

WEST HANTS REGIONAL MUNICIPALITY

Council Meeting Agenda **AMENDED**

May 23, 2023 - 6:00 p.m.

Sanford Council Chambers, 76 Morison Dr, Windsor, NS

Virtual via Zoom (also FB Livestream)

Agenda is subject to change due to additions that may not be able to be reflected until after the meeting.



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1. Call to Order
2. Attendance
3. Announcements
4. Approval of the Agenda, including additions or deletions
 - a) Dashboard Action Items – Information Log
 - b) Dashboard Action Items – Dangerous or Unsightly Premises
5. Declaration(s) of Conflict of Interest
6. Presentations
 - a) Eco-community Planning in Nova-Scotia - Still Acres
7. Approval of Previous Meeting Minutes
 - a) 2023-04-25 Council Meeting Minutes
 - b) 2023-04-25 Public Hearing Minutes College Road, PID 45336203 Development Agreement
8. Public Hearings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
9. Second Readings
 - i. Scotch Village Station Road, PID 45166915 Development Agreement - Director Poirier
 - ii. Payzant Drive, Windsor PID 45276441 and PID 45366986 Development Agreement – Director Poirier
 - iii. Benjamins Mill Wind Project Development Agreement - Planner Dunphy
10. Unfinished Business/Postponed Motions
 - a) Amendment to Land Use Bylaw Definition "Community Centres" Recommendation Report - Councillor Ivey
 - b) 2023-24 Grants and Contributions Supplementary Report – Director Kehoe
 - c) Public Transportation Information Report – Coordinator Ogilvie

d) Mill Lakes Dam Upgrades Recommendation Report - Director Richard

11. Mayor's Report

12. Committee(s) of Council Excerpts/Recommendations

a) Committee of the Whole Excerpts (May 9, 2023)

- i. 2023 Grants & Contributions
- ii. 2023 Standing Offer Asphalt Paving Services WHPW23-02
- iii. Draft Parking Bylaw Report
- iv. FCM Community Buildings Retrofit Funding
- v. Short-term Rentals
- vi. Underwood Edward Electronic Gate System
- vii. Land Matter

b) Planning and Heritage Advisory Excerpts (May 11, 2023)

- i. 997 Hwy 14, Upper Vaughan Rezoning – Planner Dunphy
- ii. Cole Drive PID 45366432, Development Agreement – Planner Dunphy

13. Councillor Municipal Business/Activity Reports

a) Councillor Ivey, District 11 Activity Report

14. Correspondence

a) Information

1. Avon Causeway Activity Log
2. Correspondence Received Activity Log
 - i. 2023-05-10 John Fitzgerald Re: Scotch Village Yoga retreat
 - ii. 2023-05-10 Karen Fitzgerald Re: Yoga resort plan
 - iii. 2023-05-11 Bill Preston Re: Unsightly etc.
 - iv. 2023-05-11 Garret Johnston Re: Avon Street Erosion Hantsport Nova Scotia
 - v. 2023-05-11 Margy Fletcher Re: Expansion to King Street from Payzant Drive
 - vi. 2023-05-15 Andrew Hardman Re Property Tax Exemption List
 - vii. 2023-05-15 Art Ward and Karen Bourque-Ward Re Scotch Village Station Road PID 45166915 and PID 45148608.
 - viii. 2023-05-15 Letter to NSFM from the Minister of Municipal Affairs and Housing Re 12 Month Notice
 - ix. 2023-05-15 Upper Vaughan Property Owners Re 997 Highway 14, Permit #C2020-371
 - x. 2023-05-16 Denise Forand Re Waterfront options are ours to design for generations to come. Ebb n Flow.
 - xi. 2023-05-18 Warden Nickerson Re RCMP Retroactive Costs
 - xii. 2023-05-19 Art Ward Re Proposed DA for Scotch Village Station Road PID 45166915 and PID 45148608.

- xiii. 2023-05-19 Shelley Arsenault Re Rezoning and Development of Agricultural Lands
- xiv. 2023-05-21 Lee and Debbie Watson Re Old Railway, Collapse in Mt Denson
- xv. 2023-05-22 Dave Smith Re Zwicker Lake Petition
- xvi. 2023-05-22 Seamus Marriott Re Petition to Reconsider Canoe Club Tax Exemption

3. Fort Edward Activity Log - None

4. Storm Wastewater Activity Log – None

b) Requests- None

c) Outgoing Correspondence Log

- i. 2023-05-17 Support to pave Cogmagun and Beaverpond Roads
- ii. 2023-05-23 Coastal Protection Act Regulations

15. New Business

16. In-Camera

- a) 2023-04-25 In-Camera Minutes
- b) MGA 22(2)(a) Land Matter
- c) MGA 22(2)(a) Legal Matter
- d) MGA 22(2)(a) Labour Matter
- e) MGA 22(2)(a) Land Matter
- f) MGA 22(2)(a) Legal Matter

17. Next Meeting Date / Adjournment – June 13, 2023 Committee of the Whole Meeting 6 p.m.

WEST HANTS REGIONAL MUNICIPALITY

Public Hearing Minutes – Benjamins Mill Wind Project Development Agreement

Tuesday, May 23, 2023 – 8:47 pm

In-person Sanford Council Chambers and virtually via ZOOM

(also Facebook Livestreamed)



1. Call to Order

The Public Hearing was called to order at 8:47 pm.

2. Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor, District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton Councillor District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor, District 9

Jim Ivey, Councillor, District 11

Regrets:

Mark McLean, Councillor, District 3

Laurie Murley, Councillor, District 10

Staff and Guests:

Mark Phillips, CAO

Kathy Kehoe, Dir. Community Development

Todd Richard, Dir. Public Works

Sara Poirier, Dir. Planning & Development

Alex Dunphy, Planner

Deanna Snair Municipal Clerk

John Ogilvie, MCCAP Coordinator

Regrets:

Shelleena Thornton, Mun. Ops Supervisor

Diana Gibson, Acting Dir. Financial Services

Guests:

Twenty - one (21) residents in the Gallery

Jessica and Allan Hill, Sustainable Hill

Chrystal Fuller, Brighter Community Planning & Consulting

Katherine Wadden - Still Acres

Developments

3. Public Hearings – All public hearings and presentations are available on the Municipal website.

Benjamins Mill Wind Project Development Agreement

Planner Dunphy reviewed the report highlighting that on April 19, 2023, the applicant requested edits be made to the wording of the draft development agreement regarding leasing and subleasing agreements. Initially the edits were thought to be administrative in nature. Following the request, the documents were sent to the solicitor for review. Upon review the solicitor advised that the requested amendments/edits requesting to be made would impact the Municipalities rights as set out in MGA 264 regarding breach of a

development agreement; specifically, when considering the decommissioning of the wind farm in the future. At present neither of the parties could reach an agreement they were satisfied with. All parties continue to work towards an agreement and are optimistic that an agreement can be reached prior to the Council meeting in June.

4. Adjournment

Mayor Zebian declared the Public Hearing closed at 8:48 p.m.

Abraham Zebian, Mayor

Deanna Snair, Executive Assistant/Clerk

Benjamins Mill Wind Project Development Agreement

Council Public Hearing

May 23, 2023

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Background

- On April 19, 2023, the applicant requested edits to the wording of the draft development agreement regarding the leasing and subleasing agreements. At the time, staff believed the edits to be administrative in nature. The amendments were sent to the Municipal Solicitor for review.
- On May 11, 2023, staff were informed by the Municipal Solicitor that the applicants requested amendments would impact the Municipalities rights as set out in MGA 264 regarding breach of a development agreement. This is most important when considering the decommissioning of the wind farm in the future. At this time, we do not have an agreement that all party's legal representation can agree to. However, they are working on it and believe that an agreement can be reached prior to the June meeting of Council.



Recommendation

... that Council adjourns the Public Hearing until 6:00 pm on June 27 and postpones the Second Reading until June 27, 2023, so that the Municipal Solicitor may reach an agreement on the draft development agreement.





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