

DRAFT

A special meeting of Council was held in the Council Chambers of the Town Hall on Thursday, September 21st, 2006.

CALL TO ORDER

The Deputy Mayor called the meeting to order at 7:37 p.m. with O'Canada.

RECORD OF ATTENDANCE

Deputy Mayor Martin Pink
Councillor Byron Boudreau
Councillor Esther Dares
Councillor Clifford Hood
Councillor Wally Strickland
Greg Barro, Town Solicitor
Jeff Gushue, C.A.O.
Rose Earle, Executive/Recording Secretary

REGRETS

Mayor Charles Crosby
Councillor Murray Judge

APPROVAL OF AGENDA

MOVED BY Councillor Strickland, SECONDED BY Councillor Boudreau that the agenda be approved with the following additions:

CORRESPONDENCE FOR ACTION

- A. James Colbeck re Signage/land
- B. Town of Digby re: Upper Clements Park/Ferry

MOTION CARRIED

APPROVAL OF MINUTES

MOVED BY Councillor Boudreau, SECONDED BY Councillor Strickland that the minutes of the August 10, 2006 Public Hearing be approved as circulated

MOTION CARRIED

DRAFT

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that the minutes of August 10, 2006 Regular Council be approved as circulated.

MOTION CARRIED

BUSINESS ARISING

TOWN HALL COPPER ROOF REPAIR RE-TENDERED RECOMMENDATIONS

The CAO advised that in accordance with Council's direction, the copper roof repair for the Town Hall was re-tendered with the revised specifications and scope of work. He further advised that two tenders were received with the results as outlined below:

Contracting Firm	Tendered price
PMC Roofing Ltd.	\$45,000.00
Atlantic Roofers Ltd.	\$54,200.00

*Note: The above prices are exclusive of H.S.T.

A third contractor, Flynn Canada, advised they were unable to tender at this time.

The CAO advised it is recommended the tender be awarded to the lowest tender, PMC Roofing Ltd. In the amount of \$45,000.00 + HST.

MOVED BY Councillor Strickland, SECONDED BY Councillor Boudreau that the tender for the Town Hall Cooper Roof Repair be awarded to the lowest tender, PMC Roofing Ltd., in the amount of \$45,000.00 + H.S.T.

MOTION CARRIED

PREVIOUSLY DISTRIBUTED

DALE NICKERSON CONCERNS

Editor's Note: Councillor Boudreau declared a possible conflict of interest and stepped away from council table.

The CAO commented on concerns Mr. Nickerson expressed in his letter to Council and noted the main concern is that Mr. Nickerson cannot take his vending car to events in and around the Town of Yarmouth as some of these properties have restrictions and do not want him competing with events they are hosting. Other areas include Mariners Centre which is regulated by Mariners Centre and Veterans Field and Gateway Park which are regulated by Leisure Services. The CAO advised Mr. Nickerson's concerns in this regard would be best directed to those people.

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The CAO also advised Mr. Nickerson is concerned that some vending locations located on our streets are not being used. The CAO advised some of these locations are purchased and some are not and commented that Mr. Nickerson is also concerned that he is not able to get a particular location. The CAO commented there is nothing in our by-laws that states these locations have to be used a certain amount of days. The CAO also advised there are some restrictions in place for particular vending locations.

MOVED BY Councillor Strickland, SECONDED BY Councillor Dares that staff investigate the issue of vending locations within the Town of Yarmouth and report back to Council in a timely fashion and advise Mr. Nickerson of Council's action.

MOTION CARRIED

Editor's Note: Councillor Boudreau returned to the Council table.

COASTAL COMMUNITIES NETWORK WORKSHOPS

Information was circulated regarding the Coastal Communities Network Workshops.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that anyone interested in attending the Coastal Communities Network Workshops contact the CAO.

MOTION CARRIED

EDUCATION FUNDING CONFIRMATION 2006

Information was circulated regarding the Education Funding Confirmation for 2006.

MOVED BY Councillor Hood, SECONDED BY Councillor Strickland the correspondence regarding the Education Funding Confirmation for 2006 be placed on file.

MOTION CARRIED

MUNICIPALITY OF QUEENS RE DIGBY FERRY

The Chair referred to correspondence from the Municipality of Queens to the Prime Minister regarding the Digby Ferry.

MOVED BY Councillor Hood, SECONDED BY Councillor Dares that the correspondence from the Municipality of Queens to the Prime Minister regarding the Digby Ferry be placed on file.

MOTION CARRIED

WIRELESS SUMMIT

D R A F T

Councillor Hood commented on the Wireless Summit. He noted that everyone in the community could tap into the network and that there were many possibilities. He suggested this could provide Yarmouth with a tool for economic development, connectivity, etc. and costs might be recovered in the long run. He suggested this would be something worth pursuing and expressed an interest in attending the Summit.

The CAO advised he forwarded information on this Summit to the Regional Development Authority in hopes to stimulate economic development.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that Councillor Hood be authorized to attend the Wireless Summit.

MOTION CARRIED

FCM RE FUNDING OPPORTUNITY

The CAO advised this information has been passed along to the Town Engineer for perusal.

LOCAL GOVERNMENT SEMINAR SERIES

The Chair commented on the Local Government Seminar Series.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that authorization be given to anyone interested in the Local Government Seminar Series.

MOTION CARRIED

TRI COUNTY WOMEN CENTRE RE OLD MILTON SCHOOL

Councillor Boudreau inquired about the possession of the old Milton School. The CAO advised that Town Council is not authorized to do anything with this building until the School Board passes a motion that it is surplus to the educational needs of the Tri County Board and reverts to the Town.

REPORTS

STANDING COMMITTEES

FINANCE COMMITTEE

The Chair brought forward the following recommendations from the Finance Committee:

DRAFT

MOVED BY Councillor Dares, ~~SECONDED BY~~ Councillor Boudreau that the Town's portion of money accumulated through the building fund for Mariners Centre be used to finish the landscaping, etc. and that correspondence be sent to the Municipality of the District of Yarmouth inviting them to join in with the Town with their portion of funds to complete the project.

MOTION CARRIED

MOVED BY Councillor Dares, ~~SECONDED BY~~ Councillor Strickland that Council approve the Town's portion of financial assistance toward the cost of a consultant to develop a Business Plan for the Airport Commission, in accordance with a cost share formula.

MOTION CARRIED

Editor's Note: Councillor Dares declared a possible conflict of interest regarding the following item and removed herself from the Council table.

MOVED BY Councillor Hood, ~~SECONDED BY~~ Councillor Strickland that the South West Shore Development Authority be advised that the Town did not budget in the current year for the funding request for \$1,500 from the South West Shore Development Authority to advertise in the Doers and Dreamers Guide.

MOTION CARRIED

Editor's Note: Councillor Dares returned to the Council table.

Editor's Note: Councillor Boudreau declared a possible conflict of interest and removed himself from the Council table.

MOVED BY Councillor Dares, ~~SECONDED BY~~ Councillor Strickland that the issue of vending machine fees be referred to budget for next year with a recommendation from staff on how to proceed.

MOTION CARRIED

Editor's Note: Councillor Boudreau returned to the Council table.

DRAFT

MOVED BY Councillor Boudreau, SECONDED BY Councillor Strickland that a letter be sent to the Industrial Commission prior to their October meeting, stating the Town is requesting that the Yarmouth Area Industrial Commission exercise their legislated authority under Section 78A of the Municipal Government Act and re-open the leases with all tenants of the former Dom Tex complex to ensure an amount equal to the full business occupancy tax assessment of 2005 is recovered from the tenants, and that such recovery be remitted to the Town of Yarmouth in lieu of taxes which would otherwise be collected of the properties that were privately held.

MOTION CARRIED

MOVED BY Councillor Hood, SECONDED BY Councillor Strickland that the draft Water Utility Capital policy, as presented by the CAO ensuring the balance of depreciated funds is sufficient to maintain a balance of \$350,000, be approved.

MOTION CARRIED

MOVED BY Councillor Hood, SECONDED BY Councillor Strickland that Council approve \$150 to advertise in The Vanguard for four weeks in October in support of Library Card Month.

MOTION CARRIED

PUBLIC WORKS COMMITTEE

Councillor Hood questioned sidewalk construction and re-construction within the Town. Deputy Mayor Pink suggested the sidewalk policy needs to be re-evaluated and he would like to see more discussion regarding construction and re-construction of sidewalks within the Town. He suggested putting this item on the agenda for the next Public Works Committee or next Council meeting as the Chair of the Public Works Committee was not at this meeting.

Councillor Dares commented the Town has accomplished a great deal in the last couple of years regarding sidewalks and was happy there has been a more professional approach to sidewalk replacement. She commented the Public Works Department had their list of priorities and knew where the sidewalks needed to be constructed or replaced.

FIRE POLICY ADVISORY COMMITTEE

Deputy Mayor Pink advised he attended the last Fire Policy Committee meeting and the Fire Chief brought everyone up to date on what he was asked to do regarding the dispatching services. He advised that new equipment had been put in place and a better arrangement had been made regarding the dispatch department. He further commented on the Fire Department Banquet at the end of the month.

YARMOUTH WATER UTILITY RE-BUDGET DRAFT

Councillor Hood commented on the operating budget for 2006-07 year. He advised the Utility was very close to being on budget and commended Mr. Dave Ernst, Town Engineer for the management of staff and being on budget. He requested the CAO to pass along his thanks to the Engineer.

MOVED BY Councillor Hood, SECONDED BY Councillor Strickland that Council adopt the projected Water Utility budget for the coming year.

MOTION CARRIED

Councillor Hood commented they were looking at a number of initiatives and that they are learning through experiences on just how the Utility operates. He will be bringing forward some guidance and governance models as well as recommendations on how to constitute a Protection Committee and suggested maybe they should consider structuring citizen appointments to the Water Utility. He advised there were a couple of issues ongoing involving the hydrants however an agreement had been worked out with the customer in that if they contact Utility Review Board the Town would take no further action. He advised there is a process laid out for any customer who is aggrieved and the Town has invited that customer to apply through that process and they have. He advised he would report on the findings of the URB.

Councillor Strickland inquired if the present pipes are sufficient to meet the needs of the community.

Councillor Hood inquired about the number of fire hydrants within the Municipality of the District of Yarmouth as well as within the Town. He referred to recommendations from the Fire Chief.

Councillor Hood responded regarding the water pipes and advised this will be a requirement from the Utility Review board that we maintain an operational handbook which will be detailed and reviewed. This handbook will require the Utility to report and log by age the infrastructure of what we have by size, etc. as well as to advise what action is required with respect to a whole variety of issues. One specific issue is source water protection, of which the Town has none at this point as the paperwork is still in the hands of the government. He suggested any questions in this regard be addressed to the Minister of Environment.

JOINT HERITAGE ADVISORY COMMITTEE

Councillor Dares advised the Joint Heritage Advisory Committee meets next week. She advised the Committee will be making a recommendation to rename Marginal Park and she requested permission to speak to the Milton Improvement Society regarding this issue.

DRAFT

MOVED BY Councillor Boudreau, SECONDED BY Councillor Strickland that Councillor Dares be given authorization to speak to the Milton Improvement Society, on behalf of the Heritage Advisory Committee, regarding renaming Marginal Park.

MOTION CARRIED

JOINT LEISURE SERVICES COMMITTEE

Councillor Dares advised the Joint Leisure Services Committee met the first of the month. She commented on the fall newsletter and the Athletic Awards Banquet upcoming in November. She suggested anyone wishing nomination forms to pick them up from the Leisure Services Department.

Councillor Dares commented on problems with dogs at their facilities, i.e., lake milo in the swimming area and the Hebron Complex. She advised the Leisure Services Department will be posting signs at their facilities to the effect that dogs are not allowed when people are present.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that staff be directed to look at the issue of dogs within the Town and bring findings and recommendations to Council regarding these kinds of situations where dogs are interfering with the safety and well-being of citizens.

MOTION CARRIED

OCCUPATIONAL HEALTH AND SAFETY COMMITTEE

Councillor Hood advised the Committee had met and the minutes had been circulated to the Committee members.

WATERFRONT DEVELOPMENT CORPORATION

Councillor Hood commented on the recent presentation and unveiling of the Hartin Trail along the waterfront. He advised the ceremony was very moving for those who worked closely with Mr. Hartlin.

Councillor Hood advised the Corporation had met and had received submissions for proposals for a new memorial. He advised they have selected a process for the concept design and the successful person submitting the proposal will receive an honorarium of \$1,000.

Councillor Hood advised the architect is working on another plan to link up the missing section of the trail from the Museum to the Industrial Heritage Park and that some work is going forward towards Bunkers Island as well.

DRAFT

Councillor Hood also commented on the great job being done by the present Coordinator, Jim Corning.

Councillor Hood advised the mural on the Coal Shed doors has been completed. He commented on the history of the mural which depicts the saga of seaman, Aaron Flint Churchill, who went over the side of the ship numerous times to fix the rudder when the ship was on its way to Liverpool from Quebec City. He commented that Brian Porter was the successful bidder and that it was a very nice mural.

JOINT EMERGENCY MEASURES ORGANIZATION

Councillor Strickland advised the next meeting is scheduled for Tuesday, October 3, 2006.

MARINERS CENTRE MANAGEMENT BOARD

The CAO advised the Mariners Centre Management Board is scheduled to meet next week and that he had circulated audited statements for information.

SOUTH WEST SHORE DEVELOPMENT AUTHORITY

Councillor Boudreau advised the Authority does not meet during the summer and the first meeting for the fall is scheduled for Monday, October 2nd, 2006 at 5:00 p.m.

PORT OF YARMOUTH

Councillor Dares commented on the sailing race that was held early in September. She also commented on the condition of the docks and inquired as to whose responsibility it is to maintain them.

The CAO advised the Port of Yarmouth is responsible for the maintenance of the docks and that there is a plan in place to replace them next year.

Councillor Boudreau inquired if the Port of Yarmouth was responsible for taking over the docks at the Rudders' Wharf as well.

Councillor Hood commented on the finances of the Port of Yarmouth. He advised that in the beginning there was a requirement that a specific amount of money be spent each year and at the end of a ten year divestiture period they hoped that it would have earned enough interest in the bank to keep the program going. He also commented the School Board office will provide a very significant amount of money as well. He did express his concern though that he had not seen any financial statements.

HEALTH HUMAN RESOURCES COMMITTEE

D R A F T

Councillor Hood advised he sits on both the Health Human Resources Committee as well as the Yarmouth Hospital Charitable Foundation. He advised the first meeting regarding the medical clinic was held about two weeks ago and that steps were taken for the redevelopment of the old liquor store property into a health clinic. He advised Dr. Leahey was a valuable resource for this clinic and they were investigating what they really need to run the program. He further advised that Gillian Rowley had been appointed as a citizen appointee.

Councillor Hood advised the target date for opening the clinic is October of next year and that physician recruitment is going very well.

YARMOUTH HOSPITAL CHARITABLE FOUNDATION

Councillor Hood advised the tasks with the Yarmouth Hospital Charitable Foundation were moving along well.

WASTE CHECK

Councillor Hood advised he had been appointed to the Committee to work with the CAOs to work with Scotia Recycling. He advised they expect to have a contract with them to process the recycling materials at a site near Town and that this process is ongoing.

Councillor Hood advised the Transfer Station is about 75% complete and should be completed by the end of October. He also advised they would be going to a clear garbage bag in the spring.

TAXI COMMITTEE

Councillor Hood advised the Taxi Committee met and recommended the following amendments to the Taxi-By-law:

“...that Schedule 3, paragraph a) of the Taxi By-law be re-worded for clarification to read: “between the hours of 6:00 a.m. and 12:00 midnight local time, six dollars and fifty cents (\$6.50) including H.S.T. Between 12:00 midnight and 6:00 a.m., the fare shall be \$6.50 including H.S.T.”

“...that the contracting out of transportation of students by the Tri-Co District School Board be reviewed by the Town Solicitor for clarification and further action.”

Editor's Note:

The CAO advised that he had a conversation with the CEO of the School Board and that to his knowledge the contracting out of transportation of students by the Tri County District School Board does not currently take place. He advised he would investigate the situation and advise the CAO of his findings.

“...that the wording in Schedule 3, paragraph c) of the Taxi By-law be re-

worded to read as follows: “for the delivery of articles, groceries and packages, the sum of one dollar (\$1.00) be added to the flat rate as set out in a) above.

D R A F T

“...that Schedule 3, paragraph e) of the Taxi By-law be deleted.”

MOVED BY Councillor Hood, SECONDED BY Councillor Dares that First Reading for amendments to the Taxi By-law be approved as recommended.

MOTION CARRIED

YARMOUTH DEVELOPMENT CORPORATION

Councillor Boudreau advised he had circulated financial statements for the Yarmouth Development Corporation which show about \$21,000 left over. He advised these monies would be put on the deficit and that over the next three or four years the deficit should be eliminated.

Councillor Boudreau also referred to President’s Report. He advised they had completed about 307 surveys and that the main attraction Down Town is the shopping, banks and the issue of less loitering. He advised the next meeting is scheduled for October 10, 2006.

Councillor Dares inquired if they identified any solution for loitering Down Town. Councillor Boudreau advised they have not decided what to do as yet. The CAO advised he had spoken with Staff Sgt. Frank Landry regarding the loitering issue and S/Sgt. Landry has offered to have a Police Committee meeting to discuss what Council would be prepared to do and provide support for this problem.

Deputy Mayor Pink suggested the Town implement a dog bylaw which may eliminate some of the loitering in the Down Town.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that staff be instructed to study the issue of dogs and loitering in the Down Town core and bring a recommendation concerning eliminating dogs from the Central Business District.

MOTION CARRIED

Councillor Strickland commented the loitering problem is very important as well.

The CAO advised a Community Liaison Officer is now present in the Down Town RCMP office which will provide more of an RCMP presence and that he is willing to come before Council to discuss the situation.

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TIDAL VIEW MANOR

Councillor Strickland advised the Tidal View Manor Committee will be meeting

the first week of October.

COMMUNITIES IN BLOOM D R A F T

Councillor Dares advised there will be two public workshops held in Council Chambers regarding dividing perennials, preparing garden beds for winter and pruning trees and shrubs. She advised the Committee spends a lot of time discussing the issue of litter and suggested that garbage cans be placed throughout the Town next to the benches. She advised the Communities In Bloom Committee will be applying for funding through RRFB for three strain waste receptacles waste and have budgeted for more. She requested authorization to enable the Committee to send correspondence to organizations within the Town to encourage them to apply to the RRFB for waste receptacles.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that Council authorize the Communities In Bloom Committee to send correspondence to organizations throughout the Town asking them to apply for three strain receptacles to be placed throughout the Town.

MOTION CARRIED

Councillor Dares commented the Communities In Bloom Committee has supported the development of the “harvest feast” display in front of the Town Hall. She noted that staff played a key role in putting on the display and congratulated them for their efforts.

Councillor Hood commented on the planters hanging along Main Street and suggested that someone be put in charge of the planters for next year. He suggested obtaining professional help in order to purchase what was required to have nice baskets, etc.

Deputy Mayor Pink congratulated the Communities In Bloom Committee and commented the Committee really made people think about pride in their community this year.

Deputy Mayor Pink suggested that in order to follow up on the planters they needed to find the right person to be in charge of them or that maybe the Community In Blooms Committee might be interested in taking on that program.

Councillor Dares advised they would need to know what the cost would be to show a presence along Main Street and perhaps Starrs Road and Water Streets. Councillor Strickland suggested putting enough funding in for the Community In Blooms Committee budget to do a good job with the planters.

Deputy Mayor Pink requested an update from staff regarding the lights in Frost Park and who pays for them as well as who installs them.

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The CAO advised they were looking at the feasibility of putting lights in some of the larger trees.

YARMOUTH AIRPORT COMMISSION

D R A F T

Councillor Hood advised the Yarmouth Airport Commission has been quite active in the last month. He advised there is now a Committee of the Commission dealing with the consultant and reporting on information being discussed. He further advised there should be a completed report not later than the end of October. He commented the Commission seems to be working better at each meeting and have merged into a unified Commission which is very encouraging.

YMCA

Councillor Hood advised the YMCA is planning for the redevelopment for life cycle refits and is working its way through the system. He commented the YMCA has a lot of resources from member organizations and that there are templates and “in house” expertise on how to run it.

ART GALLERY BOARD

Deputy Mayor Pink advised the Board of Governors is meeting this coming week.

OLD BUSINESS

BRYAN SMITH RE YAR. CO. AGRICULTURE AND DEAD LIVESTOCK AT COMPOST FACILITY

The CAO referred to previously distributed correspondence regarding dead livestock at the Compost Facility and that Council had directed the Mayor to send correspondence to the Municipality of the District of Yarmouth regarding same. He advised the Municipality has identified the issue of dead livestock at the Compost Facility is not their responsibility but they have notified the Federation of Agriculture that they are requesting information from the Department of Environment.

NEW BUSINESS

AMENDMENT TO SEWER CONNECT BY-LAW (NO. 9)

_____ The CAO reviewed purpose of the proposed amendment to the Sewer Connect By-law No. 9.

MOVED BY Councillor Strickland, SECONDED BY Councillor Boudreau that First Reading of the Amendment to the Sewer Connect By-law No. 9, be approved.

MOTION CARRIED

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RESOLUTION TO PERMIT DEMOLITION ON FUTURE JUSTICE CENTRE PROPERTY

The CAO advised that the Province wishes to begin demolition and remediation on the future site of the Justice Centre. Council may grant permission but a resolution to this effect would be needed. He advised that the permission and conditions would be included in the Agreement of Purchase and Sale with the Province for this property.

MOVED BY Councillor Strickland, SECONDED BY Councillor Dares that the CAO be authorized to proceed with the completion of a Purchase and Sale Agreement with the Province, including provisions to allow commencement of demolition and remediation prior to completion of the land transfer.

MOTION CARRIED

JAMES COLBECK RE SIGNAGE/LAND

Correspondence from James Colbeck, on behalf of Th/YARC, regarding off-site signage and the possibility of the Grand Street Extension being annexed/gifted to the Arts Centre, was considered.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau that Council approve the off-site signage request from James Colbeck regarding Th/YARC provided the signage is in conformance with the Provincial standard for cultural attractions and the same dimension as those signs within the Town of Yarmouth.

MOTION CARRIED

Councillor Hood commented the property in question housed an old blacksmith shop which may be considered an historical building and should be referred to the Heritage Committee. He also commented the property may be a right of way.

MOVED BY Councillor Dares, SECONDED BY Councillor Boudreau the issue of gifting of land on the Grand Street extension to Th/YARC be placed on file.

MOTION CARRIED

TOWN OF DIGBY RE UPPER CLEMENTS PARK/SAVE THE FERRY

Correspondence from Mike Bartlett, Councillor, Town of Digby, requesting financial support in the amount of \$500 towards their “Park After Dark: Save the Ferry” Awareness concert, was considered.

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MOVED BY Councillor Hood, SECONDED BY Councillor Boudreau the correspondence received from the Town of Digby regarding the “Park After Dark: Save the Ferry” Awareness

concert, be placed on file.

D R A F T MOTION CARRIED

APPROVAL OF INVOICES

MOVED BY Councillor Strickland, SECONDED BY Councillor Dares the invoices as okayed by the various chairpersons, be approved.

MOTION CARRIED

DATE OF NEXT MEETING

IT WAS AGREED the next regular meeting be scheduled for Thursday, October 12, 2006.

Councillor Boudreau wished everyone a “Happy Thanksgiving!”

ADJOURN

The meeting was adjourned at 9:29 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER