

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda Amended

November 28, 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. Approval of Previous Meeting Minutes
 - a) 2023-10-24 Council Meeting Minutes
 - b) 2023-10-25 Council Meeting Minutes Continuation of 2023-10-24 Meeting
 - c) 2023-10-24 Public Hearing Minutes 8 Upper Water Street, Windsor
 - d) 2023-10-24 Public Hearing Minutes 65 Fort Edward St. Windsor Rezoning
 - e) 2023-10-24 Public Hearing Minutes 187 Payzant Drive Meeting, Cole Drive, Windsor
 - f) 2023-10-24 Public Hearing Minutes Cole Drive PID 45366432 Development Agreement
7. Public Hearings
 - a) MacLeod Court, Three Mile Plains PID 45006947 and 45415668; Development Agreement – Planner Fredericks
 - b) 411 King Street, Windsor, PID 45059755 Development Agreement – Planner Dunphy
8. Second Readings
 - a) MacLeod Court, Three Mile Plains PID 45006947 and 45415668; Development Agreement – Planner Fredericks
 - b) 411 King Street, Windsor, PID 45059755 Development Agreement – Planner Dunphy
 - c) 8 Upper Water Street, Windsor, Development Agreement – Planner Dunphy
9. Unfinished Business/Postponed Motions
 - a) 2024 Municipal Election Information Report (verbal update) – Supervisor Thornton
10. Mayor's Report

11. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (November 14th, 2023)
 - i. 2024 Municipal and CSAP Elections
 - ii. ERP Program Regulations
 - iii. Fort Edward and Blockhouse Site and Sightline Preservation
 - iv. MCCAP Excerpt 2024 Work Plan
 - v. Municipal Planning Review Consultant Tender WHRMPD23-04
 - vi. Newport and District Rink 2023-24 Funding
 - vii. Smiley's Provincial Park
 - viii. Video Surveillance Policy
 - ix. Water and Sewer Consolidation
 - x. Water Utility Request for 3 Year Actuals
 - xi. Windsor Elementary School Funding
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. Sandra Watson Re Rezoning PID 45215290 Riverview Drive Brooklyn
 - ii. Steven Hart Re Follow-up to Policy Amendment 4.22.4 (4 emails)
 - iii. Amanda Dunfield Re Windsor Stormwater: CSO Outfall Signage
 - iv. Hon. Kim Masland Re Provincial Intersection Street lighting sent 2023-04-03 and resent 2023-11-21
 - v. Kelsea MacNeil, Director, Public Relations & Business Development Membertou Development Corporation Re Bear Lake Wind Project Information Sessions
 - vi. **Protect Vaughans Community (Steven Hart) Re Follow-Up to Wind Farm Tour**
 - b) Requests
 - i. MADD Annapolis Valley - Project Red Ribbon Day Request
 - ii. Amanda Dunfield Re Minas Basin Sessions/Requests Recording of Community Events
 - iii. Residents of the Windsor Flood Zone and Concerned Citizens Re Call to Action
 - iv. Dykeland Lodge Re Request for a Secondary Exit from College Road
 - c) Outgoing Correspondence Log
 - i. MLA Melissa Sheehy Richard re Additional Carpool Parking for West Hants

14. New Business
 - a) Review Committee – Mayor Zebian
 - b) Municipal Capital Growth Program Application – Director Richard

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

16. Next Meeting Date / Adjournment – December 5th, 2023 Committee of the Whole Meeting 6 p.m.

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Council Meeting Minutes

November 28, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



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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 (ZOOM)

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 (ZOOM)

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public Works

Alex Dunphy, Planner

Shelleena Thornton, Municipal Ops Sup.

Sara Poirier, Dir. Planning & Development

Mark Fredericks, Senior Planner

Deanna Snair, Municipal Clerk

Regrets:

Kathy Kehoe, Director Community Development

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.

- Follow up Storm Water Management Meetings scheduled for tomorrow evening in Windsor and Thursday evening in Hantsport.
- AccessAble Craft Fair scheduled for December 2nd at the Windsor Legion from 10- 1 p.m. Admission is \$1.
- Hants County Christmas Angels scheduled for this coming Sunday.
- Festoon scheduled for December 7th in Hantsport.
- Santa Claus breakfast scheduled for December 2nd at the Ardoise Hall. Pictures with Santa are available for \$5.

- Christmas Craft Fair scheduled from December 2nd at the Sweets Corner Hall from 9-2 p.m.
- Community Breakfast is being hosted at Belmont Hall on December 2nd, beginning at 7:30 a.m.

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

Voting occurred by a show of hands.

MOVED BY CONCILLOR M. MCLEAN AND DEPUTY MAYOR P. MORTON THAT THE 2023-11-28 COUNCIL AGENDA BE APPROVED. MOTION CARRIED

5. Declaration of Conflict of Interest (6:03 pm) – None

6. Approval of the Previous Meeting Minutes (6:04 p.m.)

- 2023-10-24 Council Meeting Minutes
- 2023-10-25 Council Meeting Minutes Continuation of 2023-10-24 Meeting
- 2023-10-24 Public Hearing Minutes 8 Upper Water Street, Windsor
- 2023-10-24 Public Hearing Minutes 65 Fort Edward St. Windsor Rezoning
- 2023-10-24 Public Hearing Minutes 187 Payzant Drive Meeting, Cole Drive, Windsor
- 2023-10-24 Public Hearing Minutes Cole Drive PID 45366432 Development Agreement

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT THE MINUTES OF:
2023-10-24 COUNCIL MEETING MINUTES
2023-10-25 COUNCIL MEETING MINUTES CONTINUATION OF 2023-10-24 MEETING
2023-10-24 PUBLIC HEARING MINUTES 8 UPPER WATER STREET, WINDSOR
2023-10-24 PUBLIC HEARING MINUTES 65 FORT EDWARD ST. WINDSOR REZONING
2023-10-24 PUBLIC HEARING MINUTES 187 PAYZANT DRIVE MEETING, COLE DRIVE, WINDSOR
2023-10-24 PUBLIC HEARING MINUTES COLE DRIVE PID 45366432 DEVELOPMENT AGREEMENT. MOTION CARRIED.**

7. **Public Hearings** (6:05 p.m.)

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

The meeting moved into Public Hearing at 6:05 p.m. Further information on the Public Hearing is available in the 2023-11-28 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:05 P.M. MOTION CARRIED

- a) MacLeod Court, Three Mile Plains PID 45006947 and 45415668; Development Agreement (6:05 p.m.)

Planner Fredericks reviewed the presentation requesting an amended application be considered to permit 27 townhouse units grouped on the same lot in Three Mile Plains.

The Public Hearing concluded at 6:27 p.m.

8. **Second Readings**

- a) MacLeod Court, Three Mile Plains PID 45006947 and 45415668; Development Agreement (6:27 p.m.)

Discussion Points:

- Once the Public Hearing has been concluded, no new additional information can be considered. Opportunities for discussions and questions are provided during the Public Information session at the Planning meeting (anyone is welcome to attend), First Reading (Council first sees the application, reports, ask questions or request additional information) and Public Hearing which provides the public with an opportunity to provide comments, raise concerns or ask questions.
- The new road would be Municipally owned and built to Municipal Specifications (sidewalks, garbage, snow clearing, etc.). The road right of way is owned by the province and MacLeod Court is owned by the province. Provincial approval is needed to connect the new road to the old road.
- There was a level of confidence that the stream along the back of the property would not overflow. There was a significant elevation drop from the location of the house in relation to the stream. Seasonal flooding has occurred, but it was contained further down on the property. The homes are at a high elevation.
- McLeod Court is provincial owned. The developer would be required to pave the road from the Province.
- Concern was raised regarding the lack of awareness for a Provincial plan for Panuke Road, the bridge at the end of the road and the increased traffic that would be on a provincial road that was not well maintained. Although these issues are not municipally controlled, they were still concerning.
- The developer would be paying for the construction of a new road that would connect to a reserve road to endure possible future connections. The majority of the road was on private land. The Municipality would assume responsibility of the road after it takes over ownership of the road. The new road would be part of the subdivision application process.
- It was not uncommon for provincial road right of ways to exist off a street where a new municipal road would be developed.
- Questions were asked regarding snow and ice control on sidewalks. Other sidewalks located outside the town core were contracted out for snow and ice control; however, there were opportunities to discuss all options (sidewalks could be eliminated at the direction of Council or in-house staff could maintain them).

MOVED BY COUNCILLOR SMITH AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT 27 TOWNHOUSE UNITS GROUPED ON PID 45006947 AND 45415668 IN THREE MILE PLAINS WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT C OF THE REPORT FILE #22-23 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED OCTOBER 12, 2023, WITH THE REVISED COMMENCEMENT DATE OF 48 MONTHS. MOTION CARRIED

MOVED BY COUNCILLOR SMITH AND DPETUY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH FAISAL AL-HAMMADI OF FH DEVELOPMENT GROUP INC. FOR PID 45006947 AND 45415668 IN THREE MILE PLAINS 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: B. Moton and Francis

7. Public Hearings (6:43 p.m.)

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

The meeting moved into Public Hearing at 6:44 p.m. Further information on the Public Hearing is available in the 2023-11-28 Public Hearing Minutes.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:44 P.M. MOTION CARRIED

b) 411 King Street, Windsor, PID 45059755 Development Agreement (7:17 p.m.)

Planner Dunphy reviewed the presentation requesting consideration to allow a stacked townhouse development, consisting of 18 dwelling units by development agreement.

Mr. Edelstein provided a high-level overview showcasing the building plans for the proposed development.

Discussion Points:

- Pleased with the height of the building (3 storeys).
- Appreciative that the developer has engaged their own civil engineer to ensure post development flows were equal or better than current flows.
- Happy to hear that the down spout was being looked at and addressed.
- Concern was raised regarding the increased population and potential impacts to sewage volume during a storm event and what/if any mitigation efforts were explored. The back of the site was lower compared to the front which causes runoff to naturally flow down to the Marsh. Mr. Edelstein voiced he felt it was an easy site to have stormwater runoff drain to Marshland and then to the Bay of Fundy.

The Public Hearing adjourned at 7:18 p.m.

8. **Second Readings**

b) **411 King Street, Windsor, PID 45059755 Development Agreement (7:22 p.m.)**

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT A STACKED TOWNHOUSE DEVELOPMENT, CONSISTING OF 18 DWELLING UNITS ON PID 45059755 AT 411 KING STREET IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #23-19 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED OCTOBER 12, 2023. MOTION CARRIED.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH EDWARD EDELSTEIN WHICH PERMITS A STACKED TOWNHOUSE DEVELOPMENT, CONSISTING OF 18 DWELLING UNITS ON PID 45059755 AT 411 KING 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

8. **Second Readings (7:25 p.m.)**

Public Hearing for this matter was held at a previous meeting (2023-10-24)

c) **8 Upper Water Street, Windsor, Postponed Second Reading Development Agreement (7:25 p.m.)**

Planner Dunphy reviewed the presentation for the postponed second reading and provided a brief overview of the report. An application was received from Justin Brown of Halyard Developments Ltd. on May 30, 2023 to permit a 6-storey mixed-use building by development agreement.

The property located at the corner of King and Upper Water Street currently has a single storey building on it which is home to the Nova Scotia Tourism Bureau, a parking lot and additional land that fronts Cobbett Street. The property also abuts residential uses and is located across the street from a parking lot and other commercial uses.

The proposed development was a six (6) storey commercial/residential building that consisted of 95 residential units in the upper storeys and 5 commercial units on the first floor facing King and Upper Water Street with 86 parking spaces and 10 bicycling spaces.

On October 24, 2023, staff presented the application at the Public Hearing. Council then moved into Second Reading and discussed if a viewplane study or 3D model could be provided. Viewplanes were not considered as part of the application, as there are no regulations or criteria within the planning documents to evaluate viewplanes pertaining to this proposal.

A legal opinion was requested regarding whether new information could be provided on an application following the closing of the Public Hearing. The Municipal Solicitor advised that since the application had already moved into Second Reading, no additional information may be considered.

Planner Dunphy reviewed the process noting that a Public Information Meeting was held on July 5th, First Reading was held on September 26th, Public Hearing was held on October 23th and Second Reading was being held at this meeting (November 28th).

Discussion Points:

- A concern was raised about compatibility with surrounding structures. Although the proposed development was not within the architectural design area of the former town, it was in an area that has a specific design related to historical development.
- A concern was raised with the height and the appearance and future of Windsor if all buildings were six storeys. There was value in knowing what that may look like and expectations.
- Six storeys were not considered reasonably compatible with preexisting three stories; how was it determined to be reasonably compatible? There was value in looking into the process. Within residential designation in Windsor, the residential development limit was eight (8) storeys. The town centre zone does not have a height limit resulting in the reason the development being considered.
- The proposed development was not within the architectural control district. The development officer (DO) was consulted and commented that a step back design for each storey above the third floor was preferable to reduce the scale of the building for pedestrians; however, there was nothing within the Windsor Municipal Planning Strategy (MPS) requiring step backs be considered.
- As of right, 8 storey's were not permitted. Policy 5.1 allows heights higher than 3 storeys to be considered for residential developments by development agreement. Development Agreements do not provide a cap for the total amount of height that can be considered.

MOVED BY COUNCILLORS FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING TO AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT WHICH REPLACES THE ORIGINAL DEVELOPMENT AGREEMENT TO PERMIT 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, TAKING NOTE THAT THIS DEVELOPMENT AGREEMENT WITH DISCHARGE AND REPLACE THE DEVELOPMENT AGREEMENT RECORDED AT THE REGISTRY OF DEEDS ON AUGUST 20, 2023 AS DOCUMENT 103626942. MOTION CARRIED. Nays: Hartt, Ivey, Smith and M. McLean

MOVED BY COUNCILOR 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. Nays: M. McLean and Hartt

9. Unfinished Business/Postponed Motions

a) 2024 Municipal Election Information Report (7:40pm)

Supervisor Thornton advised she was hoping to have information from HRM to present but she has not received all the information. The province announced (approximately 6 months ago) they had secured an electronic or alternative voting provider for consideration for the 2025 provincial elections, an update would be provided when more information was received.

Discussion Points:

- In previous elections, Halifax had opened electronic voting only from the first advanced poll day to ordinary poll day and then utilized paper ballots. Council had mention seeking additional information unfortunately no additional information was available to provide an update prior to the meeting.

10. Mayor's Report (7:42 p.m.)

Mayor Zebian provided a verbal report.

Highlights included attending Public Information meetings, Staff Appreciation event, speaking with numerous community groups and the grant process (how to apply and what grants are available) as applications open December 1st, participated in projects at Avon Valley High School (they were looking for advice and guidance on how municipal government works) and attended their Remembrance Day ceremony. Participated in the scavenger hunt held at Irishman's Road and the Avon market this past weekend.

Remembrance Day ceremonies in Windsor, Brooklyn, Bramber and Hantsport had the largest attendance in recent years and was inspiring to see everyone pay respects and tributes to those who made the ultimate sacrifice for our freedom.

Windsor welcomed another family from Ukraine. Had the opportunity to meet and have dinner with them. The community is assisting them with job applications, and they may have some potential offers already.

Attended the short-term rental meeting, which was well attended by the public. The Birthplace of Hockey tournament opening ceremonies and tournament was well attended, congratulations were extended to the Avon View hockey team for hosting the tournament and competing hard. Attended the 50th anniversary of the Matthew 25 Food Bank and retirement celebration for Cindy Loane, congratulations were extended to both.

Diverse and Inclusive committee met this past week to discuss steps forward and have a strategy session coming up in January.

Attended the parade of lights in Windsor this past weekend, attendance was the largest yet and appreciation and thanks were expressed to the volunteers who helped make it a great event.

Meeting with many residents to discuss a multitude of topics. Meeting with the Township on promotions and other items where improvements can be made.

The Nova Scotia Housing Needs Assessment was released, it was felt that unit affordability was the piece that stood out.

Brisson Developments was highlighted as they continue to build and increase housing units along with new developers in the area.

Attended the Ellershouse Dam session, it was a well-attended session and very informative. Appreciation was extended to Supervisor Thornton, Minas Energy. A lot of great information was shared (the history, why the dam exists and the inner workings) and was a successful community meeting.

11. Committee(s) of Council Excerpts/Recommendations (7:52 p.m.)

a. Committee of the Whole Excerpts (November 14, 2023)

i. 2024 Municipal and CSAP Elections

Discussion Points:

- Concern was raised about not having all the information from HRM and continuing the vote without it, specifically relating to security. Council was advised proponents that typically provided alternative voting in previous elections have high security. IT were present when security measures have been discussed regarding online voting (security was similar to the banking system and bill payments through utility services). HRM has not confirmed yet if they will do solely electronic voting or continue with status quo (a hybrid version).

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLORS FRANCIS THAT COUNCIL APPROVES USING BOTH ELECTRONIC VOTING AND PAPER BALLOTS (A HYBRID MODEL), AS THE VOTING METHODS IN THE 2024 NOVA SCOTIA MUNICIPAL AND CONSEIL SCOLAIRE ACADIEN PROVINCIAL (CSAP) ELECTIONS.

AND FURTHER, THAT STAFF ISSUE A REQUEST FOR PROPOSALS FOR THE ELECTRONIC VOTING

SERVICES IN THE 2024 NOVA SCOTIA MUNICIPAL AND CONSEIL SCOLAIRE ACADIEN PROVINCIAL (CSAP) ELECTIONS. MOTION CARRIED.

Nays: S. McLean, M. McLean and Hartt

ii. ERP Program Regulations (7:55 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT WEST HANTS COUNCIL OPTS INTO THE EXTENDED PRODUCER RESPONSIBILITY (EPR) PROGRAM FOR POST-CONSUMER PACKAGING AND PRINTED PAPER (PPP), TRANSFERRING THE RESPONSIBILITY FOR CURBSIDE RECYCLING PROGRAMS TO PRODUCERS. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT WEST HANTS COUNCIL DIRECTS STAFF TO GATHER THE NECESSARY DATA AND NEGOTIATE CONTRACTS WITH RELEVANT STAKEHOLDERS TO FACILITATE A SMOOTH TRANSITION INTO THE EPR PROGRAM. MOTION CARRIED

- iii. Fort Edward and Blockhouse Sightline Preservation (7:57 p.m.)
MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECT THE CAO TO IDENTIFY THE IMPORTANCE OF THE VIEW PLANES OF FORT EDWARD FOR CONSIDERATION IN THE PLANNING DOCUMENTS BEING CONSIDERED BY THE CONSULTANT FOR THE MUNICIPAL PLANNING STRATEGY. MOTION CARRIED
- iv. MCCAP Excerpt 2024 Work Plan (7:58 p.m.)
MOVED BY DEPUTY MAYOR P. MPRTON AND COUNCILLOR SHERMAN THAT THE MCCAP COMMITTEE 2024 WORK PLAN BE SUBMITTED TO COUNCIL FOR APPROVAL AND BE PLACED ON FILE IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT A TO THE STAFF REPORT “MCCAP COMMITTEE 2024 WORK PLAN” DATED NOVEMBER 8, 2023. MOTION CARRIED
- v. Municipal Planning Review Consultant Tender WHRMPD23-04 (7:57 p.m.)
MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THE AWARD OF THE REQUEST FOR PROPOSALS # WHRMPD23-04, CONSULTANT SERVICES TO COMPLETE MUNICIPAL PLANNING DOCUMENT REVIEW, TO WSP CANADA INC. IN THE AMOUNT OF \$192,480.00 PLUS 10% CONTINGENCY AND APPLICABLE TAXES. MOTION CARRIED
- vi. Newport and District Rink 2023-24 Funding (7:58 p.m.)
MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT THE 2023-24 NEWPORT AND DISTRICT RINK COMMISSION CAPITAL FUNDING OF \$150,000, BE FUNDED THROUGH THE OPERATING RESERVE. MOTION CARRIED
- vii. Smiley’s Provincial Park (7:59 p.m.)
MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT COUNCIL DIRECT STAFF TO WRITE A LETTER TO PROVINCE REQUESTING A TIMELINE AS TO WHEN SMILEYS PROVINCIAL PARK WILL BE RESTORED/REOPENED FOR PUBLIC ACCESS AND FURTHER A PLAN BE CONSIDERED/ IMPLEMENTED WHERE THE PUBLIC HAVE LIMITED ACCESS TO THE PARK UNTIL ALL NECESSARY REPAIRS HAVE BEEN COMPLETED. MOTION CARRIED. Nays: Francis, Zebian and P. Morton
- viii. Video Surveillance Policy (7:59 p.m.)
MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL APPROVES THE VIDEO SURVEILLANCE POLICY RCOFN-013.00 IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET

OUT IN ATTACHMENT A OF THE REPORT TO COMMITTEE OF THE WHOLE DATED NOVEMBER 14TH 2023. MOTION CARRIED

ix. Water and Sewer Consolidation (8:00 p.m.)

Discussion Points:

- Concerns and questions were raised around the data provided for the utilities. Additional information was needed (actuals vs budgets and more information in relation to the \$300,00 credit between the Windsor and West Hants water utilities) before more discussions and a decision on consolidating the utilities could proceed.

The updated report data for actuals was provided for the previous years and identified in the updated memo sent to Council. The wording and tables provided in the report were correct, they compared the second year from consolidated to unconsolidated. The credit within the utilizes was based on consumption and metre usage.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT COUNCIL DIRECT THE CAO TO BEGIN THE PROCESS OF CONSOLIDATING THE WINDSOR AND WEST HANTS WATER UTILITIES INTO ONE ORGANIZATION AND HAVE THIS WORK COMPLETED BY JULY 1, 2024. MOTION DEFEATED. NAYS: SMITH, IVEY, JANNASCH, HARTT, B. MORTON, M. MCLEAN, FRANCIS AND S. MCLEAN.

A break occurred at 8:09 p.m. The regular meeting resumed at 8:28 p.m.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECT THE CAO TO BEGIN THE PROCESS OF CONSOLIDATING THE WINDSOR AND WEST HANTS SEWER SERVICES INTO ONE ORGANIZATION AND MAKE THE NECESSARY CHANGES TO THE BY-LAWS AND HAVE THIS WORK COMPLETED BY JULY 1, 2024.

Council discussed deferring the decision on consolidating the Windsor and West Hants sewer utility until the next meeting. If consolidating the water utility was believed to be the best decision the ability existed to reconsider the water utility motion and if supported, the discussion could be deferred to the next meeting. At that time the additional information requested in the next agenda item could be provided (3-year actuals for the water utility) and consolidation of both water and sewer could be discussed at the December 5th meeting and an informed decision could be made at that time.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL DEFER THE DISCUSSION AND DECISION ON THE SEWER UTILITY UNTIL THE DECEMBER 5TH COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED. Nays: Francis and S. McLean

x. Water Utility Request for 3 Year Actuals (8:34 p.m.)

There was value in seeing the three (3) year actuals to determine when the credit occurred, the credit amount and the area within the budget the amount was attributed too. This can be done by looking at and reviewing any trends and actuals. The exercise would assist in adding clarity.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF AS APPROPRIATE TO PROVIDE COUNCIL WITH A 3-YEAR DETAILED FINANCIAL SUMMARY FOR THE WINDSOR AND WEST HANTS WATER UTILITIES TO INCLUDE ACTUAL REVENUES AND EXPENSES AS WELL AS BUDGETED REVENUES AND EXPENSES. MOTION CARRIED. Nays: S. McLean

- xi. Windsor Elementary School Funding (8:35 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR B. MORTON THAT COUNCIL REQUESTS STAFF REACH OUT TO THE WINDSOR ELEMENTARY SCHOOL HOME AND SCHOOL ASSOCIATION COMMITTEE AND OFFER ANY EXPERTISE, EXPERIENCE, AND ADVICE THEY CAN WITH THE PURCHASE AND INSTALLATION OF PLAYGROUND EQUIPMENT. MOTION CARRIED

MOVED BY DEPUTY P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL AUTHORIZE THE AMOUNT OF \$25,000.00 TO GO TOWARDS THE PURCHASE OF, AND INSTALLATION OF PLAYGROUND EQUIPMENT FOR WINDSOR ELEMENTARY HOME AND SCHOOL COMMITTEE FOR THE FUNDS TO COME FROM THE CANADA COMMUNITY BUILD FUND (CCBF). MOTION CARRIED

12. Councillor Municipal Business/Activity Reports (8:37 p.m.)

- a) Councillor Ivey, District 11 Activity Report (Verbal Report)

Highlights included attending the VREN LOC meeting with Councillor Sherman, attended VCFN's AGM along with CAO in November, attended the Zwicker Lake Judicial Review along with Councillors Hartt and McLean, attended 50th anniversary celebration for Matthe 25 and Cindy Lohans retirement at the Ardoise Hall, attended Short Term rental discussion (valuable exercise in information gathering), attended the Parade of Lights in Windsor, continue to have discussions with residents related to municipal culverts and ditches, how they are looked after and discussions around them transmitting water into the Marsh body.

13. Correspondence (8:40 p.m.)

- a) Information

1. Avon Causeway Activity Log - None

2. Correspondence Received Activity Log

- i. November 15, 2023 from Sandra Watson Re Rezoning PID 45215290 Riverview Drive Brooklyn
- ii. November 16, 2023 from Steven Hart Re Follow-up to Policy Amendment 4.22.4 (4 emails)
- iii. November 20, 2023 from Amanda Dunfield Re Windsor Stormwater: CSO Outfall Signage
- iv. November 9, 2023 Resents from Hon. Kim Masland Re Provincial Intersection Street lighting, originally sent 2023-04-03.

- v. November 23, 2023 from Kelsea MacNeil, Director, Public Relations & Business Development Membertou Development Corporation Re Bear Lake Wind Project Information Sessions
- vi. November 21, 2023 from Protect Vaughans Community (Steven Hart) Re Follow up to Wind Farm Tour

Discussion Points:

- Pictures included in Mr. Hart's correspondence were overlooked and will be included in the amended agenda package.

b) Requests

- i. November 16, 2023 from MADD Annapolis Valley Re Project Red Ribbon Day Request
- ii. November 23, 2023 from Amanda Dunfield Re Minas Basin Sessions/Requests Recording of Community Events
- iii. November 24, 2023 from Residents of the Windsor Flood Zone and Concerned Citizens
- iv. November 21, 2023 from Dykeland Lodge Re Request for a Secondary Exit from College Road

Dykeland Lodge Request Discussion Points:

- The biggest concern raised by the community in 2022 at the open house was having only one (1) way in and one (1) way out. The request highlighted the importance of finding an additional exit. There was value in looking at this matter further as there may be options to explore through discussions with the province and/or potential property owners in the area.

MOVED BY COUNCILLORS IVEY AND SMITH THAT COUNCIL DIRECTS THE CAO TO ENGAGE STAFF TO REVIEW POSSIBLE OPTIONS FOR AN ALTERNATE ROUTE IN AND OUT OF COLLEGE ROAD. MOTION CARRIED

Amanda Dunfield Request Discussion Points:

- With the awareness that the ability currently does not exist to live stream meetings within all of West Hants there was value in having some form of recording (audio) that would capture the conversations that occurred. The former Town of Windsor utilized an audio recording device.
- If meetings were going to be held at 100 King, there was value in purchasing equipment and having the ability to livestream any meetings held at that location and other locations throughout the region.
- There was value in having an information report.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUCIL DIRECTS THE CAO TO ENGAGE STAFF FOR THE PURPOSE OF REVIEWING ALTERNATIVE MEANS OF RECORDING PUBLIC MEEETINGS HELD IN LOCATIONS THAT ARE NOT WITHIN THE MAIN CHAMBER LOCATED AT MORISON DRIVE. MOTION CARRIED

Windsor Flood Zone Correspondence Discussion Points:

- Mayor Zebian advised that a response was provided confirming receipt of their email.
- The presentation for the upcoming Storm Water Management meeting was being finalized, it was hoped many of the comments from residents would be addressed.

c) Outgoing Correspondence Log

- i. 2023-11-27 MLA Sheehy-Richard Re Additional Carpool Parking Lot

Clerk will review outgoing correspondence; any additional correspondence will be added to the next meeting.

14. New Business

a) **Review Committee** (8:53 p.m.)

For the public's awareness the discussion related to a review committee for an In-Camera matter. The discussion was to determine how Council wanted to proceed moving forward, Council could remain status quo and continue as they have done in the past or proceed in a different direction. There was support for both options. By remaining status quo, it provided an opportunity for all voices of Council to be heard. Those wishing not to participate could choose to remove themselves from the discussion. Reducing the size of the committee may facilitate a smoother process and it would return to Council. All of Council would still have a voice, it would be communicated through the committee vs the current practice being done.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL RECOMMENDS A COMMITTEE OF FOUR (4) IS FORMED FOR THE COMMITTEE REVIEW.

MOVED BY COUNCILORS IVEY AND HARTT THAT COUNCIL RECOMMENDS THE REVIEW COMMITTEE REMAIN STATUS QUO. MOTION DEFEATED. Nays: Francis, Sherman, B. Morton, Jannasch, P. Morton, Murley and Zebian

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL RECOMMENDS A COMMITTEE OF FOUR (4) IS FORMED FOR THE COMMITTEE REVIEW.

MOVED BY COUNCILLORS IVEY AND S. MCLEAN THAT THE MOTION BE AMENDED TO NINE (9) MEMBERS OF THE COMMITTEE. MOTION DEFEATED. Nays: Francis, Sherman, B. Morton, Jannasch, P. Morton, Murley and Zebian

Discussion returned to the original motion:

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL RECOMMENDS A COMMITTEE OF FOUR (4) IS FORMED FOR THE COMMITTEE REVIEW. MOTION CARRIED. Nays: S. McLean, M. McLean, Hartt, Ivey and Smith.

b) **Municipal Capital Growth Program Application** (9:01 p.m.)

Director Richard advised that part of the application process for the Municipal Capital Growth Program (provide 50% funding) was to have a resolution of Council. The application was for the new standpipe/water storage tank for the region and both utilities. The recommendation was for permission to submit the application for funding.

MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT COUNCIL ENDORSES THE RECOMMENDATION AND DIRECTS STAFF TO SUBMIT A FUNDING APPLICATION UNDER THE MUNICIPAL CAPITAL GROWTH PROGRAM FOR THE WATER STORAGE TANK PROJECT AS DETAILED IN THE MCGP APPLICATION. MOTION CARRIED

The regular meeting concluded. A motion to reconsider can be made at the end of a meeting if a Councillor who voted on the side of the motion that was supported believes other information needs to be considered or there is something else in the better interest of Council to do. It was felt that Council genuinely wanted to consider consolidating the water utility, however questions were raised based on information from the audit and the request for additional information. The plan was to put forward a motion to reconsider consolidating the water utilities and then provide an additional motion to align it with the previous motion made regarding the sewer utilities.

Discussion Points:

- Robert's Rules of Order allows Council to reconsider motions when they feel they have missed some portion of the information provided.
- If supported, Council first needs to reconsider the motion and if supported and approved an amendment can be made to the original motion or it can be deferred at that time.

MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL RECONSIDERS THE EARLIER MOTION WITH REGARDS TO THE CONSOLIDATION OF THE WATER UTILITY. MOTION CARRIED. Nays: S. McLean, Jannasch and Francis

The original motion to consolidate the water utilities was back on the floor for discussion.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT CONSOLIDATING THE WATER UTILITIES BE DEFERRED TO THE DECEMBER 5TH COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED. Nays: S. McLean, Jannasch and Francis

It was hoped the 3-year actual to budget information would be circulated prior to the next meeting date.

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

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE IN-CAMEA AT 9:07 P.M. MOTION CARRIED

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH
THAT THE MEETING MOVE OUT OF IN-CAMERA AT 9:30 P.M. MOTION
CARRIED**

**MOVED BY COUNCILLOR B. MORTON AND DEPUTY MAYOR P. MORTON
THAT THE MEETING ADJOURN AT 9:30 P.M. MOTION CARRIED**

16. Next Meeting Date / Adjournment – December 5th, 2023 Committee of the Whole Meeting 6 p.m.

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk