



Truro Town Council Meeting
Monday, May 5th, 2014
Council Chambers – Civic Building

7

A regular public meeting of Truro Town Council was held on Monday, May 5th 2014 at 1:00 pm in the Council Chambers of the Truro Civic Building.

Present: Mayor W. R. (Bill) Mills, Deputy Mayor D. Joseph, Councillors R. Tynes, B. Kinsman, and T. Chisholm

Regrets: Councillors G. MacArthur and C. Fritz and Director of Finance A. Currie

In Attendance: Director of Planning J. Fox, Director of Parks, Recreation & Culture D. MacKenzie, Police Chief D. MacNeil, Fire Chief B. Currie, Director of Public Works A. MacKinnon, Deputy Town Solicitor C. Thompson and CAO J. Langille

The Mayor reviewed a letter received from Prime Minister Stephen Harper regarding the National Day of Honour on May 9th. The Mayor asked for a moment of silence in recognition of the fallen, wounded and serving members during Canada's military mission in Afghanistan.

APPROVAL OF AGENDA

On motion of Councillors T. Chisholm and R. Tynes, the agenda was approved as circulated. Motion carried.

Councillor R. Tynes declared a conflict for agenda items "Cobequid Christmas Tree Producers Association" and "Dutch Mason Blues Festival". Councillor R. Tynes removed himself from the Council Chambers during these discussions.

APPROVAL OF MINUTES

On motion of Councillors B. Kinsman and T. Chisholm, the minutes of the Public Council Meeting held April 7th, 2014 were approved as circulated. Motion carried.

MOTIONS AND NOTICES OF MOTIONS

a) Public Hearing Date – 30 Duke Street

The CAO reviewed a letter received from Mr. Jon Creelman, advising that they would like to proceed with a Public Hearing as soon as possible, but that Mr. Calder Creelman is unable to attend a hearing until after June 5th.

The CAO noted that the Director of Planning is unavailable for the Public Council meeting in July.

The Mayor stated that he and other members of Council would be away at the FCM Conference in early June and it was agreed that the Council meeting for June would be held on June 9th instead of the 2nd. Mr. Creelman will be contacted to determine if he is available on June 9th for a Public Hearing. If not, it will be on the July agenda and the Planning Officer will fill in for the Director of Planning.

PETITIONS AND DELEGATIONS

a) Presentation – Maggie's Place

Linda Legere, Executive Director of Maggie's Place and Jon Keddy, Maggie's Place Board member made a presentation to Council. They noted that the organization is a charity with funding coming from the Federal and Provincial governments, as well as grants and fundraising. They advised that last year they moved locations and the new location required extensive renovations, originally estimated at \$100,000 plus tax. The final amount for renovations was \$138,600, and they were requesting \$35,000 from the Town and would be approaching the County of Colchester for the same amount, as one time support.

The Mayor thanked them for their presentation and noted that Maggie's Place does play a significant role in our community. He stated that the Town has begun its new year and new budget and perhaps this request could be moved to next year's budget.

On motion of Councillors R. Tynes and T. Chisholm, it was agreed that the Finance Department would determine if \$35,000 was available in this year's budget in support of Maggie's Place, and if not, then it would be considered in next year's budget. Motion carried.

OLD BUSINESS

a) Report – No Smoking Bylaw Update

The CAO advised that at last month's Council meeting, Council reviewed a letter received from a business owner on Inglis Street expressing concern over the enforcement of the No Smoking Bylaw along the areas accessing Inglis Street. He noted that legal was asked to investigate this issue.

The Deputy Town Solicitor advised that the existing Bylaw covers any public portion of Inglis Place, and specifically states any lane or alleys connected to Inglis Place, and therefore the ban can be enforced in those areas.

The Mayor asked that the signage currently on Inglis Place indicating no smoking be checked to ensure that it clearly states which areas are covered.

Councillor R. Tynes requested that the Director of Planning instruct the Bylaw Officer to be more vigilant about this Bylaw.

Councillor T. Chisholm noted that the Downtown Revitalization Committee would like to see the No Smoking Bylaw expanded to cover the Prince Street area as well. He also asked if the ban on Inglis Place included the parking lots behind the businesses.

The Mayor stated that the Downtown Revitalization Committee could make a motion for Council to consider expanding the No Smoking Bylaw.

The Deputy Solicitor advised that parking areas were not currently included in the Bylaw because some of those areas are privately owned.

b) Request from Cobequid Christmas Tree Producers Association

The CAO reviewed a letter received from the Cobequid Christmas Tree Producers Association, requesting \$1,000 from the Town for promotion and advertising purposes.

Councillor T. Chisholm noted that it was a great campaign but the Town has many requests coming in and this may be more of a County matter.

It was agreed that the request would be forwarded to the County of Colchester for consideration.

IN-CAMERA SUMMARY REPORT

The CAO advised Council that there were four legal issues discussed by Council at the last In-Camera meeting and requested Council meet after this meeting to discuss 3 contractual issues and 2 personnel issues.

COMMITTEE REPORTS

Finance Report

The Finance report for the month of April was presented to Council.

On motion of Councillors B. Kinsman and R. Tynes, it was moved that the Finance report for the month of April, 2014 be approved as presented. Motion carried.

Fire Report

The Fire Report for the month of April was presented to Council.

On motion of Deputy Mayor D. Joseph and Councillor B. Kinsman, it was moved that the Fire Report for the month of April, 2014 be approved as presented. Motion carried.

Planning and Development Report

The Planning and Development report for the month of April was presented to Council.

On motion of Councillors T. Chisholm and B. Kinsman, it was moved that the Planning and Development report for the month of April, 2014 be approved as presented. Motion carried.

Bylaw Enforcement Report

The Bylaw Enforcement Report for the month of April was presented to Council.

Councillor B. Kinsman noted from the report that there were many unsightly premises warnings and/or orders issued repeatedly to the same properties and asked if the Town had any further recourse.

The Director of Planning advised that the Town issues a seven day warning to a property, and if it is not cleaned up, a seven day order is issued. In the case of reoccurring issues at the same property, the Town will skip the warning period and issue an order instead. After that, the Town will clean up the property and bill the property owner.

Councillor R. Tynes asked if the Town Bylaw allowed for the enforcement of a fine on a property.

The CAO advised that the Town is restricted in what it can do, as there are certain procedures and notice periods that must be complied with by the Town of Truro.

The Deputy Mayor stated that under the Minimum Standards Bylaw and under the Municipal Government Act, it is possible to issue summary offence tickets for unsightly premises, but the property owner has the ability to dispute those and take it to trial, which can take several months or up to a year.

It was agreed that the Director of Planning would review the data and provide a report to Council at the next meeting on which properties were reoccurring issues.

The Mayor noted that there were still residents around Town who had items out for Spring cleanup which occurred last month. He asked if it would be possible to have the trucks do another run for these items.

The CAO advised that it was possible, but it would be an additional cost.

It was agreed that staff would look into the matter and perhaps the Bylaw Officer would notify those residents that the date has passed.

On motion of Councillors T. Chisholm and B. Kinsman, it was moved that the Bylaw Enforcement Report for the month of April, 2014 be accepted as presented. Motion carried.

Police Report

The Police Report for the month of April was presented to Council.

On motion of Councillors R. Tynes and B. Kinsman, it was moved that the Police Report for the month of April, 2014 be accepted as presented. Motion carried.

Public Works Report

The Public Works report for the month of April was presented to Council.

On motion of Councillors T. Chisholm and R. Tynes, it was moved that the Public Works Report for the month of April, 2014 be accepted as presented. Motion carried.

Parks, Recreation and Culture Report

The Parks, Recreation and Culture Report for the month of April was presented to Council.

On motion of Councillors T. Chisholm and B. Kinsman, it was moved that the Parks, Recreation and Culture Report for the month of April, 2014 be accepted as presented. Motion carried.

Safety Coordinators Report

The Safety Coordinators Report for the month of April was presented to Council.

On motion of Councillors T. Chisholm and B. Kinsman, it was moved that the Safety Coordinators Report for the month of April, 2014 be accepted as presented. Motion carried.

QUESTIONS BY MEMBERS

Deputy Mayor D. Joseph thanked the Recreation Director for his staffs' professional handling of the road blocks and other issues during the recent Blessing of the Bikes event held in Victoria Park.

Councillor T. Chisholm thanked Ken Henderson for his involvement in the recent Heritage Fair.

Councillor B. Kinsman asked when the paving at the intersection of McClure's Mills Road and Willow Street would be completed.

The Director of Public Works advised that paving is scheduled for Thursday morning.

Councillor R. Tynes noted that the Racism Rally was coming up soon and encouraged residents to come out and support the event.

Councillor R. Tynes advised that on Sunday, May 25th, the Nova Scotia Provincial Exhibition would be having a grand reopening for the refurbished grandstands and all are welcome to attend.

NEW BUSINESS

a) Pre-Approval Resolution – Fire Truck Debenture

The CAO advised that Council had previously approved an intent to borrow from Municipal Affairs to finance the portion of the cost of the new Fire Service ladder truck, for \$500,000. The resolution for pre-approval will recognize that Council will honour any principle and interest repayments required with respect to the \$500,000 and recognize that the interest rate will not exceed 5.5% on that debenture issue.

On motion of Councillors R. Tynes and T. Chisholm, it was agreed that the Mayor and CAO would be given permission to sign the Resolution for Pre-Approval of Debenture Issue for the Fire Aerial Ladder Truck on behalf of the Town. Motion carried.

b) 16 Park Street – Request for Extension of Development Agreement

The CAO reviewed a letter received from Wallace Living requesting a one year extension of the Development Agreement previously issued for 16 Park Street.

R. Chisholm, co-owner of Wallace Living, indicated in his letter that as they were new owners of the company, they were strangers to the operation to the company and experienced a steep learning curve, and the company was dealing with other issues that took priority.

Councillor R. Tynes advised that when this project was first started there were concerns regarding the effect this may have on flooding in the area, but flooding has reduced and it was determined at the time that this development would not interfere with flooding. He stated that he believed the one year extension should be granted.

Councillor T. Chisholm noted that he did not believe construction should be allowed on the floodplain just because flooding was not as bad this year. He stated that his recollection of discussions with the Cougar Dome representatives, which included R. Chisholm, was that if the Town permitted the construction of the Cougar Dome, then Wallace Living would not pursue this development. Councillor T. Chisholm advised that if the developers wished to resubmit with a smaller development, Council could consider that at another time.

Councillor R. Tynes asked if the development agreement was cancelled today, if it would prevent the company from submitting a new application for that area.

The Director of Planning advised that the Town did consider instituting a prohibition on new development within the floodplain and it was determined that the Town would not be able to implement a ban at that time. He recommended the Council wait for the results of the flood study before making changes to the floodplain regulations. The Director of Planning was recommending that Council not approve the request for an extension, as the agreement had already been extended by two years. He noted that the Planning Department had also made significant changes to their public participation process since the development agreement was originally approved. The Director of Planning advised that waiting until the flood studies were complete would be most beneficial to all parties involved.

Councillor R. Tynes asked if waiting for the flood study results would mean not allowing any new development on the floodplain.

The CAO advised that any applications made prior to the flood study results being ready would still be reviewed by the Planning Advisory Committee and Council, and any rules and regulations in place at that time would be followed.

Councillor R. Tynes asked when the flood studies would be complete.

The Director of Public Works advised that he was expecting the flood risk study report by CBCL to be ready in November or December.

It was moved by Councillor R. Tynes and Deputy Mayor D. Joseph that a one year extension be granted to Wallace Living for 16 Park Street. The motion was defeated with 1 vote in favour cast by Councillor R. Tynes and 4 votes against the motion.

c) Cougar Dome – Request to Guarantee Loan

The CAO reviewed a letter received from the Cobequid Society for Athletic Excellence, requesting Council to guarantee a loan with RBC on the Society's behalf in the amount of \$850,000. He noted that the Society does not own the land that the Cougar Dome sits on; the Town does, and therefore the bank was requiring that the Town guarantee the loan in order to approve it.

The CAO advised that the Deputy Town Solicitor had prepared a draft motion for Council's consideration and reviewed the motion with Council.

On motion of Councillors R. Tynes and B. Kinsman, the Town of Truro agrees to enter into a guarantee of a loan of \$850,000 to the Cobequid Society for Athletic Excellence, subject to the following: the Society must agree to repay its existing loan of \$250,000 to the Town from the \$850,000 loan; the Society must agree that the funds it receives from the current \$250,000 in outstanding pledges will be applied to the loan; the Society must agree that all of its surplus funds, after paying operating costs, will be applied to the loan; the Minister of Service Nova Scotia and Municipal Relations must approve the guarantee as required by the Municipal Government Act; the terms of the loan agreement and the terms of the guarantee must be acceptable to the Town and its legal

counsel; and the Society must agree that if its defaults on the loan, the Town will have the right to assume ownership and operation of the Cougar Dome. The Society must agree to enter into any legal agreements that are required to allow this to happen before the Town signs the guarantee. Motion carried with 4 votes in favour and 1 nay vote cast by Councillor T. Chisholm.

MUNICIPAL GRANT REQUESTS

a) Dutch Mason Blues Festival

The CAO reviewed a request received from the Dutch Mason Blues Festival organizers, requesting \$20,000 from the Town of Truro for this year’s festival and to make this an annual grant.

The Mayor noted that the Town has requested financial records from the Festival in the past and has not received them. It was agreed that the financial records for the past three years would be requested before Council decides on the granting of any money to the Festival.

ACCOUNTS

It was moved by Councillors B. Kinsman and T. Chisholm, that Council approve for payment the accounts as presented be approved for the month of April, 2014. Motion carried.

ADJOURNMENT

On motion of Councillors B. Kinsman and R. Tynes, it was moved that the meeting be adjourned at approximately 2:55 p.m. Motion carried.

W.R. (Bill) Mills
Mayor

J.K. Langille
CAO