

**TOWN OF AMHERST  
Regular Council Meeting  
Minutes**

**Date:** June 26, 2023  
**Time:** 6:00 pm  
**Location:** Council Chambers, Town Hall

**Members Present** Mayor David Kogon  
Deputy Mayor Leon Landry  
Councillor George Baker  
Councillor Charlie Chambers  
Councillor Hal Davidson  
Councillor Lisa Emery  
Councillor Dale Fawthrop

**Staff Present** Jason MacDonald, Chief Administrative Officer  
Dwayne Pike, Chief, Police Services  
Greg Jones, Director, Fire Services  
Aaron Bourgeois, Director, Operations  
Andrew Fisher, Director, Planning & Strategic Initiatives  
Sarah Wilson, Director, Finance  
Sharon Bristol, Director, Community Living  
Kim Jones, Director, Corporate Communications & IT  
Natalie LeBlanc, Municipal Clerk  
Cindy Brown, Administrative Assistant

**Staff Absent** Krista Crossman, Director, HR & Customer Service

**1. CALL TO ORDER**

Mayor Kogon called the meeting to order.

**2. TERRITORIAL ACKNOWLEDGMENT**

Mayor Kogon gave the Territorial Acknowledgement.

**3. APPROVAL OF AGENDA/MINUTES**

**3.1 Approval of the Agenda**

Moved By Councillor Emery  
Seconded By Councillor Fawthrop  
To approve the agenda as circulated.

Motion Carried

**3.2 Approval of Minutes**

Moved By Councillor Fawthrop  
Seconded By Councillor Chambers  
To approve the minutes of the May 23, 2023 regular meeting of Council as included in the agenda package.

Motion Carried

**4. REQUESTS FOR DECISION**

**4.1 Electric Street Development Agreement First Reading**

Moved By Deputy Mayor Landry  
Seconded By Councillor Davidson  
That Council give First Reading of the Development Agreement for Electric Street to permit the construction of a 24-unit apartment building, and schedule a Public Hearing for Wednesday, July 12, 2023 at 5:00 p.m.

Motion Carried

**4.2 106 Church Street Development Agreement First Reading**

Moved By Councillor Chambers  
Seconded By Deputy Mayor Landry  
That Council give First Reading of the development agreement for 106 Church Street to allow a change of use to a clay studio, and schedule a public hearing for Wednesday, July 12, 2023 at 5:00 p.m. in Council Chambers.

Motion Carried

**4.3 Lot 22-2 Prince Arthur Street Development Agreement First Reading  
 Moved By Councillor Davidson  
 Seconded By Councillor Chambers  
 That Council give First Reading of the Development Agreement for Lot 22-2 Prince Arthur Street to permit the construction of a 24-unit apartment building, and schedule a Public Hearing for Wednesday, July 12, 2023 at 5:00 p.m.**

**Motion Carried**

**4.4 Land Use Bylaw / Municipal Planning Strategy Amendment Application First Reading  
 Moved By Deputy Mayor Landry  
 Seconded By Councillor Davidson  
 That Council refuse to give first reading of an amendment to the Municipal Planning Strategy and Land Use Bylaw to allow drive-throughs in the Downtown Commercial Zone Core Area District as it does not conform with the general intent of the Municipal Planning Strategy Policy A-5.**

**Motion Carried**

**4.5 Nature Conservancy Canada Land Transfer  
 Moved By Councillor Fawthrop  
 Seconded By Councillor Emery  
 That Council approve the ownership transfer of approximately 453 acres of land from Nature Conservancy Canada to the town and authorize the Mayor and CAO to sign the necessary documents.**

**Motion Carried**

**4.6 Street Banner Policy  
 Moved By Councillor Emery  
 Seconded By Councillor Fawthrop  
 That Council approve of the new Street Banner Policy.**

**Motion Carried**

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**TITLE: STREET BANNER POLICY  
 SECTION: FACILITIES MANAGEMENT  
 POLICY NO: 02000-04**

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**APPROVAL DATE: \_\_\_\_\_ CAO Signature: \_\_\_\_\_**

**POLICY STATEMENT**

**1. PURPOSE**

The purpose of this policy is to provide guidance as to how and when street banners on Town of Amherst owned or controlled properties shall be requested and installed.

**POLICY STATEMENT:**

All banner themes shall have significance to, and provide benefit to the Town of Amherst and its citizens.

The banners shall not:

- Represent illegal activities
- Promote hate
- Be a political advertisement
- Cause, abet or stimulate civic disorder
- Be commercial in nature
- Be otherwise inappropriate in the opinion of the Town acting reasonably
- Represent or infer that the Town is a sponsor or proponent on the content or representation of the Banner.

**CONDITIONS**

**1 LOCATIONS**

The Town of Amherst has a maximum of 80 poles for banner décor. They include Church Street, Victoria Street, Ratchford Street, and Albion Street.

**2 BANNER DIMENSION AND PRODUCTION MATERIAL**

Banner Size 24" X 36"

Info – Printed double sided on 18pt Stock with welded pockets top and bottom /4 grommets.

**3 INSTALLATION AND REMOVAL OF BANNERS**

The installation and removal of banners is to be done by the Town of Amherst only. The upkeep of fixtures is also the responsibility of the Town of Amherst.

**4 REQUESTS FOR ADDITIONAL BANNERS**

- The placement of banners by individuals or groups is not permitted on an ad hoc basis.
- Requests from individuals or groups to place banners, or have the Town place banners, can be brought forward as a request to alter this policy.
- Such requests should be made at least 90 days prior to the desired time of placement, and include a detailed program on how the banners will be administered, if applicable.
- Where groups wish to have banners placed, an MOU will be negotiated for Council approval to clarify roles and responsibilities of group and the Town.

**5 DISCLAIMERS**

- The Town of Amherst will make every effort to meet the installation/removal deadlines, however circumstances beyond our control could prevent this from happening.
- Banners erected without prior approval will be removed promptly at the owner's expense.
- The Town of Amherst is not responsible for the loss or any damage caused to the banners.
- The Town reserves the right to refuse any application which it deems inappropriate.
- The Town reserves the right to use any banners as infill at their discretion.

**APPENDIX A –Banner Schedule**

December/January	- Seasonal
February	- African Heritage Month
March/April/May	- Live Work Play
Late May – mid June	- Pride
Mid-June	- Indigenous Day
Late June - July	- Canada Day
August/September	- Welcome
October	- Fibre Arts Festival
November	- Veterans (Royal Canadian Legion Branch #10)

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
<b>Director, Community Living</b>	Ensure the guidelines of this policy are clear to community organizations.
<b>CAO</b>	Approve applications in a timely manner
<b>Council</b>	Continue to encourage and support the inclusive and equitable approval of this policy

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
<b>New Policy</b>	Director, Community Living, Bristol	Council	

**4.7 Street Banner Policy MOU with Royal Canadian Legion**

**Moved By Councillor Emery**

**Seconded By Deputy Mayor Landry**

**That Council approve of the Royal Canadian Legion Branch 10 MOU to hang Street Banners as per the Street Banner Policy and further authorize the CAO to sign on the Town's behalf.**

**Motion Carried**

**MEMORANDUM OF UNDERSTANDING (MOU)**

BETWEEN

**Town of Amherst**, a corporation under the laws of the Province of Nova Scotia, carrying out business at 98 Victoria Street East, Amherst, NS, B4H4A1, (the "TOA")

-AND-

**The Royal Canadian Legion Branch #10**, 47 LaPlanche Street Amherst, B4H3G9, (Collectively referred to as the ("Parties"))

**WHEREAS** the Parties have a common interest to Honor and Support Canadian veterans;

**AND WHEREAS** the Parties have a common interest to support fundraising efforts of banner sales for the Royal Canadian Legion Branch #10;

**AND WHEREAS** the Town of Amherst would like to have a efficient operational plan to erect, display, and dismantle said banners;

**AND WHEREAS** the parties are desirous of providing these services in a cooperative manner;

**NOW THEREFORE** the Town of Amherst AND Royal Canadian Legion Branch #10 AGREE AS FOLLOWS:

**GENERAL**

1. The Royal Canadian Legion Branch #10 will sell a maximum of 80 banners on a yearly basis
2. The Town of Amherst public works staff will hang a maximum of 80 banners that are supplied by the Legion
3. The Town of Amherst will provide all equipment necessary to hang the banners
4. Banners will be given to the Town of Amherst no later than October 20 on any given year
5. Banner will not be removed prior to November 15 each year
6. Once dismantled the banners will be returned to the Royal Canadian Legion Branch #10

**TERMINATION**

1. Should either party wish to terminate the agreement they will be required to do so in writing with three months' notice.

Town of Amherst:

\_\_\_\_\_  
Jason MacDonald, MCIP, LPP  
Chief Administrative Officer

Royal Canadian Legion Branch #10:

\_\_\_\_\_  
Lorne Baird  
Royal Canadian Legion Branch #10

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**4.8 Amherst Youth Town Council Appointments**

**Moved By Councillor Fawthrop**

**Seconded By Councillor Davidson**

**That Council reappoint the following Amherst Youth Town Council members:**

**Rowan Blanch, Kennedy Allen, Harmoni Caldwell, Ava Crocker, Leah Brunt,**

**Matthias Mayhew, and Kiahna Brennan.**

**And appoint new members: Abbie Byrnes (Grade 12), Allison Jones (Grade 7),**

**Avery Mathieson (Grade 9) and Kennedy Newman (Grade 9).**

**Motion Carried**

**4.9 Bylaw to Amend the Fires and Burning of Materials Bylaw Second Reading**

**Moved By Councillor Baker**

**Seconded By Councillor Chambers**

**That Council give second reading of the bylaw to amend the Fires and Burning of Materials Bylaw C-7.**

**Motion Carried**

**BY-LAW TO AMEND THE FIRES AND BURNING OF MATERIALS  
BYLAW C-7**

The Town of Amherst Fires and Burning of Materials Bylaw, C-7, approved by Council on July 10, 2020 is hereby amended as follows:

Under the definition of "**Recreational outdoor burning appliance**" remove the words: approved by CSA(Canadian Standards Association) or ULC (Underwriters' Laboratories of Canada) and is

Under Section 3, the second paragraph, change the word manufactures to manufacturers to correct a grammatical error in the bylaw.

**4.10 Bylaw to Amend the Taxi Bylaw Second Reading**

**Councillor Baker declared a conflict of interest and removed himself from the table for the vote on this item.**

**Moved By Councillor Chambers**

**Seconded By Councillor Fawthrop**

**That Council give Second Reading of the bylaw to amend to the Taxi Bylaw C-9.**

**Conflict (1): Councillor Baker**

**Motion Carried**

**BY-LAW TO AMEND THE BYLAW RESPECTING THE REGULATION OF THE TRANSPORTING OF PASSENGERS  
(TAXI BYLAW) C-9**

The Town of Amherst Bylaw Respecting the Regulation of the Transporting of Passengers for Hire (Taxi Bylaw) C-9, approved by Council on November 25, 2013 and amended December 23, 2014 is hereby amended as follows:

Under Section 2 add:

(d) **Local Shuttle Service** means a van, limo or bus used to transport individuals or organizational groups of people collected at a given point and dropped off at pre-determined destinations within the town of Amherst. If a fee is charged to the individual being transported, then the owner and the driver shall require a license under this by-law, otherwise the service will be a courtesy service.

and change subsection (g) "approved by CAO" to "approved by Taxi Authority" and re-letter the remaining subsections accordingly.

Under Section 4 add the following to the end of subsection (a)

This will include an annual written report that includes the following information:

- i. The number of taxi owners/operators;
- ii. The number of drivers employed by each owner/operator;
- iii. The number of vehicles utilized as taxis by each taxi company;
- iv. The number of taxi licenses assigned to each owner/operator;
- v. The number of bylaw infractions per owner/operator;
- vi. The number of infractions under the Motor Vehicle Act per owner/operator;
- vii. The number of Motor Vehicle Act infractions per driver;
- viii. The number of vehicle inspections carried out annually;
- ix. The number of vehicles in use that are in excess of 3 years old;

and add the following words to subsection (d) "at minimum twice a year, as per a bylaw checklist" so that it now reads "Carry out periodic inspections at minimum twice a year, as per a bylaw checklist and without notice, of vehicles licenced under this by-law;"

Under Section 9 add the following words to the end of subsection (a) "conspicuously displayed in the vehicle and be readily visible to any passengers who may be in the vehicle."

Under Section 11 add "and maintain" so the paragraph reads "In addition to the requirements of Section 9 of this by-law, each applicant, in order to receive and maintain an owner's license, must establish that the vehicle meets the following requirements:"

and in subsection vi. add the word "may" so this section reads "In addition to the roof sign requirements the Taxi may also be identified with a sign affixed to the driver's door and the passenger's door, and such sign:

Under Section 14 add "(b) Wait at any location in the Town, whether in a public place or a private place, in the control of a motor vehicle for the purpose of transporting for hire or soliciting within the Town the transportation of passengers for hire;"

and re-letter subsection (b) to become (c).

Add a new Section 15 to read:

"Any person in control of a vehicle

- a. Which displays taxi roof signage which is not covered by opaque material
- b. Which is not transporting a passenger for hire; and
- c. Which is on any highway, street, road, lane, alley, taxi stand or at any other public place within the town, or who is found waiting with any such motor vehicle at any location within the town

Shall be deemed to be soliciting the transportation of passengers for hire within the town and deemed to be operating the vehicle as a taxi or a limousine for the purposes of this by-law."

And renumber the remaining sections of the bylaw accordingly.

Under the now Section 20 add the following words to the end of the introductory paragraph ", in the opinion of the Taxi Authority, the license holder may be a danger to passengers or others if they possess a license."

And remove subsections (a) through (i) from this section.

Under the now Section 21 remove the words "(g) of this" and add Section 20 so it now reads "In making a determination under Section 20, the Taxi Authority shall consider any credible and relevant information as to whether the applicant:"

And further add the following subsections to the beginning of Section 21:

- a. Contravenes this by-law;
- 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 by-law 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.
- f. Fails to meet the requirements of this by-law or, being an owner, their vehicle fails to meet the requirements of this bylaw;
- g. Has committed any act or acts that, in the opinion of the Taxi Authority, it is in the public interest that the person not hold either an owner's license or driver's license;

- h. Refuses to respond or cooperate with an investigation conducted by the Taxi Authority;  
and re-letter the remaining sub sections of this section.

Under the now Section 24 add the words "or in a hearing pursuant to this bylaw" so this paragraph reads "If an applicant or holder of a license makes a false statement in a statutory declaration made pursuant to this bylaw, or in a hearing pursuant to this by-law, the Taxi Authority may:"

Under the now Section 32 remove subsections (b) and (c) and re-letter (d) and (e) to become (b) and (c).

**4.11 Community Support Grants**

**Moved By Deputy Mayor Landry**

**Seconded By Councillor Chambers**

**That Council approve of funding in the amount of \$59,753.14 under the Community Support Grants Policy and Social Equity fund as follows:**

- Bridge Adult Service Centre \$3753.14 from the Social Equity Fund**
- Dollywood Foundation \$2310.00 from the Social Equity Fund**
- Amherst Little League \$3000.00 from Community Support Grants**
- Lillian Albon Animal Shelter Capital Campaign \$50,000 x three years from Community Support Grants.**

**Motion Carried**

**4.12 Inclusion, Diversity and Equity Committee Strategic Plan**

**Moved By Councillor Davidson**

**Seconded By Councillor Chambers**

**That Council approve the Town of Amherst Inclusion Diversity and Equity Strategic Plan.**

**Motion Carried**

**4.13 Intermunicipal Poverty Reduction Advisory Committee Strategic Plan**

**Moved By Deputy Mayor Landry**

**Seconded By Councillor Emery**

**That Council approve the Intermunicipal Poverty Reduction Advisory Committee Strategic Plan.**

**Motion Carried**

**4.14 Carly Jackson Day**

**Moved By Councillor Davidson**

**Seconded By Councillor Fawthrop**

**That Council approve of funding up to the amount of \$10,500.00 from the Social Equity Fund to host Carly Jackson Day.**

**Motion Carried**

**4.15 Street Breaking Policy Amendments**

**Moved By Councillor Baker**

**Seconded By Councillor Emery**

**That Council approve amendments to Schedule A of the Street Breaking Policy 31600-08.**

**Motion Carried**

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**TITLE: STREET BREAKING POLICY**  
**SECTION: ENGINEERING & PUBLIC WORKS**  
**POLICY NO: 31600-08**

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**APPROVAL DATE:** \_\_\_\_\_ **CAO Signature:** \_\_\_\_\_

**POLICY STATEMENT**

Any person or contractor who wishes to break the surface of any Town street must first obtain from the Town Engineer a street breaking permit as per attached "Schedule A" and pay a \$500 fee for each street cut required

**PURPOSE**

Issuance of permits will regulate those who wish to work on Town streets while revenue from street breaking permits will help the Town maintain the cut in the street, sidewalk or boulevard.

**DEFINITION**

Street - means the public right of way including a public street, road, sidewalk or boulevard, curbs, gutters or retaining walls.

**ROLES AND RESPONSIBILITIES**

Title/Role	Responsibilities
Director of Operations	Ensure the policy is reviewed on a regular basis and updated as required.

For Administrative Use Only:

**VERSION LOG**

Amendment Description	Policy Owner	Approved By	Approval Date
Amendments to Schedule A of the Policy to add a space to include an email address for the applicant and revisions to the formatting to make the form more user friendly.	Director of Operations, Bourgeois	Council	

**MINUTES REFERENCE DATE** January 31, 2007

\*see Schedule "A" Street Breaking Permit attached.

**4.16 Dr. & Mrs. H.E. Christie Foundation Donation Amherst Little League**  
**Moved By Councillor Chambers**  
**Seconded By Deputy Mayor Landry**  
 That Council approve the request to receive the donation of \$12,500 from the Dr. & Mrs. H.E. Christie Community Foundation to fund two corresponding grants to the Amherst Little League in the amount of \$7,500 for a new baseball league for youth aged 13-15 and \$5,000 for a new baseball training facility to be constructed at the corner of Beacon and Croft Streets.  
**Motion Carried**

**4.17 Dr. & Mrs. H.E. Christie Foundation Donation Royal Canadian Legion Branch 10 and the Cumberland County Military Museum**  
**Moved By Councillor Emery**  
**Seconded By Councillor Fawthrop**  
 That Council approve the request to receive a donation of \$13,133 from the Dr. & Mrs. H.E. Christie Community Foundation to fund a corresponding grant of \$8,500 to the Royal Canadian Legion, Branch 10, Amherst and a grant of \$4,633 to the Cumberland County Military Museum.  
**Motion Carried**

**4.18 Lift Station Pumps**  
**Moved By Councillor Fawthrop**  
**Seconded By Councillor Emery**  
 That Council approve an amendment to the 2023/24 Town of Amherst General Capital Budget for the addition of the Terrace Street lift station pump repairs in the amount of \$41,000 to be funded from the Sewer Reserve.  
**Motion Carried**

**5. INTERNAL COMMITTEE REPORTS**

- 5.1 Planning Advisory Committee**  
Information item only; no direction given or action required.
- 5.2 Amherst Board of Police Commissioners**  
Information item only; no direction given or action required.
- 5.3 Audit Committee - No Report**
- 5.4 Amherst Youth Town Council**  
Information item only; no direction given or action required.

- 5.5 Accessibility Advisory Committee**  
**Moved By Councillor Fawthrop**  
**Seconded By Deputy Mayor Landry**  
**That staff contact Justin McKay to arrange for a presentation on PTSD to Council in the fall.**

**Motion Carried**

- 5.6 Inclusion Diversity and Equity Committee**  
 Information item only; no direction given or action required.

- 5.7 Poverty Reduction Advisory Committee - No Report**

**6. EXTERNAL COMMITTEE REPORTS**

- 6.1 Cumberland Public Libraries**  
 Information item only; no direction given or action required.

- 6.2 Cumberland YMCA**  
 Information item only; no direction given or action required.

- 6.3 Northern Region Solid Waste Management**  
**Moved By Councillor Davidson**  
**Seconded By Councillor Baker**  
**That staff contact GFL to arrange for a presentation on their core values, and short and long term plans, and that the presentation take place at the next Joint Councils meeting if one is scheduled by the early fall.**

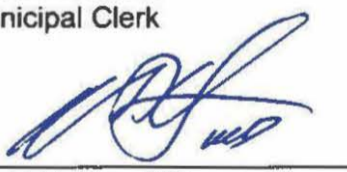
**Motion Carried**

- 6.4 L. A. Animal Shelter**  
 Information item; no direction given or action required.

- 7. ADJOURNMENT**  
**Moved By Deputy Mayor Landry**  
**Seconded By Councillor Chambers**  
**To adjourn the meeting.**

**Motion Carried**

  
 Natalie LeBlanc  
 Municipal Clerk

  
 David Kogon, MD  
 Mayor