

MUNICIPAL COUNCIL
July 21, 2015
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Minutes of the regular session of **Municipal Council** held on July 21, 2015, at 10:03 a.m. in Council Chambers of the Municipal Administration building, Annapolis Royal, N.S.

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

Absent: Councillor Brian “Fuzzy” Connell.

Also

Present: Deputy CAO Stephen McInnis, Municipal Clerk Carolyn Young, other staff.

Additions

The following items were added to the agenda: 9(B) Recommendations from Planning Advisory Committee, and 12(A) North Mountain Fire Towers.

Approval of the Agenda

Upon motion of Councillors Chipman and LeBlanc, the agenda was approved as amended.

Minutes

MOTION 150721.01 Minutes Regular Session June 16, 2015

Councillor Fowler moved, seconded by Councillor McDonald, that the minutes of the regular session of Municipal Council held on June 16, 2015, be approved as circulated. Motion carried unanimously.

MOTION 150721.02 Minutes Special Session July 2, 2015

It was moved by Deputy Warden Habinski, seconded by Councillor Roberts, that the minutes of the special session of Council held on July 2, 2015, be approved as circulated. Motion carried unanimously.

In-Camera

It was moved by Councillor Roberts, seconded by Councillor McDonald, to meet in-camera in accordance with Section (a) of the *Municipal Government Act*, from 10:06 a.m. until 11:20 a.m. Motion carried unanimously.

Municipal Solicitor’s Report

- Monthly Report

A report for the month of June was circulated in the agenda package. It was moved by Councillor McDonald, seconded by Councillor Hurlburt, to receive for information. Motion carried unanimously.

Presentation

Re: Fundy YMCA – CEO YMCA Southwest Nova Scotia Yvonne Smith was in attendance to highlight the programs and financial statements for the first quarter as circulated in the agenda package. She noted that the Municipality of Digby has agreed to contribute \$12,500 per year for five years to help offset costs.

Warden Ritchie stated that we are fortunate to have Fundy YMCA in Annapolis County, and thanked Ms. Smith for coming today to provide an update.

Business Arising from the Minutes

Re: Town of Bridgetown Impounding of Animals Bylaw – Final Reading to Repeal (June 16th)

MOTION 150721.03 Town of Bridgetown Impounding of Animals Bylaw – Final Reading

In accordance with first reading given at June 16th Council Session, Deputy Warden Habinski moved, seconded by Councillor Fowler, that final reading be given to repeal Town of Bridgetown Impounding of Animals Bylaw. Motion carried unanimously.

Councillor Comments

District 3 - Councillor Fowler noted that five years ago, the Port Lorne hall was dormant. He is proud to say that the community has fixed the building, installed heat pump, upgraded septic, improved driveway and parking and drilled a well. There are now lots of functions to attend, for all age groups.

Bridgetown – Councillor Hurlburt noted the success of the CARP Riverfest, held this past weekend in Bridgetown. The meal went well and the rain held off until late in the day. The Triathlon is still a go, with the main event taking place on August 2nd, and a kid's event taking place on August 1st. It was not held last year, but registrations received by Monday should be close to 100, which indicate it is recovering well.

District 11 – Councillor LeBlanc reported that Upper Clements Parks had a successful breakfast.

District 6 - Councillor Morrison noted the recent 60th wedding anniversary of Bill and Peggy Walsh, Bill being a former Councillor. He added that he attended an awards ceremony at the Clementsport Branch of the Royal Canadian Legion on Friday the 10th of July, noting the number of awards presented was small as the number of veterans continues to decline each day. Recognitions were bestowed by Hon. Stephen McNeil, MLA and Premier, and Hon. Greg Kerr, MP. He thanked the Clementsport Legion volunteers for organizing the day, and the Spectator for the wonderful coverage given.

District 9 – Councillor Chipman noted a news article from Australia regarding feral cats and the devastating effect they have had on both native animal species and humans.

District 7 – Deputy Warden Habinski commended the volunteers of the Paradise Refugee Program. They have cleaned and repainted the home being provided for the recipient family. On-going donations of household items is resulting in a shrinking list of needs. He also added his thanks to all involved with the Canada Day festivities, from the Bridgetown Volunteer Fire Department, to local staff and volunteers who, once again, made Canada Day festivities and fireworks a great success. He added that this continues to be the best fireworks display he has seen, and heart-warming that it is a always a great community moment.

District 1 – Councillor Wilkins – read a letter of appreciation dated July 15th, received from the Port George County Jamboree. They thanked Municipal Council and staff for their support, and invited all Councillors, CAO, and staff, to attend the jamboree on Saturday, July 25th.

District 5 – Councillor Heming noted several items: a letter he received a copy of, to Valley Waste, commending their waste management and their staff; a public meeting taking place on July 29th at 6:30 p.m. at the Litchfield Delaps Cove Community Hall regarding the lack of cell phone service. At 7:30 p.m.

a petition will be presented to Premier McNeil. Third and last, he noted the Centre for Local Prosperity has taken on two new projects – an Atlantic-Wide Economic Leakage study, and an International Climate Change Symposium in October, 2017, at the Annapolis Basin Conference Centre.

District 4 – Councillor McDonald was pleased to announce the arrival of 20 new swallows, noting a little effort makes a difference in helping to conserve nature.

District 8 – Warden Ritchie reported that he was pleased to attend the Rebirth of a Legend – Milford House Grand Re-Opening ceremonies this past weekend. He was honoured to be in attendance, in this third building, representing 150 years of service.

New Business

There was no new business brought before Council.

Reports and Recommendations

Re: Planning Advisory Committee (June 30th)

• ***Upper Clements Park Municipal Planning Strategy and Land Use Bylaw Amendment Application***

MOTION 150721.04 Upper Clements Park MPS LUB Amendment – First Reading

In accordance with the recommendation from the Planning Advisory Committee, Deputy Warden Habinski moved, seconded by Councillor Morrison, that Municipal Council approve the Bunchberry Nurseries Ltd. Land Use Bylaw text amendment and give first reading of Council’s intent 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 “buildings located in the (C-1) , (C-2) or (AG) Zones;”. Motion carried unanimously.

• ***Upper Clements Park Municipal Planning Strategy and Land Use Bylaw Amendment Application Public Hearing***

MOTION 150721.05 Upper Clements MPS LUB Amendment Set Public Hearing

Deputy Warden Habinski moved, seconded by Councillor Morrison, in accordance with the recommendation of the Planning Advisory Committee, that Municipal Council hold a statutory Public Hearing on August 18, 2015, at 11:00 a.m. in Council Chambers of the Annapolis Municipal Building to discuss Council’s intention 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 “buildings located in the (C-1) , (C-2) or (AG) Zones;”. Motion carried unanimously.

Re: Planning Advisory Committee (July 2nd)

• ***Bridgetown Water Supply Area Municipal Planning Strategy and Land Use Bylaw Repeal***

MOTION 150721.06 Bridgetown Water Supply MPS LUB Repeal – First Reading

Pursuant to the recommendation of the Planning Advisory Committee, Deputy Warden Habinski moved, seconded by Councillor Fowler, that Municipal Council give first reading on its intention to repeal the Bridgetown Water Supply Area Municipal Planning Strategy and Land Use By-law. Motion carried unanimously.

- ***Bridgetown Water Supply Area Municipal Planning Strategy and Land Use Bylaw Repeal Public Hearing***

MOTION 150721.07 Bridgetown Water Supply MPS LUB Repeal Set Public Hearing

Deputy Warden Habinski moved, seconded by Councillor Hurlburt, pursuant to the recommendation of the Planning Advisory Committee that Municipal Council hold a statutory Public Hearing on August 18, 2015 at 11:00 a.m. in Council Chambers of the Municipal Administration Building, Annapolis Royal, to discuss Council's intention to repeal the Bridgetown Water Supply Area MPS & LUB. Motion carried unanimously.

- ***Hamilton – Application for Land Use Bylaw Text Amendment***

MOTION 150721.08 Hamilton Application for LUB Text Amendment

In accordance with the recommendation of the Planning Advisory Committee, Deputy Warden Habinski moved, seconded by Councillor Roberts, that Municipal Council not consider the Hamilton application for a Land Use Bylaw text amendment because it does not meet the intent of the MPS LUB. Motion carried unanimously.

Re: Committee of the Whole (June 9th meeting)

- ***Community Boundary Review for the Waldeck Area***

MOTION 150721.09 Community Boundary Review – Waldeck Area

In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Morrison, that Municipal Council authorize staff to initiate the community boundary review process for the area currently known as Waldeck. Motion carried unanimously.

- ***Grant Request Round Hill and District Recreation Commission***

MOTION 150721.10 Round Hill and District Recreation Commission \$3,000

Deputy Warden Habinski moved, seconded by Councillor McDonald, pursuant to the recommendation of Committee of the Whole, that Municipal Council provide a 2015-16 grant in the amount of \$3,000 to the Round Hill & District Recreation Commission, pending completion of policy requirements. Motion carried unanimously.

- ***Grant Request Annapolis Valley Farm to School Committee***

MOTION 150721.11 Annapolis Valley Farm to School - \$2,000

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Roberts, that Municipal Council provide a 2015-16 grant in the amount of \$2,000 to the Annapolis Valley Farm to School Committee, care of the Annapolis Valley Regional School Board, pending completion of policy requirements. Motion carried unanimously.

- ***Grant Request Lawrencetown & District Swimming Pool Society***

MOTION 150721.12 Lawrencetown & District Swimming Pool Society \$2,000

Deputy Warden Habinski moved, seconded by Councillor Roberts, in accordance with the recommendation of Committee of the Whole, that Municipal Council provide a 2015-16 grant in the amount of \$2,000 to the Lawrencetown & District Swimming Pool Society, pending completion of policy requirements. Motion carried unanimously.

- ***Grant Request Brickton Community Hall***

MOTION 150721.13 Brickton Community Hall \$1,200

In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Roberts, that Municipal Council provide a 2015-16 grant in the amount of \$1,200 to the Brickton Community Hall, pending completion of policy requirements. Motion carried unanimously.

Declared Interest

Councillor Wilkins declared an interest the following matter as she sits on the Board of Directors of the Melvern Square & Area Community Association. She did not participate in any discussion or motion.

- ***Grant Request Melvern Square & Area Community Association***

MOTION 150721.14 Melvern Square & Area Community Association \$2,400

Deputy Warden Habinski moved, seconded by Councillor Chipman, pursuant to the recommendation of Committee of the Whole, that Municipal Council provide a 2015-16 grant in the amount of \$2,400 to the Melvern Square & Area Community Association, pending completion of policy requirements. Motion carried unanimously.

Councillor Wilkins came back to the table.

- ***Nictaux & District Volunteer Fire Department Release Funding***

MOTION 150721.15 Nictaux & District VFD Fire Capital Release \$20,000

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Chipman, that Municipal Council authorize the release of \$20,000 to Nictaux & District Volunteer Fire Department from the Fire Services Capital Reserve Fund in the 2015-2016 fiscal year to address water problems in their parking lot. Motion carried unanimously.

- ***Suspend August Committee Meetings***

MOTION 150721.16 Suspend August Committee Meetings

Deputy Warden Habinski moved, seconded by Councillor Fowler, in accordance with the recommendation of Committee of the Whole, that Municipal Council suspend all regular committee meetings for the month of August, with it being noted that this does not include Municipal Council nor does it prohibit the holding of *special meetings* or meetings usually required in August due to the nature of the committee. Motion carried unanimously.

- ***Bridgetown Sewer Charge Bylaw – Amend***

MOTION 150721.17 Bridgetown Sewer Charge Bylaw Amendment First Reading

In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Hurlburt, that Municipal Council give first reading 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.

- ***Entertainment House – Request by Owners to De-Register Municipal Heritage Property***

MOTION 150721.18 De-Register Entertainment House – Municipal Heritage Property

Deputy Warden Habinski moved, seconded by Councillor Roberts, pursuant to the recommendation of Committee of the Whole, that Municipal Council begin the process to de-

register the Entertainment House property by holding a public hearing on the matter on September 15, 2015 at 11:00 a.m. in Council Chambers of the Municipal Administration Building, Annapolis Royal. Motion carried unanimously.

- ***LED Streetlights Borrowing Resolution***

MOTION 150721.19 LED Streetlights – Borrowing Resolution

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor McDonald, that Municipal Council authorize the Warden and Clerk to endorse a temporary borrowing resolution to borrow funds to be expended on the LED Street Lighting Conversion Project, not exceeding \$869,065 in total and subject to the approval of the Minister of Municipal Affairs. Motion carried unanimously.

- ***Resource Recovery Fund Board***

MOTION 150721.20 Resource Recovery Fund Board Letter

Deputy Warden Habinski moved, seconded by Councillor Roberts, in accordance with the recommendation of Committee of the Whole, that Municipal Council send a letter to Resource Recovery Fund Board (RRFB) regarding the closure of Hankinson’s Recycling Depot in Middleton and asking if another one will be opened in the area. Motion carried unanimously.

- ***Lake Cady Source Water Protection Plan***

MOTION 150721.21 Lake Cady Source Water Protection Plan Approval

In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Morrison, that Municipal Council approve the Lake Cady Source Water Protection Plan as circulated. Motion carried unanimously.

- ***Heritage Advisory Committee Citizen Member Attendance at Provincial Heritage Conference***

MOTION 150721.22 HAC Citizen Member Attendance – Prov. Heritage Conference

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor McDonald, that Municipal Council approve an out-of-budget expense of \$500 (full registration including meals and lodging) for each of the three citizen members of the Heritage Advisory Committee (up to \$1,500) to attend the Provincial Heritage Conference from October 7 – 9, 2015, at Digby Pines, to come from Recreation and Cultural Services – Heritage. Motion carried unanimously.

- ***Annapolis County Municipal Housing Corporation Appointments – Odd Numbered Years***

MOTION 150721.23 AC Municipal Housing Corporation Appointments – Odd Years

Deputy Warden Habinski moved, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that Municipal Council appoint Mary Steele, Judith Perry, Carol Ward, and Shaun Tanassee as citizen members of the Annapolis County Municipal Housing Corporation for a term ending November 30, 2015 to satisfy the requirement for service on odd numbered years as per the Amended Instrument of Incorporation, pending meeting the requirements of Policy AM-1.3.7, Section 11. Motion carried, 10 in favour, one against.

Declared Interest

Councillor Hurlburt declared an interest the following matter as his wife is one of those being appointed. He did not participate in any discussion or motion.

- **Annapolis County Municipal Housing Corporation Appointments – Even Numbered Years**
MOTION 150721.24 AC Municipal Housing Corporation Appointments – Even Years
Deputy Warden Habinski moved, seconded by Councillor Fowler, in accordance with the recommendation of Committee of the Whole, that Municipal Council appoint Joan McLean, Rita S.K. Hurlburt, Nancy McGrath and Gail Grover as citizen members of the Annapolis County Municipal Housing Corporation for a term ending November 30, 2016 to satisfy the requirement for service on even numbered years as per the Amended Instrument of Incorporation, pending meeting the requirements of Policy AM-1.3.7, Section 11. Motion carried nine in favour, one against.

Councillor Hurlburt came back to the table.

- **Letters to RCMP Members**
MOTION 150721.25 Letters to RCMP Members
In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor LeBlanc, that Municipal Council send letters of welcome to new Constables Todd Howe, Ed Newell, and Dion Canning, and a letter of appreciation to Constable Nick Hamill who has been transferred out of Annapolis Detachment. Motion carried unanimously.
- **Annapolis Valley Regional Library Board**
MOTION 150721.26 Annapolis Valley Regional Library Board Letter
Deputy Warden Habinski moved, seconded by Councillor Roberts, pursuant to the recommendation of Committee of the Whole, that Municipal Council request clarification on the precise amount it was billed by the Annapolis Valley Regional Library above and beyond the Province's mandated funding requirements in 2013 and 2014, and request a refund for the overpayment in both years. Motion carried unanimously.
- **Eastlink's Proposed Cap on Rural Internet Service**
MOTION 150721.27 Eastlink Proposed Cap Rural Internet Service - Letter to Premier
Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Heming, that Municipal Council send a letter in support of Premier Stephen McNeil's expression of opposition to Eastlink's cap on rural internet service packages. Motion carried unanimously.
- **Non-Consolidated Financial Statements – Town of Bridgetown to March 31, 2015**
MOTION 150721.28 Non-Consolidated Financial Statements Town of Bridgetown Year Ended March 31, 2015
Deputy Warden Habinski moved, seconded by Councillor Hurlburt, in accordance with the recommendation of Committee of the Whole, that Municipal Council approve the unaudited Non-Consolidated Financial Statements for the Town of Bridgetown for the year ended March 31, 2015 as presented. Motion carried unanimously.
- **Consolidated Financial Statements – Town of Bridgetown to March 31, 2015**
MOTION 150721.29 Consolidated Financial Statements Town of Bridgetown Year Ended March 31, 2015
In accordance with the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor Hurlburt, that Municipal Council approve the Consolidated

Financial Statements for the Town of Bridgetown for the year ended March 31, 2015 as presented. Motion carried unanimously.

• ***Independent Auditors' Report, Kent & Duffett Chartered Accountants***

MOTION 150721.30 Independent Auditors' Report, Kent & Duffett Chartered Accountants

Deputy Warden Habinski moved, seconded by Councillor Hurlburt, pursuant to the recommendation of Committee of the Whole, I move that Municipal Council receive the Independent Auditors' Report from Kent & Duffett Chartered Accountants for information as circulated. Motion carried unanimously.

• ***Upper Clements Parks Mortgage***

MOTION 150721.31 Upper Clements Parks Mortgage

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Habinski moved, seconded by Councillor LeBlanc, that Municipal Council release the 2008 Mortgage on the Upper Clements Theme Park, and endorse a new mortgage on the Upper Clements Adventure Park. Motion carried unanimously.

Correspondence

Re: Transportation & Infrastructure Renewal (June 11th) – in response to Council's letter of June 4th regarding the provincial ferry system fee increase, noting government is looking at ways to lessen the impact of the increase by providing more flexible payment options for annual passes as well as some additional fare options for ferry users. Councillor Chipman moved, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: Valley Waste-Resource Management Authority (June 18th) – accompanying reimbursement of \$83,415.18 (for both County and Town of Bridgetown) of operating surplus in accordance with the Surplus Disbursement Policy. It was moved by Councillor Chipman, seconded by Councillor Heming, to receive for information. Motion carried unanimously.

It was noted that the refund goes back into general operating.

Re: Environment Canada – Canadian Wildlife Service (June 18th) – requesting an exemption to the S5 Peaceful Conduct Bylaw in order to conduct airboat banding operations for waterfowl at Belle Isle marsh on the nights of September 18 and 19, 2015.

MOTION 150721.32 Canadian Wildlife Service – S5 Bylaw Exemption

Councillor Wilkins moved, seconded by Councillor McDonald, that Municipal Council provide a one-time exemption to the *S5 Peaceful & Orderly Conduct Bylaw* to Environment Canada – Canadian Wildlife Service in order for them to us airboats to conduct duck banding at Belle Isle Marsh on the nights of Friday September 18, and Saturday September 19, 2015. Motion carried unanimously.

Re: Our Community Our Health (June 19th) – providing an update on the Valley Hospice and Valley Regional Hospital Foundations' project to improve health care in the Annapolis Valley, and expressing gratitude to Council for their continued support. It was moved by Councillor Wilkins, seconded by Councillor Chipman, to receive for information. Motion carried unanimously.

Re: Municipality of Digby (June 25th) – proposing to the 14 municipalities of southwestern Nova Scotia a potential joint regional tourism marketing initiative. They would like each unit to respond if they are interested in working together to pursue this idea.

Councillor Habinski moved, seconded by Councillor McDonald, that our municipality invite these municipalities to participate in a meeting to discuss further marketing of south western Nova Scotia. The motion was withdrawn.

MOTION 150721.33 Municipality of Digby – Support Tourism Initiative for 2016

It was moved by Deputy Warden Habinski, seconded by Councillor McDonald, that the Warden send a letter to the Municipality of Digby, noting Council’s interest to support their initiative to work together towards hosting a kiosk on the Halifax waterfront, and to provide assistance with the cost and administration of the initiative for the 2016 season. Motion carried unanimously.

Re: Royal Canadian Mounted Police (July 3rd) – providing the 2014-15 year in Review. Deputy Warden Habinski moved, seconded by Councillor Wilkins, to receive for information. Motion carried unanimously.

Re: Kings Transit Authority (July 7th) – from the Board of Directors, requesting that Annapolis County consider renewing the 2009 service agreement which lapsed in 2012.

It was moved by Councillor LeBlanc, seconded by Councillor Roberts, to direct the CAO to start negotiating a new contract for service with Kings Transit Authority. Motion carried unanimously.

Re: Wallace Maloney (July 13th) – requesting an extension of the sewer line to the Lequille end of Clementsvale Road. Councillor McDonald noted that this section was missed during last project in the area, and would like to see staff explore extending sewage per this request.

Councillor McDonald moved, seconded by Councillor Fowler, that staff investigate to see if is feasible, and that a \$5,000 allotment for this review be taken from the sewer reserve. Motion carried unanimously.

Additions

Re: North Mountain Fire Towers – Deputy Warden Habinski reported that if the Municipality, in any way, would be considering playing a role in the improvement of internet service delivery, there is a potential asset on Hampton Mountain that might be valuable at some point. There is a fire tower which is being decommissioned and demolished. Would Council consider asking if the Province would sign it over to the County?

Deputy Warden Habinski moved, seconded by Councillor Fowler, that staff investigate the status of the fire tower on Hampton Mountain, and, if it is slated to be decommissioned right away to request an extension, and further to discover if the Province would sign it over, pending positive discussion and outcome. Motion carried unanimously.

Adjournment

The meeting adjourned at 12:20 p.m., upon motion of Councillors Chipman and Roberts. All were invited to attend the barbeque next door at the church hall where grant cheques will be distributed.