

# KENTVILLE TOWN COUNCIL

## MINUTES

**April 29, 2013**

**PRESENT**

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

**MEETING CALLED TO ORDER AND ROLL CALL**

Mayor Corkum called the meeting to order at 7:02 p.m. and CAO Phillips reported that all members of Council were present, along with the Town Solicitor, the Town Clerk and himself.

**APPROVAL OF THE AGENDA**

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

**that the agenda be approved as circulated**

**MOTION CARRIED**

**NOTE**

*“Points from Discussion” below show various comments made by individual councilors during debate. They do not necessarily represent the opinion of the group, nor do they always reflect accurate information.*

**PRESENTATIONS**

**(a) Princess Kentville Introduction and Presentation from Reid Jewellers**

Gillian Yorke of the Kentville Parks and Recreation Department accompanied this year's Princess Kentville, Lydia Ritcey to the meeting. Lydia thanked the Town and the representative from Reid's Jewellers for their support of her during the recent Princess Kentville Tea. She added that she is looking forward to the year ahead and in representing the Town at Valley events.

Mayor Corkum thanked Dave Reid's Jewellers for the work they do each year, and the contribution they make towards many of the special events hosted by the Town. He added that he is also looking forward to the year ahead and in working with Lydia as she represents Kentville.

**(b) Shawn Fletcher (Canaan Avenue)**

Mr. Fletcher wished to address Council regarding the use of

the neighbouring property on Canaan Avenue where he lives. He felt that the display of folk art paintings has become an “eyesore” to the street, and therefore, wanted to bring this situation to the attention of Council, who appear to be attempting to find ways that would allow Mr. Ramsay (the artist) to display his work on the property where he lives.

He expressed his concerns about the number of items on display for sale at any one time, the number of promotional signs Mr. Ramsay erects and the number of days he sells his paintings.

Mr. Fletcher felt that the enjoyment of his home, the rental of some properties he owns and the potential sale of his property are being jeopardized. He has tried to compromise with Mr. Ramsay on behalf of the other neighbours as well, however, has met with resistance and a lack of cooperation.

Mayor Corkum stated that although the Town has been trying to support Mr. Ramsay in his endeavours, Council does recognize that his sales affect others in the area. The current Land Use Bylaw (relating to businesses in a residential area) and a Vending Bylaw are both being reviewed to determine how this use applies.

## **APPROVAL OF THE MINUTES**

### **(a) Minutes – March 18, 2013**

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

**that the Minutes of March 18, 2013 be approved as circulated.**

**MOTION CARRIED**

### **(b) Minutes –April 8, 2013**

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

**that the Minutes of the Special Meeting of Council, held on April 8, 2013, be approved as circulated.**

**MOTION CARRIED**

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

### **(a) REN3 – Status of Municipal Support of DOC**

CAO Phillips gave an update on the status of the partnership support of the Declaration of Cooperation, noting that

- Annapolis Royal (has not shown support REN). The County of Annapolis (suspending discussion on REN

until their own 2050 plan is considered); Bridgetown and Middleton are on the fence; the Kings County units have supported the REN, or have done so in principle; Hantsport and Windsor have signed; and West Hants had not indicated support.

- UNSM has contracted a person to coordinate the REN agendas in the different areas, and that person has suggested that this REN meets for further discussion. Two dates have been proposed for this meeting and there is hope that those units not interested at this time, will come to meeting.
- The Province has sent out some templates and models for consideration.
- There may be an opportunity during the Spring Conference of UNSM in Yarmouth to discuss this partnership.

#### Points from Discussion

- The current situation at the RDA is unknown, although rumour has it that some previous staff continue to work on projects on a volunteer basis.
- Cris Shirritt reported that through the Chamber of Commerce, two individuals have assumed a role of assisting with some RDA issues, although specific details could be obtained through Judy Rafuse.

## **REPORTS AND RECOMMENDATIONS**

### **(a) Council Advisory Committee**

#### **(1) Parking Study (3 Hour Parking)**

Deputy Mayor Mark Pearl noted that at the April 8, 2013 meeting of Council Advisory Committee, a report from Fred Whynot, the Town's Traffic Authority, was referenced. In this he noted that as part of the parking review process, the need for longer-term parking for customers in the downtown area was identified, as some services detain their customers in excess of the current 2 hour parking requirements.

Following the examination of various options, it was proposed that the current 2 hour parking spaces in the downtown will be changed to 3 hours, upon the approval of the Minister of Transportation. Section 152 of the Motor Vehicle Act would need to be changed, and appropriate publication will be required

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Tony Bentley

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**that direction be given to the Traffic Authority to request approval of 3 hour parking spaces within the Town of Kentville from the Minister of Transportation, and to publish any approval in the Royal Gazette and twice in the local newspaper.**

Following some discussion and agreement that further input is required, it was moved by Councilor Eric Bolland and seconded by Councilor Tony Bentley

**that this issue be tabled until more study is done on other options and that a report be brought to Council in September.**

**MOTION CARRIED**

Points from Discussion

- The survey results did not indicate that a 3 hour parking change would rectify the issue of parking issues in Kentville.
- There were other good recommendations that would have a more positive impact on the parking problem.
- There appeared to be a concern that some businesses required longer term parking for their clients, and this could be re-introduced again.
- 2-hour vs. 3-hour parking does not resolve the issue of the abuse of parking. Assigned parking for merchants and their staff is necessary and the 3-hour parking spots do not address the problem, but would make it more convenient for the employees of the businesses.
- More work is required with this issue and perhaps the motion should be tabled until further investigation is done and more input from KDCL is received.

**(2) Withdrawal Capital Reserve – Recreation**

Deputy Mayor Mark Pearl noted that at the April 8, 2013 meeting of Council Advisory Committee, Director Deb Crowell reported that additional invoices in the amount of \$9,801.79 have been received that relate to the new soccer field, and these should be funded.

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

**that a withdrawal in the amount of \$9,801.79 be made from the Town's Capital Reserve Recreation (Soccer Field) fund, to partially finance construction for the year ended March 31, 2013.**

**MOTION CARRIED**

**(3) Tax Exemption – Section 69 – MGA**

Deputy Mayor Mark Pearl noted that at the April 8, 2013 meeting of Council Advisory Committee, Director Crowell reported that each year the Town provides a partial tax exemption to individual property owners who meet certain requirements as defined in Section 69 of the MGA. She provided an analysis of the exemptions over the years and noted that applications will be sent to those individuals who have received an exemption in the previous year. She added that notices will be placed in the local paper.

Therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Tony Bentley

**that Low Income Tax Exemptions be made for 2013-14 in the amount of \$200, with an income ceiling of \$24,728, and a deadline for applications being June 28, 2013.**

**MOTION CARRIED**

**(4) Debenture Funding – Spring 2013**

Deputy Mayor Mark Pearl noted that at the April 8, 2013 meeting of Council Advisory Committee, Director Crowell noted that debenture funds will be issued this spring, and that the Town requires debenture funding in the amount of \$620,200 for various purposes, as per TBR12/13-1.

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

**that Council approves the attached resolution for Pre-approval of Debenture Issuance, for various purposes, in the amount of \$620,200.**

**MOTION CARRIED**

**(5) CPI Salary Increases**

Deputy Mayor Mark Pearl noted that at the April 8, 2013 meeting of Council Advisory Committee, Director Crowell noted that historically the Town provides for a CPI increase for non-bargaining staff, based on the average CPI for the Province, for the period March the prior year, to February of the current year, as posted by Statistics Canada. This year, the average cost of living is 1.7% and accordingly, as per the

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Town's Personnel and Policy Manual, she recommended that consideration be made for a salary increase in that amount.

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

**that the cost of living increase be granted to non-bargaining employees, effective April 1, 2013, and that the rate applied to non-union employees' salary scales be based on the statistics, as per the policy, from March 2012 to February 2013, at the rate of 1.7%.**

**MOTION CARRIED**

Points from Discussion

- Although there is a large difference between the unionized and non-unionized CIP increases, unionized staff members pay the union dues which are not paid by other staff.

**(6) KVFD 2013-2014 Operating Budget**

Councilor Eric Bolland noted that at the April 8, 2013 meeting of Council Advisory Committee, CAO Phillips presented the Operating Budget for fire-fighting and noted that this budget is shared between the Town and the County of Kings.

He added that this \$631,600 budget reflects an overall reduction of 2.1% and that Kentville's share at \$218,000, reflects a reduction of 6.4%

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

**that the KVFD's Fire Fighting Operating Budget 2013-2014, in the amount of \$631,600, be approved.**

**MOTION CARRIED**

**(7) Policy G30 – Standards for Recording Secretaries**

Councilor Eric Bolland reported that at the April 8, 2013 meeting of Council Advisory Committee, Clerk Harmes noted that with the change in audio equipment used to record minutes of meetings and the references to functions relating to this equipment, changes are required to the Standard Operating Procedure. She identified those sections of the

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policy and recommended that these be deleted.

Therefore, it was moved by Councilor Tony Bentley and seconded by Councilor Bernie Cooper

**that Policy Statement G30-Standards for Recording Secretaries be amended, as proposed.**

**MOTION CARRIED**

**(8) Student Bursary Selection Committee (Council Appointee)**

Councilor Eric Bolland reported that at the April 8, 2013 meeting of Council Advisory Committee, Town Clerk Carol Harmes noted that work has begun on the Student Bursary Program and the winners will be announced during graduation. Each year, the Town of Kentville donates \$2,000 in bursaries to a Kentville student (or students), with disbursement of these funds made to one individual, or to as many as four.

She added that over the last many years, a Council representative has worked with the Selection Committee to provide guidance when necessary, and this appointment should be made at this time.

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

**that Councilor Tony Bentley be appointed as the Council liaison for the Selection Committee of the Student Bursary Program.**

**MOTION CARRIED**

**(9) Rescind Old Policies (G22, 17, 6)**

Councilor Eric Bolland noted that at the April 8, 2013 meeting of Council Advisory Committee, Town Clerk Harmes reported that with the policy and bylaw review process, 3 additional policies have been identified as having no relevance to the current operations of the Town. She has confirmed this assessment with the appropriate staff and recommended that these policies be repealed.

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

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**that Policy G22- Economic and Community Development, Policy 6 – Sale of Assets and Policy 17 – Tax Bills, be rescinded as proposed.**

**MOTION CARRIED**

**(10) Chapter 93 – Yard Sale Bylaw (First Reading)**

Councilor Eric Bolland noted that at the April 8, 2013 meeting of Council Advisory Committee, Director Bev Gentlemen reported that in some areas of Town, residents who are having yard sales, leave their sale articles on display for extended lengths of time, covering the items with a tarp during inclement weather. This practice has drawn complaints from area residents.

Therefore, staff has reviewed the Town's current Vending Bylaw, as it relates to yard sales and has determined that this document is a bit ambiguous in the area of yard sales. Further, the definition of a yard sale and its operation do not conform to other vending types of activities, and therefore, in consultation with the Town's solicitor, it was thought that a stand-alone bylaw should be created to address this specific issue. Subsequently, a draft bylaw (as attached) was prepared and presented for review.

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

**that First Reading be given to adopt Chapter 93 – Yard Sale Bylaw.**

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

**that the Yard Sale Bylaw be tabled until further work can be done and that it the document be brought back to CAC.**

**MOTION CARRIED**

**Points from Discussion**

- It is necessary to make individuals responsible for both the operation of a yard sale and the advertising of them.
- Signage left as litter after the yard sale, has become a problem, and to eliminate some of this, Facebook and other forms of social media could be used to promote the yard sale.



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- Some control on the removal of yard sale signs is needed. Enforcement of this can be done on Monday, following weekend yard sales.
- Currently, the use of property other than that of the owner is not permitted (i.e. church parking lots, school grounds, service stations, etc.). This restriction could be an obstacle for fund-raising groups.
- There should be fewer restrictions on what can be sold, as the items should not be for only surplus household articles as indicated in the draft bylaw.
- Perhaps the answer is to strictly limit the days that yard sales can be held.

CAO Phillips added that it might be prudent to have a discussion resulting from Shawn Fletcher's presentation earlier on the agenda.

- Staff feels that Mr. Ramsay's sales represent a home occupation and he does not conform to the requirements.
- To make exceptions to accommodate Mr. Ramsay would be nothing short of "people zoning" and this is a "slippery slope."
- Mr. Ramsay and his neighbours are currently prepared to accept 1 day a week for him to sell his paintings
- Council, not staff, creates policies and bylaws, and to defines their content.
- If a yard sale bylaw is approved, and 3 consecutive days a week is permitted, those same opportunities should be given to Mr. Ramsay, providing his items conform to those permitted.

**(b)Fire**

**(i) Department Report**

CAO Phillips noted that there is no report from the Fire Services, although statistics are being prepared for the Finance Department. The approval of its Operating Budget allows for the hiring of an administrative assistant and hopefully, with this position in place, more regular communication with the KVFD will result.

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

**that the report on the Fire Services be received.**

**MOTION CARRIED**

**(ii) Joint Fire Services Committee Report**

Councilor Bill Boyd had nothing further to report.

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

A copy of the April 2013 Management Minute reported that:

- The budget approval process continues.
- A surplus is anticipated and will be returned to the partners.
- Formal sessions for the orientation for Board members, are expected to be held in April or early May. Those interested should contact Ross Maybee or Deputy Mayor Mark Pearl.
- Polystyrene items can now be recycled successfully and more will follow on this in the future.
- Other issues addressed were the Regional Chairs Committee Activity Report, the handling of biomedical waste and the HRM beverage container proposal.
- A meeting was held on April 17<sup>th</sup>.
- Deputy Mayor Pearl presented some statistical information on the disbursement of waste.
- Compost will be given away again this year.
- Policies continue to be reviewed and/or created to guide staff and board members.

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

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

**MOTION CARRIED**

**(d) Kings Regional Development Agency Representative's Report**

As Kings Regional Development Agency is no longer in existence, there was no official report received. It was further noted that this agenda item should be removed in the future.

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

Deputy Mayor Mark Pearl reported that this operation is

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currently going through an administrative change, as the manger has left. The Board, under the leadership of Chairman Bishop, has assumed operational responsibilities during this transition, while other partnering municipal leaders and staff have helped where required during this time. A recommendation will be made on May 2 for the hiring of an interim manager.

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

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

**MOTION CARRIED**

**(h) Councilors' Report**

Councilor Tony Bentley – He attended Volunteer Night, and a meeting of SAC at KCA. Ten people, representing the Goosnargh and Whittingham Whitsuntide Festival, are coming from England as part of Apple Blossom Festival and some events are being planned for them during their stay.

One event will be the planting of an apple tree at KCA. He added a report on the AVRL's finances, noting that the Town's portion of their budget has remained the same (\$37,000) and that the upcoming budget has been proposed at over \$2 m; a new bookmobile is being purchased. The Kentville Library has reported some of the highest visitor's figures in the Valley and has increased 84% in 10 years. The need for a new library becomes more and more important.

Councilor Nola Folker-Hill – She attended all meetings however, missed one inadvertently; attended the Princess Tea and represented the Town on behalf of Mayor Corkum; and further noted, that she attended the Fire Area Rate Meeting.

Councilor Eric Bolland has been busy with work and with his personal life, so hasn't been able to attend all meetings. He did attend the opening ceremonies and gave a welcome on behalf of the Mayor at the Provincial Ladies Hockey tournament, attended a parents meeting for KCA, an EAC meeting, Eco-Kings Meeting, budget meetings, participated in the Rotary Club clean-up (27 bags of trash). He attended the Chamber of Commerce breakfast (presentation on Muskrat Falls - Maritime Link project) and left some written literature with Council members.

Councilor Bernie Cooper – He attended all meeting including the fire rate meeting, and will be speaking to the Hospital Auxiliary.

Councilor Bill Boyd – He is back from vacation, however, there is nothing to report.

Deputy Mayor Mark Pearl – He commended staff on a great job on the Kentville website, however, noted that some updates should be made to include emails for Town Council. Also, he asked if the Council website could be updated on a more regular basis.

**(i) Mayor's Report**

Mayor Corkum noted some events and meetings that he attended.

- Enjoyed the Volunteer Dinner on April 19<sup>th</sup>
- Rotary Community Development meeting and Rotary Past Presidents Dinner, two budget meetings, a meeting of the CAOs and CEOs (learned that Kentville is held in high esteem by other municipalities), and a meeting at the Family Resource Centre.
- With the budget meetings, long hours have been spent in preparing the information for Council, and Finance staff should be congratulated.

**CORRESPONDENCE**

**(a) Housing First**

CAO Phillips reported that an email today from Madonna Spinazola noted that a meeting will be held on May 14 and May 15<sup>th</sup> and that the posters advertising this event should be distributed around the communities. She added that a Council representative will be requested to sit on that committee.

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

**that the email be received and sent to CAC for further discussion.**

**MOTION CARRIED**

**NEW BUSINESS**

**(a) Public Meeting – KDCL Proposal (May 7<sup>th</sup> – 7:00 p.m.)**

CAO Phillips reported that he has reviewed the proposal submitted by KDCL's President, Bill Denyar, and although recognizes the need for financial support to attract, retain and expand business in Kentville's downtown, he felt that the funding model presented, should be changed to more fairly represent the residential, commercial and industrial assessment base for the Town.

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CAO Phillips reviewed his report, recommending that the Town supports the \$150,000 funding (\$130,000 plus a start-up costs of \$20,000) for the KDCL's 2013-14 Operating Budget, with the rate increases in residential, commercial and industrial tax rates as he has proposed. He added that an agreement between KDCL and the Town be created to include transfer payment schedules, terms of agreement, measurable outcomes, a staff selection process, out clauses and other clauses, as needed.

Lastly, he felt that a Public Meeting should be held on May 7<sup>th</sup> at 7:00 p.m. to present this issue to the tax payers, with the proposed percentage increases to the tax rates, and to receive feedback.

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

**that the report from CAO Phillips be received and discussed at the next CAC meeting.**

**MOTION CARRIED**

Points from Discussion

- The public meeting will be a collaborative event between the Town and KDCL.
- Participation will be requested from the audience.
- Residential tax-payers and the business community should be urged to attend, as the proposal affects both sectors.
- This funding will be for future years, as well.
- Self-funding (long term sustainability) should be required in the proposal, and there should be an exit strategy for the Town, so it can ease out of its financial commitment.
- Timing is a problem: Public meeting held on May 7<sup>th</sup>, a recommendation made to CAC on May 13, followed by further discussion and possible approval, as part of the budget process.
- Business-owners who live in Town, will pay both the residential portion and the business portion.

**PUBLIC COMMENTS**

**(a) Bill Denyar, President KDCL**

Mr. Denyar noted that much discussion has taken place and the support of CAO Phillips and Lindsay Young is much appreciated. The Board has discussed the report through e-mail, although not officially at a meeting. A special meeting

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will have to be set for KDCL members.

There are a few issues that need to be discussed:

- The commercial tax payers in Kentville subsidized the residents through their taxes.
- The funding mechanism needs to be discussed. Area rates vs. taxation.
- KDCL should be seen as at arms-length from the Town but this is difficult when the Town funds the operation.
- A practical and sustainable source of revenue is being presented with support from the residential community.
- Very few similar organizations are self-funded (i.e. membership fees), and this formula is a hybrid.

**(b) Dave Ritcey**

Mr. Ritcey was the citizen representative for the Town and interim treasurer of Kings RDA. As of March 31, this organization reported a surplus and this was as a result of good management by staff. However, there is grave concern amongst the business community that the movement to REN 3 may not materialize. With some changeover in CAO leadership in some communities, it might be necessary to apply political pressure to the other municipal units.

**ADJOURNMENT**

Mayor Corkum thanked Princess Kentville for coming to the meeting and staying until the end, and further thanked Frances Schagan for attending and showing support for the KDCL proposal.

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

**that the meeting adjourns at 9:21 p.m.**

**MOTION CARRIED**