

APPROVED MARCH 26TH, 2018

KENTVILLE TOWN COUNCIL

MINUTES

February 26th, 2018

PRESENT

Mayor Sandra Snow, Councillor Eric Bolland, Councillor Cate Savage, Councillor John Andrew, Councillor Craig Gerrard, Deputy Mayor Lynn Pulsifer, Councillor Cathy Maxwell, CAO Mark Phillips, and Solicitor Geoff Muttart.

CALL TO ORDER AND ROLL CALL

Mayor Sandra Snow called the meeting to order at 7:00 p.m., and CAO Phillips reported that all Council members were in attendance along with Town Solicitor Geoff Muttart, Recording Secretary Patricia Gourley and himself, CAO.

APPROVAL OF THE AGENDA

It was moved by Councillor Cate Savage and seconded by Deputy Mayor Lynn Pulsifer

that the agenda of February 26th, 2018 be approved with the addition of:

10. (a) IN CAMERA – Personnel

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

PRESENTATIONS

(a) Canadian Mental Health Association – Smoking Cessation Program follow up – Emma van Rooyen

Emma provided an update to the Smoking Cessation Project. Some highlights from this update included:

- The project purpose was to address disproportionate levels of tobacco use for persons living with chronic mental illness by addressing individual, organizational and systemic levels of stigma and marginalization;
- The clinical session lasted fourteen weeks and included five participants;
- One person successfully quit and three others significantly reduced their smoking.

Clients Tony Legere and Clair LeFort addressed Council and presented their own personal struggles of overcome their smoking addiction.

Presentation attached

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APPROVAL OF THE MINUTES

(a) Kentville Town Council Minutes – January 29th, 2018

It was moved by Councillor Eric Bolland and seconded by Councillor Cathy Maxwell

that the Council Minutes of January 29th, 2018 be approved

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

BUSINESS ARISING FROM THE MINUTES/ UNFINISHED BUSINESS

(a) Trails By-Law –Second Reading

CAO Mark Phillips read the proposed recommendation for the Second Reading of Chapter 57 – Trail Use By-law.

Therefore, it was moved by Councillor Cate Savage and seconded by Councillor Cathy Maxwell

that the second reading of the Trail Use By-Law be approved

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

RECOMMENDATION TO COUNCIL

RECOMMENDATIONS AND REPORTS

(a) Council Advisory Committee – Councillor Craig Gerrard

(1) Kentville Bridge Naming

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Council Mayor Sandra Snow had reported that:

- At the November 29th, 2015 Council Meeting a motion was carried to name the replacement bridge, under new business agenda item 5 New Kentville Bridge (Cornwallis River);
- The November 29th, 2015 motion was inconsistent with the *G67 Recognition of Community Contributions Policy*. It failed to consider that the bridge is not owned by the Town of Kentville and approval for use of the name was not obtained from the family as stated in para 3b of the policy.

Therefore, it was moved by Councillor Craig Gerrard and seconded by Deputy Mayor Lynn Pulsifer

that the November 29th, 2015 motion be rescinded

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And further

Submit the following for discussion:

- a. if the bridge is not to be named, as the bridge is not a Town of Kentville real property it shall remain designated as per Provincial policy; or
- b. if the bridge is to be named that the **G67 Recognition of Community Contribution Policy** be followed, and permission to name the bridge is solicited from the province and the family.

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

Points from Discussion:

- Infrastructure should not be named after people unless a payment for naming rights is paid on that structure.
- This bridge is a provincial bridge and not ours to name.
- Council should support the public's opinion of those in favour of naming the bridge.
- Naming the bridge structure after an early settler is a reflection on a Town's heritage and history. It provides us with important connections to our past.
- Perhaps we need to look at our Town through more cultural and heritage lenses.
- It is important to respect the heritage though it would be difficult to select any one individual to name the bridge after.

(2) Non-Smoking Bylaw Amendments

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Council and the Solicitor reviewed Kentville's Smoke Free Public Places Bylaw, and the Nova Scotia Smoke Free Places Act. As a result of this discussion and previous discussions of Council, Council Advisory Committee, the Police Commission and the Solicitor, the following recommendation represented current points of view and was forwarded to Council for their approval:

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Cathy Maxwell

**RECOMMENDATION TO
COUNCIL**

that the Town of Kentville By-Law Chapter 84 "Smoke Free Public Places be repealed and amended as attached

MOTION DEFEATED

*Councillors who voted in favour of this motion:
Andrew & Maxwell*

Councillors who voted against this motion:
Bolland, Gerrard, Pulsifer & Savage

Report attached

A lengthy discussion ensued.

Points from Discussion:

- Council needs to respect the rights of smokers and provide a designated smoking area (DSA). The DSA areas are easily identified, generally respected and non-smokers can avoid them.
- The trial for the designated smoking area was successful.
- We need to pull back from updating the current non-smoking bylaw and use the Provincial Smoke Free Places Act for enforcement purposes.
- With the upcoming legalization of cannabis and with the proposed amendments to the smoking bylaw there may be too many areas available for smokers to use.
- The Town's Chapter 84-Smoke Free Public Places was created to improve the existing Provincial Smoke Free Places Act.
- Putting in place updated and improved bylaws that will improve and protect the general welfare of our citizens is an ongoing concern of Council.

Solicitor Muttart noted at this time that under: *Definitions: (b)* the word *marijuana* be changed to *cannabis* and in section (d) delete the sentence: *[OPTIONAL: and without limiting the foregoing, includes Harvest Festival, (others???)].*

(3) Recreation for All Policy

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Julia Stephenson Active Living Community Coordinator read her report to Council. She noted that this policy details the means used to increase fair and equitable access to recreation and parks programs, services and facilities delivered by the Town of Kentville Parks and Recreation.

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Cathy Maxwell

**RECOMMENDATION TO
COUNCIL**

that Council support the spirit of this policy, with more concrete language to emerge after the Needs Assessment

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**is complete, and after the completion of the Recreation
Master Plan**

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(4) Robinson Building Update

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, CEDC Lindsay Young stated that an appraisal of the Robinson Building, located at 374/376 Main Street in Kentville, had been completed in January 2018. Lindsay stated that:

- Deeming the land surplus and adding it to the inventory of available property for development in downtown will leave a myriad of opportunities open for redevelopment;
- If Council were to deem this property surplus, staff would initiate the process of advertising the lands and develop a request for proposal process.

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Eric Bolland

**RECOMMENDATION TO
COUNCIL**

**that Town Council deem the Robinson Property at
374/376 Main Street, Kentville as surplus**

And further

**minus the land to be excluded to be added to Church
Avenue**

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(5) Sundry Write-Off

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Director Debra Crowell reported that there is a need to write off a sundry receivable account in the amount of \$274.55. Director Crowell stated that this account has been outstanding since January 2017 and that write offs are a housekeeping matter.

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**RECOMMENDATION TO
COUNCIL**

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Cate Savage
that the sundry receivable account in the amount of \$274.55 be approved for write off

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(6) Support Boxer at Nationals

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, CAO Mark Phillips presented the funding request received from Bryan Gibson of the Evangeline Trail Boxing Club. A request for \$1500.00 was asked and supported with a completed funding application. The funds will be used to help sponsor a competitor from the Club to travel to Edmonton to participate at the National Boxing Championship being held from March 27th to April 01st, 2018.

Therefore, it was moved by Councillor Craig Gerrard seconded by Councillor Eric Bolland

**RECOMMENDATION TO
COUNCIL**

that the Town of Kentville provide funding in the amount of \$1500.00 to help support a boxer from the Evangeline Trail Boxing Club to attend the National Boxing Championship in Edmonton

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(7) Approve Temporary Borrowing Resolution for Refinancing Kentville Water Utility

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Director Debra Crowell had stated that in May 2003 the Kentville Water Utility took a twenty year (20) debenture as the major source of financing for Phase 3 of the utility's well-field development. In May 2018, the debenture's initial fifteen (15) year term will expire. The Water Utility debenture must be refinanced for another five (5) year term.

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Cate Savage

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**RECOMMENDATION TO
COUNCIL**

**that the temporary borrowing resolution TBR 02/03-4
Water Purposes (Refinancing) in the amount of \$152,500
be authorized**

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(8) Withdrawal from Town Capital Reserves

Councillor Craig Gerrard reported that at the February 12th, 2018 meeting of Council Advisory Committee, Director Crowell stated that the 2017/2018 capital budget provides for partial funding of capital acquisitions from the Town's Capital Reserve fund. Several projects require a resolution of Council to withdraw funds:

Therefore, it was moved by Councillor Craig Gerrard and seconded by Councillor Cate Savage

**that the resolution be approved for withdrawal of
\$537,549.00**

from the following reserves:

- i. Town of Kentville Capital Reserve – General Allocation - \$424,174.58**
- ii. Town of Kentville Capital Reserve – Kentville Futures - \$3,914.92**
- iii. Town of Kentville Capital Reserve Recreation - \$109,459.50**

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Report attached

(b) Councillors Report:

1. Councillor Andrew

Some of the highlights from Councillor John Andrew's report were:

- At the Joint Fire Services meeting it was noted that charges have been laid from the North River Road fire.
- The Kentville Fire Department has a rate payers meeting scheduled for February 28th.

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- Eight applications have been received for the position of General Manager for Kings Transit Authority.

2. Councillor Savage

Some of the highlights from Councillor Cate Savage's report were:

- At the in house sewer meeting the proposed capital budget and the projected partner contributions were discussed.
- The IAC Committee brought back a revised Investment Policy that better reflects "current" language and suggested some additions that included but not limited to "US Investments and Covered Call".
- The Governance Check IN meeting discussed any and all issues around governance and how we govern effectively as a council.

3. Councillor Bolland

Some of the highlights from Councillor Eric Bolland's report were:

- Participated in a Tele-conference meeting dealing with RENS and Regional Centers, police issues and the legalization of cannabis.
- At the Valley Waste Management a second review of the budget was rejected based on pension, wage issues and about the reserve fund not being considered.
- Attended the first meeting of Eco Kings Action Team. This team is seeking endorsement from the Mayor's Group to assist with future regional projects.

4. Councillor Maxwell

Some of the highlights from Councillor Cathy Maxwell's report were:

- At the latest meeting of the Annapolis Valley Trail, upcoming projects had been determined for the upcoming year.
- The Census Lunch and Learn discussed the Census results for the Town and the implication that could have for programming on our Town.
- The Planning Committee met to discuss and review the new MPS document.

5. Deputy Mayor Pulsifer

Some of the highlights from Deputy Mayor Lynn Pulsifer's report were:

- Attended the monthly meeting for Councillors, Mayor and CAO.

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- At the board meeting of the AVRL a discussion took place on advocacy of libraries to obtain more funding through Public Relations and Marketing. Confirmation was received from NS Communities, Culture and Heritage that the provinces library boards will receive a one-time grant of \$474,000. Each Regional Library Board will receive \$52,677 by March 31st, 2018.
- Attended a meeting of the Kentville Historical Society with over thirty (30) people in attendance.

6. Councillor Gerrard

Some of the highlights from Councillor Craig Gerrard's report were:

- Attended the Valley Waste Regional Management proposed budget meeting and noted a much divided board on this budget.
- The MPS draft will soon be available for the public to review and residents are encouraged to become involved and take part by asking questions.

ACTION

CAO Mark Phillips noted at this time that the Kings Transit Report and the Valley Waste Management Minutes reports will be placed back on the Council Agenda.

(c) Mayors Report:

Mayor Snow's reported to Council and some of the highlights from her report were:

- Attended the Municipal Modernization Workshop with CAOs, Mayors, Wardens and Village Commissars.
- The Regional Urbans Meeting was held in Bridgewater. Based on the Don Hills data, the eleven (11) urban centers mayors met to discuss the development of regional economic strategies for each of the economic hubs centered on our community.
- Attended a meeting with the NS Health Authority and four King's County Mayors on a Municipal Conversation Follow up Meeting.
- Met with Jason Clark at the Kingstec Campus to further discussions on Kentville as a college town.
- Attended a UNSM, AMA and DMA co-sponsored Municipal Modernization Workshop.
- Attended the Kentville Area Primary Care Planning and Visioning Session along with over twenty (20) local doctors, residents, health care professionals and NS Health Authority staff from the local area.

Therefore, it was moved by Councillor Eric Bolland and seconded

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by Councillor John Andrew

RECOMMENDATION TO COUNCIL

that the reports from Council and Mayor be accepted as presented

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Full reports are attached as well as each councillor's and Mayor's financial statements.

CORRESPONDENCE

(a) Mr. Cyril White- Smoking Bylaw- February 19th , 2018

CAO Mark Phillips read the letter received from Cyril White noting Mr. White's concerns regarding the proposed changes to Chapter 84-Smoke Free Public Places By-Law.

(b) Canadian Firefighters Memorial – Brian Kingsbury – February 14th, 2018

CAO Mark Phillips read the letter received from Al Kingsbury. Mr. Kingsbury noted that his son's name Brian Kingsbury will be added to the Canadian Firefighters Memorial in Ottawa this year. More information regarding this memorial is available at:

www.canada.ca/en/canadian-heritage/services/art-monuments/monuments/canadian-fighters.html

(c) Mr. Risk and Ms. Willette- Plan for doctor recruitment – February 21,2018

CAO Phillips read the letter received from Jack Risk and Chris Willette noting their concerns with the ongoing doctor shortage in our province.

(d) MLA John Lohr – Smoke Free Public Places – February 21,2018

CAO Mark Phillips read the letter received from MLA Lohr which expressed his concerns regarding the proposed changes to Chapter 84-Smoke Free Public Places By-Law.

All correspondence is attached

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NEW BUSINESS

(a) CAO Performance Evaluation – Councillor Maxwell

At this time Mayor Snow cautioned the author of this report as it contained statements that called into question the professionalism and abilities of three members of this assembly.

Councillor Cathy Maxwell read her report regarding the CAO Performance Evaluation Process.

Therefore ,it was moved by Councillor Cathy Maxwell and seconded by - NONE

that a special council meeting be called to discuss and ratify: the CAO evaluation process , makeup of the Committee to handle the compilation of evaluation information, determine how feedback will be discussed, how one of a kind comments will be handled, and who will chair the performance evaluation conversation

MOTION DEFEATED

Councillor Cathy Maxwell made a public statement at this time and noted that:

- This evaluation process was something we should look at as a Council.
- I would like to inform the public that I will not take part in the CAO evaluation process at it presently exists.
- It has not been ratified by council and it has uncertainly hanging over the evaluation committee and the directors are not involved in the process as the handbook indicates they should be.
- I will speak to CAO Phillips with my comments for his evaluation at a later date.

Mayor Sandra Snow spoke at this time.

Some highlights were :

- This evaluation process has not ratified by council as it is an administration process performed by the Administration and Finance Committee. This committee then brings their proposed report back to Council with a recommendation.
- A National Tool Kit has been identified by the governing body of the Canadian Association of Municipal Administrators.
- The evaluation has been sent out to each member of Council for their personal evaluation and the results will be pulled together by a committee in an excel spreadsheet and then presented to Council.
- The CAO works for the Mayor and Council and personnel evaluations are private and confidential, not governance or

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public domain.

- A Chief Administrative Office Performance Evaluation Tool Kit was introduced to this Council on the May 8th, 2017 CAC Meeting under item 10 (a) In Camera - Personnel.
- On May 5th, 2017 information on the CAO evaluation process was uploaded to the Legislative webpage with a request to Council for their input as this would be the process that was going to be used to evaluate the CAO by the Finance and Admin. Committee.
- On August 31st, 2017 Council was notified that there had been no input received since the initial request was asked that May.
- In February of 2018, having receiving no information for the CAO evaluation, the current evaluation package was sent to Councillors for their input.
- Councillors have received the Chief Administrative Office Performance Evaluation Tool Kit to complete by March 02nd 2018.
- It was also noted Department Heads were asked to complete the evaluation.

At this time Councillor Maxwell stated that she would take part in the CAO's evaluation process.

PUBLIC COMMENTS

None

It was moved by Deputy Mayor Lynn Pulsifer and seconded by Councillor John Andrew

that Council recess from the regular meeting of Council to a CLOSED session at 9:20p.m. to discuss - Personnel

MOTION CARRIED

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

Only Council, CAO and Solicitor Muttart remained in Chambers at this time.

IN CAMERA

(a) Personnel

It was moved by Councillor Eric Bolland and seconded by Deputy Mayor Lynn Pulsifer

that Council retire from CLOSED session at 9:45 p.m. and return to the regular meeting of Council

MOTION CARRIED

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*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*

ADJOURNMENT

As there was no further business to discuss, it was moved by Councillor John Andrew and seconded by Councillor Eric Bolland

that the Council meeting adjourn

MOTION CARRIED
Adjourned at 9:46 p.m.

*Councillors who voted in favour of this motion:
Andrew, Bolland, Gerrard, Maxwell, Pulsifer & Savage*