



**WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda - **AMENDED****

April 27, 2021 - 6:00 p.m.

**In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS
Also held Via Zoom and Facebook Livestreamed**

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard – Action Items
5. Declaration of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2021-03-23 Council Meeting minutes
 - b) 2021-03-23 Public Hearing Minutes - 20 Main Street Hantsport Rezoning (conclusion)
 - c) **2021-04-06 Special Council Minutes**
7. Presentations - None
8. Unfinished Business/Postponed Motions
 - a) Former Textile Mill Dangerous or Unsightly Update (standing item)
 - b) By-law Enforcement Vehicle – Tender Award - Supplemental Information Report
 - c) 2021-22 Strategic Priorities Adoption
9. Public Hearings
 - a) Meadows Development - Public Hearing (opening)
 - b) Mobile Homes in Three Mile Plains – Public Hearing (opening)
 - c) Emergency Management By-law (opening & closing)
10. Second Readings for the Public Hearing Matters in Agenda Matter #9
 - a) Emergency Management By-law
11. Mayor's Information Report
12. Committees of Council Recommendations
 - a) Committee of the Whole Excerpts – April 13, 2021
 - i. Appointments to Planning/Heritage Advisory Committee
 - ii. Avon River Causeway letter to Dept of Fisheries and **Mayor's Information Report**
 - iii. Sidewalk Café Fees
 - iv. **Sports Complex Walking Track**

- v. WHRM Land Dispute Policy/Process Request
- vi. Willow Street, Hantsport (Street & Services Reconstruction) Tender Award

13. Councillor Municipal Activity Reports – Verbal Committee Updates
14. Correspondence
 - a) Information
 - i) Avon River Causeway/Hwy 101 Twinning Project Log
 - 1) Carilee Eddy (Apr 15, 2021)
 - 2) Nikki-Marie Lloyd (Apr 19, 2021)
 - 3) Sheldon Hope (Apr 19, 2021)
 - 4) Adrienne Wood (Apr 22, 2021)
 - 5) Magda Montgomery (Apr 22, 2021)
 - 6) Sheldon Hope (Apr 26, 2021)
 - ii) Planner S. Poirier (Apr 21, 2021) - 20 Main St, Hantsport PID 45043304 Appeal Period Expiry
 - iii) Chris Cann (Apr 27, 2021) – Tregothic Marsh
 - b) Requests
 - i) Tasha Rogers (Tregothic Marshbody) (Apr. 6, 2021) - Clean-up
 - ii) Annapolis Valley Regional Library (Apr 15, 2021) - New Library Funding Formula
15. New Business
 - a) Mill Lakes Watershed Advisory Committee Landowner Appointment – Recommendation Report
16. In-Camera
 - a) 2021-03-23 In-Camera Council Meeting Minutes
 - b) 2021-04-06 In-Camera Special Council Minutes
 - c) Land Matter (Potential land sale of Municipal-owned property) – MGA Section 22(2)(a)
17. Next Meeting Date / Adjournment

WEST HANTS REGIONAL MUNICIPALITY

Regular Council Minutes

April 27, 2021 6:00 pm

Held via Zoom and Facebook Livestreamed

1) Call to Order

Mayor Zebian called the meeting to order at 6:13 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

Todd Richard, Dir. Public Works
Carlee Rochon, Dir. Financial Services
Shawn Levy, By-law Enforcement Officer
Saira Shah, Planner

Madelyn LeMay, Dir. Planning & Development
Rhonda Brown, Municipal Clerk
Kathy Kehoe, Dir. Community Services
Sara Poirier, Planner
Chris Markides, ZZap Consulting

Members of the public watched the meeting using Facebook Live.

3) Announcements

- Students from Avon View High School have done various community clean-up projects in the Municipality.
- The Province will be shutting down for at least two (2) weeks due to an increase in COVID-19 cases, the various restrictions were reviewed.
- The Municipality will be meeting virtually using Zoom until further notice and there will be restricted access at offices. Residents were encouraged to pay invoices online or use the drop off boxes.

4) Approval of Agenda, including additions or deletions

a) Dashboard – Action Items

MOVED by Deputy Mayor Morton and Councillor Morton that the agenda be approved with the following addition:

- **16(c) Land Matter (Potential land sale of Municipal-owned property) MGA Section 22(2)(a)**

Motion Carried.

5) Declarations of Conflict of Interest

Mayor Zebian and Councillor Francis declared conflict of interest for Agenda Item 14(b)(i) regarding the Tregothic Marsh as they own land in the area.

6) Approval of Previous Meeting Minutes

MOVED by Deputy Mayor Morton and Councillor Sherman to approve the following minutes:

- **2021-03-23 Council Meeting Minutes**
- **2021-03-23 Public Hearing Minutes – 20 Main Street, Hantsport Rezoning (conclusion)**
- **2021-04-06 Special Council Minutes**

Motion Carried.

7) Presentations – There were no presentations.

8) Unfinished Business/Postponed Motions

a) Former Textile Mill Dangerous or Unsightly Updates (standing item)

CAO Phillips informed that while there were no updates on the Dangerous or Unsightly aspect of the Mill, there may be activity at the site while geotechnical work is performed.

b) By-law Enforcement Vehicle – Tender Award – Supplemental Information Report

By-law Enforcement Officer Shawn Levy presented the report. He informed the cash purchase price of the vehicle from O'Regan's Automotive Group would be \$33,499 not \$30,930 as stated in the report.

MOVED by Councillors Murley and Sherman 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.

Motion Defeated.

Councillors Jannasch, Sherman, Francis, S. McLean, Ivey, Deputy Mayor Morton and Mayor Zebian voted nay.

Discussion Points:

- The closest Toyota dealer is in Halifax or New Minas, but any certified mechanic can complete work on the Toyota vehicle without voiding the warranty, including members of the Public Works Department.
- By-law Enforcement Officer coordinate calls to the same area to reduce travel.
- Leasing the By-law Vehicle was an option to handle the cost through operations rather than using reserves as the vehicle would likely have less wear and tear than other fleet vehicles.
- The Municipality should support and buy local.

MOVED by Councillors Francis and Sherman that Council award Tender WHRMPL-21-01 for a vehicle for By-law Enforcement to Pothier Motors Leasing at a cost of \$23,463.44 plus applicable taxes over forty-eight (48) months.

Motion Defeated.

Councillor Jannasch, Ivey, Hartt, Murley, M. McLean, and Murphy voted nay.

Discussion Points:

- The Municipality must adhere to various procurement agreements, these agreements define local as Nova Scotia not a community. Historically there have been no challenges for buying local as most people are supportive of the movement.
- The operational budget would need to be reviewed and a clear reason defined if questioned by Provincial Procurement.

Councillors inquired if the original motion could be put back on the floor, the Municipal Clerk stated it could be considered as a separate motion and so would be allowed.

MOVED by Councillors Murphy and Murley 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.

Motion Carried.

Councillors Francis, Ivey and Jannasch voted nay.

(After the meeting, motion procedures were reviewed, and it was determined the motion was in appropriate as the exact same motion had already been defeated. Procedures would be reviewed and Council members would be advised.)

By-law Enforcement Officer Levy left the meeting at 6:45 pm

c) 2021-22 Strategic Priorities Adoption

CAO Phillips reviewed the report.

MOVED by Councillors Murley and Sherman that Council approves the 2021/22 Strategic Plan for the West Hants Regional Municipality.

Motion Carried.

Councillor Ivey voted nay.

Discussion Points:

- Regional signage should be part of Communication not a separate goal.
- Some tasks under Promotion of Agricultural Awareness may be outside the Municipal expertise such as soil composition.
- The Municipality should focus on business attraction not employee retention.
- Environmental Stewardship will include the retrofitting of buildings.

9) Public Hearings

MOVED by Councillors Murley and Sherman to go into Public Hearing.

Motion Carried.

The meeting moved into Public Hearing at 6:49 pm.

a) Meadows Development – Public Hearing (opening)

Further information on the Public Hearings are available in the Meadows Development Public Hearing Minutes (opening).

Mayor Zebian declared the Public Hearing adjourned until May 25, 2021.

b) Mobile Homes in Three Mile Plains – Public Hearing (opening)

Further information on the Public Hearings are available in the Mobile Homes in Three Mile Plains Public Hearing Minutes (opening).

Mayor Zebian declared the Public Hearing adjourned until May 25, 2021.

Planner Poirier, Planner Shah, and Chris Markides left the meeting at 7:13 pm.

c) Emergency Management By-law (opening & closing)

Further information on the Public Hearings are available in the Emergency Management By-law Public Hearing Minutes (opening & closing).

Mayor Zebian declared the Public Hearing closed.

Council Meeting reconvened at 7:24 pm.

10) Second Readings for the Public Hearing Matters in #9

a) Emergency Management By-law (opening & closing)

MOVED by Councillors Murphy and Sherman that Council give Second Reading and approves the Emergency Management By-law, RE-002, which includes the repeal of previous Regional Emergency Management By-laws, substantively the same as

**that presented to Committee of the Whole on March 9, 2021.
Motion Carried.**

11) Mayor's Report

Mayor Zebian asked if there were any questions about his report, adding the meeting with the Board of the Valley Regional Enterprise Network had not been set.

12) Committees of Council Recommendations

a) Committee of the Whole Excerpts – March 9, 2021

i) Appointments to Planning/Heritage Advisory Committee

MOVED by Deputy Mayor Morton and Councillor B. Morton 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 Deputy Mayor Morton and Councillor Murley 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 Deputy Mayor Morton and Councillor Sherman 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.

Mayor Zebian stated that six members of Council also needed to be appointed to the Committee. After discussion it was agreed to appoint those with odd District numbers for the first appointment. Councillors Jannash, M. McLean, Francis, Sherman, Murphy, Ivey were nominated and appointed to the Planning Advisory/Heritage Advisory Committee.

ii) Avon River Causeway letter to Dept of Fisheries

MOVED by Deputy Mayor Morton and Councillor Francis 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 by DFO dated April 1, 2021 and any

additional orders issued in the future.

Motion Carried.

MOVED by Councillors Ivey and Hartt to amend the entire motion to state "that Council request, in writing, an information session with the Department of Fisheries and Oceans (DFO), about its anticipated plans to regulate the flow of the Avon River. As a community we are concerned because if the regulations to be implemented by DFO result in the incursion of saltwater into the river system or cause flooding of lands currently protected by the aboiteau, then we would like to begin a dialogue to better understand if and where we would be best directed for further discussion on mitigation for any affected areas or parties within our Region that would be negatively impacted by such a change in protocols.

Amendment Carried.

Councillors Jannasch, S. McLean, Francis and Deputy Mayor Morton voted nay.

Motion as amended states:

MOVED by Deputy Mayor Morton and Councillor Francis that Council request, in writing, an information session with the Department of Fisheries and Oceans (DFO), about its anticipated plans to regulate the flow of the Avon River. As a community we are concerned because if the regulations to be implemented by DFO result in the incursion of saltwater into the river system or cause flooding of lands currently protected by the aboiteau, then we would like to begin a dialogue to better understand if and where we would be best directed for further discussion on mitigation for any affected areas or parties within our Region that would be negatively impacted by such a change in protocols.

Motion Carried as amended

Councillors Jannasch, Hartt, S. McLean, Francis and Deputy Mayor Morton voted nay.

Discussion Points:

- A request to meet with the Department of Fisheries and Oceans (DFO) to better understand the Ministerial Order would be better than a letter, as they are the regulators of what will happen with Dept. of Transportation and Active Transit (TAT) as well as the Department of Agriculture (DOA).
- The Ministerial Order was received by DOA earlier than April 1, 2021 but was not released publicly until then.
- The public is looking to the Municipality for answers, but it is a Federal and Provincial issue.
- The original motion may be argumentative and DFO may not know the answers yet. DFO has not responded to attempts by others to have acknowledgement the issue. Contact needs to be established before arranging a meeting with one or all parties involved.
- No meeting of the Community Liaison Committee has been confirmed, and they would likely be informed of decisions first.

- The Municipality wants the best for both sides of the issue, but the lack of information is creating a divide in the community. Ministers have a duty to articulate a reason behind a decision.
- Once the letter has been written to request a meeting, Councillors can review the questions proposed in the Mayor's report and determine other questions.

iii) Sidewalk Café Fees

MOVED by Deputy Mayor Morton and Councillor Murley 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 M. McLean was absent for the vote.

iv) Sports Complex Walking Track

MOVED by Deputy Mayor Morton and Councillor Ivey 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.

MOVED by Councillors Ivey and Sherman to amend the motion by adding "and endorsed with support by Project Manager Tate Engineering."

Amendment Carried.

Motion as amended states:

**MOVED by Deputy Mayor Morton and Councillor Ivey 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 and endorsed with support by Project Manager Tate Engineering.
Motion Carried as amended.**

Discussion Points:

- Geoff Jamison, Engineering Manager at Lindsay Construction Limited wrote a letter stating the surface cracks in the walking area were typical and do not pose a structural risk. Also, that the concrete track is supported by a steel deck.
- A letter from Tate Engineering as the Project Manager should also be obtained. Also, the letters should be reviewed by legal.

- To lay the track surface a specific percentage of humidity will be needed, and costs could increase if the mechanical system need to be started.
- The cost is above the 2020-2021 remaining budget of \$112, 000, however this track is covering a larger area and provides additional benefits.
- While there may be some benefits to doing the project in the fall when the ice plant would normally be restarted, there are also benefits of doing it in the off season, so ice time and programming is not impacted. The project could take 6-8 weeks, in addition to any impacts related to COVID.
- This project is funded by Gas Tax and does not impact the budget and tax rate.
- Off gassing of the installation of the track is not a large consideration, more consideration is the humidity needed and keeping people off it.

v) WHRM Land Dispute Policy/Process

MOVED by Deputy Mayor Morton and Councillor Ivey 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.

vi) Willow Street, Hantsport (Street & Services Reconstruction) Tender Award

MOVED by Deputy Mayor Morton and Councillor Sherman 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.

13) Councillor Municipal Business Reports - Verbal Committee Updates

- Councillor Murphy reported the Davison Lake Watershed Advisory Committee and French Mill Brook Watershed Advisory Committee has met and adopted the same Best Management Practices used by the Mills Lake Watershed.
- Deputy Mayor Morton informed the Police Advisory Board had met and swore in members Belinda Bezanson and Ken Swan. The Committee discussed the speeding concerns, the Safe Exchange Zone, Peace and Good Order By-law, and arranging a tour of the RCMP Headquarters in Halifax.

- Councillors spoke of the 2021 Volunteer Awards they delivered to the residents and businesses in the Municipality; adding there are many more community volunteers that did not receive recognition but were just as important.

14) Correspondence

a) Information

i) Avon River Causeway/Hwy 101 Twinning Project Log

- 1) Carilee Eddy (Apr 15, 2021)
- 2) Nikki-Marie Lloyd (Apr 19, 2021)
- 3) Sheldon Hope (Apr 19, 2021)
- 4) Adrienne Wood (Apr 22, 2021)
- 5) Magda Montgomery (Apr 22, 2021)

ii) Planner S. Poirier (Apr 21, 2021) – 20 Main St, Hantsport PID 45043304 Appeal Period Expiry

MOVED by Councillors Ivey and Murley that the Mayor and CAO reach out to the Department of Agriculture representative to see if an opportunity may exist to cover the sand that currently sits on the sandbars causing the dust storms. Motion Defeated.

Mayor Zebian, Deputy Mayor Morton and Councillors S. McLean, M. McLean, B. Morton, Francis, Sherman and Hartt voted nay.

Discussion Points:

- Due to the current dry period and the controlled flow of the causeway by Department of Agriculture, more dust is being seen. If DOA extends the time of water coming in perhaps the dry patches could be covered to reduce the dust.
- It is unknown what effect opening the gates longer would do for the dust storms or impacts it would have further down stream.

Mayor Zebian and Councillor Francis declared conflict of interest as they owned land in the area and left the meeting. Deputy Mayor Morton assumed the Chair at 8:29pm.

b) Requests

i) Tasha Rogers (Tregothic Marshbody) (Apr 6, 2021) – Clean-up

Discussion Points:

- The Tregothic Marsh is outside of our jurisdiction as the developer is working on his private land and the storm water crosses Payzant Drive on to his land again.
- Nova Scotia Environment (NSE) would have jurisdiction if issue arose, as currently there are no impacts to the Municipal stormwater system. If between two properties, then it would be a civil matter.
- Unless the land activity adversely affects Municipal infrastructure, the Municipality does not get involved until an application for a development

agreement or planning amendment is received. However, Council could choose to contact NSE.

- Fish larvae are vulnerable to siltation this time of year and it may be due diligence to have NSE review the issue.

Mayor Zebian and Councillor Francis rejoined the meeting at 8:36 pm. Mayor Zebian assumed the Chair.

ii) Annapolis Valley Regional Library (Apr 15, 2021) – New Library Funding Formula

Mayor Zebian informed that Municipal Affairs stated the Municipality is not responsible for the additional funding until 2022-2023.

15) New Business

a) Mills Lake Watershed Advisory Committee Landowner Appointment – Recommendation Report

CAO Phillips presented the report.

MOVED by Councillor Murley and Deputy Mayor Morton that Council approves the following landowner be appointed to the Mills Lake Watershed Advisory Committee for the term April 01, 2021 to October 31, 2022: Patrick Schofield. Motion Carried.

Miscellaneous Request - Councillor Hartt requested a copy of the geotechnical report of the Hantsport Public Works site that stated it was unsuitable for the Hantsport Fire Department project, Director Richard will provide the report.

16) In-Camera

a) Approval of 2021-03-23 Council In-Camera Minutes

b) Approval of 2021-04-06 Special Council In-Camera Minutes

c) Land Matter (Potential land sale of Municipal-owned property) MGA Section 22(2)(a)

MOVED by Councillor Murley and Deputy Mayor Morton to move in-camera. Motion Carried.

The meeting moved in-camera at 8:40 pm. The CAO and staff stayed for the in-camera meeting; members of the public left the meeting.

MOVED by Councillor B. Morton and Deputy Mayor Morton that the meeting move out of in-camera. Motion Carried.

The meeting reconvened at 8:49 pm.

MOVED by Councillor Ivey and Deputy Mayor Morton that Council provide direction to the CAO to proceed with the conditions as it relates to PID 45059631 as discussed in camera.

Motion Carried.

17) Next Meeting Date / Adjournment

The next regular meeting will be Committee of the Whole on May 11, 2021.

MOVED by Councillor B. Morton and Deputy Mayor Morton that the meeting adjourn.

Motion Carried.

The meeting ended at 8:52 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk