



Committee of the Whole

June 4, 2019

8:30 a.m.

Council Chambers, Town Hall

359 Main Street

Agenda

1. **Approval of Agenda**

2. **Approval of Minutes**

- a. Committee of the Whole Minutes, May 7, 2019
- b. Committee of the Whole In-Camera Minutes, May 7, 2019

3. **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 there is time remaining within the thirty-minute Public Input / Question Period.

4. **Committee Reports (Internal)**

- a. Art in Public Spaces Committee
 - i. Info Report: Public Art Proposal 2019
- b. Planning Advisory Committee
 - i. Feedback on Bill 58 – Minimum Planning
 - ii. RFD 032-2019: 6 Prospect St. Development Agreement



5. **Staff Reports for Discussion**
 - a. RFD 031-2019: Electronic Voting
 - b. RFD 036-2019: Valley Waste Resource Management 2019/20 Budget

6. **CAO Report**

7. **Committee Reports (External)**
 - a. Valley Waste Resource Management (VWRM)
 - b. Kings Transit Authority (KTA)

8. **Public Input / Question Period**

9. **Adjournment to In-Camera Meeting under *section 22(2)C Of the Municipal Government Act.***
 - a. RFD 035-2019: Art in Public Spaces Committee Appointment

10. **Adjournment of In-Camera Meeting**

11. **Regular Meeting Reconvened**

12. **Motions from In-Camera Meeting**
 - a. RFD 035-2019: Art in Public Spaces Committee Appointment

13. **Regular Meeting Adjourned**



APPROVAL OF AGENDA

Moved

Seconded

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

APPROVAL OF MINUTES

a. Committee of the Whole Meeting, May 7, 2019

Moved

Seconded

That the minutes of May 7, 2019 Committee of the Whole meeting be approved as circulated and/or amended.

b. Committee of the Whole In-Camera Meeting, May 7, 2019

Moved

Seconded

That the in-camera minutes of May 7, 2019 Committee of the Whole meeting be approved as circulated and/or amended.

COMMITTEE REPORTS FOR DISCUSSION

a. RFD 032-2019: 6 Prospect Street Development Agreement

Moved

Seconded

That committee of the whole forward the draft development agreement for 6 prospect street (PID #55354138 & PID #55273643) to a public hearing pending an engineered plan being submitted to staff to reconcile site grades, access and parking areas. '

STAFF REPORTS FOR DISCUSSION

a. RFD 031-2019: Electronic Voting

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision:
That Town Council approve the development of a bylaw authorizing voters to vote electronically in the 2020 municipal election and that there be no use of paper ballots.

b. RFD 036-2019: Valley Waste Resource Management Budget

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision: That Council approve the Valley Waste Resource Management 2019/20 Operating & Capital Budgets



ADJOURNMENT TO IN-CAMERA

Moved

Seconded

That Council move to an in-camera meeting under section 22(2)C of *the Municipal Government Act* for Personnel Matters

MOTION FROM IN-CAMERA

Moved

Seconded

That Committee of the Whole forward the following motion to Council for decision: That Council appoint the following community member to the Art in Public Spaces Committee effective July 1, 2019.

- Name – Art in Public Spaces Committee - Three-year Appointment expiring December 2023.

ADJOURNMENT

Moved

Seconded

That the regular Committee of the Whole meeting be adjourned.

ATTENDING

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

ALSO ATTENDING

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

CALL TO ORDER

Chair, Mayor Cantwell, called the meeting to order at 8:31 am

Agenda Item

1. Approval of Agenda

Discussion and Decisions

01-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE AGENDA BE APPROVED AS CIRCULATED

Amendment; addition of an item 3b. Presentation by students of Horton High School on Crosswalk Safety.

CARRIED

2. Approval of Minutes

a. April 2, 2019

02-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF APRIL 2, 2019 BE APPROVED AS CIRCULATED

CARRIED

3. Presentations

a. Nova Scotia Housing

Stephan Richard and Earl Mickle gave a presentation to Council on what Housing Nova Scotia does as a government agency. They are responsible for the administration and delivery of affordable housing solutions for low-to modest income Nova Scotians. Last year they helped 2100 with repairs to their homes, 1700 families and seniors came off the public housing waitlist and 325 young families bought their first home through the down payment assistance program. There are 157 currently applications for Public Housing in Wolfville and a stock of only 74 units available.

Agenda Item	Discussion and Decisions
b. Horton High Students	Sophie Edgar, Shane Sommers, Reese Mills, Ryan Quigly and Caelyn Parker, of the 9 th grade at Horton High have been working on a project in their Civics class about crosswalk safety in the town of Wolfville. They recommended a company in Dartmouth that sells and installs eye-level rapid fire light systems for crosswalks.
4. Public Input / Question Period	Bob Lutes addressed Council with concerns about the conditions of Highland Avenue and it's need of repaving.
5. Adjournment to In-Camera	03-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE MEETING MOVE TO IN-CAMERA UNDER SECTION 22(2)C & G OF THE MUNICIPAL GOVERNMENT ACT FOR PERSONNEL MATTERS AND LEGAL ADVICE ELIGIBLE FOR SOLICITOR – CLIENT PRIVILEGE AT 9:28 AM. CARRIED
6. Adjournment of In-Camera meeting	04-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE MEETING RECONVENE AT 9:38 AM CARRIED
7. Committee Reports (Internal)	
a. Accessibility Advisory Committee	The fully approved Accessibility Work Plan was presented at the Wolfville Farmers' Market on May 1 st . Hard copies of the plan were made available to the public and Council alike. It was also mentioned that Mayor Cantwell and Councillor Brian would be attending the NSFMS Spring Workshop at the end of the week which had Rick Hansen as a keynote speaker. Also, staff may be presenting at an AMA session on lessons learned when drafting the plan.
b. Art in Public Spaces Committee	Open discussions touched on art openings, including the Abraham Gesner Statue and the Uncommon Common Art piece now at Clock Park. The meeting addressed: 1) The results of recent arts consultations, 2) Draft RFP for public art, based on the results of the arts consultations, and 3) Policy update for Art in Public Spaces This resulted in a motion to recommend that Council update the Public Art Policy, to allow the committee have quorum on a consistent basis.
i. RFD 027-2019 Public Art Policy Update	05-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: THAT COUNCIL APPROVE AMENDMENTS TO THE PUBLIC ART POLICY #760-002 AS OUTLINED IN ATTACHMENT 1. CARRIED

Agenda Item	Discussion and Decisions
c. Audit Committee	The Audit Committee met with the Auditors to review the Audit plan which will commence the week of June 3 rd , 2019.
d. Design Review Committee	The Design Review Committee met on April 10, 2019. The meeting summarized past email comments re: 249 Main Street and focused on the upcoming application(s) for 6 Prospect Street. Suggestions were made to incorporate parking with 2/4 Prospect, and to support parking at the rear instead of in the front yard at 6 Prospect
e. Environmental Sustainability Advisory Committee	The Environmental Sustainability Committee brought the Climate Change Mitigation Coordinator, Omar Bhimji up to speed on the many subjects they have been discussing over the last several meetings which included Climate change adaptation, a declaration of climate emergency and a draft workplan. 06-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: THAT COUNCIL DECLARE A CLIMATE EMERGENCY.
	CARRIED
f. RCMP Advisory Board	This marked the last meeting for Terry Hennigar who was appointed to the board through the Justice Ministers office but has resigned due to retirement. The recruitment process began, and a new member is expected by the end of summer. There will be a special meeting held to review the nuisance party bylaw and give the opportunity for the committee members to give their input.
g. Source Water Protection Advisory Board	A tour of the Water Treatment Plant and Well locations for Committee members is scheduled for July and an overview of the MPS/LUB will be presented to the SWP committee in October. Also discussed the Aqueous Film Forming Foam used by the Fire Department and its safety near Town Water Supplies.
8. Staff Reports for Discussion	The Draft Kings REMO Flood Preparedness and Response Plan, 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, March 21, 2019, and the Regional Emergency Management Advisory Committee on April 15, 2019.
a. RFD 020-2019: Kings REMO Flood Preparedness and Response Plan	07-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR APPROVAL:

Agenda Item

Discussion and Decisions

THAT COUNCIL APPROVE THE KINGS REMO FLOOD PREPAREDNESS AND RESPONSE PLAN DATED MARCH 2019.

CARRIED

b. Info Report: Provincial CAP Program

This is the second year in which Council is being provided an Info Report looking at some of the impacts of the Provincial CAPPED assessment program. There appears to be a growing interest by both municipal councils and senior staff in having the CAP system changed or eliminated. Reviewing the dollar impact on Wolfville residents over multiple years can help identify trends in this community.

This information report is a look at the impact the CAP has had on Wolfville residential accounts based on the recently approved 2019/20 Town Budget. This report is not meant to be a complete analysis of the impacts, but rather a high-level overview to highlight what 2019/20 might look like without the CAP. It is meant to help Council and members of the public to understand that there are negative aspects of the CAP.

Mayor Cantwell called for a 5 minute break at 10:34 am.

The meeting reconvened at 10:40 am.

c. Info Report: Parking & Traffic

It's been acknowledged that the Town has taken on the responsibility of providing a lot of the required parking for residents and visitors to the downtown area, and that the parking management can be improved. It's believed Wolfville is in the middle of the walkable / parking friendly scale and that we need to work on shifting some expectations, and that people may need to walk a few minutes between their car and end location.

d. RFD 029-2019: 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.

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

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.

Agenda Item

Discussion and Decisions

08-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: THAT COUNCIL GIVE FIRST READING TO THE NUISANCE PARTY BYLAW.

CARRIED

**e. RFD 030-2019:
Temporary Borrowing
Resolutions**

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.

09-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: 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.

CARRIED

**f. RFD 025-2019 PAC
Committee
Appointment**

Omar Bhimji was hired as Town staff to fulfill a federal grant received by the Town to have a Climate Change Mitigation Coordinator. This left the Planning Advisory Committee short one member as Omar was serving a 3-year term as a resident member. This RFD deals with filling in this vacancy with a remainder application we received during the last Committee Advertising round from the fall.

10-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR APPROVAL: 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.**

CARRIED

Agenda Item

Discussion and Decisions

- g. RFD 028-2019:
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.

11-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT COMMITTEE OF THE WHOLE FORWARD THE FOLLOWING MOTION TO COUNCIL FOR DECISION: 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.

CARRIED

The CAO report was attached as a regular agenda item.

9. CAO Report

**10. Committee Reports
(External)**

- a. Valley Waste Resource
Management
Councillor Elliott**

- The Municipality of the District of Chester presented Valley Waste about the Sustane plant operation and the Chester surplus.
- It is interesting to note that the agreement with Chester was signed in September 2016 and will continue until 2036.
- Valley Waste is by far the largest contributor of garbage.
- Shortfall for the budget looked like it might be \$1.9 million, but it's now sitting closer to \$442,000 or a third of what it was.
- The board of the Valley Waste Solid Waste Management Authority held a special meeting on May 1 to approve the 2019-2020 operating and capital budget at \$9.9 million.

- b. Wolfville Business
Development
Corporation
Councillor Oldham**

- Greenery Co-pay program being launched in May is to beautify the front of your business. A subsidy grant of \$200,00 is available if you spend \$400,00.
- A summer student was hired and will start May 6, 2019. He will attend the next WBDC meeting.
- Saltscapes Valley experience will take place April 26-28 in Exhibition Park. The Annapolis Valley will be promoted and those participating at the booth are very excited.
- WBDC AGM will take place on June 11th.
- WBDC is partnering with NS Tourism to create a video promoting Wolfville and surrounding area.

Agenda Item

Discussion and Decisions

- Valley Tour to Acadia will bring people from Halifax and WBDC is planning to work with Acadia to expand the tour to include more of Wolfville.
- WBDC is recommending specific 20-minute drop-off zones within the downtown Main St parking.

11. Public Input / Question Period

There were no questions.

12. Adjournment of Meeting

12-05-19 IT WAS REGULARLY MOVED AND SECONDED THAT THE REGULAR MEETING OF COMMITTEE OF THE WHOLE BE ADJOURNED AT 12:09 PM

CARRIED

**Approved by Committee of the Whole Motion 02-06-19.
As recorded by Jean-Luc Prevost, Office of the CAO.**

COMMITTEE UPDATE

Title: Art in Public Spaces

Date: June 4, 2019

Department: Planning & Development



UPDATE

The Art in Public Spaces Committee met has been discussing the issuance of a Public Art Request for Proposals, as per the Art in Public Spaces Policy. An Info Report has been provided as an update to this (attached).



SUMMARY

PUBLIC ART PROPOSAL 2019

For Council to receive an update on work by Staff and the Art in Public Spaces Committee on moving forward with a request for proposals for public art.

DRAFT MOTION:

NONE REQUIRED AT THIS TIME.

COUNCIL WOULD NEED TO APPROVE THE INCLUSION OF ANY BUDGET EXPENDITURE (USE OF THE PUBLIC ART RESERVE FUND) WHEN THESE FUNDS WOULD BE NEEDED - THIS FISCAL OR NEXT WILL DEPEND ON TIMING.

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 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.

3) STAFF RECOMMENDATION

None required.

4) REFERENCES AND ATTACHMENTS

- 1) PUBLIC ART SITE MAP

2) DISCUSSION

In late 2014 the Town of Wolfville created an Art in Public Spaces Committee with the intent to commission major works of art every four years in alignment with the Public Art Policy. This information report is intended to result in a Request for Artistic Proposal to commission a major work of art in accordance with the intent of the Art in Public Spaces Committee Policy.

To assist in this process an email-survey and art consultation were held to identify key themes for public art. This process identified key areas of interest such as: **Diversity** (cross-generational and cross-cultural), **Relationship to Nature**, and **Agriculture Heritage** (wine, apples, food). This process also identified key areas such as **East End Gateway**, **Reservoir park**, and other areas included in the **Public Art Site Plan (attached)**.

The RFP process would be in 2 stages with Council a juried process by the Art in Public Spaces Committee (as per policy) in stage 2.

3) FINANCIAL IMPLICATIONS

The intent is to spend up to \$20,000 towards public art in either 2019/2020 or early 2020/2021 fiscal year from the Art in Public Spaces reserve fund, as planned and outlined in existing policy.

If this year (19/20), the issue will be brought to Council for approval. This will depend on timing moving forward.

4) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

The Public Art Policy requires a call for proposals every 4 years, which Staff are proceeding with. The existing Cultural Development Policy requires Staff to encourage development of culture within the Town of Wolfville, which is made more-possible by “leading by example” and commissioning art.

5) COMMUNICATION REQUIREMENTS

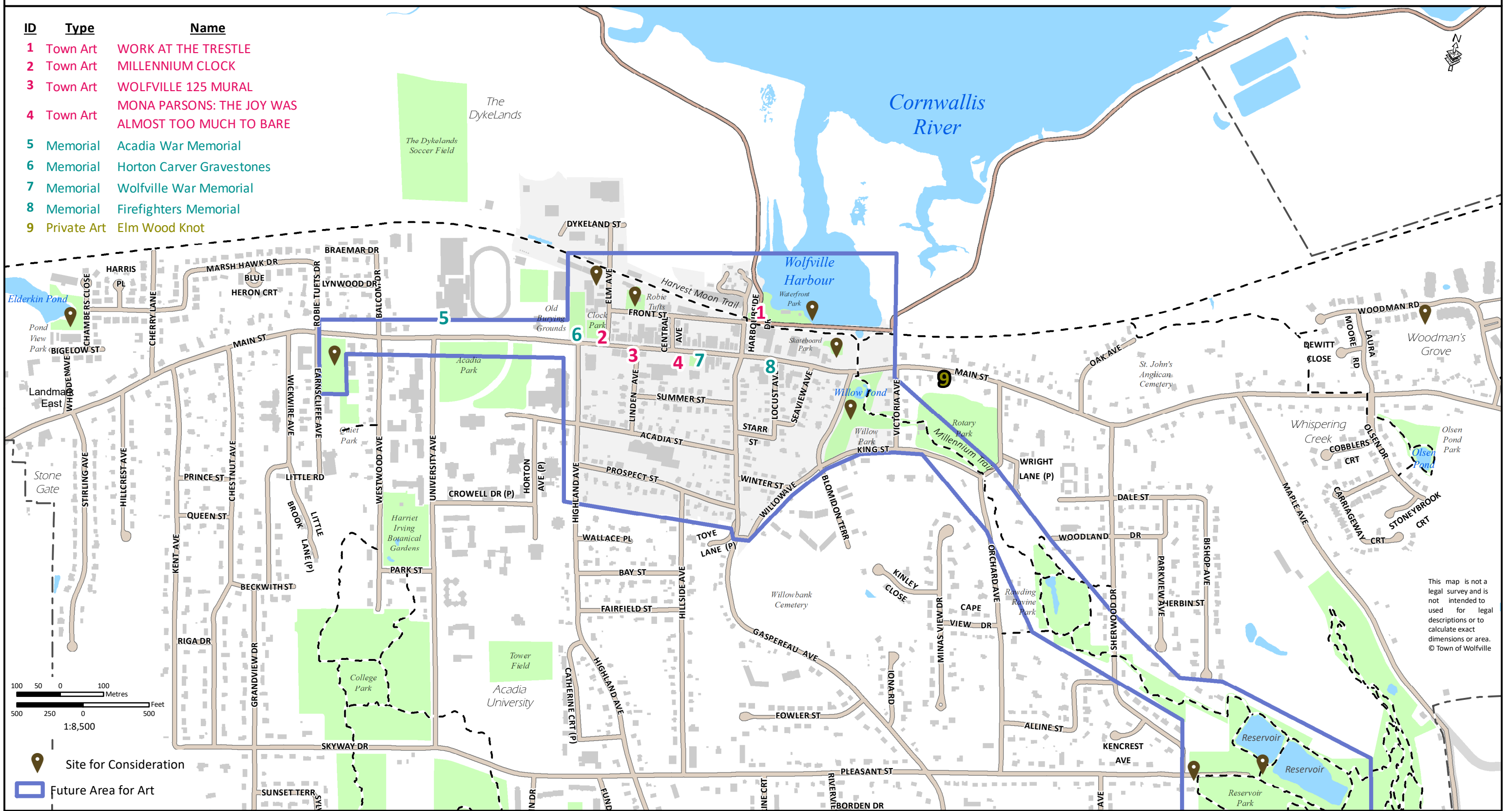
None at this time.

6) ALTERNATIVES

Direct Staff to take an alternate action.

DRAFT

ID	Type	Name
1	Town Art	WORK AT THE TRESTLE
2	Town Art	MILLENNIUM CLOCK
3	Town Art	WOLFVILLE 125 MURAL
4	Town Art	MONA PARSONS: THE JOY WAS ALMOST TOO MUCH TO BARE
5	Memorial	Acadia War Memorial
6	Memorial	Horton Carver Gravestones
7	Memorial	Wolfville War Memorial
8	Memorial	Firefighters Memorial
9	Private Art	Elm Wood Knot



This map is not a legal survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area.
© Town of Wolfville

COMMITTEE UPDATE

Title: Planning Advisory Committee
Date: May 16, 2019
Department: Planning & Development



UPDATE

The Planning Advisory Committee met on May 16, 2019. Two items were considered:

1. **Bill 58** – MGA changes for mandatory planning with minimum planning requirements
 - Background documents from the NS Department of Municipal Affairs are attached.
 - Staff requested a presentation to PAC from the department of Municipal Affairs - presentation is attached and provides additional context and background.
 - The proposed amendments have very little impact on the Town of Wolfville given we have a comprehensive MPS and LUB already in place.
 - The primary change that Staff will be looking at is the requirement for engagement with neighbouring municipalities (see slide 10 in attached presentation). An engagement program will be integrated into the ongoing plan review for Council's review.
 - Discussion with PAC primarily focused on this.
 - Feedback is being taken until June 28, 2019. Council is welcomed to provide feedback to Staff who can pass on to the Provincial Director of Planning at Municipal Affairs.

2. **6 Prospect Street** – Development Agreement application

The PAC considered a development agreement application for 6 units on 2 properties at 6 Prospect Street. RFD 032-2019. A positive recommendation was provided to Council with the concerns outlined by the PAC outlined in the request for decision.

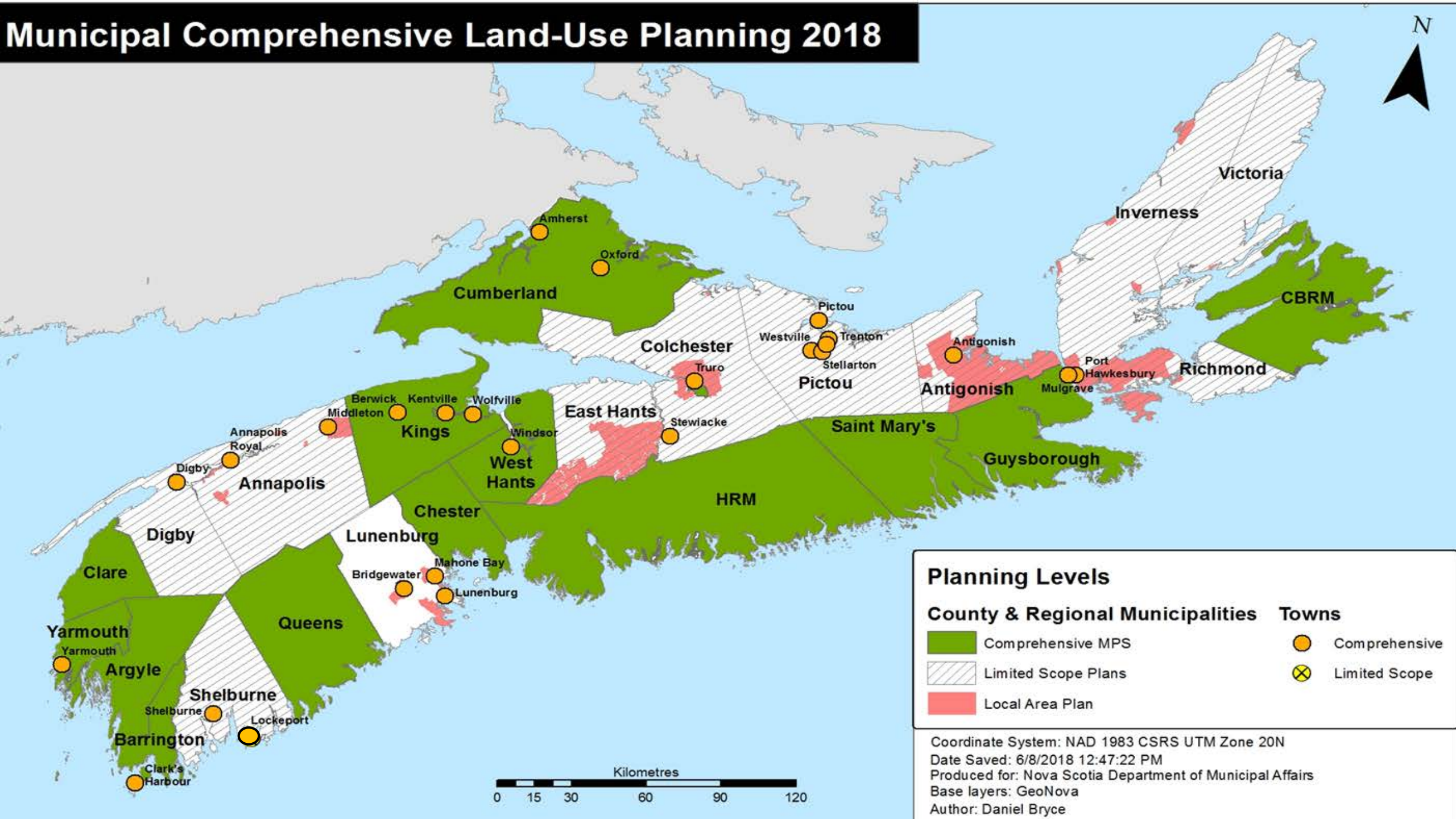
*Municipal Government Act &
Halifax Regional Municipal Charter -*
**Mandatory Planning with
Minimum Planning Requirements**

MAY 2019

Intent and Rationale for Change

- Previously...
 - Planning was voluntary.
 - Statements of Provincial Interest were not being applied across the province.
 - No content requirements for plans.
 - Nova Scotia had the most permissive planning regime of all provinces.

Municipal Comprehensive Land-Use Planning 2018



Municipal Calls for Change



- 2012 Towns Task Force recommendations
- 2015 calls for amendments – MGA review
- 2016 Partnership Framework (Prov/NSFM)
- 2017 Statement of Municipal Concern (NSFM)
- 2018 Re-signed Partnership Framework (Prov/NSFM)

Overall revision process to date

- Summer 2018 – regional municipal/stakeholder engagement
- Fall 2018 – Bill 58 passed (not proclaimed)
- Winter 2018/2019 – focused engagement/survey
- Spring 2019 – Draft Regulations distributed for consultation

Bill 58 (MGA & HRM Charter amendments)

- Municipality must have MPS(s)/LUB(s) - entire area
- MPS/LUB must meet minimum requirements and all SPI which will be part of the review by the Director of Planning
- MPS/LUB adoption/amendment requires policy on engagement with abutting municipalities

Implications for existing municipal plans

- Minimum plan content requirements:
 - Comprehensive / Local Area Plans
 - Pre MGA/SPI (1999) – some updating likely required
 - Post MGA/SPI (1999) – likely OK
 - Limited Scope Plans / No MPS
 - Adopt new MPS/LUB consistent with new requirements
- Engagement Policy - abutting municipalities
 - All municipalities must adopt



Mandatory MPS content

- Background and contextual information
- Generalized Future Land Use Map (GFLUM)
- Policy statements – major land use categories
 - residential, commercial, institutional, recreation & open space, resource use (where applicable)

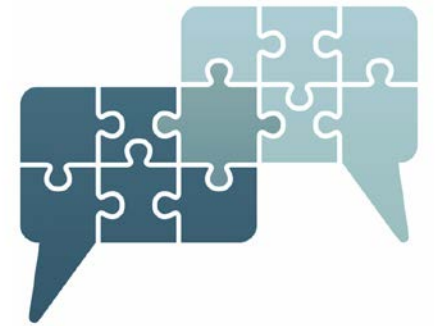


Discretionary MPS content

- studies prior to development
 - planning tools
 - the natural environment
 - social aspects
 - economic development
 - financial matters
 - additional engagement policies
- 
- infrastructure
 - culture and heritage
 - other general matters

Engagement Program Requirements (MPS adopted/amended)

- Council solicits comments - abutting municipalities
- Engagement must deal with SPI
- Provide means for council to consider comments
- Engagement complete before first notice of public hearing
- It is at Council's discretion to determine the area(s) and topics that are covered beyond the mandatory components of the SPI.



Planning documents mandatory review

- Within 10 years of the later of:
 - MPS adoption (post regulations)
 - MPS last review (post regulations)
 - Regulation's effective date



next steps



- DMA gathers feedback – municipalities & associations
- Review feedback & finalize the regulations
- Work with Minister to have legislation proclaimed & regulations declared (expected summer/fall 2019)
- Municipalities are given time period to implement (anticipate 3 yrs)

Questions



Thank you!

Alan Howell

Alan.Howell@novascotia.ca
(902) 483-3746

Bill 58 (MGA & HRM Charter amendments)

14

214A (1) Where a municipal planning strategy **does not fulfill the minimum planning requirements**, the Minister may request that the council, within the time prescribed by the Minister, amend the municipal planning strategy to fulfill, or adopt a new municipal planning strategy that fulfills, the minimum planning requirements.

(2) Where a council does not comply with a request pursuant to subsection (1), the Minister may, by order, **establish an interim planning area** for an area prescribed by the Minister.

214B (1) Within an interim planning area established under Section 198 or 214A, subdivision, development or certain classes of subdivision or **development may be regulated or prohibited**, in whole or in part, to protect the provincial interest or give effect to the minimum planning requirements.

(2) **No permit or approval of any kind may be issued** that is contrary to an order establishing an interim planning area or an order regulating or prohibiting subdivision or development in the interim planning area.

(3) The Minister **may withhold any grant or other funding otherwise payable to a municipality under any enactment or agreement** while an order establishing an interim planning area within the municipality is in effect.

Bill 58 (MGA & HRM Charter amendments)

15

(4) The Minister may make regulations

(a) prescribing matters in respect of which the inclusion of statements of policy in a municipal planning strategy is either mandatory or discretionary, which may include matters respecting

- (i) public health and safety,
- (ii) the protection of the natural environment,
- (iii) the protection of resource lands,
- (iv) the identification, preservation and protection of landscape features,
- (v) the division of land into zones and the permitted and prohibited uses for each zone,
- (vi) infrastructure,
- (vii) transportation services and networks,
- (viii) the subdivision of land,
- (ix) matters of a local nature,
- (x) the land-use by-law that implements the municipal planning strategy,
- (xi) the physical, economic and social environment of the municipality, and
- (xii) procedures, not inconsistent with the public participation program established under Section 204, to be followed when amending or reviewing the municipal planning strategy, including procedures for public consultation and notice;

Bill 58 (MGA & HRM Charter amendments)

16

212 (1) A council shall adopt one or more municipal planning strategies in accordance with the requirements of this Section.

(2) There may be separate municipal planning strategies for different parts of the municipality.

(3) All land within a municipality must be the subject of a municipal planning strategy.

(4) A municipal planning strategy must

- (a) be reasonably consistent with every statement of provincial interest; and
- (b) fulfill the minimum planning requirements.

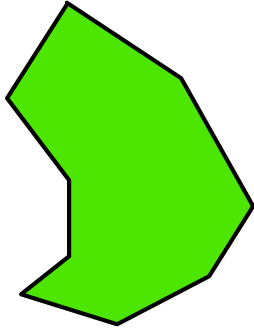
Caveats



- Draft regulations as distributed have not received legal wording
- Draft regulations reflect intent and are not final at this stage

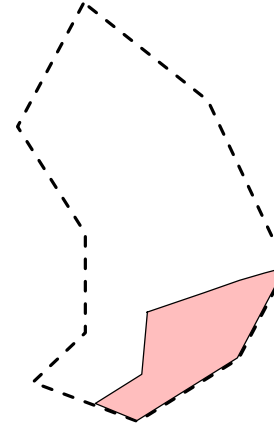
Definitions of Comprehensiveness

Comprehensive (52% of area of Province)



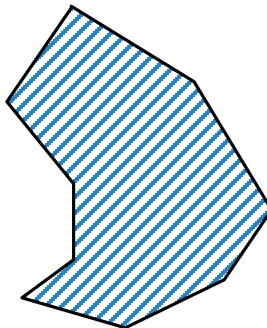
A comprehensive Municipal Planning Strategy is one that covers the entire geographic area of the municipality and address all major topics concerning development, for example: residential, commercial, industrial, recreational, environmental, social and economic. If created after 1998, it is "reasonably consistent" with the Statements of Provincial Interest.

Local Area (5% of area of Province)



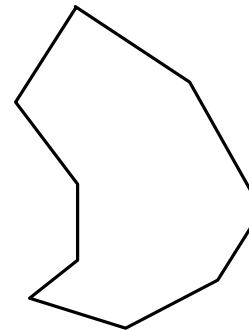
A local area Municipal Planning Strategy is limited to a portion of the municipality and can range from comprehensive to limited scope in terms of content. May or may not address the Statements of Provincial Interest.

Limited Scope (40% of area of Province)



A limited scope Municipal Planning Strategy only deals with one or a few specific land-use issues such as wind turbines, drinking water protection and is predominantly found in rural areas. Does not address all Statements of Provincial Interest.

No MPS (3% of area of Province)



Means that there is no Municipal Planning Strategy for that geographic area and there are no development controls beyond subdivision. Does not address Statements of Provincial Interest. One municipality in Nova Scotia has no planning over most of its land.



Department of Municipal Affairs

Floor 14 North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

Bus: 902.424.7918
Fax: 902.424.0821
E-mail: Gordon.Smith@novascotia.ca

April 26, 2019

Dear Mayors & Wardens, CAOs & Clerks:

Following the commitments made by the Department during engagement sessions held in December 2018 and January 2019, the Department of Municipal Affairs is seeking your municipality's input to help shape regulations related to Bill 58.

Bill 58 was passed last Fall on October 1, 2018, and it amends the *Municipal Government Act* and the *Halifax Regional Municipality Charter*. This request for input is the latest step in municipal engagement relating to legislative and regulatory changes establishing a framework for mandatory planning, minimum planning requirements, and engagement with abutting municipalities.

The move towards mandatory minimum planning in Nova Scotia is in response to numerous calls from municipal governments in recent years, including in a Statement of Municipal Concern from the Nova Scotia Federation of Municipalities, as well as input from over a dozen municipalities during the input process of the *Municipal Government Act* review.

Municipal land use planning documents take the form of a Municipal Planning Strategy and Land Use By-law. A Municipal Planning Strategy's purpose is to provide statements of policy to guide the development and management of the municipality. This policy is implemented through a municipality's Land Use By-law.

It is by way of the *Municipal Government Act's* [sections 212 to 214, 217, 219 and 220](#) that the intent and contents of a Municipal Planning Strategy and Land Use By-law are authorized. [Bill 58](#) amends some of these and other clauses to establish the framework for requirements related to planning for all areas within your municipality, the contents of your planning documents, and the need to establish a policy for engaging with abutting municipalities on planning related matters where necessary. The regulations will provide additional detail on these requirements

Feedback received during the sessions last December and January have helped to shape the enclosed draft regulations, which are provided for a more detailed review and comment by your municipality. Please note that the documents provided are a plain language draft of the proposed regulations. Edits will be made based on the responses received and while the aim will be to maintain the intent of the regulations, changes in wording may be required to reflect legislative requirements.

It is anticipated, once Bill 58 is proclaimed and the regulations are declared, that the Minister of Municipal Affairs will provide three (3) years for municipalities to come into compliance with these new requirements.

Please provide your input to the Department of Municipal Affairs by June 28, 2019.

Should you have any questions, please feel free to contact me. During my absence from the office from April 29 to May 10, 2019, you may connect with Andrew Paton, Senior Planner, who will be Acting Director during this time. Andrew can be reached at andrew.paton@novascotia.ca or (902) 424-7492. Alternatively, you may contact your Municipal Advisor.

We look forward to hearing from you.

Yours truly,



Gordon Smith
Provincial Director of Planning

c: Janice Wentzell, Executive Director, AMANS
Juanita Spencer, CEO, NSFM
Mark Peck, Executive Director, Policy, Planning & Advisory Services, DMA
Andrew Paton, Senior Planner, DMA
Ron Dauphinee, A/Director of Governance & Advisory Services, DMA
Ahmad Shahwan, Municipal Advisor, DMA
Jason Haughn, Municipal Advisor, DMA

Encl.
/kz

**Regulations Respecting Statements of Policy in Municipal Planning Strategies
made by the Minister of Municipal Affairs under Subsection 214(4)
of Chapter 18 of the Acts of 1998,
the *Municipal Government Act***

Citation

1 These regulations may be cited as the *Minimum Planning Regulations*.

Definitions

2 In these regulations,

“Act” means the *Municipal Government Act*,

“Generalized Future Land Use Map” means a map of the lands within a municipality that depicts the intended uses of the lands as contemplated by a municipal planning strategy; and

“Review” with respect to a municipal planning strategy, means a consideration of the content of a municipal planning strategy by a municipality to determine if it should be amended or replaced to ensure that it is reasonably consistent with every statement of provincial interest, fulfills the minimum planning requirements, and reflects the current situation within the municipality.

Municipal planning strategy mandatory content

- 3 (1)** In addition to the requirements prescribed in the Act [Charter], a municipal planning strategy must contain:
- (a) a discussion of the background and contextual information that informed the goals and objectives of the municipal planning strategy; and
 - (b) a Generalized Future Land Use Map.
 - (c) statements of policy with respect to the lands subject to a municipal planning strategy in relation to:
 - (i) residential uses,
 - (ii) commercial and industrial uses,
 - (iii) institutional uses,
 - (iv) recreational facilities and public open spaces,
 - (v) where applicable, resource uses.

Planning document review

4 A municipal planning strategy and its implementing land use by-law must be reviewed within 10 years of the later of its adoption or its last review, or the effective date of these regulations, as the case may be.

Discretionary statements of policy

5 Unless these matters are subject to another enactment of the Province, municipalities may include statements of policy in their municipal planning strategy on land use relating to any of the following:

- (a) In relation to development
 - (i) studies to be carried out before undertaking specified developments or developments in specified areas, and
 - (ii) the use, content, development and administration of planning tools, including:
 - (A) development agreements,
 - (B) expanded variance authority,
 - (C) site-plan approval areas,
 - (D) the acceptance and use of cash-in-lieu of required parking,
 - (E) the establishment of comprehensive development districts,
 - (F) the staging of development,
 - (G) the subdivision of land,
 - (H) non-conforming uses and structures,
 - (I) density bonusing;
- (b) In relation to the natural environment
 - (i) climate change,
 - (ii) the protection of the natural environment,
 - (iii) the protection of the coast,
 - (iv) protection of water supplies,
 - (v) the identification, preservation and protection of landscape features,
 - (vi) stormwater management and erosion control,
 - (vii) the excavation or filling in of land, the placement of fill or the removal of soil, and
 - (viii) the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- (c) In relation to social aspects
 - (i) the means by which to incorporate the consideration of social issues into decision making,
 - (ii) the promotion of social well-being,

- (iii) housing opportunities for a range of social and economic needs and promote aging in place,
 - (iv) promotion of community food security,
 - (v) accessibility standards to help prevent and remove barriers that disable people,
 - (vi) walkability, and
 - (vii) healthy built environments;
- (d) In relation to economic development,
- (i) the establishment of comprehensive development districts,
 - (ii) the protection and use of resource lands,
 - (iii) home occupations and home-based businesses;
- (e) In relation to financial matters
- (i) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the municipality, and
 - (ii) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 71C(1) of the Act [subsection 92C(1) of the Charter], within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (f) In relation to engagement
- (i) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies, and
 - (ii) policy on engaging with provincial and federal departments, first nations and non-adjacent municipalities;
- (g) In relation to infrastructure
- (i) the provision of municipal services and facilities,
 - (ii) the use of infrastructure charges,

- (iii) the generation, use, and conservation of energy, and
 - (iv) transportation services and networks including the establishment of transportation reserves;
- (h) In relation to culture and heritage
- (i) heritage property protection and heritage buildings, and
 - (ii) sites of historical or archeological interest;
- (i) In relation to general matters
- (i) public health and safety,
 - (ii) significant features including mapping of same, and
 - (iii) any other land use matter relating to the physical, economic or social environment of the municipality.

**Regulations Respecting an Engagement Program
made by the Minister of Municipal Affairs under Section 204A
of Chapter 18 of the Acts of 1998,
the *Municipal Government Act***

Citation

1 These regulations may be cited as the *Engagement Program Regulations*.

Mandatory content of an engagement program

- 2** An engagement program adopted by a council under subsection 204A(1) of the Act shall:
- (a) contain a requirement that council solicit comments from abutting municipalities concerning the proposed adoption or amendment of a municipal planning strategy;
 - (b) ensure engagement deals with topics associated with the Statements of Provincial Interest;
 - (c) provide a means by which council considers any comments received from abutting municipalities in response to a solicitation under clause (a); and
 - (d) provide that engagement with abutting municipalities be complete before the first notice for a public hearing at which the adoption or amendment of a municipal planning strategy will be considered.

Permissive content of an engagement program

3 An engagement program adopted by council under subsection 204A(1) of the Act may provide that engagement with an abutting municipality be limited to the geographical area or areas or topics that are likely to be impacted by the adoption or amendment of the municipal planning strategy in question.

REQUEST FOR DECISION 032-2019

Title: 6 Prospect Development Agreement

Date: 2019-06-04

Department: Planning and Development



SUMMARY

The applicant is seeking a development agreement to allow a six-unit building, with three units on lot PID # 55354138 and three units on PID # 55273643, located at 6 Prospect St. For elevations of the proposed building, see Page 3 of Staff report titled “Development Agreement Proposal – 6 Prospect” dated May 16, 2019. The lot currently contains a single-unit dwelling fronting on Prospect Street and a greenspace north of the dwelling.

Motion from PAC

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT AT 6 PROSPECT STREET (PID #55354138 & PID #55273643).

CARRIED

DRAFT MOTION:

THAT COMMITTEE OF THE WHOLE FORWARD THE DRAFT DEVELOPMENT AGREEMENT FOR 6 PROSPECT STREET (PID #55354138 & PID #55273643) TO A PUBLIC HEARING PENDING AN ENGINEERED PLAN BEING SUBMITTED TO STAFF TO RECONCILE SITE GRADES, ACCESS AND PARKING AREAS.

REQUEST FOR DECISION 032-2019

Title: 6 Prospect Development Agreement

Date: 2019-06-04

Department: Planning and Development



1) CAO COMMENTS

A Development Agreement is a contract between the Town and a Developer. It will be important to have details finalized to ensure contractual obligations are carried out as per the plans approved by Council.

2) LEGISLATIVE AUTHORITY

See Staff report titled “Development Agreement Proposal – 6 Prospect” dated May 16, 2019 (attached).

3) STAFF RECOMMENDATION

As above. Staff are suggesting that an engineered site plan, that reconciles the grade change, access, and parking be provided to Staff for review before a Public Hearing is scheduled.

4) REFERENCES AND ATTACHMENTS

- (a) Staff report titled “Development Agreement Proposal – 6 Prospect” dated May 16, 2019.

5) DISCUSSION

The applicant is seeking a development agreement to allow a six-unit building, with three units on lot PID # 55354138 and three units on PID # 55273643, located at 6 Prospect St. Detailed policy review can be found in the attached staff report.

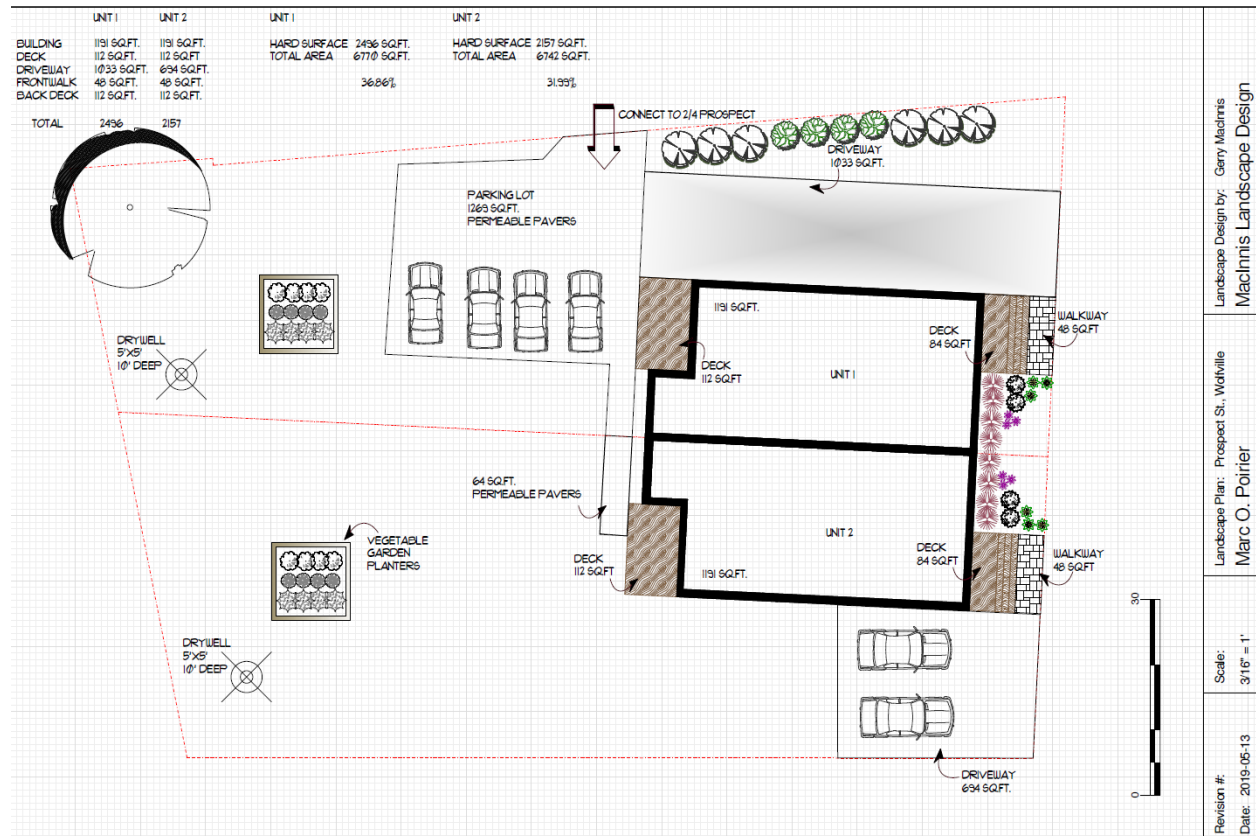
The updated site plan noted in the PAC report is included below. This is the site layout considered by the PAC. It should be noted the lack of grading/topographic information and how the overall site layout could be altered when this is taken into account.

REQUEST FOR DECISION 032-2019

Title: 6 Prospect Development Agreement

Date: 2019-06-04

Department: Planning and Development



Planning Advisory Committee discussion focused on the following issues:

- Design Review Committee recommendations
- Stormwater management and the use of drywells
- Site grading and access
- Parking locations given the existing grade change on the site
- Access to the street and safety concerns for sidewalk users
- Shared parking arrangement with 2/4 Prospect and Accessibility issues
- Accessible unit (Applicant is looking to put in at least 1 Accessible Unit at the rear ground level)
- Fire safety from rear units on 3rd floor

6) FINANCIAL IMPLICATIONS

If approved this proposal will offer dwelling units with a substantially reduced environmental impact, increase the number of dwelling units at a time of increasing 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.

REQUEST FOR DECISION 032-2019

Title: 6 Prospect Development Agreement

Date: 2019-06-04

Department: Planning and Development



7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See Staff report (attached) titled “Development Agreement Proposal – 6 Prospect” dated May 16, 2019.

8) COMMUNICATION REQUIREMENTS

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

9) ALTERNATIVES

Alternatives to the above recommendation may include:

- a. Recommending an alternative site layout, subject to specific conditions.
- b. Recommending specific changes to comply with policy and that another review by the Planning Advisory Committee take place.

REQUEST FOR DECISION 032-2019

Title: 6 Prospect Development Agreement

Date: 2019-06-04

Department: Planning and Development



ATTACHMENTS

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



APPLICANT	Marc Poirier
PROPOSAL	To allow a six-unit building, with three units on lot PID # 55354138 and three units on PID # 55273643, located at 6 Prospect St., Wolfville.
LOCATION	6 Prospect St. (PID # 55354138 and PID # 55273643)
LOT SIZE	The total lot size is 1,246 Sq Meters (13,416 Sq Feet)
DESIGNATION	Medium Density Residential (MDR)
ZONE	Medium Density Residential (R-2/4)
ARCHITECTURAL CONTROL AREA	Prospect Street
SURROUNDING USES	Multi-unit residential buildings, single unit residential buildings.
NEIGHBOUR NOTIFICATION	Newspaper ads and notices mailed to surrounding property owners within 100 metres for the Public Information Meeting. A sign will be placed on property to provide notification of the DA being considered. Emails sent to interested parties in advance of the Planning Advisory Committee Meeting. Additional mailings will be provided for the Public Hearing.

PROPERTY LOCATION

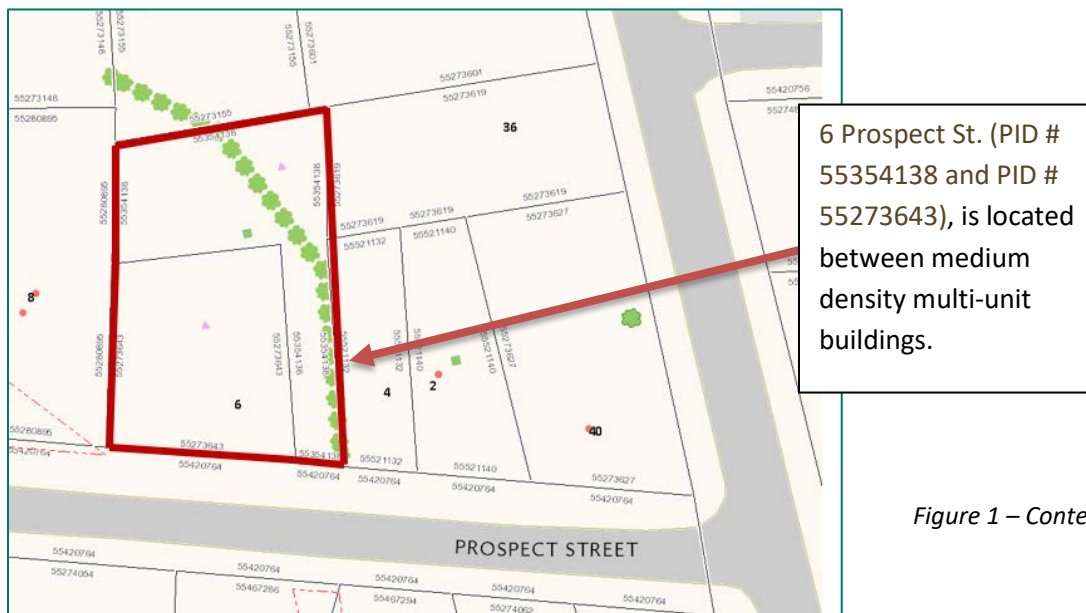


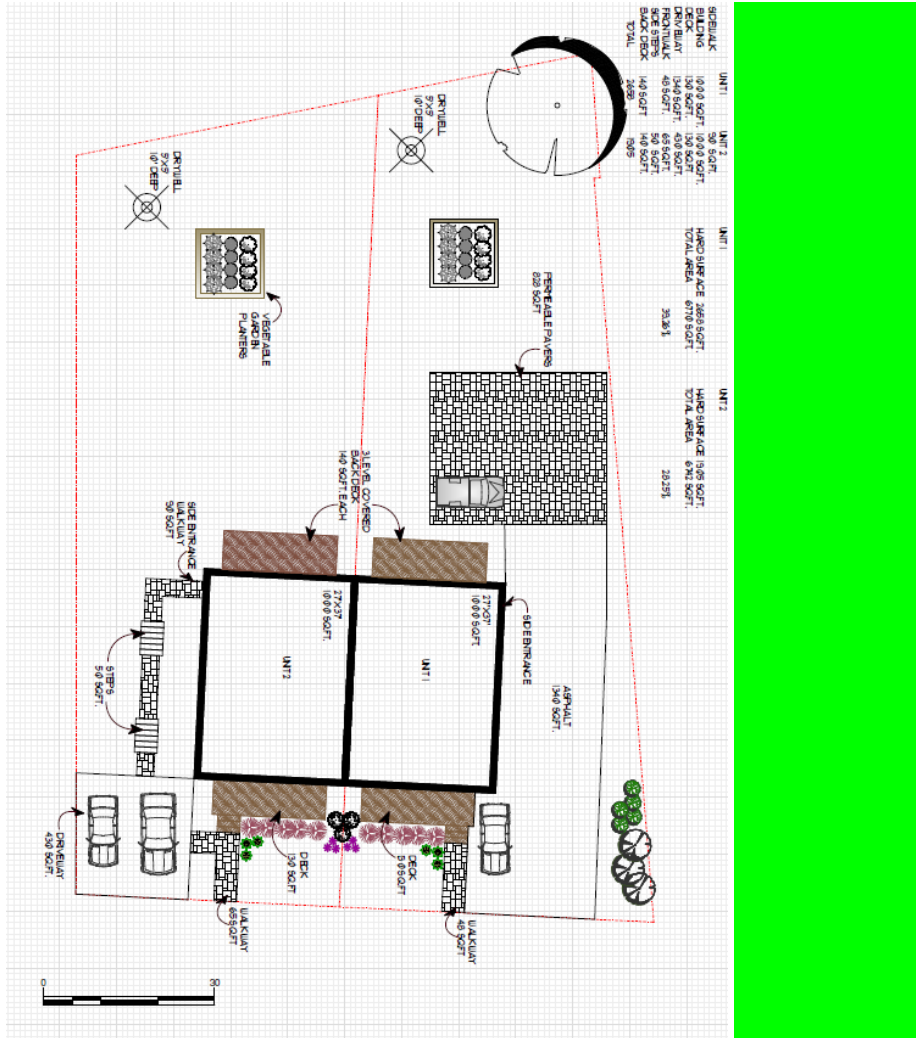
Figure 1 – Context Map



PROPOSAL

The applicant proposes a six-unit building, three units on lot PID # 55354138 and three units on PID # 55273643 pending property subdivision, located at 6 Prospect St., Wolfville.

LANDSCAPE AND SITE PLAN BEING REVISED AND WILL BE PROVIDED TO PAC BEFORE THE MAY 16, 2019 MEETING



TO BE UPDATED

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



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 (UARB) by an aggrieved person or by the Applicant.

This Staff report, to the Planning Advisory Committee, is the first formal-stage of this application. After the Planning Advisory Committee (PAC) reviews this report and provides a recommendation to Council (*Fig. 2*), Council will then provide Initial Consideration and will hold a Public Hearing prior to a decision. The Public Hearing would be scheduled following Initial Consideration.

A public information session was held for this application on October 30th. Notes from the meeting are attached as Attachment 5.

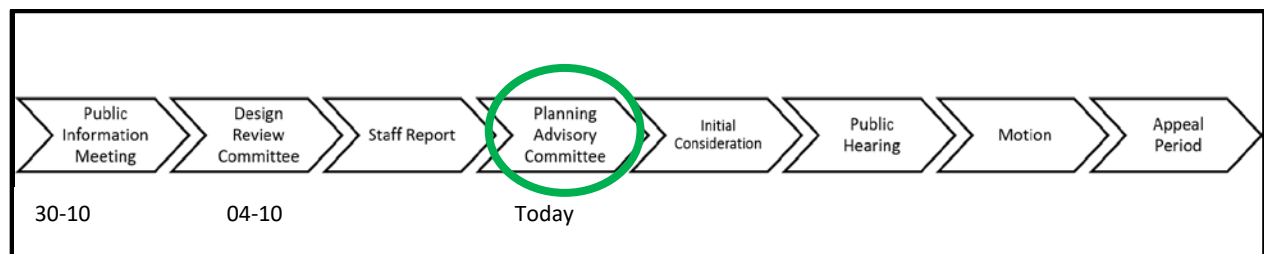


Figure 2: The Development Agreement Process for this proposal

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



POLICY REVIEW & DISCUSSION

A property zoned Medium Density Residential (R-2/4) with this type of proposal is to be considered only through the development agreement process, as per section 8.3 of the LUB and subject to Policies of the Medium Residential Designation (8.2.4 & 8.7.3), Architectural Heritage (12.1.4, 12.1.5, 12.1.7), Parking requirements (15.1.1) and Criteria for Development Agreements (18.6.1) within the MPS.

This section provides an analysis of relevant policies for this development proposal. Tables summarizing all policies of this development proposal are provided in **Attachment 1**.

MPS REVIEW

Municipal Planning Strategy – Part 5 – Objectives

Within the list of objectives outlined in Part 5 of the MPS, the objectives most relevant to the proposed development are 5.1.2, 5.1.9, 5.1.12 and 5.1.20. These objectives read as follows:

“5.1.2 to reduce our ecological footprint and dependence upon fossil fuels”

“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.”

“5.1.12 to encourage the preservation of the architectural and cultural heritage of the Town and minimize the impact of new development on this heritage.”

“5.1.20 to enhance and strengthen the downtown central commercial district of Wolfville as the focal point of commercial and community activity”

Municipal Planning Strategy (MPS) – Part 8 – Medium Density Residential

The MPS establishes when a development requires a development agreement. Within the Medium Density Residential zone (R-2/4) multi-unit dwellings may be approved by development agreement, in accordance with Policy 8.2.4, 8.7.3, 12.1.4, 12.1.5, 12.1.7, and 18.6.1:

PART 8: Medium Density Residential

MPS Policy 8.2.4 enables consideration of four unit dwellings for parcels zoned R-2/4. 8.7.3 outlines the criteria a proposal within a parcel zoned R-2/4 must meet.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



8.2.4 *to consider only by development agreement, in the areas zoned Medium Density Residential (R-2/4) proposals for:*

- *three and four unit dwellings in accordance with policy 8.7.3.*
- *institutional developments of a limited nature not related to either main or accessory University uses, in accordance with policy 8.7.1.*
- *Bed & Breakfasts in excess of 3 guestrooms and Inns, in accordance with policy 8.7.4.*
- *Bed & Breakfasts with a dormitory room that has an occupant load larger than four persons, in accordance with policy 8.7.4.*
- *Replacement of existing multi-unit dwellings in excess of four dwelling units in accordance with policy 18.6.1. This replacement structure shall not contain more dwelling units than existed prior to replacement.*

8.7.3 *to ensure the following criteria are met when council is considering proposals in Medium Density Residential (MDR) designations for three and four unit dwellings by development agreement:*

- (a) *the proposal provides a safe access and egress to the lot for the intended use;*
- (b) *the proposal provides a landscape plan prepared by a landscape architect or certified landscape designer and includes adequate landscaped buffers required to adequately separate parking areas from adjacent residential uses and to ensure a high landscape value is provided by the development.;*
- (c) *the proposal contains no more than a total of 8 bedrooms in a 3 unit dwelling and 10 bedrooms in a 4 unit dwelling;*
- (d) *the proposal provides space for leisure or recreation facilities;*
- (e) *development is in accordance with policy 18.6.1*

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



PART 12: Architectural Heritage

MPS Policy 12.1.4 requires that proposals meet architectural guidelines. 12.1.5 requires new buildings match neighborhood context and require review of the Design Review Checklist. 12.1.7 requires proposals for new main buildings within Architectural Control Areas to be by development agreement. For more information on Design, see comments from the Design Review Committee.

12.1.4 to require that all developments located within a designated Architectural Control Area be consistent with the design principles and guidelines contained in the appropriate Architectural Guidelines Manual.

12.1.5 to ensure that when considering development agreements the architectural character of any proposed new building, or the addition to or alteration of any building is visually compatible with the established architectural character of other buildings in the neighbourhood, in terms of height, bulk, scale, roof shape, materials, and relationships of windows and doors and architectural details. Require that the applicable Design Review checklist contained in the Architectural Guidelines Manuals be satisfactorily completed as part of the development agreement application.

12.1.7 to consider only by development agreement in the area designated as Downtown Architectural Control Area proposals for new main buildings in excess of 100 square metres, additions to existing buildings that constitute more than 25% of the building floor area of the existing building, and additions to registered heritage properties that constitute more than 10% of the building floor area of the existing heritage building in accordance with policy 18.6.1.

PART 15: Parking, Yard Requirements and Temporary Uses

MPS Policy 15.1.1 requires all development agreement proposals to include adequate parking

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.

PART 18: Implementation

Policy 18.6.1 of the MPS contains general policy for all development agreements, which focus on issues related to the preservation, servicing, and design of the proposed development.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Municipal Planning Strategy – Part 18 – Implementation

Policy 18.6.1 of the MPS contains general policy for all development agreements, which focus on issues related to the preservation, servicing, and design of the proposed development.

Discussion & Analysis: Criteria Met from Policy 18.6.1 of the MPS:

Issues identified by Town Staff during their review of the general criteria for all development agreements are listed below (Table C – Discussion of MPS Policy 18.6.1). A summary table for MPS Policy 18.6.1 with Staff comment to each criterion is provided in *Attachment 1*.

Table C – Discussion of MPS Policy 18.6.1	
Criterion	Discussion
1. Possible conflict with adjacent uses	<p>Section 18.6.1 (b) of the MPS states:</p> <p><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></p> <ul style="list-style-type: none"> <i>(i) The type and intensity of use;</i> <i>(ii) The height, mass or architectural design of proposed buildings; and</i> <i>(iii) hours of operation of the use; and</i> <i>(iv) outdoor lighting; and</i> <i>(v) noise, vibration or odour; and</i> <i>(vi) vehicle and pedestrian traffic; and</i> <i>(vii) alteration of land levels and/or drainage patterns; and</i> <i>(viii) deprivation of natural light”</i> <p>The proposed medium density residential dwellings are in accordance with the existing low and medium residential uses within the area.</p>
2. Water flows	<p>Section 18.6.1 (b) of the MPS states:</p> <p><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></p> <ul style="list-style-type: none"> <i>(ix) The type and intensity of use;</i> <i>(x) The height, mass or architectural design of proposed buildings; and</i> <i>(xi) hours of operation of the use; and</i> <i>(xii) outdoor lighting; and</i> <i>(xiii) noise, vibration or odour; and</i> <i>(xiv) vehicle and pedestrian traffic; and</i> <i>(xv) alteration of land levels and/or drainage patterns; and</i> <i>(xvi) deprivation of natural light”</i> <p>Drainage shall be altered to reduce groundwater flow with the introduction of drywells. Public Works shall review.</p>

Staff believe the proposed development agreement 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*.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



REVIEW FROM OTHER DEPARTMENTS

Town Engineer/Public Works to Review.

PUBLIC INFORMATION MEETING

The Public Information Meeting revealed resident concerns about existing overland water flows, concerns around neighborhood change and increasing density along Prospect and within Wolfville over the past 20 years and the anxiety of having new, and more, neighbors. The applicant spoke to his history of property management along Prospect Street, including at 6 Prospect, and his relationships with existing neighbors. For more details see attachment 1, notes from the Public Information Meeting

DESIGN REVIEW COMMITTEE

Design Review Committee reviewed this application on Wednesday, April 10, and identified several areas for improvement: bringing the building to the street-edge, ensuring all parking is located behind the building and visually screened from the street, and alterations to the porch/balcony to make the building more consistent with the immediate neighbor. Staff are working with the applicant to incorporate these applications.

SUMMARY OF DRAFT DEVELOPMENT AGREEMENT PROVISIONS

The Draft Development Agreement, as attached (*Attachment 2*), includes:

- Enabling a 6-unit building, subject to subdivision
- Requirement of an access easement for parking area in case of future sale of a single-parcel
- Landscape Plan, including greenspace requirements
- Water retention requirements

COMMENTS & CONCLUSIONS

The existing use of the property at 6 Prospect Street, over two parcels, is a single dwelling-unit. The development agreement application proposes to construct six-dwelling units, divided three on each parcel, within an R-2/4 zone.

This development shall increase activity in the area as intended by the existing municipal planning strategy. This development contributes to neighborhood change. The existing Municipal Planning Strategy recognises conflicts may arise over changing neighbourhood characteristics and lists policies which must be considered to balance concerns of individuals with the concerns of the Town's long-term sustainability in terms of environmental, social, and economic issues.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Staff believe that this development will contribute to further density and foot traffic in the area, as intended as in the Municipal Planning Strategy for areas zoned R-2/4 as a step towards a more-dense, environmentally and economically sustainable future. Density also increases the chance for cultural exchange and integrated communities through increased chances of social-collisions. To ensure Architectural consistency with guidelines and a pedestrian-oriented street experience, Staff continue to work with the Applicant. It is Staff's opinion that this proposed Development Agreement meets the intent of the Municipal Planning Strategy and is consistent with relevant policies of the MPS, and that it should be approved subject to finalizing Site Plan and Architectural details.

STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Draft Development Agreement located at 6 Prospect St., Wolfville, PID # 55354138 and PID # 55273643, subject to finalizing Site Plan and Architectural details, and that the attached Draft Amending Development Agreement be forwarded to Council for Initial Consideration before a Public Hearing is held.

ATTACHMENTS

1. Relevant Policy – Summary Tables
2. Public Information Meeting Notes
3. Existing Context
4. Draft Development Agreement

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Attachment 1. Relevant Policy – Summary Tables

Policy 8.7.3 of the MPS states that: *to ensure the following criteria are met when council is considering proposals for premises licensed under the Liquor Control Act as lounges or any additions or expansions of existing lounges by development agreement.*

The following table provides Staff comment on the identified policy criteria.

Criteria from MPS Policy	Staff Comment
<i>(a) the proposal provides a safe access and egress to the lot for the intended use</i>	<ul style="list-style-type: none">• The access and egress to the building is adequate.
<i>(b) the proposal provides a landscape plan prepared by a landscape architect or certified landscape designer and includes adequate landscaped buffers required to adequately separate parkings areas from adjacent residential uses and to ensure a high landscape value is provided by the development</i>	<ul style="list-style-type: none">• See attachment 4 for a Draft Development Agreement for a Landscape Plan composed by a certified landscape architect.
<i>(c) the proposal contains no more than 8 bedrooms in a three unit dwelling or 10 in a four unit dwelling</i>	<ul style="list-style-type: none">• The proposal contains no more than 8 bedrooms within each three-unit dwelling.
<i>(d) the proposal provides space for leisure and recreation facilities</i>	<ul style="list-style-type: none">• Greenspace and recreation areas, including community gardens, are part of the application.
<i>(e) development is in accordance with policy 18.6.1</i>	<ul style="list-style-type: none">• See policy 18.6.1 analysis below.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Policy 18.6.1 of the MPS establishes the general implementation policies that Council shall consider for all development agreements. In part of reviewing for this section, Staff may have contacted other departments or outside agencies to seek specific information.

The following table provides Staff comment on the identified policy:

General Development Agreement Policies of the MPS (Section 18.6.1)	Staff Comment
<i>(a) 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 is consistent with the intent of the MPS.
<i>(b) 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>	<ul style="list-style-type: none"> The proposed medium density residential dwellings are in accordance with the existing low and medium residential uses within the area.
<i>i) the type and intensity of use</i>	<ul style="list-style-type: none"> The intensity of use on the site shall increase as intended by the Municipal Planning Strategy for properties within the Medium Density Residential (R-2/4) zone
<i>ii) the height, mass or architectural design of proposed buildings</i>	<ul style="list-style-type: none"> Design Review Committee commented that the building is better suited to bring located on the street edge, with alterations to the porch to make it more consistent with neighboring properties, and that parking should be to the rear of the building and screened from the street.
<i>iii) hours of operation of the use</i>	<ul style="list-style-type: none"> No issue
<i>iv) outdoor lighting</i>	<ul style="list-style-type: none"> Outdoor lighting shall be provided to ensure safe pedestrian access and egress to the front and rear of the building, and all exterior lights shall point towards the ground.
<i>v) noise, vibration, or odour</i>	<ul style="list-style-type: none"> No issue
<i>vi) vehicles and pedestrian traffic</i>	<ul style="list-style-type: none"> No issue
<i>vii) alteration of land levels/or drainage patterns</i>	<ul style="list-style-type: none"> Drainage shall be altered to reduce groundwater flow with the introduction of drywells as shown on a Landscape Plan. Public Works to Review.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



<i>viii) deprivation of natural light</i>	<ul style="list-style-type: none"> • No issue
(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"> • No issue
<i>ii) water systems</i>	<ul style="list-style-type: none"> • No issue
<i>iii) schools</i>	<ul style="list-style-type: none"> • No issue
<i>iv) recreation and community facilities</i>	<ul style="list-style-type: none"> • No issue
<i>v) fire and police protection</i>	<ul style="list-style-type: none"> • No issue
<i>vi) street and walkway networks</i>	<ul style="list-style-type: none"> • No issue
<i>vii) solid waste collection and disposal systems</i>	<ul style="list-style-type: none"> • No issue
(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 issue
<i>ii) erosion or sedimentation</i>	<ul style="list-style-type: none"> • No issue
<i>iii) interference with natural drainage systems</i>	<ul style="list-style-type: none"> • No issue
<i>iv) flooding</i>	<ul style="list-style-type: none"> • No issue
(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 issue
<i>ii) public access to shorelines, parks and public and community facilities</i>	<ul style="list-style-type: none"> • No issue
<i>iii) important and significant cultural features, natural land features and vegetation</i>	<ul style="list-style-type: none"> • No issue

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



<p>(g) to ensure that the proposed site and building design provides the following:</p>	
<p>i) useable active transportation networks that contribute to existing active transportation links throughout the community</p>	<ul style="list-style-type: none"> • Proposal is immediately adjacent to Sidewalks
<p>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</p>	<ul style="list-style-type: none"> • No issue
<p>iii) facilities for the safe movement of pedestrians and cyclists</p>	<ul style="list-style-type: none"> • No issue
<p>iv) adequate landscaping features such as trees, shrubs, hedges, fences, flower beds and lawns to successfully integrate the new development into the surrounding area</p>	<ul style="list-style-type: none"> • No issue
<p>v) screening of utilitarian elements, such as but not limited to; mechanical and electrical equipment, and garbage storage bins</p>	<ul style="list-style-type: none"> • No issue
<p>vi) safe access for emergency vehicles</p>	<ul style="list-style-type: none"> • No issue
<p>vii)adequate separation from, and consideration of, public and private utility corridors to ensure their continued safe and functional operation</p>	<ul style="list-style-type: none"> • No issue
<p>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</p>	<ul style="list-style-type: none"> • See 18.6.1 (b) ii)

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



<p><i>compatible with surrounding buildings in the case of a new building or with the existing building in the case of an addition</i></p>	
<p><i>ix) useable outdoor amenity space for use of residents in a residential development</i></p>	<ul style="list-style-type: none"> • Outdoor amenity space provided. See landscape plan, included in Attachment 4, Draft Development Agreement.
<p><i>x) accessible facilities for the storage and collection of solid waste materials</i></p>	<ul style="list-style-type: none"> • No issue
<p><i>xi) appropriate consideration for energy conservation</i></p>	<ul style="list-style-type: none"> • No issue
<p><i>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</i></p>	<ul style="list-style-type: none"> • No issue
<p>(h) <i>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 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</i></p>	<ul style="list-style-type: none"> • No issue

Policy 18.6.2 establishes which conditions may be subject to restriction in the development agreement. The conditions are limited to those listed, and to the specific policies guiding the development.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & 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 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. 	<ul style="list-style-type: none"> • The Draft Amending Development Agreement includes terms and conditions in relation to altered use, item 18.6.2 (l). • No other items are altered from the existing Development Agreement

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Attachment 2. Public Information Meeting Notes

**Public Information Meeting
6.30 PM – Council Chambers
Development Agreement Proposal
6 Prospect Street & Rear Lot**

Attending

Staff: Planner Jeremy Banks & Assistant Development Officer James Collicutt

Applicant: Marc Poirier

14 Members of the Public

Planner Jeremy Banks began the meeting with a PowerPoint presentation that provided an overview of the proposal to construct 6 residential dwelling units within a new building spanning two parcels on Prospect Street. The relevant background information, applicable policies, land use considerations, architectural guidelines and process were reviewed as they relate to the proposal before Mr. Banks turned to the public for their input.

Public Comments & Questions

Gordon Haliburton, 36 Gaspereau Ave:

- This part of Town was very much a family area when they bought their home and they are concerned that a 3-storey building would hinder their view of the greenery; however, the recent change in design is an improvement. Concerned about water issues given the local topography. Also worried about light, noise pollution, ect. that come with increased density and would like to have their concerns taken note of in the design moving forward.

Edith Haliburton, 36 Gaspereau Ave:

- Asked if the lots are being combined to provide parking? It doesn't appear as though there is enough space for this development. Having a taller building here would infringe on their backyard privacy.

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



Mr. Banks replied:

- The exact details of the subdivision haven't been solidified yet but there will likely still be two parcels. Staff will conduct a more detailed review at a later point in the process.

Donald Stewart, 5 Acadia St:

- Has also seen more density in the area replacing the single family or R-1A type homes, and increasingly dealing with noise from students in the neighbourhood with very little being done to curb their disruptive behaviour.

Neil Campbell, 3 Acadia St:

- Asked about the large windows/doors in the second level of the rear elevations – what are they?

Mr. Poirier replied:

- The large windows are a relic of the old design that wasn't fully updated. They will be removed from the final designs along with the decks that were shown in the original plans.
- The concerns heard tonight are similar to those heard before for previous developments. Those developments have been well-managed and do not allow any partying in the units. The building at 6 Prospect Street is nearly derelict and is in need of major repairs. The recent change to the proposal was made in an effort to preserve the backyard as a green space. The long-term plan is to possibly subdivide these properties and sell them as 2-unit buildings set up similar in a way to R-1A is now. The goal is to rent these units to responsible individuals or couples interested in comfortable downtown living in Wolfville. The drywells (stars shown on plan) are intended to improve the condition (dryness) of the lot.

Neil, Campbell, 3 Acadia St:

- Will the roots of my trees be affected by the drywells being dug?

Mr. Poirier replied:

REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

Date: May 16, 2019

Department: Planning & Development



-
- The trees are very important to the area and the drywells will be well-back from the fence line.

Gordon Haliburton, 36 Gaspereau Ave:

- was concerned with their views being infringed on but the new plans seem to alleviate this concern.

Audrey Conroy, 35 Bishop Ave:

- How is accessibility to the units being addressed?

Mr. Poirier replied:

- The main floor is accessible from street level, but changes could be made to the design so that the second storey could be made accessible. This hinges a lot on whether the building becomes 3 separate PIDs as homes or rental units on 2 PIDs.

As there were no further comments or questions, Mr. Banks adjourned the meeting at 7.00 PM.

Attachment 3. Existing Context



REPORT TO PLANNING ADVISORY COMMITTEE

Development Agreement Proposal – 6 Prospect

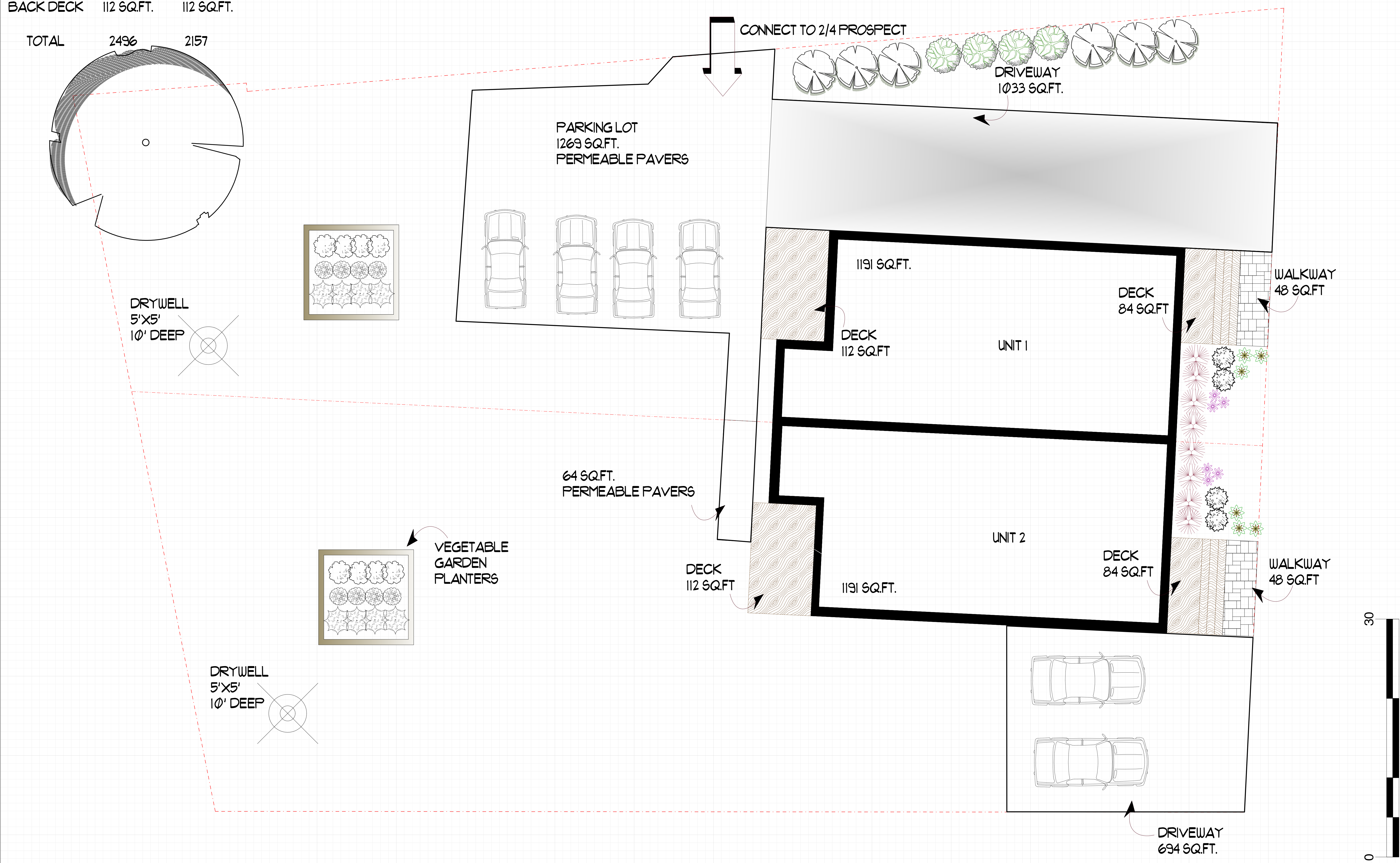
Date: May 16, 2019

Department: Planning & Development



Attachment 4. Draft Development Agreement

	UNIT 1	UNIT 2	UNIT 1	UNIT 2
BUILDING	1191 SQ.FT.	1191 SQ.FT.	HARD SURFACE	2496 SQ.FT.
DECK	112 SQ.FT.	112 SQ.FT.	TOTAL AREA	6770 SQ.FT.
DRIVEWAY	1033 SQ.FT.	694 SQ.FT.		
FRONTWALK	48 SQ.FT.	48 SQ.FT.		
BACK DECK	112 SQ.FT.	112 SQ.FT.		
			36.86%	31.99%
TOTAL	2496	2157		



Landscape Design by: Gerry MacInnis
 MacInnis Landscape Design

Landscape Plan: Prospect St., Wolfville
 Marc O. Poirier

Scale: 3/16" = 1'

Revision #: 2019-05-13

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

BETWEEN:

MARC POIRIER

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFFVILLE

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 PID # 55354138 and PID # 55273643 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 _____ 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 of New Main Building

2. Definitions

2.1 In this Development Agreement:

“Barrier Free” means as established by the National Building Code

“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.

“Building Code Act” means an Act to adopt and implement a building code for the Province of Nova Scotia RSNS 1989 Chapter 46, as amended.

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

“Development” means a single building on the lands with a total of six dwelling 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 that the requirements of section 228(3) of the MGA are fulfilled and the Development Agreement is filed in the registry. All references to timing, unless otherwise specified, shall be from this date.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID # 55354138 and PID # 55273643, 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.

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

“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.

“Planned Development” means the grouping on a site of permitted uses in a zone, subject to Section 8.7.3 of the Municipal Planning Strategy.

“Planning Documents” means Land Use By-law, Municipal Planning Strategy, and Subdivision By-law.

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 wishes to construct:

1. A single six-unit building; and
2. A shared parking area.

The Development would consist of a Six (6) Unit Dwelling Building on the Lands, pursuant to a subdivision to ensure no more than three (3) units are on a single Parcel, as outlined on Schedule “B”. The Municipal Planning Strategy requires that such a development be approved by a Development Agreement. The parties have therefore agreed to enter into this Development Agreement.

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, after initiating a subdivision as outlined in Schedule “B”.

- 5.1.1.2 The subdivision must be complete before an occupancy permit can be obtained.
- 5.1.1.3 An access easement shall be provided to ensure at least three parking spaces are accessible to each unit, as outlined in Schedule “B”.
- 5.1.1.4 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.
- 5.1.1.5 Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.
- 5.1.1.6 No occupancy permit shall be granted for this Development until all provisions of this agreement are met, except for landscaping requirements that cannot be met due to seasonal restrictions.

5.1.2 Land Use

- 5.1.2.1 The following uses are permitted:
 - (a) All as-of-right uses permitted in the Medium Density Residential (R-2/4) zone in the Land Use By-law, as amended from time to time.
 - (b) Planned Development, up to six (6) dwelling units divided three each on PID # 55354138 and PID # 55273643, pursuant to a subdivision.

5.1.3 Landscaping & Site Requirements

- 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 subdivided and 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 different plant varieties, the location of planting beds or other minor details.
- 5.1.3.4 **Total hard surface coverage shall not exceed 50%.** The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas (**define**).

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.

5.1.3.6 A stormwater/drainage plan for the site shall be approved by the Town Engineer before a Development Permit is issued.

5.1.3.7 Parking shall be permitted as shown on Schedule “B”

5.1.3.8 The Development shall develop and maintain a total of seven (7) parking spaces, one of which is to be a Barrier Free Parking Stall.

5.1.3.9 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 Prospect Street and that a building is currently connected to these services. All costs to connect the new main building 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 main building on the lands with features as outlined 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 of Deeds as per section 228(3) of the MGA. All time requirements imposed in this Development Agreement shall be calculated from that date, the effective date, unless otherwise specified.

5.1.8.2 All Development enabled by this Agreement shall be completed within three (3) 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 5.1.9.2.

5.1.10 Expenses

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

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 with or breaches any of the terms of this Development Agreement or any legislation applicable to this Development Agreement, the Town, at its sole option, may:

- (a) after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply; or
- (b) Terminate this Development Agreement; or
- (c) Take no action.

5.1.12.2 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.

5.1.12.3 Any expenses incurred by the Town in exercising its rights under section 5.1.12.1, shall be paid by the Developer to the Town. Any 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.

5.1.12.4 For any work conducted by the Town in accordance with 5.1.12.1 the Town shall be considered a contractor and the Developer shall continue to be liable in accordance with 5.1.11.1.

6. Administration

The Development Officer administers this Agreement. The decision of the Development Officer is final and binding on all parties.

7. Warranties by the Developer

7.1 Title and Authority

7.1.1 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.

8. Full Agreement

8.1 Other Agreements

- 8.1.1** 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.
- 8.1.2** 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.

9. 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:

MARC POIRIER
74 Dale Street
Wolfville, Nova Scotia
B4P 1H3

10. 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.

11. 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.

12. 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 _____)

) MARC POIRIER)

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

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 **MARC POIRIER** 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

Schedule “A” – Property Description

Parcel Description PID 55273643

Registration County: KINGS COUNTY
Street/Place Name: PROSPECT STREET /WOLFVILLE
Title of Plan: PLAN OF S/D OF LANDS CONVEYED TO MARC O. POIRIER TO FORM LOT 6 & LOT MP-1 PROSPECT ST WOLFVILLE
Designation of Parcel on Plan: LOT 6
Registration Number of Plan: 111822061
Registration Date of Plan: 2017-12-01 09:11:55

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: KINGS COUNTY
Registration Year: 2017
Plan or Document Number: 111822061

Parcel Description PID 55354138

Registration County: KINGS COUNTY
Street/Place Name: PROSPECT STREET /WOLFVILLE
Title of Plan: PLAN OF S/D OF LANDS CONVEYED TO MARC O. POIRIER TO FORM LOT 6 & LOT MP-1 PROSPECT ST WOLFVILLE
Designation of Parcel on Plan: LOT MP-1
Registration Number of Plan: 111822061
Registration Date of Plan: 2017-12-01 09:11:55

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: KINGS COUNTY
Registration Year: 2017
Plan or Document Number: 111822061

Schedule “B” – Site/Landscaping Plan (TO BE UPDATED)

DRAFT

Schedule "C" – Elevations







SUMMARY

ELECTRONIC VOTING

October 2020 is the next municipal election for Nova Scotia and in preparation municipalities can decide if they will be offering voters an option to vote electronically, vote at the polling stations on paper, or a combination of both. Providing an option to vote from a computer or cell phone in your own home, or using a local Library designated computer, or a computer booth at the polling station is an important part of ensuring all voters have easy and efficient access to the electoral process. This Request for a Decision recommends that Town Council move to offering all future elections electronically.

Electronic voting, or evoting is increasingly becoming the method of choice for elections in Canada and around the world. The benefits include ease of access for all, privacy for special populations, a much faster experience to cast a vote, no spoiled ballots, less paper involved, and almost immediate results available for election organizers.

In 2012 and 2015 Town Council voted not to implement evoting because of concerns with: voter engagement in the process, removing voters from the safe environment of polling stations, making voting a more casual activity, the security of online voting, and voters responding in the moment and being influenced by others at the time of their vote. Staff believe that voter and candidate engagement in the electoral process is a separate and valid concern but not something impacted by allowing electronic voting. To support increased engagement an Engagement Plan will be developed to focus on the subject, to be launched in January 2020.

Although there are potential risks and drawbacks for evoting such as online security concerns, and the digital divide between generations, the research and trials in other municipal units show that the benefits outweigh the risks. As an example, Online banking has become the norm for many over the past 10 years, despite occasional bank security issues, for the most part, people appreciate the easy access to carry out transactions afforded to them.

Council would be offering voters an easily accessible way for all to vote if they implement evoting for the 2020 municipal election.

DRAFT MOTION 1:

That Town Council approve the development of a bylaw authorizing voters to vote electronically in the 2020 municipal election and that there be no use of paper ballots.

REQUEST FOR DECISION 031-2019

Electronic Voting

Date: June 4, 2019

Department: Office of CAO



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Section 146A of the *Municipal Elections Act* bestows municipal council with the legislative authority to select the method and system of voting. “Section 146A(1) A council may by by-law authorize voters to vote by mail, electronically or by another voting method.”

3) STAFF RECOMMENDATION

Staff recommends that Council approve the development of a bylaw authorizing voters to vote electronically for the 2020 Municipal Election and subsequent elections. There would be no traditional (paper) ballots.

4) REFERENCES AND ATTACHMENTS

- [Municipal Elections Act](#)
- [Part II: Benefits, Drawbacks and Risks Associated with Internet Voting](#)
- [ENS Strategic Plan 2018-2023](#)
- [Annual Report of the Chief Electoral Officer 2017-2018](#)
- [Public Opinion Survey following June 30, 2014 Federal by-elections](#)

5) PURPOSE OF REPORT

The purpose of this report is to provide Council with the background, benefits and drawbacks for evoting and ask Council to make a decision regarding using evoting for the 2020 Municipal Election and any subsequent Elections.

6) DISCUSSION

Electronic voting, or evoting, was introduced in the Nova Scotia municipal elections in 2008 and at the time traditional methods, paper, were still required. In 2012, legislation changed to allow evoting only, and mechanisms included telephone, internet and kiosk voting. The most recent information comes from the 2016 municipal elections.

For the 2016 municipal elections below is a breakdown showing voting method used by Nova Scotian municipalities and towns with the remaining municipal units, not listed and including Wolfville, using only Paper voting. The table also shows the number of residents that could vote compared to the number that actually did vote and highlights the lack of voter engagement in general:

2016 Municipal Elections:

Municipal Unit	Advanced Voting method	Election # eVotes	Election # paper votes	Voter Engagement Statistics		
----------------	------------------------	-------------------	------------------------	-----------------------------	--	--

REQUEST FOR DECISION 031-2019

Electronic Voting

Date: June 4, 2019

Department: Office of CAO



Towns:				Total Potential Voters	Actual # Voters	% Voters
Berwick	eVote	903	No	1597	903	56.6
Digby	eVote	584	No	1427	584	40.9
Middleton	eVote	644	No	1233	644	52.2
Truro	eVote	4300	No	9420	4300	45.6
Yarmouth	eVote	2991	No	4871	2991	61.4
Antigonish	eVote & paper	1074	921	4142	1995	48.2
Bridgewater	eVote & paper	2010	476	6337	2486	39.2
Kentville *	eVote & paper	1893	740	4862	2633	54.2
Shelburne *	eVote & paper	561	391	1425	952	66.8
Stewiacke	eVote & paper	461	171	966	632	65.4
Windsor*	eVote & paper	1222	57	2509	1279	51
New Glasgow	eVote & paper	2605	1349	7441	3954	53.1
Pictou	eVote & paper	927	628	2725	1555	57.1
Stellarton	eVote & paper	1047	688	3336	1735	52
Municipalities:						
Argyle	eVote & paper	2949	890	6443	3839	59.6
Digby	eVote & paper	1329	417	5700	1746	30.6
Clare	eVote & paper	2102	1047	6634	3149	47.5
Cape Breton	eVote & paper	21469	21902	81378	43371	53.3
Chester	eVote & paper	1570	860	7943	2430	30.6
Halifax Regional	eVote & paper	55788	32475	282347	88263	31.3
Lunenburg	eVote & paper	4096	4262	20277	8358	41.2
Pictou	eVote & paper	4642	2481	17065	7123	41.7
Victoria	eVote & paper	950	463	5146	1413	27.5

Info from Intelivote via AMANS – All clients NS 2016 stats

*paper voting at Seniors facilities only

The Town of Middleton also used evoting in their recent Special Election in March 2019 with voter participation reaching 28.4%. Middleton’s Returning Officer and their CAO both see the benefits of evoting and for the Special Election created a kiosk at the Town Hall for voters to drop by in advance and two booths with touch screens and ipads on hand were set-up on election day. To ensure access for all to vote they took ipads into the seniors nursing home and assisted residents to vote. The average time spent evoting was 1 minute 34 seconds. The Town of Middleton recommends moving to 100% evoting as offering a combination of evoting and paper ballots will be more expensive.

In 2008, 4 municipalities used e-voting, increasing to 15 municipalities in 2012 and 23 municipal units having some form of evoting in 2016. Berwick used e-voting in 2008 but did not in 2012 because of cost however returned to e-voting in 2016. When Nova Scotian voters were offered the option of an electronic

REQUEST FOR DECISION 031-2019

Electronic Voting

Date: June 4, 2019

Department: Office of CAO



or paper ballot during 2012 Municipal and School Board elections, the electronic option was the choice of 64% of voters.

In 2015 when Council voted not to implement evoting the main concerns were related to: voting without engagement, removing voters from the safe environment of polling stations, making it a casual activity, voters responding in the moment and being influenced by others at the time of their vote, potential security issues from hackers, residents had not requested a change, and the concern that the older generation were not comfortable with new technology.

In answer to those concerns with regard to engagement, this is an issue to be addressed outside of an evoting discussion. The table above shows the number of potential voters and the actual number of residents who voted in particular municipalities. There is no doubt that work needs to be done on a continuous basis to engage people in the voting process. Staff will work on an engagement plan for both voters and candidates that would be launched in January 2020 and involve articles, workshops, videos, etc. that focus on municipal governance.

The How-to of evoting:

- Internet voting is always offered along with a telephone voting option to ensure complete coverage of the electorate. In addition, kiosks can be set up at polling stations for individuals who either don't have access to a computer, need assistance, or would like to maintain a traditional venue to cast their vote.
- Each individual on the final list of electors receives a voter information letter containing instructions on how to cast their ballot and their electronic voting credentials (PIN).
- After receiving the voter instruction letter voters connect to the voting website or call the 1-800 number.
- The website offers a step by step process where you enter your personal identification number (PIN) in order to proceed.
- The user sees an electronic ballot, one at a time – Mayor, Councillors, School Board, and the individual clicks on the box for their chosen candidate and submits their choice. Before that vote is cast a confirmation screen shows the candidate(s) that the individual chose. If this is not the correct list the individual can return to the ballot or vote now.
- An individual can access their vote and make a change up until the close of the polls.

Technology Trends

- Security, when it comes to the internet, will always be a potential issue however as technology advances so does security software. The Intelivote Systems Inc., the provider of electronic voting software to other municipal units in Nova Scotia takes every precaution to ensure the safety and security of voters information and vote.
- According to the 2016 General Social Survey (Canadians at Work and Home), Statistics Canada:

REQUEST FOR DECISION 031-2019

Electronic Voting

Date: June 4, 2019

Department: Office of CAO



- 80 percent of individuals 16 years and older used the internet for personal use.
- Overall, Canadian's are experienced internet users with almost one half of users (47 percent) having been online for 10 years or more.
- Seniors accounted for about one half (51 percent) of non-users. Nearly four in ten non-users (39 percent) came from households reporting low income.
- Research shows that technology can remove some administrative barriers to the electoral process, especially for some groups of electors, including those with accessibility challenges and potentially youth.

Attitudes and E-Voting in Canada

- A Public Opinion Survey following the June 30, 2014 Federal by-elections found that 'Among those aware of the by-elections and who reported not having voted, almost two thirds (65%) said that they would have voted if they had been able to vote on the internet using the Elections Canada website.' 10% responded with a 'maybe' and 25% responded with a 'no'. 'Interest in voting online was strongest among those aged 18-34 (71%) and 35-54 (70%). Interest levels were also healthy amongst 55-64 year olds (59%). However only a minority of non-voters aged 65+ (27%) expressed interest in voting online
- The positive impact of evoting on participation in elections has so far not been statistically substantiated. On the other hand, in all cases, electors took advantage of the option, and the Internet voting option has been retained for future elections.
- In the 2017-2018 Annual Report of the Chief Electoral Officer, Elections Nova Scotia stated that 'Ideally, the use of computer-based poll books for registration of electors will ensure the integrity of the process by reducing the incidence of human error and will improve efficiency at the polls. If successful, the CEO would recommend to the members of the Assembly, the use of such technology in all voting opportunities for the 42nd PGE.'
- Elections Nova Scotia Strategic Plan 2018 – 2023 recommends that they 'provide internet voting for members of the Canadian Armed Forces stationed outside of the province', 'increasing the use of technology at early voting opportunities to improve the results reporting on election night'.

Benefits of e-voting

- Surveys on non-voters indicate that being too busy, out of town or ill/disabled is a reason that they did not vote. (Statistics Canada, 2013). Evoting allows voters to vote from anywhere-anytime.
- Evoting could allow for greater privacy for special populations of electors especially those with disabilities, because they can vote unassisted and are afforded a greater degree of anonymity and autonomy when casting their ballot from home.
- Evoting may be a method of engaging those voters who are considered the hardest to reach, particularly young people aged 18 to 30.

REQUEST FOR DECISION 031-2019

Electronic Voting

Date: June 4, 2019

Department: Office of CAO



- The incremental financial cost to a voter casting an electronic ballot is less than that for an individual voting in-person after having taken time off work, travelling to a polling station and obtaining childcare and using printed material to cast their vote.
- Over the long term, all types of internet voting have the potential to be less expensive to operate and execute than traditional paper ballots. There are financial benefits in joining other NS municipal units in purchasing the service of evoting through 'bulk' buying at a better rate.
- Eliminates proxy votes and certificates of eligibility.
- Results are available almost immediately.
- No spoiled ballot issues, positive ballot confirmation.
- Eliminates the need for an interim voters' list to be used at physical polling stations on advance voting day. The voters' list can be continuously updated.

Drawbacks and Risks

- Those opposed to evoting prominently cite security, threats of computer viruses or hackers, as the number one risk.
- Problems with access to technology and the digital divide for those who have access and do not have access to a computer and those who have faster connections and those who have slower connections.
- Evoting presents greater opportunity for fraud and coercion or vote-buying – i.e. someone voting on another's behalf without their permission or pressuring others to vote in a way that he or she would not have otherwise.
- Voter education that ensures public awareness of electronic voting and understanding and use of online systems are a concern.
- Privatization is a concern when electoral administrators cede control to a hired firm and causes negative impact on public confidence.
- The proliferation of electronic election services has the power to alter that nature of electoral participation by causing more electors to vote alone instead of at a polling place with others.
- Although electronic voting may be more popular among committed voters it is not as trusted as traditional in-person voting options.

Although there are potential risks for evoting, staff believe that the benefits outweigh the risks. The success of evoting in 23 other Nova Scotia municipalities – no reported fraud or security risks – and the increasing trends in Canadian's use and attitudes towards technology and evoting are evidence that moving forward with evoting for the 2020 municipal election would be beneficial. Wolfville can put their name forward to be included in the Bulk Purchasing Request for Proposals that is currently being prepared with potential benefits such as efficiencies, financial saving and opportunities for smaller municipal units to affordably provide e-voting, which means we could see more municipal units offering evoting in 2020.



7) FINANCIAL IMPLICATIONS

In 2012 the Election cost the Town approximately \$13,000 and in 2008 approximately \$19,000; both elections used traditional methods of voting. The major difference in cost from 2008 and 2012 were honourariums and the use of legal services for a recount in 2008. In both years a member of Town staff was appointed as the returning officer and those costs were assumed by the Town as part of that employee's regularly earned pay.

In 2016 the Election cost the Town approximately \$15,600 plus \$14,000 in human resource costs to employ a student for 6.5 months to work with the Returning Officer. The student worked predominantly on the Election, but also completed some non-election work for the Town including the development of the Councillor Orientation Program.

Based on information from the 2016 Municipal Election the cost of providing residents with an eVote was around \$2.10 per voter, depending on the size of the municipal unit, which includes the cost of the letter sent to all electors with their personal identification number and mailing costs. The Wolfville Electoral list for 2016 Election was at 3656 people with 31.7% turning up to vote (1159). Up to date information on costs will be available once the next request for purchase is generated; the process is typically led by HRM.

If Council chooses to use both evoting and paper ballots the cost for the 2020 election would increase to cover evoting costs and additional human resource costs.

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Strategic Direction #5: Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team.

9) COMMUNICATION REQUIREMENTS

Staff will include an educational component in the voter engagement plan to ensure that voters are aware that evoting will be used and know how to use it.

10) ALTERNATIVES

- That Council proceeds with a combination of evoting and paper ballots.

DRAFT MOTION: That Town Council approve the development of a bylaw enabling voters to choose to either vote electronically in the 2020 municipal election, or to vote with the use of paper ballots.

- That Council proceeds with paper ballots only.

REQUEST FOR DECISION 036-2019

Title: Valley Waste Resource Management 2019/20 Budget

Date: 2016-06-04

Department: Finance



SUMMARY

Valley Waste Resource Management (VWRM)– 2019/20 Budget

The Town of Wolfville provides solid waste service through an Inter Municipal Service Agreement (IMSA) with partnering municipalities/communities from Hantsport to Annapolis Royal. There are now six partners in all. It used to be eight with Hantsport no longer participating and Annapolis County pulling out of the agreement last year.

Annually the Board of VWRM approves a budget to be submitted to the funding partners for their approval. The formula for acceptance is not as straight forward as the Kings Transit agreement where a simple majority of positive votes is needed for budget approval. The VWRM agreement has different combinations of votes that carry the day. No one Town carries the power of veto and even a combination of Towns may be insufficient to offset the vote of Kings County.

Each year, the participating municipal units vote on the VWRM Budget as forwarded by the Board. Depending on the year and circumstances, representatives from VWRM have presented their budget to individual Councils or a joint council session. Other years, no presentation has occurred. Each year for the last few however, Wolfville Council receives a staff report on the budget with recommendation and analysis.

This year, the VWRM budget would result in a 5.9% increase compared to 2018/19 contributions.

DRAFT MOTION:

That Council approve the Valley Waste Resource Management 2019/20 Operating & Capital Budgets

REQUEST FOR DECISION 036-2019

Title: Valley Waste Resource Management 2019/20 Budget

Date: 2016-06-04

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

- Valley Waste Resource Management Inter-Municipal Service Agreement

3) STAFF RECOMMENDATION

Staff recommends approval of the VWRM budget as submitted, but that further work is done by VWRM to identify multi-year impact of the departure of Annapolis County.

4) REFERENCES AND ATTACHMENTS

- Copy of January 18, 2017 Budget document (attached)

5) DISCUSSION

As noted in the summary above, Valley Waste continues to work through the impacts of losing the second largest funding partner in the organization. This involves costs and decisions related to the Western sorting station, as well as logistics around the two Annapolis County towns who are otherwise geographically disconnected from service routes in Kings County.

The Operating and Capital Budgets provided by VWRM do not include any variance explanations, nor is there a separate powerpoint with notations. At the end of the day, the detail review of line items should be part of the Board's review prior to approving budget for municipal consideration. At the municipal stage of the process, the Town's focus should include

- whether the budget estimates provided seem reasonable, i.e. probable that the Authority will end the fiscal year at break even or better
- are there any trends that raise concern and could lead to increased requirement for municipal contributions
- does the VWRM budget requirement fit within the Town's approved budget/reasonable cost for service provided

Do the estimates appear to be reasonable?

Although the proposed increase in municipal contributions is higher than desired, and COLA, at this stage of the reorganization that VWRM is undergoing it does not make sense to hold the process up any further. The IMSA partners will either have to pay in for an unexpected deficit, or receive a refund of an

REQUEST FOR DECISION 036-2019

Title: Valley Waste Resource Management 2019/20 Budget

Date: 2016-06-04

Department: Finance



unexpected surplus. Based on past years, the tendency of the VWRM organization is to experience surplus results with a refund being issued retroactively. This is the opposite of past trends with Kings Transit where deficits are the norm and retroactively the Town has to find funds to cover the deficit. Unbudgeted surpluses are preferable to deficits as the Town does not have to locate funds for an unplanned expenditure. Best case scenario would be actual results that track more closely to budgets than either organization has had in the past.

In terms of revenues, it should be noted that the East Management Centre is budgeted to generate lower receipts than previous year, while the Western Management Centre shows almost the same level of revenues. Communications and Enforcement revenues are budgeted higher than past years, which would seem somewhat more difficult to achieve given smaller # of households served.

Two areas of expenses stand out. First is Residential Collection which is budgeted as down 10% from 2018/19. Annapolis County was a 20% partner, so on the surface it would be expected to see a drop of approximately 20% in residential collection. This is one of the areas that it may take a full year operations with the remaining six parties to the IMSA to accurately estimate volumes. General Administration is the other area that seems higher than anticipated. With a scaled backed business volume, the cost of administration may have to be reviewed for long term service level required.

It should be noted the forecast for the 2018/19 year end is a deficit of \$177,359, and this amount has not been accurately picked up in the 2019-20 budget carry forward. Unless there is a different source of funding planned for this shortfall, the Town may have to pick up 8.26% of the deficit.

No allowance has yet been made for contributions from Annapolis County regarding Long Term Debt commitments incurred while they were an active member of VWRM. Resolution of this matter is pending and it should ultimately help reduce the costs to the remaining six municipalities.

Given the complexity of the VWRM operation, especially under the changing conditions over the last year, it is difficult to express an opinion on whether the estimates are reasonable. Reliance on the Boards vetting of the numbers is required this year.

Any trends that cause concern?

Similar to the estimates in general, it is difficult to get a handle on any trends given the significant change in volume of customers being served. It will be important over the coming year for VWRM to get a handle on tonnage/volumes and how distribution of customers impact collection of that waste.

Does the VWRM Budget requirement fit within the Town Budget?

REQUEST FOR DECISION 036-2019

Title: Valley Waste Resource Management 2019/20 Budget

Date: 2016-06-04

Department: Finance



See Section 6 below.

6) FINANCIAL IMPLICATIONS

The Town budget provided \$520,200 to cover regional waste management services. This was increased from the 2018/19 Town budget where it was \$501,000.

The VWRM requirement is \$542,006, with a possible \$14,000 additional amount related to the forecast deficit for 2018/19.

This means the Town would be at least \$21,800 over budget in this area. The possibility of a Town budget shortfall was discussed during the 2019/20 Town budget process. As noted to Council the choices would likely fall in two areas:

- Transfer additional monies from operating reserve to offset a significant increase from VWRM. Earlier this year, it looked like VWRM may have a much larger budget increase.
- Absorb the VWRM increase within the Town's operations without any need for reserves.

Although the \$21,000 additional amount needed is not a small dollar amount, it is within the range of unbudgeted expenditures that Council has looked to staff in the past to manage within operations. Staff recommend this approach. Actual financial results over the first two quarters should help determine whether any further action is necessary. A decision on use of operating reserves can be made later in the year, if needed.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Nothing provided at this time.

8) COMMUNICATION REQUIREMENTS

Valley Waste General Manager and Board to be advised of Council decision.

9) ALTERNATIVES

Not approve the budget. May or may not have an impact. Refer to IMSA regarding vote protocol required for budget approval.

Valley Region Solid Waste-Resource Management Authority
Operating Fund Budget - Draft
For the Year Ending March 31, 2020

Updated: 29-Apr-19

	G/L Account	Budget 2019-20	Forecast 2018-19	Budget 2018-19	Actual 2017-18
Revenues					
East Management Centre	41300	\$ 2,053,154	\$ 2,196,705	\$ 2,223,216	\$ 2,026,763
West Management Centre	41200	433,000	438,218	544,552	516,379
Communications and Enforcement	41800	230,401	223,698	222,928	215,630
Conditional Transfers - Administration	41600	556,696	623,730	480,648	503,138
RRFB Approved Programs	46000	90,600	86,800	84,000	86,875
Wind Turbine	42000	48,000	48,000	46,000	45,922
Return on Investment	41500	5,000	17,613	3,500	10,629
Total Program Revenues		3,416,851	3,634,764	3,604,844	3,405,336
Municipal Parties' Contributions ¹	41000	6,561,819	6,944,884	7,811,486	7,452,400
Prior Year Surplus (Deficit) Carry Forward	41700	(23,544)	(23,544)	-	-
Transfer from Capital/Equipment Reserve Fund	62400	9,700	-	-	-
Total Revenues, Contributions & Transfers		\$ 9,964,825	\$ 10,556,104	\$ 11,416,330	\$ 10,857,736
Expenses					
Residential Collection	61400	2,198,212	2,444,709	3,013,824	2,965,802
Residual Transportation and Disposal	61800	2,287,308	2,793,086	2,726,015	3,254,928
Organics Processing and Transportation	61700	802,440	851,047	966,988	1,021,683
Recyclable Processing and Transportation	61600	580,005	654,748	728,977	814,839
Construction & Demolition Debris Processing	61500	187,368	124,656	103,676	162,786
East Management Centre Operations	61300	1,297,222	1,272,481	1,273,878	1,121,473
West Management Centre Operations	61200	356,817	602,523	689,497	686,547
Communications and Enforcement	61900	514,041	608,341	628,286	691,688
Wind Turbine	61140	15,197	15,119	11,977	14,477
General Administration	61000	581,896	544,372	426,979	551,164
Information Technology	64000	54,235	37,334	37,205	30,587
Transfer to Capital Reserve Fund	62300	280,008	-	194,872	177,156
Financial Services	61150	600,877	583,111	512,956	411,450
Capital from Operations	62400	9,700	101,200	101,200	16,000
RRFB Approved Programs	66020	199,500	100,736	-	-
Total Expenses		\$ 9,964,825	\$ 10,733,463	\$ 11,416,330	\$ 11,920,580
Total Revenues		\$ 9,964,825	\$ 10,556,104	\$ 11,416,330	\$ 10,857,736
Total Expenditures		9,964,825	10,733,463	11,416,330	11,920,580
Net Surplus (Deficit)		\$ -	\$ (177,359)	\$ -	\$ (1,062,845)

	Percentage ² 2019-20	Budget 2019-20	Forecast 2018-19	Budget 2018-19	Actual 2017-18
¹ Contributions from Municipal Parties					
Municipality of Kings	74.71%	\$ 4,902,335	\$ 4,608,777	\$ 4,608,777	\$ 4,332,080
Municipality of Annapolis	0.00%	-	775,372	1,641,974	1,543,392
Town of Kentville	9.95%	652,901	613,983	613,983	584,268
Town of Wolfville	8.26%	542,006	511,652	511,652	481,425
Town of Berwick	3.53%	231,632	217,159	217,159	204,196
Town of Middleton	2.55%	167,326	156,230	156,230	149,048
Town of Annapolis Royal	1.00%	65,618	61,711	61,711	58,874
Community of Hantsport	0.00%	-	-	-	99,117
Total Contributions from Municipal Parties	100.00%	\$ 6,561,819	\$ 6,944,884	\$ 7,811,486	\$ 7,452,400

² Draft Percentage values are current at the time of budget development and subject to change based on updated Uniform Assessment values.

Valley Region Solid Waste-Resource Management Authority
Capital Budget - Draft
For the Year Ending March 31, 2020

	2017-18 Budget	2019-20 Budget	Funding Source			
			Equipment Reserve	Capital Reserve	Operations	Debt
Replace 2009 Ford F250 4X4 (unit #1)	38,000					38,000
Replace office printer/photocopier/scanner		9,700			9,700	
EMC Paving		50,000				50,000
	\$ 38,000	\$ 59,700	\$ -	\$ -	\$ 9,700	\$ 88,000



1. Improving Quality of Life for All

- Staff are in the final stages of planning the new Try it in Wolfville initiative and events will start June 29. A schedule of events will be available soon;
- Staff are finalizing the Downtown Core wayfinding maps for installation in June;
- Summer staff have been hired in Parks and Recreation department and they have begun community engagement at the Farmers Market. Summer Staff will be at the Market each Wednesday evening;
- The Wolfville Tennis Club is now in full swing;
- Parks Staff are working hard to prepare the Town for the summer months; fingers crossed for some fine weather;
- The Community Oven is taking shape on Front Street and the Front Street Oven Community Group will begin taking bookings in June;
- Staff have begun posting information on the new summer Environmental Leadership Camps planned;
- The Town is participating in the Apple Blossom Festival through support of Leadership Candidate, Chantal Peng. The Town will be represented at the Valley Tea, Coronation and with a float in the Grand Street Parade. The float will feature Chantal and child attendant Eve Schneider;
- The VIC will continue to act as the bus stop for the Wolfville Magic Winery Bus. A third-party hiring agreement facilitates this use;
- The non-profit organization, Uncommon Common Art, one of the Town's Strategic Partners has installed five temporary art installations in the town of Wolfville for 2019. There are installations in Clock Park, Willow Park, Waterfront Park, Reservoir Park and along the Harvest Moon Trail from Oak Street to Elm Avenue. The official opening will be held on June 15 starting at 1:00 at Willow Park;
- Staff are organizing a Wolfville physician appreciation reception for June 17, Councillors will be invited to attend;
- The WBDC has initiated a greenery program for local businesses. The Town will support this initiative by providing barrel planters branded with the stylized Wolfville "W";
- Staff are working on an event planned in conjunction with the Wolfville Historic Society and WBDC to host a Grape Nut Ice Cream Social in August. More details to come;
- Staff have been reviewing the background and formulating workplans for both the FCM funded Partners for Climate Protection work and the Low Carbon Communities 'Inspire Wolfville' program. A summer student will be hired to support the Climate Change coordinator through the 'Inspire Wolfville' program. Staff will provide an update to Council at the July Committee of the Whole;
- Two citizen members of the Town's Planning Advisory Committee are attending the LPPANS/NSPDA annual Planning conference in Halifax. This year's theme is 'Housing for All'.



2. Maximizing Our Infrastructure Investments

- Tenders have now closed for the skateboard park relocation and construction is planned for June;
- Staff are working towards final designs for the East End Gateway- North of Main street and some integration with the proposed 292 Main Street development will be important;
- The tender for Seaview Avenue was awarded to Gary Parker Excavating and work is scheduled to begin in June;
- The tender for Westwood Avenue has been advertised and is scheduled to close June 6th;
- Traffic Line marking has been completed;
- Public Works Staff are working with Planning on sections of the MPS and LUB, in particular stormwater management;
- Staff did not receive any bids on the tender for the solar panel installation at Public Works so a revised Request for Quotation has been issued and closes June 7th;
- Design work is being completed for the shoreline protection project and a tender package should be submitted for Town review by June 15th;
- Staff recently outlined to Council (at the May Committee of the Whole) 2019/2020 Parking, Walkability, and Traffic Actions and work is progressing (e.g. East End Gateway, Bike Corral(s), Walkability/Wayfinding signage, Drop-off zones, Skatepark move, communication, etc.);
- Staff are working with a consultant to prepare the final drafts of the Municipal Planning Strategy, Land Use By-law, Design Guidelines, and Subdivision By-law (“Draft 3”). It is anticipated these will be substantially completed for July Committee of the Whole with documents ready to start formal adoption in September 2019;

3. Leveraging our Economic Opportunities

- The Town and WBDC will present an Outstanding Business Award at the WBDC Annual General Meeting on June 11;
- Work continues toward a Library Feasibility study/report that will be presented to Council once completed;
- Staff will be attending the WBDC AGM (information reception) and will have an information table focusing on the MPS, Parking, Climate Change Action, Parks and Recreation;

4. Operational Updates

- The Kings Transit 2019/20 operating and capital budgets were approved by the Board and authorized to send forward to Councils for consideration. However, on May 30th the

CAO REPORT

June 4th, 2019

Department: Office of the CAO



Town received a request from the General Manager to delay consideration pending a special board meeting to consider several issues raised during a recent accounting engagement undertaking by Kings Transit. It is likely the budget will be presented at the July COW meeting or as a late addition to the Council meeting in June;

- Internal conversations around space requirements for Town staff have continued. As part of this report, the CAO will be seeking additional direction from COW prior to any community consultation on the issue of the RCMP space;
- Staff continue to work with Developers on Development Proposals (as-of-right through Development and Building Permits as well as through the DA process to Council);
- Planning Staff are working on finishing projects in Windsor as part of the Shared Service arrangement that the Town has held with Windsor up until April 1, 2019. The Director of Planning will continue to provide limited service related to planning and sustainability leading up to the consolidation of Windsor and West Hants;
- Staff are hosting a working meeting with Clean Foundation NS to discuss the kick-off of the Transition 2050 project. This work will advance the Town's position in the Partners for Climate Protection program;
- Staff are hosting the Municipal Energy Learning Group in Wolfville on June 6th, 2019;
- Staff are finalizing tenders for the fleet replacement schedule this year and tenders should be advertised in June;
- Staff have completed uploading the 2019/20 Budget to Diamond Software. Monthly variance reports are now being provided to the Management;
- Staff have submitted a Draft Annual Expenditure Return (AER) to the Province to complete the next step of Gas Tax requirements;
- Staff are working on an audit of the VCFN books;
- Staff have focused most of their working hours on finalizing the Town's year end financial statements and preparing for the audit commencing on June 3rd;
- Staff continue to work on Asset Management Plan data and GIS mapping to identify any corrections required in the base data;
- IT staff continues to support the working group updating the Town's website;
- IT staff have a new computer ordered for the Council Chambers presentation desk and are continuing to work to resolve the lack of connectivity of laptops to Council Chambers presentation screens;
- Staff continue focusing on Fire Inspections with training and bringing on a temporary resource to formulate a baseline of initial inspections and to better action the Municipal system of fire inspections requirements;
- Staff are working on updates to the property minimum standards by-law and working with the Building/Fire Official, Development Officer, and legal to better deal with Rental Businesses in the Town (e.g. licensing) and align definitions. These issues will be brought to Council in July for direction.

COMMITTEE UPDATE

Title: Valley Waste Resource Management (VWRM)
Date: 2019-06-04
Department: Office of the CAO



UPDATE

The new collection contract is going to lead to some changes that all Wolfville residents will need to become aware of when it goes into effect next year, especially an overall four-day a week collection schedule with a 7 a.m. start time. To facilitate this move, which will significantly reduce overtime, the town will need to pass a new bylaw, which will be prepared by Valley Waste - hopefully sometime in June. The intention is that the revised schedule will be ready sometime in August. The changes will not begin until March 31, 2020.

General manager Andrew Wort is keen to gather resources to delve into the financial and efficiency status of Valley Valley. He says we need better data to plan.

Valley Waste is now facilitating and coordinating volunteer litter pickups as the Great NS Pick-Me-Up program has been added to the Divert NS education agreement. More than 17 cleanup events have taken place since April 1, including the annual effort by Landmark East School.

Part of the annual compost giveaway took place in Wolfville on May 11. A maximum of five bags per family was in place again this year.

Wendy Elliott
Wolfville Town Councillor

COMMITTEE UPDATE

Title: Kings Transit Authority (KTA)
Date: 2019-06-04
Department: Office of the CAO



UPDATE

The Kings Transit Board met on May 16th and May 22nd, 2019 to discuss information related to the upcoming KT Audit and 2019/2020 Budget Submission. The 2019/2020 budget submission, to be presented to Wolfville COW on June 4th by Director MacLean was forwarded with a positive motion from the Kings Transit Board.

Budget provided under separate cover/a Request for Decision from Director MacLean.

Respectfully Submitted

Councillor
Wendy Donovan

Please refer to the CAO Update for further information on the status of the 2019-20 Budget Submission.