APPROVED by Municipal Council

Date: December 12, 2023

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, November 28, 2023 – 9:00 a.m.

Attendance
Mayor Carolyn Bolivar-Getson
Deputy Mayor Wendy Oickle, District 3
Councillor Leitha Haysom, District 1 (left at 3:57 p.m.)
Councillor Martin Bell, District 2
Councillor Pam Hubley, District 4
Councillor Cathy Moore, District 5 (via TEAMs)
Councillor Sandra Statton, District 6
Councillor Michelle Greek, District 7 (left at 3:12 p.m.)
Councillor Kacy DeLong, District 8 (via TEAMs)
Councillor Reid Whynot, District 9 (left at 3:25 p.m., returned at 3:56 p.m.)
Councillor Chasidy Veinotte, District 10

Staff
Alex Dumaresq, Deputy CAO
April Whynot-Lohnes, Municipal Clerk (left at 2:45 p.m.)
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

2.1 International Day of People with Disabilities

Mayor Bolivar-Getson recognized December 3 as the International Day of People with Disabilities and noted that it was a Day to celebrate and recognize the value of diversity and to learn from experiences of those living with a disability.

3. Public Input

Karen Dempsey, Crescent Beach, was in attendance for public input. Ms. Dempsey thanked Municipal staff, Council, and members of the Planning Advisory Committee for leadership action around the issue of Coastal Protection. Ms. Dempsey spoke on the measures taken to date and noted that the recommendations from the Planning Advisory Committee regarding Coastal Development were reasonable.

Karen Reinhardt, New Cumberland, was in attendance for public input. Ms. Reinhardt spoke on the push for coastal protection regulations and concerns around the activities taken place at

Crescent Beach earlier in the year. Ms. Reinhardt noted the public support for developing a coastal protection land use by-law and regulations.

Ms. Reinhardt submitted a Petition in support of land use regulations.

4. Approval of Agenda

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

5. Approval of Minutes – November 14, 2023

Councillor Veinotte noted that her recent appointment to the NSFM Board was as "South Shore Representative" and asked that the Minutes reflect the correct title.

Moved by Councillor Haysom, seconded by Deputy Mayor Oickle that the Minutes of the November 14, 2023 Council meeting be approved with the correction noted above. Carried unanimously.

6. Business Arising from Minutes- Nil

7. Awarding of Tenders/RFPs - Nil

8. Presentations/Scheduled Times

8.1 New Housing in MODL

Morgan MacDonald and Greg House, MODL residents with collective backgrounds in business, construction, environmental science, and housing related non-profits, were in attendance. Mr. MacDonald and Mr. House gave a presentation on "New Housing in The Municipal District of Lunenburg" (circulated with the agenda) to provide information on their initiative to incorporate a business partnership for creating a housing development corporation.

The presentation provided details on the following:

- What is affordable housing?
- Nova Scotia Housing Needs Report
- Challenges, risks & opportunities to support new housing
- CMHC affordable programs
- Challenges of new CMHC programs
- New approach to creating affordable housing
- Local benefits and local solutions
- Support for proposed regulations regarding large developments (i.e. cluster developments)

9. Consideration of Correspondence - Nil

10. Recommendations from Committees & Boards

10.1 Planning Advisory Committee

10.1.1 Municipal Planning Strategy & Land Use By-law Amendments re Coastal Protection

Reid Sheppard, Senior Planner, and Ella Gindi, Planner I, were in attendance to give a presentation on, "PAC Recommendations Coastal Protection", (attached to Minutes) detailing the recommendations received from the Planning Advisory Committee regarding Coastal Protection.

It was noted that the Staff Recommendation section of the October 12, 2023 staff report, at page 19 of the circulated agenda contained an incorrect elevation amount under Area B. A corrected staff recommendation was circulated at the meeting and is attached to the Minutes. A clean copy of "Table 1: Option 1 – PAC Coastal Protection Regulations" was also circulated at the meeting and is attached to the Minutes.

Mr. Sheppard and Ms. Gindi reviewed each of the following Planning Advisory Committee recommendations with respect to "Coastal Flooding" and Council provided comments on each:

1. Utilize 1.57m Elevation Reference for Sea Level Rise
2. Employ a Two-Zone Coastal Flooding Approach

Council recessed at 10:35 a.m. and resumed at 10:47 a.m.

