

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

ATTENDANCE

Mayor Carolyn Bolivar-Getson
Deputy Mayor Martin Bell, District 2
Councillor Eric Hustvedt, District 1
Councillor Lee Nauss, District 3 (left at 11:20 a.m., returned at 12:05 p.m.)
Councillor John Veinot, District 4
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
Sherry Conrad, Municipal Clerk
Sarah Kucharski, Communications Officer
Tina Robichaud-Bond, Executive Assistant

1. CALL TO ORDER

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m.

2. ANNOUNCEMENTS/ACKNOWLEDGEMENTS/RECOGNITION

Mayor Bolivar-Getson congratulated Kevin and Susan Veinotte, of West Northfield, along with their sons, Neil, Mark, and Luke, for being named the 2018 Provincial Woodland Owner of the Year. The Veinotte Family previously won this provincial award in 2007, as well as a regional award in that same year.

3. PUBLIC INPUT (Nil)

4. APPROVAL OF AGENDA

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

5. APPROVAL OF MINUTES – Public Hearing & Special Council – September 24, 2018 and Council – September 25, 2018

Moved by Councillor Hustvedt, seconded by Councillor Nauss that the Minutes of the Public Hearing and the Special Council meeting of September 24, 2018 be approved as circulated. Carried unanimously.

Moved by Councillor Hustvedt, seconded by Councillor Moore that the Minutes of the Council meeting of September 25, 2018 be approved as circulated. Carried unanimously.

6. BUSINESS ARISING FROM THE MINUTES (Nil)

7. AWARDING OF TENDERS/RFPs

7.1 Tender Award Revision On Site Sewage Disposal System Project Group 16

Maria Butts, Project Coordinator, and Stephen Pace, Director of Engineering and Public Works, were in attendance.

Ms. Butts reviewed her report, "Tender Award Revision: On-Site Sewage Disposal System Installations for LaHave River Properties Project Group #16".

Moved by Councillor Whynot, seconded by Councillor Nauss that Municipal Council award Tender #2018-05-016 to CK Earthworks Ltd., the next lowest bidder, in the amount of \$84,919.00 plus HST, as the original award was not accepted by the bidder. Carried unanimously.

It was noted that a request was made to have a report provided to Council with the addresses of the properties that have had on-site sewage disposal systems installed.

Concerns were brought forward with regards to a property, not in the LRWW district, that is for sale that has a straight pipe. It was noted that Council has publicly acknowledged its support for point of sale legislation requiring a property to have a functioning septic system when it is sold. It was asked whether Council should correspond with the Department of Environment regarding this matter. It was noted that Council had corresponded with the Province with respect to straight pipes but has not taken the position as complainant. It was cautioned that having the Municipality involved as a complainant in this regard could cause issues of trust with the public.

Moved by Councillor Ernst, seconded by Councillor Nauss that Municipal Council refer the matter of writing a letter to the Department of Environment to report a property that has a straight pipe going into a body of water and is being sold to the Policy & Strategy Committee. Those Opposed: Councillors Hustvedt and Garland. Motion carried.

Maria Butts and Stephen Pace left the meeting.

9. CONSIDERATION OF CORRESPONDENCE (Nil)

10. RECOMMENDATIONS FROM COMMITTEES & BOARDS

10.1 Finance Committee

10.1.1 Funding Request – HB Studios Centre

Moved by Councillor Hustvedt, seconded by Councillor Veinot that Municipal Council accepts the recommendation of the Finance Committee and approves the funding request of HB Studios Sports Centre and provides a grant for \$31,000 based on receipt of a positive cash flow projection to March 31, 2019 that includes the Municipality of the District of Lunenburg's contribution.

A question was raised regarding whether the funds would be provided to HB Studios in payments or in a lump sum. It was noted that once the conditions are met, the payment would be delivered in full.

The Motion on the floor was voted on. Opposed: Councillors Ernst, Carver, Garland, and Nauss. Motion carried.

8. PRESENTATIONS/SCHEDULED TIMES

8.1 Darren Nauss, Business Development, GoRural Transportation Network

Councillor Hustvedt introduced Darren Nauss and Steve Lumb, advising that both presenters had a background in transportation and were residents of the South Shore.

Mr. Nauss advised that he was the owner of South Shore Taxi and was an educator to tech resellers for Cisco Systems. Steve Lumb advised that his background was with business development.

