

# 2022-09-13 COTW Agenda Package

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# MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

## ***COMMITTEE OF THE WHOLE AGENDA***

Tuesday, September 13, 2022

9:00 a.m.

Municipal Administration Building, 752 St. George Street, Annapolis Royal

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<b>PAGES</b>	<b>1.</b>	<b>ROLL CALL</b>
	<b>2.</b>	<b>DISCLOSURE OF INTEREST</b>
	<b>3.</b>	<b>APPROVAL of the AGENDA (Order of the Day)</b> That the Order of the Day be approved as circulated.
	<b>4.</b>	<b>APPROVAL OF MINUTES</b>
<b>5-10</b>	<b>4.1</b>	<b>2022-07-12 Regular</b> That the minutes of Committee of the Whole held July 12, 2022, be approved as circulated.
	<b>5.</b>	<b>STAFF REPORTS</b>
<b>11-13</b>	<b>5.1</b>	<b>SR2022-01 Repeal Former Town of Bridgetown Policies</b> That municipal council repeal Town of Bridgetown Policies 5, 6, 7, 9, 10, 12, 13, 14, 15, 17, 19, 20, 21, 22 3, 24, 25, 26, 27, 28, 31, 34, 36, 37, and 38. 7-day notice.
<b>14-21</b>	<b>5.2</b>	<b>SR2022-02 2022/23 Community Grants Applications</b> That municipal council approve the 2022-23 grant allocations and recommendations as present in accordance with <i>AM-1.4.9 Community Grants Policy</i> .
<b>22-27</b>	<b>5.3</b>	<b>SR2022-03 Cornwallis Tidal Beach Park</b> That municipal council approve capital funding in the amount of \$15,000 from the Parks Levy Account for the development of the new park at Cornwallis Park bordering the tidal beach on land owned by the Municipality of the County of Annapolis.
<b>28-32</b>	<b>5.4</b>	<b>SR2022-04 Upper Clements Land – South Side</b> That municipal council approve capital funding in the amount \$22,000 from the Recreation Culture and Heritage account to the Annapolis Basin Outdoor Adventures Society for the first phase of active multi-purpose trail development at the Upper Clements South side to create 7 km of Mountain Bike Trails that will also include opportunities for hiking, snowshoeing and adaptive trail development which will be developed in October – November, 2022
<b>3-34</b>	<b>5.5</b>	<b>SR2022-05 Release of Funds Margaretsville &amp; District Fire Department</b>

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# MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

## ***COMMITTEE OF THE WHOLE AGENDA***

Tuesday, September 13, 2022

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That municipal council authorize the release of \$25,000 from the Capital Fire Services Reserve to the Margaretsville & District Volunteer Fire Department in the 2022-23 fiscal year.

- 35-36                      5.6                      SR2022-06 Release of Funds Nictaux & District Volunteer Fire Department**  
That municipal council authorize the release of \$25,000 from the Capital Fire Services Reserve to the Nictaux & District Volunteer Fire Department in the 2022-23 fiscal year.

**6.                      RECOMMENDATIONS and REPORTS  
FROM BOARDS and COMMITTEES**

- 37-38                      6.1                      2022-07-22 Nominating Committee Recommendations**  
• **Bridgetown Area Advisory Committee (NOT MORE THAN 5 citizens)**  
**THAT** Municipal Council extend the citizen appointment of Steve Campbell to the Bridgetown Area Advisory Committee (satisfying Section 29(c) of the policy) to November 30, 2024.

**THAT** Municipal Council appoint Horace Hurlburt as a citizen member of the Bridgetown Area Advisory Committee (satisfying Section 29(d) of the policy) for a two-year term ending November 30, 2024.

**THAT** Municipal Council appoint Nancy McGrath as a citizen member of the Bridgetown Area Advisory Committee (satisfying Section 29(c) of the policy) for a two-year term ending November 30, 2024.

**THAT** Municipal Council waive by resolution the restriction regarding consecutive appointments and extend the citizen appointment of Grant Wright to the Bridgetown Area Advisory Committee (satisfying Section 29(d) of the policy) to November 30, 2024.

- **Cornwallis Park Area Advisory Committee (NOT MORE THAN 6 citizens)**

**THAT** Municipal Council extend the citizen appointment of John (Chuck) Ryan to the Cornwallis Park Area Advisory Committee (satisfying Section 29(c) of the policy) to November 30, 2024, pending meeting policy requirements.

**THAT** Municipal Council extend the citizen appointments of Benjamin Forsyth, Merwin Clayton, and Teresa Hannam to the Cornwallis Park Area Advisory Committee (satisfying Section 29(d) of the policy) to ending November 30, 2024.

**THAT** Municipal Council appoint Lynn Boudreau as a citizen member of the Cornwallis Park Area Advisory Committee (satisfying Section 29(c) of the policy) for a two-year term ending November 30, 2024.

# MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

## COMMITTEE OF THE WHOLE AGENDA

Tuesday, September 13, 2022

9:00 a.m.

Municipal Administration Building, 752 St. George Street, Annapolis Royal



- **East End Area Advisory Committee (NOT MORE THAN 5 citizens)**

**THAT** Municipal Council appoint, Craig Parsons, Derik R. DeWolfe, Mark Kinsman, and Karie-Ann Parsons-Saltzman as citizen members of the East End Area Advisory Committee for a two-year term ending November 30, 2024.

- **Habitation Community Area Advisory Committee (NOT MORE THAN 6 citizens)**

**THAT** Municipal Council extend the citizen appointments of Carl DeNuke, Andi Rierden, Ryan Schaffrick, and Susan Tooke to the Habitation Community Area Advisory Committee to November 30, 2024.

**THAT** Municipal Council appoint Zachery Winchester as citizen members of the Habitation Community Area Advisory Committee for a two-year term ending November 30, 2024.

- **Upper Clements Area Advisory Committee (NOT MORE THAN 4 citizens)**

**THAT** Municipal Council extend the citizen appointments of Ian Davidson, Kenneth Knox, Don Moar, and Martin-Henri Villeneuve to the Upper Clements Area Advisory Committee to November 30, 2024.

39	6.2	<b>2022-09-01 Heritage Advisory Committee Recommendations</b> That the entire Old Town Hall property (identified as document number 121090394 – being approximately 9,149 sq. ft. in area) located in the community of Bridgetown be considered for registration as a municipal heritage property.
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40-56	6.3	<b>2022-09-06 Nominating Committee Recommendations</b> That Municipal Council amend AM-1.3.4 Citizen Appointments to Committees Policy as circulated, seven day notice.
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7.

### **BUSINESS ARISING FROM THE MINUTES**

57-71	7.1	Information Report – Dangerous and Unsightly Practices
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8.

### **NEW BUSINESS**

72	8.1	Council Facilities Tour – Set Dates
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73	8.2	Aerial Spraying
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9.

### **IN-CAMERA**

That municipal council meet in-camera in accordance with Sections 22(2)(c) personnel matters and (e) contract negotiations of the *Municipal Government Act*.

10.

### **5:00 p.m. STATED ADJOURNMENT**

That Committee of the Whole adjourn its session until the next regular meeting scheduled for **Tuesday, October 11, 2022.**

Minutes of the regular Committee of the Whole meeting held on Tuesday, July 12, 2022, at 9:00 a.m., at the Municipal Administration Building, 752 St. George St. Annapolis Royal, NS.

### **Roll Call**

District 1 – Bruce Prout, present  
District 2 - Brian “Fuzzy” Connell, present  
District 3 – Alan Parish, Warden, present  
District 4 – Clyde Barteaux, present  
District 5 – Lynn Longmire, present  
District 6 – Alex Morrison, present  
District 7 – David Hudson, present  
District 8 – Michael Gunn, Deputy Warden, present  
District 9 – Wendy Sheridan, present  
District 10 – Brad Redden, (2:05 p.m.)  
District 11 – Diane Le Blanc, present

To excuse Councillor Redden from meeting attendance requirements.

Moved: Councillor Hudson

Seconded: Councillor Longmire

Motion carried unanimously.

**Also Present:** CAO David Dick; Municipal Clerk Carolyn Young; other staff N. Barteaux, D. Campbell, D. Hopkins, and Jim Young.

### **Disclosure of Interest**

None.

### **Approval of the Agenda (Order of the Day)**

There were requests to move Business Arising from the Minutes to the end of the meeting and to add an in-camera session at the end of the meeting in accordance with 22(2)(c) personnel.

THAT the Order of the Day be approved as amended, *including two presentations at 11:00 a.m.*

Moved: Councillor LeBlanc

Seconded: Deputy Warden Gunn

Motion carried unanimously.

### **Adoption of Minutes**

#### **Re: 2022-06-13 Special**

THAT the minutes of the special meeting of Committee of the Whole held on June 13, 2022 be approved as circulated.

Moved: Deputy Warden Gunn.

Seconded: Councillor LeBlanc.

Motion carried unanimously.

#### **Re: 2022-06-14 Regular**

THAT the minutes of the regular meeting of Committee of the Whole held on June 14, 2022 be approved as circulated.

Moved: Deputy Warden Gunn

Seconded: Councillor Prout  
Motion carried unanimously.

Re: 2022-06-27 Special

THAT the minutes of the special meeting of Committee of the Whole held on June 27, 2022 be approved as circulated.

Moved: Deputy Warden Gunn  
Seconded: Councillor Longmire  
Motion carried unanimously.

**New Business**

Re: Information Report Dangerous & Unsightly 1<sup>st</sup> Quarter Status Report

To request a staff report which investigates practices including councillor duties and obligations with regard to dangerous or unsightly properties.

Moved: Councillor Sheridan  
Seconded: Councillor LeBlanc  
Motion carried unanimously.

Re: Information Report Internal Controls Update – Audit Management Letter

To send the report to the Audit Committee for their information.

Moved: Councillor Morrison.  
Seconded: Deputy Warden Gunn  
Motion carried unanimously.

Re: Recommendation Report Approve Road Name Raven Sky Lane

That Municipal Council approve the road name “Raven Sky Lane” for the private access road on PID 05141981 in Bridgetown North.

Moved: Deputy Warden Gunn  
Seconded: Councillor Hudson  
Motion carried unanimously.

Re: Recommendation Report Annapolis County Municipal Housing Corporation – Instrument of Incorporation Amend

That Municipal Council amend the instrument of incorporation by which the Annapolis County Municipal Housing Corporation was established and approved by Instrument of Incorporation dated October 3, 1984 (the “Instrument of Incorporation”), and amended from time to time, is hereby amended by:

1. Deleting in full the third paragraph of the Instrument of Incorporation of the Annapolis County Municipal Housing Corporation replacing it with the following:

*The corporation shall consist of a minimum of six (6) Members and a maximum of eight (8) Members, appointed by Municipal Council of the Municipality of the County of Annapolis at its first regular meeting held in November, as follows:*

- a. None of the members shall be a Councillor of the Municipality of the County of Annapolis;*
- b. No Member shall be in a family relationship with or associated as a partner or business associate with any other member of the Board;*

- c. The regular term of appointment as a Member is two (2) years;*
- d. A Member may be reappointed for an additional two (2) year appointment;*
- e. A Member may be reappointed, after serving four (4) consecutive years, for not more than two (2) additional two (2) year terms to fill vacancies or to provide for staggering of Member term. A Member shall not serve on the Board for more than eight (8) consecutive years;*
- f. A Member who has served on the Board for the maximum eight (8) consecutive years shall be eligible for membership again after an absence from the membership for at least one (1) year.*
- g. Notwithstanding the eight (8) year term limit described in section (e), two members, Nancy McGrath and Gail Grover, whose current terms end in November 2023, shall be permitted to remain on the Board until November 2027, which term extension was recommended by the Department of Seniors and Long Term Care.*

Moved: Deputy Warden Gunn

Seconded: Councillor Longmire

Motion carried unanimously.

Staff is requested to circulate the ACMHC Deed and the Instrument of Incorporation to councillors

Re: Recommendation Report AM-1.3.2 Public Participation Policy NEW

That Municipal Council adopt the AM-1.3.2 Public Participation Policy, seven day notice.

Moved: Deputy Warden Gunn

Seconded: Councillor LeBlanc

Motion carried unanimously.

Re: Recommendation Report Water Supply Municipal Planning Strategies & Land Use Bylaws

That Municipal Council include the following water supply municipal planning strategies and land use bylaws in the County-Wide Plan review:

- 1) Lake Cady Water Supply- serving Cornwallis Park;
- 2) Lawrencetown Water Supply – serving the Village of Lawrencetown; and
- 3) Margaretsville Water Supply- serving Margaretsville

Moved: Deputy Warden Gunn

Seconded: Councillor Sheridan

Motion carried unanimously.

The CAO noted we will get in touch with former committees for their comments before moving forward with the plan.

Re: Recommendation Report Bridgetown LUB Zoning Map Amendment Application Riku Raisanen

That Municipal Council consider for processing the application, on behalf of Riku Raisanen to amend the Bridgetown Land Use Bylaw (LUB) Map. The amendment will include rezoning the land identified as parcel PID 05149976 at 271 Granville Street in the community of Bridgetown from the Institutional (I1) zone to the Downtown Commercial (C1) Zone. The aforementioned map amendment will permit the redevelopment of the property from the former Town Hall to a mixed-use development consisting of commercial space on the main floor and a two bedroom unit upstairs.

Moved: Deputy Warden Gunn

Seconded: Councillor Hudson

Motion carried unanimously.

That Municipal Council, as part of the processing for File No. 66520-35 Bridgetown 2022 LUB-002, the former Town Hall zoning map amendment application, adopt a public participation process involving the referral of the application to the Bridgetown Area Advisory Committee and the Planning Advisory Committee (PAC) for their review and recommendation.

Moved: Deputy Warden Gunn

Seconded: Councillor LeBlanc

Motion carried unanimously.

That Municipal Council, as part of the processing of File No. 66520-35 Bridgetown 2022 LUB-002, the former Town Hall zoning map amendment application, set a date for and hold a PAC sponsored public meeting in the community.

Moved: Deputy Warden Gunn

Seconded: Councillor Connell

Motion carried unanimously.

Re: Set Meeting Dates

BAAC September 8, 2022 at 6pm location to be announced

PAC Sept 21, 2022 at 7 pm location to be announced

Re: Recommendation Report Former Bridgetown Town Hall Application for Heritage Registration

That Municipal Council refer the former Bridgetown Town Hall property Heritage Property Application to the Heritage Advisory Committee for review/recommendation for inclusion in the Registry of Heritage Properties.

