

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **Amended**

April 24, 2024 - 6:00 p.m. (Continuation of the 2024-04-23 Council Meeting)

In-person, Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)



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) 2024-03-26 Council Meeting Minutes~~
 - ~~b) 2024-03-26 Public Hearing Minutes Payzant Drive Development Agreement PIDs 45053030, 45343878, 45343894, and 45234382~~
 - ~~c) 2024-03-26 Public Hearing Minutes WHMPS and WLUB Amendments to the Hamlet Designation~~
- ~~7. Public Hearings~~
 - ~~a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 – Planner Dunphy~~
 - ~~b) Willow Street, Hantsport HLAB Map Amendment PID 45045879 – Planner Dunphy~~
 - ~~c) Pesaguid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy~~
 - ~~d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks~~
 - ~~e) 4236 Hwy 14 Windsor Forks WHLAB Map Amendment Planner Fredericks~~
- ~~8. Second Readings (as it pertains to Public Hearings)~~
 - ~~a) Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382 (Recommending Postponing)~~
 - ~~b) Willow Street, Hantsport HLAB Map Amendment PID 45045879 – Planner Dunphy~~
 - ~~c) Pesaguid Comprehensive Development District WMPS and WLUB Amendments – Planner Dunphy~~
 - ~~d) Hwy 215, Summerville, PID 45180635 Development Agreement – Planner Fredericks~~
 - ~~e) 4236 Hwy 14 Windsor Forks WHLAB Map Amendment Planner Fredericks)~~

9. Unfinished Business/Postponed Motions
 - a) Emergency Plan for Windsor Flood Zone – Councillors Ivey and Murley
 - b) Financial Report ending February 29, 2024 – Director Rochon
10. Mayor’s Report
11. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (April 9, 2024)
 - i. 2024 Municipal and CSAP Elections Advance Poll Dates and Locations
 - ii. 2024 Spring Debentures - MFC
 - iii. Deer Management Information
 - iv. Letter of Concern Regarding Dykes
 - v. PACHAC Citizen Recommendation
 - vi. PACHAC Terms of Reference
 - vii. Payzant to King Connection
 - viii. Payzant/Wentworth Connection - Lights
 - ix. Railway Trail Parking Lot Light
 - x. Windsor Water Storage Tank Construction
 - xi. WHRM 2024 Provincial Representative Volunteer
 - xii. Windsor Flood Study Phase 2
 - b) Planning and Heritage Advisory Committee Recommendations (April 11, 2024) (as it relates to First Readings)
 - i. 586 O'Brien Street, Windsor (PID 45054350) Development Agreement – Planner Dunphy
 - ii. 523 Albert Street, Windsor (PID 45058872) WLUB Map Amendment - Planner Fredericks
 - iii. 1781 King Street, Windsor (PID 45162005) WLUB Map Amendment – Planner Fredericks
12. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
13. Correspondence
 - a) Information
 1. Avon Causeway Activity Log – None
 2. Ever Wind/Bear Lake Wind Farm
 - i. Combined Correspondence as of April 23, 2024
 3. Correspondence Received Activity Log
 - i. Michael Hackett Re Information Council Meetings

- ii. Honourable John A. Lohr Re Canyon Point
- iii. Minister Masland Re Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year (2024-25)
- iv. Denise Forand Re Armstrong Lake OS
- v. Angela Hiltz Re Landfill
- vi. Edward Edelstein Letter to West Hants Municipality Re Regarding the Proposed Development Agreement for Lot W-7 A Gray Street, Windsor NS
- vii. Bonnie Rankin, Executive Director of Policy and Corporate Services at the Department of Public Works Re Railway Act Response
- viii. Troy Harvie Re Payzant Drive roundabout
- ix. Michael Langois Re Payzant to King Connection
- x. Letter to CAOs Re CCBF

b) Requests

c) Outgoing Correspondence Log

- i. 2024-04-16 WHRM Letter to Premier, Minister Masland, MLA Sheehy-Richard and Mr. Lamal Re Flood concerns on the Belmont & New Town Roads

15. New Business - None

16. In-Camera

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

17. Next Meeting Date / Adjournment – May 14th, 2024 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes – 2024-04-23 Council Meeting Resumed

April 24, 2024 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



West Hants

something inspiring awaits.

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

Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3 (ZOOM)

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Regrets:

Bob Morton, Councillor, District 6

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Director of Public Works

Alex Dunphy, Planner (ZOOM)

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Mark Fredericks, Senior Planner (ZOOM)

Regrets:

Kathy Kehoe, Director Community Development

Shelleena Thornton, Municipal Ops Supervisor

Presenter and Gallery

12 in the Gallery

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 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.
- Meetings are recorded and livestreamed on Facebook; comments/suggestions are welcome; however, responses are unable to be provided.
- Meetings are recorded and livestreamed on Facebook for viewing purposes, members of the public attending were asked to refrain from recording the meeting on personal devices and respect the safe space provided within Council chambers.

9. Unfinished Business/Postponed Motions

WHRM Flood and CSO Emergency Plan Recommendation Report (6:03 p.m.)

Councillor Ivey reviewed the report with additional input from Councillor Murley. The report outlined historic information, an overview of previous reports presented to Council, motions made with respect to Stannus Street flood/CSO concerns, the proposed emergency plan (the EMO plan was shared, not a specific emergency plan to address the flood zone impacted area of the downtown core of Windsor) and the correspondence from a local resident which spoke to potential solutions for those living in the area experiencing CSO (combined sewer overflows). It was important to note that after almost 2.5 -3 years, those in the area still had no short-term emergency solution for the CSO issue. It was important to find solutions to help alleviate continued suffering in the areas impacted and use that information to benefit other areas in the region experiencing flood concerns.

It was noted that while collectively residents in the area were focused on finding a solution, each property had unique needs requiring individualized plans. Each property has different needs and would require unique plans on what may help solve their issues.

The proposed short-term solutions were reviewed. Options included: 1. Berming the properties to prevent overflow from going over the curb and entering properties and 2. have detachable driveway barriers to act as flood control shields.

The proposed temporary solutions were reviewed. Options included: 1. Close the flood zone streets so traffic could not create waves of CSO from entering private properties. 2. Provide kits (generators, pumps, sandbags and hoses on borrowed bases), it was felt this cost would be negligible. 3. Have vac trucks on call/available for significant events.

Another option proposed was to offer residential buyouts, it was noted that Council has yet to have that conversation and the other option was to complete infrastructure upgrades (separate sewer and water on Stannus Street would alleviate stormwater backing up).

Discussion Points:

Concern was raised that berms may encroach on neighbouring properties and cause additional conflict. The berm would not be large enough to encroach on neighbouring properties.

Council entered a round table discussion about the proposed options. These issues were not new, they were long-standing issues.

A separate stormwater system through Stannus Street was option 3 provided in the CBCL report. It was costly and not easily achieved (likely to require a tunnel due to the profile of Stannus Street). This option continues to be explored during Phase 2.

A large portion of the discussion focused on berms; specifically, around the unknowns (costs, height, length, material used, etc.). It was important to have correct information, data, engineering, design, property owner's input and know that placing a berm on a private property would not negatively impact or cause problems in other areas before an informed decision was made. Water finds the path of least resistance, if one area was blocked it would find an alternate route and may create a larger issue. Discussions also focused on who would own, construct, and maintain the berms, which also raised concerns regarding liability and what department would be responsible for implementing the emergency measures.

It was felt engineering questions would need to be answered before a berm could be supported and conversations would need to occur with property owners to determine interest in having a berm on their property.

WHRM does not have a vac truck, it was felt this was not practical nor a proper allocation as it was slow suctioning water.

Purchasing a larger pump to pump water from Stannus to another area (that could handle it) was also looked at in the Phase 1 study. The size and scale of the pump needed would be astronomical. The previous pump was purchased without being researched or engineered first and prior to the data that has since been collected only to find out that it wasn't the right size, location, or correct application for the issue.

Concern was raised that two different conversations were occurring (CSO's and flooding). Flooding could occur on any property anywhere in the region, the conversation was about a CSO onto private property. Since 2021, Council was advised that Stannus Street has experienced two (2) CSO events (July 2021 and July 2023 where catch basins and manholes overflowed) have occurred.

Residents in the flood zone experience flooding on a regular basis which turns to fear when any kind of rain event occurs, which was the reason short term emergency kit were proposed. If kits were available and a number could be called during these events, people may take advantage of the option. Reservations were voiced, Public Works work on public properties, not private properties. During emergency situations, first responders can be contacted to assist with flooding or evacuation. The MGA provides protection for emergency personnel, not public works staff.

This was identified as a priority item for WHRM's engineer; however, a stormwater engineering firm was looking at solutions.

It was felt some options may be considered based on the discussion had by Council.

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL DIRECTS STAFF TO ASK CBCL TO REVIEW AND COMMENT ON THE RECOMMENDATIONS THAT WERE INCLUDED IN THE REPORT BY THE NEXT COMMITTEE OF THE WHOLE MEETING (MAY 14, 2024). MOTION CARRIED UNANIMOUSLY

MOVED BY COUNCILLORS MURLEY AND SHERMAN THAT COUNCIL DIRECT THE CAO TO DIRECT STAFF TO PREPARE A PLAN TO BE IMPLEMENTED THAT WOULD CLOSE FLOOD ZONE STREET SECTIONS TO PREVENT TRAFFIC FROM CREATING WAVES OF CSO DURING FLOOD STREET EVENTS. MOTION CARRIED UNANIMOUSLY

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO EXPEDITE THE GRANT PROGRAM AND HAVE IT IN PLACE, SO RESIDENTS HAVE THE ABILITY TO PURCHASE THEIR OWN EMERGENCY KITS TO STORE AT THEIR HOMES AND HAVE READILY AVAILABLE WHEN THEY ARE NEEDED. MOTION CARRIED UNANIMOUSLY

Questions surrounding berms still needed to be addressed; there was value in having CBCL comment on placing berms on properties and reviewing the recommendations within the report. Before the next meeting Councillors Ivey and Murley will reach out and converse with

property owners to quantify the number of properties affected by CSO events and any property owner interested in having a berm installed on the front of their property. Councillor Ivey will provide an information report on programs available with respect to property buyouts (what does that look like, and what has happened in other areas where properties were purchased).

b) Financial Update ending February 29, 2024 (7:35 p.m.)

Director Rochon provided some highlights. If revenue and expenditures incurred evenly over the year approximately 91.7% of the budget would have been used. The overall projected deficit based on the variance analysis for the general fund is \$1,309,057, the deficit increased since the last projection by \$211,000 (0.7% increase in the shortfall of revenue and expenses remained unchanged). Overall, there was a 0.6% increase in the shortfall. Deed Transfer Tax at the end of February was \$1.67 million, which is 84% of budget. The projection was updated to \$1.83 million. Transportation was projecting lower and Principal Installments were adjusted to reflect Council approved projects.

Discussion Points:

- The higher fire projections have been reported in previous financial reports. The expense was related to major capital repairs to both Hantsport and Windsor Fire apparatuses.

Director Rochon reviewed the water budget report. The Windsor water utility was projecting a surplus of \$240,000 and West Hants was projecting a deficit of \$20,000 (this has improved by \$40,000 since the last update). Bulk water was 44.4% lower than budget which impacted West Hants water utility revenue. Source of supply was projecting higher due to a clean up of debris in the West Hants water utility. Windsor water admin fees were projecting lower due to professional services. Revenue between both utilities was forecasted to be approximately 83.9% of the budget. Both admin and depreciations were not moved until the end of the year and impacts both utilities. Admin fees were adjusted to reflect projected costs. Power at all facilities increased. Interest on outstanding accounts decreased. Chemical costs (across the board) on all water treatment increased. Interest on non-revenue projected higher due to balances in the accounts and the current interest rates.

Discussion Points:

- Revenue between utilities was projected to be about 83.9% (revenue between the utilities) of the budgeted revenue (revenue the Windsor water utility would collect from the West Hants utility).
- Source of supply under the West Hants water utility included water purchased from another utility as well as other costs.
- The sale of water to the utilities was noted within the rate sales as determined by the Utility and Review Board (UARB).

Director Rochon advised that not much had changed with respect to the consumption report as the fourth quarter had not been billed yet. Any adjustments seen within the report were related to account adjustments.

Discussion Points:

- With respect to Underwood, estimates on usage were provided and a review was completed on the account. The bulk meter was located underwater in a hole, the area had to be pumped for staff to read the meter.
- Four quarters of water was billed in quarter three (quarter three, quarter two, quarter one and quarter four of the previous year). Estimated billings were used when a read was not able to be captured. When a read was able to be completed, adjustments were made and applied.
- Underwood was not always turned on due to some system maintenance or a water main break and may have been forgotten to be turned back on. Water would still flow through some meter. There was concern with the variance resulting in all bulk water meters being tested for accuracy and function and to ensure check valves were functioning. These checks were going back to be completed on a weekly basis as well as monthly reads for recording purposes in an attempt to improve accuracy.
- Leakage was significant, it was critical to get a handle on it. Improving leakage created capacity within the system.
- The total volume of water within the billing was 89,000 Imperial gallons for bulk meters. 25,000 Imperial gallons was the amount that went through the Three Mile Plains meters to water customers.
- The variance between Three Mile Plains and bulk master meters was 64,000,000 (71.9%) and was estimated to be 58% per quarter. This was attributed to leakage, system flushing, hydrants, unauthorized usage, etc. Fire hydrant usage was recaptured through fire protection fees.
- Underwood was the location of the meter, not the service area.
- Permanent flushing stations were metered as much as possible; staff were looking to put meters on the stations that did not have them. Calculations were done on these meters and required by the UARB.
- Nonrevenue water was captured and known. Unaccounted water (leaks) was where work was needed to tighten things up. 58% captured all the nonrevenue and unaccounted for water.
- Flushing was regulatory based.

At 8 p.m. a break occurred. The meeting resumed at 8:15 p.m.

10. Mayor's Report (8:15 p.m.)

Mayor Zebian provided a verbal report.

Highlights included:

- Met with the Valley REN and Board members to review the site selector tool (provide information on properties (population, income thresholds, etc.).
- Four Community meetings (Districts 1, 4, 5 and 7) have occurred since the last update provided. Community meetings are well attended with lots of engagement and discussions.
- Chaired the Bear Lake/Everwind Public Information meeting.
- Valley Regional Science Fair was held at the Windsor Community Centre for another successful year.

- Sat in on a meeting with Municipal Affairs EMO; discussions were about the new National Guard (volunteer-based initiative from the province), more details will be coming. Fire Departments, GSAR and others will be consulted for their input. A lot of comments centered around potential impacts to volunteers within the community and various fire departments and other organizations.
- Attended the GFL Community engagement sessions. They were well attended sessions with lots of engagement.
- Attended the Diverse and Inclusive Communities committee meeting. The committee is very active and engaged.
- The National Men's, Women's, Senior's Mixed Broomball Championships have been awarded to West Hants. The event will be held April 8-12th, 2025 between the West Hants Sports Complex and the GFL Newport District Recreation Centre.
- Attended the MCGP Funding announcement (just over \$3 million dollars for the new water tower) at the West Hants Sports Complex.
- Had a conversation with the Chateau Village Property Owners Association inquiring on how Canyon Point was successful with their Disaster Financial Assistance funding as they had been refused.

11. Committee(s) of Council Excerpts/Recommendations (8:22 p.m.)

a) Committee of the Whole Excerpts (April 9, 2024)

i. 2024 Municipal and CSAP Elections Advance Poll Dates and Locations (8:22 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES THURSDAY OCTOBER 10TH, 2024 BEING SET AS THE OTHER ADVANCE POLLING DATE FOR THE PORTION OF THE 2024 MUNICIPAL AND CSAP ELECTION CONDUCTED IN THE WEST HANTS REGIONAL MUNICIPALITY. MOTION CARRIED. Nays: S. McLean

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVES ALTERNATIVE VOTING COMMENCE ON THE FIRST ADVANCE POLL DAY STARTING 12:00 PM (NOON) ON OCTOBER 10TH, 2024 AND REMAIN 24 HOURS A DAY UNTIL 7:00 PM OCTOBER 19, 2024 (CONCLUSION OF ORDINARY POLL DAY). MOTION CARRIED. Nays: S. McLean

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS AND SHERMAN THAT COUNCIL APPROVES THAT THE PERMANENT REGISTER OF ELECTORS ESTABLISHED AND MAINTAINED BY ELECTIONS NOVA SCOTIA BE USED AS THE PRELIMINARY LIST OF ELECTORS FOR THE 2024 MUNICIPAL AND CSAP ELECTION CONDUCTED IN THE WEST HANTS REGIONAL MUNICIPALITY. MOTION CARRIED UNANIMOUSLY

ii. 2024 Spring Debentures (MFC) (8:24 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 \$33,605, FOR THE PURCHASE OF FIRE EQUIPMENT. MOTION CARRIED UNANIMOUSLY

MOVED BY DEPUTY 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 15-YEAR DEBENTURE OF \$789,586, FOR THE ROOF AT BROOKLYN FIRE DEPARTMENT STATION 1 AND THE PURCHASE OF A DUMP TRUCK WITH SALT AND PLOW. MOTION CARRIED UNANIMOUSLY

MOVED BY DEPUTY 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 10-YEAR DEBENTURE OF \$228,240, FOR THE PAVING OF THE REAR PARKING LOT AT HANTSPORT FIRE DEPARTMENT AND THE PURCHASE OF SIDEWALK MACHINE WITH A FLAIL MOWER. MOTION CARRIED UNANIMOUSLY

Staff will confirm if there was an encroachment concern at the Hantsport parking lot.

- ii. Deer Management Information (8:27 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO PROVIDE AN INFORMATION REPORT ON DEER MANAGEMENT FOR THE JUNE COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED UNANIMOUSLY

- iii. Letter of Concern Regarding Dykes (8:27 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO WRITE A LETTER OF CONCERN TO THE MLA, DEPARTMENT OF AGRICULTURE, DEPARTMENT OF PUBLIC WORKS AND THE PREMIER OF NOVA SCOTIA ADDRESSING THESE CONCERNS. MOTION CARRIED UNANIMOUSLY

- iv. PACHAC Citizen Member Appointment (8:27 p.m.)

MOVED BY COUNCILLORS FRANCIS AND MURLEY THAT COUNCIL APPOINTS JOHN BREGANTE TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE FOR THE REMAINDER OF THE NOVEMBER 2022 - OCTOBER 2024 TERM WHICH WILL FULFIL THE WINDSOR REPRESENTATIVE MEMBER VACANCY. MOTION CARRIED

v. PACHAC Terms of Reference (8:28 p.m.)

Council discussed the recommendation. Only a few months remaining for the current sitting Council, concern was raised that PACHAC has gone through the most change out of all the committees of Council and to continue changing the Terms of Reference had potential to negatively impact citizen engagement. It was felt making a change where the ratio was 2 Councillors for 1 resident member was the wrong change to make and would not be supported. It was noted the reason the recommendation was brought forward was due to the Committee of the Whole meeting lengths that were mostly due to planning related items/discussions. There was value in being informed from day one of the proposals and help save time.

MOVED BY COUNCILLOR FRANCIS AND MURLEY THAT COUNCIL DIRECTS THE MEETING AND COMMITTEE PROCEDURAL POLICY RCOGE-003.00 APPENDIX K BE AMENDED TO CHANGE THE COMMITTEE COMPOSITION BY ADDING TWELVE (12) COUNCILLORS TO PACHAC AND CONTINUE WITH THE CURRENT CITIZEN MEMBER COMPOSITION OF 7 UNTIL OCTOBER WHEN IT WILL BE REVISITED BY THE NEW SITTING COUNCIL. MOTION DEFEATED. Nays: Zebian, Smith, Ivey, Jannasch, S. McLean, Hartt, Sherman and M. McLean

Mayor Zebian and Councillor Francis declared conflict and left the meeting at 8:36 p.m. Deputy Mayor P. Morton assumed the chair.

vi. Payzant to King Street Connection (8:36 p.m.)

Discussion Points:

- A suggestion was made to add a timeframe to the motion. The report identified the design would ideally be completed over the summer, have tender preparations ready for the fall and ideally a 2025 spring construction. An amendment could be added to express the importance of having the information in a timely manner.
- The connection was from the development property to King Street and required some land acquisition, which will be done through the design phase. The design phase included all structures needed to go from the development to King Street.
- The extension (other piece) was from the Avon View High School driveway to the end of the parcel for development (developer's responsibility and within a DA). All the property was owned by the municipality, if there was a need/want to proceed without the developer or at a faster pace, it could be done.
- It was important to have the road running completely from one end of the connection (Payzant) to the other end (King Street). The timing of this was being negotiated through the DA.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL APPROVES GIVING DIRECTION TO DESIGN POINT TO MOVE FORWARD WITH DETAILED DESIGN AND COMPETITION DOCUMENTS AND SPECIFICATIONS FOR THE PAYZANT EXTENSION TO KING STREET CONNECTION, PHASE 2, AT AN ESTIMATED COST OF \$80,000 PLUS APPLICABLE TAXES.

MOVED BY COUNCILLORS SMITH AND IVEY TO AMEND THE MOTION TO INCLUDE AND FURTHER WEST HANTS COUNCIL EMPHASIZES THE IMPORTANCE OF HAVING THIS COMPLETED BY SEPTEMBER. MOTION CARRIED. Nays: P. Morton and Jannasch

Full motion as amended:

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL APPROVES GIVING DIRECTION TO DESIGN POINT TO MOVE FORWARD WITH DETAILED DESIGN AND COMPETITION DOCUMENTS AND SPECIFICATIONS FOR THE PAYZANT EXTENSION TO KING STREET CONNECTION, PHASE 2, AT AN ESTIMATED COST OF \$80,000 PLUS APPLICABLE TAXES AND FURTHER WEST HANTS COUNCIL EMPHASIZES THE IMPORTANCE OF HAVING THIS COMPLETED BY SEPTEMBER. MOTION CARRIED. Nays: Jannasch and P. Morton

vii. Payzant/Wentworth - Lights (8:52 p.m.)

Discussion Points:

- Based on historical information it was likely that a three-way stop would not be functional in this location. The traffic study would need to be reviewed to conclude if a stopped section was looked at. Based on the traffic engineer's perspective a roundabout or signalized intersection was explored with smart lights.
- Concern was raised that residents would cut through the Credit Union parking lot to avoid waiting for signal lights to change. If this became an issue it would be an enforcement issue.
- The intersection would have a left and right turn slip lane.

MOVED BY COUNCILLORS IVEY AND SHERMAN THAT COUNCIL DIRECTS THE CAO TO DIRECT STAFF TO COME BACK WITH A CLASS D ESTIMATE ON INSTALLING STREET LIGHTS AT THE INTERSECTION OF WENTWORTH AND PAYZANT. MOTION CARRIED UNANIMOUSLY

Mayor Zebian and Councillor Francis returned at 8:57 p.m. Deputy Mayor stepped down and Mayor Zebian assumed the chair.

viii. Railway Trail Parking Lot Light (8:57 p.m.)

Discussion Points:

- It was confirmed the land was provincially owned land. The Director of Community Development was working on getting permission to put a light on the property (NS Power requires permission from the property owner).

MOVED BY COUNCILLOR AND DEPUTY MAYOR P. MORTON THAT COUNCIL DIRECTS CAO TO DIRECT STAFF TO INSTALL ONE (1) LED PARKING LOT/YARDLIGHT/SAFE SPACE LIGHT (FROM DUSK TILL DAWN) IN THE PARKING LOT OF THE TRAIL SYSTEM AT THE CORNER

OF CHAMBERS ROAD, HWY 215, BROOKLYN. MOTION CARRIED UNANIMOUSLY

- ix. Windsor Water Storage Tank Construction (8:59 p.m.)
Moved by Councillor Francis and Deputy Mayor P. Morton that Council approve awarding the construction tender for the Windsor Water Storage Tank as identified in the 2023-24 Capital Budget to Dexter Construction for the tendered cost of \$4,886,100 plus applicable taxes. Motion carried unanimously

Moved by Councillor Francis and Deputy Mayor P. Morton that Council also approve, a 10% contingency of \$488,610; contract administration & management and geotechnical & concrete testing for an estimated cost of \$165,000 for a total projected project cost of \$5,539,710.00 plus applicable taxes. Motion carried. Nays: Hartt

- x. WHRM 2024 Provincial Volunteer Representative (9:00 p.m.)
Moved by Deputy Mayor P. Morton and Councillor Francis that Council approves the nomination of Betty Cox for the 2024 Provincial Representative Volunteer Award for the West Hants Regional Municipality. Motion carried unanimously

- xi. Windsor Flood Study Phase 2 (9:01 p.m.)

Discussion Points:

- It was believed there were aspects of Phase 1 that could be further explored and may have potential to impact Phase 2.

Moved by Deputy Mayor P. Morton and Councillor Francis that Council approves the proposal from CBCL for the Windsor Flood Study Phase 2 for the estimated amount of \$240,500 plus applicable taxes. Motion carried unanimously

- b) Planning and Heritage Advisory Committee Recommendations (April 11th, 2024 as it relates to First Reading)

i. 586 O'Brien Street, Windsor PID 45054350 Development Agreement (9:02 p.m.)
Planner Dunphy reviewed the report. On February 13, 2024 an application was received from Edward Edelstein of Geome Properties Limited to permit a 6-unit dwelling on a vacant lot on O'Brien Street by development agreement. The site plan was reviewed (6 units in a three-storey building and a total of 6 parking spaces). The property was designated Residential as per the Generalized Future Land Use Map and zoned High Density Residential R-4. Planner Dunphy reviewed the enabling policy (Policy 5.4.6) and noted the criteria were met. The General Policy was reviewed (Policy 16.3.1) for DA's and noted the criteria had been met. Planner Dunphy also noted comments from the Fire Chief that indicated it would have been preferable to have a wider access to the rear of the property to allow potential access for fire apparatus but also

noted that it was unlikely fire would ever try to access the rear of the building. There were no requirements for right-of-way access to be more than 10ft. A minimum 10 ft right-of-way fr access was required.

A Public Information Meeting (PIM) was held March 5, 2024. No members of the public were in attendance. The deadline for comments was November 16, 2023, with no comments received.

A recommendation report was presented to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) on April 11, 2024 resulting in the committee recommending in favour the application.

MOVED BY COUNCILLORS IVEY AND S. MCLEAN THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW A MULTIPLE UNIT RESIDENTIAL BUILDING, CONSISTING OF 6 DWELLING UNITS, ON PID 45054350 ON O'BRIEN STREET IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #24-04 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED APRIL 11, 2024. MOTION CARRIED UNANIMOUSLY

MOVED BY COUNCILLORS IVEY AND S. MCLEAN THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH EDWARD EDELSTEIN WHICH PERMITS A MULTIPLE UNIT RESIDENTIAL BUILDING, CONSISTING OF 6 DWELLING UNITS, ON PID 45054350 ON O'BRIEN 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 UNANIMOUSLY

ii. 523 Albert Street, Windsor Pid 45058872 WLUB Map Amendment (9:12 p.m.)

Planner Fredericks reviewed the report. On January 31, 2024 a completed application was received from Ezra Edelstein on behalf of the owner 4331187 NOVA SCOTIA LIMITED (The August House Inn) requesting consideration to rezone a portion of the lot from the current Two Unit Residential (R-2) zone to the General Commercial (GC) zone to enable additional amenity space for guests of August House Inn. Planner Frederick reviewed the Windsor Municipal Planning Strategy (Section 8.3) and Policy 8.3.2 and noted the criteria had been met. The General Criteria (Policy 16.3.1) was reviewed and noted to be met.

A Public Information Meeting (PIM) was held March 5, 2024. No concerns were raised by the public at this meeting or during the comment period that followed.

A recommendation report was presented to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) on April 11, 2024, resulting in the committee recommending in favour of the application.

MOVED BY COUNCILLORS MURLEY AND SMITH THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING SCHEDULE A OF THE WINDSOR LAND USE BY-LAW TO

REZONE A PORTION OF PID 45058872 IN WINDSOR FROM THE TWO UNIT RESIDENTIAL (R-2) ZONE TO THE GENERAL COMMERCIAL (GC) ZONE AS SHOWN IN THE REPORT #24-05 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED APRIL 11, 2024. MOTION CARRIED UNANIMOUSLY

iii. 1781 King Street, Windsor PID 45162005 WLUB Map Amendment (9:17 p.m.)
Planner Fredericks reviewed the report. A completed application was received on February 13, 2024, from Chrystal Fuller on behalf of the owner, Brison Developments to consider rezoning the subject lot from the current Agriculture (AG) zone to the Two Unit Residential (R-2) zone to support future residential uses. The intent was to subdivide the existing dwelling from the back portion of the field area. The lot was designated Residential on the Generalized Future Land Use Map and zoned Agriculture (AG) but no active agricultural uses are occurring on the property.

Planner Fredericks reviewed the Windsor Municipal Planning Strategy (Section 6) and Policy 6.0.10 that permitted lands zoned agriculture to be considered for other uses by an amendment to the Land Use By-Law. The general criteria (Policy 16.3.1) was reviewed and noted to be met. A Public Information Meeting was held on March 5, 2024. Some concerns were voiced regarding traffic, pedestrian infrastructure/traffic, the desire to have slower speeds, more sidewalks, and concerns with a neighbouring property (questions around sewer laterals). These concerns will be worked out through the DA process, which will be presented to Council for consideration. On April 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

MOVED BY COUNCILLOR SMITH AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING SCHEDULE A OF THE WINDSOR LAND USE BY-LAW TO REZONE PID 45162005 AT 1781 KING STREET IN WINDSOR FROM THE AGRICULTURE (AG) ZONE TO THE TWO UNIT RESIDENTIAL (R-2) ZONE AS SHOWN IN THE REPORT #23-34 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED APRIL 11, 2024. MOTION CARRIED UNANIMOUSLY

12. Councillor Municipal Business/Activity Reports (9:24 p.m.)
a) Councillor Ivey, District 11 Activity Report (Verbal Report)
Highlights included:

- Matters related to the flood zone continue to surface. The report presented at this meeting was a positive step in attempting to get some short-term solutions in place.
- Chair the Gary Street and Windmill setback Public Information Meetings (PIM). Attendance and discussion around setbacks were significant.
- Attended the Bear Lake PIM.
- Attended the Diverse and Inclusive Communities Committee meeting, it was exciting and great to see the work and energy going into the committee.
- Attended District 7 Town Hall meeting.
- Attended the Hartville Quarry Expansion Information session.
- Attended the Landfill information session in Centre Burlington.

- Participated in the planning documents survey. There was value in having a lot of public engagements in the process and having more public sessions and additional research (outside of Facebook) completed to capture greater input. Concern was raised that some of the questions leaned towards an area vs being more open.
- Continued conversations related to the water utility rates. Will likely write a letter related to comments spoken to at previous meetings.

District 11 will have a Town Hall meeting; no date has been selected at this time. Still trying to find a space that accommodates residents but did not have the echo the Community Centre had as experienced during previous meetings.

Councillor Hartt advised the process to begin paving the No. 1 (Thumbill Hill bridge) was scheduled to begin on Tuesday.

Mayor Zebian advised that a Public Information session regarding the Hartville Quarry expansion was scheduled for 6 p.m. on May 2, 2024 at the Ellershouse Hall.

14. Correspondence (9:29 p.m.)

a. Information

1. Avon Causeway Activity Log - None
2. Ever Wind/Bear Lake Wind Farm – Concern was raised with correspondence that was derogatory towards a person(s) and was included as correspondence. A miscommunication occurred resulting in the correspondence being added to the agenda. Apologies were extended, the correspondence was removed from the public agenda and package. The Council agenda and package will be updated to reflect the correction. This type of correspondence will not be added to future agendas.
3. Correspondence Received Activity Log (reviewed in groups of three (3))
 - i. Michael Hackett Re Information Council Meetings
 - ii. Honourable John A. Lohr Re Canyon Point
 - iii. Minister Masland Re Cost Shared Program for Paving of Subdivision (J Class) Streets for fiscal year (2024-25)

Pleased to see the correspondence regarding JClass Roads. During the 2023/24 Capital budget \$500,000 funded through Consolidation funding. In the proposed budget coming to Council, the same amount was carried forward into 2024/25 and remains funded through Consolidation funding. To date no funding was used as WHRM did not participate in 2023/24 as the province was in year three (3) of their cycle. Any amount unused would be carried forward into the next year if that was the direction of Council.

MOVED BY COUNCILLORS M. MCLEAN AND S. MCLEAN THAT COUNCIL DIRECTS THE CAO TO ENTER INTO A COST SHARE PROGRAM AGREEMENT WITH THE PROVINCE FOR PAVING SUBDIVISION (J CLASS) STREETS FOR THE 2024/25 FISCAL YEAR AS IDENTIFIED IN THE APRIL 12, 2024 CORRESPONDENCE FROM MINISTER MASLAND. MOTION CARRIED. Nays: Sherman

MOVED BY COUNCILLORS M. MCLEAN AND S. MCLEAN THAT COUNCIL ALSO APPROVES \$500,000 THAT WAS IDENTIFIED IN THE 2023/24 CAPITAL BUDGET AND FUNDED THROUGH CONSOLIDATION FUNDING BE USED TO FUND THE PROGRAM AND OFFSET ANY OVERAGES THAT MAY RESULT DUE TO INFLATION. MOTION CARRIED UNANIMOUSLY

iv. Denise Forand Re Armstrong Lake OS

It was felt the property would remain in a stay and remain as is.

v. Angela Hiltz Re Landfill

vi. Edward Edelstein Letter to West Hants Municipality Re Regarding the Proposed Development Agreement for Lot W-7 A Gray Street, Windsor NS

Appreciation was expressed on the effort and work taken to complete the analysis of the proposed development.

vii. Bonnie Rankin, Executive Director of Policy and Corporate Services at the Department of Public Works Re Railway Act Response

viii. Troy Harvie Re Payzant Drive roundabout

ix. Michael Langois Re Payzant to King Connection

x. DMAH Letter to CAO's Re CCBF Funding

It was identified a discussion on trying to address sewer odours had occurred (correspondence from Jennifer Moore).

b) Requests - None

c) Outgoing Correspondence Log

i. WHRM letter sent April 16, 2024 to the Premier, Minister Masland, MLA Sheehy-Richard and Mr. Lamal regarding flood concerns on the Belmont and New Town Roads.

15. New Business – None

16. In-Camera (9:41 p.m.)

a) MGA 22(2)(a) Labour Matter

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

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

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE IN-CAMERA AT 9:41 P.M. MOTION CARRIED

MOVED BY COUNCILLORS SHERMAN AND S MCLEAN THAT THE MEETING MOVE OUT OF IN-CAMERA AT 10:43 P.M. MOTION CARRIED

17. Next Meeting Date / Adjournment – May 14th, 2024 Committee of the Whole Meeting 6 pm

MOVED BY COUNCILLORS FRANCIS AND SMITH THAT THE MEETING ADJOURN AT 10:43 P.M. MOTION CARRIED

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk