

# Regular Council Meeting

## Minutes

**Date of Meeting:** Monday, April 28, 2014  
**Location:** Board Room, 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  
 Roger MacIsaac, Director CED  
 Jason MacDonald, Director of Planning  
 Ben Pitman, Director TPW  
 Bill Crossman, Fire Chief  
 Rebecca Purdy, Executive Assistant  
 Kim Jones, Policy and HR

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### 1. PUBLIC HEARING

#### 1.1. Public Hearing - DA for 25 Mill Street

Mayor Small called the Public Hearing to order at 6:30 PM and welcomed Debbie Landry and Bev True. He stated that Council is considering entering into a Development Agreement with the owner of property located at 25 Mill Street to permit a seven-unit development on that property. The location of the building and parking facilities meet all relevant minimum standards of the Land Use Bylaw. The purpose of this public hearing is to hear those in favour of or opposed to this Development Agreement.

The Deputy CAO presented the details on the proposed Development Agreement. As an in-fill development, the DA satisfies all the policies and requirements of the MPS. A Public Participation Opportunity was held on April 10 with no negative comments with respect to the development. The Deputy CAO addressed questions from Council on the matter, including how the sewer issue will be addressed in both the short term and long term. He addressed questions and comments from the public. Debbie Landry said her concern is the sewer. Bev True said she had no comments - she just came to hear the presentation.

Mayor Small stated that second reading and adoption of this Development Agreement is on the agenda of the Council meeting about to commence for consideration. The public hearing was concluded at 6:40 PM.

### 2. CALL TO ORDER

Mayor Small called the meeting to order at 7:00 pm, and asked for a minute of silence in recognition of National Day of Mourning.

### 3. O'CANADA

### 4. PRESENTATION - Jordan Hunter

Mayor Small welcomed Jordan Hunter and his family. Jordan is a grade 11 student at ARHS, who initiated a submission to the Hockey Night in Canada project in late January with the hopes of Amherst becoming the next Kraft Hockey Ville. Though Amherst wasn't selected, as a result of Jordan's efforts, the Amherst Stadium received \$25,000 which will go toward installing a new clock. Mayor Small presented a plaque expressing Council's appreciation of his efforts.

5. APPROVAL OF AGENDA/MINUTES

5.1. Approval of the Agenda

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

Motion Carried

5.2. Approval of Minutes - March 24, 2014

Moved By: Councillor Terry Rhindress  
Seconded By: Councillor Frank Balcom  
That the minutes of the March 24, 2014 regular meeting be approved as circulated.

Motion Carried

6. REQUESTS FOR DECISION

6.1. Rescind Motion of March 25, 2013

Moved By: Deputy Mayor Lisa Emery  
Seconded By: Councillor George Baker  
That Council rescind the following motion of March 25, 2013:

*“That Council enter into the lease agreement for ten parking spaces within the parking lot located at the corner of Electric and Maple Streets with the owner of the property located at 31-37 Victoria Street.”*

Motion Carried

Motion of March 25, 2013 Rescinded

6.2. Development Agreement - 25 Mill Street

Moved By: Councillor David March  
Seconded By: Councillor Terry Rhindress  
That Council approve second reading of a Development Agreement to permit a seven unit development on the property located at 25 Mill Street.

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.

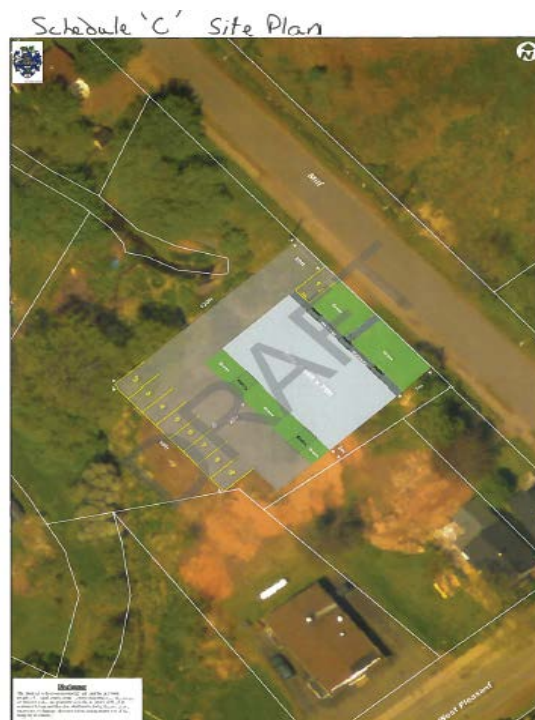
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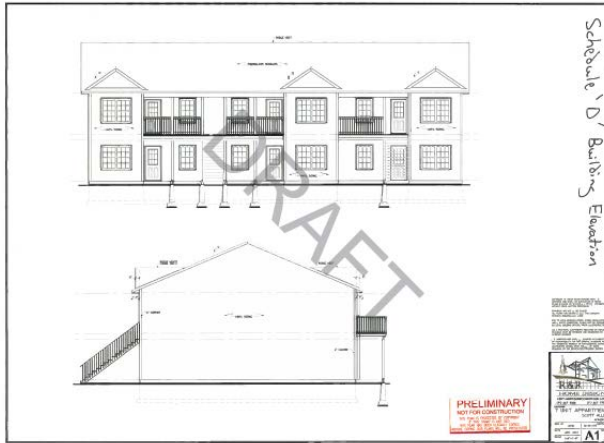
- 2.3 The Owner acknowledges that the Site Plan shown on Schedule 'C' is a graphic representation, provided as a courtesy by the Town, with no guarantee as to the accuracy of existing and proposed features in the field. For further clarity, it shall be responsibility of the Owner to verify that the proposed 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





**6.3. Amend LUB Zoning Map**

**Moved By: Councillor David March**  
**Seconded By: Deputy Mayor Lisa Emery**  
**That Council approve first reading of P-2-19, a bylaw to amend the Land Use Bylaw – Zoning Map to rezone 59 East Pleasant Street from Open Space to General Residential as recommended by the Planning Advisory Committee, and schedule a Public Hearing on the matter for 6:30 PM on Monday, May 26, 2014 .**

**Motion Carried**

**Town of Amherst**  
**Bylaw 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 apply the General Residential Zone to the property located at 59 East Pleasant Street and identified by PID # 25491895.
2. 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 General Residential Zone to the property located at 59 East Pleasant Street, identified by PID # 25491895.

**6.4. Tender - Gravel**

**Moved By: Councillor Robert Bird**  
**Seconded By: Councillor David March**  
**That Council award the tender for the supply of gravel to the low bidder, Baxter Trucking, at their unit prices, plus HST:**

- **Type 1 Gravel** **\$13.25/tonne**
- **Washed Clear Stone 6mm-20mm** **\$16.25/tonne**
- **Crushed Traction Sand** **\$16.75/tonne**
- **Surge Rock Type C3** **\$16.50/tonne**

**Motion Carried**

**6.5. Tender - Asphalt Patching**

**Moved By: Councillor Terry Rhindress**  
**Seconded By: Councillor David March**  
**That Council award the tender for Asphalt Patching to the low bidder, Costin Paving and Contracting, at their tendered unit prices for a total estimated amount of \$328,150, plus HST.**

**Motion Carried**

6.6. Legal Services RFP

Moved By: Councillor Frank Balcom

Seconded By: Deputy Mayor Lisa Emery

That Council approve cancelling RFP-14-09, the Request for Proposal for the provision of legal services for the Town

Motion Carried

6.7. Lions Park Redevelopment Committee

Moved By: Councillor George Baker

Seconded By: Councillor David March

That Council approve the terms of reference for the creation of a Lions Park Redevelopment Committee

Moved By: Councillor Terry Rhindress

Seconded By: Councillor Frank Balcom

That the Terms of Reference be amended to include three members of Council

Amending Motion Carried

Original Motion Carried as Amended

Moved By: Councillor George Baker

Seconded By: Councillor Terry Rhindress

That Terry Rhindress, Frank Balcom and George Baker be appointed as the Council representatives on the Lions Park Redevelopment Committee.

Motion Carried

6.8. Funding Request - Cumberland Y Service Club

Moved By: Deputy Mayor Lisa Emery

Seconded By: Councillor Terry Rhindress

That Council approve funding in the amount of \$500 under the Town's Community Support Grants Policy in support of the Cumberland Y Service Club as they host the 66th Maritime Region Y's Men Convention in Amherst May 16 to 18, 2014.

Motion Carried

6.9. Funding Request - East Coast Tae Kwon-Do Championships

Moved By: Councillor David March

Seconded By: Councillor Frank Balcom

That Council approve funding in the amount of \$500 under the Town's Community Support Grants Policy in support of Eastern Canadian Tae Kwon-Do Championships hosted by the Amherst & Area Tae Kwon-Do Parents Association being held in Amherst June 4 – 8, 2014.

Motion Carried

6.10. Funding Request - Showcase Productions

Moved By: Councillor Robert Bird

Seconded By: Councillor David March

That Council approve funding in the amount of \$475 under the Town's Community Support Grants Policy in support of Showcase Productions as they host a play in July 2014 to celebrate Amherst 125.

Motion Carried

6.11. Funding Request – Tantramar Community Radio

*Deputy Mayor Emery and Councillor March both declared a conflict and excused themselves from the Council for the discussion and decision on this matter.*

**Moved By: Councillor Frank Balcom**  
**Seconded By: Councillor George Baker**  
**That Council approve funding in the amount of \$300 under the Town's**  
**Community Support Grants Policy in support of Tantramar Community**  
**Radio as they host "Rumble in the Jungle with CFTA" on June 21st at the**  
**Amherst Stadium.**

**Motion Carried**

**7. INFORMATION / DISCUSSION ITEMS**

**8. INTERNAL COMMITTEE REPORTS**

**8.1. Planning Advisory Committee**

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

**8.2. Amherst Youth Town Council**

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

**8.3. Downtown Business Advisory Committee**

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

**8.4. Amherst 125 Committee**

Councillor Baker presented a report (included in the agenda) on behalf of the Amherst 125 Committee.

**9. EXTERNAL COMMITTEE REPORTS**

**9.1. Cumberland Public Libraries**

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

**9.2. L. A. Animal Shelter**

Councillor Balcom presented a report (included in the agenda) on behalf of the L. A. Animal Shelter.

**10. ADJOURNMENT**

Mayor said the Hospital Foundation held a very successful fundraising dinner over the weekend; he congratulated the organizing committee. At that event, Gail and Bob Janes were acknowledged on their years of service to the community.

**Moved By: Councillor Terry Rhindress**  
**Seconded By: Councillor David March**  
**To adjourn at 7:45 PM.**

**Motion Carried**

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Gregory D. Herrett, CA  
 Town Clerk and CAO

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Robert Small  
 Mayor