Moved: Deputy Warden Gunn

Seconded: Councillor Sheridan

Motion carried unanimously.

Recess

10:42 a.m. – 11:05 a.m.

Presentations

Re: Clean Annapolis River Project – Executive Director Levi Cliche brought an update on 2020 and 2021 the Annapolis River Guardians project which is partially funded by the municipality. Will be installing new signage this year.

Re: Soldiers' Memorial Hospital Foundation - Board Chair Kelly Hutton provided an update on the Primary Health Care Centre in Middleton. The Foundation has also created a digital presence.

New Business (cont'd)

Re: Recommendation Report AM-2.7.8 COVID-19 Proof of Vaccination Policy Amend

That Municipal Council amend *AM – 2.7.8 COVID-19 Proof of Vaccination Policy* as circulated, seven-day notice.

Moved: Deputy Warden Gunn

Seconded: Councillor Longmire

**Article 5.4**

To amend the motion by removing in article 5.4 '*municipal council*' and add in its place '*warden or CAO*' in both places.

Moved: Councillor LeBlanc

Seconded: Councillor Longmire

To amend the amendment to delete '*or CAO*'

Moved: Councillor Morrison

Seconded: Councillor Longmire

Motion carried, 9 in favour, 1 against.

On the amendment as amended to read:

To amend the motion by removing in article 5.4 '*municipal council*' and add in its place '*warden*' in both places.

Motion carried, 9 in favour, 1 against (Gunn).

**Article 5.4 a**

To change '*Chief Administrative Officer*' to '*Warden*'

Moved: Councillor Hudson

Seconded: Councillor Prout

Motion carried, 9 in favour, 1 against.

Question on the main motion as amended to read:

That Municipal Council amend AM – 2.7.8 COVID-19 Proof of Vaccination Policy as circulated and amended, seven-day notice.

Moved: Deputy Warden Gunn

Seconded: Councillor Longmire

Motion carried, 8 in favour, 2 against.

**LUNCH**

12:30 p.m. with all returning at 2:05 p.m. as previously noted, *including Councillor Redden*.

**Community and Organizational Reports**

Re: CAO Report – the CAO provided a report for the month of June, and added an update on the status of current RFPs.

Re: Warden's Report – The Warden gave a verbal report on his activities over the past month.

**Re: Kings Transit Authority Report**

Councillor LeBlanc added the Youth Summer Plan for the bus is \$40 for unlimited use. NSCC doing a study on electric and hybrid buses.

That Committee of the Whole receive the Kings Transit for information as circulated.

Moved: Deputy Warden Gunn

Seconded: Councillor Redden

Motion carried unanimously.

Re: Soldiers Memorial Hospital Foundation Report

That Committee of the Whole receive the Soldiers Memorial Hospital Foundation Report as circulated.

Moved: Deputy Warden Gunn

Seconded: Councillor Sheridan

Motion carried unanimously.

**Business Arising from the Minutes/In-Camera**Re: Response to NSFM Survey (from June 14<sup>th</sup>)

To meet in-camera from 2:55 p.m. until 5:09 p.m., in accordance with Sections 22(2)(c) personnel,(e) contract negotiations, and (f) litigation or potential litigation of the *Municipal Government Act*.

Moved: Deputy Warden Gunn

Seconded: Councillor LeBlanc

Motion carried unanimously.

**Adjournment**

Upon motion of Deputy Warden Gunn and Councillor Morrison, the meeting adjourned at 5:12 p.m.

Unapproved Draft

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Warden

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Municipal Clerk



# STAFF REPORT

**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Dawn Campbell, Director of Legislative Services  
**Report Number:** SR2022-01 Former Town of Bridgetown Policies - Repeal  
**Subject:** Repeal Former Town of Bridgetown Policies (7-day notice)

## RECOMMENDATION(S):

That Municipal Council repeal the following policies of the former Town of Bridgetown:

- Policy #5 – Code of Conduct for Elected Officials (2012)
- Policy #6 – Fire Calls Public Works Employees (1975)
- Policy #7 – Special Council Minutes (1976)
- Policy #9 – Policy on Recognition of Proclamations (2011)
- Policy #10 – Recreation Property Owned by the Town (1978)
- Policy #12 – Suspension of Driving Privileges (1982)
- Policy #13 – Tangible Capital Assets Policy (2011)
- Policy #14 – Public Participation Program (1985)
- Policy #15 – Tariff of Fees and Expenses for Election Officers (2008)
- Policy #17 – Tree Committee Enforcement (1998)
- Policy #19 – Council Remuneration and Expense Policy (2013)
- Policy #20 – Disclosure Policy Direction: Minutes of Council and Committees (1999)
- Policy #21 – Naming of Streets (2000)
- Policy #22 – Policy Respecting Hiring Contractors Pursuant to the *Workers' Compensation Act* (1992)
- Policy #23 – Occupational Health and Safety Policy (2012)
- Policy # 24 – Council Meetings and Procedures (2012)
- Policy #25 – Policy Respecting Tax Exemption for Charitable and Non-Profit Organizations (2012)
- Policy # 26 – User Fee Schedule Policy [MPS / LUB] (2008)
- Policy #27 – Human Resource Policies (2012)
- Policy #28 – Committee of the Whole Policy (2013)
- Policy #31 – Requests for Funding From Organizations (2005)
- Policy #34 – Tax Collection Policy (2010)
- Policy #36 – Procurement Policy (2014)
- Policy #37 – Documentation of Accounting Policies and Procedures Policy (2014)
- Policy #38 – Debt Management Policy (2014)

(7-day notice)

## **LEGISLATIVE AUTHORITY**

*Municipal Government Act Sub-section 400(4):*

*When a town is dissolved, the policies and by-laws in effect continue in force in the area of the former town until repealed by the council of the municipality to which the dissolved town has been annexed.*

## **BACKGROUND**

Recently the Director of Legislative Services became aware that the policies in effect for the Town of Bridgetown at the time of dissolution should be formally repealed by the County.

## **DISCUSSION**

N/A

## **FINANCIAL IMPLICATIONS**

None known

## **POLICY IMPLICATIONS**

None

## **ALTERNATIVES / OPTIONS**

No other options recommended

## **NEXT STEPS**

Policies will formally be repealed following 7-day notice and approval by Municipal Council

## **ATTACHMENTS**

- Policy #5 – Code of Conduct for Elected Officials (2012)
- Policy #6 – Fire Calls Public Works Employees (1975)
- Policy #7 – Special Council Minutes (1976)
- Policy #9 – Policy on Recognition of Proclamations (2011)
- Policy #10 – Recreation Property Owned by the Town (1978)
- Policy #12 – Suspension of Driving Privileges (1982)
- Policy #13 – Tangible Capital Assets Policy (2011)
- Policy #14 – Public Participation Program (1985)
- Policy #15 – Tariff of Fees and Expenses for Election Officers (2008)
- Policy #17 – Tree Committee Enforcement (1998)
- Policy #19 – Council Remuneration and Expense Policy (2013)
- Policy #20 – Disclosure Policy Direction: Minutes of Council and Committees (1999)
- Policy #21 – Naming of Streets (2000)
- Policy #22 – Policy Respecting Hiring Contractors Pursuant to the *Workers' Compensation Act* (1992)
- Policy #23 – Occupational Health and Safety Policy (2012)
- Policy #24 – Council Meetings and Procedures (2012)
- Policy #25 – Policy Respecting Tax Exemption for Charitable and Non-Profit Organizations (2012)
- Policy #26 – User Fee Schedule Policy [MPS / LUB] (2008)
- Policy #27 – Human Resource Policies (2012)
- Policy #28 – Committee of the Whole Policy (2013)
- Policy #31 – Requests for Funding From Organizations (2005)
- Policy #34 – Tax Collection Policy (2010)
- Policy #36 – Procurement Policy (2014)
- Policy #37 – Documentation of Accounting Policies and Procedures Policy (2014)
- Policy #38 – Debt Management Policy (2014)

**Prepared by:**

Alawn M Campbell Director Legislative Services

(Staff Person's Name and Title)

*If more than one person prepared this report, please add an additional signature/title line below*

**Reviewed by:**

\_\_\_\_\_  
(Staff Person's Name and Title)

*If more than one person needs to review this report, please add an additional signature/title line below, i.e. Director of Finance, HR, etc.*

**Approved by:**

**Approval Date:**

D. Patterson

Sept 8, 2022

(Date)

Doug Patterson,  
Interim Chief Administrative Officer



# STAFF REPORT

**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Nancy Whitman, Recreation Coordinator  
**Report Number:** SR2022-02 2022-23 Community Grants  
**Subject:** 2022-23 Community Grants - applications

## RECOMMENDATION(S):

That Municipal Council approve the 2022-23 grant allocations and recommendations as presented in accordance with *AM-1.4.9 Community Grants Policy*.

## LEGISLATIVE AUTHORITY

Section 65, *Municipal Government Act* / *AM-1.4.9 Community Grants Policy*

## BACKGROUND

*AM-1.4.9 Community Grants Policy* allows organizations to apply for funding to support their services, programs and initiatives. There are several categories under which they can apply and each section outlines the criteria for the application. Applications in Appendix A are in compliance with the policy requirements and eligible for approval of Municipal Council.

## DISCUSSION

The **Clarence Community Club** has applied for a Community Halls and Centres Assistance Program grant in the amount of \$2,400. The request is to support the installation of a new steel roof for the community centre. They have provided a local quote, photos, and supporting letters for the project. They have also recently been approved for Municipal Heritage Status for the building. The Club hosts various community events and more recently the popular Clarence Country Market; allowing residents and visitors to source homemade, locally grown and baked items. The total cost of the new roof is \$12,631.60. They have secured funding from the department of Communities, Culture and Heritage, the Parker Mountain Wind Turbine Society, private donation and have also applied to the Heritage Trust of Nova Scotia. The Club is also providing their own funding.

The **West Dalhousie Community Hall Association** has applied for a Community Halls and Centres Assistance Program grant in the amount of \$1,240.80. The request is for the replacement of four toilets in the community hall. The existing toilets are old and keep running constantly so they are burdened with shutting the water off each time they use the hall to prevent the well from going dry. They regularly host community events, fundraisers and dinners for the community. Total quote for the new toilets and installation is \$1,240.80. The hall will cover any other costs related to the project.

The **Upper Clements and District Community Association** has applied for a Community Halls and Centres Assistance Program grant in the amount of \$1,760.00. The request is to support the construction of a foundation pad, weatherproof structure to house a generator and electrical cabling to the building. This project will allow the hall to become a refuge for residents whenever there is a significant power outage. It is there hope to become a full relief centre and further

contribute as a community resource for any future REMO efforts in the community. The total cost of the project is \$2,199.00. The association has secured in kind labour and support totalling \$439 and the grant if approved will cover the material costs.

The **Bridgetown and Area Chamber of Commerce Society** has applied for a Marketing and Promotion Partnership Programs grant in the amount of \$4,000. The request is to support the Ciderfest festival taking place in the Bridgetown area this month from September 8<sup>th</sup> to 11<sup>th</sup>. The festival is going on its 36<sup>th</sup> year, after taking a two year break due to COVID 19 restrictions. The festival is a community – family based celebration with activities for all residents and visitors to enjoy. The total estimated cost of the festival is \$21,020.76. The majority of their revenue is generated from ticket sales, advertising and sponsorship. The requested funding is designated to assist with advertising costs for the festival booklet, signage, decals, cards, etc.

The following two applications are from organizations residing in other municipalities (The Town of Annapolis Royal, and the Region of Queens:

The **Annapolis Region Community Arts Council** has applied for a Community Programs Assistance Fund grant in the amount of \$2,000. The request is to help support their project called "Painting with Light", taking place in Annapolis Royal and working collaboratively with the Annapolis West Education Centre (AWEC) and Young Company Productions (YCP). They have provided letters of support from the Town of Annapolis Royal and other community partners to support their application. They plan on hiring a professional multi-media artist (Nick Iwaskow) to conduct a workshop with students in the spring and show them how he maps two dimensional imagery onto three-dimensional spaces. They have selected the St. Louis Roman Catholic Church in Annapolis Royal to use its unique and historical architectural interior details. The final presentation will take place in the fall at the church and be a part of the "Historical Streets" program in collaboration with the Annapolis Heritage Society. The total cost of the project is \$5,000, most of which is the artist's fees (\$3,800). Attached at Appendix B is a more detailed explanation of the project. The recommended amount is \$1,000, as grant awards in this category are normally in the \$500 to \$1,000 range.

**Revenues listed in application:**

ARTSPLACE volunteers (in-kind)	\$500 value
ARTSPLACE administrator (in-kind)	\$400 value
ARTSPLACE funds	\$300
Annapolis County (applied for/pending)	\$2,000
Town of Annapolis Royal	\$350
Canada Council for the Arts	\$1,450

The **North Queens Business Centre & Innovation Hub Coop Ltd.** has applied for a Trails Assistance Program grant in the amount of \$5,000. The request is to help support the initial development of the Medway Community Forest Co-op Recreational Trail system located in Annapolis County and the required public infrastructure (parking, road upgrade, and accessible outhouse). The trail system will be built on crown land and is an ecotourism project and results will be used to research, and to report and share with other Crown Land Likenesses, including the CMM Mi'kmaw Forestry Initiative (MFI). The trail system will be located in Annapolis County along property boundaries of the Tobeatic Wilderness Area, the Medway Lakes Wilderness Area and Kejimikujik. The project involves the creation of an accessible trail, and other benefits to include collaborative regional ecotourism, research and data sharing, ecological forestry education and social entrepreneurship. Attached at Appendix C is a more detailed explanation of the project. The total cost of the project is \$66,370.76 and they have secured over \$50,000 of funding from ACOA, and have donated time, labour and materials.

**Revenues listed in application:**

Annapolis County (applied for/pending)	\$5,000
ACOA ICF CCRF	\$53,369
Harry Freeman and Sons (in-kind lumber)	\$2,000
Tilia Builders (in-kind labour)	\$4,020
North Queens Board of Trade (in-kind labour)	\$1,981.76

**FINANCIAL IMPLICATIONS**

Summary of grant submission amounts by Category (See Appendix A for further details)

The 2022-23 General Operating Budget has \$64,977.50 remaining for community grants under policy AM-1.4.9 in the current fiscal year. If this recommendation is approved for the allocation of the grant applications listed in Appendix A there will be \$49,576.70 remaining in the community grants policy for the rest of this fiscal year.

**POLICY IMPLICATIONS**

The requested funding is in accordance with the Community Grants Policy (AM 1.4.9).

**ALTERNATIVES / OPTIONS**

To not approve the recommendation; or to approve a lesser/greater amounts.

**NEXT STEPS**

1. If approved, Continue on with issuance of the Grant Funding in accordance with policy AM 1.4.9; and
2. Inform applicants of Council's decision regarding their application.

**ATTACHMENTS**

Appendix A: List of processed Grant Applications;

Appendix B: Project Description - Annapolis Region Community Arts Council; and

Appendix C: Project Description - North Queens Business Centre & innovation Hub Coop Ltd.

**Prepared by:**

Nancy Whitman, Recreation Coordinator

**Approved by:**

Doug Patterson  
Interim Chief Administrative Officer

**Approval Date:**

(Date)

## Appendix A – Summary of applications and recommendation amounts

<b>Organization</b>	<b>Amount Applied For</b>	<b>Recommendation</b>
Clarence Community Club	\$2,400	\$2,400
West Dalhousie Community Hall Association	\$1,240.80	\$1,240.80
Upper Clements and District Community Association	\$1,760	\$1,760
Bridgetown and Area Chamber of Commerce Society	\$4,000	\$4,000
Annapolis Region Community Arts Council	\$2,000	\$1,000
North Queens Business Centre & Innovation Hub Coop Ltd.	\$5,000	\$5,000
<b>Total</b>	<b>\$16,400.80</b>	<b>\$15,400.80</b>

## Appendix B - Project Description - Annapolis Region Community Arts Council



ARTSPPLACE Gallery, Box 534, 396 St. George Street, Annapolis Royal, B0S 1A0, NS  
(902) 532-7069 arcacartsplace@gmail.com www.arcac.ca

Registered Charity Number: 11878 7506 RR0001

Community Grants Program  
County of Annapolis  
752 St. George St. PO Box 100  
Annapolis Royal, NS, B0S 1A0

**Organization Executive:**

Julia Redgrave, Chair  
Randy Swigart, Vice Chair  
Flora Hall, Secretary  
Carol Tonkin, Treasurer

**The Project: Title of project / program:**

*Painting with Light*

ARTSPPLACE seeks support for *Painting with Light*. This project builds on growing collaborative relationships with two community-based organizations in Annapolis Royal: the Annapolis West Education Centre (AWEC) and Young Company Productions (YCP). It also engages the expertise of Halifax-based professional multi-media artist, Nick Iwaskow. The project is supported as a community engagement opportunity by the Town of Annapolis Royal.

At the centre of *Painting with Light* will be the participation of artist Nick Iwaskow. Iwaskow (Wasko AV) is an artist who specializes in projection mapping, using light and graphic imagery to create a story told through illumination and the beauty of interior architectural spaces.

He will come to Annapolis Royal to conduct a workshop with AWEC students in Spring 2022 (exact date TBD). He will explain the process of "painting with light"; and show the students how he maps two-dimensional imagery onto three-dimensional spaces.

St. Louis Roman Catholic Church, built in 1970, the home of the 2nd oldest Parish in Canada (founded in 1636), will be the beacon site for this project. The AWEC students will create graphic elements that are drawn from the architectural interior details of this historic church. Iwaskow will incorporate the students' creations into the final "painted light" presentation that will be presented in Fall 2022 (exact date TBD) and the creative collaboration of AWEC students and the artist. The community will be invited to enter the church to view the finished project as part of a "Historical Streets" program, a pilot project started pre-COVID by ARTSPPLACE, in



Canada Council  
for the Arts

Conseil des Arts  
du Canada

NOVA SCOTIA



ARTSPPLACE Gallery, Box 534, 396 St. George Street, Annapolis Royal, B0S 1A0, NS  
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Registered Charity Number: 11878 7506 RR0001

collaboration with the AHS (Annapolis Heritage Soc.), using projected images on heritage buildings from the AHS archives (one-night, outdoor project). As part of "Historical Streets", we are hoping to present "Painting with Light" as an anchor project, and incorporate the Heritage Minute films currently being planned by Young Company productions (these will be screened at the gallery, not at the church).

A similar interior lwaskow project: <https://www.facebook.com/nicklwaskow/videos/10158814440522448>

AWEC students are also key participants in the new Annapolis Innovation Lab, located in the Annapolis Public Library (<http://annapolisinnovationlab.ca/>). During *Painting with Light*, the teens will create a 360VR of the church presentation so folks can experience the event in VR during a gallery exhibition at ARTSPPLACE. This will be accompanied by a standard projection of background photos and a visual diary of the AWEC students work with Nick lwaskow included in a special laptop based presentation. The teens will build a special Lego encased computer (based on Raspberry Pi) that will function as the video kiosk for the gallery component.

This project had to be postponed during COVID (twice) and funding for community youth projects has been pulled from the Province CCH. We are hopeful that the Municipality will see the value of this exciting, innovative, community art program.

Yours Faithfully,

Sophie Paskins, Gallery Director

Ted Lind, Board Member & Program Chair



Canada Council  
for the Arts

Conseil des Arts  
du Canada

NOVA SCOTIA

ARTSPPLACE

1. Organization Executive:

Donald Kimball, President  
Paul Henderson, Vice-President  
Jennika Hunsinger, Secretary  
Jill Glaser, Treasurer  
Rezelka Kind, Director  
Abby Lewis, Director Constitution or Bylaws – See attached

2. Bylaws – See attached document

3. NS Registry of Joint Stock Number: 3293293

4. The Project:

**Medway Community Forest Co-op Recreational Trails**

The North Queens Business Hub & Innovation Centre Cooperative aims to improve citizen's technology skills, enhance business development, and stimulate innovation and entrepreneurship in our region. We support the Medway Community Forest Co-op (MCFC) in developing sustainable ecotourism opportunities for all and providing services that are of benefit to those currently accessing the region's crown lands, protected areas, and parks. We see the MCFC Trails as a great opportunity to continue to promote multi-value forest management, and perhaps introduce new users to these important areas.

MCFC is a Crown land forest licensee operating multi-value forest management, and seeks to pilot ecotourism on Crown land in Nova Scotia. Ecotourism project developments will be used to inform research, and to report and share with other Crown Land Licensees (with particular interest in reporting to the CMM Mi'kmaw Forestry Initiative – MFI). This funding ask is for the development of an initial trail network and required public infrastructure (parking, road upgrade, an accessible outhouse). The proposed site offers a plethora of landscape features including unique water and rock formations encompassed within a diverse old growth Acadian forest, offering immense opportunities for both physical activity and public education. The site is well suited to recreation, sharing property boundaries with the Tobetic Wilderness Area, the Medway Lakes Wilderness Area (MLWA) and Kejimikujik. The expansion of hiking and outdoor recreation infrastructure will complement existing facilities between Caledonia and Annapolis Royal, and the Gateway to Kejimikujik project. These new facilities will act as a launching point to existing paddling routes and wilderness areas and serve as a new destination for people looking to visit Keji (15km away) and Annapolis Royal (30km away). The trails will connect locals and travellers from Trunk road 8 to the Tobetic Wilderness Area through Lake Torment.

The expected benefits include: (1) Accessibility - access to crown lands & wilderness areas, as well as physical accessibility by inclusive design; (2) Collaborative regional ecotourism enhancement with the Gateway to Kejimikujik project in the Caledonia village; (3) Research and data sharing with Mi'kmaw Forestry Initiative – MFI, in support of multi-value forest management; (4) Ecological forestry education - NS adopting a new forestry model, opportunities to engage public and demonstrate multi-value forest management and outdoor education; and (5) Social entrepreneurship - promoting ecotourism as viable revenue stream for forest managers.

The project involves 1,500 m of accessible trail built to be suitable for wheelchairs, wagons, strollers, bikes, sight impaired, etc. to connect visitors from the woods road and parking area to Upper Stave Lake

through mature mixedwoods Acadian forest. There will be Interpretive signage and opportunities to engage people through exploring and reading about the ecosystem around them, its function as wildlife habitat and the ecosystem services provided that sustain life. Beyond this section of the trail, additional 3,000 m of footpath trail will take visitors through an old forest stand to Lake Torment. In this section of the trail, between Upper and Lower Stave Lake there exists lower lying wet spots which will require simple boardwalk structure to avoid ground disturbance and wet feet. This proposal seeks support to develop a parking lot, road upgrade, outhouses, accessible trail, footpath trail, and boardwalk sections. This work is phase one of the project, and is foundational to the development of recreational project to which additional upgrades can be made to enhance visitor experience and opportunities.

5. Financial Information:

- a. Amount requested from the County \$5,000
- b. Quotes – See attached
- c. Financial statement – See attached



# STAFF REPORT

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**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Debra Ryan, Community Outreach and Tourism Manager  
**Report Number:** SR2022-03 Cornwallis Tidal Beach Park  
**Subject:** Cornwallis Tidal Beach Park Development

---

## RECOMMENDATION(S):

That municipal council approve capital funding in the amount \$15,000 from the Parks Levy Account for the development of the new park at Cornwallis Park bordering the tidal beach on land owned by the Municipality of the County of Annapolis.

## LEGISLATIVE AUTHORITY

Municipal Government Act

## BACKGROUND

Community Outreach and Tourism has been working with the former CAO on the tidal beach project as it was identified during a capital meeting process at council.

The community has identify the project a number of times through various planning processes : During the Active Transportation planning process in 2015, the tidal beach at Cornwallis Park was identified as an important community destination popular for walking and many other outdoor pursuits and there was a need for expanded amenities and access.

It was again identified by the community during the Accessibility Planning process in 2021 and is listed as a project in the Annapolis County Accessibility Plan. The beach is difficult to get to and there was no easy and safe public access to the beach to view and or participate at the beach site.

Presently people access the beach over and around the former sewer holding area that the county owns.

Business owners in the area had expressed interest in the development of lands that we own in the area as a destination park for both residents and tourists.

## DISCUSSION

The County of Annapolis owns 3.16 acres of land that is located north of the Basin Centre. The land borders on the abandoned rail corridor on the south and the tidal beach on the north that was acquired through the parks levy process in 2000.

Staff have been in consultation with the Valley Trails Coalition and worked with Rick Jacques, Valley Trails Coordinator in the design of the park based on input from both municipal staff and community.

The total project costs is estimated to be \$25,000

A funding application has been submitted and approved in the amount of \$6,000.00 from the Nova Scotia Communities, Culture and Heritage. The Acadian Seaplants (local business at Cornwallis Park) has approved \$2,000 towards the development of the project. They have also said that they would monitor the park once established as part of the security arrangement on site at no cost.

The Annapolis Basin Conference Centre (ABCC); Cornwallis Garden Club has written a letter of support as they both see the benefit to the community and as a destination for visitors to our county.

The Valley Trails Coalition and others have committed in kind contribution in the amount of \$2,000.00 toward the development of the project.

Amenities to include the following: Accessible Pathway to the tidal beach area with the 5% grade for easy access for walking, etc.; Creation of a parking area for 10 vehicles including upgrades to the road; Creation of accessible pathways and picnic sites; Creation of an accessible platform (10' x 20') to view the tidal beach, the Annapolis Basin, North Mountain including sunsets; signage, picnic tables and other amenities.

### **FINANCIAL IMPLICATIONS**

The new park will have to be maintained as part of our existing municipal parks system and it will be a destination park due to the nature of the tidal beach as this beach is presently a hidden gem. Area residents presently use the beach as does Clark Rutherford Memorial School and it is a popular destination to those who know about it and it is growing.

All parks have maintenance and capital costs.

It will require insurance coverage which is anticipated to cost \$1500.00 annually and a seasonal serviced accessible port-a-pottie is approximately \$1800. The anticipated overall maintenance costs to be approximately \$6,000 per year.

### **POLICY IMPLICATIONS**

Follow similar rules and regulations of other parks in the county.

### **ALTERNATIVES / OPTIONS**

The alternative is to not create the park.

The above recommendation includes funding allocation from the Parks Levy account which presently has a total of \$46,000 however council can allocate funds for projects of this nature from the Municipal Recreation, Culture and Heritage account (\$262,000).

### **NEXT STEPS**

Creation of a work plan for the development of the site in cooperation with Tourism, Municipal Operations and other community partners to achieve the deadlines of project completion in 2022.

**ATTACHMENTS**

- map showing location of municipal land
- view planes
- site plan/routing

**Prepared by:**

Debra Ryan  
Community Outreach and Tourism Manager

September 1, 2022

**Reviewed by:**  
\_\_\_\_\_

Nancy Comeau  
Assistance Manager of finance

**Approved by:**  
\_\_\_\_\_

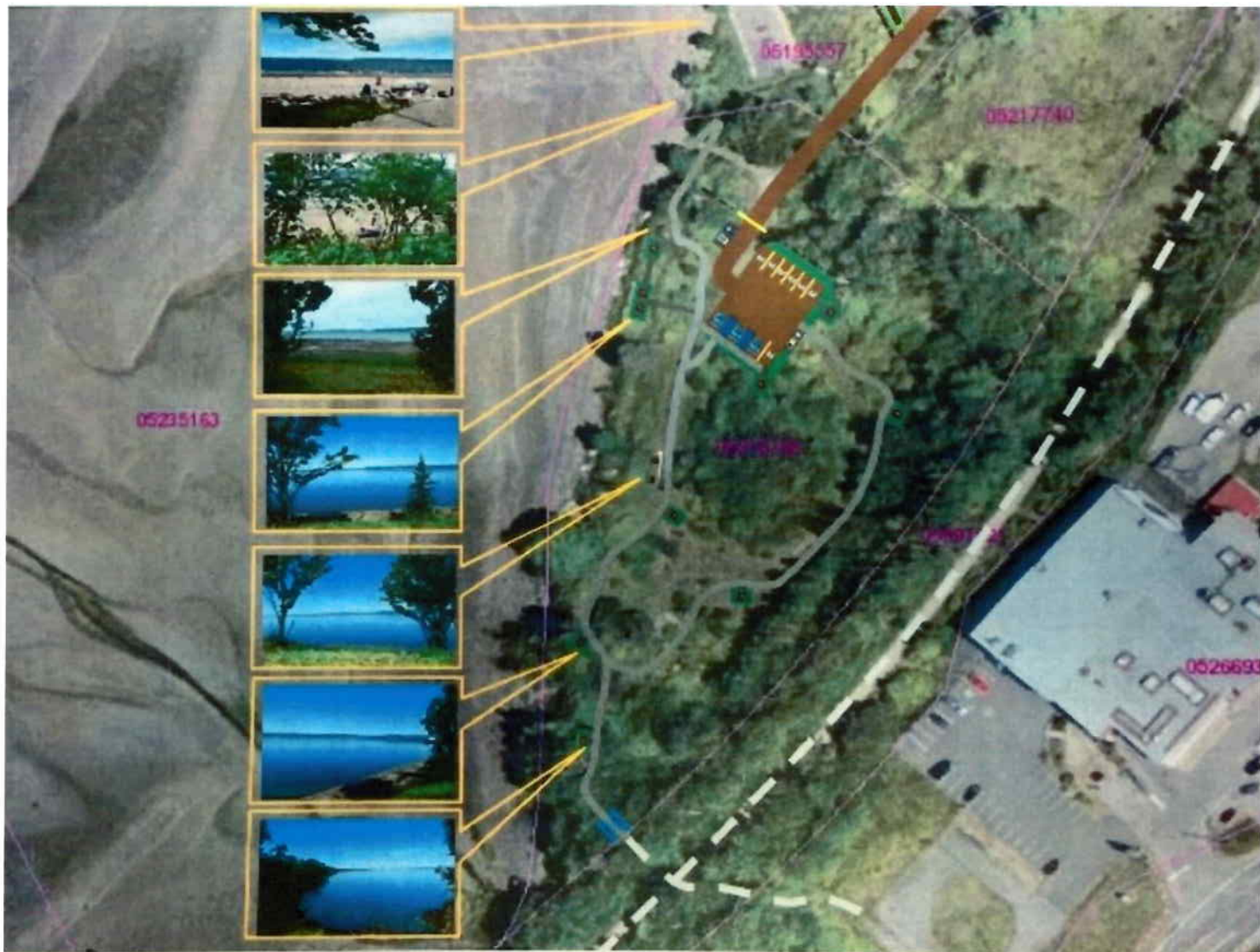
Doug Patterson  
Interim Chief Administrative Officer

**Approval Date:**

*Sept 08, 2022*  
\_\_\_\_\_

September 1, 2022





Valley Trails Coalition  
STANDARD TRAIL PLAN

PROJECT NAME AND LOCATION  
**CORNWALLIS PARK ACCESSIBLE TRAIL**  
TRAIL PROJECT # AC-219

DRAWING NAME  
**VIEW PLANES**  
SECTION  
900 - GENERAL

TYPICAL ID  
BCS

REVISION DATE  
**06/13/22**  
NOT TO SCALE

DR  
STC  
SHEET  
1



Trails Coalition  
 STANDARD TRAIL PLAN

PROJECT NAME AND LOCATION  
**CORNWALLIS PARK ACCESSIBLE TRAIL**  
 TRAIL PROJECT # AC-219

DRAWING NAME	<b>SITE PLAN/ROUTING</b>	
SECTION	900 - GENERAL	TYPICAL ID BCS

REVISION DATE	<b>06/13/21</b>
NOT TO SCALE	



# STAFF REPORT

**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Debra Ryan, Community Outreach and Tourism Manager  
**Report Number:** SR2022-04 Upper Clements Land – South Side  
**Subject:** Outdoor Tourism Destination - Trail Development Upper Clements South Side

## RECOMMENDATION(S):

That municipal council approve capital funding in the amount \$22,000 from the Recreation Culture and Heritage account to the Annapolis Basin Outdoor Adventures Society for the first phase of active multi-purpose trail development at the Upper Clements South side to create 7 km of Mountain Bike Trails that will also include opportunities for hiking, snowshoeing and adaptive trail development which will be developed in October – November, 2022

## LEGISLATIVE AUTHORITY

MGA Municipal Government Act

## BACKGROUND

Upper Clements Park used to include two Nova Scotia entertainment destinations that were owned and managed by the Upper Clements Parks Society. It closed in 2019 and was purchased by the Municipality of the County of Annapolis.

1. Upper Clements Amusement Park (est.1989) and located on the north side of Highway #1 **(this area is not part of this report)**
2. Upper Clements Adventure Park (est. 2012) located on the south side of Highway #1 and was closed in 2019. The land on the south side consist of 184 acres of land.

The adventure park was named the **Tree Topper Adventure Park** which includes both the aerial ropes challenge and the free fall tower (Tree Topper Free Fall Tower) which is the visual tower that you can see from the parking lot. The adventure park also included the parking area and the outdoor entrance plaza. Reception Building- equipment storage, canteen and gift shop, staff facilities and registration.

Also included on the south side of the road were walking trails and both of these trails run north and south so there is a steady but nice climb through the forest. Some walking trails have visuals of the adventure aerial park sections. There were former cross country ski trails when the former wildlife park was established and those trails are the wider double track areas.

This area was also the location of the former Upper Clements Wildlife Park. The pathways/roads that lead east from the parking lot pass along a Mountain Bike Skills Park (created in 2016 ) and

the former campground. This section of the property includes the new washroom facilities that were created for the campground. The older barns and other buildings that exist on site were once part of the wildlife park infrastructure when the province ran the complex before it was turned over to the Upper Clements Parks Society.

## **DISCUSSION**

The intent of this report is to begin the process for the creation of an outdoor tourism destination park on the 184 acres on the south side to create a destination that will benefit both residents and tourist to our region.

In order to do this we are proposing the development of the west side of this 184 acre property for the 2022-2023 fiscal year to include the following actions:

1. To work in cooperation with the Annapolis Basin Outdoor Adventure Society in the development of 7 km of single and double track multi use trails that will be designed for use for mountain biking, hiking, walking, cross country skiing and other active winter activities such as snowshoeing. The design will include adaptive use for accessibility where and where possible.
2. Removal of the Tree Topper Adventure Park as it presently unsafe and a recent assessment recommended action. Report due in October.
3. Securing the buildings in the main parking lot for winter and safety.
3. Exploration of federal and provincial support for the future development of an 18-hole disc golf site on the east side of this said property.
4. Assessment of the structures and other infrastructure on site to determine their viability and future use and to create a plan with capital budget considerations for the 2023-2024 season.

To create the overall sustainability of these type of trails you need a strong organization dedicated to building and maintaining the trail system at Upper Clements Park and area.

In June of 2022 the Annapolis Basin Outdoor Adventures Society (ABOAS) was created. In the formation of the new Society there were long standing community residents that signed up including a number of new residents that have moved here that are both mountain bikers/ hikers and bring a vast knowledge of design and development techniques that include adaptive trail knowledge.

The Upper Clements area can be one of the top mountain bike destinations in Nova Scotia and the Maritimes and will enhanced tourism development.

Amanda Sin has been on the Canadian National Mountain Bike team and participated in the world cup. Amanda and her partner Kaesy Gladwin both moved back to Nova Scotia and chose Annapolis County due its clean air and outdoor recreation opportunities. Kaesy is a geologist and he understand the soils and the designs needed for quality mountain bike trails.

Adam Moreland who is the new chair of ABOAS, a forester and worked as a warden for Parks Canada brings a wealth of knowledge for mountain bike trail and hiking trail development.

Derik Smith, teacher who lives in Moschelle with his family is dedicated to making a difference to create family- oriented trails in the region and is excited to bring his expertise to the trail

project. These are some of the folks that would work to create the development of this unique site should council approve the trail development component.

The society members, in cooperation with the county, have brushed out existing hiking trails and cross country ski trails as a start. Former single track mountain biking trails were found, staked and some brushed out but they were very overgrown. The combination of multi-use trails that will include both single and double track will create opportunities for people of all ages and they are planning for adaptive double track opportunities. .

The volunteer group (ABOAS) are prepared to design and work with the county in the fall of 2022 to develop 7 km of multipurpose trail for \$22,000. This will include the rental of an excavator and skilled operator for building trail who will work alongside the ABOAS volunteers. The society is prepared to create those trails in the timeline October – to mid-November 2022 with the hope to open the trails in the spring of 2023 which will include hiking, mountain biking, create adaptive trail design that will appeal to many age groups and to be used in all seasons.

Trail design and development of this nature would normally cost three to four times higher. However, with the skilled background and knowledge of the volunteers, the trail development opportunity does exist.

The Valley Trails Coalition have agreed to assist with the project when time and resources allow and have met with county staff and volunteers.

The opportunities for expansion of trails on crown lands combined with existing elevations has the potential to be one of the leading destination areas in Atlantic Canada.

In time the trail system will connect to Annapolis Royal and the Harvest Moon Trailway to the east and Cornwallis Park and beyond to the west which will create a large network of trail opportunities in the Annapolis Basin area.

We have had discussions with the Valley Trails Coalition and the first stage of creating a trail west of Annapolis Royal on the former rail corridor will be started this fall with a public consultation process. This process is required for the letter of authority with the Annapolis County Trails Society in the development of that section.

We have had discussions with the Friends of Upper Clements Picnic Park and they are encouraged about the development of trails that will be complementary to the picnic park and provide hiking and mountain biking opportunities. The Upper Clements Cottages and RV Park and the Fort View Golf Course are very interested in any development that will encourage more recreation opportunities and be available to tourists that are visiting the area.

That, combined with a trail network at Kejimikujik National Park and National Historic Site of Canada, will position the county as a destination for mountain biking and hiking opportunities for all seasons to support the local economy and provide active outdoor recreation opportunities.

## **FINANCIAL IMPLICATIONS**

The new park will have to be maintained as part of our existing municipal parks system and we are recommending that once the trails are created that the county work to create a model to

allow community volunteers and municipal staff to work together to maintain the trails in a sustainable manner.

The ongoing maintenance cost are presently unknown but the Annapolis Basin Outdoor Adventures Society will assist with the ongoing maintenance of the trails. They will carry their own insurance through NS Trails Federation.

As with all parks there is a cost to maintain and enhance. Parks create pride in community and parks such as the one proposed for the south side at Upper Clements will be a tourism destination.

The new active tourism destination park will require a maintenance budget which will be assessed and determined for the new operating budget in 2023-2024.

## **POLICY IMPLICATIONS**

Similar rules and regulations of other parks in the county; however, this one will require additional rules and we are presently researching. There are excellent examples at Victoria Park in Truro which is owned by the town, Wentworth and Keppock in Antigonish and those rules and guidelines can be in place before opening.

## **ALTERNATIVES / OPTIONS**

This was a project assigned to Tourism by the CAO and we did not look at other alternatives as the site lends itself to active outdoor recreation in creating a tourism destination.

This site is well known in the community and has more than 40 years of various type of trails located on site and have been used by residents for generations.

The Friends of upper Clement Picnic Park and others in the community have supported trail development to continue that legacy.

The overall intent is to position the county at Upper Clements as an active outdoor tourism destination; increase the number of overnights stays; enhance opportunities to improve the shoulder seasons; create expanded partnerships and collaborations for long term sustainability; create excitement to target a wide range of age groups and accessible opportunities for both residents and the visiting public.

## **NEXT STEPS**

Creation of a work plan for the development of the site in cooperation with Tourism, Recreation, Municipal Operations and the Annapolis Basin Outdoor Adventures Society (ABOA) to achieve the deadlines of project completion in 2022-2023 fiscal year.

## ATTACHMENTS

- ABOAS Proposal

### Prepared by:

Debra Ryan  
Community Outreach and Tourism Manager

September 1, 2022

### Reviewed by:

  
Nancy Comeau  
Assistance Manager of Finance

### Approved by:

  
Doug Patterson  
Interim Chief Administrative Officer

### Approval Date:





# STAFF REPORT

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**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Cheryl Mason, Manager of Protective Services  
**Report Number:** SR2022-05 Release of Funds Margaretsville & District FD  
**Subject:** Margaretsville & District Volunteer Fire Department

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## RECOMMENDATION(S):

That Municipal Council authorize the withdrawal of \$25,000 from the Capital Fire Services Reserve Fund to the Margaretsville & District Volunteer Fire Department in the 2022-23 fiscal year.

## LEGISLATIVE AUTHORITY

Section 65 of the *Municipal Government Act*

## BACKGROUND

The Margaretsville & District Volunteer Fire Department requested funds in 2019 to upgrade their existing 1980 utility truck with a new chassis and loan payments through their financial institution are required every year in the amount of \$25,000 until the loan is repaid.

## DISCUSSION

The department advised this would be the last payment on the loan.

## FINANCIAL IMPLICATIONS

Finance Department confirmed that funds are available and after the payment of \$25,000, the balance is \$80,978.70 in the Capital Fire Services Reserve fund for Margaretsville.

## POLICY IMPLICATIONS

None

## ALTERNATIVES / OPTIONS

None

## NEXT STEPS

When approved by Council, staff will contact the Fire Chief to advise cheque to be released.

## ATTACHMENTS

None

**Prepared by:**



Cheryl Mason, Manager of Protective Services

**Reviewed by:**



Nancy Comeau, Asst. Manager of Finance

**Approved by:**



Doug Patterson  
Interim Chief Administrative Officer

**Approval Date:**





# STAFF REPORT

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**Report To:** Committee of the Whole  
**Meeting Date:** September 13, 2022  
**Prepared By:** Cheryl Mason, Manager of Protective Services  
**Report Number:** SR2022-06 Release of Funds Nictaux & District Volunteer FD  
**Subject:** Nictaux & District Volunteer Fire Department

---

## RECOMMENDATION(S):

That Municipal Council authorize the withdrawal of \$25,000 from the Capital Fire Services Reserve Fund to the Nictaux & District Volunteer Fire Department in the 2022-23 fiscal year.

## LEGISLATIVE AUTHORITY

Section 65 of the *Municipal Government Act*

## BACKGROUND

The Nictaux & District Volunteer Fire Department requested funds in 2017 to purchase a new pumper and loan payments through their financial institution are required every year in the amount of \$25,000 until the loan is repaid (anticipated to be 2028).

## DISCUSSION

There are still several years balance left on the loan.

## FINANCIAL IMPLICATIONS

Finance Department confirmed that funds are available and after the payment of \$25,000, the balance is \$373,008.85 in the Capital Fire Services Reserve fund for Nictaux.

## POLICY IMPLICATIONS

None

## ALTERNATIVES / OPTIONS

None

## NEXT STEPS

When approved by Council, will contact Fire Chief to advise cheque to be released.

## ATTACHMENTS

None

**Prepared by:**



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Cheryl Mason, Manager of Protective Services

**Reviewed by:**



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Nancy Comeau, Asst. Manager of Finance

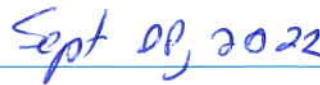
**Approved by:**

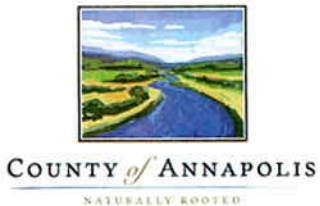


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Doug Patterson  
Interim Chief Administrative Officer

**Approval Date:**





# BOARDS and COMMITTEES

## Recommendations

### AdHoc, Standing, and Advisory Committees

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**To:** Committee of the Whole

**Meeting Date:** September 13, 2022

**Subject:** **Recommendations from the 2022-07-22 Nominating Committee Meeting**  
– *Extension of Appointments and Appointments to Bridgetown Area Advisory, Cornwallis Park Area Advisory, East End Area Advisory, Habitation Community Area Advisory, and Upper Clements Area Advisory Committees*

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#### **RECOMMENDATIONS:**

##### **Re: Bridgetown Area Advisory Committee (NOT MORE THAN 5 citizens)**

**THAT** Municipal Council extend the citizen appointment of Steve Campbell to the Bridgetown Area Advisory Committee (satisfying Section 29(c) of the policy) to November 30, 2024.

**THAT** Municipal Council appoint Horace Hurlburt as a citizen member of the Bridgetown Area Advisory Committee (satisfying Section 29(d) of the policy) for a two-year term ending November 30, 2024.

**THAT** Municipal Council appoint Nancy McGrath as a citizen member of the Bridgetown Area Advisory Committee (satisfying Section 29(c) of the policy) for a two-year term ending November 30, 2024.

**THAT** Municipal Council waive by resolution the restriction regarding consecutive appointments and extend the citizen appointment of Grant Wright to the Bridgetown Area Advisory Committee (satisfying Section 29(d) of the policy) to November 30, 2024.

##### **Cornwallis Park Area Advisory Committee (NOT MORE THAN 6 citizens)**

**THAT** Municipal Council extend the citizen appointment of John (Chuck) Ryan to the Cornwallis Park Area Advisory Committee (satisfying Section 29(c) of the policy) to November 30, 2024, pending meeting policy requirements.

**THAT** Municipal Council extend the citizen appointments of Benjamin Forsyth, Merwin Clayton, and Teresa Hannam to the Cornwallis Park Area Advisory Committee (satisfying Section 29(d) of the policy) to ending November 30, 2024.

**THAT** Municipal Council appoint Lynn Boudreau as a citizen member of the Cornwallis Park Area Advisory Committee (satisfying Section 29(c) of the policy) for a two-year term ending November 30, 2024.

##### **East End Area Advisory Committee (NOT MORE THAN 5 citizens)**

**THAT** Municipal Council appoint, Craig Parsons, Derik R. DeWolfe, Mark Kinsman, and Karie-Ann Parsons-Saltzman as citizen members of the East End Area Advisory Committee for a two-year term ending November 30, 2024.

##### **Habitation Community Area Advisory Committee (NOT MORE THAN 6 citizens)**

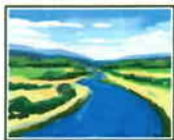
**THAT** Municipal Council extend the citizen appointments of Carl DeNuke, Andi Rierden, Ryan Schaffrick, and Susan Tooke

to the Habitation Community Area Advisory Committee to November 30, 2024.

**THAT** Municipal Council appoint Zachery Winchester as citizen members of the Habitation Community Area Advisory Committee for a two-year term ending November 30, 2024.

**Upper Clements Area Advisory Committee (NOT MORE THAN 4 citizens)**

**THAT** Municipal Council extend the citizen appointments of Ian Davidson, Kenneth Knox, Don Moar, and Martin-Henri Villeneuve to the Upper Clements Area Advisory Committee to November 30, 2024.



COUNTY of ANNAPOLIS  
HERITAGE BORLEN

## BOARDS and COMMITTEES Recommendations

### AdHoc, Standing, and Advisory Committees

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**To:** Committee of the Whole

**Meeting Date:** September 13, 2022

**Subject:** Recommendation from the 2022-09-01 HERITAGE ADVISORY COMMITTEE Meeting

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#### RECOMMENDATION:

That the entire Old Town Hall property (identified as document number 121090394 – being approximately 9,149 sq. ft. in area) located in the community of Bridgetown be considered for registration as a municipal heritage property.



COUNTY of ANNAPOLIS  
NATURALLY ROOTED

# BOARDS and COMMITTEES Recommendations

## AdHoc, Standing, and Advisory Committees

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**To:** Committee of the Whole

**Meeting Date:** September 13, 2022

**Subject:** **Recommendations from the 2022-09-06 Nominating Committee Meeting**  
– AM-1.3.4 Citizen Appointments to Committees Policy – Proposed Amendments

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### RECOMMENDATIONS:

**THAT** Municipal Council amend AM-1.3.4 Citizen Appointments to Committees Policy as circulated, seven day notice.

### ATTACHMENTS:

- AM-1.3.4 Citizen Appointments to Committees Policy – showing changes
- AM-1.3.4 Citizen Appointments to Committees Policy – as revised

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

## 1.0 Purpose

The purpose of this Policy is to establish:

- ~~procedures for Municipal Council to select citizens to fill vacancies on committees; and~~
- ~~eligibility criteria for citizen applicants.~~

## 1. PURPOSE

This policy provides a guide to members of municipal Council and staff in the process to ensure consistency, integrity, and fairness in administering the citizen appointment process and provides information about how the process works for those residents of Annapolis County who are interested in applying to serve.

The purpose of this policy is to establish:

- Procedures for municipal Council to ~~select~~ appoint citizens to fill vacancies on **boards and** committees; and
- Eligibility criteria for citizen applicants.

## 2. AUTHORITY

This policy is enacted pursuant to Sections 22, 23, 24, 25, 26, 44, 200, and 345 of the Municipal Government Act, as amended.

## 3. DEFINITIONS

Unless otherwise defined below, terms used in this policy shall have the same meaning as those defined in the *Municipal Government Act*:

**3.1 Term of Appointment** ~~— Except to the extent that the term of appointment is otherwise determined by statute, bylaw, or policy, citizen members shall be appointed for two years with the term commencing in December following each municipal general election or bi-annual election anniversary. Except as otherwise provided in this policy, no appointment shall cease until such time as a successor is appointed.~~

**3.1. Ordinarily Resident** – the place where in the settled routine of an individual's life, the citizen regularly, normally or customarily spends a total of 183 days or more in a year.

## 4. POLICY APPLICABILITY

This policy applies to the Municipality of the County of Annapolis' (MCOA) appointments to MCOA boards and committees. It does not apply to the appointment of members of municipal Council to such bodies.

## 5. NOMINATING BODY

The Nominating Committee, established as a Standing Committee of municipal Council (per Committees of Council Policy, AM-1.3.5), is the body responsible to discuss, consider, advise and make recommendation to municipal Council concerning appointments to boards and committees.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

**4.0 Provisions** The statements below are captured in various sections of the proposed new policy. The wording may be exactly the same or re-phrased but with the same meaning, and placed under a specific heading.

- 4.1 The Municipality of the County of Annapolis will advertise all vacancies prior to the expiration date of the term of appointment by posting on the County's website and social media as well as through other media as deemed appropriate by Municipal Council.
- 4.2 Notwithstanding Sub-section 4.1 above, Municipal Council may choose not to fill a citizen member vacancy if the vacancy occurs within six (6) months of the end of the term of appointment.
- 4.3 Except as otherwise determined by statute, bylaw or policy, every person shall be qualified to be appointed as a citizen member who is the full age of eighteen years and has been ordinarily resident in the County for a minimum of six (6) months prior to the date of application.
- 4.4 To qualify as a citizen appointee, applicants must have no outstanding taxes, fees, charges or liens owing to the Municipality of the County of Annapolis at the time of appointment. Applicants not meeting these qualifications shall not be considered for appointment.
- 4.5 An application form must be completed and submitted along with a resume before any citizen may be considered for appointment.
- 4.6 The application form shall be in a format and contain such information as may from time to time be required for the proper administration of this policy. Application forms are available on request from the Office of the Municipal Clerk and on the County's web site.
- 4.7 Personal information collected from citizen applicants shall only be used for the purpose of determining applicant eligibility and selection. Additional personal information shall be required from successful applicants for the purpose of arranging honorariums and remuneration.
- 4.8 Members of the Nominating Committee will review all applications received for eligibility and the Nominating Committee will report / recommend to the Committee of the Whole individuals for the available positions who, in the opinion of the Nominating Committee, are most suitable.
- 4.9 The Nominating Committee may recommend further advertisement for applications if no applications are received or, if in the opinion of the Committee, not enough suitable applications are received.
- 4.10 Upon completion of the term of appointment, the citizen appointee may reapply for one additional term.
- 4.11 Following the completion of the appointee's second term of appointment, the citizen appointee shall not be eligible to reapply for any position for a minimum of two (2) years unless Municipal Council specifically determines otherwise by resolution.
- 4.12 Written contact will be made with all applicants whether or not they have been successful in being selected for a vacancy.
- 4.13 Citizen appointees shall receive an honorarium based upon \$50 per meeting attended.

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- ~~4.14 If a committee does not meet during the calendar year, citizen appointees shall receive an honorarium of \$50.~~
- ~~4.15 Subject to the approval of the Warden, citizen appointees shall be reimbursed their reasonable expenses for attending committee meetings in accordance with the County's travel policy.~~
- ~~4.16 A citizen member appointed pursuant to this policy who, without leave of the committee, is absent from three consecutive regular meetings ceases to be a member.~~
- ~~4.17 A citizen appointee who is unable to continue to serve as a committee member shall submit a written letter of resignation to the Municipal Clerk who shall inform the Chairperson of both the Committee and the Nominating Committee.~~
- ~~4.18 Municipal Council may replace at any time citizen appointees who resign or who, in Council's opinion, are not fulfilling their duties as expected.~~

The following provisions shall apply to all committees except where the policy specifically provides otherwise:

## **6. ELIGIBILITY AND QUALIFICATIONS**

### **6.1. Eligibility Requirements**

- 6.1.1. Full age of 18 years (exceptions may be made by municipal Council for committees specifically related to youth, or if otherwise determined)
- 6.1.2. Ordinarily resident in Annapolis County for a minimum of six months (183 days) prior to the date of application unless provided otherwise in the Committee's Terms of Reference.
- 6.1.3. No outstanding taxes, fees, charges or liens owing to the MCOA beyond the current year, whether it is private, commercial, property or business.

The appointee is required to maintain this status throughout their entire term of appointment.

### **6.2. Restriction for Relatives of Members of Council**

Relatives of members of Council (spouse, children, parents, or those living in the same household as the Council member) are not eligible for appointment to MCOA boards and committees.

### **6.3. Restriction for Staff**

Staff of MCOA are not eligible to apply for a MCOA appointment.

## **7. TERMS AND LENGTH OF SERVICE**

### **7.1. Term of Appointment**

Except to the extent that the term of appointment is otherwise determined by statute, bylaw or policy, citizen members shall be appointed for one two-year term, with the term

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
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commencing in December following each municipal general election or bi-annual election anniversary.

Appointments to the Police Advisory Board will involve an interview process as mandated by the Police Regulations made under subsection 97(1) of the *Police Act*.

## **7.2. Limits on Length of Service**

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may re-apply for one additional two-year term.

When applying for reappointment, incumbents must complete an application form as provided by the Office of the Municipal Clerk.

MCOA recognizes the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time. The length of service for any citizen is two consecutive two-year terms on the same board or committee. Exceptions are noted below.

## **7.3. Exceptions**

### **7.3.1. Reappointments When Maximum Service Reached**

Following the completion of a second two-year term of appointment, the incumbent shall not be eligible to reapply for any position for a minimum of one year, unless municipal Council specifically determines otherwise by resolution.

### **7.3.2. Partial Terms**

When an appointment is made to fill a vacancy, the balance of the term shall not count towards the maximum length of service or number of terms on a board or committee for the appointee.

### **7.3.3. Continuation Past the End of Term**

Where it is prudent for the work already undertaken by a board or committee to be completed by its current membership, the members may continue to serve on the respective board or committee past the end of their term, upon their agreement and by the appointment of municipal Council.

### **7.3.4. Continuation Past Ordinary Residency**

A board or committee member shall not be eligible to serve on any board or committee if they no longer reside in Annapolis County, or unless provided otherwise in the Committee's Terms of Reference, or unless the board or committee makes a formal request to municipal Council through the Office of the Municipal Clerk, and municipal Council specifically determines otherwise by resolution.

## **7.4. Vacancies**

A vacancy on a board or committee is created when a member resigns or vacates the position for any reason effective the earliest of:

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

1. The date of resignation
2. The date the member ceases to be qualified
3. The date the member, who in municipal Council's opinion is not fulfilling their duties as expected, and is removed by municipal Council after having received a form request from the board or committee through the Office of the Municipal Clerk
4. The date the member, who without the leave of the board or committee, is absent from three consecutive meetings
5. The date of death or other incapacitation

Notwithstanding the above, municipal Council may choose not to fill a vacancy if the vacancy occurs within six months of the end of the term of appointment.

#### **7.5. Leaves of Absence**

Board or committee members who run for elected office shall take a leave of absence. The leave is required to begin as of the day the member is nominated as a candidate standing for election.

Members who wish to request a leave of absence shall submit a written request to the Chief Administrative Officer who will grant it, and will inform the Municipal Clerk who will inform the chairperson of the affected board or committee, and the Nominating Committee for the appropriate action.

### **8. HONORARIUMS AND EXPENSES**

Board or committee members shall receive an honorarium based upon \$50 per meeting attended.

If a board or committee does not meet during the calendar year, board or committee members shall receive an honorarium of \$50.

Subject to the approval of the Warden, committee members shall be reimbursed their reasonable expenses for attending board or committee meetings in accordance with the MCOA's Travel and Expenses policy, AM-1.8.1.

### **9. RECRUITMENT METHODS**

#### **9.1. Timing of Appointments**

Generally, the appointment process will begin four months in advance of the municipal election and bi-annual election anniversary to allow the Nominating Committee to consider potential applicants for the new term.

Appointments shall not extend past the term of the sitting Council.

#### **9.2. Advertised Recruitment**

The standard recruitment process used by MCOA for boards and committees is to invite applications through an advertisement to the public at large.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

The MCOA will advertise all vacancies prior to the expiration date of the term of appointment by posting on the Municipality's website and social media, as well as through other media as determined appropriate by municipal Council.

### **9.3. Other Recruitment**

Councillors or others may approach potential candidates to encourage their application to a board or committee.

## **10. APPLICATION PROCESS**

### **10.1. Applications**

During the appointment process, application forms are available by e-mail, mail, or fax upon request from the Office of the Municipal Clerk, or on the Municipality's website ([www.AnnapolisCounty.ca](http://www.AnnapolisCounty.ca)).

Applicants must submit the completed application to the Nominating Committee via:

- Email to [nominatingcommittee@annapoliscounty.ca](mailto:nominatingcommittee@annapoliscounty.ca);
- Hand delivery or drop box at 752 St. George Street, Annapolis Royal;
- By mail to P.O. Box 100, Annapolis Royal, NS B0S 1A0; or
- By fax to 902-532-2096.

The application form shall be in a format and contain such information as may from time to time be required for the proper administration of this policy.

Personal information collected from applicants shall only be used for the purpose of determining eligibility and selection. Additional personal information shall be required from successful applicants for the purpose of arranging honorariums and remuneration.

### **10.2. Incumbents**

Incumbents who are eligible and willing to seek reappointment to MCOA boards or committees must reapply in the same manner as other applicants.

### **10.3. Submission Deadlines**

The Nominating Committee shall consider only applications received in the prescribed form by the advertised deadline date. Late applications shall not be considered.

In those cases where there are insufficient applications from qualified or eligible candidates, the Nominating Committee, through the Office of the Municipal Clerk, may extend the deadline for applications. Public notice of any extension to the deadline shall be given. Public notice of an extension can be in the form of a notice on the Municipality's website.

### **10.4. Retention of Applications**

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

Applications will be retained for the current two-year term of appointment for consideration of vacancies that may arise during the term of the board or committee, and may be brought forward with the permission of the applicant should a vacancy arise.

#### **10.5. Potential Conflict of Interest**

Applicants should consider whether they have a real or perceived conflict of interest with a board or committee, including direct or indirect pecuniary interest with MCOA. As part of the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have.

Potential conflicts of interest may include, but not be limited to applicants, their spouses, partners, parents or children:

- Currently doing business with or working as a consultant for MCOA or MCOA agencies, boards or committees; or
- Serving as a lobbyist for an industry, interest or organization that may be affected by the outcome of considerations of the board or committee; or
- Any interest, direct or indirect, in outstanding litigation involving MCOA or MCOA agencies, boards or committees; or
- Any tax arrears or fines outstanding to MCOA beyond the current year, whether it is personal, commercial, property or business.

#### **10.6. Self-Identified Diversity Information**

In order to enable MCOA to achieve the objectives of access, equity and diversity, applicants are encouraged to complete the self-identifying information included in the application form of an appointment.

### **11. COUNCIL APPOINTMENTS**

When municipal Council makes an appointment, applicants shall immediately be advised of the status of their application, thanking all applicants for their interest, and advising applications will be held for the term should a vacancy arise.

### **12. PRIVACY ISSUES**

The NS Freedom of Information and Protection of Privacy Legislation (FOIPOP) imposes confidentiality obligations on members of Council and MCOA staff to refrain from disclosing personal information obtained by them in the course of their duties

### **13. STANDARDS OF CONDUCT FOR BOARD AND COMMITTEE APPOINTEES**

#### **13.1. Orientation of New Members**

Applicable MCOA staff, in cooperation with the Office of the municipal Clerk, shall arrange briefing session(s) to provide an initial orientation for all new and returning appointees on the operation of the board or committee, and MCOA expectations, in

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advance of the formal meeting of each board or committee electing a Chair or Vice Chair as per Section 47(b)(6) of the MCOA's Committees of Council and Council Meetings – Procedures policy, AM-1.2.0.

Where applicable, new appointees may be required to attend mandatory training to enable them to carry out their responsibilities as members of a board or committee.

### 13.2. General Standard of Conduct

Members of the public who are appointed to a MCOA board or committee shall serve and be seen to serve in a conscientious and diligent manner, and be respectful of difference and diversity.

Members will:

- Work in a team environment;
- Listen to and be respectful of the opinions of others;
- Perform their duties in a transparent manner that promotes public confidence; and
- Communicate effectively and constructively.

No member of a MCOA board or committee shall use the influence of the office to which they are appointed for any purpose other than the exercise of official duties.

Members of MCOA boards and committees are subject to the *Municipal Conflict of Interest Act*.

### 13.3. Ceasing to Meet General Requirements

Any board or committee member who accepts an office or employment, or has a conflict of interest that is incompatible with continued service on the board or committee, or ceases to reside in Annapolis County, or ceases to meet the general requirements of the appointment, unless provided otherwise in the Committee's Terms of Reference, shall notify, in writing, the board or committee and the Office of the Municipal Clerk. The Office of the Municipal Clerk shall notify the Nominating Committee.

### 13.4. Meeting Attendance Requirements

A member appointed by municipal Council who fails to attend three consecutive meetings of a board or committee without having been excused by resolution of the board or committee shall be deemed to have resigned from the board or committee.

Under those conditions, the position may be declared vacant and the board or committee shall immediately notify the Office of the Municipal Clerk. Depending on the circumstances, the vacancy may or may not be filled.

Amended September 2020

Municipal Clerk's Annotation for Official Policy Book

I certify that this policy was adopted by Municipal Council as indicated below:

48 of 73 (7) Day Notice ..... 2022-09-13 COTW Agenda Package

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
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**Approved July 21, 2020**

Amendments:

2020/09/15

- Added Subsection 3.1 *"Except as otherwise provided in this policy, no appointment shall cease until such time as a successor is appointed."*
- Added Subsections 4.2, 4.5, 4.6 and 4.7

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
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## 1. PURPOSE

This policy provides a guide to members of municipal Council and staff in the process to ensure consistency, integrity, and fairness in administering the citizen appointment process and provides information about how the process works for those residents of Annapolis County who are interested in applying to serve.

The purpose of this policy is to establish:

- Procedures for municipal Council to appoint citizens to fill vacancies on boards and committees; and
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Unless otherwise defined below, terms used in this policy shall have the same meaning as those defined in the *Municipal Government Act*:

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## 4. POLICY APPLICABILITY

This policy applies to the Municipality of the County of Annapolis' (MCOA) appointments to MCOA boards and committees. It does not apply to the appointment of members of municipal Council to such bodies.

## 5. NOMINATING BODY

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The following shall apply to all committees except where specifically provided otherwise:

## 6. ELIGIBILITY AND QUALIFICATIONS

### 6.1. Eligibility Requirements

- 6.1.1. Full age of 18 years (exceptions may be made by municipal Council for committees specifically related to youth, or if otherwise determined)
- 6.1.2. Ordinarily resident in Annapolis County for a minimum of six months (183 days) prior to the date of application unless provided otherwise in the Committee's Terms of Reference.

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Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

- 6.1.3. No outstanding taxes, fees, charges or liens owing to the MCOA beyond the current year, whether it is personal, commercial, property or business.

The appointee is required to maintain this status throughout their entire term of appointment.

## **6.2. Restriction for Relatives of Members of Council**

Relatives of members of Council (spouse, children, parents, or those living in the same household as the Council member) are not eligible for appointment to MCOA boards and committees.

## **6.3. Restriction for Staff**

Staff of MCOA are not eligible to apply for a MCOA appointment.

# **7. TERMS AND LENGTH OF SERVICE**

## **7.1. Term of Appointment**

Except to the extent that the term of appointment is otherwise determined by statute, bylaw or policy, citizen members shall be appointed for one two-year term, with the term commencing in December following each municipal general election or bi-annual election anniversary.

Appointments to the Police Advisory Board will involve an interview process as mandated by the Police Regulations made under subsection 97(1) of the *Police Act*.

## **7.2. Limits on Length of Service**

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may re-apply for one additional two-year term.

When applying for reappointment, incumbents must complete an application form as provided by the Office of the Municipal Clerk.

MCOA recognizes the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time. The length of service for any citizen is two consecutive two-year terms on the same board or committee. Exceptions are noted below.

## **7.3. Exceptions**

### **7.3.1. Reappointments When Maximum Service Reached**

Following the completion of a second two-year term of appointment, the incumbent shall not be eligible to reapply for any position for a minimum of one year, unless municipal Council specifically determines otherwise by resolution.

### **7.3.2. Partial Terms**

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When an appointment is made to fill a vacancy, the balance of the term shall not count towards the maximum length of service or number of terms on a board or committee for the appointee.

### **7.3.3. Continuation Past the End of Term**

Where it is prudent for the work already undertaken by a board or committee to be completed by its current membership, the members may continue to serve on the respective board or committee past the end of their term, upon their agreement and by the appointment of municipal Council.

### **7.3.4. Continuation Past Ordinary Residency**

A board or committee member shall not be eligible to serve on any board or committee if they no longer reside in Annapolis County, or unless provided otherwise in the Committee's Terms of Reference, or unless the board or committee makes a formal request to municipal Council through the Office of the Municipal Clerk, and municipal Council specifically determines otherwise by resolution.

## **7.4. Vacancies**

A vacancy on a board or committee is created when a member resigns or vacates the position for any reason effective the earliest of:

1. The date of resignation
2. The date the member ceases to be qualified
3. The date the member, who in municipal Council's opinion is not fulfilling their duties as expected, and is removed by municipal Council after having received a form request from the board or committee through the Office of the Municipal Clerk
4. The date the member, who without the leave of the board or committee, is absent from three consecutive meetings
5. The date of death or other incapacitation

Notwithstanding the above, municipal Council may choose not to fill a vacancy if the vacancy occurs within six months of the end of the term of appointment.

## **7.5. Leaves of Absence**

Board or committee members who run for elected office shall take a leave of absence. The leave is required to begin as of the day the member is nominated as a candidate standing for election.

Members who wish to request a leave of absence shall submit a written request to the Chief Administrative Officer who will grant it, and will inform the Municipal Clerk who will inform the chairperson of the affected board or committee, and the Nominating Committee for the appropriate action.

## **8. HONORARIUMS AND EXPENSES**

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

Board or committee members shall receive an honorarium based upon \$50 per meeting attended.

If a board or committee does not meet during the calendar year, board or committee members shall receive an honorarium of \$50.

Subject to the approval of the Warden, committee members shall be reimbursed their reasonable expenses for attending board or committee meetings in accordance with the MCOA's Travel and Expenses policy, AM-1.8.1.

## **9. RECRUITMENT METHODS**

### **9.1. Timing of Appointments**

Generally, the appointment process will begin four months in advance of the municipal election and bi-annual election anniversary to allow the Nominating Committee to consider potential applicants for the new term.

Appointments shall not extend past the term of the sitting Council.

### **9.2. Advertised Recruitment**

The standard recruitment process used by MCOA for boards and committees is to invite applications through an advertisement to the public at large.

The MCOA will advertise all vacancies prior to the expiration date of the term of appointment by posting on the Municipality's website and social media, as well as through other media as determined appropriate by municipal Council.

### **9.3. Other Recruitment**

Councillors or others may approach potential candidates to encourage their application to a board or committee.

## **10. APPLICATION PROCESS**

### **10.1. Applications**

During the appointment process, application forms are available by e-mail, mail, or fax upon request from the Office of the Municipal Clerk, or on the Municipality's website ([www.AnnapolisCounty.ca](http://www.AnnapolisCounty.ca)).

Applicants must submit the completed application to the Nominating Committee via:

- Email to [nominatingcommittee@annapoliscounty.ca](mailto:nominatingcommittee@annapoliscounty.ca);
- Hand delivery or drop box at 752 St. George Street, Annapolis Royal;
- By mail to P.O. Box 100, Annapolis Royal, NS B0S 1A0; or
- By fax to 902-532-2096.

The application form shall be in a format and contain such information as may from time to time be required for the proper administration of this policy.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
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Personal information collected from applicants shall only be used for the purpose of determining eligibility and selection. Additional personal information shall be required from successful applicants for the purpose of arranging honorariums and remuneration.

#### **10.2. Incumbents**

Incumbents who are eligible and willing to seek reappointment to MCOA boards or committees must reapply in the same manner as other applicants.

#### **10.3. Submission Deadlines**

The Nominating Committee shall consider only applications received in the prescribed form by the advertised deadline date. Late applications shall not be considered.

In those cases where there are insufficient applications from qualified or eligible candidates, the Nominating Committee, through the Office of the Municipal Clerk, may extend the deadline for applications. Public notice of any extension to the deadline shall be given. Public notice of an extension can be in the form of a notice on the Municipality's website.

#### **10.4. Retention of Applications**

Applications will be retained for the current two-year term of appointment for consideration of vacancies that may arise during the term of the board or committee, and may be brought forward with the permission of the applicant should a vacancy arise.

#### **10.5. Potential Conflict of Interest**

Applicants should consider whether they have a real or perceived conflict of interest with a board or committee, including direct or indirect pecuniary interest with MCOA. As part of the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have.

Potential conflicts of interest may include, but not be limited to applicants, their spouses, partners, parents or children:

- Currently doing business with or working as a consultant for MCOA or MCOA agencies, boards or committees; or
- Serving as a lobbyist for an industry, interest or organization that may be affected by the outcome of considerations of the board or committee; or
- Any interest, direct or indirect, in outstanding litigation involving MCOA or MCOA agencies, boards or committees; or
- Any tax arrears or fines outstanding to MCOA beyond the current year, whether it is personal, commercial, property or business.

#### **10.6. Self-Identified Diversity Information**

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM – 1.3.4</b>
Section <b>Procedure &amp; Organization of Council</b>	Subject <b>Citizen Appointments to Committees Policy</b>

In order to enable MCOA to achieve the objectives of access, equity and diversity, applicants are encouraged to complete the self-identifying information included in the application form of an appointment.

## **11. COUNCIL APPOINTMENTS**

When municipal Council makes an appointment, applicants shall immediately be advised of the status of their application, thanking all applicants for their interest, and advising applications will be held for the term should a vacancy arise.

## **12. PRIVACY ISSUES**

The NS Freedom of Information and Protection of Privacy Legislation (FOIPOP) imposes confidentiality obligations on members of Council and MCOA staff to refrain from disclosing personal information obtained by them in the course of their duties.

## **13. STANDARDS OF CONDUCT FOR BOARD AND COMMITTEE APPOINTEES**

### **13.1. Orientation of New Members**

Applicable MCOA staff, in cooperation with the Office of the municipal Clerk, shall arrange briefing session(s) to provide **an initial orientation for all new and returning appointees on the operation of the board or committee**, and MCOA expectations, in advance of the formal meeting of each board or committee electing a Chair or Vice Chair as per Section 47(b)(6) of the MCOA's Committees of Council and Council Meetings – Procedures policy, AM-1.2.0.

Where applicable, new appointees may be required to attend mandatory training to enable them to carry out their responsibilities as members of a board or committee.

### **13.2. General Standard of Conduct**

Members of the public who are appointed to a MCOA board or committee shall serve and be seen to serve in a conscientious and diligent manner, and be respectful of difference and diversity.

Members will:

- Work in a team environment;
- Listen to and be respectful of the opinions of others;
- Perform their duties in a transparent manner that promotes public confidence; and
- Communicate effectively and constructively.

No member of a MCOA board or committee shall use the influence of the office to which they are appointed for any purpose other than the exercise of official duties.

Members of MCOA boards and committees are subject to the *Municipal Conflict of Interest Act*.

### **13.3. Ceasing to Meet General Requirements**

Amended September 2020

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Any board or committee member who accepts an office or employment, or has a conflict of interest that is incompatible with continued service on the board or committee, or ceases to reside in Annapolis County, or ceases to meet the general requirements of the appointment, unless provided otherwise in the Committee's Terms of Reference, shall notify, in writing, the board or committee and the Office of the Municipal Clerk. The Office of the Municipal Clerk shall notify the Nominating Committee.

#### **13.4. Meeting Attendance Requirements**

A member appointed by municipal Council who fails to attend three consecutive meetings of a board or committee without having been excused by resolution of the board or committee shall be deemed to have resigned from the board or committee.

Under those conditions, the position may be declared vacant and the board or committee shall immediately notify the Office of the Municipal Clerk. Depending on the circumstances, the vacancy may or may not be filled.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
Seven (7) Day Notice .....	MM / DD /, 2022
Council Approval .....	MM / DD /, 2022
<u><i>Carolyn Young</i></u>	<u>MM / DD /, 2022</u>
Municipal Clerk	Date
At <u>Annapolis Royal</u> Nova Scotia	

**Approved July 21, 2020**

Amendments:

2020/09/15

- Added Subsection 3.1 "Except as otherwise provided in this policy, no appointment shall cease until such time as a successor is appointed."
- Added Subsections 4.2, 4.5, 4.6 and 4.7



COUNTY of ANNAPOLIS  
ANNE ARUNDEL COUNTY

## INFORMATION REPORT

**To:** Committee of the Whole  
**Submitted by:** Cheryl Mason, Manager of Protective Services/ DUP Administrator  
**Date:** September 13, 2022  
**Subject:** Dangerous and Unsightly Practices

---

### BACKGROUND

Request from July 12, 2022 Committee of the Whole to “request a staff report which investigates practices including councillor duties and obligations with regard to dangerous or unsightly properties”.

In 2012, Council of the day amended the policy to change the process of a sub-committee and staff travelling around the County to determine whether the property could be considered dangerous or unsightly. It was agreed that the Administrator would manage the calls through a complaint process that kept Councillors out of the process unless such time as there is an appeal or decision to take necessary action to resolve a matter. Committee of the Whole was set as the authority to order demolition of a dangerous or unsightly premise.

In 2016, Council of the day amended the policy to include the ability to issue a Summary Offence Ticket for non-compliance as permitted under the Department of Justice Summary Offence Ticket Booklet Section 16.

The *Municipal Government Act* outlines the appointment of the Administrator to be:

*41 The chief administrative officer shall designate an employee of the municipality or other person to be the administrator responsible for the dangerous and unsightly premises provisions of this Act. 1998, c. 18, s. 41; 2000, c. 9, s. 35. Note that some CAOs have retained the position of administrator.*

It also outlines the duties of the administration:

*3(a) “administrator” means the employee of a municipality or other person designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;*

Under the MGA, the powers are given to Council to make policies and by-laws. At the current time, a policy is in place that delegates its authority to the Administrator and the authority to hear appeals or orders made by the Administrator to the elected officials in the form of the Committee of the Whole (acting Committee) [Attachment 1]

Section 5.2 make note as follows:

*5.2 As councillors may ultimately be required to serve as “jury” in a dangerous or unsightly premises appeal, all residents or ratepayers wishing to register a complaint in regard to an unsightly or dangerous premises matter should contact the Administrator.*

The Municipal Government Act is silent regarding the “who” the complainant is although note that section 346 is states:

*346 (1) Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.*

*(2) An owner may appeal an order of the administrator to the council or **to the committee** to which the council has delegated its authority within seven days after the order is made.*

which indicates that the Council, or in our case the Committee of the Whole, is the body to receive and make a decision on the matter so would this not cause a conflict if a member of said Committee were the one to make the complaint. That being the case, the Councillor for the area would then not be a conduit for the community as they would have to remove themselves from any discussion and decision.

A review of other municipality’s policies indicate that a resident or rate payer or the Administrator may report a property for dangerous or unsightly again not clearly stating if a Councillor would be considered a complainant.

## **DISCUSSION/NEXT STEPS**

The process as laid out in Policy is always up to the Committee to review and amend as needed.

## **ATTACHMENTS**

1 – AM-1.4.15 Dangerous and Unsightly Premises Policy

2 – Municipal Government Act Section 3 (r)(i through xii), PART XV DANGEROUS OR UNSIGHTLY PREMISES, Subsections 344-353 and PART XXI GENERAL

Report Prepared by: \_\_\_\_\_



Administrator under Dangerous and Unsightly Premises

Report Approved by: \_\_\_\_\_

Interim Chief Administrative Officer Doug Patterson

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM - 1.4.15</b>
Section <b>MUNICIPAL SERVICES</b>	Subject <b>Dangerous and Unsightly Premises Policy</b>

### **1.0 Purpose**

It is the desire of Municipal Council that every property in the Municipality be maintained such that the property is not dangerous or unsightly. This policy defines the practices to be followed in a circumstance whereby a property is alleged to be dangerous or unsightly.

### **2.0 Authority**

This policy is enacted pursuant to Subsection 345 (1) of the *Municipal Government Act*, as amended.

### **3.0 Definitions**

Unless otherwise defined herein, terms used in this policy shall have the same meanings as those defined in the *Municipal Government Act*.

### **4.0 Delegation**

- 4.1 Municipal Council delegates its authority to act in regard to dangerous and unsightly premises to the Administrator, except the authority to order demolition.
- 4.2 Municipal Council delegates its authority to order demolition of a dangerous or unsightly premise to the Committee of the Whole.
- 4.3 Notwithstanding Subsection 4.2, in circumstances where public safety may be an issue, the Administrator may take immediate necessary action to prevent danger or to remove a dangerous structure or condition.
- 4.4 Municipal Council delegates its authority to hear appeals or orders made by the Administrator to the Committee of the Whole.

### **5.0 Report of Dangerous or Unsightly Condition**

- 5.1 The reporting of a dangerous or unsightly property can be made by a resident or ratepayer of the Municipality. Each report of dangerous or unsightly property will be duly recorded on a form for this purpose, and within fourteen (14) days of receiving complete and required information, will be followed up by an initial site inspection and subsequent inspection report prepared by / under the supervision of the Administrator.
- 5.2 As councillors may ultimately be required to serve as "jury" in a dangerous or unsightly premises appeal, all residents or ratepayers wishing to register a complaint in regard to an unsightly or dangerous premises matter should contact the Administrator.

### **6.0 Report of Dangerous or Unsightly Condition**

- 6.1 In preparation of the initial site inspection report, the Administrator will determine whether the property is dangerous or unsightly.
  - (a) If the Administrator determines that the property is not dangerous or unsightly, no action will be taken.
  - (b) If the Administrator determines that the property is unsafe, the Administrator may make an order to have the property vacated.
  - (c) If the Administrator determines public safety requires immediate action, the Administrator may make take action to prevent damage or may remove the dangerous structure or condition.
  - (d) If the Administrator determines that the property is dangerous or unsightly, the Administrator shall so advise the property owner by mail or personal service, of what is required to remedy the unsightly or dangerous condition within thirty (30) days of the date the letter was registered or served (*letter requesting condition be remedied*).

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- (e) Where an alleged dangerous or unsightly property has been reported by a resident or ratepayer, the Administrator shall advise the reporting person of the action taken.
- (f) A monthly summary of all reports made, actions taken, current status with respect to the dangerous or unsightly premises will be submitted to the Committee of the Whole by the Administrator.

#### **7.0 Order**

- 7.1 In the event that the dangerous or unsightly condition has not been remedied in accordance with a notice given pursuant to Subsection 6.1, the Administrator may issue an order requiring the owner to remedy the unsightly or dangerous condition within thirty (30) days. The order shall be posted on the property and a copy shall be sent to the owner by registered or regular mail.
- 7.2 An order made by the Administrator may be appealed to the Committee of the Whole if such appeal is registered within seven (7) days after the order is delivered.

#### **8.0 Demolition**

- 8.1 In the event that the Administrator determines that the property is dangerous or unsightly and he / she is of the opinion that to remedy the condition demolition is necessary, the owner shall be given not less than seven (7) days' notice of the date, time and place of the Committee of the Whole Meeting at which the making of such an order will be considered.

#### **9.0 Court Order**

- 9.1 Notwithstanding any other provisions of this policy, the Municipality may also apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and for an order requiring the work to be done to remedy the condition.

#### **10.0 Charges**

- 10.1 Where the owner fails to comply with an order made pursuant to this policy and the Administrator determines that it is necessary for the Municipality to carry out the work specified in an order, such costs to carry out the work (plus interest) shall be recovered from the property owner as provided under Subsection 507 of the *Municipal Government Act*.
- 10.2 Where the owner fails to comply with an order made herein within the specified time, the owner may be charged a penalty pursuant to the powers granted under the *Municipal Government Act* and as may be amended from time to time; as such, any person who fails to comply with the terms of an order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

#### **11.0 Notification to Councillors**

- 11.1 The Administrator shall notify the councillor of the area by phone or email (*as appropriate to the circumstance*) prior to issuing a letter requesting a condition be remedied or a thirty day notice to comply. A copy of all correspondence shall also be provided to the councillor.

<b>Municipal Clerk's Annotation for Official Policy Book</b>	
I certify that this policy was adopted by Municipal Council as indicated below:	
Seven (7) Day Notice.....	Jan. 9, 2018
Council Approval .....	Jan. 16, 2018
<u><i>Carolyn Young</i></u>	<u>January 16, 2018</u>
Municipal Clerk	Date
<i>At Annapolis Royal Nova Scotia</i>	

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS <b>POLICY AND ADMINISTRATION MANUAL</b>	<b>AM - 1.4.15</b>
Section <b>MUNICIPAL SERVICES</b>	Subject <b>Dangerous and Unsightly Premises Policy</b>

**Amendments:**

2016-07-19 Deleted the words "be referred to" in Sub-section 5.2

**AND**

*ADDED 10.2 Where the owner fails to comply with an order made herein within the specified time, the owner may be charged a penalty pursuant to the powers granted under the Municipal Government Act and as may be amended from time to time; as such, any person who fails to comply with the terms of an order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.*

2018-01-16 - added the words "or regular" in Sub-section 7.1

# Municipal Government Act

## CHAPTER 18 OF THE ACTS OF 1998

*as amended by*

2000, c. 9, ss. 32-37, 39, 41-60; 2000, c. 28, s. 85; 2001 c. 6, s. 119(1), (2), (4)-(8); 2001, c. 14, ss. 2, 3; 2001, c. 35, ss. 2-28; 2002, c. 6, s. 56; 2002, c. 10, s. 22; 2002, c. 36, ss. 1-3; 2003, c. 9, ss. 49-95; 2004, c. 4, s. 116; 2004, c. 7, ss. 2-20; 2004, c. 38, s. 26; 2004, c. 44; 2005, c. 9, ss. 6-15; 2005, cc. 22, 55; 2006, cc. 38-40; 2007, c. 9, ss. 31, 32; 2007, c. 47; 2008, c. 25 (except s. 9); 2008, c. 26; 2008, c. 36, ss. 4, 5; 2008, c. 39, ss. 387-389; 2010, c. 22; 2010, c. 64, ss. 1, 2; 2011, c. 4, ss. 6-9; 2011, c. 17, ss. 2, 3; 2011, c. 41, s. 142; 2011, c. 68, s. 29; 2012, cc. 27, 28; 2012, c. 63, ss. 1-4; 2014, c. 16, ss. 12, 13; 2014, c. 21; 2015, c. 23; 2015, c. 24, ss. 1-3; 2016, c. 12, s. 1; 2016, c. 13, ss. 1, 2; 2016, c. 25, ss. 1, 2; 2017, c. 13, ss. 1, 2, 4-6, 7 (in part), 8-10, 11 (in part); 2018, c. 1, Sch. A, ss. 129-131; 2018, c. 16; 2018, c. 17, ss. 1-6; 2018, c. 26, s. 18; 2018, c. 33, s. 21; 2018, c. 39, ss. 1-10; 2019, c. 19, ss. 1-9; 2019, c. 36, s. 1; 2020, c. 16, ss. 1, 2; 2021, c. 7, s. 8; 2021, c. 12, s. 1; 2021, c. 14, ss. 1, 2; 2021, c. 33, ss. 1-3; 2022, c. 4, Sch., ss. 36-41



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Halifax

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WHEREAS the Province recognizes that municipalities have legislative authority and responsibility with respect to the matters dealt with in this Act;

AND WHEREAS municipalities are a responsible order of government accountable to the people:

#### Short title

1 This Act may be cited as the *Municipal Government Act*, 1998, c. 18, s. 1.

#### Purpose of Act

2 The purpose of this Act is to

- (a) give broad authority to councils, including broad authority to pass by-laws, and to respect their right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them;
- (b) enhance the ability of councils to respond to present and future issues in their municipalities; and
- (c) recognize the purposes of a municipality set out in Section 9A, 1998, c. 18, s. 2; 2019, c. 19, s. 1.

#### Interpretation

3 In this Act,

(a) "administrator" means the employee of a municipality or other person designated by the chief administrative officer to be responsible for the provisions of this Act respecting dangerous or unsightly premises, except where the context otherwise requires, and includes a person acting under the supervision and direction of the administrator;

(aa)[(aaa)] "annual summary report" means a summary of all the expense reports and hospitality expense reports of a municipality or village for a fiscal year;

(b) "assessment appeal region" means an assessment appeal region designated pursuant to the *Assessment Act*;

(c) "assessment roll" means the assessment roll required to be prepared pursuant to the *Assessment Act*;

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- (d) "auditor" means the auditor appointed for the municipality pursuant to this Act, except where the context otherwise requires;
- (e) "automatic machine" means a mechanical or electronic device that is operated by the introduction of a coin, counter or slug, and includes a vending machine but does not include automatic scales, telephone apparatus or a machine that is licensed by the Province or an agency of the Province;
- (f) "Board" means the Nova Scotia Utility and Review Board;
- (g) "building service connection" means a piping system that conveys sewage, liquid waste, stormwater or surface runoff from a property to a municipal sewer;
- (h) "business occupancy assessment" has the same meaning as in the *Assessment Act*;
- (i) "chief administrative officer" means the chief administrative officer of a municipality;
- (j) "clerk" means the clerk of a municipality;
- (ja) "code of conduct" means a code of conduct established under Section 23A or 408AB;
- (k) "combined sewer" means a sewer intended to function simultaneously as a storm sewer and a sanitary sewer;
- (l) "commercial property" has the same meaning as in the *Assessment Act*;
- (m) "community" means an area in a regional municipality entitled to elect a community council pursuant to this Act;
- (n) "community council" means the council of a community established pursuant to this Act;
- (na) "conservation property" has the same meaning as in the *Assessment Act*;
- (o) "council" means the council of a municipality, except as otherwise defined in this Act;
- (p) "councillor" means a council member other than the mayor;
- (q) "county or district municipality" means a municipality incorporated as a municipality of a county or district pursuant to Chapter 295 of the Revised Statutes, 1989, the *Municipal Act*;
- (r) "dangerous or unsightly" means partly demolished, decayed, deteriorated or in a state of disrepair so as to be dangerous, unsightly or unhealthy, and includes property containing
  - (i) ashes, junk, cleanings of yards or other rubbish or refuse or a derelict vehicle, vessel, item of equipment or machinery, or bodies of these or parts thereof,

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(ii) an accumulation of wood shavings, paper, sawdust, dry and inflammable grass or weeds or other combustible material,

(ia) an accumulation or collection of materials or refuse that is stockpiled, hidden or stored away and is dangerous, unsightly, unhealthy or offensive to a person, or

(iii) any other thing that is dangerous, unsightly, unhealthy or offensive to a person,

and includes property or a building or structure with or without structural deficiencies

(iv) that is in a ruinous or dilapidated condition,

(v) the condition of which seriously depreciates the value of land or buildings in the vicinity,

(vi) that is in such a state of non-repair as to be no longer suitable for human habitation or business purposes,

(vii) that is an allurement to children who may play there to their danger,

(viii) constituting a hazard to the health or safety of the public,

(ix) that is unsightly in relation to neighbouring properties because the exterior finish of the building or structure or the landscaping is not maintained,

(x) that is a fire hazard to itself or to surrounding lands or buildings,

(xi) that has been excavated or had fill placed on it in a manner that results in a hazard, or

(xii) that is in a poor state of hygiene or cleanliness;

(s) "debenture" includes any financial instrument approved by the Nova Scotia Municipal Finance Corporation;

(t) "deed" means an instrument by which land is conveyed, transferred, assigned or vested in a person, but does not include a will, mortgage, agreement of sale or lease for a term of less than twenty-one years;

(u) "Deputy Minister" means the Deputy Minister or Associate Deputy Minister of Municipal Affairs and Housing;

(v) "derelict vehicle, vessel, item of equipment or machinery" includes a vehicle, vessel, item of equipment or machinery that

(i) is left on property, with or without lawful authority, and

(ii) appears to the administrator to be disused or abandoned by reason of its age, appearance, mechanical condition or, where required by law to be licensed or registered, by its lack of licence plates or current vehicle registration;

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## PART XV

## DANGEROUS OR UNSIGHTLY PREMISES

**Requirement to maintain property**

344 Every property in a municipality shall be maintained so as not to be dangerous or unsightly. 1998, c. 18, s. 344.

**Authority to delegate and requirement to report**

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

(2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality.

(3) The administrator shall at least twice per year table a public report to the council describing the status of dangerous or unsightly property orders including remedial progress made regarding properties for which orders were issued pursuant to this Part. 1998, c. 18, s. 345; 2011, c. 4, s. 7.

**Order to remedy condition**

346 (1) Where a property is dangerous or unsightly, the council may order the owner to remedy the condition by removal, demolition or repair, specifying in the order what is required to be done.

(2) An owner may appeal an order of the administrator to the council or to the committee to which the council has delegated its authority within seven days after the order is made.

(3) Where it is proposed to order demolition, before the order is made not less than seven days notice shall be given to the owner specifying the date, time and place of the meeting at which the order will be considered and that the owner will be given the opportunity to appear and be heard before any order is made.

(3A) Where the council or the committee varies or overturns the order of the administrator, the council or committee shall provide reasons to be recorded in the minutes of the council or committee meeting.

(4) The notice may be served by being posted in a conspicuous place upon the property or may be served upon the owner. 1998, c. 18, s. 346; 2000, c. 9, s. 51; 2011, c. 4, s. 8.

**Order to remedy condition**

347 (1) A municipality may apply to a court of competent jurisdiction for a declaration that a property is dangerous or unsightly and an order specifying the work required to be done to remedy the condition by removal, demolition or repair.

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(2) The court may order any property found to be dangerous or unsightly to be vacated until the condition is remedied.

(3) The court may, where any property is found to be dangerous or unsightly, order that no rent becomes due, or is payable by, any occupants until the condition is remedied. 1998, c. 18, s. 347.

#### Effect of order

348 (1) In this Section, "order" means an order made by the administrator, committee, council or court pursuant to this Part.

(2) An order may be served by being posted in a conspicuous place upon the property or may be served upon the owner.

(3) Where the owner fails to comply with the requirements of an order within the time specified in the order, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in the order.

(3A) *repealed 2003, c. 9, s. 77.*

(4) After the order is served, any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or who fails to comply with the terms of the order is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars, and in default of payment to imprisonment for not more than three months.

(4A) Any monetary penalty payable pursuant to subsection (4) may not be remitted pursuant to the *Remission of Penalties Act* unless the penalty relates to a property that is the primary residence of the person required to pay the penalty.

(5) Every day during which the condition is not remedied is a separate offence.

(6) Where an order requires the demolition or removal of a building, the administrator may cause the occupants to be removed, using force if required, in order to effect the demolition or removal. 1998, c. 18, s. 348; 2001, c. 35, s. 22; 2003, c. 9, s. 77; 2006, c. 40, s. 15; 2011, c. 4, s. 9.

#### Order to vacate unsafe property

349 (1) A property within a municipality that is unsafe shall be vacated forthwith upon order of the administrator.

(2) The administrator shall post notice that the property is unsafe in a conspicuous place on the property.

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(3) The notice shall remain posted until the unsafe condition is remedied. 1998, c. 18, s. 349.

**Immediate action**

350 Where public safety requires immediate action, the administrator may immediately take the necessary action to prevent danger or may remove the dangerous structure or condition. 1998, c. 18, s. 350.

**Notice**

351 Where land is sold for non-payment of taxes and the period for its redemption has not expired, proceedings may be taken in respect of the repair, removal or destruction of any structure on the land by reason of its condition, and where the purchaser of the land is

(a) the municipality, any notice required to be given with respect to an order for removal or destruction shall be given to the person who was entitled to receive it immediately before the day on which the land was sold; and

(b) any person other than the municipality, the notice shall be given to both the person entitled to receive it immediately before the day on which the land was sold and the purchaser at the tax sale. 1998, c. 18, s. 351.

**Power to enter land**

352 (1) The administrator may, for the purpose of ensuring compliance with this Part, enter in or upon any land or premises at any reasonable time without a warrant.

(2) Except in an emergency, the administrator shall not enter any room or place actually being used as a dwelling without the consent of the occupier unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least twenty-four hours in advance.

(3) If a person refuses to allow the administrator to exercise, or attempts to interfere or interferes with the administrator in the exercise of a power pursuant to this Act, the administrator may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the administrator entry to the building and an order restraining a person from further interference. 1998, c. 18, s. 352.

**No action**

353 No action shall be maintained against a municipality or against the administrator or any other employee of a municipality for anything done pursuant to this Part. 1998, c. 18, s. 353.

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*Note - The Freedom of Information and Protection of Privacy Act was amended by Chapter 11 of the Acts of 1999 (2nd Session).*

## PART XXI

### GENERAL

#### Lawful direction to act and inspections

503 (1) Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully directs that anything be done and it is not done, the council, village commission, engineer, administrator or employee may cause it to be done at the expense of the person in default.

(2) No action shall be maintained against a municipality, a village or any agent, servant or employee of the municipality or the village for anything done pursuant to this Section.

(3) Where an inspection is required or conducted pursuant to a by-law or an enactment

(a) the inspector may enter in or upon land or premises at a reasonable time without a warrant;

(b) except in an emergency, the inspector shall not enter a room or place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance;

(c) and where a person refuses to allow the inspector to exercise, or attempts to interfere or interferes with the inspector in the exercise of, a power granted pursuant to this Act, the inspector may apply to a judge of the Supreme Court of Nova Scotia for an order

(i) to allow the inspector entry to the building, and

(ii) restraining a person from further interference;

and

(d) it is an offence to refuse access to an inspector or to interfere with an inspector in the exercise of a power granted pursuant to this Act. 1998, c. 18, s. 503; 2001, c. 35, s. 25.

#### No liability

504 (1) Where a municipality or a village inspects buildings or other property pursuant to this Act or another enactment, the municipality or the village and its officers and employees are not liable for a loss as a result of the manner or extent of an inspection or the frequency, infrequency or absence of an inspection, unless the municipality or the village was requested to inspect at appropriate stages, and within a reasonable time, before the inspection was required, and either the

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municipality or the village failed to inspect or the inspection was performed negligently.

(2) An inspection is not performed negligently unless it fails to disclose a deficiency or a defect that:

- (a) could reasonably be expected to be detected; and
- (b) the municipality or the village could have ordered corrected.

(3) Notwithstanding the *Limitation of Actions Act* or another statute, a municipality or a village and its officers and employees are not liable for a loss as a result of an inspection or failure to inspect, if the claim is made more than six years after the date of the application for the permit in relation to which the inspection was required.

(4) If a municipality or a village receives a certification or representation by an engineer, architect, surveyor or other person held out to have expertise respecting the thing being certified or represented, the municipality or the village and its officers and employees are not liable for any loss or damage caused by the negligence of the person so certifying or representing. 1998, c. 18, s. 504; 2001, c. 35, s. 26.

#### Offence and penalty

505 (1) A person who

- (a) violates a provision of this Act or of an order, regulation or by-law in force in accordance with this Act;
- (b) fails to do anything required by an order, regulation or by-law in force in accordance with this Act;
- (c) permits anything to be done in violation of this Act or of an order, regulation or by-law in force in accordance with this Act; or
- (d) obstructs or hinders any person in the performance of their duties under this Act or under any order, regulation or by-law in force in accordance with this Act,

is guilty of an offence.

(2) Unless otherwise provided in a by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months.

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

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(4) In addition to a fine imposed for contravening a provision of this Act, a regulation or a by-law of a municipality made pursuant to this Act, a judge may order the person to comply with the provision, order, regulation or by-law under which the person was convicted, within the time specified in the order.

(5) Any person who fails to comply with an order under subsection (4) is guilty of an offence. 1998, c. 18, s. 505; 2005, c. 55, s. 10.

#### **Offence and penalty**

506 A person who removes, defaces or makes illegible a notice or order posted pursuant to this Act is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars nor more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days. 1998, c. 18, s. 506; 2000, c. 9, s. 58.

#### **Cost of work is first lien**

507 Where a council, village commission, committee or community council or the engineer, the administrator or another employee of a municipality lawfully causes work to be done pursuant to this Act, the cost of the work, with interest at the rate determined by the council, by policy, or by the village commission, by by-law, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done. 1998, c. 18, s. 507; 2001, c. 35, s. 27.

#### **Offence and penalty**

508 Where no penalty is specified for the violation of this Act, a person who contravenes the provision is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days. 1998, c. 18, s. 508.

#### **Service of notice**

509 (1) Any notice, decision or other document required to be served pursuant to this Act may be served personally, by mailing it to the person at the latest address shown on the assessment roll, by electronic mail or by facsimile.

(2) A notice, decision or other document is deemed to have been served on the third day after it was sent. 2000, c. 9, s. 59.

#### **Service on clerk or village clerk sufficient**

510 Where notice is authorized or required to be served on a municipality or village, service on the clerk or village clerk, respectively, is sufficient service. 1998, c. 18, s. 510; 2014, c. 21, s. 22.

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## **Council Facility Tour**

**Fall 2022**

### **To Be Determined**

**8:30 – 9:00 – Meet at the Bridgetown Sports Hub**

**9:00 – 9:40 – Travel to Margaretsville**

**9:40 – 10:10 – Margaretsville Water Treatment Plant**

**10:10 – 10:35 – Travel to Nictaux**

**10:35 – 11:05 – Nictaux Wastewater Treatment Plant**

**11:05 -11:30 – Travel to West Paradise**

**11:30 – 12:00 West Paradise Transfer Station**

**12:00 – 1:00 BBQ LUNCH**

**1:00 – 1:15 Travel to Bridgetown**

**1:15-2:15 – Bridgetown Water and Wastewater Treatment Plants**

**2:15 -3:30 - Bridgetown Arena, Pool, Ballfield, Jubilee Park, Sports Hub, Maintenance Bldg.**

**3:30 -3:40 – End of Day, Leave from Sports Hub**

### **To Be Determined**

**8:30 – 9:00 - Meet at Annapolis Royal Office**

**9:00 – 9:30 – Travel to Cornwallis Park**

**9:30 – 11:00 – Cornwallis Park Water and Wastewater Treatment Plants**

**11:00-11:20 – Travel to Bear River**

**11:20 -11:45- Bear River**

**11:45 – 12:45 Lunch in Bear River (Myrtle & Rosie's Café?)**

**12:45 – 1:15 Travel to Raven Haven**

**1:15 – 1:45 Raven Haven**

**1:45 – 2:15 – Travel to Granville Ferry**

**2:15 – 2:45 – Granville Ferry Water Tower**

**2:45 – 3:00 – Travel Back to Annapolis Royal Office**

**Carolyn Young**

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**Subject:** FW: Aerial Spraying

Background:

The citizens of Annapolis County have recently been made aware of the aerial spraying of glyphosate to begin September 18, 2022 in particular lands near Hampton in the municipality and other areas along the North Mountain are as well being considered. As many questions and concerns have been raised over this practice I feel it important to bring forward a motion:

Motion as follows:

That Municipal Council write a letter to Premier Tim Houston and Environment and Climate Change Minister Tim Halman requesting that a moratorium be placed on aerial herbicide spraying until a formal report, requisitioned by the provincial government on the net benefits or net losses of such activity to the residents of Nova Scotia can be obtained..

Thanks so much,

Cheers Lynn