

APPROVED BY COUNCIL – June 23, 2008

COUNCIL ADVISORY COMMITTEE

April 28, 2008 – 5:30 p.m.

PRESENT

Mayor David Corkum, Deputy Mayor Mark Pearl, Councilor Dennis Kehoe, Councilor Nola Folker-Hill, Councilor Bernie Cooper, Councilor Eric Bolland, CAO Bill Boyd, Solicitor Geoff Muttart, Town Clerk Carol Harmes.

Director Bev Gentleman

Mayor David Corkum called the meeting to order at 5:35 p.m. and CAO Bill Boyd reported that all Council members were present, with the exception of Councilor Honey who sends his regrets.

APPROVAL OF AGENDA

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Dennis Kehoe

that the Agenda be approved, with the confirmation that an In Camera meeting will follow this meeting.

MOTION CARRIED

APPROVAL OF MINUTES

It was moved by Councilor Eric Bolland and seconded by Councilor Bernie Cooper

that the Minutes of March 31, 2008 be approved, as circulated.

MOTION CARRIED

BUSINESS ARISING FROM MINUTES

(a) Council Remuneration

CAO Boyd presented a report (as attached) outlining the background, analysis and recommendation on the proposed changes to the current remuneration for council. He also included statistical data, comparing municipalities in the area and other towns of similar size and workload.

He added that the Mayor's stipend is presently above the average, although the Deputy Mayor's and Council's are presently lower than the average. Further, he advised that many municipalities are currently upgrading their council remuneration and therefore, the rates received for the purpose of this survey will, no doubt, change.

With these factors considered, he suggested that a recommendation be made to Council that the new

APPROVED BY COUNCIL – June 23, 2008

remuneration scales for council, effective with the new council in the fall of 2008, be as follows:

Mayor - \$26,800
Deputy Mayor - \$17,485
Councilors - \$15,937

and further,

that the current policy be amended to reflect that remuneration reviews will be carried out every four years, or prior to the next municipal election in 2012.

It was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

that a recommendation be made to Town Council that changes to council remuneration be considered at the Council meeting in June, with the inclusion of any revised figures, following the completion of surveys by other units.

MOTION DEFEATED

It was moved by Deputy Mayor Mark Pearl and seconded by Councilor Dennis Kehoe

Recommendation to Council

that a recommendation be made to Town Council that the changes to council remuneration be considered at the May meeting of CAC, with the inclusion of any revised figures, following the completion of surveys by other units.

MOTION CARRIED

Points from Discussion

- Some of the statistics represent a substantial increase, especially for councilors, and may not be acceptable.
- There are several months remaining before a decision must be made, and therefore, updated information should be included, as it becomes available.
- Councilors deserve a fair and equitable remuneration, as do staff.
- Presently, councilors' salaries are disproportionately lower than their counterparts in other units.
- The proposed increases should be considered in the budget.
- The budget for next year would apportion the increase.
- If this issue is tabled to CAC in May, a recommendation could come to the June Council meeting, and be in placed for the new Council in the fall.

FINANCE

Nothing

APPROVED BY COUNCIL – June 23, 2008

NEW BUSINESS

**(a) Recommendation Re: LUB Amendments - Section 4-9(a)
Development Permit Exemptions**

Director Gentleman noted that as a result of recent controversy regarding the requirement of a development permit for the construction of trails and the installation of playground equipment, members of PAC have reviewed the current Land Use Bylaw and have recommended amendments to identify some exemptions.

Therefore, it was moved by Councilor Nola Folker-Hill and seconded by Councilor Bernie Cooper

***Recommendation to
Council***

**that a recommendation be made to Town Council that
First Reading be given for amendments to the Land Use
Bylaw, thereby exempting certain uses from requiring a
Development Permit, (as identified in the attached report)
and further
that a Public Hearing on this matter be scheduled for
Monday, June 9th, 2008 at 7:00 p.m.**

MOTION CARRIED

Points from Discussion

- The development permit confirms that the use is permitted.
- Most of the structures would include playground equipment, benches and the like, with bleachers and larger structures would not likely being included.

**(b) Recommendation Re: LUB Amendments – Front Yard
Setbacks – C1 Zone**

Director Bev Gentleman noted that members of PAC recently reviewed the Land Use Bylaw, to ensure consistency and compatibility. Subsequently, some recommendations were made to allow zero setback requirements for front yards in C1 Zones.

Therefore, it was moved by Councilor Nola Folker-Hill and seconded by Councilor Eric Bolland

***Recommendation to
Council***

**that a recommendation be made to Town Council that
First Reading be given for amendments to the Land Use
Bylaw to provide for a zero front yard setback for all
properties in the C-1 Commercial General Zone, (as per
the attached report)
and further
that a Public Hearing on this matter be scheduled for
Monday, June 9th, 2008 at 7:00 p.m.**

MOTION CARRIED

APPROVED BY COUNCIL – June 23, 2008

(c) Recommendation Re: LUB Amendments – Prohibit New Drive-Thrus

A report from Director Gentleman identified areas in the Land Use Bylaw that could be amended to prohibit the operation of additional drive-thrus in Town. She added that the two presently existing drive-thrus could continue to operate, but as non-conforming uses. The Environmental Advisory Committee felt that this prohibition would restrict vehicles from idling and, as a result would lessen green house gas emissions.

Therefore, it was moved by Councilor Nola Folker-Hill and seconded by Councilor Eric Bolland

that a recommendation be made to Town Council that First Reading be given for amendments to the Land Use Bylaw, to prohibit new drive-thrus in the Town of Kentville, as per the attached report and further that a Public Hearing on this matter be scheduled for Monday, June 9th, 2008 at 7:00 p.m.

MOTION DEFEATED

Points from Discussion

- Persons with disabilities would be penalized and greatly inconvenienced with such a bylaw.
- Anti-idling should be the focus, not drive-thrus.
- Each drive-thru application should be judged on its own.
- Drive-thrus give people an excuse to sit in their car and idle – it's a matter of personal convenience, at the price of clean air.
- Conveniences like drive-thru pharmacies and drive-thru banks have value but would be restricted with this prohibition.

It was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

that the matter be tabled until after the vote on the Anti-Idling Bylaw to follow.

MOTION CARRIED

Following discussion of the Anti-Idling Bylaw (below) it was moved by Councilor Dennis Kehoe and seconded by Councilor Eric Bolland

that the issue be brought back to the table and that the motion proposed above, be put to a vote.

MOTION CARRIED

APPROVED BY COUNCIL – June 23, 2008

Additional Points from Discussion

- The Anti-Idling Bylaw should involve idling at drive-thrus.
- The location of the current drive-thru causes traffic jams and long periods of vehicles idling.
- Drive-thrus should only be allowed if they can be accessed in a very short period of time (i.e. 2 minutes)
- Singling out a business and prohibiting its operation is restrictive and is not the mandate of the Town.
- This prohibition on drive-thrus would be another step in the leadership role that Kentville has taken with green initiatives.

(d) Recommendation Re: Anti-Idling Bylaw

Councilor Eric Bolland and Director Bev Gentleman of the Environmental Advisory Committee presented a draft copy of an Anti-Idling Bylaw for the Town of Kentville. Following discussion, it was noted that some areas of this draft bylaw should be revised to provide further clarity and ease of enforcement.

Therefore, it was moved by Councilor Eric Bolland and seconded by Councilor Dennis Kehoe

***Recommendation to
Council***

that a recommendation be made to Town Council that the Environmental Advisory Committee be directed to work with the solicitor to redraft the Anti-Idling Bylaw.

MOTION CARRIED

Points from Discussion

- The intention of this bylaw is to educate people, not to ticket them.
- Tickets would be complaint driven.
- There should be a condition relating to weather, as extreme heat and extreme cold may dictate the need for longer idling (i.e. above 27 degrees C or below 5 degrees C).
- This bylaw should apply to everyone – everywhere.
- The Motor Vehicle Act states that the windshield must be clear before driving, therefore, there should be no conflict between Provincial laws and the Town's bylaw.
- Legal involvement is necessary in the creation of any bylaw.
- Enforcement would be difficult, and therefore, the bylaw must make sense.
- The redrafted bylaw will be returned to CAC for future discussion and recommendation to Council.

(e) CAC – June 30th (Changed to June 23)

CAO Boyd pointed out that there are five Mondays in June this year, and therefore the June meeting of Council Advisory Committee

APPROVED BY COUNCIL – June 23, 2008

(scheduled for June 30th), should be held for the previous week.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Deputy Mayor Mark Pearl

Recommendation to Council

that a recommendation be made to Town Council that the June meeting of Council Advisory Committee be changed to June 23rd from the previously scheduled June 30th.

MOTION CARRIED

(f) Kings Partnership Steering Committee – Resolution Re: Hantsport Inclusion

CAO Boyd noted that a formal application has been received from the Town of Hantsport for full inclusion in the Kings Partnership Steering Committee. As an amendment would be required to the original Agreement to accommodate this, a resolution of each council in the partnership would be required.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Eric Bolland

Recommendation to Council

that a recommendation be made to Town Council to formally support the full inclusion of the Town of Hantsport in the Kings Partnership Steering Committee, and that the partnership Agreement be amended to reflect this.

MOTION CARRIED

Points from Discussion

- The additional individuals added to this committee will not change the balance of voting, (each municipality will have 3 voting members) although the towns will have more influence.

(g) Assistant Returning Officer

A letter of resignation from Assistant Returning Officer, Frances Anderson was received, prompting a recommendation from the Returning Officer Al Kingsbury, to accept this letter and to appoint another individual.

Therefore, it was moved by Councilor Dennis Kehoe and seconded by Councilor Nola Folker-Hill

Recommendation to Council

that a recommendation be made to Town Council that the letter of resignation from Frances Anderson be accepted

MOTION CARRIED

APPROVED BY COUNCIL – June 23, 2008

As some concerns were expressed as to whether or not the position should be advertised, it was moved by Councilor Dennis Kehoe and seconded by Councilor Nola Folker-Hill

*Recommendation to
Council*

that a recommendation be made to Town Council that Barbara Illsley-Jess be appointed as Assistant Returning Officer, following confirmation that the vacancy does not need to be advertised.

MOTION CARRIED

Points from Discussion

- This position receives a stipend and is not a full time position, with a large salary.

(h) Code of Conduct

A copy of UNSM's Code of Conduct was reviewed, along with the Policy approved by the Town of Kentville on this matter. It was noted that the Town has been progressive on this particular issue and its policy is not only effective, but could have been used as a model by UNSM.

(i) Mileage Rates

A discussion took place regarding the inconsistencies among municipal units regarding mileage rates paid to council and staff for the use of personal vehicles, and the boundaries used to apply this rate. CAO Boyd stated that each spring the Provincial Government establishes annual mileage rates, which reflect the costs of operating a vehicle. This year the rate is \$.4051 per kilometer.

However, during discussion, it was noted that some municipalities use the Federal Government mileage rate of \$.50 per kilometer, instead of the Provincial rate, and further, that different conditions apply to the application of this rate.

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Dennis Kehoe

*Recommendation to
Council*

**that a recommendation be made to Town Council that an analysis be made on the mileage rates used by the various levels of government,
and further
that a review be conducted as to when and where these mileage rate would be applied.**

MOTION CARRIED

Points from Discussion

- There should be a provision for escalating gasoline costs.

APPROVED BY COUNCIL – June 23, 2008

- Mileage should be reimbursed regardless of whether or not the business takes place within the county limits, or within town.
- Some businesses only pay mileage beyond 10 kilometers down the road (In Kentville this would mean beyond Wolfville, Canning, Berwick)
- Administration costs for payment of these small amounts must also be considered.

CORRESPONDENCE

(a) Brideau Re: AMA Conference – Request for Funding

A letter was received from J. Roy Brideau, President of the Association of Municipal Administrators, in which he pointed out that the fall conference for AMA will be held in the Valley area this year, and therefore, each local municipal unit is being asked to make a financial donation towards the expenses of this event. He requested that the Town donate \$2,000.

Therefore, it was moved by Deputy Mayor Mark Pearl and seconded by Councilor Dennis Kehoe

***Recommendation to
Council***

that a recommendation be made to Town Council that the request for \$2,000 for the Association of Municipal Administrators Conference, be considered during budget deliberations.

MOTION CARRIED

Points from Discussion

- The Town must support these types of professional associations.
- This request must go through the proper channels – budget deliberations.
- There is time to consider this at budget and still meet AMA deadlines.

(b) Park and Sherrard Re: Support of Bill # 37 – Pesticides

Letters from the NDP Caucus (Outreach Manager Ron Sherrard) and from the MLA of Pictou West (Charlie Parker) were reviewed. In these, it was noted that all municipal units are being asked to support Bill 37, when it comes forward in the House for Second Reading.

This provincial legislation (Bill 37) would allow all municipal units to create a bylaw to control the use of non-essential pesticides on lands within their boundaries, exclusive to agriculture and forestry. To move this legislation forward, each unit was asked to contact Minister Muir.

Therefore, it was moved by Deputy Mayor Mark Pearl and seconded by Councilor Bernie Cooper

APPROVED BY COUNCIL – June 23, 2008

***Recommendation to
Council***

that a recommendation be made to Town Council that a letter be sent to Minister Jamie Muir, supporting Second Reading of Bill 37, or that similar legislation be brought forward, to allow municipalities the authority to control the use of non-essential pesticides.

MOTION CARRIED

(c) Zwicker Re: Encounters with Canada

Jeff Zwicker thanked the Town for financially supporting his trip to Ottawa to participate in the Encounters with Canada program.

(d) Minister Cecil Clarke – YCJA

A letter from Minister Clarke thanked the Town of Kentville for supporting the *NS's Fix Youth Crime Campaign*, whose purpose is to convince Ottawa of the need to ensure that a Youth Criminal Justice Act puts the needs of law-abiding citizens first. He added that proposed Bill C-25 addresses many of the concerns relating to this issue and he further added that other work being done as support.

ADJOURNMENT

It was moved by Councilor Dennis Kehoe and seconded by Councilor Bernie Cooper

that the meeting adjourns at 7:45 p.m., to go “In Camera” for discussions on Land Agreements and Personnel.

MOTION CARRIED

**RETURN TO CAC
MEETING**

It was moved by Councilor Bernie Cooper and seconded by Councilor Dennis Kehoe

that the meeting of CAC resume at 8:40 p.m., and with no further business to discuss, that it adjourns.

MOTION CARRIED