

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, May 10, 2016 – 9:00 a.m.

ATTENDANCE

Mayor Don Downe
Deputy Mayor Claudette Garland – District 5
Councillor Errol Knickle - District 1
Councillor Donald Zwicker – District 2
Councillor Frank Fawson - District 3
Councillor Michael Ernst – District 4
Councillor Terry Dorey – District 6
Councillor Cathy Moore – District 7
Councillor John Veinot – District 8
Councillor Carolyn Bolivar-Getson – District 9
Councillor Lee Nauss – District 10
Councillor Martin Bell – District 11
Councillor Eric Hustvedt – District 12

STAFF: Kevin Malloy, Chief Administrative Officer
Alex Dumaresq, Deputy CAO
Sherry Conrad, Municipal Clerk
Heather Whynott, Administrative Assistant

1. **CALL TO ORDER** – Mayor Downe called the meeting to order at 9:00 a.m.

PROPOSED AMENDMENTS TO BLOCKHOUSE SPS & LUB – SCHEDULE “B”

Prior to the Council meeting, Council held a Public Hearing to deal with proposed amendments to the Blockhouse Secondary Planning Strategy (SPS) and Land Use By-law (LUB). Just before the close of the Public Hearing, Mayor Downe noted that the proposed amendments are included on today’s Council agenda; and if Council agrees, it will be the first order of business. Council agreed.

8. PRESENTATIONS/SCHEDULED TIMES

8.1 **SECOND READING** – PROPOSED AMENDMENTS – BLOCKHOUSE PLAN AREA – SCHEDULE “B”

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

Moved by Councillor Ernst, seconded by Councillor Bolivar-Getson that Municipal Council adopt the By-law amending the Blockhouse Secondary Planning Strategy and Land Use By-law, revising By-law Schedule “B” in the manner prescribed, and related amendments in the Secondary Planning Strategy where it includes statements affecting Schedule “B” and Site Plan review, and that Council conduct Second Reading of the same. Carried Unanimously. (Councillors Fawson and Bell did not vote on the motion as they were not in attendance at the Public Hearing.)

Mr. Reid left the meeting.

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITIONS

Councillor Ernst acknowledged and thanked the volunteers of the Mahone Bay Lions Club and the Oakland-Indian Point Residents' Association for again doing roadside cleanup along approximately 9 km of highway on April 30th, and the Mahone Bay Lions Club for doing roadside cleanup on Highway 3 on May 7th. He reported that 80 – 90 bags of garbage were collected, noting that 36 of those bags were from the carpool parking lot.

Councillor Hustvedt also acknowledged and thanked volunteers of two groups that provided roadside cleanup in his district – the Friends of Crescent Beach with help from Petite Riviere students, and the Broad Cove Community Association.

A further announcement was made after the Public Input session.

3. PUBLIC INPUT

Dave Sutherland, Camperdown – He brought to Council's attention a concern that he feels is a legal gap in MODL's current policy with regards to the construction and maintenance of private subdivision roads. The current policy relies on a developer to establish a covenant with the subdivision residents, which is intended to have residents form an association and take charge of their road within a three-year time frame. He feels this does not happen in a lot of cases, particularly if there are a number of non-residents who own the majority of the properties. He would like Council to review the current policy governing private roads with an end to eliminate the known legal gap. His presentation addressed a situation that he and his family were put in approximately two years ago, when the road they live on was washed out, leaving his family stranded; and had there been an emergency, no emergency service provider, i.e., police, fire, ambulance or otherwise, could have responded. This put his family at undue risk, which he feels could have and should have been avoided, had the road been properly constructed and maintained. In his presentation, which was written in a letter addressed to Council (copy attached to original Minutes), he presented the following four requests to Council:

- 1) That Council formally review the current covenant system with an end to serve the needs of minority residents currently stranded by the existing policy;
- 2) That Council create a policy that allows for any subdivision land owner on a private road to ask the Municipality to appoint an unbiased third party to manage an emergency road repair situation when no association exists, and to have the fees associated with that management and repair collected fairly from all subdivision residents by taxes, should it be necessary;
- 3) That Council make clear on their website and through publication the clear and concise process to bring matters to Council for policy review; and
- 4) That Council consider the inclusion of a road construction/maintenance policy that ensures roads are built and maintained to a standard that provides unrestricted access to emergency services.

Mr. Sutherland requested that Council review the current policy and look at filling the missing gap that he has spoken of today. He thanked Council for the opportunity to present this issue.

Mayor Downe thanked Mr. Sutherland and indicated to him that we will accept his letter and see where we can go from there.

Derek Purcell, 238 Pentz Rd., Pentz – He said he was here to speak as a ratepayer in the community of Blockhouse. He believes that amendments are required to MODL Policy 36 – the Fire and Emergency Services Policy. To justify why he feels amendments are required, he made reference to the ratepayers’ meeting for the Blockhouse and District Volunteer Fire Department (BDVFD) held last Friday. He noted that the BDVFD is different, in that they are very fortunate to have a high percentage of their firefighters who are paramedics or professionally trained first responders, and the residents appreciate their volunteer firefighters. He also stated that he supports the Fire Department and the new fire station. However, Mr. Purcell feels the Fire Department is also different in another way; and stated, “Our Fire Department is building a new fire station but has shut the door to additional community support or involvement.” He indicated that there is very little information flow between the ratepayers and the Fire Department. He noted that what the Fire Department is doing is within their rights as a Society incorporated under the Societies Act of Nova Scotia, and that interaction with the ratepayers is not part of this legislation. He said the only document where ratepayer and Fire Department interaction is directed in MODL Policy 36. He is of the opinion that this Policy requires amendment to reduce the chances of a repeat of what has occurred in Blockhouse. In his presentation, which he provided as a written letter (attached to original Minutes), he reported on what was allowed to happen at the ratepayers’ meeting conducted in accordance with MODL Policy 36. He reiterated that the policy requires revisions and that he has started the process to provide suggested amendments to municipal staff and others in the hopes that Council will agree with them.

Mayor Downe thanked Mr. Purcell for his letter and for the professional way the meeting was handled in Blockhouse on Friday night.

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITIONS

Mayor Downe reported that at the UNSM Spring Workshop he moved a motion, which was carried unanimously, with regards to giving support of all municipalities within Nova Scotia to Fort McMurray and communities. He indicated that Councillor Bell would like a letter sent on behalf of MODL and is prepared to make a motion. It was suggested and agreed that the matter be dealt with under item 12, “Mayor’s/Deputy Mayor’s/Councillors’ Matters”, and the motion introduced at that time

Mayor Downe also reported that he wrote a letter to the Mayor of Berwick with regards to their area’s loss at the Wheaton’s Berwick Store due to fire.

4. AGENDA – ANY OTHER BUSINESS TO BE ADDED – No requests for additions.

Moved by Councillor Moore, seconded by Councillor Dorey that the Agenda be approved as circulated. Carried Unanimously.

5. MINUTES

Moved by Councillor Bolivar-Getson, seconded by Councillor Moore that the Minutes of the Public Hearing and Special Council Meeting held March 15, 2016 be approved as circulated. Carried Unanimously.

6. BUSINESS ARISING FROM MINUTES (nil)**7. AWARDING OF TENDERS/RFPs**

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

7.1 RFP AWARD – EVALUATION SERVICES FOR A RESIDENTIAL PACE PROGRAM

A joint RFP was released on March 24, 2016 by the Municipality of the District of Lunenburg (MODL), the Municipality of the District of Shelburne (MODS), and the Town of Bridgewater (TOB) for the procurement of “Administration & Evaluation Services for a Residential Property Assessed Clean Energy (PACE) Program”. On April 11, 2016 an Addendum was issued that allowed the Municipality of the District of Digby (MODD) to participate in the RFP. The RFP requested proposals for the development of a 1-year pilot residential PACE program, with the intention of negotiating future years with the successful proponent, following the evaluation of the first year.

