

APPROVED – June 27, 2011

KENTVILLE TOWN COUNCIL

MINUTES

May 30, 2011

PRESENT

Mayor David Corkum, Deputy Mayor Bill Boyd, Councilor Mark Pearl, Councilor Bernie Cooper, Councilor Eric Bolland, Councilor Nola Folker-Hill, Councilor Tony Bentley, Interim CAO Mark Phillips, Solicitor Peter Muttart.

MEETING CALLED TO ORDER AND ROLL CALL

Mayor David Corkum called the meeting to order at 7:00 p.m. and Interim CAO Phillips reported that all Council members were in attendance.

(Note: A recording secretary was not present for this meeting, and as parts of the audio recording were not clear enough to interpret, some discussion points are not included in these minutes.)

APPROVAL OF THE AGENDA

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Bernie Cooper

that the agenda be approved with an additional In Camera item – Contract Negotiations - Back Check.

MOTION CARRIED

NOTES

“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

(a) Ducks Unlimited (Award Presentation)
Gren Jones was not available to participate in the Award Presentation, however, asked to be included on a future agenda.

(b) Kings RDA – 2011-2012 Business Plan (Stephen Kerr)
Stephen Kerr and Jennifer Weisner presented the 2011-2012 Business Plan, noting that this 5 year plan

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consists of 5 separate 1-year plans, based on the strategic plan. Eight key strategic areas have been identified and these represent the most productive investment of the time and talent of the RDA.

The Regional Economic Plan included Kings 2050, investments in infrastructure, conservation of farmland, adaptation to climate change and the conservation and generation of energy. A review of other aspects of the Plan shared information on Business Retention, Expansion and Recruitment; Branding initiatives (i.e. wine industry and tourism); Skills, Learning and People Development; Information and Research; Innovation and Productivity; Project and Program Management; Infrastructure, Sites and Premises; Marketing and Communication; and Performance Auditing System.

APPROVAL OF THE MINUTES

(a) April 26, 2011

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

that the Minutes of April 26, 2011 be approved with the correction of a misspelled word on page 10.

MOTION CARRIED

BUSINESS ARISING FROM THE MINUTES/OLD BUSINESS

(a) First Reading – LUB amendments – Rezone Belcher Street Property from R2 to R3

Planning Director Beverly Gentleman reported that the request from Terry Whynot, to rezone this property, requires amendments to the Land Use Bylaw. As it appears in order to proceed at this time, it was moved by Deputy Mayor Bill Boyd and seconded by Councilor Mark Pearl

that First Reading be given to amend the Land Use Bylaw, thereby allowing this property to be rezoned from Residential Two Family (R2) to Residential Multiple (R3) zone,

and further

that a public Hearing was scheduled for 7:00 p.m. on June 21, 2011.

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MOTION CARRIED

**REPORTS AND
RECOMMENDATIONS**

- (a) **Council Advisory Committee**
(i) **Debenture Funding – Wellfield
Development - \$1,207,000**

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, Director Debra Crowell reported that a debenture will reach its maturity in the near future and should be renewed. This relates to borrowing on behalf of the Water Commission in 2001 for a 20 year period, which now requires long term borrowing for the remaining 10 years.

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

that the attached Pre-approval of Debenture Issuance be ratified as follows:

Wellfield Development (Phase 1)
TBR 00/01-01 \$1,207,000

MOTION CARRIED

- (ii) **Withdrawal – Equipment Reserve -
\$16,529.25**

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, Director Debra Crowell reported that equipment for transportation purposes, as allocated in the 2010-2011 capital budget, has recently arrived and requires funding from the Equipment Reserve. She added that following this withdrawal, the balance remaining in that reserve fund would be \$19,204.62.

Therefore, it was moved by Deputy Mayor Bill Boyd and seconded by Councilor Eric Bolland

that approval be given for the withdrawal of \$16,529.25 from Equipment Reserves, to fund the purchase of transportation equipment in 2010-2011.

MOTION CARRIED

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**(iii) Reappointment – Consulting Engineers
2010-2011, 2011-2012**

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, a recommendation was made to re-appoint consulting engineers for the Town of Kentville, as this item had been missed last fall. Town Clerk Carol Harmes pointed out that the current consulting engineering firm, Hiltz and Seamone, continues to provide a satisfactory service to the Town; they are a local firm familiar with the Town's infrastructure, and their employees are in mid-process for many of the projects.

During a discussion with the Interim Engineer, Hal Henderson, he pointed out that it would be appropriate to also appoint this firm for the subsequent year, 2011-2012, as this appointment would typically have been done in advance. Therefore, an additional recommendation has been made to the original recommendation from CAC, and it was moved by Councilor Bernie Cooper and seconded by Deputy Mayor Bill Boyd

that Hiltz and Seamone be reappointed for the Engineering Consulting Services Contract, for 10.75% of the actual cost of construction (excluding HST) for the year 2010-2011,

and further

that consideration also be given to reappoint Hiltz and Seamone, under the above conditions, for the year 2011-2012.

MOTION CARRIED

(iv) Finance and Administration Committee

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, Mayor Corkum stated that the current vacancy of the Chief Administrative Officer's position will be filled by a staff member of the Town of Kentville, however, an ad hoc committee for Finance and Administration must be struck, and given the mandate to negotiate the terms of the contract between the Town and the individual

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selected.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Deputy Mayor Bill Boyd

that Deputy Mayor Bill Boyd, Councilor Mark Pearl and Councilor Nola Folker-Hill be appointed to the Finance and Administration Committee to negotiate a contract for the CAO position.

MOTION CARRIED

(Note: Although an amendment was made to this recommendation, it was based on the misunderstanding that the Finance and Administration Committee is a “standing committee,” and therefore, the original recommendation would be in order.)

(v) Chapter 22 – Prevention of Fires Bylaw - Repeal

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, Town Clerk Carol Harmes submitted a report relating to this bylaw. She noted that both the Fire Chief and the Town’s solicitor concur that the document is redundant, as most of its content is addressed by other legislation or is irrelevant. She recommended that the repeal process be undertaken to remove it from the Town’s active bylaws.

Therefore, it was moved by Deputy Mayor Bill Boyd and seconded by Councilor Eric Bolland

that First Reading be given to rescind Chapter 22 – Prevention of Fires Bylaw.

MOTION CARRIED

(vi) Colliers International Listing Agreement

Councilor Mark Pearl noted that at the April 26, 2011 meeting of Council Advisory Committee, a discussion took place regarding the remaining commercial properties for sale in downtown Kentville. As the property has been locally advertised for sale, and RFPs had been called for (both with no response), the

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Director of Planning and Development Bev Gentleman was asked to make direct contact with some of the larger national and/or international commercial brokerage firms. From this endeavour, Colliers International has submitted a proposal and a draft Listing Agreement for the Town's consideration.

These documents had been reviewed by the Director of Planning and the Town's solicitor, and subsequently have been brought forward for Council's consideration.

Therefore, it was moved by Deputy Mayor Bill Boyd and seconded by Councilor Bernie Cooper

that the Director of Planning and Development engages Colliers International in a Listing Agreement with the Town of Kentville, for the sale of lots PID55495980, PID 55504609 and PID55256127.

MOTION CARRIED

Points from Discussion

- If an outside broker is used, the listing company determines what the selling company receives as a fee.
- Further details are required to be added prior to signing the agreement

(b) Fire

(i) Chief's report

A report from Fire Chief Shawn Ripley indicated that the Town saw 8 alarms, with 164 kilometers travelled, the County saw 18 alarms, with 1172 kilometers traveled and there were 3 mutual aid calls, with 540 kilometers traveled. These calls ranged in scope from outdoor fires, chimney, structure and oven fires, to medical assists, haz mat issues, and motor vehicle accidents.

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Bernie Cooper

that the report from the Fire Chief be received.

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MOTION CARRIED

Points from Discussion

- The reduction in grass and bush fires within the Town has been as a result of the Outdoor Fire Bylaw.

(ii) **Fire Governance Report**

Deputy Mayor Bill Boyd reported that the regular meeting of this committee was held on May 24, at which the capital and operating budgets were discussed and recommended.

The Alarm Bylaw (for the KVFD, the Police Department and RCMP) has been taking some time to finalize. Councilor Bernie Cooper has been the lead on this project and expects that this bylaw will be completed soon.

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Bernie Cooper

that the report from the Fire Governance Committee be received.

MOTION CARRIED

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

The Management Minute for May was received just prior to the meeting and Councilor Pearl reported that the Authority will end the year with a surplus of \$104,000. He gave the statistics on the recyclables, the residuals and organics and noted that the Annual Open House will be in conjunction with Environment Week at the Western Management Centre this year. The new administration offices have seen the tenders advertised and work progresses on that project. Lastly, he noted that the next meeting will be on June 15th

It was moved by Councilor Mark Pearl and seconded by Deputy Mayor Bill Boyd

that the report from Valley Waste Resource Management be received.

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MOTION CARRIED

(d) Kings Regional Development Agency

(a) Representative's Report

Jennifer Weisner reminded Council of the upcoming Annual General Meeting for Kings RDA, being held in Berwick.

(e) Kentville Community Development Committee

(i) Report

Interim CAO Phillips added that some changes have taken place regarding this department, with the resignation of Tiffany Connell. He stated that Lindsay Young has assumed the role of Community Development Officer and has taken charge of programs such as the Farmer's Market (this year managed by a board, consisting of vendors and staff). Market members are also looking at a year around market. In addition, Lindsay has remained busy with the 125 events in celebration of the Town's Anniversary.

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

that the report on the Kentville Community Development Committee be received.

MOTION CARRIED

(f) Kings Transit Authority

(i) Representative's Report

A report from Kings Transit indicated that the Grand Opening for the new facilities in New Minas will be on June 10th, and that the financial information indicates total revenue at \$1,298,710, total expenditures at \$1,371,378, plus a capital reserve at \$80,000. An explanation of the 2011 deficit outlined the items affecting this outcome, and showed a deficit of \$143,000.

It was moved by Councilor Mark Pearl and seconded by Deputy Mayor Bill Boyd

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that the report from Kings Transit Authority be received.

MOTION CARRIED

**(g) Environmental Advisory Committee
(i) Report**

Councilor Eric Bolland reported that a meeting is scheduled for this week and that a Town clean-up will be held on Saturday, June 18th.

It was moved by Councilor Eric Bolland and seconded by Councilor Nola Folker-Hill

that the report from the Environmental Advisory Committee be received.

MOTION CARRIED

(h) Councilors' Report

Councilor Tony Bentley reported that he attended all meetings and the retirement party for Leroy Cavanaugh. He attended the Princess Tea and the Coronation in Wolfville, along with the parade.

Councilor Nola Folker-Hill reported that she attended all meetings, the Princess Tea, the Planning Director's Conference, the UNSM Spring Workshop, the public reveal of the Town Clock, Leroy's retirement party and the Apple Blossom Festival Parade.

Councilor Mark Pearl reported that he attended all meetings, along with a golf tournament last week with the Town of Windsor where he and Deputy Mayor Boyd brought home the trophy.

Councilor Eric Bolland reported that he attended all meetings, budget negotiations, the RDA meeting and many Apple Blossom events.

Councilor Bernie Cooper reported that he attended all meetings and the events of the Apple Blossom Festival.

Deputy Mayor Bill Boyd reported that he attended all meetings and those functions organized by the Town

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over the last month.

(i) Mayor's Report

Mayor Corkum reported that his monthly report is attached, however, wished to reiterate that he attended the CEO/CAO forum in Truro with Mark Phillips and he was proud of Mark's contribution to the discussions. He attended the unveiling of the monument at Memorial Park recognizing those workers who have been hurt and lost their lives on the job; he attended the Princess Tea which was very well done and reported that the new Princess is Brianna Vaughan.

He attended the Planning Conference, the Food Bank Opening (Belcher Street) and the Spring UNSM Workshop (which he chaired). Salvation Army is celebrating its 125th anniversary; he attended the opening of the Farmer's market, Leroy Cavanaugh's retirement party after 27 years; the Apple Blossom Opening ceremonies, the Princess Tea, the Royal Tour and the Coronation at Acadia. He participated in the Children's and the Grand Street parade and was pleased with the information in the Kentville Connection.

CORRESPONDENCE

(a) Premier Darrell Dexter

A letter from Premier Darrell Dexter, in response to the letter from UNSM President Billy Joe MacLean, addressed the issue of the memorandum of understanding signed between the province and UNSM. He indicated that situations have changed since this MOU was signed in 2007 and that the province can no longer assume the financial responsibility of the municipal units.

With the 12 month notice, he felt that this would provide municipalities with the opportunity to assume the \$3.5 million in corrections, \$3.5 million in public housing and another year of limiting increase in municipal education contributions.

He added that a full fiscal review will be taking place and that the Department of Service Nova Scotia and Municipal Relations will contact the stakeholders

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during this process.

NEW BUSINESS

(a) Developer's Proposed Street Name

Interim CAO Mark Phillips reported that the developer of a property in West Kentville has proposed the name "Shylah Drive" for the new street being built next to Access Nova Scotia. Staff has reviewed the *Policy Statement G-27 Street Naming Policy* which allows for a developer to submit a name for Council's consideration. As a new name is required immediately for this street, so that the proper address can be advertised, this recommendation has come directly to Council.

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

that the name "Shylah Drive" be approved for the new street in west Kentville at the Access Nova Scotia location.

MOTION CARRIED

Points from Discussion

- This street is not part of the Annapolis Valley Regional Industrial Park.
- The developer has the option to propose a name for Council's consideration.
- There is a sense of urgency, so that street information can be established for Access Nova Scotia for deliveries and website info.

(b) Award of Paving Contract

Interim CAO Phillips reiterated the report from Hal Henderson regarding the 2011 Capital Projects, noting that with the closing of tenders on May 12th, there was only one bidder – Dexter Construction. As this company is the only one with an asphalt plant in the area, its prices can be lower, due to reduced transportation and travel costs. He asked that Council give this its immediate consideration, so that patch paving projects can begin immediately.

Therefore, it was moved by Deputy Mayor Bill Boyd and seconded by Councilor Mark Pearl

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that the Asphalt Street Paving Tender 2011-01 be awarded to Dexter Construction Company Limited, the only bidder, in the amount of \$235,775, plus taxes.

MOTION CARRIED

(c) Site Plan Appeal

Interim CAO Phillips noted a report from Development Officer Frank MacFarlane which addresses the installation of a 120 foot communications tower at 217 Belcher Street. Mr. MacFarlane confirmed that this is an allowable use and the site plan has been approved. However, he further noted that copies of this site plan were sent to property owners and in response, a letter of appeal was received. Subsequently, the appeal process was brought to Council at this meeting.

Concerns were expressed regarding inadequate buffering, landscaping design flaws, the adverse impact on property values in the surrounding neighbourhood and health issues relating to emissions.

Mr. MacFarlane advised that Council is given the option to either grant the appeal or to uphold the Development Officer's decision, which is to approve the site plan.

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Bernie Cooper

that Council supports the approval of the Development Officer's recommendation to approve this site plan.

MOTION CARRIED

Points from Discussion

- A thorough discussion is required and Council should have had the opportunity to discuss this at CAC.
- The Director of Planning responded that upon advice by the Town's solicitor, any discussion at CAC might be viewed as inappropriate and prejudicial to Council's decision.

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- The Appeal Process must come directly to Town Council as required in the Municipal Government Act.
- The appeal process gives Council the opportunity to address ways in which any negative impact (on surrounding homeowners) can be lessened (i.e. landscaping, buffering, etc.)
- Studies on the impact of emissions are available and do not appear to be a concern in this issue.
- There appears to be no formula, nor other way, that would determine if a radio tower would decrease property values in an area.
- The purpose of this larger tower is to enhance communication with police, fire departments and emergency services and is necessary for these emergency services.

PUBLIC COMMENTS

none

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:00 p.m. to go In Camera to discuss 4 items dealing with contract negotiations and 2 items dealing with land negotiations.