

**Municipal Council
March 26, 2019
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Minutes of the regular session of Municipal Council held on Tuesday, March 26, 2019 a.m. in Council Chambers of the Municipal Administration Building, Annapolis Royal, NS

Present: Warden Timothy Habinski; Deputy Warden Martha Roberts; Councillors John A MacDonald, Wayne Fowler, Burt McNeil, Gregory Heming, Alex Morrison, Michael Gunn, Wendy Sheridan, and Diane LeBlanc.

Absent: Councillor Marilyn Wilkins

Also

Present: CAO John Ferguson, Municipal Clerk Carolyn Young, and other staff.

In-Camera

Councillor Fowler moved, seconded by Councillor LeBlanc, to meet in-camera from 10:00 a.m. until 2:50 p.m. in accordance with Section 22(2)(e) contract negotiations of the *Municipal Government Act*. Motion carried unanimously.

A lunch break was held from 12:50 p.m. to 1:21 p.m. while in-camera and all returned as previously noted.

Recess

A brief recess was held from 2:50 p.m. until 2:59 p.m.

Addition to the Agenda

It was moved by Councillor Gunn, seconded by Councillor Heming, to add two items to the agenda to be dealt with at this time Termination for Convenience and Letter to Mainland Telecom Inc. Motion carried unanimously.

Re: Termination for Convenience

MOTION 190326.01 Termination for Convenience

It was moved by Councillor Heming, seconded by Councillor Gunn, that the Municipality of the County of Annapolis does Terminate for Convenience the Canadian Construction Documents Committee (CCDC) 14 Design-Build Stipulated Price Contract – Annapolis County Fibre-Optic Broad Band Internet, dated May 17, 2018, pursuant to Schedule 11, Article 3.1. Motion defeated, 5 in favour, 5 against.

No motion was required for the Letter to Mainland Telecom Inc.

Additions to the Agenda *(to end of Agenda)*

Requests were made for the following items to be added to the agenda: Under Additions: 11 (A) Annapolis Valley Exhibition, (B) Farmers Market, and (C) Companion Animals Protection Society Letter Dated March 14, 2019.

Approval of the Agenda

Upon motion of Councillor McNeil and Deputy Warden Roberts, the agenda was approved as amended. Motion carried unanimously.

Minutes**MOTION 190326.02 Minutes – Special Session 2019-01-31**

Councillor Fowler moved, seconded by Councillor Sheridan, to approve the minutes of the special session of council held on January 31, 2019, as circulated. Motion carried unanimously.

MOTION 190326.03 Minutes – Regular Session 2019-02-19

It was moved by Councillor McNeil, seconded by Councillor Gunn, to approve the minutes of the regular session of council held on February 19, 2019, as circulated. Motion carried unanimously.

MOTION 190326.04 Minutes – Special Session 2019-02-20

Deputy Warden Roberts moved, seconded by Councillor Fowler, to approve the minutes of the special session of council held on February 20, 2019, as circulated. Motion carried unanimously.

MOTION 190326.05 Minutes – Special Session 2019-02-22

It was moved by Councillor Sheridan, seconded by Councillor McNeil, to approve the minutes of the special session of council held on February 22, 2019, as circulated. Motion carried unanimously.

MOTION 190326.06 Minutes – Special Session 2019-02-25

Councillor Fowler moved, seconded by Councillor McNeil, to approve the minutes of the special session of council held on February 25, 2019, as circulated. Motion carried unanimously.

MOTION 190326.07 Minutes – Special Session 2019-02-28

It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to approve the minutes of the special session of council held on February 28, 2019, as circulated. Motion carried unanimously.

MOTION 190326.08 Minutes – Special Session 2019-03-05

Councillor Fowler moved, seconded by Councillor McNeil, to approve the minutes of the special session of council held on March 5, 2019, as circulated. Motion carried unanimously.

MOTION 190326.09 Minutes – Special Session – 2019-03-07

It was moved by Councillor McNeil, seconded by Deputy Warden Roberts, to approve the minutes of the special session of council held on March 7, 2019, as circulated. Motion carried unanimously.

Business Arising from the Minutes

None.

Municipal Solicitor's Report – It was moved by Councillor LeBlanc, seconded by Councillor Sheridan, to receive the Solicitor's report, to which solicitor-client privilege applies. Motion carried unanimously.

Councillor's Comments

District 3 – Councillor Fowler had no comments.

District 2 – Councillor MacDonald recently attended a Climate Conference/Workshop in Ottawa with the Federation of Canadian Municipalities and the Clean Foundation. He attended a Kings Transit Authority workshop as well as a COGS/Biosphere Reserve workshop on their new App.

District 11 – Councillor LeBlanc attended a few benefits, one in Melvern Square for BJ Lightfoot, and one for a French family that lost their father. She has been helping seniors with the tax exemption process.

District 6 – Councillor Morrison referenced the International Day for the Elimination of Racial Discrimination – noting this very important day had been proclaimed by Warden Timothy Habinski. It calls on all of us to do what we can to eliminate racial discrimination. “The elimination of racism and racial discrimination can be accomplished through understanding and respect for the dignity of all people and is the social and moral responsibility of each person”. Over the past few weeks he attended a large number of community events - each of which was enjoyable and enabled him to be able to receive appreciation for various Annapolis County good works and to listen to concerns and try to deal with them to the satisfaction of all. The monthly community breakfast will be held from 8 to 1030 am on Saturday 13 April at Felker Hall (Cornwallis Park Community Centre). An indoor sale to be held on Saturday April 27 in Felker Hall (Cornwallis Park Community Centre). Contact Marty Felker at 638-3164. The second is the *Bridge to Bridge Yard Sale* to be held on Saturday June 1, along Highway 1 from Allains Brook to the Bear River Bridge. Contact Elizabeth McMichael at 638-3416.

District 8 – Councillor Gunn reported that Bear River has been shortlisted for an episode of CBC's “Still Standing” series. He attended a recent meeting of the South West Nova Biosphere Reserve, and is looking forward to the development of the Amazing Places App as he is sure Annapolis County will have many excellent locations to add to their compilation. They are also looking to install a sign on Highway 1 to let folks know that Annapolis County is part of a World Heritage site. He attended a Woodland Conference in Digby that was very interesting and informative, and learned quite a bit about turtles at risk, and the mainland moose stewardship, and the introduction of the Nova Scotia Working Woodland Trust, presented by the Medway Community Forest Co-op. He attended a breakfast in Bear River and a supper at Maitland Bridge, as well as an incredible fundraiser for a grieving family at the Forrester's Hall in Clementsvale. Upcoming is the annual Maplefest at Milford Hall, and if you like an excellent meal of ham, beans, pancakes and maple syrup, salads and unbelievable pies, then you'll want to get there early on April 13th.

CAO Ferguson left at this time 3:11 p.m.

District 10 – Deputy Warden Roberts attended several local benefits which were all well attended by the communities - one in Melvern Square and one at the Brickton Community Hall. She was pleased to once again act as a Judge for 4H adding she enjoys doing this every year. She has been assisting seniors with tax exemption forms and working with not for profits on grant applications.

District 5 – Councillor Heming noted the Granville Road Area Advisory Committee is making great progress. He has addressed a Victoria Beach clear-cutting issue with TIR. He is aware of an ongoing issue with a grow-op operation and a Nova Scotia Power meter dispute. He recently attended a marshland restoration meeting, and because of his involvement in forestry, was alerted to an issue in District 7 regarding truck traffic on Morse Rd even though weight restrictions were in place. He listed several upcoming speaking engagements.

District 9 – Councillor Sheridan has ongoing interaction with seniors groups and is helping to organize an additional line-dancing class. She has been helping with low-income tax exemption forms, and noted that the Lions host a dinner every 2nd Sunday of the month.

District 4 – Councillor McNeil attended the Bear River Breakfast and the recent “march” in Bridgetown.

District 7 – Warden Habinski noted his work on the NSFM Board and the NSFM Conference Planning Committee. Dates have been set for the spring conference and he encourages councillors to attend in Truro. He is also the Federation of Canadian Municipalities Vice-Chair on their Socio-Economic Committee which he recently attended in Penticton, BC.

New Business

Re: Audit Independence Letter – An Audit Independence Letter dated March 1, 2019 was circulated in the agenda package.

MOTION 190326.10 Audit Independence Letter

Councillor McNeil moved, seconded by Deputy Warden Roberts, to receive for information. Motion carried unanimously.

Re: Audit Planning Letter – An Audit Planning Letter dated March 1, 2019, outlining the role of overseeing the financial reporting process, was circulated in the agenda package.

MOTION 190326.11 Audit Planning Letter – Authorize CAO

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, to authorize the Chief Administrative Officer to sign the letter. Motion carried unanimously.

Re: Audit Engagement Letter – An Audit Engagement Letter dated March 1, 2019, outlining the scope of the audit, was circulated in the agenda package.

MOTION 190326.12 Audit Engagement Letter – Refer to Audit Committee

Councillor Morrison moved, seconded by Councillor Sheridan, to refer the Audit Engagement Letter to the Audit Committee for review and recommendation. Motion carried unanimously.

Reports and Recommendations

Re: Committee of the Whole 2019-03-12

• ***Application for Changes to Heritage Property – Entertainment House***

**MOTION 190326.13 Application for Changes to Heritage Property – Entertainment House
– Refer to Heritage Advisory Committee**

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor LeBlanc, that municipal council refer the Application

for Changes to Heritage Property – Entertainment House to the Heritage Advisory Committee for a report back. Motion carried unanimously.

- ***Community Boundary Adjustment between Litchfield and Hillsburn***

MOTION 190326.14 Community Boundary Adjustment between Litchfield and Hillsburn

Deputy Warden Roberts moved, seconded by Councillor Gunn, in accordance with the recommendation of Committee of the Whole, that municipal council authorize staff to initiate the community boundary adjustment process for the community boundary between Litchfield and Hillsburn. Motion carried unanimously.

- ***AM-1.4.12 Tax Exemption and Reduction Policy – Amend***

MOTION 190326.15 AM-1.4.12 Tax Exemption and Reduction Policy - Amend

Pursuant to seven-day notice given at Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council amend AM-1.4.12 Tax Exemption and Reduction Policy by adding:

In District 2

Margaretsville Shore Society	37 Haddock Alley, Parcel HMQ-1A	79986892
	Margaretsville Buildings Prop #203390-616	2R0001

Motion carried unanimously.

- ***S5 Noise Bylaw Exemption Application Fort View Golf Course & Village***

MOTION 190326.16 S5 Noise Bylaw Exemption – Fort View Golf Course & Village

Deputy Warden Roberts moved, seconded by Morrison, pursuant to the recommendation of Committee of the Whole, that municipal council allow Fort View Golf Course & Village operations to start at 6:00 a.m. from Sunday to Saturday to permit necessary staff and equipment to start on the property prior to a 7:00 a.m. opening. Motion carried unanimously.

- ***Southwest Nova Biosphere Reserve Association Request for Letter of Support for Funding Application***

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council provide a letter of support for Southwest Nova Biosphere Reserve Association's ACOA application subject to receipt of requested information before March council. **Motion withdrawn** (information was not received)

- ***Bridgetown Volunteer Fire Department Funding Partner Request***

MOTION 190326.17 Bridgetown Volunteer Fire Department Funding Partner Request

Deputy Warden Roberts moved, seconded by Councillor Sheridan, in accordance with the recommendation of Committee of the Whole, that municipal council authorize staff to facilitate an application through Farm Credit Canada's AgriSpirit Fund to apply for funds to purchase replacement SCBAs with the Municipality of the County of Annapolis to receive the funds to be released to the Bridgetown Volunteer Fire Department and to issue a tax receipt. Motion carried unanimously.

- ***AM-6.1.1 Progress Payments and Interest Receivable Policy (Mainland Telecom Inc.) – Amend***
MOTION 190326.18 AM-6.1.1 Progress Payments and Interest Receivable Policy (Mainland Telecom Inc.) – Amend

Pursuant to seven-day notice given at Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council amend AM-6.1.1 Progress Payments and Interest Receivable Policy by adding:

Section 4.1 a

Any subcontractors have to sign statutory declarations that they have been paid as part of the progress payment approval process.

Motion carried unanimously.

- ***Bridgetown Auto Service Ltd. LUB Amendment Application***
MOTION 190326.19 Bridgetown Auto Service Ltd – LUB Amendment Application – Council to Consider

Deputy Warden Roberts moved, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that municipal council consider for processing the Bridgetown Auto Service Limited application to amend Part 2 of the Bridgetown LUB by adding a definition of Automobile Repair Shop that includes auto sales, leasing and rental establishments and to adopt a public participation process involving the application referral to Bridgetown Area Advisory Committee and Planning Advisory Committee for their review and recommendation after holding a public meeting on Thursday, March 28, at 7:00 p.m. at the Royal Canadian Legion, 20 Jeffrey Street, Bridgetown. Motion carried unanimously.

- ***Carter Dumanowski EEA LUB Zoning Map Amendment Application – Council to Consider***
MOTION 190326.20 Carter Dumanowski EEA LUB Zoning Map Amendment Application – Council to Consider

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council consider for processing the Carter Dumanowski application to amend the East End Area Land Use Bylaw (LUB) Zoning Map to rezone the 1459 Torbrook Road property, identified as parcels PID No. 0505120845 and 05309646, in the community of Torbrook Mines, from the Institutional (I) zone to the Rural (R-5) Zone so as to permit the redevelopment of the property from a church building to a single unit residential dwelling. Motion carried unanimously.

- ***Carter Dumanowski EEA LUB Zoning Map Amendment Application – Public Participation Process***
MOTION 190326.21 Carter Dumanowski EEA LUB Zoning Map Amendment Application – Public Participation Process

Deputy Warden Roberts moved, seconded by Councillor LeBlanc, in accordance with the recommendation of Committee of the Whole that as part of processing File 66520-35 2019 LUB-001, the Carter Dumanowski (Torbrook Mines United Church) East End Area LUB Zoning Map Amendment Application, to adopt a public participation process involving the referral of the application to the East End Area Advisory Committee and the Planning Advisory Committee for their review and recommendation. Motion carried unanimously.

- ***Carter Dumanowski EEA LUB Zoning Map Amendment Application – Planning Advisory Committee Public Meeting***

MOTION 190326.22 Carter Dumanowski EEA LUB Zoning Map Amendment Application – Planning Advisory Committee Public Meeting

Pursuant to the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to recommend that municipal council, as part of processing File 66520-35 2019 LUB -001, the Carter Dumanowski (Torbrook Mines United Church) East End Area LUB Zoning Map Amendment Application, to set Tuesday, March 26 at 7 p.m. at the Three Rivers Community Centre, 41 Messenger Road, Torbrook, as the date to hold a PAC public meeting in the community. Motion carried unanimously.

- ***Woodlot/Forest Memberships***

MOTION 190326.23 Woodlot/Forest Memberships

Deputy Warden Roberts moved, seconded by Councillor Gunn, pursuant to the recommendation of Committee of the Whole, that the Municipality purchase memberships with the Western Woodlot Services Cooperative Ltd., the Medway Forest Cooperative, and the Nova Scotia Woodlot Owners and Operators Association. Motion carried unanimously.

- ***Upper Clements Parks Society Funding Application – Letter of Support***

MOTION 190326.24 Upper Clements Parks Society – Letter of Support

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that municipal council write a letter of support for Upper Clements Park Society's efforts to secure provincial funding. Motion carried unanimously.

- ***Bridgetown Chamber of Commerce Redevelopment and Revitalization Committee Irving Lot Redevelopment***

MOTION 190326.25 Bridgetown Chamber of Commerce Redevelopment and Revitalization Committee Irving Lot Redevelopment

Deputy Warden Roberts moved, seconded by Councillor Fowler, in accordance with the recommendation of Committee of the Whole, that municipal council request staff to review opportunities and requirements regarding the presentation by the Bridgetown Chamber of Commerce Redevelopment and Revitalization Committee's presentation on the Irving property in Bridgetown and to report back to council. Motion carried unanimously.

- ***Annapolis Waterkeepers – Letter to MLA McNeil***

MOTION 190326.26 Annapolis Waterkeepers – Letter to MLA McNeil

Pursuant to the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Heming, that municipal council send a letter to the MLA, with a copy to the Department of Environment, requesting that he connect with and meet with the Annapolis Waterkeepers regarding issues surrounding water quality to do with the Arlington dump on the North Mountain. Motion carried unanimously.

- **Kings Transit Authority – Letter of Response to January 25, 2019 Letter**

MOTION 190326.27 Kings Transit Authority - Letter of Response to January 25, 2019 Letter

Deputy Warden Roberts moved, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that municipal council send a letter of response to Kings Transit Authority’s letter dated January 25, 2019. Motion carried unanimously.

- **Upper Clements Parks Funding**

MOTION 190326.28 Upper Clements Parks Funding

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that municipal council provide funding in the amount of \$50,000 from the Culture and Heritage Reserve to the Upper Clements Parks Society anticipating November receipt of a Management Plan to move forward and a financial report, and contingent upon other government funding. Motion carried unanimously.

Re: Annual Reports

- **Annapolis Valley Exhibition – Annual Report**

Deputy Warden Roberts moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

- **Annapolis County Ground Search and Rescue – Annual Report**

It was moved by Deputy Warden Roberts, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Correspondence

Re: NS Attorney General / Justice February 21st – in response to letter sent in December 2018 regarding the Public Prosecution Service Middleton office, ensuring that quality prosecution services will remain available to the residents of Annapolis County by consolidating operations to the Digby location upon the retirement of the Crown Attorney that had been located in Middleton.

Deputy Warden Roberts moved, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Re: Municipality of the County of Kings February 26th – in response to council’s February 7th letter regarding the western transfer station.

It was moved by Councillor McNeil, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: Fletcher R Wade February 22nd – regarding the wild parsnip hazard in Annapolis County and urging council to address the matter and to adopt a proactive approach to the resolution of this serious threat.

Deputy Warden Roberts moved, seconded by Councillor Gunn, to receive for information. Motion withdrawn.

MOTION 190326.29 Invite Department of Environment and Department of Health to Present to Municipal Council on the Wild Parsnip Hazard in Annapolis County

It was moved by Councillor Heming, seconded by Councillor LeBlanc, that municipal council invite the Department of Environment and the Department of Health (copy to Mr. Wade) to present to Council regarding the wild parsnip hazard in Annapolis County and how they plan to eradicate it. Motion carried unanimously.

Re: Town of Shelburne February 26th – requesting a letter of support for their proposal that a portion (0.75%) of the provincial HST be returned to municipal units who own and are responsible for two thirds of public infrastructure.

MOTION 190326.30 Letter of Response to Town of Shelburne

It was moved by Councillor Sheridan, seconded by Councillor Fowler, to send a response to the Town of Shelburne encouraging them to seek out and partner with the Nova Scotia Federation of Municipalities (NSFM) in building consensus for their suggested alteration to HST. Motion carried unanimously.

Re: YMCA Letters of Thanks – nine letters of thanks dated between February 12th and February 28th were circulated in the agenda package.

Councillor Fowler moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Additions

Re: Annapolis Valley Exhibition – Deputy Warden Roberts circulated an undated letter from the Annapolis Valley Exhibition, requesting \$40,000 operating funds to cover 2019 season start-up costs.

MOTION 190326.31 Annapolis Valley Exhibition – Approve Funding \$40,000 Special Reserve for Culture and Recreation

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, to provide \$40,000 to the Annapolis Valley Exhibition, from the Special Reserve for Culture and Recreation, for operating funds to offset the financial challenges faced in 2018 and to cover 2019 season start-up costs. Motion carried unanimously.

Re: Farmers Market

MOTION 190326.32 CAO to Consult with Merchants at Basinview Centre – Farmers Market

Councillor Morrison moved, seconded by Councillor LeBlanc, that the Chief Administrative Officer be asked to consult with the merchants at the Basinview Centre about the possibility of establishing a farmers market in the Basinview Centre. Motion carried unanimously.

Re: Companion Animal Protection Society (CAPS) Letter Dated March 14, 2019 – giving one-year notice that CAPS will stop receiving animals from the municipal animal pound as of March 31, 2020.

It was moved by Deputy Warden Roberts, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Addition to the Agenda

Councillor Heming moved, seconded by Councillor Fowler to add Concerned Citizens of Bridgetown and Surrounding Communities to the agenda as item 11(D). Motion carried unanimously.

Re: Concerned Citizens of Bridgetown and Surrounding Communities – Councillor Heming reported that he had received pages of documentation from Maria Hagen on behalf of Concerned Citizens of Bridgetown and Surrounding Communities, and noted that this group is asking for municipal council’s help to hold a public meeting in Bridgetown to discuss the issue, and to secure a forensic audit of the Annapolis County Municipal Housing Corporation for all procedures concerning the ACMHC and its Board.

MOTION 190326.33 Concerned Citizens of Bridgetown and Surrounding Communities

It was moved by Councillor Heming, seconded by Councillor LeBlanc, that the Warden contact Ms. Hagen and have a discussion. Motion carried unanimously.

Addition

Re: Permit Craig Parsons and Sue MacArthur to Address Council

Deputy Warden Roberts moved, seconded by Councillor Fowler, to permit Craig Parsons and Sue MacArthur to speak. Motion carried, 9 in favour, 1 against.

The Warden left the meeting at 4:10 p.m. asking senior staff to leave as well. Councillors Heming and Morrison also left at this time. Deputy Warden Roberts took the Chair.

Mr. Parsons read from prepared comments.

Adjournment

Upon motion of Councillors McNeil and Gunn, the meeting adjourned at 4:14 p.m.

Warden

Clerk