

## COMMITTEE OF THE WHOLE COUNCIL MEETING

February 1, 2010

The meeting was called to order by the Chair at 7:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, NS, with the following members present:

- Louise Halliday, Chair
- Murray Atkinson
- Shaun Hatfield
- George El-Jakl
- Donna LeBlanc-Messenger
- Cecil O'Donnell
- Cathy Stoddard
  
- Shelly Blinkhorn, Arena Manager
- Cameron Whiteway, Property Services Manager
- Brian Holland, Municipal Clerk

### ADDITIONS TO THE AGENDA

The following items were added to the agenda to be discussed in Closed Session:

- Physician Recruitment Agreement.
- C.S.I. Sewer Purchase of Treatment Plant Property.

### DECLARATIONS OF CONFLICT OF INTEREST

#### Councillor Shaun Hatfield

Councillor Hatfield declared a conflict of interest in regards to Item #23, Petition Re: McGray Avenue, as he is a resident on this road. When this matter is being discussed he will withdraw from the committee table.

### APPROVAL OF AGENDA

**Moved** by G. El-Jakl and seconded by C. O'Donnell that the agenda be approved as amended.

Motion carried unanimously.

### APPROVAL OF MINUTES

**Moved** by G. El-Jakl and seconded by C. O'Donnell that the minutes of the last previous meeting held January 4, 2010 be approved as circulated.

Motion carried unanimously.

DEPARTMENTAL REPORTS

Barrington Municipal Arena

Arena Manager, Shelly Blinkhorn, presented a written report which had previously been circulated to members. She asked if there were any questions. She briefly informed members that no more credit is being extended at the Arena canteen and that this change has been implemented smoothly.

Property Services

Cameron Whiteway, Property Services Manager, appeared before the meeting for the purpose of presenting and discussing his report for December 2009 and January 2010.

The reports were briefly discussed.

At approximately 7:15 p.m these two municipal employees retired from the meeting.

Building Inspection

A written report that was provided by the Building Inspection Department was previously circulated to members and briefly reviewed by the Municipal Clerk.

Petro Canada

Resolution COW100201

**Moved** by D. Messenger and seconded by C. O'Donnell that it be recommended to Council that a letter of welcome be sent to the operator of the new Petro Canada gas station in Barrington Passage.

Motion carried unanimously.

ARENA POLICY RE: CANTEEN CREDIT

It is now being proposed that the Arena Policy be amended to insert a line on page 14 that reads: "Absolutely no credit is permitted at the Arena Canteen."

Members agreed by consensus that Council would be notified of consideration of this amendment at the next subsequent Council meeting.

POLICY 52 & POLICY 59 AMENDMENTS RE: PROFANITY

Proposed amendments to both of these policies have been drafted that would amend the policies by adding paragraph 7(11a) to address this issue.

It was noted that the motion that had previously been made at Council was to provide a separate policy to address this matter.

After some discussion it was agreed that it would be more appropriate to amend the current policies rather than adding a totally new policy for this purpose only.

Resolution COW100202

**Moved** by D. Messenger and seconded by C. Stoddard that Resolution COW091011 be rescinded.

Motion carried unanimously.

Resolution COW091011 reads as follows:

*"...that it be recommended to Council that Municipal Staff draft a policy regarding the use of profanities at council and committee meetings."*

Resolution COW100203

**Moved** by G. El-Jakl and seconded by M. Atkinson that it be recommended to Council that Resolution C091029 be rescinded by Council.

Motion carried unanimously.

Resolution C091029 reads as follows:

*"...that Municipal Staff draft a policy regarding the use of profanities and obscene language at council and committee meetings."*

Resolution COW100204

**Moved** by D. Messenger and seconded by C. Stoddard that it be recommended to Council that Policy #52 and Policy #59 be amended. Policy #52 will be amended in paragraph 7(13) by replacing the word councillor with the word person and by inserting the following at the end of the paragraph: When any person uses profanity and/or obscene language or unbecoming language, that person shall be advised by the Warden that they are out of order and asked to apologize. If no apology is forthcoming, then the person shall be asked to leave the meeting immediately. If the person fails to leave the meeting then the Warden shall adjourn the meeting until the matter has been resolved. If necessary, the Warden will direct staff to call the RCMP to address the matter. This paragraph will also be added into Policy 59 as paragraph 12(3)(6).

Motion carried unanimously.

The proposed amendments to Policy 52 and 59 will now be forwarded to Council to be given notice of consideration.

### TRADE AND LICENSING BY-LAW AMENDMENTS

Proposed amendments to the Trade and Licensing By-Law were previously circulated to members for their consideration and review.

It was suggested that further amendments be made to indicate that some requirements for licensing include uses on municipal property only, and that an allowance be made for non profit organizations wishing to raise funds in the Municipality.

There also followed some mention of internet vending in the Municipality and other means of selling that it is not possible for the Municipality to control.

The appropriate amendments will be made to the Trade and Licensing By-Law and it will be brought back to committee for further consideration.

### DOG BY-LAW

Concern was expressed that leashing of dogs at all times was an impractical option for the control of dogs within the Municipality.

#### Resolution COW100205

**Moved** by S. Hatfield and seconded by M. Atkinson that the proposed amendments to the Dog By-Law be further amended by removing the requirements for harnessing or leashing dogs so that the requirement contained in the previous by-law remain, however, that the proposed amendment requiring that individuals must clean up after their dogs whenever they are on public or private property other than the owners be included as an amendment to the by-law.

Motion carried unanimously.

The appropriate amendments will now be made and the Dog By-Law will again be brought forward to Council.

### COMMUNITY MEETINGS

It had previously been approved by Council to host Committee of the Whole meetings in various locations throughout the Municipality. A meeting has been held on Cape Sable Island. It was agreed by consensus of members that this effort should be continued and that provision during the meeting should be made for public input to Council and that an abbreviated business meeting would also be held the same evening.

#### Resolution COW100206

**Moved** by C. O'Donnell and seconded by C. Stoddard that it be recommended to Council that the next public meeting of the Committee of the Whole be held in Port Clyde, as soon as arrangements can be made, and that Councillor O'Donnell chair the meeting.

Motion carried unanimously.

TAX WRITE-OFFS

Days Gone By Collectibles

Resolution COW100207

**Moved** by G. El-Jakl and seconded by C. O'Donnell that it be recommended to Council that the balance of the business occupancy taxes in the amount of approximately \$65.00 be written off as they are deemed to be uncollectible.

Motion carried unanimously.

Waybret Property

Members were informed that there had been an erroneous assessment on a property assessed to Mr. Burnley Waybret.

Resolution COW100208

**Moved** by D. Messenger and seconded by C. O'Donnell that it be recommended to Council that since property erroneously assessed to Mr. Burnley Waybret did not exist, as confirmed by the Assessment Services Office, the outstanding taxes on this account in the amount of approximately \$61.00 be written off as uncollectible.

Motion carried unanimously.

ARENA SECURITY

Information was obtained from other sources as requested. In Clare, there are three security guards used at the Junior C games where there are approximately 200-300 people in attendance. MacKenzie Security charges \$15.95 an hour, per guard, to provide security services. The Arena Manager contacted the Digby, Clare and Mariners Centre arenas, all of whom informed her that they have no security requirements for hockey games. The RCMP informed the arena management that they do not have any policies on security required for hockey games and that this would be a security company issue. It was indicated by Sgt. Forbes that in the spring the province may be adopting new security regulations for public events.

Resolution COW100209

**Moved** by G. El-Jakl and seconded by S. Hatfield that it be recommended to Council that Municipal Staff again inform regular renters at the Barrington Municipal Arena that should any conflicts arise, Arena Staff have been instructed to call the RCMP.

Motion carried unanimously.

REVIEW OF TAXI BY-LAW

Members discussed the enforcement of the Taxi By-Law that is currently in place in the Municipality. In light of the public comments that have been made in the local newspaper, it was suggested that the RCMP believe that the Taxi By-Law is unenforceable. The history of the Taxi By-Law was briefly reviewed for members.

Resolution COW100210

**Moved** by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that the By-Law No. 32 "Taxi By-Law" be repealed.

**AFFIRMATIVE**

Murray Atkinson  
Louise Halliday  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

George El-Jakl

Motion carried.

Resolution COW100211

**Moved** by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that Mr. Willis Nickerson be refunded his licensing fees for the past two years.

**AFFIRMATIVE**

Murray Atkinson  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

George El-Jakl  
Louise Halliday

Motion carried.

Resolution COW100212

**Moved** by S. Hatfield and seconded by D. Messenger that it be recommended to Council that public members who will be making presentations at council or committee meetings be made aware that their picture may be taken, and that the information they are providing is public information, and that they be informed of this prior to making their presentations.

Motion carried unanimously.

KIDNEY DIALYSIS SATELLITE CLINIC

Information received from the Kidney Foundation of Nova Scotia was previously circulated to members. Information received from the District Health Authority had also been previously circulated to members.

Resolution COW100213

**Moved** by S. Hatfield and seconded by D. Messenger that it be recommended to Council that the Municipality contact the Kidney Foundation again and ask them to reconsider their support for this project.

Motion carried unanimously.

PLANTERS 250th ANNIVERSARY

Events are being planned locally for the celebration of the arrival of the Planters in this area in 1760.

Resolution COW100214

**Moved** by D. Messenger and seconded by C. Stoddard that it be recommended to Council that the Municipality make up a proclamation regarding the 250th anniversary of the Planters and provide whatever advertising cooperation is possible through the municipal website to those groups planning celebrations.

Motion carried unanimously.

TAX SALE PROPERTIES

The Municipality purchased six (6) properties at Tax Sale in 2009. It is now suggested that these properties be disposed of by the Municipality as there has been no identified purpose for the use of these properties.

Resolution COW100215

**Moved** by C. O'Donnell and seconded by M. Atkinson that it be recommended to Council that the Municipality have the property purchased at Tax Sale in Wood's Harbour appraised in preparation for sale of the property.

**AFFIRMATIVE**

Murray Atkinson  
Louise Halliday  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

George El-Jakl

Motion carried.

**Moved** by S. Hatfield and seconded by C. O'Donnell that it be recommended to Council that the Municipality advertise the Tax Sale properties for sale as per municipal policy.

**Moved** by S. Hatfield and seconded by C. O'Donnell that the above motion be deferred to a Closed Session of the Committee in order to set minimum prices for the properties to be sold.

Motion carried unanimously.

Information regarding the setting of minimum prices will be prepared for review of councillors in Closed Session.

**COMMUNITY LITTER CLEAN-UP PROGRAM**

It is proposed to conduct a Community Litter Clean-up Program again this year. In order to do this it is necessary to have funds designated in the Municipality's budget for the coming fiscal year as the program begins prior to approval of the total budget.

Resolution COW100217

**Moved** by G. El-Jakl and seconded by D. Messenger that it be recommended to Council that the Municipality include \$10,000.00 in its budget and make the same commitment to the Community Litter Clean-up Program for the coming year as in the previous year.

Motion carried unanimously.

Resolution COW100218

**Moved** by D. Messenger and seconded by S. Hatfield that it be recommended to Council that McDonalds' and Tim Hortons' be requested to contribute towards the Community Litter Clean-up Program for the coming year.

Motion carried unanimously.

NORTH EAST POINT LOOK-OFF

It had previously been approved by Council that the Municipality would investigate the construction of a barrier free boardwalk and viewing stand at the North East Point Beach. It was brought to the attention of councillors that the Department of Transportation is requiring that a scale drawing of the proposed boardwalk and look-off be prepared and submitted to them for approval. It is estimated the cost of these plans will be in the vicinity of \$2,300.00.

There then followed much discussion regarding this project and completion of it.

Resolution COW100219

**Moved** by S. Hatfield and seconded by C. Stoddard that the Municipality again meet with Mr. Art Lynds, the representative from the Department of Natural Resources, regarding the extension of the boardwalk at North East Point Beach.

Motion carried unanimously.

COMMUNITY GRANT REQUEST

A Community Grant request has been received from the Villagedale Cemetery Club. The Club is requesting funds to assist in the repairs to the cemetery grounds in Villagedale.

Resolution COW100220

**Moved** by D. Messenger and seconded by G. El-Jakl that it be recommended to Council that the Villagedale Cemetery Club be provided a Community Grant from District 3 Community Grants Fund in the amount of \$600.00, and that municipal employees inspect the work that has been done prior to paying the grant.

Motion carried unanimously.

HAITIAN RELIEF

This matter was referred to committee from Council.

Resolution COW100221

**Moved** by G. El-Jakl and seconded by C. O'Donnell that contributions to the Haitian Relief Fund be referred to the budget process for further consideration.

Motion carried unanimously.

Resolution COW100222

**Moved** by S. Hatfield and seconded by M. Atkinson that it be recommended to Council that a donation of \$500.00 be provided prior to February 12th for Haitian Relief so that it could be matched by the Federal Government contribution, and that this be offset by anticipating savings in budgeted expenditures in the current years' fiscal budget, and that these funds be provided in addition to all of the other funds that have been raised by residents of the Municipality through various local events, to assist in the Haitian relief efforts.

AFFIRMATIVE

Murray Atkinson  
George El-Jakl  
Louise Halliday  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell

NEGATIVE

Cathy Stoddard

Motion carried.

SOUTH WEST SHORE DEVELOPMENT AUTHORITY 2010/2011 BUSINESS PLAN

This matter was referred to the Committee by Council. The South West Shore Development Authority is requesting that the Municipality provide priorities that can be included in its Business Plan for the year 2010/2011.

POINT OF ORDER

It was noted that the hour of 10:00 p.m. had been reached and councillors were asked by the Chair if they wished to continue.

Resolution COW100223

**Moved** by C. Stoddard and seconded by C. O'Donnell that the meeting continue until the business of the meeting is completed.

**AFFIRMATIVE**

Murray Atkinson  
Louise Halliday  
Shaun Hatfield  
Donna LeBlanc-Messenger  
Cecil O'Donnell  
Cathy Stoddard

**NEGATIVE**

George El-Jakl

Motion carried.

It was the consensus of members that the following items be provided to the South West Shore Development Authority as priorities for the coming year:

1. Barrington Business Park
2. C.S.I. Sewer
3. Physician Recruitment

**MCGRAY AVENUE PETITION**

**Conflict of Interest**

Councillor Hatfield declared conflict of interest and retired from the meeting table at this time as he is a resident of McGray Avenue.

Members were informed that a petition has been received from the residents in North East Point pursuant to By-Law No. 33, "Local Improvement By-Law". It is the desire of the residents of McGray Avenue, at North East Point, Cape Sable Island, to have their road paved along the upper section where it meets Highway 330, and proceeding down around the turn nearest the beach to the stop sign nearest the beach leaving the bottom portion of the road graveled as it presently is.

The petition submitted for consideration indicates that each of the property owners agrees to pay towards the cost of the paving subject to the Municipality obtaining funding from other sources for the project. Residents will confirm their funding approval for a specific amount once final distribution of funding costs has been determined. The petition has been signed by eleven (11) of the fourteen (14) residents on the portion of road affected.

Resolution COW100224

**Moved** by G. El-Jakl and seconded by M. Atkinson that it be recommended to Council that the Municipality approve and submit an application to the Department of Transportation for funding of the paving of a portion of McGray Avenue under the cost-shared road improvement program.

Motion carried unanimously.

BAY SIDE HOME REQUEST

Correspondence has been received from Bay Side Home requesting use of the heliport landing site in the event of an emergency at Bay Side Home. This matter had been brought up at the Emergency Management Organization Planning Meeting last week. The EMO group had no objection to Bay Side Home using the site for this purpose.

Resolution COW100225

**Moved** by G. El-Jakl and seconded by C. O'Donnell that it be recommended to Council that Bay Side Homes' request to use the heliport landing site in the event of an emergency at Bay Side Home in accordance with their emergency evacuation plan be approved.

Motion carried unanimously.

SCHEDULE OF FEES

The Schedule of Fees for the previous two weeks was circulated to members for their information and review.

CLOSED SESSION

Resolution COW100226

**Moved** by G. El-Jakl and seconded by C. O'Donnell that members enter into Closed Session for the purpose of discussing the purchase of property for a sewage treatment plant on Cape Sable Island and for the purpose of discussing terms of a physician recruitment agreement.

Motion carried unanimously.

OPEN SESSION

Members then returned to Open Session at 11:35 p.m.

C.S.I. SEWER PROJECT

**Moved** by S. Hatfield and seconded by M. Atkinson that:

**WHEREAS** the Municipality wishes to provide sanitary sewer services to Cape Sable Island residents;

**THEREFORE BE IT RESOLVED THAT** it is recommended to Council that a portion of North East Point as far as the Stoney Island Road, together with the Stoney Island Road and a portion of Clam Point, be provided sanitary sewer services by connecting to the Barrington Passage Sewer System and the Brass Hill Sewage Treatment Plant using a conventional collection system.

**AFFIRMATIVE**

Murray Atkinson  
Shaun Hatfield  
Cathy Stoddard

**NEGATIVE**

George El-Jakl  
Louise Halliday  
Donna LeBlanc-Messenger  
Cecil O'Donnell

Motion defeated.

Resolution COW100227

**Moved** by D. Messenger and seconded by S. Hatfield that:

**WHEREAS** although numerous properties have been investigated as possible sites for a sewage treatment plant on Cape Sable Island and none of these sites have been determined to be acceptable;

**THEREFORE BE IT RESOLVED** that it be recommended to Council that the owners of properties who have been contacted in regards to the location of a sewage treatment plant be informed, by letter, that their site has not been deemed acceptable for this purpose.

Motion carried unanimously

Resolution COW100228

**Moved** by C. Stoddard and seconded by G. El-Jakl that:

**WHEREAS** the Project Manager has discussed use of the Nickerson property in South Side with both the Department of Environment and the Department of Natural Resources;

**AND WHEREAS** both departments have indicated approval of an effluent pipe from the Nickerson property across the Natural Resources property to reach the ocean would require an extensive and time consuming approval process with no guarantee that approval would be received;

**THEREFORE BE IT RESOLVED** that it is recommended to Council that Mr. Nickerson be informed that based on the information provided by the Project Manager and the departments involved, that the use of his property for this project will not fit the time line required under the Building Canada Fund.

Motion carried unanimously.

Resolution COW100229

**Moved** by G. El-Jakl and seconded by D. Messenger that:

**WHEREAS** no sanitary sewer survey has ever been completed to determine the location, extent or concentration of any sewer services problems on Cape Sable Island, making it impossible to determine the appropriate solution to an undefined problem;

**AND WHEREAS** no community driven initiative for this project has been apparent in the past, and in the most recent public survey of the residents of Cape Sable Island only a relatively small majority supported the construction of a sewer system;

**AND WHEREAS** there has recently been a downturn in the local fishery and the local economy, and the construction of a sewer system on Cape Sable Island will add significant debt and increase taxes throughout the Municipality for a lengthy period into the future, causing additional economic hardship to all residents of the Municipality, and, in particular to the residents of Cape Sable Island;

**THEREFORE BE IT RESOLVED** that it is recommended to Council that the Municipality of Barrington terminate the current Cape Sable Island sewer project.

**AFFIRMATIVE**

George El-Jakl  
Louise Halliday  
Donna LeBlanc-Messenger  
Cecil O'Donnell

**NEGATIVE**

Murray Atkinson  
Shaun Hatfield  
Cathy Stoddard

Motion carried.

ADJOURNMENT

The meeting was adjourned by mutual of consent of members at 11:45 p.m.

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Chair

Secretary for the Meeting

**On website February 3, 2010.**