

1. **Council Convenes - O Canada** - Warden Keith Hunter called to order the June 18, 2008 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.
2. **Roll Call** - The roll call was done by Shelley Hoeg, Executive Assistant. All Councillors were in attendance. Staff in attendance were Rennie Bugley, CAO, Jim Coughlin, Director of Planning and Development, Robert Streach, Director of Public Works, Peter Cottingham, Solid Waste and By-Law Administrator, and John Fredericks, Fire Protection Services Coordinator.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following deletions and additions. Deletions: 9.1 - will be discussed as 6.1

Additions: 10.7 - Grants to Organizations, 10.8 - Recreation Grants, 11.2 - Water Testing, 11.3 Pugwash Fire Hall, 14.5 - Solid Waste, 15.4 - AMA Workshop

4. **Approval of Minutes**
 - 4.1 **May 21, 2008 Council Session - The Minutes of the May 21, 2008 Council session and May 21, 2008 Special Council Session were approved as circulated.**

MOTION CARRIED #08-072

5. **Business Arising from the Minutes**
 - 5.1 **April 23, 2008 Council Meeting** - It was moved by Councillor Gilbert, seconded by Deputy Warden Welton that Colin McCormack be appointed as the Municipality of Cumberland's citizen representative for the Town of Springhill's Source Water Protection Committee.

MOTION CARRIED #08-073

5.2 **March 12, 2008 Council Meeting** - None

6. **Delegations and Presentations** -
 - 6.1 **Antenna Siting Protocol for the Broadband for Rural Nova Scotia Initiative** - Mr. Todd White of Seaside Communications provided a presentation to Council regarding our role in support of the Broadband for Rural Nova Scotia Initiative. He explained that the provincial initiative will ensure that 100% of residents will have access to broadband internet by the end of 2009. Their program involves a process for public consultation and addressing public concerns regarding the installation of radio communications structures throughout the province. Seaside Communications is requesting the Municipality to adopt an antenna siting protocol which will cover the requirements of Industry Canada for public consultation.

At this point the Warden opened the floor for questions.

Warden Hunter thanked Mr. White for his presentation.

IT WAS MOVED by Councillor Read, seconded by Councillor K. Langille to adopt the attached antenna siting protocol as the municipality's protocol to be used in lieu of the Industry Canada default consultation process when dealing with the Broadband for Rural Nova Scotia Initiative.

MOTION CARRIED #08-074

7. **Public Hearings**
 - 7.1 **Amendments to MPS/LUB to compliment a new Subdivision By-Law** - Warden Hunter called the public hearing to order at 1:12 p.m. and advised that the purpose of this public hearing is to provide the public with the opportunity to express their views on the proposed changes before Council makes its final decision. The Warden then asked Jim Coughlin, Director of Planning and Development to give an explanation of the proposal. Warden

Hunter then requested any public comments and advised that presentations would be limited to 10 minutes. There were no members of the public present. The public hearing concluded with final questions from Council and comments from staff. At this point, Warden Hunter closed the public hearing.

It was moved by Councillor Kellegrew, seconded by Deputy Warden Welton that Council approve first reading of Amendments to MPS/LUB in order to ensure that new lots meet the intent of the new subdivision by-law and new development will be compatible with existing development.

BYLAW 08-04

AMENDMENT TO THE MUNICIPAL PLANNING STRATEGY TO ACCOMPANY NEW SUBDIVISION REGULATIONS

TEXT TO BE ADDED TO THE MUNICIPAL PLANNING STRATEGY AND JOGGINS
SECONDARY PLANNING STRATEGY

Municipal Planning Strategy

2. PLAN CONCEPT

2.5 ENVIRONMENTAL PROTECTION

Environmental protection involves protecting people and property from the natural hazards of flooding and erosion and protecting the natural environment from the impacts of development and human activities. Environmental protection also involves protecting the existing built environment from incompatible forms of new development.

The application of generally accepted environmental planning principles to coastal and flood-prone areas will help people cope with and adapt to the effects of climate change (e.g. coastal erosion and flooding due to rises in sea levels and frequency of storm surges). Similarly, the use of land use development controls in areas near watercourses and wetlands will help to protect the quality of water resources and wildlife habitat (e.g. from erosion, sedimentation and contaminated runoff). They will also help protect the natural character and aesthetic value of shorelines.

Obvious environmental protection techniques are to maintain adequate horizontal distance separations between the shorelines of water bodies and development, vertical separations above flood-prone areas and to maintain and restore shoreline buffers. The buffers should maximize the maintenance of natural landforms and native vegetation adjacent to watercourses, coastlines and wetlands and use “hard” shoreline stabilization methods (e.g. rip-rap) only where necessary in coastal, erosion-prone areas. The buffers will act as living retaining walls and natural filters to stabilize banks and control runoff and flooding and, thereby, minimize the impact of erosion, sedimentation, nutrients and other pollutants on water quality. Minimum lot sizes will ensure that there will be sufficient lot areas to accommodate on-site sewage disposal systems, as established by Nova Scotia Environment. Existing minimum lot sizes established for Municipal Water Supply designations will be maintained.

The application of generally accepted land use bylaw requirements will ensure that the size and height of infill development will be compatible with existing residential and cottage areas.

3. OBJECTIVES and POLICIES

3.5 ENVIRONMENTAL PROTECTION

3.5.1 In order to help protect people and property from the natural hazards of flooding and erosion and protect the natural and built environment from the impacts of development and human activities:

3.5.1.1 It shall be the intention of Council to include in the Land Use Bylaw, provisions:

- to require the establishment, retention or restoration of a 30.5 m. (100 ft.) shoreline buffer adjacent to all watercourses, coastlines and wetlands. The bylaw shall generally prohibit all development within the shoreline buffer, except for coastal shoreline stabilization works, traditional marine and water related uses and their on-shore structures, accessory structures and recreational, conservation and historic uses. The bylaw shall generally require the maintenance of natural landforms and native vegetation to the greatest extent possible adjacent to shorelines;
- to prohibit development intended for human occupation below a 2.5 m. elevation above the ordinary high water mark;
- to permit the easing of the shoreline buffer and flood-prone area requirements for existing, undersized lots that had been created prior to the effective date of the land use bylaw amendment and existing development that had taken place prior to the effective date of the land use bylaw amendment;
- to require minimum lot sizes for new lots to ensure there is sufficient land to accommodate on-site sewage disposal systems (other than holding tanks);
- to establish minimum development application and development standards to ensure that the shoreline buffer and flood-prone area requirements are met and that new, infill development and redevelopment is compatible with the size and height of existing buildings and development; and,
- to empower the Development Officer to grant variances in accordance with Section 235 of the Municipal Government Act.

Joggins Secondary Planning Strategy

o) Environmental Protection

It shall be the intention of Council to implement environmental protection measures in areas adjacent to watercourses, coastlines and wetlands in accordance with the municipal wide provisions set out in the Municipal Planning Strategy and Land Use Bylaw. Where there is a conflict, the provisions of the Joggins Secondary Planning Strategy shall take precedence.

BYLAW 08-05**AMENDMENT TO THE LAND USE BYLAW TO ACCOMPANY
NEW SUBDIVISION REGULATIONS***ADDITIONS TO THE LAND USE BYLAW***Part 2 Definitions**

“Shoreline buffer” means the land adjacent to and extending inland a specified distance from the shoreline (ordinary high water mark) of a watercourse, coastline or wetland, within which the natural landform and native vegetation shall be maintained or restored to the greatest extent possible. Notwithstanding the specified distance established in this bylaw, where the shoreline buffer contains a slope in excess of 15 %, the horizontal distance shall be increased so that the shoreline buffer extends from the shoreline to the brow of the slope;

“Lot frontage” means

- (i) the length of a line between the two side lot lines, as measured at the front of the lot; or
- (ii) the distance between the side lot lines as measured 6 meters, from the front of the lot.

Where lot frontage requirements are indicated in this bylaw, and unless the lot is a *flag lot*, all lots must be able to contain a circle beginning at the front lot line with a diameter equal to the minimum lot frontage indicated.

“lot area” shall not include any wetland for area calculation purposes.

“lot creation” means a lot which was created prior to August 6, 1984 and subsequently increased in size by an approved Plan or Instrument of subdivision and shall be treated as though it was created prior to August 6, 1984.

“dwelling floor area” means the total floor area contained within the outside walls of the building, excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement or other room which is not habitable during all seasons of the year.

“height” means the vertical distance on a building between the established grade, and the highest point of the roof surface, or the parapet, whichever is greater, of a flat roof; or the deck line of a mansard roof; or the mean level between eaves and ridge of a gabled, hip, gambrel or other type of pitched roof, but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, steeple, skylight, solar collector, wind turbine or satellite receiving device.

Part 3 Administration

3.1 The Development Officer is also empowered to grant variances pursuant to Section 235 of the Municipal Government Act.

3.4 Application for Development Permit

- (vi) The location of any setbacks and shoreline buffers. Where any construction is proposed within 5 m. of any setback line or shoreline buffer, a location certificate is required unless this requirement is waived by the *Development Officer*;
- (vii) Where any portion of the lot includes a *shoreline buffer*, the plans shall also include:
 - (i) The general direction of drainage on the lot;
 - (ii) The location of any watercourse, coastline or wetland;
 - (iii) The location of any abrupt changes in slope;
 - (iv) The limits and nature of any existing vegetation within the *shoreline buffer*; and,
 - (v) The proposed treatment of the *shoreline buffer*.
- (viii) Copy of Nova Scotia Environment’s approval of an on-site sewage treatment system (does not include a holding tank).

3.13 Shoreline Buffer

Shoreline buffers of 30.5 m. (100 ft.) in depth shall be established, retained or restored along all watercourses, coastlines and wetlands. Within shoreline buffers, all development and outdoor storage shall be prohibited.

Exceptions shall include, necessary “hard” shoreline stabilization works, one accessory building or structure or one attached deck which, in total, shall not be larger than 20 sq. m. (215 sq. ft.), small scale safety and security fences or structures, shoreline or water access facilities, docks, boardwalks, walkways and trails for non-motorized vehicles, traditional marine uses or the on-shore components of water based uses and other marine dependent uses, parks, conservation and historic uses and public roads and infrastructure.

Any existing residential main building, erected prior to the effective date of this bylaw, located within a shoreline buffer, may be reconstructed, renovated, repaired or replaced provided that the work does not further reduce the depth of the shoreline buffer or further change the natural landform or native vegetation within the shoreline buffer.

Where a main building has been erected prior to the effective date of this bylaw, on a lot having less than the frontage, area, setback or shoreline buffer as required by this bylaw, the building may be reconstructed, renovated, repaired or replaced, provided the work does not further increase the building’s footprint.

Where the configuration of any existing lot is such that no main building could be located on the lot, the setback distance may be reduced in a manner which would provide the greatest possible separation from a shoreline and maintenance of the natural landform and native vegetation adjacent to a shoreline.

Native vegetation may be replaced with other native vegetation in order to maintain the overall health and natural character and aesthetic value of the shoreline.

Dwellings or buildings intended for human occupation shall not be located within a 2.5 m. elevation above the ordinary high water mark.

Any existing dwelling or building intended for human occupation, situated less than the required elevation, may be reconstructed, renovated, repaired or replaced provided that the work does not further reduce the existing elevation and all other requirements of this bylaw are met.

Part 6 General Zone, Part 7 Cemetery Zone, Part 8 Utility Zone, Part 9 Water Protection Zones (existing minimum lot sizes will be maintained), Part 10 Residential Zones and Part 11 Rural Residential Zone

Add/revise -

The minimum lot area for the development of lots created after August 6, 1984 with on-site services is 2,700 sq. m. (30,063 sq. ft.) and 3,700 sq. m. (39,828 sq. ft.) for lots adjacent to watercourses, coastlines and wetlands;

Minimum shoreline buffer for the development of existing undeveloped lots created after August 6, 1984 is 30.5m. (100 ft.);

The minimum lot area for the development of existing undeveloped lots created prior to the effective date of this bylaw with on-site services is 929 sq. m. (10,000 sq. ft.);

Additional requirements for existing lots created prior to the effective date of this bylaw:

Minimum shoreline buffer: 8m. (25 ft.)

Maximum lot coverage: 10 %

Maximum building height: 6 m. (20 ft.) or 7 m. (23 ft.) to ridge

Maximum floor area: 93 sq. m. (1000 sq. ft.)

Minimum side yard: 3 m. (10 ft.)

Joggins Secondary Land Use Bylaw

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Environmental Protection

The development of land in areas adjacent to watercourses, coastlines and wetlands shall take place in accordance with the municipal-wide provisions for environmental protection set out in the Municipal Planning Strategy and Land Use Bylaw. Where there is a conflict, the provisions of the Joggins Land Use Bylaw shall take precedence.

MOTION CARRIED #08-075**8. Correspondence - Action****8.1 Action**

From	Summary
UNSM	Russell Walker, Immediate Past-President, requesting nominations for the positions of President and Vice-President/Secretary-Treasurer for the September Conference in Yarmouth. Also advising that the position of President will be held by a Rural Representative and the other by a Regional Representative. Deadline for submissions is July 3 rd , 2008. <i>There was no interest from Councillors</i>
Property Valuation Services Corporation	Kathy Gillis, Chief Executive Director, advising of the use of a modern technology standard (XML) to create a new year-end file. Also advising the PVSC will be contacting municipalities for a representative to discuss migration to this new system. <i>It was agreed to refer this item to staff.</i>
Hart Lake Cottage & Property Owners Association	Jim Cameron, Treasurer, petitioning Council to reduce the tax rate of ratepayers at Hart Lake by 50%. <i>This will be dealt with as a separate item on the agenda.</i>
UNSM	Robert A. Wrye, President, requesting a bursary of \$1800 over a 3 year period for the Women in Local Government Bursary Program. IT WAS MOVED by Councillor Redmond, seconded by Councillor K. Langille to provide funding to the Women in Local Government Bursary Program. MOTION DEFEATED #08-076
Oxford Frozen Foods	John Bragg, inviting the Warden to their 40 year anniversary on Sat. July 12, 2008. RSVP by June 22. Keith will be attending. <i>The Warden will be attending this event.</i>

8.2 Information

From	Summary
Cumberland Regional Library	Audited Financial Statements
UNSM	Robert A. Wrye, President, providing the Municipality's HST Offset 2008 payment.
Northumberland Community Curling Club	Expressing appreciation for their Volunteer Award.

Town of Parrsboro	Doug Robinson, Mayor, providing information for the June 19 th , 2008 Source Water Protection Advisory Committee
CNTA	Joyce Mingo, Executive Director, thanking Council for their contribution to CNTA's Annual Marketing Program and advising that due to contributions from local municipalities CNTA was able to plan and execute its marketing strategy that has allowed our region to successfully leverage over \$25,000 in additional funding from the Province.

9. Planning Issues

9.1 Moved to 6.1

9.2 Amendment to Subdivision By-Law (Indexing Schedule "B" Road) - Mr. Coughlin, Director of Planning and Development explained to Council that the purpose of indexing Schedule "B" roads in the Municipality of the County of Cumberland is to enable limited subdivision approval on existing private rights-of-way where such rights-of-way cannot be upgraded to the standards required for public highways owned and maintained by the Department of Transportation and Infrastructure Renewal or the Municipality. This amendment is to index a section of Old Farm Road and Cove Road, Greenhill as Schedule "B" roads.

IT WAS MOVED by Deputy Warden Welton, seconded by Councillor G. Langille to give first reading to the amendment of the Subdivision By-Law (Indexing Schedule "B" Road) and to schedule and advertise a public hearing prior to Council's second reading and approval at its' July Council session.

MOTION CARRIED #08-077

10. Financial Reports/Issues

10.1 Hart Lake Tax Rate Reduction Request - Following discussion,

IT WAS MOVED by Councillor Redmond seconded by Councillor Read to advise the Hart Lake Cottage and Property Owners Association that Council will not provide a tax rate reduction of 50%.

MOTION CARRIED #08-078

10.2 CJSMA Special Resolution - **IT WAS MOVED by Councillor Gilbert, seconded by Councillor Kellegrew, that Council approve the unbudgeted expenditure of the CJSMA in the amount of \$29,300 for the purpose of construction of test wells at Littleforks; pursuant to Special Resolution provisions of the Inter-Municipal Agreement.**

MOTION CARRIED #08-079

10.3 Tax Bill Issue - There was discussion on the confusion that the Septage Fee line charge on Tax Bills created. Council was informed that an information sheet was provided to residents to explain the fee. Council will, at a later date, decide if they prefer to show this charge as a separate line for future years.

10.4 Revenue and Expenditure Report - Provided as information

10.5 Tax Reduction and Exemption By-Law - Deferred to the next meeting

10.6 Remittal(s) - **IT WAS MOVED by Councillor G. Langille, seconded by Councillor K. Langille to approve remittals to account 02574357 and account 07515340.**

MOTION CARRIED #08-080

- 10.7 Grants to Organizations - **It was agreed to defer this item to a future meeting.**
- 10.8 Recreation Grant Requests - There was considerable discussion on this issue. This item will be discussed at a future meeting. Council requested that any recreation grants that are pending be paid and that any new grants could be discussed, this will be discussed in greater detail at a future meeting.

11. Operational Services Reports/Issues

- 11.1 Long Range Planning - Fire Protection Services - CAO, Rennie Bugley informed Council that throughout the budget process there was discussion on the need to review the long range fire protection services plan. Correspondence has been sent to CCFFA for information and this information is provided today as an update.
- 11.2 Water Testing - Mr. Streach, Director of Public Works requested direction from Council on how to proceed with this issue. Staff were directed to not take action on this issue at this time.
- 11.3 Pugwash Fire Hall - Mr. Streach, Director of Public Works informed Council that the Pugwash Fire Station Steering Committee (PFSSC) and the Fire Station Standards Committee (FSSC) made 6 recommendations at a meeting held June 12, 2008.

IT WAS MOVED by Councillor K. Langille, seconded by Deputy Warden Welton that the following recommendations of the PFSSC and the FSSC be approved and they are as such:

- 1. The Standards Committee's mandate will be revised to include the following provided it does not impede the progress of the Pugwash Fire Station project - "Review of County wide facility construction financial implications and develop a facility replacement plan including implementation time lines."**
- 2. That a Request for Proposals process will be utilized rather than a tender to assess and determine the preferred solution/proponent for the project.**
- 3. That large fire station Request for Proposals (RFP) will exclude timber framing as an acceptable construction method.**
- 4. That medium and small fire station RFP will include timber framing as an acceptable construction method.**
- 5. That geothermal heating is recognized as providing significant operation cost savings through reduced energy costs; Geothermal however has a significantly higher capital cost and therefore is recommended provided that the additional capital cost does not impact proceeding with the project due to budget constraints.**

MOTION CARRIED #08-081**12. Committee/Other Reports**

- 12.1 FCM Conference - An update was provided by Councillor K. Redmond. Councillor Redmond reported that attendance seemed to be up as approximately 2200 were registered.
- 12.2 Wellness Committee - An update was provided by CAO, Rennie Bugley. Council was informed that the members are looking at developing a policy and mandate for the committee.

- 12.3 Fire Protection Services Negotiations Committee - A meeting will be held with the Town of Parrsboro on Friday, June 20 and an update will be provided to Council.

13. **Old Business**

- 13.1 Septage Fee - Dealt with at 10.3

14. **New Business**

- 14.1 Licensed Professional Planner - CAO, Rennie Bugley informed Council that Mr. Jim Coughlin has attained a designation as a licensed professional planner in the Province of Nova Scotia. Council extended warm congratulations to Mr. Coughlin for his accomplishments.
- 14.2 Relay for Life - Council was provided with an update for this and thanks were extended to the members of our Cumberland County Team.
- 14.3 Canadian Red Cross - **IT WAS MOVED by Councillor K. Langille, seconded by Councillor E. Gilbert that:**

Whereas the Canadian Red Cross is celebrating the 100th anniversary of its creation as a national non-profit volunteer humanitarian organization under The Canadian Red Cross Society Act, 1909;

And whereas, under national and international law, the Canadian Red Cross and other National Red Cross and Red Crescent Societies are considered “auxiliary to the public authorities in the humanitarian field;”

And whereas, the mandate of the Canadian Red Cross is to :”In time of peace or war to carry on and assist in work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world;”

And whereas millions of Canadians and beneficiaries in other countries have been assisted by the Canadian Red Cross for over a century through programs aimed at disaster assistance, emergency preparedness, international aid, assistance and development, health, injury prevention and the promotion of international humanitarian law and humanitarian values;

And whereas the Canadian Red Cross’ Auxiliary Role Project seeks to revitalize the relationships with public authorities at the federal provincial, territorial and municipal levels so as to better serve the needs of humanity;

Be it resolved that the Council of the Municipality of the County of Cumberland expresses its support for the Auxiliary Role Project and in particular the renewal of the framework for cooperation between public authorities and the Canadian Red Cross to better address the humanitarian challenges of the 21st century by:

- a) **working to reinforce the status and roles of the Canadian Red Cross as auxiliary to public authorities in the humanitarian field;**
- b) **and reviewing existing measures, arrangements and instruments supporting the relationship.**

MOTION CARRIED #08-082

- 14.4 Garbage Hauler License Fee - This item will be deferred to the next meeting.

- 14.5 Solid Waste Services -

IT WAS MOVED by Deputy Warden Welton, seconded by Warden Hunter that Council rethink its’ former position regarding solid waste services and request a

meeting with PBS to discuss further any savings to the county that a revamping of solid waste services may provide.

MOTION DEFEATED #08-083

IT WAS AGREED that CAO, Rennie Bugley, be given the authority to award the Tender for the Bulky Item Pickup if it falls within the budgeted amount.

15. **Information Items**

15.1 CREDA Minutes - These were provided in Councillor's mailboxes.

15.2 Citizens Advisory Committee - These minutes were provided in Councillor's mailboxes.

15.3 Contribution Agreement- Energy and Emissions Inventory and Audit - Provided as information.

15.4 AMA Workshop - A memo providing information on this will be placed in Councillor's boxes.

16. **Adjournment**

The meeting adjourned at 3:45 p.m.

17.

God Save the Queen

Warden

Chief Administrative Officer

Recording Secretary