

Municipality of the County of Inverness
Regular Council Meeting
Wednesday, June 30th, 2021
3:00 pm
Video Conference

Council: Warden Laurie Cranton
 Deputy Warden Bonny MacIsaac
 Councillor Alfred Poirier
 Councillor John MacLennan
 Councillor Lynn Chisholm
 Councillor Catherine Gillis

Staff: Keith MacDonald, CAO
 Tanya Tibbo, Director of Finance
 Christine Murray, Manager of Legal and Governance
 Debbie Nicholson, Administrative Assistant to Council
 Melanie Beaton, Special Projects Facilitator
 Erin Gillis, Manager, Operations & Occupational Health and Safety
 Donna MacDonald, Director of Tourism and Culture
 Karolyn Aucoin, Communications and Community Engagement Specialist
 Chestley Carr, Manager of Water and Wastewater Operations

Eastern District Planning Commission Staff:
 John Bain, Executive Director
 Alex Dunphy, Planner

1. CALL TO ORDER AND ROLL CALL

Warden Cranton called the meeting to order at 3:30 pm and welcomed all in attendance. Roll call was taken.

The following statement was read by Warden Cranton:

In light of the recent discoveries of the remains of First Nation, Inuit and Métis children who were forced to attend residential schools across Canada, Council and Staff of the Municipality of the County of Inverness feel that July 1, 2021 should be a day of reflection, mourning, and learning. All Municipal-led events previously planned for July 1, 2021 are cancelled.

On July 1, 2021, we, as non-First Nation, Inuit and Métis people, should reflect on Canada's abhorrent history of assimilating First Nation, Inuit and Métis people and acknowledge the intergenerational trauma this has caused. We should mourn the

thousands of innocent lives stolen from their families and communities through the colonial residential school system. We should take time to learn more about the important role each of us can play in reconciling and restoring relationships with First Nation, Inuit, and Métis people.

Municipal Council and staff affirm and acknowledge that Inverness County is located within Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people. The Municipality greatly values its ongoing collaborations with We'koqma'q First Nation and all other First Nations communities of Unama'ki. The Municipality is committed to reconciliation and will continue to learn and grow in a manner that supports First Nations, Inuit, and Métis friends and neighbours.

If you are looking for more information, the reports of the Truth and Reconciliation Commission of Canada can be found here: nctr.ca/records/reports/

Warden Cranton extended condolences to the family and friends of Lizzi Jane MacEachern of Port Hood on her recent passing.

2. APPROVAL OF MINUTES

MOTION: *That the Special Council meeting minutes of June 1st, 2021 be approved as presented.*

MOVED BY: Deputy Warden Maclsaac

SECONDED BY: Councillor MacLennan

MOTION CARRIED

MOTION: *That the Regular Council meeting minutes of June 3rd, 2021 be approved as presented.*

MOVED BY: Councillor MacLennan

SECONDED BY: Deputy Warden Maclsaac

MOTION CARRIED

MOTION: *That the Committee of the Whole meeting minutes of June 17th, 2021 be approved as presented.*

MOVED BY: Councillor Gillis

SECONDED BY: Deputy Warden Maclsaac

MOTION CARRIED

3. PUBLIC HEARING: BY-LAW NO. 50: BY-LAW TO AMEND BY-LAW 30: CAPITAL COST OF SEWER & WATER CONSTRUCTION

a. Introduction of By-Law 50:

By-Law No. 50 was read:

1. *This By-Law shall be known and may be cited as the “By-Law to Amend By-Law 30: Capital Cost of Sewer & Water Construction”*

2. *By-Law 30: Capital Cost of Sewer & Water Construction is hereby amended as follows:*

(1) by adding immediately following subsection 14(m) thereof, the following subsection:

(n) In the area served by the Inverness Sewer and Water system, namely Maple Street, the frontage rate is hereby set at \$28.01 per lineal foot for sewer and water.

b. Open the hearing for presentations:

Warden Cranton opened the hearing for presentations. No presenters came forward.

c. Review of written submissions:

The following written submission was read to Council:

I’m writing this to give my side of the story concerning the frontage rates when the sewer system was installed on Maple Street, Inverness a few years ago.

I attended a meeting at the Mill Road Enterprise building with Mr. O’Connor who was CAO at the time and Mr. Beaton who was the County Engineer at the time. There were three other families from this street in attendance also. This meeting was concerning what we, as landowners, would have to pay for the cost of the sewer according to our land frontage. Mr. Beaton had a list of all the landowners frontage with him. I asked and was told twice that my bill would be \$3,900.00. That was fine with me. I also asked if the county would like to buy a portion of my land for the station which would help me with my bill. I was told that it would be going across the road from me which was also fine.

I called the Municipality twice to see when I could pay my bill but was told the bills were not ready. I never called after that but have been waiting for this bill for approximately three years. I’m sorry but I cannot remember the date when the sewer was installed.

I have contacted Mr. MacLean and Mr. MacDonald about three weeks ago concerning my bill as I have a portion of my property for sale and I want to pay this bill before I sell the land as it is my responsibility.

I read in the June 9th edition of the Oran that the rate being charged is \$28.01 which means that my bill will be \$6980.09. This is quite a difference from the first quote I was given!

I feel that I should not have to pay \$6980.02 due to the fact that if the bills were sent out right away, I would only be paying \$3,900.00. They are at least three years late and as I said, I did call to pay twice. Also I'm not sure why the huge increase now.

Thank you for listening to my side of the story.

Ruthie Watts

d. Staff Presentation:

Tanya Tibbo provided information on how the cost per lineal foot was arrived at for the Maple Street Capital project. Individual meetings will be held with Maple Street residents with additional questions on this Capital project.

e. Consensus to advance By-Law 50:

After discussion, there was consensus of Council to advance By-Law 50.

4. SECOND READING: BY-LAW 50: BY-LAW TO AMEND BY-LAW 30: CAPITAL COST OF SEWER AND WATER CONSTRUCTION

MOTION: *That Council approve : By-Law No. 50: By-Law to amend By-Law 30: Capital Cost of Sewer and Water Construction, for Second Reading and Adoption.*

MOVED BY: Councillor Gillis

SECONDED BY: Councillor Chisholm

MOTION CARRIED

5. APPEAL OF SITE PLAN APPROVAL FOR LITTLE READ WAGON RESTAURANT: CENTRAL AVENUE INVERNESS (PID # 50180819, 50130509, 50130491)

a. Reading of Appeal:

The following Appeal was read to Council:

To Alex Dunphy,

I am appealing the approval of the site plan for the Little Red Wagon on Central Avenue, in Inverness. I am the property owner of 15862 Central Avenue since 1974. I operate The

Reel Pizza Shop, as well as an apartment at that location. Below is a list of issues that we have seen since The Little Red Wagon set up across the street:

- *their customers using my parking lot (causing my potential customers to keep by because the parking lot is full)*
- *their customers using my deck to eat and hang out*
- *increased litter in the area, and on my deck, as well as their customers using my garbage cans*
- *Little Red Wagon customers using my washroom*
- *increased traffic in an already busy area (between the liquor store and Co-op), with many people crossing the road*
- *vehicle-pedestrian collision concerns*

The owners of The Little Red Wagon have been told numerous times about my issues. I have also posted signs, but nothing changed. These are a few issues that I have with this decision. There is a large parking lot, hardly being used down below them at Mill Road Social Enterprise that other food trucks use. This is not only bad for my business, and costs me time and money, but there are safety concerns, as well.

Sincerely, Conrad MacNeil

b. Memo from Eastern District Planning Commission:

Summary:

Site Plan approvals are regulated by the Municipal Government Act, specifically Sections 231 to 233. Subsection 232(2) of the Act states: "(2) Where a development officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a development officer grants or refuses to grant a variance."

The variance provisions are in Sections 236 to 237 of the MGA. Subsection 236(3) states: "Where a variance is granted, a property owner served a notice may appeal the decision to the council within fourteen days after receiving the notice."

An appeal to the site plan approval of the Little Red Wagon Take-out Restaurant was received prior to the fourteen days elapsing. Subsection 237(1) of the Act states: "Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made."

Background Information:

This seasonal take-out restaurant is located on Central Avenue, and is currently in the process of site plan approval. During the appeal period, an appeal was received on June 16th, 2021 from Conrad McNeil, owner of The Reel Pizza Shop as well as the apartment at the same location. This appeal needs to be addressed through the standard procedure of site plan approval appeals.

Analysis:

In accordance with Section 236 of the Act the decision of the development officer to approve the site plan was circulated to all assessed property owners within thirty meters of the applicant's property. Staff have reviewed the appeal and can inform Council that the appellant has standing to appeal as he was one of the assessed owners notified and the appeal was received within the legislated timeframe.

The appeal was based on a number of issues brought up by the appellant, including:

- The applicant's customers using the appellant's parking lot,*
- The applicant's customers using the appellant's deck for seating,*
- The applicant's customers using the appellant's garbage cans and an increase of litter on their property,*
- The applicant's customers using the appellant's washrooms,*
- Increased traffic, and*
- Vehicle-pedestrian collision concerns.*

The appellant also notes that they have told the applicant previously about the issue and posted signs.

For the first issue, the parking requirements for restaurants are defined by floor area inside a building devoted to public use as per the Land Use By-law. The Little Red Wagon was determined to not have any floor area within the building devoted to public use and as such did not require on-site parking spaces. Therefore, parking was not addressed in the site plan and should not be considered for the appeal to the approval.

For the second issue, the seating area was addressed by staff and was shown on the site plan. The actions of customers cannot be dealt with through the site plan approval process.

For the third and fourth issue, garbage facilities and washrooms are not a part of the criteria which are dealt with through the site plan approval process.

For the fifth and last issues raised, given that parking facilities were not required for this site plan, staff had determined that traffic (i.e. vehicle access and egress from the site) was not an issue that needed to be addressed through the site plan approval process. Also, pedestrian safety off of the site is not an issue for the site plan, which only addresses the development onsite.

Staff are basing their opinion of the appeal being made to address the site plan approval process. Policy 17.2 of the Municipal Planning Strategy sets out the criteria of a site plan and an appeal must demonstrate that the approval is in conflict with those requirements.

Conclusion:

Subsection 237(1) of the Act states: "Where a council hears an appeal from the granting or refusal of a variance, the council may make any decision that the development officer could have made." Council therefore should use the same criteria as staff in making any decision. While concerns raised by the applicant are substantive, they are issues which were either excluded from the site plan review (e.g. parking) or were issues outside of the scope of a site plan.

Staff have reviewed the grounds of the appeal and maintain their position for approval of the site plan. Staff recommend that Council uphold the approval granted by staff.

c. Submission by Appellant (optional):

There was no oral submission by the appellant.

d. Submission by restaurant owner (optional):

The following written submission was read to Council:

Dear Warden, Deputy Warden and Council;

First may we take this opportunity to thank you for your attention and review of the building permit for the LRW. Though it has been a trying time for all involved we look to the issue being finally resolved.

Little Red Wagon has been accepted by the community and surrounding area as a place for friends to meet and great food to be acquired in a clean, inviting unique eating area.

We take great pride in our responsibility to serve others and the friendliness of our entire operation.

Mr Mac Neil has in his submission made a number of, we believe, false representations which we would like to address to the Council.

1/ Regarding Parking on Mr. MacNeil's lot. The Little Red Wagon (LRW) enjoys an abundance of parking space on its leased lots with permission to use the additional two adjoining lots if needed. Couple this massive space with roadside available parking, the question to be asked is why we would even contemplate using or encouraging the use of Mr Mac Neil's parking area? We will say that tourists parked across the street one time and Mr. MacNeil asked we don't allow the parking. We stated no problem and whenever we seen a visitor park there, we requested they move over to our land as there are apartment dwellers who need the parking space. People are always congenial and there is never an issue, but this event is a RARITY. We have more than enough parking capacity to serve any customer who comes to the Little Red Wagon.

2/ Regarding the use of Mr MacNeil's deck. We don't need it as our customers have plenty of sitting and standing space. Our environment is that of a Caribbean theme with Tiki umbrellas and a stand-up Tiki Hut eating area. Coupled with the music, people love the surroundings which invoke memories of good times had on earlier excursions. As Covid recedes, we will add space as needed. We are proud of our business surroundings and that love is shared by our many customers. But to clarify further, there was a food truck next to us for a very brief time last season. They had no seating area and were sending people to our space which we disallowed. A visiting family went to the truck next door and they went to sit on the deck of Mr MacNeil. We were appalled and a good friend of Mr MacNeil, of the name Chisholm was at the Wagon. He immediately asked who those people were, we explained where they came from and that we did not know how to call Mr MacNeil. As business owners we appreciate having to clean unnecessary mess, so when Mr. Chisholm stated he was a good friend of Mr MacNeil and would call him, we encouraged it as that situation is unfair. LRW has no need to have it's customers use another business's location to eat our food.

3/ As to the garbage can issue. We provide our own trash receptacles. Why would our customers go across the street to put trash there when a receptacle is 10 to 15 feet away on our lot?

4/ As to washroom use, we do not direct nor police where customers go to relieve themselves? Perhaps Mr Mac Neil should police his own washrooms against unauthorized use.

5/ As to traffic, yes we do draw people, locals and tourists to the community. This was always seen as a positive thing not a negative. Folks visit other shops, visit sites and spend money many places other than the LRW. If this is a negative, then we are guilty of adding to the prosperity of the village.

In closing, Dianne and I would once again like to thank you for your attention to this matter and its resolution.

e. Presentation from Eastern District Planning Commission

Eastern District Planning Commission staff have reviewed the grounds of the appeal and maintain their position for approval of the site plan for the Little Red Wagon restaurant, Central Avenue, Inverness (PID Nos. 50180819, 50130517, 50130509, and 50130491). Staff recommend that Council uphold the site plan approval granted by staff.

f. Decision:

MOTION: *That Council deny the appeal of Mr. Conrad MacNeil and uphold the approval of the site plan for the Little Red Wagon restaurant, Central Avenue, Inverness (PID Nos. 50180819, 50130517, 50130509, and*

50130491), that was approved by Eastern District Planning Commission.
MOVED BY: Councillor Chisholm
SECONDED BY: Councillor Gillis
MOTION CARRIED

6. FIRST READING: VENDING BY-LAW

MOTION: *That Council approve First Reading of the Vending By-Law as provided in the Council package.*
MOVED BY: Councillor Chisholm
SECONDED BY: Councillor Gillis
MOTION CARRIED

7. SCHEDULE PUBLIC HEARING DATE: VENDING BY-LAW

MOTION: *That Council schedule the public hearing date for the Vending By-Law for August 5, 2021 at 1:30 pm.*
MOVED BY: Deputy Warden Maclsaac
SECONDED BY: Councillor Gillis
MOTION CARRIED

MOTION: *That the previous motion be amended to include consideration of the Vending Permit Fees Policy at the Public Hearing to be held on August 5, 2021 at 1:30pm.*
MOVED BY: Deputy Warden Maclsaac
SECONDED BY: Councillor Gillis
MOTION CARRIED

