



WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Agenda Amended
May 25, 2021 - 6:00 p.m.
Held virtually via Zoom (also Facebook Livestreamed)
Agenda is subject to changes up to and including during the meeting

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) 2021-04-27 Council Meeting minutes
 - b) 2021-04-27 Special Council Meeting minutes
 - c) 2021-05-11 Special Council Meeting minutes
 - d) 2021-04-27 Public Hearing Minutes - Emergency Management By-law (opening conclusion)
 - e) 2021-04-27 Public Hearing Minutes - Meadow Development (opening)
 - f) 2021-04-27 Public Hearing Minutes - Mobile Homes in Three Mile Plains (opening)
7. Presentations - None
8. Unfinished Business/Postponed Motions
 - a) Former Textile Mill Dangerous or Unsightly Update (standing item)
 - b) By-law Enforcement Vehicle – Notice of Reconsideration & Tender Award
9. Public Hearings
 - a) Meadows Development - Public Hearing (closing)
 - b) Mobile Homes in Three Mile Plains – Public Hearing (closing)
10. Second Readings for the Public Hearing Matters in Agenda Matter #9
 - a) Meadows Development
 - b) Mobile Home in Three Mile Plains
11. Mayor's Information Report
12. Committees of Council Recommendations
 - a) Committee of the Whole Excerpts – May 11, 2021
 - i. 65 Fort Edward – Surplus Lands
 - ii. Asphalt Paving Services Standing Offer Contract (WWHPW21-04)

- b) Planning / Heritage Advisory Committee
 - i. Secondary Suites Amendment: West Hants MPS and LUB (File 20 -27)- First Reading Recommendation Report
 - ii. Secondary Suites Amendment: Windsor MPS and LUB (File 20 -29) - First Reading Recommendation Report
 - iii. Secondary Suites Amendment: Hantsport MPS and LUB (File 20 -30) - First Reading Recommendation Report
13. Councillor Municipal Activity Reports – Verbal Committee Updates
14. Correspondence
- a) Information
 - i) Avon River Causeway/Hwy 101 Twinning Project Correspondence Log
 - 1) Current Avon Causeway correspondence received as of May 25, 2021
 - ii) Community Liaison Committee (CLC) (May 19, 2021) – Updates on Hwy. 101 Twinning Project and Avon River Aboiteau & Causeway
 - iii) Richard Murphy (May 12, 2021) – Resignation as Councillor, District 9
 - iv) Minister Dept Fisheries, Oceans, and the Canadian Coast Guard (May 14, 2021)- Response to WHRM May 5, 2021 letter re. Avon Causeway Aboiteau Gate System
 - v) Minister of Fisheries and Oceans (May 17, 2021)- NSDA Avon Ministerial Order - May 19 to June 2, 2021
 - vi) Minister of Fisheries, Oceans, and the Canadian Coast Guard (May 20, 2021) – Response to WHRM May 12, 2021 letter requesting non-renewal of the Minister’s Order
 - vii) Linda Moxsom-Skinner (May 20, 2021) – Support Southwest Fire request for rescue boat
 - b) Requests
15. New Business
- a) PAC/HAC Council-member appointment
 - b) Municipal Special Election – Information Report
 - c) Capital Budget – Five-year breakout
 - d) Avon River Sandbars
16. In-Camera
- a) 2021-04-27 Council in-camera minutes
 - b) 2021-04-27 Special Council in-camera minutes
 - c) Land Matter – MGA 22(2)(a)
17. Next Meeting Date / Adjournment



WEST HANTS REGIONAL MUNICIPALITY
Regular Meeting of Council Minutes
May 25, 2021 - 6:00 p.m.
Held virtually via Zoom (also Facebook Livestreamed)

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

2. Attendance

Council:

Abraham Zebian, Mayor
Rupert Jannasch, Councillor Dist. 1
Scott McLean, Councillor Dist. 2
Mark McLean, Councillor Dist. 3
Jeff Hartt, Councillor Dist. 4

Paul Morton, Deputy Mayor, Dist. 8
Debbie Francis, Dist. 5
Bob Morton, Councillor Dist. 6
Ed Sherman, Councillor Dist. 7
Jim Ivey, Councillor Dist. 11

