

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: June 26, 2017
Time: 7:00 pm
Location: Council Chambers, Town Hall

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

Members Absent Councillor Jason Blanch

Staff Present Greg Herrett, CAO
 Jason MacDonald, Deputy CAO Operations
 Ian Naylor, Police Chief
 Vince Arbing, Treasurer
 Bill Schurman, Director Recreation
 Greg Jones, Fire Chief
 Rebecca Purdy, Executive Assistant

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 PM and introduced special guests Olivia Pulsifer, the youth council representative, and Theresa Nicholls who led in the singing of O'Canada.

2. O'CANADA

3. HEARINGS/PRESENTATIONS/PETITIONS

3.1 Designated Bus Parking (5483)

Don MacLean representing downtown merchants made a presentation to Council on designated parking for tourist busses in the downtown. A copy of the presentation is included in the post-meeting agenda.

4. APPROVAL OF AGENDA/MINUTES

4.1 Approval of the Agenda (6005)

Moved By Councillor Jones
 Seconded By Councillor Rhindress
 To approve the agenda

Motion Carried

4.2 Approval of Minutes - May 23 2017 (6006)

Moved By Deputy Mayor Christie
 Seconded By Councillor MacKenzie
 To approve the minutes of the May 23, 2017 Regular Meeting

Motion Carried

5. REQUESTS FOR DECISION

5.1 Amherst Water Utility Budget (5903)

5.1.1 Operating

Moved By Deputy Mayor Christie
 Seconded By Councillor Byrne
 That Council approve the Amherst Water Utility Operating Budget for the 2017-18 fiscal year in the amount of \$2,029,748

Motion Carried

5.1.2 Capital

Moved By Deputy Mayor Christie

Seconded By Councillor Rhindress

That Council approve the Amherst Water Utility Capital Budget for the 2017-18 fiscal year in the amount of \$8,733,000, and approval in principle of the subsequent nine years' Capital Budgets:

2018 – 2019	\$ 318,750
2019 – 2020	483,750
2020 – 2021	368,750
2021 – 2022	200,000
2022 – 2023	296,000
2023 – 2024	265,000
2024 – 2025	200,000
2025 – 2026	123,000
2026 – 2027	375,000

Motion Carried

To be clear, while the recommendation includes projected capital budgets for the nine subsequent fiscal years, this is for planning purposes only, and does not commit funding beyond the 2017-18 fiscal year.

5.2 Amend Municipal Planning Strategy (4022)

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

That Council approve second reading of a bylaw to amend the Municipal Planning Strategy Bylaw, P-1-7, to establish a Commercial Development District to provide for a commercial assessment phase-in tool

Motion Carried As Amended

Amendment:

Moved By Deputy Mayor Christie

Seconded By Councillor MacKenzie

That the Bylaw to Amend the Municipal Planning Strategy Bylaw, P-1-7, be amended in Commercial Development District GP-13 by replacing the word “designated” with the word “zoned”; by replacing the acronym “CDD” with the words “Commercial Development District”; by replacing the words “the Generalized Future Land Use Map” with the words “Schedule A Land Use Zoning Map of the Land Use Bylaw; and by changing the word “Improvement” with the word “Support”

Amendment Carried

Town of Amherst

By-law to Amend the Municipal Planning Strategy By-law, P-1-7

1. The purpose of this by-law is to create Policy GP-13 of the Municipal Planning Strategy of the Town of Amherst with respect to establishment of a Commercial Development District.
2. The Municipal Planning Strategy of the Town of Amherst is hereby amended as follows:

Commercial Development District **GP-13**

It shall be the intention of Council to designate all areas of the Town zoned as Commercial, Industrial, and Comprehensive Development District on Schedule ‘A’ Land Use Zoning Map of the Land Use Bylaw as the Commercial Development District. The Commercial Development District shall include the eligible properties under the Commercial Development Support Bylaw.

5.3 Bylaw Respecting Commercial Development Improvements (5102)

Moved By Councillor Rhindress

Seconded By Councillor Byrne

That Council approve second reading of Commercial Development Improvement Bylaw

Motion Carried As Amended

Amendment:

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

That the Commercial Development Improvement Bylaw be amended as follows (attached amendments)

Amendment Carried

The Bylaw Respecting Commercial Development Improvements, P-9, which received first reading on February 27, 2017 is hereby amended as follows:

1. Change the title of the Bylaw by replacing the words "Commercial Development Improvements" to "Commercial Development Support Program" throughout the bylaw and its Schedules, including changing reference from "CDI Bylaw" to "CDS Bylaw".
2. In paragraph 2, replace the words "Commercial, and CDD in the attached Appendix A" with the words "Comprehensive Development District, and all Commercial Zones on the Land Use Zoning Map, attached as Schedule A of this Bylaw."
3. Change the heading above paragraph 3 from "DEVELOPMENT REBATE PROGRAM" to "DEVELOPMENT SUPPORT PROGRAM" and throughout the bylaw.
4. In DEFINITIONS paragraph 7, replacing the words "investment that results in an increase in the productive use of a property or a building on a property within the CDD, and includes, but is not limited to a new building construction enterprise, or the expansion of an existing building to realize more effective utilization of the property's potential" with the words "any new building, expansion of an existing building, or any renovation that requires a Building Permit and has a minimum project cost of \$25,000"
5. In DEFINITIONS, paragraph 10 becomes a part of paragraph 9 and the remaining paragraphs are renumbered accordingly.
6. In DEFINITIONS, paragraph 10 (which was formerly paragraph 11), Actual Taxable Assessed Value, remove the words "applicable for the taxation year in which the Rebate Eligible Assessment is to be determined, subject to any adjustments to taxes arising from the assessment appeals or changes to the Taxable Assessed Value made by PVSC through requests for reconsideration" and replace with "is established by the PVSC in the year following the completion of the Development. For further clarity, the Actual Taxable Assessed Value will not change for the purposes of the Development Support over the course of the program."
7. In PHASED IN ASSESSMENT AGREEMENT, paragraph 11 (1) as renumbered, replace the word "Appendix" with the word "Schedule", and in paragraph 11(2) replace the words "is intended to compliment and provide specifics for the subject property" with the words "establishes the" and remove the word "are" after the words "and the limits on the program".
8. In REBATE CALCULATION, paragraph 12 as renumbered, replace the words "development rebate" with the words "Assessment Rebate" and remove the words "each year"; In the table, replace the words "tax increment" with the words "the rebate eligible assessment".
9. In REBATE LIMITS, paragraph 13 as renumbered, replace the words "development rebates" with the words "Assessment Rebates" and remove the words "to an owner".
10. In DURATION, paragraph 15 as renumbered, replace the words "Development rebates" with the words "Assessment Rebates".
11. In paragraphs 17, 18, 19, 20 and 22 as renumbered, replace the words "Development Rebate" with the words "Development Support Program".
12. In REPEAL, delete paragraph 19(2) as renumbered.

13. In PAYMENT, paragraphs 25 and 26 as renumbered, replace the words “development rebates” with the words “Assessment Rebates”.
14. Replace SCHEDULE A Map with SCHEDULE A Zoning Map.
15. In SCHEDULE B, replace the words “Central Business District” with the words “Commercial Development District” in the first paragraph and replace the words “Development Rebate” with the words “Development Support Program” in the second and fourth unnumbered paragraphs as well as in numbered paragraphs 2.2, and 2.5.
16. In SCHEDULE B, replace the words “**Development Rebate**” in paragraph 2.6 with the words “**Assessment Rebate**” and replace “13” with “12”.
17. In SCHEDULE B, paragraph 2.8, add the words “or industrial” after the words “permitted commercial”.
18. In SCHEDULE B, paragraph 2.11, replace the words “development rebate” with the words “Assessment Rebate”.
19. In SCHEDULE B, paragraph 3 heading is changed from “PARTICIPATION IN DEVELOPMENT REBATES PROGRAM” to “PARTICIPATION IN ASSESSMENT REBATES PROGRAM”.
20. In SCHEDULE B, paragraph 3.1, replace the words “Development Rebate” with the words “Development Support Program”.
21. In SCHEDULE B, paragraph 4 heading is changed from “DEVELOPMENT REBATE FUNDING CALCULATION” to “ASSESSMENT REBATE FUNDING CALCULATION”
22. In SCHEDULE B, paragraph 4.1, replace the words “A development rebate” with the words “An Assessment Rebate”; replace the word “TREASURER” with the word “Treasurer”; and replace the word “to” to the word “of”.
23. In SCHEDULE B, replace paragraph 4.2 “Prior to the commencement of the Development Rebate, the TREASURER shall determine the Base Year Taxable Assessed Value used to calculate the annual Rebate Eligible Tax Assessment and the corresponding annual development rebate payable for development. Following this determination, Schedule “F” will be amended annually to show the Actual Taxable Assessed Value, the Rebate Eligible Taxes, and the annual development rebate amount payable as determined by the TREASURER” with a the following paragraph “Prior to the commencement of the Development Support Program, the Treasurer shall determine the Base Year Taxable Assessed Value used to calculate the Annual Rebate Eligible Tax Assessment and the corresponding annual Assessment Rebate payable to the Applicant. Following this determination, Schedule “F” will be amended annually to show the Actual Taxable Assessed Value, the Rebate Eligible Taxes, and the annual Assessment Rebate amount payable as determined by the Treasurer.
24. In SCHEDULE B, Paragraph 4.3, and throughout the remainder of the document, replace the word “TREASURER” with “Treasurer”;
25. In SCHEDULE B, Paragraphs 4.3, 4.4, 4.5 and 4.6 replace the words “development rebate” with the words “Assessment Rebate”.
26. In SCHEDULE B, paragraph 4.6, replace the words “result in the calculation of the total increase in taxes payable during the phase in period being less than” with the word “exceed”.
27. In SCHEDULE B, paragraph 4.7, replace the words “Development Rebate” with the words “Development Support Program”.
28. In SCHEDULE B, paragraph 4.9, replace the words “future development rebates shall be adjusted accordingly for the duration of the Development Rebate period. Such adjustments may reflect any overpayment of development rebate arising from successful assessment appeals that occur subsequent to the commencement of payment of development rebates.” With the words “future Assessment Rebates shall be adjusted accordingly for the duration of the Development Support Program period. Such adjustments may reflect any overpayment of Assessment Rebate arising from successful assessment appeals that occur subsequent to the commencement of payment of Assessment Rebates.”
29. In SCHEDULE B, paragraphs 4.10 and 4.11 replace the words “development rebate” with the words “Assessment Rebate”.
30. In SCHEDULE B, paragraph 4.12, replace the words “calculation of the development rebate in this Agreement, but may be the subject of a further Development Rebate application, subject to the continued availability of the Development Rebate and the eligibility requirements” with the words “calculation of the Assessment Rebate in this Agreement but may be the subject of a

further Development Support Program application, subject to the continued availability of the Development Support Program and the eligibility requirements”.

31. In SCHEDULE B, paragraphs 5.1, 5.2 and 6.2 replace the words “development rebate” with the words “Assessment Rebate”
32. In SCHEDULE B, paragraphs 7.1 and 7.2 replace the words “Development Rebate” with the words “Development Support Program”.
33. In SCHEDULE B, paragraph 7.6, replace the words “during the Development Rebate the building which underwent” with the words “during the Development Support Program the building which underwent” and replace the words “to advance future development rebates or reduce the amount of future development rebates” with the words “to advance future Assessment Rebates or reduce the amount of future Assessment Rebates”.
34. In SCHEDULE B, paragraph 7.8, replace the words “Development Rebate” with the words “Development Support Program”.
35. In SCHEDULE B, paragraph 8.1 replace the words “development rebate” with the words “Assessment Rebate”
36. In SCHEDULE B, paragraph 8.2 replace the words “development rebates” with the words “Assessment Rebates”; in 8.2 a) replace the words “Development Rebate” with the words “Development Support Program”; in 8.2 b) replace the words “Development rebates” with the words “Assessment Rebates”.
37. In SCHEDULE B, delete paragraph 8.3 in its entirety and renumber the next paragraph accordingly.
38. In SCHEDULE B, paragraph 8.3 as renumbered, replace the words “development rebate” with the words “Assessment Rebate”.
39. In SCHEDULE B, paragraphs 9.2, 10.1 a) and 10.1 b) replace the words “development rebate” with the words “Assessment Rebate”.
40. In SCHEDULE B, paragraph 10.2 f) replace the words “Development Rebate” with the words “Development Support Program”.
41. In SCHEDULE B, paragraphs 10.3 and 10.4 replace the words “Development rebate” with the words “Assessment Rebate”.
42. In SCHEDULE B, paragraph 12.1 a) and 12.1 d) replace the words “development rebate” with the words “Assessment Rebate” and “development rebates” with “Assessment Rebates”
43. In SCHEDULE B, paragraph 12.1 c) replace the words “Development Rebate” with the words “Development Support Program”.
44. In SCHEDULE B, paragraph 12.5, replace the words “Schedule “B” Example of Development Rebate Calculation” to “Schedule “B” Example of Assessment Rebate Calculation”; replace the words “Schedule “C” CDI” with “Schedule “C” CDS Bylaw”;

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replace the words “Schedule “D” Development Rebate” with “Schedule “D” List of Development Plans and Drawings”; replace “Schedule “E” List of Development Plans” with “Schedule “E” Assessment Rebate Calculation”; and remove “Schedule “F” Development Rebate Calculation”.

45. In SCHEDULE B, paragraph 12.6 correct the typographical error by replacing “per4formance” with “performance”.
46. In SCHEDULE B, following paragraph 12.17, replace the authorized signature block with the following:

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized representatives effective this _____ day of _____, 20_____.

TOWN OF AMHERST

PROPERTY OWNER

Name and Title

Name

Signature

Signature

Date

Date

47. In SCHEDULE B, replace the attached SCHEDULES A, B, C, D and E with the following:

SCHEDULE A
LEGAL DESCRIPTION OF OWNER'S LAND

SCHEDULE B
EXAMPLE OF ASSESSMENT REBATE CALCULATION

A. Pre-Development Base Year Taxable Assessed Value:

(1)

Base Year	Base Year Taxable Assessed Value
2007	\$150,000

B. Post-Development Actual Taxable Assessment Value:

	(2)	(3)	
Years	Rebate Year	Actual Taxable Assessed Value	Current Commercial Municipal Tax
1	2008	\$350,000 *	3.78
2	2009	350,000	3.98
3	2010	350,000	4.21
4	2011	350,000	4.52
5	2012	350,000	4.52
6	2013	350,000	4.52
7	2014	350,000	4.51
8	2015	350,000	4.45
9	2016	350,000	4.39
10	2017	350,000	4.31

*The PVSC assessment in the year following the completion of the development. This amount will NOT change for purposes of the rebate calculation.

C. Assessment Rebates:

	(4)	(5)=(2-1)	(6) = (5 x 3)	(7) = (6 x 4)	(8) = (7/6)
Years	Rebate %	Rebate Eligible Assessment	Rebate Eligible Taxes	Rebate Amount \$	Cumulative % Payable
1	90	\$200,000	\$7,560	\$6,804	90.0%
2	80	200,000	7,960	6,368	84.9%
3	70	200,000	8,420	5,894	79.6%
4	60	200,000	9,040	5,424	74.3%
5	50	200,000	9,040	4,520	69.0%
6	50	200,000	9,040	4,520	65.7%
7	40	200,000	9,020	3,608	61.8%
8	30	200,000	8,900	2,670	57.7%
9	20	200,000	8,780	1,756	53.5%
10	10	200,000	8,620	862	49.1%
Totals (9) & (10):			\$86,380	\$42,426	
Re-calculate:			50%		
Total Allowable Rebate:			\$43,190	\$42,426	

- If the program ends at any point before the cumulative payout falls below 50%, the rebate needs to be adjusted down accordingly.
- The cumulative payable must be below 50% by the end of the phase-in period.

SCHEDULE C
CDI BYLAW – TOWN OF AMHERST

SCHEDULE D
LIST OF DEVELOPMENT PLANS & DRAWINGS

SCHEDULE E
ASSESSMENT REBATE CALCULATION

Address:

Property Identification No:

D. Pre-Development Base Year Taxable Assessed Value:

	(1)
Base Year	Base Year Taxable Assessed Value
	\$

E. Post-Development Actual Taxable Assessment Value:

		(2)	(3)
Years	Rebate Year	Actual Taxable Assessed Value*	Current Commercial Municipal General Tax Rate (excluding any area rates)
1		\$	
2		\$	
3		\$	
4		\$	
5		\$	
6		\$	
7		\$	
8		\$	
9		\$	
10		\$	

*The PVSC assessment in the year following the completion of the development. This amount will not change for purposes of the rebate calculation.

F. Assessment Rebates:

	(4)	(5)=(2-1)	(6) = (5 x 3)	(7) = (6 x 4)	(8)
Years	Rebate %	Rebate Eligible Assessment	Rebate Eligible Taxes	Rebate Amount \$	Cumulative % Payable
1	90	\$	\$	\$	
2	80	\$	\$	\$	
3	70	\$	\$	\$	
4	60	\$	\$	\$	
5	50	\$	\$	\$	
6	50	\$	\$	\$	
7	40	\$	\$	\$	
8	30	\$	\$	\$	
9	20	\$	\$	\$	
10	10	\$	\$	\$	
Totals (9) & (10):			\$	\$	
Re-calculate:			50%	\$	
Total Allowable Rebate:			\$	\$	

- If the program ends at any point before the cumulative payout falls below 50%, the rebate needs to be adjusted down accordingly.
- The cumulative payable must be below 50% by the end of the phase-in period.

5.4 Tax Exemption Bylaw (5665)

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

That Council approve second reading and enactment of a bylaw to amend the Tax Exemption Bylaw, B-1, which removes the property located at 189 Church Street, and further, that \$80,086 be granted in tax exemptions to nine organizations in total.

Motion Carried

Town of Amherst
Bylaw to Amend the Tax Exemption Bylaw, B-1

1. This is a by-law to amend the Tax Exemption Bylaw, B-1.

2. The Tax Exemption Bylaw of the Town of Amherst is hereby amended as follows:
 a) Remove the following organization from Schedule C:

Property: Land & Building, 189 Church Street
Owner: Pythian Castle Ltd.
Assessment Account Number: 02209128
Extent of Application: The Whole of Commercial Portion
Extent of Exemption: 100%

5.5 Amend Salary Administration Policy (5973)

Moved By Councillor Jones
Seconded By Councillor Byrne
That the Salary Administration Policy #4530-01 be amended by adding the position of Capital Asset Coordinator/Property Manager to the policy under the category of Supervisor and revising the job title of the current “IT Assistant” to “IT Coordinator”

Motion Carried

**TOWN OF AMHERST SALARY ADMINISTRATION POLICY, NUMBER 04530-01
 APPENDIX C - JOB CATEGORIES**

Category	Position
Deputy CAO	Deputy CAO
Director	Director of Finance/Corp Serv
	Director of Recreation
Manager	Fire Chief
	Operations Manager
Officer	Planner
	Accountant
	Business Development Officer
	Building Official
Supervisor	Exec Asst/Dispatch Coordinator
	Transportation Foreman
	Facility Manager
	Capital Asset Coordinator/Property Manager
Admin/Cust Serv 4	HR Coordinator
	Exec Asst CAO
	Fire Inspector
Admin/Cust Serv 3	GIS Coordinator
	Exec Asst Planning
	Marketing and Communications
	Horticulturalist
	Fire Fighter
	Procurement Coordinator
	Revenue Officer
	Accounts Payable Coordinator
	Cashier/Receptionist
	Water Sewer Billing Clerk
	IT Coordinator
Admin/Cust Serv 2	Admin Asst Recreation
	Admin Clerk Public Works
	Active Living Coordinator
Admin/Cust Serv 1	Bylaw Enforcement Officer
	Criminal Records Checks
	Dispatcher

5.6 RFP - Smart Grid Feasibility Study (4023)

Moved By Deputy Mayor Christie

Seconded By Councillor MacKenzie

That Council accept the proposal submitted by SNC-Lavalin for RFP-17-03 Smart Grid Feasibility Study in the amount of \$39,330 plus HST, to be funded by the Strategic Priorities Budget, and the previously approved funding from ACOA and the Nova Scotia Department of Energy.

Motion Carried

5.7 Tender - Reservoir (5996)

Moved By Councillor Byrne

Seconded By Councillor Rhindress

That Council award the tender for the construction of the new water reservoir storage tanks and associated pressure reducing infrastructure, T-17-02, to Maritech Construction at their low bid amount of \$5,121,825.50 plus HST

Motion Carried

5.8 Tender - Capital Paving (6004)

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Council award the 2017-18 Capital Paving Tender (T-17-09) to the lowest compliant bidder, Costin Paving and Contracting, at their unit prices based on our estimated quantities in the total amount of \$457,285.82 plus HST, and further, that staff be directed to negotiate a reduction in the amount of work to be completed, based on the unit prices submitted, to reflect the actual budget amount of \$450,000 including HST.

Motion Carried

5.9 Quit Claim Deed - Minto & Dundonald Streets (5938)

Moved By Councillor MacKenzie

Seconded By Councillor Jones

That Council releases the sewer easement on property located at the end of Minto and Dundonald Streets by way of a Quit Claim Deed and authorize the Mayor and CAO to sign the Quit Claim Deed on behalf of the Town

Motion Carried

6. INFORMATION ITEMS

7. INTERNAL COMMITTEE REPORTS

7.1 Amherst Board of Police Commissioners (5998)

Councillor Jones presented a report on behalf of the Amherst Board of Police Commissioners.

7.2 Amherst Youth Town Council (5997)

Youth Councillor Olivia Pulsifer presented a report on behalf of the Amherst Youth Town Council.

8. EXTERNAL COMMITTEE REPORTS

8.1 Cumberland Public Libraries (5999)

Councillor MacKenzie presented a report on behalf of the Cumberland Public Libraries Board.

8.2 Cumberland YMCA (6002)

The YMCA's 2016-2017 Annual Report was included in the agenda. Deputy Mayor Christie reviewed some of the highlights in the report and from the AGM held last month. The Y and its numbers are improving every year.

8.3 Cumberland Joint Services Management Authority (6003)

Councillor Byrne reported that the CJSMA approved the budget and approved the new cell development at its May meeting. The tender for the new cell was issued and the closing date had been moved to today, June 26. Further details are included in the "Solid Waste Matters" newsletter included in the agenda.

8.4 L. A. Animal Shelter

Mayor Kogon presented a report on behalf of the L. A. Animal Shelter.

9. ADJOURNMENT

Moved By Councillor Jones

Seconded By Councillor MacKenzie

To adjourn at 8:00 PM

Gregory D. Herrett, CPA, CA
Town Clerk and Chief Administrative Officer

David Kogon, MD
Mayor