

2021-09-21 Municipal Council Agenda Package

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MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

MUNICIPAL COUNCIL



Date: Tuesday, September 21, 2021

Place: Champlain Hall, 178 Haida Street, Cornwallis Park, NS

Time: 10:00 a.m.

A G E N D A

10:00 a.m. 1. ROLL CALL

2. AGENDA APPROVAL

3. MINUTES

A. 2021-08-17 Regular

4. COUNCILLOR COMMENTS

5. BUSINESS ARISING from the MINUTES

None

6. NEW BUSINESS

- A. Recommendation Report Renewal of Temporary Borrowing Resolution 21/22-0 for Telecommunications Project \$13,000,000
- B. Recommendation Report Annapolis Administration Building Roof Repair
- C. Recommendation Report Bridgetown Community Recreation Assoc. Funding Request

7. REPORTS and RECOMMENDATIONS

- A. Committee of the Whole (2021-09-14)
 - i. Proposed Interim Inter-Municipal Service Agreement Pilot
 - ii. Road Naming Process for Snow Lake Keep Homesteading Community Arlington West
 - iii. AM-1.3.8 Letters of Support & Acknowledgement Policy Amend
 - iv. Annapolis County Ground Search and Rescue Request for Registration
 - v. Capital Projects Basinview
 - vi. West Paradise Community Hall
 - vii. Easson House

8. NEW BUSINESS (*cont'd*)

- A. Recommendation Report West Paradise Community Hall Application for Heritage Registration
- B. Recommendation Report Easson House Application for Heritage Registration

9. CORRESPONDENCE

None

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

MUNICIPAL COUNCIL



Date: Tuesday, September 21, 2021

Place: Champlain Hall, 178 Haida Street, Cornwallis Park, NS

Time: 10:00 a.m.

10. IN-CAMERA

In accordance with Sections 22(2) (a) acquisition, sale, lease and security of municipal property and (f) litigation or potential litigation of the *Municipal Government Act*.

11. LATE ADDITIONS

12. ADJOURNMENT

**2021-08-17 Municipal Council
Summary of Motions**

MOTION 210817.01	Minutes 2021-05-21 Special	1
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MOTION 210817.03	AM-2.1.3 Statutory and Paid Holidays Policy – Seven Day Notice to Amend	3
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MOTION 210817.05	Rename Longley Mountain Road in Upper Granville to Gesner Lane	4
MOTION 210817.06	Entertainment House Deregister Portion PID 05108956	4

Minutes of the regular session of Municipal Council held on Tuesday, August 17, 2021, at 10:00 a.m., at the Bridgetown & District Memorial Arena, 30 Jeffrey Street, Bridgetown, NS, in accordance with the Direction of the Minister under a Declared State of Emergency (*see attached*).

Roll Call

District 1 – Bruce Prout, present
District 2 - Brian “Fuzzy” Connell, present
District 3 – Alan Parish, present
District 4 – Clyde Barteaux, present
District 5 – Lynn Longmire, present
District 6 – Alex Morrison, *absent*
District 7 – David Hudson, present
District 8 – Michael Gunn, present
District 9 – Wendy Sheridan, present
District 10 – Brad Redden, present
District 11 – Diane Le Blanc, present

Also Present: CAO David Dick; Municipal Clerk Carolyn Young, other staff including D. Campbell, A. Dunphy, H. Orde; and 2 members of public.

Agenda Approval

Councillor LeBlanc moved, seconded by Councillor Barteaux, to approve the Order of the Day as circulated. Motion carried unanimously.

Minutes

MOTION 210817.01 Minutes 2021-05-21 Special

It was moved by Councillor Hudson, seconded by Councillor Sheridan, to approve the minutes of the Special session held on May 21, 2021 as circulated. Motion carried unanimously.

MOTION 210817.02 Minutes 2021-07-20 Regular

Councillor LeBlanc moved, seconded by Councillor Longmire, to approve the minutes of the regular session held on July 20, 2021 as circulated. Motion carried unanimously.

Councillor Comments

District 1 – Councillor Prout noted school will be opening in in a few weeks. He hopes all students and staff will finally have a full year of in-school instruction - please be safe and follow the rules. As fall approaches he encourages everyone to visit local farmers markets, and buy local. He and his wife attended the Acadian flag raising at Fort Anne on August 15th.

District 2 – Councillor Connell stated it has been quiet in District 2. He has enjoyed time at the Margaretsville Boardwalk – a nice walkway with barbecue areas and binoculars to view Isle Haute. Ice cream is also served from 2-4 every Sunday until Labour Day weekend. During the hot weather, the Port George Park has also been full.

District 3 – Warden Parish met with residents of Sand Lake regarding some community issues. A working group will be formed regarding the Arlington C&D site.

District 4 – Councillor Barteaux attended various fund raising events at community halls. The Moschelle Hall has been hosting take-out meals which are always sold out. This local support is appreciated. He has been handing out grant money in his district and all are very appreciative. They continue to do good work. He has attended various committee meetings – Economic Development and Heritage Advisory, and that work continues.

He was invited to attend the AGM for the Granville Ferry Community Hall, and will plan to attend some of their weekly coffee gatherings on Tuesdays that he is available once Phase 5 further lifts COVID restrictions.

He attended the first ever Acadian flag-raising at Fort Anne.

District 4 residents continue to enjoy access to the river at Hebbs Landing and at the Annapolis causeway. He continues to receive calls and correspondence and follows up with positive results.

District 5 – Councillor Longmire attended at the Habitation hall to witness the first in-person jam session in two years. It was a small group but very exciting, and she was pleased to present a grant cheque while there, as well as to other groups receiving grant funding. Please practice safety as school starts, watch for buses and students.

District 7 – Councillor Hudson dealt with the usual calls and emails, but it was fairly quiet, with everyone enjoying summer with easing of COVID protocols. He delivered some grant cheques throughout District 7 and all were very appreciative to receive this funding, asking him to pass on their thanks to council. Work on replacing the water lines on South Street is progressing very well, and the residents are looking forward to having the street repaved.

District 8 – Deputy Warden Gunn (*as submitted*)

I hope everyone has been making the most of our excellent summer weather, and is enjoying being outside. As I pass by, I'm happy to see so many people gardening, or having pop-up markets or yard sales, taking part in the Pride parade or National Acadian day festivities. It's just good to see people again.

Aside from these positive events, there are people in Bear River whose water supply has stopped. I don't mean their well has gone dry, I mean they don't have a well and have to import water by truck to a storage container, and THAT supply stopped. They are now in the position of importing water from several counties away, amounting to exorbitant costs for life-essentials or business.

This is a reality for some people in District 8, and I just wanted to make everyone aware of that. Otherwise, I wanted to wish our students, teachers, and school-workers a happy and safe transition back to school, and hope things go as well as they can.

District 9 – Councillor Sheridan (*as submitted*)

It certainly is great to be able to attend events in the community once again.

On Aug 11th I attended a Soldiers Memorial Hospital Foundation meeting at the new Primary Health Care Clinic in Middleton. The Foundation started a Scholarship program this year and a presentation of awards were handed out to five students studying in the medical profession. One student from Kingston and four students that graduated from Middleton Regional High School.

On Aug 12th I attended an excellent outdoor concert held in Nictaux Falls Community Park featuring Janice Sheridan with over 100 people in attendance.

I have been going to many outdoor farm markets in the county buying local produce and products from vendors. It is beginning to feel normal again to be able to see and have conversations with the residents of Annapolis County.

District 10 – Councillor Redden was happy to inform that this weekend is the famous Lawrencetown Volunteer Fire Department Fish and Chips take out on the Lawrencetown Exhibition grounds. It takes place on both Saturday and Sunday and is \$12.50 a plate. The Lawrencetown Education Centre has begun construction on their multi-use courts and Skate Park.

District 11 – Councillor LeBlanc has been fielding calls about the (provincial) election, roads, and missing signs. Normal calls. Students – please have a great year, hopefully it will be normal for teachers and students. For the young ones starting, it is very exciting. She delivered grant money to Three Rivers Community Centre, where great work and renovations continue to take place. She, along with Councillor Prout, also delivered a grant cheque to the Middleton Rink Commission, where they continue with lots of repairs and activities. Three Rivers had another successful fund-raising Turkey Supper last month in the ‘call ahead to pick up’ format. A call from a resident highlighted concerns about the shortage of storage facilities and rental properties. This person had sold their house and was looking for storage and rental. There was no storage available in Nova Scotia, but they did find a rental.

Business Arising from the Minutes

None.

New Business

Re: Recommendation Report AM-2.1.3 Statutory and Paid Holidays Policy Amend

MOTION 210817.03 AM-2.1.3 Statutory and Paid Holidays Policy – Seven Day Notice to Amend

It was moved by Deputy Warden Gunn, seconded by Councillor Hudson, that seven-day notice be given for municipal council to amend *AM - 2.1.3 Statutory and Paid Holidays Policy* by:

- Replacing “direct” with “non-union” in Section 1; and
- Adding “*National Day for Truth and Reconciliation*” to the list of paid holidays in Subsection 4.1.

After discussion, the question was called on the motion. Motion carried, 8 in favour, 2 against.

Declaration of Interest

Councillor Connell declared an interest in the following item and did not participate in any discussion or consequent motion. He is the Chair of the Mount Hanley and District Schoolhouse Society.

Councillor Connell left the meeting at 10:32 a.m.

Re: Recommendation Report Community Grants Program Mount Hanley and District Schoolhouse Museum Society

Deputy Warden Gunn moved, seconded by Councillor LeBlanc, that municipal council approve a grant in the amount of \$500 from the 2021-22 Community Grants Program, Community Heritage Grants for Lighthouses & Museums to the Mount Hanley and District Schoolhouse Museum Society to assist with costs associated with painting and new steps for the building in accordance with *AM-1.4.9 Community Grants Policy*.

It was moved by Councillor Sheridan, seconded by Councillor Longmire, to amend the motion to increase from \$500 to \$1,000 as requested. Motion carried unanimously.

The question was called on the motion as amended to read:

MOTION 210817.04 Community Grants Program Mt. Hanley & District Schoolhouse Museum Society - \$1,000

Deputy Warden Gunn moved, seconded by Councillor LeBlanc, that municipal council approve a grant in the amount of \$1,000 from the 2021-22 Community Grants Program, Community Heritage Grants for Lighthouses & Museums to the Mount Hanley and District Schoolhouse Museum Society to assist with costs associated with painting and new steps for the building in accordance with *AM-1.4.9 Community Grants Policy*. Motion carried unanimously.

Councillor Connell returned to the meeting at 10:35 a.m.

Re: Recommendation Report Longley Mountain Road Renaming

MOTION 210817.05 Rename Longley Mountain Road in Upper Granville to Gesner Lane

It was moved by Deputy Warden Gunn, seconded by Councillor Barteaux, that municipal council rename the Longley Mountain Road in Upper Granville including both the I Class and K Class sections to Gesner Lane. Motion carried unanimously.

Re: Annapolis Valley Inter-Municipal Service Agreements (IMSA) and CAO Report – CAO Dick reported on recent meetings with valley CAOs and elected officials. Most discussions centre on joint service agreements, including Valley Waste and Kings Transit. The other parties have been working on this for some time, and we have only been at the table for a month or so. The province has provided some funding to the group for consulting work. Discussions are based on a pilot project, with a third layer of bureaucracy for oversight: a Board made up of Mayors and Wardens, with a Director and CFO.

Adjourn to Public Hearing

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, to adjourn to a Public Hearing at 10:59 a.m. to consider the Entertainment House deregistration of vacant lot PID 05108956. Motion carried unanimously.

Regular Session Resumes

The regular session of Municipal Council resumed at 11:08 a.m. with all in attendance as previously noted.

Amend the Order of the Day

Deputy Warden Gunn moved, seconded by Councillor Barteaux, to add for immediate discussion Entertainment House Heritage Property Request to Deregister Vacant Lot PID 05108956. Motion carried unanimously.

Re: Entertainment House Heritage Property Request to Deregister Vacant Lot PID 05108956

MOTION 210817.06 Entertainment House Deregister Portion PID 05108956

It was moved by Deputy Warden Gunn, seconded by Councillor Barteaux, that municipal council, after conducting a public hearing, approve the request of the property owner to deregister PID 05108956, a vacant lot which had been subdivided from the municipally-registered heritage property known as the Entertainment House, located on North Street in Granville Ferry. Motion carried unanimously.

Re: Annapolis Valley Inter-Municipal Service Agreements (IMSA) and CAO Report (cont'd)

Further discussion was held. Warden Parish noted that no decision will be made today, as this discussion is to bring the information to the public. Staff will continue meetings and discussions with the other parties.

Reports and Recommendations

Re: Warden’s Report – July

- Along with the CAO and J Young, met with Grant Crowson and Dan McCarthy of Eagle Telecom to get an update on internet program and to voice concerns about the rollout speed. They said they were behind where they had hoped to be at this time due to a number of highway and water crossings that are waiting for permits to cross, and COVID restrictions to find staff as other municipalities are having similar work done. The original completion date was to be by end of this calendar year – now some areas won’t have availability until mid-2022. Updated information is on the county website tab called County Internet, which takes you to the Seaside portal.
- He attended an IMSA meeting with Acting CAO Dawn Campbell held at Kings County.
- Attended yesterday at the Annapolis Royal Historic Gardens to welcome the Lt Governor to their anniversary celebrations, and then attended the Acadian flag-raising at Fort Anne and spoke with Robert Surette.
- Many things are going on at Bridgetown Regional Outdoor Sports Hub and he had a tour conducted by Steve Raftery.

Deputy Warden Gunn moved, seconded by Councillor Longmire, to receive the Warden’s report for information. Motion carried unanimously.

Correspondence

None.

In-Camera

It was moved by Deputy Warden Gunn, seconded by Councillor Hudson, to meet in-camera from 11:26 a.m. until 12:54 p.m. in accordance with Sections 22(2)(e) contract negotiations and (f) litigation or potential litigation of the *Municipal Government Act*. Motion carried unanimously.

Adjournment

Upon motion of Deputy Warden Gunn and Councillor Sheridan, the meeting adjourned at 12:58 p.m.

Warden

Municipal Clerk

Direction of the Minister
under a Declared State of Emergency
(Section 14 of the *Emergency Management Act*)
20-008

Under my authority in Section 14 of the Emergency Management Act, I order that this Direction (20-008) repeal and replace the Direction regarding municipal meetings issued on March 22, 2020.

During the Provincial State of Emergency declared on March 22, 2020, and under the authority provided to me in Section 14 of the Emergency Management Act, in addition to any other directives I have issued and not repealed or otherwise terminated, I direct that all municipalities and villages in the Province:

1. **Effective at 8am on July 29, 2020**, may hold meetings exclusively in person if all the following conditions are met:

- i) the total number of persons present does not exceed a gathering limitation imposed in a *Health Protection Act* order;
- ii) all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.

2. If the conditions set out in (1) cannot be met, the municipality or village must not hold meetings exclusively in person and must instead hold the meeting partly or wholly as a virtual meeting by video or telephone, and ensure that all of the following conditions are met:

- i) the total number of persons present for any in person portion of the meeting does not exceed a gathering limitation imposed in a *Health Protection Act* order; and
- ii) for any in person portion of the meeting, all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.

For clarity, this direction does not apply to statutorily required meetings of electors for a village commission which are covered under Direction 20-007 issued on May 20, 2020.

Despite this direction, municipalities and villages are still authorized to continue making other operational decisions especially those required for service delivery.

Please note that these directions are in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*.

A failure to comply with this direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.

This direction will remain in place for the duration of the Provincial State of Emergency unless it is terminated in writing by me earlier.

Dated July 29, 2020.

Original signed by

Hon. Chuck Porter
Minister of Municipal Affairs and Housing



COUNTY OF ANNAPOLIS

RECOMMENDATION REPORT

To: Council

Submitted by: _____
David Dick, Chief Administrative Officer

Date: September 15, 2021

Subject: **Recommendation Report – Renewal of Temporary Borrowing Resolution (TBR) – Ministerial Approval – Telecommunications - \$13,000,000**

RECOMMENDATION

That Municipal Council authorize the Warden and Clerk to sign the Temporary Borrowing Resolution Renewal for the Telecommunications/Internet Project (attached).

LEGISLATIVE AUTHORITY

Municipal Government Act Section 65

BACKGROUND

Ministerial approval is required on an annual basis until the completion of the project.

The loan/debenture issue from the Municipal Finance Corporation (MFC) will be required when the project is complete in order to pay the Royal Bank of Canada (RBC) for the short-term borrowing and to obtain long-term financing of 20 years.

To date, \$8,522,954 has been borrowed from our Line of Credit with RBC leaving a remaining balance of \$4,477,046 of the \$13,000,000.

Interest rate in December 2020 was 1.45% (2.45% Prime rate less 1%). I have reached out to our account representative for a more up-to-date rate but no response to date.

**MUNICIPAL COUNCIL OF THE
COUNTY OF ANNAPOLIS
TEMPORARY BORROWING RESOLUTION RENEWAL**

Amount: \$ 13,000,000

Renewal Project: Telecommunications File No.21/22-02

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the County of Annapolis, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the County of Annapolis has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for a capital purpose as identified in their capital budget;

WHEREAS pursuant to a resolution passed by Council on the 20th day of October, 2020, the Council postponed the issue of debentures and with the approval of the Minister of Municipal Affairs and Housing dated the 3rd day of December, 2020, did borrow from a chartered bank or trust company doing business in Nova Scotia a sum not exceeding Thirteen Million Dollars (\$ 13,000,000) for the purposes set out above and for a period not exceeding twelve months; and

WHEREAS Council has deemed it expedient that the period of borrowing be further extended;

BE IT THEREFORE RESOLVED

THAT subject to the approval of the Minister of Municipal Affairs and Housing, the authorized period of borrowing in the amount not exceeding Thirteen Million Dollars (\$ 13,000,000) be extended for a further period not exceeding Twelve (12) months from the date of the approval of the Minister of Municipal Affairs.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the

County of Annapolis

held on the _____ day of _____, 2021.

GIVEN under the hands of the Clerk and under the seal of the

County of Annapolis

this _____ day of _____, 2021.

Clerk



COUNTY OF ANNAPOLIS

RECOMMENDATION REPORT

To: Municipal Council

Prepared by: Janice Young

Reviewed by: Holly Orde, Director of Finance

Approved by: David Dick, CAO

Date: September 16, 2021

Subject: Annapolis Administration Building Roof Repair, September 16, 2021

RECOMMENDATION

To recommend that municipal council approve the expenditure of \$89,398.00 plus HST from General Operating Fund to repair the original section and replacement of the 1980's section of the Annapolis Administration Building roof.

LEGISLATIVE AUTHORITY

n/a

BACKGROUND

The Annapolis Administration building roof is in poor condition as evident by water damage and water pooling on the floors after a rain event.

DISCUSSION

On August 17, 2021, Staff requested quotes from 5 contractors, with 1 response. Challenges – contractors are busy; not available to provide a quote until next year. To prolong the repair any further, could lead to a more costly repair later on.

FINANCIAL IMPLICATIONS

This is an out of budget expense funded from the projected \$470,000 surplus at year end.

POLICY IMPLICATIONS

n/a

ALTERNATIVES/OPTIONS

NEXT STEPS


Once approved, work can commence.

ATTACHMENTS

(List any attachment to the report)

Report Prepared by: Janice Young, Acting Manager of Municipal Services

Report Reviewed by: 
(Holly Orde, Director of Finance)

Report Approved by: 
CAO David Dick, CPA CA



RECOMMENDATION REPORT

To: Municipal Council

Prepared by: Janice Young, Acting Manager of Municipal Services

Reviewed by: Holly Orde, Director of Finance

Approved by: David Dick, CAO

Date: September 16, 2021

Subject: Bridgetown Community Recreation Association Funding Request

RECOMMENDATION

To recommend that municipal council approve the expenditure of \$2758.70 HST included to be funded from the Max Young Reserve Fund to reimburse the Bridgetown Community Recreation Association the cost to replace the clock controller located at the Bridgetown Arena.

LEGISLATIVE AUTHORITY

n/a

BACKGROUND

On September 15, 2021, a letter was received from the Bridgetown Community Recreational Association (BCRA) requesting the reimbursement of the cost to replace the time/score clock controller. The current clock controller has been assessed and is not repairable and needs to be replaced. The controller is used to control the clock and is necessary for use during any activity that would require the clock and its features.

DISCUSSION

n/a

FINANCIAL IMPLICATIONS

This is an out of budget expense, if approved by Council, will be funded from Max Young Reserve Fund.

POLICY IMPLICATIONS

n/a

ALTERNATIVES/OPTIONS

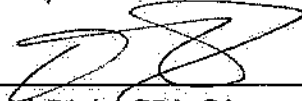
NEXT STEPS

ATTACHMENTS

(List any attachment to the report)

Report Prepared by: Janice Young, Acting Manager of Municipal Services

Report Reviewed by: Holly Orde
(Holly Orde, Director of Finance)

Report Approved by: 
CAO David Dick, CPA CA

**Recommendations from 2021-09-14 Committee of the Whole
To 2021-09-21 Municipal Council**

- i. *Proposed Interim Inter-Municipal Service Agreement Pilot***
In accordance with the recommendation of Committee of the Whole, I move that municipal council authorize the CAO to work with the other CAOs and the IMSA Working Group Solicitor in the preparation of a draft Pilot IMSA with Annapolis County's participation in both the Valley Region Solid Waste-Resource Management Authority and the Kings Transit Authority components, as described in the September 14, 2021 Committee of the Whole agenda subject to the draft Agreement being ratified by municipal council at a future date.
- ii. *Road Naming Process for Snow Lake Keep Homesteading Community Arlington West***
I move, in accordance with the recommendation of Committee of the Whole, that municipal council initiate the road-naming review process to name the road providing access to the Snow Lake Keep Homesteading Community in Arlington West.
- iii. *AM-1.3.8 Letters of Support & Acknowledgement Policy Amend***
Pursuant to seven-day notice having been given at Committee of the Whole, I move that municipal council amend AM-1.3.8 Letters of Support & Acknowledgement Policy by updating Section 3.1 and removing Section 3.2 (see attached)
- iv. *Annapolis County Ground Search and Rescue Request for Registration***
I move, pursuant to the recommendation of Committee of the Whole, that municipal council accept the request from Annapolis County Ground Search and Rescue to be registered as an Emergency Services Provide for the County of Annapolis.
- v. *Capital Projects Basinview***
In accordance with the recommendation of Committee of the Whole, I move that municipal council approve funding the following capital projects for work at the Basinview Centre from the Operating Reserve, totaling \$147,002.57:

 - Pool and Building Assessment
 - Geotech Investigation of Soils
 - East Wall Investigation, and
 - Roof and Harness Guarding
- vi. *West Paradise Community Hall***
Pursuant to the recommendation of Committee of the Whole, I move that municipal Council consider for registration as a municipal heritage property the entire West Paradise Community Hall property (identified as the deed referenced as Book 85 at Page 39 – being approximately 18,190.61 sq. ft. in area) located in the community of West Paradise.
- vii. *Easson House***
I move, pursuant to the recommendation of Committee of the Whole, that municipal council recognize the automatic designation of the Easson property and that the entire Easson House property (identified as Document No. 84823344 – being approximately 2.53 acres in area) located in the community of Lequille be registered as a municipal heritage property.



COUNTY of ANNAPOLIS
NATURALLY BORN

RECOMMENDATION REPORT

To: Council

Prepared by: Linda Bent, Acting Manager of Inspection Services

Approved by: David Dick, CAO

Date: September 14, 2021

Subject: Application for Heritage Registration File No. 66400-30 West Paradise Community Hall

RECOMMENDATION

Upon receipt of a favourable recommendation from the Committee of the Whole that Municipal Council register the entire West Paradise Community Hall property (identified as deed reference Book 85 at Page 39 – being approximately 18,190.61 sq. ft. in area), located in the community of West Paradise, for inclusion in the Annapolis County Registry of Heritage Properties and that a Notice of Recommendation be completed in accordance with the Heritage Property Act and Annapolis County C5 Heritage Property Bylaw requirements and Council hold a public hearing with the applicants on October 19, 2021 with a location to be determined.

LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act
C5 - Heritage Property Bylaw

BACKGROUND

June 1, 2021 Susan Saunders, Vice-President of the West Paradise Community Hall, submitted an application requesting Council include 5154 Highway 201 (PID 05140421), in the community of West Paradise (circa 1886 in the Annapolis County Registry of Heritage Properties).

Municipal Council reviewed the application at its regular scheduled July 20, 2021 meeting and referred the application to Heritage Advisory Committee by way of Council motion 210720.06. Heritage Advisory Committee met on July 29, 2021 and passed a motion that recommended that Municipal Council consider the entire West Paradise Community Hall property (identified as deed reference Book 85 at Page 39 – being approximately 18,190.61 sq. ft. in area) located in the community of West Paradise for registration as an Annapolis County Municipal Heritage Property.

DISCUSSION

As per Section 14 of the Heritage Property Act, after Municipal Council has decided a recommendation for this property, then the Municipality is required to serve a Notice of Recommendation on the representatives of the West Paradise Community Hall. The Notice of Recommendation is also deposited in the Registry of Deeds for Annapolis County. The Notice of Recommendation contains various things such as a statement that the property has been recommended for registration, a brief statement for the reasons for the recommendation, and a proviso that the property cannot be altered during the review period of Council.

FINANCIAL IMPLICATIONS

The Municipality's usual practice of Heritage Property recognition includes a brass plaque, possibly a certificate and a celebratory get together for unveiling of the plaque ceremony. These expenditures would be included in 2021-22 General Operating Budget.

POLICY/LEGAL IMPLICATIONS

As per C5 the Annapolis County Heritage Property Bylaw, the format of the Notice of Recommendation is specified as Scheduled A. Of note, in accordance with Section 6 of the Heritage Property Act Council may from time to time establish or amend guidelines for the registration of a property as a Heritage Property. In terms of this application, no amendments to policy or practice is recommended after the Notice of Recommendation. After the Notice of Recommendation, there is a requirement for a Public Hearing to be held with the applicants to ascertain their understanding of the implications of pre-approval by the Municipality of any alterations to West Paradise Community Hall.

ALTERNATIVES/OPTIONS

The Notice of Recommendation includes the clause that no person shall substantially alter the exterior or demolish the subject heritage property for 120 days after the Notice of Recommendation has been served on the property owner. This period of time is given so that Council may take the time with the applicant to review the implications. Council then may decide whether or not to continue the process of the application or dispose of the application.

Should Council decide to move ahead with the application and a public hearing is held with the applicants, Council is then in a position to include, as per Part 5 of the C5 Heritage Property Bylaw, a Notice of Registration in the Registry of Deeds identifying it as Heritage Property.

NEXT STEPS

Communication with the applicant is required after a Notice of Recommendation is served. It is anticipated that a Public Hearing with the applicants will be held at the October regular session of Council at 11 am at a location to be determined.



1:10,000

0 100 200 400 Meters

Recommendation Report – 66400-30 West Paradise Community Hall
Attachment 2 – Pictures



SCHEDULE "A"

**NOTICE OF RECOMMENDATION
TO REGISTER A MUNICIPAL HERITAGE PROPERTY**

Pursuant to the Nova Scotia Heritage Property Act, R.S.N.S. 1989, c.199, the

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

hereby gives notice that the property of *[insert name of owner]*, *[insert brief description and address]* described in Schedule "A" hereto annexed, and in a deed recorded in Book ___ at Page ___ and Document Number ___ in the Registry of Deeds for the County of Annapolis, has been recommended for registration in the registry of heritage property for the Municipality of the County of Annapolis.

The property has been recommended for registration *[here set out reason for recommendation]*.

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property shall be made in written form only to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) If the application is not approved the alteration or demolition may take place at least one year but not more than two years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommendation of registration, and the date of the hearing shall be *[here set out date, time and place of hearing]*. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to the Act.

SIGNED, SEALED AND DATED at Annapolis Royal, NS, this ___ day of _____, 20___.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per _____
Warden

Per _____
Municipal Clerk

Note: *Schedule "A" should contain the legal description of the property sought to be registered.*



COUNTY of ANNAPOLIS
NATURALLY ROOTED

RECOMMENDATION REPORT

To: Council

Prepared by: Linda Bent, Acting Manager of Inspection Services

Approved by: David Dick, CAO

Date: September 14, 2021

Subject: Application for Heritage Registration File No. 66400-30 Easson House

RECOMMENDATION

Upon receipt of a favourable recommendation from the Committee of the Whole that Municipal Council register the entire Easson House property (identified as Document No. 84823344 – being approximately 2.53 acres in area), located in the community of Lequille, be considered for inclusion in the Annapolis County Registry of Heritage Properties and that a Notice of Recommendation be completed in accordance with the Heritage Property Act and Annapolis County C5 Heritage Property Bylaw requirements and Council hold a public hearing with the applicants on October 19, 2021 with a location to be determined.

LEGISLATIVE AUTHORITY

Nova Scotia Heritage Property Act
C5 - Heritage Property By-law

BACKGROUND/DISCUSSION

May 26, 2021 Marilyn Francis, Executor for the estate of Victor Edward Francis, submitted an application requesting Council include 9427 Highway No. 8 (PID 05107560) in the community of Lequille (circa 1770 – 1780) in the Annapolis County Registry of Heritage Properties.

Municipal Council reviewed the application at its regular scheduled June 15, 2021 meeting and referred the application to Heritage Advisory Committee by way of Council motion 210615-06. Heritage Advisory Committee met on July 29, 2021 and passed a motion that recommended that Municipal Council recognize the automatic designation of the Easson House property and that the entire Easson House property

(identified as Document No. 84823344 – being approximately 2.53 acres in area), located in the community of Lequille, for registration as an Annapolis County Municipal Heritage Property.

FINANCIAL IMPLICATIONS

The Municipality's usual practice of Heritage Property recognition includes a brass plaque, possibly a certificate and a celebratory get together for unveiling of the plaque ceremony. These expenditures would be included in 2021-22 General Operating Budget.

POLICY/LEGAL IMPLICATIONS

As per C5 the Annapolis County Heritage Property Bylaw, the format of the Notice of Recommendation is specified as Scheduled A. Of note, in accordance with Section 6 of the Heritage Property Act Council may from time to time establish or amend guidelines for the registration of a property as a Heritage Property. In terms of this application, no amendments to policy or practice is recommended after the Notice of Recommendation. After the Notice of Recommendation, there is a requirement for a Public Hearing to be held with the applicants to ascertain their understanding of the implications of pre-approval by the Municipality of any alterations to Easson House Property.

ALTERNATIVES/OPTIONS

The Notice of Recommendation includes the clause that no person shall substantially alter the exterior or demolish the subject heritage property for 120 days after the Notice of Recommendation has been served on the property owner. This period of time is given so that Council may take the time with the applicant to review the implications. Council then may decide whether or not to continue the process of the application or dispose of the application.

Should Council decide to move ahead with the application and a public hearing is held with the applicants, Council is then in a position to include, as per Part 5 of the C5 Heritage Property Bylaw, a Notice of Registration in the Registry of Deeds identifying it as Heritage Property.

NEXT STEPS

Communication with the applicant is required after a Notice of Recommendation is served. It is anticipated that a Public Hearing with the applicants will be held at the October regular session of Council at 11 am at a location to be determined.

As per Section 15 of the Heritage Property Act, Council has up to 120 days after the service of the Notice of Recommendation upon the applicants to make a decision on inclusion of the Easson House property in the Registry of Annapolis County Heritage Properties. As per Section 15(2) Council would hold a public hearing within three weeks of the Notice of Recommendation being served on the applicants. While Council does retain a 120 day period to review, it is suggested that when Council comes out of the public hearing that Council add a decision on the Notice of Registration to the Council agenda of October 19, 2021. This Notice of Registration

then must be served on the applicants and a copy deposited in the Registry of Deeds signifying that the property is now included in the Annapolis County Registry of Heritage Properties.

ATTACHMENT

1. Schedule A – Notice of Recommendation to Register a Municipal Heritage Property
2. Pictures of Easson House
3. Location Map of Easson House

Report Prepared by: Linda Bent
Linda Bent, Acting Manager of Inspection Services

Report Reviewed by: Albert Dunphy
Albert Dunphy, Director of Community Development

Report Approved by: 
David Dick, Chief Administrative Officer



Marilyn Francis
 PID 05107560
 AAN 01567128
 9427 Highway 8
 Lequille
 2.53 Acres



1:2,500



Recommendation Report – 66400-30 Easson House
Attachment 2 – Pictures



SCHEDULE "A"

**NOTICE OF RECOMMENDATION
TO REGISTER A MUNICIPAL HERITAGE PROPERTY**

Pursuant to the Nova Scotia Heritage Property Act, R.S.N.S. 1989, c.199, the

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

hereby gives notice that the property of *[insert name of owner]*, *[insert brief description and address]* described in Schedule "A" hereto annexed, and in a deed recorded in Book ___ at Page ___ and Document Number ___ in the Registry of Deeds for the County of Annapolis, has been recommended for registration in the registry of heritage property for the Municipality of the County of Annapolis.

The property has been recommended for registration *[here set out reason for recommendation]*.

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property shall be made in written form only to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) If the application is not approved the alteration or demolition may take place at least one year but not more than two years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommendation of registration, and the date of the hearing shall be *[here set out date, time and place of hearing]*. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to the Act.

SIGNED, SEALED AND DATED at Annapolis Royal, NS, this ___ day of _____, 20 _____

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per _____
Warden

Per _____
Municipal Clerk

Note: *Schedule "A" should contain the legal description of the property sought to be registered.*