



Regular Meeting of Council

January 24, 2024

PRESENT Warden Eleanor Roulston
Deputy Warden Wayne Greene

Councillors: Sandra Garden-Cole Tom Isenor
Walter Tingley Carl MacPhee
Elie Moussa Norval Mitchell
Keith Rhyno Eldon Hebb

STAFF Ms. Kim Ramsay, Chief Administrative Officer
Mr. Wade Tattrie, Director of Finance
Mr. Adam Clarkson, Director of Corporate Services
Mr. John Woodford, Director of Planning & Development
Mr. Jesse Hulsman, Director of Infrastructure & Operations
Ms. Alana Tapper, Director of Parks, Recreation & Culture
Mr. Tom Gignac, Manager of Information Services
Ms. Sheralee MacEwan, Assistant Municipal Clerk
Ms. Jessica van den Hof, Business & Legislative Administrator

REGRETS Councillor Michael Perry

CALL TO ORDER

Warden Roulston called the meeting to order at 7:01 p.m.

LAND ACKNOWLEDGEMENT

Warden Roulston respectfully acknowledged that East Hants is in Mi'kma'ki and the District of Sipekne'katik, the ancestral and unceded territory of the Mi'kmaq people. East Hants further acknowledges the 50 African Nova Scotian communities whose 400-year history have contributed to the provinces culture, history and legacies. We are all Treaty people.

MOMENT OF SILENT CONTEMPLATION

A moment of silent contemplation was observed.

APPROVAL OF OR AMENDMENTS TO THE AGENDA

C24(4) On the motion of Councillors Mitchell and Moussa:

Moved that the agenda be approved.

MOTION CARRIED

APPROVAL OF MINUTES

C24(5) On the motion of Deputy Warden Greene and Councillor Mitchell:

Moved that the minutes of the December 20, 2023, Regular Meeting of Council be approved.

MOTION CARRIED

CORRESPONDENCE FOR INFORMATION

A complete copy of “Correspondence for Information” is attached to and forms part of the agenda.

No items were brought forward.

CORRESPONDENCE FOR DECISION

A complete copy of “Correspondence for Decision” is attached to and forms part of the agenda.

ITEM # 11 - STAFF MEMO TO COUNCIL REGARDING A LOCATION CHANGE FOR THE VOLUNTEER AWARDS

C24(6) On the motion of Councillor Mitchell and Deputy Warden Greene:

A Tapper

Moved that the East Hants Municipal Volunteer Recognition and Firefighter Long Service Awards previously scheduled for April 19, 2024 be held at the Enfield Fire Hall instead of the Enfield Legion due to a booking conflict.

MOTION CARRIED

ITEM #5 - EMAIL FROM BRAD HODGINS, SECRETARY ON BEHALF OF THE ARROWHEAD PARK ROAD ASSOCIATION REQUESTING THAT THE MUNICIPALITY WAIVE THE 5% ADMINISTRATION FEE

The Association has requested that Council waive the 5% administrative fee.

C24(7) On the motion of Councillors Moussa and Garden-Cole:

W. Tattrie

Moved that the Municipality continue to pay the annual maintenance fee to the Arrowhead Park Road Association (as landowners) for the three parcels recently purchased by the Municipality; And that, Consideration of waiving the 5% administrative fee for the Association be held during Budget discussions.

MOTION CARRIED

ITEM #3 - LETTER FROM BRUCE G. LANGILLE RE: SPECIAL HAZARD MUNICIPAL RESPONSE (SHRU) FUNDING

A. Clarkson

The Special Hazard Municipal Response has requested an increase in funding to keep up with an increase of population and in volume of calls in keeping with the model paid by other municipal units.

C24(8) On motion of Deputy Warden Greene and Councillor Moussa: A. Clarkson

Moved that Council increase funding for Special Hazard Municipal Response from 60% to 100% at .52 cents per head of the population based on the proposed model.

MOTION CARRIED

Nine (9) voting in favour; One (1) voting against; Councillor Rhyno voting nay.

CORPORATE & RESIDENTIAL SERVICES COMMITTEE

Councillor Tingley as Vice Chairperson of the Corporate & Residential Services Committee, presented the report on the Corporate & Residential Services Committee from the meeting held on January 16, 2024. The minutes from that meeting were made available to all members of Council. The following motions came forward as a result of that meeting.

SUSTAINABLE SERVICES GROWTH FUND (SSGF) - REVISION TO USE OF FUNDING

On the motion of Councillors Tingley and Moussa:

W. Tattrie
J. Hulsman

C24(9) *Moved that Council approve a change in allocation of \$821,910 SSGF funding from the Industrial Park Lift Station to the Medical Centre Lift Station.*

MOTION CARRIED

BUSINESS TECHNICAL ASSISTANCE PROGRAM

On the motion of Councillors Tingley and Mitchell:

A. Clarkson

C24(10) *Moved that Council approves the Business Technical Assistance Program pilot service.*

MOTION CARRIED

Nine (9) voting in favour; One (1) voting against; Councillor Rhyno voting nay.

DEED TRANSFER TAX REPORT

On the motion of Councillors Tingley and Mitchell:

W. Tattrie

C24(11) *Moved that Council direct staff to prepare a draft policy on Deed Transfer Taxes, and a Draft Policy on Annual Grant to the Urban Tax Rate. These draft policies are to be based upon the recommendations of the staff report dated January 11, 2024; And that,*

Once the draft 2024-2025 budget is tabled with Executive Committee, staff bring a report on Deed Transfer Tax options to alter the budget based on information in this report.

MOTION CARRIED

LAND ISSUE - CHARLES DRIVE

C24(12) On the motion of Councillors Tingley and Mitchell: A. Clarkson

Moved that Council authorizes the CAO to enter into discussions with the Uniacke and District Volunteer Fire Department with the intent to subdivide and declare surplus a portion of municipal property on Charles Drive, Mount Uniacke (PIDs 45150018, 45194644, 45194669, and 45344165), for a price not to exceed \$1.00.

MOTION CARRIED

C24(13) On the motion of Councillors Tingley and Moussa:

Moved the adoption of the Report.

MOTION CARRIED

PLANNING AND DEVELOPMENT COMMITTEE REPORT

Councillor Mitchell, as Chairperson of the Planning Advisory Committee, presented the report on the Planning Advisory Committee from the meeting held on January 16, 2024. The minutes from that meeting were made available to all members of Council. The following motions came forward as a result of that meeting:

PLN23-012 TAMMY AND JOE FERGUSON - DEVELOPMENT AGREEMENT APPLICATION - INITIAL REPORT

C24(14) On the motion of Councillors Mitchell and Hebb: J. Woodford

Moved that Council give initial consideration to enter into a Development Agreement for an Educational Services Use on properties identified as PID 45123122 and 45123114; and authorize staff to schedule a Public Hearing.

MOTION CARRIED

SECOND ACCESS REPORT

C24(15) On the motion of Councillors Mitchell and Moussa: J. Woodford

Moved that Council authorize staff to take the Secondary Access Report dated December 20, 2023, to EMO Planning Committee for prioritization of communities for the Fire Smart Assessment; And that,

Council authorize staff to review planning and subdivision regulations to aid in the implementation of Fire Smart principles.

MOTION CARRIED

C24(16) On motion of Councillor Mitchell and Deputy Warden Greene:

Moved the adoption of the Report.

MOTION CARRIED

RATIFICATION - ROGERS CELL TOWER LEASE

C24(17) On the motion of Councillor Tingley and Deputy Warden Greene:

A. Clarkson

Moved that Council ratify the in-camera direction given to staff at the October 17, 2023 Regular Meeting of Council (Policy & In Camera) to enter into a five (5) year lease agreement with Rogers Communications Inc., with two (2) additional five (5) year mutual renewal terms, for the telecommunications site at 309 Park Road Elmsdale, PID 45394376.

MOTION CARRIED

PUBLIC HEARING

The Public Hearing was live-streamed through the municipal website and YouTube.

Note: All comments/questions have been summarized and are not to be considered a verbatim transcript.

Warden Roulston noted that there are three (3) items on the public hearing agenda. The purpose of the hearing is to hear input from the public prior to making a decision on the proposal.

The Warden welcomed those in attendance. She advised that anyone who wanted to comment or ask questions would be provided an opportunity to do so.

Warden Roulston noted Council's Procedural Policy. She advised that Council may approve, reject or defer its decision on the proposal to a later date. Council approval is required for the proposals to proceed.

Warden Roulston asked the Municipal Clerk to outline when the public hearing advertisements were published.

The Municipal Clerk noted that the public hearing notices for the first item appeared in the January 10th and 17th editions of the Chronicle Herald. The notices described the topics, gave the date and time of the public hearing, and provided details and noted that staff reports were available to the public.

**CONSIDERATION OF SURPLUS DISPOSAL 248 HIGHWAY 2, ENFIELD, PID 45147741
E.H. HORNE SCHOOL**

Warden Roulston noted the first public hearing item was regarding the disposition of surplus real property located at 248 Highway 2, Enfield.

Warden Roulston asked the Chair of the Planning Advisory Committee to present his report.

Councillor Tingley, as Vice Chairperson of the Corporate & Residential Services Committee noted that the Corporate & Residential Services Committee considered the proposal on behalf of Municipal Council, reviewed staff's reports, completed their evaluation and would make a recommendation to Council during the Hearing. Councillor Tingley, as Chairperson of the Corporate & Residential Services Committee asked staff to present their final report on the proposal.

The Director of Corporate Services presented the staff report titled "Consideration of Surplus Disposal 248 Highway 2, Enfield, PID 45147741 E.H. Horne School" dated January 10, 2024. A copy of the report and related documents were attached to the agenda and available to all Council members.

Warden Roulston opened the floor to comments or questions from members of Council. Staff addressed questions from Council members.

PUBLIC COMMENTS/QUESTIONS

Warden Roulston asked if any member of the public had any comments or would like to make a presentation.

In person:

Hal Hilton, Chair of the E.H. Horne Preservation Society

- He was in favour and provided background information about the Society and their services.

Warden Roulston asked if any other member of the public had any comments or questions. There were none.

Warden Roulston asked if there were any questions or comments via YouTube Chat. There were none.

Warden Roulston asked if staff had any final comments. There were none.

RECOMMENDATION

C24(18) On the motion of Councillors Tingley and Mitchell:

A. Clarkson

Moved that Council authorize the CAO to proceed with the sale of 2848 Highway 2, Enfield, PID 45147766, to E.H. Horne School Preservation Society

for \$1.00, with right of first refusal and buy-back covenants in favour of East Hants.

MOTION CARRIED

E.L.T PROPERTY HOLDINGS LTD. APPLICATION: MPS AND LUB MAPPING AMENDMENTS

Warden Roulston noted the second public hearing item was regarding an Application to change the land use designation of PID 45118221 and 45078748 from Village Core (VC) to Medium Density Residential Neighbourhood (MR) and rezone the same PID from Villager Core (VC) to Multiple Unit Residential (R3) Zone. The purpose of the application is to allow for the construction of three 24-unit apartment buildings. This is the second reading.

Warden Roulston asked the Chair of the Planning Advisory Committee to present his report.

Councillor Mitchell, as Chairperson of the Planning Advisory Committee noted that the Planning Advisory Committee considered the proposal on behalf of Municipal Council, reviewed staff's reports, completed their evaluation and would make a recommendation to Council during the Hearing. Councillor Mitchell, as Chairperson of the Planning Advisory Committee asked staff to present their final report on the proposal.

The Project Planner presented the staff report titled "E.L.T. Property Holdings Ltd. Application: MPS and LUB Mapping Amendments" dated January 10, 2024. A copy of the report and related documents were attached to the agenda and available to all Council members.

Warden Roulston opened the floor to comments or questions from members of Council. Staff addressed questions from Council members.

Staff answered questions from Council regarding maximum height allowances and underground parking.

Warden Roulston asked if there were any additional questions or comments from members of Council. There were none.

COMMENTS FROM THE APPLICANT

Leno Ribahi, joint owner of subject property

- He noted that this proposal is a better approach than what was approved as of right
- Number of units is the same
- Parking will be underground which increases buffering and green space
- Garbage will be stored underground for better control

PUBLIC COMMENTS/QUESTIONS

Warden Roulston asked if any member of the public had any comments or would like to make a presentation.

In person:

Denis Clarke, 47 Old Enfield Road

- In favour of the application. He said the new concept plan for the property is better for his adjoining property, as it moves the building farther from the property line, conceals the garbage, and the entrances face the centre rather than his house. He said development in the area is inevitable.

Marie McKeen, Russell McKeen Drive

- She understood at the last public meeting that the designs could change before it was built and wondered if there would be more consultation in that event, and if more units could be added. Staff advised that the concept plan can change, but the maximum is three buildings of 24-units each and provided information on Development Agreement allowances. Staff also advised that site plan approval notifications would be sent to properties within 30 m showing the new site plan with drawings.
- She was also concerned about traffic on Bakery Lane.

Sandra Daigle, 77 Shamrock Lane

- She was concerned that Council did not understand the history of the property, inclusive of a defeated application from 2008. The Warden explained that the 2008 application has no bearing on the application presently for consideration. She was also concerned about incorrect tax assessments, whether the present owner is a developer or not, and a development agreement on another property on Highway 214. Staff addressed her questions. She primarily wanted the 2008 application to serve as a precedent for the application in front of Council. The Warden advised that Council is required to base decisions on current regulations.

Neil Hicks, 37 Old Enfield Road

- He believed that the previous application was dismissed in part due to the inability of the local infrastructure to handle the new units and he does not believe that improvements have been made for infrastructure to now support these units (schools, sewer system, drainage, traffic). He was also concerned that this is a single-family dwelling neighbourhood and he does not want more apartments going up.

Troy Seaboyer, 41 Old Enfield Road

- He supported Neil Hicks' comments. He was also concerned about crossing the street to the short sidewalk and thinks it is currently a safety issue which will only be exasperated by the proposed development. He moved to the area four years ago to get away from apartments and wanted a single-family home. Concerned that apartments will keep coming.

Glenn Crewes, 66 Shamrock Lane

- He was concerned about the potential for a bigger development if the zoning change was approved and asked about possible maximum number of units. He urged Council not to overlook the needs of the people that are here already while balancing the provincial mandate to increase population. Staff confirmed that the maximum number of units under the proposed zoning change remained at 72.

Sandra Daigle, 77 Shamrock Lane

- She returned to note that the buffer trees noted in Staff's presentation had been lost in a storm and alleged that the shadowing diagram presented to Council was wrong and not the same document previously shown to her. She was also concerned about the methodology for completing the shadowing diagram. Staff denied the allegation and suggested that she was thinking of one of the many other shadowing diagrams publicly available and explained the methodology.

Candace Peters, 21 Old Enfield Road

- She purchased 21 Old Enfield Road as an investment because of the Village Core zoning and the development potential. She has lived here for ten years. She noted the plan has shown future shops and development in this area. She is in favour of the application.

Cody Thompson, Enfield

- He was concerned about accessibility features for the three-story buildings and asked if elevators are required. Also concerned with one-way in and one-way out. He also asked about construction costs and who would maintain or repair the buildings. Staff advised that the Building Code does not require elevators, but the standard has been to include an elevator. Staff confirmed the potential value was based on PVSC assessment, not the construction costs. The Warden noted that the Municipality will not be the owner of the buildings and would not make repairs. She further confirmed the buildings would be required to meet the Building Code regulations. Staff advised that there is a standard on how many of the units must be accessible units.

Troy Seaboyer, 41 Old Enfield Road

- He was concerned about drainage and how the proposed development will impact the neighbouring properties. Staff advised that Storm Water Management Plans and Lot Grading Plans are required.

Jeff Hauser, 21 Old Enfield Rd

- He is in favour of the application and says that the Village Core zoning has been in effect for a long time, so this should not be a surprise to any of the residents. He felt any water run-off would be more controlled after development and noted zoning maps always showed the plan for future development in the area. There was some resident discussion and the Warden called for order.

Beverly Hicks, 37 Old Enfield Road

- She was concerned about second access for Bakery Lane in case of fire and adding more people to the area. Staff addressed concerns and current Land Use By-laws and noted that Council will be considering changes related to secondary access.

Leno Ribahi, the Applicant

- He wanted to confirm that all required government departments (police, fire, public works, etc.) have been consulted and have all signed off on the development and that the zoning change only changes how he can develop the subject property. He thanked Council for the opportunity to speak.

Warden Roulston asked if any member of the public had any comments via Youtube Chat. There were none.

Warden Roulston asked if staff had any final comments. There were none.

RECOMMENDATION

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C24(19) On the motion of Councillors Mitchell and Hebb:

J. Woodford

Moved that Council give second reading and approve the application from E.L.T. Property Holdings Ltd. to amend the MPS and LUB by changing the land use designation of PID 45118221 and PID 45078748 to Medium Density Residential Neighbourhood (MR) and rezoning the same lands to Multiple Unit Residential (R3) Zone; subject to the existing site plan approval being discharged from the same properties.

Warden Roulston asked if there were any final comments or questions from members of Council.

Councillor Garden-Cole, Rhyno and Moussa spoke. Questions were addressed by staff.

MOTION CARRIED

Nine (9) voting in favour; One (1) voting against; Councillor Garden-Cole voting nay.

FH DEVELOPMENT GROUP INC APPLICATION: MASTER PLANNED COMMUNITY

Warden Roulston noted the third public hearing item was regarding an application to amend the Municipal Planning Strategy and Land Use Bylaw to enter into a development agreement for a mixed-use master planned neighbourhood, including a mixture of low, medium, and higher density residential development, commercial lands, and open space. Approximately 1500 residential units are proposed on lands located in the northern portion of South Corridor and Commercial Growth Management Area. The property is PID 45089802 Highway 2, Milford. This is the second reading.

Warden Roulston asked the Chair of the Planning Advisory Committee to present his report.

Councillor Mitchell, as Chairperson of the Planning Advisory Committee noted that the Planning Advisory Committee considered the proposal on behalf of Municipal Council, reviewed staff's reports, completed their evaluation and would make a recommendation to Council during the Hearing. Councillor Mitchell, as Chairperson of the Planning Advisory Committee asked staff to present their final report on the proposal.

The Project Planner presented the staff report titled "FH Development Group Inc Application: Master Planned Community" dated January 10, 2024. A copy of the report and related documents were attached to the agenda and available to all Council members.

Warden Roulston opened the floor to comments or questions from members of Council. Staff addressed questions from Council members regarding sewer/water capacity, secondary access and turning lanes. 137

Warden Roulston asked if there were further questions or comments from members of Council. There were none.

COMMENTS FROM THE APPLICANT

Darren Shupe, Senior Planner spoke on behalf of the applicant. He advised that Staff's report was comprehensive and he had nothing additional to add from his presentation, but was available for questions.

Warden Roulston asked if any member of the public had any comments or would like to make a presentation.

In person:

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Perry Mitchelmore 14 Robert Scott Drive

- He has concerns about flooding on Robert Scott Drive as a result of the proposed development impacting the watershed at Barney's Brook. In July 2023, the CN culvert was completely overwhelmed and Robert Scott Drive suffered extreme flooding damage; without significant improvements, he is concerned that the proposed development will constantly leave the CN culvert over capacity and flood Robert Scott Drive. He asked Council to update Municipal Standards and Storm Water Management Plans to account for severe weather events and climate change. He also wants the Municipality to push CN to fix their culvert.

Ryan Dunphy, 6 Robert Scott Drive

- He was concerned about Robert Scott Drive flooding because the proposed development would push the CN culvert over capacity and Blacksmith's Brooke and Barney's Brooke watersheds are complex. He said that, presently, in heavy rain the lower part of Robert Scott Drive loses septic.

Staff provided a response regarding power back up to lift stations and advised that it is a topic that staff is reviewing. Mr. Dunphy noted that he would like to see Storm Water Management Plans as part of the concept plans.

Warden Roulston asked if there were any other members of the public who wanted to speak. There were none.

Warden Roulston asked if any member of the public had any comments via YouTube Chat. There were none.

Warden Roulston asked if staff had any final comments. There were none.

RECOMMENDATION

C24(20)

On the motion of Councillor Mitchell and Deputy Warden Greene:

J. Woodford

Moved that Council give second reading and approve an application from FH Development Group Inc. to amend the MPS and LUB by changing the land use designation and zone of PID 45089802 to Walkable Comprehensive Development District (WCDD) to permit a mixed-use master planned development; And that,

Council give final consideration and approve entering into a development agreement with FH Development Group Inc. for lands identified as PID 45089802 Highway 2, Milford to permit a mixed-use master planned development, signed within one year of Council's approval, and contingent upon Council's approval of the MPS and LUB mapping amendments being approved by the Minister of Municipal Affairs.

Discussion was held. Some Councillors raised concerns regarding traffic analysis, turning lanes vs traffic lights, height of buildings, storm water management, and the CN culvert. Staff addressed questions where able.

MOTION CARRIED

Nine (9) voting in favour; One (1) voting against; Councillor Garden-Cole voting nay.

The Warden concluded the Public Hearing and thanked those in attendance.

BREAK

Council adjourned for a brief break at 10:02 p.m.; Warden Roulston called the meeting back to order at 10:12 p.m.

WARDEN'S REPORT

Deputy Warden Greene assumed the Chair.

The Warden provided a verbal report on her recent activities. No motions resulted from her report.

Warden Roulston resumed the Chair.

BUSINESS FROM COUNCILLORS

Councillors provided verbal reports on their recent activities. Staff addressed questions from Councillors. No motions resulted from their reports.

SETTING DATE & TIME OF NEXT REGULAR MEETING OF COUNCIL

C24(21) On the motion of Councillors Rhyno and Moussa:

Moved that the Regular Meeting of Council (Policy & In Camera) be held on February 20, 2024, Regular Meeting of Council (Policy & In-Camera) and February 28, 2024, Regular Meeting of Council.

MOTION CARRIED

ADJOURNMENT

Council adjourned at 10:20 p.m.



Approved By: Sherallee Mitchell-MacEwan, Assistant Municipal Clerk
Date: January 25, 2024



Approved By: Eleanor Roulston, Warden
Date: February 28, 2024

/Jv