

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
March 8, 2022
6:00 p.m.
Via Videoconference**

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
John MacKinnon, Deputy Chief Administration Officer
Jennifer Campbell, Chief Financial Officer
Deborah Campbell Ryan, Municipal Clerk
Demetri Kachafanas, QC, 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: N/A

Summary of Decisions

Land Acknowledgement

Roll Call

O' Canada

Ukrainian National Anthem

1. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Council – January 18, 2022**

Carried.

Motion to approve minutes from:

- **Council - January 24, 2022 – Council (Continuation of January 18, 2022, meeting)**

Carried.

2. APPROVAL OF AGENDA:

Motion to approve the March 8, 2022, Council Agenda and Addendum as circulated.

Carried.

3. PROCLAMATIONS & RESOLUTIONS:

3.1 Kidney Health Month:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim the month of March as “Kidney Month” in the CBRM and urge all Nova Scotians to become aware of your own kidney health and learn about the role your kidneys play in your body and the kidney disease warnings signs to look for, as well as the awareness of organ donation registry. **Carried.**

Continued...

Summary of Decisions (Cont'd)

PROCLAMATIONS & RESOLUTIONS (Cont'd):

3.2 Transgender Day of Visibility:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim Thursday, March 31st, 2022, as Transgender Day of Visibility in the CBRM. **Carried.**

3.3 International Women's Day:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim March 8th, 2022, as "International Women's Day" in the Cape Breton Regional Municipality and ask the residents of CBRM to stand as allies for women and show that together we can forge women's equality. **Carried.**

3.4 Autism Acceptance Month:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim April 2022 as Autism Acceptance Month throughout the Municipality and encourage all our citizens to recognize the individuals/people with autism, family members, caregivers, educators, and other professionals who strive to make Nova Scotia an inclusive and accessible place for us all to call home. **Carried.**

3.5 World Water Day:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim Tuesday, March 22nd, 2022, as "World Water Day" in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water. **Carried.**

3.6 World Down Syndrome Day:

Motion that CBRM Mayor Amanda M. McDougall and Council proclaim March 21st, 2022, as World Down Syndrome Day in the Cape Breton Regional Municipality and encourage all residents of the CBRM and the Government of Nova Scotia to ask themselves #whatinclusionmeans to them and how we can work together to empower people around the world to advocate for full inclusion in society. **Carried.**

3.7 Stand in Solidarity with Ukraine:

Motion that CBRM Mayor Amanda M. McDougall and Council hereby proclaim that the Cape Breton Regional Municipality stands in solidarity with the Ukrainian people and encourage all of Nova Scotia's leaders to join in condemnation of Vladimir Putin's acts of war and Russia's invasion of a free and democratic Ukraine. **Carried.**

Continued...

Summary of Decisions (Cont'd)

4. DELEGATIONS:

4.1 Cape Breton Music Industry Hall of Fame:

Motion that CBRM recognize the Cape Breton Music Industry Hall of Fame as the official Music Hall of Fame for CBRM. **Carried.**

Motion that staff be requested to look at the possibility of including Hall of Fame Stars in the Charlotte Street Revitalization Plan. **Carried.**

4.2 The Cape Breton Miners Museum:

Motion to refer the request made by the Cape Breton Miners Museum to match the fundraising dollars in the amount of \$400,000 for Phase 2 of the Miners Museum Renovation Plan Project to the Budget process. **Carried.**

4.3 Horizon Achievement Centre:

Motion to refer the request from Horizon Achievement Centre for a contribution up to 10% of the cost to the budget process. **Carried.**

5. PRESENTATION:

5.1 Tartan Downs Development:

Motion that a letter of support from Council be provided to the Tartan Downs Development Consulting Team which will be included in their overall funding request to the appropriate Provincial and Federal governments. **Carried.**

6. PUBLIC HEARING – STREET CLOSING:

6.1 Request for Street Closure: Portion of PID 15583164 - Portion of Undeveloped Road Parcel off Main Street, Reserve Mines (District 9):

Motion for final approval of the closure of that portion of the undeveloped road reserve pursuant to Section 315 of the *Municipal Government Act* for that portion of PID 15583164 outlined and crosshatched in red on the map (Attachment "A") included with the staff Issue Paper dated March 8th, 2022, in the agenda package, and to deem it **surplus** and offer for sale the said parcel at market value to the resident of 75 Main Street, Reserve Mines. Any sale would be subject to subdivision and lot consolidation and compliance of Land use By-Law. All costs would be the responsibility of the purchaser. **Carried.**

Continued...

Summary of Decisions (Cont'd)

7. BY-LAWS & MOTIONS:

7.1 By-laws:

a) Second / Final Reading – Public Hearing:

i) CBRM Building By-law:

Motion that the CBRM Building By-law be approved for second/final reading and to repeal By-Law S4 as presented. **Carried.**

ADDENDUM:

b) First Reading:

i) Taxi By-law - Rate Increase:

Motion to approve for first reading the proposed amendments to the CBRM Taxi By-law to implement a 30% rate increase to all fares outlined in Schedule C of the Bylaw. **Carried.**

8. CORPORATE SERVICES ISSUES:

8.1 Port of Sydney Development Corporation:

a) Payment Deferral

Motion to approve the request for a payment deferral of the 2021/22 fiscal year scheduled loan repayment by the Port of Sydney Development Corporation. **Carried.**

b) Request for Funding

Motion to refer the funding request from the Port of Sydney Development Corporation for the Waterfront Development Project to the budget process. **Carried.**

Continued...

Summary of Decisions (Cont'd)

Item 8.5 was dealt with at this point of the meeting.

8.5 COVID-19 Mandatory Vaccination Policy:

Motion to invoke part C of the COVID-19 Mandatory Vaccination Policy (i.e. CBRM determines that the unpaid leave is no longer feasible or in the best interest of the Municipality) for any employees who have been placed on leave without pay and allow them to return to work, effective on March 21st, 2022 when all restrictions are lifted.

Carried.

It was noted by Mayor McDougall that Council would reconvene at a later date for the remaining agenda items to be discussed.

ADJOURNMENT

Land Acknowledgement

Roll Call

O' Canada

The Ukrainian National Anthem was played in support of Ukraine.

1. APPROVAL OF MINUTES:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Gillespie, approval of the Minutes from:

- **Council Meeting – January 18, 2022**

Motion Carried.

Motion:

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

- **Council Meeting – January 24, 2022 (Continuation of January 18, 2022)**

Motion Carried.

2. APPROVAL OF AGENDA:

Mayor McDougall noted that the agenda is lengthy due to numerous issues that must be dealt with prior to Budget, as well as the addition of the Addendum.

Motion:

Moved by Councillor Parsons, seconded by Councillor Paruch, to approve the March 8, 2022, Council Agenda and Addendum as circulated.

Motion Carried.

Mayor McDougall advised that Council meetings will be held in Chambers in April once the State of Emergency is lifted.

Continued...

3. PROCLAMATIONS & RESOLUTIONS:

3.1 Kidney Health Month:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Tracey, that CBRM Mayor Amanda M. McDougall and Council proclaim the month of March as “Kidney Month” in the CBRM, and urge all Nova Scotians to become aware of your own kidney health and learn about the role your kidneys play in your body and the kidney disease warnings signs to look for, as well as the awareness of organ donation registry.

Motion Carried.

3.2 Transgender Day of Visibility:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Gillespie, that CBRM Mayor Amanda M. McDougall and Council proclaim Thursday, March 31st, 2022, as Transgender Day of Visibility in the CBRM.

Motion Carried.

3.3 International Women’s Day:

Motion:

Moved by Deputy Mayor MacMullin, seconded by Councillor Paruch, that CBRM Mayor Amanda M. McDougall and Council proclaim March 8th, 2022, as “International Women’s Day” in the Cape Breton Regional Municipality and ask the residents of CBRM to stand as allies for women and show that together we can forge women's equality.

Motion Carried.

3.4 Autism Acceptance Month:

Motion:

Moved by Councillor Parsons, seconded by Councillor Cyril MacDonald, that CBRM Mayor Amanda M. McDougall and Council proclaim April 2022 as Autism Acceptance Month throughout the Municipality and encourage all our citizens to recognize the individuals/people with autism, family members, caregivers, educators, and other professionals who strive to make Nova Scotia an inclusive and accessible place for us all to call home.

Motion Carried.

Continued...

PROCLAMATIONS & RESOLUTIONS (Cont'd):

3.5 World Water Day:

Motion:

Moved by Councillor Gillespie, seconded by Deputy Mayor MacMullin, that CBRM Mayor Amanda M. McDougall and Council proclaim Tuesday, March 22nd, 2022, as “World Water Day” in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water.

Motion Carried.

3.6 World Down Syndrome Day:

Motion:

Moved by Mayor Amanda M. McDougall, seconded by Councillor Cyril MacDonald, that CBRM Mayor Amanda M. McDougall and Council proclaim March 21st, 2022, as World Down Syndrome Day in the Cape Breton Regional Municipality, and encourage all residents of the CBRM and the Government of Nova Scotia to ask themselves #whatinclusionmeans to them and how we can work together to empower people around the world to advocate for full inclusion in society.

Motion Carried.

3.7 Stand in Solidarity with Ukraine:

Motion:

Moved by Councillor Green, seconded by Councillor Parsons, that CBRM Mayor Amanda M. McDougall and Council hereby proclaim that the Cape Breton Regional Municipality stands in solidarity with the Ukrainian people and encourage all of Nova Scotia’s leaders to join in condemnation of Vladimir Putin’s acts of war and Russia’s invasion of a free and democratic Ukraine.

Discussion:

Council discussion included the following suggestions:

- Reach out through the Ukrainian community and Federal Ministers of Parliament to open CBRM to Ukrainian refugees
- Reignite Organization Lifeline Syria which worked with Syrian refugee networks to see what is available for community groups to welcome refugees from Ukraine
- Contact Sean Fraser, Federal Minister of Immigration, to inquire about the fast tracking of Ukrainian Refugees into Canada
- Reach out to CBRM’s sister city in Poland to offer assistance
- Businesses operating in Russia should withdraw from that Country
- **Motion Carried.**

Continued...

4. DELEGATIONS:

4.1 Cape Breton Music Industry Hall of Fame:

Cape Breton Music Industry Cooperative Board Member Mark Botte provided a presentation regarding the proposed Hall of Fame. He thanked partners NSCC for the space, and Fred Tilley and Aaron Lewis for taking the lead on the project. He asked Council to consider the following:

- That CBRM recognize the Cape Breton Music Industry Hall of Fame as the official Music Hall of Fame for CBRM and to
- Include Hall of Fame Stars in the Charlotte Street Revitalization Plan.

In response to a question regarding the funding and cost of the study for the Lyceum Building, Chief Administrative Officer Marie Walsh advised that she would provide that information to Councillor Eldon MacDonald.

Following the presentation and Council discussion, the following motions were put forward:

Motion:

Moved by Councillor Green, seconded by Councillor Bruckschwaiger, that CBRM recognize the Cape Breton Music Industry Hall of Fame as the official Music Hall of Fame for CBRM.

Motion Carried.

Mayor McDougall advised that a copy of the motion and an official letter from the Mayor's office supporting the Hall of Fame would be provided for the funding applications.

Motion:

Moved by Councillor Green, seconded by Councillor Parsons, that staff be requested to look at the possibility of including Hall of Fame Stars in the Charlotte Street Revitalization Plan.

Discussion:

The Mayor clarified the intent of the motion.

Following Council discussion, the Mayor called for the vote.

Motion Carried.

Continued...

DELEGATIONS (Cont'd):

4.2 The Cape Breton Miners Museum:

James Kerr, Chair of the Miners Museum Board, and Mary Pat Mombourquette, Executive Director, reviewed the presentation in the agenda and advised that their team is working to attain funding from various levels of government, including \$400,000 from CBRM to match their fundraising efforts for Phase 2 of the Miners Museum Renovation Plan project.

After the presentation and Council discussion, the following motion was put forward:

Motion:

Moved by Councillor Tracey, seconded by Councillor Bruckschwaiger, to refer the request made by the Cape Breton Miners Museum to match the fundraising dollars in the amount of \$400,000 for Phase 2 of the Miners Museum Renovation Plan Project to the Budget process.

Discussion:

Following Council discussion, the Mayor called for the vote.

Motion Carried.

4.3 Horizon Achievement Centre:

Jim Davis, Board Chair - Horizon Achievement Centre; Abbey Stapleton, client of Horizon; Clayton Bartlett, Project Manager - Building Committee; and Aubrey Rogers, Treasurer of the Building Committee, provided a presentation regarding the construction of the new facility. They are asking Council for a contribution of up to 10% of the cost.

During Council discussion, representatives from Horizon Achievement Centre clarified that the request is for 10% of the total cost of the project, and not 10% of the funding required.

The following motion was then put forward.

Motion:

Moved by Councillor Green, seconded by Councillor Cyril MacDonald, to refer the request from Horizon Achievement Centre for a contribution up to 10% of the cost to the budget process.

Motion Carried.

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

Continued...

5. PRESENTATION:

5.1 Tartan Downs Development: *(presentation on file in the Clerk's Office and on the CBRM Website)*

Kent MacIntyre, President of the Urban Neighborhood Development Association; and Miranda Bailey, Project Architect - MacKay-Lyons Sweetapple Architects, provided a presentation on a proposed major residential development of affordable and market residential housing on the former Tartan Downs site that is owned by Cape Breton University.

After the presentation and Council discussion, the following motion was put forward:

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that a letter of support from Council be provided to the Tartan Downs Development Consulting Team which will be included in their overall funding request to the appropriate Provincial and Federal governments.

Discussion:

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

Motion Carried.

6. PUBLIC HEARING – STREET CLOSING:

6.1 Request for Street Closure: Portion of PID 15583164 - Portion of Undeveloped Road Parcel off Main Street, Reserve Mines (District 9):

Sheila Kolanko, Property Manager, reviewed the updated Issue Paper included in the agenda package and recommended Council approve the closure of that portion of the undeveloped road parcel off Main Street, Reserve Mines.

Motion:

Moved by Councillor Tracey, seconded by Councillor Green, final approval of the closure of that portion of the undeveloped road reserve pursuant to Section 315 of the *Municipal Government Act* for that portion of PID 15583164 outlined and crosshatched in red on the map (Attachment "A") included with the staff Issue Paper dated March 8th, 2022 in the agenda package, and to deem it **surplus** and offer for sale the said parcel at market value to the resident of 75 Main Street, Reserve Mines. Any sale would be subject to subdivision and lot consolidation and compliance of Land use By-Law. All costs would be the responsibility of the purchaser.

Public Hearing:

The Property Manager noted there were no public submissions received on this matter.

Motion Carried.

Continued...

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

7.1 **By-laws:**

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

i) **CBRM Building By-law:**

Paul Burt, Manager of Building, Planning, and Licensing Laws, reviewed the updated staff report included in the agenda package. He is recommending approval of the new Building By-law and repeal of the By-law S-4.

Motion:

Moved by Councillor Edwards, seconded by Councillor Tracey, that the CBRM Building By-law be approved for second/final reading and to repeal By-Law S4 as presented.

Public Hearing:

The Manager of Building, Planning, and Licensing Laws noted there were no public submissions received on this matter.

Discussion:

Following Council discussion, the Mayor called for the vote.

Motion Carried.

