

1. **Council Convenes - O Canada** –Warden Keith Hunter called to order the September 8, 2010 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 was called by Shelley Hoeg, Executive Assistant to the CAO. All Councillors were in attendance excepting Councillor Read. Also in attendance were Rennie Bugley, CAO, Stephen Ferguson, Director of Policy and Research, Penny Henneberry, Director of Planning and Development, Robert Streach, Director of Public Works, Jim Triff, Fire Protection Services Coordinator and Peter Cottingham, By-Law and Enforcement Administrator.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:

Additions: 6.2 – Bio-solids, 12.3 – Fire Flow Standards, 12.4 – FPS, 12.5 – Northern Region Agreement, 12.6 - Hurricane Earl, 15.2 - October Council Meetings, 16.1 – Joggins Volunteer Fire Department; 16.2 – Order of Canada Award; 16.3 – Superintendent of CCRSB Appointment.

Deletions: #7, 11.2, 11.3, 13, 14
4. **Approval of Minutes**
 - 4.1 **Minutes from July 7, 2010 Council Session**– The minutes of the July 7, 2010 Council session were approved with the amendment that Warden Hunter was present and Councillor Redmond was not present.
 - 4.2 **Minutes from July 21, 2010 Council Session** – The minutes of the July 21, 2010 Council session were approved as presented.
5. **Business Arising from the Minutes**
 - 5.1 **Action List, July 7, 2010** –
IT WAS MOVED by Councillor Redmond, seconded by Deputy Warden Gilbert to send correspondence to the Chignecto Central School Board advising of our displeasure that the Board declined to attend Council session to discuss the changes made in their bussing and requesting that they send one of their employees responsible for bussing to attend a Council session in the near future.

MOTION CARRIED #10-135
6. **Delegations and Presentations**
 - 6.1 **Canada Post** – Ms. Tinna Bonner and Mr. Kinnon Stubbart provided a summary of the Rural Mailbox Review Program and also provided some preliminary results of the rural mailbox assessments for 2 of the 8 rural routes emanating from Amherst Post Office.

The preliminary assessment results for RR1 Northport and RR2 Nappan are as follows:

 - 289 rural mailboxes were affected by the review.
 - 152 rural mailboxes **passed** the assessment and delivery will continue as usual.
 - 40 rural mailboxes customers **can relocate** their rural mailbox to a safer location so that delivery can continue to the mailbox.
 - 5 rural mailboxes have been **rescheduled for a full review** at a later date as they are in locations with low traffic volumes and mail delivery will therefore continue as usual.
 - 92 rural mailboxes **failed** our traffic safety criteria and cannot be safely relocated, therefore the **delivery mode will change** to either Community Mailbox (CMB) or a free PO Box.

This means that out of 289 rural mailboxes 197 (minimum) can remain on delivery and as Canada Post works with their customers it should be noted that the fail number (92) may actually decrease as individual solutions get put in place.

Canada Post started notifying customers of the results during the last week. Customers whose mailboxes fail the assessment criteria will be notified in person by Canada Post

representatives, while customers whose mailboxes meet the safety criteria or have been rescheduled to a later date will be notified in writing. Ms. Bonner again stressed that Canada Post's **priority is to maintain rural mailbox delivery** wherever possible and changing a customer's mode of delivery is only considered as a last resort after consultation with the customer.

This fall Canada Post Delivery Planners will be working on finding suitable locations to install Community Mailboxes (CMBs) for the customers who will have to change their delivery mode. CMB sites are carefully planned and approved by the landowners and/or Dept of Transportation to make sure they meet specific guidelines of Canada Post and provincial safety standards.

Ms. Bonner requested that if Councillors know of a local contact Canada Post should talk to as well when looking at possible CMB sites, to please let Canada Post know. Canada Post welcomes input and local knowledge of the area. As soon as information about the CMB sites becomes available, Ms. Bonner will forward the information and encourages the Municipality to work closely with the Delivery Planners, when the time comes, in an effort to obtain the best locations possible.

At this point, the presenters welcomed questions from Council.
Warden Hunter thanked Ms. Bonner and Mr. Stubbart for their presentation.

- 6.2 Bio-solids Free Nova Scotia – This Presentation did not take place as the Presenter did not attend the session.

7. **Public Hearings**

This item was deleted.

8. **Correspondence**

There was no discussion on this issue.

9. **Planning Issues**

- 9.1 First Reading – Central Planning Area Land Use By-Law – Ms. Henneberry advised Council that an amendment was approved in July, 2010 that allowed for the construction of an accessory structure in the Central Planning area. The accessory building amendment utilized for the Central Planning Area was one already in existence in the Joggins Plan and Pugwash Secondary Plans therefore it was deemed to be reasonable to apply the same language rather than “recreating the wheel”. However, what was overlooked was the height restriction of 4 meters. New language is being proposed that will allow the Development Officer to consider allowing an Accessory Structure in the front or flanking yard provided that the house is located such that the accessory structure cannot be placed in any other of the permitted yards and that the proposed structure can be set back from the road so as to still maintain a reasonable streetscape.

IT WAS MOVED BY Councillor Reid, seconded by Councillor Donkin to amend the LUB as attached as Option B which is as such and to advertise for public hearing at the next Council Session:

Option B

SCHEDULE “A”

BYLAW 10-XX

**AMENDMENT TO THE
CENTRAL PLANNING AREA
LAND USE BYLAW**

”Be it Resolved that Council give First Reading to Bylaw 10-XX to amend the Central Planning Area Land Use Bylaw by amending the text as follows:”

Delete Section 4.1.2 & 4.1.3

~~4.1.2 Accessory buildings shall not:~~

- a) ~~be located in the front yard or flanking yard on a corner lot;~~
- b) ~~be more than 4 meters in height;~~
- e) ~~be built closer than 2 meters of other structures; and,~~
- d) ~~exceed 10 percent of the lot area.~~

4.1.3 ~~Accessory uses and buildings for agricultural, forestry, commercial and light industrial uses are not subject to 4.1.2 (b), (c) and (d), but must abide by all other requirements of the Land Use Bylaw regarding appropriate lot coverage and setback requirements for lot development for these uses.~~

And replace it with

4.1.2 *Accessory buildings* shall not:

- a) be built closer than 2 meters of other *structures*; and,
- b) exceed 10 percent of the *lot area*.

4.1.3 Accessory uses and buildings for agricultural, forestry, commercial and light industrial uses are not subject to 4.1.2 (b) but must abide by all other requirements of the Building Code/Bylaw and Land Use Bylaw regarding appropriate lot coverage, separation distances and setback requirements for lot development for these uses.

MOTION CARRIED #10-136

10. **Strategic Planning**

10.1 Mr. Ferguson reminded Council of the workshop being held September 28th, 2010 at the Amherst Wandlyn.

11. **Financial Reports/Issues**

11.1 Grant Request – Council has been requested to approve an additional \$1,000 grant for the Greville Bay Ship Building Museum society.

The existing shingles on the Port Greville Lighthouse need to be replaced and a recommendation to do so was accepted and subsequently approved by Council on July 21, 2010. During the budget process last spring Council received a grant application from the Society for \$3,000 for ongoing maintenance and general repair. At that time the need to replace all the shingles had not been identified and a grant of \$2,000 was approved.

The Society has prepared a budget and the total cost is expected to be slightly less than \$3,000.

IT WAS MOVED by Councillor Councillor Kellegrew, seconded by Councillor Merriam to approve a Grant To Organization in the amount of \$1,000 to the Greville Bay Ship Building Museum society.

MOTION CARRIED #10-137

Cumberland County Minor Football League – This is a new group and are requesting a recreation grant in the amount of \$1,000 to assist them with the start up of the team.

IT WAS MOVED by Councillor Merriam, seconded by Councillor Reid to approve a recreation grant in the amount of \$1,000, which would be \$100 from each district's recreation budget for the Cumberland County Minor Football League.

MOTION CARRIED #10-138

11.2 CREDA Project – This item was deleted and will be discussed at a future meeting.

11.3 Tax Exemption Request – This item was deleted and will be discussed at a future meeting.

11.4 Federal Gas Tax Municipal Funding Agreement – **IT WAS MOVED by Councillor**

Kellegrew, seconded by Councillor Gillis to approve the Federal Gas Tax Municipal Funding Agreement and to authorize the Warden and CAO to execute said agreement.

MOTION CARRIED #10-139

12. **Operational Services Reports/Issues**

- 12.1 Safety Light - Mr. Hannon provided a memo to Council advising that, upon request from Councillor Merriam (as a result of concerned citizens) Mr. Hannon examined the area of Hwy 209 and Smith Hollow Road for the installation of a safety light. Mr. Hannon feels that a safety light would be an asset.

IT WAS MOVED by Councillor Redmond, seconded by Councillor Gillis to approve a safety light for the area at the intersection of Hwy 209 and Smith Hollow Road.

MOTION CARRIED #10-140

- 12.2 Direct Responsible Charge Appointments – Mr. Streach advised that during a recent review of the Nova Scotia Water & Wastewater Facilities and Public Drinking Water Supplies Regulations, it became apparent that the Municipality has not formally appointed staff to the position of Direct Responsible Charge for various facilities that we own and operate.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Reid to approve the following:

John Burbine, Operations Supervisory, be designated overall Direct Responsible Charge for all Level I Wastewater Treatment Plants.

Robert Streach, Director of Public Works, be designated overall Direct Responsible charge for all Level II Wastewater Treatment Plants, and

Robert Streach, Director of Public Works, be designated overall Direct Responsible charge for Biggs Drive Registered Water Supply.

MOTION CARRIED #10-141

- 12.3 Fire Flow Assessment – Director of Public Works, Robert Streach, advised Council that staff reviewed two proposals for a Fire Flow Assessment of Hydrants. Following this review staff recommend that Morrison Hershfield Limited be awarded the contract.

IT WAS MOVED by Councillor Reid, seconded by Councillor Merriam to award the Fire Flow Assessment contract in the amount of \$15,000 excluding HST to Morrison Hershfield Limited.

MOTION CARRIED #10- 142

- 12.4 Fire Protection Services – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Reid to approve \$300,000 be taken out of FPS Capital Reserve Fund to fund the acquisition of a pumper apparatus for the Advocate Volunteer Fire Department and 4 or 5 tankers for Departments on a priority basis.**

MOTION CARRIED #10-143

- 12.5 Northern Region Agreement – **IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gillis to approve the amended Northern Region Agreement as presented.**

MOTION CARRIED #10-144

- 12.6 Hurricane Earl – Mr. Ferguson provided an update on the outcome of Hurricane Earl. Letters of appreciation will be forwarded to those who participated in monitoring the situation in our EMO Operations Centre.

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Merriam to forward correspondence to the Federal Minister of Fisheries and Oceans requesting immediate remediation to the Advocate Seawall, citing Hurricane Earl and advising that the community may not fare so well during the next weather event.

MOTION CARRIED #10-145

IT WAS MOVED by Councillor Merriam, seconded by Deputy Warden Gilbert that a letter to go to N.S. Minister of Agriculture requesting him to fulfill the commitment of ditching the advocate marshland adjacent to the seawall, as had been promised at meetings over three years ago and to request the rationale for the delay in having the ditching done.

MOTION CARRIED #10-146

13. **Committee/Other Reports**

This item was deleted.

14. **Old Business**

This item was deleted.

15. **New Business**

15.1 Twinning Relationship Plan – Staff were requested to obtain further information on this item. For example is this program endorsed by FCM or UNSM?

15.2 October Council Meetings – The Council sessions in October will take place on the 13th (public Council session) and 20th.

16. **Information Items**

16.1 Joggins Volunteer Fire Department – Councillor Reid advised Council that the Joggins Volunteer Fire Department recently hosted a “Fireman’s Challenge”. Councillor Reid noted that the event was well attended by the Public and other Fire Departments and wants to extend his congratulations to the Joggins Department for their hard work.

IT WAS MOVED by Councillor Reid, seconded by Councillor Kellegrew to send a letter of thanks to the Joggins Volunteer Fire Department for hosting a “Fireman’s Challenge”.

MOTION CARRIED #10-147

16.2 Order of Canada Award – Councillor MacNutt congratulated Willard S. Boyle, who received his Order of Canada.

16.3 Superintendent of CCRSB – **IT WAS MOVED** by Deputy Warden Gilbert, seconded by Councillor Donkin to forward a letter of congratulations to Mr. Gary Clarke on his appointment of Superintendent of the CCRSB.

MOTION CARRIED #10-148

17. **Adjournment**

The meeting adjourned at 2:41 p.m.

18. **God Save the Queen**