



WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda **AMENDED**
March 23, 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) 2021-02-23 Council Meeting minutes
 - b) 2021-02-23 Public Hearing Minutes - 20 Main Street, Hantsport Rezoning (opening of Public Hearing)
7. Presentations - None
8. Unfinished Business/Postponed Motions
 - a) Dangerous or Unsightly Updates (standing item)
 - b) West Hants Sewer Utility Revenues and Expenditures Projected to Mar. 31, 2021 - Information Report
 - c) **Noise By-law - Postponed motion from Council Feb. 23, 2021**
9. Public Hearings
 - a) 20 Main Street, Hantsport (PID 45043312 and 45043304) Rezoning - Public Hearing (closing)
10. Second Readings for the Public Hearing Matters in Agenda Matter #9
 - a) 20 Main Street, Hantsport (PID 45043312 and 45043304) Rezoning - Public Hearing (closing)
11. Mayor's Information Report
12. Committees of Council Recommendations
 - a) Committee of the Whole Excerpts – March 9, 2021
 - i. Community Recognition – Veteran Firefighters – 15 years
 - ii. Emergency Management By-law First Reading
 - iii. Meeting and Committee Procedural Policy Amendments
 - iv. Motions from In-Camera Discussions

- v. Newport Corner Community Hall
 - vi. PCP (Partners for Climate Protection Program) Milestones 1 & 2
 - vii. Safe Exchange Zone for Online Buyers/Sellers
- b) Planning/Heritage Advisory Committee
- i) **Mobile Homes in Three Mile Plains First Reading – Recommendation Report**
 - ii) **Meadows Development First Reading – Recommendation Report**
13. Councillor Municipal Activity Reports – Verbal Committee Updates
14. Correspondence
- a) Information
- i) Valley Regional Enterprise Network (REN) (Mar. 3, 2021) – Response to WHRM’s Notice of Withdrawal and Termination from the Valley REN
 - ii) Valley Regional Enterprise Network (REN) – 2021-22 Draft Business Plan
 - iii) Denise Forand (Mar. 5, 2021) – Resident Planning Committees of former Towns
 - iv) Melissa Sheehy-Richard (Mar. 11, 2021) – Introduction as PC Candidate for Hants West
 - v) Laura George – Thank you for Fred Fox Bursary
 - vi) Resident Correspondence (Mar. 13, 2021) – Anonymity for Submissions to Council/Committees
 - vii) **Carol MacKenzie Corres. (Mar. 19, 2021) – Sidewalks on Clifton Ave.**
 - viii) **Darren Porter Corres. (Mar. 19, 2021) – Windsor Causeway – For the Record**
- b) Requests – None
15. New Business
- a) Pool Liner – Recommendation Report
 - b) **Questions from Jim Ivey – Lake Pisiqid**
16. In-Camera
- a) 2021-02-23 In-Camera Meeting Minutes
 - b) Land Matter #1 MGA Section 22(2)(a)
 - c) Contract Negotiations MGA Section 22(2)(e)
 - d) **Land Matter #2 MGA Section 22(2)(a)**
17. Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY

Regular Council Minutes

March 23, 2021 6:00 pm

In-Person at Sanford Council Chambers, 76 Morison Drive, Windsor, NS

Held via Zoom and Facebook Livestreamed

1) Call to Order

Mayor Zebian called the meeting to order at 6:00 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

Shelleena Thornton, Administrative Supervisor

Todd Richard, Dir. Public Works
Carlee Rochon, Dir. Financial Services

Rhonda Brown, Municipal Clerk
Madelyn LeMay, Dir. Planning & Development

Kathy Kehoe, Dir. Community Services
Saira Shah, Planner

Sara Poirier, Planner
Dianne Levy, Manager of Recreation and Facilities

There were no members of the public in the Council Chamber. Members of the public watched the meeting using Facebook Live.

3) Announcements

- Mayor Zebian acknowledged we were in Mi'kma'ki the ancestral land of the Mi'kmaq People.
- Sport Nova Scotia published an article on the successful West Hants Multisport Program which exposes teens to various sports.
- Residents were reminded about the Easter Bunny Hunt happening at Irishman's Rd on March 27th.
- This is brush burning season, residents were reminded to review requirements.

4) Approval of Agenda, including additions or deletions

a) Dashboard – Action Items

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

- **15 b) – Questions from Jim Ivey – Lake Pesaquid**
- **16 d) - Land Matter #2 – MGA 22(2)(a)**

Motion Carried.

5) Declarations of Conflict of Interest

Councillor Ivey noted he had previously done work for the proponent of Agenda Item 12. b) ii), but the contractual work had ceased in 2019.

6) Approval of Previous Meeting Minutes

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

- **2021-02-23 Council Meeting Minutes**
- **2021-02-23 Public Hearing Minutes – 20 Main Street, Hantsport Rezoning**

Motion Carried.

7) Presentations – There were no presentations.

8) Unfinished Business/Postponed Motions

a) Dangerous or Unsightly Updates (standing item) - There were no updates.

b) West Hants Sewer Utility Revenues and Expenditures Projected to Mar. 31, 2021 – Information Report

Director Rochon presented the report.

Discussion Points:

- The projected revenue and expenses were reviewed with a projected surplus of \$682.
- Projected Capital Reserves contributions are based on the depreciation of the assets. Actual Capital Reserves contribution at the end of the year is affected by any deficit or surplus of the utility.
- The base and consumption rates cost split was determined in Table S6-2 of the West Hants Sewer Study by G.A. Isenor Consultant Ltd.
- The Sewer Treatment Fee expense of \$141,000 include \$23,000 per quarter paid to Kings County for treatment of Hantsport sewer and other treatment expenses.
- The operation cost of the entire consolidated sewer utility and the total number of customers is used to calculate the sewer rates.
- Residents need to be educated about the sewer fees and financially helped to deal with the increased costs.

- Staff is waiting for a response from the Utility and Review Board regarding the 90-day billing of the base rate.

c) Noise By-law – Postponed Motion from Council Feb. 23, 2021

MOVED by Deputy Mayor Morton and Councillor Ivey that Council create a Noise By-law for the Regional Municipality.

Motion Carried.

Councillors M. McLean, Francis, Sherman and B. Morton voted nay.

9) Public Hearing

a) 20 Main Street, Hantsport (PID 45043312 and 45043304) Rezoning - Public Hearing (Closing)

MOVED by Deputy Mayor Morton and Councillor Sherman to go into Public Hearing.

Motion Carried.

The meeting moved into Public Hearing at 6:35 pm. Further information on the Public Hearings are available in the 20 Main St. (PID 45043312 and 45043304) Rezoning Closing Public Hearing Minutes.

Mayor Zebian declared the Public Hearings closed.

Council Meeting reconvened at 6:41 pm.

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

a) 20 Main Street, Hantsport (PID 45043312 and 45043304) Rezoning - Public Hearing (Closing)

MOVED by Councillor Murphy and Deputy Mayor Morton that Council gives Second Reading to and approves amending the Zoning Map of the Hantsport Land Use By-law to enable the lots located at 20 Main Street, Hantsport, now identified as PID 45043312 and 45043304 and after consolidation of the lots by their joint successor PID, to be rezoned from the Institutional (I) Zone to the Mixed Commercial / Residential (C-2) Zone, as shown on Figure 2, and to consider amending the text of the Hantsport Land Use By-law to add "20 Main Street, West Hants Regional Municipality, Government Office" to the list of permitted institutional uses existing as of May 1, 2018 in the Mixed Commercial / Residential (C-2) Zone, in a manner substantively the same as Attachment A, all as attached to the report to the Hantsport Area Advisory Committee dated January 5, 2021, conditional on consolidation of the lots.

Motion Carried.

11) Mayor's Report

Mayor Zebian asked if there any question about his report; there were none.

12) Committees of Council Recommendations

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

i) Community Recognition - Veteran Firefighters - 15 years

MOVED by Deputy Mayor Morton and Councillor Sherman that Council direct staff to identify the veteran volunteer fire fighters in the region who would have been eligible for recognition through the 15-year Community Milestone Recognition Award introduced in 2018 - thereafter titled the "Don Dignan Service Award" and further that staff coordinate invitations, presentations and purchase of the award medals at a place and time as soon as practicably possible and acceptable to those to be involved.

Motion Carried.

ii) Emergency Management By-law First Reading

MOVED by Deputy Mayor Morton and Councillor Sherman that Council give First Reading and proceed to a Public Hearing and Second Reading for the Emergency Management By-law, RE-002, which includes the repeal of previous Regional Emergency Management By-laws, as presented to Committee of the Whole on March 9, 2021.

Motion Carried.

iii) Meeting and Committee Procedural Policy Amendments

MOVED by Deputy Mayor Morton and Councillor Murley that Council make adjustments to the Hantsport and Windsor Area Advisory Committees as noted in the report and that the new Planning Advisory Committee be as identified in Alternative 1 of the CAO recommendation of the report and approve the remaining amendments to the Meeting and Committee Procedural Policy, RCOGE-003.00 as presented to Committee of the Whole on March 9, 2021.

Motion Carried.

Councillor Murley voted nay.

(Discussion was held before voting.)

Discussion Points:

- Resident representatives should not be members of Council or employees of the Municipality.

MOVED by Deputy Mayor Morton and Councillor Francis that Council rescind the resident member appointments to the Hantsport Area Advisory Committee, Windsor Area Advisory Committee and Planning Advisory/Heritage Advisory Committee.

**MOVED by Councillor Ivey and Deputy Mayor Morton to amend the motion by adding “, not to be effective until the implementation of the newly restructured Planning Advisory/Heritage Advisory Committee.”
Amendment Carried.**

Motion as amended states:

**MOVED by Deputy Mayor Morton and Councillor Francis that Council rescind the resident member appointments to the Hantsport Area Advisory Committee, Windsor Area Advisory Committee and Planning Advisory/Heritage Advisory Committee, not to be effective until the implementation of the newly restructured Planning Advisory/Heritage Advisory Committee.
Motion Carried.**

(Discussion was held before voting.)

Discussion Points:

- A date or event for the effectiveness of the repeal of resident appointments is needed to ensure the process for current application before the committees are not stopped.

iv) Motions from In-Camera Discussions

MOVED by Deputy Mayor Morton and Councillor Sherman that the West Hants Regional Municipality enter into a land exchange and a 99 year easement agreement with Mr. Bruce Rathbun for property associated with PID 45177698 and the portion of the Cheverie Salt Marsh lands, PID 45177706 and grants permission to expend the appropriate funds as required to complete this transaction.

Motion Carried.

MOVED by Deputy Mayor Morton and Councillor Francis that Council directs staff to proceed with the in-camera discussions regarding the sale of the former Hantsport Town Hall.

Motion Carried.

v) Newport Corner Community Hall

MOVED by Deputy Mayor Morton and Councillor Francis that Council accept the property PID 45021318, 130 Highway 215, Newport Corner, and forego the requirements of the Acquisition of Real Property Policy. Further, that Council declare property PID 45021318 as surplus to be sold as an Ordinary Sale under Section 5(d) (3) of the Disposal of Real Property Policy.

Motion Carried.

vi) PCP (Partners for Climate Protection Program) Milestones 1 & 2

MOVED by Deputy Mayor Morton and Councillor Francis that Council complete Milestone 1 of the PCP Program by submitting the Regional Corporate and Community Greenhouse Gas Inventory Report.

Motion Carried.

(Discussion was held before voting.)

Discussion Points:

- Nova Scotia Power projects to reduce greenhouse gases (GHG) could contribute 41% of the 45% reduction goals; however, if projects like Goldboro LNG plants were to start then the Nova Scotia Power reductions would be negated, and the 45% reduction could be significant.
- Actual reductions by Nova Scotia Power will be determined in the future and could be more or less than projected.
- GHG reduction goals determine how aggressively Council wants to address the reduction of GHG.
- The Municipal Climate Change Action Plan Committee will produce an annual report that includes achievements of the GHG reduction goals.

MOVED by Deputy Mayor Morton and Councillor Jannasch that Council complete Milestone 2 of the PCP program by setting a corporate GHG reduction target of 45% from 2018/2019 emissions by 2030.

Motion Carried.

MOVED by Deputy Mayor Morton and Councillor Francis that Council complete Milestone 2 of the PCP program by setting a community GHG reduction target of 45% from 2016 emissions by 2030.

Motion Carried.

vii) Safe Exchange Zone for Online Buyers/Sellers

MOVED by Deputy Mayor Morton and Councillor B. Morton that staff discuss with the RCMP that the local detachment be used as a safe exchange zone for online purchasers and sellers to exchange items and money and that appropriate signage be made to advertise and promote it. And further, that security cameras provide coverage of the exchange site.

Motion Carried.

b) Planning/Heritage Advisory Committee

i) Mobile Homes in Three Mile Plains First Reading - Recommendation Report

Planner Poirier reviewed the report, noting that 28% of the properties zoned R-2 in the Three Mile Plains Growth Centre were vacant.

MOVED by Councillor Ivey and Deputy Mayor Morton that Council give First Reading and will hold a Public Hearing to consider amending the text of the West

Hants Land Use By-law to add “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee report #20-28 dated March 11, 2021.

Motion Carried.

Councillor M. McLean voted nay.
(Discussion was held before voting.)

Discussion Points:

- To allow mobile homes in Falmouth and Brooklyn, new or amended planning policies would need to be drafted.
- Mobile home parks are allowed in the Three Mile Plains Growth Centre by development agreement.
- The West Hants Municipal Planning Strategy would need to be amended to allow the mobile homes on a case by case bases.
- Mobile homes are no longer made so an increase in applications for mobile homes is not expected.
- Occupancy of the mobile home, which has already been moved to the lot, should not be held up.

ii) Meadows Development First Reading – Recommendation Report

Planner Shah reviewed the report, noting there had been some changes to the stormwater plans since the report was generated. The changes were not substantive and noted in a revised recommendation.

MOVED by Councillor Murphy and Deputy Mayor Morton that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow two-unit residential uses at PID 45371879, 45383379, 45371887, and 45383957, Falmouth, in a manner substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated March 11, 2021 with (i) the addition of the storm drainage plan completed on July 16, 2020; (ii) the ability for the Development Officer, in consultation with the Municipal Engineer, to approve minor incidental changes to the Stormwater Management Plan without requiring an amendment to the development agreement and, (iii) a reduction in the flankage yard requirements for single unit dwellings to 15 ft. (4.57 m), taking note that this development agreement will discharge and replace the development agreement for PID 45371879 recorded at the Registry of Deeds on September 27, 2007 as document 88923751.

Motion Carried.

(Discussion was held before voting.)

Discussion Points:

- There is capacity in the water and wastewater system for the proposed development.
- A determining factor for additional dwellings in the area may be dependent on the yield of the watershed which is at 75% capacity. Projects to increase water capacity being reviewed and Phase 3 of the Falmouth Sewer Plant project should increase sewer capacity.
- Parkland and setbacks in the Planning documents should be reviewed in the future.

Planners Poirier and Shah left the meeting at 7:46 pm.

13) Councillor Municipal Business Reports - Verbal Committee Updates

- Councillor M. McLean attended and was pleased to see so many residents take advantage of the COVID testing clinic at the Brooklyn Civic Centre.
- Councillor Francis informed the first Accessibility Committee meeting was held. The Committee member were all very engaged and the Committee will be looking at the budget and grant opportunities to do activities in the Municipality.

14) Correspondence

a) Information

- i) Valley Regional Enterprise Network (REN) (Mar. 3, 2021)** – Response to WHRM’s Notice of Withdrawal and Termination from the Valley REN
- ii) Valley Regional Enterprise Network (REN)** – 2021-22 Draft Business Plan
- iii) Denise Forand (Mar. 5, 2021)** – Resident Planning Committees of former Towns
- iv) Melissa Sheehy-Richard (Mar. 11, 2021)** – Introduction as PC Candidate for Hants West
- v) Laura George** – Thank you for Fred Fox Bursary
- vi) Resident Correspondence (Mar. 13, 2021)** – Anonymity for Submissions to Council/Committees
- vii) Carol MacKenzie Corres. (Mar. 19, 2021)** – Sidewalks on Clifton Ave.
- viii) Darren Porter Corres. (Mar. 19, 2021)** – Windsor Causeway – For the Record

b) Requests – There were no correspondence requests.

Discussion Points:

- The Valley Regional Enterprise Network Board suggested meeting with Councillors to discuss the withdrawal of the Municipality; Mayor Zebian will arrange the meeting.
- The Municipality needs to know what tidal flow is to be expected at the Windsor Causeway to determine the impacts to the Community and residents.

- The Ministerial Order from the Federal Department of Fisheries and Oceans to the Provincial Department of Agriculture is for two weeks and then the order is reviewed.
- The Municipality was not consulted and is not considered a stakeholder regarding the aboiteau/causeway; the identified stakeholders are the Federal government, Provincial government and the Mi'kmaw.
- The Mayor spoke to Provincial and Federal representatives to relay the concerns of the Municipality and attempt to obtain more information.
- There has been no update regarding Option D for the new aboiteau from the Highway Twinning Community Liaison Committee or the Province.
- The Municipality needs to have a voice regarding the aboiteau and needs to be prepared to know what the best option for the Municipality is once the type of structure is determined.
- The twinning of the highway is not stopping, with or without an aboiteau. At the least, a bridge that can with stand tidal flow would be required.

15) New Business

a) Pool Liner– Recommendation Report

Diane Levy, Manager of Recreation and Facilities, presented the report.

MOVED by Councillors Ivey and Sherman Council approves the upgrade to the Hants Aquatic Centre leisure pool liner for a total 2021-22 capital budget of \$245,499 which includes a 10% contingency value of \$22,218 and applicable taxes subject to the successful bidder's warranty being comparable and/or more favorable than the alternative bid.

Further,

Council approves the use of \$245,499 of Gas Tax to fund upgrades to the leisure pool liner at the Hants Aquatic Centre Society's facility.

Further,

Council approves RFP#WWHCD21-02 be awarded to Acapulco Pools for \$ 214,000 plus HST.

Motion Carried.

(Discussion was held before voting.)

Discussion Points:

- The previous liner developed leakage issues as it did not seal the entire concrete work of the pool properly; water then deteriorated the concrete underneath.
- The proposal is for a commercial liner with a 10-year warranty on the liner and 1-year warranty for materials and labour; both proponents offered the same warranty.

- As the pool is owned by the Hants Aquatic Society, an agreement is needed to allow for the use of Gas Tax for the project. The Society has been working to transfer the ownership of the pool to the Municipality.
- A 10 % contingency is included in the cost.
- The higher cost proposal included concrete work which was not requested in the Request for Proposal.
- Other options in lieu of a liner was explored; such as sealing the galvanized metal sides, but no company was able to guarantee the work.
- The pool liner is welded in strips and is inspected annually.

Manager Levy left the meeting at 8:40 pm.

b) Questions from Jim Ivey - Lake Pesaquid

These questions were answered during discussion of the Letter from Darren Porter in Agenda Item 14.a).

16) In-Camera

- a) Approval of 2021-02-23 Council In-Camera Minutes**
- b) Land Matter MGA Section 22(2)(a)**
- c) Contract Negotiations MGA Section 22(2)(e)**
- d) Land Matter #2 MGA Section 22(2)(a)**

**MOVED by Deputy Mayor Morton and Councillor M. McLean to move in-camera.
Motion Carried.**

The meeting moved in-camera at 8:41 pm. The CAO and staff stayed for the in-camera meeting; members of the public left the meeting.

Mayor Zebian and Councillor Francis Declared conflict of interest for item 16 c).

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

The meeting reconvened at 9:46 pm.

17) Next Meeting Date / Adjournment

The next regular meeting will be Committee of the Whole on April 13, 2021.

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

The meeting ended at 9:47 pm.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk