

## WEST HANTS REGIONAL MUNICIPALITY

### Council Meeting Agenda

**September 26, 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.*

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**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. Approval of Previous Meeting Minutes
  - a) 2023-07-31 Special Council Meeting Minutes
  - b) 2023-08-21 Special Council Meeting Minutes
  - c) 2023-08-21 Public Hearing Minutes - Benjamins Mill Wind Project Development
  - d) 2023-08-21 Public Hearing Minutes - 997 Highway 14 Upper Vaughan (PID 45041902) WHLUB Amendment
7. Public Hearings
  - a) Pemberton Ave, Garlands Crossing PID 45003563 – Planner Dunphy
  - b) 35 William St, Hantsport PID 45044419 – Planner Dunphy
8. Second Readings
  - a) Pemberton Ave, Garlands Crossing PID 45003563 – Planner Dunphy
  - b) 35 William St, Hantsport PID 45044419 – Planner Dunphy
9. Unfinished Business/Postponed Motions
  - a) Fresh Water Resources – Councillor Ivey
  - b) Capital Report Supplementary Information Report – Director Rochon
  - c) Financial Update – Director Rochon
  - d) Updated Fundraising Information Report – Director Rochon
  - e) WHRM Capital Equipment Plow Truck - /Recommendation Report Additional Information – Director Richard

f) Service Exchange Renegotiation & Municipal Government Act Review (SERMGAR)  
Revisit Discussion– CAO Phillips

10. Mayor's Report

11. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (September 12<sup>th</sup>, 2023)

- i. 2023-2029 RCMP Multi-year Financial Plan
- ii. Combined Sewer Overflow (CSO) Overland and into Water Courses
- iii. Mariner's Drive, Hantsport (Municipal Surplus Lands PID 45275278)
- iv. Municipal Encroachment
- v. Municipal Fees Policy
- vi. Newport and District Rink Commission
- vii. Noise By-Law
- viii. Payzant Drive Extension Conceptual Design
- ix. Planning and Heritage Advisory Committee Member Appointment
- x. POSSE - Public Outreach Position Referral to the Police Advisory Board
- xi. Tax Collection Policy
- xii. Tremain Crescent Flood Issues
- xiii. West Hants Uniacke Community Health Board Re Request for a Letter of Support for Feasibility Study
- xiv. Windsor/Falmouth Watercourse Interconnection Design
- xv. Municipal Finance Corporation (MFC) 2023 Fall Debenture

b) Planning and Heritage Advisory Excerpts (September 14<sup>th</sup>, 2023)

- i. Cole Drive, Windsor PID 45366432 (Part 2) – Planner Dunphy
- ii. 8 Upper Water Street, Windsor – Planner Dunphy
- iii. 187 Payzant Drive, Windsor – Senior Planner Fredericks
- iv. Heritage Signage (2 Motions) – Director Poirier
- v. Public Participation Policy – Director Poirier

12. Councillor Municipal Business/Activity Reports

a) Councillor Ivey, District 11 Activity Report

13. Correspondence

a) Information

1. Avon Causeway Activity Log
2. Correspondence Received Activity Log
  - i. Jean Sanford Re New Chairs
  - ii. Keith Aucoin Re Impact of Hurricane Lee
  - iii. Luke Garagan Re Transportation for West Hants

- iv. Responses (2) received from Maria Medioli Exec. Dir DSP Re King's Meadow (WHRM copied)
- v. Peter Moore Re Another unprecedented weather event and Preparedness (2 emails)
- vi. Jennifer Moore Re Preparedness
- vii. Steve Turner Re Windsor Hantsport Railroad Tracks (WHRM copied)
- viii. Laura Moore Re Abuse of Emergency Management Act Causing Harm to the Avon River (WHRM copied)
- ix. Kings County Re Notice of Public Hearing
- x. Hants Learning Network Re Thank You
- xi. Daniel Steeves Re Short Term Rentals
- xii. Colleen Rogers Re Transportation in West Hants
- xiii. Selling Scotia Re Discussions around banning STRs
- xiv. Darren Porter Re Safety Concern/ Water Test

3. Fort Edward Activity Log – None

b) Requests - None

c) Outgoing Correspondence Log - None

14. New Business

a) Main Street Hantsport Sidewalk Construction Recommendation Report WHPW23-08–  
Manager Carrigan

15. In-Camera

a) MGA 22(2)(a) Legal Matter

b) MGA 22(2)(a) Land Matter

c) MGA 22(2)(a) Personnel Matter

16. Next Meeting Date / Adjournment – October 10<sup>th</sup>, 2023 Committee of the Whole Meeting 6 p.m.

## WEST HANTS REGIONAL MUNICIPALITY

### Council Meeting Minutes

September 26, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



**West Hants**  
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

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 Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

#### Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public Works

Troy Burgess, Manager Public Works Operations

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Mark Fredericks, Senior Planner

Diana Gibson, Manager of Financial Services

#### Regrets:

Shelleena Thornton, Mun. Admin Supervisor

Kathy Kehoe, Director Community Development

#### Presenters/Public

11 residents in the Gallery and 17 via ZOOM.

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. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to this land and each other. West Hants Regional Municipality also recognizes African Nova Scotians are a distinct people whose history, legacies, and contributions have enriched that part of Mi'kma'ki known as Nova Scotia for over 400 years.

The Garlic Festival was a huge success.

Truth and Reconciliation Day is September 30<sup>th</sup>. Everyone was encouraged to find their own truths.

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

Voting occurred by a show of hands.

#### Additions to the Agenda:

- Police Response to a crisis.
- Update Re: Morasha cattle.
- Update Re: Avondale Boat launch.
- In-Camera MGA 22(2)(a) Legal Matter

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT THE 2023-09-26 COUNCIL AGENDA BE APPROVED AS AMENDED.  
MOTION CARRIED**

5. Declaration of Conflict of Interest (6:06 pm)  
Mayor Zebian and Councillor Francis declared conflict on item 11(a)(viii) due to owning land in the vicinity.
6. Approval of the Previous Meeting Minutes (6:06 p.m.)
  - a. 2023-07-31 Special Council Meeting Minutes
  - b. 2023-08-21 Special Council Meeting Minutes
  - c. 2023-08-21 Public Hearing Minutes, Benjamins Mill Wind Project Development Agreement
  - d. 2023-08-21 Public Hearing Minutes, 997 Highway 14 Upper Vaughan, PID 45041902

**MOVED BY DEPUTY MAYOR P. MOTON AND COUNCILLOR FRANCIS  
THAT THE 2023-07-31 SPECIAL COUNCIL MEETING MINUTES, 2023-08-21 PUBLIC HEARING MINUTES, BENJAMINS MILL WIND PROJECT DEVELOPMENT AGREEMENT AND 2023-08-21 PUBLIC HEARING MINUTES, 997 HIGHWAY 14, PID 45041902 BE APPROVED. MOTION CARRIED**

7. Public Hearings (6:06 p.m.)  
Public Hearings and Second Readings (Second reading was held immediately following Public Hearing)

The meeting moved into Public Hearing at 6:06 p.m. Second Reading followed. Further information on the Public Hearing is available in the 2023-09-26 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS  
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:06 P.M. MOTION CARRIED**

- a) **Pemberton Avenue, Garlands Crossing PID 45003563** (6:06 p.m.)  
Planner Dunphy reviewed the presentation requesting two, two-unit dwellings be permitted by rezoning the subject lot to the Two Unit Residential (R-2) zone.

Discussion Points:

- Department of Transportation was working with the developer regarding the driveway.
- Units were approximately 1600 sq ft.

The Public Hearing concluded at 6:23 p.m.

8. Second Readings
  - a) **Pemberton Avenue, Garlands Crossing PID 45003563** (6:23 p.m.)

**MOVED BY COUNCILLORS FRANCIS AND S. MCLEAN THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING SCHEDULE A OF THE WEST HANTS LAND USE BY-LAW TO REZONE PID 45003563 ON PEMBERTON AVENUE, GARLANDS CROSSING, FROM THE GENERAL COMMERCIAL (GC) ZONE TO THE TWO UNIT RESIDENTIAL (R-2) ZONE IN A MANNER SUBSTANTIVELY THE SAME AS FIGURE 3 OF THE STAFF REPORT TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT #23-03 DATED JUNE 7, 2023. MOTION CARRIED.**

7. Public Hearings (6:28p.m.)

Public Hearings and Second Readings (Second reading was held immediately following Public Hearing)

The meeting moved into Public Hearing at 6:28 p.m. Second Reading followed. Further information on the Public Hearing is available in the 2023-09-26 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:28 P.M. MOTION CARRIED**

b) **35 William Street, Hantsport PID 45044419** (6:28 p.m.)

Planner Dunphy reviewed the presentation requesting to amend the Hantsport Land Use By-law to increase the height and number of dwelling units permitted in the Mixed Commercial/Residential (C-2) zone to permit a 5-storey, 40-unit residential apartment building at 35 William Street in Hantsport. two, two-unit dwellings be permitted by rezoning the subject lot to the Two Unit Residential (R-2) zone.

Discussions focused on sewer and water capacity, current capacity percentages/numbers within Hantsport and the ability for the systems to project to be accommodate the proposal. Concerns were voiced that the proposal was nearing water withdrawal limits. Not all projects have been built yet, resulting capacity existing within both the water and sanitary systems.

The Public Hearing concluded at 7:08 p.m.

8. Second Readings

b) **35 William Street, Hantsport PID 45044419** (7:08 p.m.)

**MOVED BY COUNCILLORS FRANCIS AND B. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES AMENDING THE HANTSPORT LAND USE BY-LAW TO INCREASE THE HEIGHT AND NUMBER OF DWELLING UNITS PERMITTED IN THE MIXED COMMERCIAL/RESIDENTIAL (C-2) ZONE IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT B OF THE STAFF REPORT TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT #23-06 DATED JUNE 7, 2023. MOTION CARRIED. Nays: Ivey**

9. Unfinished Business/Postponed Motions

a) **Fresh Water Resources** (7:09 p.m.)

Councillor Ivey provided a high-level review of the information report highlighting and sharing the documents received from a local resident relating to freshwater resources within West Hants. Council has had many discussions regarding freshwater resources over the last number of years and it was felt there was value in exploring the information further to have a better understanding of the resources available. Another valuable highlight within the report was the reference to Town Pond and where ownership lies for this area. There was value in A recommendation report will be provided at the next meeting.

b) Capital Report Supplementary Information Report (7:26 p.m.)

Director Rochon reviewed the supplementary information report highlighting the updated information pertaining to all costs associated with the Hantsport Fire Station including total budget approved, approved tender awards (design and build). Total approved budget was \$4,088, 974., total project costs were \$4,021, 844. resulting in the project being under budget by \$67,130.

c) Financial Update (7:30 p.m.)

Director Rochon reviewed the first quarter financial update for the current fiscal year. Highlights include revenue was predicted to be 0.04 % lower, expenses were projecting 2.2 % higher, current deficit was \$799,022, (mitigating efforts will be presented for consideration should they be needed), actual deed transfer tax was \$234,000, rec retain was seeing a deficit which would be mitigated through the safe restart fund, sewer revenues were projecting lower, other revenues (permits and misc. items) were projecting higher. RCMP, Fire, General Government, Environmental Services and Education expenses were all projecting higher.

The WH Sports Comple fundraising report was reviewed. A total of \$160,311 has been raised. Conversations centered on a desire to see fund raising to help offset operating costs, future expansion needs and having a current staff person responsible for finding interested sponsors. Staff were utilizing the facility more for non-traditional events in the off season (these were more profitable as the plant was not used). No one has stepped forward for the naming rights of the facility. Consensus was this was an area to focus on.

d) **Updated Fundraising Information Report** – discussion was included in the Financial Report.

A break occurred at 8 p.m. The regular meeting resumed at 8:12 p.m.

e) **WHRM Capital Equipment Plow Truck Recommendation - Additional Information Report**  
(8:12 p.m.)

Director Richard and Manger Burgess reviewed the supplementary information report highlighting the addition information requested at the previous meeting (costs/timelines for a new crated engine, value of truck as it sits, etc.). Additional information was provided on costs associated with repairs required to make the current truck usable for the upcoming season as well as rental costs for equipment should Council direct staff to source out rental equipment for snow clearing; last year \$18,000 was spent to rent a tandem truck for snow removal.

Discussion Points:

- Value of the truck as it sits was \$5000, (including the plow). The plow was being removed and would be used for the new truck.

- Staff need to confirm if the vendor is interested in taking the current truck in as trade in. There would be costs associated with this as the truck would need to be floated to the vendor.
- Smaller trucks would continue to plow narrower streets.
- If approved and still available the truck would arrive early next week, the body and other work would be done. The truck would be ready for snow clearing for the season.
- The ask remained at \$350,000 as a precaution in case the truck was sold prior to staff being able to secure it.
- Procurement was being done through Emergency Procurement, section 7.e.1 of the WHRM Procurement Policy.

**MOVED BY COUNCILLORS MURLEY AND B. MORTON THAT COUNCIL APPROVES THE EMERGENCY PURCHASE OF A TRUCK AND DUMP BODY FROM A VENDOR WITH AN AVAILABLE TRUCK THAT MEETS MUNICIPAL REQUIREMENTS, COMPLETE WITH SNOW AND ICE CONTROL EQUIPMENT NOT TO EXCEED \$350,000 PLUS APPLICABLE TAXES. MOTION CARRIED.** Nays: M. McLean and Hartt

f) **Service Exchange Renegotiation & Municipal Government Act Review (SERMGAR)** (8:38 p.m.)

The item was revisited for discussion. Concern was raised that residents may not understand the full impacts of the changes being proposed; some roads could be turned back to a graveled state (too many gray areas). Consensus was there were concerns with the proposed changes. Roads were presented as “optional”, but there was no real option. There would be increased huge costs associated with Municipalities taking over roads (maintenance and repairs, no equipment or manpower to look after the roads). Although there was no request for feedback, it was supported to provide a response.

**MOVED BY COUNCILLOR SHERMAN AND DEPUTY MAYOR P. MORTON THAT COUNCIL SEND A LETTER STATING THAT COUNCIL WAS IN AGREEMENT WITH OPTION A HOWEVER THERE WAS NO INTEREST IN OPTION B. MOTION CARRIED.** Nays: Jannasch

10. Mayor’s Report (8:51 p.m.)

Mayor Zebian provided a verbal report.

Highlights included attending Community Healing sessions (a central email that goes to the EMO Coordinator has been created where residents can ask questions and be provided with a response to ensure everyone gets the same response), Storm Water Management Community meetings (discussions have occurred with DMA to discuss the issues and HRM’s request for the province to consider buying properties flood zone affected areas) and have them tour areas in West Hants), discussing affordable housing options and assisting residents with finding information for supports, Emergency Preparedness education and awareness and supports for those unhoused when a significant weather event is forecasted. Reports will be presented at Committee of the Whole to address/improve in some of these areas. The Hants County exhibition and Garlic Festival were seen as very successful. West Hants raised over \$47,000 for the annual Tery Fox Run. Attended the

Investing in Canada Infrastructure Program (I.C.I.P) announcement for College Road and Nesbitt Street. Congratulations was extended to Team Avon View for winning \$10,000 for Avon View High School.

Discussion Points:

- “Town Hall” style community meetings will be scheduled for each district starting in January. Follow up Storm Water Management Community meeting will be scheduled for late November.
- It was important to have a conversation about the delayed storm water report (waiting almost two years for the report) and taking action so people do not flood again. The two-year delay in getting the report was unacceptable; a report was needed now.

11. Committee(s) of Council Excerpts/Recommendations (9:06 p.m.)

a. Committee of the Whole Excerpts (September 12, 2023)

**i. 2023-2029 RCMP Multi-year Financial**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE IN PRINCIPLE THE RCMP MULTI-YEAR FINANCIAL PLAN FOR 2023-2029. MOTION CARRIED**

**ii. Combined Sewer Overflow (CSO) Overland and into Water Courses (9:07 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO INITIATE COMMUNICATIONS FOLLOWING ANY COMBINED SEWER OVERFLOWS (CSO) OVER LAND OR INTO WATER COURSES THAT OCCUR WITHIN WEST HANTS REGIONAL MUNICIPALITY TO IDENTIFY TO THE PUBLIC THE NEED FOR CAUTION AND POTENTIAL RISK TO THEIR HEALTH IN THE AREA THE OVERFLOWS OCCURRED. MOTION CARRIED.**

**iii. Mariner’s Drive, Hantsport (Municipal Surplus Lands PID 45275278 (9:07 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE PROPERTY KNOWN AS PID 45275278 ON MARINERS DRIVE IN HANTSPORT, BE DEEMED AS SURPLUS PROPERTY AND THAT THE PROPERTY BE LISTED FOR SALE AT MARKET VALUE. MOTION CARRIED.**

**iv. Municipal Encroachment (9:08 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE WITH THE OWNERS OF THE ENCROACHED PROPERTY AT THE CORNER OF ALBERT AND KING TO ACHIEVE A MUTUALLY BENEFICIAL AND FAIR RESOLUTION TO THE ISSUE, WHETHER IT INVOLVES PURCHASE OF THE ENCROACHED LAND, OR AN EASEMENT OR ANOTHER MUTUALLY ACCEPTABLE SOLUTION. MOTION CARRIED**

**v. Municipal Fees Policy (9:09 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF FOR THE PURPOSE OF UNDERTAKING A REVIEW OF THE WEST HANTS REGIONAL MUNICIPALITY FEES SCHEDULE FOR TAX STATEMENTS FEES AND BURIAL FEES AND RETURN TO COUNCIL WITH A REPORT FOR THE NOVEMBER COMMITTEE OF THE WHOLE MEETING. MOTIONS CARRIED**

**vi. Newport and District Rink Commission (9:10 p.m.)**

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL APPROVES THE ALLOCATION OF \$150,000 ANNUALLY FOR THE NEXT FIVE YEARS IN THE CAPITAL BUDGET TO SUPPORT CAPITAL UPGRADES TO THE GFL RECREATION CENTRE.

Discussion Points:

- There was a level of uncertainty with providing funding as a whole without knowing if the remaining funding (grants) from other levels of government was successful. If the other funding applications were successful there was comfort in supporting the ask.
- Suggestion was brought forward to provide funding for this year and look at the remaining years during the budget process to better understand impacts.

**MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT THE MOTION BE AMENDED TO APPROVE THE ALLOCATION OF \$150,000 TO THE NEWPORT AND DISTRICT RINK COMMISSION TO SUPPORT CAPITAL UPGRADES TO THE GFL RECREATION CENTRE FOR YEAR ONE AND THE ITEM WILL BE REVISITED DURING BUDGET TO UNDERSTAND THE OVERALL IMPACT OF FUNDING OVER THE REMAINING FOUR YEARS. MOTION CARRIED.** Nays: Jannasch, S. McLean and Hartt

Full motion as amended:

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL APPROVES THE ALLOCATION OF \$150,000 TO THE NEWPORT AND DISTRICT RINK COMMISSION TO SUPPORT CAPITAL UPGRADES TO THE GFL RECREATION CENTRE FOR YEAR ONE AND THE ITEM WILL BE REVISITED DURING BUDGET TO UNDERSTAND THE OVERALL IMPACT OF FUNDING OVER THE REMAINING FOUR YEARS. MOTION CARRIED**

**vii. Noise By-Law (9:21 p.m.)**

Discussion Points:

- Staff will bring back a report more in line with Peace and Good Order for Council to consider and take direction from there.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECTS STAFF TO REVISIT THE NOISE BY-LAW/PEACE AND GOOD ORDER. MOTION CARRIED**

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 9:24 p.m. Deputy Mayor P. Morton assumed the chair.

- viii. Payzant Drive Extension Conceptual Design (9:24 p.m.)

**MOVED BY COUNCILLORS SMITH AND MURLEY THAT COUNCIL APPROVE THE AWARD OF CONCEPTUAL DESIGN PROJECT OF PAYZANT DRIVE EXTENSION TO DESIGNPOINT ENGINEERING & SURVEYING LTD, FOR THE QUOTED AMOUNT OF \$19,874.00, PLUS APPLICABLE TAXES. MOTION CARRIED**

Mayor Zebian and Councillor Francis returned to the meeting. Mayor Zebian assumed the chair.

- ix. Planning and Heritage Advisory Committee Member Appointment (9:24 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL APPOINTS TIM CARR TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE FOR THE REMAINDER OF THE 2022-2024 TERM WHICH WILL FULFIL THE HANTSPORT REPRESENTATIVE MEMBER VACANCY. MOTION CARRIED**

- x. POSSE – Public Outreach Position Referral to The Police Advisory Board (9:26 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL REFER THE PUBLIC OUTREACH POSITION REQUEST BY THE POSSE GROUP TO THE POLICE ADVISORY BOARD. MOTION CARRIED**

- xi. Tax Collection Policy (9:27 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE TAX COLLECTION POLICY RCOFN-004.00 FOR THE REGION OF WINDSOR AND WEST HANTS MUNICIPALITY AS PRESENTED AT THE SEPTEMBER 12TH COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED**

- xii. Tremaine Crescent Flood Issues (9:28 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF IN A DEDICATED EFFORT TO OPERATIONALLY ADDRESS AND ENGINEER A SOLUTION TO RESOLVE THE ONGOING FLOOD ISSUES OCCURRING BETWEEN THE CULVERT AT 335 TREMAINE CRESCENT THROUGH TO THE CROSS-CULVERT AT APPROXIMATELY 369 TREMAINE CRESCENT THROUGH THE DRAINAGE DITCH WHICH LEADS TO TREGOTHIC MARSH. MOTION CARRIED.**

**xiii. West Hants Uniacke Community Health Board Request for Feasibility Study (9:29 p.m.)**

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL WRITE THAT A LETTER OF SUPPORT BE WRITTEN TO THE UNIACKE HEALTH BOARD IN SUPPORT OF THEIR REQUEST REGARDING A FEASIBILITY STUDY ON TRANSPORTATION ISSUES.

Discussion Points:

- It was noted the request was for Council to pass a motion directing staff to apply for Provincial funding for a transportation feasibility study.
- Concern was raised there were three different transportation studies occurring. Council was advised that Kings Transit recently announced their fleet of electric buses funded by Federal and Provincial government with municipal contributions, a Joint Regional Transportation study was completed by the province and included communities within a 100 km radius of HRM; they will create the provincial network foundation (most direct routes to move people, goods and services). If there was desire to look at localized connections it would be up to municipalities to create local connections to the regional network. Director Poirier sits on this committee for WHRM.

**MOVED BY COUNCILLORS SHERMAN AND FRANCIS TO AMEND THE MOTION THAT STAFF EXPLORE FUNDING OPPORTUNITIES FOR A FEASIBILITY TRANSPORTATION STUDY.** Nays: Jannasch

Full Motion as amended:

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECT STAFF EXPLORE FUNDING OPPORTUNITIES FOR A FEASIBILITY TRANSPORTATION STUDY. MOTION CARRIED.** Nays: Jannasch

**xiv. Windsor/Falmouth Watercourse Interconnection Design (9:35 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL APPROVE THE AWARD DESIGN OF THE WINDSOR-FALMOUTH WATER MAIN INTERCONNECTION PROJECT AS IDENTIFIED IN THE 2023/24 CAPITAL BUDGET TO CBCL, WITH A TOTAL ESTIMATED DESIGN COST OF \$178,956.00, PLUS APPLICABLE TAXES.** Nays: Hartt and S. McLean

**xv. Municipal Finance Corporation (MFC) Fall Debenture (9:36 p.m.)**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE MAYOR AND MUNICIPAL CLERK TO SIGN THE RESOLUTION FOR PREAPPROVAL OF DEBENTURE ISSUANCE, SUBJECT TO INTEREST RATE CONFIRMATION NOT TO EXCEED 6.5% TO ENABLE WEST HANTS REGIONAL MUNICIPALITY TO ISSUE A 5-YEAR DEBENTURE OF \$42,418 FOR PURCHASE OF EXTRICATION TOOLS FOR BROOKLYN FIRE DEPARTMENT STATION 1. MOTION CARRIED**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE MAYOR AND MUNICIPAL CLERK TO SIGN THE RESOLUTION FOR PREAPPROVAL OF DEBENTURE ISSUANCE, SUBJECT TO INTEREST RATE CONFIRMATION NOT TO EXCEED 6.5% TO ENABLE WEST HANTS REGIONAL MUNICIPALITY TO ISSUE A 20-YEAR DEBENTURE OF \$649,275, FOR REHABILITATION OF THE CHURCHILL AND HIGHLAND AVENUE, IN THE COMMUNITY OF WINDSOR. MOTION CARRIED**

b) Planning and Heritage Advisory Committee (PACHAC) Excerpts (September 14<sup>th</sup>, 2023) (9:38 p.m.)

i. **Cole Drive Windsor, PID 45366432 (Part 2)** (9:38 p.m.)

Planner Dunphy reviewed the report highlighting on March 21, 2023 an updated application was received from Darren Shupe of Brighter Community Planning & Consulting on behalf of the property owner Mainland South Investments to consider permitting a 4-storey mixed-use apartment building by development agreement. A Public Information Meeting was held on June 6, 2023. On September 14, 2023, a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) was presented. The committee discussed stormwater management at the site and were advised a stormwater management plan was required to be provided prior to construction to ensure that pre- and post-development flows were neutral or better than previous levels. During this meeting, PAC/HAC recommended in favour of the application.

**MOVED BY COUNCILLORS MURLEY AND SHERMAN 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 45366432 ON COLE DRIVE IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #23-09 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JULY 13, 2023. MOTION CARRIED**

**MOVED BY COUNCILLORS MURLEY AND SHERMAN THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH SHAWN FOOTE & MARK HARTLIN WHICH PERMITS A FOUR STOREY, MIXED-USE APARTMENT BUILDING ON PID 45366432 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**

ii. **8 Upper Water Street, Windsor** (9:48 p.m.)

Planner Dunphy reviewed the report highlighting that on May 30, 2023 a completed application was received from Justin Brown of Halyard Developments Limited to consider permitting a six (6) storey, mixed-use apartment building by development agreement. A Public Information Meeting

was held on July 5, 2023. On September 14, 2023, a recommendation report was presented to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). Discussions focused on unit availability as rentals or for purchase, allocation of parking, and water supply concerns. The committee was advised application had received a 'cautious approval' from the Engineering Division of the Public Works Department due to a large number of pre-approval capacity statements given to developments in queue and there are also water system capacity improvements pending over the next few years. During this meeting, PAC/HAC recommended in favour of the application.

Discussion Points:

- A lower parking ratio was requested. If the 1:1 parking/apartment ration was required, the number of units would need to be reduced. By Development Agreement a reduced number of parking spaces could be negotiated. Concern was raised that the reduced parking would contribute to the limited parking currently available in the downtown area.
- There was no By-Law that requires a developer to adhere to sightlines.
- The building would meet the sidewalk. There was zero setback for both Upper Water and King Street. Upper Water Street was the front yard, King Street was the flanking yard and Cobbett was the rear yard.
- All development agreements require a stormwater management plan, this is required at a later stage. Pre and Post flows are required to be neutral or better than prior to development.
- Work needs to be completed on when capacity is determined and given and also creating a policy around determining how long a developer can have the capacity, they were provided through the development agreement. Unless everything meets the standards, no permit to proceed is given. Based on 2022 maximum design capacity was just over 50%. If all development applications received were completed, capacity would be 82%.

