



**Town of Amherst
Regular Council Meeting
Agenda**

Date: **Monday, May 27, 2019**
Time: **7:00 pm**
Location: **Council Chambers, Town Hall**

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1. TERRITORIAL ACKNOWLEDGEMENT	
<i>"We[] would like to begin by acknowledging that the land on which we gather is the traditional unceded territory of the Mi'kmaw Peoples."</i>	
2. CALL TO ORDER	
3. O CANADA	
4. APPROVAL OF AGENDA/MINUTES	
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7.5	L. A. Animal Shelter - No Report	
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7.7	Inter Municipal Tourism - No Report	
7.8	Poverty Reduction - No Report	
7.9	NSFM Spring Workshop Verbal Update - KOGON	
8.	ADJOURNMENT	

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: April 29, 2019
Time: 7:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Jason Blanch
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Greg Jones, Fire Chief
Andrew Fisher, Manager of Planning & Strategic Initiatives
Tom McCoag, Corporate Communications Officer
Rebecca Taylor, Business Development Officer
Shelley Rector, Chief Financial Officer
Kimberlee Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

Others Present Mason Carter, AYTC Representative

1. TERRITORIAL ACKNOWLEDGEMENT

Mayor Kogon gave the territorial acknowledgement.

2. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 p.m.

3. O CANADA

Parker Ross did the signing of O Canada.

4. APPROVAL OF AGENDA/MINUTES

4.1 Approval of the Agenda

Moved By Councillor MacKenzie
Seconded By Councillor Rhindress
To approve the agenda as circulated.

Motion Carried

4.2 Approval of Minutes

Moved By Councillor Byrne
Seconded By Deputy Mayor Christie
To approve the minutes of the March 25, 2019 regular meeting of Council.

Motion Carried

5. REQUESTS FOR DECISION

5.1 Water Utility Operating Budget Approval

Moved By Councillor Blanch

Seconded By Councillor Jones

That Council approves the 2019-2020 Amherst Water Utility Operating Budget of \$2,246,938 as presented.

Motion Carried

5.2 Sanitary Sewer Rate Approval

Moved By Deputy Mayor Christie

Seconded By Councillor Byrne

WHEREAS Council is authorized by the Town of Amherst Sanitary Sewer Rates By-law to set rates for sewer services;

THEREFORE BE IT RESOLVED THAT owners shall be billed for sewer services using one of the following methods effective April 1, 2019:

- Metered Customers

Those owners whose water service is metered shall pay a usage charge:

Residential: \$0.99 per cu. meter of metered water consumption as determined by the Amherst Water Utility;

Commercial/Industrial/Institutional: \$0.49 per cu. meter of metered water consumption as determined by the Amherst Water Utility.

Base Charges

Those owners whose water service is metered shall pay a base charge quarterly. The quarterly base charge by meter size is:

5/8"	\$18.00
3/4"	\$27.00
1"	\$43.75
1 1/2"	\$86.00
2"	\$136.25
3"	\$271.25
4"	\$500.00

- Non-Metered Customers

For non-metered customers in unmetered mobile home parks, the park owner shall pay \$178.53 per dwelling unit per annum.

Motion Carried

5.3 Wastewater Treatment Facility Uniform Charge

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

WHEREAS Council has included in its estimates for the fiscal year ending March 31, 2020, an amount to be raised for a portion of the debenture principal and interest payments for the wastewater treatment facility, a purpose for which the Town may expend funds; and

WHEREAS there are approximately 486 unmetered mobile homes within a land leased community within the boundaries of the Town of Amherst; and

WHEREAS the Council may, under paragraph 75(4)(b) of the *Municipal Government Act*, in lieu of levying an area rate, levy a uniform charge on each unmetered mobile home within a land leased community in the area;

THEREFORE BE IT RESOLVED that a uniform charge of \$72.00 be levied for the fiscal year ending March 31, 2020 on each unmetered mobile home within a land leased community within the boundaries of the Town of Amherst, and that these uniform charges are due and payable on September 30, 2019 with interest to be charged on all final tax accounts outstanding on or after October 1, 2019 at the rate of 1% per month, 12% per annum.

Motion Carried

**5.4 Substance Use Policy
Moved By Councillor Blanch
Seconded By Deputy Mayor Christie
That Council adopt the Substance Use Policy.**

Motion Carried

TOWN OF AMHERST POLICY

**NUMBER 04500-06
PAGE 3 of 7**

DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: Substance Use Policy

Minutes reference date: April 29, 2019

1. PURPOSE:

The Town of Amherst is committed to the health and safety of its employees and has adopted this Policy to communicate its expectations and guidelines surrounding substance use, misuse, and abuse.

2. POLICY STATEMENT:

Employees under the influence of drugs or alcohol on the job can pose serious health and safety risks to both themselves and their fellow employees. To help ensure a safe and healthy workplace, the Town of Amherst reserves the right to prohibit certain items and substances from being brought on to or present on Town of Amherst premises.

3. Definitions and Terms:

a) Alcohol: means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

b) Alcohol Use: means the use of any beverage, mixture, or preparation, including any medication, containing alcohol.

c) Contractor: Independent entity that agrees to furnish certain number or quantity of goods, material, equipment, personnel, and/or services to the Employer and Employees.

d) Drug: pure substance, chemical or agent used to alter the way the body or mind functions.

e) Drug Identification Number (DIN): number assigned by Health Canada to a drug product prior to being marketed in Canada. Identifies all drug products sold in the dosage form and is located on the label of OTC and prescription drug products authorized for sale in Canada.

f) Drug Paraphernalia: equipment, product or material intended or designed to be used in manufacturing, compounding, converting, concealing, processing, preparing or introducing a substance into the human body.

g) Employee: a person employed by the Town of Amherst to do work. For the purpose of this policy this includes contractors, volunteers, vendors and any person authorized by the Town of Amherst to be on the workplace/worksite.

h) Employer: means the organization of the Town of Amherst. This term includes the agents, officers and representatives of the Town of Amherst.

i) Employee Assistance Program/Family Assistance Program: means a confidential corporate sponsored program offering support and counselling services to employees (and identified family members) that are experiencing personal and/or work/personal related.

j) Fit for Duty: reporting to work and being able to perform assigned duties and tasks, whether on a Town of Amherst job site or another site assigned by a supervisor, and not being under the influence of any substance that causes Impairment or that adversely affects the employee's ability to perform their assigned duties and tasks in a safe and responsible manner throughout his/her entire work shift.

k) Group Health Plan: Health insurance program comprised of a group of members.

l) Impairment: state of being diminished, weakened or damaged, especially cognitively or physically.

m) Incident: any occurrence that caused or had the potential to cause damage to persons, property, reputation, security or the environment.

n) Off Duty Conduct: actions of the Employee, including verbal, non-verbal, and written acts, outside of the hours the Employer is scheduled to work.

o) Reasonable Suspicion, also called Reasonable Grounds: The direct observations of the employee's conduct or other indicators such as physical appearance of the employee, odors associated with the use of substances and includes the presence of drug paraphernalia on the employee, his/her work area, or his/her vehicle, or observed changes in the employee's behavior such as erratic behavior, slurred speech, confusion, staggering and unsteadiness.

p) Safety Sensitive Position: Safety Sensitive Position is a job or position where the employee holding this position has the responsibility for his/her own safety or other people's safety.

Workplace performance affected by substance use could result in a significant incident, near miss or failure to adequately respond to a significant incident and detrimentally affects the health, safety or security of the employee, others, property, the environmental or employer's reputation.

For the purposes of this policy the following positions are designated Safety Sensitive:

- Police Officers
- Firefighters and Fire Inspectors
- Dispatcher
- Building Officials
- Operations Manager
- Horticulturalist
- Facilities Manager
- Operator with Refrigeration Class II
- Parks and Stadium Supervisor
- Parks, Maintenance and Stadium Operator
- Stadium Attendant
- Parks Attendant
- Recreation Maintenance
- Sub Foreman
- Carpenter
- Mechanic
- Welder
- Lead Hand
- Operator
- Water and/or Sewer Maintenance
- Utility
- Laborer

q) Substance: includes any drug, alcohol, substance, chemical or agent regardless of whether the use or possession is lawful or unlawful or requires a personal prescription or medical certificate from a licensed treating physician, Nurse Practitioner (NP), or those permitted by law, and includes any non-prescription and over the counter substances.

r) Supervisor: A supervisor is a person who has charge of a workplace and/or authority over a worker.

s) Volunteer: includes anyone attending at any workplace or worksite of the employer and for the purposes of this policy a volunteer will be considered like an employee.

t) Workplace/Worksite: any place that physical and or mental labour occurs, whether paid or unpaid. This includes whether on a Town of Amherst job site or another site assigned by a supervisor and where an employee attends while working for the employer, during scheduled work hours, and/or is acting on behalf of the employer.

4. OBJECTIVES

The following expectations apply to employees and management alike while conducting work on behalf of the company, whether on or off Town property:

- a) Employees are expected to arrive to work fit for duty and able to perform their duties safely and to standard;
- b) Employees must remain fit for duty for the duration of their shift;
- c) Distribution or sale of drugs, alcohol or any substance that causes impairment during work hours, including during paid and unpaid breaks, is strictly prohibited;
- d) Possession of non-prescribed drugs or substances that cause impairment during working hours is strictly prohibited;
- e) Use and possession of medically prescribed drugs is permitted during working hours, subject to the terms and conditions of Town of Amherst policies and all applicable legislation;
- f) Employees are prohibited from reporting to work while under the influence of non-prescribed drugs or alcohol; and
- g) Employees on prescription medication or medically approved substances **must** communicate to management any potential risk, limitation, or restriction requiring modification of duties or temporary reassignment.

5. Roles and Responsibilities

a) Senior Management will:

- i. Clearly communicate expectations surrounding alcohol and drug/substance use, misuse, and abuse;
- ii. Maintain a program of employee health and awareness;
- iii. Provide a safe work environment; and
- iv. Review and update this policy regularly.
- v. Will ensure, when appropriate that accommodations are provided if warranted.

b) Supervisors will:

- i. Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions;
- ii. Ensure that any employee who asks for help due to a drug/substance or alcohol dependency is provided with the appropriate support (including accommodation); and
- iii. Maintain confidentiality and employee privacy.

c) Employees must:

- i. Abide by the provisions of this policy and be aware of their responsibilities under it;
- ii. Arrive to work fit for duty, and remain as such for the duration of shift;
- iii. Communicate dependency or emerging dependency to management or human resources; and
- iv. Follow an after-care program, where established.
- v. Seek advice and appropriate treatment, where required;
- vi. Perform work safely in accordance with established safe work practices;
- vii. Avoid the consumption, possession, sale, or distribution of drugs, substances that cause impairment or alcohol on Town property and during working hours (even if off Town property);
- viii. When off duty, refuse a request to come into work if unfit for duty;
- ix. Report limitations and required modifications as a result of prescription medication;
- x. Report co-workers to management who they have reason to believe are not fit for duty according to this policy;
- xi. Any employee working in a Safety Sensitive position who has a limitation or restriction on their ability to perform their job, or if prescribed medical treatment which has or will adversely affect those abilities, must report such limitations or restrictions to their immediate supervisor, who in turn will notify Human Resources.

6. Suspicion of Impairment

The following procedure may be enacted if there is reasonable belief that an employee is impaired at work:

- a) If possible, the employee's manager or supervisor will first seek another manager's or supervisor's opinion to confirm the employee's status.
- b) Next, the manager or supervisor will consult privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. Suspicions of an employee's ability to function safely may be based on specific personal observations. If the employee exhibits unusual behaviour including but not limited to slurred speech, difficulty with balance, watery or red eyes, or dilated pupils, or if there is an odour of alcohol or other impairing substances, the employee should not be permitted to return to their assigned duties in order to ensure their safety and the safety of other employees or visitors to the workplace.
- c) If an employee is considered impaired and deemed "unfit for work," this decision is made based on the best judgement of two members of management (when possible) and DOES NOT require a breathalyzer or blood test. The employee may be advised that the Town of Amherst has arranged a taxi or shuttle service to safely transport them to their home address or to a medical facility, depending on the determination of the observed impairment. The

employee may be accompanied by a manager or supervisor or another employee if deemed necessary.

- d) When it is suspected that an employee is impaired, the employee will not be allowed to drive. The employee should be advised if they choose to refuse Town of Amherst organized transportation and make the decision to drive their personal vehicle, the Town is obligated to and will contact the police to make them aware of the situation.
- e) A meeting may be scheduled for the following work day to review the incident and determine a course of action which may include discipline or a monitored referral program as part of a treatment plan.

7. Substance Dependency

Town of Amherst understands that certain individuals may develop a chemical dependency to certain substances, which may be defined as a disease or disability. Employees are not excused from their duties as a result of their dependencies. Town of Amherst promotes early diagnosis. Any employee who suspects that they might have an emerging drug/substance or alcohol problem is expected to seek appropriate treatment promptly.

8. Voluntary Identification

Employees are encouraged to communicate if they have a dependency or have had a dependency so that their rights are protected and they can be accommodated appropriately. Employees will not be disciplined for requesting help or due to current or past involvement in a rehabilitation effort.

All medical information shall be kept confidential by Town of Amherst, unless otherwise authorized by law.

9. Agreement for the Continuation of Employment

Town of Amherst reserves the right to invoke an agreement for the continuation of employment in accordance with an employee’s commitment to become and remain alcohol- and drug-free. The agreement will outline the conditions governing the employee’s return to the job and the consequences for failing to meet the conditions.

An agreement for the continuation of employment may include a requirement for drug or alcohol testing.

10. Disciplinary Action

Employees may be subject to disciplinary action up to and including termination of employment for failure to adhere to the provisions of this policy, including but not limited to:

- a) Failure to meet prescribed safety standards as a result of impairment from alcohol, drugs or substances that cause impairment; and
- b) Engaging in illegal activities (for example, selling drugs, alcohol or substances that cause impairment while on Town of Amherst premises).

11. Acknowledgement and Agreement

I, (Employee Name), acknowledge that I have read and understand the Substance Use Policy of Town of Amherst. I agree to adhere to this policy and will ensure that any employees working under my direction adhere to this policy. I understand that if I violate the rules set forth in this policy, I may face disciplinary action up to and including termination of employment.

Name: _____

Signature: _____

Date: _____

➤ Witness: _____

6. INFORMATION ITEMS – No Reports

7. INTERNAL COMMITTEE REPORTS

7.1 Planning Advisory Committee

Information item; no direction given or action required.

7.2 **Amherst Board of Police Commissioners**
Information item; no direction given or action required.

7.3 **Amherst Youth Town Council**
Information item; no direction given or action required.

8. **EXTERNAL COMMITTEE REPORTS**

8.1 **Cumberland Public Libraries**
The CAO requested that Councillor MacKenzie try to get statistics as to how many library users are residence of Amherst.

8.3 **Cumberland Joint Services Management Authority**
Information item; no direction given or action required.

8.4 **Northern Region Solid Waste Committee**
Information item; no direction given or action required.

8.7 **Inter Municipal Tourism**
Information item; no direction given or action required.

9. **ADDITION TO THE AGENDA**

Councillor Blanch asked to make an addition to the agenda. As the agenda was already approved, this required a unanimous consensus of Council, which was given.

Moved by Councillor Blanch that Amherst Youth Town Council be invited to the next Committee of the Whole meeting to do a presentation on climate change. There being no seconder to the motion, the motion failed.

Mayor Kogon and AYTC member Mason Carter to arrange a date for a special meeting of Committee of the Whole to be scheduled for the Amherst Youth Town Council to give a presentation on climate change.

10. **ADJOURNMENT**

**Moved By Councillor Jones
Seconded By Councillor Rhindress
To adjourn the meeting at 7:33 p,m.**

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon
Mayor

**Amherst Town Council
Special Meeting
Minutes**

Date: May 15, 2019
Time: 4:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Jason Blanch
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Andrew Fisher, Manager of Planning & Strategic Initiatives
Tom McCoag, Corporate Communications Officer
Rebecca Taylor, Business Development Officer
Shelley Rector, Chief Financial Officer
Sarah Wilson, Manager of Financial Services
Kim Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 4:06 p.m. The CAO gave his budget comments and highlights as follows:

Today Council is considering the general residential and commercial tax rates. The general rates fund the day to day operations of the Town for services like police and fire protection, general administration, public works, including streets and sidewalks, planning, building inspection recreation as well as fiscal services like debt service and a number of capital items funded from operations. Separate area rates fund provincial mandatory contributions and community support expenditures. A uniform charge has been previously approved for solid waste management services as have sewer rates which fund those services.

This is essentially a status quo budget that maintains most or all current services for the coming year. In terms of tax revenue, residential capped assessment grew by only 0.6% this year. Commercial assessment declined by -2.5%. Most other sources of revenue stayed constant resulting in a decrease in revenue relative to the general rates of just over \$2,000.

On the expenditure side, expenditures funded by the general rate will actually decrease by about \$2,306 despite projected increases in salaries and benefits of just over \$250,000, vehicle and equipment costs of \$28,000 or 7.4% and an increase in the fire protection charge that the Amherst Water Utility charges the Town, by order of the UARB, of about \$23,000.

However departmental directors worked hard to reduce costs where possible and minimize increases in their departments to minimize the impact on tax rates while maintaining services. As a result administrative costs are expected to decline by about \$14,000 or 1.8%, building & facility costs are budgeted to fall by \$34,000 or 4.6%, professional services are estimated to be down by about \$75,000 and fiscal services, including debt service and other transfers will fall by approximately \$200,000 or 10%.

These factors combined result in a small proposed decrease in the residential and commercial general rates of one-tenth of one percent.

I do want to say that beyond this years' efforts to trim costs, senior staff have embarked on a service capacity review that will examine all services currently being provided by the Town for further efficiencies. It is hoped that further savings will be identified through this process. I'm also pleased to note that projected year-end financial results point to a balanced budget for this past fiscal year as well.

This year's capital budget was once again prepared with reference to the various studies that have been completed over the past couple of years including the Asset Management Study, the Recreation Master Plan, the Active Transportation Plan and the Vehicle Replacement Plan as well as an ongoing and

comprehensive evaluation of our street infrastructure using the Paser rating system . The recommended capital budget is \$3,694,229 for general capital. There were additional paving projects that Council was able to add to the General Capital Budget due to receiving an additional allotment of gas tax funding from the Federal Government. Excess funds will be used to fund projects over the next two fiscal periods as resources allow.

Some highlights from the recommended capital budget are the completion of the Willow Street watermain replacement projects and the purchase of a new backhoe in the Water Utility as well as a \$260,000 investment in the installation of solar panels on the roof of the stadium under the Solar for Community Buildings program that will result in an ongoing positive impact on our bottom line. There will be a continuation in the implementation of the Active Transportation Plan with \$600,000 being invested in a number of sidewalk and trail projects. The budget proposes to invest over \$843,000 in the Amherst Fire Department including the purchase of a new pumper at a cost of approximately \$600,000. Capital replacement of vehicles and equipment including a conversion to the TMR2 system for radio communication in the police department is estimated to cost just over \$400,000. The recreation department will benefit from an investment of just over \$200,000 in various projects and equipment purchases. Finally, almost \$425,000 will be invested in street improvements, much of it possible due to the additional Federal Gas Tax revenue being received this year. There will be work done, on Abbey, Taplin, Tantramar, Dunlap, Fairview, Durley, Senior and Gladstone this year. The only projects where debt will be incurred are those with a significant useful life like the fire truck, solar panels and the Willow Street project.

It is worth noting, Your Worship, that our ten-year operating and capital models indicate that there are ongoing pressures expected on costs and revenues, and that Amherst needs to continue to be vigilant in ensuring the long term viability of the Town. Despite good faith efforts to find efficiencies and perhaps adjust services and service levels the upward pressure on costs due to inflation and increased regulatory compliance requirements is always present.

2. APPROVAL OF THE WATER AND GENERAL CAPITAL BUDGET

Moved By Councillor MacKenzie

Seconded By Councillor Blanch

That Council approves the Town of Amherst General Capital Budget for the 2019-20 fiscal year as presented in the amount of \$3,694,229 and the Amherst Water Utility Capital Budget for the 2019-20 fiscal year in the amount of \$2,086,082 to be funded as follows:

<u>Town of Amherst</u>		<u>Amherst Water Utility</u>	
Capital from revenue	\$506,535	Capital from Revenue	\$ 40,000
Gas Tax Funding	1,105,000	Federal Grant – CWWF	886,050
Long Term Debt	1,394,491	Provincial Grant – CWWF	461,950
Reserves	<u>688,203</u>	Long Term Debt	<u>698,082</u>
Total	<u>\$3,694,229</u>	Total	<u>\$2,086,082</u>

And further, that Council approve in principle the subsequent nine years' Capital Budget plan as presented:

Fiscal Year	General Capital	Water Capital
	Total Amount	Total Amount
2020 – 2021	2,242,750	653,750
2021 – 2022	2,905,750	235,000
2022 – 2023	2,031,250	296,000
2023 – 2024	2,066,750	225,000
2024 – 2025	1,875,250	200,000
2025 – 2026	1,645,000	265,000
2026 – 2027	1,898,000	375,000
2027 – 2028	1,783,000	385,000
2028 – 2029	1,310,000	395,000

To be clear, the second part of this motion contemplates the approval of the amounts for the years 2020-2021 to 2028-2029 for planning purposes only; this is not the authority to spend, nor is it necessarily the final and complete listing.

Motion Carried

3. SETTING OF THE GENERAL RATE

Moved By Councillor Byrne

Seconded By Councillor Jones

WHEREAS total estimated expenditures for the fiscal period are \$13,349,007.

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2020:

1. The general tax rates are as follows:

Residential / Resource	\$1.179 per \$100 of assessment
Commercial	\$3.979 per \$100 of assessment

AND THAT these taxes are due and payable on September 30, 2019 with interest to be charged on all final tax accounts outstanding on or after October 1, 2019 at the rate of 1% per month, 12% per annum.

Motion Carried

4. APPROVAL OF THE USER FEE POLICY

Moved By Deputy Mayor Christie

Seconded By Councillor MacKenzie

That Council approve the request to have the User Fee Policy, Policy number 3470-03, updated to reflect the changes noted above and highlighted in the attached red-line version.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 3470-03
PAGE 1 of 7

DEPARTMENT: ALL TOWN DEPARTMENTS

TITLE: Annual Review of User Fees

Minutes reference date:	30 April 2007	29 October 2007	18 April 2008
	28 May 2009	26 April 2010	24 May 2011
	23 May 2012	01 May 2013	30 April 2014
	12 June 2015	25 May 2016	03 October 2016
	23 January 2017	23 May 2018	

PURPOSE:

To establish a schedule of user fees for Council to review for appropriateness and to revise if necessary during the annual budgeting process.

POLICY STATEMENT:

It is appropriate for Council to charge fees, as authorized under the *Municipal Government Act*, in the Town's Bylaws, Policies and Procedures in order to defray its administrative costs. In order to allow for a systematic and thorough evaluation of those fees, a comprehensive schedule of User Fees with applicable tax status has been established. The responsibility for the accuracy of the Schedule shall rest with the department to which a fee applies. Any additions/deletions to the Schedule will be updated by the Executive Office. Those fees legislated under Provincial and/or Federal Acts and Authorities will also be shown on the schedules for completeness, but will not be subject to change by Council.

OBJECTIVES:

To make the administration of the cost recovery portion of the Town's Bylaws, Policies and Procedures more efficient and to determine the impact on each year's projected revenues during the budget process. By combining all of the fees in one document, the review will be more visible and complete.

Corporate Services		
SERVICE/PRODUCT/ADMINISTRATIVE	FEE	HST STATUS
Photocopies	.25/copy	Plus HST
Tax Certificates	\$50.00	HST Exempt
NSF Cheques	\$20.00	HST Exempt

By-Law Fees Collected by Corporate Services		
C-4 Dog-By-Law, Schedule A		
Dog License spayed/neutered	\$15/yr	HST Exempt
Dog License un-spayed/un-neutered	\$30/yr	HST Exempt
Lost Tag Replacement	\$15	HST Exempt
Dog-1 st Impoundment	\$30	Plus HST
Licensed Dog-2 nd Impoundment	\$70	Plus HST
Licensed Dog-3 rd & Subsequent Impoundments	\$100	Plus HST
Unlicensed Dog-Impoundments	\$100	Plus HST
Maintenance fee – Impoundment period	\$15/per day	Plus HST
C-11 False Alarms - After 2nd Notice	\$50/alarm	HST Exempt

Operational Services		
It is not the intention of the policy to rent Town of Amherst equipment to the general public; these rates and the availability of this equipment are contemplated for use by commercial concerns only.		
Equipment Charge out Rates	Rate per Hour	HST Status
Backhoe	\$93.00*	Plus HST
Loader	\$97.25	Plus HST
1-ton trucks/Service trucks	\$44.23*	Plus HST
3-5 ton trucks	\$66.00*	Plus HST
Street Sweeper	\$115.00*	Plus HST
Trackless	\$70.00*	Plus HST
Sewer Camera	\$100.00*	Plus HST
Line Locator	\$50.00*	Plus HST
Hole Hog	\$45.00*	Plus HST
Vermeer Brush Chipper	\$60.00*	Plus HST
Steamer	\$30.00*	Plus HST
Trash Pump	\$15.00	Plus HST
Diaphragm Pump	\$15.00	Plus HST
Line Painter	\$115.00/hour	Plus HST
Overhead charges extra – see procedure		
* Price includes one operator and fuel during normal working hours; overtime labour rates are extra.		

Operational Services By-Laws		
D-3 Wastewater Discharge By-Law		
One Connection	\$750.00	Plus HST
Storm Sewer Connection (if done at the same time as sewer connection)	\$250.00	Plus HST
D-19 Sanitary Sewer Rates By-Law		
Residential Metered Customers	\$.99 m ³	HST Exempt
Commercial/Industrial/Institutional metered customers	\$.49 m ³	HST Exempt
Annual Base Charges – Meter Size		
5/8"	\$72.00	HST Exempt
3/4"	\$108.00	HST Exempt
1"	\$175.00	HST Exempt
1.5"	\$344.00	HST Exempt
2"	\$545.00	HST Exempt
3"	\$1,085.00	HST Exempt
4"	\$2,000.00	HST Exempt
Annual Non-metered Mobile Home Park Owner	\$178.53 /dwelling unit/year	HST Exempt
Uniform Charge for Wastewater Treatment Facility for unmetered mobile homes billed on the property Tax Bill	\$72.00/yr	HST Exempt

Solid Waste Rates		
Solid Waste Collection billed on Tax Bill	\$.185.00/yr	HST Exempt
Replacement Green Bin (Composter)	\$95.00	Plus HST
Replacement White Kitchen Compost (Bucket)	\$5.00	Plus HST

Services/Products – Operational Services		
Parking Space Rental – Yearly	\$200.00	Plus HST
Parking Space Rental – Monthly	\$20.00	Plus HST
Street Breaking Permit (Policy 31600-08)	\$500.00	Plus HST

Commercial Sewer Service (Policy 31600-14) Estimated by Engineer and final adjustment when work is done	Cost of Service	Plus HST
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Planning and Development Department		
Zoning Confirmation Letter	\$50.00	HST Exempt
Copy of Land Use Bylaw or Municipal Planning Strategy	\$20.00	HST Exempt
Copy of Zoning Map (11 x 17)	\$5.00	HST Exempt
Copy of Zoning Map (50 cm x 60 cm)	\$10.00	HST Exempt
Application to Amend the Land Use Bylaw	\$200.00	HST Exempt
Application for a Development Agreement	\$200.00	HST Exempt
Application to Amend the Municipal Planning Strategy	\$300.00	HST Exempt
Application for a Variance or Site Plan	\$75.00	HST Exempt
Creation of Mapping Document	\$60.00/hr(including 10 lineal metres of maps)	Plus HST
Print Existing Map – less than 50 cm x 50 cm	\$25.00	Plus HST
Print Existing Map – more than 50 cm x 50 cm	\$50.00	Plus HST

Building Permits		
New residential buildings, community centres, churches	\$50.00 + \$0.12 per square foot	HST Exempt
New Commercial, Industrial or other building not listed	\$50.00 + \$0.17 per square foot	HST Exempt
All alterations or repairs	\$50.00 + 0.25% of value	HST Exempt
Decks, accessory buildings and farm buildings	\$50.00 + \$0.04 per square foot	HST Exempt
Demolition	\$20.00	HST Exempt
Permit Renewals	\$50.00	HST Exempt
Development Permit	\$50.00	HST Exempt

Police Department		
Commissioner of Oaths Signing	\$15.98	HST Exempt
Commissioner of Oaths Signing – Child Abuse Register for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Criminal Record Check	\$25.00	Plus HST
Criminal Record Check for Amherst citizens to participate as volunteers for community organizations	Waived	N/A
Serial # Verification (homemade trailers)	\$25.00	Plus HST
Fingerprints (for non-criminal reasons)	\$50.00	Plus HST
Accident Reports	\$25.00	Plus HST
Community Room Rental	\$125.00/day \$75.00/half day	Plus HST
C-9 Taxi By-Law, Schedule E		
Taxi Cab License	\$25/yr	HST Exempt
Taxi License Transfer	\$10	HST Exempt
Taxi Driver License	\$20/yr	HST Exempt
Taxi Driver License Replacement	\$10	HST Exempt
Taxi License Photo	\$10.00	Plus HST

Fire Department		
Firefighter	\$20.00/hour	HST Exempt
Apparatus	\$200.00/in use; \$100.00/standby	HST Exempt
Standby Jaws of Life Alarm	\$350.00	HST Exempt
Meters	\$50.00/hr	HST Exempt
Saws	\$50.00/hr	HST Exempt
Lighting System	\$25.00/hr	HST Exempt
Generator	\$25.00/hr	HST Exempt
Foam – All Types	\$185.00/jug	HST Exempt
Specialized Suits – Hazmat	Replacement cost	HST Exempt
PPE (bunker gear)	Replacement cost	HST Exempt
Fire Extinguisher Training	\$300.00 up to 15 people	Plus HST
Fire Inspections	\$75.00/hr	Plus HST
Inspection Confirmation Letter	\$50.00	HST Exempt

Recreation		
Ice Time/Stadium		
Early Bird Monday-Friday (6:00-8:15 am)	\$55.00/hr	Plus HST
Fair Time Monday-Friday (6:00 8:30 am – 45:00 pm)	\$74.00 \$99.00/hr	Plus HST
Prime Time Monday-Friday (after 45:00 pm), on Fridays and all Saturdays, Sundays & Holidays	\$128 \$22.00/hr	Plus HST
Prime Time Youth Rate Monday-Sunday	\$9399.00/hr	Plus HST
Photocopies/Stadium (Policy 72000-06)		
8 ½ X 11 (Town Paper)	\$0.10/copy	Plus HST
8 ½ X 14 (Town Paper)	\$0.15/copy	Plus HST
11 X 17 (Town Paper)	\$0.25/copy	Plus HST
8 ½ X 11 (own paper)	\$0.05/copy	Plus HST
8 ½ X 14 (own paper)	\$0.05/copy	Plus HST
11 X 17 (own paper)	\$0.10/copy	Plus HST
Ballfield User Policy (Policy 72300-01)		
Lights	\$18/diamond/game	Plus HST
Tournament Fee	\$100/day	Plus HST
Tournament Lights	\$30/day	Plus HST

Stadium Advertising Rates plus artwork, design and production*		
Ice logos	\$400.00	Plus HST
Dasherboard	\$400.00	Plus HST
Wall Signage (4X6)	\$400.00	Plus HST
Ice Making Machine	\$2,500.00	Plus HST
Red and Blue Line – per line (not per side)	\$100.00	Plus HST
Stairs Kick Plates	3 for \$150.00	Plus HST
Score clock Small	\$600.00	Plus HST
Score clock Large	\$850.00	Plus HST

*In addition to the advertising rate, the customer will be responsible and invoiced for all cost(s) associated with the creation of artwork, design, production & installation if applicable. Actual quote will be provided at the time the service is requested.

Off Season Stadium Rentals		
Rink Floor Only	\$4050.00 per hr or \$600 \$630.00 for full-day per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Entire Facility including meeting rooms, team rooms	\$62.50 \$70.00 per hr or \$750 \$790.00 per day (8:00a.m. to 12:00a.m. midnight)*	Plus HST
Extra Employees Extra Employees (Overtime Rate)	\$25.00 per person per hour \$40 per person per hour	Plus HST Plus HST**
2 nd Floor meeting room and lounge	\$50.00 per hour or \$150.00 per day	Plus HST

Beer/Liquor Concession Robb Centennial Park (Policy 72300-05)		
Concession only. NSAGA requirements responsibility of organizing committee	\$100.00/day	Plus HST

*Includes one employee during that time

** If the booking goes beyond midnight there will be an additional fee of an employee at the overtime rate per hour.

Community Credit Union Business Innovation Centre			
Rental Fee	Daily	1/2 Day	Hourly
Conference Room	\$400.00	\$250.00	\$80.00
Conference Room – Community	\$240.00	\$150.00	\$48.00
Boardroom	\$125.00	\$80.00	\$25.00
Boardroom – Community	\$75.00	\$48.00	\$15.00
Evening & Weekend Surcharge			\$20.00
Evening & Weekend Surcharge – Community			\$12.00
Sound & Lighting Technician			\$30.00
Sound & Lighting Technician – Community			\$18.00

*HST shall be applied and be in addition to all rates noted for the Community Credit Union Business Innovation Centre

Municipal Government Act Fees – FOI-POP Section 466, MGA
The fees charged for access to information under Part XX of the MGA (Freedom of Information and Protection of Privacy) shall be in accordance with the Freedom of Information and Protection of Privacy Regulations of Nova Scotia, as amended from time to time.

Note: "All rates and charges with respect to the Amherst Water Utility will be in accordance with the schedule of rates for water and water services as approved by the Utility and Review Board of Nova Scotia from time to time and as reflected in the Order of the Board."

5. BANK BORROWING RESOLUTION

Moved By Councillor Rhindress

Seconded By Councillor Blanch

That Council approves a general borrowing resolution to authorize the borrowing of certain moneys from the Royal Bank of Canada to meet the current expenditures of the Town of Amherst for the year ending March 31, 2020.

Motion Carried

**TOWN OF AMHERST
GENERAL BORROWING RESOLUTION**

To authorize the borrowing of certain moneys from the Royal Bank of Canada to meet the current expenditure of the Corporation of the Town of Amherst (hereinafter called "the Corporation") for the year ending March 31, 2020.

WHEREAS it is necessary to borrow the sum of \$2,000,000 (two million dollars) from the **Royal Bank of Canada** to meet the current expenditures of the Corporation until such time as the taxes to be levied therefore can be collected;

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

1. **THAT** the Mayor and the Treasurer of the Corporation, be, and they are hereby authorized under the seal of the Corporation to borrow from the **Royal Bank of Canada** up to the sum of **\$2,000,000 (two million dollars)** as the same may be required from time to time to meet the now current expenditures of the Corporation which said expenditures has been duly authorized by Council; and
2. **THAT** the said Mayor with the Treasurer aforesaid, be, and they are hereby authorized to pay or allow to the said bank, interest on the sum of **\$2,000,000 (two million dollars)** at a rate of Royal Bank Prime minus ¼% per annum, which may be paid or allowed in advance by way of discount or otherwise howsoever as they may deem best; and
3. **THAT** the said sum of **\$2,000,000 (two million dollars)** so to be borrowed shall be made payable on or before the 31st day of March, 2020, and the promissory note or notes of the Corporation, if any, given therefore, if made payable before the said 31st day of March, 2020, may be renewed by the said Mayor and Treasurer from time to time, but no renewal thereof shall fall due later than the said 31st day of March, 2020; and
4. **THAT** the said promissory note or notes of the Corporation, sealed with the corporate seal and signed by the Mayor and Treasurer of the Corporation be given from time to time as required, in security for the amounts borrowed from time to time under the provisions of this resolution; and
5. **THAT** giving of such renewal note or notes, as aforesaid, shall not be deemed satisfaction to the said bank of the said advance or interest, but as evidence only in indebtedness.

This is to certify that the foregoing is a true copy of a resolution of the Council of the Municipal Corporation of the **Town of Amherst** passed at a meeting of the said Council, duly called and held on the _____ day of May, 2019 at which a quorum of the Council was present and voting.

Given under the hands of the Mayor and Treasurer of the Town this _____ day of May, 2019.

.....
David Kogon, MD
Mayor

.....
Shelley G. Rector, CPA, CMA
Treasurer

6. ADJOURNMENT

Mayor Kogon adjourned the meeting at 4:25 p.m.

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

**Amherst Town Council
Special Meeting
Minutes**

Date: May 21, 2019
Time: 3:30 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Jason Blanch
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Dwayne Pike, Police Chief
Tom McCoag, Corporate Communications Officer
Shelley Rector, Chief Financial Officer
Sarah Wilson, Manager of Financial Services
Andrew Fisher, Manager of Planning & Strategic Initiatives
Kim Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 3:30 p.m.

2. BUDGET RESOLUTIONS

**2.1 Community Support Area Rate
Moved By Councillor Byrne
Seconded By Councillor MacKenzie**

WHEREAS the estimated community support for the 2019-20 fiscal period is funded from own sources in the amount of \$110,000 and the remaining \$372,110 must be rated;

THEREFORE BE IT RESOLVED THAT for the Town of Amherst for the fiscal year ending March 31, 2020, the Community Support Area Rate on all property assessments within the boundary of the Town of Amherst are as follows:

Residential / Resource	\$0.071 per \$100 of assessment
Commercial	\$0.071 per \$100 of assessment

AND THAT these area rates are due and payable on September 30, 2019 with interest to be charged on all final tax accounts outstanding on or after October 1, 2019 at the rate of 1% per month, 12% per annum.

Motion Carried

3. REQUEST FOR DECISIONS

**3.1 Tax Reduction Policy
Moved By Deputy Mayor Christie
Seconded By Councillor Rhindress**

That Council approves amendments to the Tax Reduction Policy 3800-02 to add the following condition to paragraph 1(e):

In the case of owners with taxes in arrears, the owner can qualify if they have signed a Payment Arrangement Agreement and have made at least twelve consecutive payments of the agreed upon amount.

Motion Carried

TOWN OF AMHERST POLICY

NUMBER 03800-02

PAGE 2 of 4

DEPARTMENT: CORPORATE SERVICES

TITLE: TAX REDUCTION POLICY

Minutes reference date:	19 December 2005	Revision date: 24 April 2006	Revision date: 18 April 2008
	Revision date: 28 May 2009	Revision date: 24 May 2011	Revision date: 23 May 2012
	Revision date: 30 April 2014	Revision date: 21 May 2015	Revision date: 25 May 2016
	Revision date: 23 May 2017	Revision date: 23 May 2018	

PURPOSE:

To establish a policy to determine the reduction in taxes for a person (s) whose income from all sources for the calendar year preceding the fiscal year of the Town of Amherst is below the amount set out in this policy AND to determine the reduction in taxes for the owner(s) of a building which has been completely or partially destroyed.

POLICY STATEMENT (1): LOW INCOME

It shall be the policy of the Amherst Town Council that an exemption from taxes will be granted, pursuant to Section 69(2) (a) of the Municipal Government Act, according to the following income levels and amounts:

- Less than \$25,000 - a credit of \$450

The following conditions will apply:

- a) That the exemption be granted to every person assessed with respect to taxable property in the Town of Amherst, who is a resident of the Town of Amherst, and whose total household income from all sources for the calendar year preceding the fiscal year of the Town of Amherst must be \$25,000 or less, including the income of all other members of the same family residing in the same household but does not include allowances paid pursuant to the War Veterans Allowance Act (Canada) or pension paid pursuant to the Pension Act (Canada);
- b) That the exemption shall only be available for residents where the property is their primary residence occupied by him/her year-round;
- c) That, where two or more persons, one or more of whom are entitled to an exemption, are – the owners of taxable property together, the person(s) is entitled to that portion of the amount of the exemption that the amount of his/her assessment bears to the whole property assessment;
- d) That the person applying for the exemption provide a copy of their Notice of Assessment from Revenue Canada for the prior year and make an affidavit regarding his/her income for that period and return such affidavit to the Town Office not later than September 30 of the year in which the taxes are payable.
- e) To qualify for the exemption, a property owner's previous year's rates and taxes must be paid in full at the time of their application. **In the case of owners with taxes in arrears, the owner can qualify if they have signed a Payment Arrangement Agreement and have made at least twelve consecutive payments of the agreed upon amount.**

POLICY STATEMENT (2): BUILDING DESTROYED

In accordance with Section 69(A) of the Municipal Government Act, that where a building(s) situate on a property has become permanently unlivable or unusable due to fire and the current assessment of the property does not reflect that the building (s) has been destroyed, it shall be the policy of the Amherst Town Council to permit the reduction or rebate of property taxes on the building(s) alone for the balance of the taxation year under the following conditions.

- a) The taxpayer shall apply in writing to the Clerk asking for a reduction or rebate of property taxes.
- b) The Clerk shall ask the Building Inspector to confirm the complete destruction of the building(s).
- c) The Clerk shall ask the Regional Assessment Office to determine the following years assessment value before any subsequent rebuilding or construction.
- d) Upon receipt of the Building Inspectors and Provincial Assessments report, the Clerk shall authorize the Treasurer to reduce the amount of the taxes on the building(s) by pro rating the same over the balance of the taxation year from the date of destruction.
- e) This policy section shall be made retroactive to April 1, 2005; provided that if, as a result of this policy being made retroactive, it results in property taxes being rebated such sums shall be paid without interest.
- f) If the owner of the property in question is found guilty of arson, either civilly or criminally, the Clerk shall not rebate any taxes. In the event that taxes have already been rebated, then that rebate shall be void ab initio, and the taxes with interest accrued thereon will become immediately due and payable, it being the overriding policy of the Town of Amherst that a person shall not benefit from his or her own wrongdoing.

**3.2 Community Support Grants - Grants to Organizations
 Moved By Councillor Jones
 Seconded By Councillor MacKenzie
 That Council approves funding in the amount of \$83,610 under the
 Community Support Grants Policy as follows:**

Amherst Little League Baseball Assoc.	\$ 1,500
Amherst Little League T-Ball Baseball	500
Autumn House	10,000
Cumberland Early Intervention Program	500
Food Assistance Network	2,000
Cumberland County Museum	4,000
Seniors Safety Program	6,500
Sexual Health Centre for Cumberland	500
Amherst Artisan Gallery	400
Cumberland Health Care Auxilliary	500
Bordertown Biker Bash Committee	2,500
Canadian Cancer Society - Relay for Life	1,800
Cumberland County Museum	4,500
Fibre Arts Festival Society	2,500
LA Animal Shelter	360
Amherst Fire Fighters Association	5,000
Amherst Spartans U-18 Girls Team	250
Amherst Sport & Social League	500
Cumberland Y Service Club	2,000
Knights of Columbus	300
Phoenix Cheer & Tumbling Club	500
Showcase Productions	1,000
NS Health Authority Community Rehab	1,500
Amherst Legion Branch 10	2,000
Nova Scotia Community College	20,000
Amherst Community Christmas Dinner	1,500
Pay It forward Pantry	1,000
Maggie's Place	10,000
	\$ 83,610

Motion Carried

4. **ADJOURNMENT**
Moved By Councillor Jones
Seconded By Councillor Blanch
To adjourn the meeting at 3:40 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor

SYNOPSIS

Appointment of Building Official

Since Marc Buske accepted the Building Inspector position in June of 2017, he has been taking courses to become a Qualified Building Official.

Mr. Buske is now qualified to conduct inspections on all 1 and 2 unit residential buildings. He continues to take courses to work towards being a fully Qualified Level 1 and 2 Building Official at which time he will be able to process all building permits for the Town. During this time the Building Officials from the Municipality of the County of Cumberland will continue to conduct inspections, with Mr. Buske's assistance, on large residential and all commercial buildings on our behalf.

MOTION:

That Marc Buske be appointed as a Building Official for the Town of Amherst effective immediately.



AMHERST TOWN COUNCIL

RFD# 2019051

Date: May 27, 2019

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Jason MacDonald, MCIP, LPP, Deputy CAO

DATE: May 27, 2019

SUBJECT: Appointment of Marc Buske as Building Official

ORIGIN: Marc Buske acceptance of the Building Inspector position in June of 2017.

LEGISLATIVE AUTHORITY: Nova Scotia Building Code Act Section 5 (2) A building official or building officials shall be appointed by each council to administer and enforce this Act in the municipality.

RECOMMENDATION: That Marc Buske be appointed as Building Official for the Town of Amherst.

BACKGROUND: Since Marc Buske accepted the Building Inspector position in June of 2017, he has been taking courses to become a Qualified Building Official. During that time Mr. Buske has been processing building permit applications for the Town and participating with building inspections with the Building Officials from the Municipality of the County of Cumberland who have been providing this service on the Town's behalf during this time. Mr. Buske has also maintained his Fire Inspector certification during this time, and will continue to do so.

DISCUSSION: Mr. Buske is now qualified to conduct inspections on all 1 and 2 unit residential buildings. He continues to take courses to work towards being a fully Qualified Level 1 and 2 Building Official at which time he will be able to process all building permits for the Town. During this time the Building Officials from the Municipality of the County of Cumberland will continue to conduct inspections on large residential and all commercial buildings on our behalf.

It is expected that Mr. Buske will also be appointed as a Building Official for the Municipality of the County of Cumberland so that he can undertake appropriate inspections for that municipality when required by their staffing levels.

FINANCIAL IMPLICATIONS: There are some small positive financial implications to Mr. Buske taking over these types of inspections.

COMMUNITY ENGAGEMENT: No community engagement is anticipated at this time.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to the recommendation.



SOCIAL JUSTICE IMPLICATIONS: There are no social justice implications to the recommendation.

ALTERNATIVES: The only alternative to appointing Marc Buske as a Building Official for the Town would be to request that the Municipality of the County of Cumberland continue providing this service to the Town for a further period of time.

ATTACHMENTS:

Report prepared by: Jason MacDonald, Deputy CAO
Report and Financial approved by:

SYNOPSIS

Smoke-Free Recreational Places By-law Amendment

In its current form, the Smoke-Free Recreational Places By-law C-12 prohibits smoking at a park or playground on Town property or at an outdoor recreational facility on Town property or property maintained by the Town however it does not recognize issues relating to the use of either cannabis or vaping products

Staff have reviewed the current bylaw with a view to addressing these issues and are recommending that the following changes be considered:

1. Adding a definition of cannabis: *'a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form'*
2. Defining 'smoke' as *'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;*
3. Under 'Prohibition' include: *'the grounds of an event on town property or property maintained by the town, 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'*

MOTION:

That Council give first reading to the Bylaw to Amend the Smoke-Free Recreational Places Bylaw C-12 as attached.

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Chief Dwayne Pike

DATE: May 27, 2019

SUBJECT: Smoke Free Recreational Places Act

ORIGIN: The Federal *Cannabis Act* legalized 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 give first reading to the Bylaw to Amend the Smoke-Free Recreational Places Bylaw C-12 to include the use of cannabis and vaping.

BACKGROUND: The Cannabis Act took effect on October 17th, 2018 and provided a framework for the production, distribution, sale and possession of cannabis for medical and recreational purposes. Issues relating to cannabis distribution and retail sales are addressed in the Provincial Governments' Cannabis Control Act, and amendments were made to the Smoke Free Places Act in relation to the use of Cannabis and vaping. Municipal Government responsibilities include enforcement, safety, impacts on the community and home cultivation.

The Amherst Smoke Free Recreational Places Bylaw prohibit smoking on parks and recreational facilities and includes the following definition under 3(a) of the Bylaw:

“Smoke” means to smoke, hold or otherwise have control over lighted tobacco.

This bylaw does not recognize issues relating to the use of either cannabis or vaping products.

DISCUSSION:

Smoking on Municipal Property

Provincially, the Smoke-Free Places Act prohibits smoking tobacco in certain areas and was amended to include cannabis and other substances in addition to tobacco. Smoking of these substances is prohibited in the following areas:

- Provincial Parks and Beaches



- Within 20 metres of playgrounds, sport and recreation events or venues, and
- Within 9 metres of public trails.

Smoke and smoking are public health and safety issues. The health impacts from the exposure to second-hand tobacco are well documented, as are the issues surrounding cannabis and use of vaping products.

In its current form, the Smoke-Free Recreational Places Bylaw prohibits smoking at a park or playground on Town property or at an outdoor recreational facility on Town property or property maintained by the Town.

An amendment to the Town By-law to ban smoking, in all its forms, allows for effective enforcement of the restrictions. Differentiating between cannabis smoke and tobacco smoke would make enforcement very difficult. From an enforcement perspective, one would only have to prove that a person was ‘smoking’ on municipal property. Should a ban only include cannabis, the Crown would be required to prove that the substance smoked was cannabis as opposed to another substance. This would require a laboratory analysis.

With this in mind, Council may consider an amendment to the bylaw that will address smoking in its many forms. Council may also consider banning the use of such products on the grounds of an event that are being held on Town property, or property maintained by the Town. This would effectively deal with issues relating to smoking at festivals, markets or concerts that are not a ‘recreational facility’.

Recommended changes to the By-law are as follows:

1. Adding a definition of cannabis: *‘a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form’*
2. Defining ‘smoke’ as *‘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;*
3. Under ‘Prohibition’ include: *‘the grounds of an event on town property or property maintained by the town, 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’*

FINANCIAL IMPLICATIONS: The proposed changes should not affect law enforcement and service levels.

COMMUNITY ENGAGEMENT: None at this time, however council may wish to direct staff to conduct more research

ENVIRONMENTAL IMPLICATIONS: None at this time

SOCIAL JUSTICE IMPLICATIONS: Cannabis/tobacco and vaping are all issues widely debated considering the health concerns as well as the possible medicinal uses of cannabis. The question may arise ‘Does this By-law target specific groups in the community?’

ALTERNATIVES:

1. Maintain status quo
2. Amend the Smoke-Free Recreational Places By-law to include cannabis and vaping and the additional prohibition.

ATTACHMENTS: Smoke-Free Recreational Places Bylaw Draft with recommended amendments.

Report prepared by: D. Pike
Report and Financial approved by:

**BY-LAW TO AMEND THE
SMOKE-FREE RECREATIONAL PLACES BYLAW C-12**

The Town of Amherst Smoke-Free Recreational Places By-law C-12, approved by Council on May 28, 2012, is hereby amended as follows:

1. Delete Section 3.a) ii) in it's entirety:

~~“smoke” means to smoke, hold or otherwise have control over lighted tobacco.~~

And replace it with the following:

‘Smoke’ means to 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;

2. Add Section 3.a) iii) as follows:

iii) ‘Cannabis’ means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

3. Add Section 4.a) iii) as follows:

iii) the grounds of an event on Town property or property maintained by the Town, 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.

Town of Amherst

SMOKE-FREE RECREATIONAL PLACES BY-LAW

1. TITLE

- a) This By-law shall be known and may be cited as the “Smoke Free Recreational Places By-Law” of the Town of Amherst.

2. BACKGROUND

- a) 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 person: persona and activities in public places and places open to the public and nuisances, including burning, odours and fumes.

3. INTERPRETATION

- a) In this By-law:
 - i) ‘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 in the town;
 - ii) ‘Smoke’ means to *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;*
 - iii) ‘Cannabis’ means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

4. PROHIBITION

- a) No person shall smoke in any of the following places:
 - i) a park or a playground on Town property or property maintained by the Town;
 - ii) an outdoor recreational facility on Town property, or property maintained by the Town, including, but not limited to a sports field, grandstand, seating area or bleacher;
 - iii) *the grounds of an event on Town property or property maintained by the Town, 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’.*

- iv) Smoking at the Amherst Stadium shall be restricted to a designated area in the parking lot that may be anywhere on the property except at the front of the building

5. OFFENCE AND PENALTY

- a) 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).

6. SEVERABILITY

- a) 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 shall continue in full force and effect

7. FULL FORCE AND EFFECT

- a) This By-law has effect from and after the date of publication.

SYNOPSIS

Land Use Bylaw Amendment Off-site Signage in the Downtown Core

At the request of a downtown business owner, Council directed the Planning Advisory Committee to consider a Land Use Bylaw amendment to allow non-electrified off-site signage in the Core Area District of the Downtown Zone. After an advertised Public Participation Opportunity and report from staff, the Committee recommended that Council not amend the Land Use Bylaw to allow off-site signage in the Core Area.

MOTION:

That Council not amend the Land Use Bylaw to allow off-site signage in the Core Area District of the Downtown Zone.



AMHERST TOWN COUNCIL

RFD# 2019057

Date: May 27, 2019

TO: Mayor Kogon and Members of Amherst Town Council

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

DATE: May 27, 2019

SUBJECT: Land Use Bylaw (LUB) amendment – off-lot signage in the Downtown Core

ORIGIN:

At the request of a downtown business owner, at its March 25, 2019 meeting, Council passed the following motion:

That Council direct the Planning Advisory Committee to review the Land Use Bylaw and propose amendments to permit non-electronic off-site signage in the downtown core, and further that the PAC do this in the most expedient manner possible.

LEGISLATIVE AUTHORITY: MGA section 2019 (1) *Where a council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that shall enable the policies to be carried out.*

RECOMMENDATION: On May 13, 2019 the Planning Advisory Committee recommended that Council not amend the Land Use Bylaw to allow non-electric off-site signage in the Downtown Core Area District.

BACKGROUND: On June 24, 2013, Council amended the LUB to adopt a suite of amendments that established a Core Area District within the Downtown Commercial Zone. These amendments included building design requirements to protect and enhance the traditional downtown built form and aesthetic. The signage requirements included in these amendments were intended to promote more traditional signage that was not internally lit.

On December 22, 2014, Council amended the LUB to remove the restriction that off-lot signage be restricted to businesses and uses located within 5 km of town limits. The amendment was the result of a request by a property owner that wanted to operate an electronic billboard at the corner of South Albion Street and Robert Angus Drive. The amendment allowed off-lot signage on any non-residential property but counted towards the maximum number of signs permitted.

On April 18, 2018, at the request of a property owner, Council amended the LUB to allow electronic signs in the Core Area that also included a prohibition on off-lot signage within the Core. LUB section 6.14 (h) states:

- h) *Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;*



DISCUSSION: The general intention of the LUB section 6.14 (h) was to limit the ability within the Core Area to sell advertising space to off-lot businesses, which could potentially create an excessive amount of signage. Subsequent to the April 2018 amendment, Staff enforced this regulation by requiring an off-lot sign be moved from a property on the edge of the Core Area to an adjacent property just outside the Core. Over the course of the last year, Staff have advised other individuals and businesses that off-lot signage in the Core Area is not permitted. The contents of a Land Use Bylaw must be in keeping with the general intent of the Municipal Planning Strategy (MPS). As noted in the Staff report to the PAC, an amendment to the LUB in this circumstance would not go against the general intent of MPS policies.

FINANCIAL IMPLICATIONS: There are no financial implications to this issue.

COMMUNITY ENGAGEMENT: On May 1st, staff held an advertised PPO attended by three members of the public and the Mayor, a Councillor, and two PAC members. The attached meeting summary illustrates the subjective nature of signage with respect to how it should be regulated. The proponent wants an off-lot sign to help customers find his business. One of the attendees felt directional signage is important, but promoted the concept of sign standardization that fits with the town's built heritage. The third attendee that owns an electronic sign felt that the restriction on off-lot signage should be removed for all sign types, electric or otherwise.

ENVIRONMENTAL IMPLICATIONS: There are no environmental implications to this issue.

SOCIAL JUSTICE IMPLICATIONS: There are no obvious social justice implications.

ALTERNATIVES:

Option 1: **Permit off-lot signage of all types** by removing 6.14 (h):

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

Staff note: This option removes the off-site restriction put in place in 2018.

Option 2: **Permit non-electric off-site signage in the Downtown Core** be permitted by removing LUB section 6.14 (h) as follows:

- h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

and add the following subsection 6.14 i) ix:

- i (xi) **Electronic signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;**

Staff note: This option only restricts electronic off-site signs, and would allow the proponent's sign

Option 3 Defer consideration of first reading and direct staff to provide more information.

ATTACHMENTS:

- Staff report to PAC
- Core Area District Map
- LUB section 6.0 Signage
- Public Participation meeting summary

Report prepared by
Report and Financial approved by:

To: Planning Advisory Committee
From: Andrew Fisher, Manager of Planning & Strategic Initiatives
Date: April 4, 2019
Subject: **Off Lot signage in the Core Area**

INTRODUCTION:

At its March meeting, Council considered a request from Birkinshaw’s Tea Room for an exemption to the sign regulations that would allow the placement of an off-lot sign. Under section 6.14 (h) of the Land Use Bylaw (LUB) noted below, staff are not able to issue a Development Permit for an off-lot sign in the Core Area, and there is no mechanism to give exemptions under the LUB. As a result, the following motion was passed:

That Council direct the Planning Advisory Committee to review the Land Use Bylaw and propose amendments to permit non-electronic off-site signage in the downtown core, and further that the PAC do this in the most expedient manner possible.

BACKGROUND:

Attached for reference is a map showing the Core Area District as a yellow line within the Downtown Commercial Zone. Also attached is an excerpt of the LUB pertaining to signs.

On June 24, 2013, Council amended the LUB to adopt a suite of amendments that established a Core Area District within the Downtown Commercial Zone. These amendments included building design requirements to protect and enhance the traditional downtown built form and aesthetic. The signage requirements included in these amendments were intended to promote more traditional signage that was not internally lit.

On December 22, 2014, Council amended the LUB to remove the restriction that off-lot signage be restricted to businesses and uses located within 5 km of town limits. The amendment was the result of a request by a property owner that wanted to operate an electronic billboard at the corner of South Albion Street and Robert Angus Drive. The amendment allowed off-lot signage on any non-residential property but counted towards the maximum number of signs permitted.

On April 18, 2018, at the request of a property owner, Council amended the LUB to allow electronic signs in the Core Area that also included a prohibition on off-lot signage within the Core. LUB section 6.14 (h) states:

- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;*

The general intention of the above provision was to limit the ability within the Core Area to sell advertising space to off-lot businesses, which could potentially create an excessive amount of signage. It is important to note that the off-lot prohibition does not apply to areas outside the Core Area. Subsequent to the April 2018 amendment, Staff enforced this regulation by requiring an off-lot sign be moved from a property on the edge of the Core Area to an adjacent property just outside the Core. Over the course of the last year, Staff have advised other individuals and businesses that off-lot signage in the Core Area is not permitted.

PUBLIC PARTICIPATION OPPORTUNITY:

On May 1st, staff held an advertised PPO attended by three members of the public and the Mayor, a Councillor, and two PAC members. The attached meeting summary illustrates the subjective nature of signage with respect to how it should be regulated. The proponent wants an

off-lot sign to help customers find his business. One of the attendees felt directional signage is important, but promoted the concept of sign standardization that fits with the town's built heritage. The third attendee that owns an electronic sign felt that the restriction on off-lot signage should be removed for all sign types, electric or otherwise.

RELEVANT POLICY:

Any amendment to the LUB must be in keeping with the intent of Municipal Planning Strategy (MPS) policies. There are no policies specific to off-site signage, but in relation to this issue the following policies have some relevance. An amendment to the sign regulations would not be contrary to any of these policies.

<p><i>Downtown Commercial Zone</i></p>	<p>CP-3 It shall be the intention of Council to include in the Land Use Bylaw a Downtown zone. This zone shall be applied to the downtown commercial core and permit a range of commercial uses appropriate to the unique character of the area. The Downtown Zone shall include an overlay Core Area District where a development permit shall be required for new developments, and exterior renovations that alter the architectural features of a building. Issuance of a development permit shall be contingent on compliance with both the Downtown Zone and Core Area District requirements.</p> <p>It shall further be the intention of Council to include in the Land Use Bylaw provisions to regulate: signage, setbacks, building height, bulk, architectural features, building materials, and parking within the Downtown zone and Core Area District.</p>
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<p><i>Amendment Criteria</i></p>	<p>A-5 It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:</p> <p>(a) That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.</p> <p>(c) That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:</p> <p>(i) type of use;</p> <p>(ii) height, bulk and lot coverage of any proposed building;</p> <p>(iii) parking, traffic generation, access to and egress from the site;</p> <p>(iv) any other matter of planning concern outlined in this strategy.</p>
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DISCUSSION:

With respect to the challenges this particular business may have, these are challenges common to any business looking to drive more customers to their location. Within existing regulations, there are other signage options that might address this challenge. Sandwich Board signs are permitted without needing a permit. Also, a projecting wall sign could be placed on the corner of the subject building that directs customers to the location, as well as, other businesses located within the building. These alternatives could arguably be just as, if not more, effective as an off-lot sign.

The restriction on off-lot signage was recommended by the PAC and adopted by Council in 2018 with the intention to restrict the sale of sign space within the Core Area. Given the low cost of non-electric signage relative to electronic signs, the potential for excessive non-electric off-lots signs is significant regardless of electrification.

OPTIONS:

The Council motion directs the PAC to provide a recommendation on an LUB amendment that would allow non-electric off-lot signage in the Core Area. Below are three possible options provided for consideration; however, it should be noted that there are many ways to vary each option.

Option 1: Recommend that off-lot signage of all types be permitted by removing 6.14 (h):
h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

Staff note: This option removes the off-site restriction put in place in 2018.

Option 2: Recommend that **non-electric off-site signage in the Downtown Core be permitted** by removing LUB section 6.14 (h) as follows:

h) ~~Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;~~

and add the following subsection 6.14 i) ix:

i (xi) Electronic signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;

Staff note: This option only restricts electronic off-site signs, and would allow the proponent's sign.

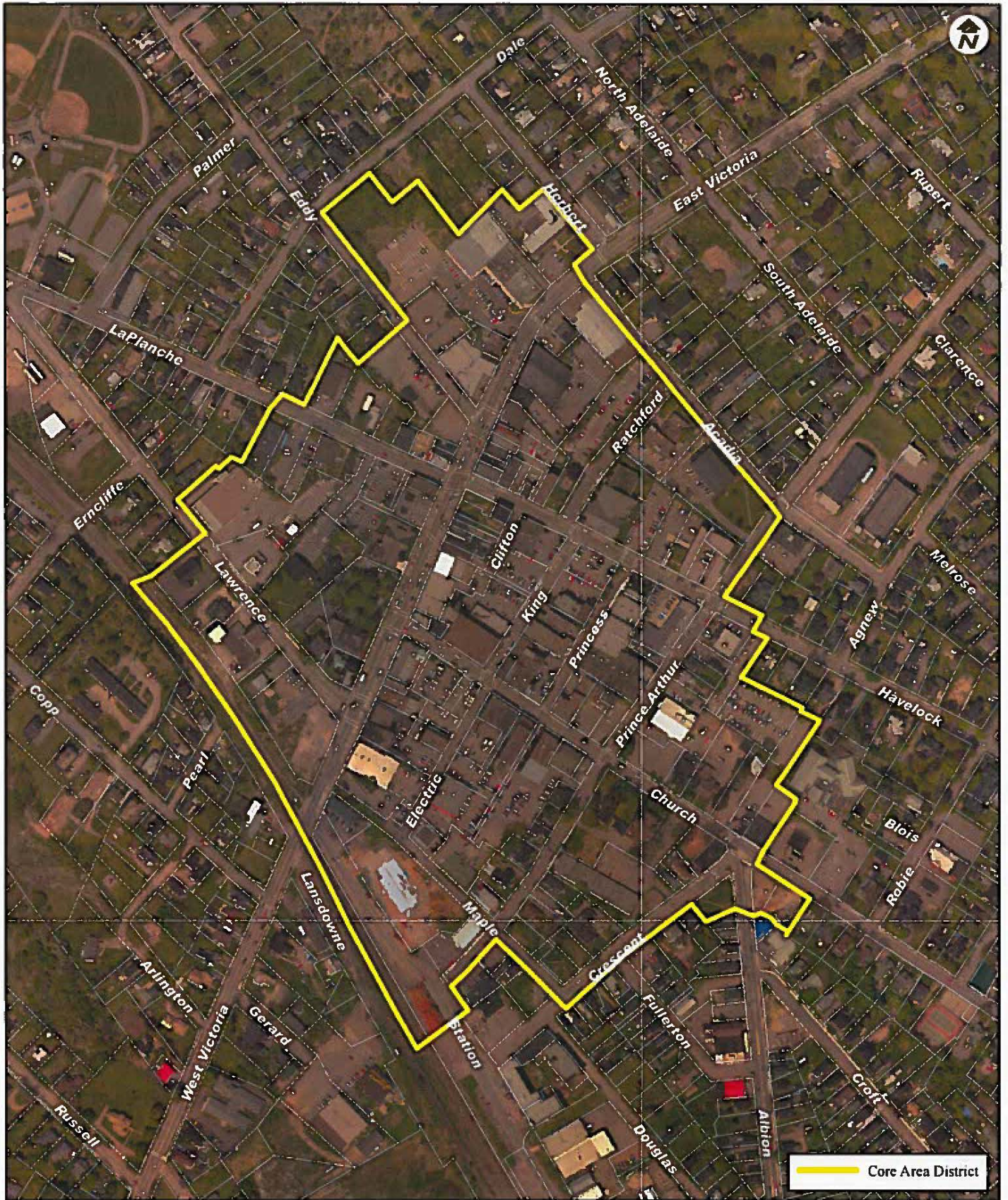
Option 3: Recommend that **non-electronic off-site signage in the Downtown Core be permitted, subject to a maximum permitted size** by amending 6.14 (h) as follows:

- h) Non-Electronic signs that display a business, product, or use not located on the property or premises where the sign is located shall not exceed **1.5m² (16 sqft)** in sign area;

*Staff note: This option allows off-lot signs, but **not** the 24 sqft sign put forward by the proponent.*

Option 4: Recommend that Council not amend the Land Use Bylaw to allow non-electric off-site signage in the Downtown Core Area District.

Staff recommend **Option 4**.



6.0 Signage

6.1 General Provisions

- (a) Where this section is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Highways, the more restrictive regulations shall apply.
- (b) Unless otherwise indicated in this section, no sign shall be erected without first obtaining a development permit from the Development Officer and no such permit shall be issued unless all the provisions of this Bylaw are satisfied.

6.2 Maintenance

- (a) Every sign shall be kept in good repair and working order.
- (b) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention Bylaws.
- (c) If the business, service or other enterprise for which a sign is erected is no longer in operation the sign shall be removed, by the owner, within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- (d) Subsection (c) shall not apply to a seasonal enterprise that normally closes during part of the year.

6.3 Signs Permitted in all Zones

The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs not more than 0.2 m² in sign area, showing the civic number of a building;
- (b) signs of not more than 0.2 m² in sign area, showing the name of a resident or an occupier;
- (c) "No trespassing" signs or other signs regulating the use of a lot, and of not more than 0.2 m² in sign area, unless otherwise directed by a public authority;
- (d) real estate signs not exceeding 0.6 m² in sign area in a residential zone and 1.5 m² in other zones, which advertise the sale, rental or lease of the premises;
- (e) signs regulating or denoting on-premises traffic, or parking, or other signs denoting the direction or function of various parts of a building or premises, provided that such signs are less than 0.5 m² in area;
- (f) signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions or public election lists or other public notices;
- (g) memorial signs or tablets, and signs denoting the history of a site or structure provided that no such sign exceeds 0.5 m² in area;
- (h) the flag, pennant or insignia of any nation, province or state or of any religious, charitable or fraternal organization;

- (i) a sign having an area of not more than 10 m² incidental to construction and within the area of such construction, and erected only during the period of construction;
- (j) a sign painted on a window; and,
- (k) election signs.

6.4 Signs Prohibited in all Zones

Except where permitted under conditions expressly set out in this section, the following signs are prohibited in all zones:

- (a) any sign or sign structure which constitutes a hazard to public safety or health;
- (b) signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads;
- (c) any sign which obstructs free ingress to or egress from a fire escape door, window or other required exit way;
- (d) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road;
- (e) signs on utility poles;
- (f) signs on a public lot or a public right-of-way unless erected by a governmental body, or unless specially permitted by Council, and except sandwich boards signs in the Downtown Zone;
- (g) signs painted on, attached to, or supported by a tree, stone, cliff or other natural object;
- (h) portable signs advertising a business not located on the same property as the said sign.

6.5 Number of Signs

- (a) Notwithstanding anything else in this Bylaw, not more than 3 signs may be erected on any one lot at any one time.
- (b) A double-faced sign shall count as a single sign.
- (c) Signs listed in subsection **6.3** "Signs permitted in all Zones" shall not be counted in calculating the total.
- (d) Not more than 2 ground signs shall be permitted on any one lot except in the case of the Highway Commercial Zone where not more than 1 ground sign shall be permitted for each 15 m of frontage of the lot on which they are placed, but in no case shall the total number of signs on the lot exceed 3.
- (e) All facial signs on a building are counted as 1 sign.

- (f) Not more than 1 projecting wall sign shall be permitted for each business premise.
- (g) A sign painted on or displayed within a window shall not be included in the calculation of the total number of signs on a premise.

6.6 Signs in Residential Zones

Unless otherwise specified in this Bylaw, signage in a Residential Zone shall be subject to the following requirements:

- (a) The maximum sign area shall be 0.2 m² per side in the case of a two sided sign.
- (c) The maximum height of the sign shall be 1.5 m.
- (d) Facia signs shall not be located in excess of 3 m above the grade of the wall upon which it is affixed.
- (e) The sign shall be set back a minimum of 1 m from any lot line

6.7 Off-site Signage

A development permit may be issued for the use of a sign which displays a business or a use not located on the lot or premises subject to the following requirements:

- (a) An off-site sign counts towards the maximum number of signs permitted on the lot where the sign is located.
- (b) The proposed signage complies with all other applicable requirements of this Bylaw respecting signage.
- (c) The off-site sign is not a portable sign.

6.8 Sponsorship Signage on Town Owned Recreational Lands

Sponsorship signage on Town owned recreational lands shall be exempt from the provisions of this bylaw, and no development permit is required. All approvals for sponsorship signage on Town owned recreational lands shall be subject to relevant Town policies regarding such.

6.9 Sandwich Board Signs

In all zones except residential zones, sandwich board signs are permitted without a development permit provided that:

- (a) such signs do not exceed 0.92 m in length and 0.61 m in width;
- (b) the number of such signs shall not exceed 1 per business premise;
- (c) the sign does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way; and,
- (d) the sign does not occupy more than one third of the width of the available sidewalk.

6.10 Ground Signs

- (a) In the Highway Commercial Zone, a ground sign shall not exceed 25 m² in sign area for each sign face.
- (b) In the Downtown Zone, a ground sign shall not exceed 10 m² in sign area for each sign face.
- (c) No ground sign shall project over any public property or space including an public park, street, right-of-way, sidewalk, parking lot, loading space, or place of assembly.
- (d) All supporting apparatus of a ground sign shall have a minimum 2 m setback from any lot line.

6.11 Projecting Wall Signs

A projecting wall sign shall not:

- (a) exceed 3 m² in sign area;
- (b) project more than 2 m from the wall upon which it is attached;
- (c) project over a corner sight triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be permitted to swing freely on its supports;
- (f) be less than 3 m off the ground at its lowest point;
- (g) notwithstanding clause 6.4 (f), a projecting wall sign may extend over a public right-of-way in the Downtown Zone, subject to the following requirements:
 - (i) the sign or any portion of the sign structure shall not project into the right-of-way a distance greater than 2/3 the width of the sidewalk; and
 - (ii) the sign requires a building permit issued in accordance with the Town of Amherst Building Bylaw.

6.12 Facial Wall Signs

Facial wall signs shall:

- (a) not cover more than 0.6 m² per lineal meter of the wall on which the sign is affixed;
- (b) not extend more than 0.3 m beyond the wall to which it is affixed; and
- (c) not extend more than 0.3 m above the top of the wall upon which it is located.

6.13 Roof Signs

Roof signs shall:

- (a) not cover more than 0.6 m² per lineal metre of roof upon which the sign is affixed;
- (b) not extend more than 0.3 m beyond the roof to which it is affixed; and
- (c) not extend beyond the peak of the roof to which it is affixed.

6.14 Sign Standards in Core Area District

Signage within a Downtown District shall conform to the following, and shall take precedence over any conflicting signage requirement of this Bylaw:

- a) A sign board for commercial signage or awnings is required above the ground floor windows, and must be integrated into the architecture of the building.
- b) Signs on the top storey are permitted provided they are no greater than 0.3 sq m times the number of storeys (i.e. a 6 storey building can have 1.8 sq m sign).
- c) New Back-Lit or internally illuminated signs are not permitted in the Core Area District, except for backlight raised lettering only, where letters are greater than 200 mm high and no deeper than 150 mm, and electronic signs subject to section 6.14 (i).
- d) Projecting signs are permitted and encouraged. Projecting signs can be no larger than 3 sq metres, and have a minimum clearance of 2.7 m above grade.
- e) Spot lights, gooseneck light fixtures and other decorative light fixtures are permitted and encouraged for illuminating signs.
- f) Directory signs no larger than 2.5 sq m in area are permitted.
- g) Other than sandwich board signs, portable, and free-standing reader board signs are not permitted.
- h) Signs that display a business, product, or use not located on the property or premises where the sign is located are not permitted;
- i) Electronic signs are permitted as part of a freestanding, fascia, or canopy sign subject to the general provisions and the following standards:
 - (i) the message duration shall not be less than 10 seconds;
 - (ii) the message transition shall be instantaneous;
 - (iii) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - (iv) the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - (v) the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - (vi) the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. (Atlantic time) unless the business is open or in operation during those hours;
 - (vii) the sign shall be turned off in the case of a malfunction; and,
 - (viii) in any case, no electronic sign in the Downtown Zone shall exceed 3 m² (32 sqft) in area.

Town of Amherst

Public Participation Opportunity

Summary

Date of Meeting: Wednesday, May 1, 2019
Location: Boardroom, Town Hall

Public Present: Larry Pardy
Ronald Wilson
Councillor Darrell Jones
Leslie Childs
Mikhial Mansour
Adrian Bligh

Mayor David Kogon

Staff Present: Manager of Planning and Strategic Initiatives,
Andrew Fisher
Municipal Clerk, Kimberlee Jones
Unsightly Premises and Building Administrator,
Marc Buske
Administrative Assistant, Emily Wainwright

Andrew Fisher opened the Public Participation at 4:34p.m.

1. **Public Participation Opportunity**

Mr. Fisher provided an explanation of the new process of the Public Participation Opportunity.

1.1. **Amendments to the Land Use Bylaw – Offsite Signage**

1.1.1 **Staff Report**

Mr. Fisher reviewed his report as distributed in the agenda package.

1.1.2 **Public Questions / Comments**

Adrian Bligh, 1 Ratchford Street.

I wrote to Council requesting the sign in package you see here to be permitted on the side of the law office on Havelock Street. When my business opened in September 2017, the bylaw had changed a couple months after I bought and designed the sign. We have attracted 68% of guests from outside of Amherst and have been given national recognition. One of the issues we have is that we are on Ratchford Street, and not main street. People get frustrated because they are not quite sure where we are. One issue we fixed was that our address was changed to Ratchford Street from Havelock, so when you look it up online it is easier to find. What I would like to do is put the 3-foot by 6-foot sign I have on the law office on Havelock Street, at top part of building, and they have given us permission to put the sign there. As visitors come up LaPlanche Street they would be able to see the sign pointing toward Ratchford Street. I agree that you don't want advertising everywhere from everyone. Simple signs with permission from the owners are what I would like to see done. Maybe an option of limiting electronic signage might be a way around it. We don't want people coming into Amherst being frustrated because they can't find something. A few businesses already go against this bylaw; Breakfast at Brittney's advertises for Bella's on its side building, but it is several streets away.

Leslie Childs
Lamy St.

I am here for the Heritage Trust. I fully support ways to do business. But I think there is oversight on how this may make our downtown look. If there were guidelines to follow, it would allow future signs to be consistent and respectful, and there should be a process where they would have to submit an application of the sign for approval. I like it when there are signs that tell you where you to go. When I am confused on where to go, I may walk for a few minutes, but then I just get frustrated and go somewhere else. I think it's a good idea and I am in favor of this. This is something that other people, like Victoria Faire, has similar concerns. I think any one in that position should have that option.

Mr. Bligh

There has to be structure to it.

Mrs. Childs

There needs to be enforcement. If there is a sign that should not be there, within hours, if not days, it should be addressed. There are two signs for the Art of Eating Deli, at its currently location and one is on the old one. That in itself is against the current bylaws.

Mikhial Mansour
Church Street

I came here today to firstly thank everyone for all of their hard work, I think the Town is looking better. I am in favour of offsite signage. I think they are scared people are going to put up ugly signs, whereas I would like to put ads on my sign for 30 Church, the women's store across the road. But as the bylaw currently prohibits, I am not allowed. I think that's a good way to promote our businesses and products. I don't plan on selling the advertising spots. But ultimately, I think it promotes the downtown. Signage is the oldest part of advertising; I think signage is a good idea. I would like to see allowing off site signage. Maybe you could regulate it, like one sign per side of a building. One Councillor expressed that someone wanted to put up 10-12 electronic signs, it would be so expensive, and I don't think it is smart. you're better off to rent one sign at a time.

Mrs. Childs

I think we are looking at larger issues going down the road. I would be in favour of having some sort of theme that would fit in with our built heritage. Make the signs look the same, be the same size, I don't know how that would work, but to make the signage to fit in with the existing buildings.

Mr. Mansour

I think that electronic signage could help preserve heritage. A building that isn't doing so well, if you could rent out that sign on the building, they would have more money coming in to fix that building. A lot of buildings you can't use as offices, etc. so this would provide income. When you drive through downtown and see an empty lot and signifies that there isn't much going on here. When you see a LED sign on it, you might think there's stuff going on here, and that the downtown is a good place to do business.

Mr. Bligh

Electronic signage does have a place, but I think with the heritage aspect of it is something that the Town is trying to promote. The heritage is a draw to Amherst. We had people dressed up last year giving heritage tours and offering carriage rides. These things are a way to promote the Town. There needs to be restriction on electric signage, and I don't think a vacant lot is a place for an electronic sign. If it is to be done, I would like to see strict control, like the amount or kind of sign. People have complained about Laplanche Street; signs are a contentious issue. There

is nothing wrong with electronic signage, it doesn't matter, as long as there are guidelines. Let's get people here. Have people come to the Town and spend their money here. You can make sensible decision and enforce it.

As there being no further questions or comments, Mr. Fisher closed the Public Participation Opportunity at 5:07p.m.

DRAFT

SYNOPSIS

Property Assessed Clean Energy (PACE) By-law Amendment

The Property Assessed Clean Energy (PACE) Bylaw enables the town to offer financing to homeowners for energy efficiency retrofits and renewable energy adoption that are paid back via their tax bill over a period of up to 10 years. The PACE Bylaw, adopted on October 22, 2018, was based on a template that, upon further review, requires changes to ensure the program parameters and administration are made clear. The review also considered PACE program documentation and best practices from other municipal units. As a result, staff are proposing the PACE Bylaw be amended and that a corresponding PACE Policy be adopted. The new policy will be brought forward in June subsequent to second reading and final adoption of the bylaw.

The administration of the program will be carried out by the Clean Nova Scotia Foundation. A sample service agreement is attached. Staff are also recommending that the CAO be authorized to enter into a service agreement with that organization in the amount of \$13,300. It is anticipated that cost will be offset by a corresponding grant from the Province of Nova Scotia.

MOTION:

That Council give first reading of an amendment to the Town of Amherst By-law B-8 Property Assessed Clean Energy (PACE) Program; and

That Council authorize the CAO to enter into a service agreement with the Clean Nova Scotia Foundation to administer the program on behalf of the Town in the amount of \$13,300.

TO: Mayor Kogon and Members of Council

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

DATE: May 27, 2019

SUBJECT: Property Assessed Clean Energy (PACE) Bylaw amendments

ORIGIN: Council approved By-law B-8 Property Assessed Clean Energy (PACE) on October 22, 2018. Efforts to establish an implementation program revealed the need to make further refinements to the PACE Bylaw and establish a supporting policy.

LEGISLATIVE AUTHORITY: Municipal Government Act (MGA), section 81A (1) *The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for the financing and installation of any of the following on private property with the consent of the property owner: (a) equipment installed pursuant to an expenditure under clause 65 (aca): providing for, financing and installing energy-efficiency equipment on private property including, without restricting the generality of the foregoing, solar panels...*

RECOMMENDATION: That Council give first reading of an amendment to the Town of Amherst By-law B-8 Property Assessed Clean Energy (PACE) Program, adopt the corresponding PACE Program Policy, and authorize the CAO to enter into a service contract with Clean Nova Scotia Foundation.

BACKGROUND: The Property Assessed Clean Energy (PACE) Bylaw enables the town to offer financing to homeowners for energy efficiency retrofits and renewable energy adoption that are paid back via their tax bill over a period of up to 10 years. The PACE Bylaw adopted on October 22, 2018 was based on a template that, upon further review, requires changes to ensure the program parameters and administration are made clear. The review also considered PACE program documentation and best practice from other municipal units. As a result, staff are proposing the following attached documents: Amended PACE Bylaw, a corresponding PACE Policy, and a sample PACE Customer Agreement.

The proposed PACE Bylaw amendments includes the following changes:

1. Replace *Director of Finance* with *Chief Financial Officer* throughout.
2. Replace *Energy Efficiency Upgrades* with *Clean Energy Upgrades* throughout.
3. Replace references to the *Assessment Act* to the *Municipal Government Act* throughout.
4. Change section 3 (c) to better define what a Clean Energy Upgrade includes.
5. Change section 3(h) to allow owner-occupied multi-unit residences with 2 units.
6. Change section 5 to better define participant approval.
7. Add section 7 to define what is included in a *PACE charge*.
8. Add section 9 and 10 that establishes the 10-year financing term, and provides for additional default charges.



9. Add section 12 to establish the annual payment and reaffirms default payment terms.
10. Add section 17 that removes the interest rate from the Bylaw and references the PACE Program Policy for the rate. This change allows future interest rate changes without the need to amend the Bylaw.
11. Removes the redundant *INSTALLMENT PAYMENTS* section as these provisions are captured in new sections 9 and 10 of the *PAYMENT OF CHARGE* section.

The attached PACE Program Policy identifies the eligible Clean Energy Upgrades that may be financed, requires that the requested upgrade is properly evaluated, and refers to the attached sample PACE Customer Agreement for specific program terms and conditions. The Policy also establishes the following Financing Details in section 2 as follows:

1. Interest rate is the municipal cost of borrowing plus 2%.
2. Maximum new entrants to the program is 10 homes per year.
3. Maximum eligible amount that can be financed is \$15,000 for homes with less than or equal to \$150,000 in assessed value, and the lesser of \$25,000 or 10% of the assessment if the home is assessed over \$150,000.

Staff propose changing the maximum eligible amount from \$25,000 for all homes to a two-tier eligibility based on the assessed value. This change is intended to limit the town's risk of a non-recoverable tax account.

The attached sample PACE Customer Agreement further provides the terms and conditions of the program. Also attached is a standard service contract with Clean NS Foundation to administer the program.

DISCUSSION: The above noted Bylaw amendments, corresponding policy, and sample customer agreement more clearly define the program parameters and how it will be implemented. Should council indicate their agreement with these changes to the program, staff will share this information with the Cumberland Energy Authority, and the program administrator, Clean Foundation.

FINANCIAL IMPLICATIONS: The overall financial implications remain unchanged. The maximum amount that could be financed is \$250,000 per year. The 2% interest premium is intended to cover the town's costs and risk associated with the program. The \$13,300 on-boarding charges required by the program administrator (Clean Foundation) is eligible for a 100% provincial grant.

COMMUNITY ENGAGEMENT: Public notice of the proposed bylaw is necessary prior to giving the bylaw second reading.

ENVIRONMENTAL IMPLICATIONS: Increased efficiency and adoption of renewable energy reduces GHG emissions.

SOCIAL JUSTICE IMPLICATIONS: Providing a low-cost finance way for residents to reduce their energy costs supports housing affordability and environmental sustainability.

ALTERNATIVES: 1) Reject the proposed Bylaw amendments and Policy; 2) Defer first reading and direct staff to make changes or provide more information.

ATTACHMENTS: Bylaw to Amend PACE Bylaw B-8, Amended Bylaw B-8 PACE Bylaw, Sample Agreement for Services.

Report prepared by: A. Fisher

Report and Financial approved by: G. Herrett

**BY-LAW TO AMEND THE
PROPERTY ASSESSED CLEAN ENERGY
(PACE) BYLAW B-8**

The Town of Amherst PACE By-Law, B-8 approved by Council on October 22, 2018 is hereby amended as follows:

1. Replace *Director of Finance* with *Chief Financial Officer* throughout.
2. Replace *Energy Efficiency Upgrades* with *Clean Energy Upgrades* throughout.
3. Replace references to the *Assessment Act* to the *Municipal Government Act* throughout.
4. Change section 3 (c) to better define what a Clean Energy Upgrade includes.

3 (c) i Add “the generation of renewable energy or...”

3 (c) ii Delete “Meets or exceeds applicable energy efficiency standards established or approved by the Municipality and”

Add “involves building envelope upgrades such as caulking and weather stripping, duct/air sealing, insulating, or energy efficient windows and doors, building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed to in writing by the town, and,”

3(c) iii Add “is identified as an eligible upgrade in the PACE program Clean Energy upgrade standards policy, and meets or exceeds applicable energy efficiency standards as defined in the policy

Delete “involves central duct or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR certification, air sealing, insulation, ENERGY STAR windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality”

3 (f) Add words “Nova Scotia”

5. Change section 3(h) to allow owner-occupied multi-unit residences with 2 units.
6. Change section 5 to better define participant approval.

Delete “Municipal approval and execution of a PACE Customer Agreement with the owner of the qualifying property.”

Add “the approval and agreement in writing of the CAO, or designate, on behalf of the Town, and the execution of a PACE Customer Agreement by the owner of the qualifying property. The conditions that must be met for approval include that a) the owner of the qualifying property is not in default of any municipal taxes, rates or charges; b) the Clean Energy upgrade achieves an overall savings to debt ratio of the property owner equal to or greater than the ratio specified in the PACE Customer Agreement, as estimated by a qualified energy assessment generated through the PACE program; and, c) any additional conditions specified in the PACE Customer Agreement are met.”

7. Add section 7 to define what is included in a *PACE charge*.

Added “The PACE charge may consist of

- a) the cost of Clean Energy Upgrade, including all labor costs, permitting fees, and applicable taxes;
- b) applicable PACE program service fees; and,
- c) interest accrued on the charge including any additional interest arising due to any default of payment

8. Add section 9

“The owner of a qualified property may elect to pay the PACE charge by equal installments over a period of not more than 10 years, on which interest shall be payable as set out in the PACE Customer Agreement, pursuant to the PACE Program Policy.”

9. Add Section 10 that establishes the 10-year financing term, and provides for additional default charges.

“In the event of a default of any payment, under the PACE Customer Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.”

10. Add section 12 to establish the annual payment and reaffirms default payment terms.

“Where the owner of a qualifying property opts for installment payments

- a) the portion of the PACE charge payable annually shall be equal to the total PACE charge outstanding divided by the number of years remaining; and, the amount outstanding on the PACE charge shall become due and payable in the event of default payment.”

11. Section 16 add the words “and administrative charges have” and remove word “has”

12. Add section 17 that removes the interest rate from the Bylaw and references the PACE Program Policy for the rate. This change allows future interest rate changes without the need to amend the Bylaw.

13. Removes the redundant *INSTALLMENT PAYMENTS* section as these provisions are captured in new sections 9 and 10 of the *PAYMENT OF CHARGE* section.

**THE TOWN OF AMHERST BY-LAW XX RESPECTING
CHARGES FOR
THE PROPERTY ASSESSED CLEAN ENERGY (PACE)
PROGRAM**

TITLE

1. This Bylaw shall be known as “*The Property Assessed Clean Energy Program*” Bylaw.

PURPOSE

2. The purpose of this Bylaw is to enable financing of energy efficiency upgrades to qualifying residential properties within the Municipality.

DEFINITIONS

3. In this Bylaw:
- a) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;
 - b) “~~Director of Finance~~Chief Financial Officer” means the ~~Director of Finance~~Chief Financial Officer of the Municipality;
 - c) “~~Energy Efficiency~~Clean Energy Upgrade” means an installation that is permanently affixed to the qualifying property and which
 - i. ~~w~~ill result in improved energy efficiency, the generation of renewable energy, and-or substantially reduced energy use;
 - ii. ~~Meets or exceeds applicable energy efficiency standards established or approved by the Municipality; and involves building envelope upgrades such as caulking and weather stripping, duct / air sealing, insulating, or energy efficient windows and doors, building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed to in writing by the Town; and,~~
is identified as an eligible upgrade in the PACE Program Clean Energy Upgrade Standards Policy, and meets or exceeds applicable energy efficiency standards as defined in the Policy.
 - iii. ~~Involves central ducted or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR® certification, air sealing, insulating, ENERGY STAR® windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality.~~
 - d) “Municipality” means the Town of Amherst;
 - e) “PACE Customer Agreement” means the written, signed Property Assessed Clean Energy Efficiency Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of an Energy Efficiency Upgrade to the property.
 - f) “PACE Charge” means the Property Assessed Clean Energy improvement tax levied on the property pursuant to s.81A of the Nova Scotia Municipal Government Act.
 - g) “PACE Program” means the program established by the Municipality under which owners of Qualifying Properties may apply for and obtain financing for ~~Energy Efficiency~~Clean Energy Upgrades.

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h) "Qualifying Property" means an owner-occupied residential property located within the Municipality, but does not include multi-unit residential with more than 2 dwelling units, ~~or~~ non-profit owned buildings and does not include business or industrial premises.

4. An owner of a Qualifying Property within the Municipality who is not otherwise in default of ~~any of any~~ municipal taxes, rates or charges, may apply for Municipal financing of ~~Energy~~ Clean Energy Upgrades to the property.
5. Financing shall be subject to ~~Municipal approval and execution of a PACE Customer Agreement with the owner of the Qualifying Property~~ the approval and agreement in writing of the CAO, or designate, on behalf of the Town, and the execution of a PACE Customer Agreement by the owner of the Qualifying Property. The conditions that must be met for approval include that:
 - a. the owner of the Qualifying Property is not in default of any municipal taxes, rates or charges;
 - b. the Clean Energy Upgrade achieves an overall savings to debt ratio of the property owner equal to or greater than the ratio specified in the PACE Customer Agreement, as estimated by a qualified energy assessment generated through the PACE Program; and,
 - c. any additional conditions specified in the PACE Customer Agreement are met.

PAYMENT OF CHARGE

6. The PACE charge shall become payable in full on completion of installation of the Clean Energy ~~Efficiency~~ Upgrade in accordance with the PACE Customer Agreement.
7. The PACE charge may consist of:
 - a. the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
 - b. applicable PACE Program service fees; and,
 - c. interest accrued on the charge including any additional interest arising due to any default of payment.
- 7.8. The ~~Director of Finance~~ Chief Financial Officer shall maintain a separate account of all monies due levied pursuant to this By-law, identifying:
 - a. The names of the property owners and assessment, PID and civic address information of the subject property;
 - b. The amount of the PACE charge levied on the property;
 - c. The amount paid on the PACE charge.
9. The owner of a Qualified Property may elect to pay the PACE Charge by equal installments over a period of not more than 10 years, on which interest shall be payable as set out in the PACE Customer Agreement, pursuant to the PACE Program Policy.
10. In the event of a default of any payment under the PACE Customer Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.

LIEN

~~811.~~ -On completion of ~~an~~ Clean Energy ~~Efficiency~~ Upgrade pursuant to a PACE Customer Agreement, the PACE Charge shall be levied against the property.

12. Where the owner of a Qualifying Property opts for installment payments:

- a. the portion of the PACE charge payable annually shall be equal to the total PACE charge outstanding divided by the number of years remaining; and,
- the amount outstanding on the PACE charge shall become due and payable in the event of payment.

property and has the same effect as rates and taxes under the ~~Assessment Act~~ Municipal Government

~~1014.~~ A PACE Charge pursuant to this Bylaw is collectable in the same manner as rates and taxes under ~~Assessment Act~~ Municipal Government Act and, at the option of the ~~Director of Finance~~ Chief Financial time and by the same proceedings as taxes.

~~1415.~~ The lien provided for in this Bylaw shall become effective on the date on which the Administrative Officer files with the ~~Director of Finance~~ Chief Financial Officer a certificate that the improvement has been completed.

~~1216.~~ The lien provided for in this Bylaw shall remain in effect until the total charge, plus interest administrative charges have, ~~has~~ been paid in full.

INTEREST

~~1317.~~ ~~Interest will be charged on PACE Charges at a rate of Municipal cost of borrowing plus 1% Amherst PACE Program Policy.~~ remain outstanding from the date of billing.

~~1519.~~ Interest is payable annually on the entire amount outstanding and unpaid, whether or not owner has elected to pay by installments.

INSTALLMENT PAYMENTS

~~16. The owner of a Qualified Property may elect to pay the PACE Charge by equal installment payments~~

EFFECTIVE DATE

This Bylaw shall come into effect on _____

THIS IS TO CERTIFY THAT the foregoing is a true and exact copy of a By-Law passed at a duly called meeting of the Town of Amherst held on the xxth day of ____ A.D., 20189.

GIVEN under the hands of the Mayor and CAO and under the Corporate Seal of the Town of Amherst aforesaid, this xx day of _____, A.D., 20189.

Mayor

Chief Administrative Officer

This **AGREEMENT FOR SERVICES** made the ___ day of _____ 2018

BETWEEN

CLEAN NOVA SCOTIA FOUNDATION, a body corporate established pursuant to the *Clean Nova Scotia Foundation Act*, SNS 1988, c 7

(the “**Clean Foundation**”)

- and -

_____, a municipality continued pursuant to the *Municipal Government Act*, SNS 1998, c 18

(the “**Municipality**”)

WHEREAS

- A. Council for the Municipality had entered into a Residential Property Assessment Clean Energy (PACE) Program with Clean Foundation;
- B. Council for the Municipality passed a motion to award the administration of the Clean Energy Financing Program to Clean Foundation for a period of 1 year (subject to positive evaluation on an annual basis), ending March 31, 2019; which is to be known as Clean Energy Financing (the “**Program**”);
- C. According to the terms of this agreement, the municipality may, at their sole discretion, negotiate services for future years with Clean Foundation, according to the general terms contained in this agreement and all associated documents thereto;
- D. As part of the Program, the Municipality will offer eligible owners of properties within the Municipality financing to enable Eligible Clean Energy Upgrades (as defined below) to be made to qualifying properties;
- E. The objectives of the Agreement include the establishment of an agreement regarding services and payment terms for the Program; and
- F. The Municipality and Clean Foundation have decided to enter into this Agreement to further clarify their respective roles, rights and obligations in relation to the Program and their Agreement and otherwise.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the promises and mutual covenants contained herein, the parties hereto covenant and agree with the others as follows

ARTICLE 1. INTERPRETATION

- 1.01 **Definitions** – in this Agreement, unless there is something in the context or subject matter inconsistent therewith, the following words and expressions shall have the following meanings:
- (a) “**Business Day**” means a day other than a Saturday or Sunday or any other day upon which the clerk’s office of the Municipality is not open for the transaction of regular business throughout its normal business hours;
 - (b) “**Eligible Clean Energy Upgrade**” means an installation affixed to a subject property within the Municipality, which:
 - (i) will result in improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions;
 - (ii) involves building envelope upgrades such as caulking and weather stripping, duct / air sealing, insulating, or energy efficient windows and doors; building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels or wind turbines; or such other clean energy upgrades as are approved and agreed in writing; and
 - (iii) is identified as an eligible upgrade in the Municipality’s Property Assessed Clean Energy Upgrade Standards Policy, and meets or exceeds applicable energy efficiency standards as defined in that policy;
 - (c) “**Maximum Eligible Amount**” means the maximum amount that the Municipality notifies Clean Foundation in writing is eligible for the fiscal year for financing by the Municipality under the Program in respect of each Participant, Property or Clean Energy Upgrade;
 - (i) the maximum total annual financing ceiling is to be determined by the municipality;
 - (ii) Clean Foundation’s responsibility is to ensure that this financing amount is not exceeded through its management of the property owner Customer Agreements; and
 - (iii) Annual financing levels may change from year to year;
 - (d) “**Participant**” means a homeowner that enters into a Customer Agreement with the Municipality to participate in the Program;
 - (e) “**Program**” has the meaning assigned in Recital A above; and

(f) “**Term**” has the meaning assigned in paragraph 9.01 below.

1.02 **Governing Law** - This Agreement shall be governed by and construed in accordance with the laws of the Province of Nova Scotia and the federal laws of Canada applicable therein.

1.03 **Calculation of Time** - When calculating the period of time within which or following which any act is to be done or step taken pursuant to this Agreement, the date which is the reference date in calculating such period shall be excluded. If the last day of such period is not a Business Day, then the time period in question shall end on the first Business Day following such non-Business Day.

ARTICLE 2. SERVICES

2.01 **Ongoing Services** – During the Term, Clean Foundation shall:

- (a) screen applications from homeowners for eligibility to participate in the Program based on published criteria for the Program, including the absence of any arrears owing to the Municipality by the applicant homeowner;
 - (i) the Municipality may establish additional eligibility requirements whereby certain homeowners may not be eligible in the program;
- (b) arrange for the Customer Agreement to be signed by eligible homeowner applicants and approved and signed by the Municipality and ensure this document is updated whenever there are Program changes;
- (c) provide guidance to Participants about arrangements for home energy assessments and the availability of energy efficiency rebates and any other programs that may provide financial assistance to Participants that are available as of the date of the Participant’s Customer Agreement with the Municipality;
- (d) evaluate the home energy assessment report obtained by each Participant and advise each Participant about which recommendations within the report are Eligible Clean Energy Upgrades that are eligible for financing through the Program;
- (e) arrange and review any necessary supplemental assessments;
- (f) review contractor quotes supplied by Participants to confirm the scope of services is restricted to Eligible Clean Energy Upgrades, and confirm that the cost of the proposed Eligible Clean Energy Upgrade(s) will meet the savings to debt ratio required by the Municipality;
- (g) pay the full amount (including HST), or the Maximum Eligible Amount, whichever is less, of invoices from contractors that are consistent with quotes pre-approved pursuant to paragraph 2.01(f) above, upon receipt of a copy of the

invoice from a Participant and evidence satisfactory to Clean Foundation of substantial completion of the contemplated Eligible Clean Energy Upgrade. Any additional amount above the Maximum Eligible Amount will be the sole responsibility of the homeowner;

- (h) confirm / certify with the Municipality that the home energy upgrade process is complete;
- (i) provide evaluation services for the Program annually; including Participant interviews, and Program data summaries (such as cost and projected energy savings); and
- (j) communicate to Participants the option for a post-installation follow up audit and encourage their participation in an effort to provide post-installation verification.

ARTICLE 3. MARKETING

- 3.01 The parties understand that marketing and promotion is key to participant uptake and a successful program. In year one of The Program Clean Foundation agrees to provide the municipality with communications and marketing support as outlined in Appendix A. To support ongoing promotion beyond the initial year of the Program, Clean Foundation will provide existing on-brand marketing materials in electronic form, for use by the municipalities as they see fit. Clean Foundation will also commit to maintaining and updating the CleanEnergyFinancing.ca website, and responding to public and media inquiries about the Program.
- 3.02 The parties may or may not be able to dedicate funds to marketing. However, the parties will raise awareness of the Program through their general promotional efforts and relevant cross-promotional opportunities. They will also take advantage of other appropriate marketing opportunities as capacity allows.

ARTICLE 4. PRICE AND PAYMENT

- 4.01 **One Time On-boarding Fee** – In year one of the Program the municipality agrees to pay Clean Foundation an onboarding fee of \$13,300 which will be used to cover start-up costs and services as outlined in Appendix A. The fee and the outlined services are limited to the start-up year only.
- 4.02 **Ongoing Charges** – Throughout the Term, the Municipality shall pay to Clean Foundation all of the following amounts, plus any applicable taxes:
- (a) \$150 per Customer Agreement signed pursuant to paragraph 2.01(b) above;
 - (b) Applicable fees per home energy assessment, if conducted by Clean Foundation. Fees are currently \$99 for electrically heated homes and \$425 for the initial assessment of non-electric homes. Owners of non-electric homes will be provided with the option to finance the cost of their follow up visit; currently \$150. This fee structure is subject to change in accordance with current home

energy assessment pricing as dictated by Efficiency One for electrically heated homes and by Clean Foundation for non-electrically heated homes;

- (c) \$200 per savings-to-debt assessment completed pursuant to paragraph 2.01(d) above;
- (d) \$75 for evaluation of each supplemental assessment contemplated by paragraph 2.01(e) above;
- (e) Reimbursement for contractor invoices paid pursuant to paragraph 2.01(f) above; and
- (f) \$100 per home for processing of contractor invoices.

4.03 Invoicing and payment for services rendered under this Agreement shall proceed as follows:

- (a) On or before the 7th Business Day following the end of each calendar month during the Term, Clean Foundation shall deliver an invoice to the Municipality for all administrative fees due pursuant to section 4.01 above in respect of the preceding calendar month during the Term;
- (b) On a weekly basis Clean Foundation shall deliver an invoice to the Municipality for contractor payments due pursuant to section 4.01 above;
- (c) At the start of year one Clean Foundation shall deliver an invoice to the Municipality for onboarding fees basis pursuant to section 4.01 above; and
- (d) The Municipality shall pay the full amount of each invoice delivered by Clean Foundation within 30 days of the invoice date.

ARTICLE 5. RISK MITIGATION

5.01 Commercial Liability and Automobile Insurance

- (a) Clean Foundation shall, at its sole cost and expense, procure, maintain, pay for and keep in full force and effect for the entire duration of the project, Commercial General Liability Insurance against claims for bodily injury including death, personal injury and property damage including loss of use thereof. Prior to the commencement of any work, Clean Foundation shall provide a Certificate of Insurance to the Municipality evidencing commercial general liability in the minimum amount of \$2,000,000 naming the Municipality as additional insured and shall include cross liability and severability of interest clauses. The per occurrence deductible shall not exceed \$2,500, or in the case of a per claimant deductible, the deductible amount shall not exceed \$1,000. The certificate will also name the facilities/projects subject to this agreement and

contain a 30 day notice period of cancellation or material change detrimental to the Municipality.

- (b) Coverage for all operations and liability assumed under the contract shall include but not be limited to the following:
 - (i) Products & Completed Operations
 - (ii) Blanket Contractual
 - (iii) Pollution for a Hostile Fire
 - (iv) Broad Form Property Damage
 - (v) Employees as Additional Insured's
 - (vi) Contingent Employer's Liability
 - (vii) Non Owned Automobile Liability
 - (viii) Written on an occurrence form
- (c) Clean Foundation shall also provide the Municipality with a certificate of insurance evidencing vehicle insurance with minimum limits of \$2,000,000 for third party liability on all owned and operated vehicles.
- (d) Clean Foundation shall take out and keep in force Professional Liability (Errors and Omissions) insurance in the amount of \$1,000,000 minimum providing coverage for acts, errors and omission arising from their professional services performed under this Tender. The policy SIR/deductible shall not exceed \$5,000 per claim and if the policy has an aggregate limit, the amount of the aggregate shall be double the required per claim limit. The policy shall be underwritten by an insurer licensed to conduct business in the Province of Nova Scotia and acceptable to the Municipality. If policy is to be cancelled or non-renewed for any reason, 90 day notice of said cancellation or non-renewal must be provided to the Municipality. A certificate of insurance evidencing renewal is to be provided each and every year.
- (e) The insurance coverage must be maintained in force throughout the term of the agreement, and, if applicable, any renewal after, with evidence by way of a certificate of insurance provided to the Municipality yearly 10 days prior to the expiry of the insurance coverage. It is the responsibility of Clean Foundation to have this information provided to the Municipality.

5.02 Workplace Safety and Insurance Board

- (a) Clean Foundation shall provide the Municipality with a current WCB Clearance Letter. It is Clean Foundation's responsibility to provide current clearance letters to the Municipality for the duration of the Project or contract term.
- (b) Clean Foundation shall be fully responsible for ensuring contractors have workers' compensation insurance in place covering their own employees and general commercial liability insurance coverage with a limit of not less than \$2,000,000 per occurrence. Clean Foundation shall obtain proof that such insurance is in place. The proof may take the form of an insurance certificate, issued by the contractor's Broker or Insurer

5.03 Indemnity:

- (a) Clean Foundation (the "indemnifying party"), shall indemnify, defend and hold harmless the Municipality and its subsidiaries, affiliates, employees, and successors and assigns from and against, and in respect of, any and all actions, claims, suits, judgments, damages, liabilities, losses, penalties, costs and expenses (including, without limitation, legal fees and disbursements) of every kind whatsoever (collectively, "Damages") arising in any manner out of or from, or in connection with, any actual or alleged (i) patent, copyright, or trademark infringement, or violation of any other proprietary right, arising out of the use of the indemnifying party's brand and logos; (ii) breach by the indemnifying party of any term or provision of this Agreement; (iii) personal injury, wrongful death or property damage arising out of or relating to any products or any services provided by the indemnifying party pursuant hereto; and (iv) wrongful or negligent acts or omissions by the indemnifying party and its officers, directors, employees, and agents. This indemnification shall survive the expiry and/or termination of this Agreement.

ARTICLE 6. CONFIDENTIALITY AND PROTECTION OF PRIVACY

6.01 Providing this service involves the collection, use and disclosure of some personal information about Participants, in order to protect this personal information:

- (a) The purpose(s) for collecting personal information will be expressly communicated, either orally or in writing, at the time of collection or before the information is collected. The use of personal information collected will be limited to the purposes communicated to the Participant;
- (b) Participant information will only be disclosed where necessary to fulfill the purposes identified at the time of collection. Clean Foundation will not use or disclose Participant, member or volunteer personal information for any additional purpose unless we obtain consent to do so;
- (c) Participant lists or personal information will not be sold to or shared with other parties;

- (d) Personal information provided will be kept no longer than is necessary to retain the information for legal or business purposes; and
- (e) Participants may access their personal information, subject to the exceptions listed in PIPEDA, or request a correction of their personal information.
- (f) Clean Foundation will adhere to the Municipality's policy on records management, retention, and destruction.

ARTICLE 7. PACE PROGRAM BY-LAW

- 7.01 The service provided will adhere to the legal framework and regulatory requirements set out by the Municipality's By-Law as well as by any provincial and national legislation and regulations that may relate to it.

ARTICLE 8. COVENANTS OF THE MUNICIPALITY

- 8.01 The Municipality shall follow the process recommended by Clean Foundation pursuant to section 2.01 above in the administration of the Program during the Term.
- 8.02 The Municipality agrees that Clean Foundation will retain intellectual property rights to any materials created by Clean Foundation for The Program, and therefore covenants not to disclose, use or permit the use of those materials by any other party after the Term of this Agreement without the prior express written consent of Clean Foundation.

ARTICLE 9. TERM AND TERMINATION

- 9.01 Clean Foundation may arrange for Customer Agreements to be signed until the close of business on March 31st, 2019. Each day between the date of this Agreement and that day shall be part of the "**Term**" of this Agreement. If the parties agree to renew or extend the Term of this Agreement, then each day between March 31st, 2019 and the expiration date that may be agreed upon from time to time shall also be part of the "**Term**" of this Agreement.
- 9.02 The parties acknowledge that Customer Agreements between eligible homeowner applicants and the Municipality may not be fully performed prior to the end of the Term. If Clean Foundation incurs costs or provides services after the Term, which relate to a Customer Agreement entered into during the Term, then the Town agrees to honour the payment terms set out in sections 4.01, 4.02, and 4.03 and above in relation to those Customer Agreements, even after the expiration of the Term.

ARTICLE 10. GENERAL PROVISIONS

- 10.01 **Amendment** - This Agreement may not be amended or modified in any respect except by a written agreement signed by the parties.
- 10.02 **Waiver** - No waiver by any party of any breach of any provision of this Agreement by any of the other parties shall take effect or be binding upon that party unless in writing

and signed by such party. Unless otherwise provided therein, such waiver shall not limit or affect the right of the party not in default with respect to any other breach.

10.03 **Severability** - If any article, section or any portion of any section of this Agreement is determined to be unenforceable or invalid for any reason whatsoever, that unenforceability or invalidity shall not affect the enforceability or validity of the remaining portions of this Agreement and such unenforceable or invalid article, section or portion thereof shall be severed from the remainder of this Agreement.

10.04 **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, successors, legal representatives and permitted assigns.

10.05 **Execution by Counterpart** - This Agreement may be executed by any person who is from time to time to become a party hereto by signing a counterpart hereof, each of which counterpart so executed shall be deemed to be an original and such counterparts together shall constitute a single instrument.

IN WITNESS WHEREOF the parties have properly executed this Agreement the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

Witness:

Witness:

CLEAN NOVA SCOTIA FOUNDATION

Per: _____
Scott Skinner, Executive Director

DISTRICT/TOWN OF _____

Per: _____
_____, _____

Appendix A

One Time On-boarding Fee – \$13,300

Clean Foundation charges an onboarding fee which covers start-up year costs. These costs and services are limited to the start-up year only and include:

- Pilot meetings:
 - Two in-person meetings at the municipal office.
 - One to agree on the processes for invoicing and sharing program documents as well as reviewing the frequently asked questions.
 - One to discuss pilot project evaluation at, or near, the pilot project year end.
 - 3-4 telephone conference meetings to finalize program details and processes.
- Design CEF program for the municipality.
- Create, review and finalize CEF agreement between Clean and the Municipality.
- Consult with municipality regarding program parameters (number of homeowners, loan amount, eligible upgrades, etc.).
- Customization of Customer Agreement, & Registration forms.
- Develop tracking system for participant files.
- Quarterly updates on participant progress.
- Pilot year evaluation will include interviews with participants and municipal administrators and a report of the overall pilot year.

This onboarding fee also contains a turn-key communications & marketing package that includes:

- The Clean Energy Financing logo with the name of the local municipality incorporated in it, in horizontal and vertical formats. (And we will include visual identity guidelines with colour palette and fonts.)
- Municipal webpages on the CleanEnergyFinancing.ca website
- 30 to 60 second video ad
- Municipality branded Clean Energy Financing promotional materials, specifically:
 - Posters (in vertical and horizontal formats) (electronic copy as well as 100 print colour copies)
 - Rack card handout (electronic copy as well as 500 print colour copies)
 - Power Point Presentation template
- A locally branded Clean Energy Financing pop-up display
- Clean Energy Financing messaging guide
- Clean Energy Financing suggested social media posts
- Suggested PSA text
- Newspaper ad template

- Production and placement of two print ads in local newspapers/publications
- Radio ad suggested script
- Preparation and distribution of an introductory press release to all local media in the region
- Leverage HomeWarming outreach opportunities (for example, community meetings or trade fairs) and offer Clean Energy Financing as an option for appropriate audiences in your region.
- Writing of a print story (with photos) based on a local participant's experience in the program This will be tailored for local media and social media

* Please note if the municipality requires additional marketing services in subsequent years these will be an extra cost. However as part of this agreement, all marketing design files will be provided to municipality for use in future years.

SYNOPSIS

'A' Fresh Start

Last year for the first time Council initiated the "A" Fresh Start program. In general, in order to qualify, the presentation, idea, or use of the money must be for creative, new events or initiatives or that enhance current programs. This initiative will provide enhanced community support grants to the selected organizations/individuals.

This year, a news release soliciting applications was released and a total of 12 submissions were received. A staff committee has reviewed the submissions to ensure compliance with the guidelines of the program and recommend five such submissions for invitation to the June 13 event.

MOTION:

That Council approve Autism Nova Scotia Cumberland Chapter, the Cumberland African Nova Scotia Association, Eat Plants Run Wild, the Lillian Albon Animal Shelter and the Multicultural Association of Cumberland as the top 5 applications as presenters at the next presentation event to be scheduled for June 13, 2019 beginning at 6:30 p.m. at the Community Credit Union Business Innovation Center.



AMHERST TOWN COUNCIL

RFD# 2019049

Date: May 27, 2019

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Bill Schurman, Director of Recreation

DATE: May 27, 2019

SUBJECT: 'A' Fresh Start Initiative – Community Support Grants Policy 72000-08

ORIGIN: Last year for the first time Council initiated the “A” Fresh Start program. In general, pursuant to Policy 72000-08 Community Support Grants, in order to qualify the presentation, idea, or use of the money must be for creative, new events or initiatives that enhance current programs.

LEGISLATIVE AUTHORITY: Authority is provided under Section 65, *Municipal Government Act*, as amended and the Community Support Grants Policy

RECOMMENDATION: That Council approve Autism NS Cumberland Chapter, the Cumberland African NS Association, Eat Plants Run Wild, the Lillian Albion Animal Shelter and the Multicultural Association of Cumberland as the top 5 applications as presenters at the next presentation event to be scheduled for June 13, 2019 beginning at 6:30 p.m. at the Community Credit Union Business Innovation Center.

BACKGROUND: Council directed the Recreation Department to oversee the implementation of the “A” Fresh Start Initiative, which is aimed at encouraging organizations/individuals to develop new events within the Town of Amherst or enhance existing ones. The initiative will provide enhanced community support grants to the selected organizations/individuals. Since then a news release on the initiative has been released and a committee, consisting of CAO Greg Herrett, CFO Shelley Rector, Recreation Director Bill Schurman and Culture and Marketing Coordinator Jennifer Bickerton, has met to set guidelines for the “A” Fresh Start Initiative.

DISCUSSION: A total of twelve (12) applications from the following groups were received by the April 1st deadline for the ‘A’ Fresh Start Community Support Initiative:

Amherst Market Café
Autism Nova Scotia Cumberland Chapter
Bordertown Biker Bash
Cumberland African Nova Scotian Association
Cumberland County Museum
Cumberland Y Service Club
Eat Plants, Run Wild
LA Animal Shelter
Multicultural Association of Cumberland
Tantramar Community Radio

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 & Event Coordinator Jennifer Bickerton and myself. The following five out of 12 applications received are being put forward for consideration. Copies of all applications will be distributed separately.

Five (5) recommended applications for consideration:

Autism Nova Scotia Cumberland Chapter has requested \$2,271 for an addition of a Lego Zone, for the Walk for Autism event being held June 22nd, 2019. The application was submitted by Tonia Hyslop, President of Autism Nova Scotia, Cumberland Chapter.

The Cumberland African Nova Scotia Association requested \$8000 for A Celebrate Multicultural Day event that will take place June 27, 2019. The day will be filled with activities free of charge to the public to experience the rich culture of our community including food, entertainment, and a variety of vendors and displays. The application was submitted by Elizabeth Cooke Sumbu.

Eat Plants, Run Wild requested \$4450 to host a One Day in Amherst Ultra Fun – Run Event, a unique 3, 6 or 12 hour run that will be held at Dickey Park. The event date has not been determined and the application was submitted by Debra Megeney.

The Lillian Albion Animal Shelter requested \$3,900 to host The Creepy Carnival Monster Bash to be held Saturday October 26, 2019, featuring live music, entertainment, a children's dance, face painting, photo booth, magic show, tarot card readings, carnival games, attraction and food vendors. The application was submitted by Karen Cormier.

The Multicultural Association of Cumberland requested \$1,300 to host a Multicultural Colour Festival and Ethnic Dance Night, the dates of the events have not been determined. The application was submitted by Heeyeon Son, Immigrant Settlement Staff.

The policy calls for each of the applicants to present and pitch their concept to the general public. This is scheduled for Thursday, June 13th 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 the decision on the Town financial contribution. The Council meeting will take place immediately following the presentations on June 13, 2019.

FINANCIAL IMPLICATIONS: A maximum annual allocation of \$35,000 (\$17,500 per presentation event) may be granted.

COMMUNITY ENGAGEMENT: A public meeting to hear the presentations of the Top 5 applicants will be advertised for June 13, 2019.

ENVIRONMENTAL IMPLICATIONS: There are no environment implications.

ALTERNATIVES: Council may choose other applications for consideration.

ATTACHMENTS:

Report prepared by: Bill Schurman, Director of Recreation
Report and Financial approved:

SYNOPSIS

Cumberland Region Tourism Strategy

On February 28, 2019 Council approved the terms of reference for an intermunicipal tourism steering committee that would develop a strategy for tourism in the Cumberland region. The committee was composed of councillors and staff from the Town of Amherst, the Town of Oxford, the Municipality of Cumberland and tourism operators.

Over several meetings, the committee followed the “Guide to Community Tourism Planning in Nova Scotia” and prepared a strategy that included in-depth situation analysis, target markets, goals, vision, objectives and an action plan. The strategy was presented to the Joint Councils meeting on May 14th and Committee of the Whole on May 21st.

MOTION:

That Council adopt the Cumberland Region Tourism Development Strategy as presented.



AMHERST TOWN COUNCIL

RFD# 2019056

Date: May 27, 2019

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Rebecca Taylor, Business Development Officer

DATE: May 27, 2019

SUBJECT: Cumberland Region Tourism Development Strategy

ORIGIN: The 2014 Community Economic Development Strategy that was developed in partnership with the Municipality of Cumberland identified “tourism” as an area of focus, with recommendations to conduct an inventory of tourism assets, determine product development priorities, and develop a tourism brand for the region.

The 2014 ONE NS “Now of Never” report also identified tourism as an important economic development focus, calling for an increase in provincial tourism revenue to \$4B by 2024.

LEGISLATIVE AUTHORITY: MGA Section 48 (3): In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the municipality.

RECOMMENDATION: That Council adopt the Cumberland Region Tourism Development Strategy as presented.

BACKGROUND: On February 28, 2019 Council approved the terms of reference for an intermunicipal tourism steering committee that would develop a strategy for tourism in the Cumberland region. The committee was composed of councillors and staff from the Town of Amherst, the Town of Oxford, the Municipality of Cumberland and tourism operators.

Over several meetings, the committee followed the “Guide to Community Tourism Planning in Nova Scotia” and prepared a strategy that included in-depth situation analysis, target markets, goals, vision, objectives and an action plan.

DISCUSSION: The draft Cumberland Region Tourism Development Strategy was unanimously accepted by the intermunicipal tourism steering committee.

FINANCIAL IMPLICATIONS: Implementation of the strategy will require financial and human resources.

COMMUNITY ENGAGEMENT: Public engagement sessions were held in Amherst, Oxford, and communities in Cumberland to receive input toward development of the strategy.

ENVIRONMENTAL IMPLICATIONS: The strategy vision recognizes the importance of sustainable development to protect our natural environment.



SOCIAL JUSTICE IMPLICATIONS: None

ALTERNATIVES:

- 1) Council may choose to reject the strategy.
- 2) Council may recommend amendments to the strategy.

ATTACHMENTS:

Cumberland Region Tourism Development Strategy (draft)

Report prepared by: Rebecca Taylor

Report and Financial approved by:

Internal Committee Report

Planning Advisory Committee

May 2019

Town staff held a Public Participation Opportunity on May 1st. Staff heard public input on the consideration of an amendment to the land-use bylaw regarding offsite signage in the downtown core area district. Staff compiled all information and distributed this to the Planning Advisory Committee.

The Planning Advisory Committee met on May 13, 2019. Items on the agenda included the recommendation that Council not amend the land-use bylaw to allow non-electric off-site signage in the downtown core area district. The PAC also heard the staff report for the 23 Spring Street demolition recommendation. There was no input from the property owner as he/she was not in attendance.

The next meeting of the Planning Advisory Committee is scheduled for June 3, 2019 at 4:30 p.m.

Amherst Youth Town Council

2019 May Report

In May the Amherst Youth Town Council (AYTC) had two meetings on May 3rd and 17th. During these meetings we discussed our final arrangements for the AYTC Mental Health Week, the environment and climate change as well engagements which the AYTC was invited to.

The AYTC Mental Health Week is an annual initiative that the AYTC started this year to bring awareness to stigma around mental health in response to a survey we conducted last year. This week was supported by the SOAR Community Health Board through a wellness fund grant, the Amherst Regional High School (ARHS) Student Council through volunteer support and the ARHS Youth Health Center through programming support. This week included information sessions, group activities, a zumba class which was ran by Laura Ashley Farrow at the YMCA and a speaker provided by the ARHS Youth Health Center. Overall, this week was deemed a success by the AYTC, we saw fair numbers at most events and are hoping to grow this event further next year. A full report of this week can be provided upon request. During this week a survey was also conducted that was intended to accompany a survey AYTC conducted last year. This survey is still in progress. The AYTC would like to thank all partners for their support of this week especially the SOAR Community Health Board.

The environment is a topic that has been brought to the AYTC's attention and again was discussed this month. This month, we were able to and are grateful to have had discussion with the Amherst Town Council on how the AYTC and the Town of Amherst can create a more environmentally friendly community. The AYTC will still be and is hoping to still be able to have conversation with the Amherst Town Council in the future.

However, the AYTC would like to continuously stress how important we feel the environment and climate change is but we would like to thank the Amherst Town Council for being cooperative.

The AYTC was also invited to help with this years Canada Day celebrations, a sidewalk chalk initiative and events with Cumberland Pride.

In the month of June the AYTC is planning on participating in many community events, continue work on the environment and then wrap up the year. As well the AYTC would like to notify the Amherst Town Council and the Town of Amherst staff that the AYTC will be losing four members come the end of June. In accordance with the AYTC Policy, members who do not complete their two year term may be replaced, with their replacement finishing their term. Appointments are to be completed by November 1st annually. AYTC would like to thank the Amherst Town Council for their support and future support.

External Committee Report

Cumberland Joint Services Management Authority

May 2019

A CJSMA Board meeting was held on May 23, 2019 at the Amherst Town Hall. Items on the agenda included updates on the Recycling Steering Committee, and the cell closure tender results, which was awarded to Dexter Construction Company Ltd in the amount of \$3,444,457 plus HST.

CJSMA staff will be contacting the CAOs and/or staff from each of our municipal partners in an effort to identify ways to increase Board public outreach and transparency for consideration by the Board at a future meeting.

Regional Chairs will be submitting the EPR proposal to the Minister of Environment no later than May 30, 2019.

A special CJSMA Board meeting has been scheduled for July 4th at the Upper Nappan Service Centre when the audited financial statements will be presented. The next regular meeting of the Board is scheduled for September 19 at Amherst Town Hall.

During the month of April staff participated in various Earth Day Clean Ups, including the Town of Amherst Community Litter Pick Up on April 20th.

The 2019 Solid Waste Newsletters have been printed and will be sent out to residents during the month of May.

Now that spring is upon us, residents are reminded that they are permitted to place One bulky item, such as stoves, washers, mattresses, etc. out for collection per each garbage collection. Items must not exceed 50kgs in weight and shall not exceed 2m in any direction. Metal items are collected on the Friday of your garbage collection week.

External Committee Report

Senior Safety

May 2019

The Advisory Group met on May 2, 2019 at the CANSA board room due to the fact that the Continuing Care board room was in use.

The Coordinators report was presented, and it was noted that more individual groups were calling on his services for presentations to their groups. This is welcome news that the Senior Safety Program is getting out to the public.

The Cumberland Senior Safety Society has been informed that it has been assigned its own vendor number with the Department of Seniors.

On May 16th the Advisory Group participated in a financial review of the Society with the goal being to review and sign off on the 2018-2019 financial statement for the Society.

This year's AGM will be held in June, date TBD, between 11:00 am and 1:00 pm in the CANSA boardroom. Lunch will be provided.

I attended the Senior's Safety Program Provincial Conference May 15 & 16, 2019 at the Best Western Plus in Bridgewater NS. This conference was very well attended. Guest speakers were the Honourable Leo A. Glavine, Minister of the Department of Seniors, as well as the Deputy Minister for Department of Seniors Simon d'Entremont. This was the first Provincial Conference for the Senior's Safety Program providing an opportunity to meet and share opinions on what we need, and where we go from here.