

TOWN OF ANNAPOLIS ROYAL
REGULAR COUNCIL

October 17, 2011

9:00 a.m.

Present: Mayor Phil Roberts, Deputy Mayor Pat Power, Councillors Kathie Fearon, Sherman Hudson, Holger Mueller-Sparenberg, Doug Shaffner, CAO¹ Amery Boyer, DOF² Melony Robinson, Administrative Assistant Monica Mills as recording secretary, Councillor Sherman Hudson joined the meeting at 9:30am.

Regrets:

CALL TO ORDER: The meeting was called to order at 9:00am by Mayor Roberts

APPROVAL OF REGULAR COUNCIL MINUTES: September 19, 2011

Motion 1:

It was moved by Councillor Mueller-Sparenberg, seconded by Deputy Mayor Power that the minutes dated September 19, 2011 be approved. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

- Keith Saunders to be appointed as Development Officer, under New Business, item #5

APPROVAL OF AGENDA

Motion 2:

It was moved by Deputy Mayor Power, seconded by Councillor Mueller-Sparenberg that the agenda dated October 17, 2011 be approved with one addition. Motion carried

PRESENTATIONS

10:30am Liz Morine, Managing Director, ADEDA³,

The new Managing Director of ADEDA briefly introduced herself to Council. She discussed the reorganization of ADEDA and future projects for the agency.

PUBLIC HEARING

¹ Chief Administrative Officer

² Director of Finance

³ Annapolis Digby Economic Development Agency

BUSINESS ARISING FROM MINUTES

Item	Decision / Action	Responsibility	Target Date
1. Council motion via telephone poll on September 20, 2011 to be ratified.	<p>Motion to be ratified: It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Fearon that the financial statements for year end, March 31, 2011 be approved. Motion carried.</p> <p>Motion 3: It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Fearon that the motion approving the financial statements for year end, March 31, 2011 be ratified. Motion carried.</p>		
2. Statements of Provincial Interest in the Municipal Planning Strategy (Tab 1)	<p>Resulting from discussion about the COMFIT⁴ conference. For review.</p> <p>Council reviewed the statements of provincial interest.</p>		
3. Information for audit tender and contract (Tab 2)	<p>Council discussed the information for the audit tender.</p> <p>Motion 4: It was moved by Councillor Shaffner, seconded by Deputy Mayor Power that Council award Deloitte and Touche LLP the audit contract. Motion carried.</p>	CAO	
4. Information for engineering service tender (Tab 3)	<p>Council discussed the engineering service tender.</p> <p>Motion 5: It was moved by Councillor Mueller-Sparenberg, seconded Councillor Shaffner that Council award Hatch Mott MacDonald the engineering contract. Motion carried.</p>	CAO	
5. Christmas Closure	Council discussed the possibility of a Christmas closure. It was decided that the topic would be revisited at November's Committee of the Whole meeting.		
6. Update on ADPC ⁵ census (Tab 4)	CAO Boyer explained that the results are preliminary; she added that Keith Saunders is continuing to work on this project. Council reviewed the results.		

⁴ Community Feed-in-Tariff

⁵ Annapolis District Planning Commission

NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
1. Request for funding from the UNSM ⁶ scholarship (Tab 5)	Council reviewed the request for funding. It was decided that there was not enough money in the budget to donate to the Ken Ward Scholarship.		
2. Legal Update: Changes to Public Procurement – Nova Scotia's New Public Procurement Act (Tab 6)	CAO Boyer explained that the changes to public procurement procedure have come from the Province. She added that legal advice should be sought in order to accurately incorporate the new mandatory provisions into the Town's policy. These provisions will come into effect next year. Deputy Mayor Power stated that she would raise this issue at the UNSM conference that she will be attending in November.		
3. Proposal to the Municipality of the County for Recreational Services (Tab 7)	Council discussed the draft proposal to the County. The proposal is that the County take over the evening recreation programs, as the majority of participants are County residents. The Town would then focus on the maintenance of facilities.		
4. Letter of response to Reg Ritchie regarding correspondence of Oct.3, 2011 (Tab 8)	Council reviewed the correspondence from the Warden of the County, Reg Ritchie, regarding the installation of infrastructure (e.g hydrants) in the County and the draft response from the Town. Council agreed to send the letter.		
5. Keith Saunders as Development Officer	<p>CAO Boyer explained that appointing Keith Saunders as the Development Officer for simple applications would save a lot of money. Council discussed the possibility.</p> <p>Motion 6: It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that Keith Saunders be appointed as an additional Development Officer for Annapolis Royal to minimize costs. Motion carried.</p>		

⁶ The Union of Nova Scotia Municipalities

RECOMMENDATIONS FROM COMMITTEES, BOARDS AND COMMISSIONS

Item	Decision/Action	Responsibility	Target Date
1. Recommendations from Committee of the Whole	Council discussed a new simplified budget format. DOF Robinson explained that provincial regulations control how the budget is presented but an easy-to-read format could be created for the public and line-by-line financials could be available. DOF Robinson stated that rather than spending money on a new budget format, she would bring a sample budget for Council review. Council decided that a motion was unnecessary for the expenditure of \$750.00 on a simplified budget format.		
	Motion 7: It was moved by Deputy Mayor Power, seconded by Councillor Shaffner that a letter to Warden Reg Ritchie on the subject of funding for ARVFD ⁷ be sent. Motion carried.		
	Motion 8: It was moved by Councillor Shaffner, Councillor Mueller-Sparenberg, that the policy on Conflict Resolution be approved. Motion carried		

⁷ Annapolis Royal Volunteer Fire Department

	<p>It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that the signing of the letter of agreement with CARP⁸ to complete milestones 4 and 5 of the FCM⁹ partners for climate protection program be approved.</p> <p>Deputy Mayor Power stated that there should be an addition to the motion stating that the cost should not exceed \$12,600.00.</p> <p>Motion 9: It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that the letter of agreement with CARP to complete milestones 4 and 5 of the FCM Partners for Climate Protection Program at a cost not to exceed \$12,600.00 be approved. Motion carried.</p>		
	<p>Motion 10: It was moved by Councilor Hudson, seconded by Councilor Fearon that a write-off of \$42.70 in interest for roll number 02320053 be approved. Motion carried.</p>		
	<p>Motion 11: It was moved by Councillor Fearon, seconded by Deputy Mayor Power that Council award the contract for legal services to TMC law. Motion carried.</p>		

⁸ Clean Annapolis River Project

⁹ Federation of Canadian Municipalities

(Tab 9)	<p>Motion : It was moved by Deputy Mayor Power, seconded by Councillor Shaffner that the Day Care By-law be repealed by Council. Motion not carried, as it was subsequently explained that staff recommend amendment of the by-law rather than repeal since all of the provisions except for the business occupancy provision should remain in effect.</p> <p>Council discussed the possibility of amending the by-law as opposed to repealing the by-law.</p> <p>Motion 12: It was moved by Deputy Mayor Power, seconded by Councillor Shaffner that the Day Care By-law be amended to eliminate the reference to business occupancy. Motion carried.</p>		
(Tab 10)	<p>Council discussed the Dogs By-Law. Mayor Roberts suggested the following changes:</p> <ul style="list-style-type: none"> - the definition of "runs at large" in section 1 (i) should be changed to "unattended dog" - add the following statement to section 3, "If a dog tag is lost, the owner is responsible for the replacement cost equal to the initial license fee." - In the schedule of fees section (a) and (b) should begin with "registration of" <p>Motion 13: Moved by Councillor Shaffner, seconded by Councillor Hudson that Council approve the adoption of the Dogs By-law based on the County's wording with the above mentioned amendments: the addition of a schedule of fees, and that both the Town of Annapolis Royal's current Dogs By-law, and the Public Health By-law (relating to removal of dog feces) will be repealed. Motion carried.</p>		

(Tab 11)	<p>Motion 14: It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that Council approve the addition of the wording, “insurance contracts” to item #4 (h) of the Records Management and Destruction By-law and the change in item #3 of the wording to “the Town abides by Canada Revenue Agency guidelines”. Motion carried.</p>		
	<p>Motion 15: It was moved by Councillor Hudson, seconded by Councillor Fearon that Council approve the purchase of the STP Air Diffusers for the sewage treatment plant at a total cost of \$66,000 plus HST, with the County responsible for half of the cost. Motion carried.</p> <p>CAO Boyer informed Council that the Town was has received approval for a grant for \$33,000.00 towards this purchase under the Provincial Capital Assistance Program.</p>		

	<p>Motion 16: It was moved by Councillor Fearon, seconded by Deputy Mayor Power that the Settlement Agreement reached between Michael Sider and the Town of Annapolis Royal and the Nova Scotia Human Rights Commission, which settles to the satisfaction of all parties the Human Rights Complaint of Michael Sider, be approved. Motion carried.</p>		
2. Motions from PHAC ¹⁰	<p>Motion 17: It was moved by Deputy Mayor Power, seconded by Councillor Shaffner that the construction of a 8x13 foot addition to 324 St George Street be approved retroactively. Motion carried.</p> <p>* The committee would like Council to note that this particular project had been constructed prior to PHAC approval and the owner of the property had not obtained a building permit; therefore this motion is made with great reluctance by the Committee, as the owner's actions undermine the authority and purpose of heritage consideration by the Committee.</p>		
3. Board of Police Commissioners	<p>Motion 18: It was moved by Deputy Mayor Power, seconded by Councillor Shaffner that a letter to Nathan Kardish extending the deadline for start of employment as an officer of the Police Department to January 12, 2012 be approved by Council. Motion carried.</p>		
4. Environment Committee (Tab 12) Moved to Reports from Committees, Boards and Commissions item (j)	<p>The consensus of the Committee was that Council might pass on Mr. Hyman's concerns to the County, and add that another concern was animal fatalities (principally of birds and bats) caused by wind turbines, and that turbines producing 100 Kwh or less would be preferable to larger ones in minimizing fatalities and destruction of habitat – though recognizing that cost recovery remains a major problem with smaller generators.</p>		

¹⁰ Planning & Heritage Advisory Committee

REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS

<p>(a) Board of Police Commissioners</p>	<p>Deputy Mayor Power reported on the meeting of the Board of Police Commissioners on October 12, 2011. She stated that the new member Jerri Costa attended her first meeting and will be sworn in in November. She added that the Police Department began issuing parking tickets October 1, 2011. The tickets are being issued to individuals who are parking illegally. Deputy Mayor Power reported that the Board reviewed the Police budget and fuel costs were 60% of the total budget. She reported that the Chief of Police would discuss this with staff. She added that school zone signage on Champlain street was discussed and would soon be implemented.</p> <p>Councillor Mueller-Sparenberg reported that the Department of Justice would be offering Board training later in the Fall and this would include regional attendance. He added that he had recommended governance training similar to that which ADEDA had received; however, the Chair of the Police Board did not think it was suitable for the Board. The governance training would be addressed after the Board receives Department of Justice training. He added that the Board discussed ticketing tourists and it was recommended that warnings would be issued to tourists. Chief McNeil will ask Constable Foster to develop a warning.</p>	<p>Councillor Power & Councillor Mueller-Sparenberg</p>	
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(b) Mayor's Report	<p>Mayor Roberts reported on the following events:</p> <ul style="list-style-type: none"> - September 27: a meeting at the Health Centre regarding the announcement of a Collaborative Emergency Centre (CEC). This would result in reduced service at night and better service during the day. The Friends of the Health Centre will be meeting next week to further discuss the issue. - October 1: Taoist Tai Chi Society celebrated their 30th anniversary in Bear River. - October 4: a party of 34 Australians visited the Town and the Mayor was asked to greet them at Leo's café. He added that they loved the Town and spent three days here. 	Mayor Roberts	
(c) ADEDA ¹¹	Councillor Mueller-Sparenberg stated that much of the information was covered by Liz Morine in her presentation earlier. He added how beneficial the governance training was.	Councillor Mueller-Sparenberg	
(d) ADPC ¹²	Council reviewed the Development Building Report.		
(d) King's Theatre	Councillor Fearon reported that money is still tight at the Theatre and they are trying to do programming that will attract more people. She added that there is a big concern regarding movies and the type of projector at the Theatre. Since most new releases are on DVD, there is a need to replace the current projector. The Theatre will start fundraising to raise the needed funds. She added that if there were 10-15 more people attending the shows, it would make a big difference.	Councillor Kathie Fearon	
(e) REMO ¹³	No report.	Councillor Sherman Hudson and Mayor Roberts	

¹¹ Annapolis Digby Economic Development Agency

¹² Annapolis District Planning Commission

¹³ Regional Emergency Measures Office

{f} Historic Gardens	Deputy Mayor Power reported that the Gardens stated that the idea of a single tax bill was okay as long as the bill went out in July to provide people with plenty of time to pay. She added that the first winter market was quite successful with over 300 people in attendance and the Gardens was looking into food service options.	Councillor Pat Power	
{h} Twinning Committee	No report	Mayor Phil Roberts	
{i} Upper Clements Park Society	No report	Councillor Doug Shaffner	
{j} Environment Committee	<p>The consensus of the Committee was that Council might pass on Mr. Hyman's concerns to the County, and add that another concern was animal fatalities (principally of birds and bats) caused by wind turbines, and that turbines producing 100 KWH or less would be preferable to larger ones in minimizing fatalities and destruction of habitat – though recognizing that cost recovery remains a major problem with smaller generators.</p> <p>Council discussed the correspondence from Michael Hyman. It was decided that a reply be sent to Mr. Hyman including the Town's By-law to Permit the Production and Distribution of Energy from Specific Renewable and Green Energy Sources.</p>	Mayor Phil Roberts	
{k} Planning and Heritage Advisory Committee	<p>PHAC would like to issue a strong protest about the changes to the front door of Town hall, a registered Heritage property, for which an application should have been made for a substantial change to this heritage property. The above mentioned change occurred without any input from PHAC. PHAC finds this door inappropriate.</p> <p>Councillor Shaffner stated that he had received many favourable comments regarding the new front door at Town hall. Councillor Mueller-Sparenberg stated that PHAC should have been consulted, but the door replacement was a safety issue. Councillor Fearon indicated that the topic of the front door has been ongoing for several years.</p>	Councillors Kathie Fearon and Sherman Hudson	

{1} CAO's Report (Tab 13)	Council reviewed the CAO's report. The CAO provided clarification for a number of items.	CAO Boyer	
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CORRESPONDENCE

OTHER BUSINESS

Calendar: Environment Committee: Nov.3, 2011

PHAC: Nov. 7, 2011

Committee of the Whole: Nov.9, 2011

Board of Police Commissioners: Nov. 16, 2011

Regular Council Meeting: Nov.21, 2011

Motion 19:

It was moved by Councillor Shaffner, seconded by Councillor Hudson that the meeting move in camera at 11:50am. Motion carried.

IN CAMERA :

- litigation or potential litigation
- personnel matter

Motion 20:

It was moved by Councillor Shaffner, seconded by Councillor Hudson that the meeting move out of camera at 12:10pm. Motion carried.

Motion 21:

It was moved by Councillor Fearon, seconded by Councillor Shaffner that the cost of living increase for the CAO position be approved retroactive to April 1, 2011. Motion carried.

Motion 22:

It was moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that a letter be sent to the CAO stating that the position of CAO be made 50% as of May 1,2012. Motion carried.

NEXT MEETING November 21, 2011 at 9:00 am

ADJOURNMENT

Town of Annapolis Royal
Council
October 17, 2011


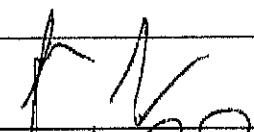
Motion 22:

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NEXT MEETING November 21, 2011 at 9:00 am

ADJOURNMENT

It was moved by Councillor Shaffner, seconded by Councillor Hudson that the meeting be adjourned at 12:10pm. Motion carried.

<i>Action:</i>	<i>Date</i>	<i>Signature</i>
Reviewed by Mayor Roberts	2011. 10 . 20	
Changes made by CAO		
Approved for website by CAO	Oct 21, 2011	
Sent to webmaster	Oct 21, 2011	