

Region of Queens Municipality Regular Council
Tuesday, January 24, 2023
Brooklyn Community Hall, 3960 Highway 3, Brooklyn
6:00 p.m.

Agenda

1.0 Call to Order

2.0 Changes / Approval of Agenda

3.0 Presentation

4.0 Tabling of Petitions

5.0 Public Question / Comment Session

6.0 Approval of Minutes

6.1 Regular Council – January 10, 2023

6.2 Public Hearing – January 10, 2023

7.0 Recommendations

7.1 Funding Request from Liverpool Curling Club

7.2 Liverpool Business Development Centre UPS

8.0 Discussions

8.1 Engineering & Public Works Department Update

8.2 Pool Committee

9.0 In-Camera Items

9.1 Lease of Municipal Property

10.0 Adjournment

**Region of Queens Municipality Regular Council
Tuesday, January 10, 2023 9:26 a.m.**

Minutes

Present: Mayor Darlene Norman, Chair
Deputy Mayor Jack Fancy
Councillor David Brown
Councillor Maddie Charlton
Councillor Ralph Gidney
Councillor Vicki Amirault
Councillor Kevin Muise
Councillor Carl Hawkes
Chris McNeill, CAO
Eric Levy, Municipal Clerk
Christine Watson, Admin. Assistant – Planning & Development

1.0 Call to Order

Mayor Norman called the meeting to order at 9:26 a.m.

2.0 Changes / Approval of Agenda

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

THAT Item 7.6 Thomas H. Raddall Library Steering Committee New Site Selection be moved to Discussions as Item 8.4.

AMENDMENT DEFEATED with 4 in favour and 4 against.

THAT the Agenda be approved as circulated.

MOTION CARRIED with 7 in favour and 1 against.

3.0 Presentations

3.1 North Queens Active Living

Mayor Norman welcomed Tara Atkins, NQ Active Living Coordinator and Karen Rawding, Committee Member, to Council.

Some highlights included:

- Ms. Atkins provided background on the creation of the North Queens Active Living (NQAL) Steering Committee Project established in 2018. The Committee worked with RQM to keep them informed of work done, partnered when appropriate, and cross promoted unique areas of work. It is important to the Committee not to compete with the work being done by RQM.
- RQM funded the Active Living Coordinator position for a two year period.
- The Committee has been successful in grant applications and has secured over \$14,000 for additional funding for projects in North Queens.
- The programs and activities in 2022/2023 focused on inclusion of North Queens community members, intergenerational programming, community-led, options for virtual programming and development of active living culture.
- Programming has increased with over 20 programs and activities taking place in 2022/2023 in collaboration with RQM staff.
- Achieved several milestones in 2022/2023 including the development of a local Volleyball Club, which is the first such club in Queens County; a co-ed program for youth aged 6 – 12, which will allow for youth to participate in a club sport setting; seeking and naming local champions to lead on active living in North Queens; achieved Provincial Certification for eight volunteer coaches in three sports; worked with members of Sport Nova Scotia on a transportation pilot.
- Programming included hockey and family skates, youth softball, firefighter fitness, paddle boarding and kayak tryouts, cardboard sled contest, toddler multisport programs.
- NQAL project intends to become permanent in North Queens.
- The Committee is in the process of incorporating as a society as non-profit status.
- Budget for 2023/2024 fiscal year and seek continued support from RQM for \$16,500 and continue to work with other organizations. Received confirmation of funding from RCE.

Councillor Brown noted there seems to be a disconnect where Greenfield was not included in the presentation. Greenfield has a recreation center and school but are not seeing anything from these programs in the area. He stated he would like to see Greenfield included as well at some point in the future. Ms. Atkins stated they have been working on partnerships with new organizations and

committees, and have been in contact with the Greenfield Rec Center. They try to partner where they can and some of the new programming will be with the Rec Center; i.e. the Volleyball Club will be utilizing the Rec Center. The challenge is the distance between facilities but they try to promote the transportation initiative for all of Queens.

Councillor Charlton suggested Greenfield needs a coordinator specifically for that area, and asked about uptake in the soccer program.

Ms. Atkins stated there were initially 24 youth that registered for the soccer program, but following some instances in the community, the number fell to 17. There was one age group involved, ages 3 – 6, because of coaching. The intent is to implement additional age groups going forward.

Ms. Atkins reiterated the collaborative nature of the work with RQM, and RQM staff has been instrumental to the work.

Mayor Norman thanked them for their presentation.

3.2 Proposals & Request for Decisions – Pool Committee

Mayor Norman welcomed Deborah Spartinelli and Anne Doggett to Council.

Some highlights included:

Preliminary Recommendation Categories:

- Timing, Location, Size and Shape, Energy, and Staff Recruitment

Timing: Public Opening June 2025

- Council decisions on size and location
- Hire Project Manager
- Tender Process: Open, Review and Confirmation
- Construction begins spring 2024
- Equipment and mechanical system finalized and tested Spring 2025

Location: Queens Place

- Easy to access
- Fits into the space, based on proposed criteria
- Infrastructure already in place; i.e. staffing, parking, roads, water/sewage

Size and Shape: 6 Lanes, 25 Meters, Beach Entry, Diving Depth

- Beach Entry: Zero depth allows people to walk into the pool as opposed to a ladder. Allows for more accessibility and swimming lessons for children.
- Diving Depth: meet current standards to allow for diving board
- 25 Meters: standard size
- 6 Lanes: allows for local clubs to host swim meets and other events and more room.

Energy: Net Zero

- Lower operating costs
- Grants available
- Use of solar energy

Staff Recruitment Project: 2 phase project to recruit and train staff

- Need staff to operate; current staff shortage
- Secure funding for project
- Recruit staff for Phase 1 summer/fall of 2023 for summer 2024
- Recruit staff for Phase 2 summer/fall of 2024 for summer 2025

Recruitment/Training Project

- Undertaken by Pool Committee
- Recruit using current pool staff and other influencers
- Phase 2 to include Aquatic supervisory training for managers
- Full training of potential staff: Bronze Medallion, Bronze Cross, National Lifeguard, Instructor Level 1, Standard First Aid

The Pool Committee proposes:

- Lead staff recruitment and training project
- Fundraising
- Work with Project Manager to review tenders, design decisions
- Search, review and develop appropriate grant proposals

Deputy Mayor Fancy noted with the installation of solar panels, it would offset operating costs at QPEC.

He stated a need to have discussions on grant applications, i.e. who is responsible for writing and submitting. Ms. Doggett stated once the project timelines are established and approved, then the applications would be created and submitted.

Chris McNeill, CAO, noted the recommendation based on staffing, parking, roads and water/sewer and enquired who was consulted for accuracy on them, and if other locations were considered. Ms. Spartinelli stated other areas were looked at but felt the QPEC location was best suited since the reception desk already in place, as well as change rooms and parking spaces. An energy study would need to be completed to determine if separate water lines need to be installed or if they could utilize lines already in place at QPEC.

Mayor Norman enquired if the Committee planned on hiring a project manager and someone to complete the energy audit, as that money would be part of the donor's money. Ms. Spartinelli stated yes and that their first step would be to apply for a grant for design through the Department of Natural Resources, Clean Energy Branch. They were told money would be available.

Mayor Norman enquired if the Committee would be writing for the grants. Ms. Doggett stated yes.

Mayor Norman further stated she would reach out to the donors for the design decisions and advise the Committee. She advised them to discuss with Joanne Veinotte, Director of Corporate Services, for the particulars for their fundraising tax receipts.

Council will discuss the location request and advise them.

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 stated he felt the pool selection at QPEC was a good suggestion.

Mr. Robertson further stated at a previous council meeting there was a discussion for the removal of shrubs in the downtown parking lot and suggested that the tourist bureau sign on Market Street be looked at as well, as it too was causing visual problems.

David Huskins, 160 Church Street, Liverpool – Mr. Huskins enquired about no parking allowed now on MacLeod Street. Mayor Norman stated she is unaware of the no parking but the Region would have jurisdiction of the traffic direction flow. The Region owns a small strip in that area and the remainder belongs to local businesses and private owners.

Mr. Huskins stated he hopes for improved arrangements for plowing this year as he was no satisfied with last years' removal. Mayor Norman disagreed with him and stated several people had complimented on how well the Region did with the snow removal and stated she is proud of our Engineering Department and how quickly they have our roads cleared.

Susan MacLeod, 57 College Street, Liverpool – Ms. MacLeod commented on the two presentations made to Council previously for the housing development and the need for municipal services to be extended. She urged Council to support these requests, as developers may be lured by other communities to build if approval is not given.

6.0 Approval of Minutes

6.1 Regular Council – December 13, 2022

It was moved by Councillor Gidney and seconded by Councillor Hawkes:

THAT the minutes of the Regular Council meeting held December 13, 2022 be approved as circulated.

MOTION CARRIED unanimously.

6.2 Public Hearing – December 13, 2022

It was moved by Councillor Brown and seconded by Councillor Charlton:

THAT the minutes of the Public Hearing held December 13, 2022 be approved as circulated.

MOTION CARRIED unanimously.

7.0 Recommendations

- 7.1 Multiple Unit Dwelling by Development Agreement, 6755 Highway 3, Hunts Point

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

THAT Council of Region of Queens Municipality adopt an administrative policy respecting entering into a development agreement which would allow for a seven (7) unit multiple dwelling in existing building located at 6755 Highway 3 in Hunts Point.

Mike MacLeod, Director of Planning & Development, stated an application was received to enter into a development agreement by the owners of 6755 Highway 3 in Hunts Point that would allow for the conversion of an existing 7 unit fixed roof overnight accommodation to a multiple unit residential dwelling.

The property is located in an area zoned as a Hamlet Core (HC) zone under the Land Use Bylaw and has a future land use designation of Residential (RES) under the Municipal Planning Strategy (MPS). A multi-unit dwelling containing more than 4 units is not permitted in the Hamlet Core (HC) Zone, but Council has incorporated provision within the Land Use Bylaw whereby it can consider such uses through a development agreement process.

When evaluating development agreements, Council takes into consideration the policies as set out in the MPS, these are listed in Policy 6-2. The process for entering into a development as set out in the MGA requires a public hearing being held.

The property PID#7005058 has a lot area of approximately 10,450 sq./feet and is in an area of low density residential and commercial businesses. There is an existing 7 unit fixed roof overnight accommodation operation on the property with 9 parking stalls. There is no change the structure, just the use of the property.

Staff and the Planning Advisory Committee have evaluated the proposed use of the property and are in favour of entering into a development agreement to allow this change.

Two potential options for consideration:

1. Maintain status quo (deny the development agreement request); or
2. Enter into a development agreement to allow for a multiple unit dwelling on property identified as PID #70055058 and located at 6755 Highway 3 in Hunts Point.

Councillor Muise commented on the misinformation on the number of units and of one unit being sold. No units have been sold and there are 7 units. In conversations held with several residents in his district, their preference is to have permanent residents. The owner has additional property further up the road from this property that may be available for overflow parking.

Councillor Brown stated he agrees with Councillor Muise and he is comfortable with the change in use. Having permanent residents will reduce the amount of traffic and create a stronger community rather than having short term rentals.

Deputy Mayor Fancy took the Chair at 10:40 a.m.

Mayor Norman stated a speaker reminded us that we are in need of housing. Approval of this change will provide 7 more housing units.

We also heard about the flood zone, which I've looked into. Changing the use of the building does not create a potential to have more flooding. He is not changing the structure of the building.

For these reasons, she is supporting this recommendation for more housing within the Hunts Point area.

Councillor Charlton agreed with Mayor Norman and noted that our Land Use Bylaws were changed to push the setbacks further. This development followed regulations at the time when it was built. Changing the use is not creating new issues and with the potential for 7 new homes, she will be supporting the recommendation.

Councillor Muise noted we didn't have the 100 foot setback when this building was built, but now we do. When constructed the owner invested in a hurricane proof foundation.

Mayor Norman resumed the Chair at 10:44 a.m.

Deputy Mayor Fancy enquired about the site specific for climate change, if this is something that we should be worried about. Mr. MacLeod stated this is an existing development, and was built to the regulations. New construction would be taken into consideration. Council has taken steps to mitigate potential risks through regulations under the Land Use Bylaw with increased setbacks from the high water mark as well as elevation.

MOTION CARRIED unanimously.

7.2 Road Naming – Ocean Side Drive

It was moved by Councillor Charlton and seconded by Councillor Brown:

THAT Council of Region of Queens Municipality approve the naming of a new road off Shore Road in Mersey Point as Ocean Side Drive.

Mr. MacLeod stated the proposed name Ocean Side Drive is acceptable to the Planning Department. The road is owned by the applicant and is in accordance with Policy.

MOTION CARRIED unanimously.

7.3 Development Agreement Discharge

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

THAT Council of Region of Queens Municipality approve the discharge of the development agreement dated October 29, 2014, for the property located at 800 Beech Hill Road in Beech Hill Farms and identified as PID #70055959.

Mr. MacLeod stated in October 2014, Council entered into a development agreement with the owner of 800 Beech Hill Road in Beech Hill Farms. The Development Agreement allowed for the establishment of a dog kennel/training/grooming operation. However, subsequent to the Development Agreement the owner of the property never proceeded with the establishment and as per any Development Agreement it gets recorded against the title of the property.

The property has changed ownership and the present owners wish to have the Development Agreement formally discharged. A copy of the Discharge Agreement was included with the report package.

MOTION CARRIED unanimously.

7.4 Region 6 Solid Waste Management – 2023/2024 Budget

It was moved by Councillor Hawkes and seconded by Councillor Gidney:

THAT Council of Region of Queens Municipality approve Region 6 Solid Waste Management's proposed budget for the year 2023/2024.

Scott LeBlanc, Solid Waste Clerk/Safety Officer, stated Region 6 Solid Waste Management serves 13 municipal units including Region of Queens Municipality. A copy of the budget was included with the report package. The Region's contribution to the 2023/2024 fiscal year is projected to be \$13,790, a decrease of \$1,106 from last year. The provincial enforcement money for the entire Region 6 remains the same at \$89,425 with the Region receiving \$10,114 last fiscal year. It is anticipated that the Region will receive the same amount this fiscal year.

Diversion credits should increase as Divert Nova Scotia's performance was better than anticipated. As a result, provincial diversion credits are up to \$5 Million from \$4.1 Million the previous year.

The Region received \$44,344 in diversion credits during the last fiscal year.

MOTION CARRIED unanimously.

7.5 Appointment to Thomas H. Raddall Library Steering Committee

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

THAT Council of Region of Queens Municipality appoint Councillor Vicki Amirault to the Thomas H. Raddall Library Steering Committee effective November 1, 2022, for a two year period.

Mayor Norman stated this was an oversight according to the Terms of Reference which states there will be two board members from Queens. When Councillors were appointed to new committees, the Library Committee member was changed from Councillor Brown to Councillor Amirault. We mistakenly had named the Steering Committee member by name rather than stating councillors on the committee.

Therefore, we wish to thank Councillor Brown for his work on the Steering Committee; however, it was the intention of the Terms of Reference that it be a member of the actual Library Committee.

Councillor Brown stated when he was appointed to that committee, he was appointed until the new library was built and noted that the period is now for two years. There is nothing that reflects the removal of me from that committee, as I was appointed to that committee by name for the term that expired when the new library opened. I was not included in any of the meetings although I was appointed by name as Chair. He asked for clarification.

Chris McNeill, CAO, stated the Terms of Reference take precedence. It states that there have to be two members of the Library Board. A motion was made to appoint Councillor Amirault that motion would have been out of order and contrary to the Terms of Reference.

So technically, you are not allowed to be part of the Committee as you are not a member of the Board. It was an oversight on staff's part.

The reason the new term is for two years because that is the term of this Council.

Councillor Brown withdrew his concerns.

MOTION CARRIED unanimously.

7.6 Thomas H. Raddall Library Steering Committee New Site Selection

It was moved by Councillor Amirault:

THAT the Council of Region of Queens Municipality approve the placement of the new Thomas H. Raddall Library on the lands of the Municipality adjacent to the sliding hill at the end of Queens Place Drive, Brooklyn.

Councillor Gidney called a Point of Order. The motion was made and defeated at a Regular Council meeting on June 14, 2022. It cannot be reintroduced except in the form of a new proposal that is sufficiently different to the terms in question as per Article 8 of Bourinots' Rules of Order.

Mayor Norman stated she was ruling against the Point of Order.

She stated she had consulted respecting motions that have been defeated. We follow our set of procedures where it does not mention bringing back defeated motions. We follow Bourinot's Rules of Order which does talk about reconsideration of a defeated motion.

When looking at reconsideration of a defeated motion, then you also look at the third level of which we base our rules on and that is the House of Commons, our Federal government rules. Within the House of Commons, if you wish, in a sitting, to bring back a motion that has been defeated, you have to give a Notice of Reconsideration on that defeated motion. If you do not do so within that sitting, and a

sitting of the House of Commons could range for several months. It is not made within that sitting then the motion is considered dead on the floor and it can be brought back in a subsequent sitting.

In our Chamber, we have meetings, not sittings. The motion was defeated in June 2022, so six months has past. Whenever a motion is made, do we then have to send our Clerk back to look twenty-five years on all defeated motions to see if that motion was ever defeated? It is my ruling as Chair that we have had enough time lapse between the defeated motion to allow that motion to come back to the floor.

Councillor Muise called a Point of Order. He stated he agrees with Councillor Gidney that the motion has to come back to be reconsidered and has to be three-quarters passed by the Council. Mayor Norman stated her ruling was it does not have to come back as a Motion of Reconsideration. A Motion of Reconsideration is a motion that is made within the same sitting or with an immediate timeframe of the decision. Six months has past. We are well past the timeframe for a Motion for Reconsideration. That motion was defeated, and it is now dead on the floor.

The reason for Rules of Order is to allow Council to make good, just decisions on behalf of our citizens.

Councillor Muise stated he did not believe six months is too long and believe we have to have a Motion to Reconsider and deal with it that way.

Councillor Muise stated he is not participating in this motion and left his chair at 11:06 a.m.

Mayor Norman called for a seconder: Seconded by Councillor Brown

Mayor Norman stated the report states the Steering Committee did as they were requested to do. They investigated other sites; and each of these sites incur additional substantial costs to either purchase, to supply water and sewer, and site improvements, i.e. flood risks, contamination risks or other issues. Therefore, it is the

recommendation of the Steering Committee, who were asked to look for another site, that there is no other site they would consider based upon the costs of the project, and that these costs would reflect upon build or would require more funds from the Region.

Councillor Brown stated the Terms of Reference required that the Committee bring back their first choice for the library site. The Terms of Reference are a legal document and would make the ask for a second site an Out of Order argument, as we are going against them. The Committee has no choice but to bring back the decision for the best choice that they see as the Terms of Reference were no changed.

The other sites investigated would incur significant costs, risks and liability to the tax payers. We need to move forward.

Deputy Mayor Fancy stated he would like to have seen a process where Council could vote from a list of the four proposed locations and not just the one location.

Councillor Amirault stated she has deliberated over the location. One location investigated was the old Legion site, which would give residents on this side of the bridge more access to the services and would be easy for outside activities because of the park. It would provide access to parking and may help with the local businesses.

She further stated she did not want to incur any additional costs to the residents and does not want to spend more than the \$3 Million budgeted. For these reasons, she will be supporting this recommendation.

Councillor Charlton stated she has concerns over the use of the library for the schools and day care.

She further stated she does not want to burden the taxpayers with additional costs and will be supporting this recommendation.

Councillor Gidney stated he does not feel the correct procedure is being followed on this issue and will not participate in voting.

MOTION CARRIED with 5 in favour, 2 against, 1 absent.

8.0 Discussions

8.1 Process of Sale of Municipal Property

Councillor Amirault stated she requested this item to be added to the agenda. The format for selling municipal property needs improvement. The Region has criteria that is mandated to follow under the Municipal Government Act. The Region needs a more detailed policy.

She further stated once a formal proposal is received from an individual or organization to purchase municipal property, and Council decides to sell, it should be declared as surplus and then advertised a minimum of thirty days on the open market for competition as well as a clear explanation of the future purpose of this property and how the sale will benefit the residents of Queens County. The bids and explanations should be made available to the public.

Discussions should be held at Public Hearings before Council makes the final decision as we've seen with the airport property and previous sales which were determined without competition.

Councillor Charlton agreed with Councillor Amirault. Residents have made comments on sales that they were not made aware of the property being for sale and many residents within the community have great projects. For transparency purposes that would be the best way forward to have the property declared in that way.

Mayor Norman enquired how we value the property once it is declared. Councillor Amirault stated when the property is deemed surplus, an assessment would need to be done.

Following the thirty day advertisement, Council would review the offers and decide if they wish to sell and to whom they are going to sell.

Mayor Norman enquired if Council can change their mind on selling a property once all the postings and submissions have been received. Mr. McNeill stated the policy would need to be broad

enough so that Council could choose to reject proposals, not necessarily accept the lowest bid. It could be sold to a not-for-profit for less than market value.

Mr. McNeill further stated the Region has declared 25 – 30 properties as surplus. We would not get appraisals done on all of these properties. We would have previous appraisals in the areas, so most would not go through a formal appraisal. The cost of the appraisal could be more than what some of the property is worth. He asked for clarification if these properties would not be included in the policy. Councillor Amirault stated no.

Councillor Brown stated if we receive a non-solicited offer, they normally have a project in mind of what they wish to do. If we open the bidding process for thirty days and have others bid on it, they could be out bid and the project never happens. The same with the not-for-profits offers.

He further stated he feels this type of policy will kill more development and create more problems than it solves.

Deputy Mayor Fancy stated we've had many unsolicited proposals and has become an issue. He supports Councillor Amirault.

Councillor Charlton enquired to the process when the school was declared surplus the Day Care bid \$1 and won. Mr. MacLeod stated the process was different, as the Council at the time was looking at the future of the building because of its condition. A Request for Proposal was issued. There were two bids submitted and the Day Care was successful.

Councillor Charlton stated Council would have had to determine at the time the better use for the building. Mr. MacLeod stated yes, as part of the Municipal Government Act for disposal of lands, take into consideration the benefits of the community. She further asked if a small piece of abutting property would be treated in the same way. Mr. MacLeod stated some pieces that have been declared are very small and would only be of value to the abutting properties so would look at conveying those pieces. You would have to look at the particulars of each property individually.

Councillor Charlton asked to have staff develop policy with different criteria and scenarios. Eric Levy, Municipal Clerk, will reach out to Councillors for their input prior to bringing back to Council for further discussion.

8.2 December 12, 2022 Tax Sale Summary

Mallory Plummer, Manager of Finance, stated a Notice of Tax Sale began with 60 properties. 45 were sent to our lawyers for title searches at which time we were advised to remove 10, as those assessment accounts had bad titles and required a survey. Twelve properties were paid in full prior to the tax sale, seven properties are fulfilling payment arrangements, leaving 16 properties to be auctioned at the December 12, 2022 tax sale.

RQM received \$327,450.00 with \$34,500.58 paying off outstanding accounts. \$293,000 was transferred to the Tax Sale Surplus Reserve Account, which is held in trust of up to 20 years, unless a Court Order is received to release the funds on any of the properties.

The next tax sale is scheduled to be held by tender in March. Preliminary Notices of Tax Sale have been sent out, and the title searches were prepared by our lawyer. We have been advised to remove 17 properties, as they have been unable to locate proper titles.

8.3 Council Technology Access

Councillor Brown stated many Councillors are using their personal devices to conduct Council business and due to security and insurance issues, enquired if Region supplied them. Mr. McNeill stated yes, they would need to contact the IT department to be issued a cell enabled tablet.

9.0 In-Camera Items

It was moved by Councillor Gidney and seconded by Councillor Amirault that the proceedings go In-Camera at 11:56 a.m. to discuss the following:

9.1 Lease of Municipal Property

9.2 Contract Negotiations

MOTION CARRIED unanimously.

Mayor Norman announced a 7 minute break at 11:56 a.m.

It was moved by Councillor Gidney and seconded by Councillor Charlton that the proceedings exit In-Camera at 1:06 p.m.

MOTION CARRIED unanimously.

10.0 Adjournment

The meeting adjourned at 1:06 p.m.

Mayor Darlene Norman, Chair

Eric Levy, Municipal Clerk

Christine Watson, Administrative Assistant – Planning & Development

Date Approved: _____

**Region of Queens Municipality Public Hearing
Multiple Unit Dwelling by Development Agreement –
6755 Highway 3, Hunts Point
Tuesday, January 10, 2023
Council Chambers, 249 White Point Road, Liverpool
9:00 a.m.**

Minutes

Members of Council: Mayor Darlene Norman, Chair
Deputy Mayor Jack Fancy
Councillor Kevin Muise
Councillor Ralph Gidney
Councillor Maddie Charlton
Councillor Vicki Amirault
Councillor David Brown
Councillor Carl Hawkes

Members of Staff: Chris McNeill, CAO
Mike MacLeod, Director of Planning & Development
Eric Levy, Municipal Clerk
Heather Cook, Communications & Engagement Coord.

Members of the Public: 18

Call to Order

Mayor Norman called the Public Hearing to order at 9:00 a.m.

A. Remarks

Mayor Norman stated the purpose of the Public Hearing is to provide any interested person an opportunity to present an oral or written presentation to Council of Region of Queens Municipality with regard to the intent to enter into a development agreement with 3332373 Nova Scotia Limited to allow for a multiple unit dwelling on property identified as PID #70055058 and located at 6755 Highway 3 in Hunts Point.

Mayor Norman reviewed the procedures for the Hearing which were provided on the agenda.

Mike MacLeod, Director of Planning & Development, stated an application was received to enter into a development agreement by the owners of 6755 Highway 3 in Hunts Point that would allow for the conversion of an existing 7 unit fixed roof overnight accommodation to a multiple unit residential dwelling.

The property is located in an area zoned as a Hamlet Core (HC) zone under the Land Use Bylaw and has a future land use designation of Residential (RES) under the Municipal Planning Strategy (MPS). A multi-unit dwelling containing more than 4 units is not permitted in the Hamlet Core (HC) Zone but Council has incorporated provision within the Land Use Bylaw whereby it can consider such uses through a development agreement process.

When evaluating development agreements, Council takes into consideration the policies as set out in the MPS listed in Policy 6-2. The process for entering into a development agreement as set out in the MGA requires a public hearing being held.

The property PID#7005058 has a lot area of approximately 10,450 sq./feet and is located in an area with a mix of low density residential and commercial businesses. There is an existing 7 unit fixed roof overnight accommodation operation on the property with 9 parking stalls. There is no change the structure, just the use of the property.

Staff and the Planning Advisory Committee have evaluated the proposed use of the property and are in favour of entering into a development agreement to allow this change.

Written submissions were received and distributed to Councillors.

1. Danielle Robertson, 35 Robertson Loop, Port Joli – Ms. Robertson stated the property is directly across from her business and the requested change does not impact her personally, but the building being in a flood zone is of concern. She spoke of several storms over the years, i.e. Ground Hog in 1976, one in 1991 and Dorian, which was a significant storm.

In 2014 the Region released the Climate Change Action Plan which identified hazards and identified locations for erosion, storm surge and ocean flood zone. Hunts Point was indicated in this report for all three. Creating homes in a flood zone is dangerous and counter-productive.

Under the Municipal Planning Strategy (MPS) it states when evaluating development agreements, Council must be cognizant of the overall goals and policies of the MPS. In particular, it should have regard to the particulars listed in Policy 6.21. This policy states “Council shall not amend the Land Use Bylaw or approve a development agreement until Council is satisfied the proposal (c) is no premature or inappropriate due to (viii) site-specific climate change risks”. This property is clearly site-specific for climate change risk and has been identified in the climate change risk study.

If Council approves, they are in violation of their own regulations.

2. Kevin Page, 4 Beech Hill Road, Hunts Point - Mr. Page enquired if the proposal for a multi-unit dwelling qualifies under the same permits granted for a commercial tourism build? Units were listed with a real estate company for many months prior to this, while finishing touches were being done to the building which indicated the owners wished to sell.
3. David Huskins, 16 Church Street Liverpool – Mr. Huskins enquired how many units are for sale, 6 or 7, as real estate says one unit has already been sold.

He further stated he is concerned about parking and the danger to people walking or cycling in the area. When he ran his business in Hunts Point, Department of Transportation suggested he have signs installed warning of danger in the area. There are no signs posted.

There is a store across the road, mail boxes, Beech Hill Road which is very busy, and trucks hauling pulpwood. The hill is very dangerous.

He indicated that previously homes could not be built there, but now there is a change request to allow for them.

Mayor Norman stated at the time of the build, the Land Use Bylaw at the time had no restrictions on the number of apartments. It is only at this time with our new Land Use Bylaw that restricts 4 or less. More than 4 requires a Development Agreement.

Mr. Huskins enquired when the new Land Use Bylaw took effect. Mayor Norman stated it was adopted in the spring which is the reason the applicant is applying to convert to more than 4 apartments. As it currently stands, had the applicant wished to convert the building into 4 apartments, a public hearing would not be necessary.

4. Beverly Burlock, 125 Bells Point Road, Port Mouton – Mrs. Burlock stated she felt the building should never have been allowed to be built, rules or no rules. Where are they going to park, what about the septic system and water?

We've known for many years of coastal flooding. The province has been working on guidelines but has not passed the rules yet, but we know they're coming. Looking at where the building is on the property, there is no way it will be safe.

If the grandfather clause was used to take the cottages that once sat there and combine the land and build a multiple story building, that is not the principle of the grandfather clause, which overdoes the footprint.

She further stated she contacted The Insurance Bureau of Canada to enquire how they got insurance to build, and you do not need insurance for anything other than for fire. She stated they informed her that almost no insurer in Canada would insure for coastal flooding and storm surge. If the property is damaged, the people will seek assistance from municipal and provincial governments.

Council is elected to represent the people and to make decisions. Who is this decision benefiting? It is not benefiting local people.

B. Adjournment

Mayor Norman declared the Public Hearing adjourned at 9:24 a.m.

Mayor Darlene Norman, Chair

Eric Levy, Municipal Clerk

Date Approved: _____

**Region of Queens Municipality
Staff Report**

7.1

To: Council

From: Joanne Veinotte, Director of Corporate Services

Date: January 24, 2023

Re: Funding Request from Liverpool Curling Club

Background

On January 4, 2023, Liverpool Curling Club submitted a funding request to Region of Queens Municipality for \$236,000 to assist with the planned immediate upgrades to their facility on Gorham Street in Liverpool.

Proposed upgrades include the installation of solar panels to decrease long term energy costs supporting the future financial sustainability of the facility, as well as an accessible entrance and exit on the Old Bridge Street side of the building. Over the past year or so, the Club has carried out more than three-quarters of a million dollars in upgrades to the facility without any municipal funding support.

Details

Council has established a clear practice of supporting non-profit community organizations across Queens County to help them become more self-sustaining and provided financial support in many ways from property tax exemptions, to Community Investment Fund contributions, to grants for special events and tournaments. Recognizing that the municipality does not have the financial or human capacity to own or operate recreation and community facilities all across the county, these funding supports have always been seen as crucial to supporting many smaller communities which provide local meeting venues for recreation and social activities.



Applicable Legislation

Section 65A of the *Municipal Government Act* (MGA) authorizes Council to expend money for municipal purposes if:

- (a) the expenditure is included in the municipality's operating budget or capital budget or is otherwise authorized by the municipality;
- (b) the expenditure is in respect of an emergency under the *Emergency Management Act*; or
- (c) the expenditure is legally required to be paid.

Section 65A(5) of the *Municipal Government Act* notes that in the event of ambiguity in whether or not the municipality has the authority under this or any other Act to spend money or to take any other action, the ambiguity may be resolved so as to include, rather than exclude, powers the municipality had on the day before this Section came into force.

Budget Impacts

Recently, the Municipality has received a funding contribution from the J&W Murphy Foundation to be used for civic improvement projects and enhancing spaces and amenities that are available to citizens and visitors. There is sufficient funding within this donation to fund the proposed recommendation and so therefore, there is no impact on the Municipality's 2022-2023 operating budget.

Recommendation

THAT Council of Region of Queens Municipality provide grant funding to Liverpool Curling Club in the amount of \$236,000 to assist with funding a solar power system and sewer system upgrades, new accessible entrance, as well as other building upgrades at the Liverpool Curling Club;

AND THAT this approval be funded as an expense in the Community Grants and Programs budget account.



Communications

Liverpool Curling Club will be notified by letter of Council's decision.

Region of Queens Municipality Staff Report

7.2

To: Council

From: Adam Grant, Director of Engineering and Public Works
Steve Whynacht, IT Manager

Date: January 24, 2023

Re: Liverpool Business Development Centre UPS

Background


The former Liverpool Call Center, 54 Harley Umphrey Drive, was originally constructed in 2002 and provides an emergency power supply to the facility incorporating a UPS system.

Details

Over the course of the last two decades of operation, the emergency power system has consistently had regular preventative maintenance, initially the responsibility of the tenant and in most recent years by the Engineering and Public Works Department.

After more than twenty years in service, the uninterruptable power supply (UPS) system has developed unresolvable alarms and failure is pending. The UPS is a vital component of the emergency power system and serves to bridge the gap between the loss of grid power and the provision of emergency power from the generator; the UPS is a vital link that ensures the facility experiences no loss in energy.

In early November unresolvable system alarms occurred. A contractor in this specialized field was brought to the site and despite repeated attempts to



resolve the problem, it was declared the system had reached its end-of-life. To ensure continued successful dependence on the emergency power system, the replacement of the UPS must be prioritized. A second opinion was sought and confirmed the previous statement.

Over the weeks since, numerous contractors were brought onto the site to scope and offer a direct replacement of this unique piece of equipment, quotes are as follows:

- Graves Electrical \$210,600 + HST
- ELP Marketing \$165,000 + HST
- L & B Electric Ltd \$177,031 + HST
- Universal Power Solutions \$114,950 + HST

Applicable Legislation

Section 47 (5) of the *Municipal Government Act* sets out that council may make and carry out a contract, perform an act, do anything or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money.

Budget Impacts

This replacement is an unbudgeted expense.

Recommendation

THAT the Council of Region of Queens Municipality approve the contracting of Universal Power Solutions for the supply and installation of an uninterruptable power supply system at 54 Harley Umphrey Drive, Liverpool, at a cost of \$114,950 plus HST, to be expensed as an unfunded liability in the 2022-2023 operating budget.

Communications

Universal Power Solutions will be advised following approval from Council. Building tenants will be made aware of the contract and the project will be facilitated so as to minimize impact to normal building operations.