

The regular meeting of the Town Council of the Town of Yarmouth was held on Thursday, February 11, 2010.

CALL TO ORDER

The Mayor called the meeting to order at 7:35 p.m. with the singing of O'Canada.

RECORD OF ATTENDANCE

Mayor Phil Mooney
Deputy Mayor Byron Boudreau
Councillor Ken Langille
Councillor Danny MacIsaac
Councillor Neil MacKenzie
Councillor Martin Pink
Jeff Gushue, C.A.O.
Greg Barro, Town Solicitor
Arthur MacDonald, Town Planner
Linda Surette, Executive Assistant

Absent with regrets

Councillor Esther Dares

APPROVAL OF AGENDA

MOVED BY Councillor Pink, SECONDED BY Deputy Mayor Boudreau, that the agenda be approved with the following additions: 12A. ASL Management re Downtown Improvement Tax By-law, 12B. Scotia Garden Seafood re Downtown Improvement Tax By-law, 12C. Rudder's Seafood Restaurant re Downtown Improvement Tax By-law, 12D. Terry Kelly re Extension 10 Lewis Avenue, 12E. Tender re Demolition - 10 Lewis Avenue and 12F. Nickerson Jacquard re 8 Herbert Street (under Planning Advisory Committee)

MOTION CARRIED

APPROVAL OF MINUTES

[Regular Council January 14, 2010](#)

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor MacIsaac, that the minutes of the regular Town Council meeting of January 14, 2010, be approved as circulated.

MOTION CARRIED

Public Hearing January 14, 2010

MOVED BY Councillor MacIsaac, SECONDED BY Deputy Mayor Boudreau, that the minutes of the Public Hearing of January 14, 2010, be approved as circulated.

MOTION CARRIED

Committee of the Whole January 28, 2010

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Pink, that the minutes of the Committee of the Whole meeting of January 28, 2010, be approved as circulated.

MOTION CARRIED

Special Council February 5, 2010

MOVED BY Councillor Pink, SECONDED BY Deputy Mayor Boudreau, that the minutes of the Special Town Council meeting of February 5th, 2010, be approved as circulated.

MOTION CARRIED

BUSINESS ARISING

Downtown Improvement Tax By-law Second Reading

Mayor Mooney asked if there was anyone in the audience wishing to address this matter.

Warner Comeau, Michael Tavares and Tony Papadogiorgakis addressed Council expressing their concerns regarding the proposed Downtown Improvement Tax. It was felt this tax would impose an additional burden at a difficult economic time as well as drive businesses away from downtown.

Councillor MacIsaac suggested tabling this matter to the next meeting.

The C.A.O. recommended that a decision on this matter be deferred to next month's Council meeting or the Committee of the Whole.

MOVED BY Councillor Langille, SECONDED BY Councillor MacIsaac, that the matter of the Downtown Improvement Tax By-law be referred to the next meeting of the Committee of the Whole.

MOTION CARRIED

PRESENTATION/DELEGATION

Supportive Housing Youth Focus Team

SHYFT Power Point.ppt

Bernadette MacDonald, Chair of the Supportive Housing Youth Focus Team, addressed Council explaining the SHYFT program. She advised the program provides a supportive housing option for at-risk youth. The home houses a maximum of seven residents, 14 to 21 years of age, single male and/or female who are students, community volunteers or employed, and has 24 hours per day staffing. The residential program provides structure, with the residents sharing meal preparation and chores. Curfews are also part of the program to support safe lifestyle.

Council expressed appreciation to Bernadette and Committee members and volunteers for their work in this endeavour, and Mayor Mooney thanked Bernadette for her presentation.

REPORTS

Council Advisory Committees

Committee of the Whole

Deputy Mayor Boudreau's report was received.

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Langille, that contact be made with the Municipalities of Yarmouth and Argyle to discuss the plight of the Yarmouth Library and speak with them about a potential relationship in library funding in order that the short term and long term needs of the Yarmouth Library can be addressed.

MOTION CARRIED

It was agreed that the matter of the two-week extension for the demolition of 10 Lewis Avenue with tenders being called now for the demolition to be considered by Council in two weeks' time, be referred to later on in the meeting.

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Langille, that the Committee appointment list as amended be accepted.

MOTION CARRIED

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor MacIsaac, that the following resolution be passed:

WHEREAS the Provincial Government ended essential support for the Nova Scotia to New England ferry without consultation, without proper data, without waiting for the pending Transportation Study and without a mitigation plan and without warning, and

WHEREAS this short-sighted decision was made in total disregard for the hundreds of jobs to be lost across Nova Scotia and the long-term negative impact on our tourism industry, and

WHEREAS this decision shows a fundamental lack of understanding of the tourism industry, international marketing, the economy of Southwestern Nova Scotia and the rest of the province; and

WHEREAS Municipal Governments, M.L.A.'s, tourism operators and business and community leaders across the province are working together to provide the information needed to continue the Nova Scotia ferry service for the 2010 season while a long-term sustainable plan for ferry services is developed;

THEREFORE BE IT RESOLVED that the Town of Yarmouth calls upon Premier Darrell Dexter and his cabinet to immediately commit support for this provincial ferry service for 2010. If the immediate support is not forthcoming, then we call upon Premier Dexter to remove those cabinet ministers who have failed to recognize the validity of their own departmental data and have committed a great error in judgment that will have a lasting negative impact on Southwestern Nova Scotia and our entire province.

