

MUNICIPAL COUNCIL

November 15, 2011

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Minutes of the **regular session** of **Municipal Council** held on **November 15, 2011**, at the Municipal Administration Building, Annapolis Royal, N.S. at 10:15 a.m.

Present: Warden Reginald Ritchie, Deputy Warden Patrick McWade; Councillors: Marilyn Wilkins, Brian ‘Fuzzy’ Connell, Wayne Fowler, Tom Vitiello, Martha Roberts, and Ron Trimper.

Absent: Councillors Chipman and McDonald.

Staff: CAO Brenda Orchard, Executive Assistant/Municipal Clerk Carolyn Young, Director of Engineering & Public Works Stephen McInnis, A/Deputy CAO Dawn Campbell, Manager of Planning Albert Dunphy, Manager of Protective Services Cheryl Mason.

Minutes

MOTION 111115.01 Minutes – Regular session, October 18, 2011

It was moved by Councillor Fowler, seconded by Councillor Trimper, that the minutes of the regular session of Council held on October 18, 2011, be approved as circulated. Motion carried unanimously.

Additions/Deletions to the Agenda

It was the consensus of Council to add the following items to the end of the agenda: FCM – Decentralization of Services (add to COTW Recommendations); Municipal World; Region of Queens; Youth Engagement; Canadian Wildlife Service; REMO Fund; Audit Committee Recommendation (November 15th); Luncheon - December 20, 2012.

NEW BUSINESS

Re: Annapolis Valley Regional Library (Relocation Subcommittee update) – AVRIL Citizen Member Floyd Benjamin gave brief Library Board update on what’s been happening:

- Successful Annual Summer Reading program with 2500 participants.
- Circulation is up: 34% at Bridgetown branch, 8.9% in Lawrencetown, 4.5% in Middleton, and 2.4% in Annapolis Royal.
- Seniors programs have increased at Bridgetown.
- Bookmobile runs on a 4 week schedule – East Dalhousie Cherryfield Springfield, New Albany, Margaretsville, Torbrook, Torbrook Mines, Maitland Bridge, Cornwallis Park, Bear River, and Champlain Elementary. Van delivers to schools, daycares and seniors complexes/nursing homes.
- Headquarters Committee – because the current lease in Bridgetown ends March 2013, the board is exploring options before renewing lease. A subcommittee was struck in 2010 to explore the options. . Mr. Benjamin was requested to send a brief update for Council after each subcommittee meeting.

Warden Ritchie thanked Mr. Benjamin for coming and reporting today.

BUSINESS ARISING FROM THE MINUTES

Re: M1 Seal Bylaw – Final Reading -

MOTION 11115.02 M1 Seal Bylaw – Final Reading

In accordance with first reading given on September 20, 2011, Deputy Warden McWade moved, seconded by Councillor Connell, that final reading be given to amend the M1 Seal Bylaw as circulated. Motion carried unanimously.

REPORTS AND RECOMMENDATIONS

Re: Municipal Solicitor

- *W. Bruce Gillis, Q.C.* – submitted a report for the month of October regarding the following:
 - Outstanding Tax Account
 - Human Resource Matters
 - Lease Document Review
 - Corrections to Assessment Roll
 - Olscamp – Preparation of Affidavit
 - Discharge of DA – Brown’s

It was moved by Councillor Vitiello, seconded by Councillor Fowler, to approve the report as submitted. Motion carried unanimously.

Re: Committee of the Whole (November 8th meeting)

• ***Branding Project***

MOTION 11115.03 Branding Project

Upon recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Wilkins, that Municipal Council approve the new County Brand rollout plan as presented. Motion carried unanimously.

• ***King’s Transit Authority Board Representative***

MOTION 11115.04 King’s Transit Authority Board Representative

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Fowler, that Councillor Trimper be reappointed to serve as Municipal Council’s representative on the board for Kings Transit Authority. Motion carried unanimously.

• ***UNSM – Letter to FCM – RCMP Contract Negotiations***

MOTION 11115.05 UNSM - Letter to FCM – RCMP Contract Negotiations

Pursuant to the recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Vitiello, that Municipal Council write a letter to FCM requesting that they take up the issue federally. (Provincial and Federal governments are not admitting how much they use the services of the RCMP according to the price formula and municipalities are being asked to pay more and receive less service.) Motion carried unanimously.

- ***Proposed Kings County Exhibition***

MOTION 11115.06 Proposed Kings County Exhibition

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Connell, that Municipal Council send a letter to the Exhibitions Association of Nova Scotia in support of the Annapolis Valley Exhibition and discourage an attempt to introduce another Exhibition in the Annapolis Valley, with a copy to the Annapolis Valley Exhibition;

and that Municipal Council send a letter to Jim Morton, MLA for Kings North with a copy to Stephen McNeil, MLA Annapolis, expressing our concern that a Kings County Exhibition out of Canning would be counterproductive and that this is not the time to be competing;

and that a letter be sent to Stephen McNeil, MLA for Annapolis, with a copy to the Towns and the Village of Lawrencetown, letting him know that we expect him to fight for the Annapolis Valley Exhibition and to discourage an attempt to introduce another Exhibition in the Annapolis Valley.

Councillor Vitiello moved, seconded by Councillor Trimper, to amend the motion by striking '~~and that this is not the time to be competing~~'. Motion lost, 2 in favour, 6 against.

- The question was called on the original motion. Motion carried unanimously.

- ***Town of Middleton – Joint Letter re Junction Road***

MOTION 11115.07 Town of Middleton – Joint Letter re Junction Road

Upon recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Wilkins, that Municipal Council approve the Warden adding his signature to a joint letter to NS Transportation and Infrastructure Renewal regarding the safety of Junction Road between Commercial Street and Brooklyn Road. Motion carried unanimously.

- ***FCM 2012 Sustainable Communities Conference***

MOTION 11115.08 FCM 2012 Sustainable Communities Conference

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Fowler, that Municipal Council authorize Warden Ritchie's attendance at the FCM 2012 Sustainable Communities Conference in Ottawa. Motion carried unanimously.

- ***Transfers – General Operation to Recreation and Culture Reserve***

MOTION 11115.09 Transfers – General Operation to Recreation and Culture Reserve

Pursuant to the recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Wilkins, that Municipal Council authorize that staff not complete the transfers from General Operating to Recreation and Culture Reserve as follows:

- \$70,000 for 08/09 Budget
- \$75,000 for 09/10 Budget
- \$75,000 for 10/11 Budget

- Motion carried unanimously.

- *Transfers – General Operation to Elections Reserve*

MOTION 11115.10 Transfers – General Operation to Elections Reserve

According to the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Vitiello, that Municipal Council authorize that staff not complete the transfer of \$35,000 from General Operating to the Elections Reserve for 2010/11. Motion carried unanimously

- *Lawrencetown and District Volunteer Fire Department – Loan Payment*

MOTION 11115.11 Lawrencetown and District Volunteer Fire Department – Loan Payment

Upon recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Roberts, that Municipal Council authorize the release of \$40,000 from their annual capital allocation to the Lawrencetown & District Volunteer Fire Department in the 2011-2012 fiscal year to pay down the outstanding loan. Motion carried unanimously.

- *Springfield Fire Department – Loan Payment*

MOTION 11115.12 Springfield Fire Department – Loan Repayment

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Roberts, that Municipal Council authorize the release of \$6,000 from their annual allocation to the Springfield Fire Department in the 2011-2012 fiscal year to transfer the funds to the principal portion of their current loan. Motion carried unanimously.

- *Springfield Fire Department – Release of Funds*

MOTION 11115.13 Springfield Fire Department –Release of Funds (Dry Hydrant)

Pursuant to the recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Roberts, that Municipal Council authorize the release of \$1,500 from the dry hydrant program to the Springfield Fire Department. Motion carried unanimously.

- *Bear River First Nation*

MOTION 11115.14 Bear River Sewage Treatment

According to the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Vitiello, that Municipal Council direct staff to explore options regarding Bear River Sewage treatment facilities; further to check capacity needs and to contact both Mi'kmaw First Nations and the Municipality of Digby to explore the possibility of creating a regional sewer infrastructure project. Motion carried unanimously.

- *Annapolis Royal Wastewater Plant Upgrade*

MOTION 11115.15 Annapolis Royal Wastewater Plant Upgrade

Upon recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Fowler, that Municipal Council approve the County portion of the Town of Annapolis Royal Lagoon Upgrade to a maximum of \$16,524 plus HST, based on the actual costs and further that the funding be allocated from the Gas Tax Reserve. Motion carried unanimously.

- **Capital Budget Adjustments – Gas Tax**

- **MOTION 11115.16 Capital Budget Adjustments - Gas Tax**

- In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Vitiello, that for fiscal year 2010/11 Municipal Council expense \$43,000 to the Gas Tax Reserve to fund recreation projects, rather than the General Operating Budget;

- and, that for fiscal year 2011/12, the following be budgeted to the Gas Tax Reserve:

- Transportation – an additional \$33,000
 - Water – an additional \$134,667
 - Sewer – an additional \$64,000
 - Recreation – an additional \$5,000

- - Motion carried unanimously.

- **Community Halls and Centres Assistance Program – Grants**

- **Litchfield-Delaps Cove Community Hall Association**

- **MOTION 11115.17 Litchfield-Delaps Cove Community Hall Association**

- Pursuant to the recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Vitiello, that Municipal Council approve a grant in the amount of \$1,200 from the 2011-12 Community Halls and Centres Assistance Program for a project totalling \$3,000 (hall improvements: re-shingle roof; cabinets/cupboards). Motion carried unanimously.

- **Inglisville Community Club**

- **MOTION 11115.18 Inglisville Community Club**

- According to the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Fowler, that Municipal Council approve a grant in the amount of \$1,200 to the Inglisville Community Club from the 2011-12 Community HCA Program for a project totalling \$4,374.80 (hall improvements: refinish west side; new electric stove). Motion carried unanimously.

- **Buy Local Strategy**

- **MOTION 11115.19 Buy Local Strategy**

- Upon recommendation of Committee of the Whole, Deputy Warden McWade moved, seconded by Councillor Fowler, that Municipal Council approve the Buy Local Strategy as presented. Motion carried unanimously.

- **Transit**

- **MOTION 11115.20 Transit**

- In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden McWade, seconded by Councillor Connell, that Municipal Council maintain the current bus fare throughout the Christmas season and change the bus route so that the Annapolis bus meets the Digby bus in Cornwallis rather than proceeding through Digby County to Weymouth. Motion carried unanimously.

- **MOTION 11115.21 Transit Discussion**

- Deputy Warden McWade moved, seconded by Councillor Vitiello, to hold Transit discussions at December Committee of the Whole. Motion carried unanimously

- ***Federation of Canadian Municipalities (FCM)***

MOTION 11115.22 Letter to FCM – Decentralization of Services

It was moved by Councillor Vitiello, seconded by Deputy Warden McWade, that Municipal Council send a letter to FCM President Barry Vrbanovic regarding the fact that it is time for FCM to take up the subject of decentralizing services across Canada in a position to help with community redevelopment. Motion carried unanimously.

Re: Planning Advisory Committee (November 8th meeting)

- ***Upper Clements Area MPS LUB Text Amendment Application***

MOTION 11115.23 Upper Clements Area MPS LUB – Text Amendment Application

In accordance with the recommendation of Annapolis County Planning Advisory Committee, Deputy Warden McWade, seconded by Councillor Connell, that Municipal Council give 1st reading of Council's intention to amend Part 10.1 of the Upper Clements Area Land Use By-law so as to add "Residential Substance Abuse Treatment Centres" to the list of permitted uses in the General Mixed Use (R-2) Zone, and

that the Municipal Council hold a statutory Public Hearing on December 20, 2011 at 11:00 am in the Council Chambers of the Annapolis Royal Municipal Administration Building to discuss Council's intention to amend Part 10.1 of the Upper Clements Area Land Use By-law by adding "Residential Substance Abuse Treatment Centres" to the list of permitted uses in the General Mixed Use (R-2) Zone. Motion carried unanimously.

CORRESPONDENCE

Re: Bryan Redden (October 31st) – Requesting council to re-consider his request for exemption from a second sewer charge at 5333 Granville Road. Councillor Vitiello moved, seconded by Councillor Wilkins, that since Mr. Redden was present he be permitted to address Council. Motion carried unanimously.

Mr. Redden thanked Council for the opportunity. He noted that he believes the sewer tax he has been charged is excessive and unfair at close to \$500/year, noting that even commercial establishments pay less, i.e. - 10 cottages plus laundry facility at \$800/year. He noted that the definitions are not clear in the bylaw, and doesn't understand why his request for exemption was denied. He has a single dwelling unit with a studio/guest house, with one lateral hook up. He felt the fairest way to charge for sewer services would be based upon consumption.

After discussion, the CAO noted that the Bylaw has been applied correctly. She also reminded Council that this bylaw is scheduled for review in early 2012, and that any changes in the bylaw at that time would not be retroactive.

Mr. Redden indicated he will be proceeding with a disconnection and will remain as an unhappy ratepayer.

MOTION 11115.24 Letter of Response to Redden – Sewer Charges

It was moved by Councillor Wilkins, seconded by Councillor Roberts, to send a letter to Mr. Redden thanking him for his attendance but reiterating support for the reply of the Engineer dated October 17, 2011, and noting that his comments will be taken into consideration when the *M10 Sewer Charges Bylaw* is reviewed in 2012. Motion carried unanimously.

New Business (cont'd)

Re: Appointment of Fire Inspectors – this was overlooked at the last annual session of council as they had only been done for one year.

MOTION 11115.25 Appointment – Fire Inspectors

It was moved by Councillor Wilkins, seconded by Councillor Fowler, that Russell Mackintosh and Danny Wright be appointed Fire Inspectors. Motion carried unanimously.

Re: School Closures – Annapolis Royal, Bridgetown – The CAO noted that the issue of the state of schools being closed by the Province was introduced at the Ministers panel held at the recent UNSM Annual Conference.

MOTION 11115.26 Letter – Dept. Education – State of Closing Schools

Councillor Vitiello moved, seconded by Councillor Connell, that a letter be sent to Department of Education expressing concern about the quality of the buildings we will inherit when Annapolis Royal Regional Academy and the Bridgetown Regional Elementary School close and revert back to county ownership, and the financial problems that will be inherited with the buildings. Motion carried unanimously

Adjourn for Lunch

It was moved by Deputy Warden McWade, seconded by Councillor Wilkins, to adjourn for lunch at 12:05. All returned at 1:15 as previously noted.

New Business (cont'd)

Re: Fire Services – Format for Strategic Plan – CAO – how does council wish to proceed with the development of a strategic plan - do you want to engage the Consultant or have staff conduct the strategic planning component? Staff will ask Fire Services for input and develop a Request for Decision to be presented to Committee of the Whole.

Re: Financial Information Return (FIR) – This form was circulated to Councillors for approval to submit to the Province.

MOTION 11115.27 Financial Information Return (FIR) Year Ended March 2010

It was moved by Councillor Vitiello, seconded by Councillor Roberts, that staff be authorized to submit the Financial Information Return (FIR) for the year ended March 2010. Motion carried unanimously. *See Schedule A.*

Re: Election Update – It was moved by Deputy Warden McWade, seconded by Councillor Connell, to receive for information. Motion carried unanimously.

CORRESPONDENCE

Re: CUPE (October 11th) – Congratulating the Atlantic Mayor's congress for taking a stand on municipal fiscal imbalance. Councillor Vitiello moved, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: North Queens Board of Trade (October 11th) – noting the recent Dark Skies designation of Kejimikujik National Park and requesting Council to consider joining them in their proposal to install

LED roadside lighting in areas that are adjacent to the Dark Sky Preserve in South Annapolis (and North Queens), as the gateways to Kejimikujik.

MOTION 11115.28 North Queens Board of Trade – LED Lighting

Councillor Connell moved, seconded by Councillor Wilkins, to send a response to the North Queens Board of Trade noting that we have requested Nova Scotia Power to report to Municipal Council regarding the cost of switching to LED streetlighting. Motion carried unanimously.

Re: Service NS and Municipal Relations (October 14th) – seeking Expressions of Interest to participate in the Large Scale Mapping Program for 2012/13. Councillor Connell moved, seconded by Councillor Wilkins, to receive for information. Motion carried unanimously.

Re: Town of Annapolis Royal (October 19th) – in response to Council’s letter of October 3rd. It was moved by Councillor Wilkins, seconded by Councillor Connell to receive for information. Motion carried unanimously.

Re: Royal Canadian Legion (October 20th) – thanking for recent grant. Councillor Connell moved, seconded by Deputy Warden McWade, to receive for information. Motion carried unanimously.

Re: Office of the Premier (October 21st) – regarding recent announcement of award of shipbuilding contract to Irving Shipbuilding. It was moved by Councillor Connell, seconded by Deputy Warden McWade, to receive for information. Motion carried unanimously.

Re: Property Valuation Services Corporation (October 21st) – in response to Council’s letter dated August 4th. Deputy Warden McWade moved, seconded by Councillor Connell, to receive for information. Motion carried unanimously.

Re: (copy) CBRM Letter to UNSM (October 24th) – regarding the elimination of the Provincial Residential Assessment CAP. It was moved by Deputy Warden McWade, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: Friends of ACHC (October 27th) – thanking Deputy Warden McWade for the time he served on this committee. Councillor Fowler moved, seconded by Councillor Roberts, to receive for information. Motion carried unanimously.

Re: Valerie Wilson (November 6th) – in appreciation for the use of pool equipment. It was moved by Deputy Warden McWade, seconded by Councillor Wilkins, to receive for information. Motion carried unanimously.

Re: Annapolis Valley Regional School Board (November 9th) – in response to letter dated October 31st regarding Mount Hanley bus students and providing reasons why it is not feasible to continue serving Bridgetown students transferring to a Middleton bus.

MOTION 11115.29 Letter to AVRSB – Boundary Review

Connell / Roberts Ask what the process is to institute a boundary review for the Mount Hanley Road area to be included in the Middleton catchment.

ADDITIONS

Re: Municipal World – Warden Ritchie reported that this publication is regularly received and will be made available in the CAO outer office for viewing.

Re: Region of Queens – It was noted that pending closure or layoffs at Bowater would affect people from our county as well.

MOTION 11115.30 Region of Queens – Letter of Support

Councillor Fowler moved, seconded by Councillor Connell, that a letter of encouragement be sent to the Mayor and Council of the Region of Queens Municipality in light of pending major job losses at Bowater and the recent fire at White Point Lodge. Motion carried unanimously

Re: Youth Engagement – Councillor Roberts noted that no decision had been made after the youth engagement session provided at Committee of the Whole.

MOTION 11115.31 Youth / Council Engagement Process

Councillor Wilkins moved, seconded by Councillor Vitiello, that Municipal Council support youth engagement and that staff report back after holding community recreation engagement sessions in the three high schools to determine how youth would prefer to be engaged with Council. Motion carried unanimously.

Re: Canadian Wildlife Service – Councillor Roberts reported that Lawrencetown has been certified as a Community Backyard Habitat by the Canadian Wildlife Service.

MOTION 11115.32 Community Backyard Habitat – Letter to Diane Akroyd

It was moved by Councillor Wilkins, seconded by Councillor Roberts, to send letter of congratulations to Diane Akroyd for the hard work involved in having the Village of Lawrencetown designated as the first Community Backyard Habitat by the Canadian Wildlife Service. Motion carried unanimously

Re: REMO Fund – Councillor Vitiello reported that the REMO Advisory Committee met last week. In May 2009, a motion was made regarding the accumulation of the emergency fund of \$2,000 per year, but it was not followed up.

MOTION 11115.33 REMO Emergency Fund

In accordance with the recommendation of the REMO Advisory Committee, Councillor Fowler moved, seconded by Councillor Vitiello, that the unused portion of the yearly REMO Emergency Fund line item of \$2,000 be permitted to accumulate up to a cap of \$10,000 so that funds would be available for the initial response to an emergency. Motion defeated, 1 in favour, 8 against.

Re: Audit Committee Recommendation (November 15th)

MOTION 11115.34 Develop Internal Audit Control

Pursuant to the recommendation of the Audit Committee, Councillor Wilkins moved, seconded by Deputy Warden McWade, that Municipal Council authorize staff to develop a

plan for internal audit control to be prepared and presented to Council for approval prior to 2012 budget discussions. Motion carried unanimously.

In-Camera

In accordance with section 22(2)(c) of the Municipal Government Act, Deputy Warden McWade moved, seconded by Councillor Wilkins, to go in-camera at 3:10 p.m. The regular session resumed at 3:55 p.m.

Re: Luncheon - December 20, 2012

MOTION 11115.35 December Staff/Council Luncheon

Deputy Warden McWade moved, seconded by Councillor Vitiello, that the Chief Administrative Officer be authorized to expend funds for a Staff/Council Christmas luncheon on December 20th. Motion carried unanimously.

Adjournment

Upon motion of Deputy Warden McWade, seconded by Councillor Vitiello, the meeting adjourned at 4:00 p.m.

Warden

Municipal

Clerk

Province of Nova Scotia
Service Nova Scotia and Municipal Relations

FINANCIAL INFORMATION RETURN
(as prescribed by the Minister of Service Nova Scotia and Municipal Relations;

FOR

Municipality of the County of Annapolis

Municipality

for the year ended March 31, 2010

I, Holly A. Orde, Treasurer of the

Municipality of the County of Annapolis

Municipality

do certify that this Financial Information Return has been prepared in accordance
with the Financial Reporting and Accounting Manual and is consistent with the
audited financial statements of the

Municipality of the County of Annapolis

Municipality

for the year ended March 31, 2010

that were approved by the Council on

November 15, 2011

Date

Holly A. Orde
Treasurer