

November 10, 2005

The regular meeting of the Town Council of the Town of Yarmouth was held in the Council Chambers of the Town Hall on Thursday, November 10, 2005.

CALL TO ORDER

The Mayor called the meeting to order at 8:53 p.m.

RECORD OF ATTENDANCE

Mayor Charles Crosby
Deputy mayor Martin Pink
Councillor Byron Boudreau
Councillor Esther Dares
Councillor Murray Judge
Councillor Wally Strickland
Councillor Clifford Hood
Greg Barro, Town Solicitor
Jeff Gushue, C.A.O.
Kim Delaney, Recording Secretary

APPROVAL OF THE AGENDA

MOVED BY Councillor Boudreau, SECONDED BY Councillor Dares to approve the agenda as circulated.

MOTION CARRIED

APPROVAL OF MINUTES

MOVED BY Councillor Strickland, SECONDED BY Councillor Dares that the minutes of the October 13, 2005 regular Council meeting be approved.

MOTION CARRIED

SITE PLAN APPROVAL APPEAL - ATLANTIC TRACTORS

Mayor Crosby advised that the appeal had been withdrawn by the appellant.

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Hood to confirm the decision of the Development Officer to approve the site plan for Atlantic Tractors

MOTION CARRIED

BUSINESS ARISING

TENDERS - LAPTOP COMPUTERS

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Dares to accept the tender price of \$15,406.84 + H.S.T. from Microage Yarmouth as per staff's recommendation.

MOTION CARRIED

DELEGATIONS

TOURIST ASSOCIATION RE ADDITIONAL FUNDING

Councillor Dares left the table due to a potential conflict of interest.

Karen MacKay, representing the Yarmouth County Tourist Association, circulated a sample of their "lure package" containing brochures that are sent out each time they receive a request for information on the area. She stated that the brochures are not professionally done and are fairly expensive to mail, therefore, they wish to replace the package with one brochure. As the money to produce the brochures has not been included in their budget, they were requesting assistance from Council in the amount of \$10,000.00.

Councillor Dares returned to the table.

MULTICULTURALISM ASSOCIATION RE TV SHOW

Dr. Prem Dhir of the Multiculturalism Association of Nova Scotia spoke to Council regarding their programs and training initiatives.

CORRESPONDENCE FOR ACTION

APPLICATION TO ALTER MUNICIPAL PROPERTY DESIGNATION - EBENEZER CORNING JR. HOUSE, 405 PLEASANT STREET

Councillor Dares advised that the owners of the property at 405 Pleasant Street have applied to alter the designation of their registered heritage property. Presently, the dwelling and 20 ± acres of their land is registered as a municipal heritage property and the owners have applied to alter their heritage designation to include the dwelling and only approximately 11,184 square feet of their land.

MOVED BY Councillor Dares, SECONDED BY Deputy Mayor Pink to approve the application to amend the description of the municipal heritage designation for 405 Pleasant Street.

MOTION CARRIED

SERVICE NOVA SCOTIA RE SUSTAINABLE PLANNING WORKSHOP

The C.A.O. advised that the Town had received information on a Sustainable Planning Workshop for municipal officials to be held at White Point Beach Resort on November 28th at a cost of \$25.00 per person.

Councillor Dares expressed an interest in attending.

MOVED BY Councillor Judge, SECONDED BY Councillor Strickland to support an expenditure of \$25.00 per person for any member of Council who wishes to attend the workshop.

MOTION CARRIED

MUNICIPALITY OF THE COUNTY OF INVERNESS REQUEST FOR SUPPORT RE BUILDING CODE ACT AMENDMENTS

Correspondence was received from Duart MacAulay, Warden for the County of Inverness, requesting Town Council to support proposed amendments to the Building Code Act.

MOVED BY Mayor Crosby, SECONDED BY Deputy Mayor Pink to request the Town's Building Inspector to review the proposed amendments and submit a report to the CAO.

MOTION CARRIED

CANADIAN UNION OF POSTAL WORKS REQUEST FOR SUPPORT

A letter was received from Deborah Bourque, President of the Canadian Union of Postal Workers, requesting Council to submit a letter of support to the union, opposing the closing of post offices and plants.

MOVED BY Councillor Hood, SECONDED BY Councillor Boudreau to send a letter to John McCallum, the Minister Responsible for Canada Post, opposing the closure of post offices.

MOTION CARRIED

INKY MARK, M.P., REQUEST FOR SUPPORT RE HERITAGE HUNTING AND FISHING PROTECTION ACT

A letter was received from Inky Mark, M.P., requesting support of the Heritage Hunting and Fishing Protection Act.

MOVED BY Councillor Boudreau, SECONDED BY Councillor Strickland to send a letter of support for the Private Member's Bill entitled the *Heritage Hunting and Fishing Protection Act*.

MOTION CARRIED

CORRESPONDENCE PREVIOUSLY DISTRIBUTED

CANCER CENTRE CALENDAR COMMITTEE NEWS RELEASES

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau to donate one hundred (\$100.00) dollars to the Cancer Centre Calendar Committee.

MOTION CARRIED

SOBEYS RE TRAFFIC SIGNALS AND FLOW ON STARRS ROAD

The C.A.O. stated that correspondence had been received from Sobeys requesting a meeting with town representatives early in November to discuss the possibility of installing

traffic signals into the Yarmouth Mall and that he had forwarded the request to the Traffic Authority for his consideration.

POST-TSUNAMI RECONSTRUCTION PROGRAMS IN ASIA

A request was received from the Federation of Canadian Municipalities for municipal professionals in the areas of solid waste management, sewerage and drainage, road maintenance land use planning, emergency management and economic development who may be interested in volunteering for a technical assistance mission. The C.A.O. advised that he would pass this information on to the Town Engineer to see if there is interest.

REPORTS

FINANCE COMMITTEE

_____ Deputy Mayor Pink brought forward the following recommendations from the finance meeting of Tuesday, November 8, 2005.

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Judge that the Town of Yarmouth provide an extraordinary grant to Th'YARC in the amount of \$10,000 for 2006-2007 and to commit to \$10,000 for 2007-2008 to assist with the roof replacement.

MOTION CARRIED

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Boudreau to authorize \$4,000 which is in reserve for EMO to assist with the air conditioning installation.

MOTION CARRIED

YARMOUTH COUNTY TOURIST ASSOCIATION REQUEST FOR FUNDING

Councillor Dares left the table due to a possible conflict of interest.

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Hood to assist the Yarmouth County Tourist Association in the printing of their lure pieces in the amount of \$10,000.00.

MOTION CARRIED

Councillor Dares returned to the table.

PLANNING ADVISORY COMMITTEE

_____The following recommendations were brought forward from a Planning Advisory Committee meeting on November 7 and the public hearing immediately preceding this Council meeting.

From the Planning Advisory Committee Meeting of November 10, 2005

MOVED BY Councillor Hood, SECONDED BY Deputy Mayor Pink to advertise for a public hearing in order to consider and if deemed advisable amend Part 14.5 of the Town's Land Use By-law to increase the height and size restrictions of accessory buildings in the General Commercial (C-2) zone as outlined in the Planner's report.

MOTION CARRIED

From Public Hearing of November 10, 2005

MOVED BY Councillor Judge, SECONDED BY Councillor Dares to amend the Municipal Planning Strategy by inserting a new policy and concurrently amend the Land Use By-law by inserting a new provision creating a transportation reserve to extend Chestnut Street to Brooklyn Street right-of-way as outlined in the Planner's report.

MOTION DEFEATED

The C.A.O. advised that the Town Planner had received a letter from Greg Newell of the Department of Transportation and Public Works suggesting that the Town and possibly the municipality pursue a joint transportation study with DOT regarding a bypass over Highway 101 and 103.

MOVED BY Councillor Judge, SECONDED BY Councillor Dares to amend Policy 5.16 to alleviate traffic congestion and encourage new development by advising of Council's intent to provide a local road connection between the 101 and 103 highways as outlined in the Planner's report. (Highway 101/103 connection).

MOTION DEFEATED

MOVED BY Councillor Boudreau, SECONDED BY Councillor Dares to direct the Traffic Authority to accept Greg Newell's invitation to discuss the possibility of a joint transportation study.

MOTION CARRIED

MOVED BY Councillor Judge, SECONDED BY Councillor Dares to amend the Municipal Planning Strategy and Land Use By-law to enable the development of private parks and gardens in the Low Density Residential (R-1) zone and public parks in the Downtown Commercial (C-1) zone and the Waterfront Commercial Industrial (W-CI) zone as outlined in the Planner's report.

MOTION CARRIED

Councillor Boudreau left the table due to a conflict of interest.

MOVED BY Councillor Judge, SECONDED BY Councillor Dares to amend the Municipal Planning Strategy, in particular the Generalized Future Land Use Map by redesignating 1,3 & 5 Emin's Lane and Third Street right-of-way from Industrial to Residential and concurrently amend the Land Use By-law, in particular the Zoning Map, Schedule "A", thereby rezoning, with the exception of 35 Water Street, lands bound by Emin's Lane, Main Street, Commercial Street and Water Street from their existing zoning of Open Space (O-1), Medium Density Residential Mainstreet (R-2M), Institutional (I-1) and Low Density Residential (R-1) to Institutional (I-1) as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor Judge to amend the Land Use By-law, in particular the Zoning Map, Schedule "A", thereby rezoning 55 William Street from Low Density Residential (R-1) to Medium Density Residential (R-2) as outlined in the Planner's report.

There was no seconder to the motion.

MOTION DEFEATED

Councillor Boudreau returned to the table.

MOVED BY Councillor Judge, SECONDED BY Deputy Mayor Pink to amend the Building Code By-law by inserting a provision exempting accessory buildings 100 square feet or less from the requirement of obtaining a building permit and other minor housekeeping amendments as outlined in the Planner's report.

MOTION CARRIED

FIRE POLICY ADVISORY COMMITTEE

Deputy Mayor Pink read an e-mail from one of the Flight Paramedics who accompanied Mr. Sweeney during his flight to Halifax following his excavator accident. She commended the Yarmouth Fire Department for their work and gave an update on Mr. Sweeney's condition.

MOVED BY Deputy Mayor Pink, SECONDED BY Councillor Dares that a letter be sent to the Yarmouth Fire Department congratulating them on a job well done as well as a letter to the crane operators who came to assist.

MOTION CARRIED

YARMOUTH WATER UTILITY

MOVED BY Councillor Hood, SECONDED BY Councillor Strickland to accept the Yarmouth Water Utility's operating budget as presented.

MOTION CARRIED

JOINT HERITAGE ADVISORY COMMITTEE

Councillor Dares advised that the Committee had expressed their dissatisfaction that no action has been taken by the South West Shore Development Authority to have inventory site forms placed on the internet.

Councillor Dares reported that concerns had been raised by the Heritage Advisory Committee regarding the dangerous and unsightly condition of the Milton Dam. She added that requests have been put forward in the past, however, no action was taken. She was advised by the C.A.O. that it had been investigated by staff and it was determined that there was a safety issue involved in cleaning up the dam. He suggested that the Town Engineer be instructed to do a call for proposals.

MOVED BY Councillor Dares, SECONDED BY Deputy Mayor Pink to instruct staff to find a solution to remedy the unsightliness at the Milton Dam.

MOTION CARRIED

REPORTS

OTHER

SOUTH WEST SHORE DEVELOPMENT AUTHORITY

Mayor Crosby advised Council that the Municipality of Clare is now a member of the South West Shore Development Authority.

TAXI COMMITTEE

Councillor Hood advised that the taxi rate increase is now in effect and the new price is \$6.50, tax included.

OTHER

The Mayor advised that a Remembrance Day service was scheduled at the Mariners Centre on Friday, November 11 beginning at 11:00 a.m.

APPROVAL OF INVOICES

MOVED BY Councillor Strickland, SECONDED BY Deputy Mayor Pink that the invoices as okayed by the various chairpersons be approved.

MOTION CARRIED

DATE OF NEXT MEETING

It was agreed that the next regular meeting would be held on Thursday, December 8, 2005.

ADJOURN

_____The meeting was adjourned at 10:27 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER