

**THE MUNICIPALITY OF THE COUNTY OF KINGS
MUNICIPAL COUNCIL**

May 4, 2021

Following Public Hearing

AGENDA

Audio Recording Times Noted in Red
(Minutes:Seconds)

1. Roll Call 00:00
2. Approval of Agenda 00:58 Page 1&2
3. Disclosure of Conflict of Interest Issues None
4. Approval of Minutes 04:05
 - a. April 6, 2021 Council Page 3
 - b. April 7, 2021 Special Council (Budget Meeting) Page 12
 - c. April 19, 2021 Special Council (Joint Council) Page 23
5. Business Arising from Minutes
 - a. April 6, 2021 Council 06:02 Page 3
 - b. April 7, 2021 Special Council (Budget Meeting) None Page 12
 - c. April 19, 2021 Special Council (Joint Council) None Page 23
6. Planning Advisory Committee Recommendations April 13, 2021 Page 25
 - a. Request for Decision - Minor MPS Amendment (File 21-02) 08:09 Page 27
 - b. Application to enter into a development agreement, Kingston (File 20-07) 29:21 Page 31
 - c. Application to amend the text of the Land Use By-law (File 20-19) 31:00 Page 58
 - d. Application to alter a Municipal Heritage Property (File 21-06) 36:05 Page 70
 - e. Application to enter into a development agreement, Wallbrook (File 20-11) 37:05
 - f. Application to enter into a development agreement, Lockhartville (File 20-13) 38:44
 - g. Public Hearing Date: June 1, 2021 39:55
7. Administration
 - a. Proclamation and Flag Raising Request: VON Week May 23-29, 2021 40:00 Page 92
 - b. Proposed Amendments to FIN-05-015: Receipt of Donations Policy (final approval) 43:05 Page 96
 - c. Proposed Amendments to HR-06-019: Non-Union Salary Administration (final approval) 44:30 Page 100
 - d. Repeal of By-law 51: Chief Administrative Officer (second reading) 45:29 Page 105
 - e. Proposed Amendments to FIN-05-003: Fees Policy (final approval) 46:55 Page 109
 - f. Halls Harbour Community Development Assoc. / COVID-19 Reserve 48:00 Page 115
8. Committee of the Whole Recommendations April 20, 2021 Page 118
 - a. Proposed Policy HR-06-020: Temporary Leave of Absence 84:05
 - b. Financial Assistance for Tourism Marketing 85:35
 - c. Amendments to FY2021-22 Priority List for Provincial/Subdivision Road Program 90:40
 - d. Halls Harbour Water Co-operative 91:27
9. Engineering & Public Works, Lands and Parks Services
 - a. Award of Contact: Greenwood Water Storage Tower Upgrades 92:25 Page 119
 - b. Award of Contract 21-03: Scott Drive Sidewalk 98:17 Page 121
 - c. Award of Contract 21-04: Lift Station Upgrades 100:54 Page 124
 - d. Award of Consulting Contract: Rocknotch Road (Greenwood) Lift Station 104:42 Page 126
 - e. Contract Authorization: Cost Sharing Agreement 2020-014 - Provincial J-Class Roads 107:21 Page 129
10. Diversity Kings County Recommendations April 7, 2021
 - a. Training Encouragement 113:58 Page 135
11. Nominating Committee Recommendations April 28, 2021 Page 136
 - a. Citizen Appointments to Joint Accessibility Advisory Committee 115:25
 - b. Councillor Appointment to Joint Accessibility Advisory Committee 118:53
 - c. Village Commissioner Appointments to Joint Accessibility Advisory Committee 119:38
 - d. Councillor Appointment to Regional Recreation Facility Steering Committee 121:36
12. Correspondence 123:04
 - a. 2021-04-15 Annapolis Valley Regional Library Funding Formula Page 138

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THE MUNICIPALITY OF THE COUNTY OF KINGS
MUNICIPAL COUNCIL
May 4, 2021
Following Public Hearing
AGENDA CONTINUED

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| 13. | Committee of Council and Working Group Reports 128:26 | |
| | a. Audit Committee | Page 141 |
| | b. Diversity Kings County | Page 142 |
| | c. New Minas Secondary Planning Strategy Working Group | Page 143 |
| | d. Regional Sewer Committee | Page 144 |
| | e. Other: See Attached Table | Page 146 |
| 14. | Other Business: National Day of Awareness for Missing & Murdered Indigenous Women and Girls
130:30 | |
| 15. | Comments from the Public None | |
| 16. | Closed Session & Adjournment 131:29 | |
| | a. Approval of April 6 and April 19, 2021 Closed Session Minutes | |
| | b. Contract Negotiations | |

**THE MUNICIPALITY OF THE COUNTY OF KINGS
MUNICIPAL COUNCIL
April 6, 2021
DRAFT MINUTES**

**Meeting Date
and Time**

A meeting of Municipal Council was held on Tuesday, April 6, 2021 at 6:00 pm in the Council Chambers, Municipal Complex, Coldbrook, NS.

1. Roll Call

All Members of Council were in attendance. Mayor Muttart left the meeting at 6:28 pm to attend a video conference with Minister Anand.

Deputy Mayor Lutz chaired the meeting.

Results for Roll Call

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Rob Frost, Deputy Chief Administrative Officer
- Greg Barr, Director, Finance & IT
- Trish Javorek, Director, Planning & Inspections
- Scott Quinn, Director, Engineering & Public Works, Lands & Parks
- Laura Mosher, Manager of Planning & Development (until 6:10pm)
- Janny Postema, Municipal Clerk/Recording Secretary

2. [Approval of Agenda](#)

On motion of Councillor Armstrong and Councillor Killam, that Municipal Council approve the April 6, 2021 agenda as circulated.

Motion Carried.

RC-2021-04-06-055

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

**3. Disclosure of Conflict of
Interest Issues**

No Conflict of Interest issues were declared.

4. Approval of Minutes

4a. [March 8, 2021](#)

On motion of Councillor Allen and Councillor Misner, that the minutes of the meeting of Municipal Council held on March 8, 2021 be approved as circulated.

Motion Carried.

RC-2021-04-06-056

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

4b. [March 16, 2021](#)

On motion of Councillor Winsor and Councillor Harding, that the minutes of the special meeting of Municipal Council held on March 16, 2021 be approved as circulated.

Motion Carried.

RC-2021-04-06-057

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

5. Business Arising from Minutes

5a. [March 8, 2021](#)

There was no business arising from the March 8, 2021 minutes.

5b. [March 16, 2021](#)

There was no business arising from the March 16, 2021 minutes.

6. [Planning Advisory Committee Recommendations March 9, 2021](#)

6a. Application to enter into a development agreement to permit additional tourist cabins (File 20-11)

Councillor Armstrong, Chair, Planning Advisory Committee, presented the recommendations as attached to the April 6, 2021 Council agenda.

On motion of Councillor Armstrong and Councillor Killam, that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit additional tourist cabins at 850 Grand Pré Road (PID 55235550), Wallbrook, which is substantively the same (save for minor

differences in form) as the draft set out in Appendix E of the report dated March 9, 2021.

Motion Carried.

RC-2021-04-06-058

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 6b. **Application to enter into a development agreement to permit the operation of an event venue (File 20-13)**

On motion of Councillor Armstrong and Councillor Allen, that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit an event venue at 1017 and 1021 Bluff Road (PIDs 55513428 and 55225627), Lockhartville, which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated March 9, 2021.

Motion Carried.

RC-2021-04-06-059

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 6c. **Public Hearing Date**

Councillor Armstrong noted that the next Public Hearing was scheduled to be held on Tuesday, May 4, 2021 at 6:00 pm.

7. **Administration**

- 7a. [Proclamation Request: Lyme Disease Awareness Month](#)

Janny Postema, Municipal Clerk, presented the Request for Decision as attached to the April 6, 2021 Council agenda.

On motion of Councillor Misner and Councillor Granger, that Municipal Council proclaim May 2021 'Lyme Disease Awareness Month' in the Municipality of the County of Kings.

Motion Carried.

RC-2021-04-06-060
Council 2021/05/04 Page 5

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

8. **Engineering & Public Works, Lands and Parks Services**

8a. **Greenwood Water Utility
Land Purchase - Update**

Scott Quinn, Director, Engineering & Public Works, Lands and Parks, presented the Briefing as attached to the April 6, 2021 Council agenda and provided a [presentation](#).

On motion of Mayor Muttart and Councillor Hirtle, that Municipal Council receive the Briefing on the Purchase and Sale Agreement for PID 55118020 with Gary Parker Excavating Ltd for the Greenwood Water Utility as attached to the April 6, 2021 Council agenda as information.

Motion Carried.

RC-2021-04-06-061

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

10. **Committee of the Whole Recommendations March 16, 2021**

10a. **Proposed Amendments to
FIN-05-015: Receipt of
Donations Policy**

Deputy Mayor Lutz presented the recommendations as attached to the April 6, 2021 Council agenda.

On motion of Councillor Misner and Councillor Allen, that Municipal Council provide seven days' notice, per s. 48(1) *Municipal Government Act*, to adopt amendments to Policy FIN-05-015: Charitable Donations as outlined in the March 16, 2021 Request for Decision.

Motion Carried.

RC-2021-04-06-062

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 10b. **Repeal of Chief Administrative Officer (CAO) By-law 51**

On motion of Mayor Muttart and Councillor Misner, that Municipal Council give First Reading to repeal the Chief Administrative Officer By-law, By-law 51, as attached to the March 16, 2021 Committee of the Whole agenda.

Motion Carried.

RC-2021-04-06-063

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 10c. **Amendments to Non-Union Salary Administration Policy HR-06-019**

On motion of Councillor Granger and Councillor Misner, that Municipal Council provide seven days' notice, per s. 48(1) *Municipal Government Act*, to adopt amendments to Policy HR-06-019: Non-Union Salary Administration, as attached to the March 16, 2021 Committee of the Whole agenda.

Motion Carried.

RC-2021-04-06-064

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 10d. **Video Streaming of Council and Committee of the Whole**

On motion of Councillor Winsor and Councillor Misner, that Municipal Council approve video streaming of Municipal Council

Meetings

and Committee of the Whole meetings and include the project in the proposed 2021/22 capital budget.

Motion Carried.

RC-2021-04-06-065

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

11. **Correspondence**

Deputy Mayor Lutz gave an overview of the correspondence as attached to the April 6, 2021 Council agenda.

On motion of Councillor Misner and Councillor Granger, that Municipal Council receive the Correspondence as attached to the April 6, 2021 agenda.

Motion Carried.

RC-2021-04-06-066

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

- 11a. [Lieutenant Governor Community Spirit Plaque](#) For information.
- 11b. [Wolfville Tritons Swim Club Thank You](#) For information.
- 11c. [Soldiers Memorial Hospital Foundation Thank You](#) For information.
- 11d. [New Minister of Municipal Affairs Brendan Maguire](#) For information.
- 11e. [Acadia Regional Youth Orchestra Thank You](#) For information.

12. **Committee of Council and Working Group Reports**

- 12a. [Audit Committee](#) Councillor Misner presented the report as attached to the April 6, 2021 Council agenda.
- 12b. [Diversity Kings County February 1, 2021](#) Councillor Misner presented the report as attached to the April 6, 2021 Council agenda.
- 12c. [Diversity Kings County March 1, 2021](#) Councillor Misner presented the report as attached to the April 6, 2021 Council agenda.
- 12d. [Greenwood Water Utility Source Water Protection Committee](#) Councillor Harding presented the report as attached to the April 6, 2021 Council agenda.
- 12e. [New Minas Secondary Planning Strategy Working Group](#) Councillor Winsor presented the report as attached to the April 6, 2021 Council agenda.
- 12f. [Regional Sewer Committee](#) Councillor Winsor presented the report as attached to the April 6, 2021 Council agenda.
- 12g. **Asset Management Committee** Councillor Hirtle provided a verbal update.
- 12h. **Other:** [See Attached Table](#) **On motion of Councillor Misner and Mayor Muttart, that Municipal Council receive the Committee of Council and Working Group reports as attached to the April 6, 2021 Council agenda and as provided verbally.**

Motion Carried.**RC-2021-04-06-067****Results**For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

9. **Information Technology**

- 9a. [Change Order for Contract 20-13: Broadband Network Construction](#) Chad West, Manager of IT, presented the Request for Decision as attached to the April 6, 2021 Council agenda and provided a [presentation](#).
- On motion of Councillor Hirtle and Councillor Harding, that Municipal Council approve an increase in the contingency for Contract 20-13 to \$200,000 (including non-rebated HST) to enable connection of homes along the broadband network backbone.**

Motion Carried.**RC-2021-04-06-068**

Results

For 10
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

It was noted that Mayor Muttart left the meeting at 6:28 pm.

13. **Other Business**

There was no other business to come before Council.

14. **Comments from the Public**

No members of the public were present.

15. **Closed Session**

On motion of Councillor Allen and Councillor Granger, that Council move into closed session in accordance with Section 22 (2) (d) *Municipal Government Act: labour relations.*

Motion Carried.

RC-2021-04-06-069

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	-
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Council moved into closed session at 6:34 pm and returned to open session at 6:47 pm.

15a. **Collective Agreement with Canadian Union of Public Employees (CUPE) Local 2618**

On motion of Councillor Armstrong and Councillor Harding, that Municipal Council approve the Collective Agreement with CUPE Local 2618, for the period from November 1, 2020 to October 31, 2024.

Motion Carried.

RC-2021-04-06-070

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	-
District 1	June Granger	For
District 2	Lexie Misner	For

District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

16. **Adjournment**

On motion of Councillor Winsor and Councillor Granger, there being no further business, the meeting adjourned at 6:48 pm.

Motion Carried.

RC-2021-04-06-071

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	-
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Approved by:

Emily Lutz
Deputy Mayor

Janny Postema
Municipal Clerk/Recording Secretary

Results Legend	
-	Absent
COI	Conflict of interest
For	A vote in favour
Against	A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative.

THE MUNICIPALITY OF THE COUNTY OF KINGS
SPECIAL MUNICIPAL COUNCIL - BUDGET
April 7, 2021
DRAFT MINUTES

**Meeting Date
and Time**

A Special Meeting of Municipal Council was held on Wednesday, April 7, 2021 at 9:00 am in the Council Chambers, Municipal Complex, Coldbrook, NS.

1. Roll Call

All Councillors were in attendance, with the exception of Councillor Hirtle with notice.

Results for Roll Call

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Rob Frost, Deputy Chief Administrative Officer
- Greg Barr, Director, Finance & IT
- Trish Javorek, Director, Planning & Inspections
- Scott Quinn, Director, Engineering & Public Works, Lands & Parks
- Mike Livingstone, Manager of Financial Reporting
- Katrina Roefs, Financial Analyst
- Kevin Wheaton, Financial Analyst
- Janny Postema, Municipal Clerk/Recording Secretary

2. [Approval of Agenda](#)

Mayor Muttart noted that an item relating to the Acadia Swimming Pool would be added to the agenda.

On motion of Councillor Granger and Councillor Misner, that Municipal Council approve the April 7, 2021 agenda as circulated as amended.

Motion Carried.

SC-2021-04-07-021

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For

District 8	Jim Winsor	For
District 9	Peter Allen	For

3. **Disclosure of Conflict of Interest Issues**

No Conflict of Interest issues were declared.

4. **Financial Services**

4a. **2021/2022 Operating & Capital Budget Deliberations**

Greg Barr, Director of Finance & IT, presented the Request for Decision as attached to the April 7, 2021 Special Council agenda.

1. **Greenwood Water Utility**

On motion of Councillor Misner and Councillor Winsor, that Municipal Council approve the 2021/22 Operating Budget for the Greenwood Water Utility which includes \$1,182,500 of Gross Expenditures, including \$534,200 Capital out of Revenue, and a total Capital Budget of \$1,020,000 funded out of Prior Period Surplus and Operating Revenue.

Motion Carried.

SC-2021-04-07-022

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

2. **Regional Sewer System**

On motion of Councillor Winsor and Councillor Allen, that Municipal Council approve the 2021/22 Operating Budget for the Regional Sewer System which includes \$1,594,500 of Gross Expenditures and a Capital Budget of \$2,375,000.

Motion Carried.

SC-2021-04-07-023

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

3. **Specific External Organization Funding**

On motion of Councillor Allen and Councillor Misner, that Municipal Council approve the specific funding to external organizations

identified in Appendix A attached to the April 7, 2021 Request for Decision totaling \$2,853,039.

Motion Carried.

SC-2021-04-07-024

Results

For 9

Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

4. Grant Program Funding

On motion of Deputy Mayor Lutz and Councillor Misner, that Municipal Council approve the grant program funding identified in Appendix B attached to the April 7, 2021 Request for Decision totaling \$2,076,200.

Amendment:

On motion of Councillor Killam and Councillor Allen, that the amount for Councillor Grants to Organizations for 2021/2022 be increased to last year's amount to a total of \$144,000 with \$72,000 to be funded from the COVID-19 Reserve Fund.

Amendment Defeated.

Results

For 4

Against 5

District	Name	Results
Mayor	Peter Muttart	Against
District 1	June Granger	Against
District 2	Lexie Misner	Against
District 3	Dick Killam	For
District 4	Martha Armstrong	Against
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	Against
District 8	Jim Winsor	For
District 9	Peter Allen	For

On motion of Councillor Winsor and Councillor Killam, that Council suspend the rule to limit the number of times Councillors may speak on each motion.

Motion Carried.

SC-2021-04-07-025

Results

For 5

Against 4

District	Name	Results
Mayor	Peter Muttart	Against

District 1	June Granger	Against
District 2	Lexie Misner	Against
District 3	Dick Killam	For
District 4	Martha Armstrong	Against
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Main Motion:

That Municipal Council approve the grant program funding identified in Appendix B attached to the April 7, 2021 Request for Decision totaling \$2,076,200.

Motion Carried.

SC-2021-04-07-026

Results

For 7
Against 2

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	Against
District 4	Martha Armstrong	For
District 5	Tim Harding	Against
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

**5. Kings Transit Authority
Operating Budget**

On motion of Councillor Armstrong and Councillor Misner, that Municipal Council approve the 2021/22 Operating Budget for the Kings Transit Authority attached as Appendix C to the April 7, 2021 Request for Decision.

Motion Carried.

SC-2021-04-07-027

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

**6. Kings Transit Authority
Municipal Operating
Contribution**

On motion of Councillor Misner and Councillor Granger, that Municipal Council approve the 2021/22 Municipal operating contribution in the amount of \$763,000 for the Kings Transit Authority.

Motion Carried.**SC-2021-04-07-028****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

7. **Kings Transit Authority
Capital Budget**

On motion of Councillor Misner and Deputy Mayor Lutz, that Council approve capital funding for the 2021-22 year at 2020-21 levels (\$48,000 for the Municipality – 60% of total capital contributions of \$80,000) and that the Kings Transit Authority prepare and present a Supplemental Capital Budget at such time a decision has been rendered on the Municipality's Investing in Canada Infrastructure Program application.

Motion Carried.**SC-2021-04-07-029****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

8. **Kentville Volunteer Fire
Department Operating
Budget**

On motion of Councillor Killam and Councillor Misner, that Municipal Council approve the 2021/22 Operating Budget for the Kentville Volunteer Fire Department attached as Appendix D to the April 7, 2021 Request for Decision.

Motion Carried.**SC-2021-04-07-030****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For

District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Council took a short break from 10:30 - 10:52 am.

9. **Kentville Volunteer Fire Department Municipal Contribution**

On motion of Councillor Allen and Councillor Misner, that Municipal Council approve the 2021/22 Municipal contribution in the amount of \$449,600 to the Kentville Volunteer Fire Department.

Motion Carried.

SC-2021-04-07-031

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

10. **Capital and Project Budget**

On motion of Councillor Misner and Councillor Granger, that Municipal Council approve the 2021/22 Capital and Project Budget with Gross Expenditures of \$13,450,000.

Motion Carried.

SC-2021-04-07-032

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

11. **Five Year Capital Plan**

On motion of Councillor Misner and Councillor Armstrong, that Municipal Council approve the Five Year Capital Plan as summarized in Appendix E to the April 7, 2021 Request for Decision.

Motion Carried.

SC-2021-04-07-033

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

12. **Temporary Borrowing Resolution**

On motion of Councillor Armstrong and Councillor Killam,

WHEREAS Section 66 of the *Municipal Government Act* provides that the Council of the Municipality of the County of Kings, subject to the approval of the Minister of Municipal Affairs, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the Municipality of the County of Kings has adopted a capital budget for this fiscal year as required by Section 65 of the *Municipal Government Act* and are so authorized to expend funds for capital purposes as identified in their capital budget; and

WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A";

BE IT THEREFORE RESOLVED:

THAT under the authority of Section 66 of the *Municipal Government Act*, the Council of the Municipality of the County of Kings borrow a sum or sums not exceeding Five Million Seven Hundred Sixty-six Thousand Nine Hundred Fifty Dollars (\$5,766,950) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the Municipality of the County of Kings to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the *Municipal Government Act* and that a sum or sums not exceeding Five Million Seven Hundred Sixty-six Thousand Nine Hundred Fifty Dollars (\$5,766,950) in total be borrowed from time to time from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

Motion Carried.**SC-2021-04-07-034****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

13. Fees Policy

On motion of Councillor Misner and Councillor Allen, that Municipal Council provide seven days' notice, per s. 48(1) *Municipal Government Act*, to adopt amendments to Policy FIN-05-003, the Fees Policy, as attached to the April 7, 2021 agenda.

Motion Carried.**SC-2021-04-07-035****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

14. Operating Budget

On motion of Deputy Mayor Lutz and Councillor Armstrong, that Municipal Council approve the 2021/22 Operating Budget with Gross Expenditures of \$49,564,560 as summarized in Appendix H of the April 7, 2021 Request for Decision.

Motion Carried.**SC-2021-04-07-036****Results**

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For

District 8	Jim Winsor	For
District 9	Peter Allen	For

15. **Residential and Resource Property Tax Rate**

On motion of Councillor Misner and Councillor Granger, that Municipal Council set the residential and resource property tax rate at \$0.853 per \$100 of assessment.

Motion Carried.

SC-2021-04-07-037

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

16. **Commercial Property Tax Rate**

On motion of Councillor Armstrong and Councillor Misner, that Municipal Council set the commercial property tax rate at \$2.287 per \$100 of assessment.

Motion Carried.

SC-2021-04-07-038

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

5. **Nominating Committee Recommendation April 6, 2021**

5a. **Appointment to New Minas Secondary Planning Strategy Working Group**

Councillor Armstrong presented a recommendation from the April 6, 2021 meeting of the Nominating Committee.

On motion of Councillor Armstrong and Councillor Allen, that Municipal Council appoint Wade Tibbo to the New Minas Secondary Planning Strategy Working Group for a Term ending upon completion of a draft Secondary Planning Strategy.

Motion Carried.

SC-2021-04-07-039

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

6. Administration

6a. [Community Use of Acadia Swimming Pool](#)

Scott Conrod, CAO, presented the Request for Decision as provided on April 7, 2021.

On motion of Councillor Armstrong and Councillor Winsor, that Municipal Council approve a financial contribution to Acadia University (swimming pool) in the amount of \$59,110 based on the terms and conditions detailed in the related April 7, 2021 Request for Decision, and that the contribution be drawn from the COVID-19 Reserve.

Motion Carried.

SC-2021-04-07-040

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For
District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For

7. Other Business

There was no other business to come before Council.

8. Comments from the Public

No members of the public were present.

9. Adjournment

On motion of Councillor Allen and Councillor Granger, there being no further business, the meeting adjourned at 11:31 am.

Motion Carried.

SC-2021-04-07-041

Results

For 9
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	For
District 4	Martha Armstrong	For

District 5	Tim Harding	For
District 6	Joel Hirtle	-
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Approved by:

Peter Muttart
Mayor

Janny Postema
Municipal Clerk/Recording Secretary

Results Legend	
-	Absent
COI	Conflict of interest
For	A vote in favour
Against	A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative.

**THE MUNICIPALITY OF THE COUNTY OF KINGS
SPECIAL MUNICIPAL COUNCIL
April 19, 2021
DRAFT MINUTES**

**Meeting Date
and Time**

A Special Meeting of Municipal Council was held on Monday, April 19, 2021 at 1:30 pm via video conference.

1. Roll Call

All Members of Municipal Council participated in the video call, with the exception of Councillor Harding with notice. Councillor Killam also was not in attendance.

Results for Roll Call

For 8
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	-
District 4	Martha Armstrong	For
District 5	Tim Harding	-
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Also in attendance were:

- Scott Conrod, Chief Administrative Officer
- Greg Barr, Director, Finance & IT
- Frank Demont, Legal Counsel for the Parties
- Janny Postema, Municipal Clerk/Recording Secretary

2. Call to Order

Mayor Muttart called the meeting to order at 1:30 pm.

3. [Approval of Agenda](#)

On motion of Councillor Armstrong and Deputy Mayor Lutz, that Municipal Council approve the April 19, 2021 agenda as circulated.

Motion Carried.

SC-2021-04-19-042

Results

For 8
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	-
District 4	Martha Armstrong	For
District 5	Tim Harding	-
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

4. Closed Session

On motion of Councillor Misner and Deputy Mayor Lutz, that Council move into closed session in accordance with Section 22 (2) (f) *Municipal Government Act*: solicitor-client privilege.

Motion Carried.**SC-2021-04-19-043****Results**

For 8
Against 0

District	Name	Results
Mayor	Peter Muttart	For
District 1	June Granger	For
District 2	Lexie Misner	For
District 3	Dick Killam	-
District 4	Martha Armstrong	For
District 5	Tim Harding	-
District 6	Joel Hirtle	For
District 7	Emily Lutz	For
District 8	Jim Winsor	For
District 9	Peter Allen	For

Council moved into closed session at 1:41 pm.

During the closed session, Council received the report from Mr. Demont, engaged in discussions with the other municipalities, and instructed the Chief Administrative Officers.

5. **Adjournment**

The closed session was adjourned at 2:42 pm.

Approved by:

Peter Muttart
Mayor

Janny Postema
Municipal Clerk/Recording Secretary

Results Legend	
-	Absent
COI	Conflict of interest
For	A vote in favour
Against	A vote in the negative or any Councillor who fails or refuses to vote and who is required to vote by the preceding subsection, shall be deemed as voting in the negative.



