



WEST HANTS
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
January 8, 2019 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
	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
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	C. Rochon	Director of Finance
	K. Kehoe	Director of Parks and Recreation
	B. Carrigan	Director of Public Works
	M. LeMay	Director of Planning and Development (left 7:30 p.m.)
	S. Poirier	Planner (left 7:30 p.m.)
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	P. Morton	Deputy Warden
Guests:	Krista Beeler	Administrator Dykeland Lodge
	Brenda Ennis	Director of Finance Dykeland Lodge

There were 5 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.
Motion Carried.**

5. Presentation (s)

- a. Hants County Residence for Senior Citizens (Dykeland Lodge)

Warden Zebian welcomed Krista Beeler, Administrator of Dykeland Lodge to the meeting.

The Administrator distributed the 2017-2018 Annual Report, the meeting minutes of the Annual General Meeting along with a copy of the presentation "Dykeland Lodge at a Glance" to Council.

The Administrator reviewed the presentation. She spoke on the history and scope of Dykeland Lodge noting that it is a 111 bed, long-term care facility along with five independent apartments which provide affordable senior living. She noted that the facility goes through several audits, all of which yielded positive results in 2018.

The Administrator stated that the Senior Leadership Team have moved forward on creating and rolling out a new strategic focus. She added that through the dedication of the employees, working group and Board members they have been successful in repositioning and recreating the image of Dykeland Lodge.

The Administrator went on to speak of the deliverables and accomplishments of Dykeland Lodge in 2018 such as the new partnerships, involvement in a number of Provincial committees, IT upgrades, preventative equipment inspections and completion of over 50 major building projects.

The Administrator advised Council of plans for 2019 including: implantation of a new electronic charting system, roll out of Surge Learning for employees, policy updates, and completion of a new domestic hot water and boiler system. She went on to say that Dykeland Lodge will also have the addition of university recreation interns, music therapists and programming for the residents.

The Administrator concluded her presentation by thanking Councillors Hussey and Keith for their contributions as Board members and commended the staff on the work they have done. She introduced the Board's Director of Finance, Brenda Ennis, stating that they would welcome any questions from Council.

Councillor Zwicker commended staff at the facility, adding that his grandmother was a resident and received amazing care.

Councillor Hussey asked how many staff had been hired since the Administrator had been hired in April 2018. The Administrator stated that more than 60 employees had been hired, adding that the facility began being more creative in their recruitment strategies. She went on to speak of the training and onboarding that is happening in order to maintain the employees.

The Councillor questioned how many mattresses were replaced in the facility. The Administrator replied that 65 were replaced immediately following an inspection which found that they did not meet the requirements.

Councillor Hussey asked about the three leaking boilers in the facility. The Administrator stated that they had been replaced at a cost of \$250,000 which they were able to attain through the Department of Health and Wellness' emergency funding.

The Councillor asked for a list of capital improvement projects and the cost. The Administrator advised that there are nearly \$900,000 in capital improvement projects including ventilation, electrical repairs, pavement repairs and the roof. She added that Dykeland Lodge was able to secure funding for half of the roof. The Administrator went on to say that seniors are some of Nova Scotia's most vulnerable citizens and the conditions were not appropriate. She stated that the facility has amazing employees and needed a new direction which she felt was happening.

Councillor Keith thanked Krista Beeler, Administrator of Dykeland Lodge, for her work.

Warden Zebian voiced that he had been hearing amazing things about changes at Dykeland Lodge and commended the Administrator, staff and Board.

**MOVED and SECONDED that the presentation and associated documents be received.
Motion Carried.**

6. Public Hearings

a. Commercial Development District Improvement By-law

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

The meeting moved to a Public Hearing at 7:20 p.m.
The meeting reconvened at 7:30 p.m.

MOVED and SECONDED that Council gives Second Reading and approves the Commercial Development District Improvement By-law which is substantially the same as By-law C-002 as attached to the Council package of January 8, 2019 for the Public Hearing.

Councillor Monroe asked if it would be possible to contact real estate agents about the new By-law and the possible rebate and that the information be sent to residents in a newsletter.
Motion Carried.

7. Approval of the Council Minutes

The minutes were not available and will be approved at the February meeting.

8. Business Arising from Minutes and any Related Correspondence

a. Donation Policy

MOVED and SECONDED the Council approve the Acceptance of Donations Policy (COFN-09.00) as attached in the December 11, 2018 report.

Councillor Francis questioned, as the Policy had been created for the Sports Complex Facility, if the Donor Declaration Form attached to the Policy should be more specific and indicate what the donation is to be used for. The Director of Finance responded stating that the Donor Declaration Form would cover all donations not just the Sports Complex adding that it is not part of the Policy and can be updated and adjusted depending on the need.

Councillor Francis asked for clarification that each donation over \$500 requires its own donation form to which the Director replied yes.

Councillor Monroe asked what would happen in the chance that the Municipality was able to raise more than the required amount for the Sports Complex. The Director advised that, once the RFP is approved, a motion from Council would be required to set up a special reserve, then the funds would be used towards items that would benefit the facility.

Motion Carried.

9. Report of the Warden

Warden Zebian read his report.

**MOVED and SECONDED that the Report of the Warden 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 no reconsiderations or rescissions of resolutions of which notice has been given on a previous day.

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

a. Report of the Chief Administrative Officer

i. M08802 Windsor & Hantsport Railway Company – Complaint by Uniacke Trails Association (Information Report)

Director of Parks and Recreation, Kathy Kehoe, reviewed the Information Report. She advised, based on previous direction from Council, that staff will be making a formal request on behalf of the Municipality to be a formal intervenor in the hearing process for M08802 Windsor & Hantsport Railway Company – Complaint by Uniacke Trails Association at the Nova Scotia Utility and Review Board.

Councillor Hussey voiced that it was a good idea to be involved as an intervenor as it would give an ability to speak of the difficulty in getting maintenance completed on the current railroad run by the Windsor & Hantsport Railway Company.

ii. Resident Appointments to Planning Advisory and Rural Representation Committees (Recommendation Report)

The CAO reviewed the Recommendation Report.

**MOVED and SECONDED that Council appoint Traci Curry as a resident representative on the Planning Advisory Committee until March 31, 2020.
Motion Carried.**

MOVED and SECONDED that Council appoint Raymond Meehan, Darren Porter, Krista Lunn and Amy MacDonald as resident representatives on the Rural Representation Committee until March 31, 2020.

Motion Carried.

12. Correspondence

- a. 12-05-2018 Letter from Deputy Minister of Municipal Affairs – Fire Dispatch Services
- b. 12-11-2018 Letter from Minister of Municipal Affairs – 911 Cost Recovery Fund
- c. 12-12-2018 Letter from Minister of Justice – Accessibility Act

Councillor Daniels asked when the letter was written regarding fire dispatch services adding that it is an item that should be supported. Warden Zebian noted that it was an item that was sent to many municipalities and was initiated by the Town of Shelburne.

13. Miscellaneous / New Business

- a. West Hants Sport Complex Owner's Engineer (Recommendation Report)

Councillor Leopold spoke on the Recommendation Report noting that a motion was included in the report to ensure that staff had adequate time to prepare a Request for Proposal (RFP) for an Owner's Engineer.

The Councillor went on to say that since submitting the Report she had learned that the RFP (WHPW18-19) for Project Engineer – West Hants Sports Complex had been posted on January 2. She expressed her desire to have an owner's engineer, which is referred to as a project engineer in the RFP, be part of the selection committee for the award of the RFP for the design-build.

MOVED and SECONDED that Council amend the RFP (WHPW18-19) for Project Engineer – West Hants Sports Complex; specifically, page 3, Section 2.2 (Scope) which outlines the expected duties to add the following bullet point, "to be included in the evaluation/selection/award process(es) for the RFP for Design-Build – West Hants Sports Complex".

Councillor Hussey questioned how the motion would affect the RFP. The CAO advised that it would mean an amendment. He went on to say that the only concern that he would have would be potential conflict of interest in the sense that there are not many organizations that have the expertise that would not also be responding to the design-build RFP. He added that the conflict could occur as those responding should not be part of the selection committee.

Councillor Daniels voiced that she appreciated the work that went into the recommendation report adding that she would have liked to have had the motion prior to the meeting in order to have time to consider it ahead of time.

The Councillor asked if there were any financial implications to the motion. Warden Zebian stated that as the project engineer RFP had been posted for the position it would mean adding a duty to the ones already outlined in the RFP document. CAO Laycock advised that, in the sense that there would be added duties and time, he would say yes there would be additional cost but until the project engineer RFP was received, he would be unable to determine the actual cost.

Councillor Francis stated that she was struggling with the motion, questioning if it was a requirement in order to receive the Federal funding to have a project manager. The CAO replied that it is a requirement of the Provincial funding to have a project manager, adding that there is no requirement for an owner's engineer. The CAO noted that the Municipality did not obtain an owner's engineer for the new fire station. The Councillor went on to say that she found the project engineer RFP document confusing as it refers to the role as many different titles.

Councillor Francis stated that she did not want to delay the project for something that is not required and asked for clarification on what role is being hired through the project engineer RFP. CAO Laycock advised that, to date, clarification had not been requested on the role in

the RFP, but it could be clarified if need be. He went on to say that the scope of the role of the successful proponent would be clarified upon awarding the contract noting that, based on history, he was not concerned with the title given to the proponent.

CAO Laycock went on to say that the project engineer that the Municipality is seeking to engage would be required to understand the design of the building, have the ability to help throughout the project and ensure that it is kept on budget.

Councillor Francis noted that the RFP for the project engineer and the RFP for the design-build close on the same day. She went on to say that from what she understood from Councillor Leopold is to have someone hired to work on the design. She questioned if the motion was put forth as there was not faith in the Sports Complex Design Committee (SCDC) and staff to do what should be done.

Warden Zebian clarified that the project engineer RFP was put out in search of a project engineer. The CAO voiced that the project engineer RFP exceeds the requirements of the Province as it is someone who will act as a project manager and a owner's engineer.

Councillor Leopold voiced that, from her research as Chair of the SCDC, normally an owner's engineer/project manager is selected at the start of the project and assists with drafting RFPs, the design-build and remains until the end. She went on to say that the scope of what the proponent does, states that they will perform all project engineering and project management activities.

The Councillor went on to say that an owner's engineer will protect against any liability or risk throughout the design and construction to the end of the project. She stated that, as the Municipality would be owning the asset, she felt very strongly that the position should be in place.

Councillor Leopold went on to say that an owner's engineer had been discussed by the SCDC who were told that it was not in the Committee's mandate. She went on to say that the owner's engineer should be part of the selection group.

The Director of Public Works addressed the comments made regarding the terminology used in the project engineer RFP stating that it is a project manager that is being sought. He noted that often the project manager will be referred to as "the engineer" in documents. He went on to speak of the project manager that was hired for the painting of the water towers stating that they were hired after the RFP had been awarded and were hired to ensure that meet all the codes and requirements were met and that the project was completed.

Councillor Zwicker stated that, as an engineer, he had used owner's engineers on several occasions and is familiar with the process. He went on to say that the area expertise that the owner's engineer would provide upfront support to the SCDC to reduce risk and ensure that the Municipality receives the facility as intended and act on the Municipality's behalf. The Councillor went on to say that often an owner's engineer will become the project manager.

The Councillor stated, regarding the conflict of interest concern brought forth by the CAO, that it would be up to Council to ensure that a conflict did not occur. He expressed that the minor financial implication from the motion would be well spent.

Warden Zebian noted that the project engineer RFP had been issued to hire someone to fulfill the position and the motion was to make the successful proponent part of the Sports Complex Design Committee.

Councillor Jannasch spoke of the potential for conflict stating that as Nova Scotia is not a big province the pool of construction engineers is not large. He asked if the engineer is hired before hand, as being recommended, if there is a risk of reducing the number that can apply due to potential conflicts. The Director of Public Works stated that there had been some proponents question if they could bid on both RFPs stating that they had been told they could, but they would not be eligible to win both.

Councillor Leopold pointed out, regarding increased cost, it was her understanding that the proponent would be paid a percentage of the cost of the project therefore the cost would not increase. The CAO voiced his concern regarding involving an individual or firm to help with the evaluating an RFP that they are in turn going to bid on would increase conflict concerns as they could directly benefit from the cost of the project. Councillor Leopold stated that it would have to be determined how the person would be paid as there is a lot of speculation surrounding cost of the motion. Councillor Leopold stated that she is adamant that the position is necessary and that the position should have been in place before the RFP went out. She went on to say that it would mitigate risks.

Councillor Monroe stated that from her experience as a project manager, the owner's engineer and the project manager are not the same as one is a discipline of management and one is of engineering.

The Councillor went on to speak of the requirements that would be in an design-build RFP such as the size of the rink or the square footage adding that typically proponents would make submissions, based on the professional designers and builders that work with them, with several options fulfilling the requirements.

Councillor Monroe went on to say that in reviewing the activities from the previous SCDC meetings she noticed that the Committee seemed to be laying out the design of the facility down to the minutia which is a task beyond the Committee's mandate. She went on to say that the Committee should only be choosing the design based on the requirements and the costs.

Councillor Monroe stated that the project manager is essential adding that an engineer should be involved at some point. She went on to say that she had concerns regarding the ground that the facility is to be built on and spoke of issues that she had heard on the land and should be looked at from an engineering standpoint. Warden Zebian noted that studies have been done on the land and information would be coming forward. The CAO noted that studies had been completed and in the hands of the proponents so that they are able to factor them into their build as they are critical to the cost component. Councillor Monroe stated that she was not in favour of hiring two full time people adding that many project managers have engineers they can call upon for advices.

Councillor Leopold responded to comments made by Councillor Monroe stating that the minutes of the last SCDC meeting had not been posted therefore the activities would not have been able to be reviewed.

The Councillor went on to address Councillors impression that the SCDC was laying out the design to the minutia stating that direction had been given to the Committee to come up with their ultimate wish list for the facility and then to scale back. She went on to say when the members came to the meeting with the wish list the Committee was told that the budget for the items was too high. The Councillor went on to say that the Committee is doing what they have been advised to do and the best they can do with the information that has been given to them.

Councillor Leopold spoke of the geotechnical concerns brought forward by Councillor Monroe stating that the studies were due on December 19, 2018 and were an addendum to the RFP Design Build. She noted that the RFP was extended based on the findings of the study to ensure that proponents time to reflect the studies in their bids.

The Councillor went on to say that she was aware that companies that will be bidding on the build would have their own engineers noting that as the facility and land will belong to the West Hants it is imperative that the Municipality have an owner's engineer to protect the asset and the Municipality.

The motion was repeated at the request of Councillor Hussey.

Councillor Francis asked the Director of Public Works for clarification on the project engineer RFP asking if it was intended that the successful proponent would have the engineering

experience to follow the project through. The Director replied yes or that the successful proponent would have the ability to draw on the expertise of an engineer. The Councillor went on to ask if the current project engineer RFP would meet the requirements of the Province to which the Director of Public Works replied yes.

The Director of Public Works advised Council that the RFP for design-build is not the final design of the facility. He added that the successful proponent will go on to design the complex after the RFP is awarded then build it. The Director noted at this point in the process there are no final designs for the owner's engineer to review on January 24 only conceptual plans.

Motion Defeated.

Councillors Daniels, Hussey, Francis, Jannasch, Monroe and the Warden voted nay.

MOVED and SECONDED that Council amend the RFP (WHPW18-12) for Design-Build of an Arena/Sports Complex; specifically, page 20, Section 6.2 (Project Timelines) which outlines the review and selection date to state, "review and selection of successful proponent by February 19, 2019" and if necessary "commencement of project – not before February 19, 2019".

Councillor Hussey questioned if the motion was to change the deadline of the RFP. Councillor Leopold stated yes noting that the selection date for the design-build is January 29, 2019 adding that with an application deadline of January 24, 2019 it currently gives five days to review the applications and notify the proponents.

Councillor Hussey asked the CAO if it is possible to review the applications and reward the design-build RFP in five days. The CAO replied that the timeline is at the discretion of the Municipality so can be moved forward if Council desired. He went on to speak of the suggested timeline stating that a Special Committee of the Whole meeting could take place on February 5, 2019 to review the options and then have a recommendation come to February Council for approval.

The CAO advised that extending the deadline would allow the proponents more time to prepare their submissions which could perhaps result in a better facility. He noted that the dates in the motion still leave Council five days to review the applications.

Councillor Leopold commented on the short timeframe between reviewing the applications and a meeting of Council in order to make a recommendation to Council. She voiced that she felt as though it would not be possible to arrange a meeting, based on experience, in such a short window of time.

Councillor Francis expressed that if the motion does not have to be made as it is within the ability of the Municipality to extend it if it is deemed necessary, she did not see a reason for the motion. The Councillor went on to say that she was anxiously awaiting the approval of the RFP for design-build so that the fundraising for the facility could begin.

Motion Defeated.

Councillor Daniels, Hussey, Monroe, Francis and the Warden voted nay.

b. Garlands Crossing Traffic Calming Measures – Councillor Hussey

Councillor Hussey spoke of concerns regarding traffic on Underwood Road. He went on to say that the road was originally built to have 20-30 homes on it and now has over 200. The Councillor stated that he would like to have a request that the road have a speed reduction, be brought up to better standards and have improved snow clearing.

MOVED and SECONDED that Council direct staff write a letter to the Department of Transportation and Infrastructure Renewal requesting that the speed on Underwood Road be reduced to 30km/hr, that the road be brought up to standard and a yellow line be painted in the center.

Councillor Daniels suggested that traffic calming be used in the letter written as it may allow for innovative ways to reduce the issues.

MOVED and SECONDED to amend the motion to include construction of traffic calming devices and measures.

Amendment Carried.

Motion Carried as amended.

14. In-Camera

a. MGA 22(2)(f) – Litigation or Potential Litigation

MOVED and SECONDED that the meeting move in-camera.

Motion Carried.

The meeting moved in-camera at 8:35 p.m.

The meeting reconvened at 8:39 p.m.

15. Date of Next Meeting – February 12, 2019

The next Regular Council meeting will be held February 12, 2019 at 7:00 p.m.

16. Adjournment

MOVED and SECONDED that the meeting be adjourned.

Motion Carried.

The meeting adjourned at 8:41 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk