

APPROVED JANUARY 25, 2010

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# KENTVILLE TOWN COUNCIL

## MINUTES

### November 30, 2009

#### **PRESENT**

Mayor David Corkum, Deputy Mayor Bernie Cooper, Councilor Mark Pearl, Councilor Eric Bolland, Councilor Nola Folker-Hill, Councilor Tony Bentley, Councilor Bill Boyd, CAO Keith Robicheau, Town Solicitor Peter Muttart ( arrived at 7:40 p.m.) and Town Clerk Carol Harmes.

#### **MEETING CALLED TO ORDER AND ROLL CALL**

Following the departmental presentations, as part of the Open House, Mayor David Corkum called the Council meeting to order at 7:40 p.m. and CAO Robicheau reported that all Council members were in attendance. However, he noted that the Town Solicitor would be arriving late.

#### **APPROVAL OF THE AGENDA**

It was moved by Councilor Bill Boyd and seconded by Councilor Eric Bolland

**that the agenda be approved with no additions.**

**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**

Kings North MLA Jim Morton read a Resolution brought forward in the House regarding the Pumpkin People and the annual Harvest Festival, and further to recognize the impact that this celebration has on the Town. Mr. Morton presented a framed copy of that Resolution to Council.

#### **APPROVAL OF THE MINUTES**

It was moved by Councilor Bill Boyd and seconded by Councilor Tony Bentley

**that the minutes October 26, 2009 be approved as circulated.**

**MOTION CARRIED**

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**BUSINESS ARISING FROM THE  
MINUTES**

**(i) Downtown VIC - update**

At the previous meeting of Council, members agreed to support the relocation of the VIC downtown and to join with the County of Kings in providing a year-around service for visitors to the area.

CAO Robicheau reported that there have been a few meetings regarding the initiation of this project and it is anticipated that the Memorandum of Understanding and it appears that the project is proceeding as expected.

**(ii) Appointment of Deputy Mayor**

CAO Robicheau noted that although an election has been previously held for the position for the Deputy Mayor, it would be appropriate to formally recognize this appointment at this time.

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

**that the Deputy Mayor Elect, Bill Boyd, be formally recognized to the position of Deputy Mayor for the upcoming year.**

**MOTION CARRIED**

**REPORTS AND  
RECOMMENDATIONS**

**(a) Council Advisory Committee**

**(i) TBR – Renewal - \$64,600**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, Director Crowell reported that a TBR for construction work on Park Street, in the amount of \$64,600, has expired and must be replaced with current authorization.

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

**that Council authorizes the temporary borrowing resolution as follows:**

**TBR 97/98-03 Park Street Paving \$ 64,600.**

**MOTION CARRIED**

*(Note: Councilor Eric Bolland left the room due to a*

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*possible conflict of interest at 8:02 p.m.)*

**(ii) Ken Mor Realities Ltd. – Request for Tax Reduction**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, Director Crowell reported that Doug Morrison made a request in October that Policy Statement G37-Tax Reduction – MGA 69A be applied to his property at 49 Webster Street. This property had been demolished in the Spring of 2009, under the direction of the owner, and therefore, does not conform to the section of the Policy Statement that states that the property must have been affected by “fire, storm or otherwise...”

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

**that the request relating to Mr. Morrison’s property at 49 Webster Street be denied, as it does not conform to the Town’s existing policy.**

**MOTION CARRIED**

**(iii) Policy Statement G37-Tax Reduction – MGA 69A (Review of Policy)**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, a request came forward from a local business owner who had demolished a property in Town, and wished to have a tax reduction on this property from the point of demolition onward. Director Crowell noted that December 1<sup>st</sup>, is the yearly cut off date, as established by Property Valuation Services Limited, and at this time the status of all buildings is determined for assessment purposes.

During discussion, some suggestion was made that the policy should incorporate a formula which pro-rates the diminished value of the building, up to the December 1<sup>st</sup> date.

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

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**that Policy Statement G37- Tax Reduction be forwarded to the next meeting of Finance and Administration for review.**

**MOTION CARRIED**

*(Note: Councilor Eric Bolland returned to the meeting at 8:11 p.m.)*

**(iv) Lord's Day Act Bylaw – Ch.27-  
First Reading**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, Town Clerk Carol Harmes noted that *Chapter 27 – the Lord's Day Act Bylaw*, is irrelevant due to the fact that the Federal Government abolished the Lord's Day Act in 1982 and the Provincial Supreme Court ruling in 2006 now allows for Sunday Shopping. She further advised that the Town's solicitor concurs that this document should be repealed.

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

**that First Reading be given to rescind  
Chapter 27 – Lord's Day Act Bylaw.**

**MOTION CARRIED**

**(v) Closing Hours of Shops Bylaw –  
Chapter 15 – First Reading**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, Town Clerk Carol Harmes noted that Chapter 15 – Closing Hours of Shops Bylaw, is irrelevant due to the fact that the Federal Government abolished the Lord's Day Act in 1982 and the Provincial Supreme Court ruling in 2006 now allows for Sunday Shopping. She further advised that the Town's solicitor concurs that this document should be repealed.

