

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
May 23, 2023
1:45 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 Cyril MacDonald
Councillor Steve Gillespie
Councillor Eldon MacDonald
Councillor Glenn Paruch
Councillor Ken Tracey
Councillor Darren Bruckschwaiger
Councillor Darren O’Quinn

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
Sheila Kolanko, Property Manager
Sharon MacSween, Recording Secretary

Absent: Councillor Earlene MacMullin (Regrets)
Councillor Steve Parsons (Regrets)
Deputy Mayor James Edwards (Regrets)
Councillor Lorne Green (Regrets)

The Council met earlier this date in accordance with Section 22(2)(a) and (e) of the Municipal Government Act.

Summary of Decisions

Land Acknowledgement

Roll Call

O' Canada

Welcome to Councillor Darren Bruckschwaiger on his return to Council.

Welcome to Deputy Mayor Martin Kirby, visiting from Warner, Alberta.

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 – January 31, 2023**
- **Council Minutes – February 28, 2023**
- **Council Minutes – March 14, 2023**
- **Council Minutes – March 28, 2023**
- **Council Minutes – April 11, 2023**
- **Council Minutes – April 25, 2023**

Carried.

3. DELEGATION:

3.1 Cossitt Heights Development Limited:

Motion to amend the original Sales and Purchase Agreement to allow Cossitt Heights Development Ltd. the option of switching the original phases 3 and 4, and also allow them the flexibility to change the remaining phases as the market dictates moving forward for the duration of the project. **Carried.**

Summary of Decisions (Cont'd)

4. PROCLAMATIONS:

4.1 Menstrual Health Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 28th, 2023 as “Menstrual Health Day “in the Cape Breton Regional Municipality. **Carried.**

4.2 Victorian Order of Nurses (VON) Week:

Motion that Mayor Amanda M. McDougall-Merrill and Council proclaim May 21-27, 2023 as VON week in the Cape Breton Regional Municipality recognizing the contributions made by the VON through their work in making our Province a better place in which to live. **Carried.**

4.3 International Day Against Homophobia, Transphobia and Biphobia:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim Wednesday, May 17th, 2023, as International Day Against Homophobia, Transphobia and Biphobia in the CBRM. **Carried.**

4.4 100th Anniversary Sydney-Riverview Y Service Club:

Motion that Mayor Amanda M. McDougall-Merrill and Council extend sincere congratulations to the Sydney-Riverview Y Service Club on the celebration of its 100th Year Anniversary with continued support for the communities within the Cape Breton Regional Municipality.

4.5 Bike Week:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 7th to 18th as Bike Week in the Cape Breton Regional Municipality. **Carried.**

Continued...

Summary of Decisions (Cont'd):

PROCLAMATIONS (Cont'd):

4.6 Inflammatory Bowel Disease (IBD) Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 19th, 2023 as “Inflammatory Bowel Disease (IBD) Day” in the Cape Breton Regional Municipality and join and spread awareness to better understand these diseases to find a cure. **Carried.**

4.7 Filipino Heritage Month:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim the month of June 2023 as “*Filipino Heritage Month*” in the Cape Breton Regional Municipality. **Carried.**

4.8 Davis Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 11th, 2023 as Davis Day in the CBRM and ask residents to take time to reflect and remember miners who were killed on the job and on our coal mining heritage the hardships and sacrifice, the bravery and achievements of Nova Scotia’s coal miners. **Carried.**

5. CORPORATE SERVICES ISSUES:

5.1 Provincial Road Parcels – PID 15571847, Port Morien, NS (District 8):

Motion to authorize the Mayor and Clerk to execute a Quit Claim Deed in favor of His Majesty The King in right of the Province of Nova Scotia for the streets and lands identified in Attachment “A” of the staff Issue Paper dated May 23, 2023, subject to existing CBRM infrastructure. **Carried.**

5.2 Request for Property from Playschool Daycare, New Waterford, NS (District 11) Portion of PID 15489354:

Motion to deem that portion of CBRM property (PID 15489354), outlined in red in Attachment “A” of the staff Issue Paper dated May 23rd, 2023, surplus to the needs of the municipality and sell to Playschool Day Care Centre for their proposed development. The sale shall be conditional upon lot consolidation and compliance with Land Use By-law and issuance of the building development permit. All costs shall be the responsibility of the applicant. **Carried.**

Summary of Decisions (Cont'd):

Addendum - Update on Heavy Garbage:

It was noted that a date has not been set for heavy garbage collection, however it may take place the end of June. CBRM will provide public messaging regarding heaving garbage and asked that heavy garbage not be placed curbside preemptively.

