

Town of Windsor Council Meeting Minutes **AMENDED April 11, 2017**
March 28, 2017 – 7:13 – 9:35pm (Immediately followed the 7pm Public Hearing)
Council Chambers, 100 King St, Windsor, NS



Attendance:

Anna Allen	Mayor, Chair
Laurie Murley	Deputy Mayor
John Bregante	Councillor
Shelley Bibby	Councillor
Jim Ivey	Councillor
Louis Coutinho	CAO
Shelleena Thornton	Municipal Clerk
VanEssa Roberts	Director of Community Development, Tourism & Recreation
Todd Richard	Director of Public Works
Doug Armstrong	Director of Finance
Scott Burgess	Fire Chief, WFD
Colin Simic	Planner
Public: 11	Citizen Members
Colin Chisholm	Reporter, Valley Journal Advertiser

1. CALL TO ORDER - Mayor Allen called the meeting to order at 7:13pm.

2. ANNOUNCEMENTS / ACKNOWLEDGEMENTS – Councillor Bregante advised that NS Works Executive Director Katherine McKee is leaving April 7, 2017. Phil Long will be taking the position.

3. APPROVAL OF MINUTES – February 28, 2017 Town Council Meeting Minutes and March 16, 2017 Special Town Council Meeting Minutes.

MOVED BY MURLEY/BREGANTE THAT THE MINUTES OF FEBRUARY 28, 2017 AND MARCH 16, 2017 BE APPROVED AS CIRCULATED. MOTION CARRIED

4. APPROVAL OF ORDER OF BUSINESS & AGENDA (Additions/deletions if any)

Item 12(a) – Add Rotary Gala

Item 12(b) – Add Hockey Heritage Society Correspondence of March 24, 2017

Item 13(a) – Add Personnel Matter (In-camera)

MOVED BY BREGANTE/IVEY THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

5. PUBLIC HEARING – Planning matter held prior to this meeting and will be addressed under 10.2(d)(i).

6. DELEGATIONS / PRESENTATIONS – None

Mayor Allen acknowledged public in the gallery and indicated if they were here to speak on a matter on the agenda, they would have the opportunity to do so when the matter came up for discussion. If they had a separate matter, they could mention it toward the end of the meeting.

7. BUSINESS ARISING FROM PREVIOUS MINUTES

(a) **Municipal Government Act (MGA) Review Update (if any)** – Nothing to report at this time.

(b) **Dangerous or Unsightly Premises Update**

(i) **King Street Property - Order to Demolish Recommendation Report** (Mar. 14, 2017 COTW) - CAO Coutinho provided an overview of the matter noting a special meeting of council will be held on April 4, 2017 to hear from the property owner.

(ii) **Victoria Street property, O'Brien Street property and Paddy's Pub property – Verbal Information Updates** (Mar. 14, 2017 COTW) – Victoria Street – CAO Coutinho said he has draft order for demolition to go out on this property if council decides to move on it.

Paddy's Pub (Cole Drive) – CAO Coutinho advised there was no update at this time and he will continue to look into it.

Stephens & Yeaton Property (Water Street) – the redemption timelines are up and the new owners can now act on the property to address matters. Staff will send the owners a notice with respect to being a Dangerous or Unsightly property and ask what their plans are.

Mill Island (the Old Textile Mill) – CAO Coutinho said the Town received a formal dangerous or unsightly complaint. Staff will begin the process on this property.

O'Brien Street Property – four-plex. Property owner will be issued another order to fix the fascia.

Miscellaneous – Mayor Allen will provide CAO Coutinho with another list of properties that may fall under Dangerous or Unsightly (including a Provincially-owned property).

(c) **Hockey Heritage Centre, Long Pond Society Recommendation Report** (from March 14, 2017 COTW) – CAO Coutinho provided an overview of the report. With respect to the impact on debt ratio, the Town received clarification from the Province with respect to the debt calculations, and they will be kept separately and not impact the Town's borrowing.

CAO Coutinho circulated a "Long Pond Rink Annex E Project Financial Tables" and provided an overview of the hand-out. Director Armstrong noted eligible costs are \$11.8 million and referenced total eligible costs as well. He said the HST is fully recoverable. He added that this doesn't include land related costs nor temporary borrowing costs. Annex E (which was circulated at this meeting) is more for the grant purpose.

It was asked that clarity be provided on the HST changes. Director Armstrong noted that during the review process, it was identified through tax advice, the nature of the project allows the Town to receive the HST paid out to be recovered (get 100% back (input tax credit)). Director Armstrong pointed out the figures identified in the report to council which included total project cost as well as HST Recovery (of approx. \$1.8 million). With respect to the figures, Director Armstrong said, given what the Directors of Finance were provided with, that was the information reviewed.

With respect to the change in federal funding, CAO Coutinho advised there was a misunderstanding from the Long Pond Society on the amount. The Federal Government won't give more than the Province, and the Province funding is \$3 million. The difference is made up with the Long Pond Society doing additional fundraising.

With respect to the Town providing funding toward this project and the original intention of using gas tax funds, CAO Coutinho said the Town still could as long as it doesn't exceed a certain amount. There is still capacity to use gas tax funds; however, he's been made aware that West Hants does not have the capacity in Reserves, and the Town has. The Town could use gas tax funds for this project and Reserves for other Town projects, or, Reserves for the Hockey Heritage Centre project and gas tax funds for other Town projects. (With the Town using Reserves, West Hants could use their gas tax funds).

When asked if the Hockey Heritage Centre project's cost had increased, CAO Coutinho said he didn't believe so, but may have with the contingency **reflecting 15% now compared to the 10% previously.**

Director Armstrong noted that the cash flow sheet was put together by Windsor and West Hants and is intended for capital construction and the cash flow through the build.

With respect to the approximate \$1.8 million in HST, it was asked if it would be applied for through the construction of the project or only at the end. Director Armstrong said the corporation would pay for the project and they would need to apply right away to start getting their claims. If they could do it monthly, similar to the Town, that would be ideal.

CAO Coutinho indicated the cash flow from the Province is 3 x \$1 million. Because it is a claim-based program, if the full amount is needed right away and the claims are submitted, it will be received.

Director Armstrong asked for clarity on the question of whether the project cost increased. He added that the Long Pond Society indicated it would be approximately \$12.2 million. Councillor Ivey noted in December 2016, it was \$11.395 million including the HST at 50% (so \$10.6 million without HST). Director Armstrong said, what is presented this evening is \$12.3 million (net of HST) but including the contingency. Those are the numbers the Directors of Finance (Windsor and West Hants) were presented to work with.

CAO Coutinho continued reviewing the report including governance model and the Board Director's job description. With respect to it coordinating with an election year, CAO Coutinho said council can decide the council representative's term (i.e. annual, bi-annual, etc). When it comes to other Board Members, they could be staggered and can be discussed further (so that not everyone on the Board would be new at the same time). The next step is to develop a document for the Board structure (he and CAO Osborne are meeting on March 29th to discuss this). CAO Coutinho added that there may be some minor wording changes in the Inter-municipal Agreement. (CAO Coutinho advised he received word from CAO Osborne that West Hants council approved this report and recommendation).

With respect to the Inter-municipal Agreement, it was suggested it have a title so people know what the Agreement is right away. CAO Coutinho agreed.

Reserves Funds – when asked what the Town's Reserves are currently, CAO Coutinho said the Town has a healthy operational reserve account, if it all had to be used at once, the Town has it; however, the intent is to spread it out over time. Director Armstrong said, factoring in this project and other commitments, it would leave approximately \$350,000; however, this would free up the Gas Tax Funds to make available for other Town projects that the Reserves might be used for. Director Armstrong further indicated that the Town has many Reserve Accounts and he didn't have all the Reserve balances available at this time; however, could bring Reserve Accounts information back to council.

MOVED BY MURLEY/BREGANTE THAT THE FOLLOWING MOTION MADE AT THE DECEMBER 16, 2014 TOWN COUNCIL MEETING BE RESCINDED:

(DEC. 16, 2014) - THAT THE MAYOR SIGN THE CIRCULATED DRAFT RESPONSE LETTER TO MR. GREG KELLEY RE. THE BIRTHPLACE OF HOCKEY ARENA PROJECT FUNDING REQUEST NOTING THE FOLLOWING CHANGE OUTLINED IN THE ABOVE DISCUSSION:

THAT THE TOWN OF WINDSOR COMMITS \$1 MILLION OVER FIVE YEARS USING GAS TAX MONEY BASED ON THE BIRTHPLACE OF HOCKEY ARENA CENTRE PROJECT'S BUSINESS PLAN, CONTINGENT ON THE PROJECT PROCEEDING WITH REQUISITE FUNDING FROM OTHER SOURCES.

MOTION RESCINDED. MOTION CARRIED

MOVED BY MURLEY/BREGANTE THAT THE \$1,000,000.00 (\$1 MILLION) OF GAS TAX FUNDS ORIGINALLY APPROVED BY COUNCIL AT THE DECEMBER 16, 2014 TOWN COUNCIL MEETING, TO BE SET ASIDE FOR THE HOCKEY HERITAGE CENTRE, NOW BE USED (REALLOCATED) FOR OTHER TOWN OF WINDSOR PROJECTS, AND THAT COUNCIL APPROVE \$800,000.00 FROM THE OPERATING RESERVE AND \$200,000.00 FROM THE CAPITAL RESERVE FUND, OVER THE NEXT FIVE (5) YEARS TO MEET THE TOWN'S COMMITMENT TO THE HOCKEY HERITAGE CENTRE PROJECT. MOTION CARRIED (Councillor Ivey – Nay)

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 Recommendations**

(i) **Newport & District Rink Funding Request \$300,000**

MOVED BY MURLEY/BREGANTE THAT THE \$300,000 FINANCIAL REQUEST FROM NEWPORT & DISTRICT RINK BE FORWARDED TO BUDGET DELIBERATIONS. MOTION CARRIED

(ii) **Affordable Housing Committee Citizen-Member Appointments**

MOVED BY MURLEY/IVEY THAT LEE DOIRON AND AMANDA MERRIN BE APPOINTED TO THE AFFORDABLE HOUSING COMMITTEE FOR THE TERM APRIL 1, 2017 – MARCH 31, 2018 (FOLLOWED BY ANNUAL REVIEW BY THE AFFORDABLE HOUSING COMMITTEE). MOTION CARRIED

(c) **Strategy & Policy Committee** - None

(d) **PAC / HAC Recommendations**

(i) **2nd Reading – Land Use By-Law Amendments RE. Urban Agriculture: Laying Hens & Beekeeping**

MOVED BY MURLEY/BIBBY THAT THE TOWN OF WINDSOR'S LAND USE BY-LAW BE AMENDED TO ALLOW LAYING HENS AND BEEKEEPING ON RESIDENTIAL PROPERTIES IN THE TOWN OF WINDSOR (AS ATTACHED). MOTION CARRIED

(e) **Police Advisory Board** – None

(f) **Joint Council** - None

(g) **REMO** – None

(h) **Watershed Committee** – None

10.3 Members of Council - None

11. CORRESPONDENCE / PETITIONS & MEETING CALENDAR REVIEW

(a) Correspondence (Information Purposes Only)

- (i) **2017 Windsor & Area Education Fund Assoc. (WAEFA)** - Annual Grant Information (Avon View High School).

MOVED BY MURLEY/BREGANTE THAT THE ABOVE-MENTIONED CORRESPONDENCE BE RECEIVED AND KEPT ON FILE. MOTION CARRIED

(b) Correspondence (Requests) - None

(c) Petitions – None

(d) Meeting Calendar Review – April 2017 (no changes to the calendar).

12. ITEMS ADDED TO AGENDA UNDER #4

- (a) Rotary Gala** – Held annually Sat. April 29 at KES \$65/person. Let Councillor Bregante know if you want tickets.

MOVED BY BREGANTE/IVEY THAT THE TOWN PURCHASE A TABLE OF 10 FOR \$650 AND SELL THE TICKETS TO COUNCIL/SENIOR STAFF. MOTION CARRIED.

- (b) Hockey Heritage Society Correspondence (March 24, 2017)** – Role of Windsor Hockey Heritage Society in the proposed Hockey Heritage Arena Facility.

MOVED BY BREGANTE/IVEY THAT THE CORRESPONDENCE FROM THE HOCKEY HERITAGE SOCIETY OF MARCH 24, 2017 BE RECEIVED AND KEPT ON FILE. MOTION CARRIED

13. IN-CAMERA MATTERS - Personnel Matter (only CAO Coutinho and all members of Council remained).

AT 8:25PM, IT WAS MOVED BY BREGANTE/BIBBY THAT THE MEETING MOVE IN-CAMERA TO DISCUSS A PERSONNEL MATTER. MOTION CARRIED

AT 9:35PM, IT WAS MOVED BY IVEY/MURLEY THAT THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED

14. NOTICES OF MOTION - None

15. ADJOURNMENT

AT 9:35PM, IT WAS MOVED BY BIBBY/BREGANTE THAT THE MEETING ADJOURN. MOTION CARRIED

AMENDMENTS TO LAND USE BY-LAW

1. 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 465m² (5000ft²), 1 chicken laying hen shall be permitted per 92 m² (1000ft²) 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 465m² (5000ft²) in lot area and the primary use of the property is a single detached or 2-unit dwelling. 1 beehive/2000ft² 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.

2. 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.**

Chair

Municipal Clerk