

**TOWN OF AMHERST
Regular Council Meeting
Minutes**

Date: May 27, 2019
Time: 7:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Councillor Jason Blanch
Councillor Vince Byrne
Councillor Darrell Jones
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Members Absent Deputy Mayor Sheila Christie

Staff Present Jason MacDonald, Deputy CAO Operations
Bill Schurman, Director Recreation
Greg Jones, Fire Chief
Dwayne Pike, Police Chief
Tom McCoag, Corporate Communications Officer
Andrew Fisher, Manager of Planning & Strategic Initiatives
Shelley Rector, Chief Financial Officer
Rebecca Taylor, Business Development Officer
Kimberlee Jones, Municipal Clerk
Natalie LeBlanc, Deputy Clerk
Greg Herrett, CAO

Staff Absent:

1. TERRITORIAL ACKNOWLEDGEMENT

Mayor Kogon gave the Territorial Acknowledgement.

2. CALL TO ORDER

Mayor Kogon called the meeting to order at 7:00 p.m.

3. O CANADA

Grace Doncaster did the singing of O Canada.

4. APPROVAL OF AGENDA/MINUTES

4.1 Approval of the Agenda

Moved By Councillor Byrne

Seconded By Councillor Blanch

To approve the agenda as amended to include 7.9 NSFM Spring Workshop Verbal Update.

Motion Carried

4.2 Approval of Minutes

4.2.1 April 29, 2019 Regular Council

Mayor Kogon noted one typo under O Canada in that "singing" is incorrectly spelled as "signing".

Moved By Councillor Rhindress

Seconded By Councillor Byrne

That the minutes of the April 29, 2019 regular meeting of Council be approved as corrected.

Motion Carried

4.2.2 May 15, 2019 Special Council

Moved By Councillor Jones

Seconded By Councillor MacKenzie

That the minutes of the May 15, 2019 special meeting of Council be approved as circulated.

Motion Carried

4.2.3 May 21, 2019 Special Council

Moved By Councillor Blanch

Seconded By Councillor Byrne

That the minutes of the May 21, 2019 special meeting of Council be approved as circulated.

Motion Carried

5. REQUESTS FOR DECISION

5.1 Appointment of Building Official

Moved By Councillor Rhindress

Seconded By Councillor MacKenzie

That Marc Buske be appointed as Building Official for the Town of Amherst.

Motion Carried

5.2 Smoke Free Recreational Places Bylaw Amendment 1st Reading

Moved By Councillor Blanch

Seconded By Councillor Jones

That Council give first reading to the Bylaw to Amend the Smoke-Free Recreational Places Bylaw C-12 to include the use of cannabis and vaping.

Motion Carried

**BY-LAW TO AMEND THE
SMOKE-FREE RECREATIONAL PLACES BYLAW C-12**

The Town of Amherst Smoke-Free Recreational Places By-law C-12, approved by Council on May 28, 2012, is hereby amended as follows:

Delete Section 3.a) ii) in it's entirety:

~~"smoke" means to smoke, hold or otherwise have control over lighted tobacco.~~

And replace it with the following:

'Smoke' means to smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

Add Section 3.a) iii) as follows:

- c. 'Cannabis' means a cannabis plant as defined by the Cannabis Act (Canada) and includes any products containing cannabis in any form.

Add Section 4.a) iii) as follows:

- c. the grounds of an event on Town property or property maintained by the Town, that is open to the public, including, but not limited to a festival, market or concert whether admittance to the event is gratis or for a fee'.

5.3 Land Use Bylaw Amendment - Off-site Signage

Moved By Councillor MacKenzie

Seconded By Councillor Blanch

That Council not amend the Land Use Bylaw to allow off-site signage in the Core Area District of the Downtown Zone.

Motion Carried

5.4 PACE Bylaw Amendments 1st Reading

Moved By Councillor Byrne

Seconded By Councillor MacKenzie

That Council give first reading of an amendment to the Town of Amherst

By-law B-8 Property Assessed Clean Energy (PACE) Program; and

That Council authorize the CAO to enter into a service agreement with the

Clean Nova Scotia Foundation to administer the program on behalf of the

Town in the amount of \$13,300.

Against (1): Councillor Blanch

Motion Carried

**BY-LAW TO AMEND THE
PROPERTY ASSESSED CLEAN ENERGY
(PACE) BYLAW B-8**

The Town of Amherst PACE By-Law, B-8 approved by Council on October 22, 2018 is hereby amended as follows:

- Replace *Director of Finance* with *Chief Financial Officer* throughout.
- Replace *Energy Efficiency Upgrades* with *Clean Energy Upgrades* throughout.
- Replace references to the *Assessment Act* to the *Municipal Government Act* throughout.
- Change section 3 (c) to better define what a Clean Energy Upgrade includes.

3 (c) i Add “the generation of renewable energy or...”

3 (c) ii Delete “Meets or exceeds applicable energy efficiency standards established or approved by the Municipality and”

Add “involves building envelope upgrades such as caulking and weather stripping, duct/air sealing, insulating, or energy efficient windows and doors, building heating, ventilation and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed to in writing by the town, and,”

3(c) iii Add “is identified as an eligible upgrade in the PACE program Clean Energy upgrade standards policy, and meets or exceeds applicable energy efficiency standards as defined in the policy

Delete “involves central duct or ductless heat pumps or solar panels meeting specifications or having ENERGY STAR certification, air sealing, insulation, ENERGY STAR windows and doors, or such other energy efficiency upgrades as are approved and agreed in writing by the Municipality”

3 (f) Add words “Nova Scotia”

- Change section 3(h) to allow owner-occupied multi-unit residences with 2 units.
- Change section 5 to better define participant approval.

Delete “Municipal approval and execution of a PACE Customer Agreement with the owner of the qualifying property.”

Add “the approval and agreement in writing of the CAO, or designate, on behalf of the Town, and the execution of a PACE Customer Agreement by the owner of the qualifying property. The conditions that must be met for approval include that a) the owner of the qualifying property is not in default of any municipal taxes, rates or charges; b) the Clean Energy upgrade achieves an overall savings to debt ratio of the property owner equal to or greater than the ratio specified in

the PACE Customer Agreement, as estimated by a qualified energy assessment generated through the PACE program; and, c) any additional conditions specified in the PACE Customer Agreement are met.”

- Add section 7 to define what is included in a *PACE charge*.

Added “The PACE charge may consist of

- a) the cost of Clean Energy Upgrade, including all labor costs, permitting fees, and applicable taxes;
- b) applicable PACE program service fees; and,
- c) interest accrued on the charge including any additional interest arising due to any default of payment

- Add section 9

“The owner of a qualified property may elect to pay the PACE charge by equal installments over a period of not more than 10 years, on which interest shall be payable as set out in the PACE Customer Agreement, pursuant to the PACE Program Policy.”

- Add Section 10 that establishes the 10-year financing term, and provides for additional default charges.

“In the event of a default of any payment, under the PACE Customer Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.”

- Add section 12 to establish the annual payment and reaffirms default payment terms.

“Where the owner of a qualifying property opts for installment payments

- a) the portion of the PACE charge payable annually shall be equal to the total PACE charge outstanding divided by the number of years remaining; and, the amount outstanding on the PACE charge shall become due and payable in the event of default payment.”

- Section 16 add the words “and administrative charges have” and remove word “has”

- Add section 17 that removes the interest rate from the Bylaw and references the PACE Program Policy for the rate. This change allows future interest rate changes without the need to amend the Bylaw.

- Removes the redundant *INSTALLMENT PAYMENTS* section as these provisions are captured in new sections 9 and 10 of the *PAYMENT OF CHARGE* section.

5.5 'A' Fresh Start Recommendations

Moved By Councillor Byrne

Seconded By Councillor Blanch

That Council approve Autism Nova Scotia Cumberland Chapter, the Cumberland African Nova Scotia Association, Eat Plants Run Wild, the Lillian Allbon Animal Shelter and the Multicultural Association of Cumberland as the top 5 applications as presenters at the next presentation event to be scheduled for June 13, 2019 beginning at 6:30 p.m. at the Community Credit Union Business Innovation Center.

Motion Carried

5.6 Cumberland Region Tourism Strategy

Moved By Councillor Jones

Seconded By Councillor MacKenzie

That Council adopt the Cumberland Region Tourism Development Strategy as presented.

Motion Carried

6. INTERNAL COMMITTEE REPORTS

6.1 Planning Advisory Committee

Information item; no direction given or action required.

6.2 Amherst Board of Police Commissioners

No report.

6.3 Amherst Youth Town Council

Information item; no direction given or action required.

7. EXTERNAL COMMITTEE REPORTS

7.3 Cumberland Joint Services Management Authority

Information item; no direction given or action required.

7.6 Senior Safety

Information item; no direction given or action required.

8. ADJOURNMENT

Moved By Councillor Jones

Seconded By Councillor Rhindress

To adjourn the meeting at 7:33 p.m.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon
Mayor