

TOWN OF LUNENBURG
COUNCIL MEETING AGENDA
Tuesday, June 11, 2024 | 6 pm
Lunenburg Town Hall – Council Chamber
120 Townsend Street



NOTICE: Council meetings are open to the public and held in Town Hall. **Please use the back entrance at 120 Townsend Street.**

The public can also watch meetings through Zoom. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/88956545878>

Meeting recordings are also available on the Town's [YouTube](#) channel.

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

This meeting takes place in the traditional and ancestral territory of the Mi'kmaq people. We are all Treaty people.

3. APPROVAL OF AGENDA

3.1 June 11, 2024 Council Meeting Agenda

Recommendation: That Council approve the agenda for the June 11, 2024 meeting as presented.

4. APPROVAL OF MINUTES

4.1 May 28, 2024 Council Meeting Minutes

Recommendation: That Council approve the May 28, 2024 meeting minutes as presented.

5. PRESENTATIONS

6. PUBLIC INPUT AND QUESTIONS – 20 MINUTES

- Each person is limited to 3 minutes
- Each person must state their name
- Questions or comments are directed to the Chair
- Comments and questions are limited to items on today's agenda

7. CORRESPONDENCE

Unless a recommendation has been provided, correspondence items are for information only. Should Council wish to act on something within a correspondence item, a motion of Council must be made.

8. PUBLIC HEARINGS, PUBLIC INFORMATION MEETINGS AND APPEALS

9. BUSINESS ARISING AND UNFINISHED BUSINESS

9.1 Planning Advisory Committee Terms of Reference & Public Participation Policy – *Notice of Policy*

Recommendation 1: That Council approve the Planning Advisory Committee Terms of Reference as presented.

Recommendation 2: That Council give notice to approve the new Planning Public Participation Program Policy, which would repeal and replace Policy #65, the Planning Public Participation Program Policy.

9.2 Cultural Tourism Working Group Terms of Reference

Recommendation: That Council approve the Cultural Tourism Working Group Terms of Reference as presented.

10. NEW BUSINESS

10.1 Non-compliant Shed Settlement Agreement

Recommendation: That Council direct staff to execute a settlement agreement with the owners of 72 Tannery Road to resolve the issues related to the non-compliant shed on their property.

10.2 Noise By-law Exemption Request

Recommendation: That Council approve a Noise By-law exemption for June 19, 2024, starting at 11 p.m. until 2 a.m. on June 20, 2024, and June 20, 2024, starting at 11 p.m. until 2 a.m. on June 21, 2024, to accommodate filming activities in an area bounded by Montague Street and Bluenose Drive between Duke Street and Rum Row per GEP Liars Inc's approved 2024 film permit.

10.3 Considering a Plebiscite for Blockhouse Hill Development – *Information Report*

11. NOTICES OF MOTION, INFORMATION REQUESTS AND COUNCILLOR REPORTS

12. MOTION ACTION LIST

13. IN CAMERA

12.1 Personnel Matter

12.2 Acquisition, sale, lease and security of municipal property

Recommendation: That Council move in camera at _____ to discuss agenda items 13.1 Personnel Matter and 13.2 Acquisition, sale, lease and security of municipal property per the Municipal Government Act.

14. ADJOURNMENT

TOWN OF LUNENBURG
COUNCIL MEETING MINUTES

May 28, 2024 | 6 pm

Lunenburg Town Hall – Council Chamber and virtually through Zoom



- Present Mayor Jamie Myra, Deputy Mayor Stephen Ernst, Councillors Melissa Duggan, Jenni Birtles, Peter Mosher, Ed Halverson and Susan Sanford
- Also present Kathleen Rafuse, Town Accountant
Tyson Joyce, Director of Public Works
Hilary Grant, Interim CAO
Trevor Hume, Planner
Kelly Cunningham, Recreation Manager
Kayla Byrne, Municipal Clerk
- Call to Order The meeting was called to order at 6 p.m.
- Land acknowledgment It was acknowledged that Lunenburg is located in the unceded territory of the Mi'kmaq people.
- Approval of Agenda Moved by Councillor Mosher, seconded by Councillor Halverson, that Council approve the agenda for the May 28, 2024 meeting as presented.
Motion carried unanimously
- Approval of Minutes Moved by Deputy Mayor Ernst, seconded by Councillor Birtles, that Council approve the May 14, 2024 meeting minutes as presented.
Motion carried unanimously
- Correspondence Per Council's request, staff included South Shore Open Door Association's most recent statistics within the Council agenda package.
- Rodent Control for Demolished Buildings Concerning a request Council received from a resident, Council made the following motion:

Moved by Councillor Halverson, seconded by Councillor Duggan, that Council direct staff to draft regulations mandating pest control measures for all building demolitions within the Town of Lunenburg.
Motion carried unanimously

- Repealing of Policies – Decision
- Moved by Councillor Halverson, seconded by Councillor Birtles, that Council repeal the following Town of Lunenburg policies:
- Budget and Financial Controls
 - Procurement Banking Services Policy
 - Ditch and/or Culvert Systems Policy
 - Hillcrest Cemetery Burial Procedure Policy
 - Obstruction of Private Sewer Laterals by Town Tree Roots Policy
 - Tree Removal and Trimming Policy
 - Work on Private Property Policy
 - Heritage/Building/Development Permits Applications Policy
 - Violations of Land Use By-law, Heritage By-law and Building By-law Policy
 - Respecting Parking Meter Payment Exemptions for the RCMP and Town Officials Policy
 - Surplus Items Disposal Policy
 - Compostable Materials Use and Waste Reduction Initiatives Policy
 - Town Equipment Loan and Use Policy

Motion carried unanimously

- Fund Withdrawal to Purchase Rescue Boat and Firefighting Equipment
- Before any discussions or decisions on this item, Councillor Birtles declared a conflict of interest and sat in the public gallery for this portion of the meeting.
- Moved by Councillor Halverson, seconded by Councillor Mosher, that Council approve a withdrawal from the Lunenburg and District Fire Department and Town of Lunenburg Joint Equipment and Building Fund Bank Account in the amount of \$17,600 to fund the purchase of a small inshore rescue boat and wildland firefighting equipment.

Motion carried unanimously

Councillor Birtles rejoined the Council table.

- 2024/25 Provincial Funding Applications
- Moved by Councillor Mosher, seconded by Councillor Halverson, that Council direct staff to apply for funding from the Beautification and Streetscaping Program for the 2024/25 Urban Forest Tree Planting project.

Motion carried unanimously

Before any discussions or decisions on the Provincial Capital Assistance Program, Mayor Myra declared a conflict of interest and sat in the public gallery for this portion of the meeting. Deputy Mayor Ernst assumed chairing responsibilities.

Moved by Councillor Birtles, seconded by Councillor Sanford, that Council direct staff to apply for funding from the Provincial Capital Assistance Program for the 2024/25 Watermain Loop – Harbourview to Morash project.

Motion carried unanimously

Mayor Myra returned to the Council table and resumed chairing duties.

Moved by Councillor Mosher, seconded by Councillor Duggan, that Council direct staff to apply for funding from the Flood Risk Infrastructure Investment Program for the 2024/25 Water Utility Spillway project.

Motion carried unanimously

Planning Advisory
Committee TOR &
Public
Participation
Policy

Staff presented a revised Planning Advisory Committee Terms of Reference (TOR) and Public Participation Policy. For the documents, councillors suggested edits, including staggered membership terms, live streaming and recording of meetings, PPM advertising in the newspaper rather than solely online, authority for the chair to remove a disrespectful public gallery member, and a more lenient accommodation section.

Staff are expected to return with revised documents at a future meeting of Council.

Cultural Tourism
Working Group
TOR

Staff presented the draft Terms of Reference (TOR) for the new Cultural Tourism Working Group. Councillors suggested edits to the TOR, which led to the following motions:

Moved by Councillor Halverson, seconded by Deputy Mayor Ernst, that Council direct staff to replace “community representatives” with “Town of Lunenburg residents” under the Cultural Tourism Working Group’s composition.

Motion carried unanimously

Moved by Councillor Sanford, seconded by Councillor Birtles, that Council direct staff to bring forward at a future Council meeting a report with research on adding actioning and evaluating to the Cultural Tourism Working Group’s objectives.

Motion carried unanimously

Inter-Municipal
Accessibility
Agreement and
2024/25 Budget

Moved by Councillor Halverson, seconded by Councillor Sanford, that Council ratify the Inter-Municipal Accessibility Agreement and the 2024/25 Inter-Municipal Accessibility Agreement Annual Budget as presented.

Motion carried unanimously

Councillors inquired about having regular updates from the Lunenburg County Accessibility Advisory Committee.

Community
Grants

Moved by Councillor Sanford, seconded by Deputy Mayor Ernst, that Council award a \$10,000 Community Grant to Lunenburg County Wheels.

FOR
5 Councillors

AGAINST
2 Councillors (Councillors Duggan & Mosher)

Motion carried

Moved by Deputy Mayor Ernst, seconded by Councillor Birtles, that Council award a \$834 Community Grant to the Lunenburg Royal Canadian Legion Branch #23.

Motion carried unanimously

Moved by Councillor Duggan, seconded by Councillor Sanford, that Council award the 2024/2025 Community Grants following a Merit-Based Analysis.

Motion carried unanimously

Municipal Archive

Moved by Deputy Mayor Ernst, seconded by Councillor Sanford, that Council direct staff to explore the creation of a Municipal Archive and ensure that documents currently stored in vulnerable areas are moved to more secure locations.

Motion carried unanimously

Blockhouse Hill Development and Divestment Report	<p>Moved by Councillor Mosher, seconded by Councillor Duggan, that Council direct staff to prepare a report for a future meeting detailing the next steps for the proposed development of Blockhouse Hill, including a timeline outlining all necessary steps for divesting the lands.</p> <p style="text-align: right;">Motion carried unanimously</p>				
Report on Plebiscite for Blockhouse Hill Development	<p>Moved by Deputy Mayor Ernst, seconded by Councillor Mosher, that Council direct staff to prepare a report on how a plebiscite could be conducted regarding the divesting and development of Blockhouse Hill in accordance with the development rules for Design Option 2 (Out of Sight).</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">FOR</td> <td style="width: 50%; text-align: center;">AGAINST</td> </tr> <tr> <td style="text-align: center;">5 Councillors</td> <td style="text-align: center;">2 Councillors (Councillors Duggan & Sanford)</td> </tr> </table> <p style="text-align: right;">Motion carried</p>	FOR	AGAINST	5 Councillors	2 Councillors (Councillors Duggan & Sanford)
FOR	AGAINST				
5 Councillors	2 Councillors (Councillors Duggan & Sanford)				
Paid Parking Infrastructure in 2025/26 Budget Consideration	<p>Moved by Councillor Mosher, seconded by Councillor Sanford, that Council direct staff to include paid parking infrastructure, which accepts various payment options, for consideration in the 2025/26 budget.</p> <p>Moved by Councillor Halverson, seconded by Councillor Mosher, that Council amend the presented motion and approve the amended motion as follows: That Council direct staff to prepare a report on paid parking infrastructure, which accepts various payment options for consideration in conjunction with the 2025/26 budget deliberations.</p> <p style="text-align: right;">Motion carried unanimously</p>				
In Camera	<p>Moved by Councillor Duggan, seconded by Councillor Sanford, that Council move in camera at 7:09 p.m. to discuss agenda items 12.1 Legal advice, 12.2 Acquisition, sale, lease and security of municipal property eligible for solicitor-client privilege and 12.3 Personnel Matter per the Municipal Government Act.</p> <p style="text-align: right;">Motion carried unanimously</p>				
Revert to public meeting	<p>Before Council entered closed session, the Mayor called a brief recess.</p> <p>Council reverted to open meeting at 8:33 p.m.</p>				

Purchase of the
Watershed
Property

Following the closed session portion of this meeting, Council made the following motion:

Moved by Deputy Mayor Ernst, seconded by Councillor Sanford, that Council approve the purchase of the Watershed Property (PID 60731718) and direct staff to complete the necessary negotiations and transactions, as discussed in the closed session on May 28, 2024.

Motion carried unanimously

Adjournment

There being no further business, the May 28, 2024 Council meeting adjourned at 8:34 p.m.

The minutes were read and approved.

Subject: Planning Advisory Committee Terms of Reference & Public Participation Policy

From: Hilary Grant, Interim CAO
Kayla Byrne, Municipal Clerk

Date: June 11, 2024 – *Policy Notice*
June 25, 2024 – *Policy Decision*



Recommendations

That Council give notice to approve the new Planning Public Participation Program Policy, which would repeal and replace Policy #65, the Planning Public Participation Program Policy.

That Council approve the Planning Advisory Committee Terms of Reference as presented.

Alternatives

- Dissolve the Planning Advisory Committee and direct staff to prepare a new draft Planning Public Participation Program Policy.
- Give notice to approve the new Planning Public Participation Program Policy with changes and give notes to repeal and replace [Policy #65, the Planning Public Participation Program Policy](#).
- Approve the Planning Advisory Committee Terms of Reference with changes.
- Delay a decision.

Background

On May 28, 2024, Council considered draft Planning Advisory Committee Terms of Reference and Planning Public Participation Program Policy. Staff have edited the drafts based on Council discussion.

Changes made to the draft Terms of Reference and draft policy since the May 28, 2024, Council meeting are highlighted in green.

A table comparing the new drafts to the current terms of reference is in Attachment D.

Discussion

Municipal Government Act (MGA) changes and public confusion at a March 25, 2024, Planning Advisory Committee (PAC) meeting regarding the Committee's role and relationship to Council prompted a review of all Committees and their Terms of Reference, with the PAC review prioritized to clarify responsibilities and improve governance.

Planning Public Participation Program Policy:

Under the Municipal Government Act, each municipality must have a Planning Public Participation Program Policy that outlines how the public will be engaged when Council amends or adopts planning documents. The content of the policy is at the sole discretion of Council.

The Municipal Government Act also requires that Municipal Councils hold a public hearing before amending or adopting planning documents. In the past, this hearing has had to be advertised in a newspaper. The Province of Nova Scotia has amended the Municipal Government Act such that municipalities may advertise the hearing in a newspaper or post a notice on the Town’s website.

The Town already has [Policy #65, the Planning Public Participation Program Policy](#). However, upon review, staff have identified areas where additional details and clarity could enhance the efficiency and effectiveness of the planning participation program. Currently, the Town places newspaper ads and sends notifications for both a Public Participation Meeting before PAC and the public hearing before Council. This costs approximately \$650 per amendment request. This includes both Council-generated amendments and those requested by the public. This process is both burdensome and costly and could be seen as an impediment to residents interested in seeing planning documents amended.

Current Public Participation Process	Proposed Public Participation Process
<ul style="list-style-type: none">• Schedule a Public Information Meeting (PIM) before the Town’s Planning Advisory Committee• Publish notice of the PIM in a local newspaper• Post notice of the PIM in Town Hall• Post notice of the PIM on the Town’s website• Send a copy of the notice to the Municipality of the District of Lunenburg• Receive written submissions on the planning matter• Receive verbal submissions on the planning matter• Council First Reading• Public hearing notice published in a newspaper• Public hearing notice posted on the Town website	<ul style="list-style-type: none">• Schedule a Public Participation Meeting with PAC. If PAC is dissolved, Schedule a PPM with Staff.• Post notice of the PIM on the Town’s website.• Public hearing notice published in a newspaper• Email or write to the applicant and neighbouring properties within 30 metres when the amendment pertains to a single property (for example, a rezoning request).• Send notice to the Municipality of the District of Lunenburg• Receive written submissions• Receive verbal submissions• Council First Reading• Public hearing notice posted on the Town website

<ul style="list-style-type: none"> • Mailout sent to all property owners within 30 metres or entire Town • Receive written submissions on the planning manner • Receive verbal submissions on the planning matter • Second reading 	<ul style="list-style-type: none"> • Receive written submissions on the planning manner • Receive verbal submissions on the planning matter • Second reading
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The new proposed Public Participation Program ensures transparent and effective community involvement in planning processes by balancing different notice mediums: email, letters, newspaper ads and website postings. Key elements include:

- **Public Participation Meetings (PPMs):** Held for planning document adoption or amendment.
- **Input and Conduct:** Criteria for submission and respectful conduct during PPMs, with multiple formats for public input (oral, virtual, prerecorded, written).
- **Notices and Costs:** Notices posted on the Town’s website, with costs borne by applicants for less required advertisements and mailed notices.
- **Accommodation:** Provision of accommodations for individuals with disabilities.
- **Recommendations and Reports:** PAC recommendations and staff reports presented to Council following PPMs, ensuring informed decision-making.

Planning Advisory Committee Terms of Reference:

The current Terms of Reference (TOR) for the Planning Advisory Committee lack detail and comprehensive elements typically found in a TOR for a Council committee.

The revised Terms of Reference for the PAC provide clarity on its purpose, mandate, responsibilities, membership, staff resources, meeting administration, agenda setting, and other operational procedures. Key updates include:

- **Purpose and Mandate:** The PAC advises on planning document preparation and amendments, adhering to legislative obligations without needing Council referrals.
- **Membership:** Seven voting members (four residents and three Council members), serving two-year and three-year terms, aiming for a staggered approach to terms.
- **Staff Resources:** The Director of Community Development serves as the lead staff resource, facilitating informed decision-making.
- **Meeting Administration:** In-person meetings with virtual participation as needed, open to the public but not livestreamed or recorded.
- **Agenda Setting:** Agendas set by lead staff, with input from PAC members, ensuring relevance to PAC’s objectives.

- Recommendations and Communications: PAC recommendations compiled into reports for Council, with the Chair as the official spokesperson.

Having a Planning Advisory Committee is not required under the Municipal Government Act. Council could choose to dissolve the Planning Advisory Committee.

Strategic Plan Relevance

Community Structure: Direction regarding how the Town will be structured and how land will be used.

Governance: Direction to enhance internal and external relations through policies, procedures and resources.

Relevant Legislation

- Municipal Planning Strategy
- The Municipal Government Act

Financial

The updated PAC Terms of Reference and Public Participation Program Policy will streamline processes and reduce costs associated with advertising planning matters, aligning with upcoming MGA changes. This cost reduction benefits both the Town and applicants, enhancing efficiency and resource allocation.

Communications

Clear communication of the PAC's role and responsibilities, as well as the Public Participation Program procedures, will enhance transparency. Ensuring public awareness through the Town's website and social media will facilitate smooth operations, and community engagement and participation in planning processes.

Attachments

Attachment A – Current Planning Advisory Committee Terms of Reference
Attachment B – Draft Planning Advisory Committee Terms of Reference
Attachment C – Draft Planning Public Participation Program Policy
Attachment D – Comparison Table

Town of Lunenburg

Planning Advisory Committee

TERMS OF REFERENCE



1. Responsibilities

The responsibilities of the Planning Advisory Committee are to:

- Carry out the Planning Advisory Committee duties set out in the NS Municipal Government Act;
- Advise Council respecting the preparation and amendment of planning documents and general planning matters; and
- Conduct a review of and proposed amendments to the Town's Municipal Planning Strategy, Land Use By-law and Subdivision By-law and other relevant planning matters.

2. General

The Planning Advisory Committee is comprised of at least four residents appointed for two-year terms and three Council members as determined by Council.



1. Purpose

The primary purpose of the Planning Advisory Committee (PAC) is to offer informed advice and recommendations to assist in the preparation and amendment of planning documents. The committee provides guidance on general planning matters, ensuring that planning aligns with community needs and regulatory frameworks.

2. Mandate and Responsibilities

The Committee provides recommendations on planning issues upon Council's request. However, to fulfill the PAC's legislative obligations, the following activities may be undertaken without a referral from Council:

1. Advising Council by providing recommendations on the preparation and amendment of planning documents, including the Town's Municipal Planning Strategy, Land Use By-law, and Subdivision By-law.
2. Advising Council by providing recommendations on general planning matters as directed by Council.
3. Performing the functions of a Planning Advisory Committee as outlined under the Municipal Government Act.
4. Adhering to the Town's Public Participation Program.

The Department of Community Development may also request that the following items be added to a PAC meeting agenda for the Committee's consideration:

1. Advising Council by providing recommendations on approved projects within the Department of Community Development.
2. Advising Council by providing recommendations on strategic planning initiatives from the Department of Community Development that will require Council's consideration.

3. Membership

The PAC consists of seven voting members who serve without pay. Council will appoint the following seven voting members as follows:

- Four Town of Lunenburg residents
- Three members of Council

Citizen member appointments are for two-year or **three-year terms.**

Membership appointments, when possible, will be staggered to achieve organizational continuity and memory. This ensures that not all members' terms expire at the same time, avoiding a situation where numerous appointments end simultaneously.

Council appointments are reviewed annually.

Members serve at the pleasure of Council and may be removed by Council. **Members may be removed by Council if they miss three consecutive meetings without prior approval from the Chair,** fail to fulfill their duties, engage in misconduct, or cannot participate effectively in PAC activities.

Council appoints one of the three members of Council as Chair.

4. Staff Resources

The Director of Community Development, or their designated delegate, will serve as the lead staff resource on the PAC. The primary function of this role is to provide advice and information to the PAC, facilitating informed decision-making. This individual does not have decision-making power within the PAC but will instead concentrate on providing guidance and information to its members. Additionally, they will act as the liaison between the PAC, Council and other Town of Lunenburg staff members.

5. Meeting Administration

Meetings will be held in person, with virtual participation available only if needed by a member. If a committee member plans to attend virtually, they must notify the Chair and the lead staff 24 hours before a meeting to allow for necessary technical setup.

Meetings are open to the public and advertised on the Town's website, livestreamed and recorded.

6. Agenda Setting and Item Consideration

The agendas for PAC meetings are set by the lead staff. Agendas are prepared based on items referred to the PAC by Council or activities that may be undertaken without a referral from Council, as outlined in the Mandates and Responsibilities Section.

Through a motion at a meeting, committee members may also request that agenda items, as outlined in the Mandates and Responsibilities Section, be added to a future agenda. These requests will be assessed by the lead staff based on staff capacity and relevance to the PAC's objectives.

If a request is deemed out of scope or requires significant staff resources, the lead staff or their delegate will provide a brief report at a PAC meeting explaining the decision. If the PAC disagrees, they may submit a written request to the Council, outlining the benefits of the requested agenda item and information. This request will be included in a Council meeting agenda.

To ensure timely consideration, any item referred to the PAC must be evaluated, and when required by policy, a recommendation must be made to Council within the next two PAC meetings from the date of referral.

7. Committee recommendations

Following a meeting, any recommendations from the PAC will be compiled into a report by the lead staff member. This report will be included in a future Council agenda package.

The PAC provides advice and recommendations on planning matters. However, the final decision-making authority rests with Council.

8. Meeting frequency

The committee will meet bimonthly or as otherwise required to fulfill the duties as outlined.

A PAC meeting may be scheduled at the call of the Chair in consultation with the lead staff.

The Chair, in consultation with the lead staff, reserves the right to cancel any scheduled meetings should there be no agenda items for consideration.

9. Public participation at meetings

PAC meetings are open to the public. However, public comment and input will be accommodated only when expressly noted on the agenda, such as during designated public participation meetings.

10. Pecuniary interest

Members must promptly disclose any direct or indirect pecuniary interest in a matter under consideration by the Committee. This disclosure must occur as soon as possible at the commencement of the meeting where the matter is discussed.

If a member has any pecuniary interest, direct or indirect, they must recuse themselves from the discussion and decision-making process for that particular matter. They must also avoid attempting to influence any recommendation on the matter, both during and outside the meeting.

Every disclosure of interest and its general nature must be recorded in the meeting minutes.

11. Conduct at meetings

Members must conduct themselves with respect towards the Chair, other members, staff, and public attendees during all meetings.

12. Other meeting procedures

All other meeting procedures will follow the Town of Lunenburg's established policies governing Council and Committee meetings and procedures.

13. Communication of Committee decisions and committee representation

All PAC members must recognize and respect the responsibility of the Chair and the lead staff to accurately communicate the decisions and recommendations of the Committee, even if individual members disagree with those decisions.

The Chair serves as the official spokesperson for the committee, and individual members are not authorized to speak on behalf of the committee. Should a committee member receive any external requests for comments or information regarding committee activities or decisions, such requests must be directed to the lead staff. The lead staff will coordinate with the Chair and other relevant Town staff to ensure that the request is accommodated appropriately and that responses are consistent with the positions and decisions of the committee.

14. Confidentiality

No member of the PAC shall disclose or release any confidential information acquired by their position to any member of the public, whether in oral or written form, except as required by law or when authorized by the Town. Members are also prohibited from using confidential information for personal or private gain or for the benefit of relatives or any person or corporation. Breaches of this confidentiality clause are taken seriously and may result in disciplinary actions, including removal from the committee.

14. Resignation of members

Resignation of a member during the term must be made in writing to the Municipal Clerk.

15. Dissolution

The Town of Lunenburg Council will periodically review the effectiveness and relevance of the PAC in its ongoing activities and objectives. If, during a review, Council determines that the PAC is no longer necessary or that its functions should be restructured, a decision to dissolve the committee may be made.

16. Amendments and review of the Terms of Reference

PAC members may propose amendments to the Terms of Reference during committee meetings. However, all proposed amendments must be approved by Council.

The lead staff will review the Terms of Reference every four years from the date they were adopted by Council, unless there is a legislative requirement for an earlier review.

Planning Public Participation Program Policy

Date adopted by Council: **TBD**



1. POLICY STATEMENT

The Town of Lunenburg is committed to fostering transparent, inclusive, and effective public participation in the review and amendment of planning documents. This policy ensures that all community members can contribute their views, comments, and suggestions on planning matters that shape the Town’s development.

2. PURPOSE

This policy establishes a public participation program to review and amend planning documents in the Town of Lunenburg, as mandated by the Municipal Government Act (MGA). It ensures that Council conducts public meetings to gather input before announcing intentions to adopt or amend any planning document. Additionally, this policy facilitates the solicitation of comments from the Municipality of the District of Lunenburg (MODL) on proposed changes to planning documents in compliance with the provincial Engagement Programs Content Regulations and relevant sections of the MGA.

3. DEFINITIONS

“Applicant” refers to the property owner or their representative who has formally applied to the Town of Lunenburg for rezoning, redesignation, or to initiate, amend, or review a development agreement.

“Planning application” is a written request to rezone, redesignate or enter into or revise a development agreement or, in any other way, amend a planning document.

“Planning documents” means:

- A municipal planning strategy and any amendments;
- A land-use by-law adopted to carry out the municipal planning strategy and any amendments;
- A subdivision by-law and an amendment to it; and
- Development agreements.

“Public hearing” is a formal meeting held at regular Council meetings, required by law before the second reading and final approval of planning documents or amendments. It serves to

formally present proposed planning documents or amendments to the public and receive feedback before final Council approval.

“Public Participation Meeting” is a public meeting held in accordance with the Town’s Planning Public Participation Program Policy. **At the Town of Lunenburg, a Public Participation Meeting (PPM) may also be called a Public Information Meeting (PIM).**

“Undue hardship” occurs when all reasonable means of accommodation have been exhausted, leaving only options that pose significant financial, operational, or safety burdens on the Town.

All other words have the meanings given to them in the MGA.

4. PUBLIC PARTICIPATION MEETING (PPM) PROTOCOLS

Whenever it is intended by Council to adopt or amend a planning document, or an applicant has made a planning application, a PPM will be held.

The purpose of a PPM is to provide an opportunity for the public to comment, make suggestions, discuss and receive information concerning the following:

- The amendment of planning documents
- The adoption of planning documents
- Planning applications

PPMs are hosted by the Town’s Planning Advisory Committee (PAC) or Town Staff.

Meetings will be held in person.

5. PPM INPUT BEFORE PAC

During a PPM, all interested persons will be allowed to have their views, comments and suggestions heard. **PPMs before PAC will be live streamed and video recorded.**

At the start of the PPM, a staff report detailing the matter for which the PPM is being held will be presented. This presentation aims to inform the public and provide context for their comments and suggestions during the meeting. The presentation will provide background information on the matter for which the PPM is being held, provide any relevant data or analysis, and include a staff recommendation.

Input must adhere to the following criteria:

- Identification: Each submission must include the sender's full name and contact information.
- Relevance: All submissions must be directly relevant to the matter for which the Public Participation Meeting (PPM) is being held. Irrelevant content will not be considered.

- Respectfulness: Submissions must be respectful and free from personal attacks.

Any input that does not meet these standards will not be circulated or shared at the PPM. During the meeting, the PAC Chair can immediately discontinue any input that fails to comply with these guidelines.

Staff reserve the right to withhold or redact any written correspondence, audio recordings, or audio-visual recordings deemed inappropriate or disrespectful. This includes:

- Profane or vulgar language
- Hate speech or discriminatory remarks based on race, ethnicity, gender, sexual orientation, religion, disability, or any other protected characteristic
- Personal attacks or threats against individuals or groups
- Sexual content or explicit imagery
- Insults or name-calling

The submitter will be notified if their content is withheld or redacted, provided with an explanation, and given an opportunity to revise and resubmit their contribution. A record of all withheld content and the reasons for withholding will be maintained.

Input can be provided as follows:

- In-person oral presentations: Individuals wishing to speak during the meeting must register at the start of the meeting. Registration is accomplished by filling out the sign-in sheet provided at the meeting venue. This registration process is on a first-come, first-served basis.
- Virtual oral presentations: Individuals who cannot attend the meeting in person but wish to speak on the matter may request to join the meeting virtually. Any person wishing to provide feedback virtually must advise the Municipal Clerk or designate at least 24 hours before the meeting.
- Prerecorded presentations: Members of the public who cannot present their views in person may submit an audio or video recording. This recording will be played during the meeting as an alternative to an in-person oral presentation.
- Written submissions: This includes submitting input in written form, such as a letter or email.

A staff report detailing the matter for which the PPM is being held, along with received written submissions, will be published on the Town's website at least six clear days before the PPM. Written and audio submissions must be submitted to the Municipal Clerk or their delegated designate at least three business days before the PPM. To have a written submission included in

the agenda package for the PAC meeting where the PPM is scheduled, the submission must be received at least seven days before that meeting. Any written submissions received six to three days before the PPM will be shared with PAC for their consideration but will not be included in the publicly available agenda package.

Presentations are limited to five minutes per person. Written submissions must be 750 words or less.

When a group wishes to present at a PPM, they must designate one individual as their spokesperson. The designated spokesperson is allocated a maximum of five minutes to deliver the group's input.

6. ACCOMMODATIONS

The Town will make reasonable accommodations for individuals with disabilities to facilitate their participation in public meetings per relevant regulations and up to the point of undue hardship.

Requests for accommodations should be submitted to the Municipal Clerk at least seven days before the meeting to ensure appropriate arrangements can be made. The Town will evaluate these requests in consultation with relevant personnel and may seek documentation as necessary to understand the needs and requirements.

7. CONDUCT

Participants and meeting attendees are expected to always conduct themselves respectfully during the meeting.

If a participant or attendees behave inappropriately, the Chair has the authority to terminate their participation in the discussion immediately and have them exit the meeting, whether participating in person or virtually.

Attendees in the public gallery must maintain respect. Expressions of emotion, such as shouting, applause, or other disruptions, are prohibited.

8. CLARIFICATION AND INFORMATION REQUEST PROTOCOL

The PAC Chair, in collaboration with lead staff, will assess the necessity of an immediate response to information requests made during a PPM. The Chair, with input from lead staff, will decide if the information can be provided immediately without further consultation or follow-up. If the required information is readily available, lead staff may respond verbally during the PPM.

Following the PPM, the follow-up report to Council will include a summary of all information requests made during the meeting. The report will categorize these requests into three groups:

- Requests deemed irrelevant or out of scope.
- Requests that could not be answered at the PPM because the information was not readily available.
- Requests requiring substantial staff resources.

Staff will provide answers to questions that could not be answered at the PPM due to the lack of readily available information in the Council report. Requests identified as irrelevant, out of scope, or resource-intensive will not be addressed unless directed by Council.

9. NOTICES

For PPMs conducted under the Planning Public Participation Policy, the Town will post notices on **its website, social media platforms and in a newspaper in general circulation in the Town.** These notices will be published at least 14 clear days before the PPM.

If there is an applicant, they will be notified using the contact information provided in their planning application. An electronic version sent by email shall be considered sufficient notice.

If the adoption or amendment of a planning document affects between one and five properties, notice will be served to the assessed property owners of all properties within 30 meters of the affected properties.

10. COST OF NOTIFICATION

In cases where there is an applicant, all expenses related to required newspaper advertisements or notices to assessed property owners shall be the responsibility of the applicant. These fees will be charged at cost, covering only the actual expenses incurred in fulfilling the notification requirements. However, a deposit in the amount set by Council must be paid in full before a planning application will be processed and a PPM scheduled and advertised.

11. NOTICE TO ABUTTING MUNICIPALITIES

Council will consult with the Municipality of the District of Lunenburg (MODL) when:

- Adopting a new Municipal Planning Strategy; or
- When considering amendments to the Municipal Planning Strategy that would affect lands within 500 metres of the Town boundary.

In these cases, the Clerk of MODL will be notified. The notice will provide a timeline for a response to be received and considered by Council. The timeline for a response will expire before the first notice for a public hearing on the matter is published. An electronic version sent by email shall be deemed sufficient for said notice.

12. DOCUMENT REQUESTS

All documents related to a PPM will be accessible on the Town's website. Printed copies are available upon request. A fee of the actual cost of printing will be charged. Full payment of this fee is required to receive printed documents.

13. RECOMMENDATION AND REPORT TO COUNCIL

The PAC must make a recommendation to Council on the matter for which a PPM is held at the same PAC meeting as the PPM or the following PAC Meeting.

Staff will report PAC's recommendation and provide information following the Clarification and Information Request Protocol through a written report to Council.

14. PUBLIC HEARINGS

Following a PPM, per the Municipal Government Act, should a matter related to any planning documents be scheduled for a second reading or approval, Council will hold a public hearing at a regular Council meeting.

Attachment D – Comparison Table

Policy #65, the Planning Public Participation Program Policy.	Draft Planning Public Participation Program Policy
N/A	Policy Statement: Emphasizes commitment to transparency, inclusiveness, and effectiveness in public participation. Aims to ensure community members can contribute views on planning matters.
N/A	Definitions: Provides definitions for key terms like "Applicant," "Planning application," "Planning documents," "Public hearing," and "Public Participation Meeting."
<p>PPMs and Notifications: This policy describes the requirement for scheduling and holding Public Information Meetings before public hearings. It specifies the notice requirements, which include announcements in local newspapers, the Town website, and notices at the Town office. Additionally, it mentions forwarding notices to the Municipal Clerk of the Municipality of the District of Lunenburg (MODL) and notifying property owners within 30 meters of the affected area. A minimum of four clear days' notice is required before Public Information Meetings. Notifications must also be sent to MODL's Municipal Clerk and assessed property owners, and notice of Public Information Meetings must be forwarded to MODL's Municipal Clerk and Director of Planning.</p>	<p>PPMs and Notifications: This policy details the purpose, notification process, and protocols for Public Participation Meetings (PPMs). It specifies that advertisements must be posted on the Town's website and notifications sent to property owners within 30 meters for certain amendments. The policy includes criteria for input, the registration process, and accommodation details for individuals with disabilities. It outlines behaviour expectations and procedures for handling inappropriate content. A 14-day notice period for PPMs on the website and social media is specified. The policy also details the cost responsibilities for applicants regarding advertisements and notices. Additionally, it specifies that consultation with MODL is required when adopting or amending the Municipal Planning Strategy, especially for lands within 500 meters of the Town boundary.</p>
N/A	Accommodations: Provides Staff authority to accommodate persons with disabilities.

N/A	Conduct: Specifies expected conduct during meetings and the process for withholding or redacting inappropriate content is included. Details the notification process for submitters of withheld content.
Recommendations and Reporting: Comments from MODL and the public are to be considered by Council prior to any resolution for the first reading.	Recommendations and Reporting: States that the PAC must make a recommendation to Council on the matter for which a PPM is held at the same or following PAC meeting. Specifies the staff reporting protocol following the PPM.
Current Terms of Reference	Draft Terms of Reference
<p>Responsibilities: The Responsibilities of the Planning Advisory Committee are to:</p> <ul style="list-style-type: none"> • Carry out the Planning Advisory Committee duties set out in the NS Municipal Government Act; • Advise Council respecting the preparation and amendment of planning documents and general planning matters; and • Conduct a review of and proposed amendments to the Town’s Municipal Planning Strategy, Land Use By-law and Subdivision By-law and other relevant planning matters. 	<p>Responsibilities: The Committee provides recommendations on planning issues upon Council's request. However, to fulfill the PAC's legislative obligations, the following activities may be undertaken without a referral from the Council:</p> <ol style="list-style-type: none"> 1. Advising Council by providing recommendations on the preparation and amendment of planning documents, including the Town’s Municipal Planning Strategy, Land Use By-law, and Subdivision By-law. 2. Advising Council by providing recommendations on general planning matters as directed by Council. 3. Performing the functions of a Planning Advisory Committee as outlined under the Municipal Government Act. 4. Adhering to the Town’s Public Participation Program. <p>The Department of Community Development may also request that the following items be added to a PAC meeting agenda for the Committee’s consideration:</p>

	<ol style="list-style-type: none"> 1. Advising Council by providing recommendations on approved projects within the Department of Community Development. 2. Advising Council by providing recommendations on strategic planning initiatives from the Department of Community Development that will require Council's consideration.
<p>Composition: The Planning Advisory Committee is comprised of at least four residents appointed for two-year terms and three Council members as determined by Council.</p>	<p>Composition: The PAC consists of seven voting members who serve without pay. Council will appoint the following seven voting members as follows:</p> <ul style="list-style-type: none"> • Four Town of Lunenburg residents • Three members of Council <p>Citizen member appointments are for two-year or three-year terms.</p>
N/A	<p>Renewals: Appointments are reviewed annually</p>
N/A	<p>Removal of Members: Members serve at the pleasure of Council and may be removed by Council. Members may be removed by Council if they miss three consecutive meetings without prior approval from the Chair, fail to fulfill their duties, engage in misconduct, or cannot participate effectively in PAC activities.</p>
N/A	<p>Resignation of Members: Members may resign from the Planning Advisory Committee at any time by providing written notice to Council. Email will be deemed sufficient notice.</p>
N/A	<p>Appointment of Chair: Council appoints one of the three members of Council as Chair.</p>
N/A	<p>Staff Resources: Codify Staff role and</p>

	responsibilities.
N/A	<p>Meeting Processes: Codifying how the agenda is established, how often meetings are held and responsibilities for reporting to Council. The agendas for PAC meetings are set by the lead staff based on items referred by the Council or as outlined in their mandates. Committee members can request future agenda items through a motion, which will be assessed by lead staff for relevance and capacity. If a request is outside the scope or requires significant resources, lead staff will report the decision, and the PAC can appeal to the Council. Items referred to the PAC must be evaluated within two meetings. Meetings are held bimonthly or as needed, and the Chair, in consultation with lead staff, can cancel meetings if there are no agenda items.</p>
N/A	<p>Confidentiality, Conduct and Pecuniary Interest: PAC members must not disclose or use confidential information for personal gain, except as required by law or authorized by the Town. Breaches of confidentiality can lead to disciplinary actions, including removal from the committee. Members are also expected to conduct themselves respectfully towards the Chair, other members, staff, and public attendees during meetings. The Terms of Reference also explain members' responsibility to disclose any direct or indirect pecuniary interest.</p>

Subject: Cultural Tourism Working Group
From: Hilary Grant, Interim CAO
Date: June 11, 2024



Recommendations

That Council approve the Cultural Tourism Working Group Terms of Reference as presented.

Alternatives

- Approve the Sustainable Cultural Tourism Study Working Group Terms of Reference with amendments.
- Delay a decision.

Background

On April 9, 2024, Council directed Staff to develop Terms of Reference for a Cultural Tourism Working Group toward completing a Cultural Tourism Economic Impact Study and Sustainable Cultural Tourism Plan. Draft terms of reference were presented to Council May 28 and Council unanimously moved to:

“Direct staff to replace community representatives with Town of Lunenburg residents under the Cultural Tourism Working Group’s composition” and

“Direct staff to bring forward at a future Council meeting a report researching adding actioning and evaluating to the Cultural Tourism Working Group’s objectives”

Staff have incorporated edits updating the working group’s composition and stressing the importance of actioning the plan into the draft Terms of Reference. The revised draft terms of Reference also include definitions clarifying key terms – cultural resource, cultural tourism, culture and sustainability – to further clarify the purview of the Committee.

Changes made to the draft Terms of Reference since the May 28, 2024, Council meeting are highlighted in blue.

Discussion

The Cultural Tourism Working Group Terms of Reference were written following the [STEP: Strategic Tourism Expansion Program Manual](#)’s advice on forming STEP Working Committees.

The Working Groups should be comprised of key and credible tourism leaders in the region and led by strong industry operators who are actively engaged and enthusiastic about the

project. ACOA recommends powerful industry leadership to ensure the overall and long-term success of the program. Additionally, they suggest the Working Group consider establishing an Executive Committee, preferably comprising three individuals, including the Working Group Chair and Proponent. This Executive Committee would facilitate progress during the demanding tourism season, maintaining communication with the Consultant to ensure continuity and momentum.

Staff started [advertising the Working Group online](#) on May 8, 2024.

Strategic Plan Relevance

Create and maintain a detailed inventory of community economic data including, but not limited to, labour market statistics, a business directory, vacant land and storefront inventory, and a 'development ready' land inventory.

Relevant Legislation

The Municipal Government Act

Financial

Council already approved \$50,000 for an economic impact study on January 23, 2024. The Atlantic Canada Opportunities Agency grant is to undertake a sustainable tourism development plan.

Communications

Staff will advertise the new Cultural Tourism Working Group on the Town's website and social media.

Attachments

Attachment A – Cultural Tourism Working Group Terms of Reference

Town of Lunenburg

CULTURAL TOURISM WORKING GROUP

Terms of Reference

Approved on X

Group Name:

The name of the group will be the Cultural Tourism Working Group.

Authority:

Established by the Town of Lunenburg, the Cultural Tourism Working Group will report to the Town of Lunenburg's Municipal Council.

Definitions:

- **Cultural Resources:** physical and non-physical cultural elements, such as historical landmarks, traditional crafts, live performances, local cuisine, festivals, and events.
- **Cultural Tourism:** a form of travel driven by the desire to explore, understand, and engage with a destination's cultural heritage.
- **Culture:** a community's spiritual, material, and intellectual characteristics. Culture includes art and literature, everyday living habits, ways of interacting, values, traditions, and beliefs. Culture includes physical items such as artefacts, art, sites, and products and intangible expressions like performance, folklore, music, and events.
- **Sustainability:** the responsible management of resources, including cultural resources, to meet current needs while ensuring that future generations can meet their needs. Sustainability involves balancing economic growth, environmental protection, and social well-being.

Background:

Council voted to develop Terms of Reference for a Cultural Tourism Working Group on April 9, 2024. This group is tasked with completing the Cultural Tourism Economic Impact Study and Sustainable Cultural Tourism Plan as part of the Strategic Tourism Expansion Program. The initiative recognizes three fundamental components of sustainability: the economic dimensions of tourism, encompassing revenues, yield, and profits; the imperative to preserve our cultural and natural heritage, which directly impacts our livelihoods; and the necessity for community leadership, input, and support. Old Town Lunenburg, recognized as a World Heritage Site, embodies a holistic appreciation of culture, encompassing both tangible and intangible heritage. Its designation underscores its historical significance, architectural integrity, and cultural legacy, serving as a vibrant testament to Nova Scotia and Canada's maritime heritage.

Mandate:

- The Cultural Tourism Working Group is mandated to enable, facilitate and develop Lunenburg as a sustainable tourism destination by exploring, recommending, and undertaking actions promoting resilience, health, and prosperity for the broader community.

Working Group Objectives:

1. Economic Metrics and Fiscal Goals: Recommend economic metrics and fiscal goals for Lunenburg's cultural tourism sector.
2. Achievable Cross-Sectoral Plan: **Develop, evaluate and promote** a three to five-year **actionable** plan for sustainable cultural tourism in Lunenburg reflective of community goals.
3. Governance Model: Recommend a governance model for local and regional tourism development and indicate the Working Group's role over time.
4. Experiential Tourism Products: Identify, enable, facilitate and develop experiential tourism products tailored to Lunenburg's cultural landscape **that support long-term sustainability per the Sustainable Cultural Tourism Plan.**
5. Digital Marketing Enhancement: Recommend enhancements for digital and online marketing to promote **sustainable** cultural tourism **per the Sustainable Cultural Tourism Plan.**
6. Community Engagement: Establish a public consultation and community communications approach to uncover the community's vision for **sustainable** cultural tourism development.
7. Capacity Building Sessions: Identify and secure necessary Capacity Building Sessions to support **sustainable** cultural tourism initiatives **recommended under the Sustainable Cultural Tourism Plan.**
8. Informed Decision Making: Assist policymakers in integrating economic, social, and environmental considerations for sustainable and inclusive **cultural tourism** in Lunenburg.
9. Investment and Funding: Provide recommendations on leveraging investment and funding opportunities to support cultural tourism projects **that contribute to long-term sustainability and achieve the goals and actions recommended in the Sustainable Cultural Tourism Plan to protect and promote sound investment in Lunenburg's tourism sector.**
10. Tourism Trend Analysis: Analyze global, national, provincial, and regional tourism trends to propose strategies for resilience in cultural tourism.
11. Consumer Expectations: Provide specific insights into emerging consumer expectations related to cultural tourism experiences.
12. Tourism Asset Inventory: Conduct a Tourism Asset Inventory to identify and document **cultural resources** in Lunenburg.

Working Group Composition:

The Cultural Tourism Working Group shall be comprised of:

- 2 Representatives from Lunenburg's Public or Non-Profit Culture Sector
- 2 Representatives from Lunenburg's Private or For-Profit Tourism Sector
- 2 Members of the Lunenburg Board of Trade

- 2 Representatives of Lunenburg's Maritime Heritage and/or Waterfront Industries
 - 2 Town of Lunenburg residents
 - 2 Councillors
- Working Group members serve at the pleasure of the Town of Lunenburg's Municipal Council.
 - The Town's Chief Administrative Officer or their delegate will serve as a non-voting ex-officio member.
 - Town-hired consultants or their delegates will serve as non-voting ex-officio members.
 - The desired composition of the working group should include members with senior leadership experience in areas of cultural tourism.
 - Members do not need to be residents of the Town of Lunenburg to serve on the Committee but should have demonstrable ties to Lunenburg, such as operating a business registered to a Town of Lunenburg address or represent a non-profit or public cultural tourism group registered to a Town of Lunenburg address.
 - The working group will be no larger than 12 members, excluding ex-officio members.
 - The working group may occasionally invite individuals or groups to present. Individuals who are not members of the working group may, with permission of the working group, attend for the purpose of providing information or submitting feedback. These individuals will be allowed to speak on a matter if permission from the Chair has been granted but will not be involved in any decision-making.

Executive Committee

At their first meeting, the Working Committee will appoint a Chair and Vice-Chair, who, along with the Town's Chief Administrative Officer or their delegate, will form an Executive Committee.

Term of Office

This is an ad hoc working group. Once the work is completed, the term of office expires. The term of the work is anticipated to be completed by the summer of 2026.

Meetings:

- Every attempt will be made to schedule meetings at least 7 days in advance.
- Meetings shall be as required.
- Meetings will be held in person, with virtual participation available if needed. If a member plans to attend virtually, they must notify the Chair and the Chief Administrative Officer or their delegate 24 hours in advance to allow for necessary technical setup.

A meeting can be cancelled by the Chair if:

- All issues on the agenda can be addressed by phone or e-mail consultations.
- The meeting is purely for information sharing with no consensus building or decision-making necessary, and the same result can be achieved by sending e-mails to everyone.
- Many people, especially key decision-makers, are unavailable for the meeting.

- Bad weather or other unforeseen circumstances.

Meeting Administration

Meetings will be open to the public and advertised on the Town's website but will not be livestreamed or video-recorded.

Agendas and minutes will be available for public review.

As a Working Group, no public input sections will be included in the agenda.

Setting Meeting Agendas

Each meeting agenda will include a standing item called "Agenda Items for Next Meeting," allowing committee members to discuss and propose topics for the next meeting.

In between meetings, the Executive Committee may request and add agenda items for inclusion in an upcoming meeting agenda.

Draft agendas will then be prepared by Staff and shared with the Chair for review. The Chair will provide feedback or approve the draft within 48 hours. The draft agenda will be considered approved if no response is received within this timeframe.

Agenda items may be added at the start of a meeting, provided the working group consents to the additional items.

Attendance at Meetings:

- If the working group members are unable to attend, they must notify the Chair and the Chief Administrative Officer or their delegate.
- A member of the working group who, without leave from the Chair, is absent from three consecutive regular meetings of the working group may be requested by the working group to vacate their position.

Quorum:

A quorum shall be 50 percent of voting members plus one.

Role of Working Group Chair:

Once appointed by the working group, the Chair will be expected to:

- Ensure that the work of the Cultural Tourism Working Group is in keeping with the mandate as outlined in the Terms of Reference;
- Chair Cultural Tourism Working Group meetings;
- Set the agenda for Cultural Tourism Working Group meetings;
- Assign and delegate work to Cultural Tourism Working Group members;
- Ensure that all members at meetings have an opportunity to participate in discussions; and
- Respect and support working group actions once the Cultural Tourism Working Group has made a decision.

Role of Working Group Vice-Chair:

The Vice-Chair will be expected to fulfill any and all Chair roles should the Chair be unable to do so. The Vice-Chair may delegate any of their roles to the Vice-Chair by notifying all Cultural Working Group members.

Role of the Executive Committee

The Executive Committee will meet as needed to ensure continuity and momentum towards the Cultural Tourism Working Group's mandate and objectives as outlined in the Terms of Reference. These meetings will be an opportunity for Town Staff and the Executive Committee to discuss and disseminate information sharing with the wider Working Group and prepare meeting agendas.

Town-hired consultants can join Executive Committee meetings if invited by the Executive Committee.

The Executive Committee cannot make decisions apart from setting Working Group meeting dates and draft agendas. All decisions must be made by the Working Group as a whole.

Role of Working Group Members:

Once appointed, Cultural Tourism Working Group members will be expected to:

- Regularly attend meetings;
- Regularly attend working group events, such as public consultations;
- Stay informed about working group matters, be prepared for all meetings and review minutes, agenda and supporting materials;
- Actively participate in a respectful and engaged manner;
- Be committed to the work and mandate of the Cultural Tourism Working Group;
- Volunteer for and willingly accept assignments and complete them thoroughly and on time; and
- Respect and support Cultural Tourism Working Group actions through a unified voice, once the Cultural Tourism Working Group has made any decisions.

Role of Town Staff

- Be open to frequent and honest communication with the Working Committee, establishing a mutually trusting working relationship;
- Provide professional expertise and capacity-building resources;
- Report findings and recommendations to the Town of Lunenburg's Municipal Council and the community at large;
- Prepare agendas for Chair consideration;
- Keep minutes for Committee approval;

Role of Consultants

- Be open to frequent and honest communication with the Working Committee, establishing a mutually trusting working relationship;

- Provide professional expertise and capacity-building resources;
- Pen the Cultural Tourism Economic Impact Study;
- Pen the Sustainable Cultural Tourism Plan;
- Guide the Cultural Tourism Working Group through the STEP program; and
- Any other services contracted by the Town of Lunenburg.

Decision Making

The members of the Cultural Tourism Working Group shall make every effort to come to consensus during the decision-making process. The working group will use consensus decision-making to facilitate better decisions through:

- including the input of all members;
- including and respecting all parties, and generating as much agreement as possible;
- setting the stage for greater cooperation in implementing the resulting decisions; and
- promoting an atmosphere that fosters group cohesion and interpersonal connection.

When the working group members cannot reach an agreement, the Cultural Tourism Working Group may have a motion put forth which requires a vote to be taken. Motions pass when over 50 percent of voting members at a meeting vote in favour of a motion.

Other meeting procedures

Any meeting procedure not outlined in this Terms of Reference will follow the Town of Lunenburg's established policies governing Council and Committee meetings and procedures.

Pecuniary Interest

Members must promptly disclose any direct pecuniary interest in a matter under consideration by the Committee. This disclosure must occur as soon as possible at the commencement of the meeting where the matter is discussed.

If a member has any pecuniary interest, direct or indirect, they must recuse themselves from the discussion and decision-making process for that particular matter. They must also avoid attempting to influence any recommendation on the matter, both during and outside the meeting.

Every disclosure of interest and its general nature must be recorded in the minutes of the meeting.

Amendments

The Cultural Tourism Working Group Terms of Reference may be amended by Council.

Subject: Non-compliant Shed Settlement Agreement
From: Hilary Grant, Interim CAO
Shania MacCleod, Bylaw Enforcement Office
Date: June 11, 2024



Recommendations

That Council direct staff to execute a settlement agreement with the owners of 72 Tannery Road to resolve the issues related to the non-compliant shed on their property.

Alternatives

- Delay a decision.

Background

A property has been the subject of a dispute about a small shed on the premises. On April 5, 2024, staff received a complaint about the shed's location and an inquiry into whether the shed was permitted by the Town. After the complaint and its investigation by Staff, the owners applied for a development permit under the Town's Land Use By-law. The Town's Development Officer had to refuse the development permit application because the location of the shed and its architectural features, including its window and siding, are non-compliant with the Town's Land Use By-law.

Discussion

To resolve this issue amicably, staff engaged with the property owners to discuss a possible settlement. The proposed agreement, drafted by legal counsel, sees the Town not enforce its concerns regarding the architectural style of the shed, if it is relocated to a compliant position on the property. The terms of the settlement are as follows:

1. The exterior architectural attributes of the shed shall not be further modified without the approval of the Development Officer;
2. The shed, minus its porch, must be relocated within 30 days to an agreed upon compliant location on the property at the owner's expense.
3. The owners sign the settlement letter and initial the site plan showing the agreed upon new compliant location of the shed.

Should the property owners or their successors fail to comply with these terms, the Town reserves the right to enforce the Land Use By-law.

This agreement seeks to address the non-compliance issues and provide a practical

resolution for the property owner that will address the complaints' concerns with minimal expense to all parties involved. This case does not set a precedent, as Council reserves the right to evaluate future settlement proposals based on their merits on a case-by-case basis. In this instance, non-compliance does not pose a life safety issue, nor has any historic building been damaged. The property owners have interacted respectfully and in good faith with Staff to achieve a swift resolution.

Strategic Plan Relevance

Community Structure: Direction regarding how the Town will be structured and how land will be used.

Relevant Legislation

- Municipal Planning Strategy
- The Municipal Government Act
- Land Use By-law

Financial

There are no direct financial implications for the municipality arising from this settlement agreement. Any costs related to moving the shed will be borne by the property owners.

Communications

If directed by Council, staff will reach out to the property owners, Suzanne Shortt and Peter Welch, to facilitate the execution of the agreement and ensure compliance with the outlined terms.

Attachments

Attachment A – Redacted Draft Settlement Agreement



119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia
Canada B0J 2C0

townoflunenburg.ca

TOWN OFFICE
902-634-4410

ELECTRIC UTILITY
902-634-4410

FIRE DEPARTMENT
902-634-8343

PUBLIC WORKS
902-634-8992

RECREATION
902-634-4006

FACSIMILIE
902-634-4416

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This letter reflects a settlement agreement of the dispute regarding your shed at [REDACTED] the "Subject Property"). As you know the Town's Development Officer refused your application for a development permit for your shed. Both the location of the shed and the architectural attributes of the shed (particularly its window and siding) were not, in the opinion of the Development Officer, compliant with the Town's Land Use Bylaw. Staff have discussed with you the possibility of the Town agreeing not to enforce its concerns regarding the architectural style of the shed provided that you moved the shed to a compliant location.

I can advise that Council have authorized me to write you to confirm its approval on behalf of the Town not to enforce the issues concerning the architectural attributes provided that:

- (1) The exterior architectural attributes of the shed shall not be further modified without the approval of the Development Officer;
- (2) That within 30 days hereof the shed, without porch, is moved to the location depicted and described on the attached Site Plan; and
- (3) Provided that you both sign in the space below, and initial the attached Site Plan, signifying your agreement with the contents of this letter and deliver a signed copy to me within 30 days.

In the event you or your successors in title do not comply with the terms of this letter the Town fully reserves its enforcement rights.

I trust this is satisfactory,

Yours truly,

Hilary Grant
Interim CAO
902-634-4410 ext 252
cao@townoflunenburg.ca

UNESCO World Heritage Site

Agreement of Owners

We, [REDACTED], owners of the Subject Property do hereby confirm our agreement to the terms of this letter.

Dated at Lunenburg, NS this ___ day of _____, 2024

[REDACTED]

Witness (Print Name and Sign):

Received by the Town of Lunenburg CAO

CAO Signature

Dated at Lunenburg, NS this ___ day of _____, 2024

From: Michelle Harris [REDACTED]
Sent: Tuesday, June 4, 2024 1:24 PM
To: Trevor Hume <thume@townoflunenburg.ca>

[REDACTED]
Subject: Re: WWL Re: Film Application

Hi Trevor

Thank you for your patience while we piece our shoot together.
We will be filming on June 19th and 20th beginning a bit later in the day, 11AM to 11PM
June 19th and 2:30PM to about 1AM June 20th (we will likely be gone by this time but just
incase some trucks are still pulling away, we hope to request a noise bylaw extension on
June 19th and 20th until 2AM please.

Please let me know if there is anything further you require.

Michelle Harris
Location Manager
We were liars
LMGI/DGC Maritimes
[REDACTED]

Subject: Considering a Plebiscite for Blockhouse Hill Development
– Information Report

Prepared by: Kayla Byrne, Municipal Clerk

Date: June 11, 2024



Recommendation

This report is for information only. If Council wishes to direct staff to take any actions, it may issue a notice of motion for consideration at a future meeting.

Background

At its May 28, 2024, meeting, Council directed staff to prepare a report on how a plebiscite could be conducted regarding the divesting and development of Blockhouse Hill in accordance with the development rules for Design Option 2 (Out of Sight).

Also at its May 28 meeting, Council directed staff to prepare a report for a future meeting detailing the next steps for the proposed development of Blockhouse Hill, including a timeline outlining all necessary steps for divesting the lands. This report is anticipated to be ready for Council review no later than the July 9 meeting. This report could help the Council decide whether to proceed with a plebiscite.

A plebiscite is a non-binding vote used to gather public opinion on a specific issue. It is an informational tool for decision-makers. The results do not force Council to take action but provide insights that can help shape decisions.

Discussion

In alignment with the Municipal Government Act, a municipality must follow the following steps to hold a plebiscite:

- Council must pass a resolution to hold a plebiscite.
- Staff must organize and conduct a public meeting related to the plebiscite. The public meeting serves as a platform for discussing the issue at hand, providing information, and allowing community members to voice their opinions before the vote takes place – similar to a public participation meeting or public hearing.
- The plebiscite should be conducted similarly to a special election, following the Municipal Elections Act.
- The plebiscite must be held on a Saturday, at least 10 weeks after the resolution is passed, with the date specified in the resolution.

Plebiscites in an election year: If Council decides to proceed with a plebiscite on the proposed development of Blockhouse Hill, it is recommended to hold it during the 2024 municipal election. Staff have confirmed with Intelivote, the company managing alternative voting for the upcoming election, that a plebiscite question can be added at no additional cost.

Holding a plebiscite separately from a municipal election would incur costs similar to those of a special election. For reference, the 2023 special election cost \$7,500.

When a decision needs to be made: To meet the 10-week requirement of the MGA, a resolution to hold a plebiscite with the 2024 municipal election must be passed by August 10, 2024. Since Council is scheduled to meet only once in July and August, this resolution must be made at the latest at the July 9 meeting.

Typical uses of plebiscites and precedent considerations

There are no specific parameters for what questions can be called in a plebiscite. Plebiscites are typically held to gauge public opinion on issues that may lead to significant changes in a community, often involving topics that fall outside existing municipal rules and regulations.

Some examples of municipal plebiscites that have been held in Nova Scotia include:

- Amalgamations
- An urban deer bow/crossbow hunt to control deer populations
- Opening up trails for use to off-highway vehicles
- Adding fluoride to a municipal water supply

As noted above, plebiscites typically gauge public opinion on issues that fall outside existing municipal rules, practices and regulations. Considering a plebiscite for a development that is already aligned with a Town's Land Use By-law (LUB) and Municipal Planning Strategy (MPS) is uncommon. Holding a plebiscite on this issue could create an expectation for public votes on other compliant developments and Council decisions on managing its landholdings. This could complicate the planning process and lead to delays for future projects that should otherwise proceed smoothly under the current rules

Determining the question

In a plebiscite, the question must be formatted so that the only possible responses are "Yes" or "No."

Council must pass a resolution that includes the exact wording of the question to be presented on the ballot.

Relevant Legislation

- Municipal Government Act
- Municipal Elections Act

Financial

There would be no impact on the Town's budget if a plebiscite was conducted in conjunction with the 2024 municipal election. Holding a plebiscite separately from a municipal election would incur costs similar to those of a special election. For reference, the 2023 special election cost \$7,500.

Communications

Should Council conduct a plebiscite, staff will begin to organize a public meeting, per the MGA, which will be shared on the Town's website and social media. Any information about the plebiscite will be communicated with information on the 2024 municipal election and adhere to the required provisions of the Municipal Elections Act.

Attachments

N/A

MOTION ACTION LIST

TITLE	REQUESTED DATE	COUNCIL MOTION OR DESCRIPTION	RESPONSIBLE	TARGET DATE	STATUS & UPDATES
Lawn and Park Naturalization Policy	Sept. 12, 2023	Draft a lawn and park naturalization policy to allow and encourage naturalization initiatives.	Municipal Clerk	Spring 2024	Introduction presented May 14 Revised report: June 2024
Community Grants Policy Amendment	Sept. 26, 2023	Amend the Community Grants Program Policy to add criteria for Lunenburg students needing extra funds for provincial or national recreational or cultural activities, allocating \$2,000 from the Community Grants Fund exclusively for qualifying student applicants.	Director of Finance / Recreation Manager	Spring 2024	
Lunenburg RV Park and Campground Benefits	Sept. 26, 2023	CAO will seek detailed financial and community benefit reports from the Lunenburg Board of Trade about the Lunenburg RV Park and Campground.	CAO	To be completed after Economic Impact Study	
Marketing Levy By-law	Feb. 27, 2024	Bring forward a draft Marketing Levy By-law for first reading.	Community Development	TBD	
Short Term Housing Report	April 9, 2024	Prepare a comprehensive report on the Town's responsibilities and options concerning short-term housing. This report should address potential taxing and zoning options and an evaluation of both positive and negative impacts of short-term housing within TOL.	Community Development	To be completed after Economic Impact Study	
Cultural Tourism Working Group TOR	April 9, 2024	Develop Terms of Reference for a Cultural Tourism Working Group toward completing a Cultural Tourism Economic Impact Study and Sustainable Cultural Tourism Plan.	Community Development	May 28, 2024	Revised TOR presented on June 11
Sustainable Infrastructure Fund	April 23, 2024	Revise the Street Extension Policy and create a Sustainable Infrastructure Fund in 2024/25.	Community Development	Fall 2024	

NSUARB application to amend Regulation 5.14	April 23, 2024	Amend Electric Utility Regulations to include energy storage alongside renewable low-impact generators, limited to devices with a capacity of 27kW or less.	Finance	TBD	
Canada Housing Infrastructure Fund	April 23, 2024	Review the Canada Housing Infrastructure Fund for financing the next phase of the Town's stormwater/wastewater separation. If it aligns with the fund's criteria, submit an application.	Finance & Public Works	TBD	
Streets By-law Review	May 14, 2024	Review all by-laws and policies governing Town streets, including street rights-of-way, and prepare a report for Council.	Community Development/ Public Works/Municipal Clerk	Upon completion of Traffic and Parking Study	
Pest Control Measures	May 28, 2024	Draft regulations mandating pest control measures for all building demolitions within the Town of Lunenburg.	Community Development	TBD	
Municipal Archive	May 28, 2024	Explore the creation of a Municipal Archive.	Community Development/ Municipal Clerk	TBD	
Next Steps for Blockhouse Hill	May 28, 2024	Prepare a report for a future meeting detailing the next steps for the proposed development of Blockhouse Hill, including a timeline outlining all necessary steps for divesting the lands.	Community Development	July 2024	
Paid Parking Infrastructure	May 28, 2024	Prepare a report on paid parking infrastructure, which accepts various payment options for consideration in conjunction with the 2025/26 budget deliberations.	Multi-departmental	Upon completion of Traffic and Parking Study	