Municipality of the County of Kings

Committee Recommendations

COMMITTEE:

Planning Advisory Committee
Item d: Heritage Advisory Committee

COMMITTEE MEETING DATE: [April 13, 2021](#)

COUNCIL MEETING DATE: May 4, 2021

a.	Request for Decision: Minor MPS Amendment (File 21-02)	That Municipal Council, in accordance with Policy PLAN-09-001, direct the Chief Administrative Officer to investigate a minor Municipal Planning Strategy Amendment related to the development of specific criteria for enabling limited residential development on A2 and N1 zoned properties that lack road frontage. <u>Report Attached</u>
b.	Application to enter into a development agreement, Kingston (File 20-07)	That Municipal Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15, 2021. <u>Report Attached</u>
c.	Application to amend the text of the Land Use By-law (File 20-19)	That Municipal Council give First Reading to and hold a Public Hearing regarding the proposed text amendments to increase the allowable size for Small-scale Solar Collector Systems as described in Appendix D of the report dated April 13, 2021. <u>Report Attached</u>
d.	Application to alter a Municipal Heritage Property (File 21-06)	That Municipal Council grant approval to permit the requested building alteration to the McElvy House, a Municipal Heritage Property at 1108 Middle Street, Port Williams. <u>Report Attached</u>



Municipality of the County of Kings

Committee Recommendations

e.	Application to enter into a development agreement, Wallbrook (File 20-11)	That Municipal Council give Final Consideration to and approve entering into a development agreement to permit additional tourist cabins at 850 Grand Pré Road (PID 55235550), Wallbrook, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated March 9, 2021.
f.	Application to enter into a development agreement, Lockhartville (File 20-13)	That Municipal Council give Final Consideration to and approve entering into a development agreement to permit an event venue at 1017 and 1021 Bluff Road (PID 55513428 and 55225627), Lockhartville, which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated March 9, 2021.
g.	Public Hearing Date	Tuesday, June 1, 2021, 6:00 pm



Municipality of the County of Kings

Request for Decision

TO	Planning Advisory Committee
PREPARED BY	Will Robinson-Mushkat – Planner, Planning and Development Services
MEETING DATE	April 13, 2021
SUBJECT	Request for a Minor Municipal Planning Strategy Amendment

ORIGIN

- Application from Lissa Elaine Conrad for a Land Use By-law Text Amendment to enable residential development with no public road frontage
- [Policy PLAN-09-001: Planning Policies](#)

RECOMMENDATION

That the Planning Advisory Committee recommend Municipal Council, in accordance with Policy PLAN-09-001, direct the Chief Administrative Officer to investigate a minor Municipal Planning Strategy Amendment related to the development of specific criteria for enabling limited residential development on properties that lack road frontage.

INTENT

For the Planning Advisory Committee to consider recommending that Council undertake a minor Municipal Planning Strategy (MPS) Amendment to enable the development of specific criteria that would enable limited residential development located on properties within the Resource (N1) Zone that do not have road frontage.

DISCUSSION

Planning and Development Services is in receipt of an application from Lissa Elaine Conrad that seeks to legalize a residential dwelling through a text amendment to the Land Use By-law (LUB) that would permit residential development on properties that do not have public road frontage within the Resource (N1) Zone. The applicant has constructed a one unit dwelling on the subject property without the required development and building permits. The subject property is located in the rural community of Nicholsville, in an area designated as Resource (N) and zoned Resource (N1). The property is approximately 2.1 kilometres south of Canaan Road and accessed via a legal right-of-way, historically known as the Single Mill Road, which traverses five properties (Figure 1). This legal right-of-way has been, and is currently used by various landowners to access properties located north and south of the subject property. This access is acknowledged and evidenced via recorded statutory declarations.



Figure 1 - Aerial Photo of Subject Property and Surrounding Area



Municipality of the County of Kings

Request for Decision

The proposed text amendment cannot be enabled under the current policies of the Municipal Planning Strategy. Specifically, within the Resource (N1) Zone, policy 3.6.5 enables residential development only on public roads:

3.6.4 zone as Resource (N1) land that currently comprise large tracts of unfragmented forested lands and are intended to remain so, and may contain limited community development;

3.6.5 permitted within the Resource (N1) Zone;

- (a) **residential development only along public roads in existence on November 21, 2019;**
- (b) *outdoor recreational uses that require large tracts of undeveloped land; and*
- (c) *industrial development such as forestry, energy development, and aggregate uses that require large tracts of land; and*

The Resource designation (N) recognizes the need for large, fragmented tracts of land for efficient operation. The uses and activities intended for these lands can often create a working landscape that is noisy, dusty, and visually undesirable. This can potentially lead to conflict between residential and non-residential land uses if two incongruent uses are occurring in close proximity. Policies 3.6.1 and 3.6.2 (a) address the intents of the Resource (N) Designation and Resource (N1) Zone, respectively.

3.6.1 designate as Resource remote areas of the South Mountain that contain few public roads and few houses and are characterised by large tracts of forested land. The Resource Designation is intended to encompass the rural parts of the Municipality where uses requiring large, unfragmented tracts of land are dominant;

3.6.2 establish the following Resource Zones in the Land Use By-law:

*(a) Resource (N1) Zone: this zone is intended to maintain large tracts of uninhabited forested land for resource development, and recreation uses while **providing limited residential development** to ensure there is sufficient space for large resource-based industries to locate and expand in these areas. Where there is conflict between resource uses and residential uses in a Resource (N1) Zone, the resource use shall take priority;*

The intent of the Resource (N1) Zone is chiefly for resource development. However, the MPS and the prescribed zoning contained within the LUB recognizes a need to strike a limited balance between the resource land use and other uses, such as recreation (hunting, fishing, camping, etc.) and limited residential development. This form of residential development is intended to be sparse in nature, as a principle of the MPS is to encourage concentration of development in the identified Growth Centres.

Alternatively, Section 2.2 of the MPS speaks specifically to land use within the rural areas of the Municipality, which also encompasses the Agricultural and Shoreland Designations:

*2.2.1 identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses, and **limited residential development**;*

2.2.4 limit development on lots without frontage on public roads, except within the Shoreland Designation;



Municipality of the County of Kings

Request for Decision

2.2.6 implement setbacks, coverage, and buffering controls to ensure that large tracts of undeveloped rural land are maintained.

The policies currently enacted in the Municipal Planning Strategy intend to minimize residential development within the rural land use designations and encourage residential development to occur in Growth Centres and other zones more appropriate for residential development. Further, the current policies prevent the construction of additional public and private roads within rural designations (except for within the Shoreland Designation), as new and additional roads contribute to the overall cost of infrastructure maintenance and municipal services.

Staff are aware of other, similar examples of dwellings and recreational cabins located on properties within the Resource and Agricultural designations that lack road frontage. At this time, the only recourse to gain compliance with the Land Use By-law is for the dwelling on the subject property to be decommissioned or converted to a building to be used as part of a forestry use, which is permitted under the LUB without road frontage. Inhabitation of a forestry building is not permitted.

Staff are requesting authorization to investigate a minor amendment to the MPS that would permit limited residential development to be located on properties that lack public road frontage within rural designations that do not permit development on private roads. This would include zones enabled within the Agricultural and Resource Designations, with the exception of the Agricultural (A1) Zone.

Policy PLAN-09-001 outlines the ability to explore minor MPS amendments by stating the following:

“Staff may bring forward minor amendments to the MPS within a report regarding a requested LUB amendment if such amendment provides for a more reasonable or effective LUB amendment. The process for amending the MPS would then be followed, with no additional charges or requirements being placed on the applicant.”

Staff are proposing that a review of the policies and regulations of neighbouring municipalities be conducted to gain an understanding of how other areas address this matter. Staff would then prepare a report outlining the findings and alternatives to address the matter and make a recommendation to the Planning Advisory Committee, in conjunction with the application to amend the text of the LUB submitted by Ms. Conrad.

The typical process for amending the LUB as outlined in Policy PLAN-09-001 would be followed, with the exception of a requirement for the Planning Advisory Committee to hold a minimum of one Public Participation Meeting to present the amendments to the public and seek comments and feedback, prior to moving the item forward to Council.

FINANCIAL IMPLICATIONS

- No additional expenditures beyond the normal implications for processing planning applications
- Additional property tax revenue generated by a residential tax rate applied to rural properties developed in accordance with the policies of the Municipal Planning Strategy and Land Use By-law.

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	Description
	Vision Statement	
	Good Governance	
	Environmental Stewardship	
	Economic Development	



Municipality of the County of Kings

Request for Decision

	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
✓	Not Applicable	Response to property owner application

ALTERNATIVES

- That staff work within the options currently available to gain compliance with the LUB up to, and including, demolition.

IMPLEMENTATION

- Policy PLAN-09-001 outlines the procedure for processing a minor MPS amendment.

ENGAGEMENT

- No community engagement has occurred to date however, Policy PLAN-09-001 outlines the engagement process for minor MPS amendments.
-

APPENDICES

- None

APPROVALS

Laura Mosher, Manager, Planning and Development	April 7, 2021
Patricia Javorek, Director, Planning and Inspections	April 7, 2021
Scott Conrod, Chief Administrative Officer	April 9, 2021

THE MUNICIPALITY OF THE COUNTY OF KINGS

REPORT TO PLANNING ADVISORY COMMITTEE

Subject: Application to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston

From: Planning and Development Services

Date: April 13th, 2021

Background

On March 15th, 2021 the Kingston Area Advisory Committee considered the staff report and draft development agreement for the property located at 1518/1520 Bridge Street (PID# 55123236), Kingston. If approved, the development agreement would permit a single-unit dwelling at 1518 Bridge Street, a dwelling containing no more than four residential units at 1520 Bridge Street, and accessory building containing a home based business. The applicant and property owners are David and Cathy Turner.

The Kingston Area Advisory Committee forwarded a **positive** recommendation by unanimously passing the following motion:



"The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021."

Recommendation

The Kingston Area Advisory Committee recommends that the Planning Advisory Committee pass the following motion:

The Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.



Municipality of the County of Kings

Report to the Kingston Area Advisory Committee

Planning application to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston

(File #20-07)

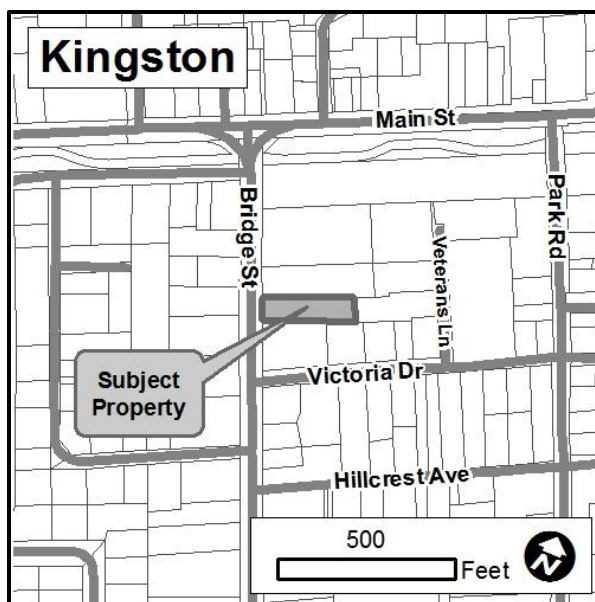
March 15th, 2021

Prepared by: Planning Staff

Applicant	David and Cathy Turner
Land Owner	David and Cathy Turner
Proposal	To enter into a development agreement to permit the conversion of existing commercial space at 1520 Bridge Street, Kingston into two new residential units in conjunction with two existing residential units.
Location	1518/1520 Bridge Street (PID 55123236), Kingston
Lot Area	Approximately 19,530ft ²
Designation	Commercial (C)
Zone	Mixed Commercial Residential (C3) Zone
Surrounding Uses	Residential and Commercial uses
Neighbour Notification	Staff sent notification letters to the 61 owners of property within 500 feet of the subject property

1. SUMMARY

David and Cathy Turner (D&C Turner Holdings Limited) have submitted an application to enter into a development agreement with the Municipality for their property located at 1518/1520 Bridge Street (PID 55123236), Kingston. Currently, there is a residential dwelling located at 1518 Bridge Street as well as a separate building at 1520 Bridge Street that currently contains a ground floor commercial space and two residential units located on the second level. If approved, the development agreement would permit the internal conversion of existing commercial space on the ground floor of 1520 Bridge Street into two additional residential units, for a total of four residential units located within 1520 Bridge Street. The residential unit located at 1518 Bridge Street would remain a one-unit dwelling as part of the development agreement and a home based business (hair salon) would be permitted to operate in either the one-unit dwelling or in a proposed accessory building (garage).



2. OPTIONS

In response to the application, the Kingston Area Advisory Committee may recommend that the Planning Advisory Committee:

- A. Recommend that Council approve the Development Agreement, as proposed;
- B. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the Development Agreement or,
- C. Recommend that Council refuse the Development Agreement, as proposed.

3. PROPERTY BACKGROUND

The subject property consists of a single lot with a total approximate area of 19,530 square feet. The lot is rectangular shaped, with approximate dimensions of 69 feet by 270 feet, featuring approximately 69 feet of frontage along Bridge Street. The subject property lot (PID 55123236) is developed with a one-unit dwelling, 1518 Bridge Street, set back approximately 24 feet from Bridge Street, forming part of the streetscape. 1520 Bridge Street is located towards the rear of the property, set back approximately 186 feet from Bridge Street. There is a vehicular access to the property from Bridge Street along the northwest portion of the subject property. 1520 Bridge Street is a two level building, with commercial space on the ground level and two residential units, accessed via individual stairwells located at the rear of the building. The topography of the subject property is generally flat and there are no watercourses or wetlands on the subject property or in the surrounding area.

The subject property is located within the Village of Kingston, which is found in the western portion of the Municipality. It serves as a commercial hub for the western end of the Municipality and the eastern end of Annapolis County. The Village of Kingston is located directly adjacent to the Village of Greenwood and the two communities, although separate villages, share many commercial and institutional ties. While each community is considered a separate Growth Centre, the Municipal Planning Strategy (MPS) recognizes that they are intertwined with each other, noting Greenwood's regional influence and Kingston's traditional business district within the Municipality's overall commercial network. Further, the MPS notes the recreational, residential, and industrial opportunities are combined objectives of each community.

The subject property is located on Bridge Street, which is the principal connector between the villages of Kingston and Greenwood. There are a variety of residential, commercial, and institutional uses within the immediate vicinity of the subject property. The properties on both sides of Bridge Street are designated Commercial (C), on the Future Land Use Map of the Municipality. However, the zoning for the commercial uses along Bridge Street varies; the intersection of Main Street and Bridge Street feature a combination of Central Business (C2) and Mixed Commercial Residential (C3) zoned properties. Travelling southward along Bridge Street, there is a portion where properties on either side are zoned General Commercial (C1), which then leads into a significant stretch of properties on both sides of Bridge Street zoned Mixed Commercial Residential (C3) – this is where the subject property is located. The intent of the Mixed Commercial Residential (C3) Zone *“is to complement established commercial areas and*

provide flexibility to permit both residential and lower impact commercial uses.” There are a number of local commercial uses, interspersed with residential uses, throughout this area.

4. INFORMATION

4.1 Subject Property Information

A site visit was conducted on July 20th, 2020 by a Planner. The applicant and planner walked the subject property and discussed the intent behind the planning application. The planner took photos of the subject property.

4.2 Comments from Public

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting (PIM) was required because the application is for a Development Agreement. Due to the restrictions regarding public gatherings as a result of public health orders concerning COVID-19, an online recording of the Public Information Meeting presentation was posted to the website of the Municipality of the County of Kings for 30 days, from August 1st, 2020 to September 1st, 2020. A letter was sent out to 61 property owners within a 500 foot radius of the subject property providing notification of the Development Agreement application and online PIM. An advertisement was also placed in the August 1st, 2020 edition of *The Chronicle-Herald*. One member of the public contacted Municipal staff in opposition to the proposed agreement, citing concerns with increased noise and traffic generation. A summary of the meeting is included as Appendix B to this report.

4.3 Requests for Comments

Staff requested comments from both internal and external departments on the application, a summary of the comments received are found in Appendix D of this report.

5. POLICY REVIEW – DEVELOPMENT AGREEMENT

5.1. Development Agreement

A development agreement is a contract between a landowner and the Municipality to enable the development of a use not normally permitted within the zone applied to a property. In turn, the Municipality is able to negotiate additional controls to minimize and mitigate potential negative impacts that may be associated with the use(s) enabled within the development agreement. The ability for Council to consider a development agreement must be stated in the Land Use By-law (LUB) and the Municipal Planning Strategy (MPS). The MPS must also identify the types of uses Council may consider under each development agreement. Uses that Council may consider are those that Council has determined have increased potential for negative impacts on an area such that a negotiated process is required to ensure the potential negative impacts are minimized and mitigated. In the MPS Council identifies both specific and general criteria that must be considered when making decisions regarding a development agreement.

5.2 Land Use Bylaw

Under the Mixed Commercial Residential (C3) Zone, lands located in this zone are “intended to complement established commercial areas”. They are to be located on principle transportation corridors and established ‘main street’ areas within growth centres, or in areas where flexibility between commercial and residential uses is desired.

The subject property meets the minimum lot requirements for a serviced lot in the Mixed Commercial Residential (C3) Zone and the proposed use, a multi-unit dwelling within an existing building is a permitted use in the zone; however, within the Commercial Residential (C3) Zone, multi-unit dwellings are subject to the lot requirements of the Residential Multi-unit (R4) Zone including a 20 foot side yard setback. law. The existing building has a setback of 12.5 feet on both sides, which makes it ineligible to be converted as-of-right.

This proposal can still be considered by development agreement, as enabled in Section 5.5.5(d) of the LUB which states: *“Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Mixed Commercial Residential (C3) Zone:*

(d) Uses compatible with the purpose of the Mixed Commercial Residential (C3) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.”

5.3 Municipal Planning Strategy

5.3.1 Enabling Policy and Criteria

Policy 3.2.9 of the Municipal Planning Strategy states:

Council shall:

3.2.9 consider only by development agreement in the commercial zones, proposals for commercial, industrial, mixed use, and residential developments that are not otherwise permitted or cannot meet applicable commercial zone standards. In evaluating such development agreements, Council shall be satisfied that:

- (a) the condition(s) that prevents the proposal from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of the buildings and structures;*

In this particular instance, the condition which prevents the proposal from be permitted as-of-right is meeting the minimum side yard setback requirements. Given the building to be converted into residential dwellings has been in existence for over a decade, meets the requirements for a commercial building, and is located in an area that is intended for commercial purposes, the position and design of the structure is compatible with the area. There is existing vegetation located along the southern lot line of the subject property that provides buffering from neighbouring properties.

- (b) *if the proposal is for a residential use or mixed use, Council shall be satisfied that:*
- (i). *the residential component of the proposal has a compact built form and does not consist of low-density housing forms including, but not limited to, one and two unit dwellings or grouped dwellings;*

The residential component of the proposed use involves the conversion of existing commercial space into two new residential dwelling units, in addition to two existing residential dwelling units, housed within a single building. This provides for a compact, efficient built form.

- (ii). *The proposal is oriented to the street and contributes to a vibrant and active streetscape*

The existing one-unit dwelling (1518 Bridge Street) is oriented towards Bridge Street and is part of the fabric of the mature streetscape. The building in which the existing and proposed residential units is located towards the rear of the property and does not form part of the streetscape. Its location and placement on the subject property does not disrupt the existing streetscape.

- (iii). *The proposal incorporates pedestrian friendly features into the design including pedestrian-oriented entrances, canopies, walkways, planters, amenities and/or facades; and*

The proposed new residential units are located on the ground floor of the building. They would each feature their own independent entrance at the ground level. There is an accessible walkway from the building to the parking area.

- (c) *the proposal meets the general development agreement criteria set out in section 5.3 Development Agreement and Amending the Land Use By-law.*

The condition that renders this proposal not permitted as-of-right is the inability of the proposed use to meet the setback requirements of the Residential Multi-Unit (R4) Zone, which are applicable. This has been addressed through a relaxation of side yard setbacks consistent with the surrounding land uses, additional requirements for parking and vehicular control; however, the increase in the total number of units is modest and is included in the list of permitted uses for the zone.

The property owner has demonstrated area on the subject property for 11 parking spaces in total for the as-of-right commercial uses and the residential uses enabled by the agreement. The property owner will be responsible for providing adequate parking on site for all uses on the property.

5.3.2 Other relevant sections of the MPS

Section 2.1 of the MPS outlines the concept of Growth Centres. The Municipality is divided into two broad identifications that guide many of the policy directives: Rural Areas and Growth Centres. The overarching goal of the Growth Centres is, *“To provide vibrant, complete communities in Growth Centres with municipal servicing, economic development, a high quality of life and distinct character.”*

The proposed development reflects an increase in the types of housing available in the Kingston Growth Centre, in a location that intersperses residential and commercial uses and is close to amenities. MPS Policy 2.1.2 states that Council shall, “2.1.2 *identify Growth Centres as the primary growth areas within the Municipality;*”

Within the objectives of the Commercial Designation, one of the objectives for Settlement is listed as, “*To encourage a broad range of commercial opportunities in single use and mixed use developments and support efficient use of public infrastructure.*”

The context section at the outset of section 3.2 of the MPS, states that there is renewed interest in blending commercial and residential uses, particularly in areas that feature small-scale, independently owned and operated commercial businesses. This intermingling of uses promotes reduced transportation needs and a built in customer base. Compact development, like the development proposed in this application, contributes to the promotion of these identified benefits, in addition to more efficient and cost effective infrastructure delivery

Section 4.1 of the Municipal Planning Strategy contains the Kingston Secondary Plan. This document combines the future land use map of the Kingston Growth Centre with detailed plans and objectives that pertain specifically to the transportation, open space, infrastructure, and natural characteristics of the Growth Centre.

- The subject property has frontage along a major collector road, Bridge Street
- The subject property falls outside of the area designated for groundwater recharge, which restricts the handling and storage of controlled materials;
- The subject property falls outside of the areas identified as major swales, natural catchment areas, and floodplains of the Annapolis River
- An existing sewer line runs under Bridge Street, enabling the potential residential development to connect to the existing system via a lateral;
- The subject property falls outside of the noise exposure forecast contour for CFB Greenwood.

5.3.3 General Development Agreement Criteria

Section 5.3.7 of the Municipal Planning Strategy contains the criteria to be used in evaluation of all development agreement proposals. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal’s consistency with the intent of the Municipal Planning Strategy (see Appendix C for greater detail); municipal departments as well as external departments were consulted by staff to ensure that these criteria are considered.

The Department of Transportation and Active Transit did not provide comment with regard to the application. However, road authority approval would be required prior to the issuance of a development permit. The Village of Kingston has indicated that there is adequate water and sewer capacity to service the application. It is Staff’s opinion that the proposal meets the general criteria in that it will not result in any direct costs to the Municipality, raises no concerns in terms of traffic or access, is compatible with the surrounding development pattern, is serviced by municipal infrastructure with adequate capacity, and raises no concerns regarding emergency services.

6. CONCLUSION

The proposed development agreement is in keeping with the intent of the enabling policy found in the Municipal Planning Strategy. The proposed agreement meets the objectives outlined in the Kingston Secondary Planning Strategy. The proposal meets all of the general criteria to permit the use enabled by the proposed development agreement

As a result, a positive recommendation with regard to the application is being made to the Kingston Area Advisory Committee.

7. STAFF RECOMMENDATION

Staff recommend that the Kingston Area Advisory Committee forward a positive recommendation to the Municipal Planning Advisory Committee by passing the following motion.

The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.

8. APPENDICIES

Appendix A: Zoning Map

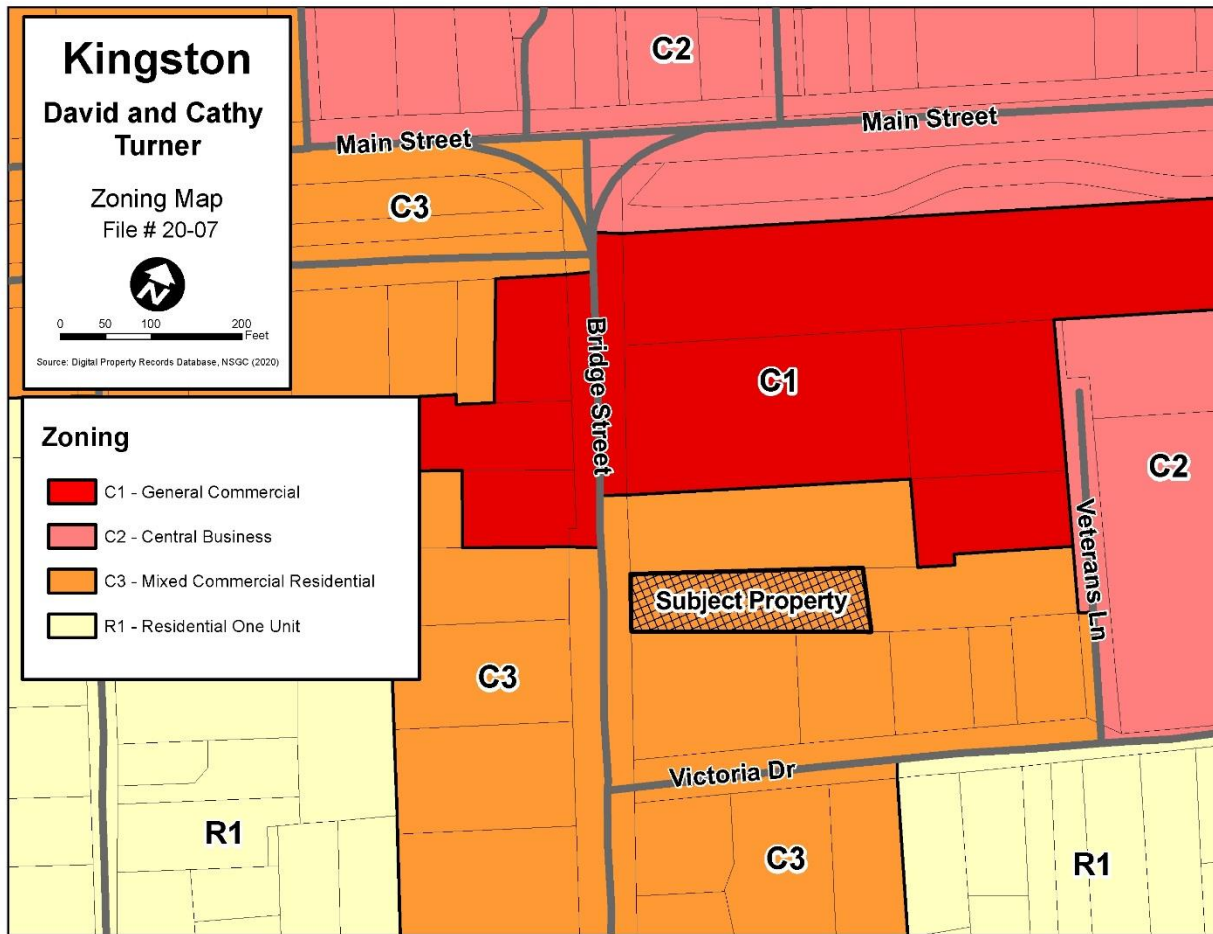
Appendix B: Online Public Information Meeting Notes

Appendix C: Municipal Planning Strategy, Section 5.3.7 – Amendment to the Land Use Bylaw (General Criteria)

Appendix D: Request for Comments

Appendix E: Draft Development Agreement

Appendix A: Reference Zoning Map



Appendix B: Online Public Information Meeting Notes

MUNICIPALITY OF THE COUNTY OF KINGS

PLANNING AND DEVELOPMENT SERVICES

PUBLIC INFORMATION MEETING NOTES

**Planning Application to enter into a development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit additional residential units at 1520 Bridge Street.
(File# 20-07)**

<i>Meeting, Date and Time</i>	A Recording of the Public Information Meeting was posted on the Active Planning Application Webpage of the Municipality of the County of Kings Website for 30 days – August 1 st , 2020 to September 1 st , 2020
<i>Chairperson</i>	Councillor Martha Armstrong – District 4
<i>Planning Staff</i>	Will Robinson-Mushkat – Planner
<i>Applicant</i>	David and Cathy Turner
<i>Public</i>	4 Members
<i>Welcome and Introductions</i>	<p>The Chair, Councillor Martha Armstrong, explained that the purpose of the meeting was to inform the public of the application, to explain the planning policies that enable the application to occur and to receive preliminary feedback from the public. No evaluation has been completed and no decisions have been made at this point. Councillor Armstrong noted that due to public health restriction on public gathers as a result of COVID-19, the meeting was being recorded and posted to the Municipality's website and the public would be provided with a minimum of thirty days to pose questions and provide comments.</p>
<i>Presentations</i>	<p>Will Robinson-Mushkat provided a brief overview of the planning process and the criteria that will be used to evaluate the application from David and Cathy Turner. The proposal is to enter into a development agreement for the property at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of additional residential dwellings at 1520 Bridge Street.</p> <p>Mr. Robinson-Mushkat stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal.</p>
<i>Adjournment</i>	Councillor Armstrong thanked members of the public for viewing the video and noted there would be a minimum of 30 days to comment on the application.

***Comments from the
Public***

One phone call with regard to the application was received by staff. The resident expressed opposition to the application based on concerns with traffic generation and excessive noise which could be caused by additional residential units to the area.

No other comments were received.

A handwritten signature in black ink, appearing to read "W. Robinson-Mushkat". The signature is fluid and cursive, with the first name "Will" and last name "Robinson-Mushkat" clearly distinguishable.

Will Robinson-Mushkat
Recording Secretary

APPENDIX C: By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The application is consistent with the vision statements, goals, objectives and meets the policies of the Municipal Planning Strategy. The application is consistent with the secondary plan for Kingston.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The application is not in conflict with any Municipal or Provincial programs, by-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality or the Village of Kingston.
<i>ii. land use compatibility with surrounding land uses;</i>	The land uses surrounding the property are small-scale, community oriented commercial uses with more intense commercial uses located to the north of the subject property, clustered around the intersection of Bridge Street and Main Street. There are also residential uses of varying density and form in the surrounding area.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The Kingston and District School and Pine Ridge Middle School are both within one kilometre of the subject property. Stronach Park is approximately half a kilometre from the subject property. There are a number of community facilities located within the Village of Kingston.

<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	An access permit issue by the Department of Transportation and Active Transit is required as a condition to the issuance of a development permit.
<i>v. the adequacy of fire protection services and equipment;</i>	The Kingston Fire Chief confirmed that fire protection services and equipment were adequate for the existing and proposed uses.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	The Village of Kingston's Public Works Department has confirmed the sewer services are capable of supporting an increase in use due to the proposed development.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	The buildings are existing and are not expected to cause drainage problems.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	There are no identified wellfields in the area, nor groundwater supplies.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	The proposed development is not expected to cause any issues related to pollution
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	Not applicable.
<i>xi. negative impacts on neighbouring farm operations;</i>	Not applicable – subject property is located within a Growth Centre and there are no neighbouring farm operations.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.

Policy 5.3.8

Establish controls that may be needed to adequately address any concerns raised by the criteria set out in Policy 5.3.7 above, including but not limited to controls regarding:

Criteria	Comments
<i>a. the type of uses permitted on the lot;</i>	The types of uses permitted by the development agreement are controlled by the terms of the agreement.
<i>b. the location, height, bulk, and lot coverage of any proposed buildings or structures;</i>	Proposed structures will be controlled by the development agreement, land use by-law zone standards and building code regulations.
<i>c. access, egress and parking requirements including, but not limited to the following:</i>	
<i>i. the location of parking areas on the lot;</i>	Areas for parking are identified on site plan.
<i>ii. off-road parking and loading spaces, that do not require consistency with the Land Use By-law requirements;</i>	Parking and loading is not permitted off-site.
<i>iii. waiving parking requirements;</i>	Not applicable.
<i>iv. the acceptance of cash-in-lieu for required parking provided there is adequate street or parking on other sites to serve the commercial uses; and;</i>	Not applicable.
<i>v. shared parking arrangements;</i>	Not applicable.
<i>c. hours of operation;</i>	Not applicable – use proposed to be permitted by the development agreement is residential.
<i>d. signs and lighting;</i>	Regulated by development agreement.
<i>e. phasing of the development;</i>	Not applicable.
<i>f. integrating the proposal into the surrounding area by means of good landscaping, buffering, sensitive site orientation and screening;</i>	Regulated by the development agreement.
<i>g. reducing the impacts of noise, odour, dust, or light or any other form of emission on other properties in the area;</i>	Not applicable.

<i>h. reducing the potential for contamination of, or interference with, wellfields or other designated groundwater supply protection area;</i>	Not applicable.
<i>i. reducing contamination risk and damage to either the natural or built environment;</i>	Not applicable.
<i>j. managing lighting to reduce glare, light trespass, and skyglow;</i>	Not applicable.
<i>k. architectural features, including but not limited to bulk, scale, height, roof shape, building materials, exterior cladding, and shape and size and placement of doors and windows, to ensure they are visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition;</i>	Not applicable.
<i>l. ensuring the proposal provides sufficient park and trail features consistent with the applicable policies of section 2.7 Recreation and within the Subdivision By-law;</i>	Not applicable. There are a number of park and recreational trails within close proximity to the subject property.
<i>m. the location of structures on the lot to ensure minimal interference with sunlight received by abutting properties, including but not limited to potential impact on solar collectors;</i>	Not applicable.
<i>n. management of garbage collection and industrial waste disposal;</i>	There is an area identified on the Schedule B – Site Plan for refuse. Recycling and garbage are collected by Valley Waste.
<i>o. ensuring no part of the area of the development agreement will be developed so as to prejudice or compromise future development on site or on nearby lands;</i>	Not applicable.
<i>p. on-going maintenance of the development;</i>	Not applicable.
<i>q. time limits for construction;</i>	Not applicable.
<i>r. requirements for adequate performance bonding or security to ensure that major components of the development, including but not limited to, road construction or maintenance, landscaping, or development of amenity areas, are completed in an appropriate and timely</i>	Not applicable.

<i>manner and maintained for a specific time period;</i>	
<i>s. the discharge of the agreement or parts thereof; and</i>	Terms pertaining to the discharge of the agreement are contained with the Development Agreement
<i>t. any other matter determined by Council.</i>	No other matters have been brought forward.

Appendix D: Request for Comments

Department of Transportation and Active Transit

- Nova Scotia Department of Transportation and Active Transit has not issued an access permit for a driveway for the proposed multi-unit dwelling;

Municipality of the County of Kings Building and Enforcement

- The Manager of Building and Enforcement Services did not note any unique requirements related to the Building Code but construction will need to be built to the standards of the 2015 Building Code;
- The types of dwellings constructed will determine the accessibility requirements for barrier free provision and for construction be compliant with the adaptable housing provisions of the Nova Scotia Building Code Regulations;
- Fire protection services for the subject property have been deemed to be adequate by the Kingston Fire Chief.

Municipality of the County of Kings Development Control

- The development officers of the Municipality of the County of Kings provided input into the drafting of the Development Agreement

Village of Kingston

- Village of Kingston staff confirmed that the central sewer system had the capacity to support the proposed rezoning.

Appendix E: Draft Development Agreement

THIS DEVELOPMENT AGREEMENT made this _____ day of _____, 2021 A.D.

BETWEEN:

DAVID TIMOTHY TURNER AND CATHY M. TURNER, of Kingston, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

MUNICIPALITY OF THE COUNTY OF KINGS, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 55123236; and

WHEREAS the Property Owner wishes to use the Property for multi-unit residential development; and

WHEREAS the Property is situated within an area designated Commercial on the Future Land Use Map of the Kingston Secondary Planning Strategy, and zoned Mixed Commercial Residential (C3) on the Zoning Map, Map 8, of the Municipality of the County of Kings Land Use Bylaw; and

WHEREAS 3.2.9 of the Municipal Planning Strategy and 5.5.5(d) of the Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on XX, 2021 approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A	Property Description
Schedule B	Site Plan

1.2 Municipal Planning Strategy and Land Use Bylaw

- (a) *Municipal Planning Strategy* means By-law #105 of the Municipality, approved on March 5, 2020, as amended.
- (b) *Land Use By-law* means By-law #106 of the Municipality, approved on March 5, 2020, as amended.

1.3 Definitions

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use By-law. Words not defined in the Land Use By-law but used herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

That the Parties agree that the Property shall be limited to the following uses:

- (a) A one unit dwelling located in the building identified as civic 1518 on Schedule B – Site Plan;
- (b) A dwelling containing no more than four (4) residential units to be located in the building identified as civic 1520 on Schedule B – Site Plan;
- (c) A residential accessory building located in the area identified as Proposed Building Envelope on Schedule B – Site Plan;
- (d) A Home-based Business – Level 2, as defined in the *Land Use By-Law* located in the building identified as civic 1518 Schedule B – Site Plan or within the building described in (c) above; and
- (e) Accessory structure for the storage of refuse.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this Agreement.

2.2 Site Plan

All uses enabled by this agreement on the Property shall be developed generally in accordance with Schedule B - Site Plan.

2.3 Development Standards

- (a) The Property Owner shall ensure that well defined pedestrian walkway from the shared parking area to the residential units located within the dwelling identified as civic 1520 on Schedule B – Site Plan will be installed as part of the construction;
- (b) The entrances to the units in the dwelling identified as civic 1520 on Schedule B – Site Plan shall be clearly defined and well illuminated.

2.4 Appearance of Property

- (a) The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state and maintain the Property in a neat and presentable condition;
- (b) Refuse and recycling shall be contained within an enclosed building or area screened by an opaque fence and located in accordance with Schedule B - Site Plan.

2.5 Subdivision

No alterations to the Property are permitted without a substantive amendment to this agreement except as may be required by the road authority for the purpose of creating or expanding a public street over the Property.

2.6 Vehicular Parking and Movement

The property owner shall meet the following criteria for parking and shall located all parking in general conformance with Schedule B – Site Plan;

- (a) A minimum of one (1) parking space per residential unit enabled by this agreement shall be maintained;
- (b) Traffic aisles identified on Schedule B – Site Plan, shall have a minimum width of twelve (12) feet between the building identified as civic 1520 on Schedule B – Site Plan and the north lot line. All other traffic aisles shall comply with the requirements of the Land Use By-law;
- (c) A convex traffic mirror shall be installed to enable sight lines around the parking area and traffic isle on the north and east walls of the building identified as civic 1520 on Schedule B – Site Plan.

2.7 Buffering

Natural vegetation, shall be maintained along the southern property boundary of the subject property 1518/1520 Bridge Street (PID 55123236) to provide an effective visual screen.

2.8 Lighting

The Property Owner shall ensure that any lights used for illumination of the Property or signs shall be arranged so as to divert light away from streets and neighbouring properties.

2.9 Access and Egress

The Property Owner must submit current permits from Nova Scotia Transportation and Active Transit, or any successor body, to the Municipality before receiving any development or building permits for uses enabled by this Agreement.

2.10 Erosion and Sedimentation Control and Drainage

Adequate measures shall be taken by the Property Owner to contain within the site all silt and sediment created during construction according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents.

2.11 Servicing

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and these services will be provided at the Property Owner's expense.

PART 3 CHANGES AND DISCHARGE

3.1 The Property Owner shall not vary or change the use of the Property, except as provided for in Section 2.1, Use of this Agreement, unless a new development agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed by Council without a public hearing.

3.3 The following matters are substantive matters

(a) The Uses specified in section 2.1

- (b) Development generally not in accordance with Schedule B - Site Plan.

3.4 Upon conveyance of land by the Property Owner to either:

- (a) The road authority for the purpose of creating or expanding a public street over the Property; or
- (b) The Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.

3.5 Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Property Owner without a public hearing.

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

4.2 Drawings to be Provided

When an engineered design is required for any portion of a development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

4.3 Completion and Expiry Date

- (a) The Property Owner shall sign this Agreement within 90 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void;
- (b) The Property Owner shall be in complete compliance with the provisions of this Agreement within six (6) months of receiving an Occupancy Permit for any new residential units enabled by this agreement in section 2.1b.

PART 5 COMPLIANCE

5.1 Compliance With Other Bylaws and Regulations

Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

5.2 Municipal Responsibility

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

5.3 Warranties by Property Owner

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

5.5 Costs

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

5.6 Full Agreement

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

5.7 Severability of Provisions

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

5.8 Interpretation

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

5.9 Breach of Terms or Conditions

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

IN WITNESS WHEREOF this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper signing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY
OF KINGS**

Witness

Peter Muttart, Mayor

Witness

Janny Postema, Municipal Clerk

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

David Timothy Turner

Witness

Cathy M. Turner

Schedule A – Property Description

1518/1520 Bridge Street (PID 55123236), Kingston Taken from Property On-Line, November 13th, 2020

ALL that lot, piece or parcel of land situate at Kingston Station in the County of Kings, being Lot 4 as shown on a plan of property of the late Arthur H. Hilton, made by C.L. Foss, Provincial Land Surveyor, and dated May 3, 1941, and more particularly described as follows:

BEGINNING at the Southwest angle of Lot 3 as shown on the said plan standing on the East side of the highway leading to Kingston Village (now known as Bridge Street);

THENCE South 01 degree 30 minutes East along the said East side of the highway (now known as Bridge Street) a distance of 69 feet, be it more or less, to the Northwest angle of lands now or formerly of Gladys Tupper;

THENCE North 86 degrees 30 minutes East along the said lands now or formerly of Gladys Tupper and the North side of lands now or formerly of Carl Marshall a distance of 495 feet, be it more or less, to an iron pipe set at the Northeast angle of the said lands now or formerly of Carl Marshall;

THENCE North 05 degrees West a distance of 69 feet, be it more or less, to a pipe set at the Southeast angle of Lot 3;

THENCE South 87 degrees West along the South side of Lot 3 a distance of 492 feet, or until it reaches the place of BEGINNING;

CONTAINING by calculation 0.80 acres, be it more or less.

EXCEPTING THEREOUT AND THEREFROM that certain piece or parcel of land conveyed by John C. MacKinnon and his wife, Bliss M. MacKinnon to Vera E. Marshall, her heirs and assigns, by Deed dated May 17, 1946 and recorded in the registry of Deeds Office aforesaid, which said lands are bounded and described as follows:

BEGINNING at a stake set in the Northeast corner of lands now or formerly of Vera E. Marshall;

THENCE Northerly following along the West side of New Road (now known as Veterans Lane) for 69 feet to a stake;

THENCE Westerly following the South line of lands now or formerly of Roger Hilton for 222 feet to a stake;

THENCE Southerly for 69 feet to a stake set in the North line of lands now or formerly of Gladys Tupper;

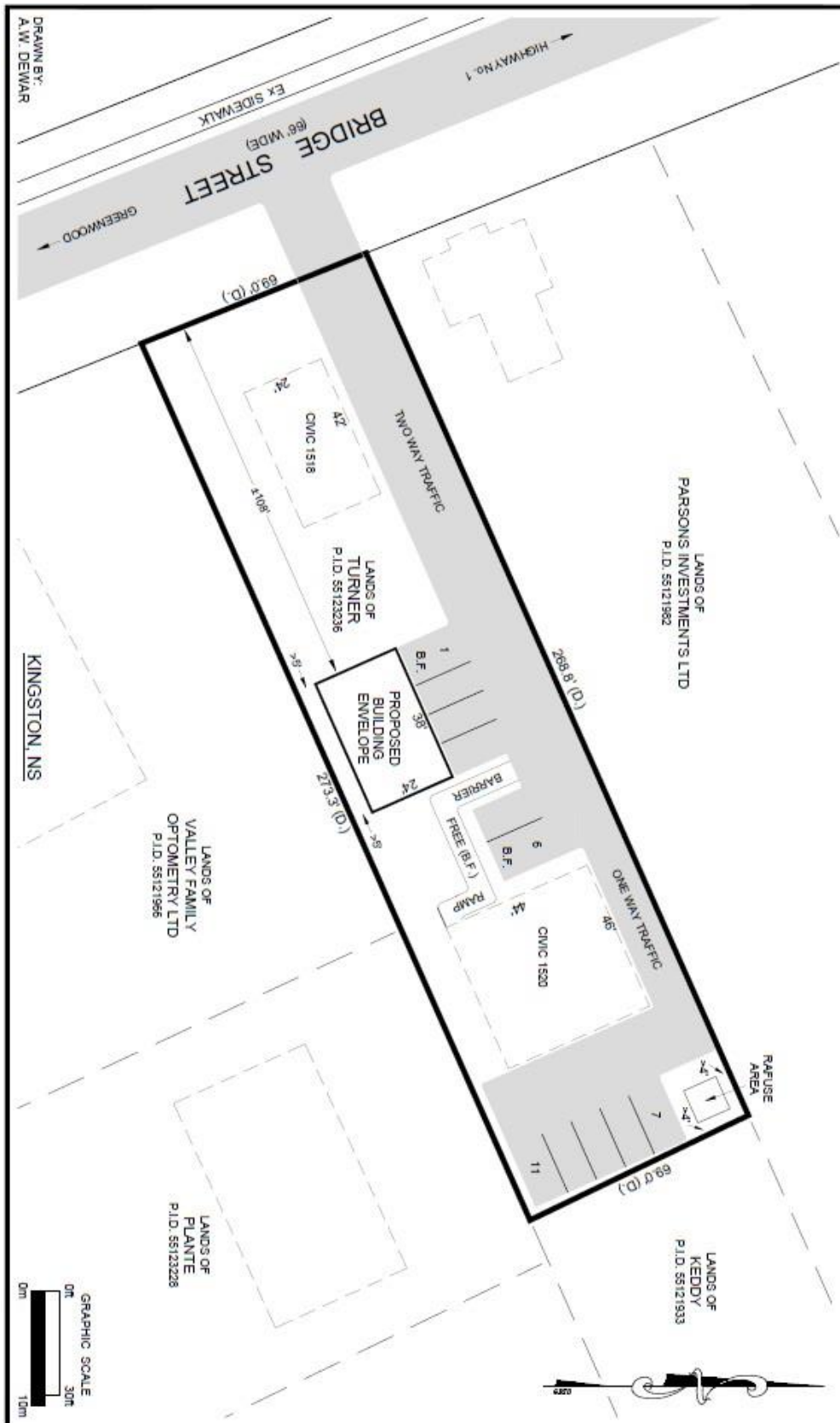
THENCE Easterly for approximately 222 feet to the place of BEGINNING.

CONTAINING 15,318 square feet, more or less.

MGA COMPLIANCE:

The description for this parcel originates with a deed dated August 28, 1953, registered in the registration district of Kings County in Book 184 at Page 39 and the subdivision is validated by Section 291 of the Municipal Government Act.

Schedule B – Site Plan





Municipality of the County of Kings

Report to the Planning Advisory Committee

Application to amend the text of the Land Use By-law to increase the allowable size for Small-scale Solar Collector Systems (ground-mounted solar) (File 20-19)

April 13, 2021

Prepared by: Planning Staff

Applicant	Jason Thibodeau and Megan Gillis
Land Owner	Jason Thibodeau
Proposal	Increase the allowable size for small-scale solar collectors
Lot Area	Applicant's property is approximately 2.8 acres / 122,200 square feet
Designation	Applicant's property is designated as Residential (R)
Zone	Applicant's property is zoned Residential One Unit (R1)
Surrounding Uses	Low density residential uses
Neighbour Notification	Staff sent notification letters to the thirty six (36) owners of property within 500 feet of the subject property

1. PROPOSAL

Jason Thibodeau and Megan Gillis have applied to amend the text of the Land Use By-law to increase the allowable size for Small-scale Solar Collector Systems. The current size limit is 215 square feet of solar area, which is not adequate to power most average homes, and the proposed amendments would increase the allowable solar area, relative to the size of the property, by relying on the yard setback requirements in each zone.

Increasing the size limit for Small-scale Solar Collector Systems would enable home owners to install ground mounted solar panels that could generate adequate amounts of electricity to power their entire home, which is consistent with the intent of the Municipal Planning Strategy goals and policies for renewable energy as shown in the *Energy Section 2.8*:



Policy

Council shall:

2.8.11 define two categories of off-building solar collector systems:

- (a) small-scale solar collector system. These are capable of supplementing or fulfilling the energy needs of a home or small business but will very rarely net a positive energy contribution to the grid when averaged over a year;

2. STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the proposed text amendments to increase the allowable size for Small-scale Solar Collector Systems as described in Appendix D of the report dated April 13, 2021.

3. OPTIONS

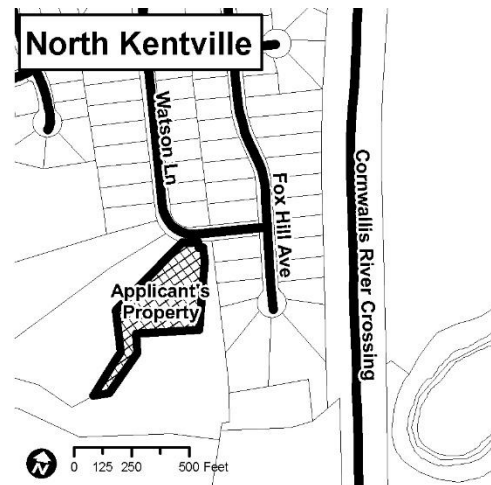
In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the text amendments as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the proposed text amendments;
- C. Recommend that Council refuse the text amendments as drafted.

4. BACKGROUND

The applicants live at 119 Watson Lane in North Kentville on a large property with a large, south facing back yard where they would like to install a ground-mounted solar collector to generate renewable energy to off set the energy use of their home.

The Land Use By-law allows the applicants to install a small-scale solar collector that is mounted to the ground, but currently limits the size to a maximum of 215 square feet. This amount of solar panel area is not adequate to generate the power needs of the applicant's home, or most other houses. The contractor hired to install the solar collector system on the applicant's property has indicated that in general, 500-800 square feet of ground mounted solar area is required to power average homes, but this number can vary significantly. Small homes without electric heat, may require less than 500 square feet of solar area, while very large homes with electric vehicles may require closer to 1,000 square feet of solar area.



Nova Scotia Power allows for net-metered solar systems that are connected to the grid. Generally a net-metered agreement involves a solar collector that is sized to generate equivalent energy as the historic usage of the home. If a home historically used 15,000 kw/h per year, Nova Scotia Power will typically allow a net-metered solar collector system that would produce up to, approximately 15,000 kw/h per year. These agreements with the power utility create a solar area size limit that is based on each home's regular energy use. The location of these collectors on a property, can then be regulated with the applicable height and yard setbacks for accessory structure, within the requirements of each land use zone.

5. INFORMATION

5.1 Solar Collector Regulations

The Municipal Planning Strategy (MPS) and Land Use By-law (LUB) establish two main categories of solar collectors – on building and off-building. On-building solar collectors are generally mounted to a roof, and have no maximum size limit in the LUB. Off-building solar collectors are generally mounted to the ground and have size limits in the LUB. These off-building solar collectors are split into 2 categories: Small-scale (<215 square feet) and Large-scale (>215 square feet).

The maximum size of 215 square feet was selected as this is the biggest size an accessory structure could be without require a building permit. However this metric does not apply well to solar area, as 215 square feet does not provide the ability to offset the energy use of most homes.

The intent of the Small-scale size is to provide the ability for home owners to install a solar collector that could power their home's energy use, but generally would not produce excess energy. While the Large-scale size was intended to allow excess power generation to be provided into the grid and sold to the power utility.

5.2 Public Information Meeting

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all Land Use By-law text amendments. The required Public Information Meeting was recorded on February 25, 2021 and shared with the property owners within 500 feet of the applicant's property. This recorded meeting was available for public viewing and comments or questions for a period of at least 30 days.

Staff received feedback from neighbours, one was very supportive of the requested increase, and another expressed some concern over the appearance of large solar collectors that could cover back yards in residential neighbourhoods. These public comments are included in Appendix B.

6. POLICY REVIEW – TEXT AMENDMENT

6.1 Municipal Planning Strategy

MPS 5.3 ...Amending the Land Use By-law

Text Amendments

The Land Use By-law text sets out the detailed regulations for each zone and Council recognizes that revisions may be necessary to respond to changing development issues and specific development proposals.

This section of the MPS considers the likely scenario of needing to make changes to development regulations, as businesses change and land use regulations may not accommodate every reasonable proposal. This application is intended to adjust a size limit that does not adequately fulfill the intent of the MPS through a text amendment to the LUB.

6.2 Enabling Policy

Policy 5.3.2 of the Municipal Planning Strategy states:

“Council shall: amend the text of the Land Use By-law provided the proposal meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.”

This policy of the MPS specifically enables a planning application to add or revise wording within the Land Use By-Law. Any change needs to be consistent with the intent of the MPS and satisfy the general amendment criteria, described below.

6.3 MPS Intent for Solar Collectors

MPS Policy 2.8.11 defines the intended capacity of small-scale solar collectors.

“MPS 2.8.11 define two categories of off-building solar collector systems:

(a) small-scale solar collector system. These are capable of supplementing or fulfilling the energy needs of a home or small business but will very rarely net a positive energy contribution to the grid when averaged over a year;

(b) large-scale solar collector system. These can provide a significant amount of energy to farms or larger businesses in addition to supplying electricity to the grid;”

The above policy provides the direction for the proposed amendments based on current solar areas and average home energy use. The Land Use By-Law does not currently fulfill this intent, and an increase in size is required. However, there is some consideration in the Planning Strategy that some controls be applied.

MPS Section 2.8 “...off-building collector systems consume land space and can alter surrounding community character. These challenges grow in scale as projects grow in size.”

The proposed amendments would rely on the applicable height and yard setbacks of the land use zone. This approach will ensure that the power needs of the majority of homes can be met through roof-top or ground mounted solar collectors. The location of solar collectors are controlled with existing regulations in the LUB and will still be required to meet the applicable zone setbacks for accessory structures to ensure they are placed at least the same distance from lot lines, as a shed or garage would be.

5.5 General LUB amendment criteria

Section 5.3.7 of the Municipal Planning Strategy contains a number of general criteria for all applications to amend the Land Use By-Law (Appendix C). These criteria consider the impact of the proposal on municipal services, the environment, and land use compatibility, as well as the proposal's consistency with the intent of the planning strategy. In terms of the general criteria contained in the Municipal Planning Strategy, it is Staff's opinion that there is no direct financial impact to the Municipality and that compatibility may be the most applicable criteria. Solar collectors have characteristics that may impose some undesirable impacts for a neighbouring property owner. However, using the zone setback requirements will ensure the placement of a solar collector is equal to the placement of a potential shed or garage which would have a similar impact as a solar collector. A detailed review of these general criteria is attached and reviewed as Appendix C.

7. CONCLUSION

The proposed text amendments remove a cap on the a maximum size limit for Small-scale Solar Collector Systems and relies on the yard setback requirements and the power utility's net metering program to appropriately size each solar system to a property's historic energy use. The amendments would allow property owners enough solar panel area to meet the energy use of their home or small business. Any ground mounted solar collector needs to satisfy the height and setback requirements for accessory structures which insets the structure from all property lines.

The proposed amendments satisfy, where applicable, the general amendment criteria and the renewable energy goals of the Municipal Planning Strategy. As a result, a positive recommendation is being made to the Planning Advisory Committee.

8. APPENDICES

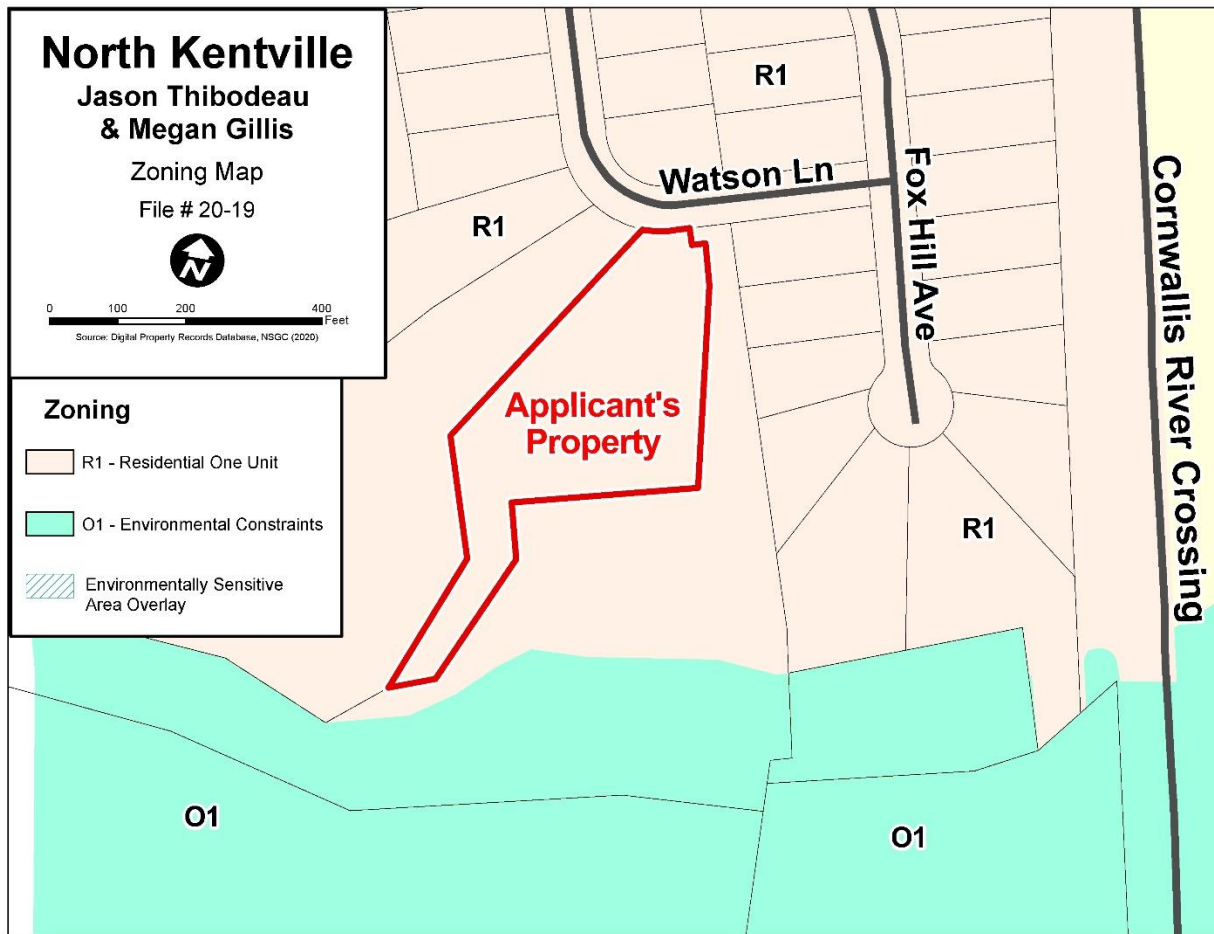
Appendix A: Zoning Map

Appendix B: Public Comments

Appendix C: General Amendment Criteria

Appendix D: Proposed Text Amendments

Appendix A – Zoning Map



APPENDIX B – PUBLIC COMMENTS



Tue 2021-03-02 5:06 PM

Ian Brewster <brew10@gmail.com>

Application at 119 Watson Lane in Kentville

To Mark Fredericks

 You replied to this message on 2021-03-03 3:26 PM.

Hello Mark,

My name is Ian Brewster and I live at 188 Foxhill Avenue. I received a letter regarding Jason and Megan's application to amend the LUB to allow for a larger ground mounted solar collection system on their property. I just wanted to express my enthusiastic support for their proposal, and the overall amendment of the LUB to allow more residents of Kings County to explore a ground based solar collection system to meet the power needs of their home. I applaud them for their initiative and hope the County not only amends the bylaw, but develops strategies to encourage more residents to explore green energy options in their homes. I hope counsel can, through expert advice, arrive at a definition of "small scale" that allows for a suitable square footage to power the average home and removes barriers to residents exploring this as a viable option.

Thank you for the opportunity to provide feedback on this proposal.

Ian Brewster



Tue 2021-03-02 2:18 PM

Ed Getson <ejgetson@gmail.com>

File #20-19

To Mark Fredericks

You replied to this message on 2021-03-03 3:40 PM.



Action Items

+ Get more apps

Mr. Fredericks,

As a property owner in the area of an application for a change to a county bi-law, I just received notification about File #20-19 in the mail today.

I visited the given website and listened to the discussion. I am not sure if this amendment is proposed for only the property at 19 Watson Lane. It appears the property owner, in this case, has a property with an ideal exposure and land area that would be more than sufficient to have the suggested 600-700 sq ft of panels that would be needed.

Here is my concern:

If this is a general change to bi-laws throughout the county, how would the suggested 600-700 sq ft of panel needed to power the home look on a property of minimal size?

Might I suggest that there be a definite size set for ground-based panels for different zones (R1, R2,...) AND in addition, a limiting percentage of the overall panel size to the usable area of the property? Panels on a large lot are more acceptable than those being squeezed onto a small lot.

One of the speakers suggested that, unlike most technology, solar panels are not getting smaller but larger. Also hearing the comments, it appears that many who now have panels on buildings may in the future be looking more seriously to ground-mounted. How will numerous panels of 700 sq ft or more look in subdivision yards where already there is a house, garage, etc. all on a 100 by 150 property? For small minimal size lots, are we leaving enough unobstructed green space for all the purposes it may serve, as well as the eye-pleasing views within the neighborhood?

Ed Getson,
Property owner at 150 Watson Lane

APPENDIX C – GENERAL AMENDMENT CRITERIA

Municipal Planning Strategy - General Criteria for LUB amendments

By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.

Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a.is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed Land Use By-Law text amendments are consistent with the MPS intent for renewable energy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendments are not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c.that the proposal is not premature or inappropriate by reason of:</i>	
<i>i.the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposal allows larger ground mounted solar collectors, which are expected to have some impact in certain yards and neighborhoods, but the requirement to meet the applicable zone setbacks will separate the structures from surrounding land uses. These same setbacks are used to determine the proximity of sheds and garages.
<i>iii.the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable
<i>iv.the creation of any excessive traffic hazards or congestion due to road or pedestrian network</i>	Not applicable

<i>adequacy within, adjacent to, and leading to the proposal;</i>	
<i>v.the adequacy of fire protection services and equipment;</i>	Not applicable
<i>vi.the adequacy of sewer and water services, including but not limited to on-site services;</i>	Not applicable
<i>vii.the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	It is possible rainfall could collect in concentrated areas from a solar collector. Controlling this type of water runoff is the responsibility of the property owner, in the same way runoff control would apply to a backyard shed or garage.
<i>viii.negative impacts on identified wellfields or other groundwater supplies for the area;</i>	No observable risks. Source water protection plans have not identified solar collectors as potential risks to drinking water quality or supply.
<i>ix.pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	Not applicable
<i>x.negative impacts on lake water quality or nearby wetlands;</i>	Not applicable
<i>xi.negative impacts on neighbouring farm operations;</i>	Not applicable
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	Not applicable since the amendment is not site specific.

APPENDIX D

Proposed Land Use Bylaw Text Amendment (By-law 106)

THE MUNICIPALITY OF THE COUNTY OF KINGS

AMENDMENT TO BY-LAW 106 COUNTY OF KINGS LAND USE BYLAW

Land Use Bylaw Text Amendment to increase the size of Small-scale Solar Collector Systems.

BY-LAW 106 Land Use By-law

1. Amend LUB Section 17 - Definitions of the Land Use By-Law for small-scale solar collector systems as highlighted below to show new wording, and using strikethrough text to show deleted wording.

Solar Collector System means a structure or array of structures on one lot whose main purpose is to collect solar radiation and convert it to useable forms of energy and includes a small-scale collector system, large-scale collector system and on-building solar collector system. Without restricting the generality of this definition, the components of a solar collector system may include solar collectors, structural supports, ancillary electrical equipment, and an energy storage system.

On-building Solar Collector System means a solar collector system mounted on, attached to, or integrated with a building where the building's main purpose is something other than the collection and conversion of solar radiation.

Small-scale Solar Collector System means a solar collector system intended to generate electricity at a rate consistent with the usage of the property(ies) on which it is located with limited excess energy generated.

~~**Small-scale Solar Collector System** means a solar collector with a total solar collector area less than or equal to 215 square feet.~~

Large-scale Solar Collector System means a solar collector system located in a rural area intended to generate electricity at a rate consistent with the usage on the property(ies) on which it is located with the potential to generate excess electricity for sale to the utility.

~~**Large-scale Solar Collector System** means a solar collector system with a total solar collector area greater than 215 square feet.~~

2. Delete LUB General Regulation 14.3.36 (d) and to clarify use of the applicable yard setbacks found in the zone, for accessory structure. Changes are shown below using highlighted text for new wording, and using ~~strikethrough text~~ to show deleted wording.

LUB 14.3.36 Small-scale Solar Collector Systems

(a) Small-scale solar collector systems shall be permitted as an accessory use in all zones subject to setback requirements for accessory buildings and shall require a development permit, in accordance with policies 2.8.11, 2.8.12 and 2.8.14 of the Municipal Planning Strategy.

(b) Small-scale solar collector systems shall be permitted on lots that do not contain a main building.

(c) Small-scale solar collector systems shall not be permitted in the required front setback in the Residential One Unit (R1) Zone, Residential One and Two Unit (R2) Zone, Residential Mixed Density (R3) Zone, and the Residential Multi-Unit (R4) Zones.

(d) Small-scale solar collector systems shall meet the applicable zone setbacks for accessory structures.

~~*Small-scale solar collector systems shall be set back at least 20 feet from front and flankage lot lines, and at least ten (10) feet from all other lot lines.*~~

(e) Small-scale solar collector systems shall not exceed 20 feet in height.

(f) Small-scale solar collector systems shall be exempt from lot coverage and building footprint requirements in this By-law.



Municipality of the County of Kings

Report to the Heritage Advisory Committee

Application to alter a Municipal Heritage Property

1108 Middle Street, Port Williams. (File 21-06)

April 13, 2021

Prepared by: Planning Staff

Applicant	Jenna and Chad Warren
Land Owner	Jenna and Chad Warren
Proposal	Alter the exterior of a Municipal Heritage Property
Location	1108 Middle Street, Port Williams (PID 55036867)
Lot Area	Approximately 10,500 sq ft (0.24 acres)
Designation	Residential (R)
Zone	Residential Mixed Density (R3), Wellfield Protection Overlay C, portion within the Urban Floodplain Level 2
Surrounding Uses	Residential and commercial uses

1. PROPOSAL

Jenna and Chad Warren have applied to alter a Municipal Heritage Property. The applicants own 1108 Middle St, in Port Williams, known as the McElvy House, which was designated as a Municipal Heritage Property in 2010, at the request of the previous owners.

The proposed alteration includes the removal of a small entryway porch. The porch is located in a narrow yard space, and does not receive regular use. The applicants intend to install an original matching wooden window in the old door opening, and repair the home's siding to match the existing painted wood shingles.



2. STAFF RECOMMENDATION

Staff recommends that the Heritage Advisory Committee forward a positive recommendation by passing the following motion:

The Heritage Advisory Committee recommends that Municipal Council offer their approval to permit the requested building alteration to the McElvy House, a Municipal Heritage Property at 1108 Middle Street, Port Williams.

3. OPTIONS

In response to the application, the Heritage Advisory Committee may:

- A. Recommend that Council approve the alteration;
- B. Recommend that Council refuse the alteration;
- C. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes.

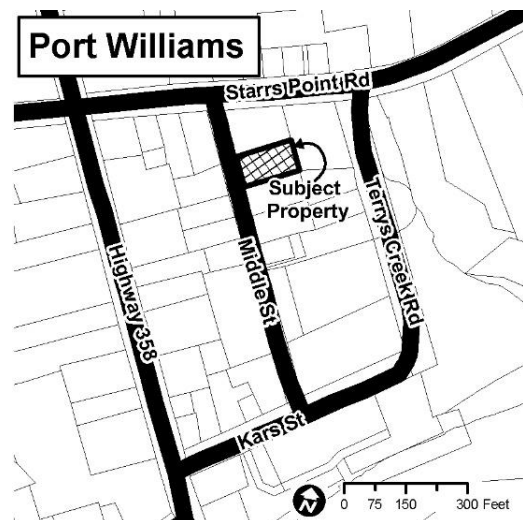
4. BACKGROUND

In 2009, the previous owners of the McElvy House applied to add the property to the Municipal Heritage Property Registry. This registration was completed in 2010 and the building was the first building/structure added to the Kings County Municipal Heritage Registry. The McElvy House scored points for its date of construction in approximately 1935, its use of the Arts and Crafts style of architecture and the unique building materials that were sourced from the local shipbuilding industry.

The current owners purchased the property later in 2010, after the registration as a Municipal Heritage Property. They have lived in the home for the past 10 years and would like to remove the unused entry porch and add an original window to the opening. The removal of the porch and replacement with the window would provide a more suitable interior finish, and provide better access around the outside of the house.

5. INFORMATION

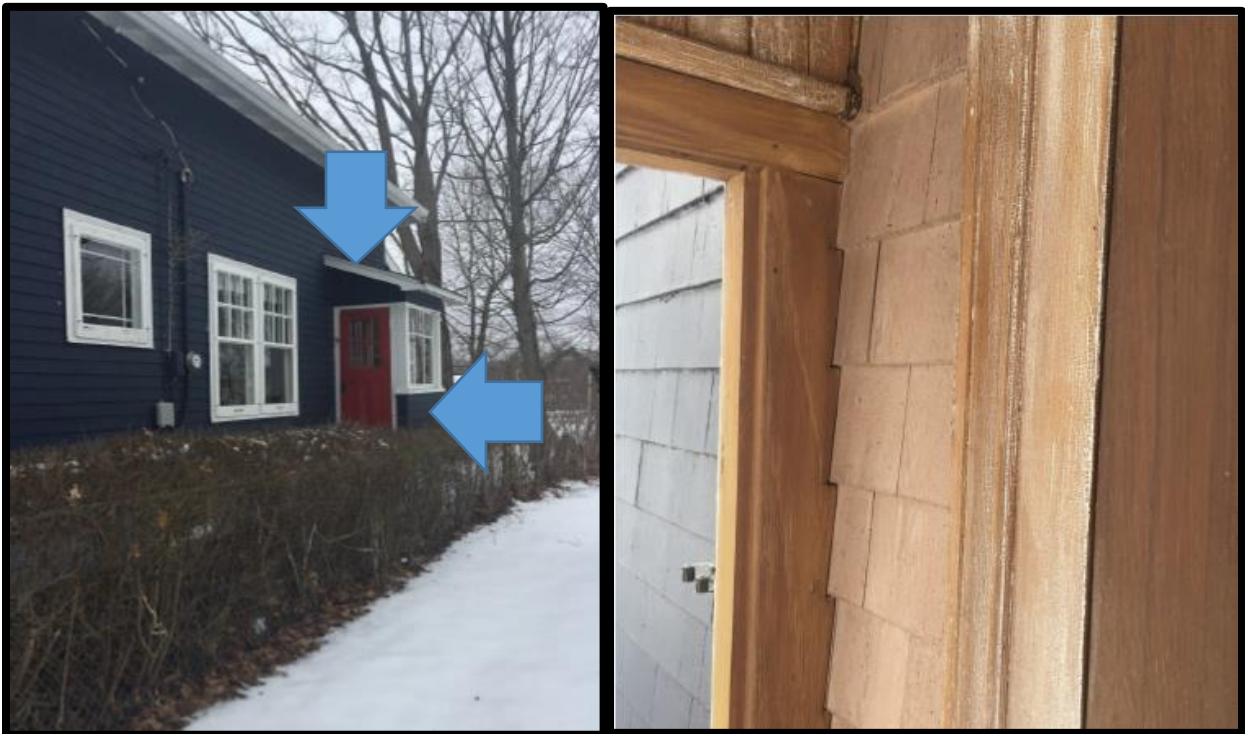
- The property is located on Middle Street in Port Williams.
- The property is zoned Residential Mixed Density (R3) and is approximately ¼ of an acre in size.
- The property is located within the Port Williams Wellfield Protection Overlay C.
- The back of the property falls into the Urban Floodplain level 2 cautionary zone due to proximity to the high water elevation of the Cornwallis River.
- The surrounding neighborhood is an older part of Port Williams, built near the Cornwallis River and Terry's Creek. This area includes a mixture of residential dwelling types and commercial uses on nearby Kars Street and Highway 359.



This image shows the front of the McElvy house, where the porch is not visible. The proposed alteration is on the opposite side of the house. This side of the home which is more visible, would remain the same.



These images show the small entry porch on the south side of the home and illustrate how narrow the south side yard is. The interior photo illustrates a continued wood shingle siding on the inside of the porch, indicating this may have been added to the home after the original construction.



6. POLICY REVIEW – HERITAGE BYLAW

The Municipal Planning Strategy section 2.9 Heritage, recognizes the Municipality's role in maintaining a Municipal Heritage Property Bylaw to assist in protection of heritage properties.

***MPS 2.9.4** maintain a Municipal Heritage Property By-law to assist with the protection of individual heritage properties and buildings; and 2.9.4 maintain a Municipal Heritage Property By-law to assist with the protection of individual heritage properties and buildings*

The Municipal Heritage Property Bylaw #80

The following process will be followed for any application to substantially alter the appearance of the designated land, building public-building interior, streetscape, cultural landscape or area:

5.1 An application for permission to alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipal Clerk.

5.2 Upon receipt of the application, the Clerk shall refer the application to the Heritage Facilitator for recommendation to the Heritage Advisory Committee.

*5.3 The Heritage Facilitator shall determine whether a proposed change is a substantial alteration. **If the Heritage Facilitator is unable to determine whether a proposed change is substantial or non-substantial, the application shall follow the process for a substantial change.***

If the proposed changes are determined by the Heritage Facilitator to be non-substantial, the Heritage Facilitator will send a letter to the applicant advising that a Heritage Permit is not required.

If the proposed changes are determined to be substantial, a report will be prepared by the Heritage Officer for consideration by the Heritage Advisory Committee and recommendation to Council.

Staff are following the process for a substantial alteration because it was unclear whether the proposed alteration was substantial or non-substantial. This process includes bringing a report to the Heritage Advisory Committee for their consideration.

The Municipal Heritage Property Registry includes the following description for the McElvy House.

2. McElvy House

Address: 1108 Middle Street
Community: Port Williams
Date of Creation: 1935
Federally registered: No
Provincially registered: No

Municipally registered: Yes
Date: March 8, 2007
Document Registration Number: 95512613
File: HA-09-13
PID: 55036867

Statement of Significance: n/a

Description

The building is associated with George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953), who provided employment in the shipping industry through the Great Depression to many people in the community including the builder of the home.

The building is a late example of the Arts and Crafts style of architecture in Canada and it also includes elements of the Cottage and Bungalow styles.

The building is a rare example of the Arts and Crafts style because it was constructed from material that was available in the local shipyard at the time; it stands in very good condition.

The building is centrally located in Port Williams within a historic residential area near the historic industrial waterfront and maintains a dominant character as an Arts and Crafts building with few exterior alterations.



Date of Photo(s): 2013 and 2014

The proposed alteration would not remove the historic association or the architectural style of the building. The home remains in its central location near the waterfront and the primary architectural style would remain as Arts and Crafts.

7. CONCLUSION

It is Staff's opinion that the proposed alteration would allow the home to maintain the overall architectural style. The proposed alteration would remove a porch and replace it with an original window that matches the home's other windows. The alteration would use the most appropriate materials that in this case are original to the house. As a result, a positive recommendation is being made to the Heritage Advisory Committee.

8. APPENDICES

Appendix A: Letter from applicants

Appendix B: 2010 HAC Report

Jenna and Chad Warren
P.O. Box 492
1108 Middle Street
Port Williams, NS
B0P 1T0

Heritage Advisory Committee - Kings County Council
181 Coldbrook Village Park Dr.
Coldbrook, NS
B4R 1B9

Dear Heritage Advisory Committee,

We are writing to apply to make changes to our Heritage Property, the McElvy House, located at 1108 Middle Street in Port Williams. Enclosed you will find an application form and photos showing the structure proposed.

We are proposing the removal of the south-facing side entryway to be replaced with an original wooden window. As you will see in the attached photos, we believe that this structure was added after the original home was completed due to the fact that the wood has been notched to fit around the original wood shingles.

We feel as though the proposed change will not significantly alter the original character of the home. For this reason, we hope that you will support our application to make this change.

Feel free to contact us with further questions.

Thank you for your time.

Jenna and Chad Warren







Municipality of the County of Kings Report to the Heritage Advisory Committee

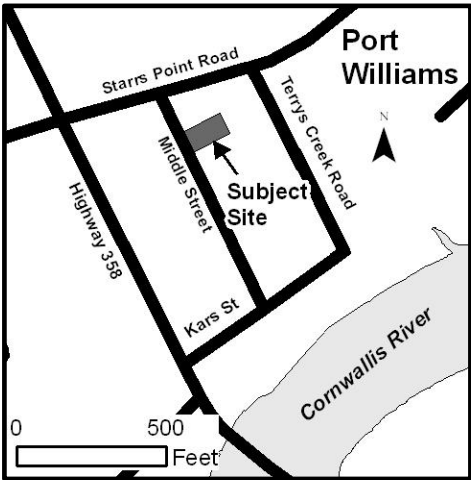


Application for Municipal Heritage Property Registration – 1108 Middle Street, Port Williams

12 January 2010

Application

Proposal	To register a building located at 1108 Middle Street, Port Williams, as a Municipal Heritage Property
Staff	Seamus McGreal, Planner

Site Information

Description	<p>The subject property is approximately 10,000 sq. ft. in size and located on Middle Street in Port Williams. There are two building on the property. However, the proposal to designate a Municipal Heritage Property applies to the main building only. Andrew Fry and Monik Richard are listed as the owners in the provincial property records; they are committed to maintaining and restoring the heritage value of the property.</p>	
Surrounding Land Uses	<p>The subject property is immediately surrounded by low to high density residential uses. The industrial nature of the waterfront, to the south, is on the decline as large industrial uses, such as the feed mill, have closed in recent years and much industrial land remains vacant. However, central commercial services have developed along the waterfront.</p>	
Designation & Zoning	<p>The Future Land Use Map indicates that the property lies within the Residential (R) District and the Rural Zoning Map indicates that the property is within the Residential Mixed Density (R3) Zone (see Appendix A, Reference Zoning Map). However, registering this property as a municipal heritage property will not change the land use designation or zoning of the property.</p>	
Images	<div><div>North and south side façades of main building</div><div></div></div>	

Review & Recommendation

Background	<p>The applicant wishes to have the building considered for designation as a municipal heritage property because of its unique architectural characteristics. The applicant would like to preserve and protect these architectural characteristics should future owners of the property decide to make significant renovations to the exterior of the building.</p> <p>According to information submitted with the application, Mr. McElvy - who worked at George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953) - constructed the building, in 1935 using exotic materials retrieved from the shipyard. The builder spared no expense using exotic wood for construction, from the ships at the dock, with great care and attention to detail.</p> <p>Staff requested information about the proposal from the Curator of the Kings County Museum/Kings Historical Society. The KHS board commends the applicant for the initiative in seeking designation for the property and encourages them in this endeavour. However, the KHS board deferred any statement of judgment to individuals who are experts in the field of built heritage and/or the history of Port Williams. The board also suggested that Staff forward the request for information to the Kings Hants Heritage Connection.</p> <p>Staff attended a meeting of the Kings Hants Heritage Connection on 5 November 2009 at the Kings County Museum. The KHHC board recognized the proposal as the first building to be nominated for municipal heritage designation in Kings County. As such, the KHHC has no formal procedure for dealing with a request for information. They did not offer a formal opinion on whether or not the property should be designated. However, the KHHC board submitted a letter to the Municipality stating that they intend to form a sub-committee to draft guidelines to establish a formal procedure in responding to future application for Municipal Heritage Property designation. They also offered useful information about the application.</p> <p>The members of the KHHC board maintain that the building resembles an Arts and Crafts style of architecture with its use of handicrafts such as stained glass windows and fittings. Arts and Crafts architecture is more common in large urban centres, such as Toronto and Montreal. The movement had both progressive and conservative connotations - progressive in terms of relaxed, informal plans for house designs, which integrated built-in craft elements; and conservative in terms of connecting Canada with British values. The proposed heritage building is by no means the finest example of Arts and Crafts architecture in Kings County. However, the building is unique because it was built in 1935 whereas most Arts and Crafts buildings in Canada were constructed much earlier, between 1890 and 1910. The fact that it was built during the Great Depression by a working man also showcases the shipping industry of Port Williams and how it stimulated the local economy during a time of wide economic and social despair.</p> <p>Kevin Barrett with Heritage Property Program, Province of Nova Scotia, was contacted for his comments. He provided an overview of the municipal designation process for heritage properties and commented on the architectural details.</p>
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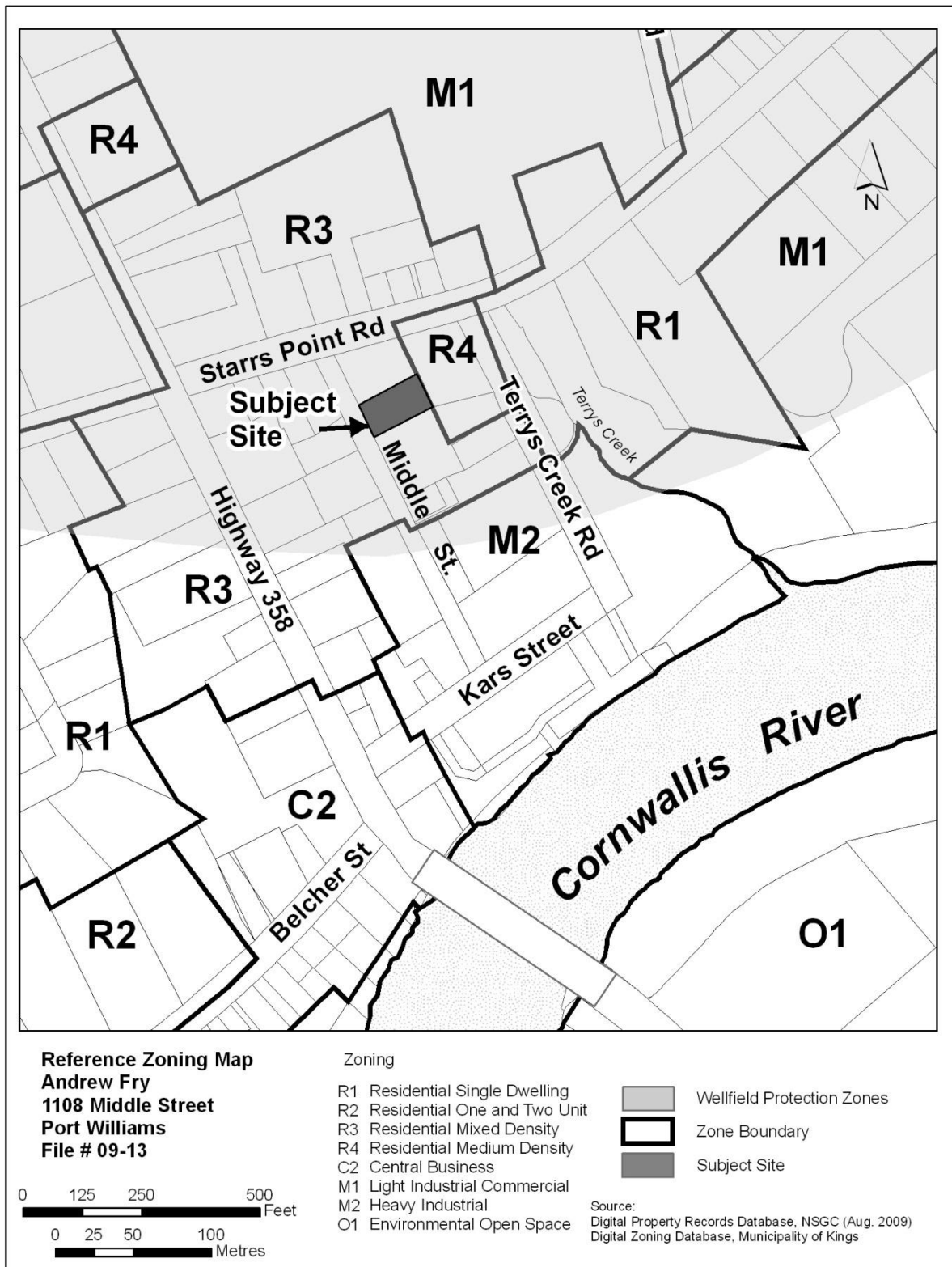
Policy Context	<p>Some buildings and sites have been designated and registered as heritage properties or sites by the Canadian or the Nova Scotia governments. Prescott House and Grand Pre Historic Park are designated and open to the public. The opportunity also exists for the County to become involved in the registration and preservation of heritage properties and/or streetscapes under the Provincial <i>Heritage Property Act</i>.</p> <p>The Municipality may use the provisions of the <i>Heritage Property Act</i> and the <i>Municipal Government Act</i> to protect and enhance the County's natural, historical and cultural heritage. To provide for municipal registration of heritage properties Council, by bylaw, establishes the program and a Heritage Advisory Committee (H.A.C.) under the <i>Heritage Property Act</i>.</p> <p>In the Historic Properties, Sites and Settings policies of the MPS, Section 4.4.6 maintains that Council shall encourage proposals for historical restoration and the preservation of sites of historical significance. Council established a heritage program and processes in MPS Policy 4.4.6.2 pursuant to the <i>Heritage Property Act</i>. The purpose of this program is to identify and designate buildings, streetscapes, and areas of historic architectural or cultural value to provide for their preservation, protection and rehabilitation and encourage their continued recognition and use.</p> <p>Council adopted the Heritage Property By-Law #80 pursuant to the <i>Heritage Property Act</i> wherein it appointed the Planning Advisory Committee as the Heritage Advisory Committee. The HAC may advise Council respecting the inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property.</p> <p>Municipal Council approved the procedures for the Heritage Property Program in 2006, the final component of the Heritage Program. This allowed applicants to apply to have a building or site of historical significance to be considered for designation as a Municipal Heritage Property.</p> <p>Notice of a recommendation by HAC to Council that a building, streetscape or area be registered as a Municipal Heritage Property shall be in Form A (see Appendix B). Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall be in Form B (see Appendix C).</p> <p>A site plan depicting the main building to be registered is attached to Form A and to Form B as Schedule "A", Property Description (see Appendix D).</p>
Evaluation Summary	<p>Staff conducted a site visit and evaluated the property using the prescribed Evaluation Criteria adopted in the heritage procedures. The completed Evaluation Criteria form is attached (see Appendix E).</p> <p>The proposal achieved points for History and Culture. The building was constructed in 1935, during the interwar period. The building is loosely associated with the George A. Chase company through one of its employees, Mr. McElvy. This company is of primary importance to Port Williams and its shipping industry which was able to provide gainful employment during the Great Depression.</p>

	<p>The proposal also achieved points for Architecture. The building is not exemplary of the Arts and Crafts style in Canada and there are better examples in Kings County. However, it is a rare example of this style because it was constructed much later than most Arts and Crafts buildings which were usually constructed between 1890 and 1910. The proposal also includes elements of both the Cottage and Bungalow styles, which were generally constructed between 1900 and 1940, such as the enclosed entrance porch; traditional windows (six over one seems to be dominant); simple wooden exterior doors; low pitched roof with significant overhang; side 2nd floor dormer; and boxed bays on its side and rear facades.</p> <p>The building is also rare because it was constructed with material collected from a shipyard instead of with the common material used in the construction of Arts and Crafts buildings. The building is in very good condition and the owners are committed to its restoration.</p> <p>Finally, the proposal achieved points for Context and Environment. The building stands on its original site in a central location in Port Williams. It is within a historic residential area near the historic industrial waterfront. It maintains a dominant character in the community as an Arts and Crafts style home and as a building with few exterior alterations.</p> <p>The total score awarded to the building located at 1108 Middle Street, Port Williams, was 100.</p> <p>According to the Evaluation Criteria (under ‘Scoring’), properties scoring 75 – 100 points will be given second priority for designation. This priority system would be applicable upon receiving several applications for heritage property designation at the same time. As the application for the building at 1108 Middle Street, Port Williams, is the only heritage application in the process currently, the priority scoring is not applicable, only that the property scored above the minimum score for a property to be considered for designation.</p>
Staff Recommendation	Staff recommend that the building at 1108 Middle Street, Port Williams, be registered as a Municipal Heritage Property.
Action Required	HAC consider the Staff Report and recommendation and forward its decision regarding this application to Municipal Council.

Next steps:

- Initial consideration (Council) – 25 February 2010 (tentative)
- Public Meeting - 25 February 2010 (tentative)
- Final consideration (Council) - 25 February 2010 (tentative)
- Designation and Property Recognition (Plaque unveiling)

Appendix 'A' Reference Zoning Map



Appendix 'B'

FORM A

NOTICE OF RECOMMENDATION TO REGISTER AS A MUNICIPAL HERITAGE PROPERTY

TO: Andrew Fry and Monik Richard
1108 Middle Street
Port Williams, Nova Scotia
B0P 1T0

YOU ARE HEREBY NOTIFIED THAT:

1. The McElvy Home (herein referred to as "the Property") located at:

Civic Address:	1108 Middle Street, Port Williams, Nova Scotia
P.I.D. No.:	55036867
Subdivision and Lot No.:	Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80
Registration and Filing Nos. of Plan of Subdivision:	Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80
Approximate Size:	1,000 square feet
Legal Description	(Attached as a Schedule)

has been recommended by the Heritage Advisory Committee of the Municipality of the County of Kings to be registered in the Municipal Registry of Heritage Property for the Municipality of the County of Kings.

2. The reasons for this proposed designation are:

- a. The building is associated with George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953), which provided employment in the shipping industry through the Great Depression to many people in the community including Mr. McElvy who constructed the building in 1935.
- b. The building is a late example of the Arts and Crafts style of architecture in Canada and it also includes elements of the Cottage and Bungalow styles.
- c. The building is a rare example of the Arts and Crafts style because it was constructed by material that was available in the local shipyard at the time; it stands in very good condition and the owners are committed to its restoration.
- d. The building is centrally located in Port Williams within a historic residential area near the historic industrial waterfront maintaining a dominant character as an Arts and Crafts building with few exterior alterations.

3. Section 14 (4) of the Heritage Property Act prohibits any substantial alteration to the exterior appearance of, or demolition of, a building, streetscape or area for a period of one hundred and twenty (120) days from the date and service of this notice except where within the one hundred and twenty (120) days, the Municipality refuses to register the Property.
4. The effect of registration in the Municipal Registry of Heritage Property of the Property described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the approval, with or without conditions, is granted. Where such application is not approved the owner(s) may make the alterations, or carry out the proposed demolition, described in the application at any time after one year but not more than two years from the date of the written application.
5. You are hereby notified that the Council of the Municipality of the County of Kings will give the owner or any other person an opportunity to be heard regarding the recommendation of the Heritage Advisory Committee regarding the Property described in this notice at a Public Hearing to be held on the 25th day of February 2010 at 7:00 pm, at the Council Chambers, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia.
6. Information and particulars concerning the recommendation and reasons to support it may be examined at the office of the Department of Community Development Services, Municipality of the County of Kings, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excepting holidays.
7. You are also invited to forward any comments you might wish to make concerning this matter to the Heritage Officer, Municipality of the County of Kings, PO Box 100, Kentville, NS B4N 3W3.

DATED at Kentville, Nova Scotia, this
____ day of _____, 20__.

Municipal Clerk

Appendix 'C'

FORM B

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO: Andrew Fry and Monik Richard
1108 Middle Street
Port Williams, Nova Scotia
B0P 1T0

WHEREAS the Council of the Municipality of the County of Kings has enacted a Heritage Property Bylaw pursuant to the provision of the Heritage Property Act of Nova Scotia;

AND WHEREAS the Bylaw has received the approval of the Minister of Housing and Municipal Affairs for the Province of Nova Scotia;

AND WHEREAS a notice of Proposed Recommendation for Registration of the Property hereinafter more fully described was issued on the ____ day of _____, 20__;

AND WHEREAS the Council of the Municipality of the County of Kings did sit to hear any comments regarding the recommendation of the Heritage Advisory Committee and representation of other persons regarding the Property described in the Notice on the ____ day of _____, 20__; at (time) _____ at (place) _____;

AND WHEREAS the said Council of the Municipality of the County of Kings has, after hearing those appearing at the hearing, has registered the subject Property in the Municipal Registry of Heritage Property.

YOU ARE HEREBY NOTIFIED THAT:

1. The McElvy Home (herein referred to as "the Property") located at:

Civic Address: 1108 Middle Street, Port Williams, Nova Scotia
P.I.D. No.: 55036867
Subdivision and Lot No.: Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Registration and Filing Nos.
of Plan of Subdivision: Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Approximate Size: 1,000 square feet
Legal Description (Attached as a Schedule)

has been designated as a Municipal Heritage Property and has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of Council the ____ day of _____, 20__.

2. This Notice of Registration is being sent to you pursuant to the requirements of the Heritage Property Act and a true copy of this Notice of Registration shall be deposited at the Registry of Deeds Office for Kings County, situated at Kentville, Nova Scotia.

3. The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance of the Property may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out a proposed demolition at any time after one year but not more than two years from the date of the application.
4. Registration of the Property includes the following consequences:
 - 4.1 Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Municipality of the County of Kings ("the Municipality").
 - 4.2 An application for permission to substantially alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipality (addressed to the Municipal Clerk).
 - 4.3 Upon receipt of the application, the Municipality shall refer the application to the Heritage Advisory Committee of the Municipality for recommendation and within thirty days of such a referral the Heritage Advisory Committee shall submit a written report and recommendation to the Council of the Municipality whereupon the Municipality may grant the application either with or without conditions or may refuse it.
 - 4.4 The Municipality shall then advise the applicant of Council's decision.
 - 4.5 Notwithstanding items number 4.1 to 4.4, where an application has been made for permission to alter the exterior appearance or to demolish the Property and the application is not approved, the owner of the Property may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.
 - 4.6 The Municipality has the right to place a sign, plaque or other marker on the Property indicating the significance of the Property.
 - 4.7 The Heritage Property Act provides upon contravention of the Act for an offence punishable by a penalty of not more than \$10,000 for an individual and \$100,000 for a corporation and imprisonment upon default, together with other remedies enforcing restraint and/or restoration.

DATED at Kentville, Nova Scotia, this
____ day of _____, 20__.

Municipal Clerk

Appendix 'D'

Schedule "A"

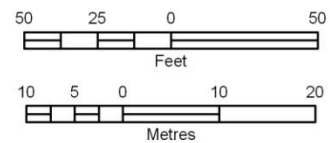
PROPERTY DESCRIPTION



Site Plan 1108 Middle Street

Port Williams, NS
PID 55036867
File # 09-13

-  Accessory Building
-  Registered Heritage Property
-  Subject Property



Schedule "A"
PROPERTY DESCRIPTION
The footprint of the Main Building located on lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Source:
NSPRD, Geomatics Centre (Dec. 2009)

Appendix 'E'

MUNICIPALITY OF THE COUNTY OF KINGS
HERITAGE PROPERTY EVALUATION CRITERIA

The following criteria will be used by the Kings County Heritage Advisory Committee in recommending whether a property should be included in the municipal heritage registry. The criteria have been adapted from the criteria used to evaluate Provincial Heritage Properties as well as municipal criteria from Mahone Bay, Annapolis County, Halifax Regional Municipality and the former Town of Bedford. Points will be awarded based on historical, architectural and contextual considerations.

HISTORY & CULTUREHistorical Period

Property dates from:

1675-1755 Acadian (automatically eligible for designation)		
1756-1800 New England Planter/United Empire Loyalist migration	15	
1801-1840 General development of education & transportation	12	
1841-1890 Age of Sail – rise of coastal communities	10	
1891-1914 Kings Co. becoming 'Orchard of the Empire'	7	
1915-1939 WWI – Interwar	5	X
1940+ WWII to present	0	

Historical Association

Association with the life or activities of a person, group, organization, or institution or an event that has made a significant contribution to the community, province or nation.

Building is intimately connected with person, group or event of primary importance	25	
Building is loosely connected to person, group, event, etc. of primary importance.	20	X
Building is intimately connected with person, group or event of secondary importance	15	X
Building is loosely connected to person, group, event, etc. of secondary importance.	10	
Building has no known connection with a person, group, event, etc. of importance.	0	

Continuity of Ownership

Property is owned or occupied by descendants of original owner/builder.	10	
---	----	--

ARCHITECTUREStyle

In comparison to recognized historical building styles the style is considered a:

Very rare example	10	
Rare example	7	X
Common example	5	
Very common example	0	

Construction type/building technology

The type of construction or building technology used is considered:

Very rare or early example	10	
Rare or fairly early example	7	X
Common example	5	
Very common example	0	

Architect/builder

The property is an example of an architect/builder's work that is considered:

Very rare or work from an architect/builder that is of exceptional interest	20	
Rare or work from an architect/builder that is of special interest	15	X
Common or architect/builder of little interest	5	
Very common or architect/builder of no interest or unknown	0	

Condition

The building's structural condition and state of repair is:

Excellent	10	
Very good	7	X
Fair	5	
Poor	0	

** additional points may be awarded if owner has made commitment to restoration*

CONTEXT/ENVIRONMENTLandmark

Importance of building as a visual landmark:

Symbol of provincial importance	15	
Symbol of county or regional importance	10	
Symbol of community importance	7	X
Little or no symbolic value	0	

Environment

The extent to which the property contributes to the historical/architectural character of the area:

Essential to maintaining the dominant character	10	
Important to maintaining the dominant character	7	X
Compatible with the dominant character	5	
Incompatible to the dominant character	0	

Integrity

Building is on its original site with few or minor exterior alterations	10	X
Building is on its original site with major exterior alterations	7	
Building has been relocated and has minor exterior alterations	5	
Building has been relocated and has major exterior alterations	0	

SCORING

Total Score	100
Recommended for Designation	YES

Properties scoring more than 100 points will be given the highest priority for designation; properties scoring between 75-100 points will be given second priority for designation; and properties scoring between 50-74 points will be given third priority for designation.

Property Name/Address	Scored By	Date
McElvy Home 1108 Middle Street, Port Williams	Seamus McGreal	19 Nov. 09



Municipality of the County of Kings

Briefing & Request for Decision

TO	Municipal Council
PREPARED BY	Janny Postema, Municipal Clerk
MEETING DATE	May 4, 2021
SUBJECT	Community Flag Raising & Proclamation Request: VON Week May 23-29, 2021

ORIGIN

- April 16, 2021 Victorian Order of Nurses (VON) - Nova Scotia e-mail request
- [Policy ADMIN-01-11: Community Flag Raising](#)
- [Policy COMM-02-003: Proclamations](#)

RECOMMENDATIONS

That Municipal Council receive the Briefing on the Community Flag Raising Request: VON Week as attached to the May 4, 2021 Council agenda for information purposes.

That Municipal Council proclaim May 23-29, 2021 'VON Week' in the Municipality of the County of Kings.

INTENT

Inform Council of the CAO's approval of the community flag raising per Policy ADMIN-01-11: Community Flag Raising.

Present the proclamation to Council for approval per Policy COMM-02-003: Proclamations.

DISCUSSION

Flag Raising:

On April 16, 2021, a request was submitted by Emily Mallard, Marketing, Communications and Philanthropy Officer, VON - Nova Scotia, to raise the VON flag on May 25, 2021.

Section 4.6(b)(II) of the Community Flag Raising Policy states that:

"The CAO shall review the applications to determine consistency with this Policy and shall:

If the flag raising was not previously approved by Council, or was approved by Council more than 5 years before the current request, decide to approve or deny the flag raising and any decisions shall be noted on a Council Agenda for information purposes."

This is the first time the VON Week flag raising request was submitted. It is deemed consistent with the Policy and was approved by the CAO.

Proclamation:

Further, Ms. Mallard requested that Council proclaim May 23-29, 2021 'VON Week' in the Municipality of the County of Kings.

Section 4.1 of the Proclamations Policy states that:

"It is the policy of the Council to consider requests to proclaim certain causes, when such proclamation positively impacts the community."



Municipality of the County of Kings

Briefing & Request for Decision

Staff consider raising awareness for the VON a cause that will positively impact the community and therefore recommend that Council proclaim May 23-29, 2021 'Von Week' in the Municipality of the County of Kings.

FINANCIAL IMPLICATIONS

- No financial implications

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	If Checked, Provide Brief Explanation
✓	Vision Statement	"A place where all people choose to be"
	Good Governance	
	Environmental Stewardship	
	Economic Development	
	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Post to Municipality's social media.
- Flag raising and proclamation reading ceremony on May 25, 2021 outdoors (the gathering limit outside Halifax is currently 10 people, whether indoors or outdoors).

ENGAGEMENT

- No specific engagement initiative was undertaken as this item is guided by the Community Flag Raising and Proclamations Policies.

APPENDICES

- Appendix A: April 16, 2021 VON - Nova Scotia e-mail request
- Appendix B: VON Week Proclamation

APPROVALS

Scott Conrod, Chief Administrative Officer

Date: April 28, 2021

From: Mallard, Emily
Sent: April 16, 2021 4:20 PM
To: Peter Muttart <mayor.muttart@countyofkings.ca>
Cc: VanBlarcom, Stacey
Subject: VON Week Flag Raising and Proclamation at Municipal Building

Good afternoon Mayor Muttart,

I hope this note finds you well. I am writing to get in touch about VON Week, a celebration of the Victorian Order of Nurses in Nova Scotia, from May 23-29th, 2021.

To recognize and honour VON staff in Annapolis Valley, we hoping that you might consider citing a Proclamation (provided by VON) to mark the opening of VON Week outdoors, while a VON flag is raised the Municipality Building in Kentville, with a select few VON staff in attendance. We are hoping you would have some time available on Tuesday, May 25th for this short, socially-distanced and very small celebration? If so, we are certainly happy to work around your schedule to select a time that works for you on the 25th.

Additionally, we are hoping there might be a municipal building or landmark that the Municipality would consider lighting up in the colour blue to celebrate VON Week in our community?

VON Week is an opportunity to recognize the resilience, courage and strength of VON staff and volunteers who work tirelessly to provide caring support to those who need it most in our very own community, especially during the pandemic.

VON is following direction from Public Health on COVID-19 protocols and we are committed to protecting the health and safety of our community. We will help ensure that the raising of the VON flag and Proclamation would have **very low** attendance from VON, and VON will ensure our staff are wearing masks and are maintaining proper physical distance. We look forward to safely celebrating our incredible Continuing Care Assistants (CCAs), Nurses and Community Support Services staff who all make a lasting difference in our community every day.

Thank you in advance for considering our invitation and please don't hesitate to contact us if you have any questions.

I am copying my colleague, Stacey VanBlarcom, who is the Program Coordinator for our Community Support Services in Annapolis Valley, and who will help facilitate logistics from VON.

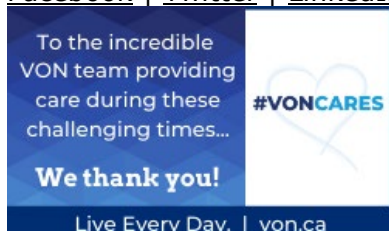
Thank you, and have a great weekend.

Emily

Emily Mallard

Marketing, Communications and Philanthropy Officer
 VON – Nova Scotia
 9319 Commercial Street
 New Minas, NS
www.von.ca

[Facebook](#) | [Twitter](#) | [LinkedIn](#)





181 Coldbrook Village Park Drive
Coldbrook, NS B4R 1B9
Phone: (902) 678-6141
Toll Free: 1-888-337-2999
www.countyofkings.ca

The Municipality of the County of Kings

PROCLAMATION

VON Week

May 23-29, 2021

WHEREAS, The Victorian Order of Nurses for Canada is a charitable community-based health care organization addressing community health and social needs; and

WHEREAS, VON Annapolis Valley nurses, home support workers, community service coordinators and many other staff and volunteers are caring for the lives and well-being of residents of Kings and Annapolis Counties; and VON's nursing, health promotion and support services make a contribution to the health care system in Nova Scotia, particularly during the COVID-19 pandemic;

THEREFORE, BE IT RESOLVED, that Mayor Muttart, on behalf of Municipal Council, proclaim May 23-29, 2021 "VON Week" in the Municipality of the County of Kings and that the Council encourages all residents of the Annapolis Valley to support the VON and the community by sharing positive virtual messages and financially supporting VON Annapolis Valley's charitable programs.

Signed this 4th day of May 2021,

Mayor Peter Muttart



Municipality of the County of Kings

Receipt of Donations Policy

Policy Category	Finance & IT	Most Recent Amendment	TBD
First Council Approval	February 2, 2016	Future Amendment Date	March 2025

1. Purpose

- 1.1 This Policy formalizes the Donations receipt process within the Municipality to ensure that Official Donation Receipts are issued in an appropriate and consistent standard across the organization and in accordance with Canada Revenue Agency (CRA) guidelines.
- 1.2 This Policy will:
 - 1.2.1 Formalize the Donations receipt process, including accounting for Donations of cash or Donations In-Kind provided to the Municipality;
 - 1.2.2 Outline the standard for evaluating Donations in accordance with CRA guidelines; and
 - 1.2.3 Standardize operating procedures for the issuance of Official Donation Receipts to donors for income tax purposes.
- 1.3 This Policy is subject to the *Income Tax Act* of Canada and related Regulations. In the event of a conflict between this Policy and the Act, the Act shall prevail.

2. Scope

This Policy applies to all Municipal departments and to all agreements with organizations and individuals that contribute either financially or In-Kind to the Municipality's operations, programs, services or facilities.

3. Definitions

- 3.1 Appraisal: means a formal determination of Fair Market Value of property performed by a qualified third party.
- 3.2 CRA: means the Canada Revenue Agency.
- 3.3 Donations: means voluntary transfers of tangible property or cash.
- 3.4 Donations In-Kind: means tangible property, other than cash, that are Eligible Donations. Donations In-Kind must be assessed at Fair Market Value.
- 3.5 Eligible Amount of the Donation: means the net Fair Market Value of the Donation.
- 3.6 Eligible Donations: means Donations that can be acknowledged with Official Donation Receipts for income tax purposes in accordance with CRA guidelines.
- 3.7 Fair Market Value: is normally the highest price, expressed in dollars that property would bring in an open and unrestricted market, between a willing buyer and a willing seller who are both knowledgeable, informed, and prudent, and who are acting independently of each other.
- 3.8 Non-Qualifying Donations: means Donations that cannot be acknowledged with Official Donation Receipts for income tax purposes, in accordance with CRA guidelines.
- 3.9 Official Donation Receipt: means a receipt for a Donation which complies with CRA guidelines so that the donor may use it for income tax purposes.
- 3.10 Property Assessment Notice: means the annual notice issued by Property Valuation Services Corporation to each property owner in Nova Scotia indicating the assessed value of any property they own.
- 3.11 Qualified Donee: means an organization that can issue Official Donation Receipts.
- 3.12 Valuation: means an informal determination of Fair Market Value estimated by staff.

4. Policy Statements

- 4.1 The Municipality need not accept a Donation. However:
 - 4.1.1 Once donated, the Municipality is to have direction and control of the Donation by being able to make decisions and set parameters on significant issues related to the donated asset on an ongoing basis, or agree to the terms of a Donation, including:
 - 4.1.1.1 What goods and/or services the Donation will fund;
 - 4.1.1.2 How the Donation will be utilized;
 - 4.1.1.3 The overall goals of utilizing the Donation;
 - 4.1.1.4 The area or region where the Donation will be utilized;
 - 4.1.1.5 Who benefits from the Donation; and
 - 4.1.1.6 When the use of the Donation will begin and end.

When a Donation is received with external restrictions that limit the direction and control of the Municipality in any of the areas set out in sections 4.1.1.1 to 4.1.1.6, the Donation may be accepted at the discretion of the authority established in section 4.1.4.
 - 4.1.2 The Municipality will only issue Official Donation Receipts for Eligible Donations of \$100 or more.
 - 4.1.3 Donations and Donations In-Kind may be accepted only after the following has been assessed:
 - 4.1.3.1 Compliance with Municipal by-laws and/or policies;
 - 4.1.3.2 Compliance with the laws, conventions and treaties of the other levels of government;
 - 4.1.3.3 Consistency with the Municipality's priorities, mandates, strategic and business plans;
 - 4.1.3.4 Associated risks. e.g. financial risk; political risk; health and safety issues;
 - 4.1.3.5 Physical condition of the Donation;
 - 4.1.3.6 Value of the Donation;
 - 4.1.3.7 Staff time required for direction and control of the Donation;
 - 4.1.3.8 Usefulness of the Donation to the Municipality; and
 - 4.1.3.9 Cost/benefit analysis including consideration of installation, storage, maintenance, renewal, decommissioning, replacement and related costs.
 - 4.1.4 Authority for acceptance or denial of Donations and Donations In-Kind with a value or appraised value of:
 - 4.1.4.1 \$100 to \$25,000 - Director of Finance and IT Services in consultation with the affected Service Area Manager;
 - 4.1.4.2 \$25,001 to \$150,000 - Chief Administrative Officer with advice from the Director of Finance and IT Services, and the affected Service Area Manager;
 - 4.1.4.3 \$150,001 and over - Council, with advice from the Chief Administrative Officer.
- 4.2 Official Donation Receipts for Tax Purposes:
 - 4.2.1 Official Donation Receipts will specify the Eligible Amount of the Donation. To be eligible for an Official Donation Receipt, the Donation must be:
 - 4.2.1.1 Made payable to the Municipality;
 - 4.2.1.2 Made in cash or In-Kind;
 - 4.2.1.3 Voluntary;
 - 4.2.1.4 Without expectation of return;
 - 4.2.1.5 Accompanied by a deed or bill of sale, as the situation dictates, in the Donation of a tangible capital asset; and
 - 4.2.1.6 Supportive of the Municipality's mandate.
 - 4.2.2 Donations In-Kind must be appraised before an Official Donation Receipt can be issued. A written Valuation shall be undertaken prior to the release of an Official Donation Receipt. Appraisals must meet the following requirements:

- 4.2.2.1 \$100 to \$10,000:
 - 4.2.2.1.1 Valuation by knowledgeable internal staff; and
 - 4.2.2.1.2 Value supported by online auction, a shopping website, or other authoritative source, such as the Property Assessment Notice in the case of real property.
- 4.2.2.2 Over \$10,000:
 - 4.2.2.2.1 Appraisal of the asset by an independent and arm's length qualified third party is required; and
 - 4.2.2.2.2 Subject to provision 5.2.2, the cost associated with obtaining a qualified Appraisal shall be the responsibility of the donor.
- 4.2.3 Non-Qualifying Donations that the Municipality will not acknowledge with an Official Donation Receipt for income tax purposes include the following:
 - 4.2.3.1 Intangibles such as services, time, skills, and effort;
 - 4.2.3.2 Donations that are given to the Municipality intended as a flow through to a specified recipient who does not have charitable organization status and is therefore not a Qualified Donee;
 - 4.2.3.3 Donations of business marketing products such as supplies and merchandise;
 - 4.2.3.4 Donations that are given where, as determined at the sole discretion of the Municipality, the donor receives a disproportionate direct benefit as a result of the Donation; and
 - 4.2.3.5 Sponsorship in the form of cash, goods or services toward an event, project, program or corporate asset, in return for commercial benefit, e.g., logo placement or presenting sponsorship.

5. Responsibilities

- 5.1 Council will:
 - 5.1.1 Ensure the Municipality has in place a policy for the acceptance of Donations;
 - 5.1.2 Review, amend, and adopt changes to this Policy as required; and
 - 5.1.3 On the advice of the CAO, authorize the Mayor to sign Official Donation Receipts over \$150,000 on behalf of the Municipality.
- 5.2 The Chief Administrative Officer or designate will:
 - 5.2.1 Implement and administer this Policy;
 - 5.2.2 Subject to the Municipality's Procurement Policy FIN-05-006, determine if the Municipality funds the cost of an appraisal or cost of conveyance of any physical asset under consideration;
 - 5.2.3 Identify necessary revisions to this Policy; and
 - 5.2.4 Sign Official Donation Receipts for Donations between \$25,001 and \$150,000 on behalf of the Municipality.
- 5.3 The Director of Finance and IT Services will:
 - 5.3.1 Be familiar with, and act in accordance with this Policy;
 - 5.3.2 Maintain this Policy and related standard operating procedures;
 - 5.3.3 Communicate this Policy and procedures to staff;
 - 5.3.4 Advise staff on eligibility of Donations;
 - 5.3.5 Review Donation account analysis prepared by staff; and
 - 5.3.6 Sign Official Donation Receipts for amounts up to \$25,000 on behalf of the Municipality.
- 5.4 The Accounting Analyst will:
 - 5.4.1 Prepare Official Donation Receipts in compliance with the CRA guidelines; and
 - 5.4.2 Maintain records according to CRA requirements such as ensuring Donations In-Kind are properly assessed, Donation accounts are reconciled, etc.

- 5.5 Departmental Staff will:
- 5.5.1 Obtain pre-approval from the Director of Finance and IT Services before commencing the Donation acceptance process outlined in this Policy;
 - 5.5.2 Ensure compliance with this Policy and any related standard operating procedures; and
 - 5.5.3 Ensure the Official Donation Receipt Request Form is completed and submitted to the Director of Finance and IT Services with the donated item and any supporting documentation.

6. Amendments

Date	Amendments
TBD	New template, definitions, title change, reduced minimum for issuing Official Donation Receipt, and reviewed for CRA compliance.



Municipality of the County of Kings

Non-Union Salary Administration Policy

Policy Category	Human Resources	Most Recent Amendment	TBD
First Council Approval	December 3, 2019	Future Amendment Date	March 2025

1. Purpose

The Municipality maintains a salary administration program that endeavours to be internally equitable and externally competitive, affordable for the Municipality, which is used to recruit and retain qualified, motivated, and productive employees.

This Policy:

- 1.1 Expresses the principles of salary administration as it applies to non-union employees;
- 1.2 Ensures a process to determine fair and equitable compensation for positions and related duties within the Municipality;
- 1.3 Identifies the components of the salary administration program;
- 1.4 Identifies circumstances under which an employee's salary may be changed; and
- 1.5 Provides guidance for determining the starting salaries of new employees.

2. Scope

- 2.1 This Policy applies to all non-union employees of the Municipality, excluding the Chief Administrative Officer.
- 2.2 The Chief Administrative Officer's salary shall be determined through a contract negotiated with Council.
- 2.3 The Collective Agreement shall determine salary administration for union employees.

3. Definitions:

- 3.1 Council: means the Council for the Municipality of the County of Kings.
- 3.2 Employee: for the purposes of this policy, means all full-time non-union employees of the Municipality, including all management positions and all non-union/non-management positions, excluding the Chief Administrative Officer.
- 3.3 Municipality: means the Municipality of the County of Kings.
- 3.4 Hiring Manager: means the Manager or Director who is filling a position within the Hiring Manager's department. Typically, the Hiring Manager is the immediate supervisor to the new hire.
- 3.5 Performance Review: means an annual review completed by an employee and the employee's supervisor which is used to evaluate the employee's past job performance as it relates to expectations surrounding the strategic goals of the Municipality and the employee's job description. It also establishes goals and expectations for the upcoming review period.
- 3.6 Probationary Period: means the period of time allotted to management to evaluate a new employee's performance.

4. Policy Statements

Salary Administration Components

4.1 Starting Salaries

- 4.1.1 By default, newly-hired employees will start at the minimum rate of pay within the salary range for the position.

- 4.1.2 Notwithstanding 4.1.1, there may be circumstances when it is determined that a rate of pay higher than the minimum is necessary to hire a candidate or to acknowledge previous related experience. Factors that may be considered are:
 - 4.1.2.1 Candidate's knowledge, skills, and/or experience related to the position;
 - 4.1.2.2 Candidate's salary from previous employment;
 - 4.1.2.3 Market salary rate for the position; and/or
 - 4.1.2.4 Salary relative to subordinates, peers, and supervisor.
- 4.1.3 Should the hiring manager wish to hire a new employee at a higher rate of pay than the minimum, they shall provide a rationale by using the Salary Rationale Form appended hereto as Appendix A. This form shall be completed by the Director of the Department and approved by the Chief Administrative Officer (CAO) before a salary offer is made to the candidate.
- 4.2 Performance Evaluations
 - 4.2.1 All non-union employees will participate in an annual Performance Review as established in Policy HR-06-015 Employee Performance Management.
 - 4.2.2 The annual Performance Review shall generate an overall performance evaluation rating, ranging from Unsatisfactory to Superior. Each of these ratings will be associated with a percentage increase as established in Table 1:

Table 1 – Performance Evaluation Rating	
Evaluation:	Percentage Increase:
Unacceptable	0.00%
Needs Improvement	0.00%
Meets Expectations	1.00%
Exceeds Expectations	1.50%
Superior	2.00%

- 4.3 Range Adjustments
 - 4.3.1 To ensure non-union employees maintain the same standard of living on a year-over-year basis, adjustments will be made to existing salary ranges based on a five-year rolling average of the annual Consumer Price Index (CPI) for Nova Scotia (June – all items) as published by Statistics Canada.
- 4.4 Increases within Existing Salary Ranges
 - 4.4.1 Increases within the existing salary ranges for non-union employees will be based on a combination of the employee's Performance Review rating, as determined in section 4.2.2, and the five-year rolling average of the annual Consumer Price Index (CPI) for Nova Scotia, as determined in section 4.3.1, and shown in Table 2.

Table 2 – CPI and Performance Based Increase Rates			
Evaluation	Performance	CPI	Total
Unacceptable	0.00%	N/A	0.00%
Needs Improvement	0.00%	5 year CPI	5 year CPI
Meets Expectations	1.00%	5 year CPI	1.00% + 5 year CPI
Exceeds Expectations	1.50%	5 year CPI	1.50% + 5 year CPI
Superior	2.00%	5 year CPI	2.00% + 5 year CPI

- 4.4.2 New employees will participate in a Performance Review prior to the completion of their Probationary Period. Employees that have completed their Probationary Period may be

eligible for a Performance Review increase, as well as a CPI increase. Both increases will be pro-rated based on the length of the Probationary Period if it is less than one year. Those employees who have not completed their Probationary Period will only be eligible for the pro-rated CPI increase.

- 4.4.3 Changes to salaries shall become effective June 1st of each year.
- 4.4.4 If an employee's pay rate reaches the upper end of the salary range for their position (the maximum pay rate), their pay rate would then only increase annually by CPI as determined in section 4.3.1.
 - 4.4.4.1 The CAO may approve a Performance Review increase as determined in section 4.2.2. This one-time increase shall be considered a one-time lump-sum payment, and will not be added to the employee's base salary on an ongoing basis.
- 4.5 External Salary Reviews
 - 4.5.1 External salary reviews shall be conducted for non-union position salary ranges every four (4) years to ensure the Municipality remains competitive and therefore capable of attracting and retaining talented employees.
 - 4.5.2 Salary reviews may result in adjustments to existing salary ranges.
 - 4.5.2.1 If a salary range is increased as a result of the salary review, the salary range shall be adjusted upward. In this instance, the affected employee's salary will be increased by the percentage change between the previous salary range and the revised salary range.
 - 4.5.2.2 If there is a decrease to a salary range, there will be no decrease to the employee's current salary.
 - 4.5.3 The CAO shall consider situations whereby an employee's salary may be increased by a higher percentage, subject to the position taking on additional duties.
 - 4.5.4 All salaries are dependent on annual budgets as approved by Council. Salary increases may be provided over multiple years depending on budgetary constraints.
- 4.6 Job Descriptions
 - 4.6.1 Every non-union position in the Municipality shall have a complete, accurate, up-to-date job description that describes the essential functions and job-related qualifications and demands of the job. Information from job descriptions will be utilized in recruitment and selection, salary administration, training and development, and performance planning.
 - 4.6.2 Job descriptions for all positions will use a standard format and include the title of the position, position summary, reporting structure, job duties and responsibilities, and required qualifications and training.
 - 4.6.3 New job descriptions require CAO approval and will be administered by the Human Resources Manager.
 - 4.6.4 In the event it becomes necessary to make significant changes to the duties and responsibilities of an existing position, a revised job description will be prepared in consultation with the Human Resources Manager, and approved by the Director of the department. Should duties be added to a position, the Director may recommend to the CAO that the salary be adjusted accordingly per section 4.5.3.
- 4.7 Temporary Assignments
 - 4.7.1 If an employee is temporarily assigned to, and designated the duties of, another position for which the rate of pay is higher than the rate of pay for the employee's regular position, and the employee is assigned to and performs in that capacity for at least two (2) days in one pay period, the employee shall receive an additional \$50 for each day in the acting role.

5. Responsibilities

- 5.1 Council will:
 - 5.1.1 Ensure the Municipality has a current and comprehensive policy to administer non-union salaries;

- 5.1.2 Review, amend, and adopt changes to this Policy as required; and
- 5.1.3 Approve the overall salaries budget as part of the annual budgeting process.
- 5.2 The Chief Administrative Officer or designate will:
 - 5.2.1 Implement and administer this Policy;
 - 5.2.2 Identify and propose necessary revisions to this Policy as required;
 - 5.2.3 Approve individual salaries within approved ranges; and
 - 5.2.4 Develop and follow a Standard Operating Procedure to verify salaries are within the budget approved by Council, and are reconciled against amounts paid.
- 5.3 Non-Union Employees will:
 - 5.3.1 Be familiar with and act in accordance with this Policy.

6. Amendments

Date	Amendments
TBD	New definitions, wording clarified, clarification of CAO's responsibilities.

**Appendix A
Salary Rationale Form**

This form is to be used only if new employee is NOT being hired at the minimum rate.

Position Title	
Position Salary Range	
Candidate Name	
Minimum Salary (default)	\$
Proposed Salary	\$

Supporting Rationale

Explain in detail why this candidate should be hired at a level higher than the minimum level. Include reference to the candidate's knowledge, skills and abilities, their previous salary level, competitive salary information (if available), relationship to peers, subordinates and supervisor, and any other relevant details.

Recommended

Hiring Manager

Date**Concurred**

Director of Department

Date**Approved**

Chief Administrative Officer

Date

MUNICIPALITY OF THE COUNTY OF KINGS

For By-Law information contact the Municipal Clerk

Tel: (902) 678-6141 Fax: (902) 678-9279 E-mail: municipalclerk@countyofkings.ca



BY-LAW # 51

CHIEF ADMINISTRATIVE OFFICER BY-LAW

1. This By-Law shall be known as and may be cited as the "Chief Administrative Officer By-Law".
2. The Municipality of the County of Kings will employ a Chief Administrative Officer.
3. The Chief Administrative Officer is the head of the administrative branch of the Municipal Government for the Municipality of the County of Kings.
4. The Chief Administrative Officer is responsible to the Council of the Municipality of the County of Kings for the proper administration of all the affairs of the Municipality in accordance with the policies and plans approved and established by the Council.
5. The Council of the Municipality of the County of Kings shall, except for obtaining or providing information, deal with the administrative service of the Municipality solely through the Chief Administrative Officer.
6. The Council shall provide direction on the administration, plans, policies and programs of the Municipality to the Chief Administrative Officer. No individual member of the Council shall give orders, either publicly or privately, to any employee of the Municipality.
7. The Chief Administrative Officer shall communicate with the Mayor and Executive Committee on policy issues and relevant information that arise between Council and Committee of the Whole meetings and the Chief Administrative Officer shall advise Council on a regular basis.
8. The Chief Administrative Officer shall:
 - (a) administer the day to day business affairs of all departments of the Municipality, in accordance with the policies and plans approved by Council.
 - (b) co-ordinate and direct the preparation of plans and programs to be submitted to Council for the construction, rehabilitation and maintenance of all municipal property and facilities;
 - (c) ensure that the annual budget is prepared and submitted to Council;
 - (d) be responsible for the administration, accountability and control of the budget adopted by Council;

- (e) present to Council for its consideration recommendations from the Department Heads or Officers, along with appropriate commentary from the Chief Administrative Officer, concerning any aspect of internal operations, along with proposed By-Laws and Resolutions to give effect to such recommendations as may be adopted by Council;
- (f) meet with Department Heads and Officers of the municipal staff, regularly, for discussion of matters of policy and for co-ordination of all departmental activities;
- (g) attend, or be adequately represented at, all meetings of Council and any other meetings that Council may establish, and with the permission of the presiding officer make such observations and suggestions as the Chief Administrative Officer may deem expedient on the topic under discussion;
- (h) make written recommendations to Council, when the Chief Administrative Officer or the Council deems it necessary, with respect to a chosen topic and those recommendations shall be recorded as part of the minutes of the proceedings;
- (i) have power to review the Municipality's administrative organization structure and operations regularly and recommend any changes that would, in the opinion of the Chief Administrative Officer, improve the effectiveness or efficiency of the internal operations;
- (j) recommend to Council the appointment, employment, suspension or dismissal of Department Heads or Officers;
- (k) appoint, employ, suspend, or dismiss employees not covered by collective bargaining agreements in accordance with procedures laid down in the Municipality's Personnel Policies, with power to further delegate this authority;
- (l) appoint, employ, suspend or dismiss all other employees of the Municipality in accordance with procedures laid down in their respective collective bargaining agreements, with power to further delegate this authority;
- (m) act, or appoint a person to act, subject to Council's approval, as bargaining agent for the Municipality in the negotiation of contracts between the Municipality and trade unions and employee associations and recommend such contracts to Council and, in general, be responsible for wages and salary recommendations to Council concerning all municipal staff;
- (n) subject to policies adopted by Council, make or authorize the making of expenditures for the purchase of equipment, supplies or other items required for carrying on the business of the Municipality, and enter into contracts therefore on behalf of the Municipality where the amount of such

expenditure does not exceed, in any one case, the sum of Twenty-Five Thousand Dollars (\$25,000) provided it is a budgeted item;

- (o) submit a recommendation to Council respecting any proposed expenditure, for any purpose, in excess of Twenty-Five Thousand Dollars (\$25,000), and respecting any contract involved therein, however, notwithstanding the above, the Chief Administrative Officer is empowered to make emergency expenditures in excess of Twenty-Five Thousand Dollars (\$25,000) and must immediately report the expenditure to Council for ratification at the next meeting;
 - (p) subject to policies adopted by Council, sell any personal property belonging to the Municipality not exceeding a value of Twenty-Five Thousand Dollars (\$25,000) which, in the opinion of the Chief Administrative Officer, is no longer needed by the Municipality or which is obsolete or unsuitable for use and such sales shall be reported to Council at the next session;
 - (q) subject to policies adopted by Council, personally or by an agent, negotiate and execute leases of real property owned by the Municipality that are for a term not exceeding one year, including renewals;
 - (r) other than where it is required to be authorized by Council or a Standing Committee of Council, authorize, in the name of the Municipality, the commencement of, or the defence of any legal action, or proceedings before any court, board or tribunal and report the commencement of the legal action, defence or other proceedings to the Mayor, Executive Committee and Council at the next meeting, with power to delegate this authority, if approved by Council;
 - (s) supervise the performance of all contracts or agreements entered into by the Municipality and ensure that all the conditions relating thereto have been fulfilled in accordance with the provisions of such contracts or agreements and the Chief Administrative Officer shall report to the Council respecting such contracts;
 - (t) obtain information regarding all boards and commissions which affect the interests of the Municipality and report to Council regarding same when, in the opinion of the Chief Administrative Officer or Council, such reports are deemed necessary;
 - (u) carry out such additional duties and exercise such additional responsibilities as Council may assign.
9. (a) in the event of the temporary absence or disability of the Chief Administrative Officer, the Chief Administrative Officer may designate by letter to be filed with the Mayor, a Department Head or Officer to perform the duties of Chief Administrative Officer during that absence;

- (b) If the absence or disability of the Chief Administrative Officer will be lengthy, the Council shall appoint a Department Head or Officer to perform the duties of the Chief Administrative Officer until the Chief Administrative Officer returns.
- 10. The Chief Administrative Officer, to assist in performing the duties of that office, may use the services of the Management Committee and the administrative staff of the Municipality.
- 11. The Directors of the Departments will form a Management Committee and are accountable to the Chief Administrative Officer for the performance of their duties and assignments.
- 12. All Directors of Departments shall submit reports and recommendations required of their Department to and through the Chief Administrative Officer.
- 13. A report or recommendation from the Solicitor of the Municipality shall be presented to the Council by the Solicitor, but the Chief Administrative Officer shall be informed of the contents in advance unless the report or recommendation is with respect to the Chief Administrative Officer.
- 14. If a Director of a Department disagrees with a recommendation of the Chief Administrative Officer, the objection may be provided to the Chief Administrative Officer who shall present them to Council.
- 15. The Chief Administrative Officer may attend all meetings of the Council and any board, committee, commission or corporation of the Municipality and make observations and suggestions on any object under discussion.

History of this By-Law

Enacted	December 5, 1978
Amended	June 5, 1990
	May 7, 1991
	December 3, 1996
	August 4, 1998
	August 2, 2016 (effective November 1, 2016)



Municipality of the County of Kings

Fees Policy

Policy Category	Finance	Most Recent Amendment	April 18, 2019
First Council Approval	May 1, 2007	Future Amendment Date	April 2022

1. Purpose

To provide details of all fees charged by the Municipality.

2. Scope

This Policy is applicable to all fees charged by the Municipality.

3. Definitions

Refer to the following related Municipal By-laws for definitions:

By-law 12A: Animal Control
 By-law 45: Street Lighting
 By-law 60: Subdivision
 By-law 69: Taxi
 By-law 71A: Dog
 By-law 72: Building
 By-law 78: Tax Collection Fees
 By-law 79: Septic Waste Disposal
 By-law 90: Vendors
 By-law 98: Wastewater Sewer
 By-law 106: Land Use

4. Policy Statements

4.1 Fees for Animal Control

- 4.1.1 Amount to be paid to the pound keeper by the owner of an animal or a cat in order to reclaim an animal:
- 4.1.1.1 Impound Fees: \$35.00
- 4.1.1.2 Care and sustenance (per day or portion thereof to commence at midnight on the day of impoundment): \$ 5.00
- 4.1.1.3 Veterinary fees: Amount expended
- 4.1.1.4 Required transportation (rental of trailers, etc.) Amount expended
- 4.1.1.5 Any extraordinary expenses incurred by the Animal Control Officer or Pound Keeper in relation to the animal.

4.2 Fees for Sewer Charges

- 4.2.1 Every owner of land which is serviced by a sewer line or is fronting on any street or highway within the Municipality which street or highway has had a sewer line installed as directed by Council pursuant to the Wastewater Sewer By-law 98 shall pay to the Municipality of the County of Kings a charge known as the Sewer Service Charge for both the construction and maintenance of such sewer line and drainage system and the operation of any sewer treatment facility, as follows:

- 4.2.1.1 In the case of a single family dwelling the annual sum of \$505.00 for a frontage up to but not exceeding a maximum of 250 feet.
- 4.2.1.2 In the case of lots upon which no building has been constructed the annual sum of \$151.50.
- 4.2.1.3 Notwithstanding 4.2.1.2 above the developer or subdivider who installed and transferred to the Municipality of Kings the sewer line servicing such lots shall be exempt from payment of such sum until such developer or subdivider has transferred ownership of such lots.
- 4.2.1.4 In the case of land upon which no building has been constructed and not the subject of final approval as a subdivision, or not dealt with in paragraphs 4.2.1.1 and 4.2.1.5 herein, the annual sum of \$151.50;
 - 4.2.1.4.1 For each 200 feet of frontage or portion thereof where the land is not in active agricultural use;
 - 4.2.1.4.2 For every 1000 feet of frontage or portion thereof where the land is in active agricultural use.
- 4.2.1.5 In the case of public schools the annual sum of \$505.00 for each academic classroom;
- 4.2.1.6 In the case of property used for commercial uses, apartment buildings and other uses other than as a single family dwelling a minimum sum of \$505.00 per annum based upon a discharge of up to 40,000 gallons of effluent (based on human waste or equivalent) into a sewer line and an additional sum of additional gallons of effluent as prescribed in the Table forming Schedule "A" of the Wastewater Sewer By-law 98;
- 4.2.1.7 In the case of property described in subparagraph (e) but for which no rate is prescribed in the table a sum based on the rate of \$505.00 per annum up to 40,000 gallons of effluent (based on human waste or equivalent) discharged into a sewer line; the number of gallons and the equivalency of the effluent may be metered or otherwise established by the Municipal Engineer based upon examination of the operations carried out on the property in question and by reference to accepted sanitary engineering standards.
- 4.2.2 In addition to the basic sewer charge, the owner or occupier of every building, other than a single unit family dwelling discharging into the public sewer system an amount of sewage exceeding the volume of 40,000 gallons per year, shall be charged unless, otherwise specifically provided for herein, the following rates for each building:
 - 4.2.2.1 Two dollars and eighty-five (\$2.85) for each and every 1,000 gallons or fraction thereof exceeding the volume of 40,000 gallons per year up to and including 100,000 gallons per year; and
 - 4.2.2.2 Three dollars and thirty-nine cents (\$3.39) for each and every 1,000 gallons or fraction thereof exceeding 100,000 gallons per year up to and including 200,000 gallons per year; and
 - 4.2.2.3 Three dollars and ninety-four cents (\$3.94) for each and every 1,000 gallons or fraction thereof exceeding 200,000 gallons per year.
 - 4.2.2.4 For the purpose of determining the number of gallons in 4.2.2.1 the amount of sewage discharge shall be according to a meter where one is installed and where there is no meter installed it shall be determined in accordance with Schedule "A" of the Wastewater Sewer By-law 98.
 - 4.2.2.5 In making the calculation referred to in 4.2.2.1 and 4.2.2.2 the total volume of sewage for each individual building shall be calculated and charged for separately from any other buildings belonging to the same owner.
- 4.2.3 Every person connecting to the Sewer System shall, as applicable, pay the following fees:
 - 4.2.3.1 Sewer Permit Application Fee: \$175.00 non-refundable application fee
 - 4.2.3.2 Fees for Municipal Engineer to conduct "Dye Test" to confirm connection to Sewer Main: \$100.00 non-refundable fee

- 4.2.3.3 Sewer Charge Variance Fee (excluding One Unit Dwellings and each unit in a Semi-Detached Dwelling):
 - 4.2.3.3.1 When Owner of a Building applies to the Engineer for a Sewer Charge Variance to have their Sewer Service Charge calculated based on water meter readings;
 - 4.2.3.3.2 \$175.00 non-refundable application fee;
 - 4.2.3.3.3 Amount expended for water meter(s) in cases where water meter(s) is (are) not installed.
- 4.3 Fees for Street Lighting
 - 4.3.1 The categories for which said street lighting charge may be levied and the amount of such charge shall be:
 - 4.3.1.1 Single dwellings: \$34.00 per annum;
 - 4.3.1.2 Multiple dwelling units including apartment buildings in any one building, each residential unit shall be charged the single dwelling rate, up to a maximum of five (5) units and any units beyond five (5) units shall have no charge applied to them;
 - 4.3.1.3 Commercial dwellings: \$40.50 per annum;
 - 4.3.1.4 Row housing or duplex: each dwelling unit shall be charged the single dwelling rate;
 - 4.3.1.5 Single dwellings, multiple dwelling units, commercial dwellings, and row housing or duplexes within the Growth Centre of Centreville: \$ 3.50 per annum per unit for intersection pedestrian lighting.
- 4.4 Fees for Taxis and Taxi Licenses
 - 4.4.1 Taxi/Limousine Owners License Plate \$25.00
 - 4.4.2 Replacement Plate \$ 5.00
 - 4.4.3 Taxi/Limousine Driver's License \$10.00
 - 4.4.4 Replacement License \$ 5.00
- 4.5 Fees for Dogs
 - 4.5.1 The annual registration fee shall be \$10.00 for each spayed or neutered dog and \$30.00 for each dog which has not been spayed or neutered, or as amended by Policy of Council.
 - 4.5.2 For the purposes of this Policy, the registration year shall mean the period indicated in Dog By-law 71A.
 - 4.5.3 The registration fee shall be reduced by 50% in the year of acquisition where the owner acquires ownership of the dog after the mid-point of the registration year.
 - 4.5.4 A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee but not from registration.
 - 4.5.5 The annual registration fee for a kennel shall be \$50.00, or such other fee set by Policy of Council.
 - 4.5.6 Except in the case where a dog is impounded for being fierce or dangerous, or is rabid or appears to be rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper of the following costs and fees:
 - 4.5.6.1 An impounding fee of \$35.00;
 - 4.5.6.2 A boarding fee of \$5.00 for each day during any part of which the dog was impounded;
 - 4.5.6.3 Any extraordinary expenses incurred by the Pound Keeper in relation to the dog.
- 4.6 Fees for Building Permits
 - Fees for building permits shall be as follows:

- 4.6.1 New construction of and additions to residential buildings, community centres, and churches: \$20.00 plus 11 cents per square foot based on all usable floor area of the new construction or addition.
- 4.6.2 New construction of and additions to commercial, industrial and other buildings not otherwise specified: \$20.00 plus 15.4 cents per square foot based on all usable floor area of the new construction or addition.
- 4.6.3 New construction of and additions to sheds, decks, shell storage buildings, garages, barns and other farm, forestry or fishing buildings not designed for human occupancy: \$20.00 plus 4.4 cents per square foot based on all usable floor area of the new construction or addition.
- 4.6.4 Repairs, renovations or alterations to all existing buildings: \$20.00 plus \$2.20 per \$1,000 of estimated value of construction work.
- 4.6.5 Location or relocation of an existing structure, or mobile home: \$75.00.
- 4.6.6 Construction or location of a solar panels or a swimming pool including required fencing and decking: \$50.00.
- 4.6.7 Renewal of an approved permit: \$15.00.
- 4.6.8 Development Permit shall be \$20.00 if no Building Permit is triggered.
- 4.6.9 Erection of any sign: \$15.00.
- 4.6.10 Building or structure demolition: \$30.00.
- 4.6.11 To amend a permit in force: \$15.00.
- 4.6.12 All square footage under this Section shall be calculated as follows:
 - 4.6.12.1 Buildings intended for human occupancy shall include all floor space of all floors;
 - 4.6.12.2 Buildings not intended for human occupancy shall be based on the area of the main floor.
- 4.6.13 Fees less a \$15.00 processing charge shall be refunded in situations where the application was not completed or the application was denied or withdrawn.
- 4.7 Fees for Subdivision and Site Plan Approval
Fees for subdivision and site plan approval shall be as follows:
 - 4.7.1 Tentative subdivision approval \$ 50.00 per lot
 - 4.7.2 Final subdivision approval \$150.00 per plan
 - 4.7.3 Site plan approval \$100.00 per application
- 4.8 Fees for Tax Collection
 - 4.8.1 An officer executing a warrant issued under the authority of the Assessment Act is entitled to the following fees:
 - 4.8.1.1 Delivery and Executing a Warrant \$90.00
 - 4.8.1.2 Advertising for and conducting a sale \$50.00 plus any actual expenses incurred, in lieu of those fees set out in subsection 111(5) of the *Assessment Act*.
 - 4.8.2 A cost recovery fee of \$7.00 per billing to be charged to financial institutions for the provision of tax information.
 - 4.8.3 A fee for returned cheques in the amount of \$20.00 per cheque.
- 4.9 Fees for Septic Waste Disposal
 - 4.9.1 Every Septic Tank Cleaner or other user of the Septic Waste Treatment Facility shall pay a charge for the operation of the facility, including the Municipality.
 - 4.9.2 The Charge referred to in 3(a) of Septic Waste Disposal By-law 79 shall be apportioned and payable by each User of the facility at the rate of \$30.00 per One Thousand Imperial Gallons of Septic Waste or portion thereof delivered to the Septic Waste Treatment Facility. Such charge shall be calculated monthly.
 - 4.9.3 A Septic Tank Cleaner or other user of the Septic Waste Treatment Facility, who is more than 20 days in arrears of payment to the Municipality of the Operating Charge may be denied access to the Facility by order of the Municipal Engineer.

- 4.9.4 Arrears of payment of Operating Charges shall carry interest at the current interest rate.
- 4.10 Fees for Vendors By-Law 90
 - 4.10.1 Fee for Vendors \$500 per annum
- 4.11 Fees for Planning Applications
 - 4.11.1 Fees for applications to amend the Land Use By-law 106:
 - 4.11.1.1 \$500.00 non-refundable application fee.
 - 4.11.1.2 \$400.00 advertising fee which is refunded if the application is withdrawn or refused before the application is advertised in the newspaper, or if the application results in a general text amendment that benefits multiple properties.
 - 4.11.2 Fees for applications to enter into a development agreement or make a substantial amendment to an existing development agreement:
 - 4.11.2.1 \$700.00 non-refundable application fee (including property registration costs).
 - 4.11.2.2 400.00 advertising fee refunded if the application is withdrawn or refused before the application is advertised in the newspaper.
 - 4.11.3 Fees for applications to make an insubstantial amendment to an existing development agreement:
 - 4.11.3.1 \$300.00 non-refundable application fee (including property registration costs).
 - 4.11.4 Fees for applications to discharge a development agreement:
 - 4.11.4.1 No application fee.
 - 4.11.5 Fees for Heritage Properties and Conservation Districts:
 - 4.11.5.1 No fees for applications to add a property to a Heritage Conservation District or to register a Municipal Heritage Property.
 - 4.11.5.2 \$500.00 non-refundable application fee to remove a property from a Heritage Conservation District or to de-register a Municipal Heritage Property.
 - 4.11.6 Groups exempt from fees for planning applications:
 - 4.11.6.1 Places of Worship
 - 4.11.6.2 Fire Departments
 - 4.11.6.3 Incorporated Societies
 - 4.11.6.4 Service Clubs
 - 4.11.6.5 Community Associations
 - 4.11.6.6 Recreational Associations
 - 4.11.6.7 Registered Charities
 - 4.11.6.8 Village Commissions
 - 4.11.6.9 Provincial or Federal government departments and agencies
 - 4.11.7 Council Discretion on Fees
 - 4.11.7.1 Council, by motion, may choose to not collect or refund all, or a portion of, the fees charged for a planning application. In doing so, Council shall indicate the reason for not collecting or refunding the usual fees.

5. Responsibilities

- 5.1 Council will:
 - 5.1.1 Ensure the Municipality has a current and comprehensive policy for fees; and
 - 5.1.2 Review and amend this Policy as required.
- 5.2 The Chief Administrative Officer or designate will:
 - 5.2.1 Implement and administer this Policy; and
 - 5.2.2 Identify and propose revisions to this Policy as necessary.
- 5.3 Directors and Managers will:
 - 5.3.1 Ensure that the fee amounts in this Policy are implemented;
 - 5.3.2 Review the fee amounts periodically to ensure they are appropriate;
 - 5.3.3 If the fee amounts are no longer appropriate, determine what the fee amounts should be;

- 5.3.4 and
Recommend to the Chief Administrative Officer what the fee amounts should be.

6. Amendments

Date	Amendments
January 2, 2008	
May 6, 2008	
March 3, 2009	
May 5, 2009	
May 18, 2010	
April 19, 2011	
July 3, 2012	
April 16, 2013	
May 7, 2013	
April 15, 2014	
April 14, 2015	
April 14, 2016	
December 6, 2016	
May 25, 2017	
April 18, 2019	



Municipality of the County of Kings

Request for Decision

TO	Municipal Council
PREPARED BY	Scott Conrod, CAO
MEETING DATE	May 4, 2021
SUBJECT	Halls Harbour Community Development Assoc. / COVID-19 Reserve

ORIGIN

- [June 5, 2018 Municipal Council motion](#)
- [May 21, 2019 Municipal Council motion](#)

RECOMMENDATION

That Municipal Council approve the award of \$15,000 to the Halls Harbour Community Development Association as a final contribution to the Walkway Project as described in the May 4, 2021 Request for Decision, with said award being funded from the Municipality's COVID-19 Reserve.

INTENT

1. To apprise Municipal Council of cost overruns associated with the walkway constructed by the Halls Harbour Community Development Association; and
2. To request the award of \$15,000 as the final contribution towards this project by the Municipality and to detail funding conditions.

DISCUSSION

Under the leadership of the Halls Harbour Community Development Association (HHCDA), a walkway has been constructed that surrounds Highway 359 commencing on the east side of the harbour proceeding around the head of the harbour, a sluice gate, and then proceeding and terminating on the west side (see Appendix A). The project abuts the holdings of a private interest, the Local Harbour Authority, and Her Majesty the Queen in the right of the Province of Nova Scotia.

HHCDA had the project professionally designed. Post design, Provincial engineers required the elevation of the walkway to be raised in part to permit water flowing from the ravine and through the sluice gate to pass under the walkway. The new design / change in elevation pushed the project over by ~\$160,000. To cover this overage, ACOA has contributed an additional \$167,000 leaving a balance of ~\$39,000. Most recently, the Province of Nova Scotia increased its funding by \$23,500 leaving a balance of ~\$15,800. HHCDA has requested \$15,000 from the Municipality.

The walkway was constructed during COVID-19, which no doubt complicated onsite communications between HHCDA, its design representatives and the Provincial engineers. COVID-19 has and conceivably will hinder HHCDA's traditional fundraising efforts.

FINANCIAL IMPLICATIONS

- \$15,000 issued from Municipality's COVID-19 Reserve GL#61-4-460-383



Municipality of the County of Kings

Request for Decision

Incremental cost:	
Contractor Charges net of HST*	\$ 39,943
Funding:	
Province of Nova Scotia (committed)	23,500
Municipality (request)	15,000
	38,500
HHCDA	804
	\$ 39,304
Total Project Costs & the Municipality's Contributions:	
Project Costs:*	
Project Cost (net of HST)	\$ 331,022
Incremental cost under this application	39,943
	\$ 370,965
Municipal Contributions:	
2018/19 and 2019/20	\$ 55,000
Per this application	15,000
	\$ 70,000
Municipality's percentage of the project	19%
*Information provided by HHCD	

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	Description
	Vision Statement	
	Good Governance	
	Environmental Stewardship	
✓	Economic Development	Supports an area frequented by visitors and residents
✓	Strong Communities	Support of a community based organization
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	

ALTERNATIVES

- Decline the request
- Provide a lesser amount
- Suggest HHCD apply under the 2021-22 Councillor Grants to Organizations grant program

IMPLEMENTATION

- Provision and execution of an amended funding agreement
- Issue funding to the Association
- Require filing of project expenses to the close file, i.e. HHCD to vouch \$370,000 in project expenses (net of HST) prior to award of future grants

ENGAGEMENT

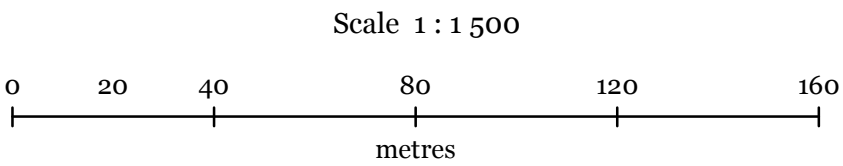
- None

APPENDICES

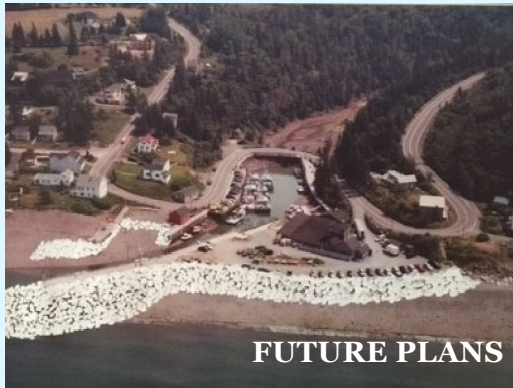
- Appendix A: Mapping and Project Photos

Halls Harbour Wharf and Sluice Gate

Location and Construction Pictures (2020)



Sources: 1 : 10 000 Planimetric data provided by NSTDB; Property data provided by NSPRD; all other data is courtesy of the Municipality of the County of Kings (MOK).
This map was not made for navigational purposes. Last updated December 22, 2020.



TIR (Transportation and Infrastructure Renewal) Road

Private Road

Watercourse

Wharf

Property Parcel

Federal Government Parcel

NS DTIR Parcel

Coast Water Area

Swamp Area

Wharf

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Municipality of the County of Kings

Committee Recommendations

COMMITTEE: Committee of the Whole

COMMITTEE MEETING DATE: [April 20, 2021](#)

COUNCIL MEETING DATE: May 4, 2021

a.	Proposed Policy HR-06-020: Temporary Leave of Absence	That Municipal Council provide seven days' notice, per s. 48(1) <i>Municipal Government Act</i>, to repeal HR-06-009: Bereavement Leave Policy, HR-06-010: Court Leave Policy and HR-06-011: Personal Leave Policy; and to replace these policies with one consolidated version - Policy HR-06-020: Temporary Leave of Absence as outlined in the April 20, 2021 Request for Decision.
b.	Financial Assistance for Tourism Marketing	That Municipal Council provide \$60,000 of financial support to the Annapolis Valley Chamber of Commerce to be used for Tourism Marketing for the 2021 tourism season from the COVID-19 Reserve GL# 61-4-460-270.
c.	Amendments to FY2021-22 Priority List for Provincial/ Subdivision Road Resurfacing Program	That Municipal Council approve the amended 2021 Priority List, as presented on April 20, 2021, for submission under Cost Sharing Agreement 2020-014 - Provincial Village/Subdivision Road Resurfacing.
d.	Halls Harbour Water Co-operative	That Municipal Council request a staff report on the Halls Harbour Water Co-operative request to be brought to Committee of the Whole at the earliest possible opportunity.



Municipality of the County of Kings

Request for Decision

TO Municipal Council

PREPARED BY Tim Bouter, Manager of Engineering Services

MEETING DATE May 4, 2021

SUBJECT Award of Contract: Greenwood Water Storage Tower Upgrades

ORIGIN

- \$550,000 budget for the Greenwood Water Storage Tower Upgrades program approved by Council during the 2021/22 Capital Budget Deliberations
- Quotation for the maintenance work received on March 1st from Greatario Services

RECOMMENDATION

That Municipal Council award construction services for the Greenwood Water Storage Tower upgrade program to Greatario Services, for the total price of \$165,531.08 (including non-rebated HST).

INTENT

For Council to award a contract for the rehabilitation of the two water storage towers, operated by the Greenwood Water Utility, to Greatario Services.

DISCUSSION

On March 1, 2021, a quotation was received for the construction services related to the two Greenwood Water Storage Towers upgrade program. As described during the Capital Budget deliberations, the work is required due to the age and condition of the current water towers. The water storage towers have experienced a number of minor leaks that need to be addressed in a comprehensive manner to ensure their future integrity. These upgrades are part of the long term program to upgrade and replace aging water infrastructure within the Greenwood Water Utility.

Greatario is the supplier of these water towers, and the only company that is certified by the manufacturer, to service them. Thus, Council approval is required to award this work as a sole source award. The quote for the rehabilitation work on the two Greenwood water storage towers is as follows:

Tenderer	Tenderer's Location	Price (before HST)
Greatario	Innerkip, Ontario	\$158,728.00

FINANCIAL IMPLICATIONS

- This work will be funded from the following account in the approved 2021/22 Capital Budget:

Account Name	GL#	Budget Amount	Committed to Date
Water Distribution System Improvements	22-3-351-432	\$550,000	\$0.00

ENGAGEMENT

- Not applicable. Part of core operations.



Municipality of the County of Kings

Request for Decision

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	If Checked, Provide Brief Explanation
	Good Governance	
	Environmental Stewardship	
	Economic Development	
	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
✓	Not applicable	Part of core operations

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Sign Form of Agreement with successful contractor.
- Issue Purchase Order to successful contractor.
- Manager of Engineering Services will be responsible for contract administration/management.

APPENDICES

- None

APPROVALS

Scott Quinn, Director of EPW, Land & Parks

Date: April 16, 2021

Scott Conrod, Chief Administrative Officer

Date: April 28, 2021



Municipality of the County of Kings

Request for Decision

TO Municipal Council

PREPARED BY Tim Bouter, Manager of Engineering Services

MEETING DATE May 4, 2020

SUBJECT Award of Contract 21-03: Scott Drive Sidewalk

ORIGIN

- \$890,000 budget for the Pedestrian Infrastructure program approved by Council during the 2021/22 Capital Budget Deliberations
- Tender for Contract 21-03 issued in March and closed on March 25, 2021

RECOMMENDATION

That Municipal Council award Contract 21-03: Scott Drive Sidewalk to Mid Valley Construction (1997) Ltd. for the total price of \$707,736.94 (including non-rebated HST).

INTENT

For Council to award a contract for construction services to construct a new section of sidewalk on Scott Drive in North Kentville, from Governor Court to Nichols Avenue.

DISCUSSION

On March 25, 2021, tenders were received for the construction of a new section of sidewalk along Scott Drive in North Kentville, from Governor Court to Nichols Avenue. This new section of sidewalk is a continuation of the sidewalk constructed in 2020 along Scott Drive between Mee Road and Governor Court. This section will complete a “loop” through North Kentville from roughly Aldershot Elementary School to Kingstec with further connections to Town of Kentville.





Municipality of the County of Kings

Request for Decision

Six tenders were received for the construction services, which were reviewed for mathematical checks and compliance by Engineering Services staff.

Tenderer	Tenderer's Location	Price (before HST)
Dexter Construction Co. Ltd.	Wolfville, NS	\$839,490.00
Sackville Trenching	Sackville, NS	\$1,210,898.00
G.K. Morse Trucking Ltd.	Centreville, NS	\$784,075.00
Gary Parker Excavating Ltd.	Greenwood, NS	\$848,974.07
Howard Little Excavating Ltd.	Cambridge, NS	\$839,719.64
Mid Valley Construction (1997) Ltd.	Kingston, NS	\$678,650.00

FINANCIAL IMPLICATIONS

- This work will be funded from the following account in the approved 2021/22 Capital Budget:

Account Name	GL#	Budget Amount	Committed to Date
Pedestrian Infrastructure	21-3-372-101	\$890,000	\$0.00

ENGAGEMENT

- None. This project was publically tendered through the Municipality and Nova Scotia Procurement websites.

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	If Checked, Provide Brief Explanation
	Good Governance	
	Environmental Stewardship	
	Economic Development	
✓	Strong Communities	New sidewalk will enhance active living opportunities and community connectivity
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
	Not applicable	

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Sign Form of Agreement with successful contractor.
- Issue Purchase Order to successful contractor.
- Manager of Engineering Services will be responsible for contract administration/management.



Municipality of the County of Kings

Request for Decision

APPENDICES

- None

APPROVALS

Scott Quinn, Director of EPW, Land & Parks

Date: April 16, 2021

Scott Conrod, Chief Administrative Officer

Date: April 28, 2021



Municipality of the County of Kings

Request for Decision

TO Municipal Council

PREPARED BY Tim Bouter, Manager of Engineering Services

MEETING DATE May 4, 2021

SUBJECT Award of Contract 21-04: Lift Station Upgrades

ORIGIN

- \$425,000 budget for the Lift Station Replacement program approved by Council during the 2021/22 Capital Budget Deliberations
- Tender for Contract 21-04 issued in March and closed on April 1, 2021
- Quotation for the control panels received on April 14, 2021

RECOMMENDATIONS

1. That Municipal Council award Contract 21-04: Lift Station Upgrades to Gary Parker Excavating Ltd. for the total price of \$249,764.97 (including non-rebated HST).
2. That Municipal Council award the pre-purchase of the control panels related to Contract 21-04: Lift Station Upgrades to Surflin Control Systems Ltd. for the total price of \$85,514.52 (including non-rebated HST).

INTENT

For Council to award contracts for the purchase of equipment and procurement of construction services related to the upgrades of Lift Stations GW7 (Greenwood), GW9 (Greenwood), and RG8 (Coldbrook).

DISCUSSION

On April 1, 2021, tenders were received for the construction services related to upgrades to three sewer lift stations within the Municipality:

- GW7 – 645 Pattys Drive, Greenwood
- GW9 – 101 Brittany Avenue, Greenwood
- RG8 – 7019 Hwy 1, Coldbrook

As described during the Capital Budget deliberations, the work is required due to the age and condition of the current lift stations. The stations require new pumps, new internal plumbing and electrical panels to deal with immediate safety and operational deficiencies. These upgrades are part of the long term program to upgrade and replace aging lift stations within the Municipality's sewer systems.

Two tenders were received for the construction services (Contract 21-04), which were reviewed for mathematical checks and compliance by Engineering Services staff:

Tenderer	Tenderer's Location	Price (before HST)
Gary Parker Excavating Ltd.	Greenwood, NS	\$239,500.00
Mid Valley Construction (1997) Ltd.	Kingston, NS	\$337,000.00

In addition to the construction contract, staff received a quotation from Surflin Control Systems Ltd. for the pre-purchase of the replacement control panels. Pre-purchasing the equipment directly from the supplier reduces the total cost by avoiding contractor mark-up. Surflin is the only supplier of control panels for the County's SCADA system due to its proprietary nature. Thus Council approval is required to award this work as a sole source award. The quote for the electrical panel pre-purchase was as follows:



Municipality of the County of Kings

Request for Decision

Control Panel	Price (before HST)
GW7 Lift Station	\$26,800.00
GW9 Lift Station	\$26,800.00
RG8 Lift Station	\$28,400.00
Total	\$82,000.00

FINANCIAL IMPLICATIONS

- This work will be funded from the following account in the approved 2020/21 Capital Budget:

Account Name	GL#	Budget Amount	Committed to Date
Lift Station Replacements	21-3-382-101	\$425,000	\$0.00

ENGAGEMENT

- None. This project was publically tendered through the Municipality and Nova Scotia Procurement websites.

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	If Checked, Provide Brief Explanation
	Good Governance	
	Environmental Stewardship	
	Economic Development	
	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
✓	Not applicable	Part of core operations

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Sign Form of Agreement(s) with successful contractors.
- Issue Purchase Order(s) to successful contractors.
- Manager of Engineering Services will be responsible for contract administration/management.

APPENDICES

- None

APPROVALS

Scott Quinn, Director of EPW, Land & Parks

Date: April 16, 2021

Scott Conrod, Chief Administrative Officer

Date: April 28, 2021



Municipality of the County of Kings

Request for Decision

TO	Municipal Council
PREPARED BY	Tim Bouter, Manager of Engineering Services
MEETING DATE	May 4, 2021
SUBJECT	Award of Consulting Contract: Rocknotch Road (Greenwood) Lift Station

ORIGIN

- [May 19, 2020](#) - Council adopted a resolution to support an application by the Village of Greenwood to the Provincial Capital Assistance Program (PCAP) for cost sharing on predesign and detailed design of sidewalk and sanitary collection system along Rocknotch Road in Greenwood
- \$120,000 budget for the design of lift station and land acquisition approved by Council during the 2021/22 Capital Budget Deliberations
- Quotation for the detailed design of a new Lift Station on Rocknotch Road received on April 21, 2021, from WSP
- [Policy FIN-05-005](#): Procurement (Policy)

RECOMMENDATION

That Municipal Council award the contract for the detailed design for a new of the Lift Station on Rocknotch Road in Greenwood, as outlined in the May 4, 2021 agenda, to WSP Canada, Inc. for the total price of \$82,218.45 (including non-rebated HST).

INTENT

For Council to award a consulting services contract, as a sole source award, for the design of a new lift station along Rocknotch Road in Greenwood, to WSP Canada, Inc. (WSP).

DISCUSSION

The Municipality and the Village of Greenwood have partnered to extend sidewalk and sewer services to the Rocknotch Road area in Greenwood (see Figure 1 below). The Municipality is providing project management services for the project. The intent is to tender the sidewalk and sewer work together under a single contract, to minimize future disruptions to the local residents and achieve cost savings for both parties through economies of scale. Financially, the Village is responsible for the sidewalk component of the project, and the Municipality is responsible for the sanitary sewer system.

The project is being completed in three phases. In 2020, WSP was awarded the contract to complete predesign and design work for a sidewalk and sanitary collection system along Rocknotch Road, in Greenwood. This work included determining the location of a new lift station along Rocknotch Road (see Figure 1) and related tie-ins to the Greenwood Sewer Treatment Plant. The second phase is to complete the detailed design for a lift station in 2021. The last phase, construction of the new sidewalk and sanitary sewer system is planned for 2022.

Upon request from Staff, WSP submitted a quotation for the detailed design of the lift station on April 21, 2021, totaling \$82,218.45 (including non-rebated HST). The amount has been reviewed by Engineering Staff and is consistent with this project's scope of work and other similar projects.

Staff recommend awarding this work as a sole source contract to WSP per Section 8.7 (a) of the Policy. WSP has completed all the engineering work to date for this project, including the detailed design of the sidewalk and sewer mains. Thus, having WSP complete the lift station design ensures consistency of design and project continuity to allow all project elements to be tendered as a single project as seamlessly as practical. Otherwise, there is a risk of incurring additional costs and time delays due to another consultant having to coordinate with WSP and familiarize themselves with work completed to date.



Municipality of the County of Kings

Request for Decision

Figure 1 Proposed Location for Lift Station



FINANCIAL IMPLICATIONS

- This work will be funded from the following account in the approved 2021/22 Capital Budget:

Account Name	GL#	Budget Amount	Committed to Date
Greenwood Sewer Extensions	21-3-382-113	\$120,000	\$0.00

ENGAGEMENT

- Not applicable. Part of core operations.

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	If Checked, Provide Brief Explanation
	Good Governance	
	Environmental Stewardship	
✓	Economic Development	Supports future development of residential zoned area within the Greenwood growth centre
✓	Strong Communities	Lift station will provide access to municipal sewer services to an underserved area of the Greenwood growth centre
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
	Not applicable	



Municipality of the County of Kings

Request for Decision

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Sign Form of Agreement with WSP.
- Issue Purchase Order to WSP.
- Manager of Engineering Services will be responsible for contract administration/management.

APPENDICES

- None

APPROVALS

Scott Quinn, Director of EPW, Land & Parks

Date: April 23, 2021

Scott Conrod, Chief Administrative Officer

Date: April 28, 2021



Municipality of the County of Kings

Request for Decision

TO	Municipal Council
PREPARED BY	Scott Quinn, Director, Engineering & Public Works, Lands and Parks
MEETING DATE	May 4, 2021
SUBJECT	Contract Authorization: Cost Sharing Agreement 2020-014 - Provincial J-Class Road Resurfacing

ORIGIN

- [May 5, 2020](#) - Council approved entering into Cost Sharing Agreement 2020-014 - Provincial J-Class Road Resurfacing (Agreement) with Nova Scotia Department of Transportation and Active Transit (NSTAT)
- [November 17, 2020](#) - Council approved the 2021 Priority List for submission under Cost Sharing Agreement 2020-014 - Provincial Village/Subdivision Road Resurfacing
- [April 20, 2021](#) - Proposed amendments to the 2021 Priority List submitted to Committee of the Whole
- April 21, 2021 - Minister for NSTAT (Minister) sent letter confirming approx. 4.17km of J-Class Roads approved for resurfacing for FY2021-22 under the Agreement
- [Policy EPW-04-012](#) - Village/Subdivision Road Paving Priority List (Policy)

RECOMMENDATIONS

That Municipal Council approve the Municipality's portion of the Cost Share Program for Paving of Subdivision (J-Class) Streets for fiscal year 2021/22, which is \$387,500.

That Municipal Council authorize the Mayor and CAO to negotiate with the Nova Scotia Department of Transportation and Active Transit (NSTAT) to substitute Morningside Drive for Dee Road on the approved list of roads submitted by the Minister for NSTAT.

INTENT

1. For Council to approve the Municipality's portion of the cost sharing for J-Class road resurfacing for FY2021/22.
2. For Council to authorize the Mayor and CAO to negotiate with NSTAT to substitute Morningside Dr. for Dee Rd. for resurfacing in FY2021/22 under the Agreement.

DISCUSSION

J-Class Roads are Provincially owned subdivision-scale roads identified on a specific 1996 list of roads that constituted, in part, a related Municipal Services Exchange program implemented in that same year.

The Minister for NSTAT confirmed in a letter dated April 21, 2021 (see Appendix A) that approximately 4.17kms of roads have been approved for resurfacing in 2021. NSTAT has approved the ten roads on the 2021 Priority List approved by Council at its November 17, 2020 session.

On April 20, 2021, Committee of the Whole adopted a motion recommending Council amend the 2021 Priority List. The net effect of the motion, relative to the Minister's letter, is that the Municipality would be requesting NSTAT to substitute Morningside Drive in Canaan for Dee Road in Coldbrook. The change would increase the length of roads approved for resurfacing in 2021 by 0.03km.

FINANCIAL IMPLICATIONS

- Total cost estimate for the approved roads is \$775,000 with the Municipality contributing \$387,500.
- \$523,200 has been allocated under GL# 01-2-232-309 in the approved 2021-22 Operating Budget to fund the Municipality's portion under the Agreement for projects approved for FY2021-22.



Municipality of the County of Kings

Request for Decision

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	Description
	Vision Statement	
	Good Governance	
	Environmental Stewardship	
	Economic Development	
	Strong Communities	
	Financial Sustainability	
✓	Supports a Strategic Project	"J-Class" Roads is a listed project within the Strategic Plan
	Supports a Core Program Enhancement	

ALTERNATIVES

- No alternatives are recommended.

IMPLEMENTATION

- Mayor will submit a written request to NSTAT to amend the list of projects approved for resurfacing for FY 2021/22.
- NSTAT will provide a written response for consideration.
- NSTAT's response will be submitted to Council for final decision on how to proceed.

ENGAGEMENT

- "J-Class" Roads have been discussed at Council and Committee of the Whole on several occasions.
- Meetings have been held with representatives of the Village Commissions on this matter.

APPENDICES

- Appendix A: April 21, 2021 Letter from Minister for NSTAT

APPROVALS

Scott Conrod, Chief Administrative Officer

April 28, 2021



**Transportation and Active Transit
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

APR 21 2021

Mayor Peter Muttart
Municipality of the County of Kings
P.O. Box 100
Kentville, NS B4N 3W3

Dear Mayor Muttart,

RE: Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2021-22.

Thank you for your Municipality's submission under the Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year 2021/22.

We are pleased to inform you that the roads listed below have been approved under this program:

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)
Morningside Drive	from Park Street to Regent Street, paving	0.18	\$40,000	\$20,000
McDow Road	from Sanford Road to end of chip seal, paving	0.18	\$35,000	\$17,500
Giffin Court	from Nichols Avenue to end of listing, paving	0.114	\$30,000	\$15,000
Markland Road	from Bridge Street to last house, paving	0.45	\$40,000	\$20,000
Balsom Row	from Birchcrest Drive to Balsom Row, paving	0.196	\$40,000	\$20,000
Bentwood Crescent	from Birchcrest Drive to Balsom Row, paving	0.594	\$115,000	\$57,500
Birchcrest Drive	from end of listing to end of listing, paving	0.63	\$120,000	\$60,000
Pinecrest Drive	from Pinecrest Drive to Pinecrest Drive, paving	0.48	\$110,000	\$55,000
School House Road	from Trunk 1 to Highway 101, paving	1.045	\$155,000	\$77,500
Russet Street	from Bonavista Avenue to cul-de-sac, repaving	0.3	\$90,000	\$45,000
Total		4.169	\$775,000	\$387,500

Mayor Peter Muttart
Page 2

Under the terms of Cost Share Agreement 2020-014, the Municipality has agreed to notify the Department within 20 Business Days from the time of receipt, whether it accepts the list of approved projects and the cost estimates. If a notice of acceptance is not received within this time, the Municipality is deemed to not accept the list of approved projects and the cost estimates, and the Province will proceed no further with these projects.

If you choose to accept the list and cost estimates, please complete, and sign the attached Notice of Acceptance and return to the attention of Laura Cunningham, Capital Program Administration Officer.

Sincerely,



Lloyd P. Hines
Minister

cc: Scott Quinn – Director of Engineering & Public Works, Municipality of Kings
Greg Newell, District Director – TAT Western
Craig Smith, Construction Manager – TAT Western
Laura Cunningham, Capital Program Administration Officer, TAT Head Office

NOTICE OF ACCEPTANCE:

The Municipality of Kings accepts the cost estimates of only the projects listed as "Yes" below for fiscal year 2021-22 and wishes to proceed with construction as per the terms of Agreement 2020-014.

Road Name	Description	KM's	Total Cost Estimate (excludes HST)	Cost Share Estimate (excludes HST)	Accept: Yes / No (please write in)
Morningside Drive	from Park Street to Regent Street, paving	0.18	\$40,000	\$20,000	
McDow Road	from Sanford Road to end of chip seal, paving	0.18	\$35,000	\$17,500	
Giffin Court	from Nichols Avenue to end of listing, paving	0.114	\$30,000	\$15,000	
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Russet Street	from Bonavista Avenue to cul-de-sac, repaving	0.3	\$90,000	\$45,000	
Total		4.169	\$775,000	\$387,500	

Name (Print): _____**Name (Signature):** _____**Title (Print):** _____

Date (Print Year-Month-Day):

Please ensure the yellow highlighted column is filled in and return signed document via email to:

Laura Cunningham at laura.cunningham@novascotia.ca



Municipality of the County of Kings

Committee Recommendations

COMMITTEE: Diversity Kings County

COMMITTEE MEETING DATE: [April 7, 2021](#)

COUNCIL MEETING DATE: May 4, 2021

a.	Training Encouragement	<p>That Municipal Council encourage the Councils of the Town of Berwick, Town of Kentville and Town of Wolfville to take part in the Overcoming History training offered through VANSDA.</p> <p><u>Information pamphlet referenced on page 58 of the December 7, 2020 committee agenda package.</u></p>
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Municipality of the County of Kings

Committee Recommendations

COMMITTEE: Nominating Committee

COMMITTEE MEETING DATE: [April 28, 2021](#)

COUNCIL MEETING DATE: May 4, 2021

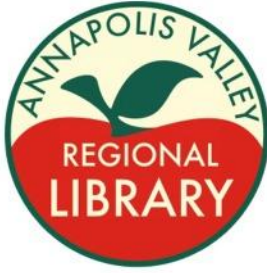
a.	Citizen Appointments to Joint Accessibility Advisory Committee	<p>That Municipal Council appoint the following citizen member representatives to the Joint Accessibility Advisory Committee:</p> <ul style="list-style-type: none">• Dino Wamboldt as Eastern Area representative,• M. Patricia Norris as Western Area representative,• Charlene Park and,• Kathleen Purdy <p>Each for a 2-year term commencing on the first day of the month in which the Committee holds its inaugural meeting.</p>
b.	Citizen Appointments to Joint Accessibility Advisory Committee	<p>That Municipal Council appoint the following citizen member representatives to the Joint Accessibility Advisory Committee:</p> <ul style="list-style-type: none">• Crystal McCormack as Central Area representative,• Thomas Leblanc,• Doug Ralph and,• Mary Fox <p>Each for a 3-year term commencing on the first day of the month in which the Committee holds its inaugural meeting.</p>
c.	Councillor Appointment to Joint Accessibility Advisory Committee	<p>That Municipal Council appoint Councillor Misner as the Municipal Council representative on the Joint Accessibility Advisory Committee for a 3-year term commencing on the first day of the month in which the Committee holds its inaugural meeting.</p>



Municipality of the County of Kings

Committee Recommendations

d.	Village Commissioner Appointments to Joint Accessibility Advisory Committee	<p>That Municipal Council appoint Village Commissioners to the Joint Accessibility Advisory Committee as follows:</p> <ul style="list-style-type: none">• John DeCoste of the Village of Aylesford for a 2-year term,• Andy Vermeulen of the Village of Canning for a 2-year term,• Bruce Rood of the Village of Cornwallis Square for a 3-year term,• Robert Selby of the Village of Greenwood for a 3-year term,• Mike Bishop of the Village of Kingston for a 2-year term,• Cheryl Manzer of the Village of New Minas for a 3-year term and,• Scott Leier of the Village of Port Williams for a 2-year term <p>With all terms commencing on the first day of the month in which the Committee holds its inaugural meeting.</p>
e.	Councillor Appointment to Regional Recreation Facility Steering Committee	<p>That Municipal Council appoint Mayor Muttart as the Municipality's representative on the Regional Recreation Facility Steering Committee effective immediately.</p>



Annapolis Valley Regional Library

P.O. Box 510 236 Commercial Street Berwick, NS B0P 1E0

Phone 1-866-922-0229

www.valleylibrary.ca email: administration@valleylibrary.ca

April 15, 2021

Mayor Peter Muttart, and Council
Municipality of the County of Kings

Dear Mayor Muttart,

I'm writing to you on behalf of the Annapolis Valley Regional Library Board to request that Council implement the new Library Funding Formula on April 1, 2021.

On February 25th, 2020, I received correspondence from Justin Huston, then Deputy Minister, Communities Culture and Heritage. Deputy Minister Huston shared the following information...

"The new library funding model will be implemented in the 2020-21 fiscal year with an increase of \$2 million in annual investment from the province. The budget also includes an additional \$500,000 for an annual, application-based grant program available to libraries for innovative new projects."

Although the one-year notice was provided to municipalities, as per the Municipal Government Act (MGA), municipal funding will remain at current levels for the 2020-21 fiscal year. We will use this time to collect data from the municipalities to determine their total operating contribution to libraries. That said, municipalities can opt to start paying the increases beginning in 2020-21. This is a local municipal decision, that would be agreed upon by the municipality and the regional library board."

Included with this letter are the funding fact sheets for your individual library regions, that outline the changes to provincial, municipal, and board funding with the new funding model. These documents were sent to municipalities prior to the municipal consultations in the winter of 2019."

It was AVRL's understanding from this communication that your assessment increase would be mandatory effective April 1st, 2021. As such, AVRL's planning activities have been predicated on this anticipated revenue stream.

On Friday, April 9th, 2021 I received the following information, via email, from Lynn Somers, Director, Nova Scotia Provincial Library [Department of Communities, Culture and Heritage] which states the following...

"In May 2020, in a letter to municipal associations, Ministers Porter and Glavine communicated the decision to provide additional time before requiring the municipal contribution to increase to the new funding level, deferring the implementation to fiscal 2022-23. This time was to allow for data to be collected to capture the additional operational contributions being made to library boards from municipalities beyond the funding model payment.

Their letter also indicated that upon the completion of data gathering and analysis of municipal contributions, notification will go out to municipalities outlining funding amounts. Data collection will continue in this fiscal year.

The 12-month notice letter will go out in April 2021 confirming municipal contributions to library boards in 2022-23 as per the new funding model. There will be no financial impacts to municipalities in 2021-22, however if municipalities are interested in contributing more before the new mandated amounts come into effect, they may do so."

AVRL was not aware of the May 2020 letter, or its contents, and as such developed our budget based on the direction that the Municipal increases would go into effect on April 1st, 2021, and invoiced you accordingly for the first quarter.

For more than a decade, your library assessment has remained largely unchanged. Under the proposed Funding Formula, your assessment would have increased to \$331,600.

Therefore, the AVRL is asking Council to voluntarily implement the new Funding Formula on April 1, 2021. Having the new Funding Formula enacted in its entirety on April 1st, 2021 will allow the AVRL to pursue increased hours of operation in our Branches, and enhanced services (collection development, technology, and programming) on a shorter timetable. Please let us know your intention as soon as possible so that we may accurately invoice you, and properly prepare for the coming operational year.

In closing, AVRL is appreciative about this renewed financial commitment from Government, and looks forward to working with our Municipal Partners to ensure the Annapolis Valley has sustainable and thriving library service for the future, and that our citizens have the best possible library service that we can provide.

If you have any questions, please contact me at 902-698-9447.

Sincerest regards,

Ann-Marie Mathieu
Chief Executive Officer
Annapolis Valley Regional Library

THE MUNICIPALITY OF THE COUNTY OF KINGS

To: Municipal Council
Subject: Audit Committee
From: Lexie Misner, Vice-Chair
Committee
Meeting Date: March 25, 2021
Council
Meeting Date: May 4, 2021

The Audit Committee met in Council Chambers on March 25 at 6pm. All committee members were present, as well as the Mayor.

A review was given on the Financial Conditions Index (FCI) and a review of the report sent to the Department of Municipal Affairs in regards to the only FCI we are currently not in the green for. Staff have not heard back from them but will provide a full review to the committee when the report is released.

An update of the terms of reference was given, all present voted and accepted the update.

Work Plan update was provided.

Tax sale changes were implemented during the most recent tax sale, which was a success.

The next meeting will be held May 27, 2021.

THE MUNICIPALITY OF THE COUNTY OF KINGS

To: Municipal Council
Subject: Diversity Kings County Committee
From: Lexie Misner, Vice Chair
Committee
Meeting Date: April 7, 2021
Council
Meeting Date: May 4, 2021

The meeting was held on April 7 as April 1 fell on the Easter long weekend. The meeting was called to order at 6 pm. All committee members were present with the exception of regrets due to illness from Bev Bliss. Deputy Mayor Walsh from the Town of Berwick was also absent.

Brittany Mastroianni brought forward an update and review of the project. This was the final time the committee would have to give input on this project before it becomes finalized. There were very great and in depth conversations around the many pieces of the project. All committee members gave input on the various pieces of the project. The diversity project will be finalized in the coming weeks so these conversations were imperative to ensure everyone's voices and opinions were noted and received.

Ms. Mastroianni gave an update on the work plan. She shared with the committee that the final group to take the Uncovering Bias training would be finishing up and all staff would have received the training. The training will also be mandatory for all upcoming new hires including those in the summer student programs. There was some great discussion about the training and the impact it had on both Councillors and staff. The committee moved unanimously to bring a motion to Kings County Council to encourage all elective officials in Kings County to take this training as well; this includes the Councils that partner and collaborate with us on the Diversity Committee. Brittany noted we cannot ask others to do the work which we ourselves are not willing to do and a motion was unanimously voted on for the members of the Diversity Committee to also take the same training.

Reports were given by committee members in regards to the work they've been doing in their community. It was noted that the stress of the unknown of the COVID-19 pandemic is having a huge effect on many university students in our area unsure of what will come next for them.

The next Diversity Committee meeting will take place on Monday, May 3, 2021 at 6pm in Council Chambers.

THE MUNICIPALITY OF THE COUNTY OF KINGS

To: Municipal Council
Subject: New Minas Secondary Planning Strategy Working Group
From: Jim Winsor, Councillor
Committee
Meeting Date: April 19, 2021
Council
Meeting Date: May 4, 2021
Location: Council Chambers

Updates:

- **Change of Location** – We changed the venue of our meeting from the LMCC to Council Chambers to assist with hearing through use of the sound system. People were very pleased with the improved sound and acoustic improvements
- **Preliminary Engagement Results** – Our consultant did a presentation to the group on the engagement activities to date and the early indication of what responders are thinking. Generally, people want to see a preservation of the downtown east-west commercial district with visual and functional improvements for traffic, active transportation and visibility, development to the south of HWY 101 in an environmentally sensitive and progressive manner, for New Minas to evolve and be recognized as a “people” village as well as a commercial shopping center and strong recreational presence. The development of the plan is to be guided by established principles with the Environment as a key principle
- **Preliminary site Conditions** – Mr. Watson did a preliminary overview of the geological/topographical features of the area south of HWY 101. This served as a background to a discussion on how key features will be integrated into the developments along with the challenges and benefits of the topography for the developments in the area.
- **Looking Ahead** – We have come through much of the special topical studies and information gathering through engagement. We now move to the phase of establishing draft principles and putting thoughts to paper on the future Vision for New Minas. We will have draft concepts for discussion at our May meeting.
- **Public Attendance** – Three members of the public were in attendance. The CAO also attended. One member asked a question at the end of the meeting as to whether we would be undertaking a study to determine effectiveness of our drainage system existing and contemplated south of HWY 101 for a major 100-year event. He (Mr. Cecil Lockhart) told the group that such a study had been completed some fifteen years or so ago as part of the earlier initiatives to develop the area south of HWY 101.
- **Next Scheduled Meeting:** May 17, 2021, Venue/Method to be determined.

THE MUNICIPALITY OF THE COUNTY OF KINGS

To: Municipal Council
Subject: Kings Regional Sewer Committee Report
From: Jim Winsor, Chair
Committee Meeting Date: March 18, 2021 and April 1, 2021
Council Meeting Date: May 4, 2021

Budget Projections to Year End

Overall expenses are forecasted to be about \$28,000 over budget at year end with power and labour costs being largely responsible...subject to final reconciliation. \$18,000 would come from the reserve, totally depleting the operating reserve. The balance would be charged back to the partners, as follows:

Kentville:	\$5,300 (53.89%)
New Minas:	\$1,852 (18.83%)
PepsiCo:	\$1,666 (16.94%)
Kings:	\$1,017 (10.34%)

2021/22 Draft Sewer Committee Budget

The Budget was considered at the March 18 meeting presented as follows:

- Total Operating Expenditures
 - 2020/21 Budget \$1,512.5
 - 2020/21 Projected actual \$1,540.5
 - **2021/22 Budget Recommendation \$1,603.3**
 - **Increase \$90.7 which equal 6%**

- Capital Expenditures
 - 2020/21 Budget \$1,161,920
 - **2021/22 Budget Recommendation \$2,375,000**
 - **Increase \$1,213 080**

Note: The big project for 2021/22 is the commencement of a desludging project, which will also carry into 2022/23. \$1,250,000 of this cost will be funded from long-term debt.

Discussions also included funding an Operating Reserve going forward.

April 1, 2021: The Committee met again on April 1 to formally recommend the Regional Sewer Budget to Council for \$1,594,700.

We did receive bids for the desludging of Cells 1 and 2. Unfortunately, the bids came in substantially higher than anticipated (low bid was around \$3M). The team is reviewing the bids now and exploring various options to bring the cost down.

Next Meeting – May 20, 2021

Committee of Council Reports - May 4, 2021

Board/Committee	Chair/Reporting Councillor/ Members	Date Last/Next Meeting	Written Report
Asset Management Committee	Dick Killam, Joel Hirtle (Chair), Peter Allen	February 22, 2021 Next: March 29, 2021	Verbal report provided March 8, 2021
Audit Committee	June Granger, Lexie Misner (Vice-Chair), Dick Killam, Tim Harding	March 25, 2021 Next: May 27, 2021	Written report attached to May 4, 2021
Budget and Finance Committee	Peter Muttart, Emily Lutz, Joel Hirtle (Chair), Jim Winsor (Vice-Chair)	Jan. 11 & Feb. 9, 2021 Next: March 9, April 13, May 13, 2021	Written report provided February 11, 2021
Canning Source Water Protection Committee	June Granger	No recent meetings?	
Centreville Area Advisory Committee	Lexie Misner, Dick Killam	October 28, 2020 Next: TBD	Written report provided November 3, 2020
Diversity Kings County	June Granger (Vice-Chair), Lexie Misner (Chair)	April 7, 2021 Next: May 3, 2021 Cancelled	Written report attached to May 4, 2021
Fences Arbitration Committee	Peter Allen - Alternate	No meetings	
Fire Services Advisory Committee	June Granger (Reporting Councillor), Emily Lutz, Tim Harding	February 18, 2021 Next: Finance Subcommittee April 8, FSAC May 20, 2021	Written report provided March 8, 2021
Greenwood Water Utility Source Water Protection Committee	Tim Harding (Chair)	March 11, 2021 Next: TBA	Written report provided April 6, 2021
Kingston Area Advisory Committee	Martha Armstrong	No recent meetings	Written report provided October 6, 2020
Kings Youth Council	Lexie Misner, Joel Hirtle	No recent meetings	
Lake Monitoring Committee	Tim Harding Alternate - Emily Lutz	July 22, 2020 Next: TBD	
Municipal Elections Advisory Committee	Janny Postema (Chair)	December 7, 2020 Next: Spring 2021	Written report provided January 19, 2021
New Minas Secondary Planning Strategy Working Group	Jim Winsor (Chair), Emily Lutz	April 19, 2021 Next: May 17, 2021	Written report attached to May 4, 2021
Nominating Committee	Martha Armstrong (Chair), Joel Hirtle (Vice-Chair), Peter Muttart, Peter Allen	April 28, 2021	Verbal report provided March 8, 2021
Planning Advisory Committee	June Granger, Dick Killam (Vice- Chair), Martha Armstrong (Chair), Jim Winsor, Peter Allen Alternates - Lutz & Harding	January 12, Feb. 9, 2021 Next: March 9, April 13, 2021	Verbal report provided March 8, 2021
Police Services Advisory Committee	June Granger, Joel Hirtle, Peter Allen (Vice-Chair), Dick Killam (Chair), Tim Harding	December 16, 2020 Next: February 17, May 19, 2021	Written report provided February 11, 2021
Port Williams Area Advisory Committee	June Granger	No recent meetings	
Regional Sewer Committee	Jim Winsor (Chair) Alternate - Joel Hirtle	March 18 & April 1, 2021 Next: May 20, 2021	Written report attached to May 4, 2021
Sandy Court Source Water Protection Committee	Martha Armstrong	Next: March 18, 2021	