8. NOMINATIONS FOR ACCESSIBILITY ADVISORY COMMITTEE

MOTION: **WHEREAS** vacancies existed on the Accessibility Advisory Committee for the Municipality of the County of Inverness;
AND WHEREAS the vacancies were publicly advertised pursuant to the Public Appointment Policy for the Municipality of the County of Inverness;
AND WHEREAS the Nominating Committee of the Municipality of the County of Inverness met on June 30, 2021 and nominated Thomas G. Livingston and Damien Chauveau to fill two (2) vacancies on the Accessibility Advisory Committee for the Municipality of the County of Inverness;
BE IT THEREFORE RESOLVED
THAT Council for the Municipality of the County of Inverness does hereby appoint **Thomas G. Livingston and Damien Chauveau** as members of the Accessibility Advisory Committee for the Municipality of the County of

Inverness, with each appointment being for a term of two (2) years, commencing on this 30th day of June, 2021.

MOVED BY: Councillor Gillis
SECONDED BY: Deputy Warden MacIsaac
MOTION CARRIED

9. UPDATE: WATER AND WASTEWATER OPERATIONS

Chestley Carr, Manager of Water and Wastewater operations provided Council with an update on the progress made over the last year at the Municipal Water and Waste Water Treatment Facilities.

10. RECOMMENDATIONS

a. Joint Police Advisory Board vacancy qualifications and submissions deadline

- MOTION:**
1. *That Council accept and approve the following eight (8) qualifications for the two (2) current vacancies on the Municipality's Joint Police Advisory Board:*
 - a. *Resident of the Municipality of the County of Inverness for at least the last six (6) months before making an application and must continue to be a resident of the Municipality throughout the term of the appointment (Note: Councillors and employees of the Municipality of the County of Inverness, the Town of Mulgrave, or the Town of Port Hawkesbury are ineligible);*
 - b. *Considerable knowledge of community issues and an understanding of policing values and governance;*
 - c. *Good character;*
 - d. *At least 18 years of age;*
 - e. *Consent to criminal and background checks (Note: an applicant will be ineligible if criminal and background checks show that the applicant has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of the Council of the Municipality of the County of Inverness, would reasonably be expected to have a negative impact on their acting as a member of the Joint Police Advisory Board);*
 - f. *Willingness to:*
 - *make the commitment of time and effort required to carry out responsibilities of the Joint Police Advisory Board; and*
 - *take the oath of office or affirmation and abide by the code of conduct required by the Police Act and its regulations;*

- g. *All members of the Board shall serve without pay; and*
- h. *Members must not be ineligible for an appointment pursuant to the Municipality's Public Appointment Policy.*

2. That the deadline to submit applications for these vacancies be Friday, July 30, 2021.

MOVED BY: Deputy Warden MacIsaac
SECONDED BY: Councillor Gillis
MOTION CARRIED

b. Inter Municipal Agreement to create the Municipal Technology Services Association

MOTION: *That Council approve the Inter Municipal Agreement to create the Municipal Technology Services Association.*

MOVED BY: Councillor MacLennan
SECONDED BY: Deputy Warden MacIsaac

c. Invitation to Bell to attend a meeting of Council

MOTION: *That Bell representatives be invited to attend an upcoming meeting of Council.*

MOVED BY: Councillor Chisholm
SECONDED BY: Councillor MacLennan

MOTION CARRIED

11. CORRESPONDENCE:

a. Department of Justice Approval of Summary Offence Ticket Registration – Dog Control By-Law

The Order dated June 8, 2021 and made by the Honourable Randy Delorey, Minister of Justice, regarding the designation of certain offences under the Dog Control By-Law as summary offence ticket offences, was provided to Council. Summary Offence Tickets can now be issued for certain offences in the Dog Control By-Law. The Schedule of Offences was appended as Schedule "A" to the Order. The position of By-Law Enforcement Officer has been advertised and will close on Friday, July 16, 2021.

12. NEXT MEETING DATE:

July 22, 2021 – Committee of the Whole

13. ADJOURNMENT

MOTION: *That Council adjourn at 5:07 pm*
MOVED BY: Deputy Warden Maclsaac
MOTION CARRIED