

## **COMMITTEE OF THE WHOLE MEETING**

A Committee of the Whole Meeting was held Tuesday October 6, 2015 at 5:30pm in the Council Chambers of the Municipal Administrative Centre, 285 Beech Hill Road, Antigonish NS.

Present were:

- Warden Russell Boucher, Chair
- Deputy Warden Owen McCarron
- Councillor Mary MacLellan
- Councillor Pierre Boucher
- Councillor Angus Bowie
- Councillor Rémi Deveau
- Councillor Vaughan Chisholm
- Councillor Bill MacFarlane
- Councillor Donnie MacDonald
- Councillor Hugh Stewart
- Glenn Horne, Municipal Clerk/Treasurer
- Shirlyn Donovan, Interim Deputy Clerk
- John Bain, Eastern District Planning Commission
- Marlene Melanson, Recreation Director

The meeting of the Committee of the Whole was called to order by the Chair, Warden Boucher at 5:34pm.

### **APPROVAL OF AGENDA**

The following items were added to the agenda:

- Courthouse Roof Tender
- Identification of unaccounted for lands
- Physical and Health Literacy Conference
- RK MacDonald Board Update

*Moved by Councillor Deveau and seconded by Councillor Boucher that the agenda be approved as amended. Motion carried.*

### **APPROVAL OF MINUTES**

*Moved by Councillor MacLellan and seconded by Councillor MacDonald that the Committee of the Whole minutes for September 15, 2015, be approved as presented. Motion carried.*

### **BUSINESS ARISING FROM THE MINUTES**

There was no business arising from the September 15, 2015 minutes.

### **Lochaber Land-Use Planning**

Since the development of the Southwestern Antigonish Planning Strategy has ended, the Municipality has received a number of concerns from residents. Mr. Horne and Warden Boucher had a meeting with John Lamb, a resident of Lochaber. Mr. Lamb and several other residents of the Lochaber area would like to see the planning strategy continue. Warden Boucher agreed to take the issue back to Council to revisit.

John Bain said he has not heard from any residents, Eastern District Planning Commission is at the direction of Council on this matter and is neutral on the position. Mr. Horne said from a staff point of view we have moved forward, this planning initiative is over.

Councillor Stewart said he met with many residents of Lochaber and the majority of people do not want land use planning. There has been a lot of tension between the two sides. This summer there were many calls to the Department of Environment regarding any movement of machinery by the small group of people who want planning. It is tearing the community apart. Councillor Stewart took time to do a survey and meet and talk with residents. There are five people who want planning and the rest are against it.

Councillor Stewart said he will not rescind his motion. The majority of people are happy with the way things are right now.

Deputy Warden McCarron talked about a situation in his district before land use planning was adopted. There was no way to protect certain properties. There was no mechanism to control what people developed. They carved out all pre-existing businesses. Since the planning document was adopted, Deputy Warden McCarron has not had one call regarding the planning document.

A letter will be sent stating that Council discussed the topic and there will be no further action on this matter.

### **Consideration of Planning Activities**

At the direction of Council planning staff have ceased work on the Southwestern Antigonish Municipal Planning Strategy and Land Use By-law. Staff have been requested to present a work plan of major plans to the Municipality's Planning Advisory Committee based on when documents were adopted. Based on this schedule and subject to Council approval the Eastern Antigonish County Municipal Planning Strategy (Approved by Council September 1, 1994) would be the next major project for staff. After this in the order of approval: Keppoch Beaver Mountain (March 2007), Wind Turbines (June 2009), Central Antigonish County (April 2013) and finally the most recently adopted Fringe Plan and By-law.

Mr. Bain recommended to Municipal Council to look at the Eastern Region Planning Document. A planning review committee would be set up to work on the document.

Councillor MacLellan said all of District 1 and some of District 2 are without zoning but in past meetings there was not a strong interest and she is not currently hearing anything. Mr. Bain said he is more than happy to go out and talk about the pros and cons of planning documents if requested.

*Moved by Councillor Boucher and seconded by Councillor Bowie that the Eastern Region Municipal Planning Strategy and Land-Use By-law are reviewed by EDPC. Motion carried.*

## **Use of Land**

John Bain has prepared the attached memo on the Use of Land. Mr. Bain went over what the MGA allows Municipalities to control through a land use by-law:

- Structures
- Use of Land
- Use within a Structure

It is possible to regulate or prohibit topsoil, gravel and aggregates on a vacant property with a land use by-law with policy support but the fringe plan does not have policy support for this. The other issue is processing the aggregates through a crusher or screener or some other mobile facility.

If the fringe plan was amended now, the property would fall under legal non-conforming because it is a pre-existing property. If that change was made then it could stop any future issues which may arise.

Councillor MacFarlane says the property in question has become an issue. Storing on site is okay but processing it becomes an issue. There is a lot of dust in the air and it is very disturbing to the neighbours.

Mr. Bain thinks that if the processing of the gravel is the issue then the Municipality would have a strong case against it. The crushing of the gravel would be considered construction activities and is not permitted in the zone.

There is another similar issue on Somers Road, but it is more of a noise issue but none of the residents have made official complaints.

Mr. Horne suggests that if it is the will of Council he can make that case and if need be make amendments to the existing by-law. Mr. Bain will send a letter to the land owner stating that they have a construction operation which is not permitted in the zone and they must stop.

## **Off-Site Signage Update**

Further to the discussion at the recent Joint Council meeting, staff have followed up with the Departments of Municipal Affairs and Transportation and Infrastructure Renewal.

**Concerning the Municipal Government Act:** The Municipality must consider that municipalities are not permitted to grant tax concessions or other forms of direct financial assistance to business or industry - Section 57(2). This means any regulations concerning the limitation of signage must be clear and non-discriminatory.

**Concerning the Public Highways Act:** No signs are permitted within 1000m of the centre line on controlled-access highways. Municipalities are permitted to regulate signage within the TIR right-of-way on highways without controlled access (ie: Trunks & Routes) through by-law. By-laws concerning the regulation of signage in the TIR right-of-way must be approved by the Minister. Port Hastings and HRM have approved by-laws – Argyle, Kings & Chester currently have by-laws under review.

**Business Logo Program:** This is the program offered by TIR that sells space on provincial signs on controlled access highways. Under this program up to six businesses purchase placement of its logo on four signs (two in each direction - one on the highway and one on the ramp). The

approximate cost of this program is up to \$25,000 total, divided among the six businesses. There are also additional maintenance and replacement fees.

Mr. Horne said he spoke with a representative from TIR and they didn't see any issue with a Municipal business logo program on Municipal signs. Deputy Warden McCarron said the majority of the signs on Post Road are for business in the town. Councillor Stewart thinks all the signs should be gone.

Mr. Bain said that in Port Hastings the by-law was adopted and letters were sent to sign owners. Some businesses took their signs down and for the rest who did not, the public works department took them down.

As a next step, staff will fully explore the regulation of signs and bring it back to Municipal Council.

### **Review of Inclusion Policy & Adaptive Equipment Loan Program**

Ms. Melanson reviewed the current inclusion practice within the recreation department. The demand for extra support has increased significantly over the past number of years. Laura Duggan conducted extensive research about inclusion opportunities. Draft inclusion policy is attached.

Ms. Melanson asked Council if anyone had any questions. Councillor MacDonald asked how many participants we typically have that require special needs. Ms. Melanson spoke that numbers vary but most of our programs do have participants that require special needs and the numbers are growing.

Ms. Melanson circulated a document about an adaptive equipment loan program from Lunenburg-Queens. Recreation department set up a working group to get feedback about setting up an adaptive equipment loan program here in Antigonish.

The recreation department would like to purchase more equipment and Ms. Melanson said there are lots of funding opportunities available. Typically to gain funding there needs to be some municipal contribution to leverage the funding. There is a surplus in the summer inclusion support leader of \$2736 and she would like to reallocate the funds to start applying for more funding.

*Moved by Councillor Deveau and seconded by Councillor Stewart that the leftover funds (\$2736) from the inclusion support leader are reallocated to leverage funding for purchasing adaptive equipment. Motion carried.*

### **Antigonish All Wheels Park**

Ms. Melanson attended several meetings with this group. They are looking at developing an all wheels park on the Antigonish Market Square property. The original plan was to build the park with green space where the Christmas tree lot sets up. There is currently a no build zone with one of the lease holders of the mall. The new proposed area is close to the Visitor Information Centre.

The group is looking at several options for who would own and operate the park. The mall owners are very supportive of the concept.

Councillor MacDonald asked if the groups involved are satisfied with the location. Ms. Melanson said they would have preferred the first location because it is more visible but the second location would work as well.

The committee will bring the concept plan and budget to joint Town and County council.

### **Recreation Management System**

Ms. Melanson reviewed the options about the recreation management systems available. The recreation department had a number of webinars with both potential systems. The On Demand program has more features and we currently use Diamond Municipal Solutions as our financial system so the integration would be quite smooth with On Demand. Based on the research conducted by the recreation department Ms. Melanson recommended to Municipal Council that the On Demand: Parks and Recreation by Diamond Municipal Solutions be purchased.

*Moved by Councillor Chisholm and seconded by Councillor Bowie that Municipal Council approve the recommendation to purchase the On Demand: Parks and Recreation Software by Diamond Municipal Solutions. Motion carried.*

### **Review of Proclamations Policy**

Councillor MacFarlane says it has come up over the last number of years, we are an inclusive community and he feels we should do proclamations. Council discussed the topic and decided to repeal the Proclamations Policy

*Moved by Councillor MacFarlane and seconded by Councillor MacDonald that Municipal Council repeal the Proclamations Policy. Motion carried.*

### **Blue Dot Movement**

Municipal Council has been asked to recognize the Blue Dot Movement (Information attached).

*Moved by Councillor MacLellan and seconded by Councillor MacFarlane that Municipal Council endorse the Blue Dot resolution recognizing the right to live in a Healthy Environment. Motion carried.*

### **Special District Grant Request – District #2**

Councillor MacDonald, District #2 is looking to allocate \$3000 of his Special District Grant for repairs to the Paddy Hallow Cemetery.

*Moved by Councillor MacDonald and seconded by Councillor MacFarlane that Municipal Council approve the District 2 Special District Grant request of \$3000 for the Paddy Hallow Cemetery. Motion carried.*

### **Antigonish Arena Update**

Warden Boucher gave an update on the Antigonish Arena. Everything is moving along as predicted. The making of the ice should begin next week. Arena is set to open on time. Council has asked to receive the updates by email. Higgins has done an excellent job. Mr. Horne said they are on par with the financial target as well.

### **Position of Warden & Deputy Warden**

Section 16(2) requires Municipal Council to determine the term of office of the deputy mayor or deputy warden prior to their selection. Similarly, the term of office of the warden expires when the term of office of the council expires, unless prior to the selection of a warden, the council adopts a shorter term of office for the warden.

The Municipality's Policy concerning the Position of Warden and Deputy Warden states that both positions are elected for the full four-year term. If Council would like to consider any changes to this policy they would have to be implemented prior to the October 2016 election.

Based on an informal poll of CAO the practice of appointing a deputy warden varies across the province. Among towns: 10 appoint annually, 1 for two years and 2 for four years. Among rural: 2 appoint annually, 5 for two years and 2 (including us) for four years. The practice of appointing a warden varies less, with the vast majority appointing for a four year term.

Council discussed and decided that the current structure is working.

### **Business Ability Banquet**

CACL Antigonish and East Novability Society for Persons with Disabilities are jointly hosting the 2<sup>nd</sup> Annual Business Ability Banquet on Thursday, November 12<sup>th</sup> at 6:00pm at the Keating Centre. The keynote speaker will be David Fischl. For over three decades Mr. Fischl worked with the Saskatchewan Ministry of Highways and Infrastructure, and finished his career as the Workplace Diversity Coordinator. He was responsible for integrating aboriginal people and persons with disabilities into unionized workplaces. Cost of a plate is \$50/person.

Municipal Councillors have until Tuesday, October 20<sup>th</sup> to let Shirlyn know if they would like to attend.

### **UNSM Conference Attendance**

The Annual UNSM Fall Conference will be taking from November 3-6<sup>th</sup> at the Westin Nova Scotian Hotel. Five Municipal Councillors have indicated that they would like to attend the Conference.

*Moved by Councillor MacFarlane and seconded by Councillor Boucher that five (5) Municipal Councillors will be attending the UNSM Conference in Halifax from November 3-6. Motion carried.*

### **Courthouse Roof Repair**

Three (3) tenders have been received for repair the Courthouse Roof. Staff recommend that MMI be awarded the tender at a cost of \$16,387.50.

Councillor Stewart suggested staff make sure the company has their NS Safety Certification.



*Moved by Councillor Chisholm and seconded by Councillor MacLellan that the Courthouse roof tender be awarded to MMI Roofing and Carpentry for \$16,387.50. Motion carried.*

### **Identification of Unaccounted for Properties**

Mr. Horne, Darlene Thompson and Deputy Warden McCarron met with Kevin MacDonald about the process of finding properties which are not assessed by PVSC and therefore we do not collect property tax. He charges \$50 per property. Every property that has a PID but does not have an assessment account set up for it, he will identify and we can collect tax dollars on these properties. Deputy Warden McCarron spoke about the meeting with Mr. MacDonald and the work he is currently going with the Municipality of the District of Guysborough.

*Moved by Deputy Warden McCarron and seconded by Councillor MacDonald that Municipality contract Kevin MacDonald to identify unaccounted for properties so they can be assessed and added to the tax roll. Motion carried.*

### **Physical and Health Literacy Conference**

Shirlyn Donovan spoke about an upcoming Physical and Health Literacy Conference in Halifax. Laura Duggan, MPAL in the recreation department would like to attend for reasons outlined provided in the document provided. The overall cost with transportation, accommodations and registration fee would be approximately \$475.

*Moved by Councillor Deveau and seconded by Councillor MacFarlane that Municipal Council endorse Laura Duggan attending the Physical and Health Literacy Conference in Halifax. Motion carried.*

### **Staff Reports**

Mr. Horne spoke about the outstanding landfill accounts. In early September staff sent out 25 final notice letters, since then 3 have been paid in full and 3 have been partially paid. Six accounts will be taken to small claims court.

Mr. Horne directed Municipal Council to the remaining items noted in the memo.

### **RK MacDonald**

Councillor MacLellan updated Municipal Council that on September 30<sup>th</sup> Terry Penny had done a presentation on what has changed at the RK.

### **ADJOURNMENT**

*Moved by Councillor Deveau and seconded by Councillor Boucher that the Committee of the Whole meeting be adjourned at 7:45pm. Motion carried.*

  
Warden Russell Boucher

  
Glenn Horne, Municipal Clerk/Treasurer