



WEST HANTS  
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
Council Minutes  
December 11, 2018 7:00 p.m.  
Sanford Council Chambers**

1. Call to Order

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

2. Call of Roll

Present:	A. Zebian	Warden
	P. Morton	Deputy Warden (left at 9:23 p.m.)
	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 (left at 9:14 p.m.)
	R. Zwicker	Councillor District 10 (left at 9:23 p.m.)
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development (left 10:36 p.m.)
	C. Rochon	Director of Finance
	C. Milne	Economic Development Consultant (left 7:30 p.m.)
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	R. Hussey	Councillor District 6

There were 8 members of the public in attendance.

3. Announcements

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

4. Approval of Agenda, including additions or deletions

**MOVED and SECONDED that the agenda be approved as circulated removing item 14.d from the agenda.**

**Motion Carried.**

5. Presentation (s)

- a. Economic Development Update – Coby Milne

Warden Zebian welcomed Coby Milne, Economic Development Consultant for the Municipality, to the meeting.

The Economic Development Consultant advised that he would be making plans to meet with each Councillor individually in the coming months to address any questions regarding the presentation and to discuss other aspects of economic development.

The Consultant stated that since he began with the Municipality in August, he has engaged more than 30 businesses, visited over 20 to assess needs and provide information and have referred more than 10 to other businesses or government agencies for collaborative solutions to existing challenges.

The Consultant went on to state that he has been part of the team working on the Joint Tourism Strategy in partnership with the Town of Windsor, Municipality of East Hants and Atlantic Canada Opportunity Agency (ACOA). He went on to say that he had been successful in finding businesses in West Hants to take part in the Accelerated Market Readiness Program through ACOA and would be meeting with them later in the week to begin the process.

The Consultant spoke of the work he had been doing with Terra Firma (Forest Lakes) with their efforts in a new interchange on Highway 101 which consisted of putting them in contact with agencies and businesses who can support them. He spoke of the letter that he wrote regarding missed business opportunities due to lack of access to land in the area noting that the loss was upward of a \$29 million investment in the region and the potential of 200 new jobs in the area. He noted that a copy of the letter had been included in the Council package.

The Consultant went on to speak of the Steeple Assessment that he had completed which captured the data from the numerous meetings he had, then analyzed the data to identify actions and goals. He went on to say that a draft of the strategic framework had been completed and will be brought forward to Council in the coming weeks. The Consultant concluded his presentation stating that since his hire the Municipality has been able to effectively and efficiently respond to needs of the business community, strengthen relationships and implement proactive resources and processes for future growth and success in West Hants.

Councillor Daniels asked where the information regarding the missed opportunities had been obtained from and if an asset map, which had been spoken about in previous presentations from the Valley REN, had been created. The Consultant stated that he had obtained the information over the past two years in his previous role at the Valley REN and to his knowledge the asset map had not yet been created due to lack of resources.

Councillor Daniels questioned if concerns were ever brought forth regarding the different tax structures in the two industrial parks in the area. The Consultant replied that he had not been made aware of any concerns regarding the tax structures stating that the concerns he heard were regarding the tax burden in the start up years.

Councillor Francis questioned how the Municipality was to grow without the land and facilities that businesses are looking for. The Consultant advised that the Municipality could begin creating relationships with land owners and businesses in order to become investment ready. He went on to speak of the interactive map on the Municipal website stating that it would be beneficial to have that available to developers.

Councillor Francis questioned why the information regarding the missed investment was not brought forth to the Municipality. The Consultant stated that without someone in the role of economic development it was a challenge to relay the information. He went on to say that the information was captured through the Valley RENs and part of his role at the Municipality is to ensure the information is brought forth to Council, so it can be used to address the needs and be used in future planning.

Councillor Leopold questioned if it was necessary for Council to give direction to move forward with identifying and addressing the needs in the region and if the Consultant had the capacity in his role to do it. The Consultant stated that one of his goals was to ensure that the Municipality would be investment ready stating that he has the capacity to ensure that resources are built to achieve this.

Councillor Leopold questioned if the interactive map would be made accessible to developers. The Consultant stated that he had been involved in discussions with the GIS Technician and Nova Scotia Power and hoped to have it available soon.

Councillor Leopold stated that she found the situation summary on the Steeple Assessment to be subjective adding that she found some points offensive. The Consultant advised that the document was in draft form stating that the language and structure would be adjusted.

Councillor Keith spoke of the comment made by the Consultant that developers are looking for land that is shovel ready stating that the industrial park in East Hants required developers to put in their own septic and water. The Councillor went on to say that there is land in West Hants that is available to those wishing to move to West Hants and asked if the Consultant could contact those missed opportunities to see if they would reconsider. The Economic Development Consultant responded stating that many developers have requirements when

seeking land, stating that he would consider reaching out to them when it is known what land is available. He went on to say that a long-term plan to consider is for relationships to be created with staff so that when opportunities arise the Municipality can move forward.

Councillor Monroe spoke of a situation where she had someone reach out to her looking for a place to relocate within West Hants. She went on to say that the meeting with the Economic Development Consultant revealed that their requirements could unfortunately not be met at that time but did help to build the relationship and demonstrate what was missing in the area along with what could be done in the future.

6. Public Hearings

- a. Development Agreement Amendments – Garlands Crossing Land Lease and Mixed Residential Community

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

The meeting moved to a Public Hearing at 7:30 p.m.  
The meeting reconvened at 8:08 p.m.

**MOVED and SECONDED that that Council gives Second Reading to and approves entering into an amending development agreement for the area described in Schedule A of the draft development agreement set out in Appendix B of the report dated December 11, 2018 and known as The Crossing in a manner which is substantively the same as the draft set out in Appendix B of the report dated December 11, 2018,**

- with the amount of bonding increased to 120%, AND
- with the Private Recreation Lands not be considered as the parkland contribution required by the Subdivision By-law, and s. 3.2.8 removed from the draft development agreement, AND
- with s. 3.2.2 (ii) changed by decreasing the maximum allowed percentage of commercial use within a multiple-unit dwelling to 25% and limiting the floor area to 1,000 sq. ft.,

**taking note that this development agreement will discharge and replace the development agreements and amendments dated April 2, 2008, recorded on April 8, 2008 as Document No. 90368441; January 23, 2014, recorded January 28, 2014 as Document No. 104520904; and January 10, 2017, recorded March 7, 2017 as Document No. 1104222921.**

Councillor Leopold stated that considering the presentation of Jenifer Tsang during the Public Hearing and in order to be clear on what was being put forth she had several questions before a vote by Council. She asked if it was possible to obtain a commitment from Brison Developments to continue maintaining the parkland and if in doing so the developer could refuse access to the land. The Director of Planning and Development replied that there had been no discussion regarding maintenance of the parkland. She went on to state that making the parkland private would allow the developer the ability to deny public access.

Councillor Leopold went on to speak of the sense of resistance she felt in dealing with the development agreement expressing that development agreements are meant to be flexible. She questioned if a clause could be put in the document to allow the changes to take place. The Director of Planning and Development stated that a clause would be an option adding that she would like to have time for staff to look at the language in the proposed clause. The Director reiterated that there had been no discussions regarding maintenance of the parkland.

Jenifer Tsang, MCIP, Sunrose Land Use Consulting, working with Brison Developments, stated that most agreements have a maintenance clause which states that the developer is responsible for the maintenance of parkland. She went on to say that Brison Developments wishes to have the parkland private to ensure that it belongs to those living in The Crossing. The Director of Planning and Development noted that wording could be added to the agreement if Council wished, to reflect the wishes of the developer to have the parkland

private. She went on to say that there has never been an issue with the maintenance of the parkland.

Councillor Leopold asked the developer Mitch Brison, through the Chair, for his position on the accessibility of the parkland to the public and if he would be willing to compromise to allow outside use. The Developer stated that the parkland had never been intended to be used by the greater public. He went on to say that in many gated communities, such as The Crossing, parks are private adding that he had developed and paid for the park himself. He continued, stating that it was his understanding in past conversations with the Director of Recreation, Kathy Kehoe, and the previous Director of Planning, Karen Dempsey, that the Municipality had no interest in taking over the park.

The Developer went on to say that Edward Drive is part of The Crossing which was an as-of-right development. He spoke of the presentation from the Economic Development Officer where he stated in his presentation the importance of being shovel ready adding that the development has been for two years.

The Developer spoke of struggles he had with staff, then went on to state that if the Municipality was going to require that the parkland be public that he would expect help with the maintenance. He went on to say that, as it stands, there would be a board set up within The Crossing who would be responsible to take care of the land, adding that he had been taking care of the land to this point.

Councillor Leopold spoke of three motions given to Council asking what the motion that was moved stated regarding the private parkland. The Councillor expressed that she could appreciate the Developers point as the development and the parkland had been there for many years. The Councillor added that to suddenly get stuck on whether it is private, or public was very frustrating. She asked for clarification on what the motion stated regarding the parkland. The motion was put forth to Council.

The Director of Planning and Development replied that it was not that the Developer was being asked to give the land to as private recreation land but that it be accepted as if it was equivalent of public open space. She went on to explain that a requirement of any developer is that the Municipality receive either 5% land or 5% cash as part of the public park land dedication. She went on to say that that is the reason for the letters of credit and that there was no documentation stating that they were to be returned without the contribution of 5% land or value in the future.

Councillor Leopold questioned if the parkland previously provided was taken into consideration. The Director clarified that the current parkland on the development is private, advising that there is a requirement to have dedicated public parkland or cash equivalent. The Warden explained that the developer is requesting that the private parkland be considered as the public contribution.

The Director of Planning and Development noted that the letters of credit that were given were for a subdivision completed in 2016 which is why it was broken down into several requests. She advised that the letters of credit were provided in relation to the subdivision of 2016.

Councillor Leopold asked if the motion would mean that Council would be accepting the private parkland as public. The Warden responded no.

Councillor Leopold questioned what the cash equivalent would be used for. The CAO added that the cash received goes to the 5% Fund which is used by Parks and Recreation for equivalent items in the Municipality which is based on a certain criterion.

Councillor Leopold expressed that in the time that she had been on Council, and previously as a member of the Planning Advisory Committee, she had seen several changes in staffing adding that interpretations of information can change from one individual to another. The Councillor went on to say that she felt as though that is what happened in the case of this

development. She expressed that she felt as though not finalizing the development agreement seemed intentional and that the Municipality was being uncompromising.

Councillor Daniels questioned if Edward Drive, a public road in a private development, is a street which is maintained by the Municipality therefore paid for by the residents of West Hants through the general rate to which the Director of Planning and Development responded yes. The Councillor asked if the private park in question was large enough to fill the criteria of the 5% requirement. The Warden clarified that it was not the intent to have the private park become public but to accept the park as the contribution.

The Councillor voiced that the Municipality is supposed to be a welcoming community. She went on to say that she supported the motion as it stood, as it allows the cash equivalent for the public parkland to come back to the ratepayers. She spoke of other areas in her district where residents are no longer able to access the lake due to private developments stating it was unfair.

Councillor Daniels went on to say that the bonding was put in place to protect the ratepayer expressing that if it is given up it would set precedence for other developments. She continued, pointing out that there is a public road in a private development adding that there had been talk in 2014 in conjunction with the Active Transportation Committee to create a trail to connect the Municipality and the Town expressing that she did not see how Council could support the request to allow the development to be private.

Councillor Francis asked for clarification stating that she agreed with Councillor Leopold. She went on to state that the parkland in The Crossing was not a playground for kids but a place with apple trees and gardens not meant for use by all of West Hants. She added that as staff had changed over the years it would never be known what had been said to the Developer in the past.

The Councillor went on to speak of the motion which changed the bond to 120% which was different than the motion that came from the Planning Advisory Committee, as well as a change to the commercial space and the recreational land component.

**MOVED and SECONDED that the second bullet of the motion, regarding private recreation lands, be removed so that the private recreation lands can count as the parkland contribution.**

Councillor Leopold expressed that she understood that the Municipality has a strategy and part of that is being welcoming and that there be active transportation options. She went on to question who would police the parkland to ensure that it is not being used by residents outside of The Crossing, adding that others could use it. She went on to state that it is not always necessary to follow the strategy of the Municipality adding that development agreements allow Council to act outside of it.

Mitch Brison, the Developer, stated that all streets in The Crossing development are maintained by the Municipality, adding that the Municipality also receives all the tax revenue from the development. He went on to talk of the community center being built in The Crossing noting that the Municipality will have no responsibility for the facility but will be run by The Crossing residents.

The Developer continued, stating that if Edward Drive was in the development agreement that the discussion would not be taking place as parkland would not have been debated as it was in the first four phases of The Crossing development. He went on to say that if the motion was to go through as originally read the Municipality is asking that he build and maintain the parkland at his expense for all the residents in West Hants and to give money to the Municipality as well.

The Developer advised that it is not an uncommon practice for municipalities to accept work as part of a contribution. Mr. Brison voiced that it is the decision of the developer whether to give land or money to the Municipality in relation to parkland. He went on to say that there had yet to be a complaint about the parkland and the arrangement had been working well.

The Developer went on to mention that his development is bringing people into the area and felt that the requirements were unfair.

Councillor Jannasch voiced that he would not be supporting the motion as amended as the idea of removing the requirement for public lands contravenes the Subdivision By-law and he found the idea unacceptable. He went on to say that the exemption that is being requested is a retrospective exemption, dating back to 2016 when the project was completed. The Councillor went on to question if the motion was approved if it would be setting a precedent allowing others to apply for retrospective exemptions.

Councillor Jannasch expressed that discussing what previous staff may or may not have said in the past is highly confusing to the issue suggesting that the topic be removed entirely from the conversation. He concluded by stating that he would not support the amendment.

The Developer, Mitch Brison, voiced that The Crossing is a community on its own. He pointed out that if Edward Drive was part of the development agreement there would be no need to have the discussion.

Jenifer Tsang addressed Councillor Jannasch's comments stating that it is not a retrospective exemption as in a development agreement land can be added through the amendment process. She added that by adding Edward Drive to the agreement aspects become negotiable. Ms. Tsang went on to address the question posed by Councillor Daniels if the parkland met the required 5% stating that it is above the required amount adding that it is also already developed which is uncommon in many cases.

Jenifer Tsang voiced that the Developer is looking to have the letters of credit returned in order to free up some of the Developer's money and to bring Edward Drive into the development agreement so that those residents can benefit and enjoy the parklands along with the residents in The Crossing. She reiterated that it is not an uncommon practice and Council would not be setting precedence as each development agreement is site specific.

Mitch Brison reiterated that Edward Drive was always meant to be part of the original agreement and that the bond was put forward with that intention. He added that the community center can also be considered as part of the public contribution.

Councillor Monroe asked if Edward Drive was included in the agreement if the Crossing met the requirement of 5% public parkland. The Director of Planning and Development stated that she was unable to say as, like she had noted, and as Ms. Tsang had responded to her in August of 2017, the Director of Recreation was unable to look at the land to determine if it met the criteria of the Subdivision By-law. The Councillor went on to say that it is safe to assume that it is equivalent or more, but it is still not public parkland which is the sticking point in the agreement. The Director replied that, yes, from the staff perspective, it is the sticking point.

Warden Zebian questioned if there was private parkland that is considered public in The Crossing. The Director of Planning and Development advised that under the current development agreement there is a requirement that public parkland be given to the Municipality.

Jenifer Tsang responded to a question by Councillor Monroe questioning if the parkland contribution would be adequate with the addition of the Edward Drive lands. She noted that the number was on the maps that were provided to staff and that all the private parklands would be greater than the 5% requirement as it sits at 18% but also the cost, which had been put forward in a letter to the Municipality as well as the cost of the community center, has the value of \$1 million. Ms. Tsang voiced that the combination exceeds the requirements of the Municipality noting that it is private, but a development agreement can be outside of a Land-Use or Subdivision By-law.

**Amendment Carried.**

Councillors Jannasch, Daniels and Monroe voted nay.

Councillor Leopold asked if bonding of 120% is suitable or the norm as discussions had taken place at the Planning Advisory Committee to reduce it to 50%. The Director of Planning and Development stated that the percentage is the minimum as suggested by the Municipal Solicitor.

**Motion Carried as amended.**

Councillor Daniels voted nay.

**MOVED and SECONDED that Council direct that the letters of credit provided in 2016 for the subdivision of lands on Edward Drive be returned to the developer.**

Councillor Monroe asked if the motion would satisfy the municipal solicitor. The Director of Planning and Development advised that the solicitor had advised that it not be done. The Councillor voiced that she respects the individuals who are experts in these areas and questioned why Council would consider going against the solicitor's advice.

Councillor Daniels agreed with Councillor Monroe. She voiced that, as far as she was concerned, the motions passed by Council contravened the entire Land Use By-law and Municipal Planning Strategy. She questioned why the motion was not presented and dealt with through the Planning Advisory Committee as per procedure expressing she felt as though it was an abrupt decision that would set precedence.

Councillor Leopold voiced that she did not see that the motion was setting precedence as every development agreement is looked at independent from one another and meant to be flexible as opposed to developing as of right. She went on to ask why the advice from the solicitor would not be put in the staff report if it was important.

**Motion Carried.**

Councillor Monroe and Councillor Daniels voted nay.

7. Approval of the Council Minutes and Public Hearing Minutes (Municipal Planning Strategy and Land Use By-law Text Amendments: Indoor Storage Facilities Accessory to Agricultural Uses; Micro-Cultivation and Micro-Processing of Cannabis Land Use By-law Text Amendments; and Civic Addressing By-law C-003) of November 13, 2018

**MOVED and SECONDED that the Council Minutes and Public Hearing Minutes (Municipal Planning Strategy and Land Use By-law Text Amendments: Indoor Storage Facilities Accessory to Agricultural Uses; Micro-Cultivation and Micro-Processing of Cannabis Land Use By-law Text Amendments; and Civic Addressing By-law C-003) of November 13, 2018 be approved as circulated.**

**Motion Carried.**

8. Business Arising from Minutes and any Related Correspondence
  - a. Committee Appointments

Warden Zebian advised Council that Councillor Hussey had expressed interest in some committees which he will bring forward at the time of nominations and he would be accepting nominations on Councillor Hussey's behalf.

Warden Zebian called for nominations for the Mills Lake Watershed Committee.

Councillor Monroe nominated Councillor Daniels. There were no other nominations

Councillor Daniels accepted the nomination.

Councillor Monroe nominated Councillor Hussey as the alternate on the Committee. He had expressed interest in the Committee through the Warden. There were no other nominations. Councillor Daniels will be the representative on the Mills Lake Watershed Committee and Councillor Hussey the alternate.

Warden Zebian called for nominations for the Annapolis Valley Regional Library Board (AVRLB) noting that interest had been expressed by Shirley Pineo to continue to sit on the Board.

Councillor Monroe read a statement regarding the appointment of Shirley Pineo which stated that she is a firm believer in actions having consequences and that when you represent the Municipality you do not show disrespect for it or any of the individuals who represent the Municipality. She went on, stating that Councillors sign a code of conduct that expects discussion on topics but unity on decisions once they are made.

The Councillor continued stating that when the committee appointments first happened after the 2016 Election, the councillor that she replaced asked to remain as the representative on the AVRLB. She went on to say that Shirley Pineo had a long and positive tenure with the Board, and she felt at the time, as though it was appropriate for her to remain as the representative.

Councillor Monroe voiced that it was unfortunate that she has had to witness the overt criticism that the appointed representative has applied to Council, their decisions, the Warden and staff adding that she was saddened that this has become Council's new reality but felt as though the actions should have consequences.

Councillor Monroe nominated Councillor Leopold.  
Councillor Leopold accepted the nomination.

Councillor Daniels expressed disagreement with Councillor Monroe's comments stating that we live in a society of freedom of speech adding that if Council was to adhere to consequences for actions, many Councillors would not be sitting at the table.

Councillor Daniels nominated Shirley Pineo to the AVRLB. She went on to say that libraries are community led and that she is a proponent for having citizens take more action by participating in committees of council.

There were no other nominations. A vote took place. Councillor Leopold was elected as the representative on the AVRLB.

Councillor Leopold nominated Councillor Monroe as the alternate. There were no other nominations.

Councillor Monroe accepted the nomination and was appointed as the alternate on the AVRLB.

Warden Zebian called for nominations for the Hants Aquatic Centre Committee.

Councillor Leopold nominated the Warden.

Warden Zebian nominated Councillor Leopold. There were no other nominations.

Warden Zebian and Councillor Leopold accepted the nominations and will sit as the Representatives on the Hants Aquatic Centre Committee.

Warden Zebian called for nominations for Region 6.

Councillor Monroe nominated Councillor Jannasch, Councillor Jannasch accepted the nomination. There were no other nominations.

Councillor Jannasch nominated Councillor Monroe as alternate, Councillor Monroe accepted the nomination. There were no other nominations

Councillor Jannasch will sit as Council Representative and Councillor Monroe as the Alternate on Region 6.

Warden Zebian called for nominations for the Regional Enterprise Networks.

Deputy Warden Morton nominated Councillor Daniels who accepted the nomination. There were no other nominations.

Deputy Warden Morton nominated Councillor Monroe as alternate. She accepted the nomination. There were no other nominations.

Councillor Daniels will sit as the Council Representative on the Regional Enterprise Network and Councillor Monroe as the Alternate.

Warden Zebian called for nominations for the Valley Community Fibre Network (VCFN).

Councillor Jannasch nominated Councillor Monroe. There were no other nominations.

Councillor Monroe accepted the nomination and will sit as the Council Representative.

It was noted that Councillor Hussey showed interest as sitting as the Alternate on the VCFN.

Councillor Monroe nominated Councillor Hussey. There were no other nominations. Warden Zebian accepted the nomination on behalf of Councillor Hussey who will sit on the VCFN as Alternate.

Warden Zebian called for nominations for the Joint Border Development Committee. Councillor Monroe questioned if the Committee still existed to which Warden Zebian responded yes.

Councillor Jannasch nominated Councillor Monroe, Warden Zebian nominated Councillor Daniels and Deputy Warden Morton nominated Councillor Hussey. There were no other nominations. All Councillors accepted the nominations. Councillors Monroe, Daniels and Hussey were appointed as Council Representatives on the Joint Border Development Committee.

Warden Zebian called for nominations for the Brooklyn Civic Centre Municipality of West Hants Advisory Committee. Deputy Warden Morton nominated Councillors Keith, Leopold and Francis. There were no other nominations. All nominated Councillors accepted the nominations and will sit as Council Representatives on the Committee.

Warden Zebian called for nominations for the Landfill Liaison Committee. Deputy Warden Morton nominated Councillor Monroe. There were no other nominations. Councillor accepted the nominations and will sit as the Council Representative. Councillor Monroe nominated Councillor Jannasch as the Alternate. He accepted the nomination and will sit as Alternate on the Landfill Liaison Committee.

Warden Zebian called for nominations for the Municipal Climate Change Action Plan Committee. Councillor Monroe nominated Councillor Jannasch. He accepted the nomination. Deputy Warden Morton nominated Councillor Francis who accepted the nomination. Councillor Daniels nominated Councillor Zwicker. He accepted the nomination. Councillor Leopold nominated Councillor Daniels who declined the nomination. There were no other nominations. Councillors Jannasch, Francis and Zwicker will sit as Council Representatives on the Municipal Climate Change Action Plan Committee.

Warden Zebian called for nominations for the Police Advisory Committee. Deputy Warden Morton nominated Councillor Daniels who accepted the nomination. Councillor Leopold nominated Deputy Warden Morton. He accepted the nomination. There were no other nominations. Councillor Daniels and Deputy Warden Morton will represent Council on the Police Advisory Committee.

Warden Zebian called for nominations for the Regional Emergency Management Organization (REMO) Advisory Committee. Councillor Zwicker nominated Councillor Daniels and Deputy Warden Morton nominated Councillor Zwicker. There were no other nominations. Both Councillors Daniels and Zwicker accepted the nominations and will represent Council on the REMO Advisory Committee.

Warden Zebian called for nominations for the Falmouth Watershed Committee. Deputy Warden Morton nominated Councillor Zwicker. Councillor Zwicker nominated Deputy Warden Morton and Deputy Warden Morton nominated Warden Zebian. There were no other nominations. All accepted their nominations. Deputy Warden Morton, Councillor Zwicker and Warden Zebian will sit as Council Representatives on the Falmouth Watershed Committee.

Warden Zebian called for nominations for the Davidson Lake Watershed Committee. Deputy Warden Morton nominated Councillor Zwicker. Councillor Francis nominated Deputy Warden Morton. Deputy Warden Morton nominated Councillor Francis. There were no other nominations. The nominations were all accepted. Councillors Zwicker and Francis along with Deputy Warden Morton will represent Council on the Davidson Lake Watershed Committee.

Warden Zebian called for nominations for the Audit Committee.

Deputy Warden Morton nominated Councillor Hussey who had shown interest in sitting as a Council representative, his nomination was accepted.

Councillor Zwicker nominated Councillor Monroe who accepted the nomination.

Warden Zebian nominated Councillor Daniels who declined the nomination. There were no other nominations.

Councillors Hussey and Monroe will sit as Council representatives on the Audit Committee.

Warden Zebian called for nominations for a 3-year term on the the Hants County Residents for Seniors Citizens Committee.

Councillor Daniels nominated Councillor Hussey for Council Representative on the Committee for the three-year term. There were no other nominations.

Warden Zebian called for nominations for a 2-year term on the the Hants County Residents for Seniors Citizens Committee.

Councillor Francis nominated Councillor Keith for the two-year term on the Committee. He accepted the nomination. There were no other nominations.

Councillor Hussey will represent Council for the three-year term and Councillor Keith for the two-year term on the Hants County Residents for Seniors Citizens Committee.

Warden Zebian called for nominations for the Rural Representation Committee noting that one of the Committee members must be part of the Coordinating Committee.

Deputy Warden Morton nominated Councillor Daniels. Councillor Jannasch was nominated by Councillor Leopold. Deputy Warden Morton nominated Councillor Monroe. There were no other nominations. All Councillors accepted their nominations and will sit on the Rural Representation Committee.

Councillor Daniels announced that she would have to leave the meeting due to a fire emergency at 9:14 p.m.

**MOVED AND SECONDED that the ballots be destroyed.**

**Motion Carried.**

9. Report of the Warden

Warden Zebian read his report.

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

- a. Notice of Rescission given on October 9, 2018 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". (Councillor Leopold)

Deputy Warden Morton left the meeting due to a prior commitment at 9:23 p.m.

**MOVED and SECONDED that Council 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.**

Councillor Monroe asked for the purpose of the rescission. The Municipal Clerk advised Council that it was necessary to wait until after the approval process of the Civic Addressing By-law was complete to rescind of the Policy for Naming Roads.

**Motion Carried.**

11. In-Camera

- a. MGA 22(2)(a) – Acquisition, Sale, Lease and Security Municipal Property
- b. MGA 22(2)(g) – Legal Advice Eligible for Solicitor-Client Privilege

Councillor Zwicker left the meeting due to a work commitment at 9:23p.m.

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

**Motion Carried.**

The meeting moved in-camera at 9:24 p.m.

The meeting reconvened at 10:05 p.m.

**MOVED and SECONDED that Council direct the CAO to enter into a land purchase agreement with the Province of Nova Scotia to purchase PID 45245578, and portions of PIDs 45182797, 45245560, 45245552, 45184025, and 45182904.**

**Motion Carried.**

**MOVED and SECONDED that Council direct the CAO to carry out the necessary appraisal and survey requirement for the land purchase with funds to come from the Operating Reserve.**

**Motion Carried.**

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

a. Committee of the Whole

i. November 27, 2018 Excerpts

West Hants Dial-A-Ride

**MOVED and SECONDED that Council consider Dial-A-Ride funding during budget deliberations.**

**Motion Carried.**

Consolidation Water and Sewer Rate Study

**MOVED and SECONDED that Council approve that the Municipality of the District of West Hants apply to the Nova Scotia Utility and Review Board for changes in its rates for water, water service and fire protection to the Municipality of the District of West Hants, and changes to its rules and regulations for customers served by the Three Mile Plains/Wentworth Water Utility, and the Falmouth Water Utility, and the Hantsport Water Utility, as set out in the water rate study prepared by G.A. Isenor Consulting Limited in association with Blaine S. Rooney Consulting Limited dated November 1, 2018.**

**Motion Carried.**

**MOVED and SECONDED that Council approve the rates for sewer service for customers in Three Mile Plains/Wentworth, Falmouth and Hantsport, as set out in the sewer rate study prepared by G.A. Isenor Consulting Limited in association with Blaine S. Rooney Consulting Limited dated November 1, 2018 be adopted and that staff prepare the necessary changes to related by-laws and policies.**

**Motion Carried.**

Highway 14 Safety Concerns

**MOVED and SECONDED that a representative from the Department of Transportation and Infrastructure Renewal be asked to attend a Committee of the Whole meeting and present what actions they are taking to resolve safety issues on Highway 14 from Milford to Chester.**

**Motion Carried.**

Social Media Guidelines

**MOVED and SECONDED that Council approve the Social Media Guidelines (COGE-010.05) as presented on November 27, 2018.**

**Motion Carried.**

Hospitality Policy

**MOVED and SECONDED that Council approve the Hospitality Policy (COFN-008.00) as presented on November 27, 2018.**

**Motion Carried.**

Gas Tax Funding – Hantsport and Area Historical Society

**MOVED and SECONDED that Council approve the use of \$11,000 of Gas Tax to upgrade the heating system to a heat pump at the Hantsport and Area Historical Society building.**

**Motion Carried.**

Write-off of Uncollectable Tax Accounts

**MOVED and SECONDED that for the outstanding balance of Harold J. Fraser, 7663 Hwy 215, Cambridge (AAN#01583425) Council approves the sale of this property by public tender with a minimum bid of \$1.00 and that any taxes and fees remaining on the property not recovered from the sale be written off.**

**Motion Carried.**

**MOVED and SECONDED that for the outstanding balance of Randall William Nicoll, 19 Walker Road, Mosherville (AAN#00467561) Council approves the sale of this property by public tender with a minimum bid of \$100.00 and that any taxes and fees remaining on the property not recovered from the sale be written off.**

**Motion Carried.**

**MOVED and SECONDED that for the outstanding balance of Sherri Lee Barker, 150 Williams Road, lot B, Ellershouse (AAN#02649063) Council approves the sale of this property by public tender with a minimum bid of \$100.00 and that any taxes and fees remaining on the property not recovered from the sale be written off.**

**Motion Carried.**

**MOVED and SECONDED that for the outstanding balance of Jamie Randall Atwal Laffin, Ball Park Road, St. Croix (AAN#09893954) Council approves the sale of this property by public tender with a minimum bid of \$1.00 and that any taxes and fees remaining on the property not recovered from the sale be written off.**

**Motion Carried.**

Underwood/Edward Drive Emergency Gate

**MOVED and SECONDED that for the benefit of the residents of Windsor and West Hants and for the safety of all the resident of Hants County, the staff, patients, and visitors of Hants Community Hospital, the students and staff of Avon View High School, and for all the residents who live off Payzant Drive, Windsor , and for the residents of The Crossing, West Hants, that the Municipality of West Hants recognize the connection of Underwood Drive in Windsor and Edward Drive, West Hants as an emergency access point and that an emergency access gate be installed on Municipal land with funds to come from the operating reserve and be installed by the end of January 2019.**

**MOVED and SECONDED to amend to the motion by removing "with funds to come from the operating reserve".**

**Amendment Carried.**

**Motion Carried as amended.**

**MOVED and SECONDED that the emergency access gate be locked, and the keys given to the appropriate emergency or public safety providers such as fire departments, REMO, RCMP and all appropriate others.**

**Motion Carried.**

**MOVED and SECONDED that staff draft a letter to the Town of Windsor notifying them of our action to install an emergency gate at Underwood Drive and Edward Drive to protect the residents of Windsor and West Hants and that staff prepare a letter to the Minister of Municipal Affairs and Hants West MLA Chuck Porter notifying him of our action to protect the people of his constituency of Hants West.**

Councillor Leopold requested that the letter be addressed to the Council of the Town of Windsor.

**Motion Carried.**

Sports Complex Facility

**MOVED and SECONDED that Council direct the CAO to ask the Town of Windsor for financial support in the amount of \$800,000 for the field house and sports complex facility.**

**Motion Carried.**

Joint Council – Consolidation Discussion

**MOVED and SECONDED that Council approve holding one more Joint Council meeting to be held at a date to be determined by both units.**

Councillor Leopold stated that her recollection of the conversation at Committee of the Whole regarding the Joint Council meeting is that it would take place prior to the Coordinating Committee's first meeting. She went on to say that as the first meeting of the Coordinating Committee takes place on December 14, she would like to have one called immediately.

CAO Laycock advised that, as a minimum of three days' notice is a requirement for public meetings, having the meeting before the first Coordinating Committee meeting would not be possible.

Councillor Leopold referenced notes that she had made, that Mayor Allen had expressed that she would like to have a Joint Council meeting before Christmas asking if it would be possible to have a meeting prior to the holiday. The CAO voiced that he would send the request to the Town of Windsor.

Warden Zebian asked if the Councillor would consider requesting that a Joint Council meeting take place prior to the next Coordinating Committee meeting which will be taking place in January. Councillor Leopold responded that the purpose of her request for the Joint Council meeting was to provide an opportunity for Council members who do not sit on the Coordinating Committee to understand their role and lend their services to the Committee as appropriate. She voiced that she would like to have the meeting prior to Christmas.

The CAO advised that the Coordinator had expressed he would be interested in meeting with both Councils noting it would make sense that the presentation be made to Joint Council. He went on to say that due to the Coordinators schedule he was unable to meet after this week, adding that January may be a better time to meet.

Councillor Leopold asked if it would be possible to add an agenda item to the Coordinating Committee meeting to allow the Council members to review the preliminary rules of engagement. The CAO advised that three days' notice would have to be given for the Joint Council to meet. Councillor Leopold asked, as the meetings are public, if the Council members from each unit were to attend the meeting if it would be considered a Council meeting. The CAO noted that it would be the decision of the Coordinating Committee to determine the process for public engagement in the meeting adding that a public meeting does not necessarily mean that the public would have the ability to present.

Councillor Leopold asked for clarification that if the Councillors were to attend the meeting that it would be a Council meeting and require three-day notice. She referred to the orientation packages received by Council which state that any time that council members meet in numbers that suit quorum it is considered a council meeting asking if that also applied to Joint Council.

The Municipal Clerk advised that when Councillors attend meetings they are not permitted to take part in the meeting as Councillors. She went on to say that when attending the meetings, even as interested parties, there may not be the ability to partake in the meeting.

Councillor Leopold expressed that she would like to determine a means meet prior to the holiday without contravening the necessary three-days' notice. She voiced that she understood the recommendation from Committee of the Whole to mean that Joint Council would meet prior to the Coordinating Committee meeting.

The CAO advised that recommendations from Committee of the Whole must come to Council for approval noting that the timing of the meeting would not have allowed for the meeting to take place prior to the Coordinating Committee meeting.

**MOVED that the motion be amended to say Council approve holding a Joint Council meeting to be held at a date agreeable to both units before December 25, 2018.**

The motion did not receive a seconder therefore was lost.

Councillor Jannasch voiced that he did not see the point of having a Joint Council meeting to discuss the rules of engagement. He went on to say that if a meeting was to take place it would be essential that the Chair of the Coordinating Committee was present to ensure that he is fully aware of what each of the units wanted in the transition. The Councillor stated that he would like to see the meeting take place in January.

**Motion Carried.**

b. Report of the Chief Administrative Officer

i. Acceptance of Donations Policy (Recommendation Report)

The Director of Finance reviewed the Acceptance of Donations Policy Recommendation Report, stating that it was developed to be in line with Canada Revenue Agency and Income Tax requirements along with best practices from other municipal units. She stated that the Policy allows the Municipality to accept donations and provides guidance on how the donations can be used. The Director noted that approval will allow the Fundraising Committee to move forward with donations for the Sports Complex and other fundraising elements that may come forward.

The Municipal Clerk advised that seven days notice would be required and that the motion will come to January Council for approval.

Councillor Monroe gave notice that for the approval of the Acceptance of Donations Policy (COFN-009.00) as attached in the December 11, 2018 report to come to Council in January for approval.

ii. Strategic Plan 2017-2022 (Information Report)

The CAO reviewed the Information Report stating that there are eight goals in the Strategic Plan and reviewed the work that has been done in each aspect. He advised that work is being done towards reaching each of the goals and strategic objectives.

CAO Laycock noted that one of the objectives was to create a Strategic Plan Committee. The CAO recommended that Council consider addressing the Strategic Plan through bi-annual reports at Committee of the Whole as opposed to creating a committee. He went on to say that it would provide an opportunity so the document can be reviewed, areas of concern can be identified, and suggestions of improvements can be made.

b. Planning Advisory Committee

i. Planning Advisory Committee Excerpts – November 15, 2018

Land Use By-law Map Amendment – Bonnie Lane, Newport Station

**MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and Land Use By-law and the map of the Land Use By-law to:**

- 1. enable enclosed manufacturing in the Hamlet Industrial (M-2) zone; and**
- 2. permit production of medical cannabis and an automotive repair business at PID 45246329 and PID 45212552;**

**all as attached to the Planning Staff Report dated November 15, 2018 as Appendix A and Figure 3.**

**Motion Carried.**

Municipal Registration of Sainte Famille Cemetery

**MOVED and SECONDED that Council follow the process to designate the land known as Sainte Famille Cemetery located at 419 Gabriel Road (PID #45249406) as a Municipal Heritage Property.**

**Motion Carried.**

**MOVED and SECONDED that Council recommends the land known as Sainte Famille Cemetery located at 419 Gabriel Road (PID#45249406) be included in the Register of Municipal Heritage Properties.**

**Motion Carried.**

Commercial Development District Improvement By-law and Phased-In Assessment Agreement

**MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider approving the Commercial Development District Improvement By-law and Phased-In Assessment Agreement, as attached to the Planning Advisory Committee Report #18-09 dated November 15, 2018 as Attachment A and B.  
Motion Carried.**

Hantsport Area Advisory Committee Policy & West Hants Planning Advisory Committee Policy

**MOVED and SECONDED that Council approve the amendments to the Policy Establishing Hantsport Area Advisory Committee (COPL-005.00) as presented to the Planning Advisory Committee on November 15, 2018.  
Motion Carried.**

**MOVED and SECONDED that Council approve the Policy to Establish the West Hants Planning Advisory Committee (COPL-006.00), which includes the repeal of the Policy to Establish the Planning Advisory Committee dated December 13, 2011, as presented to the Planning Advisory Committee on November 15, 2018.  
Motion Carried.**

c. Other Committee Reports or Recommendations

There were no reports or recommendations from other committees.

13. Correspondence

- a. 2019-20 Operating Budget Property Valuation Services Corporation
- b. December 4, 2018 – Letter from Nova Scotia Power

14. Miscellaneous / New Business

- a. Hantsport Aboiteau (Warden Zebian)

Warden Zebian expressed that it seems to be unclear who is responsible to maintain and fix the failing aboiteau in Hantsport and wished to have more clarity on what needs to be done to fix the issue as the situation is deteriorating.

**MOVED and SECONDED that Council direct staff to write a letter to Department of Fisheries and Oceans outlining their specific requirements for an aboiteau in the Hantsport area and what needs to be done to fix the aboiteau to meet their requirements and the safety needs of the community with a return date of February 15, 2019.**

**Motion Carried.**

- b. Researching options on CGC lands in West Hants (Recommendation Report) (Councillor Monroe)

Councillor Monroe reviewed the Recommendation Report. She went on to say that the request comes at no expense to the Municipality only future potential income opportunity adding that once the report is received, she would come back to Council to share the prospects.

**MOVED and SECONDED that Council request support from our MLA, Chuck Porter and our MP, Scott Brison, to obtain our copy of the remediation plan for our local West Hants CGC mines.**

**Motion Carried.**

- c. West Hants Sports Complex Operations (Councillor Leopold)

Councillor Leopold expressed that she added the item to the agenda as Council is quickly approaching the closing for the Sports Complex Design-Build Request for Proposal (RFP) on January 17. She noted that in discussions at the Sports Complex Design Committee meetings it was brought forward that the operations aspect of the facility had not been discussed.

The Councillor voiced that she understood that there would be an additional RFP going out for operations of the facility. She went on to state that operations does not fall under the

purview of either of the committees that had been established for the Sports Complex, so it must come as a direction from Council.

The Councillor went on to speak of the RFP for operations asking if Newport Rink had been approached regarding the operations of the new arena. She questioned where the idea to put out an RFP for operations came from, stating that she did not recall the topic coming forward to or being discussed by Council.

CAO Laycock advise that discussions had taken place at Council about operations and he was intending to come to Council with a staff report outlining the different options that came back through the RFP process for Council's consideration which would expediate the process moving forward.

Councillor Monroe expressed that there is no obligation under an RFP to accept what is given but allows Council to put the requirement down, find options and then move forward. She went on to say that she had discussions with individuals at the GFL Arena who expressed they would be interested in operations.

The Councillor asked for a copy of the RFP. CAO Laycock stated he would send it out to Council noting that it is available for review on the website.

Councillor Jannasch asked if there was an anticipated date of when the staff report would be coming to Council for consideration noting that it would be helpful to have the information prior to voting on the RFP. The CAO stated that it was hoped to have the report come to Committee of the Whole the end of January at the same time as the Design RFP. He added that the turnaround time of the report would be quick which would allow Council a reasonable amount of time for consideration.

Councillor Francis spoke of the upcoming consolidation noting that a rink exists in West Hants that is run by a commission that Council may want to call upon for their expertise and an arena in the Town that is run by staff. She went on to say that with the two unique operations it would be a good idea to have discussions with both groups.

The Councillor stated that she felt as though the operations should be discussed after the Design RFP is complete so that it is clearly understood what the operations would entail. She noted that there is expertise available to help with operations of the rink with the other arenas in the area, but the field house was a new complex. She suggested reaching out to GFL and the Windsor Rink as well as the Parks and Recreation Department who could provide insight.

Councillor Francis spoke of fundraising efforts noting that many corporate sponsors would be looking to fund tangible aspects of the facility. She went on to say that prolonging the project due to operations could be detrimental to fundraising which is a concern.

CAO Laycock reiterated that there is not obligation to accept RFPs. He went on to say that RFPs do provide a benefit in that information is received which allow for conversations to take place and work from.

Councillor Leopold questioned which would come first in the process, the RFP or the staff report. CAO Laycock stated that it would depend on the situation.

**MOVED and SECONDED that Council direct staff to create a report on sports complex operations.**

Councillor Leopold expressed that she was looking for input on the date that the report should be brought forward from other Councillors. She noted that the RFP closes on January 17 and that Committee of the Whole takes place on January 22 and she would like to have the staff report available prior to reviewing RFP applications.

The Councillor went on to say that it has been recommended that operator's input be obtained at the design stage of the facility. She went on to say that funding requirements

indicate that there must be a project manager and questioned if the manger would encompass operations.

Councillor advised that there had been discussions with the Sports Complex Design Committee members of the inclusion of an owner's engineer which may replace the need for an operator to figure out the operations. The Councillor explained that the topics she has brought forth is why she is hesitant to specify a date for the staff report as there is a certain level of urgency, but she did not feel as though the RFPs should be reviewed without information from a staff report.

CAO Laycock advised that a project manager would be separate from an owner's engineer. He went on to say that there was discussion on having input from an operator on the RFP and advised that it would be beneficial but not necessary to have. He advised that the Design-Build RFP is conceptual. He questioned how the staff report would affect reviewing the Design-Build RFP. Councillor Leopold stated that, as there are not available resources and expertise in many of the aspects of the facility, she felt it was important to have an operator involved in the review.

The Councillor expressed that if the staff report would not be available until Committee of the Whole on January 22 that direction should be given by Council that the Sports Complex Design Committee not meet or review applicants until after the report is received.

Councillor Keith stated that he felt as though Council was getting ahead of themselves on the project as it has not yet been determined what the cost of the facility will be. He went on to say that once the RFPs have been received it will be clearer on how to proceed.

Councillor Francis stated that she did not agree pointing out that when the RFP comes back to Council it will be better understood what the facility will be. She expressed that there are many other sports complexes that are being operated and was quite certain that whatever design came back it would have the ability to be operated without the input of an operator at the review of the RFPs. The Councillor went on to say that she was not concerned with the timelines of the report coming to Council and the closing of the RFP, noting that it is imperative to have a building design prior to having an operator and that the process should not be rushed.

Councillor Monroe voiced that the Sports Complex Design Committee should be dealing with the design of the facility. She went on to say that if there are concerns with the design that the Committee should consider contacting the operators of the GFL Arena who would be an appropriate contact. The Councillor went on to say that the steps that should be followed is to put out an RFP, award the contract for a project that is within the funds available, obtain a project manager and then get the facility built. She added that this is not the appropriate time to hire an operator for the facility.

Councillor Leopold voiced that she brought the item forward as it had been pointed out to her numerous times that no actions can be taken without direction from Council. She asked if a motion had to be put on the table to direct staff to not put out an RFP for operations. The CAO reiterated that there were discussions had to put out an RFP for operations in order to determine the best options for Council's consideration which would include costs. He added that doing so would not place any obligation to Council. The CAO noted that he can create the staff report without the RFP if Council wished and staff would do their best to outline the options.

Councillor Leopold asked if an RFP was necessary to obtain the information necessary for the staff report and what the costs would be to do so in both time and money. The CAO replied that it would help in obtaining more definitive information as opposed to estimates adding that it would not be a large burden of cost or time to the Municipality.

**Motion Carried.**

Councillor Leopold asked if it was necessary to make a motion in order to move forward with the RFP for operations. The CAO replied that he would benefit from having a motion so that there is clear direction from Council.

**MOVED that Council direct staff to put out an RFP for operations of the Sports Complex to assist in the staff report which will be presented at Committee of the Whole on January 22, 2019.**

The motion was lost as there was not a seconder.

15. Date of Next Meeting – January 8, 2019

The next Regular Council meeting will be held January 8, 2019 at 7:00 p.m.

16. Adjournment

**MOVED and SECONDED that the meeting be adjourned.**

**Motion Carried.**

The meeting adjourned at 11:04 p.m.

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Abraham Zebian, Warden

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Rhonda Brown, Municipal Clerk