

**Minutes of a Regular Meeting of Amherst Town Council
Held in Council Chambers
Monday, October 26, 2009 at 7:00 PM**

PRESENT: Mayor Rob Small
Deputy Mayor Robert Angel
Councillor George Baker
Councillor Robert Bird
Councillor David March
Councillor Terry Rhindress
Greg Herrett, CAO

REGRETS: Councillor Dale Fawthrop

ATTENDING: Kim Jones, Executive Assistant
Vince Arbing, Treasurer
Jason MacDonald, Director of Planning and Engineering
Rebecca Purdy, Executive Assistant

Prior to the national anthem, Mayor Small called for a moment of silence in honour of the late Doug Robinson, former Mayor of Parrsboro, who passed away on October 25.

1. O CANADA

2. HEARINGS / PETITIONS / PRESENTATIONS

2.1 Public Hearing – Closure of Franklyn Street Extension

The Mayor introduced the topic and requested a background report from Jason MacDonald, Director of Planning and Engineering Services. The hearing is a part of the process of closing a portion of Franklyn Street Extension to facilitate a land trade with David and Marcia Allen for their proposed residential development in that area. Mayor Small invited the public to speak on the issue; there was no response. He asked the CAO if there were any written submissions; there were none. This concluded the public hearing.

2.2 Organ Donation – Presentation by Susan Boiduk

Susan Boiduk made a presentation to Council on the Province's Organ and Tissue Donation program, Legacy of Life. She explained the tissue donation aspect of the program, as well as the donation process. She left a book developed by students of the NSCC for Council to review, and displayed a poster depicting the types of organs and tissues that are being transplanted. Information on this program is available on the web at www.legacyoflife.ns.ca. She asked that the Town fly the Legacy of Life flag during awareness week in April.

2.3 Sunday Shopping Petition

The CAO read the following letter and petition with 749 signatures with regards to regulating Sunday Shopping. Mr. Brian Wood, one of the authors of the letter and petition, presented the petition to Council, and expressed concern that retail workers are being increasingly pressured to work longer hours; he requested that Council consider enacting a by-law regulating Sunday shopping from 12 to 5 PM. Mayor Small thanked Mr. Wood for presenting the petition to Council.

Your Worship: "I am writing to you with regards to Sunday Shopping. As you know, back in 2004, Nova Scotians voted against Sunday shopping (albeit by a slim majority). Never-the-less, we did, but the next year Sunday shopping came into effect. We work in a grocery store and the hours at first were 12-6pm. Last year they changed from 10am-6pm. A few weeks ago, they changed again, and we are now open 10am-8pm. It is obvious that retailers are pushing the limit on this issue.

"It was bad enough that the majority of Nova Scotians were over ruled on the Sunday shopping issue, but to add insult to injury by continually making the hours longer is not fair to retail workers and their families. We understand that legislating fixed hours is up to each municipality, and some have done this successfully (e.g. Fredericton, N.B. is open 12-5pm). I have also noticed that in Halifax some malls are closing at 6pm on Saturday night, and many stores are only open 12-5 on Sundays. We don't expect Sunday shopping to go away, but what we are proposing, is that some form of government stand up against big business, and say, "enough is enough". There are numerous periods where it doesn't make fiscal sense to be open because business is so slow (e.g. Sunday 8am-12pm, and 6pm-8pm; Monday to Thursday nights 9-10pm). Below is a list of reasons why there needs to be some regulating of hours.

1. *Many retail workers have Sunday services they wish to attend, and this makes it hard to schedule around them.*
2. *Many look forward to spending time with their families, especially children and spouses who only have the week-end to do so.*
3. *Some just look forward to sleeping in, or going to a community event. Most major attractions, events, etc. are on the week-end.*

4. *With the extended hours, we are required to have more office staff, department managers, etc. This creates scheduling head-aches.*
5. *Extended hours is not good for the environment, as we have lights, computers, etc. running for longer periods of time. We have been shutting off equipment during times the store is closed to try to reduce our carbon footprint, but it seems big business is not as serious about this as they claim to be.*
6. *Even our youth can benefit from reduced hours, especially during the school week. If they were getting off work at 9pm instead of 10pm, they would have more time for studies and getting to bed earlier.*

"We are not asking to ban Sunday shopping altogether, but we feel it has gotten out of hand. Therefore, we ask that you bring in a by-law regulating Sunday shopping from 12-5pm, and even consider the 9pm closing during the week days. It would greatly benefit families, youth, retail workers, the environment and small businesses (such as corner stores who can't compete with big chain stores). Thank you for your time.

*Sincerely,
Paula Bacon & Brian Wood"*

3. CALL TO ORDER 7:30 PM

- 3.1 Additions to Agenda M-0910-01
Moved by Councillor Baker, seconded by Councillor Rhindress that the following items be added to the agenda: 4. Acceptance of Petition; and 8.9 VON Verbal Report.

MOTION CARRIED

- 3.2 Approval of Agenda M-0910-02
Moved by Councillor March, seconded by Councillor Rhindress to approve the agenda as amended.

MOTION CARRIED

- 3.3 Approval of Minutes M-0910- 03
Moved by Councillor Rhindress, seconded by Councillor Baker to approve the minutes of the September 28, 2009 regular meeting as circulated.

MOTION CARRIED

4. REQUESTS FOR DECISION

- 4.0 Motion to Accept Petition (Additional Item) M-0910-04
Moved by Councillor Baker, seconded by Councillor March to accept the petition on Sunday Shopping as presented to the Town by Brian Wood, and further, that staff be directed to research and prepare a report to Council on the issue.

MOTION CARRIED

- 4.1 By-Law at 2nd Reading: Amend Tax Exemption By-Law, RFD#2009095 M-0910-05
Moved by Councillor March, seconded by Councillor Baker that Council approve 2nd reading of a By-law to Amend the Tax Exemption By-law, B-1, by adding "Bridge Adult Services Society" to Schedule A.

Moved by Councillor March, seconded by Councillor Bird that the by-law be further amended to include the address and assessment account number for the Bridge Adult Services Society to Schedule A, 16 Station Street, Assessment Account Number 03030563, and further, that following assessment account numbers be added to all properties listed on Schedule A:

25 Park St.	Bright Beginnings Child Care Centre	00064017
1 Rupert St.	Amherst & District Branch Canadian Assoc Comm. Living	00635928

And further, that the following assessment account numbers be added to properties listed on Schedule C:

20 Lawrence St.	Amherst Masonic Society	00064149
3 Robie St.	Cumberland Columbia Club	01030914
4-6 Robie St.	Cumberland Columbia Club	01030906
189 Church St.	Pythian Castle Ltd.	02209128
5 Electric St	Amherst Lions Club	00688835
85 Hickman St	Amherst Lions Club	00064122
Lot #07-1 Cornwall Ave	Amherst Lions Club	10066557
45 Prince Arthur St	Amherst Curling Club	00064009
41 Russell St	Cumberland County Transition House Association	07419112
24 Crescent Ave.	Alpha Outreach Society	00737305
3 Prince Arthur St	Alpha Outreach Society	04641108

MOTION CARRIED

ORIGINAL MOTION CARRIED AS AMENDED

- 4.2 **By-Law at 1st Reading: Vacant Buildings By-Law, RFD#2009094** **M-0910-06**
Moved by Deputy Mayor Angel, seconded by Councillor Rhindress that Council give first reading to By-law P-5, a by-law to be known as the Vacant Building By-law.

MOTION CARRIED

BY-LAW RESPECTING VACANT BUILDINGS

BE IT ENACTED by the Council of the Town of Amherst pursuant to Section 172 of the *Municipal Government Act* as follows:

Title

This by-law may be cited as the "**Vacant Building By-law**".

Definitions

1. In this By-law:

"**Act**" means the *Municipal Government Act* c. 18, S.N.S. 1998, as amended;

"**Administrator**" means the administrator appointed pursuant to section 345(1) of the Act;

"**Council**" means the Town of Amherst Council;

"**Minimum Standards**" means the standards to secure a Vacant Building set out in Section 2 hereof;

"**Order**" means an order of Council pursuant to Section 3 hereof;

"**Owner**" means the owner of the Property as he or she appears on the assessment roll;

"**Property**" means the lands upon which a Vacant Building is situate;

"**Town**" means the Town of Amherst;

"**Vacant Building**" means a building or structure which is not and has not been occupied by the Owner or a person authorized by the Owner for more than 30 consecutive days but does not include:

- (a) a seasonal dwelling;
- (b) a temporary recreational building or structure; and
- (c) an agricultural or other resource building or structure.

Standards to Secure a Vacant Building

2. Vacant Buildings shall be secured to meet the following minimum standards:

- (a) all openings within 10' of the adjacent grade shall be secured with a panel type material not less than 3/4", (the "**Panels**");
- (b) the Panels must be secured with not less than 2" #8 screws spaced a minimum of 16" on centre around the perimeter of the Panel; and
- (c) the Panels must be tightly fitted and painted or otherwise treated so as to prevent deterioration.

Order to Secure a Vacant Building

3. Where it has been determined by the Administrator that a building is a Vacant Building and has not been secured to the Minimum Standards, Council shall cause to be served written notice on the Owner directing the Owner to secure the Vacant Building to the Minimum Standard within ten (10) days from the date on which the Order is served on the Owner pursuant to Section 4 hereof.

Service of Order

4. The Order shall be served upon the Owner by registered mail addressed to the Owner at the address on the assessment roll where tax accounts are sent and shall be posted in a conspicuous place upon the Vacant Building. The Owner shall be deemed to have been served (a) when the Owner actually receives the Order, or (b) except when postal services are not functioning, on the expiry of three (3) days following the date of registration, whichever is earlier.

Failure to Comply with Order

5. Where the Owner fails to comply with the Order the Town may enter upon the Property and carry out the work necessary to effect compliance with the Order. All costs associated therewith may be charged to the Owner by the Town and shall constitute a first lien against the Property.
6. Where the Owner fails to comply with the Order, the Owner, upon conviction, is guilty of an offence and shall be liable to a penalty of not less than One Thousand Dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00). Every day during which the violation continues is deemed to be a new offence.
7. In the case of a violation of this By-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, the Town may apply to a Judge of the Trial Division of the Supreme Court for an injunction ordering the Owner to cease the violation and the Judge may make any order that the Judge deems just and expedient.

Limitation on time

8. No Vacant Building shall remain boarded up pursuant to the Minimum Standards for more than six (6) consecutive months nor more than eight (8) months in any given eighteen (18) month period.

Acquisition of Property

9. Where a Vacant Building remains boarded up for a period exceeding the period set out in Section 8, Council may exercise its rights to acquire the Property pursuant to Section 172A of the Act.

Compliance with Other Laws

10. Nothing herein relieves the Owner from their obligations to comply with any other Act, Regulation, or by-law.

4.3 By-Law at 1st Reading: Amend LUB (Swimming Pools) RFD#2009083 M-0910- 07
Moved by Councillor Bird , seconded by Councillor March that Council approve first reading to By-law P-2-10, a by-law to amend By-law P-2, the Town of Amherst Land Use Bylaw, by removing the existing definition of “Swimming Pool” and replacing it with the following:

87) Swimming Pool means an open artificial body of water below the surface of the ground, constructed of cement, plastic, fibreglass or similar material, having a maximum depth greater than 0.5 m

And further, that a public hearing be scheduled for November 30, 2009 at 7:00 PM, to take place in Council Chambers, Amherst Town Hall.

**MOTION CARRIED 4-2
NAY: Baker, Rhindress**

4.4 DA at 1st Reading: 155 Victoria Street East, RFD#2009096 M-0910-08
Moved by Councillor March seconded by Deputy Mayor Angel that Council approve first reading of a development agreement to allow a 32 unit residential development at 155 East Victoria Street, and that a public hearing be scheduled for November 30th at 7:00 pm to take place in Council Chambers, Amherst Town Hall.

MOTION CARRIED

Case No. DA-2009-04

This Agreement made this _____ Day of _____ 2009.

Between: 3227967 Nova Scotia Limited, Owners of property located at 155 East Victoria Street (PID 25034091), hereinafter called the Owner, Of the one part

- and-

The Town of Amherst, a body corporate hereinafter called the Town Of the other part

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-8 of the Municipal Planning Strategy of the Town of Amherst, to construct a 32 condominium type development on property located at 155 East Victoria Street.

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 _____ 2009, approved the said development agreement subject to the registered owner of the land described herein entering into this agreement;

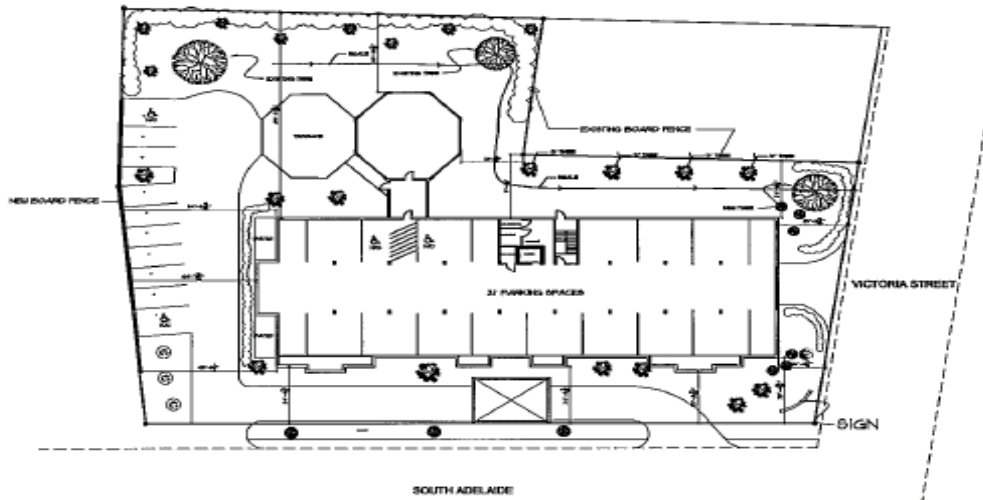
NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the Town of the development agreement requested by the Owner, the Owner agrees as follows:

- 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 multi-family residential development up to a maximum of 32 units on the said lands, subject to the following Schedules A, B and C 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.
- 6) Timing
 - a) The applicant shall apply for the necessary building and development permits within two years of Council’s approval of this Agreement.
 - b) Construction shall commence within one year of the applicant having obtained the necessary permits.

Schedule A 155 East Victoria Street - Development Agreement (Terms & Conditions)

1. The use of the property be limited to a multi-family residential development with a maximum of 32 units;
2. The building be limited to a maximum of 4 floors and 12 metres in height;
3. The location of the buildings be generally in accordance with Schedule B;
4. Street access to be substantially in accordance with the attached Schedule B, and to the satisfaction of the Development Officer;
5. A minimum of 32 underground parking spaces be provided for residents as well as 10 surface parking spaces for visitors, generally in accordance with Schedule B;
6. The exterior design of the buildings shall be generally in accordance with Schedule C;
7. The first floor exterior cladding of the main building shall be sandstone type block and the upper floors shall be horizontal cement composite boards (Hardy Board) and generally in accordance with Schedule C;
8. All driveway and parking areas be maintained with asphalt and kept clear of snow and otherwise be unobstructed at all times so as to be passable by emergency vehicles;
9. Water, sanitary sewer and storm sewer services be provided in accordance with the Town of Amherst Subdivision Bylaw & Development Standards and the National Building Code;
10. A stormwater management plan be prepared by a qualified professional and submitted prior to the issuance of a building permit, such plan shall ensure that storm water on the site is channeled so as to not impact adjacent properties and so as not to flow directly onto adjacent public streets and sidewalks;
11. Signage on the property be limited to one free standing sign a maximum of 1.6 square metres in size and one fascia wall sign with a maximum height of 0.6 metres. Such signage are not to be internally illuminated;
12. Usual residential outdoor recreation apparatus shall be permitted on the property, subject to the applicable Town Bylaws and Regulations;
13. Garbage pickup will be private, and the responsibility of the owner;
14. Landscaping will be provided in accordance with the following:
 - a. A one metre high evergreen buffer be planted along the entire length of any property line adjacent to at grade surface parking;
 - b. A minimum of three deciduous trees be planted at approximately equal intervals along the East Victoria Street frontage of the property, such trees to be a minimum of 1.5 metres in height at the time of planting;
 - c. A minimum of eight shrubs or tress be planted along South Adelaide frontage of the property, to two "flower gardens" be planted in the front yard;
 - d. Grass or other suitable landscaping material be maintained in all areas of the property not utilized for buildings, parking or walkways;
 - e. Such planting is to take place within one growing season of the construction of the said unit;
 - f. Existing trees on the property which are maintained after the development may be used to offset the number of trees/shrubs require above.

Schedule B 155 East Victoria Street - Development Agreement



Schedule C 155 East Victoria Street - Development Agreement

The Terrace
155 VICTORIA STREET EAST



CONCEPT, EAST-ELEVATION



CONCEPT, NORTH-ELEVATION

- 4.5 **Policy: Closure of Franklyn Street Extension, #31600-18, RFD#2009093 M-0910-09**
Moved by Councillor Rhindress, seconded by Councillor March that Council adopt Policy #31600-18, which will close that portion of Franklin Street Extension illustrated on Schedule A of the Policy.

MOTION CARRIED

**TOWN OF AMHERST POLICY #31600-18
 CLOSURE OF FRANKLYN STREET EXTENSION**

PURPOSE:

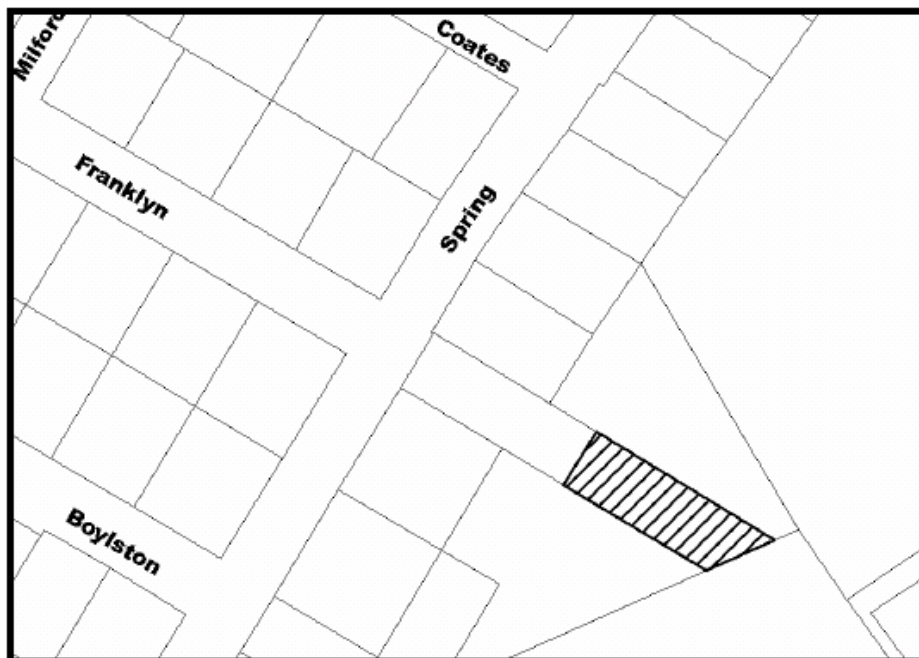
To close a portion of Franklyn Street Extension, and that all rights of the public user be forever extinguished.

POLICY STATEMENT:

The Town of Amherst hereby closes to public use a portion of that street known as Franklyn Street Extension as described in Schedule "A" attached.

Schedule "A"

Being that most southeastern portion of the undeveloped street as indicated on the map below.



- 4.6 **Election of Deputy Mayor**
 Mayor Small called for nominations for the office of Deputy Mayor. Councillor March nominated Councillor Terry Rhindress. There being no further nominations, Mayor Small declared Councillor Rhindress appointed to the Office of Deputy Mayor by acclamation. The term of this appointment is November 1, 2009 to October 31, 2010.

5. INFORMATION / DISCUSSION ITEMS

- 5.1 **UNSM Resolutions**
 The CAO reviewed his memo dated October 19, 2009, suggesting Council delegates attending the upcoming Annual Union of Nova Scotia Municipalities Conference consider supporting resolutions that will be presented, as follows:

Resolution 3A – RRFB – Change Board Structure

This is a long-standing issue which has been discussed recently at the meetings of both the Northern Region Solid Waste Management committee and the CJSMA. It is recommended that our delegates support this resolution.

Resolution 5A – Pension Legislation Review

This has been an important issue for the town of Amherst in respect of both the PANS pension plan and the Town's own pension plan. The logic is quite evident from the information provided with the resolution – that due to the fact that all governments, or their successor organizations, exist in perpetuity, the solvency test should not apply in respect of funding their pension plans. This issue has cost the Town of Amherst hundreds of thousands of dollars over the past decade. It is recommended that our delegates support this resolution.

Resolution 9A – Recover of Expenses for Fire and Emergency Services Responses on Provincial Highways in Nova Scotia

The Amherst Fire Department regularly responds to incidents as described in this resolution as our area includes a significant portion in rural Cumberland County. It is recommended that our delegates support this resolution.

Resolution 13A – Revised Definition of “Dangerous and Unsightly” in the MGA

While the aim of this resolution does appear to be to relax the definition of Dangerous and Unsightly premises, any discussion at the provincial level which leads to a more clear interpretation of the definition of Dangerous and Unsightly would be useful to this Council as it works through that issue locally.

While I am not suggesting that our delegates support a relaxing of the definition, I am suggesting that an amendment to the resolution which strikes the words “that does not restrict normal and-or usual rural activities” in the “resolved” paragraph. If it was successful, it might serve to promote a discussion, at the provincial level, of our issue.

It is recommended that one of our delegates move the amendment as noted above.

5.2 Amendments to the Nova Scotia Building Code Regulations

Councillor March read the following draft letter from Mayor Small to the Honourable Marilyn More, Minister of Labour and Workforce Development; Council directed the letter be sent to the Minister, and copied to the Deputy Minister and Brian Skabar, MLA:

*Honorable Marilyn More
Minister of Labor and Workforce Development
Box 697 Halifax, NS B3J 2T8*

RE: Proposed Changes to the Nova Scotia Building Code Regulations

Thank you for the opportunity to comment on the proposed changes to the Nova Scotia Building Code Regulations. This issue was discussed by Amherst Town Council at a Committee of the Whole meeting held on October 19, 2009. While Council is in favor of improving the energy efficiency and water consumption of new houses in Nova Scotia, we feel that the proposed changes will dramatically impact the price of new home construction within this province. While over time these increased costs may be offset by lower energy consumption, we feel that the initial costs could impact home ownership and affordability within the Province. For this reason we would suggest that your Department consider offsetting these increased costs by way of energy efficiency rebate or grant programs which would lessen the impact on new home owners in Nova Scotia.

*Yours very truly,
Robert Small, Mayor*

5.3 Energy Efficient Program for Low Income Home Owners

Deputy Mayor Angel read a memo from UNSM regarding an Energy Efficiency Program for Low-Income Homeowners, advising that Nova Scotia Power, in partnership with Conserve Nova Scotia is offering free energy efficient upgrades to low-income homeowners who heat their homes with electricity. The CAO indicated the Town would put the links on our website, and encouraged the media representatives in attendance to publicize the information.

5.4 Federal Home Improvement Tax Credit Extension M-0910-10

The following resolution was presented to Council by Mayor Small

Adoption of the Federal Home Renovation Tax Credit Resolution was moved by Councillor March, seconded by Council Bird:

FEDERAL HOME RENOVATION TAX CREDIT

WHEREAS, the Government of Canada is, subject to Parliamentary approval, offering a Home Renovation Tax Credit on eligible expenses for improvements to Canadians' houses, condos and cottages; and

WHEREAS, anecdotal evidence in our community and in fact, the Province of Nova Scotia indicates that this credit is having a noticeably positive impact on our local economy; and

WHEREAS, the credit is based on eligible expenses for improvements made only until February 1, 2010; and

WHEREAS, it seems that, if the period for eligible expenses was to be extended, then positive economic impact would continue;

THEREFORE BE IT RESOLVED that the Council of the Town of Amherst, Nova Scotia support such an extension and write to the Government of Canada, through our representative, expressing our support for the Home Renovation Tax Credit and requesting the extension of the period for eligible expenses under the program to December 31, 2010.

MOTION CARRIED

5.5 H1N1 and Seasonal Flu Vaccine Clinics

Councillor March reported on the Cumberland Health Authority is encouraging all residents of Cumberland county to get a H1N1 flu vaccine over the coming weeks, and stated that Public Health Services will be offering H1N1 and seasonal flu vaccines in Amherst on October 29 and 30, November 5, 6, 12, 13, 14, 19, 20, 26, 27 and 29. All Amherst clinics will be held at the Armory, 34 Acadia Street, and are free of charge.

6. STRATEGIC PRIORITIES

6.1 Dickey Park Redevelopment – Status Report

Councillor Baker provided the following status report on Dickey Park Redevelopment:

All activities are on schedule and being completed within the approved capital budget of \$123,600.00 for the current year. Work under this year's budget include construction of the walking track, purchase of and installation of track lighting including trenching, wiring and bases and construction of a building for washrooms, change rooms and utilities.

Work has commenced on the washrooms and change rooms with the water and sewer brought onto the site, drainage situated, and the slab being poured by October 27th. The walls of the building have been prefabricated and department staff will be working over the next month to complete the building. The contractors for electrical and plumbing have been awarded and this work will be scheduled as needed.

The trenching for the wiring around the track and the erection of lights will be commenced by the 15th of November. This work should take less than a week to complete once started.

The project continues to be on schedule and within the budget approved.

6.2 Festival Sponsorship / Support – Status Report **M0910-11**

Deputy Mayor Angel presented the following status report on the Festival Sponsorship/Support Strategic Priority:

All Actions relative to this strategic priority have been complete including completion of enabling policy and support mechanism and organization of a festival for the Town of Amherst. The policy and staff resources are now in place to support festivals within the community, and those initiated by the Town.

Moved by Deputy Mayor Angel, seconded by Councillor Rhindress that, whereas all activities related to this Strategic Priority have been undertaken, Council approve the Festival Sponsorship/Support Strategic Priority as being complete.

MOTION CARRIED

6.3 Arts Culture & Heritage – Project Status Report & Extension of Timeline **M-0910-12**

Councillor March presented the following status report on the Arts Culture and Heritage strategic priority on behalf of Councillor Fawthrop:

Our staff and consultants continue to work on our Arts Culture and Heritage Strategy. The following is a list of recent activities:

- Key informant interviews were held the week of September 14.
- A Steering Committee meeting was held October 8 at Amherst Town Hall to set the direction of the remainder of the study.
- A stakeholder workshop is being held in Amherst on October 22.
- A web based public survey 'goes live' October 23 – we encourage everyone to participate and share their opinions.

The original time for the project had a draft plan due in August with a final plan submitted in October. Due to delays in awarding the contract, vacations and other priorities the completion date for the project has been set back to January 2010.

Moved by Councillor March, seconded by Councillor Baker that Council move the timeline for completion of the Arts Culture and Heritage Strategy to January 2010.

MOTION CARRIED

- 6.4 Skateboard Park Feasibility – Project Status Report M0910-13
Moved by Councillor Bird, seconded by Deputy Mayor that, whereas all activities related to this Strategic Priority have been undertaken, Council approve the Skateboard Park Feasibility Strategic Priority as being complete.
MOTION CARRIED**

- 6.5 Downtown Revitalization – Project Status Report & Extension of Timeline M-0910-14
 Councillor March presented the following project status report on the Downtown Action Strategy:**

Progress continues on our Downtown Action Strategy. The following is a summary of recently conducted and upcoming work:

- The online survey is currently underway, we encourage everyone to answer the survey and have your comments counted
- Traffic counts will be underway shortly; these will be conducted both manually and via camera
- A workshop with the Downtown Amherst Revitalization Society will be held November 5th

Originally the revitalization plan was scheduled to be completed in November of 2009. Due to the timing of warding the contract, vacations and other priorities the completion date for the project has been set back to January 2010.

Moved by Councillor March, seconded by Councillor Baker that Council move the timeline for completion of the Downtown Action Strategy to January 2010.

MOTION CARRIED

- 6.6 Youth Initiatives – Project Status Report M-0910-15
 Mayor Small presented the following project status report on the Youth Initiatives strategic priority:**

With the terms of reference in place for the Youth Advisory Council, an advertisement was posted for expressions of interest to participate on the Youth Advisory Council. The response was less than what was anticipated, with five applications being submitted. All five applications were of very good quality and each showed a keen interest in participating and making our Town a better place.

On October 21st Mayor Small, along with Jenn Borne, met with class representatives and student council representatives to garner additional support. A presentation provided all in attendance with the objectives of the Youth Advisory Council and how this council would influence the decisions of local government on issues and opportunities related to youth in Amherst. At the end of the session, there was an excellent understanding by all on the Youth Advisory Council and an indication by several that they will be submitting applications to participate.

Mayor Small expressed appreciation to ARHS Principal Frank Balcom for his efforts in helping to bring this valuable program together.

Moved by Councillor March, seconded by Councillor Bird that Council accept the Revised Action Plan to include the action items of appointing committee members and holding the initial meeting of the Youth Advisory Council in November 2009.

MOTION CARRIED

- 6.7 Town Beautification – Project Status Report**
 Councillor Rhindress reported that the draft Town Beautification Strategy was presented to Council at a recent Committee of the Whole meeting. This draft strategy included a number of projects for consideration, and one that Council directed staff to develop further is a policy for an “Adopt-a-Garden” program. As well, entrance signage has been designed.

7. INTERNAL COMMITTEE REPORTS

- 7.1 Planning Advisory Committee**
 Councillor Bird presented the following Planning Advisory Committee Report:

The Planning Advisory Committee met on October 7, 2009 to discuss the issues of fire wood storage and the revision of the swimming pool provisions of the Land Use By-law. Following the regular meeting, a Public Participation Opportunity was held regarding the application made to renew the development agreement for 155 East Victoria Street. No public were present to oppose the issue; therefore, the Committee made the recommendation that Council renew this agreement.

The Committee is scheduled to meet again on November 4.

The recommendation to take no further action on the issue of fire wood storage was accepted by the Committee of the Whole and therefore the issue will not be coming forward to Council. The proposed revision to the Land Use By-law for swimming pools was on tonight's agenda.

7.2 **Amherst Board of Police Commissioners**

Mayor Small presented the following report on behalf of the Amherst Board of Police Commissioners:

Public Participation

As reported previously, the Board received Mr. Novack's report of the two public participation sessions held earlier this year. He attended our September meeting to comment on various aspects of his report and was very complementary of the public's interest and involvement in the process. The report was very complimentary of staff and the Department's operations. It also included a number of recommendations dealing with service delivery, additional programs, as well as some general issues.

The Board met recently to consider the operational and financial implications associated with each recommendation. Following our discussions, the Chief was asked to review and provide his comments, recommendations, and potential cost associated with each suggestion.

The Board, has established two sub committees; one to develop an operations/policy manual for the Board, and the second to deal with succession planning.

In response to question 7 of the report, the public identified a concern relative to homelessness and a lack of youth oriented facilities. This is beyond the Board's mandate and more appropriate for Council's consideration.

Human Resources Corner

Const. Tim Hunter will receive a Long Service Medal in recognition of his 18 years of police service from the Minister of Justice at a special presentation to be held in Halifax on October 27, 2009

7.3 **Dangerous or Unsightly Premises Committee**

Councillor Bird presented the following report on behalf of the Dangerous and Unsightly Premises Committee:

The Dangerous and Unsightly Premises Committee met on October 14. To date this year we have had 40 complaints; 29 of which have been brought into compliance. The one complaint that was carried over from last year has been rectified and this file has now been closed. We are happy to report that most property owners continue to work with the Committee to bring their properties into compliance.

At a special meeting in late August the Committee referred the issue of regulating wood piles to the Planning Advisory Committee (PAC) for a recommendation. At the October meeting of the PAC, the Committee moved to recommend to Council that specific regulations for firewood storage are not warranted.

The Committee is scheduled to meet again in November.

7.4 **Tyndal Well Field Advisory Committee**

Deputy Mayor Angel presented the following report on behalf of the Tyndal Well Field Advisory Committee:

The North Tyndal Well Field Advisory Committee has not met in some time. Staff from the Department of Environment and Labor have contacted the Town a number of months ago to inform us that they would like us to update our well field protection plan. The Department was advised that the Town could not undertake this project until the fall at the earliest.

In order to update this plan the Committee will have to be part of the process, therefore a meeting will be called shortly. The project will be to write an updated document (protection plan) with current by-laws, legislation, policies, procedures, maps, etc. It is not the intention to open for debate the actual protection methods. The update will be more of a consolidation of the existing process.

Mayor Small requested that staff provide Council an update on the tree cutting activities in the well field area.

7.5 **Tree Advisory Committee**

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

The Tree Advisory Committee met on September 22, 2009 at the Amherst Stadium. Members attending included: Wayne MacLeod, Councilor Dale Fawthrop, Dwight Jones, Ray Gouchie and Mike Shay. Regrets from: Mayor Rob Small, Trevor Brown [NSP] Red Faulkner, Roger MacIssac and Lorne Etter

The meeting focused on preparing for this year's cutting program. The list of DED trees was circulated to members, showing 97 trees identified as being infected within the Town of Amherst. Staff will now start the process of completing a quote request with a target of having a significant number of these trees removed during the coming winter months.

Members reviewed an information package that would be provided to homeowners who would have trees being removed. In addition, information would also be provided to homeowners related to the preferred species as replacements for these trees and information on location for planting.

The Committee discussed a Tree/Shrub Coupon Program that would enable homeowners to purchase their own replacement trees or shrubs locally instead of the Town providing the option of a replacement tree being dropped off to the homeowner. Staff was asked to work out the details of this program.

7.6 **Heritage Advisory Committee** - Nil Report

7.7 **Audit Committee** - Nil Report

7.8 **Committee of the Whole** - Nil Report

8. EXTERNAL COMMITTEE REPORTS

8.1 **Cumberland Regional Library Board** - Nil Report

8.2 **CREDA**

Deputy Mayor Angel presented the following Cumberland Regional Economic Development Association report, in the absence of Councillor Fawthrop:

CREDA is pleased to have completed the development of Cape Chignecto Phase 2.

Visitors to the new Eatonville Day Use area enter via the West Apple River Road. While it might seem like a long drive, the experience waiting at the top of the cliffs is well worth your effort. At the main entrance you will find the newly opened Three Sisters Interpretive Centre, a renewable energy building that provides access to the trail system and will include information and interpretive displays on the historical and geographical significance of the area.

Located approximately 20 kilometers from a conventional electrical grid, this side of Cape Chignecto Provincial Park is self-sustaining. Powered by a series of solar panels, the 16000 square foot Three Sisters Interpretive Centre will have satellite communication and a point-of-purchase system. Services available at the centre include registration, interpretation, washrooms, a retail area and boardroom facilities.

8.3 **DARS** – Nil Report

8.4 **CJSMA** – Nil Report

8.5 **Northern Region Waste Resource Committee** – Nil Report

8.6 **Cooperation Committee** - Nil Report

8.7 **Airport Committee** - Nil Report

8.8 **Amherst and Area Chamber of Commerce**

Deputy Mayor Angel presented a report on behalf of the Amherst and Area Chamber of Commerce, outlining the details of the events scheduled for the annual Victorian Christmas Celebration, scheduled for November 20 and 21, 2009.

8.9 **VON**

Councillor Baker provided a verbal report on activities of the Victorian Order of Nurses. He provided statistics on the Visiting Nursing Program, the Home Support Program, the Adult Day Program, Foot Care Clinic, and preparations for flu season.

9. MAYOR'S COMMENTS

Mayor Small extended Council's congratulations to all the winners and nominees of the annual Chamber of Commerce Awards. Other topics he highlighted include:

- Upcoming visit from MP Peter Stoffer at the Legion, where he will make a presentation in honour of the veterans;
- Halloween is coming up this weekend, and he reported that the Pumpkin Patrol will be in force;
- Daylight savings ends this weekend as well;
- Winter parking regulations come into effect in November;
- The new LED lights will be turned on for the first time this evening in the Industrial Park.
- He has met with NSCC officials regarding the expansion in Amherst and things are moving forward.
- He met with Teletech, who is continuing to struggle to find employees to fill their job vacancies; they provide training to employees.
- He extended congratulations to new Deputy Mayor, Terry Rhindress.
- He reminded all citizens of Amherst about the H1N1 clinics.
- The Olympic Torch Relay is going through Amherst the same weekend as Victorian Christmas.

10. ADJOURNMENT

On motion by Councillor Rhindress the meeting adjourned at 8:40 PM.

APPROVED BY:

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

Robert Small
Mayor

AGENDA

1.	O'CANADA			
2.	HEARINGS/PETITIONS/PRESENTATIONS/PETITIONS			
2.1	Public Hearing – Closure of Franklyn Street Extension			
2.2	Organ Donation – Presentation by Susan Boiduk			
2.3	Sunday Shopping Petition			
3.	CALL TO ORDER		Presenter	Page
3.1	Additions to Agenda			
3.2	Approval of Agenda		Baker	
3.3	Approval of Minutes: September 28, 2009 Regular Meeting		Rhindress	6
4.	REQUESTS FOR DECISION	RFD	Presenter	Page
	Acceptance of Petition (Additional Item)		Baker	
4.1	By-Law at 2 nd Reading: Amend Tax Exemption By-Law	2009095	March	35
4.2	By-Law at 1 st Reading: Vacant Buildings By-Law (new)	2009094	Angel	45
4.3	By-Law at 1 st Reading: Amend Land Use By-Law (re fences around pools)	2009092	Bird	49
4.4	Development Agreement at 1 st Reading: 155 Victoria Street East	2009096	March	52
4.5	Policy: Closure of Franklyn Street Extension, #31600-18	2009093	Rhindress	60
4.6	Election of Deputy Mayor		Small	
5.	INFORMATION / DISCUSSION ITEMS			
5.1	UNSM Resolutions			64
5.2	Amendments to the Nova Scotia Building Code Regulations			65
5.3	Energy Efficient Program for Low Income Home Owners			66
5.4	Federal Home Improvement Tax Credit Extension			70
5.5	H1N1 and Seasonal Flu Vaccine Clinics			72
6.	STRATEGIC PRIORITIES			
6.1	Dickey Park Redevelopment - Project Status Report		Baker	73
6.2	Festival Sponsorship / Support – Project Status Report		Angel	74
6.3	Arts Culture & Heritage – Project Status Report & Motion to extend Timeline		March	75
6.4	Skate Park Feasibility - Project Status Report & Motion to accept Study		Bird	76
6.5	Downtown Revitalization – Project Status Report & Motion to extend Timeline		March	77
6.6	Youth Issues - Project Status Report		Small	78
6.7	Town Beautification – Project Status		Rhindress	80
7.	INTERNAL COMMITTEE REPORTS			
7.1	Planning Advisory Committee		Bird	81
7.2	Amherst Board of Police Commissioners		Small	82
7.3	Dangerous or Unightly Premises Committee		Bird	83
7.4	Tyndal Wellfield Advisory Committee		Angel	84
7.5	Tree Advisory Committee		March	85
7.6	Heritage Advisory Committee		No report	--
7.7	Audit Committee		No report	--
7.8	Committee of the Whole		No report	--
8.	EXTERNAL COMMITTEE REPORTS			
8.1	Cumberland Regional Library Board		No report	--
8.2	CREDA		Angel	86
8.3	DARS		No report	--
8.4	CJSMA		No report	--
8.5	Northern Region Solid Waste		No report	--
8.6	Cooperation Committee		No report	--
8.7	Airport Committee		No report	--
8.8	Amherst and Area Chamber of Commerce – Victorian Christmas		Angel	87
8.9	VON Report (verbal)		Baker	
9.	MAYOR'S COMMENTS			
10.	ADJOURNMENT			