

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, July 22, 2014 – 9:00 a.m.

ATTENDANCE

Mayor Don Downe
Deputy Mayor Eric Hustvedt – District 12
Councillor Errol Knickle - District 1
Councillor Donald Zwicker – District 2
Councillor Frank Fawson – District 3
Councillor Michael Ernst – District 4
Councillor Claudette Garland - District 5
Councillor Terry Dorey – District 6
Councillor Cathy Moore - District 7
Councillor Carolyn Bolivar-Getson – District 9
Councillor Lee Nauss – District 10
Councillor Martin Bell – District 11

REGRETS: Councillor John Veinot – District 8

STAFF: Darrell Hiltz, Interim Chief Administrative Officer
Alex Dumaresq, Deputy CAO
Heather Whynott, Administrative Assistant

1. CALL TO ORDER – 9:00 a.m.

Mayor Downe called the meeting to order.

2. PUBLIC INPUT

Ron Seney

He informed Council of recognition awards he has received in the past and thanked Council for the most recent fire services' award he received from the Municipality. He informed Council of what he feels should be a concern to Council; and to support his concern he informed Council of a personal incident he had when stopped on the highway by the RCMP.

3. AGENDA

Mayor Downe asked if there were any requests for additions to the Agenda.

1 – Councillor Fawson – Requested that In Camera item 13.2, Land Negotiations – Rose Bay, be moved to the Public Agenda

Councillor Fawson said, in any of the material he has seen, he did not see any reason for it to be discussed In Camera.

Mr. Dumaresq reported that we're in the middle of land negotiations on that particular file and normally those items are dealt with In Camera. One of the matters has to do with access to the site; and litigation could be a concern with that. However, it's Council's decision whether

it's discussed in open session or not. He did suggest the legal issues could be discussed In Camera and then return to open session for the remaining discussion.

After some further comments, Mayor Downe asked Council for direction. He noted that a suggestion has been made that we go In Camera to discuss it; and then if it is felt the material is not an In Camera issue, legal counsel can give us advice and Council can decide if they wish to discuss it in open session. Council agreed to this suggestion.

2 – Councillor Zwicker – Requested that the item titled “Request to Rescind Motion of May 27/14 (M. Ernst)”, under Business Arising item 5.3, Code of Conduct Issues, be removed from today's agenda

Councillor Zwicker feels the request is out of order as it has been the practice and policy of this Council that, where action has been taken and monies expended, a motion cannot be rescinded.

Mr. Dumaresq reported that Councillor Ernst gave seven days' notice to rescind the motion. If action has been taken that cannot be undone, then it's not in order to rescind. Documents have not been circulated yet. He checked with the Municipal Solicitor, Municipal Clerk and Municipal Affairs on this. It's a matter of interpretation.

Councillor Zwicker pointed out that the Solicitor's report has been prepared and the Solicitor was prepared to make a presentation at the July 8th meeting, but the Mayor was away. The Solicitor doesn't work for free. We talk about transparency and openness. He feels if Council rescinds the motion then we are not being open and transparent. He is, therefore, requesting that the item be removed from today's agenda.

Moved by Councillor Zwicker, seconded by Councillor Nauss that the item “Request to Rescind Motion of May 27/14 (M. Ernst)”, under item 5.3 on today's agenda, be removed from the agenda.

Discussion followed and Councillors and the Municipal Solicitor presented their opinions on whether or not action has been taken on the May 27th motion

A recorded vote by name on the motion was requested by Councillor Fawson and Councillor Dorey.

IN FAVOUR – Councillors Zwicker, Garland, Moore, and Nauss.

OPPOSED – Councillors Knickle, Fawson, Ernst, Dorey, Bolivar-Getson, Bell, Deputy Mayor Hustvedt and Mayor Downe.

The motion to remove the item from today's Agenda was defeated.

3 – Councillor Bolivar-Getson – Requested the following item under “Added Business”:
12.1 - Request for Letter of Support re Paving Petition

Moved by Councillor Ernst, seconded by Councillor Knickle that the Agenda be approved as amended. Carried.

4. APPROVAL OF MINUTES

Moved by Councillor Bolivar-Getson, seconded by Councillor Moore that the Minutes of the June 24, 2014 meeting be approved as circulated. Carried.

5. BUSINESS ARISING FROM MINUTES

5.1 SECOND READING – AMENDMENTS TO SAW PIT WHARF BY-LAW

At the June 24, 2014 Council meeting, Council approved amendments to the “Saw Pit Wharf By-law” and conducted First Reading. The amendments will alleviate parking issues in the lower parking lot by setting limits on the amount of time that boat trailers are permitted to remain in the lower parking lot area. Advertisements were published in the local papers notifying residents that Council would be considering Second Reading of the amendments at the July 22, 2014 Council meeting.

Moved by Councillor Knickle, seconded by Deputy Mayor Hustvedt that Council approves the amended By-law respecting the Saw Pit Wharf By-law as presented and hereby conducts Second Reading. Carried.

5.2 SECOND READING – AMENDMENTS TO SHORE DRIVE WASTEWATER MANAGEMENT DISTRICT BY-LAW

At the June 24, 2014 Council meeting, Council approved amendments to the “Shore Drive Wastewater Management District By-law” and conducted First Reading. The amendments will provide for the expansion of the Wastewater Management District boundaries to include PID 60336310, and create new Schedule C which is a listing of PIDs within the Wastewater Management District. Advertisements were published in the local papers notifying residents that Council would be considering Second Reading of the amendments at the July 22, 2014 Council meeting.

Moved by Councillor Bell, seconded by Councillor Nauss that Council approves the amended By-law respecting the Shore Drive Wastewater Management District By-law as presented and hereby conducts Second Reading. Carried.

5.3 CODE OF CONDUCT ISSUES

In attendance was Mr. J. C. Reddy, Municipal Solicitor.

This agenda item listed the following outstanding Code of Conduct issues:

- a – Request to Rescind Motion of May 27, 2014 (M. Ernst)
- b – Solicitor’s Report (requested at May 27, 2014 Council meeting)
- c – Deferred Procedural Motion of July 8, 2014
- d – Code of Conduct re Head of Council

Council dealt with each of the above issues individually.

5.3 (a) – Request to Rescind Motion of May 27, 2014 (M. Ernst)

Moved by Councillor Ernst, seconded by Councillor Dorey that Council rescinds the motion of May 27, 2014, item 9.4, Policy MDL-37, Municipal Code of Conduct.

The referenced motion was read: "Moved by Councillor Zwicker, seconded by Councillor Veinot that Council request a legal opinion from the MODL solicitor respecting a breach of Policy MDL-37, A Code of Conduct Policy, by Councillor Fawson and Councillor Dorey as it relates to: a) Councillor Fawson's recent actions respecting the Fire Services matter – letter to the Editor, mass email to all fire fighters; and b) Councillors Fawson's and Dorey's recent actions respecting the MODL – suggestions that MODL is not open, nor transparent, without having specific evidence to back up such claims. Carried."

There was considerable discussion regarding the motion to rescind. It was pointed out that MODL's solicitor has prepared a report/opinion in accordance with the May 27/14 motion. Some Councillors were of the opinion that, if the May 27/14 motion is rescinded and the solicitor's report is not released, then that is not being very transparent or open.

Councillor Dorey informed Council that he did obtain his own solicitor who has given him an opinion on this matter. Councillor Dorey feels he has done nothing improper, and referenced the Charter of Rights which he believes overrides any policy of MODL.

Some Councillors indicated that they would like to see the solicitor's report, but would also like the May 27th motion rescinded; and they questioned if there is a way to do that.

During the discussion that followed, Mr. Reddy indicated that, if the motion to rescind is favored by Council, it would allow the matter to circle back again. He suggested some other options that Council could consider to deal with the matter. His opinion is that there should be an In Camera component no matter what Council's decision is; and he made some suggestions as to how Council can proceed in this matter.

After a lengthy discussion, the vote was taken on the motion. Councillor Dorey and Councillor Bell requested a recorded vote by name on the motion to rescind the motion of May 27, 2014.

IN FAVOUR – Councillors Knickle, Fawson, Ernst, and Dorey.

OPPOSED – Councillors Zwicker, Garland, Moore, Bolivar-Getson, Nauss, Bell, Deputy Mayor Hustvedt and Mayor Downe.

The motion to rescind the May 27, 2014 motion was defeated.

5.3 (b) – Solicitor's Report (requested at May 27/14 Council meeting)

The next item was to deal with the report on the Solicitor's legal opinion respecting a breach of Policy MDL-37, A Code of Conduct Policy, which Council requested at the May 27, 2014 meeting.

Mayor Downe suggested that the report be released to members of Council only.

Mr. Reddy indicated that his advice would be that the report be released In Camera. He expects there might be some discussion about the contents therein that Council may want clarification on, and that would fall under "legal advice" under the *Municipal Government Act*.

Mr. Dumaresq reported that the solicitor is providing advice, but it's Council's decision whether the report is released In Camera or in open session.

Councillors voiced their opinions as to whether the report should be released In Camera or in open session. Some questioned if dealing with it In Camera is being open and transparent.

It was agreed that the report be circulated in open session. Councillors were provided with a copy of the Solicitor's legal opinions, which he provided in two separate reports – one referenced "Legal Opinion – Policy MDL-37 (A Policy Respecting A Code of Conduct) re Councillor Terry Dorey", and the other referenced "Legal Opinion – Policy MDL-37 (A Policy Respecting A Code of Conduct) re Councillor Frank Fawson".

Mr. Reddy provided an overview of the legal opinions he provided in his two reports.

Councillors Dorey and Fawson both expressed their opinions on what Mr. Reddy has put forth as his legal opinion in this matter. In his comments, Councillor Dorey indicated that, in terms of what his approach will be going forward, he will still continue to do the job he was elected to do. In his comments, Councillor Fawson indicated that he is interested in finding a proper resolution to these matters, and that he thinks a good discussion will help to deal with it.

Mayor Downe thanked Councillors Dorey and Fawson for their comments on the issues. He noted that all Councillors' views are important at this table. He feels that one of the issues has been procedure; and that is something we will be talking about.

Mayor Downe then read the comments he had prepared on the Code of Conduct issues. He would now like to see the issues put behind us and to move forward and start anew. He invited Councillors to come and talk to him if they have any issues, noting that all Councillors' concerns are legitimate concerns, and that the commitment of every Councillor is needed to make it work.

5.3 (c) - Deferred Procedural Motion of July 8, 2014

The following motion was deferred at the July 8, 2014 Council meeting:

Moved by Councillor Fawson, seconded by Councillor Ernst that the Municipal Solicitor be asked to include in his commentary as to whether the Code of Conduct was followed on May 27, 2014 by Councillor Zwicker and by Mayor Downe.

Mr. Dumaresq pointed out that the solicitor's report has already been prepared and presented, so it's up to Council as to what they want to do with the motion. Council did not give direction to contact the solicitor on this. The issue is here today if Council wishes to give direction to the solicitor.

Councillors expressed their opinions as to how they feel Council should proceed at this point. It was noted that Council is trying to close some circles and move forward. One of the suggestions was to have a group session or a workshop, and perhaps a facilitator could lead it.

Mr. Reddy indicated that if Council decides to hold a workshop he can make himself available for whatever part is appropriate for him to be there.

Moved by Councillor Fawson, seconded by Councillor Ernst that the motion on the floor, from the July 8, 2014 Council meeting, be withdrawn. Carried.

As the next item is about the head of Council, Mayor Downe requested Deputy Mayor Hustvedt to take the chair.

5.3 (d) – Code of Conduct re Head of Council

Circulated with the agenda was an email dated July 17, 2014 to the Interim CAO, Darrell Hiltz, from Councillor Fawson. The email was copied to the Deputy CAO and all members of Council. The email addressed Councillor Fawson's concerns as to whether the Code of Conduct Policy was followed by the head of Council at the May 27, 2014 Council meeting. Councillor Fawson feels it was not followed.

Councillor Fawson expressed his opinion as to why he feels the Code of Conduct Policy was not followed at the May 27, 2014 Council meeting, with particular reference to the items that were allowed to be added to the agenda for that meeting. He suggested that we need to look at that Policy and make revisions to it.

Mr. Dumaresq reported on discussions that he had with Councillor Fawson and at the Council table with regards to the request that was made to have the municipal solicitor present at the May 27, 2014 Council meeting. With regards to the Code of Conduct Policy, he indicated that staff have identified that there are issues with how a particular section of the policy works. It's an item that has been flagged as needing revision in Council's policy procedure. He also indicated that there is a lack of clarity as to what is supposed to be done if it is felt there is a breach of the Code of Conduct. He pointed out that Council has to give direction if they want a policy reviewed, but at this point Council has not given direction to review the Code of Conduct Policy.

Mayor Downe pointed out that, in response to the procedural question, at Council meetings an opportunity is given for Councillors to add items to the agenda. Items were requested to be added at the May 27, 2014 Council meeting and Council agreed to the added items. Once that is done, he has to abide by Council's wishes.

Moved by Councillor Bell, seconded by Councillor Zwicker that Council confirms that the Mayor followed the direction of Council in this matter and has not breached the Code of Conduct. The mover and seconder agreed to **withdraw the motion** after the discussion that followed.

Councillors expressed their opinions on whether or not they feel there was any breach of the policy at the May 27th meeting and if the motion will only continue things further. It was suggested that, rather than the motion on the floor, there should be a motion to review the policy.

Mr. Reddy pointed out that there has been a report, it has been tendered, and the individuals have made their comments and, therefore, questions if there is a need to make motions to confirm anything.

Councillors Bell and Zwicker agreed to withdraw the motion.

Moved by Councillor Moore, seconded by Councillor Bolivar-Getson that the Code of Conduct Policy (MDL-37) be reviewed for potential revisions and more clarity. Carried.

Mayor Downe made some concluding remarks about taking direction from staff and following procedure.

At 12:22 p.m. Council recessed for lunch.

At 1:45 p.m. the meeting resumed with Mayor Downe in the chair. Councillor Moore was absent at this time and she returned to the meeting at 2:07 p.m.

6. PRESENTATIONS/SCHEDULED TIMES (nil)

7. AWARDING OF RFP

7.1 PETITE RIVIERE COMMUNITY PARK RFP AWARD

In attendance were Trudy Payne, Director of Recreation Services, and Laura Barkhouse, Trails and Open Space Coordinator.

Ms. Payne reviewed the analysis information for RFP 2014-05-401 – Design and Construction of a Community Park. This RFP was prepared by municipal staff in partnership with the Petite Riviere Community Park Association (PRCPA). There were four enquiries for the RFP package, but only one contractor responded to the mandatory site visit and only one RFP response was received. The submission was reviewed by municipal staff and two representatives of PRCPA. The RFP analysis provided information on the funding sources. Total funding confirmed to date is \$80,000. However, the level of effort for the scope of work was listed at \$70,000. This was to ensure that there was a contingency of \$10,000 to cover any unanticipated cost overruns.

Ms. Payne reported that the community fully supports this project and is very anxious to move forward with it.

Councillors' questions were then answered by staff with regards to the scope of work and the arrangement to be able to negotiate same with the successful bidder.

Moved by Deputy Mayor Hustvedt, seconded by Councillor Dorey that Council accepts the recommendation of staff and the Petite Riviere Community Park Association and awards RFP 2014-05-401, Design and Construction of a Community Park, to Helping Nature Heal for a sum to be negotiated that meets the Petite Riviere Community Park Association's available funds. The motion was carried after staff answered questions with regards to monitoring the site as it relates to safety and provided clarification on the RFP call which is to design and build.

Ms. Payne and Ms. Barkhouse were thanked and they left the meeting.

8. CORRESPONDENCE

8.1 DEPARTMENT OF JUSTICE re MUNICIPAL CONFLICT OF INTEREST

Circulated with the agenda was a letter dated July 10, 2014 from Ms. M. Michelle Higgins of the Department of Justice in response to MODL's correspondence dated June 2, 2014 to the Minister of Justice asking that the Department conduct an enquiry under Section 12 of the *Municipal Conflict of Interest Act*. The request for an enquiry was made in accordance with a motion passed at the May 27, 2014 Council meeting. The letter states, "Based upon the

information provided in your correspondence, the Minister is not satisfied that the requirements to hold an inquiry under Section 12 of the *Municipal Conflict of Interest Act* have been established.”

This was presented for information.

9. RECOMMENDATIONS/REFERRALS FROM COMMITTEES & BOARDS

9.1 COMMITTEE OF THE WHOLE – RECOMMENDATIONS

9.1.1 – Direction to Joint Transportation Committee re Draft Terms of Reference

Moved by Deputy Mayor Hustvedt, seconded by Councillor Knickle that Council accepts the recommendation of the Committee of the Whole and directs the Joint Transportation Committee to develop a draft terms of reference for the employment of a Transportation Coordinator. Carried.

9.1.2 – Grant to Petite Riviere Art and Craft Society

Moved by Deputy Mayor Hustvedt, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves a Community Economic Development Grant request in the amount of \$500.00 to the Petite Riviere Art and Craft Society for the Petite Palette 2014 being held September 19 – 28, 2014 in Crousetown, Petite Riviere, Broad Cove, West Dublin and LaHave. Carried.

At 2:00 p.m. Deputy Mayor Hustvedt left the meeting to attend the closing of a tender and returned at 2:30 p.m.

9.1.3 – Implementation of the Economic Development Communication Plan

Moved by Councillor Nauss, seconded by Councillor Bolivar-Getson that Council accepts the recommendation of the Committee of the Whole and approves the implementation of the Economic Development Communication Plan as presented. Carried.

9.1.4 – Interest Rate for Receivables

Moved by Councillor Fawson, seconded by Councillor Bolivar-Getson that Council accepts the recommendation of the Committee of the Whole to maintain the interest rate at 10% for all receivables, including the Street Improvement By-law interest rate.

Councillor Bell reported that he was asked by some people of his area to bring forward their concern about the 10% interest rate, particularly as it relates to the Street Improvement By-law. He explained their concern, noting that they consider the 10% interest rate a penalty and that they wouldn't mind paying what is owing plus the 3% prime rate.

Mayor Downe reported that MODL's interest rate is lower than other units. The Committee looked at other units in the County and they are charging 12% and HRM charges 15%.

Councillor Bell suggested that it would be good if somehow this could be communicated back to these residents informing them that we are competitive to other municipal units.

Mayor Downe requested that staff prepare a letter to Councillor Bell explaining the reason(s) for the 10% interest rate for all receivables, including the Street Improvement By-law interest rate, which Councillor Bell can then show to the residents in his area.

The motion to maintain the interest rate at 10% was carried.

9.1.5 – Sponsorship Ad Request – Rural Arts and Life Tour

Moved by Councillor Dorey, seconded by Councillor Nauss that Council accepts the recommendation of the Committee of the Whole and approves the Sponsorship ad request for the Rural Arts and Life Tour in the amount of \$499.00 towards the printing of the brochures and that the Municipality be acknowledged as a supporter of the tour. Carried.

At 2:07 p.m. Councillor Moore returned to the meeting.

9.1.6 – Fire Tax Rates for Year Ending March 31, 2015

Moved by Councillor Bell, seconded by Councillor Ernst that Council accepts the recommendation of the Committee of the Whole and approves the Fire Tax Rates per \$100 of assessment for the year ending March 31, 2015 as presented. Carried.

9.1.7 – Waive Tipping Fee for MODL Residents re Hurricane Arthur

Moved by Councillor Knickle, seconded by Councillor Dorey that Council accepts the recommendation of the Committee of the Whole and waives the tipping fee for disposal of tree and limb waste resulting from Hurricane Arthur for the residents of the Municipality of the District of Lunenburg for a period of one month from the date of the storm being July 6, 2014. (Councillor Ernst noted that the storm was changed from a hurricane to tropical storm Arthur.)

Mr. Dumaresq explained the procedure that will be followed for the waiving of the tipping fee for disposal of waste as a result of the storm. As it was noted that some have already paid the tipping fee, he also explained how those people can be reimbursed for the tipping fee they paid.

The motion was carried.

9.1.8 – Deputy CAO's Report re Paving Recommendations

Circulated with the agenda and reviewed by Mr. Dumaresq was the information in his memo dated July 22, 2014 which provided a summary of recent actions (by the Committee of the Whole and/or Council) regarding the Street Improvement By-law and Policy Revisions, as well as some motions, potential motions and/or recommendations with reference to paving projects that have come before previous Council meetings and need to be considered and/or finalized by Council.

One of the motions to be dealt with was made at the July 8, 2014 Council meeting and deferred at the same meeting. The deferred motion states: "Moved by Councillor Bell, seconded by Councillor Zwicker that Council accepts the recommendation of the Committee of

the Whole and approves the cost sharing of 40% for the paving of Meldrum Avenue, Buena Vista Drive and Aspen Court in Conquerall Bank to be taken from the funding allocated in the fiscal year 2014-15 Capital Budget, subject to a successful petition.” Mr. Dumaresq reported that the petition for this paving project closed yesterday and there was not sufficient support for the project to go forward. As the deferred motion stated “subject to a successful petition, and as the petition was not successful, that motion does not need to be dealt with by Council today.

Councillor Bell expressed his views as to why he feels the petition was not successful.

During the discussion on this, one of the comments made was that the cost sharing for these paving projects is not fair, as we are asking residents to share 60% of the cost.

Moved by Councillor Nauss, seconded by Councillor Garland that Council give notice of its intention to amend Policy MDL-39, Procedure for Accepting Petitions for Cost Shared Funding for Improvements to Municipal Public Roads and Streets. (At the July 22, 2014 Council meeting, **the mover and seconder of this motion agreed to withdraw it.** At the August 19/14 meeting of the Committee of the Whole, it was agreed that a workshop be arranged by staff to discuss the by-laws, policies and standards relating to private and municipal roads.)

It was pointed out that people on private roads are taxpayers too, and the question was asked as to what we are doing for them.

Councillor Bell drew on the blackboard the roads in the area of Conquerall Bank that was petitioned. He explained that the short street “Aspen Court” has 7 homes on it. “Buena Vista Drive” has 8 homes on it and it is also a short street. These individuals want their street paved. “Meldrum Avenue” is a long street with only 3 houses on it. The rest is just woods building lots; but in the petition we were asking the home owners on the two small streets (Aspen Court and Buena Vista Drive) to pave the long municipal road (Meldrum Avenue). He questioned if that’s fair. Also, we were charging them a 10% administration fee and he asked why. He thinks the results of the petition would be totally different if we did a petition to just pave those two short streets (Aspen Court and Buena Vista Drive). The eleven people who chose not to vote did so because they were not in favour of paving the long municipal road.

In response to a question as to whether the two-year waiting period can be waived for these paving projects, Mr. Dumaresq reported that the opportunity is there for Council to make that approval to waive the two-year wait.

At 2:30 p.m. Deputy Mayor Hustvedt returned to the meeting.

It was pointed out that people are looking for homes and/or building lots on paved roads. It was suggested that we could help with these paving projects if we change the cost-sharing formula to 50/50 like the Province. It has been proven that the cost is less to maintain a paved road than it is to maintain a gravel road.

Moved by Councillor Dorey, seconded by Councillor Bolivar-Getson that we defer the motion on the floor with regards to amending Policy MDL-39 and refer the matter to the next meeting of the Committee of the Whole for discussion. Carried.

Council then dealt with a recommendation from the Committee of the Whole relating to the Turner Heights project which was deferred at the July 8, 2014 Council meeting.

Moved by Councillor Bolivar-Getson, seconded by Councillor Nauss that Council approves notifying the Province that the Municipality accepts the asphalt paving and the cost estimates for the paving of Glendale Avenue, John Arnold Avenue, Olive Drive, Genevieve Drive and Karen Drive in Lower Branch, subject to a successful petition. Carried.

Council then considered the suggestion that was made to waive the two-year waiting period for these paving projects before they can apply again, if the petitions are not successful.

Moved by Councillor Bolivar-Getson, seconded by Councillor Bell that the policy in relation to paving petitions for the Turner Heights paving project and the Conquerall Bank paving project be exempt from the two-year wait requirement before being able to reapply for paving. Carried.

9.2 FIRE AND EMERGENCY SERVICES COMMITTEE – RECOMMENDATION

9.2.1 – Terms of Reference – Revisions

Councillor Fawson reported on the meetings that were held where the revised Terms of Reference for the Fire and Emergency Services Committee were discussed.

Moved by Councillor Fawson, seconded by Councillor Moore that Council accepts the recommendation of the Fire and Emergency Services Committee and approves the revisions to the Fire and Emergency Services Committee’s Terms of Reference as noted in the staff report. Carried.

10. STAFF MATTERS

10.1 CAO MATTERS

10.1.1 – Building Report for June 2014

The Building Report for June 2014 was circulated with the agenda. Mr. Hiltz reviewed the information in the report which was circulated for information.

At 2:43 p.m. Mayor Downe left the meeting.

Deputy Mayor Hustvedt was in the chair. He reported on the Official Opening of the Bridgewater Marina that he attended to represent the Municipality, as Mayor Downe had another commitment.

At 2:45 p.m. Mayor Downe returned and resumed the chair.

10.2 PLANNING MATTERS

10.2.1 – Update on Development Agreement (Heron Pub & Marina, Riverport)

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

Circulated with the agenda was a report from Mr. Reid dated July 15, 2014, which provided background information and an update on the status of the Development Agreement for the Heron Pub & Marina, Riverport. Mr. Reid reviewed the information, noting that a notice appeared in the local newspaper on July 17, 2013 informing the public that Council approved a Development Agreement with Mr. Peter Knowles for the development of a pub and marina on a series of PIDs located on Lower LaHave Road in Riverport. Mr. Reid also reported that article 12d of the Development Agreement states, "that the Municipality may discharge this agreement, if the use and conditions described herein has not yet commenced within twelve (12) months of the date of the Agreement." However, as Mr. Knowles has recently notified the Planning department that a few identified matters, that had caused the proposed development to not be completed in the last year, have either been rectified or are moving towards being rectified, staff is, therefore, recommending at this time that Council continue to allow the Development Agreement to go for an undetermined amount of time. Mr. Reid reported that the other terms that were made last July would still have to be met.

Moved by Councillor Zwicker, seconded by Councillor Garland that Council not proceed with a recommendation that would discharge the Development Agreement for the Heron Pub & Marina, Riverport, at this particular time; and further, that Mr. Knowles be provided with written notice informing him of this particular condition in the Development Agreement and ask for a written response to Council identifying where progress on related conditions pertaining to the 2013 motion has been completed, or what aspects remain outstanding, and expected time lines. Carried.

11. MAYOR'S/COUNCILLORS' MATTERS

11.1 MAYOR'S UPDATE

Mayor Downe reported on the meetings and events he attended since the last meeting.

Deputy Mayor Hustvedt and Councillor Garland reported on the events they attended when Mayor Downe had other commitments.

12. ADDED BUSINESS

12.1 REQUEST FOR LETTER OF SUPPORT re PAVING PETITION

Councillor Bolivar-Getson presented a copy of a petition that was delivered to her yesterday. The petition is addressed to the MLA for the area, the Honourable Mark Furey, and is requesting the provincial government to repair and resurface the Monk Road during the 2014 paving season. Councillor Bolivar-Getson reported that the road is in both her area and Councillor Veinot's. She is requesting that Council authorize a letter of support for the petition.

Moved by Councillor Bolivar-Getson, seconded by Councillor Bell that we write a letter of support to the Department of Transportation and Infrastructure Renewal on behalf of the citizens on the Monk Road who have signed a petition asking for resurfacing of the paved portion and a chip seal or some aggregate on the other end of the road. Carried.

13. IN CAMERA

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

Discussed during the In Camera meeting were:

13.1 Land Negotiations – Wileville, in accordance with section 22 (2) (a) of the *Municipal Government Act* (MGA)

13.2 Land Negotiations – Rose Bay, in accordance with section 22 (2) (a) of the MGA

Moved by Councillor Zwicker, seconded by Councillor Bolivar-Getson that Council return to open session. Carried.

CONFLICT OF INTEREST

Councillor Ernst declared a conflict of interest regarding item 13.1 and he left the meeting.

13.1 LAND NEGOTIATIONS – WILEVILLE (discussed In Camera)

Moved by Councillor Bolivar-Getson, seconded by Councillor Bell that Council authorizes the expenditure of \$50,000 from the General Reserve to permit Council to expedite the conclusion of the Wileville land exchange. Carried.

14. ADJOURNMENT

There being no further business, at 3:55 p.m. it was moved by Councillor Bolivar-Getson, seconded by Councillor Nauss that the meeting adjourn. Carried.

.....
MAYOR DON DOWNE, CHAIRMAN

.....
ALEX DUMARESQ, DEPUTY C. A. O.