

**Town of Annapolis Royal  
Regular Council Meeting Approved Minutes  
April 20, 2015 6:00 pm**

**1. PRESENT:** Mayor Tompkins, Deputy Mayor Power, Councillors Hudson, Paquette, Mersereau, CAO<sup>1</sup> Barr, Trish Fry, John Mildon, Christine Igot, Linda Moffat, Derek Hawkins, John Percy, PHAC<sup>2</sup> member Alan Melanson and accounting clerk Monica Mills as recording secretary.

**2. REGRETS:**

**3. CALL TO ORDER:** Mayor Tompkins called the meeting to order at 6:00 pm.

**4. APPROVAL OF COUNCIL MINUTES: March 16, 2015**

**Motion #C-2015-04-20-01**

It was moved by Deputy Mayor Power, seconded by Councillor Paquette that the minutes dated March 16, 2015 be approved as presented. Motion carried.

**5. ADDITIONS TO AGENDA:**

1. under Section 13: REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS, item #11: Board of Police Commissioners and item #12: Friends of the Library.
2. Round Table discussion, Section 10
3. under New Business, item 5: ARRA<sup>3</sup> Insurance

**6. APPROVAL OF AGENDA:**

**Motion #C-2015-04-20-02**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the agenda dated April 20, 2015 be approved as amended. Motion carried.

**7. PUBLIC INPUT: N/A**

**8. PRESENTATIONS:**

- i. Historic Gardens – Trish Fry and John Mildon

John Mildon explained that the Historic Gardens had recently been the recipient to the very prestigious 2015 Garden Tourism Award: Garden of the Year Award and provided background information on the Canadian Garden Council, of which Trish Fry is a board member. The Canadian Garden Council promotes the garden experience through many means.

Trish Fry stated that the conference was very informative and provided excellent information regarding the promotion and marketing opportunities available to the Gardens, as both a garden and award recipient. She indicated that the information that she received was very beneficial and offered to share it with not only

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<sup>1</sup> Chief Administrative Officer

<sup>2</sup> Planning and Heritage Advisory Committee

<sup>3</sup> Annapolis Royal Regional Academy

MEDC but also Council. In closing, John Mildon and Trish Fry thanked the Town for their promotion of the award and extended an open invitation to the Town to share the information from the conference.

ii. Association of Friends of Annapolis Royal Library – Linda Moffat, Derek Hawkins and John Percy. Linda Moffat provided Council with an update on the actions of the Association through the previous year. She noted that the Association continues with their regular fundraising programs; however, major fundraising in the forms of grant applications has been halted until the Association received clear direction from Council regarding whether the Town will be moving the library facilities to the former ARRA building or proceeding with the previous plan of a library extension to the current Town Hall.

Mayor Tompkins stated that there would be a definite direction and action plan within the next twelve months.

iii. Friends of Pool Society - Christine Igot, president  
Christine Igot made a brief presentation regarding the pool and the challenges that the pool faces in the upcoming season. She stated that the Province of Nova Scotia released a document titled, *Nova Scotia Operational Guidelines for Aquatic Facilities Reducing Risk and Promoting Healthy Recreational Water Experiences 2014*. She explained that this was a guidelines based document rather than a regulatory document; however, she noted that it is complaint driven which means that if there is a complaint the pool can receive a citation. The document requires additional equipment, written procedure and protocol as well as staffing, specifically access to a Certified Pool Operator (CPO). She noted that FAP<sup>4</sup>s has been aggressively fundraising to raise the funds needed for a successful season. She noted that the increase in last year's budget from \$6000 to \$8000 facilitated in the repairs and staffing last season and she requested that the Town increase or match last year's contribution and offer in kind support by way of the Public Works Department.

Council requested that other municipal units be contacted to see how they are addressing the new operational guidelines. Mayor Tompkins asked for clarification regarding the timeline for the new provincial guidelines. Christine Igot stated that there was no implemented deadline, but the society had to provide evidence that they were in the process of imposing the guidelines. Council requested a prioritized list from FAPs regarding the guidelines.

## **9. PUBLIC HEARING: None**

## **10. ROUND TABLE DISCUSSION**

a. ESA<sup>5</sup> zoned land: Councillor Paquette explained that he had been investigating the specifications of such designated lands. In conference with Town Planner Chris Millier, Councillor Paquette explained that zoning could be changed but it is recommended that two changes occur: one to the current Land Use By-law and secondly to the future use designation. He added that ESA zoned lands could be developed but require mitigation. He added that PHMC Millett-Campbell had recommended a Land Use By-Law review, which is contracted by an outside party. The cost of the review would be approximately \$30,000, but could be completed over two consecutive years. Council decided that it would be something to review in the future.

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<sup>4</sup> Friends of Annapolis Pool

<sup>5</sup> Environmentally Sensitive Area

b. Complaint RE: corner of Victoria and St Anthony Street. Councillor Paquette explained that he had received complaints regarding the location of the stop line at the intersection. He stated that people complained that they couldn't see past the fence and had to roll forward. Mayor Tompkins stated that it was unfortunate but the location of the stop line was well within legal limits.

c. Update from Legion meeting: Councillor Mersereau explained that he attended a meeting at the Legion. He noted that there was concern over the feasibility of the Legion as membership and attendance has stopped. He reported that Russell MacIntosh was investigating the demolition of a portion of the Legion in order to make the organization more feasible by cutting costs. The members plan on scheduling another meeting in May to investigate the demolition of the underutilized portion of the building and investigating other measures. Mayor Tompkins stated that he wanted to discuss the possible purchase of the upper parking lot from the Legion, indicating that this would be an opportune time.

d. Local Prosperity Conference: Councillor Mersereau stated that he attended 2/3 of the event and remarked how suitable the building was for the event.

e. Valley Towns Meeting: Deputy Mayor Power reported that she and CAO Barr attended the Valley Towns meeting in Windsor. CAO Barr stated that it was interesting as other Towns experience similar issues. Councillor Mersereau questioned the need for another association as he felt that the Towns caucus should suffice.

f. Potential rental possibility at ARRA: Mayor Tompkins stated that he had communicated with a professor at NSCAD<sup>6</sup> and it was determined that ARRA could be a possible location for out of curriculum courses.

## **10. BUSINESS ARISING:**

i. Draft Policy RE: Establishing the Waterfront Development Committee  
Council discussed and reviewed the presented policy. Councillor Mersereau commented that under section #2 it appears that the mandate is restricted to the Legacy 2017 project and questioned limiting the scope of the committee and under section A, he believed that the thrust should be to gather information as well as to identify, explore and plan for the future of the waterfront, it shouldn't be specific. Councillor Mersereau stated that he would forward his comments to both PHMC Millett-Campbell and accounting clerk Mills.

ii. Snow Removal: Update  
CAO Barr reported that he had contacted the Town's solicitor and other municipal units regarding damage resulting from snow removal. The consensus was that the Towns priority would be the maintaining clear and safe sidewalks, any property damage that occurred would be accidental. CAO Barr recommended that the Town not reimburse for any such damage and that this be communicated to the property owner. Council agreed.

iii. Board member vacancy on the Board of Police Commissioners: Update  
CAO Barr reported that there have been no applications for the vacancy on the Board of Police Commissioner and that the advertisement was relisted in the May 1, 2015 edition of the Spectator.

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<sup>6</sup> Nova Scotia College of Art and Design

iv. Budget: Update

CAO Barr reported that the first budget meeting would be April 27, 2015 with all department heads and DOF<sup>7</sup> present. The meeting will be advertised both on the website and a notice placed on the front door of Town Hall.

v. Valley Towns Roundtable meeting: Update

This item was discussed under Section 10.e of the agenda.

vi. Ye Olde Town Pub composting issue: Update

CAO Barr reported that he had met with the business owner regarding the issue of the odor from the compost bins at the location. The owner stated that he would implement absorbency measures as a preventative measure, as well as frequent washing of the bins and the area. CAO Barr recommended the approval of the lease with encouragement of the previously mentioned measures. Council discussed the matter. It was decided that the lease would be awarded upon receipt of an acceptable action plan in terms of odour control for the compost bins. Council decided to move further discussion in camera.

**11. NEW BUSINESS:**

i. Request for a sidewalk lease: Bistro East

Council reviewed the request for a sidewalk lease. It was agreed that there should be the addition of the line, “subject to an agreeable composting plan.”, reception and approval of a clear diagram/sketch of the proposed area in question and the addition of , “ that the hours of operation be no earlier than 8:00 am and no later than 8:00 pm.”

**Motion #C-2015-04-20-03**

It was moved by Councillor Hudson, seconded by Councillor Paquette that the sidewalk lease agreement between the Town and Bistro East be approved with the additions of, “ subject to an agreeable compost plan”, “that the hours of operation be no earlier than 8:00 am and no later than 8:00 pm” and that a clear diagram of the proposed area that demonstrates that there is an allowance of three feet of sidewalk clearance for pedestrian accessibility be submitted and approved. Motion carried.

ii. Dangerous and Unsightly Property: Discussion

CAO Barr reported that he had spoken with the Town’s solicitor regarding the complaint at 98 Victoria Street. The Town’s solicitor recommended since there are issues of safety and danger that it would be reasonable for the Town to approach the property owner and request a list of items and timeline of completion for Council’s review and approval. If the items are not remedied in a timely fashion then the Town should proceed with the dangerous and unsightly procedure.

iii: Pre-approval – NS Planning Directors Association Conference May 27-29, 2015

CAO Barr presented the following three items for pre-approval as they are time sensitive matters.

1. Approval of the cost of PHMC<sup>8</sup> attendance at the NS Planning Directors Association Conference approximately \$750 -\$1000 which includes mileage, meals, accommodation and conference fee

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<sup>7</sup> Director of Finance

<sup>8</sup> Planning and Heritage Marketing Coordinator

**Motion #C-2015-04-20-04**

It was moved by Councillor Paquette, seconded by Councillor Hudson that pre-approval be given for PHMC Millett-Campbell to attend the NS Planning Directors Association Conference at a cost not to exceed \$1000.00. Motion carried.

2. Pre-Approval of a portion of the budget line Trees/Animals so that work may commence.

**Motion #C-2015-04-20-05**

It was moved by Councillor Paquette, seconded by Councillor Hudson that Council pre-approve the expenditure of \$8400 under the Trees/Animals budget line. Motion carried.

3. Pre-approval of \$5000.00 for repairs to the Farmers' Market roof.

Council discussed the matter. It was determined that CAO Barr proceeds with obtaining more information and quotes for repairs.

iii. Tree Removal

CAO Barr reported that there is a tree that poses a hazard as it is rotten and leaning over the road. He noted that it was located on private property and requested direction from Council on how to proceed. It was determined that CAO Barr should proceed with contacting the homeowner by phone expressing the Town's concern over the state of the tree. Secondly a certified arborist should be contacted to provide a professional opinion on the state of the tree prior to sending a letter from the Town. It was decided if the previous recommendations did not result in action the Town could exercise its rights for public safety under the MGA<sup>9</sup>.

iv. Insurance discussion RE: ARRA

Mayor Tompkins stated that he had been reviewing the Town's insurance policy and explained to Council how insurers assess property, as well as the various options the Town has for insuring ARRA. Mayor Tompkins requested that the insurers be contacted to arrange a date for a risk assessment of all Town owned properties. He added that he would like them to attend the next Committee of the Whole meeting so that Council could ask questions. It was decided that in the interim that CAO Barr should proceed with insuring the former ARRA building for a value of \$4 million with a \$10,000 deductible.

**Motion #C-2015-04-20-06:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that meeting be extended an additional half hour to 9:35 pm. Motion carried.

**12. RECOMMENDATIONS FROM COMMITTEES, BOARDS AND COMMISSIONS:**

**Planning and Heritage Advisory Committee – Meeting of April 8, 2015**

Submitted for Council's review from the Town's Planner Chris Millier, he recommends that Council schedule the Public Hearing regarding this agreement on May 20, 2015 previous to the scheduled Council meeting.

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<sup>9</sup> Municipal Government Act

Council reviewed the recommendations from Town planner, Chris Millier and PHAC. Councillor Paquette provided additional information to Council.

**Motion #C-2015-04-20-07:**

It was move by Councillor Hudson, seconded by Councillor Paquette that the existing Development Agreement between the Town of Annapolis Royal and Industrial Wiper Supply and GEM's Good Used Clothing, dated May 23, 1996 and registered in the Annapolis County Registry of Deeds as Document 1624 be released. Motion carried. One nay vote from Councillor Mersereau

**Motion #C-2015-04-20-08:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that motion # C-2015-04-20-07 be rescinded and deferred until the May 20, 2015 council meeting. Motion carried. One nay vote Councillor Hudson.

i. Recommendation 2:

that the Town enter into a development agreement with Nova Scotia Power Inc. to permit the development of warehouse and accessory office use in an existing building at 211 Prince Albert Road, PID 05265012, as detailed in the application dated December 22, 2014. With the following amendments to be included in the new Development Agreement: a provision for future temporary exterior storage during construction, buffering and exterior landscaping to include shrubs / bushes that permit the installation of "No Trespassing" signage but covers the fence, no additional outdoor storage and include a provision for a mural on the north facing wall.

ii. Recommendation 3:

that the Town enter into a development agreement with Nova Scotia Power Inc. to permit the signage at 204 Prince Albert Road, PID 05131800, to include the amended items of no additional outdoor storage and include a provision for future temporary exterior storage during construction, to the details in the application dated December 22, 2014.

Council discussed Recommendation #2 and #3 from PHAC. It was agreed to defer the recommendations until after the public hearing scheduled for May 20, 2015.

**Motion #C-2015-04-20-09:**

It was moved by Councillor Mersereau, seconded by Deputy Mayor Power that a Public Hearing be scheduled for May 20, 2015. Motion Carried.

**Motion #C-2015-04-20-10:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the Town amend Policy #2011-5 (approved and adopted by Council March 21, 2011) under Guidelines Section 1 Registered Heritage Buildings – preferred approach addition of one line, " Vinyl windows and vinyl/metal doors are not a permitted replacement on Registered Heritage Buildings." Motion defeated.

Discussion:

PHAC member Alan Melanson provided background information regarding the recommendation. Mayor Tompkins suggested that rather than changing a policy PHAC should develop an educational program for home owners and develop a tier system for building requirements for Provincial and Federal Heritage buildings.

**Motion #C-2015-04-20-11:**

It was moved by Deputy Mayor Power, seconded by Councillor Hudson that the meeting be extended an additional half hour until 10:27 pm. Motion carried.

**Motion #C-2015-04-20-12:**

It was moved by Deputy Mayor Power, seconded by Councillor Hudson that the applicant at 629 St George Street be given heritage approval to repair and replace the existing asphalt roof with aluminum as detailed in application AR15-005-HER, providing all conditions of the Land Use By-Law are met. Motion carried

**Committee of the Whole - Meeting of April 8, 2015**

**Motion #C-2015-04-20-13:**

It was moved by Councillor Hudson, seconded by Councillor Mersereau that the motion that the Town issue two cheques, one in the amount of \$4000 to be given at the beginning of the conference, and the second cheque in the amount of \$1000 to be released on Monday if no additional expenses arise over the weekend be ratified. Motion ratified.

**Motion #C-2015-04-20-14:**

It was moved by Councillor Mersereau, seconded by Councillor Hudson that a \$25 donation will be made to HMCS/CFB Cornwallis Military Historical Association. Motion carried

**Motion #C-2015-04-20-15:**

It was moved by Councillor Hudson, seconded by Councillor Paquette that Deputy Mayor Power will be the Town of Annapolis Royal's representative on the AVRL<sup>10</sup> board for the fiscal year 2015-2016. Motion Carried.

**Motion #C-2015-04-20-16:**

It was moved by Councillor Paquette, seconded by Councillor Mersereau that the motion that CAO Barr proceed with the staff replacement as per the recommendation of CAO Barr be ratified. Motion ratified.

**Marketing & Economic Development Committee – Meeting of April 14, 2015**

**Council tabled the two MEDC recommendations**

- i. Request for Decision: refer to MEDC motion #MEDC-2015-APR-13-3

It was moved by Addie MacDonald, seconded by Holly Sanford that MEDC recommend to Council the two logo designs and the results of the survey for Council to make the final decision.

- ii. Recommendation to Council's Budget Process refer to MEDC motion #MEDC-2015-APR-13-4

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<sup>10</sup> Annapolis Valley Regional Library

It was moved by Addie MacDonald, seconded by Holly Sanford that MEDC recommend to Council's budget process the amount of \$44033 for the items in the spreadsheet.

**Board of Police Commissioners – Meeting of April 14, 2015**

No recommendations.

**13. REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS:**

1. Mayor's Report – Mayor Tompkins reported on the following events:
  1. Easter Celebrations
  2. Local Prosperity Conference
  3. He noted that Deputy Mayor Power attended the Volunteer awards in his absence.
2. Marketing and Economic Development Committee – Mayor Tomkins stated that it was a wrap up meeting and that due to the success of their fundraising dinner, the Apple Blossom Committee, are requesting money for a bursary. He added there was discussion regarding the logo and budget.
3. ARRA – Councillor Mersereau reported that the committee had developed a proposal for renting some parts of ARRA on a short term / casual basis. He presented Council with the proposed rates. He recommended that CAO Barr be given the authority to accept such rentals on behalf of Council. Councillor Mersereau also stated that a task force will be established to revamp the expression of interest for the property. The matter was left with CAO Barr to provide recommendations regarding rental rates at the next Committee of the Whole meeting..
4. Planning Services –
5. REMO – No meeting
6. Planning and Heritage Advisory Committee – Councillor Paquette and Councillor Hudson stated that the information was covered in the recommendations from committees.
7. Traffic Flow Advisory Committee – No meeting.
8. CAO's Report: CAO Barr reported that he had received 27 applications for the Administrative Assistant position. He updated the Council on a funding proposal that was brought forth and indicated that the Town was not eligible.
9. Water Report: all up to date and within the allowable parameters Councillor Mersereau and Councillor Paquette requested a sample of the water tests.
10. Valley Waste: Management Minute report
11. Police commission
12. Friends of library

**14. OTHER BUSINESS:**



## **15. CORRESPONDENCE:**

### **Motion #C-2015-04-20-17:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the meeting move in camera at 10:20 pm. Motion carried.

## **16. IN CAMERA:**

vii. contract negotiations

### **Motion #C-2015-04-20-18:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the meeting move out of in camera at 11:30 pm. Motion carried.

## **17. ADJOURNMENT**

### **Motion #C-2015-04-20-19:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the meeting be adjourned at 11:30 pm. Motion carried.

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Mayor Michael Tompkins

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Recording Secretary Monica Mills