

1. CALL TO ORDER

1.1 O' Canada

Warden Gillis called the March 4, 2020 Council session of the Municipality of the County of Cumberland to Order at 6:00 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 Marlon Chase, Councillor Joe van Vulpen, Warden Al Gillis, Councillor Lynne Welton, Councillor Barbara Palmer, Councillor Dan Rector, Deputy Warden Ernie Gilbert, Councillor Mike McLellan, Councillor Don Fletcher, Councillor Maryanne Jackson, and Councillor Norman Rafuse.

Absent: Councillor Paul Porter, Councillor Doug Williams

Staff present: Rennie Bugley, Chief Administrative Officer; Andrew MacDonald, Director of Finance; Stephen Ferguson, Director of Community Development; Justin Waugh-Cress, Director of Engineering and Operations; Will Balsler, Junior Planner; and Brenda Moore, Municipal Clerk who recorded the meeting.

2. ADMINISTRATIVE AND PROCEDURAL ISSUES

2.1 Approval of Agenda

The agenda was approved with the following additions:

- 6.9 RFP-MCC-2003 Mechanic Street Park Design/Build Services-Splash Pad/Playground, Park

2.2 Approval of the minutes of February 19, 2020 Council meeting.

IT WAS MOVED by Councillor Fletcher seconded by Councillor Jackson to approve the minutes of the February 19, 2020 Council Meeting.

MOTION CARRIED

- 2.3 (i) The Action List of the February 19, 2020 Council Meeting
(ii) Ongoing Actions from previous Council meetings.

Council was brought up to date on the actions on the Action list from November 27, 2019 Council meeting and the ongoing actions from previous Council meetings.

2.4 Delegations, Presentations, Petitions

- (i) Home warming — Jennifer Hickey from the Home Warming Program was on hand to inform Council of the province wide initiative program offered by Efficiency Nova Scotia and Clean Foundation to provide energy efficiency upgrades to income qualified homeowners. This program provides no-charge energy assessments and free home upgrades to eligible Nova Scotians.

2.5 Public Hearings

- (ii) Land Use By-Law Amendment-Rezoning PID 25143785, 2550 Hwy 301 Riverview, NS.

Warden Gillis called the Public Hearing to order at 6:21 p.m.

Will Balsler, Junior Planner, Development Officer presented the information on the proposed land use by-law amendment to rezone property at 2550 Hwy 301, Riverview, PID 21543785 from Agriculture to Country Residential to Council. The Warden asked if there had been any written submissions regarding this amendment. There were none. The Warden asked if there was anyone in the gallery who wished to speak and asked for questions and comments from Council. There were no responses to this inquiry. The Public Hearing was closed at 6:25 p.m.

3. STRATEGIC PRIORITIES ISSUES

There are no strategic priorities for today's meeting.

4. MAJOR ORGANIZATIONAL ISSUES

4.1 Public Sewer Bylaw

Financial information regarding the annual capital debt of the Parrsboro sewer system was included in the meeting material for Council’s review.


IT WAS the consensus of Council that staff will develop a number of options/rates for local improvement charges for the Parrsboro sewer charge and bring them back to the next Council meeting for discussion and decision.

5. ORGANIZATIONAL POLICY/BY-LAW ISSUES

5.1 Second Reading — Amendment to Land Use Bylaw to rezone PID 25143785, 2550 Highway 301, Riverview, N.S.

IT WAS MOVED by Councillor van Vulpen seconded by Councillor Chase to approve the Amendment to the Land Use By-Law to rezone property at 2550 Hwy 301, Riverview, PID 21543785 from Agriculture to Country Residential.

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MEMORANDUM

TO: Warden and Council
FROM: Will Balsler, Junior Planner, Development Officer
DATE: March 4, 2020
RE: Second Reading on amendment to Land Use Bylaw to rezone PID 25143785, 2550 Highway 301, Riverview

Background: On January 28, 2020, Planning and Development staff received an application from Daniel E. Casey and Mary Ann Casey (the “applicants”) regarding the property at 2550 Highway 301 - PID 25143785 (the “subject property”).

The subject property is owned by Daniel E. Casey and Mary Ann Casey and is located on the western bank of the River Phillip in the community of Riverview. The application is for a rezoning to permit the subdivision of the lot into 2 smaller parcels.



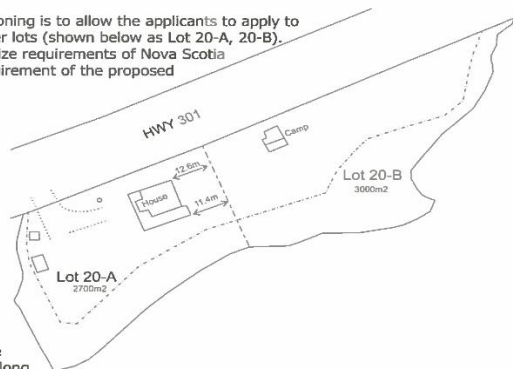
Site Plan: The primary purpose of this rezoning is to allow the applicants to apply to subdivide the subject property into 2 smaller lots (shown below as Lot 20-A, 20-B). Both proposed lots meet the minimum lot size requirements of Nova Scotia Environment and the minimum lot size requirement of the proposed new zone, Country Residential (2700m²).

Regulatory and Land Use Context:
Current Zone: Agriculture
Proposed Zone: Country Residential

The subject property is designated as Resource on Schedule A of the Municipal Planning Strategy.

The current Agriculture (AG) zoning of the property does not allow new lots to be created under 4000m² in area.

A majority of the neighboring properties are cultivated fields and a cluster of dwellings along the western bank of the river zoned as Agriculture (AG). The eastern bank of the river has several smaller clusters of dwellings zoned as Residential Recreational (RRec).





Rezoning the property to Country Residential (RCou) would allow the creation of lots to a minimum of 2700m², and is supported by Municipal Planning Strategy Policy 5-29(a):

"Council shall establish the following zones in the Land Use By-law:

(a) The Country Residential Zone, intended to permit lower density residential development on unserviced lots in defined rural communities and at the fringe of serviced communities. Zone standards shall reflect the denser nature of these communities compared to surrounding areas, but also the need for onsite water and wastewater services."

And by MPS Policy 5-30:

"Council shall, on the zoning map of the Land Use By-law, initially apply the Country Commercial Zone to existing rural commercial uses, and the Country Residential Zone to definable clusters of residential development and areas at the fringe of serviced communities where rural residential development with smaller lot sizes would be appropriate."

Next Steps: If council approves second reading, staff will prepare advertisements for the adoption of the amendment and the appeal period. The amendment will be completed upon the passing of the appeal period.

Recommendation: Give second reading to and approve the proposed amendments to the Land Use By-law.

Alternative: Council can decide to reject the proposed amendment, or request that further information be provided.

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MOTION CARRIED

5.2 Livestock Control By-Law

IT WAS MOVED by Deputy Warden Gilbert seconded by Councillor Rector to approve first reading of the Livestock Control By-Law

Municipality of Cumberland By-Law 20-xx Livestock Control By-Law

1. This By-Law is entitled the Livestock Control By-Law.
2. Section 49 (1)(iv) and (e), Section 172 (1)(a),(b) and (d), and Section 174 (f) of the *Municipal Government Act* grants municipalities authority to institute By-Laws relating to livestock.

Definitions

3. In this by-law
 - (a) "Destroy: means to kill, euthanize, put down;
 - (b) "Enclosure" means
 - i. a secure barn or building; or
 - ii. a parcel of land properly surrounded by fences built and maintained in accordance with the *Fencing Guidelines of Nova Scotia* established by the Nova Scotia Department of Agriculture;
 - (c) "Impound" means to seize and take legal custody of something due to an infringement of a law, bylaw, or regulation;
 - (d) "Impoundment Fees and Expenses" means all costs and expenses incurred for the impounding, seizure, transport and maintenance of any impounded livestock;
 - (e) "livestock" means cattle, chickens, donkeys, emus, geese, goats, horses, lamas, mules, ponies, ostriches, rabbits, swine, turkeys, or other animals or fowl (excluding dogs and cats);
 - (f) "livestock farm" means a parcel of land that is used for grazing, pasturing or housing livestock;
 - (g) "Municipality" means the Municipality of the County of Cumberland; and
 - (h) "owner" means
 - i. with respect to livestock any person who has lawful custody of the livestock; and,
 - ii. with respect to a livestock farm, the person occupying or operating the farm.

Interpretation

4. Any livestock that are not on property owned, leased, rented or utilized by the owner of such livestock, and are not under the continuous restraint and control of some person shall be deemed to be "at large" for the purposes of this By-Law.
5. An owner of livestock who becomes aware, or should reasonably be aware, that any of those livestock may be at large or are at large, must immediately take all reasonable steps to regain custody and control of that livestock.
6. Subject to Section 8 of this By-law, every owner of livestock whose livestock is or are at large or who fails to comply with Section 4 of this By-Law, is in contravention of this By-Law.
7. Every livestock owner shall take all necessary steps to prevent livestock from escaping from their property, including, but not limited to, erecting and maintaining fences adequate for the type of livestock being contained; and, subject to Section 8 of this By-Law, every owner who fails to take such steps is in contravention of this By-Law.
8. No owner shall be found to have contravened this By-Law if it is proven to the satisfaction of the Court that the owner has exercised due diligence in securing their livestock and that the alleged contravention is proven to be a first-time occurrence.
9. Whenever livestock strays onto land owned by someone other than the owner of the livestock and that person has detained said livestock, they shall communicate this to the Municipality. This communication must include a description and location of the livestock. Should such person not wish to further detain the livestock, the Municipality shall arrange accommodation pending the determination of ownership.
10. The By-Law Officer who receives notification of livestock at large, or who arranges accommodation as per Section 9 shall post a notice at the Municipal Service Centers with the information outlined in Section 9. The Notice shall also be distributed in a fashion applicable to the practices of the Municipality, i.e. newspaper, social media, web-notice, etc.
11. If the owner of the livestock at large is not established within 14 days or the owner is unable or unwilling to claim the livestock, the livestock will be sold. Proceeds from this sale will be used to cover expenses incurred during the impoundment with the balance (if any) to go to the owner if, and when they are identified.

Seizure of livestock at large

12. Whenever livestock at large is causing physical damage to neighbouring properties or unnecessary emotional distress to neighbouring individuals, the Municipal By-Law Officer may take whatever steps necessary to remove the offending livestock, including, but not limited to herding, confiscating, corralling or destroying the offending livestock.

Penalties

13. Any person who contravenes this By-Law is guilty of an offence punishable by a summary conviction subject to a fine of not less than \$100 and not more than \$1000 for a first offence, not less than \$200 and not more than \$2000 for a second offence, and not less than \$500 and not more than \$5000 for subsequent offences. For the purposes of this section it is irrelevant whether the offences were prosecuted pursuant to the same section of this By-Law.
14. Where a person is given a Notice of By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy, the person may pay to the Municipality, at the place specified in the Notice, the sum of \$100 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
15. All previous Livestock At Large By-Laws of the Municipality are hereby repealed.
16. This By-law shall come into force upon publication.

MOTION CARRIED

6. BUSINESS ISSUES

- 6.1 Attendance of Councillors at Events, Function, etc.
There were no items for approval at this meeting.
- 6.2 Proposed Cumberland Regional Library Board By-Law Changes
IT WAS THE consensus of Council that there will be one Cumberland County Councillor on the Library Board.
- 6.3 Fundy Shore Winter Carnival
Staff have provided a memo to Council outlining activities and results of the Fundy Shore Winter Carnival.
- 6.4 Tidnish Bridge Fire Department— Funding Request
IT WAS MOVED by Councillor van Vulpen seconded by Councillor Fletcher to award a donation in the amount of \$5,000 to for the purchase of two new engines for the

Tidnish Fire Department rescue zodiac. Funds to come from the Fire Department Equipment Budget.

MOTION CARRIED

6.5 Springhill Building Demolition — Tender Award

IT WAS MOVED by Councillor Fletcher seconded by Councillor Rafuse to award tender T-MCC-2003 Buildings Demolitions Springhill NS, to C.K. Earthworks Limited, the lowest compliant bid, at \$64,203.00 plus HST.

MOTION CARRIED

6.6 Carnegie Medal: Relocation Update

IT WAS MOVED by Councillor Fletcher seconded by Councillor Jackson to delay the installation of the Carnegie Medal in the Community Centre until next fiscal year.

MOTION CARRIED

6.7 Tourism Advisory Committee Representative

IT WAS MOVED BY Councillor Fletcher seconded by Councillor Rector that Councillor Palmer will replace Councillor Fletcher on the Tourism Advisory Committee.

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6.8 Community Vibrancy and Harm Reduction Champion

Council has been recognized by the Cumberland Community Health Boards and the Municipal Alcohol Project as a Community Vibrancy and Harm Reduction Champion.

6.9 RFP-MCC-2003 Mechanic Street Park Design/Build Services-Splash Pad/Playground, Park

IT WAS MOVED by Councillor Jackson seconded by Councillor van Vulpen to award the contract for RFP-MCC-2003 Mechanic Street Park Design/Build Services–Splash Pad, Playground, Park in the amount of \$232,000 +HST to ABC Recreation.

MOTION CARRIED

7. INFORMATION ITEMS

7.1 Cumberland Public Libraries February 2020 Report

In your kits you will find the February 2020 report of Cumberland Public Libraries.

7.2 NSFM Communication re: Provincial Budget 2020

NSFM's media release regarding the Provincial budget is included in your package

7.3 NSFM Spring Meeting Dates

Included as information

IT WAS THE Consensus of Council that the Colchester/Cumberland/Pictou/East Hants NSFM Regional meeting on April 24, 2020 in East Hants will be approved as a function for which attending Councillors may be reimbursed.

8. ADJOURNMENT

8.1 The Queen

The meeting was adjourned at 7:30 p.m. The Queen was sung.

Deputy Warden Joe van Vulpen

Municipal Clerk Brenda Moore