

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in Council Chamber, 210 Aberdeen Road, Bridgewater, NS
Tuesday, May 22, 2018 – 9:00 a.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson (arrived at 11:30 a.m.)
Deputy Mayor Martin Bell, District 2
Councillor Eric Hustvedt, District 1
Councillor Lee Nauss, District 3
Councillor John Veinot, District 4 (left the meeting at 10:15 a.m.)
Councillor Cathy Moore, District 5
Councillor Claudette Garland, District 6
Councillor Wade Carver, District 7
Councillor Michael Ernst, District 8
Councillor Reid Whynot, District 9
Councillor Errol Knickle, District 10

Staff: Kevin Malloy, Chief Administrative Officer
Trudy Payne, Acting Deputy Chief Administrative Officer
Sherry Conrad, Municipal Clerk
Sarah Kucharski, Communications Officer
Alex Dumaresq, Deputy Chief Administrative Officer
Dave Waters, Director of Business Development
Stephen Pace, Director of Engineering
Rachel Eisenhauer, Executive Assistant

1. CALL TO ORDER

Deputy Mayor Martin Bell called the meeting to order at 9:00 a.m. He advised Mayor Bolivar-Getson was delayed in coming to the meeting.

2. ANNOUNCEMENTS/ACKNOWLEDGEMENTS/RECOGNITION:

Councillor Veinot advised that he had to leave the meeting at 10:00 a.m.

Councillor Ernst noted that the Indian Point Fire Department took the initiative to fundraise and install an EnviroPro Septic System, to get rid of their straight pipe. The Fire Department was commended for their leadership action in the community.

3. PUBLIC INPUT: (Nil)

4. APPROVAL OF AGENDA

Moved by Councillor Nauss, seconded by Councillor Carver that the Agenda be approved as circulated. Carried unanimously.

5. APPROVAL OF MINUTES – April 24 & May 8, 2018

Moved by Councillor Hustvedt, seconded by Councillor Moore that the Minutes of April 24, 2018 meeting be approved as circulated. Carried unanimously.

Moved by Councillor Hustvedt, seconded by Councillor Whynot that the Minutes of May 8, 2018 meeting be approved as circulated. Carried unanimously.

6. BUSINESS ARISING FROM THE MINUTES:

Councillor Hustvedt inquired about the Maritime Bus Transit Proposal Letter and asked if it was a public document. Mr. Malloy advised that the letter was public and MODL and the Town of Mahone Bay sent a joint letter, and the Town of Bridgewater and Town of Lunenburg would be sending a slightly different letter.

7. AWARDING OF TENDERS/RFPs:

7.1 Tender 2018-05-004 “On-Site Sewage Disposal Systems for LaHave – Group 5”

Maria Butts, LaHave River Project Coordinator, was in attendance. She noted that this group was for five traditional systems on the LaHave side and are the first systems for this side of the river. Two bids were received, with the lowest bid being from Town & Country Property Improvement. The number of bids were expected to drop as the construction season became busier. She has been working closely with contractors as the project moves along to ensure everyone is aware of the tenders that are being put out. Staff hope to see the numbers of bids come back up. It is expected that next year the tenders will be out early, before construction season starts.

Moved by Councillor Hustvedt, seconded by Councillor Whynot that Municipal Council award Tender 2018-05-004 to Town & County Property Improvement Ltd. in the amount of \$60,770.70 plus HST. Carried unanimously.

8. PRESENTATIONS/SCHEDULED TIMES:

8.1 Angela Taylor re Littering

Angela Taylor, Outreach and Compliance Officer, was in attendance and gave a presentation on Littering and on a littering campaign that she will be undertaking on Highway 325 from Maitland to Oakhill (circulated with Agenda).

A discussion was held on littering and the following points were noted:

- This area has the highest volunteer rate for cleaning up litter in the Province. Volunteers are cleaning up the same, if not more, litter than before. People want something done to prevent littering. There are concerns that the volunteers are getting older, and younger people are not volunteering.
- The Waste Collection By-law allows for a \$100 fine, it was asked if this should be increased and made equal to the Motor Vehicle Act (\$387.50). Ms. Taylor noted that staff are trying to get the fine amount registered with the Department of Justice, until this happens, any fines must be written under the Environment Act. The administrative tickets with a \$100 fine have a voluntary payment.
- Feedback could be given during the review of the Motor Vehicle Act to increase the fine.
- Ms. Taylor noted that she can issue a ticket, or give the person the option of cleaning up a certain amount of a road in order to void the ticket. Getting people to clean up the litter, rather than just pay a fine, seems to be more effective in deterring litterers.
- The Town of Barrington provides volunteer groups with grants of \$100 per kilometre of litter cleanup. This could be considered by Council.

- The Region of Queens gets monthly reporting from the RCMP regarding convictions. When no litter convictions were occurring, Council requested an increase in those numbers.
- It was suggested that Ms. Taylor work with the Department of Natural Resources to help stop littering of cigarette butts as they are also a fire hazard.
- It was felt that the Department of Transportation and Infrastructure Renewal should be responsible for addressing littering, as the roads are owned by the Province.

Ms. Taylor left the meeting at this time.

9. CONSIDERATION OF CORRESPONDENCE:

9.1 Bluenose Coastal Action Foundation re Lunenburg Harbour Health Authority

Ms. Payne reviewed the letter received from the Bluenose Coastal Action Foundation (BCAF) regarding the Lunenburg Harbour Health Advisory Group (circulated with Agenda). It is recommended that Council defer the matter until staff gets further information from BCAF, for example, what the expectations are of Council and staff representatives on the Committee.

Concern was raised regarding how wide the scope of the Advisory Group will be as one of the objectives is the protection of the harbour from threats. It was asked if this included threats other than sewage. Clarity is required around the focus and expectations.

Moved by Councillor Knickle, seconded by Councillor Garland that Municipal Council defer the invitation to have a member of Council sit on the Lunenburg Harbour Health Advisory Group to staff to find out more information. Carried unanimously.

9.2 Province of Nova Scotia – Stakeholder Response re Traffic Safety Act

Ms. Payne reviewed the correspondence provided from the Province of Nova Scotia's Department of Transportation and Infrastructure Renewal advising they are repealing the Motor Vehicle Act (MVA) and creating a new Traffic Safety Act (TSA) (circulated with Agenda). They are requesting stakeholder response regarding what changes we would like to see from the MVA into the TSA. Bicycle Nova Scotia also sent correspondence soliciting support for their proposed changes (circulated with Agenda).

Laura Barkhouse, Trails and Open Space Coordinator, was in attendance and reviewed the recommendations being put forward by Bicycle Nova Scotia. She noted the following:

- The Act should recognize and define vulnerable road users, such as cyclists.
- The Act should allow for a municipal Council to direct their traffic authority to set speed limits below 50 km/h in areas determined appropriate, without requiring permission from the Provincial Traffic Authority.
- Legislation needs to be implemented to prohibit dooring, which is when drivers in vehicles open their doors and hit cyclists. The drivers should be responsible for their actions.
- Legislation needs to be implemented to prohibit "right-hook" and "left cross", which is when traffic impedes bicycle lanes, or "cuts off" cyclists to their left or right when making turns.
- Permit the use of a bicycle signal, and legislation for "cross-rides". A signal would not necessarily mean a blinker, but could include ensuring cyclists and drivers know their signals.

Ms. Barkhouse advised that she has been speaking with Ben Buckwold, Bikeways & Blue Route Implementation, and will summarize the conversation and provide Council with a copy. She will also be attending a two-day Active Transportation Summit and will provide Council with a summary.

Council put forward the following points for changes to the Act:

- In Nova Scotia, on the highway, the left lane yields to the right lane at the end of a passing lane. The opposite is law in other Provinces. It was suggested this be reviewed to be realigned with the other Provinces to avoid confusion.
- There needs to be better deterrence to driving while under the influence, as there are many repeat offenders.
- There should be consideration for ticketable offences for cyclists not wearing reflective clothing.
- There should be consideration for requiring registration and a plate on bicycles, so cyclists will share the cost for the extra infrastructure to create bicycle lanes.
- Coastal areas are an issue as there is no room to put in a bicycle lane.
- More enforcement on littering and fines.

Ms. Payne advised that she will be participating in a conference call Thursday evening and will confirm the deadline submission date and report back to Council on the changes put forward. Councillors were asked to provide Ms. Payne with any other concerns they would like to put forward by Thursday morning.

Ms. Barkhouse left the meeting at this time.

Councillor Veinot left the meeting at 10:15 a.m.

8. PRESENTATIONS/SCHEDULED TIMES:

8.2 Maria Butts & Department of Environment re LaHave River Project

Maria Butts, LaHave River Project Coordinator, and Mike MacDonald, Area Manager, Department of Environment, were in attendance at this time. Ms. Butts gave a presentation to update Council on the status of the LaHave River Project.

Ms. Butts noted, in response to a question, that new constructions are not included in the program and she is still working with the homeowners to determine how many have straight pipes, of the original estimate of 600. There are still many properties to sign up with the program.

Mr. MacDonald answered the following questions:

- The Department of Environment will be enforcing the replacement of any straight pipes that are still in place after the completion of the LaHave River Project. This was part of the Agreement created when the Project was started.
- If he receives a complaint about straight pipes within the LaHave River Wastewater Management District, he notifies Ms. Butts about them so the residents can be included in the Project.
- Any straight pipes outside of the Wastewater Management District are dealt with on a complaint basis. There has been an increase in complaints in the First Peninsula area, as other residents feel that their areas' straight pipes also need to be removed, much like Stella Bowles did for the LaHave River.
- If a straight pipe is found, he gives the resident time to hire an engineer, have the property assessed and determine if a system can be installed. Then an application must

be submitted to the Department to install the system. He gives a few months to complete this work and have the system installed. He also notifies the residents about financial assistance through Housing Nova Scotia.

- MODL has tried to lobby the Provincial Government to have legislation for Point-of-Sale replacement of straight pipes. Mr. MacDonald is aware of this but nothing is being done through the Department. There is consideration for this to be done between real estate, banks and insurance companies, instead of through the Department.

Councillor Knickle requested that if the LaHave River Project is underbudget, and funds remain, that they be offered to the residents in First Peninsula. Mr. Dumaresq noted this can be done, but the same process will be required as the LaHave River Project.

Ms. Butts and Mr. MacDonald left the meeting at this time.

10. RECOMMENDATIONS FROM COMMITTEES & BOARDS

10.1 Police Advisory Board

10.1.1 Letter to Transportation & Infra. Renewal re Speed Study, Blockhouse

Moved by Councillor Nauss, seconded by Councillor Carver that Municipal Council accept the recommendation of the Police Advisory Board and write a letter to the Department of Transportation and Infrastructure Renewal requesting that a speed study be carried out in the Blockhouse area; more specifically, the section of Highway 325 where the 70 km/hr speed limit starts (at or about Civic #111) to the beginning of the 50 km/hr speed limit, just before Castle Building Supplies.

The residents in the Blockhouse area are concerned with drivers speeding in the area, and feel the 50 km/hr limit should be enforced. Castle Building Centre is a commercial business in the area, and they have large trucks entering and leaving their property, and when traffic is travelling from Blockhouse towards Mahone Bay, it is difficult for both drivers on the road and those entering/leaving the business to see each other due to the corner. When the drivers on the road are speeding, there have been near misses.

The motion on the floor was voted on and carried unanimously.

11. STAFF REPORTS:

11.1 Planning Department

11.1.1 Hemford Forest Planning Plebiscite

Jeff Merrill, Director of Planning and Development Services, and Doug Reid, Senior Planner, were in attendance. Mr. Reid reviewed the report titled "Required Resolutions – Hemford Forest Planning Plebiscite" (circulated with Agenda).

Moved by Councillor Moore, seconded by Councillor Whynot that Municipal Council approve the following resolution: Be it so resolved that Municipal Council conduct a Plebiscite on Saturday, September 22, 2018 to determine identified public opinion concerning whether land use planning should be established for the area identified as the Hemford Forest Subdivision, with advance polls on Thursday, September 13, 2018 and on Tuesday, September 18, 2018. Those opposed: Deputy Mayor Bell. Motion Carried.

Moved by Councillor Garland, seconded by Councillor Moore that Municipal Council appoint Sherry Conrad as Returning Officer to conduct a Plebiscite concerning land use planning in the Hemford Forest Subdivision, and Douglas Reid as Assistant Returning Officer. Carried unanimously.

Moved by Councillor Carver, seconded by Councillor Nauss that Municipal Council authorize the Returning Officer to use the List of Electors from the 2016 Municipal Election, for the purposes of preparing and posting the Preliminary List of Electors for the Hemford Forest Planning Plebiscite. Carried unanimously.

Moved by Councillor Ernst, seconded by Councillor Whynot that Municipal Council authorize the Returning Officer to make and amend a Tariff of Fees and Expenses, and to appoint Poll Clerks, if and as necessary, in relation to the Hemford Forest Planning Plebiscite. Carried unanimously.

11.1.2 South Shore Agri-Innovation Park Plan Review/Amendment

Mr. Reid reviewed a report titled "Lunenburg Municipal Industrial Zone Land Use-Bylaw: Plan Review/Amendment" (circulated with Agenda).

Mr. Reid noted that a change of use is required in the Lunenburg Municipal Industrial Zone Land Use Bylaw, as the zoning is currently commercial, which does not allow agricultural use. Agricultural use is needed for the development of the South Shore Agri-Innovation Park.

Councillors inquired about option 1, which Mr. Reid noted would expand the current policy and regulations to fit with the Agri-Park proposal.

The options of bringing in line or combining the Osprey Village Municipal Planning Strategy and Land Use Bylaw and the Lunenburg Municipal Industrial Zone Land Use was discussed. It was noted a special meeting would be required for such a discussion. Mr. Merrill noted that this will be added to the Strategic Priorities setting workshop.

Moved by Councillor Garland, seconded by Councillor Nauss that Municipal Council authorize staff to proceed with a standard amendment process to allow for proposed redevelopment, including re-writing documentation to accommodate the proposal requirements in the current Policy and Regulations. Carried unanimously.

11.1.3 Abandoned Boat Program Update

Mr. Reid reviewed the report titled "Update: Abandoned Boats Program (Schwalbe Case) (circulated with Agenda). He noted that Council's main concern with submitting an application was regarding having to take possession of the boat. It was clarified that Council will have authorization to take possession in order to complete the assessment, but this does not transfer ownership. Staff has consulted with legal and insurance and there is exposure and risk associated with completing an application.

Mayor Bolivar-Getson arrived at 11:30 a.m.

A discussion was held and the following points were noted:

- The boat is a hazard and needs to be removed.
- There is no obligation to do anything after the assessment is complete, even if environmental concerns are found.

- An application can be made to the federal government to cover costs to remove the boat after the assessment is complete.
- The rightful owner of the ship is absent, and the wreck was reported by a resident.
- This is federal jurisdiction, and concern was expressed with taking on this issue.
- If this was on personal property, it would be considered dangerous and unsightly and Council would take action.

Moved by Councillor Whynot, seconded by Councillor Ernst that Municipal Council direct staff to prepare an application to the Abandoned Boats Program, regarding the *Schwalbe*, and present to Council, prior to a formal submission to the federal government. Those opposed: Councillors Carver, Garland, Nauss and Hustvedt. Motion carried.

Mr. Reid and Mr. Merrill left the meeting at this time.

11.2 Economic Development Department

11.2.1 Road at Osprey Village

Dave Waters, Director of Business Development, and Vince MacDonald, Consultant, were in attendance and reviewed the report titled "Osprey Village Water Services Update" (circulated with Agenda).

Mr. MacDonald noted that he has been working with Stantec and they are identifying road and land sewer connections with the Bridgewater Public Service Commission (BPSC) for some parcels at Exit 12. The BPSC has approved the concept plan to allow water connection for the proposed administration building. Staff are now requesting Council's approval to complete a detailed design, which will be a master servicing plan to provide water connections for future developments. Stantec is working with 2014 BPSC standards to ensure that no upgrades would be required, once the system is in place. Putting in the road, water and sewer infrastructure now will allow for the sale and future development of those lots.

It was clarified that the administration building will be on parcel 6, rather than parcel 5.

Mr. Malloy advised that additional information is available that he will share with Council In Camera.

At 11:50 a.m., it was moved by Councillor Hustvedt, seconded by Councillor Nauss that Municipal Council go In Camera to discuss Contract Negotiations re Road at Osprey Village under Section 22(2)(e) of the *Municipal Government Act*. Carried unanimously.

Municipal Council In Camera in session.

At 12:20 p.m., it was moved by Councillor Hustvedt, seconded by Councillor Whynot that Municipal Council rise and report. Carried unanimously.

Municipal Council in session.

Moved by Councillor Garland, seconded by Councillor Carver that Municipal Council direct staff to bring back a detail design on the Road/Water/Sewer extension at Osprey Village. Carried unanimously.

12. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS:**12.1 Update – Lunenburg County Lifestyle Centre (LCLC) (M. Ernst/E. Hustvedt)**

The Ad Hoc Committee report was presented and the 2018/2019 Budget will be coming forward to the Finance Committee meeting on June 5, 2018.

12.2 Update – Deputy Mayor

Deputy Mayor Bell attended the Federation of Nova Scotia Municipalities (FNSM) meeting where they discussed the priority list of projects. MODL Council's items did not get on the list, but the issue of straight pipe replacements at point-of-sale was pushed to be on the list.

12.3 Update – Mayor

Mayor Bolivar-Getson attended the Special Council Meeting re 2018/2019 Budget; UNSM Spring Workshop; Connect to Innovate Announcement at the Midville Fire Hall; Fire & Emergency Services Committee Meeting; Federal Minister meeting at the Mahone Bay Centre; Police Open House in Dartmouth; Farmers Market and Home Show with the Lyme Disease Information Booth; LCLC Board Meeting; Pizza Delight's 50th Anniversary; and, many luncheons, breakfasts and other community events.

13. IN CAMERA

At 12:30 p.m., it was moved by Councillor Moore, seconded by Councillor Nauss that Municipal Council go In Camera to discuss the following items:

13.1 Contract Negotiations re Centre School under Section 22(2)(e) of the MGA

13.2 Contract Negotiations under Section 22(2)(e) of the MGA

Carried.

Municipal Council In Camera in session.

At 1:15 p.m., it was moved by Councillor Moore, seconded by Councillor Hustvedt that Municipal Council rise and report. Carried.

Municipal Council in session.

14. ADJOURNMENT

There being no further business at 1:15 p.m., it was moved by Councillor Hustvedt, seconded by Councillor Nauss that the meeting adjourn. Carried.