

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda
December 16, 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:

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, Councillor District 5

Paul Morton, Deputy Mayor, District 8
Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
John A. Smith, Councillor District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff & Guests:

Mark Phillips, Chief Administrative Officer
Shelleena Thornton, Mun. Operations Super.
Deanna Snair, Exec. Asst/ Mun. Clerk
Sara Poirier, Sr. Planner
Alex Dunphy, Planner

Kathy Kehoe, Dir. Community Development
Todd Richard, Dir. Public Works
Madelyn LeMay, Dir. Planning and
Development
Murray Tate, Tate Engineering, Presenter

Regrets:

Carlee Rochon, Dir. Financial Services

3. Announcements
 - Acknowledgement by Mayor Zebian that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to each other and this land.
 - Holiday wishes were extended to everyone and a reminder to remember the local food banks, neighbours and families during this time.
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous/Unsightly

Additions to the agenda:

- Item 15 (a) Davidson Lake Watershed Committee Alternate Appointment
- Item 15 (b) Hantsport Fire Station Status Update
- Item 15 (c) Loader/Excavator Update report

- Item 15 (d) Letter sent to the Department of Environment re: Added correspondence.
- In-camera Item 16 (e) Legal
- In-camera Item 16 (f) Labour

Dashboard:

- Management tender award (clarity on what this was) - discussion re. the design tender for 100 King St complex.
- Bulk water clarity, recommendation coming to COTW.
- Textile Mill Update - Have taken out a demolition permit and that work has begun. Nothing formally submitted to planning for future developments.

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

5. Declaration(s) of Conflict of Interest

Item 8(a) College Rd PID 45336203 - Councillors Sherman and Morton declared conflict. Councillor Sherman is named on the application and Councillor Morton sits on the committee.

6. Approval of Previous Meeting Minutes

- 2021-11-23 Council Meeting Minutes
- 2021-11-23 – Public Hearing - Civic Addressing By-Law Amendment
- 2021-12-07 Special Council Meeting Minutes

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS
THAT THE: A) 2021-11-23 COUNCIL MEETING MINUTES
B) 2021-11-23 – PUBLIC HEARING - CIVIC ADDRESSING BY-
LAW AMENDMENT
C) 2021-12-07 SPECIAL COUNCIL MEETING MINUTES BE
APPROVED. MOTION CARRIED.**

7. Presentations

a) Sports Complex Presentation

Dir. Kehoe reviewed the presentation. Mr. Tate reviewed a second presentation regarding a closing out date.

Points of Discussion:

- Complex came in under budget. Decisions were made at that time to only do work that could not be done later, i.e.: the back parking lot, completion of floor. These costs were incurred outside the closing costs.
- Mr. Tate did a walk through and noted a few concerns. The baseballs are damaging the liner in the field house. Dir. Kehoe will be addressing with netting. The other concern noted was the floor and the high level of cleaning being done. Dir. Kehoe has been advised and will be addressing this concern.

- Warranty is 1 year and began November 2020. The cracks in the floor are cosmetic, although they are not aesthetically pleasing, there are no structural concerns. The floor will be covered with a rubber flooring, that will both satisfy the aesthetics but also add to the accessibility.
- Washroom water temperature was noted to be cold. This is a multilayer problem. The frequency use (the water cools off in between uses), the wait time as this is an automatic faucet and there is a dead leg part. The temperature can be adjusted.
- Rust was noted along inside of the dasher boards. Dir. Kehoe made note to explore further.
- The project has been completely funded, if any fundraising is done it will help offset expenses.
- Mr. Tate left the meeting at 6:34 pm.

8. Public Hearings

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS TO GO INTO PUBLIC HEARING. MOTION CARRIED.

The meeting moved into Public Hearing at 6:35 p.m. Public Hearing minutes are available within their specific sets.

Councillor Sherman and Morton declared conflict and left chambers at 6:36pm.

- a) College Road, PID 45336203; WMPS and WLUB Text and Map Amendment
Planner Poirier reviewed the report.

Councillor Sherman and Morton returned to chambers at 6:42pm.

- b) Fairfield Court, Windsor; PID 45383742; Development Agreement
Planner Dunphy reviewed the report.
- c) O'Brien St, Windsor, PID 45055902; Development Agreement and Discharge
Planner Poirier reviewed the report. Planner Fuller and owner Clarke Wilkins also presented a report to Council.
- d) Commercial Development District Improvement By-Law
Planner Poirier reviewed the report.

Public hearings concluded at 7:15 p.m.

9. Second Readings (related to Item #8 public hearings)

Councillor Sherman and Morton declared conflict and left chambers at 7:16 p.m.

- a) College Road, PID 45336203; WMPS and WLUB Text and Map Amendment
Discussion Points:

- The application allows the owner/developer to apply for a development agreement

to consider the proposed uses to be considered on the lot. This enables the criteria to be considered by the planning and development which will be reviewed by Public Works on sewer/water capacity, road infrastructure, fire dept and then proceed to PAC/HAC for review. Report will then return to Council, tonight is not a final decision.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL GIVES SECOND READING TO AND APPROVES AMENDING THE TEXT AND THE MAP OF THE WINDSOR MUNICIPAL PLANNING STRATEGY AND THE MAP OF THE WINDSOR LAND USE BY-LAW TO INCLUDE PID 45336203 ON COLLEGE ROAD IN THE COLLEGE ROAD COMPREHENSIVE DEVELOPMENT DISTRICT DESIGNATION AND ZONE IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN FIGURE 3, FIGURE 4 AND ATTACHMENT A OF THE PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT #21-04 DATED NOVEMBER 8, 2021. MOTION CARRIED

Councillors Sherman and Morton returned to chambers at 7:18 p.m.

b) Fairfield Court, Windsor; PID 45383742; Development Agreement

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES OF ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT A ONE STOREY RESIDENTIAL BUILDING CONTAINING THREE DWELLING UNITS AT PID 45383742 ON FAIRFIELD COURT, WINDSOR, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A TO THE REPORT #20-25 TO MAYOR ZEBIAN AND THE MEMBERS OF WEST HANTS REGIONAL MUNICIPALITY COUNCIL DATED NOVEMBER 23, 2021. MOTION CARRIED

c) O'Brien St, Windsor, PID 45055902; Development Agreement and Discharge

Discussion Points:

- Charging stations not a requirement of the planning process. This is a developer's decision. Consideration by the developer is to build the infrastructure now and hook up in the future. There are four identified in the development agreement.
- A storm water management plan is required from the developer prior to a development permit being issued. The plan needs to consider previous flooding activity and that the proposed development will not exacerbate the issue further.
- A storm water management structure will need to be created. The site will allow storm water to be retained and slowly dissipated. No more will be added to the system
- There is capacity within the sewer system to accommodate this development. There is a plan to separate the Cunnabel Creek in the Capital budget. Once done this will allow for increased capacity.

- Council is awaiting a storm water system assessment to be completed. Gathering data is the first part to get an idea on where to begin the process.
- Consensus was that prioritizing these concerns within the budget in the new year.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT TWO (2), FOUR (4) STOREY, 56-UNIT APARTMENT BUILDINGS WHICH INCLUDE UP TO 10,000 SQ FT OF COMMERCIAL SPACE ON THE GROUND FLOOR OF ONE BUILDING ON THE LOTS NOW IDENTIFIED AS PID 45055902 AND 45055928 AND FOLLOWING CONSOLIDATION OF THE LOTS BY THEIR JOINT SUCCESSOR PID, ON O'BRIEN STREET, WINDSOR, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B TO THE REPORT #21-14B TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED NOVEMBER 8, 2021, TAKING NOTE THAT THIS DEVELOPMENT AGREEMENT WILL DISCHARGE AND REPLACE THE DEVELOPMENT AGREEMENT RECORDED AT THE REGISTRY OF DEEDS ON APRIL 9, 2010 AS DOCUMENT 9561229. MOTION CARRIED. Nays: Ivey

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH METRO PREMIER PROPERTIES INC. BE SIGNED WITHIN 120 DAYS FROM THE DATE OF FINAL APPROVAL BY COUNCIL OR THE DATE THAT ANY APPEALS HAVE BEEN DISPOSED OF; OTHERWISE THIS APPROVAL WILL BE VOID AND OBLIGATIONS ARISING HEREUNDER SHALL BE AT AN END. MOTION CARRIED

Commercial Development District Improvement By-Law

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT BY-LAW, RC-002, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT A OF THE REPORT #20-21 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED OCTOBER 14, 2021, WHICH WILL REPEAL THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT PLAN BY-LAW, BY-LAW #44, DATED OCTOBER 30, 2018 OF THE FORMER TOWN OF WINDSOR AND THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT BY-LAW, BY-LAW #C-002, DATED MARCH 26, 2019 OF THE FORMER MUNICIPALITY OF THE DISTRICT OF WEST HANTS. MOTION CARRIED

10. Unfinished Business/Postponed Motions - None
11. Mayor's Report – Mayor Zebian reviewed the report.

There were no questions.

12. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (December 7, 2021)

i. Audit Committee Appointment Recommendation

Discussion Points:

Councillor Sherman was reappointed, and Councillor Hartt was nominated and appointed.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL APPROVE THE REAPPOINTMENT OF JANE DAVIS, TO THE AUDIT COMMITTEE FOR THE PERIOD OF JANUARY 1, 2022 TO DECEMBER 31, 2022.

AND

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL NOMINATE AND APPOINT TWO COUNCIL MEMBERS TO THE AUDIT COMMITTEE FOR THE PERIOD OF JANUARY 1, 2022 TO DECEMBER 31, 2022. MOTION CARRIED

ii. Bulk Water Rate Study Decision Request

Discussion Points:

- There are entrepreneurs working on a solution within a private enterprise. However, this may take some time.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL POSTPONE INDEFINITELY THE BULK WATER FILLING STATION RECOMMENDATION AS IDENTIFIED AT THE NOVEMBER 23, 2021 COUNCIL MEETING. MOTION CARRIED. Nays: Jannasch, B. Morton and Zebian

iii. MCCAP 2022 Work Plan Recommendation

MOVED BY DEPUTY MAYOR P.MORTON AND COUNCILLOR FRANCIS THAT COUNCIL PLACE THE MCCAP 2022 WORK PLAN ON FILE IN A MANNER SUBSTANTIVELY THE SAME AS REVISED BY THE MCCAP COMMITTEE AT THE MEETING ON NOVEMBER 10, 2021. MOTION CARRIED

iv. Riverview Road, Hantsport Infrastructure Design Recommendation

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-19 FOR ENGINEERING AND DESIGN WORK FOR RIVERVIEW ROAD INFRASTRUCTURE RENEWAL DESIGN TO THE LOW COMPLIANT

BIDDER, EXP, FOR THE TENDERED PRICE OF \$46,166, PLUS APPLICABLE TAXES. MOTION CARRIED

v. Summerville Fire Rescue Truck Tender Recommendation

Discussion Points:

- Fire trucks are not permitted to be funded through the gas tax credit.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR JANNASCH THAT COUNCIL AWARD TENDER WHRMAD20-07A FOR A FIRE RESCUE TRUCK TO ROCKY MOUNTAIN PHOENIX AT A NET COST OF \$215,137.00 PLUS APPLICABLE TAXES. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL APPROVE A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$202 878.00 FOR THE FIRE RESCUE TRUCK FOR THE SUMMERVILLE FIRE DEPARTMENT. MOTION CARRIED

b) Planning and Heritage Recommendations (December 2, 2021)

i. 65 Ft. Edward St., Windsor MPS and LUB amendment

Planner Dunphy reviewed the report.

Discussion Points:

- Tonight's meeting is the initial stage of a three-stage process.
- Initial findings are not revealing any challenges, conditions or prior commitments regarding the property. A phase one archaeology assessment is being done.
- CAO Phillips met with representatives from the Historical Society, who expressed rezoning concern and history.
- The Municipality is not singularly motivated to build at all costs. If discoveries are found, it gives time to pause and reflect.
- Decisions or directions can be made at the public hearing stage.
- Consensus was to support the staff recommendation, which allows any new information to be brought forward at the public hearing stage and addressed at that level.
- There are two lots in this area, one lot is owned by the Federal government. This second lot may serve the purpose of the desired intent of what has been communicated.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING AND HOLDS A PUBLIC HEARING TO CONSIDER REDESIGNATING FROM COMMUNITY USE TO RESIDENTIAL AND CONCURRENTLY REZONING FROM OPEN SPACE (OS) TO TWO UNIT RESIDENTIAL THE LOT IDENTIFIED AS PID 45059797, 65 FORT EDWARD STREET, WINDSOR. MOTION CARRIED. Nays: Zebian, S. Mclean and P. Morton

ii. 294 Falmouth Back Road Heritage Designation.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT COUNCIL FOLLOW THE PROCESS TO DESIGNATE THE MAIN
RESIDENTIAL BUILDING LOCATED AT 294 FALMOUTH BACK RD.,
FALMOUTH PID 45036720 AS A MUNICIPAL HERITAGE PROPERTY.
MOTION CARRIED**

13. Councillor Municipal Business/Activity Reports

- Festoon was a good success
- Reminder to support our local food banks
- Downtown Windsor and Hantsport look great with the holiday decorations. A reminder to shop local.

14. Correspondence

a) Information

i. Avon Causeway Activity Log

1. Current Correspondence as of December 10, 2021
2. 2021-12-01 Letter received from Hon. Kim Masland re: Bog Road designation as a Blue Route
3. 2021-12-10 Correspondence from Nova Scotia Utility and Review Board
4. 2021-12-13 Letter re: Sale of Ft. Edward

b) Requests (for discussion) – None

c) Outgoing (as it relates to Motions of Council to other Provincial agencies/depts) - None

15. New Business

a) Davidson Lake Watershed Committee Alternate Council member appointment

Mayor Zebian opened the floor for nominations. After three calls for nominations, Deputy Mayor P. Morton was nominated and accepted.

b) Hantsport Fire Department Status Update

Discussion Points:

- The municipality is in control of construction and change orders. There have been no delays on behalf of the Municipality.
- The community space within is not designed for that purpose or advertised, it is designed to support training and emergency support and use. The Municipality did not defer any motions to cause a delay since approval was given.
- Projecting a 6-week delay due to products.
- Optimistic a revised schedule will be available this week.
- Project remains on budget, but some contingency used. The schedule was identified as aggressive at the beginning stages.

- There are pieces in the Saltwire Newspaper article that are not factual.
- c) Front Wheel Loader/Excavator update
- Discussion Points:
- Expected delivery date is end of January 2022 or early February 2022. Delays are due to a John Deere strike.
 - Budget impacts are dependent on the weather. Independent contractors can be hired if needed or the service delivery and clean up time can be altered.
- d) 2021-10-27 Letter sent to Department of Environment re: Combined Overflow Sewer System.

Discussion Points:

- Correspondence regarding the Department of Agriculture will need to be amended into the 2021-12-07 Committee of the Whole package as well as the January 2022 COTW agenda to reflect what was sent.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS
THAT AT 8:55 P.M, TO MOVE TO IN-CAMERA. MOTION CARRIED**

16. In-Camera
- a) 2021-10-26 In-Camera Council Meeting Minutes
 - b) 2021-11-02 In-Camera Special Council Meeting Minutes
 - c) 2021-11-23 In-Camera Council Meeting Minutes
 - d) Land Matter – MGA 22 (2)(a)
 - e) Labour Matter – MGA 22 (2)(d)
 - f) Legal Matter – MGA 22(2)(g)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY
THAT AT 8:55 P.M, TO MOVE TO IN-CAMERA. MOTION CARRIED**

17. Next Meeting Date / Adjournment – Next regular meeting will be January 11, 2022 Committee of the Whole.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY
THAT AT 10:25 P.M, THE MEETING ADJOURN. MOTION CARRIED**