

CAPE BRETON REGIONAL MUNICIPALITY
Council Meeting – Minutes

**Tuesday,
May 12, 2020
1:36 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
Councillor Steve Gillespie
Councillor Eldon MacDonald
Deputy Mayor Ivan Doncaster (arrived 1:57 p.m.)
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, QC, Regional Solicitor
Michael Ruus, Director of Planning and Development
Wayne MacDonald, Director of Engineering & Public Works
Bill Murphy, Director of Recreation, Parks, Grounds & Buildings
Ray Boudreau, Senior Manager of Public Works
Bruce Hardy, Manager, Engineering Services
Allan Clarke, Manager of Buildings, Parks & Grounds
Francis Campbell, Manager of Solid Waste
Kristen Knudskov, Planner
Sheilah MacDonald, Communications Officer – Mayor’s Office
Sharon MacSween, Senior Administrative Assistant
Angela Ross, Recording Secretary

Absent: N/A

Summary of Decisions

Roll Call

Moment of Silent Reflection

Councillor McDougall recognized the passing of former Cape Breton Regional Municipality Councillor Troy Jenkins, and Mayor Clarke recognized the passing of former City of Sydney Clerk Paul Roach.

1. APPROVAL OF MINUTES:

Motion to approve minutes from:

- **Special Council Meeting – May 4, 2020**

Carried.

2. APPROVAL OF AGENDA:

Motion to approve the May 12, 2020 Council Agenda as circulated. **Carried.**

3. PROCLAMATIONS/RESOLUTIONS:

Item 3.1 was dealt with at the end of the Proclamations and Resolutions.

3.2 Lyme Disease Awareness Month – May 2020:

Motion that CBRM Mayor Cecil P. Clarke and Council, proclaim May 2020 as “Lyme Disease Awareness Month” in the Cape Breton Regional Municipality. **Carried.**

3.3 Purple Day for Epilepsy – March 26, 2020:

Motion that Mayor Cecil P. Clarke & Council proclaim March 26, 2020 as “Purple Day” in the Cape Breton Regional Municipality in an effort to raise epilepsy awareness. **Carried.**

3.4 William Davis Miners’ Memorial Day – June 11, 2020:

Motion that Mayor Cecil P. Clarke and CBRM Council proclaim June 11th, 2020 as “**William Davis Miners’ Memorial Day**” in the Cape Breton Regional Municipality. **Carried.**

Continued...

Summary of Decisions (Cont'd):

PROCLAMATIONS/RESOLUTIONS (Cont'd):

3.5 Intergenerational Day Canada – June 1, 2020:

Motion that CBRM Mayor Cecil P. Clarke and Council proclaim June 1st, 2020 as “Intergenerational Day Canada” in the Cape Breton Regional Municipality to raise awareness about the simplicity and power of intergenerational connections. **Carried.**

3.6 Request for Equitable Access to Internet and Cell Service in Rural Communities:

Motion that Mayor Cecil P. Clarke and Council request to send a letter to all Federal and Provincial representatives on Cape Breton Island requesting a timeline of when the residents of this Island, specifically those living in rural communities, will have equitable and reliable access to internet and cell service. **Carried.**

3.1 Multiple Sclerosis Awareness Month – May 2020:

Motion that CBRM Mayor Cecil P. Clarke and Council hereby declare the month of May 2020 as “Multiple Sclerosis Awareness Month” in the Cape Breton Regional Municipality. **Carried.**

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – Public Hearing:

- a) **Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) to Permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone:**

Motion for final approval of the Amending Bylaw for Application 1072 by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) as presented in Attachment E of the staff report dated May 5, 2020, to permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone.

Motion to Postpone decision on this issue to the May 19th Council meeting. **Carried.**

Continued...

Summary of Decisions (Cont'd):

4.2 REPORT ON PUBLIC PARTICIPATION PROGRAM:

- 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 (PID 15889330)**

Motion for approval to advertise notice of a Public Hearing to be held during a future meeting of Council to consider amendments to the Secondary Planning Strategy and Development Agreement to permit serving of alcoholic beverages produced off-site at 52 Nepean Street, Sydney (PID 15889330) as outlined in the staff Issue Paper dated May 5, 2020. **Carried.**

5. BUSINESS ARISING:

5.1 Council - February 18, 2020

- a) **Hawks Dream Field Project - Updated Proposal and Letters of Support:**

Motion to approve CBRM's one-time contribution of one-third funding for Phase 1 development to a maximum project cost of \$1 million dollars, with approval being conditional on provincial and federal funding, recognizing that subsequent phases or project activity will be the responsibility of the Society for community cost share contributions. **Carried.**

5.2 Council – April 22, 2020:

- a) **Solid Waste Update:**

It was **agreed** that staff be directed to provide a report at the next meeting of Council on the Provincial State of Emergency directives as it affects the Heavy Garbage program, taking into consideration financial forecasting, in advance of a decision by Council.

Continued...

Summary of Decisions (Cont'd):

BUSINESS ARISING (Cont'd):

5.3 Council – May 4, 2020:

a) Property Tax Financing Program:

- COVID-19 Property Tax Financing Program Policy:

Motion to approve the COVID-19 Property Tax Financing Program Policy as presented in the staff report dated May 6, 2020. **Carried.**

- Estimated Potential Tax Revenue Impact in the CBRM Due to COVID-19 and Temporary Borrowing Resolution:

Motion to approve a Temporary Borrowing Resolution (TBR) in the amount of \$42,252,896.00 for the CBRM Property Tax Financing Program. **Carried.**

6. CORPORATE SERVICES ISSUES:

6.1 Sewer Easement PID 15219793:

Motion to approve the relocation of the easement boundaries on PID 15219793 and authorize Mayor and Clerk to execute the necessary legal documents upon submittal by the proponent. **Carried.**

6.2 “J-Class Roads” – 2021/2023 Cost Share Paving Agreement:

Motion to authorize the Mayor & Municipal Clerk to sign the three (3) Year Provincial “Cost Share Agreement for the Paving of “J-Class” Subdivision Streets, noting that the CBRM funding for the same will be subject to annual budget approval. **Carried.**

6.3 Request for Street Closure (undeveloped portion) Minto Street, Sydney, NS - PID 15891534 (2323174 Nova Scotia Limited):

Motion that staff be directed to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for 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. **Carried.**

Continued...

Summary of Decisions (Cont'd):

7. COUNCILLOR AGENDA REQUESTS:

7.1 Downtown Beautification:

Motion to reinstate the Beautification program for the downtown areas of the CBRM based on a cost-share program supported through staff oversight for implementation/delivery leveraging the Province's 2020 Beautification and Streetscaping Program wherever possible that provides up to \$25,000 per project. **Carried.**

8. BY-LAWS & MOTIONS:

8.1 By-laws:

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

b) **First Reading:**

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

Motion to approve for first reading the proposed amendments to the CBRM Alternative Voting By-Law as outlined in the staff Memo dated May 6, 2020. **Carried.**

Adjournment

Roll Call

Moment of Silent Reflection

Councillor McDougall recognized the passing of former Cape Breton Regional Municipality Councillor Troy Jenkins, and Mayor Clarke recognized the passing of former City of Sydney Clerk Paul Roach.

1. APPROVAL OF MINUTES:

Motion:

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

- **Special Council Meeting – May 4, 2020**

Motion Carried.

2. APPROVAL OF AGENDA:

As referenced in the agenda package, a Petition was received digitally (with signatures) from the applicant in favour of the Rezoning Application 1072 – by Back Beach Gardens.

Motion:

Moved by Councillor McDougall, seconded by Councillor MacMullin, to approve the May 12, 2020 Council Meeting Agenda as circulated.

Motion Carried.

3. PROCLAMATIONS/RESOLUTIONS:

Item 3.1 was dealt with at the end of the Proclamations and Resolutions.

3.2 Lyme Disease Awareness Month – May 2020:

Motion:

Moved by Councillor MacMullin, seconded by Councillor MacLeod, that CBRM Mayor Cecil P. Clarke and Council, proclaim May 2020 as “Lyme Disease Awareness Month” in the Cape Breton Regional Municipality.

Motion Carried.

Continued...

PROCLAMATIONS/RESOLUTIONS (Cont'd):

3.3 Purple Day for Epilepsy – March 26, 2020:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Prince, that Mayor Cecil P. Clarke and Council proclaim March 26, 2020 as “Purple Day” in the Cape Breton Regional Municipality in an effort to raise epilepsy awareness.

Motion Carried.

3.4 William Davis Miners’ Memorial Day – June 11, 2020:

Motion:

Moved by Councillor Prince, seconded by Councillor MacMullin, that Mayor Cecil P. Clarke and CBRM Council proclaim June 11th, 2020 as “**William Davis Miners’ Memorial Day**” in the Cape Breton Regional Municipality.

Motion Carried.

3.5 Intergenerational Day Canada – June 1, 2020:

Motion:

Moved by Councillor MacLeod, seconded by Councillor George MacDonald, that CBRM Mayor Cecil P. Clarke and Council proclaim June 1st, 2020 as “Intergenerational Day Canada” in the Cape Breton Regional Municipality to raise awareness about the simplicity and power of intergenerational connections.

Motion Carried.

3.6 Request for Equitable Access to Internet and Cell Service in Rural Communities:

Motion:

Moved by Councillor McDougall, seconded by Councillor MacMullin, that Mayor Cecil P. Clarke and Council request to send a letter to all Federal and Provincial representatives on Cape Breton Island requesting a timeline of when the residents of this Island, specifically those living in rural communities, will have equitable and reliable access to internet and cell service.

