



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
October 9, 2018 7:00 p.m.
Sanford Council Chambers

1. Call to Order

Warden Zebian called the meeting to order at 7:00 p.m. and welcomed everyone.

2. Call of Roll

Present:	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
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	P. Morton	Deputy Warden
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development
	B. Carrigan	Director of Public Works
	S. Poirier	Municipal Planner
	S. Shah	Municipal Planner
	R. Brown	Municipal Clerk
	C. Remme	Executive Assistant/Communications Coordinator

There were 30 members of the public in attendance.

3. Announcements

Warden Zebian noted that the meeting is being live-streamed on Facebook and reviewed the fire evacuation procedures.

Councillor Leopold spoke of the Pumpkin Regatta taking place in Windsor on October 13 and the artisan and craft open house taking place on October 14 at the Forest Lakes development. The Councillor went on to speak of the production of Shrek being put on at Quick As A Wink Theatre noting that advanced tickets can be purchased at a reduced rate from members of the local Pathfinders and Rangers. Warden Zebian noted that Sara Poirier, the Municipality's Planner would be rowing the pumpkin in the regatta and encouraged Councillors to come to the event.

Councillor Leopold noted that there are several fundraising activities taking place for community groups also such as the Food for Thought campaign to support breakfast programs as well as Girl Guide cookie sales.

CAO Laycock advised Council that he would be hosting a personal budgeting presentation at the Isabelle and Roy Jodrey Library in Hantsport on October 22 beginning at 6:30 p.m.

4. Approval of Agenda, including additions or deletions

MOVED and SECONDED that the agenda be approved as circulated.

Councillor Keith asked to add Highway 14 to the agenda. Discussion took place surrounding adding items to the agenda without allowing time for staff to prepare information.

Councillor Keith withdrew his request.

Motion Carried.

5. Presentation (s)

There were no presentations.

6. Public Hearings

- a. Hantsport Municipal Planning Strategy Amendments Commercial Development Districts

MOVED and SECONDED that the meeting move to a Public Hearing.

Motion Carried.

The meeting moved to a Public Hearing at 7:05 p.m.

The meeting reconvened at 7:15 p.m.

MOVED and SECONDED that Council give Second Reading to and approve the proposed amendments to the map and the text of the Hantsport Municipal Planning Strategy to designate a Commercial Development District, attached to the report #18-04 to the Planning Advisory Committee dated July 19, 2018 as Appendix A and B.

Motion Carried.

- b. West Hants Municipal Planning Strategy Amendment Commercial Development Districts

MOVED and SECONDED that the meeting move to a Public Hearing.

Motion Carried.

The meeting moved to a public hearing at 7:16 p.m.

The meeting reconvened at 7:28 p.m.

MOVED and SECONDED that Council give Second Reading to and approve the proposed amendments to the text and the map of the West Hants Municipal Planning Strategy to designate a Commercial Development District, attached as Appendix A, B and C to the report #18-05 dated July 19, 2018.

Motion Carried.

- c. Land Use By-law Amendment – 269 Town Road, Falmouth

MOVED and SECONDED that the meeting move to a Public Hearing.

Motion Carried.

The meeting moved to a public hearing at 7:29 p.m.

The meeting reconvened at 7:36 p.m.

MOVED and SECONDED that Council give Second Reading to and approves the proposed amendment to the zoning map of the West Hants Land Use By-law to enable the lot located at 269 Town Road, Falmouth, PID 45197332 to be rezoned from the Institutional (I) Zone to the Single Unit Residential (R-1) Zone, as shown on the map attached to the Planning Advisory Committee report #18-06 dated July 19, 2018 as Figure 2.

Motion Carried.

7. Approval of the Council Minutes of September 11, 2018 and Special Council Minutes of October 1, 2018

MOVED and SECONDED the Council Minutes of September 11, 2018 and Special Council Minutes of October 1, 2018 be approved as circulated.

Motion Carried.

8. Business Arising from Minutes and any Related Correspondence

There was no business arising from the minutes or related correspondence.

9. Report of the Warden

Warden Zebian reviewed his report. He commended Deputy Warden Morton for all the work he does in the community including the Laser tag in the Davison Corn Maze held in September. He noted that he has been in many halls in the communities in West Hants and stated that the Ardoise Hall is one of the cleanest, most well-kept halls in the region commending the volunteers that work hard. He invited everyone to the first Town Hall meeting at the Falmouth Hall.

**MOVED and SECONDED that the Warden Report be received and placed on file.
Motion Carried.**

10. Reconsideration or Rescission of Resolutions of Which Notice Has Been Given on a Previous Day

There were not reconsiderations or rescissions of resolutions.

11. Report(s) of the Committee(s) and Officer(s)

a. Committee of the Whole

i. September 25, 2018 Excerpts

Active Living Strategy 2018-2022

MOVED and SECONDED that Council approve the Active Living Strategy 2018-2022 and endorse the Shared Strategy for Advancing Recreation in Nova Scotia.

Motion Carried.

Wellness Policy (COOH-002.00)

MOVED and SECONDED that Council approve the Wellness Policy (COOH-002.00) as shown in the Wellness Policy Recommendation Report presented to Committee of the Whole on August 28, 2018.

Motion Carried.

Gas Tax Funding – GFL Newport Rink & Gordon Hughes Tennis Club

MOVED and SECONDED that Council approve the use of \$75,000 of Gas Tax to fund upgrades to the dehumidification system at the GFL Newport Rink.

Motion Carried.

MOVED and SECONDED that Council approve the use of \$12,500 of Gas Tax to fund upgrades to an energy efficiency lighting system at the Gordon Hughes Tennis Club.

Motion Carried.

VoIP Phone System

MOVED and SECONDED that Council approve the purchase of the required hardware for the Voice-Over-Internet-Protocol phone system with the funds to come from the Operating Reserve to a maximum of \$5,000.

Motion Carried.

2018 MFC Fall Debenture

MOVED and SECONDED that Council authorize the Warden and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to the interest rate confirmation not to exceed 5.5%, to enable the Municipality of the District of West Hants to issue a 5-year debenture of \$82,502.08.

Motion Carried.

HMCC 2017-18 Financial Statements

MOVED and SECONDED that Council accept the financial statements provided by HMCC and that any 2017-18 hold backs and eligible 2018-19 area rated payments be paid to HMCC for the purposes of providing the services defined in the 2018-19 budget.

Motion Carried.

b. Report of the Chief Administrative Officer

i. Low Carbon Communities Initiative (Recommendation Report)

Municipal Planner, Saira Shah, reviewed the Low Carbon Communities Initiative presentation.

MOVED and SECONDED that staff be given direction to submit an application for the Low Carbon Communities Initiative to hire a consultant to assist with greenhouse gas emissions reduction planning.

Motion Carried.

ii. Regional Anti-littering Committee Community Member Appointments (Recommendation Report)

The Municipal Clerk reviewed the Regional Anti-littering Committee Community Member Appointments Recommendation Report.

**MOVED and SECONDED that Council appoint Tim Hortons as the West Hants Business Community Representative and Connie Davison as the West Hants Resident Community Representative to the Regional Anti-littering Committee until March 31, 2020.
Motion Carried.**

iii. Sport Complex Committees Citizen Appointments (Recommendation Report)

CAO Laycock reviewed the Sports Complex Committee Citizen Appointments Recommendation Report.

**MOVED and SECONDED that Council appoint Melissa Sullivan and Rick Smith as Citizen members to the Sports Complex Design Committee until March 31, 2020 or completion of the project.
Motion Carried.**

**MOVED and SECONDED that Council appoint Ben Bennett and Torra Brown as Citizen members to the Sports Complex Fundraising Committee until March 31, 2020 or completion of the fundraising mandate.
Motion Carried.**

b. Planning Advisory Committee

i. Planning Advisory Committee Excerpts – September 20, 2018

Municipal Planning Strategy and Land Use By-law Amendments – Indoor Storage Facilities Accessory to Agricultural Uses

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending:

1. the text of the West Hants Municipal Planning Strategy to create a policy to permit indoor storage facilities as accessory uses to agricultural uses; and
2. the text of the West Hants Land Use By-law to:
 - i. allow indoor storage facilities without a development permit within agricultural buildings constructed prior to November 13, 2018;
 - ii. permit the use of accessory buildings for indoor storage facilities on lots used for agricultural purposes;
 - iii. create special requirements for indoor storage facilities;
 - iv. add indoor storage facilities as a permitted use accessory to agricultural uses, subject to the special requirements, in the Prime Agricultural, Agricultural Priority Two (2), Agricultural Priority Three (3), General Resource and Mineral Resource Zones; and
 - v. include a definition of indoor storage facility and recreational vehicle;

as attached as Appendix A and B of Report #18-03 to the Planning Advisory Committee dated September 20, 2018 with the deletion of the limit to one building per lot.

Motion Carried.

Land Use By-law Text Amendment – Micro-Cultivation and Micro Processing of Cannabis

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the West Hants Land Use By-law to enable Licensed Micro-Cultivation as an Agricultural Use and Micro-Processing as an Agricultural support use, as attached to the Planning staff report dated September 20, 2018 as Appendix A.

Councillor Zwicker questioned if the motion should proceed due to a concern brought forth by a resident. Councillor Jannasch stated that the resident had taken exception to the wording in the amendment and suggested that a gentler word be considered. The Director of Planning and Development advised Council that the resident's concern had been investigated. She went on to say that staff had contacted both the Provincial and Federal Governments regarding the wording and that no change in the wording would be needed.

Motion Carried.

Civic Addressing By-law

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider replacing the existing Civic Addressing By-law with the Civic Addressing By-law (C-003) contained in Appendix C of the September 20, 2018 report to PAC/HAC.

Motion Carried.

Notice was given by Councillor Leopold to rescind the Policy for Naming Roads approved on April 12, 2005 as amended on November 10, 2009 following approval of the Civic Addressing By-law C-003.

- c. Other Committee Reports or Recommendations
 - i. MCCAP Committee
 - 1. Three Mile Plains Flood Risk Assessment Study
(Recommendation Report)

MOVED and SECONDED the Council award a contract to Dillon Consulting to conduct the Three Mile Plains Flood Risk Assessment Study, in the amount of \$47,900 plus applicable taxes, with 50% funding coming from the 2018 Nova Scotia Flood Risk Infrastructure Investment Program (FRIIP), with the remaining 50% to come from the Gas Tax Reserve. Motion Carried.

- ii. Fire Advisory Committee
 - 1. Fire Advisory Excerpts - October 2, 2018

Councillor Daniels declared a conflict of interest.

EAP Program

MOVED and SECONDED that Council direct the CAO to contact the municipal fire departments to ask the members if they have an Employee Assistance Program, if they are interested in an Employee Assistance Program, and if they would use an Employee Assistance Program.

Motion Carried.

Reimbursement of Funds

MOVED and SECONDED that Council write a letter to the NSFM to advocate for reimbursement of funds to fire departments when they are used to cover roles not related to fire, such as traffic control.

Motion Carried.

Fire and Emergency Services Policy (COGE-007.00)

MOVED and SECONDED that Council approve the Fire and Emergency Services Policy, COGE-007.00, presented to the Fire Advisory Committee on October 2, 2018, as amended. Councillor Leopold asked for clarification on several items in the Policy. She asked if item 7.b. under Registration Process and Procedure meant that individual fire departments would not be required to carry insurance and that the Municipality would be the sole carrier. CAO Laycock replied that the Municipality could be responsible for the payment of the insurance, and individual departments would be named under the insurance policy, but it is not mandated; stating that either the Municipality or the fire department will need to carry the insurance.

Councillor Leopold asked under Financial Matters, if item 8.b) (iv) would be required to be a line item in the operating budgets that are submitted by the departments. The CAO responded that it will and has been a requirement of the departments in past years.

The Councillor asked about Facility/Building Rightsizing, item 18 in the Policy, questioning what the right sizing was specifically speaking to noting that she read it as there would be differences between departments. CAO Laycock advised that the rightsizing was in relation to what Council decided to fund adding that if a department wishes to go outside the services that Council is comfortable supporting, it will be up to the departments to determine how the services will be funded.

Motion Carried.

Fire Services Coordinator

MOVED and SECONDED that Council make a recommendation to add a Fire Services Coordinator or an Emergency Services Coordinator position to the Transition team agenda.

Councillor Leopold asked if the length of time should be written in the motion to correlate to the date of the consolidation. The CAO responded that the time would be assumed as the

Municipality is unable to hire any employees beyond March 31, 2020 as stated in the legislation. The Councillor went on to ask if it was the intention to hire for these positions full time. The CAO replied that it would be up to the Transition Committee to decide what they would support in the budget and how to move forward.

Motion Carried.

Councillor Daniels rejoined the meeting.

iii. Region 6

1. Extended Producer Responsibility (Recommendation Report) –
Councillor Jannasch

Councillor Jannasch reviewed the Extended Producer Responsibility Recommendation Report. He stated that Council has had discussions on the topic in the past advising that Extended Producer Responsibility would be coming forward as a priority resolution at the fall NSFM conference. The Councillor went on to say that, with encouragement from both Region 6 and Valley Waste, he had been asked to bring the motion forward to have Council endorse the resolution coming to the NSFM.

Councillor Jannasch noted that it is known that the Municipality stands to gain \$220,000 by the passing of the resolution by the NSFM and then the Provincial government. He noted that the funding would come from a service that the Municipality is already paying for.

MOVED and SECONDED that West Hants Council endorse the proposed resolution #6 concerning Extended Producer Responsibility of the September 7, 2018 NSFM Resolutions Report as a priority resolution for the 2018 Fall NSFM Conference.
Motion Carried.

iv. Audit Committee

1. 2017-2018 Financial Audit

Warden Zebian spoke on the financial audit noting key points made by the auditors. He stated that Councillors should be asking questions to financial staff year-round to ensure the budget is being followed. The Warden stated that the auditors reported no issues surrounding the water utilities.

Warden Zebian went on to say that the auditors stated that the tax rate is sufficient to maintain the budget, adding that there was a surplus of \$5.7 Million this year on the consolidated statements. He advised that the surplus was due to \$3 Million received from the Province for the Clean Water programs and funding received from the fire arbitration.

The Warden stated that net debt was at \$2.66 Million, stating that the figure is deceiving due to Gas Tax, which at \$4.4 Million is considered a liability. The CAO advised that Gas Tax is considered a liability as the theory is that the government can call back the money at any time. Warden Zebian went on to say that the Municipality is in a healthy position and have added infrastructure value of \$7 Million

The Warden expressed that the precision of the Municipality's financial staff should be noted and held in high regard, adding that the internal controls are at a gold level. He noted that accounts receivable needs some improvement stating 6-8% is ideal for municipalities and the Municipality currently sits at 13%. The Warden expressed that staff have made plans to lower the percentage.

Warden Zebian spoke of the payouts to the Nova Scotia Housing Development Corporation, Library Board and noted that the education share had increased this year by \$70,000 to \$3.3 Million.

The Warden congratulated the Finance department.

MOVED and SECONDED that the Municipality of the District of West Hants' Financial Audit to March 31, 2018 and Management Letter from Kent & Duffett Chartered Professional Accountants be received.

Councillor Leopold spoke of the observation made by the auditors that there was a cheque that had only one signature of the two necessary signatures and questioned what the value of the cheque was and who it was to. CAO Laycock advised that the cheque was for \$80 and was for CPR training. The Councillor noted that she was curious to know the value to see what risk it may have posed.

Councillor Leopold went on to speak of the suggestion put forth that the Municipality should consider collecting taxes twice a year as opposed to only once to address cash flow issues. She went on to question if doing so would also address accounts receivable being higher than what is preferred. CAO Laycock expressed that he firmly disagreed with the auditor's interpretation on the subject adding that cash flow is affected by receivables and it is irrelevant how many times per year taxes are collected.

Councillor Leopold questioned if the recommendation was put forth to address the issue with receivables noting that having the taxes paid twice a year may enable may make it easier for some to pay their taxes. The CAO spoke of the costs associated with making the change adding that taxes can be paid at any time of the year noting it is not necessary to wait for tax bills to be issued.

Councillor Leopold questioned how the Town of Windsor issues tax bills to which the CAO replied twice annually.

Motion Carried.

12. Correspondence

a. Office of the Ombudsman Annual Report 2017-2018

CAO Laycock noted that there had been five complaints to the Ombudsman regarding the Municipality of which only two were brought to his attention. He advised that although all complaints put forward to the Ombudsman are registered, only the ones that warrant action are put forth to the Municipality.

b. 10-02-2018 Nova Scotia Federation of Agriculture Letter

c. 10-02-2018 Hants County Federation of Agriculture Letter

13. Miscellaneous / New Business

a. Bill 62: Water – Councillor Francis

Councillor Francis spoke of Bill 62, passed in 2016, which allows municipalities to put in place a by-law that allows residents to borrow money from the municipal unit to obtain infrastructure to supply, use or store water. She went on to say that some of her residents have seen the infrastructure planning being done in Three Mile Plains and would like to see the waterline extended but in the meantime, as this will not be happening in the near future, she would like to see the Municipality create a by-law that would allow them to apply for funding to drill a well or put in a cistern then they would pay it on their taxes.

The Councillor voiced that the by-law would be something that would address issues in the rural areas where residents need water but are not able to due to financial reasons. She went on to ask if other Councillors that had received questions from residents about Bill 62 and if it was something that staff could investigate.

The CAO advised that Bill 62 is for financing and installing equipment including containers on private property for the purpose of supply, use, storage and conservation of water. He went on to say that extending the water line would be different than what is being offered through Bill 62 as it would be a local improvement charge as it impacts a number of people and a by-law would be for individuals only.

CAO Laycock advised that essentially residents would be obtaining a loan from the Municipality. He went on to speak of Halifax who moved forward with the creation of a by-law which they refer to as a "last resort loan" which has a number of caveats as the municipal unit would run the risk of the value of the loan being more than the value of the home which could lead not being able to recoup the funds. He went on to say that he wondered why someone would choose to borrow money from the Municipality expressing that the interest rate would most likely be higher than what they would receive at a bank.

The CAO informed Council that he had spoken to the previous CAO of Barrington who passed a by-law for this purpose who stated that there was only one resident who took advantage of the option.

Councillor Leopold stated that she had residents asking her about Bill 62 and had requested an information or recommendation report from staff on financing for rural homes that wanted to drill wells or purchase cisterns in 2017 which was never brought to Council. CAO Laycock replied that as it was not presented as a formal motion of Council staff did not move forward with the request.

Councillor Leopold went on to say that she had an email dated July 29, 2017 from the former CAO which indicated that discussion had taken place at the Council meeting in March of 2017 where discussion took place on where to obtain funding for drilled wells. She went on to read the email stating that it had been recognized that there would be risks involved in moving forward with providing funding to residents through the method and that a policy or by-law would be needed and that an FAQ would be posted to the website. The Councillor stated that she would forward the email to the CAO so that the conversation could be continued.

MOVED and SECONDED that Council direct staff to investigate options for a by-law under Bill 62.

Councillor Zwicker expressed that the motion does not fit the role that the Municipality fills stating the Municipality is not a bank. He went on to say that individuals need to practice due diligence when they purchase homes stating that he would not be supporting the motion.

Councillor Daniels agreed with Councillor Zwicker. She spoke of the discussion that took place surrounding the issues with accounts receivables and the risks pointed out by the CAO. She noted that there were discussions on the topic as well and that she would not be able to support it as it stands. The Councillor stated that she would only support the motion if it was framed for staff to investigate the options and bring the information back to Council for consideration.

Councillor Hussey spoke on the comment made by Councillor Zwicker that residents need to practice due diligence noting that he was aware of a couple who purchased a house and found out after the purchase was complete that they would be responsible for the costs associate to replace a waterline as it was private, but they were not made aware. He pointed out that the residents had practiced due diligence in this case, but that others involved in the transaction had not. The Councillor expressed that he would be supporting the motion.

Councillor Leopold voiced that she would like to see information come forward regarding options so that an informed decision can be made. She added that many homes in the region are unserved and the costs associated with drilling a well are often unknown. The Councillor noted that even if no residents apply for the funding at least they have the option.

Councillor Monroe asked if funding would be automatically approved to anyone who applies. CAO Laycock replied that, in the case of HRM, there are several criteria that have to be met in order to be approved, noting that it could not be over a certain percentage of the value of the home.

Councillor Jannasch stated that he echoed many of the points being made by Councillors. He went on to say that he had concerns in that not all areas are suited for drilled wells and asked if there were ways to reduce risks such as this by putting conditions in place. The CAO advised that, in his discussion with the previous CAO of Barrington, in cases such as that it would be possible to have a cistern put in as opposed to drilling a well. He went on to say that he would review the legislation to get a better understanding of the specifics then Council would have to determine what the Municipality would be willing to support for water conservation and storage.

Councillor Keith stated that he supported the motion as it supports residents.

Councillor Leopold stated that she would like to see Council having discussions on ways the Municipality could support residents struggling with water issues noting that there were cases of drought in the region in September even if Council makes the decision to not support the motion.

Councillor Francis pointed out that enforcement of payment of charges would be written as part of the by-law which would minimize the risk to the Municipality.

Motion Carried.

Councillors Daniels and Zwicker voted nay.

14. In-Camera

a. MGA 22(2) (c) – Personnel Matters

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

The meeting moved in-camera at 8:49 p.m.
The meeting reconvened at 9:18 p.m.

15. Date of Next Meeting – November 13, 2018
The next Regular Council meeting will be held November 13, 2018 at 7:00 p.m.

16. Adjournment
**MOVED and SECONDED that the meeting be adjourned.
Motion Carried.**

The meeting adjourned at 9:19 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk