

**DIGBY TOWN COUNCIL  
REGULAR MEETING  
Tuesday July 4, 2023  
Council Chambers**

**MEMBERS PRESENT:** Mayor Ben Cleveland, Chair  
Deputy Mayor Mike Bartlett, Vice Chair  
Councillor Peter Turnbull  
Councillor Paul Saulnier  
Councillor William McCormick

**STAFF PRESENT :** Tom Ossinger, Chief Administrative Officer  
Leslie Brinton, Executive Assistant

**REGRETS:**

**OTHERS:** Chris Millier, Town of Digby Planner  
Anya Chin The 4 Site Group  
Darren Shupe, Brighter Communities

**A. CALL TO ORDER**

Mayor Cleveland called the meeting to order at 6:00 P.M.

**B. PUBLIC HEARING**

**B.1 Development Agreement-Victoria Street multiple unit residential development**

**1. Call to order**

Mayor Cleveland called the Public Hearing to order.

**2. Opening Remarks**

The Town of Digby received an application on behalf of Robin Ghosn, Crystal Tessier and Melissa Patterson to enter into a Development Agreement to permit the development of a multiple unit residential development consisting of 100 dwelling units located in three separate buildings on land on the west side of Victoria Street (PID 30225320) immediately north of the RCMP building at 129 Victoria Street. The southern boundary of the property also abuts the Digby Elementary School Property at 20 Shreve Street.

The Public Hearing for the Development Agreement for the multiple unit residential development on Victoria Street. Darren Shupe from Brighter Communities is here to provide an overview of the project. This project has been in the works for about 11 months now the plan is for two multiunit developments on the site with a total of 86 dwelling units and underground parking will be included. The developer has supplied to the Town all seven items that were requested from the

original application. The Planning Advisory Committee has given recommendation to Council to enter into a Development Agreement with the developers for the multiple unit residential development.

3. Acceptance of written submissions

None.

4. Acceptance of oral submissions.

- Robert Cottreau from 113 Prince William Street had a concern about drainage that is eroding his property. Robert also had a concern about the increase traffic there is already somewhere around 100 cars twice per day when the boat traffic is coming, and the question was asked to the Digby Fire Department ability to respond with a ladder truck should there be a fire.
- Craig and Heather Vantassel from 123 Prince William Street has concern about the drainage and flooding and the potential for standing water that will create smell and pests. They also has concerns about the tree buffer or lack of a buffer for privacy and noise. They also raised concerns about the security issues regarding break ins. Concerns about folks moving into these residents what will happen to the slum lord properties around town. Concern about traffic and water drainage. Concerns were also raised about the traffic lights near home hardware and the increase traffic backing up.
- Daniel St. Onge from Queen Street was pleased to see the development the town is short on rental property and this will create a variety of mid rental properties. The development will create good tax revenue and with the increase revenue comes better parks and services.
- Adrien Leblanc from Prince William Street also raised concerns about the water and drainage and that will be key for the development.
- Beth Earl from 191 Third Avenue expressed the housing needs Beth is the CEO of Annapolis Basin Conference Centre and they are always being asked for housing and they are currently housing a lot of folks.
- Keith Robbins from Smith Cove expressed concerns about the credentials of the developers he suggested that we might want to consider researching the developers.
- Elizabeth White Digby Elementary School the DES is currently at capacity and with extra people moving into the area they don't have the capacity and what impact will this have on the school system.
- Heather Vantassel Prince William Street expressed concerns about the capacity at the Digby Regional High School.
- Churchill Ashford from 94 Victoria Street has concern about the home he owns and if a sidewalk is needed what would happen to his home.

- Charlotte Sabean formerly of Digby but now resides outside of Town but is a parent with kids at Digby Elementary School asked about the timeline for the project it will take some time to complete the project and also spoke about the school capacity there is no room at the Elementary School for any increase to capacity.
- Robert Cottreau from Prince William Street mentioned that when the RCMP station was constructed in the 1990's a lot of fill was required for that project.
- Brian Manzer from 91 West Street spoke about the need for housing currently Brian has a long list of people who are looking for housing and leaving their own homes because they can no longer afford to live there. The concerns that folks have about drainage will likely be addressed when the land is developed. If we want to move forward as a town and build more schools then we need to increase the population and with the development also creates more assessment which could create lower taxes and if anyone has concerns about development it should be Brian this development will affect his business 100 percent but it is great for the community and what happens will be positive and the community will grow as a result of the development.
- Robert Morgan Digby Fire Chief was excited for the potential development the tax income is needed to grow as a Town and with the increase tax base will come a better town and better recreation facilities and the problems that come from development will be addressed.

CAO, Tom Ossinger provided to the group the steps that will be taken for this development. This current step will allow for the developer to proceed with their next step and the Development Agreement will ensure that the developer completes the items that are required before any development can proceed. If this was a commercial development being proposed for this lot there would be no need for a public hearing that would be an allowable use for that area.

Councillor Saulnier was pleased to see folks turn out with concerns and notes have been made of those concerns.

Councillor McCormick, Planning Advisory Committee Chair spoke about the work that has been required and completed to get to this point and points of concerns have been noted.

5. GENERAL DISCUSSION  
Nothing further.

6. ADJOURNMENT

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor Turnbull that the Public Hearing be adjourned as there was no further business at 6:56 PM.***

**Motion Carried.**

**B.2 Public Hearing Amendment to the Municipal Planning Strategy**

1. Call to order by Mayor Cleveland
2. Opening Remarks
  - a) The Town has identified an amendment required to the Municipal Planning Strategy as follows:
    1. Part 4, Policy IM 5 be amended to read:  
IM 5 It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By-Law as deemed necessary by Council due to changing conditions but not later than every five years. In considering amendments to or the repeal and replacement of this Strategy Council shall seek input from the community and the abutting municipality as required by the Municipal Government Act and as provided for in the Town's Public Participation Program Policy.
3. Acceptance of Written Submissions  
None.
4. Acceptance of Oral Submissions  
None.
5. General Discussion  
None.
6. Adjournment  
Motion:  
***Moved by Deputy Mayor Bartlett and seconded by Councillor Saulnier that the Public hearing be adjourned.***  
**Motion Carried.**

**C. AGENDA**

**C.1 Additions/Deletions**

One deletion from the Agenda the In Camera can be removed from the Agenda.

**C.2 Approval**

**Motion**

***Moved by Councillor Turnbull and seconded by Councillor Saulnier that the Agenda for July 4, 2023 be as approved with one deletion In Camera can be removed from the Agenda.***

**Motion Carried.**

**D. DELEGATIONS & PRESENTATIONS**

**D.1 None.**

**E. MINUTES OF PREVIOUS MEETING**

**E.1 June 5, 2023**

**Motion:**

***Moved by Councillor Saulnier and seconded by Councillor McCormick that the Minutes of June 5, 2023 be approved as presented.***

**Motion Carried.**

**E.2 June 5, 2023 Public Hearing**

**Motion:**

***Moved by Councillor McCormick and seconded by Councillor Saulnier that the Minutes of the June 5, 2023 Public Hearing be approved as presented.***

**Motion Carried.**

**F. BUSINESS ARISING FROM THE MINUTES/UNFINISHED BUSINESS**

**F.1 Second and Final Reading of the Development Agreement-Victoria Street**

Chris Millier spoke about the public hearing feedback the conversation was respectful although it is not typical during a public hearing to engage in a question and answer session although this hearing was good. Chris spoke about some common concerns around storm drainage and through development you cannot alter pre or post storm water it has to remain at the same. The second common theme was the traffic and a traffic study has already been conducted by the traffic engineer and it was determined that the street is capable of the proposed development. The other item of concern was the intersection at Home Hardware which can be addressed through the traffic authority and the timing of the lighting might need to adjust. The concerns raised regarding the education system is not a responsibility of the town but rather the Provincial Government however the town can lobby the Provincial Government for upgrading and improving resources and infrastructure. Chris also spoke about the buffer with vegetation should be sufficient and a fence should be needed.

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor Saulnier that Council give second and final reading to the Development Agreement with Robin Ghosn, Crystal Tessier and Melissa Patterson to permit the development of a multiple unit residential development at PID 30225320.***

**Motion Carried.**

**F.2 Second and Final Reading of the Municipal Planning Strategy Amendment**

**Motion:**

***Moved by Councillor McCormick and seconded by Councillor Saulnier that Council give second and final reading to an amendment to the Town of Digby Municipal Planning Strategy that Part 4, Policy IM5 be amended to read:***

***IM 5 It shall be a policy of Council to review the Municipal Planning Strategy and Land Use By – Law as deemed necessary by Council due to changing conditions but not later than every five years. In considering amendments to or the repeal and replacement of this Strategy Council shall seek input from the community and the abutting municipality as require by the Municipal Government Act and as provided for in the Town’s Public Participation Program Resolution.***

**Motion Carried.**

## G. REPORTS

### G.1 Chief Administrative Officer Report

The Chief Administrative Officer was presented. The CAO attending many meetings in the month of June. The Lot #2022 on Shore Road and the Lot#2023 on Third Avenue have both been listed we received two offer over asking price on Lot #2022 the consensus of Council was an email and text correspondence was to accept the offer \$100,000 over list price. As of today there have been no offers on Lot #2023.

#### Motion:

***Moved by Councillor Turnbull and seconded by Councillor McCormick that Council reject the Agreement of Purchase of Sale from Waylon Mosher in the amount of \$225,000 including HST on Lot #2022 PID #30382816 on Shore Road.***

**Motion Carried.**

#### Motion:

***Moved by Councillor Saulnier and seconded by Deputy Mayor Bartlett that Council accept the Agreement of Purchase of Sale from Carmen and Vera Burnie in the amount of \$265,000 plus HST on Lot # 2022 PID 30382816 On Shore Road.***

**Motion Carried.**

The other property on Third Avenue will remain listed under contract for six months and if no offers are received it will come back to Council for further direction. The Digby Food Bank has not made any contact with the office since the Committee of the Whole Meeting we should draft and send another letter. It was suggested that a Joint Council Meeting might be in order to discuss the foodbank Mayor Cleveland will speak to Warden Gregory and try to organize a joint meeting. The CAO has been contacted by Wharf Rat Rally the have booked Digby Station and will be holding their by-weekly board meetings and will also use the building as headquarters during the rally. The Draft Flyer Distribution by law has been vetted by the Town's legal counsel no issues were found the by law can proceed to first reading. TIANS funding for the VIC Partnership has been signed the Province will be providing \$8,500 towards the VIC Operations. The CAO contacted the Commissioners regarding parking enforcement this would require the designation of Special Constable as well as location that the town would be looking at for enforcement. Council would likely be looking at Prince William Street to the Boulevard perhaps three days a week the CAO will provide this information back to the Commissionaires before cost estimate can be given.

### G.2 Committee of the Whole Report

There is four recommendations coming forward from the Committee of the Whole.

#### Motion:

***Moved by Deputy Mayor Bartlett and seconded by Councillor McCormick that Council approve a onetime sponsorship of the NS Therapeutic Recreation Association Conference for \$100.00***

**Motion Carried.**

#### Motion:

***Moved by Councillor Saulnier and seconded by Councillor Turnbull that Council give first reading to the By Law Respecting the Distribution of Flyers.***

**Motion Carried.**

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor McCormick that Council approve the use of protective equipment by the By Law Officer with proper training and certification on the use of the equipment.***

**Motion Carried.**

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor Saulnier that Council approve the Administrative Policy Public Participation Program as presented.***

**Motion Carried.**

**G.3 Digby Area Recreation Commission**

Councillor Turnbull reported that the circus was a successful event and attendance was up from what was anticipated. The new score board is now here but not yet installed.

**G.4 Digby Fire Committee**

Chair Councillor McCormick has already discussed at the Committee of the Whole Meeting some of the points from the meeting the CAO is still waiting for details to come in on the truck. And a formal request for the financial statement was also suggested. The CAO has meet with the Fire Chief on the truck and we will be tendering for a chassis and some things from the current truck are able to be used on the new truck the CAO has the specs completed for the RFP.

**Motion:**

***Moved by Councillor McCormick and seconded by Councillor Saulnier that Council accept the minutes of the Digby Fire Committee as presented.***

**Motion Carried.**

**G.5 Budget Committee Report**

**Budget Resolutions Fiscal Year 2023/2024**

**Estimates of Revenues and Expenditures**

***Moved By Councillor McCormick and seconded by Deputy Mayor Bartlett that Council accepts the following estimates of the sums required by the Town of Digby for the fiscal period ending March 31, 2024, prepared in accordance with Section 72 of the Municipal Government Act:***

| <b>Revenues</b>                        |           |
|--|-----------|
| Taxes                                  | 3,943,127 |
| Grants in Lieu of Taxes                | 164,139   |
| Services Provided to Other Local Gov't | 243,068   |
| Sale of Services                       | 170,186   |
| Other Revenue from Own Sources         | 193,500   |
| Unconditional Transfers                | 390,082   |
| Conditional Transfers                  | 66,120    |

|                 |           |
|-----------------|-----------|
| Other Transfers | 3,000     |
| Total Revenues  | 5,173,222 |

| <b>Expenditures</b>                  |           |
|--------------------------------------|-----------|
| General Government Services          | 893,890   |
| Protective Services                  | 1,688,169 |
| Transportation Services              | 765,251   |
| Environmental Health Services        | 755,815   |
| Public Health Services               | 106,750   |
| Environmental Developmental Services | 168,651   |
| Recreation and Cultural Services     | 443,051   |
| Finance and transfers                | 351,645   |
| Total Expenditures                   | 5,173,222 |

**Motion Carried.**

**General Tax Rates**

***Moved By Deputy Mayor Bartlett and seconded by Councillor McCormick that***

***WHEREAS total estimated expenditures for the fiscal period are \$5,173,222 and***

***WHEREAS total estimated revenues, other than taxes to be levied are \$1,230,095 and***

***WHEREAS the balance of revenues required, \$3,943.127 must be rated;***

***THEREFORE BE IT RESOLVED THAT for the Town of Digby for the fiscal year ending March 31, 2024:***

***The general tax rates are as follows:***

***Residential / Resource \$1.91 per \$100 of assessment***

***Commercial \$4.20 per \$100 of assessment***

***AND THAT these taxes are due and payable on Taxes to be billed by way of interim tax bill (issued in April, due May 31, 2023) and Final tax bill (issued in September, due the October 31, 2023); with interest to be charged on all final tax accounts outstanding on Interest on overdue amounts to be charged at a rate of 19% per annum.***

**Motion Carried.**

**Fire Protection Rate**

***Moved By Councillor McCormick and seconded by Councillor Saulnier that***



***WHEREAS Council is authorized under Section 80 of the Municipal Government Act to levy a rate on the value of all assessable property assessment in the area served by a water system in the town, as defined by the council by policy, in order to recover that part of the cost of the water system that is attributable to fire protection; and***

***WHEREAS the cost of fire protection (water supply and Hydrants) has historically been covered in the general tax rate of non-exempt residential, resource and commercial taxable assessment; and***

***WHEREAS the provision of fire protection (water supply and hydrants) is beneficial to all assessable property assessment within the Town of Digby serviced by Digby Water Commission the Council wishes to levy a rate over all assessable property assessment.***

***THEREFORE BE IT RESOLVED that it shall be the policy of the Council of the Town of Digby as of April 1, 2019 to separate the fire protection expenditures (water supply and hydrants) from the estimated expenditures to be covered by general rate of non-exempt residential, resource and commercial taxable assessment; and apply a fire protection rate to cover the estimated fire protection (water and Hydrant) expenditures to all assessable property assessment in the area served by the Digby Water Commission in the town; and***

***That the Council of the Town of Digby does not exempt any assessable property assessment serviced by the Digby Water Commission from the fire protection rate; and***

***FURTHER BE IT RESOLVED that the total estimated fire protection (water and hydrant) expenditures for the 2023/24 fiscal year of \$195,106 be covered by a fire protection rate applied to all assessable property assessment serviced by the Digby Water Commission; and***

***That the fire protection rate for the 2023/24 fiscal year be set at \$0.12 per \$100 of Assessment; and be applied on the final tax bill in September are due and payable by October 31, 2023 with interest on overdue amounts to be charged at the rate of 19 % per annum.***

**Motion Carried.**

#### **Solid Waste Management Uniform Charge**

***Moved By Deputy Mayor Bartlett Seconded by Councillor Turnbull that***

***WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2024, the amount of \$376,420 to be expended for the purpose of solid waste management, a purpose for which the Town may expend funds; and***

***WHEREAS there are approximately 1,180 dwelling units within the boundaries of the Town of Digby; and***

**WHEREAS the Council may, under paragraph 75(4)(b) of the Municipal Government Act, in lieu of levying an area rate, levy a uniform charge on each property assessment in the area;**

**THEREFORE BE IT RESOLVED that a uniform charge of \$319 be levied for the fiscal year ending March 31, 2024 on each dwelling unit within the boundaries of the Town of Digby and that these uniform charges are applied on the final tax bill in September and are due and payable by October 31, 2023 with interest on overdue amounts to be charged at the rate of 19 % per annum.**

**Motion Carried.**

**Sanitary Sewer Rates**

**Moved By Councillor McCormick and seconded by Deputy Mayor Bartlett that**

**WHEREAS Council is authorized by the Town of Digby Sewer Charges By-law to set rates for sewer services;**

**THEREFORE BE IT RESOLVED THAT the sewer service charge shall be \$6.61 per 1,000 gallons of water consumption; and**

**Residential and Commercial users shall pay:**

**Less than 1 million gallons annually 100% of the Sewer Service Charge, or more than 1 million gallons annually 50% of the Sewer Service Charge based on their annual water consumption of the previous year, and**

**Industrial Premises users shall pay:**

**Less than 1 million gallons annually 100% of the Sewer Service Charge, or more than 1 million gallons shall pay 10% of the Sewer Service Charge, or more than 10 million gallons shall pay 5% of the Sewer Service Charge based on their annual water consumption of the previous year; and**

**That the Sewer Service Charge shall be applied to the Water Utility's bi-monthly bill. All bills are due and payable under the same regulations as the Water Utility Bill.**

**Motion Carried.**

**Tax Certificate Fee**

**Moved By Councillor Saulnier and seconded by Councillor Turnbull that**

**WHEREAS Council is authorized to set a fee for a tax certificate pursuant to section 132 (2) of the Municipal Government Act;**

**THEREFORE BE IT RESOLVED THAT the tax certificate fee shall be \$40 per tax certificate.**

**Motion Carried.**

**H. CORRESPONDENCE**

**H.1 Mary Saulnier-Victorian Christmas on Maiden Lane**

Mayor and Council received correspondence requesting the use of Digby Station for the Christmas on Maiden Lane on Friday November 17<sup>th</sup>

Councillor Saulnier declared a conflict and abstained from voting on the request.

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor Turnbull that Council approve the use of Digby Station for November 17<sup>th</sup> Christmas on Maiden Lane.***

**Motion Carried.**

**H.2 Department of Municipal Affairs and Housing Minister John Lohr**

Mayor Cleveland received correspondence from Minister Lohr regarding any municipality owned, Serviced or easily serviceable land that maybe suitable for any type of new housing development, Or unused buildings on serviced land for which we currently do not have any planned future use to provide the province a list. The lot that we have on Third Avenue as well as the former Mount Street School and at the South end of Queen street there is a potential there for housing.

**I. NEW BUSINESS**

**I.1 Draft Deed Transfer Tax By-Law # 2023-01**

This by law is coming forward as a change recommended by Council during the budget discussions.

**Motion:**

***Moved by Deputy Mayor Bartlett and seconded by Councillor Saulnier that Council give first Reading to the Deed Transfer Tax By-Law #2023-01***

**Motion Carried.**

**I.2 Temporary Borrowing Resolution**

The Temporary Borrowing Resolution will go the Minister and will allow us authority to borrow for Capital Expenditures.

**Motion:**

***Moved by Councillor Turnbull and seconded by Councillor Saulnier that Council approve the Temporary Borrowing Resolution for \$1,068,000***

**Motion Carried.**

**J. IN CAMERA**

**J.1 None.**

**K. ADJOURNMENT**

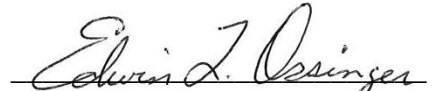
**Motion:**

***Motion for adjournment was moved by Councillor McCormick and seconded by Councillor Turnbull at 9:03 P.M.***

**Motion Carried.**



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Clerk