik Hall Society on PID 15130438, PID 15130446, PID 15130628, PID 15130610 and PID 15130636 to Central Business District (CBD) Zone. **Carried.**

b) **Case 1082: Rural CBRM and Rural CBRM – No Mobile Home Zones:**

Motion for final approval of the amending bylaw to remove the Rural CBRM – No Mobile Homes (RCB-NM) Zone from the Land Use Bylaw, and to apply the Special Provision for Grand Lake Road/Sydney Road within the Rural CBRM (RCB) Zone, as outlined in the staff report dated June 7, 2021. **Carried.**

6.2 **APPROVAL TO ADVERTISE:**

a) **Case 1083: Request for a Three-Unit Apartment at 52 King Street, North Sydney (PID 15024383; District 2):**

Motion for approval to advertise Notice of a Public Hearing to consider the application by Lisa Penny to permit a 3-unit apartment at 52 King Street, North Sydney, by amending the zoning for PID 15024383 from Residential Urban C (RUC) to Residential Urban 3-Unit (RU3). **Carried.**

7. **BUSINESS ARISING:**

7.1 **Council Meeting – May 18, 2021:**

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

The Municipal Clerk provided a public report on the Citizen Appointments to various Committees.

For information only.

Continued...

Summary of Decisions (Cont'd):

BUSINESS ARISING (Cont'd):

7.2 In-Camera Council Meeting – June 15, 2021:

**a) Report per Section 22 (2) (e) of *Municipal Government Act*
(Contract Negotiations):**

Motion to approve the extension of the current contract for three years beyond the end date of the contract as referenced in the terms of the Option and Development Agreement with Sydney Harbour Investment Partners Inc. (SHIP), and the formation of a CBRM Steering Committee to assist in the advocacy and work required to move the project forward. **Carried.**

8. COUNCILLOR AGENDA REQUEST:

8.1 Baille Ard Trail Flood Mitigating Project:

Motion that staff be requested to prepare an issue paper on the progress of the Baille Ard Trail flood mitigation project and an update on what benefits and impacts are expected in the affected areas, and request all movement towards the next phase be paused until the issue paper comes back to Council for further discussion and additional considerations. **Carried.**

9. CORPORATE SERVICES ISSUES:

9.1 Taxi By-law – Amendment Request:

Motion to direct staff to initiate a review of the Taxi By-law in its entirety, which would involve the establishment of a Working Group consisting of representatives of the taxi industry, taxi users, interested parties, members of the public, CBRM Staff, and a member of Council, as outlined in Option 3 of the staff report dated April 20, 2021. **Carried.**

9.2 Appointment of Development Officer:

Motion to appoint Colleen Clare as a Development Officer for CBRM, in accordance of Section 243 of the *Municipal Government Act*. **Carried.**

Summary of Decisions (Cont'd):

10. BY-LAWS & MOTIONS:

10.1 By-laws:

a) Second / Final Reading – Public Hearing:

i) N/A

b) First Reading:

i) Tow Truck Licencing By-law - Proposed Amendments:

This item has been removed from the Agenda.

ii) Parking Meter By-law T-5 - Proposed Amendments:

Motion to approve for first reading the proposed amendments to the Parking Meter By-law T-5, as presented. **Carried.**

11. Review of Action Items from the Meeting:

Mayor McDougall reviewed a list of action items from this 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

Moment of Silent Reflection

Councillor Steve Gillespie recognized the passing of Rod MacArthur, former County of Cape Breton and CBRM Councillor; and Murray Johnston, former Deputy Mayor for the Town of Sydney Mines and CBRM Councillor. Condolences was offered to their families.

Councillor Glenn Paruch recognized the tragic passing of Ian MacIntosh, former Cape Breton Regional Library Regional Librarian.

1. APPROVAL OF MINUTES:

Motion:

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

- **Special Council Meeting – March 30, 2021**

Motion Carried.

Motion:

Moved by Councillor Parsons, seconded by Councillor Tracey, approval of the Minutes from:

- **Council Meeting – May 18, 2021**

Motion Carried.

2. APPROVAL OF AGENDA:

Mayor McDougall noted that the Tow Truck Licencing By-law – Proposed Amendments has been removed from the agenda to allow staff time to undertake further analysis of additional input received and consultation with stakeholders.

Motion:

Moved by Deputy Mayor Earlene MacMullin, seconded by Councillor O’Quinn, to approve the June 15, 2021 Council Meeting Agenda as amended.

Motion Carried.

3. PROCLAMATIONS & RESOLUTIONS:

3.1 Filipino Heritage Month:

Motion:

Moved by Deputy Mayor Earlene MacMullin, seconded by Councillor Cyril MacDonald, that CBRM Mayor Amanda M. McDougall and Council hereby declare the month of June as “Filipino Heritage Month” in the Cape Breton Regional Municipality.

Motion Carried.

3.2 National Indigenous History Month:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Gordon MacDonald that CBRM Mayor Amanda M. McDougall and Council hereby declare the month of June as National Indigenous History Month in the Cape Breton Regional Municipality.

Motion Carried.

4. PRESENTATION:

4.1 PAL Airlines:

Janine Brown, Director of Business Development & Sales, and Stephen Short, Sales Manager of PAL Airlines, provided a presentation on the PAL Airlines route expansion, including the launch of flight service from the J.A. McCurdy Sydney Airport, highlighting the following:

- EIC Family of Companies
- PAL Group of Companies
- Who We Are
- Our Fleet
- Commitment to Safety
- Scheduled Service
- Charters and Cargo Services
- Community Involvement
- Flex Plus Program

Continued...

PRESENTATION – PAL Airlines (Cont'd):

Following the presentation, Council discussion included:

- COVID-19 testing at airports
- Launch date postponed to the end of July
- Same day flights option
- Flex Plus Program
- Introductory rate from Sydney to Halifax
- Interline agreements
- Online job postings for PAL Airlines

Mayor McDougall thanked Ms. Brown and Mr. Short for their presentation.

For information only.

5. STREET CLOSING – PUBLIC HEARING:

- a) **Portion of Eighth Street, New Waterford, District 11 (New Waterford Hub Project):**

Sheila Kolanko, Property Manager, provided background information on this issue.

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Tracey, approval of the closure of a portion of Eighth Street, New Waterford, and to deem that portion of Eighth Street (as outlined in red on the map attached to the staff report dated June 15, 2021) **surplus** and convey to the Province of Nova Scotia as part of the transfer of land required for the New Waterford Hub Project.

Public Hearing:

The Property Manager noted there were three (3) email submissions received in favour, three (3) email submissions received against the street closure and one (1) voice mail that was a general inquiry related to future traffic flow and parking.

Motion Carried.

Continued...

6. PLANNING ISSUES:

6.1 FINAL APPROVAL – PUBLIC HEARINGS:

a) Request to Purchase CBRM Land and Zoning Amendment Application (Case 1081) by Menelik Hall Society - Laurier Street and Tupper Street, Whitney Pier:

Karen Neville, Senior Planner, provided background information on this issue.

Mayor McDougall welcomed Michael Morrison, President of the Menelik Hall Society who was in attendance and provided a presentation on behalf of the Menelik Hall Society.

Mr. Morrison thanked Mayor and Council for their involvement and expressed appreciation for the contribution of land for the expansion of Menelik Hall. He advised that the hall will soon be able to accommodate more people and meet the community needs and social connections. Mr. Morrison invited Mayor and Council to visit the Hall and thanked Councillor Green and staff for their efforts to make the expansion possible.

Mayor McDougall and Councillor Green thanked Mr. Morrison for his presentation and his efforts on behalf of the Black Community.

Motion:

Moved by Councillor Green, seconded by Councillor O'Quinn, to approve the sale of portions of CBRM properties PID 15547284, PID 15609902, PID 15609910, and PID 15609928 identified on Attachment F of the staff report dated June 4, 2021, for the sum of \$1.00 to the Menelik Hall Society.

Public Hearing:

The Senior Planner noted there were no submissions on this issue.

Motion Carried.

Motion:

Moved by Councillor Green, seconded by Councillor Paruch, final approval of the zoning amendment request by Menelik Hall Society on PID 15130438, PID 15130446, PID 15130628, PID 15130610 and PID 15130636 to Central Business District (CBD) Zone.

Public Hearing:

The Senior Planner noted there were no public submissions received on this matter.

Motion Carried.

Continued...

PLANNING ISSUES – FINAL APPROVAL PUBLIC HEARINGS (Cont'd):

b) Case 1082: Rural CBRM and Rural CBRM – No Mobile Home Zones:

Kristen Knudskov, Planner provided background information on this issue.

Motion:

Moved by Councillor Green, seconded by Councillor Gillespie, final approval of the amending bylaw to remove the Rural CBRM – No Mobile Homes (RCB-NM) Zone from the Land Use Bylaw, and to apply the Special Provision for Grand Lake Road/Sydney Road within the Rural CBRM (RCB) Zone, as outlined in the staff report dated June 7, 2021.

Public Hearing:

The Planner noted there were no submissions received regarding the application.

Motion Carried.

6.2 APPROVAL TO ADVERTISE:

a) Case 1083: Request for a Three-Unit Apartment at 52 King Street, North Sydney (PID 15024383; District 2):

Kristen Knudskov, Planner, advised that the Planning Department received a zoning amendment application from Lisa Penny requesting permission for a 3-unit apartment at 52 King Street, North Sydney (PID 15024383). Present zoning is Residential Urban C (RUC) which only permits one and two-unit residential dwellings.

Motion:

Moved by Deputy Mayor Earlene MacMullin, seconded by Councillor Gordon MacDonald, approval to advertise Notice of a Public Hearing to consider the application by Lisa Penny to permit a 3-unit apartment at 52 King Street, North Sydney, by amending the zoning for PID 15024383 from Residential Urban C (RUC) to Residential Urban 3-Unit (RU3).

Motion Carried.

Continued...

7. **BUSINESS ARISING:**

7.1 **Council Meeting – May 18, 2021:**

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

Municipal Clerk, Deborah Campbell Ryan, provided Council with a public report on the names of successful candidates who have all accepted the positions, as follows:

• **Accessibility Advisory Committee (2-year term):**

- Louise Gillis (Candidate #1)
- Douglas Foster (Candidate #2)
- Jenny Rachel-Lind (Candidate #3)
- Sarah MacPherson (Candidate #4)
- Veronica Merryfield (Candidate #5)
- Dr. Linda Murray (Candidate #6)
- Marcie Shwery-Stanley (Candidate #7)
- Elaine Swartz (Candidate #8)

• **Diversity Committee (2-year term):**

- *Gay, Lesbian and Transgender Community*
 - Veronica Merryfield (Candidate #10)

For information only.

Mayor McDougall thanked all community members who put their names forward to volunteer on committees and thanked the Municipal Clerk for ongoing recruiting of the representatives for the various committee and board vacancies.

7.2 **In-Camera Council Meeting – June 15, 2021:**

a) **Report per Section 22 (2) (e) of *Municipal Government Act*
(Contract Negotiations)**

Mayor McDougall advised that earlier this date, Council met with In Camera with Albert Barbusci, CEO of SHIP, in regard to the current development contract between SHIP and CBRM.

The following motion was then put forward:

Continued...

BUSINESS ARISING – In-Camera Council Meeting – June 15, 2021: Report per Section 22 (2) (e) of Municipal Government Act (Contract Negotiations) (Cont'd):

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Bruckschwaiger, to approve the extension of the current contract for three years beyond the end date of the contract as referenced in the terms of the Option and Development Agreement with Sydney Harbour Investment Partners Inc. (SHIP), and the formation of a CBRM Steering Committee to assist in the advocacy and work required to move the project forward.

Discussion:

- Two eighteen-month extensions to the Agreement versus one 3-year extension
- Steering Committee, its representatives and more frequent reporting to Council
- There is no opt out clause in the Agreement
- Current Agreement was approved by Council
- The other terms in the contract are remaining the same; the extension period is the only change
- Membertou has vested interest in Novaport (SHIP)
- Fifteen months of Agreement impacted due to COVID-19
- Meeting with the Province and SHIP required to move the project forward
- Time and money already spent on this project
- SHIP would be more accountable with two eighteen-month extensions
- Private business vs Municipality's accountability to the public
- Agreement stability is needed when negotiating with Global Partners

Motion Carried.

8. COUNCILLOR AGENDA REQUEST:

8.1 Baille Ard Trail Flood Mitigating Project:

Councillor Glenn Paruch introduced this issue and requested that Council revamp the Baille Ard Trail Flood Mitigating Project to protect the Baille Ard Forest.