ADDENDUM:

b) **First Reading:**

i) **By-law - Rate Increase:**

Paul Burt, Manager of Building, Planning, and Licensing Laws, provided background information on the issue and reviewed his Issue Paper dated March 7, 2022, with fares being identified as the main issues by the taxi company owners. He recommended that with insurance and gas prices rising, it was time to look at increasing the fares temporarily until final amendments to the By-law can be taken to Council at a later date. Staff is suggesting a temporary 20% rate increase to all rate increases to all fares outlined in Schedule C of the By-law. It was noted that a Public Hearing could be held at a special meeting of Council as early as March 25th.

During discussion, several Councillors suggested that 20% was not high enough, and concerns were expressed regarding flat rates and the impact of higher fares on low-income customers.

Continued...

ADDENDUM - First Reading - By-law - Rate Increase (Cont'd):

The following motion was then put forward.

Motion:

Moved by Councillor O'Quinn, seconded by Councillor Paruch, to approve for first reading the proposed amendments to the CBRM Taxi Bylaw to implement a 30% rate increase to all fares outlined in Schedule C of the Bylaw.

Discussion:

Following Council discussion, the Mayor called for the vote.

Motion Carried, with two Councillors voting in the negative.

8. CORPORATE SERVICES ISSUES:

8.1 Port of Sydney Development Corporation:

a) Payment Deferral

Marlene Usher, Chief Executive Officer, reviewed her Memo in the agenda and asked Council to consider granting a payment deferral to the Port of Sydney Development Corporation for the 2021/22 fiscal year scheduled loan repayment. The request is being presented due to the negative impacts that COVID-19 has had on the cruise industry and the resulting financial consequences on Port revenues and cash flow.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Gillespie, to approve the request for a payment deferral of the 2021/22 fiscal year scheduled loan repayment by the Port of Sydney Development Corporation.

Discussion:

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

Motion Carried.

Continued...

CORPORATE SERVICES ISSUES - Port of Sydney Development Corporation (Cont'd):

b) Request for Funding

Marlene Usher, Chief Executive Officer, advised that the Port of Sydney is requesting funding from the CBRM which is outlined in her Memo in the agenda package for the Waterfront Development Project which was presented to Council in detail in November of 2021. She noted that the repair to the South dock owned by CBRM makes up \$1.6 million of the total costs.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Parsons, to refer the funding request from the Port of Sydney Development Corporation for the Waterfront Development Project to the budget process.

Motion Carried.

Item 8.5 was dealt with at this point of the meeting.

8.5 COVID-19 Mandatory Vaccination Policy:

Mayor Amanda M. McDougall reviewed her memo in the agenda and noted that COVID-19 restrictions continue to ease up and the remaining discretionary restrictions will be lifted on March 21st. She suggested the current policy put in place by CBRM Council for unvaccinated employees be reviewed to consider how to proceed within the current policy. She recommended Council invoke part C of the policy which states that CBRM determines that the unpaid leave is no longer feasible or in the best interest of the Municipality.

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Green, to invoke part C of the COVID-19 Mandatory Vaccination Policy (i.e. CBRM determines that the unpaid leave is no longer feasible or in the best interest of the Municipality) for any employees who have been placed on leave without pay and allow them to return to work, effective on March 21st, 2022 when all restrictions are lifted.

Discussion:

Some of the issues raised during discussion included current Provincial directives, proof of vaccination still required for new employees, and amendment to the Policy. The Solicitor clarified that this is not a Policy amendment; the Policy was created with that section in contemplation of this situation. The Policy should remain in place in case there is another wave of COVID-19 and State of Emergency.

Following Council discussion, the Mayor called for the vote.

Motion Carried, with 5 Councillors voting in the negative.

Continued...

The length of recent Council meetings as well as Councillor speaking times were discussed.

Mayor McDougall adjourned the meeting and noted that Council would reconvene at a later date for the remaining agenda items to be discussed.

Meeting adjourned at 11:57 p.m.

Mayor Amanda M. McDougall

Deborah Campbell Ryan
Municipal Clerk

/acr