



## Peggy's Cove Commission Meeting

### Minutes

Thursday, March 11, 2021

3:00 – 5:00 p.m.

Via Teams/Conference Call

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#### Members in Attendance

Peter Richardson - Chair

Janice Steeles

Karren Fader

Pam Lovelace – HRM Councillor

**Guests:** Pamela Branton-DOJ

Nicole Campbell – Vice Chair

Jeannie Chow – Dept. of Business

Gordon Smith – Dept. of Municipal Affairs

**Non-Voting Member** - Graham Fisher – Dept. of Municipal Affairs

#### Agenda Items

##### 1. Call to Order

Chair Richardson called the meeting to order at 3:03 p.m.

##### 1.1. Approval of Agenda

**Motion** to approve the March 11, 2021 agenda **upon motion, duly seconded**, the Board approves to adopt the agenda with revisions: Item 2 Cancelled and New Business Item-Development Application PCC #2021-01. **Motion carried.**

##### 1.2. Approval of Minutes

**Motion** to approve the February 11, 2021 minutes **upon motion, duly seconded**, the Board approves the minutes as presented. **Motion carried.**

##### 1.3. Review of Action items – defer to next meeting.

##### 2. Presentation – Save the Natural Beauty of Peggy's Cove Group (Cancelled)

##### 3. Conflict of Interest – Pamela Branton, Solicitor, Department of Justice

The general principle would entail a declaration of conflict of interest if a Commissioner is 'receiving benefit or suffering a disadvantage' and then the Commissioner is to absent themselves from any discussion and recuse from voting.

Conflict of interest relates to those contained within the PCC Governance By-Laws – a brief provision under Section 11. The current language is ambiguous leaving it open to interpretation i.e. use of 'person connected to Commissioner' is not well defined or clear as to what constitutes a conflict.

Discussion ensued on interpretation of 'connection', MLA Representation, and dual roles. P. Branton confirmed as outlined in the Peggy's Cove Commission Act, Section 4 that the HRM Councillor from the district to be a member of the Commission. The first obligation of a Commissioner is to the Commission and its legislation when dealing with Commission business. If there are additional questions regarding a Councillor's role, HRM Legal Council could advise but Commission's role is related to development control within Peggy's Cove and should not be in conflict for HRM Councillor, if so in a rare case, Councillor can recuse herself.

Commissioners reconfirmed only Chair should speak on behalf of Commission and clarification of their role should be clearly communicated.

P. Branton was asked to assist with rewording of the Governance By-Laws to provide more clarity.

#### **4. Communications – Role of Commission**

Related to prior discussion and Dept. of Inclusive Economic Growth (IEG) can assist Chair with messaging. Commissioners reminded if information has been posted in the minutes it can be shared publicly or refer questions to the Commission or PCC email for response.

#### **5. Develop NS – Relationship/Approvals**

P. Branton reviewed current Legislation and By-laws and confirmed when construction projects from Develop NS are received the Commission can review but does not have the authority to provide Development Permits to provincial or federal government projects (i.e. Crown Corporations).

Consensus to continue engagement with Develop NS to provide feedback or concerns on future projects.

**Motion for** Commissioner Chow to provide correspondence on behalf of the Chair to the Minister of IEG cc: Develop NS clarifying the role of the Commission and request that government departments (and Crowns) conducting provincial projects consult with PCC in advance of any projects. **upon motion, duly seconded**, the Board approves request to proceed. **Motion carried.**

#### **6. Proposed Land Use By-Law Review – contract update**

Per Commissioner Chow, the Minister has approved the budget for the next fiscal year as submitted though overall IEG budget waiting for Cabinet approval. The contract has been drafted and awaiting Minister signature before forwarding to chosen applicant.

#### **7. New Business**

Commissioners requested to ‘accept’ or ‘decline’ each meeting invitation so quorum can be determined in advance of meeting. .

##### **7.1. Development Application – PCC #2021-01**

With reference to Bylaw Section 10.6, the window proportions are not as suggested and could impact important views of the community however, the Bylaws indicate the window sizing is a preference and not a requirement. By-law review may address this issue with more clarity. G. Fisher to draft a response to applicant and will share with Commissioners before mailing.

**Motion** to approve Application PCC#2021-01, **upon motion, duly seconded**, Board requests in cover letter to point out Section 10.6 for future construction going forward **Motion carried.**

##### **7.2. Patio Application Question**

G. Fisher sent out a response to this query. A request was made regarding feedback being requested from Commissioners to receive a final copy and consensus of members to close the loop.

##### **7.3 Development Application – PCC #2021-02**

Response drafted and Commissioner Chow to share with Commissioners for feedback/comments once Minister IEG has signed the department's response.

#### **7.4 Public participation in PCC Meetings**

In the Governance By-Laws document, it was agreed to hold one public meeting per year in the community that would be advertised and open to the public. Any other requests to present or join our meeting would need to be considered on a case by case basis only. Topic to be included for further discussion at the next meeting.

**Motion** to discuss public participation further at next meeting, *upon motion, duly seconded*, the Board agrees to defer. **Motion carried.**[CJP1]

#### **8. Adjournment**

**Motion** to adjourn *upon motion, duly seconded*, Board adjourns at 5:10 pm with no further business to discuss. **Motion carried.**

Next meeting – April 8, 2021 (3:00-5:00 pm)

**Actionable Items:**

<b>Actionable Items – Jan. 2021</b>		
Land Use By-law Review	Navigator to prepare contract and finalize approvals.	Continuing
PCC #2021-01 Application (Windows) (Feb Agenda)	G. Fisher to advise applicant to provide building exterior drawings to scale and reminder that approval needed prior to construction	Completed
Survey inquiry- repeat	G. Fisher to provide response	Complete
Public Meetings (Feb Agenda)	Commissioners to provide questions and answers for consideration.	Deferred discussion to April meeting
<b>Actionable Items – Feb. 2021</b>		
Conflict of Interest discussion	Discussion from solicitor deferred to Mar. meeting	Complete
Paruch inquiry - response	G. Fisher to respond to Mr. Paruch for a second time to clarify PCC decision.	Complete
Newsletter mailout	G. Fisher to work with Wendy to mailout and post the newsletter	Ongoing
Application question-patio application	Commissioners to review the request and email the Commission regarding their assessment-Resp sent to Commissioners?	Complete
Bylaw Statement of Work	G. Fisher to post the Statement of Work to the PCC website for public access.	Complete? Check with Graham
Steeles Request - Response	G. Fisher to respond	Complete?
<b>Actional Items – Mar. 2021</b>		
2021-2022 Budget	J.Chow-Board approves the budget as presented to be forwarded to the Department of IEG for approval	Complete
Land Use By-Law Contract	Navigator-Contract being finalized – sign-off?	Ongoing
Governance By-Laws – revisions for conflict of interest.	P. Branton/G. Smith to revise section for clarity	Ongoing
Letter to IEG Minister PCC authority role regarding DNS projects	J. Chow to draft response and vet through Commissioners	Ongoing
PCC #2021-02 (Public Washroom)	J. Chow to draft response and vet through members	Ongoing