

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Special Tele/Video Conference Meeting of
MUNICIPAL COUNCIL
Tuesday, May 26, 2020 – 9:00 a.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson
Deputy Mayor Eric Hustvedt, District 1
Councillor Martin Bell, District 2
Councillor Lee Nauss, District 3
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: Tom MacEwan, Chief Administrative Officer
Sherry Conrad, Municipal Clerk
Sarah Kucharski, Communications Officer
Dave Waters, Director of Business Development, Tourism & Infrastructure
Elana Wentzell, Director of Finance
Angela Veinot, Accounting Manager
Jeff Merrill, Director of Planning & Development Services
Byung Jun Kang, Municipal Planner
Norma Schiefer, Development Officer
Mark Strickland, Business Development
Tina Robichaud-Bond, Executive Assistant

1. CALL TO ORDER

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m. and advised that the meeting was being held by tele and video conference.

2. APPROVAL OF AGENDA

Moved by Deputy Mayor Hustvedt, seconded by Councillor Nauss that the Agenda be approved as amended with the addition of Item 6.3.1 East LaHave and Bell Island Internet Towers. Carried unanimously.

3. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITIONS

3.1. Proclamation – Intergenerational Day Canada

Mayor Bolivar-Getson proclaimed June 1st as Intergenerational Day Canada in the Municipality of the District of Lunenburg.

4. STAFF REPORTS

4.1 Planning & Development Department

4.1.1 Second Reading re Amendments to Development Agreement with Boulangerie La Vendéenne

Mr. Kang noted that a Public Hearing was held prior to the Council meeting and referred Council to the presentation he gave at the hearing (copy attached to the Minutes).

Moved by Councillor Ernst, seconded by Councillor Bell that Municipal Council approves the First Amendment to the Development Agreement with Boulangerie La Vendéenne, as presented at the Public Hearing, and hereby adopts the amendments. Carried unanimously.

5. BUSINESS ARISING FROM MINUTES

5.1 Approval re Proposed Amendments to MDL-46 Credit Card Policy

Ms. Wentzell reviewed the report, “Proposed Amendments to Credit Card Policy – MDL-46” (circulated with the Agenda), advising that Council gave notice at the May 12, 2020 Council meeting of its intention to approve the amendments to Policy MDL-46.

Moved by Councillor Moore, seconded by Councillor Nauss that Municipal Council approve the amendments to Sections 3, 5, 6, 9, 10, 11 and Appendix B of MDL-46 Credit Card Policy as presented.

A question arose as to how many municipal credit cards have been distributed and what the total credit limit was on these cards. Ms. Wentzell advised that she would confirm the numbers and total and provide Council with a response.

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

5.2 Approval re Proposed Amendments to Policy MDL-88 Areas Where new Public Roads are Permitted

Mr. Merrill reviewed the report, “Proposed Amendment to Policy MDL-88 Areas Where New Public Roads are Permitted” (circulated with the Agenda), advising that Council gave notice at

the May 12, 2020 Council meeting of its intention to approve the proposed amendment to Policy MDL-88.

Moved by Councillor Garland, seconded by Councillor Moore that Municipal Council approve the amendment to Policy MDL-88 Areas Where New Public Roads are permitted as presented. Carried unanimously.

5.3 Approval re Repeal of Policy MDL-24 A By-law Respecting the Subdivision of land in the Municipality of Lunenburg – Amendments by Policy and Policy MDL-25 Amend Engineering Specifications for Public Highways

Mr. Merrill reviewed the report, “Repeal of Policies MDL-24 A By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg – Amendments by Policy and MDL-25 Policy to Amend Engineering Specifications for Public Highways” (circulated with the Agenda). He reported that these policies were redundant with the approval of the new Subdivision By-law and could be repealed.

Moved by Councillor Garland, seconded by Councillor Nauss that Municipal Council repeal Policy MDL-24 A By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg – Amendments by Policy approved November 12, 2003 and MDL-25 Policy to Amend Engineering Specifications for Public Highways approved on June 1, 2004. Carried unanimously.

6. STAFF REPORTS

6.1 Planning & Development Department

6.1.1 Approval of PACE Contract with Clean Nova Scotia

Mr. Merrill reviewed his report, “Clean Energy Financing Program Renewal” (circulated with the Agenda) and provided details on the energy benefits and financing program statistics. He advised that in order to continue with the Clean Energy Financing Program, the contract with Clean Foundation needed to be renewed.

Moved by Councillor Bell, seconded by Deputy Mayor Hustvedt that Municipal Council enter into a one (1) year contract with Clean Foundation for the continued delivery of the Clean Energy Financing Program to MODL homeowners.

Mr. Merrill indicated that the Clean Foundation could produce a report that showed the cost savings for each household in the program and advised that he would provide the report to Council.

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

6.2 Administration Department

6.2.1 2020 Municipal & CSAP Election re Amended List of Electors and Deposit Fee

Leah Zinck, Returning Officer, was in attendance.

Ms. Conrad reviewed her report, "Amended List of Electors and Deposit Fee for 2020 Municipal & CSAP Election" (circulated with the Agenda). She recommended that the list of electors be completed by August 21, 2020 and that the Candidate Deposit Fee be set at \$200.00.

Moved by Councillor Whynot, seconded by Councillor Nauss that Municipal Council approves Friday, August 21, 2020 as the final date for completion of the amended list of electors and approves \$200.00 as the deposit fee for filing of nomination papers for the 2020 Municipal and CSAP Election. Carried unanimously.

6.2.2 2020 Municipal & CSAP Election re Election Methods and Alternative Voting Dates

Ms. Conrad reviewed her report, "2020 Municipal & CSAP Election – Election Methods and Alternative Voting Dates" (circulated with the Agenda), and provided details on the following:

- Methods of Voting
- Alternative Polling Dates
- Budget Implications

Moved by Councillor Nauss, seconded by Deputy Mayor Hustvedt that Municipal Council authorize the use of alternative voting, being the use of a telephone and a personal computing device (internet) as the only method of voting to be used during alternative polling days, including during the advance polls; and that paper ballot be used as the only method of voting on ordinary polling day; and further, that the dates for alternative voting commence on Thursday, October 8, 2020 at 8:00 a.m. and run continuously through to Wednesday, October 14, 2020 at 7:00 p.m.

A discussion followed regarding the concerns of not offering paper ballots on alternative polling days. It was noted that funds were not allocated for the set up of advanced polling stations and that due to the Covid-19 pandemic, there would likely be an increase of the number of people opting to vote electronically rather than in person.

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

6.2.3 Proposed Repeal and Replacement of Electronic Voting By-law

Ms. Conrad reviewed her report, “Repeal of Electronic Voting By-law and Replacing it with a By-law Respecting Alternative Voting” (circulated with the Agenda). She reported that the 2016 Electronic Voting By-law specified dates of the advance vote of that year, and that the By-law needed to be amended or replaced. She recommended that the By-law be repealed and replaced with a by-law that would allow Council to set the alternative voting dates by resolution and would contain more detail on the procedure for alternative voting.

Moved by Councillor Veinot, seconded by Councillor Carver that Municipal Council give Notice of its Intention to Repeal the existing Electronic Voting By-law that was adopted by Council on May 24, 2016 and replace it with A By-law Respecting Alternative Voting and conducts First Reading of same; and further, that it gives notice of Second Reading to consider the repeal of the “Electronic Voting By-law” and approval and adoption of A By-law Respecting Alternative Voting. Carried unanimously.

6.3 Economic Development

6.3.1 East LaHave and Bell Island Internet Towers

Mr. Waters reviewed his report, “East LaHave and Bell Island Internet Towers” (attached to Minutes) noting that TNC Wireless had received approval from the Federal Government to relocate two of its internet towers to locations in East LaHave and Bell Island that would provide those area residents with better internet service.

Moved by Councillor Whynot, seconded by Deputy Mayor Hustvedt that Municipal Council agrees to reallocate funds from two towers scheduled for North of Highway 103 to new tower locations in East LaHave and Bell Island.

A discussion followed regarding the areas that would benefit from relocating the towers and the continued challenges faced by other areas.

It was requested that a map be created showing the areas of East LaHave and Bell Island that would be serviced by relocating the towers. Mr. Waters explained that residents could contact him with their civic address to determine if they could be connected.

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

Ms. Zinck left the meeting.

Mr. Merrill, Mr. Kang and Ms. Schiefer left meeting.

7. IN CAMERA

At 10:12 a.m., it was moved by Councillor Whynot, seconded by Councillor Moore that Municipal Council go In Camera to discuss the following items:

- 7.1 Contract Negotiations re Eastlink Fibre Expansion – Cherry Hill under Section 22(2)(e) of the MGA**
- 7.2 Land Negotiations re Uses or Purchase of Municipal Property at Harold Whynot Road, Pinegrove under Section 22(2)(a) of the MGA**

Carried.

Municipal Council In Camera in session.

At 10:59 a.m., it was moved by Councillor Nauss, seconded by Councillor Carver that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

- 7.1 Contract Negotiations re Eastlink Fibre Expansion – Cherry Hill**

Moved by Deputy Mayor Hustvedt, seconded by Councillor Bell that Municipal Council agrees to cost share up to \$1,750 for the Cherry Hill Fibre Expansion project to provide reliable internet for Tele-medicine purposes. Carried unanimously.

- 7.2 Land Negotiations re Uses or Purchase of Municipal Property at Harold Whynot Road, Pinegrove**

Moved by Councillor Garland, seconded by Councillor Nauss that Municipal Council reject the Purchase and Sale Proposal received from the applicant dated May 4, 2020 for the land located on Harold Whynot Road – PID 60487824. Carried unanimously.

8. ADJOURNMENT

There being no further business at 11:02 a.m., it was moved by Councillor Whynot, seconded by Councillor Moore that the meeting adjourn. Carried.



District of Lunenburg Public Hearing

**PL200006 – Boulangerie La Vendeenne
500 Highway 325, Blockhouse, NS**

Development Agreement Amendment



May 26, 2020

Overview

Name

Boulangerie La Vendéenne

Civic Address

500 Highway 325, Blockhouse, NS

Applicant

Mr. David Unterweger

Plan Area and Zoning

Blockhouse Plan Area (Rural Zone)

Operation Commencement

December 7, 2017

Reasoning for Application

Accommodation of growth in retail demands



A retail space of the Boulangerie La Vendéenne.

Existing Conditions

Conditions listed in the existing Development Agreement

- 1. Permitted uses:** Bakery and Related-Retail Uses
Current uses: Bakery, fruit and vegetable preservation, coffee brewing, eating place (paused), specialty food store, and gift store.
- 2. Maximum structure:** 570m² (6,135 ft²)
Current structure: 458m² (4,935 ft²)
Pending structure: 514m² (5,535 ft²)
- 3. Maximum retail space:** 55m² (592 ft²)
Current retail area: 41.8m² (450 ft²)



Shelves in the storefront area, displaying a variety of goods.

Update: a 600-sq. ft walk-in freezer behind the main building is proposed. Scheduled June 2020. (Development Permit application review started on May 21, 2020).

Loading Space Expansion 945 sq. ft



Highway Setback

Blockhouse Fire Hall

Storefront Expansion 2250 sq. ft

Possible Expansion



Proposed Revisions

First Amendment to the Original Development Agreement

- 1. Existing Uses:** Bakery and Related-Retail Uses
Proposed Uses:
 1. Food manufacturing facilities,
 2. Limited-service eating places, and
 3. Other speciality food stores.
- 2. Existing structure limit:** 570m² (6,135 ft²)
Proposed structure limit : 800m² (8,611 ft²)
- 3. Existing retail space limit:** 55m² (592 ft²)
Proposed retail space limit : No limit, subject to (2)
- 4. Existing minimum parking:** 9 spaces
Proposed minimum parking: 20 spaces upon expansion



A countertop of the Boulangerie La Vendee, displaying baked goods.



Discussion

Correspondence



“If the setback is observed, no objection to the expansion. Compensation for the lost parking spaces needed. Should have room for vehicles to turn around.”



“No issues were identified in terms of septic systems and environmental concerns.”



“We support small businesses. Only hesitation is the lack of visibility due to existing sign, and lack of parking spaces for customers.”

Considerations

1. Commercial activities are encouraged in Blockhouse (Policy 3.4.2).
2. Proposed uses are permitted in the Rural Zone.
3. Development Agreement is required only because the structural size is over 375 sq. metres. (4,120 sq. ft.)
4. “A Development Agreement will give Council and the community greater flexibility and input into how larger scale developments fit into the planning area” (Blockhouse SPS, p. 10).

Blockhouse AAC Recommendation

That the Blockhouse Area Advisory Committee recommend the Planning Advisory Committee to **move forward with recommending the amendment** to the existing Development Agreement with Boulangerie La Vendéenne, to the Municipal Council, subject to any conditions required by Nova Scotia Transportation and Infrastructure Renewal, Nova Scotia Environment, and the Blockhouse Fire Department to satisfy the relevant policies. Carried unanimously. (March 9, 2020)



Public Comments

1. “Just approve their application. Anyone that wants to expand a small business in the province and possibly create jobs and make the province more attractive, power to them. It’s a bakery asking for permission to expand to offer a better experience, and doesn’t appear to be an environmental issue. Power to them. Their products are very good too...check them out.”
(Lars Levante, personal communications, April 21, 2020).
2. “This is an awesome submission! I hope it passes!”
(Steve Ellis, personal communications, April 21, 2020).
3. “I hope it passes too. Excellent products and service.”
(Heather Rafuse, personal communications, April 22, 2020).



Planning Advisory Committee Recommendation

That Planning Advisory Committee recommend Municipal Council to approve the amendment to the existing Development Agreement with Boulangerie La Vendéenne. (April 23, 2020)



Council Notice of Intention

that Municipal Council accept the recommendation of the Planning Advisory Committee and give notice of its intention **to approve the First Amendment** to the Development Agreement with Boulangerie La Vendéenne and conduct First Reading of the same;

and further, that Council gives notice of its intention to approve the proposed amendment and **hold a Public Hearing on Tuesday, May 26, 2020** at 8:30 a.m.

(April 28, 2020)



Public Input

- 21 days to submit any comments about this proposed development.
- 1 written submission received with 6 pictures and a follow-up. (May 8, 2020)
- Responses to the submission from the applicant and the Dept. of Transportation and Infrastructure Renewal are included.





Thank You

Byung Jun Kang
byungjun.kang@modl.ca
(902) 530-3480

Municipality of District of Lunenburg
210 Aberdeen Road
Bridgewater, NS
B4V 4G8



Public Comment

“Good day,

I reside across the road from Boulangerie La Vendeenne at 499 Hwy 325, and have one concern with the business expansion as proposed. The expansion is obviously intended to attract more business, which also means more traffic in and out of the property. My driveway is nearly opposite theirs. Both driveways are located on a turn where at least 4 accidents have taken place in the past year. When I depart my driveway I have to pretty much guess that no traffic is coming from Mahone Bay and shot out onto the highway. I also have to watch for traffic coming out of Boulangerie La Vendeenne.

I have approached the province to place blind driveway signage up, but this has not happened. Additional business traffic without either the municipality or province making the highway safer, will eventually result in an accident or fatality.”

(Kevin Crouse, 499 Highway 325, Blockhouse, e-mail correspondence, May 8, 2020).



Public Comment

“As a follow up to my previous email below, please see photos below taken [on Saturday] May 16 in the morning. Remember, this is on a turn where accidents happen.”

(Kevin Crouse, 499 Highway 325, Blockhouse, e-mail correspondence, May 16, 2020).

The pictures are shown in the next 3 slides. Photo credit: Kevin Crouse, 2020.









Public Comment

Good morning,

I have no objections [to the submitted photos from being displayed in public]. Please note that I am not opposed to the bakery expansion. My only concern [is] to public safety.

Best regards,

(Kevin Crouse, 499 Highway 325, Blockhouse, e-mail correspondence, May 21, 2020).



Responses

E-mail Correspondence



“The section of Route 325 of concern is posted 50 km/h which is the lowest speed limit posted by TIR (except school zones located within 50 km/h zones when children are present).

If there are concerns with speeding traffic, the RCMP are the enforcing body.

I am not aware of past requests for additional signage (hidden driveway) in this area however we will check for qualification. We measure existing stopping sight distance and this measurement, combined with posted speed limit and road grade determine if signage is warranted. We will also check to see if other improvements can be made to improve the sight distance at this location.

I will forward our assessment when complete.”

(May 11, 2020)

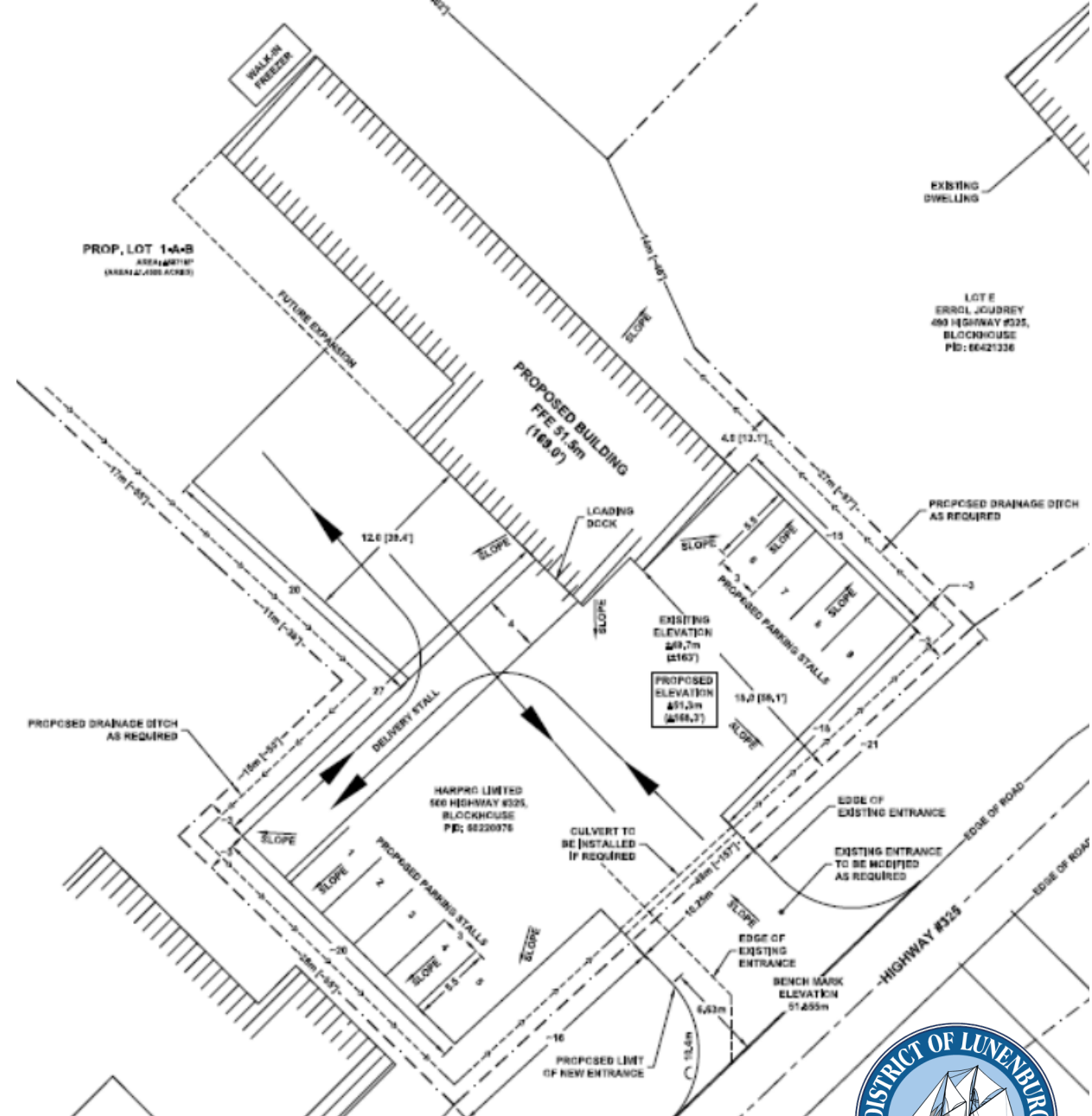
Responses

Site Visit & Verbal Correspondence

“We recognize that delivery trucks shouldn’t have to touch other neighbouring properties to access our property, as there is an ample amount of spaces to navigate. It may have been a new driver.

We will remind all the truck operators of the rules to access our property, as stated in our site plan.”

(May 21, 2020)





Recommendation

that Municipal Council approve the First Amendment to the Development Agreement with Boulangerie La Vendéenne, as presented at the Public Hearing.





MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Request for Decision

To Municipal Council

Prepared By Dave Waters, Director of Business Development, Tourism and Infrastructure

Meeting Date **May 26, 2020**

Subject East LaHave and Bell Island Internet Towers

Recommendation

That Municipal Council agrees to reallocate funds from two towers scheduled for North of Highway 103 to new tower locations in East LaHave and Bell Island

Discussion

On March 19th, 2019 council made motion to support a Service Level Agreement that would see TNC Wireless install 9 towers over 2 years North of Highway 103 under the approved Federal Connect to Innovate funding application. Work has been underway since with initial tower installations, connections, and mapping.

To date, towers in the communities of: Newcombville (LMR), Chelsea (CHE), and Nineveh (NV) have been installed and towers in the communities of North River (NR), Union Square (US), Parkdale (PD) and Butler Lake (BL) are being constructed and could be operational in the next couple months.

Two of the 9 towers were deemed to be redundant due to tower siting of some of the other towers. Based on feedback and input from residents and staff, TNC Wireless made a request from the Federal government to relocate the two

redundant towers north of Hwy 103 and move them to East LaHave and Bell Island. The two new tower locations will provide for far greater resident uptake.

Staff is asking council to approve the new tower relocation plan and as such provide the already committed funds to the two new tower locations. The amount of the towers is as per the agreed upon Service Level Agreement with TNC Wireless as discussed In Camera on March 19th, 2019.