



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
October 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 (arrived at 7:40 p.m.)
	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
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer (CAO) (arrived at 7:35 p.m.)
	C. Rochon	Director of Finance
	M. LeMay	Director of Planning and Development (left at 10:10 p.m.)
	S. Shah	Municipal Planner
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	J. Daniels	Councillor District 7
Guests:	Dave Bannerman, MediaVoice Productions	

There were 23 members of the public in attendance.

3. Announcements

Deputy Warden Morton advised that the Council meeting is live streamed on Facebook and reviewed the standard fire evacuation procedures.

Councillor Francis spoke of the upcoming fundraiser for the Sports Complex, the Boot Stompin' & Hockey Shots Tour taking place on October 26th. She added that the event will have a game played with both former NHL and local players followed by a kitchen party with Aaron Pritchett, Kevin Davison & TJ King. The Councillor expressed that the Fundraising Committee is still seeking sponsors for the event adding those interested could get in contact with her.

Councillor Leopold announced that the Girl Guides are in the midst of their annual mint cookie campaign encouraging Council to support the campaign. She went on to thank Rob

Davies for organizing a very successful hockey gear drive that had between 600-700 pieces of equipment donated.

4. Approval of Agenda, including additions or deletions
MOVED and SECONDED that the agenda be approved.
Motion Carried.

6. Presentation (s)

a. Regional Election 2020 – Rhonda Brown

Deputy Warden Morton called on Municipal Clerk and Returning Officer of the upcoming election, Rhonda Brown to present.

The Municipal Clerk reviewed her presentation. She reviewed the key dates pointing out that Nomination Day is February 12th and Nomination Papers can be filled out five business days in advance with either her or the Assistant Returning Officer Shelleena Thornton.

The Clerk advised Council that the boundaries have been determined and will consist of eleven Councillors and a Mayor. She went on to review divisions and polling stations for the election noting that the poll locations have been tentatively booked.

The Municipal Clerk advised that information on the election will be available on the StrongerRegion.ca website for candidates, electors and those wishing to work the election following the Federal election. She informed Council that sessions were being planned for anyone interested in running for Council or Mayor of the new Regional Municipality.

The Clerk described the type of information that would be found in the candidate's package which would be posted online and made available to those interested in running. She closed her presentation reiterating that Nomination Day is February 12, 2020 and requested that anyone wishing to campaign before then to notify either her or the Assistant Returning Officer.

b. Arena Press Box – Dave Bannerman, MediaVoice Productions

Deputy Warden Morton welcomed Dave Bannerman from MediaVoice Productions to the meeting.

Mr. Bannerman thanked Council for the opportunity to speak. He stated that he had requested the presentation to speak to the importance of having a media box in the new arena after realizing that there were no plans to have one.

Mr. Bannerman gave his background to Council noting that he operates MediaVoice which is based out of Newport and listed some of the projects he had worked on including the Fast Pitch event that took place in St. Croix. He noted that the new sports complex needs to be able to provide exceptional experience for all stakeholders for at least the next 30 years and should be a connected building with internet, wifi, audio, video, lighting, and ability to have live streaming and live commentary.

Mr. Banner described the functions of a media box and showed pictures and a short video of the press box in Fort MacMurray. He spoke of the importance of the location of the box noting that, in the right location, it provides central control with clear sign lines to add effects and logistical services to enhance the experience for spectators, teams and tournament organizers.

Mr. Bannerman closed his presentation stating that a media box offers enhanced services to all clients and would be a smart investment for the long-term benefit and an opportunity to create substantial growth in the users of the new facility.

Councillor Keith thanked Mr. Bannerman for his presentation expressing that the new facility should have a media box for the reasons that Mr. Bannerman described expressing that the facility should be wired to the world.

Councillor Leopold thanked Mr. Bannerman adding that she could see many uses for the equipment such as live streaming for families who were unable to attend events, the technical components for figure skating events and video replay. She went on to say that having proper lighting would increase the available uses of the facility and could interest arts and cultural events.

The Councillor asked for the dimensions of the media box that was shown in the presentation. Mr. Banner replied that the box was 20X8 feet suggesting Council consider one that is 16X8 feet for the new Complex.

Councillor Leopold spoke of the November 15, 2018 meeting of the Sports Complex Design Committee noting that conversation had taken place that would have a media box included in the sports complex and asking if it was included in the current design. The CAO replied that he was unsure and would report back to Council. The Councillor voiced that she hoped it was included adding if motions of Council were required to ensure the community received the world class facility that they were told they would receive.

Warden Zebian questioned how the media use the press box and if they supplied their own equipment or if it would have to be supplied by the Municipality. Mr. Bannerman advised that all large networks have the same connectors, and many can simply arrive with their cameras in plug in to junctions located in their trucks.

The Warden voiced that he would find out more about the logistics of the equipment and the ability to have it in the arena at the upcoming meeting with the project engineer and bring the item to the upcoming Committee of the Whole for discussion.

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

7. Public Hearings
 - a. Pioneer Drive Land Use By-law Map and Text Amendment

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

The meeting moved to a Public Hearing at 8:11 p.m.
The meeting reconvened at 9:09 p.m.

MOVED and SECONDED that Council not give Second Reading to the amendments to 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 to Park 16 of the West Hants Land Use By-law, Rural Commercial (RC) Zone.

Councillor Leopold asked if there is an option to make the requested changes through development agreement as opposed to amending the Land Use By-law map. Planner Shah replied no.

Councillor Leopold asked about the covenants mentioned questioning who enforces them. The Planner replied that she had read the covenant for the property noting that it does not prevent the property owners from doing what they are requesting. The Councillor asked if the land association has the ability to or control to execute or address the concerns brought forth by the residents. The Planner stated that the Association would have the ability to put more covenants in place, but she did not believe they would have the ability to do anything further. Councillor Leopold asked who is responsible for road safety to which the Planner replied it would be the responsibility of the Association as it is a private road.

Councillor Leopold voiced that she would not be able to support the motion as it was read stating that there are regulations of other levels of government that come into play in regard to the septic, well, speed and driveway location. She went on to say that she understood all the concerns brought forth during the public hearing and reiterated the comments made by the Director of Planning and Development during the Public Hearing that there are additional measures and means to mitigate the issues that were brought forth. The Councillor stated that Council is bound by the criteria in the policies and the reasons brought forth do not fall under those policies.

Warden Zebian noted that if Council chose to not support the amendments, they must clearly state the reasons why.

Councillor Monroe questioned if it was possible to have the change done through a variance. The Planner replied that the options for adding new uses to existing zones is done through the Planning Advisory Committee and variances are done through the Development Officer noting that many of the concepts are currently permitted under the General Resource Zone that the property is in.

Councillor Monroe questioned how the property remained in General Resource and did not get rezoned to a Hamlet to allow for more protection. She expressed that she hoped that the covenants in place protected the residents from the development noting that there were no representatives in the audience aside from the developer in favour of the amendments.

Councillor Zwicker stated that he was in favour of the process adding that the area in question is cottage country housing some of the Municipality's highest taxpayers who receive the least amount of service adding that Council should listen to the residents.

Councillor Jannasch asked if the applicant had met all the requirements to which the Planner stated yes. He went on to ask what would happen if Council voted against the amendments. Planner Shah stated that the developer would have the ability to appeal the decision of Council with the Nova Scotia Utility and Review Board who base their decisions on the policies of the Municipality and whether the decision met the criteria.

Councillor Leopold spoke of a section of a West Hants By-law that allows for an association to collect additional charges suggesting that the issues brought forth regarding increased traffic could be addressed through that.

Councillor Francis stated that she did not have a compelling argument to not support the proposed amendment stating that she understood the emotion, but Council had to make the decision based on the existing criteria and policies. The Councillor asked if there is a campground at the end of road; the Planner replied yes.

Councillor Jannasch spoke of the amount of information brought forth stating that there were a number of important points made. The Councillor reiterated the point made by the Director of Planning and Development stating that the process has more than one step before proceeding and Council is currently dealing with step one. He expressed that many of the issues brought forward were environment related which are dealt with at the Provincial level adding that he hoped that the planning review that is underway would strengthen the protection of water in our region.

Councillor Monroe asked about concerns that were brought forth by the Fire Chief. Planner Shah stated that the Fire Chief suggested a second egress road out and a source of water supply, those requests were addressed.

Councillor Keith stated that he did not know enough about the development and would be making a site visit to learn more. He expressed that he would be voting in favour of the motion as it stood.

Motion Defeated.

Councillors Jannasch, Monroe, Leopold, Francis, Hussey, Daniels, Warden Zebian and Deputy Warden Morton voted nay.

MOVED and SECONDED that Council gives Second Reading to and approves the amendments to 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 to Part 16 of the West Hants Land Use By-law, Rural Commercial (RC) Zone to ensure adequate fire protection can be provided on lots that contain uses that involve flammable goods, in a manner substantially the same as appendix A, all as attached to the planning staff report dated October 8, 2019.

Councillor Francis asked if there was anyway to postpone the decision after the plan review. The Planner stated that there would be no way to address the change retroactively noting that once the zoning goes through and they apply for their permits.

Councillor Hussey asked if it would be possible to add the use to General Resource as opposed to rezoning the area. Planner Shah stated that it would be possible suggesting that Council hold another public hearing as opposed to making the changes now as it would be a substantial change in that 70-80% of West Hants is zoned General Resource.

Motion Carried.

Councillors Keith, Hussey and Zwicker voted nay.

- b. Cannabis in West Hants Land Use By-law and Municipal Planning Strategy Amendment

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

Motion Carried.

The meeting moved to a Public Hearing at 9:36 p.m.

The meeting reconvened at 9:44 p.m.

MOVED and SECONDED that Council gives Second Reading to and approves amendments to 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.

Councillor Monroe asked why micro cultivation can be done but not micro processing can be done in General Agriculture zones. Planner Shah replied that micro cultivating was added as an agricultural use whereas micro processing was added as a support use based on it being a processing practice as opposed to creating a product.

Motion Carried.

8. Approval of the Special Council Minutes of September 24, 2019

MOVED and SECONDED that the Special Council Minutes of September 24, 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 development in the Municipality through conventional well drilling methods."

MOVED and SECONDED that the motion of June 11, 2019, "... that Council write a letter of support to the Province for the drilling to evaluate the natural gas development in the Municipality through conventional well drilling methods" be placed back on the table.

Councillor Jannasch voiced that he had a number of issues with the letter of support noting that Council had not received anything in writing requesting support adding that it is important that Council understand a request in writing in order to understand who benefits.

The Councillor went on to say that there does not seem to be any need for a letter of support as the petroleum directorate present to Council in September stating that conventional oil and gas exploration had taken place across the Province with no positive results.

Councillor Jannasch stated that Council should be clear on what exactly is meant by conventional drilling methods before expressing support. He spoke of the presentation in September where the Director stated that reinjection of wastewater would have avoided all the issues that arose in Kennetcook.

The Councillor went on to say that he contacted the Director after the presentation to ask him specifically if the reinjection was a practice endorsed by the Department of Energy and he replied that yes. He stated that the Department of Environment does not endorse the practice making the point that with that much disagreement between departments, how can Council be sure what is or is not permitted. Councillor Jannasch stated that, for that reason, he would not support the motion.

Councillor Hussey stated that as it is not in Council's jurisdiction, he did not understand why Council would consider the request and would not support the motion.

Motion Defeated.

Councillors Jannasch, Monroe, Keith, Leopold, Francis, Hussey and Warden Zebian voted nay.

10. Report of the Warden

Warden Zebian read his report.

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. 09-24-2019 COTW

HMCC 2018-2019 Financial Statements

MOVED and SECONDED that Council accept the financial statements provided by HMCC and that any 2018-19 hold backs and eligible 2019-20 area rate payments be paid to HMCC for the purpose of providing the services defined in the 2019-20 budget.

Motion Carried.

2019 MFC Fall Debenture

MOVED and SECONDED that Council authorize the Warden and Municipal Clerk to sign the Resolution for Pre-Approval of Debenture Issuance, subject to interest rate confirmation not to

exceed 5.5%, to enable the Municipality of the District of West Hants to issue a 5-year debenture of \$93,771.84.
Motion Carried.

1st Amendment to COFN-003.00 Procurement and Tendering Policy

MOVED and SECONDED that Council approves the 1st Amendments to COFN-003.00 Procurement and Tendering Policy for the Municipality of the District of West Hants, as presented to Committee of the Whole on September 24, 2019.
Motion Carried.

Sports Complex Business Plan

MOVED and SECONDED that the Municipality does not proceed with an award of contract to develop a business plan for the West Hants Sports Complex.
Motion Carried.

MOVED and SECONDED that Council direct staff to prepare an information report to evaluate the financial model for the West Hants Sports Complex to assist Council in determining the governance and operational structure for the new facility.
Motion Carried.

Councillor Leopold voted nay, as she abstained from voting.

Hantsport Fire Station

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

Councillor Leopold stated that she would like to ensure that there is consideration given to repurposing the existing Hantsport Fire Department into a community space in the RFP and at that same time there is clarification regarding costing of the square footage in that space and that it include monthly operational expenses. The CAO stated that consideration of repurposing the Hantsport Fire Department would be outside of the scope of the RFP, but the other items could be addressed.

Councillor Monroe stated that she had similar concerns stating that she did not want to see an RFP coming back that included community space so that Council could not sever that portion out if the cost is too expensive. The CAO noted the Councillors concerns.

Motion Carried.

MOVED and SECONDED to direct staff to prepare an information report concerning repurposing the existing Hantsport fire station building for possible use as community space.

Motion Carried.

Aboiteau

MOVED and SECONDED that Council send a letter 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 the 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 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.
Motion Carried.**

Resignation as Alternate on the Co-ordinating Committee

MOVED and SECONDED that Council accept Councillor Daniels' resignation from the Co-ordinating Committee.

Councillor Leopold voiced that she would not be supporting the motion due to the issues surrounding timing adding that the resignation is ill timed.

Motion Carried.

Councillor Leopold voted nay.

MOVED and SECONDED that Council replace the alternate's position on the Co-ordinating Committee with a new member of Council.

Motion Carried.

Councillor Leopold voted nay.

Cell Communication Service

MOVED and SECONDED that Council send a letter to Canadian Radio-television and Telecommunications Commission (CRTC) expressing concern with the lack of reliable cell communication service experienced in the Municipality of the District of West Hants from the telecom companies in the first 24 hours of hurricane Dorian and stress the importance that these telecom companies strengthen their service to the people.

MOVED and SECONDED to insert "after reliable cell" "and land line".

Councillor Jannasch voiced that the land line service has been diminishing and the motion as it stood would undermine the importance of land line service.

Amendment Carried.

Motion Carried as amended.

Nominations took place for the Coordination Committee alternate.

Councillor Francis nominated Councillor Leopold. The Councillor declined the nomination.

Councillor Leopold nominated Councillor Jannasch who accepted the nomination.

The Warden announced that the next meeting of the Co-ordinating Committee takes place on October 28th.

- b. Planning Advisory Committee
 - i. 09-19-2019 PAC/HAC Excerpts

Hantsport Land Use By-law Amendments

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending Hantsport Land Use By-law by removing Section 4.5 and replacing it with the following section:

4.5 Amendment of By-law

An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribed by Council by policy.

Motion Carried.

West Hants Land Use By-law Amendments

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law by removing the existing heading and section 2.8 from the West Hants Land Use By-law and replacing it with the following:

Application Fees

2.8 An applicant for a development permit, a development agreement, an amendment to a development agreement, a discharge of a development agreement, an amendment to the Land Use By-law, a site plan, a variance, or a zoning confirmation shall pay the fees prescribe by Council by policy.

Motion Carried.

Hantsport Subdivision By-law Amendments

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the Hantsport Subdivision By-law by removing the existing Section 6.13 of the Hantsport Subdivision By-law and replacing it with the following section:

6.13 The subdivider shall pay:

- a) **The fees contained n the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and**
- b) **Any processing fees prescribed by Council by policy.**

Motion Carried.

West Hants Subdivision By-law Amendments

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Subdivision By-law by removing the existing Section 11 of the West Hants Subdivision By-law and replacing it with the following section:

11. The subdivider shall pay:

- a) **the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and**
- b) **any processing fees prescribed by Council by policy.**

Motion Carried.

Recreational Cabins: Hantsport LUB

MOVED and SECONDED that Council give First Reading and hold a Public Haring to consider amending the Hantsport Land Use By-law by replacing the present definition of dwelling unit with the following:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private

entrance from outside of the building or from a common hallway or stairway in side the building and excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

Motion Carried.

Recreational Cabins: West Hants LUB

MOVED and SECONDED that Council give First Reading and hold a Public Haring to consider amending the West Hants Land Use By-law by replacing the present definition of dwelling unit with the following:

Dwelling Unit means one or more habitable rooms designed or intended to be used by one or more individuals as a separate and independent housekeeping establishment in which separate kitchen and sanitary facilities are provided for exclusive use of the individual or individuals for year-round occupancy as a primary residence, with a private entrance from outside of the building or from a common hallway or stairway in side the building and excluding a recreational cabin as defined in the Nova Scotia Building Code Regulations.

Motion Carried.

Fees Building Code Act By-law

MOVED and SECONDED that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Building Code Act By-law by removing the existing Part 5, Permit Fees, and replace it with the following Part 5, Permit Fees:

Part 5, Permit Fees

5.1 An applicant for a building, occupancy or demolition permit shall pay the fees prescribed by Council from time to time by policy;

5.2 For the purposes of calculating permit fees, square footage shall be based on:

- a) For buildings intended for human occupancy, the gross floor area of the building; including the floor area of a basement; or**
- b) For buildings not intended for human occupancy, the gross floor area of the main floor.**

Councillor Leopold stated that she recalled the discussion and the words "from time to time" was supposed to be removed for consistency.

MOVED and SECONDED that the words "from time to time" be removed from the Section 5.1 amendment.

Amendment Carried.

Motion Carried as amended.

Application Process During Consolidation

MOVED and SECONDED that Council determine that:

- Any applicant for an amendment to planning documents, consideration of development agreements or amendments to development agreements received after October 25, 2019, for West Hants or Hantsport be advised that the process likely cannot be concluded by West Hants Council; and**
- The process will be followed to the conclusion of the Public Information Meeting and recommendation by the relevant Planning Advisory Committee; and**

- **The Planning Advisory Committee recommendation will be forwarded to the Regional Council for early consideration at First Reading and Public Hearing.**
Motion Carried.

MOVED and SECONDED that Council determine that if the Public Hearing for any Land Use By-law Amendment completed between October 25 and December 17 cannot be advertised within 120 days of the date of the application being completed, that staff notify the applicant and advise them of any staff and/or Planning Advisory Committee recommendation and the anticipated timeline.
Motion Carried.

- c. Other Committee Reports or Recommendations
 - i. 09-25-2019 Audit Committee Excerpts

MOVED and SECONDED that Council approve the Audited Consolidated Financial Statement at March 31, 2019 as presented to the Audit Committee.

Warden Zebian summarized the audit. The Director of Finance advised Council that the auditors commended the Municipality on the internal controls that are in place and the regular meeting of the Audit Committee.

Motion Carried.

- ii. Region 6 (Information Report) Rupert Jannasch

Councillor Jannasch spoke on the changes to the solid waste regulations stream including the plastic bag ban coming into affect in 2020. He went on to speak of the efficiency study on solid waste in Nova Scotia which stated that there are too many landfills in the Province noting that a reduction is most likely to occur. He voiced that it may create opportunities and risks with the central location of the Cogmagun landfill.

The Councillor spoke of the presentation from Good Wood, an organization that recycles plastics taken from blue bags into products such as boards and planks. He stated that it is 20% more expensive than wolmanized products but cheaper than products already being sold. He advised that there may be opportunity for the Municipality to use some of the products.

13. Correspondence

There was no correspondence

14. Miscellaneous/New Business

There was no miscellaneous items or new business.

15. 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 10:16 p.m.

The meeting reconvened at 10:21 p.m.

16. Date of Next Meeting –November 12, 2019

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

17. Adjournment

MOVED and SECONDED that the meeting be adjourned.

Motion Carried.

The meeting adjourned at 10:22 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk