

Municipality of the District of Lunenburg Minutes of a Meeting of Municipal Council

Held in Council Chamber, 10 Allée Champlain Drive, Cookville, N.S.
Tuesday, January 24, 2023 – 9:00 a.m.

Attendance

Mayor Carolyn Bolivar-Getson
Deputy Mayor Pam Hubley, District 4
Councillor Leitha Haysom, District 1
Councillor Martin Bell, District 2
Councillor Wendy Oickle, District 3
Councillor Cathy Moore, District 5
Councillor Sandra Statton, District 6
Councillor Michelle Greek, District 7
Councillor Kacy DeLong, District 8
Councillor Reid Whynot, District 9
Councillor Chasidy Veinotte, District 10

Staff

Tom MacEwan, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
April Whynot-Lohnes, Municipal Clerk
Tina Robichaud-Bond, Executive Assistant

1. Call to Order

Mayor Bolivar-Getson called the meeting to order at 9:00 a.m. and began by acknowledging that the meeting was held in Mi'kma'ki, the traditional territory of the Mi'kmaq people.

2. Announcements/Acknowledgements/Recognition - Nil

3. Public Input - Nil

4. Approval of Agenda

Moved by Councillor Whynot, seconded by Councillor Greek that the Agenda be approved as circulated. Carried unanimously.

5. Approval of Minutes – Public Hearing, December 13, 2022; Council, January 10, 2023

Moved by Deputy Mayor Hubley, seconded by Councillor Haysom that the Minutes of the December 13, 2022 Public Hearing be approved as circulated. Carried unanimously.

Moved by Councillor Oickle, seconded by Councillor Veinotte that the Minutes of January 10, 2023 Council meeting be approved as circulated. Carried unanimously.

6. Business Arising from Minutes - Nil

7. Awarding of Tenders/RFPs - Nil

8. Presentations/Scheduled Times - Nil

9. Consideration of Correspondence

9.1 Draft Letter re Tourist Accommodation Act

Mr. MacEwan reviewed the draft letter to the Premier regarding concerns with the **Tourist Accommodation Act** (attached to Minutes) and how it relates to regulations around campgrounds and RV parks.

2023-008 Moved by Councillor Haysom, seconded by Councillor Bell that Municipal Council direct the Mayor to sign the letter to the Province regarding the Tourist Accommodation Act concerns, as presented, with copies to all cabinet ministers. Carried unanimously.

9.2 Draft Letter re Bare Land Condominiums

Mr. MacEwan reviewed the draft letter to the Premier and the Minister of Service Nova Scotia & Internal Services regarding the Condominium Act and how it relates to Bare Land Condominiums (attached to Minutes). Mr. MacEwan noted that the Municipality's view was that bare land condominium developments regulations should be held at the same standards as subdivision regulations.

2023-009 Moved by Councillor Veinotte, seconded by Councillor Whynot that Municipal Council direct the Mayor to sign the letter to the Province regarding Bare Land Condominiums, as presented, with copies to all Cabinet Ministers. Carried. Opposed: Councillor Statton

10. Recommendations from Committees & Boards

10.1 Policy & Strategy Committee

10.1.1 2023 Property Tax Sale

Moved by Deputy Mayor Hubley, seconded by Councillor Moore that Municipal Council accept the recommendation of the Policy & Strategy Committee and approve the tender call for March 6, 2023, and further, approve the use of tender call for all future tax sale proceedings.

It was suggested that tax sales be carried out in person.

It was requested that the motion be amended by removing the reference to future tax sale proceedings.

Motion to Amend

Moved by Councillor Statton, seconded by Councillor DeLong that Municipal Council amend the motion on the floor by removing the words, “, and further, approve the use of tender call for all future tax sale proceedings”.

It was clarified that the original motion, as presented, set the tax sale procedures as a tender call and would not be subject to Council’s approval. Council felt that the procedure should be revisited yearly.

The Motion to Amend was voted on and carried unanimously.

Amended Motion

2023-010 Moved by Deputy Mayor Hubley, seconded by Councillor Moore that Municipal Council approve the tender call for the March 6, 2023 Property Tax Sale. Carried. Opposed: Councillor Haysom

10.1.2 Visitor Information Centre, Lease

2023-011 Moved by Councillor Bell, seconded by Councillor Haysom that Municipal Council accept the recommendation of the Policy & Strategy Committee and provide notice that the Municipality of the District of Lunenburg will not be renewing the lease on the Visitor Information Centre located at 125 Cornwall Road, Blockhouse, N.S. when it expires on April 20, 2023. Opposed: Councillor Greek

2022-012 Moved by Councillor Whynot, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the Policy & Strategy Committee and provide direction to staff to prepare a budget accordingly for the upcoming fiscal year to create improvements to the Municipality’s online and mobile tourism presence. Carried unanimously.

10.2 Lunenburg County Accessibility Advisory Committee (LCAAC)

10.2.1 Appointment of Jeanne Fay to LCAAC

Councillor DeLong was absent from the table.

2023-013 Moved by Councillor Moore, seconded by Councillor Haysom that Municipal Council accept the recommendation of the Lunenburg County Accessibility Committee (LCAAC) and appoint Jeanne Fay to the LCAAC for a three year term. Carried unanimously.

11. Staff Reports

11.1 Planning & Development

11.1.1 Annual Budget of the Rocky Lake Charge Area

A report from Norma Schiefer, Municipal Development Officer, titled “Approve Annual Budget of the Rocky Lake Charge Area” providing details on the 2023-2024 road maintenance budget for the Rocky Lake Charge Area, was circulated with the agenda.

Councillors DeLong and Haysom were absent from the table.

2023-014 Moved by Councillor Oickle, seconded by Councillor Whynot that Municipal Council approve the 2023-2024 annual budget for the Rocky Lake Charge Area as follows:

- **\$300.00 per lot for full-time residents**
- **\$200.00 per lot for seasonal residents**
- **\$100.00 per vacant lot**

Carried unanimously.

Councillors DeLong and Haysom returned to the table.

11.1.2 Bruhm Lane Property Owners Association – Private Road Charges – Appeal

A report from Norma Schiefer, Municipal Development Officer, titled “Appeal letter – Bruhm Lane Property Owners Association – Private Road Charges, PID 60432143” providing details on the request for an exemption to private road charges, was circulated with the agenda.

2023-015 Moved by Councillor Greek, seconded by Councillor Statton that Municipal Council not approve the request of Monty and Judith Wolfe, residents of Bruhm Lane, asking for an exemption for ½ of the private road charges set by the Bruhm Lane Property Owners Association at this time, and wait for the Association to discuss the request at their annual general meeting prior to agreeing to a partial exemption. Carried unanimously.

11.1.3 Request to Levy Private Road Maintenance Charge – Lower Cabin Road

A report from Norma Schiefer, Municipal Development Officer, titled “Request to Levy Private Road Maintenance Charge – Lower Cabin Road Maintenance Association” providing details on the request to levy a charge to the road maintenance fees to lots within a charge area, was circulated with the agenda.

2023-016 Moved by Councillor Greek, seconded by Councillor Moore that Municipal Council levy a maintenance charge within the Charge Area identified by the Lower Cabin Road Maintenance Association as “a uniform amount per lot based on occupancy”, with the 2023-24 charge being set at:

- **\$250.00 per lot for full-time residents**
- **\$125.00 per lot for seasonal residents**

- **No charge for vacant lots, subject to an Agreement between the Municipality and the Lower Cabin Road Maintenance Association that satisfies the requirements of Section 9 of the Private Roads By-law.**

It was requested that the petitions associated with these types of requests be circulated with the reports and included in future agendas.

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

11.1.4 Letter of Concurrence – MDL 69 Antenna Siting Protocol

A report from Norma Schiefer, Municipal Development Officer, titled “Letter of Concurrence – MDL 69 Antenna Siting Protocol” providing details on the location of a telecommunication tower in Oakhill, was circulated with the agenda.

2023-017 Moved by Councillor Statton, seconded by Councillor Veinotte that Municipal Council issue a letter of concurrence for a telecommunication tower at PID 60248341, 569 Oakhill Road, Oakhill, as the applicant has met the requirements of MDL-69 Antenna Siting Protocol. Carried unanimously.

11.1.5 Kingsburg Coastal Conservancy – Shaubac Wetlands Carbon Project

Trudy Payne, Director of Recreation, Parks & Tourism, was in attendance.

Ms. Payne reviewed the report titled, “Kingsburg Coastal Conservancy’s Shaubac Wetlands Carbon Project”, providing details on the Shaubac Wetlands carbon project, was circulated with the agenda.

Ms. Payne noted that the project would be led by members of the Kingsburg Coastal Conservancy and that the Director of Recreation, Parks & Tourism and the Sustainability Planner would act as resources only.

Discussions followed regarding:

- the number of funding requests received from KCC;
- the outcome of the carbon project;
- Carbon Tax Credits; and
- federal funding.

It was decided that further information was required regarding the project and carbon tax credits, and that the matter be referred to the February Policy & Strategy Committee meeting.

2023-018 Moved by Councillor Whynot, seconded by Councillor DeLong that Municipal Council refer Item 11.1.5 Kingsburg Coastal Conservancy, Shaubac Wetlands Carbon Project

to the February 21, 2023 Policy & Strategy Committee meeting for discussion on the project merits and carbon tax credits. Carried unanimously.

11.1.6 Alternative Procurement Practices – Electric Vehicles

Graham Hopkins, Inspection Services Manager, reviewed his report, “Alternative Procurement Practices” (circulated with the agenda), providing details on replacing and procuring electric vehicles for both the Planning and the Engineering fleets.

Discussions followed regarding:

- the types of electric vehicles required and why;
- the availability of electric vehicles and timelines for purchasing;
- the funding model; and
- access to the electric chargers.

2023-019 Moved by Councillor Haysom, seconded by Councillor Whynot that Municipal Council grant pre-budget approval for the purchase of three (3) electric vehicles, including an electric truck for the Engineering Department for \$115,000 + HST and two (2) electric SUVs for the Planning Department at \$100,000 + HST each. Carried unanimously.

2023-020 Moved by Councillor Veinotte, seconded by Councillor Haysom that Municipal Council authorize staff to secure quotes from vendors pursuant to MODL Policy 033 Purchasing and Tendering Policy, Section 19 Alternative Procurement Practice. Carried unanimously.

2023-021 Moved by Councillor DeLong, seconded by Deputy Mayor Hubley that Municipal Council authorize the CAO to make the procurement decision, pursuant to MODL Policy 033 Purchasing and Tendering Policy, Section 10 Procurement Value, of more than \$25,000 in the purchase of electric vehicles for the Planning Services and Engineering Department, up to \$315,000 + HST for all three vehicles. Carried unanimously.

2023-022 Moved by Deputy Mayor Hubley, seconded by Councillor Veinotte that Municipal Council grant pre-budget approval for the purchase of three (3) dual charging stations (6 charging ports) in the amount of \$120,000 + HST designated for use by municipal fleet vehicles only.

It was clarified that an access card was required to use the fleet electric chargers and the public could not access them.

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

12. Mayor’s/Deputy Mayor’s/Councillors’ Matters

12.1 LCLC Update

Councillor Statton provided an update on the following LCLC matters:

- Signage in parking lot
- 12 & under helmet requirement
- Strategy planning for next 3-5 years
- Membership status as of January 2023 – 1373 members
- Joint membership with YMCA to begin March 2023
- Library rent – possible shared costs
- Budget review
- Para hockey tournament financial outcomes
- Welcome package to new medical front line staff – free 30 day pass

12.2 Region 6 Update

Councillor DeLong provided an update on the following Region 6 matters:

- 2022/2023 Budget accepted
- Change in legislation re construction demolition debris beginning July 5, 2023
- Change in Solid Waste Resource Management regulations re C&D materials
- Submission made to the Sustainable Communities Challenge Fund regarding waste management and circular economy
- Sustained Technologies received award for Innovator of the Year

12.3 Deputy Mayor's Update

Deputy Mayor Hubley reported that she attended the agenda briefing meetings; NSFM meeting; REMO meeting; Mayors/Wardens/Deputies meeting; and the Branch LaHave variety show.

12.4 Mayor's Update

Mayor Bolivar-Getson reported that she attended the NSFM meeting; Mayors/Wardens/Deputies meeting; SERMGAR meeting; LCLC meeting; meeting with residents; meeting with Susan Corkum-Greek; and office briefings.

13. Added Items - Nil

14. In Camera

At 10:56 a.m., it was moved by Councillor Whynot, seconded by Councillor Oickle that Municipal Council go In Camera to discuss the following items:

14.1 Land Negotiations re Sale of Property under Section 22(2)(a) of the MGA

14.2 Contract Negotiations re Osprey Village - Review under Section 22(2)(e) of the MGA

Carried.

Municipal Council In Camera in session.

At 12:20 p.m., it was moved by Councillor Whynot, seconded by Councillor Greek that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

14 Adjournment

There being no further business at 12:20 p.m., it was moved by Councillor Whynot, seconded by Councillor Statton that the meeting adjourn. Carried.



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Office of the Mayor

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January 24, 2023

The Honourable Tim Houston, M.L.A.
Premier of Nova Scotia
PO Box 726
Halifax NS B3J 2T3

Dear Premier

Re: Tourist Accommodation Act

In the past few months, in response to the planned development of an RV Park in the Cherry Hill area, several residents have asked 'why doesn't the municipality have regulations in place for the establishment of campgrounds and RV parks?'.

In researching the matter, we have discovered that, until relatively recently, the development and operations of campgrounds and RV parks was regulated by the Province under the Tourist Accommodation Act.

The Tourist Accommodation Act was enacted in 1994-1995 and it imposed a number of requirements on the owner/operator of a camping establishment including:

- Provincial licensing and reporting requirements;
- Inspection by an Accommodation Officer;
- Construction and Plan requirements including
 - The location of the camping establishment in relation to the highway;
 - The location of roads;
 - The location and size of individual campsites;
 - The location and a separate plan of the service buildings;
 - The location of the water system and outlets; and
 - The location and type of the sewage system.

- Written approval from the Department of Environment for the water distribution system, sewer collection and disposal system and the garbage disposal system (to be submitted with the application);
- Written approval from the municipality regarding zoning (to be submitted with the application);
- Minimum size requirements for campsites (1200 sq ft), road frontage requirements for campsites (minimum of 20 feet), and parking requirements;
- The provision of an adequate and potable supply of water approved by the Department of Environment;
- Annual analysis of water quality;
- Direction regarding central washrooms and showers (if provided);
- Direction regarding showers (if provided);
- Location of sewage disposal systems (if provided);
- Approval of the garbage collection system by the Accommodations Officer;
- Approval of the refuse or garbage containers by the Accommodations Officer;
- Restrictions regarding camp fires and cooking;
- Publishing of campground rules; and
- Staffing (at least one competent adult in attendance at all times).

The comprehensive regulatory scheme that was enacted by the Province with the passing of the Tourist Accommodation Act was in place from 1994/1995 to 2020; at which time, the Province repealed the Tourist Accommodation Act and replaced it with the Tourist Accommodations Registration Act.

Unlike the comprehensive regulatory scheme contained in the Tourist Accommodation Act, the Tourist Accommodations Registration Act is (as the names implies) primarily a registration system focused on requiring hosts and platform operators to register and for the platform operator to maintain records.

Where the previous Tourist Accommodation Act specifically had provisions for the regulation of ‘camping establishments’, the new Tourist Accommodations Registration Act applies to “roofed accommodations” only with no provisions for camping establishments. In other words, with the passing of the Tourist Accommodation Registration Act (and the repealing of the Tourist Accommodation Act), the Province eliminated the comprehensive regulatory scheme that governed camping establishments and effectively removed all of the rules which governed the industry.

In 2019, the Province introduced mandatory minimum planning for municipalities which required municipal units, like the District of Lunenburg which only has zoning in 12% of the municipality, to develop and adopt municipal wide planning.

January 24, 2023

Page 3 of 3

The gap in the regulatory scheme that was created with the repealing of the Tourist Accommodation Act has created significant issues for municipal units; particularly those units like the District of Lunenburg that do not have municipal wide planning in place.

While the District of Lunenburg has been working on developing municipal wide planning, it will be years before the entire municipality is covered by a Municipal Planning Strategy and Land Use Bylaw. This means that, for the next number of years, there are no Provincial or Municipal regulations in place governing the development of camping grounds and RV parks.

The Municipality of the District of Lunenburg is requesting that the Province take immediate action to reverse its decision to eliminate the regulatory scheme that governed the development of camping grounds and RV parks (as was found in the Tourist Accommodation Act) and to reintroduce the regulatory scheme in some fashion (either as part of the Tourism Accommodation Registration Act or through stand-alone legislation).

We look forward to hearing from you on this very important matter.

Yours sincerely,

Carolyn Bolivar-Getson, E.C.N.S.
Mayor

cc: The Honourable Becky Druhan, M.L.A.
The Honourable Suzanne Corkum-Greek, M.L.A.



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January 24, 2023

The Honourable Tim Houston, M.L.A.
Premier of Nova Scotia
PO Box 726
Halifax NS B3J 2T3

and

The Honourable Colton LeBlanc, M.L.A.
Minister of Service Nova Scotia & Internal Services
PO Box 216
Halifax NS B3J 3K5

Dear Premier Houston and Minister LeBlanc

Re: Condominium Act

We would like to bring to your attention a significant deficiency that we have identified with respect to the Condominium Act and, in particular, the provisions related to the phased-development (bare land) condominiums.

As you are aware, municipal units have the authority to adopt Subdivision Bylaws to regulate the creation of lots within the municipality. A Subdivision Bylaw is a detailed, regulatory scheme that establishes all of the requirements related to the subdivision of land including, but not limited to:

- Lot size (incl minimum size for lots not serviced by central sewer);
- Road frontage;
- Lot shapes;
- Road design standards (public and private roads);
- Water supply;
- Sewage disposal; and

- Public open space (2% cash requirement)

The Condominium Act provides that a phased-development condominium is exempt from the subdivision approval requirements of the Municipal Government Act if the phased-development condominium meets the requirements, if any, provided by the Regulations (section 8(1)).

The Act goes on to state that the acceptance of registration of a phase of a phased-development condominium constitutes a subdivision of land and creates a lot as described in the description of that phase (s. 8(2)) and that upon acceptance for registration of each subsequent phase of a phased-development condominium, the subsequent phase is consolidated into one lot with all phases of the phased-development condominium previously accepted for registration (s. 8(3)).

The issue, from a municipal perspective, is that the 'subdivision' and 'consolidation' of land in a phased-development condominium as permitted under the Condominium Act takes place outside of the subdivision approval process as established by the Municipality in the Subdivision Bylaw and permits developers to avoid all of the requirements contained in the Subdivision Bylaw.

For instance, our subdivision bylaw provides minimum design standards for private roads which ensure, among other things, that private roads are accessible by emergency vehicles. A phased-development bare land condominium is not required to adhere to the private road standards as it is exempt from the Subdivision Bylaw and, consequently, we have no way to ensure that the 'road' or 'driveway' into the development is suitable for emergency vehicles.

Similarly, while our Subdivision Bylaw provides minimum lot sizes for lots not serviced by central sewer services, no such requirement exists for lots created as part of a phased-development bare land condominium and we have no way to enforce our minimum lot sizes.

We would also point out that, unlike a traditional subdivision developer who is required to provide a 2% cash requirement for public space, there is no provision for the 2% cash requirement for phased-development bare land condominiums.

We are concerned that developers are able to avoid the requirements of the Subdivision Bylaw (which have been purposely adopted by Municipal Council) by choosing to create phased-development bare land condominium. In particular, we find it problematic that developers can avoid our private road design standards by opting for a phased-development bare land condominium with a 'driveway' that is not required to meet any design standard whatsoever.

While we agree that the Province should be responsible for the governance and management of condominium corporations, where the Condominium Act purports to engage in the creation and consolidation of lots (as it does with the phased-development bare land condominiums) regard should be given to the local subdivision requirements to ensure that developers of phased-development bare land condominiums are held to the same standards as traditional land developers that create subdivisions.

January 24, 2023

Page 3 of 3

By way of a solution, we are requesting that the Province amend the Condominium Act to either:
(a) remove the exemption from the subdivision approval requirements (as stated in section 8(1))
or (b) incorporate local municipal subdivision requirements in the Regulations (as contemplated in section 8(1)).

We look forward to hearing from you on this very important matter.

Yours sincerely,

Carolyn Bolivar-Getson, E.C.N.S.

Mayor

cc: The Honourable Becky Druhan, M.L.A.
The Honourable Suzanne Corkum-Greek, M.L.A.