



Town Council Meeting

May 21, 2019

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

Agenda

Call to Order

1. Approval of Agenda

2. Approval of Minutes

- a. Town Council Meeting, April 16, 2019

3. Comments from the Chair

4. Public Input / Question Period

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time within the thirty-minute Public Input / Question timeframe.

5. Motions from Public Hearings, May 21, 2019

- a. 249 Main Street
- b. Lot PM-1 (Amendment)
- c. 123 Highland Avenue



6. Motions/Recommendations from Committee of the Whole, May 7, 2019:

- a. RFD 027-2019: Public Art Policy Update
- b. RFD 020-2019: Kings REMO Flood Preparedness and Response Plan
- c. RFD 029-2019: Nuisance Party Bylaw
- d. RFD 030-2019: Temporary Borrowing Resolutions
- e. RFD 025-2019: PAC Committee Appointment
- f. RFD 028-2019: Information on Building Official Trainee & Revocation of Previous Official Appointments
- g. Declaration of Climate Emergency

7. Correspondence:

- a. Senior Bus Society
- b. David Daniels – Question regarding legal opinion
- c. Albert Maroun – Equalization
- d. Horton High School Students – Crosswalk Safety
- e. Church Brewing Co. – Community Clean up

8. Public Input / Question Period:

Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time remaining within the thirty-minute Public Input/Question Period timeframe.

9. Regular Meeting Adjourned



APPROVAL OF AGENDA

Moved

Seconded

That the agenda be approved as circulated and/or amended.

APPROVAL OF MINUTES

a. TOWN COUNCIL MEETING, APRIL 16, 2019

Moved

Seconded

That the minutes of the Town Council Meeting of April 16, 2019 be approved as circulated and/or amended.

MOTIONS FROM PUBLIC HEARING, MAY 21, 2019

a. 249 Main Street

Moved

Seconded

That Council approve the draft development agreement for PID #55275671 as outlined in RFD 018-2019.

b. Lot PM-1 (Amendment)

Moved

Seconded

That Council approve the draft development agreement for PID 55443048 as outlined in RFD 016-2019.

c. 123 Highland Avenue

Moved

Seconded

That Council approve the draft development agreement for PID #55350045 as outlined in RFD 013-2019.

MOTIONS FROM COMMITTEE OF THE WHOLE, MAY 7, 2019

a. RFD 027-2019: Public Art Policy Update

Moved

Seconded

That Council approve amendments to the Public Art Policy #760-002 as outlined in Attachment 1.

b. RFD 020-2019: Kings REMO Flood Preparedness and Response Plan

Moved

Seconded

That Council approve the Kings REMO Flood Preparedness and Response Plan dated March 2019.

c. RFD 029-2019: Nuisance Party Bylaw

Moved

Seconded

That Council give first reading to the Nuisance Party Bylaw.

d. RFD 030-2019: Temporary Borrowing Resolutions

Moved

Seconded

That Council approve the attached Temporary Borrowing Resolutions;

- TBR #19 20-01 Various Purposes Town \$1,748,425

To cover loan facilities with the Bank of Montreal until such time as the short-term loans are replaced with debenture borrowings as part of the 2019/20 Town and Water Capital Project funding.

e. RFD 025-2019: PAC Committee Update

Moved

Seconded

That Council appoint the following community member to the Planning Advisory Committee effective June 1, 2019.

- Mark Bishop – Planning Advisory Committee - Three-year Appointment expiring December 2023.

f. RFD 028-2019: Information on Building Official Trainee & Revocation of Previous Official Appointments

Moved

Seconded

That Council revoke the appointments of Glen LeLacheur, Mannie Withrow, Keith Fraser, Don Burns, Dawson Patterson and Charlie Crocker as Town Building Officials pursuant to Section 5(2) of the Building Code Act, Chapter 46 of the Revised Statutes, 1989.

g. Declaration of Climate Emergency

Moved

Seconded

That Council declare a climate emergency.

ADJOURNMENT

Moved

Seconded

That the In-Camera and regular meetings be adjourned

ATTENDING

- Mayor Jeff Cantwell
- Councillor Mercedes Brian
- Councillor Wendy Elliott
- Councillor Wendy Donovan
- Councillor Carl Oldham
- Councillor Oonagh Proudfoot
- Chief Administrative Officer Erin Beaudin, and
- Recording Secretary Jean-Luc Prevost

ALSO ATTENDING

- Director Planning & Development Devin Lake,
- Director of Finance Mike MacLean,
- Director of Parks & Recreation Kelton Thomason,
- Director of Public Works Kevin Kerr,
- Economic Development Manager Marianne Gates,
- Administrative Services Coordinator Vanessa Pearson,
- Community Planner Jeremy Banks, and
- Interested members of the public

ABSENT WITH REGRETS

- Deputy Mayor Jodi MacKay

CALL TO ORDER

Chair, Mayor Cantwell, called the [Town Council Meeting](#) to order at 6:30 pm

Agenda Item

Discussion and Decisions

- | | | |
|-------------------------------|---|----------------|
| 1. Approval of Agenda | 13-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED | CARRIED |
| 2. Approval of Minutes | | |
| a. February 19, 2019 | 14-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE PUBLIC HEARING OF FEBRUARY 19, 2019 BE APPROVED AS CIRCULATED | CARRIED |
| b. March 18, 2019 | 15-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE PUBLIC HEARING OF MARCH 18, 2019 BE APPROVED AS CIRCULATED | CARRIED |
| c. March 19, 2019 | 16-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE | |

Agenda Item	Discussion and Decisions	
	MINUTES OF THE PUBLIC HEARING OF MARCH 19, 2019 BE APPROVED AS CIRCULATED	CARRIED
d. March 19, 2019	17-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE TOWN COUNCIL MEETING OF MARCH 19, 2019 BE APPROVED AS CIRCULATED	CARRIED
e. April 2, 2019	18-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING OF APRIL 2, 2019 BE APPROVED AS CIRCULATED	CARRIED
3. Comments from the Mayor	Mayor Cantwell recited the words from a song written by William Prince of the Peguis First Nation called '7', as part of National Poetry Month.	
4. Presentations:		
a. Acadia	President and Vice-Chancellor Dr. Peter Ricketts, along with VP Finance and Administration, Chris Callbeck, attended the meeting to present Council with an update on Acadia. They spoke of the MOU between the ASU, Acadia and the Town, Budget matters, Capital Projects, and their Acadia 2025 Strategic Plan. Dr. Ricketts and Mr. Callbeck thanked the Town Council and Town staff for all of the work that has gone into building a strong and collaborative relationship between the organizations.	
b. Acadia Students Union	ASU President George Philp provided an update on the work of the ASU including their initiatives collaborating with external partners, community organizations as well as Wolfville Town Staff and Council. He also advised that the ASU will be hosting the Maritime Student Leadership Congress in June.	
c. Community Development Students	Each year, 4 th year students from Acadia's Community Development Program take on a 3-week Community Development project as part of their course. This year they were approached by Town staff with initiatives from the Town Recreation department.	
i. Walking School Bus	Community Development Students from Acadia came to request feedback and support for a concept of a "Walking School bus" to get kids to school in a safe, supervised and healthy way. The program is currently being adopted by many schools across the country with	

Agenda Item

Discussion and Decisions

success. The vision for Wolfville is currently to have an adult on every team but also to promote and engage leadership with middle school students.

ii. Environmental Daycamps

Another group of Community Development Students gave a theatrical presentation on Environmental Daycamps. The purpose of the camps are to mobilize youth and give them the power to make changes in their community by creating opportunities that develop transferable and applicable knowledge about earth advocacy.

5. Public Input / Question Period

Alex Leblanc approached Council to invite them to a meeting he will be hosting on May 13th at the Wolfville Legion from 6:00 pm to 8:00 pm, to discuss a municipal cannabis policy.

He also mentioned that Elderkins Farm Market is interested in installing an accessible washroom, and to expand their playground to meet accessibility needs. As the market is located between the Wolfville and Greenwich gateway signs, Alex is requesting support from Council, the Municipality of the County of Kings and the Department of Transportation to help with the initiative.

6. Motions/ Recommendations from Committee of the Whole, April 2, 2019.

**a. RFD 001-2019
Travel Expense
Reimbursement
Policy**

19-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE AMENDED POLICY 120-008, ATTACHED, AND THE CHANGES BE EFFECTIVE APRIL 1, 2019.

CARRIED

6. New Business

**a. RFD 024-2019
PCAP Project**

The Provincial Capital Assistance Program (PCAP) helps cover the cost of high priority municipal infrastructure projects. The amount of funding available is limited and applications are ranked according to the severity of the problems being addressed. The program typically funds up to 50% of eligible project costs. Municipal applications must include a resolution of Council supporting the submission of the project for funding consideration.

20-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE SUPPORTING AN APPLICATION TO THE PROVINCIAL CAPITAL ASSISTANCE PROGRAM FOR FUNDING ASSISTANCE TO COMPLETE THE PROPOSED STREET RECONSTRUCTION PROJECT INCLUDED IN THE 2019-2020 CAPITAL INVESTMENT PROGRAM IN THE FOLLOWING ORDER OF PRIORITY:

Agenda Item

Discussion and Decisions

- **GASPEREAU AVE**
- **WESTWOOD AVE**
- **SEAVIEW AVE**

CARRIED

**b. RFD 023-2019
FRIIP Project**

The Flood Risk Infrastructure Investment Program (FRIIP) is a Provincial program which has been developed to encourage municipalities to invest in infrastructure which reduces flood risks and community vulnerability. Typically, the program may fund up to 50% of eligible project costs. Municipal applications must include a resolution of Council supporting the submission of the project for funding consideration under FRIIP. Applications close May 6th, 2019 and staff require a resolution of Council supporting the submission of the project for funding consideration

21-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE SUPPORTING AN APPLICATION TO THE FLOOD RISK INFRASTRUCTURE INVESTMENT PROGRAM FOR FUNDING ASSISTANCE TO COMPLETE THE FLOOD RISK MITIGATION PLAN INCLUDED IN THE 2019-2020 CAPITAL INVESTMENT PROGRAM (CIP).

CARRIED

**c. RFD 021-2019
Gaspereau Ave Project**

The replacement of sanitary, and storm sewers and reconstruction of a section of Gaspereau Ave are included in this year's capital program. Tenders closed April 2nd with the Town receiving seven bids. The low bid submitted by Howard Little Excavating of \$654,562.85 (HST Extra) together with engineering costs and the Town's portion of HST bring the total project cost to an estimated \$775,000. The Chief Administrative Officer is authorized to make contracts for the acquisition of goods and services where such expenditure does not exceed budget by more than 10%. The total project cost exceeds the budget by more than 10% and therefore requires Councils approval to proceed.

22-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE GASPEREAU AVENUE STREET RECONSTRUCTION PROJECT AT AN AMENDED COST OF \$775,000 WITH THE ADDITIONAL COST OF \$175,000 TO BE FUNDED BY WAY OF LONG TERM DEBT/DEBENTURE.

CARRIED

**d. RFD 022-2019
AVCC Tourism
Marketing**

The Annapolis Valley Chamber of Commerce (AVCC) has completed tourism marking campaigns since 2014. They requested the Town of Wolfville make

Agenda Item

Discussion and Decisions

a contribution of \$4000 for 2019-20.

23-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE REQUEST FROM THE ANNAPOLIS VALLEY CHAMBER OF COMMERCE FOR TOURISM MARKETING AS PRESENTED AT THE APRIL 2 COMMITTEE OF THE WHOLE MEETING, IN THE AMOUNT OF \$4,000, TO BE UTILIZED FOR THE 2019-20 TOURISM MARKETING CAMPAIGN.

CARRIED

8. Correspondence

The following correspondence was received by Council and included in the Agenda Package;

- Barry Gander – i-Valley Platinum Designation
- Parking Petition from Seaview Ave residents
- WBDC – 292 Main Street
- Judy Rafuse – Valley REN
- Wolfville Historical Society – 102 Main Street
- David Daniels – MPS and LUB Amendments
- Alex Leblanc – Town Cannabis Policy
- Karen MacWilliam – Letter to Minister of Municipal Affairs
- Joel Stoddart – Redefining Retirement
- Jane Lutes – Highland Avenue

9. Public Input / Question Period

Karen Slater Padovani expressed concerns about the development agreement at 292 Main Street. While she thinks the plan is fabulous, she asked why any plan was being approved before there was proper flood risk mitigation.

10. Adjournment

24-04-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE TOWN COUNCIL MEETING BE ADJOURNED AT 8:26 PM

CARRIED

Approved by Council Motion ##-05-19, May 21, 2019

As recorded by Jean-Luc Prevost, Administrative Assistant, Office of the CAO

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



SUMMARY

The applicant is seeking a development agreement to allow for the construction of a single-unit dwelling with attached garage and accessory dwelling. For elevations of the proposed building, see Attachment 4, Draft Development Agreement. The lot currently contains a single-unit dwelling fronting on Main Street and non-landscaped greenspace south of the dwelling.

Motion from PAC

IT WAS REGULARLY MOVED AND SECONDED THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL REGARDING THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55275671 AND THAT THE ATTACHED DRAFT DEVELOPMENT AGREEMENT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION BEFORE A PUBLIC HEARING IS HELD.

CARRIED

DRAFT MOTION from PAC:

THAT COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55275671 TO A PUBLIC HEARING BEFORE A FINAL DECISION BY COUNCIL.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



1) CAO COMMENTS

None required.

2) LEGISLATIVE AUTHORITY

See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

3) STAFF RECOMMENDATION

That Council approve the proposed substantial alterations to 102 Main Street, as outlined in Attachment 2.

4) REFERENCES AND ATTACHMENTS

- (a) See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

5) DISCUSSION

The applicant is seeking a development agreement to allow for the construction of a single-unit dwelling with attached garage and accessory dwelling. For elevations of the proposed building, see Attachment 4, Draft Development Agreement.

Members of Planning Advisory Committee questioned the placement of the staircase, which is viewable at the year of the property, from Victoria Avenue. No existing policy requires the staircase to be elsewhere.

6) FINANCIAL IMPLICATIONS

If approved this proposal will offer dwelling units with a substantially reduced environmental impact, increase the volume of dwelling units during growing demand and increasing rents, and offer significant increases to Town of Wolfville property tax incomes which can be used to offset growing infrastructure deficits, strengthen enforcement activities and/or increase recreation programming.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See Staff report (attached) titled: See Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

8) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



9) ALTERNATIVES

Alternatives to the above recommendation may include:

- a. Recommend the proposal, subject to specific changes.
- b. Recommend specific changes and that another review by the Planning Advisory Committee take place.

REQUEST FOR DECISION 018-2019

Title: Development Agreement Proposal
249 Main Street
Date: 2019-04-02
Department: Planning and Development



ATTACHMENT (A)

Staff report (attached) titled: Development Agreement Proposal, 249 Main Street, March 21, 2019.

REQUEST FOR DECISION 016-2019

Title: Changes to incomplete Development Agreement: Lot PM – 1

Date: 2019-04-02

Department: Community Planning and Development



SUMMARY

Changes to incomplete Development Agreement: Lot PM – 1

Garth Pierce, owner of Lot PM-1, has requested substantial changes to the development agreement as reviewed by Council to improve accessibility. Staff believe the alterations are consistent with Modern Composite styles found in East Main Street “B” architectural area, yet clearly alter the plans approved by Council. Staff seek direction from Planning Advisory Committee and Council on whether to move to a public hearing as part of altering the incomplete Development Agreement.

DRAFT MOTION:

THAT COMMITTEE RECOMMEND THAT COUNCIL APPROVE THE SUBSTANTIAL CHANGES TO THE INCOMPLETE DEVELOPMENT AGREEMENT FOR PID #55443048, originally approved at the October 16, 2018 meeting of Council, AND FORWARD A NEW DEVELOPMENT AGREEMENT FOR PID #55443048 TO A PUBLIC HEARING WHICH INCLUDES THE CHANGES OUTLINED IN THIS REPORT

REQUEST FOR DECISION 016-2019

Title: Changes to incomplete Development Agreement: Lot PM – 1

Date: 2019-04-02

Department: Community Planning and Development



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

3) STAFF RECOMMENDATION

As above.

4) REFERENCES AND ATTACHMENTS

- Staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

5) DISCUSSION

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

6) FINANCIAL IMPLICATIONS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

8) COMMUNICATION REQUIREMENTS

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

9) ALTERNATIVES

See attached staff report dated March 21, titled: REQUEST FOR DIRECTION from PLANNING ADVISORY COMMITTEE Development Agreement Proposal Lot PM-1 Wolfville

REPORT TO PLANNING ADVISORY COMMITTEE
Development Agreement Proposal
PID 55350045, 123 Highland Avenue
Date: February 20, 2019
Department: Planning & Development



SUMMARY

123 Highland Avenue Development Agreement (DA 2018-001)

For COW to consider the PAC recommendation regarding the draft development agreement at 123 Highland Avenue, PID 55350045, to allow for the construction of a four-unit residential dwelling and a seven-unit residential dwelling in addition to the existing four-unit residential dwelling.

PAC Motion (February 20, 2019):

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL REGARDING THE DRAFT DEVELOPMENT AGREEMENT OF PID 55350045 AND THAT IT BE FORWARDED TO A PUBLIC HEARING BEFORE A DECISION BY COUNCIL.

CARRIED

DRAFT MOTION:

THAT COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT OF PID 55350045 TO A PUBLIC HEARING BEFORE A DECISION BY COUNCIL.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



1) CAO COMMENTS

No Comments Required.

2) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff. The Municipal Planning Strategy regulates requirements for Development Agreements. The Land Use By-Law identifies when development agreements are appropriate.

3) STAFF RECOMMENDATION

Staff considers the draft development agreement consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing.

4) REFERENCES AND ATTACHMENTS

Attachment 1: PAC Staff Report dated Feb 20, 2019, incl. Draft Development Agreement

5) DISCUSSION

The applicant requests permission to develop a four-unit residential dwelling and an seven-unit residential dwelling in addition to the existing four-unit residential dwelling at 123 Highland Avenue. The application was presented to Planning Advisory Committee to positive feedback and forwarded with a positive recommendation to Council with little other comment on the application.

Comments at the PAC meeting related to the application focused on the opportunity for the Town of Wolfville to extend sidewalks south along Highland Avenue to accommodate this development, to promote walkability, to promote equitable access, and to promote healthier living. PAC members expressed interest in extending the public sidewalk along Highland Avenue to include frontage on this property given the proposed density.

6) FINANCIAL IMPLICATIONS

The subject lands currently have a four-unit building. A development of this density along areas of existing infrastructure increases the long-term financial sustainability of the Town of Wolfville and reduce the ecological-economic impacts of Wolfville residents by enabling small-unit housing options.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the attached PAC Staff Report.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



8) COMMUNICATION REQUIREMENTS

The Town held a Public Information Meeting on June 5th, 2018 and the notes from the session are included as part of the attached PAC Staff Report. The next step in the process is for the application to go forward to a public hearing, which has tentatively been set for April 16th, 2019. This step provides the opportunity for Council to hear directly from the public regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town's website and social media. The existing sign will remain placed on the property indicating the property is subject to a development agreement application. Following the public hearing, Council will then give consideration to the development agreement.

9) ALTERNATIVES

1. COTW recommends that Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. COTW forwards the application to Council with a recommendation to reject the application.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



ATTACHMENT 1



APPLICANT	Chris & Kim Parks, on behalf of the property owner, JCK Parks Properties Incorporated.
PROPOSAL	To allow for the construction of a four-unit residential dwelling and an seven-unit residential dwelling in addition to the existing four-unit residential dwelling.
LOCATION	PID 55350045, 123 Highland Avenue
LOT SIZE	1.63 Acres
DESIGNATION	Comprehensive Development District (CDD)
ZONE	Residential Comprehensive Development District (RCDD)
SURROUNDING USES	A mix of medium and low-density residential dwellings, near high-density residential
ARCHITECTURAL GUIDELINES	NA
NEIGHBOUR NOTIFICATION	Email list from PIM meeting; Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property



PROPERTY LOCATION

PID 55350045 is located abutting a south boundary of the Town of Wolfville and Hwy 101.



Figure 1 – Context Map

PROPOSAL

Chris & Kim Parks, of, JCK Parks Properties Incorporated, are seeking a development agreement that would allow for the construction of a four-unit residential dwelling and a seven-unit residential dwelling in addition to the existing four-unit residential dwelling at PID 55350045, 123 Highland Avenue.



Proposed Site/Landscaping Plan (Figure 2)

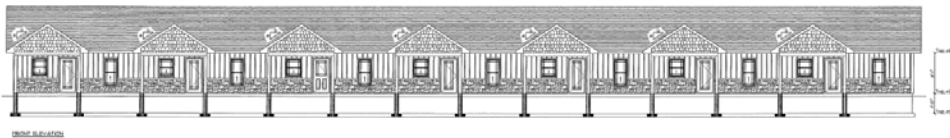




Front Elevation of 4 unit building (north and south elevation are intended to be identical) (figure 3)



Front Elevation of 7 unit building (north facing elevation) (figure 4)



PROCESS & NEXT STEPS

Section 230 of The Municipal Government Act (MGA) establishes the process for the approval of a Development Agreement. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

REPORT TO PLANNING ADVISORY COMMITTEE

**Development Agreement Proposal
PID 55350045, 123 Highland Avenue**

Date: February 20, 2019

Department: Planning & Development



The first stage of the application review process began at the Public Information Meeting (PIM) held on June 5, 2018. Property owners within 100 metres of the development were notified by mail, indicating that the site was subject to a development agreement application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. The subject property (PID 55350045) is not located within an Architectural Control Area. Feedback from the public information meeting has been circulated to the applicant, and alterations have been made to address concerns of drainage, parking and traffic.

The next step in the Development Agreement process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.



Figure 5 – Development Agreement Process

POLICY REVIEW & DISCUSSION

123 Highland Avenue is a total of 1.63 acres in size. The property is split zoned, with a small portion designated Medium Density Residential in the Municipal Planning Strategy (MPS) and zoned R-2/4 in the Land Use By-Law, while the larger portion is designated Comprehensive Development District (CDD) in the MPS and zoned Residential Comprehensive Development District (RCDD) in the LUB.

The proposed development is located only on the RCDD zoned area, and therefore Policies and By-Laws related to RCDD zones will be of primary consideration. The total area of the RCDD zoned portion of property is 1.5 acres. It has no development constraints or limitations.

The Municipal Planning Strategy (MPS) includes several policies for Council to consider when reviewing such an application. This section provides relevant policies for this development proposal and discussion on criteria set out within these policies.

Municipal Planning Strategy – Part 5 – Objectives

Within the list of objectives outlined in Part 5 of the MPS, the two objectives most relevant to the proposed development are 5.1.9 and 5.1.10. These objectives read as follows:

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



“5.1.9 to manage growth and control land use and development in a manner that will minimize urban sprawl and increase density and reduce conflicts between land uses in a manner that is compatible with the Town’s Sustainability Declaration and Vision.”

“5.1.10 to control land use and development in a manner that will preserve, enhance and protect the natural environment of the Town and ensure open space opportunities for all residents.”

Land Use By-law Part 10 Residential Comprehensive Development District (RCDD) Zone

10.2 Development Permitted by Development Agreement

“Within the RCDD zone the following uses may be permitted in accordance with Part 8.4 and Policy 18.6.1 of the Municipal Planning Strategy:

- *All new residential uses*
- *Limited institutional uses*
- *Local commercial uses”*

Municipal Planning Strategy

Part 8 Comprehensive Development District

“8.4.3 to consider only by development agreement, all proposals for development within the Residential Comprehensive Development District (RCDD) zone for mixed residential uses, limited institutional uses and local commercial uses.”

“8.4.4 to ensure the following criteria are met when Council is considering development proposals in the Residential Comprehensive Development District (RCDD) zone:

- (a) a minimum EnerGuide rating of 80 is achieved by all new single unit and two unit residential dwellings; and*
- (b) the maximum density of residential dwellings units shall be an average of 12 dwelling units per acre and the minimum density shall be an average of 5 dwelling units per acre; and*
- (c) development is in accordance with policy 18.6.1.”*

“8.4.5 to require that all developments within the Residential Comprehensive Development District (RCDD) zone respond to sustainability principles.....” See Attachment 2 for more details and staff comments.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



Municipal Planning Strategy – Part 13 – Transportation, Public Services and Utilities

“13.1.4 to require future developments to make provision for pedestrians, cyclists, transit users and automobiles.”

“13.1.6 to encourage compact development patterns that reduces automobile dependence.”

Municipal Planning Strategy – Part 15 Parking, Yard Requirements And Temporary

Uses

“15.1.1 to establish parking standards in the Land Use By-law and ensure that where developments are permitted by development agreement, the agreement makes provision for adequate parking to serve the proposal and encourages alternatives to impermeable surfaces.”

Municipal Planning Strategy – Part 16 – Landscaping, Lighting, Open Storage and Accessory Structures

“16.1.1 to require landscaping in any development subject to a development agreement and to establish time frames for its installation, in order to enhance or preserve the character and environment of the neighbourhood, to provide screening or buffers and to reduce conflict with adjacent land uses. Multi-unit residential development will require a landscape plan prepared by a landscape architect or certified landscape designer.”

Municipal Planning Strategy – Part 18 – Implementation

The policies 9.2.4 & 12.1.7 outlined in the MPS states that a “development is in accordance with Policy 18.6.1.” Policy 18.6.1 of the MPS contains general policies that are to be considered for all development agreement applications. An overview of issues arising from these general criteria is reviewed below in Table A while a summary of the entire policy, with Staff comment to each criterion, is provided as Attachment 2.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

Date: February 20, 2019

Department: Planning & Development



Table A – Discussion of MPS Policy 18.6.1

Select Criterion	Discussion
1. Conflict with adjacent land uses	<p>Section 18.6.1 (b) of the MPS states: <i>“to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods...</i> (i) <i>The type and intensity of use;”</i></p> <p>The proposed use is 2 residential buildings, bicycle parking, and greenspace for amenities. It will increase the number of residential dwellings on the property from 6 to 18. This is a substantial change in intensity of use compared to the existing context.</p> <p>Neighboring uses include low and medium density residential. A combination of single unit dwellings, family homes, and multi-unit buildings are immediately adjacent. Within a five-minute walk exist more-frequent multi-unit and single unit dwellings. High-density residential, apartment buildings and commercial buildings are within a 10 minute walk.</p> <p>The proposed development of this vacant lot shall increase intensity in a manner that is consistent with other properties in the area. This intensity of use is mitigated with vegetative landscaping.</p>
2. Parking, Traffic & Egress	<p>Section 18.6.1 (g) of the MPS states: <i>“to ensure that the proposed site and building design provides the following:</i> (ii) <i>functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property;”</i></p> <p>While the increased intensity shall increase traffic, no issues are anticipated by staff as the existing infrastructure is currently underutilized and designed to accommodate substantial volumes of traffic.</p>

REPORT TO PLANNING ADVISORY COMMITTEE

**Development Agreement Proposal
PID 55350045, 123 Highland Avenue**

Date: February 20, 2019

Department: Planning & Development



	Public Works to Review
3. Hydrology & Flooding	Section 18.6.1 (e) of the MPS states: <i>“to ensure that the proposal does not cause environmental damage or damage to adjacent properties through: (ii) erosion or sedimentation”</i> A storm water drainage plan is required to address storm water runoff and sediment control during construction, pending review from public works. No issues are anticipated. See Attachment 4 for more details.

Staff believe the development proposal is consistent with the intent and criteria set out in Policy 18.6.1 of the MPS. A summary table for MPS Policy 18.6.1 with Staff comment to each criterion is provided in *Attachment 1*.

REVIEW FROM OTHER DEPARTMENTS

Forthcoming review by Public Works department before Public Hearing is held.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on June 5, 2018. Notes from this meeting are included as Attachment 1. No concerns about the development were raised.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

- To allow for the construction of 2 multi-unit residential buildings, including a four-unit and a 7 unit residential building.
- To require parking as shown on Landscape Plan

COMMENTS & CONCLUSIONS

The subject property has an existing four-unit residential dwelling on site. The development agreement application proposes the construction of two additional multi unit buildings, a four unit and seven-unit building. The total number of dwellings on 1.5 acres shall increase from 4 to 15 (below density outlined in MPS 8.4.4), in accordance with MPS policies for areas zoned Residential Comprehensive Development District.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal

PID 55350045, 123 Highland Avenue

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Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement for PID 55350045 and that it be forwarded to a Public Hearing before final decision by Council.

ATTACHMENTS

1. Notes from Public Information Meeting
2. Policy Summary Tables
3. Site Plan
4. Draft Development Agreement

ATTACHMENT 1 – Notes from Public Information Meeting

Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
123 Highland Avenue

Attending

Staff: Planner Jeremy Banks & Assistant Development Officer James Collicutt

Developers: Chris & Kim Parks

7 Members of the Public

Planner Jeremy Banks began the meeting with a PowerPoint presentation that provided an overview of the proposal to construct two new multi-unit residential buildings (a 6-unit multiplex & an 8-unit series of rowhouses) in addition to the existing 4-unit residential building, also located on the property. The relevant background information, applicable policies, land use considerations, architectural guidelines and process were reviewed as they relate to the proposal.

Mr. K. Parks added that they are looking to create a modern and value-added residential development for potential residents.

Mr. Banks then looked to the public for any comments or questions.

Public Comment & Questions:

Stacey Symonds 62 Dale Street asked:

- Commented that the split-zoning is unusual and wondered how it was created and how the split zoning affects the frontage considerations?

Mr. Banks replied:

- In the past the subdivisions may have been approved that cut across zones and creates split-zoning. In this case, where the development is limited to the RCDD portion of the parcel, the development requirements for the RCDD zone apply to the application.

Mark Landry, 127 Highland Avenue asked:

- Is it possible to change the zoning of the frontage portion of the property to match the RCDD zoning of the majority of the parcel?

Mr. Banks replied:

- It is possible but only through an LUB/MPS amendment, which is not necessary.

At this time there were no further questions and Mr. Banks adjourned the meeting at 6.12 PM.

DRAFT

ATTACHMENT 2 - Policy Summary Tables

Policy 8.4.4 and 8.4.5 of the MPS states the general policies for all development agreements on Residential Comprehensive Development District (RCDD) zones. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

Policy 8.4.4	Staff Comment
<i>to ensure the following criteria are met when Council is considering development proposals in the Residential Comprehensive Development District (RCDD) zone:</i>	
<i>(a) a minimum EnerGuide rating of 80 is achieved by all new single unit and two unit residential dwellings; and</i>	<ul style="list-style-type: none"> No issue
<i>(b) the maximum density of residential dwellings units shall be an average of 12 dwelling units per acre and the minimum density shall be an average of 5 dwelling units per acre; and</i>	<ul style="list-style-type: none"> The proposed development encompasses 1.5 acres of RCDD land. This area permits a maximum of 18 units. This proposal will result in 15 units on the lands.
<i>(c) development is in accordance with policy 18.6.1.</i>	<ul style="list-style-type: none"> See below
Policy 8.4.5	Staff Comment
<i>to require that all developments within the Residential Comprehensive Development District (RCDD) zone respond to sustainability principles. The sustainability principles to be considered by Council shall include, but not be limited to the following:</i>	<ul style="list-style-type: none">
<i>(a) the project provides buildings and site design that reduce the required operational energy requirements by a significant amount from conventional buildings. (e.g. district heating systems)</i>	The project provides buildings that share structural walls, which reduce heating-energy.
<i>(b) the project provides buildings and site design that substantially reduce the impact on the environment through:</i> <ol style="list-style-type: none"> <i>retention of natural systems, e.g. retaining natural slopes</i> <i>retention of Category 2 soils, e.g. community gardens</i> <i>use of renewable energy sources, e.g. site orientation</i> <i>management of construction wastes</i> 	<ul style="list-style-type: none"> The project reduces the impact on the environment by creating dwellings with an environmental impact 3 times smaller than standard single family dwellings in the Town of Wolfville. The average density of single-family dwellings is 4 units per acre. The average density of this site is 12 units per acre.

<p>v. reduced storm water run off, e.g. storm retention ponds</p> <p>vi. water conservation; e.g. low flow fixtures</p> <p>vii. waste reduction including solid waste and sewage</p> <p>viii. use of environmentally sustainable materials</p> <p>ix. use of certified Fair Trade products</p>	<ul style="list-style-type: none"> • Considering drywells, pending feedback from Public Works • Intention of preserving 50% greenspace and vegetation
<p>(c) the project provides an affordability component that would meet the need to provide housing in Wolfville that is affordable and available for all sectors of society.</p>	<ul style="list-style-type: none"> • The proposed development increases the diversity of dwelling options in the Town of Wolfville, increasing supply as a step towards reducing demand, and price increases, for housing in the Town of Wolfville.
<p>(d) the project provides for alternative or shared housing and services models such as co-operative housing, co-housing, life lease, car pooling/sharing, district heating, etc.</p>	<ul style="list-style-type: none"> • Not applicable
<p>(e) the project provides barrier free/accessible housing units</p>	<ul style="list-style-type: none"> • Accessible housing units are included as per building code
<p>(f) the project demonstrates high quality architectural and environmental design that is compatible with the landscape and that will contribute positively to the immediate area and the Town in general</p>	<ul style="list-style-type: none"> • The project minimizes impact on natural topography and slopes.
<p>(g) the project provides a mixture of housing types and densities as well as a variety of housing designs</p>	<ul style="list-style-type: none"> • The project includes two bedroom units.
<p>(h) the project provides public or private amenities such as parks, walkways, public art, daycare, cultural venues, and public gathering spaces.</p>	<ul style="list-style-type: none"> • A public greenspace is included for gathering.
<p>(i) the project provides active transportation routes and amenities and maximizes connections with existing trail/walkway systems.</p>	<ul style="list-style-type: none"> • Bicycle parking stalls are included as shown on Attachment 3.
<p>(j) the project provides access to public transportation</p>	<ul style="list-style-type: none"> • A transit stop is located at Pleasant Street, within 200m of the project (1 min walking at average walk speeds of 4-5 km per hour)
<p>(k) the project provides mixed uses of a local commercial nature including but not limited to convenience stores, laundromats, farm markets, etc.</p>	<ul style="list-style-type: none"> • Local commercial uses are permitted.

<i>(l) the proposal makes efficient use of land in relation to infrastructure requirements (e.g. clustering of homes).</i>	<ul style="list-style-type: none"> • No issue
	<ul style="list-style-type: none"> •

Policy 18.6.1 of the MPS states the general policies for all development agreements. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

General Development Agreement Policies of the MPS (Section 18.6.1)	Staff Comment
(a) <i>to ensure that the proposal conforms to the intent of the MPS and to all other applicable Town By-Laws and regulations, except where the application for a development agreement modifies the requirements of the LUB or Subdivision By-Law.</i>	<ul style="list-style-type: none"> • This proposal is enabled for consideration by development agreement and in Staff's opinion the proposal is consistent with the intent of the MPS.
(b) <i>to ensure that the development does not cause conflict with adjacent land uses, disturb the quiet enjoyment of adjacent lands, or alter the character and stability of surrounding neighbourhoods through:</i>	
<i>i) the type and intensity of use</i>	<ul style="list-style-type: none"> • Neighboring uses include low and medium density residential. A combination of single unit dwellings, family homes, and multi-unit buildings are immediately adjacent. Within a five-minute walk exist more-frequent multi-unit and single unit dwellings, high-density residential, apartment buildings and commercial buildings. • The proposed development of this vacant lot from 4 dwellings to 15 dwellings shall increase intensity in a manner that is consistent with other properties in the area. • The density of this proposal provides an average environmental footprint 2.5 better than existing single-family dwellings. • This intensity of use is mitigated with vegetative landscaping.

ii) <i>the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> The property is not within an architectural control area. No building is more than a single story.
iii) <i>hours of operation of the use</i>	<ul style="list-style-type: none"> Consistent with surrounding uses.
iv) <i>outdoor lighting</i>	<ul style="list-style-type: none"> outdoor lighting will be required to not cause negative impacts to adjacent properties
v) <i>noise, vibration, or odour</i>	<ul style="list-style-type: none"> the dwelling units on this property may result in increased noise in a manner that is in accordance with increased density.
vi) <i>vehicles and pedestrian traffic</i>	<ul style="list-style-type: none"> This development shall increase pedestrian and vehicle traffic in the area. Public Works to Review
vii) <i>alteration of land levels/or drainage patterns</i>	<ul style="list-style-type: none"> existing slopes and levels retained. Drainage patterns are pending feedback from Public Works, no issues are anticipated
viii) <i>deprivation of natural light</i>	<ul style="list-style-type: none"> No issues anticipated.
(c) <i>to ensure that the capacity of local services is adequate to accommodate the proposed development and such services will include, but not be limited to the following:</i>	
i) <i>sanitary and storm sewer systems</i>	<ul style="list-style-type: none"> Adequate capacity
ii) <i>water systems</i>	<ul style="list-style-type: none"> Adequate capacity
iii) <i>schools</i>	<ul style="list-style-type: none"> No issues
iv) <i>recreation and community facilities</i>	<ul style="list-style-type: none"> No issues
v) <i>fire and police protection</i>	<ul style="list-style-type: none"> No issues
vi) <i>street and walkway networks</i>	<ul style="list-style-type: none"> No issues
vii) <i>solid waste collection and disposal systems</i>	<ul style="list-style-type: none"> No issues
(d) <i>to ensure that the proposal is not premature or inappropriate by reason of the financial ability of the town to absorb capital and/or maintenance costs related to the development.</i>	<ul style="list-style-type: none"> No costs to be incurred by the Town
(e) <i>to ensure that the proposal does not cause environmental damage or damage to adjacent properties through:</i>	

<i>i) pollution of soils, water or air</i>	<ul style="list-style-type: none"> No issues
<i>ii) erosion or sedimentation</i>	<ul style="list-style-type: none"> Public Works to Review
<i>iii) interference with natural drainage systems</i>	<ul style="list-style-type: none"> See above
<i>iv) flooding</i>	<ul style="list-style-type: none"> See above
(f) <i>to ensure that the proposal protects and preserves matters of public interest such as, but not limited to:</i>	
<i>i) historically significant buildings</i>	<ul style="list-style-type: none"> No issues
<i>ii) public access to shorelines, parks and public and community facilities</i>	<ul style="list-style-type: none"> No issues
<i>iii) important and significant cultural features, natural land features and vegetation</i>	<ul style="list-style-type: none"> No issues
(g) <i>to ensure that the proposed site and building design provides the following:</i>	
<i>i) useable active transportation networks that contribute to existing active transportation links throughout the community</i>	<ul style="list-style-type: none"> Near sidewalks on Pleasant Street. Adjacent to Acadia greenspace (west) and Town of Wolfville's Evangeline park (east) Within 700m of trails and pedestrian paths on Acadia lands, to the west of the site.
<i>ii) functional vehicle circulation and parking and loading facilities designed to avoid congestion on or near the property and to allow vehicles to move safely within and while entering and exiting the property</i>	<ul style="list-style-type: none"> While the increased intensity shall increase traffic, no issues are anticipated by staff as the existing infrastructure is currently underutilized and designed to accommodate substantial volumes of traffic.
iii) facilities for the safe movement of pedestrians and cyclists	<ul style="list-style-type: none"> Safety measures (signs) to be included in driveway area. Speed humps pending review from Public Works
<i>iv) adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</i>	<ul style="list-style-type: none"> Vegetation is increased with an increase in planted trees on site.

v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins	<ul style="list-style-type: none"> Utilitarian elements are to be screened
vi) safe access for emergency vehicles	<ul style="list-style-type: none"> No issues
vii) adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation	<ul style="list-style-type: none"> Not applicable
viii) architectural features, including but not limited to, mass, scale, roof style, trim elements, exterior cladding materials, and the shape, size and relationship of doors and windows; that are visually compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition	<ul style="list-style-type: none"> The proposed development is set back from the road and are visually screened from the road frontage by vegetation. Where the development is near neighboring dwellings, more intense vegetative buffering is provided.
ix) useable outdoor amenity space for use of residents in a residential development	<ul style="list-style-type: none"> A small greenspace is include as outlined on Attachment 3.
x) accessible facilities for the storage and collection of solid waste materials	<ul style="list-style-type: none"> Accessible facilities are required through development agreement.
xi) appropriate consideration for energy conservation	<ul style="list-style-type: none"> Building will have to meet current building code requirements
xii) appropriate consideration of and response to site conditions, including but not limited to; slopes, soil, and geological conditions, vegetation, watercourses, wet lands, and drainage	<ul style="list-style-type: none"> Site conditions have been taken into consideration
(h) where Council determines, on the advice of a licensed professional, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the	<ul style="list-style-type: none"> No issues identified

Environmental Assessment Act, environmental studies shall be carried out at the expense of the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage

Policy 18.6.2 establishes what conditions may be established in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the particular type of development.

Policy 18.6.2 of the MPS	
SECTION 18.6.2	STAFF COMMENT
<p>18.6.2 that a development agreement may contain such terms and conditions that are provided for in Section 227 of the Municipal Government Act which ensures that the proposed development is consistent with policies of this Municipal Planning Strategy. The agreement may include some or all of the following:</p> <ul style="list-style-type: none"> (a) the specific type of use; (b) the size of the structure(s) within a development; (c) the percentage of land that may be built upon and the size of yards, courts, or other open spaces; (d) the location of structure(s) in relation to watercourses, steep slopes and development constraint areas; (e) storm water drainage plans; (f) the maximum and minimum density of the population within the development; the architectural design or external appearance of structures, in particular its compatibility with 	<ul style="list-style-type: none"> • The draft Development Agreement includes terms and conditions in relation to many of the items included in 18.6.2.

adjacent structures, where required by policy;

- (g) traffic generation, access to and egress from the site and impact on abutting streets and parking;*
- (h) landscape design plan indicating the type, size and location of all landscaping elements that buffer or screen the development. This may also include fencing, walkways and outdoor lighting;*
- (i) open storage and outdoor display;*
- (j) public display or advertising;*
- (k) maintenance of the development;*
- (l) any other matter which may be addressed in the Land Use By-law or Subdivision By-Law, such as parking requirements, yard requirements, etc.;*
- (m) site specific information relating to soils, geology, hydrology and vegetation.*

ATTACHMENT 3 – Site Plan



As approved by Council XXXXXXXXX, 2019

ATTACHMENT 4 – Draft Development Agreement

This **Development Agreement** is made this _____ day of _____, 2019.

BETWEEN:

JCK PARKS PROPERTIES INC.
(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFVILLE
A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55350045) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on July 18th, 2017 approved entering into this Development Agreement to permit the establishment of a Planned Development on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule "A" – Legal Parcel Description of Lands
- Schedule "B" – Site Plan/Landscape Plan for the Lands
- Schedule "C" – Elevations

2. Definitions

2.1 In this Development Agreement:

"Barrier Free Parking Stall" means the provisions set forth under Section 3.8.2.2 (4) and Section 3.8.2.2(5) under Schedule C within the Nova Scotia Building Code Regulations made under Section 4 of the Building Code Act.

"Building By-Law" means Chapter 65 of the By-Laws of the Town of Wolfville.

"Developer" means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

"Development" means three main buildings on the lot, with a total of 15 units.

"Development Officer" means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Engineer" means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

"Effective date" means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

"Lands" means the real property in the Town of Wolfville owned by the Developer, PID 55350045, and as described in Schedule "A".

"Land Use By-Law" means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law adopted by Council on September 23, 2008, and recorded at the Kentville Land Registry Office on November 6, 2008, as Document Number 92078600.

"Local Commercial Use" means a convenience store, laundromat, farm market or small scale commercial use aimed at a local neighbourhood clientele.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy adopted by Council on September 23, 2008, and recorded at the Kentville Registry of Deeds Office on November 6, 2008, as Document Number 92078543.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

2.2 Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

3.1 This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.

3.2 Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

4. Background

The Developer has requested approval for 11 dwelling units contained within two residential multi-unit buildings along with accessory buildings and amenities on the Lands. There is an existing four unit dwelling. When combined, the lands shall contain 15 dwelling units.

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

- 5.1.1.1 This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.2 The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.3 Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

5.1.2 Land Use

- 5.1.2.1 The following uses are permitted:
 - (a) Three multi-unit residential buildings containing no more than 15 dwelling units and 22 + existing bedrooms total;
 - (b) Local commercial uses within ground-floor spaces that have direct exterior access;
 - (c) Any accessory buildings or uses permitted by the Land Use Bylaw.

5.1.3 Site Requirements and Landscaping

- 5.1.3.1 The Development shall conform to the zone standards of the Land Use By-law, as established in Section 8.4 of the Municipal Planning Strategy except as otherwise established by this Agreement.
- 5.1.3.2 All Development shall occur on the Lands.
- 5.1.3.3 Development on the Lands shall be built generally in accordance with the Site Plan/Landscape Plan and Specifications of Schedule "B." Landscaping requirements as shown in Schedule "B" may be varied to accommodate minor details, including but not limited to different plant varieties and the location of planting beds.
- 5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.

5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff. A storm water drainage plan addressing storm water runoff as well as sediment controls during construction shall be submitted to and approved by the Town Engineer prior to the commencement of construction.

5.1.3.6 No parking shall be permitted on non-hard surfaced areas of the site.

5.1.3.7 The Development shall develop and maintain a minimum of 15 parking spaces, as shown on Schedule "B".

5.1.3.8 The Developer shall provide onsite lighting for all driveways and walkways on the Lands of number and design sufficient to provide for the reasonable safety and security of vehicles and pedestrians. All lighting fixtures shall be of a design as to prevent the unreasonable illumination of adjacent properties and full cut off fixtures shall be used for all outdoor lighting.

5.1.4 Municipal Services

5.1.4.1 The parties agree that municipal sanitary sewer and water services are available in the street on Highland Avenue. All costs to connect the two new buildings (as shown on Schedule "B") to these services are the responsibility of the Developer.

5.1.4.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.5 Refuse Storage and Utility Equipment

5.1.5.1 Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

5.1.5.2 Containers referenced in 5.1.5.1 shall be located so that they are visually screened.

- 5.1.5.3 Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.6 General Maintenance and Operation

- 5.1.6.1 Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.7 Architecture

- 5.1.7.1 The Developer shall build the new multi-unit residential buildings generally in accordance with roof lines, windows and front entry as illustrated in Schedule "C".

5.1.8 Timing

- 5.1.8.1 This Development Agreement shall be deemed to be entered into on the day the Agreement is registered in the registry as per section 228(3) of the MGA. All time requirements imposed in this Development Agreement shall be calculated from that date unless otherwise specified.

- 5.1.8.2 Development enabled by this Agreement, for the Lands on PID 55350045, shall be completed within six (6) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

- 5.1.8.3 Within 1 year of the issuance of the occupancy permit for the Development, all landscaping required by this Agreement shall be completed.

5.1.9 Amendment

- 5.1.9.1 With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

- 5.1.9.2 Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:

- (a) The requirements for completion imposed by section 5.1.8.2.

5.1.10 Expenses

Deleted: <#>¶

- 5.1.10.1 The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

Deleted: ¶

5.1.11 Liability

- 5.1.11.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.12 Default

- 5.1.12.1 If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

- 5.1.12.2 If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a) Terminate this Development Agreement;
- (b) Exercise its rights under paragraph 5.1.12.1 above; or,
- (c) Take no action.

- 5.1.12.3 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from

exercising its rights under this Development Agreement on any other breach.

- 5.1.12.4** Any expenses incurred by the Town in exercising its rights under sections 5.1.11.1 and 5.1.11.2, or either of them, shall include, but are not limited to, costs and expenses incurred in returning the Lands to their original condition before work began on the Development and all solicitors' fees and disbursements incurred in terminating or discharging this Development Agreement. The costs and expenses shall be paid by the Developer to the Town as a debt and may be recovered by direct suit. Such expenses form a first lien on the Lands as provided by Section 507 of the Municipal Government Act. The Developer shall pay interest on the costs and expenses, outstanding from time to time, at the same monthly rate charged by the Town for municipal real property tax arrears. Such interest costs shall be treated as an expense.

5.1.13 Administration

The Development Officer administers this Agreement. The Development Officer's decision is final and binding on all parties.

6. Warranties by the Developer

6.1 Title and Authority

6.1.1 The Developer warrants as follows:

- (a)** The Developer 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 this Development Agreement to validly bind the Lands.
- (b)** The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

7. Full Agreement

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7.1 Other Agreements

7.1.1 This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.

7.1.2 This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1

Attention: Development Officer

and if to the Developer:

JCK PARKS PROPERTIES INC
454 WHITE ROCK ROAD
KENTVILLE NS B4N 4K1
Attention: Kim Parks

9. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

10. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

DRAFT

11. Execution

In witness of this Development Agreement the parties have signed, sealed and delivered it to each other on the date set out at the top of the first page.

SIGNED, SEALED AND DELIVERED)
In the presence of:)
)
) TOWN OF WOLFVILLE
)
)
) By _____
) MAYOR
)

)
Witness)
)
)
) By _____
) TOWN CLERK
)
)
)
SIGNED, SEALED AND DELIVERED)
In the presence of:)
)
) By _____
) Kim Parks on behalf of
) JCK PARKS PROPERTIES INC
)

)
Witness)
)
)

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____
a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

As approved by Council **XXXXXXXXX, 2019**

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2019, _____
a witness to this agreement came before me, made oath, and swore that **KIM PARKS** caused
the same to be executed by its proper officers who affixed its Corporate Seal and subscribed
their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

DRAFT

Schedule "A" – Parcel Description

Place Name: 123 HIGHLAND AVENUE WOLFVILLE

Municipality/County: TOWN OF WOLFVILLE/KINGS COUNTY

Designation of Parcel on Plan: LOT 2A

Title of Plan: PLAN OF SUBDIVISION SHOWING PARCEL A SUBDIVISION OF LOT 1 LANDS OF R R GIFFIN TO BE ADDED TO LOT 2 TO FORM LOT 1A & LOT 2A HIGHLAND AVENUE WOLFVILLE KINGS COUNTY NOVA SCOTIA

Registration County: KINGS COUNTY

Registration Number of Plan: 81123425

Registration Date of Plan: 2004-12-22 10:38:32

DRAFT



Schedule "B" Site and Landscaping Plan **DRAFT**

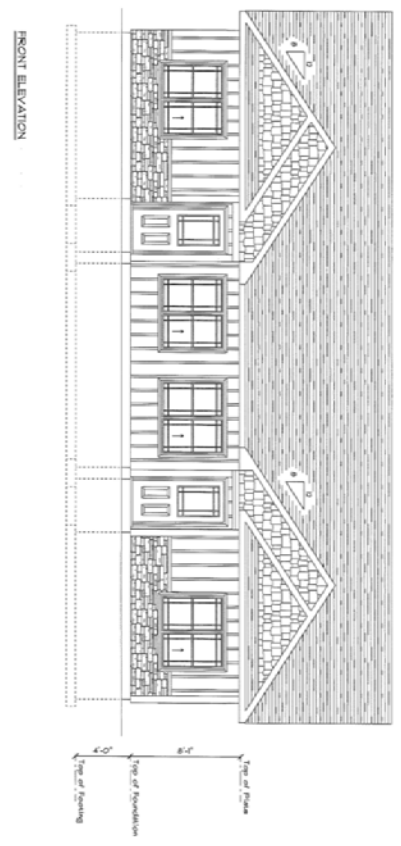


REQUEST FOR DECISION #082-2018
PID 55274591 Gaspereau Avenue - Travis Mills
Date: 2019-01-08
Department: Community Development



Schedule "C" – Elevations

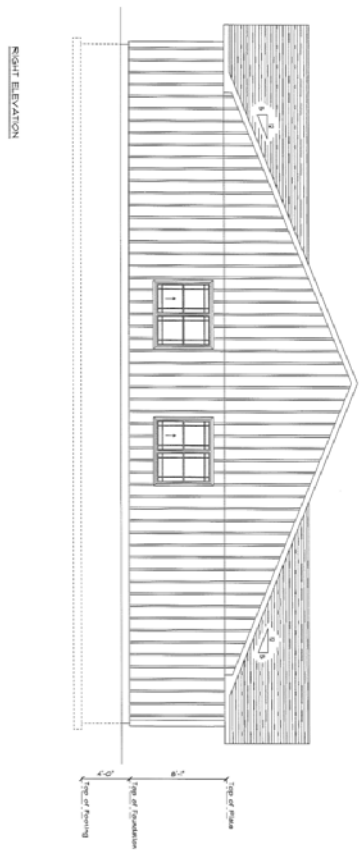
North and South Elevations of 4 unit building



REQUEST FOR DECISION #082-2018
PID 55274591 Gaspereau Avenue - Travis Mills
Date: 2019-01-08
Department: Community Development



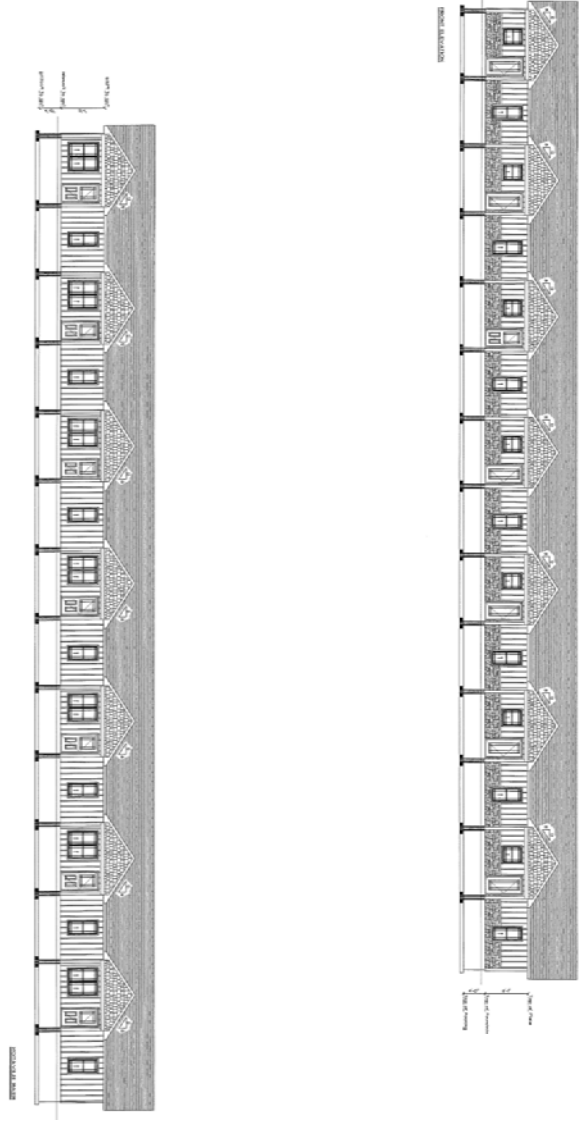
East and West Elevations of 4 unit building



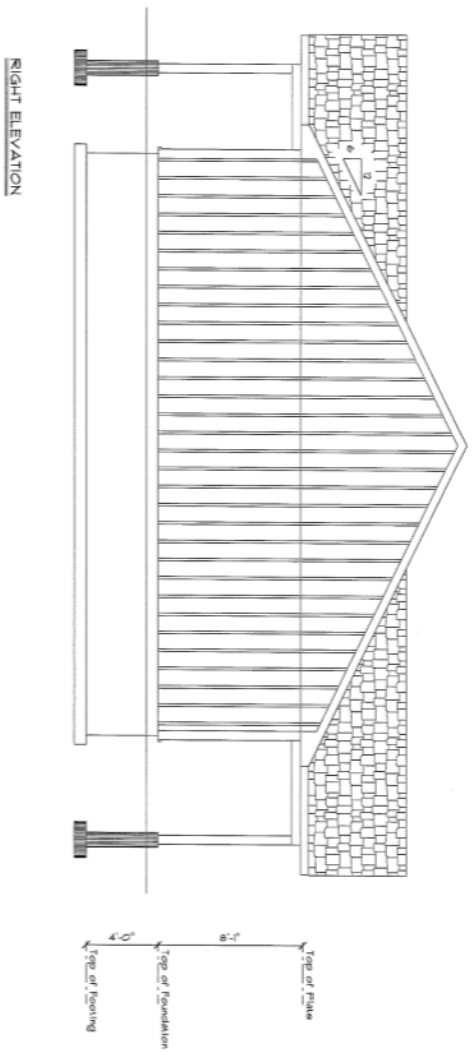
REQUEST FOR DECISION #082-2018
PID 55274591 Gaspereau Avenue - Travis Mills
Date: 2019-01-08
Department: Community Development



Elevations of 7 unit building



REQUEST FOR DECISION #082-2018
PID 55274591 Gaspereau Avenue - Travis Mills
Date: 2019-01-08
Department: Community Development



REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



SUMMARY

Amendments to the Public Art Policy #760-002

The Art in Public Spaces Committee is recommending amendments to Public Art Policy #760-002 which make the Director of the Acadia Art Gallery an ex-officio member and require only commissioned public art to be through a jury. All other public art shall be reviewed by Art in Public Spaces and a recommendation can be made to Council if desired.

MOTION FROM APSC:

That Art in Public Spaces Committee recommend that Council approve amendments to the Public Art Policy #760-002 as outlined in Attachment 1.

DRAFT MOTION:

THAT COMMITTEE OF THE WHOLE RECOMMEND THAT COUNCIL APPROVE AMENDMENTS TO THE PUBLIC ART POLICY #760-002 AS OUTLINED IN ATTACHMENT 1.

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



1) CAO COMMENTS

The CAO supports the recommendations of staff.

The Committee has also raised some concerns about achieving quorum, the role of “ex-officio” and what constitutes a “member”. These issues will be referred to a broader review of Committees and are not addressed in this RFD.

2) LEGISLATIVE AUTHORITY

The *Municipal Government Act* Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff and implementing policy.

3) STAFF RECOMMENDATION

Please refer to the draft motion.

4) REFERENCES AND ATTACHMENTS

1. A) Public Art Policy (Markup)
B) Public Art Policy (Non Markup)
2. Staff Report dated 2019-04-11 titled “2019-04-11”

5) DISCUSSION

Art in Public Spaces Committee has reviewed the Public Art Policy multiple times over the past 7 months. The policy updates as part of Attachment 1 respond to this. Alterations include:

- 1) The Director of the Acadia Art Gallery is an ex-officio voting member,
- 2) Members of Council shall be appointed, or re-appointed, to the Committee shall be for 1 year, in alignment with Council practices of assigning Council members to Committees for 1 year terms.
- 3) Commissioned art should be completed through a request for proposals,
- 4) All other art, including community-developed art or “small scale professional” art should be reviewed by the committee before being implemented or acquired by the Town of Wolfville,
- 5) Total membership has been reduced by one with the elimination of the Director of Economic Development which assists with achieving quorum,
- 6) The CAO membership can now be designated to another person in the event the CAO is not attending, and
- 7) Reviews of art projects can be conducted via email or teleconference.

6) FINANCIAL IMPLICATIONS

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



No financial implications are identified at this time.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

This approach aligns with the following strategic principles:

Council Strategic Principles:

1. Transparency

- It enables more clear self-governance and autonomy between the Art in Public Spaces Committee by requiring Staff to inform the committee of upcoming art projects

2. Community Capacity Building

- It builds capacity in members by empowering them with easier quorum targets, and empowers the CAO to select a representative and empower them to act on behalf of the CAO

8) COMMUNICATION REQUIREMENTS

No communication is required at this time.

9) ALTERNATIVES

- 1) Recommend that Council approve with stipulations or additions
- 2) Recommend that Council not-approve this policy update

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



ATTACHMENT 1A (Markup Version)

Public Arts Policy	
Policy No. 1221-74	
Effective Date March 4, 2014	Approval By Council Resolution No. 03-03-14

PURPOSE

The purpose of this policy is to establish a standardized and transparent process for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of art, to provide a strategic plan for the development, acquisition, placement and management of the Public Art for the Town of Wolfville.

Deleted: purchased and/or donated works of art for display in public spaces...

Deleted: to provide direction for placement of public art, and ...

Deleted: sustainable funding model

DEFINITIONS

Acquisition refers to the formal process used to accept an artwork into the Town's Public Art Collection.

Artist refers to the designer/creator of a piece of artwork and can include, but is not limited to, professional artists, graphic designers, collaborative teams, architects and landscape designers.

Public Art is defined as works that are created by artists for display in public.

Commissioned Art is art which is commissioned by the Town of Wolfville.

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De-accessioning refers to the process of permanently removing a piece of Public Art from a site or from the Town's permanent art collection.

Deleted: **Public Art** is defined as works that are created by artists and acquired by/donated to the Town with the specific intention of being sited in public space. Works of public art may be permanent acquisitions and may be characterized as aesthetic, functional, interactive, or any combination thereof, and created using any material or any combination of media, including but not limited to sculptures, water features, paintings, drawings, textiles, furnishings, installations, and kinetic works. ¶

Public Space refers to the space that is available and frequently used by the public within the public domain and can include, but is not limited to, parks, trail systems, open space, waterways, roads, bridges, gateways, street spaces, exterior and interior public areas associated with Town owned buildings and civic squares.

¶
Art that does not leave a lasting record of its creation (i.e. ice sculptures) is considered temporary art, and is not subject to this Policy. Furnishings, such as benches, light standards, and signage, are exempt from this Policy unless a design component is commissioned.

Permanent Art Collection refers to public artworks acquired, maintained and preserved by the Town and exhibited in the public domain for the benefit of this and future generations.

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



PROCEDURE

1. Roles & Responsibilities

The selection of Public Art is consultative process involving multiple participants, including Town staff, community representatives and Council.

1.1 Art in Public Spaces Committee

1.1.1 Membership

- a. The Arts in Public Spaces Committee will be a standing committee of Council. The Committee consists of six voting members, who serve without pay, together with one non-voting member,
- b. Council shall appoint four members as follows:
 - i. To 1 year terms – one member of Council, in December of each year;
 - ii. To 2 year terms – one member at large, in December
 - iii. To 3 year terms – two members at large, in December
- c. The Mayor is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- d. The Director of the Acadia Art Gallery is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- e. The Chief Administrative Officer, or a designated representative, is a non-voting member of the Committee.
- f. The Chair of the committee will be appointed by the committee, for a maximum of two years, in December.
- g. If a member of the Committee vacates for any reasons at any time before that member's term would normally expire, Council shall appoint promptly a new member to the Committee to hold office for the unexpired term.
- h. Applications for appointment to the Committee shall be invited by public advertisement.

1.1.2 Qualifications

- a. Community members at large shall have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning.
- b. At least two of the members at large shall be residents of the Town and shall demonstrate a significant knowledge of arts and culture.
- c. Any member of the Committee is eligible for reappointment.
- d. Every member of the Committee, who is absent from three consecutive meetings of the Committee, forfeits office, unless the absence is caused by illness or is authorized by resolution of the Committee and noted in the

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



Committee minutes. Any member who so forfeits office is eligible for reappointment following the remainder of the unexpired term.

1.1.3 Mandate and Responsibilities'

The Committee has the following responsibilities:

- a. Advise on the implementation of the Public Art Policy.
- b. Propose the project scope and terms of reference for each new public art project.
- c. Ensure application of established procedures and guidelines for each selection process.
- d. Recommend for approval the members of the jury for each project.
- e. Select three to five proposals to be considered by the jury based on the project scope and terms of reference for the project.
- f. Advise and promote communication and outreach of the policy to the community.
- g. Advise on the development and implementation of maintenance for the art collection and accessioning and de-accessioning of works associated with the Public Art Policy.
- h. Review staff's Public Art Site Plan for placing works within the public.

1.1.4 Jury

The purpose of the jury is to select the best proposal based on the selection criteria outlined in this policy.

- a. A new panel is convened for each project.
- b. The panel will consist of the following appointments with a member of the Committee acting as Chair:
 - 1 Member of the Committee to act as Chair,
 - 4 Members representing a combination of the Visual Arts Community, Architect, Landscape Architect.
- c. Panelists must be well informed about the project for which they are selecting an artist. It is important that an orientation meeting be provided for the panel members.
- d. Members of the jury should have one vote, and no member should have the right of veto. The panel should base the selection of an artist on a consensus vote. If a consensus cannot be reached, the majority vote carries the decision. The jury should have the option to make no selection if there is not a submission that warrants consideration.
- e. The selection process is not open to the public.

1.1.5 Rules of Engagement

- a. The Committee shall meet at least quarterly.
 - b. A majority of the voting members of the Committee constitutes a quorum.
-

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



- c. Subject to the principles set out in the *Municipal Conflict of Interest Act*, all committee members present including the person presiding shall vote on a question.
- d. Subject to Section 22 of the *Municipal Government Act*, meetings of the committee are open to the public.

1.2 Role of Staff

The implementation of the Public Art Policy will be the responsibility of the CAO or designate. Staff will:

- a. Assists the committee, as required, in policy development, research, community development, fundraising, work planning, circulating information, guidance, and recording of minutes.
- b. Liaise with the various community organizations and potential donors in managing and promoting the policy.
- c. Establish and maintain the Public Art Inventory.
- d. Provides public notification of installations or de-accessioning.
- e. Investigate Federal, Provincial or other sources of funding to promote and support the development of art in public spaces in Wolfville.

Deleted: Director of Economic & Community Development...

1.3 Role of Town Council

- a. Promote public art through the community.
- b. Approve the Public Art Policy and any changes to the policy, if warranted.
- c. Appoints five members of the community to sit on the Arts in Public Spaces Committee, one of which shall be a councillor.
- d. Approves any additions or deletions to the Town's Public Art Collection.
- e. Approves the annual level of funding
- f. Approves any Town initiated fundraising plan associated with the policy or program.

2. Funding

- a. Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund.
- b. Council will commit \$5,000 annually to the Public Art Reserve Fund from operations. The funding model will be re-evaluated at the end of the initial four year period.
- c. A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of public artworks chosen through an objective jurying selection process.
- d. Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accessioning of works and the overall policy review.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



- e. The Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.
- f. Allocations of more than \$5,000 per annum from Council may be approved for major projects subject to Council approval.
- g. Maintenance costs for all site-specific works will be incorporated into the annual operating budget.

3. Acquisition

- a. The Town may acquire Public Art through:
 - Purchasing a finished work of art or commissioning a work of art through competition or proposal call.
 - Accepting a donation of a work of art, where the ownership is transferred from an individual, organization, group, corporation or other municipality.
- b. Commissioned Art shall be selected on merit through a process informed by expertise and community input through the Public Arts Committee and the Jury. The Director of Economic & Community Development, or designate, will make the final recommendation to Council for approval based on the recommendation from the Jury and the Committee.
- c. All other public art purchases, offers of gifts, donations and/or bequests of artworks shall be reviewed by Staff and the Committee in accordance with the selection criteria and prior to final acquisition designation or installation.
 - i. Review can be via email, telephone or at a special committee meeting.
- d. A recommendation can be made to Council if desired. All acquisitions, whether purchased or accepted as donation, will be accompanied by a maintenance plan that is supplied by the artist/donor.
- e. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Site Plan. The donor of the work of art must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes for the donation.
- f. This process, which includes an appraisal of the work of art at the donor's expense to determine its fair market value, requires pre-approval of the Finance Department.
- g. Upon Council's approval of acquisition, the successful artist will enter into a written agreement that will address the artist's obligations including, but not limited to:
 - The scope of work
 - Materials
 - Timelines
 - Installation
 - Maintenance or conservations plans
 - Warranty
 - Copyright
 - Payments to sub-contractors
 - Ethical and legal consideration regarding ownership
- h. This written agreement will also provide the Town's obligations that will include:
 - Payment
 - Community notification

Deleted: Public

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



- Artist recognition
- i. The Town may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

4. Selection Criteria

Each work of art that is being considered for acquisition of the Town's permanent collection will be evaluated according to the following criteria:

- Relevance to the Public Art Policy
- In harmony with the Town's natural and/or build environment, and/or heritage
- Craftsmanship
- Compliment to the Town's permanent collection
- Appropriate materials
- Artistic merit
- Sustainability of the work for display in a public space
- Authenticity of the work
- Condition of the work
- Town's ability to maintain and conserve the work

5. De-accessioning

De-accessioning will only occur after an assessment is undertaken and reviewed by the Public Arts Committee, and a report justifying the recommendation, including recommended method of disposal, is provided to Council's consideration and approval. Public art can be de-accessioned under any of the following conditions:

- The work of art is deteriorating and restoration is not feasible.
- The work of art is discovered to be stolen, or was offered to the Town for acquisition using fraudulent means.

6. Insurance

Public art purchased by the Town will include the appraised value of the work of art for insurance purposes.

7. Policy Review

The policy will be reviewed after four years, or following the first installment of art through this policy, whichever one comes first.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



ATTACHMENT 1B – Non Markup Version

Public Arts Policy	
Policy No. 1221-74	
Effective Date March 4, 2014	Approval By Council Resolution No. 03-03-14

PURPOSE

The purpose of this policy is to establish a standardized and transparent process for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of art , to provide a strategic plan for the development, acquisition, placement and management of the Public Art for the Town of Wolfville.

DEFINITIONS

Acquisition refers to the formal process used to accept an artwork into the Town’s Public Art Collection.

Artist refers to the designer/creator of a piece of artwork and can include, but is not limited to, professional artists, graphic designers, collaborative teams, architects and landscape designers.

Public Art is defined as works that are created by artists for display in public.

Commissioned Art is art which is commissioned by the Town of Wolfville

De-accessioning refers to the process of permanently removing a piece of Public Art from a site or from the Town’s permanent art collection.

Public Space refers to the space that is available and frequently used by the public within the public domain and can include, but is not limited to, parks, trail systems, open space, waterways, roads, bridges, gateways, street spaces, exterior and interior public areas associated with Town owned buildings and civic squares.

Permanent Art Collection refers to public artworks acquired, maintained and preserved by the Town and exhibited in the public domain for the benefit of this and future generations.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



PROCEDURE

8. Roles & Responsibilities

The selection of Public Art is consultative process involving multiple participants, including Town staff, community representatives and Council.

8.1 Art in Public Spaces Committee

8.1.1 Membership

- a. The Arts in Public Spaces Committee will be a standing committee of Council. The Committee consists of six voting members, who serve without pay, together with one non-voting member.
- b. Council shall appoint four members as follows:
 - i. To 1 year terms – **one** member of Council, in December of each year;
 - ii. To 2 year terms – **one** member at large, in December
 - iii. To 3 year terms – **two** members at large, in December
- c. **The Mayor** is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- d. **The Director of the Acadia Art Gallery** is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- e. **The Chief Administrative Officer, or a designated representative**, is a non-voting member of the Committee.
- f. The Chair of the committee will be appointed by the committee, for a maximum of two years, in December.
- g. If a member of the Committee vacates for any reasons at any time before that member's term would normally expire, Council shall appoint promptly a new member to the Committee to hold office for the unexpired term.
- h. Applications for appointment to the Committee shall be invited by public advertisement.

8.1.2 Qualifications

- a. Community members at large shall have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning.
- b. At least two of the members at large shall be residents of the Town and shall demonstrate a significant knowledge of arts and culture.
- c. Any member of the Committee is eligible for reappointment.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

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Department: Planning and Development



- d. Every member of the Committee, who is absent from three consecutive meetings of the Committee, forfeits office, unless the absence is caused by illness or is authorized by resolution of the Committee and noted in the Committee minutes. Any member who so forfeits office is eligible for reappointment following the remainder of the unexpired term.

8.1.3 Mandate and Responsibilities'

The Committee has the following responsibilities:

- i. Advise on the implementation of the Public Art Policy.
- j. Propose the project scope and terms of reference for each new public art project.
- k. Ensure application of established procedures and guidelines for each selection process.
- l. Recommend for approval the members of the jury for each project.
- m. Select three to five proposals to be considered by the jury based on the project scope and terms of reference for the project.
- n. Advise and promote communication and outreach of the policy to the community.
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- p. Review staff's Public Art Site Plan for placing works within the public.

8.1.4 Jury

The purpose of the jury is to select the best proposal based on the selection criteria outlined in this policy.

- f. A new panel is convened for each project.
- g. The panel will consist of the following appointments with a member of the Committee acting as Chair:
 - 1 Member of the Committee to act as Chair,
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- h. Panelists must be well informed about the project for which they are selecting an artist. It is important that an orientation meeting be provided for the panel members.
- i. Members of the jury should have one vote, and no member should have the right of veto. The panel should base the selection of an artist on a consensus vote. If a consensus cannot be reached, the majority vote carries the decision. The jury should have the option to make no selection if there is not a submission that warrants consideration.
- j. The selection process is not open to the public.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



8.1.5 Rules of Engagement

- e. The Committee shall meet at least quarterly.
- f. A majority of the voting members of the Committee constitutes a quorum.
- g. Subject to the principles set out in the *Municipal Conflict of Interest Act*, all committee members present including the person presiding shall vote on a question.
- h. Subject to Section 22 of the *Municipal Government Act*, meetings of the committee are open to the public.

8.2 Role of Staff

The implementation of the Public Art Policy will be the responsibility of the CAO, or designate. Staff will:

- f. Assists the committee, as required, in policy development, research, community development, fundraising, work planning, circulating information, guidance, and recording of minutes.
- g. Liaise with the various community organizations and potential donors in managing and promoting the policy.
- h. Establish and maintain the Public Art Inventory.
- i. Provides public notification of installations or de-accessioning.
- j. Investigate Federal, Provincial or other sources of funding to promote and support the development of art in public spaces in Wolfville.

8.3 Role of Town Council

- g. Promote public art through the community.
- h. Approve the Public Art Policy and any changes to the policy, if warranted.
- i. Appoints five members of the community to sit on the Arts in Public Spaces Committee, one of which shall be a councillor.
- j. Approves any additions or deletions to the Town's Public Art Collection.
- k. Approves the annual level of funding
- l. Approves any Town initiated fundraising plan associated with the policy or program.

9. Funding

- h. Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund.
- i. Council will commit \$5,000 annually to the Public Art Reserve Fund from operations. The funding model will be re-evaluated at the end of the initial four year period.
- j. A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of public artworks chosen through an objective jurying selection process.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



- k. Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accessioning of works and the overall policy review.
- l. The Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.
- m. Allocations of more than \$5,000 per annum from Council may be approved for major projects subject to Council approval.
- n. Maintenance costs for all site-specific works will be incorporated into the annual operating budget.

10. Acquisition

- a. The Town may acquire Public Art through:
 - Purchasing a finished work of art or commissioning a work of art through competition or proposal call.
 - Accepting a donation of a work of art, where the ownership is transferred from an individual, organization, group, corporation or other municipality.
 - b. Commissioned Art shall be selected on merit through a process informed by expertise and community input through the Public Arts Committee and the Jury. The Director of Economic & Community Development, or designate, will make the final recommendation to Council for approval based on the recommendation from the Jury and the Committee.
 - c. All other public art purchases, offers of gifts, donations and/or bequests of artworks shall be reviewed by Staff and the Committee in accordance with the selection criteria and prior to final acquisition designation or installation.
 - i. Review can be via email, telephone or at a special committee meeting.
 - d. A recommendation can be made to Council if desired. All acquisitions, whether purchased or accepted as donation, will be accompanied by a maintenance plan that is supplied by the artist/donor.
 - e. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Site Plan. The donor of the work of art must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes for the donation.
 - f. This process, which includes an appraisal of the work of art at the donor's expense to determine its fair market value, requires pre-approval of the Finance Department.
 - g. Upon Council's approval of acquisition, the successful artist will enter into a written agreement that will address the artist's obligations including, but not limited to:
 - The scope of work
 - Materials

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- Timelines
- Installation
- Maintenance or conservations plans
- Warranty
- Copyright
- Payments to sub-contractors
- Ethical and legal consideration regarding ownership
 - h. This written agreement will also provide the Town's obligations that will include:
 - Payment
 - Community notification
 - Artist recognition
 - i. The Town may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

11. Selection Criteria

Each work of art that is being considered for acquisition of the Town's permanent collection will be evaluated according to the following criteria:

- Relevance to the Public Art Policy
- In harmony with the Town's natural and/or build environment, and/or heritage
- Craftsmanship
- Compliment to the Town's permanent collection
- Appropriate materials
- Artistic merit
- Sustainability of the work for display in a public space
- Authenticity of the work
- Condition of the work
- Town's ability to maintain and conserve the work

12. De-accessioning

De-accessioning will only occur after an assessment is undertaken and reviewed by the Public Arts Committee, and a report justifying the recommendation, including recommended method of disposal, is provided to Council's consideration and approval. Public art can be de-accessioned under any of the following conditions:

- The work of art is deteriorating and restoration is not feasible.
- The work of art is discovered to be stolen, or was offered to the Town for acquisition using fraudulent means.

13. Insurance

Public art purchased by the Town will include the appraised value of the work of art for insurance purposes.

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Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



14. Policy Review

The policy will be reviewed after four years, or following the first installment of art through this policy, whichever one comes first.

ATTACHMENT 2

REQUEST FOR DECISION #057-2018

Amendments to Public Art Policy

Date: 2019-04-11

Department: Community Development



SUMMARY

Amendments to the Public Art Policy #760-002

For Art in Public Spaces Committee to recommend amendments to Public Art Policy #760-002 which make the Director of the Acadia Art Gallery an ex-officio member and require only commissioned public art to be through a jury. All other public art shall be reviewed by Art in Public Spaces and a recommendation can be made to Council if desired.

DRAFT MOTION:

That Art in Public Spaces Committee recommend that Council approve amendments to the Public Art Policy #760-002 as outlined in Attachment 1.

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

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Department: Planning and Development



10) CAO COMMENTS

No Comments Required.

11) LEGISLATIVE AUTHORITY

The Municipal Government Act Section 47 enables Council to make decisions in the exercise of its powers on behalf of the Municipality, which includes directing staff and adopting policy. Public Art Policy #760-002 outlines the responsibilities of the Art in Public Spaces Committee in recommending and advising Council regarding Public Art.

12) STAFF RECOMMENDATION

As above.

13) REFERENCES AND ATTACHMENTS

- 1) Amendments to the Public Art Policy #760-0002 (attached)

2) DISCUSSION

Art in Public Spaces Committee has reviewed the Public Art Policy multiple times over the past 6 months and concluded that the Director of the Acadia Art Gallery be made an ex-officio voting member and that commissioned art should be completed through a request for proposals and that all other art, including community-developed art or "small scale professional" art should be reviewed by the committee before being implemented or acquired by the Town of Wolfville. These alterations respond to that and enable reviews to be conducted via email or teleconference. After a review, the Committee can make a recommendation if appropriate.

3) FINANCIAL IMPLICATIONS

There is no direct financial implication from this request for decision.

4) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

No other existing policy addresses public art. The existing Cultural Development Policy (Policy No. 760 001) (attachment 2) requires Staff to encourage development of culture within the Town of Wolfville, which is made more-possible by enabling review of art projects via email.

5) COMMUNICATION REQUIREMENTS

None at this time.

6) ALTERNATIVES

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



1. Alter the amendment as attached and recommend Council adopt a revised amendment.
2. Continue using the existing Public Art Policy # 760-002

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



ATTACHMENT 1

Public Arts Policy	
Policy No. 1221-74	
Effective Date March 4, 2014	Approval By Council Resolution No. 03-03-14

PURPOSE

The purpose of this policy is to establish a standardized and transparent process for the acquisition, selection, maintenance, de-accession, monitoring and evaluation of art, to provide a strategic plan for the development, acquisition, placement and management of the Public Art for the Town of Wolfville.

Deleted: purchased and/or donated works of art for display in public spaces...

Deleted: to provide direction for placement of public art, and ...

Deleted: sustainable funding model

DEFINITIONS

Acquisition refers to the formal process used to accept an artwork into the Town’s Public Art Collection.

Artist refers to the designer/creator of a piece of artwork and can include, but is not limited to, professional artists, graphic designers, collaborative teams, architects and landscape designers.

Public Art is defined as works that are created by artists for display in public.

Commissioned Art is art which is commissioned by the Town of Wolfville.

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De-accessioning refers to the process of permanently removing a piece of Public Art from a site or from the Town’s permanent art collection.

Deleted: Public Art is defined as works that are created by artists and acquired by/donated to the Town with the specific intention of being sited in public space. Works of public art may be permanent acquisitions and may be characterized as aesthetic, functional, interactive, or any combination thereof, and created using any material or any combination of media, including but not limited to sculptures, water features, paintings, drawings, textiles, furnishings, installations, and kinetic works. ¶

Public Space refers to the space that is available and frequently used by the public within the public domain and can include, but is not limited to, parks, trail systems, open space, waterways, roads, bridges, gateways, street spaces, exterior and interior public areas associated with Town owned buildings and civic squares.

Permanent Art Collection refers to public artworks acquired, maintained and preserved by the Town and exhibited in the public domain for the benefit of this and future generations.

¶
Art that does not leave a lasting record of its creation (i.e. ice sculptures) is considered temporary art, and is not subject to this Policy. Furnishings, such as benches, light standards, and signage, are exempt from this Policy unless a design component is commissioned.

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



PROCEDURE

15. Roles & Responsibilities

The selection of Public Art is consultative process involving multiple participants, including Town staff, community representatives and Council.

15.1 Art in Public Spaces Committee

15.1.1 Membership

- i. The Arts in Public Spaces Committee will be a standing committee of Council. The Committee consists of six voting members, who serve without pay, together with one non-voting member,
- j. Council shall appoint four members as follows:
 - iv. To 1 year terms – one member of Council, in December of each year;
 - v. To 2 year terms – one member at large, in December
 - vi. To 3 year terms – two members at large, in December
- k. The Mayor is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- l. The Director of the Acadia Art Gallery is an ex-officio member and shall have all the powers and privileges of the member of the Art in Public Spaces Committee, including the right to vote.
- m. The Chief Administrative Officer, or a designated representative, is a non-voting member of the Committee.
- n. The Chair of the committee will be appointed by the committee, for a maximum of two years, in December.
- o. If a member of the Committee vacates for any reasons at any time before that member's term would normally expire, Council shall appoint promptly a new member to the Committee to hold office for the unexpired term.
- p. Applications for appointment to the Committee shall be invited by public advertisement.

15.1.2 Qualifications

- e. Community members at large shall have professional experience related to at least one of the following disciplines: urban planning or developing, landscape architecture, architecture, visual, literary or performing arts, art history, art administration or education, curating, visual arts consulting, civil engineering, art reviewing/writing, or heritage research and planning.
- f. At least two of the members at large shall be residents of the Town and shall demonstrate a significant knowledge of arts and culture.
- g. Any member of the Committee is eligible for reappointment.
- h. Every member of the Committee, who is absent from three consecutive meetings of the Committee, forfeits office, unless the absence is caused by illness or is authorized by resolution of the Committee and noted in the

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REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



Committee minutes. Any member who so forfeits office is eligible for reappointment following the remainder of the unexpired term.

15.1.3 Mandate and Responsibilities'

The Committee has the following responsibilities:

- q. Advise on the implementation of the Public Art Policy.
- r. Propose the project scope and terms of reference for each new public art project.
- s. Ensure application of established procedures and guidelines for each selection process.
- t. Recommend for approval the members of the jury for each project.
- u. Select three to five proposals to be considered by the jury based on the project scope and terms of reference for the project.
- v. Advise and promote communication and outreach of the policy to the community.
- w. Advise on the development and implementation of maintenance for the art collection and accessioning and de-accessioning of works associated with the Public Art Policy.
- x. Review staff's Public Art Site Plan for placing works within the public.

15.1.4 Jury

The purpose of the jury is to select the best proposal based on the selection criteria outlined in this policy.

- k. A new panel is convened for each project.
- l. The panel will consist of the following appointments with a member of the Committee acting as Chair:
 - 1 Member of the Committee to act as Chair,
 - 4 Members representing a combination of the Visual Arts Community, Architect, Landscape Architect.
- m. Panelists must be well informed about the project for which they are selecting an artist. It is important that an orientation meeting be provided for the panel members.
- n. Members of the jury should have one vote, and no member should have the right of veto. The panel should base the selection of an artist on a consensus vote. If a consensus cannot be reached, the majority vote carries the decision. The jury should have the option to make no selection if there is not a submission that warrants consideration.
- o. The selection process is not open to the public.

15.1.5 Rules of Engagement

- i. The Committee shall meet at least quarterly.
- j. A majority of the voting members of the Committee constitutes a quorum.

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- k. Subject to the principles set out in the *Municipal Conflict of Interest Act*, all committee members present including the person presiding shall vote on a question.
- l. Subject to Section 22 of the *Municipal Government Act*, meetings of the committee are open to the public.

15.2 Role of Staff

The implementation of the Public Art Policy will be the responsibility of the CAO or designate. Staff will:

- k. Assists the committee, as required, in policy development, research, community development, fundraising, work planning, circulating information, guidance, and recording of minutes.
- l. Liaise with the various community organizations and potential donors in managing and promoting the policy.
- m. Establish and maintain the Public Art Inventory.
- n. Provides public notification of installations or de-accessioning.
- o. Investigate Federal, Provincial or other sources of funding to promote and support the development of art in public spaces in Wolfville.

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15.3 Role of Town Council

- m. Promote public art through the community.
- n. Approve the Public Art Policy and any changes to the policy, if warranted.
- o. Appoints five members of the community to sit on the Arts in Public Spaces Committee, one of which shall be a councillor.
- p. Approves any additions or deletions to the Town's Public Art Collection.
- q. Approves the annual level of funding
- r. Approves any Town initiated fundraising plan associated with the policy or program.

16. Funding

- o. Funding to support the Public Art Policy will be provided through the establishment of a Public Art Reserve Fund.
- p. Council will commit \$5,000 annually to the Public Art Reserve Fund from operations. The funding model will be re-evaluated at the end of the initial four year period.
- q. A minimum of 75% of all funds collected must be used for the design, fabrication, installation and documentation of public artworks chosen through an objective jurying selection process.
- r. Funds ranging up to 25% will be apportioned to the governance and administration of the selection process, collection, inventory, insurance, staffing, legal requirements, de-accessioning of works and the overall policy review.

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Date: 2019-05-07

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- s. The Public Art Reserve Fund will also be used to leverage funding from other governmental and private sources.
- t. Allocations of more than \$5,000 per annum from Council may be approved for major projects subject to Council approval.
- u. Maintenance costs for all site-specific works will be incorporated into the annual operating budget.

17. Acquisition

j. The Town may acquire Public Art through:

- Purchasing a finished work of art or commissioning a work of art through competition or proposal call.
- Accepting a donation of a work of art, where the ownership is transferred from an individual, organization, group, corporation or other municipality.

k. Commissioned Art shall be selected on merit through a process informed by expertise and community input through the Public Arts Committee and the Jury. The Director of Economic & Community Development, or designate, will make the final recommendation to Council for approval based on the recommendation from the Jury and the Committee.

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l. All other public art purchases, offers of gifts, donations and/or bequests of artworks shall be reviewed by Staff and the Committee in accordance with the selection criteria and prior to final acquisition designation or installation.

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ii. Review can be via email, telephone or at a special committee meeting.

m. A recommendation can be made to Council if desired. All acquisitions, whether purchased or accepted as donation, will be accompanied by a maintenance plan that is supplied by the artist/donor.

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n. All donations must be unencumbered and the locations for donated works of art will be subject to the Public Art Site Plan. The donor of the work of art must have legal title to the work and is responsible for meeting the Canada Revenue Agency criteria to receive an Official Receipt for Income Tax Purposes for the donation.

o. This process, which includes an appraisal of the work of art at the donor's expense to determine its fair market value, requires pre-approval of the Finance Department.

p. Upon Council's approval of acquisition, the successful artist will enter into a written agreement that will address the artist's obligations including, but not limited to:

- The scope of work
- Materials
- Timelines
- Installation
- Maintenance or conservations plans
- Warranty

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- Copyright
- Payments to sub-contractors
- Ethical and legal consideration regarding ownership
 - q. This written agreement will also provide the Town's obligations that will include:
- Payment
- Community notification
- Artist recognition
 - r. The Town may decline to consider or accept any gift, bequest or donation of art in its sole discretion.

18. Selection Criteria

Each work of art that is being considered for acquisition of the Town's permanent collection will be evaluated according to the following criteria:

- Relevance to the Public Art Policy
- In harmony with the Town's natural and/or build environment, and/or heritage
- Craftsmanship
- Compliment to the Town's permanent collection
- Appropriate materials
- Artistic merit
- Sustainability of the work for display in a public space
- Authenticity of the work
- Condition of the work
- Town's ability to maintain and conserve the work

19. De-accessioning

De-accessioning will only occur after an assessment is undertaken and reviewed by the Public Arts Committee, and a report justifying the recommendation, including recommended method of disposal, is provided to Council's consideration and approval. Public art can be de-accessioned under any of the following conditions:

- The work of art is deteriorating and restoration is not feasible.
- The work of art is discovered to be stolen, or was offered to the Town for acquisition using fraudulent means.

20. Insurance

Public art purchased by the Town will include the appraised value of the work of art for insurance purposes.

21. Policy Review

REQUEST FOR DECISION 027-2019

Title: Art in Public Spaces Policy Update

Date: 2019-05-07

Department: Planning and Development



The policy will be reviewed after four years, or following the first installment of art through this policy, whichever one comes first.

REQUEST FOR DECISION 020-2019

Title: Kings REMO Flood Preparedness and Response Plan (FPRP)

Date: May 7, 2019

Department: CAO

SUMMARY

Kings REMO Flood Preparedness and Response Plan (FPRP)

The Draft Kings REMO Flood Preparedness and Response Plan (FPRP), dated March 2019, has been developed to support flood response within Kings County. The Draft Plan has been reviewed by the Regional Emergency Management Planning Committee (REMPC), March 21, 2019, and the Regional Emergency Management Advisory Committee (REMAC), April 15, 2019.

In keeping with the Kings County municipalities Inter-Municipal Services Agreement (IMSA), dated January 16, 2018, for the adoption of a Regional Emergency Management Organization, the Flood Preparedness and Response Plan (FPRP) for Kings County will provide for a consistent standard for emergency response to a flood incident across all of Kings County.

DRAFT MOTION:

That Council approve the Kings REMO Flood Preparedness and Response Plan dated March 2019

REQUEST FOR DECISION 020-2019

Title: Kings REMO Flood Preparedness and Response Plan (FPRP)

Date: May 7, 2019

Department: CAO

1) COMMENT / RECOMMENDATION – CAO

Management met to discuss the draft plan and offer the following suggestions:

- The plan is fairly generic and could be refined to be more specific to Kings County;
- Individual maps for risk areas/flood zones should be included for reference;
- The plan should serve as a guideline and not be prescriptive in nature (note that Dan Stovel has made these changes to the plan as a result of this feedback); and
- The plan identifies the use of the Fire Department during a flood event. It is likely that the Department would be flooded themselves and this should be identified as a risk in the plan.

2) RECOMMENDATION

Staff recommends that Council approve the Kings REMO Flood Preparedness and Response Plan, dated March 2019, for the Town of Wolfville.

3) DRAFT MOTION

That Council approve the Kings REMO Flood Preparedness and Response Plan, dated March 2019.

4) PURPOSE OF REPORT

To support the Town of Wolfville adopting a Regional Flood Preparedness and Response Plan (FPRP) as part of the Kings Regional Emergency Management Organization (REMO), as adopted by the January 2018 Inter-Municipal Services Agreement.

5) DISCUSSION

Every two years NS EMO is required to report the state of Emergency Preparedness in the Province of Nova Scotia. In meeting this requirement, NS EMO Western Zone Coordinator, Andrew Mitton, conducted an Emergency Management Program Evaluation for Kings County's Municipalities in the Fall of 2016. In keeping with observations raised during this evaluation and the adoption of a Regional approach to Emergency Management, the Kings Regional Flood Preparedness and Response Plan (FPRP), dated March 2019, was drafted as a supporting Plan to the Regional Emergency Management Plan, dated September 2018, and is submitted to Council for approval.

This Kings REMO Flood Preparedness and Response Plan will support emergency response efforts to a flood incident within Kings County.

REQUEST FOR DECISION 020-2019

Title: Kings REMO Flood Preparedness and Response Plan (FPRP)

Date: May 7, 2019

Department: CAO

The [Nova Scotia Emergency Act](#) requires that all municipalities have:

- Emergency Management Organization;
- Emergency Bylaw (dated 1 November 1990 or later);
- **Emergency Management Plan;**
- Emergency Management Coordinator (EMC); and
- Standing Committee of Council

6) POLICY CONSIDERATIONS

- [Nova Scotia Emergency Measures Act](#)
- Kings REMO Inter-Municipal Services Agreement, January 16, 2018
- [Kings REMO Regional Emergency Management Plan \(REMP\), September 2018](#)

7) BUDGET CONSIDERATIONS

N/A

8) COMMUNICATIONS REQUIREMENTS

Subject to the approval of the Kings REMO Flood Preparedness and Response Plan by Kings County Municipal Councils, staff will publish the approved Kings REMO Flood Preparedness and Response Plan, dated March 2019, on the Town of Wolfville Website and post announcements via Social Media. The Draft Kings REMO Flood Preparedness and Response Plan will be put forward to Municipal Councils in accordance with the following schedule:

2019-05-07	Wolfville Committee of the Whole
2019-05-13	Kentville Council Advisory Committee
2019-05-21	Municipality of Kings Committee of the Whole
2019-05-21	Wolfville Council for approval
2019-05-27	Kentville Council for approval
2019-05-28	Berwick Committee of the Whole
2019-06-04	Municipality of Kings Council for approval
2019-06-11	Berwick Council for approval

REQUEST FOR DECISION 020-2019

Title: Kings REMO Flood Preparedness and Response Plan (FPRP)

Date: May 7, 2019

Department: CAO

9) REFERENCES TO COUNCIL STRATEGIC PLAN

Council Strategic Principles:

1. **Affordability:** N/A
2. **Transparency:** This decision supports municipal involvement with the approved Kings REMO EM Plan being posted to the [Town of Wolfville's Emergency Preparedness Website](#)
3. **Community Capacity Building:** The Kings REMO Flood Preparedness and Response Plan is focused on further preparing the Town and its residents and is in keeping with a regional approach to Emergency Management.
4. **Discipline to Stay the Course:** N/A
5. **United Front:** This supports a Regional Approach to Emergency Management as agreed upon in the Kings REMO Inter-Municipal Services Agreement (IMSA)
6. **Environmental Sustainability:** N/A

10) ATTACHMENTS

- Kings REMO Flood Preparedness and Response Plan, dated March 2019

11) SUMMARY

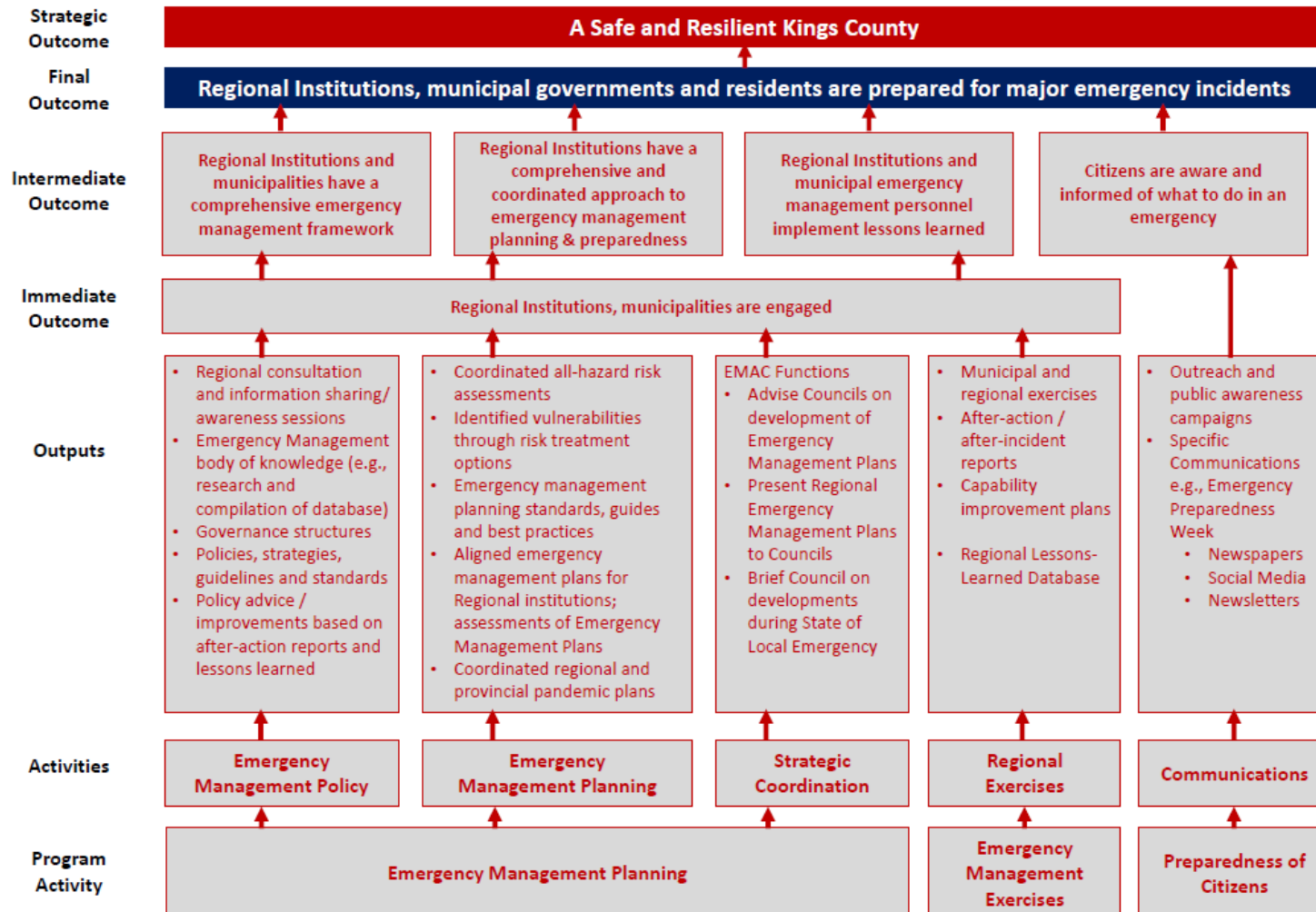
The Kings County Regional Emergency Management Coordinator (REMC) will continue to work towards ensuring that all of Kings County is fully prepared for any future Emergency that may impact any of the municipalities.

REQUEST FOR DECISION 020-2019

Title: Kings REMO Flood Preparedness and Response Plan (FPRP)
 Date: May 7, 2019
 Department: CAO



Kings County – Regional Emergency Management





Kings County, NS Flood Preparedness & Response Plan (FPRP)

March 2019



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DRAFT



FOREWORD

The development of a Kings County Regional Flood Preparedness and Response Plan (FPRP) is paramount to public safety in the case of man-made disasters and natural disaster threats. The Kings County Regional Flood Preparedness and Response Plan was prepared in consultation with County and Municipal stakeholders responsible for everyday management throughout Kings County. It serves as Kings County's Emergency Flood Plan to coordinate an integrated approach to Flood response.

As a Supporting Plan to the Kings REMO Regional Emergency Management Plan, the Kings County Regional Flood Preparedness and Response Plan is augmented by the Emergency Coordination Centre (ECC) Operational Guidelines and Evacuation Guidelines in order to provide the level of detail required for a comprehensive emergency response to a flood event.

Kings REMO strives for strong leadership within the emergency management community and is dedicated to continuous improvements and enhancements to this plan, training and exercising throughout the Kings County region. Therefore, this plan is a living document that will be amended as necessary through a planning process that is managed by the Regional Emergency Management Coordinator (REMC) in consultation with emergency management partners throughout the County.

Mayor
Municipality of the County of Kings

Mayor
Town of Berwick

Mayor
Town of Kentville

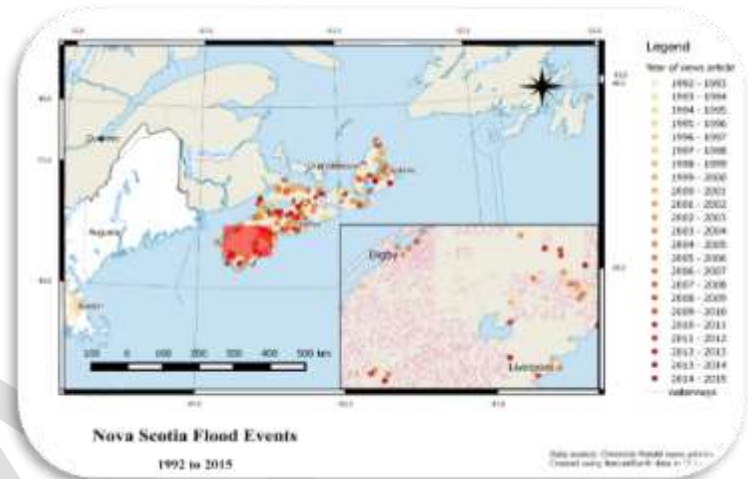
Mayor
Town of Wolfville

1.0 INTRODUCTION

1.1 Background

Floods are primarily caused by naturally occurring changes in the height of rivers, lakes and oceans. According to Public Safety Canada, floods are the most common natural hazard in the country and among the costliest. Historic floods have occurred across Canada, with many of the worst happening on major river systems that pass through populated areas. Scientists predict that flooding linked to the impacts of climate change will increase as the 21st century progresses, particularly in coastal areas of the country.

Nova Scotia's first flood on record hit Halifax in 1759, the result of a storm on the Bay of Fundy. Many of the province's subsequent floods have owed to a combination of snowmelt, heavy rain and ice jams. In January 1956, for example, a long period of thaw due to warm temperatures inundated waterways and created ice jams. Flooding occurred provincewide, destroying more than 100 bridges.



Nova Scotia has also been hit by flooding related to hurricanes and tropical storms. Among the most severe were Hurricane Beth in August 1971 and the "Groundhog Day Storm" in February 1976. Flood damage primarily occurred in coastal areas of the province at a combined cost of more than \$12 million.

This Regional Flood Preparedness and Response Plan is only one part of preparedness efforts that include training, exercises and the debriefing of actual events. As Kings County evolves, so should the Flood Plan, which will be regularly reviewed and adapted. Due to the nature of major emergencies, there may be a need to adapt the plan during a flood. Therefore, the following plan should not be seen as a final, rigid solution, but rather the foundation for continuous planning efforts

1.2 Authorities

The authority for an evacuation is afforded by the [Nova Scotia Municipal Government Act](#) and the [Emergency Management Act](#).

The legal authority for local authorities to order an evacuation rests within the Nova Scotia Emergency Management Act (1990) Section 14(f) – Protection of property and health or safety

Protection of property and health or safety – Section 14

Upon a state of local emergency being declared in respect to a municipality or an area thereof, the mayor may, during the state of local emergency, in respect of such municipality or an area thereof, do everything necessary for the protection of property and the health and safety of persons therein may:

- a. Cause an emergency management plan or any part thereof to be implemented;
- b. Acquire or utilize or cause the acquisition or utilization of personal property by confiscation or any means considered necessary;
- c. Authorize or require a qualified person to render aid of such type as that person may be qualified to provide;
- d. Control or prohibit travel to or from an area or on a road, street or highway;
- e. Provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and coordination of emergency medical, social and other essential services;
- f. Cause or order the evacuation of persons and the removal of livestock and personal property threatened by an emergency and make arrangements for the adequate care and protection thereof;
- g. Authorize the entry by a person into any building or upon land without warrant;
- h. Cause or order the demolition or removal of any thing where the demolition or removal is necessary or advisable for the purpose of reaching the scene of an emergency, or attempting to forestall its occurrence or of combating its progress;
- i. Order the assistance of persons needed to carry out the provisions mentioned in this Section;
- j. regulate the distribution and availability of essential goods, services and resources;
- k. authorize and make emergency payments;
- l. assess damage to any works, property or undertaking and the costs to repair, replace or restore the same;
- m. assess damage to the environment and the costs and methods to eliminate or alleviate the damage

1.3 References

- [Public Health Agency of Canada – Emergency Lodging Service, 2007](#)
- [Nova Scotia Emergency Management Act](#)
- [Kings REMO Regional Emergency Management Plan, 2018-09](#)
- Kings REMO Regional Emergency Evacuation Plan, 2018-12
- Kings REMO Evacuation Operational Guidelines, 2018-05-01
- Kings REMO Emergency Coordination Centre Operational Guidelines, 2018-05-01

1.4 Purpose

Flood preparedness and response planning is a strategy to minimize loss of life, injury and trauma and to reduce property damage as a result of a flood. No one can anticipate every contingency during a flood event, but a flood preparedness and response plan will help develop appropriate responses for a wide range of occurrences. A flood preparedness and response plan will enable a quicker, more effective and more efficient response, and lead to a speedier recovery.



The Plan should be activated as soon as it becomes apparent that, due to an emergency of such magnitude as to warrant its implementation, evacuation and relocation of people is necessary.

1.5 Aim and Scope

The primary goal of this Plan is to provide an integrated planning framework that recognizes the role of individual residents, business owners, emergency responders and the Municipalities of Kings County. Together these individuals, groups and agencies represent the first line of defence in responding to a flood event within Kings County.

This goal is supported by overarching objective of enhancing public and emergency responder education, emergency preparedness and emergency response policies and procedures. Together these are intended to prevent or reduce loss of life or severe injury and/or damage to property and infrastructure during a major flooding event within Kings County.

If the need to evacuate and relocate residents of the affected area(s) is apparent, the provisions of the Regional Emergency Evacuation Plan (REEP) shall be implemented. In such events, the Municipality shall discuss the need to declare a State of Local Emergency (SOLE), [Annex A](#), if a mandatory evacuation is needed. If there is a fire or the possibility of fire, the Fire Chief has the authority to declare the mandatory evacuation at the current time there is no advantage to declaring a SOLE.

2.0 CONCEPT OF OPERATIONS (CONOPS)

2.1 Planning Assumptions

The plan assumes the following:

- NS Department of Agriculture will provide dyke condition statements as they become available.
- Kings REMO and the Emergency Coordination Centre Management Team (ECCMT) will have the primary responsibility for mitigation, prevention, preparedness, response and recovery in flood emergency/disaster situations.
- It is highly probable that with events such as climate change and weather anomalies, Kings County could experience flash flooding or a major flooding event to some degree in the future.
- Kings County and partner agencies will follow the response activities set out in the Kings REMO Regional Emergency Management Plan (REMP), the Regional Emergency Evacuation Plan (REEP) and Municipal Operating Procedures.
- Residents of Kings County will take active measures to protect personal property.

2.2 Plan Limitations

- The Municipalities of Kings County do not currently have a formal policy for the protection of private property during flooding. While efforts will be made to assist residents in the protection of their property during a flood emergency, the protection of critical municipal infrastructure must be the first priority to ensure continuity of municipal services to the community.
- There may be factors that will adversely affect Kings County's ability to respond to flood emergencies. Response may be delayed if roads become impassable, normal channels of communications may be disrupted and utilities may be unavailable for extended periods of time.
- Response to flooding varies depending on the cause of flooding. In the event of a heavy rain fall / severe summer storm the response and recovery may take place simultaneously as there is little or no time to prepare.

2.3 Plan Activation

This plan may be activated in whole or in part, as required, by the Kings REMO Emergency Coordination Centre Management Team (ECCMT), with or without the formal declaration of a state of local emergency.

Upon activation, all participating agencies should respond in accordance with the procedures described within this plan and in accordance with their agency operating procedures.

2.3 Flood Information

2.3.1 Types of Floods

The causes of flooding within Kings County could include one of the following, or a combination thereof:

2.3.1.1 Fluvial Flooding

Fluvial flooding is caused when high or intense precipitation, or snow and ice melt within the watershed flows into the river, causing it to overtop its banks. High or intense precipitation can be defined using Environment Canada's Rainfall Warning Criteria, wherein warnings are issued when 25 mm of rain or more is expected in one hour, when 50 mm or more is expected within 24 hours or 75 mm or more within 48 hours during the summer, or when 25 mm or more is expected within 24 hours during the winter.

While flooding from snow and ice melt can be easy to predict, flash flooding from sudden downpours can be more of a challenge to forecast.

2.3.1.2 Pluvial Flooding

Heavy and intense rainfall that occurs away from a waterbody. This is common in flatter areas away from waterbodies as heavy rain ponds on saturated land, and in urban areas where there is insufficient drainage as land is used for parking lots and buildings. Urban flooding is made worse when water and sewer systems are overwhelmed, and water has nowhere to go and ends up in basements.

2.3.1.3 Spring Rainfall

In the spring, the predominant form of precipitation changes from solid (snow and ice) to liquid (rain). The impact of spring rainfall will vary depending on a number of factors including:

- How much rain falls
- How much melting occurred before a rain event
- The water content of the existing snow on the ground
- The ground conditions (frozen or unfrozen)

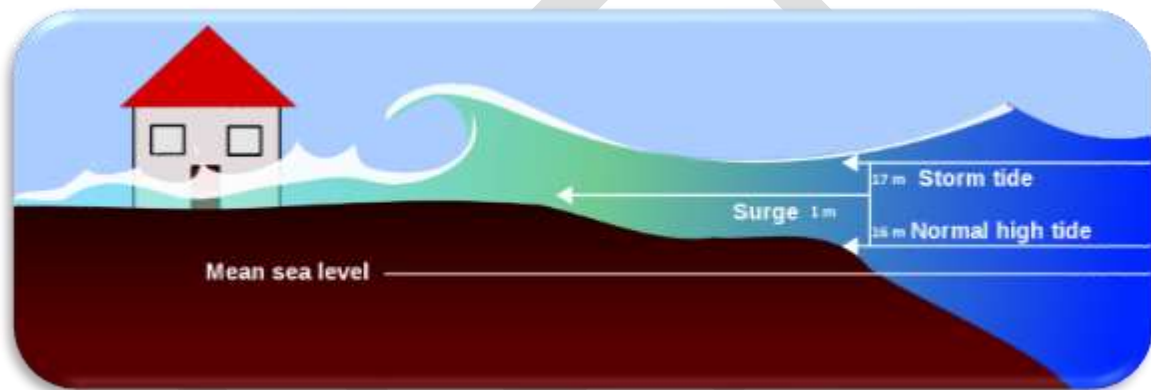


The worst-case scenario is above-zero temperatures combined with rain on frozen ground, or rain on snow with above-average water content. These conditions provide the greatest threat for flooding.

2.3.1.4 Storm Surge/Coastal Flooding

The strong tides of the Bay of Fundy affect the Cornwallis River up to 5 km west of the town of Kentville, making the towns of Kentville and Wolfville, and the villages of Port Williams and New Minas vulnerable to coastal flooding and storm surge.

Tidal range in the Minas Basin of the Bay of Fundy, Nova Scotia is between 13 and 16 m, the highest in the world. Following a semi-diurnal pattern, there are two high tides and two low tides every 24 hours and 50 minutes in the Bay of Fundy. When a high tide coincides with strong winds and low pressure of a storm, a storm surge can occur. A storm surge is an increase in the ocean water level above what is expected from the normal tidal level that can be predicted from astronomical observations. The strong tidal currents of the Minas Basin cause erosion of the fine glacial till sediments of the coastline at a rapid rate, making the coastal communities in this region ever more vulnerable to storm and flood events.



2.3.1.5 Dam Break or Breach

When a dam fails and water is released from a reservoir, the flood wave travelling downstream can cause significant property damage and possible loss of life.

Dam failures can be divided into two broad classifications:

- a. Failures caused by overtopping during extreme rainfall / snowmelt events, or failure of an upstream dam.
- b. Structural failures due to foundation problems (i.e. deterioration of concrete, erosion of earth, etc.), geological conditions, or earthquakes.

Overtopping the crest of the dam (i.e. dam breach), whether alone or in combination with a dam failure, can occur when an extreme hydrologic event or failure of an upstream dam causes large water inflows to exceed the capacity of the reservoir and its spillway. Overtopping may also be caused by an accumulation of debris or ice that restricts flow through the dam's spillway.

2.3.1.6 Water Main Break

In extreme circumstances, water main breaks could result in large volumes of water being released and result in flooding. During such situations the streets may become inundated, sewer systems may surcharge, and basements may fill with water, creating issues similar to floods caused by natural phenomenon.

2.4 Potential Adverse Affects Caused by Flooding

Flooding is generally accompanied by poor weather conditions. Significant flood events can be complex, and they can occur at any time day or night and last for an uncertain period of time. Responders may have to work in dangerous conditions, there may be considerable numbers of people displaced from their homes and there may be considerable business, infrastructure and utility interruption. All of the above are factors, which will have an influence on how to prepare a response in a flood emergency.

Significant flooding affecting a wide area can have substantial economic and public health impacts on affected communities and infrastructure.

A flooding event could result in, but is not limited to, the following:

- Threat to life and property;
- Destruction of public property;
- Utility failure (power, water / wastewater, gas);
- Communications disruption (telephone, internet, radio, television, newspaper production, delivery, etc.);
- Structural damage;
- Erosion;
- Damage to the watershed ecosystems;
- Traffic disruptions (road, bridge or rail closures, stranded motorists);
- Difficulty in attaining and delivering emergency services (Police, Fire, EHS, Public Works);
- Food and water shortages;
- Evacuation of people and animals;
- Crop damage; and
- Threat to public health (dangerous goods accidents, contaminated water – both potable and non-potable water sources).

2.5 Factors Affecting Emergency Response to a Flood Event

- Flooding can occur at any time during the year due to a variety of natural phenomenon (i.e. weather) and/or human induced circumstances (i.e. debris jamming, improper dam operation, etc.), but is most likely to occur during inclement weather conditions that will affect response times and procedures.
- The amount and extent of damage caused by any flood depends on several variables, including how much area is flooded, the depth of flooding, the velocity of flow, the rate of

rise, sediment and debris carried, the duration of flooding and the effectiveness of mitigation strategies.

- The potential for damage and/or loss of life due to flooding is magnified because, generally, the public may not recognize the safety hazards associated with flooding.
- Flooding does not necessarily occur in isolation of other emergency situations and may occur simultaneously with another unrelated type of emergency, whether it is a natural or human-induced emergency.
- Flooding can also result in secondary emergency events, including landslides, contamination of drinking water supplies, sewage back-up in homes and businesses, overloading of the sewage treatment plants resulting in the release of untreated sewage and a significant impact on the environment, etc.

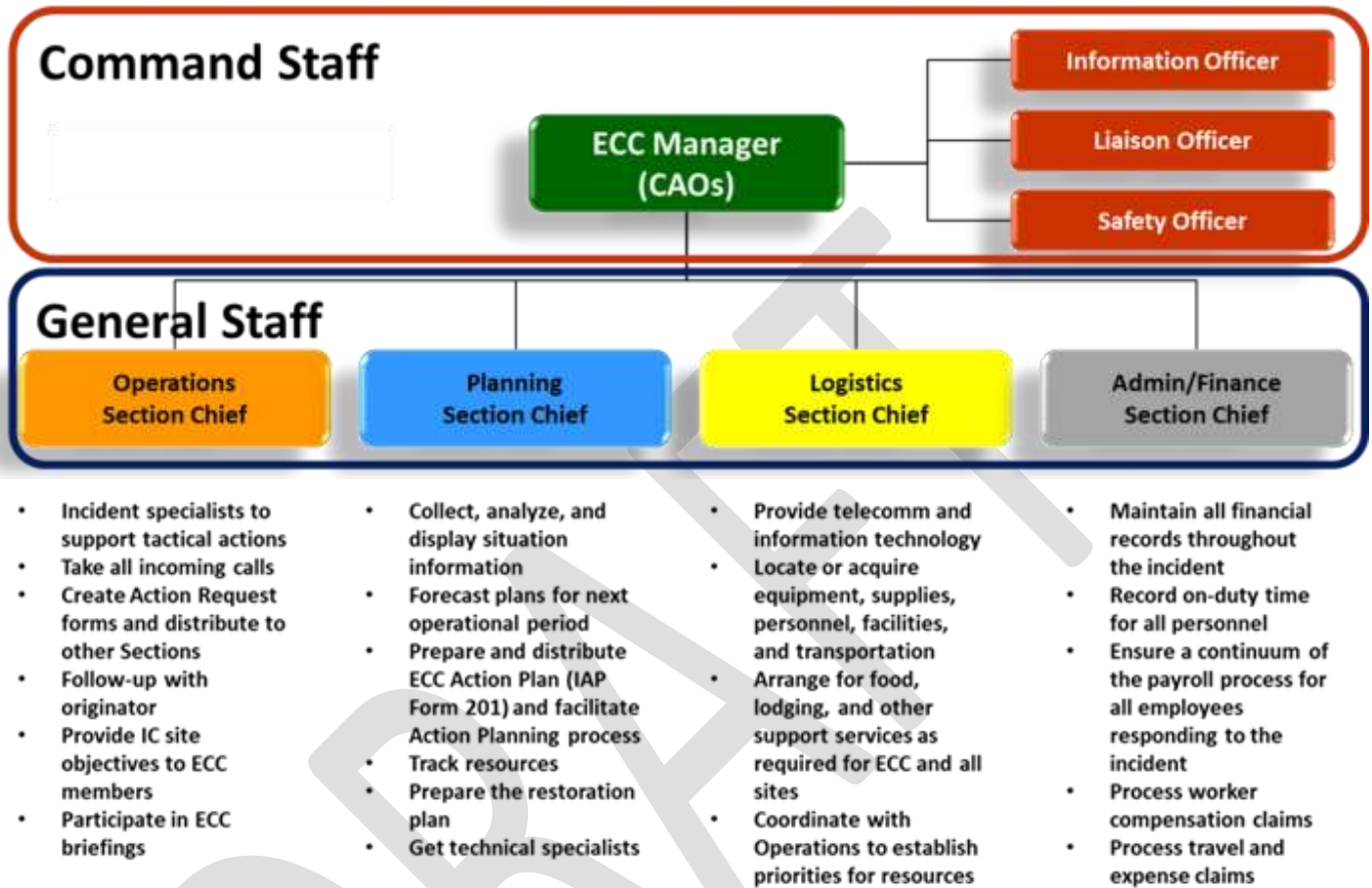
2.6 Flood Emergency Management Priorities

In a flood situation, Kings REMO and its partner agencies will focus their efforts on achieving the following objectives:

- Preservation of life and safety of emergency responders, residents and visitors.
- Support for stranded and evacuated persons.
- Protection of the water supply system, sewage treatment and other critical infrastructure of the Municipalities of Kings County.
- Protection of the environment, watercourses and potable water supplies.
- Reducing the economic and social suffering and losses to the residents of Kings County where possible.
- Returning communities to normal through a coordinated recovery process that includes re-entry of displaced persons.
- Reducing the impact to private property where possible and appropriate.

2.7 Flood Organizational Structure

To support a regional flood incident within Kings County the Kings REMO Emergency Coordination Centre is structured under the Incident Command System:



2.8 Municipal Public Warning Strategy

As there are limited audible warning systems within the Municipalities of Kings County, the public should be alerted to flooding conditions through local media (radio, television, newspaper) and social media (Facebook, Twitter). Warnings should also be posted on all Municipal websites and distributed through the Kings REMO Emergency Email Notification System. In extreme circumstances, public warning may also be done through vehicle public address systems and/or door-to-door contact by municipal services and/or volunteers.

2.9 Recovery

The ability to recover from the physical damage, injury, economic impairment and human suffering resulting from a disaster is a critical element of any emergency program. It is essential to recognize that successful recovery planning and activities depend on the rapid start-up of a recovery plan and must begin during the emergency response phase.

Through the implementation of a municipal disaster recovery strategy, Kings County Municipalities will work with their Departments, partner agencies, and volunteer resources to restore critical infrastructure (both public and private), systematically clean up affected areas, and return the community to a state of normalcy.

The prioritization of restoration and clean up efforts will be determined by the Kings REMO ECC Management Team based on a number of influencing factors, with the primary focus being on the protection of public safety.



3.0 RESPONSIBILITIES

3.1 Federal

The Government of Canada's Government Operations Centre (GOC) monitors the flood situation across the country. The GOC coordinates the federal government's response to events of national interest, such as floods, that may affect the safety and security of Canadians or critical infrastructure. Should a provincial or territorial government request assistance to deal with a flood, then the GOC would coordinate the Government of Canada response.

The Government of Canada has disaster assistance programs available to respond to the financial needs of provinces and territories in the wake of major natural disasters including the [Disaster Financial Assistance Arrangements](#)

Municipal staff across departments receive regular weather reports, advisories and warnings from Environment Canada weather services. These services are provided by weather meteorologists located in at Nova Scotia EMO Headquarters in Dartmouth, NS.

3.2 Provincial

A number of Nova Scotia government departments and agencies are engaged in flood related activities, including:

3.2.1 Nova Scotia Department of Agriculture (NSDA)

- The [NSDA](#) Land Protection Section is responsible for the management and maintenance of 240 kilometers of tidal dykes (including 260 aboiteau structures) along the Bay of Fundy for the purpose of protecting 17,400 hectares of agricultural land (marshbodies) from sea water incursions.



3.2.2 Department of Municipal Affairs (DMA)

- [Municipal Affairs](#) administers Statements of Provincial Interest (SPI) under the Municipal Government Act. The current SPI on Flood Risk Areas was put in place in 1999, and focused heavily on areas mapped under the Canada-Nova Scotia Flood Damage Reduction Program from the mid 1980's. This planning tool requires that any municipality with a comprehensive municipal planning strategy must be "reasonably consistent" with the intent of the SPI. The goal of the SPI is to "protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in the floodplains."
- Under the Federal Gas Tax Program all municipalities have submitted a Municipal Climate Change Action Plan. Each plan outlines priorities for climate change (adaptation and mitigation) and describes the range of actions the municipality will undertake to address climate impacts. In many communities flooding has been identified as a significant concern and is a top priority for taking action on climate change adaptation.

- The eligible project categories under the Federal Gas Tax Program have been expanded to include Disaster Mitigation. Projects that reduce or eliminate long-term impacts and risks associated with natural disasters are now eligible for funding.

3.2.3 Nova Scotia Emergency Management Office (NS EMO)(DMA)

- [NS EMO](#) takes an “all-hazards” approach to emergency management that recognizes that mitigation, preparedness, response and recovery can be used to address the impact of disasters.
- [NS EMO](#) regional staff (Emergency Management Planning Officers - EMPO's) work with municipal emergency management coordinators to ensure there are emergency management plans in place for each municipality in Nova Scotia.
- Municipal planning and local knowledge is represented in the development of emergency management plans.
- The [MCCAP](#) process requires municipal emergency management coordinators to work with EMPOs in the development of their respective climate change action plans.



3.2.4 Nova Scotia Department of Transportation and Infrastructure Renewal (NS TIR)

- [NS TIR](#) is responsible for delivering quality public infrastructure for Nova Scotia and deal with approximately 23,000 km of roads, 4,100 bridges, 7 ferries, and 2,400 buildings.
- [NS TIR](#) designs, constructs and operates this infrastructure in accordance with nationally and internationally recognized standards.
- [NS TIR](#) consults with communities on infrastructure developments. Often this infrastructure is developed or renewed in partnership with the Federal or municipal governments.

3.2.5 Nova Scotia Department of Lands and Forestry (NS DLF)

- [Nova Scotia Department of Lands and Forestry](#) operates a long-term program to map the vulnerability of the province’s coast to flooding and erosion.
- NS DLF is very active throughout Nova Scotia’s watersheds, and forestry activities including road construction, and harvesting can have a large influence on flooding. Through [Forest Sustainability Regulations](#), silviculture programs are in place to establish and tend forest stands within water shed areas, and the Department administers and enforces [Wildlife Habitat and Water Course Protection Regulations](#).

3.2.6 Nova Scotia Environment (NSE)

- [NSE](#) is the lead provincial department partnering with Environment Canada on maintaining and monitoring 28 real-time hydrometric monitoring stations. This information is critical for monitoring rising water in real-time during extreme weather events where flooding is a high-risk.
- [NSE](#)’s Water for Life: Water Resource Management Strategy sets climate change impact studies as a priority action for the department. Flood risk studies will be a key component of studying climate change impacts to the province.

- The Climate Change Unit provides information and guidance on climatic factors relevant to flooding, such as historic data and future projections of sea levels, storms and rainfall amounts and intensity.
- The Climate Change Unit has funded and coordinated several community climate change assessments through the Atlantic Climate Adaptation Solutions program, which include aspects of coastal and inland flood mapping and risk in six pilot areas (13 municipalities) in Nova Scotia.
- **NSE** regulates 114 activities in the province by developing, implementing and monitoring standards and conditions of approval. Many of these have some relevance to flood management.

3.3 Regional – Kings REMO

3.3.1 Prevention and Mitigation

Kings REMO is responsible for developing and implementing mitigation strategies to prevent or lessen the occurrences and/or severity of flooding.

These strategies include:

- Controlling development in and around flood zones using Zoning by-laws, Official Plans and Site Plan Development.
- Working to map the flood areas and the impact on critical infrastructure.
- Developing and circulating public education material concerning flood prevention and clean-up.

3.3.2 Response / Recovery Responsibilities

When flooding occurs, the initial responsibility for the welfare of residents is at the Municipal level. As with any emergency, the first priority is responder and public safety. The second priority is the protection and maintenance of public critical infrastructure in order to maintain basic services (hydro, water / wastewater, gas, telecommunication systems, etc.).



When flood conditions are present within Kings County, Kings REMO should:

- Activate the Kings REMO Flood Preparedness and Response Plan
- Activate the Kings REMO Regional Emergency Management Plan.
- Convene the Emergency Coordination Centre Management Team
- Appoint an Incident Commander.
- If necessary, recommend the declaration of a Municipal emergency.
- Direct and control all flood response operations in Kings County.
- Coordinate the acquisition of emergency response equipment, personnel and other resources required at the incident site.
- Coordinate assistance to residents displaced by flooding.
- Address concerns related to homes in Kings County that are on private wells or have private surface water intakes.

- Disseminate vital emergency information to staff, the media and citizens using appropriate channels.
- Provide information to the public concerning water supply safety, alternative sources of water, and protective actions to be taken.
- Request assistance from agencies not under Municipal control, as required (i.e. Municipal Mutual Assistance Agreements, Red Cross, local industry, etc.).
- Request Provincial assistance to perform specific flood combat / control tasks as may be required.
- Coordinate community disaster financial assistance (Nova Scotia Disaster Relief Assistance Program) as deemed necessary.
- Facilitate arrangements for the inspection of evacuated premises and provide for their orderly re-occupation as appropriate.
- Assist the Provincial authorities with damage estimation and assessment after the flood.
- Provide residents and businesses with information on safe handling of items damaged by water / sewage.
- Explore mitigation and prevention strategies to reduce the impact of future flood events

3.3.3 Regional Emergency Management Coordinator (REMC)

Coordinate flood specific education materials for distribution to residents and business owners within identified water flood damage areas to include:

- The Flood Preparedness and Response Plan;
- Established evacuation routes (minimum of two) from each identified flood damage centre, including locations of a primary and secondary Evacuation Centre / Emergency Shelter;
- Emergency preparedness and response education information for residents and businesses including pre-event, during an event, and post event (including information related to sandbags and building a sandbag dike); and
- Contact information for the REMC.

3.3.4 Site Operations (Incident Commander)

The Incident Commander (IC) assumes responsibility for the overall coordination of all operations at the emergency site and is the point of contact between the ECC Management Team and site operations.

The Incident Commander is responsible for:

- Identifying the flood risk areas.
- Prioritizing response activities.
- Evaluating and identifying equipment and resources needed

3.3.5 Fire Services

- Conduct floodwater rescue, as required.
- Rescue / evacuate any persons in danger with minimum delay and provide first aid as necessary.
- Assist Police Services with evacuations in the affected areas as required.
- Control Fires, released chemicals and other hazards.

3.3.6 Kings RCMP/Kentville Police

- Evacuate the affected areas as required.
- Perform traffic and crowd control operations.
- Disperse people not directly connected with the operations who, by their presence, are considered to be in danger, or whose presence hinders in any way the efficient functioning of the flood combat/control operation.
- Secure the affected areas (based on need and availability of staff).
- Provide community security to prevent against looting and other unruly activities.
- Identify and establish detour routes due to high water and maintain proper traffic flow patterns as deemed appropriate.

3.3.7 Infrastructure Services – Water / Wastewater

- Implement actions to protect water and sewer systems and identify threats to drinking water.
- Work with ECC Information Officer to advise the public of protective actions that may be required in the event of damage or concerns related to the sewer systems and/or drinking water sources.
- Request the disconnection or discontinuance of any service that may constitute a public hazard.
- In the event a flood emergency results in the release of untreated or partially treated sewage into lakes and rivers, implement internal procedures and notify the Ministry of the Environment, and the Department of Fisheries and Oceans Canada.

3.3.8 NS TIR & Engineering Departments

- Deploy sandbags for flood defence
- Free obstructions to storm and waste water drainage
- Repair breaches in flood defences
- Visually monitor creeks and streams
- Coordinate activities of utility companies

3.3.9 Infrastructure Services – Transit

- Provide transportation for residents and emergency responders as required.

3.3.10 Community Development – Social Services

- Provide assistance to residents displaced by flooding as required.
- Coordinate Emergency Shelter operations.

3.3.11 Utilities (NS Power, Berwick Electric, Gas etc.)

- Perform disconnect operations where this is considered necessary and in the interest of public safety.
- Secure services and equipment to ensure continuity of supply.
- Coordinate the priority restoration of affected services as dictated by emergency needs of municipal services and other essential users.
- Assist with clean up and restoration of services.
- Assess ability to resume normal operations.

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4.0 PUBLIC EDUCATION & AWARENESS OF FLOODING PREPAREDNESS

Since public awareness of flood preparedness and response will contribute to an effective evacuation process, ongoing public awareness and education shall be an integral component of this plan. To this end, this Plan, as part of the Regional Emergency Management Plan, shall be posted on the [Municipality of the County of Kings](#), the Towns of [Berwick](#), [Kentville](#) & [Wolfville](#)'s websites in order that the public may have access to it and printed information shall be provided to residents in historically vulnerable areas. During an emergency evacuation, residents are to be able to access to the local media sources for information and instructions.



As part of Community Outreach, the Kings REMO Regional Emergency Management Coordinator should provide an overview of Emergency Evacuation procedures to members of the community on an ongoing basis.

4.1 Evacuation Warnings

To be effective, Evacuation Warnings/Announcements should have the following characteristics:

- Authority**—Warnings are more credible and more likely to stimulate appropriate public actions if they are issued by a recognised authority.
- Consistency**—To avoid confusion and uncertainty, it is important that consistency be maintained when multiple warnings are issued to the public.
- Accuracy**—Accuracy and currency of information contained in the warning also affect understanding and belief. Errors can cause people to doubt subsequent warnings.
- Clarity**—An unclear warning can cause people to misunderstand or ignore it. Warnings should be in simple language, without the use of jargon.
- Level of Certainty**—Certainty determines the level of belief in a warning and affects decision making by those to whom the warning is given.
- Level of Detail**—Insufficient information creates confusion, uncertainty and anxiety, and public imagination will tend to fill the information void. This can promote rumours, uninformed misconceptions or fears.

- ❑ **Clear Guidance**— Messages containing clear guidance about protective actions people should take and the time available for doing so are more effective than those which provide no specific instructions.
- ❑ **Repetition of Warnings**—Where time permits, warnings should be repeated preferably using more than one delivery method. This provides confirmation of the warning message, helps increase persuasiveness and overcomes the problem of people not responding after hearing a warning only once.
- ❑ **Impact Areas**—Warning information that clearly states the areas actually or likely to be affected by the event is most effective.
- ❑ **Methods of Information Dissemination**—Warnings are more effective if a range of methods is used rather than a single method, thereby reaching as many people as possible in the shortest time. Methods need to be chosen to fit the time-frame available and should recognise that some modes are appropriate in reaching many people but with only relatively simple or generalised information (e.g. radio, television) whereas others can provide more specific information to targeted individuals (e.g. telephone, facsimile machine, computer, two-way radio, door-knocking or use of community leaders or wardens). Use of the Standard Emergency Warning Signal (SEWS) “[Alert Ready](#)” can enhance the effectiveness of electronic media warnings by alerting listeners for an urgent safety message to follow.
- ❑ **Information Dissemination for Special Needs Groups**—Consideration must be given to the specific problems of special needs groups. Dissemination to, and receipt of information by, many of these groups will pose different challenges, for example, language. Neighbours can also help by checking on special-needs people in close proximity.

5.0 PLAN TESTING, REVIEW & MAINTENANCE

5.1 Plan Testing Schedule & Responsibility

The Kings County Regional Emergency Management Coordinator (REMC) is responsible for coordinating the annual testing (in whole or in part) of the Regional Flood Preparedness and Response Plan in order to verify its overall effectiveness and provide training to the emergency personnel. The exercise can take the form of a simple tabletop or a more elaborate functional exercise.

5.2 Plan Review & Maintenance

The Kings County FPRP will be maintained by the Regional Emergency Management Planning Committee (REMP) and the Regional Emergency Management Coordinator (REMC).

The FPRP will be reviewed annually and, where necessary, revised by a meeting(s) of the [Regional Emergency Management Planning Committee](#) (REMP) and the [Regional Emergency Management Advisory Committee](#) (REMAC). The REMP shall be revised subject to the approval of Municipal Councils.

REVIEWS

MONTH	DAY	YEAR	BY

PLAN REVISIONS

MONTH	DAY	YEAR	CHANGE	APPROVED

6.0 DISTRIBUTION LIST

Distributed electronically:

Municipal Units:

- [Municipality of the County of Kings](#)
- [Town of Berwick](#)
- [Town of Kentville](#)
- [Town of Wolfville](#)

- [Village of Aylesford](#)
- [Village of Canning](#)
- Village of Cornwallis Square
- [Village of Greenwood](#)
- [Village of Kingston](#)
- [Village of New Minas](#)
- [Village of Port Williams](#)

Fire Departments

- Kings County Fire Departments

Regional Emergency Management Planning Committee (REMPC)

- [NS EMO](#) – Western Zone Planning Officer
- [Acadia University](#)
- [Annapolis Valley Amateur Radio Club](#) (AVARC)
- [Annapolis Valley First Nation](#)
- [Annapolis Valley Regional Centre for Education](#) (AVRCE)
- [Brigadoon Village](#)
- Community Services – Kings County
- [NS Department of Lands and Forestry](#)
- [NS Department of Transportation and Infrastructure Renewal](#) (DTIR)
- [NS Emergency Health Services](#)
- Fire Services
- [Glooscap First Nations EMO](#)
- [Kentville Police](#) / [Kings County RCMP](#)
- [Kings Transit Authority](#) (KTA)
- [NS Department of Agriculture](#)
- [NS Health Authority](#)
- [Canadian Red Cross](#)
- [Valley Communications](#)
- [Valley Search and Rescue](#) (SAR)

Annexes

A [Declaring a State of Local Emergency \(SOLE\)](#)

- [Form 4 \(Council\)](#)
- [Form 5 \(Mayor\)](#)

B [Potential Evacuation Routes – Flood Risk Areas](#)

C [Flood Event – Kings REMO Actions](#)

D [Flood Event Checklist](#)

E [Criteria for Public Weather Alerts](#)

F [Lessons Learned – Flood Disasters](#)

G [Floods – Frequently Asked Questions \(FAQ\)](#)

H [Floods – References \(Federal / Provincial\)](#)

- [Federal](#)
- [Provincial](#)
- [Regional](#)

I [Sandbagging – General Information](#)

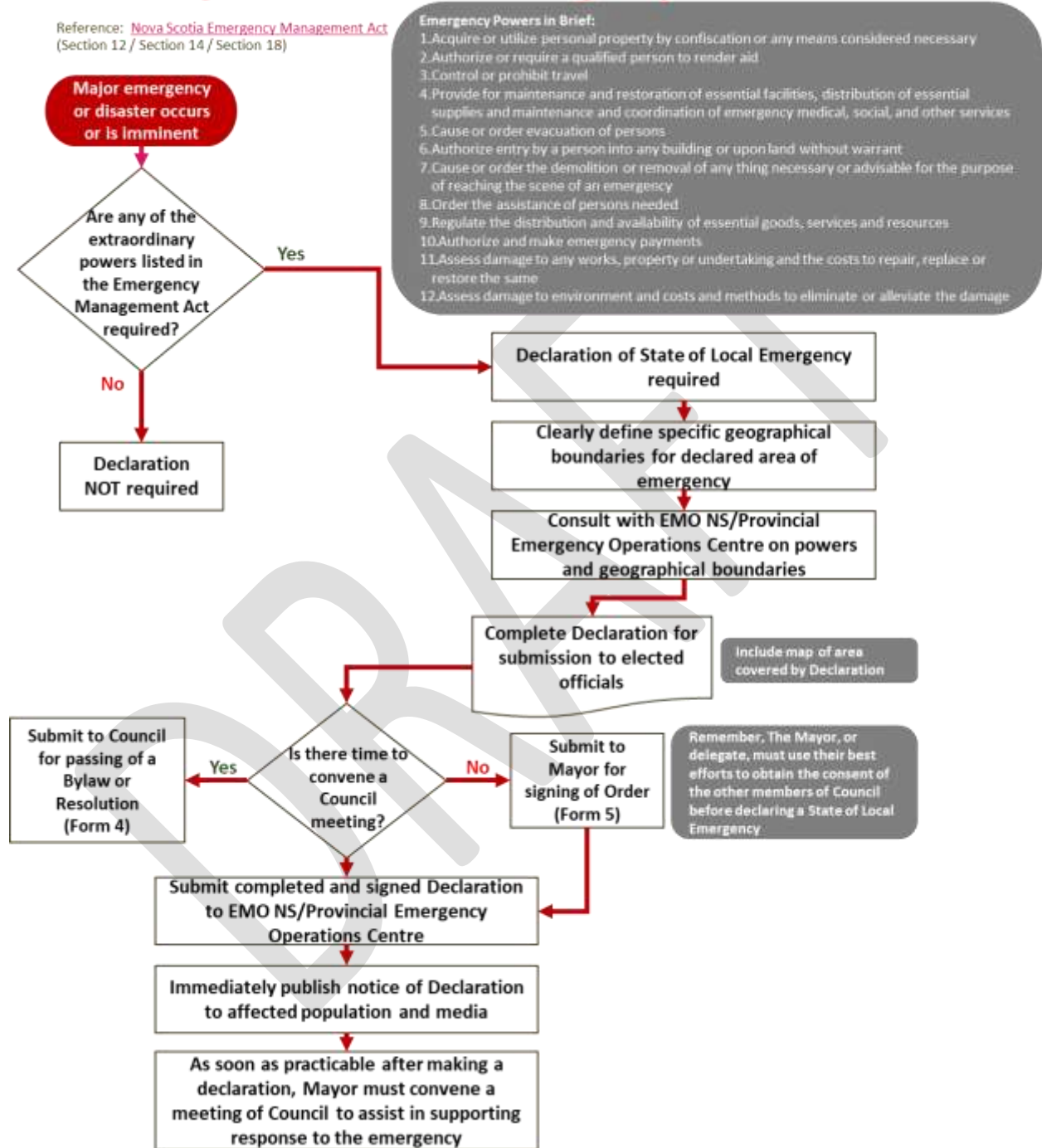
J [Abbreviations & Acronyms](#)

K [Glossary](#)

Annex A – Declaring a State of Local Emergency (SOLE)

Declaring a State of Local Emergency

Reference: [Nova Scotia Emergency Management Act](#)
(Section 12 / Section 14 / Section 18)



FORM 4

DECLARATION OF A STATE OF LOCAL EMERGENCY

MUNICIPALITY: _____

Section 12(2) of the *Emergency Management Act*, S.N.S. 1990, c.8

WHEREAS the area herein described is or may soon be encountering an emergency that requires prompt action to protect property or the health, safety or welfare of persons therein;

Emergency Area:

The area general described as:

Province of Nova Scotia (hereafter referred to as the "Designated Area(s)")

Yes

No

Nature of the Emergency:

AND WHEREAS the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia, 1990, the *Emergency Management Act*, exists or may exist in the Designated Area(s) noted above;

THE UNDERSIGNED HEREBY DECLARES pursuant to Section 12(2) of the *Emergency Management Act*, a State of Local Emergency in the Municipality noted above as of and from _____ o'clock in the forenoon () or afternoon () of the _____ day of _____, 20____.

THIS DECLARATION OF STATE OF LOCAL EMERGENCY shall exist until _ o'clock in the forenoon () or afternoon () of the _____ day of _____, 20____, or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the *Emergency Management Act*.

DATED at _____, in the Municipality of _____, Province of Nova Scotia, this _____ day of _____, 20____.

Council, Municipality _____

Name _____

Positions _____

[Authorized by Resolution No. _____ dated the _____ Day of _____, 20____.

FORM 5

DECLARATION OF A STATE OF LOCAL EMERGENCY

MUNICIPALITY: _____

Section 12(2) of the *Emergency Management Act*, S.N.S. 1990, c.8

WHEREAS the area herein described is or may soon be encountering an emergency that requires prompt action to protect property or the health, safety or welfare of persons therein;

Emergency Area:

The area general described as:

[Empty rectangular box for describing the emergency area]

Province of Nova Scotia (hereafter referred to as the "Designated Area(s)")

Yes

No

Nature of the Emergency:

[Empty rectangular box for describing the nature of the emergency]

AND WHEREAS the undersigned is satisfied that an emergency as defined in Section 2(b) of Chapter 8 of the Statutes of Nova Scotia, 1990, the *Emergency Management Act*, exists or may exist in the Designated Area(s) noted above;

AND WHEREAS the Council of the Municipality is unable to act;

AND WHEREAS the undersigned has (check appropriate box)

- (a) Consulted with a majority of the members of the Municipal Emergency Management Committee Yes No
- (b) Found it impractical to consult with the majority of the Municipal Emergency Management Committee Yes No

THE UNDERSIGNED HEREBY DECLARES pursuant to Section 12(3) of the *Emergency Management Act*, a State of Local Emergency in the Municipality noted above as of and from ____ o'clock in the forenoon () or afternoon () of the _____ day of _____, 20____.

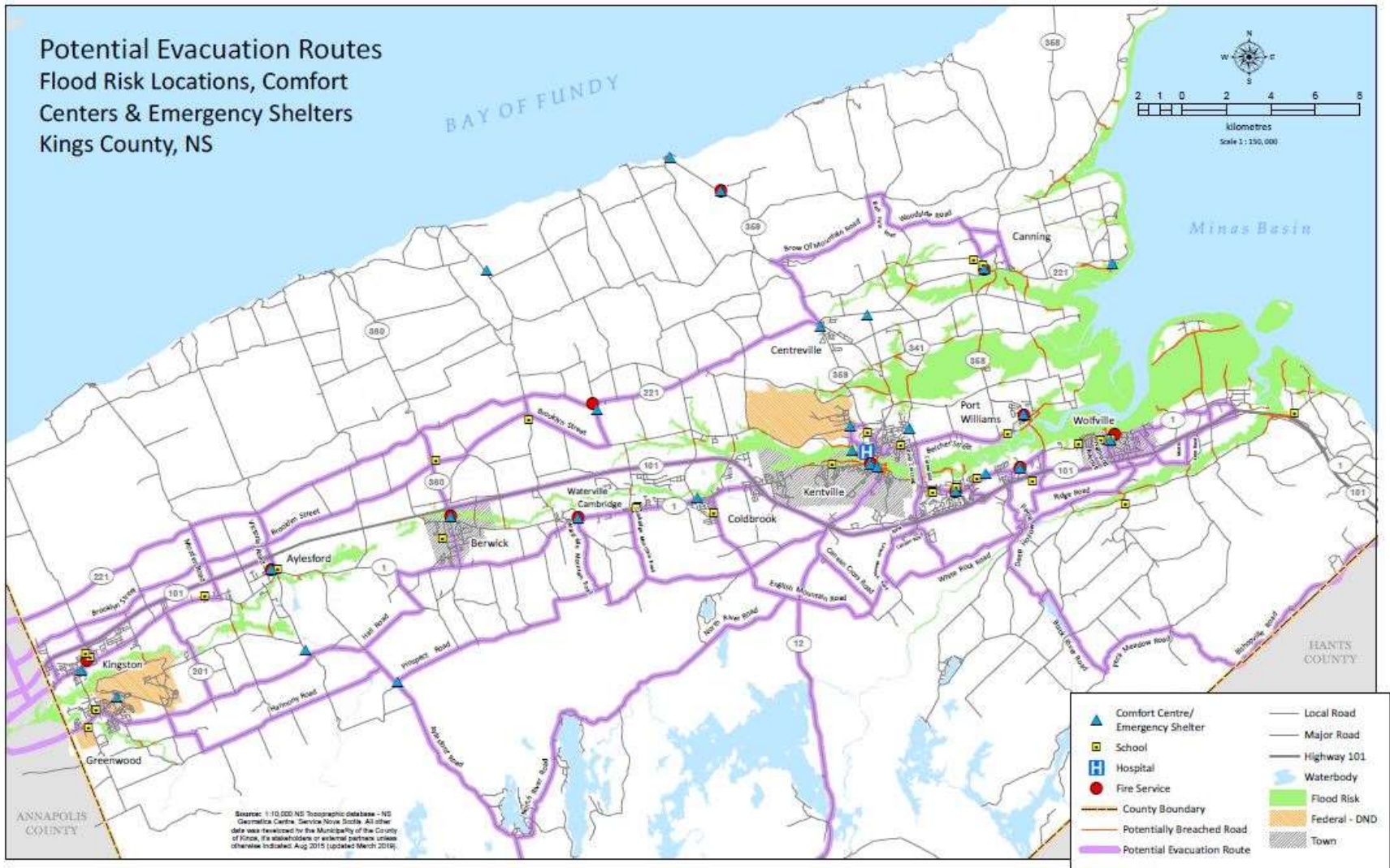
THIS DECLARATION OF STATE OF LOCAL EMERGENCY shall exist until _ o'clock in the forenoon () or afternoon () of the _____ day of _____, 20____, or for a maximum of 7 days from the date and time specified above unless the Declaration is renewed or terminated as provided in Section 20 of the *Emergency Management Act*.

DATED at _____, in the Municipality of _____, Province of Nova Scotia, this _____ day of _____, 20____.

Mayor's Signature _____

Municipality of _____

Annex B – Potential Evacuation Routes – Flood Risk Areas



Annex C – Flood Event – Kings REMO Actions

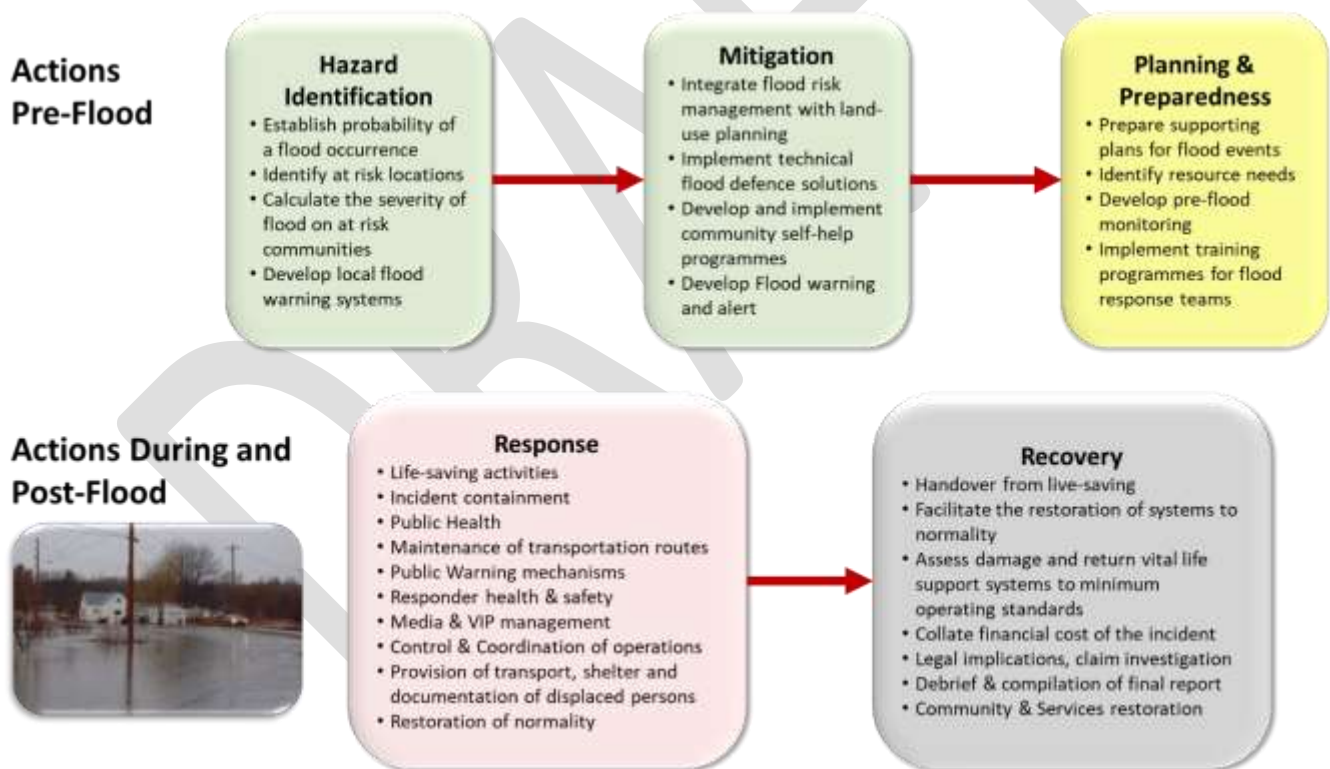
Reference: Kings REMO Regional Emergency Management Plan (REMP), 2018-09

Flood

A. Possible Major Effects	Probability
1. Casualties / Deaths	Low
2. Disruption of community	High and Localized
3. Disruption of utilities	Low to Moderate
4. Damage to property	High in localized areas
5. Disruption of traffic	High
6. Disruption of communications	Low to Moderate
7. Evacuation	Moderate to High
8. Contamination of normal water supplies	Moderate to High
9. Loss of economic activities	Low to Moderate

B. Potential Actions at the Scene	Agency Responsible
1. Warning of imminence	Provincial flood authority
a. Long term	Meteorological services/Canadian Tide & Current Tables (Environment Canada)
b. Short term	Police
2. Establish an emergency headquarters	Town Council Chambers – ECC
3. Establish adequate communications	Communication Coordinator
4. Establish a control perimeter	Police
5. Establish routes for emergency vehicles	Police
6. Notify hospitals of casualties including number and type	Medical/Police
7. Rescue	Fire/Police/Rescue services
8. Establish a temporary morgue	Medical Coordinator
9. Establish a news release system	Information Officer (Command Staff)
10. Establish emergency welfare services	Welfare/Social Services/Volunteer agencies
11. Establish an inquiry service	Welfare/Social Services
12. Eliminate hazards from damaged utilities	Engineering/Utilities
13. Protection of property and relocate resources where necessary	Police
14. Provide auxiliary power	Engineering
15. Clear debris	Engineering
16. Mobilize necessary manpower & equipment	EMO/Canada Manpower Centres
17. Establish jurisdiction	Government
18. Establish traffic control	Police
19. Establish dyking as required	Engineering
20. Check stocks of sand and sandbags	Engineering
21. Evacuation of personnel, livestock, etc.	Welfare/Social Services/Volunteer agencies/Agriculture
22. Storage of furnishings and equipment	EMO
23. Establish emergency health facilities	Health service

C. Equipment	Sources
1. Rescue equipment	Police/EMO
2. Pumps	Engineering/Fire Department
3. Medical and health supplies	Health Services
4. Transportation/Boats	EMO/Various sources/Transportation Coordinator
5. Communication equipment	Province/Police/EMO/Communication Coordinator
6. Auxiliary generators	Various sources
7. Mobile public-address equipment	Police/EMO/Radio Stations/Fire Department
8. Food and lodging	Welfare/Social Services
9. Dying equipment	Engineering/Industry
10. Heavy equipment (bulldozers, etc.)	Engineering/Industry
11. Auxiliary lighting equipment	Engineering/Utilities/Fire Department
12. Storage facilities for equipment, furnishings, livestock	Province



Annex D – Flood Event Checklist

Pre-Incident Phase

- Arrange for personnel to participate in necessary training and develop exercises relevant to flood events in Kings County
- Coordinate the County's preparedness activities, seeking understanding of interactions with participating agencies in flooding scenarios
- Ensure that emergency contact lists are updated
- Contact supporting emergency response agencies to review and determine whether major developments have arisen that could adversely affect response operations (e.g., personnel shortages, loss of equipment, etc.)
- Annually review and update the Kings REMO Regional Emergency Management Plan and Supporting Plans
- Review flood-prone areas
- Familiarize staff with requirements for requesting a State of Local Emergency (SOLE)
- Ensure that supplies, such as communications devices and sandbags, are prepared and ready for use. This includes primary and alternate communications and warning systems
- Identify and review local contractor lists to see who may provide support specific to flood response
- Review, revise, and, where necessary, establish mutual aid agreements with local agencies and other County agencies and private contractors relevant to multiple agency response to floods

Response Phase

- The Kings REMO ECC Manager will provide overall guidance for the deployment of resources across Kings County

- Activate mutual aid agreements

- Activate the Kings REMO Emergency Coordination Centre (ECC) and implement appropriate staffing plans. Contact appropriate supporting agencies to assign liaisons to the ECC for coordination of specific response activities

- Estimate emergency staffing levels and request personnel support, including specialized staff such as engineers, building inspectors, heavy equipment operators, and/or environmental remediation contractors

- Develop and initiate shift rotation plans, including briefing of replacements during shift changes (set the operational period briefing cycle)

- Submit request for State of Local Emergency (SOLE), as applicable

- Coordinate the evacuation of affected area, if necessary. Assign appropriate agency liaisons to the ECC, as the situation requires

- Support Search and Rescue operations by coordinating resource requests outside of the jurisdiction

- Request the Canadian Red Cross to activate Emergency Shelters and open shelters, if needed

- Formulate Emergency public information messages and media response using “one voice, one message” concept

- Record all ECC activities, completion of personnel tasks, incoming and outgoing messages, and the names of those sending and receiving them. These should be documented in ECC logbooks

- Begin damage assessments in coordination with Public Works Departments

- Assist with coordinating Public Works activities, such as debris removal from:
 - Storm drains
 - Main arterial routes
 - Public right-of-way
 - Dams
 - Other structures, as needed
- Contact local contractors for support, if necessary. Establish contact with private sector partners
- Coordinate with law enforcement agency (Kentville Police and/or Kings RCMP) to provide law enforcement to affected areas (road closures, security, etc.)
- Collect and chronologically file records and bills generated during the incident in order to ensure timely submittal of documents for reimbursement (Finance/Administration Section)

Recovery Phase

- Monitor secondary hazards associated with floods (contamination, damage to bridges/roads, impacts to utility lines/facilities) and maintain on-call personnel to support potential response to these types of hazards
- Deactivate/demobilize the ECC. Deactivate mutual aid resources as soon as possible
- Activate and implement applicable mitigation plans, community recovery procedures, and continuity of operations/governments plans until normal daily operations can be completely restored
- Implement revisions to the Kings REMO Regional Emergency Management Plan (REMP) and Supporting Plans based on lessons learned and best practices adopted during response
- Offer recommendations to Municipal Government and Public Works departments for changes in planning, zoning, and building code ordinances
- Participate in After Action Reports and critiques
- Submit valuable success stories and/or lessons learned to NS EMO and other County partners

Annex E – Criteria for Public Weather Alerts

Reference: [Environment and Climate Change Canada](#)

Rainfall Warning (Short Duration)

When 25mm or more of rain is expected within one hour



Rainfall Warning (Longs Duration) Summer

When 50mm or more of rain is expected within 24 hours
Or
When 75mm or more of rain is expected within 48 hours

Storm Surge Warning

Issued for abnormally high-water levels and high waves (storm surge or storm tide) caused by storms, which have the potential to cause coastal flooding. This usually occurs when astronomical tides are at their maximum.



Annex F – Lessons Learned – Flood Disasters

- | | |
|---------------------------------|---|
| Flood Preparations | <ul style="list-style-type: none">• Municipal staff need to be well-trained on flood preparedness plans |
| Personnel | <ul style="list-style-type: none">• In a wide-spread regional disaster, competition for resources and contractors will become an issue• Important to establish relationships with other municipalities to supplement existing capacity, and to know of alternate sources for potential resource requirements• Staff fatigue, stress, and management of shift lengths can present significant challenges for the initial response• Roles and responsibilities for positions and personnel need to be clearly defined• Partnering staff with other departments during an emergency can provide an invaluable response experience, ultimately increasing knowledge and capacity• There needs to be a clearly defined accountability system for municipal staff to check in and report that they were safe |
| Notification and Warning | <ul style="list-style-type: none">• Damage to communications infrastructure can make it difficult to provide updates to citizens, including notifications to media outlets and information postings to municipal channels: website, Social media• Door knocking and bullhorn announcements are important tools for communication when electronic options are not available |
| Rescues | <ul style="list-style-type: none">• The requirement may arise to re-direct Operations services staff and contractors with large equipment from protecting infrastructure to conducting rescues• Amphibious quads, zodiacs, front-end loaders, rock trucks and combines can be essential to rescue operations• Traffic control is vital to rescue and evacuation operations |
| Evacuation | <ul style="list-style-type: none">• Care facilities need to have an appropriate tracking system for their residents' final destination• Better communication with residents who do not evacuate is required so they understand the strain that they are putting on fragile municipal infrastructure and that the increased resource requirements to do adequate security patrols takes away from other important response objectives• A centralized people tracking system can facilitate more timely information about the location of evacuees• Clear guidelines for all responding agencies assisting with the search and rescue / evacuation operations are required to provide the most efficient coordination of the evacuation and rescue operation• Residents and contractors may need to be directed away from Fire Halls in order to not impede emergency rescue operations |

Animal Rescue

- Once the threat to human safety has been resolved, bylaw/animal services are able to implement a formal animal rescue operation

Reception Centres for Evacuees

- Given the length of time evacuees may be in Reception Centres, personnel need to create a sense of community to build support networks for evacuees
- Daily visits by municipal Mayors provide much-needed information updates to the evacuees
- Information about evacuees needs to be shared among the Reception Centres, other agencies and any call centre/inquiry lines
- Providing updates to the ECC about emerging issues needs to occur in a timely fashion
- A lack of communication infrastructure can impact both the personnel trying to operate the Reception Centre and the evacuees
- Reception Centres need to have appropriate security
- Information about any special requirements of evacuees needs to be available to the Reception Centres in advance in order to coordinate the appropriate accommodation
- Appropriate support services need to be readily available to evacuees as the transition plan around closing of the Reception Centres is developed including their employment transportation requirements

Infrastructure Protection

- Sewage lift stations need to be more resilient to withstand higher rates of river flow
- Communication infrastructure is more vital than ever in this electronic age. Backup systems are required to support web services, phone and cellular service in order to access technical data and files for the communications between the ECC and, emergency workers in the field, critical facility operations staff, reception centres, residents and the media

Crisis Communications

- A major impediment to public communication during a flood event was the lack of delivery channels either because critical communication infrastructure was lost, or residents did not have access to electronic communications or were not in the immediate area to use local radio stations or local newspapers
- Establishing and maintaining credibility of the source and accuracy of information is critical to managing rumours
- Using opportunities to provide printed information to residents such as during evacuee registration can significantly help to supplement other forms of communication
- In the absence of direct channels of communication to residents, mass media has to be relied upon

Annex G – Floods – Frequently Asked Questions (FAQ)

When can floods occur?

Floods can occur in any region of Canada, at any time of the year, but most flooding occurs when the volume of water in a river or stream exceeds the capacity of the channel. Flooding also takes place along lake and coastal shorelines, when higher than normal water levels inundate low-lying areas.

Are you Flood Ready?

The first step towards reducing the potential harm of overland flooding is increasing your knowledge. See how much you know about overland flooding by trying the following quiz – [Are you Flood Ready?](#)

What is the meaning of a "100 year" flood?

The 100-year flood or x-year flood refers to the probability of those events occurring. That is, for a 100-year flood, there is a 1% chance in any given year of having a flood of that magnitude. For a 500-year flood, there is a 0.2% chance of having a flood of that magnitude occurring.

It should be stressed that the 100-year and 500-year events are independent events, from the perspective of probability. That means that if one of those events occurs, it has no effect on future events occurring. In other words, if a 100-year flood event occurs, that does NOT mean that people are “safe” for 99 years. The risk of having the flood in any given year is the same, regardless of if it occurred recently.

If your building is in the 100-year floodplain and has a 30-year Mortgage... it has a 26% chance of experiencing a 100-year flood during the life of the loan (vs. 4% chance of a fire).

What should I do in preparation for a flood?

Make an itemized list of personal property well in advance of a flood occurring. Photograph the interior and exterior of your home. Store the list, photos and documents in a safe place. Memorize the safest and fastest route to high ground. Assemble a disaster supplies kit containing: first aid kit, canned food and can opener, bottled water, extra clothing, rubber boots and gloves, Weather Radio, battery-operated radio, emergency cooking equipment, flashlight and extra batteries.

If you live in a frequently flooded area, keep sandbags, plastic sheets and lumber on hand to protect property. Install check valves in building sewer traps to prevent flood water from backing up into the drains of your home.

Know the elevation of your property in relation to nearby streams and other waterways, and plan what you will do and where you will go in a flood emergency.

What should I do when a flood threatens?

If forced to leave your property and time permits, move essential items to safe ground, fill tanks to keep them from floating away and grease immovable machinery.

Store a supply of drinking water in clean bathtubs and in large containers.

Get out of areas subject to flooding. This includes dips, low spots, floodplains, etc.

What should I do during a flood?

Avoid areas subject to sudden flooding.

Even 15 cm (6 inches) of fast-moving floodwater can knock you off your feet, and a depth of 60 cm (two feet) will float your car! Never try to walk, swim or drive through such swift water.

Do not attempt to drive over a flooded road. STOP! Turn around and go another way.

Keep children from playing in floodwaters or near culverts and storm drains.

What should I do after a flood?

Boil drinking water before using. If fresh food has come in contact with floodwaters, throw it out.

Seek necessary medical care at the nearest hospital. Food, clothing, shelter and first aid are available at Red Cross shelters – know the location of Emergency Shelters throughout Kings County.

Use flashlights, not lanterns or torches, to examine buildings. Flammables may be inside.

Do not handle live electrical equipment in wet areas. Electrical equipment should be checked and dried before being returned to service.

Is flood damage covered by your homeowners insurance?

Flood damage is excluded in nearly all homeowners and renters insurance policies but, if desired, can be purchased as a separate policy – check with your insurer as to whether or not flooding is covered under your current policy.

What about flood safety?

More than half of all flood related fatalities are a result of driving into hazardous water covered roadways. If you encounter a flooded roadway follow this simple advice: Turn Around, Don't Drown!

Annex H – Floods - References

Federal

- [Floods – What to Do?](#)
- [Disaster Financial Assistance Arrangements \(DFAA\)](#)
- [Natural Resources Canada - Floods](#)
- [FloodSmart Canada](#)



Provincial

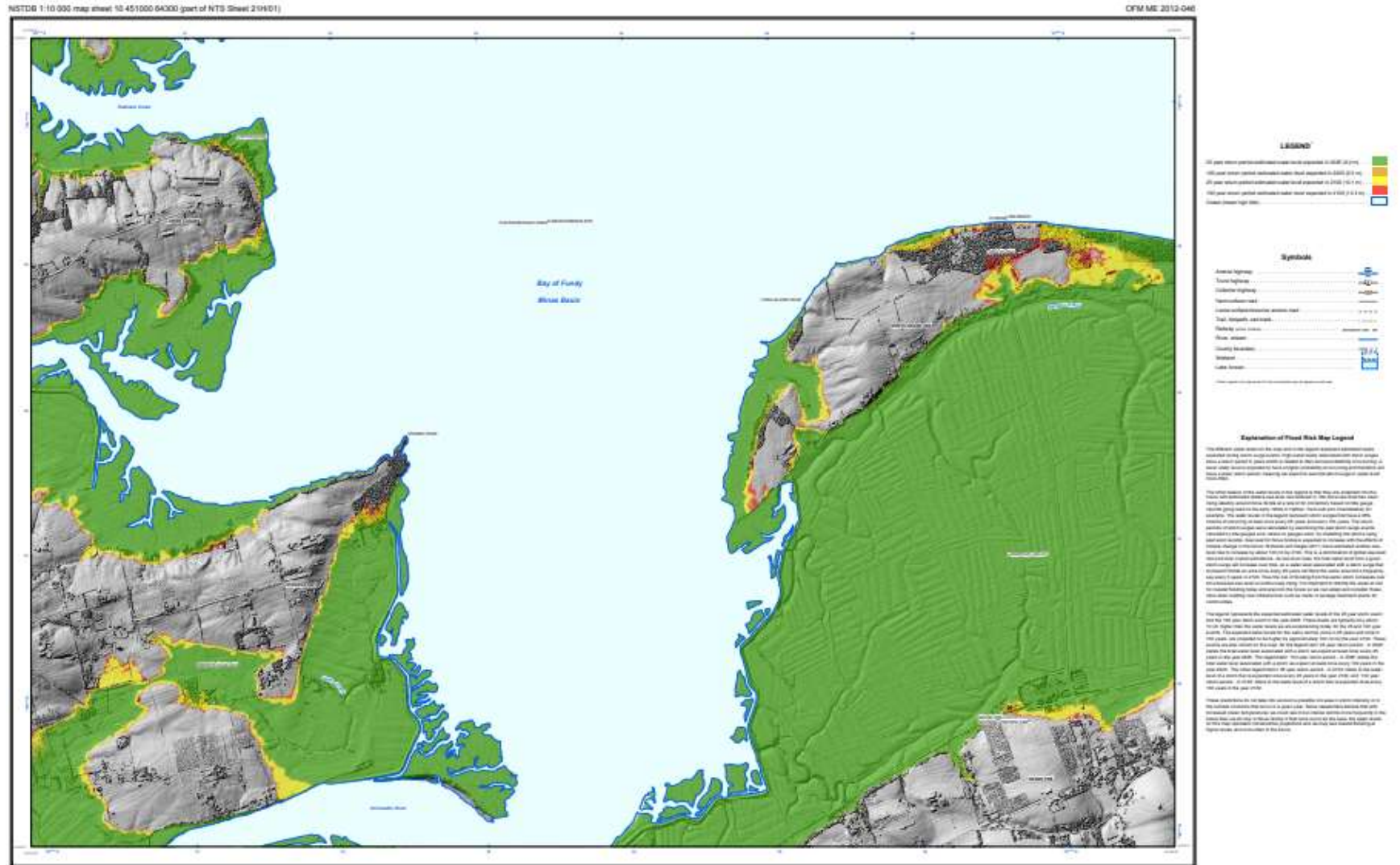
- [Flood Management in Nova Scotia: A Provincial Government Overview](#)
- [Nova Scotia Flood Mitigation Framework – our approach to flood management](#)
- [Building Flood Resilience in Nova Scotia](#)
(Presentation to Atlantic Flood Workshop, June 14, 2018)
- [Maritime Coastal Flood Risk Map – Nova Scotia](#)
- [Nova Scotia Flood Event Database \(1992-2015\)](#)
- [Nova Scotia Storm Surge Events - Mapping](#)
- [Real-Time Coastal Flood Risk Mapping Application](#)
- [NS Department of Health & Wellness – Environmental Health \(Floods\)](#)

Regional

- [Maps of Coastal Flood Risk from Sea-Level Rise and Storm Surge](#)
 - [Avonport Station Area](#)
 - [Grand Pré Area](#)
 - [Wolfville Area](#)
 - [Canard Area](#)
 - [Canning Area](#)
 - [Kingsport Area](#)
 - [Kentville \(East\) Area](#)
 - [Kentville \(West\) Area](#)
 - [Centreville Area](#)



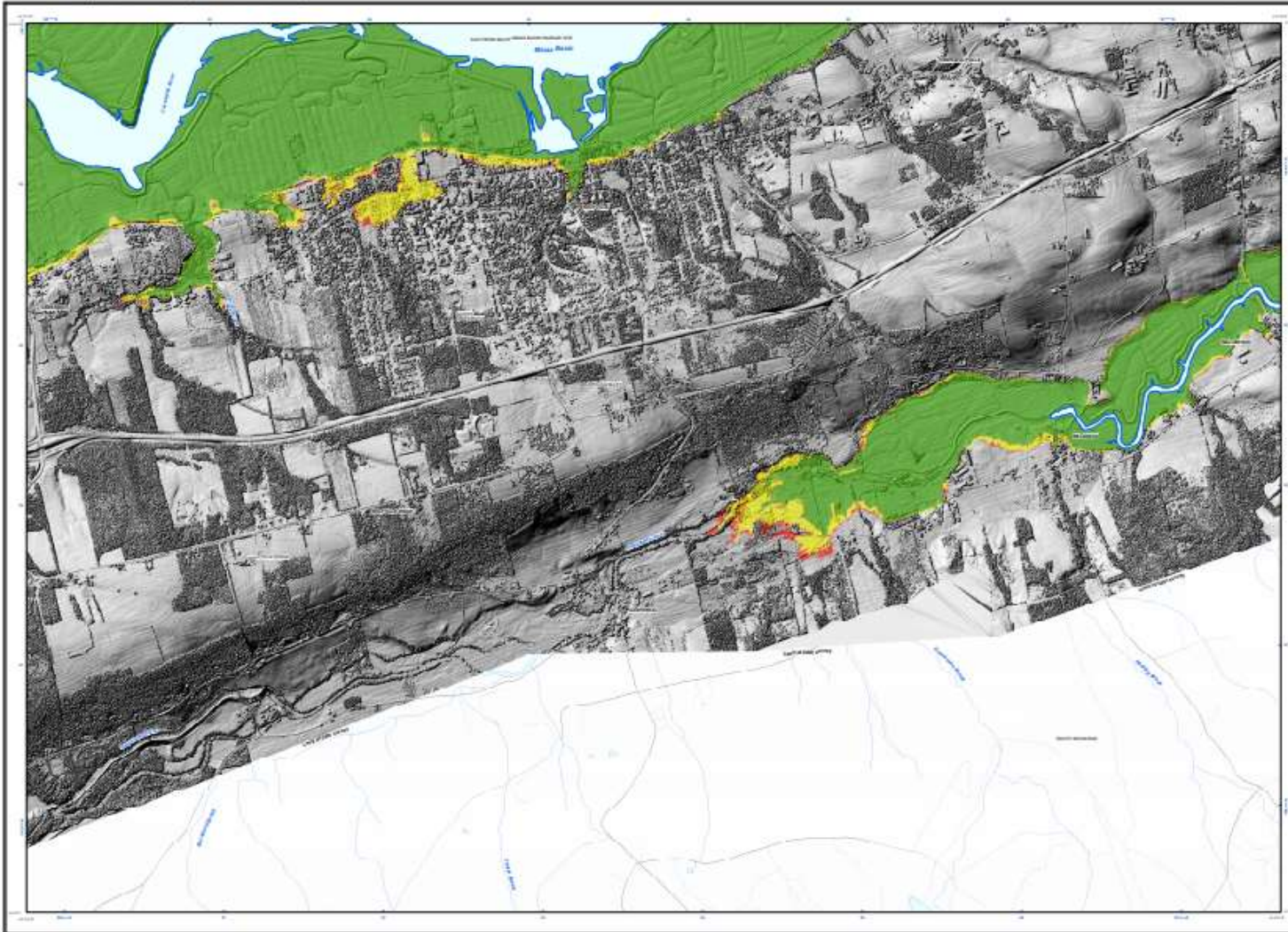
Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Grand Pré Area



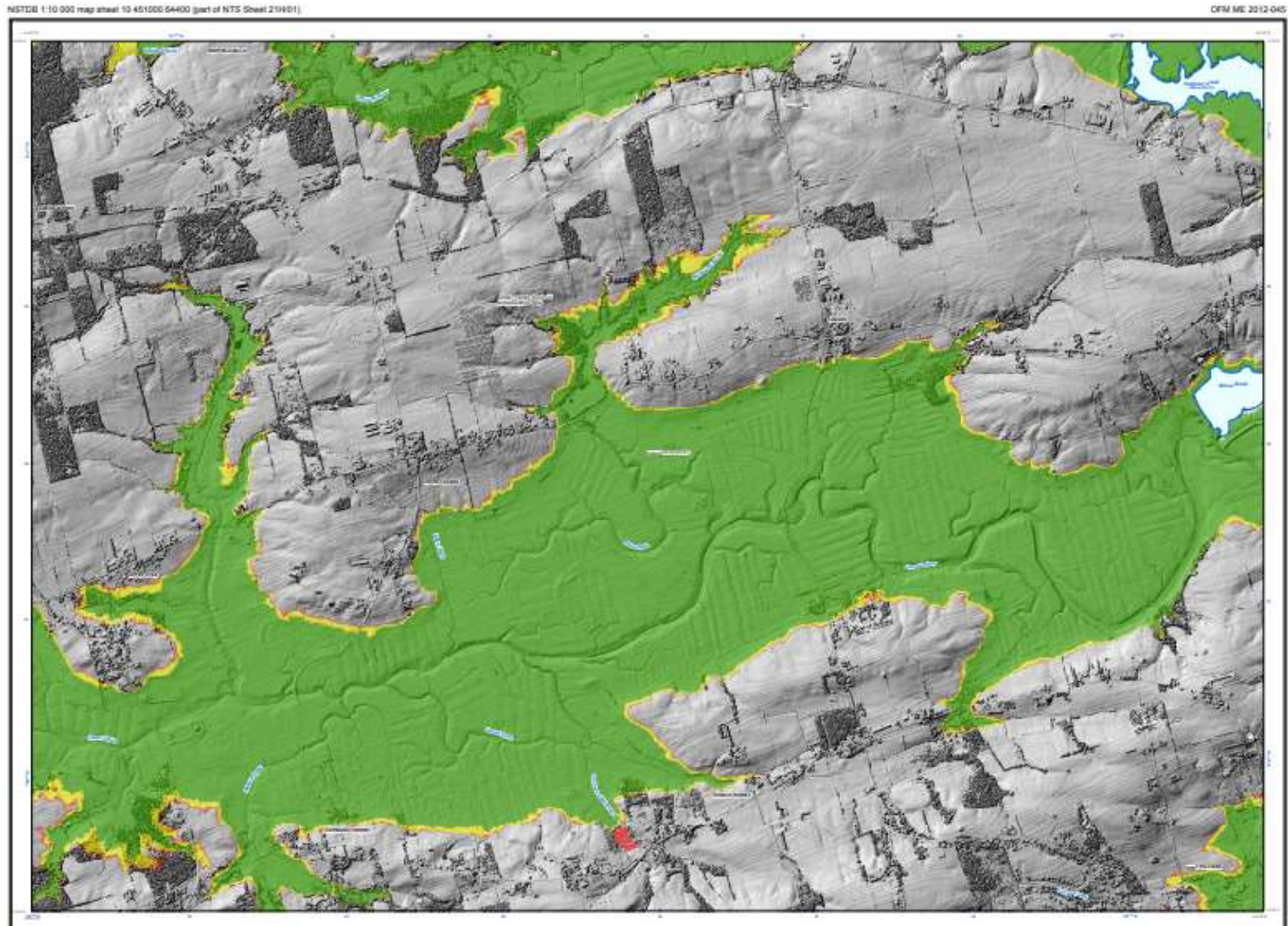
Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Wolfville Area

NETDB 1:10 000 map sheet 10-450500 04300 (part of NTS Sheet 21H01)

OPM ME 2012-051



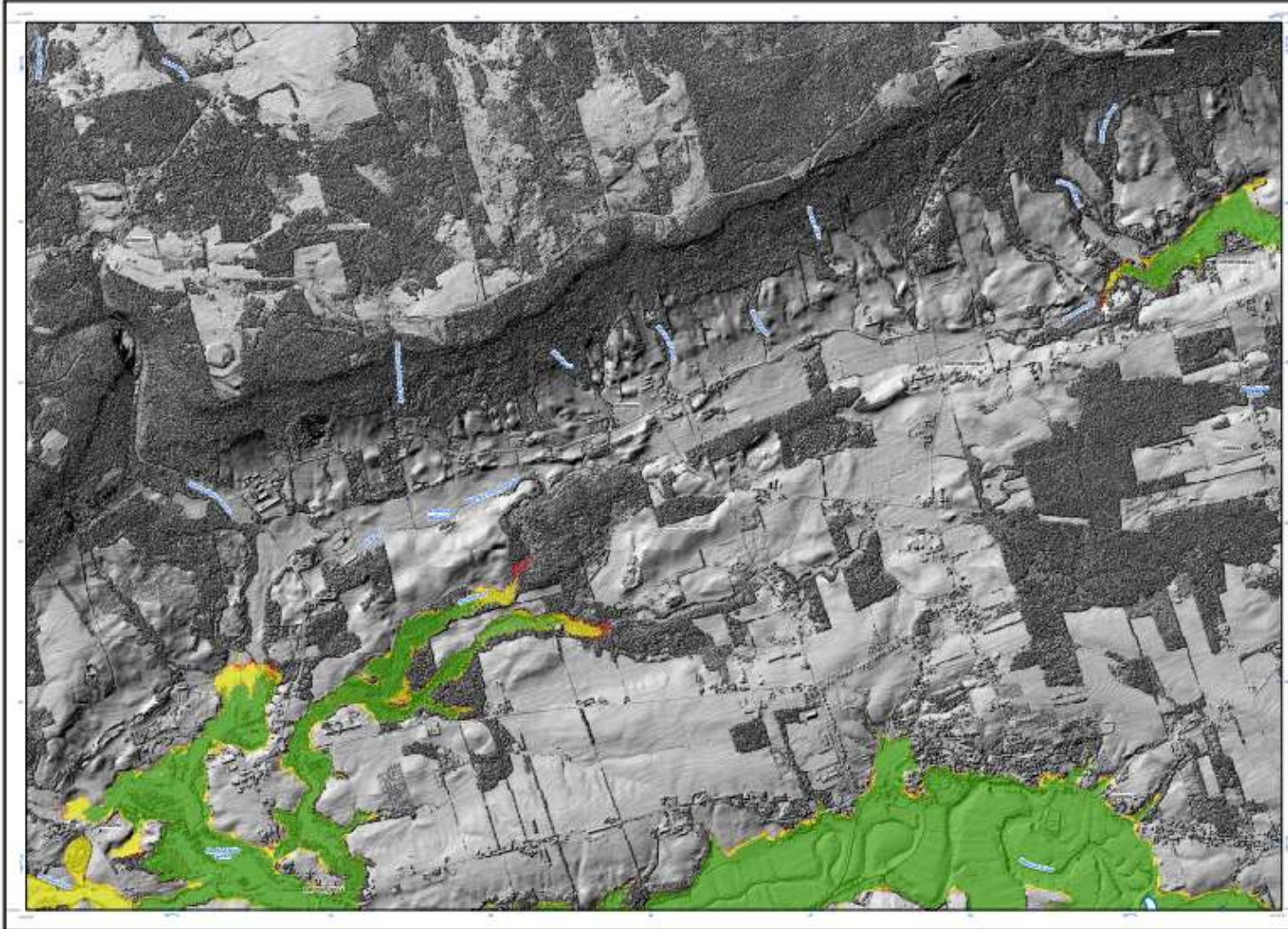
Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Camard Area



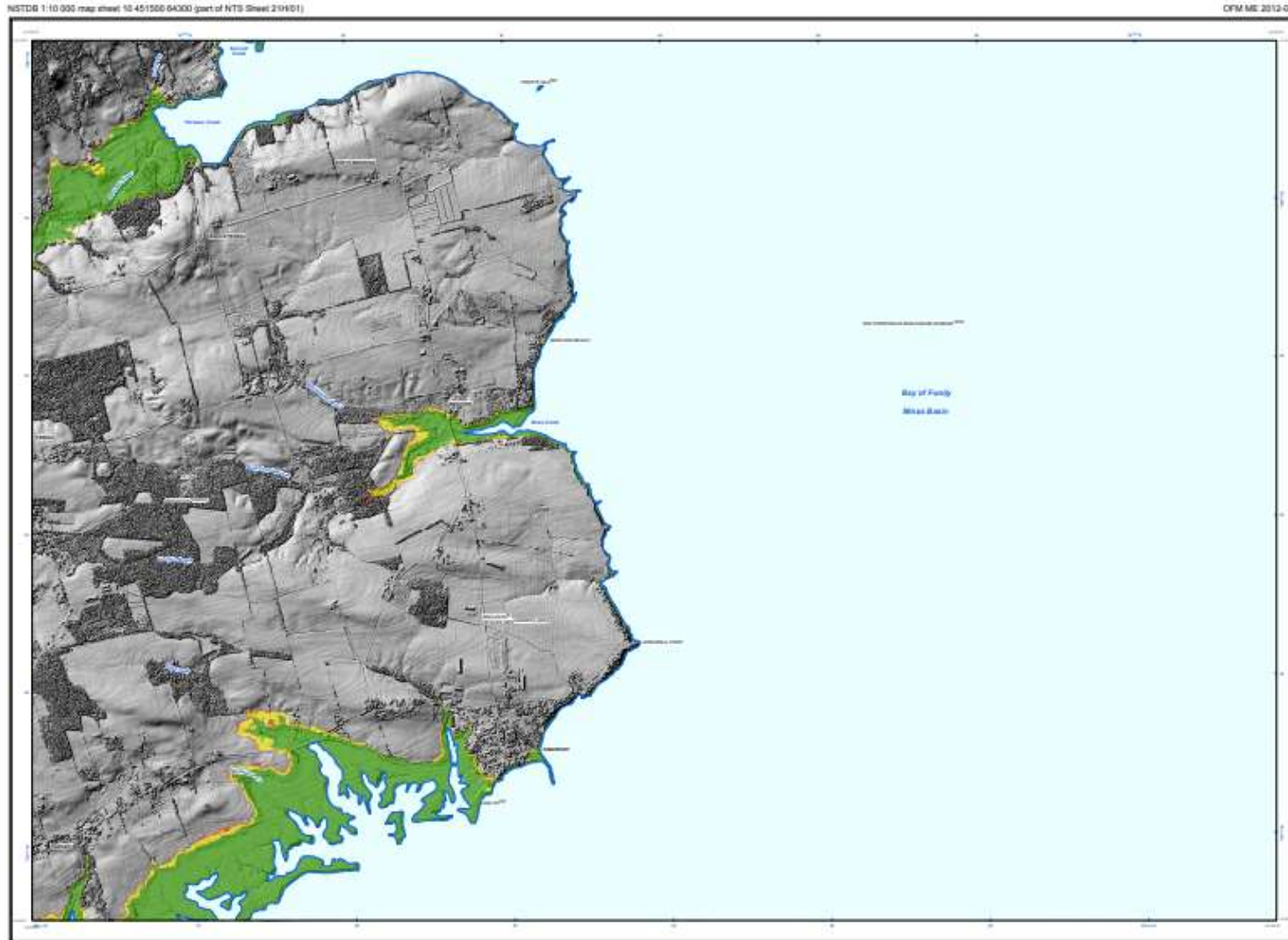
Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Canning Area

NSTDB 1:10,000 map sheet 10 451500 G4400 (part of NTS Sheet 21HD1)

CFM ME 2012-041



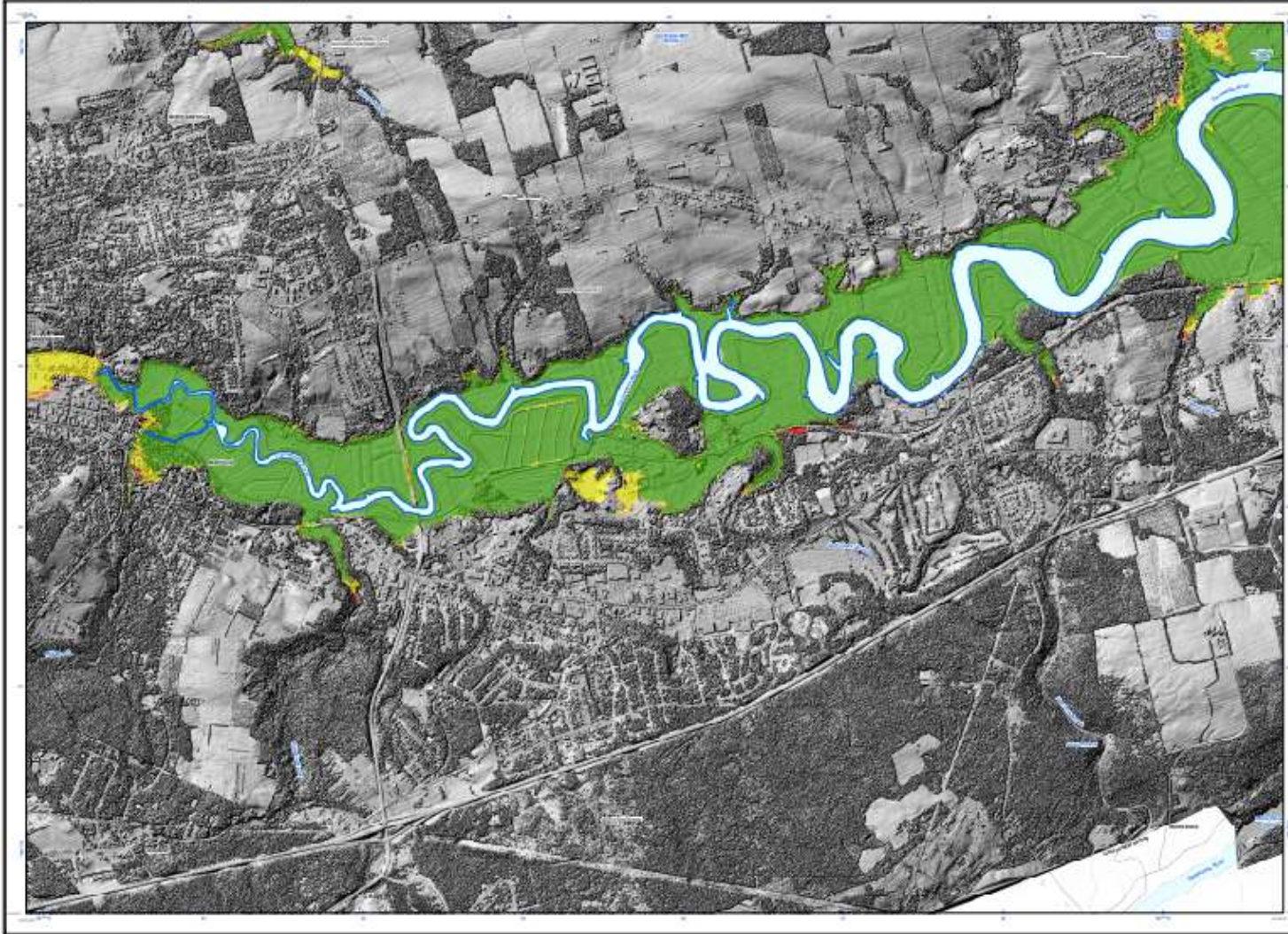
Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Kingsport Area



Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Kentville (East) Area

NSIDE 1-10-000 map sheet 10-450500-64400 (part of NTS Sheet 2194D1)

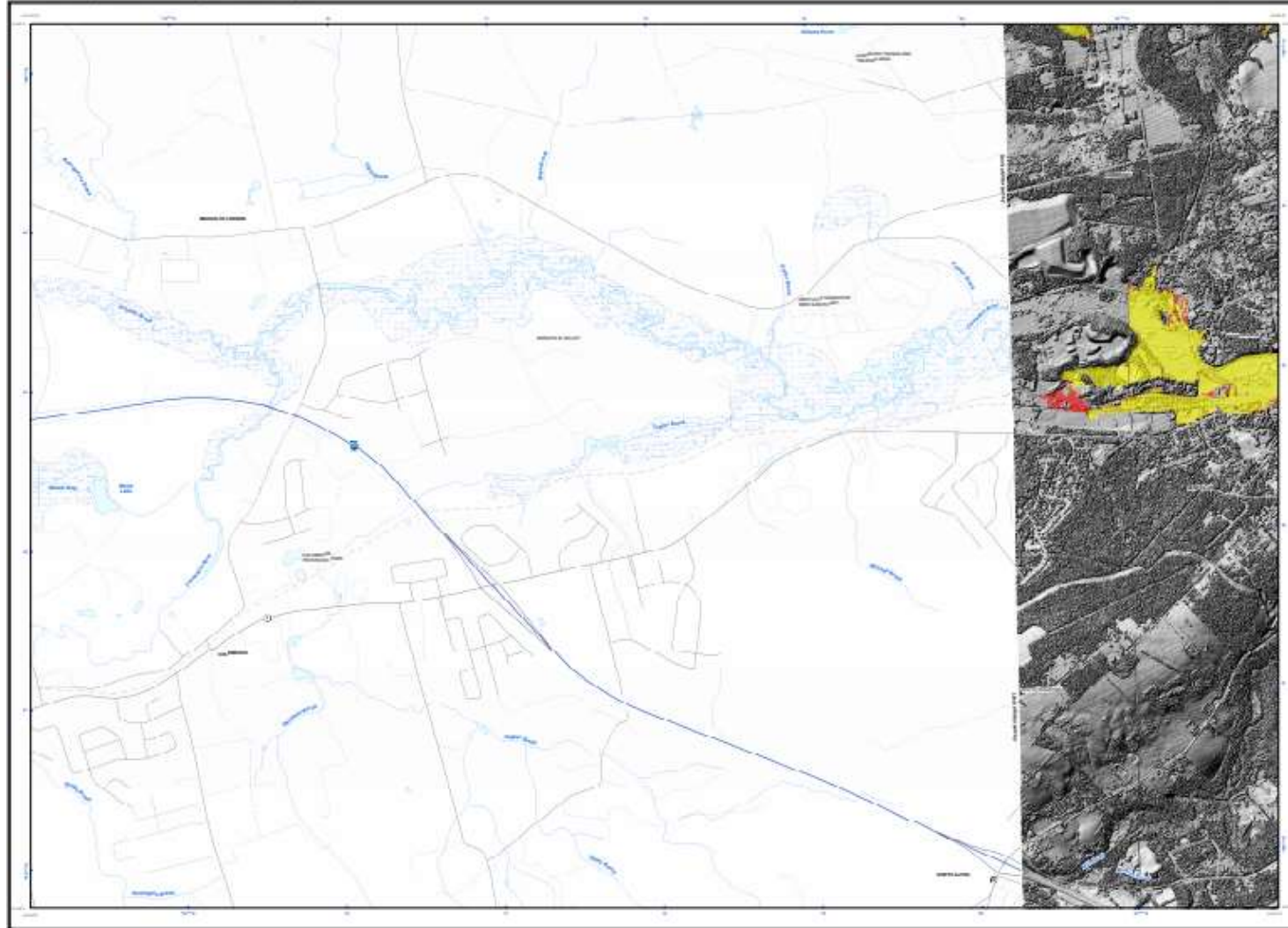
CFM ME 2012-050



Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Kentville (West) Area

NSTDG 1:10 000 map sheet 10-450500 64500 (part of NTS Sheet 21H102)

DFM ME 2012-043



LEGEND

20 year return period maximum water level exposure to 2025 2.0 m
 50 year return period maximum water level exposure to 2025 2.0 m
 100 year return period maximum water level exposure to 2025 2.0 m
 100 year return period maximum water level exposure to 2100 2.0 m
 100 year return period maximum water level exposure to 2100 2.0 m

Symbols

Arterial Highway
 Collector Highway
 Major Collector Road
 Local Collector/Residential Access Road
 Road
 Railway Line
 River, Stream
 County Boundary
 Water
 Lake/Reservoir

Explanation of Flood Risk Map Legend

The information on this map is based on the latest available information and is subject to change. The information on this map is based on the latest available information and is subject to change. The information on this map is based on the latest available information and is subject to change. The information on this map is based on the latest available information and is subject to change.

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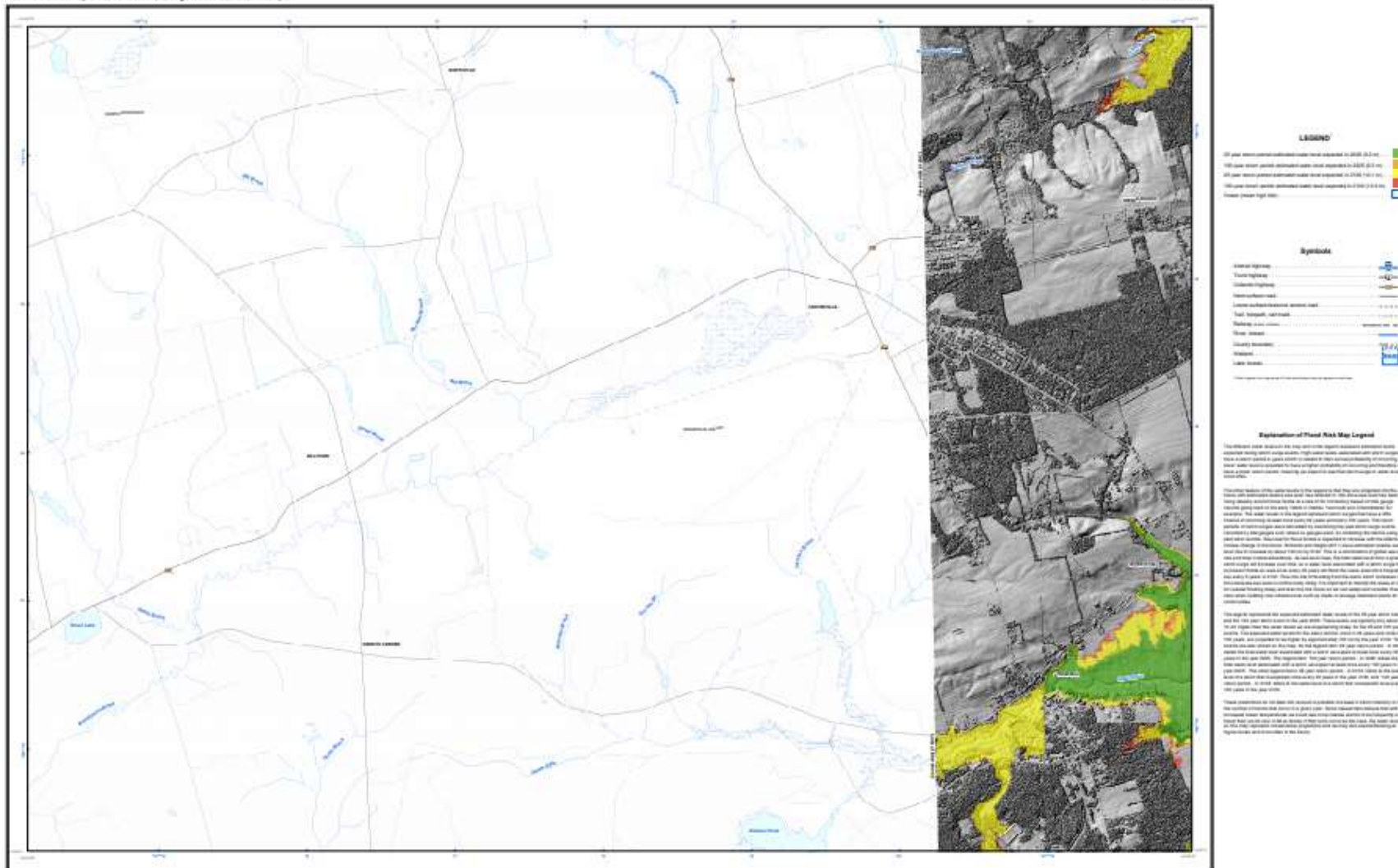
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Map of Coastal Flood Risk from Sea-Level Rise and Storm Surge of the Centreville Area

NSTDB 1:10 000 map sheet 10 451000 64500 (part of NTS Sheet 21H02)

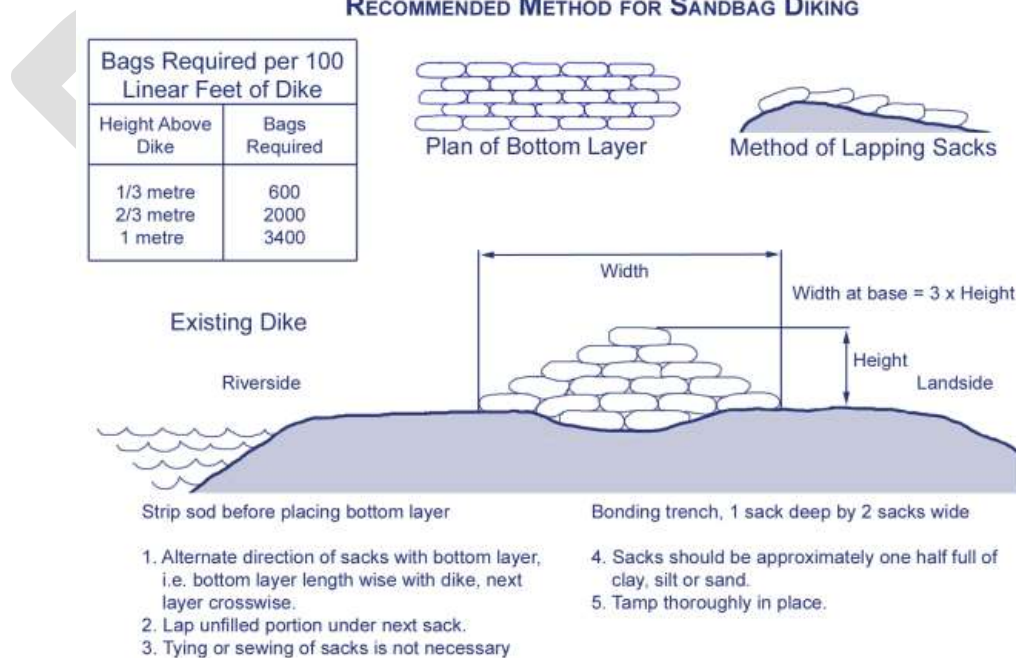
CFM ME 2012 044



Annex I – Sandbagging – General Information

- Construct the sandbag dike on high ground, as close as possible to your home or building. By being closer to your home or building, fewer bags will be needed, and the sandbag dike will be less exposed to the stream.
- Sandbagging should also focus along existing flood works or any low spots along dikes for maximum protection.
- Dig a trench one bag in depth and two bags wide as a foundation for the dike structure.
- To be effective, a dike must be three times as wide at its base as it is high.
- Sandbags should be turned right side out and filled half full. They need not be tied shut, just laid overlapping each other.
- The open ends of the sandbags should be facing upstream and/or uphill so that the moving water will not remove the sand from the bags as readily.
- Alternate direction of sandbags with bottom layer, i.e. bottom layer lengthwise with dike, next layer crosswise.
- As individual bags are put in place, walk on bags to tamp them into place to ensure maximum strength. Take care to avoid puncturing the bags.
- The butt ends of the bags should be placed facing the stream, for rows that are perpendicular to the stream.
- Each successive layer should be set back one-half sandbag width on both sides in each additional layer, so a completed dike has a triangular cross-section.
- The number of sandbags needed to protect a home or building varies depending on the local topography and the anticipated depth of water.

RECOMMENDED METHOD FOR SANDBAG DIKING



Annex J – Abbreviations & Acronyms

AREP	Agency Representative
DFAA	Disaster Financial Assistance Arrangements
ECC	Emergency Coordination Centre
ECCC	Environment and Climate Change Canada
ECCMT	Emergency Coordination Centre Management Team
EMO	Emergency Management Office
FPRP	Flood Prevention and Response Plan
IAP	Incident Action Plan
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
IMT	Incident Management Team
IO	Information Officer
LO	Liaison Officer
LSC	Logistics Section Chief
MAC	Multiagency Coordination (MAC) Group
OSC	Operations Section Chief
PSC	Planning Section Chief
REMAC	Regional Emergency Management Advisory Committee
REMC	Regional Emergency Management Coordinator
REMP	Regional Emergency Management Plan
REMPCC	Regional Emergency Management Planning Committee
SO	Safety Officer
UC	Unified Command

Annex K – Glossary

100-Year Flood	A flood event that statistically has a 1 out of 100 (or one percent) probability of being equalled or exceeded on a specific watercourse or water body in any given year.
Flood/Flooding	A temporary condition caused by the accumulation of runoff from any source, which exceeds the capacity of a natural or man-made drainage system and results in inundation of normally dry land areas.
Floodplain	The area, usually low lands adjoining a watercourse, which has been, or may be, covered by flood water.
Peak Flow	The maximum rate of flow through a watercourse for a given storm.
Runoff	The portion of precipitation on land that ultimately reaches streams, especially water from rain or melted snow that flows over ground surface.
Storm Drainage System	A drainage system for collecting runoff of stormwater on highways and removing it to appropriate outlets. The system includes inlets, catch basins, storm sewers, drains, reservoirs, pump stations, and detention basins
Storm Surge	high water levels that result from very low pressure, strong winds blowing toward land, and high tides (if present). Depending on the conditions and geographical setting, water levels may be “set up” by as much as several metres and have potential to cause severe flooding for low-lying coastal regions.
Stormwater	Precipitation from rain or snow that accumulates in a natural or man-made watercourse or conveyance system
Watercourse	A stream, river or channel in which a flow of water occurs, either continuously or intermittently, with some degree of regularity
Watershed	An area from which water drains into a lake, stream or other body of water. A watershed is also often referred to as a basin, with the basin boundary defined by a high ridge or divide, and with a lake or river located at a lower point



REQUEST FOR DECISION #029-2019

Title: Nuisance Party Bylaw

Date: 2019-05-07

Department: Planning & Development



SUMMARY

Nuisance Party Bylaw

The purpose of this report is to provide an overview of the proposed Nuisance Party Bylaw as an enforcement tool, to utilize best practices from other Municipalities and to outline the community needs that led to the development of this bylaw. An enacted Nuisance Party Bylaw would provide Police and Bylaw Enforcement with an ability to address the negative impacts on neighborhoods of behaviors associated with large social gatherings.

Under the proposed Nuisance Party Bylaw, Officers would have the authority to issue an order to cease a large social gathering and disperse the persons not residing at the residence of the occurrence. Bylaws of this nature have been used as an additional tool for enforcement, bridging the gap between existing bylaws and the criminal code offences of causing a disturbance, mischief, and unlawful assembly. In Canada, an assembly is unlawful not if it has an unlawful purpose but, rather, if it causes persons in the vicinity to fear that the assembly will disturb the peace tumultuously or cause others to do so.

The goal of this bylaw is to create a duty upon those hosting a social event or party to control the participants, and to give enforcement personnel a mechanism to control and disperse people where the event has become a public nuisance. Declaring a nuisance party will provide options beyond existing bylaws and statutes with the intent to address behavior specific to the content of a large social gathering or party, rather than a catch-all to curtail all public nuisances.

DRAFT MOTION:

That Council give first reading to the Nuisance Party Bylaw.

REQUEST FOR DECISION #029-2019

Title: Nuisance Party Bylaw

Date: 2019-05-07

Department: Planning & Development



1) CAO COMMENTS

The CAO supports the recommendation of staff. The creation of this Bylaw will provide an additional tool to address the adverse impacts associated with nuisance parties in Town.

A special RCMP Advisory Meeting will be scheduled for mid-May to get feedback from that Board prior to first reading occurring. The Alcohol Working Group received a presentation on this, and no additional feedback was provided. The RCMP are currently reviewing the draft and we await any additional feedback or concerns.

2) LEGISLATIVE AUTHORITY

The Nova Scotia Municipal Government Act (NS MGA), Section 172 gives Council the specific authority to establish Bylaws. Sections 172(1) of the NS MGA authorizes Council to establish bylaws for municipal purposes respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property; (c) persons, activities and things, in, on or near a public place or place that is open to the public; (d) nuisances, activities and things that maybe or may cause nuisances.

3) STAFF RECOMMENDATION

That Committee of the Whole provide feedback on the draft by-law and forward to Council for first reading.

4) REFERENCES AND ATTACHMENTS

Attachments:

1. Draft of the Nuisance Party Bylaw (attached)
2. Proposed schedule of fines for out of court settlement (attached)
3. Social Planning Guide - Acadia Student's Union (attached)

Reference:

4. R.F.A. 002-2017, Options to hold Landlords Accountable, October 23rd, 2017
5. R.F.D 007-2017, Community Standards (nuisance) Bylaw presentation

5) DISCUSSION

In 2002, Council repealed the Prevention of Disorderly or Impropropriety Bylaw. To fill a gap in the behavior issues brought forward by public consultation in 2013, a draft Nuisance Bylaw was brought forward to Council. In 2017, the process was completed with Council's decision that there was legislation already in place to handle the general nuisances reflected in anti-social and inappropriate behavior.

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Wolfville has been experiencing more frequent large social gatherings and parties. Some of these gatherings have involved nuisance behaviors of participants including excessive consumption of alcohol, excessive noise levels, excessive litter, overcrowding of premises and the congregation of large numbers of persons on public property resulting in the blockage of pedestrian and vehicular traffic in violation of federal, provincial statutes and municipal bylaws. Some of these gatherings have impacted the community, starting as early as 08:00 o'clock in the morning, with these disturbing behaviors. These parties have the potential to create a substantial risk to the health and safety of participants and to the neighbourhoods in which they take place.

Most of the ongoing concerns of residents are in the core district of the Town associated with the large gatherings and have prompted staff to assess what additional tools may be available to assist compliance in the control and deterrence to such large gatherings. Staff has conducted a search for existing regulatory mechanisms and best practices in other municipalities experiencing similar challenges. The trend reveals that other municipalities have used the Nuisance Party Bylaw approach to address the behavior specific to the context of the large gatherings, rather than as catch-all bylaw attempting to curtail all public nuisances which would be redundant to other existing statutes.

The intended scope of this bylaw is to give authority to the Enforcement Personnel to determine, based on the circumstances, that a gathering has become a nuisance and declare it a "Nuisance Party". A Nuisance Party would be declared by observation of conduct of one or more participants in attendance, characterized by any one or more of the following elements:

- (a) public intoxication;
- (b) the unlawful sale, furnishing, or distribution of alcoholic beverages or controlled substances;
- (c) the unauthorized deposit of litter on public or private property;
- (d) damage to public or private property;
- (e) the obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
- (f) sound that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons, as described in the Prevention of Excessive Noise Bylaw;
- (g) unauthorized open burning as described in the Open Fires Bylaw;
- (h) public disturbance, including confrontations and violence;
- (a) outdoor public urination or defecation;
- (j) use of or entry upon a roof not intended for such occupancy.

The Nuisance Party Bylaw would provide Police and Enforcement with the ability under one statute to address the negative impacts on the neighbourhood(s) of the behaviors of larger gatherings at residences and in public spaces. Once a gathering has been declared a Nuisance party, based on the elements, the Officers would subsequently order the nuisance activities to cease and the participants not residing at that residence to disperse. The order to discontinue the nuisance party has certain requirements to identify the location, what elements that were observed, and the date and time of the

REQUEST FOR DECISION #029-2019

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compliance to discontinue. These three requirements are to be delivered, in an immediate situation, verbally or served on the person to whom the order was directed.

The order is further documented to be delivered, as outlined in the bylaw, to the property owner including the three requirements of the initial order. The focus of the delivered order could be holding responsible a landlord after failure to address repeated nuisance behavior on the part of their tenants. A subsequent nuisance party is determined when a re-occurrence within two years after the initial order to discontinue the initial nuisance party at the property.

The Nuisance Party Bylaw applies to occurrences in public spaces or on private property, including any yard appurtenant to a building, dwelling or vacant lands. This bylaw does not apply to gatherings contained wholly within a building or dwelling which is regulated by existing bylaws (Prevention of Excessive Noise Bylaw) and other statutes (i.e. Building and Fire regulations). Criminal charges (causing a disturbance, property damage), provincial statutes (Liquor Control Act, Cannabis Control Act, Motor Vehicle Act), and bylaws offences of excessive noise and littering would be enforced appropriately otherwise.

The Nuisance Party Bylaw has clauses specifically addressing certain violations beyond the cease and desist of the nuisance activities. Outlined are the offences of sponsoring, conducting, hosting, creating, or attending a Nuisance Party, allowing causing or permitting a Nuisance Party on property, failing to leave a property when directed, and obstructing or interfering with an Officer in the execution of duties. Other stand out offences not enforced in any other statutes, include the offence of urination and defecation in public view and the phenomenon of “brewfing”, the consumption of alcohol by persons on rooftops. The Nuisance Party Bylaw should not be interpreted as exempting any person from the requirement to comply with any other bylaw or statute.

In practice, the Nuisance Party Bylaw is intended to be used with discretion and allow Enforcement to expeditiously act to cease a Nuisance Party when observing any of the defined elements of a Nuisance Party. While only a single criterion from the elements list is required to be present or occurring to warrant a Nuisance Party declaration, it is expected more than one element will be present in most of such cases. The observation of one or more of the elements of conduct of participants, generally, would be witnessed early in the large social gatherings. This early detection may afford a time buffer to allow for compliance before an issuance of an offence ticket.

Officers are afforded the authorization to issue fines by way of a Summary Offence Ticket (S.O.T.) allowing for the immediate description of the offence to the recipient, an opportunity to an out of court settlement and a clear procedure to contest the offence. The Bylaw sets out a graduated fine provision of not less than four hundred dollars (\$400.00) for the first offence, not less than six hundred dollars (\$600.00) for the second offence and not less than nine hundred dollars (\$900.00) for third and subsequent offences.

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In summary, the Nuisance Party Bylaw outlines what elements are needed to declare a party a nuisance. Furthermore, any one participant engaged in any one of the elements could result in the declaration of a Nuisance party. Moreover, the bylaw shall only be used in extreme circumstances and intended to be used with discretion. Not every social gathering will result in a declaration of a “nuisance party”. The bylaw details who could be charged and includes the “notified” landlord being held responsible after a failure to address a repeated nuisance behavior on the part of their tenants. Seemingly, the lower fines are not enough financial consequence for general deterrence, so the intent of higher penalties are necessary to achieve the specific deterrent to extreme and repeating behavior.

The positive outcome to the enacted Nuisance Party Bylaw will be the “catch”, to participate in the “Social Planning Guide”, the registration of the social events. The registration offers an opportunity for pro-active education before the gathering, explanation of the charging process, clarification of a higher graduated fine schedule as deterrent and allowing for early intervention by enforcement of a nuisance party gathering. The bylaw includes a process to make landlords responsible for subsequent nuisance gatherings at their rental properties, a goal expressed in many public consultations and public forums.

The down side to the enactment of the bylaw would be not to fulfill the expectations of the community, by not having full engagement by Police and Enforcement. The bylaw has been submitted to the R.C.M.P for review by their legal department and a decision on the enforcement commitment. The need for a commitment for possible charges is paramount to the success of the Bylaw and the Social Planning Guide. This commitment will require additional resources for investigation and follow up. The police must have the authority, under the M.G.A., from Council to declare a Nuisance Party, based on the elements, to proceed with an order to cease.

The draft bylaw has been recently presented (April 16th, 2019) to the Alcohol Strategy Committee. There was discussion on the need and focus of this bylaw.

The regulatory purpose of a Nuisance Party Bylaw is to create a duty upon those hosting a social event or party to control the participants and give enforcement personnel a mechanism to control and disperse people when the event has become a public nuisance but not to the extent of an unlawful assembly under the Criminal Code. In conclusion, this bylaw is one piece of the many efforts to manage the nuisance behaviors of large gatherings that annually impact neighbourhood quality of life in the Town of Wolfville.

6) FINANCIAL IMPLICATIONS

Financial implications related to the decision may include additional resources/time preparing for court challenges.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

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Department: Planning & Development



- **Improving quality of life for all** by fostering dignity through diverse housing options and harmonizing diverse lifestyle choices between all demographics.
- **Maximizing our infrastructure investments** by making the downtown core friendlier.

Council Strategic Principles:

1. **Affordability** – this bylaw falls within the parameters of our financial capacity.
2. **Transparency** – open dialogue and consultation with the community has and is taking place.
3. **Community Capacity Building** – citizen committee members and our partners have contributed to the formulation of this by-law.
4. **Discipline to Stay the Course**- by focusing on the goal set out by the public.
5. **United Front** – by engaged support to the decision.
6. **Environmental Sustainability** – N/A

8) PROCESS AND COMMUNICATION REQUIREMENTS

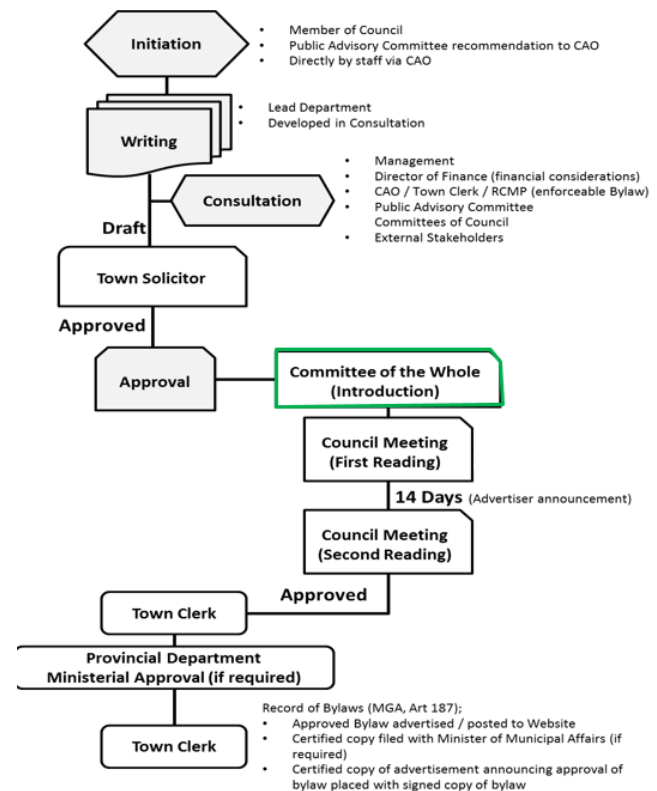
The Bylaw Development Process (as per the Municipal Government Act) is as follows:

There will be a need for public communication as the decision will impact residents, students, landlords, police, enforcement and town staff. Consultation with the Acadia Student Union, Acadia University, Landlords and Property Managers, Police and Enforcement staff.

9) ALTERNATIVES

Council may consider alternative options to the recommended decision as follows:

- Approve portions of the bylaw and send back to staff for amendment; or
- Approve the by-law with other specific conditions.



1. Title:

This Bylaw shall be titled and referred to as the “Nuisance Party Bylaw”.

2. Background:

The Nova Scotia Municipal Government Act (NS MGA), Section 172 gives Council the specific authority to establish Bylaws. Sections 172(1) of the NS MGA authorizes Council to establish bylaws for municipal purposes respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property; (c) persons, activities and things, in, on or near a public place or place that is open to the public; (d) nuisances, activities and things that maybe or may cause nuisances.

The purpose of this Bylaw is to create a duty upon those hosting a social gathering or party to control the participants’ behavior and to give enforcement personnel a mechanism to disperse persons at a gathering that’s become a public nuisance, bridging a gap between existing Bylaws and the Criminal Code.

3. Definitions:

In this Bylaw;

“**Building**” means any permanent structure consisting of a roof supported by walls that is used or intended to be used for the shelter, accommodation of persons, animals, goods, chattels or equipment;

“**Bylaw Enforcement Officer**” means a person appointed by the Chief Administrative Officer who is a Special Constable or Bylaw officer pursuant to the Nova Scotia Police Act or similar legislation and empowered by such appointment to enforce this bylaw;

“**Dwelling**” means a Building containing one or more units for human habitation;

“**Town**” means the Town of Wolfville;

“**Highway**” includes public highway, street, lane, road, alley, sidewalk, parking lot, driveway, park, beach, or place including bridges, any part of which is intended for or used by the general public for the passage of vehicles or persons, and includes private property that is designed to be and is accessible to the general public for the pedestrian and motor vehicle use;

“**Municipality**” means the land within the geographic limit of the Town of Wolfville;

“**Nuisance Party**” means a gathering on Property which, by reason of the conduct of any one or more of the Person(s) in attendance, is characterized by any one or more of the following elements:

- (a) public intoxication;
- (b) the unlawful sale, furnishing, or distribution of alcoholic beverages or

- controlled substances;
- (c) the unauthorized deposit of litter on public or private property;
- (d) damage to public or private property;
- (e) the obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
- (f) sound that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons, as described in the Prevention of Excessive Noise Bylaw;
- (g) unauthorized open burning as described in the Open Fires Bylaw;
- (h) public disturbance, including confrontations and violence;
- (a) outdoor public urination or defecation;
- (j) use of or entry upon a roof not intended for such occupancy.

“Officer” means a Police Officer or any Bylaw Enforcement Officer, assigned to administering or enforcing this bylaw;

“Police Officer” means a member of the Royal Canadian Mounted Police or municipal police service authorized to provide police services to the Municipality;

“Person” means a corporation as well as an individual;

“Public Place” means a Highway, public park, parking lot or other lands to which the public has access as of right or by invitation and includes private property that is exposed to public view;

“Property” means any public or private place in the Municipality, including but not limited to Highways, parks, parking lots, yards appurtenant to a Building or Dwelling, or vacant lands.

4. Bylaw Offences:

4.1 No person shall sponsor, conduct, continue, host, create or attend a Nuisance Party.

4.2 No person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of or possessory control of any Property, shall allow, cause or permit a Nuisance Party on the Property under their possession or control.

4.3 No person, not residing at the Property, shall fail to leave the Property after having been directed to leave by an order to discontinue activity under this bylaw.

4.4 No person shall urinate or defecate in a Public Place.

4.5 No person shall stand, sit upon or otherwise occupy any roof of any Building unless carrying out legitimate maintenance or construction.

4.6 No person shall fail to comply with an order pursuant to Section 5.1 of this bylaw.

4.7 No person shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, rights, functions, powers or authority under this bylaw.

5. Order to Discontinue Activity:

5.1 Upon an order of an Officer to discontinue a Nuisance Party, the Nuisance Party shall cease and all persons, not residing on the Property, shall leave the Property where it is occurring.

5.2 The order under this section shall identify:

- (a) the location of the Property of the Nuisance party occurrence;
- (b) the elements in determining the Nuisance Party;
- (c) the date and time by which there must be compliance with the order.

5.3 An order issued under this bylaw, as outlined in Section 5.1 and 5.2, may be given immediately verbally or may be served personally on the person to whom it is directed. If the order is given by regular mail to the last known address of that person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be carried out by registered mail to the corporate mailing address.

5.4 A Police Officer may temporarily close any Highway or portion thereof to public travel where a Nuisance party is occurring adjacent to the Highway to ensure public safety.

5.5 Where a Highway or portion of a Highway has been closed, the common law right of passage by the public over the Highway and the common law right of access to the Highway by an owner of land abutting the Highway are restricted as directed by a Police Officer.

5.6 No person shall use a Highway or portion of a Highway that has been temporarily closed under this bylaw except with lawful authority or in accordance with direction of a Police Officer.

6. Enforcement and Inspection:

6.1 The provisions of this bylaw may be enforced by an Officer of the Municipality.

6.2 Any Officer may enter upon Property for the purpose of investigation and enforcement of this bylaw.

6.3 Each Officer is hereby authorized to inform any person of the provisions of this bylaw and to request compliance.

6.4 When an Officer believes on reasonable grounds that an offence under this bylaw has been committed by a person, the Officer may require the name, address, proof of the identity of that person, and that person shall supply the required information.

6.5 Every person who contravenes or who causes or permits a contravention of any provisions of this bylaw is guilty of an offence.



6.6 Every director or officer of a corporation who knowingly concurs in the convention of any provision of this bylaw by the corporation is guilty of an offence.

6.7 Any Officer who believes on reasonable grounds that there has been a violation of this bylaw may issue a summary offence ticket to that person.

7. Ownership Provision:

7.1 As soon as practicable following the order to discontinue a Nuisance Party pursuant to Section 5.1 of this bylaw, a notice of the order shall be sent to the owner(s) of the property at which the Nuisance Party was discontinued;

7.2 The notice of the order to the owner will include all the information outlined in Section 5.2 of this bylaw;

7.3 The notice of the order will be deemed delivered as outlined in Section 5.3 of this bylaw;

7.4 A subsequent Nuisance Party is determined when a Nuisance party that re-occurs within two (2) years after an initial order to discontinue a Nuisance Party at the property is identified in an order, pursuant to Section 5.1 of this bylaw;

7.5 No person, who individually or jointly with others, is an owner or otherwise has rightful possession of or possessory control of any property, shall allow, cause, permit a subsequent Nuisance party on the said Property identified in the order.

8. Penalty:

8.1 Every person who contravenes or fails to comply with any provisions of this bylaw shall be liable to a penalty of not less than four hundred dollars (\$400.00) for a first offence, not less than six hundred dollars (\$600.00) for the second offence, and not less than nine hundred dollars (\$900.00) for a third and any subsequent offences.

<u>Clerk's Annotation for Official Bylaw Book</u>	
Date of first reading: _____	
Date of advertisement of Notice of Intent to Consider: _____	
Date of second reading: _____	
Date of advertisement of Passage of By-law: _____	
Date of mailing to Minister a certified copy of By-law: _____	
I certify that this Nuisance Party Bylaw ## -- was adopted by Council and published as indicated above.	
_____	_____
Town Clerk	Date

Schedule M-27

Town of Wolfville Nuisance Party Bylaw

Offence	Section	Out of Court Settlement
Sponsor, conduct, continue, host, create or attend a Nuisance Party	4.1	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Allow, cause or permit on property a Nuisance party	4.2	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Fail to leave after directed by order to discontinue a Nuisance Party	4.3	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Urinate or defecates in a Public Place	4.4	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Sit, stand or occupy roof of Building	4.5	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Fail to comply with an order to cease a Nuisance Party	4.6	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Obstruct, hinder or interfere an Officer	4.7	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50

Town of Wolfville Nuisance Party Bylaw

Offence	Section	Out of Court Settlement
Use a closed Highway	5.6	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50
Permit subsequent Nuisance Party after delivery of notice of initial order	7.5	first offence \$582.50 second offence \$812.50 third & subsequent offence \$1157.50



Social Planning Guide

Contact Information

Who is the **Primary Event Organizer (PEO)** for this event? While others may be involved in the coordination of an event, one member of the group hosting the event must be identified to lead the planning process.

PEO Name		Student ID	
PEO Telephone (contact during event)		Email	
Date of Event		Start and End Times	
Number of Guests expected		Location of Event (Civic Address)	

Please initial here, clarifying you are a resident, at the property location you are registering _____

Community Relations Details

Check all that apply

- | | | |
|---|---|--|
| <input type="checkbox"/> Event will use amplified sound equipment
<input type="checkbox"/> Event will be hosted in a residential neighbourhood
<input type="checkbox"/> Clean up of event will take place the following day | → | <input type="checkbox"/> Town of Wolfville Noise By-Laws will be adhered to
<input type="checkbox"/> Neighbours will be notified
<input type="checkbox"/> Neighbours will be approached following the event for feedback |
|---|---|--|

I confirm that the information I have provided is accurate. I have received a Party Smart Pack and a copy of the Social Planning Guide Rules and Expectations. I understand that my name, address and phone number listed above will be provided to the RCMP.

Signature: _____

Date: _____



What is the Social Planning Guide?

A program that gives students hosting a social gathering off-campus the necessary information to plan ahead, and ensure they have taken steps to avoid complaints from neighbours or the RCMP. It also provides the RCMP a contact person to help determine how a complaint will be handled and perhaps avoid a charge that could lead to a fine.

Party Registration:

- Helps students host safer social gatherings and keep things under control.
- Reduces police calls and fines.
- Supports off campus students in their efforts to be good neighbours and community residents.

How do you register your party?

- Applicant must be a current Acadia University student living in Wolfville.
- Provide your address, your name as party host, your cell phone number, and 2 forms of IDs, etc. (Provincial and Student ID).
- Receive your Party Smart Pack and read the Party Smart Registration Rules and Expectations.
- Sign an acknowledgement that you have received your information packet and that all the information on your registration is correct.

How does Party Smart Registration work while I'm hosting my party?

1. The RCMP are obligated to follow up with all complaints in person, so they will show up shortly after the call to check in.
2. If you don't answer your phone, the police will leave a message that a noise complaint has been received.
3. Break up your party peacefully and quickly and you're all good!

What could go wrong?

- If you don't pick up the call, you may miss out on a chance to deal with the complaint. Keep your phone with you and make sure you can hear it ring.
- People at your party don't listen when you tell them to leave. Contact the RCMP at 902-679-5555 for help if you need assistance getting people to leave your party.
- If you fail to break up your party or a 2nd noise complaint is made, you may be charged with a bylaw violation.
- If you or your guests are doing things besides making noise (public intoxication, open liquor, drinking in a public place, damaging property, breaking glass, blocking traffic, engaging in dangerous behavior, etc.) you may not be able to avoid a charge. RCMP will respond immediately and you and/or your friends may face more serious charges.

Why register your party?

- Stay out of trouble.** Registering your party can help you avoid charges and fines through the justice or non-academic judicial systems.
 - Save money.** Fines for noisy or out of control parties can cost you and your friends hundreds of dollars.
 - Be nice to your neighbours.** Registering a party keeps neighbours happier as noise complaints can be resolved quickly and effectively.
 - Shows some love to your town.** Resolving noise and nuisance complaints quickly and effectively saves Town of Wolfville resources.
-

REQUEST FOR DECISION 030-2019

Title: Temporary Borrowing Resolution – 2019/20 Capital

Date: 2019-05-07

Department: Finance



SUMMARY

Temporary Borrowing Resolution – 2019/20 Capital Program

This RFD deals with part of the **annual process** required each year by municipalities planning to use long term debt as part of their **funding source for their capital budget**. Permanent long term debt (debentures) can only be put in place after completion of the capital projects in scope and the Temporary Borrowing Resolution (TBR) provides the mechanism to have temporary debt to cover the cost until the first opportunity arrives to put in place a fixed term debenture. The TBR also provides the mechanism by which the Minister of Municipal Affairs approves a municipality's use of long term debt. Without the Minister's approval, a municipality may not access long term debt for capital funding purposes.

DRAFT MOTION:

That Council approve the attached Temporary Borrowing Resolutions;

- TBR #19/20-01 Various purposes Town \$1,748,425

to cover loan facilities with the Bank of Montreal until such time as the short-term loans are replaced with debenture borrowings as part of the 2019/20 Town and Water Capital Project funding.

REQUEST FOR DECISION 030-2019

Title: Temporary Borrowing Resolution – 2019/20 Capital

Date: 2019-05-07

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

- Refer to the MGA section 88 which requires Ministerial approval related to municipal borrowings.

3) STAFF RECOMMENDATION

That Council approve the TBR requirements for the 2019/20 capital budget season to ensure previously approved funding is in place in a timely manner.

4) REFERENCES AND ATTACHMENTS

- TBR 19/20-01 – Town (awaiting standard form from Dept. Municipal Affairs)
- 2019/20 Operations Plan, including Ten Year Capital Investment Plan
- Capital Asset Funding Policy
- RFD 021-2019 Gaspereau Ave. Project – amended cost approval (April Council)

5) DISCUSSION

Annually this is a housekeeping matter as it relates to capital purchases/projects previously approved by Council as part of the budget process. In this case it relates to the 2019/20 Budget approved on March 19, 2019. For this year, there is the additional debt borrowing approved at the April 16th Council Meeting.

The **TBR forms the first required step** in the process by which Town's obtain debenture funding through the NS Municipal Finance Corporation (MFC). It also becomes part of the paperwork required by the Bank of Montreal to set up the temporary loan facility. The TBR template issued by the Department of Municipal Affairs is a standard form with a twelve month term.

The budget plan is to replace the TBR funds with 10-20 year debenture proceeds (in accordance with Town Policy on capital asset funding). Based on our expected capital financing, the Town's total debt repayments over the next 4 years, page 67 of Operations Plan, (excluding Water Utility that functions with its own debt ratio) will be approximately:

2019/20	\$755,700	(7.3% DSR based on own sourced revenue of \$9.5 million)
2020/21	\$817,500	(8.4% DSR)
2021/22	\$936,000	(9.4% DSR)
2022/23	\$986,500	(9.9% DSR)

REQUEST FOR DECISION 030-2019

Title: Temporary Borrowing Resolution – 2019/20 Capital

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Department: Finance



Note the most recent indication of long term borrowing rates, 2019 Spring Debenture, shows rates dropping after a couple of years of gradual increases. The Town's long term capital funding models are based on an assumed 4% interest rate. The 2019 Spring Debenture has come in at under 3% for 20-25 year amortizations.

The additional debt approved by Council in April (\$175,000) will not materially impact the projected debt service ratios (DSR) noted above. If amortized over 20 years, this additional debt will add approximately \$10,000 per year in debt costs.

Our total own source revenue is budgeted to be \$9.5 million (total revenue less school board funding, corrections and regional housing, and provincial/federal grants). As demonstrated by the debt service ratio calculations, the town's debt costs are well within the capacity of town to manage. This is not unexpected as Council reviews this information annually as part of the budget setting process. Projections of future funding requirements (including increased debt payments) are based on transfers to reserves moving up or down with changes in debt repayments. This provides consistent/predictable capital contributions in relation to the town's tax requirement.

The Town's ability to take on the approved capital budget debt funding is reflected in the draft provincial financial indicators which notes Wolfville's Debt Service Ratio at 7.1% which is about half of the provinces required benchmark of 15%.

Note this year there is only one TBR for Town infrastructure. Typically the Water Utility participates in the debt funding process however for fiscal 2019/20 the Utility will be using other capital funding sources (see page 80 of the Town's approved 2019-2023 Operations Plan). Once Council approves the TBR's, the following occurs:

- Town related TBR (19/20-01 this year) goes back to Dept. Municipal Affairs (DMA) for Ministerial approval.

FINANCIAL IMPLICATIONS

Already covered as part of budget process, with noted additional borrowings for Gaspereau having no material impact on future operations.

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Not applicable as this RFD is a **required step** for projects already approved in the 2019/20 Operations Plan, including Ten Year CIP.

REQUEST FOR DECISION 030-2019

Title: Temporary Borrowing Resolution – 2019/20 Capital

Date: 2019-05-07

Department: Finance



7) COMMUNICATION REQUIREMENTS

There will be formal communications with external sources in two areas:

- With Department of Municipal Affairs to obtain Ministerial approval;
- With BMO to arrange our line of credit renewal based on the approved TBR amounts.

8) ALTERNATIVES

No true alternatives exist as this TBR relates to previously approved capital project funding. Not approving the TBR would require putting major portions of the 2019/20 Capital Budget on hold pending identification of other funding sources

REQUEST FOR DECISION 025-2019

Title: Committee of Council Appointment – PAC

Date: 2019-05-07

Department: Office of the CAO



SUMMARY

Committee of Council Appointment – Planning Advisory Committee

The purpose of this RFD is for Council to appoint a new member to the Planning Advisory Committee to fill an existing vacancy. The appointment would finish up the remainder of 2019, and then commence a three-year term from 2020-23.

DRAFT MOTION:

That Council appoint the following community member to the Planning Advisory Committee effective June 1, 2019.

- Name – Planning Advisory Committee - Three-year Appointment expiring December 2023.

REQUEST FOR DECISION 025-2019

Title: Committee of Council Appointment – PAC

Date: 2019-05-07

Department: Office of the CAO



• CAO COMMENTS

No comments required.

• LEGISLATIVE AUTHORITY

- [Nova Scotia Municipal Government Act](#) (NS MGA)
- [Policy No. 610-002](#), Planning Advisory Committee
- [Policy No. 110-001](#), Committees of Council

• STAFF RECOMMENDATION

Committee appointments are at the discretion of Council. Staff do not make a recommendation on appointments.

• REFERENCES AND ATTACHMENTS

- Committee Application – Mark Bishop (attached)

• DISCUSSION

Planning Advisory Committee member Omar Bhimji was the successful candidate of a staff role with the Town Planning Department, and as such, had to resign from the Committee on April 17, 2019. Subsequent to this resignation, the Town did not advertise the vacancy as there was still an application from October 2018 for consideration by Council.

Planning Advisory Committee

Name	Appointed	Expiry
Deputy Mayor Jodi MacKay (Chair) ⁽²⁾	2018-10	2020-12
Councillor Wendy Donovan ⁽¹⁾	2018-11	2019-12
Councillor Oonagh Proudfoot ⁽¹⁾	2018-11	2019-12
Omar Bhimji ⁽³⁾	2017-12	2020-12
Stephen Mattson ⁽³⁾	2017-12	2020-12
Mary Costello ⁽³⁾	2017-12	2020-12
Melinda Norris ⁽⁴⁾	2016-12	2019-12
Isabel Madeira-Voss ⁽⁵⁾	2018-01	2020-01*

* Appointment is executing remaining two years of a three-year appointment expiring in 2020.

REQUEST FOR DECISION 025-2019

Title: Committee of Council Appointment – PAC

Date: 2019-05-07

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Ex-Officio Members

- [Mayor Jeff Cantwell](#) voting
- [Erin Beaudin](#), Chief Administrative Officer non-voting
- [Devin Lake](#), Director of Planning non-voting

• FINANCIAL IMPLICATIONS

Not Applicable

• REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Council Strategic Principles:

1. **Affordability:** N/A
2. **Transparency:** This decision supports municipal involvement in the Town of Wolfville Committees of Council
3. **Community Capacity Building:** Community involvement in the Committees of Council decision-making process
4. **Discipline to Stay the Course:** N/A
5. **United Front:** N/A
6. **Environmental Sustainability:** N/A

• COMMUNICATION REQUIREMENTS

Once appointed, the new Committee appointment will be updated to the Town of Wolfville website upon being effective. A letter acknowledging the appointment will be drafted for Mayoral signature.

• ALTERNATIVES

To not appoint a member to the Planning Advisory Committee and re-advertise.

REQUEST FOR DECISION 028-2019

Title: Appointment of the Assistant Building Official
& Revocation of Previous Building Official Appointments
Date: 2019-05-07
Department: Planning & Development



SUMMARY

Information on Building Official Trainee & Revocation of Previous Building Official Appointments

In order to provide uninterrupted building inspection services to residents it is necessary for the Town to engage a member of its Staff in the Nova Scotia Building Officials Association (NSBOA) professional studies program. Mr. Collicutt will complete the NSBOA program as part of the Town's succession planning to ensure the continued provision of building inspection services in the Town of Wolfville.

The revocation of the appointments of previous Building Officials no longer working for the Town is an administrative housekeeping item.

DRAFT MOTION:

That Council revoke the appointments of Glen LeLacheur, Mannie Withrow, Keith Fraser, Don Burns, Dawson Patterson and Charlie Crocker as Town Building Officials pursuant to Section 5(2) of the Building Code Act, Chapter 46 of the Revised Statutes, 1989.

REQUEST FOR DECISION 028-2019

Title: Appointment of the Assistant Building Official
& Revocation of Previous Building Official Appointments
Date: 2019-05-07
Department: Planning & Development



1) CAO COMMENTS

The CAO supports the recommendations of Staff.

2) LEGISLATIVE AUTHORITY

Pursuant to Section 5(2) the *Nova Scotia Building Code Act* Council is required to appoint a building official or building officials to administer and enforce the Building Code Act in the municipality.

3) STAFF RECOMMENDATION

Staff recommends that Council revoke the appointments of Glen LeLacheur, Mannie Withrow, Keith Fraser, Don Burns, Dawson Patterson and Charlie Crocker as Town Building Officials to ensure clarity and avoid any conflicts with building code consultants.

4) REFERENCES AND ATTACHMENTS

N/A

5) DISCUSSION

In order to provide continuous building inspection services to residents it is necessary for the Town to begin training a Building Official as a component of succession planning. Mr. Collicutt will complete the NSBOA professional studies program prior to the current Building Official's retirement from his full-time position.

The revocation of the appointments of previous Building Officials is a matter of administrative housekeeping.

6) FINANCIAL IMPLICATIONS

Mr. Collicutt is already a salaried employee of the Town and his Building Official training is part of his professional/career development with the Town.

The revocation of the Town's previously-appointed Building Officials will have no effect on Town finances.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

N/A

8) COMMUNICATION REQUIREMENTS

Staff will be advised of changes and contact information will be updated where necessary.

REQUEST FOR DECISION 028-2019

Title: Appointment of the Assistant Building Official
& Revocation of Previous Building Official Appointments

Date: 2019-05-07

Department: Planning & Development



9) ALTERNATIVES

N/A

From: Seniors Bus Society
Sent: April 25, 2019 8:56 PM
To: Town Council
Subject: Special announcement
Attachments: The Windsor Senior Citizen Bus Society invitation.docx

MEDIA RELEASE FOR APRIL 26th

April 25, 2019

The Windsor Senior Citizen Bus Society (WSCBS) is a not for profit organization that has provided accessible transportation services in the Hants and Kings County areas over the past 30 years. In December 2018, Callow Wheelchair Buses which provided a similar service in Halifax and throughout the province to Veterans, seniors and youth announced they were discontinuing their service effective December 31, 2018.

WSCBS immediately became concerned about the loss of service to Veterans, seniors and adults with disabilities in long-term care facilities, youth groups and para-athletes, just to name a few.

A decision was made to approach Callow, which resulted in the acquisition of two of their three Buses and have Callow request the transfer of their Motor Carrier Licence over to WSCBS. The transfer was approved in mid-February.

Following the approval, WSCBS applied for & were granted a new operating name for the bus fleet, which was recently approved by the Registry of Joint Stocks. The fleet will be known as “**The CommUNITY Bus N.S.**” operated by Windsor Senior Citizens Bus Society. The bus service will remain a not for profit service.

WSCBS has, prior to the purchase of the Callow buses, been operating one 36 passenger accessible unit. Over the past 3 years the Board has been fundraising for a new bus to replace the existing 14 year old unit.

We are very pleased to announce today that we are, within reach of our Fundraising goal, and will be ordering a state of the art, 2020 Accessible 36 passenger bus, equipped to provide quality, affordable, accessible transportation to our Clients.

Heather White, Director of Veterans Services and Geriatrics, at Camp Hill is pleased to see the buses back in operation. “The veterans at Camp Hill have benefited from the excursions on the Callow buses over the past 70 years. We had a very positive relationship with Callow Wheelchair Buses and look forward to the same dedicated and dependable service going forward with Windsor Senior Citizens Bus Society.”

Leslie Porter, Chair of the Windsor Senior Citizen Bus Society, stated “Servicing Callow's previous clients has begun. The two buses added have already been a huge blessing for residents of the Hants County homes, as the larger capacity lifts are able to support much larger bariatric chairs required by some residents. Clients who were unable to travel in our older bus are now getting on these accessible buses for the very first time. It doesn't get much better than that. We are very excited to grow our service to meet the needs of people throughout Metro Halifax and surrounding areas.”

We have many supporters to thank for this day and we would like to invite them and community members to attend our Launch Event taking place today at the Windsor Legion branch #9 in Windsor from 3-5pm. We look forward to being the communities'

“Window to the World.”

Bus trips can be scheduled by contacting the Society at (902) 790-6637 or communitybusbookings@gmail.com.

For more information, please contact:

Leslie Porter, Board Chair (902) 798-7400 seniorsbussociety@gmail.com

Leslie Porter, Chair

Windsor Senior Citizen Bus Society

PO Box 425 Windsor, N.S. B0N 2T0

seniorsbussociety@gmail.com

902-798-8936



Virus-free. www.avg.com

From:
Sent: April 16, 2019 9:09 AM
To: Town Council
Cc: Erin Beaudin
Subject: Question to Council regarding Legal Opinion

Dear Council Members:

I see that on the agenda for your next Council meeting under correspondence is an email I wrote to you, dated March 30, 2019.

You may or may not know that I received a response to both my questions. Ms. Beaudin responded to my questions:

Did the Town (Council or staff) receive a legal opinion regarding the proposed amendment to the LUB prohibiting contract brewing?

If the Town did receive such an opinion, whether in writing or orally, when was that opinion received?

Here is the response I recieved from Ms. Buedin.

Dear David,

The Town will not be providing any information about any legal advice it may have received on the proposed LUB amendment regarding contract brewing.

Vanessa has provided further information on the recording from the meeting.

*Thanks,
Erin*

First, to be clear, I did not ask for the content of the legal advice Council may have recieved. I understand that such information would likely be confidential.

I am asking whether any or all of the council members recieved a legal opinion concerning contract brewery and if so, when that opinion was received. That information is unlikely to be confidential.

The public should be entitled to know the basis of statements/claims made by a council members when those statements/claims form the basis of a Council decision.

Respectfully,

David A. Daniels

From:
Sent: April 12, 2019 1:20 PM
To: Jeff Cantwell; Carl Oldham; Wendy Donovan; Town Council; Jodi MacKay; Mercedes Brian; Oonagh Proudfoot; Wendy Elliott
Subject: Important

Hello fellow town / municipality:

We are reaching out to you once again with a letter that was sent to the Liberal Government of Nova Scotia regarding "Equalization". We would like you to read this letter and if you are interested, we have prepared an individual spread sheet for your town stating the amount you are entitled to receive as well as how much you are being shorted each year by the Nova Scotia Provincial Government. If you are interested in receiving this information, please respond to this email and we will forward it to you. Thanks for taking the time to review this information. Together we can force change in our beautiful province so ALL areas can develop economically for a brighter future.

Regards,

The NSEF Team.

Dr Paul Patterson, a member of NSEF sets the Executive officer of the NS Liberals straight in this letter. It's amazing that the Liberals, who for the most part, are not academics (as FRANK mag keeps saying the premier was a small appliance repair guy) but are very opinionated (rather than knowledgeable) on this and many other issues:

Mr. Michael Mercer,
Executive Director
Nova Scotia Liberal Party
5151 George Street
Suite 1400
Halifax, Nova Scotia, Canada
B3J 2T3

Dear Mr. Mercer:

In a recent e-mail to Gordon Sampson, another member of Nova Scotians for Equalization Fairness (NSEF), you say, "If you are referring to the 'equalization' issue in Cape Breton where the term is purposely misused in order to confuse people, then I would be happy to provide some information to you." [Emphasis added]

In light of the actual activities and purpose of NSEF, it is disappointing to learn that, as Executive Director of the Liberal Party of Nova Scotia, you would have somehow gotten the impression that NSEF has done anything to purposely misuse the term "equalization" in order to confuse people, or that Equalization is only an issue for a few residents of Cape Breton.

Since both the Nova Scotia Municipal Grants Act (Sections 8, 9, 11, 17 and 19) (<https://nslegislature.ca/.../.../statutes/municipal%20grants.pdf>), and the Department of Municipal Affairs' web site (<https://novascotia.ca/.../f.../operating/equalization-grants.asp>.) refer to "equalization," in explaining the calculation of provincial municipalities' entitlements, our use of the term "equalization" is appropriate.

Moreover, it has been our experience over the past decade that virtually everyone who is familiar with the explicit purpose of Equalization, as set forth in Section 36 of the Canadian Charter of Rights and Freedoms, comes to the conclusion that the Nova Scotia government's handling of Federal Equalization Transfers does not comply with that constitutional purpose. The only ones who appear to be confused about this have been those politicians and officials who have dismissed our requests for information and avoided discussing the issue with us in a respectful, productive way.

For more than a decade, the members of NSEF have been researching and analyzing how past and present Nova Scotia governments have handled Federal Equalization Transfer payments. During that time, we have tried to be as objective, and as modest and responsible, in our evaluations and conclusions, as we could be. Considering the limited amount of

information about Equalization to which the provincial government has allowed public access, we are aware that we might not have as comprehensive an understanding of the provincial government's use of Equalization Transfer Payments as we have been seeking, but that is because our efforts to secure more information have been unsuccessful. Our members, who include business owners, accountants, lawyers and professors, as well as ordinary residents of different regions of Nova Scotia, are not radical activists but are, rather, mostly older adults not involved in partisan politics. Our collective efforts have been directed toward clarifying - first, for ourselves and, ultimately, for the general public - the Constitutional intent of Equalization, and the legal authority that supposedly justifies what we consider to be the Nova Scotia government's misappropriation of the Equalization Transfer Payments, for purposes unrelated to equalization.

We have very much appreciated the replies of some provincial and federal officials who responded to our questions, but those have been few, and in most cases, like your own, pejoratively dismissive. There have been exceptions, however. We have been informed, by responsible representatives of both the provincial and federal finance departments, of several critical facts:

(1) 26.8% of the annual, Equalization Transfers to Nova Scotia is intended to make up for the lack of fiscal capacity of approximately 42 of Nova Scotia's municipalities – i.e., their inability to provide their residents with a level of public services that is reasonably comparable to a standard in municipalities across Canada, at reasonably comparable property tax rates.

(2) The remaining 73.2% of the Federal Equalization Transfers is intended to enable the provincial government to provide to those same municipalities the public services for which the province is responsible. (e.g., social assistance, infrastructure, etc.)

(3) All of the Federal Equalization Transfers are going directly into the Nova Scotia government's General Revenues, without any effort to track, or account for, how they are then being spent. Ironically, we have been informed by the provincial Minister of Finance that none of these Transfers is being distributed to the municipalities whose difficult fiscal circumstances are, in fact, the basis for determining the ever-increasing amounts that the Federal government sends to Nova Scotia in annual Equalization Transfers.

As a consequence, some of us strongly supported the Cape Breton Municipality's legal efforts to secure provincial and federal court reviews of the Nova Scotia government's handling of the Federal Equalization Transfers. Nevertheless, some of us were also uncertain about the appropriateness of those legal efforts. However, every one of us has always viewed the question of Equalization as a Nova Scotia issue, not merely a Cape Breton issue. Yet, our request for an audit by the Auditor General of Nova Scotia has been declined.

We have avoided ascribing, explicitly or implicitly, responsibility for what we regard as the misappropriation of Equalization Transfers to any one of the three political parties who have held office over the past two decades, since we recognize that our concerns are not related to a policy formally established by any particular party. We are therefore puzzled by the level of indifference, even animosity, which we have encountered whenever we have approached our elected MLA's about this issue, over the years.

If anything, we have viewed these reactions to our inquiries and conclusions as a symptom of just how little understanding of the purpose and appropriate usage of the Federal Equalization Transfers actually exists, at all levels: among the general public and municipal councils, as well as among provincial and federal politicians and government officials.

You may be aware that we first brought the Equalization issue to the attention of Mr. MacNeil in 2013, at the Joan Harriss Pavilion, during his original campaign visit to Sydney. We were initially heartened by what appeared to be his appreciation of the grounds for our concern when we presented him with our findings. However, we were later deeply disappointed by the total absence of any follow-up efforts by his government to meet with us, in order to examine the details.

You can understand then, if the tone of your remarks, quoted above, suggests to us that you, and possibly others with whom you might have discussed this matter, consider our concern to be uninformed, if not outright irrational, our efforts to get more information to be less than responsible, and the entire Equalization issue to be unworthy of serious and impartial, public examination.

We are not in a position to know whether your own reaction, and that of others, was based upon a lack of information about NSEF, or about the Equalization issue, or motivated by anxiety that there might, in fact, be some merit to, and significant consequences potentially stemming from, our openly questioning the provincial government's handling of the Federal Equalization Transfers.

What we have been seeking is an opportunity to sit down and talk with someone who has knowledge and insight into the constitutional purpose of Equalization, and who is willing to go through, with us, a careful analysis of the information on, and justification, for the way the Nova Scotia government has been handling the Equalization Transfers over the past two decades.

In the meantime, we would very much appreciate your providing us with information which clearly identifies the legal authority - not web site declarations - under which the Nova Scotia government has been treating Federal Equalization Transfers as “unconditional”: depositing them into General Revenues, and spending the money in ways that appear to contravene the clear intent of Section 36 of the Charter, which explicitly states that these Transfers are intended to enable Canadians - for whom the Equalization Transfers are provided to provinces, in trust - to receive “reasonably comparable levels of public services at reasonably comparable levels of taxation.”

There is no mention of this supposedly “unconditional” nature of the Transfers, however, in the language of the Constitution, and our research has found no other legal authority - statutory or judicial - which sanctions such a clear violation of the Constitutional intent of Equalization.

Furthermore, we would be happy to provide substantial evidence to demonstrate that the levels of public services provided to citizens in most of the communities of Nova Scotia, and the levels of property taxation paid by the citizens of those communities, have been nowhere close to “comparable” with other provinces, or within this province, by any realistic definition of that word.

Should you wish to explore with us how the province of Nova Scotia might realign its spending, in order to comply with its Equalization commitments enshrined in the Charter, we would be willing to meet with representatives of the departments of Finance and Municipal Affairs, to undertake discussions on the implications of any transition to compliance.

Up to now, however, we have been limited in our ability to propose to the Nova Scotia government a comprehensive and coherent new approach to effecting the purposes of Section 36 of the Charter, by our inability to get detailed information on how the provincial government has been spending the Federal Equalization Grants it has been receiving. We therefore thank you for your kind offer of information.

Sincerely,

N. Paul Patterson, Ph.D.

From: Sophie
Sent: April 25, 2019 9:12 AM
To: Town Council
Subject: Crosswalk Lights in Wolfville

Dear Wolfville Council,

We are students from Horton High School in grade 9. Recently we have been working on a project for our Service Learning unit. This project teaches us how to take action in our community and make a positive change. For our project we have chosen the crosswalk lights of Wolfville. We believe there should be brighter, and safer lights at every crosswalk on Main Street. We would like to meet with you to discuss this at your earliest convenience.

Sincerely,

Sophie Edgar, Reese Mills, Shane Sommers, Ryan Quigly, Caelyn Parker

From:
Sent: April 24, 2019 9:43 AM
To: Town Council
Subject: Church Brewing Co. Community clean up

Good morning Town of Wolfville,

The Church Brewing Company is striving to make a difference in our community; together we can make our province and community clean and beautiful. We are committed to doing our part and the first step is to hit the streets of Wolfville on Monday, April 29th to pick up garbage and recycling. We hope that our actions will inspire other businesses to be socially conscious of their environmental impacts.

Have a wonderful day,
Erin