

Council Convenes - O Canada –Warden Hunter called to order the May 29th, 2013 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.

2. **Roll Call** - The roll was called by Shelley Hoeg, Executive Assistant to the CAO. Councillors in attendance were: Deputy Warden Don Smith, Councillor Kellegrew, Warden Hunter, Councillor Gillis, Councillor Welton, Councillor Baker, Councillor Rector, Councillor Gilbert, Councillor McLellan and Councillor Fletcher. The CAO and many staff were in attendance.

3. **Approval of Agenda (Additions/Deletions)** –The Agenda was approved with the following additions/deletions:

Additions: 6.2 – Letter of Appreciation, 6.3 – Years of Service Recognition, 15.4 – D.O.T., Speed Limit in Leamington

Deletions: 9, 10, 16

4. **Approval of Minutes**

4.1 **Minutes from May 15, 2013 Council Session**

The Minutes of the May 15, 2013 Council session were approved with amendment to motions 13-095 and 13-110 to change the District that the funds would be debited from District 8 to District 6 and to correct the spelling of Councillor Baker’s name.

5. **Business Arising from the Minutes**

5.1 **Action List, May 15, 2013** – There was no discussion on this item.

6. **Delegations and Presentations**

6.1 **Good Attendance** - Certificates were presented to Richard Hicks, Emily Burke, Mike Carter, David Buell, John Hardie, Derek Chitty, and Rennie Bugley for missing less than 2 sick days in the last year.

6.2 **Letter of Appreciation** – **IT WAS MOVED by Councillor Fletcher, seconded by Councillor Kellegrew to forward a letter of congratulations to the Lieutenant Governor Education Medal Recipients of Cumberland County and to also forward correspondence to recipients of the Governor General Award, once they have been awarded.**

MOTION CARRIED #12-114

6.3 **Years of Service Recognition** – Jim Hannon, was presented a certificate for his 10 years of dedicated service to the Municipality.

7. **Public Hearings**

7.1 **Dangerous and Unightly – AAN 04988248** - Warden Hunter called the public hearing to order at 1:12 p.m.

Mr. Cottingham, the Solid Waste and By-Law Administrator provided Council with information on the property of AAN 04988248 located on Highway 242 in Joggins. The owner of the property was present.

The Owner advised he has made arrangements to have this property demolished and cleaned up before the end of July.

The Warden closed the public hearing at 1:20 p.m.

IT WAS MOVED by Councillor Gilbert, seconded by Councillor Welton to demolish the house and remove the debris of AAN 04988248 to an approved facility by July 30, 2013.

MOTION CARRIED #13-115

8. **Correspondence**

The following is a synopsis of correspondence received since the last Council session.

INFORMATION

Health and Wellness – Office of the Minister – Replying to Council’s correspondence regarding the development of a disposal system for biomedical waste generated through the Home Care Program. Advising that they are working with stakeholders to address this issue. A working group has been established and is currently working on strategies to ensure safe and consistent practices for the management of waste generated in the home as a result of medical care. Councillor Kellegrew advised that there is a process being developed (a program) to deal with this waste.

ACTION

Cumberland County Senior Safety Program – Requesting the Municipality to proclaim June 1st as Intergenerational Day Canada in Cumberland County. This item will be referred to Deputy Warden Smith for Proclamation.

9. Planning Issues:
This item was deleted.

10. Strategic Planning
This item was deleted.

11. Financial Reports/Issues
11.1 Community Development Grants –

Advocate District Development Association

This group is requesting funding to help with the costs associated with holding their Canada Day Fireworks this year. During their Canada Day event they have live music, cake, water slide, etc. all free to the public. They have estimated the fireworks to cost around \$2,000.00. They have received a grant from Heritage Canada for \$1,100.00. They are seeking **\$500.00** in assistance.

**Councillor Fletcher recommends \$400.00 be debited from District 10 Community Development Grants.*

IT WAS MOVED by Councillor Fletcher, seconded by Councillor Welton to provide \$400 from District 10 Community Development Funds to the Advocate District Development Association to assist with costs of the Canada Day Fireworks.

MOTION CARRIED #13-116

Wentworth Community Development Council

This group is requesting to funding to assist with running their C@Psite this summer, in particular the costs associated with hiring a student for the summer position. Activities will include a summer program for elementary school children, library access, tutoring for adults and general C@Psite operation. They have estimated the student employee will cost around \$5,300.00, with their total budget for the summer estimated at \$8,950.00. They feel this is not only beneficial to the community by supplying these activities, but also to the student as it is an opportunity for employment. They have received a Federal grant in the amount of \$2,758.00 and have also applied for a CAP grant, asking for \$1,700.00. They are seeking **\$2,000.00** in assistance. We assisted this group last, giving them \$2,000.00 towards the same initiative.

IT WAS MOVED by Councillor Baker, seconded by Deputy Warden Smith, to debit District 6 Community Development Funds \$2,000 and provide this funding to the Wentworth Community Development Council for assistance with the cost of the summer position at their c@p site.

MOTION CARRIED #13-117

11.2 Action List – 2013/2014 Budget – Mr. MacDonald, Director of Finance and Administration provided an action list to Council.

12. Operational Services/Reports Issues

12.1 Canine Control Officer – Council was advised of the notice of retirement of our Canine Control Officer, Dan Matthews.

IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gillis to go to an RFP for Canine Control Officer Services for the Municipality of Cumberland.

MOTION CARRIED #13-118

It was suggested that Staff may want to contact the L. A. Animal Shelter to determine if they can provide any assistance or input into this process.

IT WAS MOVED by Deputy Warden Smith, seconded by Councillor Welton, to forward a letter of appreciation to Dan Matthews thanking him for his many years of service to the Municipality as our Canine Control Officer.

MOTION CARRIED #13-119

13. Committee/Other Reports
13.1 CNTA - Located in the mailboxes.
14. Old Business
14.1 UNSM Resolutions – It was agreed to forward two Resolutions. They would be regarding reclassification of unused farm land to resource; reclassification of unmanaged forest property to resource; and a more equitable cost sharing formula for PVSC.
15. New Business
15.1 Local Improvement By-Law and Maccan Water – First Reading - IT WAS MOVED by Councillor Kellegrew, seconded by Councillor Gillis, to approve first reading of the Local Improvement By-Law and Maccan Water which is as follows:

Municipality of Cumberland By-Law 13-XX

Local Improvement By-Law

DRAFT

DRAFT

WHEREAS section 8 of the Municipal Government Act provides that a municipality may make by-laws imposing, fixing and providing methods of enforcing payment for charge for local improvements, and

WHEREAS it is deemed expedient that such a by-law now be enacted:

TITLE AND APPLICATION

1. The By-Law is entitled the “Local Improvement By-Law”, and shall apply to the local improvements identified in Schedule “A” of this By-Law, notwithstanding any other by-law of the Municipality that relates to local improvements.

PURPOSE

2. The Purpose of this By-Law is to establish the manner in which the Municipality shall impose, fix, and enforce payment of charges for local improvements. The local portion of capital costs associated with improvements will be funded through area rates or charges to be applied to defined properties that benefit from those improvements. The properties to be rated or charged shall be determined on a project by project basis and be included in, or added to, Schedule “A” of this By-law. The determination of the amount of the local portion of the capital costs, and the method of apportioning those costs between the properties affected, shall remain flexible to reflect the broader community interest in the projects.

DEFINITIONS

3. In this By-Law:
 - (a) “Council” means the Council of the Municipality;
 - (b) “Engineer” means the Municipal employee designated as Municipal Engineer pursuant to the Municipal Government Act;
 - (c) “Local Improvement” means and includes wastewater collection and treatment facilities, water systems, and roads and sidewalks and associated infrastructure installed, improved, constructed or extended by, or on behalf of, the Municipality;
 - (d) “Municipality” means the Municipality of the County of Cumberland “Owner” has the same meaning as in the Municipal Government Act, except where the context requires otherwise;
 - (e) “Property” means a parcel or lot of property or land;

CHARGE IMPOSED

4. Where a local improvement has been carried out by or on behalf of the Municipality 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 the provisions in this By-Law, or the provisions of Schedule “A” of this By-Law.

AMOUNT OF CHARGE

5. The amount of tax levied pursuant to section 4 shall be determined in accordance with the provisions of this By-Law and of Schedule “A” of this By-Law and may be calculated based on:
 - (a) a uniform amount for each lot or parcel of land in existence or subsequently created by subdivision;
 - (b) the frontage of the lot on any street;
 - (c) the use of the lot;
 - (d) the area of the lot;
 - (e) the assessed value of property;
 - (f) any combination of two or more such methods outlined above or
 - (g) such other method as Council deems fit.

VARIATIONS IN CHARGES

6. The tax levied pursuant to this By-Law may be fixed at different rates for different classes or uses of properties and may be fixed at different rates for different areas or zones.

EXEMPTIONS and ADJUSTMENTS to CHARGES

7. Any property which would otherwise be subject to a local improvement charge but which could be considered not to benefit from the local improvement may be exempt from or given an adjustment to the charge levied under this By-Law, by Council. Such situations may or may not arise when the property is already serviced or where the improvement is not directly beneficial to the property and cannot reasonably be argued to provide indirect benefit such as the ability to further subdivide and develop the property or sell the property with Municipal Servicing. Exemption or adjustment may also be made because of a lot’s size, configuration, topography or ground conditions. Properties extended exemptions/adjustment under this Section will be identified in Schedule “A” as approved by Council.

APPROVAL OF PROJECTS

8. Council may proceed with a Local Improvement at its own discretion or in response to a petition that receives majority approval. Unless Council provides otherwise in Schedule “A” to this By-Law, majority approval means a positive response from the owners of more than 50% of the lots that would be subject to a charge pursuant to this By-Law, as identified by Municipal staff at the time the petition is being prepared.
9. Council may direct Municipal staff to initiate the petition process with or without a request from property owners that would be affected by a proposed local improvement. Municipal staff are responsible for preparing petition documents which will include a description of the Local Improvement, map of the proposed charge area, the estimated cost assigned to each property, and financing options, if any. The actual petition will be conducted by Municipal Staff who will send this information to owners representing each property by mail. The documents will include a letter explaining the process and will give owners an opportunity to vote YES or NO for the Local Improvement. The package will warn property owners that the figures provided are estimates only, and that the actual amount of the charge may vary from the figures provided. The package will also include a stamped return envelope and shall give owners at least 30 days to respond. In the event information relied upon by Council or staff when preparing or assessing a petition later proves to be wrong, the decision based on such information shall be as valid as if the information were correct.

LIEN and COLLECTION OF CHARGES

10.
 - (a) A charge imposed pursuant to this By-Law constitutes a first lien on the subject real property in the same manner and with the same effect as rates and taxes under the Assessment Act.

- (b) A charge imposed pursuant to this By-Law is collectable in the same manner as rates and taxes and, at the option of the Treasurer, collectable at the same time and by the same proceedings, as rates and taxes.
- (c) The liens against the real property become effective on the earliest of the date on which the interim charges are imposed or the Engineer files with the Treasurer a certificate that the cost of the improvement has been paid in full.
- (d) 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 method set out for the relevant project in Schedule “A” to this By-Law.

INTEREST

- 11. Interest shall accrue on charges outstanding from the due date forward, at the same rate as for outstanding taxes.

INSTALLMENTS

- 12. If so provided in the relevant portion of Schedule “A” to this By-Law, the amount owing may be paid in equal annual installments, including interest, and the whole balance becomes due and payable without notice or demand in the event of default of payment of an installment.
- 13. The property owner shall have 30 days from the date their initial notice of amounts owing was mailed, to notify the Treasurer, in writing, whether or not an option to pay by installments has been selected. If the Treasurer does not receive written notification within the time allocated, the owner shall be deemed to have selected the annual installment payment option.

REPEAL OF PREVIOUS BY-LAWS

- 14. The “Street Improvement By-Law” (By-Law 84-08), the “Local Improvement By-Law (By-Law 96-01) and the “By-Law for Local Improvements Funded by Frontage Charge and Area Rate” (By-Law 07-01) are hereby repealed.

EFFECTIVE DATE

- 15. This By-Law shall come into on the day of publication.

MOTION CARRIED #13-120

- 15.2 A request for LiDAR Acquisition - It was agreed that the Municipality is interested in pursuing this avenue and once costs are available make a firm decision.
- 15.3 RRFB Board Members – Councillors interested in serving on the RRFB Board are requested to advise Shelley of their intent so she may forward their resumes.
- 15.4 D.O.T., Speed Limit in Leamington – **IT WAS MOVED by Councillor Gilbert, seconded by Councillor Kellegrew to request DOT to reduce the speed limit on the Leamington Road from 80/ km to 60/ km and to request information regarding the process for having a speed limit reduced.**

MOTION CARRIED #13-121

Councillor Kellegrew advised that a petition from the residents requesting the speed limit reduction, must also be done. Councillor Gilbert will advise the residents of their obligation to have a petition circulated.

- 16. Information Items
This item was deleted.
- 17. Adjournment
On motion the meeting adjourned at 1:49 p.m.
- 18. God Save the Queen

Warden Keith Hunter

Municipal Clerk Brenda Moore