Circulated with the agenda was a report dated May 3, 2016 from Mr. Merrill providing the RFP Evaluation Committee’s recommendation for the award of a contract for Administration and Evaluation Services for a Residential PACE Program. Mr. Merrill reviewed the information in the report, which included details of the four proposals received and their quotes. Also included in the report, and reviewed by Mr. Merrill, were the five steps that staff recommends that MODL should undertake in this matter (Page 3 of the report).

Moved by Councillor Veinot, seconded by Councillor Moore that Municipal Council endorses the recommendation of the Joint Municipal RFP Evaluation Committee and awards the contract for Administration and Evaluation Services for a Residential PACE Program to the Clean Foundation based on the scope of work and quoted costs described in its submitted Proposal; and further, that Council extends the maximum PACE Program financing limit of \$100,000 into fiscal year 2016/17.

Councillors were given an opportunity for comments; and Mr. Merrill answered their questions with regards to the cost figures of \$1,900 (total cost to municipalities – shared 4 ways) and the \$275 (cost to each participating homeowner); the membership of the Evaluation Committee; contacts made to other local municipal units; and the estimated number of loans in this fiscal year (10 – 13).

The motion was carried. Councillor Bell opposed the motion.

7.2 RFP AWARD – LiDAR COLLECTION & DIGITAL EVALUATION MODEL

On March 8, 2016 Council gave pre-budget approval for \$250,000 for LiDAR coverage and identification of floodplains for all inland waterways. After staff discussed the project with GeoNova staff, it was decided to break the project into two phases – the first phase being the collection of the LiDAR and the generation of the digital elevation model, and the second phase to procure the floodplain identification work. On April 15, 2016, MODL and the Municipality of the District of Chester (MODC) issued a joint RFP for LiDAR Collection and Digital Elevation Model.

Circulated with the agenda was a report dated May 5, 2016 from Mr. Merrill providing the RFP Evaluation Committee's recommendation for the award of an RFP for the LiDAR Collection and Digital Elevation Model. Mr. Merrill reviewed the information in the report. Six proposals were received. The Evaluation Committee included staff from MODL and MODC, as well as two Provincial staff from the NS Geomatics Centre. Six proposals were received. The Committee reached a consensus that the XEOS proposal received the highest technical score and offered an excellent price. Therefore, staff is recommending that the award cost include XEOS' optional items (listed in report) for the Lunenburg County coverage area for a total project cost of \$117,375 (MODL's share of this is \$73,946.25 plus HST). The Province has indicated that they will provide 25% (official confirmation has not yet been received).

In response to a question from Council, Mr. Merrill reported on contacts made to other municipal units to enquire about their interest and participation in this project.

A comment was made that towns have watershed areas, so they might have some interest in LiDAR.

A question was asked if residents can apply for the detailed LiDAR information/map. Mr. Merrill reported that our intention is not to resell the information, but to have the information accessible. He indicated that it would be very time consuming for staff to provide a map for a specific area, so it would not be cost effective.

Moved by Deputy Mayor Garland, seconded by Councillor Bolivar-Getson that Municipal Council endorses the recommendation of the Joint Municipal RFP Evaluation Committee and awards the Request for Proposals for the LiDAR Collection and Digital Elevation Model to XEOS Imaging Inc. in the amount of \$73,946.25 plus HST. Carried Unanimously.

9. CONSIDERATION OF CORRESPONDENCE:

9.1 TOWN OF MAHONE BAY – 2016 MEETING OF MUNICIPALITIES – ATTENDANCE & AGENDA ITEMS

Council was informed that the 2016 Meeting of Municipalities from Lunenburg, Queens and Shelburne Counties (scheduled for June 21/16 in Mahone Bay) has been cancelled.

Mayor Downe noted that, at the UNSM Spring Workshop, it was agreed that, as municipalities, we try to focus on specific areas of concern for discussion at regional meetings.

Mr. Dumaresq reported that the South Shore municipalities are still meeting; and when the call comes out for that meeting, they will be looking for agenda items. Councillors suggested the following items:

- Broadband (should be a Continuing Agenda item)
- MODL should Introduce a Resolution regarding a Rebate on HST re Upgrades to Septic Systems
- Transfer of home ownership requiring approved functional sewage systems
- Ask Province to introduce a fee for pickup of other roadside litter (similar to bottles/cans)

Mayor Downe reported on UNSM's new focus and how they would like resolutions to come forward and be introduced under themes, and get back to issues of provincial importance.

9.2 TOWN OF BRIDGEWATER – INVITATION FOR MODL MEMBER ON BCEI ADVISORY COMMITTEE

Circulated with the agenda was a letter from Mr. Leon de Vreede, Sustainability Planner for the Town of Bridgewater (TOB), inviting a member of MODL (Council or staff) to join the Bridgewater Community Energy Initiative (BCEI) Advisory Committee. Mr. Merrill reviewed the information in the letter. TOB has received funding approval from the FCM Green Municipal Fund towards the BCEI and is now in a position to launch the program. The formation of the BCEI Advisory Committee is a key step in the roll-out of this program. The mandate of this Committee is to provide advice on the implementation of the BCEI, which includes the development of a Community Energy Plan for Bridgewater. The letter listed the Committee's objectives. The membership of the BCEI Advisory Committee will be selected to represent stakeholder interests from the people and industries most likely to be affected by the BCEI and the Community Energy Plan – MODL is included in this group. The Committee will be active from approximately June 2016 to October 2017, after which it will be dissolved. Meetings will be held on Fridays approximately once every two months from 12:00 pm to 2:00 pm, and will be open to members of the public.

Mr. Malloy pointed out that this is a short-term initiative, and that the majority of the knowledge is at the staff level, which is why it is proposed that the Director of Planning and Development Services be appointed to this Committee.

Moved by Councillor Fawson, seconded by Councillor Hustvedt that Municipal Council appoints the Director of Planning and Development Services, or his designate, to be the Municipality of the District of Lunenburg's representative on the Bridgewater Community Energy Initiative (BCEI) Advisory Committee; and further, that staff provide regular updates to Council on the work of the Committee.

Discussion followed regarding energy sustainability, particularly with regards to wood-burning furnaces for the production of energy and the cutting of huge hardwood trees in the province for this purpose.

Mr. Merrill reported that this is a community energy initiative. The TOB is looking at their energy use and costs. MODL's involvement is outlined in bullet #3 of Mr. de Vreed's letter – "Advise on the development and implementation of a range of community and stakeholder engagement, consultation, and learning activities related to the BCEI including the Energy Partnership, the Living Energy Laboratory, and the Community Energy Fair." He indicated that our PACE program will fit very well with this.

The question was asked if any recommendations from this Advisory Committee would come back to a working session of Council. Mr. Merrill reported that there are no decisions of this Council to be made. We are helping in an advisory role. Anything requiring approval would go to the TOB Council.

Mr. Merrill noted that MODL Council decided not to do our energy plan this fiscal year. He indicated that things could come out of our involvement with this Advisory Committee which can be brought back to Council when we do our plan.

The motion was carried. Councillor Zwicker opposed the motion.

10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES/BOARDS

10.1 NOMINATING COMMITTEE

10.1.1 Appointments to Area Advisory Committees

Moved by Councillor Hustvedt, seconded by Councillor Bolivar-Getson that Council accepts the recommendation of the Nominating Committee and appoints the following slate of applicants to the respective Area Advisory Committees, as identified in the Nominating Committee memo, with each individual appointed for a term to expire May 1, 2018:

Blockhouse AAC – John Croft, Paula MacDonald, Jason Martell

Hebville AAC – Harold Conrad, Carol Hutton

Oakland AAC – Elizabeth Ross, William Scott

Princes Inlet AAC – James Betts, Anne Cosgrove

Councillor Hustvedt pointed out that there were no new applicants and that all are reappointments and the individuals are willing to serve again. He also noted that there are several vacant positions on some Area Advisory Committees.

The motion was carried unanimously.

Mayor Downe encouraged Councillors to try to find residents who would be willing to act on the Area Advisory Committees.

10.2 PLANNING ADVISORY COMMITTEE

Proposed Amendments to Princes Inlet Planning Documents

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

Circulated with the agenda and reviewed by Mr. Reid, using a PowerPoint presentation, was his report to Council dated May 6, 2016, which provided the background and details of the amendment application submitted by Mr. Royal Stevens for the Princes Inlet area. His application concerns permitting for an additional type of use of a building constructed on PID #660682499. The building on this property has already been permitted to be built, and its construction is not at issue. It is Mr. Stevens' intent to convert the use of the structure to a farm market facility that is in question. The building is located within the identified watercourse setback. In order to approve this application, an amendment is required to the Princes Inlet Land Use Bylaw, specifically, additions to Bylaw section 5.2.7 and related Definition, to allow farm markets' uses directly associated with provincially-registered farms to be exempt from identified watercourse setback regulations.

Mr. Reid reported on the meetings that have been held to date regarding the proposed amendment. In his report he provided some concerns that were noted from the public input at the meetings, e.g., traffic hazard implications, environmental impacts, aesthetics.

10.2.1 First Reading – Proposed Amendments to Princes Inlet

Moved by Councillor Knickle, seconded by Councillor Zwicker that Municipal Council conduct First Reading and give public notice of their intention to amend the Princes Inlet Land Use Bylaw, specifically, addition to By-law Section 5.2.7 and related Definition, to allow farm markets' uses directly associated with provincially-registered farms to be exempt from identified watercourse setback regulations, in the manner presented; and further, that Council set a Public Hearing date of Thursday, June 2, 2016 at 7:00 p.m. at the Mahone Bay Centre. Carried Unanimously.

Mr. Reid was thanked and he left the meeting.

11. STAFF REPORTS

11.1 PLANNING

11.1.1 Proposed Building Code Changes re Home Based Businesses

Circulated with the agenda was a letter dated April 1, 2016 from the Department of Municipal Affairs – Office of the Fire Marshal providing formal notice to municipalities of proposed amendments to the *Nova Scotia Building Code Regulations* pursuant to the *Building Code Act*, R.S.N.S. 1989, Chapter 46. The proposed amendments, which accompanied the letter and also circulated with the agenda, are intended to help clarify the application of the Building Code to a home based business and offer consistency of application throughout Nova Scotia. The Office of the Fire Marshal is engaging in a 45-day period of consultation beginning April 4, 2016 and ending May 20, 2016.

Circulated with the agenda was a proposed letter to the Minister of Municipal Affairs, outlining three suggested improvements to the proposed amendments. Mr. Merrill indicated that staff would like a motion from Council directing the Mayor to sign the letter on behalf of the Municipality.

In attendance at this time was Mike Bevis, Building Inspector.

Mr. Merrill reviewed the three suggested improvements to the proposed amendments, which dealt with: Utilization of accessory structures (barns, detached garages, and other outbuildings) and raising the square metre threshold to 75 square metres; Provision of washroom facilities if the home based business is located in an accessory structure; and Barrier-free access requirements.

Council discussed staff's suggested improvements to the proposed amendments, particularly the last two sentences in the third suggested improvement which state, "Our municipality believes that if the public are being invited to a home based business then the owner should have a responsibility to provide barrier-free access. **It's for this reason that we are recommending that home based businesses not be exempt from the barrier-free requirements.**"

Moved by Councillor Hustvedt, seconded by Councillor Dorey that Council authorizes the letter suggesting improvements to the proposed amendments to the *Nova Scotia*

***Building Code Regulations* pursuant to the *Building Code Act*, R.S.N.S. 1989, Chapter 46, to be sent to the Minister of Municipal Affairs as written.**

There was more discussion regarding the barrier-free access requirement for home based businesses.

Mr. Bevis explained the regulations that currently exist and how the regulations will change if the proposed amendments are approved.

As some were of the opinion that a home based business had to be within the home, Mr. Merrill explained how the size of a separate building on a property can be considered a home based business.

Moved by Councillor Ernst, seconded by Councillor Moore that the motion be amended by deleting the words “as written” and adding the wording: “with the following changes in suggested improvement #3 – delete the wording ‘have a responsibility’ and replace it with the word ‘strive’, and delete the sentence ‘It’s for this reason that we are recommending that home based businesses not be exempt from the barrier-free requirements.’ ” Amendment carried unanimously.

MOTION AS AMENDED – that Council authorizes the letter suggesting improvements to the proposed amendments to the *Nova Scotia Building Code Regulations* pursuant to the *Building Code Act*, R.S.N.S. 1989, Chapter 46, to be sent to the Minister of Municipal Affairs with the following changes in suggested improvement #3 – delete the wording “have a responsibility” and replace it with the word “strive”, and delete the sentence “It’s for this reason that we are recommending that home based businesses not be exempt from the barrier-free requirements.” Carried Unanimously.

Mr. Merrill was thanked and he left the meeting.

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

12.1 UPDATE – MAYOR

Mayor Downe reported on the meetings and events he attended since the last meeting. He provided details on the activities planned for the Atlantic Mayors Congress Conference, which MODL and the Town of Bridgewater will be hosting at the Best Western in Cookville.

Councillor Zwicker expressed concern about the Municipality’s involvement in the fire department meeting that was held at the Blockhouse Fire Hall last Friday night, which was chaired by the Mayor.

Councillor Ernst left the meeting at 12:08 p.m.

Mr. Malloy explained the request that was received for an independent Chair for the fire department meeting in Blockhouse. It was decided that the Mayor would chair the meeting and with the support of staff to be there for resource purposes.

12.5 MOTION - LETTER re FIRES AT FORT McMURRAY AND COMMUNITIES

Councillor Bell reported that there are currently 29 fires burning in the areas around Fort McMurray and two are out of control. There are 13 reception centers in operation, one of which has received a tractor trailer full of supplies from Cape Breton. There has been assistance extended from several nations. He suggested that MODL send a letter to the citizens of that area to let them know that we are thinking of them and hope the rebuilding goes well. He read the content of a proposed letter for the Mayor's signature.

Moved by Councillor Bell, seconded by Councillor Bolivar-Getson that, on behalf of the citizens of the Municipality of the District of Lunenburg, we send a letter (as read by Councillor Bell) to the citizens of the Regional Municipality of Wood Buffalo, which includes communities of Gregoire Lake, Anzac, Fort McMurray First Nations, and to the area more commonly referred to as Fort McMurray. Carried Unanimously.

12.2 UPDATE – DEPUTY MAYOR

Deputy Mayor Garland reported that the meetings she attended since the last Council meeting were meetings that were included in Mayor Downe's report.

12.3 UPDATE – MUNICIPAL JOINT SERVICES BOARD

Councillor Knickle reported on items discussed at the last meeting of the Municipal Joint Services Board, noting that Ms. Claudia Winterhalter has been hired as the HR Coordinator; and he reported on the work of that position. He also provided an IT funding update.

12.4 UPDATE – LCLC

Councillor Bolivar-Getson reported on items discussed at the last LCLC Board meeting, noting the following: Library lease has been signed; pool lift has been installed and in operation; a motion was made to have an external consultant review operations but it was not passed; there were discussions regarding the IT service, signage on the building, wheelchair accessible parking spots; and they have been talking with the YMCA and Michelin regarding corporate membership. She answered questions from Council regarding the Library lease. As requested, Councillor Bolivar-Getson agreed to provide a copy of the Library lease, and will also provide the Marketing Plan.

13. ADDED BUSINESS (nil)

14. IN CAMERA (not required)

15. ADJOURNMENT – 12:30 pm

There being no further business, it was moved by Councillor Bell that the meeting adjourn.