

**REGULAR SESSION OF MUNICIPAL COUNCIL
July 21, 2009**

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Minutes of the **regular session** of **Municipal Council held on July 21, 2009**, in the Municipal Administration Building, Annapolis Royal, N.S. at 10:00 a.m.

Present: Warden Peter Newton; Deputy-Warden Reginald Ritchie; Councillors: Marilyn Wilkins, Brian “Fuzzy” Connell, Wayne Fowler, Paul McDonald, Tom Vitiello, Patrick McWade, Frank Chipman, Martha Roberts and Ron Trimper; Municipal Clerk Jacquie Farrow-Lawrence; and CAO Brenda Orchard.

Also

Present: Laurie Emms, Municipal Services Director; and Gerald Hackenschmidt, Director of Finance.

Minutes

MOTION 090721.01 Minutes: June 16-09

Councillor Vitiello moved, seconded by Councillor Chipman, that the minutes of the regular session held on June 16, 2009, be approved with the following amendment: on Page 5, under Valley Waste Resource Management Annual Report (Diversion Rates), the word “division” should be “diversion”. Motion carried unanimously.

Additions/Revisions to Addendum

The following additions were made to the Agenda and Addendum: NT2(A) Basin Wellness Society Update; NT4(F) District of Digby, Scheduling of Meeting; NT4(G) Quarry Operation in Bloomington; NT4(H) North Queens Fire Department; NT4(I) Member of Parliament for West Nova, Meeting.

Business Arising From the Minutes:

Re: Nova Scotia Utility and Review Board (NSURB), Consolidation of Three(3) Water Utilities – Correspondence dated June 24th was received noting that the NSURB has received the letter and enclosures dated June 19th (i.e. - application to consolidate the existing three (3) water utilities in the County of Annapolis into one utility entitled “The Annapolis County Water Utility”), and that the documents have been directed to the Board. It was moved by Deputy-Warden Ritchie, seconded by Councillor Chipman, that the foregoing letter be received for information. Motion carried unanimously.

There was discussion regarding the necessity to inform the residents of water rate increases which would now apply, and it was the consensus that public meetings would take place in each of the former water utility communities after the public hearing is held on July 22nd and pending the decision of the NSURB to approve the application.

Re: Federation of Scottish Clans in Nova Scotia, National Declaration of April 6th as “Tartan Day” - A copy of a letter of support dated June 11th was circulated from the Municipality of the District of Chester which was received for information upon motion of Deputy-Warden Ritchie, seconded by Councillor McWade. Motion carried unanimously.

Reports and Recommendations:

Re: Committee of the Whole (July 14th Meeting)

- ***M & H Charleton Bear River Request Exemption from M10 Sewer Charges Bylaw***

MOTION 090721.02 M10 Sewer Charges Bylaw: Approved Exemption for Charleton, Bear River

Pursuant to the recommendation of Committee of the Whole; Deputy-Warden Ritchie moved, seconded by Councillor Wilkins, that the Municipality offer a five(5)-year exemption to M & H Charleton for the lot identified as AAN 09561846. Motion carried (10 in favour; 1 against).

Re: Federation of Canadian Municipalities – Conference Report - The Warden noted a report would be presented at the August Council session.

Presentation:

Re: Annapolis Regional Destination Marketing Association (ARDMA) – Chair Paul Stackhouse provided the following information regarding the newly formed ARDMA:

- The Society was registered in April 2009 (formerly operated as the Annapolis Region Tourism Council).
- Board composition included 5 to 11 voting participants and various ex-officio participants.
- Their mission is to grow the tourism industry in the region, by increasing the number of visitors, their length of stay and the amount being spent.
- The mandate of ARDMA has four components: marketing, product development, liaison and communication with industry.
- Primary role is to lead the development and implementation of a vision, strategy, goals and annual tourism plan with the objective of industry growth.
- ARDMA will work in partnership with other groups, organizations and various levels of government to influence and impact decisions related to tourism and have a key role in increasing participation in programs from all components of the industry.
- Another role of ARDMA is to assist wherever possible to significantly increase the funding available from both the private and public sectors for the tourism industry.
- The 2009-10 Marketing Plan will focus on:
 - A destination marketing plan for the Annapolis region.
 - Lure campaign targeting Halifax Regional Municipality.
 - Partnerships and cooperation with local area attractions, businesses, Annapolis Digby Economic Development Agency and municipal governments.
 - Obtaining funding and staff resources to support the plan.
 - Working within the framework provided by DSWNS and the Dept. of Tourism, Culture & Heritage.
- ARDMA's activities to date were listed.

The Warden thanked Mr. Stackhouse for taking the time to inform Municipal Council about the formation and activities of the ARDMA and a brief question-and-answer period took place.

MOTION 090721.03 Annapolis Region Destination Marketing Association Report

It was moved by Councillor Fowler, seconded by Deputy-Warden Ritchie, that the foregoing report of the Annapolis Region Destination Marketing Association be accepted. Motion carried unanimously.

Annual Report:

Re: Hanse Society – Chair David Brown and General Manager Greg Gaul were in attendance on behalf of the Hanse Society, with Mr. Gaul providing the following annual report:

- **Upper Clements Park:**
 - Operations Ending Oct 31-08: \$98,610 surplus was realized (4 years of surpluses).
 - Visitation grew by 6% (4 years of increased visitation).
 - Successful in gaining tax free status for property taxes.
 - Invested \$248,000 in capital expenditures and repairs, for a total of \$1,000,000+ in the past 3 years.
 - Features: introduced a Premium Laser Pass and a Premium Season Pass; Red Weekend held in support of our Troops; attended more trade shows and parades; opened the Haunted House; opened the Fun Zone which features interactive games; and held 7 Park-after-Dark evenings.
 - 8 Private operations did business in the Park last year.
 - 2009 Highlights: 20th anniversary incentives throughout the summer; introduced a Family Premium Season Pass; operated the Ice Cream Parlour; improved utilization of the website; will feature local talent competition on 6 Sundays; investing another \$150,000 in capital expenditures; will be receiving another lynx, 2 cougars and four more peacocks
 - Feasibility Study: in the process of requesting funding for a feasibility study to produce a concept design and development plan to assist the Society in embarking on an expansion plan to ensure sustainability for the next 10 to 20 years.
- **Wildlife Park**
 - Operations ending Oct. 31-08: \$14,816 (no funding received from the Province).
 - Lost an animal icon: Teddy the Black Bear.
 - Added beavers, skunks, lynx and arctic foxes.
 - Operating revenue is generated through admission income, merchandise sold, donations and an annual subsidy from the Upper Clements Park.
 - Current costs are in excess of \$100,000 to operate the Park over and above the revenue that it generates.
 - Requires at least \$250,000 in capital improvements (aging inventory, increased feed costs and vet costs; industry is somewhat vulnerable).

MOTION 090721.04 Annual Report: Hanse Society

It was moved by Deputy-Warden Ritchie, seconded by Councillor Connell, to accept the annual report of the Hanse Society as presented. Motion carried unanimously.

In-camera Session

MOTION 090721.05 In-camera Session: Contract Negotiations

Upon motion of Councillor McWade, seconded by Councillor McDonald; Council went in camera at 11:50 a.m. pursuant to Section 22(2)(e) of the *Municipal Government Act* (confidential contract negotiations). Motion carried unanimously.

Council reconvened into regular session at 12:10 p.m.

Reports and Recommendations (continued)

Re: Report of the Municipal Solicitor

- **Monthly Report** – The Municipal Solicitor submitted a report on the following legal services for the past month:
 - *Lifeplex Mall* - perusal of agreement from Sobey's solicitor re exchange of assets seized at Clover Farm store. Other associated conferences with interested parties and Staff.
 - *Lifeplex Mall* – conference with CAO re confirmation of release from lien holders.
 - *Lifeplex Mall* –meeting with Bill Hamilton and conference with Stewart McKelvey re Trinkets and Treasures premises.

- *Dangerous or Unsightly Premise* – conference with CAO re authority provisions pursuant to the *Municipal Government Act*.
- *S5 Noise Bylaw Violation* – perusal of letter from solicitor for Olscamp and forwarding disclosure documents.
- *Human Rights Policies* – conference with CAO.
- *M10 Sewer Charges Bylaw* – conference with Municipal Services Director re alternatives to sewer charges on unused lots.

MOTION 090721.06 Monthly Report of Municipal Solicitor

Councillor Vitiello moved, seconded by Councillor McWade, that the monthly report of the Municipal Solicitor be accepted as presented. Motion carried unanimously.

Adjourn for Lunch and the Warden's Walk

Upon motion of Councillor McWade, seconded by Deputy-Warden Ritchie, Council adjourned for lunch at 12:15 p.m. and the Warden invited Council to join him in a walk in promotion of the Active Living campaign. Council reconvened at 1:35 p.m. with all Councillors present as previously stated except Councillor Chipman.

Question of Privilege

The Warden informed that the parliamentary concern raised at Committee of the Whole last week (with respect to the special meeting held on July 23rd) did not qualify as a 'question of privilege'; and therefore, the matter would not be considered. He referenced the provisions of Roberts Rule of Order.

Other Business:

Re: Buy Back Nova Scotia – Councillor Chipman circulated several correspondence regarding the Buy Back Nova Scotia position. It was noted that Councillors wished to have an opportunity to review the information.

MOTION 090721.07 Buy Back Nova Scotia Correspondence Referred to August Council

Councillor Chipman moved, seconded by Councillor Fowler, that this matter be discussed at the August Council session. Motion carried unanimously.

Re: Basin Wellness Society, Tour of Lifplex Facility – The CAO advised that arrangements had been made for Councillors to receive a tour of the Lifplex Wellness Centre 5:30 p.m. today or pending Council adjournment.

Re: Fundy Communities Development Association (FCDA) – Correspondence dated June 18th was received from the FCDA Chair requesting additional meetings for the ICSP process in the Port George/Margaretsville and Youngs Cove/Parkers Cove/Hillsburn areas. The CAO noted that meetings have been scheduled in Hillsburn and Margaretsville. It was moved by Councillor Vitiello, seconded by Councillor Roberts to receive this correspondence for information.

New Business:

Re: Canada Post – Rural Mail Boxes Under Traffic Safety Review – Samples of various correspondence dated June 2009 from Terry McDonald, Coordinator for the Atlantic Region, Rural Delivery Safety were circulated, providing copies of the several options that have been sent to customers regarding a recent rural mailbox review, i.e. –

- Mailbox meets established traffic safety criteria and mail delivery will continue without any change.
- Mailbox does not meet established safety criteria and identifying a new location for the mailbox which must be moved within 15 calendar days.
- Mailbox is in a low traffic volume location and mail will continue to be delivered uninterrupted.
- Mailbox does not meet established safety criteria, two options provided to 1. have mail delivered to a community mailbox or 2. have email delivered to a limited number at the local Post Office facility, requiring a change of mailing address.

Deputy-Warden Ritchie moved, seconded by Councillor Connell, that the foregoing correspondence be received for information. Motion carried unanimously.

Re: Power Outage in Granville Ferry, Request from Schnetzers for Compensation – A letter dated July 6th was received from the Schnetzers, detailing their concerns about the malfunction of the sewage pumping station in Granville Ferry during a lengthy power outage on July 4th, resulting in damages to their property at 5440 Granville Road, Granville Ferry. A request was made for compensation to be paid in a timely and considerate manner whereas many items will need to be replaced as a result of a backup of sewage into the house. Discussion ensued regarding the circumstances relating to this incident.

MOTION 090721.08 Power Outage in Granville Ferry, Schnetzers' Request for Compensation Denied

Deputy-Warden Ritchie moved, seconded by Councillor Wilkins that a letter be forwarded to the Schnetzers in a timely manner advising that the Municipality is not liable for any damages caused to their property on July 4th. Motion carried unanimously.

Correspondence:

Re: Annapolis County Family Resource Centre – A Certificate of Appreciation was received for the donation of space and support for the Family Matters Programs. Councillor Wilkins moved, seconded by Councillor Vitiello, to receive this certificate for information. Motion carried unanimously.

Re: Annapolis County Exhibition – General correspondence dated June 2nd was received from General Manager Rachel Taylor extending an invitation to attend a planning meeting in the Fall to discuss the continued inclusion and participation of all Counties in the Valley. It was moved by Councillor Wilkins, seconded by Councillor Fowler, to receive same for information. Motion carried unanimously.

Re: Jane & Robert Harris, Port George – Proposed Eastlink Tower – Correspondence dated July 6th was received from the Harris' thanking Council for their letter dated June 2009 to Eastlink. Also included were copies of previous correspondence between the Harris' and Eastlink regarding this matter. The Warden also referred to a letter dated July 16th from the Canadian Radio-television & Telecommunications Commission advising that the CRTC has no jurisdiction regarding Internet infrastructures. The CAO informed that she had spoken with representatives from Eastlink who advised that when considering the location of this tower they looked at minimizing negative impacts on residents and a relocation of this particular tower would require either changing the location of towers on either side of this location or installing two towers instead of one in that community.

Councillor Connell moved, seconded by Councillor Wilkins, that this correspondence be received for information. Motion carried unanimously.

Addendum Items

Re: Dept. of Education, Return to School after Labour Day Request – A letter dated July 14th was received from the Hon. Marilyn More, Minister of Education, advising that students will be returning to School on September 1st, and same was received for information upon motion of Councillor Wilkins, seconded by Deputy-Warden Ritchie. Motion carried unanimously.

Re: Basin Wellness Society – Update on Organizational Structure – Councillor McWade reported that at last night's meeting:

- The committee structure was reinstated with an action plan identified to address concerns.
- A strategic marketing plan was discussed and persons identified for taking particular action.
- Auditors have been engaged to produce the required financial data.
- On Aug 22nd & 23rd the Red Cross will recertify instructors to offer a complete Red Cross swimming program as well as lifeguard training.
- The daycamp program is extremely positive.
- The Sea Cadets are using the pool more.
- The Water Art Program (cardio and arthritis) is fully booked and an additional instructor is being hired (personal testimonies being received regarding the health benefits)
- In the Fall they will be partnering with health professionals to offer programs such as Yoga for all age groups.
- They are working on accessing data from the computer program regarding public usage of the facility (in March over 2,000 people used the facility).
- The Board is giving consideration to offering a free community swim about once per week.

MOTION 090721.09 Basin Wellness Society - Update

It was moved by Councillor McWade, seconded by Councillor McDonald, that the foregoing update regarding the Basin Wellness Society be accepted. Motion carried unanimously.

Re: Student Bursary Application – Deputy-Warden Ritchie, Chair of the Executive Committee, addressed Council on this matter, referencing a Staff memo dated July 20th which provided background information on the application of Brianne Barteaux of Moschelle for assistance to attend a regional volleyball tournament in Moncton from July 31st to August 1st.

MOTION 090120.01 2009 Student Bursary Application - Brianne Barteaux, Moschelle (\$150)

Councillor McDonald moved, seconded by Deputy-Warden Ritchie, that Municipal Council send a letter of commendation to Brianne Barteaux of Brooklyn, noting her outstanding athletic achievement, and include pins and a bursary in the amount of \$150 from the 2009-10 budget for Student Bursaries to attend the U-16 Provincial Girls Volleyball Team Tournament in Moncton, NB. Motion carried unanimously.

Re: The Women's Place Resource Centre, Request Donation to the Frances-Mills Clements Bursary – A general mail-out letter dated June 30th was received from the Women's Place Resource Centre, requesting a donation towards the Frances Mills-Clements Bursary (an amount of \$500 disbursed annually to a woman aged 18-35 seeking post-secondary education).

MOTION 090721.10 Women's Place Resource Centre, Donation to the Frances Mills-Clements Bursary Referred to the Finance Committee

It was moved by Councillor Wilkins, seconded by Councillor McDonald, that the foregoing request be referred to the Finance Committee for a recommendation. Motion carried unanimously.

Re: Wharf Rat Rally, Request Support to Hold Events Along the Annapolis Basin Trail – An email dated July 18th was received from the Annapolis District Board of Trade requesting Council's support for the Wharf Rat Rally Motorcycle Association to hold the following events in the Annapolis Basin area: 1. a water show using jet skis on the river side of the causeway; and 2. a parade of light through Annapolis Royal on the evening of September 4th. It was noted that support had been received from the Town of Annapolis Royal.

MOTION 090721.11 Wharf Rat Rally, Support Events in the Annapolis Basin Area

Upon motion of Councillor McDonald, seconded by Councillor Connell, it was resolved that a letter be forwarded supporting the Wharf Rat Rally holding events as aforementioned in the Annapolis Basin area in 2009 and commending them for promoting tourism in the County of Annapolis. Motion carried unanimously.

Re: Bridgetown Memorial Arena, Request \$10,000 for Anticipated 2009-10 Operating Deficit – A letter dated July 13th was received from the Town of Bridgetown requesting the County's consideration to contribute \$10,000 towards a \$20,185 shortfall in the 2009-10 budget for operation of the Bridgetown Memorial Arena. The CAO noted that this winter County Staff will begin work on a regional recreation master plan. She met with the CAOs from the three Towns to discuss the development of the plan which would include the Town facilities and take into consideration recreation opportunities for all ages, all seasons and all venues. It was noted that a review of municipally-owned property for recreational potential could also take place at this time.

MOTION 090721.12 Bridgetown Memorial Arena, Request \$10,000 for Operations

It was moved by Councillor Connell, seconded by Councillor Roberts, that in view of the upcoming discussion on a recreation master plan for the region, the request to provide \$10,000 towards the operating shortfall for the Bridgetown Memorial Arena be received for information at this time. Motion carried unanimously.

Re: Annapolis Royal Historic Gardens, Meeting – A tentative date was scheduled for September 10th at 9:00 a.m. with Warden Newton, Deputy-Warden Ritchie and Councillors McDonald, McWade, Connell and Roberts indicating an interest in attending the meeting.

Re: District of Digby Meeting – A tentative date was scheduled for September 22nd at 6:30 p.m. in the District of Digby Council Chambers.

Re: New Quarry, Bloomington - Councillor Trimper addressed Council on this matter, noting he has received concerns regarding the close proximity to residences of a proposed quarry in the Bloomington area.

MOTION 090721.13 New Quarry in Bloomington - Close Proximity to Residences

Councillor Trimper moved, seconded by Councillor Wilkins, that a letter be sent to the Department of Environment & Labour to confirm that the proposed quarry in Bloomington meets the required setback requirements from residences before the operation proceeds and to also provide notification of permits being issued for quarry/pits in the County. Motion carried unanimously.

Re: North Queens Fire & Rescue Association – Deputy-Warden Ritchie informed that the North Queens Fire & Rescue Association is interested in proceeding with their new fire hall project and willing to make another presentation to Municipal Council to provide an update on the project. The Fire Association is

anticipating a contribution of \$150,000 from the County of the Annapolis for their fire hall construction project (budgeted at \$2,500,000) which is anticipated to start mid-2010 and are looking for a letter of confirmation that the County will participate in funding the project at some level.

MOTION 090721.14 North Queens Fire & Rescue Association: Request Confirmation of County's Participation in Funding the New Fire Hall Project

It was moved by Deputy-Warden Ritchie, seconded by Councillor McWade, that the request from the North Queens Fire & Rescue Association for the County to participate financially in their New Fire Hall Project be referred to the Finance Committee. Motion carried unanimously.

Re: Processing of Rezoning Applications – In view of the medical leave of the Senior Planner (now anticipated until December 2009), it was the consensus that the CAO look into alternative service (such as outsourcing) so that rezoning applications can be addressed in an expeditious manner.

Re: Meeting with Member of Parliament for West Nova - The Warden informed that Greg Kerr is scheduled to attend at 3:30 p.m. if any Councillors wish to attend this meeting.

Adjournment

Upon motion of Deputy-Warden Ritchie, seconded by Councillor Fowler, Council adjourned at 2:55 p.m.