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November, 2007

The Town Council of the Town of Sussex met in regular session, by appointment of the Mayor of the said Town, in the Council Chambers of the said Town on Monday the 26th day of November, 2007, at 7:00 o'clock in the evening.

The following members of the Council were present: His Worship Mayor Carr, Councillors Bradley, Wright, Campbell, Wilson and Black. Deputy Mayor Thorne and Councillor Fulton were absent. Also present at this meeting were the Chief Administrative Officer, Michael Cummings and the Town Clerk/Treasurer, Paul Maguire.

It was moved by Councillor Wright, seconded by Councillor Bradley, that the agenda for this regular Town Council meeting be approved. Motion carried.

No members present declared a conflict of interest on any items on the agenda at this time.

It was moved by Councillor Bradley, seconded by Councillor Wilson, that the minutes of the regular meeting of the Town Council of the Town of Sussex held on October 22, 2007, be approved as circulated. Motion carried.

The Council held a hearing of objections to the proposed Sussex Downtown Business Association's 2008 Budget. The budget proposed a rate of levy of \$0.18 per \$100 of tax assessment for commercial properties in the Business Improvement Area.

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The Council received a letter commenting on the proposed budget from Mr. Jack Wedge. Mr. Wedge's correspondence was in favour of the proposed Business Improvement Area Budget. His Worship Mayor Carr noted that there was no one present in the Council Chambers who was objecting to the proposed Business Improvement Area Budget.

It was moved by Councillor Wilson, seconded by Councillor Black, that the letter from Jack Wedge regarding the Business Improvement Area Budget be filed. Motion carried.

The Town Clerk noted that the Business Improvement Area Levy By-Law is scheduled at a later time on the Council agenda.

A letter was received from the Canadian Diabetes Association informing the Council that November is Diabetes Awareness Month. It was moved by Councillor Black, seconded by Councillor Campbell, that the letter from the Canadian Diabetes Association be filed. Motion carried.

A letter was received from the Muriel McQueen Fergusson Foundation informing the Council that November is Family Violence Prevention Month. It was moved by Councillor Bradley, seconded by Councillor Black, that the letter from the Muriel McQueen Fergusson Foundation be filed. Motion carried.

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A letter was received from the Sussex Regional Library Board outlining their 2008 Budget Request. It was moved by Councillor Bradley, seconded by Councillor Black, that the Council accept the Sussex Regional Library 2008 Budget Request. Motion carried.

A letter was received from Lloyd Benson informing the Council that Mr. Benson has planned a Benefit Dance to be held in Sussex at the 8th Hussars Sports Centre on Saturday, May 24, 2008, with proceeds going to support the families of our Military men and women in the form of an education fund for the children and support for the wounded Servicemen and women returning from Afghanistan. Mr. Benson in his letter requested that the Town of Sussex waive all or part of the rental fees for the 8th Hussars Sports Centre for that day and that Town of Sussex become a major sponsor of the benefit. It was moved by Councillor Wilson, seconded by Councillor Black, that the letter be referred to the Human Services Committee and that the Committee invite Mr. Benson to address them on his proposed event. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Campbell, that the Fire Report for the month of October, 2007, be received as circulated. Motion carried. During the month the Fire Department responded to a total of 17 calls with nine calls originating within the Town of Sussex and eight out of Town calls.

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It was moved by Councillor Wright, seconded by Councillor Campbell, that the Building Inspector's report for the month of October, 2007, be received as circulated. Motion carried. The report indicated that during the month the Building Inspector issued two permits for new construction for a value of \$390,000.00, 12 permits for renovations, repairs, alterations and additions for a value of \$352,200.00 and two permits for demolition for a value of \$10,000.00.

It was moved by Councillor Bradley, seconded by Councillor Black, that the Development Officer's report for the month of October, 2007, be received as circulated. Motion carried. The report indicated that during the month the Development Officer approved one Amending Subdivision Plan and one Building Location Survey.

His Worship Mayor Carr noted that there was no Planning Advisory Committee Meeting held during the month.

It was moved by Councillor Wright, seconded by Councillor Campbell, that Council have a reading in its entirety of A By-Law to Regulate Civic Numbering within the Town of Sussex, By-Law # 751-07. Motion carried. The by-law was then read in its entirety.

It was moved by Councillor Wright, seconded by Councillor Black, that Council have third reading by title of A By-Law to Regulate Civic Numbering within the Town of Sussex, By-Law # 751-07. Motion carried. The Town Clerk then read the by-law for the

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third time by title and His Worship Mayor Carr declared the by-law duly enacted.

It was moved by Councillor Bradley, seconded by Councillor Black, that the report of the Human Services Committee Meeting dated November 19, 2007, be received as circulated. Motion carried.

It was moved by Councillor Bradley, seconded by Councillor Black, that Council approve an expenditure of up to \$13,500.00 for the purchase and installation of computer software for the 8th Hussars Sports Centre to control energy consumption in this facility. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that the report of the Works Committee Meeting dated November 20, 2007, be received as circulated. Motion carried.

It was moved by Councillor Black, seconded by Councillor Bradley, that Council authorize the Works Department to engage Thomas Industrial Equipment Ltd. to complete pump repairs on the sewage lift station pumps for an amount of \$22,561.66. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that Council accept the final cost of \$223,217.95 including contingencies owing to E. J. Cunningham Ltd. for work completed on projects under Contract 50-001-07, Concrete Curb & Gutter and Concrete Sidewalk. Motion carried.

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It was moved by Councillor Black, seconded by Councillor Campbell, that Council accept the final cost of \$329,088.49 including contingencies owing to Brown's Paving Ltd. for work completed on projects under Contract 50-002-07, Asphalt Pavement. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that Council accept the final cost of \$261,991.61 including contingencies owing to E. J. Cunningham Ltd. for work completed on projects under Contract 50-003-07, Watermain & Storm Sewer Contract. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that Council accept the final cost of \$435,840.00 owing to Flynn Canada Ltd. for work completed under Contract 50-004-07, Sports Centre Roof Replacement. Motion carried.

It was moved by Councillor Black, seconded by Councillor Wilson, that Council accept the labour cost in the amount of \$3,872.58 for masonry work completed by McMackin's Masonry and the labour cost in the amount of \$23,488.40 for roof replacement work completed by B & W Contracting Ltd. Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Campbell, that the report of the Protective Services Committee Meeting dated November 21, 2007, be received as circulated. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council accept the quote from Safety Source Ltd. for eight breathing apparatuses, Quotation T-12-07 – Breathing Apparatus, for an amount of \$27,490.00. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Black, that the report of the Administration Committee Meeting, dated November 22, 2007, be received as circulated. Motion carried.

Councillor Black vacated the Council Chambers to attend another appointment and did not return to the meeting.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council approve the Sewerage Agreement for the time period of January 1, 2007, to December 31, 2011, between the Town of Sussex and the Village of Sussex Corner and that the Mayor and Town Clerk be authorized to sign the aforesaid mentioned agreement on behalf of the Town. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Black, that Council authorize the Mayor and Town Clerk to sign a five year lease agreement with C.N.R. for the parking lot adjacent the Sussex Train Station. Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council provide gift certificates to the Planning Advisory Committee members, Crosswalk Guard, Volunteer Firefighters, full-time employees of the Town of Sussex, Animal Control Officer and part-time secretary. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council rescind Policy # C-27, Pools and Fencing Policy. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council approve that the Town Clerk/Treasurer issue a cheque for the first payment of the Town's share of the first mortgage at the beginning of the first quarter in 2008 to the Sussex Regional Library Board as well as permission to issue 12 post-dated cheques to Bayview Credit Union for the payment of the second mortgage. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Campbell, that Council accept the land for public purposes on the tentative subdivision plan, Greenarm Corporation Ltd., subdivision lot 90-2, dated October 4, 2007, subject to Planning Advisory Committee approval. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council accept the quote from Toshiba of Canada Ltd. for Quotation T-13-07, Photocopier, for an amount of \$6,822.90. Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council authorize:

- that the Town Treasurer be authorized to transfer the 2007 budgeted amount from the General Capital Reserve Fund to the General Fund in the amount of \$6,400.00;
- that the Town Treasurer be authorized to apply any 2007 General Fund or Utility Fund surplus to the capital projects in each fund;
- that the Town Treasurer be authorized to use the proceeds of the sale of capital assets to pay for the acquisition of capital assets or transfer the proceeds to the Capital Reserve Fund;
- that the Town Treasurer be authorized to transfer the 2007 budgeted amount from the Utility Operating Fund to the Utility Capital Reserve Fund in the amount of \$9,000.00;
- that the Town Treasurer be authorized to transfer \$100,000.00 from the General Capital Reserve Fund to the General Fund to be used to fund the 2007 capital purchase; and
- that the Town Treasurer be authorized to transfer \$80,000.00 from the Utility Operating Fund to the Utility Capital Reserve Fund.

Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Campbell, that Council approve that the Crosswalk Guard's remuneration be \$9.00 per hour as of November 29, 2007. Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Wright, that Council approve that the Mayor and the Chief Administrative Officer attend the 2008 F.C.M. Conference in Quebec City from May 30 to June 2, 2008. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council approve, for payment, the accounts for the month of October, 2007, totaling \$265,838.96. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council appoint David Cook and Bud Pearson to the Planning Advisory Committee to a three term effective January 1, 2008. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council adopt the following wording for the Zoning By-Law Amendment, By-Law # 1350-04-11:

1.0 **deleting** the following Section (4) of the terms and conditions of Schedule "U" of A By-Law To Amend The Zoning By-Law, By-Law # 1350-90-U, dated May 23, 1990:

- (4) that the main building include a commercial business for the sale of craft supplies and a wedding boutique supply store and apartments; with the commercial business and one apartment being located on the first and second floor and one apartment being located on the third floor; and

inserting the following Section (4) in the terms and conditions of Schedule “U” of A By-Law To Amend The Zoning By-Law, By-Law # 1350-90-U, dated May 23, 1990:

- (4) that the main building can include a Lawyer’s office and apartments.

Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council set January 9, 2008, at 6:00pm in the Council Chambers of the Town of Sussex as the date, time and place to hear objections to the proposed Zoning By-Law Amendment, By-Law # 1350-04-11. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council approve the following terms and conditions for the Zoning By-Law Amendment, By-Law # 1350-04-12:

The owner shall ensure that:

- 1) the floor area of the dwelling unit which is devoted to the use of a Beauty Salon does not exceed the lesser of
 - (i) twenty percent (20%) of the floor area of the dwelling unit, or
 - (ii) 27 square metres;
- 2) no on-street parking be permitted;
- 3) the owner be the only person employed at this location;
- 4) no trade and/or other goods other than those required directly for the purposes of a Beauty Salon be stored on site;

- 5) no equipment or material used therein is stored other than in the dwelling unit area mentioned in condition 1);
- 6) the owner of the Beauty Salon adhere to the Provincial fire regulations at all times;
- 7) a minimum of three (3) off-street parking spaces be provided;
- 8) on Sundays that the Beauty Salon operational hours be only from 12:00 hours to 17:00 hours;
- 9) the signage identifying the business be limited to one (1) sign attached to the structure having a square area not exceeding 0.25 square metres.
- 10) no change is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
- 11) in the event of any breach of the provisions of the Zoning By-Law Amendment, By-Law 1350-04-12, by the owner or by their heirs, assigns, or successors, the Council of the Town of Sussex, shall have the power to cancel this resolution, whereupon, the zoning of the lands described in Schedule "A-10" shall revert to Residential 1-Single Family Residential Zone, and the owner shall lose the rights to use the same thereafter for any other purposes except as authorized by the Zoning By-Law of the Town of Sussex By-Law # 1350-04, for "R-1" Single Family Residential Zone.

Motion carried.

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It was moved by Councillor Wilson, seconded by Councillor Wright, that Council set January 9, 2008, at 6:00pm in the Council Chambers of the Town of Sussex as the date, time and place to hear objections to the proposed Zoning By-Law Amendment, By-Law # 1350-04-12. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Wright, that Council approve a payment of \$10,524.00 to the Kings East Development Partnership Inc. for the payment towards 2006 and 2007 employee withholding tax deductions. Motion carried.

It was moved by Councillor Wilson, seconded by Councillor Bradley, that Council approve the contribution of \$37,500.00 towards the modifications of Jubilee Hall. Motion carried.

It was moved by Councillor Wright, seconded by Councillor Wilson, that Council have first reading by title of A By-Law in Amendment of a By-Law to Approve the Budget of the Sussex Downtown Business Association and to Establish a Special Business Improvement Area Levy in the Town of Sussex, By-Law # 154-07. Motion carried. The Town Clerk then read the by-law for the first time by title.

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It was moved by Councillor Wright, seconded by Councillor Bradley, that Council have second reading by title of A By-Law in Amendment of a By-Law to Approve the Budget of the Sussex Downtown Business Association and to Establish a Special Business Improvement Area Levy in the Town of Sussex, By-Law # 154-07. Motion carried. The Town Clerk then read the by-law for the second time by title.

It was moved by Councillor Bradley, seconded by Councillor Campbell, that Council have first reading by title of A By-Law Respecting Pawnbrokers and Second Hand Dealers in the Town of Sussex, By-Law # 854-07. Motion carried. The Town Clerk then read the by-law for the first time by title.

It was moved by Councillor Bradley, seconded by Councillor Wright, that Council have second reading by title of A By-Law Respecting Pawnbrokers and Second Hand Dealers in the Town of Sussex, By-Law # 854-07. Motion carried. The Town Clerk then read the by-law for the second time by title.

Councillor Campbell noted that it was nice to see a new restaurant open on Main Street in the downtown business area and wished the operators success with their business in the future.

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Councillor Bradley informed the Council that partners have come forward to partner with the Town of Sussex in the annual Christmas parade. Major partners include Wal-Mart Canada, CJCW Radio Station, Mrs. Dunsters, Tim Hortons, McDonald's and many community volunteers.

His Worship Mayor Carr noted that the next regularly scheduled meeting of Council is set for December 17, 2007.

It was moved by Councillor Wright, seconded by Councillor Bradley, that this regular meeting of the Town Council of the Town of Sussex adjourn. Motion carried.

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MAYOR

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TOWN CLERK