

APPROVED NOVEMBER 28, 2011

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# KENTVILLE TOWN COUNCIL

## MINUTES

### October 31, 2011

**PRESENT**

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

**MEETING CALLED TO ORDER AND ROLL CALL**

Mayor David Corkum called the meeting to order at 12:03 p.m. and CAO Phillips reported that all Council members were in attendance, along with the Recording Secretary, the Town Solicitor and himself.

**APPROVAL OF THE AGENDA**

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

**that the agenda be approved with the following additions under:**  
**Presentations – Moments of Silence**  
**8 (c) Pan Am Winner.**  
**8 (d) Community Service Recognition**

**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**

Moment of Silence for Cathy Williams, a local resident, outstanding individual and long-time business lady who operated a nursery school in Kentville.

In addition, R. Wendell Phinney has been a longest-serving Mayor for the Town of Kentville, an innovator and a committed community worker with several organizations.

**APPROVAL OF THE MINUTES**

**(a) September 26, 2011**  
It was moved by Deputy Mayor Bill Boyd and

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seconded by Councilor Eric Bolland

**that the Minutes of September 26, 2011 be approved as circulated.**

**MOTION CARRIED**

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

**(a) Second Reading to Adopt – Chapter 83 – Streets Bylaw**

As First Reading was given at the September Council meeting, from which no public objections were received, the Town Clerk recommended that the bylaw approval process continue.

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

**that Second (Final) Reading be given to adopt Chapter 83 – Streets Bylaw**

**MOTION CARRIED**

**(b) Second Reading to Adopt – Chapter 87 – Partial Tax Exemption Bylaw**

As First Reading was given at the September Council meeting, from which no public objections were received, the Town Clerk recommended that the bylaw approval process continue.

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

**that Second (Final) Reading be given to adopt Chapter 87 – Partial Tax Exemption Bylaw**

**MOTION CARRIED**

**(c) Second Reading to Adopt - Chapter 88 – Rezoning Application Fee Bylaw**

As First Reading was given at the September Council meeting, from which no public objections were received, the Town Clerk recommended that the bylaw approval process continue.

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

**that Second (Final) Reading be given to adopt *Chapter 88 – Rezoning Application Fee Bylaw.***

**MOTION CARRIED**

**(d) Second Reading to Rescind – *Chapter 28 – Underground Wiring Bylaw***

As First Reading was given at the September Council meeting, from which no public objections were received, the Town Clerk recommended that the bylaw repealing process continue.

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

**that Second (Final) Reading be given to rescind *Chapter 28 – Underground Wiring Bylaw***

**MOTION CARRIED**

**(e) Second Reading to Rescind – *Chapter 43 – Kentville Business Improvement District Bylaw***

As First Reading was given at the September Council meeting, from which no public objections were received, the Town Clerk recommended that the bylaw repealing process continue.

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

**that Second (Final) Reading be given to rescind *Chapter 43 – Kentville Business Improvement District Bylaw***

**MOTION CARRIED**

**(f) Second Reading to Rescind – *Chapter 44 – Business Improvement District Rate Exemption***

As First Reading was given at the September Council

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meeting, from which no public objections were received, the Town Clerk recommended that the bylaw repealing process continue.

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

**that Second (Final) Reading be given to rescind Chapter 44 – Business Improvement District Rate Exemption.**

**MOTION CARRIED**

**REPORTS AND  
RECOMMENDATIONS**

**(a) Council Advisory Committee**

**(i) Evaluation of Canada Day Celebration**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, Community Development Coordinator Lindsay Young presented a report in response to Council's request for an evaluation of the Town's Canada Day Celebration. She gave a brief history of this special event, noting the various formats it had taken over the years; she outlined the advantages and disadvantages of maintaining this function; presented financial data on the expenditures and funding sources; and lastly, made a recommendation for Council's consideration.

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

**that the Town continues to offer a Canada Day celebration, although with a more family-orientated format, and scheduled at a time that does not conflict with neighbouring Canada Day festivities.**

**MOTION CARRIED**

**(ii) Adoption of Kings 2050 Project**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, Director Bev Gentleman gave a recap of the work which has been done on the Kings 2050 Project, noting that it is a "visioning" and an

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information-gathering process. She pointed out the advantages of the Town's involvement and added that there is no financial commitment at this time, as funds could be provided by Service Nova Scotia and Municipal Relations.

As the Town will be required to update its own Municipal Planning Strategy in the future, Director Gentleman felt that this type of regional planning would provide benefits from networking with neighbouring municipalities and sharing information. She felt this co-operative process will save the Town a great deal of time, effort and expenses in its creation of tools such as mapping and best practices.

To facilitate this process, she presented three options for Council's consideration, which were (1) to adopt the Terms or Reference, (2) to support the initiative in principle, or (3) reject the initiative altogether. Following an explanation of these options, the Director recommended option 2, as she felt that some of the deliverables in later phases of the project may be questionable in their application to Kentville, so support in principle would allow the flexibility for the project to move forward with the Town's involvement, but without future restraints.

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

**that it supports the Kings 2050 initiative in principle.**

**MOTION CARRIED**

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

**that the Town adopts the Terms of Reference of the Kings 2050 initiative.**

**MOTION DEFEATED**

Points from Discussion

- There appears to be enough flexibility in the terms of reference to allow any adjustments

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which might be of concern.

- It would be more meaningful if the Town adopts the Terms of Reference, instead of adopting the initiative in principle.
- It would not be fair to place the Town and a new council in the position of dealing with the uncertainties of some ambiguous parts of the Terms of Reference.
- It is necessary to send a strong message, so the project can proceed.
- It appears that there will be an opportunity to negotiate any areas of concern as the project proceeds.
- It was the Director's recommendation to adopt in principle and this has been confirmed by the CAO.
- To sign the agreement "in Principal" is very vague and does not really show the Town's support.
- This is a living document and allows for collaboration.

*(Note: It was agreed that when the Mayor signs the agreement on December 7th, he will have the support of Council to do so, and this support is "in principle.")*

**(iii) Appointment of Voting Delegate to UNSM's Towns' Caucus**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, CAO Mark Phillips reported on the work being done by the Towns' Caucus. This group reports to UNSM and works as an advocacy group to promote the unique challenges faced by towns throughout the province. CAO Phillips added that a member of Kentville Town Council should be appointed as a voting delegate for this Caucus during the upcoming UNSM Conference.

Following a call for nominations, Councilor Nola Folker-Hill accepted the candidacy for this position.

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

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**that Councilor Nola Folker-Hill be appointed to the position of voting delegate at the Towns' Caucus Meeting during the upcoming UNSM Fall Conference**

**MOTION CARRIED**

**(iv) Cultural Mapping Project Request**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, a request for financial support was presented from the Kings County Cultural Mapping Project Manager. The letter implied that this project has been initiated through a partnership between the Kings Regional Development Agency (Kings RDA) and the Alliance of Kings Artists (AKA), and has been given the mandate to provide a participatory and community-driven website that will identify where and what cultural businesses and organizations exist in the community.

Although Ms. Allen states the total cost for this project will be about \$70,000, half will be received through in-kind donations, the bulk of the funding will be provided through the Royal Secretariat, and the balance received in cash. The Town of Kentville is being asked to provide \$1,250 towards this project, and in return, will be given public acknowledgement of its support.

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

**that this issue be directed to staff to prepare a report and recommendation on the Town's involvement in the Cultural Mapping Project and that this be further discussed at the next meeting of CAC.**

**MOTION CARRIED**

**(v) Adoption of *Policy Statement G60 – Polystyrene Products Restriction***

Councilor Nola Folker-Hill reported that at the

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October 11, 2011 meeting of Council Advisory Committee, a policy statement was brought forward by the Environmental Advisory Committee which would, upon adoption, eliminate the use of Styrofoam types of products at the town of Kentville.

As products made from this substance are not biodegradable, they must be treated as garbage, however, can create an unsightly mess throughout the community, due their light weight. Members of EAC therefore, asked that the Town become leaders in prohibiting the use of polystyrene products from their operations.

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

**that *Policy Statement G60 - Polystyrene Products Restrictions* be adopted by the Town.**

**MOTION CARRIED**

It was moved by Councilor Tony Bentley and seconded by Deputy Mayor Bill Boyd

**that the word “prohibited” be changed to “restricted.”**

**AMENDED MOTION CARRIED**

Points from Discussion

- This policy will commit all departments of the Town and users of Town property to restrict the use of these products.
- Some education will be done to ensure that everyone is aware of this new policy.
- It will be very difficult to ensure that third party users and the general public at Town facilities, observe this restriction.

**(vi) Resolution to Revoke Chapter 1 – Interpretation Bylaw**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, a report from the Town Clerk noted that

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although this bylaw is redundant in that it consists primarily of definitions which are addressed in the *Municipal Government Act* and in the *Interpretations Act*, further investigation with Service NS and Municipal Relations indicated that the bylaw had never been approved by the Province and therefore, was never brought into effect. She added that the solicitor's advice was that it simply be revoked by Council.

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

**that Council revokes the document known as *Chapter 1 – Interpretation Bylaw*.**

**MOTION CARRIED**

**(vii) First Reading to Rescind Chapter 25 – Fees Tax Warrants Bylaw**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, Town Clerk Carol Harmes presented this bylaw to Council with a recommendation that it be rescinded, as its content was out-of-date and more importantly, the bylaw is irrelevant, due to the fact that tax collection is addressed under the MGA. She added that both the Director of Finance and the Town's Solicitor confirmed that this document has no value.

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

**that First Reading be given to repeal *Chapter 25 – Fees Tax Warrants Bylaw*.**

**MOTION CARRIED**

**(viii) First Reading to Adopt – Chapter 89 – Civic Addressing Bylaw**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, Director of Planning Bev Gentleman introduced a report and a draft copy of a bylaw for Council's consideration. She noted that the adoption

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of *Chapter 89 - Civic Addressing Bylaw* would ensure that civic numbers are properly assigned in a sequential manner and are clearly displayed, so that addresses are easy to locate, especially during emergencies. She added that the content of this document has been reviewed by the Town's solicitor.

Therefore, it was moved by Councilor Eric Bolland and seconded by Councilor Tony Bentley

**that First Reading be given to adopt *Chapter 89 – Civic Addressing Bylaw*.**

**MOTION CARRIED**

Points from Discussion

- Consideration should be given to provide civic numbers to park spaces and green areas so as to better identify a location for emergency responders.
- There is need to have more visible civic numbers and a more logical numbering system in some areas.
- There may be some “pushback” by residents if being told that their civic number will change, as this will be confusing and expensive.
- Proper numbering is a matter of safety.

**(ix) First Reading to Adopt – Chapter 90 – Alarms Bylaw**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, Police Chief Mark Mander presented a draft copy of the newly created *Chapter 90 – Alarms Bylaw*. This document was created in an attempt to reduce the number of false alarms that give rise to the redistribution of policing resources, additional costs to the Town and unnecessary stress on the community.

Chief Mander added that statistically, the business community has been the largest segment of the population to initiate these false alarms, and that many of these are as a result of either malfunctioning alarm systems, or of their improper use by individuals entering and/or leaving the property. He understood that education on this bylaw would be required; that

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citizens would have the opportunity to become familiar with its content; and that penalties would be applied only when necessary.

The content of *Chapter 90* results from a great deal of research and is based on one of the best examples found in other communities. It has recently been approved by the Police Commission, following which it was reviewed by the Town's Solicitor.

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

**that First Reading be given to adopt *Chapter 90 – Alarms Bylaw.***

**MOTION CARRIED**

**(x) First Reading to Amend LUB – Chester Avenue Property**

Councilor Nola Folker-Hill reported that at the October 11, 2011 meeting of Council Advisory Committee, a report from Director Bev Gentleman addressed the issue of the town-owned property on Chester Avenue. The house at this site had originally been built by the Town in 1945 for the operator of the treatment plant who at that time, would have been on call at all times. However, in more recent years the house has been rented and because of its age, has required ongoing maintenance.

As this building, and the land on which it sits, has no value to the Town, a decision was made to dispose of it. However, in order to facilitate a sale, Director Gentleman recommended that the current zoning be changed from Institutional (I), so as to provide more appropriate zoning for prospective buyers or mortgage holders, thus making it more attractive for purchase.

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

**that First Reading be given to amend the Land Use Bylaw, to allow for the rezoning of a portion of PID # 5525377 from Institutional (I) to Residential (R2) zone,**

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**and further,  
that a Public Hearing be set for 7:00 p.m,  
prior to the November Council Meeting.**

**MOTION CARREID**

**(a) Fire**

**(i) Chief's report**

A report from Fire Chief Shawn Ripley indicated that during the month of July, the Town had 4 alarms, with 94 kilometers travelled, the County had 19 alarms, with 1584 kilometers traveled and there were 1 mutual aid call for a distance travelled of 70 kilometers. These calls ranged in scope from alarms sounding, MVAs, various types of fires, medical assists and investigations.

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

**that the report from the Fire Chief be received.**

**MOTION CARRIED**

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

Deputy Mayor Bill Boyd reported that there will be a meeting on November 8<sup>th</sup>.

Points from Discussion

- At the annual KVFD Christmas Party, recognition will be given to Clem Fairclough for his 50 years of service to the Fire Department.
- It would be appropriate at that event (if possible) for the Mayor to bring congratulations to Mr. Fairclough.

**(c) Valley Waste – Resource Management Authority**

Representative Mark Pearl noted that the Management Minute has been circulated in which it was noted that a meeting was held on September 28<sup>th</sup> at which the Disbursement Policy was discussed. It was decided that the surplus funds from 2010-2011 (\$92,788.00)

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will be returned to the partners. A more aggressive payback for funds to the County of Kings is being considered. In addition, an Audit committee Policy was approved and representatives have been chosen for that committee. Amendments to the Valley Waste Bylaw are also being considered for final approval and more will be sent on this.

Work remains on track for the completion of the new administration offices by March 2012.

A review of the RRFB's mandate and program delivery including procurement is being undertaken.

Councilor Pearl added that the October Minute has been received just prior to this meeting and noted that the recycling processing and organic processing continues to increase and that the 2010-2011 surplus will be redistributed back to the municipalities and Kentville's share will be about \$7,000. A draft budget for 2011-2012 is being prepared and should be available for first review next month and then distributed to councils early in the new year.

The Policy Review committee has been dealing with several policies – Audit Review Policy, Vehicle Use Policy and a Cheque Signing Policy.

With the new construction of the new administration building, the opening date is still anticipated for mid March 2012, although some delays have taken place.

Valley Waste has joined with other similar provincial organizations for a joint purchasing program, for items like green bins, and lastly, he noted that the next meeting will be November 30th

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

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

**MOTION CARRIED**

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

Councilor Mark Pearl reported that the format used in presenting information to Councils is not particularly relevant to each Council, is very lengthy, however, this is the format used by the Province. Another type of reporting will be done in the future, which will be a better snapshot for Council use.

He added that on either December 1 or December 8<sup>th</sup> there would be a Joint Council Meeting and this will take place at the County Building in the Orchard Room. The meeting will be an early evening event, with a light dinner served.

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

**that the report from Kings RDA be received.**

**MOTION CARRIED**

*(Note: Either of the proposed dates - December 1 or 8 - was available for Council to meet)*

**(f)Kings Transit Authority  
(i) Representative's Report**

Councilor Mark Pearl reported that a more informative report has been prepared by the General Manager, as a section providing a year-end forecast has been included. He added that the statistics show that ridership for the core route has risen and this is a good turn of events from a long decline. On the financial situation, year-to-date is running in the black however, a deficit is anticipated,(\$39,000) due to the rising expenses on of repairs and maintenance on the fleet. Five buses were all purchased 5 years ago, and have all reached a time of needing a lot of body work and these expenses are being mitigated over a few years.

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

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

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**MOTION CARRIED**

**(h) Councilors' Report**

Councilor Tony Bentley attended all meetings, along with the EKCC meeting. The session on the abuse of prescription drugs was very informative, but very disturbing on the number of people in this area who have died as a result of this. He also attended the Library's AGM last week and noted that several people have resigned. During the Harvest Mile, he and the Mayor came in last, and lastly noted that he paid tribute to Wendell Phinney at the visitation.

Councilor Nola Folker-Hill attended all meetings, and the Recreation Conference, one session of which was on swimming pool maintenance. She was interested to learn that NB and NS are the only two provinces that do not regulate their pools. Lastly, she added that she attended Wendell Phinney's funeral.

Councilor Mark Pearl will be attending the UNSM Conference starting tomorrow and plans to attend the session on bio-solids. He added that bio-solids are not used here at the current time, however, he felt that as a partner in waste management, with a partner in composting, it is important to stay up-to-date with.

Councilor Eric Bolland attended all meetings and reported that the Shannex Harvest Mile saw over 70 registrants, along with wheelchair athletes and walkers. The fastest runner was Tim Longley, (5 minutes – 18 seconds) and the event ended with a surplus which will be turned over to the "Purple Pinkie" campaign for polio. He added that Shannex has offered involvement again next year. He thanked the town council and staff for all the support and assistance.

Councilor Bernie Cooper attended all meetings, including the one on prescription drug abuse, 2 meetings on the analysis of the Police Force, the Recreation Conference.

Deputy Mayor Bill Boyd attended all meetings, the Recreation Conference and the AVESTA awards at the

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Old Orchard Inn. He added that there may be some categories that the Town might be nominated for another year.

**(i) Mayor's Report**

Mayor Corkum noted his report has been enclosed, and that it relates to meetings and events he has attended. Some highlights were:

- He visited Terry Brown and Bob Parker at Valley Regional, along with the CAO and Town Engineer.
- He has had some successful meetings of Finance and Administration, one of which related to the performance evaluation of the current CAO. A contract will be signed and the Mayor wanted to pass along how pleased the committee is with CAO Mark Phillips.
- He enjoyed attending the grade 3 class at KCA to read "The Pumpkin People" and it was nice to here the students say how happy they are with the new school.
- A very positive meeting took place with the Warden and CAO of the County for the Library's Operating Costs and this was very positive. More will follow on that at CAC.

**CORRESPONDENCE**

none

**NEW BUSINESS**

**(a) Appointment of Mike Graves -  
Parking Ticket Infraction Officer**

A report was brought forward by the Town Clerk, in which she noted that following the recent resignation of Tim Taylor from the position of Ticket Administrator, Police Chief mark Mander has hired Mike Graves as his replacement. She noted that a formal resolution of Council must be made to appoint this individual and therefore, it was moved by Councilor Bernie Cooper and seconded by Councilor Tony Bentley that the following resolution be made:

**be it resolved that Mike Graves be appointed as parking-Infraction Ticket Administrator, pursuant to the Summary Proceedings Act, commencing immediately and continuing until his retainer with the**

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**Town ceases.**

**MOTION CARRIED**

**(b) Policy Statement G1 – Citizen Appointments to Committees, Commissions and Boards – Amendments**

The Town Clerk reported that as a “housekeeping matter,” amendments should be made to this policy to reflect the fact that the Kentville Police Commission members have been authorized to select their own citizen appointees, Chairperson and Vice Chairperson. Therefore, she recommended this change be recognized in Policy Statement G1.

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

**that an amendment be made to *Policy Statement G1-Citizen Appointments to Committees, Commissions and Boards*, that recognizes the authority of the Kentville Police Commission to select its own citizen appointees, and to conduct its own election for the positions of Chair and Vice Chair of the Board.**

**MOTION CARRIED**

**(c) Pan Am Games**

Alexa Irvin was a participant in the Pan Am Games, in Mexico and was part of a team that won the gold medal in the women’s K-4 500 metre kayak final. The Town should recognize the achievement of this Kentville resident at a future Council meeting.

*(Note: Staff will make this arrangement.)*

**(d) Community Service Recognition**

Councilor Mark Pearl also mentioned that Clem Fairclough has been recognized for his 50 years of volunteer service at the KVFD and this was agreed upon earlier that at the Annual Christmas dinner, the Mayor will bring congratulations to him from the Town.

**PUBLIC COMMENTS**

**(a) none**

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**ADJOURNMENT**

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

**that the meeting adjourns at 1:30 p.m.**

**MOTION CARRIED**