3. Specific Exemptions from vertical setback
4. Non-conforming allowances
5. Flexibility for Existing Development
6. Public Awareness & Education
7. Conduct 3 year policy review

Mr. Sheppard and Ms. Gindi reviewed each of the following Planning Advisory Committee recommendations with respect to "Coastal Erosion" and Council provided comments on each:

1. Implement 50m Erosion Risk Area
2. Allow Erosion Risk Area Reduction

Council recessed at 12:28 p.m. and resumed at 1:04 p.m.

3. Vegetative Setback Requirement
4. Flexibility for Existing Developments

5. Exemptions for Water-Related Uses & Activities
6. Public Awareness & Education
7. Conduct 3 year policy review

Mr. Sheppard and Ms. Gindi reviewed each of the following Planning Advisory Committee recommendations with respect to "Sensitive Coastal Ecosystems" and Council provided comments on each:

1. Establish 30m horizontal setback for coastal wetlands
2. Require vegetative buffer
3. Collaboration with environmental non-governmental organizations
4. Public awareness & Education
5. Conduct 3 year policy review

Mr. Sheppard and Ms. Gindi reviewed the Planning Advisory Committee recommendation with respect to "Regulations Boundary" and Council provided comments and their recommended changes as follows:

- Apply a vertical elevation setback for Coastal Flooding.
- Minimum elevation of 3.97m relative to Canadian Geodetic Vertical Elevation (CGVD) 2013.
- Ensure residents are notified during permit application process that they are in flood risk area.
- 5 year review process with annual updates versus 3 year review.
- Implement a 30m erosion risk area measured from top of bank and allow erosion risk area reduction down to a minimum of zero metres.
- Allow erosion risk area to a minimum of zero metres by engaging a qualified person.
- Use of "Recommend" versus "Require" for 15m vegetative buffer.
- Allow legal non-conforming uses such as existing structures to expand beyond their existing footprint even if addition does not meet the elevation requirement.
- Allow legal non-conforming structures to expand within erosion risk area as long as they engage with a qualified person to assess erosion risks.
- Recommend 30m horizontal setback and vegetative buffer from provincial designated wetlands.
- Remove coastal protection requirements on LaHave River, mouth of the LaHave from Fort Point, Martins River bridge and Petite Riviere bridge.

Councillor Greek left the meeting at 3:12 p.m.

Council provided suggested amendments to the recommendations reviewed above.

Councillor Whynot left the meeting for fire call.

2023-178 Moved by Deputy Mayor Oickle, seconded by Councillor Hubley that Municipal Council direct Staff to prepare alternative options for coastal protection land use policy recommendations based on the public consultation, PAC recommendation and Council deliberations. Carried. Those opposed: Councillors Statton, Haysom, Moore, and DeLong

10.1.2 Municipal Planning Strategy & Land Use By-law Amendments re Cluster Developments

The discussion on municipal planning strategy & land use by-law amendments on cluster developments was deferred to a future Council meeting.

10.2 Policy & Strategy Committee

10.2.1 Protect MODL's Old Growth Forests

A report from Abhi Jain, Climate Change and Sustainability Manager, titled "Letter to Premier of Nova scotia to Protect MODL's Old Growth Forests" providing details on a presentation by George Buranyi regarding old growth forests and the province's environmental commitments was circulated with the agenda.

Mr. Dumaresq reported that more information had come forward from stakeholders on various perspectives since the recommendation from the Policy & Strategy Committee was made, and recommended that Council refer the matter to staff for further research.

2023-179 Moved by Councillor Hubley, seconded by Councillor Moore that Municipal Council refer the Policy & Strategy Committee motion regarding Old Growth Forests back to staff for further research and consultation with stakeholders.

It was noted that the Department of Natural Resources & Renewables had a strong old growth forests policy for Crown Land and a request was made that Council be provided information on the policy.

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

10.2.2 Hydrant Charge Proposed Policy 096

A report from Elana Wentzell, Director of Finance, titled "Hydrant Charge Proposed Policy 096" providing details on the proposed policy was circulated with the agenda.

2023-180 Moved by Councillor Statton, seconded by Deputy Mayor Oickle that Municipal Council accept the recommendation of the Policy & Strategy Committee and adopt MODL Policy 096 Hydrant Charge, as presented. Carried unanimously.

10.2.3 Declaration on Gender Based Violence

Moved by Councillor Haysom, seconded by Councillor Hubley that Municipal Council accept the recommendation of the Policy & Strategy Committee and prepare a declaration stating Council's support in declaring Gender Based Violence to be an epidemic.

A concern was raised on what supporting evidence was available to determine that gender-based violence could be declared an "epidemic".

It was suggested that the motion on the floor was not reflective of when the declaration would be read.

Motion to Amend
Moved by Councillor Haysom, seconded by Councillor Hubley that the motion on the floor be amended to include that the declaration of gender-based violence being an epidemic be made during the yearly acknowledgement and remembrance of December 6 being National Day of Remembrance and Action on Violence Against Women. Carried unanimously.

Amended Motion
2023-181 Moved by Councillor Haysom, seconded by Councillor Hubley that Municipal Council accept the recommendation of the Policy & Strategy Committee and prepare a declaration stating Council's support in declaring Gender Based Violence to be an epidemic and that the declaration be made during the yearly acknowledgement and remembrance of December 6, 2023, the National Day of Remembrance and Action on Violence Against Women.
It was noted that the Final Report from the inquiry examining the 2020 mass shooting in Nova Scotia describes gender-based violence as an epidemic.

The Motion on the floor was voted on and carried. Opposed: Councillor Statton

10.3 REMO Advisory Committee

10.3.1 Approval of Additional Funds to 2023/2024 REMO Budget

Mr. Dumaresq reviewed the recommendation from the REMO Advisory Board, (circulated with the agenda) explaining that the 2023/2024 REMO budget was close to depletion due to extra expenditures in the current fiscal year, such as flash flooding, training, and salary administration.

It was clarified that the amount in the motion was for the full amount required and that MODL's portion was approximately $10,000.

2023-182 Moved by Councillor Statton, seconded by Councillor Veinotte that Municipal Council accept the recommendation of the REMO Advisory Committee and approve an additional $20,200 for the 2023/2024 budget. Carried unanimously.

11. Staff Reports

11.1 Administration

11.1.1 MODL Priorities for Municipal Capital Growth Program

Mr. Dumaresq reviewed the report, "Municipal Capital Growth Program" (circulated with the agenda).

2023-183 Moved by Councillor Bell, seconded by Councillor Haysom that Municipal Council endorse the following projects as funding priorities for the Municipal Capital Growth Program:

Priority # 1— Cookville Wastewater Treatment Plant Upgrades; and,
Priority # 2 — Sidewalk Accessibility Upgrades along Nathan Cirillo and Pine Grove Road
Carried unanimously.

11.2 Recreation, Parks & Tourism

11.2.1 Sawpit Wharf Park Community Plan RFP #2023-05-405

The discussion on Sawpit Wharf Park Community Plan RFP #2023-05-405 was deferred to a future Council meeting.

11.3 Planning Services

11.3.1 Approval of Amendments to Policy 027 Heritage Property

A report from Ella Gindi, Planner I, titled "Policy 027 – Heritage Property Policy Review" was circulated with the agenda.

2023-184 Moved by Councillor Veinotte, seconded by Councillor Hubley that Municipal Council approve the amendments to MODL Policy 027 Heritage Property, as presented. Carried unanimously.

11.3.2 Renewal of Rocky Lake Charge Area Road Management Agreement

A report from Norma Schiefer, Municipal Development Officer, titled "Request for Renewal of Rocky Lake Charge Area Road Maintenance Agreement" was circulated with the agenda.

2023-185 Moved by Deputy Mayor Oickle, seconded by Councillor Hubley that Municipal Council renew the Rocky Lake Charge Area Road Maintenance Agreement of March 25, 2021 for an additional three (3) years with all terms and conditions of the original agreement remaining in place. Carried unanimously.

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

12.1 LCLC Update

The LCLC update was deferred to a future Council meeting.

12.2 Deputy Mayor's Update

The Deputy Mayor's update was deferred to a future Council meeting.

12.3 Mayor's Update

The Mayor's update was deferred to a future Council meeting.

13. Added Items – Nil

Councillor Whynot returned to the meeting.

Councillor Haysom left the meeting.

14. In Camera

At 3:58 p.m., it was moved by Councillor Whynot, seconded by Deputy Mayor Oickle that Municipal Council go In Camera to discuss Item 14.1 Contract Negotiations under Section 22(2)(e) of the MGA. Carried.

Municipal Council In Camera in session.

At 4:17 p.m., it was moved by Councillor Whynot, seconded by Councillor Bell that Municipal Council come out of In Camera and return to open session. Carried.

Municipal Council in session.

14.1 Waste Collection Contract Extension

2023-186 Moved by Councillor Hubley, seconded by Councillor Whynot that Municipal Council extend the Curbside Waste Collection Services Agreement of July 4, 2019 for an additional two years beginning April 1, 2024, as discussed in camera, and as permitted in clause 1.1.2 of the Agreement Carried unanimously.

15. Adjournment

There being no further business, the meeting adjourned at 4:18 p.m.