

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in Council Chamber, 210 Aberdeen Road, Bridgewater, NS
Tuesday, November 13, 2018 – 9:00 a.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson
Deputy Mayor Cathy Moore, District 5
Councillor Eric Hustvedt, District 1
Councillor Martin Bell, District 2
Councillor Lee Nauss, District 3
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 (left at 12:00 p.m.)

Regrets: Councillor John Veinot, District 4

Staff: Kevin Malloy, Chief Administrative Officer
Alex Dumaresq, Deputy 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

Councillor Hustvedt congratulated Maritime Bus on their service and spoke in support of the trial run.

Councillor Ernst acknowledged the Town of Mahone Bay and Mahone Bay Legion for a successful Remembrance Day event.

Mayor Bolivar-Getson acknowledged Trudy Payne, Director of Recreation, and presented her with flowers, on behalf of Council and LCLC staff, as a show of thanks for her dedication, professionalism and hard work she put into making the Tim Hicks' concert a success.

3. PUBLIC INPUT

David Walmark -Kingsburg – Mr. Walmark was in attendance for public input regarding the findings of the Department of Transportation's investigation into the right-of-way matter at Hell's Point. He explained that "right-of-way" has two definitions; one for transportation and one for

pedestrians. He advised that he has lived in Kingsburg as a permanent resident for over thirty (30) years. He mentioned that the findings made no reference to “prescriptive rights”.

Patty Longsbury – Mahone Bay – Ms. Longsbury advised that she has walked the trail for ten (10) years and was just lately involved in a physical and verbal altercation with a resident on the Hell’s Point trail. She reported that the Hell’s Point trail has been used for many years and feels there should be access to all.

Walter Payne – Kingsburg – Mr. Payne suggested that Hell’s Point trail is an established trail and indicated that he was surprised at the Department of Transportation’s findings. He suggested that Council should help determine and support that the trail does exist.

Susan Hampton – Rose Bay – Ms. Hampton advised that she and her family are naturalist and spend much time outside. She reported that they have been walking and using the Hell’s Point trail for many years, and it was a well-established trail with historical buildings along the way.

4. APPROVAL OF AGENDA

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

A question was raised regarding In Camera Item 14.1 and how it fell under the “Contract Negotiations” section of the MGA. Mayor Bolivar-Getson explained that there are negotiations between the parties involved.

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

5. APPROVAL OF MINUTES – October 23, 2018

Moved by Councillor Hustvedt, seconded by Councillor Nauss that the Minutes of October 23, 2018 Council meeting be approved as circulated. Carried unanimously.

6. BUSINESS ARISING FROM THE MINUTES (Nil)

7. NOMINATION & ELECTION BY BALLOT – DEPUTY MAYOR

Mayor Bolivar-Getson reviewed MODL’s policy regarding the annual nominating and election of a Deputy Mayor and thanked outgoing Deputy Mayor Martin Bell for his service as Deputy Mayor.

Deputy Mayor Martin Bell thanked Council for the opportunity to serve as Deputy Mayor.

Mayor Bolivar-Getson called for nominations, by ballot, for the position of Deputy Mayor. Those nominated were:

Councillor Cathy Moore
Councillor Michael Ernst
Councillor Lee Nauss
Councillor Eric Hustvedt

Councillors Ernst, Nauss, and Hustvedt declined to have their names put forth. Councillor Cathy Moore was elected Deputy Mayor for 2018/2019.

Moved by Councillor Nauss, seconded by Councillor Hustvedt that the ballots be destroyed. Carried unanimously.

12.1.1 Hell's Point ROW Investigation

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

Ms. Bolivar reviewed her report, "Hell's Point – ROW Investigation" (circulated with the Agenda), and advised that both the Department of Transportation and the Office of the Minister concluded that no evidence was found of a public right of way at Hell's Point.

Discussions followed regarding the following:

- Access to the wharves may possibly be federally owned and a search of federal records should be undertaken
- Request for definition of "Prescriptive Rights"
- Work with community to gather historical information, i.e., maps, declarations, photos, etc.
- Review of the *Public Highways Act* for distinction between transportation right of way and walking trail
- Staff review of surveys and deeds for indication of right of way

Moved by Councillor Whynot, seconded by Councillor Bell that Municipal Council direct staff to do further investigation into the Hell's Point Right-of-Way trail/walking path and report back to Council on the findings. Carried Unanimously

8. AWARDING OF TENDERS/RFPs (Nil)

9. PRESENTATIONS/SCHEDULED TIMES

9.1 Sherbrook Lake Park Final Concept Design

Eva Mooers, Engineer, and Margo Young, President, of EDM Planning Services, were in attendance.

Ms. Mooers gave her presentation, "Sherbrooke Lake Park Final Report" (circulated with the Agenda). She highlighted the following suggestions and comments put forth at the October 2018 Council meeting when the draft concept design was presented and addressed each:

- Woodstock Road Fire Access
- Liability re Buoys
- Navigable waters
- Fire
- Parking
- Safety

- Phasing of Boat Launch

Ms. Mooers also reviewed the “next steps” of the concept design which included:

- Adaptive Management Plan
- Phased Plan
- Digital Data Delivery
- Community Engagement

Discussions followed regarding the following:

- Storage of the floating walkway and the potential cost of having it removed and replaced yearly.
- Concern over blocking off water access with boulders
- Changes under the Adaptive Management Plan
- Parking spaces
- Slope of roads
- Septic System

For clarification, it was noted that the Sherbrooke Lake Advisory Committee has been meeting as a working group to review the concept design, and that the abutting property owners were consulted. It was requested that a timeline of the phases be provided and suggested that associations around the lake begin to formulate their own management plans and communicate with each other. It was noted that there was an association on the lake who has had professional water testing done yearly.

It was noted that the Bluenose Coastal Action Foundation was also doing water monitoring and sampling.

Tissy Bolivar, Eva Mooers, and Margo Young left the meeting.

10. CONSIDERATION OF CORRESPONDENCE (Nil)

11. RECOMMENDATIONS FROM COMMITTEES & BOARDS

11.1 Finance Committee

11.1.1 South Shore Field House Funding Request

Moved by Councillor Hustvedt, seconded by Deputy Mayor Moore that Municipal Council accept the recommendation of the Finance Committee and authorize the payment of \$31,000 from the 2018-19 Budget to the South Shore Field House and that the Municipality enter into discussions with the Town of Bridgewater and HB Studios with the support of an independent review to look at a financial plan going forward for HB Studios including the option of integrating HB Studios into the overall recreation strategy.

A concern was raised regarding the criteria for providing further funding to HB Studios. It was noted that HB Studios is a valuable recreation facility to the community.

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

11.1.2 HR Shared Services Pilot Project

Moved by Deputy Mayor Moore, seconded by Councillor Bell that Municipal Council accept the recommendation of the Municipal Joint Services Board and agree to undertake Human Resource (HR) Shared Services for a twelve (12)month trial period; and further, that an agreement for the provision of shared HR support services be developed whereby the HR support person of the Town of Bridgewater is seconded to the Municipal Joint Services Board for this trial period. Carried unanimously.

11.1.3 Tax Relief – Damaged Property

Moved by Councillor Garland, seconded by Councillor Carver that Municipal Council accept the recommendation of the Finance Committee and approve tax relief in the amount of \$217.91 as per the submitted application for the property located at 532 Back Street 2 Road AA#03476464 as per the Municipality’s Damaged Property Relief Policy. Carried unanimously.

11.1.4 SSREN Asset Distribution

Moved by Councillor Ernst, seconded by Councillor Hustvedt that Municipal Council accept the recommendation of the Finance Committee and authorize the South Shore Regional Enterprise Network assets to be distributed as follows:

- 1. The laptop computers be deployed to the Lunenburg County Lifestyle Centre, or other organizations as staff determine appropriate, at a cost of \$700.00 plus HST; and,**
- 2. The remaining assets be purchased by MODL for \$4,450.00 plus HST.**

Carried unanimously.

11.1.5 New Administration Building – Fire Dispatch Services

Stephen Pace, Director of Engineering & Public Works was in attendance.

Moved by Councillor Carver, seconded by Councillor Nauss that Municipal Council accept the recommendation of the Finance Committee and authorize staff to proceed with the design of the proposed new MODL Administration Building without the inclusion of a dedicated space for local fire dispatch services. Carried unanimously.

Mr. Pace left the meeting.

11.1.6 Designated Community Project Fund – Lunenburg Yacht Club

Moved by Councillor Ernst, seconded by Councillor Whynot that Municipal Council accept the recommendation of the Finance Committee and grant the Lunenburg Yacht Club

\$26,465 as per the criteria outlined in the Designated Community Project Fund Policy MDL-48. Carried unanimously.

11.1.7 Building Inspector Vehicle Replacements

Jeff Merrill, Director of Planning & Development Services; Norma Schieffer, Development Officer; and Douglas Reid, Senior Planner, were in attendance.

Moved by Councillor Nauss, seconded by Councillor Carver that Municipal Council accept the recommendation of the Finance Committee and award the quote 2018-05-500, received under the Provincial Standing Offer for Light Duty Vehicles, to Steele Chrysler Limited for \$66,100.00 plus HST for two 2019 Jeep Cherokee Sport 4X4s. Opposed: Councillor Nauss Motion carried.

11.2 Nominating Committee

11.2.1 Annual Appointments to Boards & Committees

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Municipal Council accept the recommendation of the Nominating Committee and approve the Appointments to Committees, Boards and Commissions for 2018-19 as presented and set the term for a member on the Municipal Joint Services Board for a two-year term, with the option for reappointment to a second term, but may not be reappointed as a member for at least three years following the expiration of the member's second term.

For clarification, it was noted that the approval of the appointments was for Council member appointments only. An explanation was provided as to the terms for members on the Municipal Joint Services Board as per the Agreement.

The Motion on the floor was voted on. Opposed: Councillors Ernst and Knickle. Motion Carried

12. STAFF REPORTS

12.2 Planning Department

12.2.1 Ziegler Homes Ltd. – Municipal Public Roads and Acceptable Security

Moved by Councillor Bell, seconded by Councillor Whynot that Municipal Council accept the deed for Lot 43, Meldrum Avenue and Concordia Drive, a total of 0.170 km – new Municipal Roads, in Conquerall Bank. Carried unanimously.

11.2.2 Development Agreement Application: Blockhouse Plan Area

Mr. Reid reviewed his report, "Development Agreement Application – Blockhouse Plan Area" (circulated with the Agenda) advising that the standard process had been followed in this matter. Mr. Reid noted that an information meeting was scheduled for Tuesday, December 4, 2018 at the Blockhouse Fire Hall.

Moved by Councillor Ernst, seconded by Councillor Nauss that Municipal Council forward the Development Agreement Application, regarding a proposed development located at 204 Cornwall Road, to the Blockhouse Area Advisory Committee, for review and recommendation to the Planning Advisory Committee. Carried unanimously.

Mr. Reid and Ms. Schieffer left the meeting.

12.3 Administration Department

12.3.1 Dry Well Program

Moved by Councillor Whynot, seconded by Councillor Carver that Municipal Council accept the recommendation from staff and end the Water Coupon Program. Carried unanimously.

Staff was requested to check into a possible dry well survey that was being conducted over the summer months.

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

Mr. Merrill left the meeting.

13. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS

13.2 Deputy Mayor's Update

Councillor Bell, while in the position of Deputy Mayor, attended the Nova Scotia Federation of Municipalities (NSFM) conference and laid a wreath at the Upper Northfield Remembrance Day ceremony.

13.3 Mayor's Update

Mayor Bolivar-Getson reported that she attended the YGYI meeting at Conquerall Bank; a Tea for the 1st inductees to the Dawson Society; the provincial opening ceremony of Tier I Soccer Provincials; the Seniors' Health Fair; the Tim Hicks concert; the Remembrance Day Armistice concert; NSFM conference; a fundraiser for Second Storey Women's Centre; the Bridgewater Remembrance Day ceremony; spoke at the Veterans' Unit and Legion Branch 24 banquet; and various craft shows and breakfasts.

Mayor Bolivar-Getson further reported that she attended a meeting with CAOs and Mayors and the Honourable Chuck Porter, Minister of Municipal Affairs, to discuss the issues around water shortages in South West Nova. She advised that the Province is looking at ways of assisting municipalities during times of water shortages, and asked Council to provide any ideas and thoughts on the matter.

13.1 LCLC Update

Trudy Payne, Director of Recreation, was in attendance.

Councillor Hustvedt reported on the following:

- Meeting held on October 25, 2018 at which time Mayor Bolivar-Getson was elected Chair and Mayor David Mitchell was elected Vice-Chair.
- Operating committee will be comprised of six (6) members
- An operating agreement is in the works
- An automatic door opener has been ordered for the upstairs door to the arena area
- Financial report to end of September 2018
- Membership update

Ms. Payne reported on the following items:

- Tim Hicks concert
- Wheelchair accessible doors
- Funding applications for a wheelchair accessible stage
- Seniors' Health Fair – 40 booths
- Lumberjacks game
- Sport Wall of Fame unveiling
- Parade – MODL, TOB & LCLC working together to promote LCLC
- Focused on day to day operations
- LCLC staff welcoming and professional

14. IN CAMERA

At 11:13 a.m. it was moved by Councillor Nauss, seconded by Councillor Whynot that Municipal Council go In Camera to discuss the following items:

- 14.1 Contract Negotiations re Highway 10 under Section 22(2)(e) of the MGA**
- 14.2 Personnel Matter under Section 22(2)(e) of the MGA**

Carried.

Municipal Council In Camera in session.

Councillor Knickle left the meeting at 12:00 p.m.

At 12:25 p.m. it was moved by Councillor Hustvedt, seconded by Councillor Whynot that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

14.2 Personnel Matter under Section 22(2)(e) of the MGA

Moved by Councillor Bell, seconded by Councillor Nauss that the report and evaluation for 2018 be presented to CAO Kevin Malloy by Mayor Bolivar-Getson and Councillor Bell as it was accepted by Council in its entirety and move forward with that action. Carried unanimously.

15. ADJOURNMENT

There being no further business at 12:30 p.m., it was moved by Councillor Bell, seconded by Councillor Carver that the meeting adjourn. Carried.