

CAPE BRETON REGIONAL MUNICIPALITY
Special Council Meeting – Minutes

**Thursday,
July 20, 2023
5:59 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
Deputy Mayor James Edwards
Councillor Ken Tracey
Councillor Darren Bruckschwaiger
Councillor Lorne Green

Staff: Marie Walsh, Chief Administrative Officer
Jennifer Campbell, Chief Financial Officer
Demetri Kachafanas, KC, Acting Municipal Clerk / Regional Solicitor
Michael Ruus, Director of Planning & Development
Karen Neville, Senior Planner
Peter Vandermeulen, Planner
Ashley Osborne, By-Law Enforcement Officer
Brittany MacLeod, By-Law Enforcement Officer
Sharon MacSween, Senior Administrative Assistant
Kelly McDonald, Recording Secretary

Absent: Councillor Steve Parsons (Regrets)
Councillor Darren O'Quinn (Regrets)

Summary of Decisions

Land Acknowledgement

Roll Call

1. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Special Council – June 19, 2023**
- **Council – June 27, 2023**
- **Special Council – July 4, 2023**

Carried.

2. APPROVAL OF AGENDA:

Motion to approve the July 20, 2023, Special Council Agenda and Addendum as circulated. **Carried.**

3. PROCLAMATIONS:

3.1 Burn Care Week:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim the week of August 20th to 27th, 2023, as "Burn Care Week" in the Cape Breton Regional Municipality, in recognition of the importance of supporting the Cape Breton Firefighters Burn Care Society in raising public awareness and promotion of community education in regard to burns and burn care. **Carried.**

3.2 2023 Pride Week:

Motion that Mayor Amanda M. McDougall-Merrill, Council, and staff continue their support for a community where we embrace, recognize, and celebrate diversity, inclusion, respect, and fellowship for all our residents and recognize August 4th to August 11th, 2023, as Pride Week in the Cape Breton Regional Municipality. **Carried.**

3.3 2023 Acadian Day:

Motion that Mayor Amanda M. McDougall-Merrill and Council of the Cape Breton Regional Municipality proclaim Tuesday, August 15th, 2023, as "Acadian Day" and encourage all residents to celebrate the rich heritage and culture of all Acadians in Nova Scotia and Canada. **Carried.**

Continued...

Summary of Decisions (Cont'd):

PROCLAMATIONS (Cont'd):

3.4 Hiroshima Memorial Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim August 6th, 2023, as "***Hiroshima Memorial Day***" here in the Cape Breton Regional Municipality. A day to remember the devastation of Hiroshima in 1945, and to renew our commitment to ensuring freedom from the intolerable threat to civilization and existence posed by nuclear weapons. **Carried.**

3.5 Emancipation Day:

Motion that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim **August 1, 2023**, as "***Emancipation Day***" in the Cape Breton Regional Municipality and encourage all CBRM residents to continue working hard to establish a caring and compassionate society in which all its members, regardless of race or ethnic origin, have the right to live in conditions of good health, safety, dignity, respect, and peace. **Carried.**

Item 5. was dealt with at this point in the meeting.

5. Appointment of CBRM Building Official:

Motion that Council appoint Colin McRae as a Building Official, responsible for the administration and enforcement of the Provincial Building Code, CBRM Building Bylaw, in addition to his current duties. **Carried.**

4. PLANNING ISSUE:

4.1 FINAL APPROVAL – PUBLIC HEARING:

a) CBRM Forward:

Motion that Council pass a motion giving second reading to the new Municipal Planning Strategy, Land Use By-law, and Subdivision By-law and repeal CBRM's existing Regional Municipal Planning Strategy and Land Use Bylaw, North End Sydney Secondary Planning Strategy and Land Use Bylaw, and Subdivision By-law. **Carried.**

ADDENDUM:

6. Resolution for Pre-Approval of Debt Issuance/Temporary Borrowing Resolution:

Motion that Council approve the attached resolution for the pre-approval of debt issuance and temporary borrowing resolution in the amount of \$8,887,057 for capital projects completed up to March 31, 2022. **Carried.**

ADJOURNMENT

Land Acknowledgement

Roll Call

1. APPROVAL OF MINUTES:

Motion:

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

- **Special Council Meeting – June 19, 2023**
- **Council Meeting – June 27, 2023**
- **Special Council Meeting – July 4, 2023**

Motion Carried.

2. APPROVAL OF AGENDA:

Motion:

Moved by Councillor Green, seconded by Councillor Tracey, to approve the July 20, 2023, Special Council Agenda and Addendum as circulated.

Motion Carried.

3. PROCLAMATIONS:

3.1 Burn Care Week:

Motion:

Moved by Councillor MacMullin, seconded by Councillor Gillespie, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim the week of August 20th to 27th, 2023, as "Burn Care Week" in the Cape Breton Regional Municipality, in recognition of the importance of supporting the Cape Breton Firefighters Burn Care Society in raising public awareness and promotion of community education in regard to burns and burn care.

Motion Carried.

3.2 2023 Pride Week:

Motion:

Moved by Councillor Gillespie, seconded by Councillor Paruch, that Mayor Amanda M. McDougall-Merrill, Council, and staff continue their support for a community where we embrace, recognize, and celebrate diversity, inclusion, respect, and fellowship for all our residents and recognize August 4th to August 11th, 2023, as Pride Week in the Cape Breton Regional Municipality.

Motion Carried.

Continued...

PROCLAMATIONS (Cont'd):

3.3 2023 Acadian Day:

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Green, that Mayor Amanda M. McDougall-Merrill and Council of the Cape Breton Regional Municipality proclaim Tuesday, August 15th, 2023, as "Acadian Day" and encourage all residents to celebrate the rich heritage and culture of all Acadians in Nova Scotia and Canada.

Motion Carried.

3.4 Hiroshima Memorial Day:

Motion:

Moved by Deputy Mayor Edwards, seconded by Councillor Tracey, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim August 6th, 2023, as "**Hiroshima Memorial Day**" here in the Cape Breton Regional Municipality. A day to remember the devastation of Hiroshima in 1945, and to renew our commitment to ensuring freedom from the intolerable threat to civilization and existence posed by nuclear weapons.

Motion Carried.

3.5 Emancipation Day:

Motion:

Moved by Councillor Green, seconded by Councillor Bruckschwaiger, that CBRM Mayor Amanda M. McDougall-Merrill and Council proclaim **August 1, 2023**, as "**Emancipation Day**" in the Cape Breton Regional Municipality and encourage all CBRM residents to continue working hard to establish a caring and compassionate society in which all its members, regardless of race or ethnic origin, have the right to live in conditions of good health, safety, dignity, respect, and peace.

Motion Carried.

At this point in the meeting, Council agreed to address item 5 before proceeding with the Public Hearing.

5. Appointment of CBRM Building Official:

Michael Ruus, Director of Planning and Development, reviewed his Issue Paper included in the agenda package. Director Ruus informed that Colin McRae has completed the Professional Studies Program as part of the steps to become a Level 1 Building Official. The following motion was then put forward:

Continued...

Appointment of CBRM Building Official (Cont'd):**Motion:**

Moved by Councillor Paruch, seconded by Councillor Eldon MacDonald, that Council appoint Colin McRae as a Building Official, responsible for the administration and enforcement of the Provincial Building Code, CBRM Building Bylaw, in addition to his current duties.

Motion Carried.

4. PLANNING ISSUE:**4.1 FINAL APPROVAL – PUBLIC HEARING:**

Mayor Amanda M. McDougall-Merrill spoke to the process for the Public Hearing. The Mayor advised that the public are to identify their name and then comment. Speakers will have 5 minutes to comment and can come back to the podium for additional 5-minute intervals if more time is required.

a) CBRM Forward:

Michael Ruus, Director of Planning and Development, advised the information provided in his Issue Paper was introduced during the first reading at the Council meeting held on July 4, 2023. Director Ruus stated Notice of the Public Hearing was advertised in the Cape Breton Post on July 5, 2023, and on July 12, 2023. Notice of the Public Hearing was also posted on the CBRM Facebook page, and website, and the project website. Director Ruus then reviewed options available to Council and the staff recommendation.

Public Hearing:

Mayor Amanda M. McDougall-Merrill asked if there was anyone present to speak for or against the proposed changes to the CBRM Forward, the new Municipal Planning Strategy, Land Use By-law, and Subdivision By-law.

Joanna MacIntyre, resident of the North End of Sydney, asked questions regarding building regulations, parking regulations, and the proposed build for New Dawn. Michael Ruus, Director of Planning and Development, informed that there will be regulations that will continue to be followed regarding parking, zoning bylaws, and policies.

Earl Morgan, owner of property located in Mira, asked questions regarding rural development, private roads, and flag properties. Michael Ruus, Director of Planning and Development, informed that in the new planning documents is the allowance of private roads throughout many un-serviced areas. Karen Neville, Senior Planner, informed under policy it will be encouraged that the boundary associated with the private roads be 20 meters, but the travel way will only need to be 6 meters for a travel way. Karen stated the reason for such width needed is in case there are several lot parcels off the private road, so that in the future there is enough room for it to become public if necessary.

Continued...

PUBLIC HEARING - CBRM Forward (Cont'd):

Roberta Lynch, resident of the South End of Sydney, asked questions regarding density regulations and height requirements for developments. Michael Ruus, Director of Planning and Development, informed there is a proposed increase in the permitted density in each lot. Director Ruus also informed each zone district has development requirements, building setbacks, and height requirements to ensure that all structures are aligned in the area.

Elise MacLean, Project Manager of Housing Development for New Dawn Enterprises, expressed gratitude for this new Municipal Planning Strategy and bylaws because of the housing crisis. Elise asked if the 30 meters depth of the CBRM zones and Downtown Regional Centre (C-RC) zones is a typing error. Karen Neville, Senior Planner, informed that is lot depth and is not the set back. Karen informed if a lot is existing, they are exempt, it is when a new lot parcels will be created.

Jennifer Kyte McDonald asked why every zoning code needs to be opened in the city, with no regulations stipulated for home sizes, number of people residing, or why residential neighborhoods need to be zoned to approve a restaurant or retail. Director Ruus informed on topics regarding shared accommodations, licenses, inspections, and permit requirements.

Julie Kendell, Associate Executive Director of Elizabeth Fry Society, asked if the community residential facility will be considered a correctional facility in the new Municipal Planning Strategy. Director Ruus informed there is a new supportive housing classification in the bylaw, correctional dwelling definition is no longer existing.

Kevin McLaughlin, resident of the North End of Sydney, questioned if there are any changes going to happen to the North End Heritage District. Director Ruus informed that the in the new documents the North End Planning Strategy and Land Use By-Law are being brought into the new regional plan, however the Heritage Conservation District will remain status quo.

Norman McNeil, resident of the North End of Sydney, commented that the number of public engagements was low, and the explanation of the plan was poorly delivered.

Joanna MacIntyre asked if people can start businesses in homes in the residential district. Director Ruus informed the bylaw is structured by the road classifications and the footprint is limited on what can be built on the lot parcel. Joanna asked if CBRM will be bringing in the smart city initiative. Mayor Amanda M. McDougall-Merrill informed the smart city initiative is not listed in the Municipal Planning Strategy.

Roberta Lynch asked if there will be no set back regulations on lots. Karen Neville informed that each zone would have setbacks, percentage lot coverage, and minimum height requirements.

Continued...

PUBLIC HEARING - CBRM Forward (Cont'd):

Jennifer Kyte McDonald asked if the Low Density Urban Residential (UR2) zones and the Medium Density Urban Residential (UR3) zones had the ability to operate businesses. Director Ruus informed that the strategy is based on road classification, that in each zone district there is a list of permitted uses, but there are conditions. Karen Neville informed that on page 83 of the Land Use By-law, it is outlined the site plan approval requirements for restaurants, maximum height requirements, and percentage lot coverage for all zones.

PJ McDonald – Resident of Sydney. Mentioned he has a few properties, and he is concerned about rooming houses because of unsightly premises happening.

Hugh LeBlanc gave some background of an organization called Wintering Harbor Park that he formed. He noted that without consultation, the organization received a letter from the CBRM noting that they will be taking the land back that the park is on. Mayor McDougall-Merrill reminded Hugh that this Public Hearing is to concentrate on the new Municipal Planning Strategy.

Norman MacNeil addressed the Municipal Planning Strategy from another planner's point of view from Australia. Norman recited the senior planner's strategy from Australia and noted that the Australian planner thinks the CBRM needs to develop a similar strategy.

Jim MacDonald, resident of Sydney, asked questions regarding if there was any change in the strategy that would permit developers to develop at RV parks, limitations, view planes, and how much protection is in the new document. Director Ruus informed that in rural areas, campgrounds would be regulated through site plan approval, they would need to meet the conditions in the Land Use Bylaw to be approved by staff. Director Ruus informed that the view planes are adopted in the new document to ensure views could be retained of the water from the streets of downtown Sydney.

Hugh LeBlanc commented that the Wintering Harbor Park comment did refer to the new Municipal Planning Strategy because the land is being taken away by CBRM for future development, but the public was not advised to what development will be taking the place of the existing park. Mayor McDougall-Merrill informed that it is not yet known what development will be at the location of the park.

Joanna MacIntyre commented it is important to protect the waterfront view and it is important to keep buildings low rise.

Jay Douget, resident of the North End of Sydney, asked if there will be any affect to the museums in the North End of Sydney and who will be living in the affordable housing building proposed by New Dawn. Director Ruus informed that the Heritage Conservation District will remain. Mayor McDougall-Merrill informed that the planning strategy concentrates with land and development and not people who will reside in buildings.

Continued...

PUBLIC HEARING - CBRM Forward (Cont'd):

Bill Bailey, resident of Sydney, asked if there was a financial risk assessment done and commented that Council should look more into what this plan is going to do property values for existing property owners. Director Ruus informed he is unaware of any risk assessment or financial analysis considering property values based on land use being done.

Joanna MacIntyre asked if there is a percentage of land dedicated to green space and parks. Director Ruus informed that the municipality does have a recreation master plan. Director Ruus informed the previous Subdivision Bylaw included requirement for dedication of lands for public purpose, this has not been put into the new plan, but Council could consider as they move forward with the future park master plan.

Tracy Standing, expressed agreement with having more than one dwelling on one lot without subdividing because it is very difficult to find an affordable home to purchase. Tracey expressed gratitude toward Karen Neville for how helpful Karen previously was answering questions.

Jim MacDonald asked questions including if residents will have input when it comes to development, terms of the process, and terms of next steps. Director Ruus informed there are site plan approval mechanisms, the established framework, committed staff to do an annual review, and a monitoring program with performance indicators to see how well these policies are performing.

Les MacLean mentioned his concerns including overcrowded housing units, licensing, solid waste pickup, and property values. Karen Neville informed the Director of Engineering and Public Works would have more knowledge of solid waste requirements. Director Ruus mentioned the Planning Department receives most calls about garbage, yard cleanliness, and abandoned homes, therefore, staff is asking for additional regulatory tools to try and mitigate those impacts through licensing.

Jennifer Kyte McDonald mentioned in the Halifax Regional Municipality regulations have been changed for Airbnb's due to garbage, overcrowding, and noise complaints. Jennifer mentioned concern that this new Municipal Planning Strategy will cause more problems than what it will solve.

Joanna MacIntyre mentioned concern about the boarding houses. Joanna asked if the CBRM has a heritage department, what the mandate of the Senior Planner is, what inspection processes include, and does CBRM implement a strategy toward optimal green score. Director Ruus informed that the CBRM does not have a heritage department but has a senior planner, Karen Neville, who operates the heritage management program. Director Ruus informed when complaints about property maintenance is received inspections to occur and in the proposed planning strategy there is policy supporting Council move forward with the parks master plan.

Continued...

PUBLIC HEARING - CBRM Forward (Cont'd):

Bennett MacIntyre, resident of the North End of Sydney, agreed a solution is needed for the housing crisis but expressed concern regarding safety of rooming houses that do not meet code requirements. Director Ruus informed that staff's recommendation is to look at a Licensing Bylaw, impose standards, and annual inspections with a licensing fee to ensure safety of rooming houses. Director Ruus informed anything beyond those points it would have to be worked out with Council to establish the bylaw.

Mayor McDougall-Merrill asked if there was anyone else to speak on the CBRM Forward Municipal Planning Strategy, seeing no-one, she opened the floor for Council discussion.

Councillor Green mentioned that questions by residents should be answered in more depth before approval of recommendation. After Council discussion, the following motion was then put forward:

Motion:

Moved by Councillor Green, seconded by Councillor Cyril MacDonald, to request staff to prepare a written response to the questions that were raised during the Public Hearing, to be presented at an upcoming meeting Council.

Discussion:

- Policy and deadline
- Taxes, CBRM services
- Public questions responded to by staff
- Owner occupied short-term rentals

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

Motion Defeated.

Continued...

PUBLIC HEARING - CBRM Forward (Cont'd):**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Gordon MacDonald, final approval of the new Municipal Planning Strategy, Land Use By-law, and Subdivision By-law and to repeal CBRM's existing Regional Municipal Planning Strategy and Land Use By-law, North End Sydney Secondary Planning Strategy and Land Use By-law, and Subdivision By-law.

Discussion:

The Mayor advised to in response to a question by Councillor Paruch, to consider a clause regarding the licensing of boarding homes, a separate motion would be required.

Discussion also took place regarding:

- Annual review of the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law
- Provincial Regulations
- Economic Development Strategy: potential future growth in the area of CBU
- Reduction of barriers for economic development and growth
- Regulation modernization and flexibility

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

Motion Carried.

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, to direct staff to prepare an Issue Paper regarding the development and implementation of a By-law on shared accommodations including short term rentals and annual inspections.

Discussion:

During discussion, Deputy Mayor Edwards requested the Issue Paper discuss the number of occupants per dwelling.

Motion Carried.

ADDENDUM:**6. Resolution for Pre-Approval of Debt Issuance/Temporary Borrowing****Resolution:****Motion:**

Moved by Councillor Paruch, seconded by Councillor Gordon MacDonald, approve the resolution for the pre-approval of debt issuance and temporary borrowing resolution in the amount of \$8,887,057 for capital projects completed up to March 31, 2022.

Motion Carried.

Continued...

Meeting adjourned at 8:48 p.m.

Amanda M. McDougall-Merrill

Mayor

/km

Demetri Kachafanas, KC

Acting Municipal Clerk