



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
September 10, 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
	P. Morton	Deputy 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 (CAO)
	C. Rochon	Director of Finance
	M. LeMay	Director of Planning and Development (left 10:01 p.m.)
	B. Carrigan	Director of Public Works
	S. Shah	Municipal Planner (left 9:34 p.m.)
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator

Guests: Sandy MacMullin, Department of Energy and Mines
Susan Hayes, Windsor Elms Village
Julian Boyle, Equilibrium Engineering

There were 8 members of the public in attendance.

3. Announcements

Warden Zebian advised that the Council meeting is live streamed on Facebook, then reviewed the standard fire evacuation procedures.

The Warden announced that the Hants County Exhibition would be taking place September 13-15th and the 20-22nd and encouraged everyone to attend. He noted that staff and Councillors would be at the consolidation information booth over the two weekends for anyone wishing to discuss the consolidation and to fill out the online survey. He added that

the booth would also be set up at the Avondale Garlic Festival taking place on September 21st.

The Warden went on to speak of the Prime Minister Awards that are presented to educators and encouraged Council to nominate teachers who are deserving of the award.

Warden Zebian announced the Plan Review meeting taking place at the Ellershouse Hall on September 12th. He stated that Councillor Keith's community meeting had been rescheduled to Monday, September 16th.

Councillor Monroe advised of the Honey Harvest Festival taking place at the Avon Heritage Museum on Saturday, September 14th. She added that North Along the Shore would be taking place in Avondale on Saturday, September 21st.

Councillor Leopold spoke of the Hockey Gear Drive taking place and encouraged anyone with gear that they are willing to donate to drop it off at the West Hants Middle School. She went on to say that gear can be picked up on Saturday, September 21st between noon and 3 p.m.

4. Approval of Agenda, including additions or deletions

The following items were added to the agenda under Correspondence:

- 12.b. Letter from Darren Porter – September 10, 2019

**MOVED and SECONDED that the agenda be approved as amended.
Motion Carried.**

6. Presentation (s)

a. Department of Mines and Energy

Warden Zebian welcomed Sandy MacMullin to the meeting.

Mr. MacMullin thanked Council for the opportunity to speak. He introduced himself as a Registered Professional Engineer who graduated with a degree in agriculture engineering. He went on to say that he became trained in the energy and gas in Ottawa and came back to Nova Scotia as a petroleum engineer.

Mr. MacMullin began his presentation by giving context on energy in Nova Scotia to help explain why people are still seeking oil and gas during a time of climate change issues. He spoke of global energy consumption stating that, if one was to take all the energy consumed on the daily basis and convert it to oil it would equal 271 million barrels per day. He noted that Canada is responsible for less than 2% and Nova Scotia .03%.

Mr. MacMullin reviewed the predictions of experts who state that by 2050 renewable energy consumption is expected to be at 30%. He noted that the oil and gas industry is chasing after the future demand moving from highly carbon intensive fuels to less carbon intensive and ultimately to clean.

Mr. MacMullin advised Council that the Department of Energy currently has Renewable Policy Development, Non-Renewable Policy Development, Energy Efficiency Policy Development and Energy Conservation Policy Development with the intention of trying to find the right mix to have the economy remain healthy but to ween off fossil fuels.

Mr. MacMullin stated that in 2007 the Province was at 9% renewable energy according to Nova Scotia Power and year-to-date is at 30% renewable and well on target for the 40% by 2020 and are leaders in Canada.

Mr. MacMullin spoke of oil and gas projects in the Maritimes including the Copan Project (1992-1999), the Sable Offshore Energy Project (1999-2018) and the Deep Panuke Project (2013-2018). He went on to speak of the offshore geoscience research and onshore exploration activity showing Council a map indicating where there is hydrocarbon potential Nova Scotia.

Mr. MacMullin went on to speak on the Report of the Nova Scotia Independent Review Panel on Hydraulic Fracturing. He noted that the Province has been clear that it is not interested in lifting the moratorium on hydraulic fracturing but if a community was to come forward who were interested in the activity, they would be open to having conversations.

Mr. MacMullin expressed that there was not a lot of information that would allow, with confidence, to say how much gas potential in Nova Scotia. He stated that Atlas Project work began in 2009 to begin assessment on onshore potential and was released in 2018 that had the Windsor and the Kennetcook Basins. He noted that independent experts were used in doing the assessment work for the report.

Mr. MacMullin reviewed the moratorium which states, "No person shall engage in high-volume hydraulic fracturing in shale formations". He went on to say that regulations have had to be developed to define the terms used in the moratorium such as high-volume, shale formations and hydraulic fracturing. He noted that there is a provision if someone wished to test for potential it is currently permitted as the regulations have not yet been established and are not high priority in the Cabinet.

Mr. MacMullin clarified that the moratorium does not apply to conventional exploration and development, coal and gas activity, hydraulic fracturing for drinking water, or for geothermal energy. He went on to explain the difference between conventional and hydraulic fracturing activity.

Mr. MacMullin stated that the Wheeler Report zooms in on the areas that could be considered the largest concern and items that would need to be addressed in Nova Scotia including poor storage of fluids, increased traffic and community economic impacts.

