

APPROVED BY COUNCIL – October 25, 2010

KENTVILLE TOWN COUNCIL

MINUTES

September 27, 2010

PRESENT

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

MEETING CALLED TO ORDER AND ROLL CALL

Mayor David Corkum called the meeting to order at 7:03 p.m. and CAO Robicheau reported that all Council members were in attendance, except for Deputy Mayor Bill Boyd

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

that Council approve the absenteeism of Deputy Mayor Bill Boyd from this meeting.

MOTION CARRIED

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:

5 (a) Chapel Hill

8 (b) Request of Council

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

(a) August 30, 2010

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

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that the minutes of August 30 , 2010 be approved as circulated.

MOTION CARRIED

(b) September 1, 2010

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

that the minutes of September 1, 2010 be approved as circulated.

MOTION CARRIED

(c) September 13, 2010

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

that the minutes of September 13, 2010 be approved as circulated.

MOTION CARRIED

BUSINESS ARISING FROM THE MINUTES/OLD BUSINESS

(a) Chapel Hill

CAO Robicheau reported that he understood from the Development Officer Frank MacFarlane that the Chapel Hill status appears to be accurate in the NS Address File.

REPORTS AND RECOMMENDATIONS

(a) Council Advisory Committee

(i) Policy Statement G57-Committees of Council

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Town Clerk Carol Harmes gave an update on the restructuring process of the Town's committees, commissions and boards. She noted that Council approved a motion in April of 2010 to eliminate specific committees which were believed to be ineffective and unnecessary.

To define this structural change more specifically, a policy was created, and it is now being presented for adoption.

Therefore, it was moved by Councilor Bernie Cooper

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and seconded by Councilor Mark Pearl

that *Policy Statement G57- Committees of Council* be adopted.

MOTION CARRIED

(ii) Chapter 31 – Kentville Parks and Recreation Advisory Committee Bylaw (First Reading)

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Town Clerk Carol Harmes reported that this particular bylaw is another which is very out-of-date. Some of the sections refer to operational procedures which are no longer the responsibility of a committee, while other areas are redundant, especially in light of the adoption of the policy on Committees of Council.

The solicitor commented that the document appears to have pre-dated a time when an actual department existed, and both he and the Director of Parks and Recreation concurred that it has little value today.

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

that First Reading be given to rescind Chapter 31 Kentville Parks and Recreation Advisory Committee Bylaw.

MOTION CARRIED

(iii) Chapter 6 (A) Committees and Boards Bylaw (First Reading)

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Town Clerk Carol Harmes reported that this particular bylaw is very much out-of-date with references to non-existing committees and procedures which are currently not practiced. Further, with the adoption of *Policy Statement 57 – Committees of Council*, this bylaw would be redundant.

She added that the solicitor concurs that the bylaw should be repealed and it was moved by Councilor

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Bernie Cooper and seconded by Councilor Tony Bentley

**that First Reading be given to rescind
Chapter 6(A) Committees and Boards Bylaw.**

MOTION CARRIED

(iv) Debenture Funding – Fall 2010

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Crowell reported that debenture funds will be issued this fall, as the Town requires funding for several Temporary Borrowing Resolutions. She noted that these TBRs total \$224,200 and has prepared the appropriate pre-approval resolutions for proper execution.

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

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

Various	TBR09/10-01	\$39,200
Streets	TBR95/96-01	\$68,800
Streets	TBR95/96-02	\$58,100
Park St. Paving	TBR 97/98-03	\$58,100

MOTION CARRIED

(v) TBRs – Various, Water, Sanitary Sewer

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Crowell reported that Temporary Borrowing Resolutions were currently being brought forward for various capital programs (Town, Water and Sanitary Sewer). She noted that these TBRs would fund various infrastructure construction projects for 2010-2011, and has prepared the appropriate resolutions for execution.

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

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that these Temporary Borrowing Resolutions be approved as follows:

TBR10/11-01 Various Purposes \$1,496,900

TBR10/11-02 Water \$85,000

TBR10/11-03 Sanitary Sewer \$150,000

MOTION CARRIED

**(vi) Request for Tax Reduction
(Beaton)**

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Crowell reported that under the authority of *Policy G37-Tax Reduction – MGA (Section 69A)*, Council has the capacity to relieve a property owner of a portion of the property tax due, on land that has become unusable because of a fire, storm or flood. She added that the property at 79 River Street, (AAN 00229946) owned by Bruce Beaton, was damaged by a fire in December 2009 and the owner is now applying for a reduction in property taxes.

However, in order to process this request, the Building Inspector must confirm that the building is unusable due to fire, and then Property Valuation Services Corporation must provide a new valuation of the property. Director Crowell recommended that Mr. Beaton's request be pursued, and therefore, it was moved by Councilor Eric Bolland and seconded by Councilor Tony Bentley

that the requirements outlined in *Policy G37-Tax Reduction – MGA (Section 69A)* be applied to the property at 79 River Street (AAN00229946), currently owned by Bruce Beaton.

MOTION CARRIED

Points from Discussion

- There would be no charge to the Town for a building inspection on this property or for the evaluation from NS Property Valuation Corporation.
- Some neighbouring property owners are concerned about whether or not the building will be demolished or reconstructed.

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

that staff send a letter to the property owner of 79 River Street to determine if the property will be rebuilt or demolished.

MOTION CARRIED

(vii) Audit Services Quotation

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Crowell reported that the agreement for audit services between Grant Thornton LLP and the Town has expired, and that Council must now engage an external auditor for the next 3 year term.

She added that past experience has shown that when Requests for Proposals (RFPs) have been sought, very few qualified firms have applied, and during the last RFP release, only the incumbent responded. Therefore, she asked Grant Thornton, LLP to provide a quotation for the next three years, with the intention of saving the costs associated with this tendering process.

However, as the cost in providing audit services to the Town by this firm has increased by approximately 40%, Council felt that it would be prudent of them to ask staff to prepare RFPs for the service.

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

that the Director of Finance prepares Requests for Proposals for the provision of auditing services to the Town of Kentville.

MOTION CARRIED

(viii) Investment Advisory Committee – Appointment

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, it was noted that a vacancy has existed on the Investment Advisory Committee for some time, due to the change in residence of a former member. As

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Council appoints individuals to this committee based on the specific expertise and experience that they can bring to investment decisions on the Town's Perpetual Fund, it prefers that candidates be recommended by IAC members.

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

that Brian Smith be offered a position on the Investment Advisory Committee to fill the current vacancy.

MOTION CARRIED

(ix) Belcher Street Expansion

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Bev Gentleman reported that as the *Municipal Government Act* provides authority to Council to expand a street, she has prepared a recommendation regarding Belcher Street, in which Parcel TK-3, (a 373.7 square foot parcel of land) is added for expansion.

Following review of this issue, it was moved by Councilor Bernie Cooper and seconded by Councilor Mark Pearl

that Parcel TK-3 be added to Belcher Street, as shown on the Plan of Subdivision by Cyr Surveys Limited, Plan # S-1-2010-073-2.

MOTION CARRIED

(x) Webster Court Expansion

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, Director Bev Gentleman reported that the new street which provides access from Webster Court to Justice Way does not meet the required 50 foot right-of-way for a legal street. She added that adjacent property owner, Stephen Healy Investments Limited, has agreed to a land-swap of sorts, which would see the Town being given a 5 foot strip of land to complete the requirement for a legal street, in exchange for allowing Stephen Healy Investments the use of a 10 foot

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easement owned by the Town.

Director Gentleman endorsed this expansion to Webster Court and recommended Council's formal acceptance of the street, as per *Section XII of the Municipal Government Act*.

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

**that Parcel A be added to Lot 1, Town of Kentville, Webster Court, in exchange for the release of the 15 foot easement on the Stephen S. Healy Investments Limited property, as shown on a plan of subdivision prepared by Cyr Survey, Plan # S-1-2010-108 and further,
that Council accepts the expansion of Webster Court.**

MOTION CARRIED

**(xi) Kentville Futures' Site –
Marketing**

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, a discussion took place regarding the marketing of the remaining property at the Kentville Futures Site. It was noted that although a Site Condition Report and current survey plans of these properties are now available, no serious offers of purchase have been received. It, therefore, appeared that a more aggressive marketing approach might be necessary.

Council was adamant, however, that any contract with a commercial broker must be specific regarding the services provided and the costs to the Town for these services; and further, that the Town's vision for this development must be maintained; and that proposals received, would be approved by Council.

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

that a commercial brokerage firm be engaged to sell those portions of land that

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remain unsold as part of the Kentville Future Site, and that the final sale of these lands be approved by Council.

