

**WEST HANTS REGIONAL MUNICIPALITY**

**Council Meeting Agenda ~~AMENDED~~ October 12, 2024**

**September 26, 2024 - 6:00 p.m. – Continuation of the September 24<sup>th</sup> meeting**

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

Virtual via Zoom (also FB Livestream)



**West Hants**  
something inspiring awaits

1. Call to Order
2. Attendance
- ~~3. Announcements~~
- ~~4. Approval of the Agenda, including additions or deletions~~
  - ~~a) Dashboard Action Items – Information Log~~
  - ~~b) Dashboard Action Items – Dangerous or Unsightly Premises~~
- ~~5. Declaration(s) of Conflict of Interest~~
- ~~6. Approval of Previous Meeting Minutes~~
  - ~~a) 2024-07-23 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~~

e) MGA 22(2)(a) Contract Matter

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

## WEST HANTS REGIONAL MUNICIPALITY

### Council Meeting Minutes

September 26, 2024 - 6:00 p.m. Continuation of the September 24<sup>th</sup> meeting  
Sanford Council Chambers, 76 Morison Dr, Windsor, NS  
And virtually via Zoom (also Facebook Livestreamed)



**West Hants**  
something inspiring awaits

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

2. Attendance

Council:

Abraham Zebian, Mayor

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Scott McLean, Councillor, District 2

Ed Sherman, Councillor, District 7

John Smith, Councillor, District 9

Jeff Hartt, Councillor, District 4

Laurie Murley, Councillor, District 10

Debbie Francis, Councillor, District 5

Jim Ivey, Councillor, District 11

Regrets:

Rupert Jannasch, Councillor, District 1

Mark McLean, Councillor, District 3

Staff:

Mark Phillips, Chief Administrative Officer

Vanessa Lake, Planning Assistant

Carlee Rochon, Director of Financial Services

Sara Poirier, Dir. Planning & Development

Todd Richard, Dir. Public Works

Alex Dunphy, Planner

Regrets:

Shelleena Thornton, Municipal Ops Supervisor

Kathy Kehoe, Director Community Development

Deanna Snair, Municipal Clerk

Presenter and Gallery

18 in the Gallery

8. Second Readings (6:01 p.m.)

e) WHMPS and WHLUB Amendments: Large-scale wind turbine setbacks; File #24-10 (6:01 p.m.)

Director Poirier provided background context for the amendments. An application received in November 2023 began a staff investigation and Council discussion on the appropriate setback distance for large-scale wind turbines. Council approved a motion on February 27, 2024 to direct staff to “*follow the planning process to amend the planning documents to include a 4km setback.*” A Public Information Meeting was held on April 2, 2024 for these amendments, and they were brought to the Planning and Heritage Advisory Committee (PAC/HAC) on May 9, 2024. PAC/HAC did not recommend in favour of the amendments. The amendments were then taken to Council on May 28, 2024, where Council directed staff to “*bring back a report to Council which identifies property lines as the designation for measurement from wind farms and that the distance*”

*be established at 2.5km and with development agreement as part of the process.”* Based on the discussion, staff drafted amendments to increase the required minimum setback for large-scale wind turbines to 2.5km from abutting lots with frontage on a roadway and First Reading was held on June 25, 2025. Public Hearing was held on July 23, 2024, where Council tabled Second Reading until the September Council meeting.

Director Poirier shared the proposed amendments and a map showing the locations where wind farms would be permitted if these amendments were approved.

MOVED BY COUNCILLORS SHERMAN AND B. MORTON THAT COUNCIL GIVES SECOND READING APPROVES AMENDING THE TEXT OF THE WEST HANTS MUNICIPAL PLANNING STRATEGY AND WEST HANTS LAND USE BY-LAW TO INCREASE THE REQUIRED MINIMUM SETBACK FOR LARGE-SCALE WIND TURBINES TO ABUTTING LOTS WITH FRONTAGE ON A ROADWAY TO 2.5 KM IN A MANNER SUBSTANTIVELY THE SAME AS APPENDIX A OF THE REPORT #24-10 B TO COUNCIL DATED JUNE 25, 2024.

Director Poirier noted any property within the 2.5km range would be able to give permission. Concern was noted the proposed amendments would shut down wind energy in the region and could not support the motion as presented. CAO Phillips mentioned that he had received a phone call informing him of upcoming provincial legislation but has not heard anything official yet. He wanted Council to be aware that something is forthcoming. He was not given any details to share with Council. The announcement was said to come out “by the end of the month.”

A suggestion was made to amend the motion to be 1.1km from abutting lots with road frontage. It was reiterated that nothing provincial has been passed yet and Council were reminded that the Municipal Planning Strategy amendments still need to be approved by the minister, even if approved by Council. It was commented that that West Hants has done their “fair share” of energy generation and a 1.1km was not much different from the current setbacks. Council were reminded the biggest change would be measuring from property lines rather than dwelling units.

**MOVED BY COUNCILLORS IVEY AND HARTT THAT THE MOTION BE AMENDED TO A SETBACK DISTANCE OF 1.1KM FROM ABUTTING LOTS WITH ROAD FRONTAGE. MOTION DEFEATED.** Nays: Zebian, S. McLean, Hartt, Francis, B. Morton, Sherman, P. Morton, Smith, Murley.

Director Poirier explained that only wind farms that apply after these amendments are in affect would need to meet these setbacks. Existing wind farms and those that applied before these amendments would still use the current setbacks. If an existing windfarm were to replace their turbines after these amendments are in affect, they would be able to site them the same as before. Unless the turbines are being replaced with larger turbines, or the developer is expanding their project, there is no effect on existing wind farms.

Director Poirier also confirmed that a landowner could give written permission for turbines to be closer than 1km, so long as the project receives EA approval.

Concern was raised with the wording used “controversy” in the proposed amendments, it was felt this wording was not favourable, and Council still wanted to encourage the use of technology that reduces GHG emissions within the documents.

**MOVED BY COUNCILLORS FRANCIS AND SHERMAN TO AMEND THE MOTION TO LEAVE IN THE WORDING IN THE FIRST PARAGRAPH OF 4.24, REPLACE “DUE TO CONTROVERSY IN THE MUNICIPALITY REGARDING SITING OF WIND TURBINES” WITH “DUE TO THE POTENTIAL FUTURE DEVELOPMENT OF LAND WITHIN WHRM AND OPPORTUNITIES FOR LANDOWNERS.” MOTION CARRIED**

Full Motion as amended:

**MOVED BY COUNCILLORS SHERMAN AND B. MORTON THAT COUNCIL GIVES SECOND READING APPROVES AMENDING THE TEXT OF THE WEST HANTS MUNICIPAL PLANNING STRATEGY AND WEST HANTS LAND USE BY-LAW LEAVING THE WORDING IN THE FIRST PARAGRAPH OF 4.24, REPLACE THE WORDING “DUE TO CONTROVERSY IN THE MUNICIPALITY REGARDING SITING OF WIND TURBINES” WITH “DUE TO THE POTENTIAL FUTURE DEVELOPMENT OF LAND WITHIN WHRM AND OPPORTUNITIES FOR LANDOWNERS” AND FURTHER INCREASE THE REQUIRED MINIMUM SETBACK FOR LARGE-SCALE WIND TURBINES TO ABUTTING LOTS WITH FRONTAGE ON A ROADWAY TO 2.5 KM IN A MANNER SUBSTANTIVELY THE SAME AS APPENDIX A OF THE REPORT #24-10 B TO COUNCIL DATED JUNE 25, 2024. MOTION CARRIED. Nays: Councillors S. McLean and Ivey**

Concern was noted that 2.5km was too much distance. Reducing GHG emissions was important, and these amendments would effectively “cease wind energy” in West Hants. Council was asked if they wished to put a moratorium on wind farms instead. It was felt this was not equal to a moratorium but would give power back to landowners.

9. Unfinished Business Approval of the Agenda, including additions or deletions

a) Flood Chronology Information Report (6:30pm)

Councillor Ivey submitted a chronological report of (most of) the flooding instances over the last three years. All information had been sourced from official records. Rain and climate change events are increasing, and allowing developments to have their post-development flows be the same as pre-development may no longer be acceptable.

At the end of August, Council had a conversation around and asked questions about the technical aspects of the system along the waterfront. A motion was passed to receive a report. A brochure was circulated but not a full report. It was noted that the streets which had French drains installed deposit more rainwater into the system than the drainage ditches which allowed the water to flow and eventually soak into the ground.

Tremain Crescent was originally included in the study but has since been partitioned off into a different catchment area. Council had made a motion to add Tremain back in a year later. In the Spring, a report was given to Council on the easement process with more information to be presented at a later date. Residents have received letters about the easements and rights of way, but nothing further has returned to Council. This item was included in the budget.

From the original RFP, some items have not yet been concluded. It was noted that it was said water was deposited into the Avon River, but this is untrue except in overflow events. The original report went into a 2-phase approach when the intent was to get a more immediate solution to the water drainage issues in the downtown core.

There have been many discussions on CSOs and the measurement of CSOs, whether there were measurement criteria and if CSOs were reported. Different information has been provided, which makes it difficult to determine how to best move forward. These CSO events are happening across the region but are extremely challenging in the specific area of Windsor. Events outside of Windsor are happening more and more. These events were not included in the original report.

The cost estimate was \$20 million in 2022. A funding request of \$30 million was put forward to the federal government in April 2023, but there has been no response. After the increase in flood volumes, the cost estimate has since been increased to \$140-155 million and now \$220 million. The calculations for these have not been shared.

Meetings, workshops and discussions have been ongoing on to determine how to best move forward but Council is still waiting for the Phase 2 Report. There are significant capacity issues and questions that need to be answered. What is the capacity, where is it short, where is it enough, and how to deal with future development. This was a part of the original RFP.

The report will continue to be updated and kept for the future.

#### Discussion Points:

- The 2021 storm was eye-opening for the newly formed Region. Some members of Council were surprised that flooding and CSO's had been ongoing issues, as they never heard of them before. It was expressed that Council was now playing catch-up. There was hope that answers would be presented to the new Council.
- The document would be on the record and available for the new Council to read. The returning Councillors will the incoming Council up to date on this matter.

**MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL RECEIVES ANSWERS TO THE QUESTIONS PUT FORWARD AT THE AUGUST 28, 2024 SPECIAL COUNCIL MEETING AS IT RELATES TO THE WATERFRONT TECHNOLOGY DOCUMENTED BY THE OCTOBER 8 COTW MEETING. MOTION CARRIED**

#### c) Financial Services Assistance Policies Information Report (6:52 p.m.)

Director Rochon noted the report was not included in the package and was sent separately to Council prior to the meeting. A request was made for Council to make a motion to receive the report at the end of the presentation.

The Property Tax Assistance Policy and the Utility Assistance Policy were approved in May 2024. At the meeting held on August 28, 2024, direction was given to extend the Property Tax Assistance Rebate Application deadline. During budget deliberations, Council made a motion to increase the gross income for the Property Tax Assistance Policy to \$46,000, to increase the residential community capped values to \$400, and to make all these changes retroactive for the 2023 tax year. The deadline was extended from June 30<sup>th</sup> to July 31<sup>st</sup> and clarity was added to the 50% capped amount (based on the previous year's taxes). Director Rochon also included

a review of the Utility Assistance Program in the report as Council directed it to be similar to the requirements of the Residential Property Tax Assistance Policy.

Staff want to ensure that the policies are consistent to help consolidate the application process, and further compliment Council's direction on the UAP Rebate to make it easier for residents to apply. Staff are asking for Council's consideration in extending the deadline for the UAP. Council may also wish to consider if they want to make the CPI adjustment retroactive. If so, staff also request direction on whether Council wishes to make it applicable to the UAP as well.

Director Rochon explained the interpretation and how it is applied; the first interpretation was to use yearly taxes, including any adjustments or any exemptions. The interpretation was reviewed again, as Council's hope was not to not include the exemptions. In the approved policy, staff can define the previous year's taxes as the previous year's tax bill.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN  
THAT THE REPORT BE RECEIVED. MOTION CARRIED**

Discussion Points:

- The Policy was written in the way Council intended, but the interpretation was different. Clarity was added to better reflect Council's intentions.
- Director Rochon confirmed if someone had a credit on their account and their tax bill was still \$800, they would still receive \$400 with no penalty. Staff have already started to re-review pervious applications and this change would affect less than ¼ of applications. Director Rochon will bring back further direction from Council as exemptions are typically non-refundable. The Municipal Government Act (MGA) gives Council the authority to create this policy, and the MGA defines it as an "exemption."
- Clause 3c references two people with equal interest in a property, such as in a separation case, and each person will be viewed individually. This is done on a case-by-case basis. This is an MGA requirement.
- Concern was raised that some felt the discussion held in Spring 2023 did not indicate a cap of up to \$400 but a flat credit of \$400 for anyone making \$46,000 or less. Director Rochon confirmed she was not present for the discussion and drafted the policy based on the motion she received. "Up to 50%" had always been in the policy.
- Concern was raised that the wording "similar application" and "as previously directed" may cause Council's intent to be lost in interpretation again. Director Rochon confirmed that "similar application" refers to the CPI adjustments being retroactive similar to the Tax Assistance policy. This is to ensure consistency between the two policies.
- The policy was able to be applied to meet Council's intent without an amendment.

**MOVED BY COUNCILLORS FRANCIS AND SHERMAN THAT COUNCIL  
APPROVES THE EXTENSION AND SIMILAR APPLICATION OF THE UTILITY  
ASSISTANCE REBATE POLICY, AS PREVIOUSLY DIRECTED FOR THE  
PROPERTY TAX ASSISTANCE POLICY. MOTION CARRIED**

e) Water Utility Consolidation Executive Summary (7:16 p.m.)

Director Rochon gave a high-level summary of the report and encouraged those interested to read through the decision by the UARB. In December 2023, Council made the motion to consolidate the Windsor and West Hants water utilities. The Public Hearing was held by the UARB on May 23, 2024, and on September 3, 2024, they issued their decision; the application to consolidate the Windsor water utility and the West Hants water utility into the West Hants Regional water utility is approved. The schedules and rates charged, and schedule of rules and regulations are approved as amended by the Utility in response to the undertakings.

During the May 2024 Hearing, the UARB asked for additional information regarding consumption, administration fees, and the Back Rd. bulk meter credit. They also requested some adjustments to the study to help smooth the impacts of the rate changes through debt servicing and capital project timeline adjustments.

The UARB gave two key directives that must be completed before the next rate hearing. (1) Allocation of administrative expenses. The UARB suggested looking at charging the Utility more based on their analysis to ensure WHRM is not underbilling. This will be looked at by the new Council during budget deliberations. (2) The UARB ordered the creation of a reserve fund, which is to be restricted and used as a transfer of any depreciation or debt servicing that does not go forward or is delayed year-to-year. WHRM currently does this on the general operating side. This will give WHRM the authority to budget for the current year's projects. A formal request will be made to the UARB once the new rates are in effect on October 1.

Director Rochon provided a rate comparison table. Numbers were taken from the January 18, 2024, study which was approved by Council. In the final rate study, Windsor saw a decrease of 8.3% in their base rate and West Hants saw an increase of 2.7% in their base rate. Windsor saw a 59% increase in consumption and West Hants saw a 4.5% decrease in consumption.

The next step is for the two utilities' financial records and 2024-2025 budgets to be merged for the remainder of the year, effective October 1. The 2024-2025 audit will be on the combined utility. There will be cost savings in the 2025-2026 budget. Financial reporting on the combined utility will begin following the financial end close of October 2024. Staff are anticipating some financial variance due to the lateness of the approved rates and some of the changes coming forward from the study. (1) Fire Protection, (2) Elimination of bulk water meter billing, and (3) new reserve contributions. The UARB has also encouraged continuing to invest in leak detection.

#### Discussion Points:

- Director Rochon replied that the UARB wants the potential underbilling to be reviewed before the future rate hearing. It doesn't necessarily mean that WHRM is going to over- or underbill. There will be cost savings as efficiencies are created. The undertaking was based on the previous year's hours, costs, etc. and costs are always changing. An analysis will need to be completed and presented to Council before the next rate hearing.
- In an opinion was expressed that a large part of what took place with the changing of the numbers was due to errored information being submitted. Concern was the report and hearing were not based on accurate information resulting in the individual noting that they will personally file a report with the Board.
- An update regarding the audit on the utilities as directed by Council was requested, as there has not been an audit committee held yet and no direction given. Director Rochon confirmed staff were working on an RFP for the operational financial audit and noted that

the non-revenue water audit has been completed. Staff are looking at those recommendations now.

f) CET Position Recommendation Report (7:32 p.m.)

Director Richard put forward a report requesting to hire a Certified Engineering Technician to assist with Public Works operations. Service requests and the current staff workload is very high, and additional staff is needed to help maintain, inspect and operate critical systems and services. Director Richard provided a budget breakdown and sample job description for consideration.

Discussion Points:

- There was no “normal” day routine for this position as priorities are always changing. Main duties would include stormwater inspections, coordination of employees and activities, leak detection monitoring, and bringing in outside resources as needed.
- No special equipment was anticipated. The person would also monitor all inflow/infiltration.
- Council can approve over-expenditures, and the money would come from the reserve fund.
- This individual would be on-call. Due to the learning curve and heavy workload, it works best as a full-time position.

**MOVED BY COUNCILLORS SHERMAN AND FRANCIS THAT COUNCIL APPROVE THE ADDITION OF A FULL-TIME CERTIFIED ENGINEER TECHNOLOGIST (CET) TO THE STAFF COMPLIMENT OF THE WHRM PUBLIC WORKS DEPARTMENT. MOTION CARRIED.** Nays: Hartt, S. McLean and Ivey

a) Regional Council Remuneration Recommendation Report (7:46pm)

Councillors Ivey, Morton, S. McLean, Hartt and Smith left the meeting at 7:46pm.

CAO Phillips noted that he spoke with the Municipal Solicitor who confirmed that Council can vote on this matter, and conflicts of interest are a personal choice. It is Council’s obligation to review this, and he noted that the new Council will also need to review it at the end of the calendar year. Council can vote on this now, leave it as is, and/or provide further direction.

Discussion Points:

- While there was support for the recommendation, concern was raised that the remuneration was not high enough for a regional council, with the 4-6 hour Council meetings and other commitments they must attend. Concern was also noted as it was unsure how this could be voted on with so few sitting at the table and that it was too close to the next election for Councillors to feel comfortable to vote on this matter. There was value in addressing the matter in January the year before the election.
- Being a Councillor was becoming more like a full-time position and it was felt the remuneration should be increased accordingly and as soon as possible.

**MOVED BY COUNCILLOR MURLEY AND SECONDED BY DEPUTY MAYOR MORTON THAT COUNCIL ASK STAFF TO CREATE POLICY TO ADDRESS**

**THE REMUNERATION REVIEW IN A TIMELY MANNER NOT IMMEDIATELY PRECEDING AN ELECTION.** Nays: Sherman

- Having the conversation with only 5 members at the table was not the appropriate time. If this item were to be tabled to the next Council meeting in October, it would likely be with the new Council. It was felt whole Council should be involved in the discussion.
- CAO Phillips noted there was no obligation to make a negative motion. Council could choose to leave it at status quo, and Council (current or new) may return to this topic when they wish. It was suggested to bring the matter back to the newly appointed Council. It was also suggested that the matter not be the first order of business, as incoming Councillors may not be aware of the commitment yet and should be given time to understand the scope.
- The new Council will look at this item again in 2027. No direction was given, and remuneration was left at status quo.

A short break at 7:58 p.m. The Council meeting resumed at 8:16 p.m.

h) Residential Property Buyout Report Request for Direction (8:16 p.m.)

CAO Phillips revised the report based on the comments received from Council. Council had the opportunity to review some of the values associated with the buyout. He requested direction from Council on some of the key components of the policy. This included whether the program should be voluntary or not, how the policy reflects the values of the homes, reimbursements (i.e. moving expenses, legal fees), unknown variables such as moving outside WH, and timing.

Discussion Points:

- Council discussed whether it should be voluntary at length. They generally leaned towards a voluntary approach but were unsure how to decide without knowing the full intent of the policy. It was largely viewed as alleviating a health and safety concern rather than acquiring land, though the vacated properties on Stannus St could be used to house holding tanks. This policy is tailored to Stannus St, but it was hoped that this was a starting point and other affected areas within the Municipality would either have their own policy or an amendment to this one.
- Regarding the notification of eligible residents, Council discussed the timeline of applications. It was agreed to take “annually” out and have the application be a one-time thing with a deadline of one year, so residents have time to decide if they wish to participate.
- Consensus supported the total value of the buyout to be Appraisal #1 plus Appraisal #2 divided by 2 = x plus 10%. The 10% helps reflect the best value of the home and may cover additional costs. Some did not support including the relocation cost.
- CAO Phillips noted that the legal and realtor fees were somewhat generic. There is ability in the policy to allow residents to choose their own solicitor if they so choose, as long as they are within the industry standard. CAO Phillips asked for direction on the moving and tax offsetting values as well. There are many variables at play that could complicate matters. Council discussed including all other fees in a lump sum. A conversation about the value will need to happen at a later date.

- CAO Phillips will take Council's comments into consideration and return with a revised report with solicitor comments. Mayor Zebian added that, regarding the option to extend the program, WHRM still must find a fix to the underlying issue and shouldn't wait for things to get to the point where another buyout must happen.

#### 10. Mayor's Report (9:10 p.m.)

Mayor Zebian provided a verbal update.

Continuing to meet with residents about development agreements and other items in the queue, as well as capital projects and cell phone towers. Attended the MS Bike Tour was hosted by WHRM. Congratulations were extended to the organizing group for a job well done.

Attended multiple community hall events and noted the importance of getting out into the districts and hearing what people have to say. Attended the new pickleball courts opening in Hantsport. It is a beautiful facility even visitors from beyond the region have come to play. Attended the Girls Coyote Baseball Championships was held in West Hants. Attended several community socials hosted by the Community Development Department over the summer. Mayor Zebian complimented the department for their great work. Residents wished to pass on their thanks. It's great to get people out and to get together. Attended Dr. Cousin's retirement from the Hants Shore Health Centre. Best wishes were extended to the retired doctor and the health centre going forward. Attended the successful Foundry Field dedication ceremony in Hantsport. Participated in discussions as part of the Municipal EMO consultation committee to advise the province on EMO legislation which created the Nova Scotia Guard Council. West Hants, HRM, East Hants and Cape Breton were all involved. The Nova Scotia Guard was officially created. Already, 1200 individuals have signed up. 800 level 1, 200 level 2 and (approximately) 200 level 3. The province is looking to set up many EMO organizations across the province to support municipalities. Many volunteer firefighters have signed up for the program, but their primary commitment is serving their communities. Having discussions with potential developers (three new developers) who have inquired in WHRM. He has let them know that WHRM is hoping to update their planning documents this fall. Attended the Garlic Fest and Hants County Exhibition, which were successful economic activity for the region. Attended the Smileys Park information session. Had a conversation with a resident about wetland delineations. Though the province may not consider it a wetland, a professional in the field may consider it one based on their own criteria. It was hoped that Council would consider this in future. Congratulations were extended to the POSSE Project for being awarded funding for a crisis intervention pilot project here in West Hants. The project will be a good first step for the community to address non-armed response and will free up RCMP resources.

#### 11. Financial Updates

##### a) 2024-2025 Capital Report as of June 30, 2024 (9:22 p.m.)

Director Rochon provided the June 30<sup>th</sup> quarterly update. She noted that the capital budget had not been approved until May 29, so this report is only a month following the approval. There are seven completed projects or 4% of the annual budget. There are currently 78 projects in progress (44.3%).

The project total to date including previous years actuals is 8.9 million and the capital budget was approved at 427 million.

### Discussion Points:

- \$27 million was the amount for the 2024-2025 Capital budget.
- Nesbit Street (now deferred to next Spring) was coded yellow which means “in progress.” Director Richard has reached out regarding a potential funding extension.

### b) 2024-2025 Financial Updates as of June 30, 2024 (9:29 p.m.)

Director Rochon provided a 3-month financial operational budget update up to June 30. If all expenses were incurred evenly over the year, approximately 25% of the budget would be utilized. Revenues are projected to be within 0.1% of the budget, and expenses at 0.5% as of June 30. The overall projected surplus is \$220,799. Operational grants from other levels of government are coming in high. Other revenues are also projecting high. Trends are higher due to interest rates and return on investment, and tax certificate sales over the summer, etc. The biggest variance in expenditures is public health services, which is lower due to the public housing deficit being lower than forecasted. For fundraising and donations, sponsorships see the biggest change at \$4000.

### Discussions Points:

- It was clarified that the 25% of the budget utilization would be if all expenses were incurred evenly, acknowledging that some are not. Seasonal services such as snow clearing and pool services. These things can throw off percentages. It was clarified the forecasted, budgeted and actual numbers.
- The table showed a \$2.56 million deficit. The biggest source of revenue is property tax, which is not billed until July, and the update only included up to June 30. This created a large variance in the first three months.

Director Rochon moved on to the water budget update, also up to June 30. There was not a lot of variance 3 months in, but the administration fees and non-operational revenue were highlighted. The admin fee variance was due to insurance and auditing fees, and the non-operational revenue was due to high interest rates.

### Discussion Points:

- The Falmouth bulk water metre read 8.1 (Q1 last year) compared to the 9.3 (Q1 this year). The Station Rd meter in Falmouth is read by radio and over the internet. It is read directly at the treatment plant and calibrated annually. It was noted that some of the technology does need to be updated, and this was a part of the water loss audit. A new water meter was estimated to cost around \$5-10k.
- The Underwood Rd meter was being read on a regular basis. Unfortunately, it was discovered that there has been unauthorized use of some main valves. This is a very serious issue and is being investigated.
- A request was made to provide the previous year’s numbers.

## 12. Committee(s) of Council Excerpts/Recommendations (9:45 p.m.)

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

### ii. Avon Street Erosion Society Letter of Support (9:45 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL WRITE A LETTER OF SUPPORT FOR THE AVON STREET EROSION SOCIETY TO ADD TO THEIR PORTFOLIO FOR THE PROVINCIAL SUSTAINABLE COMMUNITIES CHALLENGE FUND. MOTION CARRIED.**

Nays: Hartt

iii. Avon River Heritage Society Funding Request (9:46 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR S. MCLEAN THAT COUNCIL PRO RATE THE AVON RIVER HERITAGE SOCIETY'S REQUEST FOR THE REMAINDER OF 2024-25 AND FUND THE REQUEST THROUGH THE OPERATING RESERVE AND FURTHER THE REQUEST BE INCLUDED AS A LINE ITEM FOR CONSIDERATION DURING THE 2025-26 BUDGET. MOTION CARRIED.** Nays: Ivey and Deputy Mayor P. Morton.

iv. Encroachment Agreement 98 Gerrish Street (PID 45057502) (9:48 p.m.)

Director Poirier provided supplementary information. She recently refreshed the agreement after comments from the solicitor. Clarification was added to section 2.0 to ensure to owner was responsible for any damage to the structure due to snow clearing operations, and to section 5.0 to ensure the owner has liability insurance in the event someone is injured on the ramp. It was clarified that the agreement was needed as the ramp extends onto the municipally owned sidewalk.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL ENTER INTO AN ENCROACHMENT AGREEMENT WITH THE PROPERTY OWNER AT 98 GERRISH STREET (PID 45057502) IN WINDSOR TO ALLOW THE INSTALLATION OF AN ACCESSIBLE RAM ON THE MUNICIPAL SIDEWALK, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT A TO THE REPORT ENTITLED ENCROACHMENT AGREEMENT DATED SEPTEMBER 24, 2024. MOTION CARRIED**

v. HMCC 2023-24 Financial Statements (9:51 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL ACCEPTS THE FINANCIAL STATEMENTS PROVIDED BY HANTSPORT MEMORIAL COMMUNITY CENTRE (HMCC) AND THAT ANY 2023-24 HOLDBACKS AND ELIGIBLE 2023-24 AREA RATE PAYMENTS BE RELEASED TO HMCC FOR THE PURPOSES OF PROVIDING SERVICES DEFINED IN THE 2024-25 BUDGET. MOTION CARRIED**

vi. Request for advocacy to have vaccinations covered for those exposed to Combined Sewer Overflow events (9:52 p.m.)

**MOVED BY DEPUTY P. MAYOR MORTON AND COUNCILLOR MURLEY THAT COUNCIL WRITE A LETTER TO MELISSA SHEEHY-RICHARD TO TAKE THE LEAD SECURING FINANCIAL COVERAGE AND EXPEDITE THE PROCESS FOR VACCINATIONS NECESSARY FOR THOSE WITH REPEATED**

**EXPOSURE TO COMBINED SEWER OVERFLOWS IN NOVA SCOTIA.  
MOTION CARRIED**

vii. Sewer By-law (9:54 p.m.)

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL GIVES FIRST READING AND PROCEED TO A PUBLIC HEARING FOR THE RESPECTING THE REGULATION OF CONNECTIONS AND DISCHARGES TO PUBLIC SEWER SYSTEMS BY-LAW RS-001 IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT A AS PRESENTED AT THE SEPTEMBER 10, 2024 COMMITTEE OF THE WHOLE MEETING.

Discussion Points:

- It was believed that residents should be responsible for the repairs to the road and felt that it should be to property lines, the municipality needs to be responsible for the pipe lateral. A friendly amendment was suggested to state that resident's responsibility end at their property lines.
- A request was made to provide Council with the estimates for the cost of repairs.
- It was noted all changes be made before First Reading is held. Director Richard replied that the cost is generally related to the breaking ground permit for paving. There are additional costs, but they are not tracked. He listed the sections which would need to be amended if Council wishes to amend the motion to the property line.

Councillor Francis offered a friendly amendment to change the sewer by-law sections 4, 14, 16, 17, and all other clauses that would reflect "property line."

**MOVED BY COUNCILLOR IVEY AND DEPUTY MAYOR P. MORTON THAT THE MOTION BE APPROVED AS AMENDED TO CHANGE THE RESIDENT'S RESPONSIBILITY TO END AT THEIR PROPERTY LINE. MOTION CARRIED**

Full motion as amended:

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SMITH THAT COUNCIL GIVES FIRST READING AND PROCEED TO A PUBLIC HEARING FOR THE RESPECTING THE REGULATION OF CONNECTIONS AND DISCHARGES TO PUBLIC SEWER SYSTEMS BY-LAW RS-001 IN A MANNER SUBSTANTIVELY THE SAME AS ATTACHMENT A AS PRESENTED AT THE SEPTEMBER 10, 2024 COMMITTEE OF THE WHOLE MEETING AS AMENDED TO REFLECT THE CHANGE NOTING THE RESIDENT'S RESPONSIBILITY TO END AT THEIR PROPERTY LINE. MOTION CARRIED**

viii. Solid Waste By-law (9:59 p.m.)

Director Richard provided supplementary information. Council's comments were added in to the definitions. Wording was changed to allow the possibility of private road collection. The Private Roads Policy was also included. If 75% of the people on the private road wanted curbside collection and agreed on it, they would apply to the Municipality. The road would be reviewed

and if it met the criteria, it would be added to collection routes. A high-level charge estimate was received from the current solid waste collector based on the current Cottage Association roads (28.25km). If they had a separate truck, they would charge \$210,816 each year with a 5% annual increase, compounded every other year. With 101km of private roads, this would total a \$757k increase in cost each year. Likely only a fraction of these roads would qualify, and some residents may be fine with the current bulk collection.

With their current rear-packer, they could service 50% of the Cottage Association roads, and they are projecting \$117k in year one with a 5% increase.

Director Richard clarified the criteria for a private road. A cleared road, free from obstruction that prevent access from waste collection. There is also a schematic of what the private road would need to be. A clear right of way of 25m is required, a travel surface of 18ft, and 3ft shoulders included. There should be appropriate turning areas and no steep areas or corners. Criteria was added to protect the Municipality.

Private homeowners can join in any time so long as their road meets criteria and is already an approved collection route.

Discussion Points:

- Concern was raised regrading silage bags. It was felt the limit of 5~6 bags may be too low for farmers over the winter months. Director Richard noted as long as residents met the current collection limit, there would be no issue. There have been very few complaints.
- The collector would not be responsible for damage to private roads. The criteria are written in a way to prevent any damages from occurring to the truck. The homeowners or lot owners' association would have to sign off in the agreement that damages to the road are not the responsibility of the collector.

**MOVED BY DEPUTY MAYOR MORTON AND COUNCILLOR SHERMAN THAT COUNCIL APPROVES THE NEW WEST HANTS REGIONAL MUNICIPALITY SOLID WASTE BYLAW WITH THE ADDITION OF THE IMPROVED LANGAGE TO ENSURE THE BY-LAW REFLECTS THE MUNICIPALITY'S ABILITY TO COLLECT SOLID WASTE ON PRIVATE ROADS. MOTION CARRIED**

At 10:07pm, Mayor Zebian asked if Council wished to continue. Councillor Sherman asked if the remaining items could be addressed at COTW. Mayor Zebian said that COTW is not a decision-making body, and motions must be passed by Council. Councillor Murley noted that it is possible to call a Special Council meeting. This meeting may require an early start, if possible.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MORTON THAT THE MEETING CONTINUE PAST 10PM. MOTION DEFEATED.** Nays: Francis, Sherman, Murley, Hartt, McLean, Smith.

Mayor Zebian asked when Council hopes to continue the agenda. The policy says the Wednesday after the Tuesday Council meeting, and the continuation already had to be pushed to a Thursday. Director Richard requested that Council at least address item 12(x). Council decided to address the COTW excerpts before adjourning.

**MOVED BY COUNCILLORS SHERMAN AND MURLEY THAT COUNCIL ADDRESSES THE COTW EXCERPTS BEFORE ADJOURNING, THEN CONTINUE WITH A SPECIAL MEETING WITH AN EARLY START ON ANOTHER NIGHT. MOTION CARRIED**

ix. System of Municipal Fire Inspections Policy (10:12 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS COUNCIL APPROVE AMENDMENTS TO THE FIRE INSPECTION SYSTEM POLICY, RCOPL-002.00, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT A TO THE REPORT ENTITLED SYSTEM OF MUNICIPAL FIRE INSPECTIONS POLICY DATED SEPTEMBER 10, 2024. MOTION CARRIED**

x. Waste Collection Transportation Services Contract (10:13 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MORTON COUNCIL AWARD THE WASTE COLLECTION AND TRANSPORTATION SERVICES CONTRACT FOR WEST HANTS REGIONAL MUNICIPALITY TO GREEN FOR LIFE ENVIRONMENTAL (GFL) FOR THE FIVE-YEAR PERIOD EFFECTIVE APRIL 1, 2025 TO MARCH 31, 2030; AS PER THE RESPONSE PROVIDED TO THE REQUEST FOR PROPOSAL WHRMPW24-09 RECEIVED BY THE DEPARTMENT OF PUBLIC WORKS ON JULY 18, 2024. MOTION CARRIED**

xi. West Hants Broomball Association Request for Support (10:15 p.m.)

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL SUPPORT THE REQUEST TO FUND THE COSTS ASSOCIATED WITH ICE RENTALS FOR 2025 CANADIAN SENIOR BROOMBALL CHAMPIONSHIPS AT A VALUE OF \$26,000. MOTION CARRIED**

Council discussed their next meeting date. It was noted the plan review workshop overlaps with the District 10/11 debate. Director Poirier commented that the consultant had already booked a flight from Ontario, and to delay the workshop would push it to November. Council discussed covering their fees for changing or cancelling the flight. Director Poirier commented that the workshop will be recorded. Council decided to leave the plan review as scheduled.

CAO Phillips asked to address a time-sensitive in-camera item before adjourning. Council agreed. Councillor Ivey asked how the meeting continuation would affect the First Readings. Director Poirier commented that they would not be able to meet the schedule for an October PH and they would likely be held in November.

17. In-Camera (10:21 p.m.)

e) WHPW23-01

**MOVED BY COUNCILLORS SHERMAN AND B. MORTON THAT THE MEETING MOVE IN-CAMERA AT 10:21. MOTION CARRIED**

Council moved out of in-camera at 10:38pm.

**MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE ADDITIONAL EXPENDITURE TO SUPPORT THE ONGOING CAPITAL PROJECT "WHPW23-01" AS DISCUSSED IN-CAMERA. MOTION CARRIED**

18. Next Meeting Date / Adjournment – A poll will be sent out to Council on Friday (Sept. 27) to determine the time and availability for the next Council meeting date. An official announcement will be made once a date has been chosen.

**MOVED BY COUNCILLOR SHERMAN AND DEPUTY MAYOR P. MORTON THAT THE MEETING ADJOURN AT 10:41 P.M. MOTION CARRIED**

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Mayor Abraham Zebian (Chair)

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Deanna Snair, Municipal Clerk