



**REGULAR MEETING
MUNICIPAL COUNCIL
MUNICIPALITY OF THE DISTRICT OF YARMOUTH
Wednesday, December 18, 2024**

A Regular Meeting of the Municipal Council for the Municipality of the District of Yarmouth was held in Council Chambers on Wednesday, December 18, 2024.

1. The meeting was called to order at 6:03 p.m. by Warden John Cunningham with the following in attendance: Councillor Jim Baxter, Councillor Daniel Muise, Councillor Loren Cushing, Councillor Phil Mooney, Deputy Warden Trevor Cunningham, Victoria Brooks, CAO, and Barb Deviller, Recording Secretary.

Also, in attendance for a portion of the meeting was Jennifer Wilkins and Deputy CAO Darlene LeBlanc.

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. **Singing of O Canada**
4. **Approval of Agenda (Additions/Deletions)**

Councillor Mooney requested to add letters to Zach Churchill, Nick Hilton, and Colton LeBlanc.

It was moved by Councillor Phil Mooney, seconded by Deputy Warden Trevor Cunningham to add items 9.5 Letter of thanks to Zach Churchill, 9.6 Letter of Congratulations to Nick Hilton, MLA, and 9.7 Letter to Colton LeBlanc, MLA Argyle.

Motion carried.

It was moved by Councillor Loren Cushing and seconded by Councillor Phil Mooney to accept the agenda as amended.

Motion carried.

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

Councillor Daniel Muise declared a conflict of interest under item 9.2.2 First Reading of the Municipal Planning Strategy and Land Use By-law Amendments (Short Term Rentals).

Warden John Cunningham declared a conflict of interest under item 10.1.3 Road Trail Request.

6. Approval of Minutes

6.1 November 6, 2024 COTW

6.2 November 20, 2024 Regular Council

6.3 November 27, 2024 Special Council

6.4 December 2, 2024 Emergency Council

6.5 December 4, 2024 Special Council

Seeing no errors or omissions, Warden John Cunningham declared the meeting minutes approved.

7. Presentations

7.1 Cape Forchu Post Season Summary, Jennifer Wilkins

Jennifer Wilkins provided a summary on the 2024 Cape Forchu Post Season. The recap included highlights, comparison traffic from year to year, Climb the Light Tours, the Gift Shop, Donations & Consignments, as well as ongoing challenges.

7.2 By-law/Policy Development Process, Darlene LeBlanc, Deputy CAO

Darlene LeBlanc, Deputy CAO was in attendance to give a presentation on the By-law/Policy Development Process.

8. Old Business

8.1 One-Time Tax Rebate Program Report, Greg Shay, Director of Finance

Greg Shay, Director of Finance, was in attendance to provide a financial report for the One-Time Tax Rebate Program.

8.2 Valley & District Volunteer Fire Department Request for Decision (RFD)

It was moved by Councillor Phil Mooney and seconded by Deputy Warden Trevor Cunningham to loan to the Valley and District Volunteer Fire Department up to \$130,000.00 in accordance with the Volunteer Emergency Services Providers Capital Loan Policy V-108-19.

Motion carried.

8.3 Notice of Motion – Bulk Water Station

It was moved by Councillor Phil Mooney and seconded by Councillor Daniel Muise that the Municipality of the District of Yarmouth defer the exploration of the process to establishing its own bulk water dispensing facility to the budget process.

Motion carried.

8.4 Appointments to Boards and Committees

Warden John Cunningham indicated he would be willing to serve as acting member on the committees until the next municipal by-election is held.

Councillor Phil Mooney expressed his interest in securing membership on the Yarmouth and Acadian Shores Tourism Association (YASTA) Board.

Councillor Loren Cushing expressed his interest in securing membership on the Yarmouth County Joint Police Advisory Committee.

It was moved by Councillor Phil Mooney and seconded by Deputy Warden Trevor Cunningham that Warden John Cunningham be appointed as acting member on the Mariners Centre Expansion Board, the Western Regional Enterprise Network (WREN) Liaison and Oversight Committee, the Doctor Recruitment and Retention Committee, the Heritage Advisory Committee, the Diversity, Equity and Inclusion Advisory Committee, and the Yarmouth Area Industrial Commission; that Councillor Phil Mooney be appointed to YASTA; that Councillor Loren Cushing be appointed to the Yarmouth County Joint Police Advisory Committee.

Motion carried.

8.5 Code of Conduct Investigator

Under the regulations respecting the Code of Conduct, Council is responsible to appoint an investigator to receive and process any claims that might come up. The name of that investigator has to be advertised on the municipal website. The Association of Municipal Administrators issued a Request for Qualifications and intends to maintain a roster of qualified service providers for that. The procurement has closed. There were a small number of respondents. The procurement is being extended into the new year. In the meantime, Victoria Brooks, CAO, is seeking direction from Council to reach out to legal firms that the Municipality of Yarmouth works with to

make some interim plans so that the Municipality continues to be compliant with the regulations.

It was moved by Councillor Phil Mooney and seconded by Councillor Jim Baxter that the CAO be directed to appoint TMC Law as the interim investigator for the Council Code of Conduct.

Motion carried.

9. New Business

9.1 Councillor Nick Hilton District 7

9.1.1 Request for Leave of Absence

9.1.2 Letter of Resignation

Request for Decision – Special Election

It was moved by Councillor Phil Mooney and seconded by Councillor Loren Cushing;

WHEREAS Nick Hilton has resigned from Council effective December 9th, 2024;

AND

WHEREAS the Municipal Elections Act sets out the provisions for a Special Election (S.13) as well as the appointment of the Returning Officer (S.4);

THEREFORE, BE IT RESOLVED that Council set a Special Election for District 7 on Saturday, March 1, 2025;

AND

FURTHER BE IT RESOLVED that Linda Power be appointed Returning Officer;

AND

FURTHER BE IT RESOLVED that expenses for the un-anticipated special election be funded through the Contingency Fund.

Motion carried.

9.2 Recommendations from Planning Advisory Committee – December 3, 2024

Madelyn LeMay, LPP, MCIP on behalf of C+D Community Design

was in attendance and introduced herself to Council.

9.2.1 First Reading of Land Use By-law Amendments (Dwellings in Front Yard)

It was moved by Deputy Warden Trevor Cunningham and seconded by Councillor Jim Baxter to approve first reading and to hold a public hearing to consider amending the text of the Municipality of Yarmouth Land Use By-law to allow accessory buildings in the front yard of the lot.

Motion carried.

9.2.2 First Reading of Municipal Planning Strategy and Land Use By-law Amendments (Short Term Rental)

Councillor Daniel Muise declared a conflict of interest and left the meeting at 7:27 pm.

It was moved by Deputy Warden Trevor Cunningham and seconded by Councillor Loren Cushing that Council give first reading and hold a public hearing to consider amending the text of the Municipality of the District of Yarmouth Municipal Planning Strategy and Land Use By-law to accommodate short term rentals in a manner substantially the same as set out in Appendix A of the public participation meeting report dated October 24, 2024.

Motion carried.

Councillor Daniel Muise returned to the meeting at 7:44 pm.

9.3 Second Reading of the Tax Exemption By-law T-082-24

It was moved by Deputy Warden Trevor Cunningham and seconded by Councillor Daniel Muise that the Municipality of Yarmouth approve second reading of the Tax Exemption By-law T-082-24.

Motion carried.

9.4 GRID Application – Resolution – Support for Growth and Renewal for Infrastructure Development Program (GRID) Funding Submissions

The Municipality of Yarmouth is working diligently to leverage as many funds as possible can from senior levels of government to accomplish Council's goal. MODY Staff has put together another application to help offset the cost of accessibility compliance as well as the installation of the wastewater portion of the Phase II Development at the Nova West Regional Business Park. The

application for funding requires an approved Resolution from Council.

WHEREAS The Municipality of the District of Yarmouth recognizes the importance of enhancing accessibility in municipal facilities to meet community needs and comply with provincial accessibility standards;

AND WHEREAS The Municipality is committed to advancing economic development by supporting the Nova West Regional Business Park (NWRBP) Phase II Wastewater Collection System project to provide critical infrastructure for business growth;

AND WHEREAS the GRID funding provides up to 50% of eligible costs and prioritizes shovel ready projects;

AND WHEREAS the Municipality has two qualifying shovel ready projects;

THEREFORE, BE IT RESOLVED THAT the Council of the Municipality of the District of Yarmouth supports the submission of funding applications for the following projects;

1. Accessibility Renovations to the Administrative Building; To improve accessibility features, ensuring the building is inclusive and compliant with accessibility standards.

2. NWRBP Phase II Wastewater Collection System: To develop essential infrastructure required for the expansion and effective operation of the business park.

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer (CAO) is authorized to execute and submit the funding applications and any supporting documentation required for these projects.

It was moved by Councillor Phil Mooney and seconded by Councillor Daniel Muise that the CAO is authorized to execute and submit the funding applications and any supporting documentation required for these projects. This motion brings into account the entirety of the Council Resolution dated December 18th, 2024.

Motion carried.

9.5 Letter of thanks to Zach Churchill

It was moved by Councillor Phil Mooney and seconded by Councillor Loren Cushing to send a letter of thanks to former MLA Zach Churchill, Leader of the Liberal Party of Nova Scotia to thank him for his 14 years of service.

Motion carried.

9.6 Letter of Congratulations to Nick Hilton, MLA

It was moved by Councillor Phil Mooney and seconded by Councillor Jim Baxter to send a letter of congratulations to newly elected MLA Nick Hilton and also to request a meeting with Mr. Hilton in the new year.

Motion carried.

9.7 Letter to Colton LeBlanc, MLA Argyle

It was moved by Councillor Phil Mooney and seconded by Councillor Loren Cushing to forward a letter of congratulations to Colton LeBlanc, MLA for his election for Argyle as well as to request a meeting with Mr. LeBlanc in the new year.

Motion carried.

10. Correspondence

10.1 For Action

10.1.1 FOIPOP Review for Municipalities and Villages

CAO Victoria Brooks' recommendation to Council is that Council write to the Department of Justice and FOIPOP Act Review Committee echoing the concerns of the NSFM in the AMA to preserve autonomy and financial stewardship for municipalities.

It was moved by Deputy Warden Trevor Cunningham and seconded by Councillor Phil Mooney that staff write the letter of concern as outlined by CAO Victoria Brooks.

Motion carried.

It was moved by Councillor Daniel Muise and seconded by Councillor Loren Cushing to extend the meeting to complete the agenda.

Motion carried.

10.1.2 Letter Concerning the Former Arcadia School Property

Victoria Brooks, CAO indicated there is an open by-law on

this issue and because it qualifies for solicitor / client privilege, the CAO's recommendation is that this correspondence be added to that file.

It was moved Councillor Daniel Muise and seconded by Councillor Phil Mooney that this correspondence be added to that file.

Motion carried.

10.1.3 Rail Trail Request

Warden John Cunningham declared a conflict of interest and left the room at 7:58 pm. Deputy Warden Trevor Cunningham took the place of the Warden.

It was moved by Councillor Phil Mooney, seconded by Councillor Loren Cushing to direct the CAO to contact the RCMP requesting for comments regarding traffic and safety concerns before a decision is made by Council.

Motion carried.

Warden Cunningham returned to assume the role as Chair.

10.2 For Information

11. Reports

11.1 CAO Report

It was moved by Councillor Daniel Muise, seconded by Councillor Loren Cushing to accept the CAO's Report as presented.

Motion carried.

11.2 Warden's Report

11.3 Legal Entities

11.3.1 Mariners Centre Expansion Board

11.3.2 Mariners Centre Management Authority

11.3.3 Regional Solid Waste Authority

11.3.4 Western Counties Regional Library

11.3.5 Yarmouth Area Industrial Commission

11.3.6 Yarmouth and Acadian Shores Tourism Association

11.3.7 Yarmouth International Airport Corporation

11.3.8 Western Regional Enterprise Network Liason and Oversight Committee

11.4 Advisory

- 11.4.1 **Audit Committee** – Councillor Baxter provided a verbal report.
- 11.4.2 **Accessibility Advisory Committee**
- 11.4.3 **CAO Committee**
- 11.4.4 **Diversity, Equity, and Inclusion Advisory Committee**
- 11.4.5 **Doctor Recruitment and Retention Committee**
- 11.4.6 **REMO Executive Committee**
- 11.4.7 **Joint Green Energy Committee**
- 11.4.8 **Joint Police Advisory Committee**
- 11.4.9 **Planning Advisory Committee**
- 11.4.10 **Marketing Promotions Levy Advisory Committee**
- 11.4.11 **Yarmouth Recreation Committee**

11.5 Ad-Hoc

- 11.5.1 **Fence Arbitration Committee**

12. Public Comments

Comments were received from the public.

It was moved by Councillor Phil Mooney, seconded by Councillor Loren Cushing to hold a 5-minute recess.

Motion carried.

13. In-Camera

It was moved by Councillor Phil Mooney, seconded by Councillor Loren Cushing to move in-camera.

Motion carried.

- 13.1 **Personnel – MGA 22:2 (c)**
- 13.2 **Personnel – MGA 22:2 (c)**
- 13.3 **Parkland Dedication – MGA 22:2 (a)**

Consensus was reached by Council to move out of in-camera.

14. In-Camera Recommendations

Parkland Dedication

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Phil Mooney that the Municipality accept \$675.00, 5% of the market value of Lot TR-1 as Parkland Dedication for File 9998,

Motion carried.

Citizen Representative Appointments

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Jim Baxter to appoint Rick Alright to Yarmouth and Acadians Shores Tourism Association Board, Doris Landry to Joint Police Advisory Committee, and Dean Fuller to Audit Committee for a term of 2 years each.

Motion carried.

15. Adjournment

The Chair adjourned the meeting at 8:51 p.m.

John Cunningham, Warden

Victoria Brooks, CAO

Barb Deviller, Recording Secretary