



WEST HANTS REGIONAL MUNICIPALITY
Committee of the Whole - Meeting Agenda **AMENDED**
April 13, 2021 - 6:00 p.m.

In-Person Sanford Council Chambers, 76 Morison Drive, Windsor, NS
(also via Zoom & FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.

1. Call to Order
2. Attendance
3. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
4. Declaration(s) of Conflict of Interest
5. Announcements
6. Approval of Previous Meeting Minutes
 - a) 2021-03-09 Committee of the Whole minutes
7. Presentations
 - a) Asset Management – Jennifer Duncan, Dept of Municipal Affairs
 - b) Strategic Priorities Overview – Mark Phillips, CAO
8. Unfinished Business/Postponed Motions
 - a) Rural Internet Service for NS (standing item)
 - b) Dangerous or Unsightly Premises – Old Textile Mill (standing item)
9. Reports
 - a) CAO Activity Update – Information Report
 - b) Financial Update – Information
10. Correspondence
 - a) Information
 - i. Avon Causeway Activity Log
 1. Andrew and Marie Connolly (Mar. 26, 2021)
 2. Barbara Hughes (Mar 29, 2021)
 3. Daniel Oulton (Mar 26, 2021)
 4. Darlene Taylor (Mar 26, 2021)
 5. Darren Porter (Apr 6, 2021)
 6. Karen Carrigan (Mar 26, 2021)
 7. Karen Lynch (Apr. 9, 2021)
 8. Ken Donnelly (CLC) (Apr 1, 2021)
 9. Laura Fisher (Apr 1, 2021)
 10. Nikki-Marie Lloyd (Apr 6, 2021)
 11. Robin Bremner-Popma (Mar 29, 2021)
 12. Robin Thomson (Atlantic Div Canoe Kayak Canada) (Mar 30, 2021)
 13. Roslyn MacDuff (Mar 29, 2021)
 14. Rylan Carrigan (Mar 29, 2021)

- ii. Barrington, Warden Nickerson (Mar. 30, 2021) - Bill 47 opposition
- iii. House of Assembly (Mar 26, 2021) Bill 50 - Tabled re. Code of Conduct
- iv. John D. Wilson (Mar 29, 2021) - Akins Marsh, Bog Rd, and Turtle Nests & Canada Geese protection
- v. Dept of Transportation and Active Transit (Mar. 30, 2021) - Response to our letter re. Speeding on Hwy 14
- vi. Carl M. Siler (Apr. 12, 2021) – Letter re Petition for Paving of Belmont Rd.

b) Requests (for discussion) - None

11. New Business

- a) Windsor Township Business Association – Information Report
- b) Willow Street, Hantsport (street & services reconstruction) Tender Award – Recommendation Report
- c) Sports Complex Walking Track – Recommendation Report
- d) Sidewalk Café Fees – Recommendation Report
- e) Debenture – Recommendation Report
- f) Dangerous or Unsightly, 74 Bowman Road - Recommendation Report - REMOVED
- g) By-law Vehicle Tender Award – Recommendation Report
- h) Appointments to Planning Advisory-Heritage Advisory Committee - Recommendation Report
- i) WHRM Staff Equipment Use – Decision for Request (J. Ivey)
- j) WHRM Land Dispute Policy Request – Decision for Request (J. Ivey)
- k) Public Input – Decision for Request (D. Francis)

12. Public Participation Period

13. In-Camera

- a) 2021-03-09 COTW In-camera meeting minutes approval
- b) Land Matter (purchase/sale municipal-owned land) MGA Section 22(2)(a)
- c) Land Matter (PID 45059631) update – MGA Section 22(2)(a)
- d) Contract Matter – MGA Section 22(2)(e)
- e) Personnel Matter – MGA Section 22(2)(c) – Verbal - REMOVED
- f) Personnel Matter – MGA Section 22(2)(c) – Verbal - REMOVED

14. Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY

Committee of the Whole Minutes

April 13, 2021 6:00 p.m.

In-Person, Sanford Council Chambers, 76 Morison Drive, Windsor, NS
and Virtual Meeting – via Zoom and Facebook Live

1. Call to Order

Mayor Zebian called the meeting to order at 6:01 p.m.

2. Attendance

Council Present:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor, District 1
Scott McLean, Councillor, District 2
Mark McLean, Councillor, District 3
Jeff Hartt, Councillor, District 4
Debbie Francis, District 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
Richard Murphy, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer (CAO)
Todd Richard, Dir. Public Works
Kathy Kehoe, Dir. Community
Development
Madelyn LeMay, Dir. Planning and Development

Bekah Craik, Active Living Coordinator

Carlee Rochon, Dir. Financial Services
Rhonda Brown, Municipal Clerk
Shelleena Thornton, Administrative
Supervisor
Dianne Levy, Manager Recreation and
Facilities
Jennifer Duncan, Dept of Municipal Affairs

There were three (3) members of the public present in the Council Chambers; other members of the public watched the meeting using Facebook Live.

3. Approval of the Agenda, including additions or deletions

a. Dashboard Action Items Information Log

MOVED by Deputy Mayor Morton and Councillor Sherman that the agenda be approved with the following items removed:

- **11f) – Dangerous or Unsightly, 74 Bowman Road – Recommendation Report**
- **13e) – Personnel Matter – MGA 22 (2)(c) – Verbal**
- **13f) – Personnel Matter – MGA 22 (2)(c) – Verbal**

Motion Carried.

4. Declarations of Conflict of Interest – There were no conflict of interest declarations.

5. **Announcements**

There will be a Special Council meeting immediately following Committee of the Whole to address the Debenture recommendations from Committee of the Whole.

Congratulations to Councillor S. McLean on the birth of his baby girl, and Happy Birthdays extended to Mayor Zebian, Deputy Mayor Morton, and Councillor Morton.

6. **Approval of Previous Meeting Minutes**

**MOVED by Deputy Mayor Morton and Councillor Murley that the 2021-03-09 Committee of the Whole minutes be approved.
Motion Carried.**

7. **Presentations**

a. **Asset Management – Jennifer Duncan, Dept of Municipal Affairs**

Jennifer Duncan reviewed the Asset Management presentation noting the Municipality's achievements and collaboration for Asset Management including the appointment of Troy Burgess, Manager Public Works Operations, to the NS Asset Management Working Group (IAMNS).

Jennifer Duncan left the meeting at 6:28 pm.

b. **Strategic Priorities Overview – Mark Phillips, CAO**

CAO Phillips reviewed the Strategic Priorities presentation, noting priorities were grouped into themes.

Discussion Points:

- The Strategic Priorities would be reviewed in a year and new priorities set.
- The Communication Plan will include traditional means of communication in addition to social media.
- Regional signage and branding could be separated under the Communications theme.
- The Exploring New Revenue Sources objective could include a target for increased revenue.
- Impact of inland flooding should also be addressed in the Environmental Policy Review.
- The Strategic Priorities will help guide Council during budget discussions and progress updated quarterly or bi-annually.
- Any advertisements to aid economic development would be for events not products.

8. Unfinished Business/Postponed Motions

a. Rural Internet Service for NS (Standing Item) – There was no update.

b. Dangerous or Unsightly Premises – Old Textile Mill (Standing Item)

CAO Phillips informed Tim Leslie, Manager of Building and Fire Inspection Services, is satisfied with the actions taken to address the dangerous component of the property and inspects the property weekly. The property owners are consulting structural engineers to determine what can be done with the property.

Discussion Points:

- Insurance on the property should be confirmed.
- The fencing around the property is approximately 8 ft high.
- The property owners will be given a couple more months to determine a plan for the property.

9. Reports

a. CAO Activity Update – Information Report

CAO Phillips reviewed his report adding one of the Municipal Complex appraisals has been received and that he is now sitting on the Local Contract Management Committee for RCMP Services.

Discussion Points:

- The demolition of the current Hantsport Fire Department is part of the Request for Proposal for the new fire department.
- The old Windsor Pool property is two parcels; this property was identified as possible surplus.
- A final report on the cost of the Sports Complex is still expected; there have been some issues as is expected in all new buildings i.e. settling, cracks, and minor mechanical issues.
- Feedback on the Sports Complex can be given through the Municipal website and directly to staff. Additional feedback will be obtained from user groups.
- The Develop Nova Scotia Place Making Pilot Project is to identify and plan a project for place making and engagement. Windsor was selected possibly due to the background work done with the Windsor Township Business Association and Develop Nova Scotia's history of waterfront development.

b. Financial Update - Information

Director Rochon reviewed the financial update and stated a surplus of \$414,555 is projected, and any surplus will be transferred to the Operating Reserve after the audit is complete.

Discussion Points:

- The projected 6.31% increase in revenue is mostly due to the additional \$1.1 Million of Deed Transfer Tax.

10. Correspondence

a. Information

i. Avon River Causeway Activity Log

- 1. Andrew and Marie Connolly (Mar. 26, 2021)**
- 2. Barbara Hughes (Mar. 29, 2021)**
- 3. Daniel Oulton (Mar. 26, 2021)**
- 4. Darlene Taylor (Mar. 26, 2021)**
- 5. Darren Porter (Apr. 6, 2021)**
- 6. Karen Carrigan (Mar. 26, 2021)**
- 7. Karen Lynch (Apr. 9, 2021)**
- 8. Ken Donnelly (CLC) (Apr. 1, 2021)**
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- 13. Roslyn MacDuff (Mar. 29, 2021)**
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ii. Barrington, Warden Nickerson (Mar. 20, 2021) – Bill 47 opposition

iii. House of Assembly (Mar. 26, 2021) Bill 20 – Tabled re Code of Conduct

iv. John D. Wilson (Mar. 29, 2021) – Akins Marsh, Bog Rd, and Turtle Nests & Canada Geese protection

v. Dept of Transportation and Active Transit (Mar. 30, 2021) – Response to our letter Speeding Highway 14

vi. Carl M. Siler (Apr. 12, 2021) – Letter re Petition for Paving of Belmont Rd.

b. Requests (for discussion) – There were no requests.

MOVED by Councillors Jannasch and Francis that Committee of the Whole of the West Hants Regional Municipality recommends that Council request immediate notification from the Department of Fisheries and Oceans (DFO) about its' intentions to regulate the flow of the Avon River and should the measures dictated by DFO lead to the incursion of saltwater into the river system or cause flooding of lands currently protected by aboiteaux that DFO provide clarification from the Government of Canada will mitigate against changes to the watershed and compensate those sectors of the community depended on the current supply of fresh water including farmers, municipal

fire services, home owners, recreational users, businesses, and many other organizations directly or indirectly affected by the Ministerial Order from DFO dated April 1, 2021 and any additional orders issued in the future.

Motion Carried.

Councillors S. McLean, Hartt, and Ivey voted nay.

Discussion Points:

- The Constitution, Fisheries Act and Rights of First Nation are all connected and impacts the legal requirements for what takes place regarding Avon River and aboiteau.
- It was hoped that over the last year more information would have been shared so that residents would know what decisions were being made and why, but information still has not been shared, which has caused a divide in the community.
- Minister Coldwell of Agriculture, at the Supply Committee on March 26th, stated Option D – Fresh Water Scenario has not been approved and that the Department of Transportation and Active Transit oversees the project.
- It may be premature to demand information that may not be available.
- Members from Fisheries and Ocean, Agriculture, and Transportation and Active Transit should present information to Council, so Council can make informed plans for the Region.
- The lake is lowered every year; however, the timing and duration has increased over the years since the plan for the twinning of the highway was determined. Previously the aboiteau operators would also communicate more about the lake levels.
- The Municipality supports every member of the community and does not discriminate based on livelihood; the Municipality respects and acknowledges Indigenous rights.
- The position of Council is the position of the Municipality, regardless of what individual Councillors or staff may say.
- Copies of the letter can be sent to all parties involved.

11. New Business

a. Windsor Township Business Association – Information Report

CAO Phillips informed this was brought forth due to inquires made over email.

Discussion Points:

- The beautification looks great but would have been better timed with the new Regional branding as the Municipality is a large area from Hantsport to Walton.
- The signs at the entry and exit give the impression that Windsor is again a town. The words "Business District" will be added to the entry and exit signs.
- The Windsor Township Business Association presented their plans to Council in 2020, prior to roll out.

b. Willow Street, Hantsport (street & services reconstruction) Tender Award– Recommendation Report

Director Richard reviewed the report.

MOVED by Councillor Murley and Deputy Mayor Morton that Committee of the Whole recommends that Council pre-approves, proceeding with the Willow Street Hantsport rehabilitation project identified in the 2021/22 capital budget at a total cost of \$1,069,997.92, plus 10% project contingency of \$106,999.79, and applicable taxes.

And,

That Council approve the award of tender WWHPW21-01 for construction work on Willow Street to the low compliant bidder, Gary Parker Excavating Limited, for the tendered price of \$1,069,997.92.

Motion Carried.

Discussion Points:

- Post Consolidation Funding for this project could be requested but may not be eligible if work starts before funding is awarded.
- Over half of the cost would be from the Hantsport Dissolution Reserves which must be used during 2021-22. The intended and actual use of this Reserve needs to be reported to the Province.
- The cost of the project would not impact the general tax rate.
- Tenders for construction projects typically go out in February so contractors can be obtained before the start of the construction season; tender bids usually expire after 30 days.

Mayor Zebian left the meeting at 7:55 pm, Deputy Mayor Morton assumed the Chair.

c. Sports Complex Walking Track – Recommendation Report

Bekah Craik, Active Living Coordinator, and Dianne Levy, Manager of Recreation and Facilities reviewed the report. CAO Phillips provided samples of Elastiplus 7+2 track material.

MOVED by Councillors Francis and Murley that Committee of the Whole recommends that Council approves the upgrade to the West Hants Sports Complex track and further awards tender RFP#WWHCD21-01 to Creative Sports Solutions (Elastiplus 7+3 High Strength), for maximum total capital budget of \$252,611.24 which includes a 10% contingency value, additions and applicable taxes to be funded through the Gas Tax Reserve; once notification of surface cracks in the walking area are finalized with the builder.

Motion Carried.

Councillors Jannasch, S. McLean, Hartt, B. Morton, and Sherman voted nay.

It was noted that Deputy Mayor Morton voted accidentally using Mayor Zebian's voting remote.

Discussion Points:

- The entire track floor would be covered with the track material to prevent tripping hazards and be easier for cleaning. The current scrubber would be suitable to clean the track with only the pads needing to be changed for the surface type.
- The track would be like that of the Acadia Sports Complex which has been extremely durable and only required minor repairs since the original installation. The recommended proposal would have a 10-year limited warranty for manufacturing defects.
- The original cost for track surface, which was removed from the construction Request for proposal (RFP), was \$78,000 but this was only a single quote which did not include other requirements for installation.
- Cracks in the cement floor of the walking track area are being confirmed with the contractor as cosmetic not structural; the Project Engineer is not concerned.
- The projected Gas Tax Fund balance is estimated to be \$3.8 Million; the annual Gas Tax allocation is about \$900,000 and will possibly be doubled this year pending the Federal Budget.
- Many residents use the track and the proposed track surface is better than current cement floor for users with mobility issues.
- Approval of the track surface should wait until full budget discussions, if possible, rather than issuing a pre-approval.
- The installation of the track will also require time for off-gassing of the product.

Bekah Craik and Dianne Levy left the meeting at 8:35 pm.

d. Sidewalk Café Fees – Recommendation Report

Director LeMay reviewed the report, noting a new policy and by-law for mobile canteens and sidewalk cafés is being worked on.

MOVED by Councillors Murley and Ivey that Committee of the Whole recommends that Council waive all permit fees and sidewalk rental fees associated with sidewalk cafés for the year 2021 due to the economic situation created by the COVID-19 pandemic, noting that development permits are still required.

Motion Carried.

Councillor Jannasch was not present for the vote.

e. Debenture – Recommendation Report

Director Rochon reviewed the report, adding the Debt-Service Ratio is estimated at 8.9%.

MOVED by Councillors Ivey and Sherman that Committee of the Whole recommends that Council approves the Mayor 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 West Hants Regional Municipality to issue a 5-year debenture of \$15,444, for major repairs on Brooklyn Fire Department Pumper 4.

Motion Carried.

MOVED by Councillors Ivey and Murley that Committee of the Whole recommends that Council approves the Mayor 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 West Hants Regional Municipality to issue a 10-year debenture of \$27,506, for Hantsport Fire Department Command Scene Lighting.

Motion Carried.

MOVED by Councillors Ivey and Francis that Committee of the Whole recommends that Council approves the Mayor 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 West Hants Regional Municipality to issue a 15-year debenture of \$24,093, for two sets of Rescue Air Bags (Brooklyn and Hantsport Fire).

Motion Carried.

f. Dangerous or Unsightly, 74 Bowman Road – Recommendation Report –
Removed from agenda.

g. By-law Vehicle Tender Award - Recommendation Report

Director LeMay reviewed the report.

MOVED by Councillors Murphy and S. McLean that Committee of the Whole recommends that that Council award Tender WHRMPL-21-01 for a vehicle for By-law Enforcement to O'Regan's Automotive Group - O'Regan's National Leasing at a cost of \$21,000 plus applicable taxes over forty-eight (48) months.

MOVED by Councillors Ivey and M. McLean to withdraw the motion and bring back to Council in two weeks time.

Withdraw of Motion Approved.

Discussion Points:

- The special requested items in the tender for additional tires, rain vent visors, LED minibar lights and WeatherTech lining were considered accessories in the O'Regan National Leasing bid for warranty.
- Service can be done at any certified location; location for warranty work could be confirmed.

- Council's Procurement Policy must also follow Federal and Provincial Trade Agreements which define local as Nova Scotia. Scoring of Request for Proposals includes points for local.
- The overall price difference between the two proposal is \$4263.36 There has been a varied approach to buy-back of vehicles at end of lease depending on the use of the vehicles.
- Seasonally there are some pieces of fleet not utilized but this would be a dedicated vehicle use all year.
- The following information will be obtained for consideration at the April Council meeting: warranty for 24,000 kilometres (km)/year and 28,000 km/year, price to purchase outright, number of km used by the By-law Officer prior to consolidation.

h. Appointments to Planning Advisory-Heritage Advisory Committee – Recommendation Report

Municipal Clerk Brown reviewed the report.

MOVED by Councillors Murley and Francis that Committee of the Whole recommends that Council appoints Jane Davis and Bill Preston as Hantsport resident representatives on the Planning Advisory/Heritage Advisory Committee until October 31, 2022.

Motion Carried.

MOVED by Councillors Murley and Ivey that Committee of the Whole recommends that Council appoints Shelley Bibby and Jamie O'Hanlon as Windsor resident representatives on the Planning Advisory/Heritage Advisory Committee until October 31, 2022.

Motion Carried.

MOVED by Councillors Murley and Francis that Committee of the Whole recommends that Council appoints Lisa Bland, Tasha Rogers, and Jennifer Nicholls as resident representatives for the remainder of the Region on the Planning Advisory/Heritage Advisory Committee until October 31, 2022.

Motion Carried.

i. WHRM Staff Equipment Use – Decision for Request (J. Ivey)

Councillor Ivey reviewed the report.

Discussion Points:

- This was a top up after previous municipal work had settled to protect municipal infrastructure using risk mitigation and lowest cost options.

j. WHRM Land Dispute Policy Request – Decision for Request (J. Ivey)

Councillor Ivey reviewed the report.

MOVED by Councillors Ivey and Hartt that Committee of the Whole recommends that Council direct that staff , through the CAO's office, to inform Council of any property discrepancies regarding property lines of private property that connect or abut the property of the West Hants Regional Municipality in undertaking our work.

MOVED by Councillors Ivey and Jannasch to amend the motion to add "establish a practice whereby," immediately after "that Council direct that staff".

Amendment Carried.

Councillor Francis voted nay.

Motion as amended states:

MOVED by Councillors Ivey and Murphy that Committee of the Whole recommends that Council direct that staff establish a practice whereby, through the CAO's office, would inform Council of any property discrepancies regarding property lines of private property that connect or abut the property of the West Hants Regional Municipality.

Motion Carried as amended.

Councillors Francis, Sherman, Ivey and Deputy Mayor Morton voted nay.

Discussion Points:

- The Municipality must trust the work done by its hired contractors unless it is opposed at which point Staff work to correct the issue and are obligated to inform Council of any pending legal action.
- Property line identification in former towns can be more difficult than in rural areas.
- Significant costs could be incurred if a practice were to involve mandated legal surveys for all property line disputes.
- Past performance of contractors is a consideration when reviewing new tenders for award.

k. Public Input - Decision for Request (D. Francis)

Councillor Francis reviewed the report stating the CAO's comments explained the difference between processes for public input at Public Hearings and By-law complaints.

12. Public Participation Period

Nikki Lloyd, Annapolis Valley First Nations Cambridge, commented on the Avon River stating there had been discussion on the compensation of farmers but no discussion about the compensation for fisherman who may lose their livelihood if there was to be no tidal flow and the infringement of the Mi'kmaq rights by trying to preserve the freshwater lake.

Administrative Supervisor Thornton informed there were up to 61 comments mostly related to dangerous or unsightly properties and the Avon River.

13. In-Camera

- a. 2021-03-09 COTW In-camera minutes approval**
- b. Land Matter (purchase/sale municipal-owned land) –MGA S. 22(2)(a)**
- c. Land Matter (PID 45059631) –MGA S. 22(2)(a)**
- d. Contract Matter –MGA S. 22(2)(e)**
- e. Personnel Matter –MGA S. 22(2)(c) – Verbal - Removed from Agenda.**
- f. Personnel Matter – MGA S. 22(2)(c) – Verbal - Removed from Agenda.**

**MOVED by Councillors Sherman and Francis to move in-camera.
Motion Carried.**

The meeting moved in-camera at 9:33pm. The CAO and remaining staff stayed in-camera; guests and the public left the meeting.

**MOVED by Councillors M. McLean and Francis that the meeting move out of in-camera.
Motion Carried.**

The meeting reconvened at 9:54 pm.

14. Next Meeting Date / Adjournment

The next meeting of Regular Council is on April 27, 2021.

**MOVED by Councillors Ivey and M. McLean that the meeting adjourn.
Motion Carried.**

The meeting ended at 9:56 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk