

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
Minutes of a Meeting of
MUNICIPAL COUNCIL
Held in the Council Chamber, 210 Aberdeen Road, Bridgewater, N. S.
Tuesday, December 13, 2011 - 9:00 a.m.

ATTENDANCE

Mayor Don Downe
Deputy Mayor Frank Fawson - District 3
Councillor Donald Zwicker - District 2
Councillor Milton Countway - District 4
Councillor Sandra Statton - District 5
Councillor Wade Carver - District 6
Councillor Cathy Moore - District 7
Councillor John Veinot - District 8
Councillor Arthur Young - District 9
Councillor Lee Nauss - District 10
Councillor Martin Bell - District 11
Councillor Eric Hustvedt - District 12

Absent Councillor Basil Oickle - District 1

Staff: Tammy S. Wilson, Chief Administrative Officer
 April Whynot-Lohnes, Municipal Clerk
 Heather Whynott, Administrative Assistant

1. CALL TO ORDER

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

2. PUBLIC INPUT

There were no requests from the public to address Council.

Mayor Downe welcomed to the meeting Mr. Nick Yorston, the new CKBW representative.

3. AGENDA

There were no requests for additions to the Agenda.

Moved by Deputy Mayor Fawson, seconded by Councillor Zwicker that the Agenda be approved as circulated. Carried.

4. MINUTES

Moved by Councillor Nauss, seconded by Councillor Carver that the Minutes for the following Council meetings be approved - Monthly meeting held November 8, 2011; Special Council meetings held October 20, 2011, November 17, 2011, and December 1, 2011; and Public Hearing held December 1, 2011. Carried.

5. BUSINESS ARISING FROM THE MINUTES

5.1 NSUARB APPLICATION - APPROVAL OF POLLING DISTRICT BOUNDARIES

In attendance was Jeff Merrill, Acting Director of Planning and Development Services. He reported that on December 1, 2011 Council held a Public Hearing on Council' s intention to make an application to the Nova Scotia Utility and Review Board (NSUARB) to alter the boundaries of polling districts. There were no members of the public at the Public Hearing to make verbal presentations and no written submissions were received.

Moved by Councillor Nauss, seconded by Councillor Veinot that BE IT RESOLVED that the Council of the Municipality of the District of Lunenburg hereby approves the alterations to the District Boundaries as presented by staff, and further that staff be directed to submit an application to the Nova Scotia Utility and Review Board respecting the same. Carried.

Mayor Downe thanked Mr. Merrill and staff for the work they did in the boundary review .

9. CORRESPONDENCE

9.1 SOUTH SHORE LABOUR COUNCIL - RESOLUTION re CANADA' S RETIREMENT SECURITY SYSTEM

In the audience was Mr. Bud Johnson, President of the South Shore Labour Council, who was present should Councillors have any questions regarding the South Shore Labour Council' s request.

Circulated with the agenda was a letter from the South Shore Labour Council informing Municipal Council of the Canadian Labour Congress' proposals to enhance Canada' s Retirement Security System to ensure that seniors have adequate income upon retirement. The letter requests Municipal Council to support a resolution which calls for the proposed enhancements.

Ms. Wilson reviewed the resolution and several Councillors had questions to ask.

Moved by Councillor Young, seconded by Councillor Nauss that Mr. Bud Johnson be permitted to address Council. Carried.

Mr. Johnson answered questions that he could and indicated that he would get answers to those he did not feel he could adequately answer for Council.

Mayor Downe pointed out that it is a federal policy and we can find out the answers to Councillors' questions that can' t be answered today and present them at a future Council meeting.

Following are questions that Councillors would like answered before making a decision on

supporting the proposed resolution:

1. From the Resolution - “ By increasing the Guaranteed Income Supplement (GIS) by 15% so no senior lives in poverty” – What would be the cost of doing that across Canada?
2. From the Resolution - “ By phasing in a doubling of the proportion of average earnings replaced by Canada Pension Plan (CPP) from 25% to 50%, financed by a modest increase in premiums” – Clarification was requested as to what this means; what would be the modest increase in premiums?
3. From the Resolution - “ By protecting Canadian pensions through a federal system of pension insurance” – More information/details on this was requested.
4. With reference to a Pooled Registered Pension Plan as an alternative, what are the benefits in going with it and how does it compare to today?

Moved by Councillor Bell, seconded by Councillor Nauss that Council defer the decision on the proposed resolution from the South Shore Labour Council re Canada’ s Retirement Security System until the questions that arose today can be addressed. Carried.

Mr. Johnson thanked Mayor Downe and other Councillors who attend the South Shore Labour Council’ s events.

10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES & BOARDS

10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

10.1.1 - Appraisal of Additional Two Parcels of Land

The recommendation on this item was deferred until later in the meeting to give Council an opportunity to discuss the details of same *In Camera*.

10.1.2 - Establish Community Committee for Sawpit Wharf Facility

Moved by Councillor Carver, seconded by Councillor Zwicker that Council accepts the recommendation of the Committee of the Whole to establish a community committee, similar to the Miller Point Peace Park Committee, for the Sawpit Wharf facility and that a Terms of Reference be developed for Council’ s approval as it would be a Committee of Council. Carried.

10.1.3 - Pension Valuation Report

Moved by Councillor Zwicker, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves the Pension Valuation Report as circulated. Carried.

10.1.4 - Cost of First Year of Solvency Deficiency of Pension Plan

Moved by Deputy Mayor Fawson, seconded by Councillor Zwicker that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg cover the cost of the first year of the solvency deficiency of the Municipality' s Pension Plan and develop a go-forward strategy to fund the solvency deficit. Carried.

10.1.5 - Long-Term Strategy - Options to Fund Solvency Deficit re Pension Plan

Moved by Councillor Carver, seconded by Councillor Bell that Council accepts the recommendation of the Committee of the Whole and tasks the Pension Committee with developing a long-term strategy to determine the options available to fund the solvency deficit; minimize future solvency for the current plan; and to explore other options available to the employer to reduce the long-term financial impact of an employee pension plan; and authorize the expenditures necessary to undertake such reviews. The motion was carried after Ms. Wilson reported that we received an estimate from Plenus and it' s approximately \$13,000 to undertake that review.

10.1.6 - Formal Response to Provincial Government on 12% Land Base by 2015

Moved by Councillor Bell, seconded by Councillor Young that Council accepts the recommendation of the Committee of the Whole and directs staff to submit a formal response to the Provincial Government on the 12% Land Base by 2015 to provide input into the areas indicated by the Province as being of interest for protection. Carried.

10.1.7 - Expenditure from PR Sponsorship Advertising Budget

Moved by Councillor Moore, seconded by Councillor Hustvedt that Council accepts the recommendation of the Committee of the Whole and authorizes the expenditure of \$100.00 from the PR Sponsorship Advertising Budget towards an advertisement of the Dayspring and District Fire Department' s Community Christmas Dinner provided that the Municipality of the District of Lunenburg is recognized in the advertisement for its donation. Carried.

10.1.8 - DOTIR Surplus Property in Broad Cove

Moved by Councillor Hustvedt, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole that the Municipality of the District of Lunenburg not accept the proposed Department of Transportation and Infrastructure Renewal surplus property in Broad Cove based on its close location to existing roadside parking. Carried.

10.1.9 - Extension to Proponents of Expression of Interest re Riverport School

Moved by Councillor Zwicker, seconded by Deputy Mayor Fawson that Council accepts the recommendation of the Committee of the Whole that an extension of 8 months be provided to the proponents of the Expression of Interest for the Riverport School to allow time to put forth a more formal submission for the re-use of the Riverport School; and further, that the extension of time requires the submission of a draft proposal by mid-April 2012 and a final proposal in August 2012. Carried.

10.2 FIRE AND EMERGENCY SERVICES COMMITTEE - RECOMMENDATIONS

10.2.1 - Terms of Reference for Fire and Emergency Services Committee

Moved by Councillor Countway, seconded by Councillor Carver that Council accepts the recommendation of the Fire and Emergency Services Committee and approves the Terms of Reference for the Fire and Emergency Services Committee as presented. Carried.

10.2.2 - 2011/12 Municipal Grant Funding Distribution Amounts for Fire Departments

Moved by Councillor Veinot, seconded by Councillor Young that Council accepts the recommendation of the Fire and Emergency Services Committee and approves the 2011/12 Municipal Grant Funding distribution amounts as presented for the Fire Departments within the Municipality of the District of Lunenburg, which contains an amount for distribution to the Big Tancook Island Emergency Response Association being prorated based on the number of months it will be in operation this fiscal year. Carried.

11. STAFF MATTERS

11.1 CHIEF ADMINISTRATIVE OFFICER' S MATTERS

11.1.1 - Building Report for October 2011

For information, circulated with the agenda was the Building Report for October 2011. Ms. Wilson reviewed the information in the report, noting that application values and permit fees are down slightly compared to the same time period last year.

11.1.2 - LCMPCC Grant - Designated Community Fund Policy

Circulated with the agenda was a memo from Trudy Payne, Director of Recreation Services, advising Council that the Lunenburg County Lifestyle Centre Corporation raised and contributed to the Municipality \$47,500 with the understanding that it would likely be granted back to them based on the criteria as outlined in the Designated Community

Funds Policy.

Moved by Councillor Young, seconded by Councillor Hustvedt that Council grants to the Lunenburg County Lifestyle Centre Corporation \$47,500.00 as per the criteria outlined in the Designated Community Funds Policy. Carried.

12. MAYOR' S/COUNCILLORS' MATTERS

12.1 MAYOR' S UPDATE

Mayor Downe gave updates on the following meetings/events that he attended, noting that some of the meetings/events were also attended by other Councillors:

- On behalf of FCM, went to Mexico representing Canada and spoke at the International Symposium on Economic Development & Municipalities; and then went back to Ottawa for the FCM Board of Directors meetings. During the week he met with MP Gerald Keddy, Wayne Easter, Parliamentary Secretary to the Prime Minister, and Minister of International Trade
- A number of steering committee meetings with regards to regional government
- Annual BDA meeting and gave a talk on behalf of the Municipality
- LCLC meetings
- New Germany and Area Medical Centre' s Open House event
- Viewed the clean-up of the two properties in New Germany
- The Ark Annual Awards and Christmas Dinner
- MODL' s Seniors' Appreciation Dinner
- South Shore Labour Council' s Candlelight Vigil in support of Stopping Violence Against Women
- Opening of the Glen Murray Hockey Tournament - brought greetings on behalf of Municipality
- Sawpit Wharf Meeting
- South Shore Regional School Board meeting at Centre before the Board was dissolved

Mayor Downe thanked Deputy Mayor Fawson and members of Council who attended meetings and events while he was away.

10.3 PLANNING ADVISORY COMMITTEE - RECOMMENDATION

In attendance were Jeff Merrill, Acting Director of Planning and Development Services, and Douglas Reid, Planner.

10.3.1 - Notice of Intention to Adopt Draft 1.1 of the Village of Hebbville Secondary Planning Strategy (SPS) and Land Use By-law (LUB) and Conduct First Reading of the same

Mr. Reid provided a PowerPoint presentation to highlight the proposed changes to the Hebbville Secondary Planning Strategy and Land Use By-law. His presentation included the Review Process, the proposed Changes to the Village of Hebbville SPS and LUB, and the Next Steps. The proposed changes noted were:

RESIDENTIAL ZONES - HIGH DENSITY RESIDENTIAL

Proposed Change:

- An allowance for Two-Unit Residential uses in combination with high density residential uses on the same lot. [LUB subsection 5.4.1(d)]

RESIDENTIAL ZONES - GENERAL

Proposed Changes:

- Allowance for maximum floor area of accessory buildings in Residential Zones to be scaled to size of lot, to a maximum size threshold. [LUB subsection 5.2.4]
- Allowance in maximum size for a home occupation: identified as 50 square metres (538 sq ft) or 33% of total floor area of the dwelling, whichever is less. [LUB subsection 4.22.4]

GENERAL COMMERCIAL (GC) ZONE

Proposed Change:

- Deletion of multi-unit residential dwellings being permitted by Site Plan Approval. [LUB subsection 6.3.3(a)]
- Allowance for industrial uses by way of Development Agreement. [consistent]

LIGHT INDUSTRIAL (LI) ZONE

Proposed Change:

- Plastics' manufacturing identified as a "Restricted Development" rather than as-of-right. [LUB subsection 7.4.3(l)]

Proposed Change:

- Addition of a number of identified types of uses as "Restricted Developments" allowable only by way of Development Agreement. [LUB subsection 7.4.3; based on SPS Policy 3.3.5]
- Bulk petroleum storage operations are listed in the By-law: controlled by way of Development Agreement. [consistent - SPS Policy 3.3.6]

RURAL (RU) ZONE

Proposed Change:

- New regulations permit for the development of Wind Turbines, subject to generational capacity, noise-related and height-related setbacks, and related safety requirements. Turbines above a certain capacity can only occur by Development Agreement. [LUB subsection 9.6.4]

ENVIRONMENTAL ZONES - ENVIRONMENTALLY SENSITIVE (ES)

Proposed Change:

- Boundaries to the provincially-identified wetlands and to significant watercourses have been updated since 2000. In some cases, these changes have then altered the location of the Land Use By-law's ES Zone.
- A new policy allows the Municipality to re-zone these boundaries, where it is determined to be appropriate by a qualified person, that there is / is not a wetland. [SPS Policy 3.6.6 - new policy is consistent with that used in other Plan Areas in the Municipality]

NOTED CHANGES re GENERAL PROVISIONSProposed Change:

- Allowance for a second ground sign on a Commercial or Industrial Zone lot, whose front lot line is over 100 metres (305 feet) in length. [LUB subsection 12.13.2(b)]

Proposed Change:

- Removal of partial cutting specifications in the By-law, pertaining to a development adjacent to a significant watercourse. [deletion of previous SPS Policy & LUB regulation]

In response to Councillor Young' s question about cutting wood along watercourses, Mr. Reid reported that the rule has been taken out regarding cutting along watercourses. Councillor Nauss, as the Councillor for the Hebbville area, indicated that they will let the Department of Natural Resources make the decisions on that (cutting along watercourses).

Mayor Downe thanked Mr. Reid for the amount of work that has gone into this review. Mayor Downe asked if everyone has agreed to the proposed changes. Councillor Nauss said everyone that attended the meetings agreed to them. There were a few objections but they were clarified.

After some further comments by Council, Mayor Downe asked for Council' s direction in this matter.

Moved by Councillor Zwicker, seconded by Councillor Nauss that Municipal Council accepts the Planning Advisory Committee' s recommendation and gives public notice of their intention to adopt Draft Version 1.1 of the Village of Hebbville Secondary Planning Strategy and Land Use By-law, as presented, and conducts First Reading of the same. Carried.

Moved by Councillor Countway, seconded by Councillor Zwicker that Municipal Council hold a Public Hearing date of Thursday, January 19, 2012 at 7:00 p.m. at the Hebbville Fire Hall (storm date - Tuesday, January 24, same time & place), and that staff hold a Public Information Session prior to the Public Hearing date. Carried.

Mr. Reid was thanked and he left the meeting.

6. AWARDING OF TENDERS - 10:00 a.m.

In attendance was Jeff Merrill, Acting Director of Planning and Development Services.

6.1 - Tender 2011-05-011 - Municipal Vehicle for Building Inspection

Mr. Merrill reviewed the tender analysis information that was circulated with the agenda for Tender 2011-05-011 for the replacement of a Building Inspection vehicle (2004 Chevrolet Silverado). He noted that the low bidder is not being recommended for the

award and he explained the reasons why, mainly because there is no trade-in. By not trading in, we expect to generate \$4,000 - \$6,000 for the sale of our present vehicle.

Councillor Young questioned the cost of \$600.00 for the mud and snow tires, and asked if we keep the all-season tires.

Mr. Merrill said the \$600.00 is the price difference but we get only the mud and snow tires.

Councillor Young commented that those are expensive mud and snow tires if we don't get to keep the all-season tires. He doesn't think we should be paying twice for tires, as the vehicle has to come with tires on it and we asked for mud and snow tires.

Ms. Wilson suggested that Council award the tender to Queens Chrysler minus the cost of the mud and snow tires which is to be negotiated.

Councillor Countway commented that, depending on the quality and size of the tires, there very easily could be a significant difference in the price.

Moved by Councillor Nauss, seconded by Councillor Carver that Council awards Tender 2011-05-011 for the Supply of a Municipal Vehicle for Building Inspection to Queens Chrysler for the regular price of \$21,640.95 plus HST and that the vehicle come with the all-weather tires on it and eliminate the mud and snow tires which we will deal with separately. Carried.

Mr. Merrill was thanked and he left the meeting.

11.2 ENGINEER' S MATTERS

In attendance were Roger Stein, Director of Engineering and Public Works, and Satu Peori, Assistant Municipal Engineer.

11.2.1 - Additional Costs for Environmental Services - Centre Jail Property

Mr. Stein reviewed the information in Ms. Peori's report which explained why additional costs for environmental services are required with regard to the demolition of the former Centre Jail building.

The contract price for Strum Environmental was \$21,413.00 plus HST. The additional invoices would include the following:

- Payment of \$2,833.96 + HST for the required supervision of the removal of asbestos floor underlay; and
- Quote of \$4,880 + HST for sampling and analysis of ash material and recommendations for abatement and disposal.

With the additional invoices, this would bring the Strum Environmental contract to \$29,125.96 plus HST.

Mayor Downe commented that this is an environmental issue. It was indicated before

that there could be issues there; and if we know of them then we have to deal with it. He asked what Council' s direction is in this matter.

Moved by Councillor Nauss, seconded by Councillor Statton that Council pay the addition to the tendered price to Strum Environmental, bringing the total now to \$29,125.96 plus HST. Carried.

12.2 STATION ROAD, MARTIN' S RIVER - PETITION FROM RESIDENTS (M. Countway)

Circulated with the agenda was a copy of a Petition to Resurface Station Road, Martin' s River, from the Long Cove Summer Cottage Society, Residents of Station Road and those whose roads join onto Station Road. The petition was sent to several officials of the Department of Transportation and Infrastructure Renewal, including the Minister.

Councillor Countway reported that he was asked to bring the petition to Council requesting Council' s support and to forward it to the Department of Transportation and Infrastructure Renewal.

Moved by Councillor Countway, seconded by Councillor Young that Council supports the Petition to Resurface Station Road and that it be forwarded to the Department of Transportation and Infrastructure Renewal. Carried.

14. IN CAMERA - 10:47 a.m.

Moved by Councillor Zwicker, seconded by Councillor Moore that Council go *In Camera In Committee*. Carried.

Discussed during the *In Camera* meeting were the following:

- 14.1 Legal Advice re Assessment Matter - AA 10010276, in accordance with section 22 (2) (g) of the *Municipal Government Act* (MGA)
- 14.2 Legal Advice re Assessment Matter - AA 01005189, in accordance with section 22 (2) (g) of the MGA
- 14.3 Legal Advice re Assessment Matter - Bella Island (As this item needed to be discussed with the Municipal Solicitor in attendance, it was deferred. Discussion on this item took place at a special meeting of Council held Dec. 15/11).
- 14.4 Land Negotiations - Wileville, in accordance with section 22 (2) (a) of the MGA
- 14.5 Personnel Matter (for information), in accordance with section 22 (2) (c) of the MGA
- 14.6 Contract Negotiations - Lease - LQRDA, in accordance with section 22 (2) (e) of the MGA

Moved by Councillor Young, seconded by Councillor Carver that Council rise and report. Carried.

14.4 LAND NEGOTIATIONS - WILEVILLE (discussed *In Camera*)

10.1.1 - Appraisal of Additional Two Parcels of Land (Recommendation from Committee of the Whole - details discussed *In Camera*)

Moved by Councillor Young, seconded by Councillor Veinot that Municipal Council accepts the recommendation of the Committee of the Whole and authorizes the appraisal of the additional two parcels of land discussed In Camera which are in addition to the four parcels previously approved, as outlined in the proposal for the land exchange in Wileville. Carried.

14.1 LEGAL ADVICE re ASSESSMENT MATTER - AA 10010276 (discussed *In Camera*)

Moved by Councillor Veinot, seconded by Councillor Young that Municipal Council authorizes the Municipal Treasurer to write off the tax sale expenses in the amount of \$367.07 on assessment account 10010276 as reasonably uncollectible under section 38 of the *Municipal Government Act*. Carried.

14.2 LEGAL ADVICE re ASSESSMENT MATTER - AA 01005189 (discussed *In Camera*)

Moved by Councillor Hustvedt, seconded by Councillor Nauss that, whereas the Nova Scotia Farm Loan Board has requested a settlement on assessment account 01005189 and Service Nova Scotia and Municipal Relations has advised the Municipality it is proper to issue a tax certificate of taxes paid with this settlement, Municipal Council authorizes the write-off of the balance of taxes owing of \$3,320.75 on assessment account 01005189 as uncollectible under section 38 of the *Municipal Government Act*. Carried.

14.6 CONTRACT NEGOTIATIONS - LEASE - LQRDA (discussed *In Camera*)

Moved by Deputy Mayor Fawson, seconded by Councillor Zwicker that Municipal Council authorizes the execution of the Five-Year lease for Office Space at 373 King Street, Bridgewater, between the Municipality of the District of Lunenburg and the Lunenburg Queens Regional Development Agency as presented. Carried.

15. ADJOURNMENT

There being no further business, at 11.50 a.m. it was moved by Councillor Bell, seconded by Councillor Nauss that the meeting adjourn. Carried.

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MAYOR DON DOWNE, CHAIRMAN

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APRIL WHYNOT-LOHNES, MUNICIPAL CLERK