

**CAPE BRETON REGIONAL MUNICIPALITY**  
*Council Meeting – Minutes*

**Tuesday,  
May 26, 2020  
1:33 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 (left 4:50 p.m.)  
Councillor Earlene MacMullin  
Councillor Esmond Marshall (arrived 1:36 p.m.)  
Councillor Steve Gillespie  
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, QC, Regional Solicitor  
Wayne MacDonald, Director of Engineering & Public Works  
Michael Ruus, Director of Planning and Development  
Michael Seth, Fire Chief and Director of Fire and Emergency Services  
Francis Campbell, Manager of Solid Waste  
John Phalen, Manager, Economic Development and Major Projects  
Paul Burt, Manger Building, Planning and Licensing Laws  
Karen Neville, Senior Planner  
Kristen Knudskov, Planner  
Sheilah MacDonald, Communications Officer – Mayor’s Office  
Sharon MacSween, Recording Secretary
- Absent:** N/A

**Summary of Decisions**

**Roll Call**

**Moment of Silent Reflection**

**1. APPROVAL OF MINUTES:**

**Motion** to approve minutes from:

- **Council Meeting – May 12, 2020**

**Carried.**

**2. APPROVAL OF AGENDA:**

**Motion** to approve the May 26, 2020 Council Agenda and Addendum as circulated, and to deal with item 6.3 after 2.1. **Carried.**

**ADDENDUM:**

**2.1 PROCLAMATIONS & RESOLUTIONS:**

**a) Filipino Heritage Month 2020:**

**Motion** that CBRM Mayor Cecil P. Clarke and Council hereby declare the month of June as “*Filipino Heritage Month*” in the Cape Breton Regional Municipality. **Carried.**

*As noted, it was agreed that this issue would be discussed at this point in the meeting.*

**6.3 Forecasted COVID Impact on CBRM Budget 2020/21:**

The Chief Financial Officer reviewed the Memo included in the Council agenda package that included a high-level forecast of estimates and cost reductions due to the financial impact of COVID-19.

**For information only.**

**Summary of Decisions (Cont'd):**

**3. PLANNING ISSUES:**

**3.1 FINAL APPROVAL:**

- 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:**

**With consent of the mover and seconder, the motion postponed from the May 12, 2020 meeting was withdrawn.**

**Motion for final approval of Amending By-law option 2, which is to permit agricultural uses, with the exception of kennels and the keeping of livestock, in the Wolf Street Neighbourhood (WSN) Zone, for Application 1072 by Back Beach Gardens (8 Commercial Street Extension, Louisbourg), as presented in the staff report dated May 26, 2020 as circulated. Carried.**

**3.2 REQUEST FOR A PUBLIC PARTICIPATION PROGRAM:**

- a) **Municipal Planning Strategy and Subdivision By-law Text Amendment – Application 1073:**

**Motion to adopt a Public Participation Program to consider the proposed amendments to the Municipal Planning Strategy and Subdivision By-law as outlined in the staff report dated May 12, 2020; and further that the Public Participation Program include specific consultation with the surveying community; and Notice of the proposed amendments be posted on CBRM's various online platforms requesting public input. Carried.**

**4. BUSINESS ARISING:**

**4.1 Council – May 12, 2020:**

- a) **Heavy Garbage Options:**

**Motion to continue the Heavy Garbage program following the traditional collection approach at an estimated cost of \$254,000, with the intent of having the program begin in September 2020. Carried.**

Continued...

**Summary of Decisions (Cont'd):**

**BUSINESS ARISING: Council – May 12, 2020 (Cont'd):**

**b) Downtown Beautification:**

**Motion** to approve a 2 year CBRM downtown beautification program based on prior delivery for hanging baskets and banners up to \$170,000; and to apply to the Province's Beautification and Streetscaping Program to offset costs associated with multiple site program delivery, noting that this is for a total of \$340,000 over the 2 years and any program funds received is a recovery for CBRM and is not intended to increase the scope of this project. **Carried.**

**c) Resolution Required for TBR – Municipal Operating Loan Program:**

**Motion** to approve the Short Term Operating Loan Resolution, and authorize execution of the same as required by the Department of Municipal Affairs and Housing and presented in the staff Memo dated May 21, 2020. **Carried.**

**4.2 Council – April 7, 2020**

**a) Alternative Voting (electronic) by Telephone or Internet for the 2020 Municipal and CSAP Elections:**

**Motion** to postpone the consideration of the staff Memo and recommendations regarding Alternative Voting (electronic) by Telephone or Internet for the 2020 Municipal and CSAP Elections, until the June 23, 2020 meeting of Council. **Carried.**

**Motion** to approve the:

- use of electronic (telephone and internet) voting as a means of voting in the election; and
- authorize the Mayor and Clerk to sign the agreement for electronic (telephone and internet) services with Intelivote Systems Inc. in relation to the recent RFP issued by the Halifax Regional Municipality with respect to electronic voting.

**Carried.**

**Continued...**

**Summary of Decisions (Cont'd):**

**BUSINESS ARISING: (Cont'd):**

**4.3 Special Council – November 4, 2019**

**a) Port of Sydney Development Corporation: Articles of Association:**

**Motion** to approve the non-substantive and substantive changes to the Port of Sydney Development Corporation Articles of Association and approve, in principle, the Port of Sydney Development Corporation Strategic Plan, as outlined in the staff Issue Paper dated May 20, 2020. **Carried.**

**5. CORPORATE SERVICES ISSUES:**

**5.1 Waterfront Lease – Operation of Seasonal Food, Liquor and Entertainment Establishment – 3302009 Nova Scotia Limited:**

**Motion** to approve a one year lease with 33020009 Nova Scotia Limited, with the same provisions as the previous lease that will commence on May 1, 2020, for lands owned by CBRM adjacent to the Sydney Boardwalk. **Carried.**

**5.2 Municipal Grants Policy:**

**Motion** that for the purposed of the budget year 2020/21, Council deviate from the Municipal Grants Policy in the following areas:

1. There will be no requirement or expectation for active fundraising efforts
2. Grants will not be limited to just the not for profit and charitable organizations who are providing services generally delivered, or complementing a service otherwise provided by CBRM
3. Evaluations will be based on a demonstrated need for funding using prior year financial statements along with current up to date financial information
4. That the evaluation of need will not be based on lost revenue or for wage subsidies but strictly to address shortfalls in operating costs
5. Matching funding from the Province will be required

**Carried.**

**5.3 Financial Request – Port of Sydney – 2020/21 Loan Repayment:**

**Motion** that Council recognize the Port of Sydney Development Corporation's significant economic dependence on cruise activities to sustain operations, and therefore approves the staff recommendation to permit the deferral of the Port's scheduled loan repayment plan for 2020/21 by extending the repayment plan by 1 additional year. **Carried.**

**Continued...**

**Summary of Decisions (Cont'd):**

**CORPORATE SERVICES ISSUES (Cont'd):**

**5.4 Appointment of Licensing Authority:**

**Motion** to appoint Michael Ruus and Karen Neville as licensing authorities for CBRM.  
**Carried.**

**5.5 Appeals Standing Committee Meeting Process:**

**Motion** to approve the staff recommendation for the Appeals Standing Committee meeting process to deal with appeals for Notices of Intent via write-in, phone in or by Zoom so that all property owners are given the opportunity to be heard before a decision is made by the Appeals Standing Committee whether or not to issue a thirty day demolition order. **Carried.**

**6. FINANCIAL STATEMENTS:**

**6.1 CBRM to March 31, 2020:**

**For information only.**

**6.2 Port of Sydney Development Corporation to March 30, 2020:**

**For information only.**

**Adjournment**

**Roll Call**

**Moment of Silent Reflection**

Mayor Clarke recognized and paid tribute with the passing of Mr. Pierce Sampson, former Clerk of the former City of Sydney.

**1. APPROVAL OF MINUTES:**

**Motion:**

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

- **Council Meeting – May 12, 2020**

**Motion Carried.**

**2. APPROVAL OF AGENDA:**

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Prince, to approve the May 26, 2020 Council Meeting Agenda and Addendum as circulated, and to deal with item 6.3 after 2.1.

**Motion Carried.**

**ADDENDUM:**

**2.1 PROCLAMATIONS & RESOLUTIONS:**

**a) Filipino Heritage Month 2020:**

**Motion:**

Moved by Councillor McDougall, seconded by Councillor MacMullin, that CBRM Mayor Cecil P. Clarke and Council hereby declare the month of June as “*Filipino Heritage Month*” in the Cape Breton Regional Municipality

**Motion Carried.**

*As noted, it was agreed that this issue would be discussed at this point in the meeting.*

### **6.3 Forecasted COVID Impact on CBRM Budget 2020/21:**

Ms. Jennifer Campbell, Chief Financial Officer (CFO), reviewed her Memo in the Council agenda package that included a high-level forecast of estimates and cost reductions due to the financial impact of COVID-19 totaling approximately \$4 million. In response to a question, the CFO advised that the current unrestricted operating reserves stand at about \$4 million, however there is a projected deficit for 2019-2020, along with other deficits that CBRM may have to address in the subsequent budget year.

Following the presentation, some of the Council discussion included:

- lack of financial support for municipalities from the Province and Federal Governments to offset COVID-19 impacts
- Actions by the NSFM and FCM, with the suggestion that FCM President Bill Karsten participate in CBRM Council briefing, as well as local MPs
- Revenue shortfalls related to facilities rentals and transit
- Borrowing capabilities

Mayor Clarke expressed thanks for discussion on this matter and appreciated receiving the forecast from the Chief Financial Officer.

**For information only.**

## **3. PLANNING ISSUES:**

### **3.1 FINAL APPROVAL:**

- 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 introduced this issue and reminded Council that the Public Hearing on this matter was held at the May 12, 2020 meeting of Council.

Ms. Kristen Knudskov, Planner, advised that the applicant has provided clarification on the application which is included in the agenda. She then reviewed the two options in her report, noting that the recommended option 1 is the same as outlined in the May 12<sup>th</sup>, 2020 motion, which includes the livestock operations.

Councillor McDougall stated that Option 2 better reflects the intent of the application, which does not permit the keeping of livestock and is prepared to move a motion to that effect.

**Continued...**

**PLANNING ISSUES - FINAL APPROVAL: Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (Cont'd):**

During Council discussion, some of the issues raised included:

- Objections by area residents to the application
- Zoning for some neighbouring properties permit the keeping of livestock
- future uses of properties in the WSN if rezoned
- if not approved, the applicant may continue current operations but will not be permitted to sell their products
- food security and supporting local food initiatives
- distance to nearest grocery store
- positive benefits of the development

*Following discussion, Mayor Clarke spoke to process. It was agreed that it would be in order to withdraw the motion from the May 12, 2020 Council meeting before introducing another motion.*

**Motion from May 12, 2020 Council meeting:**

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.

**With the consent of the mover and seconder, this motion was withdrawn.**

The following motion was then put forward:

**Motion:**

Moved by Councillor McDougall, seconded by Councillor Prince, final approval of Amending By-law option 2, to permit agriculture uses, with the exception of kennels and the keeping of livestock, in the Wolf Street Neighbourhood (WSN) Zone, for Application 1072 by Back Beach Gardens (8 Commercial Street Extension, Louisbourg), as presented in the staff report dated May 26, 2020 as circulated.

**Motion Carried.**

**Continued...**

**PLANNING ISSUES (Cont'd):**

**3.2 REQUEST FOR A PUBLIC PARTICIPATION PROGRAM:**

**a) Municipal Planning Strategy and Subdivision By-law Text Amendment – Application 1073:**

Karen Neville, Senior Planner, provided background information on the issue.

**Motion:**

Moved by Councillor Gillespie, seconded by Councillor Prince, to adopt a Public Participation Program to consider the proposed amendments to the Municipal Planning Strategy and Subdivision By-law as outlined in the staff report dated May 12, 2020; and further that the Public Participation Program include specific consultation with the surveying community; and Notice of the proposed amendments be posted on CBRM's various online platforms requesting public input.

**Motion Carried.**

**4. BUSINESS ARISING:**

**4.1 Council – May 12, 2020:**

**a) Heavy Garbage Options:**

Mr. Francis Campbell, Manager of Solid Waste, reviewed his report and provided Council with options available regarding heavy garbage collection for 2020.

Following the staff presentation, Councillors discussed the importance of heavy garbage collection within their communities, and the following motion was then put forward:

**Motion:**

Moved by Councillor Prince, seconded by Councillor MacMullin, to continue the Heavy Garbage program following the traditional collection approach at an estimated cost of \$254,000, with the intent of having the program begin in September 2020.

