MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Special Council
March 28, 2017 5:00 p.m.
Sanford Council Chambers

1. Call to Order

The Warden called the meeting to order at 5:00 p.m.

2. Call of Roll

Present:
  A. Zebian    Warden
  P. Morton    Deputy Warden
  R. Jannasch  Councillor District 1
  K. Monroe    Councillor District 2
  D. Keith     Councillor District 3
  T. Leopold   Councillor District 4
  D. Francis   Councillor District 5
  J. Daniels   Councillor District 7
  C. Osborne   CAO
  R. Brown     Municipal Clerk
  M. LeMay     Director of Planning and Development
  C. Remme     Executive Assistant

Regrets:
  R. Hussey    Councillor
  R. Zwicker   Councillor

There were 4 members of the public in attendance.

3. Approval of Agenda, including additions or deletions

MOVED and SECONDED that the agenda be approved as circulated. Motion Carried.

4. Hockey Heritage Centre Update (Recommendation Report)

CAO Osborne advised that staff from the Municipality and the Town of Windsor worked together based on direction given by Council to review estimates of cashflow for the Hockey Heritage Centre funding. She reviewed the spreadsheet that was developed by staff stating the total project cost of $14,130,596. She pointed out that the Long Pond Rink Annex E table, included in the package, included the eligible and ineligible funding components of the project.

The CAO went on to advise Council that through the process it was determined that the percentage of eligible costs to be funding through gas tax is 33.33% stacking component as opposed to 50% which is the figure staff had been working with. She added that it was also determined that the proposed share of Federal funding must be equal to that of the Province noting that these factors have changed the figures.

CAO Osborne advised Council that under the current motion which is to fund the project entirely from gas tax, in the first permeation, West Hants will be approximately $67,000 over the allotment which can be used from gas tax. She went on to say that to participate Council would have to fund the residual from a different fund, noting staff recommend it be taken from the Operating Reserve. The CAO noted that the motion would not change the funding commitment from Council but only the funding source.

The CAO pointed out that there is a difference in the figures submitted to the Provincial and Federal Governments of $11.8 million and the total cost of the project of $14.1 million. She explained that the application for funding only took into consideration the eligible costs the Governments are willing to fund and not those that must be funded by the partners in the project such as the price of land, price of debt and financing debt and contingency piece.
The CAO drew Council’s attention to the revised copy of the Inter-municipal agreement which takes into consideration comments made by Council and legal advisors. She noted that a copy of the Draft Board Composition and the Board Member Job Descriptions included in the package, were included in preparation of the signing of the Inter-Municipal Agreement for distribution to the public seeking applicants for the Board positions.

CAO Osborne pointed out the governance model flow-chart identified ownership and a draft proposal on how the management structure would work. She noted that the Job Description for Board Director included very specific duties and qualifications with the expectation that any board member appointed would have one or more of the knowledge components to ensure the composition is robust enough to manage the facility competently.

The CAO circulated a letter dated March 24, 2017 from the Windsor Hockey Heritage Society reaffirming their commitment to working with the partners and to play an integral role in the plans for the new Hockey Heritage Centre facility. The CAO noted that they noted some of their concerns such as display and design. She noted that the Society stated that they looked forward to working collaboratively with the partners and to future discussions.

Councillor Monroe asked for clarification on the Federal funding matching Provincial funding. The CAO clarified that the Federal funding will match the provincial funding up to $3 million based on the total cost of the project.

Councillor Monroe spoke of the draft governance model suggesting that as owners the two municipal units should be at the top of the model with the CAOs and the Board being directly under. The CAO explained that the model displayed the flow of communication not authority adding that once the Inter-Municipal Agreement is signed the chart could be adjusted as Council sees fit.

Councillor Monroe questioned the reason for not including an individual from the Hockey Heritage Museum on the Board of Directors. The CAO responded that the representation on the Board had been based on funding adding that the Museum had been considered a tenant at the time of the discussions. She assured Council that they would be a participant in the design of the facility.

Councillor Monroe expressed that she had concern over the cost of the new facility noting the difference in price between it and the Newport Rink.

Councillor Francis voiced her concern that the Hockey Heritage Society and Museum is not more involved in the project as the facility is identified as being a Hockey Heritage Centre. The Councillor spoke of the draft Board Composition expressing that she felt as though there could be some issues with how the composition was set up.

Councillor Francis went on to speak of the figures provided to Council expressing that until the project goes to tender they are estimated costs adding that the figures are double those of the costs to build the Newport Arena. She went on to say that she had a concern regarding the road access to the facility as well.

The Councillor noted that many aspects of the project had not been made public suggesting that it should be a priority to do so. She went on to say that many members of the general public do not realize that the project is not the one that had been announced at Long Pond with the Provincial Government noting that there had been a few designs circulated.

Councillor Francis stated that her final concern with the project was regarding the $3.1 million that had to be fundraised, adding that Council had been assured that the money would be raised prior to the start of the project. She went on to say that the company that was helping to raise funds for the group is now bankrupt which is a concern if the company was the means used to raise funds for the facility. The Councillor expressed that she was in favour of the project but felt as though there were many questions that should be answered prior to moving forward.
CAO Osborne responded to the Councillor noting that the points were all valid and expressed that many of the concerns raised were similar to those raised when the project was first brought forth to Council. She went on to say that she was unsure of the direction Council was taking with this discussion as the recommendation was for consideration of a change in funding not reconsideration of the decision to move forward with the project.

The CAO pointed out that the Long Pond Hockey Society has presented to Council a minimum of three times to advise Council and the public of the changes to the infrastructure. She noted that the design of the facility has not been finalized and would still be up for discussion. She went on to say that the group had performed an informal tender component and completed as much work as they could without a formal tender.

Councillor Jannasch expressed that he had similar concerns of those already expressed. He went on to ask of the expansion of the contingency funding questioning where the money would be coming from. The CAO explained that the funding was adjusted to reflect the best practices and recommendations from the Federal and Provincial Governments and would be funded by by debt as needed by all partners until the completion of the project. The CAO noted that it is built into the cost of the project to accommodate unforeseen costs and small changes in the project.

Councillor Jannasch spoke of the parking lot design that had been submitted which showed several fruit trees expressing that the design was rather elaborate adding that the Newport Rink was still looking for funding to complete their parking lot. He questioned where the funding for the parking lot was in the funding table provided. The CAO clarified that the design of the rink distributed to Council was a conceptual design and, if funding is not available, may not look the same as it was presented. She went on to say that the parking lot was included under Site Flatwork in the spreadsheet.

Councillor Jannasch stated the importance of having the costs associated with the road work that was going to be done by the Town of Windsor on College Road, particularly with the amalgamation application being submitted to the UARB. The CAO responded that as she understood the Town had set aside funding to both College Road and Clifton Avenue and would be solely responsible for upgrades. She went on to say that the access points had been built into the design plan and a letter of understanding had been signed by Kings Edgehill to obtain the right of way to the facility.

Councillor Keith expressed that he felt as though the Hockey Heritage Society should be included on the Board and in the discussions as their volunteers played a huge role in keeping the project moving forward.

The Councillor went on to state his concern regarding Clifton Avenue and College Road being narrow and having access through private school property.

Councillor Keith questioned how the project was going to be funded when Provincial money would be given over a three-year period and the municipal portion over five years. The CAO explained that the Director of Finance had included the cost of borrowing into the plan based on what funds would be coming in year by year. She added that staff believed that the Federal and Provincial funding would be provided based on a submission of costs as opposed to annual lump sums.

Councillor Leopold voiced her concerns over the non-financial commitments of the Heritage Centre. She went on to say that Council had made a commitment to public engagement with the residents adding that, as the Municipality was to be partnering with the Town of Windsor, Council should ensure that they are accountable to the Town residents as well. CAO Osborne explained that as the Town is performing the upgrades to the roads they would also be the ones to be held accountable to their residents. She went on to say that there is an opportunity to engage the community through the Board of the Centre adding that Council would choose who represents the Municipality on the board and Councillors are the voices to and for their residents.
Councillor Leopold voiced that she felt as though the Municipality should ensure that the residents who would be affected by the upgrades to the road are informed that there would be increased traffic and disruptions. Director of Planning and Development, Madelyn LeMay, spoke of the processes in place which would require notification to residents in the case of a development such as the arena. She noted that zoning for the development would have to be approved adding if changes to by-laws were required there would generally have to be a public meeting.

Councillor Francis stated that she would like to see the design plan of the facility prior to making a financial commitment. CAO Osborne pointed out that the plans had been included in the conceptual plans had been circulated to Council in December and again in January. She went on to say that if the project moves forward it will be the Board’s responsibility to determine the design reiterating that the plans that have been seen have been conceptual to this point.

Councillor Monroe expressed that she felt as though Council was not questioning the commitment made to the project nor the funding aspect but that they felt, as joint owners, they should have more information. The Councillor then asked if the arena had to be placed on the proposed site noting that she understood it was not tied to Long Pond. The CAO responded that in a meeting she attended with the Deputy Minister of Communities, Culture and Heritage, the Deputy Minister of Transportation and Infrastructure Renewal and a representative from MP Scott Brison’s office, it was stated by the DM of Communities, Culture and Heritage, that the site had to be Long Pond.

Councillor Monroe asked if there was a timeframe for setting up the Board to which the CAO responded that once the organization was created and signed off by the Councils she hoped to have it in place by the end of May.

The Councillor spoke of the roles and responsibility of the Board noting that many items seemed as though they had to come back to Council for approval. She suggested that Council be assigned with setting the budget in the general sense then have the CAOs approve on their behalf. The CAO advised that the role of the CAOs would be that of support for the Board and Council.

Councillor Daniels stated that she understood that the ownership of the facility is contingent on a five-year term then notice could be given to withdraw if they chose to do so. The CAO confirmed the Councillors understanding. The five-year notice period is tied to the federal government’s requirement that the facility be owned by a municipality for at least five years. The clause in the inter-municipal agreement allows for notice to be given by either party. The remaining party becomes the sole owner of all assets, and their share of liabilities incurred up to the effective date.

Warden Zebian expressed that he had many concerns regarding the project and suggested that Council consider taking their time moving forward. He expressed that the public should be consulted to ensure that they are on board with the project. The Warden questioned what would be the drive to bring people to the rink noting that the Hockey Heritage Society Museum had yet to confirm they would move to the facility. He suggested that all those involved in the project have a meeting in order to have the opportunity to ask and answer questions.

CAO Osborne voiced that she was unclear on the direction that she and staff were being asked to take based on the conversation being held. She noted that the recommendation put forth to Council was to consider an alternate funding source for the commitment that had been made by Council. The CAO noted that if Council was considering a different direction that they advise her of that immediately through the prescribed process available to Council

MOVED and SECONDED that West Hants Council modify the funding source for the Municipality’s commitment to the Hockey Heritage Centre project in year 5 as follows: $133,000 from gas tax funds and $67,000 from operating reserves for a total of $200,000 or a similar ratio not to exceed $200,000.
Motion Carried.
Councillor Jannasch voted nay.

MOVED and SECONDED that the correspondence from Hockey Heritage Society be received and placed on file.
Motion Carried.

Councillor Leopold suggested that the Municipal Council meet with the Town of Windsor Council to discuss the direction to take with the project. The CAO advised that Council had the ability to do so to talk about the relationship and the outcome of the draft documents that had been presented. She added if Council was looking to change the motions in regard to the arena it would not be necessary to meet with the Town Council, voicing that doing so could have a negative impact on the project moving forward.

Councillor Francis expressed that Council is looking for more answers prior to proceeding and did not have issues with the funding aspect. Warden Zebian added that Council should not be limited to the information that they had been shown, voicing that Council must be responsible to the tax payers.

CAO Osborne responded that Council still had options at this point, one of which being to pull from taking part in the ownership. She went on to say that the arena requires only one municipal unit to take ownership in order to move forward, adding that the Town was unable to use gas tax for funding their portion and would be required to use reserve funding.

Councillor Monroe voiced that Councillors were not pulling their support from the project but asking questions. Councillor Francis added that Council was looking to make an informed decision and did not understand why they would be questioned for making inquiries into a project costing $14 million.

CAO Osborne responded that the Town of Windsor Council had similar issues adding that in order to get answers to the questions, the partnership would have to be entered into. She went on to say that Council had the option of giving the funding and stepping away from ownership. She advised Council that they had a partially executed motion in place and if they were feeling as though the risk to the Municipality was too great, they should take the necessary steps to change the prior decision(s) of Council and advise the Town.

Councillor Daniels questioned what the next step would be in the process stating that she had read the Inter-Municipal Agreement and saw no issues. The CAO advised that any suggested changes to the draft agreement should be sent to her to discuss with legal and CAO Coutinho. She added that the agreement would then come back to Council for review and acceptance through a motion.

5. Next Meeting Date
The next meeting of Council will take place on April 11, 2017.

6. Adjournment
MOVED and SECONDED that the meeting adjourn.
Motion Carried.

The meeting adjourned at 6:17 p.m.

Abraham Zebian, Warden
Rhonda Brown, Municipal Clerk