

Municipality of the County of Inverness
Regular Council Meeting
Thursday, October 7, 2021
3:00 pm
Council Chambers

MINUTES

Council: Warden Laurie Cranton (via telephone)
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 (via telephone)
Christine Murray, Manager of Legal and Governance
Debbie Nicholson, Administrative Assistant to Council/CAO
Melanie Beaton, Special Projects Facilitator
Charlotte MacDonald, Manager of Recreation
Erin Gillis, Manager of Operations and Occupational Health and Safety

1. CALL TO ORDER AND ROLL CALL

Deputy Warden MacIsaac called the meeting to order at 3:00 pm and welcomed all in attendance. Roll call was taken. Acknowledgement was made that the land on which we gather is located in the ancestral and unceded territory of the Mi'kmaq people.

2. APPROVAL OF AGENDA

MOTION: *That the Agenda be approved as presented.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

3. APPROVAL OF MINUTES

MOTION: *That the Regular Council Meeting minutes of September 2, 2021 be approved as presented.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

MOTION: *That the Nominating Committee Meeting minutes of September 2, 2021 be approved as presented.*

MOVED BY: Warden Cranton

SECONDED BY: Councillor Gillis

MOTION CARRIED

MOTION: *That the Committee of the Whole Meeting minutes of September 16, 2021 be approved as presented.*

MOVED BY: Councillor MacLennan

SECONDED BY: Councillor Poirier

MOTION CARRIED

MOTION: *That the Special Council Meeting minutes of September 28, 2021 be approved as presented.*

MOVED BY: Councillor MacLennan

SECONDED BY: Councillor Chisholm

MOTION CARRIED

4. PRESENTATION: PORT HAWKESBURY PAPER; Andrew Fedora and Allan Eddy

Port Hawkesbury Paper remains dedicated to ensuring that the management practices performed by the company adhere to the principles of sustainable forestry management. Their goal is to provide long term sustainability and natural biodiversity for many ecological, cultural and social values while providing a stable and long term wood supply and economic viability for both Port Hawkesbury Paper, local wood suppliers and sawmills. The newly created Port Hawkesbury Paper Wind company (PHPW) has a vision of a greener provincial economy. PHPW is well positioned to work with the Governments of Canada and Nova Scotia and the Mi'kmaq of Nova Scotia. When complete, this project would be the largest wind farm in Nova Scotia and supply green power to Port Hawkesbury Paper.

5. APPEAL OF MUNICIPAL DEVELOPMENT OFFICER'S DECISION: DENIAL OF REQUEST TO VARY THE FRONT AND SIDE YARD REQUIREMENTS FOR PID 50028471, 128 HIGH ROAD, PORT HOOD

a) Decision of Municipal Development Officer; John Bain, Executive Director

The Eastern District Planning Commission (EDPC) received a request from Judy and Warren Leadbetter for a variance of the front and side yard requirements in the R-1 zone, at the property located at 128 High Road, Port Hood, PID 50028471. This variance is to allow for the placement of their mobile home which has already been placed on the property in contravention of the yard requirements outlined in the Port Hood Land Use By-law.

The minimum front yard requirement is 6.1 meters (20 feet) and the side yard requirements are 3.0 meters (10 feet). When Mr. and Mrs. Leadbetter applied for their permits, they indicated they would place the mobile home fifteen (15) feet from both side yards and thirty (30) feet back from the front property line.

The property owners have applied for three variances. Specifically, they would like to vary the front yard requirement from twenty (20) feet to eight (8.0) feet and the side yards from ten (10) to eight point five (8.5) feet on the North side and seven point one (7.1) feet on the South side.

The EDPC Development Officer made the decision not to allow the variance after completing a review which included visiting the site on September 8, 2021.

b) Reading of Appeal

Mr. and Mrs. Leadbetter were issued correspondence from the Eastern District Planning Commission (EDPC) on September 22, 2021 informing them of the decision to deny all three variances. Directions were provided to Mr. and Mrs. Leadbetter regarding how to appeal this decision. A copy of Mr. and Mrs. Leadbetter's written submission of their intent to appeal this decision was included in today's Council package.

c) Reading of Notice to property owners within 30 meters of site

Property owners within thirty meters of the subject site received notice of the appeal date and (a) description of the variance applied for and the reasons for its refusal; (b) property location where the variance is applied for; and (c) the date, time and place when council will hear the appeal.

d) Submission by appellant (optional)

Mrs. Leadbetter spoke to Council at today's meeting to appeal the denial of the variance request.

e) Submissions by property owners within 30 meters of site (optional)

Written correspondence was received from a resident within 30 meters of the site in opposition of granting the appeal. Deputy Warden MacIsaac asked if any oral presentations would be made at today's meeting, and none came forward.

f) Questions for Eastern District Planning Commission

Discussion and questions followed from Council.

g) Decision

MOTION: *That Council recess for 10 minutes beginning at 4:29 pm.*

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

Council resumed at 4:38 pm.

MOTION: *That Council deny the appeal by Mr. and Mrs. Leadbetter of the decision by the Municipal Development Officer to deny the Front and Side yard variance requirements for PID 50028471, 128 High Road, Port Hood.*

MOVED BY: Councillor Gillis

SECONDED BY: Councillor MacLennan

Councillor Chisholm, Councillor Gillis, Councillor MacLennan and Warden Cranton voted in favour. Councillor Poirier voted against.

MOTION CARRIED

6. MUNICIPAL COVID-19 VACCINE POLICY

At this time, the Province of Nova Scotia's COVID-19 vaccination mandate does not require Municipal employees to be vaccinated against COVID-19. However, municipalities can implement a vaccination policy if they so choose.

Recommendation to direct staff to conduct an anonymous survey of Municipal employees with their opinions regarding a Municipal COVID-19 Vaccine Policy. The survey findings will be made available for the next Committee of the Whole meeting.

7. J CLASS ROADS: SUBMISSIONS OF COUNCIL

Council put forward their requests for J Class Road improvements for the 2022-2023 fiscal year, as follows:

District 1 – Chemin Schomphe, Chemin Marteau

District 3 – Celtic Drive, Quincy Street, Joe's Lane, Deagles Lane

District 4 – Hillcrest Street Blues Mills, MacInnis Road, Maples Street Loop, Allan's Lane

District 5 – Reynolds Street, Clan Ranald Road, Justin Road

District 6 – Church Street, Lauchlin Drive, Hatcher off Crandall Road

8. FALL 2021 HEAVY GARBAGE PICK-UP

There is consensus of Council for the Municipality to hold a 2021 Heavy Garbage Pick-up.

Recommendation that the Municipality consider holding a 2021 Fall Heavy Garbage Pick-up and for staff to determine the best budget option. A decision on how to proceed will be made at the October 21st Committee of the Whole Meeting.

MOTION: *That Council direct staff to draft a by-law regarding illegal garbage dumping.*
MOVED BY: Warden Cranton
SECONDED BY: Councillor Gillis
MOTION CARRIED

9. UPDATE: VOYENT ALERT SYSTEM

Voyent Alert has been purchased by the Municipality. It is a public notification tool for notices and alerts to keep residents aware of planned items and emergency situations. In addition, it can be used as a tool to better track internal staff notifications. Training for some Municipal staff members has begun. The targeted public launch date is November 18, 2021.

10. REGULAR COUNCIL MEETING START TIME

A memo was provided in today's Council package providing the history of the discussions and motions for Regular and Committee of the Whole meetings start times.

MOTION: *That Regular Council meetings begin at 3:00 pm. This practice will continue for a period of one year at which time the issue will be revisited.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
Councillor Poirier, Deputy Warden Maclsaac, Warden Cranton, Councillor Gillis, Councillor Chisholm voted in favour. Councillor MacLennan voted against.
MOTION CARRIED

MOTION: *That Committee of the Whole meetings begin at 9:30 am. This practice will continue for a period of one year at which time the issue will be revisited.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

11. WATER UTILITY UPDATE: COMMUNITY OF INVERNESS GROUNDWATER WELLS

Tanya Tibbo and Chestley Carr updated Council on the Inverness Groundwater wells. Due to water consumption outpacing water production in the community served by the Inverness Water System, the Municipality issued water conservation directives between July 27th and August 28th, 2021. During this time, approximately 5,300 m³ was trucked from the Whycocomagh Water System. Municipal staff was trained in leak detection over a two day period. All leaks discovered were repaired. PW8 was temporarily connected which eliminated the need to haul water from any of the other water systems. Total water consumption by Cabot Links from July 1st to September 30th accounted for 6.5 % of water produced daily. Both Cabot Links and Cabot Cliffs are not permitted to use Municipal water to irrigate golf courses, and

therefore rely on well fed irrigation ponds for this purpose.

12. WHYCOCOMAGH WASTE WATER TREATMENT PLANT

Keith MacDonald provided an update to Council on the history and current status of the Whycomomagh Waste Water treatment plant.

The existing Whycomomagh Waste Water Treatment plant which serves the village of Whycomomagh and the We'koqma'q First Nation was built in 1977, and is currently in need of replacement as it has reached the end of its expected operational life. Through a Request for Proposals (RFP) the Municipality of the County of Inverness seeks a design firm that has specific experience and expertise in the assessment, design and construction of municipal water and wastewater treatment systems. The detailed design review, amendments and completion, growth projections, lift station inspections, outfall inspections, final design, and tender package is anticipated to be completed by February 2022. The construction phase is scheduled to begin in May 2022. The \$5,876,544.00 total project cost is funded through Federal, Provincial and Municipal contributions, as well as Indigenous Services Canada and a local improvement charge.

13. WHYCOCOMAGH SIDEWALKS

Chestley Carr informed Council that the work for sidewalk maintenance in Whycomomagh will be contracted out for the 2021-2022 winter season. A Request for Proposals will be posted for this piece of work.

14. FOURTEEN DAY NOTICE FOR AGENDA ITEMS

Council was reminded that fourteen days' notice is required for agenda items to be added to a meeting agenda. However, Council can revisit this policy if they choose. An allowance for emergency or time sensitive issues to be added to an agenda can be made during the *Approval of the Agenda* period at the beginning of Council meetings.

Councillor Alfred Poirier informed Council of his intent to retire as Councillor for District 1, effective December 31, 2021. Council thanked him for his years of service and wished him well.

Councillor MacLennan left the meeting at 5:58 pm

Recess: 5:58 pm – 6:05 pm

15. RECOMMENDATIONS

a) Vacancy for Accessibility Advisory Committee

MOTION: *1. That the Municipality advertise the current vacancy on the Municipal Accessibility Advisory Committee with the following requirements:*

1. *One (1) member of the public must be appointed to the Accessibility Advisory Committee, for a term of three (3) years;*
2. *Must be at least 18 years of age;*
3. *Must be 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;*
4. *Must not be ineligible for an appointment pursuant to the Municipality's Public Appointment Policy;*
5. *All members of the Accessibility Advisory Committee shall serve without pay; and*
6. *The Accessibility Advisory Committee must meet at least six (6) times per year, or otherwise as needed to fulfill its duties.*

2. *That the deadline for submissions will be November 19th, 2021 at 4 pm.*

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

b) Charitable Tax Exemption

MOTION: *That Council approve a charitable tax exemption for the Mabou Hall Committee of \$3,280.20 for assessment account number 02636506 for the 2021 and 2022 fiscal years, and that the interest on this account be written off in the amount of \$84.87.*

MOVED BY: Councillor Poirier
SECONDED BY: Councillor Chisholm
MOTION CARRIED

c) Vending By-Law

i. Criminal Record and Vulnerable Record Check

MOTION: *That no changes be made in the Vending By-Law to the requirement for applicants to provide a Criminal Record check and a Vulnerable Sector check when applying for a Vending Permit.*

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

MOTION: *That the language in the Vending By-Law be changed at Section 16.3(r) from "a Criminal Record/Vulnerable Sector Check report" to "a Criminal Record check and a Vulnerable Sector check" to clarify that these are two separate reports.*

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

MOTION: *That Section 16.3(r) of the Vending By-Law be revised to require the Criminal Record check and Vulnerable Sector check be dated within 30 days of the date of the application.*

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

ii. Fire Inspection

MOTION: *That no changes be made to the Fire Inspection sections of the Vending By- Law, found at Article 9.*

MOVED BY: Councillor Poirier
SECONDED BY: Councillor Gillis
MOTION CARRIED

iii. Location and Planning

MOTION: *That the underlined language below be added to Section 8.2 of the Vending By-Law:*

8.2 In reviewing an application for a Permit, the Permit Administrator will provide a copy of the application to the Eastern District Planning Commission. If an Applicant has already applied for and/or obtained a development permit for a particular location through Eastern District Planning Commission, then Eastern District Planning Commission will advise the Permit Administrator.

MOVED BY: Councillor Chisholm
SECONDED BY: Councillor Poirier
MOTION CARRIED

iv. Site Plan Clarification

MOTION: *That the term "site plan" at Sections 16.3(m) and (n) of the Vending By-Law be removed and replaced with the language underlined below:*

(m) if the Applicant is proposing to Vend on Private Property owned by the Applicant:
i. a detailed description of the Private Property identifying the civic number and specific parcel(s) of land including a ~~site plan(s)~~ diagram or sketch of the location. Each ~~site plan~~ diagram or sketch

of the location shall show the area to be utilized by the Applicant in the operation of the business, ingress and egress, and the location of all buildings on the property. The diagram or sketch should include measurements and be to scale;

(n) if the Applicant is proposing to Vend on Private Property not owned by the Applicant:

i. a detailed description of the Private Property identifying the civic number and specific parcel(s) of land including a ~~site plan(s)~~ diagram or sketch of the location. Each ~~site plan~~ diagram or sketch of the location shall show the area to be utilized by the Applicant in the operation of the business, ingress and egress, and the location of all buildings on the property. The diagram or sketch should include measurements and be to scale;

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

v. Fair Competition

MOTION: *To change the special event permit section of the Vending By-Law to allow for Vendors to vend past 10:00 pm for special events, with the permission of the Permit Administrator, by adding the following sections:*

13.20 An Applicant intending to Vend at a special event such as a festival, private occasion, or wedding in the Municipality must hold a Permit issued pursuant to this By-Law. Such a Permit may allow the Permit Holder to Vend later than 10:00 pm as long as the Permit states the time when the Vendor must stop Vending on the date(s) of the special event. The Applicant must meet all other requirements of the Vending By-Law in order to be eligible for a Permit.

13.21 The Permit Administrator is authorized to determine the time when the Vendor must stop Vending during a special event.

13.22 If the Applicant does not already hold a Permit for the location of the special event, then the Applicant must pay the Municipality the special event fee set out in the "Vending Permit Fees Policy", as amended from time to time.

13.23 If the Applicant does not already hold a Permit for the location of the special event, any Permit issued for such a special event must include:

- (a) the date(s) for which it is valid;
- (b) the date of expiry; and
- (c) the time when the Permit Holder must stop Vending.

13.24 *If a Permit Holder already holds a Permit for the location of the special event, then the Permit Holder does not need to pay the additional special event fee set out in the “Vending Permit Fees Policy”, as amended from time to time.*

13.25 *If a Permit Holder already holds a Permit for the location of the special event and wishes to Vend later than 10:00 pm during the special event, then the Permit Holder must submit a written request to the Permit Administrator in advance of the special event, asking to Vend later than 10:00 pm on the particular date(s) of the special event. In this circumstance, the Permit Administrator may issue an additional Permit to the Vendor for the special event, stating:*

- (a) the date(s) for which it is valid;
- (b) the date of expiry; and
- (c) the time when the Permit Holder must stop Vending.

MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

vi. Advertising and Signage

MOTION: *To remove Section 20.1(e) of the Vending By-Law, which states:
No person shall:*

(e) install more than one portable sign advertising the Mobile Unit or Non-Mobile Unit. The portable sign shall be placed within 3.5 metres of the location of the Mobile Unit or Non-Mobile Unit, shall be no more than 1 metre high and no more than 0.6 metres in width, and shall have surfaces and finishes that are well maintained.

MOVED BY: Councillor Chisholm
SECONDED BY: Councillor Poirier
MOTION CARRIED

vii. Exemptions from the Vending By-Law

MOTION: *That no changes be made to the exemptions listed in Section 6.5 of the Vending By-Law.*

MOVED BY: Councillor Poirier

SECONDED BY: Councillor Chisholm
MOTION CARRIED

viii. Permit Expiration

MOTION: *That no changes be made to the Vending By-Law regarding the date for expiration of Vending Permits.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

ix. Fees

MOTION: *That no changes be made to the fees for Vending Permits set out in the proposed Vending Permit Fees Policy.*
MOVED BY: Councillor Chisholm
SECONDED BY: Councillor Gillis
MOTION CARRIED

x. Providing Notice

MOTION: *That no changes be made to the Vending By-Law that would require the Municipality to provide notice of a Vending Permit being issued.*
MOVED BY: Councillor Poirier
SECONDED BY: Councillor Chisholm
MOTION CARRIED

xi. Concern received after the Public Hearing

MOTION: *That no changes be made to the Vending By-Law that would permit an exception to the requirement to obtain a development permit during an extreme weather event.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

16. FIRST READING: VENDING BY-LAW

MOTION: *That Council approve First Reading of the Vending By-Law as presented in today's Council package.*
MOVED BY: Warden Cranton
SECONDED BY: Councillor Gillis
MOTION CARRIED

MOTION: *That Council give Second Reading to the Vending By-Law at the Regular Council Meeting to be held on November 4th at 3:00 pm.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

17. CORRESPONDENCE

The following items of correspondence were received from the office of John Lohr, the Minister of Municipal Affairs and Housing:

- A temporary borrowing guarantee resolution approval in the amount of three hundred and one thousand dollars for purposes of the Mabou and District Volunteer Fire Department purchase of a Pumper Truck.
- Approval of a temporary borrowing resolution of the Municipality of the County of Inverness in the amount of one million fifty five thousand two hundred dollars for purposes of borrowing related to J Class Roads.
- Approval of a temporary borrowing resolution of the Municipality of the County of Inverness in the amount of three million five hundred sixty three thousand three hundred dollars for purposes of capital borrowing related to the Rt. 19 Sanitary Sewer.

18. NEXT MEETING DATE

October 21st, 2021 9:30 am: Committee of the Whole

19. "IN CAMERA"

The purpose of entering into "In Camera" at today's meeting is to discuss matters relating to:

- a. Legal advice eligible for solicitor-client privilege; and
- b. Personnel matters

MOTION: *That Council Move to "In Camera" at 6:27pm.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Poirier
MOTION CARRIED

MOTION: *That Council Move out of "In Camera" at 7:01pm.*
MOVED BY: Councillor Gillis
SECONDED BY: Councillor Chisholm
MOTION CARRIED

20. ADJOURNMENT

MOTION: *That Council adjourn at 7:01 pm.*
MOVED BY: Councillor Gillis
MOTION CARRIED