



WEST HANTS REGIONAL MUNICIPALITY
Committee of the Whole - Meeting Agenda Amended
May 11, 2021 - 6:00 p.m.
Virtual via Zoom
(also 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) 2021-04-13 Committee of the Whole minutes
7. Presentations
 - a) Environment - Eli Strum, Student, Falmouth District School
 - b) Stormwater Management and Flooding Issues (Falmouth) – Logan King and Glenn Woodford, DesignPoint
8. Unfinished Business/Postponed Motions
 - a) Rural Internet Service for NS (standing item)
 - b) Dangerous or Unsightly Premises – Old Textile Mill (standing item)
 - c) Hantsport Fire Station Build – Information Report
9. Reports
 - a) CAO Activity Update – Information Report
10. Correspondence
 - a) Information
 - i. Avon Causeway Activity Log
 1. Andrew Smiley (May 2, 2021)
 2. Barbara Sullivan (May 6, 2021)
 3. Carrilee Eddy (May 3, 2021)
 4. David & Michelle Rideout (May 5, 2021)
 5. Denise Forand (Apr 27, 2021)
 6. Erin Naugler (May 2, 2021)
 7. Ginette Pitcher (May 3, 2021)
 8. Greg Miller (May 5, 2021)
 9. Janet Comeau (May 2, 2021)
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35. Brad Hood (May 10, 2021)
36. Carol Anne Casey (May 10, 2021)
37. Ed & Cathy Kerr (May 10, 2021)
38. Sarah MacDonald (May 10, 2021)
39. Andre and Donna Arsenault (May 11, 2021)
40. Carol MacKenzie and David Perry (May 11, 2021)
41. Rhea and Art Noiles (May 11, 2021)

- ii. Dept of Mun Affairs (Apr 27, 2021) - 12-Months' Notice
 - iii. Canadian Federation of Independent Business (CFIB) (May 5, 2021) - Construction Mitigation
 - iv. Safe Restart Fund NS Quick Reference Guide (May 2021)
 - v. Dept. of Transportation and Active Transit (Apr. 21, 2021) – Response to WHRM letters of March 4 and April 7, 2021 re. Need for Bog Rd to be repaired
- b) Requests (for discussion)
- i. Southwest Hants Fire Society (May 5, 2021) - Capital Budget Rescue Boat Request

11. New Business

- a) Asphalt Paving Services Standing Offer Contract (WWHPW21-04) - Recommendation Report
- b) Municipal Complexes Appraisals (76 Morison Drive PID # 45148731 and 100 King Street PID#s 45057742, 45057734, & 45057759) – Information Report
- c) 65 Fort Edward – Surplus Lands – Recommendation Report
- d) Newport Station Food Hub Paving Driveway – Information Report
- e) Avon River Causeway Gate – Recommendation Report

12. Public Participation Period
13. In-Camera
 - a) 2021-04-13 COTW In-camera meeting minutes approval
 - b) Land Matter – MGA S. 22(2)
 - c) Land Matter – MGA S. 22(2)
14. Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY
Committee of the Whole - Meeting Minutes (amended)
May 11, 2021 - 6:00 p.m.
Virtual via Zoom
(also FB Livestream)

1. **Call to Order** – Mayor Zebian called the meeting to order at 6:00pm.

2. **Attendance**

Council Present:

Abraham Zebian, Mayor	Paul Morton, Deputy Mayor, Dist. 8
Rupert Jannasch, Councillor, Dist. 1	Bob Morton, Councillor, Dist. 6
Scott McLean, Councillor, Dist. 2	Ed Sherman, Councillor, Dist. 7
Mark McLean, Councillor, Dist. 3	Richard Murphy, Councillor, Dist. 9
Jeff Hartt, Councillor, Dist. 4	Laurie Murley, Councillor, Dist. 10
Debbie Francis, Councillor, Dist. 5	Jim Ivey, Councillor, Dist. 11

Staff and Guests Present:

Mark Phillips, CAO	Todd Richard, Dir. Public Works
Shelleena Thornton, Admin. Supervisor	Carlee Rochon, Dir. Financial Services
Madelyn LeMay, Dir. Planning & Development	Kathy Kehoe, Dir. Community Development
VanEssa Roberts, Mgr. Community Economic Development (joined 8:36pm)	Eli Strum, Student, Falmouth District School
Logan King, DesignPoint	Glenn Woodford, DesignPoint

3. **Approval of the Agenda**, including additions or deletions

a) Dashboard Action Items – Information Log

Agenda additions include:

- Item 10(a)(i)(40) – Carol Mackenzie & David Perry Correspondence re. Avon and Lake Pisiquid
- Item 10(a)(i)(41) - Rhea Noiles Correspondence re. Avon and Lake Pisiquid
- Item 10(a)(v) - Dept of Transportation and Active Transit re. Bog Road repairs

Following the outcome of Matter 11(e), there may be a special council meeting immediately following this meeting.

MOVED BY COUNCILLORS MURLEY AND SHERMAN THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

4. **Declaration(s) of Conflict of Interest**

Councillors Jeff Hartt and S. McLean declared conflict of interest on Matter #11(e) – Avon River Causeway Gate Recommendation Report. S. McLean indicated he owned land along the Avon and J. Hartt indicated due to ancestral reasons.

5. Announcements – Mayor Zebian noted that with COVID restrictions, meetings are back to being held virtually and the coloured cards will once again be used: green represents a yes vote; red a nay; and yellow is to ask a question.
Everyone is encouraged to adhere to COVID restrictions and follow all health guidelines.

6. Approval of Previous Meeting Minutes
a) 2021-04-13 Committee of the Whole minutes

MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR MURPHY THAT THE 2021-04-12 COMMITTEE OF THE WHOLE MINUTES BE APPROVED AS CIRCULATED. MOTION CARRIED

7. Presentations

a) Environment - Eli Strum, Student, Falmouth District School

Mayor Zebian introduced Eli noting he is a 10-year-old, grade 5 student from Falmouth District Elementary who will be attending King's-Edgehill School in the fall.

Eli presented his speech on the environment and dangers of climate change. He spoke of Greenhouse Gas Emissions and the benefits of electric cars. He referenced the effects litter has on oceans, forests, as well as other environments and animals.

Mayor Zebian thanked Eli for his great speech.

b) Stormwater Management and Flooding Issues (Falmouth) – Logan King and Glenn Woodford, DesignPoint

Director Richard indicated the presentation this evening is for information purposes only and not related to the public hearing for the Meadows Development.

Mr. Woodford reviewed the presentation.

Discussion Points:

- Reference was given to absorption beds but noted that having water under pavement decreases the life of asphalt.
- Water retention is released quickly before it freezes with courser gravel. This is similar to perforated pipe in course gravel.
- Increased costs for both Municipalities and developers was referenced. It could be approximately 5% or less for developers and unknown for Municipalities; depending on the measures put in place.
- If Elderkin Creek were cleaned out, it would help with drainage. If it is a watercourse, a permit from the Dept. of Environment would be needed as well as owner's permission.

Director Richard thanked Logan and Glenn for the presentation and said that West Hants Regional Municipality is doing some of the low impact developments and measures (e.g., perforated pipe in large French drain). The former Town of Windsor also identified this, and the new sewage treatment plant addresses sanitary and stormwater.

Mr. King and Mr. Woodford left the meeting at 6:52pm.

8. Unfinished Business/Postponed Motions

- a) **Rural Internet Service for NS (standing item)** – CAO Phillips said there is no update at this time and residents are encouraged to check the Develop NS website.
- b) **Dangerous or Unsightly Premises – Old Textile Mill (standing item)** – CAO Phillips said there is evidence of things happening on site and WHRM Building Officials continue to monitor. Safety/danger measures are being addressed and the unsightly matters are a work-in-progress. Property owners are being active to address items and move forward.
- c) **Hantsport Fire Station Build – Information Report** - CAO Phillips noted many supporting documents were included in the agenda package and proceeded to provide history related to this matter.

Discussion Points:

- Should not delay this matter longer than next week.
- More information assists with due diligence.
- Can council meet at the site. CAO will assess Provincial COVID restrictions.
- Council agreed to meet Thursday, May 20th.
- Would like to see how there is a connection between the WHRM Summary Memo from Planner Shah and the Vincent den Hartog report as it relates to moving forward today.
- If going with the current site selected on Oak, it would be approximately one year before the new fire station is up & running. Between now and then, service levels would remain as they have been and will not be affected.
- There is no intent to prolong the project; however, council is wanting to ensure they have the best information to make a responsible decision.

Next steps:

- Continue to gather information so as to provide it to council. CAO Phillips indicated he would do a comparison table that identifies approximately 19 items and share that list with council beforehand. Should council have anything further to add, to let him know.
- RFP closes May 13th. (As per our Municipal Solicitor, there are no legal implications should WHRM pause the RFP process once it closes).
- Look at having a special council meeting next week. This will provide opportunity to put the RFP information together as well.

9. Reports

- a) **CAO Activity Update – Information Report** – CAO Phillips reviewed his report.

10. Correspondence

a) Information

i. Avon Causeway Activity Log

- | | |
|---|----------------------------------|
| 1. Andrew Smiley (May 2, 2021) | 5. Denise Forand (Apr 27, 2021) |
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39. Andre and Donna Arsenault

ii. Dept of Mun Affairs (Apr 27, 2021) - 12-Months' Notice

iii. Canadian Federation of Independent Business (CFIB) (May 5, 2021) - Construction Mitigation

iv. Safe Restart Fund NS (May 2021)- Quick Reference Guide

Mayor Zebian read correspondence that arrived after the distribution and posting of the agenda package. He further noted that some additional petition pages had been provided today from Roslyn MacDuff and will be updated in the agenda package. Correspondence was received from:

- Carol MacKenzie and David Perry (May 11, 2021) – Avon Causeway/Lake Pisiquid
- Rhea and Art Noiles (May 11, 2021) – Avon Causeway/Lake Pisiquid
- Dept. of Transportation and Active Transit – Bog Road repairs

b) Requests (for discussion)

i. Southwest Hants Fire Society (May 5, 2021) - Capital Budget Rescue Boat Request – Defer to budget discussions.

Discussion Points:

- Petitions were included in the agenda package as well as forwarded to members of the Province and Federal Governments.
- There may be some duplicates on the petitions that should be checked.

11. New Business

a) Asphalt Paving Services Standing Offer Contract (WWHPW21-04) - Recommendation Report - Director Richard reviewed the report.

MOVED BY COUNCILLORS MURPHY AND S. MCLEAN THAT IT BE RECOMMENDED TO COUNCIL THAT COUNCIL APPROVE THE AWARD OF A STANDING OFFER CONTRACT WWHPW21-04 FOR ASPHALT PAVING SERVICES TO THE LOW COMPLIANT BIDDER, DEXTER CONSTRUCTION COMPANY LTD., FOR THE TERM AND UNIT PRICES SPECIFIED IN THEIR PUBLIC BID SUBMISSION. MOTION CARRIED

- b) Municipal Complexes Appraisals (76 Morison Drive PID # 45148731 and 100 King Street PID#s 45057742, 45057734, & 45057759) – Information Report** - CAO Phillips reviewed the report and highlighted the Municipal Complex Review Spreadsheet that outlines both properties as it pertains to leasing.

Discussion Points:

- A working group is a great idea. Perhaps see which direction Council wishes to move in, review during budget, then form a working group.
- Important to bring staff together.
- Review the implications of selling King Street and the effect it would have with the Windsor Fire Department.
- Discuss during budget and give staff clear direction which way to go.

- c) 65 Fort Edward – Surplus Lands – Recommendation Report** – CAO Phillips reviewed the report.

Discussion Points:

- Appraisals were conducted in 2019 and market values are higher now; however, the realtors currently being used would advise of the market value.
- Should staff relocate to 100 King Street, the parking area could be unlisted if need be. There is potentially other parking opportunities up by Fort Edward as well (at the Armouries).

MOVED BY COUNCILLORS MURLEY AND M. MCLEAN THAT IT BE RECOMMENDED TO COUNCIL THAT PID #S 45059797 AND 45059805 FORMERLY KNOWN AS THE WINDSOR OUTDOOR POOL SITE, 65 FORT EDWARD STREET, WINDSOR, NS, BE DEEMED AS SURPLUS PROPERTY AND THAT THE PROPERTIES BE LISTED FOR SALE AT MARKET VALUE. MOTION CARRIED

- d) Newport Station Food Hub Paving Driveway – Information Report** - CAO Phillips reviewed the report and suggested discussing during budget deliberations.

Discussion Points:

- The lease appears to be for Newport Station Investment Group (the old owners). CAO Phillips will look into the Agreement further.
- There are currently six tenants in the building and the driveway is in desperate need of repairs.
- WHRM does not plow that driveway.
- Staff will obtain a rough estimate on the cost for the driveway upgrades before budget deliberations.
- The driveway is not a road.

e) Avon River Causeway Gate – Recommendation Report

Councillors S. McLean and Hartt left the meeting, declaring conflict of interest.

Mayor Zebian reviewed the report and added that he recently spoke with Windsor Fire Chief, Jamie Juteau who expressed concern about the dry hydrant on the waterfront.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR MURLEY THAT COUNCIL SEND A LETTER TO THE MINISTER OF FISHERIES, OCEANS AND THE CANADIAN COAST GUARD, THE HONOURABLE BERNADETTE JORDAN, SPEAKING ON BEHALF OF THE IMPACTED RESIDENTS OF THE WEST HANTS REGIONAL MUNICIPALITY, REQUESTING THAT THE MINISTERIAL ORDER ISSUED THIS SPRING SET TO EXPIRE ON MAY 18, 2021 NOT BE RENEWED.

FURTHER

NOTING THAT THE DISCONTINUATION OF THE MINISTERIAL ORDER WILL PERMIT THE OPERATION OF THE AVON RIVER CAUSEWAY GATES IN WINDSOR TO RESUME IN THE SAME MANNER IT HAS SINCE ITS CONSTRUCTION IN 1970, AIMED TO PROTECT THE COMMUNITY OF WINDSOR AND OTHER AREAS OF THE WEST HANTS REGIONAL MUNICIPALITY FROM THE NEGATIVE IMPACTS OF THE LOSS OF A RELIABLE BACK UP WATER SUPPLY FOR FIRE FIGHTING PURPOSES, SOCIAL / ECONOMIC IMPACTS, ENVIRONMENTAL / HEALTH IMPACTS, POTENTIAL LOSS OF BUSINESS, AND THE POTENTIAL LOSS OF TAX REVENUE FROM DECREASED ASSESSMENTS.

FURTHER

THIS REQUEST IS IN KEEPING WITH THE AUTHORITY THE MINISTER MAY EXERCISE AS STATED IN THE FEDERAL FISHERIES ACT, SPECIFICALLY REFERENCED IN SECTION 2.5 ARTICLES (E) AND (G) AND SECTION 34.1(1) ARTICLE (H);

2.5 EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, WHEN MAKING A DECISION UNDER THIS ACT, THE MINISTER MAY CONSIDER, AMONG OTHER THINGS,

(E) COMMUNITY KNOWLEDGE;

(G) SOCIAL, ECONOMIC AND CULTURAL FACTORS IN THE MANAGEMENT OF FISHERIES;

34.1 (1) BEFORE RECOMMENDING TO THE GOVERNOR IN COUNCIL THAT A REGULATION BE MADE IN RESPECT OF SECTION 34.4, 35 OR 35.1 OR UNDER SUBSECTION 35.2(10), 36(5) OR (5.1), PARAGRAPH 43(1)(B.2) OR SUBSECTION 43(5) OR BEFORE EXERCISING ANY POWER UNDER SUBSECTION 34.3(2), (3) OR (7), PARAGRAPH 34.4(2)(B) OR (C), SUBSECTION 34.4(4), PARAGRAPH 35(2)(B) OR (C) OR SUBSECTION 35(4), 35.1(3), 35.2(7) OR 36(5.2), OR UNDER SUBSECTION 37(2) WITH REGARD TO AN OFFENCE UNDER SUBSECTION 40(1), THE MINISTER, PRESCRIBED

PERSON OR PRESCRIBED ENTITY, AS THE CASE MAY BE, SHALL CONSIDER THE FOLLOWING FACTORS:

(H) ANY OTHER FACTOR THAT THE MINISTER CONSIDERS RELEVANT. (see further discussion)

Discussion Points:

- If freshwater is the issue, should look at how to keep freshwater, not through this recommendation.
- Council has not received any information related to dry hydrants and not certain it is as much a concern as presented.
- Accelerated erosion – not even hitting the 25% mark this year. Re. vegetation loss, salt water is only coming in for 35 minutes. There are no fish kills.
- Droughts would not show up overnight.
- This recommendation does not reflect WHRM compromising on anything but requests the Minister does.
- WHRM should not be in the middle of a political hotspot with no information.
- The Ministerial Order issued caught everyone off guard; some agree/some don't; but there are impacts.
- This is not a political decision with respect to the highway twinning project, but rather to look at the concerns of the residents as it pertains to this Ministerial Order.
- Ideal time to get the proper level to cover sandbars is when the level is low (like now).
- People are passionate about this and passionate about their lake. Must respect both sides of the issue; however, majority of residents and businesses want to keep the freshwater lake.
- For some landowners along the Avon River, people are split on the cause and severity of erosion.
- If the Ministerial Order is renewed on May 18th, it would extend into June and affect the Pisiquid Canoe Club.
- Numerous calls have been made to the Minister and no responses to-date.
- Prime Minister Justin Trudeau should also be cc'd on correspondence that goes out about this matter.

MOVED BY COUNCILLORS JANNASCH AND IVEY TO TABLE THE RECOMMENDATION ON THE FLOOR FOR TWO WEEKS TO GIVE DEPT. OF FISHERIES AND OCEANS MORE TIME TO RESPOND TO WHRM'S REQUEST FOR MORE INFORMATION. MOTION DEFEATED
(Nays: Zebian, M. McLean, Francis, B. Morton, Sherman, P. Morton, Murphy, Murley).

MOVED BY MAYOR ZEBIAN AND COUNCILLOR MURLEY THAT THE RECOMMENDATION BE AMENDED TO INCLUDE "UNTIL SUCH TIME AS AN ACCEPTABLE SOLUTION IS IDENTIFIED BY DFO "AFTER THE WORD "ASSESSMENTS" AT THE END OF THE SECOND PARAGRAPH. MOTION CARRIED
(Nays: Councillor Ivey)

Further discussion points:

- WHRM budget is based on the status quo of the lake. WHRM should have a plan in place considering the potential of a new system. Establishing a working group was suggested.
- WHRM is at the mercy of the Provincial and Federal Governments and a working group would be planning 'what-ifs'. Until WHRM has direction from the other levels of government, it is hard to plan.
- Staff were directed to put together Terms of Reference for the working group and present it at the May 25th Council meeting.

Original recommendation with the amendment:

MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR MURLEY THAT COMMITTEE OF THE WHOLE RECOMMEND TO COUNCIL TO SEND A LETTER TO THE MINISTER OF FISHERIES, OCEANS AND THE CANADIAN COAST GUARD, THE HONOURABLE BERNADETTE JORDAN, SPEAKING ON BEHALF OF THE IMPACTED RESIDENTS OF THE WEST HANTS REGIONAL MUNICIPALITY, REQUESTING THAT THE MINISTERIAL ORDER ISSUED THIS SPRING SET TO EXPIRE ON MAY 18, 2021 NOT BE RENEWED.

FURTHER

NOTING THAT THE DISCONTINUATION OF THE MINISTERIAL ORDER WILL PERMIT THE OPERATION OF THE AVON RIVER CAUSEWAY GATES IN WINDSOR TO RESUME IN THE SAME MANNER IT HAS SINCE ITS CONSTRUCTION IN 1970, AIMED TO PROTECT THE COMMUNITY OF WINDSOR AND OTHER AREAS OF THE WEST HANTS REGIONAL MUNICIPALITY FROM THE NEGATIVE IMPACTS OF THE LOSS OF A RELIABLE BACK UP WATER SUPPLY FOR FIRE FIGHTING PURPOSES, SOCIAL/ECONOMIC IMPACTS, ENVIRONMENTAL/HEALTH IMPACTS, POTENTIAL LOSS OF BUSINESS, AND THE POTENTIAL LOSS OF TAX REVENUE FROM DECREASED ASSESSMENTS UNTIL SUCH TIME AS AN ACCEPTABLE SOLUTION IS IDENTIFIED BY DFO.

FURTHER

THIS REQUEST IS IN KEEPING WITH THE AUTHORITY THE MINISTER MAY EXERCISE AS STATED IN THE FEDERAL FISHERIES ACT, SPECIFICALLY REFERENCED IN SECTION 2.5 ARTICLES (E) AND (G) AND SECTION 34.1 ARTICLE (H);

2.5 EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, WHEN MAKING A DECISION UNDER THIS ACT, THE MINISTER MAY CONSIDER, AMONG OTHER THINGS,

(E) COMMUNITY KNOWLEDGE;

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34.1 (1) BEFORE RECOMMENDING TO THE GOVERNOR IN COUNCIL THAT A REGULATION BE MADE IN RESPECT OF SECTION 34.4, 35 OR 35.1, OR UNDER SUBSECTION 35.2(10), 36(5), OR (5.1), PARAGRAPH 43(1)(B.2) OR SUBSECTION 43(5) OR BEFORE EXERCISING ANY POWER UNDER SUBSECTION 34.3(2), (3) OR (7), PARAGRAPH 34.4(2)(B) OR (C), SUBSECTION 34.4(4), PARAGRAPH 35(2)(B) OR (C) OR SUBSECTION 35(4), 35.1(3), 35.2(7) OR 36(5.2), OR UNDER SUBSECTION 37(2) WITH REGARD TO AN OFFENCE UNDER SUBSECTION 40(1), THE MINISTER, PRESCRIBED PERSON OR PRESCRIBED ENTITY, AS THE CASE MAY BE, SHALL CONSIDER THE FOLLOWING FACTORS:

(H) ANY OTHER FACTOR THAT THE MINISTER CONSIDERS RELEVANT. MOTION CARRIED (Nays: Councillor Ivey)

12. Public Participation Period – Administrative Supervisor Thornton provided a summary of comments made during the livestream.

13. In-Camera

All members of Council and staff remained for the in-camera discussion; the public left. Manager VanEssa Roberts joined the meeting.

Mayor Zebian noted the in-camera session was to approve previous in-camera meeting minutes and two land matters.

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR MORTON THAT THE MEETING MOVE IN-CAMERA AT 8:36PM. MOTION CARRIED

MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR M. MCLEAN THAT THE MEETING MOVE OUT OF IN-CAMERA AT 9:06PM. MOTION CARRIED

MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR FRANCIS TO RECOMMEND TO COUNCIL THAT THE CAO CARRY OUT THE DIRECTION OF COUNCIL TO EXECUTE THE PURCHASE AND SALE AGREEMENT FOR 20 MAIN STREET, HANTSPORT AS DISCUSSED IN-CAMERA. MOTION CARRIED

14. Next Meeting Date / Adjournment – Council meets at 6pm May 25th. A special council meeting will also be arranged for May 20th pertaining to the Hantsport Fire Station Build discussions.

MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR M. MCLEAN THAT THE MEETING ADJOURN AT 9:07PM. MOTION CARRIED.

Mayor Abraham Zebian

CAO/Clerk Mark Phillips