MOTION CARRIED

(xii) Smoking in Public Places Bylaw

Councilor Nola Folker-Hill reported that at the September 13, 2010 meeting of Council Advisory Committee, a discussion took place regarding public exposure to second-hand tobacco smoke in outdoor spaces, and the unsightliness of scattered cigarette butts on the streets and sidewalks of Town.

Current provincial legislation has banned smoking in indoor public places, and outdoors within four meters from any door, window or other opening to a public building. The Town of Kentville has also adopted a bylaw restricting smoking in outdoor recreational facilities. However, in spite of these laws, some individuals continue to smoke on the sidewalks and around the doorsteps and windowsills of some buildings in the downtown, with no regard for this four meter restriction, or for the litter that they create.

Council felt that if a bylaw prohibited smoking in Town in any public place (thereby restricting this activity to private spaces only) than there would be no doubt as to where individuals are allowed to smoke, or where they could not.

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

that a bylaw be created to prohibit smoking in all public places in the Town of Kentville

An amendment was proposed by Councilor Eric Bolland and seconded by Councilor Mark Pearl

that a bylaw be created to prohibit smoking in all public places in the Town of Kentville and that an educational and signage program be undertaken in conjunction with the adoption of this bylaw.

AMENDMENT CARRIED

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Points from Discussion

- A bylaw for non-smoking on the Town's Recreation Facilities exists and it might be possible to amend this bylaw to incorporate other areas.
- A penalty will be imposed on those offenders.
- It is important to have signage erected and made highly visible.
- Although all efforts will be made to erect signage and conduct education for the public, this will be done in a timely fashion, subject to budgetary allocations.
- This bylaw would apply to all town-owned property (i.e. sidewalks, alleyways, etc.).
- If this motion is passed, all other bylaws relating to smoking could be rescinded.
- The definition of "public places," in the MGA includes outdoor parking areas (i.e. private driveways owned by commercial enterprises are public places).
- If no definition is included in the proposed bylaw, then by default, "public places" would refer to that definition in the MGA.
- Council must be aware that a number of businesses around town provide a driveway where employees smoke and the elimination of these areas would be a problem.

(b) Fire

(i) Chief's report

Fire Chief Shawn Ripley reported that for the month of July, there were 19 calls in Kentville for a distance travelled of 243 kilometers; 17 calls in the County for a distance travelled of 716 kilometers; and 3 mutual aid calls, for a distance travelled of 150 kilometers. These call-outs ranged in scope from house fires and burning garbage, to medical assists, fuel spills, gas smells, MVAs and floods.

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

that the report from the Fire Chief be received.

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MOTION CARRIED

(ii) Fire Governance Report

Councilor Bernie Cooper reported that a meeting was held, however, there was nothing to report.

(c) Valley Waste – Resource Management Authority

Councilor Mark Pearl noted that there was no report available, due to postponement of the regular meeting, however, at the upcoming Wednesday, September 29th meeting, there will be a working session on LEEDS certification as it relates to the new office structure being built. Anyone interested in hearing that report can join the meeting

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
(a) Representative's Report**

Jennifer Weisner reported that Kings RDA is now incorporated under the Regional Development Authority's Act and this has been approved. The new strategic plan (2010-2015) has also been approved and will be posted on the website. Village Commission meetings are being scheduled and the strategic plan will be presented to them.

She added that her role at the agency is to facilitate strategic planning sessions and for the next year, 25 sessions have been scheduled. These involve the County of Kings and other agencies, Grand Pre Nominations, and the Berwick and Area Economic Advisory Committee.

Lastly, Jennifer noted that it is time for the mid-year reviews and copies of these reports and the presentations for them, can be expected in the near future.

It was moved by Councilor Mark and seconded by

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Councilor Bernie Cooper

that the verbal report from Kings RDA be accepted.

MOTION CARRIED

(d) Kentville Community Development Committee

(i) Report

Mayor David Corkum reported that there was a meeting on September 20, and another is scheduled for October. He added that lots of great things have been happening in the Town over the last many months (i.e. Street Fest, an upcoming Business Expo in November, co-op advertising ventures, etc.); the businesses are working well together; and the advertising of these initiatives has been excellent.

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

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

MOTION CARRIED

Points from Discussion

- The current publication, *Kentville – Yours to Discover*, is an excellent promotional tool and is great work by Recreation Staff.

(e) Kings Transit Authority

(i) Representative's Report

Councilor Mark Pearl stated that:

- Kings Transit has moved to the old Bonnyman Pontiac building in New Minas and renovations continue.
- ridership is up by 2%, however, revenue has decreased by 1% for the month.
- Councilor Tony Bentley attended a meeting for him recently, which he appreciated.
- Some current projects involve a transit study with East Hants and a governance study with service

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partners. This may result in additional seats on the board in the future.

- The U-pass is available and other types of institutions have been identified for specific passes.

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

that the report from Kings Transit Authority be received.

MOTION CARRIED

(Councilor Tony Bentley explained some of the costs associated with the renovations of the building and some unexpected maintenance to one of the buses. However, he noted that over the long term, the vehicle maintenance which will be done in-house, will see a good savings for this organization.)

(m) Environmental Advisory Committee

Councilor Eric Bolland reported that the EAC met last week and an update was given on the energy audit's recommendations, as well as the NSP Solar Project at the arena (which was not successful); a date will be set in October for the KCA Green Team's clean-up of the Town; a discussion took place regarding lawn care alternatives to pesticides; the trail paving project west of KCA was discussed, as was the need for a strategy session to determine an action plan and the bike lane study. He added that a new member, Brian Smith, has been added to the EAC.

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

that the report from the Environmental Advisory Committee be received.

MOTION CARRIED

(n) Councilors' Report

Councilor Tony Bentley reported that he attended the Regional Library meeting and that there appears to be some major problems with the heating/cooler system in the current building. Members are hoping that there may be space in the Industrial Park for new premises.

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He also attended the Terry Fox Run; attended the KCDC meeting; an Environmental Meeting, and another meeting with Bob Hainstock with the Friends of the Library.

Councilor Nola Folker-Hill reported that she attended all meetings, along with the NS Police Boards Association conference at Pictou Lodge, which were good sessions.

Councilor Mark Pearl reported that there was nothing further to report.

Councilor Eric Bolland reported that he attended all meetings, a geo-caching session and UNSM Sustainability meetings.

Councilor Bernie Cooper reported that he attended all meetings, along with those for the NS Police Board. He added that Nola Folker-Hill was appointed to the board.

Deputy Mayor Bill Boyd (absent from meeting)

(o) Mayor's Report

From Mayor Corkum's written report, he added that he has had a busy month, with several meetings (budget, Special Council, Water Commission, KCDC, UNSM Board, Superior Propane representatives, MLA Jim Morton, Valley Health AGM, etc.). In addition, he attended a number of social events on behalf of the Town – birthday and anniversaries, golf tournaments, fund-raisers, the premiere of "Call me Fitz", the Goat Milking Competition at Sheffield Mills' Harvest Fair and a walk-a-thon. He also attended two funerals.

In addition, he plans to attend an executive round table meeting tomorrow with UNSM board members and some provincial cabinet ministers. He also mentioned that the 2nd anniversary for K-Rock was a great event, and lastly, that the Triple A Midget Team should be supported by everyone in Town.

CORRESPONDENCE

(a) Kings Historical Society

CAO Robicheau noted a letter was received from this organization thanking the Town for the annual grant of \$5,000.

Points from Discussion

- This is a cheque to offset taxes. The Society pays its taxes and then the Town writes the cheque to offset the amount.

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- The Kings Historical Society employs professional fund-raisers.

(b) Kings Para-Transit Society

A letter was received from this organization, thanking the Town for its support in the past, and attaching a copy of the 2009-2010 Financial Statements.

It was noted that the amount paid this year is an increase over what was given last year.

NEW BUSINESS

(a) FCM – Halifax (Room Reservations)

Councilor Mark Pearl expressed concern about the FCM Conference next Spring, which will be held in Halifax. As there will be a reduction in costs associated with the conference due to its location, it is likely that more councilors will attend than in past years. This might necessitate booking rooms earlier than usual.

It was agreed that the dates of the conference would be determined and everyone would let the administrative office know if they are attending.

(b) Requests to Council

Councilor Mark Pearl reported that the recent news about Digby Mayor James Thurber was very disturbing, and he felt that the Town should make a gesture of concern by sending a fruit basket or something of the like, along with a card.

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

that a fruit basket be sent to Warden James Thurber of the County of Digby, as a gesture of concern for his recent injury.

MOTION CARRIED.

PUBLIC COMMENTS

none

ADJOURNMENT

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

that the meeting adjourns at 8:23 p.m. to go “In Camera” to discuss the PANS agreement

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and Land Negotiations.

MOTION CARRIED

IN CAMERA

- (a) PANS Agreement**
- (b) Land Negotiations – Superior Propane**