



TOWN OF KENTVILLE COUNCIL MEETING

Meeting Minutes: March 27, 2023

Town Hall, 354 Main Street, Kentville Nova Scotia

This meeting was held in Town Hall and was livestreamed on Facebook. The meeting was posted to YouTube with closed captioning after the meeting.

1. CALL TO ORDER AND ROLL CALL

Mayor Sandra Snow called the meeting to order at 6:00 p.m. and that all members of Council were present: Mayor Sandra Snow, Councillor Craig Gerrard, Councillor Paula Huntley, Councillor Cathy Maxwell, Councillor Cate Savage and Councillor Gillian Yorke and Councillor Andrew Zebian.

Staff in attendance included Chief Administrative Officer Dan Troke, Solicitor Geoff Muttart, Recording Secretaries Jennifer West and Carla MacDonald.

REGRETS

None.

DECLARATIONS OF CONFLICT OF INTEREST

None.

2. APPROVAL OF THE AGENDA

- a. Approval of Agenda

Removed: 6.d Conference Expenses
Addition: 6.f Code of Conduct Breach

It was moved

That Council add item 6.f Code of Conduct to the agenda.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Savage, Snow and Yorke

Councillors who voted against this motion:

Maxwell and Zebian

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It was moved by Deputy Mayor Cate Savage and Councillor Gillian Yorke

That the amended agenda of March 27, 2023 be approved.

MOTION CARRIED

3. APPROVAL OF THE MINUTES

- a. Council meeting held on February 27, 2023

It was moved that the minutes of the Council meeting on February 27, 2023 be approved.

MOTION CARRIED

- b. Joint Council meeting held on March 7, 2023

Correction to "Regrets:", should read Councillor Andrew Zebian and Councillor Paula Huntley.

It was moved that the minutes of the Joint Council meeting on March 7, 2023 be approved as amended.

MOTION CARRIED

4. BUSINESS ARISING FROM THE MINUTES / OLD BUSINESS

- a. **Code of Conduct**

Deputy Mayor Savage took the chair.

Deputy Mayor Savage gave an outline of the code of conduct breach against Mayor Sandra Snow. Mayor Snow **did not give a statement stated she had nothing to say.**

Mayor Snow took the chair.

5. RECOMMENDATIONS AND REPORTS

- (a) **Council Advisory Committee Reports**

- (1) **Sanitary Sewer Depreciation Reserve**

At the March 13, 2023 meeting of Council Advisory Committee, CAO Troke presented a request from the finance department that \$20,952.56 be withdrawn from the Sanitary Sewer Depreciation Reserve to support necessary equipment for the Braeside and MacDonald subdivision repair work.

Report available

It was moved by Councillor Andrew Zebian and Deputy Mayor Cate Savage

That Council approve a withdrawal of \$20,952.56 from the Town of Kentville Sanitary Sewer Depreciation Reserve.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow, Yorke and Zebian

(2) Withdrawal from Capital Reserve

At the March 13, 2023 meeting of Council Advisory Committee, CAO Troke presented a request from the finance department that \$86,181.34 be withdrawn from the Capital Reserve to support necessary equipment for Recreation, Transportation and Economic Development.

Report available

It was moved by Councillor Andrew Zebian and Councillor Cathy Maxwell

That Council approve a withdrawal of \$86,181.34 from the Town of Kentville Capital Reserve – General Allocation.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow, Yorke and Zebian

(3) Blanket Withdrawal, Operating Reserve

At the March 13, 2023 meeting of Council Advisory Committee, CAO Troke presented a request from the finance department that Council pre-approve a blanket resolution for a possible withdrawal from the Town's Operating Reserve in the amount of any current operating deficit, should one occur at March 31, 2023.

Report available

It was moved by Councillor Andrew Zebian and Councillor Gillian Yorke

That Council approve a blanket resolution for a possible withdrawal from the Town of Kentville Operating Reserve in the amount of any current operating deficit, should one occur at March 31, 2023, after all year-end transactions are quantified. These funds would be transacted only if the town was facing a current operating deficit end-of-year.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow, Yorke and Zebian

(4) Kentville Business Community Funding Agreement

At the March 13, 2023 meeting of Council Advisory Committee, CAO Troke reviewed the updated KBC funding agreement and the changes presented in this new version. This document will provide stable and predictable funding for this organization.

Report available

Discussion:

- Some concerns raised about a three-year commitment to this agreement. CAO Troke reviewed the termination clause for future sitting Councils.
- Solicitor Muttart raised concerns about clarifying the motion.

It was moved by Councillor Andrew Zebian and Deputy Mayor Cate Savage

Councillor Andrew Zebian withdraws motion

Councillor Gillian Yorke moves the motion

It was moved by Councillor Gillian Yorke and Deputy Mayor Cate Savage

That Council approve the three-year Kentville Business Community funding agreement as detailed in the attached funding agreement

And further, annual funding amounts will be established at the meeting of Council.

Amendment

It was moved by Councillor Gillian Yorke and Councillor Paula Huntley

That Council approve the three-year Kentville Business Community as presented in the attached funding agreement.

Amendment

It was moved by Councillor Gillian Yorke and Councillor Paula Huntley

That Council approve the three-year Kentville Business Community funding agreement as presented in the attached funding agreement subject to approval at the operating budget.

Amendment defeated Unanimously

It was moved by Deputy Mayor Cate Savage and Councillor Gillian Yorke

That Council approve the three-year Kentville Business Community funding agreement as detailed in the attached funding agreement.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Savage, Snow and Yorke

Councillors who voted against this motion:

Maxwell and Zebian

(b) Councillors' and Mayor's Reports

Reports were received and are part of the meeting record.

(1) Councillor Craig Gerrard

Highlights included meetings of the Joint Council meeting regarding the regional recreational facility, and the Kentville Volunteer Fire Services budget meeting and rate payers meeting.

Report available for more information.

(2) Councillor Paula Huntley

Highlights included Diversity Kings, Federation of Canadian Municipalities regional meeting and rural caucus, Lions Club breakfast and Livable Cities meeting.

Report available for more information.

(3) Councillor Cathy Maxwell

Highlights included Inclusion and Access Committee and Kentville Volunteer Fire Department meeting.

Report available for more information.

(4) Deputy Mayor Cate Savage

Highlights included joint Council meeting on the Regional Recreation Facility, Investment Advisory Committee, regional sewer committee and meetings with developer Mitch Brison.

Report available for more information.

(5) Councillor Gillian Yorke

Highlights included meetings of the Board of Police Commissioners, and the Inclusion and Access Advisory Committee.

Report available for more information.

(6) Councillor Andrew Zebian

Highlights included meetings of the Kentville Volunteer Fire Department.

Report available for more information.

(c) CAO Update

CAO Dan Troke gave an update on financial items requested by Council, capital budget development, operating budget meetings, working on year end financials and the MacDougall Heights rezoning project. CAO Troke will investigate a possible meeting between the contracted Planner and Council to answer questions about the MacDougall Heights proposal.

(c) Mayor Sandra Snow

The mayor reported on her activities this month with highlights including the Valley Regional Enterprise Network, Intermunicipal Service Agreement interim board, regional meeting of urban mayors, and the joint council meeting.

Report available for more information.

6. NEW BUSINESS

a. Low Income Tax Exemption

Mayor Sandra Snow reviewed that every year, Town Council provides a partial tax exemption to property owners who meet certain financial criteria. Council reviews and approves this maximum exemption and income ceiling. The rates are income based and not dependent on age.

Report available for more information.

It was moved by Councillor Gillian Yorke and Councillor Paula Huntley

That Council approve the attached resolution for low income tax exemptions for 2023-2024

And further, that the tax exemption amount is set at \$290 to \$690

And further, that the income ceiling is set at \$30,118

And further, that the deadline for applications is set for June 30, 2023

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow, Yorke and Zebian

b. Regional Sewer Treatment Plant Community Update

Deputy Mayor Cate Savage gave an update on operations at the regional sewer facility, recent steps to improve plant performance and upcoming work scheduled for the spring and summer.

Report available for more information.

c. Valley Regional Enterprise Network Agreement Update

CAO Troke reviewed the proposed changes to the agreement for regional economic development services through the Valley REN, and the proposed changes to improve operations and member terms.

Report available for more information.

Discussion:

- Council requested an annual report presentation from the Valley REN.

It was moved by Councillor Paula Huntley and Councillor Gillian Yorke

That Council approve the proposed Valley Regional Enterprise Network Intermunicipal Service Agreement effective for April 1, 2023.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow, Yorke and Zebian

d. Request for Decision - Correspondence

Councillor Zebian reviewed the challenges for residents to provide letters and emails to Council for inclusion into the public record at a Council meeting or Council Advisory Committee meeting. This matter was brought to Council in September 2021 and early 2022 and will be covered by Policy Statement G70 Meetings Policy.

Report available for more information.

Discussion:

- Concerns about policy G64 which addresses public correspondence.
- Council requested a communication that addresses the best way for residents to reach out to Council.
- Council requested June 19 as a special meeting of CAC to discuss this policy.

e. Regrets for April Council Advisory Committee

Mayor Snow presented her report explaining that she would be absent from the April 11 2023 meeting of Council Advisory Committee.

Report available for more information.

f. Code of Conduct Breach – Zebian

Mayor Snow leaves the chair at 7:05pm. Deputy Mayor Cate Savage takes the chair.

Deputy Mayor Cate Savage read the code of conduct breach written by Mayor Sandra Snow. Councillor Zebian expressed his frustration in not receiving information about travel expenses.

Deputy Mayor Cate Savage asked for a pause in the meeting at 7:18pm to confer with the solicitor. The meeting resumed at 7:19pm.

Point of order called by Deputy Mayor Savage on Councillor Zebian around his language.

Report available for more information.

It was moved by Mayor Sandra Snow and Councillor Paula Huntley

That Council determine whether Councillor Zebian breached the Code of Conduct based on the details provided.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Savage, Snow and Yorke

Councillors who voted against this motion:

Maxwell and Zebian

Point of Order called by Councillor Cathy Maxwell on Deputy Mayor Savage about following the code of conduct policy.

Councillor Andrew Zebian announced that he would leave the meeting.

A recess was called at 7:31pm and the livestream was paused.

The meeting and the livestream resumed at 7:38pm.

It was moved by Councillor Cathy Maxwell and Councillor Gillian Yorke

That Council table discussion about sanctions to the next meeting of Council.

MOTION DEFEATED

Councillors who voted in favour of this motion:

Huntley and Savage

Councillors who voted against this motion:

Gerrard, Maxwell, Snow and Yorke

It was moved by Councillor Cathy Maxwell and Councillor Gillian Yorke

That Council move the discussion concerning the legal consultation that the Mayor had to an in camera session prior to discussing any sanctions.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow and Yorke

7. CORRESPONDENCE

- a. **None.**

8. PUBLIC COMMENTS

- a. **Sharon Kehoe**

Regarding the apology by Council to Councillor Zebian. She expressed concerns that the Mayor owes some Councillors apologies.

- b. **Dennis Kehoe**

Concerns about the Kelly Rice letter and the Code of Conduct ruling against the Mayor.

- c. **Marcia McNeil-Eyre**

Concerns about integrity and professionalism in Council. Concerns about spending on travel expenses instead of spending on more pressing concerns.

- d. **Mark Rogers**

Concerns about code of conduct against the Mayor and conduct of Councillors.

9. IN CAMERA – Legal, Personnel

It was moved by Mayor Sandra Snow and seconded by Councillor Paula Huntley

That Council move into a closed session at 8:10 pm to discuss legal and personnel matters.

MOTION CARRIED

Councillors who voted in favour of this motion:

Gerrard, Huntley, Maxwell, Savage, Snow and Yorke

It was moved by Mayor Sandra Snow and by Councillor Paula Huntley

That Council return to open session at 9:50 pm.

MOTION CARRIED

Councillors who voted in favour of this motion:

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Gerrard, Huntley, Maxwell, Savage, Snow, and Yorke

It was moved

That Council sanction Councillor Zebian as follows. Councillor Zebian is prohibited from all direct and indirect communication with CAO Troke in any manner, except for appropriate communication with CAO Troke in the following two circumstances:

(i) in CAO Troke's role as the Responsible Officer pursuant to Part 20 of the MGA (FOIPOP); and

(ii) at any meetings attended by CAO Troke at which Councillor Zebian is present which meetings pertain to a development application Councillor Zebian or a company controlled by him may have with the Town.

If Councillor Zebian wants information from the Town (other than information from the Planning Department related to a development application from Councillor Zebian or a company controlled by him), he shall direct his queries to the Deputy Mayor who will make inquiries of Town staff on behalf of Councillor Zebian and relay the staff response to Councillor Zebian.

This sanction shall have immediate effect and will continue until September 30th, 2023.

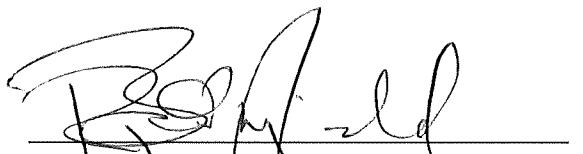
MOTION CARRIED

*Councillors who voted in favour of this motion:
Gerrard, Huntley, Maxwell, Savage, Snow and Yorke*

9. ADJOURNMENT

The March 27, 2023 meeting of Council adjourned at 9:55 p.m.

MOTION CARRIED



Approved by CAO and Clerk Dan Troke