

A meeting of **MUNICIPAL COUNCIL** was held in the Council Chamber of the Municipal Administration Building on the above date at 9:30 a.m. with the following in attendance:

Warden Jack Wentzell - District 7
Deputy Warden Elmer Garber - District 4
Councillor Sherman Palmer - District 2 (present morning only)
Councillor Donald Zwicker - District 3
Councillor Milton Countway - District 5
Councillor Sandra Statton - District 6
Councillor Cathy Moore - District 8
Councillor John Veinot - District 9
Councillor Arthur Young - District 10
Councillor Lee Nauss - District 11 (present morning only)
Councillor Karen Dempsey - District 12 (arr. 9:50; present morning only)
Councillor Martin Bell - District 13

Absent was Councillor Diane Tanner - District 1.

Also in attendance were:

Tammy Wilson, Chief Administrative Officer
Erica Green, LL.B., Municipal Solicitor
Heather Whynott, Administrative Assistant

AGENDA

Warden Wentzell asked if there were any requests for additions to the Agenda. There were no requests for additions.

Moved by Council. Nauss, seconded by Council. Palmer that the Agenda be approved as circulated. Carried.

MINUTES

Moved by Council. Moore, seconded by Council. Zwicker that the Minutes of the meeting held March 13, 2007 be approved as circulated. Carried.

ANNUAL MTG. DATE

At the last meeting Council had agreed that the Annual Council Meeting be held today. However, it was pointed out that the Nominating Committee's report is accepted at the Annual Meeting but the Warden would only be appointing the members of the Nominating Committee today.

Moved by Council. Nauss, seconded by Council. Bell that we rescind the motion of March 13, 2007 which set the Annual Council Meeting date as May 8, 2007. Carried.

Moved by Council. Nauss, seconded by Council. Moore that the Annual Council Meeting be held on June 12, 2007 at 9:00 a.m. Carried.

MEMORIAL WALL

ACT, BILL C-417

Circulated with the agenda was a letter from Mr. Inky Mark, MP, advising that on March 26, 2007 he introduced a Private Member's Bill, Bill C-417, in the House of Commons that would see the creation of a Memorial Wall for Canada's fallen soldiers and peacekeepers. Included with the letter was a Resolution and a petition requesting Parliament to provide a suitable area of public land to be used for the location of a Memorial Wall of Names of all of Canada's Fallen. His letter requested Council's support in this initiative.

Moved by Council. Young, seconded by Council. Palmer that Council supports the Resolution requesting that the Government of Canada enact Private Members Bill C-417, the Canadian Soldiers' and Peacekeepers' Memorial Wall Act.

Council. Nauss said he thinks it would be an honour for us to do this.

People sacrificed their lives so we could be free today.

The motion was carried.

Ms. Wilson noted that there is also a petition that could be signed.

Warden Wentzell asked if Council wished to do anything with the petition.

It was agreed that the petition be circulated for Councillors & staff to sign.

Ms. Wilson asked if Council would like the petition left at the front counter for residents to sign. Council agreed to this suggestion.

AD re VETERAN'S
SERVICE
RECOGNITION

Circulated with the agenda was a letter from Nova Scotia/Nunavut Command of The Royal Canadian Legion asking if the Municipality will again sponsor an ad in their annual "Veteran's Service Recognition Book". The Municipality sponsored a 1/4 page ad in last year's Book.

Moved by Counc. Nauss, seconded by Counc. Palmer that we sponsor a 1/4 page ad in the Legion's "Veteran's Service Recognition Book" at the total cost of \$295.00 (includes HST),

Counc. Statton asked if the cost of the ad will come out of the advertising budget that is not yet established for 2007/08.

Ms. Wilson said the cost will come out of the advertising account.

The motion was carried.

COUNCIL'S
SUPPORT
REQUESTED re
SIGNAGE re LIMIT
ON THROUGH-
TRUCKING

Circulated with the agenda was a request for Council to write a letter to the Department of Transportation and Public Works (DOTPW) supporting a petition signed by residents of Crouse's Settlement and area. The petition is requesting that a limit be imposed on through-trucking on the Crouse's Settlement Road. They feel that the unnecessary frequent thoroughfare by heavy vehicles will lead to needless wear and tear and premature deterioration of the road's surface. To accomplish this, they want the DOTPW to post signage at both ends of the Crouse's Settlement Road similar to what they have seen on some roads in other areas of the province, i.e, "NO VEHICLES OVER 12,000 Kg GROSS WEIGHT EXCEPT LOCAL TRAFFIC".

Counc. Veinot said he sympathizes with what these residents are asking for, but he questions if Council should start getting into matters that are not our responsibility. He doesn't think Council should be saying whether it should or should not be done.

Ms. Wilson noted that they are asking Council to support their initiative by writing a letter of support to the Department of Transportation.

Counc. Young pointed out that, as we know, most vehicles today, no matter what they're hauling, will be over 12,000 kg. Are we going to be prepared to look at a lot of other roads in the Municipality that the Department of Transportation has under their jurisdiction? He realizes that heavy vehicles do have a detrimental effect on roads. However, if we are going to support this request, then we will have to support others that may come to us with the same request.

Counc. Bell said he too sympathizes with what they are asking. He said

last year the highway along the river was resurfaced, but during the winter the snow plowing pulled it up. He pointed out that a lot of people depend on forestry for their livelihood. If we approve this request, we might be getting into an area where we don't want to be. He thinks this group of people need to deal with the Department of Transportation regarding this.

Counc. Countway questioned how much an oil truck weighs, as many people would require oil delivery to heat their homes.

Counc. Nauss said most of the trucks are tandems now.

Counc. Young thinks an oil truck would weigh 18,000 - 20,000 kg or more.

Ms. Wilson said they are looking at controlling the through-traffic and not service trucks.

Counc. Nauss said he and Counc. Veinot have gravel quarries in their Districts, and the people on those roads would probably request the same signage if Council supports this. If those roads are closed we would be shutting down those quarries.

Deputy Warden Garber said the road in question is in his District, but this is the first he has heard about it. He questions if we are part of the process. If we are not, this is not our decision to make. He would like to know what the process is from the Department of Transportation before making a decision on this.

Ms. Wilson reported that she has called the Department of Transportation enquiring as to what the process is for this, but her call has not yet been returned. The Department used to ask us for a letter of support before they would change road names.

Counc. Young thinks this is something that Council should not be involved in. It's a provincial matter. How do you restrict one area and have it open in another area? There's a quarry in Deputy Warden Garber's area. Are we going to ask that restriction be put on the highway that runs through Dayspring? If we approve this, he knows we will get requests to add restrictions on other roads.

Counc. Statton reported that there is a restriction on the Hammonds Plains Road. If a vehicle is over a certain weight it's not permitted on that road unless the driver has permission in writing to be there. Regarding this situation, they're not saying this is a safety issue. They are stating it's to save the road. She thinks this is too big an issue for Council to be involved in.

Counc. Zwicker said the one end of this road is in his District but this is the first he heard of it. He has not been asked by the residents to support it. To support it, he feels Council would be getting into something that he thinks we should not be involved in.

Moved by Counc. Veinot, seconded by Counc. Statton that Council not support the request of the residents on the Crouse's Settlement Road as it relates to their petition to the Department of Transportation and Public Works

asking for signage on their road limiting heavy through-traffic. Carried.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

PARTIAL TAX
EXEMPTIONS - BY-
LAW ADDITIONS

Moved by Counc. Palmer, seconded by Counc. Nauss that we accept the recommendation of the Committee of the Whole and approve the addition of the MicMac Rod and Gun Club and the Lunenburg Rod and Gun Club to the Partial Tax Exemption List in the Municipality's Partial Tax Exemption By-law. Carried.

PREPARE REPORT re
MANAGEMENT OF
PROVINCE'S
FORESTS,
MINERALS, PARKS

Moved by Counc. Zwicker, seconded by Counc. Young that we accept the recommendation of the Committee of the Whole and prepare a report outlining Council's concerns with regard to Nova Scotia's natural resources that would be submitted to the Department of Natural Resources and Voluntary Planning Public Consultation Meetings that will be held in the future with regard to the development of a new strategy that will address the management of the Province's forests, minerals, parks and biodiversity.

Counc. Statton feels that, before Council prepares a report on Council's concerns, we should be asking our constituents about their concerns. That is what she would like to see happen before doing the report.

Counc. Nauss asked when comments are due back. Ms. Wilson said she believes sometime next year.

Counc. Nauss questioned if this should go back to the PR Committee as to how we would get public input. We know the difficulty we have had trying to get public input on anything in the past.

Warden Wentzell feels that if the meeting is about forest management people will come out to a meeting on that subject.

Counc. Bell suggested that perhaps we could make it known in the *Municipal Matters* new sletter about our intention to make a submission and that we would welcome input from the public.

Counc. Countway said he likes Counc. Bell's idea. He would like to go one step further and suggested that, once we have a draft report done, set a date for an evening meeting and invite the public for their input.

Warden Wentzell noted that we have had success in the past when we sent out special invitations to groups that we wanted input from on certain subjects. We might be able to do that and invite some key players.

Counc. Young feels the forestry issue is an emotional one with a lot of people. We can invite key players but he would see us going beyond that. This Council Chamber would not be adequate if a public meeting is held, as he feels there are a lot of people who would have something to say about what should be done. The consultation is coming from those with the bigger lumber companies. They have a different view than what someone like himself would have.

Counc. Nauss pointed out that this just doesn't deal with forestry. It also deals with minerals and parks. Regarding mineral rights, if a company stakes a claim, they can dig within five feet of your residence. This has happened in Ontario and land owners knew nothing about what was going to happen

because there's nothing stating that the land owners have to be notified.

Warden Wentzell said it happened years ago in his area.

Counc. Dempsey said you can't even protect a watershed when it comes to mineral rights.

Question was called and **the motion was carried.**

Moved by Counc. Countway, seconded by Counc. Bell that the Committee of the Whole look at ways to obtain public input/concerns that can be considered when Council prepares a report outlining concerns with regard to Nova Scotia's natural resources. Carried.

LETTER TO DEPT. OF
ENVIRONMENT re
OIL SPILL IN NEW
GERMANY

Moved by Counc. Moore, seconded by Counc. Countway that we accept the recommendation of the Committee of the Whole and write a letter to the Department of Environment and Labour requesting information in regard to what action has been taken to address the oil spill at 26 Fire Hall Road in New Germany and information on how the clean-up of the oil spill is being enforced by the Department.

Warden Wentzell gave an update regarding this property. He reported that a meeting was held with Adrian Fuller of the Department of Environment to discuss the matter. It's a complicated situation. The Department has laid charges. There is a hearing date set. After that, something should happen. He hopes that the land owner will remedy the situation before any of this happens. We asked if the Department can go in and do something. Mr. Fuller is going to look into that. He will check their rules and guidelines to see if that is possible. The problem is who's going to pay the bill. The Department may have ways to collect the bill that we don't have. Mr. Fuller will get back to Ms. Wilson with what he has found.

Ms. Wilson reported that they have done some temporary measures; but as to fixing it on a permanent basis, a way has not been found.

Warden Wentzell said we did explain to Mr. Fuller that we have an unsightly property and that we are concerned about taking the building away in case we get them involved in the oil spill. He understands our dilemma.

Counc. Zwicker asked if they entered into discussions with the Department on the exchanging of information. To him it would be prudent if both parties inform each other of the situation. It's not our responsibility to deal with the oil spill. He thinks it's the Department's responsibility to advise the Municipality that there is an oil spill in the Municipality and what they are doing about it.

Warden Wentzell said we have nothing in writing from them.

The motion was carried.

Moved by Counc. Zwicker, seconded by Counc. Moore that we request the Department of Environment to advise the Municipality whenever they have an oil spill reported to them that is in the Municipality. (Mover and seconder agreed to a wording change in their motion during the discussion that follows. The original motion was "that we request the Department of Environment to

advise the Municipality whenever similar oil-spill circumstances warrant for our edification.)

Counc. Countway questioned exactly what the motion means.

Warden Wentzell feels the motion should read “an oil spill of a reportable quantity”. If the spill is a litre, that is not reportable.

Counc. Countway reported that some time ago the fire departments asked how much of a household oil spill is reportable. The answer of 200 litres came back. We had 40 litres spilled that had to be cleaned up. He would like to have some indication from the Department on what is reportable.

Ms. Wilson suggested that the motion could be worded so that the Municipality is notified of everything that is reported to the Department that is a violation to the Environment Act and Regulations.

Warden Wentzell suggested changing the wording “whenever they have an oil spill reported to them that is in the Municipality.” The mover and seconder agreed to this wording change in the motion.

Counc. Statton said she doesn’t agree with the motion. One of our Councillors always says “be careful what you ask for”. We don’t need to know their business. If there is something we need to know, we ask them.

After some further discussion, the question was called and **the motion was defeated.**

INTRODUCTION OF
NEW DIRECTOR OF
PLAN. & DEV.
SERVICES

Ms. Wilson then introduced Mr. Edward Curran, the Municipality’s new Director of Planning and Development Services who started work yesterday. She briefly reported on Mr. Curran’s past work history.

Warden Wentzell welcomed Mr. Curran to the position.

Councillors introduced themselves to Mr. Curran.

OAKLAND
WATERSHED
PRESENTATION

At 10:45 a.m. in attendance on behalf of the Town of Mahone Bay were Councillor Karl Nauss, Chair of the Oakland Lake Watershed Advisory Committee, and Geoff MacDonald, Planner, to present the Town’s document “Oakland Lake Water Supply Source Water Protection and Management Plan”. Prior to the meeting, Municipal Councillors were provided with a copy of this document (attached to original Minutes).

Moved by Deputy Warden Garber, seconded by Counc. Palmer that Counc. Karl Nauss and Geoff MacDonald be permitted to address Council. Carried.

Counc. Karl Nauss reported that the Oakland Lake Watershed Advisory Committee has been working for a few years on the documents that are now before this Council. They were approved by Mahone Bay Town Council on April 25, 2007. Many of the meetings were attended by Counc. Countway and Tammy Wilson. Consensus was reached and everybody seemed happy with the documents that are before Council today.

Counc. Lee Nauss asked if the Plan contains anything about mining.

Counc. Karl Nauss said one of the things they did add was to open up the lake to fishing and canoeing; but there’s nothing on mining.

Counc. Lee Nauss reported that in the Bridgewater watershed area there are several old mines that they wanted to come in and reactivate and dewater. We had to worry about putting that water back into the watershed.

Mr. MacDonald said they don't have any mines in the area. The Department of Environment felt that controlling erosion and sedimentation was sufficient.

Counc. Countway said this Plan is not the end of what's to be done. This is just the first step of many to prevent pollution in the area and to get the water approvals from Department of Environment. There is a lot more work to do.

Counc. Karl Nauss reported that they also have to meet with the Department of Transportation and EMO.

Counc. Dempsey said she's glad to see that the boundaries of the watershed area have been identified and we now know where they are.

Moved by Counc. Countway, seconded by Counc. Dempsey that we accept the Oakland Lake Water Supply Source Water Protection and Management Plan as presented. Carried.

Moved by Counc. Countway, seconded by Counc. Nauss that we accept the Oakland Lake Watershed Protected Water Area Regulations as presented. Carried.

Moved by Counc. Countway, seconded by Counc. Statton that we accept the Terms of Reference for the Oakland Lake Water Supply Source Water Protection and Management Plan as presented. Carried.

Counc. Karl Nauss thanked Council for meeting with them.

COMMITTEE OF THE WHOLE - RECOMMENDATIONS

Moved by Deputy Warden Garber, seconded by Counc. Moore that we accept the recommendation of the Committee of the Whole and make an application to the Court for an Order to require the property owner, Douglas Projects Int. Inc., of 26 Fire Hall Road in New Germany, to demolish the unsightly building as per the Municipality's Unsightly Premises Order as Council is concerned this property may become a dangerous premise.

Counc. Countway noted that we were told that the Department of Environment is there looking at an oil spill that is originating from the building. Is that not dangerous?

Ms. Wilson said the contamination of the soil is within the Department of Environment's jurisdiction. They enforce the clean-up of the oil spill. If the building is dangerous, that comes under the Municipality's by-law. The Building Inspector has not deemed the building dangerous at this point.

Counc. Moore said she agrees with the motion. It may put pressure on some people that have unsightly properties. This one has been ordered to be demolished and she hopes the decision will be upheld by the court.

The motion was carried.

Moved by Counc. Countway, seconded by Counc. Young that we accept

APPLICATION re
ORDER TO
DEMOLISH BLDG.

RENEWAL - UNSM

COMPREHENSIVE INSURANCE PLAN **the recommendation of the Committee of the Whole and approve the renewal of the UNSM Comprehensive Insurance Program with Bell & Grant with an annual fee of \$150,416.07 plus UNSM fees of \$4,182.32 and the renewal of the Accident and Sickness Policy with AXA Assurances at a cost of \$7,040.00. Carried.**

COMM. CAPITAL GRANT -FIRE DEPT PLEASANTVILLE **Moved by Counc. Statton, seconded by Counc. Bell that we accept the recommendation of the Committee of the Whole and award a Community Capital Grant in the amount of \$1,000.00 to the Pleasantville & District Fire Department towards their project to repair the roof and replace the doors and windows of the Hall. Carried.**

HERITAGE ADVISORY COMMITTEE (PAC) - RECOMMENDATION

SUBSTANTIAL ADD In attendance was Jeff Merrill, Planner.

SIMPSON'S CORNER UNION CHURCH **Moved by Counc. Dempsey, seconded by Counc. Moore that we accept the recommendation of the Heritage Advisory Committee (PAC) and approve the substantial addition of a second exit to the Simpson's Corner Union Church, located at 1315 Highway 208, Simpson's Corner, subject to the existing window cap remaining in line with the two other window caps on the same façade and that the colour of the materials used match the colour scheme of the building. (Staff report attached to original Minutes)**

Counc. Statton reported that, at the Committee's meeting, the question was asked if load capacity was considered when the Inspector made his determination, meaning the maximum number of people allowed in the building and the ability to get out of the building in the event of an emergency. Was the replacement of the window with a bigger window considered rather than a door?

Ms. Wilson pointed out that the Heritage application was made by the Church to make the change. This was done after consultation with the Fire Inspector. The Inspector that did the inspection is out on the road at this time and thus not available to answer questions.

Counc. Statton said the application is from the Church but it was made as a result of a fire inspection.

Counc. Veinot said he had some problem with the application at the Committee meeting. If a heritage building has to be altered to meet the fire code, he thinks that's the wrong approach.

Ms. Wilson reported that there is an Order issued on this property by the Fire Inspector and they have to complete certain projects. He gave them over a year to do this. The Order still remains in place, but she's not sure when the deadline is for this to be done.

Counc. Nauss asked what happens when you put a steel door on a heritage building.

Mr. Merrill said Council has a policy that explains what a substantial or non-substantial change is. One of the things taken into consideration would be if it fits the historical character of the building. A steel door can have raised

panels so that it would have a similar appearance to a wood door.

Moved by Council. Statton, seconded by Council. Veinot that we table the motion until we have an answer to the question as to whether or not the load capacity of the church was taken into consideration. Carried.

Mr. Merrill left the meeting.

BUILDING REPORT
FOR APRIL '07

For information, circulated with the agenda was a summary of the Municipality's building activities for the month of April 2007 (copy attached to original Minutes). This report showed that the value of building permits issued in April totalled \$3,446,590.00, bringing the year-to-date value of permits issued to \$3,446,590.00.

NOM. COMMITTEE
MEMBERS FOR
2007/08

Warden Wentzell appointed the following as the members of the Nominating Committee for 2007/08:

Councillor Lee Nauss, Chair
Councillor Don Zwicker
Councillor Sherman Palmer
Warden (ex officio)

Warden Wentzell asked the Nominating Committee to present their recommendations for 2007/08 appointments at the June 12th Annual Meeting.

The date of May 18th at 1:00 p.m. was set as the date for the Nominating Committee to meet. Councillors were asked to return their committee priority forms to staff before that date.

UPDATE - WARDEN

Warden Wentzell then provided his monthly update on Warden's activities. Functions that he attended were the official opening of the new Hyundai building; the announcement of funding for South Shore Fieldhouse; the announcement made in Dayspring by the Queen of the North Atlantic which was also attended by other Councillors; and the presentation that was made on the LaHave River study.

VARIANCE APPEAL
re REQUIREMENTS
LAND USE BY-LAW
OAKLAND

At 11:30 a.m. Mr. Geoff MacDonald was in attendance. He had written Council requesting that they consider an appeal under subsection 236(4) of the *Municipal Government Act* (MGA) from the April 4, 2007 refusal by the Municipality's Development Officer to grant him a variance from the Land Use By-law requirements for his proposed boat shed opposite 1054 Oakland Road, Oakland.

Planning staff in attendance were Ed Curran, Director of Planning and Development Services, and April Whynot-Lohnes, Development Officer.

Councillors were provided with a copy of Geoff & Roberta MacDonald's letter dated April 19, 2007 in which he provided details on the boat storage shed they wish to build and why (copy attached to original Minutes).

Ms. Wilson informed Council that this is the first time Council has had an appeal of this type ...it's a variance appeal. Mr. MacDonald's application was for a variance to a front yard and side yard setback. She reviewed the rules that apply to consider a variance under the MGA. She reported that the applicant has a right to appeal the Development Officer's refusal of the variance to Council. Notice of the appeal was given to all property owners within 30

metres of the property. Responses by e-mail were received from two neighbouring property owners - Jeff & Jacquie Avery and Raymond & Pamela Creery (copy of e-mail responses attached to original Minutes).

Councillors were provided with a copy of the two e-mail responses. Jeff & Jacquie Avery state "We agree with the Development Officer's refusal to grant the variance." Raymond & Pamela Creery state "...we consider that their plans will not have undesirable consequences for us and therefore we have no objection to them."

Ms. Whynot-Lohnes informed Council as to why she, as Development Officer, refused the variance appeal. She reported that 16.5 feet is the existing setback for the front yard and 16.5 feet for the side yard. In Mr. MacDonald's application, the variance for the side yard was down to 5 feet and the front yard was 0 feet. She reviewed what was taken into consideration. Looking at the information, she came to the conclusion that she was not in a position to grant the variance. Using maps that were on display, she explained where Mr. MacDonald's residence is located and where he would like to construct a boat shed on the shoreline. She identified six other properties in the area that would be in a similar situation as Mr. MacDonald's.

Counc. Dempsey asked Ms. Whynot-Lohnes if she is prepared to grant a variance for the side yard and a variance for the front yard but not to 0 feet.

Ms. Whynot-Lohnes said yes, she advised Mr. MacDonald that she would consider allowing a variance resulting in a 4 foot front yard variance.

Moved by Counc. Countway, seconded by Counc. Palmer that Geoff MacDonald be permitted to address Council. Carried.

Mr. MacDonald said he likes to build things. He reported that they own a lot of canoes and kayaks, and it's a nuisance to take them from the house to the shore, so they would like a storage building on the shore. The difficulty he has is the highway in front of his residence is 83 feet wide. He explained how much land was taken by the Department of Transportation to build the road and they will not sell any back. However, the Department of Transportation has no problem with what he wants to do. He indicated that doing this would not be unique. He expressed his interpretation of sections of the MGA and the Land Use By-law for Oakland in relation to his variance request.

Counc. Countway pointed out that in Oakland there is an Area Advisory Committee (AAC). He asked Mr. MacDonald if he approached them and asked them to support a variance for this building.

Mr. MacDonald said he's Vice Chair of the AAC, and he has not put this in front of the AAC. He feels it's an administrative matter.

Counc. Nauss noted that Ms. Whynot-Lohnes has indicated that she will give a variance so that the building could be built with the long side parallel to the highway. He thinks that would be the simplest way of solving the problem and asked Mr. MacDonald if he could do that.

Mr. MacDonald said it's an option that could be done, but he would like

the end towards the water so he can put boats right into the water.

Deputy Warden Garber asked Mr. MacDonald, with a variance that allows 0 feet frontage, how can he maintain that side of the building and what about the safety issue?

Mr. MacDonald said he approached several levels of the Department of Transportation about the safety issue on the use of the highway right-of-way and they have no concerns.

Counc. Dempsey feels that clearly the intent of the Land Use By-law was to restrict the size of structures that could be built on those lots. There are quite a few lots that would seem to have the same situation as Mr. MacDonald. It was deliberately constructed to restrict the size of structures that could be built there. She noted that Mr. MacDonald said he could settle for a 20 foot building, and that the Development Officer is prepared to grant a variance for that. She asked why Mr. MacDonald feels that this is not keeping with the intent which was to restrict size of structures and the view.

Mr. MacDonald said it seems the Strategy is to put out the intent. Their longest kayak is 20 feet, so a 20 foot building would be adequate. The Development Officer has said previously that she would entertain a variance of 5 feet. If Council approves a variance of 4 feet, then he would build a building in accordance with that.

Ms. Wilson said Council's options are to either confirm the decision of the Development Officer and deny the variance, or grant the variance.

Counc. Statton asked what the setback is in a non-zoned area.

Ms. Wilson said the National Building Code has limiting distance requirements that vary based on the adjacent buildings and the design of the proposed building. The Building Inspector would determine this on a case by case basis.

Moved by Counc. Dempsey, seconded by Counc. Nauss that Council affirms the decision of the Development Officer and refuses the variance appeal made by Geoff MacDonald.

Counc. Dempsey feels that if the people in the Oakland area would have wanted a different setback then they would have done so when the planning documents were developed.

Counc. Young is of the opinion that, after hearing what was said about the Building Code, how could we grant anything less.

Ms. Wilson said the setback is dependent upon the structure that is being put on the lot. For example, a building with a fire separation wall could be built right to the lot line.

Counc. Nauss feels we have to be a bit cautious. It's a plan that was developed by the residents of Oakland and they chose to have a setback of 16.5 feet. If we grant a variance for one, then others in a similar situation could come in and ask for the same consideration. To change the setback, he feels that should go back to the AAC to do and then it would be the same for everyone.

Counc. Countway said the adjoining property is unused highway property. It would set a precedent in the area. Clearly the residents put it in their document and they have that setback for a reason. If the view is one of those reasons and Mr. MacDonald is asked to construct the building sideways, then he feels we are now obstructing more of the view. Also, if someone parks on highway property, then they could be blocking the entrance. He's not sure just how he wants to vote on this.

Ms. Wilson said the MGA is set up so that the appeal is heard by Council. If it was a change for the whole area, then it would go to the AAC. The AAC has already said what the Development Officer is allowed to consider a variance for in that area by specifying the same in the Land Use By-law. We don't have the opportunity to hear the AAC's opinion on this matter.

The question was called and **the motion was carried.**

At 12:08 p.m. Council recessed for lunch.

At 1:15 p.m. the meeting resumed.

STREET LIGHTING IN
CHELSEA

Moved by Counc. Young, seconded by Counc. Veinot that Mr. Jan Devries be permitted to address Council. Carried.

Mr. Devries presented the following written proposal to Council regarding Chelsea Street Lighting (copy attached to original Minutes):

"That all property owners living in the Community of Chelsea that currently have street lights installed in front of their property be given the option of having them removed. In those situations where more than one owner shares a fixture only the owner wishing to retain the fixture should be charged for the privilege."

Mr. Devries said he was not happy with the Municipality's response to the presentation he made to Councillors on January 18th. He feels there was some facts that were overlooked. Along with his proposal he provided some additional information which he reviewed, including some history when the street lights were installed in 1978; location of light fixtures; management of the system; policy to make changes to the system; environmental issues; and costs.

Counc. Countway pointed out that, if there are 8 or 10 people who don't want the lights, the less people on the system the more it will cost the others that are left. It could cost \$203.00 instead of \$103.00 for the ones remaining. He has always been told that you need 75% of the residents agreeing to install the lights and the same percentage to remove them.

Mr. Devries feels that Chelsea is the exception. The lighting in Chelsea is installed at or close to the entrances of residential properties and there are long stretches of road that are not lit. Therefore, he feels that the system should not be considered street lighting but should be referred to as "convenience lighting". As for the charge of \$103.00, he has a yard light that the total cost to put in was \$75.00. To him it makes no sense in this day and age to have a system like they have when we are trying to decrease greenhouse gases. There

is no clear pattern to their system as there is in Riverport and Dayspring. There are other ways to put in yard lighting. He feels he's being asked to bear the cost of something that he doesn't want. The cost is going from \$77.00 to \$103.00 this year, and who knows what it will be next year.

Counc. Moore asked who absorbs the cost to remove the lights.

Ms. Wilson said there would be a cost involved to do that by Nova Scotia Power and the charge would show up on next year's tax bill of the residents within the charge area.

Another point made by Mr. Devries was that a boom truck drives all the way from Bridgewater to change a bulb. To him that is not efficient in this day and age.

Counc. Veinot said that sometimes lights are out and it's quite some time before they're replaced. That is a worse situation and they are paying for something they don't have. It will make a division in the community whichever way it goes.

Mr. Devries said he doesn't believe that too many people in the community would be upset. Those who want them can keep them. He again pointed out that they shouldn't be considered street lights.

Ms. Wilson reminded Council that they approved a Street Lighting Policy in March. She believes the street lights are within the Department of Transportation's right-of-way and, therefore, fall within the definition of street lights in our policy.

Mr. Devries said he questions if the intent in 1978 was to install street lights because they were not installed in the typical way that street lights are installed, which is evenly spaced.

Warden Wentzell informed Mr. Devries that Council will consider his request and he will be informed of the decision.

Mr. Devries thanked Council for their time and he left the meeting.

Counc. Bell said the percentage required was set at a higher number so that it was not a decision at the prevailing winds. If a decision is made one way or another, it should be for a definite time period, whether it's 5 years or whatever.

Counc. Statton doesn't see where Council has any choice but to require 75%, unless we want to change our policy.

Counc. Young feels that if we allow those who don't want the lights to take them out, then the cost for the others increases. He agrees with the policy.

Council agreed to remain with the existing policy regarding the removal of street lights.

PR (PUBLIC RELATIONS) COMMITTEE - RECOMMENDATIONS

In attendance was Carroll Randall, Recreation Coordinator, for Council's consideration of recommendations from the PR Committee.

WASTEWATER TREATMENT PLANT, COOKVILLE Committee had four recommendations to present to Council. The first one is recommending that the Official Opening for the Cookville Wastewater Treatment Plant be held on Wednesday, June 20, 2007.

Moved by Council. Countway, seconded by Council. Statton that Council approves the date of June 20, 2007 at 10:00 a.m. for the Official Opening of the Cookville Wastewater Treatment Plant.

Council. Statton asked if there are any plans to serve lunch. She also pointed out to keep in mind that working people are being invited to this and many can't just leave their jobs to attend this.

Mr. Randall said the plan is for staff to be available all day for tours. We didn't plan on any lunch but would have some refreshments available.

Council. Moore feels that just having beverages available would be fine.

The motion was carried.

NORTH AMERICAN CHAMPIONSHIP OF DOG AGILITY COMM. - GRANT Council. Countway reported that the PR Committee recommends that \$4,800.00 be approved for the North American Championship of Dog Agility Committee's event from July 6 - 8, 2007 at the S. S. Exhibition grounds.

Moved by Council. Countway, seconded by Council. Veinot that Council approves \$4,800.00 for the North American Championship of Dog Agility Committee's event scheduled for July 6 - 8, 2007 at the South Shore Exhibition grounds.

Council. Countway pointed out that the 2007-08 budget is not yet approved but this Committee needs to make plans now.

Ms. Wilson reported that the budget has \$10,000 included under the National Grant section.

The motion was carried.

TANCOOK ISLAND CANADA DAY EVENT - GRANT Council. Countway reported that the PR Committee is recommending a grant of \$400.00 for the Tancook Island Canada Day event.

Moved by Council. Countway, seconded by Council. Bell that we authorize pre-budget approval of \$400.00 for the Tancook Island Canada Day event. Carried.

WARDEN'S WALK - JUNE 21, 2007 Council. Countway reported that the last recommendation is to schedule the annual Warden's Walk for Thursday, June 21st.

Moved by Council. Countway, seconded by Council. Young that the Warden's Walk for June is Recreation Month be held at Miller Point Peace Park at noon on Thursday, June 21, 2007. Carried.

Mr. Randall was thanked and he left the meeting.

HERITAGE ADVISORY COMM (PAC) - RECOMMENDATION (continued)

SUBSTANTIAL ADD SIMPSON'S CORNER UNION CHURCH In attendance were Jeff Merrill, Planner, and Andy Wentzell, Fire Inspector.

Moved by Council. Young, seconded by Council. Zwicker that we remove from the table the motion to accept the Heritage Advisory Committee's recommendation regarding a substantial addition to Simpson's Corner Union Church. Carried.

MOTION ON THE FLOOR (from Pg. 7 of these Minutes) - Moved by Counc. Dempsey, seconded by Counc. Moore that we accept the recommendation of the Heritage Advisory Committee (PAC) and approve the substantial addition of a second exit to the Simpson's Corner Union Church, located at 1315 Highway 208, Simpson's Corner, subject to the existing window cap remaining in line with the two other window caps on the same façade and that the colour of the materials used match the colour scheme of the building.

Ms. Wilson informed Andy Wentzell that Council had a question with respect to the addition of the second exit in this church. She asked if the requirement for a second exit is based on load capacity and if other alternatives, such as windows, could be used for a second exit.

Mr. Wentzell reported that an opening of 450 mm (18") per person is required for fixed seats which for this church would allow for an occupant load of 122 seats. The church members were given the options to either lower the occupant load or provide a second exit if they wanted to keep the occupant load of 122 seats. They opted to go the route of putting in an additional exit. This has been done in 2 or 3 other churches. Some of them have gone with the reduced occupant load. Right now there is a reduced occupant load on this building until they get time and money to put in the second exit. At that time the occupant load will go back up to 122. They don't hold regular services. They provide services on an infrequent basis. When they do hold services, they may have 20 or 25 in attendance. They also hold hymn sings, for which there could be about 60 in attendance.

Deputy Warden Garber asked if fire regulations are designed on the basis of what could happen or may happen.

Mr. Wentzell said they are based on what could happen. He went into further detail about regulations for gathering places, such as night clubs and assemblies.

Counc. Countway pointed out that the church was given the option to reduce the load capacity or put in a second exit. The church chose to go with the second exit.

Mr. Wentzell reported that the church was also given options with regard to the front doors. They chose to replace the front doors because of the cost involved to repair them.

Counc. Statton said if the church does nothing they can seat 50 or 60 people.

Mr. Wentzell reiterated that the church wants the occupancy load back up to 122.

Counc. Statton said she also understands that they are not allowed to use the balcony.

Mr. Wentzell said they have a second floor that they cannot use. It's a one-exit stairway. They are in agreement to not use the second floor until they

have money to put in a second exit from the second floor.

Counc. Statton asked if it takes away from their heritage points to use steel doors to replace the front doors and install a second exit door where a window was located.

Mr. Merrill said when staff receives these types of applications they review the elements that made it a heritage property. The door is on the second elevation and it's also retaining the window cap on that elevation so they are all in line. We try to get them to fit any changes in with the original look.

Ms. Wilson said some municipal units, such as Halifax, register heritage buildings that have vinyl siding. You look at the original design of the building as well as the material.

The motion approving the substantial addition of a second exit to the Simpson's Corner Union Church was carried.

Mr. Wentzell and Mr. Merrill were thanked and they left the meeting.

IN CAMERA

Moved by Counc. Young, seconded by Counc. Zwicker that Council go *In Camera In Committee*. Carried.

Council In Camera In Committee. The purpose of the *In Camera* meeting was to discuss the following:

- 1) Prosecution Matters, in accordance with section 22 (2) (g) of the *Municipal Government Act*; and
- 2) Trucking Services, in accordance with section 22 (2) (e) of the *Municipal Government Act*.

Moved by Deputy Warden Garber, seconded by Counc. Veinot that Council resume. Carried.

Council in session.

PROSECUTION
MATTER

Moved by Counc. Statton, seconded by Counc. Bell that we authorize the Municipality's Solicitor to withdraw the charges against Scott Slipp Nissan as a result of the information provided to Council during the *In Camera* meeting. Carried.

TRUCKING
SERVICES - LRCRC

Moved by Counc. Veinot, seconded by Counc. Zwicker that we award the tender for the Supply of Trucking Services at LRCRC for 2007-08, Tender No. 2007-01-003 to Gerald W. Veinot Excavation Co. Limited for the tendered price of \$47.50 per hour. Carried.

RCMP OFFICERS

For information, Ms. Wilson reported that she received a call from Staff Sgt. Mills advising that he misquoted the number of RCMP Officers. We have 18.5 members instead of 17.5. She asked him what it will mean because, with the additional Officer, we will now have 19.5. Staff Sgt. Mills feels it makes little difference. We would still remain at the second highest workload per Officer ...280 cases per Officer.

Counc. Statton said she would like to see those figures in six months' time.

There being no further business, at 3:45 p.m. it was moved by Counc. Statton, seconded by Counc. Moore that the meeting adjourn.

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WARDEN JACK WENTZELL, CHAIRMAN TAMMY WILSON, CHIEF ADMINISTRATIVE OFFICER