

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**  
**Minutes of a Special Tele/Video Conference Meeting of**  
**MUNICIPAL COUNCIL**  
**Tuesday, July 28, 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  
Alex Dumaresq, Deputy CAO  
Tissy Bolivar, Acting Director of Recreation  
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  
Darren Shupe, Senior Planner  
Byung Jun Kang, Planner  
Leah Zinck, Returning Officer  
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 Councillor Nauss, seconded by Councillor Whynot that the Agenda be approved with the addition of Item 7.2.5 Election 2020 re Alternative Voting. Carried unanimously.**

**3. APPROVAL OF MINUTES of Council – March 10,2020; Special Council March 24, 31, 2020, April 14 & 28, 2020, and May 12, 2020; Public Hearing April 14, 2020; and Special Council re Budget of May 12, 2020**

**Moved by Deputy Mayor Hustvedt, seconded by Councillor Nauss that the Regular Council Minutes of March 10, 2020, and the Special Council Minutes of March 24 and 31, 2020 be approved as circulated. Carried unanimously.**

**Moved by Deputy Mayor Hustvedt, seconded by Councillor Bell that the Special Council Minutes of April 14 and 28, 2020 be approved as circulated. Carried unanimously.**

**Moved by Deputy Mayor Hustvedt, seconded by Councillor Carver that the Public Hearing Minutes of April 14, 2020 be approved as circulated. Carried unanimously.**

**Moved by Deputy Mayor Hustvedt, seconded by Councillor Moore that the Special Council Minutes of May 12, 2020 and the Special Council Budget meeting Minutes of May 12, 2020 be approved as circulated. Carried unanimously.**

#### **4. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITIONS**

Deputy Mayor Hustvedt recognized the library system which had the Bookmobile service and drop off during the COVID-19 crisis. He further announced that the newly re-built Petite Riviere store had opened and thanked the owners and the community for persevering.

Councillor Ernst announced that the Martin's River Fire Department would be celebrating their 50<sup>th</sup> anniversary with an open house on August 15<sup>th</sup> and recognized Calvin Hiltz for receiving the 50 Year Service Award. He further recognized Lindy Hyson with the Indian Point Fire Department who also recently received a 50 Year Service Award.

Mayor Bolivar-Getson extended her appreciation and thank you to all involved in bringing the recent manhunt to a successful conclusion, including RCMP and Bridgewater Police members, neighbouring police departments, and members of the Department of National Defence. She also wished a full recovery and return to active duty to Sergeant Matt Bennett and Canine Fergus.

#### **5. STAFF REPORTS**

##### **5.1 Planning & Development Department**

##### **5.1.1 Second Reading re Proposed AAC Policy Amendment By-law**

Mr. Kang reviewed his report, "Second Reading of the AAC Policy Amendment By-law" (circulated with the Agenda) and highlighted the following:

- Proposed amendments are of a housekeeping nature to remove redundancy regarding the use of term "Area Advisory Committee"
- Roles of the AAC and existing Land Use By-law will remain the same

- Area Advisory Committees will continue to function until Council makes a motion to absolve
- Summary Report and table of policy changes

It was clarified that the proposed amendment would not eliminate the Area Advisory Committees (AAC) and that any future matters would continue to be brought forward to the AACs until such time that Council moved to absolve them.

**Moved by Councillor Ernst, seconded by Councillor Knickle that Municipal Council postpone the Second Reading of a By-law Amending the Secondary Planning Strategies until further consultation with the Area Advisory Committees and until the composition of the Planning Advisory Committee has been decided. Those Opposed: Deputy Mayor Hustvedt, Councillors Bell, Veinot, Moore, Carver, Garland, and Mayor Bolivar-Getson. Motion is defeated.**

**Moved by Councillor Whynot, seconded by Deputy Mayor Hustvedt that Municipal Council conducts Second Reading of a By-law Amending the Secondary Planning Strategies in the Plan Areas of Princes Inlet, Hebbville, Riverport, and Blockhouse Regarding Area Planning Advisory Committees, as presented at the Public Hearing, and hereby adopts the amendments.**

It was clarified that wording change in MDL-66 (the use of the words “must” and “may” versus the use of the word “shall”) was changed to follow the Department of Justice guidelines on drafting legal documents.

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

## **6. RECOMMENDATIONS FROM COMMITTEES**

### **6.1 REMO Committee**

#### **6.1.1 Approval of Guide of Emergency Management for Elected Officials**

**Moved by Councillor Bell, seconded by Councillor Whynot that Municipal Council accept the recommendation of the REMO Committee and approve the “Guide to Emergency Management for Elected Officials” dated December 2019.**

It was clarified that Councillors were to contact the Comfort Centre directly to advise of the needs of residents. In the event that the Comfort Centre was not available, the CAO would be the next point of contact.

It was suggested that a “Definitions” section be incorporated in the Guide to define the terminology and acronyms used.

Ms. Henhoeffer explained that Councillors would be provided training after the municipal election.

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

## **6.2 CAO Evaluation Committee**

### **6.2.1 CAO Evaluation**

**Moved by Deputy Mayor Hustvedt, seconded by Councillor Bell that Municipal Council accept the Report of the CAO Evaluation Committee and confirm the CAO's salary effective October 1, 2020, to be the second option recommended and discussed In Camera. Carried unanimously.**

## **7. STAFF REPORTS**

### **7.1. Planning & Development Department**

#### **7.1.1 Adoption of the Interpretation By-law – First Reading**

Mr. Kang gave a presentation on the Adoption of the Interpretation By-law (attached to Minutes) and provided details on the following:

- Purpose of Interpretation By-law
- Proposed Number & Citation Rules
- Ways of referencing enactments
- Interpretation Rules

**Moved by Councillor Ernst, seconded by Councillor Carver that Municipal Council give notice of its intention to adopt the Interpretation By-law, as presented in Appendix A of staff's report, and conduct First Reading of the same; and further, that Municipal Council give notice of Second Reading on September 8, 2020. Carried unanimously.**

## **7.2 Administration Department**

### **7.2.1 Proposed Amendments to Article 18 of the Personnel MDL-51 Policy**

Mayor Bolivar-Getson declared a Conflict of Interest as she has family members on staff and asked that Deputy Mayor Hustvedt take the Chair.

Mr. MacEwan reviewed the report, "Proposed Amendment to Article 18 of Personnel Policy MDL-51" and explained that the proposed amendments to the Policy were required to reflect the requirements of the Public Service Superannuation Plan (PSSP).

**Moved by Councillor Moore, seconded by Councillor Nauss that Municipal Council approve the proposed amendment to Article 18 “Retirement and Pension Plan” of the Personnel Policy MDL-51 as presented. Carried unanimously.**

It was requested that a report on the Plan be provided to Council on a regular basis. It was suggested that it be brought to a Finance Committee meeting in September.

### **7.2.2 Comfort Centre Generator Grants**

Ms. Kucharski reviewed her report, “Comfort Centre Generator Grant” (circulated with the Agenda). She explained that the Martin’s River Fire Department had deferred their project and the funds previously awarded to them were no longer required. With the deferral, Council had the capacity to award the grant to another department.

**Moved by Councillor Nauss, seconded by Councillor Whynot that Municipal Council award the 2020/21 Comfort Centre Generator Grant to Hebbville Fire Department for their refurbishment project in the amount of \$7,000 and defer the Martin’s River grant approval of \$7,000 to 2021/22. Carried unanimously.**

### **7.2.3 Emergency Assistance Fund for Community Facilities**

Mayor Bolivar-Getson and Councillor Knickle both declared a Conflict of Interest on Item 7.2.3 Emergency Assistance Fund for Community Facilities, and removed themselves from the discussions.

Ms. Kucharski reviewed her report, “Emergency Assistance Fund for Community Facilities” (circulated with Agenda). She advised that the recommended grant awards totalled \$83,658, including the late applications, and that two applications, South Shore Exhibition and HB Studios, would be referred to the Finance Committee.

Deputy Mayor Hustvedt advised that he did not have the updated report with the correct motions and requested that Councillor Bell take the Chair.

**Moved by Councillor Moore, seconded by Councillor Garland that Councillor Bell be appointed Chair. Carried unanimously.**

Councillor Bell reviewed the motions on the updated report, and it was decided that the motions should be read as separate motions.

Deputy Mayor Hustvedt took the Chair.

**Moved by Councillor Carver, seconded by Councillor Moore that Municipal Council award the Emergency Assistance Fund for Community Facilities to the organizations listed in the Eligible Organizations table, for a total amount of \$77,658. Carried unanimously.**

**Moved by Councillor Garland, seconded by Councillor Bell that the requests from the South Shore Exhibition and HB Studio Sport Centre be referred to the Finance Committee for further discussion.**

It was clarified that applications from the towns could be considered at a Finance Committee meeting.

**The Motion on the floor was voted on and carried. Those Opposed: Councillors Ernst, Bell, and Nauss.**

**Moved by Councillor Veinot, seconded by Councillor Carver that Municipal Council award the Emergency Assistance Fund for Community Facilities to the organizations listed in the Late Applications table, for a total amount of \$6,000. Those opposed: Councillors Bell, Garland, Ernst. Carried.**

**Moved by Councillor Whynot, seconded by Councillor Moore that Municipal Council transfer \$32,500 from the Emergency Assistance Fund to the Fire Departments Municipal Grant Fund, and further that Municipal Council award Emergency Assistance to MODL fire departments in the amounts listed in the table, for a total amount of \$32,500.**

Mr. MacEwan reported that during budget deliberations, Council indicated that the Municipality would provide some level of emergency assistance to the fire departments. After further discussions, it was recommended that some of the remaining funds from the Emergency Assistance Fund budget be used to provide assistance to fire departments which would be an increase of 50% of the already available Municipal Grant Fund.

It was clarified that the process used to calculate the awarded amounts was a formula that had been put in place, approved by, and used by the Fire Services.

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

Mayor Bolivar-Getson and Councillor Knickle returned to the discussion.

Mayor Bolivar-Getson took the Chair.

#### **7.2.4 DOTIR 3-year Cost Share Agreement re Subdivision Streets**

Mr. MacEwan reported that the current Service Level Agreement with the Department of Transportation and Renewal for the cost-sharing of J Class Roads program would expire March 31, 2021 and that a new Agreement was required to be signed by August 15, 2020.

**Moved by Councillor Garland, seconded by Councillor Nauss that Municipal Council authorize the Mayor and the Chief Administrative Officer to sign Cost Share Agreement No. 2020-015. Carried unanimously.**

### **7.2.5 Election re Alternative Voting 2020**

Ms. Zinck reviewed the report, "COVID-19 Safety Issues re Use of Paper Ballots for Election Day" (circulated as an Added Item).

**Moved by Councillor Moore, seconded by Councillor Whynot that due to the extraordinary public health threat of COVID-19, Municipal Council rescind its motion of May 26, 2020 to authorize the use of alternative voting for the Alternative Polling days from October 8 to October 14 and that paper ballot be used for ordinary polling day.**

**And further**

**That Municipal Council authorize the use of telephone and personal computing device (internet), only for the 2020 Municipal and CSAP Election with voting commencing on Thursday, October 8, 2020 at 8:00 a.m. through to Saturday, October 17, 2020 at 7:00 p.m. with a voting kiosk set up at the Municipal Office during election office hours for that period. Carried unanimously.**

### **9. IN CAMERA**

**At 11:06 a.m., it was moved by Councillor Nauss, seconded by Councillor Carver that Municipal Council go In Camera to discuss Item 8.1 Contract Negotiations re Internet Tower under Section 22(2)(e) of the MGA. Carried**

Municipal Council In Camera in session.

**At 11:19 a.m., it was moved by Councillor Whynot, seconded by Councillor Nauss that Municipal Council come out of In Camera and return to open session. Carried.**

Municipal Council in session.

### **7. ADJOURNMENT**

**There being no further business at 11:20 a.m., it was moved by Councillor Whynot, seconded by Councillor Nauss that the meeting adjourn. Carried.**

# Adoption of the Interpretation By-law

Byung Jun Kang, Planner  
July 28, 2020



# Purpose of the Interpretation By-law

1. Assigns numbers to by-laws and resolutions
2. Defines commonly-used terms in by-laws and policies
3. Clarifies rules of interpreting by-laws and policies

## Reasoning:

- Shortens the length of text in staff reports
- Reduces the ambiguity of referenced enactments



# Proposed Numbering & Citation Rules

	<b>Existing</b>	<b>Proposed</b>
• By-law:	Full title	MODL By-law 001
• Policy:	Policy MDL-01	MODL Policy 001

Note: referencing a full title or short title is still a valid way of citation.



# Three Ways of Referencing Enactments

	<b>Title</b>	<b>Short Title</b>	<b>Number</b>
By-law	A By-law Respecting the Maintenance and Improvement of Private Roads	Private Roads By-law	MODL By-law 040
Policy	Policy respecting Public Participation Program and Public Engagement on Planning Matters	Public Engagement Policy	MODL Policy 066



# Other Interpretation Rules

1. Reference to an enactment is deemed a reference to the enactment as amended.

**“A By-law Respecting the Maintenance and Improvement of Private Streets, approved by Council on April 12, 2005 and amended on February 14, 2006, October 9, 2007 and February 17, 2009”**

→ **Private Roads By-law (2005)**

2. Words in the singular include the plural, and words in the plural include the singular.

3. Where a word is defined, the definition applies to other parts of speech and tenses of that word.

4. Where the time limited for the doing of any act expires or falls upon a Saturday or a holiday, the time so limited extends to and the act may be done on the first following day that is not a Saturday or a holiday.

5. Where an enactment is repealed, the repeal does not revive any enactment or provision of law that was repealed by the enactment.

