

## TOWN COUNCIL MEETING MINUTES

Town of Windsor, NS – 100 King St.

January 24, 2017

7:00 – 8:45 pm

---

Present:	Laurie Murley	Vice-Chair, Deputy Mayor
	John Bregante	Councillor
	Jim Ivey	Councillor
	Shelley Bibby	Councillor
	Louis Coutinho	CAO
	Shelleena Thornton	Municipal Clerk
	Doug Armstrong	Director of Finance
	Scott Burgess	Fire Chief, Windsor Fire Dept (WFD)
	Todd Richard	Director of Public Works
Regrets:	Anna Allen	Mayor
Gallery:	Abraham Zebian	Warden Municipality of the District of West Hants
	1 Member(s) of the public	

- 1. CALL TO ORDER** – The meeting was called to order at 7:00pm.
- 2. COMMUNITY ANNOUNCEMENTS / ACKNOWLEDGEMENTS** - None
- 3. APPROVAL OF MINUTES** – December 20, 2016 Town Council Minutes and January 11, 2017 Public Engagement Meeting Minutes

**MOVED BY BREGANTE/BIBBY THAT THE DECEMBER 20, 2016 TOWN COUNCIL MEETING MINUTES AND JANUARY 11, 2017 PUBLIC ENGAGEMENT MEETING MINUTES BE APPROVED AS CIRCULATED. MOTION CARRIED**
- 4. APPROVAL OF ORDER OF BUSINESS**
  - Item 12(a) – Add E-mail Correspondence from Rob Lindsay (Jan. 24, 2017) (Ivey)
  - Item 12(b) – Add Engage NS (Bibby)
  - Item 12(c) – Add Public Engagement (Ivey)
  - Item 13(a) – Add In-camera legal matter (CAO)

**MOVED BY BREGANTE/IVEY TO APPROVE THE AGENDA AS AMENDED. MOTION CARRIED**
- 5. PUBLIC HEARING** - None
- 6. DELEGATIONS / PRESENTATIONS** (presentation started at pm).

(a) **Barry Gander and Terry Dalton, i-Valley Plan** – Due to weather, this presentation has been re-scheduled for the Feb. 14<sup>th</sup> Committee of the Whole meeting.
- 7. BUSINESS ARISING FROM THE MINUTES**

(a) **Municipal Government Act (MGA) Review Update** – CAO Coutinho advised nothing to report at this time.
- 8. MOTIONS OF RECONSIDERATION / RESCISSION** – None
- 9. CONSIDERATION OF DEFERRED BUSINESS** – None

## 10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER - None

10.2 COMMITTEES OF COUNCIL

(a) AUDIT COMMITTEE – None

(b) COMMITTEE OF THE WHOLE

(i) King Street Traffic Flow and Potential Traffic Island

MOVED BY BREGANTE/BIBBY THAT FUNDING TO CONSTRUCT A TRAFFIC ISLAND AT THE FOOT OF KING STREET AND O'BRIEN STREET BE CONSIDERED DURING BUDGET DELIBERATIONS. MOTION CARRIED

(ii) Video Surveillance Policy Proposal

MOVED BY BREGANTE/IVEY THAT THE DRAFT MUNICIPAL SURVEILLANCE POLICY BE APPROVED FOLLOWING REVIEW BY LEGAL COUNSEL. MOTION CARRIED

(iii) Assistant Building Official Appointment, Scott Burgess

MOVED BY BREGANTE/BIBBY THAT SCOTT BURGESS BE APPOINTED AS THE TOWN OF WINDSOR'S "ASSISTANT BUILDING OFFICIAL" AS PART OF HIS LEARNING AND DEVELOPMENT TOWARDS EVENTUAL QUALIFICATION AND CERTIFICATION AS A BUILDING OFFICIAL. MOTION CARRIED

(iv) Assistant Development Officer

MOVED BY BREGANTE/IVEY THAT JANET REDDEN BE APPOINTED AS ASSISTANT DEVELOPMENT OFFICER FOR THE TOWN OF WINDSOR. MOTION CARRIED

(v) Citizen-Member Committee Appointments (Police Advisory Board, Planning/Heritage Advisory Committee, and Dykeland Lodge Board)

MOVED BY BREGANTE/BIBBY THAT:

MR. KEN SWAN BE RE-APPOINTED TO THE POLICE ADVISORY BOARD FOR THE TERM APRIL 1, 2017 – MARCH 31, 2019;

MR. DAN BOYD BE RE-APPOINTED TO DYKELAND LODGE BOARD FOR THE TERM FEBRUARY 1, 2017 – JANUARY 31, 2020; AND

MS. JOANNA GOULD-THORPE BE APPOINTED TO THE PLANNING/HERITAGE ADVISORY COMMITTEE FOR THE TERM FEBRUARY 1, 2017 – JANUARY 31, 2019. MOTION CARRIED

(vi) Jewish Legion Commemoration / Old Pool Site

MOVED BY BREGANTE/IVEY THAT STAFF PROVIDE COUNCIL WITH A REPORT ON THE OLD POOL SITE LANDS AND POTENTIAL IMPLICATIONS WITH RESPECT TO THE PROJECT. MOTION CARRIED

(c) STRATEGY & POLICY COMMITTEE – None

**(d) PLANNING ADVISORY COMMITTEE (PAC) / HERITAGE ADVISORY COMMITTEE (HAC)**

**(i) First Reading – Urban Agriculture: Laying Hens and Beekeeping**

Brief discussion was held with respect to a pot-belly pig being at residence. It was noted it was a pet. People wrote in via e-mail and Facebook about this matter and 26 were in-favour and 5 against. Some were concerned this would attract rats; however, it was noted that rodents are typically attracted to the feed; therefore, the feed is to be secured. There was also question raised to whether a property/lot had to be a particular size, and it was noted the staff report identifies that.

**MOVED BY BREGANTE/BIBBY THAT FIRST READING BE GIVEN AND TO PROCEED TO PUBLIC HEARING TO AMEND THE LAND USE BY-LAW (LUB), AS ATTACHED, TO ALLOW LAYING HENS AND BEEKEEPING ON RESIDENTIAL PROPERTIES IN THE TOWN OF WINDSOR. MOTION CARRIED**

**(ii) Windsor Waterfront Redevelopment Memorandum of Understanding (MOU) with Parsons Green Developments Ltd**

The following revision is to be made to the MOU. Section 2(a) – remove the word “*cause*” and replace with “...work together toward” so that it reads “...the intent of Windsor and PGD is to “work together toward” the successful development of...”

**MOVED BY BREGANTE/IVEY THAT COUNCIL EXECUTE THE MEMORANDUM OF UNDERSTANDING (WITH THE ABOVE AMENDMENT) BETWEEN THE TOWN OF WINDSOR AND PARSONS GREEN DEVELOPMENTS LTD. MOTION CARRIED**

**(e) POLICE ADVISORY BOARD – None**

**(f) JOINT COUNCIL – From the Jan. 12, 2017 Joint Council meeting.**

**(i) Joint Council Terms of Reference**

**MOVED BY BREGANTE/IVEY THAT THE ATTACHED JOINT COUNCIL MEETINGS TERMS OF REFERENCE BE ACCEPTED. MOTION CARRIED**

**(ii) Birthplace of Hockey Arena Project**

Discussion was held and it was noted that the motion is “in-principle.” Councillor Ivey said he doesn’t want this motion to lock Windsor council in, as there are some matters that require further discussion once information is made available (i.e. when the previous council made the motion to provide \$1 million in funding, it was to come from gas-tax funds; however, it has since been made aware that, that is not an option. So where would the \$1 million come from? Another is, ownership of the facility. As well as other items requiring discussion).

CAO Coutinho said he has been in discussion with West Hants’ CAO, Cathie Osborne and staff. They will all be meeting Thursday, Jan. 26<sup>th</sup> to go into detail on some financials. There is also a proposal that is being drawn up (from a few models that are functioning well elsewhere in the Province). As per the recommendation from joint council, staff is working on it. To-date, the Long Pond Society has been careful to not disclose financials until it is in the right place and forum so as to protect all interests. It’ll be disclosed appropriately. Councillor Ivey said that by keeping things so protected, people don’t feel they have been kept informed. He would like to see the financials and ownership so council can have an informed discussion/debate before anything is definitive.

CAO Coutinho reiterated it is being worked on as per the joint council recommendation and will be brought back to each individual council (Windsor and West Hants) as the motion indicates.

**MOVED BY BREGANTE/BIBBY THAT THE TOWN OF WINDSOR AGREES IN PRINCIPLE TO 50/50 JOINT OWNERSHIP OF THE BIRTHPLACE OF HOCKEY ARENA AND STAFF IS INSTRUCTED TO CARRY-OUT AN ANALYSIS ON THE FINANCIALS AND BEST GOVERNANCE MODEL AND BRING IT BACK TO COUNCIL. MOTION CARRIED**

(g) **WATERFRONT DEVELOPMENT COMMITTEE** – None

(h) **WINDSOR BUSINESS ENHANCEMENT SOCIETY (WBES)** – None

(i) **REMO** – None

(j) **WATERSHED ADVISORY COMMITTEE** – None

**10.3 Members of Council** – None

## **11. CORRESPONDENCE, PETITIONS & CALENDAR REVIEW**

### **(a) CORRESPONDENCE (INFORMATION ONLY)**

(i) **From Monica Ross Re. Dr. Garth Vaughan Memorial Bursary** – A thank-you letter for being the 2016 bursary recipient.

(ii) **From Dept. of Municipal Affairs, Minister Zach Churchill (Jan. 6, 2017) Re. Funding related to structural change** – Correspondence advising that the Dept. of Municipal Affairs will consider funding studies directly relating to structural change only if it is for a mutually agreed upon process between municipalities.

**MOVED BY BREGANTE/IVEY THAT ALL CORRESPONDENCE BE RECEIVED AND KEPT ON FILE. MOTION CARRIED**

### **(b) CORRESPONDENCE (REQUESTS ONLY)**

(i) **From Epilepsy Canada (Jan. 9, 2017)** – Asking council to show support to those living with epilepsy by wearing purple ribbons during a council meeting in support of *Purple Day* (which is March 26, 2017).

**MOVE BY BREGANTE/IVEY THAT THIS CORRESPONDENCE BE RECEIVED AND KEPT ON FILE. MOTION CARRIED**

**MOVED BY BIBBY/IVEY THAT COUNCIL WEAR PURPLE RIBBONS DURING A MEETING IN MARCH IN SUPPORT OF PURPLE DAY 2017. MOTION CARRIED**

(c) **PETITIONS** – None

(d) **MEETING CALENDAR REVIEW** – The February 2017 meeting calendar was reviewed. A UNSM regional meeting is tentatively scheduled for Feb. 23<sup>rd</sup>, the same date as the joint council meeting. It was suggested, if the UNSM regional meeting proceeds, joint council be scheduled to March 2<sup>nd</sup>. Clerk Thornton will send an email to West Hants asking if that is possible.

## **12. ADDED ITEMS**

(a) **Rob Lindsay Email Correspondence** – Councillor Ivey said council received correspondence dated, Jan. 24, 2017 re. an on-line survey Mr. Lindsay conducted pertaining to a new arena and its location (the survey

was not solicited by the Town, but rather done by a community member). This was an avenue to engage the public. In 2014 a public consultation session was held at King's-Edgehill school re. a proposed new facility; however, it was a snowy/stormy night. Councillor Ivey said council should be cognizant of the research done by Mr. Rob Lindsay as part of the public engagement process (even though the survey was only available to those on-line and therefore not necessarily all-inclusive, it was a public engagement step that should be recognized).

Deputy Mayor Murley said it is great that people take an interest in their community. The survey isn't necessarily conclusive as it did raise other questions and the survey asked questions that did not necessarily provide everyone with all the information to perhaps provide an informed answer.

Councillor Bibby understands the concerns re. structure, finances, and accurate portrayal of information. This being said, Windsor is the *Birthplace of Hockey* and she's concerned of the affects it will have on our community if this project does not move forward. Councillor Bregante agreed and said everyone is concerned over finances because everyone knows that College Road will also have to be upgraded (which would likely have to be done anyway if the housing project moves forward). Everyone is cognizant of how tax-payers' money gets spent, however, the economic impact of this project moving forward is better than the \$1 million to be invested. Councillor Bregante said he has always supported the proposed project and continues to do so.

Councillor Ivey provided a point of clarity saying he feels the ownership aspect is more important than the \$1 million investment, but just that all should be discussed.

CAO Coutinho said College Road residents have been asking for improvements for years, even prior to this project proposal; therefore, should not be tied to this project. He noted that the proposed housing development will also have an impact and Housing NS has done traffic impact studies related to their project. There are a number of things that will have to be looked at.

With respect to the new proposed arena facility and location, the business case has been made. The Premiere through the MLA has indicated it is site-specific due to its tie-in of Provincial monies related to the heritage component. At the end of the day, tomorrow could see another proposal from someone else, and/or another after that. Over the past few years, there have never been any other business cases proposed and this one is now to the point of moving forward as provincial/federal requests get met. He would hate to see another project in Windsor fall through the cracks because people can't agree.

**MOVED BY IVEY/ BREGANTE THAT THE CORRESPONDENCE FROM MR. LINDSAY  
BE RECEIVED AND KEPT ON FILE. MOTION CARRIED**

CAO Coutinho added, with respect to the joint council motion, staff is working on it as the motion indicates. Drafts should be available for Windsor's February 14<sup>th</sup> Committee of the Whole meeting. Deputy Mayor Murley asked how citizens would be updated and made aware of its stages. CAO Coutinho said all meetings are open to the public and they are welcome to attend (agendas are posted). Council asked that information also be posted on-line (website, Twitter and Facebook), as well as notices in the newspaper. Councillor Ivey said the public should be engaged as much as possible, no matter whether they agree or disagree; there's value in engaging them and them being a part of the process. It'll help get the community working together as well.

CAO Coutinho apologized for sounding defensive and ensured council the Town will communicate it to the public.

- (b) Engage NS** – Councillor Bibby said the Town's communication in the past has been less than perfect; however, the Town cannot change the way things have been communicated before. Council sessions may be public; however, many cannot attend, nor understand the procedures, etc. The Town has to do a better way of communicating. Engage NS is a not-for-profit organization that works with communities to engage

citizens. Council members agreed to discuss this further at February's Strategy & Policy Committee meeting.

**(c) Public Engagement** – Councillor Ivey said he wanted this added to the agenda for similar reasons raised by Councillor Bibby. Citizens are not necessarily familiar with the procedures of council. Even if people come here, people aren't sure if they can speak up. CAO Coutinho said people would typically let the Clerk know if they wanted to be added to an agenda. Further discussion was held on procedures and engagement and it was agreed that perhaps at the start of a meeting, the Chair could ask those in attendance if they wished to speak on a matter already on the agenda or on another matter. Council agreed.

**(d) Misc** – Deputy Mayor Murley acknowledged that both West Hants Warden, Abraham Zebian and Mr. Rob Lindsay were present. She asked if they had anything to add to this meeting. Warden Zebian said he had the opportunity to attend this meeting and he thought it ran very smooth; he was impressed. He looks forward to both municipal units working together.

Mr. Lindsay said with respect to the letter he wrote to council and the survey he put out to the community, he just wants to ensure transparency and seek public input on the new hockey arena matter. He understands the survey only reached those on-line so isn't conclusive; however, still valuable information. The survey was intended to be objective and short (as most people only participate in a survey if it is short). He is also aware it may not have addressed all questions; however, it was a starting place and he wants everyone to be open-minded to locations/alternatives.

**13. IN-CAMERA** – Legal Matter (Only members of Council and CAO Coutinho remained for the in-camera session).

**MOVED BY BREGANTE/BIBBY THAT AT 7:54PM, THE MEETING MOVE IN-CAMERA TO DISCUSS A LEGAL MATTER. MOTION CARRIED**

**MOVED BY BREGANTE/IVEY THAT AT 8:45PM, THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED**

**14. NOTICES OF MOTION** – None

**15. ADJOURNMENT**

**MOVED BY BREGANTE/BIBBY THAT AT 8:45PM, WITH NO FURTHER MATTERS TO DISCUSS, THE MEETING BE ADJOURNED. MOTION CARRIED**

---

MUNICIPAL CLERK

---

CHAIR

## PROPOSED AMENDMENTS TO LAND USE BY-LAW

The following amendments are proposed to enable Urban Agricultural Uses in the Town of Windsor:

1. Amend Section 2.5 of the Land Use By-law by adding clause (e), as shown in **RED** below:

### **No Development Permit Required**

2.5 Notwithstanding Section 2.4 and except where required by the Town of Windsor Architectural Design Manual, no development permit shall be required for:

- (a) a development that involves the interior or exterior renovation of a building that will not change the footprint of the building or increase its volume and/or floor area, will not add more dwelling units, or will not involve a change in use of the building;
- (b) certain types of signs as specified in Section 7.5;
- (c) a temporary use as specified in Sections 5.36 and 15.3; or
- (d) fences less than 6 ft (1.83 m) in height in non-residential zones.
- (e) Urban Agricultural uses as specified in Section 5.44**

2. Amend Section 5.0 'General Provisions for All Zones' by adding subsection 5.44, as included here:

### **Urban Agricultural Uses**

5.44

(a) In all Residential zones and the Town Centre zone, up to four (4) chicken laying hens shall be permitted on a property where the primary use is a single detached or 2-unit dwelling. For lots smaller than 465m<sup>2</sup> (5000ft<sup>2</sup>), 1 chicken laying hen shall be permitted per 92 m<sup>2</sup> (1000ft<sup>2</sup>) of lot area. The following regulations are application to the keeping of chickens:

(i) Chicken laying hens must be contained on the property and kept in a secure coop, constructed to ensure adequate shelter is provided for the animals.

(ii) Setbacks for any structure (laying hen coop or run) shall be pursuant to the accessory building requirements outlined in Section 5.1.

(iii) Feed for the laying hens shall be properly stored in an enclosed vessel(s), and areas or enclosures intended for the keeping of the laying hens must be properly cleaned and maintained to prevent odours from emanating onto abutting properties.

(iv) The keeping of roosters and/or the slaughtering of animals is prohibited.

(v) In the case of fractional numbers when calculating animal units, the number of animal units permitted will be rounded down to the nearest whole number.

(b) Beekeeping is permitted on properties zoned Residential or Town Centre where the property is at least 465m<sup>2</sup> (5000ft<sup>2</sup>) in lot area and the primary use of the property is a single detached or 2-unit dwelling. 1 beehive/2000ft<sup>2</sup> of lot area may be permitted. It shall be the responsibility of beekeepers to:

(i) Obtain a valid Beekeeper & Apiary Registration from the Nova Scotia Department of Agriculture, and conform to all policies pursuant to the Nova Scotia Bee Industry Act.

(ii) Adhere to good management practices and maintain bees in a condition that will reasonably prevent swarming and aggressive behaviour, especially in providing adequate water to prevent bees from seeking water on abutting properties.

(iii) Requeen bees when necessary to prevent undue swarming or aggressive behavior.

(iv) Collect and relocate bee swarms originating from a managed hive to a parcel of land outside of the Town.

(v) Ensure the appropriate height of bee flight paths by situating beehives a minimum of 2.15m (7 ft) above grade; or placing a solid fence that is 2m (6ft) in height along any section of abutting property line(s), within 9m (29.5 ft) of any bee hive.

(vi) Beehive entrances are situated away from neighbouring properties, and the beehives are a minimum of 3m (10ft) from any and all abutting property lines.

3. Amend Section 31 - Definitions to add a definition of Urban Agricultural Uses and also amend other existing definitions, as shown in RED to provide clarity, as follows:

**Urban Agricultural Use** means the keeping of chickens (laying hens) and beekeeping on a residential property, subject to Section 5.44 of this by-law.

**Agricultural Use** means the use of land, buildings or structures for raising crops, livestock or fowl for gain or reward. **This definition does not apply to an 'urban agricultural use' as defined herein.**

**Livestock Operation, Non-intensive** means an agricultural use consisting of not more than 19 animal units. Combinations of different types of livestock are allowed provided the maximum number of animal units is not exceeded. **This definition does not apply to an 'urban agricultural use' as defined herein.**



## Municipality of the District of West Hants & Town of Windsor Joint Council Meetings Terms of Reference



### 1. Official Name

Joint Council Meetings with Windsor-West Hants

### 2. Members/Composition

Membership of the group will entail all members of both municipal councils including the CAOs and / or Members of Senior Staff. Meeting chair will alternate between the Mayor and Warden based on hosting municipality.

### 3. Goals

The purpose of Joint Council meetings is to meet to discuss areas of broad interest to our respective communities and to the larger region. This group is established through joint agreement by both municipalities at the request of the Mayor of Windsor and the Warden of West Hants.

### 4. Deliverables

The meeting group will aim to improve neighbourly relations through good communications and respect for each other's views or principles, with a desire to arriving at a resolution, open dialogue or referral to staff (CAOs) for a recommendation.

### 5. Jurisdiction

While the Joint Council will pass resolutions of community interest, it is recognized that each Council will need to validate these resolutions or agreements at their formal council meetings, particularly if there are any budget implications.

### 6. Resources/Budget

Meetings will generally be scheduled every two months on the last Thursday evening of the month beginning February 2017. However, the first meeting of the Joint Council will occur on January 12<sup>th</sup>, 2017 hosted at the Municipality of West Hants Sanford Council Chambers.

The meetings will be hosted between two alternating locations at Windsor and West Hants Council Chambers. The host municipality for the month will organize and chair the meetings.

Minutes of the meeting will be generated by the host municipality and distributed no later than two weeks after the meeting date.

Topics for the agenda will be determined by the CAOs with input from their respective councils whenever possible.

The agendas for the meeting will be circulated on the Friday prior to the Thursday meeting date and be posted on each website by the Monday prior to the meeting.

The meetings will be open to all members of the public should they wish to attend.

## **7. Governance**

The Councils will agree to move resolutions forward based on the voting balance. Thus, there are 5 Windsor and 10 West Hants councillors. For acceptance to move any item forward, a minimum of 3 Windsor Councillors and 6 West Hants councillors must move a resolution forward. If any one unit is underrepresented in this vote, it will not proceed. Thus, a minimum of 9 out of 15 must vote in favour to move such forward, with the above minimum representation from each.

However, nothing in this process limits respective Councils from bringing an item forward as a topic of discussion with their Council, in keeping with item (8) below.

The Joint Council will review the Terms of Reference annually, at the first meeting of the calendar year, to assess its effectiveness and how the content or meeting agendas can be improved upon.

## **8. Communications**

Discussion of items of agreement made by the Joint Council with the Press or in a public forum will normally be carried out by the Mayor or Warden. Joint Council agrees to jointly send out public releases.

## **9. Related Policies, Procedures and Legislation**

Municipal Government Act

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_(month), \_\_\_\_\_(year).

\_\_\_\_\_  
R. N. Brown  
Municipal Clerk

I, Shelleena Thornton, Municipal Clerk of the Town of Windsor, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Town of Windsor at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_(month), \_\_\_\_\_(year).

\_\_\_\_\_  
S. Thornton  
Municipal Clerk

<i>Adoption</i>	
Notice given by Joint Council:	January 12, 2017
West Hants Council Approval:	
Windsor Council Approval:	
Description: Initial adoption of the Terms of Reference for Joint Council. In the Municipality of the District of West Hants these shall be identified as COGE-002.04.	