

DRAFT MINUTES
TOWN OF ANNAPOLIS ROYAL
REGULAR COUNCIL
October 20, 2008
9:00 a.m.

The regular meeting of Council was held on Wednesday, October 20, 2008 in Council Chambers at Town Hall. In attendance were Chair Mayor Jane DeWolfe, Deputy Mayor Phil Roberts, Councillors Sherman Hudson and Doug Shaffner., CAO Amery Boyer, newly acclaimed Councillors Pat Power and Kathie Fearon, and Jackie Longmire as recording secretary.

Regrets: Councillor Ron Boulding and Director of Finance Melony Robinson

APPROVAL OF REGULAR COUNCIL MINUTES

September 15, 2008

Motion # 1

It was moved by Councillor Hudson, seconded by Councillor Shaffner, that the regular Council minutes dated September 15, 2008 be approved, as amended. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Under New Business add:

- {e} Plumbing Permits
- {f} Letter of Thanks

Under General Discussion add:

- {a} Elections Canada

APPROVAL OF AGENDA

October 20, 2008

Motion # 2

It was moved by Councillor Hudson, seconded by Deputy Mayor Roberts, that the agenda dated October 20, 2008 be approved, as amended. Motion carried.

PUBLIC HEARINGS Municipal Planning Strategy/Land Use By-Law Amendment Zoning – 50 St. Anthony Street

Town Planner Chris Millier opened the Public Hearing by giving a brief history of the application and explaining the next stage in the process. He said that any concerns of adjacent property owners have been addressed and there appear to be no objections to the application. He said that this is a site specific approval and the criteria were set through the MPS/LUB; the application must be reviewed against the existing criteria. It was noted that this entrance into Town is an important gateway for tourists and every effort must be made to make the area more aesthetic.

Motion #3

It was moved by Deputy Mayor Roberts, seconded by Councillor Hudson, to accept and approve the recommendation to amend the MPS as identified in text 1, 2, 3 and 4 of the Planning and Development Report of the Annapolis District Planning Commission (attached as Appendix A). Motion carried.

Motion #4

It was moved by Deputy Mayor Roberts, seconded by Councillor Hudson, to accept and approve the recommendation of the Annapolis District Planning Commission to amend Part 3.7 of the Land Use By-Law to include the following subsection: 3.7.10 new highway commercial uses or the expansion or redevelopment of existing commercial uses in the Commercial Designation on St. Anthony Street north of Chapel Street (Policy 7.1(g)). Motion carried.

The Public Hearing on this issue is now closed.

BUSINESS ARISING FROM MINUTES

Item	Decision / Action	Responsibility	Target Date
{a} Seasonal Residence By-Law	<i>Motion #3</i> <i>It was moved by Deputy Mayor Roberts, seconded by Councillor Hudson, second and final reading of the Seasonal Residence By-Law. Motion carried.</i>		

<p>{b} Janson/Melanson Application</p>	<p>The Development Agreement between Oliver Janson and the Town is moving along with more information on the 50 St. Anthony Street site plan being reviewed and discussed today. Chris Millier has reviewed the submitted plans against the existing criteria and it has been determined that there are several key items missing from the proposal. The proposal does not address the following issues: heritage, landscaping and buffering, signage, detailed description of the exterior of the building, parking issues and location of heat pump or air conditioning unit. Kelly Janson indicated that she was not aware that these details were required in the site plan and will provide the requested information.</p> <p>It was agreed that this is an important development for the Town and there is no intent to hinder the application. Mr. Millier stressed that all the information needs to be provided before the Development Agreement can be approved; all plans are appended to the agreement and become part of the legal document.</p> <p>A special meeting will be scheduled to review the requested information.</p> <p><i>Motion #5</i></p> <p><i>It was moved by Deputy Mayor Roberts, seconded by Councillor Hudson, as a recommendation from the Planning Heritage and Advisory Committee to Council, to accept the recommendation of the Annapolis District Planning Commission and enter into a Development Agreement with Oliver Janson for the purposes of the development of a commercial office building on lands of J. Melanson, St. Anthony Street, with the condition that the developer provide the following information: landscaping, buffering to northern boundary, detailed diagram of wheelchair ramp, mechanical features including external placement and appearance, signage dimensions and appearance, description/diagram of exterior window mouldings, and details on future parking needs with consideration of requirements of clients. Motion carried.</i></p>		
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{c} NSPI Building at the Causeway	<p>The NSPI building at the Causeway was being considered for a possible Public Works building. Hatch Mott MacDonald has inspected the building and advised that it would not be a suitable Public Works building. [CAO Boyer and Superintendent Kevin McLean did not feel qualified to assess the building and requested the services of the Town engineer.]</p> <p>There is no indication what will happen with the building in the future. It is considered an asset to NSPI and it is assumed that it will remain vacant until a suitable use is found.</p>		
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NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
{a} Kids Help Phone – request for financial support	<p><i>Motion #4</i></p> <p><i>It was moved by Councillor Shaffner, seconded by Deputy Mayor Roberts to decline funding for the Kids Help Phone. Motion carried.</i></p>		
{b} Save the Ferry – Rally on November 4 th at 7:00 pm	<p>Mayor DeWolfe said the Digby/Saint John Ferry is an ongoing issue and it was recently funded by the federal government pending the completion of a study. Mayor DeWolfe said that a study has been completed by Marriport but the federal government feels that another study is warranted. All members of Council are encouraged to attend the rally scheduled for November 4, 2008 at 7:00 pm.</p>		
{c} Non-Profit Organization Property Tax Reduction By-Law	<p>Amendments are required to Schedule 1 of the By-law. The property located at 6 Grange Street is no longer owned by the Town and is to be removed from Schedule 1. The Boat Haul Up is a non-profit organization that needs to be added to Schedule 1.</p> <p>There was some question about the Annapolis Royal Pool and whether or not it should be added to Schedule 1. The property is leased from the Town and is therefore not taxed.</p>		

{d} Plumbing Permits	Councillor Shaffner was informed by the Building Inspector that he required a plumbing permit for a new construction project that he is involved with. Councillor Shaffner questioned the new permits and where the approval came from. It was noted that they either came through the Province or they may have been an oversight in the new fee schedule. The matter will be clarified with the Annapolis District Planning Commission.		
{e} Thank you letter	<p>Councillor Shaffner said that there were 40 Model A antique cars in Annapolis Royal on Saturday, October 18. All were invited to Blaine Schumacher's shop where everyone enjoyed a breakfast. Councillor Shaffner said that a thank you note should be sent to the Schumachers as all involved were impressed with the "gesture of maritime hospitality."</p> <p><i>Motion #5</i></p> <p><i>It was moved by Councillor Shaffner, seconded by Deputy Mayor Roberts, to forward a letter of appreciation to Blaine and Heidi Schumacher for their involvement with the Model A antique car event. Motion carried.</i></p>		

RECOMMENDATIONS FROM COMMITTEES, BOARDS, COMMISSIONS

Item	Decision / Action	Responsibility	Target Date
{a} Recommendations from Committee of the Whole	<p><i>Motion #6</i> <i>It was moved by Deputy Mayor DeWolfe, seconded by Councillor Hudson, to appoint Ronald Boulding as the Annapolis Royal representative on the Annapolis Valley Regional Housing Authority. Motion carried.</i></p> <p><i>Motion #7</i></p>		

	<p><i>It was moved by Councillor Hudson, seconded by Councillor Shaffner, to accept the recommendation of Hatch Mott MacDonald and proceed with the drainage repairs in proximity to the Crooked Floor Gift Shop (8 Victoria Street) at an estimated expense of \$4,500.00 through Brown Bros. Excavating. Motion carried.</i></p> <p>Motion #8 <i>It was moved by Councillor Boulding, seconded by Deputy Mayor Roberts, to accept the recommendation of Hatch Mott MacDonald to proceed with the construction of a new residential retaining wall at 37 St. James Street at the estimated expense of \$5,400.00 through Brown Bros. Excavating on the condition that the property owner consults with an engineer to resolve all issues with her front steps. Motion carried.</i></p> <p>Motion #9 <i>It was moved by Deputy Mayor Roberts, seconded by Councillor Hudson, to accept the recommendation of the Annapolis District Planning Commission and enter into a Memorandum of Understanding with Annapolis County to provide Building Inspections Services for buildings falling under Part 3 of the National Building Code of Canada in exchange for Fire Inspection Services. Motion carried.</i></p> <p>Motion #10 <i>It was moved by Councillor Hudson, seconded by Councillor Shaffner, to approve the recommendation to make the Visitor Information Centre funding contingent on the Centre remaining open until October 15 and to forward a letter addressing the issue to the Board of Trade. Motion carried.</i></p> <p>Motion #11 <i>It was moved by Councillor Shaffner, seconded by Councillor Hudson, to accept and approve Sarah Pavia's application for a new roof and window at 221 St. Anthony Street (garden shed.) Motion carried.</i></p>		
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{b} Board of Police Commissioners	The regular Board of Police Commissioners' meeting was held on October 15, 2008. The Department is up to full strength as required by the Department of Justice with 4 officers on the job and one on sick leave.	Mayor Jane DeWolfe	
{c} Mayor's Report	<p>Mayor DeWolfe attended several events and meetings over the past month, some of which include: ADEDA, Town Council Meet & Greet, Energy Management Think Tank, and the Big Read with Annapolis, MD.</p> <p>Mayor DeWolfe thanked everyone for their cooperation during her term as Mayor. She enjoyed the time and wished Deputy Mayor Roberts well as he prepares to be sworn in as Mayor for the next term.</p>	Mayor Jane DeWolfe	
{d} ADEDA	The main discussion at the last meeting was the possibility of establishing a wood pellet manufacturing operation in the area. Discussions are ongoing and there is nothing further to report at this time.	Mayor Jane DeWolfe	
{d} King's Theatre	Deputy Mayor Roberts had nothing to report at this time.	Deputy Mayor Phil Roberts	
{e} REMO	The next REMO meeting will take place via conference calling which is being done on an experimental basis.	Mayor Jane DeWolfe	
{f} Hanse Society	Councillor Boulding was not in attendance to give a report. It was agreed that a replacement would not be appointed as Councillor Boulding's term as Councillor comes to an end. A replacement may be appointed if a request is received from the Hanse Society.	Councillor Ron Boulding	
{g} Historic Gardens	<p>Councillor Shaffner said that as of July 31, 2008 the Gardens attendance, was down 13.5% but the Gift Shop sales were up by 19%. The Gardens quest for non-potable water continues.</p> <p>Councillor Shaffner asked to be removed from this Board; he will be replaced after the new Councillors are sworn in.</p>	Councillor Doug Shaffner	

{h} FAPS	FAPS has apparently won a Provincial Award for volunteer commitment; few details were made available. It was agreed that this item will be removed from future Agendas, Deputy Mayor Roberts will continue to support the Society as a member but will resign from the Board.	Deputy Mayor Phil Roberts	
{g} Twinning Committee	No report was available.	Deputy Mayor Phil Roberts	

CORRESPONDENCE

Item	Decision / Action	Responsibility	Target Date
{a} None			

GENERAL DISCUSSION

1. Federal Election – Deputy Mayor Roberts said that he was outraged with the identification problem during the Federal Election. He said that voters were turned away by the thousands because their identification did not indicate a civic address. He said that this issue probably contributed to the low voter turnout. Deputy Mayor Roberts also mentioned an issue with a couple who live in Annapolis Royal who were not able to vote because of the length of time that they have been actual residents. This issue will be clarified with Poll Clerk Sandi Millet Campbell. It was agreed that the town should continue to ensure that civic addresses are printed on water utility bills.

Deputy Mayor Roberts will draft a letter to the local MP regarding the Federal Election process and the apparent problems with the process. All members of Council agreed that the issue should be addressed and a letter would be appropriate.

2. Town Hall Windows – It was requested by Council that a Pella window representative make a presentation to Council to address concerns of possible condensation and other issues with the installation of Pella windows. Arrangements will be made to have the discussion during the next Committee of the Whole meeting.

3. Swearing in of New Council Members – All Councillors swore the oath of office as Councillors for the Town of Annapolis Royal. Councillor Dewolfe was nominated and elected as Deputy Mayor; she said that she will accept the position but thinks it should be reviewed in

one to two years to see if another member of Council might be interested. Deputy Mayor Roberts will take the oath of Mayor on October 31, 2008 during a special meeting of Council.

With the oath for new Councillors came appointments to Boards, Committees and Commissions; the following appointments were made:

Annapolis Royal Board of Police Commissioners – Deputy Mayor DeWolfe and Councillor Fearon

ADEDA – Deputy Mayor DeWolfe

King's Theatre – Councillor Shaffner

REMO – Councillor Hudson

Historic Gardens – Councillor Power

The Mayor Elect and all members of Council also requested information on the following:

- Municipal Finances and specifically Annapolis Royal financing;
- public infrastructure and present agreements;
- planning, MPS & LUB and development agreements;
- roles of Administration, Town employees and Council;
- communication between staff and Council; and
- marketing and the website.

This information will be included in the orientation program, a draft of which was given to each member of Council. It was agreed that meeting times for Committee of the Whole and Council will remain the same for the winter months. The issue will be discussed in the Spring of 2009.

NEXT MEETING November 17, 2008 at 9:00 a.m.

ADJOURNMENT

It was moved by Councillor Shaffner to adjourn the meeting.

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

APPENDIX A



**Planning
Development
Project Management**

MEMO

To: Annapolis Royal Planning and Heritage Advisory Committee
From: Chris Millier on behalf of the ADPC
Date: September 11, 2008
**Re: Application to Amend the Municipal Planning Strategy and Land Use By-law,
Future Commercial Development, St. Anthony Street**

At its meeting of September 3, 2008 the PHAC confirmed its support for the preparation of amendments to the Municipal Planning Strategy and Land Use By-law which would:

- Resdesignate certain lands at the north end of St. Anthony Street for future commercial development;
- Require that new commercial development in this area be subject to Development Agreement to ensure compatibility with the Town's heritage character.

Specific amendments to implement these changes are identified below.

It is noted that for the purposes of consistency and in light of the policy intent regarding the sensitivity of the "gateway" area the amendments as drafted would apply to the redevelopment or expansion of the existing commercial development in this area.

It is also noted that the proposed amendments do not change the current zoning of any of the affected properties nor do they change the legal status of any of the existing uses.

It is further noted that, as was suggested during the Committee's previous discussion, the current Municipal Planning Strategy does contain provisions within Policy 27.6.3 and 27.7.1, matters which may be included in a Development Agreement, to "regulate architectural design or external appearance of structures, in particular its compatibility with adjacent structures"(Policy

27.6.3(e)) and “landscaping or buffering of developments which may include fencing, walkways or outdoor lighting” (Policy 27.6.3.(h)).

Proposed Amendments to the Municipal Planning Strategy

1. Amend the Generalized Future Land Use map by redesignating the following properties from Residential to Commercial: PID 05002720, PID 05002738, PID 05002746, PID 05002753, PID 05002787, PID 05002795. (map attached)
2. Part 7 Paragraphs 4 and 5, Commercial Policy be amended to read as follows:

The Town’s main commercial activity is on St. George Street (General Commercial (C1) Zone), St. Anthony Street and Prince Albert Road (Highway Commercial (C2) Zone and Heritage Commercial (C3) Zone). It is important for the Town’s economic health that these areas should be able to accommodate future growth, with considerations such as parking and landscaping being given due importance. **These development control issues are of particular significance for the northern portion of St. Anthony Street which serves as a primary entry point and gateway into the Town.**

Council’s goal is to encourage new retail business to be located in the downtown commercial area, with the highway commercial areas reserved for businesses with large space requirements and other retail uses that could not otherwise be accommodated in the downtown area. The Town also encourages planned multiple-retail developments (e.g. a plaza or mini-mall) in the highway commercial area or the ESA **Zone** west of Prince Albert Road. **Within the commercial area on St. Anthony Street north of Chapel Street new highway commercial uses and the redevelopment or expansion of existing commercial uses will only be considered by Development Agreement to ensure that appropriate consideration is given to architectural, site planning and landscaping design provisions which are in keeping with the Town’s heritage character and which enhance this area as an important gateway to the Town.** Additional commercial uses of a very limited nature are permitted in the Heritage Commercial (C3) Zone and as home occupations.

3. Policy 7.1(b) be amended to read as follows:

- b) highway commercial uses particularly those with large parking and storage requirements, in the Highway Commercial (C2) Zone of St. Anthony Street and Prince Albert Road **except as provided for in subsection (g) of this policy**, or in the Environmentally Sensitive Area (ESA) Zone west of Prince Albert Road by Development Agreement;
- 4. Policy 7.1 be amended to include the following new subsection:
 - g) **new highway commercial uses or the redevelopment or expansion of existing highway commercial within the Commercial Generalized Future Land Use Designation on St. Anthony Street north of Chapel Street by Development Agreement.**
- 5. Policy 27.6.1 be amended to include the following new subsection:
 - j) **new highway commercial uses or the expansion or redevelopment of existing commercial uses in the Commercial Designation on St. Anthony Street north of Chapel Street (Policy 7.1(g)).**

Proposed Amendments to the Land Use By-law

- 1. Amend Part 3.7 to include the following new subsection:
 - 3.7.10 new highway commercial uses or the expansion or redevelopment of existing commercial uses in the Commercial Designation on St. Anthony Street north of Chapel Street (Policy 7.1(g)).**

Prepared on behalf of the Annapolis District Planning Commission

A handwritten signature in dark ink, appearing to read 'C. Millier', written over a light blue rectangular background.

Chris Millier, LPP, MCIP
Planner