

Regular Council Meeting

Minutes

Date of Meeting: Monday, January 26, 2015
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
 Roger MacIsaac, Director CED
 Ian Naylor, Police Chief
 Jason MacDonald, Deputy CAO
 Operations
 Kim Jones, HR
 Vince Arbing, Treasurer
 Bill Schurman, Director Recreation
 Rebecca Purdy, Executive Assistant

Others Present: Brandon Steele, AYTC Member

1. CALL TO ORDER

Mayor Small called the meeting to order at 7:00 PM.

2. O'CANADA

3. HEARINGS/PRESENTATIONS/PETITIONS/OTHER

3.1. Introduce AYTC Member, Brandon Steele

Councillor Balcom introduced Amherst Youth Town Council member, Brandon Steele and welcomed him to the meeting.

4. APPROVAL OF AGENDA/MINUTES

4.1. Approval of the Agenda

Moved By: Deputy Mayor George Baker
Seconded By: Councillor David March
To approve the agenda.

Motion Carried

4.2. Approval of Minutes

Moved By: Councillor Terry Rhindress
 Seconded By: Councillor Frank Balcom
To approve the revised minutes of the November 24, 2014 regular meeting and the minutes of the December 22, 2014 regular meeting.

5. REQUESTS FOR DECISION

5.1. Blueberry Harvest Festival Report

Moved By: Councillor David March
Seconded By: Deputy Mayor George Baker
That Council approve the transfer of \$189 representing the surplus from the Blueberry Harvest Festival and Downtown Street Party to operating reserves, to be used to support a Blueberry Harvest Festival in the future.

Motion Carried

5.2. Dickey Park Multi-purpose Field

Moved By: Deputy Mayor George Baker

Seconded By: Councillor Terry Rhindress

That Council accept the proposal from Fundy Landscaping for the amount of \$40,869.59 plus HST for the landscaping of Dickey Park to develop a multi-purpose outdoor playing field, to be funded by reallocating \$25,000 from amounts earmarked for the “Robb Complex Study” and the balance from operating reserves.

After having made the motion, Deputy Mayor Baker declared a potential conflict. With consent of the seconder, the motion was withdrawn and Deputy Mayor Baker stepped down from the Council table.

Motion Withdrawn

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

That Council accept the proposal from Fundy Landscaping for the amount of \$40,869.59 plus HST for the landscaping of Dickey Park to develop a multi-purpose outdoor playing field, to be funded by reallocating \$25,000 from amounts earmarked for the “Robb Complex Study” and the balance from operating reserves.

Motion Carried

5.3. Policy Review and Revisions

Moved By: Councillor Lisa Emery

Seconded By: Deputy Mayor George Baker

That Council repeal Policy 03150-01 Water Billing Collection, and further that Council approve the following updated policies as recommended: 3000-03 Fundraising; 3400-01 Signing Authority; 4000-10 Vacation/Holiday; 10350-11 Flowers, Fruit Baskets, Memorial Donations; 10350-17 Membership on National Boards and Committees; 10350-18 Memberships in Clubs, Societies and Associations; 31600-02 Street Lights; 66000-01 Planning Advisory Committee, 66400-01 Heritage Advisory Committee; and 72000-01 Recognition of Athletic Achievers

Motion Carried

**TOWN OF AMHERST POLICY
FUND RAISING**

NUMBER 03000-03

PURPOSE: While the Town of Amherst is not in the business of fundraising, we may be requested by the community to help facilitate fundraising efforts from time to time.

POLICY STATEMENT: The Town of Amherst and the community groups who we may partner with in fundraising activities must be fully accountable to the citizens of Amherst for the activities they undertake.

This policy is to ensure that all fundraising efforts undertaken in conjunction with the Town of Amherst are handled in a transparent and financially responsible manner.

It will be the responsibility of the Director responsible for the project to ensure that the following criteria have been addressed prior to the fundraising activity:

- Project must be identified and approved by Council;
- A fundraising component of the project has been approved by Council;
- The ~~Youth Advisory Council~~ **Amherst Youth Town Council** may, with the approval of the Chief Administrative Officer, conduct two fundraising events annually. These events will be monitored by staff with reports provided to Council detailing activities and outcomes following the events.
- The Director responsible for the project has been notified and approved of the times and dates of any and all scheduled events. This applies to events such as car washes, bakes sales etc as well as direct corporate and individual solicitations.
- The Director responsible for the project has appointed a staff member or approved designate to attend events and coordinate care and custody of cash transactions.
- Corporate Services Department will report monthly, as required, the results of all fundraising to Council at the Committee of the Whole session.

From time to time additional fundraising opportunities arise that the ~~Youth Advisory Council~~ **Amherst Youth Town Council** wishes to participate in. To capitalize on these opportunities and in order to respond to the needs of the ~~Youth Advisory Council~~ **Amherst Youth Town Council** in a timely manner, the Chief Administrative Officer has the authority to approve these special cases that arise.

These events shall be facilitated under the direction of the **Recreation** Department of ~~Community and Economic Development~~. Council would be advised of any special fundraising projects that are approved by Chief Administrative Officer on a monthly basis with reports on the activities and outcomes being provided after the events are complete

**TOWN OF AMHERST POLICY
SIGNING AUTHORITY**

NUMBER 03400-03

PURPOSE: To identify signing officers of the Town of Amherst

POLICY STATEMENT:

1. All documents signed under the seal of the Town shall be signed by the:
 - a) Mayor or Deputy Mayor (any one of them);
And
 - b) ~~Town Manager~~ **Chief Administrative Officer**/Town Clerk or Treasurer/Deputy Clerk (any one of them).
2. All General, Payroll, Water, Stadium, Trust & **and** Reserve Fund cheques, bank documents, etc., of the Town shall be signed by two signing officers. The signing officers of the Town shall be:
 - a) Mayor, Deputy Mayor, Designated Councillor (any one of them)
And
 - b) ~~Town Manager~~ **Chief Administrative Officer**/Town Clerk, or Treasurer/Deputy Clerk (any one of them).

TOWN OF AMHERST POLICY

NUMBER 03000-03

VACATION / HOLIDAY POLICY – NON-UNION EMPLOYEES

Purpose: This policy defines the entitlement of employees for paid vacations earned in the employ of the Town of Amherst.

Definitions:

Permanent Employee: An employee who is employed on a regular and full time basis.

Temporary Employee: An employee performing duties for an undetermined period of time.

Casual Employee: An employee who is required to perform work of a temporary or intermittent nature for varying periods though the year.

Part-time Employee: An employee performing duties on a part-time basis.

Seasonal Employee: An employee performing duties of a seasonal nature.

Student Employee: An employee who is deemed to be a full time student and has been hired in support of various municipal functions for a specific term.

Half Days: Half Days will be defined at 3.5 hours taking either from the beginning of their normal work day or taken at the end of the employees normal work day.

Policy Statement:

Vacation Date

All vacation periods will be calculated as of the date of January 1st of each year.

Eligibility

A permanent full time employee who is employed at a time after January 1st shall have his or her vacation entitlement pro-rated to January 1st of the next year. Such vacation is to be taken in the year following the employment year.

A permanent full time employee leaving the employ of the Town of Amherst during the year prior to January 1st in any year may apply for one of the following options:

- a) to be paid in full for any vacation owing on the final day of work;
- b) have the termination date adjusted to account for all outstanding vacation days earned.

Such applications are to be made to, and are at the discretion of the CAO.

Vacation Earned

A permanent full time employee shall earn:

- a. 1 ¼ days per month up to the tenth year of employment calculated from the date the employee commences work in the first year up to the tenth year, to a maximum of 15 working days per year in any subsequent year. However, in the 10th year, the employee will receive the increased vacation allotment of 20 days.
- b. From the commencement of the eleventh year up to the fifteenth, 1 2/3 days per month to a maximum of 20 working days per year. However, in the 15th year, the employee will receive the increased vacation allotment of 25 days.
- c. From commencement of the sixteenth year up to the twentieth year, 2 1/12 days per month to a maximum of 25 working days per year. However, in the 20th year, the employee will receive the increased vacation allotment of 30 days.
- d. For over twenty years, 30 working days per year.

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Vacation earned shall not be paid out except in unusual circumstances and only with the approval of the CAO.

Non Permanent Employees

Temporary Employees, Part-time Employees, Seasonal Employees and Student Employees shall not be eligible for vacations with pay. However, vacation pay will be provided in accordance with the Labor Standards Act and Regulations of the Province of Nova Scotia.

Holidays

The following days will be observed as paid holidays for the Permanent Employees of the Town of Amherst. All others, including Temporary Employees, Part-time Employees, Seasonal Employees and Student Employees will be eligible for paid holidays as prescribed under the Labor Standards Act and Regulations of the Province of Nova Scotia.

In addition, any other day proclaimed by either the Federal or Provincial governments, or the Town of Amherst shall be observed as paid holidays. If at any time the above holidays fall on a Saturday or Sunday, the next regular working day shall be deemed a holiday.

New Year's Day
Nova Scotia Heritage Day
Good Friday
Easter Monday
Victoria Day
Canada Day
Civic Holiday (First Monday in August)
Labour Day
Thanksgiving Day
Remembrance Day
Christmas Day
Boxing Day

An employee shall only be entitled to be paid for a holiday if such employee works the scheduled working day immediately preceding and immediately following the holiday. If it is necessary for an employee to be absent on either of these days, payment shall be at the discretion of the CAO. Payment or other time off for these holidays shall be made if the employee is on time off paid by the Town of Amherst.

Vacation Earned Fire Department Employees

Permanent fire department employees work a schedule of one 24 hour shift with 72 hours off. This schedule determines that each person works an average of 43 hours per week. Therefore, the following calculation shall be used in calculating vacation time for Permanent Employees of the Fire Department.

The number of weeks earned multiplied by the average hours worked per week divided by the number of hours in a shift. For example, an employee of the fire department who has worked as a permanent employee up to and including 10 years has earned 3 weeks vacation. This equates as follows:

3 weeks earned multiplied by 43 hours which is the length of the average work week divided by 24 which is the length of a normal shift equals to an entitlement of 5 full shifts plus 7 hours.

Permanent fire department employees shall earn:

- a. 5 full shifts plus 7 hours per year up to and including the tenth year of employment calculated from the date the employee commences work in the first year. However, in the 10th year, the employee will receive the increased vacation allotment of 7 full shifts plus 5 hours.
- b. 7 full shifts plus 5 hours per year from the commencement of the eleventh year up to and including the fifteenth year of employment calculated from the date the employee commences work in the first year. However, in the 10th year, the employee will receive the increased vacation allotment of 9 full shifts.
- c. 9 full shifts per year from the commencement of the sixteenth year up to and including the twentieth year of employment calculated from the date the employee commences work in the first year. However, in the 20th year, the employee will receive the increased vacation allotment of 10 full shifts plus 18 hours.
- d. For over twenty years, 10 full shifts plus 18 hours.

Long Term Disability or Workers Compensation

Employees off work on LTD or Workers' Compensation shall only be entitled to earn vacation during the first year of their absence. Employees off work on a personal unpaid leave of absence will not earn vacation time during such leave.

TOWN OF AMHERST POLICY

NUMBER 10350-11

FLOWERS, FRUIT BASKETS AND MEMORIAL DONATIONS

PURPOSE: To establish a policy for the appropriate recognition by the Council of the Town of Amherst of current Council members, employees, members of Boards and Commissions and past members of Council in cases of death or hospitalization.

POLICY STATEMENT: Upon learning of the death of an active member of Council, current employee or Board or Commission member, or member of their immediate family, or the death of a past member of Council, the Town may send flowers in the amount not to exceed \$100 plus applicable taxes and delivery

charges. If the family has requested “no flowers” arrangements will be made for an equivalent donation to a charitable organization. Also an appropriate card shall be the accepted means of expression of sympathy to the family.

In the event of the hospitalization of a current member of Council, current employee or Board or Commission member, the Town may send flowers or a fruit basket along with an appropriate card in the amount not to exceed \$50 plus applicable taxes and delivery charges.

Individual ~~Department Heads~~ **Directors** may, at their discretion, send flowers and/or fruit baskets or similar items in addition to the items sent by Council in accordance with the amounts set out above.

DEFINITIONS:

Employee – A person currently employed by the Town of Amherst, including unionized and non-unionized personnel, and retired employees.

Immediate Family - Shall mean a parent, spouse, partner, son, daughter, or a family member who resides at the employee’s primary household.

Board/Commission Member – Shall mean any person appointed by Council currently serving on any Board or Commission of the Town.

TOWN OF AMHERST POLICY

NUMBER 10350-17

MEMBERSHIP ON NATIONAL BOARDS AND COMMITTEES

PURPOSE: To set out policy and guidelines for members of Council and staff who may wish to become members on national boards or committees. While Council recognizes the benefits to be obtained by the Town from national exposure, certain policy limits need to be set.

POLICY STATEMENT:

1. (a) All members of Council who wish to become members on any national committees must have permission of Council prior to accepting such appointment or office.
- (b) Fifty percent (50%) of the cost of travel (including meals and accommodations) must be covered by the relevant provincial or national organization or the individual.
2. (a) All members of administration must obtain the permission of the ~~Town Manager~~ **Chief Administrative Officer** prior to accepting any appointment or position.
- (b) Fifty percent (50%) of the costs must be covered by the provincial or national association.
- (c) Time off for meetings or duties at this level must not exceed ten working days per year and normal duties must not be affected.

TOWN OF AMHERST POLICY

NUMBER 10350-18

MEMBERSHIPS IN CLUBS, SOCIETIES AND ASSOCIATIONS

PURPOSE: The Town of Amherst has in the past and will continue in the future to hold membership in various organizations and associations that advocate similar viewpoints and visions that help increase our competitiveness and enhance the level of services we provide to our residents.

In addition, Town employees have in the past and will continue to become affiliated with and actively participate in professional organizations that enhance their career competencies and provide the ability to learn new skills and improve existing skills in both a formal and informal setting.

The Town acknowledges that affiliations with organizations that provide advocacy support and professional development opportunities is important and should be supported accordingly.

POLICY STATEMENT:

1. The Town will pay annual membership fees to associations and organizations that have been deemed by council to benefit the Town’s overall ability to enhance the quality of services provided for residents. Council may appoint an employee or elected official who will represent the Town at meetings and events and may provide reports from time to time that will keep Council informed of initiatives or issues that may affect our community.
2. The Town will pay the annual membership fees for employees to relevant professional association to which they are affiliated and are duly authorized by both ~~Department Head and Town Manager~~ **Director and Chief Administrative Officer**. These organizations must be relevant to the work the employee performs on a day to day basis and should demonstrate the ability to enhance the employee’s skill levels.
3. The Town continues to encourage employees to contribute to their community through active participation in various community based service organizations that add to a strong social and community environment. For greater clarity, dues for local social and service organizations will be the personal responsibility of the employee.

TOWN OF AMHERST POLICY
STREET LIGHT POLICY

NUMBER 31600-02

PURPOSE: In 2011 the Town replaced the previously NSPI owned street lights to Town owned Light Emitting Diode (LED) lights. These lights use far less power and will last longer than the previous lights. Installation, maintenance and warranty work will be conducted by a third party provider under the request of the Town. This document is designed to establish a uniform guideline for the installation and inspection of these LED lights.

POLICY STATEMENT: Street lights will be installed on all Town owned streets

1. All street lights will be installed on utility poles a height of not less than 8 meters.
2. Street lights will be installed on one side of residential streets, and, where possible, the same side as the sidewalk.
3. Lights will be located on utility poles no farther than 70 meters apart.
4. Inspections will be conducted by ~~TPW~~ **the Town's Operations Department** biannually for the purpose of detecting non functioning lights.
5. On new streets, street lights will be installed after the Town takes ownership of the street.

General Wattage Guidelines

Arterial Streets	83 watts
Collector Streets	65 watts
Local Streets	55 watts (65 watts at intersections)

TOWN OF AMHERST POLICY
PLANNING ADVISORY COMMITTEE

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

1. 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.
2. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.
3. 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.
4. 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

1. The Council shall appoint members of the Planning Advisory Committee by resolution.
2. Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.
3. 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.
4. 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.
5. 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

1. The ~~Director of Planning~~ **Deputy Chief Administrative Officer – Operations** 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.
2. Where additional information or work is required of staff by the Committee the ~~Director of Planning~~ **Deputy Chief Administrative Officer – Operations (Deputy CAO)** will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.
3. Meetings are to be attended by the ~~Director of Planning~~ **Deputy CAO** or designate as well as an Executive Assistant. At the discretion of the ~~Director~~ **Deputy CAO**, 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

1. Meetings will be automatically scheduled for the first Monday of every month. Meetings will commence at 4:30 PM unless otherwise informed.
2. Meeting times may be changed when appropriate by the Chairperson in consultation with the ~~Director of Planning~~ **Deputy CAO**.
3. Meetings may be cancelled by the Chairperson in consultation with the ~~Director of Planning~~ **Deputy CAO** when there are no agenda items.
4. 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*.
5. 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.
6. 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.

**TOWN OF AMHERST POLICY
HERITAGE ADVISORY COMMITTEE**
NUMBER 66400-01

PURPOSE: The purpose of this policy is to establish a policy for the governance of the Heritage Advisory Committee in accordance with the Town of Amherst Heritage Properties Bylaw and to carry out the heritage goals, objectives and policies of the Municipal Planning Strategy and Strategic Plan.

BASIS: The basis for the Committee comes from both the Town's Strategic Plan and Municipal Planning Strategy. The strategic plan states that the Town is committed to preserving our heritage and making heritage awareness a part of our programs. It includes a specific task which states that the Town will, "Develop a Heritage Advisory Committee Policy that addresses the heritage of the Town of Amherst in general, including heritage properties."

Furthermore the Town's Municipal Planning Strategy contains objectives that endeavor to encourage the conservation, retention and improvement of the historically and / or architecturally significant residential and commercial buildings and streetscapes.

ROLE OF COMMITTEE: The role of a Heritage Advisory Committee is to:

1. Advise Council respecting the registration and / or de-registration of heritage properties under the Heritage Properties Bylaw.
2. Establish and implement a built heritage protection strategy. This strategy will focus on the retention and rehabilitation of the built heritage of Amherst through education, promotion and recognition of the significant built heritage of the Town.
3. Establish and implement a cultural heritage strategy. This strategy will focus on preserving and promoting the cultural heritage of the Town.
4. The duties assigned to the Committee, pursuant to this policy, shall only be carried out by the Committee.

MEMBERSHIP:

1. ~~The Council shall appoint members of the Heritage Advisory Committee by resolution.~~
2. ~~Membership shall include three members of Town Council and three members of the public who are residents of the Town of Amherst.~~
3. ~~The term for public members shall be three years, and members may be re-appointed to the Committee. Public member's terms shall be by fiscal year, with one member appointed each year.~~
4. ~~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.~~
5. ~~At the beginning of the first meeting of the 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 chair may be re-elected.~~

1. **The Heritage Committee is the Planning Advisory Committee of the Town of Amherst**

STAFF RESOURCES:

1. The ~~Director of Planning and Development~~ **Deputy Chief Administrative Officer – Operations (Deputy CAO)** is responsible for all functions of the Committee including:
 - a. Calling meetings;
 - b. Taking minutes;
 - c. Distributing reports and other information as required;
 - d. Notifying and contacting public as required; and
 - e. Providing Committee motions to the Chief Administrative Officer for inclusion on the Council agenda.
2. Where additional information or work is required of staff by the Committee, the ~~Director of Planning and Development~~ **Deputy CAO** will be responsible for prioritizing staff resources, in conjunction with the Chief Administrative Officer when required.

3. Meetings are to be attended by the ~~Director of Planning and Development~~ **Deputy CAO** or designate as well as an Administrative Assistant. At the discretion of the ~~Director~~ **Deputy CAO**, other staff may be invited / asked to attend as well. Standing invitations to Committee meetings will be given to the Chief Administrative Officer and the Director of Community and Economic Development.

MEETINGS:

- ~~4.~~ Meetings will be scheduled by the Chairperson in consultation with the ~~Director of Planning and Development~~ **Deputy CAO**. ~~Generally meetings will commence at 12:00 noon.~~
2. All meetings are open to the public unless the Committee, by a majority vote, moves a meeting in private to discuss matters permitted by the *Municipal Government Act*.
3. Meeting agenda packages are to be delivered to Committee members and the CAO at least 48 hours prior to any scheduled meeting.

**TOWN OF AMHERST POLICY
RECOGNITION OF ATHLETIC ACHIEVERS**

NUMBER 72000-01

PURPOSE: To set out the Policy of the Town to establish a standard procedure for the recognition of Amherst residents and Amherst teams who have excelled in sanctioned provincial, maritime, Atlantic, Eastern Canada, national and international athletic championships / games.

POLICY STATEMENT: Amherst Town Council will recognize annually:

1. Amherst residents participating in individual or team sporting events,
2. Athletic teams based in Amherst,
3. Amherst residents who are members of athletic teams in other municipalities,
4. Non residents who are members of Amherst athletic teams,

who have achieved a first place gold medal performance, as an amateur, in sanctioned provincial, maritime, Atlantic, Eastern Canadian, national or international athletic championships/games, or have received special recognition for their achievements from their governing sports body during the previous calendar year.

The Mayor and Council will host an awards ceremony annually to honor these athletes and teams.

A Town certificate will be presented to each athlete, team member and/or team in recognition of their achievements.

The following should receive personal invitations to the Ceremony from the Mayor:

- (a) The award recipients
- (b) Mayor and members of Council
- (c) ~~Department Heads~~ **Directors**
- (e) The local media
- (f) Any special guests or dignitary as dictated by Council

Members of the general public will be encouraged to attend and congratulate those being recognized.

The awards ceremony will be held by no later than March 15th annually.

5.4. West Highlands Gym Enhancement - Bleachers (Price Adjustment)

Moved By: Councillor Frank Balcom

Seconded By: Councillor Lisa Emery

That Council approve the expenditure of the additional amount of \$1,950, bringing the total authorized amount to \$29,450, to the West Highlands School Advisory Committee (WHSAC) for bleachers in the new gymnasium with funding to come from community fundraising.

Motion Carried

5.5. Capital Budget 2015-16

5.5.1. Victoria Street Reconstruction

Moved By: Councillor Robert Bird

Seconded By: Councillor David March

That Council approve \$466,000 in the 2015/16 capital budget to replace the pipe infrastructure and pave Victoria Street between Herbert Street and Rupert Street, with \$186,000 to be funded from Water Capital Depreciation, and \$280,000 to be funded from the Gas Tax Fund.

Motion Carried

5.5.2. Dickey Brook Culvert Replacement

**Moved By: Councillor Robert Bird
Seconded By: Councillor Frank Balcom
That Council approve \$200,000 in the 2015/16 capital budget to
replace the Dickey Brook culvert at Donald Avenue with funding to
come from the Gas Tax Fund.**

Motion Carried

5.6. Maccan Water Extension - Land Transfer

**Moved By: Councillor Lisa Emery
Seconded By: Councillor David March
That Council approves the purchase and sale agreement between the Town
of Amherst and the Municipality of the County of Cumberland for the
property identified as PID25065061 in order to construct the booster station
required to extend water services to the residents of Trider Road, for a
nominal fee of \$1, and authorizes the Mayor and CAO to sign the
agreement on behalf of the Town.**

Motion Carried

**AGREEMENT OF PURCHASE AND SALE
VACANT LAND**

The Purchaser, **TOWN OF AMHERST**, having inspected the property, offers to buy from the Vendor, **MUNICIPALITY OF THE COUNTY OF CUMBERLAND**, the lands as described in **Schedule A** attached hereto, being **PID 25065061**, at a Purchase Price of One Dollar (\$1.00) on the Closing Date subject to no adjustments:

1. This agreement shall be completed on or before the 30th day of January, 2015 (hereinafter called the Closing Date). Upon completion, possession of the property shall be given to the Purchaser, unless otherwise provided.
2. The conveyance of this property shall be by Deed, drawn at the expenses of the Purchaser, to be delivered on payment of the Purchase Price on the Closing Date.
3. The Parties agree that the property shall be exempt from the property taxes of the Municipality of the County of Cumberland, and the property shall be placed on any current and ongoing list of all such tax exempt properties within the Municipality of the County of Cumberland.
4. Any tender of documents or money may be made upon the solicitor for either party and money may be tendered by bank draft, certified cheque or solicitor's trust cheque.
5. Time shall in all respects be of the essence in the Agreement. In the event of a written agreement of extension, time shall continue to be of the essence. This Agreement shall ensure to the benefit and be binding upon the parties hereto, their respective successors and assigns. This agreement is to be read with all changes of gender or number required of the context.

DATED this ____ day of January, 2015

THE TOWN OF AMHERST
Per:

Witness

Per:

The Vendor accepts the above offer on this _____ day of January, 2015

THE MUNICIPALITY OF THE
COUNTY OF CUMBERLAND
Per:

Witness

Per:

SCHEDULE 'A'

PID 25065061

ALL that lot of land situated at Maccan, in the County of Cumberland and Province of Nova Scotia, of a triangular shape and bounded Westerly by the present hard surfaced road between Amherst and Maccan, Easterly by the Old Road, and Northerly by land formerly owned or occupied by George O'Brien.

5.7. Development Agreement - Smith Street - Second Reading

Moved By: Councillor David March

Seconded By: Councillor Terry Rhindress

That Council approve Second Reading of the proposed development agreement for two 12-unit apartment buildings on the property located at 8-10 Smith Street.

Recorded

Robert Small	Yes	
George Baker	Yes	
Frank Balcom	Yes	
Robert Bird	Yes	
Lisa Emery		No
David March	Yes	
Terry Rhindress	Yes	
Results	6	1

Motion Carried

Opposed: and Councillor Lisa Emery

Case No: DA-2014-04

This Agreement made this _____ Day of _____ 2014.

Between: **Frank Johnson** (owner of property located at 8-10 Smith Street [PID 25031352], 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 two, 12-unit apartment buildings on the property located at 8 - 10 Mill Street (PID# 25031352).

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 _____th 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 two (2) detached buildings each containing twelve (12) 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 8 – 10 Smith Street - Development Agreement

Terms and Conditions:

1.0 USE OF LAND AND BUILDINGS

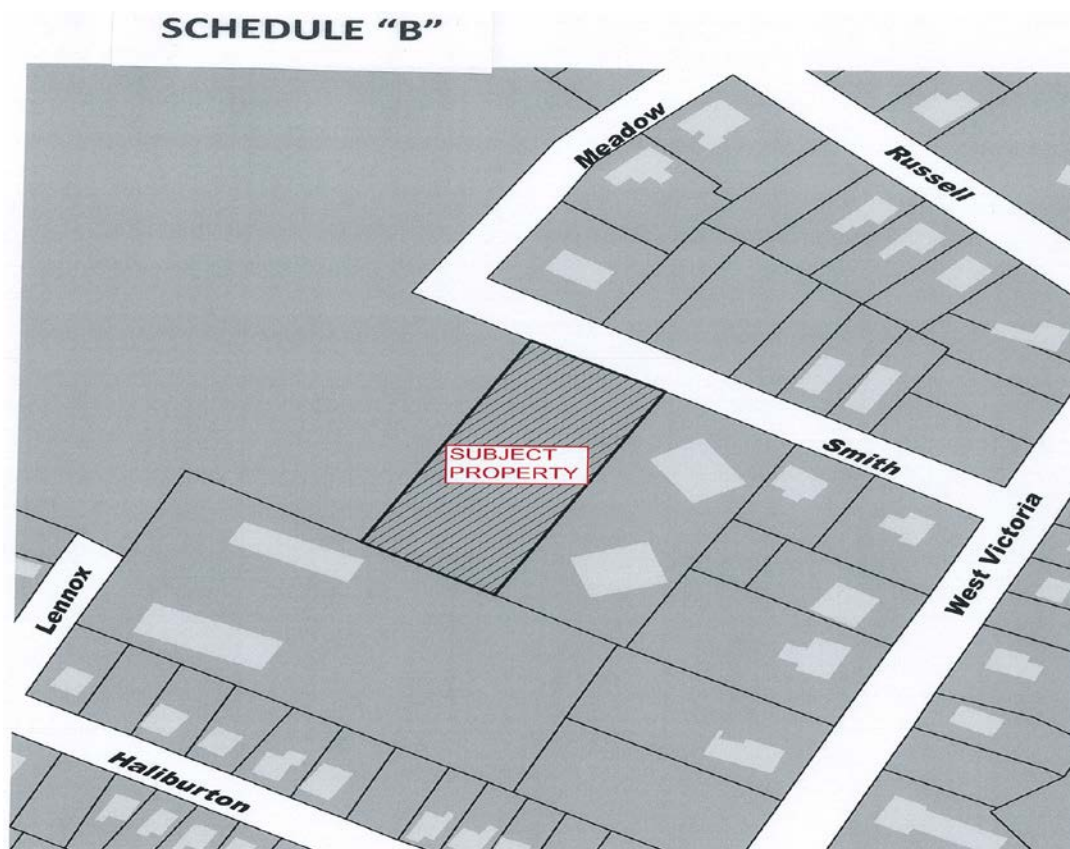
- 1.1 The use of the property shall be limited to residential uses within a maximum of two (2) detached apartment buildings each containing twelve (12) dwelling units in the general location illustrated on Schedule 'C'.
- 1.2 A minimum of 32 parking spaces shall be provided on the Lands and shall be generally configured as shown on Schedule 'C'.
- 1.3 All areas not used for buildings, parking, or driveways shall be landscaped with grass or other such vegetation. A minimum of three (3) trees at least 3 metres in height shall be planted or maintained in yard between Smith Street and the nearest apartment building on the property.
- 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*.

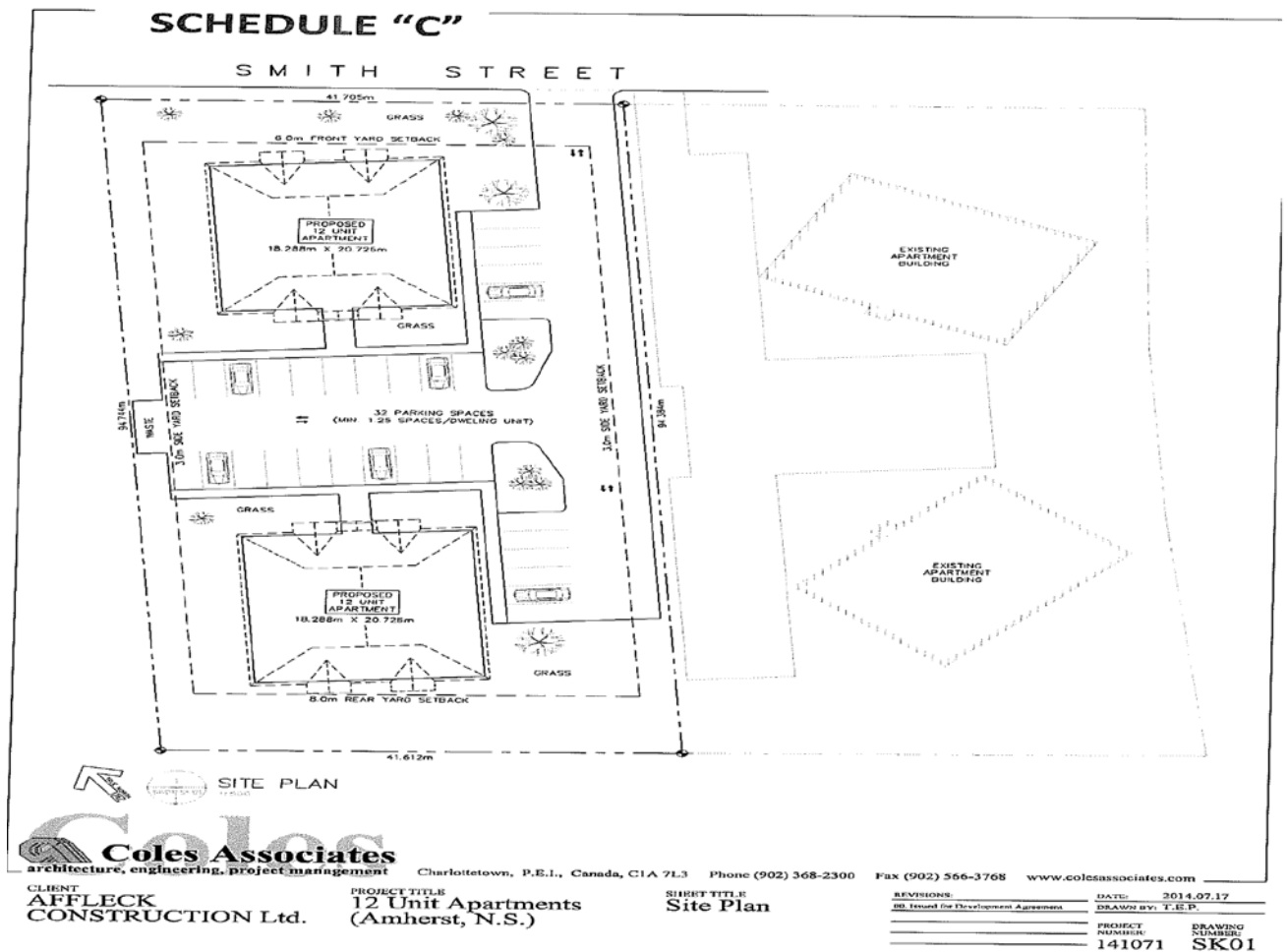
2.0 BUILDING LOCATION AND DESIGN

- 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 buildings 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. In addition, the Owner shall construct an entrance facing Smith Street with the same or similar architectural design as the entrance located at the opposite side of the building closest to Smith Street.
- 2.3 The location of buildings, parking areas, access, and landscaped areas shall be generally located as shown in 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.

Schedule B 8 – 10 Smith Street - Development Agreement



5.8. Amend Land Use Bylaw re Off-Site Signs - Second Reading**Moved By: Councillor David March****Seconded By: Deputy Mayor George Baker****That Council approve Second Reading of a Bylaw to Amend the Land Use Bylaw by removing section 6.7(c) that restricts off-site sign content to businesses or uses located within 5 km of Town limits.**

Recorded		
Robert Small	Yes	
George Baker	Yes	
Frank Balcom	Yes	
Robert Bird	Yes	
Lisa Emery		No
David March	Yes	
Terry Rhindress	Yes	
Results	6	1
		Motion Carried

Opposed: and Councillor Lisa Emery

BYLAW TO AMEND THE LAND USE BYLAW, P-2-20

1. This is a By-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of signage.
2. In the Land Use By-Law, Section 6.7 Off Site Signage is amended as follows:
 - 6.7 Delete in its entirety Section 6.7(c) "The off-site sign shall not display a business or use that is located more than 5km outside the Town boundaries."

5.9. Amend Land Use Bylaw re Downtown Design Guidelines - First Reading**Moved By: Councillor David March****Seconded By: Councillor Terry Rhindress****That Council approve First Reading of a Bylaw to Amend the Land Use Bylaw by removing Section 8.4.3 Building Height, in it's entirety, and by removing institutional uses from Section 8.4.5 Commercial and Institutional Requirements as recommended by the Planning Advisory Committee, and schedule a public hearing on the matter for Monday, February 23, 2015 at 6:30 PM.****Motion Carried****BYLAW TO AMEND THE LAND USE BYLAW, P-2-21**

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of Section 8.0 Commercial Zones.
2. In the Land Use By-Law, *Section 8.4.3 Building Height* is amended as follows:
 - 8.4.3. Delete this entire clause which states: "*In the Core Area District, new developments and additions to existing multiple-story buildings that constitute a 10% or more increase in building foot print shall have a minimum height of 6.1 m (20 feet), two (2) floors that can be occupied.*"
3. In the Land Use By-law, *Section 8.4.5 Commercial and Institutional Requirements* is amended as follows:
 - 8.4.5 Changing the title of 8.4.5 from "Commercial and Institutional Requirements" by removing "*and Institutional*", and changing the first paragraph from "In the Core Area District, all non-residential uses within new developments and additions to existing buildings that constitute a 10% or more increase in building footprint, shall satisfy the following requirements:" to "In the Core Area District, *except Institutional uses*, all non-residential uses within new developments and additions to existing buildings that constitute a 10% or more increase in building footprint, shall satisfy the following requirements"

5.10. Strategic Priorities**Moved By: Councillor Frank Balcom****Seconded By: Councillor David March****That Council adopt the strategic priorities for the Town of Amherst as set out in the report included in the agenda.****Motion Carried**

6. INFORMATION / DISCUSSION ITEMS

7. INTERNAL COMMITTEE REPORTS

7.1. Planning Advisory Committee

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

7.2. Amherst Board of Police Commissioners

Councillor Emery presented the report included in the agenda on behalf of the Amherst Board of Police Commissioners.

7.3. Amherst Youth Town Council

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

7.4. Downtown Business Advisory Committee

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

8. EXTERNAL COMMITTEE REPORTS

8.1. Cumberland Public Libraries

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

8.2. Cumberland YMCA

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

8.3. Cumberland Joint Services Management Authority

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

9. ADJOURNMENT

Moved By: Councillor Terry Rhindress

Seconded By: Councillor David March

To adjourn at 8:05 PM

Motion Carried

Gregory D. Herrett, CA
Town Clerk and CAO

Robert Small
Mayor