



**COMMITTEE OF THE WHOLE MEETING
MUNICIPAL COUNCIL
MUNICIPALITY OF THE DISTRICT OF YARMOUTH
Thursday, September 5, 2024**

A Committee of the Whole Meeting for the month of September 2024 was held in the Council Chambers on Thursday, September 5, 2024.

1. The meeting was called to order at 2:33 p.m. by Warden John Cunningham with the following in attendance: Deputy Warden Trevor Cunningham, Councillor Patti Durkee, Councillor Nick Hilton, Councillor Loren Cushing, Councillor Daniel Allen, Councillor Sheri Hurlburt, CAO Victoria Brooks, and Jenny Porter, Municipal Clerk.

Also in attendance for a portion of the meeting were Sharon and Peter Stewart, Richard Hurlburt, Erin Sweeney, Derek Sutherland, Director of Public Works, and Derek Robertson, Director of Development Services.

2. **Land Acknowledgement** – I would like to begin by acknowledging that we are on the traditional lands of the Wasoqopa'q First Nation, part of Mi'kma'ki (meeg-ma-gee), the ancestral territory of the Mi'kmaq people.

3. **Additions/Deletions to the Agenda**

Councillor Hilton requested that the Good Neighbour By-Law Update be added under Old Business.

It was moved by Councillor Nick Hilton, seconded by Councillor Patti Durkee to add item 11.5 Good Neighbour By-Law Update.

Motion carried.

4. **Approval of the Agenda**

It was moved by Councillor Nick Hilton, seconded by Councillor Daniel Allen to approve the agenda as amended.

Motion carried.

5. **Declarations of any conflicts of interest**

Councillor Hilton declared a conflict on item 6.2 Yarmouth Curling Club.

6. **Presentations**

- 6.1 **Jocelyn Stewart Foundation**

Sharon and Peter Stewart presented to Council the values and goals of the Jocelyn Stewart Foundation. They outlined the resources and services the Foundation will provide to individuals facing mental health challenges.

The Chair thanked Mrs. and Mr. Stewart and they left the meeting.

6.2 Yarmouth Curling Club

Richard Hurlburt and Erin Sweeny presented to Council about the plans for the Yarmouth Curling Club. They highlighted the need for funding to maintain the facility and to expand to attract visitors, retain doctors, and keep the community healthy and active.

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Patti Durkee that the request from the Yarmouth Curling Club for \$300,000 over three years, along with a letter of support, be added to the September Regular Council agenda for discussion and approval.

Councillor Hilton declared a conflict of interest and exited the meeting.

Motion carried.

Councillor Hilton returned at 3:07 p.m.

The Chair thanked the presenters and they left the meeting.

6.3 Director of Public Works, Derek Sutherland

Derek Sutherland, Director of Public Works, updated Council on the current activities within the Public Works Department.

The Chair thanked Mr. Sutherland and he left the meeting.

7. Correspondence

7.1 For Action

7.1.1 Municipal and Village – Codes of Conduct

7.1.1.1 Draft 2024 Councillor Code of Conduct

7.1.1.2 2020 Councillor Code of Conduct

CAO Brooks proposed that Council consider updating the Code of Conduct before the swearing-in ceremony for the newly elected Council members.

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Patti Durkee to recommend the draft 2024 Councillor Code of Conduct to Regular Council for discussion and approval.

Amendment

It was moved by Councillor Sheri Hurlburt, seconded by Councillor

Patti Durkee to amend the motion to include Appendix C and B, Investigations and Sanctions respectively, in the draft of the 2024 Councillor Code of Conduct.

Motion carried.

Amended Motion

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Patti Durkee to recommend the draft 2024 Councillor Code of Conduct, including Appendix C and B, Investigations and Sanctions respectively, to Regular for discussion and approval.

Motion carried.

By consensus, it was agreed where no timelines are included in the investigation process, recommended timelines be added for Council's consideration.

7.1.2 Mariners Centre Board of Directors Request

It was moved by Councillor Daniel Allen, seconded by Councillor Loren Cushing to recommend to Regular Council that the Municipality approve the contribution to the Mariners Centre Capital Priorities for \$46,585 funded from the 2024-2025 Capital Projects Budget.

Motion carried.

It was moved by Councillor Sheri Hurlburt, seconded by Councillor Daniel Allen to recommend to Regular Council that a letter be sent to the Mariners Center Management Board inquiring as to why the Capital Priorities ask is six months past due, under the Intermunicipal Agreement.

Motion carried.

7.2 For Information

7.2.1 Yarmouth Hospital Foundation Annual Report 2023

7.2.2 Board Appointment of New CEO at PVSC

7.2.3 Response from Hon. Lohr re: 12 Months Notice Letter

7.2.4 Response from Minister Masland Public Works – Brush Cutting

8. Old Business

8.1 Community Mailbox Street Light – Bunkers Island Rd.

8.1.1 Briefing Note Tentative

It was moved by Councillor Nick Hilton, seconded by Councillor Daniel

Allen to lift the motion from the table made on August 7, 2024, to put a street light over the mailbox area on Bunkers Island.

Motion carried.

CAO Brooks informed Council that the briefing note is nearly complete and currently a financial analysis and has been speaking with Canada Post who is working to provide the data and recommended that the motion be tabled again until all the data can be provided.

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Loren Cushing to table the motion until staff can provide all the data about the installation of street lights above community mailboxes.

Vote of 5 in favour, 2 against.

Motion carried.

(Councillor Patti Durkee & Councillor Nick Hilton)

8.2 Pleasant Valley Ball Field Motions

It was moved by Councillor Nick Hilton, seconded by Councillor Sheri Hurlburt to lift the motion from the table made on August 7, 2024, to provide \$755.00 from the Parkland Dedication fund to the Pleasant Valley Ballfield for maintenance.

Motion carried.

It was moved Councillor Nick Hilton and Councillor Patti Durkee to rescind the motion.

Motion carried.

Council discussed how the request was brought forward without an application and to better understand the safety issues at the ballfield.

It was moved by Councillor Patti Durkee, seconded by Councillor Sheri Hurlburt to recommend to Regular Council that staff engage with the organization on the grant process to assist with the request for maintenance at the Pleasant Valley Ballfield.

It was moved by Councillor Patti Durkee, seconded by Councillor Sheri Hurlburt to rescind the motion.

Motion carried.

8.3 MCEB – Considerations for Project Costs Contingency

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Daniel Allen to recommend to Regular Council that the Municipality approve up to \$630,000 (38.67% of \$1,630,000) as a conditional contingency funding grant for the Mariners Centre Expansion project in the

event tender bids exceed a 10% estimate overrun.

Motion carried.

It was moved by Councillor Nick Hilton seconded by Councillor Patti Durkee to recommend to Regular Council that the Municipality approve up to \$773,200 in temporary lending to support cash flow during construction of the Mariners Centre expansion project.

Motion carried.

8.4 Good Neighbour By-Law

Council discussed the ongoing issue of animals not being property fenced and going on others properties.

It was moved by Councillor Nick, seconded by Councillor Daniel Allen to recommend to Regular Council that staff explore while drafting the Good Neighbour By-Law, that a section be added specific to animals outside of the Fence Arbitration Legislation and a section for different avenues for resolution.

Amendment

It was moved by Councillor Nick Hilton, seconded by Councillor Patti Durkee to amend the motion that the requested work regarding the additions to the Good Neighbour By-Law be done in an early phase two as an amendment to the By-Law.

Vote of 6 in favour, 1 against.

Motion carried.

Amended Motion

It was moved by Councillor Nick Hilton, seconded by Councillor Daniel Allen to recommend to Regular Council that staff explore, while drafting the Good Neighbour By-Law, that a section be added specific to animals outside of the Fence Arbitration Legislation and a section for different avenues for resolution, and that these additions be done in an early phase two as an amendment to the By-Law.

Motion carried.

9. New Business

9.1 October Regular Council Meeting Date

It was moved by Councillor Nick Hilton, seconded by Deputy Warden Trevor Cunningham to recommend to Regular Council that the October Regular Council meeting be held on Thursday, October 3, 2024, at 6:00 p.m.

Amendment

It was moved by Councillor Patti Durkee, seconded by Councillor Sheri Hurlburt to amend the meeting start time to 5:00 p.m.

Motion carried.

Amended Motion

It was moved by Councillor Nick Hilton, seconded by Deputy Warden Trevor Cunningham to recommend to Regular Council that the October Regular Council meeting be held on Thursday, October 3, 2024, at 5:00 p.m.

Motion carried.

9.2 Private Road Name Request

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Loren Cushing to recommend that Regular Council approve the recommended private road name of Lake Fanning Road as the desired name for PID 9012029, of the Perry Road in Carleton.

Motion carried.

9.3 Amendments to Dynamic Speed Display Sign Policy D-0140-18

It was moved by Councillor Nick Hilton, seconded by Councillor Daniel Allen to recommend to Regular Council that the amendments to Dynamic Speed Display Sign Policy D-0140-18 be approved and that the amendments also include that an individual can request the DSDS sign location subject to all other policy requirements.

***Vote of 6 in favour, 1 against.
Motion carried.
(Warden John Cunningham)***

Councillor Daniel Allen left the meeting at 4:51 p.m.

9.4 Amendments to Schedule A on Tax Exemption By-Law

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Patti Durkee to recommend to Regular Council to approve first reading of Tax Exemption By-Law T-082-24.

Motion carried.

9.5 Short Term Rental Zoning Confirmation – Status Update

Derek Robertson joined the meeting at 4:53 p.m.

Derek Robertson, Director of Development Services briefed and updated Council on the Short Term Rental Zoning Confirmation.

Warden Cunningham stepped out at 4:53 p.m. and Deputy Warden Cunningham assumed the role of Chair.

Warden Cunningham returned at 4:55 p.m. and assumed the role of Chair.

It was moved by Councillor Nick Hilton, seconded by Councillor Patti

Durkee to recommend to regular Council that a letter be sent to the Province requesting that documentation be provided supporting the intention to hold off on enforcement of the Short Term regulations, giving short term rental property owners time to come into conformity with their Municipality's Municipal Planning Strategy and Land Use By-Law.

Motion carried.

10. Public Comments

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Loren Cushing to extend the meeting.

*A vote of 4 in favour, 2 against.
Motion carried.*

It was moved by Councillor Nick Hilton, seconded by Councillor Patti Durkee to hold a 5-minute recess.

Motion carried.

11. In-Camera

It was moved by Councillor Sheri Hurlburt, seconded by Warden John Cunnigham to move in-camera at 5:45 p.m.

Motion carried.

11.1 Parkland Dedication – MGA 22:2 (a)

11.2 Parkland Dedication – MGA 22:2 (a)

11.3 Purchase/Sale of Land – MGA 22:2 (a)

11.4 Contract Negotiations – MGA 22:2 (e)

11.5 Contract Negotiations – MGA 22:2 (e)

11.5.1 Status Summary

Consensus was reached by Council at 6:58 p.m. to move out of in-camera.

The Chair called the meeting back to order at 6:58 p.m.

12. In-Camera Recommendations

Parkland Dedication – MGA 22:2 (a)

It was moved by Councillor Sheri Hurlburt, seconded by Councillor Nick Hilton to recommend to Regular Council that the Municipality accept \$800.00, equivalent to 5% of the market value of Lot J-1 as a Parkland Dedication on PID

Motion carried.

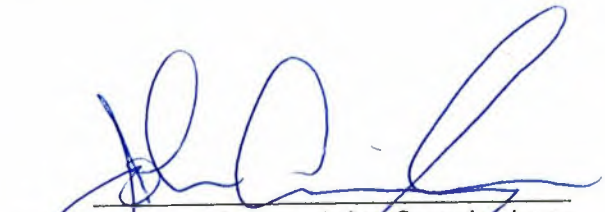
Parkland Dedication – MGA 22:2 (a)

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Nick Hilton to recommend to Regular Council that the Municipality request \$30,000 which is 5% of the market value of Lots SL-1 to SI-12 as Parkland Dedication, on PID 90319435, File 9973.

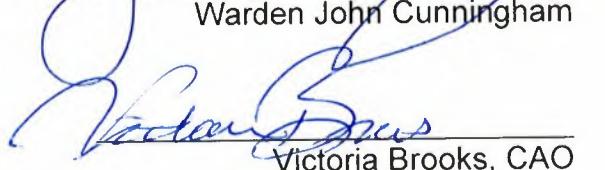
Motion carried.

13. Adjournment


The Chair adjourned the meeting at 7:00 p.m.



Warden John Cunningham



Victoria Brooks, CAO



Jenny Porter, Municipal Clerk