Mr. Nauss provided a presentation on, "GoRural Transportation Network – Rural Transit Solution" (attached to Minutes) and reviewed his report, "Rural Transit Solution – Transportation as a Service" (circulated with the Agenda), highlighting the following points:

- Benefits of Public Transit
- On-Demand Transportation Network
- Rural Transit Solution – Concept
- Rural Transit Solution – Service Scenarios
- Business Models for Providing Service
- Benefits of Transit as a Service
- Micro Transit – Next Steps
- Ride Share – Next Steps

Moved by Councillor Hustvedt, seconded by Deputy Mayor Bell that Municipal Council refer the request from GoRural Transportation Network for Council's assistance in determining the best business model for a project and to use the resources of our Grant Coordinator to investigate funding programs to the Policy & Strategy Committee for further discussion and recommendation to Council. Carried unanimously.

10.1.2 Designated Community Project Fund – Lunenburg Yacht Club

Moved by Councillor Ernst, seconded by Councillor Whynot that Municipal Council accepts the recommendation of the Finance Committee and grants \$6,690.06 to the Lunenburg Yacht

Club as per the criteria outlined in the Designated Community Project Fund Policy MDL-48. Carried unanimously.

10.1.3 Municipal Celebrations – Christmas on the LaHave

Moved by Councillor Veinot, seconded by Councillor Nauss that Municipal Council accepts the recommendation of the Finance Committee and provides a grant to the Christmas on the LaHave event in the amount of \$1,000 from the Municipal Celebrations Account. Carried unanimously.

10.1.4 River Ridge Common Trail Development

Moved by Councillor Moore, seconded by Councillor Carver that Municipal Council accepts the recommendation of the Finance Committee and approves \$26,820.04 to be allocated to the 2018-19 River Ridge Common Capital Budget for trail development work that was approved in 2017-2018 and completed in 2018-2019 with the funds coming from the gas tax funds that were allocated in the 2017-2018 Capital Budget for this project. Carried unanimously.

10.1.5 Staff Resources Committee Terms of Reference

Mayor Bolivar-Getson declared a conflict of interest with respect to this matter as well as the matter at Agenda Item #10.1.6, and left the table as she has family members who are staff. Deputy Mayor Bell took the position of Chair in her absence.

Moved by Councillor Garland, seconded by Councillor Hustvedt that Municipal Council accepts the recommendation of the Finance Committee and approves the Terms of Reference for the Staff Resources Committee as presented. Carried unanimously.

10.1.6 Approval of Salary Scale

Moved by Councillor Carver, seconded by Councillor Whynot that Municipal Council accepts the recommendation of the Finance Committee and approves the revised Salary Scales as presented, effective October 1, 2018. Carried Unanimously.

A request was put forth that the Salary Scale be posted to the Municipality's website.

Mayor Bolivar-Getson resumed her position as Chair.

11. STAFF REPORTS:

11.2 Planning Department

11.2.1 Hemford Forest Plebiscite Results

Jeff Merrill, Director of Planning and Development Services, Doug Reid, Senior Planner, and Norma Schiefer, Development Officer, were in attendance.

Mr. Reid reviewed his report, “Results of Plebiscite on Land Use Planning (Hemford Forest)” (circulated with the Agenda), highlighting the following points regarding the subdivision:

- Geographic details
- Geographic context
- Specificity of interests/Integration of a concentrated residential subdivision
- Public opinions not identified
- Strategic plan/policy relevance

Moved by Councillor Moore, seconded by Councillor Whynot that Municipal Council pass the following resolution:

WHEREAS by Section 201 of the *Municipal Government Act*, it is enacted that Area Advisory Committees may be established to advise the Planning Advisory Committee on planning matters affecting a specific area of the municipality;

AND WHEREAS the Municipality conducted a Plebiscite in September 2018, to record the opinion of residents of the Hemford Forest Subdivision, to determine the level of support for or against the development of land use planning controls in their identified community;

AND WHEREAS the results of the Plebiscite, being votes cast in favour of land use planning, exceeded the 66.6% threshold, established by Council Policy MDL-21;

AND WHEREAS Council Policy MDL-21 outlines where Council shall proceed with the steps necessary to form a planning area in which 66.6% of the ballots were cast in favour;

BE IT RESOLVED that an Area Advisory Committee be established for the Hemford Forest Subdivision, for the proposed plan area identified in the Report to Council dated October 1, 2018 (by Map);

FURTHER RESOLVED that an Area Advisory Committee so established shall include one Councillor and a maximum of four members of the public, with the members of the public being appointed for a term of two years;

FURTHER RESOLVED that no remuneration be paid to members of the Committee;

FURTHER RESOLVED that the Committee shall elect a Chair and a Vice Chair-Secretary, each of whom shall be elected by a majority of committee members at the first general meeting, with future elections being held for such positions at subsequent annual general meetings; and,

FURTHER RESOLVED that the procedures of the Committee shall be consistent with the terms established by existing area advisory committees found in the Municipality.

The following concerns were put forward:

- Number of members required for the Advisory Board
- Costs to landowners in the area may increase
- Difficult to develop “checkerboard communities”

It was noted that the citizens followed the regulations for the establishment of a planning area and, therefore, should not be turned down. It was further noted that a review of the policy be carried out on how future planning areas are set up.

A question was raised regarding the minimum size of a community that can hold a plebiscite. Mr. Reid explained that Council established Policy MDL-21 which does not describe the boundaries of a community.

The Motion on the floor was voted on. Those Opposed: Councillor Carver and Deputy Mayor Bell. Carried.

Moved by Councillor Veinot, seconded by Councillor Moore that Municipal Council direct staff to engage with the Hemford Forest Area Advisory Committee and commence a Plan Development process, in drafting the first Secondary Planning Strategy and Land Use By-laws for Hemford Forest. Those Opposed: Councillor Carver and Deputy Mayor Bell. Carried

Moved by Councillor Nauss, seconded by Councillor Hustvedt that staff prepare a Report to the Planning Advisory Committee to review possible revisions to current Policy MDL-21 regarding the Municipality’s role in the determination of petitions, plebiscites, and identified matters affecting the introduction or elimination of land use plans in local communities. Carried unanimously.

11.2.2 Acceptance of Deed for New Municipal Roads

Norma Schiefer, Development Officer, reviewed her report, “3310107 Nova Scotia Limited – Municipal Public Roads and Acceptable Security” (circulated with the Agenda), explaining that the roads have been constructed to municipal standards and are ready to be conveyed to the Municipality.

It was noted that the road was in process before the new sub-division by-law came into effect.

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Municipal Council accept the deed for Lot 22, Orchard Point Road, Soleil Crescent and Daybreak Crescent, a total of 0.574 kms of new Municipal Roads in Conquerall Mills. Carried unanimously.

A question arose regarding the new procedure for this type of project. Ms. Schiefer explained that under the recently adopted Subdivision By-law, Council would have to agree to take over the road, prior to the submission of a development. A further requirement would be that the road be paved.

Ms. Schiefer advised that there are currently two open files still under the old policy that would be coming before Council in the near future.

It was asked if there was a possibility of gaining public access to the water from the municipal road. It was noted that there was no requirement for public access under the old policy.

Jeff Merrill, Douglas Reid, and Norma Schiefer left the meeting.

12. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS:

12.1 MJSB Update

Councillor Moore reported the following updates from the May 23, 2018 MJSB meeting:

- RFP for the curbside waste collection was issued on September 19, 2018, closing November 7, 2018.
- RFP for general insurers/risk management has 7 units participating, including Shelburne
- Financial statements have been reviewed and an audit carried out by Grant Thornton. No errors found.
- Revenue up on various sales
- A recommendation for a 12-month pilot project re HR services will be coming to Councils
- 4 more wells will be drilled
- Compost building needs repairs
- Options discussed re outsourcing
- Loader requires replacement prior to the 2019/2020 budget

12.2 Deputy Mayor's Update

Deputy Mayor Bell reported that he attended the Lunenburg County Ground Search & Rescue awards night and presented service certificates to a number of volunteers, and the roast pork dinner at Middle Branch.

12.3 Nominating Committee Appointment by Mayor

Mayor Bolivar-Getson appointed Councillors Eric Hustvedt, Lee Nauss, and Erroll Knickle as members of the Nominating Committee for the upcoming 2018-19 year.

12.4 Mayor's Update

Mayor Bolivar-Getson attended both the 4-H Pro Show opening ceremonies and the next day's event; the military open house in Pine Grove; the Woodlot Owner of the Year festivities; the first YGYI on Tancook Island; the South Shore Regional Centre of Education event re cultural diversity; various community breakfasts and suppers.

Mayor Bolivar-Getson made note that Fire Prevention Week was coming up.

Councillor Nauss reported that a letter was received from a resident wherein the resident requested that his letter be read at the Council meeting and it was not on the agenda. Mayor-Bolivar Getson advised that the letter had been addressed to each Councillor individually and each had received a copy of it.

Moved by Councillor Nauss, seconded by Veinot that the letter received from a resident be read at Council, as requested.

It was noted that under the Proceedings of the Council, a request to add an item to an Agenda is to be done at the time that the Agenda is approved and requires a 2/3 majority vote and must be demonstrated that the item is of an urgent nature. Mr. Malloy explained that due to the nature of the letter and the fact that all Councillors had received a copy of the letter, he recommended against reading the letter at the Council meeting as it was redundant to read it again at the meeting.