**Continued...**

**BUSINESS ARISING: Council – May 12, 2020 (Cont'd):**

**Heavy Garbage Options (Cont'd):**

**Motion Cont'd:**

*Discussion:*

Some of the issues raised included:

- timing for heavy garbage collection
- local tourism/cruise ship season and impacts of COVID-19
- collection in rural areas
- schedule for Northside drop-off site
- communication plan
- SPAR facility busy since it reopened
- Contact Solid Waste Hotline regarding heavy garbage materials currently placed curbside

The Mayor then called for the vote.

**Motion Carried, with Deputy Mayor Doncaster was recorded as voting in the negative.**

**b) Downtown Beautification:**

Mr. Michael Ruus, Director of Planning and Development, reviewed his Memo in the agenda package and requested Council direction regarding a number of issues.

Councillor MacMullin provided clarification on the intent of the request, noting that CBRM Economic Development Coordinator will facilitate the program internally. The following motion was then put forward:

**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Eldon MacDonald, to approve a 2 year CBRM downtown beautification program based on prior delivery for hanging baskets and banners up to \$170,000; and to apply to the Province's Beautification and Streetscaping Program to offset costs associated with multiple site program delivery, noting that this is for a total of \$340,000 over the 2 years and any program funds received is a recovery for CBRM and is not intended to increase the scope of this project.

*Discussion:*

Many of the Councillors spoke in favour of the beautification program.

**Motion Carried.**

**BUSINESS ARISING: Council – May 12, 2020 (Cont'd):**

c) **Resolution Required for TBR - Municipal Operating Loan Program:**

Ms. Jennifer Campbell, Chief Financial Officer, spoke to this issue and read the Resolution required by the Department of Municipal Affairs and Housing.

**Motion:**

Moved by Councillor George MacDonald, seconded by Councillor MacLeod, to approve the Short Term Operating Loan Resolution, and authorize execution of the same as required by the Department of Municipal Affairs and Housing and presented in the staff Memo dated May 21, 2020.

**Motion Carried.**

**4.2 Council – April 7, 2020**

a) **Alternative Voting (electronic) by Telephone or Internet for the 2020 Municipal and CSAP Elections:**

Ms. Deborah Campbell Ryan, Municipal Clerk/Returning Officer, reviewed her Memo on this issue as a follow up to the report originally brought before the General Committee of Council on March 3, 2020.

During discussion, Council suggested that this matter be postponed to a later date, pending the outcome of further initiatives by the NSFM to postpone the October Elections.

**Motion:**

Moved by Councillor Prince, seconded by Councillor MacLeod, to postpone the consideration of the staff Memo and recommendations regarding Alternative Voting (electronic) by Telephone or Internet for the 2020 Municipal and CSAP Elections, until the June 23, 2020 meeting of Council.

**Discussion:**

During Council discussion, it was pointed out that the Chief Medical Officer for the Province of Nova Scotia was not consulted by Minister Chuck Porter in regards to his decision not to postpone the 2020 Municipal Elections.

There was also discussion on the impact of the delay on the contract with the service provider, noting that Council will most likely proceed with some form of electronic voting in the upcoming election. The Clerk indicated she would contact Intelivote to inquire if there would be any issues by delaying this decision until the June 23<sup>rd</sup> Council meeting, and if so, would report same at the June 9<sup>th</sup> meeting.

**Motion Carried.**

Continued...

**BUSINESS ARISING: Council – April 7, 2020:**

**Alternative Voting (electronic) by Telephone or Internet for the 2020 Municipal and CSAP Elections (Cont'd):**

It was reiterated that because Council will most likely proceed with some form of electronic voting in the upcoming election, the contract with Intelivote should be approved so that the Clerk's office can proceed with processing same. The Clerk pointed out that the term of the agreement would be 4 years to cover the general election and any subsequent by-elections in that timeframe.

**Motion:**

Moved by Councillor Gillespie, seconded by Councillor MacMullin, to approve the:

- use of electronic (telephone and internet) voting as a means of voting in the election; and
- authorize the Mayor and Clerk to sign the agreement for electronic (telephone and internet) services with Intelivote Systems Inc. in relation to the recent RFP issued by the Halifax Regional Municipality with respect to electronic voting.

**Motion Carried.**

Mayor Clarke advised that should the elections proceed in October, there will be no further Council meetings after the scheduled meetings in June unless there is business of an urgent or emergency nature that requires Council attention, i.e. the pandemic and/or any financial matters related to the same, as the Clerk's office will be administering the Election. A memo related to this effect will be brought forward at the June 9<sup>th</sup> meeting of Council.

