

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
June 9, 2020
1:34 p.m.**

Mayor Cecil P. Clarke called the meeting to order and noted the following participants in the Video/Teleconferencing:

Council:

Mayor Cecil P. Clarke
Councillor Clarence Prince
Councillor Earlene MacMullin
Councillor Esmond Marshall (arrived at 1:44 p.m.)
Councillor Steve Gillespie (arrived at 2:09 p.m.)
Councillor Eldon MacDonald
Deputy Mayor Ivan Doncaster
Councillor Amanda McDougall
Councillor George MacDonald
Councillor Darren Bruckschwaiger
Councillor Jim MacLeod

Staff:

Marie Walsh, Chief Administrative Officer
Jennifer Campbell, Chief Financial Officer
John MacKinnon, Deputy Chief Administrative Officer
Deborah Campbell Ryan, Municipal Clerk
Demetri Kachafanas, Regional Solicitor
Wayne MacDonald, Director of Engineering & Public Works
Michael Ruus, Director of Planning & Development
Bill Murphy, Director of Recreation, Parks Grounds & Buildings
Ray Boudreau, Senior Manager of Public Works
Adam MacNeil, Manager of Finance
Kirk Durning, Manager of Recreation
Paul Burt, Manager of Building, Planning & Licensing Laws
Joe Farrell, CBRPS Staff Sergeant
Matt Viva, Manager of Wastewater Operations
Kristen Knudskov, Planner
Sheilah MacDonald, Communications Officer – Mayor’s Office
Sharon MacSween, Senior Administrative Assistant
Tanya Nicholson, Recording Secretary

Absent:

N/A

Summary of Decisions

1. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Council Meeting – May 26, 2020**

Carried.

2. APPROVAL OF AGENDA:

Motion to approve the June 9, 2020 Council Agenda and Addendum as circulated.

Carried.

3. PROCLAMATIONS & RESOLUTIONS:

3.1 National AccessAbility Week 2020 (for ratification):

Motion that CBRM Mayor Cecil P. Clarke and Council hereby proclaim May 31 – June 6 as AccessAbility Week in the CBRM and encourage resident to live with the spirit of inclusion and champion accessibility for all. **Carried.**

3.2 Human Values Day 2020 (for ratification):

Motion that Mayor Cecil P. Clarke and CBRM Council proclaim Friday, April 24th, 2020 as Human Values Day in the Cape Breton Regional Municipality. **Carried.**

3.3 100 Women Who Care CBRM:

Motion that Mayor Cecil P. Clarke and CBRM Council proclaim today, June 9, 2020 to be 100 Women Who Care CBRM day here in the Cape Breton Regional Municipality. **Carried.**

3.4 Community Concerns regarding the Donkin Mine:

Motion that Mayor Cecil P. Clarke and CBRM Council reach out to the Provincial and Federal representatives of Cape Breton Island and ask them what the intentions are in addressing the concerns of residents in the communities surrounding the Donkin Mine site. **Carried.**

Continued...

Summary of Decisions (Cont'd)

4. PRESENTATION:

4.1 Cape Breton Partnership – Update:

An update on the Cape Breton Partnership was provided.

For information only.

5. PLANNING ISSUES:

5.1 FINAL APPROVAL – PUBLIC HEARING:

- a) **Request from Island Folk Cider House to amend the Secondary Planning Strategy and Development Agreement to permit serving of alcoholic beverages produced off site at 52 Nepean St, Sydney, District #5 (PID 15889330):**

Motion final approval of the amendment application and adopt the Amending Bylaw (Attachment D) and repeal and replace the existing Development Agreement with the attached Development Agreement (Attachment E) with the Island Folk Cider House to serve alcoholic beverages which are produced offsite, as outlined in the staff report dated June 2, 2020. **Carried.**

5.2 Renaming Harbourview Drive, Sydney River, District #4:

Motion to approve Option 2 as outlined in the staff report dated June 9, 2020 to rename Harbourview Drive, Sydney River, and three names will be identified at the June 23rd, 2020 meeting of Council, and then forwarded to Department of Transportation and Infrastructure Renewal for their consideration. **Carried.**

6. STREET CLOSURE – PUBLIC HEARING:

- 6.1 Request for Street Closure (undeveloped portion) Minto Street, Sydney, NS, District #6 – PID 15891534 (2323174 Nova Scotia Limited):**

Motion final approval of the formal street closure of that portion of the undeveloped section (PID 15891534) of Minto Street with the intention of releasing any interest CBRM may have in the property to 2323174 Nova Scotia Limited in order to resolve the title issues related to the subject property, pursuant to Section 315 of the *Municipal Government Act*. **Carried.**

Continued...

Summary of Decisions (Cont'd)

7. BY-LAWS & MOTIONS:

7.1 By-laws:

a) Second / Final Reading – Public Hearing:

i. CBRM Alternative Voting By-law – Proposed Amendments:

Motion to approve for second/final reading amendments to the CBRM Alternative Voting By-Law as presented in the report dated June 4, 2020. **Carried.**

b) First Reading:

i. CBRM Tow Truck Licencing by-Law:

Motion to approve for first reading the proposed CBRM Tow Truck Licencing By-law as presented. **Carried.**

8. BUSINESS ARISING:

8.1 General Committee Meeting – March 3, 2020:

a) Winter Operations Strategy Review:

Senior Manager of Public Works provided a review on the revised Winter Operations Strategy in draft form.

For information only.

9. PUBLIC SERVICES ISSUES:

9.1 Flood Risk Infrastructure Investment Program (FRIIP):

Motion to direct staff to apply for funding from the 2020 FRIIP Program in the total amount of \$150,000 with a direct cost to CBRM of \$0, noting CBRM's 50% share of \$75,000 will be paid for under the gas tax program. **Carried.**

9.2 Provincial Capital Assistance Program (PCAP):

Motion to direct staff to apply for funding from the 2020 PCAP Program in the total amount of \$150,000 with a direct cost to CBRM \$0, noting CBRM's 50% share of \$75,000 will be paid for under the gas tax program. **Carried.**

Continued...

Summary of Decisions (Cont'd)

9.3 CBRM Capital Priorities 2021 to 2025 – Federal / Provincial Stimulus Priorities:

Motion to approve the CBRM Capital Priorities 2021 to 2025 Federal/Provincial Stimulus Priorities revised list and authorize application being made by the CBRM on behalf of the Municipality or community partners as opportunities arise. **Carried.**

10. CORPORATE SERVICES ISSUES:

10.1 Request for Street Closure (undeveloped portion) Chisholm Street, Sydney Mines, NS, District #1 – Portion of PID 15725997:

Motion to direct staff to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of the undeveloped section of Chisholm Street, Sydney Mines with the intention of deeming it **surplus** for sale to Ernest and Lillian Saunders and all cost shall be the responsibility of the purchaser. **Carried.**

10.2 Borrowing Resolution, Lease Facility:

Motion to approve the renewal of a Lease Facility with a limit of \$2,000,000 with the Bank of Montreal for the 2020/2021 fiscal year to allow CBRM departments to opt to finance equipment purchases through a capital lease agreement. **Carried.**

10.3 Borrowing Resolution, Operating:

Motion to approve the renewal of the Borrowing Resolution for the Operating Line of Credit in the amount of \$44,000,000 with the Bank of Montreal for the 2020/2021 fiscal year to finance short term operations and bridge financing for capital projects. **Carried.**

10.4 Resolution for Pre-Approval of Debt Issuance:

Motion for pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$8,808,140 for capital projects approved and completed in the fiscal year 2018-2019. **Carried.**

10.5 High School Scholarships:

Motion to approve the regular allotment for the scholarship program to allow \$20,000 to be distributed to students prior to graduation dates for each school. **Carried.**

Continued...

Summary of Decisions (Cont'd)

10.6 Procurement Policy Changes:

The Manager of Finance provided a review of the proposed Procurement Policy changes, noting they would be brought back to the June 23, 2020 Council meeting for approval.

For information only.

10.7 Notice – Proposed Amendments to Various CBRM Policies:

The Municipal Clerk provided the proposed amendments to various CBRM policies, noting they would be brought back to the June 23, 2020 Council meeting for approval.

For information only.

Addendum:

10.8 Graduation Ceremonies:

Motion to approve the use of Centre 200 for school graduation ceremonies under the direction of the school, Regional Centre for Education, Departments of Education and Public Health. Graduation ceremonies at Centre 200 would include venue, staff, and logistical support as well as assistance from the Cape Breton Regional Police Services.
Carried.

11. Statistical Complaint Report – Dangerous and Unsightly Properties:

The Manager of Building, Planning & Licensing Laws provided the Statistical Complaint Report on Dangerous and Unsightly Properties since January 9, 2018.

For information only.

Adjournment

Roll Call

Moment of Silent Reflection

Mayor Clarke noted with Davis Day Memorial Services cancelled for June 11th, 2020, a quiet ceremony of remembrance for Bill Davis and those who have been injured or lost lives in the mines will be held in the communities of Florence, Sydney Mines, New Waterford, Dominion, Glace Bay and Port Morien on Thursday, June 11th at 11:00 a.m.

1. APPROVAL OF MINUTES:

Motion:

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

- **Council Meeting – May 26, 2020**

Motion Carried.

2. APPROVAL OF AGENDA:

Motion:

Moved by Councillor McDougall, seconded by Councillor George MacDonald, to approve the June 9, 2020 Council Meeting Agenda and Addendum as circulated.

Motion Carried.

Mayor Clarke noted the Mayor's office set out an updated document for the CBRM Capital Priorities 2021-2025 – Federal/Provincial Stimulus Priorities issue prior to this meeting.

3. PROCLAMATIONS & RESOLUTIONS:

3.1 National AccessAbility Week 2020 (for ratification):

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor George MacDonald, that CBRM Mayor Cecil P. Clarke and Council hereby proclaim May 31 – June 6 as AccessAbility Week in the CBRM and encourage residents to live with the spirit of inclusion and champion accessibility for all.

Motion Carried.

The Manager of Building, Planning & Licensing Laws noted there was an extension to the deadline for the accessibility committees due to COVID-19.

Continued...

PROCLAMATIONS & RESOLUTIONS (Cont'd):

3.2 Human Values Day 2020 (for ratification):

Motion:

Moved by Councillor MacLeod, seconded by Councillor George MacDonald, that Mayor Cecil P. Clarke and CBRM Council proclaim Friday, April 24th, 2020 as Human Values Day in the Cape Breton Regional Municipality.

Motion Carried.

3.3 100 Women Who Care CBRM:

Motion:

Moved by Councillor MacMullin, seconded by Councillor McDougall, that Mayor Cecil P. Clarke and CBRM Council proclaim today, June 9, 2020 to be 100 Women Who Care CBRM day here in the Cape Breton Regional Municipality.

Motion Carried.

3.4 Community Concerns regarding the Donkin Mine:

Councillor Bruckschwaiger advised Council of a conflict of interest on the following issue.

Motion:

Moved by Councillor McDougall, seconded by Councillor Eldon MacDonald, that Mayor Cecil P. Clarke and CBRM Council reach out to the Provincial and Federal representatives of Cape Breton Island and ask them what the intentions are in addressing the concerns of residents in the communities surrounding the Donkin Mine site.

Discussion:

During discussion, it was clarified that the intent of this Resolution was not to take a stand on whether the mine should be open or closed

Motion Carried.

Mayor Clarke noted he will prepare a letter to help connect local residents with facilitating a Zoom meeting and invite the MP and MLAs on this matter.

4. PRESENTATION:

4.1 Cape Breton Partnership – Update:

Ms. Carla Arsenault, President & CEO, provided an update on the Cape Breton Partnership highlighting the following:

- Cape Breton Partnerships role in population and economic growth – (Atlantic Immigration Pilot Program)
- Other programming
- Micro-lending pilot program
- Dream Business
- CBRM economic recovery discussions
- Local leadership video
- Helping businesses respond during COVID-19
- CBU Alumni Adulting 101
- Business Survey
- Reopening Cape Breton’s economy guide for business and organizations
- Creative Economy support
- Island-wide economic recovery discussions
- Cape Breton Job Board

Following the presentation, Council discussion included:

- Ongoing dialogue between Cape Breton University and Cape Breton Partnership
- Reopening Cape Breton’s Economy Business Guidebook
- Online learning at Cape Breton University
- Financial support for international students
- International students allowable work hours increased

Mayor Clarke noted his office will contact Cape Breton University’s President Dave Dingwall to discuss assistance for international students and invite the Cape Breton Partnership to participate in the discussion.

For information only.

5. PLANNING ISSUES:**5.1 FINAL APPROVAL – PUBLIC HEARING:**

- a) **Request from Island Folk Cider House to amend the Secondary Planning Strategy and Development Agreement to permit serving of alcoholic beverages produced off site at 52 Nepean St, Sydney, District #5 (PID 15889330):**

Ms. Kristen Knudskov, Planner, introduced and provided background information on this issue.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, final approval of the amendment application and adopt the Amending Bylaw (Attachment D) and repeal and replace the existing Development Agreement with the attached Development Agreement (Attachment E) with the Island Folk Cider House to serve alcoholic beverages which are produced offsite, as outlined in the staff report dated June 2, 2020.

Public Hearing:

At this point in the meeting the Mayor asked staff to report on the input received from the public regarding the proposed amendment.

Ms. Kristen Knudskov highlighted 8 support submissions received, noting there were no submissions against the application.

Motion Carried.

5.2 Renaming Harbourview Drive, Sydney River, District #4:

Ms. Kristen Knudskov, Planner, introduced and provided background information on this issue.

Motion:

Moved by Councillor Gillespie, seconded by Councillor Eldon MacDonald, to approve Option 2 as outlined in the staff report dated June 9, 2020 to rename Harbourview Drive, Sydney River, and three names will be identified at the June 23rd, 2020 meeting of Council, and then forwarded to Department of Transportation and Infrastructure Renewal for their consideration.

Discussion:

The Mayor requested that staff to contact the Westmount Legion for street name suggestions in honour of veterans or soldiers who have passed away.

Motion Carried.

6. **STREET CLOSURE – PUBLIC HEARING:**

6.1 **Request for Street Closure (undeveloped portion) Minto Street, Sydney, NS, District #6 – PID 15891534 (2323174 Nova Scotia Limited):**

Mr. Demetri Kachafanas, QC, Regional Solicitor, introduced and provided background information on this issue.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Prince, final approval of the formal street closure of that portion of the undeveloped section (PID 15891534) of Minto Street with the intention of releasing any interest CBRM may have in the property to 2323174 Nova Scotia Limited in order to resolve the title issues related to the subject property, pursuant to Section 315 of the *Municipal Government Act*.

Public Hearing:

At this point in the meeting the Mayor asked staff to report on the input received from the public regarding the street closure.

The Regional Solicitor advised there was no feedback was received on this issue.

Motion Carried.

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

7.1 **By-laws:**

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

i. **CBRM Alternative Voting By-law – Proposed Amendments:**

Ms. Deborah Campbell Ryan, Municipal Clerk, introduced and provided background information on this issue.

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Eldon MacDonald, to approve for second/final reading the amendments to the CBRM Alternative Voting By-Law as presented in the staff report dated June 4, 2020.

Public Hearing:

At this point in the meeting the Mayor asked staff to report on the input received from the public regarding the proposed amendments.

The Municipal Clerk advised there were no submissions received on this issue.

Motion Carried.

Continued...

BY-LAWS & MOTIONS – By-laws (Cont'd):

b) First Reading:

i. CBRM Tow Truck Licencing By-Law:

Staff Sergeant Joe Farrell introduced this issue and reviewed the proposed CBRM Tow Truck Licencing By-Law.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Gillespie, to approve for first reading the proposed CBRM Tow Truck Licencing By-law as presented.

Motion Carried.

8. BUSINESS ARISING:

8.1 General Committee Meeting – March 3, 2020:

a) Winter Operations Strategy Review:

Mr. Ray Boudreau, Senior Manager of Public Works, provided a review of the Winter Operations Strategy, highlighting the following:

- Revised strategy is in draft form
- Updated strategy maintains the same level of service (Exception – 3.8 km of additional sidewalks on Transit Routes)
- More clearly defined criteria for Roadway and sidewalk maintenance priorities
- Appendices added to more clearly define levels of service
- Additional mapping will be completed and made available to the public through CBRM website including:
 - Roadway plowing priorities and routes
 - Sidewalk plowing priorities and routes
 - Designated areas for snow clearing/removal
- All changes intended to add transparency on how winter operations decisions are made.

Following the review, Council discussion included:

- Provide access to parcel finder and provide street and sidewalk lists on GIS maps
- Cost to plow all CBRM sidewalks
- CBRM Surplus Property Mapping feature

Mayor Clarke noted that more detailed lists and maps for the North, Central and East Divisions will be provided to Council, depending on scheduling at the June 23rd Council meeting.

9. PUBLIC SERVICES ISSUES:

9.1 Flood Risk Infrastructure Investment Program (FRIIP):

Mr. Wayne MacDonald, Director of Engineering & Public Works, introduced and provided background information on this issue.

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Eldon MacDonald, to direct staff to apply for funding from the 2020 FRIIP Program in the total amount of \$150,000 with a direct cost to CBRM of \$0, noting that CBRM's 50% share of \$75,000 will be paid for under the gas tax program.

Motion Carried

9.2 Provincial Capital Assistance Program (PCAP):

Mr. Wayne MacDonald, Director of Engineering & Public Works, introduced and provided background information on this issue.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Gillespie, to direct staff to apply for funding from the 2020 PCAP Program in the total amount of \$150,000 with a direct cost to CBRM \$0, noting that CBRM's 50% share of \$75,000 will be paid for under the gas tax program.

Motion Carried.

