



A regular public meeting of Truro Town Council was held on Monday, September 8th, 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, C. Fritz, T. Chisholm and G. MacArthur

Regrets: Councillor B. Kinsman and Police Chief D. MacNeil

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

APPROVAL OF AGENDA

The CAO requested that "Police Contract" be added to the agenda under New Business.

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

APPROVAL OF MINUTES

On motion of Councillors T. Chisholm and C. Fritz, the minutes of the Public Council Meetings held July 7th, 2014 and July 30th, 2014 were approved as circulated. Motion carried.

PETITIONS AND DELEGATIONS

a) Presentation – Truro Homeless Outreach Society

Philip Quigley, Chairperson of the Truro Homeless Outreach Society made a presentation to Council on their plans for a permanent year round downtown shelter, with a goal to open on April 1st, 2015. He advised that the Society was not asking Council at this time for financial assistance, but would be making a request in the future.

The Mayor advised that if the Society wished to be considered for a grant for next year, to submit their request and financial information by the end of the year.

OLD BUSINESS

a) 2nd Reading – Amendments to Taxi Bylaw

The CAO advised that the July Council meeting, Council gave approval to 1st reading for amendments to the Taxi Bylaw, with 2nd reading to occur at this meeting.

The Solicitor stated that three amendments were being proposed. The first amendment was to improve the language in a section that requires all taxis to have a safety inspection sticker; the language clarifies that it cannot be expired. The second amendment is regarding the type of car that can be used as a taxi, allowing smaller, more fuel efficient cars to be used as taxis. Lastly, the current Bylaw mandates the actual fare that taxi companies are allowed to charge clients, but the suggested amendment would set a maximum fare only, to allow the consumer to benefit from taxi companies that may not choose to charge the maximum.

George MacDonald, the owner of Layton's Taxi addressed Council regarding the proposed amendments. He advised that the taxi companies were not informed of any proposed changes to the Bylaw. He also noted that setting a maximum rate would deregulate that part of the industry.

Councillor G. MacArthur noted that he believed the Town had a taxi committee and asked if the committee was still active.

The CAO advised that the Town does have a taxi committee and there was a representative from the taxi industry on the committee, but that the Committee had not met since the Town decided to coordinate its Taxi Bylaw with the County.

Councillor G. MacArthur stated that he believed amendments to the Taxi Bylaw should also go through the Truro Police Board.

Mr. MacDonald noted that he did send in a letter to the Town, as instructed, to request to become a member of the taxi committee, but had not heard back.

The Mayor noted that he did receive the letter and passed it along to the taxi committee.

The CAO noted that the former owner of Layton's Taxi was a member of the taxi committee and it was then decided to try to coordinate the activities with the County, and there had been no meeting of the taxi committee since Mr. MacDonald was invited to serve on the committee.

The Mayor stated that he believed the taxi committee should meet before Council approved 2nd reading of the amendments to the Taxi Bylaw.

Councillor R. Tynes noted that he had heard concerns about drivers and/or passengers smoking in taxis and asked if there was a provision in the Bylaw regarding smoking in the vehicles.

The Town Solicitor advised that there were two provisions in the Bylaw regarding smoking; one that a driver shall not smoke in the vehicle and secondly that a driver shall not permit smoking in the vehicle by any passenger. He noted that there is a penalty provision that can result in fines if any of the Bylaw is disobeyed.

Councillor C. Fritz suggested that a member of the Truro Police Board also sit on the taxi committee.

It was agreed that a member of the Truro Police Board would sit on the taxi committee as well, and 2nd reading of the amendments to the Taxi Bylaw be delayed until a meeting of the taxi committee is held to review the amendments.

b) Follow up report re: Parking of large commercial vehicles

The CAO advised that Council had raised the concern of large commercial vehicles being parked in residential areas at the last Council meeting and legal was asked to follow up on this matter. He stated that legal had provided a response that according to the Land Use Bylaw, commercial motor vehicles that weigh more than 3,650kgs, such as a one ton truck or larger, or a cub van, are not permitted to be parked or stored in a residential zone. If a person violates the Bylaw by parking a larger commercial vehicle in a residential zone, they are subject to being ticketed with a summary offence ticket, which would carry a minimum fine of approximately \$240. A new ticket could be issued each day that the vehicle is parked in a residential zone in violation of the bylaw.

IN-CAMERA SUMMARY REPORT

The CAO advised Council that there were two legal issues and one personnel issue discussed by Council at the last In-Camera meeting and requested Council meet after this meeting to discuss three legal issues and five personnel issues.

COMMITTEE REPORTS

Finance Report

The Finance report for the months of July and August was presented to Council.

On motion of Deputy Mayor D. Joseph and Councillor G. MacArthur, it was moved that the Finance report for the months of July and August, 2014 be approved as presented. Motion carried.

Fire Report

The Fire Report for the months of July and August was presented to Council.

On motion of Councillor T. Chisholm and G. MacArthur, it was moved that the Fire Report for the months of July and August, 2014 be approved as presented. Motion carried.

Planning and Development Report

The Planning and Development report for the months of July and August was presented to Council.

On motion of Councillors G. MacArthur and T. Chisholm, it was moved that the Planning and Development report for the months of July and August, 2014 be approved as presented. Motion carried.

Bylaw Enforcement Report

The Bylaw Enforcement Report for the months of July and August was presented to Council.

Councillor G. MacArthur stated that he was glad the Town was moving ahead with the vacant property bylaw. He noted that 54 Alice Street was cited for too many apartments and asked if the property had been converted back to a three unit apartment building.

The Director of Planning advised that the most recent update indicated that the building was in the process of being converted back, but that the tenants had vacated the apartment.

Councillor G. MacArthur asked that the Planning Department send someone to the property to ensure that it has been completed.

Councillor C. Fritz asked when the vacant building registry was slated to begin.

The CAO advised that it was with legal for review, and a draft will be presented to Council for review and 1st reading at the next Council meeting.

On motion of Councillors T. Chisholm and G. MacArthur, it was moved that the Bylaw Enforcement Report for the months of July and August, 2014 be accepted as presented. Motion carried.

Police Report

The Police Report for the months of July and August was presented to Council.

On motion of Councillors T. Chisholm and C. Fritz, it was moved that the Police Report for the months of July and August, 2014 be accepted as presented. Motion carried.

Public Works Report

The Public Works report for the months of July and August was presented to Council.

On motion of Councillors C. Fritz and T. Chisholm, it was moved that the Public Works Report for the months of July and August, 2014 be accepted as presented. Motion carried.

Parks, Recreation and Culture Report

The Parks, Recreation and Culture Report for the months of July and August was presented to Council.

On motion of Councillors T. Chisholm and C. Fritz, it was moved that the Parks, Recreation and Culture Report for the months of July and August, 2014 be accepted as presented. Motion carried.

Safety Coordinators Report

The Safety Coordinators Report for the months of July and August was presented to Council.

On motion of Councillor R. Tynes and Deputy Mayor D. Joseph, it was moved that the Safety Coordinators Report for the months of July and August, 2014 be accepted as presented. Motion carried.

QUESTIONS BY MEMBERS

Deputy Mayor D. Joseph asked the Mayor if he had been in touch with CNR regarding the exit/egress on Munroe Court.

The Mayor stated that he has not been recently, but has been watching and noted that they had not listened to the Town's request.

Deputy Mayor D. Joseph wanted to compliment the Public Works crews for all of their hard work this summer on street improvements. He noted that the Prince Street crosswalk bump outs were receiving a fair amount of attention on social media and asked the Director of Public Works to provide the reasoning for the construction of the bump outs so citizens would be aware.

The Director of Public Works advised that the bump outs were installed for several reasons, mainly for pedestrian safety. With the amount of traffic on Prince Street and the on street parking, the Town wanted to make the street as pedestrian friendly as possible. The bump outs are an efficient way to make the crosswalks safer for pedestrians, as they give pedestrians an extra six feet to move out to see vehicles coming, and allow the vehicles to see them before they step onto the pavement, and provides for a shorter distance for them to cross the street.

Councillor G. MacArthur noted that in other university communities, the Council holds a meet and greet for students to attend and meet the Council members and he thought this was a great idea that the Town could do in the future as well.

Councillor G. MacArthur noted that in the newspaper recently, comments made by a Town Council member regarding the RECC concert promotion put on by the County next year concerned him. He noted that while he was on the RECC board, a discussion was never held on concert promotion in the County.

The Mayor stated that he was a member of the board now, and noted that the mandate for the board was to get themselves out of the hole and one of the vehicles to do that, outdoor concerts, was being considered.

Councillor R. Tynes noted he was receiving complaints from residents about certain crosswalk lights not staying on "walk" for long enough to cross the street and asked if anything could be done.

Councillor R. Tynes stated that he recently completed the last part of his course and received a certificate in advanced strategic planning, governance, human resources and management.

The Mayor advised that after doing some research, early archery deer season, which is bow and arrow only, begins today and is province wide. Qualified, licensed bow hunters can legally hunt within Town of Truro limits, but they still would need to abide by the minimum set back distances from any residences, playgrounds, golf courses, etc., as per the provincial hunting regulations.

The Mayor stated that he was not suggesting that everybody go out tonight and start, but just wanted to bring the information forward in light of the recent concerns over the deer population within Town. He advised that he was also bringing it forward to gauge public opinion.

Councillor C. Fritz advised that she and Councillor R. Tynes had a well-attended public meeting last week regarding concerns over odour and air pollution. She noted that representatives from Northeast Nutrition and Rothsay were also in attendance to address residents' concerns. Councillor C. Fritz stated that Rothsay had advised that their condenser was too small to handle the amount of chicken feathers currently being handled by the plant and were in the process of taking the necessary steps to install a new, bigger condenser. The hope was to have the new condenser in by next spring. She noted that the Town would be requesting updates from Rothsay and would relay the progress to residents.

NEW BUSINESS

a) Taxi Appeal – Robert Davis

The CAO advised that a request for an appeal had been received from Mr. Robert Davis, in the denial of his taxi license by the Taxi Authority. The CAO reviewed a letter received from Mr. Davis, in which he advised that he wrote and passed his taxi examination on August 6th, 2014 and then received a letter on August 18th denying his application, as the result of his background. Mr. Davis advised that he had a clean criminal background. In 2010 an accusation was brought forward for something he allegedly did when he was a teenager over 30 years ago. While he was arrested and charged, he was later fully acquitted of the charges.

The Deputy Mayor asked if the charge, although acquitted, was the reason the application was denied.

The Town Solicitor advised that the Taxi Bylaw has two provisions that the Taxi Authority may have used for the denial of a license. The first provision is that an applicant for a license must satisfy the Taxi Authority that within the previous 5 years, he/she does not have any disqualifying convictions, and those are specifically defined at the beginning of the Bylaw. He noted that from what Council had heard today, the applicant, Mr. Davis, does not have any convictions at all, disqualifying or otherwise. The Town Solicitor noted that there is another section of the Bylaw and this may be the section the Taxi Authority was acting on. The Taxi Authority may refuse to grant a license to an applicant who, in the opinion of the Taxi Authority, may be a danger to passengers or others if they are granted a license. In making a determination, the Taxi Authority shall consider any credible and relevant information as to whether the applicant suffers from mental illness or mental instability, abuses drugs or alcohol, has a propensity for violence or other objectionable behaviour that could cause the applicant to be a danger to passengers or others.

Councillor C. Fritz asked if it was possible to table a decision until more information was received.

The Town Solicitor noted that under the format Council uses, whatever information they receive must be heard in the appeal, during a public Council meeting. He stated that the Deputy Police Chief, in absence of the Taxi Authority/Police Chief, may have the information Council is looking for in relation to the original charge, but is most likely reluctant to voice it in a public setting.

The CAO stated that the Taxi Authority believes the charge was sufficient enough that he was not prepared to issue a license in this case. The decision of Council is to determine whether or not to uphold the Taxi Authority's decision in not granting a license.

The Town Solicitor noted that the Taxi Authority may have had additional and relevant information that Council is not aware of that enabled him to make the decision.

The Deputy Police Chief stated that the Taxi Authority did participate in correspondences with the detectives of the police service that investigated the charge, although he was not sure what the Taxi Authority had discovered during those conversations.

On motion of Councillors R. Tynes and T. Chisholm, it was agreed that the Taxi Authority's decision to not grant a taxi license to Mr. Robert Davis would be upheld and a license would not be granted. Motion carried by 4 votes in favour and 2 nay votes cast by Deputy Mayor D. Joseph and Councillor C. Fritz.

b) Temporary Borrowing Resolution – Library

The CAO advised that a motion of Council was being requested for approval of a Temporary Borrowing Resolution regarding the construction of the new library, in the amount of \$5,200,000 to accommodate for the financial requirements of the construction.

On motion of Deputy Mayor D. Joseph and Councillor R. Tynes, the Temporary Borrowing Resolution for the construction of the new library in the amount of \$5,200,000 was approved as presented. Motion carried.

c) Temporary Borrowing Resolution – RECC

The CAO advised that a motion of Council was being requested for approval of a Temporary Borrowing Resolution to finalize the Town's financial commitment to the RECC, in the amount of \$2,535,000.

On motion of Councillors G. MacArthur and R. Tynes, the Temporary Borrowing Resolution to finalize the Town's commitment to the RECC in the amount of \$2,535,000 was approved as presented. Motion carried.

d) CTCL Financial Request

The CAO advised that in June of 2013, Council had received a request from CTCL to provide a financial grant to the organization for the coming year. At the time, Council referred it for budget consideration and unfortunately the request of \$5,000 was not approved. He noted that financial information was requested to ensure that there was a need for this grant from Council. The CAO stated that the financial information was received and it does indicate a need for financial assistance. Council as being asked to reconsider the commitment of \$5,000 to CTCL for the current budget year.

Councillor T. Chisholm asked the Director of Finance if there was any money remaining in the grant fund for this year.

The Director of Finance advised that the grant budget was maxed.

It was agreed that the request from CTCL for \$5,000 would be sent for budget consideration in next year's budget.

e) Request re: 50% Local Food Club

The CAO advised that the Mayor had received an email from the Farmers' Market Association of Nova Scotia requesting his participation in the 50% local food club, committing to meeting Nova Scotia producers halfway for the month of September by sourcing a 50% local diet. This is for information purposes, and if any Council members wished to participate, they were welcome to join as well.

f) Resignation from Parks & Rec Committee

The CAO advised that notice had been received that Sherry Morrison was resigning from the Parks, Recreation and Culture Committee due to other commitments. He noted that it would be necessary for Council to appoint a new member. The CAO stated that the Town advertises annually for anyone interested in serving on a committee with a vacancy due to terms ending, not necessarily resignations.

The Mayor asked that the file of applicants from the last advertisement be checked to determine if anyone may be able to fill the vacant spot, based on ward representation.

g) Request from Colchester Community Workshops re: Lease

The CAO advised that in 2004, Council agreed to take on ownership of the Colchester Community Workshop building on Arthur Street, for \$1 for a 10 year period, which ends in 2014. He stated that a letter had been received from the Executive Director of the Workshop, requesting that Council give consideration to extending the lease agreement as it exists for a further term of 20 years. The Workshop was currently working on a capital campaign to construct a second building to expand their services and ending the lease would cause financial hardship to the Workshop. The CAO noted that he had spoken to legal regarding the request and they did not see any significant legal disadvantage or risk to the Town to extend the lease.

On motion of Councillors R. Tynes and G. MacArthur, it was agreed that legal would draft a new lease for Colchester Community Workshop for the building on Arthur Street for a term of 20 years, for presentation at the next public Council meeting. Motion carried.

h) Request from Dismas Society

The CAO advised that the Dismas Society has made an application to the Planning Department for rezoning at 454 Queen Street, and were requesting that Council waive the fee of approximately \$677.

The Town Solicitor advised that the fees charged by the Planning Department are governed by the Municipal Planning Strategy and states that an applicant is required to make a deposit which will be used to apply to the disbursement cost that the Town incurs in processing the application, in particular, the cost of conducting the public participation program. He noted that presumably the Town can exempt them from the Policy, but that would most likely require 7 days' notice to Council.

The CAO noted that every person or organization or business that makes an application for rezoning is required to pay a deposit.

Councillor R. Tynes noted his concern was that in waiving the fees for this group, that other developers would start requesting a reduction as well.

It was agreed that the fees for rezoning of 454 Queen Street, owned by the Dismas Society, would not be waived, but that the Society would be encouraged to submit a request for a grant in next year’s budget to cover the cost.

i) Police Contract

The CAO advised that the Town had recently completed negotiations for the new contract with Town police officers. This collective agreement is to run from April 1st, 2014 to March 31st, 2018. A motion of Council was requested for approval of the contract.

The Town Solicitor advised that a few changes were made to the contract. One of the changes was related to the WCB provision. Previously, the Town has topped up the employee’s salary who is injured on the job to 100% since WCB does not pay 100%; it pays approximately 65%. He noted that when the 100% top up was applied, the injured person was actually receiving more money than if they were working since WCB benefits are not taxable. The Town Solicitor stated that working with the Town’s Director Finance, they determined that a top up of 85% would be net even with the tax consequences, which the union has agreed to in this contract. The 85% top up will take effect after a person has been off with a WCB injury for six months; the first six months they will be entitled to 100% if they have enough time in their sick leave bank. The Town Solicitor also noted that the other major change was a change in pay. Union members will receive a 2.2% pay increase in 2014. Previously, pay increases in the contract were based on 90% of what was paid to Halifax police officers, but their contract just expired and is expected to take years to complete. He advised that in the meantime, pay increases in the contract for the second and third year will be 3% and the fourth year will be the greater of 3% or 90% of what the Halifax contract will be.

On motion of Councillors R. Tynes and T. Chisholm, the Police Contract for April 1st, 2014 to March 31st, 2018 was approved as presented. Motion carried.

ACCOUNTS

It was moved by Councillors R. Tynes and T. Chisholm, that Council approve for payment the accounts as presented be approved for the months of July and August, 2014. Motion carried.

ADJOURNMENT

On motion of Councillors R. Tynes and G. MacArthur, it was moved that the meeting be adjourned at approximately 4:00 p.m. Motion carried.

W.R. (Bill) Mills
Mayor

J.K. Langille
CAO