

Regular Council Meeting

Minutes

Date of Meeting: Monday, December 17, 2012
Location: Council Chambers, Town Hall

Members Present: Mayor Robert Small
 Deputy Mayor George Baker
 Councillor Frank Balcom
 Councillor Robert Bird
 Lisa Emery
 Councillor David March
 Councillor Terry Rhindress

Staff Present: Greg Herrett, CAO
 Vince Arbing, Treasurer
 Roger MacIsaac, Director CED
 Jason MacDonald, Director of Planning
 Ben Pitman, Director TPW
 Bill Crossman, Fire Chief
 Ian Naylor
 Rebecca Purdy, Executive Assistant
 Kim Jones, Policy and HR

1. O'CANADA
2. HEARINGS / PRESENTATIONS / PETITIONS
3. CALL TO ORDER

3.1. Amendments to the Agenda

3.2. Approval of the Agenda

Moved By: Deputy Mayor George Baker
 Seconded By: Councillor David March
 That the agenda be approved as circulated.

Motion Carried

3.3. Approval of Minutes

Moved By: Councillor Terry Rhindress
 Seconded By: Councillor Lisa Emery
 That the minutes of the November 26, 2012 regular meeting be approved as circulated.

Motion Carried

4. REQUESTS FOR DECISION

4.1. Amendment to Salary Administration Policy - Council Remuneration

Moved By: Councillor David March
 Seconded By: Councillor Terry Rhindress
 That Council approve an amendment to the Salary Administration Policy #4530-01 to amend Appendix C-1 effective November 1, 2012.

Motion Carried

Job Level	Salary Amount	
Mayor	Stipend	\$ 23,053
	Allowance for expenses incidental to the discharge of duties	11,527
		\$ 34,580
Deputy Mayor	Stipend	\$ 15,418
	Allowance for expenses incidental to the discharge of duties	7,709
		\$ 23,127
Councillor	Stipend	\$ 13,625
	Allowance for expenses incidental to the discharge of duties	6,813
		\$ 20,438

4.2. Ice Request - Jr. C Colts

Deputy Mayor Baker declared a conflict and excused himself from the Council table for the discussion and decision on this issue.

Moved By: Councillor Robert Bird

Seconded By: Councillor David March

That Council decline the Jr. C Colts' request for one free practice time per week as it is outside existing User Fee Policy, and further, that the request for free use of the Stadium for one fundraiser during the year will be considered under the Town's Festivals and Events Policy.

Motion Carried

4.3. Development Agreement - 15 Clinton Street

Moved By: Councillor Frank Balcom

Seconded By: Councillor Terry Rhindress

That Council approve first reading of the Development Agreement for a three unit residential conversion of the building located at 15 Clinton street, and schedule a public hearing on the matter for Monday, January 28, 2013 at 6:30 PM.

Motion Carried

Case No. DA-2013-01

This Agreement made this _____ Day of _____ 2013.

Between: Larry Burke, Owner of property located at 15 Clinton Street (PID 25040395), hereinafter called the Owner, Of the one part - and-
The Town of Amherst, a body corporate hereinafter called the Town, Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy CP-15 of the municipal Planning Strategy of the Town of Amherst, to convert an existing commercial building located at 15 Clinton Street to a residential dwelling with up to three units, including ground floor residential unit(s).

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

AND WHEREAS the Council of the Town, at its meeting on the _____ Day of _____ 2013, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

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

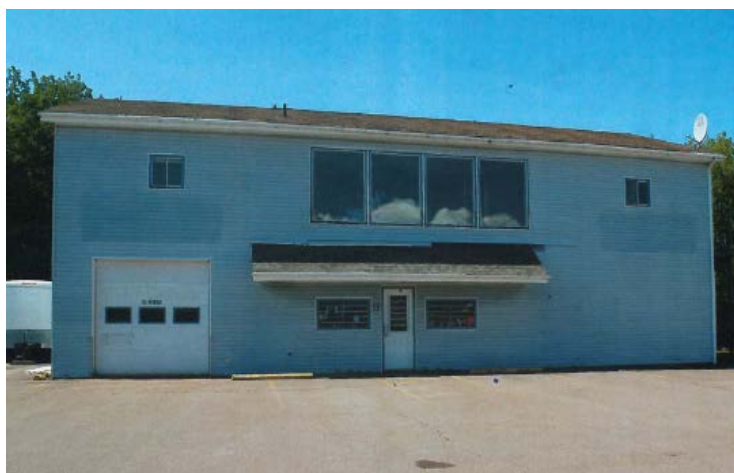
- 1) That the Owner is the registered owner of the aforesaid lands in the Town of Amherst, hereinafter called the lands. The aforesaid lots are the only lands in the Town of Amherst to which this agreement applies, and the lands are illustrated in the plan shown on Schedule B attached hereto and forming part of this agreement.
- 2) That the owner may construct a maximum of 3 dwelling units within the existing building on the said lands, subject to the following Schedules A and B, attached.
- 3) Any failure of the Town to insist upon strict enforcement of any requirements or conditions contained in this agreement shall not be deemed a waiver of any rights or remedies that the Town may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this agreement.
- 4) Should the owner fail to act in accordance with any aspect of this agreement, the Town shall retain the right to discharge the agreement upon 30 days notification and / or enter the property and conduct the required work. The cost of the said work will become a lien on the property tax bill.
- 5) The Town shall issue the necessary permit for the development upon the expiration of the appeal period specified for development agreements in the Municipal Government Act, Section 249, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.

Schedule A **15 Clinton Street - Development Agreement**

Terms and Conditions:

1. The use of the property shall be limited to a residential use with a maximum of 3 dwelling units.
2. The exterior design of the building shall be in accordance with the following:
 - a) the bulk and height of the building shall not be enlarged, except where required to conform with the National Building Code;
 - b) the exterior shall be finished in a uniform material and color, to the satisfaction of the Development Officer; and,
 - c) only new building material shall be used.
3. Signage shall not exceed that which is permitted by the Land Use Bylaw for a residential use.
4. Solid waste management shall be in conformance with the Town solid waste bylaw.
5. No outdoor storage shall be permitted on the property, other than that required to conform with the Town of Amherst Solid Waste Bylaw.
6. Exterior lighting shall be carefully designed to not shine directly onto adjacent properties.

Schedule B **15 Clinton Street - Development Agreement**



4.4. Deed Transfer Tax By-law

Moved By: Councillor Robert Bird
Seconded By: Councillor David March
That Council approve first reading of by-law B-2-1, a By-law to Repeal the Deed Transfer Tax By-law.

Motion Defeated 5-2

4.5. CJSMA - Chair as a Voting Member

Moved By: Councillor Frank Balcom

Seconded By: Councillor Lisa Emery

That Council approve an amendment to paragraph 4.(2) of the Inter-Municipal Agreement with respect to the Cumberland Joint Services Management Authority, designating the Chair of the Authority as a voting member of the Board.

Motion Carried

4.6. Appointment to ABPC

Moved By: Councillor Lisa Emery

Seconded By: Councillor Terry Rhindress

That Council approve the appointment of Deputy Mayor George Baker to the Amherst Board of Police Commissioners, for a two-year term ending November 30, 2014, replacing Councillor Robert Bird on this Board.

Motion Carried

4.7. Purchase of Tang Properties - 10 Princes Street and 24 Havelock Street

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council ratify the acquisition of the Tang properties at 10 Princess Street and 24 Havelock Street at Sheriff's Sale in the amount of \$59,118.70; and further, that Council authorize payment to the Legion in the amount of \$10,000 as per our agreement that they assign to the Town the first mortgage they held on the properties; and further that Council authorize staff to request tenders for demolition of the Legion building.

Motion Carried

4.8. Settlement Agreement with Cst. Michelle Harrison

Moved By: Councillor Lisa Emery

Seconded By: Councillor David March

That Council approve a settlement agreement with Cst. Michelle Harrison and authorize the Mayor and CAO to sign the agreement on behalf of the Town.

Motion Carried

5. INFORMATION / DISCUSSION ITEMS

5.1. African Heritage Month

Councillor Emery reported that the Town will work with CANSA staff to arrange the 2013 African Heritage month in February.

6. INTERNAL COMMITTEE REPORTS

6.1. Planning Advisory Committee

Councillor March presented the following report on behalf of the Planning Advisory Committee:

At a meeting of the Planning Advisory Committee held December 6th 2012 the Committee held public participation sessions for, and recommended approval of, two development agreements. One was to convert a vacant commercial building at 15 Clinton Street into three residential units, and the other was to convert a three unit building at 20 Eddy Street into a five unit building. The Clinton Street file was forwarded to Council for approval; however due to an administrative issue, the Eddy Street agreement will not be going forward to Council at this time. The next meeting of the PAC is scheduled for January 7, 2013.

6.2. Amherst Board of Police Commissioners

Councillor Emery presented the following report on behalf of the Amherst Board of Police Commissioners:

The continued funding for the CISNS position has still not been confirmed. There are pending issues which are being dealt with at the federal/ provincial levels of government. If the funding is not approved by December 31st the CISNS department in Amherst (only) will be closed as of March 31st. This is a position the Board and Council should continue to lobby the government to retain.

Chief Rushton retired after serving 38 years with the department - the last 15 as chief of police. This past September he received the Queen's Diamond Jubilee medal for his contributions to policing. Also, Cst. Derragh Reid Junior received the Diamond Jubilee medal in December. Deputy Chief Ian Naylor has been appointed Acting Chief until the hiring process to replace Chief Rushton has been completed. Staff Sergeant Scott White has been appointed Acting Deputy Chief by Acting Chief Naylor.

At present, the office hours for the police department are the same hours as the library; however, once the cameras have been installed they will be able to extend and have their own office hours.

The Seniors Policing Academy was held at the Lion's Club from October 10th to November 14th. There were 18 participants that received graduation certificates. The funding for this came from the Cumberland County Senior Safety Program.

Cst. Wood participated in the Seniors College program (separate from the above Academy) and delivered presentations on identity theft, internet fraud, credit card fraud and the many scams that target seniors.

The Racing Against Drugs event was held on November 15th at Spring Street Academy. This was co-sponsored by the RCMP, Springhill Police Service and the Lion's Club. The focus of the event is educating grade 5 students on making health choices

Acting Chief Naylor explained the potential loss of the CISNS funding and the impact it will have on the Amherst area; he encouraged Council to take a stand against the loss of the funding for these positions. The Mayor asked the CAO and Acting Chief to collaborate on drafting a letter to the Province in support of retaining the CISNS funding.

6.3. Amherst Youth Town Council

Councillor Bird presented the following report on behalf of the Youth Advisory Council:

AYTC members met last on December 11, 2012 for their regular monthly meeting. This was the first meeting with newly appointed members, as well as returning members and the beginning of the first term that AYTC will be operating at the maximum capacity of 12 members. Members began the meeting with a tour of Town Hall, and were most impressed by Council Chambers.

AYTC policy was distributed and reviewed. Discussion ensued regarding current policy and the selection of new AYTC members. Members felt it would be best if at least one youth was part of the selection panel. The process of voting in new members was discussed but members worried this process would become a popularity contest.

As per policy AYTC must meet with Town Council and therefore spent time preparing action items to present to Council at a meeting to be held in early 2013. An agenda will be submitted to Council prior to this meeting, but some items of discussion will include: AYTC's Community Involvement, Branding, Youth Centre and addressing graffiti at the Amherst Lions Skatepark. Another area of concern for AYTC is to have a meaningful budget that could be assigned to them so they can work directly with it and learn more about budget practices, for both being on a committee and as it pertains to municipal government. Part of this budget would also enable them to have meals at each meeting, as members feel it is a great time to connect and learn more about one another.

The next AYTC monthly meeting will be held on January 14, 2013 in Council Chambers.

Councillor Bird encouraged Council to support the AYTC and provide funding for it to carry out its mandate. Mayor Small said he looks forward to the meeting in January and to discuss these matters.

6.4. Community Arts Council Committee

Councillor March presented the following report on behalf of the Community Arts Council Committee:

The Community Arts Council Committee met on Thursday, November 29th to review results of the forums that were held in October and set some clear and concise goals for the year ahead.

After reviewing the forums these were the goals that were set by the committee:

- A new booking mechanism for the Susan Taylor Theatre at ARHS
- More promotional opportunities for artists
- A new stand alone ACH website and more electronic media
- A facility for artists to work, perform and display their work
- An inventory of teachers, classes, workshops and opportunities
- Business workshops for artists
- Events that encourage the community to gather
- The possibility of Amherst becoming a Cultural Capital of Canada
- The importance of celebrating Amherst 125/250 in 2014
- The importance of working with the County in arts and culture

It is important that these initiatives become the focus of the next 12 months to build trust in the ACH Coordinator and the CAC. Some of these items will be easily dealt with others like a facility are more long term and will also take some commitment of time and work by stakeholders in the community.

Deputy Mayor Baker emphasized the importance of coordinating efforts with the Town of Sackville.

6.5. Downtown Business Advisory Committee

Deputy Mayor Baker presented the following report on behalf of the Downtown Business Advisory Committee:

The Downtown Business Advisory Committee has met once since the last report, on December 4th. During the latest meeting, the main topic of discussion was the ongoing "Passport to Christmas in Downtown Amherst" promotion that has been taking place for roughly four weeks and will continue until the 17th of December when the grand prize draw will take place. In total, 31 downtown Amherst businesses have taken part in this promotion which has included three major events:

- Customer Appreciation Day on November 17th
- Black Friday on November 23rd
- No Tax Day on December 7th and 8th

Marketing Sub-Committee Chair, Elizabeth Smith McCrossin has reported roughly 85-90% of the budget for this initiative (contributed in main part by the businesses themselves) was spent on advertising locally with both newspapers and radio. The remaining funds were spent in the Moncton area to attract customers who like to frequent Amherst for their shopping. Elizabeth reported that the three major events from this program were a resounding success for most businesses. Customer appreciation day, Black Friday and No Tax Day were great days for all businesses and met with the strategic goals of the group to increase awareness and sales.

In addition to the marketing group report, a motion was made by Kevin Nelson to recommend that Council consider providing all new businesses locating in the Downtown area a certificate or plaque recognizing their entry into the downtown when they open for business.

Drawings were presented by Committee Chair Michele LeBlanc as to what various downtown store fronts and office buildings could look like if business owners were to renovate the exteriors of their buildings. These drawings were done as suggestions for future reference.

Mayor Small reported that Catherine George from the Sackville area was the winner of the Passport to Christmas Downtown Amherst gift basket, drawn today at Town Hall.

7. EXTERNAL COMMITTEE REPORTS

7.1. Cumberland Joint Services Management Authority

Councillor Balcom presented the following report on behalf of the CJSMA:

Members of the Cumberland Joint Services Management Authority met at the Dr. Carson and Marion Murray Community Center on December 6, 2012 at 5:30. Unfortunately there were not enough members to form a quorum and all material that was reviewed for information purposes has been tabled for the next meeting. Information presented by Steve Rayworth, Solid Waste Manager for the Authority included: Educational Update, PDP update, incoming material comparisons, and financial reports. Board member orientation packages were issued to Board members.

7.2. Cumberland Public Libraries

Councillor Balcom presented the following report on behalf of Cumberland Public Libraries:

Food For Fines

In its eighth year, Food For Fines is a program where all Cumberland Public Libraries will forgive fines in exchange for non-perishable food items. Food items donated go to the food bank in the community where they were donated. Last year we received almost 900 food items and forgave over \$1,600 in fines. Now is a great time to check your account for unpaid fines! Food For Fines will continue until the end of December.

Coming Soon

In January, look for the return of C.A.R.T (Children and Adults Reading Together), a popular pre-school program that teaches children the fundamentals of reading and their parents or guardians ways to incorporate literacy into everyday activities. For more information about C.A.R.T contact your local branch.

Did you know?

We have downloadable e-books and audiobooks. You can get free books from your computer in the comfort of your own home or anywhere that you have an Internet connection. All you need is a library card. We're happy to explain how it works or help solve any problems you're having with the technology.

Statistics

In the month of November, Cumberland Public Libraries signed out over 10,000 items! This includes books, movies, TV shows, magazines and more. Also in November, the seven libraries held 53 programs County-wide for children and adults, with over 770 people in attendance.

Find out what's going on

Check out the library's webpage (www.cumberlandpubliclibraries.ca) to see our Calendar of Events and get information on upcoming programs.

Like us on Facebook and follow us on Twitter (@CumberlandPL) to get information on coming events, find out about new books and movies, and see pictures of our programs.

8. **ADJOURNMENT**

Mayor Small gave a brief update of recent activities, which included:

A request has been received from MP Scott Armstrong's office for a meeting; staff have been asked to arrange a meeting with MLA Brian Skabar as well, and hopefully both of these meetings can take place in January.

Discussions have been held with other mayors and the warden about the proposed new "REM" which is to replace the RDA's, and how that will affect this side of the Cobequid Pass; newspaper articles he's seen indicate the feeling is mutual on the other side of the Pass in terms of size and how it should be laid out.

Downtown Business Advisory Committee has had some excellent promotions that were a huge success - thanks to the members that got involved.

The Amherst and Area Chamber of Commerce open house was held in Town Hall last week - highly successful - thanks to staff for making that happen. Over 100 attended, all were impressed with new Town Hall and the services, and were surprised at the level of detail undertaken to ensure building lasts.

A very successful meeting of all five municipal units was held, providing an opportunity for all councils to hear all ideas and activities going on in other units.

Mayor Small encouraged everyone to come to the New Year's Day Levee at Town Hall and then invited each member of Council to offer Christmas greetings.

On motion by Councillor Rhindress, the meeting adjourned at 7:55 PM.

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor