

Regular Council Meeting Minutes

Date of Meeting: Monday, April 29, 2013
Location: Council Chambers, Town Hall

Members Present: Mayor Robert Small
 Deputy Mayor George Baker
 Councillor Frank Balcom
 Councillor Robert Bird
 Councillor 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
 Ian Naylor, Acting Police Chief
 Rebecca Purdy, Executive Assistant
 Kim Jones, Policy and HR

1. PUBLIC HEARING AT 6:30 PM

1.1. Amend LUB to Restrict Government Offices to Downtown Zone

Mayor Small called the Public Hearing to order at 6:30 PM. There were 10 people in attendance. He stated the purpose of the hearing is to obtain public input on the idea of requiring that all government offices be located in the Downtown Zone. Jason MacDonald made a presentation on the matter and addressed questions and comments from Council. He said he has received no written submissions on the matter.

The Mayor invited comments from the public. Kevin Nelson, a business owner in Amherst, indicated he is not in favour. Mark Casey, a member the Downtown Business Advisory Committee, said he recognizes this is a difficult decision; he asked if there are other communities that have done this. Jason MacDonald replied that the Town of Yarmouth has done this, restricting all offices to the downtown. The City of Moncton makes concerted effort to keep government offices in their downtown.

Mayor Small stated that second reading and adoption of this by-law is on the agenda of the Council meeting later this evening. This concluded the public meeting, at 6:45 PM

2. CALL TO ORDER AT 7:00 PM

3. O'CANADA

4. HEARINGS / PRESENTATIONS / PETITIONS

4.1. Presentation on Downtown Research - Elizabeth Smith McCrossin

Elizabeth Smith McCrossin made a presentation on downtown research. She presented an official copy of her research report to Roger MacIsaac. Her presentation concluded with the following five recommendations:

1. The Town of Amherst Economic Development Department and the Downtown Business Advisory Committee keep an accurate up-to-date list of businesses and organizations which are located in the downtown and use this to database to market the core downtown business community, as a draw for new capital investment as well as to grow the current economic base.

2. The Province of Nova Scotia follow New Brunswick's lead and complete an overhaul of the municipal taxation system with the goal of creating a fair and equitable system that will encourage economic development in the region. This new system should consider the current property assessment formula as well as the commercial property rate. The municipal taxation system should be designed in a manner to encourage capital investment in the areas of new development as well as restoration of existing vacant and old buildings that are in need of repair. The nova scotia government should collaborate and create partnerships with the neighbouring provinces of New Brunswick and Prince Edward Island with the goal of creating municipal taxation systems that crate an attractive business environment for economic investment to the Maritime Region.
3. The Town of Amherst examine the current commercial property tax rate provincially and regionally and reduce the rate over a four year period to crate a competitive landscape for business investment and development in all areas of the town, including the downtown area.
4. A marketing plan should be developed for the downtown community. This plan should be accomplished through active public-private partnership between the Town of Amherst, the Downtown Business Advisory Committee and the downtown business owners. The plan will take into consideration the untapped target market potential which includes age and gender. The marketing plan should focus on increasing local as well as regional (Maritime) customer base.
5. The Downtown Business Advisory Committee should plan annual spring and fall business education sessions for downtown businesses based on the identified needs. The first two sessions held in the fall of 2013 and the spring of 2014 would be on the topics of business planning/cash flows and business expansion and relocation.

5. APPROVAL OF AGENDA/MINUTES

5.1. Amendments to the Agenda

Councillor Terry Rhindress requested an addition to the agenda: 6.11
Appointment to the CREDA Board of Directors.

5.2. Approval of Agenda

Moved By: Deputy Mayor George Baker
Seconded By: Councillor Terry Rhindress
To approve the agenda with the above addition.

Motion Carried

5.3. Approval of Minutes

Moved By: Councillor Terry Rhindress
Seconded By: Councillor Lisa Emery
That the minutes of the March 25, 2013 regular meeting be approved as circulated.

Motion Carried

6. REQUESTS FOR DECISION

6.1. Amend Tax Exemption By-law

Moved By: Councillor Lisa Emery
Seconded By: Councillor David March
That Council approve second reading and enactment of a by-law to amend the Tax Exemption By-law, which includes a housekeeping item and adds two properties to Schedule C, Cumberland Columbia Club 01076573 and Cumberland Columbia Club 03256952.

Motion Carried

BY-LAW TO AMEND THE TAX EXEMPTION BY-LAW (B-1)

The Town of Amherst Tax Exemption By-law (B-1) approved by Council on the 23rd day of April 2001, with amendments on March 27, 2006, September 24, 2007, June 22, 2009, October 26, 2009, and June 25, 2012 is hereby amended as follows:

1. SCHEDULE "C"

Changing the name for property located at 4-6 Robie Street, Assessment Account Number 1030906 owned by Cumberland Columbia Club from "Vacant Land" to "Parking Lot".

Adding the following two properties:

Parking Lot 5 Robie Street	Cumberland Columbia Club 01076573	The Whole	100%
Parking Lot 7 Robie Street	Cumberland Columbia Club 03256952	The Whole	100%

6.2. Amend LUB re Government Offices

Moved By: Councillor David March

Seconded By: Councillor Lisa Emery

Given the public opinion expressed here tonight at the Public Hearing, that Council not approve second reading of the proposed bylaw to amend the land use bylaw with respect to restricting government offices to the downtown zone.

Moved By: Councillor David March

Seconded By: Councillor Lisa Emery

That the issue be referred to the Downtown Business Advisory Committee.

Recorded

Robert Small	Yes	
George Baker		No
Frank Balcom	Yes	
Robert Bird	Yes	
Lisa Emery	Yes	
David March	Yes	
Terry Rhindress		No
Results	5	2

**Motion Carried
Original Motion Tabled**

BY-LAW TO AMEND THE LAND USE BY-LAW (P-2)

1. The purpose of this by-law is to amend the Land Use By-law of the Town of Amherst to restrict government offices to the Downtown Zone.
2. The Land Use By-law of the Town of Amherst is hereby amended as follows:

AMENDMENT A

Add the following definition to section 1.0 **DEFINITIONS**.

- 41) **Government Offices** means a building or portion thereof used for non-retail purposes by the public sector including federal, provincial or municipal governments, crown corporations, and publicly funded agencies to conduct public administration or services.

AMENDMENT B

Delete the following from section 8.2.1 **Zone Uses Permitted**:

Institutional Uses (schools, government offices, churches, police stations, similar uses.)

6.3. Amend Heritage Property Bylaw

Moved By: Councillor David March

Seconded By: Deputy Mayor George Baker

That Council approve first reading of a by-law to amend the Heritage Property By-law to appoint the Planning Advisory Committee to also be the Heritage Advisory Committee.

Motion Carried

BY-LAW TO AMEND THE HERITAGE PROPERTY BY-LAW (A-5)

The Town of Amherst Heritage Property By-Law, A-5, approved by Council on June 23, 2008 and amended on 25 May, 2009 is hereby amended as follows:

a. Paragraph 4.2

Delete paragraph 4.2 and replace it with the following:

- 4.2 That the Planning Advisory Committee for the Town shall be the Heritage Advisory Committee for the Town.

6.4. Amend LUB re Rezone West Highlands

Mayor Small declared a conflict and excused himself from the Council table for the discussion and voting of this agenda item; in his absence, Deputy Mayor Baker chaired the meeting.

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Lisa Emery

That Council approve first reading of a by-law to amend the Land Use By-law, Schedule A - Zoning Map - to rezone the properties identified by PID's 25035320, 25033713, 25026741, 25016650 and portions of 25407453 and 35407446 as "Institutional".

Motion Carried

BY-LAW TO AMEND THE LAND USE BY-LAW (P-2)

3. The purpose of this by-law is to amend the Land Use By-law of the Town of Amherst to apply the Institutional Zone to the properties identified by PID's 25035320, 25033713; 25026741, 25016650 and portions of 25407453 and 25407446.
4. The Land Use By-law of the Town of Amherst is hereby amended as follows:

AMENDMENT A

Schedule A - Zoning Map – is amended by applying the Institutional Zone to the properties identified by PID's 25035320, 25033713; 25026741, 25016650 and portions of 25407453 and 25407446.

6.5. Community Garden Project

Councillor Emery declared a conflict and excused herself from the Council table for discussion on this agenda item.

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Frank Balcom

That Council allow the Community Garden to be established on portions of the properties between Willow Street and Donald Avenue (PID's 22125406158 and 25345737) generally as illustrated in the attached map, and that staff be directed to develop a usage agreement between the Town and the Community Garden group.

Motion Carried



6.6. 85 Church Street

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Terry Rhindress

That Council accept in principle the Proposal for the property located at 85 Church Street from Allen MacEachern, and that staff be directed to negotiate a purchase and sale agreement to be presented to Council for consideration and approval; Further, that such agreement shall include a provision which requires the purchaser to provide the Town with a right of first refusal at the current purchase price, should the purchaser subsequently sell the property within one year of execution of the agreement.

Motion Carried

6.7. Funding Request - ARHS Basketball

Moved By: Councillor Frank Balcom

Seconded By: Councillor David March

That Council approve funding in the amount of \$250 under the Town's Grants to Organizations Policy in support of the ARHS Boys Basketball team competing at the provincial championships February 28 - March 3, 2013.

Motion Carried

6.8. Funding Request - Piece by Piece Autism

Moved By: Councillor Robert Bird

Seconded By: Deputy Mayor George Baker

That Council approve funding in the amount of \$500 under the Town's Festivals and Events Policy in support of Piece by Piece Autism Association's Walk the Walk taking place in Amherst on June 15, 2013.

Motion Carried

6.9. May Committee of the Whole Meeting Date

Moved By: Councillor Lisa Emery

Seconded By: Councillor Terry Rhindress

That the regular Committee of the Whole meeting for the month of May be changed from Monday, May 20 to Tuesday, May 21 due to the Victoria Day holiday.

Motion Carried

6.10. Highland Park - Quit Claim Deed

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Frank Balcom

That Council authorize the Mayor and CAO to sign the Quit Claim Deed for "streets" in the former Highland Park Extension.

Motion Carried

This QUIT CLAIM DEED made this ___ day of _____, A.D., 2013

BETWEEN:

TOWN OF AMHERST, a municipal corporation, in the Town of Amherst, in the County of Cumberland and Province of Nova Scotia; Hereinafter called the "GRANTOR" OF THE ONE PART

AND

ROMAN CATHOLIC EPISCOPAL CORPORATION, of Amherst, in the County of Cumberland and Province of Nova Scotia, Hereinafter called the "GRANTEE" OF THE OTHER PART

WITNESSETH THAT in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration;

THE GRANTOR hereby conveys to the Grantee the lands described in Schedule "A" to this Quit Claim Deed, and hereby consents to the disposition pursuant to the *Matrimonial Property Act* of Nova Scotia;

IN THIS QUIT CLAIM DEED the singular includes the plural and the masculine includes the feminine with the intent that this Quit Claim Deed shall be read with all appropriate changes of number and gender.

IN WITNESSETH WHEREOF the Grantor has signed and sealed these presents on the day and year first mentioned.

SIGNED, SEALED AND DELIVERED

SCHEDULE 'A'

ALL those certain lots, pieces or parcels of lands situate in the Town of Amherst, in the County of Cumberland and Province of Nova Scotia shown as Huntington Avenue, Arlington Avenue and Myrtle Avenue on a plan of Highland Park Addition as prepared by E.S. Matheson, C.E. dated September 4, 1907 and filed in the Land Registration Office of the Registrar of Deeds at Amherst, Nova Scotia.

6.11. Appointment to CREDA Board

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Deputy Mayor George Baker be appointed to the CREDA Board of Directors.

Motion Carried

7. INFORMATION / DISCUSSION ITEMS

8. INTERNAL COMMITTEE REPORTS

8.1. Planning Advisory Committee

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

The Planning Advisory Committee met on April 8, 2013. The Director had a Committee Orientation presentation and the Chair explained the public participation process.

The Planner reported that no variances had been issued since the previous reporting period. The Committee heard presentations from staff on the following issues:

- a) Zoning Map Amendment –West Highland School Replacement Site. The Province selected the property generally known as the Lions Park as the site for the new school to replace West Highlands Elementary School. A number of properties will need to be consolidated and zoned Institutional. A public participation was held the same evening on this matter, with 15 members of the public in attendance. While all present were in support of this site for the school, concerns were expressed with regard to access to undeveloped properties at the end of Victor Avenue. Following the public participation, the Committee passed a motion that the properties identified in the report be rezoned to Institutional.
- b) Mobile Park Bylaw Review. The Committee reviewed the planning report and asked the Director to draft a bylaw to replace the current one to address streets in new mini home park developments. This draft bylaw will be presented at a future meeting of the Committee.

The next meeting will be held on May 8 and will be dedicated to the Municipal Planning Strategy and Land Use Bylaw Amendments that deal with the Downtown Districts.

8.3. Amherst Youth Town Council

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

AYTC members met last on April 9th in the Amherst Stadium heated room. Members were informed that the Youth Amazing Race as part of the 24 Hour Physical Activity Day was cancelled as only two teams had officially registered. Also, members had other commitments that arose, leaving not enough volunteers to safely and effectively carry out the race. Members and participants seemed to lose momentum for the reschedule date and the date conflicted with other youth events in the area. Members have decided to focus efforts on fundraising for their Relay for Life Team.

AYTC members are currently trying to organize unique and innovative fundraisers for their Relay for Life Team. Roughly 10 members have committed to being part of the team. AYTC will be hosting their first Relay for Life fundraiser on May 11 and 12. This will be a ball hockey tournament at the Stadium. Registration is \$10 per player with all proceeds going to their Relay for Life team. Throughout the relay, AYTC members have been asked to assist with facilitation of special events throughout the night. Members have also been asked to serve dinner at the Survivor's Dinner prior to the beginning of the race. All of this will help to brand the image of AYTC as well as raise the profile of youth in the community and address community involvement as per AYTC Policy.

AYTC members have discussed the potential of radio shows with both CFTA and CKDH; both stations are in support of this project. Members feel a show highlighting what AYTC is working on would be best. AYTC chairperson Brandon Metz will keep in contact with the stations to propose ideas and work out details to continue with this initiative.

May 6 from 3:30 to 5PM at the Stadium, youth will be invited to a *Create your Own T-shirt* event. This will allow youth to use their creative artistic ability and collect as a group to celebrate National Youth Arts Week.

The next monthly meeting will be held Monday, May 6th in the Amherst Stadium heated room; meeting time TBA as it will be prior to the T-shirt design event.

8.4. 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, April 4th at 6pm in Council Chambers in Amherst Town Hall. The meeting was attended by around 10 members of the public which was very encouraging.

Randy Thompson was reelected chair of the Committee and Bill Costin was elected to vice chair. The committee was happy that five visual artists accepted an opportunity to be part of an art display at Susan Taylor Theatre during the Showcase Theatre Productions presentation of "My Fair Lady" in April. The committee was given information about an opportunity for a tent to house visual artists during MARS (Rockabilly Festival) in September. The committee is extending an invitation to members of the Susan Taylor Theatre Foundation and Committee and the ARHS principal to attend the meeting in May for an open discussion to increase communication.

8.5. Downtown Business Advisory Committee

Councillor Dave March 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 April 9.

During the last meeting of the Downtown Business Advisory Committee, elections were held for the Chair and Vice Chair for the 2013-2014 year. Mark Casey and Elizabeth Smith McCrossin were elected to chair and vice-chair respectively. Their appointments begin immediately and Mark Casey will chair the next meeting of the DBAC.

Both the marketing committee and events committee reported that projects and plans are coming along well for the Downtown Business Guide and the Blueberry Harvest Festival. A special "media launch day" will be planned for the Blueberry Harvest Festival, most likely in May, in which Mayor and Council will be invited to attend to help celebrate the kick off to the marketing for the August event. Details will be announced in the weeks to come and invitations sent out.

From time to time the DBAC make recommendations to Council for consideration. Staff will provide updates to the committee at future meeting regarding any action items that may have come from these recommendation so the committee can continue be better informed.

The next meeting for the Downtown Business Advisory Committee is scheduled for Tuesday, May 7th.

9. EXTERNAL COMMITTEE REPORTS

9.1. Cumberland Public Libraries

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

March Break

Our March Break programs were hugely successful this year with over 400 participants across the County. We had programs that ranged from our super messy Science Day to exciting Minute to Win It games that the kids loved.

Did you know?

The Library has a huge assortment of magazines available online as well as the full World Book Encyclopedia. To find these great resources go to the Electronic Library section on the website.

Coming Soon

The Four Fathers Library is offering free Community Classes led by volunteers starting April 22nd and lasting five weeks. This round of classes includes sock knitting, financial planning, current events discussion, and drawing. For more information about Community Classes see our website (www.cumberlandpubliclibraries.ca) or ask at the library.

The Springhill Library hosts a monthly Classic Movie Night; April's movie is "A Night to Remember", the 1958 dramatization of the sinking of the Titanic. For more information about this program or other programs hosted in the library check out our Calendar of Events on our website or ask at your local library.

Books By Mail

Books By Mail is a FREE library outreach service provided for residents of Cumberland County who are unable to visit our libraries. In order to qualify for Books By Mail service you must live five kms or more from one of our libraries, or be physically unable to visit the library. For more information see our website or call one of our libraries.

9.2. Cumberland YMCA

Councillor Robert Bird presented the following report on behalf of the Cumberland YMCA:

Phase 3 renovations are under way. The pool deck is now replaced and the removal of the duct work is happening now. The new HVAC system is being put in place and the locker room renovations begin May 6, starting with the Ladies Locker Room. If the construction stays on schedule, everything is expected to be complete by the end of June.

Membership continues to be strong.

Program expansion continues with the new fitness classes being offered in Oxford at our YMCA OF Cumberland – Oxford site.

The Governance Committee is working on updating the by-laws.

The 2013-14 budget was approved by the Board at its March meeting, and the audit for the 2012-13 fiscal year will begin in May.

10. ADJOURNMENT

On motion by Councillor Rhindress, the meeting adjourned at 8:10 PM.

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor

**Regular Council Meeting
Agenda**

1. PUBLIC HEARING AT 6:30 PM
 - 1.1 Amend LUB to restrict government offices to downtown zone
2. CALL TO ORDER AT 7:00 PM
3. O'CANADA
4. HEARINGS / PRESENTATIONS / PETITIONS
 - 4.1 Presentation on Downtown Research - Elizabeth Smith McCrossin
5. APPROVAL OF AGENDA/MINUTES
 - 5.1 Amendments to the Agenda
 - 5.2 Approval of Agenda
 - 5.3 Approval of Minutes
6. REQUESTS FOR DECISION
 - 6.1 Amend Tax Exemption By-law
 - 6.2 Amend LUB re Government Offices
 - 6.3 Amend Heritage Property Bylaw
 - 6.4 Amend LUB re Rezone West Highlands
 - 6.5 Community Garden Project
 - 6.6 85 Church Street

 - 6.7 Funding Request - ARHS Basketball
 - 6.8 Funding Request - Piece by Piece Autism
 - 6.9 May Committee of the Whole Meeting Date

 - .10 Highland Park - Quit Claim Deed
 - .11 Appointment to CREDA Board
7. INFORMATION / DISCUSSION ITEMS
8. INTERNAL COMMITTEE REPORTS
 - 8.1 Planning Advisory Committee
 - 8.2 Amherst Board of Police Commissioners - No Report
 - 8.3 Amherst Youth Town Council
 - 8.4 Community Arts Council Committee
 - 8.5 Downtown Business Advisory Committee
9. EXTERNAL COMMITTEE REPORTS
 - 9.1 Cumberland Public Libraries
 - 9.2 Cumberland YMCA
10. ADJOURNMENT