

APPROVED – September 28, 2009

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# KENTVILLE TOWN COUNCIL

## MINUTES

### September 9, 2009

**PRESENT**

Mayor David Corkum, Deputy Mayor Bernie Cooper (arrived at 7:07 p.m.), Councilor Mark Pearl, Councilor Eric Bolland, Councilor Tony Bentley, Councilor Nola Folker-Hill, Councilor Bill Boyd, CAO Keith Robicheau, Town Solicitor Peter Muttart 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 Robicheau reported that all Council members were in attendance.

**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.*

**APPROVAL OF THE AGENDA**

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

**that the agenda be approved with  
the addition of:  
8 (a) Kentville Liquor Store Location**

**MOTION CARRIED**

**APPROVAL OF THE MINUTES**

**(a) July 15, 2009**

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

**that the Minutes of this meeting be approved  
as circulated**

**MOTION CARRIED**

**(b) August 31, 2009 – Public Hearing – Brison  
Developments**

It was moved by Councilor Nola Folker-Hill and seconded Councilor Bill Boyd

**that the Minutes of this meeting be approved as**

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**circulated**

**MOTION CARRIED**

**(c) August 31, 2009 – Special Council Meeting**

It was moved by Councilor Nola Folker-Hill and seconded by Councilor Tony Bentley

**that the Minutes of this meeting be approved as circulated.**

**MOTION CARRIED**

**BUSINESS ARISING FROM THE MINUTES**

**(i) Second Reading – Chapter 80 – Sanitary Sewer Bylaw**

Town Clerk Carol Harmes reported that First Reading was given by Council to approve this bylaw at its regular meeting on July 15<sup>th</sup>, 2009. At this same time, amendments were made to *Schedule A – Spills/Cost Recovery Charges*, and *Schedule B, Charges*, in order that these amendments could be incorporated into the document known as Chapter 80 – Sanitary Sewer Charges Bylaw.

Public notices for a proposed Second Reading to adopt this bylaw on September 9<sup>th</sup>, were placed in the local paper on August 4, 11, 18 and 25<sup>th</sup>, 2009 and no opposition has been received regarding this document.

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

**that Second Reading be given to adopt Chapter 80 – Sanitary Sewer Charges Bylaw and that a Notice of Passing be advertised in the local paper.**

**MOTION CARRIED**

**(ii) Second Reading – Chapter 7 – Officials, Officers, Employees and Their Duties Bylaw**

Town Clerk Carol Harmes reported that First Reading to rescind this bylaw was given by Council on July 15<sup>th</sup>, 2009, following which a notice was placed in the local newspaper advising of the proposed Second Reading at the September meeting of Council.

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There was no public feedback regarding this bylaw, and therefore, it was moved by Councilor Bill Boyd and seconded by Councilor Tony Bentley

**that Second Reading be given to rescind Chapter 7 – Officials, Officers, Employees and Their Duties Bylaw and that a Notice of Passing be advertised in the local paper.**

**MOTION CARRIED**

**(iii) Second Reading – Chapter 8 – Public Meetings Bylaw**

Town Clerk Carol Harmes reported that First Reading to rescind this bylaw was given by Council on July 15<sup>th</sup>, 2009, following which a notice was placed in the local newspaper advising of the proposed Second Reading at the September meeting of Council.

As there was no opposition received on this issue, it was moved by Councilor Bill Boyd and seconded by Councilor Nola Folker-Hill

**that Second Reading be given to rescind Chapter 8, Public Meetings Bylaw and that a Notice of Passing be advertised in the local paper.**

**MOTION CARRIED**

**(iv) Second Reading – LUB/MPS – St. Joseph’s Church**

Director Bev Gentleman noted that an application regarding St. Joseph’s Catholic Church was presented, in which a rezoning was requested which would allow for proper zoning of this property. The church itself is a non-conforming use and sits within a residential zone. She also noted that future land use is designated residential, which limits development or expansion of the church on this property.

First Reading was given to these amendments at the July 15, 2009 meeting of Council and a Public Hearing was held at 7:00 p.m. on September 8<sup>th</sup>. Although some members of the public turned out at this Public Hearing, many of the concerns expressed dealt with

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rumour and speculation and did not pertain to the actual changes being proposed at this time.

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

**that Council approves Second Reading for a Concurrent Municipal Planning Strategy and Land Use Bylaw amendment for PID #'s 55257190, 55480321, 55265045, and 552650521 located on the south side of Belcher Street**

**and further, as this amendment will change the Future Land Use Designation from Residential to Institutional,**

**that a concurrent amendment be made to rezone the properties from Residential Two Unit (R-2) to Institutional;**

**and further,**

**to amend policy Z-25 of the Municipal Planning Strategy to include the word “Institutional” after the word “commercial” in the third paragraph**

### MOTION CARRIED

#### Points from Discussion

- This issue relates to the zoning of the land only, not for an application for any future use of this property.
- The negotiations for the land-swap issue are still underway but do not relate to this application for rezoning.
- The land-swap is currently being handled by the solicitor.
- The construction of a food bank facility on this piece of land would need to be addressed through its own application process specifically for that use.
- The proper zoning for this property would allow for the church to rebuild on this site, should that be necessary (i.e. fire damage).
- At the present time, the bylaws would not allow for the church to be rebuilt and a rezoning process would need to be undertaken to allow for this.

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**(v) Second Reading – LUB – Rodger Cameron Development – Chester Avenue**

Bev Gentleman, the Director of Planning and Development reiterated that Rodger Cameron is proposing to rezone a portion of property on the east side of Chester Avenue from Residential Future (RF) to Residential Two Family Unit (R2). Although First Reading was given to these amendments on July 15, 2009, a Public Hearing was held on September 8, 2009.

During the course of this hearing, it was noted that there exists some inconsistencies regarding setback requirements, etc. and as a result, the proposal may require additional work and information from the applicant.

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

**that Second Reading be tabled until the October Council meeting.**

**MOTION CARRIED**

**REPORTS AND  
RECOMMENDATIONS**

**(a) Council Advisory Committee**

**(i) Library Site and Funding**

Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, Frances Schagen, Chairperson for the Friends of the Library, presented a comprehensive report to Council which contained, among other information, architectural designs for the new Kentville Library and the costs associated with its construction. This presentation had been based on the site location, being the county-owned property near the Cornwallis River.

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

**that the Town supports the location selected by the Friends of the Library as the construction site for their new building, and further, supports their fund-raising efforts to finance this building.**

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**MOTION CARRIED**

**(ii) Changes in Meeting Times for CAC and Council**  
Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, it was noted that should CAC and Council meetings both be held on Monday, this would allow time on the weekend for Council members to prepare for these meetings, and would further allow for more up-to-date reporting from some of the senior staff members.

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

**that, when possible, future Council Advisory Committee meetings begin at 1:00 p.m. on the second Monday of each month and regular meetings of Council be held at 7:00 p.m. on the last Monday of each month**

**MOTION CARRIED**

It was further noted that a current bylaw relating to meeting times exists (*Chapter 4 – Town Council Bylaw*) and that this document is redundant, as the MGA (Part 1, Section 19) now allows for the scheduling of meetings to be done by policy. In addition, the information contained in Chapter 4 is now contrary to the meeting times approved above.

Therefore, it was moved by Councilor Nola Folker-Hill and seconded by Councilor Bill Boyd

**that First Reading be given to rescind Chapter 4 – Town Council Bylaw.**

**MOTION CARRIED**

*(Note: A policy statement will be brought forward to address these meeting times, should they be acceptable, following the trial period.)*

**(iii) CAC Meeting Start Times**

Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, it was noted

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that the earlier start time for CAC meetings at 3:30 p.m. had been successful, as this had allowed for lengthy agendas and for staff to report to Council during their regular work day. It was further proposed that a trial period of three to six months be undertaken to evaluate the effectiveness of a 1:00 p.m. start time for future CAC meetings.

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

**that the meeting start time for Council Advisory Committee begin at 1:00 p.m. on a trial basis.**

**MOTION CARRIED**

A tentative schedule was prepared for the new times and dates, on which it was noted that there is a conflict with the Thanksgiving holiday Monday.

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

**that the October 12<sup>th</sup> meeting of CAC be held at 1:00 p.m. on Tuesday, October 13<sup>th</sup>, instead.**

**MOTION CARRIED**

**(iv) TBR Capital Programs - \$1,046,400**

Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, Director Debra Crowell reported that a Temporary Borrowing Resolution in the amount of \$1,046,400 for various items is being requested, so as to temporarily finance capital infrastructure construction.

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

**that Council authorizes the Temporary Borrowing Resolution, known as TBR 09/10-01 in the amount of \$1,046,400.**

**MOTION CARRIED**

**(v) Debenture Funding TBR Various - \$958,300**

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Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, Director Debra Crowell reported that debenture funds will be issued and accordingly, Council must approve the Temporary Borrowing Resolutions for these, which total \$958,300.

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

**that TBR 08/09-01 for various items, in the amount of \$958,300 be approved for Debenture Issuance.**

**MOTION CARRIED**

**(vi) Chapter 81 – Fees for the Provision of Tax Information Bylaw to CAC**

Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, Director Crowell reported that in an attempt to find potential revenue sources for the Town, she proposed that a user fee be applied for the provision of property tax information and property tax billing information. She noted that these fees would be charged to those lawyers, real estate firms and financial institutions doing property searches, and not to those residents seeking this information about their own property.

She added that significant fees could be realized and that the collection of these fees could be implemented through Aliant, by charges billed through the callers' phone system. Minus Aliant's charges for this program, the balance would be paid to the Town. She further noted that this automated service would reduce staff time in dealing with such requests.

Therefore, it was moved by Councilor Bill Boyd and seconded by Councilor Tony Bentley

**that the issue of implementing a bylaw for fees for the provision of tax information be discussed at the next meeting of Council Advisory Committee.**

**MOTION CARRIED**

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**(vii) Lions' Club Lease**

Councilor Nola Folker-Hill reported that at a recent meeting of Council Advisory Committee, CAO Robicheau presented a draft lease prepared by the Town's solicitors, which was based on a 5 year term, with the option to renew for an additional 5 years. Along with clauses to make it "cost-neutral" and to protect the Town's assets, issues such as exterior upgrades, insurance and the payment of taxes were also addressed.

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

**that Council authorizes the execution of the Lions' Club lease, with the inclusion of a schedule of items.**

**MOTION CARRIED**

Points from Discussion

- The Lions Club have agreed to begin some upgrades this fall. (window replacements, painting and general repairs)
- River Street is not the best location for this club.
- If there is a need to relocate in the future, perhaps the Town can assist the Lion's with the move.

**(a) Finance**

**(i) Director's Report**

Director Crowell did not submit a written report as a full report was presented at CAC. CAO Robicheau added that a brochure will be distributed to the public on the financial picture of the Town.

*(Note: A report was received following this meeting, and has been distributed to Council under separate cover to become part of these minutes.)*

**(b) Planning and Development**

**(i) Director's Reports**

Director Gentleman reported that 16 permits were issued during July and August for a value of \$1,849,500, bringing the year value to \$7,327,064. She added that under the ICSP, a Community Sustainability Survey will be used to prepare a Phase 2 report. Two

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sustainability education and research assistants (funded through the NS Youth Conservation Corps and partnered with Kings RDA and Kings Transit) gathered data throughout the summer and this will be incorporated in a draft ICSP report which is due on September 30 at SMRNS. The final report is due next March. Other ICSP updates include a renewable energy and sustainability event which will be part of the Kentville Farmer's Market on September 30<sup>th</sup>, along with an Environmental History of Kentville. Lastly, the director gave an update on some rezoning applications and on a number of meetings which she attended.

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

**that the report from the Planning and Development Director be received.**

**MOTION CARRIED**

**(ii) Committee Report**

Councilor Mark Pearl had nothing further to report.

**(c) Fire**

**(i) Chief's Report**

Fire Chief Shawn Ripley reported that there were 258 kilometers traveled to respond to 18 alarms in Kentville and 1532 kilometers travelled for 29 alarms in the county. Also, 374 kilometers were travelled to respond to 4 mutual aid calls. As usual, the nature of these calls was varied.

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

**that the Fire Chief's Report be received.**

**MOTION CARRIED**

**(ii) Governance Committee Report**

Councilor Bill Boyd added that there has been no meeting since the last Council meeting and that the next meeting will take place on September 29<sup>th</sup>. He added that there has been a delay in hiring a full time chief and a full report is being requested by the County

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prior to their decision on this matter.

**(e) Parks and Recreation**

**(i) Director's Report**

Director Mark Phillips reported that all the capital work has been completed at the arena and an Open House was held earlier this evening. The pool closed at the end of August and a committee is being formed to address the short and long term use and maintenance of this facility. The Oakdene Soccer Field is completed with the help of 3 organizations, costing \$90,000 total. A Ribbon Cutting ceremony and recognition for this support will be arranged shortly.

He further noted that the National Trails Coalition Grant provided \$20,000 towards this year's capital works projects; registration at camps and other programs has remained low this year; and with the new school, ongoing communication continues on the progress, with ground breaking expected in October. Lastly he reported that a solar thermal project has been proposed for the arena and more will follow on that project.

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

**that the report from the director of Parks and Recreation be received.**

**MOTION CARRIED**

Points from Discussion

- The flowers around Town have brought lots of positive comments.
- At a recent meeting, many of the attendees referred to the new school as KCA.
- The arena dressing rooms are very impressive.

**(ii) Committee Report**

Councilor Nola Folker-Hill reported that the next meeting will be next Thursday, September 17th.

**(f) Police**

**(i) Chief's Report**

Police Chief Mark Mander did not submit a written report, as he had presented one at CAC recently.

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**Police Board Report**

Deputy Mayor Bernie Cooper reported that the next meeting will be the October 1<sup>st</sup>.

**(g) Transportation Services**

**(i) Director's Report**

Director Greg Kehoe reported that street maintenance continues by Public Works staff and that the capital projects have seen some paving, a new sidewalk constructed, replacement of water and sewer on School Street, and water line completions.

With the Regional Sewer System, the budgets have been established and technical work continues to improve the performance of the lagoon. The next meeting will be at 10 am on September 10<sup>th</sup>. With the Kentville Futures Site, much of the clean-up work has been done and a meeting has taken place with Irving Oil to discuss remediation and associated costs.

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

**that the report from the Director of  
Transportation Services be received.**

**MOTION CARRIED**

**(iii) Committee Report**

Councilor Bill Boyd reported that the next meeting is scheduled for September 15<sup>th</sup>.

**(h) Water Commission**

**(i) Directors Report**

Director Greg Kehoe reported that the Water Commission met on June 9<sup>th</sup> and passed the 2009-10 Capital and Operating Budget, and further, directed a water rate review. He added that regular monitoring and maintenance continues on the water system.

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

**that the report from the Water Commission**

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**be received.**

**MOTION CARRIED**

Points from Discussion

- A water rate study will take months to complete and realistically, if all goes well, it might be approved by next spring.
- Staff person, Nancy Lewis should be acknowledged for all her hard work with the consultants.

**(ii) Commission Report**

Mayor David Corkum had nothing further to add.

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

**Representative's Report**

Councilor Mark Pearl reported that a late report was received from this organization, and noted that the 2008-2009 draft capital budget has been approved by all partners and consolidated statements have been reviewed and approved by the Authority. There was a well attended open house at the western centre over the summer, and a strategy session is being prepared for the fall. Lastly, he added that the Working Group continues to establish policies for financial governance, and that further work continues on other administrative issues.

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

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

**MOTION CARRIED**

**(j) Kings Regional Development Authority**

**(i) Representative's Report**

Councilor Mark Pearl reported that there has been no meeting during the summer, however, a report is expected in October.

Jennifer Weisner added that the Kings RDA has been awarded one of the 2009 marketing awards through the Economic Development Association of Canada, and that it pertains to the website component on the winery

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and attraction program.

**(k) Kentville Community  
Development Committee**

**(i) Report**

It was noted that a meeting is scheduled for September 22<sup>nd</sup>.

**(l) Kings Transit Authority  
(i) Representative's Report**

Councilor Mark Pearl reported that unfortunately, the Kings Transit will not be able to access the Community Access Fund. He added that a survey was conducted by NSYCC students with residents of Port Williams, Centreville and Canning from which respondents indicated a low interest in bussing to their areas. In addition to this, a public meeting will be held on September 14, at which citizens can give feedback on extending the bus service to these outer areas. Lastly, he noted that 2 tenders have been issued for passenger busses and that these should be in service in 2 to 8 weeks.

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

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

**MOTION CARRIED**

Points from Discussion

- It is unfortunate the Kings Transit is unable to move forward in obtaining new facilities for their operation, as the County has asked for another study to be done (i.e. multi-use facility)

**(m) Environmental Advisory Committee**

Councilor Eric Bolland had nothing to report.

**(n) Councilor's Report**

Councilor Bill Boyd reported that he and Councilor Bentley hosted the staff barbecue this afternoon which was well attended. As Chairperson of the KPSC, he is concerned about the lack of meetings being held, especially as this has delayed those projects which are ready to move forward. It appears that one issue has

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become a stumbling block for all others on the KPSC agenda.

Councilor Nola Folker-Hill reported that she enjoyed the summer break and was disappointed that she arrived too late for the staff barbecue.

Councilor Mark Pearl attended the barbecue and enjoyed the event. He also reported that he and Deputy Mayor Cooper attended a Police Board conference in Cape Breton during which concerns regarding tazers were addressed. The author of the federal report on tazers was in attendance. Another item of interest was policing costs, as these reflect 25% of the Town's expenses. It appears that this is the norm with other units, with some municipalities across the country even exceeding 30%.

Councilor Eric Bolland reported that the barbecue today was very good. An Alternative Energy Fair is being planned for September 24<sup>th</sup> – Action Day on Climate Change, and lastly, that Bridgewater is planning to adopt a No Idling bylaw.

Councilor Tony Bentley enjoyed the barbecue and advised that he will be having an operation on his knee next Wednesday.

Deputy Mayor Bernie Cooper reported that he had a busy summer with meetings, conferences and filling in for the Mayor when needed.

**(o) Mayor's Report**

Mayor Corkum reiterated several items on the attached report, noting that the UNSM Conference is in Halifax in November and that this should be an excellent opportunity. He also noted that a special project with NS Power will result in savings to retrofit the arena, as Kentville has been selected for this project which will cost NSPC about \$70,000.

He added that the old Edge Lounge building is being renovated and expects that this renovated structure will be a great addition to the Town. In addition, he noted that Irving Oil is prepared to settle with the Town regarding costs for some remediation, and lastly, that the staff barbecue was very well done.

**(p) Chief Administrative Officer's Report**

CAO Robicheau reiterated some aspects of his attached report:

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Highlights from Report

- The “for sale sign” has gone up on the Kentville Futures Site and some developers will submit their expressions of interest. The profile and disclosure document which had been prepared by Dr. Vigerstad will be a valuable selling tool for this property.
- NS Power Thermal Power Community Project will be formally announced some time soon, and this technology should be a great addition to the arena.
- With the Annapolis Valley Regional Industrial Park, meetings continue regarding expansion of the park. He felt that a strategy session should be held with Council about this during the September 28<sup>th</sup> meeting of CAC.
- On September 23, there will be a meeting at the Fire Hall for a discussion on the KPSC issue of the educational funding formula.
- He noted that he just completed his 1 year anniversary as CAO in Kentville.

Points from Discussion

- Perhaps the meeting on September 23 at the Fire Hall could also include a presentation on the business case report on Kings Transit.
- The issue of education must not be given a back seat to other issues, as education is very important.
- Perhaps 2 separate meetings on the same date would appear more in order.

*(Note: The CAO will try to coordinate a presentation of the Kings Transit Business Case on September 23<sup>rd</sup>.)*

**CORRESPONDENCE**

**(a) NS Health Promotion and Protection**

A letter was received from Dr. Robert Strang, the Chief Public Health Officer for the Province, who congratulated the Town in restricting smoking at outdoor recreation venues.

**NEW BUSINESS**

**(a) Kentville Liquor Store Location**

Councilor Eric Bolland noted that an RFP was advertised for the Kentville Liquor store, with a closing

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date of September 17<sup>th</sup>. He felt that a letter of support should be sent to endorse maintaining the liquor store in Kentville.

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

**that a letter of support be sent to maintain the NS Liquor Commission in the Town of Kentville.**

**MOTION CARRIED**

**PUBLIC COMMENTS**

none

**ADJOURNMENT**

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

**that the regular meeting of Town Council adjourns at 8:47 p.m.**

**MOTION CARRIED**