

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **AMENDED**

July 23, 2024 - 6:00 p.m.

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) ~~2024-06-25 Council Meeting Minutes~~
 - b) ~~2024-06-25 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382~~
 - c) ~~2024-06-25 PH Minutes WMPS Text Amendments: Policy 5.4.6 Criteria for Development Agreements~~
7. ~~Public Hearing—Variance Appeal~~
 - a) ~~111 Stark Road, Newport Station (PID 45015385)—Development Officers MacInnis and Burns~~
8. ~~Public Hearings~~
 - a) ~~Large scale wind turbine setbacks, WHMPS and WHLUB Amendments—Director Poirier~~
 - b) ~~368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments—Director Poirier~~
 - c) ~~Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382—Planner Dunphy~~
9. ~~Second Readings (as it pertains to Public Hearings)~~
 - a) ~~Large scale wind turbine setbacks, WHMPS and WHLUB Amendments—Director Poirier~~
 - b) ~~368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS and WLUB Amendments:—Director Poirier~~
 - c) ~~Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382—Planner Dunphy~~

10. **Presentations**
 - ~~a) Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund Update – Planner Will Hong~~
 - ~~b) 2025-26 West Hants Municipality MYFP – Financial Tables – Staff Sergeant Ferguson~~
 - c) Irven Drive Extension - Chrystal Fuller, Brighter Community Planning and Consulting
11. Unfinished Business/Postponed Motions
 - a) Flood Chronology Information Report – Councillor Ivey
 - b) CSO Buyout Program Info Requested and Recommendation Report – Councillor Ivey
12. Mayor’s Report
13. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (July 9, 2024)
 - i. College Road Emergency Access
 - ii. CSO Sewer Charge Credit
 - iii. Right to Know Week
 - iv. Riverview Road Tender
 - v. Tender Award WHRMCD24-05 Commercial High Back Cargo Van
 - vi. WFD Rescue Engine RFP Tender Award
 - vii. WH Historical Society
 - b) Planning and Heritage Advisory Committee Recommendations (July 11, 2024) (as it relates to First Readings)
 - i. Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 – Planner Dunphy
 - ii. 198 Water Street, Windsor PID 45056926 Development Agreement – Planner Dunphy
 - iii. 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment – Planner Dunphy
 - iv. Irven Drive Extension Development Agreement – Director Poirier
14. Councillor Municipal Business/Activity Reports
 - a) Councillor Ivey, District 11 Activity Report
15. Correspondence
 - a) Information
 - i. Avon Causeway Activity Log – None
 - ii. Ever Wind/Bear Lake Wind Farm – Additional correspondence included in the Wind Farm Setback Public Hearing Package

- iii. Correspondence Received Activity Log
 - i. Jennifer Moore Re Flood advisory
 - ii. Peter Moore Re Windsor Flood Zone Resident Buy-Out program
 - iii. Colleen Walsh-Bouman Re Combined Sewer Overflow Stannus Street
 - iv. Honourable Greg Morrow Re Response to WHRM Dyke Maintenance
 - v. Jennifer Moore Re CSO event, July 8, 2024
 - vi. Alicia Hennessey Re Stannus Street flooding and impacts
 - vii. Peter Moore Re CSO smell
 - viii. Gerry Parfitt Re Windsor NS Contaminated Flood Zone
 - ix. Peter Moore Re Information from or for the Buy Out Input on Possible Program
 - x. Honourable John A. Lohr Re Letter to Mayors and Wardens - Emergency Alerts
 - xi. Residents of Forest Lakes Re Waste Collection
 - xii. Assistant Commissioner Commanding Officer RCMP Nova Scotia Re Correspondence to CAO Phillips
 - xiii. Cathy Ross Re home flooding on Sunset Ave.
 - xiv. Jennifer Moore Re Medical treatment after CSO exposure
 - xv. Honourable John Lohr Re CCBF
 - xvi. Media Statement NSFM Collaborates on Enhanced Emergency Alert System
 - xvii. Pierre Tabbiner Re Flooding of Gray Street, July 2024
 - xviii. Amanda Dunfield Re WHRM Windsor Combined Sewer Overflows
- iv. Requests
 - i. Darren Porter Request to amend water testing policy
- v. Outgoing Correspondence Log - None

16. New Business

- a) Committee Terms of Reference Recommendation Report – Mayor Zebian
- b) Request to Province for Road Maintenance Resources Recommendation Report – Mayor Zebian
- c) Splash Pad Site Selection Options Recommendation Report – Mayor Zebian
- d) Streetlight and Private Road Policy Recommendation Policy – Mayor Zebian
- e) Under Housed Support Recommendation Report – Mayor Zebian
- f) Veteran Banner Project Recommendation Report – Mayor Zebian
- g) Request for Proposal for Consultative Services to support Equity, and Anti-Racism Strategy Plan Development and Accessibility Plan Update Recommendation Report – HR Specialist Taylor
- h) WFD Boat Replacement Purchase and SWH Fire Boat Purchase Recommendation Report – Municipal Operations Supervisor Thornton
- i) HMCC's CCBF Remaining Grant Recommendation Report – Director Rochon
- j) Updated 2024 Taxation Resolution Correction Recommendation Report – Director Rochon
- k) Financial Update Ending March 31, 2024 - Director Rochon
- l) Sidewalk Machine Replacement Recommendation Report – Director Richard
- m) Standard Offer for Engineering Services Recommendation Report – Director Richard
- n) Third Process Train Equipment Recommendation Report – Director Richard

17. In-Camera
 - a) 2024-06-25 In-Camera Meeting Minutes
 - b) MGA 22(2)(a) Land Matter

18. Next Meeting Date / Adjournment – September 10th, 2024 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

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

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



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1. As Call to Order – Mayor Zebian called the meeting to order at 6:01 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Regrets:

Mark McLean, Councillor, District 3

Ed Sherman, Councillor, District 7

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public

Erin Amirault, Project Engineer

Alex Dunphy, Planner

Deanna Snair, Municipal Clerk

Sara Poirier, Dir. Planning & Development

Shelleena Thornton, Municipal Ops Sup

Regrets:

Kathy Kehoe, Director Community Development

Presenter and Gallery

Eight (8) in the Gallery

Chrystal Fuller, Brighter Community Planning & Consulting

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

Mayor Zebian acknowledged West Hants Regional Municipality is in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People. This land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality recognizes 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.

In an effort to make the meeting flow better it was agreed to move the following items up on the agenda:

- Item 13(b)(iv) was moved up to item 10(d),

- Item 13(a)(vi) WFD Rescue Engine RFP Tender Award (Committee of the Whole Excerpt) to item 10 (e) and
 - Item 16(h)W FD Boat Replacement Purchase and SWH Fire Boat Purchase Recommendation Report up to item 10(f).
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log – discussed at 2024-07-23 meeting
 - b) Dashboard Action Items – Dangerous or Unsightly Premises - discussed at 2024-07-23 meeting.
 5. Declaration(s) of Conflict of Interest - discussed at 2024-07-23 meeting
 6. Approval of Previous Meeting Minutes - discussed at 2024-07-23 meeting
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c) Irven Drive Extension (6:03 p.m.)

Mayor Zebian and Councillor Francis declared conflict at 6:03 p.m. and left the meeting. Deputy Mayor P. Morton assumed the chair.

Ms. Fuller noted a revised DA would be presented for Irven Drive. Ms. Fuller wanted to provide some context for what would be presented. She noted the Planning and Heritage Advisory Committee provided a recommendation based on a previous draft DA. After that DA, the applicants worked on creating a revised draft DA that is predicated on a two phased approach. It was hoped the new draft DA would be what was considered vs the previous DA. The largest obstacle/issue has been the connection to Irven Drive, at this time that connection is based on an Active Transportation link. Ms. Fuller noted it the Active Transportation connection was the will of Council; the developer was open and receptive to having this type of a connection for Irven Drive. Ms. Fuller noted if a road connection was required, it would need to be in a place where it did not impact the overall viability of the development. In her opinion the new draft DA was a good conclusion, and a request was made to proceed with First Reading so the applicant (Brison) could move forward with the proposal. The developer was keen to get started on these smaller affordable market value rental units. The presentation concluded at 6:06 p.m. Ms. Fuller left the meeting.

d) Irven Drive Extension Development Agreement (DA) (6:06 p.m.)

Director Poirier reviewed the DA for 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing. A completed application was received from Chrystal Fuller on February 13, 2024, on behalf of Brison Developments to permit 92 dwelling units within 23 four-unit dwellings on an extension of Irven Drive in Windsor. It was noted the application was part of multiple phases:

1. Rezone from Agriculture to Two Unit Residential (approved May 28)
2. MPS amendments to DA criteria (approved June 25)
3. **Development agreement for 92 units (today).**

Director Poirier reviewed the concept plan submitted by the applicant. The proposal was to have Irven Drive end at a cul-de-sac with the four-unit dwellings located in proximity of the road with their own driveway entrances. The concept plan shows an emergency access with an Active Transportation (AT) trail connecting from the end of the cul-de-sac to the Payzant Drive connection road to King Street.

As part of the application, Director Poirier noted that the Government of Canada was incentivizing the construction of purpose-built rental housing by providing a 100% rebate on the GST, or the Federal portion of the HST and the Government of Nova Scotia was also providing a 100% rebate of the Provincial portion of HST for the same purpose. The applicant has purposely designed this application for four-unit dwellings to submit the project to this and any future funding opportunity.

Director Poirier reviewed the orthophoto. PID 45162005 was approx. 5 acres (a single unit dwelling and an accessory dwelling exist on the site and will remain in the site) and PID 45408374 was approx. 2.6 acres (has frontage and access off of Irven Drive).

The proposed development would utilize 6.3 acres of the total subject lots. As per the Generalized Future Land Use Map (GFLUM) the properties were designated Residential and surrounded by properties designated Residential and Community Use.

The properties were zoned Two-unit Residential (R-2) and surrounded by properties zoned Single-unit Residential (R-1), Two-unit (R-2) within Garlands Crossing, an Institutional property (High school), an Agriculturally zoned property and an Open Space property.

Director Poirier shared a map (provided by the applicant) to provide an understanding of the different road connections that will be coming online

Based on discussions and review of Irven Drive, staff highlighted concerns with the proposed design of the Irven Drive Extension due to:

- The length of cul-de-sac being proposed, the Municipal Services Specifications Manual (approved in 2022) states *“the maximum length of a cul-de-sac shall be as established in the Subdivision By-Law but shall not exceed 400m unless otherwise approved by the Municipal Engineer.”* The proposed cul-de-sac is greater than 400m in length. The Public Works Engineering Division stated that a road reserve should be provided to allow a future street connection to the Payzant Drive Connection due to the high density proposed as it would present risks related to road closures for watermain repair, road construction and maintenance, emergency response, snow removal and solid waste collection.
- The criteria of Policy 5.4.6. Originally required the development to abut an arterial or collector street if the development consisted of 12 or more units. However, Council approved amendments to this criteria on June 25, 2024 which now allows multi-unit developments or grouped dwellings over 12 units to be considered on local roads if a favorable traffic impact study, and where necessary, an emergency access is provided resulting in Irven Drive Extension no longer being required to connect to the future Payzant Drive Connection if a favourable traffic impact study and emergency access are provided and acceptable to the Public Works Engineering Division.
- The Future Streets Map of the Subdivision By-law showing a future connection from the Crossing to King Street. This map shows a future connection from the Crossing to King Street. In addition, Section 28 of the Windsor Subdivision By-law specifically states: *“(c) Where an area of land being subdivided includes or abuts land that contains a Required Street Connection as identified on the Future Streets Map (Map 1), the general layout of new streets in the proposed subdivision shall conform to the Future Streets Map. The location of such new streets is not required to be an exact match of the Future Streets Map, but must allow for, in the opinion of the Development Officer, the future continuation and completion of any Required Street Connection.”* The Development Officer stated the exact location may be varied to some degree, but the street connection from Irven Drive Extension to Payzant Drive Connection is required.

For those reasons, staff have been advocating for the Irven Drive Extension to connect to the future Payzant Drive Connection in relation to this proposal.

In response to those discussions the applicant has provided three design options for a connection between Irven Drive Extension and the Payzant Drive Connection.

Connection 1 (included in the draft DA) shows Irven Drive Extension ending in a cul-de-sac with a 25 ft. wide emergency access easement in favour of the Municipality to provide an emergency access / active transportation connection to the new future Payzant Drive. However, due to the reasons mentioned previously regarding the length of the cul-de-sac and future street maps requirements, this was not an option recommended by staff. This connection allows the developer to build 92 units within 23 buildings.

Connection 2 shows the Irven Drive Extension ending in a cul-de-sac with a road reserve being provided, angled towards the abutting private property to the northwest. The applicant suggested the two private property owners could provide land to allow the road reserve to connect to the future Irven Drive Extension to the future Payzant Drive Extension. However, unless there was agreement from both property owners to provide the road reserve as depicted on the plan it would not be a feasible option. This connection allows the developer to build 92 units within 23 buildings.

Connection 3 shows the Irven Drive Extension ending in a cul-de-sac with a road reserve being provided on the applicant's property and connecting to the future Payzant Drive Connection. This was the most viable option provided and was preferred by staff. However, it was not preferred by the developer. This connection allows the developer to build 84 units within 21 buildings.

The developer submitted a Traffic Impact study in January to the Public Works Engineering Division to support the connection options they would like to see. The study concluded *"The analysis of the four scenarios definitely demonstrated that the **best** connection for **both** the residents of The Crossing and the **general public** is Community Way connected to Payzant Drive. This connection will allow residents of The Crossing direct access to the hospital, the school, and a commercial district in Windsor; it will allow the public much better access to the hospital, the school, and a commercial district in Windsor."* This connection was underway as the Municipality was in the process of taking over Community way and making it a Municipal Street.

The Traffic Impact study went on to state that *"The **worst** connection for both the residents and the general public is Irven Drive connected to King Street. This connection does little for the residents of The Crossing to access their desired destinations and allows the general public to use a long and circuitous route through The Crossing to reach the hospital, the school, etc. This route would not be of great benefit to the public, compared to Payzant Drive connected to King Street, and would have the very undesirable effect of bringing 'short cutting' traffic through The Crossing using Irven Drive. Irven Drive is already built as a residential street, not a collector, and which cannot be rebuilt, even if one wanted; the short-cutting traffic would be quite detrimental to the residents quality of life."*

In response a Traffic Impact and Connection Study was undertaken by the Municipality. WSP (a private/independent consultant) were engaged to perform a Traffic Impact and Connection Study through a wholistic view of the area from Underwood Road, King Street, Wentworth Road, Payzant Drive, Cole Drive and the entire Crossing Development and known development information, future planned connections from Payzant Drive - Irven Drive via Community Way, Edward Drive - Cole Drive via Abbey Road, and Payzant Drive – King Street, and traffic calming, were included in the scope of the study. The final study was received by the Municipal Traffic Authority on July 11, 2024. *The second recommendation (#2) was to "continue to plan for the construction of two new intersections at King Street at Payzant Drive and Payzant Drive at Irven*

Drive. These additional intersections increase options for traffic throughout the area and provide an opportunity for a crosswalk and new road connection between King Street and the Avon View High School. If these intersections are constructed, both should be STOP controlled and a left turn lane should be included on King Street for traffic turning to Payzant Drive.”

In response to this study, the Municipal Traffic Authority issued an updated response and advised that *“If Irven Drive connects with the Payzant Drive connector as recommended in the July 2024 WSP Traffic Impact and Connection Study and the WHRM Municipal Engineer, they would consider the traffic compatible with no negative impact. However, without this connection as it is proposed in the DA, they considered the traffic to not be compatible having negative impacts on the roads network.”* They also stated that *“The existing road networks were inadequate in relation to the Irven Drive Extension DA proposal as the proposal is a high-density development on a dead-end street that is over 400m with poor connectivity. With the proposed addition of the Payzant Drive connection to King St and the proposed Irven Drive connection to Payzant which is also recommended in the 2024 WSP Traffic Impact and Connection Study, they would consider the road network adequate.”* Furthermore, *“After reviewing the January 2024 Traffic Report, April 2024 GAALCO Traffic Impact Analysis, along with the March 2024 WSP Memorandum and the July 2024 WSP Traffic Impact and Connection Study, they concluded both GAALCO Reports were narrowly focused only considering and collecting data at one intersection. They did not take into account “P loop” starting at Merriweather Crescent which would extend over 400m as a dead end (as per the WHRM Municipal Specifications) or any other intersection in the area.”* The Municipal Traffic Authority also noted *“As well they only focused on the Irven Dr Extension proposal. Contrary to the GALLCO Reports the WSP Memorandum and Study focused on multiple current and proposed intersections surrounding the Irven Dr Extension proposal as well as all known proposed developments known to WHRM.”* *“Based on the vast differences in scope, traffic data collection, intersection focus and proposed development consideration between the GALLCO Reports and the WSP Memorandum and Study, staff’s opinion was to agree with the more in-depth evaluation provided by WSP. The WHRM Traffic Authority recommends and agrees with the WHRM Municipal Engineer that the Irven Dr Extension DA should include a 16m wide land parcel be turned over to WHRM to allow Irven Dr to connect with the Payzant Dr connector at some point in the future.”*

The Municipal Traffic Authority was not in favour of the proposal as presented by the developer, resulting in the rationale and influence for staff not recommending in favour of the draft DA.

At the request of the developer/applicant the proposed DA was drafted.

Director Poirier reviewed the DA requirements. The proposed DA would permit a maximum of 92 dwelling units in 23 four-unit dwellings, requires fencing along the southern lot line abutting PID 45294980 (zoned Agriculture) to avoid any future conflicts, requires the emergency access / active transportation trail to be completed by 2030 and a Road reserve to be provided for Payzant Drive Connection to King Street, 1 parking space per dwelling unit and a Stormwater management plan prior to development permit.

Director Poirier reviewed the Substantive Matters listed in the DA, which included the uses permitted on the Property; the requirement of an emergency access / active transportation trail to be provided; the fire safety requirements; and the requirements for a stormwater management plan to be submitted prior to a development permit being issued.

Following the conversation with the developer/applicant after the PACHAC meeting the following changes were requested (reduce side yard and minimum distance for grouped dwellings; accept the emergency access / active transportation as Municipal infrastructure; to require bonding for the emergency access / active transportation if not completed within the specified timelines; reconsider the on-street parking being prohibited within the DA; require fire hydrant placement in accordance with the Municipal Services Specifications Manual; consider the road reserve required to build the proposed Payzant Drive Connection to King street at a later date instead of within the DA; consider the development in two phases to allow the developer to begin phase 1 while the connection discussion continues; increase the timelines for completion of the phases and increase timeline for record drawings to be provided.

Staff have noted a level of comfort with some of the requests but also note there are a number of items that still need to be reviewed by legal counsel as well as different departments; specifically, as it relates to municipal infrastructure being taken over and the on-street parking being reviewed again.

Policy 5.4.6 was used to review the application, which establishes the intent of Council to consider entering into a development agreement to allow new multiple unit residential development consisting of three or more units and grouped dwellings in the Residential designation. In summary the proposal does not meet the criteria since the Municipal Traffic Authority has provided comment on the negative traffic impact of the proposal in relation to the compatibility and impact of traffic generation (5.4.6 (c) and (g)); the applicant has not addressed the concerns of the Municipal Public Works Engineering Division regarding potential impacts of the proposed parking to the sidewalk, snow removal, street maintenance and solid waste collection (5.4.6 (e)); and the local Fire Chiefs and the Municipal Emergency Management Coordinator have not yet commented on the proposed emergency access (5.4.6 (g)).

Policy 5.3.10 establishes the intent of Council to consider entering into a development agreement to allow grouped dwellings consisting of six or more dwelling units in the Three Mile Plains Growth Centre. In summary, the proposal does not meet the criteria since the Municipal Traffic Authority has provided comment on the incompatibility of traffic generation and the inadequacy of proposed streets (5.3.7 (c) and (d)).

Policy 16.3.1 outlines the general criteria for development agreements. In summary, the proposal does not meet the criteria as the Municipal Traffic Authority has provided comment on the inadequacy of proposed streets and unsuitability of auto movement (16.3.1 (a) (iv), WMPS 16.3.1 (b), WHMPS 16.3.1 (c)).

Director Poirier noted that at this time staff do not recommend in favour of the application based on the Municipal Traffic Authority responses, as the application continues to not meet the Policy criteria (5.4.6 (c) and (g), 5.3.7 (c) and (d), and 16.3.1 (a) (iv) and (b)). Additional information is also needed from the Fire Chiefs on the design of the proposed emergency access route; legal counsel regarding the changes proposed by the applicant and the applicant still needs to address the parking concerns from the Municipal Public Works Engineering Division.

The recommendations presented resulted from discussions at the Planning and Heritage Advisory Committee. This recommendation was based on the successful solution of all outstanding matters. Should there be interest in including the proposed changed from the applicant, the recommendation would need to be changed.

Discussion Points:

- The daft DA does not specify if the emergency access would be paved or graveled. The access would have to be accessible for emergency vehicles year-round, but the composition was not specified. A paved access would make it easier to plow.
- It was hoped that the matters would have been resolved since the PACHAC meeting prior to matter being presented for First Reading. Director Poirier noted there were a few outstanding items that was preferred to have resolved (comments from the Fire Chief to ensure the proposed emergency access route was wide enough and adequately designed o be able to provide emergency response, comments from legal counsel based on the changes proposed by the applicant and the applicant addressing some of the parking concerns. It was felt those responses could be obtained within the 30-day timeline, but Director Poirier noted that despite having that additional information, the application would likely not meet the criteria in relation to traffic generation and adequacy of road network due to the length of the cul-de-sac (400m).
- The applicant has a right to put forward an application even if it is not supported by staff, which is the reason why the application came forward with so many outstanding/unresolved concerns. Council can opt to make one of three decisions regarding the proposal (request additional information if was felt there was information missing, support moving the proposal forward to Public Hearing and Second Reading to approve the DA in the end or support moving the proposal forward to Public Hearing and Second Reading to refuse the DA in the end.
- The outstanding matters (the Municipal Traffic Authority response that the application continues to not meet the Policy criteria (5.4.6 (c) and (g), 5.3.7 (c) and (d), and 16.3.1 (a) (iv) and (b)) that Council has to consider for this application. Unless the design changes to include a road connection, it was felt these matters would not be resolved in the next 30 days. Comments on the additional information needed from the Fire Chiefs on the design of the proposed emergency access route; legal counsel regarding the changes proposed by the applicant and the applicant still needs to address the parking concerns from the Municipal Public Works Engineering Division could be worked on in the next 30 days.
- Irven Drive begins at the connection to Underwood Road. The 400 metres (Urban setting) starts at the dead end at Merriweather Cres. The determination from the traffic engineer is that the dead end starts at Merriweather Cres. If something happened at Merriweather there was only one way in and one way out. Every other street has two ways in and two ways out. Even if the street (from the dead end at Merriweather to the cul-de-sac) had a different name it would still be 400 m from Merriweather (where the dead end starts).
- An opinion was that when looking at the cul-de-sac through Active Transportation, it looked like it made sense. It was felt that in most instances (a watermain break, garbage truck for collection) traffic would drive around these situations. In the case of a large fire, it was felt the emergency access would be used to exit the area. It was felt the GALLCO traffic study (despite being more narrowly focused) was o.k. as it looked at the intersection that was proposed and they were O.K. with having Active Transportation. It was felt the Crossing was not going to double in size, it was almost completely built out and there would be no more growth in that area. It was felt the substantive matters

would be best going through the public process and could be resolved. It was also noted that three of the initiatives in WHRM's Housing Action Plan were met by this proposal. One of those initiatives was to reduce parking requirements which reduces hard surfaces and runoffs and made sense to have less parking. It was felt most urban areas have on-street parking and any inconveniences were dealt with through signage. It was felt the development was ideal for the area. It was felt that if a connection was needed it could be built in the future (as suggested) but this raised the question that if it was not needed now, would it be needed in the future as the Crossing would not be growing much larger.

- Director Richard voiced support for the proposal and noted the concerns were based on the concept drawing. The rationale for saying no on-street parking was based on the diagram there was double parking on each side of the street, based on this drawing there was no ability to park on the street without blocking a private driveway (even along the cul-de-sac). The Director noted Active Transportation was a great idea, but staff were looking ahead to future needs. It was about looking at what was in the best interest for residents/public. In the past Council approved developments without a secondary emergency access, it was felt that if there was the ability to look at a secondary access during that process and create them then, some current discussions would not be occurring. Director Richard also noted that once the ability to secure a road reserve was gone, it was gone. Once the road parcel requirement was dismissed, there was no ability to go back. The request from Public Works was to have a deeded access for stormwater, sanitary and watermains. Currently there was no room for all three. Ownership was preferred, especially when dealing with Active Transportation, stormwater, sanitary and watermains. It was noted that working within narrow easements and private properties were challenging. Active Transportation would have a municipal sidewalk. The study recommended Irven Drive Extension connect to the new Payzant connector. The ask was for the road parcel and when needed the municipality would build the road.
- The request was for 16 m (52.5 ft). This was the width of a local street and a sidewalk on one side. It was the narrower of all three of the roadways. The road width and sidewalk would not take up the full 16 m, there was additional room for trees or decorative lighting. It was also noted that retaining walls could be utilized to reduce slopping near the existing house/structure to avoid encroaching on the existing home. 16 m was the WHRM's minimum requirement for a local street.
- The full cul-de-sac may not be required if the road reserve was provided. It was possible a modified turning T could be used instead until the road was completed.
- Connection 2 was not an option unless the developer and neighbouring developer discussed and came to a mutual agreement.
- If it was supported to move the proposal forward with the requested changes from the applicant, staff would still like legal counsel to review the draft DA. This could be done prior to the Public Hearing.
- If there was a desire to have the developer change the design to include a road connection or anything similar; this would be a substantive change requiring additional time to work through the details and see if the developer was willing to provide any

additional changes to their plan before bringing it back for First Reading and then move it on to Public Hearing.

- A change from emergency access to Payzant to something different was a substantive matter. The developer wanted to move forward with their preferred option despite it not meeting Council criteria which results in staff not being able to recommend the proposal for approval.
- If supported, Council could choose to include in the DA that the emergency access surface be paved. Signage was noted in the draft DA indicating that the road was not a public roadway, it was an emergency roadway.
- It was supported to see the proposal move forward and let the outstanding matter get resolved at a later date.
- The GALLCO traffic study and other studies will be shared with Council.

MOVED BY COUNCILLORS SMITH AND IVEY THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW A TOTAL OF 92 DWELLING UNITS WITHIN 23 FOUR-UNIT DWELLINGS GROUPED ON A PORTION OF PID 45162005 AND PID 45408374 IN WINDSOR AND GARLANDS CROSSING WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN APPENDIX A OF THE REPORT FILE #24-15 A TO COUNCIL DATED JULY 24, 2024, AND INCLUDING ALL OF THE CHANGES PROPOSED BY THE APPLICANT PENDING LEGAL REVIEW. MOTION CARRIED. Nays: Jannasch

MOVED BY COUNCILLORS SMITH AND IVEY THAT COUNCIL REQUIRE THAT THE DEVELOPMENT AGREEMENT WITH MITCH BRISON FOR PID 45162005 AND PID 45408374 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: Jannasch

Mayor Zebian and Councillor Francis returned to the meeting at 7:03p.m. Deputy Mayor relinquished the chair and Mayor Zebian assumed the chair at 7:03 p.m.

e) WFD Rescue Engine RFP Tender Award (Committee of the Whole Excerpt) (7:03 p.m.)
Municipal Operations Supervisor advised There were approximately three (3) outstanding larger apparatus (two for Brooklyn and one for Southwest Hants) that would be presented to Council within the next five (5) years. There was also a mid-size 5500 for Hantsport that was approved in the 2024-25 budget (\$455,000). Due to changeover a full review will be conducted to the next-t Chiefs meeting.

The engine being replaced was 24 years old (2000), it would be 27 by the time the replacement engine arrived. After 20 years of service an engine is supposed to go into reserve and after 25 years an engine is to be retired. Sometimes this timeline can be stretched a bit.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL APPROVES THE AWARD OF RFP WHRMPS24-01 TO TECHNO-FEU FOR THE PURCHASE OF A RESCUE ENGINE FIRE APPARATUS FOR WINDSOR FIRE DEPARTMENT FOR A PRICE OF \$2,164,950.00 PLUS 10% CONTINGENCY, TOTALING \$2,381,445.00, PLUS APPLICABLE TAXES. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT COUNCIL APPROVES THE AWARD OF RFP WHRMPS24-01 TO TECHNO-FEU FOR THE PURCHASE OF AN ENGINE FIRE APPARATUS FOR WINDSOR FIRE DEPARTMENT FOR A PRICE OF \$2,074,390.00 PLUS 10% CONTINGENCY, TOTALING \$2,281,829.00, PLUS APPLICABLE TAXES. MOTION CARRIED

f) WFD Boat Replacement and SWH Boat Purchases Recommendation Report (7:08 p.m.)
Municipal Operations Supervisor reviewed the report. WFD had a 2004 Zodiac rescue boat located within the WFD station that was 18.5 years old before being severely damaged, beyond repair, while doing a rescue in the July, 21 /22, 2023 flash flood. The boat was deemed adequate at the time of purchase but with the current climate an upgraded boat was being considered. Funds were available through insurance and the Disaster Financial Assistance program to support the purchase of the replacement boat. The new Zodiac is to replace the lost rescue boat, meet the needs for the regional fire service and was approved in the 2024-25 capital budget for \$95,000.00. The total cost to the Municipality would be the nonrefundable portion of the hst (\$4,296.11).

Southwest Hants Fire (SWH) has expressed the need for a boat to be located within their station. During the 2024/25 budget, a boat was approved in the 2024-25 capital budget for \$18,203.00. Atlantic Canada has only two vendors for Zodiac boats (1) SeaMasters/Sea Pro and (2) Newfoundland Marine Safety Systems Ltd/Survitec Group. Newfoundland Marine Safety Systems Ltd/Survitec Group advised they were unable to sell outside of Newfoundland and Labrador as well their provider was SeaMaster for Zodiac resulting in them not being able to provide a bid and the reason only one quote was provided. Both boats were overbudget, WFD was overbudget by \$9,438.65 and SWH was overbudget by \$941.20. The quotes were good until the middle of August.

Discussion Points:

- SWH was located in an area with a lot of lakes and needed a boat a while ago.
- The West Hants Fire Services currently has three (3) boats. Summerville has a Zodiac and Brooklyn recently purchased two (2) swift watercrafts. If supported, there will be a total of five (5) boats in West Hants. WFD would work mostly with Summerville as they are saltwater based.
- The desire was to replace a Zodiac with a Zodiac. Zodiac was a trusted brand.
- Both boats are in stock and available.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES THE PURCHASE OF THE NEW 2023 ZODIAC

PRO 6.5 BOAT WITH THE NECESSARY EQUIPMENT AS QUOTED BY SEAMASTERS MARINE SERVICES FOR THE WINDSOR FIRE DEPARTMENT FOR A TOTAL OF \$100,142.54 PLUS APPLICABLE TAXES. MOTION CARRIED

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES THE PURCHASE OF THE NEW 2022 ZODIAC CADET 390 DL BOAT WITH THE NECESSARY EQUIPMENT AS QUOTED BY SEAMASTERS MARINE SERVICES FOR THE SOUTHWEST HANTS FIRE STATION FOR A TOTAL OF \$18,356.70, PLUS APPLICABLE TAXES. MOTION CARRIED

Both Chief Harvey and Supervisor Thornton left the meeting.

11. Unfinished Business/Postponed Motions

a) Flood Chronology Information Report (7:15 p.m.)

Councillor Ivey provided a brief outline of the report, noting the report would be updated before formally being presented at the September Committee of the Whole meeting. The intent of the report was to provide a basis noting that a lot of discussions have occurred related to flooding (in Windsor and other areas), get core information captured in one area and have a record/documentation on file of these events for whoever follows as Council members. The report would be updated before a formal report was presented at the September Committee of the Whole meeting. It was noted the previous direction for staff to capture video or photo evidence of flooding events was unrealistic as they are in response mode during these events and residents have been doing a great job of capturing evidence of these events. This direction should be removed.

A question was raised if there were pumps located under the pool that were used to pump and keep water away from the pool and that water was discharged into the sewer system. Community Development would need to confirm if pumps were located under the pool.

b) CSO Buyout Program Information Requested and Recommendation Report (7:23 p.m.)

Councillor Ivey reviewed the report. At a previous meeting direction was for staff to provide information on what a Property Buyout program could look like. Staff provided some options for Council to consider and requested direction from Council on what would be included in a buyout program.

In an effort to provide staff with information and direction in developing a program with more defined program information, a meeting with 4 residents from Stannus Street occurred on July 16th.

The intent of the report was to give Stannus Street residents the option to get out of the area. The report also highlighted the urgency in the initiative. The unknowns related to costs of mitigating these situations and the anxiety felt by residents when hearing of a pending storm was unexplainable. It was noted the timing and urgency of addressing this issue was paramount. Residents have now expressed they want the to have an option or the ability to leave the area.

The program would be structured considering the collective and individual impacts on homes in the area, providing an opportunity for the homeowners to individually apply for or accept a buyout plan if they so choose.

It is recommended the property value would be determined through two appraisals conducted for each property. One appraisal would be done by an appraiser selected by the Municipality and a second appraisal would be done by an appraiser of the homeowner's choice. The direction to be provided to the appraisers would be to determine the current market value of the properties without the impact of the combined sewer overflows having occurred.

It was suggested all relocation costs would be the responsibility of the Municipality with equivalency (same value / features of property).

A map may not be necessary as the report was looking to address negative impacts on the homes located on Stannus Street (364 and 430).

Discussion Points:

- There are six (6) properties/structures identified between 364-430 Stannus Street, one property remains in question.
- If the program was related to CSO buyouts, it was noted that Hantsport also has properties (Chittick Avenue) impacted by CSO flooding every time it rains. There are homes and a senior's residence that floods there. If there was support to buy out one area, consideration would have to be given to other areas impacted by CSO flooding.
- Concern was noted the recommendations speak to CSO, although the spirit was intended for Stannus Street; there were other areas impacted by CSO flooding. How was it being determined on how other properties were being dealt with outside of Stannus Street.
- One of the residents who was unable to contribute to the report referenced that the report was incomplete. They would have liked to have had an opportunity to contribute to the report as well as after the report. They would still like the opportunity to participate in the discussion.
- Other residents have reached out to inquire if they were eligible for a potential property buyout program as well, they also experience CSO flooding during these weather events. Council has to have a direct intent for the reason to purchase a property.
- An opinion was finding a short-term solution was key.
- It was suggested the report was about addressing an issue that has been escalating over the last ten (10) years. Stannus Street residents shouldn't have to continue to deal with what they are dealing with.
- There was still a lot of information that was required: who qualifies, did it only pertain to over the curb CSO, was it likely to occur again, was the problem resolved, the full scope of all those affected. All areas of the region would have to be considered (Brooklyn, Windsor, Hantsport). If properties were purchased, what would be the purpose for those properties?
- It was felt more clarity would be provided by the September meeting.
- It was noted the report was for Stannus Street but may have broader implications across the region.

- It was noted that caution was used in speaking with residents, as the outcome of the report was unknown and there was a need not unintentionally raise any hopes. Unknown.
- The intent would be to initiate five (5) separate property appraisals. Appraisals would be based off market value, square footage, location and as if the property was not impacted by flooding.
- It was agreed to add a friendly amendment to identify a funding source. Funding would come from the Operating Reserve.
- It was interpreted that homeowners would not be burdened with any costs associated with leaving the area. Further conversations can occur in relation to cap and increased housing costs.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO UNDERTAKE AN EXPEDITED PROPERTY APPRAISAL OF THE HOMES INVOLVED FOR THE PURPOSES OF DETERMINING A COST ESTIMATE FOR THEIR INCLUSION IN THE CSO RESIDENTIAL BUYOUT PROGRAM AS DISCUSSED AT THE JULY 24, 2024 COUNCIL MEETING AND FURTHER FUNDING WOULD COME FROM THE OPERATING RESERVE. MOTION CARRIED

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO UNDERTAKE AN EXPEDITED ESTIMATE OF THE ADDITIONAL COSTS EXPECTED TO BE INVOLVED AND INCLUDED AS PART OF THE COST ESTIMATE FOR THE CSO RESIDENTIAL PROGRAM AS DISCUSSED AT THE JULY 24, 2024 COUNCIL MEETING. MOTION CARRIED

MOVED BY COUNCILORS IVEY AND MURLEY THAT COUNCIL DIRECT THE CAO TO ENGAGE STAFF TO UNDERTAKE ON AN EXPEDITED BASIS THE DEVELOPMENT OF A CSO RESIDENTIAL BUYOUT PROGRAM AS ORIGINALLY DIRECTED AT THE JULY 9TH COMMITTEE OF THE WHOLE MEETING WITH INPUT FROM THE COUNCIL MEETING ON JULY 24 TAKEN INTO ACCOUNT. MOTION CARRIED

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL DIRECT THE CAO TO PRESENT RESULTS OF THE COSTS AND PROGRAM NOT LATER THAN THE SEPTEMBER 10, 2024 COMMITTEE OF THE WHOLE MEETING OR SOONER THROUGH A SPECIAL MEETING OF COUNCIL. MOTION CARRIED

A break occurred at 8:03 p.m., the regular meeting resumed at 8:16 p.m.

12. Mayor's Report (8:16 p.m.)
Mayor Zebian provided a verbal report.
Attended various events:

- Avon View High School and Horton High School graduations. Congratulations were extended to the graduates.
- Canada Day celebrations in Hantsport. It was a great success.
- Diverse and Inclusive Communities committee meeting to finalize the planning process.
- Audit Committee meeting (looked at internal controls, policies and financials, FCI's and water audit).
- PACHAC meeting (items being presented at this meeting).
- Still Standing (CBC live show) was in conducted in Windsor on Saturday. It will be aired for the public later this year.
- 4-H celebrated their 100th anniversary during their achievement day. Hants County has over 70 participants in 4-H.
- Acknowledged the 1-year remembrance of the July 2023 flooding.
- Panuke Road social event occurred.

Participated in multiple conversations around cell coverage and the proposed tower in Union Corner. The company proposing the tower has extended the submission deadline (end of August) for public feedback. Continued conversations about windmills, floods, roads, provincial roads, culverts and ditches.

13. Committee(s) of Council Excerpts/Recommendations (8:21 p.m.)

a. Committee of the Whole Excerpts (July 9th, 2024)

i. College Road Emergency Access (8:21 p.m.)

Discussion Points:

- There was a future roads concept plan (unknown how in-depth it was) to connect around Kingsview area up towards Clifton Avenue. This was not a detailed plan, there were no designs or costing done. This option was still being considered with the RFP. There was a steep slope where the potential connection would occur.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL APPROVE THE AWARD OF RFP WHRMPW24-07 FOR ENGINEERING SERVICES FOR AN EMERGENCY OR SECONDARY ACCESS ROAD OFF COLLEGE ROAD CONTRACT TO EXP FOR THE PRICE OF \$28,685.00 PLUS APPLICABLE TAXES, TO BE FUNDED THROUGH THE REGIONAL OPERATING RESERVE. MOTION CARRIED. Nays: Hartt

ii. CSO Sewer Charge Credit (8:23 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT STAFF TO PREPARE A REPORT OUTLINING THE CRITERIA AND PROCESS FOR THE ISSUANCE OF A NO-FAULT CREDIT, EQUAL TO BUT NOT TO EXCEED THE ANNUAL SEWER CHARGES FOR EACH YEAR AN AFFECTED PROPERTY HAS BEEN IMPACTED BY A CSO EVENT (OVER-THE-CURB /ONTO THE PROPERTY), FROM JULY 2021 TO DATE AND FOR FUTURE CSO EVENTS THAT MAY OCCUR. MOTION CARRIED

iii. Right to Know Week (8:24 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DECLARE SEPTEMBER 23 TO SEPTEMBER 29, 2024 AS RIGHT TO KNOW WEEK IN A MANNER SUBSTANTIVELY THE SAME AS IN ATTACHMENT A OF THE REPORT TITLED “RIGHT TO KNOW WEEK” TO COMMITTEE OF THE WHOLE DATED JULY 9TH, 2024. MOTION CARRIED

- iv. Riverview Road Tender (8:25 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECTS STAFF TO ISSUE THE TENDER FOR RIVERVIEW ROAD IN HANTSPORT IN DECEMBER OF THIS YEAR IN ORDER TO BE READY FOR THE FOLLOWING 2025 CONSTRUCTION SEASON IN 2025 TO ENSURE IT GETS COMPLETED. MOTION CARRIED. Nays: Hartt

- v. Tender Award WHRMCD24-05 Commercial High Back Cargo Van (8:26 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHCD24-05 TO POTHIER CHRYSLER DODGE JEEP RAM TO PURCHASE ONE (1) COMMERCIAL HIGH BACK CARGO VAN AT A PURCHASE PRICE OF \$74,030 PLUS APPLICABLE TAXES. MOTION CARRIED. Nays: Hartt

- vi. WFD Rescue Engine RFP Tender Award – item was moved up on the agenda

- vii. WH Historical Society (8:27 p.m.)

Discussion Points

- Property online identifies the property as one (1) PID.
- It was agreed to make a friendly amendment to reference “lands formally known as the pool lands.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECTS THE CAO TO ENTER INTO AN AGREEMENT WITH THE PROPERTY ADJACENT TO FORT EDWARD PID 45059797 WITH THE WEST HANTS HISTORICAL SOCIETY FOR THE FIVE-YEAR TERM OR UNTIL OTHERWISE TERMINATED OR RENEWED BY MUTUAL AGREEMENT.

MOVED BY COUNCILLORS IVEY AND FRANCIS THAT THE MOTION BE AMENDED TO INCLUDE TWO (2) LOTS FORMALLY KNOWN AS THE POOL SITE. MOTION CARRIED

Full motion as amended:

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL DIRECTS THE CAO TO ENTER INTO AN AGREEMENT WITH THE PROPERTY ADJACENT TO FORT EDWARD PID 45059797 (TWO (2) LOTS FORMALLY KNOWN AS THE POOL SITE) WITH THE WEST HANTS HISTORICAL SOCIETY FOR THE FIVE-YEAR TERM OR UNTIL OTHERWISE

**TERMINATED OR RENEWED BY MUTUAL AGREEMENT. MOTION
CARRIED**

- b) Planning and Heritage Advisory Committee Recommendations (July 11th, 2024) (as it relates to First Reading)
 - i. Windsor Back Road, Three Mile Plains Development Agreement (DA) PID 45402831 (8:30 p.m.)

Planner Dunphy advised a complete application was received on October 13, 2023 from Chrystal Fuller of Brighter Community Planning & Consulting on behalf of the property owner for a development agreement to permit grouped dwelling on a vacant lot. The proposal included 3 buildings, each containing 29 units (1- and 2-bedroom units with surface, underground and EV parking), for a total of 87 units. The buildings would not exceed three storeys in height. The application describes a central open space and landscape buffering surround the buildings to help separate the buildings from existing lower density development in the area.

A Public Information Meeting was held on November 2, 2023, resulting in a number of public concerns raised during the meeting and the following public comment period, including flooding on the subject lot, wildlife and species at risk impacts, significant density change, road access, pedestrian safety, inadequate servicing, underground parking issues, and school capacity.

Initially, it was noted a watercourse was present on the mapping for the subject lot, resulting in any new building requiring a 50 ft. setback from the watercourse. The applicant submitted a Watercourse Assessment and Species at Risk Screening letter from McCallum Engineering Ltd. in November 2023, which outlined mitigation options for potential impacts on wildlife and a professional opinion that the drainage ditch on the property did not meet the Provincial requirements of a watercourse. The Nova Scotia Department of Environment and Climate Change (NSECC) to confirm the findings within the letter. A site visit occurred and the NSECC relayed the findings of the letter in a verbal confirmation to staff. After months of waiting for written confirmation from NSECC, the applicant requested to proceed with the application based on the submitted letter prepared by a qualified person. Staff determined that the submitted letter from a qualified person and a verbal confirmation from the NSECC was sufficient evidence to proceed with the application and conclude that there is no watercourse present on the subject lot.

A recommendation report was presented for consideration on June 13, 2024 to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix B). The Committee discussed the Fire Chief's assessment, agricultural land impact, public knowledge of the Growth Centres, and pedestrian access to the subject lot. During the meeting PAC/HAC recommended in favour the application.

On June 25, 2024, a recommendation report to Council for consideration. Discussion focused on the verbal confirmation given by the NSECC regarding the watercourse on the subject lot and requested that staff bring back a written confirmation from NSECC. This discussion resulted in the postponement of First Reading until July 23, 2024. Since the Council meeting on June 25, 2024, written confirmation from the NSECC has been received stating that the watercourse depicted on the Municipal mapping does not meet the provincial definition of a watercourse.

Discussion Points:

- Sewage from this area goes through a couple of lift stations and then to the Lagoon Drive sewage treatment plant. Due to the sizing of the lift station, the developer is required to have a turnkey automatic generator located at the lift station in case of power outages to ensure there are no issues with capacity. There were no issues with pumps or sewer mains as it relates to capacity.
- The developer was required to do fire flow testing, the testing was completed, and it met the requirements for the development.
- Service lines for the Back Road were not in the que/identified for replacement. Staff were unaware of any major issues with the service lines. Tongue Hill and Panuke Road area service lines were in the que for replacement.
- Underground parking was still being considered, but the developer was also ensuring adequate parking was on the ground level in case underground parking was unable to be achieved.
- Neighbouring properties would have shared access to the driveway as per discussions with all parties.
- It was assumed that if all surface ground parking was required, the overall open space (46%) would be reduced to account for the additional parking.
- Concern was noted that the property was a very wet area, if paved parking was increased there would be less ability for the property to absorb water and potential for flooding of neighbouring properties. This was worthy of closer attention.
- It was understood the driveway was not a shared street.

MOVED BY COUNCILLOR MURLEY 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 GROUPED MULTI-UNIT BUILDINGS ON PID 45402831 IN THREE MILE PLAINS WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT C OF THE REPORT FILE #22-33 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JUNE 13, 2024. MOTION CARRIED. Nays: S. McLean and Zebian

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH JEFF MARCHAND OF MARCHAND DEVELOPMENTS LTD. FOR PID 45402831 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: S. McLean

- ii. 198 Water Street, Windsor PID 45056926 Development Agreement (DA) (8:50 p.m.)

Planner Dunphy reviewed the file. A completed application was received from Chad and Mandy Singleton on October 19, 2023 to permit a residential dwelling unit behind a commercial unit on the ground floor.

Planner Dunphy reviewed the background information on the file. Amendments to the Windsor Municipal Planning Strategy (WMPS) and WLUB were made to allow the proposal by development agreement. The amendments were approved by Council at the Public Hearing and Second Reading held on May 28, 2024. The proposal was considered using the approved amended Policy 7.5.2 in the WMPS and has been evaluated based on the criteria within the newly approved Policy 7.5.5.

The site plan was reviewed. The proposal was being considered through a Development Agreement and would consist of a single residential unit located at rear of existing building, encompassing 25% of ground floor area and have one parking space.

The proposed project was located on a 14500 sq ft lot on Water Street and had a laundromat on the subject lot.

The property was designated Town Centre on the Windsor Generalized Future Land Use Map (as well as all surrounding properties) and zoned Pesaquid Comprehensive Development District (P-CDD) and subject to Town Centre (TC) zone requirements; some of the permitted uses include changes in use in an existing building; additions of 1,000 ft² or less in floor area and renovations and accessory structures of 500 ft² or less in floor area.

Planner Dunphy reviewed the Windsor MPS – Enabling Policies. Policy 7.5.2 enabled Council to consider residential uses behind commercial uses on the ground floor of existing buildings by development agreement in the Pesaquid Comprehensive Development District (P-CDD) zone. Policy 7.5.5 was the evaluation criteria for Policy 7.5.2 and noted in summary, the criteria are met since the residential dwelling unit consists of 25% of the total floor area of the existing commercial space; the residential dwelling unit is located behind the existing commercial space; and the commercial space abuts Water Street.

Planner Dunphy reviewed the Windsor MPS – General Criteria Policy. Policy 16.3.1 states general criteria for development agreements and noted that in summary, the criteria are met since: the proposal is not considered premature or inappropriate for the area; no municipal costs related to the proposal are anticipated; and the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.

The DA requirements permit a residential use behind a commercial use on the ground floor of an existing building, Commercial use must have frontage on Water Street, a minimum ratio of one vehicle parking space per dwelling unit is to be provided and the driveway must be maintained to allow emergency vehicle access.

The DA Substantive Matters includes the uses permitted on the Property; an increase in the floor area for the residential use above 50% of the ground floor area, or movement of the residential use to the front of the building; and the fire safety requirements.

A Public Information Meeting (PIM) was held on December 7, 2023 and broadcasted live on the Municipal Facebook page. Three (3) members of the public attended the PIM. During the meeting, staff clarified an option to consider the use through development agreement and what wording the text amendment would need to change. The deadline for comments was December 21, 2023 with no correspondence received during the public comment period.

Discussion Points:

- The majority of sewer pipes were on Water Street, a few pipes go out to the back of the property towards the No. 1 lift station on the waterfront.

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 RESIDENTIAL DWELLING UNIT BEHIND A COMMERCIAL USE ON THE GROUND FLOOR OF AN EXISTING BUILDING ON PID 45056926 AT 198 WATER STREET IN WINDSOR WHICH IS SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B OF THE REPORT FILE #24-14 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JULY 11, 2024. MOTION CARRIED

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH CHAD SINGLETON WHICH PERMITS A RESIDENTIAL DWELLING UNIT BEHIND A COMMERCIAL USE ON THE GROUND FLOOR OF AN EXISTING BUILDING AT PID 45056926 AT 198 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

- iii. 4859 Highway 1. Three Mile Plains PID 45016763 WHLUB Map Amendment (9:01 p.m.)

Planner Dunphy reviewed the report. A completed application was received from Ben Croll of Brighter Community Planning on behalf of Brison Developments Limited on April 16, 2024 to rezone the subject lot from Two Unit Residential (R-2) to Multiple Unit Residential (R-3) to allow the construction of four-unit dwellings.

The property was 0.75 acres, with frontage on both Highway 1 and Old Halifax Road. There was a single unit dwelling on the property but that was removed from the property in 2018. The surrounding uses include low-density residential, auto repair, offices, and a church.

The property as well as all surrounding properties were designated Residential on the Generalized Future Land Use Map for West Hants.

The property was zoned Two Unit Residential (R-2) zone, which permits Two-unit dwellings; mini homes; uses permitted in the R-1 zone; and mobile homes in the Three Mile Plains Growth Centre.

The proposed zone was Multiple Unit Residential (R-3) zone which permits dwellings with more than 2 units; boarding or rooming houses; residential care facilities; and uses permitted within the R-1 and R-2 zones.

Planner Dunphy reviewed the West Hants MPS Policies. Policy 5.3.7 enabled Council to consider rezoning land within the Three Mile Plains Growth Centre to Multiple Unit Residential (R-3) and noted that in summary, the criteria are met since the subject lot has frontage on an arterial

street; the subject lot is capable of being serviced by municipal water and sewer; the proposed use is compatible with the character of the area; and no infrastructure upgrades to the road network will be required. Policy 16.3.1 stated the general criteria for amendments to the Land Use By-law. It was noted that in summary, the criteria are met since the proposal was not considered premature or inappropriate for the area; no municipal costs related to the proposal are anticipated; and the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Public Works Engineering Division have no concerns which have not been addressed in this report. A Public Information Meeting (PIM) was held on June 6th and broadcasted live on the Municipal Facebook page. Approximately nine (9) members of the public attended the meeting, with seven (7) individuals speaking. The deadline for comments was June 20 resulting in one (1) phone call and four (4) pieces of written correspondence were received during the comment period.

Some of the concerns were with respect to:

- Municipal infrastructure, the Municipal Public Works confirmed that the existing infrastructure was in adequate condition and there is capacity for the proposal.\
- Site drainage. The Municipal Public Works confirmed that a stormwater management plan was required through the subdivision process to ensure that pre- and post-development flows are neutral or better.
- Egress points. The provincial Public Works indicated that any access/egress points would need to be upgraded to meet their requirements for permitting, this would include culverts and stopping sight distance measurements.
- Traffic generation and large truck traffic. The provincial Public Works confirmed that Highway 1 can accommodate the traffic generation from the proposal and the large trucks that are currently using the road.
- Ditching. The provincial Public Works had an inspector perform a site visit on July 4th, 2024. They reported back that the existing ditch was in adequate condition.

Discussion Points:

- There was no update with respect to the property line discrepancy. An update would be requested; however, it was noted that this did not affect the WHRM planning process, but it would need to be sorted out before applying for permitting.
- The provincial Public Works confirmed they performed a site visit on July 4th, 2024 and reported that the existing ditch was in adequate condition by their measure. It was noted that if there was an issue with an existing culvert, it was felt it was a provincial responsibility unless the culvert was related to a lift station.
- Three Mile Plains was an area where inflow and infiltration smoke testing were done, a few areas were identified and corrected. There was still a lot of inflow and infiltration that needed to be addressed in all areas (Three Mile Plains, Windsor and Hantsport) which was the rationale for the request to hire a dedicated person for inflow and infiltration. That person would be able to go into houses, provide education and awareness for homeowners and do work on the leak detection piece. Reducing inflows, infiltration and water would provide a cost savings.

- It was felt a dedicated resource/person was needed that would focus solely on infill and infiltration.
- The provincial Public Works department confirmed that they would be able to get access from either the Old Halifax Road or Highway 1. It was unknown what the developer was planning to use as access. A driveway permit (from the provincial Department of Public Works) was required as well as meet permitting requirements for any access the developer was looking to construct. The developer would need to do any upgrades needed and meet stopping sight distances for any driveways.
- It was felt some answers had been provided. Moving the proposal to Public Hearing would provide residents with the opportunity to ask questions

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 WEST HANTS LAND USE BY-LAW TO REZONE PID 45016763 AT 4859 HIGHWAY 1 IN THREE MILE PLAINS FROM THE TWO UNIT RESIDENTIAL (R-2) ZONE TO THE MULTIPLE UNIT RESIDENTIAL (R-3) ZONE AS SHOWN IN THE REPORT #24-12 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED JULY 11, 2024. MOTION CARRIED.

- iv. Irven Drive Extension Development Agreement – discussed earlier during the meeting.

14. Councillor Municipal Business/Activity Reports (9:16 p.m.)

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

Highlights included:

- Photographing the Canada parade
- Attended the Planning and Heritage Advisory committee meeting and the Show and Shine car event held at the Ardoise Hall.
- The AVRCE letter is being drafted in collaboration with the author who requested the letter be sent.
- Continuing to work on areas of Stannus Street and Tremaine Crescent. Staff are still working on service easements (which were under legal review) with respect to the culvert on Tremaine Crescent.
- A lot of work continues tracking the water utility and rate study.

15. Correspondence (9:18 p.m.)

a. Information

- i. Avon Causeway Activity Log - None
- ii. Everwind/Bear Lake Wind Farm – Additional correspondence included in the Wind Farm Setback Public Hearing Package
- iii. Correspondence Received Activity Log – reviewed by groups of five (5)
 - i. July 5, 2024 from Jennifer Moore Re Flood advisory
 - ii. July 8, 2024 from Peter Moore Re Windsor Flood Zone Resident Buy-Out program

- iii. July 9, 2024 from Colleen Walsh-Bouman Re Combined Sewer Overflow Stannus Street
- iv. July 9, 2024 from Honourable Greg Morrow Re Response to WHRM Dyke Maintenance
- v. July 9, 2024 from Jennifer Moore Re CSO event, July 8, 2024

No comments regarding the above correspondence.

- vi. July 12, 2024 from Alicia Hennessey Re Stannus Street flooding and impacts
- vii. July 15, 2024 from Peter Moore Re CSO smell
- viii. July 15, 2024 from Gerry Parfitt Re Windsor NS Contaminated Flood Zone
- ix. July 15, 2024 from Peter Moore Re Information from or for the Buy Out Input on Possible Program
- x. July 16, 2024 from the Honourable John A. Lohr Re Letter to Mayors and Wardens - Emergency Alerts

Discussion Points:

- A consultant was engaged to review what would need to be done to reduce or help with sewer odour control. A holistic overview was done, including the Clifton Pond. The consultant recommended more cleaning and maintenance which resulted in the purchase of the Combination Vac Truck. The odours were attributed to the systems not being cleaned and solids laying in the lines going septic. It was hoped that once regular cleaning began the odours would be reduced. The other options provided were quite intense and expensive.
 - It was noted the aroma was very frequent and showing up in different locations in the downtown core area and Victoria Park.
- xi. July 15, 2024 from the Residents of Forest Lakes Re Waste Collection
 - xii. July 16, 2024 from the Assistant Commissioner Commanding Officer RCMP Nova Scotia Re Correspondence to CAO Phillips
 - xiii. July 16, 2024 from Cathy Ross Re home flooding on Sunset Ave
 - xiv. July 17, 2024 from Jennifer Moore Re Medical treatment after CSO exposure
 - xv. July 18, 2024 from the Honourable John Lohr Re CCBF

Discussion Points:

- The amount of rain overwhelmed open ditches in the Sunset area causing flooding to some properties. Specific site investigations would need to occur to determine the cause of the flooding and potential mitigation measures. Water may be getting in through basements (cracked foundations, perimeter drains that were not properly graded or connected to ditches that may be backing up).
- Residents noted manhole covers lifting during the last storm (this did not occur during the July 2023 storm). More investigation was required to determine the cause and what could be done to mitigate this. It was noted that if there were a number of illegal connected sump pumps, this would negatively impact the system. The sewer system on Sunset was not a combined system, it was separated. With respect to mitigation options

there may be an opportunity to educate and incentivize residents to disconnect sump pumps, do home inspections to see what is happening, etc.

- There was a need to have a program in place that looked at education, inspection and enforcement, these were the missing pieces.
- It was suggested there was a missed opportunity during the budget process. Having a dedicated person to educate, investigate and enforce may be beneficial.
- When the Public Works staff was pulled from the budget, there were multiple impacts on the sub departments and lines within the budget. If an additional Public Works staff person (CET) was supported, it was noted that there would be impacts to the water utility budgets, the operating budget and sewer budgets. This position was not able to be solely funded through the West Hants operating reserve. Time would be required to determine what portion of the salary for this position would be funded through each area.
- It was suggested that with everything going on (flooding, back up and ditches) there was a need for more than a CET person. There was value in see a report on what all the options were before specifying a position (possibly a water drainage/engineer to get a better understanding of what is happening).
- A friendly amendment was suggested to broaden the information requested to make sure the right person was being sought for the position. within the report.
- Director Richard noted a water drainage/engineer would likely specialize in a few different disciplines, WHRM already has this with the current Standing offer Engineers. It was unknown if that person could be found and if they were found, the cost to retain them would be substantial. It was felt that it would be better to utilize the Standing Offer consultants. The CET position would be the person to coordinate and lead discussions with the Standing Offer Engineers

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL DIRECTS THE CAO TO ENGAGE THE DIRECTOR OF FINANCE TO REVISIT THE CET POSITION FOR THE REMAINDER OF THE 2024/25 BUDGET YEAR AND PROVIDE A REPORT NOTING THE FINANCIAL IMPLICATIONS ON EACH OF THE AREAS (WATER, SEWER AND OPERATING RESERVE) AT THE SEPTEMBER COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED. Nays: S. McLean, Hartt and Ivey

Discussion Points:

- The Sewer By-Law identifies that Sump pumps connected to a sanitary system are not permitted. The other part of the new Sewer By-Law being drafted was to consolidate the current by-laws. The draft By-law will be presented in the Fall.

- xvi. July 18, 2024 Media Statement NSFMC Collaborates on Enhanced Emergency Alert System
- xvii. July 18, 2024 from Pierre Tabbiner Re Flooding of Gray street, July 2024
- xviii. July 19, 2024 from Amanda Dunfield Re WHRM Windsor Combined Sewer Overflows

Discussion Points:

- It was important to acknowledge the letter received from Jennifer Moore regarding her experience after having tripped and fallen during the flooding and the importance of seeking medical attention if in an environment where a person is not feeling well.
- It was important to acknowledge the letter from Amanda Dunfield, it raised questions that should be answered, highlighted regulatory regulations with respect to CSO's (specifically when there was an increase in volume and frequency) and noted potential connections when Stannus Street resurfacing was done in 2014 that the volume of stormwater moving into the street has increased since the ditches were removed. The letter also notes that stormwater frequency and volume cannot be increased by development or anything that potentially may cause additional CSO's. It was questioned if approving developments in this area was only adding to the increased demands on the current system.
- Development Agreements have a requirement for a stormwater management plan (pre and post development flows must be neutral or better).

b) Requests

- i. July 9, 2024 from Darren Porter request to amend water testing policy.

There was value in noting the correspondence, there were some good points within the letter. It was suggested that if there was a known CSO event, it should be communicated vs waiting for test results and then communicating information to the public. CAO advised that staff have already taken steps to address this, signage at Lake Pisiquid would state that it was a non-swimming area and testing was being done to advise the public of the water conditions, or something similar to advise the public to use caution all the time. The assumption would be that all tests are positive moving forward.

c) Outgoing Correspondence Log – None

16. New Business (9:49 p.m.)

a) Committee Terms of Reference Recommendation Report (9:49 p.m.)

Mayor Zebian stepped down from the chair and Deputy Mayor P. Morton assumed the chair at 9:49 p.m.

Mayor Zebian reviewed the report. The intent of the report/recommendation was to provide members of the public with an opportunity to participate and provide feedback at all committee of Council meetings. Currently some committees have an opportunity for public participation, while others do not. This change would provide an opportunity for public members to speak at all committee of Council meetings.

Discussion Points:

- A suggestion was to include Council meetings in the recommendation as well. The intent was not to include Council meetings, Council is the decision-making body after discussions have occurred at committee meetings. Collaboration/discussions occur during committee meetings, this is where the public would provide input.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT STAFF TO AMEND THE WEST HANTS MEETING AND COMMITTEE

PROCEDURAL POLICY TO REFLECT AN OPPORTUNITY FOR PUBLIC PARTICIPATION DURING ALL COMMITTEE MEETINGS. MOTION CARRIED

b) Request to Province for Road Maintenance Resources Recommendation Report (9:53 p.m.) Mayor Zebian reviewed the report. Increased concerns have been raised regarding washed out roads, shoulders, culverts, and ditches being filled in with debris and overburdened during heavy rain events/storms recently experienced in West Hants. Although the local Provincial Department of Public Works crew is dedicated and committed, it was felt they lack resources to do everything required to ensure that the Provincial infrastructure is capable to handling the severity of storms being experienced.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR S. MCLEAN THAT COUNCIL DIRECT STAFF TO WRITE A LETTER TO THE MINISTER OF THE PROVINCIAL DEPARTMENT OF PUBLIC WORKS REQUESTING ADDITIONAL FUNDS AND RESOURCES FOR THE LOCAL PROVINCIAL WEST HANTS PUBLIC WORKS DEPARTMENT TO PERFORM MUCH NEEDED MAINTENANCE ON PROVINCIAL ROADS, DITCHES, CULVERTS, AND SHOULDERS WITHIN THE WEST HANTS REGIONAL MUNICIPALITY. MOTION CARRIED

The vote showed the wrong title for the recommendation vote. It noted the vote was for a request to amend water testing from (DP). The minutes need to reflect the vote was for a letter to be written to the province to seek additional resources for the local provincial public works crews for road repairs/maintenance.

c) Splash Pad Site Selection Options Recommendation Report (9:55 p.m.)

Mayor Zebian reviewed the report. A splash pad creates opportunities to build communities and enhance opportunities for residents to get outside and be active in a family friendly and economical manner.

Discussion Points:

- Residents in the Brooklyn have expressed interest in having a splash pad in their area (behind the fire hall or Civic Centre).
- Questions were raised as to the funding source for an additional splash pad, the splash pad in Hantsport was area rated to Hantsport residents as per their request. Funding sources would be determined by Council.
- Total costs for a splash pad were unknow. Hantsport pays between \$6-8,000 for water alone.
- Ellershose would also love to have a splash pad in their area. Whatever location was proposed, it was felt it would need to be in an area where chlorinated water could be accessed for safety reasons. It was noted East Hnats has a splash pad that used non-chlorinated water.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT STAFF TO IDENTIFY POSSIBLE LOCATIONS WITHIN THE WEST HANTS REGIONAL MUNICIPALITY THAT WOULD BE APPROPRIATE FOR

A SPLASH PAD FOR THE REGION WITH THE INTENT TO INCLUDE IN THE 2025/2026 MUNICIPAL BUDGET. MOTION CARRIED. Nays: Hartt

d) Streetlight and Private Road Policy Recommendation Report (10:00 p.m.)

Mayor Zebian requested an update on the streetlight policy and waste collection for private roads. Director Richard advised getting information on streetlight pole spacing and placement has been challenging. Until this information was known, it was difficult to determine the cost for this project. Staff will try to escalate this project. With respect to solid waste collection for private roads, the collection contract closed last week and was in the process of being reviewed by staff. There are 146 private roads within WHRM resulting in an additional 102 kms. Of the 102 kms, 29 kms meet WHRM's municipal specifications for roads. Staff will be working with the current waste collection collector to determine additional costs associated with the increase in service delivery. A recommendation report was expected to be presented to Council in September.

e) Under Housed Support Recommendation Report (10:02 p.m.)

Mayor Zebian reviewed the report. WHRM residents, elected representatives, municipal staff, local service groups, and volunteers created a functional temporary warming center at the Windsor Community Center this past winter. While it helped get some individuals out of the elements during the coldest months, it also highlighted the need for a permanent shelter for those in need, and the need for stable and permanent funding from the Provincial government. It was believed Council could be successful in advocating to make this happen.

Discussion Points:

- It was noted that a recent story highlighted the city of Vancouver purchased a brand newly built \$30 million dollar apartment building to bridge the gap for middle market housing demand. By freeing up the middle market demand, it opens up housing opportunities and inventory for others, including those needing housing below the middle market. A report will be forthcoming at the September meeting. There was value in looking at this approach.
- A suggestion was made to share any comments with Planner Hong who was working on the Housing Accelerator funding program for West Hants.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT COUNCIL DIRECT STAFF TO WRITE A LETTER TO ALL RELEVANT PROVINCIAL MINISTERS, WEST HANTS MLA MELISSA SHEEHY RICHARD, AND THE PREMIER EXPRESSING THE NEED FOR FINANCIAL SUPPORT FOR THE UNDER HOUSED POPULATION IN WEST HANTS INCLUDING SUPPORT TO ESTABLISH A PERMANENT SHELTER. MOTION CARRIED

f) Veteran Banner Project Recommendation Report (10:06 p.m.)

Mayor Zebian reviewed the report. Since the Banner Projects inception, there are now over 200 banners honouring those who paid the ultimate sacrifice for our freedom. Families pay approximately \$210 for a banner for their loved one. If the Windsor Legion cannot find the funds to pay for the additional brackets needed for the new banners, costs are expected to increase by approximately \$150 more.

Discussion Points:

- For future reference there was value in looking at a manufacturer that makes a longer lasting more durable bracket, current brackets appear to be falling down or breaking.
- A suggestion was made that some of the funds be used to purchase banners for veterans who may not have family who would normally purchase the banner. A conversation will occur to determine if there is interest in veterans without families needing a banner.

Councillor Jannasch was not present for the vote.

MOVED BY MAYOR ZEBIAN AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE AN AMOUNT OF \$5000.00 FOR THE WINDSOR LEGION VETERAN BANNER PROJECT FOR THE PURCHASE OF BRACKETS TO BE FUNDED FROM THE WEST HANTS OPERATING RESERVE. MOTION CARRIED

Mayor Zebian assumed the chair at 10:12 p.m. As per policy a motion for the meeting to continue was needed.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT THE MEETING CONTINUE PAST 10 P.M. AND COUNCIL REASSESS AT 11 P.M. MOTION CARRIED. Nays: Jannasch and Murley

- g) Request for Proposal for Consultative Services to support Equity, and Anti-Racism Strategy Plan Development and Accessibility Plan Update (10:13 p.m.)

CAO Phillips reviewed the report. In July 2023, the Province of NS launched their Equity and Anti-Racism Strategy, and in July 2024, the Province has prescribed Municipalities and Villages to follow suite and implement their own Equity and Anti-Racism strategy tailored to the needs of underrepresented and underserved members of communities within each region. WHRM is required to implement our Equity and Anti-Racism Strategy Plan and have it publicly available by April 1, 2025. The use of an external consultant engaged in this process will ensure the voices of all community members who wish to participate are heard, valued, and incorporated into the strategy and action plan to address the issues faced today. By having a third party conduct this research will also ensure that this process is completed without bias, or judgement of our current state.

Discussion Points:

- The Accessibility committee is committed to doing walk-throughs in all municipal facilities. A follow-up report regarding the accessibility assessment for 76 Morison Drive will be requested for the September meeting.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES THE MOTION TO PROCEED WITH THE REQUEST FOR PROPOSAL (RFP) PROCESS TO SECURE CONSULTATION SERVICES TO SUPPORT THE EQUITY AND ANTI-RACISM PLAN DEVELOPMENT AND IMPLEMENTATION STRATEGY, AS WELL AS THE ACCESSIBILITY PLAN UPDATE. MOTION CARRIED

- h) WFD Boat Replacement and SWH Boat Purchases Recommendation Report (item moved up on the agenda)

- i) HMCC's CCBF Remaining Grant Recommendation Report (10:19 p.m.)
Director Rochon reviewed the report. During the 2023/24 budget, the total CCBF awarded to HMCC was \$350,000. To date a total of \$262,500 has been paid out, leaving a remaining balance of \$87,500. Community groups granted CCBF funding have until March 31st of the fiscal year to complete their project, but can request an extension to June 30th, if required. HMCC was on track to complete the project by the June 30th deadline but due to delays in receiving materials (that match accessibility requirements for the project), they will not meet the June 30th deadline. To be eligible to receive the remaining grant funding, Council must reapprove the grant, so that it can be paid out after June 30th.

Councillor Smith did not participate in the vote.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES HANTSPORT MEMORIAL COMMUNITY CENTRE (HMCC) FOR REAPPROVAL OF THEIR 2023-24 CANADA COMMUNITY BUILDING FUND GRANT FOR THE COSTS OF A PICKLE BALL COURT IN THE AMOUNT OF \$350,000. MOTION CARRIED. Nays: Hartt

- j) Updated 2024 Taxation Resolution Correction (10:21 p.m.)
Director Rochon reviewed the report. Upon preparation of the annual tax billing, it was determined there was rounding in the combined tax rates. The area rate for West Hants and Windsor needed to be rounded to the nearest \$0.0001 place. This was a clerical error in the resolution, and does not impact the budgeted tax revenue, or the combined tax rates approved by Council. However, if the resolution is not updated to reflect the rounding, it will result in a slight reduction (approximately \$500 or less) in the amount received in grants-in-lieu of taxes from the provincial government, as they required a copy of the taxing resolution with the application.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE UPDATED 2024-25 TAXING RESOLUTION AS PRESENTED TO COUNCIL. MOTION CARRIED. Nays: Ivey and S. McLean

- k) Financial Update - Ending March 31, 2024 (10:23 p.m.)
Director Rochon reviewed the report. It was expected 100% of the budget would be used at this point. The overall projected deficit based on the variance analysis for the general fund is \$143,637. The capital contribution was reduced by \$747,000 relating to the budgeting error previously presented at the September 26, 2023, Council meeting. The remaining deficit, as communicated, will be mitigated through a transfer from the operating reserve, following the March 31, 2024, report to Council.

Revenue Highlights:

- Deed Transfer Tax ended the year at \$1.9 million, which was 95.2% of budget.
- Unconditional Transfers was lower by \$562,634, due to the Municipal Financial Capacity Grant mistakenly being doubled in the budget.
- Operational Grants came in higher, as well as Other Revenue due to miscellaneous revenue including permits, licenses, rentals, tax certificates, and return on investment.

- Services provided to other Governments was higher due to host community fees associated to the landfill, which was \$349,716 over budget.
- Sale of Services were lower due to recreation revenue, the remaining \$124,405 from Safe Restart funding was utilized.

Expenditure Highlights:

- RCMP was higher, with the addition of the provincial RCMP quarterly billing of \$236,291.
- Fire Protection was higher, due to the major repairs for Hantsport Fire, and Windsor Fire apparatus and increases associated with Southwest Hants Fire Operating and Regional Fire Operations.
- Emergency was higher due to the costs associated with the flood, and additional communication approved by Council.
- Taxation was higher due to broadening eligibility within the Residential Property Tax Assistance policy.
- General Government was higher, with the increases associated with office buildings, Council Chambers furniture, and Dial-A-Ride.
- Environmental Health Services are higher due to increases associated to sewer depreciations and increases in tipping charges associated to the flood. In addition, the Windsor sewer's operational sewer treatment cost has increased due to higher utility costs (water and power) and insurance.
- Facilities for many departments have had higher than expected power costs.
- Education was higher by \$27,142, and the Regional Library is also higher by \$7,750.

Discussion Points:

- The cost of the new chairs for Council Chambers will be shared.

Sports Complex Fundraising Update – between December 31, 2023 and March 31, 2024, \$32,000 was received through sponsorships and advertising.

2024/24 Water Utility Update: The fourth quarter billing for both utilities has been completed. Rate sales were lower due to consumption. Both utilities were seeing lower interest on outstanding accounts due to collection efforts. Interest was higher under non-operating revenue due to bank interest rates and balances in the account.

West Hants:

- Water treatment was coming in higher due to increases associated with power and chemicals. Most of the facilities were impacted by power.
- Admin fees and depreciation costs were lower.
- Admin expenses were lower.
- Water revenue variance was related to other Operating Revenue due to water sales being significantly lower than anticipated.

Windsor:

- Admin fees and Professional Services costs and administration were lower.
- Source of supply was higher due to one (1) invoice due to requiring a diver to access an area and clean items.
- Revenue between the two (2) utilities for the Windsor water utility was lower by 64,000.

Water Consumption Report Discussion Points:

- The third quarter for Falmouth (almost double the amount of the first quarter) was a typo error that carried over. The actual number was 9,647,840.
- Residential and Commercial meters are read on a quarterly basis. Bulk meters were read weekly for tracking purposes, but only quarterly reads were used for billing purposes as per the UARB rules and regulations.
- Depending on the meter determines the method in getting a reading. Some meters were located inside businesses, in manholes which required the manhole to be pumped out prior to getting a read. Staff were moving in the direction of having the ability to do automatic reads so more frequent readings can be done on both bulk meters and residential meters.
- There was value in seeing the consumption reports on a monthly basis. The plan was that once notification was received from the UARB that would eliminate the inner billing between the West Hants Water Utility and Windsor Water Utility that Council would determine how they wished to move forward with the report as the billing between the two (2) utilities would not exist anymore. Direction would be requested once the UARB report has been received. The intention was to continue to bring the reports forward until direction was received. It was suggested that even once the UARB report was provided there was still value in knowing when/if significant fluctuations were occurring (either a leak or an indication that something was a miss).
- Variance was 71.1%, which decreased by 0.8%. If Underwood was averaged over four quarters the variance would be closer to 60.9%

l) Sidewalk Machine Replacement Recommendation Report 2024 (10:43 p.m.)

Director Richard reviewed the report. During the 2024/25 budget it was noted that the increasing number of sidewalks, combined with the new service level expectations a new Municipal Tractor and attachments would be needed to meet demands. Staff reached out to both Atlantic Coastal Equipment (Piggyback clause) and Saunders Equipment Ltd (Canoe Procurement) to secure pricing through cooperative procurement, described in the West Hants Procurement Policy. The Atlantic Coastal Equipment machine (higher bid) was being recommended as it included a second high-flow hydraulic pump and an additional 12-month warranty.

Councillor S. McLean declared conflict at 10:45 p.m. due to working for CAT and left the meeting.

Discussion Points:

- The engine manufacturer was unknown. It was possible the manufacturer was CAT.
- WHRM acquired a new sidewalk machine a few years ago, it was noted they are typically maintenance heavy and with the number of sidewalks and service level expectations an additional machine was being requested.
- Expected to arrive for the upcoming winter season.
- Concern was raised that there were other priorities in Windsor vs having an additional sidewalk machine.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES THE PURCHASE OF A MACLEAN MUNICIPAL TRACTOR (SIDEWALK MACHINE) AND ATTACHMENTS AT A COST OF \$178,208.00 PLUS 5% CONTINGENCY AND APPLICABLE TAXES FROM ATLANTIC COASTAL EQUIPMENT. MOTION CARRIED. Nays: Jannasch, Hartt and Ivey

Councillor S. McLean returned to the meeting at 10:48 p.m.

m) Standard Offer for Engineering Services Recommendation Report (10:48 p.m.)

Manager Amirault reviewed the report. Proposals were requested from prequalify engineering firms to submit proposals and provide engineering and design services under standing offer agreements. Proponents were prequalified based on the scope of services described in the request for proposal WHRMPW24-07 for a three-year period to provide professional services in support of the municipality's ongoing operational and capital improvement programs. The agreement has an option to extend the arrangement for an additional twelve (12) months. Staff will review the standing offer in early 2027 and either reissue a request for proposals or seek approval to extend the contract into 2027-2028.

Discussion Points:

- Any design firm doing any sort of design and stamp it for approval was required to carry insurance. Design firms look at all the factors when they design a project.
- The firms being considered were large and have enough staff so that separate individuals were able to work on similar projects and not create a conflict (they work at arms length).
- Total costs for standing offer contracts since consolidation was unknown. Follow up information will follow on the matter.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE AWARD OF WHRMPW24-07 AND CONFIRM THE STANDING OFFER CONTRACTS FOR PREQUALIFIED ENGINEERING AND DESIGN SERVICES FOR THE PERIOD OF THREE YEARS ENDING MARCH 31, 2027, TO THE FOLLOWING CONSULTANTS: CBCL LIMITED, DILLON CONSULTING, DESIGN POINT, EXP AND WSP. MOTION CARRIED. Nays: Ivey and Hartt

n) Third Process Train Equipment Recommendation Report (10:56 p.m.)

Manager Amirault reviewed the report. The addition of the Third Process Train was currently in design, approved by Council on March 26, 2024. The project was expected to be ready for public construction tender by late 2024 or early 2025. Within the design, a key step was equipment selection and ensuring that the equipment is compatible with existing equipment and staff training.

Discussion Points:

- If approval was provided to proceed, the company (AWC) that would supply the equipment for the third process train would do a detailed design, shop drawings and equipment cut sheets and with that WHRM would pay approximately \$25,000 if

- approved, this was within the construction budget for next year.
- No purchase was being made by approving the motion. The approval would provide CBCL with the authority to see what equipment was available from AWC.
 - Equipment cost was estimated to be approximately a million dollars, which was the rationale for ensuring the right equipment was purchased.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVES CBCL TO PROCEED WITH THE PRE-SELECTION OF SPECIALIZED EQUIPMENT FOR THE THIRD PROCESS TRAIN, WINDSOR WTP PROJECT FROM AWC. MOTION CARRIED. Nays: Ivey

17. In-Camera (11:03 p.m.)
- a) 2024-06-25 In-Camera Meeting Minutes
 - b) MGA 22(2)(a) Land Matter
 - c) MGA 22(2)(a) Land Matter

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE IN-CAMERA AT 11:03 P.M. MOTION CARRIED

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT THE MEETING MOVE OUT OF IN-CAMERA AT 11:24 P.M. MOTION CARRIED

18. Next Meeting Date / Adjournment – September 10th, 2024 Committee of the Whole Meeting
6 pm

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT THE MEETING ADJOURN AT 11:24 P.M. MOTION CARRIED

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk