

APPROVED June 25, 2012

KENTVILLE TOWN COUNCIL

MINUTES

May 28, 2012

PRESENT

Mayor David Corkum, Deputy Mayor Mark Pearl, Councilor Bill Boyd, Councilor Eric Bolland, Councilor Nola Folker-Hill, Councilor Bernie Cooper, CAO Mark Phillips, Solicitor Tom MacEwan and Town Clerk Carol Harmes.

MEETING CALLED TO ORDER AND ROLL CALL

Mayor David Corkum called the meeting to order at 7:00 p.m. and CAO Phillips reported that, except for Councilor Tony Bentley who was excused with Council's approval, all members of Council were present, along with the Town Solicitor, the Town Clerk and himself.

Director of Finance Debra Crowell and Director of Planning and Development Bev Gentleman were also in the audience.

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Bernie Cooper

that Councilor Tony Bentley be excused from this meeting of Town Council.

MOTION CARRIED

APPROVAL OF THE AGENDA

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

that the agenda be approved as presented.

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.

PRESENTATIONS

(a) none

APPROVAL OF THE MINUTES

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

that the Minutes of April 30, 2012 be approved with the removal of Councilor Eric Bolland's name from the list

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of those in attendance.

MOTION CARRIED

**BUSINESS ARISING
FROM THE
MINUTES/OLD
BUSINESS**

(a) Second Reading – Chapter 91 – Alternative Voting Bylaw
Clerk Harmes reported that First Reading was given to adopt this bylaw on April 30th, the Notice of Second Reading was published on May 8, and as there were no objections or public concerns regarding this bylaw, she recommended that the adoption process continue.

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

that Second (Final) Reading be given to adopt Chapter 91 – Alternative Voting Bylaw

MOTION CARRIED

**REPORTS AND
RECOMMENDATIONS**

(a) Council Advisory Committee
(i) Town of Kentville Operating Budget 2012-13
Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Director Debra Crowell reported that the financial plan for the 2012-2013 Operating Budget is a balanced budget totalling \$11,614,400, an increase of \$275,200 (2.4%) over last year's budget.

She outlined the process undertaken in the budgetary process, noting that several major drivers impact the operational costs of the Town, however, she added that although the proposed budget contains no new programs or enhancements, it does maintain the traditional high standards of service delivery, and some relief of financial pressure to the commercial sector. She further explained and outlined how the tax dollar is spent.

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

that the 2012-13 Operating Budget for the Town of Kentville (Appendices A and B) be approved as follows:

Revenue	\$11,614,400
Expense	\$11,614,400
General Tax Rate	\$1.75 and 2/5 cents/\$100 of assessed value

and further

that the following proposed tax rates for the year April 1, 2012 to March 31, 2013 be ratified: (figures rounded

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slightly)

	<u>2012/2013</u> Per \$100
Residential	\$1.36 and 2/5¢
Commercial (incl. BO phase out)	\$3.47 and 1/5¢
Fire area	\$0.05¢
Hydrant area	\$0.08 and 1/5¢
Total Residential	1.49 and 2/3¢
Total Commercial (incl. BO phase out)	3.60 and 2/3¢

MOTION CARRIED

(ii) Town of Kentville Capital budget 2012-2013 and proposed 2013-2017 Capital Investment Plan

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Director Debra Crowell reported that capital investment priorities have been set to ensure that the Town grows in a responsible manner and that issues such as the replacement of aging infrastructure and new development are considered.

In her presentation, she expounded upon the budgetary process undertaken, the break-down of the proposed capital investment plan, the requirements of the current year (2012-13), the funding sources available and the nature and type of projects.

As required by provincial legislation, she identified the types of projects and the funding available for future years (2013-14; 2014-15; 2015-16 and 2016-17).

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

that the proposed 2012-13 Capital Budget (along with related funding sources) be approved as follows:

2012-2013	\$2,125,100
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and further

that the capital budgets for the years 2013-14 to 2016-17 along with related funding sources, be approved (in principle) as follows:

2013-2014	\$2,141,700
2014-2015	\$1,832,000
2015-2016	\$1,503,000
2016-2017	\$2,364,000

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and further

**that this 5-year Capital Investment Plan be ratified by
Town Council.**

MOTION CARRIED

**(iii) Request for Tax Reduction – Policy G37 – HC Lindsay
Funeral Home**

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Director Crowell noted that Policy Statement G37-Tax Reduction – MGA (Section 69A) allows for Council to relieve property owners of a portion of their property tax, should the land become unusable, as a result of specific causes. She noted that a letter was received asking for such consideration for the property owned by H.C. Lindsay Funeral Home and recommended that Council proceed with the steps as outlined in this policy.

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

**that the building inspector be asked to confirm that the
building has become unusable due to wind storm,**

and further

**that a request is made to Property Valuation Services
Corporation to provide a new valuation for the purposes
of this policy, following which the new information
would be applied to the above-noted account, thereby
possibly reducing the amount of taxes owed in
proportion to the apparent reduction in value.**

and further

**that those taxes owed prior to the incident on December
13, 2010, not be included for this tax reduction.**

MOTION CARRIED

(iv) Sanitary Sewer Operating and Capital Budgets 2012-13

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Director of Engineering Fred Whynot presented the Operating and Capital Budgets for the upcoming year, as previously approved by the Water Commission.

He noted that there is a conservative amount of sewer charge revenues, and that these are being offset from an accumulated surplus, and further, that with the exception of the Regional Treatment and Disposal costs, and a small increase in Capital from Revenue, most items are status quo from the previous year.

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He added that the proposed Capital Budget includes some renewals, repairs and upgrades as outlined in his report.

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

that the attached 2012-2013 Sanitary Sewer Operating and Capital Budgets be approved.

MOTION CARRIED

(v) VON Financial Grant

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Kathleen Hull, the Manager of Community Support for the VON, requested that the Town's annual grant of \$500 be increased to \$1000.

She explained that this money is used to offset the costs associated with the services and programs that VON provide, many of which are managed by volunteers who provide the "manpower" and their own travel costs. Other services provide care and training through clinics and home visits, thereby allowing those individuals needing assistance, to maintain a level of independence.

As the number of Kentville participants is expected to increase over the coming year, and with it, the associated costs, she had hoped that the Town would assist by increasing its grant.

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

that a grant for \$750 be made to the VON to offset some of the costs of operating their programs and services.

MOTION CARRIED

(vi) Public Participation Policy (adoption)

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Director Bev Gentleman reported that she has been documenting some preliminary notes in preparation for the review of the Town's planning documents.

As work will begin on this project very shortly, Council's adoption of a Public Participation Policy is required, as this will allow for the preparation of and amendments to the Municipal Planning Strategy, Subdivision Bylaw and Land-Use Bylaw.

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

that Council adopts the attached Public Participation Policy.

MOTION CARRIED

(vii) Rafuse Machine Shop

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, the Director of Planning and Development Bev Gentleman noted that she has reviewed sections of the MPS and Land-Use Bylaw that relate to a change of use for non-conforming uses by Development Agreement. Specifically, this research was initiated due to an application for a Development Agreement, to address a change of use to the property known as the former Rafuse Machine Shop.

She added that this machine shop is no longer operational and its owner wishes to sell the property. There is interest from a potential buyer whose intention is to operate a business from that location. However, as the property is zoned Residential (R-2) and the MPS does not provide for another non-conforming use (by Development Agreement), the property currently must revert back to residential. Unfortunately, there are many challenges to converting the building and land to residential.

Director Gentleman noted that an amendment to the MPS could allow this property to be used for another non-conforming use, via a Development Agreement. These changes would allow the property to be used for a commercial/business enterprise, which in turn, would be consistent with the mix of residential and commercial properties along this part of Main Street.

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

that an amendment be considered to the Municipal Planning Strategy for the redevelopment to a non-conforming use of the former Rafuse Machine Shop (245 Main Street) as per Policy Z-25 of the MPS.

MOTION CARRIED

(viii) Appointment – ROs African NS Rep and Rep for Conseil Scolaire Acadien

Councilor Eric Bolland reported that at the May 14th meeting of

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Council Advisory Committee, Town Clerk Harmes presented 2 recommendations prepared by Returning Officer Al Kingsbury regarding appointments for the upcoming election.

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

**that Heather Archibald be appointed Returning Officer for the election of African Nova Scotia Representative on the AVRSB,
and further,
that Carolyn Young be appointed Returning Officer for the election of the Conseil Scolaire Acadien Provincial (Acadian School Board) representative.**

MOTION CARRIED

(ix)Engagement of Intelivote Systems Inc.

Councilor Eric Bolland reported that at the May 14th meeting of Council Advisory Committee, Town Clerk Carol Harmes presented an analysis of the prices and programs for electronic (telephone and internet) voting. She reiterated that Council had previously expressed an interest in offering alternative voting during the week preceding the election and on Election Day, with paper ballots being available on Election Day only.

Proposals were received from both Intelivote and Scytl, who offered similar programs for the exact same cost - \$14,231.25 (based on the potential of 4,500 electronic votes). Added to this amount would be \$4,000, to cover the costs for the help line staff, set-up, training and infrastructure, thereby bringing the total for the electronic aspect of the election, up to a possible \$18,231.25. This figure will be adjusted upwards or downwards depending on the number of voters on the list.

A comparison of the programs and prices from Intelivote and Scytl determined that both are professional companies that offer similar programs and sound security measures, for the same price. The differences however, set the companies apart, as Intelivote has a long list of references for municipal election management, while Scytl (although having an impressive resume with global experience) is lacking in the municipal election experience.

Therefore, when considering the fact that electronic voting will be a new experience for voters, election officials and candidates during the October Election period, the Town Clerk felt that a higher

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comfort level might exist when dealing with a company that has proven itself with many successfully run municipal elections.

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

that Town Council engages Intelivote Systems Inc. to provide alternative voting services leading up to and including Election Day on October 20, 2012.

MOTION CARRIED

(b) Fire

(i) Chief's report

Fire Chief Ripley reported that there were 19 alarms in the County, for a distance traveled of 1136 kilometers; 1 mutual aid call for a distance travelled of 20 kilometers and 11 alarms in Kentville for a distance traveled of 268 kilometers. For the month, there were 31 calls in total, which ranged in scope from MVAs, medical emergencies, structure fires and brush/grass fires, to alarms sounding, hazardous materials and an oil leak.

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

that the report from the Fire Chief be received.

MOTION CARRIED

(ii) Joint Fire Services Committee Report

Councilor Bill Boyd reported that there has been no meeting since last reporting.

(c) Valley Waste Resource Management Authority's Representative's Report

Representative Deputy Mayor Pearl reported that funding partners are approving the 2012-13 Operating and Capital Budgets and that the surplus of \$300,000 will be confirmed by the auditors in the near future, which means proportional shares will be returned to the partners. Plans are underway for the move into the new building, over the next month.

He further added that the Mobius Awards will be presented on June 5th for leaders in waste reduction; work continues towards the installation of a small wind turbine and permits and regulations are being gathered with more to follow on this project. The Last Resort, Re-use Centre should be operational by July, and finally, the

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next meeting is scheduled for June 20th.

It was moved by Deputy Mayor 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 Representative's Report

A report from Kings RDA outlined several projects ranging in scope from the BRE Program and Invest in Kings Program, Strategic Planning and UNESCO Grand Pre, to general information relating to the Annual Meeting scheduled for June 21 at 5:30 at Port Williams Community Hall, the hiring of a co-op student for tourism initiatives, and the Annual ISO Audit.

The Executive Director Stephen Kerr asked to address Council on the topic of the withdrawal of ACOA funding next year. He noted that the loss of this partnership will necessitate a meeting with the municipal partners to determine which functions currently being addressed by Kings RDA, should be evaluated.

He noted that ACOA remains interested in special projects, however, as some provinces were not as effective in using their funds as Nova Scotia has been, funding has been unfortunately withdrawn for all. Mr. Kerr promised to identify some projects which crossed boundaries, and other areas that could be restructured.

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

that the report from Kings RDA be received.

MOTION CARRIED

(e)Kings Transit Authority's Representative's Report

A report from the General Manager, Ron Mullins noted that there will be a \$25,000 deficit this year; that the Town of Kentville continues work towards building a new transfer station, work continues with the transition of the Annapolis County route from Kings Transit's scheduling; and lastly, he noted several statistics regarding ridership, revenue and the like.

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It was moved by Deputy Mayor Mark Pearl and seconded by Councilor Nola Folker-Hill

that the report from Kings Transit Authority be received.

MOTION CARRIED

(h) Councilors' Report

Councilor Tony Bentley was absent with Council's approval.

Councilor Nola Folker-Hill noted that she attended all meetings except CAC, as the date and time conflicted with the graduation ceremonies of her children. She also attended the Police Anniversary Open House, the staff picnic, the Strategy Session and the Police Planning Session hosted at the Old Orchard Inn.

Councilor Eric Bolland noted that he attended the Planning Conference, the AVCC meeting at the Waterville airport, an Eco Kings meeting, a presentation to Kings Transit on the bus shuttle, the Strategy Session and the Spring Fling at KCA.

Councilor Bernie Cooper noted that he attended all meetings and at the Police Commission, there was a swearing in of a new commissioner.

Councilor Bill Boyd noted that he attended all required meetings, including the KPSC meeting. (Another is scheduled for June). He also attended the UNSM Conference in Truro and the CAC meeting.

Deputy Mayor Mark Pearl noted that he attended all meetings.

(i) Mayor's Report

Mayor Corkum noted some highlights from his report:

- Meetings attended – budget, Advocacy, Rotary, CAC, AVCC breakfast meeting, Strategy Session and Council.
- Events attended – Advocacy Days, Planning Conference, UNSM Task Force, UNSM Spring Workshops, Farmers Market, Police Anniversary Celebrations, Girl Guides Breakfast, KCA Tour, delivered a welcome basket to the Gold Shop, attended Valley Stationer's 50th Anniversary, Staff BBQ, TOPS Convention, Michelin Bike Rodeo, Horton's Safe Grade and KCA Spring Fling.

CORRESPONDENCE

(a) Premier Dexter

A letter from Premier Darrell Dexter, in response to the issue of

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subsidized costs for RCMP services was received. In this correspondence he explains that the funding is provided at a federal level and provides a resource pool to benefit all municipalities.

Points from Discussion

- The CAO will redraft another letter, as the question that Council asked was not answered.
- This will be addressed again at the next CAC meeting.

NEW BUSINESS

(a) MPS Amendments – First Reading

A report from the Director of Planning and Development made reference to an application for a Development Agreement that would allow for a change in use, of one non-conforming use to another non-conforming use. She gave some background on the property in question – 245 Main Street – and noted that some inconsistencies between the future use of non-conforming properties on previous planning documents, and those that exist today. As it now stands, the property will revert to a residential use upon the discontinuance of the machine shop business, and this creates some challenges to the requirements of that zone.

She added that a residential use would not be conducive to the property, as there is a 12 foot wide right-of-way which would be over what would be the backyard . However, due to the size of the property, and the set-backs and frontage locations, the building size would be approximately 40 feet by 22 feet. Also, with a possible petroleum hydrocarbon contamination in the groundwater due to a pre-existing underground petroleum storage across the street, the site may not be useful for residential, as the guidelines would be stricter for that use, than would be for a commercial use.

Considering these factors, a residential use of this property would seem unlikely, and therefore, it would seem reasonable to allow redevelopment to another non-conforming use, via a Development Agreement. In order to facilitate this option, an amendment would be required to the MPS. This would delete Policy 1-22, which relates specifically to the industrial use of Refuse Equipment.

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

that Council gives First Reading to amend the Municipal Planning Strategy, to delete Policy I-22 in order to allow for the possible redevelopment of the Rafuse Machine Shop property, at 245 Main Street, into another non-conforming use,

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and

to set a Public participation Meeting, as per the Public Participation Policy, for Thursday June 14th, at 7:00 p.m.,

and further,

to set a Public Hearing for Wednesday, July 4th, 2012, at 7:00 p.m.

MOTION CARRIED

Points from Discussion

- This decision will prevent the building from remaining vacant and eventually becoming unsightly.
- This policy relates to Rafuse Machine Shop only.
- Council that cannot attend the PPP, will be allowed to attend the Public Hearing, however, those that do not attending the Public Hearing, will not be able to vote on the issue at the Council Meeting.

PUBLIC COMMENTS

- (a) Bill Denyar, KDCL President asked what the status was with the Kentville Transfer Station, as he is concerned about the VIC.

Points from Discussion

- The Chamber of Commerce does not want to move to this location until the bus station is relocated, and this has resulted in the delay for the opening of the VIC.
- The VIC staff will open for Apple Blossom weekend.
- Minimal renovations are required.
- The transfer station in Wolfville is not as large as indicated necessary for Kentville.
- Because the Kentville station is a transfer point, a shelter would be necessary.

ADJOURNMENT

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

that the meeting adjourns at 8:28 p.m.

MOTION CARRIED