**MOVED BY COUNCILLOR FRANCIS 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 SIX STOREY, MIXED-USE APARTMENT BUILDING ON PID 45333291 AT 8 UPPER WATER STREET IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #23-14 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED SEPTEMBER 14, 2023. MOTION CARRIED**

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH JUSTIN BROWN WHICH PERMITS A SIX STOREY, MIXED-USE APARTMENT BUILDING ON PID 45333291 AT 8 UPPER WATER STREET 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**

Mayor Zebian advised Council the time was 10:20 p.m. As per policy a motion to proceed would need to be made.

**MOVED BY COUNCILLORS SHERMAN AND B. MORTON THAT THE MEETING PROCEED TO FINISH THE AGENDA. MOTION CARRIED.** Nays: S. McLean and Murley

**iii. 187 Payzant Drive, Windsor (10:21 p.m.)**

Planner Fredericks reviewed the report highlighting that on May 31, 2023 a completed application was received from Chrystal Fuller of Brighter Community Planning on behalf of the landowner, 3329190 Nova Scotia Ltd (Brison Developments) to establish a community/recreation centre on PID 45276441, which would repurpose an existing single unit dwelling currently addressed as 187 Payzant Drive, Windsor. Some additional land may also be used from PIDs 45366986 and 45055167 in the final subdivision. A Public Information Meeting was held on July 5, 2023. On September 14, 2023, a recommendation report was presented to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the conversion of the existing dwelling into a community/recreation centre and was advised that a development agreement was the required process to achieve this. At this meeting PAC/HAC recommended in favour of the application.

**MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT A COMMUNITY/RECREATION CENTRE ON PIDS 45276441 AND 45366986 AND 45055167 ON PAYZANT DRIVE IN WINDSOR, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE # 23-13 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED SEPTEMBER 14, 2023. MOTION CARRIED**

**MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH MITCH BRISON WHICH PERMITS A COMMUNITY/RECREATION CENTRE ON PIDS 45276441 AND 45366986 AND 45055167 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**

**iv. Heritage Signage (10:37 p.m.)**

Director Poirier reviewed the report highlighting that following a presentation from John Wilson at the PAC/HAC meeting on September 14 the Committee discussed the opportunities for heritage signage in the Municipality. This included discussion about the tourism opportunities related to heritage and the need for consistency, investment and regular maintenance of heritage signage.

PACHAC was requesting Council determine if a heritage signage component could be added to the Community Beautification Strategy being developed for the Municipality.

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COUNCIL REVIEW BUDGETARY PROCESS FOR CONSISTENT HERITAGE SIGNAGE WITHIN WEST HANTS REGIONAL MUNICIPALITY. MOTION CARRIED**

Director Poirier reviewed the report highlighting that PACHAC also discussed the importance of the World Acadian Congress which will be held August 10-18, 2024 in Clare and Argyle. The Committee acknowledged the connection Acadians have to this area and noted that there should be signage installed prior to the event to direct visitors to specific sites such as Fort Edward in Windsor and Sainte-Famille Cemetery in Falmouth.

**MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COUNCIL BEGIN TO IMMEDIATELY WORK WITH THE WEST HANTS HISTORICAL SOCIETY TO CREATE CONSISTENT SIGNAGE TO HIGHLIGHT HISTORICAL PLACES TO VISIT WITHIN WEST HANTS BEFORE THE CELEBRATION OF THE WORLD ACADIAN CONGRESS IN 2024. MOTION CARRIED**

**v. Public Participation Policy (10:40 p.m.)**

**Planner Director** Poirier reviewed the report highlighting the amendments made to the Public Participation Program Policy to strengthen public notice of information meetings. PACHAC recommended the following amendments to the policy: increase the notification distance of mail letters to 1,000 ft. (300 m.); increase the notification time to at least 14 days prior to the meeting; increase the size of signage used and host PIM's on a separate night (preferably in the community where the applications located) from PACHAC meetings.

Discussions focused on the proposed changes to the policy and possible implications (increased financial costs including fees to applicants, increased advertising time resulting in potential delays in the process and increased staff time if approved. The proposed changes were not supported. No motion was made.

**12. Councillor Municipal Business/Activity Reports (11:01 p.m.)**

**a) Councillor Ivey, District 11 Activity Report**

Highlights included attending Community Healing sessions in Windsor and Brooklyn and Storm Water Management meetings in Hantsport and Windsor, (it would be valuable to have the ability to be able to have some type of recording at remote meetings for those unable to attend the meeting). Attended the West Hants Historical Society's Summer Picnic/50<sup>th</sup> Anniversary celebration, Brooklyn Fire Department's 50<sup>th</sup> Annual General Meeting and the Hants County Exhibition and Garlic Festival. Continue to have conversations and discuss individual resident concerns re: flooding on Tremaine and Stannus areas. Participated in the SERMGAR sessions. Concern was raised over the time taken to complete the Storm Water Study. Congratulations were extended to the West Hants Coyotes for winning the Under 15 Baseball Provincials.

**13. Correspondence (11:04 p.m.)**

a. Information

i. Avon Causeway Activity Log - None

ii. Correspondence Received Activity Log

- i. Jean Sanford Re: Chairs
- ii. Keith Aucoin Re Impact of Hurricane Lee
- iii. Luke Garagan Re Transportation in West Hants
- iv. Response (2) received from Maria Medioli Exec. Director DSP Re Kings Meadow (WHRM copied)
- v. Peter Moore Re Another unprecedented weather event and Preparedness (2 emails)
- vi. Jennifer Moore Re Preparedness
- vii. Steve Turner Re Windsor Hantsport Railroad Tracks (WHRM copied)
- viii. Laura Moore Re Abuse of Emergency Management Act Causing Harm to the Avon River (WHRM copied)
- ix. Kings County Re Notice of Public Hearing
- x. Hants Learning Network Re Thank You
- xi. Daniel Steeves Re Short Term Rentals
- xii. Colleen Rogers Re Transportation in West Hants
- xiii. Selling Scotia Re Discussions around banning Short Term Rentals (STRs)
- xiv. Darren Porter Re Safety Concern/ Water Test

Discussion Points:

- Important to note that Short Term rental discussions were just beginning, no conclusions have been made yet.

iii. Fort Edward Activity Log - None

b. Requests - None

c. Outgoing Correspondence Log - None

14. New Business

a) **Main Street, Hantsport Sidewalk Construction Recommendation Report WHPW23-08**  
(11:07 p.m.)

Director Richard reviewed the report highlighting that Main Street Hantsport (from Prince Street to William Street) was identified as a priority for curb and sidewalk renewal, as well as rehabilitation of existing asphalt in the 2023/24 Capital budget. The sidewalk portion of the project includes replacing the existing concrete curb along both sides of the existing street, replacing the existing west side concrete sidewalk with new 1.8m wide concrete sidewalk from back of curb face, and replacing the existing east side concrete sidewalk with new 1.8m wide concrete sidewalk, including a 450mm grass boulevard (where possible). The contractor confirmed work will start immediately to be completed during the 2023 construction season. During construction, the area would be reduced to a single side sidewalk and single lane roadway (one way traffic with detours in place for the opposite direction) to reduce overall impacts to the community and temporary access would be maintained and/or allocated for all affected businesses.

Discussion Points:

- The street and the sidewalk were not being done as one project due to timing.
- North Main Street was for a full construction, the design portion of the project presented at a previous meeting was being pushed ahead.
- The work area would be reduced to a single side sidewalk and single lane roadway (one way traffic with detours in place for the opposite direction). The contractor was a local/small contractor and signage crews were expensive and signage crews were limited. Temporary access would be maintained and/or allocated for all affected businesses.
- Thoughts were the price reflects the lack of available contractors and how busy they are.
- A communications package has already started and will be shared with the businesses affected.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE AWARD FOR CONSTRUCTION FOR THE MAIN STREET HANTSPORT SIDEWALK RENEWAL PROJECT TO THE LOW COMPLIANT BIDDER SHEEHY CONSTRUCTION LIMITED, FOR THE TENDERED PRICE OF \$241,407.25 PLUS A 15% CONSTRUCTION PROJECT CONTINGENCY OF \$36,211.09 FOR A TOTAL OF \$277,618.34, PLUS APPLICABLE TAXES, FUNDED THROUGH THE CANADA COMMUNITY BUILDING FUND. MOTION CARRIED**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN TO MOVE THE MEETING IN-CAMERA AT 11:15 P.M. MOTION CARRIED**

15. In-Camera
- a) MGA 22(2)(a) Legal Matter
  - b) MGA 22(2)(a) Land Matter
  - c) MGA 22(2)(a) Personnel Matter

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT THE MEETING MOVE IN-CAMERA AT 11:15 P.M. MOTION CARRIED**

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 11:59 P.M. MOTION CARRIED**

16. Next Meeting Date / Adjournment – October 10, 2023 Committee of the Whole Meeting at 6 p.m.

**MOVED BY COUNCILLORS FRANCIS AND DEPUTY MAYOR P. MORTON THAT AT 11:59 P.M. THE MEETING ADJOURN. MOTION CARRIED.**

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Mayor Abraham Zebian (Chair)

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Deanna Snair, Municipal Clerk