



**PUBLIC COUNCIL SESSION**

**AGENDA PACKAGE**

**For the meeting of**

Date: Tuesday, July 27, 2021

Time: 12:00 p.m.

Place: Zoom Meeting

**AGENDA PACKAGE  
PUBLIC COUNCIL**

**Date: July 27, 2021**

**Time: 12:00 p.m.**

**ZOOM MEETING**

**1. CALL TO ORDER**

**1.1 Territorial Acknowledgement**

*We acknowledge that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people*

**1.2 Roll Call**

**2. ADMINISTRATIVE AND PROCEDURAL ISSUES**

**2.1 Approval of Agenda**

**2.2 Approval of Minutes**

i) Approval of the July 14, 2021 Council Minutes

**2.4 Public Hearing(s)**

There are no public hearings for this meeting

**3. STRATEGIC PRIORITY ITEMS**

There are no Strategic Priority Items for this meeting.

**4. MAJOR ORGANIZATIONAL ITEMS**

**4.1 Salt Storage - Springhill**

In your Council package you will find a memo from the CAO regarding a lower cost solution to the issue of salt storage in Springhill. This item was approved in year 2 of our approved Capital Investment Plan. Due to the lower cost solution, staff are recommending this item be moved up to year 1 of the Capital Investment Plan.

**Action: Motion to approve that the Springhill Salt Storage project be moved from year 2 to year 1 of our Capital Investment Plan and be funded from the Springhill Area Rate reserve.**

**5. ORGANIZATIONAL POLICY/BY-LAW ITEMS**

**5.1 First Reading on amendment to our Solid Waste and Solid Waste Collectors By-Laws.**

Staff have provided a detailed memo regarding the request for amendment to the Municipality's Solid Waste and Solid Waste Collectors By-Laws.

**Action: Motion that First Reading of the proposed By-Law to Amend the Municipality's Solid Waste By-Law and the Solid Waste Collectors By-Law be approved.**

5.2 Second Reading – Amendment to Land Use By-Law to rezone PID 25152562, Gulf Shore Road, Gulf Shore

Council has held First Reading and a Public Hearing on this matter. Staff have included detailed information in the package regarding this request.

**Action: Motion to approve an amendment to the Land Use By-Law to rezone PID 25152562, Gulf Shore Road, Gulf Shore**

5.3 Second Reading – Amendment to Land Use By-Law to rezone PID 25062530, 59 Charles Street, Joggins

Council has held First Reading and a Public Hearing on this matter. Staff have included detailed information in the package regarding this request.

**Action: Motion to approve an amendment to the Land Use By-Law to rezone PID 25062530, 59 Charles Street, Joggins.**

**BUSINESS ISSUES**

6.1 Paving – Tupper Boulevard

The Town of Amherst has offered to include paving a 180 m section of Tupper Boulevard that is located in the Municipality of the County of Cumberland in their capital paving contract and invoice our Municipality for the actual cost of the work, once it is completed.

**Action: A motion to authorize the CAO to enter into an agreement with the Town of Amherst to pave the portion of Tupper Boulevard that is located in the Municipality, and to fund the work from Gas Tax reserves.**

7. **INFORMATION ITEMS**

7.1 There are no information items for this meeting.

8. **ADJOURNMENT**

## 2.2

In March of 2020, in response to the Covid 19 Pandemic, the Minister of Municipal Affairs and Housing declared that Municipal Councils will not meet in person but will instead hold virtual meetings. Under this order Council of the Municipality of the County of Cumberland held Council video meetings via Zoom. This meeting was also streamed live on Facebook.

## 1. CALL TO ORDER

### 1.2 Roll Call

Mayor Scott acknowledged the Municipality of the County of Cumberland is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people.

The Mayor called the July 14, 2021 Council session of the Municipality of the County of Cumberland to Order at 1:02 p.m.

Shelley Hoeg, Municipal Clerk called the roll with the following members of Council present: Mayor Murray Scott, Councillor Fred Gould; Councillor Rod Gilroy, Deputy Mayor Kathy Redmond, Councillor Jennifer Houghtaling, Councillor Angela McCormick, Councillor Mark Joseph, Councillor Dale Porter, Councillor Carrie Goodwin.

Staff present; Greg Herrett, CAO; Allie McCormick, Director of HR and Community Facilities; Steve Ferguson, Director of Community Development; Andrew MacDonald, Director of Finance; Justin Waugh-Cress, Director of Engineering and Operations; Amanda MacLeod, Corporate Communications Officer; Will Balser, Junior Planner; and Shelley Hoeg, Municipal Clerk who recorded the meeting.

Media present in the meeting:  
Bill Martin, Six Rivers News.

## 2. ADMINISTRATIVE AND PROCEDURAL ISSUES

### 2.1 Approval of Agenda

**IT WAS MOVED by Councillor Gilroy seconded by Councillor Gould to approve the agenda with the deletion of item 4.1.**

**No Objections  
MOTION CARRIED**

### 2.2 Approval of the Minutes

**IT WAS MOVED by Deputy Mayor Redmond, seconded by Councillor Houghtaling to approve the minutes of the June 16, 2021 Council meeting.**

**No Objections  
MOTION CARRIED**

### 2.3 Business Arising

The Chief Administrative Officer updated Council regarding actions completed and ongoing from previous Council sessions.

### 2.4 Public Hearing(s)

l) *Amendment to the Land Use Bylaw to rezone PID 25152562, Gulf Shore Road, Gulf Shore*

Mayor Scott opened the public hearing at 1:09 p.m.  
Staff provided a detailed memo regarding the request to rezone PID 25152562, Gulf Shore Road, Gulf Shore.

There was one written submission in favour of the submission.  
There were no further comments from the public or the applicant.

Public Hearing was closed by Mayor Scott at 1:11 p.m.

**IT WAS MOVED by Councillor Houghtaling, seconded by Councillor Gould approve Public Hearing of amendment to the Land Use Bylaw to rezone PID 25152562, Gulf Shore Road, Gulf Shore and to hold Second Reading of the proposed amendment on or about September 1, 2021.**

**No Objections  
MOTION CARRIED**

- ii) *Amendment to the Land Use Bylaw to rezone PID 25062530, 59 Charles Street, Joggins*

Mayor Scott called the Public Hearing to Order at 1:12 p.m. Staff provided a detailed description regarding the request to rezone PID 25062530, 59 Charles Street, Joggins.

Hearing no requests from residents wanting to speak nor any of the public, the Mayor closed this public hearing at 1:15 p.m.

**IT WAS MOVED by Councillor Porter, seconded by Councillor Joseph to approve Public Hearing of amendment to the Land Use Bylaw to rezone PID 25062530, 59 Charles Street, Joggins and to hold Second Reading of the proposed amendment on or about September 1, 2021.**

**No Objections  
MOTION CARRIED**

- iii) *Dangerous and Unsightly Hearing, 31 Pearl Street, River Hebert*  
The Mayor called the Public Hearing to Order at 1:16 p.m. Staff provided a detailed description regarding the condition of the property.

Hearing no requests from residents wanting to speak nor any of the public, the Mayor closed this public hearing at 1:18 p.m.

**IT WAS MOVED by Councillor Porter, seconded by Councillor Gould to Order demolition of the residence, the levelling of the lot to acceptable standards applicable to that particular area of the County, and the removal of all debris from the property to an approved facility by August 1, 2021.**

**No Objections  
MOTION CARRIED**

- iv) *Dangerous and Unsightly Hearing, 46 McGee Street, Springhill*  
The Mayor called the Public Hearing to Order at 1:19 p.m. Staff provided a detailed description regarding the condition of the property.

We received a letter from a member of the Public who would like to purchase this property and renovate it to make it habitable. This person, unfortunately does not have standing in this matter. Options for Council would be to continue with the process and follow the recommendation of the Dangerous and Unsightly Administrator and/or to have staff secure the property and prepare a report on the outstanding taxes, including information such as when the property will be eligible for sale, when will the next tax sale be and perhaps most importantly is whether the residence is salvageable at a reasonable cost.

The Mayor closed this public hearing at 1:27 p.m.

**IT WAS MOVED by Councillor Joseph, seconded by Councillor Houghtaling to Order the property be secured and request staff to prepare a report containing information such as; whether the property is salvageable at a reasonable cost, the amount of outstanding taxes, when is it eligible for tax sale and when is the next tax sale.**

**No Objections  
MOTION CARRIED**

- v) *Dangerous and Unsightly Hearing, 7691 Highway 209, Joggins*  
The Mayor called the Public Hearing to Order at 1:28 p.m. Staff provided a detailed description regarding the condition of the property.

Hearing no requests from residents wanting to speak nor any of the public, the Mayor closed this public hearing at 1:30 p.m.

**IT WAS MOVED by Councillor Porter, seconded by Deputy Mayor Redmond to Order demolition of the residence, the levelling of the lot to acceptable standards applicable to that particular area of the County, and the removal of all debris from the property to an approved facility by August 1, 2021.**

**No Objections  
MOTION CARRIED**

**3. STRATEGIC PRIORITIES ISSUES**

There were no strategic priority issues for today's meeting.

**4. MAJOR ORGANIZATIONAL ISSUES**

- 4.1 Whitehall Road Capital Budget  
This item was deleted from the agenda.

**5. ORGANIZATIONAL POLICY/BY-LAW ISSUES**

- 5.1 First Reading on Amendment to Land Use Bylaw to rezone PID 25088626, at 556 Valley Road, Westchester  
Staff provided a detailed memo regarding this request.

**IT WAS MOVED by Deputy Mayor Redmond, seconded by Councillor McCormick to approve First Reading on amendment to the LUB to rezone PID 25088626, 556 Valley Road, Westchester and hold public hearing on or about September 1<sup>st</sup>, 2021.**

**No Objections  
MOTION CARRIED**

- 5.2 Amendment to the Tax Exemption and Reduction Policy  
Finance staff provided a detailed memo regarding this request.

**IT WAS MOVED by Councillor Porter, seconded by Councillor Gilroy to give Notice of Intent to consider adoption of an amended Tax Exemption and Reduction Policy.**

**No Objections  
MOTION CARRIED**

- 5.3 Outdoor Burning Bylaw  
Staff advised Council that authorities in the community of Springhill are having difficulty enforcing the former Town's by-law restricting open air burning (which is still in force today). Part of the difficulty is that the Municipality's By-Law permits certain fires that are not permitted by the former Town's By-Law.

It is recommended that Council refer this matter, including the relevant regulations of the Municipality and the former Towns of Springhill and Parrsboro, to the By-Law and Policy Committee for review, and that the Committee be directed to provide Council with a report and recommendations by November 15, 2021. That would allow sufficient time for any amendments and repeals to be completed before the spring of 2022.

**IT WAS MOVED by Councillor Joseph, seconded by Councillor McCormick that Council refer the question of the amendment and possible consolidation of the current by-laws in effect regarding outdoor burning in the Municipality to the Policy and By-Law Committee, with a report**

recommending any possible changes to be provided to Council by November 15, 2021.

No Objections  
MOTION CARRIED

**6. BUSINESS ISSUES**

6.1 Divert Municipal Adoption Funding

Councillor Houghtaling has provided information to Council regarding funding available through the municipal adoption funding program through Divert NS.

**IT WAS MOVED BY Councillor Houghtaling, seconded by Councillor Goodwin to have refer this item to staff to investigate the feasibility of applying for funding under the municipal adoption funding program through Divert NS to install ReUse centers at the transfer stations in Cumberland County.**

No Objections  
MOTION CARRIED

6.2 Ratification of Committee Members to Cumberland Senior Care Corporation Board

**IT WAS MOVED by Councillor Houghtaling, seconded by Deputy Mayor Redmond Motion to ratify the appointment of Peter Lewis to the Board of the Cumberland Senior Care Corporation (ECL).**

No Objections  
MOTION CARRIED

6.3 Tender Award – CAO Authorization

**IT WAS MOVED by Councillor Gould, seconded by Councillor McCormick to authorize the CAO to award tenders and request for proposals for approved capital projects if the bid or proposal does not exceed the project's budget.**

No Objections  
MOTION CARRIED

6.4 District Grants Applications and Guidelines

**IT WAS MOVED by Councillor Gilroy, seconded by Councillor Houghtaling, that Council approve the new procedure for District Grants, as set out in the application form and "Information and Guidelines" contained in the information package for the July 14th, 2021, session of Council, in place of the relevant provisions of the existing Grant Guidelines as they apply to Local or District Grants.**

No Objections  
MOTION CARRIED

6.5 Audit Committee Report

**IT WAS MOVED by Councillor Gould, seconded by Councillor Gilroy to appoint Mclsaac Darragh Chartered Professional Accounts as the Municipal Auditor for the 2020/21 Fiscal Year.**

No Objections  
MOTION CARRIED

**7. INFORMATION ITEMS**

7.1 Cumberland Public Library Report

Provided as information.

**8. ADJOURNMENT**

8.1 Adjournment

On motion by Councillor Houghtaling, seconded by Deputy Mayor Redmond, the meeting was adjourned at 1:55 p.m.

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Mayor Murray Scott

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Municipal Clerk Shelley Hoeg

DRAFT

## MEMORANDUM

**TO:** Council

4.1

**FROM:** Greg Herrett, CAO

**DATE:** July 23, 2021

**RE:** Springhill Salt Storage

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Included with the memo you will find a report from the Director of Engineering and Operations outlining a proposal for a new salt storage facility located in Springhill.

This item was approved for year 2 of our current Capital Investment Plan, at a cost of approximately \$270,000 and was to be funded from the Springhill Area Rate reserve. Staff have been searching for more cost effective alternatives and are now providing a solution that is also a lower cost alternative.

Staff are requesting this project be approved for year 1 of the Capital Investment Plan and that the funding would be from the Springhill Area Rate Reserve.

### **RECOMMENDATION**

**Staff recommend a motion to approve that the Springhill Salt Storage project be moved from year 2 to year 1 of our Capital Investment Plan and be funded from the Springhill Area Rate reserve.**

**MEMORANDUM**

**TO:** Greg Herrett, CAO  
**FROM:** Justin Waugh-Cress  
**DATE:** July 7, 2021  
**RE:** Springhill – Salt Storage

**4.1**

A new salt storage facility is required for Springhill. A proposed \$270,000 salt building was not included in the approved 2021/22 budget. The Capital Investment Plan Committee suggested Operations should seek a less expensive solution. This memo presents a lower cost option for salt storage in Springhill at \$95,000 plus HST. Operations is seeking approval to proceed with this salt storage building this year.

The salt storage is to maintain a stockpile of road salt for ice and snow control on municipal streets, sidewalks, and parking in the community of Springhill.

The salt storage is proposed to be located adjacent to the existing Public Works garage on Lisgar Street, which is central to the community of Springhill and would allow convenient access for reloading of salt spreaders. Salt storage adjacent the Public Works garage will allow elimination of one old backhoe that had to be left at the remote former site due to distance from the Public Works garage.

The revised concept would be about 11 m x 15 m (36' x 50') with a fabric roof on a galvanized steel frame arch with large concrete block foundation and an asphalt floor. Public Works would self-perform site grading and placement of the foundation. See photo of similar structure on next page.

Estimated Cost:

	Material purchase	Self- perform	Contract Out	Extension (excl self perform)
1 Site prep (excavation, gravels, perimeter drain)	\$3,000	\$2,850		\$3,000
2 Concrete block wall (typ 2'x2'x6')	\$8,400	\$2,850		\$8,400
3 Floor			\$15,000	\$15,000
4 Fabric on galvanized steel frame			\$55,000	\$55,000
5 Fencing and backfill		\$1,150	\$5,000	\$5,000
		<u>\$6,850</u>		
			Subtotal	<u>\$86,400</u>
			10% contingency	<u>\$8,640</u>
			Total (excl HST)	<u>\$95,040</u>

Self-perform assumes \$34/hr labour (including administrative burdens) and \$75/hr excavator/backhoe.

Changes from original proposed budget:

- Reduction in storage capacity.
- Eliminate secure weatherproof door
- Eliminate interior lighting which will pose limitation of use in evening and overnight.
- Eliminate bird screening which would have prevented roosting in structure.
- Eliminate apron outside building entrance, which would have improved loading, clean up and reduced potential contamination.

- Eliminate yard fencing, which would have made building more secure and reduced chances of vandalism.
- Concrete block foundation in place of reinforced concrete foundation. Will result in maintenance to reorient concrete blocks when displaced.



Similar 36' x 32' structure in Oxford NS

#### Alternatives:

1. Continued use of the former salt storage building is **not** possible. It is an old timber structure in very poor condition and deemed unsafe. It is impractical to restore the building due to the extent of repairs required and cost.
2. Rent or buy another building – other buildings have been looked for and there are **none** available in Springhill with sufficient height to accommodate end dumping of salt by delivery trucks, and maneuvering of a backhoe to load salt spreaders. An unsolicited option would cost about \$200,000 over ten years with no asset at the end of ten years and require a second backhoe be maintained.
3. Storage in existing Public Works garage is **not** practical – there is inadequate space and introducing salt to the environment would accelerate corrosion of equipment and the garage.
4. Tarped ground storage – while fairly economical, operationally it would pose challenges with uncovering a snow covered tarp to obtain access to salt during a snow event resulting in delays in service or more cost to deliver service, and the risk of contaminated salt or frozen salt clumps which might damage spreaders with ensuing service challenges and maintenance costs.

## MEMORANDUM

5.1

**TO:** Mayor Scott, Council, and Greg Herrett, CAO  
**FROM:** Steve Ferguson, Director of Community Development  
**DATE:** July 22, 2021

**RE: By-Law Amendments Required by the Agreement to Transfer the Solid Waste and Septage Management Facilities at Little Forks**

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The purpose of this Memo is to introduce a proposed By-Law to Amend the Municipality's Solid Waste and Solid Waste Collectors By-Laws. A draft of the By-Law, intended for First Reading on July 27<sup>th</sup>, is attached.

The proposed By-Law repeals sections 29 and 30 of the current Solid Waste By-Law, which now provide as follows:

*29. No person shall export or remove solid waste material generated within Municipality outside the boundaries of Cumberland County and all such solid waste shall be disposed of within the boundaries of Cumberland County and in accordance with this By-law, unless permission is granted by a Resolution of Council.*

*30. For the purpose of the previous section, solid waste means solid waste materials, including but not limited to, residual waste, ICI waste, construction and demolition waste, mixed waste, and organic materials but does not include recyclable materials from ICI sector premises, pathogenic or biomedical waste, or hazardous waste, materials.*

As Council is aware, the proposed Agreement to Transfer the Little Forks Facilities specifically allows the purchaser to export such solid waste. This is required as part of the purchaser's business plan. The proposed By-Law therefor repeals sections 29 and 30 of the current Solid Waste By-Law.

The proposed By-Law also repeals section 23 of the current Solid Waste Collectors By-Law, which now provides as follows:

*35. Collectors shall be charged a tipping fee on C&D waste if required by the Municipality's Policy Respecting Solid Waste Disposal Fees.*

The Municipality does not now, and as far as we can tell never did, have a "Policy Respecting Solid Waste Disposal Fees". Such fees have been determined by the Facility operator on the past and will be levied in accordance with the proposed Agreement to Transfer the Little Forks Facilities in the future. The current section in this By-Law therefore has no application and is contrary to the proposed Agreement. The proposed By-Law therefore repeals section 35 of the current Solid Waste Collector's By-Law.

If Council agrees, the following Motion would be in order:

**That First Reading of the proposed By-Law to Amend the Solid Waste By-Law and the Solid Waste Collectors By-Law be approved.**

Municipality of Cumberland By-Law 21-XX

**By-Law to Amend the Solid Waste By-Law (By-Law 18-02) and the  
Solid Waste Collectors By-Law (By-Law 06-15)**

*(Prepared for first Reading Scheduled for July 27, 2021)*

1. This By-Law is entitled the By-Law to Amend the Solid Waste By-Law and the Solid Waste Collectors By-Law.
2. Sections 29 and 30 of By-Law 18-02, the Solid Waste By-Law, are repealed.
3. Section 35 of By-Law 06-15, the Solid Waste Collectors By-Law, is hereby repealed.
4. This By-Law comes into force upon publication.

*(Municipal Clerk's annotation for Official By-Law Book to be added)*

**MEMORANDUM**

**TO:** Mayor and Council

5.2

**FROM:** Will Balsler, Junior Planner, Development Officer

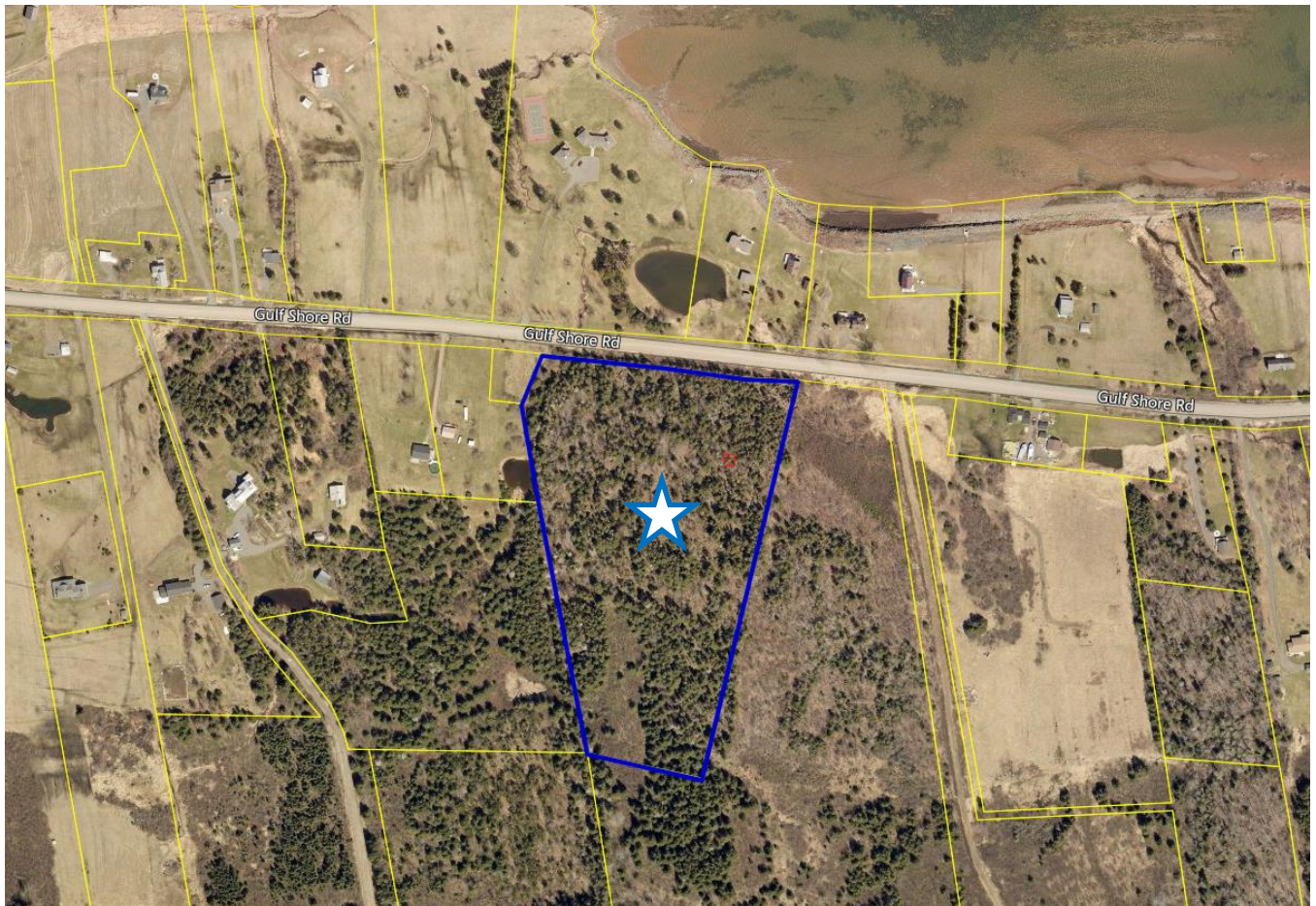
**DATE:** July 27, 2021

**RE: Second Reading on amendment to Land Use Bylaw to rezone PID 25152562, Gulf Shore Road, Gulf Shore**

**Background:** On May 27th, 2021, Planning and Development staff received an application regarding the property at PID 25152562, Gulf Shore Road, Gulf Shore (the "subject property").

The subject property is located along the Gulf Shore Road, East of the Northumberland Links golf course. The application is for a rezoning to permit the subdivision of 6 lots, including 3 flag lots, 2 with full frontage, and 1 created by a frontage exemption.

**From the Land Use Bylaw: FLAG LOT** means a lot characterized by the location main body of the lot generally to the rear of another lot and with access provided by a driveway that is part of the flag lot, and that runs beside the lot or lots between the main portion of the flag lot and the street or private road that provides access to the driveway.



**Regulatory and Land Use Context:**

Current Zone: Agriculture (AG)

Proposed Zone: Recreational Residential (RRec)

The subject property is designated as Resource on Schedule A of the Municipal Planning Strategy (MPS). The current Agriculture zoning does not permit the development of Dwellings on Flag Lots.

The neighboring properties are mixed forested lots and cleared fields, zoned as Agriculture (AG) and Recreational Residential (RRec), with a number of dwellings in the area located mostly along the shore.

Rezoning the subject property to Recreational Residential (RRec) would allow the subdivision of 3 flag lots for residential use and is supported by Municipal Planning Strategy Policy 5-33:



*Policy 5-33: Council shall, in the Land Use By-law, create the Recreational Residential Zone, intended to permit lower density residential uses on existing public roads and on existing or new private roads, and to address environmental constraints and concerns in areas that are often attractive to recreational development. Permitted uses shall include lower density residential development and agricultural uses. Zone standards shall include large lot sizes and setbacks as a means to reduce the intensity of development and its impact on the natural environment.*

**The following comment was received for the Public Hearing:**

*We are happy to see the development in the area - it will allow our family to build on the land and live close together.*

**Recommendation:** Approve Second Reading of the proposed amendment to the Land Use Bylaw.

**Alternative:** Council can decide to reject the proposed amendment, or request that further information be provided.

**Next Steps:** If the amendment passes second reading, staff will prepare advertisements notifying the public of Council’s decision. If it is rejected, staff will notify the applicant. Both notices set out the rights to appeal.

**MEMORANDUM**

5.3

**TO:** Mayor and Council

**FROM:** Will Balsler, Junior Planner, Development Officer

**DATE:** July 27, 2021

**RE: Second Reading on amendment to Land Use Bylaw to rezone PID 25062530, 59 Charles Street, Joggins**

**Background:** On June 8th, 2021, Planning and Development staff received an application regarding the property at 59 Charles Street, Joggins - PID 25062530 (the "subject property").

The subject property is located in East Joggins, with frontage along Alderson St. and Charles St. The application is for a rezoning to permit the development of a Recycling Depot – from the applicants letter: *It would consist of moving two 53 foot trailers and one 12' x 16' building (all on wheels) to the rezoned location. We would only be handling recyclable plastics, cans and glass but not metals or batteries. Traffic to the business would be 0 to 8 vehicles daily. We would be open Monday, Wednesday, Friday and Saturday from 11am to 4 pm. Trailers and building would be joined together and skirted in. Recyclables are shipped out once every two weeks.*

**From the Land Use Bylaw: RECYCLING DEPOT** means a building or part of a building in which consumer materials and goods are collected and sorted prior to shipment but does not include the breaking down of goods into constituent materials or the reprocessing of materials and does not include salvage or scrap yards.



**Regulatory and Land Use Context:**

Current Zone: Lower Density Residential (RLow)

Proposed Zone: Country Commercial (CCou)

The subject property is designated as Residential on Schedule A of the Municipal Planning Strategy (MPS). The current Lower Density Residential zoning does not permit the development of a Recycling Depot.

The neighboring properties are mixed forested lots and cleared fields, with clusters of dwellings located to the Southwest and North, zoned as Lower Density Residential (RLow) and Country Residential (RCou).

Rezoning the subject property to Country Commercial (CCou) would allow the development of a Recycling Depot, and is supported by Municipal Planning Strategy Policy 6-8:



*"Council shall consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:*

- (a) the proposed zone is enabled by this Plan for use within the same designation; or*
- (b) notwithstanding the zones permitted within a designation, the land to be rezoned is under 5 hectares in area and is adjacent to a designation that permits the proposed zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be adjacent to the designation on the other side of the right-of-way."*

In this case, the proposed zone (Country Commercial [CCou]) is within the Resource Designation and not within the existing Residential Designation. However, since the subject property is under 5 hectares (3.3216ha) and the adjacent Country Residential [RCou] zoning is in the Resource Designation, a rezoning can be made to any zone within the Resource Designation.

It is also supported by MPS Policy 5-29(b):

*Policy 5-29: Council shall establish the following zones in the Land Use By-law:*  
*(b) The Country Commercial Zone, intended to permit lower density residential development and a limited range of local commercial service uses on unserviced lots in rural communities. Zone standards shall reflect the denser nature of these communities compared to surrounding areas, but also the need for onsite water and wastewater services.*

**There were no submissions made for the Public Hearing.**

**Recommendation:** Approve Second Reading of the proposed amendment to the Land Use Bylaw.

**Alternative:** Council can decide to reject the proposed amendment, or request that further information be provided.

**Next Steps:** If the amendment passes second reading, staff will prepare advertisements notifying the public of Council's decision. If it is rejected, staff will notify the applicant. Both notices set out the rights to appeal.

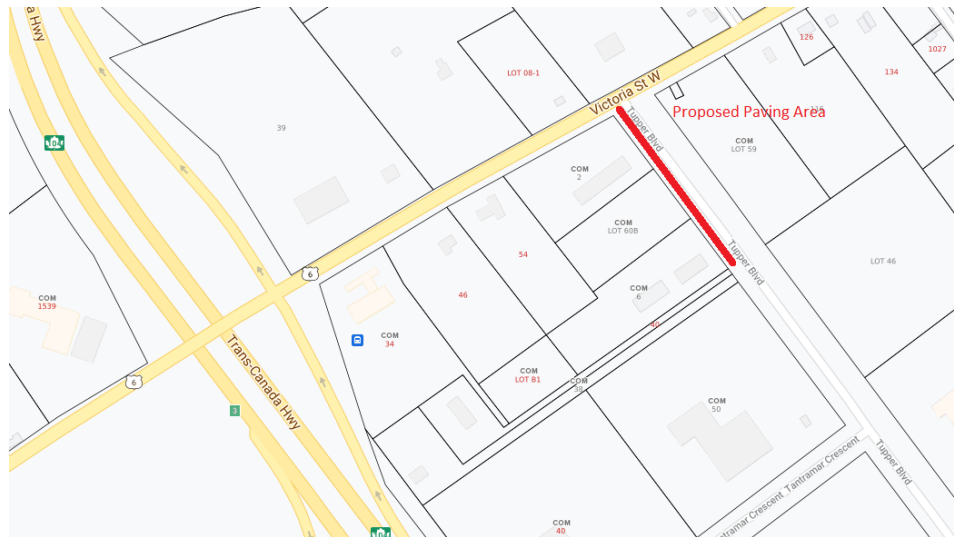
**MEMORANDUM**

**6.1**

**TO:** Greg Herrett, CAO  
**FROM:** Justin Waugh-Cress, P.Eng.  
**DATE:** July 23, 2021  
**RE:** Tupper Boulevard Asphalt Paving

The Town of Amherst has offered to include paving a 180 m section of Tupper Boulevard that is located in the Municipality of the County of Cumberland in their capital paving contract and invoice the Municipality for the actual cost of this work after it is completed.

The Town of Amherst paved a portion of Tupper Boulevard as part of their 2020 capital paving program and intends to pave the remainder as part of their 2021 program. The portion of Tupper Boulevard that is in the Municipality of Cumberland begins at Victoria St. and extends 180 m as shown below.



The cost of this work is estimate to be \$28,710.00 +HST. It is recommended that the Municipality accept the Town of Amherst’s offer. The Town of Amherst has obtained favorable pricing in their paving tender and paving the remaining small portion of Tupper Boulevard would provide service to Cumberland County residents that use this portion of Tupper Boulevard to access their properties. This work could be funded with Gas Tax.

**Requested Action**

**A motion to authorize the CAO to enter into an agreement with the Town of Amherst to pave the portion of Tupper Boulevard that is located in the Municipality, and to fund the work from Gas Tax reserves.**