Motion Carried.

Continued...

PROCLAMATIONS/RESOLUTIONS (cont'd):

3.1 Multiple Sclerosis Awareness Month – May 2020:

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Gillespie, that CBRM Mayor Cecil P. Clarke and Council hereby declare the month of May 2020 as “Multiple Sclerosis Awareness Month” in the Cape Breton Regional Municipality.

Motion Carried.

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – Public Hearing:

- a) **Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) to Permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone:**

Mayor Clarke explained the process for the Public Hearing component of this matter, noting that staff would first provide their presentation, followed by a Council motion. Once the motion is on the table, the Mayor would go to staff for a report on the public feedback on the public hearing component, followed by Council deliberation and decision.

Ms. Kristen Knudskov, Planner, then provided background information on the issue.

Motion:

Moved by Councillor McDougall, seconded by Councillor Prince, final approval of the Amending Bylaw for Application 1072 by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) as presented in Attachment E of the staff report dated May 5, 2020, to permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone.

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 the 13 formal submissions, which included 8 in support of the application and 5 against.

Councillor McDougall advised that she is concerned that those sending letters of opposition are citing reasons that do not reflect the intent of the amendment. She noted the letter from the applicants does not mention the addition of livestock and that was not the intent of the amendment.

Continued...

PLANNING ISSUES: FINAL APPROVAL – Public Hearing: Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) to Permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone (Cont'd):

Motion (Cont'd):

Mr. Knudskov addressed the concern relating to what was advertised and noted that there could be a possible misunderstanding. Following discussion on options available and how to move forward, the Clerk advised that the advertised Public Hearing has been completed at this meeting, thus a motion to postpone would be in order to provide staff with time to obtain clarification from the applicants. The Director of Planning and Development noted that if a new application and public hearing is required, there will be no fee charged to the applicant.

Motion to Postpone:

Moved by Councillor McDougall, seconded by Councilor Prince, to postpone decision on this issue to the May 19th Council meeting.

Mayor Clarke then called for the vote.

Motion to Postpone Carried.

4.2 REPORT ON PUBLIC PARTICIPATION PROGRAM:

- 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 (PID 15889330)**

Ms. Kristen Knudskov, Planner, provided background information on the issue and discussed the Public Participation Program results as outlined in the staff report date May 5, 2020.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor McDougall, approval to advertise notice of a Public Hearing to be held during a future meeting of Council to consider amendments to the Secondary Planning Strategy and Development Agreement to permit serving of alcoholic beverages produced off-site at 52 Nepean Street, Sydney (PID 15889330) as outlined in the staff Issue Paper dated May 5, 2020.

Motion Carried.

5. BUSINESS ARISING:

5.1 Council - February 18, 2020

a) Hawks Dream Field Project - Updated Proposal and Letters of Support:

Councillor Darren Bruckschwaiger provided background information on the issue.

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor George MacDonald, to approve CBRM's one-time contribution of one-third funding for Phase 1 development to a maximum project cost of \$1 million dollars, with approval being conditional on provincial and federal funding, recognizing that subsequent phases or project activity will be the responsibility of the Society for community cost share contributions.

Discussion:

During discussion, the amount of the request was clarified and whether or not in-kind donations were previously discussed.

Motion Carried.

Mayor Clarke noted that discussion on moving forward has taken place and the next step is the request to the Federal Government for funding and support in order to bring the request to the Province.

5.2 Council – April 22, 2020:

a) Solid Waste Update:

Mr. Francis Campbell provided an update on Solid Waste in follow-up to the April 22, 2020 Council meeting, including:

- The reopening of the SPAR Road site to the general public
- Call to Haul/Heavy Garbage
- Seasonal Leaf & yard Waste Sites
- Curbside Regulations
- Community Clean-Ups

Council discussed the reopening of the North Sydney drop-off site on the first Saturday of the month.

Continued...

BUSINESS ARISING (Cont'd):

Council – April 22, 2020: Solid Waste Update (Cont'd):

Proceeding with heavy garbage collection in the short term was also discussed. The Chief Administrative Officer recommended that the 2020-21 Forecast and the projected deficit be reviewed by Council before moving ahead with the heavy garbage program. Those reports will be presented at the May 19th meeting of Council.

It was **agreed** that staff be directed to provide a report at the next meeting of Council on the Provincial State of Emergency directives as it affects the Heavy Garbage program, taking into consideration financial forecasting, in advance of a decision by Council.

5.3 Council – May 4, 2020:

a) Property Tax Financing Program:

- COVID-19 Property Tax Financing Plan Policy:

Mr. John MacKinnon, Deputy Chief Administrative Officer, provided background information on the issue and reviewed the proposed policy.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Eldon MacDonald, to approve the COVID-19 Property Tax Financing Program Policy as presented in the staff report dated May 6, 2020.

Discussion:

During Council discussion, the Chief Financial Officer noted the importance in recognizing the time frame for those affected is uncertain and reminded that the remainder of the tax bills for 2021/22 will be on schedule.

Motion Carried.

Continued...

BUSINESS ARISING (Cont'd):

Council – May 4, 2020: Property Tax Financing Program (Cont'd):

- Estimated Potential Tax Revenue Impact in the CBRM Due to COVID-19 and Temporary Borrowing Resolution:

Mr. John MacKinnon, Deputy Chief Administrative Officer, provided a breakdown of the \$42 million calculation of the estimated potential tax revenue impact in the CBRM due to COVID-19.

He then introduced the staff recommendation relating to the required Temporary Borrowing Resolution in relation to the tax financing program.

Motion:

Moved by Councillor Gillespie, seconded by Councillor George MacDonald, to approve a Temporary Borrowing Resolution (TBR) in the amount of \$42,252,896.00 for the CBRM Property Tax Financing Program.

Motion Carried.

6. CORPORATE SERVICES ISSUES:

6.1 Sewer Easement PID 15219793:

Mr. Ray Boudreau, Senior Manager of Public Works, provided background information on the issue as outlined in the staff Issue Paper dated March 24, 2020.

Motion:

Moved by Councillor Gillespie, seconded by Councillor Eldon MacDonald, to approve the relocation of the easement boundaries on PID 15219793 and authorize Mayor and Clerk to execute the necessary legal documents upon submittal by the proponent.

Motion Carried.

6.2 “J-Class Roads” – 2021/2023 Cost Share Paving Agreement:

Mr. Bruce Hardy, Manager Engineering Services, provided background information on the issue as outlined in the Staff issue paper dated May 2020.

Motion:

Moved by Councillor McDougall, seconded by Councillor Bruckschwaiger, to authorize the Mayor and Municipal Clerk to sign the three (3) Year Provincial “Cost Share Agreement for the Paving of “J-Class” Subdivision Streets, noting that the CBRM funding for the same will be subject to annual budget approval.

Motion Carried.

Continued...

Corporate Services Issues (Cont'd):

6.3 Request for Street Closure (undeveloped portion) Minto Street, Sydney, NS - PID 15891534 (2323174 Nova Scotia Limited):

Mr. Demetri Kachafanas, QC, Regional Solicitor, provided background information on the issue, noting that the subject site is near the former Tartan Downs Racetrack. The following motion was put forward.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Gillespie, that staff be directed to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for 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.

Motion Carried.

7. COUNCILLOR AGENDA REQUESTS:

7.1 Downtown Beautification:

Councillor Earlene MacMullin provided background information on the issue.

Motion:

Moved by Councillor MacMullin, seconded by Councillor Prince, to reinstate the Beautification program for the downtown areas of the CBRM based on a cost-share program supported through staff oversight for implementation/delivery leveraging the Province's 2020 Beautification and Streetscaping Program wherever possible that provides up to \$25,000 per project.

Discussion:

Mayor Clarke advised that if approved, this issue will come back to Council once again for further approvals as there are financial requirements associated with it. There will be a working group formed to engage community organizations before the deadline of June 1st.

The following items were also discussed:

- Downtown Development Associations are assessing and hope to move forward with the program in light of Covid-19
- Beautification is not just flowers but banners, flags, and the possibility of the Adirondack chairs.
- Possibility of Council considering multiple-year approvals.

Motion Carried.

8. BY-LAWS & MOTIONS:

8.1 By-laws:

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

b) **First Reading:**

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

Ms. Deborah Campbell Ryan, Municipal Clerk provided background information on the issue.

Motion:

Moved by Councillor George MacDonald, seconded by Councillor MacMullin, to approve for first reading the proposed amendments to the CBRM Alternative Voting By-Law as outlined in the staff Issue paper dated May 6, 2020.

Discussion:

Council discussion included the following:

- The possibility of electronic voting only and that the internet may not be available in all areas of the Municipality.
- Uncertainty around the October election due to Covid-19.
- Clarification of personal computing devices to include Smart phones and cellular telephones
- The ability to vote by telephone
- Homes for Special Care, seniors' complexes and mobile polling stations.

Motion Carried.

At this point in the meeting, Mayor Clarke recognized that CBRM is within months of an election and that it is reasonable for staff to administer all points discussed and there may be Provincial provisions made, noting input by the AMA and NSFPM. He noted that he will keep everyone updated and anything new will come to the upcoming Council meeting later in May.

Meeting adjourned at 4:36 p.m.

Mayor Cecil P. Clarke

Deborah Campbell Ryan
Municipal Clerk

/acr