



**Town of Amherst
Committee of the Whole**

Date: **Monday, October 15, 2018**
Time: **4:00 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes	1 - 5
2. In Camera	
2.1 Approval of In Camera Agenda	
2.2 Approval of In Camera Minutes	
2.2.1 Approval of In Camera Minutes	
2.2.2 Approval of In Camera Minutes	
2.3 MGA 22(2)(e) Contract Negotiations	
2.4 MGA 22(2)(c) Personnel Matters	
2.5 MGA 22(2)(e) Contract Negotiations	
2.6 MGA 22(2)(e) Contract Negotiations	
2.7 MGA 22(2)(e) Contract Negotiations	
2.8 MGA 22(2)(e) Contract Negotiations	
3. Council Direction Requests	
3.1 Bill Barrow Request to Present to Council - KIM JONES	6 - 7
3.2 Recognition of First Responders - GREG JONES, PIKE	8 - 8
3.3 Nuisance Bylaw - PIKE	9 - 37
3.4 Austin Request to Discharge DA for Dickey Street - FISHER	38 - 50

3.5	Gender-Based Analysis Plus - CHRISTIE	51 - 55
3.6	Gritty to Pretty Beautification Program - TAYLOR	56 - 75
3.7	PAC Review - HERRETT	76 - 83
4.	Information Items	
4.1	Park / West Pleasant Street Intersection - PIKE	84 - 93
4.2	Crosswalk Review - PIKE	94 - 97
4.3	Blair Lake Report - SCHURMAN	98 - 100
4.4	Fresh Start Update - SCHURMAN	101 - 101
4.5	Contract Awards Quarterly Report - RECTOR	102 - 103
4.6	Dangerous and Unsightly Semi-Annual Report - MACDONALD	104 - 106
5.	Monthly Reports	
5.1	Corporate Services	107 - 108
5.2	Operations	109 - 110
5.3	Police Services	111 - 112
5.4	Recreation	113 - 115
5.5	Fire Services	116 - 117
5.6	Planning & Strategic Initiatives	118 - 118
5.7	Economic Development	119 - 120
6.	Adjournment	

**Amherst Town Council
Committee of the Whole
Minutes**

Date: September 17, 2018
Time: 4:00 pm
Location: Council Chambers, Town Hall

Members Present	Mayor David Kogon Deputy Mayor Sheila Christie Councillor Jason Blanch Councillor Darrell Jones Councillor Wayne MacKenzie Councillor Terry Rhindress
Members Absent	Councillor Vince Byrne
Staff Present	Greg Herrett, CAO Jason MacDonald, Deputy CAO Operations Bill Schurman, Director Recreation Natalie LeBlanc, Deputy Clerk Tom McCoag, Corporate Communications Officer Kim Jones, Municipal Clerk Shelley Rector, Chief Financial Officer Rebecca Taylor, Business Development Officer Andrew Fisher, Manager of Planning & Strategic Initiatives Dwayne Pike, Acting Police Chief

1. Call to Order - 4:00

Mayor Kogon called the meeting to order at 4:00 p.m.

- 1.1 Approval of Agenda**
Moved By Deputy Mayor Christie
Seconded By Councillor MacKenzie
That the agenda be approved as circulated.

MOTION CARRIED

1.2 Approval of Minutes

- 1.2.1 20180910 COW Minutes**
Moved By Councillor Rhindress
Seconded By Councillor MacKenzie
To approve the minutes of the September 10, 2018 Committee of the Whole meeting.

MOTION CARRIED

- 1.2.2 **20180625 COW Minutes**
Moved By Councillor MacKenzie
Seconded By Councillor Rhindress
To approve the minutes of the June 25, 2018 Committee of the Whole meeting.

MOTION CARRIED

2. In Camera

Moved By Councillor Rhindress
Seconded By Deputy Mayor Christie
That the Committee move to an In Camera session.

MOTION CARRIED

3. Council Direction Requests

3.1 NSCC Make Way Campaign - Motion Amendment

The consensus was to have the CAO contact NSCC to communicate that Council is keeping with the original motion passed at the May 23, 2018 Special Meeting of Council, which read "...further that Council approves a five year commitment to the NSCC Make Way Campaign of \$20,000 per year (including this year) to fund Amherst resident students who demonstrate a financial need and who are attending an NSCC campus anywhere in Nova Scotia;" and to discuss clarifying the term Amherst resident.

Let the minutes show Councillor Blanch arrived at this time.

3.2 Public Consumption / Nuisance Bylaw - Cannabis

Moved By Deputy Mayor Christie
Seconded By Councillor Blanch
That staff be directed to gather more information, particularly enforcement, evidence as to where on a property growing cannabis is permitted and cannabis/smoking restrictions.

MOTION CARRIED

3.3 Smoke Free Places / LUB Amendments - Cannabis

Moved By Councillor Jones
Seconded By Councillor Blanch
That staff be directed to refer to the Planning Advisory Committee potential planning document amendments that would define licensed production facilities, permit such facilities in industrial zones with minimum setbacks from residential and other sensitive land uses, and define cannabis retail sales and cannabis lounges.

MOTION CARRIED

3.4 Debenture Approval

Moved By Councillor Blanch

Seconded By Deputy Mayor Christie

That the Resolution for Pre-Approval of Debenture Issuance in the amount of \$916,677 for the long term financing of the water main replacement and street reconstruction of East Victoria Street from Rupert to civic # 250 and the storm water separation on Station Street be referred to the September 24, 2018 meeting for Council's approval.

MOTION CARRIED

3.5 Moving Funds from Operating to General Capital

Moved By Councillor Rhindress

Seconded By Councillor Blanch

That staff be directed to refer approval of the resolution to withdraw \$527,907 from the Operating Reserve and transfer it to the General Capital fund for the 2017/18 capital purchase of a fire truck to the September 24, 2018 regular meeting of Council.

MOTION CARRIED

3.6 Strategic Priorities Review

Moved By Councillor MacKenzie

Seconded By Councillor Blanch

That staff be directed to refer the Strategic Priorities Chart for the October to December period to the September 24, 2018 meeting of Council for adoption.

MOTION CARRIED

3.7 PACE Bylaw

Moved By Councillor Blanch

Seconded By Deputy Mayor Christie

That staff be directed to refer first reading of the Town of Amherst By-law B-8 Respecting Charges for the Property Assessed Clean Energy Program to the September 24, 2018 regular meeting of Council.

MOTION CARRIED

3.8 Border Entrance Committee

Moved By Deputy Mayor Christie

Seconded By Councillor MacKenzie

That staff be directed to write to the Border Entrance Committee indicating their general support for the Signage Bylaw; however Council also wishes to express their concerns with what signs are restricted in Zone A.

MOTION CARRIED

3.9 Review Signage Regulations

Moved By Deputy Mayor Christie

Seconded By Councillor Blanch

That staff be directed to refer a review of all signage provisions in the Land Use Bylaw to the Planning Advisory Committee (PAC), particularly to do with uniform signs, entrance signs, off-lot signage and unsightly signs, and that the PAC report back to Council with recommended amendments, if any.

MOTION CARRIED

3.10 Recognition of First Responders

Moved By Deputy Mayor Christie

Seconded By Councillor Rhindress

That staff prepare a First Responder Proclamation, and provide further details with regards to recognition of first responders in our community.

MOTION CARRIED

3.11 Traffic Authority Policy Amendment

Moved By Councillor Jones

Seconded By Councillor Rhindress

That staff be directed to refer the amendment to the Traffic Authority Policy to the September 24, 2018 meeting of Council for approval.

MOTION CARRIED

3.12 Park / West Pleasant Street Intersection

Moved By Councillor Jones

Seconded By Councillor Rhindress

That the Traffic Authority be directed to investigate this complaint of the stop sign and design of the intersection at Park Street and West Pleasant Street and have for Council a recommendation on how to move forward on this issue at our next meeting.

MOTION CARRIED

4. Information Items

4.1 Joint Council Items

The CAO asked that any members of Council who have items for the Joint Council meeting being held September 25, 2018 to forward them to him.

4.2 Correspondence from Municipal Alcohol Project

Council reviewed the letter. The CAO advised that Senior Management will provide materials to support a discussion on alcohol in Town facilities.

4.3 Senior Walking Time

The Recreation Director reported that as a trial a designated time for seniors to walk at the Stadium will be held on Tuesdays and Thursdays beginning October 9th from 9:30-10:30 a.m. immediately following Senior Skate.

5. Monthly Reports

5.1 Corporate Services

Information item; no direction given or action required.

5.2 Operations

Information item; no direction given or action required.

5.3 Police Services

Information item; no direction given or action required.

5.4 Recreation

Information item; no direction given or action required.

5.5 Fire Services

Information item; no direction given or action required.

5.6 Planning & Strategic Initiatives

Information item; no direction given or action required.

5.7 Economic Development

Information item; no direction given or action required.

6. Adjournment - 6:30

Moved by Councillor Jones to adjourn the meeting at 6:50 p.m.

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

MEMORANDUM

TO: Mayor Kogon and Members of Council
FROM: Kimberlee Jones, Municipal Clerk
DATE: October 15, 2018
SUBJECT: Bill Barrow Presentation to Council Request

Staff have been contacted by Bill Barrow on behalf of the Fundy Winds Project to give a presentation to Council. A copy of the letter is attached.

In accordance with Policy 10350-24 Proceedings of Council Policy, I am seeking Council's direction on whether it may be interested in such a presentation. Should Council have an interest I will proceed to arrange for a presentation at a future meeting.

Bill Barrow
Amherst U.S.
902 669 0177

RECEIVED

SEP 12 2018

Corporate Services
Amherst, N.S.

Kim Jones
Municipal Clerk
Amherst U.S.

Dear Kim

I would like to meet with the Amherst Town Council at its next monthly (Sept.) meeting. Darren White from Spring Street Elementary School will accompany us.

We would like to introduce to you the Fancy Winda Project and very briefly discuss program funding and its importance to the positive development of our youth. (YOUTH)

Appreciate your assistance
Bill Barrow

MEMORANDUM

To: Gregory Herrett, Chief Administrative Officer

From: Greg Jones, Fire Chief and Dwayne Pike, Acting Police Chief

Date: October 11, 2018

Subject: Recommendation – First Responders Recognition

Further to the discussion at the September Committee of the Whole meeting, I can report that I've met with acting Police Chief Dwayne Pike to review the issue and make a couple of suggestions for Council's consideration. On behalf of the emergency services that we collectively represent, we wish firstly to pass our thanks along to the Mayor and Council for highlighting the importance of recognizing first responders in our community. It is our vision that the first responders' group would include Town of Amherst police officers, fire fighters, dispatchers, local Emergency Health Services personnel and the Cumberland detachment of the Royal Canadian Mounted Police. This group equates to approximately one hundred first responders; who support the emergency service needs of the Town of Amherst.

Below we have suggested a few options to recognize first responders. We believe that any form of first responder recognition will require time to effectively coordinate it with all emergency service providers in our area. This will ensure that everyone has an opportunity to be engaged in this recognition. It is suggested that this event take place during the 2019 winter carnival schedule.

Option 1 - First responder's day / week

It is suggested that a First responder's day or week, take place during the time of year when other emergency service events are not scheduled. This option would include the issuance of a first responder's day / week proclamation and could include a first responders' day at an Amherst Rambler games and/or a vehicle display and equipment demonstration for the public. Further, this option would provide an opportunity to engage the public on various topics related to emergency services (i.e. personal safety, fire prevention, emerging community issues).

This option would require a collaborative effort to engage the public through the media and social media in relation to this event. It is suggested that the vehicle display and equipment demonstration portion of this event take place at the Amherst Stadium or the Community Credit Union Business Innovation Centre or the Fire Station.

Option 2 - First responder's breakfast

It is suggested that a First responder's breakfast take place at the Community Credit Unit Business Innovation Centre or the Fire Station; that would see all first responders in the area invited to attend. During this breakfast session the Mayor would address all in attendance and issue a first responder's proclamation. Further, the CAO and the lead for each of the emergency services would have an opportunity to provide a short address to those in attendance. It is suggested that members of the public have the ability to purchase tickets to attend the breakfast or donate to the food bank, at the entrance of this event.

This option would require a collaborative effort to engage all emergency service providers and the public, through the media and social media, on the importance of emergency service providers. Also, it is recommended that a slide show be created to highlight what emergency services provide in our area and what we do.



COMMITTEE OF THE WHOLE

CDR# 2018138

Date: 20181015

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Dwayne Pike, Acting Chief of Police

DATE: October 15th, 2018

SUBJECT: **Nuisance and Smoking Bylaw to address cannabis cultivation and consumption**

ORIGIN: The Federal *Cannabis Act* will legalize recreational cannabis on October 17, 2018. Municipal governments have a role to play in terms of regulating where cannabis can be personally cultivated and consumed in public places.

LEGISLATIVE AUTHORITY: Municipal Government Act, in Section 172(1) (a), (c) and (d) authorizes a council to make bylaws for municipal purposes respecting the health, well-being, safety and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours and fumes.

RECOMMENDATION: That Council consider adoption of a Nuisance and Smoking Bylaw to regulate where cannabis may be cultivated for personal use and consumed on municipal property.

BACKGROUND: The *Cannabis Act* allows individuals 18 years of age or older to cultivate up to 4 cannabis plants per dwelling-house. The provincial *Cannabis Control Act* will include cannabis in the definition of “smoke”, and prohibits smoking in: provincial parks, beaches, within 20 metres of playgrounds and outdoor sporting events, and 9 metres from public trails. The Amherst Smoke Free Recreational Places Bylaw prohibits smoking in parks and recreational facilities.

The proposed Nuisance Bylaw would replace the Amherst Smoke Free Recreational Places Bylaw and would prohibit all forms of smoking (ex. tobacco, cannabis, and vaping) on all municipal property, except those areas designated for smoking. The new bylaw would also restrict personal cultivation of cannabis to a dwelling or accessory building.

DISCUSSION: The odour from smoking and cultivating cannabis are the two anticipated nuisances stemming from cannabis legalization. The proposed Nuisance Bylaw follows the lead of HRM who have taken the same approach to regulating smoking and cultivating cannabis. Smoke and smoking are public health and safety issues. The health impacts from the exposure to second-hand tobacco are well documented. In addition, a ban on smoking, in all its forms, allows for effective enforcement of the restrictions. Differentiating between cannabis smoke and tobacco smoke would make enforcement very difficult. Restricting the cultivation of marijuana to dwelling houses and/or accessory buildings would mitigate complaints of the odour of cannabis from neighbours.



On September 17th, 2018 Council was provided with information relating to the drafting of a 'Nuisance' bylaw dealing with the issues of cannabis consumption and use.

Council had some questions and requested more information on issues relating to enforcement, cannabis/smoking restrictions in public and restrictions on where cannabis could be cultivated.

Bylaw enforcement is considered a non-core service for police. In many jurisdictions, bylaw enforcement is covered by bylaw officers or may be contracted out to another service provider such as the Corp of Commissionaires. In Amherst, Police are often utilized to enforce some of the town's bylaws. This includes the Loitering Bylaw, Smoke Free Recreational Places Bylaw and the Taxi Bylaw. The enforcement of the Criminal Code and other related statutes is traditionally the first priority for police, which unfortunately often leaves less resources available to deal with functions that are considered 'non-core' police services.

The same is true in other police Jurisdictions, many of which utilize bylaw officers for non-core services such as parking or bylaw enforcement. The Town of Amherst also has a bylaw officer, who works out of the Police Department, and who may be utilized to deal with this issue. It is unclear whether this resource will be sufficient. In any case, a full discussion on enforcement expectations will be required to determine the resources necessary to enforce this proposed bylaw.

Truro: The current applicable bylaw in Truro bylaw deals with tobacco, e-cigarettes and recently included cannabis and includes in the smoking definition "another substance intended to be smoked or inhaled". Smoking is restricted in specific areas of the town as listed in the bylaw. During the day, bylaw officers deal with this issue, with police sometimes receiving calls after hours. The expectation is there will be some changes in relation to cannabis. There is nothing currently in the bylaw about cannabis or cultivation of cannabis.

New Glasgow: The smoking bylaw in New Glasgow deals only with tobacco, e-cigarettes and water pipes. Cannabis is not yet included. Restrictions for smoking in the New Glasgow bylaw closely resemble the current Town of Amherst bylaw. There is nothing about cannabis smoking or cultivation. Bylaw officers usually deal only with unsightly premises and parking. Police enforcement of the smoking bylaw is extremely rare.

Bridgewater: The Bridgewater bylaw currently covers cannabis consumption and covers any substance that can be smoking. Restrictions on smoking are similar to the current Town of Amherst bylaw. There is nothing in relation to cultivation restrictions. They rely primarily on local business to deal with any issues and if they cannot, then police get involved. Issues at the hospital, malls, etc are expected to be dealt with by their security.

Kentville: Kentville is not making any changes to their current bylaw to include cannabis. They will be following the Provincial Smoke Free Places Act for cannabis use while their bylaw will cover tobacco, which is fairly restrictive, but only for tobacco. Use of tobacco is prohibited in public, meaning the streets, roads and includes sidewalks and other areas. They utilize a full time bylaw officer for this purpose who has

been laying some charges, but mostly warnings. Police may assist sometimes. They have nothing in relation to cultivation of marijuana.

Halifax: The suggestions for council to consider are modelled after the Halifax bylaw. Halifax bylaws are fairly restrictive and will be primarily enforced by bylaw officers. Their plan included the hiring of 8 additional bylaw officers to enforce the bylaw. Halifax has indicated that while bylaws do not invoke an 'emergency response' if they get a call about smoking, they will look into it, but will not be taking a proactive approach and be out looking for smokers.

Municipality of Cumberland: A draft bylaw "protection from second-hand smoke" includes smoking cannabis along with other substances intended to be smoked. Smoking such substances are prohibited in areas that include parks or playgrounds on municipal property, outdoor recreational facilities, the grounds of a municipal building, at events held on municipal property, a street in a school zone or a street along a parade route while the parade is in progress. The bylaw allows for smoking in an enclosed vehicle on the street, noted that cannabis use in a vehicle is prohibited under the Cannabis Act. This bylaw also does not apply to the rights of indigenous peoples respecting cultural practices or ceremonies. There is nothing in this bylaw relating to cultivation restrictions. The RCMP do sometimes get calls on bylaws, but rarely do enforcement and in most cases refer to the bylaw officers.

FINANCIAL IMPLICATIONS: Increased costs may be applicable after review with council and discussion on enforcement options.

COMMUNITY ENGAGEMENT: To be determined

ENVIRONMENTAL IMPLICATIONS:

Health issues relating to second hand smoke and related potential negative health impacts

ALTERNATIVES:

1. Approve it as presented
2. Direct staff to complete more research and amend proposed bylaw
3. Not approve bylaw and amend existing 'Smoke Free Recreational Places' bylaw to include cannabis;
4. Not approve draft bylaw

ATTACHMENTS: Draft Nuisance and Smoking Bylaw, Halifax Bylaw N-300, Kentville Smoke Free Places Bylaw, New Glasgow – Smoking Bylaw & amendment to Smoking Bylaw, Bridgewater – Protection from Second Hand Smoke Bylaw, Truro – No Smoking Bylaw, Cumberland – Proposed Protection from Second Hand Smoke By-Law

TOWN OF AMHERST

RESPECTING NUISANCES AND SMOKING

The Town of Amherst under authority of the *Municipal Government Act*, in Section 172(1) (a), (c) and (d) authorizes a council to make by laws for municipal purposes respecting the health, well-being, safety and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours and fumes.

Short Title

- 1) This Bylaw may be cited as Bylaw #, the “Nuisance and Smoking Bylaw”.

Interpretation

- 2) In this Bylaw

(a) "accessory building" means a detached subordinate building, not used for human habitation, that is

- (i) located on the same lot as the main building or use to which it is accessory,
- (ii) wholly constructed of rigid materials such as metal, wood, or glass;

(b) “Council” means the Council of the Town of Amherst;

(c) “dwelling unit” means living quarters that

- (i) are accessible from a private entrance, either outside the building or in a common area within the building,
- (ii) are occupied or, if unoccupied, are reasonably fit for occupancy,
- (iii) contain kitchen facilities within the unit, and
- (iv) have toilet facilities that are not shared with the occupants of other dwelling units,

excluding any

- (i) detached structure that is not an accessory building, or
- (ii) structure that is attached to the exterior wall of the dwelling unit or the building containing the dwelling unit, such as a balcony, deck, patio, porch, terrace, or veranda;

(d) “licensed producer” means an individual or corporation issued a producer’s license in accordance with the *Access to Cannabis for Medical Purposes Regulations* (Canada);

(e) “Municipal property” means any land owned, occupied, or leased by the Municipality, including a street, or a park;

(f) “Municipality” means the Town of Amherst;

(g) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

(h) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the *Municipal Government Act*; and

(j) “cannabis” means a cannabis plant as defined by the *Cannabis Act* (Canada).

PART 1 – SMOKE ON MUNICIPAL PROPERTY

Smoking on Municipal Property

3. No person shall smoke on municipal property or property that is maintained or under the control of the municipality with the exception of areas that may be designated as smoking areas by the Chief Administrative Officer or his/her designate.

Penalty

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Two Thousand Dollars (\$2,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 2 – PLANTS AND OTHER WEEDS

5. (1) Within the Town of Amherst, and subject to subsection 2, no person shall
 - (a) cultivate, propagate, dry, or harvest a cannabis plant, unless the cultivating, propagating, drying, or harvesting occurs wholly within a dwelling unit or an accessory building;
 - (b) own or occupy property where a cannabis plant is cultivated, propagated, dried, or harvested, unless the cannabis plant is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or
 - (c) permit or allow cannabis to be cultivated, propagated, dried, or harvested on property they own or occupy, unless the cannabis is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.
- (2) Subsection (1) of this section shall not apply to a licensed producer.
6. (1) Every person who violates the provisions of this Part shall be guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) dollars and not exceeding Ten Thousand Dollars (\$10,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding one year.
 - (2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.
 - (3) In addition to a penalty imposed for a contravention of this By-law in accordance with subsection (1) of this section, the judge may order that the cannabis plant be removed and destroyed.
 - (4) Any costs incurred by the Municipality relating to an order for the removal and the

destruction of the cannabis plant, shall be a first lien on the property upon which the cannabis plant was removed.

REPEAL OF BY-LAWS

7. The following by-laws are repealed:

By-Law C-12 Smoke-Free Recreational Places

**HALIFAX REGIONAL MUNICIPALITY
BYLAW N-300
RESPECTING NUISANCES**

The Council of the Halifax Regional Municipality under the authority vested in it by clauses 188 (1)(a), (b), (c) and (d) and 192(f) of the *Halifax Regional Municipality Charter*, and subsection 16(1) of the *Smoke Free Places Act*, enacts as follows:

Short Title

1. This Bylaw may be cited as Bylaw N-300, the “Nuisance Bylaw”.

Interpretation

2. In this Bylaw

(a) “abandon” means to leave a shopping cart on any public or private property outside the premises of the business that owns the shopping cart;

(aa) “accessory building” means a detached subordinate building, not used for human habitation, that is

(i) located on the same lot as the main building or use to which it is accessory,

(ii) wholly constructed of rigid materials such as metal, wood, or glass;

(b) Repealed;

(c) “Council” means the Regional Council of the Municipality;

(ca) “dwelling unit” means living quarters that

(i) are accessible from a private entrance, either outside the building or in a common area within the building,

(ii) are occupied or, if unoccupied, are reasonably fit for occupancy,

(iii) contain kitchen facilities within the unit, and

(iv) have toilet facilities that are not shared with the occupants of other dwelling units,

excluding any

(i) detached structure that is not an accessory building, or

(ii) structure that is attached to the exterior wall of the dwelling unit or the building containing the dwelling unit, such as a balcony, deck, patio, porch, terrace, or veranda;

(d) “Inspector” means the Inspector appointed by the Chief Administrative Officer or his designate;

(da) “licensed producer” means an individual or corporation issued a producer’s license in accordance with the *Access to Cannabis for Medical Purposes Regulations* (Canada);

(db) “municipal property” means any land owned, occupied, or leased by the Municipality, including a street, and a park as defined by the *Municipal Parks By-law*;

- (e) “Municipality” means the Halifax Regional Municipality;
- (f) “owner” means,
 - (i) in respect of a shopping cart, a person or business who owns or provides shopping carts to its customers, or the assessed owner of the property where the business who provides shopping carts to its customers is located, or
 - (ii) in all other respects, as defined by clause 3(av) of the *Halifax Regional Municipality Charter*;
- (g) Repealed;
- (h) “parking area” means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;
- (i) “premises” means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, “premises” shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;
- (j) “public place” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, alley, park, square, water courses including the shore of the water course, municipal, provincial or federal owned lands or any other place to which the public has access as a right or by invitation, express or implied;
- (ja) “serviced area” means the urban serviced area shown on Schedule B, the service requirement map, of the Regional Subdivision By-law;
- (k) “shopping cart” means a non-motorized basket which is mounted on wheels, or a similar device, generally used by a customer of a business for the purpose of transporting goods;
- (ka) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;
- (l) “street” means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith, except as otherwise defined in the *Halifax Regional Municipality Charter*, and
- (m) “weed” means a cannabis plant as defined by the *Cannabis Act* (Canada).

PART 1 - NUISANCE ON STREETS

Street Nuisance Defined and Prohibited

3. (1) No person shall create, continue or suffer any nuisance to exist on or near a street.
- (2) For the purposes of this Part, nuisance includes:
 - (a) engaging in any activity or pastime which:
 - (i) obstructs any person;
 - (ii) creates a disturbance; or
 - (iii) causes any damage to any structure, object, sod, plant or tree.

(b) interfering with, moving, damaging, or altering in any way, the operation of any barrier or fence, warning sign, signal or light placed on or near a street for purposes of closing the street or part thereof or for purposes of ensuring control of traffic or the safety of persons using the street; and

(c) entering, traveling, or driving, in along or across any closed street or within the closed portion of any street without the permission of the Director of Public Works and Transportation.

Penalty

4. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Fifty Dollars (\$50.00) and not exceeding One Thousand Dollars (\$1,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 1A – SMOKE ON MUNICIPAL LANDS

Smoking on Municipal Property

3A. (1) No person shall smoke on municipal property.

(2) Notwithstanding subsection (1), the CAO or delegate may designate a portion of municipal land as a smoking area.

Penalty

3B. Every person who violates the provisions of this Part shall be liable to a penalty of not less than Twenty-five Dollars (\$25.00) and not exceeding Two Thousand Dollars (\$2,000.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty days.

PART 2 - SHOPPING CARTS

Removal Or Abandonment Prohibited

5. (1) No owner shall suffer or permit a shopping cart owned or used by the business to be removed from the premises of the business without providing written consent to the person removing the shopping cart.

(2) No owner shall suffer or permit a shopping cart owned or used by the business to be abandoned upon any public or private property.

(3) No owner shall knowingly have on their premises shopping carts identified as belonging to another business.

(4) This section shall not apply to shopping carts removed as authorized by the owner for the purposes of repair, maintenance or disposal.

Information Required On Shopping Carts

6. The owner shall permanently affix to the front of each shopping cart a weather proof sign including the following information:

(1) name of shopping cart owner or business or both;

(2) valid published telephone number and address for returning shopping cart to owner; and

(3) notification that removal of a shopping cart from the owner's premises, unauthorized possession of a shopping cart and abandonment of a shopping cart on public or private property is not permitted.

Parameters Of Cart Recovery Service

7. The owner of a business shall have a proactive shopping cart recovery service which shall include:

- (1) establishment of a dedicated phone line with 24 hour machine answering service (telephone number as in subsection 6(2));
- (2) conspicuous notification on premises that the following are prohibited:
 - (ii) the removal of a shopping cart from the owner’s premises;
 - (iii) the unauthorized possession of a shopping cart; and
 - (iv) the abandonment of a shopping cart on public or private property.
- (3) retrieval of the shopping carts by the owner within 24 hours of receipt of notification through a dedicated phone line; and
- (4) shopping cart retrieval at the expense of the owner.

Impoundment by Municipality

8. (1) Any municipal employee or agent may retrieve and impound any shopping cart abandoned on public property.

(2) Within 48 hours, the Municipality shall inform the owner that the shopping cart has been impounded by phoning the owner’s dedicated phone line.

(3) An impound fee in the amount set by Administrative Order 15, Respecting License, Permit and Processing Fees shall apply to each shopping cart impounded pursuant to subsection (1).

Retrieval By Owner

9. The Municipality shall release impounded shopping carts to the owner on the payment of the impound fee pursuant to clause 8(3).

Disposal by the Municipality

10. (1) The Municipality may sell or otherwise dispose of any impounded shopping carts not retrieved by the owner within 7 working days following the date of impoundment.

(2) The Municipality may immediately sell or otherwise dispose of any impounded shopping cart not identified as outlined in section 6.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the shopping cart may be recovered as a debt due from the owner.

Penalty

11. Every person who violates the provisions of this Part shall be liable to a penalty of not less than One Hundred Dollars (\$100.00) dollars and not exceeding One Thousand Dollars (\$1,000.00) for each offense and in default of payment thereof to imprisonment for a period not exceeding sixty days.

PART 3

12. Repealed.

PART 4

12A (1) Within the serviced area and subject to subsection 2, no person shall

- (a) cultivate, propagate, dry, or harvest weed, unless the cultivating, propagating, drying, or harvesting occurs wholly within a dwelling unit or an accessory building;

(b) own or occupy property where weed is cultivated, propagated, dried, or harvested, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building; or

(c) permit or allow weed to be cultivated, propagated, dried, or harvested on property they own or occupy, unless the weed is cultivated, propagated, or harvested wholly within a dwelling unit or an accessory building.

(2) Subsection (1) of this section shall not apply to a licensed producer.

12B (1) Every person who violates the provisions of this Part shall be guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1000.00) dollars and not exceeding Ten Thousand Dollars (\$10,000.00) for each offence and in default of payment thereof to imprisonment for a period not exceeding one year.

(2) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(3) In addition to a penalty imposed for a contravention of this By-law in accordance with subsection (1) of this section, the judge may order that the weed be removed and destroyed.

(4) Any costs incurred by the Municipality relating to an order for the removal and the destruction of the weed, shall be a first lien on the property upon which the weed was removed.

REPEAL OF BY-LAWS

13. The following by-laws are repealed:

By-Law 22104 of the former Town of Bedford, the Loitering By-Law;

By-Law 22141 of the former Town of Bedford, the discharge of Firearms By-Law;

By-Law A-300 of the Former City of Dartmouth, the Air Guns and Rifles By-Law;

By-Law F-300 of the Former City of Dartmouth, the Firearms By-law;

By-Law L-400 of the former City of Dartmouth, the Littering By-Law;

By-Law L-600 of the former City of Dartmouth, the Loitering By-Law;

By-Law N-300 of the former City of Dartmouth, the Abatement of Nuisances By-Law;

Ordinance 159 of the former City of Halifax, the discharge of Guns and Other Firearms;

Part VI of Ordinance 180 of the former City of Halifax, the Streets Ordinance;

Sections 4, 5, 5A and 6 of By-law 8 of the former Halifax County Municipality, the Mischiefs and Nuisance By-Law;

By-Law 39 of the former Halifax County Municipality, the Loitering By-Law,

By-Law 47 of the former Halifax County Municipality, the Dumping of Garbage and Litter By-law, and any amendments thereto

Done and passed in Council this 7th day of August, 2007.

MAYOR

MUNICIPAL CLERK

Notice of Motion:	June 26, 2007
First Reading:	July 3, 2007
Notice of Public Hearing - Publication:	July 21, 2007
Second Reading:	August 7, 2007
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	Part 1 - August 18, 2007; Part 2 - January 1, 2008

Amendment # 1 – By-law N-301

Notice of Motion:	Please see March 18, 2008 Regional Council minutes
First Reading:	May 27, 2008
Notice of Second Reading :	May 31, 2008
Second Reading:	June 17, 2008
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	June 28, 2008

Amendment # 2 – By-law N-302

Notice of Motion:	October 6, 2015
First Reading:	October 20, 2015
Notice of Second Reading Publication:	October 24, 2015
Second Reading:	November 10, 2015
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	November 28, 2015

Amendment # 3 – By-law N-303

Notice of Motion:	June 5, 2018
First Reading:	June 19, 2018
Notice of Second Reading Publication:	June 30, 2018
Second Reading:	July 17, 2018
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 15, 2018



CHAPTER 84

Smoke-Free Public Places Bylaw

(A bylaw prohibiting smoking in public places in the Town of Kentville)

1. Authority

Sections 172 (a), (b), and (d) of the Municipal Government Act provides municipalities with the power to make bylaws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours and fumes.

2. Interpretation

In this bylaw

“*Public Places*” means streets and roads (including sidewalks), parks and entrances thereto, and not so as to restrict the generality hereof, all lands, structures and facilities owned by or leased to the Town.

“*Smoke*” means the act of smoking tobacco, including smoking a cigarette, cigar or pipe, as evidenced by the giving-off of tobacco smoke. In absence of evidence to the contrary, where smoke is given-off from a cigarette, cigar, or pipe, it shall be presumed that the substance being smoked is tobacco.

“*Town*” means the Town of Kentville.

3. General Prohibition

No person shall smoke in any public place in the Town of Kentville.

4. Offences and Penalties

Any person who contravenes or fails to comply with Section 3 of this bylaw shall be liable to a penalty not less than \$50 and not exceeding \$200 for a first offence and a fine of not less than \$100 and not more than \$300 for a second or subsequent offence.

5. Effective Date

This bylaw shall become effective upon publication of Notice of Passing.

6. Repeal

This bylaw hereby repeals *Chapter 79 Non-Smoking in Outdoor Recreation Facilities Bylaw*

Clerk's Annotation (Office Use Only)

Effective Date – Upon publication of Notice of Passing

First Reading of Bylaw – November 29, 2010

Date of advertisement of Notice of Second Reading – December 7, 2010, January 11, 18 and 20, 2011

Second Reading of Bylaw – January 24, 2011

Notice of Passing – Publication date: - February 1, 2011

Notice to Minister – February 1, 2011

**I hereby certify that
the Chapter 84 Smoke-Free Public Places Bylaw
has been adopted by Council
and published as indicated above.**

**Carol A. Harmes
Town Clerk**

**TOWN OF NEW GLASGOW
SMOKING BYLAW
BYLAW NO. 24**

Short Title

1. This Bylaw shall be known and cited as the "Smoking Bylaw".

Interpretation

2. In this Bylaw,
 - (a) "*drinking establishment*" means a lounge, pub, tavern, cabaret, club or beverage room licensed under the Liquor Control Act of Nova Scotia;
 - (b) "*place of public assembly*" means:
 - (i) a building or part thereof used, or intended to be used, by the public, whether gratis or for a fee, for, including but not limited to civic, political, travel, religious, social, educational, entertainment, recreational or like purposes;
 - (ii) the lobby or hallways of an institution or office building;
 - (iii) a shopping center or shopping mall;
 - (iv) a food court used or intended to be used by the public, in any building;
 - (v) retail or wholesale store.
 - (c) "*person*" includes a body corporate, society and the heirs, executors, administrators, successors and other legal representatives of a person.
 - (d) "*proprietor*" means a person who owns, manages, possesses or controls premises or directs activity carried out on premises and includes a person shown on the most recent Assessment Roll for the Town of New Glasgow as the assessed owner or occupant of the premises except where the Town of New Glasgow has been given notice in writing of a change in ownership or has been provided with the name of a person identified as having exclusive possession and control of the premises;

- (e) "**reception area**" means the space used by an office or establishment for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;
- (f) "**restaurant**" means an establishment engaged in the sale and service of food to the public for consumption on the premises.
- (g) "**retail or wholesale store**" means a building or part of a building, booth, stall or place used for the purpose of retail or wholesale trade or services.
- (h) "**service line**" means an indoor line of two(2) or more persons awaiting service of any kind, regardless of whether or not such service involves the exchange of money including but not limited to:
 - (i) sales;
 - (ii) provision of information, transactions or advice; and
 - (iii) transfers of money or goods
- (i) "**smoke**" or "**smoking**" means the act of smoking tobacco, including smoking a cigarette, cigar or pipe, as evidenced by the giving-off of tobacco smoke and includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment. Where smoke is given-off from a cigarette, cigar, or pipe, it shall be prima facie evidence that the substance being smoked is tobacco.

Offences and Penalties

- 3. No person shall smoke in any of the following places:
 - (a) a place of public assembly;
 - (b) within a radius of 1 meter (3.28 feet) of all public entrances and air intake to buildings including windows capable of being opened;
 - (c) any service counter in any premises including unenclosed areas behind such service counters;
 - (d) any service line on any premises;
 - (e) any reception area including any unenclosed area adjoining a reception area;

- 1
- (f) any elevator, escalator, or stairway which is generally used by and open to the public;
 - (g) any public transportation facilities and vehicles excluding taxis;
 - (h) any rest room, washroom or toilets, generally used by and open to the public;
 - (i) any drinking establishment including patios or sidewalk cafes;
 - (j) any restaurant including patios or sidewalk cafes; or
 - (k) any arena, bowling alley, pool hall
4. The proprietor of any place listed in Section 3 shall not permit or cause to be permitted smoking in any such place.
 5. The proprietor of any place listed in Section 3 shall erect a sign at all public entrances to the establishment and erect signs within the establishment, clearly visible within all parts of the premises to which the prohibition applies, giving notice that smoking is prohibited.
 6. The proprietor of any place listed in Section 3 shall ensure that any person found smoking by the proprietor, or an employee or agent of the proprietor is immediately directed to stop smoking and, failing compliance, is directed to leave that place.
 7. Any person who fails to comply with a directive given by a proprietor or an employee or agent of the proprietor pursuant to Section 6 of this bylaw is guilty of an offence.
 8. Any person who violates any section of this bylaw is guilty of an offence and, on summary conviction is liable to a fine of not less than one hundred fifty dollars and not more than five thousand dollars and in default of payment to imprisonment for a period of not more than ninety days.

Separate Offence

9. Everyday during which an offence pursuant to this bylaw continues is a separate offence.

Payment in Lieu of Prosecution

10. In lieu of prosecution pursuant to this bylaw, the Chief Administrative Officer or his delegate may issue to any person he believes upon reasonable grounds has violated any section of this bylaw a Notice of

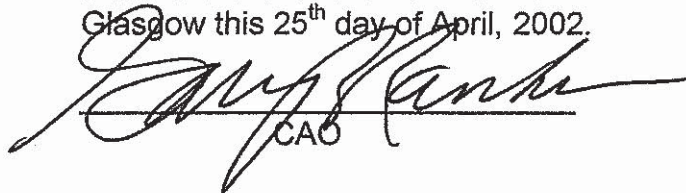
Violation, which Notice shall provide that, if the person to whom it is directed pays the sum of one hundred dollars to the Town of New Glasgow within fourteen days of the issuance of the Notice, no prosecution shall ensue with respect to the matter or matters referred to in the Notice.

Coming into Force

11. This bylaw shall come into effect on October 1, 2002.

This is to certify that the foregoing is a true copy of a Bylaw duly passed at a duly called meeting of the Town Council of the Town of New Glasgow duly held on the 24th day of April, 2002.

Given under the hand of the CAO and under the seal of the Town of New Glasgow this 25th day of April, 2002.



CAO

1st Reading - March 18, 2002

Advertisement of Intent to Consider - March 30, 2002

2nd Reading - April 15, 2002

Adoption of Bylaw - April 24, 2002

Date of Publication - April 29/02

Effective Date - October 1, 2002

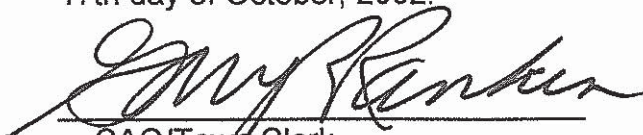
TOWN OF NEW GLASGOW
AMENDMENT TO SMOKING BYLAW

The Smoking Bylaw of the Town of New Glasgow (Bylaw No. ~~24~~) is hereby amended as follows:

1. Delete the date "October 1, 2002" in Section 11 of the Smoking Bylaw and replace it with "January 1, 2003".

I, Gary R. Rankin, CAO/Town Clerk of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw amendment duly passed at a duly called meeting of the Town Council duly convened and held on the 15th day October, 2002.

Given under the hand of the Town Clerk and under the seal of the said Town this 17th day of October, 2002.


CAO/Town Clerk

1st Reading - September 16/02
Advertisement of Intent to Consider - September 20/02
2nd Reading - October 15, 2002
Date of Publication - October 19, 2002

TOWN OF NEW GLASGOW

AMENDMENT TO SMOKING BYLAW No. 24

The Smoking Bylaw of the Town of New Glasgow is hereby amended as follows:

1. Section 2

- change "(b)" to "(c)"
- change "(c)" to "(d)"
- change "(d)" to "(e)"
- change "(e)" to "(f)"
- change "(f)" to "(g)"
- change "(g)" to "(h)"
- change "(h)" to "(i)"
- change "(i)" to "(j)"
- change "(j)" to "(k)"

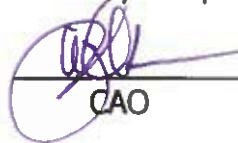
Add "(b) "***electronic cigarette***" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled;"

Section (k) replace "means the act of smoking tobacco, including smoking a cigarette, cigar or pipe, as evidenced by the giving off of tobacco smoke and includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment. Where smoke is given off from a cigarette, cigar, or pipe, it shall be prima facie evidence that the substance being smoked is tobacco." with "means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or another substance that is intended to be smoked or inhaled;"

Add "(l) "***water pipe***" means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through a liquid before it is inhaled."

I, Lisa M. MacDonald, CAO of the Town of New Glasgow do hereby certify that the foregoing is a true copy of a bylaw amendment duly passed at a duly called meeting of the Town Council duly convened and held on the 18th day of April, 2016

Given under the hand of the Town Clerk and under the seal of the said Town this 21st day of April, 2016



CAO

1st Reading – March 14, 2016
Advertisement of Intent to Consider – March 19, 2016
2nd Reading – April 18, 2016
Date of Publication - April 23, 2016

TOWN OF BRIDGEWATER

BY-LAW CHAPTER 191

PROTECTION FROM SECOND-HAND SMOKE BY-LAW

BE IT ENACTED by the Council of the Town of Bridgewater as follows:

SHORT TITLE

1. This Bylaw shall be known as Bylaw No. 191 and may be cited as the ***Protection from Second-hand Smoke By-law.***

BACKGROUND

2. The *Municipal Government Act*, in Section 172(1)(a), (c) and (d) authorizes a Council to make By-laws for municipal purposes respecting the health, well-being, safety and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours and fumes.

INTERPRETATION

3. In this By-law:
 - (a) “grounds of a town building” means the outdoor part of any lot containing a building owned or leased by the town, and any sidewalk immediately adjacent to the lot.
 - (b) “playground” means any park or recreational area designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located within the town.
 - (c) “smoke” means to smoke, hold or otherwise have control over ignited tobacco, cannabis, or any other substance that is intended to be smoked or inhaled in any manner including but not limited to a bong, cigarette, cigar, pipe, water pipe, electronic cigarette, hookah, or vaporizer.
 - (d) "street" means a public or private street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith.

- (e) “town property” means real property owned or leased by the town, directly or through the medium of a board or commission, including the Public Service Commission of Bridgewater, and any motor vehicle owned or leased by the town, directly or through the medium of a board or commission, including the Public Service Commission of Bridgewater.
- (f) “cannabis” means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis in any form.

PROHIBITION

- 4. No person shall smoke in any of the following places:
 - (a) a park on town property or property the town is licensed to maintain;
 - (b) a playground on town property;
 - (c) an outdoor recreational facility on town property, including but not limited to a sports field, grandstand, seating area or bleacher;
 - (d) the grounds of a town building;
 - (e) the grounds of an event on town property that is open to the public, including but not limited to a festival, market or concert, whether admittance to the event is gratis or for a fee;
 - (f) a cemetery on town property;
 - (g) a trail or path on town property or property the town is licensed to maintain;
 - (h) a street along a parade route while the parade is in progress;
 - (i) a street within a school area designated under the *Motor Vehicle Act*, except within an enclosed motor vehicle.

EXEMPTION

- 5. Nothing in this by-law affects the rights of indigenous people respecting traditional indigenous spiritual or cultural practices or ceremonies.

OFFENCE AND PENALTY

- 6. Anyone who violates any section of this by-law is guilty of an offence and is liable, on summary conviction, to a fine of not more than two hundred dollars (\$200.00).

SEVERABILITY

7. In the event that any provision of this by-law becomes or is declared by a court of competent jurisdiction to be illegal or unenforceable, the remainder of this by-law will continue in full force and effect.

FORCE AND EFFECT

8. This bylaw has effect from and after September 1, 2008.

Town of Truro – Bylaws

Subject: A Bylaw to Protect Persons from Tobacco Smoke
Bylaw Number: B190-001
Approval Date: January 12, 2009
Departments: Legal

Title

1. This Bylaw may be cited as the “No Smoking Bylaw”.

Definitions

2. In this Bylaw:
 - (1) “Electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled;
 - (2) “No Smoking Area” means:
 - (a) Any public portion of Inglis Place, including any sidewalk, street, lane, thoroughfare, curb, retaining wall, and any alley connected to Inglis Place, but does not include a private residence;
 - (b) All playgrounds on land owned or maintained by the Town;
 - (c) All trails, parks and similar green spaces owned or maintained by the Town of Truro, including but not limited to:
 - (i) Victoria Park;
 - (ii) Kiwanis Park;
 - (iii) Riverfront Park;
 - (iv) Victoria Square;
 - (v) Cobequid Trail;
 - (d) All outdoor recreational facilities owned or maintained by the Town of Truro, including but not limited to sports fields, grandstands, seating areas and bleachers;
 - (e) The land owned by the Town of Truro surrounding the Colchester Legion Stadium, including but not limited to the area in front of the Stadium on Lorne Street and the parking lot for the Stadium;
 - (f) The area known as the “Civic Block”, consisting of the area bounded on the west by Young Street, on the south by Victoria Street, on the east by Forrester Street, and on the north by Prince Street, with the exception of the area identified by signage as a smoking area at the corner of Victoria and Forrester Streets.

- (3) “Playground” means an area used by children for outdoor play or recreation that contains recreational equipment such as slides, swings and seesaws;
- (4) “Proprietor” means a person who owns, manages, possesses or controls premises or directs activity carried out on premises.
- (5) “Smoke” or “smoking” means to inhale, exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, electronic cigarette or other device that burns tobacco or another substance that is intended to be smoked or inhaled.

No Smoking

- 3. No person shall smoke in a No Smoking Area.
- 4. Any person who violates this Bylaw is guilty of an offence punishable on summary conviction by a fine of not less than \$100.00 and not more than \$1,000.00 and to imprisonment of not more than 30 days in default of payment thereof.
- 5. Nothing in this Bylaw shall be construed as:
 - (1) Authorizing smoking in places where smoking is otherwise lawfully prohibited by a proprietor or any law, regulation, bylaw, lawful order or directive pursuant to any statute, regulation or statutory or regulatory authority; or
 - (2) Authorizing non-compliance with any laws, regulations, lawful orders or directives pursuant to any statute, regulation or statutory or regulatory authority that may require signage to be posted or other steps to be taken by proprietors of premises related to smoking.
- 6. Nothing in this Bylaw impacts any other authority to regulate, restrict or prohibit smoking.
- 7. Where there is a conflict between this Bylaw and any other authority, regulating, restricting or prohibiting smoking, the more restrictive authority shall prevail to the extent of the conflict.

Municipality of Cumberland By-Law 18-XX

Protection from Second-Hand Smoke By-Law

Whereas Section 172(1)(a), (c) and (d) authorizes a Council to make by-laws for municipal purposes respecting the health, well-being, safety, and protection of persons; persons and activities in public places and places open to the public; and nuisances, including burning, odours, and fumes.

And whereas it is the wish of Council to use that power to respect the health, well-being, safety, and protection of persons against second-hand smoke:

1. This By-Law is entitled the *Protection from Second-hand Smoke By-Law*.
2. In this By-Law:
 - a) “cannabis” means cannabis as defined by the Cannabis Act (Canada);
 - b) “grounds of a municipal building” means the outdoor part of any lot containing a building owned or leased by the Municipality, and any sidewalk immediately adjacent to the lot;
 - c) “municipal property” means any land or asset owned, occupied, or leased by the Municipality, including municipal vehicles. This does not include streets unless otherwise mentioned;
 - d) “Municipality” means the Municipality of the County of Cumberland;
 - e) “playground” means any park or recreational area designed in part to be used by youth that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located within the Municipality;
 - f) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold, or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette, or other device that burns or heats tobacco, cannabis, or another substance that is intended to be smoked or inhaled; and
 - g) "street" means a public or private street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith.

PROHIBITION

3. No person shall smoke in any of the following places:
- a) a park on municipal property or property the Municipality is licensed to maintain;
 - b) a playground on municipal property;
 - c) an outdoor recreational facility on municipal property, including but not limited to a sports field, grandstand, seating area, or bleacher;
 - d) the grounds of a municipal building;
 - e) the grounds of an event on municipal property that is open to the public, including but not limited to a festival, market, or concert, whether admittance to the event is gratis or for a fee;
 - f) a trail or path on municipal property or property the Municipality is licensed to maintain;
 - g) in provincial or municipal parks and on provincial beaches, except for within the boundaries of a rented campsite;
 - h) a street along a parade route while the parade is in progress; and
 - i) a street within a school area designated under the Motor Vehicle Act, except within an enclosed motor vehicle. Use of cannabis in vehicles is prohibited under the *Cannabis Act (Canada)*.

EXEMPTION

4. This By-Law does not apply to:
- a) the rights of indigenous people respecting traditional indigenous spiritual or cultural practices or ceremonies; and
 - b) municipal streets, excepting Section 4 (h) and (i).

OFFENCE AND PENALTY

5. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than \$100.00 and no more than \$2,000.00 and to imprisonment of not more than 14 days in default of payment thereof.



COMMITTEE OF THE WHOLE

CDR# 2018139

Date: 20181015

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 15, 2018

SUBJECT: **Development Agreement discharge – corner of Dickey & Rupert St.**

ORIGIN: A request by the property owners of the vacant property located at the corner of Dickey and Rupert Streets (PID 25041666) to discharge a 2007 development agreement for a multi-unit residential complex.

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), section 229 (2) *A council may discharge a development agreement, in whole or in part, in accordance with the terms of the agreement or with concurrence of the property owner.*

RECOMMENDATION: That Council refer this matter to the October 22, 2018 Council meeting to consider discharging the development agreement Case No. DA-2007-02 for PID 25041666.

BACKGROUND: The subject development agreement allowed for construction of a 30-unit townhouse development within nine buildings, accessed by a common driveway. The original property owners did not start the development and subsequently sold the property. The current property owners are not interested in developing the property as laid out in the agreement. Once discharged, the property would be subject to the regular requirements of the Land Use and Subdivision Bylaws.

DISCUSSION: There is no specific Municipal Planning Strategy policy that speaks to discharging a development agreement. It is unfortunate that the 30-unit development is not going to take place; however, with the agreement out of the way it will allow development of the property under the regular provisions of the Land Use and Subdivision Bylaws. As a very rough estimate, the 4.15-acre property could potentially accommodate up to 25 single-detached dwelling lots.

Staff discussed with the property owner alternatives to discharging the agreement such as requesting an amendment; however, the process to amend would be same as entering into a new agreement. As such there is little advantage to keeping the agreement in place.

FINANCIAL IMPLICATIONS: None at this time.

COMMUNITY ENGAGEMENT: There is no public process involved with discharging a



development agreement

ENVIRONMENTAL IMPLICATIONS: None at this time.

ALTERNATIVES: None

ATTACHMENTS: Development Agreement Case No. 2007-02

Report prepared by: A.Fisher

Report and Financial approved by:

James and Sally Austin

PO Box 703

Amherst, NS

B4H 3E3

Amherst Town Council

Town of Amherst

98 Victoria St., East

Amherst B4H 1X6

RE: PID#: 25041666

Amherst Town Council,

I am writing to the council today to request for the discharge of the Development Agreement PID# 25041666. Case DA: 2007-02 dated May 31st, 2007. Parties involved; Callaghan & Weatherbee Development Ltd and The Town of Amherst.

If you, The Town Council would approve this request at your earliest convenience, it would be greatly appreciated.

Sincerely,



James and Sally Austin



Form 24

Purpose: to request or direct a revision of title and Certificate of Legal Effect

For Office Use

Registration district: Cumberland
 Submitter's user number: 1623
 Submitter's name: Brian S. Creighton

CUMBERLAND COUNTY LAND REGISTRATION OFFICE I certify that this document was registered as shown here.	
88138590 Document #	LA ROD
JUN 21 2007 MM DD YYYY	14:46 Time

In the matter of Parcel Identification Number (PID)
 PID: 25041666

(Expand box for additional PIDs. **Maximum 9 PIDs per form**)

The following additional forms are being submitted simultaneously with this form and relate to the attached document: (check appropriate boxes, if applicable)

- Form 24(s)
- Form 8A(s)
- This Form 24 creates or is part of a subdivision or consolidation

TAKE NOTICE THAT a revision of the registration of the above-noted parcel(s), is hereby requested or directed, as set out below.

AND FURTHER TAKE NOTICE THAT the attached document is signed by attorney for a person under a power of attorney, and the power of attorney is (select one or more)

- recorded in the attorney roll
- recorded in the parcel register
- incorporated in the document
- no power of attorney applies to this document
- The following registered interests are changed in the parcel's registration: **Not Applicable**
- The following tenant in common interests that appear in the section of the parcel register labelled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered (insert names to be removed): **Not Applicable**
- I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the *Land Registration Act* and *Land Registration Administration Regulations*: **Not Applicable**
- The following benefits are to be added and/or removed in the parcel's registration: **Not Applicable**
- The following burdens are to be added in the parcel's registration:

Instrument type	Development Agreement (406)
Interest holder and type to be removed (if applicable)	Not Applicable
Interest holder and type to be added (if applicable) Note: include qualifier (e.g. estate of, executor, trustee, personal representative)(if applicable)	Town of Amherst, Party to Agreement (Burden)

Mailing address of interest holder to be added (if applicable)	PO Box 516 Amherst, Nova Scotia, B4H 4A1
Reference to related instrument in names-based roll/parcel register (if applicable)	Not Applicable
Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	Not Applicable

- The following recorded interests are to be added and/or removed in the parcel's registration:
Not Applicable
- I request that the following textual qualifications on the registered interest in the above-noted parcel be changed:

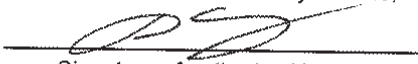
Textual qualification on title to be removed (insert any existing textual description being changed, added to or altered in any way)	Not Applicable
Textual qualification on title to be added (insert replacement textual qualification)	The Development Agreement between the Town of Amherst and the Registered Owner does not have priority over the two prior recorded mortgages.
Reason for change to textual qualification (for use only when no document is attached) Instrument code: 838	Not Applicable

- I request that the following information about the occupier of the parcel, which is owned by the Nova Scotia Farm Loan Board, be changed (insert n/a if not applicable): **Not Applicable**

Certificate of Legal Effect:

I certify that it is appropriate to make the above-noted changes to the parcel register(s) for the indicated PIDs.

Certified at Amherst, in the County of Cumberland, Province of Nova Scotia, on the 20th day of June, A.D., 2007.


Signature of authorized lawyer

Name Brian S. Creighton
Address 14 Electric Street, PO Box 398,
Amherst NS B4H 3Z5
Phone (902) 667-8490
Email: brian.creighton@csdlaw.ca
Fax: (902) 667-6081

- This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

April 3, 2007

Case No. DA-2007-02

This Agreement made this 31st Day of May 2007.

Between:

Callaghan and Weatherbee Land Development Limited, Owner of property located at the corner of Dickey Street and Rupert Street, hereinafter called the Owner

Of the one part

- and -

The Town of Amherst, a body corporate hereinafter called the Town

Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a 30 unit townhouse development on property located at the corner of Dickey and Rupert Streets.

AND WHEREAS a condition of the granting of approval of Council is that the Owner enter into an agreement with the Town;

AND WHEREAS the Council of the Town, at its meeting on the 26th Day of March 2007, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the development agreement requested by the Owner, the Owner agrees as follows:

That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.

That the owner may construct a 30 unit townhouse development on the said lands, subject to the following Schedules A, B and C attached.

Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this agreement.

Should the owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.

The Town shall issue the necessary permit for the development upon the expiration of the appeal


period specified for development agreements in the Municipal Government Act, Section 249, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

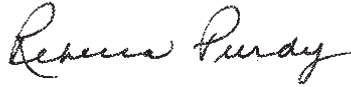
SIGNED, SEALED AND DELIVERED

FOR THE TOWN OF AMHERST

in the presence of

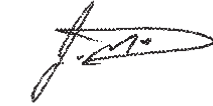

Jerry Harte
Mayor

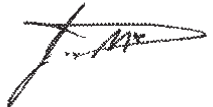

Gregory D. Herrett
CAO



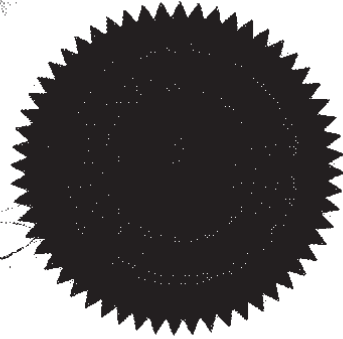
FOR THE OWNER


Sean Callaghan







Charles Weatherbee

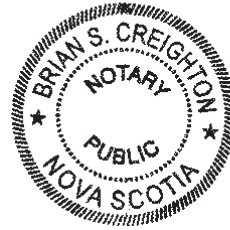


**PROVINCE OF NOVA SCOTIA
COUNTY OF CUMBERLAND**

ON this 20th day of June, A.D., 2007, before me, the subscriber personally, **Jason MacDonald**, came and appeared, a subscribing witness to the forgoing indenture, who having been by me duly sworn, made oath and said that, **Callaghan and Weatherbee Land Development Limited**, one of the parties thereto, signed, sealed, and delivered the same in his presence.



BRIAN S. CREIGHTON, a Barrister of the
Supreme Court of Nave Scotia

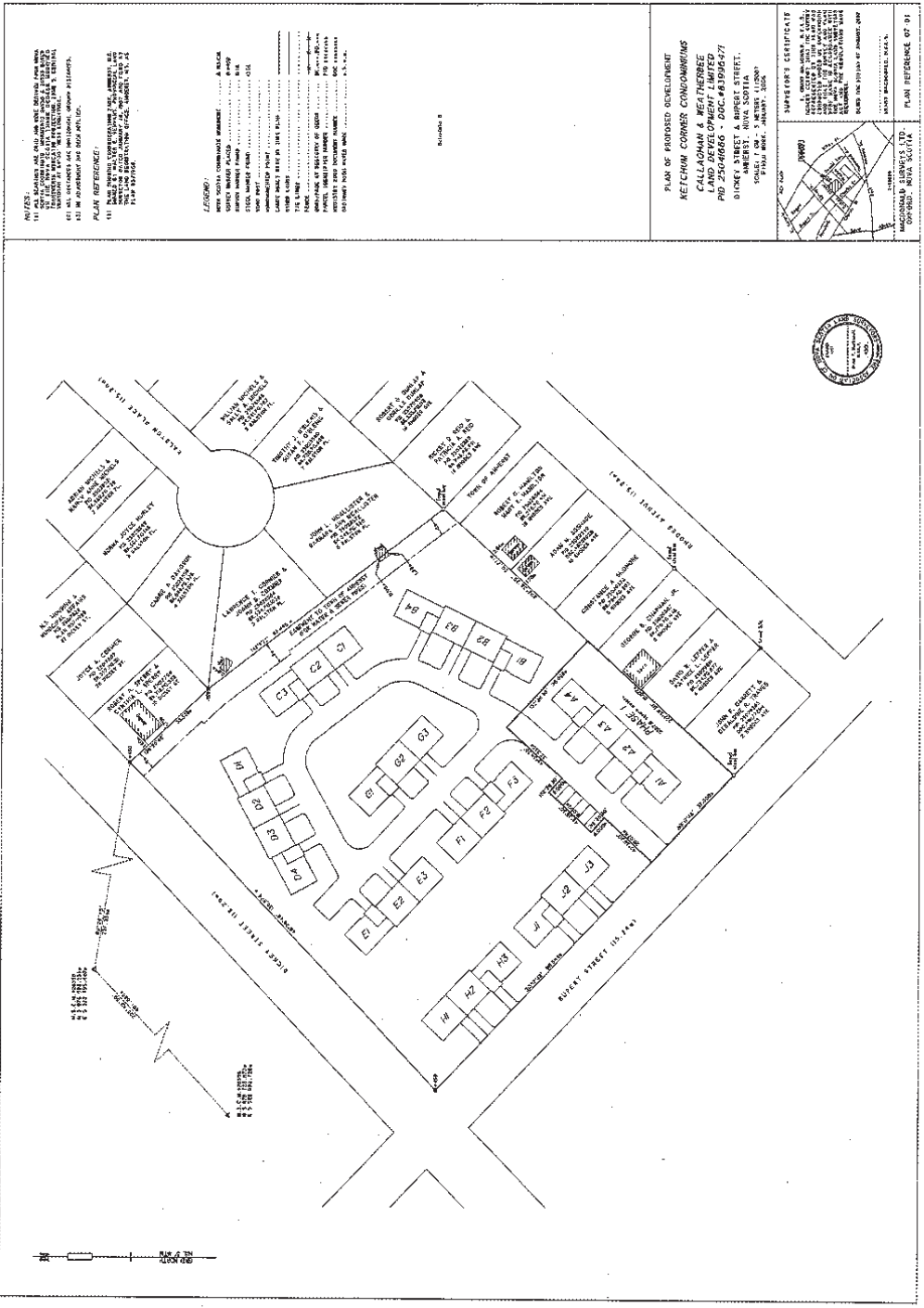


Terms and Conditions:

1. The use of the property be limited to a 30 unit townhouse development, contained within 9 separate buildings;
2. The properties be consolidated into one lot;
3. The location of the buildings be generally in accordance with Schedule B, the following minimum setback dimensions for each buildings shall apply:
 - a. 5 metres between buildings;
 - b. 6 metres from Dickey Street;
 - c. 8 metres from Rupert Street;
 - d. 6 metres from the southern and eastern property lines;
 - e. 6 metres from the common driveway;
4. One accessory structure be permitted on the property, subject to the relevant regulations of the Land Use Bylaw;
5. The end of the nearest building(s) facing either Rupert or Dickey Street contain at least one window and a false roof line be incorporated into the design;
6. Access to Rupert Street be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;
7. No direct vehicular access to Dickey Street be permitted;
8. All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;
9. The driveway in front of each building be completed with a minimum 7 metre wide strip of asphalt for the entire length of the building, such work to be completed within 6 months of the occupancy permit for the said building being issued;
10. The base of the common driveway, including asphalt, be in accordance with the Town of Amherst Subdivision Bylaw & Development Standards.
11. A minimum of 8 common parking spaces shall be provided on the property;
12. A stop and street name sign be provided by the owner at the Rupert Street entrance to the property and any other traffic control signs be at the discretion and responsibility of the property owner;
13. No two adjacent buildings are to be the same color;
14. Water and sewer services be provided to the buildings in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;
15. Storm water on the site be channeled so as to not impact adjacent properties and so as not

to flow directly onto adjacent public streets and sidewalks;

16. Separate water metres be installed for each dwelling unit in accordance with the Town of Amherst sewer bylaw;
17. A permanent stone sign, illustrating the name of the development, shall be located off Rupert Street, generally in the location indicated on Schedule B, prior to a building permit being issued for the third building on the property;
18. Each of the three front façade designs forming Schedule C of this agreement shall be applied to at least two of the nine buildings. Included in this agreement are the major features such as number of garages, roof lines, etc., the owner has the right to vary smaller details such as trim, size of windows, etc.;
19. Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable town bylaws and regulations;
20. Garbage pickup for all dwellings units on the property will be private, and the responsibility of the owner;
21. Landscaping be provided in accordance with the following:
 - a. A minimum of eight deciduous trees, a minimum of 2 metres in height, be planted along both Dickey and Rupert Streets at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - b. A minimum of eight deciduous or coniferous trees, a minimum of 1.5 metres in height, be planted along both the southern and eastern interior property lines at approximately equal intervals. Such planting is to take place prior to the issuance of the building permit for the third building;
 - c. A minimum of one shrub or tree be planted in the front yard of each dwelling unit. Such planting is to take place within one growing season of the construction of the said unit.
 - d. Grass be maintained in all areas of the property not utilized for buildings, parking or walkways.



NOTES:
 1) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KETCHIKAN ZONING ORDINANCE, CHAPTER 10.05, AND THE CITY OF KETCHIKAN SUBDIVISION ORDINANCE, CHAPTER 10.06.
 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KETCHIKAN SUBDIVISION ORDINANCE, CHAPTER 10.06.
 3) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KETCHIKAN SUBDIVISION ORDINANCE, CHAPTER 10.06.
 4) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KETCHIKAN SUBDIVISION ORDINANCE, CHAPTER 10.06.
 5) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF KETCHIKAN SUBDIVISION ORDINANCE, CHAPTER 10.06.

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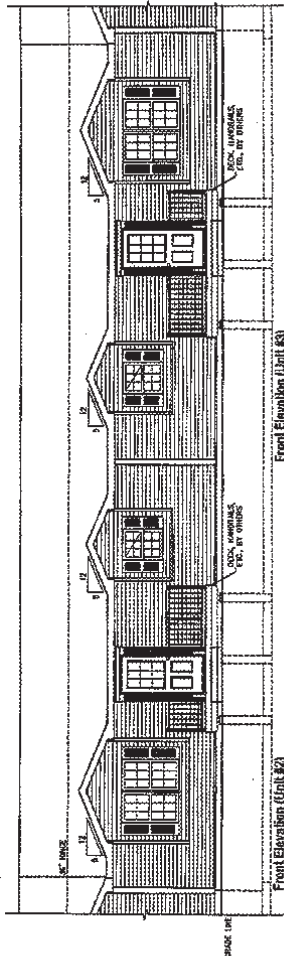
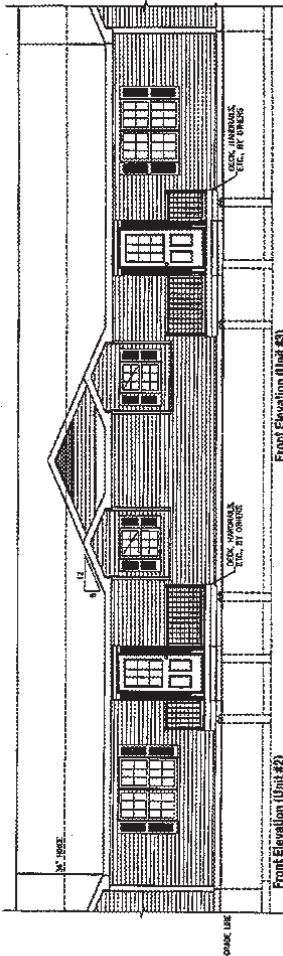
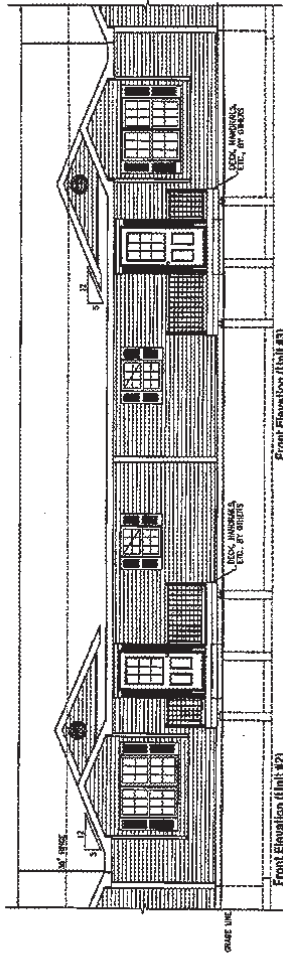
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 1) KETCHIKAN CORNER CONDOMINIUMS
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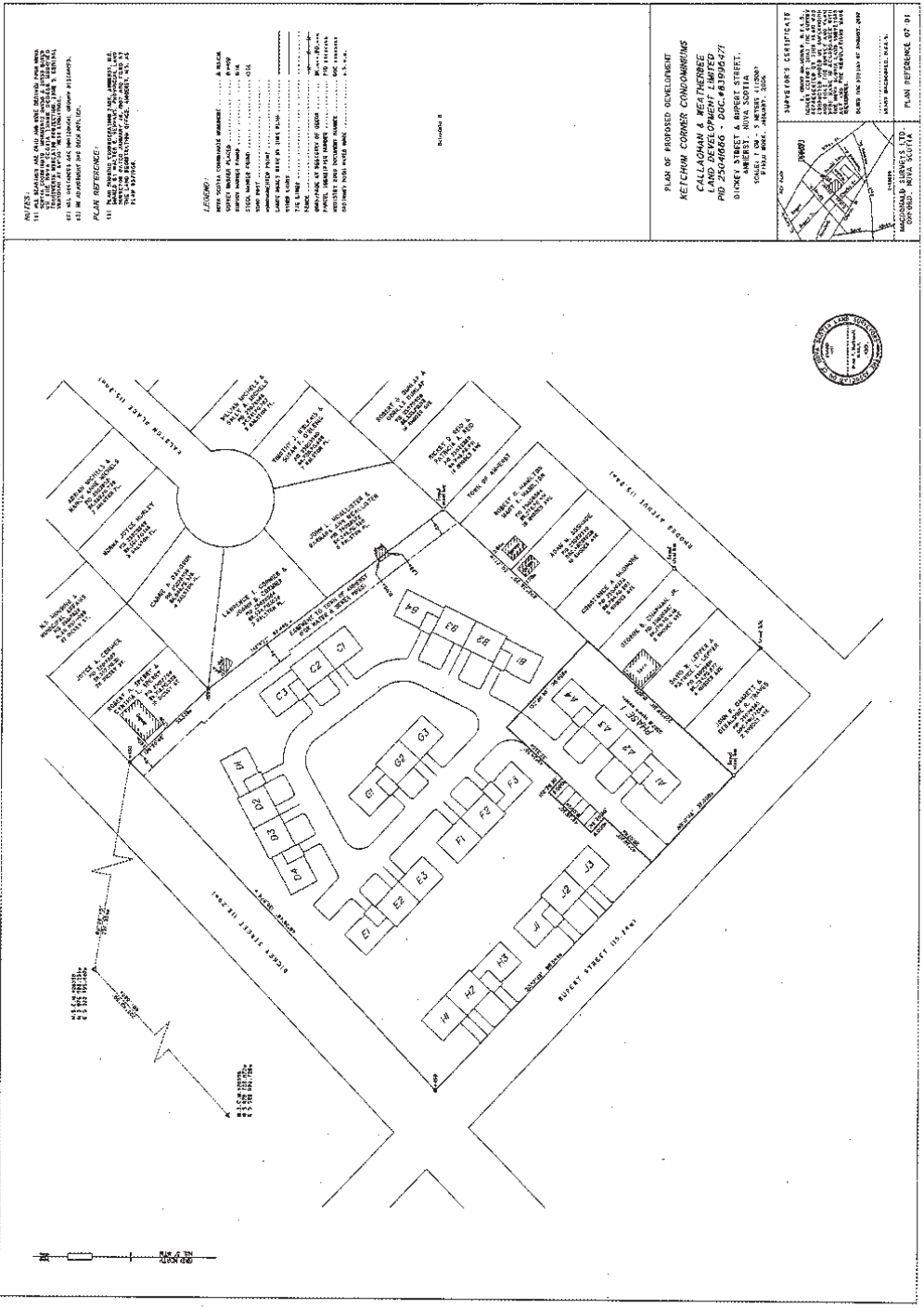
PLAN OF PROPOSED DEVELOPMENT
 KETCHIKAN CORNER CONDOMINIUMS
 CALLAHAN & KELBY INCORPORATED
 LAND DEVELOPMENT LIMITED
 PID 25048666 - DOC. #31945477
 SICKER STREET & SANDER STREET
 SICKER STREET, KETCHIKAN, ALASKA
 100' WIDE, 150' DEEP, 100' WIDE

SURVEYOR'S CERTIFICATE
 I, JOHN W. KELBY, A P.L.L.C.,
 A PROFESSIONAL SURVEYOR,
 STATE OF ALASKA,
 DO HEREBY CERTIFY THAT THE
 ABOVE IS A TRUE AND CORRECT
 COPY OF THE ORIGINAL SURVEY
 FILED IN THE OFFICE OF THE
 STATE ARCHIVES, JUNEAU, ALASKA,
 BOOK 200, PAGE 100, OF PUBLIC MAPS.
 WITNESSED MY HAND AND SEAL
 AT JUNEAU, ALASKA, THIS 10TH DAY OF
 JUNE, 2004.
 JOHN W. KELBY, SURVEYOR
 1000 BROADWAY, JUNEAU, ALASKA 99801



PLAN REFERENCE OF 91
 MICRONAIS SUBDIVISION
 SICKER STREET, KETCHIKAN, ALASKA





NOTES:
 1) ALL DIMENSIONS ARE IN METERS.
 2) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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PLAN REFERENCE:
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PLAN OF PROPOSED BUILDING:
 KETEKOR CORNER COMPOUNDING
 CALLAGHAN & KELLY
 LAND DEVELOPMENT LIMITED
 P.O. BOX 46666 - D.O.C. #31945/77
 SIKKIM STREET & LAKE STREET
 SIKKIM STREET - 10' WIDE
 LAKE STREET - 10' WIDE

MUNICIPALITY CERTIFICATE:
 I, ...
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PLAN REFERENCE OF P.I.:
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MEMORANDUM

TO: Mayor Kogon and Members of Council
FROM: Deputy Mayor Christie
DATE: October 15, 2018
SUBJECT: Gender-Based Analysis Plus (GBA+) Tool

While attending this years' FCM Conference in Halifax I heard about a tool that some municipalities are also using when making decisions. It's called Gender-Based Analysis Plus. (GBA+)

GBA+ is an analytical tool used to assess how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives. The "plus" in GBA+ acknowledges that GBA goes beyond biological (sex) and socio-cultural (gender) differences. We all have multiple identity factors that intersect to make us who we are; GBA+ also considers many other identity factors, like race, ethnicity, religion, age, and mental or physical disability.

As I understand it, when in use, not only would Council hear what the environmental and financial impacts of a decision are - but also gender, age, diversity impacts are possibly as well.

I would like to have staff prepare a discussion paper on the possible use of this tool and including it on all recommendations to Council, I so move.

[Status of Women Canada \(/index-en.html\)](#)

[Home](#) → [Gender-based Analysis Plus \(GBA+\)](#)

[Share this page](#)

What is **GBA+ (Gender-based Analysis Plus)**?



- [What is GBA+ \(Gender-based Analysis Plus\)?](#)
- [GBA+ \(Gender-based Analysis Plus\) and Gender Equality](#)
- [Mythbusters](#)

Have you or someone you know taken parental leave, been treated for heart disease, immigrated to Canada or used a Primary Inspection Kiosk upon returning to Canada at one of our major airports? These are examples of areas where the Government of Canada has used Gender-based Analysis Plus ([GBA+ \(Gender-based Analysis Plus\)](#)) to explore the changing realities and inequalities of diverse groups of people.

What is **GBA+ (Gender-based Analysis Plus)**?

GBA+ is an analytical tool used to assess how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives. The “plus” in [GBA+ \(Gender-based Analysis Plus\)](#) acknowledges that [GBA \(Gender-based Analysis\)](#) goes beyond biological (sex) and socio-cultural (gender) differences. We all have multiple identity factors that intersect to make us who we are; [GBA+ \(Gender-based Analysis Plus\)](#) also considers many other identity factors, like race, ethnicity, religion, age, and mental or physical disability.



For more information about identity factors go to [Government of Canada's Approach \(/approach-approche-en.html\)](#), or take the [Introduction to GBA+ \(Gender-based Analysis Plus\) online course \(/gba-acsc/course-cours-2017/eng/mod00/mod00_01_01.html\)](#).

GBA+ (Gender-based Analysis Plus) and gender equality

In 1995, the Government of Canada committed to using [GBA+ \(Gender-based Analysis Plus\)](#) to advance gender equality in Canada, as part of the ratification of the [United Nations' Beijing Platform for Action \(http://www.un.org/womenwatch/daw/beijing/platform/declar.htm\)](#).

Gender equality is enshrined in the *Charter of Rights and Freedoms*, which is part of the Constitution of Canada. Gender equality means that diverse groups of women, men and gender-diverse people are able to participate fully in all spheres of Canadian life, contributing to an inclusive and democratic society.

The Government recently renewed its commitment to [GBA+ \(Gender-based Analysis Plus\)](#) and is working to strengthen its implementation across all federal departments.

To learn more about the Government's renewed commitment, including its response to the 2015 Report of the Auditor General of Canada "Implementing Gender-based Analysis", view the:



Action Plan on Gender-based Analysis (2016-2020)

[View the Action Plan in HTML \(/gba-acsc/plan-action-2016-en.html\)](#)

[View the Action Plan in PDF \(/gba-acsc/plan-action-2016-en.PDF\)](#)

Achieving gender equality depends on closing key gaps between diverse groups of women, men and gender-diverse people.

For more information about the history of [GBA+ \(Gender-based Analysis Plus\)](#) in Canada, see [The history of GBA+ \(Gender-based Analysis Plus\) \(/gba-acsc/course-cours-2017/eng/modA1/modA1_01_01.html\)](#) module of the [Introduction to GBA+ \(Gender-based Analysis Plus\) online course](#).

Mythbusters

1. Myth: Women and men are already equal in Canada, so GBA+ (Gender-based Analysis Plus) is not needed.

While many advances have been made, significant equality gaps remain. Today, women in Canada who work full-time earn on average only 87 cents to every dollar earned by men (Statistics Canada, 2017). Women are also more often the victims of domestic and sexual violence. They also continue to be under-represented in leadership and executive positions, occupying just 21.6% of board positions in Canada's top 500 corporations (Canada Board Diversity Council 2016 Report Card).

Gender equality benefits everyone in a society, and GBA+ (Gender-based Analysis Plus) can improve the situations of women, men and gender-diverse people. For example, in the same way that women were left out of heart disease research because it was seen as a “man’s disease,” men have historically been overlooked in osteoporosis research. While osteoporosis is often considered a disease of post-menopausal women, men actually account for nearly a third of osteoporosis-related hip fractures.

2. Myth: GBA+ (Gender-based Analysis Plus) only applies to women’s issues – it is advocacy for women.

GBA+ is not advocacy. It is an analytical tool designed to help us ask questions, challenge assumptions and identify potential impacts, taking into account the diversity of Canadians.


In addition to sex and gender, GBA+ (Gender-based Analysis Plus) considers all identity factors, such as race, ethnicity, religion, age and mental and physical disability. Once an issue has undergone the GBA+ (Gender-based Analysis Plus) process, gender may emerge as the most important factor, while in other cases it might be any or a combination of factors that influence a person’s experience of a government policy, program or initiative.

Your department’s mandate could also impact your entry point for GBA+ (Gender-based Analysis Plus). You might begin with ethnicity, or with (dis)ability. Regardless of entry point, however, every human cell has a sex and every person is gendered, and sex and gender must not be neglected in your analysis.

3. Myth: GBA+ (Gender-based Analysis Plus) only applies to the “social” sectors.

All government policies and programs affect people. While gender and diversity issues may be more obvious in some areas, such as education and health, and less obvious in others, such as natural resources and defence, this does not necessarily mean that gender is not relevant. GBA+ (Gender-based Analysis Plus) can and has been used in all federal sectors and domains. For example, using

GBA+ (Gender-based Analysis Plus) to assess large-scale procurement projects can help to ensure that equipment and products meet diverse needs. It can also help to ensure that the economic benefits are experienced by more diverse people.

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Date modified:

2017-05-25

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Rebecca Taylor, Business Development Officer

DATE: October 15, 2018

SUBJECT: Gritty to Pretty Beautification Program

ORIGIN: Recommendations in *Centre First: Downtown Amherst Action Strategy*, suggestions in the tourism assessment of the Northumberland Shore by Destination Development International (Roger Brooks), and a new Beautification and Streetscaping Program funding opportunity from Nova Scotia Department of Municipal Affairs.

LEGISLATIVE AUTHORITY: MGA Section 65 (m): *The council may expend money required by the municipality for promotion and attraction of institutions, industries and businesses, the stabilization and expansion of employment opportunities and the economic development of the municipality; and Section 47(5) The council may make and carry out a contract, perform an act, do any thing or provide a service for which the municipality or the council is authorized by an Act of the Legislature to spend or borrow money*

RECOMMENDATION: That the Gritty to Pretty Beautification Program be referred to the October 22, 2018 regular meeting of Amherst Town Council for approval.

BACKGROUND: The DMA's Beautification and Streetscaping Program is designed to support the development of attractive and inviting areas where visitors are enticed to spend money in a municipality. Key investments can rejuvenate areas, foster local pride, encourage economic development and enhance the character of municipalities.

Several commercial properties in Amherst could benefit from improvements to facades, signage, and exterior lighting. These improvements would enhance Amherst's tourism development.

DISCUSSION: An application for funding was submitted to the Department of Municipal Affairs to establish a program in Amherst that would offer grants for commercial property beautification and streetscaping projects, up to 50% of eligible expenses, to a maximum of \$5,000 per property. The Town of Amherst has been approved for \$25,000 grant. The DMA requires grant funding to be distributed through a partner organization and the Amherst & Area Chamber of Commerce is willing to administer the grant application, approval, and disbursement process.

FINANCIAL IMPLICATIONS: There are no financial implications for the Town of Amherst, as the funding will be received by the Town and then disbursed to the partner organization.

COMMUNITY ENGAGEMENT: Commercial property owners throughout Amherst were contacted through the process to determine an interest in participating. The Amherst & Area



of the concept.

ENVIRONMENTAL IMPLICATIONS: All work done through the program must comply with any applicable municipal, provincial, and federal environmental regulations.

ALTERNATIVES:

1. Approve the Gritty to Pretty Program.
2. Do not approve the Gritty to Pretty Program.

ATTACHMENTS:

1. Proposed Memorandum of Understanding
2. Proposed Design Guidelines & Information Package

Report prepared by: Rebecca Taylor, Business Development Officer

Report and Financial approved by:

Memorandum of Understanding

Between: Town of Amherst (“Town”)
And: Amherst & Area Chamber of Commerce (“Chamber”)
RE: Gritty to Pretty Program (“Program”)

Definitions

1. “Business premises” means any building used for a primary purpose other than residential use.
2. “Façade” means the street-facing exterior side of a commercial building.
3. “Program Area” means all business premises located within the Town of Amherst.
4. “Program” means the Gritty to Pretty beautification and streetscaping program.
5. “Chamber” means Amherst & Area Chamber of Commerce.
6. “Town” means the Town of Amherst.

Background

7. The Town of Amherst has successfully applied for financial assistance through the Nova Scotia government’s *Beautification and Streetscaping Program* to partner with a body corporate for the purpose of beautifying a business district with a specific focus on tourism attraction.
8. The Chamber is willing to partner with the Town of Amherst for the purpose of receiving the funding in order to promote and administer the program.

Commitment by the Town

9. The Town will provide funding to the Chamber by way of a grant in an amount up to \$25,000. The Town will provide support to the Chamber through its Business Development Officer, who will advise and consult with the Chamber regarding the program.
10. The Town shall provide and approve a “Gritty to Pretty Program Design Guidelines & Information Package” with all associated supplemental information, forms, and reference documents necessary for the Chamber to properly administer the project.
11. The Town will have the right to audit the records of the Chamber to ensure that the project is managed according to the objectives of the Town.
12. The Town will provide guidelines to the Chamber for the parameters of the project, including the types of businesses that may apply for a grant, the amount that may be applied for, and the type of

work that is eligible for a grant. In the event the Town makes any changes to the parameters of the project, the Town agrees to provide the Chamber with reasonable notice in order to implement the changes.

Commitment by the Chamber

13. The Chamber will appoint a program coordinator to administer and manage the project in accordance with the “Gritty to Pretty Program Design Guidelines & Information Package”.
14. The Chamber will take all steps necessary to manage the application process in a timely and comprehensive manner.
15. The Chamber will establish a project review committee made up of three members of the Chamber’s Executive Committee of the Board of Directors. The project review committee will approve projects based on criteria in the “Gritty to Pretty Program Design Guidelines & Information Package”.
16. The Chamber will authorize payments pursuant to the project upon obtaining satisfactory evidence of the completion of the work in accordance with the application submitted.
17. The Chamber will report to the Town on a monthly basis with respect to its progress and administration of the project.
18. The Chamber shall maintain all records, documents, reference material, permits, paid invoices received with respect to the project, and will permit the Town to audit the project in its entirety.
19. The project will provide funding of up to \$5,000 per building for beautification in keeping with the “Gritty to Pretty Design Guidelines & Information Package”, based on matching funds being contributed by the applicant. In-kind contributions or work by contractors with whom the applicant has an interest, as defined by the Municipal Conflict of Interest Act, shall not be eligible for consideration.
20. The Chamber shall maintain sufficient insurance for the purposes of implementing the project, and provide the Town with a certificate of insurance naming the Town of Amherst as an additional named insured.

Values

21. The Town and Chamber agree that the following values will apply to the project:
 - a. Citizen Engagement: The Town and Chamber will take all steps necessary to engage the citizens and business operators of the Town of Amherst to ensure that the project is successfully completed and improves the Town of Amherst as a whole.
 - b. Mutual Respect: The Town and Chamber hold the best interests of the Town of Amherst’s citizens and business operators at the forefront, and will mutually respect the other’s interest in the project.

- c. Sustainability: The Town and Chamber agree that the project shall be carried out in a manner that represents a more sustainable future for the Town of Amherst.
- d. Local Opportunities: The Town and Chamber agree to maximize the local benefits of the project undertaken to the extent possible.
- e. Transparency: The Town and Chamber agree that the use of public funds and decisions concerning the investment thereof should be open and transparent to stakeholders.

General Terms

- 22. This Memorandum of Understanding shall be adopted by the Town and by the Chamber and shall not be binding until so adopted.
- 23. The Chamber agrees that it shall adhere to the principals of accountability and transparency as required by the Town as set forward in the Municipal Government Act
- 24. This Memorandum of Understanding shall expire on June 30, 2019.

In witness whereof, the parties have properly executed this Agreement this _____ day of _____, 2018.

SIGNED, SEALED & DELIVERED)
 In the presence of:)
)
)
 _____)
 Witness)
)
)
)
)
)
)
)
)
 _____)
 Witness)

TOWN OF AMHERST

 Per:

AMHERST & AREA CHAMBER OF COMMERCE

 Per:

GRITTY TO PRETTY PROGRAM

Design Guidelines & Information Package

Amherst
NOVA SCOTIA

**Amherst & Area
Chamber of Commerce**
Inspiring Success



TABLE OF CONTENTS

INTRODUCTION.....	3
Purpose	
Goals	
GRANTS.....	4
Allocation	
Criteria	
DESIGN GUIDELINES.....	5
ELIGIBLE IMPROVEMENTS.....	6
APPLICATION CHECKLIST.....	7
FUNDING AGREEMENT.....	8
REIMBURSEMENT.....	9
CONTACT.....	10



INTRODUCTION

PURPOSE

The Gritty to Pretty Program encourages commercial building owners in Amherst to invest in beautification and streetscaping by providing matching grants to cover a portion of renovation costs. Projects enhance the interface between the public pedestrian space and commercial activities, and have a positive aesthetic impact with a specific focus on tourism attraction.

The program delivered as a partnership between the Town of Amherst and the Amherst & Area Chamber of Commerce, and is funded by the Nova Scotia Department of Municipal Affairs.

PROGRAM GOALS

- Make Amherst streets more inviting and interesting places to walk and shop.
- Help building owners attract and retain tenants.
- Build pride among the local business community.
- Contribute to the quality of life of residents, workers, and visitors.



GRANTS

GRANT ALLOCATION

Funding is allocated on a case-by-case basis. The program will consider up to 50% to a maximum of \$5,000 of eligible costs with the balance coming from the applicant or other sources.

Submitting an application does not guarantee a grant or a specific grant amount. All project proposals are subject to a comprehensive review and must meet high quality standards and reflect the spirit and intent of the design guidelines that follow.

CRITERIA

Applicants must meet the following criteria to be eligible for a grant through the program.

1. The participating building must be:

- located in the Town of Amherst
- oriented toward the street and pedestrian environment
- assessed as a commercial property by the Property Valuation Services Corporation.

2. The applicant must be the property owner or a person legally designated by the property owner to submit the application and/or complete the project.

3. The participating building must be primarily used for commercial purposes.

4. The project must conform to the Town of Amherst Land Use Bylaw (Bylaw P-2) and to the design guidelines that are included in this document.

5. The current and proposed use of the building must be in compliance with the Land Use Bylaw.

5. Projects must be completed by March 31, 2019.



DESIGN GUIDELINES

PROJECTS EXEMPLIFY AMHERST'S CENTRE FIRST STRATEGY

While the Centre First Strategy was developed for the central core area of downtown Amherst, the design principles expressed in that document should be reflected in Gritty to Pretty projects throughout town. Consider:

- Unique artistic elements that reflect the character of a business and building.
- Texture, pattern, colour and interesting shapes.
- Projecting wall signs, spot lights, gooseneck light fixtures.
- Large windows that occupy at least 50% of any street fronting wall
- Awnings or overhangs.
- Large frontages (>12m) divided into sections by using different materials, projections, bays, roof changes, or colours.

BUILDINGS ARE BARRIER-FREE

As much as possible, your building should be accessible to every potential customer, regardless of their age or ability. Consider:

- Smooth ground level entrances.
- Doorways that are wide and open easily or automatically.
- Clearly-visible business signage and address.
- Handrails and contrast painting on the edge of all steps.

PROJECTS ADDRESS WINTER CONDITIONS

Projects are encouraged to incorporate design features that make it easier for people to embrace winter in Amherst. Consider:

- Awnings that offer shelter from falling snow but don't block sunshine.
- Warm, bright colours.
- Hardy landscaping that can provide colour and texture in winter months.
- Lighting to illuminate dark evenings.
- Non-slip materials for building entrances.

RENOVATIONS CONSIDER THE PRINCIPLES OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED).

The design should facilitate natural surveillance as a means to deter crime. Passersby should be able to see clearly into the storefront, and staff should be able to easily see outside the building. Desirable improvements include:

- Adding windows or increasing the size of existing windows.
- Using glass doors.
- Using clear glass rather than frosted or tinted glass.
- Decluttering windows of posters and signs.



ELIGIBLE IMPROVEMENTS

The Gritty to Pretty Program supports improvements to the first three stories of a building. The work must improve the building and adjacent pedestrian spaces by doing more than maintenance.

Building features eligible to be restored, renovated or constructed with grant dollars may include the following:

- Signage
- Beautification fixtures such as baskets, benches, bike racks, and planters
- Lighting
- Repair or reconstruction of building façade, windows, and doors
- Contracted labour (non-staff)
- Professional services
- Development permit fees

Ineligible costs include: land acquisition, purchase of equipment for project construction, operating costs, marketing plans and initiatives, ongoing maintenance costs, administration, in-kind contributions, or work by contractors with whom the applicant has an interest, as defined by the Municipal Conflict of Interest Act.



GRANT APPLICATION CHECKLIST

1. INITIAL SITE MEETING

- Prepare your ideas for the proposed project.
- Review the program criteria and design guidelines to make sure that your project conforms with the spirit of the program.
- Meet with the program coordinator to discuss your project plans and assess your eligibility.

2. APPLICATION

Prepare and submit an application package that includes the following:

- A Gritty to Pretty Program application form (attached to this document)
- A minimum of three “before” photos that show the entire façade, its context with surrounding buildings, and details of any façade components proposed to be altered through the project.
- A sketched design or rendering of planned improvements. Please identify colour, materials, lighting and all other proposed improvements.
- A project description that outlines the overall aim of the project, and any concerns or limitations to the current façade that will be addressed by the project.

3. PROJECT REVIEW COMMITTEE

Your project application will be presented to the Gritty to Pretty project review committee, who will respond with approval, approval with conditions, or refusal. Work with the program coordinator to address any of the questions or conditions that the committee has provided in response to your application.

4. PERMITS

Obtain all of the necessary permits prior to commencing the project. Town of Amherst staff are available to assist you with permit applications. Your project may require:

- Development permit (note: signage requires a development permit)
- Building permit



FUNDING AGREEMENT

The program coordinator will review your application information to determine the grant amount available for your project.

If your application is approved, the program coordinator will prepare a Funding Agreement (contract) to be signed by you and the Amherst & Area Chamber of Commerce. The Funding Agreement will include your project's maximum grant amount, rules

Prepare and submit a pre-construction package that includes the following:

- A copy of permit applications for your project
- A minimum of two quotes for all work proposed for the project
- A cost summary of the itemized breakdown of the improvements and the corresponding specific costs, and the selected vendor(s)/contractor(s).
- A project schedule that estimates the duration of your project, with relevant milestones.

Once permits and approvals in place, and your Funding Agreement is signed by all parties, you're ready to start construction of your Gritty to Pretty project.

Projects must be completed by March 31, 2019.



REIMBURSEMENT

Once your project is complete, follow these steps to arrange reimbursement of eligible expenses:

1. Contact the Town of Amherst building inspector to schedule a final construction inspection, as required by your building permit.
2. Prepare and submit a final report that includes the following:
 - A letter indicating that you believe the project is finished and that you are requesting a final inspection by a representative of the Gritty to Pretty Program.
 - A cost summary of the itemized breakdown of the improvements and the corresponding specific costs and the selected vendor(s)/contractor(s).
 - A minimum of three photos of your completed project, including at least one taken after dark.
 - Invoice(s) with demonstration of payment(s).
 - A copy of the final inspection report from the building official coordinator.
3. The program coordinator will contact you to schedule and conduct a final inspection to evaluate the completed project against the Reimbursement Agreement. (This is not the same as your final construction inspection and is required to initiate any final payment for your project.)
4. Once all requirements have been met, the program coordinator will prepare a reimbursement cheque consistent with the terms of the agreement. Cheques are generally issued two to four weeks after all final documentation is received.



CONTACT US

Contact us today to discuss your project or submit your application.

Program coordinator:
Ron Furlong, Executive Director

Amherst & Area Chamber of Commerce
5 Ratchford Street
Amherst, NS
B4H 1X2
(902) 667-8186
info@amherstchambers.ca

www.amherst.ca/grittytopretty.html



GRITTY TO PRETTY PROGRAM

Application Form

Applicant

Last name:

First name:

Name of business:

Mailing address:

Town:

Postal Code:

Phone number:

Email:

Applicant: Property Owner Business Owner

Property Information

Address:

PID:

Owner

If you are applying as a tenant of a building, please provide the following information and attach a letter of consent from the owner(s) stating that you are allowed to make the proposed changes to the building.

Last name:

First name:

Mailing address:

Town:

Postal Code:

Phone number:

Email:

I understand that my submission of an application does not constitute a guarantee for funding under the Gritty to Pretty Program, and disbursement of funds is entirely at the discretion of the Amherst & Area Chamber of Commerce. I certify that all information is true and accurate to the best of my knowledge, and if approved, work will be completed in accordance with the terms and conditions of the Funding Agreement entered into with the Amherst & Area Chamber of Commerce.

Applicant signature

Date

GRITTY TO PRETTY PROGRAM

Project Description

Description of Proposed Project (100 to 300 words. Attach a separate page if necessary.)

Attach required documents to application:

- Three photos of existing conditions
- Detailed specifications and associated costs
- Sketch design or rendering of proposed work
- Materials and colours

Cost Estimate for Eligible Improvements

Material cost:

Labour cost:

Professional services:

Permits:

Grant requested:

Approximate start and completion dates:

Building information

Number of storeys:

Total square feet:

Current use: Retail Office Restaurant Other commercial

Note: information collected in this application form is confidential and collected for the purpose of administering the Gritty to Pretty Program and to maintain communication as necessary. However, the name and location of the building and project designs may be released to various organizations, the media, and the public if the application receives a grant under the Gritty to Pretty Program.



Project Number: _____

This agreement is made and entered into this _____ day of _____, 2018,
by and between the Amherst & Area Chamber of Commerce (hereinafter, Chamber),
and _____ (Hereinafter Recipient).

WHEREAS, a need exists in the Town of Amherst to encourage the beautification of the streetscape, signage, and building facades; and

WHEREAS, such encouragement is provided by the financial incentive of a matching grant program; and

WHEREAS, such encouragement will assist in the economic revitalization of the Town of Amherst; and

WHEREAS, the Chamber is acting on behalf of the Town of Amherst to implement the goals and objectives of the Gritty to Pretty Program; and

WHEREAS, the parties have agreed to the terms of this Program, said terms to fulfill the purposes set forth herein,

NOW THEREFORE, the parties hereto agree as follows:

1. IMPROVEMENTS:

The Recipient shall undertake the improvements as set out in the attached approved grant application, which is incorporated herein by reference as if fully set out herein.

2. GRANT:

The Chamber shall reimburse the Recipient upon completion of the work and verification that the Recipient has paid the for materials, labour, and other eligible project costs. Said payment shall be equal to 50% of eligible expenses for approved work, but shall not exceed \$5,000.00 (Grant Funds) subject to the conditions and terms of this Agreement.

3. USE OF GRANT FUNDS:

Grant Funds shall be used only for Improvements approved by the Chamber. Any alterations, revisions or changes to the Improvements will be authorized and approved by the Gritty to Pretty project review committee. Failure to have alterations, revisions or changes approved in advance by the project review committee will result in the termination of this Agreement and forfeiture of the Grant Funds.

4. REIMBURSEMENT PROCEDURES:

Grant Funds shall be disbursed to the Recipient only when the Improvements are completed, inspected, and approved by the agent of the Chamber, as being in accordance with the approved project. Upon completion of the improvements, the Recipient shall submit an itemized invoice and evidence of payment thereof, with copies of all contractor's invoices to the program coordinator for payment by the Chamber. Payment will be made to the Recipient subject to the terms and conditions of this Agreement.

5. TIME OF PERFORMANCE:

All Improvements approved by the Chamber shall be completed by March 31, 2019.

6. RESPONSIBILITY OF RECIPIENT FOR CONTRACTOR'S OBLIGATIONS:

A. The Recipient's contractor (the Contractor) shall perform the work for the project set forth in the specifications attached hereto and made a part hereof, in a workmanlike manner and where applicable, in accordance with the regulations of the Building Code Act of the Province of Nova Scotia and the Town of Amherst Land Use By-law.

B. The contractor shall guarantee and warrant to the Chamber and to the Recipient all work performed by contractor for a period of 12 months against defects in workmanship and materials.

C. The Recipient or Contractor shall obtain and pay for all required permits and contractor's licenses and is to pay all required fees and taxes.

D. Contractor shall carry comprehensive general liability insurance, automobile liability insurance, Worker's Compensation Coverage at statutory limits, with minimum limits of \$1,000,000. The Chamber shall be named as an additional insured.

7. ADHERENCE TO DESIGN GUIDELINES:

Recipient shall adhere to the design guidelines of the Gritty to Pretty Program Design Guidelines & Information Package. Recipient acknowledges that unauthorized changes made to the approved design may endanger the receipt of the grant.

8. CHANGES TO IMPROVEMENTS:

Recipient shall make no substantial changes, other than ordinary maintenance, to the Improvements for five (5) years, unless any such changes are determined by the program coordinator to be consistent with the Design Guidelines, as determined by the program coordinator.

9. INDEMNIFICATION:

The Recipient does hereby indemnify and hold harmless the Amherst & Area Chamber of Commerce, the Town of Amherst, the Nova Scotia Department of Municipal Affairs, and their employees, agents, and the project review committee, from all claims made or actions against, or losses, damages, costs, and attorney's fee incurred as a result of, arising out of, or related to any intentional act or omission by the Recipient under, pursuant to, or in connection with, this Agreement and the work undertaken pursuant hereto.

10. TERMINATION:

This Agreement may be terminated by the Chamber or the Recipient upon written notification to the other party. Termination shall be effective upon delivery of such notification to the Chamber or the Recipient. In the event of termination by the Recipient, the Chamber shall be released of all obligations to the Recipient, but the Recipient's duty to indemnify shall survive the termination. No payment shall be made for any work if Recipient terminates this agreement.

11. PARTY RELATIONSHIPS:

The parties to this Agreement hereby acknowledge that nothing contained in this Agreement shall be deemed or construed by either of them, or by any third person or entity, to create any relationship of principal and agent, limited or general partnership, employer and employee, or joint venture, between the Chamber and Recipient, or to create any relationship of third-party beneficiary in favour of a person or entity not a party to this Agreement, including contractors and suppliers.

12. ENTIRE AGREEMENT:

This Agreement constitutes the entire Agreement of the parties hereto. It shall supersede all prior offers, negotiations, and agreements. No revision of this Agreement shall be valid unless made in writing and signed by the parties hereto.

13. NOTICE:

All notices and correspondence shall be sent to the following addresses, unless written notification to the contrary is received:

Ron Furlong, Executive Director
Amherst & Area Chamber of Commerce
5 Ratchford St., Amherst Nova Scotia B4H 1X2

14. REMEDIES:

In the event the Recipient does not perform under the terms of this Agreement, the Chamber shall be entitled to its remedies at law and in equity, in addition to liquidated damages equal in amount to the Grant Funds, if said Grant Funds have been disbursed.

15. GOVERNING LAW:

This Agreement shall be governed by laws of the Province of Nova Scotia.

By: _____ Date: _____

Recipient

By: _____ Date: _____

Amherst & Area Chamber of Commerce

MEMORANDUM

To: Mayor Kogon and Council

From: Greg Herrett, CAO

Date: October 15, 2018

Subject: Council Appointments to the Planning Advisory Committee

The purpose of this memo is to follow up on the direction provided by the Committee of the Whole with regard to the Planning Advisory Committee. A copy of the current Planning Advisory Committee Policy #66000-01 is attached. At the February 26, 2018 In Camera Committee of the Whole meeting the following motion was approved:

"20180226 IC COW - Moved by Deputy Mayor Christie Seconded by Councillor Blanch that staff review the structure of Council appointments to the Planning Advisory Committee to determine if more than three members of Council may be appointed to this Committee. Motion Carried."

This direction prompted a review of the applicable legislation. A review of the Municipal Government Act (excerpts attached) reveals that there is no legislative requirement to have a Planning Advisory Committee. However, when a Council has decided to establish a PAC there must be at least one member of the public on the committee. There are no restrictions on the number of the members of Council who may serve on a Planning Advisory Committee, once established.

The conclusion on this issue is that Council may appoint as many members of Council to the PAC as it so desires, but that there must be at least one member of the public on the Committee if one exists. Appointing a fourth member of Council to PAC then, is not an issue and is permissible. Council should consider however whether adding a fourth member from council would create the expectation that another citizen appointee should be appointed to retain the balance and whether this creates a committee that is too large to be effective.

It is also noted that Council may, in establishing the policy, provide for the appointment of the chair and other officers of the Committee. Conceivably then Council could, in either making the annual appointments to the Committee or at some other point, directly appoint the chair.

Although some municipalities, like the Municipality of the County of Cumberland, do not have a PAC, an informal survey of municipalities in Nova Scotia revealed that many do. Those who don't have a PAC deal with planning matters at

Committee of the Whole, or Council. Any legislative requirements for public participation opportunities, etc. are implemented at that level.

The CAO consulted the members of senior management on the option of dispensing with the Planning Advisory Committee. Some senior staff members expressed concerns that if the PAC were to be abolished Council may not have the necessary time to give to planning matters the attention that the PAC currently does and felt that the citizen appointees on the PAC provide an important, non-political, community point of view.

While considering these issues, the writer also turned his mind to the process followed by both the PAC and Council for the adoption of planning documents. The current practice is to have the PAC decide on planning matters on the same day and immediately following a Public Participation Opportunity and to have Council decide on second reading of a planning matter on the same day and immediately following a Public Hearing. While this process was designed with the goal of compressing the time for applicants from application to approval, it does have the unintentional consequence of potentially giving the impression of the decision makers not taking time to consider and reflect prior to making decisions. **Council may want to consider directing staff to alter the process to prevent these decisions from being made on the same day as the applicable public engagement sessions.**

It would seem to be appropriate to consider and make any changes to be made in advance of the Council Committee appointments which are scheduled to be made at the October meeting of Council.

With all of the above in mind. It is therefore recommended that Council continue to have a six member Planning Advisory Committee, with an even mix of Council and members of the public being appointed to it. Council may also decide, if it deems appropriate to do so, to amend the policy to allow for direct appointment of the chair.

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

TITLE: **PLANNING ADVISORY COMMITTEE POLICY**

Minutes reference date: 27 March 2006; 29 November 2010; 24 October 2011; March 24, 2014; 22 January 2015

PURPOSE:

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the *Municipal Government Act*.

ROLE OF COMMITTEE

1. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town's Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
4. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unightly Premises Policy of the Town of Amherst.

MEMBERSHIP

5. The Council shall appoint members of the Planning Advisory Committee by resolution.
6. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
7. The term for members shall be three years, and members may be re-appointed to the Committee. Public members' terms shall be by fiscal year, with one member appointed each year.
8. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper. It is the intention to have members with a varied background; however, members with a planning, architecture, engineering or other similar background will have some preference.

9. A the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

STAFF RESOURCES

10. The Deputy Chief Administrative Officer – Operations is responsible for all functions of the Committee including:
 - a. Calling meeting;
 - b. Taking minutes
 - c. Distribution of reports and other information as required;
 - d. Public notification as required;
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
11. Where additional information or work is required of staff by the Committee the Deputy Chief Administrative Officer – Operations (Deputy CAO) will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
12. Meetings are to be attended by the Deputy CAO or designate as well as an Executive Assistant. At the discretion of the Deputy CAO, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer and all Directors.

MEETINGS

13. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
14. Meeting times may be changed when appropriate by the Chairperson in consultation with the Deputy CAO.
15. Meetings may be cancelled by the Chairperson in consultation with the Deputy CAO when there are no agenda items.
16. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.
17. The date, time and location of Committee meetings shall be posted in the lobby of Town Hall three days prior to the meeting, and on the Town's website.
18. An agenda package will be provided to all Committee members and staff no later than 4:00 PM, two business days prior to the meeting.

(b) give notice that an order is in effect in a newspaper circulating in the area affected.

(7) Where a council adopts planning documents in a manner reasonably consistent with a statement of provincial interest and the documents are in effect, the Minister shall revoke an order establishing an interim planning area for the prescribed area. 1998, c. 18, s. 198; 2004, c. 44, s. 1.

Repeal of Regional Development Plan

199 The Halifax-Dartmouth Metropolitan Regional Development Plan and Regulations, adopted and amended pursuant to the former *Planning Act*, are repealed. 1998, c. 18, s. 199.

Planning advisory committee

200 (1) A municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the municipality.

(2) Two or more municipalities may, by policy, establish a joint planning advisory committee.

(3) A planning advisory committee or joint planning advisory committee shall include members of the public and may include a representative appointed by a village commission.

(4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

(5) The duties assigned, pursuant to this Part, to a planning advisory committee or a joint planning advisory committee shall only be carried out by the committee.

(6) The council shall appoint members of a planning advisory committee or a joint planning advisory committee by resolution. 1998, c. 18, s. 200; 2014, c. 21, s. 3.

Area advisory committee

201 (1) A municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.

(2) An area planning advisory committee shall include members of the public.

(3) An area planning advisory committee, with jurisdiction over an area that includes all or part of a village, shall include at least one member appointed by the village commission.

(4) The council shall appoint members of an area planning advisory committee by resolution. 1998, c. 18, s. 201.

Policy establishing committee

202 In the policy establishing a planning advisory committee, joint planning advisory committee or area planning advisory committee the council shall

- (a) fix the term of appointment and any provisions for reappointment;
- (b) fix the remuneration, if any, to be paid to the chair of the committee, if the chair is not a council member;
- (c) fix the remuneration, if any, to be paid to those members of the committee who are not council members;
- (d) establish the duties and procedures of the committee; and
- (e) provide for the appointment of the chair and other officers of the committee. 1998, c. 18, s. 202.

Open meetings and exceptions

203 (1) Meetings of a planning advisory committee, joint planning advisory committee or area planning advisory committee or a commission are open to the public, unless the committee or commission, by a majority vote, moves a meeting in private to discuss matters related to

- (a) personnel, labour relations, contract negotiations, litigation or potential litigation or legal advice eligible for solicitor-client privilege; or
- (b) a potential application for a development permit, land-use by-law amendment, development agreement or amendment to a development agreement before the applicant has applied to the municipality or development officer.

(2) The date, time and location of committee or commission meetings shall be posted in a conspicuous place in the municipal office or another conspicuous place, as determined by the committee or commission.

- (3) Any person may view
- (a) committee or commission minutes, other than for a meeting in private, after they are adopted; and
 - (b) committee or commission reports to council, after they are submitted to the council.

(4) A planning advisory committee, joint planning advisory committee or area planning advisory committee may hold meetings for public discussion when, and in the manner, it or the council decides. 1998, c. 18, s. 203.

Public participation program

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. 1998, c. 18, s. 204.

Requirements for adoption of planning documents

205 (1) A council shall adopt, by by-law, planning documents.

(2) A by-law adopting planning documents shall be read twice.

(3) Before planning documents are read for a second time the council shall hold a public hearing.

(4) A council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the municipality.

(5) The notice for the public hearing is sufficient compliance with the requirement to advertise second reading of a by-law.

(6) Second reading shall not occur until the council has considered any submissions made or received at the public hearing.

(7) Only those council members present at the public hearing may vote on second reading of the planning documents.

(8) A council shall adopt planning documents, at second reading, by majority vote of the maximum number of members that may be elected to council. 1998, c. 18, s. 205, 2004, c. 7, s. 12.

Public hearing

206 (1) Prior to holding a public hearing required pursuant to this Part, the clerk shall give notice of the public hearing in a newspaper, circulating in the municipality, inserted at least once a week, for two successive weeks.

MEMORANDUM

TO: Mayor Kogon and Members of Council
From: Dwayne Pike, Acting Chief of Police
Date: October 15, 2018
Subject: Park Street – Intersection at West Pleasant Street.

BACKGROUND

On September 17th, 2018, Council directed the Traffic Authority to review the intersection of Park and West Pleasant Street. At issue is the design of the intersection, placement of the stop sign on Park Street and the safety concerns voiced by members of the public.

The end of Park Street as it intersects with West Pleasant Street is of poor design. The width of Park Street expands from 11.5 meters where the stop sign is currently placed to a width of approximately 28.5 meters at the mouth. The stop sign is approximately 16 meters from the intersection of the two roads.

The design of the intersection has a potential to create some confusion to motorists. Vehicles headed north on Park Street have to move past the stop sign to ensure proper visibility. Vehicles headed west on West Pleasant Street and making the left turn onto Park Street can conceivably cut across the path of vehicles on Park Street.

A crosswalk also exists at this intersection, providing a means for pedestrian traffic to cross West Pleasant Street.

A suggestion was made that a traffic island be installed at this intersection for purposes of separating and diverting traffic and increasing the visibility of the stop sign.

DISCUSSION

The Nova Scotia Motor Vehicle Act covers stop signs in Section 133. Under subsection (2):

133(2) Such signs shall be placed as nearly as practicable to, and the stop shall be made at, the place where the cross street meets the prolongation of the nearest property line of the through highway.

Under the MVA, stop signs are to be posted as closely as possible to the intersection of the roadways, while vehicles are required to stop at the actual intersection. According to the *Manual of Uniform Traffic Control Devices for Canada*, stop signs should be no more than 15 m from the edge of the intersecting roads, with a preferred location of not more than 5.0 m.¹

¹ Manual of Uniform Traffic Control Devices for Canada, 2014. A2.2.1.1

On September 28th, 2018, a meeting was held between Acting Chief Pike, Deputy CAO/Operations Jason MacDonald and Public Works Operations Manager Aaron Bourgeois. A review of the intersection was conducted and the problems discussed. Because the stop sign sits 16 m before the intersection, enforcement would be very difficult. Use of a traffic island would also not be ideal as the end of Park Street at the intersection is too wide. It was agreed that the most appropriate change would be to narrow Park Street and move the stop sign closer to the intersection. Staff provided some diagrams on how this could be completed which would enhance safety and better direct/divert traffic through this intersection. This would include extending the sidewalk in front of 2 Park Street and narrowing the road at the mouth of the intersection. This would also provide an opportunity to move the adjacent crosswalk closer to the intersection and provide better visibility for both pedestrians and motorists.

On the opposite side of the road, curbing would provide a means to direct traffic in a safe and efficient manner and would assist in narrowing the mouth of Park Street.

With operations staff completing the work, the estimate of cost for materials for this work is between \$7500 and \$10,000, requiring capital spending, likely in the 2019/2020 fiscal year.

Overhead view of Intersection of Park Street and West Pleasant Street



Park Street approaching intersection with West Pleasant



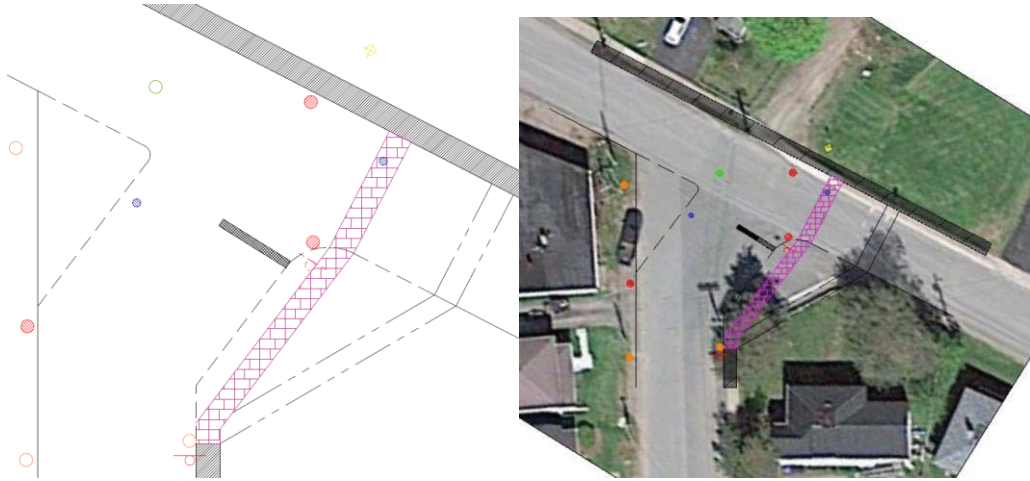
West Pleasant Street heading west



West Pleasant Street headed east



Design for intersection



TOWN OF AMHERST



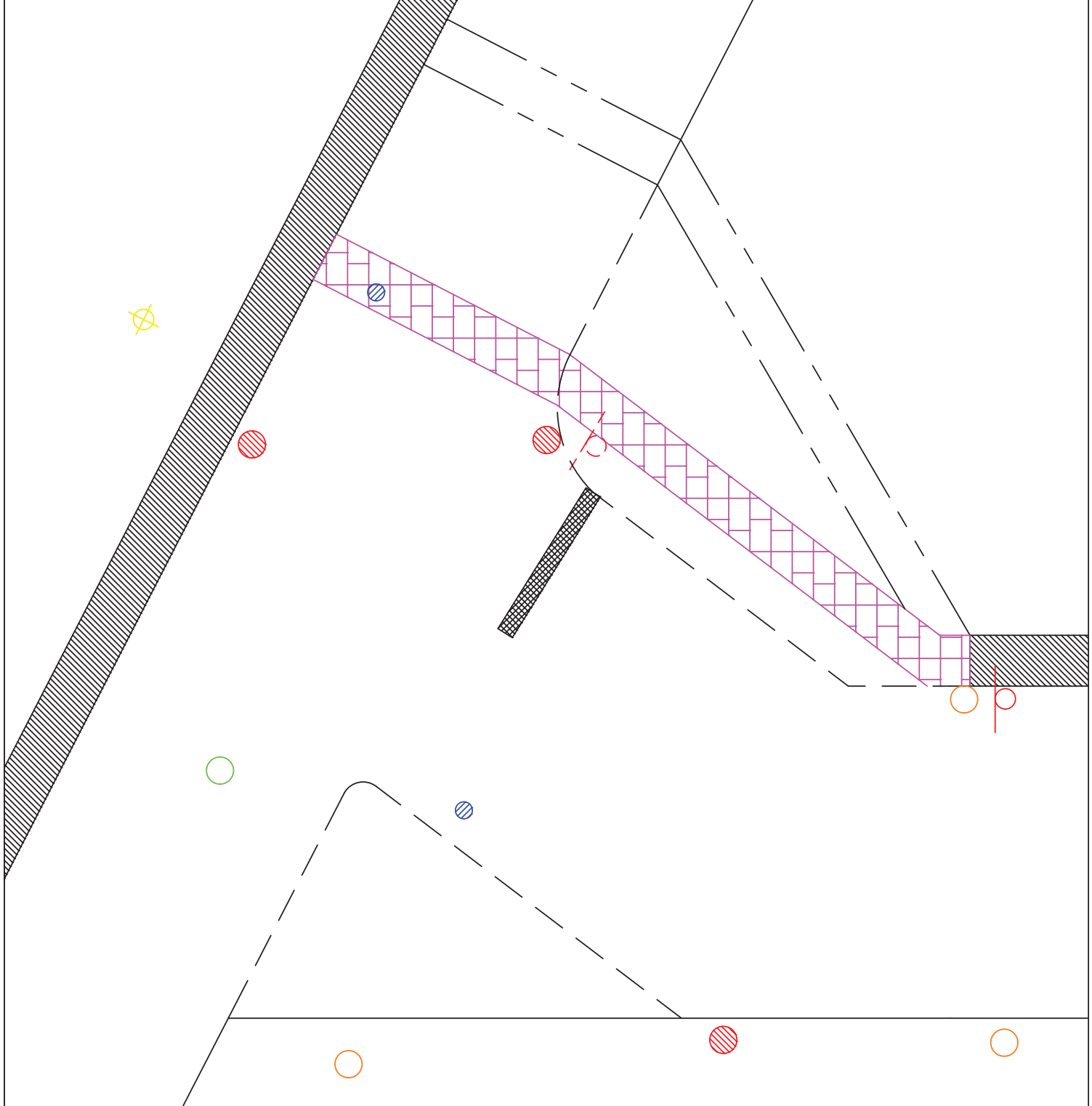
98 VICTORIA STREET EAST
AMHERST, N.S.

LEGEND

- ROAD WAY
- EXISTING SIDEWALK
- MANHOLE
- CATCH BASIN
- POWER POLE
- FIRE HYDRANT
- GATE VALVE
- NEW CURB
- EXISTING STOP SIGN
- NEW STOP SIGN LOCATION
- NEW STOP BAR
- NEW SIDEWALK AND CROSSWALK

DRAWING TITLE:

MAIN OVERVIEW



TOWN OF AMHERST



98 VICTORIA STREET EAST
AMHERST, N.S.

LEGEND

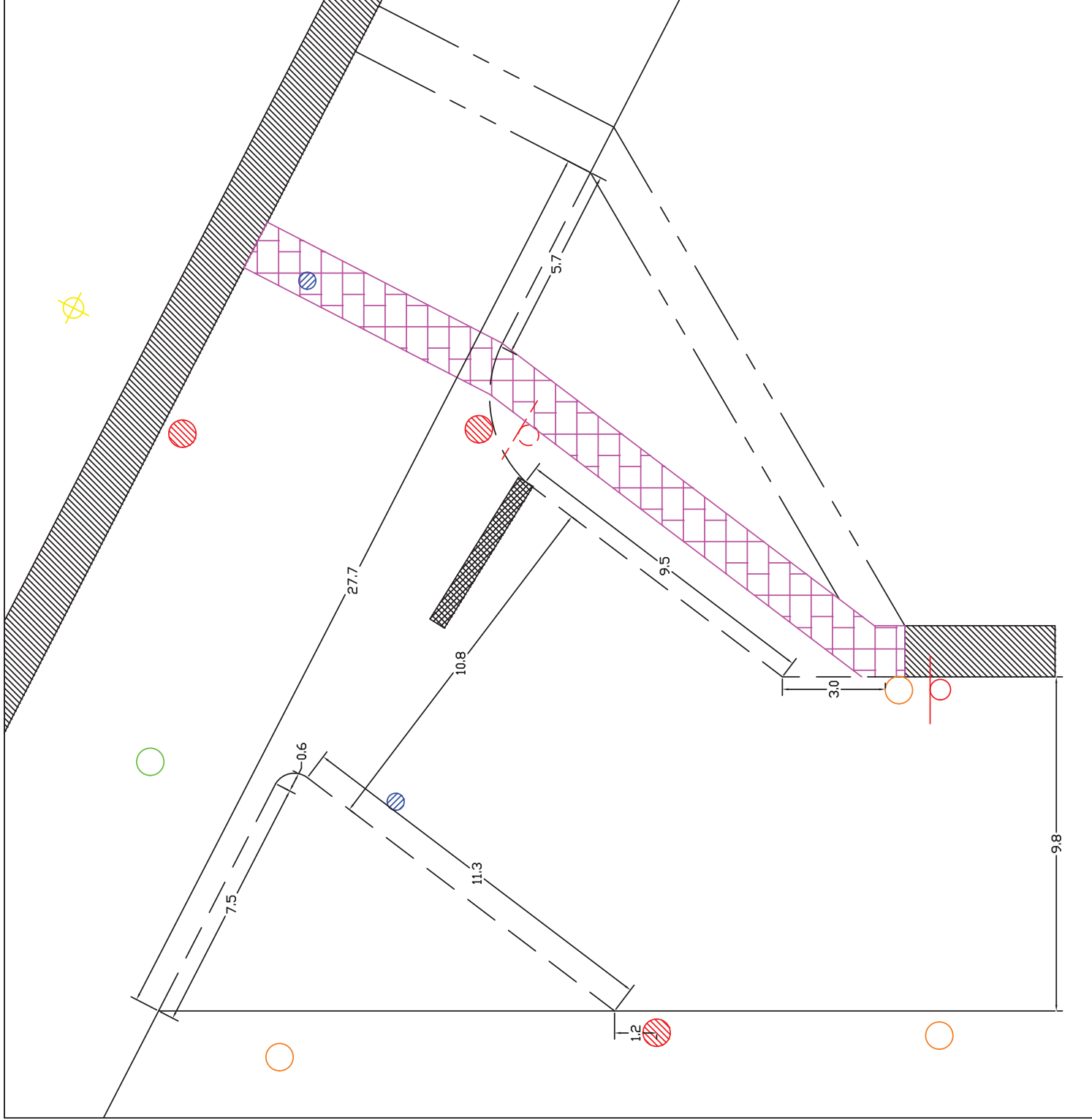
- ROAD WAY
- EXISTING SIDEWALK
- MANHOLE
- CATCH BASIN
- POWER POLE
- FIRE HYDRANT
- GATE VALVE
- NEW CURB
- EXISTING STOP SIGN
- NEW STOP SIGN LOCATION
- NEW STOP BAR
- NEW SIDEWALK AND CROSSWALK

DRAWING TITLE:

MAIN CONSTRUCTION PLANS

89

SCALE 1:4 SHEET 2 OF 5



TOWN OF AMHERST



98 VICTORIA STREET EAST
AMHERST, N.S.

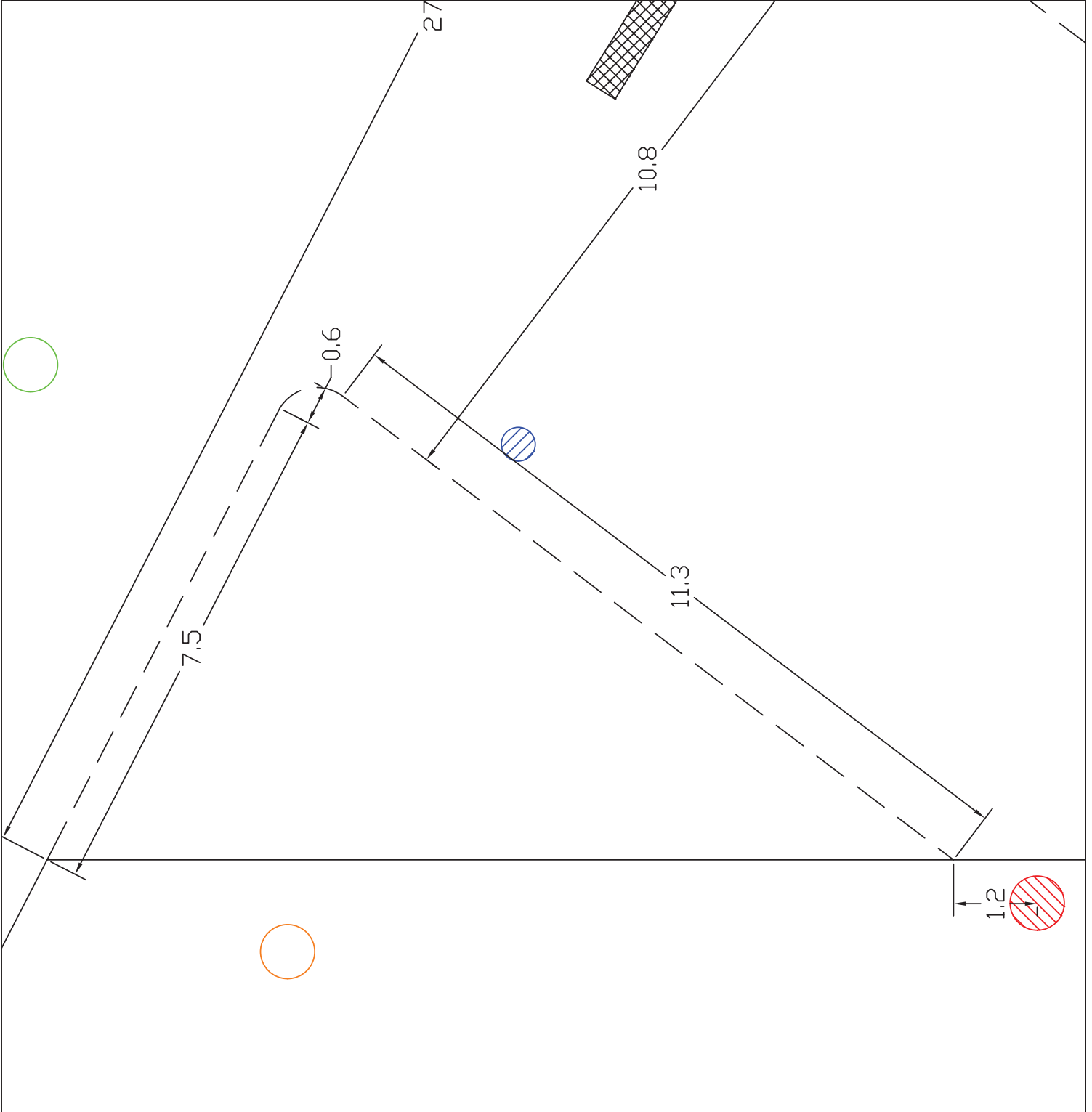
LEGEND

- ROAD WAY
- EXISTING SIDEWALK
- MANHOLE
- CATCH BASIN
- POWER POLE
- FIRE HYDRANT
- GATE VALVE
- NEW CURB
- EXISTING STOP SIGN
- NEW STOP SIGN LOCATION
- NEW STOP BAR
- NEW SIDEWALK AND CROSSWALK

DRAWING TITLE:

A1

SCALE 1:2 SHEET 4 OF 5



TOWN OF AMHERST



98 VICTORIA STREET EAST
AMHERST, N.S.

LEGEND

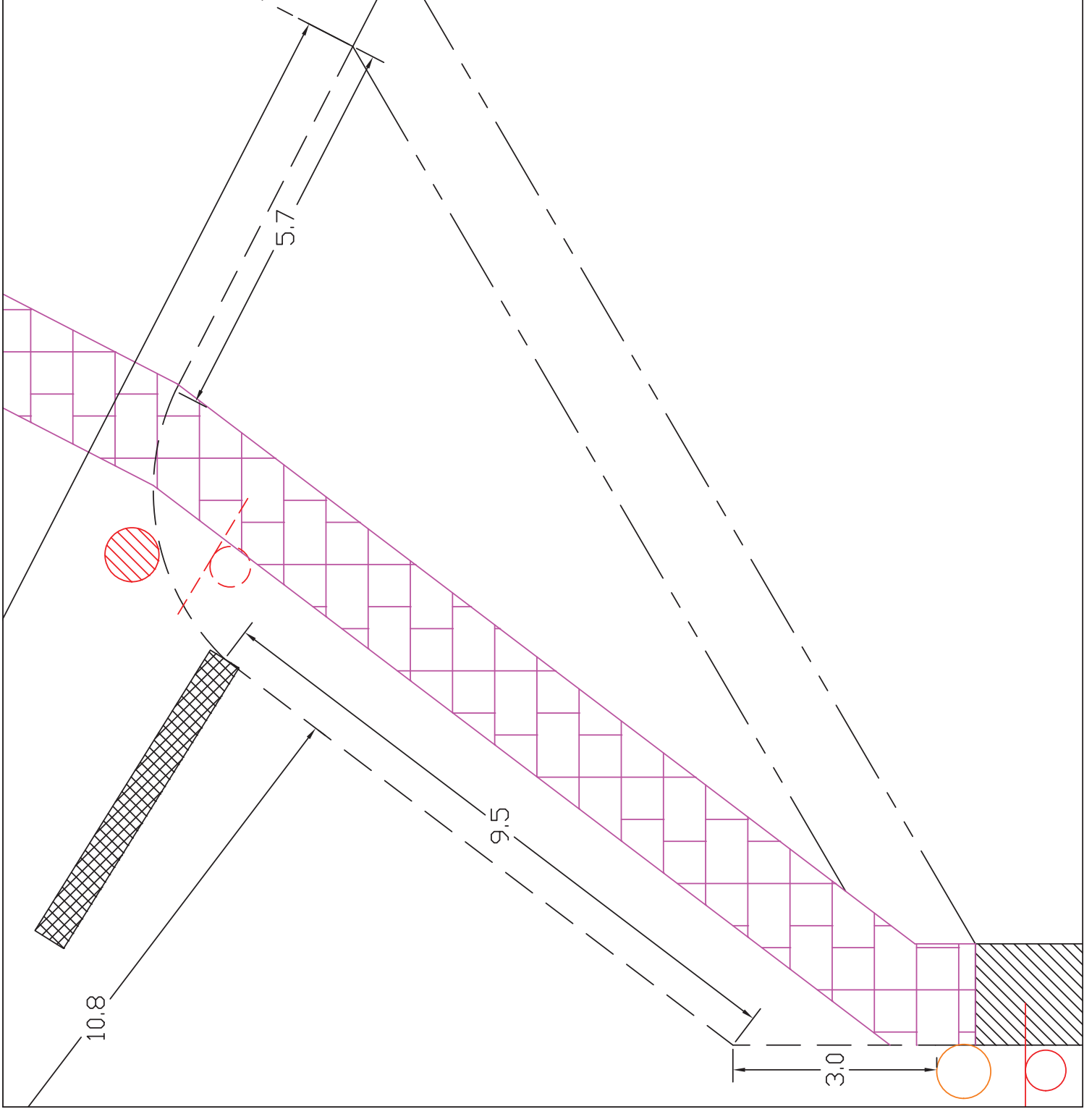
- ROAD WAY
- EXISTING SIDEWALK
- MANHOLE
- CATCH BASIN
- POWER POLE
- FIRE HYDRANT
- GATE VALVE
- NEW CURB
- EXISTING STOP SIGN
- NEW STOP SIGN LOCATION
- NEW STOP BAR
- NEW SIDEWALK AND CROSSWALK

DRAWING TITLE:

A2

92

SCALE 1:2 SHEET 5 OF 5



TOWN OF AMHERST



98 VICTORIA STREET EAST
AMHERST, N.S.

LEGEND

- ROAD WAY
- EXISTING SIDEWALK
- MANHOLE
- CATCH BASIN
- POWER POLE
- FIRE HYDRANT
- GATE VALVE
- NEW CURB
- EXISTING STOP SIGN
- NEW STOP SIGN LOCATION
- NEW STOP BAR
- NEW SIDEWALK AND CROSSWALK



DRAWING TITLE:

OVERVIEW

93

SCALE 1:8 SHEET 1 OF 1

MEMORANDUM

TO: Mayor Kogon and Council
From: Dwayne Pike, Acting Chief of Police
Date: October 15th, 2018
Subject: Crosswalk Review

BACKGROUND

In 2017, Council requested a review of all 177 crosswalks in town. A crosswalk committee was formed and consisted of Chief Ian Naylor, Staff Sergeant Scott White, Aaron Bourgeois (Public Works Operations Manager) and Brandon Leblanc, an engineering student at Universite de Moncton. This committee was to assess existing crosswalks and provide recommendations on the retention, removal, installation of new crosswalks and the type of pedestrian controls.

The report was completed and presented to council in the spring of 2018 and to the public on July 17th. The report detailed the decision to remove 67 existing crosswalks, relocate 1 existing crosswalk, install 6 new crosswalks and to utilize a 'zebra style' crosswalk for those in close proximity to schools.

These decisions were based on the several crosswalk issues that were identified:

1. Lack of consistency in application of pedestrian crossings
2. Some crosswalks actually compromise pedestrian safety
3. There are locations without crosswalks that meet the criteria developed by the committee
4. Several existing crosswalks do not meet the criteria developed by the committee

A public information session was held at the Community Credit Union Business Innovation Centre in regards to the decisions to make changes. Members of the public attended and provided their views on the crosswalk review. Several crosswalks were identified in the concerns and on August 21st, the Committee met once again to review the information.

DISCUSSION

Of the 177 crosswalks slated for removal, several came up during conversations at the public information session on July 17th. Decisions were made as a result of the session and the subsequent committee discussion. These decisions are based on safety, consistency and other criteria as outlined in the crosswalk review. In some cases, there is a cost associated with the

required work, some of which could come out of operational budgets, while others would be a capital budget item.

1. Install a crosswalk on East Victoria at Willow Street. This crosswalk will provide a means to cross East Victoria Street. The nearest crosswalk is located downtown near the TD Bank. A sidewalk is already in place on the north side of East Victoria that will connect the crosswalk to the sidewalk on the south side.



2. Initially the decision was made to remove the sidewalk at Albion/Queen Street and keep the one at Albion/Spring Street. After a closer review and discussions with the public, it was decided to keep the crosswalk at Albion and Queen Street and remove the one at Spring Street. There is a visibility issue at the crosswalk at Albion and Spring Streets because of the brick building at that location. Northbound traffic on Albion do not have a clear view of any persons using the crosswalk from the east side of Albion to the west side. The solution includes extending the sidewalk on the west side to make the crosswalk consistent with other crosswalks in the review. Public works has confirmed that they will install the sidewalk to facilitate this change.

Albion St/Spring Street



Albion Street/Queen Street



3. West Victoria Street/Hickman Street: The crosswalk at this location hampered by a visibility issue for traffic headed East on West Victoria towards Hickman. Visibility is limited because of the curve in the road on West Victoria Street. In 2017, a child was struck at this crosswalk by an eastbound vehicle. At this time, additional signs/signals which includes overhead lighted signs have been placed to advise traffic of the crosswalk, but additional signals will be required by installing RRBB Pedestrian Signal at this location. We will be making a request of approximately \$14,000 in the upcoming capital budget process to accommodate this equipment.





MEMO

TO: Mayor Kogon and Council

FROM: Bill Schurman, Director of Recreation, and Chelsea Baird, Horticulturalist

DATE: October 15, 2018

At the April 23, 2018 meeting of Committee of the Whole staff was directed to “*engage in research and planning to implement an aspect of Amherst's Recreation Programming at Amherst's property on Blair's Lake. Research would include reaching out to the NS Department of Environment for permits and water quality assessments as well as inviting the County to partner in developing programs, particularly programs related to canoeing, kayaking and stand-up paddle boarding.*”

According, staff has undertaken research into the potential use of Blair Lake for recreational activities. The Town of Amherst owns property, as indicated in the attached document on Blair Lake, located just outside the Town limits on MacDonald Road in Nappan.

Preliminary research has indicated that there have been motorized and non-motorized recreational boating activities taking place in the lake within the past few years. There is active use of the lake by a local Dragon Boat Racing Team on a weekly basis within season, as well as reported fishing activity. There is currently a boat launch on the lake off of the Blair Lake Road on private property, as well as a couple private floating docks. Construction of a floating dock or boat launch do not require a permit from the local building authority or Department of Environment.

There is currently nothing in place to prohibit users from engaging in any activity whether it be on, or in, the water from a strictly regulatory point of view. Anyone at this time may use the lake at their leisure. There do remain water quality concerns however. Sam Robichaud from the Department of Environment has stated that they do not regularly test bodies of water but did mention that the presence of algae blooms in the past may be of some concern as they may cause irritation upon skin contact due to the toxins being released from the algae. She also recommended that upon water quality

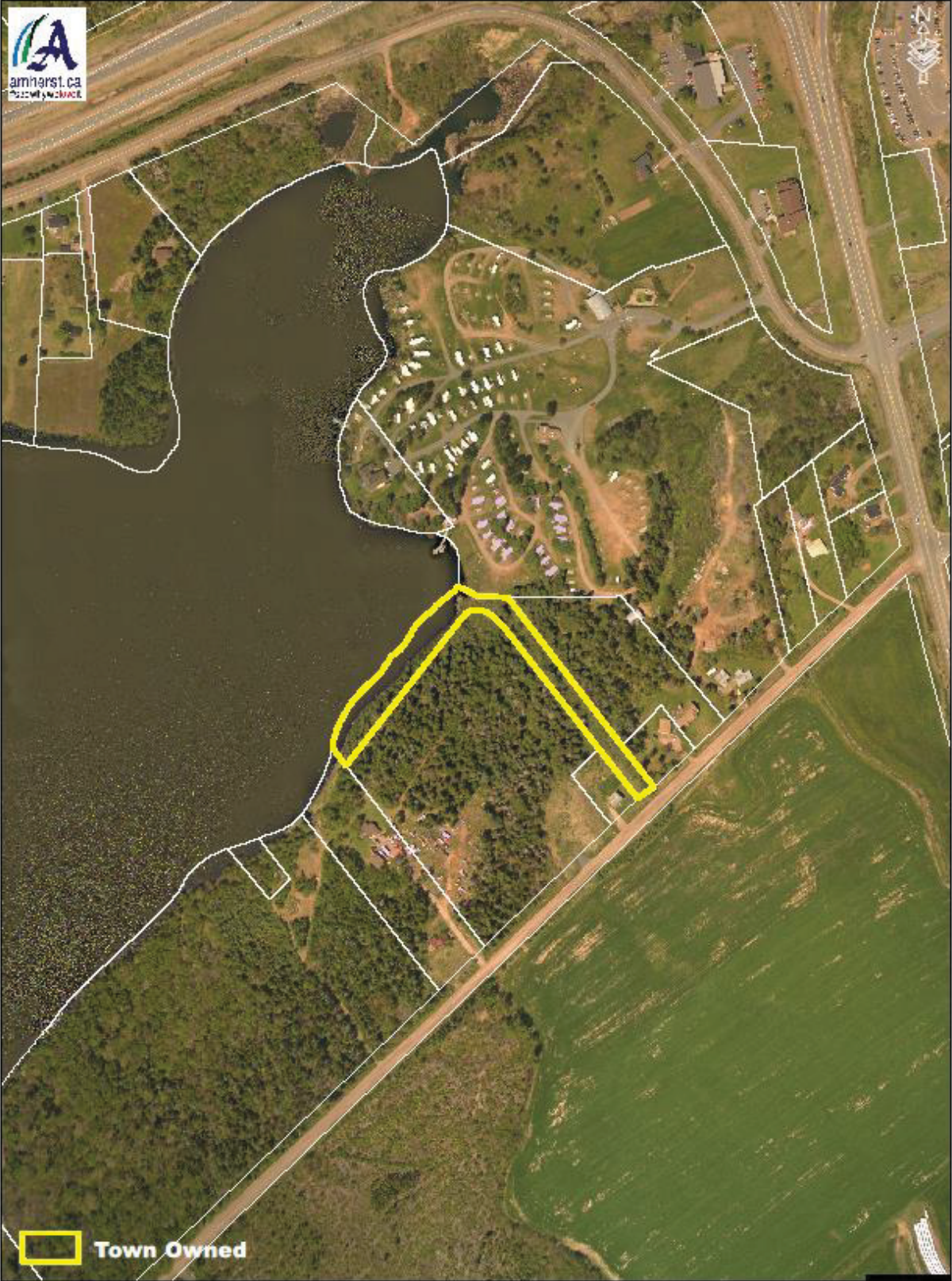
testing, the Guidelines for Canadian Recreational Water Quality put out by the federal government be followed. We have requested more up to date information regarding the potential use of Blair Lake for recreational use from the local Department of Environment office in Amherst. It should also be noted that the Town of Amherst storm water from South Albion does run off into the lake.

In 2005, a water quality assessment report was prepared by Darrell Taylor of the Nova Scotia Department of Environment & Labour, and is available upon request. Based on the results of the 2005 report, it was concluded that Blair Lake as a whole is very productive with respect to algal growth and was classified as eutrophic. As noted, contact has been made with the Department of Environment, who have reported that algae blooms have taken place within the past few years. Algae blooms can release toxins which may be hazardous to human health upon ingestion or skin contact.

Construction of a road into the lake would have to take place to accommodate any formal recreation program activity. This would involve the clearing and removal of trees, grubbing- removal of grass, topsoil, etc. Once the land clearing and ditching has taken place, a compacted base layer of shale would be added to a minimum depth of 18” followed by a finishing layer of Class A gravel with a minimum depth of 6”. A very preliminary approximate cost of this work ranges between \$50,000 and \$100,000.

Conclusion

While there are no current regulatory issues with the use of the lake, there do remain some water quality concerns. The costs of developing appropriate access to the lake are fairly significant as noted above. With these challenges in mind, staff have not progressed to the second part of Council’s direction – reaching out to the Municipality of the County of Cumberland to discuss program partnerships. It was determined appropriate to stop at this point, brief Council and seek further direction.



MEMO

TO: Mayor Kogon and Council

FROM: Bill Schurman, Director of Recreation

DATE: October 15, 2018

RE: 'A' Fresh Start Community Support Initiative

A total of three (3) applications were received by the October 3rd deadline for the Fall/Winter component of the 'A' Fresh Start Community Support Initiative.

The Sexual Health Centre for Cumberland County requested \$3000 to fund a youth forum to facilitate broader awareness and encourage local action on sexual health and wellness issues. The date for the event was not included in the application. The application was submitted by Rene Ross, Executive Director, and would be a new event.

The Amherst Heritage Trust, in partnership with the North Nova Highlanders Museum, requested \$2,064 to present an exhibit of "Art and War" showcasing original Arthur Lismer lithographs of World War I. The event will take place November 16, 2018. The application was submitted by Dale Davis and would be a new event.

The Amherst Valentine Run Committee requested \$4000 to introduce a 1K event aimed exclusively at students in the grade 4-6 range. The event would take place February 16, 2018. The application was submitted by Shelley Carroll and Ken MacKenzie and would be a new addition to the 6th annual Valentine Run.

Based on the Community Support Grant Policy the top five (5) applications received were to be recommended to Mayor and Council by an internal committee which includes CAO Greg Herrett, Chief Financial Officer Shelley Rector, Marketing, Culture & Events Coordinator Jennifer Bickerton and myself. The three applications (3) received are being put forward for consideration. The Policy calls for each of the applicants to present and pitch their concept to the general public. This is scheduled for Thursday, October 25th starting at 6:30pm at the Community Credit Union Business Innovation Centre. The general public will have the opportunity through purchasing a ballot to vote which will help rank the individual proposals to assist Mayor and Council with their decision on the Town's financial contribution. The Council meeting will take place immediately following the presentations on October 25th.



TOWN OF AMHERST
PROCUREMENT AWARDS LESS THAN \$250,000
Approved by CAO or Designate
QUARTERLY REPORT FOR July, August, and September 2018



CONTRACT	# OF BIDS	SUCCESSFUL BIDDER	BUDGET AMOUNT	AMOUNT OF AWARD	APPROVAL DATE	BUDGET TYPE	APPROVING AUTHORITY	TYPE
RFP-18-19 Interior Painting – Amherst Stadium	2	Atlantic Pro Painting	\$25,000	\$28,000	July 6, 2018	Capital	CAO	Regular
RFP-18-22 Sewer Main Cleaning & Video Inspection	4	Clean Earth Ind.	\$50,000	\$36,656	August 1, 2018	Operational	CAO	Regular
RFP-18-23 Willow Street Inspection	4	CBCL Ltd.	\$100,000	\$62,050	August 23, 2018	Capital	CAO	Regular
RFP-18-25 Supply & Install Dog Park Fencing	2	Eastern Fence	\$35,000	\$19,033	August 23, 2018	Capital	CAO	Regular
RFP-18-26 Relocation of Play Structure – Dickey Park	1	Eastern Fence	\$15,967	\$12,609	August 23, 2018	Capital	CAO	Regular
RFP-18-30 Supply of One (1) New SUV – AFD	4	Atlantic Fleet	\$50,000	\$44,186	August 30, 2018	Capital	CAO	Regular
RFQ-18-20 Demolition of 4 Sackville Road	2	Bill Dowe Trucking	\$3,181	\$3,181	July 6, 2018	Operational	Treasurer	Regular
RFQ-18-24 Supply & Delivery of Topsoil 2018	3	K.L. Carter	\$5,000	\$3,943	July 13, 2018	Operational	Treasurer	Regular
RFQ-18-25 Legal Easement – South Albion	3	Rayworth & Roberts	\$62,500	\$2,597	July 6, 2018	Capital	Treasure	Regular
RFQ-18-29 Bulk Road Salt Purchase	1	K+S Windsor Salt	\$70,000	\$60,132	July 23, 2018	Operational	CAO	Alternative
RFQ-18-30 Supply of Rink Boards	2	Athletica	\$25,000	\$15,969	July 23, 2018	Capital	CAO	Regular
RFQ-18-31 Install of Rink Boards	1	Halex Construction	\$9,031	\$9,960	July 23, 2018	Capital	CAO	Regular
RFQ-18-33 Barracuda Message Archive Renewal	1	Atlantic Data Systems	\$3,500	\$2,030	August 2, 2018	Operational	Treasurer	Alternative
RFQ-18-35 Supply Lift Station Valve – LaPlanche	3	APS	\$40,000	\$2,279	August 30, 2018	Operational	Treasurer	Regular
RFQ-18-36 Wind Turbine Maintenance	1	Molen Services	\$28,000	\$3,812	September 13, 2018	Operational	CAO	Alternative
RFQ-18-37 Supply of Concrete Materials for Catch Basin/Manholes	1	Shaw Precast	\$6,000	\$5,808	September 7, 2018	Operational	CAO	Alternative
RFQ-18-38 Supply of Materials for Willow Street Infrastructure Renewal	2	McLennan Sales	\$57,342	\$10,082	September 7, 2018	Operational	Treasurer	Regular
RFQ-18-39 Mobile Burn Unit Live Fire Training	1	NS Firefighters School	\$16,937	\$10,168	September 14, 2018	Operational	CAO	Alternative
T-18-12 Supply of One New Police Vehicle	1	Taylor Ford	\$49,000	\$34,028	August 1, 2018	Capital	CAO	Regular
T-18-06 Construction of Asphalt Trail – South Albion	2	Costin Paving	\$100,000	\$90,559	August 30, 2018	Capital	CAO	Regular

Awards Within Approved Budgets:
 \$2,000 - \$14,999 – Approved by CFO (CAO designate)
 \$15,000 - \$250,000 – Approved by CAO
 Alternative Procurement (any value) - Approved by CAO

All values include non-recoverable HST



TOWN OF AMHERST
PROCUREMENT AWARDS LESS THAN \$250,000
Approved by CAO or Designate
QUARTERLY REPORT FOR April, May, and June 2018



CONTRACT	# OF BIDS	SUCCESSFUL BIDDER	BUDGET AMOUNT	AMOUNT OF AWARD	APPROVAL DATE	BUDGET TYPE	APPROVING AUTHORITY	TYPE
RFP-18-11 Supply & Install of Dehumidifiers	2	Seacrest Electric	\$55,000 +\$14,000	\$63,950	May 30, 2018	Capital	CAO	Regular
RFP-18-12 Overhaul of Compressors	3	Black and McDonald	\$30,000	14,750	May 17, 2018	Capital	CAO	Regular
RFP-18-13 Supply & Install of Sound System & Wifi – Stadium	2	Backman Vidcom	\$112,000	\$126,825	August 1, 2018	Capital	CAO	Regular
RFP-18-16 Supply & Delivery of Line Striping Unit	2	Stinson Equipment	\$75,000	\$72,984	May 17, 2018	Capital	CAO	Regular
RFQ-18-05 Supply & Install of Police Vehicle Equipment		Scotia Emergency	\$9,900	\$4,659	May 2, 2018	Capital	CAO	Regular
RFQ-18-09 Repairs to Industrial Park Lift Station	2	Xylem	\$49,875	\$2,895	April 19, 2018	Operational	CAO	Regular
RFQ-18-15 Supply of Service Truck Body	2	DR Polley	\$47,350	\$2,921	April 26, 2018	Operational	CAO	Regular
RFQ-18-17 Supply & Delivery of Traffic Paint	4	Dulux (PPG)	\$11,800	\$5,502	May 23, 2018	Operational	Treasurer	Regular
RFQ-18-18 Supply & Delivery of Lift Station Repair Parts –	1	Surflin	\$21,000	\$3,056	May 10, 2018	Operational	CAO	Regular
RFQ-18-19 Lower Level DPB Copier Equipment	1	Xerox	\$500	\$472	June 8, 2018	Operational	Treasurer	Alternative
RFQ-18-21 Supply of Highway 2 Signage	7	Admiral Glass	\$8,000	\$3,901	June 19, 2018	Capital	Treasurer	Regular
RFQ-18-22 Supply of Wellfield Booster Pumps	4	Trident Pumps	\$20,000	\$4,547	June 8, 2018	Operational	Treasurer	Regular
RFQ-18-23 Supply of Temporary Water Parts	3	EMCO Amherst	\$20,000	\$10,311	June 12, 2018	Operational	Treasurer	Regular
RFQ-18-27 Regulatory Signage – Bike Lanes	3	Absolute Traffic Services	\$12,500	\$2,795	June 29, 2018	Operational	Treasurer	Regular
RFQ-18-28 Purchase of Computer & Equipment (IS Manager)	1	IMP Solutions	\$20,000	\$2,396	June 29, 2018	Operational	Treasurer	Alternative
T-18-05 Asphalt Concrete Patching	2	Costing Paving	\$239,836	\$239,836	May 17, 2018	Capital	CAO	Regular
T-18-02 Supply & Delivery of Gravel 2018	4	Chapman Brothers	\$42,500	\$41,944	June 28, 2018	Operational	CAO	Regular

Awards Within Approved Budgets:
\$2,000 - \$14,999 – Approved by CFO (CAO designate)
\$15,000 - \$250,000 – Approved by CAO
Alternative Procurement (any value) - Approved by CAO

All values include non-recoverable HST

MEMORANDUM

To: Mayor Kogon and Members of Council
From: Jason MacDonald, Deputy CAO
Date: October 15, 2015
Subject: Dangerous and Unsightly Premises Report

Attached is a report on all dangerous and unsightly premises files for the first six months of the current fiscal year.

Section 345 (3) of the Municipal Government Act requires the Administrator to table a public report describing the status of all dangerous and unsightly premises orders issued against all properties within the municipality at least twice a year.

The next report will be tabled in April of 2019, covering the period of October 2018 – March 2019.

CLOSED FILES - THIS YEAR

	Address	Date Opened	Order Issued	Initial Determination	Current Status	Date Closed
1	9 North Adelaide	April 25, 2018	Yes	Solid waste	Closed - Monitoring program in place	3-May-18
2	22 Copp Ave	May 2, 2018	No	Solid waste	Closed	7-May-18
3	19 Russell St	May 3, 2018	Yes	Solid waste	Closed - Monitoring program in place	26-Jul-18
4	1 Elmwood Dr	June 3, 2018	No	Unfounded	Closed	3-Jun-18
5	32 West Victoria St	May 8, 2018	No	Solid waste	Closed	5-Jun-18
6	62Spring/91 Havelock St	May 8, 2018	No	Solid waste	Closed	13-Jun-18
7	West Pleasant Street	January 3, 2018	No	Solid waste	Closed	19-Jun-18
8	59 Church St	June 13, 2018	No	State of building	Closed	13-Jun-18
9	43 Laplanck St	May 14, 2018	No	Solid waste	Closed	12-Jul-18
10	15 Minto St	July 19, 2017	Yes	State of building	Closed (Demolised building) by owner	4-Jul-18
11	6 Ridgewood Crt	June 15, 2018	Yes	Long grass	Closed	9-Jul-18
12	3Gladstone Ave	June 12, 2018	No	Solid waste	Closed	12-Jul-18
13	17 Summer St	May 22, 2018	No	Solid waste	Closed	31-Jul-18
14	4 Sackville Rd	December 18, 2015	Yes	Building fire	Closed (Demolised building) By Town	30-Jul-18
15	9 North Adelaide St	July 27, 2018	Yes	Solid waste	Closed - Monitoring program in place	7-Aug-18
16	6 Victoria St	July 24, 2018	No	Long grass	Closed	8-Aug-18
17	179 church St	July 19, 2018	No	Solid waste	Closed	10-Aug-18
18	57 Beacon St	August 2, 2018	No	Garbage bin on side of road.	Closed	8-Aug-18
19	9 North Adelaide St	August 29, 2018	Yes	Solid waste	Closed - Monitoring program in place	12-Sep-18
20	201 Victoria St	August 29, 2018	No	Solid waste	Closed	17-Sep-18
21	5 Terrace St	September 17, 2018	No	Invalid	Closed	17-Sep-18
22	25 Poplar St	September 4, 2018	No	Long grass	Closed	21-Sep-18
23	5 Admore Ave	September 19, 2018	No	Long grass	Closed	2-Oct-18

ONGOING FILES							
	Address	Date Opened	Order	Initial Determination	Current Status	Next Due Date	
1	72 Station St	July 18, 2018	Yes	State of building	Ordered Demolished by PAC. Town to complete the demolition.	11-Sep-18	
2	196 East Victoria St	May 25, 2017	Yes	State of building	Waiting for engineer report.	29-Oct-18	
3	16 Prince Arthur St	June 12, 2017	Yes	State of building	Ordered Demolished by PAC. Owner has until October 26, 2018 to demolish building.	26-Oct-18	
4	8 Prince Arthur St	May 24, 2018	Yes	Solid waste / state of the building	The town has cleaned the solid waste from the property.	No date at this time	
5	80 Hickman St	May 6, 2017	Yes	Solid waste	The property owner cleans the property up, one week later new solid waste is back. The administrator to set up a meeting with the property owner and D-CAO	No date at this time	
6	50 Church St	June 18, 2017	Yes	Broken glass and state of building	Owner has until October 17, 2018 to comply with the order.	17-Oct-18	
7	2 Industrial Park Dr	September 24, 2018	No	State of building	Waiting for a report from Mr. Buell building inspector for Cumberland County on the state of the building.	No date at this time	
8	1 Fullerton St	April 4, 2018	No	Side of building was burnt by fire.	Property owner has until October 31, 2018 to comply.	31-Oct-18	
9	59 Church St	August 2, 2018	No	State of building	Waiting for a report from Mr. Buell building inspector for Cumberland County on the state of the building.	No date at this time	
10	28 Laplanche st	October 31, 2018	No	State of building	Owner has until December 12, 2018 to complete the work or an order will be placed on the property.	12-Dec-18	
11	99 Willow St	September 6, 2018	No	Solid waste	Working with the property owner to place proper solid waste bin on the property.	19-Oct-18	
12	51 Summitt Av	August 29, 2017	Yes	State of garage	Owner has until November 29, 2018 to comply with the order	29-Nov-18	
13	8 Albion St	September 17, 2018	No	State of the property	Owner has until November 5, 2018 to complete the work or contact the administrator with a plan to complete the required work.	5-Nov-18	
14	35 Park St	August 1, 2018	No	State of the property	Most of the work has been completed. The owner was granted an extension to complete the work.	12-Nov-18	
15	107 Church St	September 5, 2017	No	State of building	Most of the work has been completed. The property has been sold and the administrator is working with the new owner to complete the work, they have until November 8, 2018 to complete the work or contact the administrator with a time frame to have the work completed.	8-Nov-18	
16	6 Ridewood Cr	September 24, 2018	Yes	long grass	The town hired a contractor to complete the work. Waiting for contractor to complete the work.	No date at this time	
17	23 Spring St	July 27, 2018	Yes	State of building	Owner ordered to hire an engineer to assess the condition of the building.	5-Nov-18	

Monthly Report

Corporate Services

October 2018

CORPORATE SERVICES – Staff are beginning to develop plans for the upcoming capital and operational budgets. We are working with the contractor to complete the internal control report that began earlier this calendar year. In addition, each area will be starting a review of their policies over the next few months in anticipation of making recommendations to Council for changes and/or updates.

FINANCIAL – The Audited Financial Statements for 2017/18 and the 2018/19 first quarter report were presented to the Audit Committee on September 18. All required reports for the province (Statement of Estimates (SOE) A and B, the Financial Information Return (FIR) and the Capital Investment Plan (CIP) have been submitted. The Financial Statements submissions to Department of Municipal Affairs (DMA)/Nova Scotia Utility and Review Board (NSUARB) and the NSUARB annual filing requirements for the Town of Amherst Water Utility are completed. Other than payroll, the YMCA has been transitioned. Second quarter reports will be completed and presented to the audit committee in November. We are currently working on planning for our Capital and Operating Budgets. We plan to bring a “high priority” list to Council in December with final budget approval in March 2019.

2018 DECEMBER TAX SALE – We currently have nine accounts being prepared for tax sale. Notices are posted on the properties. These accounts are being prepared for a tax sale to be held on December 11, 2018 at 10 am.

2018/19 TAX REDUCTION POLICY – During the 2018/19 budget Council approved an amendment to the Tax Reduction Policy 03800-02. An increase to \$450 for household income of less than \$25,000. Applications are available on the Town of Amherst website or in person at Town Hall. An application was mailed out to residents having received tax reduction in prior years. We have received 68 applications as of September 28, of which 63 received the reduction. 2 still have prior year balance (once that has been cleared then reduction can be applied). 1 is in question due to name not matching tax account, 1 didn't qualify as it was over the threshold and 1 was a duplicate.

2018 ASSESSMENT APPEALS – Assessments were mailed out mid-January by PVCS. The appeal deadline was February 15, 2018 at midnight. As of October 1, 2018 there were 72 appeals, 52 complete, 5 outstanding, 15 withdrawn.

	# of Accounts Appealing	Total Assessment Value Being Appealed	Appeal Completed as of Oct 1/18	Pending as of Oct 1/18	Withdrawn as of Oct 1/18	Outstanding Appeals as of Oct 1/18	Appeals Successful as of Oct 1/18	Loss of Assessment Value	Amount of Revenue Reduction	Nova Scotia Assessment Appeal Tribunal Status
Residential/Resource	54	12,851,500	39	0	13	1	26	\$ 1,305,600	\$ 21,346	0
Commercial	18	29,687,400	13	0	2	4	6	\$ 1,033,500	\$ 45,836	1
TOTAL	72	\$42,538,900	52	0	15	5	32	\$ 2,339,100	\$ 67,182	1

WATER / SEWER COLLECTIONS – Disconnection letters were sent September 26 with a payment deadline of Friday, October 12. Disconnections will take place over the next month. The second quarter water / sewer bills will be sent out in October, with a due date of November 30. Sewer accounts are being reviewed to determine any accounts that may require a lien on the property.

PROCUREMENT – September was a month that included large amounts of “after close” work related to procurement. This includes letters, contracts and contract maintenance, performance paperwork renewals (WCB, General Liability insurance, NSCSA reviews), notifying/conversing with vendors, working with user departments to review priority status for accuracy and working on both annual operational procurements (such as snow clearing and salt hauling). Procurement is looking at utilizing multi-year contracts for operational procurements where possible.

Procurement stats for the month of September (as of September 30) are as follows:

	May (revised)	June	July	August	Sept
Capital					
Anticipated Procurement from Capital Budget: 40-44					
Scopes for capital received in the month	6 (4 rec, 2 ops)	12	4	7	2
All procurement:					
Total new scopes of work received in month	11	20	6	14	6
Released to the public in the month	10	12	7	12	7
Closed during the month	8	9	10	11	7
Awarded by par/council during the month	6	7	11	9	4
Open at the end of month (released month a, closed month b)	4	7	4	3	5

INFORMATION SERVICES (IS) – Live streaming was completed for Council for September. IS are working towards doing live streaming for October COW. Planning is ongoing for next year’s capital and operational budgets including funding for greening of networks and computers. IS are investigating options for customer service platforms to aid with service standards and tracking of calls and issues. Work is being done on the Town’s Records Management system and future plans for utilizing existing systems to ensure proper record retention and destruction. Replacement of computers and other hardware is expected over the next few months (greening asset plan).

HUMAN RESOURCES – Shawn Canton has returned to the Corporate Services Department.

Monthly Departmental Report

Operations

October 2018

The contracted patching of streets and service cuts continued in September. To date 30 service cuts have been repaired and 659 tonnes of asphalt placed.

The Streets crew installed 2 sections of concrete curb in preparation for the construction of the active transportation trails on Willow Street and Robert Angus Drive.

The Streets crew also replaced sidewalk blocks on East Victoria Street at 2 locations to eliminate issues with vehicles scraping when entering and exiting their driveways.

The utility crew repaired or replaced 18 compost bins in September and we are seeing a similar trend in requests for bin repairs in October.

Public works crew also completed maintenance work at the Library and CCUBIC, work consisted of painting and replacement of ceiling tiles.

The sewer crew performed routine maintenance and sampling at the WWTP and lift stations. Several older catch basins were replaced or repaired. The need for this maintenance work was identified by crews while cleaning the basins over the summer.

The annual sewer main flushing and video inspection program began in late September. Flushing removes any accumulated debris from the sewer lines and the video inspection will identify any deficiencies in the pipe that will need to be repaired.

The water crew installed a new valve and chlorination line on Willow Street at Spring Street prior to the start of construction of the new water main. The water crew also repaired several water service laterals that were broken during construction.

There were 2 new water services installed in September, a residential service on East Pleasant Street for new construction, and a new service to supply water for the off-leash dog park was installed.

Other activities carried out by Public Works crews:

- Replaced roofing on dugouts, repaired soffit and fascia on canteen building, painted trim on buildings, installed signage, and removed weeds from foul lines and warning track at Robb's Complex prior to the U15 Atlantic baseball tournament.
- Picked up trees in Berwick and dug the holes for TD Tree day.
- Delivered materials for "A" Fest and the Hodge Podge Market and helped with clean up after the "A" Fest.

Upcoming projects for October

- Winterizing of fire hydrants. All 456 hydrants are flowed, pumped out, and rechecked before winter. This will also identify any hydrants in need of repair
- Construction of West Victoria Street sidewalk from Arlington Ave. to Terrace Street
- Construction of active transportation trail on Robert Angus Drive and Willow Street
- Complete installation of bike lane signage and stencils
- Complete centreline painting for Town of Sackville
- Prepare salt trucks and snow plows for winter
- Check and repair Christmas decorations for installation in November

Capital Projects Update

- The East Pleasant Street reconstruction project is now complete and the one-year warranty period has commenced.
- The Willow Street water main replacement project is well underway. The water main has been replaced from Spring Street south past Webster Street. Street reconstruction is well underway in this area as well. Work will continue towards the high school as long as weather permits. All areas of the street that are disturbed will have new asphalt prior to the project being stopped for the winter.
- Street grading and curb installation are complete on Derby Street. Asphalt will be installed on Derby Street and Tantramarc Crescent in the coming weeks.
- Construction on the new active transportation trail along South Albion Street will commence shortly.

Monthly Departmental Report

Amherst Police Department

October 15th, 2018

This report covers month of September 2018

PROFESSIONAL DEVELOPMENT/TRAINING

Firearms Training 9mm/Carbine/Shotgun: All officers completed their mandatory annual firearms qualifications in 9mm pistols, shotguns and carbine rifles. The training is provided by Sgt. Tim Hunter and Cst. Chris Jobe. The carbine officers receive 2 days training while the non-carbine officers receive 1 day of training. Officers are required to successfully complete the department's qualifications and are trained on tactical deployment, containment and working in teams. Each officer is also required to complete a use of force scenario which includes legal articulation. The officer must articulate the factors they considered when making their decision whether or not to use force and if so how they assessed the level of force required. The articulation by the officer is an important component of the training. Even if their use of force was appropriate, if they can not effectively articulate their decision process important information could be missing and could impact the findings of a review of their actions.

Containment Training: All members completed a 12 hour day of containment training. Containment is a response to a high risk situation in which the goal of police is to 'contain' the threat. This may include barricaded persons or a hostage situation. Training consists of classroom review of terminology and tactics and several live action scenarios. This year our members conducted training in Warren and Hastings as well as in the industrial park utilizing a property and a building provided by Atlantic Commercial Properties.

Human Source Management: Costable Derek HEBERT, who has been assigned to the Cumberland Street Crime Unit, attending the Human Source Course in Halifax from September 23rd, to the 28th. The Street Crime unit utilizes information through many different types of forms, the most important of which is the cultivation of human sources. This course teaches the candidate all the skills required to utilize human sources and includes scenarios with actors to ensure that proper procedure is followed and case law requirements are met.

NSCPA Fall Conference: The NSCPA/NSAPB Fall Conference was held in Bridgewater on September 13th and 14th. Acting Chief Dwayne Pike attended along with ABPC members Paul Calder, Sandy Fairbanks and Darrell Jones. The agenda included presentations/discussions on Cannabis legislation and impaired driving, policing standards, the additional officer program and workplace drug/alcohol issues. The honourable Stephen McNeil, premier of Nova Scotia, was the speaker at the Gala Dinner.

PERSONNEL

Long Service Awards: Acting Deputy Chief Tim Hunter received his Provincial 25 year long service award on September 25th. Tim started his career in policing with the Springhill Police before working in New Glasgow for his APA On the job training and then in Lunenburg before coming to Amherst in August of 1992. Acting Chief Dwayne Pike attended the ceremony and along with Justice Minister Mark Furey, presented Tim with his medal. Constable Tom Wood also attended and was part of the honour guard, carrying the Amherst flag.

OPERATIONAL

Head's Up, Helmets On: The Heads Up Helmets On program was held again this year. The goal of the program is to promote the use of helmets for persons operating bicycles, and skateboards. Persons observed wearing helmets received rewards in the form of redeemable coupons. Those observed not wearing helmets could be issued a ticket but with an option to attend an information session on helmet safety to have the ticket withdrawn. A total of 30 people were processed under the program over the summer months with 21 referred to the information session. Over 150 coupons from McDonald's and Dairy Queen for ice cream were passed out by police over the summer to people spotted in compliance with the bike helmet laws.

Stay At Home Compliance Checks: For the month of September, members of the Amherst Police Department conducted a total of 206 compliance checks on people who are currently on house arrest or curfews as a result of conditional sentence orders or court orders. As a condition of their release from custody, or as a measure to protect the public, people on these kinds of conditions are often required to present themselves at their door to prove compliance to a police officer. Those who are found breaching their conditions may be subject to further criminal charges, having their conditions tightened or having their release revoked completely.

Move Over/Franks Law: Members of the Amherst Police Department, Cumberland RCMP, Amherst Fire Department and other first responders gathered at the Amherst Centre Mall on September 12th in regards to promoting and bringing awareness to “Frank’s Law”, the provincial requirement that vehicle drivers ‘slow down and move over’ when approaching a stopped emergency vehicle. Approximately 10 APD members were in attendance.

CRIME PREVENTION/SCHOOL LIAISON OFFICER

September was a busy month for both Cst Wood and Cst Harrison as they were covering platoon shifts as a result of the shortages because of Carbine, Firearms and Containment Training during the month.

On September 8th, Cst Wood attended a Truck show at the Amherst Centre Mall and set up the Madd Pedal Cart course. The impaired driving goggles were utilized so that participants could see the different results in their driving when using the goggles.

On September 14th, Cst Wood held information sessions for the “Head’s Up, Helmets On” program. This session is used to provide an alternative to charges under the Motor Vehicle Act and to educate people on helmet laws and the dangers of riding a bike without wearing a helmet.

On September 17th, officers attended and participated in a mock disaster and evacuation exercise at Gables Lodge. The object of the scenario was to test the safety policies and the cooperation between emergency responders and staff.

FOCUSED ENFORCEMENT

APD members focused on school zones for the month of September, ensuring that school areas were safe for youths returning to school. In total there was 21 hours and 41 minutes of time invested in this initiative. Very few infractions were noted with only 1 ticket and 1 warning issued.

OPERATIONAL STATS – September 2018

Occurrences: 456

Impaired by Alcohol: 1

Impaired by Drug: 0

Traffic Tickets: 28

Vehicle Checks: 156

Foot Patrol Hours: 64hours, 50m

Criminal Code Charges: 25

CDSA: 1

Traffic Written Warnings: 32

LCA: 2

Bike Patrol Hours: 0

Monthly Report Recreation / Culture / Programming / Communications

September 2018

Culture, Events & Marketing Coordinator

'A' Fest was held on September 13th -16th. The event went over well and there was a lot of positive feedback from the community and from organizations that were involved. A departmental meeting and debriefing were held to go over strengths and opportunities for improvement for next year. Coordinated the Flag Raising for The Zonta Club. Worked with Senior Contacts to coordinate some upcoming opportunities for information sessions and promotion. Attended Cumberland North Academy and West Highlands school Community Nights to promote the Town and Recreation Department. Worked on and completed advertising for Water Bills. Worked internally and externally to gather marketing materials used to promote the Town, to organize for review. Reviewed applications for AYTC, recommendations were accepted by Council. The first meeting was held to go over policy and expectations, and information was collected to update website. Maintained the recreation social media account and community calendar.

Active Living:

The 2018/19 season of the Amherst Cumberland Multisport program started in September with a Welcome session for participants and parents followed by the Basketball sessions with Amherst Minor Basketball. 10 community sport organizations are on board for the program including the Aerials Gymnastics club new this year. The program is full with 30 participants in grades primary and one from Amherst and surrounding area. Sport NS attended the welcome session and made a presentation to parents on the benefits of multisport in youth. The next sport on the schedule is skating with the Amherst Skating Club.

The active living coordinator planned activities for all ages during 'A' Fest throughout the weekend keeping citizens active including a trail walk with the Amherst & area trail society, All Levels Yoga class with Hatha Yoga room, public skate with the Ramblers, free swim at the YMCA, road hockey, an outdoor movie, a family parade, a walking challenge around Dickey park track, laser tag and more! The family first festival was very well attended with a lot of positive feedback on the amount of activities offered at no cost! Offering free healthy food choices is a suggestion during next years 'A' Fest if funding permits.

Information regarding the Amherst Stadium Helmet Policy was promoted on social media as well as our equipment lending program. During the first public skate, there were no issues with youth or adults wearing helmets on the ice. Helmets will be made available during public skates for lending if needed.

Horticulture/Green Spaces

September was yet another busy month for the horticulture division, it saw 2 new seasonal Park Attendant positions come on board to help with the maintenance and beautification of the town. Several hours were devoted to the mowing and overall maintenance of our parks, greenspaces and downtown. An early heavy frost led to the demise of some annual plantings however most were left intact and looking spry at month's end. The end of the month sadly saw our hanging baskets being taken down for another year. This year brought about its challenges for all growers due to the shortened growing season caused by the late frost in June however Amherst was able to continue to flourish once again.

Communities in Bloom judge, Judith Cabrita, visited Amherst on September 12-14. Her visit included tours of the industrial park, parks and greenspaces, historical places throughout the town and the downtown mystery walking tour. She met with Committee members at CCUBIC for a luncheon and also had a carriage ride with local tour guide, Leslie Childs and committee members, Denise Allen and Chelsea Baird. We look forward to Judith's evaluation and suggestions on ways to enhance our community.

TD Tree Day took place on Saturday, September 15 and saw over 25 volunteers come out to help build upon Amherst's urban forest by planting 30 native tree species and 20 native shrubs in areas such as along one of our well used walking trails adjacent EB Chandler and replacement of dead/vandalized trees from previous plantings being planted in Beacon St. Park as well as Lions Park.

Facilities

Parks and Green Spaces

All parks and trails are accessible and open. Dickey Park, Beacon Park and Rotary Park washrooms are open daily by 9:00am to sunset. Lions Park tennis court was open daily by 9:00am to sunset. The Splash Pad at Dickey Park is closed for the season. Trail and park maintenance is ongoing. A mowing schedule has been established for all greenspaces and will be followed as best we can without interruptions caused by inclement weather or other factors. Work at the Dickey Park Dog Park is complete. Fencing was installed and landscaping done. The dog park is equipped with dog waste receptacles, garbage, signage, hole repair buckets, waste scoops and a water station. The dog park is open from sunrise to sunset.

Amherst Stadium

All capital work projects are complete at the Amherst Stadium. Amherst Skating Club used the ice 27.25 hours in Sept 2018. CCMHA used the ice 29.75 hours in Sept 2018. The Roy Maltby Fundy Hockey School held its 35th Annual Hockey School at the Amherst Stadium and were recipients of the no fee ice. Each participant received a \$40.00 savings off their registration cost. There were 100 participants in the hockey school. They used 30 hours of ice time. We were very fortunate to also host Rothesay Netherwood School who were also approved for the no fee ice time. They played Kings Edge Hill in a two game series. They used 5 hours of ice time. The meeting space on second level was used for 8 hours. Finishing off the month we hosted Mount Alison Girls Varsity hockey team as they played the Saint Mary's Huskies.

Robb Complex

The usage for Robb Complex is as follows: Dwight Jones Field was used for 30.75 hours in Sept 2018. Cecil Small Field was used 28.75 hours in Sept 2018. Baseball Field was used 23.5 hours in Sept 2018. We were very proud to host the U15 Bantam Atlantics at Robb Complex from Sept. 14 to 16. Teams from Atlantic Canada participated in the event. Prior to the U15 Bantam AA Atlantics dugouts were painting, roofs were replaced and/or repaired and field maintenance done.

Monthly Report

Fire Department

October 2018

Responses (September)

Town of Amherst – 17 events

- 4 Smoke alarm activations
- 2 Smell of smoke / Air quality check
- 5 Monitored alarm activations
- 2 Rescue Height / Elevator
- 1 Flu fire
- 1 Sprinkler head failure
- 1 Vehicle fire
- 1 Dumpster fire

Contract area (District 2) – 10 events

- 5 Monitored alarm activations
- 1 Motor vehicle accidents
- 1 Structure fire
- 3 Open burn / Wildland fire / Mulch

Fire inspections - 7 fire inspections were completed during this period.

Community involvement

During the month of September, members of the fire department took part in the Nova Scotia RCMP Move over law photo shoot at the Amherst centre mall. Members of the department took part in the Maritime Fire Fighters Association golf tournament in Truro.

Vehicle replacement

During the month of September, the new Fire chief's vehicle was received. Over the next few weeks the vehicle decals will be applied to this vehicle.

Professional development

During the month of September, the department had conducted pumper familiarization training and Search and rescue training, where members had to complete an obstacle course, while wearing full breathing apparatus. Also, the members attended an accident reconstruction training session which was presented by the Cumberland RCMP.

Chief Jones attended the Canadian Association of Fire Chiefs conference in Ottawa. This conference provided an opportunity to network with others in the Canadian fire service; and provided fire service leadership education at a high level. This conference featured information sessions with representatives from various federal government departments and agencies; and keynote speakers who engaged the conference goers on various subjects.

The following indicate some of the topics that were covered:

Leadership and human resources

Mental health

Recruitment and retention

Equipment purchasing

Cannabis legislation

2020 National Fire Code plan

Responding to an ammonia release

Restrictions on rail tank cars

Review of research on firefighter health

Occupant safety and survivability

Review of fire service standards & training

NFPA standard for active shooter situations

NFID (National Fire Information Database)

Tour of the CANUTEC operations centre

Tour of the National research council – Fire research facility

In addition, this conference provided an opportunity to meet with product designers and manufacturers of from across North America; who presented their products and provided information on current research and development projects.

UPCOMING EVENTS

Fire Fighter's Memorial

Is scheduled for October 21st. This is an important time to recognize all emergency first responders, both past and present for their dedicated service.

Fire Department Open House – Fire prevention

On October 25, 2018, starting at 6:30 PM the fire department will be having an open house, to promote fire safety, highlight the equipment we use and to promote recruitment.

Annual Fire Fighter's Banquet

This year, it will take place on Saturday, November 3rd. This banquet will mark the 135th Anniversary for the department.

Monthly Report

Planning and Strategic Initiatives

October 2018

Regarding Strategic Priorities, Council approved the 2018 Strategic Priorities Chart for the September to December period, with plans to undergo a priority setting exercise in December for 2019.

A meeting was held between the town, Jeff Bembridge, Bill Casey, and VIA representatives on September 28th on the outstanding issues. Staff will be providing a more detailed report at the in-camera portion of the meeting.

The Planning Advisory Committee held a Public Participation Session in September to consider a Land Use Bylaw amendment that would allow the keeping of chickens in town. Several members of the public provided verbal and written comment on the matter. The PAC subsequently passed a motion recommending that Council not amend the Bylaw, which will be on the agenda of the October 22nd Council meeting. The PAC also considered, as information items, potential Bylaw amendments to respond to the legalization of recreational cannabis, and reviewed the signage regulations.

A Public Hearing is scheduled as part of the October 22nd Council meeting to consider a request for a development agreement at 99 West Victoria that would permit a garden suite, and a request to rezone 283-295 Church Street from Industrial to Highway Commercial. The rezoning would permit residential uses on the subject properties.

Council will also consider second reading of a Property Assessed Clean Energy Bylaw (PACE) at the October 22nd meeting. Town staff have been in discussions with the Cumberland Energy Authority to potentially launch a program that would apply to both municipalities. This would allow for easier marketing of the program, and allow residents from both areas to get information with minimal confusion.

Planning also continues to provide planning and development services for the Town of Oxford.

Monthly Report Economic Development October 2018

Demographic and business support

In September, department staff supported the promotion of Amherst as a great place to live, work and play through the following activities:

- Attended a physician recruitment fair in Digby.
- Promoted local businesses through social media posts on Facebook and Instagram.

Respond to business investment opportunities

One inquiry from a site selector was received in September, and was provided market information and potential locations.

Support initiatives at the Community Credit Union Business Innovation Centre

The centre hosted regional training and strategic planning sessions for local businesses, a luncheon for the Communities in Bloom committee and judge, a non-violent crisis intervention training course for local employers, a psychic show, a fashion show, and a professional concert.

The centre's boardroom was also used daily for meetings arranged by the CBDC, the Amherst & Area Chamber of Commerce, ACOA, the Cumberland Business Connector, Bill Casey MP, and the Town of Amherst

Increase the impact of tourism on the local economy

The Hodge Podge Market and Amherst Fall Fashion Show attracted more than 500 people to downtown Amherst on the evening of September 13 as part of the "A" Fest activities. The events were an opportunity for dozens of local entrepreneurs to promote and sell their products.



The Business Development Officer attended the 3-day Economic Developers Association of Canada conference in Fredericton from September 9-11. Key topics included best practices in performance measures for economic development, entrepreneurship support programs, and foreign direct investment attraction.

The BDO has developed a work plan for the remaining six months of the current fiscal year. The plan is built on recommendations of the Community Economic Development Strategy (2014), the Centre First Downtown Action Strategy (2010) and the Arts, Culture & Heritage Strategy (2010).

New activities planned for the remainder of the 2018-19 fiscal year include:

- **Business Development Events**
A series of promotional events will encourage people to visit Amherst retail shops and restaurants. These include a “spirits walk” in October, six weekends of holiday events, “restaurant week” in January, an “art of chocolate crawl” in February, and a “creative crawl” and fashion show in March.
- **Vacant storefront art show**
Local artists will be given the opportunity to show their work on 4'x4' panels hanging in the windows of vacant downtown storefronts.
- **Professional photography and videography**
Photo and video assets to be used in future promotional materials.
- **Business video profiles**
30-second profiles of businesses from all sectors to promote “buying local” and to promote Amherst as a great place to do business. These videos will be posted on a business directory page on the Town of Amherst website and shared on social media.

