



WEST HANTS
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Council Minutes
November 12, 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
	M. Laycock	Chief Administrative Officer (CAO)
	C. Rochon	Director of Finance
	M. LeMay	Director of Planning and Development (left 7:16 p.m.)
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	R. Zwicker	Councillor District 10

There were 3 members of the public in attendance.

3. Announcements

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

Councillor Leopold advised Council of the pancake breakfast with Mrs. Claus taking place at the Ardoise Hall on Sunday, November 17th. The Councillor went on to speak of the Remembrance Day event that took place at the Halifax Parade Square event where Savannah Patenaude, a grade eight student from Brooklyn, read "In Flanders Fields" and laid the wreath on behalf of the Youth Corp of Canada.

4. Approval of Agenda, including additions or deletions

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

6. Public Hearings

There were no public hearings.

7. Presentation(s)

There were no presentations.

8. Approval of the Council Minutes and Public Hearing Minutes (R-004 Second Amendment to the Repeal By-law) or September 10, 2019

MOVED and SECONDED that the Council Minutes and Public Hearing Minutes (R-004 Second Amendment to the Repeal By-law) of September 10, 2019 be approved as circulated noting any errors or omissions.

Motion Carried.

9. Business Arising from Minutes and any Related Correspondence

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

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. 10-22-2019 COTW

2019-2020 Snow and Ice Removal Contract

MOVED and SECONDED that the Municipality award contract WHPW19-04 to Windsor Landscaping for Snow and Ice Removal for the 2019/2020 season; as per tender pricing received by the Department of Public Works on September 26, 2019.

Motion Carried.

MOVED and SECONDED that Public Works reserves the right to omit snow and ice removal requirements on any local roads or portions of roads, where it is deemed that the road does not have immediate housing or business needs.

Motion Carried.

2019 Committee Representative Appointment

MOVED and SECONDED that Council extend the resident appointments of Richard Neily, Bernard Curry and David Porter to the Falmouth Watershed Committee until March 31, 2020.

Motion Carried.

MOVED and SECONDED that Council extend the resident appointment of Timberland Holdings 2010 Limited to the Davidson Lake Watershed Committee until March 31, 2020.

Motion Carried.

MOVED and SECONDED that Council extend the resident appointment of George Pineo to the Police Advisory Board until March 31, 2020.

Motion Carried.

**MOVED and SECONDED that Council extend the resident appointments of Harold Follett and Glenn Robinson to the Audit Committee until March 31, 2020.
Motion Carried.**

**MOVED and SECONDED that Council extend the resident appointments of Jane Davis, Donald Hussey, Greg Pace, Bill Preston and Philip Zamora to the Hantsport Area Advisory Committee until March 31, 2020.
Motion Carried.**

**MOVED and SECONDED that Council extend the Council appointments of Kathy Monroe and Randy Hussey to the Audit Committee until March 31, 2020.
Motion Carried.**

- b. Planning Advisory Committee
 - i. 10-17-2019 PAC/HAC Excerpts

Fees for Non-Profit Organizations and Municipally Registered Heritage Properties
**MOVED and SECONDED that the Fees Policy be amended to include material which would establish that West Hants pay all costs related the registration of a municipally registered heritage property.
Motion Carried.**

**MOVED and SECONDED that the Fees Policy be amended to include material which would establish that West Hants waives processing fees for all planning, development, building and heritage-related applications for municipally registered heritage properties.
Motion Carried.**

**MOVED and SECONDED that the Fees Policy be amended to include material which would establish that West Hants will waive processing fees for properties in West Hants owned by non-profit organizations which are registered under the Societies Act.
Motion Carried.**

Heritage Grant Application Amendment – 376 Falmouth Dyke Road
**MOVED and SECONDED that Council include as part of the maximum grant of \$5,000.00 approved by Council July 9, 2019, the replacement of the roof of the garage located at 376 Falmouth Dyke Road.
Motion Carried.**

13. Correspondence

- a. 10-01-2019 Letter from Office of the Ombudsman – 2018-19 Annual Report
- b. 10-09-2019 Letter from FCM – Partners for Climate Change Program
- c. 10-29-2019 Letter from CRTC – Telephone Service
- d. 10-20-2019 Hants Learning Network Letter of Support

Warden Zebian spoke of the Hants Learning Network's free tutoring program called "Learning Together" which is aimed to build a stronger base in literacy at the elementary and middle-school aged children level. He went on to say that the volunteer run program is

focused on breaking the cycle of poverty and creates a chance for the children to complete high school. The Warden stated that the Hants Learning Network is looking for a letter of support from the Municipality in order to secure funding from the Department of Communities, Culture and Heritage.

MOVED and SECONDED to direct staff to write a letter expressing its support of the Hants Learning Network securing funding from the Department of Communities, Culture and Heritage for the Learning Together program and the need for the program in our community.

Motion Carried.

14. Miscellaneous/New Business

- a. West Hants Sports Complex Opteon XP10 Refrigerant Information Report (Councillor Leopold)

Councillor Jannasch voiced that the information report raised a number of important questions the first of which was why a presentation was made to Council on a costly cooling system with an uncertain reputation when the decision to purchase the system had already been made. The CAO stated that he was planning on inviting the Project Engineer to have a more in-depth discussion on the Opteon XP10 Refrigerant at November Committee of the Whole.

The CAO went on to say that, based on the RFPs that were awarded in January on the energy model, the hiring of the rink expert and the project engineer passed by Council in March, along with an information report in February on IB Story's plans, the notion was to create a energy plan for the entire complex not just the rink. He went on to say that the focus was to reduce energy consumption by 40% which qualifies the Municipality to a rebate from Efficiency Nova Scotia.

CAO Laycock went on to say that the motion of Council on April 9th to award the RFP along with the previous motions and direction given, allowed staff to move forward within the \$14.6 million plus taxes and contingencies with the project.

Councillor Jannasch asked if Council will be expected to host similar presentations even though it does not appear that they have any say in whether the expenditures are made. The CAO replied that the presentations are meant to inform Council on the progress of the sports complex, what decisions have been made and what will be done moving forward adding that Council is welcome to provide feedback. He went on to say that the three-month delay in the project was a challenge to staff and reiterated that decisions have been made based on the RFPs that were awarded by Council in January and March.

Councillor Jannasch voiced that public perception is that Council has the authority to approve the expenditures, some of which are significant and some controversial, expressing that as a Councillor he feels foolish and awkward to say that Council did not have input on a half million dollar decision. He asked for clarification on who is involved in making decision such as the use of Opteon technology. The CAO reiterated that the motion of Council on

April 9th gave staff the authority to move forward with the project following the policies of the Municipality which Council could change if they wished.

CAO Laycock reiterated that IB Story was hired in March by Council and presented how he planned to move forward in a report presented to Council in February. He advised that a presentation was made to staff and the project engineer demonstrating both an ammonia system and the Opteon system which demonstrated that Opteon was the preferred method for the entire complex and met Council's requirements of a system that reduced energy consumption.

Councillor Jannasch voiced that it seemed as though the contingency fund was being used up at a great rate asking if the amount is open ended and how it would be handled if it was to go over budget. The CAO replied that his authority stops at 7% of the awarded price as approved by Council. He went on to say that anything above his authority would be required to come to Council for approval. CAO Laycock advised Council that he was preparing a presentation for Committee of the Whole to show where the funds are being spent including the acceleration costs.

MOVED and SECONDED that the CAO prepare a presentation to Committee of the Whole on the Sports Complex use of Opteon XP10 Refrigerant and the contingency fund uses. Motion Carried.

Councillor Monroe stated that she was bothered that decisions on expenditures that are well over the paygrade of any municipal employee could be made without Council's knowledge. She added that she felt as though Council was misled. The Warden interrupted the Councillor stating that staff and the project engineer are very professional, and he did not feel as though Council was misled.

The Councillor stated that she left the Opteon presentation with an impression that there were many sites that use Opteon but have found that the information was not true. She asked if there was any recourse at this time considering the new information. The CAO stated that the process could be stopped but would have serious ramifications including going over budget on the project. He added that if Council chose to move in a different direction it would create further delays.

The CAO voiced that he took issue with the comment that Council was misled noting that staff followed the policies and motions of Council and followed the expert's opinions on how to move forward. He added that he felt it was ironic on some level that staff were chastised for not having experts aiding in the construction of the complex then to hire experts and be chastised for following their opinions.

Councillor Monroe voiced that she would like to have a list of the facilities that are using Opteon. The CAO stated that he would have the information as part of his presentation he is preparing for Committee of the Whole.

Warden Zebian reiterated that staff have been very professional and followed Council's direction noting that the responsibility falls on Council.

Councillor Keith asked who performed the research on the use of the Opteon noting that there are no facilities in Atlantic Canada using it and asked who will provide service. The Warden replied that answers to the questions would be addressed at the presentation at Committee of the Whole.

Councillor Daniels asked that Councillors refrain from using "Council" when expressing their individual opinions as she did not share the same views and concerns that have been expressed. The Councillor went on to say that when she had questions about items that were brought forth, she took it upon herself to review minutes and packages of past meetings noting that many of the concerns that were being brought forward were addressed in previous meetings.

The Councillor expressed that she felt as though staff had gone above and beyond in fulfilling Council's requests and brought experts in and she did not feel as though Council should be questioning them.

Councillor Daniels went on to speak of the MCCAP Committee and the climate change mitigation strategies expressing that staff were able to exceed the 40% energy reduction request which is in line with the work being done by other municipal units on the forefront of climate change.

The Councillor reiterated that she did not wish to be grouped with those Councillors chastising staff or the experts dealing with the complex and commended staff on the work that they are doing. She expressed that she did not wish to see the project delayed any longer stating that there are many stakeholders anxiously awaiting the completion of the sports complex and delays can cause negative affects on the community.

b. West Hants Sports Complex Contingency Funding Expenditures Information Report (Councillor Leopold)

Warden Zebian noted that contingency funding expenditures will be addressed in the presentation being made by the CAO at November Committee of the Whole.

c. Council Voting System (aka Clicker System) (Councillor Leopold)

Councillor Leopold spoke of the voting system that is used in other municipal units including the Town of Kentville which provides transparency in voting at the Council table. She expressed that she sometimes found it difficult to ascertain what individual Councillors voted around the table and the device provides a means to address the issue.

The Councillor asked if there was a way in which consideration could be given to have the device prior to the consolidation date of April 1st. Warden Zebian replied that he would bring the suggestion to the Co-ordinating Committee and the new Regional CAO and report back to Council at November Committee of the Whole.

d. Sewer By-law (Warden Zebian)

Warden Zebian spoke of the recent consolidation of the water utilities noting that it was unfortunate that there were no members of the public in attendance at neither the First Reading that took place in February or the final approval and Public Hearing that took place in March.

The Warden brought forth the annual rebate portion of the Sewer By-law for customers using over 1000 cubic meters of water annually. He noted that increases in the bills have become a burden to businesses and suggested that consideration be given to changing the rebate from annually to quarterly.

MOVED and SECONDED that Council direct staff to prepare a report looking at options to amend the Sewerage Discharge By-law to reflect quarterly rebates instead of yearly rebates.

Councillor Monroe voiced that she had concerns about the timing stating that she did not feel as though businesses were aware that the rebate was an option or how they would qualify. The CAO replied that the Municipality advertised the change in the same manner done in the past for by-law changes, but a specific outreach did not take place outside of the Director of Public Works reaching out to some breweries.

Councillor Daniels asked if the change would create administrative burdens and questioned if the use could be gaged in the same manner. The CAO replied that there are not many businesses who qualify and did not see that it would cause a burden.

Councillor Leopold asked if the report would identify those going above the threshold of 1000 cubic meters asking if it would be necessary to differentiate between businesses and residents in the By-law. CAO Laycock responded that it is very unlikely that residents would meet the threshold adding that it has to be clearly demonstrated that the water being used is not going back into the sewer. The Councillor used the example of residents using their hoses to fill up their swimming pool who may meet the requirements of the rebate.

Councillor Hussey asked if it would be possible to add, for public information, the approximate costs and utility charges and the amount that is being brought in on the bills to ensure residents understand the costs. The Warden stated that he felt as though the two issues were separate and thought that Council could discuss it more at Committee of the Whole and ask for another report if necessary. He added that Council is responsible to the users and he wanted to ensure that the By-law is set up properly for the residents.

Motion Carried.

15. In-camera

a. MGA 22(2)(a) – Acquisition, Sale, Lease and Security of Municipal Property

MOVED and SECONDED that the meeting move in-camera.

Motion Carried.

The meeting moved in-camera at 7:51 p.m.

The meeting reconvened at 8:04 p.m.

MOVED and SECONDED that Council authorize the Chief Administrative Officer to initiate and undertake legal surveys, negotiations, and other such related

activities as may be required to enter into a land purchase agreement with Mr. William Caldwell to purchase a 2000 square foot portion of PID 45007218 for up to \$5000 plus applicable taxes and associated expenses with funds to come from the West Hants Water Utility Deprecation Reserve.

Motion Carried.

16. Date of Next Meeting –December 10, 2019
The next Regular Council meeting will be held December 10, 2019 at 7:00 p.m.

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

The meeting adjourned at 8:06 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk