



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
Committee of the Whole Minutes  
September 26, 2017, 6:00 p.m.  
Sanford Council Chambers**

|             |                          |                              |
|-------------|--------------------------|------------------------------|
| Present:    | P. Morton                | Deputy Warden                |
|             | A. Zebian                | Warden                       |
|             | R. Jannasch              | Councillor District 1        |
|             | K. Monroe                | Councillor District 2        |
|             | D. Keith                 | Councillor District 3        |
|             | T. Leopold               | Councillor District 4        |
|             | D. Francis               | Councillor District 5        |
|             | J. Daniels               | Councillor District 7        |
|             | R. Zwicker               | Councillor District 10       |
|             | C. Osborne               | Chief Administrative Officer |
|             | M. Laycock               | Director of Finance          |
| R. Brown    | Municipal Clerk          |                              |
| B. Carrigan | Director of Public Works |                              |
|             | D. MacInnis              | Development Officer          |
|             | B. Craik                 | Active Living Coordinator    |
|             | S. Shay                  | Planner                      |
| Guests:     | J. Woodman               | Administrative Assistant     |
|             | L. Cote                  | RCMP                         |
|             | D. Stairs                | RCMP                         |
| Regrets:    | R. Hussey                | Councillor District 6        |

There were 8 members of the public in attendance.

1. Call to Order

Chair Morton called the meeting to order at 6:00 p.m.

2. Announcements

Chair Morton reviewed the standard fire evacuation procedure.

Councillor Monroe was commended on the work she did on the Garlic Festival.

3. Approval of Agenda, including additions or deletions

**MOVED and SECONDED that the agenda be approved with the following additions and changes:**

- **11 (d) Brooklyn Water Study – Councillor Keith**
- **11 (e) Banks Pathway Information Update – Councillor Zwicker**
- **12 In-Camera - MGA 22 (2) (g) Legal be held at 7:00 p.m.**

**Motion Carried.**

4. Approval of Minutes

**MOVED and SECONDED that the Committee of the Whole minutes of July 25, 2017 be approved, noting any errors or omissions.**

**Motion Carried.**

5. Presentation (s)

a. Cannabis Symposium Presentation – RCMP

Corporal Luc Cote presented a power point presentation on the legalization of cannabis and the municipal impacts .

Councillor Daniels asked if anyone had spoken on the social and economic impact of having dispensary café's in public places. Corporal Cote advised it would depend on the dispensaries and how large or small they are, noting some are designed very nice, while others are like a corner store.

Councillor Daniels asked if employee searches as discussed in the presentation would breach the constitution. Corporal Cote indicated at the conference he attended, it was noted that it could be part of a business's policy to implement however cautioned it is not something that can arbitrarily be done and there would have to be good reasons for a search.

Councillor Daniels asked if the trend seemed to reflect that the dispensaries are popular at first and then settle down after the novelty wears off. Corporal Cote indicated that there would be an influx at first as it is new; however, felt the trend would eventually go down again. He did advise that there is concern that the Federal Government did not include in the legislation edible cannabis products.

Councillor Monroe asked how medicinal marijuana would be impacted by the legalization. Corporal Cote responded that the Federal Government is hoping that the medicinal marijuana will no longer be required once it is legalized. Councillor Monroe asked what the Municipality would need to do to collect tax in this area. CAO Osborne suggested it would depend whether the government enables legislation that allows taxation through some form of business or property tax that the Municipality may be able to collect, or it may be collected at the Provincial level and distributed like the gas tax monies.

Councillor Monroe asked about the process of the ticketable offence. Corporal Cote responded if individuals are caught with over 30 grams at one time it would be considered over the limit and a

ticketable offence. Councillor Monroe asked if there has been any discussion on regulating the amount of THC. Corporal Cote explained the reason behind the legalization is the government wants to offer a safer product, and it would be tested to a certain level of THC.

Warden Zebian expressed concern about how the edibles will be enforced if this is not included under legislation. Corporal Cote suggested it may be possible when the Province puts out their legislation that edibles may not be included and remain an illegal substance.

CAO Osborne advised that she has reached out to the CAO of the Town of Windsor regarding creating a joint committee as there is no boundary for this type of product. She indicated hopefully the committee will meet; soon and present to Council a joint recommendation on how the Municipality would like to proceed, she added they are also waiting for the results of the Provincial and Association of Municipal Administrators of Nova Scotia work being done on model by-laws.

**MOVED and SECONDED that the presentation regarding Legalization of Cannabis Municipal Impacts be received and placed on file.**

**Motion Carried.**

Chair Morton thanked Corporal Luc Cote for his presentation.

6. Hearing (s) – Dangerous & Unsightly  
There were none.
7. Business Arising from Minutes  
There was no business arising from the minutes.
8. Report of the Chief Administrative Officer
  - a. MFC Fall Debenture

The Director of Finance reported this is a formality of taking loans that have already been approved within the budget for purchases received and moving them from a bank loan to the Municipal Finance Corporation which offers a better rate for municipalities.

**MOVED and SECONDED that a recommendation be made to Council to authorize the Warden and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to exceed 5.5%, to enable the Municipality of the District of West Hants to issue a 10-year debenture of \$597,000.**  
**Motion Carried.**

- b. Community Trails Maintenance Grant Request

The Active Living Coordinator reported this is a recommendation for a funding request for a trail at the Newport & District Rink Commission which was submitted under the Community Trails Funding program. She explained the funds are to assist with the cost of purchasing

and installing gravel to improve the safety of the connector trail between West Hants Middle School and the Newport Arena. She confirmed this request meets the requirements of the Community Trail Funding Program.

Councillor Francis inquired how much of the trail is on municipal land. The Active Living Coordinator clarified the trail that connects to the West Hants Middle School is on municipal land however the portion of the trail that is having the crusher stone is not, but kids coming from the school to the rink would travel across this piece of land.

**MOVED and SECONDED that a recommendation be made to Council to approve the Newport & District Rink Commission trail funding request in the amount of \$1,150 to be taken from the Parks & Recreation Department, Community Trails Grant program budget. Motion Carried.**

c. 2017/18 Snow and Ice Removal

The Director of Public Works presented the report and recommendation for the snow and ice tender for the 2017/2018 season. He explained it went to public tender and received two respondents which staff have evaluated and based the recommendation on.

**MOVED and SECONDED that a recommendation be made to Council, that Council award a Contract for the municipal-owned roads and municipal properties to Windsor Landscaping for Tender WHPW17-06, Snow and Ice Removal for the 2017/2018 season; as per tender pricing received by the Department of Public Works on September 7, 2017. Motion Carried.**

**MOVED and SECONDED that a recommendation be made to Council that Public Works reserve the right to omit snow and ice removal requirements on local roads or portions of roads, where it is deemed that the road does not have immediate housing or business needs.**

**Motion Carried.**

**MOVED and SECONDED that a recommendation be made to Council that Public Works reserve the right to omit snow and ice removal requirements at municipal properties, where it is deemed that snow and ice removal will be performed utilizing Public Works staff and equipment.**

**Motion Carried.**

d. Cap and Trade Nova Scotia – Municipality Feedback

The Planner reported she looked into Cap and Trade Nova Scotia proposed by the Provincial government. She reported the first consultation period for the program was held in March with feedback released in August 2017. Within the report it mentioned that municipalities would have a second chance to provide feedback as the program guidelines

are being drafted. She noted details and reports regarding the program are available online.

e. Wellness Award – Gold for West Hants

CAO Osborne reported the Municipality and staff have been working towards improving the health and wellbeing of employees. She announced this year the Municipality will receive a Gold Workplace Wellness Award, which will be presented at the upcoming Association of Municipal Administrators of Nova Scotia Fall Conference. Bekah Craik, Chair of the Wellness Committee, will be in attendance to receive the reward on behalf of the Municipality.

f. 76 Morison Building Renovations – Month Ending August 31, 2017

The Director of Public Works reported there has been ongoing building renovations occurring to improve overall departmental communication, and move staff closer to their respective departments. He noted that waste coordination activities have already been relocated with the Public Works Department in Hantsport. He added the Water Utility Clerk has been relocated to Morison Drive and the Department of Parks & Recreation will move to the lower level on Morison Drive as well as the server and IT equipment. He explained during renovations the existing carpet, subfloor and insulation that had been installed throughout the lower level of the building at Morison Drive has been determined to be the cause of unpleasant odours and contributed to ongoing humidity issues.

CAO Osborne pointed out the renovations are being covered from the Hantsport Transition Funding, however she did not feel that repairing a floor that had been in the building for 40 years falls under this and felt it should be considered as a new expense to the Municipality.

**MOVED and SECONDED that a recommendation be made to Council to approve the expenditure of funds not to exceed \$25,000.00 from the building reserve to remove the lower level subfloor and install new flooring at the Municipal Office Complex; including associated work required to secure and recondition existing walls, doors and trim; plumbing and painting of the lower level affected by the renovations.  
Motion Carried.**

**MOVED and SECONDED that the meeting move in-camera.  
Motion Carried.**

The meeting moved in-camera at 7:00 p.m.  
The meeting reconvened at 7:30 p.m.

g. Monthly Budget Report – Month Ending August 31, 2017

The Director of Finance reported there is some signs of change in the projections that was budgeted, he highlighted a significant change of the recognition of the payment from the Windsor Fire Department which is recognized as revenue in the general operating fund.

9. Reports – Other Committees

a. Fire Restructuring Committee

There was no report of the Fire Restructuring Committee.

b. Police Advisory Board – Councillor Morton

There was nothing to report.

10. Correspondence

a. August 29, 2017 – Elisabeth Baiser – McCully Pines Ditches

b. July 27, 2017 – Property Valuation Services Corporation

11. Miscellaneous/New Business

a. Committee of the Whole – Councillor Jannasch

Councillor Jannasch expressed concern that residents were not well served during the recent discussion over green bins and the process that was followed, due to the fact that no Committee of the Whole meeting was held in August prior to the September Council meeting. He felt an important decision was made at Council which he believed should have been preceded with the presentation of more information on the topic and a discussion on options on how best to proceed. He suggested he would like to see the Committee of the Whole reinstated for the month of August so that issues arising over the summer break have a chance of being discussed properly before Council meets in September.

**MOVED and SECONDED that a recommendation be made to Council to amend Section 5.3 b. of the Council Procedural Policy, COGE-003.00 by replacing the word August with the word July.**

Councillor Daniels appreciated Councillor Jannash's comments but offered that the fact the same thing could happen next year, adding this is the first time Council has taken a month off. She didn't see any difference taking July instead of August; however, she agreed that more information would have been beneficial for the green bin issue, and reminded Council does have the ability to call a special meeting at any time if required. She expressed concern with quorum in August and suggested looking at the issue in a broader manner. Councillor Zwicker asked how is it different than not having a meeting in December. Councillor Jannash didn't see how vacation in the summer should be considered an issue. He suggested the gap isn't so long in December as other meetings are being held, and suggested he would be less concerned about this timeframe.

Warden Zebian asked the Municipal Clerk historically if Council has had an issue getting a quorum during the month of August. The Municipal Clerk suggested historically from what

she has seen there has not been an issue, as previously December was the only month with no Committee of the Whole.

**Motion Carried.**

**MOVED and SECONDED that the report regarding Committee of the Whole be received and placed on file.**

**Motion Carried.**

b. Public Participation Program Policy – Councillor Daniels

**MOVED and SECONDED that a recommendation be made to Council to approve the Public Participation Program Policy attached as Appendix D to the report dated May 18, 2017 which includes rescinding the Public Participation Program approved by Council May 13, 1999 and the Public Participation Resolution for the “Five Year Review” approved by Council May 14, 2002.**

**Motion Carried.**

c. UNSM Attendance Convention November 2017

CAO Osborne reported the Council Procedural Policy allows up to five council members and their spouses and the CAO or delegate to attend the Union of Nova Scotia Municipalities Fall Conference. She advised the conference is in Halifax from November 7-10, 2017 and added normally the process is councillors indicate through a call around the table and if more than five councillors want to go, Council makes the decision on who attends.

Warden Zebian, Councillors Daniels and Zwicker indicated that they wish to attend. If anyone else would like to attend they are to email staff within the next week.

d. Brooklyn Water Study Report

Councillor Keith asked for an update on the Brooklyn Water Study Report. CAO Osborne reported that staff is continuing to do research on the method by which water might be provided to Brooklyn. She suggested that staff is in the process of drafting an information report for Council to consider.

e. Banks Pathway Hantsport

Councillor Zwicker reported by resolution Council agreed to part fund the refurbishment of the Banks Pathway in Hantsport between the former sawmill and Fundy Gypsum. He noted it was contingent on Provincial funding being approved and confirmed Provincial funding has not been approved and staff are looking at alternate methods.

12. Public Participation

Mary Mackenzie, Falmouth, indicated that she lived directly behind the service bays of the new Pothier Motors building. She indicated that she has lived in this location for thirty-seven years adding it turned out well for them. She suggested it was a good neighbourhood to raise their family and retire.

She felt that decision makers at all levels of government should know something about the people they serve. She explained they are honest, hardworking, law abiding, respectful and most of all responsible, and half are over the age of sixty-five. She indicated that many of them have raised families and retired from their jobs and have settled into retirement.

Ms. MacKenzie noted the last time she addressed Council was in 1988 regarding the Alyward property above them that had been sold to Pothier Motors as it was expanding, and she explained the idea of strangers wondering onto their property from the dealership was frightening to them. She also felt that a business in a residential area could eventually impact negatively on their quality of life and property values. She indicated, at that time, they went through the process of speaking against the rezoning of that land to commercial property, and presented to Council however after less than a minute Council approved the rezoning and the dealership owners were directed to put up a fence along their property line, which she felt at the time was a small win. She explained for years she has contacted the business and the Municipality regarding the amount of snow piled against the fence every winter.

Ms. MacKenzie stated it is now thirty years later and she is back again to talk about another Pothier expansion and its impact on her family's life. She commended the business for surviving and growing into a third-generation operation, she clarified she was not here to grind an axe about the dealership and its service. She noted it appears the guidelines required were followed when the new building was located on the existing lot and some attempt has been made to respect the municipal screening and lighting by-law. She pointed out such a development brings more noise, brighter lights, more water runoff, huge propane tanks, more traffic, and felt no matter how nice it looks, because it is a business in a residential area, it devalues the properties around it, especially when the main structure towers far above them.

Ms. MacKenzie felt they were grieving for the loss of their quality of life, financial stability, and future. She offered the noise factor keeps her inside their home. She feared if they ever want to sell their home they would need to build a higher, better quality fence. She confirmed that one of their neighbour's property assessed value has decreased significantly which has caused them distress.

Ms. MacKenize advised that she was shocked to learn that West Hants does not have a noise by-law and that a project permitted within an existing zone does not require consultation with neighbors or examines the neighbouring properties. She confirmed they have contacted the office of the ombudsman and were told that a long as municipal representatives were doing anything to help they could not interfere. She expressed that nearly thirty years ago the seed for this sad situation was planted when planners and councillors failed to truly try to

understand the potential negative impact of allowing a commercial business to expand into a residential neighbourhood by projecting far enough into the future. She suggested the following recommendations that may help other home owners in the future; revisit the screening and lighting by-laws, and implement a noise by-law, consider adjoining property owners when major developments are planned; encourage business, but not sacrifice other tax payers to do so. She asked that Council learn from the situation and that it be reflected in future plans for this Municipality.

Warden Zebian responded that Council does respect Ms. Mackenzie's opinions and concerns on the matter.

Jane Davis, Hantsport, asked when the 6 decorative lighting poles on the street in Hantsport would be in working order. The Director of Public Works responded staff has ordered the new lights but offered that further investigation is required on the electrical work and suggested it would be done as soon as possible.

13. Date of Next Meeting

The next meeting of Committee of the Whole will take place on October 24, 2017 at 6:00 p.m.

14. Adjournment

**MOVED and SECONDED that the meeting adjourn.  
Motion Carried.**

Meeting adjourned at 7:59 p.m.

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Paul Morton, Chair

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Rhonda Brown, Municipal Clerk