

**REGULAR MONTHLY COUNCIL
WEDNESDAY, OCTOBER 9th, 2013 @ 4:30 P.M.
GUYSBOROUGH MUNICIPAL BUILDING**

Deputy Warden Pitts called the meeting to order at 5:00 p.m.

ATTENDANCE

13-10-27579

Deputy Warden Vernon Pitts
Councillor Sheila Pelly
Councillor Myles MacPherson
Councillor Blair George
Councillor Janet Peitzsche
Councillor Rickey McLaren
Councillor Fin Armsworthy

OTHERS PRESENT

Barry Carroll, Chief Administrative Officer
Bruce MacKeen, Municipal Solicitor
Ashley Cunningham, Municipal Clerk

REGRETS

Warden Lloyd Hines

APPROVAL OF AGENDA

13-10-27580

Additions: 7. d) Request for Rezoning, Eastern Light Lodge
e) Request for Rezoning, Fabian & Aldona Gerrior
f) Request for Rezoning, Osprey Shores Resorts

Mr. Carroll noted that Mr. James Fogarty is in attendance this evening to speak on the proposed expropriation of his family property which is Agenda item 7. c).

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Blair George

MOTION: THAT Council approve the Agenda as presented with the noted additions.
MOTION CARRIED

**APPROVAL OF MINUTES OF SEPTEMBER 11th, 2013 REGULAR
COUNCIL**

13-10-27581

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Fin Armsworthy

MOTION: THAT Council approve the minutes of September 11, 2013 Regular Council meeting as presented with no errors or omissions.
MOTION CARRIED

**APPROVAL OF MINUTES OF SEPTEMBER 18th, 2013 SPECIAL
COUNCIL-QUARTERLY DOT**

13-10-27582

MOVED: Councillor Sheila Pelly

SECONDED: Councillor Janet Peitzsche

MOTION: THAT the Council of the Municipality of the District of Guysborough approve the minutes of the September 18, 2013 Special Council- Quarterly DOT meeting as presented with no errors or omissions.
MOTION CARRIED

**APPROVAL OF MINUTES OF SEPTEMBER 30th, 2013 SPECIAL
COUNCIL**

13-10-27583

MOVED: Councillor Fin Armsworthy

SECONDED: Councillor Blair George

MOTION: THAT the Council of the Municipality of the District of Guysborough approve the minutes of the September 30th, 2013 Special Council meeting as presented

with no errors or omissions.

MOTION CARRIED

DELEGATIONS 13-10-27584

No Delegations.

BUSINESS ARISING FROM MINUTES 13-10-27585

FIRST READING- REPEAL OF BY-LAW #5 CURFEW 13-10-27586

MOVED: Councillor Sheila Pelly

SECONDED: Councillor Rickey McLaren

MOTION: THAT on the recommendation of the September 11th, 2013 Regular Council Session, the Council of the Municipality of the District of Guysborough does hereby give Notice of Intent through 1st Reading to repeal By-Law#5 Curfew, which will further be presented for 2nd Reading at the November 13th, 2013 Regular Council Session.

MOTION CARRIED

FIRST READING- REPEAL OF BY-LAW #7 DEFINITIONS AND INTERPRETATIONS 13-10-27587

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Janet Peitzsche

MOTION: THAT on the recommendation of the September 11th, 2013 Regular Council Session, the Council of the Municipality of the District of Guysborough does hereby give Notice of Intent through 1st Reading to repeal By-Law#7 Definitions and Interpretations which will further be presented for 2nd Reading at the November 13, 2013 Regular Council Session.

MOTION CARRIED

FIRST READING- AMENDMENT OF BY-LAW #2 CHIEF ADMINISTRATIVE OFFICER 13-10-27588

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Sheila Pelly

MOTION: THAT on the recommendation of the September 11th, 2013 Regular Council Session, the Council of the Municipality of the District of Guysborough does hereby give Notice of Intent through 1st Reading to amend By-Law#2 Chief Administrative Officer, which will further be presented for 2nd Reading at the November 13th, 2013 Regular Council Session.

MOTION CARRIED

FIRST READING- AMENDMENT OF MUNICIPAL SEAL BYLAW #15 13-10-27589

MOVED: Councillor Fin Armsworthy

SECONDED: Councillor Myles MacPherson

MOTION: THAT on the recommendation of the September 18th, 2013 Committee of the Whole the Council of the Municipality of the District of Guysborough does hereby give Notice of Intent through 1st Reading to amend *By-Law #15, Municipal Seal*, which will further be presented for 2nd Reading at the November 13th, 2013 Regular Monthly Council Session.

MOTION CARRIED

FIRST READING- AMENDMENT OF BY-LAW #18 PROCEEDINGS OF COUNCIL 13-10-27590

MOVED: Councillor Blair George

SECONDED: Councillor Sheila Pelly

MOTION: THAT on the recommendation of the September 18th, 2013 Committee of the Whole, the Council of the Municipality of the District of Guysborough does

hereby give Notice of Intent through 1st Reading to amend By-Law#18 Proceedings of Council, which will further be presented for 2nd Reading at the November 13th, 2013 Regular Council Session.

MOTION CARRIED

NEW BUSINESS

APPLICATION TO UARB RE: AMALGAMATED WATER UTILITIES 13-10-27591

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Fin Armsworthy

MOTION: **THAT** the Municipality of the District of Guysborough on behalf of the existing two water utilities (Hazel Hill and Canso) hereby applies to the Nova Scotia Utility and Review Board to amalgamate the two utilities into one utility named the Canso – Hazel Hill Water Utility and to apply for rates for water and water service and changes to its rules and regulations for customers served by the utility, as set out in the water rate study prepared by G. A. Isenor Consulting Limited in association with W. H. Gates Utility Consultants Ltd.

MOTION CARRIED

MEMO-NOTICE OF INTENT, AMENDMENT OF HERITAGE BY-LAW 13-10-27592

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Sheila Pelly

MOTION: **THAT** the Council of the Municipality of the District of Guysborough approve the Notice of Intent to Amend By-Law #12, Heritage By-Law, and recommend first reading of the noted amendments to the next regular scheduled meeting of Council.

MOTION CARRIED

BRIEFING NOTE- EXPROPRIATION BLACK POINT PID 35044056 13-10-27593 & 35214014

Mr. Carroll provided a brief explanation to those members of the public present that the purpose of the proposed expropriation of the Fogarty and Lukeman properties is to secure lands for a proposed aggregate quarry at Black Point.

Mr. Carroll invited Mr. Fogarty to join the table to speak on the matter. Mr. Fogarty stated that the property in question has been in his family for many generations and provided a personal history on the matter. He noted that he and members of his family have been approached numerous times to sell the property but they are not interested in selling.

Mr. Carroll thanked Mr. Fogarty for the information and for attending the meeting to express his concerns.

EXPROPRIATION- JOSEPH FOGARTY PROPERTY, PID 35044056 13-10-27594

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Blair George

MOTION: **THAT WHEREAS** the Council of the Municipality of the District of Guysborough has caused to be prepared a plan and description of certain lands in the Municipality of the District of Guysborough, described in Schedule “A” and identified as PID 35044056, which lands are required to permit the construction of a coastal aggregate quarry which will contribute to the economic development of the Municipality;

AND WHEREAS the Council of the Municipality of the District of Guysborough desires to expropriate the lands hereinafter described and any and all interest and rights therein, for the said purpose;

NOW THEREFORE BE IT RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, being Chapter 156 of the Revised Statutes of Nova Scotia, 1989 and the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia 1998,

the aforesaid lands are hereby expropriated, for the purpose of encouraging economic development by permitting the construction of a coastal aggregate quarry, upon the filing of this resolution with the Registrar of Deeds for the County of Guysborough.

AND BE IT FURTHER RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, the Municipal Clerk of the Municipality of the District of Guysborough shall file with the Registrar of Deeds for the County of Guysborough, a copy of a description of the lands, and a copy of this Resolution under the Seal of the Municipality of the District of Guysborough.

AND BE IT FURTHER RESOLVED the lands are hereby expropriated as described in Schedule "A" attached hereto and shown on the Plan attached as Schedule "B" hereto.

MOTION CARRIED

EXPROPRIATION- JOSEPH FOGARTY PROPERTY, PID 35214014 13-10-27595

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Sheila Pelly

MOTION: **THAT WHEREAS** the Council of the Municipality of the District of Guysborough has caused to be prepared a plan and description of certain lands in the Municipality of the District of Guysborough, described in Schedule "A" and identified as PID 35214014, which lands are required to permit the construction of a coastal aggregate quarry which will contribute to the economic development of the Municipality;

AND WHEREAS the Council of the Municipality of the District of Guysborough desires to expropriate the lands hereinafter described and any and all interest and rights therein, for the said purpose;

NOW THEREFORE BE IT RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, being Chapter 156 of the Revised Statutes of Nova Scotia, 1989 and the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia 1998, the aforesaid lands are hereby expropriated, for the purpose of encouraging economic development by permitting the construction of a coastal aggregate quarry, upon the filing of this resolution with the Registrar of Deeds for the County of Guysborough.

AND BE IT FURTHER RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, the Municipal Clerk of the Municipality of the District of Guysborough shall file with the Registrar of Deeds for the County of Guysborough, a copy of a description of the lands, and a copy of this Resolution under the Seal of the Municipality of the District of Guysborough.

AND BE IT FURTHER RESOLVED the lands are hereby expropriated as described in Schedule "A" attached hereto and shown on the Plan attached as Schedule "B" hereto.

MOTION CARRIED

EXPROPRIATION- PETER LUKEMAN PROPERTY, PID 35093210 13-10-27596

MOVED: Councillor Sheila Pelly

SECONDED: Councillor Fin Armsworthy

MOTION: **WHEREAS** the Council of the Municipality of the District of Guysborough has caused to be prepared a plan and description of certain lands in the Municipality of the District of Guysborough, described in Schedule "A" and identified as PID 35093210, which lands are required to permit the construction of a coastal aggregate quarry which will contribute to the economic development of the Municipality;

AND WHEREAS the Council of the Municipality of the District of Guysborough desires to expropriate the lands hereinafter described and any and all interest and rights therein, for the said purpose;

NOW THEREFORE BE IT RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, being Chapter 156 of the Revised Statutes of Nova Scotia, 1989 and the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia 1998, the aforesaid lands are hereby expropriated, for the purpose of encouraging economic development by permitting the construction of a coastal aggregate quarry, upon the filing of this resolution with the Registrar of Deeds for the County of Guysborough.

AND BE IT FURTHER RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, the Municipal Clerk of the Municipality of the District of Guysborough shall file with the Registrar of Deeds for the County of Guysborough, a copy of a description of the lands, and a copy of this Resolution under the Seal of the Municipality of the District of Guysborough.

AND BE IT FURTHER RESOLVED the lands are hereby expropriated as described in Schedule "A" attached hereto and shown on the Plan attached as Schedule "B" hereto.

MOTION CARRIED

EXPROPRIATION- PETER LUKEMAN PROPERTY, PID 35214022 13-10-27597

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Blair George

MOTION: **THAT WHEREAS** Council of the Municipality of the District of Guysborough has caused to be prepared a plan and description of certain lands in the Municipality of the District of Guysborough, described in Schedule "A" and identified as PID 35214022, which lands are required to permit the construction of a coastal aggregate quarry which will contribute to the economic development of the Municipality;

AND WHEREAS the Council of the Municipality of the District of Guysborough desires to expropriate the lands hereinafter described and any and all interest and rights therein, for the said purpose;

NOW THEREFORE BE IT RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, being Chapter 156 of the Revised Statutes of Nova Scotia, 1989 and the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia 1998, the aforesaid lands are hereby expropriated, for the purpose of encouraging economic development by permitting the construction of a coastal aggregate quarry, upon the filing of this resolution with the Registrar of Deeds for the County of Guysborough.

AND BE IT FURTHER RESOLVED by the Council of the Municipality of the District of Guysborough that, pursuant to the provisions of the *Expropriation Act*, the Municipal Clerk of the Municipality of the District of Guysborough shall file with the Registrar of Deeds for the County of Guysborough, a copy of a description of the lands, and a copy of this Resolution under the Seal of the Municipality of the District of Guysborough.

AND BE IT FURTHER RESOLVED the lands are hereby expropriated as described in Schedule "A" attached hereto and shown on the Plan attached as Schedule "B" hereto.

MOTION CARRIED

RESOLUTION- REQUEST FOR REZONING, EASTERN LIGHT LODGE 13-10-27598

Deputy Warden Pitts declared a conflict as he is a member of the organization and exited the Council Chambers.

MOVED: Councillor Sheila Pelly

SECONDED: Councillor Fin Armsworthy

MOTION: **THAT** Council appoint Councillor Blair George to Chair the meeting.
MOTION CARRIED

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Myles MacPherson

MOTION: **THAT WHEREAS** the Council of the Municipality of the District of Guysborough passed a motion instructing Municipal Staff to schedule a Public Hearing in accordance with the Municipal Government Act (MGA) for the purpose of considering the rezoning of a portion of a parcel of land in Guysborough from Residential R-1 to Commercial C-1;

AND WHEREAS the land to be rezoned is located on Queen Street in Guysborough, Guysborough County, identified on the attached map;

AND WHEREAS a Public Hearing was called for Wednesday, October 9, 2013 at 4:00 p.m. at the Municipal Building, 33 Pleasant Street, Guysborough in accordance with the MGA;

AND WHEREAS the Public was informed of the Public Hearing through advertisements in local papers in accordance with the MGA;

AND WHEREAS there was no written or oral presentations with respect to this rezoning;

BE IT THEREFORE MOVED THAT the Council of the Municipality of the District of Guysborough approve the request to rezone a portion of property identified as PID #35049121 in Guysborough, Guysborough County, from Residential R-1 to Commercial C-1 to allow for the conversion of approximately 30% of the existing building into self storage units.
MOTION CARRIED

**RESOLUTION - REQUEST FOR REZONING- FABIAN & ALDONA 13-10-27599
GERRIOR**

MOVED: Councillor Janet Peitzsche

SECONDED: Councillor Blair George

MOTION: **THAT WHEREAS** the Council of the Municipality of the District of Guysborough passed a motion instructing Municipal Staff to schedule a Public Hearing in accordance with the Municipal Government Act (MGA) for the purpose of considering the rezoning of a parcel of land in Guysborough from Commercial C-1 to Residential R-2;

AND WHEREAS the land to be rezoned is located on Main Street in Guysborough, Guysborough County, identified on the attached map;

AND WHEREAS a Public Hearing was called for Wednesday, October 9, 2013 at 4:00 p.m. at the Municipal Building, 33 Pleasant Street, Guysborough in accordance with the MGA;

AND WHEREAS the Public was informed of the Public Hearing through advertisements in local papers in accordance with the MGA;

AND WHEREAS there was no written or oral presentations with respect to this rezoning;

BE IT THEREFORE MOVED THAT the Council of the Municipality of the District of Guysborough approve the request to rezone property identified as PID #35049196 in Guysborough, Guysborough County, from Commercial C-1 to Residential R-2 to allow for development of a five or six unit seniors apartment building on this lot.

MOTION CARRIED

RESOLUTION - REQUEST FOR REZONING- AUTHENTIC SEACOAST 13-10-27600

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Janet Peitzsche

MOTION: **THAT WHEREAS** the Council of the Municipality of the District of Guysborough passed a motion instructing Municipal Staff to schedule a Public Hearing in accordance with the Municipal Government Act (MGA) for the purpose of considering the rezoning of a parcel of land in Guysborough from Commercial C-1 to Major Commercial MC-1;

AND WHEREAS the land to be rezoned is located on Ferry Lane in Guysborough, Guysborough County, identified on the attached map;

AND WHEREAS a Public Hearing was called for Wednesday, October 9, 2013 at 4:15 p.m. at the Municipal Building, 33 Pleasant Street, Guysborough in accordance with the MGA;

AND WHEREAS the Public was informed of the Public Hearing through advertisements in local papers in accordance with the MGA;

AND WHEREAS there were four (4) written and two (2) oral presentations with respect to this rezoning;

BE IT THEREFORE MOVED THAT the Council of the Municipality of the District of Guysborough approve the request to rezone property identified as PID #35218189 in Guysborough, Guysborough County, from Commercial C-1 to Major Commercial MC-1 to allow for development of a craft-scale distillery/brewery facility on this lot.

MOTION CARRIED

3 NAY VOTES-Councillor Blair George

Councillor Sheila Pelly

Councillor Rickey McLaren

COMMITTEES & BOARDS

COMMITTEE OF THE WHOLE **13-10-27601**

HOME MANAGEMENT BOARD **13-10-27602**

No Report

MUNICIPAL ARENA STEERING COMMITTEE **13-10-27603**

No Report

EMERGENCY MANAGEMENT OFFICE COMMITTEE **13-10-27604**

Councillor MacPherson stated that Committee met on September 24th. He noted that there was DNR representation at the meeting which was welcomed. He noted that the provincial EMO Coordinator for our area will be attending the next meeting in January to conduct an exercise with the committee.

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Janet Peitzsche

MOTION: **THAT** Council approve the Emergency Management Office report as presented.

MOTION CARRIED

EASTERN REGION SOLID WASTE MANAGEMENT COMMITTEE 13-10-27605

Deputy Warden Pitts stated that all is well on the Committee however a resignation from Michelle MacPhee, Compliance Officer (who is currently on Maternity Leave) had been received. He noted that Mr. Kevin O' Handley will be recommended for permanent replacement.

MOVED: Deputy Warden Vernon Pitts

SECONDED: Councillor Blair George

MOTION: **THAT** Council approve the Eastern Region Solid Waste Management Committee report as presented.

MOTION CARRIED

GUYSBOROUGH ADULT LEARNING ASSOCIATION 13-10-27606

Meeting scheduled for October 16th.

WASTE MANAGEMENT LIAISON COMMITTEE 13-10-27607

Councillor Pelly stated that a meeting will be rescheduled as the last meeting was cancelled due to lack of quorum.

HOME SUPPORT BOARD 13-10-27608

No report

ANTIGONISH GUYSBOROUGH BLACK DEVELOPMENT ASSOCIATION 13-10-27609

No report

LIBRARY BOARD REPORT 13-10-27610

Councillor MacPherson stated that a new board member was appointed to the Library Board as one Council member from Mulgrave has submitted a resignation.

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Sheila Pelly

MOTION: **THAT** Council approve the Library Board Report as presented.

MOTION CARRIED

SABLE WIND COMMUNITY LIAISON COMMITTEE 13-10-27611

No report

CANSO ARENA BOARD 13-10-27612

No report

ANY OTHER COMMITTEE OR BOARD 13-10-27613

HERITAGE ADVISORY COMMITTEE 13-10-27614

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Blair George

MOTION: **THAT** on the recommendation of the Heritage Advisory Committee, the Council of the Municipality of the District of Guysborough that they consider the request from the Laurel Rebekah Lodge #101 to have the Hall and property identified as PID 35065952 deregistered as a Municipal Heritage Property;

AND FURTHER THAT a Public Hearing to consider the request be scheduled for Wednesday, December 4th, 2013 at 4:15 pm in the Council Chambers of the Guysborough Municipal Building;

AND FURTHER THAT Municipal Staff be instructed to serve 30 days notice on the owner of the property and publish the required advertisement in the local paper as outlined in the Heritage Property Act, Section 16.
MOTION CARRIED

ANYTHING BY MEMBERS

13-10-27615

MOVED: Councillor Myles MacPherson

SECONDED: Councillor Fin Armsworthy

MOTION: **THAT** Council send congratulations wishes to Lloyd Hines to celebrate his recent nomination as MLA and thank him for his contributions and years of service to the Municipality.

MOTION CARRIED

Mr. Carroll also noted that Maher Terminal would like to schedule a delegation to their Terminal in New Jersey the week of November 18th for two staff members and two elected officials. It was decided by consensus that Deputy Warden Pitts, Councillor George, Mr. Carroll & Mr. MacDonald would attend.

FUTURE MEETING DATES

13-10-27616

- Wednesday, October 16th, 2013 @ 4:30 p.m.- Committee of the Whole
- Wednesday, November 13th, 2013 @ 4:30 p.m.- Regular Monthly Council
- Wednesday, November 20th, 2013 @ 4:30 p.m.- Committee of the Whole

ADJOURNMENT

13-10-27617

MOVED: Councillor Janet Peitzsche

MOTION: **THAT** the Regular Scheduled Council meeting of October 9th, 2013 stand adjourned.

MOTION CARRIED (5:55 p.m.)

DEPUTY WARDEN

CHIEF ADMINISTRATIVE OFFICER

DATE