

APPROVED – May 25, 2010

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# KENTVILLE TOWN COUNCIL

## MINUTES

### April 26, 2010

#### PRESENT

Mayor David Corkum, Councilor Eric Bolland, Councilor Bernie Cooper, Councilor Nola Folker-Hill, Councilor Mark Pearl, Councilor Tony Bentley, CAO Keith Robicheau, Solicitor Peter Muttart and Town Clerk Carol Harmes.

Regrets: Deputy Mayor Bill Boyd

#### MEETING CALLED TO ORDER AND ROLL CALL

Mayor David Corkum called the meeting to order at 7:00 p.m. and CAO Robicheau reported that all Council members were in attendance, except for Deputy Mayor Bill Boyd who was away on vacation.

#### APPROVAL OF THE AGENDA

It was moved by Councilor Bernie Cooper and seconded by Councilor Tony Bentley

**that the agenda be approved with the addition of:**

***7 (b) Economic & Rural Development Re: Relocation of Offices***

***7 (c) Economic and Rural Development Re: Regional Community Development Act***

***8 (b) Special Recognition***

***8 (c) UNSM Spring Workshop***

***8 (d) Student Bursary Selection Committee***

***8(e) Cell Phones***

#### MOTION CARRIED

#### NOTE

*“Points from Discussion” below show various comments made by individual councilors during debate. They do not necessarily represent the opinion of the group, nor do they always reflect accurate information.*

#### PRESENTATION

none

#### APPROVAL OF THE MINUTES

It was moved by Councilor Eric Bolland and seconded by Councilor Tony Bentley

**that the minutes of March 26, 2010 be**

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**approved with a change on page 3 of the  
figure \$2,300 to \$23,000**

**MOTION CARRIED**

**BUSINESS ARISING FROM THE  
MINUTES**

**(i) Chapter 53 – Angling Act Bylaw – Second  
Reading**

Town Clerk Carol Harmes reported that First Reading was given to rescind this bylaw on March 29, 2010; advertisement for Second Reading has been done; and it would now appear in order to proceed with Second Reading.

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

**that Second Reading be given to rescind  
Chapter 53 – Angling Act Bylaw, and that a  
Notice of Passing be placed in the local  
newspaper.**

**MOTION CARRIED**

**REPORTS AND  
RECOMMENDATIONS**

**(a) Council Advisory Committee**

**(i) Debenture Funding Spring 2010**

Councilor Eric Bolland noted that at April 13, 2010 meeting of Council Advisory Committee, Director Debra Crowell reported that debenture funds will be issued this spring and a resolution is required to set the parameters for the debenture issue. As part of this process, the required pre-approval resolutions have been made.

Therefore, it was moved by Councilor Tony Bentley and seconded by Councilor Bernie Cooper

**that the attached resolutions for Pre-  
approval of Debenture Issuance be accepted  
as follows:**

Various	TBR 09/10-01	\$790,000
Sanitary Sewer	TBR 09/10-02	\$ 94,000

**MOTION CARRIED**

**(ii) Withdrawal Capital Reserve -  
Various**

Councilor Eric Bolland noted that at the April 13, 2010

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meeting of Council Advisory Committee, Director Crowell reported that the Town's Capital Reserve contains \$191,536, from which a late invoice in the amount of \$2,771.30 must be deducted for 2009-2010 Green Areas – Fox Hollow Trail. With this withdrawal, \$188,765 will remain in the reserve.

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

**that a withdrawal of \$2,771.39 be made from the Capital Reserve, to partially fund budgeted capital construction costs for 2009-2010, as per the capital budget.**

**MOTION CARRIED**

**(iii) CPI Salary Increases - 2010**

Councilor Eric Bolland noted that at the April 13, 2010 meeting of Council Advisory Committee, Director Debra Crowell reported that the Personnel Policy Manual states that the cost of living increases shall be granted at the first of each fiscal year, and that the CPI factor is based on the average CPI for the Province of NS for the period March the prior year, to February the current year, as posted by Statistics Canada. She noted that the percentage this year is 0.3%

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

**that a cost of living increase be granted to non-union employees, effective April 1, 2010, at a rate of 0.3%.**

**MOTION CARRIED**

**(iv) Chapter 14 – Non-Ratepayers  
Commencing Business Bylaw –  
First Reading**

Councilor Eric Bolland noted that at the April 13, 2010 meeting of Council Advisory Committee, Town Clerk Carol Harmes reported that *Chapter 14 – Non-Ratepayers Commencing Business Bylaw* appears to be redundant, as it deals with practices no longer carried out by the Town. She added that the solicitor agreed that the bylaw has no value and recommended that it be

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rescinded.

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

**that First Reading be given to rescind  
*Chapter 14 – Non-Ratepayers Commencing  
Business Bylaw.***

**MOTION CARRIED**

**(v) Chapter 16 – Plebiscite Bylaw –  
First Reading**

Councilor Eric Bolland noted that at the April 13, 2010 meeting of Council Advisory Committee, Town Clerk Carol Harmes reported that *Chapter 16 – Plebiscite Bylaw* appears to be redundant, as this issue is addressed in *the Municipal Government Act – Part III – Section 53*; and in addition, as the Plebiscite refers to the borrowing of money, *Part IV – Sections 86 and 91 of the Municipal Government Act* address this issue effectively. She added that the solicitor concurs that the bylaw has no value.

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

**that First Reading be given to rescind  
*Chapter 16 – Plebiscite Bylaw.***

**MOTION CARRIED**

**(vi) Police Commission Board  
Members**

Councilor Eric Bolland noted that at the April 13, 2010 meeting of Council Advisory Committee, Councilor Bernie Cooper, Chair of the Board of Police Commissioners, noted that the NS Police Act covers the process for police commission appointments and asked that Council proceed under that authority.

Therefore, it was moved by Councilor Tony Bentley and seconded by Councilor Bernie Cooper

**that Council recognizes that the Kentville  
Police Commission should, as per the NS  
Police Act, proceed with filling vacancies and**

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**the election of the Chair and Vice Chair.**

**MOTION CARRIED**

**(vii) Council Meeting Date – January 2011**

Councilor Eric Bolland noted that at the April 13, 2010 meeting of Council Advisory Committee, Councilor Pearl reported that he will not be available for the January 31<sup>st</sup>, 2011 meeting of Council, and asked that consideration be made to making a change.

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

**that the Council meeting of January 31 be changed to January 24<sup>th</sup>, 2011.**

**MOTION CARRIED**

**(viii) Committee Restructuring**

Councilor Eric Bolland noted that at the April 20, 2010 special meeting of Council Advisory Committee, a discussion took place regarding the restructuring of some of the committees of Council, so as to increase efficiency and to reduce redundancy. It was recognized that some of these committees were simply a means of reporting information to the group, and did not provide opportunities for meaningful debate and decision making. Other commissions and committees had a clearly established mandate and/or had been created on an ad hoc basis.

Therefore, it was moved by Councilor Tony Bentley and seconded by Councilor Bernie Cooper

**that effective in the Fall of 2010 the work previously conducted at the Planning Advisory Committee, Transportation Services Committee, Parks and Recreation Advisory Committee and Finance and Administration Committee would be handled at the Council Advisory Committee level, and further,**

**that other committee business continue to be addressed by the respective committee,**

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**including the Police Commission, Water Commission and Investment Advisory Committee, except for the Parking Committee which will be disbanded, and further, that the Environmental Advisory Committee and Kentville Community Development Committee continue you meet as an organized ad hoc group, until such time as their respective mandates have been satisfied**

**MOTION CARRIED**

**(b) Fire**

**(i) Chief's report**

Fire Chief Shawn Ripley reported that for the month of February there were 17 calls in Kentville for a distance travelled of 173 kilometers, 18 calls in the County for a distance travelled of 1686 kilometers and 4 mutual aid calls for a distance travelled of 620 kilometers. These call-outs ranged in scope from leaks and spills of toxic substances and various types of fires, to MVAs and medical assists.

It was moved by Councilor Mark Pearl and seconded by Councilor Tony Bentley

**that the reports from the Fire Chief be received.**

**MOTION CARRIED**

Points from Discussion

- A draft copy of the Alarms Bylaw will be presented at the next meeting of CAC.
- There may be different issues with billing, collecting and follow-up between the Town and the County.
- It would be useful to have comparative information on the statistics from one year to another on the number and types of calls.
- A correction may be in order on the mileage indicated on the fire at the Research Centre.

**(ii) Fire Governance Report**

None

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**(c) Valley Waste – Resource Management Authority**

Councilor Mark Pearl reiterated some points on the attached report, noting that the budget process continues and the authority feels that the current fiscal year will end with a surplus, with a higher than anticipated amount of approximately \$150,000. He added some statistics regarding waste flow, the regional chairs committee and educational signage. Valley Waste has also received a notice from the County of Kings to move forward with their new facility and an RFP has been put out for a new office facility near the transfer station.

It was moved by Councilor Mark Pearl and seconded by Councilor Eric Bolland

**that the report from the Valley Waste Resource Management Authority be received.**

**MOTION CARRIED**

**(d) Kings Regional Development Agency  
(i) Representative's Report**

Jennifer Weisner reported that the new logo has been approved and will soon be seen on new letterhead and other branding items; the AMG will be June 17<sup>th</sup> and more details will follow; the strategic planning process will begin for 2010-2015 and will be reviewed by the end of September by all the funding partners; the UNESCO event involved a lot of great media coverage regarding the Grand Pre site and the project moves forward.

Councilor Pearl added that Jennifer continues to do an excellent job and the new director, Steve Kerr, is working out well. Councilor Bolland also thanked Jennifer to assisting with the Air Quality Health Index report which was on a very tight deadline.

It was moved by Councilor Mark Pearl and seconded by Councilor Bernie Cooper

**that the report from Kings RDA be received.**

**MOTION CARRIED**

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**(d) Kentville Community Development  
Committee**

**(i) Report**

Mayor David Corkum reported that there has been no meeting.

**(e) Kings Transit Authority**

**(i) Representative's Report**

A report from General Manager Ron Mullins noted that the March 2010 unaudited statements indicated that revenue was short by \$38,000, repairs and maintenance were over budget by \$82,000, but fuel costs were under-budget. A deficit of \$115,608 is indicated for this year.

He also noted that Kings County has allowed for the location and purchase of land for a garage behind its current complex, and that Kings Transit hopes are that a tender for the construction can be ready by June.

Therefore, it was moved by Councilor Mark Pearl and seconded by Councilor Eric Bolland

**that the report from Kings Transit Authority  
be received.**

**MOTION CARRIED**

**(m) Environmental Advisory Committee**

Councilor Eric Bolland reported that there has been no meeting since March.

**(n) Councilor's Report**

Councilor Tony Bentley attended an excellent Volunteer Recognition night and also felt the Home Show was very well done.

Councilor Nola Folker-Hill attended all meetings and Volunteer Dinner.

Councilor Mark Pearl had nothing further to report.

Councilor Eric Bolland had nothing further to report.

Councilor Bernie Cooper had nothing further to report.

Deputy Mayor Bill Boyd was not present.

**(o) Mayor's Report**

From Mayor Corkum's written report, he added that he and the CAO attended a meeting in Truro regarding

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staff and council relationships; he attended the Mayors' Congress which involved new regulation for waste water, for which billions of dollars will be committed over the next 30 years. This may reflect in a tax increase of over \$1,000 per household in Halifax in order to address these regulations. The Congress identified the need for an implementation program for funding these regulations.

He added that the Parks and Recreation Department did an excellent job with the Recognition Celebration, with both Doug Eaton as the volunteer of the Year and the Mayors Corporation Award going to AVR-Magic 94.9.

**CORRESPONDENCE**

**(a) Ken Mor Realities Limited**

A letter from property owner Doug Morrison outlined his displeasure in dealing with the Town regarding a request for the reduction of a bill for property taxes on a property he demolished. Staff from the Town responded to his original request, noting sections of a policy relating to this procedure. However, Mr. Morrison was not satisfied with the Town's position that demolished properties are not treated the same as those properties destroyed by fire, storm and flood.

It was moved by Councilor Mark Pearl and seconded by Councilor Bernie Cooper

**that the letter from Ken Mor Realities Limited be received.**

**MOTION CARRIED**

**(b) Department of Economic Development - Loss of Government Offices from Kentville**

Mayor Corkum read this correspondence in which Minister Percy Paris confirmed that there are no plans by his department to relocate their offices to the newly proposed Kings Tri-Governmental Complex.

**(c) Department of Economic Development – Incorporation under the Regional Development Act**

This letter from Minister Paris noted the Town's request to incorporate Kings RDA under the Regional Community Development Act. He added that this request has been sent to their legal counsel for review and that more information will follow.

## NEW BUSINESS

### **(a) Northeast Kings Educational Centre**

Councilor Mark Pearl noted that he recently read an article on the rating of high schools in the Atlantic provinces, which resulted from a survey by the Atlantic Institute of Market Studies (AIMS), and these statistics appeared in the newspaper, as well. He stated that the Minister of Education was quoted as saying that there are advantages in picking your own high school, and he was concerned that NKEC has been rated last (60 out of 60). He noted that some parents are concerned, and as the trend in some areas is that families move from one community to another, to ensure that their children attend a higher rated school.

Councilor Pearl asked if the principal of NKEC could attend a Council meeting or a CAC meeting to answer some questions and to hopefully, lay at rest these concerns. Following discussion, it was felt that there is a protocol for this type of representation and that the Town should ensure that the right people are part of this presentation.

Therefore, it was moved by Councilor Mark Pearl and seconded by Councilor Eric Bolland

**that the Superintendent of the AVRSB, the School Representative and the principal of NKEC be asked to come to the next meeting of Council Advisory Committee to address the report.**

**MOTION CARRIED**

### Points from Discussion

- This report will be available to other members of Council.
- There will be a new principal at the school next year.

### **(b) Special Recognition**

As Councilor Mark Pearl will be having his 60<sup>th</sup> birthday tomorrow, Mayor Corkum asked if Council members would sing “Happy Birthday” to him.

### **(c) UNSM Workshop**

Mayor Corkum noted that the UNSM Workshop will

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take place at the Old Orchard Inn this week, and those Council members who haven't registered, should make a point to attend some of the sessions. In addition, he noted that the Town's Caucus meeting is at 10:30 on Thursday morning, and support would be appreciated for this event.

**(e) NKEC Bursary Selection Committee**

Mayor Corkum asked for a volunteer to serve on this committee as a liaison between Council and the citizen committee. Councilor Tony Bentley volunteered to sit on this committee.

**(d) Cell Phones**

Councilor Tony Bentley voiced his concerns about the use of cell phones during meetings. He felt that ringing phones are disruptive to everyone, and further, that it is rude when meeting participants leave the discussion to answer their phone.

It was moved by Councilor Tony Bentley and seconded by Councilor Eric Bolland

**that all participants involved in Council meetings or committees of the Town, be encouraged to turn their phones off or turn them on "vibrate" mode.**

**MOTION WITHDRAW**

It was moved by Councilor Tony Bentley and seconded by Councilor Eric Bolland

**that cell phones be placed on vibrate at Council meetings only.**

**MOTION DEFEATED**

Points from Discussion

- There may be situations that dictate access to cell phone calls, especially if the meetings take place during regular business hours.
- Some participants need to keep in contact with family members for medical reasons.
- Members should be given the opportunity to decide for themselves whether or not they turn off their phone.

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**PUBLIC COMMENTS**

none

**ADJOURNMENT**

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

**that the regular meeting of Town Council be adjourned at 8:08 p.m. to go In Camera to discuss Land Negotiations.**

**MOTION CARRIED**

**IN CAMERA**

Land negotiations (8:12 p.m. – 8:57 p.m.)

It was moved by Councilor Eric Bolland and seconded by Councilor Tony Bentley

**that the In Camera Meeting adjourns at 8:57 p.m. and that the Council meeting resumes.**

**MOTION CARRIED**

**CAC MEETING RESUMES**

It was moved by Councilor Mark Pearl and seconded by Councilor Tony Bentley

**that Council approves the expropriation of the fee simple in the lands and does hereby expropriate this fee simple interest in the lands of Imperial Oil Company Limited, located on West Main Street in the Town of Kentville, further identified as PIDs 55291876 and 55264410, as shown in the attached Plan of Survey prepared by Hiltz and Seamone Company Limited, dated April 22, 2010,**

**And further,**

**that the Town cause a certified copy of this resolution to be deposited at the office of the registrar of deeds at Kentville to satisfy the requirements of the Expropriation Act, as setting out:**

**(a) a description of the land, as set out in this resolution;**

**(b) a plan of the land as attached to this resolution and forming a part thereof;**

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**(c) confirmation that the nature of the interest intended to be expropriated is the fee simple not subject to any other interests;**

**(d) the statutory purpose for which the land is expropriated, being for Town purposes, as permitted by the Municipal Government Act, specifically for park and recreation land, roads, streets and/or necessary associated parking; and**

**(e) a certification of this resolution as a true copy of the resolution passed at a duly constituted meeting of Town Council;**

**MOTION CARRIED**

Following a discussion regarding the Town and Department of Education's Agreement, consensus was

**that the Mayor and CAO would meet with the Province and local MLA, to discuss the obligation of the Town as it relates to the existing oil companies on West Main Street.**

**AGREED**

**ADJOURNMENT**

It was moved by Councilor Eric Bolland and seconded by Councilor Mark Pearl

**that the meeting of Council adjourn at 9:03 p.m.**

**MOTION CARRIED**