

**REGION OF QUEENS MUNICIPALITY
REGULAR COUNCIL
TUESDAY, JUNE 9, 2015
9:00 A.M.**

PRESENT: Mayor Christopher Clarke, Chair
Councillor Darlene Norman
Councillor Susan MacLeod
Councillor Brian Fralic
Councillor Raymond Fiske
Councillor Jack Fancy
Councillor Peter Waterman
Councillor Bruce Inglis
Kathleen Rafuse, Chief Administrative Officer
April Whynot-Lohnes, Municipal Clerk
Christine Watson, Recording / Management Secretary

1.0 CALL TO ORDER:

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

2.0 CHANGES / APPROVAL OF AGENDA:

It was moved by Councillor Waterman and seconded by Councillor MacLeod that the Agenda be approved with the following additions:

16.3 Court House Lease

MOTION CARRIED unanimously.

3.0 PRESENTATION(S):

3.1 NS Department of Transportation & Infrastructure Renewal – Steve MacIsaac and Patrick Gray

Steve MacIsaac, District Director, Western District and Patrick Gray, Construction Manager, Western District, from the Nova Scotia Department of Transportation & Infrastructure Renewal were welcomed to Council to provide an update for TIR's plans for Queens County.

Milton Bridge – The Milton Bridge was constructed in 1901 and recently went through a Level 2 safety inspection and no issues were raised. Replacement of the bridge is a 3 – 4 month project and should be completed by November with no great interruption to traffic.

The property acquisition is in place and tenders will be issued at the end of the month. Two of the buildings set for demolition will be done internally and the other one will be sent to tender and will be completed by the contractor.

The bridge will have a steel prefabricated deck and will be chip sealed. The rails are not solid and the view will not be impeded, with a walkway on the downside. With the new construction the intersection will be better and open up site lines.

Upper Bridge in Milton – There are no plans at present to replace this bridge; the replacement value will be 3.5 million. The bridge has been inspected recently with no major issues. The upper deck needs some repair work.

Port Joli Bypass – This project is made up of two phases. Phase 1 of the bypass was sub-graded last year and the paving is set to start and will have a completion date of October 31. The second phase sub-grading work will start at the end of this year and the paving will take place next year.

When asked if the asphalt plant will be set up as a temporary facility, Mr. MacIsaac stated that typically contractors work between 12 – 14 hour days and that the plant is only there for the Department of Transportation; however any other use would require the contractor apply to the Department of Environment if they wanted to make it a permanent facility.

Mill Village Bridge – Councillor MacLeod asked if the Mill Village Bridge was a heritage bridge. Mr. MacIsaac responded that there are very few deemed to be heritage bridges, but they do exist. The issues arise when trying to replace a heritage bridge to the standard as it can be very expensive.

Eastern Shore Road – This road is not in the 5-year plan for repaving as it does not meet the criteria of having 500 vehicles per day on it. At present the car count is 200 vehicles. Whereas the distance of the road is 4 – 5 kilometers, Mr. MacIsaac suggested that it could be double chip sealed and they would need support from the Councillors and the Region to get this on the list for completion in their one-year local plan.

LaBelle Road – Mr. MacIsaac said that this road is scheduled for repaving this summer.

Pleasant Avenue – Councillor Fralic asked with the increased traffic on this road, which was originally built as a temporary road, if there can be anything done to improve it. Mr. MacIsaac indicated that if it was classed as a J road, it could be part of the paving program in that class, which the cost would be cost shared at 50% with the Municipality. Councillor Fralic commented that since the road was built school buses have been re-routed, causing increase in heavy vehicle traffic. This changes the roads original intended use.

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 asked if the Astor had been renamed and made a suggestion of "Astor Entertainment Center". Mayor Clarke said this would be discussed later in the meeting.

Mr. Robertson asked about the purchase of the property on Barss Street, indicating that it was a significant block of land and if the Region had any plans for it.

Mayor Clarke agreed that it was a significant block of land; and that it was a good opportunity for potential future development.

When Mr. Robertson enquired about why the Mason's would lease and then buy the Milton School, Mayor Clarke responded it was because the property needs to be rezoned.

David Dagley
9 Meadow Pond Lane
Liverpool

Mr. Dagley asked for an update on why the Region took over the demolition of the Wong Building on Market Street from Mr. Habib. Mayor Clarke said that after consideration from Mr. Habib, he felt that it would be more practical for the Region to complete.

Mr. Dagley said he was pleased to see that the Region is supporting the Perkins Museum.

Bill Cox
121 Bog Road
White Point

Mr. Cox said he was pleased to see that the court house lease has been extended and asked for an update.

Mayor Clarke said that the lease has been extended to October 31, 2015.

At this time, Mayor Clarke announced that The Advance and QCCR were recording the meeting.

6.0 APPROVAL OF MINUTES:

6.1 Council Minutes – May 26, 2015

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

THAT the minutes of the Regular Council meeting held on May 26, 2015, be approved as circulated.

MOTION CARRIED unanimously.

7.0 DANGEROUS OR UNSIGHTLY PREMISES:

7.1 72 Joe Anthony Road, Charleston, Queens County, NS

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

THAT Council declare the property located at 72 Joe Anthony Road, Charleston, Queens County, Nova Scotia as dangerous and unsightly as defined in the Municipal Government Act of Nova Scotia.

AND THAT Council cause an Order to be served upon the owners of the property located at 72 Joe Anthony Road, Charleston, Queens County, Nova Scotia requiring that within thirty (30) days of the date of the service of the Order, the following work be carried out:

- 1. Full exterior clean-up of all construction and demolition materials; and**
- 2. Removal/clean-up of all garbage, tires, metals and plastics.**

AND THAT, if owners fail to comply with the Order, the Administrator may cause the requirements of the Order to be carried out and all expenses incurred by the Region of Queens Municipality become the responsibility of the owners.

Kelley-Anne Hurley, Bylaw Enforcement Officer, stated that the property has large quantities of construction and demolition debris stored for a long period of time with non-compliance for removal, and does not meet the neighbourhood standards of the Region's Solid Waste Bylaw No. 13, Section 58. The owner has agreed with the order.

MOTION CARRIED unanimously.

8.0 ECONOMIC DEVELOPMENT:

There were no items discussed at this meeting.

9.0 CORPORATE SERVICES:

9.1 Outdoor Church Services 2015

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

THAT the Council of the Region of Queens Municipality grant permission to Liverpool Salvation Army and Highway Pentecostal Assembly to hold open-air church services in the lower parking lot adjacent to Liverpool Home Hardware on Sunday evenings from July 5 – September 6 inclusive, provided noise levels are kept to reasonable levels; and

PROVIDED Liverpool Salvation Army and Highway Pentecostal Assembly adhere to all applicable laws and regulations in effect on these dates, including parking lot regulations.

Mayor Clarke stated that the Salvation Army and Highway Pentecostal Assembly make this request to Council on a yearly basis.

MOTION CARRIED unanimously.

10.0 ENGINEERING AND WORKS:

10.1 Update on Main Street Construction Project

Brad Rowter, Director of Engineering & Works, gave an update on the construction on Main Street. He stated that the project is nearing completion; sewer/water and storm mains, laterals, curbs and gutter nearly complete.

The sidewalks are in progress and will continue throughout June and into first of July, weather dependant. Access to business entrances will be ensured.

The first lift of Asphalt will be laid within the week with the final lift later this year.

The area will be open for the Privateers Day weekend.

11.0 FINANCE

11.1 Town Hall (Astor/Museum) Capital Project

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

THAT the Council of the Region of Queens Municipality approve a carry forward in the amount of \$62,700 from the previous year's capital budget for the renovations on the former Town Hall into the 2015/2016 budget year; and that this amount be funded as 60% ACOA and 40% Special Operating Reserve.

Jennifer Keating-Hubley, Director of Finance, said that this amount is not new capital money, but since the Town Hall project has crossed fiscal years a portion of the \$205,000 budgeted in the 2014/2015 capital budget requires Council approval to carry forward into 2015/2016. The amount was difficult to estimate in April, having not yet received all contractor's invoices, it is now known that \$142,300 was spent in 2014/2015 and that the remaining \$62,700 will be expended upon project completion for the end of May. Ms. Keating-Hubley confirmed that the project is within budget in response to Councillor Inglis asking the question, and has met all ACOA deadlines for funding.

MOTION CARRIED unanimously.

12.0 RECREATION AND COMMUNITY FACILITIES:

There were no items discussed at this meeting.

13.0 PLANNING:

13.1 Purchase & Sale Agreement with Nauss Brothers Holdings Limited

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

THAT the Council of the Region of Queens Municipality approve a Purchase and Sale Agreement with Nauss Brothers Holdings Limited for the acquisition of a parcel of land, being PID #70021126, and comprising approximately 32.7 acres in area, for a purchase price of \$55,000.00, to be funded from the Special Capital General Reserve.

Mike MacLeod, Planner, said that Nauss Brothers Holdings Limited approached the Region to determine if we were interested in purchasing at a reasonable price.

The property is not land locked and developing roads and services would not be a concern if a developer came forward. A significant number of lots could be developed.

MOTION CARRIED unanimously.

Councillor Inglis declared a Conflict of Interest and left Council Chambers at 10:17 a.m. while Items 13.2 Lease of Milton School, 13.3 Sale of Milton School and 13.4 Rezoning of Milton School were being discussed.

13.2 Lease of Milton School

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

THAT Council of the Region of Queens Municipality approve the lease with the Prince of Wales Lodge #29 for the former Milton School property and identified as PID #70162210.

Mr. MacLeod stated that the Region received a request from Prince of Wales Lodge #29 to lease the former Milton School. The term of the lease will be from the date of signing to September 30, 2015. The Lodge will be losing their facility with the development of the new bridge.

MOTION CARRIED unanimously.

13.3 Sale of Milton School

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

THAT the Council of the Region of Queens Municipality approve a purchase and sale agreement with Prince of Wales Lodge #29 for the sale of municipal property identified as PID #70162210 and located at 17 School Street in Milton (formerly known as Milton Centennial School);

AND THAT the Council of the Region of Queens Municipality hold a Public Hearing on Tuesday, July 7, 2015, at 8:30 a.m. in the Council Chambers of the Municipal Administration Building, 249 White Point Road, Liverpool, Nova Scotia respecting its intention to sell Municipal property identified as PID #70162210 for less than market value, in accordance with Section 51 of the Municipal Government Act.

Mayor Clarke explained that because the sale of the property is less than market value the Region is mandated to hold a Public Hearing meeting in response to Councillor MacLeod's question of why there would be a Public Hearing.

MOTION CARRIED unanimously.

13.4 Rezoning of Milton School

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

THAT the Council of the Region of Queens Municipality give notice of its intention to:

- 1. Rezone PID #70162210, from General Residential (R2) to Institutional (I1); and**
- 2. Amend the Institutional (I1) Zone permitted uses to include:**
 - "Dwelling units as an accessory use to the main institutional use, with a maximum of three (3) units"; and**
 - "Business and professional offices".**

AND THAT a Public Hearing be held on July 7, 2015 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, immediately following a public hearing respecting the sale of the Milton School, which is scheduled for 8:30 a.m.

Mr. MacLeod stated that the property is zoned as General Residential (R2) and uses such as Masonic Lodges falls under the category of fraternal organizations which are only considered under the Institutional (I1) zone.

The former school is larger than what the masons require for their own use, and they would like to be able to utilize some of the additional space for residential dwelling units, provide office space and hope to establish a community hub.

The question was asked, that by revising the permitted uses within the Institutional (I1) zone, will this change be applied to all (I1) zones. Mr. MacLeod indicated that yes this change will apply to all Institutional zones.

He also noted that all parking spaces will be calculated based on the zone requirements.

MOTION CARRIED unanimously.

Councillor Inglis returned to Council Chambers at 10:31 a.m.

13.5 Chickens in Urban Residential Areas

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

THAT the Council of the Region of Queens Municipality maintain the status quo respecting the keeping of livestock; which includes chickens; in urban residential zones;

AND THAT this issue be flagged for further consultation and discussion during the formal review process of the Region's Municipal Planning Strategy and Land Use Bylaw.

Council then discussed the recommendation and report of the PAC regarding a local resident's request to keep a small number of chickens in an urban residential area. Council had directed Staff to investigate the potential implications of allowing such use in some or all residential zones. The Planning Advisory Committee met on June 3, 2015 and their recommendation was to maintain status quo, which stated that a minimum lot area of 1 acre is required to be permitted to have livestock, including poultry in the General Residential (R2) Zone, Mixed Use Rural Residential (R5) zone and Mixed Use Coastal Residential (R6) zone.

Several Councillors expressed their opinions in this matter and provided reasons why they would either support or not support the motion.

Councillor MacLeod requested, a recorded vote, and members agreed.

The motion on the floor was voted on. All those in favour: Councillors Norman, Fralic, MacLeod and Waterman. Those against: Councillors Inglis, Fancy, Fiske and Mayor Clarke.

Motion defeated.

After further discussion the matter was referred back to the PAC for developing a process and timeline for reviewing. Staff was directed to report this back at the July 14, 2015 Council meeting.

13.6 Telecommunication Tower in Port Joli

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

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement to allow for the erection of a new telecommunication (cellular) tower on property identified as PID #70065982 and located in the Mixed Use Rural Residential (R5) Zone;

AND THAT a Public Hearing be scheduled for July 7, 2015 in the Council Chambers of the Municipal Administration Building located at 249 White Point Road, Liverpool, NS, following a public hearing respecting the sale of the Milton School, which is scheduled for 8:30 a.m.

Mr. MacLeod stated that this request is from Rogers Communications and is similar to other requests of this nature. He also stated that these are federally regulated and that it requires public consultation for any issues and a meeting is scheduled for June 23, 2015 at the Port Joli Hall.

MOTION CARRIED unanimously.

14.0 QUEENS PLACE EMERA CENTRE:

Councillor Fancy said that the June 6th event with Adrian Powers was very good, but felt there needed to be more communication to encourage attendance.

15.0 REPORTS:

There were no items discussed at this meeting.

16. OTHER:

16.1 Queens Community Health Board

Norm Amirault, Director of Recreation & Community Facilities explained that a request from the Queens Community Health Board asking for consideration of having either a Councillor or staff member be appointed as a liaison to the QCHB.

After discussions the request was directed to the Nominating Committee for appointment of a Council member and report back to the June 23rd Council meeting.

16.2 Perkins House Museum

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

THAT the Council of the Region of Queens Municipality approve that the Mayor forward a letter to the Hon. Tony Ince, Minister of Communities, Culture and Heritage expressing Council's concern that this museum will not be opened for the 2015 tourism season;

AND FURTHER THAT as this is the province's oldest museum and very important part of Tourism and Culture Infrastructure in the province of Nova Scotia that the repairs to the facility be undertaken during the 2015/2016 fiscal year.

Mayor Clarke and Kathleen Rafuse, CAO, met with the museum staff and will be meeting with the Minister next week. He stated that Minister Mark Furey is understanding of our position and there is optimism for repairs to move along quickly.

MOTION CARRIED unanimously.

16.3 Court House Lease

It was moved by Councillor Inglis and seconded by Councillor Fancy:

THAT the Council of the Region of Queens Municipality approve the letter of offer for the Renewal of the Lease for the Court House located at 137 Church Street with the Nova Scotia Department of Internal Services, for a four month term, beginning on July 1, 2015 and expiring on October 31, 2015.

MOTION CARRIED unanimously.

17.0 IN-CAMERA ITEMS

It was moved by Councillor MacLeod and seconded by Councillor Fralic that the proceedings go "In-Camera" at 11:20 a.m. to discuss the following:

17.1 Contract Negotiations, MGA 22(2)e

17.2 Contract Negotiations, MGA 22(2)e

MOTION CARRIED unanimously.

Mayor Clarke announced at 10 minute recess and Council resumed the In-Camera session at 11:30 a.m.

At 11:47 a.m. it was moved by Councillor Inglis and seconded by Councillor Fiske that the proceedings come out of "In-Camera" and returned to open session.

MOTION CARRIED unanimously.

Council in Session

18.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:47 a.m.



Mayor Christopher Clarke, Chair



April Whynot-Lobbes, Municipal Clerk



Christine Watson, Recording / Management Secretary

Date Approved: June 23, 2015