

DRAFT MINUTES
TOWN OF ANNAPOLIS ROYAL
REGULAR COUNCIL AND SPECIAL MEETING OF PHAC
February 16, 2009
9:00 a.m.

The regular meeting of Council and a special meeting of PHAC was held on Monday, February 16, 2009 in Council Chambers at Town Hall. In attendance were Chair Mayor Phil Roberts, Deputy Mayor Jane DeWolfe, Councillors Doug Shaffner, Sherman Hudson, Pat Power and Kathie Fearon, CAO Amery Boyer, Director of Finance Melony Robinson and Jackie Longmire as recording secretary.

APPROVAL OF REGULAR COUNCIL MINUTES

January 19, 2008

Motion # 1

It was moved by Councillor Hudson, seconded by Councillor Fearon, that the regular Council minutes dated January 19, 2009 be approved as amended Motion carried.

ADDITIONS/DELETIONS TO THE AGENDA

Under Presentations add:

9:00 am Jim McGinis – Chair, Board of Police Commissioners

Under Business Arising:

{g} Final School Report

Under New Business add:

{g} Destination South West Nova Scotia

{h} Recommendation from the Board of Police Commissioners

APPROVAL OF AGENDA

February 16, 2009

Motion # 2

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Power, that the agenda dated February 16, 2009 be approved as amended. Motion carried.

PRESENTATIONS

1. Jim McGinis – Chair, Board of Police Commissioners – Mr. McGinis updated Council on the current situation with the Police Department. Constable James McKay has accepted a position with Rothesay Regional Police Service and will be leaving the Annapolis Royal Police Department on February 20, 2009. Acting Chief Keith McCuaig has tendered his resignation; February 27, 2009 will be his final day of employment with the Town. Mr. McGinis said that two weeks notice is not adequate in essential services and recommended that the Town incorporate a clause in future employment agreements that states at least four weeks notice is required.

A request for assistance has been forwarded to the Minister of Justice. Bob Eyre advised that he would be briefing the Minister on the situation in Annapolis Royal and suggested that the letter of request be incorporated into his briefing. The Annapolis Royal Police Department is facing a situation where it will be left with only one member after February 27, 2009. Interviews are being conducted over the next few days and a Special Meeting of the Annapolis Royal Board of Police Commissioners is scheduled for Wednesday, February 18. It is hoped that the Board will be able to make a recommendation to Council to fill at least one of the vacant positions.

CAO Boyer said that it is important for the terms and conditions of any future employment agreements to be clearly defined. Mr. McGinis agreed and said that the overtime and on-call issues must also be clearly defined. An exit interview will be conducted with Constable McKay and Acting Chief McCuaig.

Mayor Roberts and all members of Council thanked Mr. McGinis for all his work with the Board. His efforts and time are appreciated.

2. Annapolis Royal Tourism Council – Mayor Roberts said that the ARTC has held a series of meetings and a workshop over the past several weeks to pull together a marketing strategy for Annapolis Royal. Paul Stackhouse said that the process is ongoing and he provided an overview of the discussions to date. He said that the group has focused on three priorities: product, local education and marketing to the Halifax Regional Municipality. He said that the group is not prepared to address budget items or request funding at this time. Mayor Roberts suggested that the group come before Council at the Committee of the Whole meeting on March 4 with a budget that incorporates what the Committee requires for financial support. Mr. Stackhouse said that the Committee requires background information from the Town in order to produce a budget. He also said that the Committee is focusing on Annapolis Royal but is scheduled to give a presentation to Annapolis County Council at a meeting later this month. The Committee will be asking the County to become a partner in the initiative.

Special Meeting of PHAC – The following people were in attendance for the Special Meeting of PHAC: Town Planner Chris Millier, Rob Lawrie, Joy Elliott and PHAC members Peter Davies and Ian Lawrence. The following items were discussed during the Special Meeting of PHAC:

3. Adrian Nette – Renovations: Mr. Nette started some renovations to his rental property on Drury Lane and determined that the framework of the existing structure is not sound and must be replaced. He wanted to let PHAC members know that he intends to completely remove the “L” portion of the property and completely rebuild the section. He said that he has already received approval for replacement of windows and doors but his application did not include a complete rebuild to a portion of the property. All members of PHAC are comfortable with the renovations and the project will proceed as planned. CAO Boyer did question the encroachment and wondered if an encroachment permit for the property is in place. Mr. Nette didn’t remember such a permit; CAO Boyer will look into the issue.

