

WINDSOR TOWN COUNCIL
Town Council Meeting Minutes
May 28, 2019 – 7:18 – 9:07pm
Windsor Council Chambers, 100 King St, Windsor, NS

Attendance:

Anna Allen	Mayor, Chair
Laurie Murley	Deputy Mayor
John Bregante	Councillor
Jim Ivey	Councillor
Shelley Bibby	Councillor
Todd Richard	Director of Public Works, Acting CAO
Shelleena Thornton	Municipal Clerk
Doug Armstrong	Director of Finance
VanEssa Roberts	Director of Community Development, Tourism & Recreation
Jamie Juteau	Fire Chief, WFD
Jeremy Banks	Planner
Devin Lake	Planner
Jeff Smith	Development Agreement Applicant (Agenda matter # 6(a))

Regrets:

Louis Coutinho CAO

Gallery:

Colin Chisholm Reporter, Valley Journal Advertiser
14 members of the public

1. **CALL TO ORDER** – Mayor Allen called the meeting to order at 7:18pm. (This council immediately followed a Planning-related public hearing).
2. **ANNOUNCEMENTS / ACKNOWLEDGEMENTS** - On behalf of council, Mayor Allen respectfully acknowledged that the land on which we gather is traditional unceded Mi'kmaw territory.
(a) **World "No Tobacco Day" May 31, 2019**
3. **CITIZEN (GALLERY) ACKNOWLEDGEMENT** – Everyone was welcomed to the meeting.
4. **APPROVAL OF MINUTES** – April 23, 2019 Council Minutes
MOVED BY BREGANTE/BIBBY THAT THE APRIL 23, 2019 TOWN COUNCIL MEETING MINUTES BE APPROVED AS CIRCULATED. MOTION CARRIED
5. **APPROVAL OF ORDER OF BUSINESS & AGENDA**
 - Item 14(c) – Add Personnel Matter (in-camera)
MOVED BY MURLEY/IVEY THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

6. PUBLIC HEARING(S)

- (a) Development Agreement Second Reading – Jeff & Tina Smith, Nesbitt Street (PID 45056793) – Public Hearing was held prior to this Council meeting.

MOVED BY MURLEY/BREGANTE THAT SECOND READING BE GIVEN TO THE APPLICATION FROM JEFF AND TINA SMITH TO ENTER INTO A DEVELOPMENT AGREEMENT TO ALLOW DEVELOPMENT OF A LOCAL COMMERCIAL USE (FOOD MARKET) IN A RESIDENTIAL DESIGNATION ON PID # 45056793, NESBITT STREET, WINDSOR, NS. MOTION CARRIED

10 people left the meeting.

- (b) Bylaw # 47 – Repeal of Electronic Voting Bylaw # 43 - Public Hearing/Second Reading

MOVED BY MURLEY/BREGANTE THAT SECOND READING BE GIVEN TO BYLAW # 47, A BYLAW TO REPEAL BYLAW # 43 ELECTRONIC VOTING BYLAW. MOTION CARRIED

Windsor's Electronic Voting Bylaw was established May 31, 2012. With the upcoming March 2020 municipal election for the Region of Windsor and West Hants (consolidation), the Co-ordinating Committee made a motion at its March 18, 2019 meeting to use paper ballots only; thereby, Bylaw # 43 is unnecessary and requires repealing. First Reading was held April 23, 2019.

- *Mayor asked for written submissions* – None
- *Mayor asked for oral presentations in favour of the bylaw* – None
- *Mayor asked for oral presentations opposed to the bylaw* – None
- *Questions to the public by members of council* – None
- *Concluding discussion by Councillors* – None
- *Question/Vote* – Motion carried.

- (c) Bylaw # 48 – Repeal of Election, Plebiscites and Public Meetings Bylaw # 05 - Public Hearing/Second Reading

MOVED BY BREGANTE/IVEY THAT SECOND READING BE GIVEN TO BYLAW # 48, A BYLAW TO REPEAL BYLAW # 05 ELECTIONS, PLEBISCITES AND PUBLIC MEETINGS BYLAW. MOTION CARRIED

Leading up to the March 2020 Municipal Election for the Region of Windsor and West Hants Municipality, it is necessary that bylaws align and do not conflict. West Hants does not have a bylaw in-relation to nomination fees and follow that of the Municipal Elections Act (\$200). Therefore, it is recommended the Town of Windsor's Bylaw # 05 be repealed and align with the Municipal Elections Act. First Reading was held April 23, 2019.

- *Mayor asked for written submissions* – None
- *Mayor asked for oral presentations in favour of the bylaw* – None
- *Mayor asked for oral presentations opposed to the bylaw* – None
- *Questions to the public by members of council* – None
- *Concluding discussion by Councillors* – None
- *Question/Vote* – Motion carried.

- 7. **DELEGATIONS / PRESENTATIONS** – None
- 8. **BUSINESS ARISING FROM PREVIOUS MINUTES** - None
- 9. **MOTIONS OF RECONSIDERATION / RESCISSION**

- (a) **Motion of Rescission of 2019/20 Town of Windsor Operating Budget (Clr Ivey)**
- (b) **Motion of Rescission of 2019/20 Town of Windsor Capital Budget (Clr Ivey)**

Before motions made/seconded, Mayor Allen indicated this was new to her; notices of motions to rescind budgets that have already been implemented, so she checked with and sought legal advice. She read aloud legal advice,

“I believe as Mayor and Chair of the Council meeting believe that the motion to rescind is improper as not being able to take place because the budget has been acted upon, I could rule the motion to Rescind as being out of order because, citing Roberts Rules Article VI, Section 37. That ruling could be appealed to the Council to uphold if two Councillors requested the appeal. If a majority of Council believe that the motion is valid it would go ahead to see if it was seconded, and if so, it would be voted upon. If there was no appeal then I would declare the motion as improper, that that matter is at an end and the motion does not proceed.”

Mayor Allen said she believes, as per legal advice, the motions would be out of order and she supported the notice of motion as invalid. She said If Councillor Ivey wished to appeal, he could as per the legal advice.

Councillor Ivey wished to walk through what led to this; however, was advised he could do so, if he wished to appeal it and had a seconder. If not, the Notices of Motions were out of order. He said he accepted it and added it would have been helpful to have that information prior to this council meeting.

10. **CONSIDERATION OF DEFERRED BUSINESS** - None

11. **REPORTS**

11.1 **Chief Administrative Officer**

(a) **Citizen Member Appointment to Planning Advisory Committee Recommendation Report**

MOVED BY MURLEY/BIBBY THAT MS. ANN KNOWLES BE APPOINTED TO THE PLANNING/HERITAGE ADVISORY COMMITTEE (PAC) FOR THE TERM JUNE 1, 2019 – MARCH 31, 2020. MOTION CARRIED

(b) **Solid Waste Bylaw #16 Amended – First Reading Recommendation Report** – First Reading was not held. Staff was directed to provide a report to council as to whether the penalties/fine amounts were still adequate.

11.2 **Committees of Council**

(a) **Committee of the Whole Recommendations**

(i) **Wheel Loader Purchase**

MOVED BY MURLEY/BREGANTE THAT THE PURCHASE OF ONE NEW 2019 JOHN DEERE 544L WHEEL LOADER COMPLETE WITH OPTIONS, ATTACHMENTS AND EXTENDED WARRANTY BE PURCHASED FROM BRANDT TRACTOR LTD. AT A TOTAL DELIVERED COST OF \$252,480 PLUS HST. MOTION CARRIED

(b) **Strategy & Policy Committee Recommendations – None**

(c) **PAC / HAC Recommendations**

(i) **Waterfront Redevelopment Plan Amendments Recommendation Report – First Reading –**
Present were Planner Devin Lake; Rob LeBlanc with Ekistics; and Noel Taiani with Parsons Green Developments Ltd.

Mr. LeBlanc advised community feedback was incorporated into the final draft.

Planner Lake – after first reading; proceed with the public hearing which could include a larger venue and the Town doing more to get people out to participate in the public engagement/input session(s). Between now and the public hearing, there may be small amendments.

Was the volume of commercial space incorporated about 50%? Mr. LeBlanc – correct and have since met with the gentleman that raised that and he was okay with 50%.

Further discussion was held on citizen engagement and the advertising terminology (i.e. information session versus engagement/input session). It was noted that advertisement seeking input and engagement is important; that public participation is encouraged. Planner Lake agreed and said he spoke with Development Officer Janet Redden about beefing up advertising. It was further noted that with West Hants' Planning Department being involved in this process, they too should be asked to share this information to help spread the word.

MOVED BY MURLEY/BREGANTE THAT FIRST READING BE GIVEN TO THE MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW AMENDMENTS AND ADVERTISE FOR A PUBLIC HEARING SUBJECT TO:

- **NON-SUBSTANTIVE, ADMINISTRATIVE EDITS, AND FORMATTING (CONSISTENT WITH THE CURRENT WINDSOR PLANNING DOCUMENTS), TAKE PLACE AND THAT THIS VERSION AS PRESENTED IN ATTACHMENT 1 BE ADVERTISED FOR THE PUBLIC HEARING;**
- **CONSULTATION TAKE PLACE WITH THE WEST HANTS PLANNING DEPARTMENT; AND**
- **ANY OTHER CHANGES OR INTERIM STEPS, AS DIRECTED BY COUNCIL.**

MOTION CARRIED

(d) **Police Advisory Board – Next Meeting is July 15, 2019 at 7pm.**

(e) **Joint Council – None**

(f) **REMO – Next meeting is June 17th at 4pm in West Hants.**

(g) **Region 6 - None**

(h) **Watershed Committee – Currently reviewing the Best Management Practices.**

(i) **VCFN (Valley Community Fibre Network) – Business Plan has come back to the VCFN Authority. Updated document should be available in approximately one week.**

11.3 Members of Council - None

12. CORRESPONDENCE / PETITIONS & MEETING CALENDAR REVIEW

(a) Correspondence to be Formally Received by Council (Information Purposes Only)

MOVED BY MURLEY/BIBBY THAT ALL CORRESPONDENCE IDENTIFIED WITHIN AGENDA ITEM # 12 AS A WHOLE BE RECEIVED AND KEPT ON FILE. MOTION CARRIED

- (i) **Joint Municipalities Fire Services Committee Bulletin (Apr 2019)** – Information update.
- (ii) **NS Municipal Affairs (20190501)** – Confirming receipt of Bylaw #46 – Repeal of Fire Chief and Services Bylaw #29 (no Ministerial approval required so effective upon its publication).
- (iii) **Minister Lloyd P. Hines (May 2019)** – Response to Town of Windsor correspondence of Apr. 5, 2019 regarding Hwy. 101 construction and associated cost for utilities and the Dept. of Transportation and Infrastructure Renewal policy.
- (iv) **Minister Chuck Porter (May 2019)** – 12-months' notice of provincial legislation, regulation or administrative actions (decrease revenues/increase expenditures).
- (v) **Denise Forand (20190425)** – Waterfront Development & other areas to be considered – Acknowledge letter and include this correspondence with the waterfront planning matter.

(b) Correspondence to be Formally Received by Council (Requests)

- (i) **Jewish Legion Centennial Society (20190521)** – Follow-up letter to Apr. 8, 2019 meeting & request to enter into a Memorandum of Understanding (MOU) with the Town re. the purchase of Windsor's old swimming pool site.

Council Direction – would like staff to prepare a report for council including appraisals and options. It was further noted that council should further discuss this matter before any decisions are made.

- (ii) **NS SPCA (20190521)** – Request for the Town to reconsider its grant decision to the NS SPCA. They advised the individual branches no longer send out their own requests, but rather the NS SPCA does on behalf of them and that 100% of the grant would indeed go to the local Hants Branch.

Discussion was held and it was noted they did provide the initial request before the deadline. It was further noted that no contingency was given in the Grants budget. Reference was given to the Town having a surplus each year and perhaps the grant come from Operating Reserves; there is capacity.

Council Direction – Request denied; as the grant process has concluded for this fiscal year; however, they could reapply next year with the regional municipality.

- (iii) **Relay for Life (May 2019)** - Request to be exempt from Noise Bylaw during June 1, 2019 event

MOVED BY BREGANTE/MURLEY THAT THE RELAY FOR LIFE, CANADIAN CANCER SOCIETY BE EXEMPT FROM THE TOWN OF WINDSOR'S NOISE BYLAW DURING THEIR ANNUAL JUNE 1, 2019 EVENT. MOTION CARRIED

(c) Petitions – None

(d) Meeting Calendar Review – A review was held.

13. ITEMS ADDED TO AGENDA UNDER #5 - None

14. IN-CAMERA MATTERS – All members of council, Acting CAO Richard, and Clerk Thornton remained for the in-camera session for one negotiations matter and two personnel matters.

MOVED BY BIBBY/MURLEY THAT AT 8:18 PM, THE MEETING MOVE IN-CAMERA TO DISCUSS A NEGOTIATIONS MATTER AND TWO PERSONNEL MATTERS. MOTION CARRIED

(a) Negotiations Matter

Clerk Thornton and Director Richard left the meeting at 8:43pm (prior to the 'personnel matters' discussions and did not return. Only members of council remained for both personnel matters.

(b) Personnel Matter #1

(c) Personnel Matter #2

MOVED BY MURLEY/BIBBY THAT AT 9:04PM, THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED

MOVED BY IVEY/MURLEY THAT COUNCIL ACCEPT JULY 1, 2019 AS THE OFFICIAL DATE OF CAO LOUIS COUTINHO'S RETIREMENT. MOTION CARRIED

MOVED BY MURLEY/BREGANTE THAT COUNCIL APPROVE NEGOTIATIONS WITH LOUIS COUTINHO TO BE THE TOWN'S DESIGNATE AS AN INDEPENDENT CONSULTANT TO SUPPORT THE CO-ORDINATOR AND THE CO-ORDINATING COMMITTEE IN SIMILAR FASHION TO THE ROLE HE HAS BEEN FILLING WITH THE PROCESS THUS FAR. MOTION CARRIED (Councillor Ivey voted Nay)

MOVED BY MURLEY/BIBBY THAT STAFF RECTIFY AND CONCLUDE MATTERS WITH AVONIAN PLACE IN-RELATION TO THE WATERFRONT CONNECTOR TRAIL AND TO NOT EXCEED \$7,000.00. MOTION CARRIED

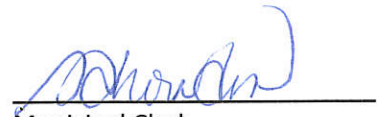
15. NOTICES OF MOTION – Given at the May 14, 2019 Committee of the Whole Meeting and addressed on this agenda as Matters #9.

16. ADJOURNMENT – With no further matters to discuss, it was

MOVED BY BREGANTE/BIBBY THAT AT 9:07PM, THE MEETING BE ADJOURNED. MOTION CARRIED



Mayor, Chair



Municipal Clerk