

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, January 16th, 2018 at 7:30pm

Municipal Administration Centre

- 1) Call to Order – Chairman, Warden Owen McCarron
- 2) Approval of Agenda
- 3) Approval of Municipal Council Minutes of December 19th, 2017
- 4) Business Arising from Minutes
- 5) Presentations
 - a) Lewis MacKinnon – Request to Consider a Policy to Recognize Linguistic Diversity in Antigonish County
- 6) Correspondence
- 7) Committee Reports
 - Municipal Committees*
 - a) Committee of the Whole – December 19th, 2017 (Glenn Horne)
 - b) Joint Council – December 20th, 2017 (Glenn Horne)
 - c) Committee of the Whole – January 16th, 2017 (Glenn Horne) *To be provided at meeting*
- 8) Reports from Individual Council Members on Outside Boards, Committees, and Commissions
- 9) Motions
 - a) 1st Reading - Local Improvements By-law
- 10) Miscellaneous Business
- 11) Adjournment

COUNCIL MEETING AGENDA

TUESDAY, JANUARY 16TH, 2018 AT 7:30PM

Present:

Councillors:	Warden Owen McCarron	Deputy Warden Hugh Stewart
	Councillor Mary MacLellan	Councillor John Dunbar
	Councillor Donnie MacDonald	Councillor Gary Mattie
	Councillor Vaughan Chisholm	Councillor Neil Corbett
	Councillor Rémi Deveau	Councillor Bill MacFarlane

Regrets: None

Also present: Glenn Horne, Municipal Clerk/Treasurer
Beth Schumacher, Deputy Municipal Clerk
Allison Duggan, Director of Finance
Marlene Melanson, Director of Recreation
Tammy Feltmate, Director of Sustainable Communities
Josh Chisholm, Working Supervisory, W&S Operations
Andrew Jessens, Municipal Mechanic
Darlene Thompson, Tax Revenue Clerk I
Tracey MacEachern, Tax Revenue Clerk II
Heather Butler, Recreation Programmer

Adam Rodgers, Solicitor- Boudrot Rodgers Law Firm

Corey LeBlanc, The Casket
Matt Moore, 98.9XFM
Greg Morrow, 101.5 The Hawk

Parker Donham, Director of Communications Seaside High Speed

The meeting was called to order at 7:45pm by the Chair, Warden McCarron.

APPROVAL OF AGENDA

Warden McCarron called for any additions or deletions to the agenda. Mr. Horne noted the deletion of Item 9(a).

Min #2017-167 (Approval of Agenda)

MOVED by Councillor MacLellan, SECONDED by Councillor Deveau that the agenda be approved as amended. Motion carried.

APPROVAL OF MINUTES

Warden McCarron called for the approval of the Municipal Council Minutes of November 21st, 2017.

Min #2017-168 (Approval of Minutes)

MOVED by Councillor Mattie, SECONDED by Deputy Warden Stewart, that the Municipal Council minutes of November 21st, 2017 be approved. Motion carried.

BUSINESS ARISING FROM THE MINUTES

Councillor MacLellan asked whether further information had been found out regarding questions that had arisen from the RCMP reports presented in November. Mr. Horne noted that staff would follow-up before the next Council meeting.

PRESENTATIONS

Presentation of Municipal Employee Service Recognition

Warden McCarron invited the following municipal employees forward to be recognized for their service to the municipality, and presented each staff member with a framed certificate:

- Marlene Melanson, Director of Recreation; 25 years of service
- Andrew Jessens, Municipal Mechanic; 15 years of service
- Allison Duggan, Director of Finance; 10 years of service
- Josh Chisholm, Working Supervisory, W&S Operations; 10 years of service
- Heather Butler, Recreation Programmer; 5 years of service

Photographs were then taken with the group.

Parker Donham, Seaside Communications

Mr. Donham provided Council with a general overview of the upgrades to towers and equipment that has taken place in the County in the last two years, and what work is still anticipated in the near future. This includes modifications to the Maryvale tower, to provide a solar array and fuel cell as an alternative means of powering the site. Mr. Donham noted that they were looking for areas of the County that may be a part of a “legacy DSL” system, where efforts to upgrade coverage could be focused.

The floor was then opened to Council for questions. Councillors noted a number of specific locations (businesses, roads, and communities), and Mr. Donham made note of these as opportunities for looking at what coverage options exist or could be looked at. Mr. Donham encouraged members of Council, if contacted by constituents with complaints of slow Internet speeds, to direct them to contact customer service. Mr. Donham provided members of Council with his contact information if they had any further questions.

The Warden thanked Mr. Donham for his presentation.

CORRESPONDENCE

The following correspondence was reviewed:

- a) Municipal of the District of St. Mary’s – Proposed name change for UNSM.

Council decided by consensus that the Municipality should also send a letter to UNSM, noting similar concerns to those expressed by the District of St. Mary’s.

COMMITTEE REPORTS

Asset Management Committee – December 5th, 2017

Councillor MacFarlane provided a brief overview of the topics discussed at the meeting. No motions had been made.

Active Transportation Committee – December 18th, 2017

Councillor Deveau provided a brief overview of the topics discussed at the meeting. No motions had been made.

Committee of the Whole – December 19th, 2017

Mr. Horne provided a brief overview of the topics discussed so far at the meeting. No motions had been made prior to that meeting being adjourned for this Council meeting.

Senior Safety Coordinator – November 2017

The report submitted was noted for Council's consideration.

EDPC Building Permit Report – YTD November 2017

The report submitted was noted for Council's consideration.

UPDATES AND REPORTS FROM INDIVIDUAL COUNCIL MEMBERS

Councillor MacLellan reported that she attended:

- RK MacDonald Lights of Love tree lighting
- Asset Management Committee meeting
- Council Priority Setting Workshops
- ACALA Cookbook-fundraiser meeting

Councillor Mattie reported that he attended:

- Nov 22nd meeting in Heatherton re: Health Dept. & doctor availability in the community
- RK MacDonald Lights of Love tree lighting
- Asset Management Committee meeting
- Eastern Antigonish Area Advisory Committee meeting
- Fire Department Christmas Party
- Council Priority Setting Workshops

Councillor Corbett reported that he attended:

- Council Christmas Party
- Heritage Museum Board meeting
- VON meeting
- EDPC Board Meeting
- EDPC Christmas Party

Councillor MacDonald reported that he attended:

- Heritage Museum Board meeting
- RK accreditation meeting
- OHS&W Committee meeting
- Council Priority Setting Workshops

Councillor Deveau reported that he attended:

- Asset Management Committee meeting
- Sledge Hockey event
- Nov 22nd meeting in Heatherton re: Health Dept. & doctor availability in the community
- Council Priority Setting Workshops
- Active Transportation Committee meeting

- Senior's Dinner in Pomquet

Councillor Chisholm reported that he attended:

- Council Priority Setting Workshops

Councillor Dunbar reported that he attended:

- Nov 22nd meeting in Heatherton re: Health Dept. & doctor availability in the community
- Asset Management Committee meeting
- Active Transportation Committee meeting

Warden McCarron reported that he attended:

- Federation of Agriculture meeting
- Coady Farewell
- RK MacDonald Lights of Love tree lighting
- Aviva Funding Announcement for AAHS
- Swearing-in ceremony for Chief Prosper
- Tree lighting in St. Andrews
- Community Skating party
- Aulds Cove Fire Department Celebration (early retirement of loan on fire truck) and Ladies' Auxiliary Recognition
- Year-end interview at the Hawk
- Chamber of Commerce luncheon
- Council Priority Setting Workshops

MISCELLANEOUS BUSINESS

Government of Canada Consultation on Rural Broadband

Representatives from Seaside Communications have requested that the Municipality provide a letter to the Government of Canada as part of their consultations regarding who will get access to radio spectrum that is essential to improving Internet speeds in rural areas. Mr. Horne noted that staff has prepared a letter to submit, and will do so if any other providers make a similar request, as improvements to Internet access in the community is a priority of Council.

Request to provide letter to the Hon. Leo Glavine, Minister of Communities, Culture and Heritage, regarding library funding concerns

Councillor MacLellan brought forward a request that had been received from Eric Stackhouse, Chief Librarian with the Pictou-Antigonish Regional Library, encouraging Councils to write to Minister Glavine to express concern with there not being a long-term funding solution in place for libraries.

Min #2017-169 (Library Letter)

MOVED by Councillor MacLellan, and seconded by Councillor Deveau, that the Committee recommends that Municipal Council send a letter to the Hon. Leo Glavine, Minister of Communities, Culture, and Heritage, expressing concern with the lack of a long-term funding solution for libraries. Motion carried.

New Year's Levee

Mr. Horne provided advance notice that the Municipality and Town would again be hosting the annual New Year's Levee. Advertisements would be running over the next two weeks.

MOTION TO ADJOURN

Min #2017-170 (Motion to Adjourn)

MOVED by Deputy Warden Stewart, seconded by Councillor MacLellan that the Council meeting adjourns at 8:58pm. Motion carried.

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: COMMITTEE OF THE WHOLE REPORT
DATE: December 19th, 2017

The Committee of the Whole was convened at 5:35 pm on Tuesday, December 19th, 2017. The following Councillors were present:

Warden McCarron
Deputy Warden Stewart
Councillor MacLellan
Councillor MacDonald
Councillor Deveau
Councillor Dunbar
Councillor Mattie
Councillor Corbett
Councillor MacFarlane
Councillor Chisholm

The following recommendations were made

- *The Committee recommends that Municipal Council approve streetlights in Bayfield near the Beach Road, and at the Summerside Road & Summerside-Bayfield Road intersection.*
- *The Committee recommends that Municipal Council approve a streetlight on the curve on Highway 4 near the convenience store in Monastery.*
- *The Committee recommends that Municipal Council approve a streetlight at the intersection of Highway 316 and Loch Katrine Road.*

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: WARDEN OWEN MCCARRON, CHAIR
SUBJECT: **JOINT COUNCIL ADVISORY COMMITTEE REPORT**
DATE: January 16, 2018

The Joint Council Advisory Committee was convened at 6:04pm on Wednesday, December 20, 2017. The following members were present:

Warden Owen McCarron	Mayor L. Boucher
Deputy Warden Hughie Stewart	Deputy Mayor Diane Roberts
Councillor Mary MacLellan	Councillor Mary Farrell
Councillor Vaughn Chisholm	Councillor Donnie MacInnis
Councillor Gary Mattie	
Councillor Bill MacFarlane	
Councillor John Dunbar	
Councillor Remi Deveau	

No recommendations were made.

The following items were discussed:

- The Committee presented Tom Bennet, outgoing AREMC, with a certificate of service.
- The Committee recognized Craig Seaboyer and the Exercise Handshake Team for their receipt of the Ian MacKinnon Award presented by the Department of Communication.
- The Committee received a presentation from representatives from The Keppoch, reviewing work done to date at the site, and outlining future development plans. The presenters noted that they would be approaching each municipality requesting grant support.
- Discussion was held regarding the best approach for addressing requests from jointly funded organizations and projects. Staff was directed to contact community groups fitting into this category and invite them to come to the February Joint Council meeting.
- Discussion was held regarding a new inter-municipal agreement for the arena. An amendment was requested, and the agreement will be reviewed by legal representation before being brought to Councils for a vote.

MUNICIPALITY OF THE COUNTY OF ANTIGONISH

MEMO FOR INFORMATION

TO: COMMITTEE OF THE WHOLE
FROM: GLENN HORNE, MUNICIPAL CLERK TREASURER
SUBJECT: ***UPDATE - AMENDMENTS TO THE LOCAL IMPROVEMENT BYLAW
RE: SOMERS ROAD WATERLINE EXTENSION***
DATE: JANUARY 16, 2018

SUMMARY

The Municipality is completing an extension of a waterline at Somers Road. This capital improvement is subject to local improvement charges. This memo outlines the required process to impose capital charges as described in the Municipality's Local Improvements Bylaw.

A copy of the proposed amendments to "Schedule A" and Section 11 of the bylaw are attached. A copy of the by-law can be found on the Municipality's website or in your policy binder.

BACKGROUND

The Bylaw takes authority from Section 81 of the Municipal Government Act, which provides that, "... council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for..." a variety of capital and other improvements. In short, it permits the Municipality to recoup capital costs from impacted property owners for capital improvements. To summarize from the definition used in the Bylaw, a local improvement is a new or extension to existing water, wastewater, and storm water (curb & gutter) systems, transportation facilities (roads, sidewalk, active transportation routes) or other anticipated capital requirement.

The Municipality's Local Improvements Bylaw was debated and reviewed by Council throughout 2012 & 2013, and brought into enforcement in August 2013. The Bylaw was again reviewed by Municipal Council throughout the winter of 2017, which included an environmental scan of other municipalities and review of how capital improvement charges have been used by the County.

CONSIDERATIONS

Amendment to Schedule A

Section 81 of the Municipal Government Act, *By-law regarding the payment of charges*, allows for a municipality to adopt a by-law imposing, fixing and providing methods of enforcing payment of charges for a variety of capital improvements. Section 81(3) outlines the parameters of such a by-law, many of which are included in the Municipality's by-law.

Section 4 of the Municipality's Bylaw states the following:

4. Charge Imposed

Where a local improvement has been carried out by the Municipality of the County of Antigonish in an area identified in Schedule "A" as amended from time to time, a tax is hereby levied upon every owner of real property situated in whole or in part within the identified area except to the extent that any lot or the owner

thereof is totally or partially exempt from tax by provisions in this By-Law or the provisions of Schedule "A".

Based on the Municipal Government Act and the By-law itself, the fixing and enforcement of capital improvement charges requires a by-law amendment. Specifically, an amendment to Schedule A to include the Somers Road Waterline Extension as an improvement for which charges are fixed (Please see Schedule A attached).

Part VIII of the Municipal Government Act, By-Laws, outlines the procedure for consideration and approval of a municipal by-law. Amending a by-law requires the same process, which is:

- First reading of the proposed by-law or amendment (notice; a vote by Council to proceed to second reading is required);
- Published, public notice at least fourteen-days prior to second reading;
- Second reading of the proposed by-law or amendment (consideration of the amendment; a vote by Council to approve the by-law or amendment);
- Publication of the by-law, upon which it has the force of law.

The draft by-law amendment attached would follow this process and permit the fixing of capital improvement charges to the lots identified. It also provides for the fixing of charges for lots created in the future, which leads us to the next proposed by-law amendment.

Amendment to Section 11(e), Lien

In addition to providing for the Somers Road Waterline in Schedule A, a second amendment to the By-law is proposed. If left as currently written in the By-law, Section 11(e), Lien, would create a contradiction concerning the allocation of capital improvement charges in the event of subdivision.

As it is written, if a lot subject to capital improvement is subdivided the improvement charge is apportioned among the new lots. For example, if a \$100 local improvement charge was fixed on a lot that was then subdivided into two approximately equal lots, a \$50 charge would be fixed on each lot. This is counter to the intent of the Municipality to recover capital costs from new lots in the same manner as existing lots.

By amending Section 11(e) as proposed in the attached draft, the Municipality is permitted to collect additional capital charges from lots created after the local improvement occurs. Using the same example, if a \$100 local improvement charge was fixed on a lot that was then subdivided into two approximately equal lots, a \$100 charge would be fixed on each lot. Under this scenario, lots that are created after the local improvement is completed will be treated in the same manner as those that already existed.

Both amendments have been reviewed by the Municipality's solicitor for legality and internal consistency.

NEXT STEPS

First reading of this by-law amendment is scheduled for Tuesday, January 16, 2018. Second Reading is tentatively scheduled for Tuesday, February 20, 2018. In addition to published, public notice of the proposed amendment, a letter will be sent to all property owners fronting Somers Road informing them of the process and of the final amount of the capital improvement charge in advance of the second reading. If approved by Council, the amendment would have the force of law upon being advertised the week following the second reading.

SCHEDULE "A"

1 Somers Road water main extension – 2017.

- a) The project will involve a 1.5 km extension of the existing water main to the end of Somers Road.
- b) Properties with the following PID numbers shall be subject to the local improvement charge:

10016491; 10113082; 01209865; 10071348; 10105609; 01295419; 10008548;
01281401; 01209949; 01209964; 01281179; 01281195; 01281211; 10004844;
10009736; 01209907; 01209923; 10008001; 10124618; 01209956; 10035368;
01299098; 10071355; 01299726; 01209873; 10070928; 01209931; 10125193
- c) The local improvement charge is a flat rate of \$2,474.70 per property.
- d) Each property owner shall have the option of paying one upfront payment or equal annual installments to a maximum of ten years.
- e) Any property subsequently created fronting Somers Road in the area of the water main extension described herein is subject to the local improvement charge stated in 1(c) and the terms of payment stated in 1(d).
- f) Any property not listed in 1(b) seeking to connect to the water main extension described herein is subject to the local improvement charge stated in 1(c) as well as the Building Service Connection fee stated in section 9(1) of this By-Law.
- g) The cost of the project shall be subject to an interest rate of 0%.

Proposed amendment to Lien, 11(e):

Existing:

Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots according to the assessed value that the new lots have in relation to the total assessed value of the entire property before subdivision.

Proposed Amendment:

Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be due from the property to which the charges were originally assigned.