MOTION CARRIED

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Langille, that the Town of Yarmouth investigate what other units in the province are doing regarding false alarms and that staff bring forward a draft by-law.

MOTION CARRIED

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Langille, that submissions be sent to the C.R.T.C. expressing the Town of Yarmouth's support for community programming in Yarmouth.

MOTION CARRIED

Citizen Advisory Committees

Planning Advisory Committee

Councillor MacIsaac's report was received.

IT WAS AGREED that the matter of amending the Municipal Planning Strategy, in particular the Generalized Future Land Use Map, by redesignating 8 Herbert Street from General Commercial to Residential and concurrently amend the Land Use By-law, in particular the Zoning Map, Schedule "A," thereby rezoning 8 Herbert Street from General Commercial Mainstreet (C-2M), to High Density Residential (R-3), (Includes Implementation Policy 7.7 Report) as outlined in the Planner's report, be tabled to the end of the meeting.

MOVED BY Councillor MacIsaac, SECONDED BY Deputy Mayor Boudreau, that the Municipal Planning Strategy, in particular the Generalized Future Land Use Map, be amended by redesignating 1, 2 and 6 Herbert Street and 577 Main Street from General Commercial to Residential and concurrently amend the Land Use By-law, in particular the Zoning Map, Schedule "A," thereby rezoning 2 and 6 Herbert Street from General Commercial Mainstreet (C-2M) to Low Density Residential (R-1), 1 Herbert Street from General Commercial Mainstreet (C-2M) to Medium Density Residential (R-2), 577 Main Street from General Commercial Mainstreet (C-2M) to High Density Residential (R-3) and 3 Herbert Street from General Commercial Mainstreet (C-2M) to Institutional (I-1), (Includes Implementation Policy 7.7 Report), as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor MacIsaac, SECONDED BY Councillor Langille, that the Municipal Planning Strategy be amended to incorporate the Town's Integrated Community Sustainability Plan in keeping with the Municipal Funding Agreement as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor Pink, SECONDED BY Councillor Langille, that the issue of community gardens be referred to the Planning Advisory Committee for their consideration and recommendation to Council.

Councillors MacIsaac and MacKenzie voted nay.

MOTION CARRIED

MOVED BY Councillor MacIsaac, SECONDED BY Councillor Langille, that Council proceed to a Public Hearing in order to consider and if deemed advisable amend an existing Development Agreement in order to develop a "Group Home" (home for the youth) at 6 Trinity Place as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor MacIsaac, SECONDED BY Deputy Mayor Boudreau, that Council proceed to a Public Hearing in order to consider and if deemed advisable amend the Land Use By-law, in particular the Zoning Map, Schedule "A," in order to rezone 4 Cann Street from Medium Density Residential (R-2) to Secondary Commercial (C-3) as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor MacIsaac, SECONDED BY Deputy Mayor Boudreau, that Council proceed to a Public Hearing in order to consider and if deemed advisable enter into a Development Agreement in order to develop a High Density Residential (R-3) use (eight (8) units) at 577 Main Street as outlined in the Planner's report.

MOTION CARRIED

MOVED BY Councillor MacIsaac, SECONDED BY Councillor Pink, that the application be refused to amend an existing Development Agreement at 8 Herbert Street in order to remove the requirements for a fence buffer

as it is deemed contrary to the intent of the Municipal Planning Strategy, in particular Implementation Policy 7.7(2) and 7.7(4) as per staff's recommendation.

Andy Nickerson addressed Council indicating he had advised the Town Planner that his client, Brian Rodney, would replace the fence from the end of the Cain property towards Main Street, and the fence would be of sufficient length that it would block the Eldridges' view of the motel. He noted Mr. Rodney did not feel it was feasible to extend the fence all the way to the ballpark, which is the end of the Eldridges' property.

Question was called on the motion.

Councillor MacKenzie voted nay.

MOTION CARRIED

[Recommendations from PAC February 1, 2010](#)

[Recommendations from Public Hearing February 11, 2010](#)

Councillor Langille's report was received.

[Heritage Advisory Committee January 12 2010](#)

[Joint Heritage Advisory Committee January 26, 2010](#)

MOVED BY Councillor Langille, SECONDED BY Deputy Mayor Boudreau, that an invitation be extended to the Municipality of Argyle to participate in the Joint Heritage Advisory Committee which meets quarterly.

MOTION CARRIED

[Leisure Services Advisory Committee](#)

Councillor MacKenzie's report was received.

[Communities in Bloom Advisory Committee](#)

Councillor Langille's report was received.

[Yarmouth 250th Anniversary Committee](#)

Councillor Langille's report was received.

Municipal Corporations/Organizations

Centre Management Board

The C.A.O.'s report was received.

Joint Emergency Measures Organization

Other Boards

Reports were received for the following other boards:

Yarmouth Hospital Foundation

Western Counties Regional Library

For Action:

Rod Hemeon re RDA

National Defence re Presentation

MOVED BY Councillor Langille, SECONDED BY Deputy Mayor Boudreau, that a representative of the Canadian Navy be invited to Yarmouth on June 9th, 2010, to present a framed picture of the warship named for Yarmouth as part of the Canadian Navy's 100th Anniversary and the launching of the Namesake Community Partnership Program to honour the 320 Canadian communities whose names have been shared with Canadian warships since 1910.

MOTION CARRIED

Eric Ruff re Resignation from Heritage Advisory Committee

MOVED BY Councillor Langille, SECONDED BY Councillor MacKenzie, that the resignation of Eric Ruff be accepted with regret and a letter of thanks be sent to Mr. Ruff for his service on the Heritage Advisory Committee.

MOTION CARRIED

Yarmouth Lions Club re Tax Exemption

MOVED BY Councillor Langille, SECONDED BY Deputy Mayor Boudreau, that the request from the Yarmouth Lions Club for a tax exemption be referred to the Committee of the Whole.

MOTION CARRIED

Previously Distributed:

The following correspondence was received:

Canadian Red Cross re Donation to Haiti

Carole Hill-Bojarski to David Olie re Town Crier Championship 2011

Choice Hotels to Premier Dexter re Ferry Service

Environment Canada re Species at Risk Act

FCM re Canadian International Development Agency Funded Program in Ukraine

Frank Corbett re Ferry Service

Gary Burrill re Ferry Service

Health Promotion and Protection re Planning Assistance Grant

Hon. Gerald Comeau re Ferry Service

House of Assembly re An Act to Exempt Tidal View Manor

King's Transit re Expansion

Library Boards Association of Nova Scotia

Maple Grove and Yarmouth High Schools Memorial Club re Thanks

Mariners Centre re Funeral Service Thanks

N. S. Emergency Management Office re Amendments to Act

NDP Riding Association Resolution

[Nova Developments re BID and Parking Lot Tax By-laws](#)

[Nova Scotians for Equalization Fairness re Information](#)

[Office of the Minister of Finance re Ferry Service](#)

[Percy Paris re Ferry Service](#)

[Percy Paris re SWSDA](#)

[Percy Paris to Yarmouth Area Industrial Commission re Ferry Service](#)

[Rod Hemeon re Don't You Agree](#)

[Rod Hemeon re Private Parking Lots Public Streets](#)

[Rod Hemeon re Provide Your Own Caption](#)

[Rod Hemeon re Wake Up Call](#)

[Scotia Garden Seafood re Proposed Water Rate Increases](#)

[Stan and Ann Jones to Premier Dexter re Ferry Service](#)

[SWSDA Request for Decisions re Funding Partners](#)

[The 1850 House re Information](#)

[Tourism, Culture and Heritage to Michael Tavares and Neil Hisgen re MacKinnon Cann Inn](#)

[Tourism, Culture and Heritage to Mun. of Shelburne re Museum Support](#)

[Town of Clark's Harbour to SWSDA re Membership](#)

[Town of Middleton re David Olie](#)

[Town of Shelburne to SWSDA re Membership](#)

[Transportation and Infrastructure Renewal re Draft Interchange Policy](#)

ADDITIONS

ASL Management re Downtown Improvement Tax By-law

Scotia Garden Seafood re Downtown Improvement Tax By-law

Rudder's Seafood Restaurant re Downtown Improvement Tax By-law
Terry Kelly re Extension - 10 Lewis Avenue

Tender re Demolition - 10 Lewis Avenue

MOVED BY Councillor MacIsaac, SECONDED BY Councillor Langille, that the tender for the demolition of 10 Lewis Avenue be awarded to Hoe Hoe Construction Ltd. in the amount of \$3495 plus HST.

MOTION CARRIED

IT WAS AGREED that a letter be sent to John Clulee for so promptly cleaning up the burned property adjacent to 10 Lewis Avenue.

APPROVAL OF INVOICES

MOVED BY Councillor MacKenzie, SECONDED BY Councillor Pink, that the invoices approved by the various chairpersons be approved for payment.

MOTION CARRIED

Mayor Mooney extended an invitation to the public to go to the Public Wharf at 11 a.m. on Saturday, February 13th, 2010, to see the ferry service music video created by Gary Kent and James Ogden and show support for our ferry service and the people of western Nova Scotia.

DATE OF NEXT MEETING

The date of the next Council meeting is March 11, 2010.

Councillor Langille left the meeting.

IN CAMERA

Council moved to an In Camera session.

Potential Property Acquisition

Council moved out of the In Camera session.

MOVED BY Deputy Mayor Boudreau, SECONDED BY Councillor Pink,
that the matter of 8 Herbert Street be tabled.

MOTION CARRIED

ADJOURN

MOVED BY Councillor Pink, SECONDED BY Deputy Mayor Boudreau,
that the meeting be adjourned at 10:30 p.m.

MOTION CARRIED

DRAFT

MAYOR

CHIEF ADMINISTRATIVE OFFICER