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

**that First Reading be given to rescind  
Chapter 15 – Closing Hours of Shops Bylaw.**

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**MOTION CARRIED**

**(vi) NS Community Services – Board Representative**

Councilor Tony Bentley reported that at a recent meeting of Council Advisory Committee, a letter was received urging the Town to appoint a citizen to sit on the board of the Annapolis Valley Housing Authority, as a vacancy has existed for some time.

CAO Robicheau noted that not only has it been difficult to find an individual to sit on a board (as he/she would have no influence regarding the Town's financial contribution), but on April 1<sup>st</sup> of next year, the provincial phase-out program begins on housing contributions.

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

**that due to the phase-out of contributions to the Housing Authority, and the difficulty in appointing a representative to fulfill this role, that the CAO send a letter to NS Community Services, notifying this organization that there appears to be no point in having a representative from the Town on this board.**

**MOTION CARRIED**

**(b) Fire**

**(i) Chief's Report**

Fire Chief Shawn Ripley reported that there were 12 alarms in Kentville, for a distance travelled of 187 kilometers, 15 alarms in the county for a distance travelled of 798 kilometers and 2 mutual aid calls for 398 kilometers travelled. He indicated that as usual, a wide range of incidents were addressed, from fires and fire alarms sounding, to medical emergencies and MVAs.

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

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

**MOTION CARRIED**

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**(ii) Governance Report**

Deputy Mayor Bill Boyd reported that the County of Kings has agreed to amend the agreement which allows for the recruitment for the position of Fire Chief. An Ad Hoc Working Group has been established to prepare a draft report on the recruitment process, terms of reference and then brought back for final approval. The ad will then go out and interviews will take place. It appears that it will be a few months before a Chief is hired for this position.

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Tony Bentley

**that the report on the Fire Governance Committee be received.**

**MOTION CARRIED**

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

**(i) Representative's Report**

Councilor Mark Pearl reported that the November report has been received, from which he noted the very favourable statistics on recycling, along with a successful strategic sessions which was held at which both a vision statement and mission statement were developed. A follow-up session to develop the objectives and actions will take place in January.

He further noted that the projections for 2009-2010 fiscal year is showing a surplus at year end, and at a recent UNSM conference, a resolution was approved to allow the board to be balanced.

Lastly, coming up will be a meeting in January with the Honourable Stirling Belliveau and the distribution of the calendars in mid-December.

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.**

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**MOTION CARRIED**

**(d) Kings Regional Development Agency**

**(i) Representative's Report**

Jennifer Weisner reported that Marianne Gates is Acting Executive Director. The Vineyard review presentation to the funding partners was recently given and Kings RDA await the outcome. The rebranding process has begun and a logo design will be created for Kings RDA as part of its initiative.

She also reported that the Joint Municipal Meeting was held on November 12<sup>th</sup> with 34 representatives in attendance at which a mid year review was presented. And the questionnaires have been completed and the information should all be received over the next week.

She noted that the Eco-Kings Green Energy Fair held on November 21 involved workshops and presentations on alternative energy opportunities. There was a good turn-out and there was a lot of good feedback from the vendors present.

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

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

**MOTION CARRIED**

**(d) Kentville Community Development Committee**

**(i) Report**

Mayor Corkum reported that a meeting was held last week during which an update was given on several items. He noted that a recommendation was made regarding the potential relocation of the Kings County Municipality building outside of town and with this move, encouraging other governmental departments to join them at this new multi-governmental complex. Concern has been expressed regarding the loss of these services from the downtown area of town and how it would affect the economy and vitality of the Town.

He felt that it is important to state our concerns immediately, however he felt that this issue should be

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discussed in detail at the next meeting of Council Advisory Committee, so as to formulate an action plan. Other governmental bodies identified might be the Access Nova Scotia and Registry of Deeds.

It was moved by Deputy Mayor Bill Boyd and seconded by Councilor Eric Bolland

**that Town Council and staff supports the presence of the County of Kings and other governmental associations in Kentville and that an action plan be discussed at the upcoming meeting of Council Advisory Committee.**

**MOTION CARRIED**

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

**that the report from the Kentville Community Development committee, as presented by Mayor Corkum be received.**

**MOTION CARRIED**

**(e) Kings Transit Authority**

**(i) Representative's Report**

Councilor Mark Pearl noted that the Federal Funding deadline has been extended to March 2011, there has been a savings on fuel recently however, repairs and maintenance have been very high at \$147,000. He reviewed the financial picture as of September 30<sup>th</sup>, noting that the year may end with a \$32,000 deficit at this point in time.

Lastly, the report noted some statistical information regarding ridership and revenue, noting particularly the decrease in ridership, actually reflects the elimination of transfers, and this has meant in past reports, that some riders were counted twice. This will balance out in the future with revenue being on par.

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

**that the report from Kings Transit Authority**

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be received.

**MOTION CARRIED**

**(m) Environmental Advisory Committee**

Councilor Eric Bolland reported that there has been no meeting and therefore, no report.

**(n) Councilor's Report**

Councilor Eric Bolland had nothing further to report, other than he missed the last CAC meeting due to illness.

Councilor Mark Pearl noted that he and other members of Council met with the Minister of Service NS and Municipal Affairs and felt that the Mayor represented the Town well with its concerns.

Councilor Nola Folker-Hill thanked the Parks and Recreation Department for an excellent Torchlight Parade and Skating Party, and was thrilled to witness the Olympic Torch Run.

Councilor Tony Bentley reported that he attended on the meetings assigned and found the Recreation Workshop very interesting and felt that the Kentville trails are very lucky. He added that the UNSM conference was also enlightening and enjoyed the sessions and meeting new people. The Remembrance Day events, the Torchlight Parade and Party and Olympic Torch Run were all excellent events.

Councilor Bernie Cooper reported that he attended all meetings and the UNSM. This past week at a Police Commission meeting, Inspector Reade was sworn in, the Board is also considering an alarm's bylaw. Lastly, he noted that the night disturbances in downtown Kentville are being well handled by the police force.

Deputy Mayor Bill Boyd reported that he attended all meetings, the UNSM conference, the Torchlight Parade and the Olympic Torch Run. The meeting with Minister Jennex was very encouraging.

**(o) Mayor's Report**

Mayor Corkum submitted a list of the number of meetings and events he had attended over the last

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month:.

He is very honoured to have been elected at the Chairman of the Towns Caucus. He also felt that the Remembrance Day events were very well done, along with the Torchlight Parade and Skating Party.

He added his congratulations to Inspector Reade and thanked the staff for doing such an excellent job for the Open House, and further noted that he attended a meeting with the Premier and the reception today from Minister Jennex was excellent.

**CORRESPONDENCE**

(a) none

**NEW BUSINESS**

**(a) NS Transportation and Infrastructure Renewal – Resolution for Pedestrian Crosswalk.**

Director Greg Kehoe reported that Council approved a 3-year program in the Capital Budget of 2009-2010 for items such as crosswalk signs/controllers and other related projects. He added that discussions with the Department of Transportation and Infrastructure Renewal regarding a recommendations from the task force on crosswalk safety, have resulted in an agreement of 50/50 funding for new brighter and larger LED lenses in current RA-5 push button crosswalk systems. This would affect 22 crosswalks, with funding and work spread over 3 years.

CAO Robicheau noted that this is a request to pre-approve the agreement, which will be implemented following the next meeting of CAC.

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

**that Council approves an agreement for a 50/50 cost sharing agreement with the Province of Nova Scotia, Department of Transportation and Infrastructure Renewal (TIR) to replace the existing overhead amber beacons on 22 push button pedestrian crosswalks, located on highways, and former cost shared roads.**

**MOTION CARRIED**

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**(b) Recommendation to Re-appoint Consulting Engineers**

Director Greg Kehoe noted that as part of the appointment process for the Consulting Engineers, the award is subject to reappointment in years two and three, provided Council is satisfied with performance.

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

**that Hiltz and Seamone be reappointed for year two of the three-year contract for Engineering Consultant Services for 10.75%, plus HST of the actual cost of construction (excluding HST).**

**MOTION CARRIED**

**(c) December Council Meeting**

A report from the Town Clerk noted that a Policy currently in effect addresses vacation and Christmas breaks in the regular council schedule, however, with the recent change of meeting times for CAC and Council, it would appear that if Council wishes to allow for a Christmas break this year, that the Council meeting for December 28<sup>th</sup> be cancelled.

She further suggested that the Policy be amended to reflect these changes in the future.

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

**that the amended policy (attached) be adopted, as a replacement for *Policy Statement G-45 – Cancellation of Regular Council and Council Advisory Committee Meetings.***

**MOTION CARRIED**

**PUBLIC COMMENTS**

none

**ADJOURNMENT**

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

**that the regular meeting of Town Council adjourns at 8:50 p.m. to go In Camera**

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**MOTION CARRIED**

**IN CAMERA**

- (a) Land Negotiations  
(Ratification of Purchase and  
Sale Agreement)**
- (b) Personnel (Maternity and  
Parental Leave Policy)**
- (c) Negotiations**

**COUNCIL MEETING RESUMES**

It was moved by Deputy Mayor Bill Boyd and  
seconded by Councilor Eric Bolland

**that the In Camera meeting be adjourned  
and that the regular meeting of Council  
resumes at 10:05 p.m.**

**MOTION CARRIED**

**(a) Purchase and Sale Agreement**

It was moved by Deputy Mayor Bill Boyd and  
seconded by Councilor Eric Bolland

**that Council ratifies the Purchase and Sale  
Agreement with Capstan Management  
Limited**

**MOTION CARRIED**

**(b) Maternity and Parental Leave Policy**

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

**that the newly drafted Maternity and  
Parental Leave Policy be approved by  
Council for the 15 week top up for maternity  
benefits.**

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

**that the matter be referred and discussed in  
further detail at the next meeting of Council  
Advisory Committee**

**MOTION CARRIED**

**ADJOURNMENT**

moved to adjourn the meeting at 10:25 p.m.