9.3 CBRM Capital Priorities 2021 to 2025 – Federal / Provincial Stimulus Priorities:

Mayor Cecil P. Clarke introduced and provided background information on this issue. It was noted that the Mayor's office had circulated an updated list prior to the meeting.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Eldon MacDonald, to approve the CBRM Capital Priorities 2021-2025 Federal/Provincial Stimulus Priorities revised list and authorize application being made by the CBRM on behalf of the Municipality or community partners as opportunities arise.

Motion Carried.

10. COROPORATE SERVICES ISSUES:

10.1 Request for Street Closure (undeveloped portion) Chisholm Street, Sydney Mines, NS, District #1 – Portion of PID 15725997:

Mr. Demetri Kachafanas, QC, Regional Solicitor, introduced and provided background information on this issue.

Motion:

Moved by Councillor Prince, seconded by Councillor Eldon MacDonald, to direct staff to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of the undeveloped section of Chisholm Street, Sydney Mines, with the intention of deeming it **surplus** for sale to Ernest and Lillian Saunders and all cost shall be the responsibility of the purchaser.

Motion Carried.

10.2 Borrowing Resolution, Lease Facility:

Ms. Jennifer Campbell, Chief Financial Officer, introduced and provided background information on this issue.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Eldon MacDonald, to approve the renewal of a Lease Facility with a limit of \$2,000,000 with the Bank of Montreal for the 2020/2021 fiscal year to allow CBRM departments to opt to finance equipment purchases through a capital lease agreement.

Motion Carried.

10.3 Borrowing Resolution, Operating:

Ms. Jennifer Campbell, Chief Financial Officer, provided background information on this issue.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Gillespie, to approve the renewal of the Borrowing Resolution for the Operating Line of Credit in the amount of \$44,000,000 with the Bank of Montreal for the 2020/2021 fiscal year to finance short term operations and bridge financing for capital projects.

Motion Carried.

Continued...

CORPORATE SERVICES ISSUES (Cont'd):

10.4 Resolution for Pre-Approval of Debt Issuance:

Ms. Jennifer Campbell, Chief Financial Officer, provided background information on this issue, noting a correction that the fiscal year should be 2018-2019.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Gillespie, for pre-approval of the Debenture Issuance for the MFC Fall Debenture in the amount of \$8,808,140 for capital projects approved and completed in the fiscal year 2018-2019.

Motion Carried.

10.5 High School Scholarships:

Mr. Kirk Durning, Manager of Recreation, introduced and provided background information on this issue.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Prince, to approve the regular allotment for the scholarship program to allow \$20,000 to be distributed to students prior to graduation dates for each school.

Motion Carried.

10.6 Procurement Policy Changes:

Mr. Adam MacNeil, Manager of Finance, introduced and reviewed the proposed Procurement Policy changes and advised this matter will be brought back to the June 23rd, 2020 Council meeting for consideration.

For information only

10.7 Notice – Proposed Amendments to Various CBRM Policies:

Ms. Deborah Campbell Ryan, Municipal Clerk, highlighted and introduced the proposed amendments to the following CBRM polices that will be brought to the June 23rd, 2020 meeting for consideration:

- Committees RC4 Policy
- Council Agenda Policy
- Rules of Order Policy

For information only.

Addendum:

10.8 Graduation Ceremonies:

Mayor Clarke introduced and provided background information on this issue.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Bruckschwaiger, to approve the use of Centre 200 for school graduation ceremonies under the direction of the school, Regional Centre for Education, Departments of Education and Public Health. Graduation ceremonies at Centre 200 would include venue, staff, and logistical support as well as assistance from the Cape Breton Regional Police Services.

Motion Carried.

11. REPORTS:

11.1 Statistical Complaint Report – Dangerous and Unsightly Properties:

Mr. Paul Burt, Manager of Building, Planning & Licensing Laws, provided the statistical complaint report regarding dangerous and unsightly properties highlighting the following:

- Statistics for January 9, 2018 to June 2, 2020
- 620 new complaint files
- Definitions
- Process

Following the presentation, Councillor MacLeod requested information be provided in writing regarding 102 Victoria Road, Sydney and 361 Fourteenth Street, New Waterford. Councillor Gillespie also pointed out corrections may be required to District numbers for two (2) properties listed in District 4 that are actually in District 3.

For information only.

Mayor Clarke advised the next meeting of Council is scheduled for June 23rd and he will consider an in-person format.

Meeting adjourned at 4:12 p.m.

Mayor Cecil P. Clarke

/tcn

Deborah Campbell Ryan
Municipal Clerk