Councillor Nauss withdrew his motion on the grounds that the letter would be added to the next Council agenda.

11.1 Recreation Department

11.1.1 Sherbrooke Lake Park Draft Report

Tissy Bolivar, Acting Director of Recreation, was in attendance.

Ms. Bolivar introduced Eva Mooers and Trevor Huhm of EDM Planning Services (EDM), and Larry Hagell, Chair of the Sherbrooke Lake Advisory Committee. She noted that the concept design to be presented to Council for the Sherbrooke Lake Park was in its first draft, and a 2nd draft would be available in November.

Mr. Hagell reported that the Advisory Committee worked closely with EDM in preparing the draft concept. He advised Council that every step had been taken by EDM to ensure that they were within the Committee's mandate, and that EDM had met and listened to residents' concerns and incorporated solutions to address the concerns.

Ms. Mooers gave her presentation, "Sherbrooke Lake Park, Draft Final Report" (attached to Minutes), making reference also to the full "Draft Final Report" which was circulated with the agenda. Ms. Mooers' presentation provided possible design and details regarding the following:

- Accessibility of the Woodstock Road
- Pit restoration & wetland creation
- Hiking trails
- Washroom pavilion
- Natural play features
- Picnic area
- Swimming features, including floating walkway and beach area

- Boat and kayak launch
- Each phase of development could be seen as a distinct park
- Cost per phase

Councillor Nauss left the meeting at 11:20 a.m.

A question was raised regarding the installment of dry hydrants and the placement of the barrier. Ms. Mooers explained that she had conferred with the Walden and New Ross Fire Departments, and was advised that it would most likely be a 16ft Zodiac that would be launched. As well, the design would allow trucks to pull water from the boat launch area and the other side of the park by using the paved trails. Councillor Whynot suggested that dry hydrants be included in the design. He also noted that 30 ft is the max for fire truck hoses. Ms. Mooers advised that she would take the measurements again to ensure they are within the ranges of hose lengths.

Ms. Mooers advised that the development of the park would be carried out with an adaptive management plan. This would include implementing, monitoring, and evaluating the development as it progresses and making changes, if required.

A discussion followed regarding parking space allotment and the priority of the boat launch. Ms. Mooers explained that changes can be made as required based on the adaptive management plan they will be implementing.

Ms. Mooers noted that any further questions could be referred to staff and they would respond to staff.

13. IN CAMERA

At 11:40, it was moved by Councillor Carver, seconded by Councillor Whynot that Municipal Council go In Camera to discuss the following items:

- 13.1 Contract Negotiations re Management Agreement under Section 22(2)(e) of the MGA**
- 13.2 Contract Negotiations re Lease under Section 22(2)(e) of the MGA**
- 13.3 Land Negotiations re Land Acquisition under Section 22(2)(a) of the MGA**
- 13.4 Land Negotiations re Indian Oaks under Section 22(2)(a) of the MGA**

Carried.

Municipal Council In Camera in session.

Councillor Hustvedt declared a Conflict of Interest for personal reasons for Agenda Item 13.3.

Councillor Nauss returned to the meeting at 12:05 p.m.

At 12:15 p.m., it was moved by Councillor Hustvedt, seconded by Councillor Moore that Municipal Council rise and report. Carried.

Municipal Council in session.

13.1 Contract Negotiations re Management Agreement under Section 22(2)(e) of the MGA

Moved by Councillor Knickle, seconded by Councillor Moore that Municipal Council approves the Management Agreement, as presented, between the Municipality of the District of Lunenburg and the Big Tancook Island Recreational Centre Association; and further, that the Mayor and Clerk be authorized to execute the Agreement. Opposed: Councillor Ernst. Carried.

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

Moved by Councillor Carver, seconded by Councillor Hustvedt that Municipal Council approves the Assignment of Lease between the South Shore Regional Enterprise Network, Municipality of the District of Lunenburg and 3021386 Nova Scotia Limited relating to property at 373 King Street, Bridgewater, NS. Carried unanimously.

13.3 Land Negotiations re Land Acquisition under Section 22(2)(a) of the MGA

Councillor Hustvedt declared a conflict of interest.

Moved by Councillor Ernst, seconded by Deputy Mayor Bell that Municipal Council accept the offer of land for PID 60363785 and authorize the Mayor and Clerk to enter into a Purchase and Sale Agreement as discussed In Camera. Opposed: Councillor Nauss. Carried

14. ADJOURNMENT

There being no further business at 12:17 p.m. it was moved by Councillor Whynot, seconded by Councillor Moore that the meeting adjourn. Carried.