6. COMMITTEE REPORTS:

N/A

ADJOURNMENT

The Council met earlier this date in accordance with Section 22(2)(a) and (e) of the Municipal Government Act.

Land Acknowledgement

Roll Call

Mayor McDougall-Merrill welcomed Councillor Darren Bruckschwaiger on his return to Council.

Mayor McDougall-Merrill welcomed Deputy Mayor Martin Kirby, visiting from Warner, Alberta.

O' Canada

1. APPROVAL OF AGENDA:

Councillor Gordon MacDonald requested that a verbal update on heavy garbage be included on the agenda.

It was **agreed** that an update on heavy garbage be included on the agenda.

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Paruch, to approve the May 23, 2023 Council Agenda and Addendum as presented.

Motion Carried.

2. APPROVAL OF MINUTES:

Motion:

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

- **Council Minutes – January 31, 2023**
- **Council Minutes – February 28, 2023**
- **Council Minutes – March 14, 2023**
- **Council Minutes – March 28, 2023**
- **Council Minutes – April 11, 2023**
- **Council Minutes – April 25, 2023**

Motion Carried.

3. DELEGATION:

3.1 Cossitt Heights Development Limited:

Everett Knickle, Spokesperson for the Cossitt Heights Development, provided background information on the project to develop the Cossitt Heights Industrial Park into a residential neighbourhood.

Mr. Knickle advised that they are requesting Council approval to allow a change in the order in which Phases of the Subdivision Plan for Cossitt Heights are implemented as specified in the original Purchase and Sale Agreement with the CBRM. Phase 3 of the project was to build single family dwellings. They would like to build duplexes and apartment buildings in this phase based on need. Because the order of phasing is included in the Purchase and Sale Agreement, he asked that Mayor and Council consider changing the phasing in the Purchase and Sale Agreement to allow them to switch the order of the phases. He further asked for a provision to allow the Planning and Development flexibility to approve future changes to phasing such as switching the order of phase 5 and 6. It was pointed out that their project will aid the local housing crisis as the development is high density residential housing, and create tax revenue that would benefit CBRM and jobs.

After Mr. Knickle's presentation, the following motion was put forward:

Motion:

Moved by Councillor Paruch, seconded by Councillor Eldon MacDonald, to amend the original Sales and Purchase Agreement to allow Cossitt Heights Development Ltd. the option of switching the original phases 3 and 4, and also allow them the flexibility to change the remaining phases as the market dictates moving forward for the duration of the project.

Discussion:

During discussion, Council expressed their support for the project and future plans for the residential development.

Motion Carried.

4. PROCLAMATIONS:

4.1 Menstrual Health Day:

Motion:

Moved by Mayor McDougall-Merrill, seconded by Councillor Gordon MacDonald, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 28th, 2023 as "Menstrual Health Day" in the Cape Breton Regional Municipality

Motion Carried.

Continued...

PROCLAMATIONS (Cont'd):

4.2 Victorian Order of Nurses (VON) Week:

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, that Mayor Amanda M. McDougall-Merrill and Council proclaim May 21-27, 2023 as VON week in the Cape Breton Regional Municipality recognizing the contributions made by the VON through their work in making our Province a better place in which to live

Motion Carried.

4.3 International Day Against Homophobia, Transphobia and Biphobia:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Gillespie, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim Wednesday, May 17th, 2023, as International Day Against Homophobia, Transphobia and Biphobia in the CBRM.

Motion Carried.

4.4 100th Anniversary Sydney-Riverview Y Service Club:

Motion:

Moved by Councillor Gillespie, seconded by Councillor Cyril MacDonald, that Mayor Amanda M. McDougall-Merrill and Council extend sincere congratulations to the Sydney-Riverview Y Service Club on the celebration of its 100th Year Anniversary with continued support for the communities within the Cape Breton Regional Municipality.

Discussion:

Councillor Gillespie referenced the flag raising and convention held locally to recognize the event.

Motion Carried.

4.5 Bike Week:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 7th to 18th as Bike Week in the Cape Breton Regional Municipality.

Motion Carried.

Continued...

PROCLAMATIONS (Cont'd):

4.6 Inflammatory Bowel Disease (IBD) Day:

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim May 19th, 2023 as “Inflammatory Bowel Disease (IBD) Day” in the Cape Breton Regional Municipality and join and spread awareness to better understand these diseases to find a cure.

Discussion:

Councillor Gillespie reminded Council of the Gutsy Walk event scheduled for Sunday, June 4th, to raise funds to help people with IBD.

Motion Carried.

4.7 Filipino Heritage Month:

Motion:

Moved by Councillor Tracey, seconded by Councillor Bruckschwaiger, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim the month of June 2023 as “*Filipino Heritage Month*” in the Cape Breton Regional Municipality.

Discussion:

The Mayor reminded Council of the flag raising scheduled to mark this event.

Motion Carried.

4.8 Davis Day:

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Eldon MacDonald, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim June 11th, 2023 as Davis Day in the CBRM and ask residents to take time to reflect and remember miners who were killed on the job and on our coal mining heritage the hardships and sacrifice, the bravery and achievements of Nova Scotia’s coal miners.

Motion Carried.

Davis Day observance will be held this year in Sydney Mines at the Davis Monument on Pitt Street, and will be returning to New Waterford for the 100th Anniversary in 2025.

5. CORPORATE SERVICES ISSUES:

5.1 Provincial Road Parcels – PID 15571847, Port Morien, NS (District 8):

Sheila Kolanko, Property Manager, reviewed the Issue Paper included in the agenda package. Property Online identifies the registered owner as the Province of Nova Scotia. A registered Quit Claim Deed from 1987 to the former County of Cape Breton presents a title issues that creates uncertainty to the ownership. The Legal Department has examined the legal documents and concurs that the Province of Nova Scotia is the legal registered owner and a deed from the municipality to the Province will resolve questionable ownership of the property.

Motion:

Moved by Councillor Tracey, seconded by Councillor Bruckschwaiger, to authorize the Mayor and Clerk to execute a Quit Claim Deed in favor of His Majesty The King in right of the Province of Nova Scotia for the streets and lands identified in Attachment “A” in the staff Issue Paper dated May 23, 2023, subject to existing CBRM infrastructure.

Motion Carried.

5.2 Request for Property from Playschool Daycare, New Waterford, NS (District 11) Portion of PID 15489354:

Sheila Kolanko, Property Manager reviewed the Issue Paper included in the agenda package regarding the request from Playschool Daycare Centre for a portion of CBRM property to expand their existing daycare facility.

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Tracey, to deem that portion of CBRM property (PID 15489354), outlined in red in Attachment “A” of the staff Issue Paper dated May 23rd, 2023, surplus to the needs of the municipality and sell to Playschool Day Care Centre for their proposed development. The sale shall be conditional upon lot consolidation and compliance with Land Use By-law and issuance of the building development permit. All costs shall be the responsibility of the applicant.

Motion Carried.

Addendum - Update on Heavy Garbage:

The Director of Engineering and Public Works advised there had been issues with space allocation at the landfill due to the amount of tree waste from Hurricane Fiona. The Director noted that a tender would be issued for the areas that CBRM collects solid waste. For areas where garbage is collected by contractor, heavy garbage is already included in that existing tender.

Mr. MacDonald indicated a date has not been set for heavy garbage collection, however it looks as if it may take place the end of June. He further advised that CBRM will provide public messaging regarding heaving garbage and asked that heavy garbage not be placed curbside preemptively.

For information only.

6. COMMITTEE REPORTS:

N/A

Action Items:

At this point in the meeting, Mayor McDougall-Merrill provided the following reminders:

- Continuation of Council Budget deliberations will be held May 30th
- Recommendations from the Strategic Planning Workshop will be brought forward at the June 13 Council meeting
- A presentation will be provided to Council on June 13 by Deputy Mayor Edwards and Mayor McDougall-Merrill regarding the Wind Europe Conference
- Port Days

Meeting adjourned at 2:35 p.m.

Mayor Amanda M. McDougall-Merrill

/slm

**Deborah Campbell Ryan
Municipal Clerk**