



# Town Council Meeting

June 30, 2020

6:30 p.m.

Virtual Meeting – via Zoom

## Agenda

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### Call to Order

**1. Approval of Agenda**

**2. Approval of Minutes**

- a. Town Council Meeting, June 16, 2020

**3. Comments from the Mayor**

**4. Public Input / Question Period**

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair

Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.

**5. New Business:**

- a. RFD 027-2020: MPS/LUB – Second Reading
- b. RFD 031-2020: Financial Update – Decision Points
- c. RFD 030-2020: PACE (Property Assessed Clean Energy)



## **6. Correspondence:**

- a. Linda Fisk – Parking
- b. Jens Grodt – Sanitizer
- c. Joey Murphy – My Appreciation
- d. John MacKay – Prospect Street Parking
- e. Heather McNally – Thanks for all you are Doing to Keep Us Safe and Happy
- f. Garth – Crosswalks
- g. Reginald Simmons – Canada Day 2020
- h. Atlantic Canada – 5G – What you Need to Know
- i. Steve Bedard – Bicycle NS: Repavement plans for Wolfville-Gaspereau
- j. Paul Clarke – One Way Street (2 emails)
- k. Cayle Eagles – Main Street

## **7. Regular Meeting Adjourned**

## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading  
Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)  
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## SUMMARY

### Planning Document Public Hearing and Final Approval (2<sup>nd</sup> Reading)

Supplemental Information from the Public Hearing and clarification points are included in **Red**. These changes represent recent discussions or points from the Public Hearing and provide guidance to Council on finalizing the proposed documents for 2<sup>nd</sup> Reading and adoption. See new section under discussion [“Public Hearing Summary and Recommendations to finalize the Planning Documents”](#)

The Town’s Planning document review has been ongoing since 2015 (see [here](#) for background, previous drafts, previous consultation, etc). The review has been comprehensive, including a review of our Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Design Guidelines, Stormwater Management practices and most recently a detailed flood risk study has been integrated (see documents [here](#)). A tremendous amount of Staff, Consultant, Committee and Council time/resources have gone into this process. In recent months, Council held [public information sessions](#), and widely distributed information on key issues, process, and work-to-date. First Reading was given March 7, 2020 and Staff have brought updates and decision points to Council as the pandemic and our ‘new normal’ have evolved.

On May 19, 2020 Council passed a motion to proceed with a virtual public hearing on June 25, 2020 (Public Hearing information can be found [here](#)) and to hold a Special Council meeting June 30, 2020 to consider 2<sup>nd</sup> Reading of the documents (decision by Council to approve the new documents). The final stage of the process will be a Provincial review.

This report is meant to accompany the proposed [final planning documents](#) being considered for approval and provides recommendations/motions that Council would consider at 2nd Reading.

The minutes for the meeting (including for Council in package) and the updates to this provide an overview of the Public Hearing and clarity around final amendments to the documents proposed for 2<sup>nd</sup> Reading.

### DRAFT MOTIONS (FOR JUNE 30<sup>th</sup>, 2020 SPECIAL COUNCIL MEETING):

- 1) That Council give 2<sup>nd</sup> Reading to the Planning Documents (Municipal Planning Strategy, Land Use By-law, Stormwater and Urban Design Guidelines, Subdivision By-law and Public Participation Program Policy) **subject to the final recommended amendments outlined in the updated RFD 027-2020.**
- 2) That Council, in support of the new Planning Documents, approve the amendment to the System of Municipal Fire Inspections, as per Attachment 2.

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- 3) That Council, in support of the new Planning documents, approve the amendments to the Town's Fees Policy as per Attachment 1.
- 4) That Council, in support of the new Planning documents, give First Reading to a by-law as per Attachment 3 to repeal the Existing Planning Documents (Municipal Planning Strategy, Land Use By-law, Subdivision Bylaw, Design Guidelines, and Public Participation Program Policy), the Swimming Pool By-law and Sidewalk Café By-law.
- 5) That Council acknowledges Discharges of existing Development Agreements are forthcoming and that updates to the Design Review Committee Policy/Terms are forthcoming, as outlined in this report.

### CAO COMMENTS

The CAO supports the recommendation of Staff.

### 1) LEGISLATIVE AUTHORITY

The [Municipal Government Act](#) (MGA) provides legislative authority for the Town to develop and adopt a Municipal Planning Strategy, Land Use By-law, Subdivision By-law and Design Guidelines. This review has been ongoing since 2015. The current documents were adopted in 2008.

Parts 205 and 206 of the MGA outline requirements for the adoption of planning documents and the holding of a public hearing. The MGA was recently updated to include minimum planning standards (see Part 212-214 of the MGA) and also requirements around consulting with abutting municipalities. Staff have been in discussion with Provincial Staff on various issues and feel the documents meet or exceed all legislative requirements, including those newly introduced. Once approved by Council, the documents will be sent to the province for review, primarily related to the 'Statements of Provincial Interest' regarding drinking water, flood risk areas, agricultural land, infrastructure, and housing.

### 2) STAFF RECOMMENDATION

That Council consider all feedback provided during the public hearing, provide direction to Staff on any final changes and proceed to approve the documents on June 30, 2020.

### 3) REFERENCES AND ATTACHMENTS

#### References

See [here](#) for final versions of documents, including:

- 1) Municipal Planning Strategy
- 2) Land Use By-law
- 3) Design Guidelines

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- 4) Subdivision By-law
- 5) Stormwater Management Guide
- 6) Public Participation Program Policy

Note: the existing (2008) Planning Documents that are to be repealed and replaced with our new documents, can be found [here](#) under “Current (2008) Planning Documents.”

### Attachments

- 1) System of Municipal Fire Inspections Amendments
- 2) Fees Policy Amendments
- 3) **By-law to Repeal existing planning documents**

The review of our Planning Documents has a dedicated area on the Town website [here](#). Background, previous drafts, reports and presentations are included.

## 7) DISCUSSION

### Public Hearing Format

Additional information on the Public Hearing can be found [here](#). It is important to note that only those members of Council present at the Public Hearing may vote at 2<sup>nd</sup> reading.

The *Municipal Government Act* stipulates advertising requirements for a public hearing. Staff will meet these requirements through typical means (e.g. newspaper ads and direct mail) and also use other means to advertise the event. Poster and Mailing for the Public Hearing can be found [here](#) and [here](#).

### Public Hearing Summary and Recommendations to finalize the Planning Documents

Outlines feedback received at the Public Hearing and topics of conversation people spoke directly to the Director of Planning about in the lead up to the Hearing.

<b>Feedback</b>	<b>Staff Comment and Recommendation</b>
<p>Taking Action on Climate Change</p> <p>Comments were linked to the 4-way stop and the Main Street one-way pilot project. Resident spoke to the importance of helping people get from neighbourhoods (more sidewalks) and providing better transit options.</p>	<p>Council has declared a climate emergency. Staff are currently working on a long-range low carbon community scenario that will help guide Council’s decision making and inform a climate action plan.</p> <p>HRM recently passed a very ambitious Climate Plan (see <a href="#">here</a>) and Staff have been working with Sustainability Solutions Group who also worked on the HRM Plan. The goal is to help bring forward meaningful actions around Climate Change. A serious focus of this effort will be around shifting mobility options and working toward better community transit.</p>

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In terms of the 4-way stop and Council’s one way Main Street Pilot project being questioned under the guise of Climate Action at the meeting, the Municipal Planning Strategy speaks to Council’s priorities in multiple areas (see Parts 4, 5, 8, 9) with an excerpt from part 8 of the plan here:

2. To recognize that streets, including sidewalks, must accommodate a variety of transportation options and strive to prioritize in the following order:
  - a. active transportation (walking, biking)
  - b. public transportation options
  - c. other mobility options
  - d. private electric vehicles
  - e. private fossil-fuel base vehicles

Council is also committed to working on better parking management (e.g. park and walk). Figure 5.4 from the MPS provides context:

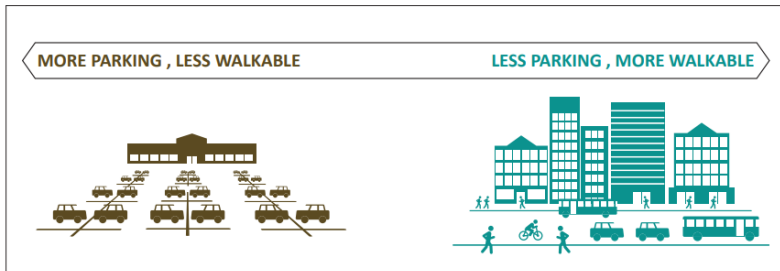


Figure 5.4—Relationship between walkability and parking


No one would argue that better/more sidewalks from our neighbourhoods are not desirable and can induce demand for more active transportation. Council has discussed this both through our Planning Strategy and also through budget deliberations. This is something we want to do over time. Staff are also actively looking at community transit options and are hoping to have a feasibility study completed for Council so that options can be considered.

The Main Street one-way pilot project, although it certainly is aligned with Council’s stated priorities and policy in the new MPS (focus on walkability) and supports active transportation, it has been primarily brought forward to both amplify public health measures (physical distancing) and to support our business community. It clearly makes trade-offs between parking/traffic levels of service and pedestrian space improvements and ‘room to move’ on foot or on 2 wheels. Staff have worked with a

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	<p>professional traffic engineer on this project and feel it is an excellent opportunity for the reasons outlined in this <a href="#">report</a>.</p> <p><b>Recommendation:</b> No changes to planning documents</p>
<p><b>Affordable Housing</b></p> <p>Overall concern:                  Have had affordable housing provisions for a long time but has not led to affordable units</p>	<p>This is an area that will always require more work. There is a lot the Town can do to encourage or mandate affordable housing (some of which we have included in our documents). The easiest low hanging fruit of allowing a small, secondary unit in ALL zones, is something a future Council should explore.</p> <p>Other sections of the documents where affordable housing is discussed include the Housing Needs Assessment, Community Priorities, Core Commercial and Neighbourhood Sections, Neighbourhood and zoning discussions (a whole section is dedicated to this topic). Affordable Housing was also included as a key topic during the Housing Symposium held during this process. The discussion paper on this topic can be found on our <a href="#">website</a>.</p> <p>Staff have continually cited the <a href="#">National Housing Strategy</a> as we have moved through this process and was cited many times in housing conversations, the concept shown below. This has also been built into our SOCIAL EQUITY community priority.</p> <div data-bbox="630 1155 1347 1627"> <p><b>National Housing Strategy</b> </p> <p>Housing as Human right.</p> <p><b>SOCIAL INCLUSION (SEE ECONOMIC INCLUSION)</b></p> <p>Social inclusion is the process of improving the terms on which individuals and groups take part in society—improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity. It is a situation in which individuals have the resources and opportunities to be involved in society to an extent that is satisfactory to them. Working towards social inclusion means finding and using measures to reduce barriers that restrict the resources and opportunities of disadvantaged groups.</p> <p>Specifically, when building new housing that promotes social inclusion the United Nations states "housing is not adequate if it is cut off from employment opportunities, health-care services, access to transit, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas."</p> </div> <p>Again, additional work and focus is required in this area. Staff are looking forward to working more to advance this priority of Council once we have the framework established in our new planning documents approved. Staff are also hopeful that</p>

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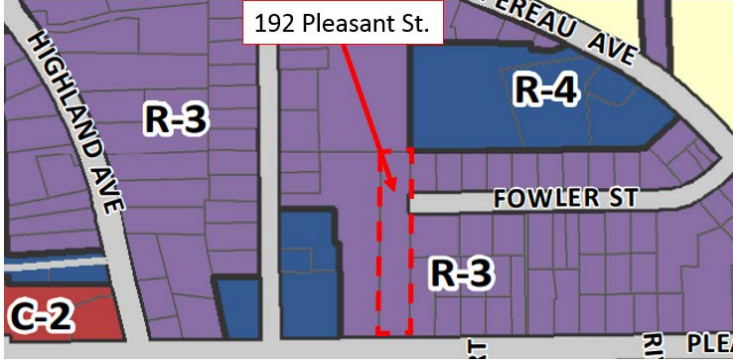
	<p>additional support, programs, funding and resources may come from CMHC, the Province or others.</p>
<p>R-1 zone concerns</p>	<p>Staff were directed from the beginning of this process that no change would be happening in the R-1 zone during this plan review. It was acknowledged along the way this may be something for a sperate, future project, if there was a desire from a future Council. Some minor clarity around home offices (now called home occupations) has been the only change in these areas.</p> <p>A future project is enabled in the documents (pg 71 of the MPS) that would be at the discretion of a future Council:</p> <div data-bbox="623 722 1398 869" style="background-color: #f0f0f0; padding: 5px;"> <p>3. To consider a future review of the Low Density Residential – Restricted (R-1) zone to assess how these areas are consistent with the stated community priorities of this plan, other Town priorities, and future needs.</p> </div> <p><b>Recommendation:</b> No change required.</p>
<p>Bill 177 – Part 11.8 of the MPS</p>	<p>Staff had previously brought forward various options for consideration around Bill 177 and direction was provided, as shown in part 11.8 of the MPS.</p> <p>The Commercial Development Incentive Program would enable the Town to phase-in commercial assessment increases over a period not exceeding 10 years for assessed commercial improvements. We had decided this was a great tool to entice owners to re-invest in C-2 zoned properties to incentivize the creation of more walkable, mixed use neighbourhoods.</p> <p>With Covid-19 and other scenarios that can be imagined (e.g. contaminated sites, a certain level of re-investment/increase in assessment, properties with heritage value, other circumstances TBD) Staff are recommending that the MPS section be amended slightly to enable us to potentially qualify certain properties in the C-1 zone, subject to the forthcoming process where we develop the actual Commercial Development Incentive By-law (the details). The legislation (Bill 177) requires our Municipal Planning Strategy define the “Commercial Development Area” that is eligible but Staff can add language and make a map change that would at least give us the opportunity to have this discussion without going back to amend the MPS. It may turn out that we just keep the C-2 properties eligible but this recommendation is about creating a potential opportunity, given the uncertainty ahead and some scenarios that should be looked at.</p>



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	<p><b>Recommendation:</b> Edit part 11.8 (text and map) of the MPS to include the opportunity to apply the Development Incentive By-law to properties in the C-1 zone, under specific circumstances that would be defined in a forthcoming “Commercial Development Incentive Program By-law” (that would be approved by Council). It is anticipated a Staff Report and Council approval would be required for any C-1 property inclusion while C-2 properties would continue with the existing language/approach.</p>
<p>192 Pleasant - request for R-4 zoning (change from R-3 zoning proposed in the documents)</p>	<p>The owners of 192 Pleasant Street are requesting a change in zoning from the proposed R-3 Medium Density to R-4 High Density.</p>  <p>The proposal that was forwarded to Council as part of the Public Hearing appears to be 4 total buildings on the site. 3 of these buildings would be new as there is an existing 2-unit building on the site. Each of the new buildings are proposed to have 2 units and 6 bedrooms per unit (36 new bedrooms on the site). Each unit has a bathroom; however, other common facilities are shared. In talking to the consultant acting for the owner, this housing seems to be targeted at students from Acadia.</p> <p>Under the R-3 zone, proposing multiple single room occupancies (dwelling unit with individual rooms for rent) would only be considered by Development Agreement. The R-3 zone limits any new single room occupancy to 6 bedrooms/unit maximum.</p> <p>Moving to the R-4 High Density zone, they would be able to propose more units, potentially in a different configuration or in a single building (see R-4 zone of the Land Use By-law).</p>

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	<p>Staff haven't had time to analysis this proposal further but from what we have seen, Staff are not supportive of the proposal before us nor the notion of providing for R-4 zoning on this site without more detail being provided. If a Development Agreement were to be submitted for this proposal, Staff believe it would be a very challenging file and would likely not garner a positive Staff recommendation, let alone support from our Planning Committee of Council.</p> <p>Dividing these units up into units that can appeal to a wider demographic (1, 2, 3 bed apartments rather than 6 bedroom) is far more adaptable over time and most importantly, far more in line with our planning documents and discussions around housing, behaviour and other inter-related issues. This area is a mix of demographics, densities and housing types.</p> <p>The Applicant could, in the future, submit a full application for a rezoning from R-3 that Council could consider.</p> <p><b>Recommendation:</b> No Change. Keep R-3 zoning proposed at 192 Pleasant Street.</p>
<p>R-2 Zone – question around clarity on what is permitted and what is not and by what mechanism.</p>	<p>Minor issue where clarity in tables required that Detached Accessory units are considered by Site Plan (for better controls) and Inns as well. Other 2-unt proposals would proceed as-of-right.</p> <p><b>Recommendation:</b> Clarify use tables in R-2 zone.</p>
<p>Question regarding re-zoning and clarity on how this works (R-1, R-2, R-3, etc).</p>	<p>R-1 properties are not permitted to be re-zoned – either an existing R-1 property going to R-2 or an R-2 or other property going to R-1. Other properties in the R-2, R-3 zone (and other areas/zones) may apply to up-zone their property if they feel they have a proposal that is consistent with our planning documents and if they can meet any specific criteria outlined (e.g. must be on a certain type of street).</p> <p>As an example, with a R-2 zoned property, proposing to be R-3, they would require public information meetings, review by committees, consideration by Council and a public hearing. Along with all relevant sections of the planning documents, Staff would use 11.4.3 (pg 102 and 103 of the MPS) to assess a proposal for Council.</p> <p>There was some concern where someone has accumulated multiple properties and whether this was “more worthy” of a re-</p>

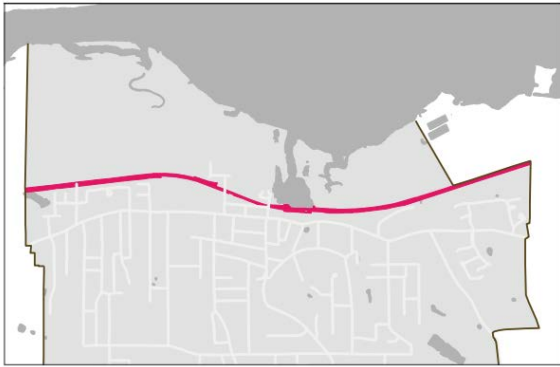
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	<p>zoning. This is a difficult question to speculate on – perhaps in some circumstances it would make sense and in others it would not. These are context sensitive matters we would deal with through the re-zoning process with an analysis carried out, public consultation completed and Council eventually making a decision.</p> <p><b>Recommendation: No change required</b></p>
<p>Parking concern about strengthening section 6.4 of LUB</p>	<p>Staff have been in discussions with a resident regarding neighbourhood parking issues (mostly parking in front yards). This issue has been brought to Council a number of times in the past and wide-ranging discussion around parking requirements and standards have been had throughout this process.</p> <p>To provide an additional tool for Staff and Council when dealing with difficult situations, an additional clause is recommended in section 6.4 of the Land Use By-law.</p> <p><b>Recommendation:</b> To add 6.4 (8) to the Land Use By-law: “To ensure frontages do not have parking as the predominant feature and where site constraints or existing site conditions lead to parking limitations, the Development Officer may work with the owner on minimum driveway openings, hard surface coverage, 40% front yard parking, and other factors that may lead to better outcomes when viewing a property from the street (e.g. moving parking to rear, seeking a variance on a provision, require buffering, permeable paving, and other examples from the Design Guidelines).</p>
<p>Active Transportation Corridor – comment that we should stipulate a minimum width in the planning documents (MPS 6.4, pg 54 or 18.4 of the LUB). 24 metres (80 feet) was suggested.</p>	<p>The width of the active transportation corridor is varied (~20-40m).</p> 

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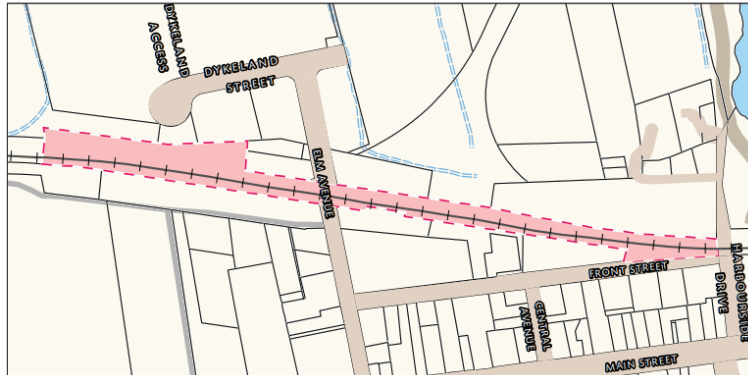
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It is difficult to predict whether any development interest will be generated in the area we have defined in the Land Use By-law where a Development Agreement may be considered for C-1 uses.

FIGURE 18.1 Consideration by Development Agreement Map



The existing language in the LUB is as follows:

**18.4 SPECIAL PROVISIONS**

- (1) C-1 uses may be considered by Development Agreement in the area shown in Figure 18.1 subject to Part 6.4 of the MPS.
- (2) Any conversion of the AT zone to a rail use would require an amendment to both the Municipal Planning Strategy and Land Use Bylaw.
- (3) Subdivision and consolidation of these lands with existing C-1 or other abutting parcels or uses is permitted provided a minimum width be provided along the AT corridor, as defined by town staff subject to section 6.4 of the MPS.

Part 6.4 of the MPS states:

3. To permit new buildings by development agreement, on portions of the Active Transportation Corridor, as outlined in the Land Use Bylaw.
  - a. All Development Proposals located in the AT zone shall use the Comprehensive Development District's Sustainability Checklist as a guide to evaluating proposals
  - b. All proposals shall provide an uninterrupted Active Transportation Corridor of a minimum width, defined by Council.
    - i. If Development is completed along this corridor, rezoning of the Developed Land will be required while the Active Transportation portion will maintain the AT zoning.
4. To define, in the Land Use Bylaw, the specific areas of the Active Transportation zone where a Development proposal may be considered.

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	<p>5. To recognize that any Development proposal being considered in the Active Transportation zone will require detailed studies to determine impacts on the community and shall be required during any consideration of a development proposal on these lands.</p> <p>6. To recognize and permit subdivision and consolidation of portions of the AT zone if a minimum width is maintained.</p> <p>The Land Use By-law and the MPS taken together, should provide Council the comfort with the controls, additional study and Council oversight built that has been built into the documents. Certainly a very substantial minimum width must be maintained and all future uses of this corridor should remain viable.</p> <p><b>Recommendation:</b> No change required.</p>
<p>Concern over Nano Breweries in the C-2 zone.</p>	<p>Staff took direction to limit any alcohol related uses in the vicinity of our Elementary School. This is outlined in the C-2 zone where 16.4 of the Land Use By-law states: <i>Nano breweries, tasting rooms and other alcohol related uses are prohibit in the C-2 zone along Linden Avenue, Summer St, Acadia Street, and Gaspereau Avenue</i> (note: we tried to do this with a map overlay but it was not working so we will just use the words).</p> <p>Nano breweries had been included – by Site Plan approval in C-2 areas outside of the Core. These would be the existing Inn Properties along Main Street, Kenny Farm, Pleasant Street Commercial complex, or a property who would propose a re-zoning and propose to Council this use.</p> <p>There is concern about any type of production in the Neighbourhood areas and how this may scale up over time.</p> <p>Nanobrewery means a craft brewery or cidery engaged in the production and packaging of less than 2,000 hectolitres per year of specialty or craft beer, ale, cider or other related beverages.</p> <p>Staff do not have a strong recommendation on this issue. It is hard to predict whether something could be integrated appropriately, particularly given the very large parcel sizes that exist in areas along Main Street.</p> <p><b>Recommendation:</b> Either allow for the consideration of this use in the C-2 zone by Development Agreement (change from site plan) or remove nano breweries from consideration in the C-2 zone.</p>

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<p>County of King's concerns</p>	<p>Minor administrative amendments suggested.</p> <p><b>Recommendation:</b> Staff will make amendments to the map and wording of a King's planning document presented.</p>
<p>Landmark East School</p> <p>Institutional or Neighbourhood Commercial Zoning question</p>	<p>Some definitions and approach – going back a number of years – are important to outline. We had previous discussions (Draft 2) on Institutional versus Neighbourhood Commercial.</p> <p>The definition of 'Institutional Use': <i>means a non-profit, religious, or public use, such as a religious building, library, public school, hospital, or government owned or operated building, structure or land used for public purpose.</i></p> <p>Landmark East does not fall into this category. Staff's understanding is that the school does receive some funding from the N. S. Department of Education; however, operates as a for-profit commercial entity and is best classified in our Land Use By-law as a 'Commercial School.' This (as defined in the LUB) means <i>a school conducted for financial gain, and includes, but is not limited to, a secretarial school, language school, or driving school, but does not include a public school.</i></p> <p>It is proposed that this property remain as C-2 Neighbourhood Commercial on the zoning map and classified as a 'Commercial School'. For clarity, Staff will update the table in both parts 8.1 (pg 45) and 14.1 (pg 65) of the Land Use By-law to state after Commercial Schools "new or expansion of existing" and that these be considered in the C-2 zone by Site Plan approval. Given the school is in an architectural control area along Main Street, the Design Review Committee would be involved in any proposals brought forward for expansion.</p> <p>Council wants to support the success of Landmark in our community. Staff have a discussion lined up for Monday, June 29 with a representative from Landmark East School and we will communicate what is outlined here and relay any information to Council on the 30<sup>th</sup> from Landmark East. The C-2 zoning does not hinder the School's plans for growth in any way. At this juncture, their expansion plans are on hold.</p> <p><b>Recommendation:</b> Leave zoning as C-2 and update the table in both parts 8.1 (pg 45) and 14.1 (pg 65) of the Land Use By-law to state after Commercial Schools "new or expansion of existing"</p>

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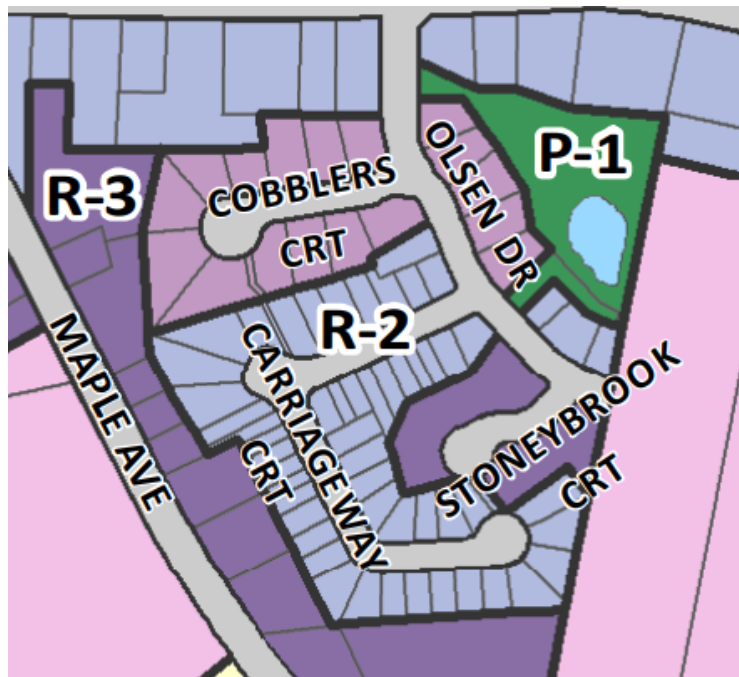
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Whispering Creek concern over higher density (R-3)

The Whispering Creek Development Agreement area (approved in January 2003, includes Carriageway Court and Stoneybrook Court). This development has been slower than others to be completed. Originally the DA permitted singles, semis, and townhouses. Along the lower section of Carriageway Court, Townhouses have already been built, mixed with semi-detached. Singles have been dispersed throughout but concentrated on the upper (southern) portion and these lots continue to be developed.

There exists 2 large lots off of Stoneybrook Court that the 2003 original DA outlined for singles and/or semis. This DA is proposed to be discharged with the new zoning put in place.



*Proposed Zoning*



*Existing 4-unit town home along Carriageway Court*

The developer had been interested in building 4-unit townhomes on these properties and had began a DA amendment process but had not moved past a Public Information Meeting. The thinking on

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	<p>the R-3 zoning was that this would lead to a better outcome and meet our housing needs / be more in line with Council's other objectives (instead of building more single detached which we have stated we are trying to lower the percentage of).</p> <p><b>Recommendation:</b> No change.</p>
Administrative Edits	<p>Different people have pointed out to Staff small, non-substantial items (minor wording, editing, formatting, clarifying, typos, etc) and Staff will just carry these changes out as part of finalizing with any other changes Council recommends.</p> <p>It should be noted that Staff are very grateful to our residents that have been engaged throughout this process and have aided in the copy editing and fine tuning of these documents.</p> <p><b>Recommendation:</b> Staff proceed with Administrative edits to finalize the documents.</p>

Recent Plan Review Actions by Council

On [March 3<sup>rd</sup>, 2020](#) first reading was given to the proposed planning documents and Council directed Staff to finish and publish the final documents and a staff report for the Public Hearing. Shortly after this (just before Staff were looking to place advertising for the Public Hearing) the pandemic postponed the process from moving forward until we had a better sense of our new normal.

On [April 7, 2020 Council](#) received a verbal update from Staff on the status of the Plan Review process. Of note were zoning issues related to properties owned by the Blomidon Inn (adjacent the actual Inn) and lower Westwood Avenue properties currently zoned R-1A. A motion was passed at this meeting directing Staff to revise the proposed R-3 zoning of the lower Westwood Avenue properties (currently zoned R1-A) from R3 to R2 and that this change be reflected in the public hearing package and proposed final documents.

On [May 19, 2020 Council](#) passed a motion to proceed with a virtual public hearing on June 25, 2020 and to hold a special Council meeting June 30, 2020 to consider 2<sup>nd</sup> Reading of the documents

Public Hearing Package – Final Documents

The public hearing package includes this report and the proposed final planning documents. Key issues, edits, changes, etc. are outlined here for Council, organized by document:

**Municipal Planning Strategy (MPS)**

- Various administrative edits – clarifying wording, copy edits, formatting, etc have been carried out on this document in preparing the final version.



## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)

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- Climate Change Action Updates
  - Adaptation: Integration of our recent Flood Risk Mitigation Plan.
    - Staff have worked with CBCL consultants to integrate the flood risk study the and update the flood risk areas of our planning documents. The final technical report is still being finalized (to be presented to Council in July).
    - Schedule 7 of the MPS includes a summary and background on the Flood Risk Mitigation Plan carried out by CBCL. The Flood Mitigation Plan has informed Land Use By-law updates to Schedule B – our Development Constraints Map with realistic future scenarios.
    - The flood risk extents (areas that could flood) have not changed dramatically but with the modeling and software capabilities of CBCL, the risks have been better defined and stormwater (rain) flooding has been better integrated. The approach shown assumes the Town will prioritize, over time, the topping of the dykes and upgrades to our stormwater management infrastructure.
    - A policy has been added to Part 4.0 of the MPS that speaks to residual risks and emergency management measures – such as a warning system – that should be implemented to manage these risks.
    - Policy added regarding forthcoming Coastal Protection Act (Part 1.4.1 of MPS)
  - Mitigation: Food Systems
    - There is tremendous interest in ‘food’ (and all things connected to it) in our community. Emerging from ongoing dialogue with the community on Climate Action, Part 4.4 has been added to the MPS to provide context and a framework for future action related to Food Systems.
- Future Streets Map (Map 2 of MPS)
  - Updated to remove Fowler extension
- Green Space Network (Map 3 of MPS)
  - Updated to reflect minor zoning edits

### Land Use By-law

- Various administrative edits – clarifying wording, copy edits, formatting, various graphic updates, etc have been carried out on this document in preparing the final version.
- Wording has been updated in both Part 4, 10 and 6 and worth noting here:

#### 4.21 ONE MAIN BUILDING ON A LOT

## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

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No person shall erect or use more than one main building on a lot in the R-1 zone. Up to two main buildings on a lot may be considered in the R-2, R-3, R-4 or C-2 zones by Site Plan Approval. More than two main buildings on a lot in the in the R-2, R-3, R-4 or C-2 zones that do not meet Cluster Development requirements may be considered by Development Agreement.

### 10.4 SEMI-DETACHED BUILDINGS - SECOND DWELLING UNIT

A semi-detached building that has been subdivided with each side of the building on its own lot shall be permitted to establish a second dwelling unit provided the unit is contained with the existing dwelling unit, has no more than two bedrooms and does not exceed 40% of the floor area of the main dwelling.

- The following has been inserted in the LUB to provide some clarity for parking requirements for additions and expansions in the C-1 zone:
  - 6.2.2 Notwithstanding section 6.1.3, the parking requirements shall not apply to additions or expansion of an existing uses in the Core Commercial (C-1) zone that create 40% or less new useable floor area or new seating capacity.*
- Updates to the Zoning Map (Schedule 1 of the Land Use By-law) include:
  - The properties owned by the Blomidon Inn, adjacent to the main Inn property have been changed to C-2 zoning. The owner operates these properties as a 'campus' and future plans for the properties (e.g. adding more long-term, low rise residents) align with the community priorities of our planning strategy. This issue was outlined at the April 7, 2020 meeting of Council.
  - Lower Westwood – existing R1-A properties have been rezoned to R2 (instead of R3 as proposed) as per Council motion from April 7, 2020.
  - Baptist Church and parking lot – 487 Main Street – has been requested by the Church to be zoned C-1. This has been integrated.
  - Existing Park space on Orchard – this was not shown on previous versions
  - East End Gateway (former NS Power property – north of 292 Main Street) – the Town now owns this area and has been zoned appropriately (institutional and parks/open space)
  - Area adjacent 48 Westwood (in and along the ravine) connecting to Beckwith has been zoned P2 – this is all University open space and part of the existing trail system. This was not shown as park space on previous versions.
  - Parcel behind 47 hillside – zoning has been clarified in the area adjacent this property (R3, R4 zoning) to correspond with property lines. This was just an oversight in previous versions.

## Subdivision By-law, Design Guidelines, Public Participation Program Policy

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## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)

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- No changes of note to these documents (clarifying wording, copy edits, formatting, graphic updates, etc)

### System of Municipal Fire Inspections

Our System of Municipal Fire Inspections is proposed to be updated to include short-term rentals, consistent with recent updates to include Single Room Occupancies (already completed). The proposed amendments are included as Attachment 1.

### Fees Policy

A review of Municipal Fees is typically carried out annually. Development fees have been static since 1980 for Subdivision and 1997 for Building and Development. Other jurisdictions were reviewed, and new fees had to be created for processes and uses not in our current documents (Site Plan Approval, Short-term rentals, Single Room Occupancies, etc). The recommended amendments to the Fees Policy are outlined in Attachment 2.

### Development Agreement (DA) Discharges

The intent is to have the DAs discharged, and replaced with the updated Land Use By-law, with a motion from Council on June 30<sup>th</sup>. This work is forthcoming and hopefully can be resolved on the 30<sup>th</sup> or by the time we start administering the documents after a Provincial review.

### Repeals of Existing By-laws

The existing planning documents (see [here](#) under “Current (2008) Planning Documents”) would be repealed and replaced by the new documents. The [Sidewalk Café By-law](#) and [Swimming Pool By-law](#) will also be repealed and replaced by the new documents as their content has been integrated.

### Forms and Administration

Various administrative updates are ongoing, including our forms, website information and intake process. Staff will have this organized and in place before we begin administering the new documents (August-September).

### Initial Plan Implementation – ongoing/soon to come

- Design Review Committee Policy and Terms of Reference will be updated to align with the new documents. Staff are working on this update and will bring forward once complete, potentially June 30<sup>th</sup> with 2<sup>nd</sup> Reading we can also have this considered and approved.
- Communications and expectations management related to the new documents (ongoing)
- Bill 177 Neighbourhood Commercial Development Incentive Program By-law (fall 2020)
- Servicing outside our Borders Policy (fall/winter 2020)
- Overview materials and briefings for the incoming Council (fall 2020)

### Public Engagement and Consultation

## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

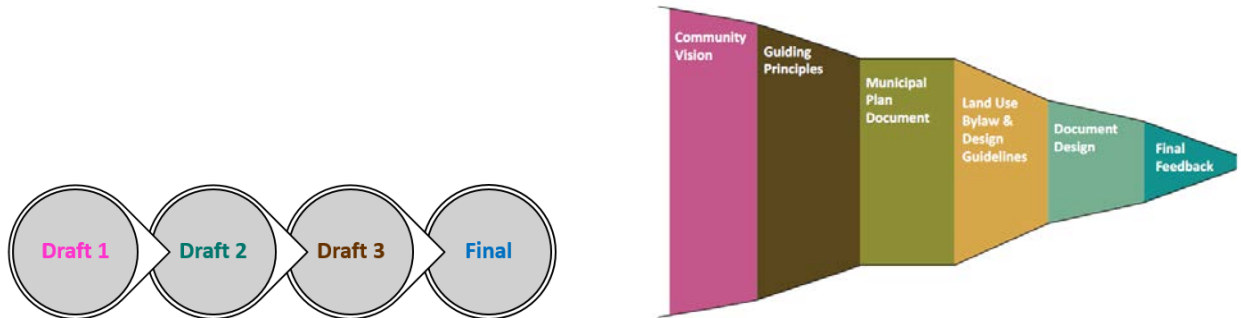
Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)

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The plan review has been ongoing since 2015. A summary of our process and engagement activities are included in this [plan review summary presentation](#) (see starting on page 19 'How did we get here?') from the recent Public Information Meetings. The process has been broad to detailed with multiple reports and draft documents produced and refined through public and committee dialogue.



### Council Decision Making Considerations

The following provides some consideration for Council in making decisions at 2<sup>nd</sup> Reading:

- Consultation and feedback
- Strategic Priorities, Other Town Reports
- Advice from Professionals and Best Practice
- Take us toward what you want?
- Keeping with Values of Community?
- Compliant with MGA requirements?
- Practical? Doable? Measurable?
- Broader region impacts?
- Best for all and not a few?

#### KEEP IN MIND:

- We must advocate for some voices and present a balanced perspective.
- No silver bullets. Land use is only one tool.
- Polarized views on some issues. No consensus.
- NIMBYism.

#growingtogether

## 8) FINANCIAL IMPLICATIONS

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## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

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Staff are working to complete the Planning documents within allocated operating budgets. Not finishing this process with the current Council presents a risk that additional costs will be incurred by moving the most important aspect of the work-to-date to the new Council.

### 9) CONCLUSION

This process has been working toward meeting Council's stated community priorities. Staff and Council have gone to great lengths to propose change that is acceptable to the community. We've tried to strike a balance.

These documents represent where we are today and are living documents that need to be revisited regularly to see if they are generating the positive outcomes envisioned. Certainly, one of the first tasks of the new Council will be to understand the documents and work on effective implementation

## REQUEST FOR DECISION 027-2020 (updated)

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)

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### ATTACHMENT 1

#### Amendments to Municipal Fees Policy

Amend Policy No. 140-015 Municipal Fees as follows:

Update fees in Schedule B and C – delete strikethrough text and replace with text in red:

#### Schedule B - Building and Development Permit Fees ([Building Bylaw, Chapter 65](#))

Description of Licence, Inspection, Permit, Application, Approval, or Service	Fee
New Construction of and addition to residential buildings, community centres and churches.	<del>\$20.00<sup>1</sup></del> \$50.00 plus 15 cents per sq. ft.
New construction of and additions to commercial, industrial and other buildings not otherwise specified.	<del>\$20.00<sup>2</sup></del> \$75.00 plus 20 cents per sq. ft.
New construction of and additions to sheds, decks, shell storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy.	<del>\$10.00<sup>3</sup></del> \$25.00 plus 10 cents per sq. ft.
Repairs, renovations, or alterations to all existing buildings.	<del>\$25.00<sup>4</sup></del> \$50.00 plus \$4.00 per \$1000 of estimated value of construction work.
Location or relocation of an existing structure, <del>or mobile home</del>	\$75.00
Construction or location of a swimming pool including required fencing	<del>\$50.00</del> \$100.00
Renewal of an approved permit	<del>\$15.00</del> \$25.00
Erection of a business <del>directional</del> sign	\$50.00 (Development Permit)
Building or structure demolition	<del>\$30.00</del> \$50.00
<del>To amend a permit in force</del>	\$15.00
Zoning Certificate	<del>\$25.00</del> \$50.00

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<sup>1</sup> plus 10 cents per square foot passes on all usable floor area of the new construction or addition

<sup>2</sup> plus 14 cents per square foot based on all usable floor area of the new construction or addition

<sup>3</sup> plus 4 cents per square foot based on all usable floor area of the new construction or addition

<sup>4</sup> plus \$2.00 per \$1,000 of estimated value of construction work

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**REQUEST FOR DECISION 027-2020 (updated)**

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

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Erection of a general sign	No Fee \$50.00 (Development Permit)
Development Permit	No Fee \$50.00
Heritage Applications	No Fee-(move to Schedule C)
Sidewalk Café Fee (Calculated by measuring the total area of the sidewalk in front of the building (building edge to inside curb edge) to be used for the café).	\$1.00 per sq. ft.
Short Term Rental – Renewal every 4 years	\$150.00 (includes development permit fee)
Single Room Occupancy – Renewal every 4 years	\$150.00 plus \$25.00 per rental room after four (includes development permit fee)
Fire inspection not required under regulations.	\$100.00

**Schedule C – Land Use Planning and Development**

Description of Licence, Inspection, Permit, Application, Approval, or Service	Fee
Site Plan Approval	\$150.00
Subdivision Application Fee (plus \$5.00 for each additional lot beyond one)	\$45.00 \$100.00 plus \$10.00 for each additional lot beyond one.
Sidewalk Café Fee (per 0.0929 square metre (1 square foot))	\$1.00 per sq. ft.-(move to schedule b)
Development Agreement	\$600.00 \$2000.00 (includes advertising costs)
Plan Amendments	\$600.00 \$2000.00 (includes advertising costs)
Heritage Applications	No Fee

**REQUEST FOR DECISION 027-2020 (updated)**

Title: Planning Documents - Public Hearing and 2<sup>nd</sup> Reading

Date: 2020-06-25 (PH) and 2020-06-30 (2<sup>nd</sup> Reading)

Department: Planning & Development

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**ATTACHMENT 2**

**Amendments to System of Fire Inspections Policy**

Amend Policy No. 220-002 System of Fire Inspections with the following (new text in *italics*):

**Delete** all reference to “National Building Code of Canada” **and replace** with “*Nova Scotia Building Code*”.

**Section 1.4**

**Delete and replace with:**

1.4 *To do so in a manner which minimizes inconveniences to tenants and businesses, ensuring the fire and life safety to building occupants is maintained.*

**Section 4.0 Definitions**

**Add:**

***Short Term Rental*** means the rental of a dwelling unit or part thereof for overnight stay to the travelling public for a period of 28 days or less and includes a bed and breakfast or similar use.

**Section 5.3.1**

In the first column heading of the table delete “Class” and replace with “Classification”

**Add to table:**

<u>Occupancy Classification</u>	<u>Frequency of Inspection</u>
<i>Short Term Rentals</i>	<i>Every 4 years</i>

**Add below table:**

*Any fire and life safety inspections requested outside of the above inspection schedule may be subject to a fee as outlined in Policy 140-015 Municipal Fee’s Policy.*

**Section 5.5**

**Delete and replace with:**

5.5 *Notwithstanding section 5.3.1 herein, the Municipal Fire Inspector, pursuant to the Fire Safety Act, may deem that in order to improve fire and life safety, more frequent inspections of one or more particular buildings may be required.*



**REQUEST FOR DECISION 027-2020 (updated)**

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**Section 5.6**

**Delete and replace with:**

**5.6** *Where a building contains mixed Occupancy Classifications it shall be inspected at the most frequent inspection schedule in section 5.3.1 above.*

**Section 5.7.2**

**Delete and replace with:**

**5.7.2** *Further to section 5.7.1 above, time for compliance will be determined by the Municipal Fire Inspector based on the following criteria:*

- a) The degree of risk of fire and life safety;*
- b) Occupancy Classification;*
- c) Serving of alcohol;*
- d) The amount of time reasonably required by the owner to comply, including whether the deficiency has been subject to previous compliance requests or directives from any source.*

**Bylaw to Repeal Planning Documents**

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**1. Title**

1.1 This Bylaw is entitled “Bylaw to Repeal Planning Documents Ch XXX”

**2. Repeal**

2.1. Be it enacted by the Council of the Town of Wolfville under the authority of the *Municipal Government Act* as follows:

The following Planning Documents, Bylaws, Guidelines, and Polices are hereby repealed in their entirety:

- Town of Wolfville Municipal Planning Strategy (as amended), adopted by Council on September 23, 2008
- Town of Wolfville Land Use Bylaw (as amended), adopted by Council on September 23, 2008
- Chapter 91 Subdivision Bylaw
- Chapter 88 Sidewalk Café Bylaw
- Chapter 83 Swimming Pool Bylaw
- Town of Wolfville Residential Architectural Guidelines, 1996
- Architectural Guidelines Manual for Downtown Wolfville, 1992
- Public Participation Program, adopted by Council January 20, 1999

2.2 This Bylaw shall take effect on the date that the Municipal Planning Strategy, Land Use Bylaw, Stormwater and Design Guidelines, Subdivision Bylaw and Public Participation Program Policy approved by second reading on June 30, 2020, come into effect.



**Clerk's Annotation for Official Bylaw Book**

**Date of first reading:**

**Date of advertisement of Notice of Intent to Consider:**

**Date of second reading:**

**Date of advertisement of Passage of Bylaw:**

**Date of mailing to Minister a certified copy of Bylaw:**

I certify that this **Bylaw to Repeal Planning Documents #XXX** was adopted by Council and published as indicated above.

\_\_\_\_\_  
Erin Beaudin, CAO & Town Clerk

\_\_\_\_\_  
Date

## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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## SUMMARY

### Financial Update – Decision Points

This RFD follows up on the Information Report – Interim Financial Update – COVID Impact reviewed with Council at the June 16<sup>th</sup> Council Meeting. Part of that Info Report included a summary of potential areas of savings requiring Council direction. These involve approved 2020/21 budget expenditures that may be deferred or eliminated altogether.

This is part of the steps taken, starting back in March, to ensure the Town's operations & finances are managed within the economic reality caused by the COVID pandemic. This is an ongoing process and this Request for Decision (RFD) is the next step in the process started by the beginning of the fiscal year.

### DRAFT MOTION:

That Council direct staff to defer the following from the approved 2020/21 Operating Budget, and that staff will continue to bring regular updates to Council on evolving financial trends.

- XXX
- Xxx

## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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### 1) CAO COMMENTS

The CAO supports the recommendations of staff.

### 2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Section 65 – Adoption of Budget.

### 3) STAFF RECOMMENDATION

This is staff's recommendation to Council (may be same/similar to the draft motion).

### 4) REFERENCES AND ATTACHMENTS

- Approved 20221 Operations Plan
- Information Report – Interim Financial Update – COVID Update (June 16<sup>th</sup> Council Meeting)
- RFD 017-2020 Payment Relief Measures
- RFD 018-2020 Council Stipends
- RFD 024-2020 Property Tax Installment Plan

### 5) DISCUSSION

Council and staff have been closely monitoring the economic impact caused by the COVID pandemic and related State of Emergency. This level of attention is likely for the balance of the year and no doubt will impact budget deliberations for 2021/22.

As noted during the review of the Financial Update Information Report at the last Council meeting, a number of steps were taken early in the year to ensure the Town would be able to offset possible revenue losses for 2020/21. That report showed the steps taken, and planned phase back closer to full workforce, should be sufficient to avoid a deficit for the current year. Savings from those steps would be in the area of \$300,000 and involved wages/benefits from all departments.

There was additional information on other areas of planned spending that should have Council input/direction regarding further cuts. What follows is the list noted in the June 16<sup>th</sup> Info Report, with additional comments on impacts if items removed from list of initiatives to be carried out this year. They are options, and there is no one right answer to next steps. Councilors are encouraged to identify their top 3 initiatives they could agree to cut or defer. Reaching consensus on steps forward will be assisted by knowing what each councilor believes is potentially untouchable all the way to no issue with removing.

The initiatives to be reviewed are being broken into two groups, those that were to be funded by way of Operating Reserves and those that would come from the general tax rate. The first group (funded by

## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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reserves) can save dollars from going out the door but have no impact on the Town's bottom line, i.e. they are being paid for by past savings. The second group can ultimately help avoid a deficit.

### Initiatives From Operating Reserves

- Do not hire 1 Year Term in CAO Office
  - Wages & benefits \$55,000
  - Key tasks lost (page 13 Ops Plan)
    - Support to Accessibility Plan
    - Crosswalk/sidewalk policy development
    - Support election
  
- Do not conduct Citizen Satisfaction Survey
  - Estimated cost \$10,000
  - Keys
    - Typically feeds into new council orientation
    - Could be deferred to next year
    - May lack resources to oversee if no term position  
To help support work
  
- Contingency Allowance – CAO Office
  - General allowance \$10,000
  
- Grants to Organizations (one time capital)
  - Acadia – turf \$60,000
  - Chrysalis House \$20,000
  
- Reduce Street Maintenance (patching/mill/pave/etc) \$60,000
  - Proposed reduced budget
  - Keys
    - If cut, budget would be \$297,000
    - Spending in 19/20 was \$242,372
    - Annual issue of more streets need repair than dollars available

Although these items above won't help avoid a deficit (if cut), any deferral/cut will help ensure additional Operating Reserves are available for other needs.

## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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### **Operating Expenditures from tax revenues (no Council decision required)**

Note these items are likely or will occur without specific decisions by staff or Council

- Reduce Professional Development
  - Budget savings \$70,000
  - Key impacts
    - Leave some \$ for mandatory (safety)
    - Minimal impact this year as most conferences have been cancelled
  
- Community Liaison Position in Compliance
  - Budget savings \$20,000
  - Keys
    - Was to be a cost shared position with Acadia
    - Universities facing deficits, Acadia may not add position anyways
  
- Other Festival Events
  - Budget savings \$23,000
  - Keys
    - Several events have been cancelled or likely cancelled
    - Events can be picked up again next year
    - Strive to keep late fall events assuming COVID conditions lifted

### **Operating Expenditures from tax revenues (Council decision/direction required)**

- Upgrade Town's Website/Redesign
    - Budget savings \$25,000
    - Keys impacts
      - Defer for one year only
      - Website redesign has been needed for a couple of years. Key communication tool
  
  - Defer Crosswalk upgrades
    - Budget savings \$30,000
    - Keys
      - Safety initiative delayed til 20/21
-

## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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- Overall crosswalk inventory plan not ready which would more objectively identify priorities
- Reduce SPP Grants
  - Budget savings (festivals) \$30,000
  - Keys
    - Many/most events have been cancelled
    - Possible events may be virtual & key grant factor is tied to local spending/attendance

Although no specific target has yet been identified for additional savings, the following should be kept in mind:

Unbudgeted spending to occur in coming months

- Stay healthy Main Street \$50,000
  - Possible grant funding, but assume nil until confirmed
- Personal Protective Equipment (PPE) \$5,000
  - Includes mask/sanitizer/Plexiglas
  - Potential for added resources for cleaning protocols

Possible new spending not yet discussed at Council

- Annapolis Valley Chamber of Commerce
  - Request for grant towards staff position – Navigator \$4,000

Senior Management is taking the approach that any new/unbudgeted spending should only occur if a new revenue source is confirmed, or another budgeted expenditure savings be identified.

## 6) FINANCIAL IMPLICATIONS

No specific budget impact has been identified.

Delaying or cutting additional items at this time would also be financially beneficial. It is still unknown the exact negative financial implications of COVID. Items deferred can always occur later if negative COVID impacts are less than projected. The opportunity to save is lost once the dollars have been incurred.



## REQUEST FOR DECISION 031-2020

Title: Financial Update – Decision Points

Date: 2020-06-30

Department: Finance

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### 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Nothing specific provided for this report.

### 8) COMMUNICATION REQUIREMENTS

Depending on the initiatives deferred/cut communications will have to be crafted for the general public and/or specific organizations.

### 9) ALTERNATIVES

Council can decide to allow all budgeted initiatives to proceed as planned when budget was approved (before COVID impact). This is not recommended. One of the keys to Wolfville's relatively solid financial position has been flexibility. This flexibility has been possible by making decisions and making them early. This continues to be true. Municipalities have limited financial ability to react to negative economic impacts in a given fiscal year. Overcoming deficits in the next fiscal year (required by legislation) is to be avoided if at all possible.

## REQUEST FOR DECISION 030-2020

Title: PACE (Property Assessed Clean Energy) Program

Date: 2020-06-30

Department: Planning and Development

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## SUMMARY

### PACE Program Development

This RFD deals with the development of a Property Assessed Clean Energy (PACE) Program for the Town of Wolfville.

Over the past 6 months, staff have been working with Equilibrium Engineering and PACE Atlantic CIC (a newly incorporated Community Interest Corporation) to bring Wolfville into a consortium of four communities that would cooperate on the development, funding, and implementation of a regional PACE program supported by the Federation of Canadian Municipalities' \$300M Community Energy Financing Fund.

The development of the program is reaching a critical juncture. This document provides an overview of and rationale for a PACE program broadly, and for the model that Wolfville staff have been involved in developing in particular.

### DRAFT MOTION:

That Council:

- Confirm its approval of the development of a PACE program for Wolfville;
- Approve development of a PACE bylaw, under Section 81A of the Municipal Government Act, to finance clean energy projects on private buildings and outline the process for doing so; and
- Formalize Wolfville's entry into the PACE Atlantic consortium, affirming the Town's intent to work with other members of the consortium to develop an integrated PACE program and develop and submit a joint funding application to FCM, through signing the *Memorandum of Understanding: PACE Atlantic – Municipal Regional Cooperative Program*.

## REQUEST FOR DECISION 030-2020

Title: PACE (Property Assessed Clean Energy) Program

Date: 2020-06-30

Department: Planning and Development

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### 1) CAO COMMENTS

Exploring a PACE program was proposed to Council, via a project charter, in early 2020. Should Council still be interested in pursuing such a program, participating in the FCM application call with partner municipalities is likely the most effective, economical, and efficient way in which to do so. This initiative is being recommended by Planning Department staff due to its alignment with public feedback received to date and its synergies with early thoughts for the Town's Climate Change Action Plan.

Much has changed since the PACE project charter was initially shared with Council. Primarily, COVID-19 has made the Town revisit its expenditures and make tough decisions around staffing and programming. Additionally, the collection of taxes in May and early June is tracking slower than in previous years, impacting cash flow and requiring additional attention and resources from the Finance Department. As with all decision points Council will make in the coming months (possibly years), the impact of COVID-19 needs to be a consideration.

Should Council indicate that the PACE program is still a priority for 2020-21, it is recommended that Wolfville proceed as recommended by staff. However, if the Town is not serious about pursuing the program, then we should withdraw prior to the application phase as PACE Atlantic CIC is investing significant resources in this process. Council should also be aware that should we be successful and move forward with the program, additional operational resources will very likely be required to administer the program.

## REQUEST FOR DECISION 030-2020

Title: PACE (Property Assessed Clean Energy) Program

Date: 2020-06-30

Department: Planning and Development

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## 2) LEGISLATIVE AUTHORITY

Council is enabled to approve this recommendation by Section 81A of the Municipal Government Act, which holds that:

**81A (1)** The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner:

- (a) energy-efficiency equipment;
- (b) renewable energy equipment;

## 3) STAFF RECOMMENDATION

Staff recommends that Council participate in the submission of the application to FCM for up to \$10 million in loan and \$3.75 million in grant funding in support of a PACE program for the four municipalities participating in the PACE program. It should be noted that none of the draft motions included in the RFD, including participating in the grant application phase, bind the Town to implementing the PACE program as described herein.

## 4) REFERENCES AND ATTACHMENTS

1. Briefing Note for PACE Atlantic
2. Draft PACE Bylaw
3. Memorandum of Understanding: PACE Atlantic – Municipal Regional Cooperative Program

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### 5) DISCUSSION

Staff have been conducting research into PACE and available program and partnership options since Spring 2019. This includes researching best practices within the province, across Canada, and internationally; talking to other communities about their programs and experiences; talking to program delivery and administration agents about their programs; discussing partnership opportunities with other municipalities in the region; and participating in the Nova Scotia PACE Summit in the Fall of 2019. Findings from this research have informed efforts to date to develop a PACE program for Wolfville.

#### What is PACE and how does it work?

Pioneered in Canada with Halifax's Solar City Initiative, PACE is a financing mechanism that enables private home and building owners to borrow money against their property – up to 15% of its assessed value – for energy efficiency and renewable energy projects. In Canadian provinces that have enacted enabling legislation, municipal governments pay for the cost of eligible projects by using reserve funds or borrowing from the Municipal Finance Corporation. Those costs are repaid by the property owner via an assessment on the property's regular tax bill, as regular monthly payments over an agreed-upon period of up to 15 years (Figure 1).

#### How does the PACE program work?

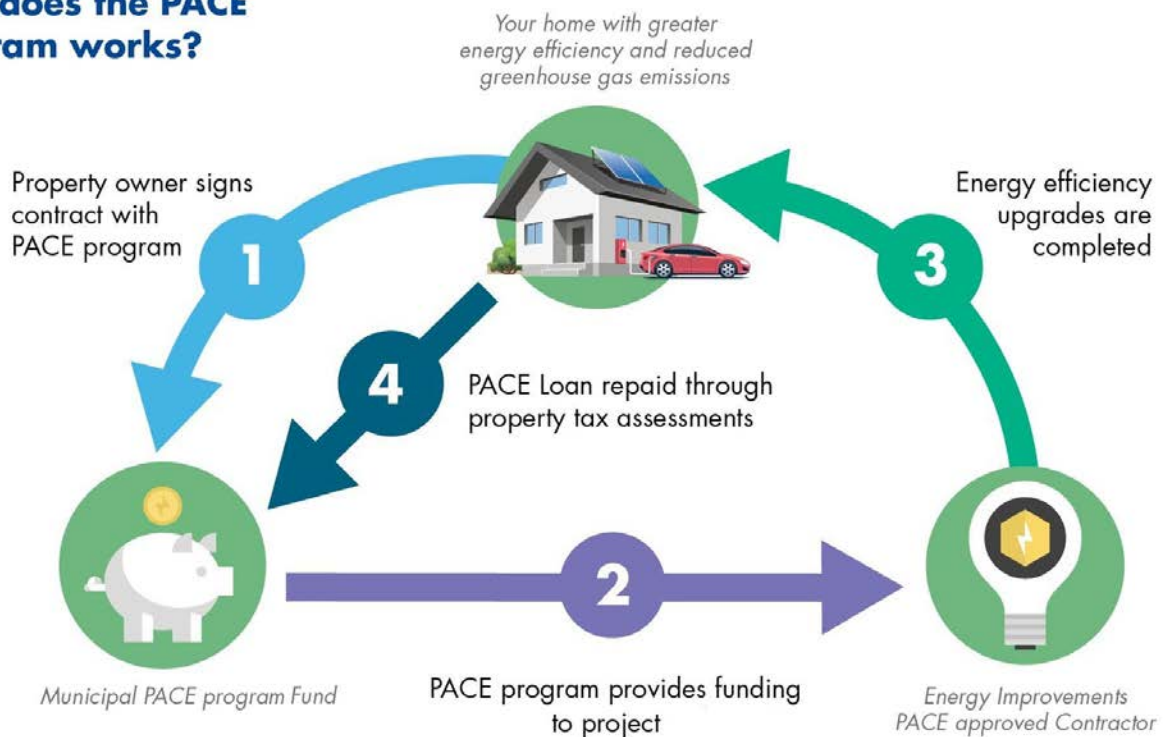


Figure 1: How PACE programs work

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PACE is a derivative of the Local Improvement Charge project funding mechanism. The key difference is that PACE is used to finance infrastructure on private properties, and the asset is owned by the property owner. This enables property owners to undertake deep, comprehensive retrofits that generate meaningful energy savings. Eligible retrofits are determined through an EnerGuide energy efficiency home evaluation, or similar, to ensure a 1:1 debt-to-savings ratio; savings often equal, if not exceed, the annual assessment payment, so the property owner is cash flow neutral or positive immediately. Project costs are repaid with interest and are secured as liens on affected properties, ultimately recoupable through tax sale if the loan goes into default. Such defaults, it should be noted, are exceedingly rare: there hasn't been one in HRM's PACE program, Solar City, since it began operating in 2013.

### Impacts of PACE

PACE programs have several benefits, including:

- Reduced Greenhouse Gas (GHG) emissions:** the majority of GHG emissions from the Town of Wolfville are caused by building energy use (Figure 2), and the majority of those building-related emissions come from residential buildings (Figure 3). PACE is an effective means of reducing GHG emissions from the largest source in Town; based on modelling work completed by PACE Atlantic CIC, PACE projects in Wolfville will reduce GHG emissions of affected buildings by an average of 37%.

#### 2016 GHG Emissions

Source	% of Total	Tonnes of CO <sub>2</sub> e
Building Emission	80%	63,252
Transportation Emissions	18%	13,612
Waste Emissions	1%	1,099
Fugitive Emissions	1%	893
Agricultural Emissions	<1%	5

Figure 2: GHG emissions from the 2016 inventory

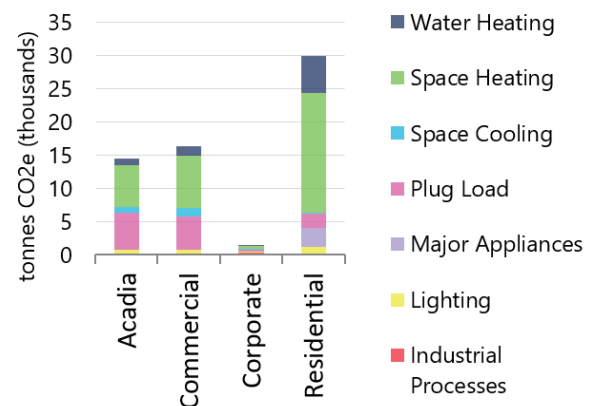


Figure 3: Building emissions by sector and end use

- Protecting the local environment and health:** PACE funding enables electrification and fuel switching; Wolfville can target homes located in the Well Head Protection Zone and Source Water Protection Area to encourage and enable homeowners to replace oil-based heating systems and fuel storage tanks with electric alternatives such as heat pumps, thereby reducing the potential for fuel spills and resulting aquifer contamination. Additional funding to incentivize homeowners in the Well Head Protection Zone and Source Water Protection Area to switch from oil-based to electric heating system is included in the application to FCM.

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- **Economic development:** Energy efficiency and renewable energy projects increase property values and generate investment, jobs, and economic activity in the local community and region. Additionally, the money residents save on energy costs, which would otherwise flow out of the community, can be redirected to local investments and purchases.
- **Cost savings:** In the short term, PACE loan repayments offset energy savings. However, repayment costs are fixed, compared to rising energy costs, which provides security; and the balance often works out in favor of the property owner. Once repayments are completed, the owner realizes long-term savings.
- **Improved quality of life:** Energy efficient buildings are safer, healthier, and more comfortable and functional buildings for their residents.
- **Overcoming barriers to climate action:** During the summer and fall of 2019, staff conducted over 300 door-to-door interviews with Town residents about climate change: their concerns, how they're taking action, and what's keeping them from doing so. Lack of financial capacity to invest in home energy efficiency was the barrier to GHG emission reduction most commonly reported by residents; PACE financing is designed specifically to address this barrier.

### Limitations of PACE

Despite their potential benefits, up to now, the impact of most PACE programs in Nova Scotia has been limited by two issues:

- Poor implementation and limited uptake. Staff have consulted with a number of other municipalities whose PACE programs have languished or underperformed. The exceptions seem to be Solar Colchester, HRM's Solar City, and Berwick's PACE program. Solar Colchester and Solar City focus exclusively on renewable energy generation (Solar City is expanding to include energy efficiency) and are administered by their respective municipalities.
- The municipality's ability to finance clean energy projects, either because of finite reserves or the limits of the debt-service ratio, can limit the impact of PACE programs in communities where interest and uptake are strong. Recently there have been discussions within the province about increasing financing options available to municipalities: either by eliminating the debt impact of community energy programs, as Alberta has done; or allowing municipalities access to private capital, as Bridgewater has been advocating. These limitations are what makes the Federation of Canadian Municipalities (FCM)'s Community Efficiency Financing program, which released \$300M of available funding on April 1<sup>st</sup>, 2020, an attractive option

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### PACE Atlantic

In Summer 2019, staff were approached by a local firm, Equilibrium Engineering, who were developing a multi-municipality PACE program. In April 2020, formal responsibility for the development of the proposed PACE program was shifted to PACE Atlantic, a newly formed community interest corporation (CIC) with a public benefit mandate. Key elements of PACE Atlantic are summarized below; for more information about PACE Atlantic CIC, refer to the Briefing Note for PACE Atlantic.

At the local level, staff have been working with PACE Atlantic staff on fine tuning several elements of the program, including:

- Technical programming elements specific to local interests, needs and conditions. In addition to single family homes – the traditional vessel for PACE projects – Wolfville has many rental properties that would benefit from clean energy upgrades. In addition to a need to reduce energy use and GHG emissions, Wolfville has a need to mitigate the risks of contamination to its aquifer. Both of these objectives are being factored into the structure and operations of PACE programming for Wolfville.
- A budget and program implementation plan – including risk mitigation, communication, and public/business engagement plans – specific to Wolfville. Through outreach, at events, and in meetings, staff have noted a high level of interest in energy efficiency and renewable energy generation among residents of Wolfville. Staff have been working with PACE Atlantic to develop PACE programming elements that both capitalize on these interests and work to ensure the effectiveness of the program in reducing GHG emissions and the equity of the program in terms of reducing barriers to participation.
- Building corporate administrative systems and capacity necessary to discharge the Town’s role. Staff have been working to understand what burdens, responsibilities, and risks a PACE program might have on Town resources, and to ensure that the capacity exists, or can be developed without undue burden, to take on any additional requirements.

At a high level, the initiative PACE Atlantic has several benefits:

1. It involves 4 municipalities as a consortium working together on a collaborative program. This approach generates efficiencies with a centralized administrative agent, knowledge and experiences that can be shared between communities, and a larger program-participant base that can help leverage additional funding opportunities.
2. Part of its long-term plan is to explore options and mechanisms to attract private capital to finance PACE projects after the initial 3-year FCM funded period. Private capital provides financing for PACE programs in the USA – where, as of 2019, over 200,000 homeowners have



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made \$5 billion in energy efficiency and other improvements to their homes through PACE. This model is almost certainly the future of PACE financing in Canada; being an early adopter and part of a large-scale program would position Wolfville to be ahead of the curve in this transition.

3. It is being spearheaded by Julian Boyle, who developed Halifax's Solar City Program and redeveloped Berwick's Green Energy Program. As the former Energy Manager of HRM, Julian has substantial experience working with municipalities and the FCM. The other project lead is Bruce Cameron, former Executive Director of Electricity, Renewables, and Efficiency with the Nova Scotia Department of Energy, who is working on policy development and implementation strategy.

### The Proposal

In 2019, FCM announced a new addition to their Green Municipal Fund: the \$300 Million Community Efficiency Financing Program, aimed at assisting municipalities to deliver energy efficiency financing programs. The program's first call for proposals is limited to communities with PACE programs ready to be initiated or currently in operation: it includes direct loans for program financing of up to 80% of eligible costs; and grants of up to 50% of the loan amount to support indirect program expenses.

PACE Atlantic staff have been working with staff from all members of the consortium to prepare an application for the first call, which closes on June 30<sup>th</sup>, 2020. The application is for \$10 Million in financing for local PACE projects in participating municipalities over 3 years, along with ~\$3.8 Million in grant funding to support the program.

Based on program planning and modeling undertaken by Town of Wolfville and PACE Atlantic staff, and materials and program details provided by FCM, this funding would allow the Town of Wolfville to finance ~43 residential clean energy projects in the first 3 years of the program. Each project would be unique, tailored to the needs of individuals and owners; however, it is projected that each PACE project would reduce its building's GHG emissions by, on average, 35%. This works out to an anticipated GHG emissions reduction of 174 Tonnes of CO<sub>2</sub>e/year.

While this total represents a modest reduction when considered in terms of Wolfville's total annual GHG emissions, staff view the initial 3-year, FCM funded period of the program as its ramp-up phase. A steady-state PACE program financing 50 home energy projects/year would allow the Town of Wolfville to retrofit every existing building in Town before 2040. While the GHG emission reduction potential of a long-term program PACE program in Wolfville have not yet been modeled, an examination of the Wedge Diagram of actions for Halifax's low carbon pathway can provide a sense of the program's potential impact through retrofitting existing residential buildings (Figure 4).

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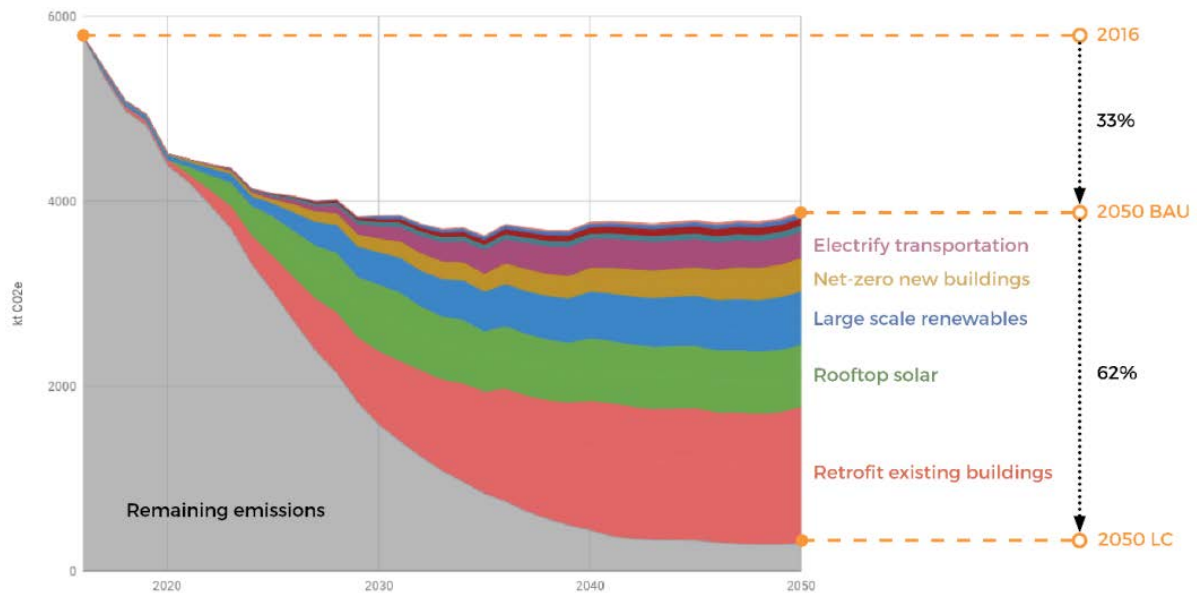


Figure 4: Wedge diagram of actions for the low carbon pathway

### Next Steps

Town of Wolfville staff are actively involved in the development of PACE Atlantic, with the opportunity both to inform its form and direction and to opt-out of the initiative should the need arise. Planning, finance, and administrative staff have been participating in PACE Atlantic program development meetings and reviewing program and application materials as appropriate, and will continue to do so in order to ensure that administrative, financial, and governance elements of the program, and its timeline, meet Wolfville's needs and expectations.

Moving forward, PACE Atlantic is set to develop in stages, each of which locks in key elements of the program and offers participating municipalities off-ramps should it be determined to no longer meet their expectations, requirements, or readiness. The initiative is reaching one such stage, coinciding with the submission of the FCM funding proposal, which requires a decision from Council on the motion as outlined on page 1.

PACE can be a key strategy of Wolfville's Climate Change Mitigation Plan; the fact that the Plan is still in development should not overshadow neither the opportunity that PACE Atlantic and the FCM Community Efficiency Financing program represent, nor the pressing need to take swift action in response to the climate emergency declared by Council in 2019. As noted in the staff report for the HalifACT 2050: Acting on Climate Together Plan, adopted unanimously by HRM's council on June 23<sup>rd</sup>, 2020: "Responding to a changing climate is an urgent global crisis that requires immediate action with a steep decline in greenhouse gas emissions in the next ten years."

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## 6) FINANCIAL IMPLICATIONS

There are no immediate direct financial implications to the motion contained on page 1 of this document.

As the Town moves towards setting targets and implementing its climate change mitigation plan, there are likely to be costs/risks associated with any initiatives. For the Town organization, from a financial perspective, the question is what initiatives are pursued and what cost/risk is manageable within the financial framework of the Town.

The main risk areas could fall into two categories:

- Cash Flow & Bad Debts
- Reduced borrowing capacity to the Town for other projects (capital and operating)

An additional factor beyond risk is capacity to manage the program. To date, several governance models have been reviewed for the PACE Atlantic program, one of which would have Wolfville act as lead NS municipality managing the FCM funds. This scenario would in all likelihood require additional staff. In their review of the draft application to FCM the Town's solicitor also noted the administrative resources required to achieve the noted goals. It should be noted that part of the grant from FCM is budgeted specifically to support such resources. As noted above in discussion section it appears 50% grant funding is available for these costs. It is likely the taxpayer will have to support the other 50%.

### **Cash Flow Risk**

Regarding the risk of negative impact on Town's cash flows, this has been a weakness of at least one PACE program in Nova Scotia. That situation has been further aggravated by the impact of COVID. Wolfville finance staff have already started to keep an eye on the COVID impact and a financial update was provided in a report reviewed during the June 16 Council meeting. The COVID situation has highlighted the susceptibility municipalities have to economic downturns.

The issue would be most prominent in cases where PACE participants don't stay current with their repayment schedule to the Town. The Town will be required to make repayments to FCM on a scheduled basis. If participants don't stay current with payments to Town, there would be a negative impact on the Town's cash flows and working capital.

The experience of HRM's Solar City program would indicate that the risk of default by participants (the ultimate cash flow issue) is low. That said, their program has existed in a pre-COVID economy that was generally considered a period of positive economic growth. Debt payments/defaults in such an environment are likely different than in an economic downturn.

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Assume that the Town does not use Reserves. Given the shortfall in long-term capital funding in the coming years, use of Reserves for a PACE program would not be recommended. Use of operating reserves is also not recommended. Council is aware that those funds are already committed to prop up the Ten Year Capital Investment Plan. They are now also needed to help offset the cash shortfalls expected by the COVID impact.

This means that at end of day, this is a loan program that the Town assumes the risk of lender. Effectively the Town would be acting as a financial lending institution, financing projects using funds from FCM (80%) and another lender (20%).

While the Town can design its program as it sees fit, generally PACE programs do not utilize credit checks, which is a standard procedure for commercial lenders to mitigate risk.

### **Possible Negative Impact on Town's Overall Borrowing Capacity**

As noted in the discussion section, PACE loans do not currently count against a Town's Debt Ratio, as measured in the provincial FCI's. However, the province does use another debt capacity calculation when they evaluate debt requests by municipalities before those requests are submitted to the Minister for approval. This "benchmark" is not part of the FCI data.

A request has been submitted to the province for clarification of whether a PACE program operating debt would be included in their debt capacity evaluation. Staff are awaiting a final answer on this matter, but early indications are that PACE debt would be part of the evaluation process. This is similar to the more recent COVID operating line of credit the province has facilitated for municipalities. That operating debt will be part of the provincial evaluation process for Towns. This would mean an operating debt derived for PACE program could limit the amount of borrowing the Town could obtain for other purposes, most importantly capital project financing.

### **Finance Summary**

Based on the staff analysis above, the benefit (from a GHG perspective) of this program is estimated at 174 Tonnes of CO<sub>2</sub>e/year. This represents approximately 0.2% of the Wolfville community emissions per year. Assuming the benefit is cumulative each year (eg. year 2 becomes 348 Tonnes/yr) then it would take 10 years to realize a 2% savings annually. This is one aspect of the cost/benefit aspect council should consider.

- Is the effort and dollars to achieve this level of GHG reduction justified when compared to potential negative financial factors

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- How much renewable energy would occur in the community without the PACE program, i.e. how many of the noted 43 installations would happen from grassroots interest. The Town currently has 4 applications for PV Arrays this year.
- There were only a handful of solar panel companies in the province only a few years ago. There are now over 50 installers operate in the province.
- Is the 43 in first 3 years achievable; and is 50/year thereafter achievable. This would by far proportionately surpass the success of HRM's Solar City (420 agreements over the first 4 years)
- Despite HRM's commitment to carbon neutrality (HalifACT 2050), it appears that their program is being temporarily impacted by COVID with much of the needed resourcing for the plan put on hold.

It is anticipated that COVID will continue to have a negative impact on the economy, including municipal finances, for at least a couple of years. This may require Town's to seriously consider how many and what types of projects they take on that are outside their core/essential services.

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## 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

PACE programs have several benefits, including:

- Leveraging our economic opportunities: energy efficiency and renewable energy projects generate investment, jobs, and economic activity in the local community and region. Additionally, property owners can invest the money saved in other capital projects, budgetary expenses, or other investments. Finally, FMC's Community Efficiency Financing program provides direct loans for program financing of up to 80% of eligible costs, and grants of up to 50% of the loan amount to support indirect program expenses, leveraging any contribution to the program by the Town by more than 4X.
- Improved quality of life: a PACE program would directly support energy efficiency opportunities throughout the community. Additionally, energy efficient buildings are safer, healthier, and more comfortable and functional buildings for their residents.
- Maximizing our infrastructure investments: a PACE program would provide funding to ensure that private homes, the dominant type of physical infrastructure in Wolfville, serve the needs of their inhabitants by being more energy efficient and the needs of the community by emitting fewer Greenhouse Gases.

### Council Strategic Principles:

Explain how the initiative meets the strategic principles below (remove this line from the final report)

1. **Discipline to Stay the Course and United Front:** Council approved the initiation of a PACE program for Wolfville as part of the Town's 2020/21 operational plan and budget.
2. **Affordability:** the budget for the project can be scaled and tailored around the Town's financial capacity and leverages additional funding to increase program impact.
3. **Community Capacity Building:** the project will create opportunities for local residents and businesses to deliver energy efficiency services in pursuit of a more sustainable community.
4. **Environmental Sustainability:** the project will increase environmental sustainability by reducing energy use and resulting Greenhouse Gas emissions from home energy use and heating. Additionally, the project will encourage and enable fuel-switching in the Well Head Protection Zone and Source Water Protection Area to encourage and enable homeowners to replace oil-based heating systems and fuel storage tanks with electric alternatives, thereby reducing the risk of contamination.

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### 8) ALTERNATIVES

**Option 1:** Do not approve the development of a PACE program for Wolfville.

**Option 2:** Do not approve Wolfville participation in PACE Atlantic, and direct staff to either

- a) look for/work with another program partner to develop a PACE program for Wolfville, or
- b) develop a stand-alone PACE program for Wolfville
- c) promote existing alternative energy programs (provincial/federal) as a cost-effective way to encourage renewable energy conversions.

# Briefing Note for PACE Atlantic

## What is PACE Atlantic?

PACE Atlantic is the proposed Program Administrator for efficiency and beneficial electrification programs in three municipalities in Nova Scotia and two in PEI. PACE Atlantic CIC has been incorporated under Nova Scotia's new Community Interest Companies (CIC) Act. The Act is designed to bring a blend of private entrepreneurship and public purpose business ventures. In the Case of PACE Atlantic CIC, it will help communities simplify the work to reduce GHG emissions and save on energy bills. (see PACE Atlantic CIC Public Benefit Statement)

## What is happening now?

PACE Atlantic is working with Wolfville, Kentville and Berwick in Nova Scotia as well as Charlottetown and Stratford in PEI to prepare an application to the Federation of Canadian Municipalities Green Fund Program for Community Efficiency Financing. This \$300 million program is using a grant from the Government of Canada to help municipalities to provide low-cost loans to homeowners so they may finance efficiency and beneficial electrification upgrades. Beneficial electrification means investments that save on energy bills, reduce GHG emissions and help the grid.

## What is the PACE Atlantic Proposal?

The PACE Atlantic approach builds upon the success of the original Halifax Solar City Program where applicants were presented with a simplified process for purchasing, financing and install solar thermal systems on their homes. A simplified, integrated approach to lowering energy costs and reducing GHGs is at the heart of PACE Atlantic's plans.

PACE Atlantic is seeking \$10,000,000 in financing for homes in its municipal clients.

<b>Note: Efficiency and Renewable Projects are Distributed to Municipalities on a Per Capita Basis</b>			
<b>Community</b>		<b>Population</b>	
Kentville		6271	11%
Wolfville		4195	7%
Stratford		9706	17%
Charlottetown		36094	64%
	<b>Totals</b>	<b>56266</b>	<b>100%</b>

as well as \$3,700,000 in grants to support program startup, incentives, loan loss reserves, significant documentation of lessons learned and program outcomes, new tools to simplify the customer experience, reduce administrative costs and to create and implement a research and strategy to respond to customer needs, and wants!



## What is PACE Atlantic doing that is so innovative?

The company's focus on simplicity drives their strategy for innovation. Significant investments in areas where people have little experience immediately give rise to hesitation. When combined with the need to understand why they should spend the money, wonder where they will get it, schedule audits to determine a plan, choose the plan elements, and they find someone to do the work properly, there is no wonder many don't bother. PACE Atlantic plans to streamline and simplify all that by:

- Building simple but meaningful on-line tools to identify the costs and savings including on-line audits supported by live guides
- Building back office electronic workflow systems to take the paper out of the paperwork and automate customer upgrade proposals, approvals and records.
- Building applications that collect customer feedback on quality of work to be shared with others in a community to build a record of trust.
- Developing a customer focused marketing strategy including bottom up research on customer wants and needs. The advent of new technologies as solar PV, storage and EV charging can provide new opportunities to also sell energy retrofits. This complete package results in energy savings. It is what helped put Berwick Electric into final place in the recent Canada-UK Power Forward Challenge. We will engage with market research professionals to understand how we can make the consumer decision-making process much less "sticky".

## PACE Atlantic CIC Public Benefit Statement

One of the greatest challenges facing our communities, our country and the world today is climate change. Reducing the greenhouse gas (GHG) emissions that are the major cause of the changes in our climate requires us to reduce the amount of energy we use and the carbon in it. To accelerate the pace of change toward a lower carbon future, we will develop the tools, best practices and innovative business models to encourage and enable homeowners to lower their energy bills as they reduce their carbon footprint.

PACE Atlantic's purpose is to develop and provide low-carbon solutions for homeowners that are cleaner, simpler, and more cost-effective.

We will work with municipalities and their citizens to make it easier for people to install renewable energy and energy management technologies and make their homes and their heating and cooling appliances more energy efficient. We will develop new tools to help homeowners decide where to invest for energy savings, who to contract with to have the work done, and how to finance it. By making energy use greener and less expensive, we will move more quickly toward an energy future that is net-zero GHG emissions by 2050.

Our integrated and transparent service approach will:

- support innovation by developing the tools for cost-effective, efficient and customer-friendly programs;

- enhance customer interest and engagement through education, research, a broad range of products and services and new technologies that lower energy bills and provide GHG reductions;
- improve investor confidence by measuring and documenting program results so that future investment will have predictable outcomes;
- offer high-quality products and services through industry capacity building and oversight of contractors undertaking the work for homeowners;
- reduce risk through program design and guarantees on loan repayments through PACE; and
- create best practices to share among municipalities and industry partners across Canada and beyond.

## 1 Title

This bylaw shall be known as bylaw ## and may be cited as the Green Energy Program Bylaw.

## 2 Background

The Nova Scotia Municipal Government Act (NS MGA), Section 81(1) gives Council the specific authority to establish Bylaws *imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner: (a) equipment installed pursuant to an expenditure under clause 65 (aca): providing for, financing and installing energy-efficiency equipment on private property including, without restricting the generality of the foregoing, solar panels...*

The purpose of this Bylaw is to enable financing of energy and water efficiency, renewable energy, or greenhouse gas reduction upgrades to Qualifying Properties within the Municipality.

## 3 References

2.1 Nova Scotia Municipal Government Act (NS MGA)

2.2 Municipal Planning Strategy

2.3 Integrated Community Sustainability Plan

## 4 Definitions

In this Bylaw;

**“Chief Administrative Officer”** means the Chief Administrative Officer of the Municipality;

**“Charge”** means the Property Assessed Clean Energy improvement tax levied on the property pursuant to s.81A of the *Municipal Government Act*;

**“Director of Finance”** means the Director of Finance of the Municipality;

**“Director”** means the Director of the department of the Municipality responsible for energy, sustainability or the environment, and includes a designate or person acting under the supervision and direction of the Director;

**“Energy Efficiency Upgrade”** means any installation that is permanently affixed to the property and which:

- a) Will result in improved energy efficiency and reduce energy use; or
- b) Will result in reduced greenhouse gas emissions; or
- c) Will achieve an environmental sustainability goal of the Municipality; and
- d) Are approved by the Director and the Program Administrator;



**“Green Energy Program”** means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for Energy Efficiency Upgrades;

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

**“Participation Agreement”** means the written Green Energy Program Participation Agreement between the owner of a Qualifying Property and the Municipality for financing of an Energy Efficiency Upgrade to the property, approved in form by the Director, which identifies the type of equipment, administrative fees, financing costs, and general terms and conditions that the owner agrees to prior to the installation commencing;

**“Program Administrator”** means the department of the Municipality responsible for operating the Green Energy Program or a designated 3<sup>rd</sup> party administrator approved by the Director;

**“Qualifying Property”** means a property located within the Municipality, the owner of which is not otherwise in default of any municipal taxes, rates, or charges, and also is approved by the Director.

## 5 Application and Approval

- 5.1 An owner of a Qualifying Property within the Municipality who is not otherwise in default of any municipal taxes, rates or charges, may apply for Municipal financing of Energy Efficient Upgrades to the property.
- 5.2 Financing shall be subject to Municipal approval and execution of a Participation Agreement with the owner of the Qualifying Property.
- 5.3 Energy Efficiency Upgrade financing shall be limited to 15% of the assessed value of the Qualifying Property or less as approved by the Director of Finance.

## 6 Payment of Charge

- 6.1 The Green Energy Program charge shall become payable in full on completion of installation of the Energy Efficiency Upgrade in accordance with the Participation Agreement.
- 6.2 The Director of Finance shall maintain a separate account of all monies due for Green Energy Program charges levied pursuant to this By-law, identifying:
  - 6.2.1 The names of the property owners and assessment, PID and civic address information of the subject property;
  - 6.2.2 The amount of the Green Energy Program charge levied on the property;
  - 6.2.3 The annual interest rate and amount of interest charges included within the Green Energy Program charge;



6.2.4 The amount paid on the Green Energy Program charge; and

6.2.5 The balance due on the Green Energy Program charge.

## **7 Lien**

7.1 On completion of an Energy Efficiency Upgrade pursuant to a Participation Agreement, the Green Energy Program Charge shall be levied against the property.

7.2 A Green Energy Program Charge imposed pursuant to this Bylaw constitutes a first lien on the subject property and has the same effect as rates and taxes under the Assessment Act.

7.3 A Green Energy Program Charge pursuant to this Bylaw is collectable in the same manner as rates and taxes under the Assessment Act and, at the option of the Director of Finance, is collectable at the same time and by the same proceedings as taxes.

7.4 The lien provided for in this Bylaw shall become effective on the date on which the Program Administrator files notice with the Director of Finance that the agreed Energy Efficiency Upgrade has been completed as per the Participation Agreement terms and conditions.

7.5 The lien provided for in this Bylaw shall remain in effect until the total charge, plus interest, has been paid in full.

## **8 Interest**

8.1 Interest will be charged on Green Energy Program Charges as agreed to in the executed Participation Agreement and at a rate of Municipal cost of borrowing plus 1% per annum. ALTERNATE at a rate of 4% OR at a rate determined by the Director of Finance, and set annually, to recover the municipal cost of borrowing.

8.2 Interest shall accrue on any Green Energy Program Charge or portion thereof which remain outstanding from the date of billing.

8.3 Interest is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.

## **9 Installment Payments**

9.1 The owner of a Qualified Property may elect to pay the Green Energy Program Charge by installment payments over a period or not more than 15 years, as set out in the Green Energy Program Customer Agreement.



**Clerk's Annotation for Official Bylaw Book**

Date of first reading: \_\_\_\_\_

Date of advertisement of Notice of Intent to Consider: \_\_\_\_\_

Date of second reading: \_\_\_\_\_

Date of advertisement of Passage of By-law: \_\_\_\_\_

Date of mailing to Minister a certified copy of By-law: \_\_\_\_\_

I certify that this **Title Bylaw ##**-- was adopted by Council and published as indicated above.

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

# DRAFT- Memorandum of Understanding

## PACE ATLANTIC – MUNICIPAL REGIONAL COOPERATIVE PROGRAM

The Parties to this Memorandum of Understanding on a Property Assessed Clean Energy (PACE) program for enabling energy efficiency, renewable energy, and beneficial electrification are:

- The Town of Kentville NS,
- The Town of Wolfville NS,
- The Town of Stratford PE,
- The City of Charlottetown PE,

Hereby referred to as the “Municipal Partners”

and

- PACE Atlantic CIC, a body incorporated under the *NS Community Investment Corporation Act*;

**Whereas**, the parties share a common vision of taking local action to reduce the Green House Gas (GHG) emission that are a major cause of the Climate Change Emergency, and

**Whereas**, municipalities have influence on over 50% of GHG emissions, and those in Atlantic Canada are particularly vulnerable to the impacts of global climate change, and

**Whereas**, the parties also share the objective of advancing projects that result in beneficial electrification which will save residents money on energy bills, reduce GHG’s, and improve the resiliency and reduce costs for their common electrical grids, and

**Whereas**, investments in energy efficiency, renewable energy and beneficial electrification support local economic development and reduce the negative social impacts for those in energy poverty, and

**Whereas**, the parties wish to implement an integrated energy efficiency, renewable energy and beneficial electrification program in their communities that simplifies processes, results in predictable and replicable outcomes, and accelerates adoption by homeowners, and

**Whereas**, low-cost financing is an important part of an integrated program, and

**Whereas**, the Federation of Canadian Municipalities (FCM) has received \$300 million from the Government of Canada to develop the Community Efficiency Financing initiative that will offer low-cost loans and grants to help develop sustainable financing programs, the Municipal Partners and PACE Atlantic CIC agree to the following:

1. They will work together to develop an integrated program for energy savings, renewable energy and other technologies that support beneficial electrification. Such a program to include new tools to accelerate investments through low-cost financing, to simplify investment action, reduce paperwork and provide proof of outcomes as supported by FCM.
2. They will submit a joint funding application request to FCM for \$10 million in low interest loans and a \$3.75 million grant, with the goal of launching programming no later than winter 2021.
3. They will work together to identify \$3 million in participant funding from efficiency agencies, contributions in kind and other forms of support from business and community partners to enable a program worth a total of \$18 million.
4. On a contingency basis, PACE Atlantic CIC will undertake the role of Program Administrator to support the municipalities in their application to the Federation of Canadian Municipalities' Community Efficiency Financing initiative. The application will include a budget for application costs and PACE Atlantic CIC shall be compensated at the amount approved by FCM.
5. Will share lessons learned from their leadership with other municipalities across Atlantic Canada and Canada and enabling scaling of greenhouse gas reductions that benefit both the local economy and the environment.
6. The Parties further agree that once FCM approves the application, they will draw up Joint Agreements and Service Agreement(s) to reflect the legal nature of their commitments jointly and individually in implementing the FCM approved program. The Joint Agreement will include the creation of a Management Committee with representatives of each of the participating municipalities. The Joint Agreement will outline roles and responsibilities consistent with FCM requirements established in their Program Award.



## **Amanda Brown**

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**Subject:** RE: parking

-----Original Message-----

From: linda fisk Sent: June 14, 2020 8:06 PM

To: Town Council <towncouncil@wolfville.ca>

Subject: parking

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Over the past 11 years of providing speech and hearing health care for residents of Wolfville and the surrounding area at our clinic at 414 Main Street, we have been receiving increasing complaints from our patients regarding the challenge of finding nearby parking, and in particular accessible parking to our clinic. Many of our patients are elderly or have mobility concerns. With the proposal for shutting down half of Main Street to accommodate a one-way route, and thus completely eliminating parking on the North Side of the street, we are concerned that this problem will be exacerbated. While we support the initiative to increase safety by promoting social distancing, we believe that this will actually create more pedestrians as they will have to park farther from their destinations and pass by more people. We believe that at present, Wolfville is fortunate to have many green spaces and open spaces including Clock Park, Mona Parson's park and the Cenotaph in front of the post office, several cut-outs in front of the Shopper's Drug Mart mall, Willow Park, Waterfront Park, Robie Tufts Nature Centre, green space by the library and beside Harris complex, and many inviting benches on both sides of Main Street, in addition to many large restaurant patios (which also take valuable and coveted parking spaces,) where people can enjoy their takeout meals, meet, and socialize safely. We do not believe that the cost/benefit weighs favourably to support this initiative. We believe that promoting easy access (including nearby parking for quick in-and-out, waiting in vehicles, and curb-side service), and mask-wearing on the sidewalks would be a better solution. We ask Council to please consider all of the service-based businesses that are located in this two-block stretch (including dentist offices, legal offices, financial institutions, pharmaceutical services and our speech and hearing clinic), in addition to the food-based and retail businesses which would have obvious benefit with increased foot-traffic.

With thanks for your consideration.

Linda Levy Fisk, B.A., B.Ed., B.A.Hons., M.Sc., S-LP(C), SLP-Reg Speech-Language Pathologist

Tim Fisk, B.Sc., B.A.Hons., M.Sc., Aud (C), Aud-Reg Audiologist

**Amanda Brown**

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**Subject:** RE: sanitizer

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**From:** Grodt, Jens

**Sent:** June 16, 2020 11:37 AM

**To:** Town Council <towncouncil@wolfville.ca>

**Subject:** sanitizer

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have an affordable solution for your hand sanitizer needs. This wall mounted unit has 1000 application. When the unit is nearing empty, simply notify us for a service technician to stop in and refill the unit. This takes the burden off staff, frees up storage space and avoids costly upfront fees.

\$35.00 is the monthly fee including install first fill, with refills being delivered for an additional \$25.00.



**NEW Touch-Free Hand Sanitizer Units**



Having hand sanitizer available for employees and customers is the "new normal" with COVID-19. It's an important part of preventing employee illness and making customers feel more comfortable re-entering your business.

**Floor stands** are also available.

Helps stop the transmission of germs

## Benefits of a touch-free dispenser

### Save \$\$\$ and save the environment

- Disposables allow people to take 3-4 pumps, auto dispensers allow only 1
- Disposable bottles "disappear" quickly, leaving you to pay for replacements



- Do your part to keep 1,000's of plastic bottles out of landfills



▶ We're on it.



**Jens Grodt**  
Regional Account Manager

**Phone:** (902) 442-0160 • **Fax:** (902) 481-9341  
[jgrodt@abellgroup.com](mailto:jgrodt@abellgroup.com) • [www.abellpestcontrol.com](http://www.abellpestcontrol.com)



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## Amanda Brown

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**Subject:** RE: My Appreciation

**Date:** June 16, 2020 at 9:03:11 PM ADT

**To:** Jeff Cantwell <[JCantwell@wolffville.ca](mailto:JCantwell@wolffville.ca)>, Jodi MacKay <[JMacKay@wolffville.ca](mailto:JMacKay@wolffville.ca)>, Mercedes Brian <[MBrian@wolffville.ca](mailto:MBrian@wolffville.ca)>, Carl Oldham <[COldham@wolffville.ca](mailto:COldham@wolffville.ca)>, Wendy Elliott <[WElliott@wolffville.ca](mailto:WElliott@wolffville.ca)>, Wendy Donovan <[WDonovan@wolffville.ca](mailto:WDonovan@wolffville.ca)>, Oonagh Proudfoot <[OProudfoot@wolffville.ca](mailto:OProudfoot@wolffville.ca)>

**Cc:** Devin Lake <[DLake@wolffville.ca](mailto:DLake@wolffville.ca)>

**Subject:** My Appreciation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

I would like to take this opportunity to thank all the elected representatives for the Town of Wolfville in showing their leadership and ability to respond quickly to unprecedented circumstances. I am a full believer that what is good for Wolfville is good for the Kings Arms Commons, and what is good for the Kings Arms Commons is good for Wolfville. I believe this decision is good for Wolfville.

I was fortunate enough to be informally involved in discussions regarding any proposed changes at an early stage. It has been my stated opinion that regardless of the action taken, towns and communities in Nova Scotia need to make significant changes and alterations to how they operate this upcoming summer. They need to make unique adjustments, take risks and show that status quo is something that simply cannot happen for the coming months. Tonight, the Town of Wolfville showed that they are far ahead of the curve regarding this.

I would finally like to express my gratitude and appreciation to the staff in the different departments who contributed and performed the necessary research that went into this proposal. Their diligence, resourcefulness and ingenuity are truly what got us where we are today.

I am very excited to once again do business in Wolfville for another summer, and I look forward to seeing you all about town.

Kindest Regards

Joey Murphy  
Kings Arms Commons

## Amanda Brown

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**Subject:** RE: Prospect Street parking

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**From:** John MacKay

**Sent:** June 17, 2020 12:52 PM

**To:** Town Council <towncouncil@wolfville.ca>

**Cc:** Devin Lake <DLake@wolfville.ca>; Erin Beaudin <EBeaudin@wolfville.ca>

**Subject:** Prospect Street parking

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Council

I am writing to address a concern I have regarding parking availability on Prospect Street.

For many years, parking on Prospect Street is only permissible on the south side of the street. When the town redid Prospect Street a few years ago they left the fire hydrants on the south side of the street rather than move them to the north side when they had the chance. This has greatly reduced the number of available parking spots on that street. To further exacerbate the situation, many of the property owners on the south side of the street have cut additional parking spots, other than their existing driveways, into their front lawns. These factors combined have resulted in very few available spots for street parking, especially for people who live on the north side of the street where parking is not permitted and few driveways exist because of the extreme height difference between the street and the buildings.

I would suggest the possible solutions:

1. Move all on-street parking to the north side from Hillside Ave, west to Highland Ave.
2. Implement a "Resident Only" parking permit
3. If moving the parking to the north side is not possible, have the south side property owners who have cut in additional parking spaces onto their front lawns to remove them and allow only original driveways. This would restore much of the parking spots on the street.

But the real solution # 1, simply move the parking to the north side of the street where there is only one driveway and one fire hydrant at the far west end. Also, I believe parking on the north side is the correct side considering the traffic flow, east to west.

It would be nice to have these changes implemented before the students return in August.

Thank you for your attention and if you have questions please do not hesitate to contact me.

John MacKay, FRI, AACI(r), Broker

MacKay Real Estate

382 Main St, Wolfville NS B4P 1C9

1 902 680 5664

[www.MacKayRE.com](http://www.MacKayRE.com)

## Amanda Brown

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**Subject:** RE: Thanks for all you are doing to keep us safe and happy!

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**From:** Heather McNally

**Sent:** June 17, 2020 6:37 PM

**To:** Town Council <towncouncil@wolfville.ca>

**Subject:** Thanks for all you are doing to keep us safe and happy!

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I wasn't sure to whom to address this. I wanted to express my abundant thanks for the creativity shown and money spent to keep our population safe and happy in this difficult time of COVID restrictions. There are so many examples I could cite. These are the first ones that come to mind:

1. I love the statements and poems posted at various sites reminding us to show compassion for each other and keep things in perspective.
2. The benches for waiting outside hair salons and the grocery store are fantastic.
3. The invitation for Wolfville Town residents to decorate. The wooden flowers in boxes on Main Street are wonderful!
4. The Free online Skill-Sharing sessions to make our community more resilient.

Thanks again to everyone for your teamwork and excellent work for our Town. I won't want to live anywhere else!

Heather

H McNally MD (retired)



## Amanda Brown

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**Subject:** RE: Crosswalks

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**From:** Garth  
**Sent:** June 20, 2020 7:21 PM  
**To:** Town Council <towncouncil@wolfville.ca>  
**Subject:** Crosswalks

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

His Worship, The Mayor, Members of  
Wolfville Town Council:

Greetings:

On 1 December 2018 after fifty years I returned to the “Motherland”, Nova Scotia. There were two places where I wanted to live and after much thought and exploration, Wolfville was the winner. From 1966-1969 the Valley had been one of fourteen locations in Nova Scotia where I represented my employer, a large international corporation. In 1993 my daughter graduated as a Scholar from Acadia. I am familiar with the beauty and gentleness of the area.

Public service has been a large part of my life including a term as Councillor of Colchester Municipal Council.

**I am delighted you have chosen to serve the people of Wolfville as a member of its governing body.**

The development of Woodman Grove provides the Town with opportunities for growth. Single housing on Laura Moore and multi housing units on Woodman Road should yield welcome revenue for the development and upkeep of necessary services throughout the town.

With this development comes a responsibility to provide services akin to other parts of the town. An estimated 366 multi-unit accommodations (only) with an estimate of 566 new residents, has brought the need for adequate water, sewerage, sidewalks, paved streets, lighting, security and a healthy environment.

Many of the inhabitants, but not all, are retired, including myself. We are conscious of the need to keep healthy for our own enjoyment and to lessen the burden on others. We walk, exercise, guided by healthy diets and social intercourse.

I am concerned with some deficiencies which are without discussion, the responsibility of the town. These are: safe sidewalks to walk on, safe streets to drive on and safe crosswalks to enhance our safety. Currently I view the crosswalk situation in Wolfville a hodge-podge of ill-advised crossings plagued by unsafe conditions for both pedestrians and motorists. It is inconceivable that crosswalks be located beside power polls and other obstructions. This condition is evident to most people. To correct this situation will require an ongoing plan to be implemented over a short period of time.

**The town has made a great start in one location, the crossing near the University on Main Street. This is a fine demonstration of what can be done.**

My current concern, affecting those previously mentioned 500 plus residents, is located at Woodman Road and Main Street. Sidewalk conditions on the north side of Main are truly dangerous for the walking public. The sidewalk on the south side is in fine condition.

**From Woodman and Main to the Historical Society building there are only two crosswalks serving this large residential area.**

I respectfully ask that a crosswalk be installed at Woodman Road and Main. This not only serves the safety needs of those walking but is an alert to incoming motorists to slow down to meet the posted limit, flashed by the electronic sign near Laura Moore Drive, another area without a crosswalk.

**Currently a sidewalk is being constructed on Woodman Road to Main Street. This is an opportunity for the town and the contractor to come together and get the job done quickly and economically. Lets find at least one good reason why it can be done.**

Best Wishes for positive and timely deliberations.

Sincerely,

Garth E Staples

Sent from [Mail](#) for Windows 10

**Amanda Brown**

---

**Subject:** RE: Canada day 2020

-----Original Message-----

From: Reginald.Simmons

Sent: June 21, 2020 1:50 PM

To: Town Council <towncouncil@wolfville.ca>

Subject: Canada day 2020

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm wondering if the town of Wolfville is having a Canada day event this year? I'm asking because we are planning on travelling from Halifax to participate.

Thank you

Lt(N) Reggie Simmons

## Amanda Brown

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**Subject:** RE: 5G ~ What you Need to Know

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**From:** AtlanticCanada <atlanticcanada@saynoto5g.ca>

**Sent:** June 22, 2020 10:23 AM

**To:** Town Council <towncouncil@wolfville.ca>

**Subject:** 5G ~ What you Need to Know

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Cantwell and Wolfville Town Councillors,

Parliament has been remote. School has been virtual. Work has been online. Recent events have shown us how important safe and affordable high-speed broadband is.

In response, telecommunication providers are racing to install 5G. Is this the best connectivity option? What rights do local governments have when it comes to 5G? And why are the limited rights municipalities *do* have now under threat?

### 5G and You

The Federation of Canadian Municipalities (FCM) recently published *Getting it right: Preparing for 5G deployment in your municipality*. Although the FCM guide accurately answers the regulatory questions linked to 5G, including the potential loss of local input, it does not offer municipal governments the critical big picture information needed to understand the practical, policy and logistical implications of 5G.

To support you in making well-informed telecommunication decisions, we have prepared [Getting it Wrong in Getting it Right](#), a preamble and supplement to the FCM guide.

#### Action Item:

- Please take a moment to read the guide by clicking [Here](#). It is also attached.

### Untying Your Hands

Perhaps you would like to create local 5G and small cell siting policies that reflect and protect community interests, but believe your hands are tied.

The second document we have prepared and attached, [Creating a Proactive Antenna Siting Protocol and Small Cell Licensing Agreement](#), shows you how to create the most protective antenna siting policies and small cell licensing agreements possible given our regulatory landscape. It also covers critical liability issues which every local government should know about.

#### Action Item:

- Please read the document's *Overview* and share the document with your legal team. It is found [Here](#) and is also attached.

### A Better Way

The infrastructure investments we make today will shape how the Internet will be provided and how it will impact our security, well-being, resilience, and sustainability for generations to come. **We encourage you to choose the fastest, safest, most energy-efficient and cyber-secure data delivery system for your community - fiber optics** connected directly to each premise.

#### Action Item:

- Visit this site to learn more:

[Connected Communities ~ Wired fiber for Sustainable Last-Mile Solutions](#)

**Who are We?**

We represent an umbrella group of organizations and individuals advocating for safe and responsible technology. For more information, you may reach us at [atlanticcanada@saynoto5g.ca](mailto:atlanticcanada@saynoto5g.ca)

With Warm Regards,

Glen Pavelich  
Daniel Blair  
Janette Georges  
Andrea Schwenke Wylie

A good short intro to the issues is 5G in 5 minutes

# Creating a Proactive Antenna Siting Protocol & Small Cell Licensing Agreement

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## Overview

Although antenna siting falls under federal jurisdiction in Canada, Innovation, Science and Economic Development (ISED) encourages local governments to create siting protocols that reflect and protect local interests. When there is no local protocol in place, the ISED policy found [here](#) becomes the default process.

In some instances, telecommunication providers are not required to consult with land use authorities or the public before they install small cell antennas. For example, if a telecom is installing 4G or 5G small cell transmitters on existing structures, and its equipment does not increase the height of that structure by more than 25%, the proponent is only required to request a local government's permission if it wants to put antennas on property owned by the town..

In preparation for 5G, providers are installing a growing number of small cell antennas on our streets. Clearly, it is prudent to have antenna siting protocols in place that include small cells and protect local interests to the degree federal regulations permit. To draft a siting protocol for your town, use the template found [here](#) as a guide. To create the most protective protocols and small cell licensing agreements possible, be sure to add the **Specific Content Suggestions** found on Pages 5 to 16 of this document.

**Please note:** To provide the fastest, safest and most secure Internet infrastructure possible for generations to come, and to avoid the risks associated with wireless and 5G, communities are strongly advised to build a sustainable fiber-to-the-premises last mile in place of installing small cells.

***DISCLAIMER:** This content is provided for informational purposes only and is not intended to substitute for legal advice regarding compliance with local, provincial, or federal law. CALM makes no assurances or guarantees regarding the applicability or suitability of this language for any municipality, and shall not be held responsible for any legal action arising from the use of language or concepts contained herein.*

## General Examples of Areas to Address

**Note:** While the terms “certain distances” and “certain districts” are used below, specific values are later provided

### LOCATION

- Prohibiting small cell installations in residential areas and in certain districts
- Requiring installations to be certain distances away from residences, schools, hospitals, and/or other installations

### AESTHETICS / ENVIRONMENT

- Aesthetic, design, and noise requirements such as co-location, camouflage, height and light limits, and more

### ADMINISTRATIVE / LEGAL

- Requiring that residents within a certain distance of an installation be notified
- Requiring annual recertification fees
- Requiring permittees to defend and indemnify the city from any liabilities arising from permits and the installation, operation and maintenance of small cells
- Requiring the proponent to have insurance that includes pollution liability with no electromagnetic field exclusions as well as data privacy protection
- Reserving the right to hire independent consultants at the applicant’s expense
- Reserving the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the small cell installations Permittee has in the Town to certify compliance with Safety Code 6 or the Town’s Guideline, whichever of these two guidelines sets the lowest emission limit. Learn about creating local radiofrequency exposure guidelines in **Policy Suggestion 2** below.

### POLICY SUGGESTIONS

#### 1. Appoint a committee to create a community-owned fiber optic network

Fiber optic cables wired directly to the premises are *always* faster, safer and more energy efficient and secure than wireless networks, including 5G. To learn more about the many economic and other benefits of community-owned fiber optics, please visit [Connected Communities ~ Wired fiber for Sustainable Last-Mile Solutions](#).

## 2. Establish a protective radiofrequency exposure guideline for your Town

Toronto has done it. So has Salt Spring Island, BC. These local governments assessed available health, environmental and technical data, concluded there are uncertainties in the science regarding the potential health risks associated with long-term exposures to radiofrequency radiation, and created exposure guidelines for their communities that are hundreds of times more protective than Safety Code 6. Although complying with these stricter municipal guidelines is voluntary, most telecommunication proponents do.

Salt Spring has incorporated its guideline - which at  $2\mu\text{W}/\text{cm}^2$  is 500 times more stringent than Health Canada's - right into the body of its antenna siting protocol. Here is the wording used:

"No cell phone antenna should be installed within 500 metres of any facility concerned with continuous human activity. A proponent wishing to install an antenna closer than this distance should demonstrate, using an independent consultant acceptable to the Islands Trust, that incident power density is less than 2 microwatts per square cm ( $2\mu\text{W}/\text{cm}^2$ ) at any facility concerned with continuous human activity within 500 metres of the proposed antenna. Additional antennae to be mounted on existing towers must also meet these standards, so that incident power density at any any facility where there is continuous human activity stays below 2 microwatts per square cm."

### 10 REASONS WHY LOCAL GOVERNMENTS ARE CREATING RADIOFREQUENCY EXPOSURE LIMITS THAT ARE MORE PROTECTIVE THAN SAFETY CODE 6

1. Safety Code 6 is a *guideline* and not a *standard*. While *standards* are enforceable, *guidelines* are "recommendations" that are not mandatory to follow.
2. Safety Code 6 has not been updated for decades, despite the fact that our exposure to radiofrequency radiation has continued to increase.
3. Safety Code 6 is based on an out-dated thermal effect that tells us harm only occurs when heating happens. Although this theory has value



when it comes to *non-living substances*, it is inappropriate to apply it to *living organisms*.

4. Instead, *biologically based guidelines* (often less than 1 microW/cm<sup>2</sup>) or the *precautionary principal* should be invoked when it comes to exposing living things to radiofrequency radiation.

5. Another critical aspect that makes Safety Code 6 inappropriate for living organisms is that it relies on a *6-minute average* (measured as root-mean-squared) rather than maximum exposures. *Extremes* are what instigate biological effects and not averages.

6. Furthermore, what this average fails to consider is exposure from all sources that may vary beyond a 6-minute timeframe, and thus not be captured by a 6-minute average.

7. Another issue – Safety Code 6 does not measure **peak values** for exposure, and it is peak emissions that do the most biological damage.

8. Also, because the millimetre waves that 5G will employ have not been tested for long-term exposure, it is critical that we establish limits that err on the side of caution.

9. Finally, cumulative exposure is not considered by Health Canada, and it is cumulative exposure that causes most of the adverse health effects. Taking a small amount of arsenic once may not be lethal, but if taken daily, it will eventually poison the body. The same applies to radiofrequency radiation.

10. For these reasons, we need to be very careful what limits we use to protect vulnerable populations (children, pregnant women, those who are chronically ill). We need to protect the population not against a heating effect but rather against cancer, reproductive problems, and neurohormonal and immunological problems, all of which have been documented in scientific peer-reviewed studies to occur at levels well below Safety Code 6 guidelines.

## Specific Content Suggestions

### Section 1: PERMITTING PROCESS

**1.1 Permit Required.** No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

**1.2 Application Content.** All permit applications must include:

A. Detailed site and engineering plans for each proposed small cell installation, including full address, GIS coordinates, a list of all associated equipment necessary for its operation, as well as a proposed schedule for the completion of each small cell installation covered by the application.

B. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Town.

C. Certification that the proposed small cell installation(s) addresses an existing and significant gap in coverage in the service area, such certification to include a detailed map of the "gap areas" and documentation of such gaps causing an inability for a user to connect with the land-based national telephone network or maintain a connection capable of supporting a reasonably uninterrupted communication.

D. Photographs of proposed facility equipment.

E. Visual impact analyses with photo simulations including both "before" and "after" appearances, including simulations of the appearance of the equipment from the perspective of any property owner within 100 metres.

F. Certification by a certified radiofrequency engineer that the small cell installation will comply with Safety Code 6, or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit, including aggregate emissions for all co-located equipment.

G. Certification that the applicant has a right under federal law to install wireless telecommunications facilities in the public right-of-way.

H. Documentation demonstrating a good faith effort to locate the small cell installation in accordance with the preferred provisions of this protocol.

I. Documentation that owners of all properties within 200 metres of the proposed small cell installation have been notified in writing via certified mail of the proposed installation, including its exact location.

J. An executed indemnification agreement as set forth in section 1.7 below.

K. A disclosure of all related third parties on whose behalf the applicant is acting, including contracting parties and co-locaters.

L. If the small cell installation is proposed to be attached to an existing utility pole or wireless support structure owned by an entity other than the Town, sufficient evidence of the consent of the owner of such pole or wireless support structure to the proposed collocation.

M. Performance specifications and data that identify the maximum and minimum amount or level of radiofrequency emissions that are produced by the equipment when it is in full operating mode, and a monitoring plan for the Applicant's equipment capable of tracking and recording the daily amounts or levels of radiofrequency emissions that are produced by the equipment in order to verify that average emissions do not exceed the levels permitted either by Safety Code 6 or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit.

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**1.3 Application Fee.** The Town shall assess a per-installation fee of \_\_\_\_\_ to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements.

**1.4 Consultant Fee.** The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the applicant.

**1.5 Hydro Fees.** Permittee shall pay to the Municipality an annual hydro consumption surcharge of two hundred and fifty dollars (\$250) per Structure. This amount is due on January 2 of each year and is not pro-rateable or refundable.

**1.6 Compliance Bond.** Upon approval of the application, the Permittee shall be required to post a bond in the amount of \$50,000 for each small cell installation. Such bond is to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Town as a guarantee that as determined by a qualified independent RF engineer, as outlined in Section 1.11.2 below, no such installation, including any co-located equipment exceeds or will exceed the allowable Safety Code 6 limits for RF radiation or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit.

**1.7 Indemnification.** Permittee shall provide an executed agreement in the form provided by the Town, pursuant to which Permittee agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include,

but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Permittee to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

**1.8 Hazardous Substances.** Permittee specifically acknowledges that the Town is not responsible for the escape, discharge or release of any hazardous substances from the Equipment, and specifically agrees to indemnify, protect and save the Town harmless from any and all actions, causes of actions, claims and demands regarding any such hazardous substance that has escaped, been discharged or released from the Equipment unless caused by the gross negligence or willful misconduct of the Town, its elected officials, appointed officers, employees, agents, contractors or any person the Town is responsible for in law.

**"Hazardous Substance"** means any hazardous or toxic substance, and includes radiofrequency electromagnetic energy, or other radiation, petroleum products and byproducts, industrial wastes, contaminants, pollutants, dangerous substances, and toxic substances, as defined in or pursuant to any law, ordinance, rule, regulation, bylaw or code, whether federal, provincial or municipal.

**1.9 Environmental Liability.** Permittee agrees to assume all environmental liability under federal, provincial and local government laws in Canada, as a responsible person or otherwise, relating to its occupancy and use of the Facilities, including but not limited to any liability for clean-up of any Hazardous Substance in, on, under, along, across and around the Facilities, which are proven to result directly from:

- (a) the installation, occupation, operation and removal by Permittee of the Equipment;

(b) any materials or goods brought to the Facilities by Permittee, or by any other person with the express or implied consent of Permittee.

Permittee shall not be responsible for, or required to remove or remediate any Hazardous Substances that have migrated onto or into a Facility or which existed at a Facility prior to Permittee's occupation or use of such Facility.

**1.10 Insurance:** For the duration of the Term:

(a) Permittee shall maintain comprehensive general liability insurance with coverage up to five million dollars (\$5,000,000.00), per occurrence and in the annual aggregate for products and completed operations, to protect Permittee from claims for personal injury, bodily injury or property damage arising out of Permittee's Work and/or operation of the Equipment. In addition, Permittee agrees that:

(i) the Town shall be added as an additional insured but only with respect to Permittee's legal liabilities arising out of Permittee's operations under this Agreement; and

(ii) the insurance shall include coverage for: products and completed operations; blanket contractual liability; cross-liability; non-owned automobile liability; pollution liability with no electromagnetic field exclusions, cyber-security and data privacy protection, and broad form property damage.

(b) Permittee shall also maintain automobile liability insurance, with coverage for bodily injury and property damage, for any Permittee owned or leased vehicles used in the performance of the Work in the amount of two million dollars (\$2,000,000.00) per accident.

(c) The comprehensive general liability insurance policy shall contain a provision whereby the insurers will endeavour to provide the Town with sixty (60) days' notice of cancellation.

(d) Upon execution of this Agreement, Permittee shall file with the Town a certificate of insurance of each insurance policy required. Permittee shall also provide a certificate of insurance at any time upon reasonable written request by the Town. Failure to maintain the insurance policies as required by this Agreement is a material breach of contract.

(e) Excess (umbrella) liability insurance may be used to achieve the required insured limits.

### **1.11 Annual Re-certification.**

**1.11.1** Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that

(1) each active small cell installation is covered by liability insurance with no electromagnetic field exclusions in the amount of \$5,000,000 per installation, naming the Town as additional insured; and

(2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning radiofrequency exposure limits or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit.

**1.11.2** The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all Safety Code 6 radiofrequency emission limits or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit. The reasonable cost of such tests shall be paid by the Permittee.

**1.11.3** In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of Safety

Code 6 exposure guidelines or the Town's radiation exposure guideline, whichever of these two guidelines sets the lowest emission limit, the Town shall notify the Permittee and all residents living within 500 metres of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

**1.11.4** Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

**1.11.5** Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.

**1.11.6** Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

**1.12 Non-Permitted Installations** Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered while such unauthorized installations remain.

**1.13 Notice of Permit Filing.** Notice of the filing of any permit submitted pursuant to this protocol shall be sent to all property owners within 200 metres of each and every proposed small cell installation within five (5) days of such filing, such notice to be sent by certified mail at the expense of the Permittee.



**1.14 Public Availability of Permit Applications.** All permit applications submitted pursuant to this protocol, including all related documents, shall be made available for viewing and/or copying by any member of the public during normal business hours at the relevant office of the Town. Any charge for copies shall be limited to the Town's actual cost. No additional charges may be assessed against any member of the public for access to the entire permit and all of its related documents.

## **Section 2: LOCATION AND CONFIGURATION PREFERENCES**

**2.1 Siting Guidelines.** The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by the Town code.

**2.2 Order of preference - Location.** The order of preference for the location of small cell installations in the Town, from most preferred to least preferred is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone
4. Residential zone

### **Discouraged Locations:**

1. Land use
  - Medium and high density residential areas
  - Schools, daycare facilities, playgrounds and similar facilities
  - Areas that adversely impact view corridors
  - Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
  - Nature protection areas
  - Environmentally sensitive ecosystems

## 2. Other considerations, irrespective of land use designation

- Locations directly in front of doors, windows, balconies or residential frontages. (Please see Section 3.7 for specific setback requirements)
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

*(See Note 1)*

### Section 3: INSTALLATION SPECIFICATIONS

**3.1** The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.

**3.2** Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.

**3.3** The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

**3.4** At all times, all required notices and signs shall be posted on the site as required by ISED and federal law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

**3.5.** The Permittee shall maintain current at all times liability and property insurance including pollution liability with no electromagnetic field exclusions for each small cell installation in the Public Right of Way in the amount of \$5,000,000 (Five Million dollars) naming the Town as additional insureds.

**3.6.** The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or

failure, icfall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

**3.7.** Every effort shall be made to locate small cell installations no less than 650 metres away from the Permittee's or any Lessee's nearest other small cell installation, or within 500 metres of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones. (*See Note 2*)

**3.8.** A single or co-located small cell installation must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

**3.9.** All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within one metre of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

**3.10** If a Permittee proposes to replace a pole in order to accommodate a small cell installation, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than two metres.

**3.11** Each small cell installation facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The Town may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a small cell installation has the potential to become an attractive nuisance.

**3.12** The Permittee shall repair, at its sole cost and expense, any damage including, but not limited to, subsidence, cracking, erosion, collapse, weakening,

or loss of lateral support to Town streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a small cell installation in the public right-of-way. The Permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the Permittee fails to complete such repair within the number of days stated on a written notice by the permitting authority, the permitting authority shall cause such repair to be completed at Permittee's sole cost and expense.

**3.13** Prior to issuance of a building permit, the applicant shall obtain the permitting authority's approval of a tree protection plan prepared by a certified arborist if the small cell installation will be located within the canopy of a street tree, or a protected tree on private property, or within a 5-metre radius of the base of such a tree. Depending on site-specific criteria (e.g., location of tree, size, and type of tree, etc.), a radius greater than 5 metres may be required by the permitting authority. If there is evidence that the radiation from nearby antennas is causing trees to weaken or die, these antennas must be removed by the Permittee at the Permittee's sole cost and expense.

**3.14** Applicant shall abide by all local, provincial and federal laws regarding design, construction and operation of the small cell installation, including all provincial and federal Occupational Health and Safety Regulations for worker safety in, around and above power lines and near radiation-emitting devices.

**Note 1:** The town may also wish to include preference for the *configuration* of small cell installations, from most preferred to least preferred. Configuration preferences might be: (1) Co-located with existing wireless facilities, (2) Mounted on existing utility poles, (3) Mounted on new poles or towers.

Considerations include the structural integrity of existing utility poles, the fact that mandating co-located equipment could result in an unfair aesthetic burden on some residents or neighborhoods, and the possibility that new poles might be bigger, heavier and more obtrusive.

**Note 2:** Every effort should be made to avoid placing small cell installations in close proximity to residences. Viable and defensible setbacks will vary based on zoning.

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## Getting it wrong in “Getting it right: Preparing for 5G deployment in your municipality”

In February 2020, the Federation of Canadian Municipalities (FCM) published [Getting it Right: Preparing for 5G deployment in your municipality](#), a guide designed to help municipalities deal with the practical, policy and logistical implications of 5G technology in local communities.

This FCM document contains several half-truths, mistruths and framing tactics – listed below – which result in a biased, misleading and generally inaccurate guide.

The document did, however, get *some* things right. Part 2 of this summary outlines those points.

### Part 1: Getting it Wrong

**Misconception 1** The fifth generation of wireless technology (is) a necessity if Canada is to remain competitive on the world stage. (p.4)

**Fact** The benefits of 5G are dubious at best, and are they worth the costs?

There has been no cost-benefit analysis of 5G to see if its consequences and risks, including the costs stemming from security and data breaches, environmental damage, liability claims, lost productivity due to radiofrequency radiation-induced illness, and increased healthcare requirements, outweigh its benefits.

Driven by the belief that digital technology is neutral and therefore carries no unintended consequences or risks, politicians, policy makers, and society are ignoring the science-backed evidence that urges us to exercise precaution when investing in infrastructure that is wireless-dependent.

#### Learn more here:

1. Women’s College Hospital, Toronto, [Impacts of Wireless Technology on Health: A symposium for Ontario’s medical community](#), 31 May 2019  
Video of Presentation by Dr. Magda Havas: [Impacts of EMFs on health in the community](#)
2. Schneier, B. (2019, September 25). [Essays: Every Part of the Supply Chain Can Be Attacked – Schneier on Security](#) – as published in the New York Times
3. Zarrett, David. (2020, February 19). [Threats to security, health, public infrastructure and other potential costs of Canada’s 5G rollout](#). Macleans

## **Misconception 2** 5G is key to profiting and benefiting from enhanced connectivity and “Smart Cities.”

“Connectivity has become essential for any community’s economic, cultural and social development.” President’s Message (p.4)

“For municipal officials, the IoT translates into “smart cities” where countless data points generated by citizens, sensors and assets allow you to monitor traffic and parking, water, wastewater, storm water, bus and rail stops, etc. This would also allow municipalities to make adjustments, or allow systems to make adjustments on their own, as needed.” (p.8)

## **Fact** 5G is not the pinnacle of connectivity; wired fiber optic networks are.

From resource and energy monitoring and management to improved emergency, educational and health care services, most of the smart city applications 5G promises can be provided by fiber optic cables connected directly to each premise - without the threats wireless 5G poses to privacy, national security, energy consumption, the environment and public health. A few of 5G’s perks - like autonomous vehicles - cannot be delivered by wired fiber networks. However, experts warn that self-driving cars are risk and liability laden, and that 5G will likely not be able to support them.

### **Learn more here:**

1. The Benefits of [Wired Smart Cities](#), Connected Communities
2. Schoechele, Timothy. ( 2018). [Reinventing Wires: The Future of Landlines and Networks](#). The National Institute of Law and Public Policy
3. Dawson, Doug. (2019). [The Myth of 5G and Driverless Cars](#). CircleID
4. Jones Day law firm. (2017, November). [Legal issues Related to the Development of Automated, Autonomous and Connected Cars](#). A White Paper

## **Misconception 3** 5G is the wireless industry’s solution to our ever-increasing wireless data consumption.

“The trend toward greater connectivity will only accelerate. The use of wireless Internet connected devices in our communities is exploding. The advent of fifth generation (5G) wireless networks is the industry’s response to this growth and the desire to further leverage the potential of the Internet.” (p.6)

**Fact** The main industry drivers behind 5G – Huawei, Ericsson and Qualcomm – admit they developed 5G by recognizing trends and opportunities. Consumers would not be consuming more and more data if an endless stream of wireless products were not being marketed and sold. Our growing wireless data consumption has serious environmental implications.

Which came first – our skyrocketing data usage or industry’s plan to sell us a wireless world that is dependent upon us consuming more and more data? Wireless technology uses 10 times more energy than wired technology does. Experts warn our environment cannot support unlimited digital consumption.

Industry is not providing 5G as a public service. When asked about the motivation driving 5G at a December 2016 meeting of *The Institute of Electrical and Electronics Engineers* (IEEE), respected industry expert and Senior Huawei Researcher Dr. H. Anthony Chan stated: “...if technology does not change, the company will die...it is about more jobs...engineering and manufacturing... People must buy a new phone.”

#### Learn more here:

1. A GSA Executive Report from Ericsson, Huawei and Qualcomm. (2015, November). [The Road to 5G: Drivers, Applications, Requirements and Technical Development](#)
2. The Shift Project. (2019, March). [Lean ICT: Towards “Digital Sobriety”: Our New Report on the Environmental Impact of ICT](#)
3. The Shift Project. (2019, July). [Climate Crisis: The Unsustainable use of Online Video: Our new Report on the Environmental Impact of ICT](#)

#### Misconception 4 5G will bring us the fastest Internet possible.

“Once fully deployed, 5G technology promises maximum theoretical speeds in the 10 Gbps range, at least 100 times faster than top theoretical speeds for existing 4G technology (up to 1,000 times faster than actual speeds in some circumstances). To get a sense of this change, downloading a two-hour movie will take less than four seconds versus approximately six minutes on existing 4G networks. (Note that consumer technology will also have to catch up as many existing devices are not 5G capable.) (p.7)

**Fact** New breakthroughs in fiber optics offers real-time transmission of 200 Gbps. *This is 20 times faster* than the maximum theoretical speed of wireless 5G.



## Learn more here:

Brown, Mike. (2020, January 2). [A Fiber Optic Breakthrough Could Beat 5G for Rural Internet Access](#). Inverse

**Misconception 5** “5G technology will outperform traditional land connections in some cases, making home routers a thing of the past.” (p.7)

**Fact** 5G may be faster than Internet provided through copper wires or coaxial cable, but it will never be faster than fiber wired directly to the premises.

Wireless signals can never be as fast as the fiber cables that transport data to antennas.

## Learn more here:

Schoechle, Timothy. ( 2018). [Reinventing Wires: The Future of Landlines and Networks](#). The National Institute of Law and Public Policy

**Misconception 6** “More significantly, 5G networks are key to opening up the potential of the “Internet of Things” (IoT). (p.7)

**Fact** A balanced and informed discussion of the IoT will include its potential, as well as its pitfalls. This discussion would include:

### Privacy and National Security issues related to the IoT:

- Smart devices are easily hacked and controlled,
- They allow for increased surveillance, and potentially nefarious military and paramilitary capabilities such as “swarming” and robotic attack missions,
- They permit our personal data to be tracked and sold.

### Environmental and Social Costs of the IoT:

- Powering , manufacturing and storing the data from trillions of sensor-equipped and chipped devices demands huge amounts of energy and resources,
- Massive amounts of e-waste will be generated due to planned obsolescence,
- An increasingly automated world threatens job security and heightens tech addiction,
- Mining for the rare minerals needed to make these devices is causing untold human suffering.

## Learn more here:

1. Halpern, Sue. (2019, April 26). [The Terrifying Potential of the 5G Network](#). The New Yorker
2. Congressional Research Service. (2020, May 22). [National Security Implications of 5<sup>th</sup> Generation \(5G\) Mobile Technologies](#). A Report from the U.S. Congressional Research Service
3. Bordage, Frederic. (2019, October). [The Environmental Footprint of the Digital World Summary](#). A Report from Green IT.fr
4. McLelland, Callum. (2020, January 15). [The Impact of Artificial Intelligence - Widespread Job Losses](#). Retrieved from IoT for all
5. Annie Kelley. (2019, December 16). [Apple and Google named in US lawsuit over Congolese child cobalt mining deaths](#). The Guardian

## **Misconception 7** There are no Health Risks associated with 5G.

“Health Canada ensures that 5G installations comply with all existing safety regulations, including Safety Code 6 (SC6), which determines exposure limits for wireless devices and their associated infrastructure. Canada’s limits are consistent with the science-based standards used in other countries. Large safety margins have been incorporated into these limits to provide a significant level of protection for the general public and personnel working near radio frequency sources.” (p.23)

## **Fact** There is ample peer-reviewed science linking non-thermal radio frequency radiation (RFR) to biological harm. Countries such as Italy, Switzerland and Russia have radiation exposure limits many times more protective than ours.

In 1976, the [US Naval Medical Research Institute](#) published a [bibliography of 3,700 scientific papers](#) on the thermal and non-thermal biological effects of RFR. The body of scientific evidence on the health implications of the non-thermal effects of RFR has grown exponentially since.

“Health Canada’s 2015 guidelines for human exposure to non-ionizing radiation (Safety Code 6) were out of date before they were published, and the review process was flawed,” says Dr. Meg Sears, PhD, Chair of Ottawa-based *Prevent Cancer Now*. “Hundreds of peer-reviewed, published studies show that radiofrequency (RF) radiation can cause cancers, damage sperm and DNA, impair reproduction, learning and memory, and more. We should be limiting public exposure, not increasing it.”

“We have sufficient data to classify RF radiation as a Group 1, known human carcinogen, along with, for example, asbestos and tobacco smoke,” states Dr. Anthony Miller MD, Professor Emeritus of the Dalla Lana School of Public Health, University of Toronto, who worked with the International Agency for Research on Cancer on the 2011 scientific review.

When the U.S. Naval Medical Research Institute identified the risks in 1976, governments should have limited the scope of technological change, and created radiation exposure standards that protected the public from harm. Instead, the evidence was hidden and ignored, and industry-influenced bodies like ICNIRP created the standards that Health Canada still emulates today.

### Learn more here:

1. [Peer Reviewed Scientific Research on Wireless Health Effects](#) ~ Environmental Health Trust
2. [5G Telecommunications Science](#) - Physicians for Safe Technology
3. Lai, Henry. (2019). [Research Summaries of RFR scientific Literature](#). Retrieved from Bioinitiative.org

### **Misconception 8** Innovation Science and Economic Development Canada (ISED) regularly audits antenna sites to make sure they are safe.

“ISED’s regulatory framework, including market surveillance and compliance audits, provides safeguards to protect Canadians against overexposure from wireless devices and antenna installations.” (p. 23)

### **Fact** ISED relies on cell tower operators to make sure their sites comply with Safety Code 6. Given how 5G and the IoT work, operators cannot accurately measure citizens radiofrequency radiation exposure.

Much like the fox watching the henhouse, ISED asks cell tower operators to self-monitor how much radiofrequency radiation their antenna sites are emitting. The tests these telecoms do are often software generated, and prone to inaccuracies.

ISED requires operators to “consider, in addition to their own radio system, the contributions of all existing radiocommunication installations within the local radio environment”. Given that 5G requires potentially dozens of small cell antennas on one street, and that millimetre wave 5G works “on demand”, it is impossible for an operator to take an accurate and consistent field measurement of the RF exposure residents are receiving on a daily basis.

For software-generated audits of 5G RF exposure to be accurate, operators would need to assess an ever-changing IoT “smart” landscape that includes multiple antenna sites owned by multiple operators as well as the RF-emitting smart infrastructure that 5G is purportedly there to support.

For the past six years, academics have been preparing for the increase in radiofrequency radiation exposure inherent to smart cities, and have been developing potential measurement tools. These measurement systems are much more involved and complex than what ISED now requires, and would likely put the onus on municipalities to monitor and regulate emissions and protect residents’ health.

### Learn more here:

1. ISED. (2015, March 19). TN-261 [Safety Code 6 Radio Frequency Exposure Compliance Evaluation Template](#)
2. Diez, L., Agüero, R. and Muñoz, L. (2017, June) [Electromagnetic Field Assessment as a Smart City Service: The SmartSantander Use-Case](#). Retrieved from [Sensors \(Basel\)](#). 17(6): 1250

## Part 2: Getting it Right

The FCM’s “Preparing for 5G deployment in your municipality” outlines several 5G-related planning and regulatory issues that all municipal governments in Canada should be aware of.

### Planning Concerns

“Clusters of small cells can be visually unappealing and create unique safety concerns. They can, in particular, detract from the qualities and integrity of areas such as historical or heritage districts as well as some planned urban environments.” (p.24)

### Regulatory Concerns

“For stand-alone tower structures, regardless of height, the procedure provides for formal consultations with the municipality as the local land-use planning authority. However, 5G small cell installations on existing structures (towers and non-tower structures such as a building or power pole) are excluded from this requirement as long as the height of the structure is not increased by more than 25 percent.” (p.14)

“In practical terms, this means that if the power poles are owned by the provincial utility in your jurisdiction, a carrier could enter into an agreement to install 5G small cell antennas on these poles and not even have to notify your municipality (even if the small cell is added at the top of the pole, as long as the addition is less than 25% of the existing height).” (p.14)

“A grey zone exists with respect to pre-emptive pole replacements by utilities. If a utility were to replace a pole with a much taller one, and then add antennas to it, it would likely fall outside the consultation requirements.” (p.16)

### **Liability Concerns**

“... a number of municipalities, even those with comprehensive MAAs in place, are reporting the installation of 5G small cell antennas without their knowledge. Even if they are affixed to someone else’s asset—like a power pole—if the antenna is located within the ROW space, it could raise issues of interest to the municipality such as safety concerns for the public and municipal workers.” (p.14)

## **Municipal Rights in Jeopardy**

### **Current Rights**

“If a carrier has identified municipal assets (light poles, traffic lights, transit shelters, etc.) as one of its preferred options to install small cell antennas, it has to negotiate with the municipality and come to an agreement. As asset owners, municipalities have the right to refuse access.” (p.24)

“Municipalities can refuse antennas on their property, but they cannot refuse the installation of equipment required to connect antennas located on other assets. Municipalities cannot charge occupancy fees for the connecting cables and other equipment installed within the ROW, but they can charge market value for an antenna located on their assets.” (p.25)

“Some municipalities have been misinformed by carriers into believing that small cells deployment is already covered in MAA’s and that, as a result, carriers enjoy the same conditional right of access for antennas as they do for their cables, etc. This is not the case.” (p.25)

### **Potential Loss of Rights**

**Telecommunications in Canada is currently under two review processes:**

**1. The Report of the Broadcasting and Telecommunications Legislative Review Panel**

In its January 2020 report, the Panel reviewed the governance framework for antennas and the issue of access to municipal infrastructure for network deployment.

## **2. The CRTC Telecom Notice 2019-57 – Review of Wireless Services**

In this national consultation regarding the future of wireless services in Canada, access to municipal infrastructure is an important theme.

### **How These Two Review Processes May Affect Municipal Governments in Canada:**

#### **1) If Recommendations 22, and 34-37 of the Legislative Review Panel’s Report are passed:**

- Jurisdiction over antenna siting—including small cells for 5G—will be transferred from ISED to the CRTC. (p.11)
- The right of access that carriers currently enjoy within the right-of-way will be extended to encompass all potential support structures. These structures are referred to as “passive infrastructure” in the report, terminology that inaccurately portrays the functionality of a municipality’s assets. (p.11)
- Local governments’ current ability to refuse telecoms access to municipal assets and property would be lost. (p.11)

#### **2) If the recommendations made by telecommunication carriers to the CRTC Wireless Review are adopted:**

- The CRTC will have absolute authority over siting small cells antennas (p.26)
- The CRTC will impose time limits for municipalities to process 5G applications, as well as fee caps, and more. (p.26)

#### **Note on Cost Recovery:**

“To date, municipalities have been identifying direct costs (related to the deployment of 5G) such as engineering studies, electricity supply and workforce time, and billing them back to carriers. This seems to be the accepted best practice in Canada for the moment, a practice based in the sound public policy principle that **taxpayers should not be subsidizing the for-profit ventures of the carriers**”. (p.23)

## Amanda Brown

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**Subject:** RE: Bicycle NS: Repavement plans for Wolfville-Gaspereau

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**From:** steve.bedard  
**Sent:** June 22, 2020 3:29 PM  
**To:** Town Council <towncouncil@wolfville.ca>  
**Cc:** Susanna Fuller; alison.carlyle  
**Subject:** Bicycle NS: Repavement plans for Wolfville-Gaspereau

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve Bedard here from Bicycle Nova Scotia. Please see attached letter in respect to some repaving that is occurring in the Wolfville area. Acting quickly, with the addition of AT amenities to this work, we can strengthen the connection of the Wolfville and Gaspereau communities to the provincial Blue Route. This will be useful, not only for riders visiting the region, but also offer residents a great asset for use when commuting and for recreation. This will also follow-through on AT plans already approved by the Town of Wolfville.

Please feel free to touch base with further question or comments.

Cheers!

**Steve Bedard, Director of Operations**

Bicycle Nova Scotia  
5516 Spring Garden Rd  
Halifax NS, B3J 1G6

W: 902 425 5454 ext 228



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Interested in learning about [Where to Cycle in Nova Scotia](#) or our [Bike Friendly Business program](#)? **Drop me a line!**

**Amanda Brown**

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**Subject:** RE: One way street

-----Original Message-----

From: Paul Clarke

Sent: June 23, 2020 5:41 PM

To: Town Council <towncouncil@wolfville.ca>

Subject: One way street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all, my name is Paul Clarke and my family will soon be celebrating our second full year as the owners of Supplement King on Main Street. I have read all that I can regarding the proposal to turn Main St Wolfville into a one-way street for a few months. I can list any number of reasons why this is a ridiculous idea but suffice it to say that we are a definitively hard "no" to this proposal.

Regards, Paul Clarke.

Sent from my iPhone



**Amanda Brown**

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**Subject:** RE: One way street

-----Original Message-----

From: Paul Clarke

Sent: June 24, 2020 2:41 PM

To: Town Council <towncouncil@wolfville.ca>

Subject: One way street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all again, this will be my final correspondence on one way Main St. Our wonderfully responsive mayor, Mr Cantwell spoke with me last night and explained the logic behind your plan. He spoke slowly and used mono syllabic words so that I could understand. To clarify, I'm not wishing for the plan to fail. I truly hope it exceeds all your expectations.

Regards, Paul Clarke.

Sent from my iPhone

**Amanda Brown**

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**Subject:** RE: Main Street

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**From:** Cayle Eagles  
**Sent:** June 24, 2020 11:05 AM  
**To:** Town Council <towncouncil@wolfville.ca>  
**Subject:** Main Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Cayle Eagles,  
Just yesterday I started a petition against turning Wolfvilles Main Street into a one way street. Many others including myself are very concerned that I will create more congestion in the town, will make the town more difficult to navigate for both tourists and delivery drivers and take much needed parking away in a town that already has very little parking, as well as many other concerns regarding this proposal. I'll leave a link at the bottom of the email so you can see for your self just how many have signed and their reasoning for doing so. My contact number is 9023006634

Thanks in advance,

Cayle Eagles  
<http://chnq.it/tBJVrByVJC>

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