

BYLAW & POLICY ADVISORY COMMITTEE
Shannon Studio/Virtual
Minutes of Meeting
September 19, 2023

Present

Mayor, Brenda Chisholm-Beaton
Deputy Mayor, Hughie MacDougall
Councillor, Blaine MacQuarrie
Councillor, Mark MacIver
Councillor Jason Aucoin
Chief Administrative Officer, Terry Doyle
Director of Finance, Erin MacEachen

1. Call to Order

The Bylaw & Policy Meeting was called to order on Monday, September 18, 2023, at 5:30pm.

BCB reminded the gallery that there will be an opportunity for the gallery to provide feedback at the Public Meeting of Council that will be held on October 3rd.

Deputy Mayor, H. MacDougall mentioned that there will be a Public Question period at the October 3rd Public Meeting of Council.

2. Additions to Agenda /Approval of Agenda

There will be change of order – Travel Expense Policy will be discussed before the Taxi By-Law Review.

3. Approval of the Agenda

MOVED by Councillor, J. Aucoin and SECONDED by Deputy Mayor, H. MacDougall “That the September 19th agenda is approved as amended.” MOTION CARRIED.

4. New By-law Resecting Road Trails Act Review

CAO, T. Doyle provided Council with an overview of what staff have been directed to do at the September Public Meeting of Council regarding a proposed new by-law to allow for ATV's to drive on all town streets. He provided an overview of the sources of information used during his research. He provided a summary the Off-highway Vehicle Act as well as the Regulations Handbook which is written in plain language. He referenced the Nova Scotia Off Highway Vehicle Pilot Project Evaluation that was conducted by ATN Consulting. He stated the Off -highway vehicles are not designed for road use. OHVs are equipped with very rugged, low-pressure tires which are designed for un-paved, loose surfaces and thus do not have the same handling characteristics on smooth pavement. Seven established trails with designated public road access were identified for the Off-highway Vehicle Pilot Project. He noted the summary of the findings from the pilot project. The pilot was largely viewed positively by field staff, businesses, riders and community members and it was seen to enhance trail connectivity and access to services for OHV riders without significant degradation of the pavement surface in most locations.

He reviewed a few sections from Bill No 273 – Road Trails Act – The purpose of the act is to enable the operation of off highway vehicles on designated parts of highways to allow for trail and amenity trail

connectivity, which would need to be approved by the Minister of Public Works. He also reviewed the definitions that are used throughout the act. And where municipalities will receive authority in the future.

Section 5 sub para 2 – *“A Municipality may, by by-law designate a highway or part of a highway or part of a controlled access highway.”*

He reviewed the rules and regulations guidelines of the act on the roads and highways that OHV' users can ride on. He also reviewed that OHV users may not cross a controlled access highway such as 100's.

He then reviewed the Yarmouth Rail to Trail in Yarmouth County – Waterstreet is a historical industrial street and through consultation with the CAO of the Town of Yarmouth he was informed that the Town has been looking for opportunities for a number of years to find ways to connect the Rail to Trail – The Road Trails Act was an opportunity to utilize 2kms of water street to connect two rail to trail entrances. He reviewed the draft version of the Town of Yarmouth Bylaw Respecting the Road Trails Act in the Town of Yarmouth.

He reviewed the Zoning Map of Water Street noting that area of town is primarily an industrial street of the Town.

CAO, T. Doyle reviewed the legal opinion memo from the Town Solicitor, P. Lamey, touching on the key components of the memo. He noted that *“as of this date the Act is not yet in effect, It has not been proclaimed in force.”* And he read section 5 of the legal memo stating that *“Currently there does not appear to be any trailheads for any existing designated trails or club-supervised trails that connect with the boundary of the town. Until such a time that such a trail reaches a town boundary the Act 9as intended) does not appear to apply to the Town.”*

He then summarized his findings throughout this study and mentioned some items for Council to consider.

Deputy Mayor, H. MacDougall stated that if the act is not in place, then Council cannot put forth a new bylaw right now.

Councillor, M. MacIver mentioned that he agrees with not moving forward right now with a by-law but he would like to explore the option. He researched other municipalities, and he would like to continue the work on this as it is very popular in Canada.

Councillor, J. Aucoin thanked Terry and staff for the work that was put forth on this item. And would like to continue to explore the option like Councillor, M. MacIver has stated.

Councillor, B. MacQuarrie mentioned that this is a moot point as there is no legislation in place. He does not support staff moving forward with this item any further as there are several other items that staff can be working on other than this item. He mentioned that he has heard a number of concerns from residents over safety issues in the past week.

Mayor, B. Chisholm-Beaton asked if the CAO from Yarmouth - CAO, T. Doyle mentioned that it was a 15-year process to connect the 87km trail. There was a community consultation with concerns identified but it was seen as a positive outcome for that community. He noted there are many challenges they are now facing such as standardization of signage, and education. The Town of Yarmouth has not yet announced second reading due to the current challenges.

Mayor Chisholm-Beaton asked what would the potential impact to our streets and asphalt surface.

CAO, T. Doyle – designed for rural areas where the ATV travelling around the shoulder of the road. Concerned that the low-pressure tires were deteriorating the shoulders of the road and the surface. There wasn't enough information in the pilot to prove that this was an issue.

Mayor, B. Chisholm-Beaton asked what the rules in place for policing. CAO, T. Doyle stated that any vehicle on the road would be under the body of the jurisdiction of the RCMP and they would be responsible for enforcement. If it is in Department of Natural Resources would be under the jurisdiction of the Department of the Natural Resources.

Councillor, B. MacQuarrie stated that there is concern currently with the policing ATVs driving on Town Streets as it is.

Mayor Chisholm-Beton mentioned that there may be an opportunity to develop a connector trail and expressed that it was a great opportunity to explore. She thanked the staff for their works on this item and thanked the gallery and residents that took the time to express their concerns.

5. Travel Expense Policy

Director, E. MacEachen provided Council with a review of the Travel Expense Policy that was presented at the June Committee of the Whole Meeting and asked council for guidance on the draft.

Councillor, M. MacIver asked if the milage rate would be linked to the Provincial Rate. Director E. MacEachen stated that yes it would be.

Consensus of Council was to move item forward to the October 5th Public Meeting of Council.

Councillor Aucoin declared a conflict and left the room at 6:19 pm.

6. Taxi By-Law Review

CAO, T. Doyle mentioned that there were a number of concerns expressed by other Taxi Owners within the Town. CAO noted that staff have done some research on other municipalities around the Province.

Mayor, B. Chisholm-Beaton asked if there was a formula that could be used to help create this item.

CAO, T. Doyle stated that the Taxi business is very market driven.

Councillor, M. MacIver stated that he does not know why we would set a limit and wouldn't want to come to the decision of Council on deciding who can start a business or not.

Councillor, B. MacQuarrie said that Council doesn't dictate other businesses so why would they start.

Councillor, H. MacDougall asked if the influx of students should be taken into account.

CAO, T. Doyle will get more information from Yarmouth and Council can consider at the next meeting.

7. Adjournment

The By-law & Policy Meeting was Adjourned at 6:32. p.m.

October 5 2013

Date

T. Doyle
Approved by:

Melissa Warner

Recorded by: Melissa Warner