Continued...

COUNCILLOR AGENDA REQUEST – Baille Ard Trail Flood Mitigating Project (Cont’d):

Motion:

Moved by Councillor Paruch, seconded by Councillor Cyril MacDonald, that staff be requested to prepare an issue paper on the progress of the Baille Ard Trail flood mitigation project and an update on what benefits and impacts are expected in the affected areas, and request all movement towards the next phase be paused until the issue paper comes back to Council for further discussion and additional considerations.

Discussion:

Council discussion included:

- Mitigation Project will reduce chances of flooding – no guarantee of stopping it
- The benefits of the forest in the Baille Ard Trail
- Flooding of homes, schools, ballfield, and churches
- Timeframe for regulatory approvals
- Providing education on the project, including the pros and cons, and input from various groups and ecologists
- Status of government funding for mitigation project
- Recirculate engineer reports and links to previous meetings on this issue to Council
- Baille Ard Trail is a community asset that attracts families from across CBRM
- Baille Ard Trail group had suggested an altered plan to the original Mitigation Project
- Stakeholders to meet with Mayor and staff
- Majority of trail will remain untouched
- Location of the 3 berms

Motion Carried.

9. CORPORATE SERVICES ISSUES:

9.1 Taxi By-law – Amendment Request:

Paul Burt, Manager of Building Planning & Licensing Laws, advised that the Planning and Development Department received a request to amend CBRM’s Taxi Bylaw to allow for the use of new technology for the taxi industry. He noted the applicant’s request included the following:

- Amend the definition of taxi to include hatchbacks
- Eliminate the service areas
- Allow for different dispatch options
- Allow the use of software to calculate rates

Many of the requested amendments were raised during a discussion at a General Committee meeting on updating the Tai By-law.

Continued...

CORPORATE SERVICE ISSUES – Taxi By-law Amendment Request (Cont'd):

Motion:

Moved by Councillor Gillespie, seconded by Deputy Mayor MacMullin, to direct staff to initiate a review of the Taxi By-law in its entirety, which would involve the establishment of a Working Group consisting of representatives of the taxi industry, taxi users, interested parties, members of the public, CBRM Staff, and a member of Council, as outlined in Option 3 of the staff report dated April 20, 2021.

Motion Carried.

9.2 Appointment of Development Officer:

Michael Ruus, Director of Planning and Development, advised that the Planning Department recently hired a new Development Officer, Colleen Clare, who will require an appointment to perform her duties within the Planning & Development Department.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Gillespie, to appoint Colleen Clare as a Development Officer for CBRM, in accordance of Section 243 of the *Municipal Government Act*.

Motion Carried.

10. BY-LAWS & MOTIONS:

10.1 By-laws:

- a) **Second / Final Reading – Public Hearing:**
 - i. N/A
- b) **First Reading:**
 - i. **CBRM Tow Truck Licencing By-Law:**

This item was removed from the Agenda.

Continued...

BY-LAWS & MOTIONS – First Reading (Cont’d):

ii. Parking Meter By-law T-5 – Proposed Amendments:

Michael Ruus, Director of Planning and Development, provided background information on this issue and noted the proposed By-law amendments drafted by staff create a process to designate specific parking spaces for property owners. He advised that the Sydney Downtown Development Association is in support of the proposed amendments but would like to have a broader conversation about parking and loading zones within the Downtown Sydney at a future date.

Motion:

Moved by Councillor Parsons, seconded by Councillor Eldon MacDonald, to approve for first reading the proposed amendments to the Parking Meter By-law T-5, as presented.

Motion Carried.

11. Review of Action Items from the Meeting:

Mayor McDougall reviewed the following action items from this meeting:

1. J.A. McCurdy Sydney Airport: The Mayor indicated that she would obtain COVID testing information from Public Health and share with Council
2. Issue paper re: Baille Ard:
 - Exploration of funding/project amendments
 - Engineer’s Report re: flood mitigation options and links to Council meetings
 - Follow-up with Stakeholders group on June 21st
 - Ecologists opinion/UNIR

Meeting adjourned at 9:23 p.m.

Mayor Amanda M. McDougall

/tcn

Deborah Campbell Ryan
Municipal Clerk