**4.3 Special Council – November 4, 2019**

**a) Port of Sydney Development Corporation: Articles of Association:**

Mr. Demetri Kachafanas, QC, Regional Solicitor, provided background information on this issue and reviewed the Issue Paper included in the agenda package.

After discussion, the following motion was put forward:

**Motion:**

Moved by Councillor MacLeod seconded by Councillor MacMullin, to approve the non-substantive and substantive changes to the Port of Sydney Development Corporation Articles of Association and approve, in principle, the Port of Sydney Development Corporation Strategic Plan, as outlined in the staff Issue Paper dated May 20, 2020.

**Motion Carried.**

**5. CORPORATE SERVICES ISSUES:**

**5.1 Waterfront Lease – Operation of Seasonal Food, Liquor and Entertainment Establishment – 3302009 Nova Scotia Limited:**

Mr. John Phalen, Manager, Economic Development and Major Projects, spoke to this issue.

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor McDougall, to approve a one year lease with 3302009 Nova Scotia Limited, with the same provisions as the previous lease that will commence on May 1, 2020, for lands owned by CBRM adjacent to the Sydney Boardwalk.

**Discussion:**

Councillor Eldon MacDonald spoke in favour of the Portside establishment, and asked for an update in terms of a previous Council request for a staff Issue Paper in regard to complaints received about music/noise from the waterfront, noting that it is important for staff and the proprietor to work together to find ways to minimize the impacts on the Northend residents.

The CAO advised that staff will work with the business owner to address issues before the restaurant opens.

**Motion Carried.**

**5.2 Municipal Grants Policy:**

Ms. Marie Walsh, Chief Administrative Officer, presented her Issue Paper for Council.

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Eldon MacDonald, that for the purposes of the budget year 2020/21, Council deviate from the Municipal Grants Policy in the following areas:

1. There will be no requirement or expectation for active fundraising efforts
2. Grants will not be limited to just the not for profit and charitable organizations who are providing services generally delivered, or complementing a service otherwise provided by CBRM
3. Evaluations will be based on a demonstrated need for funding using prior year financial statements along with current up to date financial information
4. That the evaluation of need will not be based on lost revenue or for wage subsidies but strictly to address shortfalls in operating costs
5. Matching funding from the Province will be required

**Discussion:**

Clarification was provided on application deadlines and funding sources.

**Motion Carried.**

**Continued...**

**Corporate Services Issues (cont'd)**

**5.3 Financial Request – Port of Sydney – 2020/21 Loan Repayment:**

Ms. Jennifer Campbell, Chief Financial Officer, presented the financial request from the Port of Sydney Development Corporation.

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor McDougall, that Council recognize the Port of Sydney Development Corporation's significant economic dependence on cruise activities to sustain operations, and therefore approves the staff recommendation to permit the deferral of the Port's scheduled loan repayment plan for 2020/21 by extending the repayment plan by 1 additional year.

**Discussion:**

In response to a question, the CFO pointed out that this is a balance sheet transaction and as payments are received, will be reflected as an offset to cash only with no bearing on revenues or expenditures.

**Motion Carried.**

**5.4 Appointment of Licensing Authority:**

Mr. Michael Ruus, Director of Planning and Development, spoke to this issue.

**Motion:**

Moved by Councillor MacMullin, seconded by Councillor Gillespie, to appoint Michael Ruus and Karen Neville as licensing authorities for CBRM.

**Motion Carried.**

**5.5 Appeals Standing Committee Meeting Process:**

Mr. Paul Burt, Manager Building, Planning and Licensing Laws, provided background information on this issue.

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Eldon MacDonald, to approve the staff recommendation for the Appeals Standing Committee meeting process to deal with appeals for Notices of Intent via write-in, phone in or by Zoom so that all property owners are given the opportunity to be heard before a decision is made by the Appeals Standing Committee whether or not to issue a thirty day demolition order.

**Motion Carried.**

**6. FINANCIAL STATEMENTS:**

**6.1 CBRM to March 31, 2020:**

**For information only.**

**6.2 Port of Sydney Development Corporation to March 30, 2020:**

**For information only.**

**Meeting adjourned at 5:01 p.m.**

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**Mayor Cecil P. Clarke**

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**Deborah Campbell Ryan  
Municipal Clerk**