

**REGION OF QUEENS MUNICIPALITY
REGULAR COUNCIL
TUESDAY, JANUARY 10, 2017
9:00 a.m.**

PRESENT: Mayor David Dagley, Chair
Councillor Kevin Muise
Councillor Heather Kelly
Councillor Brian Fralic
Deputy Mayor Susan MacLeod
Councillor Jack Fancy
Councillor Raymond Fiske
Councillor Gilbert Johnson
Richard MacLellan, Chief Administrative Officer
Anne MacDonnell, Municipal Clerk & Coordinator
Christine Watson, Recording / Management Secretary

1.0 CALL TO ORDER:

Mayor Dagley called the meeting to order at 9:00 a.m.

2.0 CHANGES / APPROVAL OF AGENDA

It was moved by Deputy Mayor MacLeod and seconded by Councillor Muise that the Agenda be approved as presented:

MOTION CARRIED unanimously.

3.0 PRESENTATION(S):

There were no presentations to come before this meeting.

4.0 TABLING OF PETITIONS:

There were no petitions to come before this meeting.

5.0 PUBLIC QUESTION / COMMENT SESSION:

Leon Robertson, 45 College Street, Liverpool – Mr. Robertson commented that prior to setting the tax rate during budget preparations, other Municipalities held public meetings and suggested the Region do likewise to take the pulse of the community.

Mr. Robertson enquired if the Fire Hall had a generator and if the location was considered a comfort station. CAO, Richard MacLellan, replied yes to both questions.

Under Item 13.2 – 325 / 327 Main Street Liverpool, Mr. Robertson offered his opinion that further consideration be given because Queens is losing seniors as the need for affordable seniors' apartments rises.

He further communicated his pleasure that the Home, Sport and Travel Expo show was coming to QPEC.

Alan Surovell, Hubley, NS – Mr. Surovell provided background to his April 2016 application for the creation of two new residential dwelling units on the ground floor of his building located at 325 / 327 Main Street in Liverpool. Following the June 16, 2016 Council meeting, he met with Deputy Mayor Susan MacLeod and provided additional information. The original rejected motion was rescinded at a Council meeting held on November 8, 2016.

Mr. Surovell stated that he was encouraged through Affordable Housing of Nova Scotia to apply for assistance to offer affordable housing. Stats from the Housing Authority state that there are 30 seniors on a wait list seeking affordable housing.

Mr. Surovell stated that his property would be appropriate for seniors housing, as the apartments are on the ground floor and centrally located. He encouraged Council to approve his application.

Joey Nasrallah, Liverpool – Mr. Nasrallah stated that his property at 290 Main Street is also now vacant and he too is interested in converting that property into apartments.

Bill Cox, 121 Bog Road, White Point – Mr. Cox thanked Councillors and Mayor Dagley for attending the New Year's Levee, and stated that the event was well attended. Mr. Cox commented that he was pleased to see the Home, Sport and Travel Expo show coming to QPEC, and to read the positive comments provided in the VIC information report. He also offered comments on the website refresh, stating that it could help potential developers utilize property in the area.

David Huskins, 6718 Highway 3, Hunts Point – Mr. Huskins offered his comments on the need for and value in maintaining the VIC in Queens.

6.0 APPROVAL OF MINUTES:

6.1 Council Minutes – December 13, 2016

It was moved by Councillor Kelly and seconded by Councillor Fralic:

THAT the minutes of the Regular Council meeting held December 13, 2016 be approved as circulated.

MOTION CARRIED unanimously.

7.0 DANGEROUS OR UNSIGHTLY PREMISES:

There were no items to come before this meeting.

8.0 ECONOMIC DEVELOPMENT:

8.1 Consumer and Trade Show Participation 2017

It was moved by Councillor Muise and seconded by Councillor Fiske:

THAT the Council of the Region of Queens Municipality grants pre-budget approval for the Economic Development's participation in the Saltscapes East Coast Expo in Halifax, April 2017 at a total cost of approximately \$2,500 from the Economic Diversification budget. In addition, that the Council of the Region of Queens Municipality grants pre-budget approval for the Economic Development Department's participation in the South Shore Home, Sport and Travel Expo in Liverpool, May 2017 at a total cost of approximately \$750 from the Economic Diversification budget.

Ms. Jill Cruikshank, Director of Economic Development, provided background of the Saltscapes East Coast Expo Consumer and Trade Show, which will be held in April.

As in previous years, the Region will partner with local festivals and business, plus other members of the South Shore Tourism Team which will increase the Queens County presence for local businesses and festivals / events.

MOTION CARRIED unanimously.

8.2 South Shore Visitor Information Centers – South Shore REN

The Director of Economic Development stated that the report on the South Shore Visitor Information Centers, prepared by the South Shore Regional Enterprise Network (REN), was provided as information.

The purpose of the study was to better understand current VIC practices and to find ways to support their long-term sustainability. The study suggests that the number of visitors to the Caledonia VIC was up this year, while numbers at the Liverpool VIC peaked during Privateer Days and the Memorial Car Show.

In response to Councillor Fralic's comment on having the VIC provide events information on their own social media pages, she stated that concerted efforts are made to post events on the Region's social media feeds such as the website, Facebook and Twitter as the VIC centers are not open year round. In order to retain an engaged audience, social media pages need regular posting and monitoring to be effective. Suggestions were made that there may be volunteers within the community that could assist.

8.3 Rural Internet Application

Mr. Richard MacLellan, CAO, provided an update on rural internet. He stated that two applications were submitted to the Provincial, Municipal & Community Rural Internet Fund. One application is to provide enhanced service beyond what Eastlink announced for Greenfield, which will provide an opportunity to further expand coverage in Greenfield, whilst the second application is to bring fiber to the Hub in Caledonia, which will provide more service in the community.

Decisions are expected by the end of January 2017.

9.0 CORPORATE SERVICES:

9.1 Municipal Website Refresh

Dr. Anne MacDonnell, Municipal Clerk & Coordinator, provided background on the Municipal Website refresh. She stated that the intention is to have a more user-friendly website.

Some of the recent changes included:

- Creation of a new main section "Council & Governance",
- Renaming the "Residents & Council" section to "Municipal Services",
- A new section to include the "Queens Place Emera Centre Advisory Committee Minutes,
- Photo Gallery creation under "Visit", and
- Changes under "Recreation – Facilities" to include trail maps, i.e. Pine Grove.

Mr. MacLellan stated that the Region's Operation and Bylaws will be uploaded to the website by the end of the week, as well as the strategic priorities.

9.2 Administrative Policy Review Project

It was moved by Deputy Mayor MacLeod and seconded by Councillor Fiske:

THAT the Council of the Region of Queens Municipality approve the process for reviewing the Region's Personnel, Administration, and Operational Policies, and its Bylaws, as outlined in the Administrative Policy Review Project report presented to Council on 10th January 2017.

The Municipal Clerk & Coordinator provided background for the Administrative Policy Review project (Recommendation Report attached to original set of Minutes), stating that the Region has roughly two times as many policies as the top performing Municipal Units in Nova Scotia. Many of the older policies conflict with newer policies, some policies have not been updated and go back to 1996, and some conflict with the Municipal Government Act. It is anticipated that the review process could take up to one year to complete.

The Review Team consists of the Municipal Clerk & Coordinator, Executive Secretary and department heads when necessary. Staff will reach out to experts such as Human Resources and Organizational Behaviour professors at Dalhousie University for advice on personnel topics.

The initial review will focus on policies relating to personnel policies and repealing the Skateboarding Bylaw. Council will receive periodic updates and policies will be presented to Council for approval as they are ready.

MOTION CARRIED unanimously.

9.3 Municipal Well Drilling Update

The CAO provided background on the Municipal Well Drilling. He stated that a motion was approved by Council to examine some new Municipal Authority and Municipal Government Act with regards to enabling residential financing of well drilling similar to Clean Energy programs.

Discussions with the CAOs of Yarmouth, Barrington and the Municipality of Shelburne have occurred to create a consistent program. Draft bylaws and policies have been assembled and there is an agreement to split any legal fees.

A request has been made to the provincial government for help with the science, specifically with a hydrologist to better understand environmental risks; there are also commercial and financial challenges that are not clear at this point, as projects can be quite expensive relative to a house's value.

10.0 ENGINEERING AND WORKS:

There were no items to come before this meeting.

11.0 FINANCE:

There were no items to come before this meeting.

12.0 RECREATION AND COMMUNITY FACILITIES:

There were no items to come before this meeting.

13.0 PLANNING:

13.1 Closure of Elm Street, Liverpool

It was moved by Councillor Kelly and seconded by Councillor Fralic:

THAT the Council of the Region of Queens Municipality direct staff to initiate the process to formally close Elm Street in Liverpool.

Mr. Mike MacLeod, Planner, provided background on the closure of Elm Street. A request had been made to close or rename the street in Liverpool due to location confusion with Elm Street in Brooklyn and the impact this has had on regular deliveries. The street is approximately 17 feet in width running between 130 and 132 Main Street. It is staff's recommendation, that due to its size and location, and lack of civic addressed properties, to close the street rather than rename it. Closing the street would extinguish the rights of the public to use it and staff would have it removed from the Nova Scotia Civic Address File (NSCAF) database.

The Planner provided Council with the process for closing roads; he stated that notification of the road closure would be advertised in the media, and a formal resolution respecting the closure would come before Council for approval at a later date. Councillors discussed their concerns for this closure and some felt they did not have adequate information to make a decision.

It was moved by Councillor Fralic and seconded by Councillor Kelley:

THAT the motion be deferred until further information can be brought forward at the next Council meeting.

MOTION DEFEATED with 2 in favour and 6 against.

Upon defeat of the Motion to defer, Council responded to the question put in the original motion.

MOTION CARRIED with 6 in favour and 2 against.

13.2 325 / 327 Main Street, Liverpool – Residential Units on Ground Floor in Commercial Zone

It was moved by Deputy Mayor MacLeod and seconded by Councillor Fancy:

THAT the Council of the Region of Queens Municipality maintain status quo respecting utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use.

The Planner provided background on the application to have residential units on the ground floor in a building presently situated in a Commercial Zone at 325 / 327 Main Street (copy of Staff Report attached to original set of Minutes). He stated that an application was received in April 2016 and the recommendation to Council on June 14, 2016 to maintain the status quo was passed. Deputy Mayor MacLeod met with Mr. Surovell to discuss the decision and he advised that there was additional information which Council did not have in June. Consequently, Deputy Mayor MacLeod made a motion on November 8, 2016 to rescind the motion of June 14, 2016.

Councillors discussed their concerns and reasons to provide and withhold support got the motion; the main concern being there would be less opportunity to support Economic Development in the downtown core if the amount of commercial space was reduced.

MOTION DEFEATED with 4 in favour and 4 against.

Upon defeat of this recommendation, a second recommendation was made:

It was moved by Deputy Mayor MacLeod and seconded by Councillor Fancy:

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Alan Surovell to allow for the creation of two new ground floor dwelling units in the existing building located at 325 / 327 Main Street in Liverpool and identified as PID #70024971.

AND THAT a Public Hearing be scheduled for February 14, 2017 at 8:55 a.m. in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

MOTION DEFEATED with 4 in favour and 4 against.

14.0 QUEENS PLACE EMERA CENTRE:

14.1 Analysis, Summer Ice at Queens Place Emera Centre

The CAO provided background on the benefits of keeping summer ice and referred to the report analysis for the three months of June to August 2016 (copy attached to original set of Minutes). The report refers to usage, revenue and power consumption; removal of the ice for this period would result in an approximately \$40,000 financial loss, less new revenue gain from non ice events. Power savings are compared against the 2012 ice removal, and our future power savings would likely increase, but are difficult to forecast.

In 2012, the ice was removed from June to the middle of August, and the arena was used for 19 days during that period. Revenue of approximately \$3,000 resulted from two events (by HB Studios and Air Cadets) over the 80 days the ice was removed. At present QPEC averages \$10,000 to \$12,000 per month for ice rental.

There is a maintenance event scheduled this year which will allow staff to re-establish some of this data for future decisions. During maintenance, the ice removal will be planned around events to minimize ice rental loss.

14.2 QPEC Advisory Committee Meeting Minutes

Mr. Steve Burns, General Manager of QPEC, stated that two QPEC Advisory Committee meetings have been held to date. During the recent meeting the committee toured the facility and there was a positive vibe from the group. Councillor Johnson enquired about representation from North Queens on the committee; Mr. Burns stated that there has been one resignation and this will be discussed at the upcoming meeting.

15.0 REPORTS

There were no reports to come before this meeting.

16.0 OTHER:

16.1 Fire Department Training Facility

The CAO stated that at the November 8, 2016 Council meeting staff was directed to work with the Liverpool Fire Department for consideration of alternate training locations for them and other Region of Queens Fire Departments. The Region's Leaf & Yard Waste Facility was deemed to be the optimal location. The training exercise will be to the west of the small vacant building at the property, and will have little impact with residents. The funds are available within the 2017 / 2018 Operating Budget to support this initiative.

17.0 IN-CAMERA ITEMS

It was moved by Councillor Fancy and seconded by Councillor Fralic that the proceedings go "In-Camera" at 10:50 a.m. to discuss the following:

- 17.1 Property Matter, MGA 22(2)a
- 17.2 Contract Negotiations, MGA 22(2)e
- 17.3 Security of Municipal Property, MGA 22(2)a
- 17.4 Contract Negotiations, MGA 22(2)e
- 17.5 Contract Negotiations, MGA 22(2)e
- 17.6 Lease of Municipal Property, MGA 22(2)a
- 17.7 Contract Negotiations, MGA 22(2)e
- 17.8 Personnel Matter, MGA 22(2)c

MOTION CARRIED unanimously.

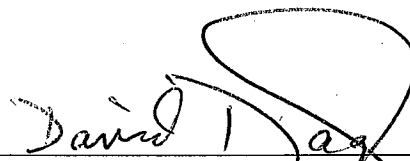
COUNCIL RECESSED FOR 10 MINUTES.

It was moved by Councillor Fralic and seconded by Councillor Johnson that the proceedings exit the "In-Camera" session at 2:50 p.m.

MOTION CARRIED unanimously.

18.0 ADJOURNMENT

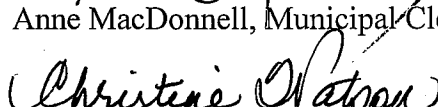
There being no further business, the meeting adjourned at 2:50 p.m.



Mayor David Dagley, Chair



Anne MacDonnell, Municipal Clerk & Coordinator



Christine Watson, Recording / Management Secretary

Date Approved: 24th January 2017.

Recommendation Report: Administrative Policy Review Project

Submitted By: Anne MacDonnell, Municipal Clerk & Coordinator

Origin: Administrative Strategic Priorities

Legislative Authority:

- Municipal Government Act (“MGA”), Part 3, 47 (1) and (3)
- MGA, Part 3, 48 (3)
- MGA, Part 3, 49 (1)
- MGA, Part 7, 172 (1)(a – l)
- MGA, Part 7, 172 (2)(a – f)
- MGA, Part 7, 174

Date: 10th January 2017

Recommendation: It is recommended that the Council of the Region of Queens Municipality approve the process for reviewing the Region’s Personnel, Administration, and Operational Policies, and its Bylaws, as outlined in the Administrative Policy Review Project report presented to Council on 10th January 2017.

Summary: RQM has roughly 2.2 times as many policies as the top performing Municipal Units in Nova Scotia. It is believed that confusion and redundancies resultant from current policies is supported by policy overlap, outdated content, unnecessary involvement of Council, and conflict with existing legislation. Distinction will be made between “the Administration” and “Council”. Focus will begin by identifying gaps in existing policies, absent yet required policies, and opportunities to repeal and merge policies (with the goal of reducing vagueness, reducing overlap, reducing volume, and increasing effectiveness). The Review Team is composed of the Municipal Clerk & Coordinator, Executive Secretary, and department heads as subject matter experts when necessary. Council will receive updates roughly every four to six weeks, and policies will be presented to Council for approval on an “as they are ready” basis, and not solely at completion of the Review process. Staff would like approval to begin by focusing on policies relating to Respect in the Workplace, Grants to Organizations, Council Expenses, and repealing The Skateboarding Bylaw. Staff anticipates the Policy Review Project could take up to one year to complete.

Background:

The cited sections from the MGA relate to a municipal units' power to make policies and power to make by-laws.

Presently, the Region of Queens Municipality ("RQM") has a total of 177 policies and by-laws. In pursuit of identifying best practice, staff contacted the Municipal Advisors at the Department of Municipal Affairs to identify the ten top performing municipal units in Nova Scotia. A desk study was then conducted to identify the average number of policies and by-laws these municipal units have. The average is 81 in total. For further comparison, of these top ten performers, the greatest number of total policies and by-laws was 108 and the lowest number of total policies and by-laws was 46.

Policies, by-laws, and procedures are created by RQM to establish a standard of performance to address a discretionary duty RQM may have. Their regular review will ensure that:

- a. They continue to meet Council's intent,
- b. They continue to serve an identified need in the community, and that
- c. They are not presently in conflict with other legislation.

It is akin to preventative maintenance, which ensures that an asset performs to its best ability.

Staff has identified overlaps in policies (thereby creating confusion as to implementation), out of date content (thereby creating redundancies), and in some cases specific conflict with firstly, the MGA, and secondly, with RQMs strategic plans and priorities. From a practical perspective, some policies are written in such an impractical manner that their intent, interpretation, and implementation become difficult to understand for an average individual.

The objective of this review process is:

- a. To address the shortcomings of RQMs existing policy and by-law set as described in the preceding paragraph,
- b. To align policies and by-laws with the provisions that are set in the MGA,
- c. To provide for strong and transparent governance consistent with the definition of Councils role in MGA 3,47, and
- d. To model RQMs policies and by-laws on the identified best practices of Nova Scotia's top municipal unit performers where appropriate.

The review process will be undertaken by the Municipal Clerk & Coordinator and is presently envisioned to take several months to complete. Updates on the process will be presented to Council every four to six weeks, and a final report will be presented to Council upon completion of the project. Ratification of amendments and repealing existing policies so that they may be replaced with more appropriate policies will be pursued on an "as they are ready" basis, rather than wait until final completion of the project.

Discussion:

RQM is composed of two separate entities: Council and Administration. Presently, there is no distinction between these groups as they relate to RQMs policies, and as a consequence there is potential for confusion regarding which group is responsible for what policy.

The first goal of the Policy Review Project will therefore be to isolate those policies that clearly relate to Council from those policies that clearly relate to Administration. Once this distinction has been established, the second goal will be to organize or categorize RQMs policies in a manner that will be easy to identify and understand by an average person.

Additionally, some basic definitions are required to understand the distinguishing features between the three document types that will be considered, specifically, policies, procedures, and by-laws. They are defined thusly:

a. Policy

- Intended for important matters on an on-going basis, policies are used to regulate specific issues such as the rate on overdue property tax. Used to set standards and procedures within a municipal unit, policies inform residents of RQMs position on a given matter. Council is responsible to establish the policies of RQM and in so doing, Council provides information to residents on what standards of care RQM intends to provide (and by extension to not provide).

b. Procedure

- Intended for routine business, procedures are used to accomplish common administrative matters that require the approval of Council (thereby suggesting a relationship with "policy"), but the authority to deal with the subject has been delegated to the Chief Administrative Officer. Consequently, these documents become separate from Council and instead fall under Administration. Examples include supervising and directing the activities of RQM staff, the HR function (that is to say, hiring, disciplining, demoting, promoting, or terminating staff), and explaining how to accomplish a task when specific steps are set out.
- A distinction must be made between Administration and Council because MGA 2, 30(4) clearly states that Council shall not instruct or otherwise direct staff. But as the Administration takes direction from Council (see MGA 2, 30(2) and (3) wherein Council gives direction to staff via the CAO), there must be a separation from a governance perspective in order to avoid the creation of a matrix organization wherein staff takes direction from many sources (CAO, Directors, Council) without a clear reporting structure, a clear accountability structure, and a clear priority structure. The separation of "policy" from "procedure" will create operational efficiencies and positively impact staff morale.

c. By-Law

- Intended for decisions that are expected to have a long-term impact on a municipal unit, by-laws are the strongest legislative tool available to a municipal council. By-laws represent the expression of Council with respect to what residents are required or enabled to do or not to do. By-laws enable a municipal unit to enact legislation (that is to say, to create a law) that is limited to its borders, for example levying fees. If the proper procedure for establishing a by-law has not been followed, the by-law may be challenged in court and struck down.

The Policy Review Project will focus primarily on policies and procedures, but throughout the process by-laws may be identified as requiring review. Throughout this Recommendation Report, staff will use the term “policy” interchangeably to refer to each of the three document types.

Regarding the actual process of completing this project, the proposed methodology is as follows:

The project will be spearheaded by the Municipal Clerk & Coordinator who will first conduct a desk study to identify:

1. If a policy is still valid / relevant, and if it is still valid / relevant whether,
 - It is complete, or
 - It needs to be modified
2. If a policy is no longer valid / relevant, and if it is no longer valid / relevant whether,
 - It needs to be repealed, or
 - Parts of it, which remain valid / relevant, should be absorbed by another policy
3. If there is a best practice argument for combining policies.

Policy initiation or amendment dates will be helpful in determining whether a policy is still valid / relevant and consequently should be an area considered in the Review Project’s early days.

In tandem with this desk study, the Municipal Clerk & Coordinator will also strike a committee to form, effectively, a review team. This committee will perform a number of functions, foremost of which, however, will be to determine the order of priority for policies, that is to say, to determine which policies represent the most pressing areas now to identify which policies require first completion. Although not forming a permanent part of the review team, the Chief Administrative Officer should be involved in the prioritizing policy function.

The composition of the Review Committee will change for each policy being reviewed, where it is anticipated that there will be one rotating subject matter expert for each specific type of policy (for example, if a considered policy relates to land use or zoning, the Director of Planning will be the teams subject matter expert). This is important because to be effective, this committee must

recognize the expertise of others and call upon it when it is necessary. For consistency, and further to avoid the potential of being limited by one perspective the review team will have at least two permanent members: the Municipal Clerk & Coordinator ("MC&C") and the RQM Executive Secretary ("ES"). It is anticipated that the review team will meet for approximately one afternoon every three to five weeks, and will provide regular reports to the CAO on the progress throughout the process.

Prior to the review team meetings, the Municipal Clerk & Coordinator will circulate to the team a list of the policies or procedures to be reviewed as well as their initial considerations as to where the policy or procedure falls with respect to points 1 – 3 above.

As mentioned above, upon the completion of reviewing each individual policy, the review team will prepare a report to Council informing it of the team's progress. Any policy found to require non-substantive changes will be presented to Council at a regular Council meeting. However, any policy found to require significant or substantive changes, or that ought to be repealed, will be presented to Council for review, discussion, or to solicit direction.

With respect to the involvement of subject matter experts, department heads will be asked to consider the policies that affect them and the operation of their departments, and to identify what (if any) issues they have with a given policy as it presently stands. These comments, in tandem with identified best practice, will equip the Review Team to draft an updated or revised policy that will be presented to each department head for their input. The Review Team will strive for a collegial and cooperative state of nature when including department heads specifically as subject matter experts.

In general, when reviewing policies, staff will seek to classify RQMs existing policies into three categories: those requiring no change, those requiring some change, and those requiring significant change. For this latter category (significant change) staff will seek to answer the following questions:

1. "What does RQM want the current policy to do for the Region?"
2. "Why is the current policy not working (or what questions does it leave unanswered or where is it lacking in actual practice)?"

Staff will then identify required changes and confirm whether these changes comply with the MGA, Provincial and Federal legislation, and best practices of Nova Scotian Municipal Units. Staff will further conduct a gap assessment to identify what policies RQM presently does not have, but which are required; for example, RQM presently does not have a Respect in the Workplace policy.

An initial review of existing policies has already been undertaken by the MC&C and ES, and the following determinations have been made:

1. It is likely easiest to start with Personnel Policies, as they represent an opportunity to increase both morale and quality of life for RQM employees. Further, as RQM presently does not have a Director of Human Resources, staff is able to navigate these policies with greater flexibility by soliciting outside expertise Staff has classified Personnel Policies thusly:

Requiring no change	1, 2, 13, 29, 31
Requiring some change	5, 6, 7, 14, 15, 18, 20, 28
Requiring significant change	3, 4, 8, 9, 10, 11, 12, 16, 22, 23, 24, 25 (merge), 26, 27 (merge)

2. Administrative Policies are somewhat more complicated and cannot really be classified into the three categories without department head input. Nevertheless, the initial review has identified two primary objectives for the Administrative Policies, specifically:
 - Staff would like to **merge into a single policy** those separate policies that can be classified as:
 - **Tax**, wherein there are three tax related Administrative Policies but additional tax related policies found in Operational Policies and Administrative Orders.
 - **Development Agreements**, wherein there are 21 current policies, each specific to an individual development (some with amendments, and in fact one amendment that does not have an associated Development Agreement). Here staff would seek to identify a generic Development Agreement policy rather than design a new policy for each development opportunity presented to RQM.
 - **Street Closures**, wherein there are five, and they appear to behave similarly to the Development Agreement policies; again, staff would seek to design a generic policy that would be applicable to all future street closures.
 - Staff would like to remove from Administrative Policies those policies directly related to or affecting Council
 - Specifically Administrative Policies number 3, 7, 18, 23, and 27; staff would like to repeal some specific policies with a view of merging those repealed into a stronger, more robust single policy.

3. Operational Policies constitute the bulk of RQMs policies and need to be cleaned up from an organizational perspective at minimum; for example, Operational Policy 4 relates to unpaid taxes and staff believes this policy should be repealed and merged with a single Administrative Policy that deals with all things related to tax. Also, Operational Policy 25 relates to sexual harassment and staff believes this policy should be repealed and merged with a single Personnel Policy that deals with all things related to respect in the workplace.

After reporting to the CAO to present initial findings, staff requested guidance with respect to which policies represent a priority to the Administration. In response, staff was directed to give initial attention to Personnel Policies (specifically developing a Respect in the Workplace policy), Grants to Organization (Operational Policy 11), Council Expenses and Remuneration, and

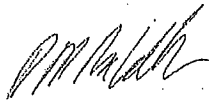
By-Law Number 12 "The Skateboarding Bylaw" (repeal is recommended for the latter).

At issue with many of the policies to be reviewed is the need to disentangle and reduce the overlap that presently exists amongst the policies as a whole. RQM has too many policies and this directly relates to the usefulness of its policies for RQM employees and RQM citizens due to vagueness and confusion that can result from too much opportunity for open interpretation of a given policy.

Attachment: None

Report Author: Anne MacDonnell

CAO Approval:



Staff Report – Alan Surovell – 325 / 327 Main Street, Liverpool – Residential Units on Ground Floor in Commercial Zone

Prepared by: Mike MacLeod

Date: January 10, 2017



Recommendation : THAT the Council of the Region of Queens Municipality maintain status quo respecting utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use.

Background:

In April of 2016, the Planning Department received an application for a development agreement for the creation of two new residential dwelling units on the ground floor of building located at 325 / 327 Main Street in Liverpool. The building is located in a Commercial Downtown (C1) Zone under the Region's Land Use Bylaw. Residential uses are not permitted as-of-right on the ground floor of a building in the Downtown Commercial (C1) Zone; however, Council has set out provision in the Region's Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement. The application was brought to Planning Advisory Committee (PAC) for discussion and recommendation on June 6, 2016. Refer to PAC discussion paper attached as Appendix A.

The Planning Advisory Committee discussed the matter in detail and made the following recommendation to Council:

THAT the Council of the Region of Queens maintain status quo respecting the utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use.

The Minutes from the June 6th PAC meeting are attached as Appendix B.

The application and recommendation from PAC came before Council on June 14, 2016 for consideration. Following considerable discussion, Council voted in favour of the recommendation from PAC. The Minutes of the June 14, 2016 Council meeting are attached as Appendix C.

On June 16, 2016, the applicant, Mr. Alan Surovell was advised of Council's decision, and setting out Mr. Surovell's right to appeal the decision to the Nova Scotia Utility and Review Board (S. 249 (d) of the Municipal Government Act). Mr. Surovell; however, did not file an appeal of the decision.

Subsequent to Council's decision, Staff and Councillor Susan MacLeod met with Mr. Surovell to discuss the matter, as Mr. Surovell felt that he had additional information which Council did not have at time of consideration. This information being that the proposed residential apartments were intended to be affordable housing units. Mr. Surovell had made application for funding through the provincial affordable housing program to create these new units.

With this information in mind, Councillor MacLeod made the following motion at the November 8, 2016 meeting of Council:

I move that the motion of June 14, 2016 which reads "that the Council of the Region of Queens maintain status quo respecting the utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use" be rescinded.

The Minutes of the November 8, 2016 Council meeting are attached as Appendix D.

Mr. Surovell was requested to submit his additional details respecting his proposal in writing and then the item would be brought back to Council for further discussion. A copy of Mr. Surovell's email is attached as Appendix E.



Staff have had an opportunity to review the additional information and are of the opinion that it does not substantially change the original application or decision of Council. The idea that the units being proposed are intended as "affordable housing" units does not take away from the fundamental fact that the creation residential housing units; affordable or not; on the ground floor of a commercial district takes away from the space available for new commercial business. While Staff does not question the need for new residential housing units in Liverpool and elsewhere throughout the Municipality, the real question is whether or not the ground floor in the commercial core area of Liverpool is the right location. Staff do not feel that the erosion of the commercial core area in Liverpool is in the best interest of the Municipality.

Submitted by:

CAO Approval:

~~DISCUSSION PAPER~~
PLANNING ADVISORY COMMITTEE
JUNE 6, 2016
RESIDENTIAL USES IN COMMERCIAL ZONES – LIVERPOOL

BACKGROUND –

The Planning Department has received an application for a development agreement for the creation of two new residential dwelling units on the ground floor of building located at 325 / 327 Main Street in Liverpool. The building is located in a Commercial Downtown (C1) Zone under the Region's Land Use Bylaw. Refer to attached map.

Residential uses are not permitted as-of-right on the ground floor of a building in the Downtown Commercial (C1) Zone; however, Council has set out provision in the Region's Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement. The MPS sets out that:

Policy 4.4.28

*Notwithstanding any other provisions in this MPS, it shall be the intention of Council to consider proposals for new residential dwelling units, which are located at ground floor level, in the areas zoned **Downtown Commercial (C1)** and **Highway Commercial (C2)**, by Development Agreement under Section 225 of the Municipal Government Act. In considering future proposals, Council shall have regard to the following:*

- a. *Policy 12.6.1;*
- b. *the suitability of other sites zoned for the proposed residential uses, so as to not unnecessarily take away from the potential for future commercial development;*
- c. *that the proposed lot is large enough to accommodate a minimum of one off-street parking space for each dwelling unit in the building;*
- d. *the glare from the lighting of proposed parking areas be directed away from abutting properties;*
- e. *that proposed garbage areas are screened from view; and*
- f. *the exterior design of new residential buildings in the **Downtown Commercial (C1) Zone** shall be compatible with those of surrounding commercial buildings.*

When evaluating development agreements Council must be cognizant of the overall goals and policies of this MPS. In particular, it should have regard to the criteria listed in Policy 12.6.1.

Policy 12.6.1

It shall be the intention of Council, when evaluating a Development Agreement, to have regard to the following matters where applicable:

- a. *the proximity of the proposed development to recreational and other community facilities;*
- b. *the impact of the proposed development on:*
 1. *existing residential and institutional uses in the area with particular regard to the use and size of the structures that are proposed,*

- ~~buffering and landscaping, hours of operation for the proposed use (where applicable), noise and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;~~
2. *adequacy of municipal services with particular regard to demands on the sewer system, water system, fire protection, refuse collection, police protection, existing schools and churches;*
 3. *pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic, and the adequacy of the proposed parking areas; and*
 4. *structures on abutting lots in terms of proposed exterior siding and in terms of architectural characteristics taking into consideration such things as height, roof line and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.*
- c. *submission of a site plan showing the location of the uses and the structure or structures on the lot, building layout, parking areas, accesses to and from the site, signage provisions, buffering or landscaping provisions and lighting provisions;*
 - d. *adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.*

Policy 12.6.2

It shall be the intention of Council to recognize that Development Agreements shall contain such terms and conditions as are necessary to ensure that the development is consistent with the policies of this MPS. To this end, Development Agreements shall include some or all of the following terms where applicable:

- a. *the specific use or uses of the land;*
- b. *the size of the structures if new ones are proposed or the size of any proposed expansions to existing structure or structures;*
- c. *provisions for adequate buffering to screen the development from adjacent conflicting land uses;*
- d. *any matter that may be addressed in a Land Use Bylaw (i.e. parking requirements and yard requirements);*
- e. *time limits for the initiation of construction;*
- f. *noise levels;*
- g. *the hours of operation and the maintenance requirements of the proposed use or uses; and*
- h. *all other matters enabled in Section 227 of the Municipal Government Act.*

The applicant wishes to renovate the ground floor of the existing building to create two new dwelling units. This property has better potential than most C1 Zone properties to

~~accommodate this type of use because of the fairly large rear yard of the property.~~
Appears to have ample room to accommodate off street parking and screened garbage areas.

In 2009 / 10, the former owner of this property entered into a development agreement with the Region for the same purpose. However, prior to renovating the units into residential, the owner was able to find commercial tenants for the units and as a result, the development agreement was formally discharged by Council.

TENTATIVE TIME FRAME:

<u>DATE</u>	<u>PROCEEDURE</u>
June 6, 2016	Planning Advisory Committee
June 14, 2016	Council
June 21, 2016	First Public Notice
June 28, 2016	Second Public Notice
July 12, 2016	Public Hearing
July 12, 2016	Council
July 19, 2016	Notice of Passing
August 3, 2016	Appeal Period Ends

RECOMMENDATION:

THAT the Planning Advisory Committee recommend that the Council of the Region of Queens Municipality enter into a development agreement with Alan Surovell to allow for construction of two new dwelling units in existing building located at 325 / 327 Main Street in Liverpool and identified as PID# 70024971;

AND THAT a public hearing be scheduled for July 12, 2016 at 8:55 a.m. in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

Region of Queens Municipality

249 White Point Road P.O. Box 1264 Liverpool, NS B0T 1K0 Phone (902) 354-3455 Fax (902) 354-7473



Region of Queens Municipality

APPLICATION FOR AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY, LAND USE BY-LAW AND APPLICATION FOR DEVELOPMENT AGREEMENT

FOR OFFICE USE ONLY

Amendment Type: Development Agreement
PID #: 70024971
Assessment #: 00065889

NAME OF APPLICANT(S): ALAN SUROVELL

LOCATION: LIVERPOOL

CIVIC NUMBER: 325 STREET NAME: MAIN STREET

MAILING ADDRESS: 15 THREE BROOKS DRIVE,
HUBLEY, N.S. B3Z 1A3

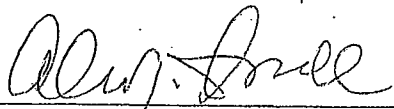
TELEPHONE: 902-423-2339 (H) 902-789-7141 (W)

DESCRIPTION OF REQUEST:

CONVERT TWO COMMERCIAL UNITS
ON GROUND FLOOR TO RESIDENTIAL

If applicable:

The undersigned acknowledges that he/she is responsible for ad costs associated with the request and attached is a cheque in the amount of \$700.00.


Applicant(s) Signature

APRIL 27, 2016
Date



MAIN STREET

325 / 327

WEIR LANE

PARKING

PLANNING ADVISORY COMMITTEE
REGULAR MEETING
JUNE 6, 2016 - 7:00 P.M.

MINUTES

Present: Councillor Susan MacLeod, Chair
Councillor Peter Waterman
Richard Smith
John Winters
Robert Ross
Don Kimball
Gary Feindel
Mike MacLeod, Planner

Regrets: Councillor Brian Fralic
Heather Kelly
Jessica Van Dyne Evans

1. CALL TO ORDER -

The meeting was called to order at 7:00 p.m.

Mike MacLeod advised that he had received an email from Jessica Van Dyne Evans just prior to the meeting advising that she was resigning from the Planning Advisory Committee as representative of District 6.

2. APPROVAL OF AGENDA –

Additions: 5.1 Coastal Planning
5.2 Signage Pull-off – Port Mouton
5.3 Labelle Planning Amendments – Update
5.4 Site Visits

It was **MOVED** by **Peter Waterman** and **SECONDED** by **Robert Ross** that the Agenda be approved as amended.

Motion Carried Unanimously.

3. APPROVAL OF MINUTES - APRIL 4, 2016

It was **MOVED** by **John Winters** and **SECONDED** by **Don Kimball** that the Minutes of April 4, 2016 be approved as circulated.

Motion Carried Unanimously.

4. RESIDENTIAL USES IN COMMERCIAL ZONES - LIVERPOOL

Mike MacLeod reviewed an application and discussion paper regarding the creation of two new residential dwelling units on the ground floor of a building in the Commercial Downtown

(C1) Zone. Mike advised the residential uses were permitted as-of-right on the upper floors of a commercially zoned building; however, Council can only consider residential uses on the ground floor by development agreement.

The applicant's property, located at 325 / 327 Main Street in Liverpool, currently has residential units on upper floors, but the commercial space on the ground floor is vacant. The applicant has indicated that he has been having a lot of difficulty finding new commercial tenants.

Mike advised that back in 2009, the former owners of this property found themselves in the same situation of not being able to find commercial tenants and had applied for a development agreement to convert ground floor units to residential. Council approved the development agreement in 2010. Prior to renovations; however, the property owner found commercial tenants for the vacant units. Property owner requested and received a discharge of the development agreement. The property was once again subject to the Downtown Commercial (C1) Zone requirements.

Robert Ross noted that downtown Liverpool is a very important area for the local economy. Taking away from this commercial core area is the start of a slippery slope. He enquired as to how far Council would be willing to go. Erosion of this commercial area is of concern to him, as once a property is converted to residential, the likelihood of it going back to commercial is slim. Robert felt that there were lots of other locations where residential development could take place and should not be at the expense of the commercial area. He felt that the owner bought the property as commercial and should bear with it. He does not support the application.

John Winters advised that he also had some trouble with this application. Back in 2014, Council approved an expansion of the Downtown Commercial (C1) Zone to allow for a new commercial development at 382 Main Street in Liverpool. Allowing for a reduction of commercial space through this development agreement application seems to be going against the earlier direction of Council.

Susan MacLeod noted that one of Council's strategic priorities is the revitalization of downtown Liverpool and the waterfront. By taking away from street level space available for commercial development will not help to strengthen or revitalize this commercial core area. Robert Ross enquired as to the thoughts of the Region's Economic Development Department on the application. Mike MacLeod advised that he has had discussions with the Department and noted that the commercial vacancy rate within the downtown area was running a little over 17 percent at the present time. Not all of this vacant space has direct frontage on the street; however. Robert also enquired as to what the Municipality was doing to promote commercial development in the downtown area. Mike MacLeod advised that the Economic Development Department keeps an updated listing of vacant commercial space; which is available on the Region's website; to have for prospective business operators. The Department also maintains regular communication with business and property owners within this area.

John Winters noted that it can be good to have some flexibility in the planning documents; however, one has to give serious consideration to the costs and benefits of allowing this flexibility.

Mike MacLeod advised that prior to 2003, the Land Use Bylaw in Liverpool only allowed for residential uses on floors above permitted commercial uses in the C1 Zone. In 2003, Council amended the Land Use Bylaw to allow for consideration of residential uses on the ground floor through a development agreement process.

Richard Smith noted that this all goes back to establishing a clear vision for the downtown area.

Don Kimball enquired as to why we create zoning in the first place, if we continue to amend and make exceptions.

Robert Ross enquired as to what the developer is going to give back to the community in return. Could include provisions or covenants such as facade improvements and landscaping.

It was **MOVED** by **John Winters** and **SECONDED** by **Richard Smith**

THAT the Planning Advisory Committee recommend that the Council of the Region of Queens Municipality enter into a development agreement with Alan Surovell to allow for construction of two new dwelling units on the ground floor in existing building located at 325 / 327 Main Street in Liverpool and identified as PID# 70024971;

AND THAT a public hearing be scheduled for July 12, 2016 at 8:55 a.m. in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS.

Motion defeated – 0 For and 7 Against.

It was **MOVED** by **John Winters** and **SECONDED** by **Don Kimball**

THAT the Council of the Region of Queens maintain status quo respecting the utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use.

Motion Carried Unanimously.

5. OTHER -

5.1 Coastal Planning –

Robert Ross noted that he had recently made a presentation at a conference in British Columbia, as part of the OceanCanada Partnership. He noted that there were many interesting and informative presentations on topics such as climate change, coastal erosion and the fisheries. One presentation in particular which peaked Robert's interest was a film by Ian Mauro on Climate Change in Atlantic Canada.

Robert enquired as to what measures that the Region of Queens was taking in regard to climate change and development along the coast.

Mike MacLeod advised that the Municipal Planning Strategy and Land Use Bylaw contain some provisions for increased development setbacks along watercourses, including the coast. However, he recognizes that these provisions do not go far enough, in many instances, to mitigate some of the effects of climate change on coastal development. This section of the planning documents is definitely earmarked for review.

Robert Ross passed around several photos of properties in South West Port Mouton showing the side effects of placing armour rock along the shore line. He feels stronger regulations need to be implemented to control this activity.

John Winters acknowledged that this was a serious problem.

5.2 Signage Pulloff – Port Mouton –

Robert Ross commented on the new Highway 103 Port Mouton Bypass and the effects that that this will have on the businesses in the area. Robert is not in favour of seeing a mish mash of commercial signs at the end of the connector road to Port Mouton. He feels that there is an opportunity for the Province to create a pull off with proper commercial / directional signage on land that the Crown now owns at the intersection of the connector road and the current 103 Highway.

Robert also enquired as to the status of a meeting that the Municipality was going to set up with local businesses to talk about the signage issue. Mike MacLeod advised that he would follow up on this.

13.0 PLANNING:**13.1 Residential Uses in Commercial Zones – Liverpool**

It was moved by Councillor MacLeod and seconded by Councillor Waterman:

THAT the Council of the Region of Queens Municipality maintain status quo respecting the utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for commercial use.

Mike MacLeod, Planner, stated that a development agreement application had been received for the creation of two new residential dwelling units on the ground floor of building located at 325 / 327 Main Street in Liverpool which is located in a Commercial Downtown (C1) Zone. Residential uses are not permitted as-of-right on the ground floor of a building in the Downtown Commercial (C1) Zone; however, there is a provision in the Municipal Planning Strategy (MPS) to consider such uses by way of a development agreement.

The applicant wishes to renovate the ground floor of the existing building to create two new dwelling units. In 2009/10 the former owner of this property and the Region entered into a development agreement for the same purpose; however, prior to renovating the units into residential uses, the owner was able to find commercial tenants, and the development agreement was formally discharged by Council.

Several Councillors expressed their opinions on why they would either support or not support the motion. The following points were made:

- Property has been empty for a long time; and there are numerous commercial space available,
- Impact to commercial space,
- Main Street revitalization is starting to occur,
- Sympathize with owner; but buyers needs to beware of zoning implications,
- Need to continue to promote downtown as commercial area,
- PAC discussed and recommended to maintain status quo.

MOTION CARRIED with 7 in favor and 1 against.

COUNCIL TOOK A FIVE MINUTE RECESS AT 10:25 A.M.

COUNCIL RESUMED AT 10:31 A.M.

14.0 QUEENS PLACE EMERA CENTRE:**14.0 QPEC: Presentation**

Steve Burns, Manager, and Meaghan Roberts, Program Coordinator, were present to provide Council with an update of the strategic plan for Queens Place Emera Centre as directed by Council in January (copy of presentation attached to original set of Minutes).

Highlights reviewed:

- Mission Statement
- Vision
- Values
- Overview of Stakeholder Engagement
- Structure of Advisory Committee
- Recommendations

14.1 Community Engagement Results

Richard MacLellan, CAO, stated that two public consultations were held at Queens Place Emera Centre on February 18 and March 29, 2016 to get feedback on present facility operations and input on areas for improvement.

The leaders for the program have been identified. The Region acts as a liaison for the program and organizes facilities and meeting rooms.

In response to Councillor Kelly's enquiry on how the youth are made aware of the program, Ms. Johnson stated that in working with the leaders, the information will be provided through presentations at schools, on social media and promoted through provincial sites.

Ms. Johnson will provide Councillors with copies of the information for the program.

13.0 PLANNING:

13.1 Community Transportation Needs and Feasibility Study

Mike MacLeod, Planner, and John Murray, Chair, Queens Care Society provided background on the Community Transportation Needs and Feasibility Study (copy attached to original set of Minutes).

The Municipality has obtained a \$15,000 transit research incentive program - trip grant to enable the completion of the needs and feasibility study regarding accessible and affordable transportation in the region and this study which will align with the previous study completed.

There are various venues that exist now in our community; VON has two vehicles, taxis and buses, but they are not coordinated. One stipulation of the trip grant was it had to be all inclusive for transportation in Queens, not just for seniors.

The consulting firm is WSP Canada Inc. There will be a coordinator that will assist, perhaps a representative from the VON, and the Helping Hands Organization advising on seniors' transportation needs.

Mr. MacLeod stated that WSP is looking at what type of system may work for Queens needs and will provide recommendations in a final report.

As part of WSP stakeholder consultation, there is an on line survey and the link will be on the Region's communications (website, Face Book, etc.) today and copies will be distributed to groups who do not have access.

13.2 Motion of Rescission

Councillor MacLeod provided background from the June 14, 2016 recommendation to maintain status quo respecting the utilization of the ground floor of building located at 325 / 327 Main Street in Liverpool for residential use. In the spring a development agreement application was received by the Planning Advisory Committee which requested new residential units on the ground floor in the downtown core area of Liverpool.

At the time the application was received, the Planning Advisory Committee dealt with it with the information provided at that time and it was the general consensus to make the recommendation to council to maintain status quo. Since that time, new information was provided from the applicant and a meeting was held where he indicated that the residential use would be for affordable housing. This will be an opportunity for council to revisit the application.

It was moved by Councillor MacLeod and seconded by Councillor Fralic:

I move that the motion of June 14, 2016 which reads "that the Council of the Region of Queens Municipality maintain status quo respecting the utilization of the ground floor of building located at 325 /327 Main Street in Liverpool for commercial use" be rescinded.

MOTION CARRIED with 6 in favor and 2 against.

Mike MacLeod

From: Alan Surovell
Sent: Friday, November 25, 2016 8:43 PM
To: Mike MacLeod
Subject: Re: 325 / 327 Main Street Liverpool

Hello Mike,

Thank you for the informative message. I am grateful to you for helping me rejuvenate my development application.

My intention for applying was, and remains, to renovate the two ground floor units into residential one-bedroom apartments. I was first encouraged to do so after discussions with Barbara Kjarbo, the Director of Affordable Housing for the Province. Barbara indicated they would be willing to advance a fifteen-year forgivable loan to carry out the renovations, provided the units remained affordable and rented to low-income individuals. Being on the ground floor, the two apartments would work especially well for tenants who have difficulty climbing steps. All of the other six residential units in my building have rents that qualify as affordable, as would the two new ones. I should perhaps mention that the two commercial units have been vacant for some time now, despite a "For Rent" sign in the window, as well as listings on the Municipality's commercial website. During the time they've been vacant I've had two queries about them, but neither went very far.

Please feel free to write me if you need more information or clarification. And I would be happy to contribute to any meeting at which my application was discussed.

Best wishes,

Alan

Alan Surovell