4. Chris Millier – Home Hardware - Town Planner Chris Miller has drafted a planning report for the new Home Hardware building and the information was reviewed. He suggests that a new development agreement be drafted and also said that there is currently a stop-work order in place for the project. He said that information on environmental engineering must be included in the application for a development agreement but that information is not currently available. Mr. Millier also mentioned traffic flow around the new property and possible issues with vehicle movement.

Property owner Rob Lawrie said that he has spoken to Engineer Francis Doucette and the environmental engineering report should not take any longer than a couple of weeks. There is no information on the process through the Department of Environment or how long it might take to complete. The workplan is in the hands of the developer and the Town will wait for further direction through ADPC.

5. Chris Millier - Sculpture Park – The planning report for the new Sculpture Park was reviewed and Mr. Millier said that it was necessary to go through the re-zoning process to ensure that the property had the appropriate zone for the intended use. The only concern about the development is the impact on the area as a result of losing what has been used as a parking lot for several years. It was noted that there is the possibility of parking at the Train Station which has been discussed with property owner Jane Nicholson. The issue has not yet been discussed with the property owner who would have to authorize a right of way from the Train Station parking area to the Sculpture Park.

Motion #3

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Fearon, as a recommendation from the Planning and Heritage Advisory Committee to Council, that the application for the Sculpture Park proceed with the re-zoning process. Motion carried.

6. Annapolis District Planning Commission – Orientation – This item has been postponed until the next convenient opportunity.

7. Draft Development Agreement – Oliver Janson - The Draft Development Agreement was reviewed and all appears to be in order, no issues were noted.

Motion #4

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Power, as a recommendation from the Planning and Heritage Advisory Committee to Council, that the Development Agreement with the Town of Annapolis Royal and Oliver Janson be approved and be forwarded for signature by the Town and the developer. Motion carried.

The Special Meeting of PHAC was adjourned, the regular meeting of Council continued.

BUSINESS ARISING FROM MINUTES

Item	Decision / Action	Responsibility	Target Date
{a} Planning Report from ADPC – Sculpture Park	This item was addressed above during the Special Meeting of PHAC.		
{b} NSPI Property Assessment Appeal	The notice of appeal has been filed and it has been confirmed that the notice has been received by PVSC.	CAO	
{c} Team Annapolis – Request for funding (Symposium)	CAO Boyer said that the Town is not in a position to fund this project this year. This item will not be forwarded to budget for further review.	CAO	
{d} Fort Anne Property Assessment and Appeal	The notice of appeal has been filed and it has been confirmed that the notice has been received by PVSC.	CAO	
{d} Brick Re-pointing	No quotes have been received. Paul Buckler and Lenny Hannam will be contacted to provide quotes on re-pointing and sealing the exterior of the Town Hall building.	CAO	
{e} Meeting with Minister Hurlburt on February 4, 2009 in Bridgetown	Mayor Roberts said that this was a good meeting and the Town made some concerns known. It was noted that there will be some sort of announcement re: infrastructure projects on Friday, February 27, 2009.		
{f} Mary Jennings, President of the Valley Regional Health Foundation	Council has previously discussed this issue and the request for a 15-minute presentation to Council will be denied.		

{g} Final School Report	The final school report is complete and will be forward to the Annapolis Valley Regional School Board.		
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NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
{a} Water Tests	The tests continue to be within the required parameters.	CAO Boyer	
{b} Royan, France	Mayor Roberts has received a formal invitation to visit Royan, France in 2009. He is already planning to go to England and the only expense would be for transportation from England to Royan. Staff can apply to the Department of Tourism, Heritage and Culture to see if there may be some funding for the Royan part of this trip. All members of Council agreed that the Town cannot fund the travel at this time.	CAO Boyer	
{c} Magnolia Festival – request for funding pre-approval	<p>This item was not on the list that was provided by ARTC during a presentation earlier in the agenda. CAO Boyer said that she will ask the Marketing and Events Coordinator if there have been any grant applications submitted. CAO Boyer also said that it was the intention of the Town in 2008 to start this festival and have it passed on to another group to continue in future years. This particular event was the idea of the Historic Gardens but they were unable to organize the event in 2008 so it was forwarded to the Town.</p> <p>Copies of the budget have been sent to ARTC and the group needs to consider all marketing budget requests in its proposal to the Town. It was also noted that the ARTC has not submitted a plan of action.</p>	CAO Boyer	

{d} Phases 2 and 3 of the Champlain Drive Project	<p>It was suggested that Champlain Drive, from the entrance of AWEC to St. Patrick's Lane, be made a 2-way street through phases 2 and 3 of the project.</p> <p>CAO Boyer will contact the Province to see if the addition can be made to the project funding.</p> <p><i>Motion #4</i> <i>It was moved by Councillor Shaffner, seconded by Councillor Fearon that Champlain Drive from the AWEC entrance to St. Patrick's Lane be made a 2-way street through phases 2 and 3 of the Champlain Drive Project, if it is possible through the funding application. Motion carried.</i></p>	CAO Boyer	
{e} Development/Building Permit Report and Fire Inspection Report	For information only.		
{f} Terms of reference for new task force	<p>Mayor Roberts said that a new committee has been established to research issues surrounding the NSPI appeal process. John Kinsella said that the committee will be researching the following areas of concern: the appeal itself and the legal challenges surrounding the appeal, the political realm and the court of public opinion. Mr. Kinsella said that it would be ideal if the committee could review what has been done to date. CAO Boyer said that the lawyer has advised that all information pertaining to the appeal be kept confidential. It was suggested that the group and its purpose should be discussed with the lawyer and the lawyer could advise if full disclosure should be made to the members of the committee.</p>	CAO Boyer	
{g} Destination South West Nova – Request for funding	This item has been referred to budget deliberations.		

<p>{h} Recommendation from the Board of Police Commissioners – False Alarms</p>	<p>The Board of Police Commissioners discussed the issue of false alarm billing during the last meeting. The following recommendation was made as a result of that discussion:</p> <p><i>It was moved by Deputy Mayor DeWolfe, seconded by Rion Microys to recommend to Council that an arrangement be made with the school for payment of the issued fine in the amount of \$500.00 and the money be refunded to the school in lieu of services and time used by the Recreation Department.</i></p> <p>CAO Boyer said this issue is currently being reviewed by the lawyer and it is hopeful that a viable solution will be found. CAO Boyer will forward the advice of the lawyer when it is received.</p>		
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RECOMMENDATIONS FROM COMMITTEES, BOARDS, COMMISSIONS

Item	Decision / Action	Responsibility	Target Date
<p>{a} Recommendations from Committee of the Whole</p>	<p>5. It was moved by Deputy Mayor DeWolfe, seconded by Councillor Fearon, to complete the notification of the intent to appeal the assessment of the Nova Scotia Power Tidal Power Plant. Motion carried.</p> <p>6. It was moved by Councillor Power, seconded by Deputy Mayor DeWolfe, to proceed with the invited bid process to obtain quotes on consultant services for the NSPI property assessment appeal. Motion carried.</p> <p>7. It was moved by Councillor Hudson, seconded by Councillor Shaffner, to write-off the outstanding balance on account number 07095171 in the amount of \$5.46 plus interest and account number 07095198 in the amount of \$244.09 plus interest. Motion carried.</p>		

	<p>8. It was moved by Councillor Shaffner, seconded by Councillor Fearon, that Sally Burnie of the Town of Annapolis Royal be authorized to submit a funding request to the Department of Canadian Heritage in relation to the Celebrate Canada Program for organizing activities to celebrate Canada Day. Motion carried.</p> <p>9. It was moved by Councillor Fearon, seconded by Councillor Power, that a request be submitted to PVSC for information on how it has established assessment values for National Historic Sites in Nova Scotia and to file an appeal of the assessment value of the Fort Anne National Historic Site. Motion carried.</p> <p>10. It was moved by Deputy Mayor DeWolfe, seconded by Councillor Hudson that a discussion of the recommendations included in the Back to the Future Final Report be deferred until the next Committee of the Whole meeting on March 4, 2009.</p> <p>11. It was moved by Councillor Power, seconded by Deputy Mayor Dewolfe, to approve the request to renew the annual lease for a deck at Ye Olde Town Pub for 2009. Motion carried.</p>		
{b} Recommendations from the Planning and Heritage Advisory Committee	<p>12. It was moved by Deputy Mayor DeWolfe, seconded by Councillor Fearon, that the application for the Sculpture Park proceed with the re-zoning process. Motion carried.</p> <p>13. It was moved by Deputy Mayor DeWolfe, seconded by Councillor Power, as a recommendation from the Planning and Heritage Advisory Committee to Council that the Development Agreement with the Town of Annapolis Royal and Oliver Janson be approved and be forwarded for signature by the Town and the developer. Motion carried.</p>		

{b} Board of Police Commissioners	<p>Deputy Mayor DeWolfe said that the radio issues with the Department have been sorted out and the Town is waiting for license approval and the user agreement from the Province.</p> <p>The resignations of Constable James McKay and Acting Chief McCuaig were also discussed. It was agreed that two weeks notice is not sufficient notice for essential services and the issue will be addressed in future employment agreements. It was also noted the overtime and on-call policy must be clarified.</p>	Deputy Mayor Jane DeWolfe	
{c} Mayor's Report	Mayor Roberts said that he has had a busy month that included two meetings with Minister Hurlburt, a Friends of the Library meeting, Property Assessment Research Group meeting, and a presentation by ADEDA.	Mayor Phil Roberts	
{d} ADEDA	Deputy Mayor DeWolfe said that the wood-pellet project is the main project of ADEDA at this time. She noted that the greatest portion of the pellets would actually be exported. The project has received very positive reviews. The next meeting of ADEDA will be held on February 26, 2009.	Mayor Jane DeWolfe	
{d} King's Theatre	Councillor Fearon attended her first meeting and had little to report. She said that a budget has been presented and it requires an in-depth review. It was noted that Treasurer Andrea Boulding is currently on vacation.	Councillor Kathie Fearon	
{e} REMO	Councillor Hudson and Mayor Roberts participated in a conference call meeting on February 12, 2009. The main topic of discussion was generator placement for emergency shelters. There are currently generators located at the Health Centre and Foodland. The Legion will be approached as a possible emergency shelter location.	Councillor Sherman Hudson	

{g} Historic Gardens	<p>Councillor Power attended the last meeting and the Visitor Information Centre was one of the topics discussed. CAO Boyer pointed out that the VIC is another marketing issue that was not mentioned in the ARTC presentation earlier in the meeting.</p> <p>Councillor Power also said that long-term financial planning is also a pressing issue as the Nicholson funding approaches the final stages.</p>	Councillor Pat Power	
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CORRESPONDENCE

Item	Decision / Action	Responsibility	Target Date
{a} Letter from ARRA – commendation for Constable J. McKay	For information only.		

IN CAMERA

It was moved by Councillor Power, seconded by Councillor Fearon to move in camera to discuss possible litigation, staffing issues and the NSPI appeal.

It was moved by Councillor Fearon, seconded by Councillor Power to move out of camera.

The following motions are a result of the in camera session:

14. It was moved by Councillor Fearon, seconded by Councillor Hudson, to approve a payment in the amount of \$4,000.00 as severance pay to Sergeant Dale Miller. Motion carried

A nay vote was recorded on the above motion from Councillor Power.

15. It was moved by Deputy Mayor DeWolfe, seconded by Councillor Fearon, to appoint LeRoy Lenethan as legal counsel for the Town of Annapolis Royal during the NSPI appeal process, effective December 5, 2008. Motion carried.

NEXT MEETING March 16, 2009 at 9:00 a.m.

ADJOURNMENT

It was moved by Councillor Power to adjourn the meeting.

<i>Action:</i>	<i>Date</i>	<i>Signature</i>
Reviewed by Mayor Phil Roberts		
Changes made by Administrative Assistant, Jackie Longmire		
Approved for website by Mayor or CAO		
Forwarded to the Website		