

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **AMENDED**

May 23, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



West Hants
something inspiring awaits

1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Presentations
 - a) Eco-community Planning in Nova-Scotia - Still Acres
7. Approval of Previous Meeting Minutes
 - a) 2023-04-25 Council Meeting Minutes
 - b) 2023-04-25 Public Hearing Minutes College Road, PID 45336203 Development Agreement
8. Public Hearings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
9. Second Readings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
10. Unfinished Business/Postponed Motions
 - a) Amendment to Land Use Bylaw Definition "Community Centres" Recommendation Report - Councillor Ivey
 - b) 2023-24 Grants and Contributions Supplementary Report – Director Kehoe
 - c) Public Transportation Information Report – Coordinator Ogilvie

d) Mill Lakes Dam Upgrades Recommendation Report - Director Richard

11. Mayor's Report

12. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (May 9, 2023)

- i. 2023 Grants & Contributions
- ii. 2023 Standing Offer Asphalt Paving Services WHPW23-02
- iii. Draft Parking Bylaw Report
- iv. FCM Community Buildings Retrofit Funding
- v. Short-term Rentals
- vi. Underwood Edward Electronic Gate System
- vii. Land Matter

b) Planning and Heritage Advisory Excerpts (May 11, 2023)

- i. 997 Hwy 14, Upper Vaughan Rezoning – Planner Dunphy
- ii. Cole Drive PID 45366432, Development Agreement – Planner Dunphy

13. Councillor Municipal Business/Activity Reports

a) Councillor Ivey, District 11 Activity Report

14. Correspondence

a) Information

1. Avon Causeway Activity Log
2. Correspondence Received Activity Log
 - i. 2023-05-10 John Fitzgerald Re: Scotch Village Yoga retreat
 - ii. 2023-05-10 Karen Fitzgerald Re: Yoga resort plan
 - iii. 2023-05-11 Bill Preston Re: Unsightly etc.
 - iv. 2023-05-11 Garret Johnston Re: Avon Street Erosion Hantsport Nova Scotia
 - v. 2023-05-11 Margy Fletcher Re: Expansion to King Street from Payzant Drive
 - vi. 2023-05-15 Andrew Hardman Re Property Tax Exemption List
 - vii. 2023-05-15 Art Ward and Karen Bourque-Ward Re Scotch Village Station Road PID 45166915 and PID 45148608.
 - viii. 2023-05-15 Letter to NSFM from the Minister of Municipal Affairs and Housing Re 12 Month Notice
 - ix. 2023-05-15 Upper Vaughan Property Owners Re 997 Highway 14, Permit #C2020-371
 - x. 2023-05-16 Denise Forand Re Waterfront options are ours to design for generations to come. Ebb n Flow.
 - xi. 2023-05-18 Warden Nickerson Re RCMP Retroactive Costs
 - xii. 2023-05-19 Art Ward Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.

- xiii. 2023-05-19 Shelley Arsenault Re Rezoning and Development of Agricultural Lands
- xiv. 2023-05-21 Lee and Debbie Watson Re Old Railway, Collapse in Mt Denson
- xv. 2023-05-22 Dave Smith Re Zwicker Lake Petition
- xvi. 2023-05-22 Seamus Marriott Re Petition to Reconsider Canoe Club Tax Exemption

3. Fort Edward Activity Log - None

4. Storm Wastewater Activity Log – None

b) Requests- None

c) Outgoing Correspondence Log

- i. 2023-05-17 Support to pave Cogmagun and Beaverpond Roads
- ii. 2023-05-23 Coastal Protection Act Regulations

15. New Business

16. In-Camera

- a) 2023-04-25 In-Camera Minutes
- b) MGA 22(2)(a) Land Matter
- c) MGA 22(2)(a) Legal Matter
- d) MGA 22(2)(a) Labour Matter
- e) MGA 22(2)(a) Land Matter
- f) MGA 22(2)(a) Legal Matter

17. Next Meeting Date / Adjournment – June 13, 2023 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

May 23, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



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something inspiring awaits

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, District 1 Scott

McLean, Councillor, District 2

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 Smith, Councillor, District 9

Jim Ivey, Councillor, District 11

Regrets:

Mark McLean, Councillor, District 3

Laurie Murley, Councillor, District 10

Staff:

Mark Phillips, Chief Administrative Officer

Kathy Kehoe, Dir. Community Development

Sara Poirier, Dir. Planning & Development

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Todd Richard, Dir. Public Works

John Ogilvie MCCAP Coordinator

Regrets:

Shelleena Thornton, Mun. Admin Supervisor

Diana Gibson, Acting Dir. Financial Services

Presenters/Public

Twenty-one (21) in the Gallery

3. Announcements (6:01 p.m.)

Mayor Zebian acknowledged 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 this land and each other.

Fire alarm protocol was reviewed.

4. Approval of the Agenda, including additions or deletions (6:02 p.m.)

Voting occurred by a show of hands.

Additions to the agenda:

- Item 13(e) MGA 22 (2)(a) Land Matter
- Item 13(f) MGA 22(2)(a) Legal Matter

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE 2023-05-23 COUNCIL AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

5. Declaration of Conflict of Interest (6:03 pm)

Mayor Zebian and Councillor Francis - item 13(e) due to owning land in the vicinity and collaborating with the developer.

6. Presentations (6:03 p.m.)

a) Still Acres Developments – Katherine Wadden

The presentation focused on a collaborative approach and prioritizing the best locations for solar projects, conserving green spaces, help build net zero buildings and implement eco-communities within West Hants. The intent of the Nova Scotia Low Carbon Communities Program was to explore Community led, innovative solutions to create long-lasting greenhouse gas reductions and provide funding for projects that support low-carbon solutions in buildings, electricity, transportation and education.

Discussion Points:

- WHRM was currently working an application for the Nova Scotia Low Carbon Communities Program.
- Within the program there are four different potential applications that can be made (clean electricity, clean buildings, clean transportation, and clean education).
- Thought that the funding was more favourable towards a community application (Municipality) vs an individual application (Business).
- Assessments/funding was geared towards new development, new construction, or existing buildings as long as the project has not been started.

The presentation concluded at 6:14 p.m.

7. Approval of Previous Meeting Minutes (6:18 p.m.)

Discussion Points:

- Remove voting by a show of hands from the announcement section in the minutes and add to next agenda item in the 2023-05-23 Council minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE:

A) 2023-04-25 COUNCIL MEETING MINUTES

B) 2023-04-25 PUBLIC HEARING COLLEGE ROAD, PID 45336203 DEVELOPMENT AGREEMENT

MINUTES BE APPROVED AS AMENDED. MOTION CARRIED

8. Public Hearings and Second Readings (Second reading was held immediately following Public Hearing) (6:20 p.m.)

MOVED BY COUNCILLOR SHERMAN AND DEPUTY MAYOR P. MORTON TO MOVE INTO PUBLIC HEARING AT 6:20 P.M. MOTION CARRIED

The meeting moved into Public Hearing at 6:20 pm. Second Reading followed. Further information on the Public Hearing is available in the 2023-05-23 Public Hearing Minutes.

- i. Scotch Village, Station Road, PID 45166915 Development Agreement - Director Poirier

The Public Hearing concluded at 7:32 p.m.

Second Readings

- i. Scotch Village, Station Road, PID 45166915 Development Agreement (DA) – Director Poirier (7:32 p.m.)

Discussion Points:

- The application was not to rezone the property. As of right a two-unit dwelling can be built on the property proposed for the campground. If all the criteria were met the owners would be permitted to subdivide one lot per year. Subdividing lots were based on road frontage
- It was believed there was no Class 1 soils within West Hants. The agrologists report speaks to the soil with respect to the property (Class 3 with some Class 2 soils).
- The project was scaled back in response to Community feedback and the developer’s own concerns (the goal was not financially realistic) and there was potential to use those lands for other projects like an orchard. Soil classifications did not factor into this decision.
- The concerns raised were incorporated into the draft development agreement as presented for consideration.
- Any use of the river or swimming would be at the individuals own risk. The campground is located beside the river and will have a drilled well with public drinking water.
- There were no concerns from the developer’s regarding noise levels re: farming or wood operations/activities.
- Initial DA had parking allocated for approximately twenty spaces. Additional parallel parking would be utilized within the tear drop shaped driveway. Overflow parking would be allocated in a field. No parking on the road would be adhered too.
- The Development Agreement can be discharged either by Council or the property owner in the future.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT A YOGA STUDIO, CAMPGROUND AND OTHER ACCESSORY USES ON PID 45166915 AND PID 45148608 ON SCOTCH VILLAGE STATION ROAD IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A OF THE REPORT FILE #22-29 C TO COUNCIL DATED MAY 23, 2023. MOTION CARRIED. Nays: Zebian, Jannasch, S. McLean and B. Morton

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH JESSICA AND ALLAN HILL 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. Nays: S. McLean

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT AT 7:58 P.M THE MEETING MOVE INTO PUBLIC HEARING. MOTION
CARRIED**

The meeting moved into Public Hearing at 7:58 pm. Second Reading followed. Further information on the Public Hearing is available in the 2023-05-23 Public Hearing Minutes.

- ii. Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement – Director Poirier (7:58 p.m.)

The Public Hearing concluded at 8:27 p.m.

Second Readings

- ii. Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement – Director Poirier (8:27 p.m.)

Discussion Points:

- Public Works noted no concerns.
- Concern was noted regarding reliance on the developers' engineer to determine stormwater water flows and sewer capacity existed within the current infrastructure as it pertains to the development (pre and post development flows). The thought was that an outside individual should be reviewing potential developments (specifically the capacity within the Marsh).
- The master water supply plan was being reviewed with the intentions to seek requests for proposals for a master plan.
- Stormwater calculations factor in Climate change, they look at the 1 in 5 yr, 1 in 10 yr, 1 in 25 yr, 1 in 100 yr storms and factor in historical rain fall amounts.
- Phase 1 (Cunnable Creek/downtown area) of the stormwater report was completed, staff are reviewing the draft report for accuracy. Phase 2 (Wentworth Road and King Street south area) is underway. The draft report can be shared, should Council want to see it.
- Capacity exists (including leachate) within the infrastructure (including the proposed development). Some areas have less capacity, ie: if Hantsport had a large development it would create a high state on the water withdrawal (Davidson Lake). Windsor has a fair bit of capacity.

**MOVED BY COUNCILLORS IVEY AND JANNASCH THAT COUNCIL DIRECT
STAFF TO SECURE AN ALTERNATE OPINION ON THE STORM WATER AND
SEWAGE CAPACITY WITHIN THE AREAS THAT ARE BEING DEALT WITH.
MOTION DEFEATED. Nays: Zebian, P. Morton, Smith, Sherman and Francis.**

Discussion Points:

- Motion was specific to the catchment area. The flood study with CBCL was an overall study looking at Cunnabel Creek and separation, it would look at the surrounding areas of the proposed development.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON
THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING**

INTO A DEVELOPMENT AGREEMENT TO PERMIT AN APARTMENT BUILDING WITH UP TO 90 APARTMENT UNITS AND UP TO 10,000 SQ. FT. OF COMMERCIAL SPACE ON A PORTION OF PID 452766441 AND 45366986 ON PAYZANT DRIVE IN WINDSOR IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT C OF THE REPORT TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE #22-28 DATED APRIL 13, 2023, WITH THE ADDITION OF A MINIMUM LOT SIZE OF 3 ACRES AND MINIMUM LOT FRONTAGE OF 100 FT." MOTION CARRIED. Nays: Ivey and Jannasch

MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH MITCH BRISON WHICH PERMITS AN APARTMENT BUILDING WITH UP TO 90 APARTMENT UNITS AND UP TO 10,000 SQ. FT. OF COMMERCIAL SPACE ON A PORTION OF PID 452766441 AND 45366986 ON PAYZANT DRIVE IN WINDSOR 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. Nays: Ivey

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT AT 8:47P.M THE MEETING MOVE INTO PUBLIC HEARING. MOTION CARRIED

The meeting moved into Public Hearing at 8:47 pm. Second Reading followed. Further information on the Public Hearing is available in the 2023-04-25 Public Hearing Minutes.

iii. Benjamins Mill Wind Project Development Agreement
Planner Dunphy reviewed the report highlighting that the applicant requested edits to the wording in the draft Development Agreement re: the leasing and subleasing agreement on April 19, 2023. Following the request, the municipal solicitor reviewed the edits. On May 11, 2023, the solicitor advised that the edits would impact the Municipalities' rights as set out in Section 264 of the MGA regarding breach of a Development Agreement (pertaining to decommissioning of the windfarm in the future). At present no agreement has been made, the parties' legal representatives are working towards an agreement and are optimistic that an agreement will be reached by the June Council meeting date.

Deputy Mayor P. Morton left the meeting at 8:48 p.m. and did not participate in the vote.

MOVED BY COUNCILLORS SMITH AND FRANCIS THAT COUNCIL ADJOURNS THE PUBLIC HEARING UNTIL 6 P.M. ON JUNE 27 AND POSTPONES THE SECOND READING UNTIL JUNE 27, 2023, SO THAT THE MUNICIPAL SOLICITOR MAY REACH AN AGREEMENT ON THE DRAFT DEVELOPMENT AGREEMENT. MOTION CARRIED

A break occurred at 8:50 p.m. The meeting resumed at 9:00 p.m.

10. Unfinished Business/Postponed Motions (9:00 p.m.)

a) Amendments to Land Use By-Law Definition of Community Centre (9:01 p.m.)

Councillor Ivey reviewed the recommendation report noting the change in the definition of Community Centre (loss of the wording “thereof”) and the desire to determine the reasoning or cause for the change and determining if the broader definition could potentially lead to future land use conflicts.

Discussion Points:

- No ill intent was meant with the removal of the wording “thereof”, it was a clerical error.
- The intent of the original definition change was to permit mobile canteen usage.
- The regional definition of Community Centre was much broader in comparison to the current definition.
- In the previous definition of Community Centre’s, it was unclear in the legal interpretation if the wording “there of” only applied to the agent of the municipality or to the local board.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL REQUEST THAT STAFF UNDERTAKE A REVIEW OF THE PROCESS THAT ALLOWED THE DEFINITION OF “COMMUNITY CENTRE” TO BE CHANGED BETWEEN ITS ENDORSEMENT BY THE PLANNING AND HERITAGE ADVISORY COMMITTEE ON FEBRUARY 10, 2022 AND ITS NEW DEFINITION PRESENTED AT THE COMMITTEE OF THE WHOLE ON MARCH 8, 2022 AND REPORT BACK TO COUNCIL.

FURTHER

COUNCIL REQUESTS THAT STAFF UNDERTAKE A REVIEW OF THE EXISTING MODIFIED DEFINITION OF A COMMUNITY CENTRE IN COMPARISON TO THE ORIGINAL DEFINITION (SEPTEMBER 2021) AND THE DEFINITION THAT WAS ENDORSED BY PAC / HAC (FEBRUARY 10, 2022) TO DETERMINE IF ITS CURRENT DEFINITION DOES RESULT IN A BROADER SCOPE THAN WAS ORIGINALLY INTENDED SUCH THAT IT HAS THE POTENTIAL TO CREATE INCREASED LAND USE CONFLICT.” MOTION CARRIED

b) 2023 Grants and Contributions Supplementary Information Report (9:08 p.m.)

Director Kehoe reviewed the recommendation report highlighting that a clerical error was made in the recommendation report submitted to West Hants Committee of the Whole in May that inadvertently omitted the Windsor People First Society grant application. The application was submitted within the required period and all criteria had been met.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES AN OPERATING GRANT IN THE AMOUNT OF \$1400 TO THE WINDSOR PEOPLES FIRST SOCIETY. MOTION CARRIED

c) Public Transportation Information Report (9:10 p.m.)

Coordinator Ogilvie reviewed the report highlighting information about transit systems/services in other jurisdictions and current and potential new funding opportunities available for a public transportation system. The report provided examples of other areas that provides alternate transportation services, what routes looks like, costs/fares, and impacts seen through a climate

lens with a focus on reduced emissions. A feasibility study would provide a broader picture (small, medium and large-scale options).

Discussion Points:

- Most transit pilot projects were three (3) years to provide the data needed to assess performance.
- Transit needs to be convenient and assessable (meeting individual and financial challenges).
- All public transit requires subsidization to enhance accessibility throughout communities and economic vitality of the region.
- Value in having additional information before proceeding with a feasibility study.
- The Green Rider program (based out of Bishopville) would be a great resource for rural transit.
- Due to the complexity of the report, MCCAP could assist with gas emission information only.
- There would be value in having the Joint Regional Transportation Agency present to Council on what they are looking at and their plans/intentions before proceeding with a feasibility study. Mayor Zebian will attempt to arrange the presentation.

d) Mill Lakes Dam Upgrades (9:28 p.m.)

Director Richard reviewed the recommendation report highlighting the requirement to complete repairs and upgrades to the Mill Lakes Dam control structure, upgrades to the stoplog control dam, and upgrades to the Windsor Water Treatment Plant (WWTP) reservoir concrete dam, including the raw water intake structure.

Discussion Points:

- Cost estimate was completed by the consultant (CBCL) and based on repairs above the water line. The contingency amount was based on an amplified estimate for the overall project to account for the unknown (below the water level).

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON
THAT COUNCIL APPROVE THE AWARD OF TENDER WHPW23-01 FOR THE
MILL LAKES WATERSHED DAM UPGRADES TO THE LOW COMPLIANT
BIDDER, MID VALLEY CONSTRUCTION 1997 LTD., FOR THE TENDERED
PRICE OF \$843,200, PLUS A 15% CONSTRUCTION CONTINGENCY OF
\$126,480, FOR A PROJECT TOTAL OF \$969,680, PLUS APPLICABLE TAXES.
MOTION CARRIED**

11. Mayor's Report (9:31 p.m.)

Mayor Zebian provided a verbal report.

Summary points:

- Attended the Avon Street Erosion Committee meeting to view the impacts of tidal erosion on the properties.
- Participated in the Big Brother's and Big Sister's Bowl for Kid's sake event.
- Events have been scheduled for the John Paris rink event. Invitations have been sent out; Council were reminded to R.S.V.P. to the event.
- NS Milk Sport Event was a successful event with over three thousand kids accessing the Sports Complex.

- Attended the United Gulf information session on the proposed Development.
- Attended the NSFPM spring conference, topics included transportation and consolidation.
- Met with representatives from the NS Affordable Housing Association to discuss the Tremaine lands recently discussed. The project is still in the preliminary stages. A lot of work still needs to be completed before proceeding.
- Community Connections Fair occurred in West Hants providing networking, connections, and volunteering opportunities. A wonderful opportunity for all to see what is available in the region.
- Attended PACHAC meetings resulting in discussions pertaining to agricultural land.
- Had conversations with the Joint Regional Transportation Agency, and their plan will be released in 2024.

12. Committees of Council Recommendations

a) Committee of the Whole Excerpts (May 9, 2023)

i. 2023 Grants and Contributions (9:37 p.m.)

Discussion Points:

- All applications were reviewed to see if they are registered with Joint Stocks. Applications can be submitted without meeting the criteria; this does not exclude the applicant from applying.
- All applications received were provided in the recommendation report, including any that did not meet the criteria should Council choose to deviate from policy or the recommendation.
- Due to the Avon View Girls Hockey team not wanting to register with Joint Stocks it was proposed they be removed from the list.
- Once Council approved the recommendation, the supporting documentation needs to be received prior to the funds being released.
- Concern was raised pertaining to approving all the grants at once. If one grant was not supported, it forced a vote against all the grants.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL ADOPTS THE ATTACHED SUMMARY, AS PRESENTED, RECOMMENDING GRANT FUNDING TO THE LISTED RECIPIENTS AND AUTHORIZE STAFF TO RELEASE FUNDS ONCE ALL REQUIREMENTS, AS OUTLINED UNDER THE GRANT AND CONTRIBUTION POLICY, HAVE BEEN MET INCLUDING GRANTING THE NEWPORT DISTRICT RINK COMMISSION THEIR FULL ASK, THE AVONVIEW GIRLS HOCKEY TEAM THEIR FULL ASK AND THE EXTRA \$1,000 ASK FOR THE HERITAGE BEEF CLASSIC SHOW (\$2,500).

MOVED BY COUNCILLORS SHERMAN AND FRANCIS THAT COUNCIL AMEND THE MOTION TO REMOVE THE AVONVIEW GIRLS HOCKEY TEAM FROM THE LIST. MOTION CARRIED

Full motion as amended:

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL ADOPTS THE ATTACHED SUMMARY, AS PRESENTED, RECOMMENDING GRANT FUNDING TO THE LISTED RECIPIENTS AND AUTHORIZE STAFF TO RELEASE FUNDS ONCE ALL REQUIREMENTS, AS OUTLINED UNDER THE GRANT AND CONTRIBUTION POLICY, HAVE BEEN MET INCLUDING GRANTING THE NEWPORT DISTRICT RINK COMMISSION THEIR FULL ASK AND THE EXTRA \$1,000 ASK FOR THE HERITAGE BEEF CLASSIC SHOW (\$2,500). MOTION CARRIED. Nays: Hartt, S. McLean, Jannasch and Ivey

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE FOLLOWING GRANTS FROM THE CANADA COMMUNITY BUILDING FUND:

- a) CHEVERIE UNITED CHURCH (PENDING INCORPORATION STATUS) – FOR ROOF REPAIRS \$5,000
- b) FALMOUTH COMMUNITY HALL ASSOCIATION – FOR HEAT PUMPS, ELECTRICAL, WINDOWS AND NEW LIGHTING - \$5,000.
- c) MOUNT DENSON COMMUNITY HALL ASSOCIATION - \$2,500.
- d) RCL HANTS COUNTY BRANCH 009 VETERANS BANNER PROJECT (PENDING INCORPORATION STATUS) - TO PURCHASE HANGERS TO BE MOUNTED ON UTILITY POLES TO DISPLAY THE VETERANS HONOUR BANNERS - \$5,000.
- e) SOUTHWEST HANTS FIRE SOCIETY – TO CREATE A SPACE ON THE FIRE STATIONS UPPER LEVEL FOR FIREFIGHTERS TO EXERCISE AND FOR RECREATION SPACE PRE/POST CALLS OR TRAINING. INCLUDES INSTALLING A FIRE DOOR, ERECTING PARTITIONS ON STEEL FRAMING, SHEET ROCK INSTALL, ROUGH IN FOR WASHROOM, PAINTING ETC. - \$5,000.
- f) THE CROSSING SENIOR SOCIAL SOCIETY – TO ASSIST WITH THE COST TO PURCHASE A STORAGE BUILDING/BANDSTAND FOR EVENTS AT THE CROSSING - \$5,000.
- g) WEST HANTS GROUND SEARCH & RESCUE – TO ASSIST WITH COSTS ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF NEW WINDOWS - \$5,000.
- h) HANTSPORT MEMORIAL COMMUNITY CENTRE TO COVER THE COSTS OF PICKLE BALL COURT PROJECT TO COVER ALL THEIR PHASES FOR - \$350,000.
- i) MERMAID THEATRE – MARQUEE & CHANNEL LETTERING SIGNAGE - \$13,051.50.
- j) NEWPORT & DISTRICT RINK COMMISSION - TO ASSIST WITH COSTS FOR THE ICE PLANT COMPRESSOR OVERHAUL - \$12,472.33 X 2.
- k) PISIQUID CANOE CLUB – TO ASSIST WITH THE COSTS ASSOCIATED WITH THE INSTALLATION OF AN EXPANDED NSE APPROVED COMMERCIAL SEPTIC SYSTEM - \$17,500.
- l) BRAMBER NEW HORIZONS ASSOCIATION – TO ASSIST WITH THE COST TO INSTALL A DRILLED WELL - \$10,000.

m) WINDSOR AGRICULTURAL SOCIETY – TO ASSIST WITH THE COST ASSOCIATED WITH IMPROVING THE EXHIBITION ARENA BY REPLACING THE PANELS ON THE WEST SIDE OF THE ARENA, UPGRADING THE LIGHTING, WATER & HEATING AS WELL AS WASHROOM ACCESSIBILITY - \$50,000.

Discussion Points:

- The Newport Rink was the full ask and was written as stated in the motion.
- With the awareness of the judicial review being undertaken for the Pisiqid Canoe Club, it was proposed to pause the grant until the results of the review.
- Some of Council were in support of removing the Pisiqid Canoe Club from the list for various reasons (funding was being used for a septic tank on private property, all other service requests for funding were for services used within municipal properties.
- Concern was raised that removing the Canoe Club without adequate grounds could impact an already complex case.

MOVED BY COUNCILLORS SHERMAN AND IVEY THAT COUNCIL AMEND THE MOTION TO REMOVE SECTION K, THE PISIQUID CANOE CLUB FROM THE LIST OF GRANTS. MOTION DEFEATED. Nays: Jannasch, Zebian, P. Morton, Francis, Smith, B. Morton

MOVED BY COUNCILLORS JANNASCH AND SMITH TO AMEND THE MOTION FOR SECTION K TO INCLUDE PENDING THE RESULTS OF THE JUDICIAL REVIEW. MOTION CARRIED. Nays: Hartt, Ivey and S. McLean.

Full motion as amended:

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE FOLLOWING GRANTS FROM THE CANADA COMMUNITY BUILDING FUND:

a) CHEVERIE UNITED CHURCH (PENDING INCORPORATION STATUS) – FOR ROOF REPAIRS \$5,000

b) FALMOUTH COMMUNITY HALL ASSOCIATION – FOR HEAT PUMPS, ELECTRICAL, WINDOWS AND NEW LIGHTING - \$5,000.

c) MOUNT DENSON COMMUNITY HALL ASSOCIATION - \$2,500.

d) RCL HANTS COUNTY BRANCH 009 VETERANS BANNER PROJECT (PENDING INCORPORATION STATUS) - TO PURCHASE HANGERS TO BE MOUNTED ON UTILITY POLES TO DISPLAY THE VETERANS HONOUR BANNERS - \$5,000.

e) SOUTHWEST HANTS FIRE SOCIETY – TO CREATE A SPACE ON THE FIRE STATIONS UPPER LEVEL FOR FIREFIGHTERS TO EXERCISE AND FOR RECREATION SPACE PRE/POST CALLS OR TRAINING. INCLUDES INSTALLING A FIRE DOOR, ERECTING PARTITIONS ON STEEL FRAMING, SHEET ROCK INSTALL, ROUGH IN FOR WASHROOM, PAINTING ETC. - \$5,000.

f) THE CROSSING SENIOR SOCIAL SOCIETY – TO ASSIST WITH THE COST TO PURCHASE A STORAGE BUILDING/BANDSTAND FOR EVENTS AT THE CROSSING - \$5,000.

g) WEST HANTS GROUND SEARCH & RESCUE – TO ASSIST WITH COSTS ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF NEW WINDOWS - \$5,000.

h) HANTSPORT MEMORIAL COMMUNITY CENTRE TO COVER THE COSTS OF PICKLE BALL COURT PROJECT TO COVER ALL THEIR PHASES FOR - \$350,000.

i) MERMAID THEATRE – MARQUEE & CHANNEL LETTERING SIGNAGE - \$13,051.50.

j) NEWPORT & DISTRICT RINK COMMISSION - TO ASSIST WITH COSTS FOR THE ICE PLANT COMPRESSOR OVERHAUL - \$12,472.33 X 2.

k) PISIQUID CANOE CLUB – TO ASSIST WITH THE COSTS ASSOCIATED WITH THE INSTALLATION OF AN EXPANDED NSE APPROVED COMMERCIAL SEPTIC SYSTEM - \$17,500 PENDING THE RESULTS OF THE JUDICIAL REVIEW.

l) BRAMBER NEW HORIZONS ASSOCIATION – TO ASSIST WITH THE COST TO INSTALL A DRILLED WELL - \$10,000.

m) WINDSOR AGRICULTURAL SOCIETY – TO ASSIST WITH THE COST ASSOCIATED WITH IMPROVING THE EXHIBITION ARENA BY REPLACING THE PANELS ON THE WEST SIDE OF THE ARENA, UPGRADING THE LIGHTING, WATER & HEATING AS WELL AS WASHROOM ACCESSIBILITY - \$50,000. MOTION CARRIED. Nays: Hartt, S. McLean and Ivey.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE FROM THE 5% RESERVE FUND:

a) BROOKLYN VOLUNTEER FIRE DEPARTMENT TO FUND TRAIL MAINTENANCE FOR THE BROOKLYN FIRE DEPARTMENT TRAIL IN THE AMOUNT OF \$1,250.

b) ELLERSHOUSE COMMUNITY HALL TO ASSIST WITH THE MAINTENANCE OF THE COMMUNITY PARK LOCATED ON THE CHURCH PROPERTY - \$2,500. MOTION CARRIED

ii. 2023 Standing Offer Asphalt Paving Services WHPW23-02 (9:59 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL APPROVE THE AWARD OF TENDER WHPW23-02 FOR STANDING OFFER PAVING SERVICES 2023 TO THE LOW COMPLIANT BIDDER, NO JOB TOO ODD PROPERTY IMPROVEMENTS; FOR UNIT PRICING SERVICES, BASED ON THE TENDERED ESTIMATED COST OF \$386,400, PLUS APPLICABLE TAXES.

iii. Draft Parking By-Law Report (10:00 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL DIRECT STAFF TO PREPARE A DRAFT PARKING BYLAW FOR THE REGION OF WEST HANTS FOR COUNCIL TO REVIEW. MOTION CARRIED. Nays: Ivey

iv. FCM Community Buildings Retro-Fit Fund (10:00 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL APPROVE IN PRINCIPLE FUNDING 20% AS THE MUNICIPAL CONTRIBUTION OF AN APPLICATION TO THE FCM COMMUNITY BUILDING RETROFIT INITIATIVE TO SUPPORT A FEASIBILITY STUDY, UP TO A MAXIMUM COUNCIL CONTRIBUTION OF \$40,000, TO BE FUNDED THROUGH THE REGIONAL OPERATING RESERVE. MOTION CARRIED

v. Short Term Rentals (10:01 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECT THE PLANNING STAFF TO PREPARE A REPORT WITH RECOMMENDATIONS AND REGULATIONS IF DEEMED APPROPRIATE FOR SHORT-TERM RENTALS WITHIN THE WEST HANTS REGIONAL MUNICIPALITY TO BE PROVIDED TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE AS A STARTING POINT. MOTION CARRIED

vi. Underwood Edward Electronic Gate System (10:01 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR B. MORTON THAT COUNCIL DIRECT STAFF TO DO A REPORT ON OPTIONS INCLUDING WHAT AN ELECTRONIC GATE SYSTEM WOULD COST AND RETURN WITHIN A COUPLE OF MONTHS. MOTION CARRIED. Nays: Hartt

viii. Land Matter (10:02 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL DIRECTS THE CAO TO EXECUTE DIRECTIONS ON PID 45225174 AS DISCUSSED IN CAMERA. MOTION CARRIED

At 10:02 p.m. Mayor Zebian revisited his report to address concerns related to the aboiteau, signage and the recent mailouts from the MP and MLA. The correspondence sent to the Province on March 23, 2023, was read aloud. Mayor reiterated that Council was looking for solutions and the betterment of the region, we are looking ahead to the future with a focus on coming together as one and reimagining the waterfront area.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT CORRESPONDENCE BE SENT IN FOLLOW UP TO OUR PREVIOUS CORRESPONDENCE WITH REGARDS TO REIMAGINING THE WINDSOR/FALMOUTH WATERFRONT, AND THAT IT FOCUS ON THE REIMAGINATION COMPONENT, TO ALL THE INDIVIDUALS PREVIOUSLY SENT AS A SINGLE CORRESPONDENCE WITH EVERYBODY COPIED ON THE SAME LETTER. MOTION CARRIED. Nays: Francis

MOVED BY COUNCILLOR FRANCIS AND DEPEUTY MAYOR THAT THE MEETING CONTINUE PAST 10 P.M. MOTION CARRIED. Nays: Sherman

b) Planning and Heritage Advisory Excerpts (May 11, 2023) (10:18p.m.)

i. 997 Hwy 14, Vaughan Rezoning

Planner Dunphy reviewed the recommendation report highlighting that a complaint was received regarding the usage of the property resulting in Mr. Clarke applying on March 8, 2023, to rezone the subject lot to Resource Industrial to allow commercial storage and distribution. On September 20, 2020, a development permit was issued for a personal storage building. The complaint was received October 28, 2022, resulting in an investigation. It was confirmed the lot had industrial uses on it, however the storage building was being used for personal storage. The personal storage building was not part of the process as it was adhering to the development permit that was issued. The proposal did not meet the criteria and Planner Dunphy was not recommending in favor of the application due to the following reasons: safe and efficient roadway access; traffic safety; being considered obnoxious; inadequacy of fire protection; suitability of movement; pattern of development; and provincial requirements.

Two public information meetings were held April 13th and April 14th and broadcasted live on the Municipal Facebook page. A total of twenty-nine people attended both meetings. Deadline for comments was April 28th with 1 phone call, 1 letter, and 15 emails received. Planner Dunphy reviewed the concerns (included in the presentation) and reviewed the responses provided.

The applicant has requested the Public Hearing to be held in July to allow them to be present for the meeting.

Discussion Points:

- In order to follow the process, the recommendation needs to be made and Council can choose to defeat it or continue the process. Although staff were not in favour of the application, they were recommending proceeding to Public Hearing for procedural/process reasons. By proceeding to Public Hearing, it provided a forum for all parties to express their opinions/concerns resulting in an informed decision based on criteria within the planning documents resulting in the Municipality being on better grounds and winning an appeal should that process occur.
- Remediation discussions could not occur until after the Public Hearing process has occurred. After the process has occurred the Development Officer will provide the perimeters of remediation as per the land use by-law requirements.
- A stop order would not be issued immediately unless there was a Public Safety concern.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING SCHEDULE A OF THE WEST HANTS LAND USE BY-LAW TO REZONE 997 HIGHWAY 14, UPPER VAUGHAN (PID 45041902) FROM THE GENERAL RESOURCE (GR) ZONE TO THE RESOURCE INDUSTRIAL (M-1) ZONE. MOTION CARRIED. Nays: Zebian, Hartt and S. McLean.

ii. Cole Drive PID 45366432 Development Agreement (10:40 p.m.)

Planner Dunphy reviewed the report highlighting that an updated application was received from Darren Shupe of Brighter Community Planning on behalf of Mainland South Investments on March 21, 2023, to allow a proposed development for a 4-storey mixed-use building by development agreement. The first floor was commercial, with the remaining floors being residential (totaling 42 apartments) with 81 parking spaces (37 underground, 44 on the surface). Planner Dunphy reviewed the enabling policies and confirmed they were met. The following changes were being requested: the inclusion of 'banks and financial institutions', 'retail stores', and 'indoor recreation uses' to the permitted commercial uses list, Commercial hours of operation extended to 10:00 p.m. (Currently 9:00 p.m.) and the maximum building height increased to 45 ft. (Currently 40 ft.).

A Public Information Meeting was held on April 13th and broadcasted live on the Municipal Facebook page and twenty-six (26) members of the public attended. Deadline for comments was April 28th with no comments received.

MOVED BY COUNCILLOR SMITH AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW A FOUR STOREY, MIXED-USE APARTMENT BUILDING ON PID 45411808 ON COLE DRIVE IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX B OF THE REPORT FILE #23-05A TO COUNCIL DATED MAY 23, 2023. MOTION CARRIED

MOVED BY COUNCILLOR SMITH AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH SHAWN FOOTE & MARK HARTLIN WHICH PERMITS A FOUR STOREY, MIXED-USE APARTMENT BUILDING ON PID 45411808 ON COLE DRIVE IN WINDSOR 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

13. Councillor Municipal Activity Reports (10:50 p.m.)

Councillor Ivey provided a verbal report of the activities since the previous meeting.

Summary Points:

- Positive comments received from residents with respect to the increase to the low-income tax threshold and the credit provided to all areas. Some comments received that spending may not be as tight as it could be.
- Very positive feedback on the renaming of the Sports Complex rink to the John Paris Jr Rink
- General comments received were that residents would like a broader approach taken related to traffic to make it more efficient. There are areas that may benefit from a broader review of traffic rerouting (development near Payzant and near the Island).
- Avon Street Erosion Committee were still looking for guidance/assistance.
- Concerns from residents regarding the Housing initiative on Tremaine Crescent.

14. Correspondence (10:53 p.m.)

a) Information

1. Avon River Causeway/Hwy 101 Twinning Project Correspondence Log (as of May 23, 2023) – None

2. All correspondence received (as of May 23, 2023)

Correspondence was reviewed in groups of five.

- i. May 10, 2023 John Fitzgerald Re: Scotch Village Yoga Retreat.
- ii. May 10, 2023 Karen Fitzgerald Re: Yoga Resort Plan.
- iii. May 11, 2023 Bill Preston Re: Unsightly, etc.
- iv. May 11, 2023 Garret Johnston Avon Street Erosion, Hantsport, NS
- v. May 11, 2023 Margy Fletcher Re: Expansion to King Street from Payzant Drive
- vi. May 15, 2023 Andrew Hardman Re: Property Tax Exemption List
- vii. May 15, 2023 Art Ward and Karen Bourque-Ward Re Scotch Village Station Road PID 45166915 and PID 45148608.
- viii. May 15, 2023 Letter to NSFAM from the Minister of Municipal Affairs and Housing Re 12 Month Notice
- ix. May 15, 2023 Upper Vaughan Property Owners Re: 997 Highway 14, Permit #C2020-371
- x. May 16, 2023 Denise Forand Re: Waterfront options are ours to design for generations to come. Ebb n Flow.
- xi. May 18, 2023 Warden Nickerson Re: RCMP Retroactive Costs
- xii. May 19, 2023 Art Ward Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.
- xiii. May 19, 2023 Shelley Arsenault Re: Rezoning and Development of Agricultural Lands.
- xiv. May 21, 2023 Lee and Debbie Watson Re: Old Railway, Collapse in Mt Denson
- xv. May 21, 2023 Dave Smith Re: Zwicker Lake Petition.
- xvi. May 22, 2023 Seamus Marriott Re: Petition to Reconsider Canoe Club Tax Exemption.

Discussion Points:

- Correspondence from Mr. Preston requesting that the municipality take a proactive By-Law enforcement vs being complaint driven. Worthy of a conversation in the future.
- Mr. Hartman's correspondence regarding enforcement of the Industrial zone were made very well. A motion to reconsider may be of value.

3. Fort Edward Lands Correspondence Log (as of May 23, 2023) - None

4. Storm Wastewater Correspondence Log (as of May 23, 2023) - None

b) Requests -None

c) Out-going (as it relates to motions of Council to other Provincial agencies/depts) as of May 23, 2023

- i. May 17, 2023 Support to Pave Cogmagun and Beaverpond Road

ii. May 23, 2023 Letter to the Province Re Coastal Protection Act Regulations

15. New Business – None (10:40 p.m.)

15. In-Camera (10:56 p.m.)

- a) MGA 22(2)(a) Land Matter
- b) MGA 22(2)(a) Legal Matter
- c) MGA 22(2)(a) Legal Matter
- d) MGA 22(2)(a) Legal Matter
- e) MGA 22(2)(a) Labour Matter

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT AT 10:56 P.M. THE MEETING MOVE IN-CAMERA. MOTION CARRIED.

MOVED BY DEPUTY P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 11:40 P.M. MOTION CARRIED.

16. Next Meeting Date / Adjournment – June 13th, 2023, Committee of the Whole Meeting.

MOVED BY DEPUTY MAYOR P. MORTON AND FRANCIS THAT AT 11:40 P.M. THE MEETING ADJOURN. MOTION CARRIED.

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk