

1. CALL TO ORDER

1.1 O' Canada

Warden Al Gillis called the April 3, 2019 Council session of the Municipality of the County of Cumberland to Order at 6:05 p.m. The meeting was held in the council chambers of the E.D. Fullerton Municipal Building, Upper Nappan. O'Canada was sung.

1.2 Roll Call

Municipal Clerk Brenda Moore, called the roll with the following Councillors present: Councillor Porter, Deputy Warden van Vulpen, Warden Gillis, Councillor Welton, Councillor Palmer, Councillor Rector, Councillor Gilbert, Councillor McLellan, Councillor Fletcher, Councillor Williams, and Councillor Jackson,

Absent with regrets: Councillor Chase and Councillor Rafuse.

Staff present: Rennie Bugley, CAO; Steve Ferguson, Director of Community Development; Andrew MacDonald, Director of Finance; Justin Waugh-Cress, Director of Engineering and Public Works; Michelle Byers, Community Economic Development Officer.

2. ADMINISTRATIVE AND PROCEDURAL ISSUES

2.1 The agenda was approved with the following additions and deletions:

Additions:

- 4.1 General Borrowing Resolution
- 6.10 National Workplace Wellness Awards
- 6.11 Budget Schedule
- 6.12 Fred Page Cup
- 6.13 Support for Presumed Consent Organ Donation

2.2 Approval of Minutes of March 6, 2019 Council meeting.

IT WAS MOVED by Councillor Jackson seconded by Councillor Williams to approve the minutes of the March 6, 2019 Council meeting.

MOTION CARRIED #19-048

2.3 Action List from the March 6, 2019 Council meeting and On-Going Action List

The Action Lists were reviewed and Council was brought up to date on the status of the items.

2.4 Delegations, Presentations, Petitions

i) Community Garden, Food Action Network

Rebecca Jones, from the Food Action Network, Alex Watson, Garden Coordinator for Springhill Community Garden, and Thor Menzies, representing the River Hebert and Area Garden Club were in chambers to make a presentation to Council regarding the Cumberland Food Network and community gardens.

ii) IODE – Ms. Roberta Bell was on hand to inform Council of a Distinguished Person of Our Community Recognition Project undertaken by the Springhill branch of the IODE, and to ask for support in continuing this project. Warden Gillis thanked Ms. Bell for her presentation and commended the IODE for their initiative. During the question and answer session Council indicated to Ms. Bell that the IODE could take advantage of the Municipality's Grant Program and / or Sponsorship Program by submitting an application for funding when and if it is required.

2.5 Public Hearings

There are no Public Hearings for today's meeting.

3. STRATEGIC PRIORITIES ISSUES

3.1 Hydraulic Fracturing

The Director of Community Development Stephen Ferguson reviewed Chapter 10 of the Report of the Independent Review Panel on Hydraulic Fracturing, Discussion on this chapter followed.

4. MAJOR ORGANIZATIONAL ISSUES4.1 2019/2020 General Borrowing Resolution

IT WAS MOVED by Councillor Williams seconded by Councillor Jackson to approve a General Borrowing Resolution in the amount of \$11.5 million for the 2019/2020 fiscal year.

GENERAL BORROWING RESOLUTION

To authorize the borrowing of certain moneys from the Canadian Imperial Bank of Commerce to meet the current expenditure of the Corporation of the Municipality of the County of Cumberland (hereinafter called “the Corporation”) for the year ending March 31, 2020.

WHEREAS it is necessary to borrow the sum of **\$11,500,000 (eleven million five hundred thousand dollars)** from the **Canadian Imperial Bank of Commerce** to meet the new current expenditures of the Corporation until such time as the taxes to be levied therefore can be collected; **BE IT THEREFORE RESOLVED** by the Municipal Council of the Corporation as follows:

1. **THAT** the Warden and the Treasurer of the Corporation be, and they are hereby authorized under the seal of the Corporation to borrow from the **Canadian Imperial Bank of Commerce** up to the sum of **\$11,500,000 (eleven million five hundred thousand dollars)** as the same may be required from time to time to meet the now current expenditures of the Corporation which said expenditures has been duly authorized by Council; and
2. **THAT** the said Warden with the Treasurer aforesaid, be, and they are hereby authorized to pay or allow to the said bank, interest on the sum of **\$11,500,000 (eleven million five hundred thousand dollars)** at Prime Rate per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best; and
3. **THAT** the said sum of **\$11,500,000 (eleven million five hundred thousand dollars)** so to be borrowed shall be made payable on or before the 31st day of March, 2020, and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st day of March, 2020, may be renewed by the said Warden and Treasurer from time to time, but no renewal thereof shall fall due later than the said 31st day of March, 2020; and
4. **THAT** the said promissory note or notes of the Corporation, sealed with the corporate seal and signed by the Warden and Treasurer of the Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution; and
5. **THAT** giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only in indebtedness.

MOTION CARRIED #19-049

5. ORGANIZATIONAL POLICY/BY-LAW ISSUES5.1 Protection from Second Hand Smoke By-Law

IT WAS MOVED by Councillor Fletcher seconded by Councillor Gilbert to approve first reading of the Protection from Second Hand Smoke By-Law.

**Municipality of Cumberland By-Law 18-XX
Protection from Second-Hand Smoke By-Law**

WHEREAS Section 172(1)(a), (c) and (d) of the *Municipal Government Act* authorizes a Council to make by-laws for municipal purposes respecting:

- a) the health, well-being, safety, and protection of persons;
- b) persons and activities and things in, on, or near a public place or place that is open to the public; and
- c) nuisances, activities, and things that, in the opinion of the council, may be or may cause nuisance including burning, odours, and fumes...;

AND WHEREAS it is the wish of Council to use that power to respect the health, well-being, safety, and protection of persons against second-hand smoke;

AND WHEREAS the *Protection from Second-Hand Smoke By-Law* is in addition to the *Smoke-Free Places Act*;

AND WHEREAS the *Protection from Second-Hand Smoke By-Law* is in addition to the *Cannabis Act*: This By-Law is entitled the *Protection from Second-Hand Smoke By-Law*.

1. In this By-Law:

- a) “cannabis” means cannabis as defined by the Cannabis Act (Canada);
- b) “grounds of a municipal building” means the outdoor part of any lot adjacent to, or surrounding, a building owned, leased, or occupied by the Municipality. This also includes driveways, thoroughfares, sidewalks, parking lots, lanes, and roads that are on municipal properties to provide public access;
- c) “municipal building” means any physical structure owned, occupied, or leased by the Municipality;
- d) “municipal property” means any land owned, occupied, or leased by the Municipality. This does not include streets unless otherwise mentioned;
- e) “municipal vehicle” means any vehicle owned or leased by the Municipality, or a personal vehicle used in the course of employment while carrying two or more employees;
- f) “Municipality” means the Municipality of the County of Cumberland;
- g) “park” means any land owned, occupied, or leased by the Municipality, designated or used as parkland or as a trail, including gardens, playgrounds, sports fields, and beach areas;

- h) "playground" means any park or recreational area owned, leased, or occupied by the Municipality designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located within the Municipality;
- i) "smoke" means smoke, inhale or exhale smoke from, burn, vape, carry, hold, or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette (including vapors), or other device that burns or heats tobacco, cannabis, or another substance that is intended to be smoked, inhaled, or exhaled; and
- j) "street" means any municipally owned street, road, lane, sidewalk, thoroughfare, bridge, and/or square; and the curbs, gutters, culverts and retaining walls in connection therewith.

PROHIBITION

- 2. No person shall smoke in any of the following places:
 - a) a park;
 - b) a playground;
 - c) an outdoor recreational facility on municipal property, including but not limited to a sports field, grandstand, seating area, or bleacher;
 - d) the grounds of a municipal building;
 - e) the grounds of an event on municipal property that is open to the public, including but not limited to a festival, market, or concert;
 - f) a trail or path on municipal property;
 - g) in campgrounds on municipal property, except for within the boundaries of a rented campsite; and
 - h) a street within a school area designated under the Motor Vehicle Act, except within an enclosed motor vehicle.

EXEMPTION

- 3. Notwithstanding Section 2, the Chief Administrative Officer of the Municipality may designate outdoor areas where smoking is permitted.
- 4. This By-Law does not apply to the rights of indigenous people respecting traditional indigenous spiritual or cultural practices or ceremonies.

OFFENCE AND PENALTY

- 5. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and no more than \$2,000.00 and to imprisonment of not more than 14 days in default of payment thereof.

ENFORCEMENT

- 6. This By-Law may be enforced by the Royal Canadian Mounted Police and any of the Municipality's By-Law Enforcement Officers.

MOTION CARRIED #19-050

5.2 Taxi By-Laws of the former Towns of Parrsboro and Springhill

IT WAS MOVED by Councillor Fletcher seconded by Councillor Welton to direct staff to prepare and bring forward a by-law to repeal the Taxi By-Laws of the former Towns.

MOTION CARRIED #19-051

6. BUSINESS ISSUES

6.1 Request for Power Easement at the Glooscap Campground

IT WAS MOVED by Councillor McLellan seconded by Councillor Rector to approve an easement for electrical power over a portion of the Campground property and to authorize the Warden and CAO to execute this agreement.

THIS GRANT OF EASEMENT made as of the ___ day of ___, 2019
BETWEEN: MUNICIPALITY OF THE COUNTY OF CUMBERLAND
(the "Grantor")

• and- NOVA SCOTIA POWER INCORPORATED, a body corporate (NSPI)

WHEREAS:

- 1. The Grantor is the owner of a certain property located at 1380 Two Lands Road, Greenhill, in the County of Cumberland, Province of Nova Scotia as described in the deed recorded in Book 233 at Page 129, as Document number 295, and more particularly identified as Property Identification Number (PID) 25203951 (the "Lands").

2. NSPI wishes to secure a distribution easement over a portion of the Grantor's lands. WITNESSTH that in consideration of the sum of One Dollar (\$ 1.00) of lawful money of Canada and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

- 1. The Grantor hereby grants to NSP[the free and uninterrupted right, privilege, liberty and easement in perpetuity over, under and through a Forty foot (40t) wide strip across the Lands as outlined on the sketch attached hereto as Schedule "A" (the "Easement") to do the following:
 - (a) inserting, laying, erecting and maintaining a line or lines of poles, towers, and wires with all necessary foundations, excavations, anchors and guy wires (collectively the Distribution Line"), for the purpose of conveying electric power and energy in all forms,

- as well as any and all other communication or other signals capable of being transferred over, under, through and across the Easement;
- (b) to clear or remove in any manner deemed expedient by NSPI, all vegetation, brush, trees, and other obstructions and impediments to construction, excavation and maintenance of the Distribution Line upon the Easement and to use any method deemed expedient to keep the Easement clear of trees, vegetation, brush, or other obstructions, and to remove any such trees, vegetation or brush beyond the limits of the Easement that are deemed a potential hazard to or affect the Distribution Line or the purposes of the Easement;
 - (c) to enter upon and across the Easement from time to time with vehicles, machinery, equipment and materials as deemed expedient for any purpose whatsoever to fulfill the privileges granted herein;
 - (d) to enter upon any portion of the Lands, immediately adjacent to the Easement, from time to time to access the Easement and as may be reasonably required by NSPI to carry out any of its rights and privileges as herein granted;
 - (e) to generally to do all acts necessary to exercise the rights and privileges granted herein together with all rights and privileges necessarily ancillary thereto.
2. The Grantor hereby covenants and agrees with NSPI that it \Vin not:
- (a) excavate, drill, install~ erect, construct, or permit to be excavated, drilled, installed, erected, or constructed on, under or over the Easement, any foundation, building or other structure or installation, pile material or plant any growth upon the Easement that, in the opinion of NSPI, may interfere with or endanger the Distribution Line;
 - (b) disturb or otherwise interfere with the Distribution Line or the Easement;
 - (c) plant or establish within the Lands, including the Easement, any trees, shrubs or other vegetation which could encroach and interfere with the Distribution Line or the Easement at any time unless previously consented to by NSPI; or
 - (d) remove, damage or retard in anyway, any vegetation established within the Easement as part of the management of the Easement without prior written permission from NSPI;
- provided that it is acknowledged by the Grantor herein that should it be in breach of any of the foregoing that NSPI, in its discretion, shall be entitled to remedy the breach at the sole cost of the Grantor.
3. The Grantor represents and warrants to NSPI that the Grantor has good title in fee simple to the Lands and that the right to grant the Easement as hereby granted. The Grantor will procure any such further assurances as may be reasonably required.
 4. The Grantor agrees that NSPI may authorize any other utility, service provider, or communications distributor, including without limiting, cable television undertakings or telecommunications carriers, to exercise the easement rights hereby granted and to share the use of the Distribution Line within the Easement.
 5. This Agreement shall ensure to the benefit of and be binding upon the parties hereto, other persons authorized from time to time by NSPI, and all parties' respective heirs, administrators, executors, successors and assign
 6. This Agreement shall be read with all change of number and gender required by the context.
- IN WITNESS WHEREOF the Grantor has duly executed this Grant of Easement the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of MUNICIPALITY OF THE COUNTY OF CUMBERLAND

MOTION CARRIED #19-052

6.2 Inspection Services Appointments

The Town of Oxford has appointed a number of our Employees as Fire/Building Inspectors and Bylaw Enforcement Officers for the Town of Oxford.

The following are the appointments:

David Buell Fire/Building Inspector; Monty Maddison Building Inspector; Thomas Trenholm Fire/Building Inspector; Melissa Siddall Fire/Building Inspector; Steve Varner Building Inspector; Ron Moore, Bylaw Enforcement; Jaime Spicer, Canine Control/Bylaw Enforcement; Terry Hoeg, Bylaw Enforcement.

6.3 Safety Light

Our Emergency Measures Coordinator was requested to assess the need for a safety light at the intersection of Pleasure Cove Rd. and Murry Rd. in Pugwash. His recommendations are that the Municipality does not install a safety light at this intersection.

6.4 Assessed Value Correction

IT WAS MOVED by Councillor Fletcher seconded by Deputy Warden van Vulpen to make an adjustment of \$5,987.37 to the residential tax portion plus interest of AAN 03655172 for 92 Main St., Springhill.

MOTION CARRIED #19-053

6.5 Former River Hebert Elementary School

IT WAS MOVED by Councillor Fletcher seconded by Councillor McLellan to declare the Former River Hebert Elementary School surplus to the Municipality's needs and to direct staff to commence the divestiture process.

MOTION CARRIED #19-054

The Director of Engineering and Public Works, Justin Waugh Cress indicated we will endeavor to have the process complete and the property on the market before the first council meeting in June.

6.6 Tax Collection Report, Tax Sale Update

The Revenue Officer provided tax collection reports and tax sale updates for January and February, 2019 which were reviewed for Council by Director of Finance, Andrew MacDonald.

6.7 Remittals

IT WAS MOVED by Councillor Palmer seconded by Councillor Williams to approve a remittal in the amount of \$229.84 for tax account # 642186, AAN 4471245, 61 Seacrest Lane, Linden, N.S.

MOTION CARRIED #19-055

IT WAS MOVED by Councillor Gilbert seconded by Councillor Welton to approve a remittal in the amount of \$661.58 for tax account # 605438, AAN 1941607, Malagash, N.S.

MOTION CARRIED #19-056

IT WAS MOVED by Councillor Fletcher seconded by Councillor Rector to approve a remittal in the amount of \$489.78 for tax account # 622482, AAN 10345065, 1172 Elderkin Rd, Apple River, N.S.

MOTION CARRIED #19-057

IT WAS MOVED by Councillor Jackson seconded by Councillor Rector to approve a remittal in the amount of \$111.79 for tax account # 614625, AAN 5618835, Fountain Lake, N.S.

MOTION CARRIED #19-058

A remittal in the amount of \$1,653.72 for tax account # 604587, AAN 01629611, 19038 Hwy 2, Upper Nappan, N.S.

Deferred pending more information

A remittal in the amount of \$13,807.41 for tax account # 605100, AAN 1808222, 8153 Hwy 366, Linden, N.S.

Deferred pending more information

IT WAS MOVED by Councillor Jackson seconded by Councillor Williams to approve a remittal in the amount of \$141.54 for tax account # 624233, AAN 00059862, 140 McGee Street, Springhill, N.S.

MOTION CARRIED #19-059

6.8 Canine Report

Our Canine Control Officer has provided a report detailing January, February and March, 2019.

6.9 Tourism Strategic Planning Committee Update

Our Tourism Development Officer has provided an update on the Tourism Strategic Planning Committee for your review.

6.10 National Workplace Wellness Award

For the second year in a row the Municipality of Cumberland is a recipient of a national workplace wellness award for our commitment to building a strong workplace culture and to provide programs to our employees that support their on-going physical and mental health.

IT WAS MOVED by Councillor Porter seconded by Councillor Fletcher to send congratulations to staff on the effort expended to make the Municipality eligible for this award.

MOTION CARRIED #19-060

6.11 Budget Meeting Schedule

Council discussed and agreed to reschedule the Budget meeting originally set for April 24, 2019 to the alternate date of **April 23, 2019 at 5:00 p.m.**

6.12 Fred Page Cup

IT WAS MOVED by Councillor Fletcher seconded by Councillor Williams to pre approve the amount of \$3,000 from the 2019/2020 Sponsorship Budget to honour a previous commitment to the Fred Page Cup.

MOTION CARRIED #19-061

6.13 Presumed Consent Organ Donor Program

IT WAS MOVED by Councillor Welton seconded by Councillor Williams that letters of support be sent to the Nova Scotia Minister of Health and the Premier in support of the new Presumed Consent Organ Donor Program.

MOTION CARRIED #19-062

7. INFORMATION ITEMS

7.1 Former Town Hall (Springhill) Lease

Staff recently executed a lease with Archway Insurance for a portion of the main floor of the Former Springhill Town Hall.

7.2 Community Liaison Committee

Information regarding the CLC, their role and membership was included in the meeting materials.

7.3 Federation of Canadian Municipalities Board of Directors Nominations

FCM is requesting nominations for positions on the 2019 Board of Directors.

7.4 FCM Budget 2019 Analysis

FCM has emailed their analysis of the 2019 Federal budget to all Councillors.

8. ADJOURNMENT

8.1 The Queen

The meeting was adjourned at 7:50 p.m. The Queen was sung.

Warden Allison Gillis

Municipal Clerk Brenda Moore