

MUNICIPAL COUNCIL
August 18, 2015
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Minutes of the regular session of **Municipal Council** held on August 18, 2015, at 10:00 a.m. in Council Chambers of the Municipal Administration building, Annapolis Royal, N.S.

Present: Deputy Warden Timothy Habinski; Councillors Marilyn Wilkins, Brian “Fuzzy” Connell, Wayne Fowler, Paul McDonald, Gregory Heming, Alex Morrison, Frank Chipman, Martha Roberts, Diane LeBlanc, and Horace Hurlburt.

Absent: Warden Reg Ritchie (municipal business)

Also

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

Additions

The following items were added to the agenda: 12(A) Highway 1 Paving, (B) Viewing Area Deep Brook (C) County Flag, (D) E-Council, (E) Annapolis Valley Regional Library Letter, (F) Annapolis Valley Exhibition, and (G). Youth Ambassador Chain of Office.

Approval of the Agenda

Upon motion of Councillors McDonald and Chipman, the agenda was approved as amended. Motion carried unanimously.

Minutes

MOTION 150818.01 Minutes Regular Session July 21, 2015

Councillor Fowler moved, seconded by Councillor Chipman, that the minutes of the regular session of Municipal Council held on July 21, 2015, be approved as circulated. Motion carried unanimously.

In-Camera

It was moved by Councillor McDonald, seconded by Councillor LeBlanc, to meet in-camera in accordance with Sections (a) and (g) of the *Municipal Government Act*, from 10:04 a.m. until 11:00 a.m. Motion carried unanimously.

Public Hearings

The Deputy Warden declared a brief recess before convening to the public hearings, which concluded at 11:20 a.m., at which time the regular session reconvened with all present as previously noted. (*See separate minutes*)

Addition to the agenda

It was moved by Councillor Connell, seconded by Councillor Wilkins, to add to the agenda a recommendation from the public hearing on Bunchberry Nurseries and a recommendation from the public hearing on the Bridgetown Water Supply, and to deal with them immediately. Motion carried unanimously.

Additions to the Agenda

Re: Recommendation Bridgetown Water Supply Area MPS LUB – Final Reading to Repeal

MOTION 150818.02 Bridgetown Water Supply Area MPS LUB – Final Reading to Repeal

Councillor Heming moved, seconded by Councillor Hurlburt, upon receiving a favourable recommendation from the Annapolis County Planning Advisory Committee and after holding a public hearing thereon, that Municipal Council give second and final reading to repeal the Bridgetown Water Supply Area Municipal Planning Strategy and the Bridgetown Water Supply Land Use Bylaw. Motion carried unanimously.

Re: Recommendation Bunchberry Nurseries Upper Clements Land Use Bylaw – Final Reading to Amend

MOTION 150818.03 Upper Clements LUB – Final Reading to Amend

It was moved by Councillor Heming, seconded by Councillor Chipman, following the full consideration of the related goals, objectives and policies of the Upper Clements Area Municipal Planning Strategy, and upon receiving a favourable recommendation from the Annapolis County Planning Advisory Committee, and after holding a public hearing thereon, that Municipal Council give second and final reading to amend Part 7.18 of the Upper Clements Area Land Use Bylaw so as to add the wording “(R-2)”, to Part 7.18 Subsection (a) immediately preceding (C-1) in the phrase “buildings located in the (C-1), (C-2) or (AG) Zones;”. Motion carried unanimously.

Business Arising from the Minutes

Re: Bridgetown Sewer Charge Bylaw – Final Reading to Amend (July 21st)

MOTION 150818.04 Bridgetown Sewer Charge Bylaw Amendment – Final Reading

In accordance with first reading given at July 21st Council Session, Councillor Hurlburt moved, seconded by Councillor Fowler, that final reading be given to amend Subsection 8(2) of the Bridgetown Sewer Charge Bylaw as follows:

Overdue sewer charges bear interest at the same rate charged on unpaid ~~taxes~~ water charges.

Motion carried unanimously.

Municipal Solicitor’s Report

• ***Monthly Report***

A report for the month of July was circulated in the agenda package which the Solicitor highlighted as follows

- *Scholarship* - A request had been made that a scholarship trust fund be transferred to the Town of Bridgetown to be administered. This was done. A subsequent request was received from the principal of the high school asking the fund be transferred to the Annapolis Valley Regional School Board to be administered. Other school staff were not in favour of this request as it is intended only for the Bridgetown school. The Solicitor noted there is no authority for trustees to hand it over. There is nothing further be done and the County will continue to administer the fund. The Solicitor suggests that an investment expert be asked to review the fund.
- *Release for Upper Clements Park* – the documents for the release of the original mortgage have been prepared and will be held until the new mortgage document is received.
- *Integrity of the Tax Sale Process* – in the past people have tried to find ways to subvert the process. It is well managed by municipal staff, and the process is well laid out. Bidders are required to register before entering (contact information, etc.). Ads and notices note that title, boundary and state of the property is up to the bidder to investigate. At last year’s tax sale one bidder refused to provide a phone number. Solicitor noted it is to ensure we can contact him and refused him the right to bid. Even though

not permitted to bid, he hung around and it was later noted that he was carrying a knife. At this year's tax sale he showed up and provided all information. He raised objections throughout the process but successfully bid on two properties for which he received tax sale certificates. Some months later, in April, he received a letter from C. Mason regarding the unsightly condition of one of the properties. He responded to Ms. Mason two months after that and said he wanted his money back because he had not been advised ahead of time of the state of the property and noted his lawyer would contact the Municipal Solicitor. Meanwhile, the Solicitor asked for a phone number, which he did not provide. The Solicitor requested his contact information from staff (as received at the tax sale) and the number provided by the bidder was in fact the Municipal Solicitor's home phone number. The bidder considered that he had been misled at the tax sale regarding the state of the property. The Solicitor quoted several sections of the Criminal Code for Council's benefit and provided the name of Clark Walton, noting Mr. Walton gives veiled threats to staff. When asked who his lawyer was he did not have one.

The Solicitor asked for direction regarding the refund of the purchase price, \$1,281.58 for a tax sale property as requested by Mr. Walton.

MOTION 150818.05 Request to Refund Purchase Price – Tax Sale Property

It was moved by Councillor Roberts, seconded by Councillor McDonald, that Municipal Council not authorize the refund of \$1,281.58 for the purchase of a tax sale property as requested by Mr. Clark Walton. Motion carried unanimously.

It was moved by Councillor Fowler, seconded by Councillor Hurlburt, to receive the Solicitor's report for information. Motion carried unanimously.

Councillor Comments

Bridgetown – Councillor Hurlburt noted ongoing successful community involvement in the Think BIG (Bridgetown Improvement Group) and the recent community-wide yard sale. The recent Triathlon event has been deemed a success after the two year gap, and Triathlon NS has approved the event for next year.

District 6 – Councillor Morrison commented on the Parish of Clements weekly furniture and household goods market overseen by Wayne and Linda Isles of Clementsport. They keep watchful eye on items that are needed, as well as items that are available, and are eager to meet needs in the community. Funds raised are devoted to extending good works and provide for the daily operations of the Parish of Clements. In addition to the items that are for sale, there is always an attractive collection outside in the yard with an enticing “free for the taking” sign. The church hall in Deep Brook is open on Saturdays.

District 1 –Councillor Wilkins invited everyone to Port Royal Family Fun festival taking place on September 12th at the Habitation.

District 5 – Councillor Heming reported that he had hosted a public meeting at the Delaps Cove/Litchfield Community Hall on July 29th regarding the lack of cell phone service and internet in that and surrounding areas. It was well attended by approximately 135 people. Poor internet and cell service is not only a safety issue, it affects sales of homes, and home-based business. The Premier was invited but could not attend and sent a written statement which was read. 384 signatures were collected on a petition which was submitted to Premier McNeil yesterday. He will present it to legislature in November. Councillor Heming noted additional public meetings will be held in September and October.

District 2 – Councillor Connell reported another successful year for the Port George Jamboree, which supports the Lions Club and the community hall. He welcomes this opportunity to meet visitors from all over and sharing the county with them.

District 4 – Councillor McDonald announced the arrival of a new grandson! Part of the youngest community in Alberta with 170 pending births this month. He has had lots of visitors from New England who have used the new ferry and are pleased with the service. Lots from Alberta visiting as well.

District 10 – Councillor Roberts reported she had attended the Annapolis Valley Exhibition parade last night on the opening night of the exhibition. She has volunteered in youth arena canteen. With the new cement and upgrades, the youth arena is a great place for the exhibitors this year. She also thanked staff for volunteering at a County booth at the exhibition.

District 7 – Deputy Warden Habinski noted he also attended the Valley Exhibition opening ceremony last night, noting this is a great opportunity to celebrate the industry and the place we live. Thanked all volunteers who work to make the exhibition work, calling it a feather-in-the-cap for the region. He also took the inaugural voyage of the Fundy Rose, calling it an enjoyable vessel which takes less time for the crossing. Great for the area.

LUNCH

It was moved by Councillor McDonald, seconded by Councillor Roberts, to adjourn for lunch at 11:58 a.m. Motion carried unanimously. All returned at 1:30 p.m. as previously noted.

PRESENTATION

Re: Nova Scotia Department of Natural Resources – in response to Council’s letter dated June 19th, requesting a presentation on forestry management practices in southwest Nova Scotia, Western Regional Trails & Roads Coordinator Peter Francis, Forrester Jillian Weldon-Genge, and Forrester Quentin Jackman, were in attendance.

A presentation was given regarding practices on Crown Lands prior to and after the purchase of Mersey woodlands, as well as the Park and Protected areas plan and the Medway Community Forest. Of particular interest was information regarding harvesting, in that private harvesting is not required to notify neighbouring property owners, but Crown Land (44% of forestry land in Annapolis County) harvesting licensees are responsible for notification to abutting landowners (within 100 meters of a dwelling or 50 meters of a property line) and to leave a 30 meter buffer along roads. Licensees operating on Crown Lands are aware that 24 hour operations would be distressing and are quite willing to work with neighbouring landowners.

The Deputy Warden thanked them for presenting today.

New Business

Re: Noxious Weed – Wild Parsnip – the following items were circulated in the agenda package: a copy of an email dated August 2, 2015 from Fletcher Wade of Tupperville to Premier McNeil, Minister Dept. of Environment; and several Deputy Ministers, regarding wild parsnip. Also included, for information, was an RFD from 2013, and a letter from Council to Dept. of Agriculture dated August 2010, all having to do with wild parsnip.

MOTION 150818.06 Letter to NS Agriculture – Wild Parsnip

Councillor Heming moved, seconded by Councillor Fowler, that Municipal Council send a letter to NS Agriculture as a follow up to Council's unanswered letter dated August 18, 2010, and requesting, again, the Department add Wild Parsnip to their noxious weed list. Motion carried unanimously.

Re: RFD – Bridgetown Community Recreation Association (BCRA) Arena Repairs – The Director of Municipal Operations circulated financial information and a request for decision on the allocation of funds for the repairs.

MOTION 150818.07 Funding Allocation for Bridgetown Arena Repairs

It was moved by Councillor Wilkins, seconded by Councillor Hurlburt, that Municipal Council approve \$25,000 for the supply and installation of a new brine pump and monitoring system at the Bridgetown Arena to be funded from the Max Young Trust Fund. Motion carried unanimously.

Re: Bridgetown Parking Lot Redevelopment – The Director of Municipal Operations requested this item be added to the agenda for discussion.

The issue has come to light with a proposal from the Youth Ambassador to install a garden (this week) on the empty lot next to the Bridgetown municipal building.

Councillor Hurlburt provided some background, noting a project and plan in the community from 2007-08 to redevelop the segment called the Irving property. The intent, at the time, was to put in oversized shrubs, trees, lighted footpath, to fill in the vacant lot. From back corner of town hall, to the back of the credit union, forward to the street. Parking at the back behind that area, towards the former furniture store.

The CAO noted that because the lot is now a county-owned asset, more information will need to be researched, and asked that the matter be deferred until more information can be presented to Council. It was the consensus that staff research the issue and bring information back to Committee of the Whole.

Reports and Recommendations

There were no reports or recommendations.

Correspondence

Re: NS Provincial Lotteries & Casino Corporation (July 23rd) – providing a 2014-15 summary of results for the Nova Scotia Provincial Lotteries and Casino Corporation. Councillor McDonald moved, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: NS Municipal Affairs (August 5th) – in response to letter dated June 19th regarding feedback on the Fire and Associated Services Report, recognizing that further engagement and consultation with stakeholders is required. It was moved by Councillor Roberts, seconded by Councillor McDonald, to receive for information. Motion carried unanimously

Re: NS Utility and Review Board M06897 (August 6th) – advising the application to confirm the number of councillors and polling districts and amend the boundaries of the polling districts had been approved,

and supplying the Decision and Order for same. Councillor LeBlanc moved, seconded by Councillor Heming, to receive for information. Motion carried unanimously

Re: Southwest Nova Transition House Association – Juniper House (August 4th) – thanking for the recent grant received of \$1,000. It was moved by Councillor Wilkins, seconded by Councillor Morrison, to receive for information. Motion carried unanimously

Additions

Re: Highway 1 Paving – Councillor Morrison noted in 2012, there had been discussion regarding an upgrade the water main. He noted that Highway 1 paving is listed for next year, with prep work to start this fall. In a discussion between he and Mr. McIsaac of Transportation and Infrastructure Renewal (TIR), the challenge of the water main replacement was noted, and TIR wouldn't want to pave and have it torn up in order to do water work later. TIR is awaiting news from County regarding potential water main work.

The Director of Municipal Operations responded that the County has investigated options on costs, and that the local TIR Manager is aware of the water main replacement project but TIR has not contacted us. The Director will contact TIR to see if it is possible to combine the two projects, noting plans have already been submitted to them, and costs were included in the County's five year plan.

Re: Viewing Area Deep Brook – Councillor Morrison noted a citizen had recently noted a problem and offered a solution. Mr. Harris, lives at the first residence on Highway 1 when entering the County from the Bear River Bridge. There is a piece of land owned by the province, where cars frequently stop, perhaps to enjoy the view from that vantage point. Mr. Harris suggested that if there were picnic tables there and the grass was initially mowed, that he would look after it, in the hopes that this would provide a degree of safety for the passengers of the cars that stop. Councillor Morrison noted he had called TIR in New Minas on this issue, and they suggested that it would be easier if discussions were held between staff of TIR and the County.

MOTION 150818.08 Letter to TIR - Viewing Area Deep Brook

It was moved by Councillor Morrison, seconded by Councillor Wilkins, that CAO contact Transportation and Infrastructure Renewal in New Minas, with the intent of establishing a viewing area across from civic number 66, Highway 1, Deep Brook. Motion carried unanimously.

Re: County Flag – Councillor Morrison inquired if the Municipal flag can be displayed in Council Chambers, as requested in the past. The CAO noted that staff will make sure this happens.

Councillor Morrison also noted that the Cornwallis Community Garden would like to display a Municipal flag at the upcoming Confederation Garden Party, and asked permission in accordance with AM-1.2.4 Policy Respecting the Coat of Arms, Flag, and Logo

MOTION 150818.09 Confederation Garden Party – Permission to Fly Municipal Flag

Councillor Morrison moved, seconded by Councillor Heming, that permission be granted to the Cornwallis Garden Association to borrow and display a municipal flag, in accordance with *A.M.-1.2.4 Policy Respecting the Coat of Arms, Flag, and Logo*, at its second annual Path to Confederation Garden Party to be held on August 19th. Motion carried unanimously.

Re: E-Council – Councillor Morrison requested an update on e-council. Staff informed that once certain new processes are in place, and the tablets are updated, tested and ready, they will be rolled back out to Councillors, who will receive individual training on their use.

Re: Annapolis Valley Regional Library, (August 10th) – received in response to Council’s letter of July 27th, reporting that the overpayment difference in 2013/14 was \$1,049 and for 2014/15 was \$1,049, and that all municipalities were informed that the Provincial Government was anticipating an increased level of funding in 2010/11 and that municipalities were asked to fund at the anticipated new level, which never came to pass. The Interim CAO questioned at the time because the Municipality was not aware.

MOTION 150818.10 Request Refund for Overpayments Since 2009-10 for Both Municipality and Former Town of Bridgetown

It was moved by Councillor Roberts, seconded by Councillor Fowler, that Municipal Council request a refund for all amounts overpaid by the County of Annapolis and the Town of Bridgetown since 2009-10, with copies of the letter sent to the Towns of Annapolis Royal and Middleton. Motion carried unanimously.

Re: Annapolis Valley Exhibition (August 10th) – thanking the Municipality for placing an advertisement in the program and providing two season passes to each Councillor. Councillor Wilkins moved, seconded by Councillor McDonald, to receive for information. Motion carried unanimously.

Re: Youth Ambassador Chain of Office – Councillor Hurlburt noted there are two Chains of Office – one worn by the Mayor and one worn by the Youth Ambassador. Because the Youth Ambassador Chain of Office was a Town asset, currently in the possession of the 2015 Youth Ambassador, it should be returned to the County in order that it be ready to transfer to the 2016 Youth Ambassador who will be named at Ciderfest in September.

MOTION 150818.11 Youth Ambassador Chain of Office to be Returned to Clerk Each August

It was moved by Councillor Hurlburt, seconded by Councillor Heming, that the Youth Ambassador Chain of Office be returned to the Municipal Clerk each year by August 31st in preparation for the next Youth Ambassador. Motion carried unanimously.

In-camera (cont’d)

Councillor Roberts moved, seconded by Councillor LeBlanc, to meet in-camera in accordance with Sections (a) and (g) of the *Municipal Government Act*, at 3:05 p.m. until 3:58 p.m. Motion carried unanimously.

Re: Internet Service - Letter to Premier

MOTION 150818.12 Internet Service, Letter to Premier

It was moved by Councillor Heming, seconded by Councillor McDonald, that Municipal Council send a letter to the Premier of Nova Scotia asking that the Province seek opportunities with New Brunswick that could see roaming fees reduced or waived to help with basic service and safety issues along Nova Scotia’s Bay of Fundy and noting further that Council has instructed the Chief Administrative Officer to investigate opportunities for improved internet and cellular service. Motion carried unanimously.

Adjournment

The meeting adjourned at 3:59 p.m., upon motion of Councillors Roberts McDonald.

Warden

Municipal Clerk