Mr. MacMullin explained the process used for those interested in onshore oil and gas exploration noting that financial and technical capability must be demonstrated by those

wishing to bid. He went on to say that exploration agreements are required and seismic requirements as well as exploration requirements that must meet the requirements of many departments of the Province.

Mr. MacMullin informed Council that underground storage has been a contentious issue for several years and pointed out that there is natural gas storage throughout North America which help to keep gas prices stabilized. He noted that natural gas is seen as the preferred storage mechanism to support renewable energy and is a medium that will help move us from highly intensive carbon fuels to no carbon over the coming years.

Mr. MacMullin went on to speak of the two proposed export projects for LNG taking place noting that demand is increasing for the preferred transition fuel of natural gas. He went on to say that there is an international market for the gas.

Councillor Monroe thanked Mr. MacMullin for the information and asked how the process is policed. Mr. MacMullin responded that, after the Westray disaster, the Nova Scotia government began requiring independent third-party engineers to look at all the plans and inspections from these organizations adding that the professionals are hired to police the operations.

Councillor Monroe questioned what would stop one of the well operators from doing something outside of what is permitted. Mr. MacMullin replied that there is nothing that can be done if a rogue operator chooses to willfully break the law by not following regulations. He went on to say that the Province ensures that applicants for exploration rights are checked out and if they do not qualify or do not have a good exploration history, they do not receive their licence.

Councillor Jannasch thanked Mr. MacMullin for the presentation. He asked for comment, based on Mr. MacMullin's 38 years experience, on some of the mistakes that have been made in the project that took place in Kennetcook where the fracking test wells were drilled and where the regulatory system broke down. Mr. MacMullin expressed that he felt as though the largest issue with the Kennetcook project were the ponds. He noted that, currently, the best practice in the industry is to put water that is taken from the ground back into the ground but at the time of the Kennetcook project that was not permitted. He stated that had the regulatory process been up to date there would not have been an issue in his view.

Councillor Jannasch questioned if the water is pumped back into the ground in the current shale gas fields globally. Mr. MacMullin replied that the bulk of it is reinjected but wastewater that is clean enough is used for irrigation purposes, recycled in areas where there is a shortage of water and some is evaporated.

Councillor Keith spoke of the regulations in Alberta noting that much of their wastewater is recycled.

Councillor Monroe questioned what the plans were to take care of the Kennetcook site. Mr. MacMullin stated that the area had been reclaimed and he believed that the water had been evaporated.

Warden Zebian thanked Mr. MacMullin for his presentation.

b. Windsor Elms Village – Energy Upgrades

The Warden welcomed Susan Hayes, the CEO of the Windsor Elms Village and Julian Boyle from Equilibrium Engineering.

Susan Hayes thanked Council for the opportunity to present and to share information on the energy project that is beginning at the Windsor Elms Village and how Council can play a part. She began her presentation by with a brief overview of the facility noting that the Windsor Elms is home to 108 residents and currently employs 220 staff.

The CEO expressed that the Windsor Elms Village takes the responsibilities as stewards of public resources very seriously and are always looking for opportunities to use the resources to the best of their ability.

The CEO gave an overview of the \$850,000 energy retrofit project including 100 kW ground mount solar system, 100 kW energy storage system, HVAC upgrades and LED lighting upgrades. She went on to say that they are in the process of finalizing the project costing but are expecting a savings of \$80,000/year and a 40-60% reduction in energy use and 850,000 kg of carbon dioxide. She added that the savings would allow for the opportunity to reinvest back into the facility.

The CEO reviewed those that are working together with them on the project including Efficiency Nova Scotia, Nova Scotia Department of Energy through their Low Carbon Community Fund, the Federation of Canadian Municipalities (FCM) through the Green Municipal fund and Equilibrium Engineering. She stated that there are tight timelines for the project application due to the opportunities for funding particularly with the submission deadline for the FCM funding being fall of 2019. She added that it was hoped to begin implementation of the project by spring 2020.

CEO Hayes reviewed the FCM funding eligibility requirements which include that the applicant be non-profit or community organizations and that a 10% cash or in-kind contribution be given from a municipality. She noted that discussions had taken place with the Department of Energy regarding their grant opportunities which could be funnelled through the Municipality. The CEO stated that the FCM Pilot Stream can also contribute up to 50% of the project costs which had a cap of \$350,000 and has been increased to \$500,000.

The CEO voiced that the Windsor Elms Village would be responsible for meeting all funding application and reporting requirements.

CEO Hayes requested that Council consider passing a motion to endorse the concept of the proposed energy project and its outcomes along with a willingness to accept up to \$75,000 from NS Energy and Mines Low Carbon Communities Fund which would allow the Elms to meet the FCM eligibility requirements and to contribute up to \$10,000 in-kind. She concluded her presentation expressing that she hoped that Council would consider the request for the betterment of our residents and West Hants.

Warden Zebian thanked Susan Hayes for the presentation.

Councillor Zwicker asked for a breakdown on the savings questioning why spending \$850,000 to save \$80,000 would be considered. Engineer, Julian Boyle from Equilibrium Engineering responded to the question stating that the FCM would be contributing up to \$425,000 towards the project costs and Efficiency Nova Scotia is willing to pay up to 10% of the project depending on the number of kW's saved. He went on to say with the funding it would work out to be between a three to four-year payback. He added that there are other significant benefits to the project as well that will address operational issues.

Councillor Daniels questioned what the contribution of up to \$10,000 in-kind was referring to specifically. Mr. Boyle responded that they would be looking for a sustainability manager who would help over a 14-month period to help with coordination and such.

CEO Hayes added that the project is an opportunity as an organization and a community to be a best practice and a flagship across Nova Scotia and Canada. She went on to say that, looking at the greenhouse gas reduction movement, this is an opportunity to shine together and show how we can do things differently.

Warden Zebian asked for the deadline to submit the application. Julian Boyle stated that the Department of Energy and Mines funding application has to be in by September 20th but does not require the support of the Municipality. He went on to speak of the FCM funding expressing there are many projects looking to access the funding and if it is not sent in right away it would delay the start of the project.

The Warden expressed that he fully supported the Windsor Elms Village and asked the CAO if the Municipality had submitted a funding request for the same stream of funding for the Sports Complex. CAO Laycock replied that the Sports Complex application was for a different stream of funding, but it would put two applications to the FCM from the Municipality which is a risk that Council should consider.

The CAO voiced that he had an issue with the request for \$10,000 in-kind staff time stating that he had not been giving any indication that the request was part of the ask. He went on to point out that the CAO would be the only one with the ability to direct staff, not Council, so the in-kind ask would fall on him as CAO.

The CAO pointed out that staff is currently managing two of the biggest projects that the Municipality had ever taken on it would be a challenge to meet timelines and the levels of commitment that is being asked.

CAO Laycock advised Council that the request would be required to go through the Co-ordinating Committee as the timeline reaches beyond the consolidation date of March 31, 2020.

Councillor Daniels spoke of conversations that had taken place to hire a sustainability coordinator and questioned what the outcome was of the conversations. Planner, Saira Shah, replied that an application had been submitted for a grant to hire someone, but the Municipality was unsuccessful.

Councillor Daniels questioned if there was a threshold on the amounts that could be expended by each municipal unit without requiring approval of the Co-ordinating Committee. The CAO replied that any item that extended beyond March 31, 2020 or any expenditure that would require using reserves are required to have approval from the Committee.

Councillor Daniels expressed that she did not want to see the opportunity lost and asked that Council consider directing the CAO to investigate means to support the request. She went on to say that she has been frustrated that projects have been halted because of the transition process.

Councillor Monroe questioned if the in-kind staff time was required in order to receive the FCM funding. Mr. Boyle stated that it is not a requirement of the FCM funding, but it would be necessary to have municipal involvement to manage the partners involved. Councillor Monroe stated that she had no issues with the first two motions but would not support the request of staff time at this point due to the other projects being taken on by staff.

Deputy Warden Morton asked the CAO if putting the application through would negatively affect the application that was being put forward for the Sports Complex. CAO Laycock replied that there could be a risk with putting two applications forward that Council should consider noting that he cannot assume how the FCM will allocate their funding.

Mr. Boyle stated that he had spoken with the program managers at FCM and that they were reassured that, as the requests are for two different streams of money, there would be no risk to the Municipality to lose the potential funding for the Sports Complex by submitting the application for the proposed energy project for the Windsor Elms Village. He suggested that Municipal staff take part in the meeting that the project team has set with the program manager on September 26th.

Councillor Leopold questioned if there was a way that the motion could be put forth that would ensure that there would be no negative affects on the Municipality's application for

funding for the Sports Complex. The CAO responded that he could meet with the program manager and the project team to discuss it.

The CAO reiterated that he had concerns with the in-kind contribution of staff time in the request from the Windsor Elms Village noting that staff are stretched extremely thin. He pointed out that if the funding must flow through the Municipality it would require time from the Director of Finance as it is the Municipality's responsibility noting that her priority is financial matters dealing with the consolidation. The CAO voiced that had he been made aware of the ask prior to the presentation he would have made it clear to the presenters that staff time was not possible.

Councillor Leopold voiced that she understood the point the CAO was making on staff resources questioning if there was anyway the project could move forward without the in-kind contribution of staff time but with the \$10,000 that was indicated instead. Mr. Boyle expressed that the first two motions were the most important to move the project forward and the motion regarding the in-kind or \$10,000 is not needed.

Councillor Leopold questioned if approving the first two motions would still impact staff. The CAO reiterated that staff time would still be required as the funds would have to be managed through the Municipality.

Councillor Leopold went on to say that she would like to see a way to make the project work adding that she did not want to see the project rejected due to the consolidation, noting that timing is a challenge. CEO, Susan Hayes, voiced that the timelines are extremely tight stating that the project is a great opportunity for both the facility and West Hants. She went on to say that she recognized and appreciated the concerns brought forth from the CAO. She went on to say that the team would do everything they could to lighten the workload on staff and would respect Council's final decision on the request.

MOVED and SECONDED that Council endorse the concept of the energy project and outcomes for the Windsor Elms Village and that the Municipality is willing to accept up to \$75,000 from NS Energy and Mines Low Carbon Communities Fund and use this to contribute to the project to meet FCM Green Municipal Fund eligibility.

Motion Carried.

Councillor Leopold voted nay due to the demands on staff, the process with the Coordinating Committee and the extremely tight deadlines involved.

MOVED and SECONDED that the presentation from the Windsor Elms Village be received.

Motion Carried.

MOVED AND SECONDED that the presentation from the Department of Energy and Mines be received.

Motion Carried.

7. Public Hearings

a. Second Reading of the Repeal By-law

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

The meeting moved to a Public Hearing at 8:28 p.m.

The meeting reconvened at 8:39 p.m.

MOVED and SECONDED that Council approve Second Reading of the Second Amendment to the Repeal By-law, R-004, as presented at the Committee of the Whole on June 25, 2019.

Councillor Monroe questioned why the listed by-laws were not repealed when the Town of Hantsport became part of the Municipality noting that the process takes up a lot of time and seems to be happening on a regular basis. The Municipal Clerk advised that through the legislation during the Hantsport dissolution it was stated that the by-laws would remain until such time that Council either repealed or replaced them adding that the process will be the same for the consolidation.

Councillor Monroe expressed that she did not understand why two different by-laws exist as it is all part of the same municipal unit adding that having two different sets of by-laws could make it difficult to apply them. The Municipal Clerk advised that, as stated in the Repeal By-law, all By-laws of the Municipality apply to the community of Hantsport except for the four that she mentioned in the presentation.

Councillor Hussey stated that he agreed with Ms. Davis, who spoke at the Public Hearing, and did not agree that the Hantsport Noise By-law should be repealed. He went on to say that he did not agree with the opinion that it is not enforceable adding that he would not support it unless the Noise By-law was removed from the list.

MOVED and SECONDED that the motion be amended to exclude the Hantsport Noise By-law.

Councillor Jannasch asked for an explanation of why a noise complaint would end up in court as he understood that, if someone had a complaint, often times the RCMP will not act on it as they have no authorization to do so. Clerk Brown replied that the RCMP do not require a municipal by-law to act on any noise complaint adding that they also do not enforce municipal by-laws unless it is specifically permitted by the Department of Justice. She went on to say that the RCMP can enforce provisions under the Criminal Code and can also choose to enforce on their own.

The Municipal Clerk explained that if a noise complaint is received, the By-law Enforcement Officer can investigate with the decibel reader, and if they exceed the level that is stated in the By-law a fine can be issued. She went on to say that currently Summary Offence Tickets are not available to the Municipality so a long form would be required which takes the matter automatically to court.

Councillor Jannasch stated that he will be supporting the amendment to have the Noise By-law excluded.

Councillor Leopold stated that she would not be supporting the amendment based on discussions held at Council regarding a West Hants Noise By-law also because the Municipality does not have a decibel reader and it would increase the demands on the By-law Enforcement Officer as the complaints would most likely take place after hours. She noted that the RCMP can be called and did not see the need for a noise by-law.

The CAO advised that the By-law Officer would not be required to respond after hours to noise complaints. He went on to say that if the By-law is to be enforced after hours it would be done by the RCMP and, as stated by the Clerk, would require a letter from the Department of Justice. He noted that enforcement would be difficult but not impossible under the current By-law.

Councillor Hussey expressed that many residents would not want to take the matter to court as laying a formal charge is excessive and would become part of a criminal record. He went on to say that other municipal units enforce noise by-laws and struggled with the opinion that the By-law would not be enforceable in West Hants as it is an ask to the RCMP.

Deputy Warden Morton voiced that he would bring the matter up at the next Police Advisory Board meeting on how to move forward with RCMP enforcement and would bring the information back to Council.

Councillor Francis expressed that she was wondering where the new Council would be after the consolidation as there would be more by-laws that will have to be reviewed, repealed and replaced. The CAO replied that, moving forward the process would be very similar as to that of the dissolution of Hantsport in that the by-laws for both entities will move forward and would be applied to the respective areas. He added that the decisions will be made by the new Regional Council.

Councillor Leopold stated that there was a note that any legal fees with the enforcement of the By-law would have to be covered by the Municipality.

Amendment Carried.

Councillors Leopold, Keith, Francis and Daniels voted nay.

Motion Carried as Amended.

8. Approval of the Regular Council Minutes of July 9, 2019

MOVED and SECONDED that the Regular Council Minutes of July 9, 2019 be approved as circulated noting any errors or omissions.

Motion Carried.

9. Business Arising from Minutes and any Related Correspondence

- a. Tabled Motion of Council June 11, 2019, "...that Council write a letter of support to the Province for the drilling to evaluate the natural gas develop in the Municipality through conventional well drilling methods."

Councillor Daniels asked if a decision on the tabled motion must be made immediately. The CAO noted that the motion was tabled until after the presentation of the Department of Energy and Mines. Councillor Zwicker suggested that the motion remain tabled for an additional month in order to digest the information from the presentation made at the beginning of the meeting.

10. Report of the Warden

Warden Zebian read his report. He went on to speak of the Hurricane Dorian event and commended the Public Works crews on the work and countless hours they spent during the storm and after to ensure that the roads were safe and that the utilities were not affected. He went on to thank the volunteer fire departments for ensuring that residents were safe, and roads were clear. He added that the volunteers go above and beyond and suggested that Council remember the work that the firefighters do beyond what is expected. He noted that it was brought to his attention that there was no generator at Brooklyn Fire Department Station 2 suggesting that Council consider that during budget deliberations.

The Warden thanked the CAO for visiting different communities to check on what was taking place as there was little to no communications during the event. He went on to thank the residents for their patience with deficiencies in communications during the event. He added that he had discussions with the CAO and the REMO Coordinator on how to better prepare for the next event adding that deficiencies were recognized.

Warden Zebian spoke on comfort centers noting the policies and procedures on opening them during an event. He added that there were many questions regarding the timelines of when they would be opened stating that he would ensure that better communication took place surrounding the comfort centers prior to the next event.

Councillor Keith questioned if the Brooklyn Fire Department Station 2 facility was designed to house a generator to which the Warden responded yes.

MOVED and SECONDED that the report of the Warden be received and placed on file. Motion Carried.

The CAO commended the Communications Coordinator for the work that she did during the storm stating that she came into the Municipal office all day Sunday and was consistently updating social media with information that was being sent to her. He went on to say that he monitored the communication of other municipal units throughout the storm and felt as though staff communicated as well as, if not more, to their residents than other units did.

The Warden stated that the comments he made were not reflective of the Communications Coordinator but of the plans to get information to residents outside of social media.

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

There were no reconsiderations or rescissions of resolutions.

12. Report(s) of the Committee(s) and Officer(s)
 - a. Committee of the Whole Excerpts
 - i. 08-27-2019 COTW

Burlington and District Activity Club Grant Request

MOVED and SECONDED that Council approve the Special Event Grant request for the Burlington & District Activity Club in the amount of \$750 to be taken from the Parks and Recreation Budget.

Motion Carried.

Public Works Replacement Service Truck – WHPW19-01

MOVED and SECONDED that Council award a contract to Pothier Motors Ltd. to supply one (1) new 1-Ton 4X4 Service Truck for a net cost of \$42,446.50 after trade-in, plus applicable taxes.

Motion Carried.

MOVED and SECONDED that Council declare the 2011 Chevrolet Colorado as surplus real property; and permit the trade-in to Pothier Motors Ltd. for the assessed value of \$4,500.00.

Motion Carried.

4th Amendment to the Council Procedural Policy

MOVED and SECONDED that Council approve the amendments to the Council Procedural Policy, COGE-003.00, as presented in the 4th Amendment to the Council Procedural Policy Recommendation Report to the Committee of the Whole on August 27, 2019.

Motion Carried.

Tax Exemption Policy 3rd Amendment

MOVED and SECONDED that Council approve the 3rd Amendment to the Tax Exemption Policy as presented to Committee of the Whole on August 27, 2019.

Motion Carried.

MOVED and SECONDED that Council approve the tax exemptions in 2019-20 fiscal year for property assessment account numbers 04682076, 04682068, 04684788, 10727731, 04684141 and 05429862 for a total of \$2,845.16 in property taxes.

Motion Carried.

MOVED and SECONDED that Council approve tax exemptions for property assessment account numbers 04682076, 04682068, 04684788, and 05429862 for the 2018-19 fiscal year for a total of \$2359.12 in property taxes to be written off.

Motion Carried.

MOVED and SECONDED that Council approve tax exemptions for property assessment account numbers 04682076, 04682068, 04684788, and 05429862 for the 2017-18 fiscal year for a total of \$2,658.75 in property taxes to be written off.

Motion Carried.

b. Report of Chief Administrative Officer

i. Sale of Pembroke Community Hall (Recommendation Report)

CAO Laycock reviewed the report noting that there had been two unsuccessful attempts to sell the property, the second time with no bids at all. The CAO went on to say that a recommendation was being made for no minimum bid in order to sell the property and obtain some of the market value.

MOVED and SECONDED that Council sell PID 45173754 by tender with no minimum bid required.

Councillor Daniels stated that she understood the reasoning behind having no minimum bid but suggested that at least 50% of the market value be placed as a minimum. The CAO responded that there is more than one party interested in purchasing the property and believed that the bids would come in at a value which would help to obtain some of the cost.

Councillor Monroe questioned what would prevent individuals from colluding on the purchase. The CAO replied nothing could prevent it.

Motion Carried.

ii. Breweries and Distilleries Land Use By-law Amendment
(Recommendation Report)

Municipal Planner, Saira Shah, reviewed the report.

MOVED and SECONDED that West Hants Council give First Reading and hold a Joint Public Hearing with the Town of Windsor to consider amending Sections 30 and 31 of the West Hants Land Use By-law to enable a variety of craft beverage businesses in the Windsor-West Hants Joint Industrial Park and amend Section 35 of the West Hants Land Use By-law by adding definitions for Brewery – Commercial, Distillery – Commercial, Microbrewery, Microdistillery, Winery – Commercial, and Winery, all in a manner substantially the same as Appendix A attached to the planning staff report dated September 10, 2019.

Councillor Monroe questioned if the motion would limit West Hants to which Planner Shah replied yes but would put West Hants in line with the regulations of the Nova Scotia Liquor Commission (NSLC). The Councillor questioned if there would be any businesses that would be affected and why the limits would be applied. The CAO responded that the intent of the motion was to bring West Hants in line with what was passed by the Town of Windsor.

The Planner added that there were differences in the policies due to processes not being complied with by the Town of Windsor adding that the policies must be the same in both municipal units regarding the Industrial Park. Councillor Monroe stated that she had an issue with the amendment as she did not want to see West Hants business limited suggesting that the amendment should be made by the Town of Windsor to comply with

West Hants documents. The Planner went on to say that the amendments should have been considered at a Joint Public Hearing which would have allowed both Councils to consider that amendments and make a decision. She noted that as that process was not followed the motion is coming to West Hants Council to make the amendments to West Hants documents. Councillor Monroe stated that she would not agree to make the amendments.

Councillor Daniels stated that she understood that the request was to make a smooth transition and suggested that the item could be forwarded to the new Regional Council. The CAO replied that the item is separate from the consolidation.

Planner Shah advised that when the planning policies were developed for both units regarding the Joint Industrial Park it was determined that what applies to one of the units would apply to the other. She stated that as Windsor had already made the changes the amendments would only apply to the Windsor portion of the park and not West Hants' portion.

Councillor Hussey suggested that the motion could go forward then request that the amendments that were made by the Town be changed at the Joint Public Hearing. The Planner replied that the suggestion would be a possibility adding that she would be speaking with the Windsor Planning Committee on September 11th.

Councillor Leopold asked for clarification asking if a step had been missed in the process. The Planner stated yes, that there should have been a discussion between the two municipal units prior to amendments being approved by the Town. The Councillor asked if the missed step could be inserted now and be figured out between the two units before involving the public.

The Director of Planning addressed Council advising that there is a clear requirement for a Joint Public Hearing on amendments adding that the Town of Windsor failed to hold one so West Hants is required to make amendments to align the documents.

The Director went on to respond to Councillor Monroe's comment stating that the amendments would not limit existing businesses as they have permits and the amendments would apply to future businesses with a small difference that is inline and enforced by the NSLC. Councillor Monroe asked for clarification that no existing business will be forced to downsize stating that the amendments would still limit new businesses. The CAO stated that there are currently no breweries in the Industrial Park.

Clerk Brown pointed out that the permits are given out by the NSLC so no business would have the ability to go over their limits.

Motion Carried.

iii. Sports Complex Fundraising Services (Information Report)

The CAO reviewed the report. The Municipality will be posting a part-time Event Coordinator position until March 31, 2020, adding that as an operational matter, the authority to move forward falls on the CAO. He stated that the cost would be absorbed into the current budget

through an unbudgeted refund from Kings Transit that was received. He noted that, factoring in the cost savings from staff over-time saved as a result of the hire, the actual realized cost is between \$5,000-\$8,500.

The Deputy Warden expressed frustration with not being aware of what is happening with the Sports Complex stating that Council need to be able to respond when residents ask about the facility. He stated that information needs to be put forth and excitement needs to be built. The CAO replied that the new position of the Event Coordinator would address some of the items he brought forth and that an update on the progress of the facility would be made available to Council which will be able to be used for communications to residents.

Councillor Leopold questioned how a failed Request for Proposal (RFP) could lead to the CAO hiring someone to fill the position for fundraising. The CAO replied that the motion was completed when the RFP process was completed, adding that as the RFP had not been successful, he made the decision to hire someone to fill the position. He stated that the decision was made to mitigate the impacts on staff.

Councillor Leopold voiced that as part of awarding the contract to Lindsay, many Councillors spoke of their commitment to keep the community informed during the construction asking if the company had followed through with involving the community. The Warden replied that he did not recall that being part of the proposal. Councillor Leopold suggested that the Lindsay proposal be reviewed to see if that was part of the proposal. She added that she agreed with the Deputy Warden and that it is time to share information about the Sports Complex.

The Councillor went on to speak of the decision of the CAO to hire an Event Coordinator stating that being familiar with what is required to fundraise in a small community she had concerns that the excellent supporter could be tapped out. She went on to speak of the timing of the fundraising as the build has already begun and questioned the incentive for people to get involved in fundraising at this time as the concessions for financing have already been made.

Councillor Leopold reiterated her lack of support for hiring someone to do the fundraising asking why the Municipality does not fundraise for everything that is done at the municipal level as it is revenue generation.

Councillor Daniels concurred with Councillor Leopold's comments stating that she understood that the direction given by Council was to hire a firm that would do robust corporate fundraising and sponsorship. She added that she shared the concern of the burden that the local fundraising would put on local businesses and supporters. The Councillor questioned who would do the oversight on the person hired and asked if they would be able to meet the goals of Council and have the same contacts as a larger firm. The CAO replied that he would be the one responsible for oversight on the employee, then he would report to Council. He reiterated that he had to make a decision on how to best move forward which would make best use of staff resources and support Council's wishes.

Councillor Monroe suggested that the funds that have been raised to date be painted on the hockey stick fundraising thermometer that is outside the office, adding that an empty stick does not put forth a positive statement.

Councillor Keith voiced that he did not feel as though anyone should have been hired but that the fundraising coordinator should have been someone who would work on commission so that they had more incentive to work hard or a company that would be able to go after the larger businesses for sponsorship.

The CAO stated that the role would support the Fundraising Committee in their fundraising efforts not to solicit for funds. He added that there was only one applicant for the RFP. Councillor Keith stated that one of the issues is that there is no excitement as Deputy Warden stated, adding that there should be focus on one item such as a name for the complex or a major sponsor.

Councillor Francis expressed, as Fundraising Chair, she had much to say. She noted that she helped with the Newport Rink and was very proud of the accomplishments made. The Councillor advised Council that because the fundraising is taking place for a municipality it is done differently than it is in "normal fundraising". She noted that staff are busy and have a lot on their plates but at some point, that has to stop being used as an excuse as there is a lot of money to be raised.

The Councillor went on to speak of an event that she had begun work on that is at a standstill and if she did not receive the okay from staff soon it would have to be shut down. She added that she would love to go door to door to get sponsors but was nervous to move forward as she was unclear on what she was able to do. She spoke of leads that went nowhere as the fundraising rules are different.

Councillor Francis stated that the hype is there in the community but until it is clear how to move forward. She expressed her frustration stating that there are community members that want to get involved, to volunteer and sponsor but until it is determined how to move forward, nothing will happen.

The Councillor agreed that offering a commission to the Event Coordinator may make the individual more driven but there are many groups that want to be involved beyond hockey fans. She added that she is not comfortable approaching sponsors and businesses until the procedures are worked out to ensure compliance. The Councillor expressed that she felt as though opportunities were being missed.

Deputy Warden Morton asked how Council could help to move forward reiterating that opportunities are being missed.

Councillor Monroe questioned what was standing in the way of the fundraising efforts and stating that the items that have failed have to be identified in order to be corrected. She went on to say that in her opinion someone in marketing would be more beneficial than an events planner. The Councillor added that there may have been missed opportunities with the ground-breaking event but there are others such as the first beam being put up that could be a kickoff.

Councillor Jannasch asked if it was authorization that was the issue with moving forward, asking if the person being hired could help to create the bridge that would be needed to allow for fundraisers to work more independently. The CAO stated that the issues are not as much authorization as it is CRA regulations. He added that the person hired would help to facilitate and fill the gaps so that the committee can focus on raising money.

Councillor Leopold asked what the CRA hurdles were. The CAO responded that there are reporting regulations that must be met, Provincial gaming regulations, auditing and procurement standards and items and tasks such as brochures and communications packages.

Councillor Leopold asked if this was a task that could have been completed by the project manager that was not hired could have done. The CAO stated that they are two different roles.

Deputy Warden Morton stated that the role should be filled immediately in order to move forward.

Councillor Keith suggested a municipal lotto. The CAO stated that it would be a great opportunity and a monumental task to start, stating that it should be considered in the future.

- c. Planning Advisory Committee
 - i. 07-18-2019 PAC/HAC Excerpts

Pioneer Drive

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the map of the West Hants Land Use By-law for PID 45279742 to the Rural Commercial (RC) Zone as shown on Figure 3 and the text of the West Hants Land Use By-law to ensure adequate fire protection can be provided for uses that involve flammable good in the Rural Commercial (RC) Zone, in a manner substantially the same as Appendix A, all as attached to the planning staff report dated July 18, 2019.

Motion Carried.

Cannabis in West Hants

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in West Hants, in a manner substantially the same as Appendix A attached to the planning staff report dated July 18, 2019.

Motion Carried.

Joint Industrial Park Cannabis

MOVED and SECONDED that West Hants Council give First Reading and hold a Joint Public Hearing with the Town of Windsor to consider amending the West Hants Municipal Planning Strategy and Land Use By-law to enable a variety of cannabis licenses in the Windsor-West Hants Joint Industrial Park, in a manner substantially the same as Appendix A attached to the planning staff report dated July 18, 2019.

Motion Carried.

Hantsport Fire Department Station

Councillor Daniels declared a conflict of interest.

MOVED and SECONDED that the RFP or tender for the Hantsport Fire Department Station include consideration for community space.

CAO suggested that discussion on the motion should take place at Committee of the Whole as there would be cost implications.

MOVED and SECONDED that the motion be recommended to Committee of the whole for discussion.

Motion Carried.

Councillor Daniels joined the meeting.

13. Correspondence

- a. 09-02-2019 Letter from Lachlan Riehl
- b. 09-10-2019 Letter from Darren Porter

MOVED and SECONDED to receive the letter from Darren Porter.

Motion Carried.

14. Miscellaneous/New Business

- a. Letter Regarding Aboideaux – Councillor Monroe

MOVED and SECONDED that a letter be sent to Nova Scotia Transportation and Infrastructure Renewal to express the following:

After further deliberation and education, it is the recommendation of West Hants Council that, while our responsibility is to the citizens of this Municipality, it is not the body responsible for the decisions being made by Nova Scotia Transportation and Infrastructure Renewal. We trust that your decisions concerning aboiteaux will be made to satisfy the needs of ALL stakeholders of this area. To this end, we are withdrawing our earlier support for the Falmouth Great Dyke Marsh Body's letter and the request that the Halfway River Aboiteau gates be tested. Instead, we implore you to ensure that ALL requirements for aboideaux are met by your actions. We expect that an appropriately acceptable solution will be found for both the Halfway River Aboiteau in Hantsport and the Windsor Causeway Aboiteau that will not negatively impact any of the stakeholders of this Municipality.

Councillor Daniels stated that, as the motion was not in the agenda package, she would like to have time to absorb the content in the motion prior to making a decision suggesting that the item be tabled to Committee of the Whole for discussion. She went on to say that she felt as though misinformation regarding the letter was in the public adding that there are several entities that are well heard and well represented. The Councillor stated that she saw nothing wrong with supporting the agricultural lands and recreational groups that have been sitting silent hoping that nothing detrimental will happen. Councillor Zwicker agreed stating that it is not pressing.

MOVED and SECONDED that the motion be tabled until September Committee of the Whole.

Motion Carried.

Councillor Monroe and Councillor Hussey voted nay.

b. Underwood Road Upgrades – Councillor Hussey

Councillor Hussey spoke of potential cost sharing grants for subdivision streets for 2020-2021 information that he received from the Director of Public Works which spoke of Underwood Road. The Councillor went on to say the program would require that the residents cover 50% of the upgrade costs. The Councillor stated that he did not agree that residents should be responsible and proposed that a recommendation be made to the Co-ordinating Committee to ask the Province to make upgrades to Underwood Road and to connect it to Cole Drive as part of the consolidation.

Warden Zebian and Councillor Francis declared a conflict of interest.

MOVED and SECONDED that Council ask the Co-ordinating Committee to consider proposing to the Province that they upgrade Underwood Road for turnover to the new municipal unit as well to connect it to Cole Drive as well as make other connections if possible.

The CAO advised that the motion would be better if it directed the CAO to write a letter to the Co-ordinating Committee as the Committee is a separate municipal entity and that is how Council generally communicates with other units.

MOVED and SECONDED to amend the motion to read that Council request that the CAO write a letter to the Co-ordinating asking the to consider proposing to the Province that they upgrade Underwood Road for turnover to the new municipal unit as well to connect it to Cole Drive as well as make other connections if possible.

Councillor Daniels asked for clarification that the motion was to ask the Province to consider the upgrades outside of the Street Improvement Grant; to which Councillor Hussey responded yes.

Amendment Carried.

Motion Carried as Amended.

Councillor Francis and Warden Zebian rejoined the meeting.

c. Regional Name Plebiscite – Councillor Keith

MOVED and SECONDED that Council instruct the CAO to write a letter to the Co-ordinating Committee for the Region of Windsor and West Hants Municipality requesting that that a plebiscite be held in conjunction with the municipal election on March 7, 2020 on the question of a name for the new Regional Municipality.

Councillor Monroe questioned if the naming of the new Regional Municipality was not the decision of the new Regional Council questioning why every decision has to go to a plebiscite, adding that it would only serve to create division in the communities. She asked what Council's thought process was that they were feeling as though they were unable to make decisions as a Council.

Councillor Keith stated that West Hants is over 330 years old. He expressed that he would like the residents to be heard and questioned why Councillor Monroe would state that she is tired of plebiscites as one had never taken place. The Councillor went on to say that he was simply asking that, in a democratic society, as Council was already going through the cost of having an election that the people have the opportunity to choose a name.

Councillor Hussey stated that he appreciated what Councillor Keith was saying but that it was stated in Bill 55 that it would be the decision of the new Regional Council. He added that the motion would have to be approved by Windsor Council as well adding that he did not feel as though they would like to move forward with the idea.

Councillor Monroe voiced that there were issues determining the district boundaries and expressed concerns on how this topic would be received.

Councillor Leopold stated that she did not feel as though there were issues in determining the boundaries only that the public were asked to be involved in the decision. The Councillor went on to say that efforts had been made by both municipal units to seek input from residents on the name of the new Regional Municipality questioning why efforts are being made to do that if it is the decision of the new council. She went on to question why Council are looking for any information at all at this point.

Councillor Daniels questioned why Council was making the name of the new unit a political issue when it should be a community issue. She went on to say that naming the new unit is a means to bring the communities together and get them involved and should not be a topic at election time. The Councillor went on to state that she felt as though staff had it well in hand and have engaged the community and have done a superior job and Council should allow the process to progress naturally.

Councillor Zwicker agreed with Councillor Daniels but suggested that the residents have an opportunity to have a say in the name through a plebiscite. He went on to say that the new Council can then do whatever they want with the information.

Councillor Keith expressed that the name can be changed from the Municipality of the District of West Hants to the Regional Municipality of West Hants. He asked where the name of West Hants fits in and questioned if Council was concerned.

The Councillor went on to say that it seems as though everything is taking place in Windsor and that West Hants residents were expected to drive to Windsor in order to vote or to take the survey. He added that the item has nothing to do with politics but to do with reaching out to residents in our communities such as Avondale and Brooklyn.

Councillor Leopold stated that it is a political issue as it is written in legislation and the decision is going to be made by politicians. She suggested that a plebiscite may be too formal suggesting that it be done by survey or ballot. The Municipal Clerk advised that for it to be done in conjunction with the election would be for it to be a plebiscite.

Warden Zebian stated that currently there have been 500 responses to the survey which include an option for a name for the new Regional Municipality. He went on to say that there could be an option of narrowing the names down to choices for the public to vote on adding that the new regional council would not be bound to choose the name that was chosen but it would provide them with options.

Motion Carried.

Councillors Monroe, Hussey, Daniels and Deputy Warden Morton voted nay.

15. In-camera

a. MGA 22(2)(e) – Contract Negotiations

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

The meeting moved in-camera at 10:49 p.m.

The meeting reconvened at 11:22 p.m.

16. Date of Next Meeting –October 8, 2019

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

17. Adjournment

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

The meeting adjourned at 11:24 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk