

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda AMENDED October 12, 2024

September 24, 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

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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) 2024-07-23 Council Minutes
 - b) 2024-07-24 Council Minutes (continuation of the 2024-07-23 Council meeting)
 - c) 2024-08-28 Special Council Minutes
 - d) 2024-07-23 PH Minutes Large-scale wind turbine setbacks, WHMPS & WHLUB Amendments
 - e) 2024-07-23 PH Minutes 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS & WLUB Amendments
 - f) 2024-07-23 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382
 7. Public Hearings
 - a) Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 – Planner Dunphy
 - b) 198 Water Street, Windsor PID 45056926 Development Agreement – Planner Dunphy
 - c) 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment – Planner Dunphy
 - d) 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing Development Agreement – Director Poirier
 8. Second Readings (as it pertains to Public Hearings)
 - a) Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 –Planner Dunphy
 - b) 198 Water Street, Windsor PID 45056926 Development Agreement – Planner Dunphy
 - c) 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment – Planner Dunphy

6. 2024-07-23 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382

d) 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing Development Agreement – Director Poirier

~~e) WHMPS and WHLUB Amendments: Large scale wind turbine setbacks; File# 24-10 – Director Poirier~~

~~9. Unfinished Business/Postponed Motions~~

~~a) Flood Chronology Information Report – Councillor Ivey~~

b) Brooklyn Fire Dept (Station 2) Battery-Powered Extrication Tools Recommendation Report – Municipal Operations Supervisor Thronton

~~c) Financial Services Assistance Policies Information Report – Director Rochon~~

d) Temporary Borrowing Resolution Recommendation Report – Director Rochon

~~e) Water Utility Consolidation Executive Summary – Director Rochon~~

~~f) CET Position Recommendation Report – Director Richard~~

~~g) Regional Council Remuneration Recommendation Report – CAO Phillips~~

~~h) Residential Property Buyout Report Request for Direction – CAO Phillips~~

~~10. Mayor's Report~~

~~11. Financial Updates~~

~~a) 2024-25 Capital Report as of June 30, 2024~~

~~b) 2024-25 Financial Update as of June 30, 2024~~

12. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (September 10, 2024)

i. Active Transportation Trail Strategy RFP Award

~~ii. Avon Street Erosion Society Letter of Support~~

~~iii. Avon River Heritage Society Funding Request~~

~~iv. Encroachment Agreement 98 Gerrish Street (PID 45057502) – **Supplementary Information included**~~

~~v. HMCC 2023-24 Financial Statements~~

~~vi. Request for advocacy to have vaccinations covered for those exposed to Combined sewer overflow events~~

~~vii. Sewer By Law~~

~~viii. Solid Waste By Law – **Supplementary Information included**~~

~~ix. System of Municipal Fire Inspections Policy~~

~~x. Waste Collection Transportation Services Contract~~

~~xi. West Hants Broomball Association Request for Support~~

~~b) Planning and Heritage Advisory Committee Recommendations (September 12, 2024) (as it relates to First Readings)~~

~~a) 1809 Highway 1, Falmouth (PID 45026820) Development Agreement — Planner Dunphy~~

~~b) Ellershouse 3 Wind Project Development Agreement — Planner Dunphy~~

~~13. Councillor Municipal Business/Activity Reports~~

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

~~14. Correspondence~~

~~a) Information~~

~~i. Avon Causeway Activity Log — None~~

~~ii. Ever Wind/Bear Lake Wind Farm — None~~

~~iii. Correspondence Received Activity Log~~

~~i. Steven and Jason Hart Re Follow up Windfarm Setbacks~~

~~ii. Suzanne Ley Re Response to WHRM letter for Support for the Unhoused~~

~~b) Requests~~

~~i. Stephen Adams Re Beech Brook Road Upgrade Request~~

~~c) Outgoing Correspondence Log — None~~

~~16. New Business~~

~~a) Emergency Funding for Sweets Corner Community Hall — Mayor Zebian~~

~~b) Grant for Early Bird Hockey Tournament — Valley Jets — Councillor Smith~~

~~17. In-Camera~~

~~a) 2024-07-24 In-Camera Meeting Minutes~~

~~b) 2024-08-28 In-Camera Special Council~~

~~c) MGA 22(2)(a) Land Matter~~

~~d) MGA 22(2)(a) Land Matter~~

18. Next Meeting Date / Adjournment ~~—October 8th, 2024 Committee of the Whole Meeting 6 p.m.~~

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Minutes

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

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

And virtually via Zoom (also Facebook Livestreamed)



West Hants
something inspiring awaits

1. 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

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff:

Mark Phillips, Chief Administrative Officer

Carlee Rochon, Director of Financial Services

Todd Richard, Dir. Public Works

Kari Fougere, Manager of Planning

Alex Dunphy, Planner

Vanessa Lake, Planning Assistant

Sara Poirier, Dir. Planning & Development

Jenny LaPierre, Waste Services Coordinator

Brett Tetanish, Brooklyn Fire Chief

Regrets:

Shelleena Thornton, Municipal Ops Supervisor

Kathy Kehoe, Director Community Development

Deanna Snair, Municipal Clerk

Presenter and Gallery

45 in the Gallery

Chrystal Fuller, Brighter Community Planning

Julia Cushing and Jennifer Tuck, Potentia Renewables

Jeff Marchand, Marchand Homes

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.

Mayor Zebian welcomed members of the gallery and reminded Councillors to please speak into the microphones so they can be heard. The fire alarm protocol was reviewed.

Mayor Zebian reminded the room that all meetings are recorded and livestreamed on Facebook for viewing purposes, as per policy and out of respect of those in attendance in the gallery; video/audio recordings are not permitted. He requested the audience remain quiet during Council discussion.

Mayor Zebian acknowledged that it is a very lengthy agenda and requested that questions and comments be brief. He said that there is a volunteer banquet tomorrow (Sept. 25) so Council would be unable to resume the following night, and the Council Chambers are booked for Thursday night (Sept. 26). It was hoped that Council would be able to make it through the agenda this evening.

4. Approval of the Agenda, including additions or deletions (6:03 p.m.)

Additions to the agenda: Mayor Zebian requested moving item 6f to just before item 7d.

Councillor Francis asked what the plan would be if Council is unable to get through the agenda at this meeting. She commented that there are items which need to be dealt with in a timely manner. Mayor Zebian said the intention is to finish the agenda, but he will check with Council at 10:00pm. He reiterated that Council cannot meet on the 25th or 26th. No further changes were made.

Council was advised the electronic voting system would be not used during this meeting. Voting occurred by a show of hands.

MOVED BY COUNCILLOR B. MORTON AND FRANCIS THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED.

5. Declaration of Conflict of Interest (6:06 p.m.)

Items 6f, 8d, 7d – Mayor Zebian and Councillor Francis declared due to owning land.

Item 9g – Councillors Ivey, Morton, S. McLean, Hartt, and Smith declared conflict.

6. Approval of the Previous Meeting Minutes (6:08 p.m.)

a) 2024-07-23 Council Minutes

b) 2024-07-24 Council Minutes (continuation of the 2024-07-23 Council meeting)

c) 2024-08-28 Special Council Minutes

d) 2024-07-23 PH Minutes Large-scale wind turbine setbacks, WHMPS & WHLUB Amendments

e) 2024-07-23 PH Minutes 368 Nesbitt Street, PID 45056447 and PID 45227279, Colonial Road, WMPS & WLUB Amendments

The 2024-08-28 Special Council Minutes needed to be amended (page 6 of 8, third bullet point). The third sentence read “can” get there and it should read it “cannot” get there, in reference to the water in Cunnable Creek. The minutes will be amended to reflect this change.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY THAT THE MINUTES BE APPROVED AS AMENDED. MOTION CARRIED. Nays: S. McLean

7. Public Hearings (6:10 p.m.)

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

a) Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 (6:10 pm)

The meeting moved into Public Hearing at 6:10 p.m. Further information on the Public Hearing is available in the 2024-09-24 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 6:10 P.M. MOTION
CARRIED**

At 7:54 p.m. the Public Hearing was concluded, and the meeting moved into the regular Council meeting.

8. Second Readings

a) Windsor Back Road, Three Mile Plains Development Agreement PID 45402831 (7:54 p.m.)

Council discussed potential flooding impacts on surrounding properties, sewer and water capacity and overflow, and the proposed underground parking at length. They felt this development could not be supported in good conscience due to the numerous, potential negative effects on the neighbouring residents.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR MORTON THAT COUNCIL GIVES SECOND READING AND APPROVES ENTERING INTO A DEVELOPMENT AGREEMENT TO ALLOW GROUPED MULTI-UNIT BUILDINGS ON PID 45402831 ON WINDSOR BACK ROAD 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 DEFEATED UNANIMOUSLY

A break occurred at 8:05 p.m. Councillor Murley left the meeting for a personal matter at this time. The meeting resumed at 8:19 p.m.

7. Public Hearings (8:19 p.m.)

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

b) 198 Water Street, Windsor PID 45056926 Development Agreement (8:19 p.m.)

The meeting moved into the Public Hearing at 8:19 p.m. Further information on the Public Hearing is available in the 2024-09-24 Public Hearing Minutes.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN
THAT COUNCIL MOVE INTO PUBLIC HEARING AT 8:19 P.M. MOTION
CARRIED**

At 8:27 p.m. the Public Hearing was concluded and the meeting moved into the regular Council meeting.

8. Second Readings

b) 198 Water Street, Windsor PID 45056926 Development Agreement (8:27 p.m.)

Councillor Ivey commented that while he supported the idea of this proposal by development agreement originally, his opinion had since changed. He would like to see the commercial core preserved.

MOVED BY COUNCILLORS SMITH AND S. MCLEAN THAT COUNCIL GIVES SECOND READING AND APPROVES 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. Nays: Ivey

MOVED BY COUNCILLOR SMITH 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

7. Public Hearings

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

- c) 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment (8:30 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN THAT COUNCIL MOVE INTO PUBLIC HEARING AT 8:30 P.M. MOTION CARRIED

The meeting moved into the Public Hearing at 8:30 p.m. Further information on the Public Hearing is available in the 2024-09-24 Public Hearing Minutes.

At 9:11 p.m. the Public Hearing was concluded, the meeting moved into the regular Council meeting.

8. Second Readings

- c) 4859 Highway 1, Three Mile Plains PID 45016763 WHLUB Map Amendment (9:11 p.m.)

Council discussed the matter further. A site plan is not required for a rezoning, and many felt this made it hard to approve applications due to the uncertainty of the result. Planner Dunphy advised that after subdivision, the developer was permitted to build 12 dwelling units and noted that a subdivision does not go through Council.

When a planner reviews an application and the policies, they choose the best path forward for the application, and in this case, it was a rezoning. There was concern about that number of units permitted on a lot of this size.

Planner Dunphy advised that in real-world scenarios, it may be less, based on requirements like lot frontage, parking, and lot constraints. There are other requirements such as buffers and space taken by stormwater management. How many lots could reasonably fit on a lot is determined by the Development Officers interpreting these requirements.

MOVED BY COUNCILLORS SHERMAN AND SMITH THAT COUNCIL GIVES SECOND READING AND APPROVES 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. Nays: Zebian and Francis

6. Approval of Previous Meeting Minutes (9:29pm)

f) 2024-07-23 PH Minutes Payzant Drive, Windsor Development Agreement: PIDs 45053030, 45343878, 45343894, and 45234382

Mayor Zebian and Councillor Francis stepped out of the meeting at 9:29 p.m. Deputy Mayor P. Morton assumed the Chair at this time.

MOVED BY COUNCILLORS B. MORTON AND M. MCLEAN THAT THE 2024-07-23 PUBLIC HEARING MINUTES FOR PAYZANT DRIVE, WINDSOR, PIDS 45053030, 45343878, 45343894, AND 45234382, BE APPROVED AS CIRCULATED. MOTION CARRIED

7. Public Hearings (9:31 p.m.)

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

d) 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing Development Agreement (9:31 p.m.)

The meeting moved into Public Hearing at 9:31 p.m. Further information on the Public Hearing is available in the 2024-09-24 Public Hearing Minutes.

At 9:51 p.m. the Public Hearing was concluded, and the meeting moved into the regular Council meeting.

8. Second Readings

d) 1781 King Street, Windsor (PID 45162005) and PID 45408374, Edward Drive, Garlands Crossing Development Agreement (9:51 p.m.)

MOVED BY COUNCILLORS SHERMAN AND M. MCLEAN THAT COUNCIL GIVES SECOND READING TO AND APPROVES 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 B OF THE REPORT FILE #24-15 B TO COUNCIL DATED SEPTEMBER 24, 2024. MOTION CARRIED

MOVED BY COUNCILLORS SHERMAN AND M. MCLEAN 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

Mayor Zebian and Councillor Francis returned to the meeting at 9:53 p.m. Mayor Zebian returned to the Chair. Mayor Zebian noted that it was nearly 10:00 p.m. and asked how Council wished to proceed.

MOVED BY COUNCILLORS HARTT AND M. MCLEAN THAT THE MEETING BE ADJOURNED.

Mayor Zebian noted there were still time-sensitive items on the agenda that should be addressed as soon as possible. Council decided to address the items with the closest deadlines before adjourning. It was noted the Accessibility Advisory committee booked in Council Chambers on Thursday could be moved to a different location or rescheduled if needed.

MOVED BY COUNCILLORS SHERMAN AND M. MCLEAN THAT THE MOTION TO ADJOURN BE AMENDED TO ADDRESS ITEMS 9b, 9d, AND 12a)(i) BEFORE ADJOURNMENT. MOTION CARRIED. Nays: Councillor Francis

Full Motion as amended:

MOVED BY COUNCILLORS HARTT AND M. MCLEAN THAT COUNCIL ADDRESS ITEMS 9b, 9d, AND 12a)(i) BEFORE ADJOURNMENT. MOTION CARRIED

9. Unfinished Business/Postponed Motions

- b) Brooklyn Fire Dept (Station 2) Battery-Powered Extrication Tools Recommendation Report (10:06 p.m.)

MOVED BY COUNCILLORS FRANCIS AND M. MCLEAN THAT COUNCIL APPROVES THE PURCHASE OF THE HOLMATRO BATTERY-POWERED EXTRICATION TOOLS FOR SQUAD 9 AS IDENTIFIED IN THE BROOKLYN FIRE DEPARTMENT – STATION 2, 2024/25 CAPITAL BUDGET FOR THE QUOTED PRICE FROM SAFETY SOURCE FIRE FOR \$88,248.89 PLUS APPLICABLE TAXES. MOTION CARRIED

- d) Temporary Borrowing Resolution Recommendation Report (10:08 p.m.)

MOVED BY COUNCILLORS SHERMAN AND FRANCIS THAT COUNCIL APPROVES THE RENEWAL OF A TEMPORARY BORROWING RESOLUTION IN THE AMOUNT OF \$2,461,987, AS OUTLINE WITHIN SEPTEMBER 24, 2024, TEMPORARY BORROWING RESOLUTION REPORT. MOTION CARRIED. Nays: Hartt

12. Committee(s) of Council Excerpts/Recommendations
 - a) Committee of the Whole Excerpts (September 10, 2024)
 - i. Active Transportation Trail Strategy RFP Award (10:09 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WHRMCD24-06 REQUEST FOR CONSULTING SERVICES FOR THE WEST HANTS REGIONAL MUNICIPALITY ACTIVE TRANSPORTATION & TRAIL STRATEGY CONTRACT TO UPLAND PLANNING AND DESIGN FOR THE TENDERED PRICE OF \$82,000 PLUS APPLICABLE TAXES. MOTION CARRIED. Nays: Francis, Hart, S. McLean, and P. Morton

18. Next Meeting Date / Adjournment – September 26, 2024 Continuation of Council 6:00pm

Councillor Morton will speak with the admin for the Accessibility Advisory Committee to reschedule or relocate the meeting to free up the Council Chambers on Thursday evening (Sept. 26th). The continuation date was tentatively set for September 26, 2024, at 6:00 p.m. with the next available date as October 3, 2024. Confirmation will be sent out by tomorrow (Sept. 25).

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR M. MCLEAN THAT THE MEETING ADJOURN AT 10:11pm. MOTION CARRIED

Mayor Abraham Zebian (Chair)

Deanna Snair, Municipal Clerk