

## Regular Council Meeting Minutes

**Date of Meeting:** Monday, March 24, 2014  
**Location:** Council Chambers, Town Hall

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

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

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1. CALL TO ORDER

2. O'CANADA

3. APPROVAL OF AGENDA/MINUTES

3.1. Approval of the Agenda

Moved By: Councillor George Baker

Seconded By: Deputy Mayor Lisa Emery

That the agenda be approved with the addition of 4.17 Shared Services

Motion Carried

3.2. Approval of Minutes - February 24, 2014 Regular Meeting

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Frank Balcom

That Council approve the minutes of the February 24, 2014 regular meeting as distributed

Motion Carried

4. REQUESTS FOR DECISION

4.1. Development Agreement at 1<sup>st</sup> Reading - 25 Mill Street

Moved By: Councillor David March

Seconded By: Councillor George Baker

That Council approve first reading of a Development Agreement to permit a seven unit development on the property located at 25 Mill Street, and schedule a Public Hearing on the matter in Council Chambers on April 28, 2014 at 6:30 PM

Motion Carried

Case No: DA-2014-04

This Agreement made this \_\_\_\_\_ Day of \_\_\_\_\_ 2014.

Between:

**Scott D.M. Allen** (owner of property located at 25 Mill Street [PID 25024019], hereinafter called the "Owner"), of the one part, and

**The Town of Amherst** (a body corporate in the Province of Nova Scotia, hereinafter called the "Town"), of the other part.

WHEREAS the Owner wishes to obtain permission pursuant to Policy RP-9 of the Municipal Planning Strategy of the Town of Amherst, to construct a second 7-unit apartment building on the property located at 25 Mill Street (PID# 25024019).

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 \_\_\_\_\_ 2014, approved the said development Agreement, subject to the registered Owner of the land described herein entering into this Agreement;

AND WHEREAS the following Schedules shall be attached to and form part of this Agreement:

- (a) Schedule 'A' - Terms and Conditions
- (b) Schedule 'B' - Property Location Map
- (c) Schedule 'C' – Site Plan
- (d) Schedule 'D' – Building Elevation

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 Lands 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.
- 2) That the Owner may construct a maximum of seven (7) dwellings units on the said Lands, subject to Schedules A, B, C, and D attached.
- 3) Nothing in this Agreement shall exempt or be taken to exempt the Owner or any other person from complying with the requirements of any Bylaw of the Town applicable to the Property (other than the Land Use Bylaw to the extent varied by this Agreement) or any Provincial or Federal statute, act, or regulation.
- 4) 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.
- 5) 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.
- 6) The Town shall issue the necessary Development Permit for the development upon expiration of the appeal period specified for Development Agreements under Section 249 of the *Municipal Government Act*, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken.
- 7) The Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Town in accordance with Section 229 of the *Municipal Government Act*.

**SIGNED, SEALED AND DELIVERED**

**Schedule A 25 Mill Street - Development Agreement**

## Terms and Conditions:

**1.0 USE OF LAND AND BUILDINGS**

- 1.1 The use of the property shall be limited to residential uses within a maximum of seven (7) dwelling units in an apartment building in the general location illustrated on Schedule 'C'.
- 1.2 A minimum of nine (9) parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C'. For greater clarity, no more than one (1) parking space shall be permitted in the front yard.
- 1.3 All areas not used for buildings, parking, or driveways shall be landscaped with grass or other such vegetation.
- 1.4 Accessory buildings may be permitted on the Lands where such buildings do not encroach upon any required parking, and in accordance with the *Town of Amherst Land Use Bylaw*.

**2.0 BUILDING LOCATION AND DESIGN**

- 2.1 All structures on the Lands are subject to *Nova Scotia Building Code Regulations*, to the satisfaction of the Building Inspector.
- 2.2 The apartment building shall generally conform to the designs illustrated on Schedule 'D'. Variations to the architectural details may be permitted, to the satisfaction of the Development Officer.
- 2.3 The Owner acknowledges that the Site Plan shown on Schedule 'C' is a graphic representation, provided as a courtesy by the Town, with no guarantee as to the accuracy of existing and proposed features in the field. For further clarity, it shall be responsibility of the Owner to verify that the proposed features can be located on the Lands in accordance with Schedule 'C'.

**3.0 GENERAL REQUIREMENTS**

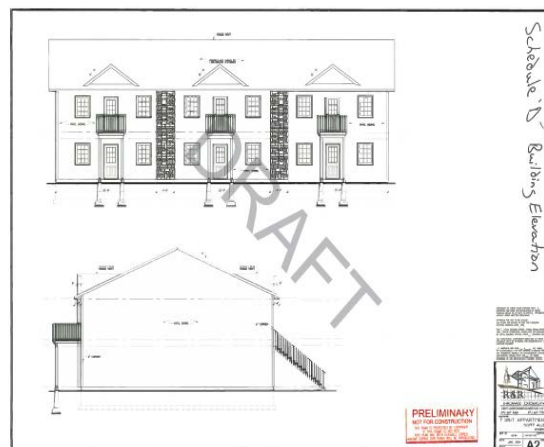
- 3.1 The Owner shall keep the Lands and buildings and any portion thereof clean and in good repair. All elements of the development on the Lands shall be regularly maintained and kept in a tidy state, and free from unkept materials of any kind.
- 3.2 Signage on the property shall conform to the Town of Amherst *Land Use Bylaw*.
- 3.3 The Owner shall ensure that exterior lighting does not shine directly onto adjacent properties.
- 3.4 Solid waste management shall be in conformance with the Town of Amherst *Solid Waste Bylaw*.
- 3.5 The Owner shall be responsible for storm water management during and after construction, and shall not allow silt or any other material from entering Dickey Brook.
- 3.6 At the request and expense of the Town, the Owner shall grant to the Town an easement over the Lands to allow access to water and/or sanitary sewer infrastructure that encroaches on the Lands.

**Schedule B 25 Mill Street - Development Agreement**

**Schedule C 25 Mill Street - Development Agreement**



**Schedule D 25 Mill Street - Development Agreement**



**4.2. Youth Strategy**

Moved By: Councillor Frank Balcom  
 Seconded By: Councillor David March  
 That Council receives the Town of Amherst Youth Strategy, Future Visions for Youth as presented during the February 17, 2014 Committee of the Whole meeting and directs staff to work with key partners to develop a plan of action that responds appropriately to the issues and opportunities identified for presentation in June

Motion Carried

**4.3. Policy Amendments - PAC as Unightly Premises Committee**

Moved By: Councillor David March  
 Seconded By: Councillor Terry Rhindress  
 That Council approves amendments to the Dangerous or Unightly Premises Committee Policy and the Planning Advisory Committee Policy to grant the authority for dangerous or unsightly premises to the Planning Advisory Committee.

Motion Carried

**PURPOSE:**

The purpose of this policy to delegate the Town's powers and set priority with regard to Part XV of the *Municipal Government Act* (Dangerous or Unsightly Premises).

Part XV of the *Municipal Government Act* states, "Every property in a municipality shall be maintained so as not to be dangerous or unsightly".

**POLICY STATEMENT:**

1. Council delegates its authority to declare a property as dangerous or unsightly to the Dangerous or Unsightly Premises Administrator. The Administrator will determine whether or not a property is considered dangerous or unsightly in accordance with the definition of such in the *Municipal Government Act*.
2. Council delegates its authority under the provisions of the Dangerous or Unsightly Premises contained in the *Municipal Government Act* to issue an order to demolish a building to the Planning Advisory Committee.
3. Council delegates its authority to bring into compliance a property which has been declared dangerous or unsightly to the Administrator. The Administrator will utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to achieve compliance.
4. Council retains its authority under the provisions of the Dangerous or Unsightly Premises provisions contained in the *Municipal Government Act* to conduct appeal hearings when an appeal is launched against an order to demolish a building issued by the Planning Advisory Committee.
5. Council delegates its authority to conduct appeal hearings when an appeal is launched against a decision of the Administrator to the Planning Advisory Committee.

**ROLES:****Planning Advisory Committee:**

1. Upon recommendation by the Administrator, the Planning Advisory Committee will make a decision on the issuance of an order to demolish a building.
2. Upon an appeal of a decision of the Administrator, the Planning Advisory Committee will determine if a property is dangerous or unsightly and any remedial action to be taken.

**Administrator:**

1. Receive all complaints in relation to this policy;
2. Conduct an initial investigation of the complaint and determine if the property is dangerous or unsightly in accordance with the relevant provisions contained within the *Municipal Government Act*;
3. Utilize any and all tools listed in the Dangerous or Unsightly Premises Procedure to bring a property into compliance;
4. Provide a monthly report to Council detailing number of complaints, number of open files, number of resolved files, type of infraction, etc.

**COMPLAINTS:**

1. Complaints shall be received in a written format either on a Town of Amherst Complaint Form or via letter or email. Each complaint must include the complainant's name and contact information. The complaint must be signed by complainant. Anonymous complaints will not be investigated.
2. Complaints shall contain specific information, including the address of property where the complaint exists, the date that the dangerous or unsightly condition existed and what specifically the complainant believes is causing the dangerous or unsightly condition.
3. Complaints may be received by staff or Council.
4. All complaints shall be submitted to the Administrator.
5. The Administrator shall acknowledge receipt of a complaint by regular mail to the complainant.
6. Complaints shall be considered confidential but are subject to Part XX of the *Municipal Government Act*, *Freedom of Information Protection of Privacy*.

**ENFORCEMENT:**

1. Staff will proactively enforce this policy on all streets within the Town.
2. After the annual spring special solid waste collections are completed, the Administrator will conduct a survey of all streets to determine which properties fall within the definition of dangerous or unsightly as contained within the *Municipal Government Act*.

3. Once the above survey of all streets is complete, the Administrator will create a priority list of unsightly properties, as outlined in the Dangerous or Unightly Premises Procedure. Properties with a higher priority will be processed first.
4. In addition to the initial survey above, the Administrator will periodically survey all streets within Town to determine which properties fall within the definition of dangerous or unsightly as contained within the *Municipal Government Act*.

#### **HEARINGS:**

1. Notification of any hearing will be sent via registered mail no less than 10 days prior to the hearing. In cases where the owner cannot be located, notice of the hearing may be posted on the property no less than 10 days prior to the hearing.
2. The complainant will be notified of the hearing in writing no less than seven days prior to the hearing.
3. The Administrator's report will not be made public prior to the hearing.

#### **APPEALS (OF ADMINISTRATOR DECISIONS):**

1. Any decision of the Administrator may be appealed to the Committee within seven days of such decision. Such appeal must be submitted in writing to the Chief Administrative Officer.
2. Appeals may be lodged by the property owner or complainant.
3. The Planning Advisory Committee may make any decision that the Administrator could have made.
4. A decision of the Planning Advisory Committee is not appealable.

#### **APPEALS (OF PLANNING ADVISORY COMMITTEE DECISIONS):**

1. Any decision of the Planning Advisory Committee may be appealed to Amherst Town Council within seven days of such decision. Such appeal must be submitted in writing to the Chief Administrative Officer.
2. Appeals may be lodged by the property owner or complainant.
3. Council may make any decision that the Planning Advisory Committee could have made.
4. A decision of Council is not appealable.

## **PLANNING ADVISORY COMMITTEE POLICY**

**NUMBER 66000-01**

#### **PURPOSE:**

The purpose of this policy is to establish a Planning Advisory Committee in accordance with Section 200 of the Municipal Government Act.

#### **ROLE OF COMMITTEE**

5. The role of a Planning Advisory Committee is to advise Council respecting the preparation or amendment of the Town's Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw as well as general land use planning matters.
6. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
7. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act* and pursuant to the Heritage Properties Bylaw, the Committee will also act as the Heritage Advisory Committee.
8. In addition to the duties of the Committee pursuant to Section 200 of the *Municipal Government Act*, the Planning Advisory Committee will also undertake the duties assigned to it pursuant to the Dangerous or Unightly Premises Policy of the Town of Amherst.

#### **MEMBERSHIP**

9. The Council shall appoint members of the Planning Advisory Committee by resolution.
10. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.

11. The term for members shall be three years, and members may be re-appointed to the Committee. Public members' terms shall be by fiscal year, with one member appointed each year.
12. In January of each year, an advertisement for the public member(s) whose term is set to expire that fiscal year shall be placed in the local newspaper. It is the intention to have members with a varied background; however, members with a planning, architecture, engineering or other similar background will have some preference.
13. At the beginning of the first meeting of each fiscal year the Committee will elect a chairperson as well as a vice-chairperson. Terms for such shall be one year. The chairperson and vice chairperson may be re-elected.

#### STAFF RESOURCES

14. The Director of Planning is responsible for all functions of the Committee including:
  - a. Calling meeting;
  - b. Taking minutes
  - c. Distribution of reports and other information as required;
  - d. Public notification as required;
  - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
15. Where additional information or work is required of staff by the Committee the Director of Planning will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
16. Meetings are to be attended by the Director of Planning or designate as well as an Executive Assistant. At the discretion of the Director, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer and all Directors.

#### MEETINGS

17. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
18. Meeting times may be changed when appropriate by the Chairperson in consultation with the Director of Planning.
19. Meetings may be cancelled by the Chairperson in consultation with the Director of Planning when there are no agenda items.
20. All meetings are open to the public as per Section 203 of the *Municipal Government Act*, unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Act*.
21. The date, time and location of Committee meetings shall be posted in the lobby of Town Hall three days prior to the meeting, and on the Town's website.
22. An agenda package will be provided to all Committee members and staff no later than 4:00 PM, two business days prior to the meeting.

#### **4.4. Notice of Motion - Rescind Motion of March 25, 2013**

Deputy Mayor Lisa Emery gave notice of motion to rescind a motion of March 25, 2013 to enter into a lease agreement for parking spaces in the parking lot located at the corner of Electric Street and Maple Avenue.

#### **4.5. CJSMA Budget**

**Moved By: Councillor Robert Bird**

**Seconded By: Councillor Terry Rhindress**

**That Council approve the 2014-15 budget of the Cumberland Joint Services Management Authority as presented in the amount of \$2,610,195 for operational and capital expenditures**

**Motion Carried**

**4.6. RFP - Insurance Services Provider**

*Mayor Small declared a conflict and excused himself from the Council table for the discussion and decision on this matter. In his absence, Deputy Mayor Emery assumed the chair.*

**Moved By: Councillor Frank Balcom**

**Seconded By: Councillor David March**

**That Council accept the proposal from Fraser & Hoyt Insurance in partnership with Amherst Insurance / Frank Cowan Company as recommended by Sigma Risk Management Inc. for insurance coverage from April 1, 2014 to March 31, 2015 at the total annual premium of \$164,400**

**Motion Carried**

Recorded			
Robert Small	Conflict		
George Baker		Yes	
Frank Balcom		Yes	
Robert Bird			No
Lisa Emery		Yes	
David March		Yes	
Terry Rhindress		Yes	
Results		5	1

**4.7. RFP - Security Cameras**

**Moved By: Deputy Mayor Lisa Emery**

**Seconded By: Councillor David March**

**That Council accept the proposal from Access Security in the amount of \$22,471 plus HST to supply and install Victoria Square security cameras, and further, that Council authorize the purchase and installation of two security cameras for the lobby at Town Hall and one video display monitor for the Police Department Dispatch Unit from Access Security with an estimated additional cost of \$4,000 plus HST**

**Motion Carried**

**4.8. Tender - Capital Paving**

**Moved By: Councillor George Baker**

**Seconded By: Councillor Terry Rhindress**

**That Council award the tender for the Town of Amherst 2014-15 Capital Paving Program to Costin Paving and Contracting at their low bid of \$159,258 plus HST**

**Motion Carried**

**4.9. Tender - LaPlanche River Lift Station Pump**

**Moved By: Councillor David March**

**Seconded By: Councillor George Baker**

**That Council award the tender for the purchase of a new Sewer Lift Pump to the only bidder, Sansom Equipment, at their price of \$29,200 plus HST**

**Motion Carried**

**4.10. Tender - 1 Ton Truck and Salt Spreader**

**Moved By: Councillor Terry Rhindress**

**Seconded By: Councillor David March**

**That Council awards the tender to purchase a one-ton truck from Jim Hatheway Ford in the amount of \$45,783 plus HST, as well as the optional salt brine system for an additional \$2,180 plus HST**

**Motion Carried**



4.11. Tender - 5 Ton Truck and Plow

Moved By: Councillor Terry Rhindress

Seconded By: Councillor George Baker

That Council awards the tender to supply a five ton truck with plow to Universal Truck and Trailer at their low bid of \$109,850 less trade-ins of \$16,000 for a total price of \$93,850 plus HST

Motion Carried

4.12. Tender - Traffic Controllers

Moved By: Deputy Mayor Lisa Emery

Seconded By: Councillor David March

That Council awards the tender to purchase traffic controllers to Innovative Traffic Solutions at their low bid of \$27,630 plus HST

Motion Carried

4.13. Funding Request - BBM Inc

Moved By: Councillor Frank Balcom

Seconded By: Councillor Terry Rhindress

That Council approves funding to BBM Inc in the amount of \$250 under the Community Support Grants Policy to help fund "Our History - Their Heritage," a travelling exhibit to showcase African heritage throughout Amherst and Cumberland County

Motion Carried

4.14. Funding Request - Chamber of Commerce

Moved By: Deputy Mayor Lisa Emery

Seconded By: Councillor George Baker

That Council approves funding in the amount of \$500 under the Town's Community Support Grants Policy in support of the Amherst and Area Chamber of Commerce hosting its Annual General Meeting on April 15, 2014

Motion Carried

4.15. Funding Request - Tae Kwon Do Invitational

Moved By: Councillor George Baker

Seconded By: Councillor David March

That Council approves funding in the amount of \$250 under the Town's Community Support Grants Policy in support of the Maritime Open Martial Arts Tournament to be hosted by the Amherst & Area Tae Kwon-Do Parents Association April 4 - 6, 2014

Motion Carried

4.16. April & May Meeting Dates

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Robert Bird

That Council approves changing the Committee of the Whole meeting dates for April and May to the third Tuesday of the month, April 22 and May 20 respectively, to accommodate the Easter Monday and Victoria Day holidays

Motion Carried

**4.17. Shared Financial Services**

**Moved By: Councillor David March**

**Seconded By: Councillor Frank Balcom**

**That Council accepts the Shared Services Report as presented by SPL Development Services Inc. to the Town and County Councils on March 17, 2014; that the CAO be authorized to create an agreement and project plan with the County of Cumberland as well as an agreement with the Province for the Conversion Project; and that the CAO be authorized to assign staff as detailed in the Organization Chart presented on March 17, which will facilitate the implementation of the report to establish a common and shared Finance unit between the Town and the County**

**Motion Carried**

**5. INFORMATION / DISCUSSION ITEMS**

**6. INTERNAL COMMITTEE REPORTS**

**6.1. Amherst 125 Committee**

Deputy Mayor Emery presented a report (included in the agenda) on behalf of the Amherst 125 Committee.

**6.2. Planning Advisory Committee**

Councillor March presented a report (included in the agenda) on behalf of the Planning Advisory Committee.

**6.3. Amherst Board of Police Commissioners**

Deputy Mayor Emery presented a report (included in the agenda) on behalf of the Amherst Board of Police Commissioners.

**6.4. Amherst Youth Town Council**

Councillor Balcom presented a report (included in the agenda) on behalf of the Amherst Youth Town Council.

**Moved By: Deputy Mayor Lisa Emery**

**Seconded By: Councillor George Baker**

**That staff be directed to make a recommendation on how to appropriately recognize Jordan Hunter for his efforts in the Kraft Hockeyville campaign**

**Motion Defeated**

**6.5. Downtown Business Advisory Committee**

Councillor March presented a report (included in the agenda) on behalf of the Downtown Business Advisory Committee.

**7. EXTERNAL COMMITTEE REPORTS**

**7.1. Cumberland Public Libraries**

Councillor Balcom presented a report (included in the agenda) on behalf of Cumberland Public Libraries.

**7.2. Cumberland Joint Services Management Authority**

Councillor Bird presented a report (included in the agenda) on behalf of the CJSMA.

**7.3. Cumberland YMCA**

Councillor Bird presented a report (included in the agenda) on behalf of the Cumberland YMCA.

8. **ADJOURNMENT**

Prior to the adjournment, Mayor thanked Council for attending the Via Rail station in Amherst yesterday, to ensure the federal government continues to support rail service. Mayor thanked staff for efforts in the shared financial services project, which will create capacity within both partner units. He thanked staff for putting the athletic achievement awards evening together, as well as the upcoming volunteer awards ceremony.

On motion by Councillor Rhindress, the meeting adjourned at 8:30 PM.

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Gregory D. Herrett, CA  
Town Clerk and CAO

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Robert Small  
Mayor