

Municipality of the District of Lunenburg
Minutes of a Meeting of Municipal Council
Held via Audio and Video Conference
Tuesday, September 22, 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
Sherry Conrad, Municipal Clerk
Elana Wentzell, Director of Finance
Jeff Merrill, Director of Planning & Development Services
Stephen Pace, Director of Engineering & Public Works
Bill Schurman, Director of Recreation
Jamie Burgess, Municipal Engineer
Norma Schiefer, Development Officer
Sarah Kucharski, Communications Officer
Tissy Bolivar, Program Coordinator
Byung June Kang, Planners
Tina Robichaud-Bond, Executive Assistant

1. CALL TO ORDER

Deputy Mayor Hustvedt called the meeting to order at 9:00 a.m.

2. ANNOUNCEMENTS/ACKNOWLEDGEMENTS/RECOGNITION

Mayor Bolivar-Getson acknowledged the passing of Reverend Dr. Laurence Mawhinney, former Mayor of the Town of Lunenburg, and requested a moment of silence in his memory.

Mayor Bolivar-Getson recognized and congratulated Cadet Chief Warrant Officer Sara Greenough, one of Canada's outstanding army cadets and recipient of the 2020 General Walsh Commemorative Sword award.

Councillor Whynot acknowledged the work of the Kingsburg Coastal Conservancy and congratulated the group on their 25th anniversary.

Deputy Mayor Hustvedt recognized the South Shore Library and advised that the annual Literary Festival will be held in Lunenburg this fall. He noted that on Thursday, September 24th, local artists would have an opportunity to pitch their ideas to editors.

3. PUBLIC INPUT - Nil

4. APPROVAL OF AGENDA

Mr. MacEwan requested to have the following In Camera item added to the Agenda:

Item 14.1 Land Negotiations re Oakland Properties under section 22(2)(a) of the MGA

Moved by Councillor Nauss, seconded by Councillor Ernst that Item 14.1 Land Negotiations re Oakland Properties under Section 22(2)(a) of the MGA be added to the Agenda and that the Agenda be approved as amended. Carried unanimously.

Councillor Ernst advised that he would be declaring a conflict of interest on this matter.

5. APPROVAL OF MINUTES – Special Council - July 28, 2020 and September 10, 2020; and Regular Council - September 8, 2020

Moved by Mayor Bolivar-Getson, seconded by Councillor Nauss that the Minutes of the Special Council meetings of July 28, 2020 and September 10, 2020 and the Minutes of the regular Council meeting of September 8, 2020 be approved as circulated. Carried unanimously.

6. BUSINESS ARISING FROM MINUTES

6.1 Postponed Motion re Open Fish Farms in District 8

Mr. MacEwan reported that two separate motions were made at the February 11, 2020 Council meeting re open pen fish farms. The first was that Council move to not support the development of open pen fishing in District 8 and in District 10, and the second that the motion be postponed to allow staff time to contact Cermaq for more pertinent information on the possible sites of the open fish farms.

Mr. MacEwan suggested that since Cermaq had decided to not pursue their application for licensing in Nova Scotia, staff were no longer gathering the requested information. Therefore, the motions were no longer required. He advised that a new motion was necessary to withdraw the initial motion and acknowledge the postponement of the second motion.

A discussion followed regarding the wording of the initial motion and the fact that the motion did not specifically refer to Cermaq.

2020-020 Moved by Councillor Moore, seconded by Councillor Garland that Council withdraw the motion made by Municipal Council regarding the Open Fish Farms in Districts 8 and 10, as presented at the February 11, 2020 Council meeting.

It was clarified that the Minutes of the February 11, 2020 meeting clearly suggested that the motion was related to the Cermaq application, and although the motion did not specify Cermaq, all the discussion and context was around the Cermaq application, and the second motion referred specifically to Cermaq. The motion, in its current form, is related to an application that is no longer valid.

Mr. MacEwan advised that if the reader of the Minutes was left to understand that the original motion was to apply to potential future applications, the motion would be considered out of order. Council cannot, by motion, bind future councils in the decision-making process, this would be done by by-law or policy. Any future applications would be considered and a decision would be made at that time.

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

- 7. AWARDING OF TENDERS/RFPs - Nil**
- 8. PRESENTATIONS/SCHEDULED TIMES - Nil**
- 9. CONSIDERATION OF CORRESPONDENCE - Nil**
- 10. RECOMMENDATIONS FROM COMMITTEES & BOARDS**
 - 10.1 Policy & Strategy Committee**

10.1.1 Proposed Amendments to MDL-49 Property Tax Rebate

Ms. Conrad reviewed the report, "Proposed Amendments to Policy MDL-49 Property Tax Rebate Policy" (circulated with the Agenda) which proposed an addition to Section 7.1 of the Policy to accept late applications to the Property Tax Rebate program.

2020-013 Moved by Councillor Knickle, seconded by Councillor Bell that Municipal Council accept the recommendation of the Policy and Strategy Committee and approve the proposed amendment to Policy MDL-49 Property Tax Rebate as follows:

Section 7.1 of Policy MDL-49 be added as follows: Late applications will be considered only after the regular review of those applicants that submitted an application on time. Late applications will be subject to annual budget constraints as set out in Section 6.2.

It was clarified that applications would be accepted until the funds under the Program were depleted.

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

10.1.2 Proposed RFP re Transportation Services

The Policy & Strategy Committee, in session on September 15, 2020, recommended that Municipal Council move to issue a Request for Proposal for a transportation service to Exit 12.

It was suggested that the motion be amended to issue an “Expression of Interest” and to reverse the wording of Osprey Village area and TOB area.

2020-014 Moved by Councillor Garland, seconded by Mayor Bolivar-Getson that Municipal Council accept the recommendation of the Policy and Strategy Committee with the changes and that the following motion be put on the next Policy & Strategy Committee agenda:

That the Municipality of the District of Lunenburg issue a call for Expressions of Interest, open to any non-profit organization, business or municipality to work with MODL to provide a transportation service between the Osprey Village area and the Town of Bridgewater at Exit 12.

It was clarified that the intent of the motion was to provide an opportunity to bring forth ideas on how to go forward with a transportation service link. A question was posed as to whether businesses in Osprey Village had been approached to provide such a service.

The motion on the floor was voted on and carried. Opposed: Councillor Ernst

11. STAFF REPORTS

11.1 Administration Department

11.1.1 J Class Roads re Cost Approval

Mr. MacEwan reviewed his report, “J Class Roads” (circulated with the Agenda) and reported that, as per the Cost Share Agreement, the Department of Transportation, Infrastructure & Renewal (TIR) advised of a cost increase of more than 10% of their estimate to a number of J Class Roads, as listed in the report.

Mr. MacEwan advised that the increase was due to tender amounts coming in higher than the estimated amount as well as an error in estimating the length of one of the J Class Roads. He further advised that the Municipality's share of the additional funds of \$98,000 were available from the AT Paved Shoulders account, funded by Gas Tax monies.

It was noted that "share the road" signage in the Garden Lots area was not installed after the shoulders were created. Staff were instructed to look into the status of these signs and the funds that were provided for them.

2020-015 Moved by Councillor Moore, seconded by Councillor Nauss that Municipal Council approve the increase in the cost sharing amount for the J Class roads as presented by the Department of Transportation and Infrastructure Renewal (TIR) in the amount of \$98,000 with the source of the funds being the AT Account (01-2323012-950) and Council direct the Mayor to execute the Notice of Approval in the form provided by TIR. Opposed: Councillor Ernst Motion Carried.

11.2 Recreation Department

11.2.1 Sponsorship Ad Request – Annual Veterans Service Recognition Book

Ms. Bolivar reviewed her report, "Sponsorship Ad Grant: Nova Scotia/Nunavut Command of the Royal Canadian Legion's 17th Annual Veterans Service Recognitions Book" (circulated with the Agenda) and advised that the grant was to develop their annual Veterans Service Recognition Book which recognizes and honours Nova Scotia and Nunavut veterans.

2020-016 Moved by Councillor Nauss, seconded by Councillor Whynot that Municipal Council approve the sponsorship ad request of Nova Scotia/Nunavut Command of the Royal Canadian Legion for \$260 for their 17th Annual Veterans Service Recognition Book being released for Remembrance Day 2020.

It was noted that staff had been asked in the past to get a breakdown of the money that went to the Command, and in 2013, staff was advised that 25% of the funds raised were realized by the Nova Scotia/Nunavut Command and that although the marketing firm received a large percentage of the funds raised, it strongly promoted the sale of the booklet.

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

11.3 Finance Department

11.3.1 Approval of Consolidated Financial Statements for year end March 31, 2020

Ms. Wentzell advised that the Audit Committee reviewed the Municipality's financial statements on Sep 15, 2020 and that a motion of Council was required to approve them. She

assured Council that no new information came forward and that the statements had not changed since the Audit Committee meeting.

2020-017 Moved by Councillor Ernst, seconded by Councillor Nauss that Municipal Council approve the Municipality of the District of Lunenburg's Consolidated Financial Statements for the period ending March 31, 2020. Carried unanimously.

11.4 Planning Department

11.4.1 Private Road Association Application

Ms. Schieffer reviewed her report, "Request for the establishment of the "Rocky Lake Charge Area" (circulated with the Agenda). She advised that the By-law Respecting the Maintenance and Improvement of Private Roads had been amended to allow an individual, rather than an association, to submit a request to Council to establish a private road charge area, and that an individual had come forward and submitted an application.

It was clarified that the application would impose an area charge on residents that were not in the area to form an association and that Council could impose the rate without the vote of the majority of the homeowners.

2020-018 Moved by Councillor Bell, seconded by Councillor Nauss that Municipal Council forward the request for the establishment of the "Rocky Lake Charge Area" to staff for review, report, and recommendation back to Council. Carried unanimously.

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

12.1 Update – Deputy Mayor

Deputy Mayor Hustvedt reported that he attended various agenda briefing meetings and that he is scheduled to attend the upcoming Mayors/Wardens/Deputies/CAOs meeting and the Citizens for Public Transit meeting.

12.2 Update – Mayor

Mayor Bolivar-Getson advised that she attended meetings with the Department of Transportation, Infrastructure & Renewal, Develop NS, Nova Scotia Federation of Municipalities, Police Advisory Board, Municipal Joint Services Board, Lunenburg County Lifestyle Centre, the Lunenburg County Christmas Tree Association, Regional Emergency Measures Organization, and agenda and staff briefings. She also attended the virtual service of the 2020 Fisherman's Memorial Service; was involved with the Tim Horton's Smile Campaign; took part in the electric vehicle test drives; and will be attending the upcoming Mayors/Wardens/Deputies/CAOs meeting.

13. ADDED ITEMS - Nil

14. IN CAMERA

At 10:22 a.m., it was moved by Councillor Ernst, seconded by Councillor Whynot that Municipal Council go In Camera to discuss Item 14.1 Land Negotiations re Oakland Properties under section 22(2)(a) of the MGA. Carried

Municipal Council In Camera in session.

Councillor Ernst and Alex Dumaresq declared a Conflict of Interest in regard to Item 14.1 and left the meeting.

At 10:40 a.m., it was moved by Councillor Carver, seconded by Councillor Nauss that Municipal Council come out of In Camera and return to open session. Carried unanimously.

Municipal Council in session.

Councillor Carver left the meeting at 10:41 a.m.

14.1 Land Negotiations re Oakland Property

2020-019 Moved by Councillor Knickle, seconded by Councillor Bell that Municipal Council accept the revised terms of the Agreement of Purchase and Sale for the Oakland properties as presented In Camera and direct the Mayor and Clerk to execute same. Carried unanimously.

15. ADJOURNMENT

There being no further business at 10:44 a.m., it was moved by Councillor Whynot, seconded by Councillor Nauss that the meeting adjourn. Carried.