

WEST HANTS REGIONAL MUNICIPALITY
Council Meeting Agenda **AMENDED November 26, 2021**
November 23, 2021 - 6:00 p.m.
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.

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/Unsightly

Additions: Item 14 New Business c) Two Front Wheel Loader Update
Deletions: 14 New Business c) Panuke Road Booster Package – Recommendation Report
14 New Business d) Wastewater Discharge and Transitional Authorizations – Informational Report – Councillor Ivey
5. Declaration(s) of Conflict of Interest
6. Approval of Previous Meeting Minutes
 - a) 2021-10-26 Council Meeting Minutes
 - b) 2021-10-26 Highway 14, Vaughan, PID 45288750 Land Use By-Law (LUB) Map Amendment
 - c) 2021-10-26 Payzant Drive Land Use By-Law Text Amendment, PID 45358314, 45366986, 45055167, 45276441, 45190493 and 45364775
 - d) 2021-10-26 Windsor Land Use By-Law Amendment: Farm Markets.
7. Public Hearings
 - a) 2021-11-23 – Civic Addressing By-Law Amendment
8. Second Readings (related to Item #7 public hearings)
 - a) 2021-11-23 Civic Addressing By-Law Amendment
9. Unfinished Business/Postponed Motions
 - a) Bulk Water Rate Study – Decision Request – Councillor M. McLean
10. Mayor's Report
11. Committee(s) of Council Excerpts/Recommendations (November 9, 2021)

- a) Committee of the Whole Excerpts
 - i. Accessibility Plan Consultant Services RFP Award
 - ii. Avon Street Design Recommendation Report
 - iii. College Road Design Recommendation
 - iv. Commercial Development District Improvement By-law
 - v. Designated Bicycling Route – Bog Road
 - vi. Investment and Development Ready Planning Process
 - vii. Windsor Flood Risk Assessment Study Recommendation

- b) Planning and Heritage Advisory Committee Recommendations (November 8, 2021)
 - i. College Road WMPS and WLUB Map Amendment, PID 45336203 – First Reading
 - ii. Fairfield Court, Windsor; PID 45383742; Development Agreement – First Reading
 - iii. O’Brien Street Development Agreement and Discharge – First Reading

- 12. Councillor Municipal Business/Activity Reports

- 13. Correspondence
 - a) Information
 - i. Avon Causeway Activity Log
 - 1. Current Correspondence as of November 15, 2021
 - 2. 2021-11-17 NSLC For the Good of Our Community Fund - Accepting Applications
 - 3. 2021-11-16 Letter re: Fort Edward
 - b) Requests (for discussion) – None
 - c) Outgoing
 - i. 2021-11-08 Letter to Hon. Kim Masland re: Removal of old bridge footings and remnants.
 - ii. 2021-11-16 Letter to Hon. Greg Morrow re: Determining the volume of additional tidal waters that can safely be added without affecting freshwater users further up the river while giving the appearance of a tidal lakebed and putting an end to the dust storms experienced recently.

- 14. New Business
 - a) Engineering and Design Services – Standing offer – Recommendation Report – Dir. Richard
 - b) MCCAP Recommendation - GHG Reductions Coordinator – Planner Dunphy
 - c) **Two Front Wheel Loader Update – Councillor S. McLean**

- 15. In-Camera
 - a) Land Matter MGA 22(2)(a)

- 16. Next Meeting Date / Adjournment

1. Call to Order - Mayor Zebian called the meeting to order at 6:08 p.m.

2. Attendance

Council:

Abraham Zebian, Mayor

Rupert Jannasch, Councillor, District 1

Scott McLean, Councillor, District 2

Mark McLean, Councillor, District 3

Jeff Hartt, Councillor, District 4

Debbie Francis, Councillor District 5

Paul Morton, Deputy Mayor, District 8

Bob Morton, Councillor, District 6

Ed Sherman, Councillor, District 7

John A. Smith, Councillor District 9

Laurie Murley, Councillor, District 10

Jim Ivey, Councillor, District 11

Staff & Guests:

Mark Phillips, Chief Administrative Officer

Shelleena Thornton, Mun. Operations Super.

Todd Richard, Dir. Public Works

Deanna Snair, Exec. Asst/ Mun. Clerk

Madelyn LeMay, Dir. Planning &
Development

Alex Dunphy, Planner

Carlee Rochon, Dir. Financial Services

Regrets:

Kathy Kehoe, Dir. Community Development

Sara Poirier, Sr. Planner

3. Announcements

- Acknowledgement by Mayor Zebian that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People and that this land is governed by the treaties of Peace and Friendship signed in 1726. West Hants Regional Municipality also recognizes that we are all treaty people and have responsibilities to each other and this land.
- Congratulations extended to Mr. Rob Davies, teacher at the West Hants Middle School on receipt of the Prime Ministers Award for teaching excellence.
- Santa Claus parade this Saturday at 6 p.m.
- Festoon in Hantsport is now December 2, 2021.
- Congratulations extended to Russell and Catherine Burgess of Martock on celebrating 60 years of marriage.
- The 29th Birthplace of Hockey Tournament was deemed exceptional and a great success by those who attended.

4. Approval of the Agenda, including additions or deletions

a) Dashboard – Action Items

Additions to the agenda:

- 14 (c) Two Wheel Loader Purchase and Readiness Update

Deletions to the agenda:

- 14 (c) – Panuke Road Booster Station Construction Award
- 14 (d) – Wastewater Discharge and Transitional Authorizations

Discussion Points

- Both deleted items will return on December 7, 2021 to the Committee of the Whole meeting.
- The Panuke Road report is a significant report and a financial ask. The ask is over budget; however, the urgency is recognized. A Special Council meeting will be asked of Council.

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MORTON
THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED.**

5. Declaration of Conflict of Interest

- Items 11(a)(iii) and 11(b)(i) - Councillors Sherman and Morton declared conflict as Councillor Morton sits on the Board and Build Committees, and Councillor Sherman works for the organization.

6. Approval of Previous Meeting Minutes

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY
THAT THE FOLLOWING MINUTES BE APPROVED:**

- **2021-10-26 Council Meeting Minutes**
- **2021-10-26 Highway 14, Vaughan, PID 45288750 Land Use By-Law (LUB) Map Amendment Public Hearing Minutes**
- **2021-10-26 Payzant Drive Land Use By-Law Text Amendment, PID 45358314, 45366986, 45055167, 45276441, 45190943 AND 45364775 Public Hearing Minutes**
- **2021-10-26 Windsor Land Use By-Law Amendment: Farm Markets Public Hearing Minutes**

MOTION CARRIED.

7. Public Hearings

**MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR IVEY TO GO
INTO PUBLIC HEARING. MOTION CARRIED.**

The meeting moved into Public Hearing at 6:22 p.m.

a) Civic Addressing By-Law Amendment

Dir. LeMay reviewed the presentation.

8. Second Readings for the Public Hearing Matters in Agenda Matter # 7

a) Civic Addressing By-Law Amendment

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES SECOND READING AND AMENDS THE CIVIC ADDRESSING BY-LAW, RC-001, BY ADDING A NEW CLAUSE TO ALLOW COUNCIL TO CHANGE A ROAD NAME WITHOUT SUPPORT OF THOSE OWNING LOTS ON THE STREET, IN A MANNER SUBSTANTIVELY THE SAME AS THAT INCLUDED AS ATTACHMENT A TO THE REPORT ENTITLED CIVIC ADDRESSING BY-LAW AMENDMENT DATED SEPTEMBER 9, 2021. MOTION CARRIED

9. Unfinished Business/Postponed Motions

(a) Bulk Water Rate Study – Councillor M. McLean reviewed the report.

MOVED BY COUNCILLORS M. MCLEAN AND IVEY THAT COUNCIL HIRE AN INDEPENDENT ENGINEERING FIRM TO COMPLETE A BULK WATER RATE STUDY AND PRESENT A REPORT ON THE INCREASED COSTS WHICH WILL ENABLE A FURTHER UNDERSTANDING OF THE RATE INCREASE AND ENSURE COUNCIL THAT BOTH THE COSTS ARE ACCURATE AND FUTURE WATER NEEDS WILL CONTINUE TO BE MET;
FURHER, THE SAME REPORT BE PRESENTED TO THE UARB, WHO MAY BE MORE ADEPT TO EXPLAIN THE SAME RATES IN COMPARISON TO OTHER MUNICIPALITIES.

Discussion Points:

- The rate study was done as part of the larger bulk water study. Rate is determined by considering all operating costs of the utility.
- Dir. Rochon will bring the costs to complete a bulk water rate study back to Council.
- The 30 % rate is a standardized rate. In the past, this rate was not charged and now that it has been implemented, it cannot be removed. This is an approved UARB rate.
- Rate is a result of the consolidated Utilities, it would have incorporated in one of the other Utilities (Falmouth, Hantsport). It happened to time with West Hants.
- Want to ensure a rate study is not done prematurely and done properly.
- The hauler pays for the water, what is charged to the customer is not controlled by the Municipality.
- There are many variables considered when the rate is set by the UARB.
- Previously, before regulation, the Utility customers were supporting the entire hauling station.
- Consensus of Council was to postpone the motion until 2021-12-07 Committee of the Whole meeting.

MOVED BY COUNCILLOR IVEY AND DEPUY MAYOR P. MORTON TO POSTPONE TO 2021-12-07 COMMITTEE OF THE WHOLE MEETING. MOTION CARRIED.

10. Mayor's Information Report – Mayor Zebian gave a verbal report. No questions on the report.

11. Committees of Council Recommendations

a) Committee of the Whole Excerpts – November 9, 2021

i. Accessibility Plan Consultant Services RFP Award

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL APPROVES THE AWARD OF REQUEST FOR PROPOSALS #WHRMAD20-08, CONSULTANT SERVICES ACCESSIBILITY PLAN TO CBCL IN THE AMOUNT OF \$29,754.30 PLUS 10% CONTINGENCY, AND APPLICABLE TAXES. MOTION CARRIED

ii. Avon Street Design Recommendation Report

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-02 FOR ENGINEERING AND DESIGN WORK FOR AVON STREET INFRASTRUCTURE RENEWAL DESIGN TO THE LOW COMPLIANT BIDDER, DESIGNPOINT, FOR THE TENDERED PRICE OF \$27,854, PLUS ADDITIONAL GEOTECHNICAL TESTING SERVICES FOR THE PRICE OF \$21,189, FOR A TOTAL OF \$49,043, PLUS APPLICABLE TAXES. MOTION CARRIED

7:07pm – Councillors Sherman and B. Morton left the meeting declaring Conflict of Interest.

iii. College Road Design

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-17 FOR ENGINEERING AND DESIGN WORK FOR COLLEGE ROAD INFRASTRUCTURE RENEWAL DESIGN TO THE LOW COMPLIANT BIDDER, EXP, FOR THE TENDERED PRICE OF \$53,636, PLUS ADDITIONAL GEOTECHNICAL TESTING SERVICES DURING CONSTRUCTION FOR THE PRICE OF \$8,776, FOR A TOTAL OF \$62,412 BEFORE APPLICABLE TAXES. MOTION CARRIED

7:08pm – Councillors Sherman and B. Morton returned to the meeting.

iv. Commercial Development District Improvement By-Law

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL GIVE FIRST READING AND HOLD A PUBLIC HEARING TO CONSIDER APPROVING THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT BY-LAW, RC-002, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT A OF THE REPORT #20-21 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED OCTOBER 14, 2021, WHICH WILL REPEAL THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT PLAN BY-LAW, BY-LAW # 44, DATED OCTOBER 30, 2018 OF THE FORMER TOWN OF WINDSOR AND THE COMMERCIAL DEVELOPMENT DISTRICT IMPROVEMENT BY-LAW, BY-

LAW #C-002, DATED MARCH 26, 2019 OF THE FORMER MUNICIPALITY OF THE DISTRICT OF WEST HANTS. MOTION CARRIED

Designated Bicycling Route

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR MURLEY THAT COUNCIL SEND A LETTER TO NOVA SCOTIA DEPARTMENT OF PUBLIC WORKS AREA MANAGER, ROBYN HOMANS TO BEGIN THE PROCESS TO DESIGNATE THE BOG ROAD AS A BICYCLING ROUTE. MOTION CARRIED

v. Investment and Development Ready Planning Process

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL AUTHORIZE THE CAO TO ADD/HIRE ADDITIONAL RESOURCES, AS HE SEES FIT, TO EXPEDITE THE PLANNING PROCESS TO TAKE FULL ADVANTAGE OF THE HOUSING BOOM THAT WE ARE CURRENTLY EXPERIENCING. ALSO, IT IS RECOMMENDED THAT STAFF PRIORITIZE DEVELOPMENT AGREEMENTS AND OTHER REQUIRED AMENDMENTS IN ORDER TO EFFICIENTLY SUPPORT EXISTING DEVELOPERS AND NEW DEVELOPERS WANTING TO DO BUSINESS IN WEST HANTS REGIONAL MUNICIPALITY. MOTION CARRIED

vi. Windsor Flood Risk Assessment Study

Discussion Points:

- CBCL is involved and familiar with the sewer systems.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT COUNCIL APPROVE THE AWARD OF TENDER WWHPW21-18 FOR FLOOD RISK ASSESSMENT STUDY TO THE LOW COMPLIANT BIDDER, CBCL, FOR THE TENDERED PRICE OF \$79,550, PLUS APPLICABLE TAXES, WITH \$43,854 COMING FROM CANADA COMMUNITY BUILDING FUND RESERVE. MOTION CARRIED. Nays: Hartt

7:14pm – Councillors Sherman and B. Morton left the meeting declaring Conflict of Interest.

b) Planning and Heritage Advisory Committee Recommendations – October 26, 2021

Dir. LeMay reviewed the report.

i. College Road WMPS and WLUB Map Amendment. PID 45336203

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER AMENDING THE TEXT AND THE MAP OF THE WINDSOR MUNICIPAL PLANNING

STRATEGY AND THE MAP OF THE WINDSOR LAND USE BY-LAW TO INCLUDE PID 45336203 ON COLLEGE ROAD IN THE COLLEGE ROAD COMPREHENSIVE DEVELOPMENT DISTRICT DESIGNATION AND ZONE IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN FIGURE 3, FIGURE 4 AND ATTACHMENT A OF THE REPORT TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE REPORT #21-04 DATED NOVEMBER 8, 2021. MOTION CARRIED

7:21pm – Councillors Sherman and B. Morton returned to the meeting.

ii. Fairfield Court, Windsor PID 45383742, Development Agreement Planner Dunphy reviewed the report.

Discussion Points

- No concerns were raised concerning the helipad.

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL GIVES FIRST READING TO HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT A ONE STOREY RESIDENTIAL BUILDING CONTAINING THREE DWELLING UNITS AT PID 45383742 ON FAIRFIELD COURT, WINDSOR, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT C TO THE REPORT #20-25 TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED NOVEMBER 8, 2021. MOTION CARRIED.

iii. O'Brien Street, Windsor PID 45055902, Development Agreement Dir LeMay reviewed the report.

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL GIVES FIRST READING AND WILL HOLD A PUBLIC HEARING TO CONSIDER ENTERING INTO A DEVELOPMENT AGREEMENT TO PERMIT TWO (2), FOUR (4) STOREY, 56-UNIT APARTMENT BUILDINGS WHICH INCLUDE UP TO 10,000 SQ FT OF COMMERCIAL SPACE ON THE GROUND FLOOR OF ONE BUILDING AT PID 45055902, ON O'BRIEN STREET, WINDSOR, IN A MANNER SUBSTANTIVELY THE SAME AS THE DRAFT SET OUT IN ATTACHMENT B TO THE REPORT #21-14B TO THE PLANNING AND HERITAGE ADVISORY COMMITTEE DATED NOVEMBER 8, 2021, TAKING NOTE THAT THIS DEVELOPMENT AGREEMENT WILL DISCHARGE AND REPLACE THE DEVELOPMENT AGREEMENT RECORDED AT THE REGISTRY OF DEEDS ON APRIL 9, 2010 AS DOCUMENT 9561229. MOTION CARRIED

MOVED BY COUNCILLORS IVEY AND MURLEY THAT COUNCIL REQUIRES THAT THE DEVELOPMENT AGREEMENT WITH METRO PREMIER PROPERTIES INC. BE SIGNED WITHIN 120 DAYS FROM THE DATE OF FINAL APPROVAL BY COUNCIL OR THE DATE THAT ANY APPEALS HAVE BEEN

DISPOSED OF; OTHERWISE THIS APPROVAL WILL BE VOID AND OBLIGATIONS ARISING HEREUNDER SHALL BE AT AN END. MOTION CARRIED

12. Councillor Municipal Activity Reports – Verbal Committee Updates - None

13. Correspondence

a) Information

- i) **Avon River Causeway/Hwy 101 Twinning Project Correspondence Log**
1. Current Avon Causeway correspondence received as of November 15, 2021
 2. 2021-11-17 NSLC for the Good OF Our Community Fund- Accepting Applications
 3. 2021-11-16 Letter re: Fort Edward

b) Requests – None

c) Out-going

- i) 2021-11-08 Letter to Hon. Kim Masland re: Removal of old bridge footings and remnants.
- ii) 2021-11-16 Letter to Hon. Greg Morrow re: Determining the volume of additional tidal waters that can be safely added without affecting freshwater users further up the river while giving the appearance of a tidal lakebed and putting an end to the dust storms experienced recently.

14. New Business

a) Engineering and Design Services – Standing offer- Recommendation Report

Dir. Richard reviewed the report.

Discussion Points:

- Standing offer doesn't change the Procurement process.
- If over financial threshold, the approval comes to Council for approval.
- Could design work be done if Municipality had an in-house Civil Engineer. Municipality has an engineer on staff. Engineers need to be proficient in a field, it evolves and changes.
- Three-year term starts April 2020.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL APPROVE THE AWARD OF TENDER WHPW20-07 AND RECONFIRM THE STANDING OFFER CONTRACTS FOR PREQUALIFIED ENGINEERING AND DESIGN SERVICES FOR THE PERIOD OF THREE YEARS TO THE FOLLOWING CONSULTANTS: CBCL LIMITED, DILLON / DESIGNPOINT, EXP, WSP. MOTION CARRIED

b) MCCAP Recommendation – GHG Reductions Coordinator - Recommendation Report

Planner Dunphy reviewed the report.

MOVED BY COUNCILLOR FRANCIS AND DEPUTY MAYOR P. MORTON THAT COUNCIL DIRECT STAFF TO SUBMIT AN APPLICATION FOR FUNDING TO ECO CANADA TO HIRE A GREENHOUSE GAS EMISSIONS REDUCTION COORDINATOR ON A 1-YEAR CONTRACT, UTILIZING THE REMAINING MCCAP BUDGET FOR 2021-22. MOTION CARRIED

c) Front Loader Wheel Purchase Update – Councillor S. McLean requested a progress update.

Discussion Points:

- Dir. Richard confirmed a December delivery date remains in place and loaders will be road ready. No anticipated hold ups.

15. In-Camera

a) Land Matter (as per MGA S. 22(2)(a))

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR SHERMAN TO MOVE IN-CAMERA AT 8:04 P.M. MOTION CARRIED

All of Council, and the following staff remained for in-camera: CAO Phillips, Directors Richard, LeMay, and Rochon, Supervisor Thornton, and Executive Assistant Snair.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT THE MEETING MOVE OUT OF IN-CAMERA AT 8:40 P.M. MOTION CARRIED

The meeting reconvened at 8:41 p.m.

MOVED BY COUNCILLOR MURLEY AND DEPUTY MAYOR P. MORTON THAT COUNCIL AUTHORIZE THE CAO TO ENTER INTO NEGOTIATIONS WITH THE PROPOSAL AS PER DISCUSSIONS HELD AT THE NOV. 23, 2021 IN-CAMERA SESSION OF COUNCIL. MOTION CARRIED

16. Next Meeting Date / Adjournment – Next regular meeting will be December 7, 2021 Committee of the Whole.

MOVED BY DEPUTY MAYOR P. MORTON AND COUNCILLOR FRANCIS THAT AT 8:49 P.M., THE MEETING ADJOURN. MOTION CARRIED

Mayor Abraham Zebian (Chair)

Deanna Snair, Executive Assistant/
Municipal Clerk