Staff & Guests:

Mark Phillips, CAO
Shelleena Thornton, Admin. Supervisor
Kathy Kehoe, Dir. Community
Development
Shawn Levy, By-law Enforcement Officer
Chris Markides, Brison Developments

Todd Richard, Dir. Public Works
Carlee Rochon, Dir. Financial Services
Madelyn LeMay, Dir. Planning &
Development
Sara Poirier, Planner
VanEssa Roberts, Manager of Community
Economic Development (joined at 9pm)

Regrets:

Laurie Murley, Councillor Dist. 10

3. Announcements – Councillor Murley welcomed a new grandbaby (boy) today and sends her regrets. Congratulations to Councillor Murley.

- COVID vaccines are now booking for 20 years and up.
- Numerous small business supports, and funding are available from both the Province and Federal Governments for those affected by COVID. Visit their websites for more information.

4. Approval of the Agenda, including additions or deletions

a) Dashboard – Action Items

- Service Contracts Summary Status – CAO Phillips will distribute.
- Walking track and letter from Tate Engineering – Director Kehoe advised they visited the site today and hoping to have their response by end of the week.

Agenda additions:

- 15(c) - Capital budget – five-year breakout.
- 15(d) - Avon River sandbars

MOVED BY COUNCILLOR SHERMAN AND DEPUTY MAYOR P. MORTON THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED.

5. Declaration of Conflict of Interest – None.

6. Approval of Previous Meeting Minutes

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT THE MINUTES OF:

- **2021-04-27 Council Meeting minutes**
- **2021-04-27 Special Council Meeting minutes**
- **2021-05-11 Special Council Meeting minutes**
- **2021-04-27 Public Hearing Minutes - Emergency Management By-law (opening & conclusion)**
- **2021-04-27 Public Hearing Minutes - Meadow Development (opening)**
- **2021-04-27 Public Hearing Minutes - Mobile Homes in Three Mile Plains (opening)**

BE APPROVED. MOTION CARRIED.

7. Presentations – None.

8. Unfinished Business/Postponed Motions

a) Former Textile Mill Dangerous or Unsightly Update (standing item) – CAO Phillips received an email May 20th from the Project Manager and they continue to be on-site, explore, and do work. Building Official Tim Leslie is kept informed on the status updates.

b) By-law Enforcement Vehicle – Notice of Reconsideration & Tender Award

MOVED BY COUNCILLORS JANNASCH AND FRANCIS THAT NOTICE OF MOTION OF RECONSIDERATION AS PRESENTED TO ALL OF COUNCIL ON APRIL 28, 2021 VIA EMAIL BE ACCEPTED. MOTION CARRIED.

MOVED BY COUNCILLOR FRANCIS AND JANNASCH THAT COUNCIL AWARD TENDER WHRMPL-21-01 FOR A VEHICLE FOR BY-LAW ENFORCEMENT TO POTHIER MOTORS LEASING AT A COST OF \$23,463.36 PLUS APPLICABLE TAXES OVER FORTY-EIGHT (48) MONTHS. MOTION CARRIED.

9. Public Hearings

a) Meadows Development - Public Hearing (closing)

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

MOVED BY COUNCILLOR JANNASCH AND DEPUTY MAYOR P. MORTON TO MOVE INTO PUBLIC HEARINGS FOR TWO MATTERS AT 6:13PM. MOTION CARRIED.

The public hearings adjourned and council reconvened at 7:45pm.

10. Second Readings – Re. Agenda items #9(a) & (b).

a) Meadows Development

Discussion Points:

- WHRM, Municipal Engineer is Director Todd Richard, who meets the definition as per the Municipal Government Act. He at times gets professional support from third-party engineering firms.
- In April 2020, due to COVID, Council approved how the public would participate during public hearings (approximately 30 days to provide input), and the process has been followed.
- Sewage capacity charts were in the information circulated to council.
- No issues with water treatment capacity. The issue with water treatment is yield capacity as Dept. of Environment only allows so much water withdrawal from French Mill Brook reservoir. Now with consolidation, as one Municipal Unit, staff are looking at capacity within all systems and inter-connecting Windsor and Falmouth distribution systems. Confident there is capacity with everything discussed and our capital plan going forward.
- No current plans for the park land.
- There are both a Park Land Agreement and policy of Council with respect to park land.
- The water utility meets the minimum pressure and specifications for water pressure.
- If not attached to a structure, retaining walls are not tied to the Building Code.
- Council and staff do not decide/judge based on property values.
- Covenants are between landowner and land purchaser, not Municipality.
- Part of Phase 3 is included in this; however, stormwater plans will be coming forward later.
- Council does not wish to extend or delay this matter, nor does council want to make any changes to the Development Agreement.

MOVED BY COUNCILLORS FRANCIS AND IVEY THAT COUNCIL GIVES SECOND READING TO AND APPROVES 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 ATTACHMENT C OF THE REPORT TO COUNCIL DATED APRIL 27, 2021, INCLUDING THE STORMWATER MANAGEMENT PLAN COMPLETED ON JULY 16, 2020, TAKING NOTE THAT THIS DEVELOPMENT AGREEMENT WILL DISCHARGE AND REPLACE THE DEVELOPMENT AGREEMENT FOR PID 45371879 RECORDED AT THE REGISTRY OF DEED ON SEPTEMBER 27, 2007 AS DOCUMENT 88923751. MOTION CARRIED.

(Councillors S. Mclean, M. Mclean, and Hartt voted nay).

b) Mobile Home in Three Mile Plains

Discussion Points:

- Currently mobile homes are not permitted in Brooklyn, however, may be permitted outside of Brooklyn if permitted in the specific zones.
- When looking at the housing policies for the Region, considering where mobile homes are permitted and in what zones they are permitted (in the Planning documents) will be reviewed with the Planning Advisory Committee as well as with the public before coming to Council.
- This amendment would allow this individual to place one mobile home on their property. An application for a mobile home park is permitted in Falmouth and Three Mile Plains by development agreement, which would have to come to council for approval.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES 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 PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT REGARDING FILE#20-28 DATED MARCH 11, 2021. MOTION CARRIED.

11. Mayor's Information Report – Mayor Zebian will not be bringing the proposed motion to the floor (for COVID testing in our municipality), as there was a COVID testing site this past long weekend in Brooklyn.

12. Committees of Council Recommendations

a) Committee of the Whole Excerpts – May 11, 2021

i. 65 Fort Edward – Surplus Lands

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES 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.

ii. Asphalt Paving Services Standing Offer Contract (WWHPW21-04)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR JANNASCH 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) Planning / Heritage Advisory Committee

i. Secondary Suites Amendment: West Hants MPS and LUB – First Reading Recommendation Report

Director LeMay gave a presentation that covered all three of the First Reading reports related to Secondary Suites Amendments for West Hants, Windsor, and Hantsport.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVE FIRST READING AND HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE WEST HANTS MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO PERMIT SECONDARY SUITES IN SINGLE AND TWO-UNIT DWELLINGS, IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT 'C' OF THE FIRST READING REPORT TO COUNCIL DATED MAY 25, 2021 BUT WITH THE ADDITION OF REQUIRING ONE PARKING SPACE FOR EACH UNIT. MOTION CARRIED.

ii. Secondary Suites Amendment: Windsor MPS and LUB - First Reading Recommendation Report

MOVED BY COUNCILLORS FRANCIS AND IVEY THAT COUNCIL GIVE FIRST READING AND HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE WINDSOR MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO PERMIT SECONDARY SUITES IN SINGLE AND TWO-UNIT DWELLINGS, IN A MANNER SUBSTANTIVELY THE SAME AS APPENDIX 'C' TO THE FIRST READING REPORT TO COUNCIL DATED MAY 25, 2021. MOTION CARRIED.

iii. Secondary Suites Amendment: Hantsport MPS and LUB - First Reading Recommendation Report

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVE FIRST READING AND HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE HANTSPORT MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW TO PERMIT SECONDARY SUITES IN SINGLE AND TWO-UNIT DWELLINGS, IN A MANNER SUBSTANTIVELY THE SAME AS APPENDIX 'C' TO THE FIRST READING REPORT TO COUNCIL DATED MAY 25, 2021. MOTION CARRIED.

13. Councillor Municipal Activity Reports – Verbal Committee Updates

- Councillor M. McLean thanked the volunteers and Public Health representatives for their time and for a well-organized COVID testing site at the Brooklyn Civic Centre over the long weekend.

14. Correspondence

a) Information

i) Avon River Causeway/Hwy 101 Twinning Project Correspondence Log

1) Current Avon Causeway correspondence received as of May 25, 2021

ii) Community Liaison Committee (CLC) (May 19, 2021) – Updates on Hwy. 101 Twinning Project and Avon River Aboiteau & Causeway

iii) Richard Murphy (May 12, 2021) – Resignation as Councillor, District 9

MOVED BY COUNCILLORS IVEY AND M. MCLEAN THAT THE SIGNED RESIGNATION OF DISTRICT 9 COUNCILLOR, RICHARD MURPHY BE FORMALLY RECEIVED BY COUNCIL.

Amendment:

MOVED BY COUNCILLORS JANNASCH AND IVEY THAT, "EFFECTIVE MAY 25, 2021" BE ADDED TO THE MOTION. MOTION CARRIED.

Original motion with amendment:

MOVED BY COUNCILLORS IVEY AND M. MCLEAN THAT EFFECTIVE MAY 25, 2021, THE SIGNED RESIGNATION OF DISTRICT 9 COUNCILLOR, RICHARD MURPHY BE FORMALLY RECEIVED BY COUNCIL. MOTION CARRIED.

Mayor Zebian thanked Richard Murphy for his time and dedication while on Council and wished him all the best in his future endeavours.

iv) Minister Dept Fisheries, Oceans, and the Canadian Coast Guard (May 14, 2021)- Response to WHRM May 5, 2021 letter re. Avon Causeway Aboiteau Gate System

v) Minister of Fisheries and Oceans (May 17, 2021)- NSDA Avon Ministerial Order - May 19 to June 2, 2021

vi) Minister of Fisheries, Oceans, and the Canadian Coast Guard (May 20, 2021) – Response to WHRM May 12, 2021 letter requesting non-renewal of the Minister's Order

vii) Linda Moxsom-Skinner (May 20, 2021) – Support Southwest Fire request for rescue boat

Mayor Zebian and CAO Phillips met with Dept. of Fisheries, Oceans and the Canadian Coast Guard representatives. An update will be provided under Item 15(d) – Avon Sandbars.

b) Requests – None.

15. New Business

a) PAC/HAC Council-member appointment

Nominations – Deputy Mayor Paul Morton was nominated and accepted / appointed to the Planning and Heritage Advisory Committee.

- b) Municipal Special Election – Information Report** - Administrative Supervisor reviewed the report.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL HOLD A SPECIAL COUNCIL MEETING AT 6PM ON TUESDAY, JUNE 15, 2021 TO SELECT THE DATE FOR THE MUNICIPAL SPECIAL ELECTION. MOTION CARRIED.

Manager Roberts joined the meeting at 9:00pm.

- c) Capital Budget** – A five-year breakout was previously requested and asked if it would be circulated before budget deliberations. Director Rochon indicated it would be presented during budget and available when the public package is also available. Budget meeting dates are tentatively scheduled for 5:00 – 9:30pm June 1, 2, and 3rd.

- d) Avon River Sandbar** – Councillor S. McLean declared conflict of interest due to owning land and left the meeting at 9:07pm.

CAO Phillips reviewed the meeting notes from today's meeting with Dept. of Fisheries, Oceans, and Canadian Coast Guard representatives (DFO). He noted that he could have it prepared in written form for June's Committee of the Whole meeting.

Attendance for this meeting included:

Doug Wentzell	DFO, Regional Director General of the Maritime Region
Mark McLean	Director Maritime Fish Habitat
Mike Wamboldt	DFO, Fisheries Protection Biologist
Kody Blois	MP Kings-Hants
Abraham Zebian	Mayor WHRM
Mark Phillips	CAO WHRM

Discussion points from the meeting with DFO:

- DFO has consulted with the Province regarding the operations of the aboiteau and gate system since 2003.
- 2019 significant year where Fisheries Act was revised.
- Ministerial Order – DFO staff support and advise the Minister.
- Communications around twinning and consultation with First Nations was highlighted.
- Province NS is proponent of new infrastructure.
- Continue to look for fish passage solutions.
- Current Ministerial Order timeline – reviewing it intermittently (finding balance on compliance and environmental impacts).
- Indigenous will be consulted with and during the current Order and any changes to it moving forward.
- New infrastructure options were touched on and Option D plan “as presented” did not comply. DFO is awaiting a new revised submission expected within 3 to 4 months.
- Must meet water and biology characteristics.

- New or revised application is anticipated to have increased versatility to operate in different manners (mechanically) than current one.
- Looking for appropriate salt and freshwater balance.
- Water characteristics – level of confidence was expressed with the consultants the Province is using.
- Saltwater addition to the lake; and discussion about bringing more water in and the current gate’s ability to handle head water pressure. Permitting the gate to be open any longer than 10 minutes during the incoming tide is a concern and challenge for the existing infrastructure.
- Creation of freshwater person-made reservoir – no comment from DFO with respect to compliance but open to consideration.
- Funding to assist with impacts – DFO noted they are the regulator. They and Provincial reps are always looking to different funding programs to support alternative designs or potential infrastructure accommodations.
- Treaty Rights – highlighted to be maintained and respected.
- Ministerial Responsibility – DFO staff reminded us that they advise the Minister on the various articles within the Act and areas of consideration.
- 100% compliance to the Act and the probability of that.
- 3 themes (1) notice, (2) duty to consult, and (3) consideration of combination were discussed.
- Agreement – Province NS and Government of Canada – yes there is one with respect to the current operation of the aboiteau gate system.
- What other community impacts are they gathering (e.g., environment, community, economical, etc., and how are they digesting that information).
- Province and DFO work to secure support and documentation for evidence-based decision-making regarding all matters.
- Original intent of the 1970 structure.
- Fisheries Act takes in all species of fish.

Mayor Zebian said this matter has caused arguments online and it is pitting neighbour against neighbour; it is not getting anyone any further ahead. This is a complex situation, and the experts are looking into it. Going forward, everyone needs to be in a calm, constructive tone.

Council discussion points:

- To reduce the blowing sand, perhaps something can be done that doesn’t impact the gates; perhaps NS Power could release some water.
- Council took an oath to represent all residents.
- Ministerial Order indicates opening the gate for a minimum of 10 minutes, but it is being monitored. Staff will get clarity if it opens for up to 10 minutes or a minimum of 10 minutes.

Councillor S. McLean re-joined the meeting at 9:38pm.

- 16. In-Camera** – All of Council in attendance during the public session, and the following staff (CAO, Directors Kehoe, LeMay, Richard, and Rochon, Clerk Thornton, and Manager Roberts) were present for the three in-camera matters (approval of two sets of in-camera meeting minutes and one land matter).

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT AT 9:38 PM, THE MEETING MOVE IN-CAMERA TO DISCUSS A LAND MATTER. MOTION CARRIED.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT AT 9:57PM, THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED.

Regular session of Council resumed.

MOVED BY COUCNILLORS M. MCLEAN AND B. MORTON THAT THE CAO BE DIRECTED TO PROCEED WITH EXECUTION OF THE PURCHASE AND SALE AGREEMENT OF THE NEWPORT COMMUNITY HALL, 130 HWY. 215 AS PER IN-CAMERA DISCUSSION. MOTION CARRIED.

- 17.** Next Meeting Date / Adjournment – The next regular meeting is 6pm June 8th for Committee of the Whole.

MOVED BY COUNCILLOR B. MORTON AND DEPUTY MAYOR P. MORTON THAT THE MEETING BE ADJOURNED AT 9:59PM. MOTION CARRIED.

Mayor Abraham Zebian

Administrative Supervisor,
Shelleena Thornton