

Regular Council Meeting

Minutes

Date of Meeting: Monday, December 22, 2014
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
 Jason MacDonald, Deputy CAO Operations
 Roger MacIsaac, Director CED
 Vince Arbing, Treasurer
 Bill Schurman, Director Recreation
 Ian Naylor, Police Chief
 Rebecca Purdy, Executive Assistant
 Kim Jones, HR

1. PUBLIC HEARING (6:30 - 7:00 PM)

Mayor Small welcomed people to the public hearings. He said that public hearings will be held this evening, however second reading of both matters will be deferred to a Council meeting in January, as review of the Planning Advisory Committee minutes of November 3 indicate there may not have been a quorum at that meeting, when the recommendation was made that Council proceed with approval of the Development Agreement on Smith Street and the amendment to the Land Use Bylaw.

1.1. Development Agreement - Smith Street

Mayor Small opened the Public Hearing stating that Council is considering entering into a development agreement to permit the construction of two 12-unit apartment buildings on the property situated at 8-10 Smith Street. Council approved first reading of this Development Agreement at its November 24th regular meeting. The purpose of this public hearing is to hear those in favour of or opposed to this Development Agreement.

The Deputy CAO provided the details of the application for the Development Agreement. Two public participation opportunities were held on the matter; Issues raised at the public participation opportunities included: sewer capacity, which he said will be improved with increased capacity; impact on traffic on Smith Street - staff conducted a traffic count and determined that the street is capable of handling the additional traffic; parking of 1.25 per dwelling unit - this is the same as the 'as of right'; storm drainage - the developer will be required to address this in the construction. Staff are now of the opinion that it satisfies all the policies of the Municipal Planning Strategy.

Council questions of staff about the sewer issue; Deputy CAO said the Town Engineer advises that a higher capacity sewer is required. The cost of this is likely to be in the \$5,000 range and is a routine operational matter for the Town. It has not been determined whether the Town or the developer will cover the cost of this upgrade.

Roddy Wood, resident of Smith Street, expressed opposition to having that many residential units using the same driveway, directly across the street from him. He questioned where the parking would be; and whether there was any consideration to opening the street up on the back side of the development. He

said noise is an issue, and that he had built his home on a quiet dead end street where now there will be 48 apartments across the street from him.

Council question staff whether an alternate driveway could be put on the north side of the property. The Deputy CAO said Smith Street would have to be extended.

Mayor Small stated that this matter will be referred to PAC for a formal recommendation and be brought back for a decision of Council early in the new year. This concluded the Public Hearing.

1.2. Land Use Bylaw Amendment - Off Site Signage

Mayor Small opened the Public Hearing stating that Council is considering amending the Town's Land Use Bylaw to remove the restriction that off-site sign content may only advertise businesses or uses that are located within five kilometers of Town limits. Council approved first reading of this amending bylaw at its November 24th regular meeting. The purpose of this public hearing is to hear those in favour of or opposed to this amendment.

The Deputy CAO provided the details of the amending bylaw.

Council asked the Deputy CAO what the downside of this amendment would be. The Deputy CAO responded that it could open it up for any property to erect a large billboard sign and could result in a negative impact on aesthetics or "sign clutter". He suggested his department could undertake a review of the regulations for signs including size, etc.

This concluded the Public Hearing.

2. CALL TO ORDER (7:00 PM)

3. O'CANADA

Following the National Anthem, Councillor Balcom welcomed Allie Degenstien, Amherst Youth Town Council member who is a grade 8 student at E. B. Chandler Junior High School and in her second year with AYTC. In addition to enjoying singing and writing in her spare time, Allie also volunteers at the local food bank.

4. HEARINGS/PRESENTATIONS/PETITIONS

5. APPROVAL OF AGENDA/MINUTES

5.1. Approval of the Agenda

Moved By: Deputy Mayor George Baker

Seconded By: Councillor David March

To approve the agenda with items the Smith Street Development Agreement and Land Use Bylaw Amendment removed, and deferred to a future meeting.

Motion Carried

5.2. Approval of Minutes

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

To approve the minutes of the November 24, 2014 regular meeting as circulated.

Motion Carried

6. REQUESTS FOR DECISION

6.1. Development Agreement - Brownell Avenue

Moved By: Councillor David March

Seconded By: Deputy Mayor George Baker

That Council approve the discharge of the Development Agreement DA-2012-04 for a bare land condominium development 15 and 19 Brownell Avenue approved by Council on 25 February 2014, as requested by the developer.

Motion Carried

6.2. Amend Snow Removal Bylaw - Second Reading

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council approves second reading and enactment of a Bylaw to Amend the Snow Removal Bylaw, D-1, requiring the Town to clear a 42" path along the sidewalk with Town equipment, following which the owners will be required to maintain a sidewalk surface that is free of snow and ice.

Motion Carried

BY-LAW TO AMEND THE SNOW REMOVAL BY-LAW, D-1

The Town of Amherst Snow Removal By-Law D-1, approved by Council on February 25, 2002 is hereby amended as follows:

1. Removing paragraph 3

"Every person who occupies, or if there are no occupiers, the persons in charge, and if there are no persons in charge, the owners of houses, stores, lots and pieces of land fronting on a designated street shall, after every fall of snow or freezing rain, clear away the snow, ice or slush, from the sidewalks and gutters adjoining their respective premises.

- a. When the snow ceases falling during the day, within four hours after it has ceased falling; and
- b. When the snow ceases falling during the night, within four hours after daylight on the following day."

2. Adding new paragraphs 3, 4, 5 and 6:

3. For the purposes of this Bylaw, "Owner" shall mean: every person who occupies, or if there are no occupiers, the persons in charge, and if there are no persons in charge, the owners of houses, stores, lots and pieces of land fronting on a designated street.
4. When snowfall accumulation exceeds 5 centimetres the Town will clear a 42" path along all designated sidewalks.
5. Within four hours of the completion of paragraph 4 above, all owners shall clear away any remaining snow, ice or slush, from the 42" path along the sidewalks adjoining their respective premises.
6. In the case of snow and ice buildup less than 5cm in depth all owners shall clear away all snow, ice or slush from a 42" wide path along the sidewalk adjoining their respective premises.

3. Renumbering remaining paragraphs accordingly.

6.3. Amend Taxi Bylaw - Second Reading

Deputy Mayor Baker declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue.

Moved By: Councillor Frank Balcom

Seconded By: Councillor Lisa Emery

That Council approves second reading and enactment of the proposed Bylaw to Amend the Regulation of the Transporting of Passengers for Hire Bylaw (Taxi Bylaw), C-9-1.

Motion Carried

BYLAW TO AMEND THE REGULATION OF THE TRANSPORTING OF PASSENGERS FOR HIRE BYLAW, C-9-1

This is a by-law to amend the Regulation of the Transporting of Passengers for Hire By-law.

AMENDMENTS

1. In the Regulation of the Transporting of Passengers for Hire By-law the following Sections are amended:

(1) Section 4 DUTIES OF TAXI AUTHORITY: Subsection (1)(d)

Replace the word "licenses" with the word "licensed"

(2) Section 11 ADDITIONAL OWNER'S OBLIGATIONS: Subsection (1)

Add the words "or equivalent" after the words "minimum Class 4 motor vehicle operator's license"

(3) Section 14 DRIVER'S LICENSE: Subsection (3)

"A written consent in form satisfactory for the Taxi Authority to obtain an abstract of the applicant's driving record from the Registrar of Motor vehicles is provided."

Replaced with:

"A driver's abstract from the Registrar of Motor Vehicles completed within the _____ past 30 days for the applicant is provided."

(4) Section 15 DRIVER'S LICENSE

Replace "5.00 fee" with "\$10.00 fee"

(5) Section 18 SUSPENSION AND REVOCATION OF LICENSES

Replace the section heading "SUSPENSION AND REVOCATION OF LICENSES" with "REFUSE TO GRANT, SUSPENSION AND REVOCATION OF LICENSES"

(6) Section 18 REFUSAL TO GRANT, SUSPEND AND REVOCATION OF LICENSES

Subsections (1) (b) (c) (d) and (e) are removed and replaced with the following:

(b) Has been convicted of an offence against vulnerable persons, a sexual offence, illegal sale or possession of drugs, a violent offence or a breach of trust.

(c) Is either charged or convicted pursuant to any municipal bylaw or provincial or federal legislation and in the opinion of the Taxi Authority, because of the charge or conviction it is in the public interest that the person not hold either an owner's license or driver's license.

(d) Has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Taxi Authority makes them unfit to possess a license.

(e) Has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction.

Subsection (2)

Replace the words "under subsection 1.f" with "under subsection 1.g"

Subsection (3)

Add the words "or equivalent" after the words "Province of Nova Scotia"

(7) Section 24 OFFENCES AND PENALTIES

"a fine pursuant to Section 299 of the Motor Vehicle Act but of not more than five hundred dollars (\$500.00) and in default of payment, to imprisonment for a term of not more than 60 days."

Replaced with:

"a minimum fine of one hundred dollars (\$100.00) but of not more than five thousand dollars (\$5,000.00) and in wilful default of payment, shall be liable to imprisonment for a term of not exceeding 6 months."

DELETIONS

2. In the Regulation of the Transporting of Passengers for Hire By-law the following Sections are deleted and the sections re-numbered accordingly.

Section 2 DEFINITIONS: Subsection (3) Definition of Disqualified Conviction

Section 9 OWNER'S LICENSE: Subsection (6)

Section 14 DRIVER'S LICENSE: Subsection (5)

Section 18 REFUSAL TO GRANT, SUSPEND AND REVOCATION OF LICENSES:
Subsection (5)

6.4. Repeal Policies

Moved By: Councillor Robert Bird

Seconded By: Councillor Frank Balcom

That Council repeals the following outdated and irrelevant policies: 03000-02 Payment of Town Accounts; 03470--01 Building Permit Fee Schedule; 03470-02 Charges on Returned Cheques; 68000-01 Regulations Respecting Food Shops; 68000-02 Mobile Eating Establishments; and 72000-02 Fund Raising Events.

Motion Carried

6.5. Christie Foundation Donation

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Terry Rhindress

That Council authorizes the expenditure of \$5,000 for the purpose of upgrading both Little League Baseball fields in the Town of Amherst, and that the expenditure be financed from a donation of 5,000 from the Christie Foundation.

Motion Carried

6.6. CCMHA Funding - Maltby Donation

Councillor Bird declared a potential conflict and excused himself from the Council table for the discussion and decision on this issue.

Moved By: Councillor Lisa Emery

Seconded By: Councillor David March

That funding of \$5,000 received from the CIBC Children's Foundation, contributed by Stephen Maltby, be directed for use by Cumberland County Minor Hockey Association's Timbit Hockey Program.

Motion Carried

6.7. West Highlands Elementary School Gymnasium Enhancement – Bleachers

Moved By: Councillor Frank Balcom

Seconded By: Councillor Terry Rhindress

That Council approves the request for an expenditure of \$27,500 plus HST to be used for the manufacture and installation of bleachers at the New West Highlands Elementary School, and that this expenditure be financed from community fund raising.

Motion Carried

6.8. Tender - Backhoe

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council award the tender to purchase the John Deere 410 Tractor Backhoe with Hydraulic Thumb from the lowest compliant bidder, Brandt Tractor - John Deere, at a purchase price of \$119,000 plus HST, and further, that Council authorize funding this purchase from borrowing from the Town of Amherst Capital Reserve for a five year term at an interest rate of 1.692%.

Motion Carried

7. INFORMATION / DISCUSSION ITEMS

8. INTERNAL COMMITTEE REPORTS

8.1. Amherst Youth Town Council

Councillor Balcom presented the report included on behalf of the Amherst Youth Town Council.

8.2. Downtown Business Advisory Committee

Councillor March presented the report included in the agenda on behalf of the Downtown business Advisory Committee. Council (Mayor) requested a report on the Rockabilly Festival.

8.3. Amherst 125 Committee

Councillor Emery presented the report included in the agenda on behalf of the Amherst 125 Committee. She added that besides the events on December 17, a tea for the IODE chapters was held at the Museum. She thanked Showcase Productions for loaning the costumes and for their members' participation in the re-enactment on December 17. Mayor Small thanked Council and volunteers, mentioning the contributions of Charlie Rhindress, Jerry Randall, Kim Ripley and members of the Amherst 125 Committee. He commended Jeff MacNeil, the staff member who was the coordinator, whose employment has ended upon the end of Amherst 125. He invited everyone to attend New Year's Eve party and fireworks at Dickey Park.

9. EXTERNAL COMMITTEE REPORTS

9.1. Cumberland Public Libraries

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

9.2. Cumberland Joint Services Management Authority

Councillor Bird presented the report included in the agenda on behalf of the Cumberland Joint Services Management Authority.

9.3. L. A. Animal Shelter

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

10. ADJOURNMENT

Members of Council and the CAO all took an opportunity to express Christmas greetings.

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

To adjourn at 7:45 PM

Motion Carried

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor