



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
Regular Meeting of Council Agenda **AMENDED**
April 28, 2020, 6:00 p.m.
Virtual Meeting

1. Call to Order
2. Roll Call
3. Declaration of Conflict of Interest
4. Announcements
5. Approval of the Agenda, including additions or deletions
6. Approval of Previous Meeting Minutes – April 01, 2020 Special Council Meeting Minutes
7. Unfinished Business/Postponed Motions
 - (a) Public Participation Program and Public Hearing Requirements (due to COVID-19)
8. Public Hearings
 - (a) PID # 45059755, 411 King Street, Windsor – Land-Use By-law Amendments
9. Mayor’s Report (**Report added**)
10. Committee of Council Recommendations
 - (a) Committee of the Whole Excerpts - April 14, 2020 and April 21, 2020
 - i. Resident-member Committee Appointments (Windsor Area Advisory Committee, French Mill Brook Watershed Advisory Committee, and Audit Committee)
 - ii. Financial Services Policies (Acceptance of Donations Policy, Investment Policy, and Tax Collection Policy)
 - iii. RBC Funding Resolution re. Operating Line of Credit
 - iv. Water and Sewer Rates Three Mile Plains
 - v. Internet Access Business Plan
 - vi. Sports Complex Funding
 - vii. Naming of Regional Municipality
 - (b) Planning Advisory Committee Excerpts – February 20, 2020
 - i. 741 McKay Road First Reading and Reports

11. Councillor Municipal Business Reports
12. Reconsiderations or Rescissions of Resolutions of Which Notice has Been Given on a Previous Day
13. Correspondence
 - (a) Avon Community Farmers' Market – Thank you letter
14. In-Camera
15. Next Meeting Date / Adjournment



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

Special Council Minutes
April 1, 2020 6:00 p.m.
Virtual Meeting

1. **Call to Order**

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

He noted this was the first meeting of the new Regional Municipality and held virtually due to COVID-19. The meeting is also being Facebook live-steamed for the public. He reviewed the meeting etiquette noting for participant members to mute their microphones if not speaking, how to leave the meeting if declaring conflict of interest, and how discussion and voting will be handled.

2. **Proclamation**

Town Crier Lloyd Smith made the following proclamation:

Be it known by all persons that this is a Day of History
in the Ancient and Ceded Lands of the Mi'kmaq.

Citizens of this community,

Be informed that I deliver a Message of great importance to all who dwell within
these Jurisdictions...

Whereas Municipalities across Nova Scotia
are exploring new and innovative avenues of cooperation,
In the month of July, two thousand and eighteen,
the Town of Windsor and the Municipality of the District of West Hants, jointly
decided to merge into a new unified regional government, to create opportunities
for residents, in agreement that together, we are stronger.

In October of that same year, legislation was passed by The Province of Nova
Scotia to consolidate these historic neighbouring governments with solid vision that
together, we are stronger.

Henceforth, on this historic day, April One, in the Year Two Thousand and Twenty,
the Town of Windsor and the Municipality of West Hants do hereby relinquish their
respective Charters of Incorporation, and will consolidate into a new single
Municipal Body which, together, will create an environment for growth and

prosperity, and stronger, will seize greater opportunities as a United Regional Government.

By permission and authority of Abraham Zebian, the Mayor, and the Council, I, Lloyd Smith, the Town Crier,
Proclaim the formation of a new Community Family, in a new era of the new Government of Windsor and West Hants Municipality,
resolute in the commitment, that together, we are stronger.

God bless a Free, United and Healthy Canada, And God Save the Queen.

3. Call of Roll

Council Present:

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, District 5

Bob Morton, Councillor, District 6
Ed Sherman, Councillor, District 7
Paul Morton, Councillor, District 8
Richard Murphy, Councillor, District 9
Laurie Murley, Councillor, District 10
Jim Ivey, Councillor, District 11

Staff and Guests Present:

Mark Phillips, Chief Administrative Officer
Todd Richard, Dir. Public Works

Rhonda Brown, Municipal Clerk
Shelleena Thornton, Administrative Supervisor
Madelyn LeMay, Dir. Planning & Development
Nick Barr, Municipal Affairs and Housing
Kevin Latimer, Co-ordinator for Region of Windsor and West Hants Municipality

Carlee Rochon, Dir. Finance
Kathy Kehoe, Dir. Community Development
Sara Poirier, Planner
Chuck Porter, Minister of Municipal Affairs and Housing, and MLA
Jason Haughn, Municipal Affairs and Housing
Lloyd Smith, Town Crier
Donna Jones, Project Administrator for Region of Windsor and West Hants Municipality

Regrets:

Mark Peck, Municipal Affairs and Housing

Shannon Bennett, Municipal Affairs and Housing

Emily Pond, Municipal Affairs and Housing

Ron Dauphinee, Municipal Affairs and Housing

Members of the public watched the meeting using Facebook Live.

4. Declarations of Conflict of Interest – There were no declarations.

5. Announcements

Mayor Zebian called upon invited guests who were involved with the consolidation to speak.

Minister Porter indicated this has been an exciting year and a half during the consolidation process and historic to come together for the first meeting during the current times. He thanked everyone involved in the consolidation process including those on the Co-ordinating Committee and staff at Department of Municipal Affairs and Housing. He went on to thank the out-going councillors who have served previous Councils over the years, as well as the new council members. He also thanked all candidates for running in the election noting it is challenging.

K. Latimer stated the position of Co-ordinator for the Consolidation has been the most rewarding in his career and it has been an honour to serve. He thanked the team including previous CAOs Martin Laycock and Louis Coutinho, the staff at the Department of Municipal Affairs and Housing, and the Project Administrator Donna Jones. He congratulated the new Council. Mayor Zebian thanked Mr. Latimer for all his hard work on behalf of all residents.

N. Barr from the Department of Municipal Affairs and Housing (DMAH) thanked everyone involved in the project over the last 2 years on behalf of all those from DMAH. He stated they were all honoured to be part of this project and hopeful this will be a successful union.

J. Haughn, current Municipal Advisor from DMAH, noted this a historic event and doesn't come together without hard work; it sets a very high bar for others in the future across the Province.

D. Jones, Project Administrator for the Co-ordinating Committee, congratulated Mayor Zebian and wished the new Regional Municipality all the best. She was thankful to be a part of it, learned a lot and met a bunch of amazing people.

Mayor Zebian also thanked other members of DMAH who were an interictal to the process including Ron Dauphinee, Shannon Bennett, Emily Pond and Mark Peck.

6. Swearing in of First Regional Council

The Mayor and Councillors solemnly affirmed the following Oath of Allegiance and of Office as administered by the Municipal Clerk:

I (Mayor or Councillor) solemnly affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law;

And, that I am duly qualified as required by law for the office of Mayor/Councillor of the Region of Windsor and West Hants Municipality;

And, that I will truly, faithfully, and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability;

And, that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.

The Mayor and Councillors declared their commitment to the Code of Conduct for Elected Municipal Officials as administered by the Municipal Clerk:

I (Mayor/ Councillor) declare that as a (Mayor/Councillor member) of the Region of Windsor and West Hants Municipality, I acknowledge and support the Code of Conduct for Elected Municipal Officials.

7. Approval of Agenda, including additions or deletions

MOVED by Councillors Murley and Murphy that the agenda be approved. Motion Carried.

8. Approval of Previous Meeting Minutes – There were no previous minutes.

9. Public Hearings - There were no Public Hearings.

10. Unfinished Business/Postponed Motions – There was no unfinished business.

11. Mayor's Report

Mayor Zebian spoke about the COVID-19 situation, stating the number of cases is increasing and to follow Provincial recommendations. He added that parks and beaches remain closed, but people could still walk around the block and to not gather in groups. The Mayor referred everyone to the Provincial and Municipal websites, social media sites, and to call the Municipal office or Councillors for information. The Mayor stressed there were scams going around and to get information from the proper places.

Mayor Zebian thanked everyone involved in the consolidation process including former CAOs Coutinho and Laycock and the out-going Council members noting their commitment and achievements.

12. Committees of Council Recommendations

a. Committee of the Whole – There were no reports.

N. Barr left the meeting at 6:42 pm.

b. Planning Advisory Committee

i. February 19, 2020 Windsor Planning Advisory Excerpts

Planner Poirier reviewed the Planning Excerpt report. She went on to state the history of the property at 411 King St., Windsor, and the intent to re-zone the property from Institutional to General Commercial to allow for the owner to reside on the property and run audio, lighting and production business.

MOVED by Councillors Murley and Ivey that that Regional Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Windsor Land Use By-law by re-zoning the lot located at 411 King Street, Windsor, PID 45059755 from the Institutional (I) Zone to the General Commercial (GC) Zone, as shown on the map attached as Figure 3 to the Windsor Planning Advisory Committee report #19-13 dated February 13, 2020.

Motion Carried.

(vote held after the "Questions/Comments" portion)

Councillor Francis had technical issues and was not present for the vote.

Questions/Comments

- Were there provisions to preserve the façade of the building? Planner Poirier informed the property is not registered as a historic building and is not in an architectural control district, so there is no way to preserve the building.
- Question was asked about the environments concerns that were previously noted. Planner Poirier - the issues were regarding water drainage with adjacent properties and Public Works advised they were civil issues but were fixed.
- Comment was given about having a non-profit qualify as Institutional, however the work was well done and supported the motion.

c. Municipal Climate Change Action Plan Committee – There was no report.

d. Accessibility Advisory Committee – There was no report.

- e. **Davidson Lake Watershed Advisory Committee** - There was no report.
 - f. **French Mill Brook Watershed Advisory Committee** - There was no report.
 - g. **Mill Lakes Watershed Advisory Committee** - There was no report.
 - h. **Fences Arbitration Committee** - There was no report.
 - i. **Police Advisory Committee** - There was no report.
 - j. **Annapolis Valley Regional Library** - There was no report.
 - k. **Hants County Residence for Senior Citizens Board** - There was no report.
 - l. **Landfill Liaison Committee** - There was no report.
 - m. **Region 6 Solid Waste Management Board** - There was no report.
 - n. **Valley Communications Fibre Network** - There was no report.
 - o. **Valley Regional Enterprise Network** - There was no report.
13. **Councillor Municipal Business Reports** - There were no reports.
14. **Reconsiderations or Rescissions of Resolutions of Which Notice Has Been Given on a Previous Day** – There were no reconsideration or rescissions.
15. **New Business**
- a. **Appointment of the Chief Administrative Officer** (Recommendation Report)
S. Thornton reviewed the Appointment of the Chief Administrative Officer report noting the Co-ordinating Committee hired Mark Phillips as CAO after an extensive recruitment search by Organizational Consulting Limited. CAO Phillips has been actively working since September 16, 2019.

**MOVED Councillors Ivey and Sherman that Council appoints Mark Phillips as Chief Administrative Officer for the Region of Windsor and West Hants Municipality commencing April 01, 2020.
Motion Carried.**

Minister Porter left the meeting at 7:05 pm.

b. Election of Deputy Mayor

Mayor Zebian reviewed the election process indicating secret ballot voting would be done by texting, and that S. Thornton and CAO Phillips would act as the scrutineers. He called three time for nominations for the position of Deputy Mayor.

Councillor Sherman nominated Councillor P. Morton, Councillor M. McLean nominated Councillor B. Morton and Councillor Ivey nominated Councillor Jannasch.

After three calls for nominations, Warden Zebian declared nominations cease. Councillors P. Morton, B. Morton and Jannasch all accepted the nomination. The nominees were each give opportunity to state why they should be Deputy Mayor.

A vote took place resulting in no majority vote and Councillor Jannasch being dropped from the ballot, then a second vote. Councillor P. Morton was elected as Deputy Mayor.

c. Council Member Election to Committees

Mayor Zebian called for nominations three times for each committee position then declared nomination cease.

Accessibility Committee

Mayor Zebian nominated Councillor Francis; she accepted and was appointed to the Accessibility Committee.

Audit Committee

Councillor B. Morton nominated Councillor M. McLean and Councillor Murphy nominated Councillor Sherman; both accepted and were appointed to the Audit Committee along with Mayor Zebian.

Davidson Lake Watershed Advisory Committee

Councillor B. Morton nominated Councillor Hartt; he accepted and was appointed to the Davidson Lake Watershed Advisory Committee.

Councillor Ivey nominated Councillor Murphy as alternate on the Committee; he accepted and was appointed as the Alternate for the Davidson Lake Watershed Advisory Committee.

Mill Lakes Watershed Advisory Committee

Councillor Hartt nominated Councillor Murley; she accepted and was appointed to the Mill Lakes Watershed Advisory Committee.

Councillor Murphy nominated Councillor Francis as alternate on the Committee; she accepted and was appointed as the Alternate for the Mill Lakes Watershed Advisory Committee.

French Mill Brook Watershed Advisory Committee

Councillor B. Morton nominated Councillor Murphy; he accepted and was appointed to the French Mill Brook Watershed Advisory Committee.

Councillor Ivey nominated Councillor Sherman as alternate on the Committee; he accepted and was appointed as the Alternate for the French Mill Brook Watershed Advisory Committee.

Fences Arbitration Committee

Councillor Murley nominated Councillor Jannasch; he accepted and was appointed to the Fences Arbitration Committee.

Hantsport Area Advisory Committee

Councillor Sherman nominated Deputy Mayor Morton; he accepted and was appointed to the Hantsport Area Advisory Committee.

Windsor Area Advisory Committee

Councillor Ivey nominated Councillor Murley; she accepted and was appointed to the Windsor Area Advisory Committee.

Planning Advisory Committee

Councillor Sherman nominated Councillor Murphy, Councillor Murphy nominated Councillor Sherman, Councillor Murphy nominated Councillor Hartt, Mayor Zebian nominated Councillor Ivey.

Councillors Murphy, Sherman and Ivey accepted the nomination; Councillor Hartt declined. Councillors Murphy, Sherman and Ivey were appointed to the Planning Advisory Committee along with Mayor Zebian.

Municipal Climate Change Action Plan Committee

Councillor Murphy nominated Councillor Francis, Councillor M. McLean nominated Councillor Hartt and Councillor Francis nominated Councillor Jannasch.

Councillors Francis, Hartt and Jannasch accepted the nomination and was appointed to the Municipal Climate Change Action Plan Committee.

Police Advisory Board

Councillor Francis nominated Deputy Mayor Morton and Councillor Murphy nominated Councillor M. McLean; both accepted and were appointed to the Police Advisory Board.

Annapolis Valley Regional Library Board

Councillor Murphy nominated Councillor B. Morton; he accepted and was appointed to the Annapolis Valley Regional Library Board.

Mayor Zebian nominated Councillor Ivey as alternate on the Board; he accepted and was appointed as the Alternate for the Annapolis Valley Regional Library Board.

Hants County Residence for Senior Citizens Board (Dykeland Lodge)

Councillor Sherman nominated Councillor B. Morton; he accepted and was appointed to the Hants County Residence for Senior Citizens Board.

Councillor Hartt nominated Councillor Sherman and Mayor Zebian nominated Councillor Francis as alternate on the Board.

Councillor Sherman declined the nomination as he would be in conflict as he is employed at Dykeland Lodge. Councillor Francis accepted the nomination and was appointed as the Alternate for the Hants County Residence for Senior Citizens Board.

Landfill Liaison Committee

Councillor Murphy nominated Councillor S. McLean; he accepted and was appointed to the Landfill Liaison Committee.

Councillor Francis nominated Councillor Jannasch as alternate on the Committee; he accepted and was appointed as the Alternate for the Landfill Liaison Committee.

Region 6 Board

Councillor Murphy nominated Councillor S. McLean; he accepted and was appointed to the Region 6 Board.

Councillor Francis nominated Councillor Jannasch as alternate on the Board; he accepted and was appointed as the Alternate for the Region 6 Board.

Valley Community Fibre Network

Councillor Hart nominated Councillor M. McLean and Councillor Murphy nominated Councillor Ivey; both accepted the nominations and a vote held and Councillor Ivey was elected to the Valley Community Fibre Network.

Councillor Hartt nominated Councillor M. McLean and Councillor Ivey nominated Mayor Zebian as alternate on the Committee. Mayor Zebian declined the nomination. Councillor M. McLean accepted the nomination and was appointed as the Alternate for the Valley Community Fibre Network.

Valley Regional Economic Network

Councillor M. McLean nominated Councillor Hartt and Councillor Murphy nominated Mayor Zebian.

Councillor Hartt declined the nomination stating he would prefer to be the alternate. Mayor Zebian accepted the nomination and was appointed to the Valley Regional Economic Network.

With the consent of Council, Councillor Hartt was appointed as the alternate for the Valley Regional Economic Network.

d. Resident Member Committee Appointments (Recommendation Report)

S. Thornton reviewed the Resident Member Committee Appointment report highlighting the process for applications. She informed there had been other applications after this report was prepared and so a supplemental report would be going to Committee of the Whole for consideration.

MOVED by Councillor Francis and Deputy Mayor Morton that Council approves the following resident members be appointed to the Hantsport Area Advisory Committee (HAAC) for the term April 01, 2020 to October 31, 2022: Donald Hussey, Greg Pace, Bill Preston, Phil Zamora, and Jane Davis.

Motion Carried.

MOVED by Councillors Francis and Murley that Council approves the following resident members be appointed to the Windsor Area Advisory Committee (WAAC) for the term April 01, 2020 to October 31, 2022: Jamie O’Hanlon and Shelley Bibby.

Motion Carried.

MOVED by Councillor Francis and Deputy Mayor Morton that Council approves the following resident members be appointed to the Municipal Climate Change Action Plan Committee (MCCAP) for the term April 01, 2020 to October 31, 2022: Greg Pace and Melissa Richard.

Motion Carried.

MOVED by Councillors Francis and Sherman that Council approves the following resident members be appointed to the Planning Advisory Committee (PAC) for the term April 01, 2020 to October 31, 2022: Bill Preston (as HAAC representative); Shelley Bibby (as WAAC representative); and Trevor McEachern (resident member).

Motion Carried.

MOVED by Councillor Francis and Deputy Mayor Morton that Council approves the following landowner representatives be appointed to the Mill Lakes Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: Blaine Daniels, Elliott Daniels, Paul Taylor, and Bruce Atwell.

Motion Carried.

MOVED by Councillor Francis and Deputy Mayor Morton that Council approves the following landowner representative be appointed to the French Mill Brook Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: David Porter.

Motion Carried.

MOVED by Councillors Francis and B. Morton that Council approves the following landowner representative be appointed to the Davidson Lake Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: Timberland Holdings (Stephen Masters will represent Timberland Holdings).

Motion Carried.

MOVED by Councillors Francis and Ivey that Council approves the following resident member be appointed to the Accessibility Committee for a three-year term April 01, 2020 – October 31, 2023: Jennifer Davison.

Motion Carried.

**MOVED Councillor Francis and Deputy Mayor Morton that Council enable staff to further advertise for membership on Committees of Council that require more resident member representation.
Motion Carried.**

e. Appointment of Town Crier (Recommendation Report)

CAO Phillips reviewed the Appointment of the Town Crier report and advised Lloyd Smith has been a Town Crier for over 40 year and has served West Hants since 1988 and the Town of Windsor since 1978.

**MOVED by Councillors Murley and Francis that Council appoints Lloyd Smith as the Town Crier for the Region of Windsor and West Hants Municipality.
Motion Carried.**

Town Crier Lloyd Smith left the meeting at 7:26 pm.

f. Public Participation Program and Public Hearing Requirements Due to COVID-19 (Recommendation Report)

Director LeMay reviewed the Public Participation Program and Public Hearing Requirements Due to COVID-19 report. She informed the Public Participation Program policy of Windsor and West Hants are aligned and normally they could have been left in place but due to COVID-19 some criteria can not currently be met. She stated due to requirements for advertising and public engagement notice of a revised policy and a process to allow full public engagement is being given. She clarified this was just giving notice as required for a policy and the motions would come back at the next Council meeting.

16. Correspondence – There was no correspondence.

17. In-Camera – There was no in-camera session.

18. Next Meeting Date / Adjournment – Apr. 28, 2020 at 6:00 pm

**MOVED by Councillors Ivey and Murley that the meeting adjourn.
Motion Carried.**

The meeting ended at 7:34 p.m.

Abraham Zebian, Mayor

Rhonda Brown, Municipal Clerk



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: April 28, 2020

Subject: Public Participation Program and Public Hearing Requirements
due to COVID-19

BACKGROUND

On April 1, 2020 Council considered the above-noted matter. Discussion with the Chief Administrative Officer has led to recommended changes to only the Enhanced Notice Practices (Attachment A). The revisions remove mandatory language, offering Council more latitude in its decisions, and ensure that staff is able to place additional notices to ensure that the information is widely available to the public. The Enhanced Notice Practices are separate from the Public Participation Program.

REVISED MOTIONS

... that Council approve the Public Participation Program attached as Attachment C to the report entitled Public Participation Program and Public Hearing Requirements due to COVID-19 dated April 1, 2020;

and

... that Council approve the Enhanced Notification Practices for Planning Matters attached as Attachment A to the report entitled Public Participation Program and Public Hearing Requirements Due to COVID-19 dated April 28, 2020 and that these notification practices be effective only until such time as Council may lawfully hold an in-person public hearing.

ATTACHMENTS

Attachment A Enhanced Notification Practices For Planning Matters

Attachment B April 1, 2020 Report: Public Participation Program and Public
Hearing Requirements due to COVID-19

Report Approved by:  _____
Mark Phillips, CAO

ATTACHMENT A

ENHANCED NOTIFICATION PRACTICES FOR PLANNING MATTERS EFFECTIVE ONLY UNTIL COUNCIL MAY HOLD IN-PERSON MEETINGS

REVISED April 28, 2020 as shown in RED

1. In addition to the methods of notification established in the Public Participation Program Policy, Council shall give notice of any Public Information Meeting or Public Hearing required under the Planning Act by:
 - placing a sign or signs on the site noting the dates and the contact information, including how to find out how to attend virtual meetings;
 - notifying by mail the owners of properties within 500' of the site regarding a proposed amendment to a specific property.

2. Public Information Meetings ~~may~~ **will** be held at one Planning Advisory Committee (PAC) meeting and a recommendation by PAC made at the following meeting once comments have been received from the public by phone, e-mail, regular mail or in the Region's on-site mail-drop box. **If this is done**, comments will be conveyed to PAC with the agenda for the following meeting and read into the record at the meeting for the benefit of the public.

3. **At the will of Council**, Public Hearings ~~will~~ **may** be held prior to one Council meeting and adjourned until prior to the next Council meeting at a date and time specified. **If this is done**, this would give the public the opportunity to listen to the presentation during the public hearing and submit comments or ask questions via phone, e-mail, regular mail or in the Region's on-site mail-drop box while the public hearing is still technically in session. This ~~will~~ **would** avoid Council receiving any new information once a hearing has been closed and before making a decision (second reading) but allow the public to comment after a presentation has been made. Comments will be conveyed to Council with the agenda for the following meetings and read into the record at the meeting for the benefit of the public.

4. **Additional notice of Development Agreements and amendments to Municipal Planning Strategies, Land Use By-laws or Subdivision By-laws may be given to the public when deemed advisable and in the manner chosen by staff.**



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Members of Region of Windsor and West Hants Council

Submitted by: _____
Madelyn LeMay, Director, Planning and Development

Date: April 1, 2020

Subject: Public Participation Program and Public Hearing Requirements due to COVID-19

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 204

RECOMMENDATION

... that Council approve the Public Participation Program attached as Attachment C to the report entitled Public Participation Program and Public Hearing Requirements due to COVID-19 dated April 1, 2020;

and

... that Council approve the Enhanced Notification Practices for Planning Matters attached as Attachment D to the report entitled Public Participation Program and Public Hearing Requirements Due to COVID-19 dated April 1, 2020 and that these notification practices be effective only until such time as Council may lawfully hold an in-person public hearing.

BACKGROUND

Windsor and West Hants each have a Public Participation Program which applies to the planning processes in the respective community. The intent is to combine these into one document for the Region in the near future and consider any broad changes to the Program at that time.

Each Public Participation Program now requires a development agreement or amendment to a Municipal Planning Strategy or Land Use By-law to be advertised in a paper circulating in the local area.

DISCUSSION

As Council is aware, local papers are not being published now and it is uncertain when publication will resume. This makes it very difficult to have meaningful engagement with the public regarding development agreements and amendments to planning documents.

As noted above, Public Participation Program now requires a development agreement or amendment to a Municipal Planning Strategy or Land Use By-law to be advertised in a paper circulating in the local area. Notices regarding planning matters can be placed in the Chronicle Herald; this meets the letter and intent of the Public Participation Programs.

However, two issues arise: the circulation of the Chronicle Herald in the local area is likely much lower than that of the local paper, which reduces the number of residents reached, and the cost of notices similar to those now used is approximately \$1800.00 more for each application, which substantially increases costs to applicants.

Policy Requirements

The MGA requires that Council have a Public Participation program for planning matters: *"204 (1) A council shall adopt, by policy, a public participation program concerning the preparation of planning documents. (2) A council may adopt different public participation programs for different types of planning documents. (3) The content of a public participation program is at the discretion of the council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents."*

The MGA does not require notice be placed in the local paper for items covered by the Public Participation Program, such as a Public Information Meeting.

As a result, Council could adopt a Public Participation Program for the Region which is similar to those of Windsor and West Hants but eliminates the requirement for publication of the Public Information meeting in a newspaper circulating in the local area until such time as Council is permitted to hold in-person meetings.

The MGA requirement for a notice of public hearing to be published twice in a newspaper would remain. The increase in costs could be reduced by placing a

much smaller notice in the Chronicle Herald than that usually placed in the local paper in order to fulfill this requirement.

Public Engagement

Both Windsor and West Hants Council have been committed to ensuring the public is actively engaged, rather than simply wishing to give the appearance of engaging the public.

This is a challenge given the present COVID-19 restrictions. With relation to planning matters, Council could adopt additional practices to be used only until such time as Council may lawfully hold an in-person hearing.

This could involve:

- Windsor and West Hants LUBs now require owners within 300' of a subject site be notified by mail; Hantsport has no requirement. This distance could be expanded to 500' or any other distance Council finds suitable in order to advise more residents;
- placing a sign or signs on the site noting the dates of a Public Information Meeting and Public Hearings and contact information including how to find out how to attend virtual meetings;
- Public Information Meetings could be held at one Planning Advisory Committee (PAC) meeting and a recommendation by PAC made at the following meeting once comments have been received from the public by phone, e-mail, regular mail or in the Region's on-site mail-drop box, and conveyed to PAC;
- Public Hearings could be held prior to one Council meeting and adjourned until prior to the next Council meeting at a specified date and time. This would give the public the opportunity to listen to the presentation during the Public Hearing and submit comments or ask questions via phone, e-mail, regular mail or in the Region's on-site mail-drop box while the Public Hearing is still technically in session. This will avoid Council receiving any new information once a hearing has been closed and before making a decision (second reading) but allow the public to comment after a presentation has been made.
- staff would continue to place notices for meetings on the website and on social media and would ask Councillors to disperse information as widely as possible digitally or through phone calls to ensure adequate social distancing is maintained.

The proposed changes would allow applications for development agreements and amendments to the Municipal Planning Strategy and Land Use By-law to be

considered in a manner which maintains good public engagement during COVID-19 restrictions.

NEXT STEPS

Nothing further is required of Council.

FINANCIAL IMPLICATIONS

There would be a small increase in costs to the Municipality for development agreements and amendments to planning documents, likely in the range of \$100.00 for each application in order to cover additional mailing, printing and laminating costs. The number of applications which will be received while these practices are in place is unknown and no funds have been budgeted. The proposed changes would reduce costs to the public.

ALTERNATIVES

Council may:

- not approve the Public Participation Program as proposed;
- revise and approve the proposed Public Participation Program;
- provide alternative direction such as requesting further information on a specific topic

ATTACHMENTS

Attachment A	West Hants Public Participation Program Policy
Attachment B	Windsor Public Participation Program Policy
Attachment C	Region of Windsor and West Hants Proposed Public Participation Program Policy
Attachment D	Enhanced Notification Processes

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

Report Reviewed by: _____

Carlee Rochon Director, Finance

Report Approved by: _____

Mark Phillips, CAO



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Public Participation Program Policy

1. PURPOSE

- 1.1. Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation of Planning documents.

2. DEFINITIONS

- 2.1. The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS

- 3.1. Council resolves to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the West Hants and/or Hantsport Planning Documents or Land Use By-law by, at a minimum:
- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed amendment;
 - advertising any public meeting regarding Municipal Planning Strategy amendments in a local paper; and
 - notifying by mail the owners of neighbouring properties of both the public information meeting and any public hearing regarding a proposed amendment to a specific property.

5. GENERAL

- 5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.



POLICY

COPL-001.00

5.2. Any fees related to the Public Participation Program will be established by policy Council.

6. REPEAL

6.1. The Public Participation Program approved by Council on May 13, 1999 and the Public Participation Resolution for the Five Year Review, approved by Council on May 14, 2002 are hereby rescinded.

7. RELATED LEGISLATION, POLICIES and PROCEDURES

7.1. Municipal Government Act

7.2. ADGE-001.00 Identification of By-law, Policy and Procedure/Practices Policy

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the **10** day of **October, 2017**.

R.N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	September 26, 2017
<i>Approval:</i>	October 10, 2017
<i>Description:</i> Initial approval of Public Participation Program Policy, COPL-001.00.	



TOWN OF WINDSOR
Public Participation Program Policy 2019

1. PURPOSE

- 1.1. Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation of Planning documents.

2. DEFINITIONS

- 2.1. The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS

- 3.1. Council resolves to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the Windsor Planning Documents or Land Use By-law by, at a minimum:
- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed development agreement or amendment;
 - advertising any public meeting regarding any proposed development agreement or amendment in a local paper; and
 - notifying by mail the owners of neighbouring properties of both the public information meeting and any public hearing regarding a proposed amendment to a specific property.

5. GENERAL

- 5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.
- 5.2. Any fees related to any action required by the Public Participation Program will be established by policy of Council.

6. REPEAL

- 6.1. Any Public Participation Program earlier approved by Council is hereby rescinded.

I, Shelleena Thornton, Municipal Clerk of the Town of Windsor, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Town of Windsor at a meeting duly called and held on the ____ day of ____ (month), ____ (year).

(Signature of Municipal Clerk) _____
S. Thornton
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	

ATTACHMENT C



Proposed 2020 Region of Windsor and West Hants Public Participation Program Policy

Changes from Existing West Hants and Windsor Public Participation Program Policies are shown in red

1. PURPOSE

- 1.1. Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.

2. DEFINITIONS

- 2.1. The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS

- 3.1. Council resolves to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the West Hants and/or Hantsport Planning Documents or Land Use By-law by, at a minimum:

- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed development agreement or amendment;
- ~~advertising any public meeting regarding any proposed development agreement or amendment in a local paper; and~~
- advertising any **public participation or information** meeting regarding any proposed development agreement or amendment by notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;
- advertising any **public hearing** regarding any proposed development agreement or amendment by:
 - placing a notice in a newspaper circulating in the local area;
 - notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;

5. GENERAL

- 5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.
- 5.2. Any fees related to any action required by the Public Participation Program will be established by policy of Council.

6. REPEAL

- 6.1. The Public Participation Program approved by Council on May 13, 1999 and the Public Participation Resolution for the Five Year Review approved by Council on May 14, 2002 are here by rescinded.

7. RELATED LEGISLATION, POLICIES and PROCEDURES

- 7.1. Municipal Government Act
 I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of Windsor and West Hants at a meeting duly called and held on the ____ day of _____(month), _____ 2020.

(Signature of Municipal Clerk)
 R.N Brown
 Municipal Clerk

Adoption

<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	

ATTACHMENT D

ENHANCED NOTIFICATION PRACTICES FOR PLANNING MATTERS EFFECTIVE ONLY UNTIL COUNCIL MAY HOLD IN-PERSON MEETINGS

1. In addition to the methods of notification established in the Public Participation Program Policy, Council shall give notice of any Public Information Meeting or Public Hearing required under the Planning Act by:
 - placing a sign or signs on the site noting the dates and the contact information, including how to find out how to attend virtual meetings;
 - notifying by mail the owners of properties within 500' of the site regarding a proposed amendment to a specific property.

2. Public Information Meetings will be held at one Planning Advisory Committee (PAC) meeting and a recommendation by PAC made at the following meeting once comments have been received from the public by phone, e-mail, regular mail or in the Region's on-site mail-drop box. Comments will be conveyed to PAC with the agenda for the following meeting and read into the record at the meeting for the benefit of the public.

3. Public Hearings will be held prior to one Council meeting and adjourned until prior to the next Council meeting at a date and time specified. This would give the public the opportunity to listen to the presentation during the public hearing and submit comments or ask questions via phone, e-mail, regular mail or in the Region's on-site mail-drop box while the public hearing is still technically in session. This will avoid Council receiving any new information once a hearing has been closed and before making a decision (second reading) but allow the public to comment after a presentation has been made. Comments will be conveyed to Council with the agenda for the following meetings and read into the record at the meeting for the benefit of the public.



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY SUPPLEMENTARY REPORT

To: Mayor Zebian and Members of the Regional Council of Windsor and West Hants Municipality

Submitted by: _____
Sara Poirier, Planner

Date: April 1, 2020

Subject: Windsor Land Use By-Law Map Amendment: 411 King Street, Windsor; PID 45059755

File # **19-13**

1.0 BACKGROUND

On February 19, 2020, the Windsor Planning Advisory Committee (WPAC) hosted a Public Information Meeting (PIM) regarding the requested Land Use By-law Amendment at 411 King Street, Windsor. Background information can be found in the February 13, 2020 WPAC staff report (Appendix B) and the minutes of the February 19, 2020 meeting.

At the PIM there were four (4) residents in attendance who raised two main concerns. These were:

1. Environmental – Residents mentioned that they had previous issues with water drainage and flooding from 411 King Street to neighbouring properties.
2. Future Uses – Residents were concerned with the future impact the rezoning to General Commercial (GC) may have on the surrounding area. The residents were concerned that if the property is rezoned to General Commercial (GC) that 20 years from now there may be the opportunity for a larger, chain business that generates more traffic to move into that location (i.e. fast food businesses). The residents suggested considering

adding the uses that the current applicant has applied for to the Institutional (I) Zone, instead of rezoning the property to the General Commercial (GC) Zone.

At the PIM, staff noted they would review these two concerns and provide further information on these items to Council before the second reading.

2.0 PUBLIC CONCERNS and DISUCSSION

2.1 Environmental Concern

Residents mentioned that they had previous issues with water drainage and flooding from 411 King Street to neighbouring properties.

Following the PIM, staff contacted the Interim CAO and Acting Director of Public Works for the Town of Windsor to determine if there was any documentation or correspondence regarding these concerns. The Acting Director of Public Works responded that *“there was an issue a few years ago with the drainage in back of Sobeys, which backed up the water flow at the back of the King St properties. That issue was resolved.”* The Interim CAO added *“We would consider this a civil issue and not a municipal responsibility. Any corrective action (if required) would be between the property owners, as was the case below. Sobeys was contacted and carried out the required ditching on their terms and expense.”*

Staff attempted to contact the residents that raised these concerns after the PIM to gain further information from their perspective via phone (3 attempts) between February 20 - March 2 and via mailed letter on March 2, 2020. There was no response.

2.2 Future Uses

Staff review applications based on the proposed zone requested and the provisions of the current zone. For any rezoning or development agreement applications, recommendations are based on the ability of the application to meet the criteria of the policy that would permit Council to consider those alternative uses. Although specific uses have been requested by the applicant, all uses permitted in the zone are considered by staff for any application. The primary consideration is whether the requested amendment meets the criteria of the Municipal Planning Strategy (MPS).

The property is currently zoned Institutional (I). The property owner would like to convert one half of the building to residential uses and offices for the operation of their audio and lighting production business and preserve the other half of the building, where the church services have been held, to train staff members how to use audio equipment and lighting and for indoor entertainment uses such as musical performances and theatre shows.

The property owner has requested a variety of uses to be considered on the property including a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses and residential uses. Residential uses, accessory to a use permitted in the Institutional (I) Zone, would be the only use that the owner has requested that is permitted as-of-right in the Institutional (I) Zone.

When considering this application, staff reviewed the current zone and permitted uses, then reviewed the policies of Council which would allow consideration of alternative uses on this property. There is a policy (8.3.2) in the WMPS that would allow Council to consider rezoning the property to General Commercial (GC), subject to specific criteria. The General Commercial (GC) Zone would permit all of the requested uses.

To consider the suggestion from the public to include these uses in the Institutional (I) Zone, staff first reviewed the intent of the Institutional (I) Zone, the uses currently permitted in the Institutional (I) Zone and the definition of Institutional Use as described in the WMPS and Windsor Land Use By-law (WLUB) (Appendix A). In general, the WMPS describes institutional uses as schools, churches and museums which are intended for the use of the general community. The WLUB defines an institutional use as *“the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;”*. There are no commercial uses in the list of permitted uses for the Institutional (I) Zone and some of the proposed uses would not necessarily be open to the general community (i.e. audio and lighting production business, offices).

Staff also reviewed the definitions of the proposed uses requested (Table 1). The property owner would privately operate these uses.

Table 1: Definition of Requested Uses

Requested Use	Windsor Land Use By-law Definition	Zoning Dictionary (2016)
Commercial school	means an establishment which provides instruction for profit or gain including, but not limited to, secretarial schools, dance, music, drama, and arts and crafts schools, and business and trade schools	N/A
Office	<u>Office (Business)</u> means a building or part thereof in which one or more persons is employed in the	N/A

	<p>management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, the premises of a real estate or insurance agency, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office;</p> <p><u>Office (Professional)</u> means a building or part thereof in which a legal, medical or other personal professional service is performed or consultation given including, but not necessarily restricted to, a clinic and the offices of a lawyer, an architect, surveyor, engineer or a chartered accountant, but does not include a personal service shop, a business office or a veterinary clinic;</p>	
Repair and rental establishment	means a premise engaged in maintaining, repairing, installing, and renting articles and equipment for household and personal use such as radio and television, refrigerator and air conditioning, appliances, watches, clocks, jewellery, and upholstery and furniture repairs;	N/A
Retail store	means a building or part thereof with a total commercial floor area of 20,000 ft ² (1858.00 m ²) or less in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail value.	N/A
Service shop	means an establishment, other than an automotive use, that provides a non-personal service or craft to the public including, but not necessary	N/A

	restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith shop, a farrier's shop, an upholstery shop, a bakery, a dairy, a catering establishment, a machine shop, or a monument engraving shop;	
Entertainment uses	N/A	A building, structure or lot used or intended to be used for the purpose of night clubs, cabarets, cinemas, theatres and the like.
Residential uses	N/A	<ol style="list-style-type: none"> 1. The use of a building or structure or parts thereof as a dwelling. 2. The use of land, buildings or structures for human habitation.

Amending the definition of institutional use to include privately owned and for-profit organizations or companies would change the intent of the Institutional (I) Zone. Additionally, to permit all of the requested uses in the Institutional (I) Zone would require an amendment to the list of permitted uses in that zone to include uses such as office, repair and rental establishment, service shop, etc. If changes were made to the definition of institutional use and the list of permitted uses in the Institutional (I) Zone this would allow any property zoned Institutional (I) in Windsor to change the use of the property as-of-right to one of those uses without a public process or approval by Council.

3.0 CONCLUSION

In conclusion, staff have considered and provided Council with additional information about the two concerns that were raised by the public at the PIM. Staff continues to recommend rezoning the property at 411 King Street to General Commercial (GC) as per the staff report of February 13, 2020.

4.0 APPENDICES

Appendix A Excerpts from the Windsor Municipal Planning Strategy and Land Use By-law - Intent of the Institutional (I) Zone

Appendix B 02-13-2020 Windsor Planning Advisory Report #19-13

Report Reviewed by: Madelyn LeMay, Director of Planning and Development

Appendix A
Excerpts from the Windsor Municipal Planning Strategy and Land Use By-law
Intent of the Institutional (I) Zone

WINDSOR MUNICIPAL PLANNING STRATEGY

11.0 COMMUNITY USE

Community use areas, including parks, open space and recreational uses, as well as institutional uses such as schools, churches and museums, are intended for the use of the general community. Windsor has extensive public community resources for both passive and active recreation including parks, sports fields, an outdoor swimming pool, a community centre and a library. The Windsor Recreation Department has operational responsibility for many of the Town's public recreation facilities and sponsors a wide range of recreation programs designed to meet the needs of all of the Town's residents. In addition, there are a number of private recreation uses in or near the Town including: an arena, tennis courts, a paddling club, a curling club, golf courses, bowling alleys and ski hills and cross-country skiing trails.

11.1 Institutional

As the regional service centre and the county seat for Hants County, Windsor has a considerable number of institutional land uses. Among these are educational facilities and homes for senior citizens. The Hants Community Hospital, churches and museums also fall into this category. Some of these institutional uses are relatively isolated while others are located in predominantly residential neighbourhoods. Because of the amount of traffic and noise that may be associated with them, some institutional uses have a significant impact on their surrounding neighbourhood. For this reason, new institutional uses will be permitted only by development agreement to allow Council more control over the development. The Land Use By-law will contain abutting zone requirements and will require a larger minimum lot size to help mitigate negative effects.

WINDSOR LAND USE BY-LAW

24.0 INSTITUTIONAL (I)

Permitted Uses

24.1 The following uses shall be permitted in the Institutional (I) zone:

- Any institutional use which is incorporated under the Societies Act
- Armouries
- Churches and associated halls
- Colleges, universities and schools, including school dormitories

- Community centres
- Community service clubs and organizations
- Courthouses
- Emergency services facilities (i.e., police, ambulance and fire stations)
- Government offices
- Homes for special care
- Hospitals and medical clinics
- Indoor and outdoor recreation uses
- Libraries, museums and art galleries
- Residences accessory to permitted uses
- Senior citizen housing
- Tourist bureaus

Institutional (I) Zone General Requirements

24.2 In the Institutional (I) zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	24,000 ft ² (2,229.60 m ²)
Minimum lot frontage	120 ft (36.58 m)
Minimum front yard	30 ft (9.14 m)
Minimum rear yard	30 ft (9.14 m)
Minimum side yard	30 ft (9.14 m)
Maximum height of main building	3 storeys
Maximum height of accessory building	15 ft (4.57 m)

31.0 DEFINITIONS

Institutional Use means the use of land, buildings or structures for a public or non-profit purpose and, without limiting the generality of the foregoing, may include such uses as schools, places of worship, public hospitals and government buildings, but shall not include a private club;

Appendix B
02-13-2020 Windsor Planning Advisory Report #19-13



TOWN OF WINDSOR
RECOMMENDATION REPORT

To: Members of Town of Windsor Planning Advisory Committee

Submitted by: _____
Sara Poirier, Planner

Date: February 13, 2020

Subject: Land Use By-Law Map Amendment: 411 King Street, Windsor; PID 45059755

File # **19-13**

1.0 BACKGROUND

An application was received on December 3, 2019 from Michael Jamieson to permit a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses, and residential uses at 411 King Street, Windsor (PID 45059755). The building was constructed in 1898 and the property was used as Windsor United Baptist Church until November 2019 when the congregation moved to a different location. The property is currently owned by a registered company, 3333941 Nova Scotia Limited. Michael Jamieson is the Director of that registered company.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act Part 8; Windsor Municipal Planning Strategy (WMPS) and Land Use By-law (WLUB).

3.0 RECOMMENDATION

To allow the requested development, staff recommends that the Windsor Planning Advisory Committee forward a positive recommendation by passing the following motion:

that Regional Council give First Reading and hold a Public Hearing to consider amending the Zoning Map of the Windsor Land Use By-law to enable the lot located at 411 King Street, Windsor, PID 45059755 to be rezoned from the Institutional (I) Zone to the General Commercial (GC) Zone, as shown on the map attached as Figure 3 to the Windsor Planning Advisory Committee report #19-13 dated February 13, 2020.

4.0 DISCUSSION and DOCUMENT REVIEW

The lot is designated Community Use (CU) on the Generalized Future Land Use Map of the WMPS (Figure 1). Part 11.0 of the WMPS contains the overall intention for properties designated Community Use (CU) in Windsor.

The subject lot is zoned Institutional (I) on the Zoning Map of the WLUB (Figure 2). Commercial schools, offices, repair and rental establishments, retail stores, service shops, and entertainment uses are not permitted within the Institutional (I) Zone. Residential uses are only permitted within the Institutional (I) Zone if they are accessory to a use permitted in the Institutional (I) Zone. The owner has no intention of using the lot for an institutional use.

The owner would like to convert one half of the building to residential uses and offices for the operation of their audio and lighting production business and preserve the other half of the building, where the church services have been held, to train staff members how to use audio equipment and lighting and for indoor entertainment uses such as musical performances and theatre shows.

4.1 Municipal Planning Strategy

The 2.8-acre subject lot is located on King Street. The lot is directly abutting properties with single unit dwellings which are zoned Single Unit Residential (R-1) and commercial properties which are zoned General Commercial (GC) (Figure 2).

For the existing structure to be allowed to be used for the uses requested an amendment to the Zoning Map of the WLUB is required. Figure 3 shows the proposed changes to the Zoning Map.

Section 8.0 of the WMPS contains the commercial policies for Windsor. Policy 8.3.2 establishes Council's intention to *"consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law"*. The subject lot is not within the Wentworth Road Gateway District therefore the rezoning to General Commercial (GC) can be considered under this policy.

Although the owner is planning to utilize the existing building for their proposed uses, it is important to note that the lot is included in the Environmental Constraints designation which means that it has been identified as marshland, specifically

within the Tregothic Marsh. Properties within the Environmental Constraints designation have to meet more stringent requirements including completing an environmental study before being issued a development permit for any new building. Since the owner is utilizing the existing building, which was constructed (in 1898) before land use regulations were in place, they do not have to meet these requirements unless they are proposing to construct new buildings on site. The existing building may be enlarged, reconstructed, repaired or renovated provided all other requirements of the WLUB are met.

The Windsor Dykeland's Background Report (2001) specifies that the subject lot, and approximately 40 percent of the properties within the Tregothic Marsh, have been exempted by the Province from the requirements of Section 41 of the *Agricultural Marshland Conservation Act*. The *Agricultural Marshland Conservation Act* (2001) protects marshland for agricultural purposes. Being exempt from this portion of the *Act* means that the owner would not have to apply to the marsh body to allow any future construction. Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality.

4.1.1 WMPS Specific Criteria

Policy 8.3.2 establishes Council's intention to "*consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law*" and establishes the criteria to be considered by Council. These criteria are examined in detail in Appendix B. In summary, the criteria are met since:

- the lot is serviced by both municipal water and sewer;
- the proposed use will not conflict with adjacent existing uses;
- the proposal meets the WMPS general criteria.

4.1.2 WMPS General Criteria

The proposal meets the general criteria for amendment set out in WMPS Policy 16.3.1. These criteria are examined in detail in Appendix C. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

4.2 Land Use By-law

4.2.1 Text Amendment

The definitions of the WLUB, although not directly applicable to the WMPS, can be used as a guide to the intent of the WMPS. On the subject lot, the applicant proposes to renovate half of the existing building for residential uses and offices which may include repair, service, rental and sales of equipment, and preserve the other half for a commercial school to train staff members how to use equipment and for indoor entertainment uses. Should the lot be amended from the Institutional (I) Zone to the General Commercial (GC) Zone (Appendix A), the proposed uses would be allowed “as-of-right”, as they are each listed as a permitted use in the General Commercial (GC) Zone.

Therefore, there are no required text amendments to the WLUB for this application.

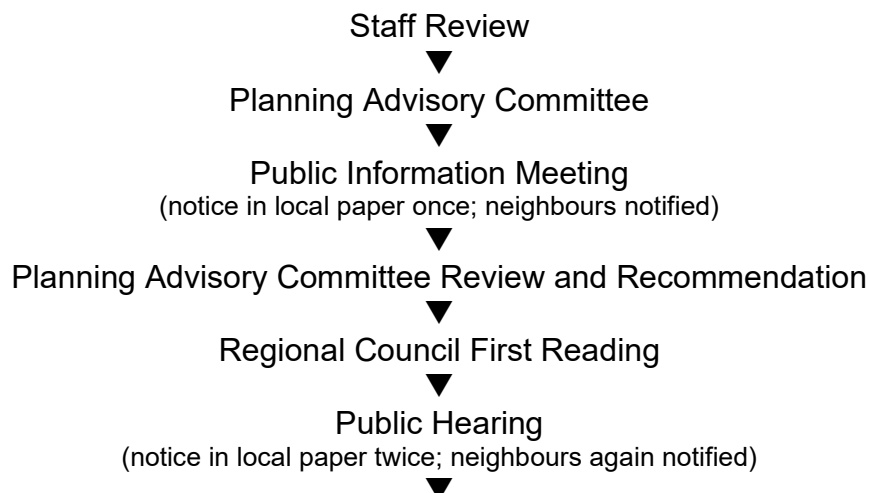
4.2.2 *Map Amendment*

The proposed uses are not permitted in the Institutional (I) Zone. There is a policy option to allow Council to consider rezoning the subject lot to the General Commercial (GC) Zone. The proposed uses are permitted in the General Commercial (GC) Zone. An amendment to the WLUB Zoning Map is required for this application. The proposed map amendment is shown in Figure 3.

5.0 CONCLUSION

As noted above, the proposed map amendment has been considered within the context of both the specific and general policies of the WMPS and is consistent with the intent, objectives and policies of the WMPS. The proposed map amendment meets the specific and general criteria for amendments to the WLUB. There are no proposed text amendments. As a result, it is reasonable to amend the zoning of the lot located at 411 King Street, Windsor, PID 45059755 from the Institutional (I) Zone to the General Commercial (GC) Zone on the Zoning Map of the Windsor Land Use By-Law.

6.0 PROCESS



Regional Council Second Reading



Notice of Approval in Local Paper



14 Day Appeal Period

7.0 OPTIONS

In response to the application, WPAC may recommend that Regional Council:

- hold First Reading and authorize a Public Hearing to approve the WLUB amendment as drafted or as specifically revised by direction of WPAC;
- provide alternative direction such as requesting further information on a specific topic.

8.0 APPENDICES

Figure 1 Windsor Generalized Future Land Use Map – Existing

Figure 2 Windsor Zoning Map – Existing

Figure 3 Draft Windsor Zoning Map – Proposed Amendment

Appendix A General Commercial (GC) Zone

Appendix B Specific Criteria for Amendment

Appendix C General Criteria for Amendment

Report Reviewed by: Madelyn LeMay, Director of Planning and Development

Figure 1
Windsor Generalized Future Land Use Map – Existing

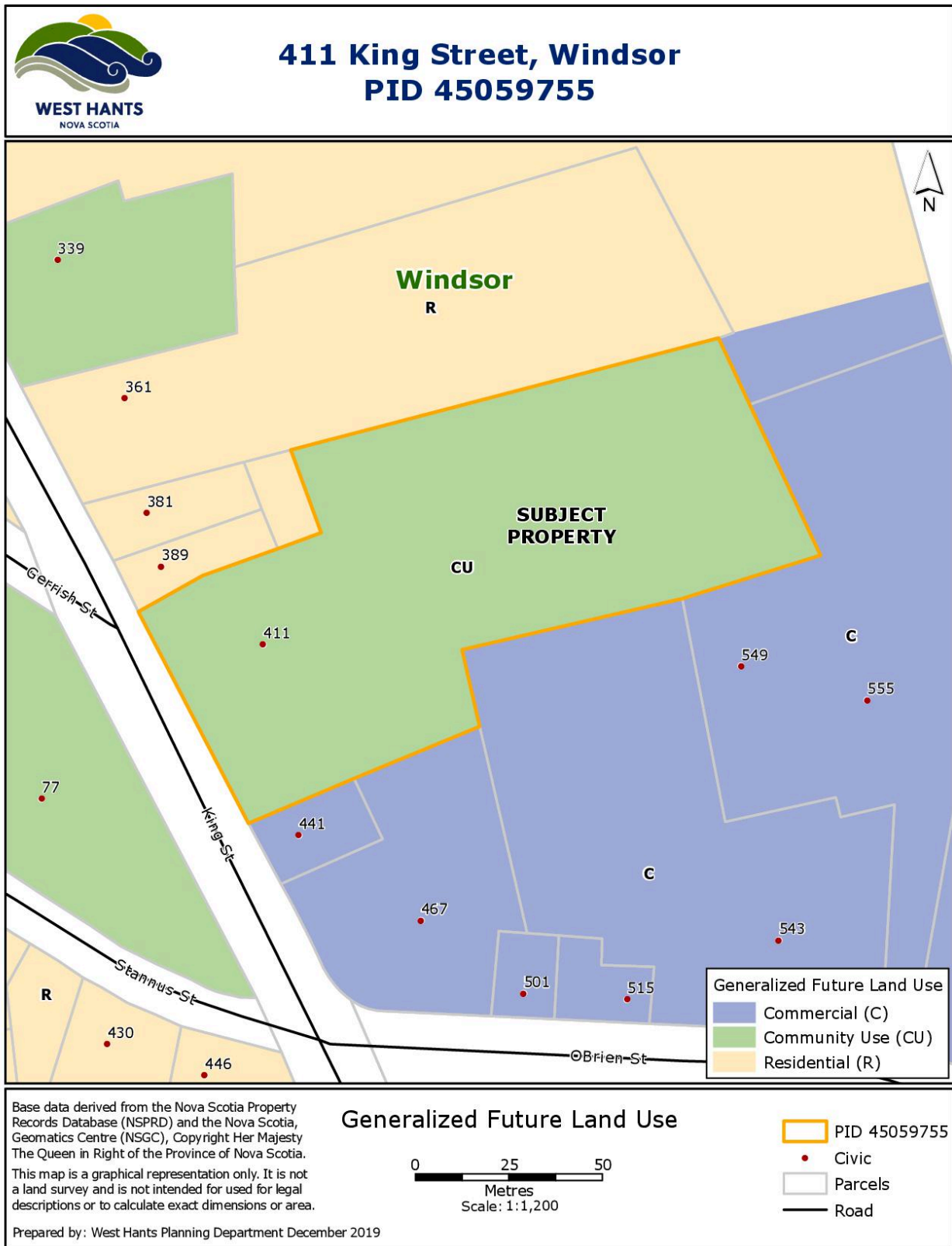


Figure 2
Windsor Zoning Map – Existing

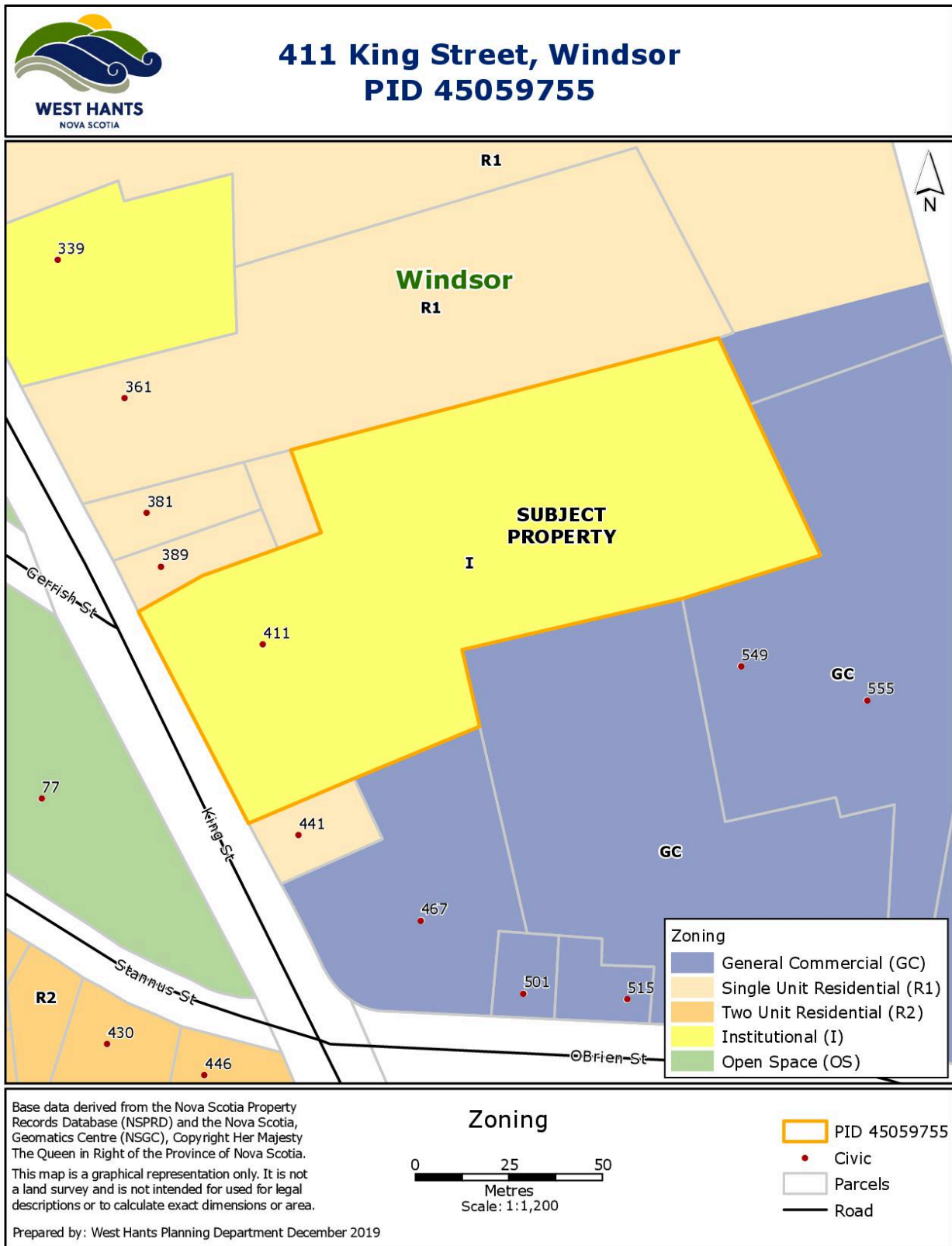
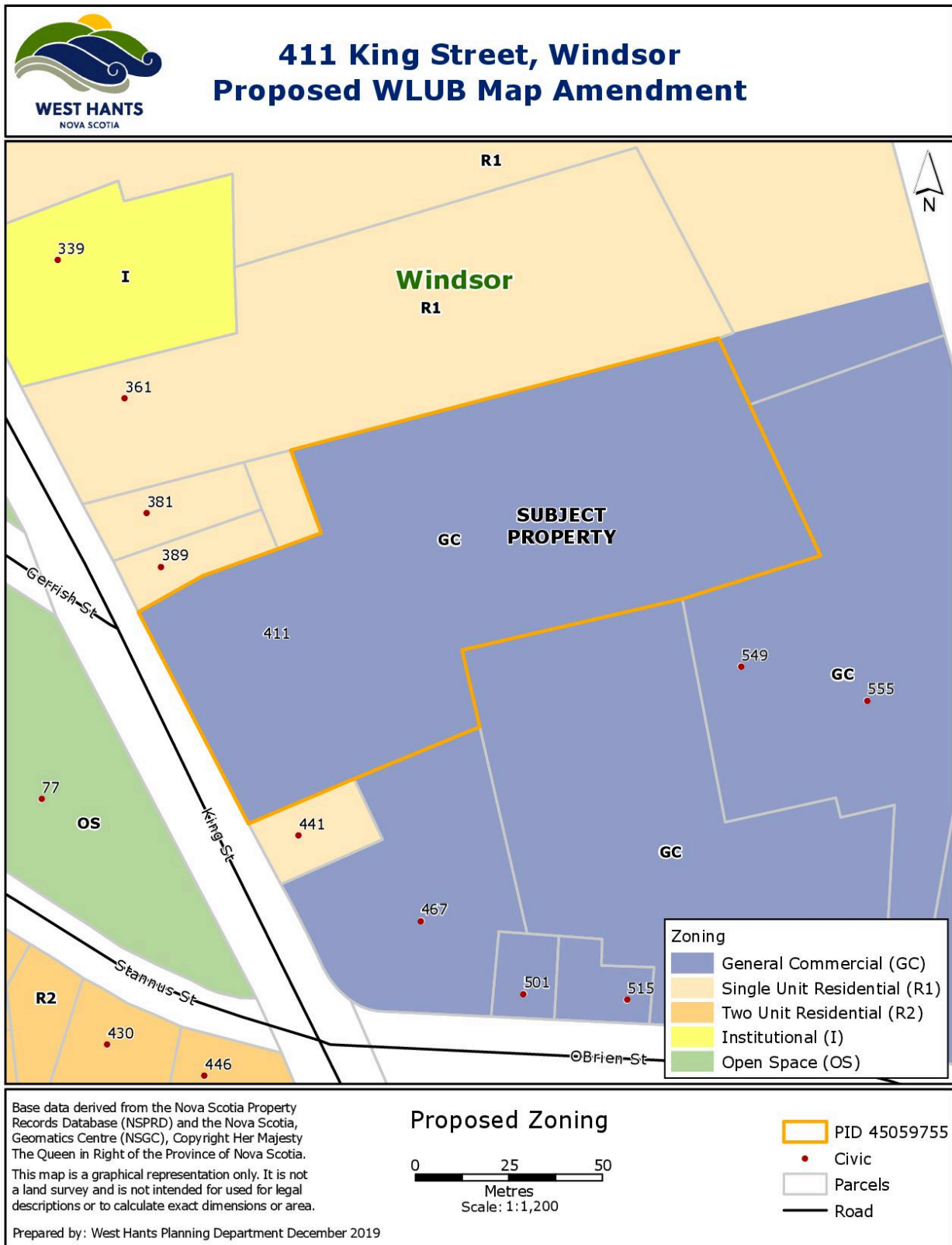


Figure 3
Draft Windsor Zoning Map – Proposed Amendment



**Appendix A
General Commercial Zone**

17.0 GENERAL COMMERCIAL (GC)

Permitted Uses

17.1 The following uses shall be permitted in the General Commercial (GC) zone:

- Arts and crafts studios including photography
- Banks and financial institutions
- Clubs and community organizations
- Commercial schools
- Country inns
- Day care centres, licensed and non-licensed
- Entertainment, recreation and assembly uses within a wholly enclosed building
- Garden and nursery sales and supplies
- Licensed liquor establishments
- Local shopping centres containing uses permitted in the GC zone
- Microbrewery, Microdistillery, Winery (Amended WLUB 18-01 Effective January 29, 2019)
- Offices
- Parking structures
- Repair and rental establishments
- Residential uses (not on the ground floor)
- Restaurants, excluding drive-through restaurants
- Retail stores
- Service and personal service shops
- Taxi, train and bus stations
- Veterinary clinics and animal hospitals
- Existing residential uses

GC Zone General Requirements

17.2 In the GC zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	10,000 ft ² (929.00 m ²)
Minimum lot frontage	100 ft (30.48 m)
Minimum front yard	25 ft (7.62 m)
Minimum rear yard	25 ft (7.62 m)
Minimum side yard	15 ft (4.57 m)
Maximum height of main building	35 ft (10.67 m)
Maximum height of accessory building	15 ft (4.57 m)

Open Storage

17.3 No open storage shall be permitted in the GC zone.

Residential Uses

17.4 Residential uses as part of the same building as a commercial use are permitted provided the total floor area of the residential use does not exceed two-thirds (66 percent) of the total floor area of the building.

Access

17.5 Entrance to and exit from properties zoned GC shall be restricted to not more than two driveways on any street or road. On a corner lot, access shall be restricted to not more than three driveways to the lot.

Appendix B
Specific Criteria for Amendment

8.0 COMMERCIAL

8.3 General Commercial

Policy 8.3.2 *It shall be the policy of Council to consider the creation of new General Commercial zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law subject to the following criteria:*

CRITERIA	COMMENT
<i>(a) the proposed use has direct access to:</i>	
<i>(i) an arterial road as shown on the Transportation Map (Map 2), or</i>	King Street is an arterial road as shown on the Transportation Map (Map 2) of the WMPS.
<i>(ii) a major collector road shown on the Transportation Map (Map 2) provided a traffic impact study is submitted to the Town which demonstrates the proposed use will not have an unacceptable impact on traffic flows and existing streets as determined by the Traffic Authority;</i>	Not applicable.
<i>(b) the proposed use will not conflict with adjacent uses; where located in the Residential designation, particular attention is paid to compatibility in terms of building scale and design and traffic generation;</i>	The lot is within the Community Use (CU) designation and currently zoned Institutional (I). The subject lot abuts properties zoned Single Unit Residential (R1) to the north, General Commercial (GC) to the east and south and Open Space (OS) to the west. As the proposed uses are to be located in the existing building it is not anticipated that they would conflict with the adjacent uses.
<i>(c) required parking can be provided;</i>	The parking requirements will need to be determined once the owner knows exactly what uses permitted in the General Commercial (GC) Zone are being proposed and the square footage of each use. The Development Officer stated that given the size of the lot and the fact that it was formerly used as a

	church, they are not anticipating that parking will be a problem.
<i>(d) traffic flow and pedestrian safety will not be adversely affected;</i>	The Traffic Authority had no concerns about the impact of the proposed use on traffic generation and traffic safety or the ability to provide safe and efficient roadway access to the lot.
<i>(e) adequate landscaping, green space and buffering will be provided;</i>	The lot is approximately 2.8 acres in size; the proposed uses are to be located within the existing building. Any future building or expansion would need to meet the requirements of the General Commercial (GC) zone.
<i>(f) the architectural design of the development is reasonably consistent with the provisions of the Architectural Design Manual, if the proposed development is located in an Architectural Control District;</i>	Not applicable as the lot is not within an Architectural Control District.
<i>(g) any other matter which may be addressed in a Land Use By-law; and</i>	All other matters have been addressed elsewhere in this report.
<i>(h) Policy 16.3.1.</i>	See Appendix C.

Appendix C
General Criteria for Amendment

16.0 IMPLEMENTATION

16.3 Land Use By-law Amendments and Development Agreements

Policy 16.3.1 *In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Acting Director of Public Works confirmed that the lot is connected to the Town of Windsor's water distribution system and combined wastewater system. They did not have any concerns regarding the supply of water or effluent which may be discharged into the sewer and stated all relevant rules, policies, codes and regulations must be followed for both water and wastewater.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection;</i>	In response to an inquiry, the local Fire Chief stated that they do not believe the proposed uses for the lot are premature or inappropriate for the area. When discussing the adequacy of fire protection, the Fire Chief specified that the fire department currently has access to all sides of the structure. He added that laneways and apparatus access points should not be restricted by outside storage or new outbuildings because a fire in the structure that gets any headway would require multiple aerial trucks to control and prevent spread to neighbouring occupancies. Due to the current and potential fire loads, 360-degree access must be maintained regardless of what uses the owner decides to do there.

	<p>The Fire Chief also specified that any major change of use from the current assembly occupancy of the building would need input from the Senior Building and Fire Official to ensure proper fire separations, alarm systems, sprinkler systems and occupancy load, particularly when there is potential for breweries, distilleries, licensed liquor establishments and restaurants in the General Commercial (GC) Zone. If the owner plans on living and running a business in this structure the Fire Inspector input is paramount.</p> <p>The Senior Building and Fire Official confirmed that he does not have any issues with the uses listed in the new zone being permitted on this lot. He added that the required fire separations will have to be determined when the owner applies for a building permit.</p>
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Traffic Authority had no concerns about the adequacy of road networks adjacent to or leading to the subject lot.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Town or new Regional government in regard to this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has confirmed that the existing driveway is suitable as a commercial access and has no concerns. There is no rail transportation in this area. There is a sidewalk in front of the lot which will not be impacted by the proposed uses.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer has no concerns with regards to the dimensions and shape of the lot for the proposed uses <i>“as this is a large lot and there is no indication that the new owner plans to expand the building footprint.”</i>
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer has no concerns with the pattern of development this proposal might create.

<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>This clause is not applicable as the proposed uses are to be contained within an existing building. However, it is important to note that the lot is included in the Environmental Constraints designation which means that it has been identified as marshland. The owner is able to enlarge, reconstruct, repair or renovate the existing building provided all other requirements of the WLUB are met, however any new buildings proposed on site would be required to meet Section 27.0 of the WLUB.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>All other matters have been addressed elsewhere in this report.</p>



WWH
WINDSOR / WEST HANTS

TOGETHER



Map Amendment:
411 King Street, Windsor PID 45059755
Public Hearing
April 28, 2020

Background

- ▶ Received an application from Michael Jamieson
- ▶ Requested a commercial school, office, repair and rental establishment, retail store, service shop, entertainment uses, and residential uses
- ▶ The building was constructed in 1898 and was used as Windsor United Baptist Church until November 2019

411 King Street Orthophoto



411 King Street

Exterior



411 King Street

Exterior (cont.)



411 King Street

Exterior (cont.)



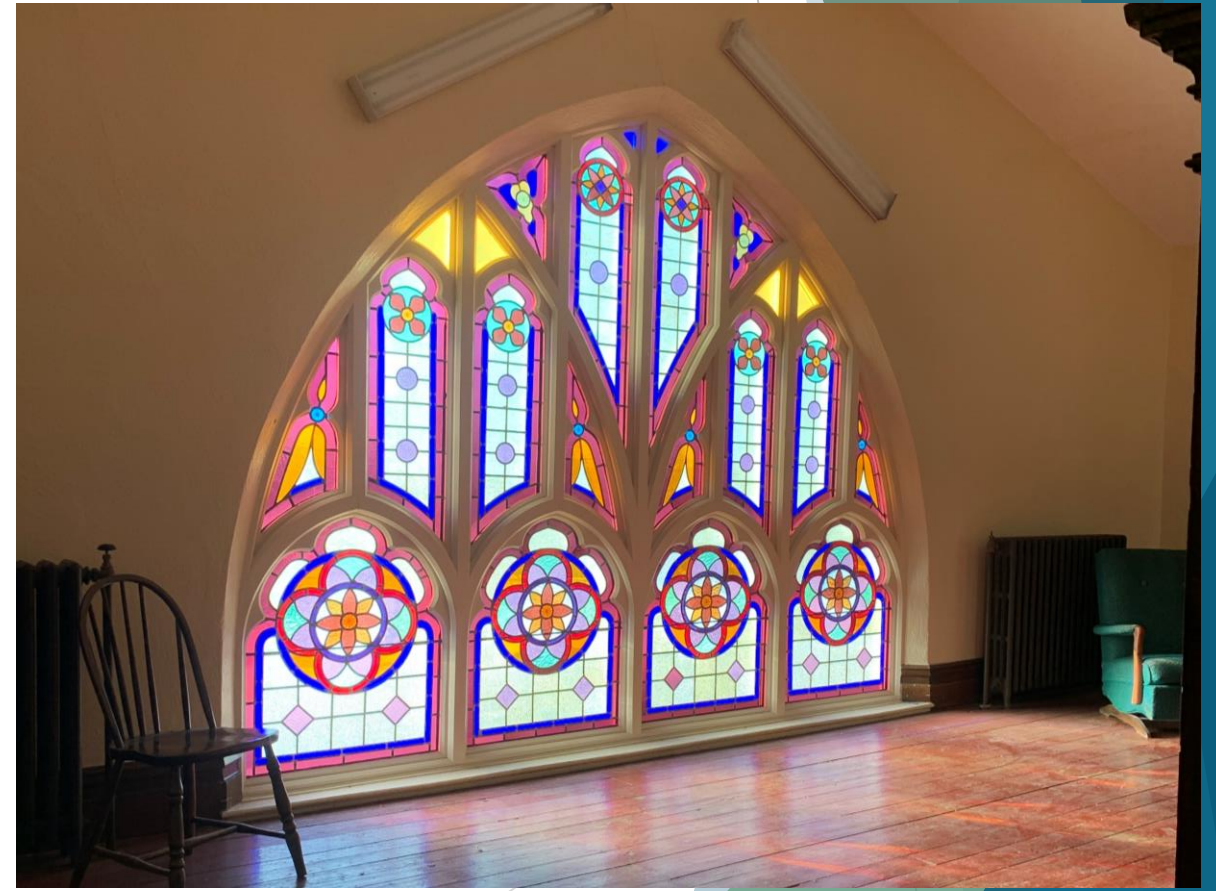
411 King Street

Interior



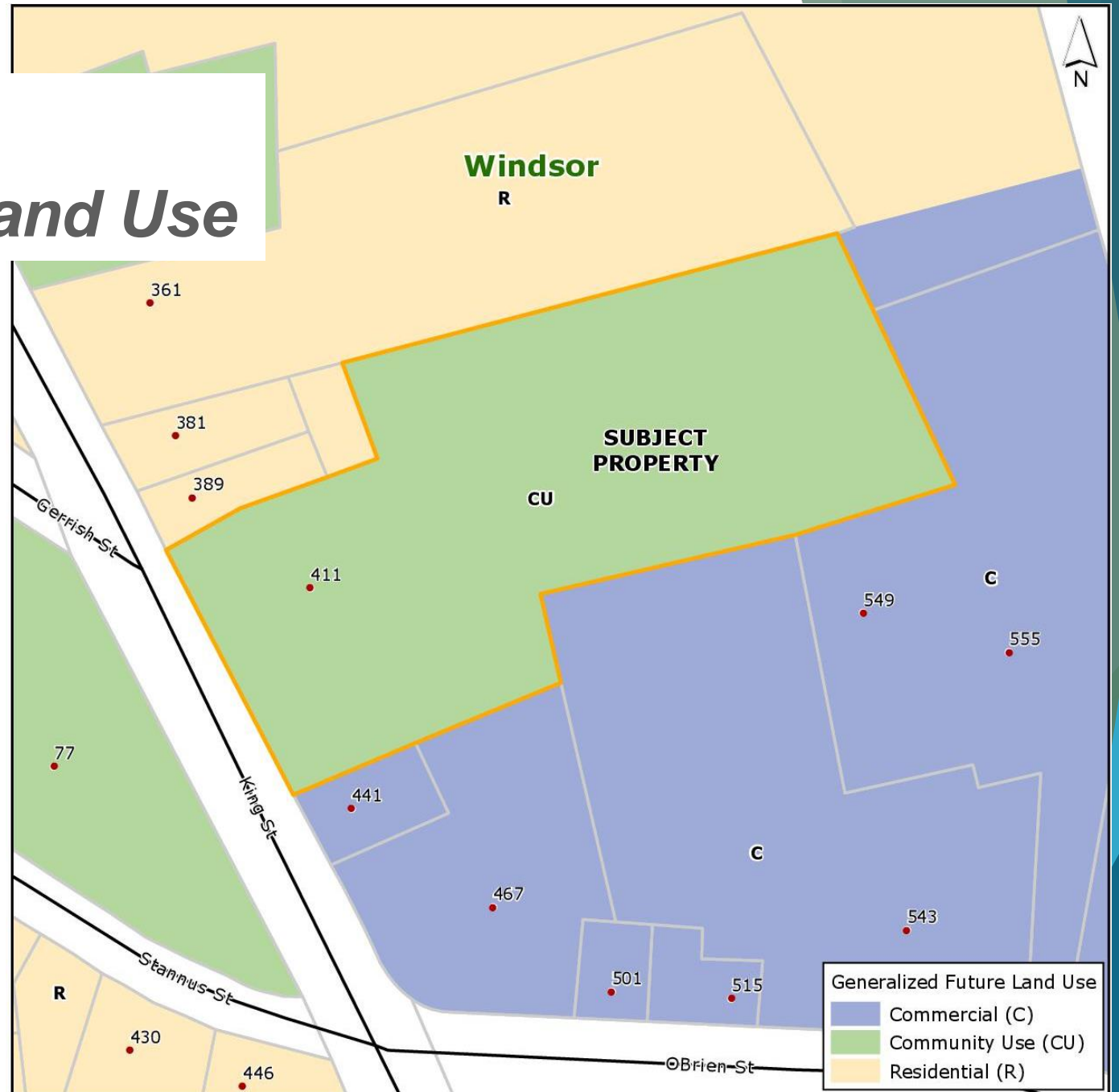
411 King Street

Interior (cont.)

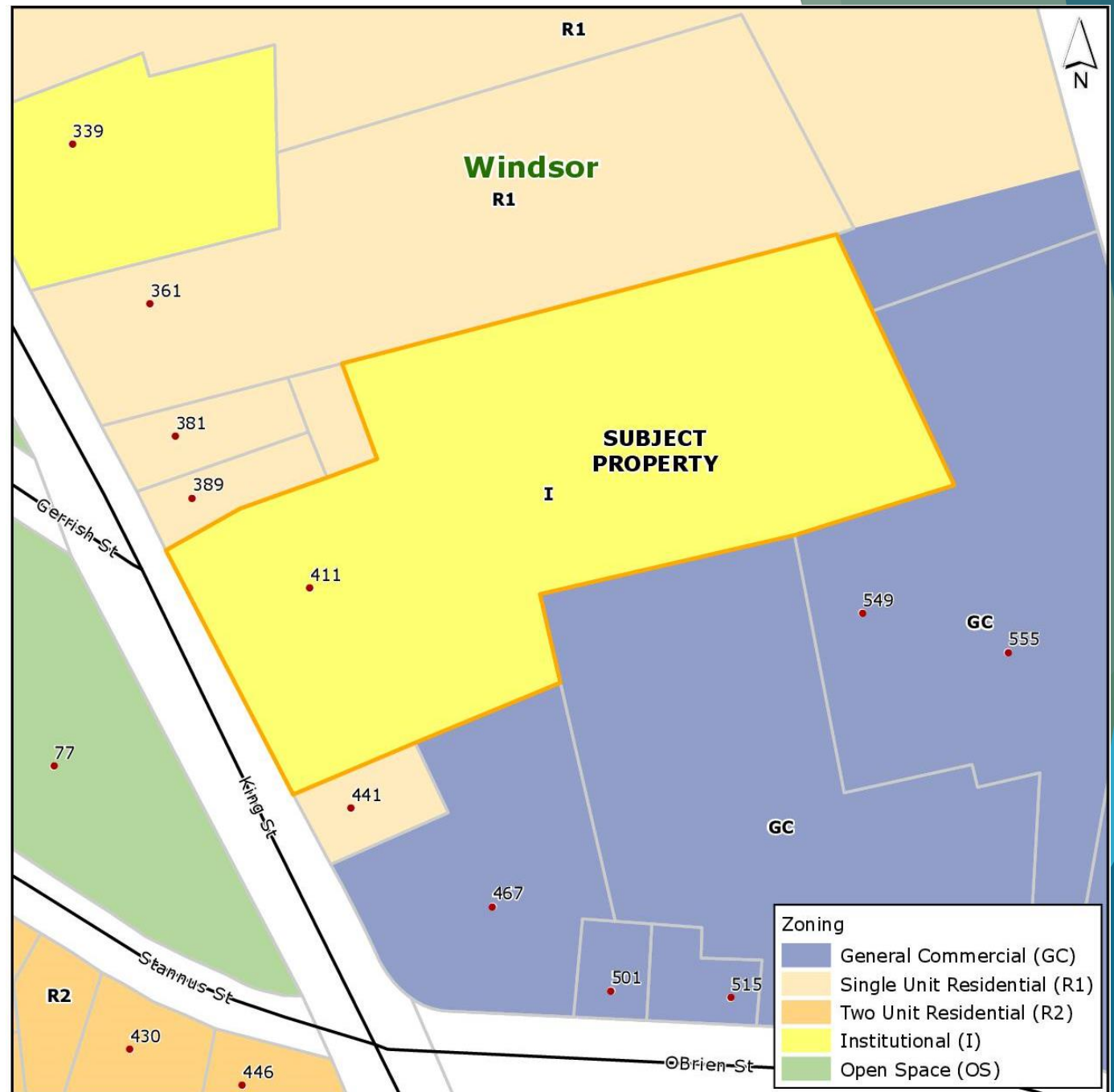


411 King Street

Generalized Future Land Use

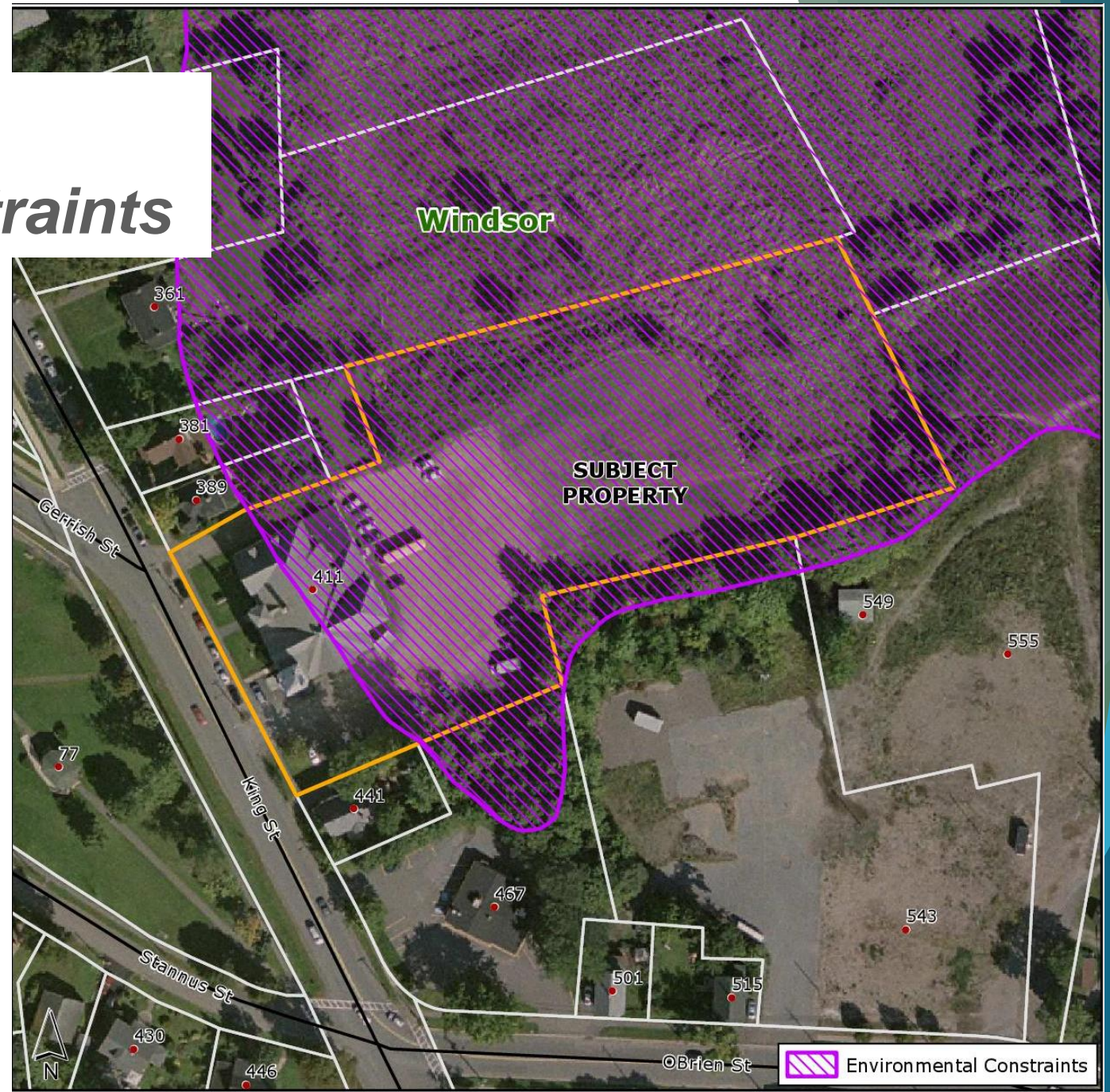


411 King Street Current Zoning



411 King Street

Environmental Constraints



Environmental Constraints

- ▶ The existing building may be enlarged, reconstructed, repaired or renovated provided all other requirements of the WLUB are met
- ▶ Any new construction on site would have to meet the requirements of Section 27.0 of the WLUB and any other requirements of the Regional Municipality

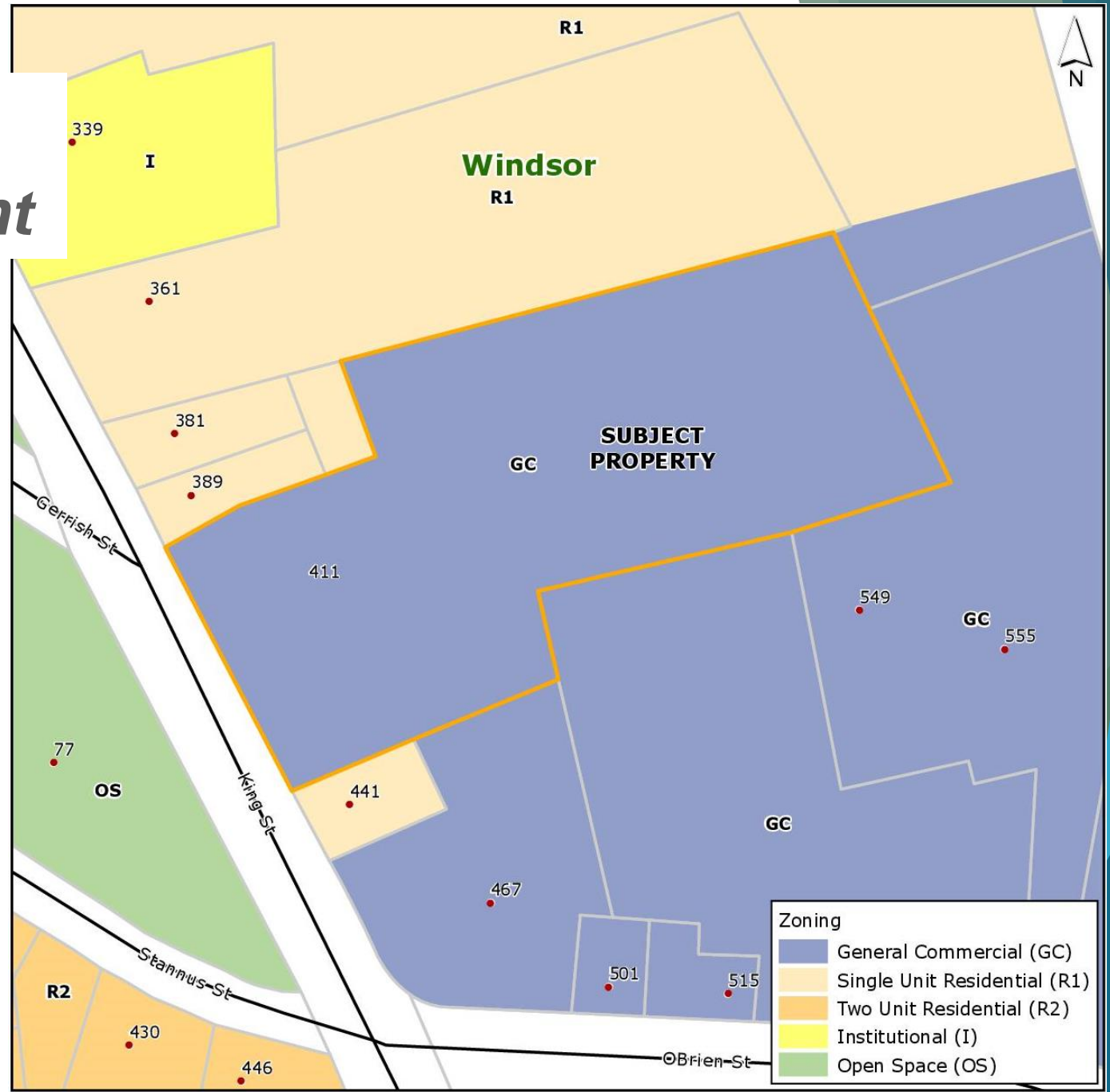
Document Review

- ▶ Section 8.0 of the WMPS contains the commercial policies for Windsor
- ▶ **Policy 8.3.2** establishes Council's intent to *“consider the creation of new General Commercial (GC) Zones in any designation, with the exception of the Wentworth Road Gateway District, by amendment to the Land Use By-law”*

Map Amendment

- ▶ For the requested uses to be developed on the lot, an amendment to the Zoning Map is required

411 King Street Proposed Amendment



Text Amendment

- ▶ Text amendment is not required as commercial schools, offices, repair and rental establishments, retail stores, service shops, entertainment uses, and residential uses are permitted as-of-right in the General Commercial (GC) Zone

Specific Criteria for Amendment

- ▶ **Policy 8.3.2** establishes criteria to be considered by Council
- ▶ In summary, the criteria are met since:
 - ✓ the lot is serviced by both municipal water and sewer;
 - ✓ the proposed use will not conflict with adjacent existing uses;
 - ✓ the proposal meets the WMPS general criteria.

General Criteria for Amendment

- ▶ **Policy 16.3.1** states general criteria for any amendments considered in Windsor
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated;
 - ✓ the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and Traffic Authority have no concerns.

Public Concerns from PIM

- ▶ 1. Environmental – it was determined that these concerns would be considered a civil issue and any corrective action (if required) would be between the property owners
- ▶ 2. Future uses: Suggestion to add the requested uses to the Institutional zone instead of rezoning – Amending the definition of Institutional uses would change the intent of the Institutional (I) Zone and adding all the requested uses to the list of permitted uses for the Institutional (I) Zone would permit any property zoned Institutional (I) in Windsor to do these as-of-right

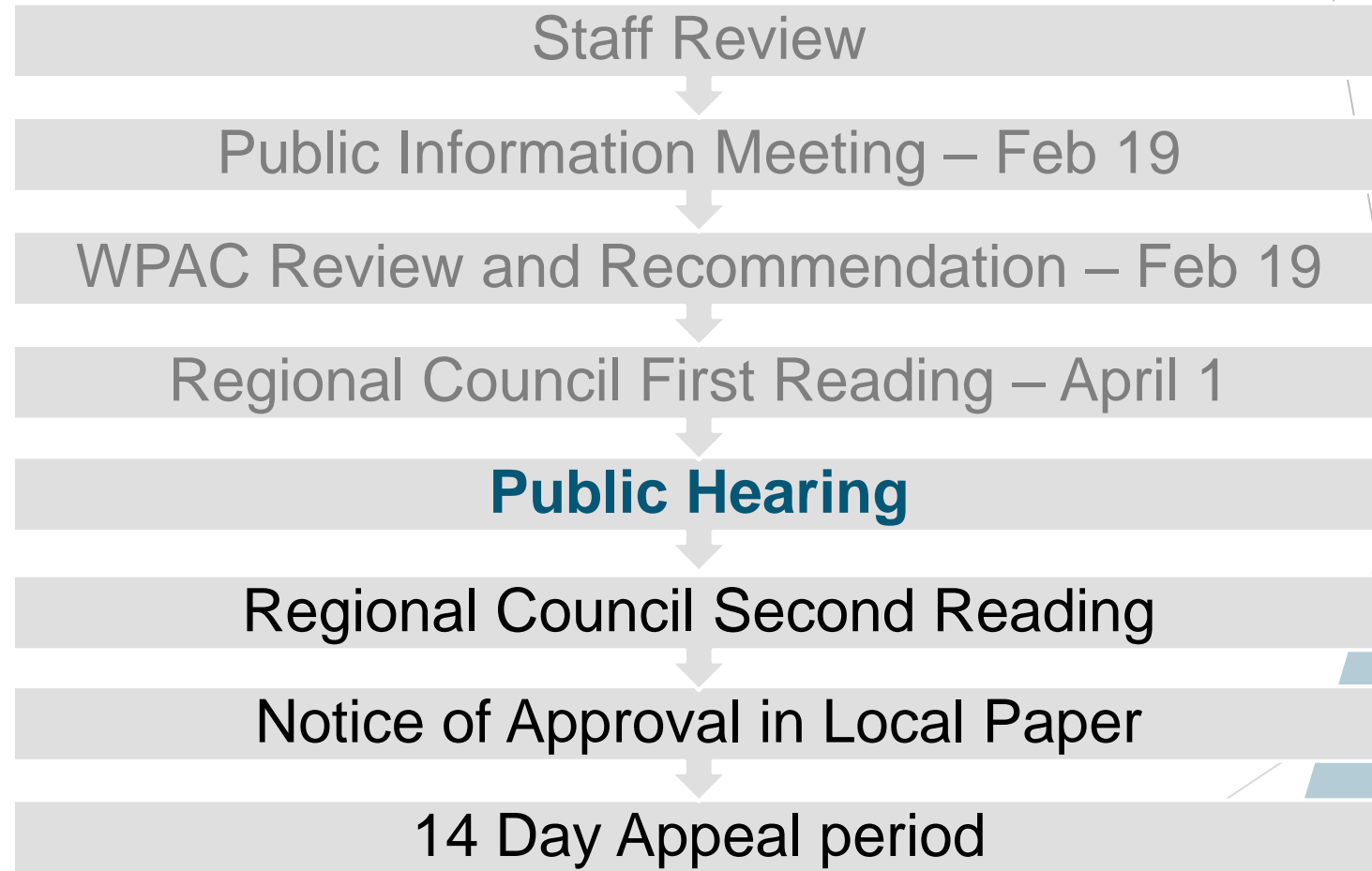
Conclusion

- ▶ Proposed map amendment is considered within the context of both specific and general WMPS policies
- ▶ Consistent with the intent, objectives and policies of the WMPS
- ▶ The proposed uses are permitted within the General Commercial (GC) Zone
- ▶ Reasonable to amend the zoning of the subject lot from Institutional (I) to General Commercial (GC)

Process

Notices were placed in the newspaper & properties within 500' were notified of the Public Hearing

All statutory requirements have been met





WWH
WINDSOR / WEST HANTS

TOGETHER



**WEST HANTS REGIONAL MUNICIPALITY
Mayors Report**

To: West Hants Regional Municipality Council

Submitted by: Mayor Zebian

Date: April 28, 2020

One month in Council. Time will continue to fly by quicker as we get deeper into business with upcoming budget deliberations and mapping out the future for our Regional Municipality. It's been a very busy month for me.

I am attending weekly zoom meetings with the NSFM. Topics are ranging from COVID 19, tax deferrals, water billing, and liquidity issues among many others. It's great to have a unified body for all municipalities to show a unified voice when lobbying for changes that better the lives of our residents.

I have been working with staff and our sports complex builders on the new sports complex in terms of the look, budget, contract items and what we believe should be included. We are fortunate to have a great team in place and a great builder that are cohesively working together to build the best complex we can. I'm excited to see the opening.

I made a visit down to the Avon River Heritage Museum during high tide earlier this month to help with sand bags to prevent flooding. What a great Community Avondale is and the volunteers at the Avon River Heritage Society are top notch! Dedicated, professional, and just great people. In the near future, Council will need to seriously look at that property and look at solutions to prevent rising waters. The Wharf, the boat house, and museum are all popular attractions to the community and very well used. All are also very prone to, and in danger of the rising water levels.

I had a very constructive conversation with NS Lieutenant Governor, The Honourable Arthur LeBlanc. We discussed COVID-19, the problems it's creating for the Municipality and it's residents, our long term care homes, the new Council, etc. A caring and humble man who really cared what I had to say.

We are very fortunate that our two units consolidated when they did. Together, we are much more well prepared to handle the COVID situation and any costs associated with it. If I think of our two units still as separate, we would be most likely facing, in the near future, requesting financial help from the higher levels of government. As one unified unit, we have the staff resources, the cohesion we need to be efficient, and the financial resources to weather the "storm". I hope other Municipalities and Towns use us as an example of the benefits of coming together.

I must also commend all our residents for being safe, maintaining social distancing, avoiding our parks, trails, and beaches, and helping flatten the curve. When things get back to normal will all depend on each and every one of us doing our part. I would also like to commend the Elms, Dykeland Lodge, and Haliburton House for being very forward thinking early on and protecting all the residents of each facility. You are true leaders!

I've been busy with many questions from residents as well. Varying topics from water billing, tax billing, garbage pick up questions, etc. Our residents are also very much enjoying the live Council meetings and the fact they can see the reports and information council sees.

Now that we have focused on a single name for the Regional Municipality, it's time we focus our thinking on branding and strategic goals/priorities going forward. This is the fun part of being on Council and the area where you can really set the Municipality apart from others.

I'd also like to mention the great acts of kindness happening all over the Municipality. BioVectra donating hand sanitizer to the community, Yum Foods and Connie Shay donating to the food banks, Pothier Motors donating masks, and residents helping each other.

We are strong and together we are stronger. Stay the course. Work for the future. Be happy. Be safe.



Committee of the Whole Excerpts
April 14, 2020

Resident Member Committee Appointments

...that Council approves the following resident members be appointed to the Windsor Area Advisory Committee (WAAC) for the term April 01, 2020 to October 31, 2022: Melissa Richard and Debbie Cleveland-Foster.

...that Council approves the following landowner representative be appointed to the French Mill Brook Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: Jamie Whidden.

...that Council approves the following resident members be appointed to the Audit Committee for a two-year term April 01, 2020 – October 31, 2022: Glenn Robinson and Jane Davis.

Financial Services Policies

...that Council approves the Acceptance of Donations Policy RCOFN-007.00 for the Region of Windsor and West Hants Municipality.

...that Council approves the Investment Policy RCOFN-005.00 for the Region of Windsor and West Hants Municipality.

...that Council approves the Tax Collection Policy RCOFN-004.00 for the Region of Windsor and West Hants Municipality.

RBC Funding Resolution re Operating Line of Credit

...that Council approves the Borrowing Resolution to enter into an agreement with Royal Bank Canada (RBC) to allow for an ongoing operating line of credit in the amount of \$500,000.

Water and Sewer Rates Three Mile Plains

...that Council direct staff for a report to look for options for the sewer rates to be put on the tax bill.

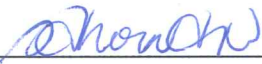
Internet Access Business Plan

...that Council provide direction to our CAO to initiate the process for the development of a business plan to be presented back to Council, which may require consultation with market / industry experts for the delivery of high-speed internet access for the benefit of the residents of Windsor West Hants.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by: 
Shelleena Thornton, Administrative Supervisor

Date: April 14, 2020

Subject: Resident Member Appointments to Committees of Council –
Supplementary Report (org Apr. 1, 2020) – Recommendation
Report

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act – Sections 24-27 (Standing, special and advisory committees; Vacancy on Boards, Commissions and Committees; Citizen Advisory Committees; and Community Committees).

RECOMMENDATIONS

That Committee of the Whole recommends...

...that Council approves the following resident members be appointed to the Windsor Area Advisory Committee (WAAC) for the term April 01, 2020 to October 31, 2022: Melissa Richard and Debbie Cleveland-Foster.

...that Council approves the following landowner representative be appointed to the French Mill Brook Watershed Advisory Committee for the term April 01, 2020 – October 31, 2022: Jamie Whidden.

...that Council approves the following resident members be appointed to the Audit Committee for a two-year term April 01, 2020 – October 31, 2022: Glenn Robinson and Jane Davis.

BACKGROUND

At the November 18, 2019 and February 10, 2020 Co-ordinating Committee meetings, the following committees were approved commencing April 1st.

Further, on April 1, 2020 – some resident members were appointed to Committees of Council. This report is a supplementary report to the Apr. 1st report.

NOTE: Only committees that require resident members are bolded.

- **Hantsport Area Advisory Committee**
- **Windsor Area Advisory Committee**
- **Municipal Climate Change Action Plan Committee**
- **Planning Advisory/Heritage Advisory Committee**
- **Accessibility Advisory Committee**
- **Audit Committee**
- **Watershed Advisory Committees (Davidson Lake, Mill Lakes, and French Mill Brook)**
- **Western Regional Housing Authority Board**
- **Police Advisory Board**
- Fences Arbitration Committee
- Committee of the Whole
- Annapolis Valley Regional Library Board
- Hants County Residence for Senior Citizens
- Region 6 Solid Waste
- Valley Community Fibre Network
- Valley Regional Enterprise Network
- Landfill Liaison Committee

DISCUSSION

The *Meeting and Committees Procedural Policy RCOGE-003.00* was approved by the Co-ordinating Committee on March 23, 2020. Included in that policy are appendices with respect to the following committees (and the number of resident members on each). The applications to-date do not necessarily fill all vacancies on all committees resulting in the need to re-advertise for additional resident members.

Those requiring more resident members include:

- Hantsport Area Advisory Committee (HAAC)
- Windsor Area Advisory Committee (WAAC)
- Accessibility Advisory Committee
- French Mill Brook Watershed Advisory Committees
- Police Advisory Board (This Board has yet to be established. Will be in the near future and once done, advertised for).

NEXT STEPS

Resident members will be contacted and notified of their appointments. An Administrative Terms of Reference will be established for each committee and vacancies will be re-advertised.

FINANCIAL IMPLICATIONS

Resident members appointed to a Committee of Council will receive remuneration in accordance with the Council Remuneration Policy, which is identified in the annual Operating Budget.

Other costs include advertisement in the newspaper associated with seeking representation. Further, advertisements can and will continue to be posted on the municipal website and social media pages.

ALTERNATIVES

Council could choose to not support the recommendations and continue to advertise for the vacancies.

ATTACHMENTS

Appendices from the Meeting and Committee Procedural Policy:

Appendix E – Audit Committee

Report Prepared by:



Shelleena Thornton, Administrative Supervisor

Report Approved by:



Mark Phillips, CAO

MEETING AND COMMITTEE PROCEDURAL POLICY

APPENDIX E

Audit Committee

1. PURPOSE

- 1.1. The primary purpose of the Audit Committee (the "Committee") is to provide advice to Council on all matters relating to audit and finance. The objective of the Committee is to:
- a) fulfil the requirements outlined in Section 44 of the *Municipal Government Act*; and
 - b) assist Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial report, risk management and internal controls.

2. SCOPE

- 2.1. This Policy is applicable to all serving members Audit Committee.

3. DEFINITIONS

- 3.1. In Appendix E,
- a) "Auditor" means the External Auditor conducting the audit of the Municipality;
 - b) "CAO" means the Chief Administrative Officer for the Municipality;
 - c) "Director of Finance" means the Director of Financial Services for the Municipality;
 - d) "Municipality" means the Region of Windsor and West Hants Municipality (or name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipality Act), effective April 1, 2020.

4. COMMITTEE COMPOSITION

- 4.1. Council will annually appoint members to an Audit Committee.
- 4.2. The Audit Committee will consist of five (5) members: the Mayor, two Council members, and two resident members who are not members of Council or Municipal Staff.
- a) Resident members should be sufficiently versed in financial matters to understand the Municipality's account practices and policies and the major judgements involved in preparing the financial statements.
 - b) Where an audit committee does not include any resident members, the audit committee will continue to meet and perform its duties and may exercise its powers. The Municipality will advertise to recruit resident members at least once every six months until the requirement is met.

MEETING AND COMMITTEE PROCEDURAL POLICY

- c) The Mayor will chair the Audit Committee meetings, and in their absence, another appointed Council member will chair.
- d) The CAO and/or Director of Financial Services will provide staff support to the Committee. They are not voting members of the Committee.
- e) The Council Remuneration Policy will be followed regarding any remuneration for the two resident members.
- f) All members must abide by the Administrative Terms of Reference set out by the Committee and reviewed the by CAO.

5. DUTIES AND RESPONSIBILITIES**5.1. Audit:**

- a) Review the qualifications, independence, quality of service, performance, and fees of the auditors and recommend the appointment of an auditor to Council.
- b) Carry out the responsibilities of the Audit Committee contained in Section 44 of the *Municipal Government Act*, in consultation with Management.

5.2. Finance and Risk Management

- a) Review with Management the quarterly financial updates and recommend to Council to be received.
- b) Management will give a presentation on all financial policies used in the preparation of the external financial statements; at the first annually meeting of the year.
- c) Review with Management the adequacy of internal controls.
- d) Review with Management annually risk management practices including insurance coverage.

6. ADMINISTRATION

- 6.1. Meetings of the Audit Committee will be held at least quarterly. Additional meetings may be necessary to review items relating to the audit and will be called by the Chair.



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by: _____
Diana Gibson, Manager, Accounting and Financial Reporting

Date: April 14, 2020

Subject: Financial Services Department Policies – Notices to Consider

LEGISLATIVE AUTHORITY

Municipal Government Act Section 23

Acceptance of Donations Policy Legislative Authority

- Municipality Government Act, Section 48(3)

Investment Policy Legislative Authority

- Municipal Government Act, Part VI, Investment of Funds 100

Tax Collection Policy Legislative Authority

- Municipal Government Act, Section 69A

RECOMMENDATION

Committee of the Whole recommends that . . .

. . . Council approves the Acceptance of Donations Policy RCOFN-007.00 for the Region of Windsor and West Hants Municipality.

. . . Council approves the Investment Policy RCOFN-005.00 for the Region of Windsor and West Hants Municipality.

. . . Council approves the Tax Collection Policy RCOFN-004.00 for the Region of Windsor and West Hants Municipality.

BACKGROUND

The Municipal Government Act, Section 23 gives council the power to adopt policies as specifically outlined in the Act, or for any matter that the council considers conducive of effective management of the municipality. The policies discussed below provide detailed guidelines on tax and donation collection, and investment

activity. Without these policies the Region of Windsor and West Hants Municipality will be responsible for following the two separate policies of the former Town of Windsor and Municipality of West Hants.

DISCUSSION

Acceptance of Donations Policy

The purpose of the Acceptance of Donations Policy is to allow the Municipality to take advantage of fundraised or donated monies and utilize them in accordance with the Municipal Government Act. This policy's objective is to ensure the acceptance of donations is done in such a manner as to respect the donors, while using the funds to help the overall community. This policy provides the Municipality with guidelines on the:

- Acceptance of Donations
- Administration of Donations
- Creation and Issuance of Tax Receipts
- Appropriate use of Donated Funds

Accepting donations will allow the Municipality to provide additional infrastructure and services to the community, creating a better lifestyle for the community.

Investment Policy

The purpose of the Investment Policy is to enable the Municipality to take advantage of preferred rates for its various cash reserves. This policy will allow the Municipality to invest low or non-earning funds into higher yielding conservative options, with the objective set on preserving the principal amount, while growing interest revenue.

If approved, the CAO of the Region of Windsor and West Hants Municipality will be responsible for administering the investment activities and ensuring compliance with the policy. The Director, Financial Services will recommend investments to the CAO and will develop and maintain the procedures and controls. Annually, investment reports will be presented to Council by the Director, Financial Services.

Tax Collection Policy

The purpose of the Tax Collection Policy is to provide direction regarding tax collection in accordance with the Municipal Government Act. This policy outlines the framework for the Municipality to not only collect taxes, but for any interest or fees that are applied to accounts. This policy includes guidelines on the annual tax sale process.

FINANCIAL IMPLICATIONS

These policies do not create any immediate financial implications, however they provide staff and the Municipality with the guidelines they need to be able to collect

taxes, fees, and donations; and to invest and grow interest revenue.

ALTERNATIVES

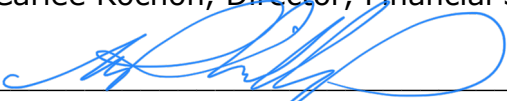
The Committee of the Whole could choose to not move forward with the recommendation; however, this would leave the separate policies of the Former Town of Windsor and Municipality of West Hants effective, which could cause a substantial difference in administering.

ATTACHMENTS

- Proposed Acceptance of Donations Policy RCOFN-007.00
- Proposed Investment Policy RCOFN-005.00
- Proposed Tax Collection Policy RCOFN-004.00

Report Prepared by: _____
Diana Gibson, Manager, Accounting and Financial Reporting

Report Reviewed by: _____
Carlee Rochon, Director, Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

ACCEPTANCE OF DONATIONS POLICY

1. PURPOSE

The Region of Windsor and West Hants Municipality recognizes donations are, at times, necessary and legitimate in supporting the effective conduct of government business. The acceptance of donations will be done in such a manner as to respect the generosity of the public and their donations.

The purpose of this Policy is to define the:

- Framework for the acceptance of donations by the Municipality,
- Administration of donations,
- Issuance of tax receipts, and
- Appropriate use of donated funds.

2. DEFINITIONS

For the purposes of this Policy, the following definitions are provided:

- a. "CAO" refers to the Chief Administrative Officer of the Municipality.
- b. "Cash" refers to any common currency, cheques, money orders, or credit cards normally accepted by the Municipality.
- c. "Council" refers to the Council for the Municipality.
- d. "Donation" refers to a gift by a donor at arm's length of the Municipality. No advantage can accrue to a donor or to any person not dealing at arm's length to the donor as a result of a donation. A donation may be in the form of cash or in kind, meaning a security, a tangible capital asset, a cultural asset, or real property. Donated services are not eligible for consideration under the Income Tax Act.
- e. "Donation Fund" refers to a pool of donated assets established for a specified purpose by Council.
- f. "Elected Municipal Official" refers to a Council member and includes the Mayor and Deputy Mayor unless the context indicates otherwise.
- g. "Employee" refers to any person directly employed by the Municipality.

ACCEPTANCE OF DONATIONS POLICY

- h. "Gift" refers to a contribution of cash or property to the Municipality, for which the donor received no consideration in return. Consideration may include, event tickets, use of the property, or dinner and/or performance at a fundraising event.
- i. "In-Kind Donation" refers to the donation of goods and services that are received in place of cash donations/gifts.
- j. "Municipality" refers to the Region of Windsor and West Hants Municipality (or the name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipal Act), effective April 1, 2020.

3. ACCEPTANCE AND USE OF DONATIONS

- a. Donations must only be accepted and used for purposes outlined in the Municipal Government Act, Section 65 – "*Power to Expend Money*".
- b. Donations must be for purposes consistent with the Municipality's mandate, programs, services, and activities, and must be deemed to be in the public interest.
- c. The Municipality may elect to accept or decline any donation. If a gift is not accepted, the donor will be advised of the reason.
- d. The Municipality may decline donations, with approval from Council, from any donor who represents a reputational risk to the Municipality, through involvement in activities that are contrary to the values of the Municipality.
- e. The Municipality cannot accept donations from individuals or organizations, whom are currently in litigation against the Municipality.
- f. Donations greater than \$500 must be reviewed by the Director, Financial Services or designated individual, before being accepted by the Municipality.
- g. In-kind donations and donations for which a Donation Fund has not been established by Council can only be accepted if the Municipality has the capability to meet the initial and ongoing costs associated with the gift. This will be decided on a case by case basis by Council.
- h. Council may retain any in-kind donation or, sell the asset and use the proceeds as necessary, unless donated for a designated purpose. In instances where in-kind donations are designated for a specific purpose, donor consent will be required before sale.

ACCEPTANCE OF DONATIONS POLICY

4. VALUATION OF IN-KIND DONATIONS

- a. Should Council accept and retain an in-kind donation, the donation will be assessed at its fair market value.
 - Should this in-kind donation be Real Property, *Acquisition of Real Property Policy* will be followed.
- b. A donation of inventory by a business is valued at its normal retail price.
- c. Where a public market does not exist to establish a fair market value of an in-kind donation (e.g. TSE, NYSE, etc.); an independent appraisal will be required.
- d. A donor may be asked by Council to make a cash donation to cover the costs of an appraisal.

5. DONATION FUNDS

- a. Council may establish Donation Funds for the collection and use of donations.
- b. All cash donations without a specific purpose will be deposited in the General Donations Reserve Fund.
- c. Donations of cash designated for specific purposes will only be accepted by the Municipality where Council has authorized the specific purpose or a fundraising campaign and where the necessary Donation Fund has been established.
- d. Contributions from a Donation Fund to an organization or individual is considered a grant and must be reported as such.

6. USE OF DONATED FUNDS

- a. The Municipality cannot facilitate a “conduit” relationship between donors and an organization which is independent of the Municipality. This means that the Municipality’s authority to issue tax receipts cannot be used to provide an unrelated organization with the ability to provide contributors with a tax benefit.
- b. The Municipality must retain active control over the use of donated funds, meaning it must actively oversee the use of donated funds. Guidelines are provided in *Section 5, Item c* of this Policy.
- c. Council may authorize the grant of a tangible capital asset or of real property financed with donations to an unrelated organization.
- d. The Municipality may grant funds to organizations over which it exerts significant financial influence, or which are considered municipal

ACCEPTANCE OF DONATIONS POLICY

service organizations. Examples of such organizations include, but are not limited to, Libraries or Fire Departments.

7. INDEPENDENCE FROM UNDUE INFLUENCE

- a. To ensure that the Municipality retains an arm's length relationship with the donor and as such, is not subject to undue influence; donations cannot be solicited or accepted from the following:
 - A party subject to an application for an approval, license, or permit; or
 - A bidder, proponent, or applicant, or any party not acting at arm's length from a bidder, proponent, or applicant to an open procurement.
- b. Prior to accepting a gift with a value greater than \$500, the donor is required to make a written declaration that the donation to the Municipality is not concurrent with an approval or procurement process in which they, or their organization or company if applicable, are involved.

8. ISSUING TAX RECEIPTS

- a. Tax receipt will only be issued for donations of \$20 or greater.
- b. Tax receipts will be issued no later than February 28th of the following year.
- c. Tax receipts must include the information prescribed by the Income Tax Act and the Canada Revenue Agency (CRA), as follows:
 - A statement that it is an "official receipt for income tax purposes",
 - The name and address of the Municipality, as on file with the CRA,
 - The unique serial number of the receipt,
 - The registration number issued by the CRA,
 - The place or locality where the receipt was issued,
 - The exact date and year the gift was received,
 - The date the receipt was issued,
 - The full name, including middle initial, and address of the donor,
 - The amount of the donation,
 - The amount and description of any advantage/recognition received by the donor,

ACCEPTANCE OF DONATIONS POLICY

- The eligible amount of the donation,
- The signature of the individual authorized by the Municipality to acknowledge donations,
- Name and Address of the Canada Revenue Agency, canada.ca/charities-giving.

Should the receipt be for non-cash gifts, the official receipt must also include:

- The date the gift was received,
- A brief description of the gift received by the Municipality,
- The name and address of the appraiser (if the gift was appraised).

- d. Tax receipts must be approved and signed by the Director, Financial Services.

9. DONOR RECOGNITION

- a. Donors can only receive nominal recognition from the Municipality. Per the CRA, this is defined as having a fair market value equal to 10% or less of the amount of the gift.
- b. Individuals or organizations who receive advantage recognition from the Municipality, per the CRA, will no longer be eligible for an official tax receipt and will not be considered a donor. This is defined as having a fair market value equal to or greater than 80% of the amount of the gift.
- c. Donations that fall between the nominal and advantage recognition levels, as per the CRA, will have recognition subtracted from the donation and an official tax receipt will be issued for the difference.
- d. Recognition does not include advertising. Advertising disqualifies a gift as a donation. For instance, the Municipality can recognize a corporate donor by naming a room of a building after the company. However, the company logo should not be included in a publication or on a door plaque, as it may be considered advertising.
- e. Names of donors will not be published without their permission.

10. REPEAL

The Acceptance of Donation Policy, COFN-009.00 dated January 8, 2019 of the former Municipality of the District of West Hants is hereby repealed.

ACCEPTANCE OF DONATIONS POLICY

I, Rhona Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, 2020

R.N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description: Initial Approval of Acceptance of Donations Policy</i>	

REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
Donor Declaration Form

I am voluntarily and unconditionally donating the sum of \$_____ to the Region of Windsor and West Hants Municipality, to benefit the development of the Municipality. I understand that the Municipality can direct my donation to a development of their choice, in their efforts to improve the area.

Consistent with the income tax interpretations of "qualifying donations," this contribution is made voluntarily without any conditionals and no benefit will accrue to myself (or related parties) because of my donation. I confirm that this donation does not or will not affect any approval or procurement process I (or related parties) may, directly or indirectly, be connected to. I also understand that civil penalties can be imposed against me for the misrepresentation of tax matters. Based on these facts, I understand that an official receipt for tax purposes will be issued.

Please submit this form along with your donation to:

The Region of Windsor and West Hants Municipality
76 Morrison Drive
PO Box 3000
Windsor, NS B0N 2T0

- Please make cheques payable to the Region of Windsor and West Hants Municipality.
- Each donation exceeding \$500 must come with its own donation declaration form.
- All donations are credited in Canadian Dollars
- Do not alter this form. Doing so may cause a delay or return of the donation.
- Donations may be delivered in person to the above address Monday to Friday from 8:30am to 4:30pm.

Donor Information	
Company Name or First Name:	Last Name:
Mailing Address:	
City:	Postal Code:
Telephone: ()	Email:
Donation Amount: \$	
Donor Signature:	Date:

INVESTMENT POLICY

1. PURPOSE

The Investment Policy of the Region of Windsor and West Hants Municipality will govern the investment of trust funds, reserve funds, and surplus cash balances at an optimum level of return while ensuring the principal amounts of investment is preserved. Exceptions to this Policy will be permitted under Section 100 (1)(b) of the *Municipal Government Act* from time to time upon approval by Council and the Minister of Municipal Affairs.

2. INVESTMENT OBJECTIVES

The Investment Policy seeks to preserve and grow the Municipality's revenues while adhering to strict legal requirements. Preservation of the principal amount implies a policy of conservative investing which will not necessarily produce the highest rate of return. The fundamental objectives of this Policy are built upon the preservation of capital as well as cash flow liquidity commensurate with the Municipality's expenditure requirements. This is accomplished by structuring the portfolio so that securities mature and/or are accessible concurrent with cash needs to meet anticipated demands.

The investment portfolio will be designed with the objective of attaining a market rate of return subject to risk. The portfolio of the Municipality will be managed in a manner which meets liquidity requirements, minimizes risk, and earns a market rate of return. The standards and guidelines for permissible investment are set out in *Section 6* of this Policy.

3. DEFINITIONS

For the purposes of this Policy, the following definitions are provided:

- a. "Audit Committee" refers to a committee of Council, which is responsible for assisting Council in meeting its oversight responsibilities by ensuring the adequacy and effectiveness of financial reporting, risk management, and internal controls.
- b. "CAO" refers to the Chief Administrative Officer of the Municipality.
- c. "Council" refers to the Council of the Municipality.
- d. "Director, Financial Services" refers to the senior administrative officer for the Financial Services Department with the Region of Windsor and West Hants Municipality.

INVESTMENT POLICY

- e. "Employee" refers to any person directly employed by the Municipality.
- f. "Elected Municipal Official" refers to a Council member and includes the Mayor and Deputy Mayor unless the context indicates otherwise.
- g. "Municipality" refers to the Region of Windsor and West Hants Municipality (or the name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipal Act), effective April 1, 2020.

4. APPLICATION

This Policy applies to investments of surplus cash balances held in any funds within the control of the Municipality. The CAO is responsible for administering the investment activities and ensuring compliance with this Policy.

Director, Financial Services will recommend to the CAO investment asset mix parameters and credit quality restrictions and will develop and maintain appropriate procedures and controls for recording, reporting, and monitoring investments to ensure that they are made in accordance with the Investment Policy. Director, Financial Services will monitor investment performance and prepare at least annual reports for the CAO and Audit Committee. Director, Financial Services will consult with any other person or persons whose advice is deemed to be desirable.

This Policy will be reviewed at least every three (3) years, and reports to Council recommending changes, deletions, or additions to the Policy as considered appropriate.

5. CONFLICT OF INTEREST

A conflict of interest occurs when any interested person may benefit materially from knowledge of, participation in, or by virtue of an investment decision.

An "Interested person" includes:

- Any employee or elected official of the Municipality who is managing in-house portfolios or is involved in the investment of fund by the Municipality.

Neither the municipal elected officials, nor employees of the Municipality will engage in personal or business activities which would profit from or be affected by the carrying out of their responsibilities as investors of the Municipality's fund that could result in personal gain.

INVESTMENT POLICY

Should a conflict of interest occur the person who has a conflict of interest or any person who becomes aware of a conflict of interest situation, will immediately disclose the conflict to the CAO. Any such party will abstain from decision making with respect to the area of conflict, and a written record of the conflict will be maintained by the Director, Financial Services.

6. ELIGIBLE INVESTMENT

The minimum standards and guidelines for competitive bids, and the maximum amounts and terms for each type of investment are outlined below. All investments should be denominated in Canadian Dollars.

Investment	Maximum Investment Level (\$)	Maximum Investment Terms
Federal Government, and its agencies	No dollar limit	2-year term
Province of Nova Scotia, and its agencies	No dollar limit	2-year term
Any Provincial Governments, or its agencies when their credit rating is A or greater ¹	No dollar limit	2-year term
Municipal Finance Corporation of Nova Scotia	No dollar limit	No term limit
Chartered banks, trust companies, and credit unions; operating in the Province of Nova Scotia	\$200,000.00	1-year term
Commercial Paper with a Canadian Bond Service rating of A-2 or higher or a Dominion Bond Service rating of R1 or higher	\$200,000.00	1-year term
Institutions covered by Canadian Deposit Insurance	Up to insured limit	2-year term
Deposit in accounts at the Municipality's financial institution	No dollar limit	No term limit

¹ Credit ratings found on Canadian Bond Rating or Dominion Bond Rating Services.

INVESTMENT POLICY

7. SAFE KEEPING

Any investment statement or purchase confirmation resulting from the acceptance of an investment should be forwarded to the Director, Financial Services or designate, for safekeeping. This should not preclude the option of having certificates held by financial institutions or if a book-based investment, held electronically.

8. INVESTMENT PROCESS

The procedure of acquiring investments will be as follows:

- a. The Director, Financial Services determines the amount to be invested by referring to the cash flow forecast.
- b. The Director, Financial Services determines the length of time to invest funds and the flexibility of that term. The term is determined within the constraints of the cash flow forecast. Flexibility on the term of the investment may range from one week to a date specified.
- c. The selections of the investments(s) will be made based on comparison of rates and subject to *Section 4* of this Policy. The Director, Financial Services may provide an updated copy of the Policy or see that the updated copy of the Policy (which includes a listing of eligible investments, *Section 6*) is provided to participating banks, brokers, or trust companies.
- d. The Director, Financial Services will phone banks, brokers, and/or trust companies and inform them of the following:
 - Amount to invest
 - Term
 - Flexibility of term
 - Time and date that rates are to be received at the Municipal Office in person, by mail, electronic mail, courier, or by facsimile.
- e. The Director, Financial Services requests approval from the CAO for proposed investments. The selections of the investment(s) will be made based on comparison of rates and subject to *Section 4* of this Policy.
- f. The Director, Financial Services will advise the successful bidder and ensure that the investment amount(s) and rate(s) are confirmed and advise the unsuccessful bidders that they were not successful.

INVESTMENT POLICY

- g. The rate as it is received noting all information will be recorded.
- h. The Director, Financial Services will take action to issue a cheque or arrange for a bank transfer payable to the successful financial institution. (Financial institutions to pay bank charges for bank transfer if any).
- i. Every investment is to be in the name of the Municipality and all registered securities are to bear the name of the Municipality.
- j. The Municipality requires receipts of investment documents which can come in the form of a certificate from the financial institution or a confirmation of purchase. If documents are being held offsite, the Municipality also requires confirmation that the documentation is held in safekeeping by those institutions. Investment documentation, if not held by financial institutions, will be kept by the Municipality.
- k. Any investments made are to be presented to the Audit Committee and then reported to council member at either the next Committee of the Whole or Council meeting. The report will include the principle amounts of investments, what the investments are, as well as maturity dates and yields. The report will also include details of other investment options received but not selected as well as the current interest rate received on bank deposits held.

9. REPEAL

The Financial Controls and Reporting Policy dated December 16, 2008 as amended to January 28, 2014 of the former Town of Windsor, and the Investment Policy, COFN-006.00 dated March 13, 2018 of the former Municipality of the District of West Hants are hereby repealed.

INVESTMENT POLICY

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the _____ day of _____, **2020**.

R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description: Initial Approval of Investment Policy.</i>	

TAX COLLECTION POLICY

1. PURPOSE

The purpose of this policy is to provide direction regarding tax collection in accordance with various sections of the Municipal Government Act.

2. DEFINITIONS

For the purposes of this policy, the following definitions are provided:

- a. "CAO" refers to the Chief Administrative Officer of the Municipality.
- b. "Council" refers to the Council of the Municipality.
- c. "MGA" refers to the Municipal Government Act.
- d. "Municipality" refers to the Region of Windsor and West Hants Municipality (or the name of the Regional Municipality given as per Section 11 of the Region of Windsor and West Hants Municipal Act), effective April 1, 2020.
- e. "Owner" refers to the person(s) who owns a property and to whom taxes are assessed.

3. APPLICATION

- a. Pursuant to Section 69A of the MGA, where a building(s) situated on a property has become permanently unlivable or unusable due to fire, storm, or otherwise and the current assessment of the property does not reflect that the building(s) has been destroyed:
 - i. The Municipality will, upon request, reduce or rebate the property taxes on the building(s) alone for the balance of the taxation year. The owner shall apply in writing to Council asking for a reduction or rebate of property taxes.
 - ii. The Municipality will ask the Building Official of the Municipality to confirm the complete destruction of the building(s).
 - iii. The Municipality will ask the Property Valuation Services Corporation to determine the following year's assessment value before any subsequent rebuilding or construction.
 - iv. Upon receipt of the Building Official's and Property Valuation Services Corporation's reports, the Municipality shall reduce the

TAX COLLECTION POLICY

amount of the taxes on the building(s) by pro rating the same over the balance of the taxation year from the date of destruction.

- v. If the owner of the property in question is found guilty of arson, either civilly or criminally, the Municipality shall not rebate any taxes. In the event that taxes have already been rebated, then that rebate shall be void from the beginning, and the taxes, with interest accrued thereon, shall become immediately due and payable, it being the overriding policy of the Municipality that a person shall not benefit from his or her own wrongdoing.
- b. Pursuant to Section 113(2) of the MGA, interest will be charged on overdue taxes at the rate of one and a quarter percent (1.25%) per month (fifteen percent (15%) per annum) simple interest.
- c. Pursuant to Section 114(2) of the MGA, where an overpayment of taxes has been made, the Municipality will pay interest on the excess taxes paid at the rate of zero percent (0%) per annum from the date of overpayment.
- d. Pursuant to Section 123(6) of the MGA, the person executing a warrant is entitled to a fee as stated in their contract for such service.
- e. Pursuant to Section 134(4) of the MGA, the Municipality hereby delegates to the Treasurer/Director, Financial Services the power to enter into a tax arrears payment agreement with the owner.
- f. Payment from the owner will first be applied to any monies expended by the Municipality on behalf of the owner, such as legal fees and demolition costs that have been charged against the property as miscellaneous invoices and then in accordance with Section 131 of the MGA.
- g. The Municipality will not put a property on the list of properties liable to be sold for taxes, rates, and expenses if the amount owing for the previous tax year or years (excluding the current year) is less than ten percent (10%) of the total taxes, rates, and expenses owing (including interest) for that particular property, or two hundred dollars (\$200.00).
- h. Pursuant to Section 138 of the MGA, the time period for payment of overdue taxes to be set forth in the preliminary notice shall be 30 days.

TAX COLLECTION POLICY

- i. The Municipality will permit the Treasurer/Director, Financial Services to engage a firm to perform work on a property which may include a survey of the property which has been sold or will be sold at a tax sale. In exercising this discretion, the Treasurer/Director, Financial Services shall take into consideration the work to be performed by a firm in relation to the overall benefit to the Municipality and all the circumstances of the particular case.

4. REPEAL

The Tax Collection Policy, COFN-002.00 dated April 26, 2016 of the former Municipality of the District of West Hants, and the Tax Billing Policy dated April 27, 1999 and the Tax Sale Policy dated March 24, 1992 of the former Town of Windsor are hereby repealed.

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the ____ day of _____, **2020**.

R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	
<i>Approval:</i>	
<i>Description: Initial Approval of the Tax Collection Policy</i>	



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by: _____
Carlee Rochon, Director, Financial Services

Date: April 14, 2020

Subject: RBC Borrowing Resolution

LEGISLATIVE AUTHORITY

Municipal Government Act, Power to Spend Money 65A &
Municipal Government Act, Power to Borrow Money 66

RECOMMENDATION

Committee of the Whole recommends that...

...Council approves the Borrowing Resolution to enter into an agreement with Royal Bank Canada (RBC) to allow for an ongoing operating line of credit in the amount of \$500,000.

BACKGROUND

The former Municipality of the District of West Hants had a Line of Credit set up to meet any cash requirements necessary for the ongoing operations of the Municipality throughout the year. In the last 5 years, this has not been drawn from. To change the name on the Line of Credit, the Royal Bank of Canada requires a Borrowing Resolution approved by Council and signed.

DISCUSSION

The Municipality must be able to draw from a Line of Credit to meet the cash requirements necessary for the ongoing operations of the Municipality, if needed.

Having access to a Line of Credit is a practice that is common among municipal units and has been a practice of the Municipality of West Hants in the past. The difference between this recommended resolution and previous ones is that no end date is placed in this one. Removing the end date will eliminate the need to return to Council every year to pass the same resolution.

NEXT STEPS

After approval the resolution will be signed and forwarded to the RBC account manager.

FINANCIAL IMPLICATIONS

Any monies drawn from the Line of Credit would be subject to interest of RBC prime minus 0.6%. Currently this works out to an annual interest rate of 2.35%.

ALTERNATIVES

1. Council could choose not to move forward with the borrowing resolution. This would require the Municipality to borrow internally to maintain the day to day operations, which could impact the progress of planned capital projects.
2. Council could choose to reduce the borrowing resolution to a lower amount. Should a shortfall occur as a result, the Municipality to borrow internally to maintain the day to day operations which could impact the progress of planned capital projects.

ATTACHMENTS

- Borrowing Resolution 309

Report Prepared by: _____
Carlee Rochon, Director, Financial Services

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Account No. _____

**NOVA SCOTIA
MUNICIPAL CORPORATION-BORROWING RESOLUTION
(Made in Duplicate)**

To authorize the borrowing of certain moneys from the **ROYAL BANK OF CANADA** to meet the current expenditure of the Corporations of the REGION OF WINDSOR AND WEST HANTS MUNICIPALITY _____ (hereinafter called "the Corporation") for the year 2020 _____.

WHEREAS it is necessary to borrow the sum of \$ 500,000 _____ from the **ROYAL BANK OF CANADA** to meet the now current expenditure of the Corporation until such time as the taxes to be levied therefore can be collected.

BE IT THEREFORE RESOLVED by the Municipal Council of the Corporation as follows:

1. That the Chief Administrative Officer _____ with the Director of Finance of the Corporation, be and they are hereby authorized under the seal of the Corporation to borrow from the **ROYAL BANK OF CANADA** the sum of

Five Hundred Thousand _____ dollars as the same may be required from time to time to meet the now current expenditure of the Corporation which said expenditure has been duly authorized by the Council.

2. That the said Chief Administrative Officer _____ with the Director of Finance aforesaid, be, and they are hereby authorized to pay or allow to the said bank interest on the said sum of \$500,000 _____ dollars at the rate of Royal Bank Prime minus 0.60 _____ per cent per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best.

3. That the said sum of \$ 500,000 _____ so to be borrowed shall be made payable on or before the 31st _____ day of March _____ next; and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st _____ day of March _____ may be renewed by the said Chief Administrative Officer _____ and Director of Finance from time to time, but no renewal thereof shall fall due later than the said 31st _____ day of March _____ next.

4. That the promissory note or notes of the Corporation, sealed with the corporate seal and signed by the Chief Administrative Officer _____ and Director of Finance of the Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution.

5. That the giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only of indebtedness.

Passed in open council this _____ day of _____, 2020 _____.

(CORPORATE SEAL)

Chief Administrative Officer

Director of Finance

CERTIFICATE

I hereby certify that the foregoing is a true copy of a resolution of the council of the Municipal Corporation of the REGION OF WINDSOR AND WEST HANTS MUNICIPALITY _____ -
passed at a meeting and held on the _____ day of _____, 20____ at which a quorum of the council was present and voting.

(FOR BANK USE ONLY)

Prepared By	Checked By
-------------	------------

Clerk



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
AGENDA REQUEST FORM**

Name:	Councillor Francis		
Date:	April 8, 2020	Date Submitted to CAO: April 8 2020	April 8, 2020

Request– Initial – to be completed by Council Member

Detail	Water and Sewer Rates Three Mile Plains Particularly looking at Sewer billing and the option of moving the charge back to the taxes as was previously billed.				
Decision Requested:	Adding sewer portion back to the taxes. This was a topic I heard at the doors while campaigning in Three Mile Plains.				
Background: What? Who? How? When?	Property <input type="checkbox"/>	Public Opinion <input checked="" type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>
	Sewer Billing for Three Mile Plains and the billing process that was changed last year by West Hants Council				
Strategic Implication: with Dashboard	Current <input type="checkbox"/>	Short Term <input type="checkbox"/>	Long Term <input checked="" type="checkbox"/>		
	The only change would be the billing process.				
Budget:	Same cost just billed differently	Policy: MGA section	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Desired Outcome:	To be able to have a better way to bill residents for the sewer portion of the water bills.				

Recommendation:	Report/Document: Attached <input type="checkbox"/> Available <input type="checkbox"/> Nil <input type="checkbox"/> Email sent April 3, 2020 and an information report to follow.
-----------------	---

Request for Decision – CAO Initial Review

Detail	Synopsis
Department: select all that apply	<input checked="" type="checkbox"/> Governance/Legislative <input type="checkbox"/> Protective Services <input checked="" type="checkbox"/> Administration <input type="checkbox"/> <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Engineering Public Works <input type="checkbox"/> <input type="checkbox"/> Parks and Recreation <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Economic Development <input type="checkbox"/>
Decision Requested:	<input type="checkbox"/> Operational Matter <input checked="" type="checkbox"/> Decision of Council Required <input type="checkbox"/> <input checked="" type="checkbox"/> Policy Change <input type="checkbox"/> Other <input type="checkbox"/>
	It is not entirely clear if the request is to revisit the current policy for possible changes or revisit the rationale for the change.
Background:	The synopsis is appropriate for the desired level of discussion. Pending discussion and direction from Council further research may be required. My additional understanding for the change in past policy was primarily based on the fiscal condition of the sewer operations and the desire to apply a more equitable fees system. The current policy reflects an approved rate and a billing system which is based on consumption used vs. estimates or a flat fee for all.
Budget:	Research would have to be conducted to determine what financial impacts would occur if a change in the policy or a return to a flat fee structure.

Staff Workload:	Unknown at this time. It is noted that due to Covid-19 staff is working under a modified environment and reduced capacity. Workload will be determined based on Council's wishes.
Policy:	MUNICIPALITY OF THE DISTRICT OF WEST HANTS <i>Sewerage and Stormsewer Connection, Discharge and Charges By-law</i>
Response Options:	<ol style="list-style-type: none"> 1. A discussion with Council to better understand the past rationale for the by-law change. No Change 2. A discussion with Council to explore a bylaw change.
Preferred Strategy:	To be determined
CAO Comments:	A full review of the history of the by-law and sewer charges is required to ensure an unwarranted change is not initiated based singularly on public opinion as noted but a full review including financial impacts of sewer operations.



REGION OF WINDSOR AND WEST HANTS MUNICIPALITY INFORMATION REPORT

To: COTW
Submitted by: Debbie Francis, Councilor District 5
Date: April 8, 2020
Subject: Sewer Billing

LEGISLATIVE AUTHORITY

Council

BACKGROUND

West Hants made a motion to consolidate the water utilities and sewer services in 2018. G.A Isenor Consulting and Blaine S. Rooney Consulting were hired by the three utilities and sewer services to conduct a water rate study and a sewer rate study to determine their financial needs over the next three years.the rates for sewer service for customers in Three Mile Plains/Wentworth, Falmouth, and Hantsport, as set out in the sewer rate study be adopted and that staff prepare the necessary changes to related by laws and policies.

DISCUSSION

The method of determining the sewer rates has been changed. Revenue generated for sewer services will be from a combination of a base rate and effluent charge per cubic meter based on water consumption. This was different than the current approach taken in Three Mile Plains and Falmouth where sewer rates were based on a flat fee related to the number of dwelling units. Hantsport saw a slight change as they now see a base charge on their water bills for sewer charges.

The information received stated the residents in Three Mile Plains on average may see their overall water and sewer rates increase, while residents in Falmouth, on average, may see their combined water and sewer rates decrease. These estimates were based on the data from water consumption over the past few years. It was noted that it was not anticipated that the change in the rate structure will be cost prohibitive for users. There was communication sent to residents regarding the change and the feedback from residents was minor.

Sewer rates are a council decision, approval from UARB is not required.

While I was campaigning during the election many of the concerns I heard from residents in Three Mile Plain was the increase they saw in their water/sewer bills. Residents are understanding to the fact that water and sewer utilities need to be run on a breakeven basis, including setting aside a reserve for ongoing capital repairs and replacements.

They were used to a flat rate on their taxes for sewer and now are faced with the sewer being added to their quarterly water bills, and it was an increase of sometimes double or even triple what they were used to paying. Much conversation was whether the sewer portion can be added back to their taxes.

NEXT STEPS

Staff report on options.

FINANCIAL IMPLICATIONS

No financial changes, only to the way the sewer rate is billed.

ATTACHMENTS

None

Report Prepared by: Debbie Francis, Councilor District 5

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
AGENDA REQUEST FORM**

Name:	Jim Ivey		
Date:	April 8 2020	Date Submitted to CAO: April 8, 2020	April 8, 2020

Request– Initial – to be completed by Council Member

Detail	<p>In 2006 Windsor and West became partners in the Valley Community Fiber Network (“VCFN”). The original participation by the municipal partners was to provide in-house high-speed internet access through the fiber asset they collectively owned as well as the potential for benefits related to economic development.</p> <p>Changes in market conditions have driven the VCFN to review and refocus its business plan for longer term sustainability, taking diminished demand for dark fiber sales into account as well as increasing municipal demand by our residential and business clients for high-speed access in our rural communities of Windsor West Hants.</p> <p>While some residents have internet access whose quality scale ranges from high to middle to low, others in our communities do not have internet access at all. Costs of services relative to quality is another matter altogether however highly connected to the issue of access in our communities.</p> <p>Windsor West Hants is on record with wanting to ensure that “all” of its residents have access to high-speed internet access. Capital funding has been allocated, grants have been sought and steps taken in the last few years to extend the main backbone network via lateral through to Brooklyn. These actions and those involved are to be applauded for moving this initiative forward and beginning to push internet connectivity out to our region’s more rural residents.</p> <p>We are now however at the stage where a detailed business plan, option analysis and costing estimate is required to determine the depth, breadth and methodology (who we should partner / work with) for proceeding to deliver high-speed internet to our residents. We also need to determine if access is realistic for all residents or that alternative options need to also be considered.</p>
--------	---

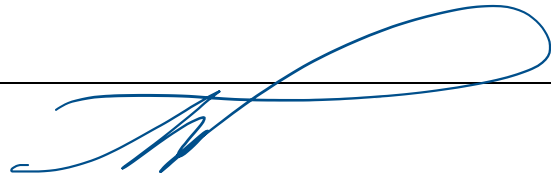
	<p>In this industry options in the market are continually changing and as recently as February 14, 2020 when the CRTC issued Telecom Order CRTC 2020-60.</p> <p>In its order the Commission directed Cogeco, Eastlink, RCCI, Shaw, and Videotron to make certain revisions to the terms and conditions of their aggregated wholesale high-speed access (HSA) services, also known as third-party Internet access (TPIA) services, reflecting the Commission’s determinations set out in Telecom Decision 2018-458 and in this order. The Commission considers that, in accordance with the 2019 Policy Direction, its determinations in this order can promote increased competition, affordability, consumer interests, and innovation in the HSA service market.</p> <p>The above noted CRTC order creates a potentially valuable shift in the market and we should review it as part of our analysis.</p> <p>In keeping this brief and to the point, we’ve collectively identified that we want to provide our residents with high-speed access. We’ve told our residents we will deliver on getting them access to the internet. Now that we are committed, we have a need and an obligation to ensure the success of our region and its residents which requires the expertise and development of a professional business plan. Seeding our region with high speed access (in what will likely be a hybrid of varied transport options) will drive economic development and increased accessibility in our region. I would encourage us to take this important step with the development of a proper strategic and tactical business plan towards this end to move forward with a business plan for success.</p> <p>It is important to further note that with the shift in the focus of the VCFN, we and they need to know if and how our plans align with its refocused plans and objectives. As part of this process we want to ensure our plans including the identification of options, costs, deployment methods and timelines are in synch.</p>
<p>Decision Requested:</p>	<p>Council provide direction to our CAO to initiate the process for the development of business plan to be presented back to Council, which may require consultation with market / industry experts for the delivery of high-speed internet access for the benefit of the residents of Windsor West Hants.</p>

Require	Property <input type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input checked="" type="checkbox"/>
Strategic Implication: with Dashboard	Current <input checked="" type="checkbox"/>		Short Term <input checked="" type="checkbox"/>		Long Term <input checked="" type="checkbox"/>
Budget:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (Budget implications yes – available not sure)	Policy: MGA section		Yes <input type="checkbox"/> No <input type="checkbox"/> Possibly – depending on means of deployment (utility / coop / partners)?	
Desired Outcome:	That we have a plan to move forward with the deployment of expanded access to internet services in our communities, that we know if we can afford it or if not; how we can achieve it; that we know if we are aligned with the VCFN or if we need to incorporate alternative options for consideration or some combination thereof.				
Recommendation:	Report/Document: Attached <input type="checkbox"/> Available <input type="checkbox"/> Nil <input type="checkbox"/>				

Request for Decision – CAO Initial Review

Detail	Synopsis
Department: select all that apply	<p>Governance/Legislative <input type="checkbox"/> Protective Services <input type="checkbox"/> Administration <input type="checkbox"/></p> <p>Planning <input type="checkbox"/> Engineering Public Works <input type="checkbox"/></p> <p>Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Economic Development <input type="checkbox"/></p>
Decision Requested:	<p>Operational Matter <input type="checkbox"/> Decision of Council Required <input type="checkbox"/></p> <p>Policy Change <input type="checkbox"/> Other <input type="checkbox"/></p>
Background:	Adequate background has been provided for the purpose of discussion. Additional information will be collected and included in a report and update to Council.
Budget:	Unknown at this time. Provincial Department of Business has been leading this file and provided financial supports to projects. Formerly WH had earmarked funding pending NSB announcements.
Staff Workload:	Under current Covid-19 staff are working under a modified environment and reduced capacity. However, there is capacity to prioritize the efforts on this file and provide an updated report to Council.
Policy:	No reference at this time.
Response Options:	1. For Council to direct staff to provide an update on this file.
Preferred Strategy:	To be determined

CAO Comments:	<p>The spirit of this agenda item and request for action is supported. At the current time we have not had the opportunity to participate in a strategic session with the New Council but the topic of regional internet accessibility for all residents has been a past priority and a topic a majority of new Council members have identified. Pending Council support, I am pleased to dedicate staff resources to supporting this file.</p>
---------------	---





REGION OF WINDSOR AND WEST HANTS MUNICIPALITY INFORMATION REPORT

To: Committee of the Whole (“COTW”)
Submitted by: Jim Ivey, Councilor District 11
Date: April 8, 2020
Subject: Internet Access

LEGISLATIVE AUTHORITY

The Regional Municipality of Windsor and West Hants

BACKGROUND

In 2006 Windsor and West became partners in the Valley Community Fiber Network (“VCFN”). The original participation by the municipal partners was to provide in-house high-speed internet access through the fiber asset they collectively owned as well as the potential for benefits related to economic development.

Changes in market conditions have driven the VCFN to review and refocus its business plan for longer term sustainability, taking diminished demand for dark fiber sales into account as well as increasing municipal demand by our residential and business clients for high-speed access in our rural communities of Windsor West Hants.

While some residents have internet access whose quality scale ranges from high to middle to low, others in our communities do not have internet access at all. Costs of services relative to quality is another matter altogether however highly connected to the issue of access in our communities.

Windsor West Hants is on record 2019 with initial funding allocation of \$3 million to ensure that its residents have access to high-speed internet access. Capital funding has been allocated, grants have been sought and steps taken in the last few years to extend the main backbone network via lateral through to Brooklyn. These actions have served to move the initiative forward and begin the journey to provision internet connectivity out to our region’s more rural residents.

DISCUSSION

Windsor West Hants are at the stage where a detailed business plan, option analysis and costing estimate is required to determine the depth, breadth and methodology (who we should partner / work with) for proceeding to deliver high-speed internet to our residents. We also need to determine if access is realistic for all residents or that alternative options need to also be considered.

In this industry options in the market are continually changing and as recently as February 14, 2020 when the CRTC issued **Telecom Order CRTC 2020-60**.

In its order the Commission directed Cogeco, Eastlink, RCCI, Shaw, and Videotron to make certain revisions to the terms and conditions of their aggregated wholesale **high-speed access (HSA)** services, also known as third-party Internet access (**TPIA**) services, reflecting the Commission’s determinations set out in Telecom Decision 2018-458 and in this order. The Commission considers that, in accordance with the 2019 Policy Direction, its determinations in this order can promote **increased competition, affordability, consumer interests, and innovation in the HSA service market.**

The above noted CRTC order creates a potentially valuable shift in the market and we should review it as part of our analysis.

We have collectively identified that we want to provide our residents with high-speed access, we now have a need to undertake the development of a business plan for the initiative. Seeding our region with high speed access (in what will likely be a hybrid of varied transport options) will drive economic development and increased accessibility (in many ways) throughout our region.

The development of a plan including identification of options, costs, deployment methods and timelines would serve us well in continuing the work that has already been started. It is also important to note the ever-changing market shifts that occur as well as the focus of the VCFN be considered such that our plans are aligned in the best interests of our region.

NEXT STEPS

Business Plan / Staff Report identifying delivery options, timeframes costs and funding.

FINANCIAL IMPLICATIONS

To be determined as part of the business plan analysis

ATTACHMENTS

None

Report Prepared by: Jim Ivey, Councilor District 11

Report Reviewed by: _____
(Name and Title)

Report Approved by: _____
(Name and Title)



Special Committee of the Whole Excerpts
April 21, 2020

Sports Complex Update

...that Council pre-approve the addition of \$1,280,642.00 for the Municipal Sports Complex in the 2020/21 Municipal Capital Budget, amending the total project cost to \$17,523,384.

Further, that the required funding for the municipal contribution for the project be from a combination of withdraws from existing Windsor and West Hants reserves and municipal debentures, recognizing it is the priority to withdraw from reserves, pending budget deliberations.

Naming of Regional Municipality

... that Council approves the Region of Windsor and West Hants Municipality change its name to West Hants Regional Municipality.

West Hants Sports Complex Project Update

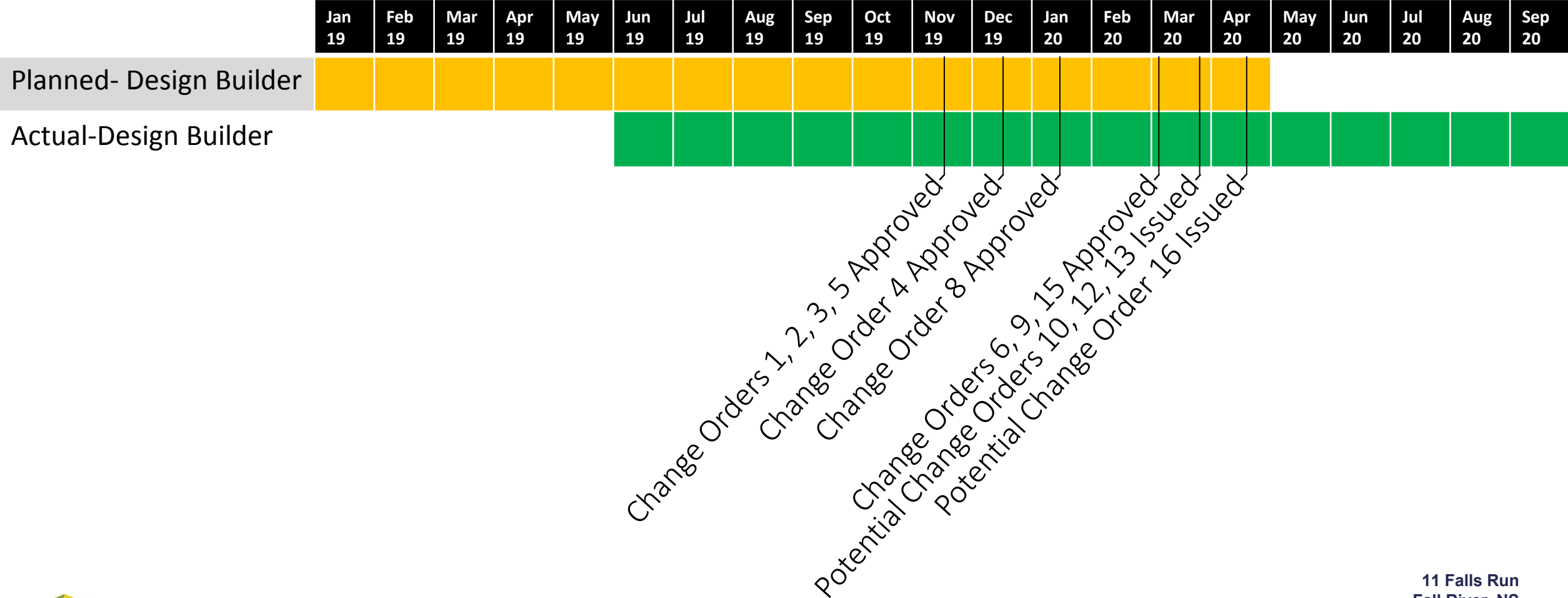
April 21, 2020



TATE
ENGINEERING

11 Falls Run
Fall River, NS
902.576.3420
tateengineering.com

Project Timeline



Design Status Update

Design Elements	Schematic Design	Development Design	Issue for Construction (IFC)	Notes
Civil	✓	✓	✓	Complete
Architectural	✓	✓	✓	Complete
Interior Design	N/A	✓	?	Direction Required
Structural	✓	✓	✓	Complete
HVAC & Refrigeration	✓	✓	✓	Complete
Plumbing	N/A	✓	?	Direction Required
Electrical	N/A	✓	✓	Complete

Construction Status Update

- Precast concrete rink stands completed
- Steel studding 90% complete
- Field house stone base being prepared for turf
- Electrical 60% complete
- Masonry 80% complete
- Interior slabs are complete, except rink slab
- Roof installation 25% complete
- Earned value indicates project is 75% complete
- Lindsay notified owner of delay claim per GC section 6.5 due to COVID-19 pandemic

Construction Progression



Center of Fieldhouse, looking at stands



Fieldhouse stands, Looking out at fieldhouse

Construction Progression



First floor center core, Fieldhouse dressing rooms



First Floor center core, Elevator and front vestibule

Construction Progression



Mezzanine by rink stands, elevator and warm room



Mezzanine by rink stands, elevator and public washrooms behind it

Construction Progression



Mezzanine by mechanical room, looking at stands



Mezzanine, Looking at rink stands

Project Budget Information

Item	Cost	Note	Status
Approved Construction Budget	\$14,359,034	West Hants agreed contract value	Approved
Actual Construction Cost	\$14,359,034	Per Contract	Approved
Owner Reserve	\$242,760	Difference between approved budget and actual contract	Approved
Construction Contingency	\$1,022,126	7% of the approved construction budget	Approved

Contract Value	Invoiced to date	Remaining in Contract	Contingency Percentage	Recommended Contingency
\$14,359,034	\$10,732,999	\$3,626,034	5%	\$181,301

Approved Change Orders

Change Order	Cost	Note	Status
1	\$585,571	Award delay claim	Approved
2	\$6,742	Dasher board price increase	Approved
3	\$317,520	HVAC & refrigeration's scope change	Approved
4	\$75,506	Architectural takeoff - schematic design	Approved
5	\$23,464	Turf increase	Approved
6	\$13,499	Not approved (JC CCO1, CCO 2, and IB Storey CCN 430)	Approved
7	\$0	Blank, not issued	Cancelled
8	\$2,219	Unforeseen conditions - fixing existing storm pipe	Approved
9	-\$3,644	Credit for flooring ins and outs, rear curtainwall	Approved
14	\$0	Blank, not issued	Cancelled
15	\$16,100	Electrical additions -WIFI, power and data	Approved
Approved Change Order Total	\$1,036,977		

Remaining Contingency

Item	Cost
Approved Change Orders	-\$1,036,977
Construction Contingency	\$1,022,126
Owner Reserve	\$242,760
Soft Cost Overages	-\$18,720
Total	\$209,189

Contemplated User Enhancements

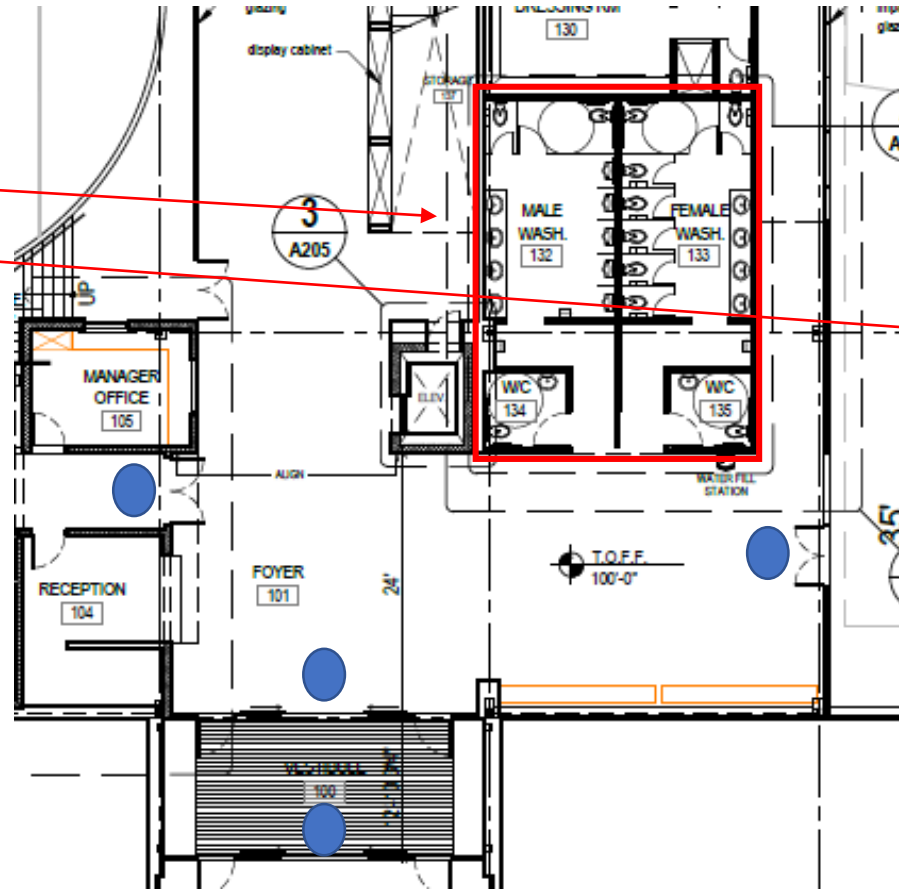
Item	Description	Item Cost	Options	Option Cost
1	Interior Upgrades - Public Hygiene	\$69,160- Lindsay Estimate	1	\$69,160
2	Millwork – Staircase Display / Lobby Standing Counter / Rink Dressing Rooms	\$116,003- Lindsay Estimate	1+2	\$372,086
	Glazed Interior Railing	\$181,923- PCO 13		
	Exterior Signage Support and Electrical	\$5,000- Lindsay Estimate		
3	Various Drywall Upgrades	\$88,500- Lindsay Estimate	1+2+3	\$805,086
	Painting Structural Steel	\$166,000- Lindsay Estimate		
	Interior Corrugated Cladding	\$178,500- Lindsay Estimate		

Contingency Usage Options- Public Hygiene

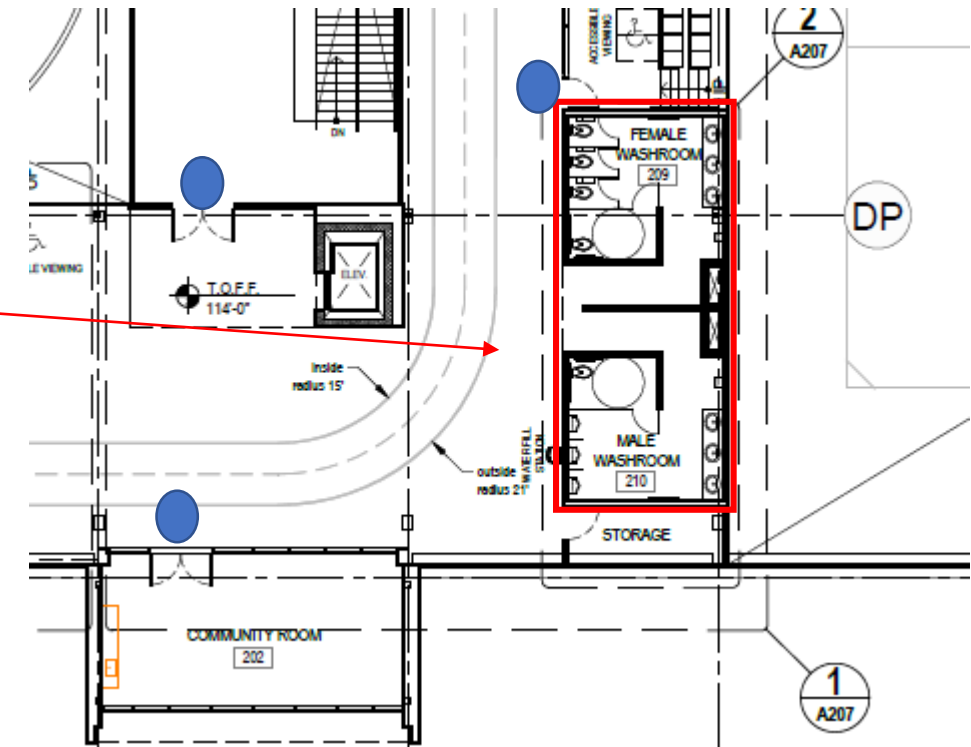
Interior upgrades in the all washrooms are:

- Touchless taps
- Corian countertops
- Undermount sinks
- Wall tile (just public washrooms)

Other upgrades include touchless door operators



First level public washrooms and vestibule



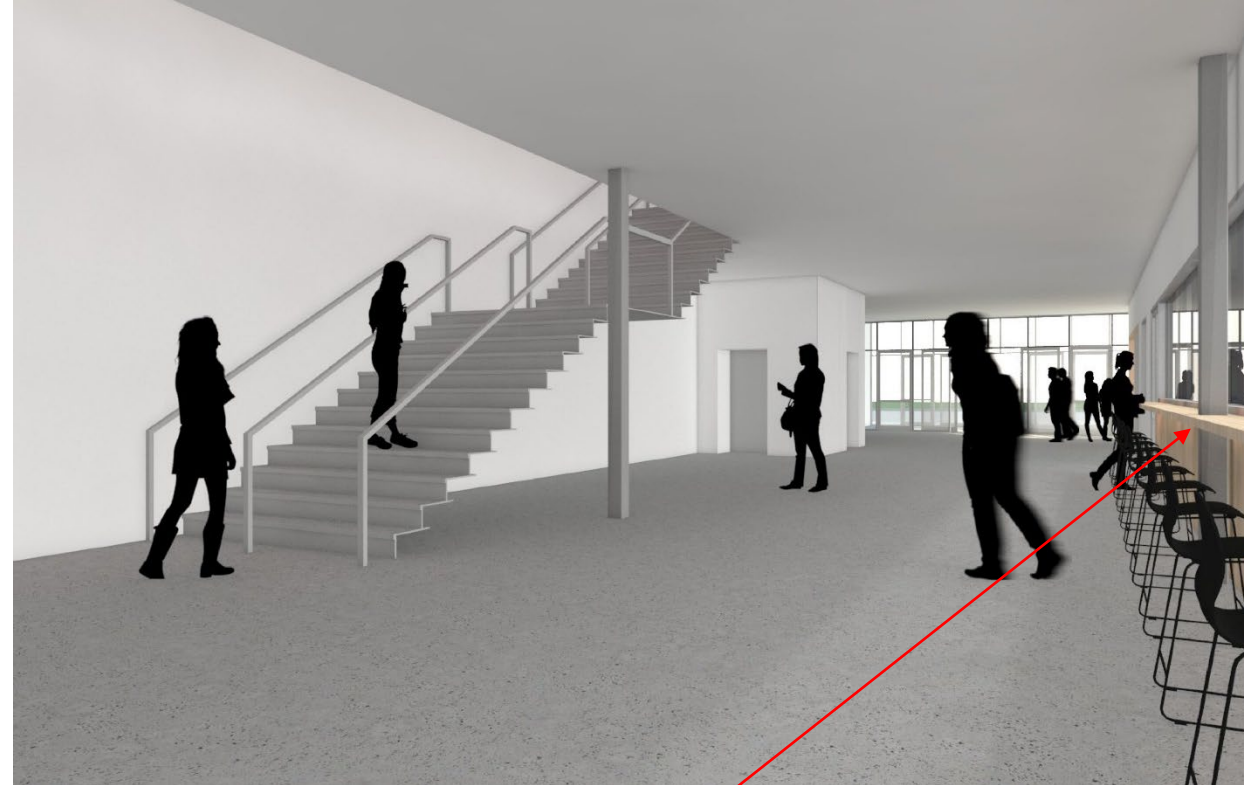
Second level public washrooms

Contingency Usage Options- Millwork

Staircase display would be used to display various item including hockey memorabilia



Additional scope



Current scope

*Standing counter facing rink is not in current scope, this addition is included in Millwork change order

Contingency Usage Options- Millwork

Millwork would be added to the exterior wall of the rink dressing rooms, otherwise those walls would have an IMP (Insulated Metal Panel) finish along with a gap between the bench and wall



Additional scope

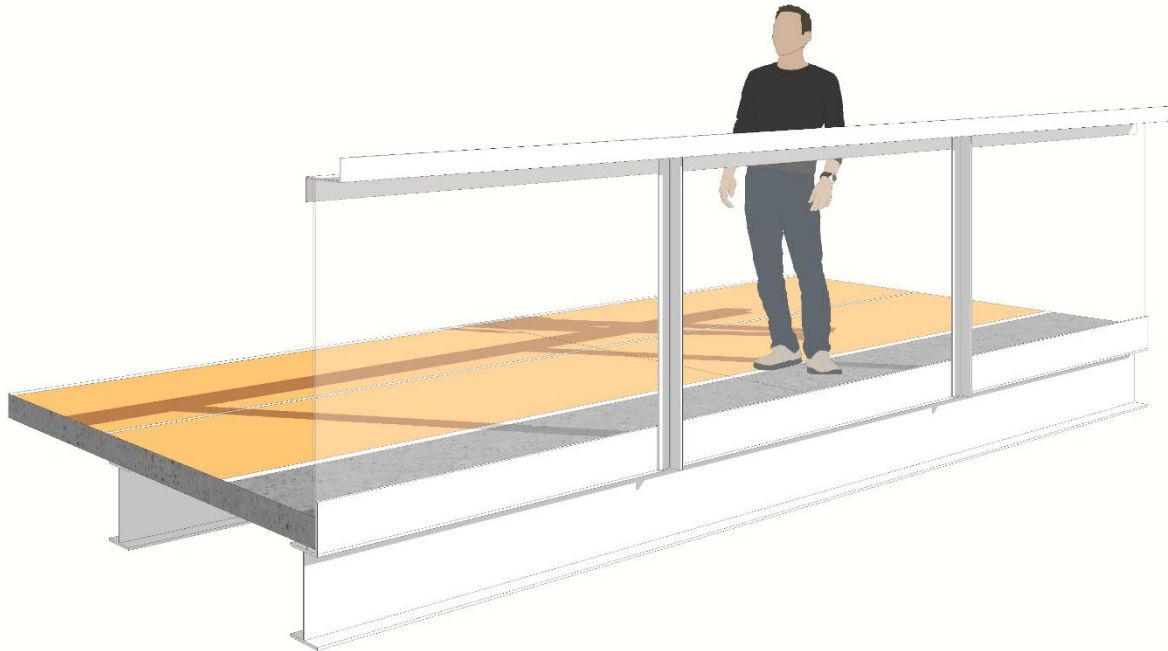


Current scope

- TV screens in both pictures are future items
- Blue wall in washroom is not being contemplated

Contingency Usage Options- Glazed Interior Railing

Glazed railings would have 6' glass panels, with a top railing that has a 6" wide ledge

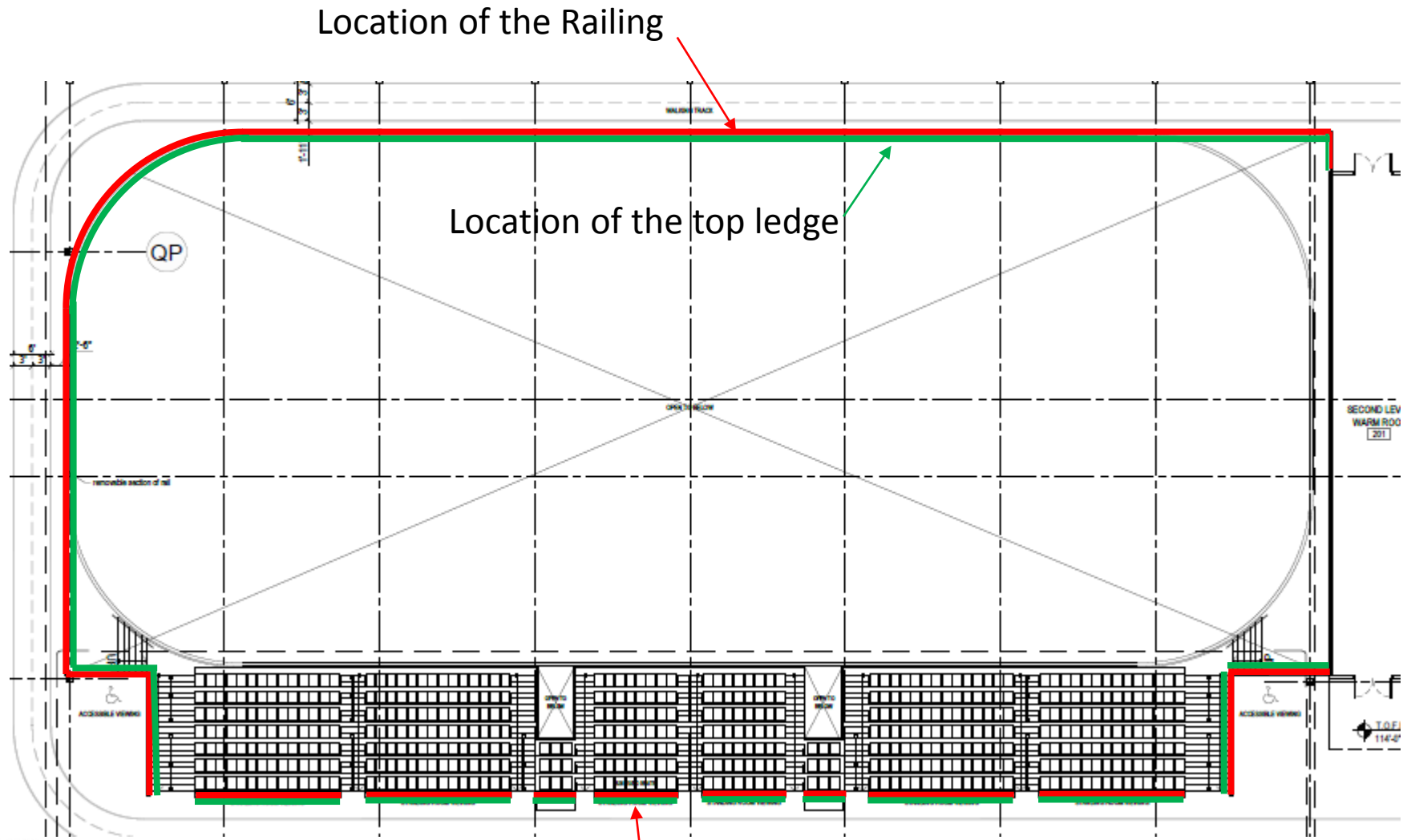


Additional scope



Current scope

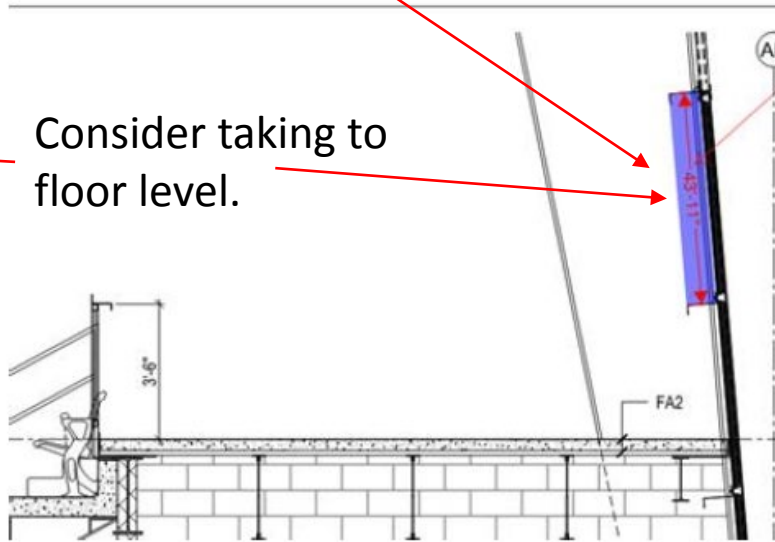
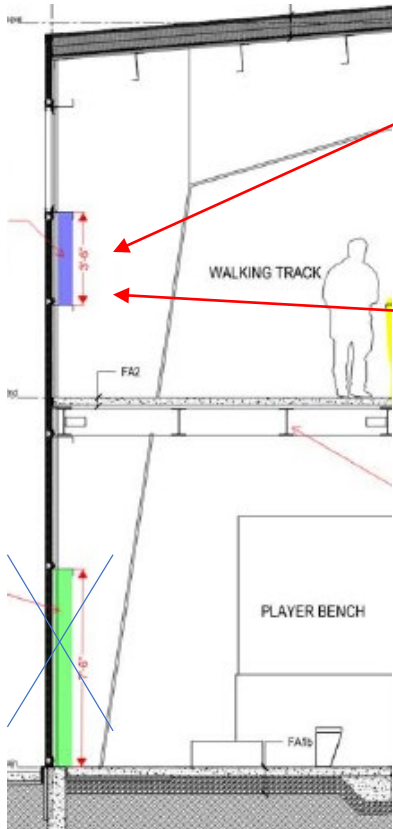
Contingency Usage Options- Glazed Interior Railing



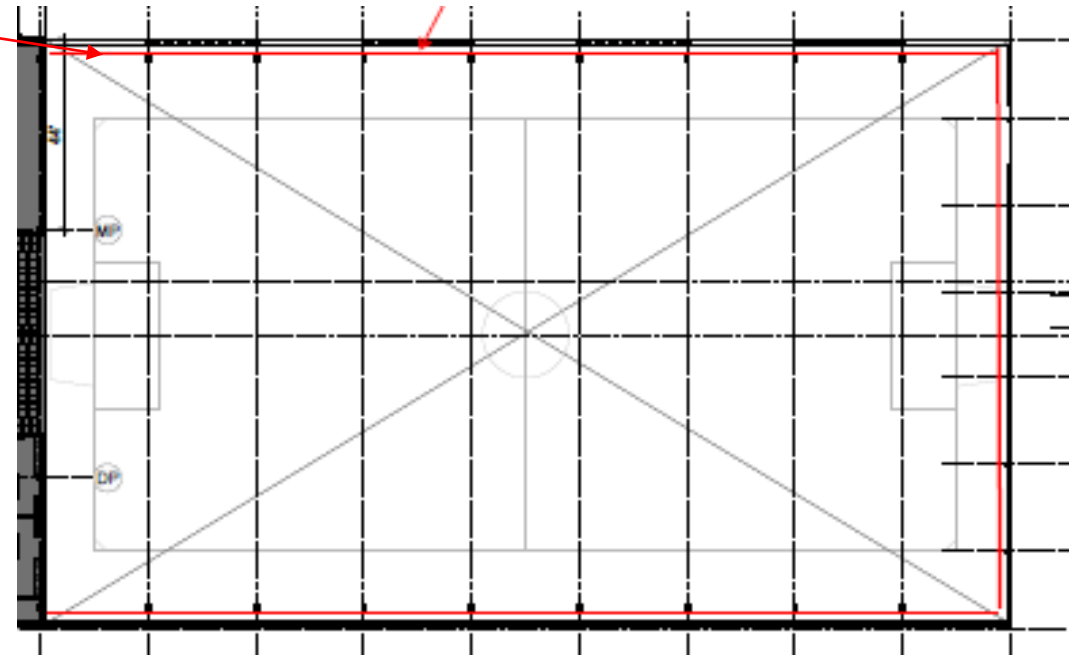
Railing behind bleachers would not have glass as it is not required

Contingency Usage Options- Drywall Upgrades

Drywall infills would prevent climbing of the structure and garbage collection and be an architectural feature of the building



Around the walking track

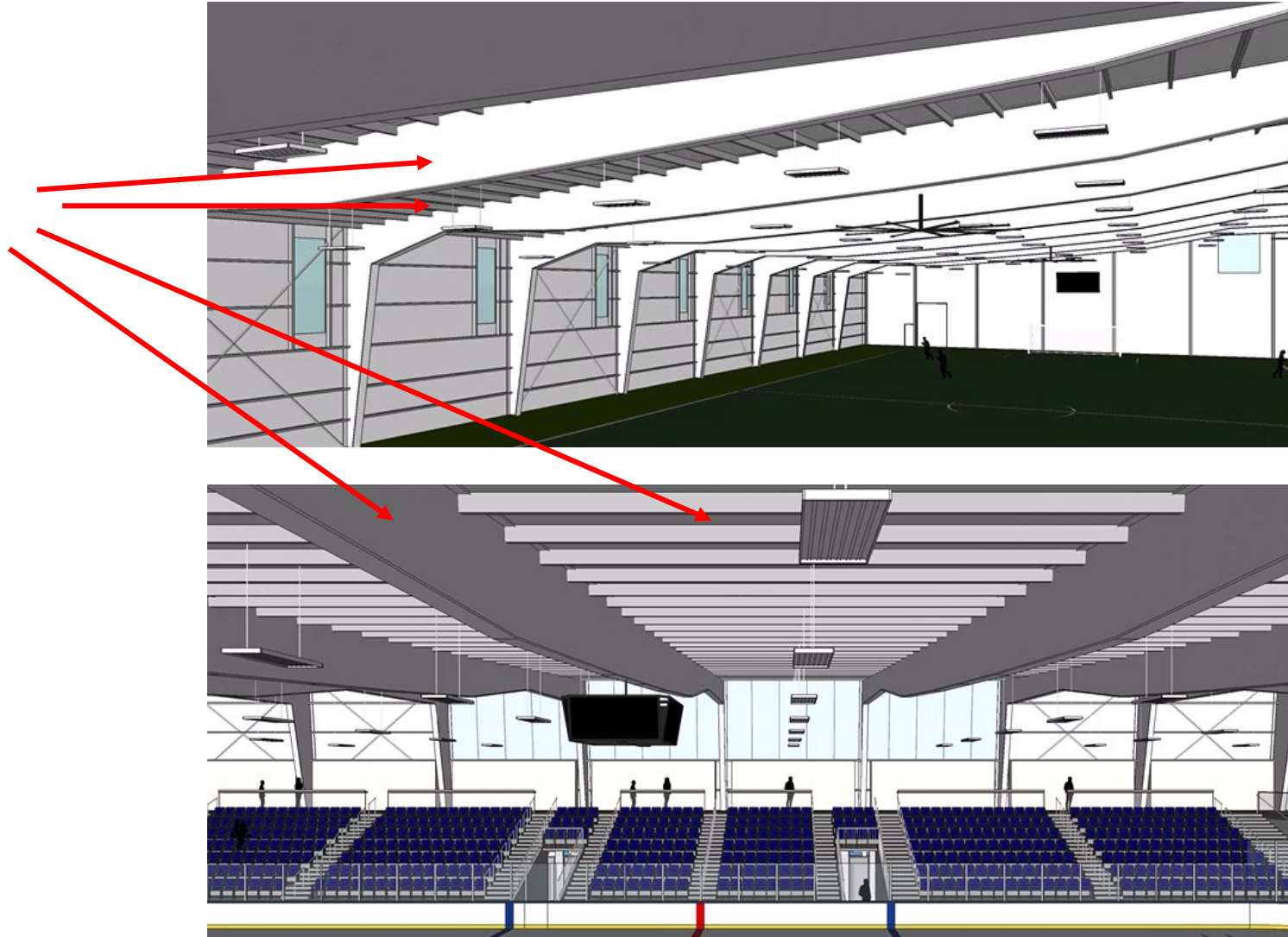


Around the fieldhouse

Behind rink player benches

Contingency Usage Options- Painting Structural Steel

Currently all structural steel is grey, the change would be to paint the ceiling white, which includes the main structural steel and all other interior roof surfaces

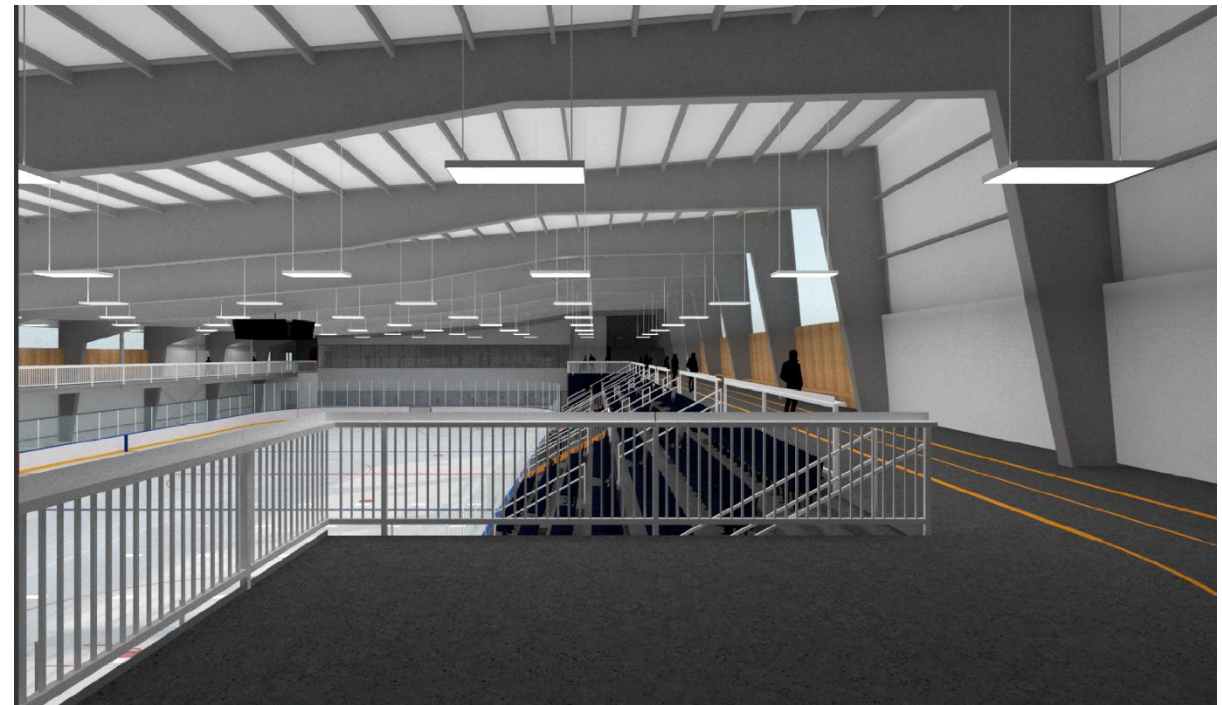


Contingency Usage Options- Painting Structural Steel

Painting the steel would brighten up the arena



Additional scope



Current scope

Contingency Usage Options- Interior Corrugated Cladding

Corrugated cladding allows certain parts of the building to stand out, adding to architectural features



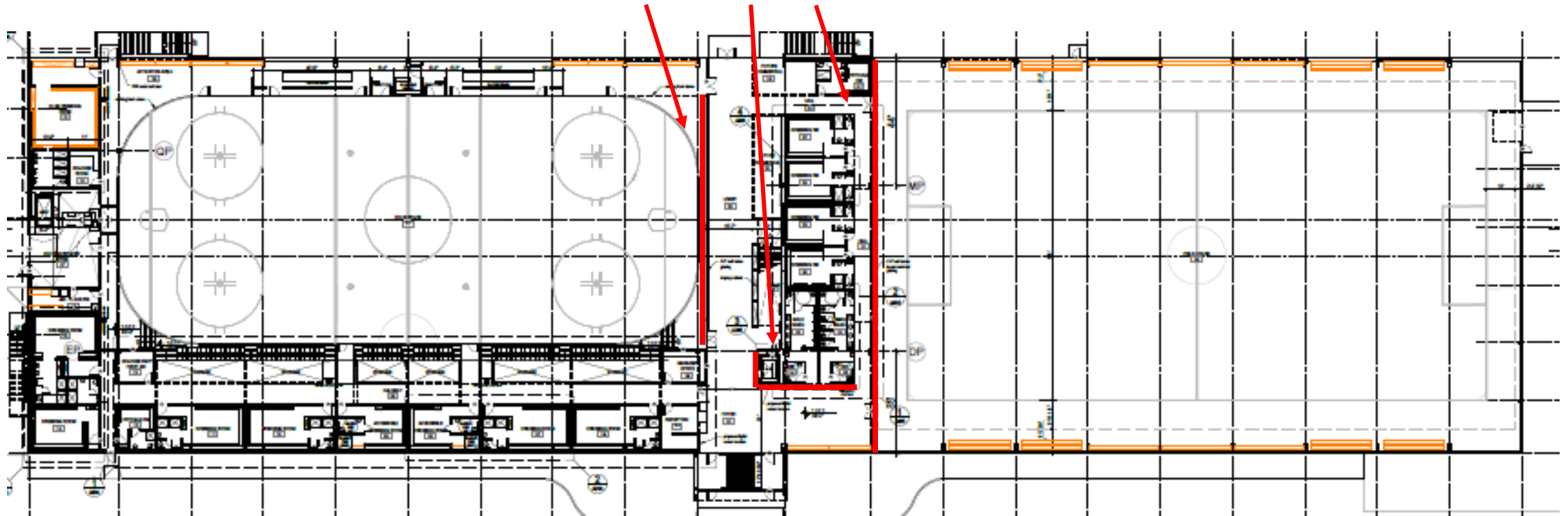
On walking track between warm room and fieldhouse viewing area



Standing on the rink looking at the center core/warm room

Contingency Usage Options- Interior Corrugated Cladding

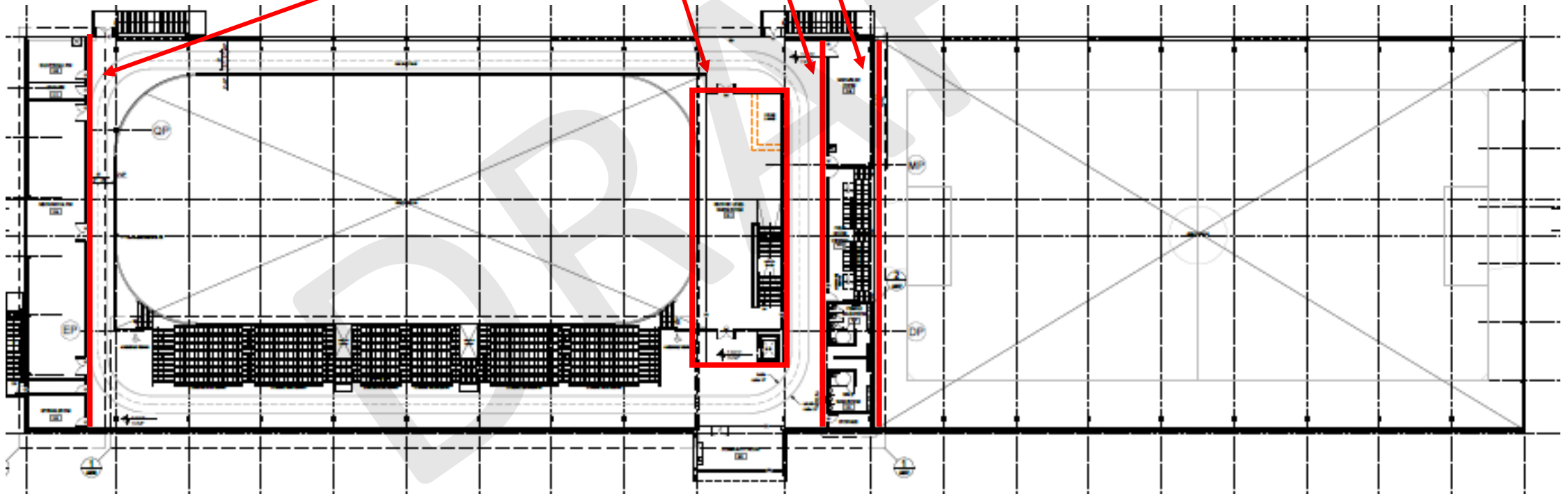
Location of corrugated cladding on wall face



First level

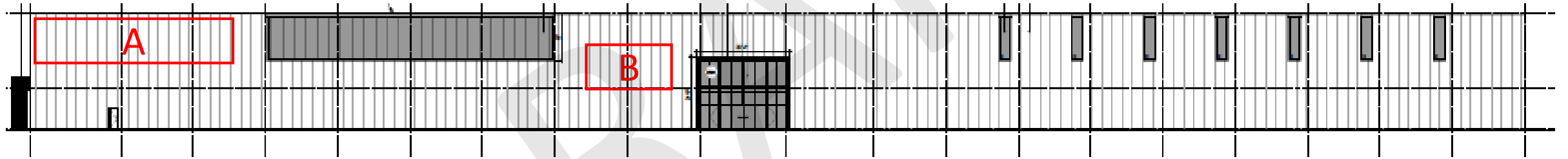
Contingency Usage Options- Interior Corrugated Cladding

Location of corrugated cladding on wall face

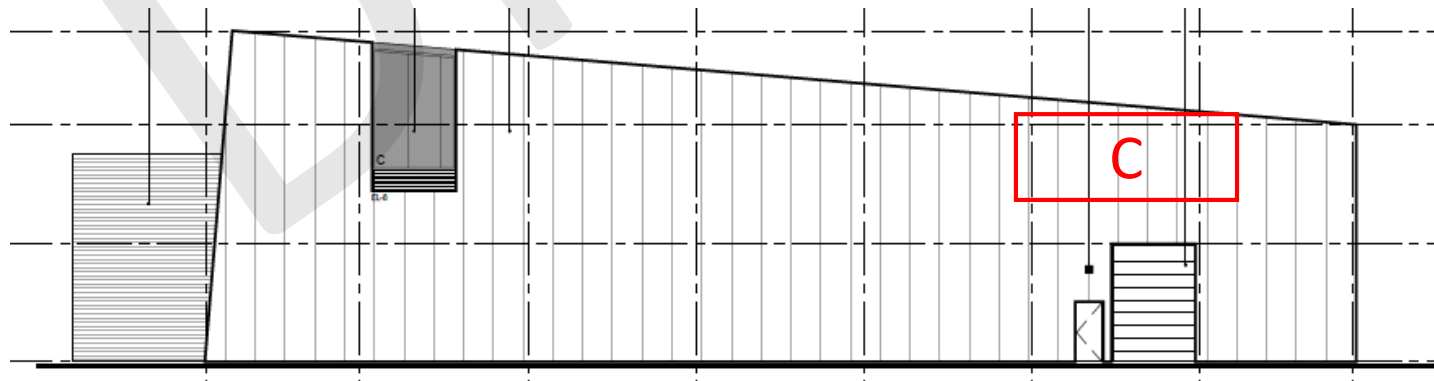


Contingency Usage Options- Exterior Signage

Three potential areas for exterior signage, cost is to provide power and sign bracing



South side (Faces Wentworth Road)



East side (Faces the highway)

Windsor / West Hants Municipal Sports Complex Review
 21-Apr-20
 CAO, Mark Phillips

1 of 8

2 of 8

Budget for Project April 1 2019		Projected	
Sports Complex Construction		April 1 2019	As of March 31 2020
Expenditures			
Building Related	Complex cost / Award to Lindsays	\$ 14,359,034	\$ 14,359,034
	Owner Reserve or FF&E	\$ 242,760	\$ 18,720
	Contingency	\$ 1,022,126	\$ 1,036,977
Professional Services	Project Engineer	\$ 125,000	\$ 125,000
	Ice Engineer	\$ 70,000	\$ 70,000
	Climate Lens	\$ 19,760	\$ 19,760
	Energy Model	\$ 27,800	\$ 27,800
Property Related	Flood Assessment	\$ 17,938	\$ 17,938
	Geotechnical	\$ 11,437	\$ 11,437
	Land appraisal, survey, etc.	\$ 11,814	\$ 11,814
	Payment Certifier	\$ 24,000	\$ 24,000
	Land purchase	\$ 288,000	\$ 288,000
Other	Miscellaneous Costs	\$ -	\$ -
	Legal	\$ 20,073	\$ 20,073
	Total cost	\$ 16,239,742	\$ 16,030,553
			\$ 209,189
Contingency needed to complete project "as is"			
Sources of Funding			
		April 1 2019	As of March 31 2020
	Government of Canada	\$ 4,430,400	\$ 4,430,400
	Province of NS #1 Contribution	\$ 3,691,631	\$ 3,691,631
	Province of NS #2 Contribution		\$ 4,000,000
	Town of Windsor	\$ 1,000,000	\$ 1,000,000
	Fundraising	\$ 2,000,000	\$ 57,580
	Mun. of West Hants	\$ 5,117,711	\$ 1,117,711
	Total Funds	\$ 16,239,742	\$ 14,297,322
	Shortfall	\$ -	\$ 1,733,231
carry forward to 2020/21			

3 of 8

**Project Transition from West Hants Council to New Regional Council
2020/21 Capital Budget Additions**

Item	Description	Item Cost	Options	Option Costs
1	Interior Upgrades - Public Hygiene	\$ 69,160.00	1	\$ 69,160.00
2	Millwork - Staircase Display / Lobby Standing Counter	\$ 116,003.00	1 + 2	\$ 372,086.00
	Rink Dressing Rooms	\$ 181,923.00		
	Glazed Interior Railing	\$ 5,000.00		
3	Exterior Signage Support and Electrical	\$ 5,000.00	1 + 2 + 3	\$ 805,086.00
	Various Drywall Upgrades	\$ 88,500.00		
	Painting Structural Steel	\$ 166,000.00		
	Interior Corrugated Cladding	\$ 178,500.00		

4 of 8

2020 /21 Capital Budget Additions
Sports Complex Construction

Expenditures		April 1 2020
Building Related	Contemplated Change Orders Options 1 + 2 + 3	\$ 805,086
	Contingency for Noted Option (7% equivalent)	\$ 56,356
	FF&E (Furniture / Fixtures & Equipment)	\$ 450,000
Professional Services	Project Engineer	\$ 68,200
	Payment Certifier	\$ 9,000
Other	Miscellaneous Costs	\$ -
	Total cost	\$ 1,388,642
Sources of Funding		April 1 2020
	Geographic Area of Windsor (18%)	\$ 246,661.65
	Geographic Area of West Hants (82%)	\$ 1,141,980.37
	Total Funds	\$ 1,388,642

6 of 8

Total Project Municipal Contribution

Municipal Geographic Area	Contribution	Total	
Windsor 2019 Project Related	\$ 1,000,000		
Windsor 2020 Project Related	\$ 246,662		
Windsor 2020 Share of \$1,733,231 Fundraising	\$ 307,870	\$ 1,554,532	30%
West Hants 2019 Project Related	\$ 1,117,711		
West Hants 2020 Project Related	\$ 1,141,980		
West Hants 2020 Share of \$1,733,231 Fundraising	\$ 1,425,361	\$ 3,685,052	70%
	\$ 5,239,584	\$ 5,239,584	100%

8 of 8

Total Project Breakdown

Expenditures		
Original Project Cost 2019	\$ 16,239,742	
Additional Requests 2020	\$ 1,388,642	
Total Costs	\$ 17,628,384	
Sources of Funding		
Government of Canada	\$ 4,430,400	25.1%
Province of NS Contribution	\$ 7,691,631	43.6%
Municipal	\$ 5,239,584	29.7%
Carry Forward Contingency from 2019	\$ 209,189	1.2%
Carry Forward Fundraising from 2019	\$ 57,580	0.3%
Total Funds	\$ 17,628,384	100%

5 of 8

2020 /21 Budget Additions \$ 1,388,642

Population 2016	Uniform Assessment 2019	Blended %	
Windsor	3,648.00 19%	\$ 230,527,300.00 16%	18% \$ 246,661.65
West Hants	15,368.00 81%	\$ 1,180,137,700.00 84%	82% \$ 1,141,980.37
	19,016.00 100%	\$ 1,410,665,000.00 100%	100% \$ 1,388,642

7 of 8



2020 /21 Coverage of Fundraising \$ 1,733,231

Population 2016	Uniform Assessment 2019	Blended %	
Windsor	3,648.00 19%	\$ 230,527,300.00 16%	18% \$ 307,870.36
West Hants	15,368.00 81%	\$ 1,180,137,700.00 84%	82% \$ 1,425,361.06
	19,016.00 100%	\$ 1,410,665,000.00 100%	100% \$ 1,733,231



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
RECOMMENDATION REPORT**

To: Committee of the Whole

Submitted by:  
Mark Phillips, CAO
Shelleena Thornton, Administrative Supervisor

Date: April 21, 2020

Subject: Naming of the Regional Municipality

LEGISLATIVE AUTHORITY

Region of Windsor and West Hants Municipality Act

11 (1) Upon the new Council taking office, the new Council shall choose a new name for the Regional Municipality and submit the chosen name to the Governor in Council.

(2) Where the new Council submits a name for the Regional Municipality under subsection (1), the Governor in Council may, by proclamation, change the name of the Regional Municipality to that name.

RECOMMENDATION

That Committee of the Whole recommends...

That Council approves the Region of Windsor and West Hants Municipality change its name to The Regional Municipality of West Hants.

BACKGROUND

An extensive public consultation process, including an online survey at www.strongerregion.ca was conducted over a six-month period to gauge-participants' opinions on the amalgamation. The survey asked; (1) the potential benefits of the amalgamation, (2) the most significant challenge of the amalgamated municipality, (3) what should be the first priority of the amalgamated municipality, and (4) the new name for the municipality.

An analysis of the survey was conducted and presented to the Coordinating Committee in January 2020 by (Hubert) Hu, Derek F. Reilly and can be found attached to this report. The report revealed that there were 1054 respondents in total, 687 respondents were from West Hants, 204 were from Windsor, and 154 were from outside the region.

Most respondents (358 respondents) indicated that the new name should simply be "West Hants." "West Hants" is the most popular name among the residents of West Hants and the people who reside outside West Hants and Windsor. Meanwhile, "Avon" is the most popular name among the residents of Windsor; while "West Hants" was the second most popular name

identified by those from Windsor who participated in the survey. Overall, the five most popular names were: West Hants (358 respondents), Avon (125 respondents), Windsor/West Hants (125 respondents), Windsor (65 respondents), and Hants West (32 respondents).

DISCUSSION

The Municipality will be undergoing a branding exercise at some time; however, a name selection and branding exercise do not necessarily have to go hand-in-hand; many municipalities and companies have names before they undergo branding.

Branding tells people who we are, who we want to be, our mission and vision, our beliefs, what we offer/have, and the qualities we want our residents, visitors, businesses to associate with our municipality. Branding is more than a name and therefore, does not need to be part of the 'name selection' process.

NEXT STEPS

Ensure that the public can connect our name with our communication pieces. Therefore, we would correspond both through our website, Facebook pages, Twitter, letterhead, outgoing voicemail greeting, etc.

FINANCIAL IMPLICATIONS

Any costs associated with the name change will be incurred through the operating budget.

ALTERNATIVES

Council could choose to not support the recommendation and refer to some of the popular names outlined in the public consultation report such as: Windsor/West Hants, Avon, Windsor, or Hants West.

ATTACHMENTS

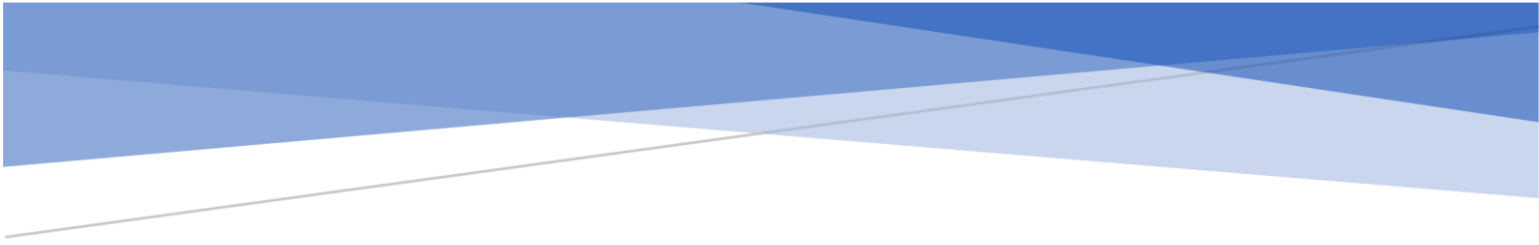
Data Analysis of the Survey for Windsor/West Hants Report, Jan. 16, 2020 - Sathaporn (Hubert) Hu, Derek F. Reilly

Report Prepared by: _____


Shelleena Thornton, Administrative Supervisor

Report Approved by: _____


Mark Phillips, Chief Administrative Officer



DATA ANALYSIS OF THE SURVEY FOR WINDSOR/WEST HANTS (STRONGERREGION.CA)

Date: January 16, 2020

Abstract

The report outlines the data analysis performed on the data obtained through an online survey. The purpose of the survey was to gauge people's opinions on the amalgamation between Windsor and West Hants.

Sathaporn (Hubert) Hu, Derek F. Reilly

Executive Summary

A survey was conducted over a six-month period to gauge residents' opinions on the amalgamation. The survey was conducted online through strongerregion.ca. The survey asked the residents about (1) the potential benefits of the amalgamation, (2) the most significant challenge of the amalgamated municipality, (3) what should be the first priority of the amalgamated municipality, and (4) the new name for the municipality. There were 1054 respondents in total, 687 respondents were from West Hants, 204 were from Windsor, and 154 were from outside the region. We found that the councillors and staff were successful in getting responses all around the West Hants and Windsor region despite the low population density in certain areas of West Hants.

We excluded 139 respondents from the analysis of the first question, because their responses to the first question are missing. Therefore, in total, we analyzed only 915 responses to the first question. Overall, most respondents (659 respondents) believed that the amalgamation will be beneficial for the region. Many believed that the increase in cooperation (235 respondents) and sharing of resources (106 respondents) in Windsor/West Hants would be beneficial. They believed that the government would become more efficient (247 respondents). There were some negative responses (177 respondents) and most of the responses came from the residents of West Hants (59 respondents).

While many respondents believed that the increased cooperation would be beneficial, most (411 respondents) also indicated that cooperation between West Hants and Windsor would be the most significant challenge in the second question. Many respondents (122 respondents) also indicated that creating a new and fair tax scheme to be another challenge. Some respondents (71 respondents) indicated that the most significant challenge would be to ensure the fairness between the rural and the urban residents. Interestingly, some respondents (66 respondents) already believed that the amalgamation will be beneficial; however, there should be more effort in informing other residents of the benefits.

For the third question, we found that respondents (178 respondents) deemed improvement of transportation to be the top priority. Particularly, they (55 respondents) would like the roads to be improved. Interestingly, we found multiple respondents (47 respondents) indicating the unconnected roads around the Crossing to be the most pressing issue. The second priority is the tax system (115 respondents). The rural residents would like the new system to be fair. The third priority is the improvement of services (97 respondents) – particularly fire service. Rural residents (62 respondents) also expressed interests in having improved access to the Internet.

Most respondents (358 respondents) indicated that the new name should simply be “West Hants.” “West Hants” is the most popular name among the residents of West Hants and the people who reside outside West Hants and Windsor. Meanwhile, “Avon” is the most popular name among the residents of Windsor. However, we found that “West Hants” is still the second most popular name in Windsor – meaning that a large number of Windsor residents do not mind that “Windsor” is not in the new name. Overall, the five most popular names are: West Hants (358 respondents), Avon (125 respondents), Windsor/West Hants (125 respondents), Windsor (65 respondents), and Hants West (32 respondents).

Profile of the Respondents

The Communities of the Respondents

We found that 687 respondents were from West Hants, 204 were from Windsor, and 154 were from elsewhere. The figure below shows the distributions of the respondents that live in Windsor and West Hants. Most of the respondents were clustered around Windsor. However, the map does indicate that efforts taken by Councillors and staff were successful in obtaining a representative sampling – despite the low population density in certain areas.



Figure 1: The map which shows the distributions of the respondents. The size of each dot represents the number of respondents from the specific community. The smallest dot represents 1 person and the largest dot represents 204 people. Orange denotes Windsor and blue denotes West Hants communities.

Age Distribution

We found that the age groups tend to skew toward the older age group. In total, we found only nine respondents were the age of below 18, and only 24 respondents with the age between 18 to 24. When we broke down the age by area, we found that West Hants had a significant skew toward older people. We do not know whether this distribution is truly representative of all age groups or not.

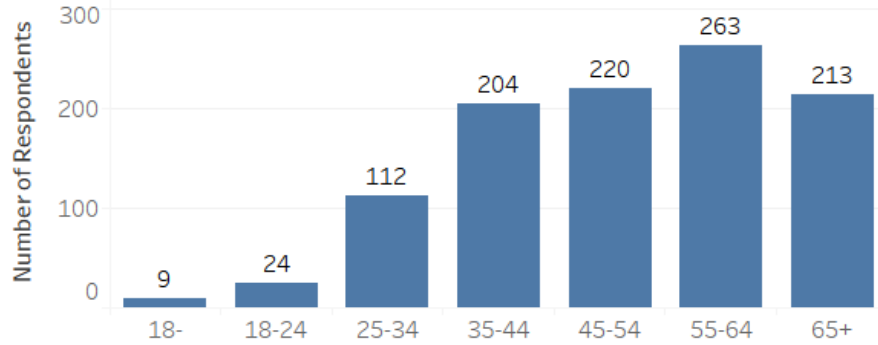


Figure 2: The chart representing the overall age ranges of the respondents.

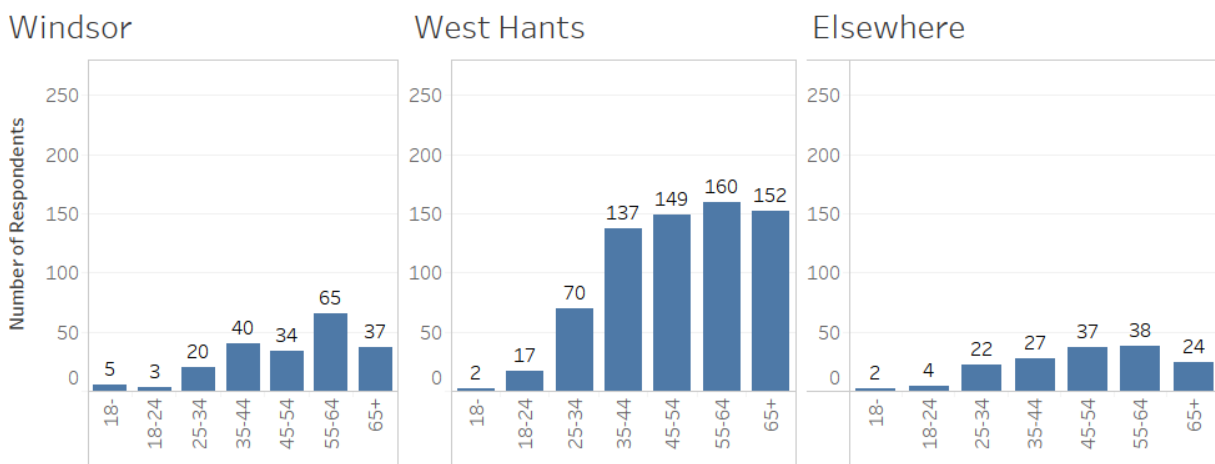


Figure 3: The chart representing the overall age ranges of the respondents in particular areas – LEFT: Windsor, CENTRE: West Hants, RIGHT: Outside both Windsor and West Hants.

The First Question: The Most Significant Benefits

In the survey, each participant was asked three questions. The first question they answered was: “What do you see as the biggest benefit of Windsor/West Hants joining together?” For this question, we analyzed the answers using thematic analysis. We tagged each response with the following:

- **Primary Tags:** These tags describe major themes. They are somewhat vague in nature. For example, the tags that appeared the most often are “Efficiency.” “Efficiency” here can mean many types of “Efficiency.” However, it is further elaborated by the Secondary Tags.
- **Secondary Tags:** These tags provide additional information to the primary tags. For example, when a response is tagged with the primary tag, “Efficiency”, it might be accompanied by the secondary tag “Cost Saving” which signifies that the efficiency is in terms of less costs.
- **Positivity:** Each response is also rated as “Negative”, “Neutral”, or “Positive.” While the question specifically asked for benefits, some respondents may also decide to not directly answer the

question. Instead, they might use the answer to explain why the amalgamation will not produce a positive result.

Due to a server issue, we lost the responses for the first questions from 139 respondents. Therefore, we excluded them from the analysis. Since the server did not lose the respondents' answers for the other questions, they were included in the analysis for the other question. Despite the removal, we still have 915 answers which is sufficiently large to be representative.

Primary Tags

We found that for the primary tags, the ten most popular themes are:

1. **Efficiency** (247 respondents): All of the responses with this tag are positive which means that many respondents believed that the amalgamation would lead to a more efficient government.
2. **Cooperation** (235 respondents): Almost all of the tags are positive which means that the respondents believed that the amalgamation would lead to increased cooperation between Windsor and West Hants. Two respondents provided a neutral response while one provided a negative response.
3. **Nothing** (146 respondents): There are 122 neutral responses. These responses mean that many respondents did not see any benefits. Fifty-four responses were negative which indicates that the respondents viewed the amalgamation as a negative process.
4. **Combined Resource** (106 respondents): All the answers with this tag are positive which means that many respondents believed that Windsor/West Hants will be better off by combining their resources.
5. **Service** (87 respondents): Many (86 respondents) believed that the services they receive will improve after the amalgamation. However, one did not have a positive answer to this.
6. **Tax** (78 respondents): Many (66 respondents) believed that the tax scheme after the amalgamation would be fairer or reduced. Four respondents provided neutral responses which we are uncertain about their exact meaning. Some respondents (8 respondents) believed that the tax scheme would be worse after the amalgamation.
7. **Unsure** (35 respondents): Some respondents indicated that they did not know what the benefits would be.
8. **Development** (34 respondents): Some respondents believed that the amalgamation could kickstart additional development in the area.
9. **Budget** (33 respondents): Some respondents believed that the municipal budget after the amalgamation would be better. For example, funds can be distributed better in the region.
10. **Politics** (32 respondents): Some respondents believed that the amalgamated municipality would have better politics.

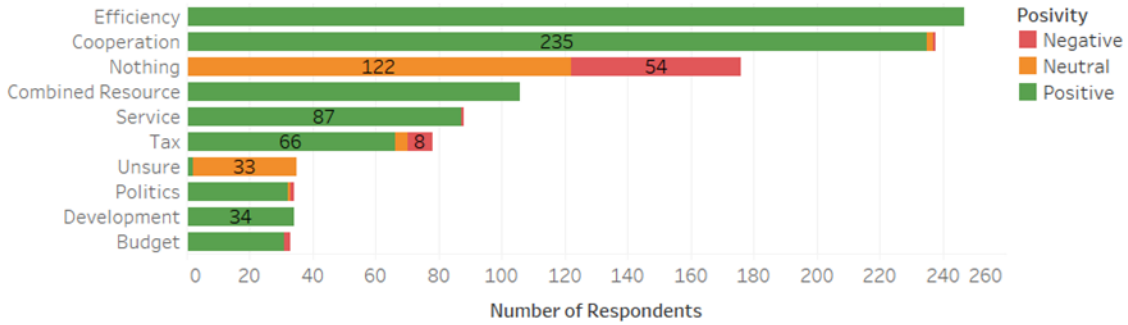


Figure 4: The truncated table of the frequency of the primary tag for the first question. The full table is available in the appendix.

Area Difference

Although we prefer to analyze the area differences of the primary tag frequencies by comparing the charts, we are unable to do so. Since there are so many tags, comparing charts visually is extremely difficult. Instead, we computed Kendall's Coefficient Concordance. Kendall's Coefficient of Concordance is a number between 0 and 1 which indicates how much the areas are similar to each other. 0 means no similarity and 1 means all primary tags have the same ranks in all areas. We found the coefficient to be $W = 0.80$ which is large. This means that ranks of primary tags in all areas are largely similar to each other. The break down of the response positivity is as following:

- Windsor: 6 negative, 15 neutral, 151 positive.
- West Hants: 59 negative, 131 neutral, 408 positive.
- Elsewhere: 4 negative, 31 neutral, 100 positive.

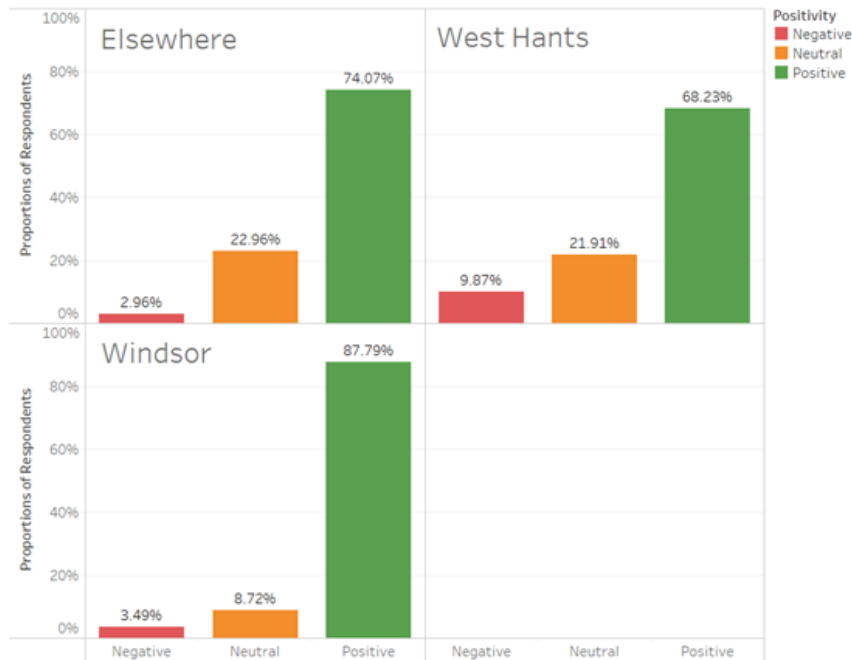


Figure 5: The proportion of negative, neutral, and positive answers by area.

Secondary Tags

To better understand the primary tags, we also analyzed the secondary tags. We found most answers are too simplistic to be given secondary tags. Therefore, we only have a small number of them. However, the ones that have secondary tags provide additional information to the primary tags of Efficiency and Service. We found that most respondents believed the amalgamation will lead to cost savings, and the streamlining of services and government. Some also believed that the new government would also be more effective at decision making and providing voice to the larger bodies such as the provincial and the federal governments. We found 15 respondents also indicated that the amalgamation would not be beneficial to West Hants.

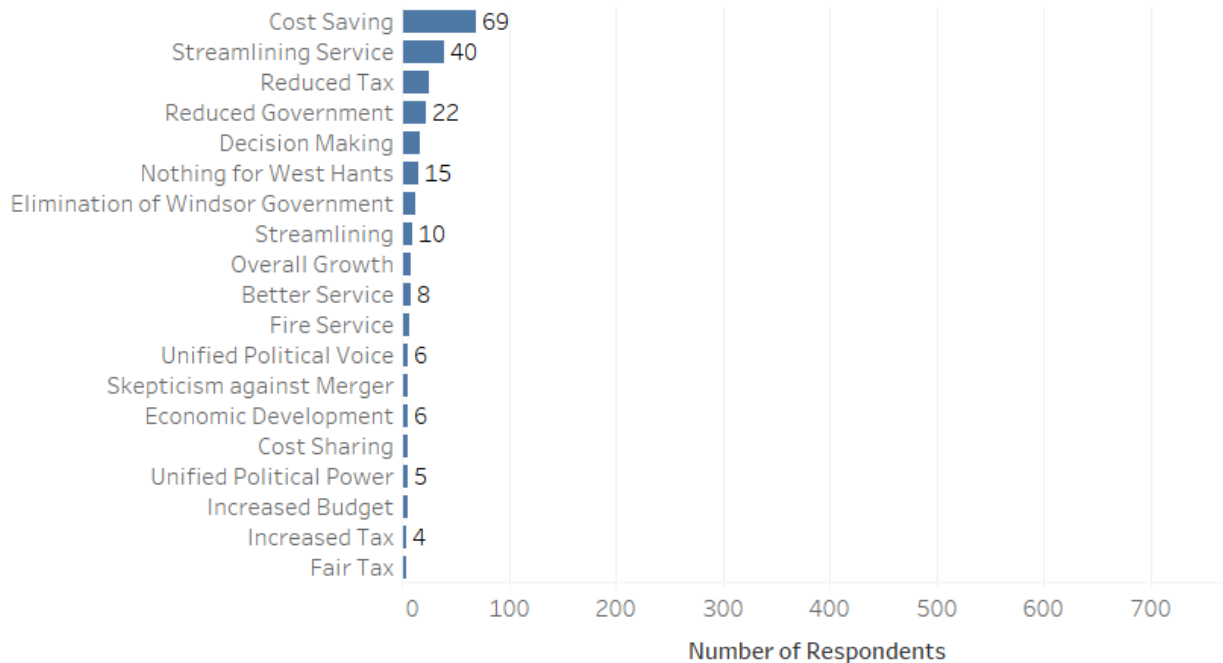


Figure 5: The truncated chart for the distribution of the secondary tags. The full table is available in Appendix A. Null (red bar) means that the answers are too simplistic for secondary tags to be assigned. The table with all the tags and their frequencies are available in the appendix.

Second Question: Biggest Challenge

The second question that each respondent answered was: “Now that Windsor-West Hants are joining together, what do you think will be their biggest challenge?” There are 1054 answers to the question. Since the question does not ask for answers that can be normative like the first one, we did not tag the answer with positivity.

Primary Tags

We found that the top ten primary tags are as follows:

1. **Cooperation** (411 respondents): Most believed that cooperation would be the most significant challenge despite a large number of respondents believing that cooperation between West Hants and Windsor would improve.
2. **Tax** (122 respondents): Many believed that creating a fair tax scheme would be a great challenge.
3. **Null** (93 respondents): Some respondents did not have anything to indicate as a challenge.
4. **Equality** (71 respondents): Equality here means that all residents will be treated fairly by the new government. Many West Hants residents expressed concerns about being treated less fairly than the residents of Windsor.
5. **Outreach** (66 respondents): Some respondents believed that amalgamation would be beneficial, but there should be more effort to inform other residents who had some reservation about the amalgamation.
6. **Efficiency** (63 respondents): Some respondents believed that merging the two governments and making the new one work efficiently may be challenging.
7. **Service** (36 respondents): Some respondents believed that improving services would be challenging.
8. **Budget** (36 respondents): Some respondents believed that creating new budgets for the new government would be challenging.
9. **New Agenda** (26 respondents): Some respondents believed that the new government may have a difficult time setting new priorities, policies, and plans among other things.
10. **Unknown** (26 respondents): The responses provided by the respondents are difficult to understand, cannot be tagged properly.

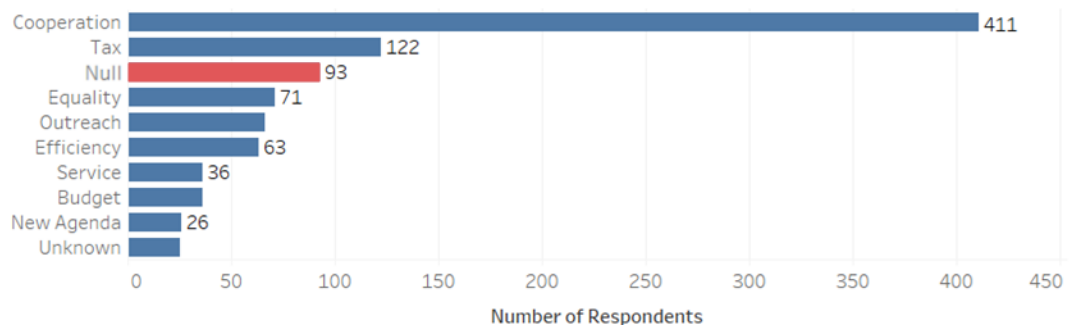


Figure 6: The overall distribution of the primary tags (truncated) for the second question. Null (red bar) represents the number of respondents who did not answer the question. The full chart is available in the appendix.

Area Difference

To determine if there is any difference between frequencies of the tags from the residents of Windsor, the residents of West Hants, and those who live outside the region, we computed Kendall's Coefficient of Concordance. We found the coefficient to be $W = 0.71$ which is large. This means that the residents of the three areas largely agree with each other on the priorities of challenges.

Secondary Tags

We found that the top secondary tags are mostly about tax, efficiency, and the government. Overall, some of the tags' frequencies are very low, we do not think that they are representative. Because of

this, we decided not to analyze the secondary tags in detail. Figure 7 contains the top ten secondary tags.

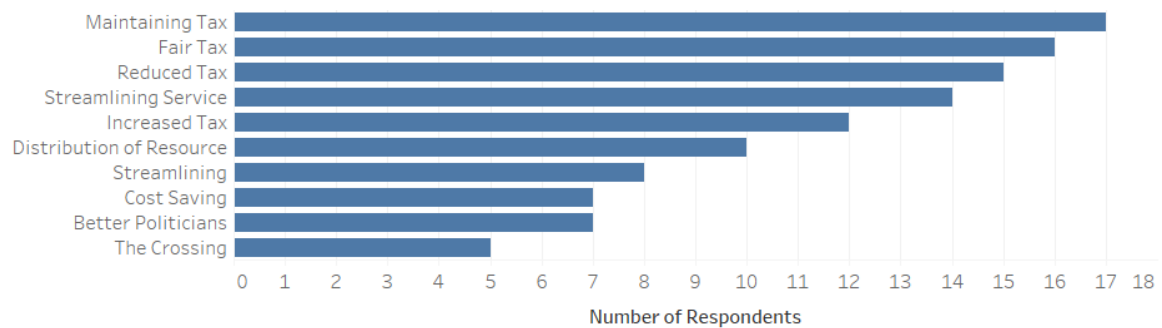


Figure 7: The top ten distributions of the secondary tag (truncated). The full chart is available in Appendix A.

Third Question: First Thing the new Municipality should address

The third question is “What’s the first thing the new municipality should address.” We analyzed the responses from all respondents. We tagged all the answers with primary tags and secondary tags.

Primary Tags

We found that the top ten primary tags are as follows:

1. **Transportation** (178 respondents): Most of the respondents were concerned about transportation in the area. Particularly, they would like the new municipality to improve the road and to connect more roads in the area (especially the road connection in “The Crossing”).
2. **Tax** (115 respondents): The respondents would like the new municipality to create a fair tax system that is fair to both the residents of Windsor and West Hants. Particularly, they would like the tax to be based on what they use. For example, if someone does not have a sidewalk outside their place, then they should not have to pay for sidewalk maintenance through their property tax.
3. **Null** (100 respondents): The respondents did not provide any information.
4. **Service** (97 respondents): The respondents would like the new municipality to improve services. Particularly, they would like an improvement of the fire service.
5. **Rural Amenities** (63 respondents): While this tag means that the rural area has the same level of amenities with the urban area, the respondents here mostly referred to rural Internet access. Many respondents would like the rural area to have quality access to the Internet.
6. **Cooperation** (55 respondents): Windsor and West Hants should integrate and work in a cooperative manner in the new municipality.
7. **Recreation** (45 respondents): The respondents would like to have better recreation facilities in the area – such as a new rink and converting the railway into a trail.
8. **Efficiency** (34 respondents): The new municipality should set up a government that is efficient. It should aim to cut costs.
9. **Unsure** (31 respondents): The respondents were unsure of what to put as answers.

10. **Development** (29 respondents): The new government should focus on bringing more development into the area. It should focus on attracting new business and growth.

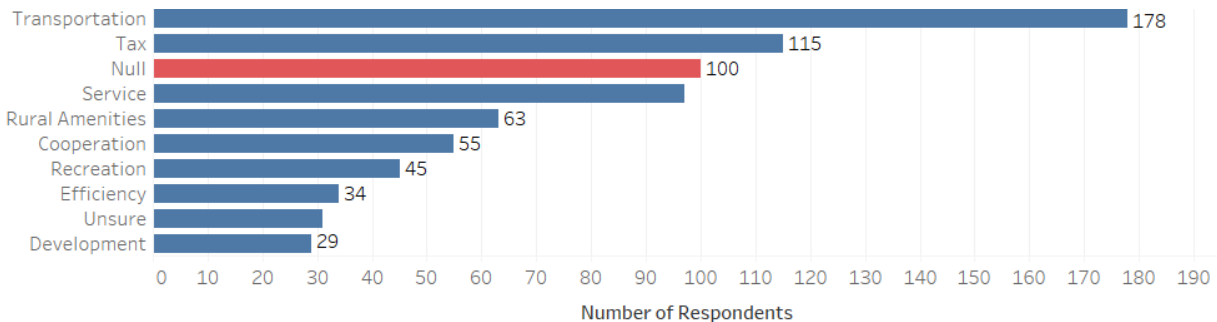


Figure 8: The top ten distributions of the primary tags for the third question. Null (red bar) signifies that the respondents did not provide any answer. The full chart is available in Appendix A.

Area Difference

We found that Kendall's Coefficient of Concordance is $W = 0.75$ which means that the three areas have similar primary tag distributions.

Secondary Tags

We found many secondary tags for the answers. Therefore, we decided to analyze them in more detail. The top ten secondary tags are:

1. **Rural Internet** (62 respondents): Of all the rural amenities, the respondents would like to have better access to the Internet in the rural areas the most.
2. **Fire Service** (58 respondents): The new municipality should work to improve the fire service – including the issue of fire coverage.
3. **Roads** (55 respondents): The respondents would like better roads and better infrastructure.
4. **“The Crossing”** (47 respondents): “The Crossing” refers to an area between Windsor and West Hants where roads are not well-connected. Due to poor road connections, residents in the area have to make unnecessarily long trips to reach certain landmarks in the area.
5. **Streamlining Services** (22 respondents): The new municipality should focus on integrating Windsor and West Hants together.
6. **Reduced Tax** (20 respondents): The new municipality should find opportunities to reduce the tax rate for the residents.
7. **Attracting Business** (19 respondents): The new municipality should aim to attract new businesses into the area.
8. **Better Road** (18 respondents): The new municipality should fix and maintain the current roads.
9. **Cost Saving** (17 respondents): The new municipality should aim to reduce the costs currently incurred by the Windsor and the West Hants councils.
10. **Fair Tax** (10 respondents): The new municipality should design a new tax scheme that is fair to everyone.

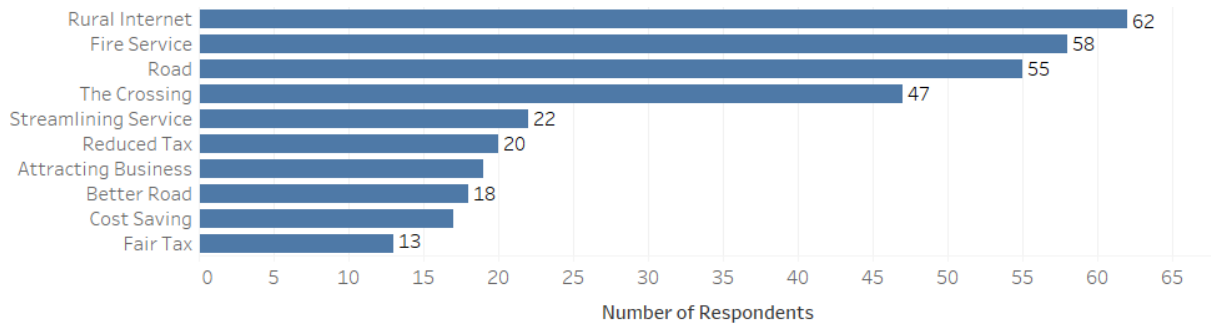


Figure 9: The top ten secondary tags for the third question. All of the data are available in Appendix A.

Fourth Question: New Name

In the survey, respondents had an opportunity to provide new names by answering the fourth question. The fourth question asks, “What is your suggestion on possible names for the new municipality?” While many respondents would not only provide a name, they would also provide the title of the amalgamated entity as well, such as “The Municipality of West Hants” instead of “West Hants.” In our analysis, we ignored the title and simply analyzed the name. We did so because we did not want to treat variations of the same names as totally separate names.

Overall, the five most popular names are: West Hants (358 respondents), Avon (125 respondents), Windsor/West Hants (125 respondents), Windsor (65 respondents), and Hants West (32 respondents). We also noted that some people also provided tongue-in-cheek names such as “Washmyhants.” However, the number for each name is very small. Therefore, we can conclude that there is no campaign to give the new municipality a comedic name in the vain of the “Boaty McBoatface” campaign.¹

We found that Kendall’s Coefficient of Concordance is: $W = 0.39$ for Windsor, West Hants, and elsewhere. This means that the people in the three areas do not agree as much on the naming. Despite the lower level of agreement, we still find “West Hants” to be a relatively popular name. This name is the most popular among the residents of West Hants, the second most popular among the residents of Windsor, and the most popular among the residents that live elsewhere. Therefore, “West Hants” is unlikely to be a divisive new name.

A few people also mentioned names that should not be used. Eight people did not want the name to be “Avon.” Four people did not want the name “Windsor/West Hants.” One individual did not want “West Hants” and another did not want “Windsor.” However, the numbers of such people are few.

¹ Here is one news article on the “Boaty McBoatface” campaign:
<https://www.theguardian.com/environment/2016/apr/17/boaty-mcboatface-wins-poll-to-name-polar-research-vessel>

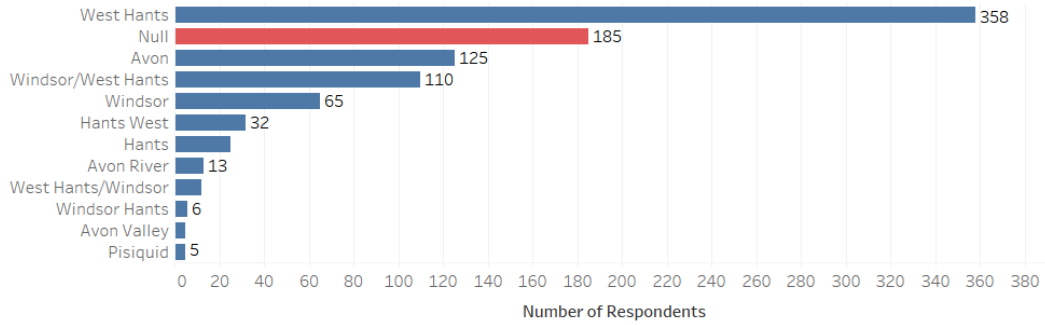
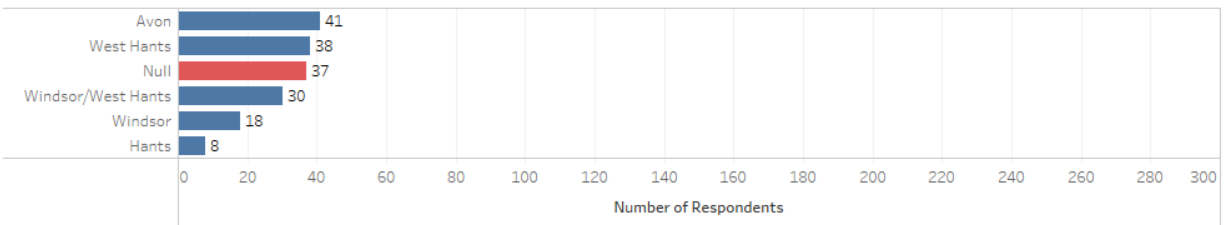
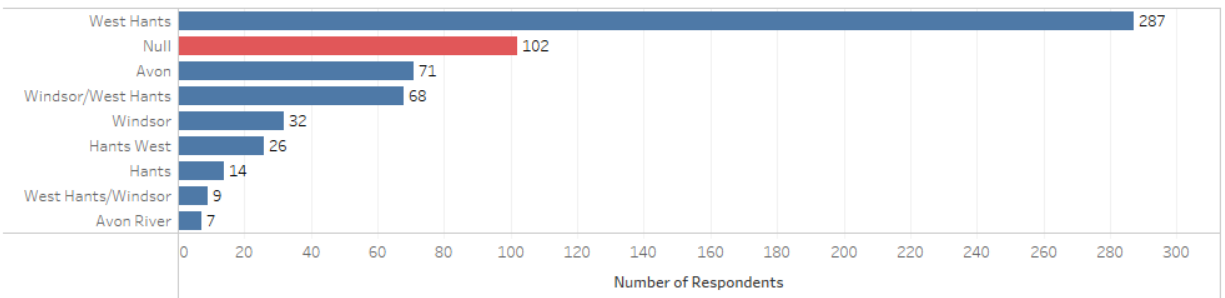


Figure 10: The distributions of the new names suggested by the respondents. “Null” (the red bar) means the respondents did not suggest any name. We excluded names that have been suggested less than five times. The list of the names that were suggested fewer than five times could be found in Appendix B.

Windsor



West Hants



Elsewhere

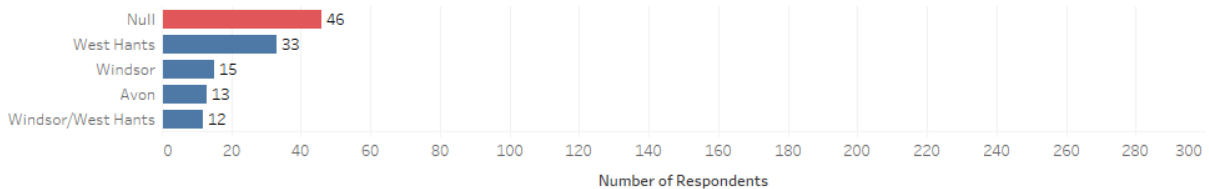


Figure 11: The distributions of the new names suggested by the respondents per area. “Null” (the red bar) means the respondents did not suggest any name. We excluded names that have been suggested less than five times. The list of the names that were suggested fewer than five times could be found in Appendix B.

Appendix A: Full Charts for Primary and Secondary Tag

First Questions: Primary Tags

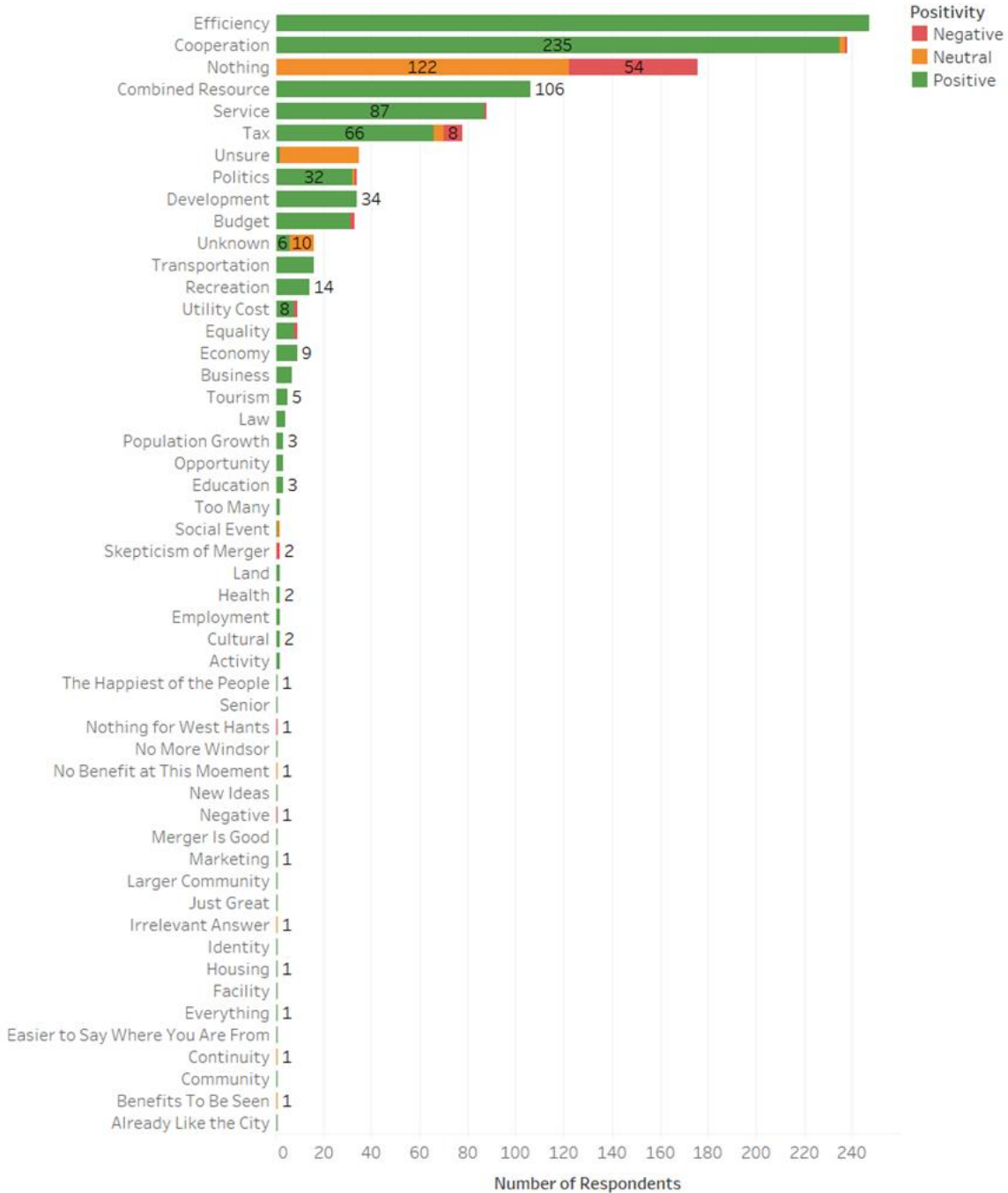


Figure 12: The charts represent the frequencies of the primary tags. Note that as the tags at the bottom are not as very useful. Some of them like “Already Like the City” do not provide any additional insight.

Access to Resource	1	Equality	1	No Benefit at This Moment	1	Unified Political Power	5
Access to Service	1	Facilities	1	No Benefit for Rural	1	Unified Political Voice	7
Advertisement	1	Fair Tax	4	No Change	1	Uninformed about Merger	1
Affordability	1	Fair Utility Cost	1	Not Informed Enough	1	Urban Growth	1
Affordable Transit	1	Financial Benefit	1	Nothing for West Hants	15	Utility Cost	1
Attracting Business	1	Financial Service	2	Null	692	Water Service	3
Better Activity	1	Fire	1	Opportunity for Growth	1	Water Service Cost	1
Better Budget	2	Fire Service	7	Optimal Use of Resource	1	Windsor Gets More Money	2
Better Business	1	Fishing	1	Overall Growth	9		
Better Communication	2	Focused on Everyone	1	Overall Streamlining	1		
Better Council	1	Funding for Three Mile Plains	1	Police Service	1		
Better Efficiency	2	Highway	1	Procurement	1		
Better Politicians	2	Hopefully Cost Saving	1	Public Transportation	1		
Better Service	8	Hopefully Reduced Tax	1	Recreation Program	1		
Better Spending	1	Improved Service	3	Reduced Fee	1		
Better Tax	2	Improved Service	1	Reduced Government	22		
Bigger Community	1	Increased Budget	5	Reduced Infighting	1		
Bigger Tax Base	1	Increased Budget for Social Service	1	Reduced Property Tax	1		
Business Development	1	Increased Buying Power	1	Reduced Red Tape	3		
Bylaw	1	Increased Funding	1	Reduced Service	1		
Combined By-Law	1	Increased Infrastructure Budget	1	Reduced Staffing	3		
Combined Cost	1	Increased Resource	1	Reduced Tax	26		
Combined Funding	1	Increased Rural Budget	1	Reduced Utility Cost	1		
Combined Resource	1	Increased Service	3	Rink	1		
Combined Resource for Growth	1	Increased Tax	4	Rural Activities	1		
Combined Service	4	Increased Tax Revenue	1	Rural Senior Care	1		
Community Programs	1	Increased Utility Cost	1	School Districts	1		
Consistency	1	Industry	1	Service Improvement	1		
Coordination	1	Infrastructure	1	Servicing Windsor's Debt	2		
Corporate-friendly	1	Infrastructure	1	Sewer Service	1		
Cost Benefits	1	Job Creation	2	Skepticism against Merger	6		
Cost Saving	69	Land Use	1	Small Business	1		
Cost Sharing	6	Larger Council	1	Smaller Council	3		
Cost Sharing, Cost Sharing for Service	1	Larger Tax Base	3	Sport Facility	2		
Culture	1	Larger Tax Based	1	Streamlining	10		
Decision Making	17	Less Council	2	Streamlining Fire service	1		
Decreased Tax	1	Less Politicians	2	Streamlining Government	2		
Distribution of Funds	1	Main Benefit to Windsor	1	Streamlining Resource	2		
Distribution of Resource	2	Maintaining Service	1	Streamlining Service	40		
Downtown Development	1	Maintaining Tax	2	Stronger Chamber of Commerce	1		
Duplication of Service	1	Maintenance of Causeway Walking Trail	1	Summer Camp	1		
Easier Access to Service	1	More Housing Option	1	Tax	2		
Economic Development	6	More Land	1	Tax Reduction	2		
Economic Stability	2	More Marketable	1	The Crossing	1		
Economic Unity	1	More Service	2	Things Done Right	1		
Economy of Scale	3	More Staffing	1	Tourism	1		
Efficiency of Service	1	New Council	1	Transparency	2		
Elimination of Windsor CAO	1	Nice Area	1	Unfair Tax Distribution	2		
Elimination of Windsor Government	13	No Benefit	2	Unified Policies	1		

Table 1: The charts represent the frequencies of the secondary tags with their frequencies. Since there are too many tags, we decided to present the data as a table instead.

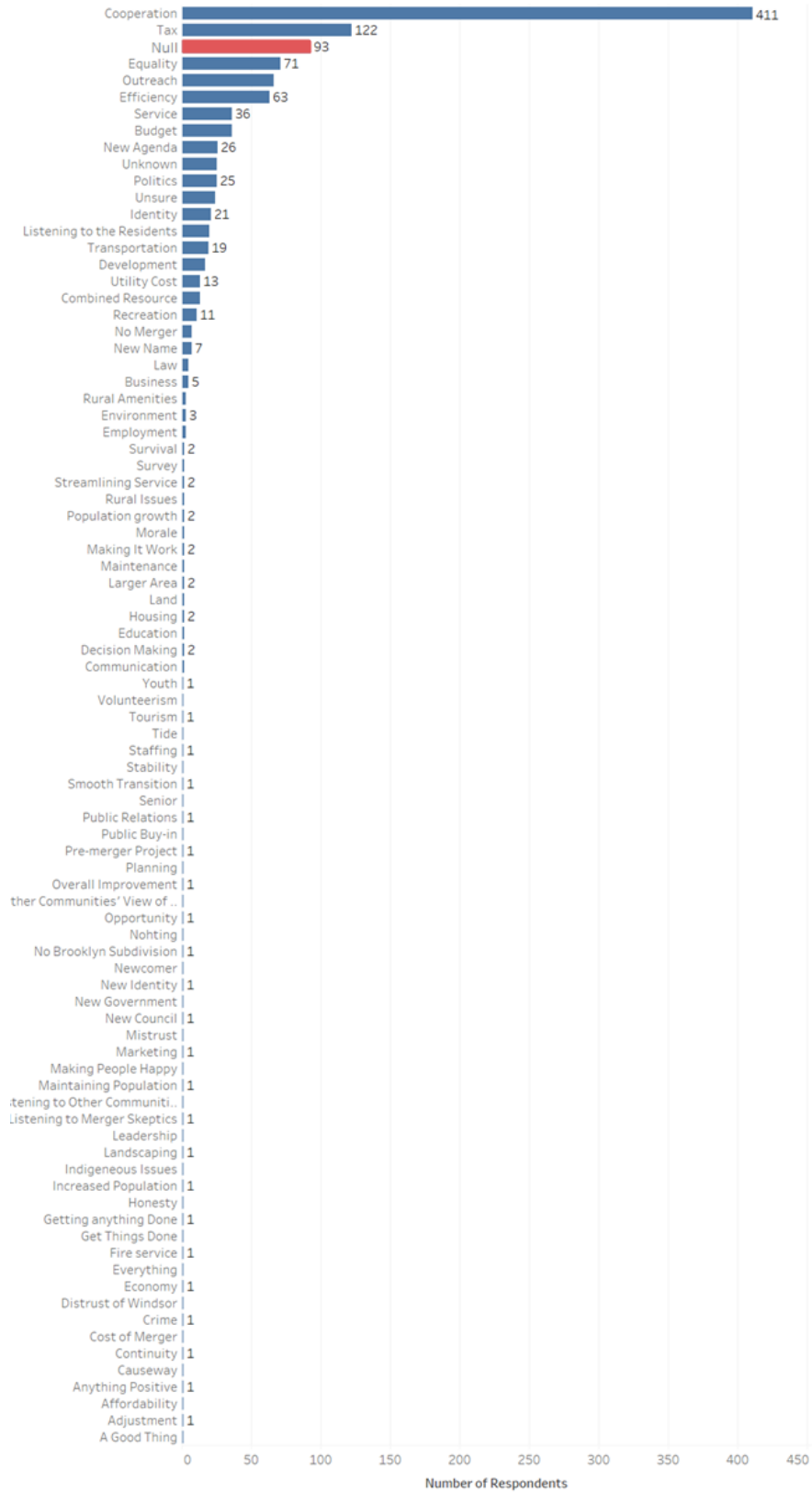


Figure 13: The full chart for the primary tags for the second questions.

Maintaining Tax	17	Bylaw	1	Less Politicians	1	Sewer Cost	1
Fair Tax	16	Bylaw Consolidation	1	Local Politics	1	Snow Removal	1
Reduced Tax	15	Change of Law	1	Mailing Residents	1	Snow Service	1
Streamlining Service	14	Cleaning up the Mess	1	Maintained Service	1	Something New	1
Increased Tax	12	Climate Change	1	Maintaining Staff	1	Sport Facility	1
Distribution of Resource	10	Cohesive Business Plan	1	Maintaining Staffing	1	Staff Organization	1
Streamlining	8	Combined Resource	1	Maintaining Tax for West Hants	1	Staffing	1
Better Politicians	7	Communicate Hantsport Improvement	1	Maintaining Utility Cost	1	Startup Cost	1
Cost Saving	7	Concern on Boundary	1	Misinformation	1	Stay on Budget	1
Better Road	5	Consistent Law	1	Missed Info	1	Streamlining Fire Service	1
Streamlining Government	5	Cost Growth	1	More Direct Democracy	1	Streamlining Service	1
The Crossing	5	Cost of Name Change	1	More People to Please	1	Streamlining Staff	1
Decision Making	4	Cost Sharing	1	New Budget	1	Streamlining Staffing	1
Overall Growth	4	Crime	1	New Jobs	1	Street Lights	1
Property Tax	4	Debt Sharing	1	New Tax Scheme	1	Summer Camp	1
Reduced Staffing	4	Developing the Most Efficient Infrastructure	1	No Benefits for West Hants	1	Tax Appropriate for Service	1
Rink	4	Distrust of Windsor Residents	1	No Cement Triangle	1	Tax Difference	1
Water Cost	4	Ditches	1	No Debt Sharing	1	Tax Not Just for Windsor	1
Better Staffing	3	Effective Spending for Windsor	1	No Dog Park	1	The People	1
Fire Service	3	Effective Use of Tax	1	No Input from Community	1	Traditional Council Debate	1
Affordable Tax	2	Efficient Communication	1	No Money for Unnecessary Things	1	Transition	1
Consistent Service	2	Efficient Government	1	No Windsor Debt Transfer	1	Transparency	1
Cost Control	2	Elimination of Corruption	1	No Windsor's Debt	1	Uninformed	1
Cost of Streamlining	2	Everyone Wants Their Own Way	1	Not Wasting Tax	1	Upset Tax Payer	1
Council	2	Expanded Service	1	Online Troll	1	Water Service	1
Debt	2	Expansion	1	Only Benefits for Windsor	1	Waterfront	1
Distribution of Fund	2	Expense Sharing	1	Paul Morton	1	West Hants Keeping Its Voice	1
Downtown Development	2	Fair Decision Making	1	Paying for Pre-merger Project	1	Windsor Shouldn't Upload Cost	1
Lower Tax in West Hants	2	Fair Distribution of Fund	1	People Don't Want to Lose Their Jobs	1	Windsor Taking Advantage	1
Maintaining Service	2	Fair Law	1	Please More People	1	Windsor Taking Advantage of West Hants	1
New Council	2	Fair Merger	1	Postal Service	1	Young Staff	1
Reduced Government	2	Fair Property Tax	1	Pot Holes	1		
Road	2	Fair Road Fixing	1	Preference for Wealthier Communities	1		
Rural Amenities	2	Fair Service	1	Redevelop the Textile Building	1		
Rural Internet	2	Fair Tax for West Hants	1	Redevelopment Vacant Lands into Parks	1		
Staff Reorganization	2	Fair Utility Cost	1	Reduced Fee	1		
Unified Political Voice	2	Fir Tax for West Hants	1	Reduced Staff Salary	1		
Addiction	1	Focused	1	Reduced Utility Cost	1		
Adequate Staffing	1	Handling Increased Budget	1	Reduced Volunteering	1		
Adult School	1	Hospital Exit	1	Representation	1		
Affordable Housing	1	Increased Land	1	Restraint on Spending	1		
Affordable Utility Cost	1	Increased Rural Cost	1	Rural Residents Used as Tax Base	1		
Allow Tide to Flow up Avon	1	Increased Utility Cost	1	Rural Service	1		
Attracting Business	1	Inform People of Area Rate	1	Rural Shopping	1		
Avoid Marginalization of Rural	1	Job Creation	1	Rural Support	1		
Balanced Budget	1	Keeping a Sense of Small Town	1	Same Challenge	1		
Better Planning	1	Keeping up with Growth	1	School Districts	1		
Better Service	1	Larger Tax Base	1	Server Error	1		
Budget for Transportation	1	Leadership	1	Service Equality	1		
Business Development	1	Leave Brooklyn Alone	1	Service Upgrade	1		

Table 2: The lists of the secondary tags for the second questions and their frequency. We used a table format instead, because of the difficulty of creating a visualization.

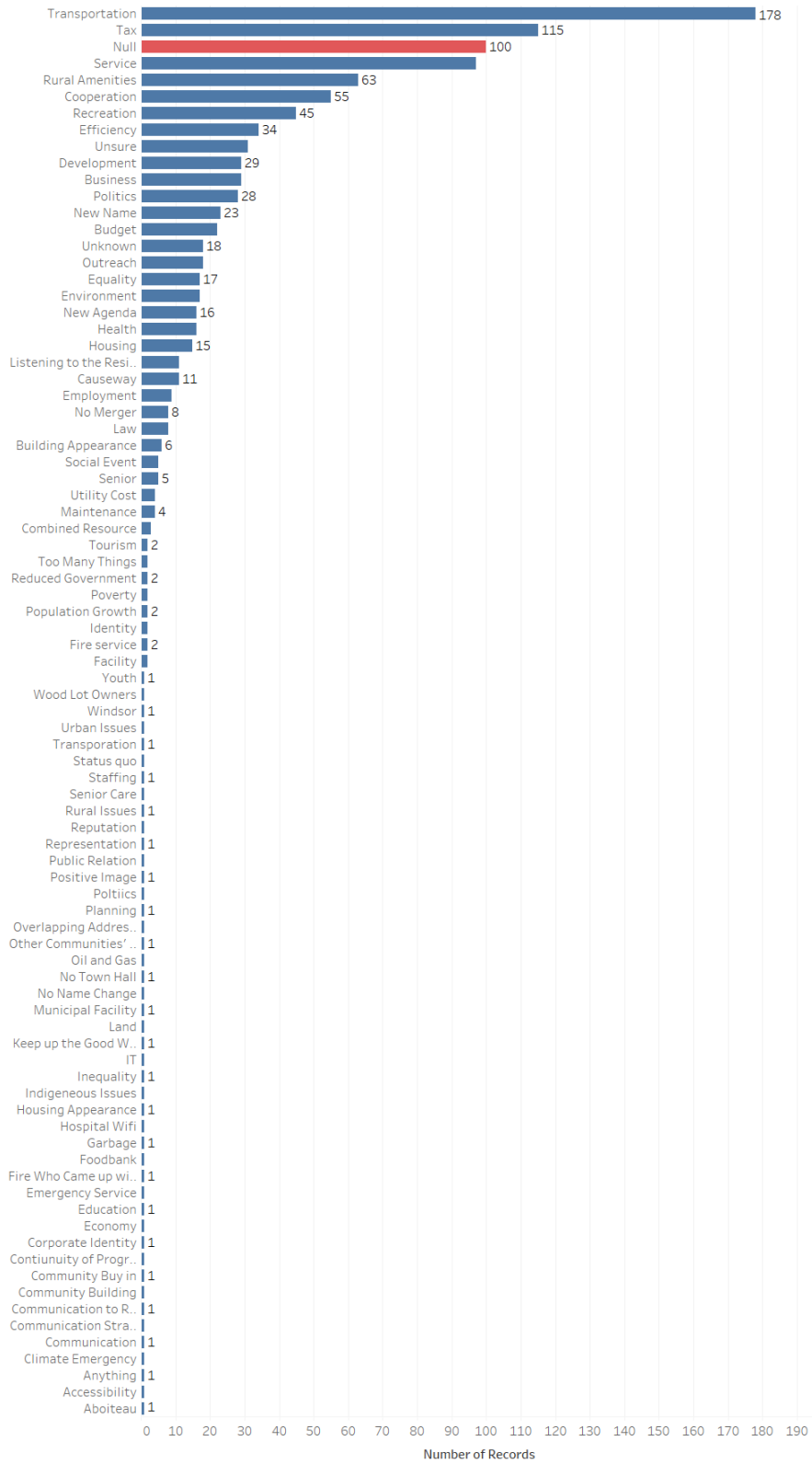


Figure 14: The full chart for the primary tags for the third question.

Accessibility	1	Bylaw Enforcement	2	Fire Hydrant	1	Loitering	1
Accessible Recreation	1	CAO Probation	1	Fire Service	58	Long-term Plan for Growth	1
Accountability	1	Change Management	1	Fire Station	1	Look for the Money Brooklyn Fire Station's ex-Chief Took	1
Active Living	1	Clean Water	1	Fiscal Prudence	1	Maintaining Road	1
Add Speedbump	1	Clearcutting	1	Fish Passage	1	Maintain Staffing	1
Add Walking Track to Rink	1	Climate Change	2	Fixing Dykes	1	Maintaining Road	1
Adequate Infrastructure Funding	1	Cole Drive Extension	1	Flooding	1	Maintaining Service	1
Adult Education	1	Combined Fire Service	1	Fork in Falmouth	1	Maintaining Tax	1
Affordable Business Rent	1	Community Centre	1	Future of Gypsum Mines	1	Maintening Recreation	1
Affordable Housing	7	Competent Staff	1	Garbage Service	5	Medical Care	1
Affordable Tax	1	Concerns of Rushed Merger	1	General Rural Amenities	1	Mental Health	2
Affordable Utility Cost	2	Conflict of Interest	3	Getting Rid of Slum Areas of Windsor	1	Merger Party	1
Animal Keeping Law	1	Consistent Tax	1	Good Fire Service for Everyone	1	More Activities	1
Anti-smoking	1	Converting Rail to Trail	1	Green Bin Size	1	More Clinic	1
Attracting Business	19	Cost of Name Change	1	Growth Outside Windsor	1	More Extra-Curricular	1
Attracting Industry	1	Cost Saving	17	Gym	1	More General Rural Amenities	1
Autism	1	Debt	2	Gym for the Rink	1	More Public Facility	1
Bad Fire Service Decision	1	Decision Making	1	Highway	1	More Rainwater Ditch	1
Balanced Budget	1	Demolishing Buildings	1	Highway Doubling	1	More Recreation Facility	1
Best Staff	1	Develop Grounds around Subway	1	Highway Twinning	2	More Rental	1
Better Emergency Response Time	1	Development of Industrial Park	1	Honesty	1	More Road Connection	1
Better Fire Coverage	9	Distribution of Cost	1	Hospital	1	More Senior Service	1
Better Fire Service	4	Distribution of Resource	1	Hospital Wifi	1	More Service	2
Better Fire Service Coverage	1	Doctor	4	Improved Service	1	More service based on tax	1
Better Housing for Low Income Family	1	Dog	1	Improving Public Image	1	More Shop	1
Better IT	1	Downtown Business	1	Increase Investment	1	More Staffing	1
Better Police	1	Downtown Development	2	Increased Tax	4	Naming People behind The Elected Official	1
Better Politicians	1	Downtown Parking	1	Indoor Pool	1	Natural Resource Development	1
Better recreation facility	1	Drugs	1	Industry	1	Nepotism	1
Better Road	18	Early Recall	1	Infrastructure	5	New Arena	2
Better Snow Plowing	1	Econom yof Scale	1	Information on New Structure	1	New Government	1
Better Staffing	1	Economic Development	6	Infrastructure	8	New House	1
Bike Lane	1	Ecotourism	1	Internet	2	New Municipal Building	1
Bike Route	1	Educating Politicians	1	Job Creation	6	New People	1
Bike Safety	1	Efficient Merger	1	Job Creation for Young Adults	1	New Recreation Facility	1
Bike Trail	3	Efficient Service	3	Job with Decent Rate of Pay	1	New Rink	3
Biking	1	Elimination of Border	1	Keeping Old Building Code	1	New Road	1
Boardwalk	1	Elimination of Fire Service	1	Lack of Business Opportunity	1	New Road Pavement	1
Border	1	Email the Residents on Merger Benefit	1	Lack of Service	1	New Tax Scheme	4
Bridge	1	Emergency Service	2	Lack of Support for Teens	1	No Debt Sharing	1
Budget Accountability	1	Environment	3	Lake	2	No Hockey Heritage on College Rd	1
Bulldoze Windsor Mall	1	Environmental Protection	1	Land Tax	1	No More Windsor Council	1
Bus to Windsor	1	Equality of Infrastructure Spending	1	Larger Tax Base	1	No Name Change	2
Business Developmeht	1	Equality of Service	1	Law Harmonization	1	No New Name	1
Business Development	6	ER Closure	1	Leadership	1	No New Tax for Rural	1
Business Growth	2	Evidence-Based Politics	1	Leave Brooklyn Alone	1	No Raise for Politicians	1
Business Promotion	1	Explanation of Tax	1	Limited Mobility	1	No Room to Expand	1
Business Stagnation in Windsor	1	Fair Tax	13	Line Painting	1	No Tax Increase	1
Business Tax	1	Fair Utility Cost	2	Littering	1	No Tax Increase for Rural Area	1
Bylaw	7	Festival	1	Local Business	1	No Tax Increase in West Hants	1

Table 3: The lists of the secondary tags for the third questions and their frequencies (Part I). We used a table format instead, because of the difficulty of creating a visualization.

Not Allowing a Few to Keep the Town from Prosperity	1	Road Emergency Service	1	Teen Activities	1
Old Council	1	Road in Windsor	1	Teleconferencing	1
Opening up the Water Passage	1	Road Maintenance	1	The Crossing	47
Optimal use of resource	1	Road Safety	1	Theft	1
Outdoor Gym	1	Route 14	1	Tongue Road	1
Outfitting fire service	1	Rural Amenities	1	Townhall on Merger	1
Overall Growth	11	Rural Cable	1	Traffic	1
Permanent Road Fix	1	Rural Cell Service	1	Traffic Bottlenecks	1
Pisiquid Trail	1	Rural Healthcare	1	Traffic Light	1
Police Service	4	Rural Hospital	1	Traffic Light at Wentworth and Payzant	1
Politicians	1	Rural Internet	62	Trail	2
Politicians Buying Land	1	Rural Road	1	Transparency	6
Politicians Not Buying Property	1	Safe Housing	2	Treat Agricultural Lands as Such	1
Politics for Everyone	1	Safe Neighbourhood	1	Trucks on Forestry Road	1
Pollution	1	Saving Business	1	Unified Political Voice	1
Pot Holes	5	Senior discount	1	Unsafe Drivers	1
Preserving Town Traditions	1	Senior Housing	3	Upgrade Fire Equipment	1
Prevent House from Sinking	1	Senior Pension	1	Upgrading Infrastructure	1
Prevent Urban Policy on Rural Area	1	Service Delivery	1	Utility Cost	1
Prevent Urban Policy on Rural Areas	1	Service Equality	1	Vacant Properties	1
Privatization	1	Sewer Service	10	Vandalism	1
Property Tax	11	Sewer Service on Wentworth Rd	2	Volunteer Fire Fighter	1
Proportional Electoral System	1	Shared Health Service	1	Wage increases	1
Protect Agricultural Area from Urbanization	1	Shared Recreation	1	Waste Service	1
Protective Service	1	Shopping Incentive	1	Water clean up	1
Public Consultation	1	Should not Have Two Arenas	1	Water Cost	3
Public Transportation	7	Sidewalk	11	Water Issues	1
Rail to Trail	2	Small Business Aid	1	Water Quality	1
Recreation Areas	1	Smaller Council	1	Water Rate	1
Recreation for Children	2	Smooth Transition	1	Water Service	9
Recreation for Youth	1	Snow Service	3	Water Sevice	1
Recreation Opportunities	1	Soccer Stadium	1	Waterfront	2
Reduce Staffing	1	Social Event	1	Waterfront Development	1
Reduced Property Tax	1	Social Events	1	Weekend and Evening Activities	1
Reduced Red Tape	1	Splash Pad	1	Wentworth Drive	1
Reduced Staffing	1	Sport Facility	4	Wentworth Road	1
Reduced Tax	20	Stoplight at Empire Lane and Payzant Drive	1	Windsor Fire Service not Releasing Financial Statement	1
Reduced Tax for People outside Windsor	1	Store Closure	1	Windsor Tax	3
Reduced Urban Tax	1	Streamlined Budget	1	Windsor's Reputation	1
Reduced Utility Cost	1	Streamling Government	2	Year-Round Recreation	1
Reinstalling Dyke	1	Streamlining	8	Youth Activities	1
Removing Causeway	1	Street Parking	1	Youth Progam	1
Representation	2	Summer Camp	1		
Restoring Avon River	1	Support Staff	1		
Revert Andy McDade's Decision	1	Sustainability	4		
Revert Name to Sam Slick	1	Sustainable Business	1		
Review Planning Strategy	1	Taking Care of Local Affairs	1		
Rink	4	Tax	3		
Road	55	Tax Clarity	1		
Road Connection	2	Tax Rumours	1		

Table 4: The lists of the secondary tags for the third questions and their frequencies (Part II).

Appendix B: List of New Names Suggested Less Than Five Times

Windsor	Frequency	West Hants	Frequency	Outside of the Region	Frequency
Allenville	1	Acadia on the Avon	1	Avon River	3
Avon River	3	Avalon	1	Avondale	1
Avon Valley	3	Avon District of Windsor West Hants	1	Camolot	1
Avondale	1	Avon Valley	2	Chrystal	1

Avonview	2	Avon West Hants	1	Eastern Valley	1
Best Hants	1	Avonside	2	Flood Cap	1
Greater Windsor	1	Better Together	1	Freedom	1
Greater Windsor/West Hants	1	Birthplace of Hockey	1	Hants	3
Hampshire	1	Chaos	1	Hants Windsor	1
Hants Avon	1	Chrystal Town	1	Hantsor	1
Hants County Recreation	1	Falmouth	1	Hantsport	1
Hants Southwest	1	Fort Edward	1	Hindsor	1
Happyville	1	Fundy	1	Mismanaged Town Stealing West Hants's Residents Money	1
New Windsor	1	Future	1	New West Hants	1
Partners for Change	1	Gateway	1	Rising	1
Pisiquid*	4	Greater Falmouth	1	Tidal Waters	1
Terra Avonia	1	Hants County	1	West Hants Windsor	1
Tidal River	1	Hants Tri	1	West Hants/Windsor	3
West Windsor	1	Hants Valley	1	West Windsor	2
Windsor West	1	Hants Windsor	3	Windsor Hants	2
WinWest	1	Hants/Windsor	1	Windsor West	2
		Hantsor	1	Windsthan	1
		Hell on Earth	1	Ww	1
		Key West	1		
		Larger Community of Choice	1		
		Manchester	1		
		Newport	1		
		Pisiquid*	1		
		Pockets	1		
		RH Lowthers	1		
		Rising Tides	2		
		Shit on Stick	1		
		Something Aboriginal**	1		
		Stick to West	1		
		Three Rivers	1		
		Tidal Bay	1		
		Tidal Flow	1		
		Troyville	1		
		Urban Hants Windsor	1		
		Valley Gateway	1		
		Washmyhants	1		
		Water	1		
		Welfare	1		
		West Hants Avon	2		
		West Hants United	1		
		West Wind	1		
		Westwind	1		
		Windsor Hants	4		
		Windsor Junction	1		
		Windsor Plains	1		
		Windsor West Hants	1		
		Hantsport			
		Windsor-Hants West	1		

		Windsor-Hantsport- West Hants	1		
		Windsor/Hants	2		
		Windy Hants	1		
		Winwest	1		
		Worth a Try	1		
		Wural	1		
		WWH***	1		

* Not all respondents provided the name "Pisiquid." Some provided variant spellings such as "Pezaquid." We treated the variants as the same name.

** The respondent indicated that the new name should be aboriginal. However, they did not indicate any specific name.

*** The respondent insisted that WWH is not an abbreviation. It should be the actual name.

Table 5: The list of all proposed names and their frequencies.



West Hants Planning Advisory Committee Excerpts
February 20, 2020

741 McKay Road, McKay Section PID 45372224

.....that Regional Council give First Reading and hold a Public Hearing to consider entering into an amending development agreement which will permit an automobile sales establishment in addition to the permitted automobile repair shop and is substantively the same as the draft amending development agreement attached as Appendix D of the report to the West Hants Planning Advisory Committee dated February 20, 2020, taking note that this development agreement will discharge and replace the development agreement registered at the Land Registry Office on June 8, 2016 as document 109062613, which permits an automobile repair shop at 741 McKay Road, McKay Section, PID 45372224.

PROPOSAL INFORMATION SHEET

Address: 741 McKay Road, McKay Section

Request: Amend their development agreement (2016) to permit the sale of vehicles in conjunction with the automobile repair shop within the 400 ft x 200 ft development site on the property

Proposal Description: The property owners would like display one to three used vehicles and vehicle accessories as an extra service for customers of their automobile repair shop and to draw new customers into the business

Community: McKay Section

Designation: Agriculture

Zone: Agricultural Priority Two (AR-2)

Current Use: Home-based Auto Repair Shop and Residential uses

Proposed Use: Automobile Sales Establishment and Residential uses

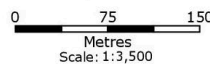
Location Map (with Development Site highlighted):



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.
This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Planning Department December 2019

Orthophoto
Development Site



- PID 45372224
- Development Site
- Civic
- Parcels
- Road

For more information please review the February 20, 2020 staff report to the West Hants Planning Advisory Committee



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Report to Planning Advisory Committee**

To: Members of West Hants Planning Advisory Committee

Submitted By: _____
Sara Poirier, Planner

Date: February 20, 2020

Subject: **Amendment to Development Agreement: 741 McKay Road, McKay Section, West Hants, PID 45372224**

File #: 19-03

1.0 BACKGROUND

A completed application was received on December 4, 2019 from James and Michelle Maynard to amend their development agreement which allows a home-based auto repair shop and was registered at the Land Registry Office on June 8, 2016. The applicants wish to expand the uses permitted by the development agreement to include vehicle sales and vehicle accessory sales on their property at 741 McKay Road (PID 45372224), McKay Section, West Hants. James and Michelle Maynard own the property.

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act Part 8; West Hants Municipal Planning Strategy (WHMPS) and Land Use By-law (WHLUB).

3.0 RECOMMENDATION

To allow the requested development, staff recommends that the West Hants Planning Advisory Committee (WHPAC) forward a positive recommendation by passing the following motion:

that Regional Council give First Reading and hold a Public Hearing to consider entering into an amended development agreement which will permit an automobile sales establishment and is substantively the same as the draft amending development agreement attached as Appendix D of the report to the

West Hants Planning Advisory Committee dated February 20, 2020, taking note that this development agreement will discharge and replace the development agreement registered at the Land Registry Office on June 8, 2016 as document 109062613, which permits an automobile repair shop at 741 McKay Road, McKay Section, PID 45372224.

4.0 DISCUSSION and DOCUMENT REVIEW

The 14.6-acre property is located within the Agriculture designation on the Generalized Future Land Use Map of the WHMPS (Figure 1). The subject lot is zoned Agricultural Priority Two (AR-2) on the Zoning Map of the WHLUB (Figure 2). Part 8 of the WHMPS contains the overall intention for the Agriculture designation in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) zone. Commercial and industrial uses are not permitted as-of-right in the Agricultural Priority Two (AR-2) zone.

The property owners currently reside in a single unit dwelling on the property. The development agreement restricts the home-based auto repair shop to a 400 ft by 200 ft area on the property, also known as the "development site" (Figure 3). The owners are not proposing any changes to the size of the development site.

4.1 Development Agreements

A development agreement is a legal contract between the Municipality and a property owner that describes the type of development permitted on a property. Development agreements provide an opportunity for Council to exercise a greater degree of control over aspects of a development proposal and allow Council to consider uses that would otherwise not be permitted in the underlying zone. A development agreement is binding upon a property until the agreement is discharged by Council.

The Development Officer has reported that there has been no violations of the current development agreement to date.

Section *11.0 Amendments* of the current development agreement states that the only non-substantive amendment to the development agreement is *"any addition or removal of lands that does not make any alteration to the Development Site."* As the request is to permit an additional use this would be considered a substantive amendment and section 11.2 of the development agreement would apply which states *"Amendments to any matters not identified in Section 11.1 are substantive and shall only be amended in accordance with the provisions in Section 230 of the Municipal Government Act."*

The draft amending development agreement with the highlighted changes can be found in Appendix C.

4.2 Request for Amendment

The current development agreement allows a home-based auto repair shop as defined in the development agreement as *"a commercial shop for the general repair, rebuilding, and reconditioning of automobiles and light trucks (up to one ton), done in conjunction with a single unit dwelling"*.

The property owners are interested in supplementing this business by displaying one to three used vehicles and vehicle accessories for sale at one time as an extra service for customers and to draw new customers into the business.

In Nova Scotia, the Motor Vehicle Act specifies that to be able to buy, sell or trade over four motor vehicles, trailers or semi-trailers in any twelve month period the individual is required to have a Dealer License from the Registry of Motor Vehicles. As part of the application for a Dealer's License the individual must have a zoning confirmation letter from the Municipality stating that the property is permitted to be used for the display, sale and repair of motor vehicles. An amendment to the current development agreement to permit the display and sales of vehicles on the property must be completed before a zoning confirmation letter can be provided in support of their application to the Registry of Motor Vehicles.

To accommodate this request it is proposed that the definition of the permitted use on the property be changed to an automobile sales establishment which would be defined as *"a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling."* This use would accommodate the property owners current and proposed uses on the property.

Although the property owners plan to utilize social media as the main way to generate awareness for the additional sales component of the business, they have requested the addition of a clause in the amending development agreement to allow outdoor display of up to three (3) vehicles if required. In the amending development agreement the outdoor display area is required to be a minimum of 25 ft from the front lot line to ensure potential customers pull into the property owners driveway and avoid any potential traffic congestion on McKay Road.

The current development agreement lists specific criteria of the business, similar to that of a home-based business, including ownership of the business and the number of staff to be employed for the business. The hours of operation of the business are also restricted in the development agreement to 7 a.m. to 9 p.m., Monday to Sunday. No changes to these items are requested in the amending development agreement.

4.3 West Hants Municipal Planning Strategy and West Hants Land Use By-law

Section 6.1 of the WHLUB, *Development Agreements*, states that *"The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy..."*

(s) Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;"

Part 8 of the WHMPS contains the overall intention for the Agriculture areas in West Hants; Section 8.9 describes the policies for the Agricultural Priority Two (AR-2) zone. Policy 8.9.4 states that *"it shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement."*

The Resource Industrial (M-1) zone allows one dwelling unit in conjunction with a permitted Industrial use and lists *"any activity connected with the automobile trade other than an automobile scrap yard or automobile related commercial recreation establishment"* as a permitted use. The automobile sales establishment definition would accommodate the property owners current and proposed uses on the property.

4.4 WHMPS Specific Criteria

Policy 8.9.4 of the WHMPS establishes Council intention to consider new Resource Industrial (M-1) uses by development agreement and also establishes the criteria to be considered by Council. These criteria are examined in detail in Appendix A. In summary, the criteria are met since:

- the agrologist report (2016) determined that the development site would have little or no agricultural capability;
- the Department of Transportation and Infrastructure Renewal (DTIR) has advised that existing access is acceptable for the proposed additional commercial use;
- the development will not adversely affect adjacent land uses; and
- adequate separation distances will be provided.

4.5 WHMPS General Criteria

The proposal meets the general criteria for amendments as set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Appendix B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Senior Building and Fire Official, Director of Public Works and DTIR have no concerns.

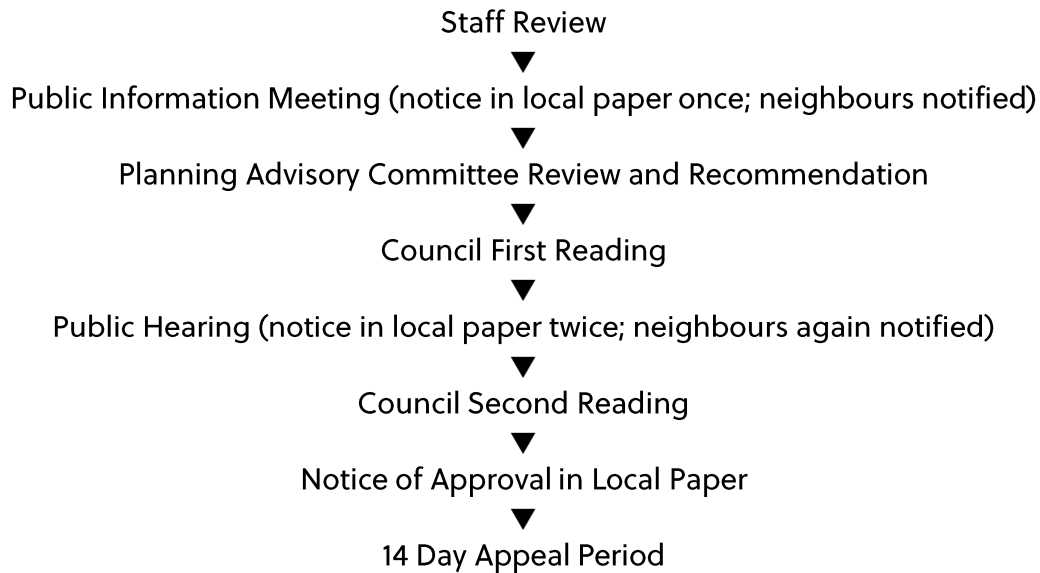
5.0 WEST HANTS MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding map (2013) and Seawater Intrusion map (2013) were consulted and the property does not appear susceptible to flooding or seawater intrusion.

6.0 CONCLUSION

As noted above, the proposed development has been considered within the context of both the specific and general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The development meets the specific and general criteria for development agreements as outlined in the WHMPS. As a result, it is reasonable to consider amending the development agreement to allow an automobile sales establishment at 741 McKay Road, McKay Section, West Hants, PID 45372224.

7.0 PROCESS



8.0 OPTIONS

In response to this application, WHPAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the Development Agreement as drafted or as specifically revised by direction of WHPAC; or
- provide alternative direction such as requesting further information on a specific topic.

9.0 APPENDICES

Figure 1	West Hants Generalized Future Land Use Map
Figure 2	West Hants Zoning Map
Figure 3	Development Site
Appendix A	Specific Criteria for Development Agreement
Appendix B	General Criteria for Development Agreement
Appendix C	Draft Development Agreement showing amendments

Appendix D Draft Development Agreement

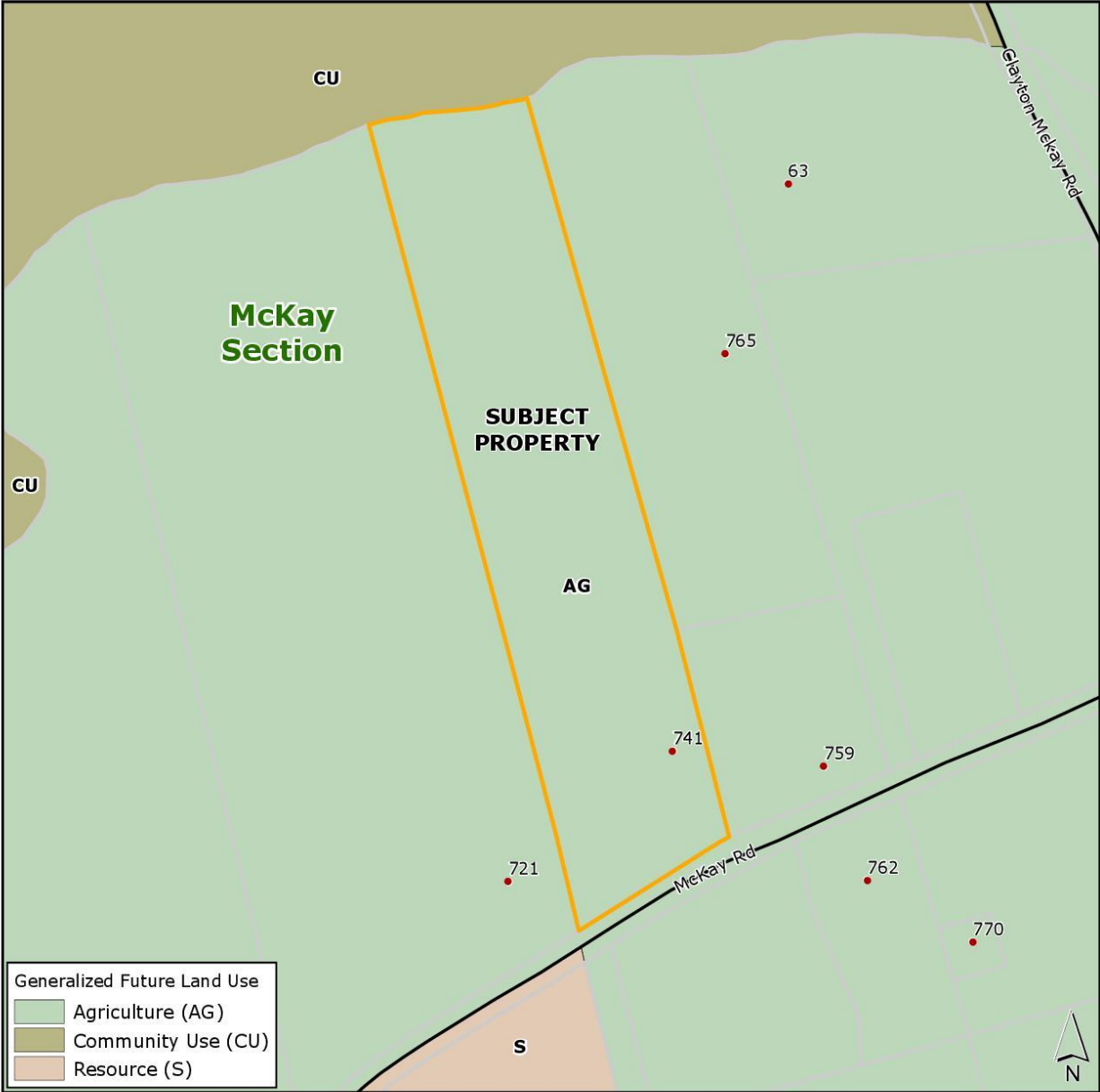
Report Approved by Madelyn LeMay, Director of Planning and Development

Figure 1
West Hants Generalized Future Land Use Map



741 McKay Road, McKay Section

PID 45372224



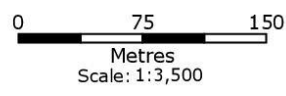
Generalized Future Land Use	
	Agriculture (AG)
	Community Use (CU)
	Resource (S)

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.

This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Planning Department December 2019

Generalized Future Land Use



	PID 45372224
	Civic
	Parcels
	Road

Figure 2
West Hants Zoning Map

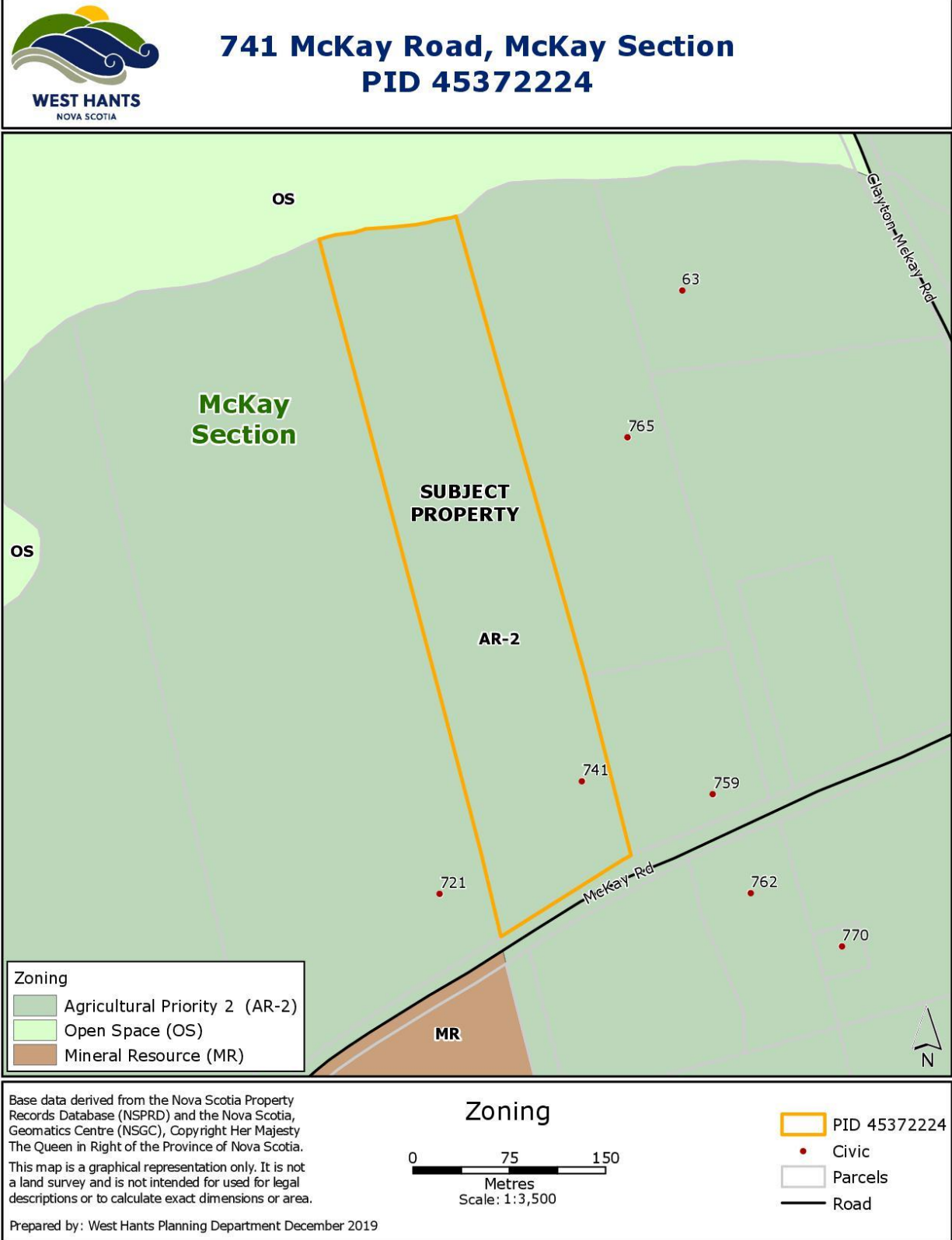
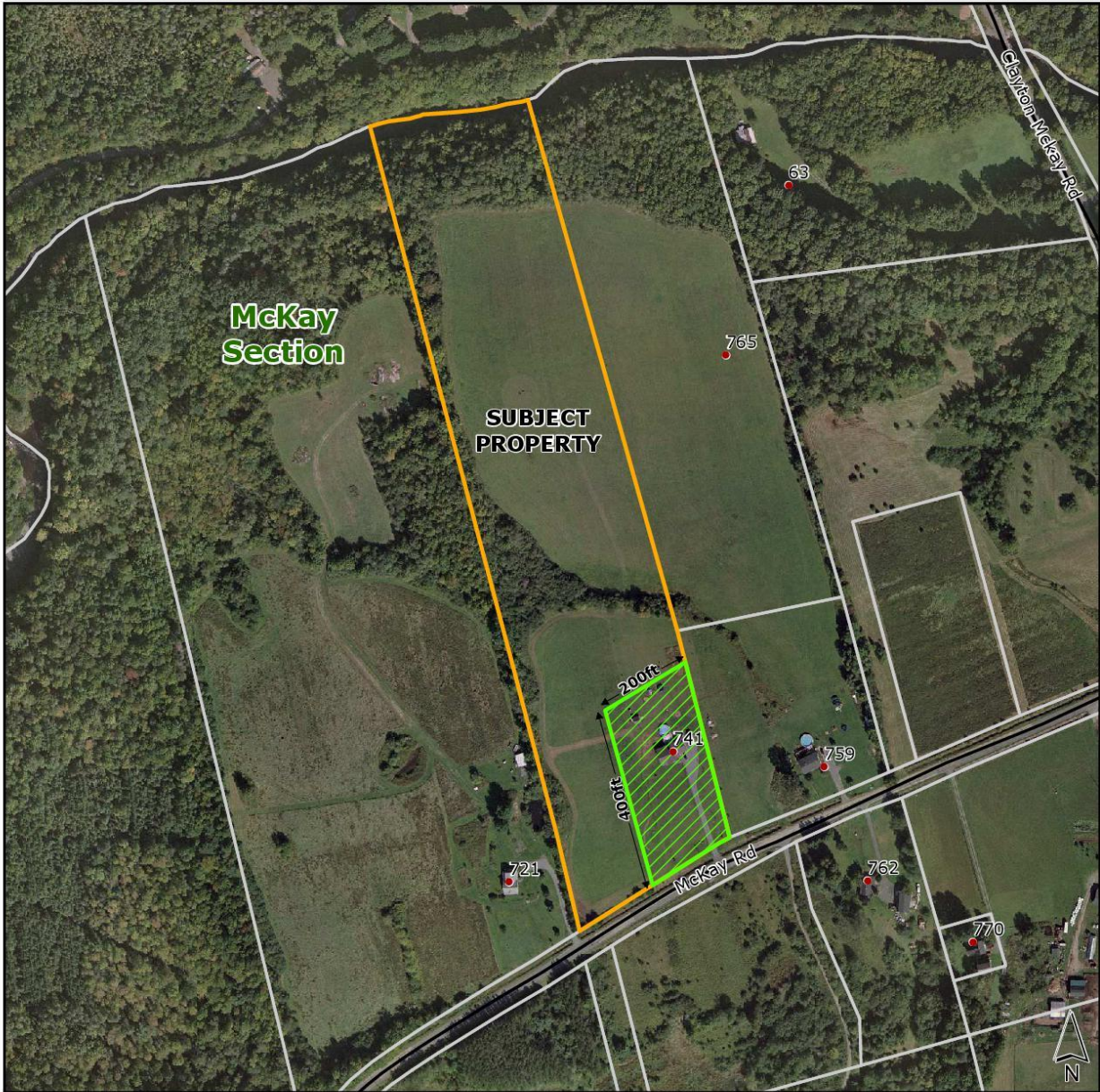


Figure 3
Development Site



**741 McKay Road, McKay Section
PID 45372224**

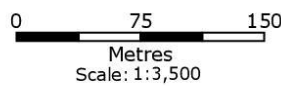


Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.

This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.

Prepared by: West Hants Planning Department December 2019

**Orthophoto
Development Site**



- PID 45372224
- Development Site
- Civic
- Parcels
- Road

**APPENDIX A
SPECIFIC CRITERIA FOR DEVELOPMENT AGREEMENT**

8.0 AGRICULTURE

8.9 Agricultural Priority Two

Non-Farm Development

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

CRITERIA	COMMENT
<i>(a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;</i>	The agrologist report conducted in March 2016, and discussed in Policy 8.6.1, determined that the 400 ft by 200 ft development site would have little or no agricultural capability. See 8.6.1 (b) (ii).
<i>(b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;</i>	The agrologist report (2016) discussed in Policy 8.6.1, determined that <i>"There would be no foreseeable impact or limitation on the neighbouring properties to farm their lands as a result of this proposed project."</i>
<i>(c) the predominant agricultural character of the area will not be adversely affected;</i>	As the proposed uses are limited to the development site and there a specific criteria, similar to that of a home-based business including ownership of the business and the number of staff to be employed for the businesses, the commercial uses are not anticipated to adversely affect the agricultural character of the area.
<i>(d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;</i>	The entire property is approximately 14.6 acres in size with only approximately 1.8 acres being used as the development site. Any new structures will be required to meet the setbacks in the West Hants Land Use By-law to ensure adequate separation distances are provided.
<i>(e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;</i>	An automotive sales establishment that is limited in size and is subject to specific criteria similar to that of a home-based business would be compatible with the rural nature of West Hants.
<i>(f) safe and efficient roadway access is provided;</i>	McKay Road is a Provincially owned road under the jurisdiction of the Department of Transportation and Infrastructure Renewal (DTIR). The DTIR confirmed that the existing access is acceptable for the proposed additional commercial use and that they do

	not anticipate a negative impact to the Provincial road network with the proposed commercial activities.
<i>(g) adequate on-site parking is provided;</i>	Adequate on-site parking will be provided for the automobile sales establishment. The development agreement specifies that a maximum of five (5) parking spaces shall be provided with the addition of an open display space for up to three (3) vehicles if needed.
<i>(h) the development is compatible with adjacent land uses with respect to:</i>	
<i>(i) traffic generation and traffic safety;</i>	There will be a minimal increase of traffic generated by allowing the addition of vehicle and vehicle accessory sales to the current automobile repair shop. Hours of operation are limited in the development agreement to ensure quiet times are maintained between 9 p.m. and 7 a.m. the following day.
<i>(ii) hours of operation;</i>	The development agreement limits the hours of operation of the automobile repair shop to 7:00 p.m. – 9 p.m. daily.
<i>(iii) size and design of building(s);</i>	The existing two bay garage and parking area will be used for the automobile sales establishment. Any additions or construction will require the appropriate building and development permits prior to construction.
<i>(iv) signage; and</i>	The number, type and size of signage is regulated in the amending development agreement.
<i>(v) pedestrian circulation and safety.</i>	No impact on pedestrian traffic or safety is anticipated. No pedestrian safety plan currently exists in West Hants.
<i>(i) any other matter which may be addressed in a development agreement;</i>	No other matters are of concern.
<i>(i) Policy 16.3.1.</i>	See Appendix B.

8.0 AGRICULTURE

8.6 Determination of Agricultural Capability

Policy 8.6.1 *It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:*

CRITERIA	COMMENT
<p>(a) 90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or</p>	<p>Not applicable.</p>
<p>(b) if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:</p>	<p>A study was prepared by R. Gary Morton, Professional Agrologist, in March 2016 which concluded that the “proposed development does not impact the ability to farm the Maynard lands. The proposed change is only a use change, and the proposed use change does not affect or impact the ability to farm these lands any more than under the current situation.”</p>
<p>(i) 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or</p>	<p>Not applicable.</p>
<p>(ii) the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;</p>	<p>Mr. Morton’s report (2016) states that the soil rating for the subject property is Class 3 in the Canadian Land Inventory (CLI) however the property would have limitations for agricultural use. The report highlights a few reasons for limitations, including that:</p> <ul style="list-style-type: none"> • “the land has not been farmed for over 25 years and the land has had poor crop returns when people have tried farming it; • the degree of slope of the back 10 acres of the property would not be suitable for the production of most vegetable crops and erosion would be a key concern on this site; • the development site is basically the area encompassing the farm residence, the associated yard, the outbuilding and a garage. The development area in essence defines the envelope around the existing buildings which at present are not available for agriculture production nor have they been for many years. These lands will likely not return to agriculture production, as most farms

	<p>require an area for a resident and the associated farm support buildings such as a garage;</p> <ul style="list-style-type: none"> • approximately 12.6 acres of the total 14.6 acres of the Maynard property will still be available for agriculture production, which is approximately the same amount that is currently available today prior to any development agreement; and • this project does not fragment the total farmland package, nor does it permanently separate any of the property lands.”
<i>(c) the study shall:</i>	
<i>(i) be prepared by a registered full member of the Nova Scotia Institute of Agrologists;</i>	Mr. Morton was a member of the Nova Scotia Insitute of Agrologists at the time the agrologist report (2016) was prepared.
<i>(ii) require a site inspection by the agrologist;</i>	The agrologist report (2016) states that a site inspection was conducted on March 4, 2016.
<i>(iii) specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;</i>	Mr. Morton (2016) specified that “ <i>the 1954 Soil Survey of Hants County Nova Scotia, Report #5, D.B. Cann (AAFC), J.D. Hilchey and G.R. Smith (NSDA) and the database of the West Hants Planning Department</i> ” was used to determine the soil type and classification.
<i>(iv) identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;</i>	A description of site characteristics was included in the agrologist report (2016).
<i>(v) include a site plan illustrating the area studied and any relevant site features;</i>	A site plan and pictures were included in the agrologist report (2016).
<i>(vi) identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding</i>	Mr. Morton’s report (2016) specified that “ <i>there would be no foreseeable impact or limitation on the neighbouring properties to farm their lands as a result of this proposed project</i> ”.

<i>land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;</i>	
<i>(vii) indicate the implications of letting the parcel go out of agricultural production; and</i>	See 8.6.1 (b).
<i>(viii) indicate the implications of fragmenting the land.</i>	Mr. Morton's report (2016) specified that <i>"this project does not fragment the total farmland package, nor does it permanently separate any of the property lands."</i>

APPENDIX B

GENERAL CRITERIA FOR DEVELOPMENT AGREEMENT

Policy 16.3.1 *In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:*

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works stated that the property does not currently have municipal water or sewer, nor is it a location that is projected to be developed with such services in the immediate future. Any additional water supply or septic disposal required for this use would need to be approved by the Department of Environment and installed at the expense of the property owners.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	In response to an inquiry, the local Fire Chief stated that they do not see an issue with fire protection for this property. The Senior Building and Fire Official added that any additions to the building would require the appropriate building and development permits and appropriate fire separations between the sales office and vehicle repair shop.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	See 8.9.4 (f).
<i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality related to this development agreement amendment.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i>	The Director of Public Works stated that this property is not serviced and is not capable of being serviced by municipal water and sewer at this time. Supply of water and septic disposal is the responsibility of the owners. See 16.3.1 (a)(i).
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The addition of the automobile sales establishment to the automobile repair shop will add minimal traffic on McKay Road. DTIR has determined there is adequate access to the property and does not anticipate any negative impact to the Provincial road network. There is no rail

	transportation in this area. No impact on pedestrian traffic or safety is anticipated.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer confirmed that the dimensions and shape of the development site is adequate for the proposed use.
<i>(e) the pattern of development which the proposal might create;</i>	The Development Officer does not foresee any pattern of development being established or any adverse effects on the surrounding agricultural area with this proposed amendment.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The agrologist report (2016) states some limitations of the property for agricultural uses including slope and soil quality, however as the proposed uses will be contained within the development site these limitations will not be a factor for the proposed uses. The Municipal Climate Change Action Plan (MCCAP) Inland Flooding map (2013) and Seawater Intrusion map (2013) were consulted and the property does not appear susceptible to flooding or seawater intrusion.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.

APPENDIX C
DRAFT DEVELOPMENT AGREEMENT showing amendments

Red = proposed changes to the agreement

Purple = proposed changes for new Regional Municipality



DEVELOPMENT AGREEMENT

THIS AMENDING AGREEMENT made this day of , 2020.

BETWEEN:

REGION OF WINDSOR AND WEST HANTS MUNICIPALITY, a **municipal** body corporate ~~pursuant to the Municipal Government Act, having its chief place of business at 76 Morison Drive, Wentworth Creek, in the County of Hants, Province of Nova Scotia,~~

(Hereinafter referred to as the "**MUNICIPALITY Municipality**")

OF THE FIRST PART

- and -

JAMES and MICHELLE MAYNARD, of 741 McKay Road, ~~Newport McKay Section~~, in the County of Hants, Province of Nova Scotia,

(Hereinafter referred to as the "**DEVELOPER Owners**")

OF THE SECOND PART

WHEREAS the **DEVELOPER Owners** are the registered owners of a 14.6 acre parcel of land located at 741 McKay Road, ~~Newport McKay Section~~, (PID 45372224), hereinafter referred to as the "Property", which lands are more particularly described in Schedule A attached hereto;

~~**AND WHEREAS** the DEVELOPER has requested that the MUNICIPALITY enter into a development agreement to permit a Resource Industrial use (a home-based auto repair shop) on the Property (the "Development") pursuant to Policy 8.9.4 of the Municipality of the District of West Hants Municipal Planning Strategy (the "Municipal Planning Strategy");~~

AND WHEREAS the Owners and Municipality entered into a development agreement to permit a Resource Industrial (M-1) use (a home-based auto repair shop) dated May 31, 2016 and recorded at the Land Registry Office on June 8, 2016 as document 109062613;

AND WHEREAS the Owners have requested to amend this Agreement to change the permitted Resource Industrial (M-1) use from a home-based auto repair shop to an automobile sales establishment which will allow the display and sales of vehicles and vehicle accessories in conjunction with the automobile repair shop;

AND WHEREAS the Property is designated Agriculture on the Generalized Future Land Use Map of the West Hants Municipality's Municipal Planning Strategy (June 26, 2008) and zoned Agriculture Priority Two (AR-2) on the Zoning Map of the West Hants Municipality's Land Use By-law (June 26, 2008);

AND WHEREAS Policy 8.9.4 of the West Hants Municipal Planning Strategy and Section 6.1 (s) of the West Hants Municipality's Land Use By-law provide that new Resource Industrial (M-1) uses may be developed on properties zoned Agriculture Priority Two (AR-2) only by development agreement;

AND WHEREAS the Council of the Municipality, at a meeting held on ~~April 12, 2016~~ Month Day, 2020 approved the request for amendment and adopted this amending Agreement by policy;

AND WHEREAS the following Schedules shall be attached to and form a part of this amending agreement:

- (a) Schedule A – Legal Description
- (b) Schedule B – Development Site

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1.0 DEFINITIONS

1.1 In this amending Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the West Hants Municipality's Land Use By-law, except those defined as follows:

~~"Home-Based Automobile Repair Shop"~~ means a commercial shop for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton); ~~done in conjunction with a single unit dwelling.~~

~~"Automobile Sales Establishment"~~ means a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling.

~~"Development Site"~~ means the area of the Property defined by the parallelogram of 400 ft by 200 ft which is shown on Schedule B to this amending Agreement.

“Visual Buffer” means a landscaped open space on which is situated one or more of the following, arranged in such a way as to form a dense or opaque visual screen:

- (a) a continuous row of evergreen trees or shrubs;
- (b) an opaque fence;
- (c) a berm.

2.0 GENERAL REQUIREMENTS AND ADMINISTRATION

- 2.1 The **DEVELOPER Owners** agree that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this **amending Agreement**.
- 2.2 All references in this **amending Agreement** to the “Land Use By-law” are to the Municipality of the District of West Hants Land Use By-law ~~(the “Land Use By-law”)~~ or its successors.
- 2.3 Except as otherwise provided for herein, the development and use of the Property shall comply with the requirements of the Land Use By-law, as may be amended from time to time.
- 2.4 Nothing in this **amending Agreement** shall exempt or be taken to exempt the **DEVELOPER Owners** or any other person from complying with **Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder. the requirements of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation of the Province of Nova Scotia, and the DEVELOPER agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Property.**
- 2.5 Where the provisions of this **amending Agreement** conflict with those of any by-law of the **Municipality** applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.
- 2.6 The provisions of this **amending Agreement** are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.
- 2.7 Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender. All words appearing in this **amending Agreement** shall carry the meaning defined in the Land Use By-law, except those which may have a specific definition herein.
- 2.8 Where the written text of this **amending Agreement** conflicts with information provided in the Schedules attached to this **amending Agreement**, the written text of this **amending Agreement** shall prevail.
- 2.9 The Developer shall, upon written request, provide the **Municipality** with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

3.0 USE OF LAND AND BUILDINGS

- 3.1 The uses permitted on the Property shall be limited to:
- ~~(a) a home based auto repair shop;~~
 - ~~(b) a single unit dwelling;~~
 - (a) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (b) an automobile sales establishment, subject to the provisions of clause 3.2 and the other provisions of this Agreement; and
 - (c) uses and structures accessory to the uses specified in clause 3.1 (a) and (b), including, but not limited to, storage sheds and garages.
- 3.2 The ~~home based auto repair shop~~ automobile sales establishment is permitted provided that:
- (a) the dwelling is occupied as the principal residence of the operator of the ~~home based auto repair shop~~ automobile sales establishment;
 - (b) the external appearance of the dwelling is not changed by the ~~home based auto repair shop~~ automobile sales establishment;
 - (c) there are no more than four assistants employed in the ~~home based auto repair shop~~ automobile sales establishment who are not residents in the dwelling;
 - (d) no signage shall be permitted other than one ground sign no larger than 10 ft² in area, and one facia sign no larger than 10 ft² in area. No internal illumination of these signs shall be permitted. An indoor sign shall not be considered a sign for the purposes of this ~~amending~~ Agreement;
 - (e) open storage shall be limited to the rear yard of the existing two bay garage and screened from view of adjacent residential properties by a visual buffer;
 - (f) outdoor display of up to three (3) motor vehicles shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line;
 - (g) ~~(f)~~ the Development Officer may approve a change in hours of operation, provided that all other requirements of this ~~amending~~ Agreement and the Land Use By-law can be met; and
 - (h) ~~(g)~~ no ~~home based auto repair shop~~ automobile sales establishment uses are permitted on the Property except on the Development Site; ~~and~~
- ~~3.3 — No other uses are permitted on the Property, except that any use permitted in the underlying zone shall be permitted, provided the requirements of the Land Use By-law and this Agreement can be satisfied, and where there is any conflict between the two, the more stringent requirements are to apply.~~

4.0 BUILDING LOCATION AND DESIGN

- ~~4.1 — Any residential or agricultural accessory building as outlined in section 3.1(c), shall meet all setback requirements as outlined in Section 5.1 of the Land Use By-law, Accessory Buildings and Structures.~~
- ~~4.1.4.2~~ Notwithstanding Section 3.2 (f), no structures or parking areas to be used for the ~~home based auto repair shop~~ automobile sales establishment shall be permitted in the front yard, that is, the portion of the lot formed by a straight line running along

the front of the dwelling and extending on either side to the boundary of the Development Site.

4.2 Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.

4.3 Nothing in this amending Agreement shall prevent the enlargement, reconstruction, repair or renovation of any existing buildings on the Property provided all requirements of this amending Agreement can be met.

5.0 HOURS OF OPERATION

5.1 The hours of operation for the ~~home-based~~ automobile repair shop shall be limited to between 7:00 a.m. and 9:00 p.m. daily, Monday to Sunday, inclusive.

6.0 PARKING

6.1 A maximum of five (5) parking spaces shall be provided, other than that required by the dwelling, ~~with each space having minimum dimensions of 10 by 20 feet.~~

6.2 The business parking spaces shall be screened from view of adjacent residential properties by a visual buffer.

7.0 LIGHTING AND STORAGE

7.1 Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

8.0 APPROVALS AND PERMITS

8.1 Prior to the operation of the business as outlined in section 3.1 (ab), the DEVELOPER Owners shall apply for and obtain all applicable permits.

8.2 The property is not serviced by municipal water and sewer. Any water supply, or septic disposal required for any of the uses described in Section 3 of this amending Agreement, shall be approved by the Department of Environment and installed at the expense of the Owners.

~~9.0~~ MAINTENANCE

~~9.1~~ The DEVELOPER Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

~~9.2~~ The DEVELOPER Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

~~10.0~~ AMENDMENTS

~~10.1~~ The Owners shall not vary or change the use of the Property from that provided for in Section 3 of this amending Agreement unless a new agreement is entered into with the Municipality or this amending Agreement is further amended.

10.2 The following non-substantive matter may be changed or altered with the written consent of Council without amendment to this amending Agreement or a public hearing provided that Council determines that the changes do not substantially alter the intent of this amending Agreement:

(a) any addition or removal of lands to the lot that does not make any alteration to the Development Site.

10.3 ~~11.2~~ Amendments to any matters not identified under Section ~~11.1~~ 10.1 are substantive and shall only be amended in accordance with the provisions of Section 230 of the Municipal Government Act.

~~11.0 12.0~~ COMMENCEMENT OF DEVELOPMENT

11.1 ~~12.1~~ Development as provided in Section 3.1 (ab) of this amending Agreement shall commence not later than twenty-four (24) months from the date this amending Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this amending Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the DEVELOPER Owners. Upon the written request of the DEVELOPER Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be an further amendment to this amending Agreement.

11.2 ~~12.2~~ If the DEVELOPER Owners are bona fide delayed from commencing the development for reasons which are beyond the DEVELOPER's Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the DEVELOPER Owners is excused for the period of the delay and the time period for the DEVELOPER Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be an amendment to this amending Agreement.

~~12.0 13.0~~ DISCHARGE OF AGREEMENT

12.1 ~~13.1~~ Notice of Intent to Discharge this amending Agreement may be given by the Municipality to the DEVELOPER Owners following a resolution of Council to give such Notice:

(a) as provided for in Section ~~12.1~~ 11.1 of this amending Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the DEVELOPER Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the DEVELOPER Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

~~13.0 14.0~~ ADMINISTRATION AND ENFORCEMENT

13.1 ~~14.1~~ This amending Agreement shall be administered by the Development Officer for the Municipality.

~~13.2~~ ~~14.2~~ Enforcement of this **amending** Agreement shall be the responsibility of the Municipality.

14.0 ~~15.0~~ ONUS FOR COMPLIANCE ON DEVELOPER

~~14.1~~ ~~15.1~~ The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this **amending** Agreement and all other laws pertaining to the Development.

14.2 Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this **amending** Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this **amending** Agreement.

15.0 ~~16.0~~ REGISTRATION OF AGREEMENT

~~15.1~~ ~~16.1~~ This **amending** Agreement shall be registered as a Burden on the Registered Interests upon the Property, described as "Agreement re use of land".

16.0 ~~17.0~~ ASSIGNMENT OF AGREEMENT

~~16.1~~ ~~17.1~~ The **DEVELOPER** Owners may, at any time and from time to time, transfer or assign this **amending** Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this **amending** Agreement.

18.0 ~~19.0~~ COSTS

~~18.1~~ ~~19.1~~ The **DEVELOPER** shall pay all costs associated with the advertising required for this Agreement, the costs of registering this Agreement, and all costs associated with any amendment thereof.

17.0 ~~19.0~~ AGREEMENT AND PERMITS

~~17.1~~ ~~19.1~~ This **amending** Agreement shall not be entered into, ~~or signed by all parties,~~ until either the time for appeal under Section 247 of the Municipal Government Act has expired, or any appeals which have been lodged have been disposed of by the Nova Scotia Utility and Review Board.

~~17.2~~ ~~19.2~~ Neither a development permit nor a building permit shall be issued until this **amending** Agreement has been ~~executed by both parties and~~ registered at the Nova Scotia Land Registry ~~Office of Deeds~~.

18.0 ~~20.0~~ DEVELOPMENT AGREEMENT BOUND TO LAND

~~18.1~~ ~~20.1~~ This **amending** Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the land which is the subject of this **amending** Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act. It is acknowledged and agreed by the Owners that steps taken in the approval and registration of this Agreement by the Municipality of the District of West Hants or the

Region of Windsor and West Hants Municipality shall be treated as part of a single, continuous, lawful process of carrying out the steps required of the appropriate municipal entity for bringing into effect a development agreement under the Municipal Government Act, SNS 1998, c. 18 as amended, and accordingly that the approval process need not have been recommenced from the beginning upon the coming into existence of the Region of Windsor and West Hants Municipality.

19.0 ~~21.0~~ BREACH OF TERMS OR CONDITIONS

19.1 ~~21.1~~ ~~The Municipality,~~ Upon breach of any term or condition of this amending Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the Municipal Government Act and may, ~~if thirty (30) days' notice in writing has been provided to the DEVELOPER Owners,~~ enter the land and perform any of the terms contained in the ~~is development amending~~ Agreement, or take such remedial action as is considered necessary to correct a breach of the ~~is amending~~ Agreement, including the removal or destruction of anything that contravenes the terms of the ~~is amending~~ Agreement and including decommissioning the site. It is agreed that all reasonable expenses, including costs on a solicitor and client basis, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the ~~is amending Development~~ Agreement.

20.0 ~~22.0~~ WRITTEN NOTICE

20.1 ~~22.1~~ The Municipality may serve notice on the DEVELOPER Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to James and Michelle Maynard, 741 McKay Road, PO Box 110, Newport, BON 2A0, or at any other address provided by the DEVELOPER Owners.

20.2 ~~22.2~~ The DEVELOPER Owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer at the principal business premises of the Municipality as shown on its website from time to time. ~~, Municipality of the District of West Hants, 76 Morison Drive, P.O. Box 3000, Windsor, NS, BON 2T0.~~

23.0 TIME

23.1 Time shall be of the essence in this Agreement.

21.0 ~~23.0~~ FULL AGREEMENT

21.1 ~~23.1~~ This amending Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

AFFIDAVIT OF CLERK, REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, _____, of Windsor, in the County of Hants, Province of Nova Scotia make oath and swear that:

1. I am the Clerk of the Region of Windsor and West Hants Municipality (the "Municipality") and have personal knowledge of the matters herein deposed to.
2. The Municipality is a body corporate pursuant to the *Municipality Government Act*, S.N.S., 1998, c. 18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in the regard on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended. This acknowledgement is made pursuant to s. 79(1)(a) of the *Land Registration Act*, S.N.S. 2001, c. 6, as amended for the purpose of registering or recording the Instrument.
4. The Municipality is a resident of Canada for the purposes of the *Income Tax Act* (Canada).

SWORN TO at _____, in the County of Hants, Province of Nova Scotia this _____ day of _____, 2020, before me:

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

, Clerk

I CERTIFY that on this date, _____ personally came before me and swore under oath the foregoing Affidavit.

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (SPOUSES)

We, James and Michelle Maynard, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to Section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

JAMES MAYNARD

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MICHELLE MAYNARD

Schedule A

Place Name: MCKAY ROAD MCKAY SECTION

Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY

Designation of Parcel on Plan: LOT AB-1

Title of Plan: PLAN OF S/D OF LANDS OF HUGH HARRY, SHARON PATRICIA, HUGH MICHAEL & KIMBERLEY L MAYNARD TO FORM AB-1, LOT HM-1 & REMAINDER LOT C-1, MCKAY RD, MCKAY SECTION

Registration County: HANTS COUNTY

Registration Number of Plan: 89116371

Registration Date of Plan: 2007-10-23 11:33:37

SUBJECT TO the Agreement re Use of Land (burden) created by the instrument recorded in the Land Registration Office for Hants County, Nova Scotia as Document 109062613 on June 8, 2016.

***** Municipal Government Act, Part IX Compliance *****

Compliance:

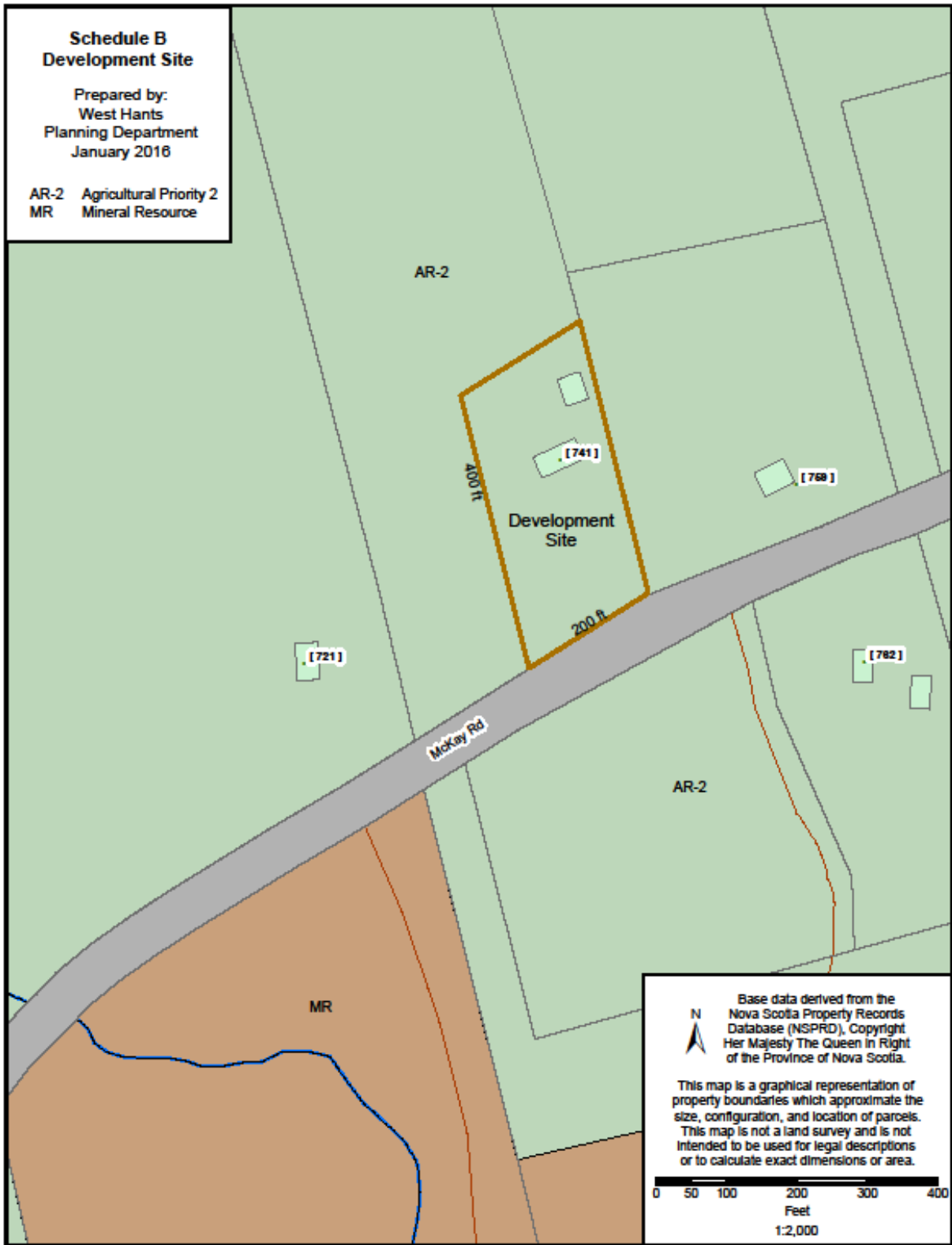
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2007

Plan or Document Number: 89116371

Schedule B



AND WHEREAS the Council of the Municipality, at a meeting held on **Month Day**, 2020 approved the request for amendment and adopted this amending Agreement by policy;

AND WHEREAS the following Schedules shall be attached to and form a part of this amending agreement:

- (a) Schedule A – Legal Description
- (b) Schedule B – Development Site

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1.0 DEFINITIONS

1.1 In this amending Agreement, all words or phrases used shall carry their customary meaning unless otherwise set out in the West Hants Land Use By-law, except those defined as follows:

“Automobile Repair Shop” means a commercial shop for the general repair, rebuilding, and reconditioning of vehicles and light trucks (up to one ton).

“Automobile Sales Establishment” means a building or part of a building or space on a lot used for retail or wholesales or rental of vehicles (up to one ton) and vehicle accessories, and includes an automobile repair shop, done in conjunction with a single unit dwelling.

“Development Site” means the area of the Property defined by the parallelogram of 400 ft by 200 ft which is shown on Schedule B to this amending Agreement.

“Visual Buffer” means a landscaped open space on which is situated one or more of the following, arranged in such a way as to form a dense or opaque visual screen:

- (a) a continuous row of evergreen trees or shrubs;
- (b) an opaque fence;
- (c) a berm.

2.0 GENERAL REQUIREMENTS AND ADMINISTRATION

2.1 The Owners agree that the Property shall be developed and used only in accordance with and subject to the terms and conditions of this amending Agreement.

2.2 All references in this amending Agreement to the “Land Use By-law” are to the Municipality of the District of West Hants Land Use By-law or its successors.

2.3 Except as otherwise provided for herein, the development and use of the Property shall comply with the requirements of the Land Use By-law, as may be amended from time to time.

2.4 Nothing in this amending Agreement shall exempt or be taken to exempt the Owners or any other person from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority, or approval required thereunder.

- 2.5 Where the provisions of this amending Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.
- 2.6 The provisions of this amending Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.
- 2.7 Where the context requires, the singular shall include the plural and the masculine gender shall include the feminine and neutral gender. All words appearing in this amending Agreement shall carry the meaning defined in the Land Use By-law, except those which may have a specific definition herein.
- 2.8 Where the written text of this amending Agreement conflicts with information provided in the Schedules attached to this amending Agreement, the written text of this amending Agreement shall prevail.
- 2.9 The Developer shall, upon written request, provide the Municipality with copies of any documentation, permits or approvals required by Provincial or Federal governments or agencies.

3.0 USE OF LAND AND BUILDINGS

- 3.1 The uses permitted on the Property shall be limited to:
- (a) those uses permitted by the underlying zoning in the Land Use By-law; and
 - (b) an automobile sales establishment, subject to the provisions of clause 3.2 and the other provisions of this Agreement; and
 - (c) uses and structures accessory to the uses specified in clause 3.1 (a) and (b), including, but not limited to, storage sheds and garages.
- 3.2 The automobile sales establishment is permitted provided that:
- (a) the dwelling is occupied as the principal residence of the operator of the automobile sales establishment;
 - (b) the external appearance of the dwelling is not changed by the automobile sales establishment;
 - (c) there are no more than four assistants employed in the automobile sales establishment who are not residents in the dwelling;
 - (d) no signage shall be permitted other than one ground sign no larger than 10 ft² in area, and one fascia sign no larger than 10 ft² in area. No internal illumination of these signs shall be permitted. An indoor sign shall not be considered a sign for the purposes of this amending Agreement;
 - (e) open storage shall be limited to the rear yard of the existing two bay garage and screened from view of adjacent residential properties by a visual buffer;
 - (f) outdoor display of up to three (3) motor vehicles shall be permitted in the front yard of the Development Site provided that the outdoor display area is a minimum of 25 ft from the front lot line;
 - (g) the Development Officer may approve a change in hours of operation, provided that all other requirements of this amending Agreement and the Land Use By-law can be met; and

(h) no automobile sales establishment uses are permitted on the Property except on the Development Site.

4.0 BUILDING LOCATION AND DESIGN

4.1 Notwithstanding Section 3.2 (f), no structures or parking areas to be used for the automobile sales establishment shall be permitted in the front yard, that is, the portion of the lot formed by a straight line running along the front of the dwelling and extending on either side to the boundary of the Development Site.

4.2 Removal of topsoil shall be prohibited on the lot except where incidental to an agricultural use or for excavation associated with the construction of permitted buildings or structures.

4.3 Nothing in this amending Agreement shall prevent the enlargement, reconstruction, repair or renovation of any existing buildings on the Property provided all requirements of this amending Agreement can be met.

5.0 HOURS OF OPERATION

5.1 The hours of operation for the automobile repair shop shall be limited to between 7:00 a.m. and 9:00 p.m. daily, Monday to Sunday, inclusive.

6.0 PARKING

6.1 A maximum of five (5) parking spaces shall be provided, other than that required by the dwelling.

6.2 The business parking spaces shall be screened from view of adjacent residential properties by a visual buffer.

7.0 LIGHTING AND STORAGE

7.1 Exterior lighting for driveways, parking areas, signs or structures shall be shielded and directed downward to ensure there is no light spilling, glare or light cast over neighbouring properties or the street.

8.0 APPROVALS AND PERMITS

8.1 Prior to the operation of the business as outlined in section 3.1 (b), the Owners shall apply for and obtain all applicable permits.

8.2 The property is not serviced by municipal water and sewer. Any water supply, or septic disposal required for any of the uses described in Section 3 of this amending Agreement, shall be approved by the Department of Environment and installed at the expense of the Owners.

9.0 MAINTENANCE

9.1 The Owners shall keep the Property and buildings and any portion thereof clean and in good repair. Any driveways, fences, lawns, trees, shrubs, walkways and other landscaping elements shall be regularly maintained and kept in a tidy state and free from unkempt materials or matter of any kind.

9.2 The Owners shall maintain the driveway to a level adequate to allow for access by emergency services vehicles.

10.0 AMENDMENTS

10.1 The Owners shall not vary or change the use of the Property from that provided for in Section 3 of this amending Agreement unless a new agreement is entered into with the Municipality or this amending Agreement is further amended.

10.2 The following non-substantive matter may be changed or altered with the written consent of Council without a public hearing provided that Council determines that the changes do not substantially alter the intent of this amending Agreement:

(a) any addition or removal of lands to the lot that does not alter the Development Site.

10.3 Amendments to any matters not identified under Section 10.1 are substantive and shall only be amended in accordance with the provisions of Section 230 of the Municipal Government Act.

11.0 COMMENCEMENT OF DEVELOPMENT

11.1 Development as provided in Section 3.1 (b) of this amending Agreement shall commence not later than twenty-four (24) months from the date this amending Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this amending Agreement may be discharged at the option of the Municipality by resolution of Council in accordance with Section 229 of the Municipal Government Act 30 days after giving Notice of Intent to Discharge to the Owners. Upon the written request of the Owners, the Municipality, by resolution of Council, may grant an extension to the date of commencement of development without such an extension being deemed to be a further amendment to this amending Agreement.

11.2 If the Owners are bona fide delayed from commencing the development for reasons which are beyond the Owner's control, the determination of which shall be at the sole discretion of the Development Officer, then performance by the Owners is excused for the period of the delay and the time period for the Owners to perform their obligations shall be extended by the Development Officer in writing for an equivalent period, without such an extension being deemed to be a further amendment to this amending Agreement.

12.0 DISCHARGE OF AGREEMENT

12.1 Notice of Intent to Discharge this amending Agreement may be given by the Municipality to the Owners following a resolution of Council to give such Notice:

(a) as provided for in Section 11.1 of this amending Agreement; or

(b) at the discretion of the Municipality, with or without the concurrence of the Owners, where the Development has, in the reasonable opinion of Council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or

(c) at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.

13.0 ADMINISTRATION AND ENFORCEMENT

13.1 This amending Agreement shall be administered by the Development Officer for the Municipality.

13.2 Enforcement of this amending Agreement shall be the responsibility of the Municipality.

14.0 ONUS FOR COMPLIANCE ON DEVELOPER

14.1 The Municipality does not make any representations to the Owners about the suitability of the Property for the development proposed by this agreement. The Owners assume all risks and must ensure that any proposed development complies with this amending Agreement and all other laws pertaining to the Development.

14.2 Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this amending Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this amending Agreement.

15.0 REGISTRATION OF AGREEMENT

15.1 This amending Agreement shall be registered as a Burden on the Registered Interests upon the Property, described as "Agreement re use of land".

16.0 ASSIGNMENT OF AGREEMENT

16.1 The Owners may, at any time and from time to time, transfer or assign this amending Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this amending Agreement.

17.0 AGREEMENT AND PERMITS

17.1 This amending Agreement shall not be entered into until either the time for appeal under Section 247 of the Municipal Government Act has expired, or any appeals which have been lodged have been disposed of by the Nova Scotia Utility and Review Board.

17.2 Neither a development permit nor a building permit shall be issued until this amending Agreement has been registered at the Nova Scotia Land Registry Office.

18.0 DEVELOPMENT AGREEMENT BOUND TO LAND

18.1 This amending Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns, and shall run with the land which is the subject of this amending Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act. It is acknowledged and agreed by the Owners that steps taken in the approval and

registration of this Agreement by the Municipality of the District of West Hants or the Region of Windsor and West Hants Municipality shall be treated as part of a single, continuous, lawful process of carrying out the steps required of the appropriate municipal entity for bringing into effect a development agreement under the Municipal Government Act, SNS 1998, c. 18 as amended, and accordingly that the approval process need not have been recommenced from the beginning upon the coming into existence of the Region of Windsor and West Hants Municipality.

19.0 BREACH OF TERMS OR CONDITIONS

19.1 Upon breach of any term or condition of this amending Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the Municipal Government Act and may enter the land and perform any of the terms contained in this amending Agreement, or take such remedial action as is considered necessary to correct a breach of this amending Agreement, including the removal or destruction of anything that contravenes the terms of this amending Agreement and including decommissioning the site. It is agreed that all reasonable expenses, including costs on a solicitor and client basis, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of this amending Agreement.

20.0 WRITTEN NOTICE

20.1 The Municipality may serve notice on the Owners personally or by ordinary mail which shall be deemed to have been received within three (3) business days of mailing, addressed to James and Michelle Maynard, 741 McKay Road, PO Box 110, Newport, BON 2A0, or at any other address provided by the Owners.

20.2 The Owners may serve notice on the Municipality by registered mail addressed to the Chief Administrative Officer at the principal business premises of the Municipality as shown on its website from time to time.

21.0 FULL AGREEMENT

21.1 This amending Agreement constitutes the entire Agreement and contract entered into by the Municipality and the Owners. No other agreement or representation, oral or written, shall be binding.

AFFIDAVIT OF CLERK, REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

I, _____, of Windsor, in the County of Hants, Province of Nova Scotia make oath and swear that:

1. I am the Clerk of the **Region of Windsor and West Hants Municipality** (the "Municipality") and have personal knowledge of the matters herein deposed to.
2. The Municipality is a body corporate pursuant to the *Municipality Government Act*, S.N.S., 1998, c. 18, as amended.
3. I acknowledge that the Municipality executed the attached Instrument by its proper designates duly authorized in the regard on the date of this Affidavit pursuant to subsection 13(3) of the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended. This acknowledgement is made pursuant to s. 79(1)(a) of the *Land Registration Act*, S.N.S. 2001, c. 6, as amended for the purpose of registering or recording the Instrument.
4. The Municipality is a resident of Canada for the purposes of the *Income Tax Act* (Canada).

SWORN TO at _____, in the County of Hants, Province of Nova Scotia this _____ day of _____, 2020, before me:

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

, Clerk

I CERTIFY that on this date, _____ the foregoing Affidavit.

_____ personally came before me and swore under oath

A BARRISTER/COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

CANADA
PROVINCE OF NOVA SCOTIA
HANTS COUNTY

AFFIDAVIT & PROOF OF EXECUTION (SPOUSES)

We, James and Michelle Maynard, the "Deponents", make oath and swear that:

1. **We acknowledge that we executed the foregoing instrument on the date of this affidavit; this acknowledgement is made for the purpose of registering such instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392 or s.79(1)(a) of the *Land Registration Act* as the case may be.**
2. We are nineteen years of age or older and are residents of Canada under the *Income Tax Act* (Canada).
3. For the purpose of this affidavit "spouse" means an individual who is married to another individual; is married to another individual by a marriage that is voidable and has not been voided by a declaration of nullity; has gone through a form of marriage with an individual, in good faith, that is void and they are cohabiting or have cohabited within the preceding year; or is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* as amended, but does not include an individual who becomes a former domestic partner pursuant to Section 55(1) of the Act.
4. We are the spouses of each other. Neither of us has any other spouse nor, with respect to the within property, any former domestic partner with the rights contemplated by Section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*. We consent to this disposition.

I certify that on this _____, 2020
the Deponents came before me, made oath,
and swore the foregoing affidavit at
_____, Nova Scotia.

JAMES MAYNARD

A BARRISTER/COMMISSIONER OF THE
SUPREME COURT OF NOVA SCOTIA

MICHELLE MAYNARD

Schedule A

Place Name: MCKAY ROAD MCKAY SECTION

Municipality/County: MUNICIPALITY OF THE DISTRICT OF HANTS WEST/HANTS COUNTY

Designation of Parcel on Plan: LOT AB-1

Title of Plan: PLAN OF S/D OF LANDS OF HUGH HARRY, SHARON PATRICIA, HUGH MICHAEL & KIMBERLEY L MAYNARD TO FORM AB-1, LOT HM-1 & REMAINDER LOT C-1, MCKAY RD, MCKAY SECTION

Registration County: HANTS COUNTY

Registration Number of Plan: 89116371

Registration Date of Plan: 2007-10-23 11:33:37

SUBJECT TO the Agreement re Use of Land (burden) created by the instrument recorded in the Land Registration Office for Hants County, Nova Scotia as Document 109062613 on June 8, 2016.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

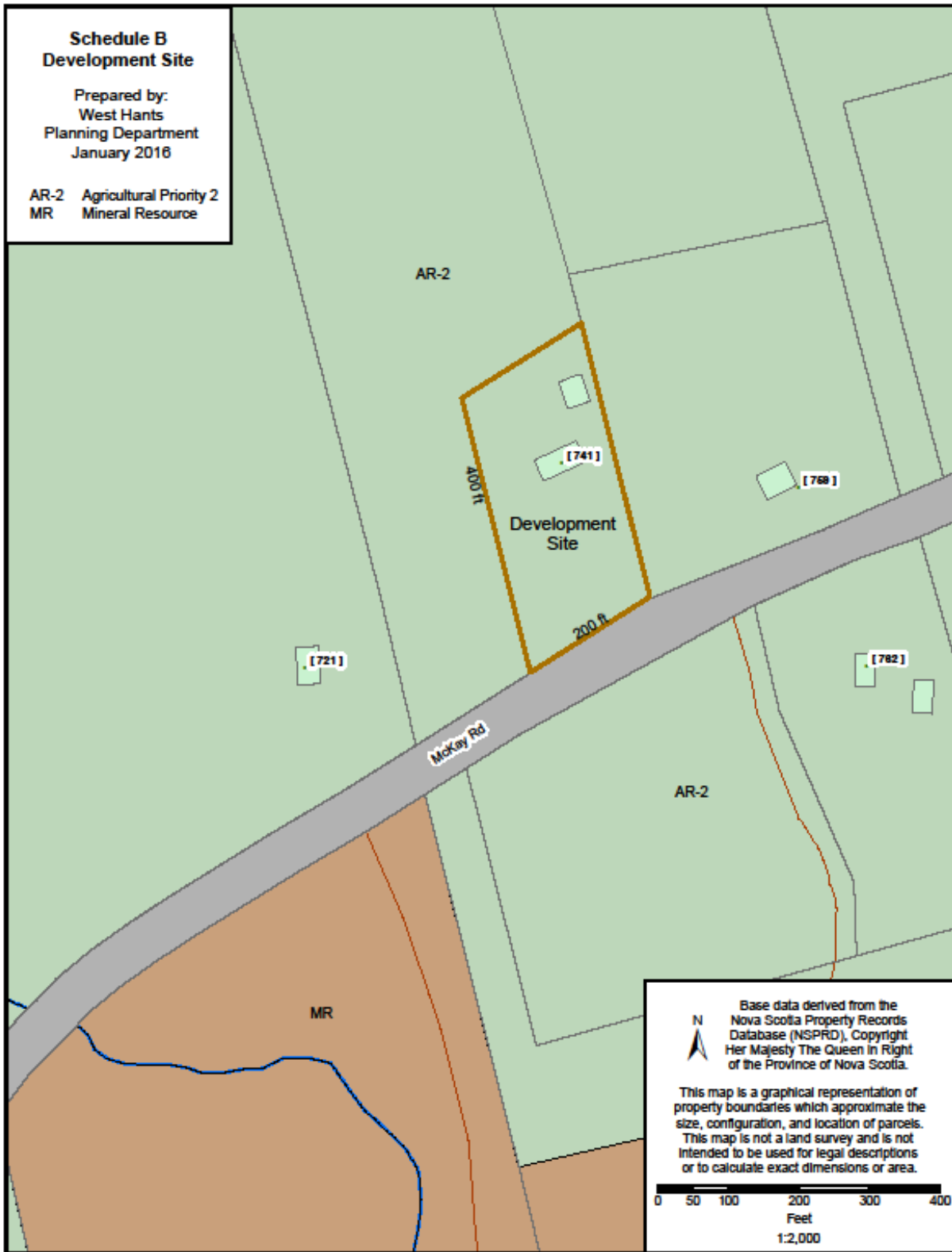
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HANTS COUNTY

Registration Year: 2007

Plan or Document Number: 89116371

Schedule B





Avon Community Farmers' Market

78 Thomas Street
PO Box 2466
Windsor, NS B0N 2T0

March 30, 2020

Warden Abraham Zebian
Municipality of the District of West Hants
Via email: azebian@westhants.ca

Dear Warden Zebian,

Thank you for supporting our market in 2019. The grant of \$1500.00 to cover general operating expenses helped make the season a success. A copy of our final 2019 Financial statements will be forwarded upon completion.

Overall, we had a total of 36 different vendors attend the market during the season, primarily from Hants County, but also including a few from HRM and Kings County. Over the 20 markets we hosted 15 community groups at a free community table and 11 local musicians. Through two grants, our Nourishing Communities Project was able to provide \$5143.05 directly to households facing food security concerns.

We are currently working hard to plan our 2020 season and opening on Sunday, June 7, 2020. Our first Annual General Meeting was held Tuesday, March 10, 2020 and we shared our 2019 successes and heard from the community on what their hopes are for the market.

We are looking forward to working with the new municipal council and promoting all the Avon Region as to offer.

On Behalf of the Avon Community Farmer' Market,

Board Members:
Bruce Wright
Jen Haverstock
Jamie Cornetta
Joy Hillier
Monique Wood
Theresa Shay

Market Manager:
Karen Cooper