



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Committee of the Whole
July 28, 2015 6:00p.m.
Sanford Council Chambers

Present:	G. Cochrane	Chair
	R. Dauphinee	Warden
	S. Pineo	Councillor
	R. Matheson	Councillor
	T. Brown	Councillor
	J. Daniels	Councillor
	V. Swinamer	Councillor
	R. Allen	Councillor
	R. Zwicker	Councillor
	M. Laycock	Director of Finance
	K. Kehoe	Director of Recreation
	R. Sherrard	Director of Public Works
	K. Dempsey	Planner
	R. Brown	Municipal Clerk
	J. Woodman	Administrative Assistant
Regrets:	C. Osborne	Vacation
Guests:	Geraldine Miller	

There were 6 members of the public in attendance.

1. Call to Order
2. Announcements

Chair Cochrane reviewed the fire regulation procedures for the Council Chambers.

3. Approval of Agenda, including additions or deletions
 - High Speed Internet - Miscellaneous/New Business
 - Article Hants Journal - Miscellaneous/New Business

MOVED and SECONDED that the agenda be approved as circulated.

Motion Carried.



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4. Approval of Minutes

MOVED and SECONDED that the minutes of June 23, 2015 be approved as circulated, noting any errors or omissions.

Motion Carried.

5. Presentation (s)

Geraldine Miller – Public Input

Ms. Miller suggested that the public were not satisfied with how the matter of public input had been handled by Council. She asked for clarification from the Municipal Clerk on the comment that the subject wouldn't be changed unless there was a significant change to do so. She questioned whether over the dissolution of the Town of Hantsport would be considered a significant change particularly where their Council requested that it be reconsidered. The Municipal Clerk clarified that the significant change would have to be to the motion on the table. Ms. Miller suggested that the public understood that Council would rescind the motion but bring it back for consideration.

Ms. Miller asked Warden Dauphinee to explain why Council felt the public input had gotten out of hand. Warden Dauphinee responded that the public input was a good tool until it was just an attack on councillors. He suggested that this matter should be discussed with the CAO upon her return from vacation.

Ms. Miller disagreed with the Warden suggesting that public input was providing feedback on the issues the Municipality was dealing with. She indicated that the public that attend the meetings are concerned citizens who attend the meetings because they are interested adding that Council has shut the public out by not allowing them to speak. Warden Dauphinee noted that he enjoys having an audience during the meetings; however he did not appreciate some remarks made after the meetings that aren't factual.

The Director of Finance explained at the January 29 Committee of the Whole meeting there was a motion put forth to allow public input for twenty minutes and the motion was defeated. He stated at the Council meeting on February 2 it was on the agenda for reconsideration and the motion was lost which led to where we are today.

Councillor Pineo agreed with Ms. Miller that the public should be given the opportunity to have input at the time of concern suggesting that consideration be given to permit public input again.



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Councillor Swinamer asked whether the subject would be revisited when the CAO returns. The Municipal Clerk advised Council that the Council Policy states that a motion cannot be reconsidered a second time. She noted that the Policy gives Council the option to suspend the rules. The Municipal Clerk agreed with the Warden that it would be valuable to wait for a recommendation from the CAO on the subject.

Councillor Daniels agreed that the public input should be permitted in order to speak on subjects of the meeting. She went on to say that public presentations are intimidating for some residents and commended Ms. Miller on her presentation. She cautioned that Council does not want to incapacitate the citizens of West Hants noting that the four week waiting period for the opportunity to address Council was too long.

Councillor Zwicker stated that he supports public input 100% and from experience felt it was beneficial.

The Director of Finance recited the Council Policy that is currently in place. Councillor Swinamer referred to the Municipal Clerks comments on Council bending the rules to which the Municipal Clerk clarified that Council would first have to make a motion to do so and then proceed with the other motions. The Director of Finance cautioned that there would need to be significant discussion as it would set a precedence suggesting that Council direct staff to look at the formalities to determine the best way to move forward.

6. Hearing (s) – Dangerous & Unsightly

There were no hearings.

7. Business Arising from the Minutes

There was no business arising from the Minutes.

8. Reports of the CAO

a) Wet/Dry Plebiscite for Falmouth Area

MOVED and SECONDED that the correspondence regarding the Wet/Dry Plebiscite for the Falmouth Area be received and placed on file.

Motion Carried.



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Rhonda Brown, Municipal Clerk reported that she received a letter from Cameron Hartley and Richard Armstrong requesting the Falmouth-Hantsport Area be changed from a "Dry" designation to "Wet" as it applies to the sale and consumption of alcohol. She asked that Council consider whether to agree with the sale by bottle so they could sell to individuals or businesses and whether Council is in favor of the sale of liquor for consumption on licensed premises. She advised if Council were in favor a letter would need to be written to the Chief Electoral Officer requesting a plebiscite be held and the Alcohol and Gaming Corporation would pay all costs.

Councillor Daniels asked how the Falmouth/Hantsport area is determined. Rhonda Brown, Municipal Clerk advised the request submitted was for the Hantsport/Mt. Denson area, adding Hantsport itself is considered a "wet" area. She explained the Chief Electoral Officer will assist in determining the exact plebiscite area. Councillor Daniels asked how many other "dry" areas are within West Hants. Rhonda Brown, Municipal Clerk couldn't give an exact number, adding the boundary and communities have changed and there have been a number of plebiscites over the years. Councillor Daniels asked if it were worthwhile to "wet" the entire Municipality. Rhonda Brown, Municipal Clerk advised there is a proposal for the entire province to lift those bans.

Warden Dauphinee agreed these bans are out of date and hoped shortly the Province would become entirely "wet".

MOVED and SECONDED that a recommendation be made to Council that the Municipality of the District of West Hants requests Election Nova Scotia to conduct a plebiscite in the dry area of Falmouth to the Mount Denson area on the question of

- a. "Are you in favor of the sale of liquor in your community in accordance with the "Liquor Control Act", as per Section 43 (5) of the Liquor Control Act, and
- b. Are you in favor of the sale of liquor for consumption on licensed premises?" as per Section 49 (2) of the Liquor Control Act.

Motion Carried.

b. Proposed Changes to the Liquor Control Act, NS

MOVED and SECONDED that the correspondence regarding Proposed Changes to the Liquor Control Act, NS be received and placed on file.

Motion Carried.



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Martin Laycock, Director of Finance reported this has come forward from UNSM in conjunction with the province with two stages for what they are asking. He indicated they want to remove all the "dry" areas within the province, adding there is indication that municipalities would still have the ability to zone areas as "dry". He added the second is a change in the number of alcoholic beverages a customer can have at a restaurant prior to purchasing food, which is currently one drink and it is being suggested that it should be two drinks. He confirmed there is attached correspondence that highlights areas of discussion. He noted that he is seeking Council's feedback on the two areas and how staff is to proceed on these two recommendations.

Councillor Matheson hoped that Council supports that the province becomes "wet". He did indicate that he took issue with the two drink rule as the government has some very effective advertising in regards to drinking and driving and felt this is suggesting that people are able to purchase two drinks which can affect you. He felt this would be careless allowing people to drink more and then drive.

Councillor Daniels suggested this was talking about the difference between an eating establishment and a beverage room and felt that people are better off going to a restaurant and eat then a beverage room where there is no limit. She felt this was more about fairness adding that both establishments are paying the same permit costs. She clarified that she absolutely does not condone drinking and driving, but suggested that people are going to drink alcohol regardless.

Councillor Pineo didn't feel that the two businesses should have to pay the same amount in permits and felt it was discriminating against the restaurants. She felt that most people are aware of the consequences of drinking and driving, and suggested those that are not responsible will drink whether these rules are in place or not.

MOVED and SECONDED that a recommendation be made to Council to write a letter to the government that the Municipality supports the recommendations from the Alcohol and Gaming Commission.

Motion Carried.

Councillor Matheson voted nay.

c. Proposed Municipal & School Board Election Changes

MOVED and SECONDED that the correspondence regarding Proposed Municipal & School Board Election Changes be received and placed on file.



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Motion Carried.

It was agreed to include this item on the Council agenda for discussion and consideration.

d. Director of Finance Report – June

MOVED and SECONDED that the Director of Finance Report for June be received and placed on file.

Motion Carried.

Martin Laycock, Director of Finance reported a surplus is showing in the financials. He cautioned this could change before year end as there are always changes or expenses incurred. He confirmed funds were received from the Province to cover some of the costs for the Windsor Fire Department mediation. He noted as a result of the upcoming by-election approximately \$10,000 will be taken from the surplus or the operating reserve to cover the cost. He advised the Grants to Organizations was over by close to \$9,000, however was offset through the Recreation Department who gave out fewer grants.

He indicated the decision to terminate the agreement with Kings Transit has resulted in an anticipated savings. He added that he did leave in some money in case Council decides to move forward with another alternative.

Councillor Pineo inquired whether a financial report would be included for Hantsport specifically even though it is a separate budget. Martin Laycock, Director of Finance confirmed this is his intent, adding that expenses are much easier than revenue to identify. He explained because the transition for the main revenue accounts have been delayed until after the second tax bill goes out, 99% of the revenue will already have been gathered by the time it is transferred over to the system. He advised up until March 31st it will be separate in order to distinguish between the two units.

Rick Sherrard, Director of Public Works reported the department is still accessing the infrastructure and prioritizing what needs to come first in Hantsport. He confirmed that Warden Dauphinee is seeking money to augment the money that is currently in that account. He noted the Holmes Hill Road project that Hantsport applied to infrastructure several years ago appears to be on the high priority list. He added they have updated the project costs and confirmed that they can be out to tender in 7-10 days and have advised the Infrastructure Secretariat to continue to seek funding as they are shovel ready.

9. Reports of Other Committees



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Notice to Rescind – Quick as a Wink Theater Society

Councillor Pineo made Notice of Motion to Rescind – July 28, 2015 this notice of motion to rescind the motions of July 14, 2015 Council is to correct an administrative error where these motions were passed without proper process

...that Council rescind the motion of July 14, 2015 which states that "Council approve the application of Quick As A Wink Theatre Society to enter into a Development Agreement to allow a community theatre on Wentworth Road in the Hamlet of Wentworth Creek (PID 45391869)."

...that Council rescind the motion of July 14, 2015 which states that "Council require that the Development Agreement with Quick As A Wink Theatre Society be signed within 120 days from the date of final approval by council or the date that any appeals have been disposed of; otherwise, this approval will be void and obligations arising hereunder shall be at an end."

10. Correspondence

a. June 18, 2015 – West Hants Historical Society – Thank you.

MOVED and SECONDED that the correspondence dated June 18, 2015 – West Hants Historical Society – Thank you be received and placed on file.

Motion Carried.

b. June 22, 2015 – NS Crime Stoppers – West Hants Board – Thank you.

MOVED and SECONDED that the correspondence dated June 22, 2015 – NS Crime Stoppers – West Hants Board – Thank you be received and placed on file.

Motion Carried.

c. June 29, 2015 – Annapolis Valley Regional School Board – Thank you.

MOVED and SECONDED that the correspondence dated June 29, 2015 – Annapolis Valley Regional School Board – Thank you be received and placed on file.

Motion Carried.

d. July 6, 2015 – Avon View High School – Thank you.



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MOVED and SECONDED that the correspondence dated July 6, 2015 – Avon View High School – Thank you be received and placed on file.

Motion Carried.

- e. July 9, 2015 – Municipal Affairs Office of the Minister – 12 month Notice letter from Municipal Affairs

MOVED and SECONDED that the correspondence dated July 9, 2015 – Municipal Affairs Office of the Minister – 12 month Notice letter from Municipal Affairs be received and placed on file.

Motion Carried.

Councillor Pineo suggested that the information is not provided which makes it difficult to prepare during the budget process. Martin Laycock, Director of Finance indicated that the document discussing a proposed increase for Nova Scotia Power grants which would be a possible benefit for West Hants. He referred to the section on the Office of the Fire Marshal with regards to hazmat response and applications for funding. He suggested the solid waste information is interesting and that the Warden, Director of Public Works and he attended a discussion on this. He clarified this relates to production materials for products and recycling of these materials, and the producer would incur the costs and they would pay the landfills to get that back. He cautioned it is a very complicated program and felt the contaminated sites information is included because it's a change in the accounting standards.

- f. July 13, 2015 – Noise Complaint (Marlene Hill)

MOVED and SECONDED that the correspondence dated July 13, 2015 – Marlene Hill be received and placed on file.

Motion Carried.

Martin Laycock, Director of Finance advised that the Municipality does not have a noise by-law adding that the Planning Department had confirmed that the establishment is within their zoning requirements.

Councillor Allen let Council know that he had numerous discussions with Ms. Hill on the topic as well as a meeting with the owner outside of the establishment where the only thing



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he heard was a fan running as he got closer to the door adding that there was no smell around the premises.

Councillor Pineo stated the Municipality needs to be cautious when rezoning as the permitted uses could change. She indicated that she believes Ms. Hill has a legitimate complaint and wished there was something that could be done. It was suggested that most of the community only has positive comments about the business.

Karen Dempsey, Director of Planning confirmed that the Building Inspector followed up on the complaint and came to the same conclusion as Councillor Allen. She informed Council that that the Planning Department had been in direct contact with Ms. Hill and have explained the business is meeting all regulations for use.

MOVED and SECONDED that a recommendation be made to Council to write a letter to Ms. Hill explaining Council's position on her noise complaint regarding The Flying Apron Inn & Cookery.

Motion Carried.

11. Miscellaneous/New Business

High Speed Internet – Councillor Brown

Councillor Brown expressed concern for the lack of high speed internet in some rural areas and questioned what could be done to rectify the situation. Councillor Zwicker suggested forwarding the matter to the UNSM to address and agreed it was an issue. Councillor Daniels suggested that the companies who offer these services should know that technology is changing and they need to keep up for residents. She suggested it has an adverse effect on rural and remote areas and agreed pressure should be put on the providers.

MOVED and SECONDED that a recommendation be made to Council to write a letter to the Premier reflecting the Municipality's concerns on the lack of high speed internet in rural municipalities and all of Nova Scotia, copied to the appropriate parties as directed by the Warden.

Motion Carried.



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Hants Journal Article

Councillor Matheson asked Warden Dauphinee to set the record straight about the Municipality's role in the connection of Underwood Drive and Underwood Road. He felt that there is a misconception that the Municipality has done something wrong. He questioned what the Municipality has done wrong as they didn't want or put up the barrier or suggest a cul de sac. He confirmed that the Municipality gave Brison Developments the permits and felt have done everything it can. He requested that Warden Dauphinee write a letter to the paper to clear up the confusion. He suggested the issue is between the Town of Windsor and the Developer and felt that the Municipality is not involved.

Warden Dauphinee was also asked to call a Joint Border Development Committee meeting which would deal with boundary issues. It was suggested to discuss the matter when the CAO returns from vacation as she has been dealing with the issue.

MOVED and SECONDED that a recommendation be made to Council that the Warden be directed to speak to the editor of the Hants Journal on the issue of Underwood Drive.

Motion Carried.

12. In Camera Session

There were no in camera sessions.

13. Date of Next Meeting – Special Meeting August 13th & August 25, 2015

14. Adjournment

MOVED and SECONDED that the meeting adjourn.

Motion Carried.

The meeting adjourned at 8:15 p.m.

Gary Cochrane, Chair

Rhonda Brown, Municipal Clerk