

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 8, 2009 - 9:00 a.m.**

**ATTENDANCE**

Mayor Don Downe  
Deputy Mayor Martin Bell - District 11  
Councillor Basil Oickle - District 1  
Councillor Donald Zwicker - District 2  
Councillor Frank Fawson - District 3  
Councillor Milton Countway - District 4  
Councillor Sandra Statton - District 5  
Councillor Wade Carver - District 6  
Councillor Cathy Moore - District 7  
Councillor Arthur Young - District 9  
Councillor Lee Nauss - District 10  
Councillor Eric Hustvedt - District 12

Absent: Councillor John Veinot - District 8

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 to address Council.

**3. AGENDA - ANY OTHER BUSINESS TO BE ADDED**

Mayor Downe asked if there were any requests for additions to the Agenda.  
The following item was requested to be added:

14.1) Letter of Congratulations (Councillor Hustvedt)

**Moved by Councillor Young, seconded by Councillor Hustvedt that the Agenda be approved with the addition of the item requested. Carried.**

**4. APPROVAL OF MINUTES** (A motion was made later in the meeting.)

**9. CORRESPONDENCE**

9.1 ATLANTIC MAYORS' CONGRESS - INVITATION TO JOIN

Mayor Downe received a letter from Peter Kelly, Mayor of Halifax Regional Municipality,

providing information on the Atlantic Mayors' Congress (AMC) which was established in 2001 as a regional organization for municipalities in Atlantic Canada. Information was provided on the AMC's goals, issues that they have been involved with and ones they are currently undertaking. Mayor Kelly invited Mayor Downe to consider joining the AMC. Annual dues for member municipalities are \$750.00.

Council discussed the possible advantages of being a member of the AMC.

**Moved by Councillor Statton, seconded by Councillor Oickle that Council approves the Mayor to be a member of the Atlantic Mayors' Congress and that the Municipality cover the expenses for the membership and other expenses as required to be a member. Carried.**

#### 9.2 ALZHEIMER SOCIETY - ALZHEIMER AWARENESS MONTH (JANUARY)

A letter was received from the Alzheimer Society advising that January is *Alzheimer Awareness Month* and requesting municipalities to officially proclaim it.

**Moved by Councillor Nauss, seconded by Councillor Countway that Council proclaims January as *Alzheimer Awareness Month* in the Municipality of the District of Lunenburg. Carried.**

#### 9.3 MUN. OF ANNAPOLIS re PROVINCIAL DAY TO HONOUR VOLUNTEER FIREFIGHTERS

Council received a copy of the letter that the Municipality of the County of Annapolis had sent to Premier Dexter requesting consideration by the Province to designate a day during Fire Prevention Week as "Volunteer Firefighters Day".

Mayor Downe commented that this is not meant to be a statutory holiday, but to recognize one particular day as "Volunteer Firefighters Day".

**Moved by Councillor Countway, seconded by Councillor Young that we send a letter supporting Annapolis' request asking the Province to name one day during Fire Prevention Week as a day to honour Volunteer Firefighters. Carried.**

### 10. RECOMMENDATIONS/REFERRALS FROM COMMITTEES, BOARDS, FOCUS GRs.

#### 10.1 COMMITTEE OF THE WHOLE - RECOMMENDATIONS

##### 10.1.1 - Sponsorship of Ad in Annual Children's Safety Awareness Booklet

**Moved by Councillor Moore, seconded by Councillor Zwicker that Council accepts the recommendation of the Committee of the Whole that the Municipality purchase a quarter page sponsorship ad in the Child Find Nova Scotia's Annual Children's Safety Awareness Booklet at a cost**

**of \$275.00. Carried.**

10.1.2 - Sponsorship of Ad in Crime Stoppers Awareness Guide

**Moved by Councillor Oickle, seconded by Councillor Carver that Council accepts the recommendation of the Committee of the Whole that the Municipality purchase a quarter page sponsorship ad in the Nova Scotia Crime Stopper' s " Crime Stoppers Awareness Guide" at a cost of \$325.00. Carried.**

10.1.3 - Sponsorship Ads - Not Approved

**Moved by Councillor Hustvedt, seconded by Deputy Mayor Bell that Council accepts the recommendation of the Committee of the Whole and accepts the recommendation of the PR Committee that we not approve the sponsorship ad request from the Fire Inspectors Association of Nova Scotia - Coffee Break as the request was received too late to be considered, and not approve the sponsorship ad request from the Better Safe Than Sorry " Child Safety Journal" as they are not registered as a non-profit group and, therefore, do not meet the criteria. Carried.**

10.1.4 - Amending Agreement to Waste Disposal Agreement

**Moved by Councillor Nauss, seconded by Councillor Zwicker that Council accepts the recommendation of the Committee of the Whole and authorizes the Mayor and the Clerk to sign the Amending Agreement to the Waste Disposal Agreement once all the conditions have been met. Carried. (Ms. Wilson informed Council that the conditions have been met.)**

10.1.5 - Permission re United Communities Marine Park Society - Proposed Project

**Moved by Councillor Zwicker, seconded by Councillor Hustvedt that Council accepts the recommendation of the Committee of the Whole and gives permission to the United Communities Marine Park Society to spend up to \$3,500.00 of their budget allotment of \$16,000.00 for their proposed project in this fiscal year. Carried.**

10.1.6 - Development of a Regional Transit Operation

**Moved by Councillor Hustvedt, seconded by Deputy Mayor Bell that Council accepts the recommendation of the Committee of the Whole and authorizes staff and the Joint Transit Committee members to continue in its collaborative efforts towards developing a regional transit operation and proceed with a detailed routing analysis, governance, and costs based on Model D over the next six months, through the allocation of TRIP funds, with the costs to be shared equitably between the partner units; and further, that if any of the facts change upon which**

**the motion was made, that the Joint Transit Committee report back to the Committee of the Whole prior to proceeding. Carried.**

## **5. BUSINESS ARISING FROM MINUTES**

In attendance were Jeff Merrill, Acting Director of Planning and Development Services, and Norma Schiefer, Municipal Development Officer.

### **5.1 SECOND READING - AMENDMENTS TO PRINCES INLET & AREA SPS & LUB (EISENER APPLICATION)**

Ms. Schiefer reviewed the options that were explored as a result of the request from Harley & Eileen Eisener for an amendment to the Princes Inlet and Area Secondary Planning Strategy and Land Use By-law to allow small lots between the Provincial Public Highway and the water to have a minimum 15 metres (49.2 feet) lot frontage requirement to allow for subdivision.

Ms. Wilson noted that a Public Hearing was held (on Nov. 24/09); and it was the public's opportunity to present written or oral submissions regarding the proposed amendment. She reviewed Council's options: 1) Approve the request and conduct Second Reading; 2) Refuse the request; 3) If Council refuses the request, Council may refer the matter back to the Area Advisory Committee for further review and consideration.

Ms. Wilson reported that a majority of full Council is required to approve the amendment. There were three Councillors absent from the Public Hearing (Statton, Moore, Veinot); and they are, therefore, not able to vote on the amendment.

Councillors made comments regarding confusion at the Public Hearing with the two separate amendments.

**Moved by Councillor Zwicker, seconded by Councillor Countway that Council refuses the request of Harley & Eileen Eisener for an amendment to the Princes Inlet and Area Secondary Planning Strategy and Land Use By-law for the creation of an Ocean Shoreline Zone for continuous stretches of waterfront land, located between the Provincial Public Highway and the water, with a depth of less than 40 metres (131 feet), outlining limited permitted uses and allowing a 15 metre (49.2 feet) minimum lot frontage to permit subdivision. The motion was carried** after Councillors commented that, although the people of the area made it very clear that they didn't want an Ocean Shoreline Zone, they understood and supported the Eiseners' request.

### **5.2 SECOND READING - AMENDMENTS TO PRINCES INLET AND AREA SPS & LUB**

Ms. Wilson noted that at the Public Hearing on November 24<sup>th</sup> it became evident that the public was not clear on the housekeeping amendment, as the emphasis at the Public Information Session was on the amendment proposed for the Eiseners' application.

Ms. Schiefer explained the proposed amendment which is to clarify that the lot frontage requirement does not apply for lots being created for the purposes of a designed road or public highway.

Councillor Countway feels this should go back to the Area Advisory Committee and the residents of the area for clarification at another Public Information Session.

**Moved by Councillor Countway, seconded by Councillor Carver that Council refuses the housekeeping amendment to the Princes Inlet and Area Land Use By-law which is to clarify that the lot frontage requirement does not apply for lots being created for a designed road or public highway. The motion was carried** after some discussion regarding the procedure to be followed to hold another Public Information Session and Public Hearing on the housekeeping amendment.

### **FIRST READING - AMENDMENTS TO PRINCES INLET AND AREA SPS & LUB**

**Moved by Councillor Zwicker, seconded by Councillor Countway that Council approves the amendments to the Princes Inlet and Area Secondary Planning Strategy and Land Use By-Law to exempt lots being created for a designed road or public highway from the lot frontage requirement, as noted in Schedule "C" of the staff report dated August 20, 2009 and that Council conducts First Reading of the same. Carried.**

Ms. Wilson informed Council that staff will work with the local Area Advisory Committee and come back with dates for the Public Information Session and Public Hearing.

Councillor Countway requested that, because of the time of year, alternative dates also be set for the Information Session and Public Hearing in case they have to be cancelled due to bad weather.

Mr. Merrill and Ms. Schiefer were thanked and they left the meeting.

## **10.2 PR COMMITTEE - RECOMMENDATIONS**

### **10.2.1 - Mun. National/Provincial Event Grant - Bridgewater Curling Club, NS Jr. Prov.**

**Moved by Deputy Mayor Bell, seconded by Councillor Oickle that Council accepts the recommendation of the PR Committee that the Municipality support the Bridgewater Curling Club, Nova Scotia Junior Provincials through the Municipal National/Provincial Event grant policy with a \$500.00 contribution. Carried.** (The event will be held December 27-31, 2009 at the Bridgewater Curling Club.)

## **11. STAFF MATTERS**

### **11.1 CHIEF ADMINISTRATIVE OFFICER' S MATTERS**

### 11.1.1 - Building Report for October '09

Ms. Wilson reviewed this report which was circulated for information.

### 11.1.2 - Police Advisory Board - Resignation of Member

Circulated with the agenda was a letter dated December 2, 2009 from Mr. Mark A. Crouse resigning his position on the Police Advisory Board, effective immediately.

**Moved by Councillor Nauss, seconded by Councillor Carver that Council accepts the resignation of Mark Crouse as a member on the Police Advisory Board and authorizes staff to carry out the appropriate advertising for a replacement member. Carried.**

## 11.2 RECREATION MATTERS

In attendance was Trudy Payne, Director of Recreation Services.

### 11.2.1 - Grant Award from Designated Community Fund to Lunenburg Yacht Club

Ms. Payne reported that the Lunenburg Yacht Club secured the funding that they needed to go into their project. She also reported that Mr. Ron Whynacht was planning to be here when Council dealt with this matter, but will only arrive at about 10:45 a.m.

**Moved by Councillor Oickle, seconded by Councillor Zwicker that Council awards the Lunenburg Yacht Club a grant from the Designated Community Fund in the amount of \$174,687.34. Carried.**

Ms. Payne was thanked and she left the meeting.

## 6. **AWARDING OF TENDER - 10:00 A.M.**

In attendance were Jim Annand, Operations Manager, Lunenburg Regional Community Recycling Centre (LRCRC) and Mike Fox, Assistant Operations Manager - Technical Services, LRCRC.

6.1 TENDER 2009-05-008 - PLACEMENT OF ASPHALT SHINGLE GRAVEL MIX ON RECREATIONAL TRAILS - This tender was deferred as it was not ready for this meeting.

6.2 TENDER 2009-05-009 - COMPOST CONVEYOR BELT - LRCRC

Mr. Annand reviewed the information in the tender analysis for Tender 2009-05-009 which was for the replacement of the Compost Conveyor Belt at the LRCRC.

Mr. Annand answered Councillors' questions regarding the design of the new conveyor belt and use of parts from the old one.

**Moved by Councillor Young, seconded by Councillor Nauss that Council awards Tender 2009-05-009 for the replacement of the Compost Conveyor Belt to ABCO Limited, Lunenburg, for the price of \$26,939.20,**

**including HST. The motion was carried** after it was clarified that the reference to the trailer was a typing error in the report.

Mr. Annand and Mr. Fox were thanked and they left the meeting.

## **12. MAYOR' S/COUNCILLORS' MATTERS**

### **12.1 MAYOR' S UPDATE**

Mayor Downe gave updates on the following events/meetings that he attended:

- Global Day of Climate Action event - Mayor thanked Phyllis Price for her leadership in bringing forward this event and preparation for it
- RDA Workshop
- Strategic Plan Process - Sessions for 2 days
- Department of Transportation re Highway 10 issue
- Meeting with CAOs and Mayors re cooperative services for partnership
- Olympic Torch Run in New Germany
- Breakfasts and Suppers throughout the area
- Operation Red Nose re Awareness of Drinking and Driving
- Meeting with Regional Inspector of RCMP
- RCMP' s Appreciation Night for Volunteers in Mahone Bay

## **13. ADDED BUSINESS**

### **13.1 LETTER OF CONGRATULATIONS re GILLER PRIZE AWARD (E. Hustvedt)**

Councillor Hustvedt informed Council of international literary agents in Petite Riviere, Don Sedgwick and Ms. Shaun Bradley, and their highly successful representation of Linden MacIntyre' s novel " The Bishop' s Man" which was the winner of the 2009 Scotiabank Giller Prize.

**Moved by Councillor Hustvedt, seconded by Councillor Oickle that a letter be sent to Don Sedgwick and Shaun Bradley congratulating them on their success. Carried.**

## **4. APPROVAL OF MINUTES**

**Moved by Councillor Young, seconded by Councillor Carver that Council approves the Minutes of the monthly Council meeting held October 13, 2009 and the Special Council meetings held March 23, 2009 and April 30, 2009. Carried.**

## **14. IN CAMERA**

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

The purpose of the *In Camera* meeting was to discuss Contract Negotiations, in

accordance with section 22 (2) (e) of the *Municipal Government Act*.

**Moved by Councillor Nauss, seconded by Councillor Hustvedt that Council rise and report. Carried.**

Lunenburg Yacht Club - Grant Award from Designated Community Fund

In attendance at this time was Mr. Ron Whynacht.

Mayor Downe thanked Mr. Whynacht for the leadership he has shown and the commitment by the community to raise a substantial amount of money for the Lunenburg Yacht Club. He informed Mr. Whynacht that Council passed the required motion approving the grant from the Designated Community Fund.

Mr. Whynacht thanked Council and expressed gratitude to Council for supporting the project and for the leadership and vision in developing the Designated Community Fund.

**7. PRESENTATIONS/SCHEDULED TIMES**

**7.1 HEARING - DIEGO MEDINA - APPEAL re VARIANCE REQUEST - 11:00 A.M.  
VARIANCE FOR OUTDOOR WOOD FURNACE - 3831 HIGHWAY 332, RIVERPORT**

In attendance were Jeff Merrill, Acting Director of Planning and Development Services, and Norma Schiefer, Municipal Development Officer.

Ms. Wilson explained what a variance is and what the purpose of this Hearing is for. The Municipal Development Officer refused a variance request; and the applicant, Mr. Diego Medina, is appealing the Development Officer' s decision.

Mr. Diego Medina, the applicant, was in attendance. He is appealing the Development Officer' s decision to refuse approval of his application for a variance (reduction) to the yard setbacks. His application was to reduce three property lines from 125' to 51 ' on one side, 10' or less on the other side and 62' from the rear. The total size of Mr. Medina' s lot is 65' wide and 155' long.

CALL TO ORDER

Mayor Downe called the Hearing to order.

OPENING REMARKS BY CHAIRPERSON

- I. Council members introduced themselves.
- ii. Mayor Downe introduced the staff members.
- iii. The Rules of Conduct for the Hearing were reviewed.

REPORTS AND PRESENTATIONS BY DEVELOPMENT OFFICER

Ms. Schiefer reviewed the request that was received from Mr. Medina to grant a variance so that he can install an outdoor wood furnace. On November 4, 2009 she refused to grant the variance and she explained the reasons why the variance was refused.

WRITTEN AND/OR ORAL PRESENTATIONS

- I. REVIEW OF WRITTEN SUBMISSIONS BY CAO



Ms. Wilson reported that one written submission was received and it was circulated with the agenda. The submission was from Mr. Peter Pook. Ms. Wilson read Mr. Pook's submission which concluded with the statement " ..I would definitely appreciate, if the existing By-law will remain unchanged."

#### ORAL SUBMISSIONS

Ann Marie Romkey, 444 Hwy 329 Hubbards - Ms. Romkey owns the property to the right of Mr. Medina's. She said she would be opposed to the request as she does not know what her plans are for her property.

Councillor Moore asked Ms. Romkey if there is a dwelling on her property. Ms. Romkey said yes there is.

Councillor Moore asked if it's a residential dwelling. Ms. Romkey said no it's commercial.

#### ii. PRESENTATION BY APPLICANT

Mr. Medina then addressed Council. He commented that he agrees with the By-law and his intent is not to change the By-law. He explained that the type of heating unit he would like to install is very modern and a new type of unit. It is an EPA certified unit that does not put out smoke and re-burns any gases it emits. He intends to burn only dry wood. He provided a video presentation which explained how this heating unit is different from other outdoor wood furnaces that are in use. Mr. Medina said he has seen a couple of these units in use in Truro and they are located between houses. There does not seem to be a problem with them.

Councillor Statton commented that 10 feet from a property line concerns her. In her experience with wood furnaces, she cannot support that.

In response to Councillor Nauss' question about moisture content of the wood that is to be burned in these units, Mr. Medina said it's supposed to be less than 25%.

Councillor Fawson noted other types of heat sources, such as heat pumps, solar, wind; and he commented that it is difficult for him to weigh the impact of this technology against all the others that are available.

Mr. Medina said he is funding this himself and cost is a big issue. He's looking for a solution that will work economically and work quite clean.

Mayor Downe pointed out that he's being lenient with the discussion, as the issue is the setbacks.

Councillor Zwicker said, as Councillor for the area, it's a major concern to him and some people in the area. The lots are small and narrow in that particular part of the Municipality. An installation such as this has the potential of being very problematic. He noted that this unit would be in close proximity of three or four residences. He cannot support this request.

Deputy Mayor Bell feels it's important that Land Use By-laws reflect new technology.

However, while this unit meets new EPA regulations, he feels he has to support the Land Use By-law that is in place today. He supports the decision of the Development Officer.

Mayor Downe asked if there were any other comments to be made. As there were not, he thanked Mr. Medina for his presentation.

Ms. Schiefer reported that if her decision to refuse the variance request is upheld, there can be an opportunity for an amendment to be made to the Land Use By-law.

Mayor Downe, hearing no other comments, closed the Hearing at 11:45 a.m.

**Moved by Councillor Zwicker, seconded by Councillor Countway that Council upholds the Development Officer' s decision to refuse a variance (reduction) to the yard setback requirements to locate an outdoor wood furnace on the property at 3831 Highway 332, Riverport. Carried.**

Mayor Downe commented to Mr. Medina that the technology of the unit is innovative. The By-law was established on old technology. However, he (Mr. Medina) may only burn dry wood but someone else may not.

Mr. Medina said they are designed for use in urban areas.

**DATE FOR STRATEGIC PLANNING SESSION**

Council discussed a date to hold a Strategic Planning Session. It was agreed that it be held on January 14, 2010 at 9:00 a.m.

Wishes were extended for a merry Christmas and a happy and prosperous New Year.

There being no further business, at 11:55 a.m. it was moved by Councillor Zwicker, seconded by Councillor Nauss that the meeting adjourn.

**LUNCH WITH STAFF**

Council then went to the Oakhill Fire Hall to have lunch with staff.

.....  
MAYOR DON DOWNE, CHAIRMAN

.....  
TAMMY WILSON, CHIEF ADMIN. OFFICER