

**Town of Annapolis Royal
Approved Minutes
Regular Council Meeting
October 21, 2013**

1. PRESENT: Deputy Mayor Power, Councillor Sherman Hudson, Councillor Byron Mersereau, Councillor Paul Paquette, CAO Carol St-Amour, Director of Finance Melony Robinson, Recording Secretary Dawn Bourke, Adrian Nette (Chairman Planning & Heritage Advisory Committee) and John Britton.

2. REGRETS: Mayor Tompkins

3. CALL TO ORDER: Chair Pat Power called the meeting to order at 6:04 pm.

4. APPROVAL OF COUNCIL MINUTES: September 16, 2013

MOTION 1

It was moved by Councillor Hudson, seconded by Councillor to approve the minutes of the Council meeting of September 16, 2013 as amended: Page 2, First Paragraph last sentence delete "listing of gas expenditures" and insert "listing of eligible expenditures"; Page 3 vi. Aged Receivables – Utilities and Taxes delete last sentence "Director of Finance advised there is a payment plan process in place for arrears noting arrears are always paid out when a property sells" and insert "Director of Finance advised that in most cases there is a payment plan process in place for arrears and noting tax arrears are always paid out when a property sells."; Page 4 viii Website Audit Annapolisroyal.com second sentence delete "operating system" and insert "application"; Page 4 x. Valley Waste Resource Management, second paragraph first sentence delete and insert "Discussion was held regarding waste pickup at restaurants on the off week, the placement of 2 additional bins by the public works compound, placing Town logos on the 2 additional bins, streaming is already in place, the Town has the trucks with lifts to deal with the pickup, not increasing work for the public works department reducing the workload, only looking at a four month period of restaurant pickups for the public works department, fees for additional pickups"; and Page 9, 3rd paragraph, add to the sentence "and it was noted a similar letter was sent to Peter Davies. **CARRIED.**

5. ADDITIONS TO AGENDA:

Business Arising iv. Status of Management Letter from Auditors 2013 Audit
Business Arising v. 324 St. George Street Encroachment on Town sidewalk

6. APPROVAL OF AGENDA:

MOTION 2

It was moved by Councillor Paquette, seconded by Councillor Hudson to approve the agenda as amended.
CARRIED.

7. PUBLIC INPUT:

8. PRESENTATIONS:

9. PUBLIC HEARING:

It was agreed to discuss the motions from the Planning & Heritage Advisory Committee at this point in the meeting as Adrian Nette and John Brittain are in attendance.

12. RECOMMENDATIONS FROM COMMITTEES, BOARDS AND COMMISSIONS:

i. Planning & Heritage Advisory Committee Meeting of October 7, 2013

MOTION 3

It was moved by Councillor Hudson, seconded by Councillor Paquette to approve application AR13-021-HER to pour a ramp at 324 St George Street, as revised by the applicant's submission October 7, 2013 providing all conditions of the Land Use By-Laws are met. **1 Nay Vote, CARRIED.**

Adrian Nette advised that when PHAC made the motion a 3 dimensional diagram of the apron/ramp was presented; if measured from the centre of the road and if the right of way is 25 feet, this would be on the owners property; the step is 6 ¾ inches high, the proposed ramp would extend five feet outwards from the building, flat in middle part and fanned in all directions; includes a reinforced edge with noncorrosive metal at edge so the concrete will not deteriorate, ½- ¾ inches drop from doorway, with a 12 to 1 ratio of rise; water would drain towards street. John Brittain described the apron noting it would have an approximate 10 foot opening, tapered right around on all sides, no obstruction to pedestrians. John Brittain advised that People Worx (a government agency) requires wheelchair accessibility.

Councillor Mersereau noted the issue with building structures on town sidewalks and suggested rather than a permanent concrete structure the option of a wooden structure and also suggested it may be appropriate to determine the actual setback requirements.

MOTION 3

It was moved by Councillor Hudson, seconded by Councillor Paquette to approve application AR13-021-HER to pour a ramp at 324 St George Street, as revised by the applicant's submission October 7, 2013 providing all conditions of the Land Use By-Laws are met. **1 Nay Vote, CARRIED.**

Discussion was held regarding encroachments as per the Town of Annapolis Royal Streets and Sidewalks By-law. Councillor Mersereau advised it is redundant at this time as the motion was carried without verification of whose land the encroachment would be on. It was agreed to bring the item forward to the next meeting of the Committee of the Whole.

John Brittain departed the meeting at 7:40 pm

MOTION 4

It was moved by Councillor Mersereau, seconded by Councillor Hudson that the application to construct a garage on the rear of the lot at 364 St. George Street, AR13-028-HER, be approved with the clapboard wood siding maximum 4 ½", roofing with art shingles or 3 notched tabs, with paint the same colour scheme as the house, with 3 decorative hinges on a pull out doors and wood frame windows, and providing that all conditions of the Land Use Bylaw are met.

Discussion took place that emphasized the motion was pertaining to heritage only; that the Development Officer is the authority to decide, as per the Land Use By-law, whether the application will be approved or not; and that Council could revise the Heritage Committee motion to remove the words "... the rear of...".

Councillor Paquette called for a Question of Privilege, seconded by Councillor Hudson to rescind the motion as there is a significant error in the motion as it states "to construct a garage at the rear of the lot at 364 St. George Street" noting the property runs from St. George Street to Victoria Street and Section 4.23 of the Land Use By-law refers to Front Yard for a Through Lot "in the case of a through lot, there shall be deemed to be two front yards and the setback requirements for the zone shall be observed.

1 Nay Vote, CARRIED.

MOTION 5

It was moved by Councillor Paquette, seconded by Councillor Hudson that application AR13-030-HER to remove the existing carriage house doors to be replaced by a window at 539 St George Street, be approved, provided that all conditions of the Land Use By-Law are met. **CARRIED.**

MOTION 6

It was moved by Councillor Hudson, seconded by Councillor Mersereau that application AR13-032-HER to replace the back part of the roof on the rear of the building at 234 St George Street be approved providing all the conditions of the Land Use By-Law are met. **1 Nay vote. CARRIED.**

MOTION 7

It was moved by Councillor Mersereau seconded by Councillor Paquette, to send a letter to the owner of property at 234 St. George to emphasize the application process needs to be adhered to. **CARRIED.**

Adrian Nette departed the meeting at 8:00 pm.

10. BUSINESS ARISING:

i. Update - Valley Waste Resource Management

Councillor Hudson noted that at the last Valley Waste Resource Management meeting of October 16, 2013 the Board indicated the first pick up and Fall Clean Up for the Town of Annapolis Royal went well. Councillor Mersereau suggested when VWRM provides an article for the Town Crier, to include a few words encouraging people to ensure carts are out at an appropriate time. Chair Power advised the cardboard liners for the compost bins are not available in town currently but are available at Walmart and Sobey's and this should also be noted in the Town Crier.

ii. Update – Unsightly Premises

Councillor Mersereau inquired as to the date of completion of the exterior paint on the house at 380 St. George Street. CAO St-Amour advised she has made contact and is awaiting a call.

iii. Town Hall Roof Quotes

Councillor Mersereau suggested an amendment to the recommended motion to include 35 year life expectancy shingles at a cost not to exceed an additional \$300.00.

MOTION 8

It was moved by Councillor Paquette, seconded by Councillor Hudson, to approve Glen Mugford as the contractor to proceed with repairing the roof as outlined in his quote in the amount of \$18,123.88 including non-refundable HST; and amended to include 35 year life expectancy shingles at a cost not to exceed \$300.00. **CARRIED.**

11. NEW BUSINESS:

Councillor Mersereau requested a copy of the Audited Financial Statements for April 1, 2012 to March 31, 2013 and the Final Management Letter. It was agreed to email both items to Town Council. Director of Finance Robinson reviewed the Financials from April 1, 2013 to September 30, 2013.

i. Financials April 1-September 30, 2013(Tab 4)

- a) Town Operating Income Statement
- b) Town Operating Balance Sheet
- c) Water Utility Income Statement
- d) Water Utility Balance Sheet

- e) Water Capital Balance Sheet
- f) General Capital Balance Sheet
- g) Reserve Capital Balance Sheet

Discussion was held regarding the Climate Change report and Deputy Mayor Power suggested contacting the Clean Annapolis River Project (CARP) to see if they would undertake the report.

Councillor Mersereau advised he would like a line item for website changes.

Councillor Mersereau inquired as to the process regarding expenditures prior to receipt of goods or services, such as the promotional video, noting it was paid in full prior to the project being completed.

Director of Finance Robinson departed the meeting at 7:45 pm.

ii. Appointment of New Animal Control Officer

MOTION 9

It was moved by Councillor Mersereau, seconded by Councillor Hudson that as per the Contract Agreement for Animal Control Services between the County of Annapolis and the Town of Annapolis Royal, Council appoints James Rose as the Town of Annapolis Royal Animal Control Officer. **CARRIED.**

iii. Appointments to Annapolis Pool Committee

MOTION 10

It was moved by Councillor Mersereau, seconded by Councillor Paquette to appoint Christine Igot as a member of the Annapolis Pool Committee. **CARRIED.**

iv. Request for Capital Water Expenditure

Discussion was held regarding use of potable water; average home owners use about 45,000 gallons per year and have a 5/8 inch meter, and the Town has seasonal homeowners who do not use water for 6-8 months per year, not a huge risk to overtask system by providing 600,000 to 1,000,000 gallons of water to the Department of Transportation.

Councillor Hudson noted that when Tony Harvey came to a meeting of the Town Council he advised that there would be no cost to the Town of Annapolis Royal regarding the request for the supply of water. Councillor Mersereau suggested that when someone hooks up to the Town's water transmission line they should absorb the cost.

MOTION 11

It was moved by Councillor Hudson, seconded by Councillor Mersereau to authorize CAO St-Amour to provide a Memorandum of Understanding between the Town of Annapolis Royal and the Department of Transportation; and the document shall include the base rate for the 3 inch or 2 inch water meter, the metered water rate, and for a minimum specified period of three years usage and further the Town of Annapolis Royal will be responsible for the \$5,000 cost associated with the elbow, valve, meter and installation. **CARRIED.**

v. Letter from Ted Ashdown re: Shipping Container

CAO St-Amour advised that she contacted the Town's Development Officer regarding the shipping container.

MOTION 12

It was moved by Councillor Hudson Sherman, seconded by Councillor Paquette that Council direct CAO St-Amour to forward a letter to the owners of 669 St. George Street requesting that the shipping container be removed within 15 days of receiving the letter and noting that if the container is not removed within that time, Council will direct the CAO to place an official order on the owner to remove the shipping container by notice as provided within Part XV, Sections 344 through 348 of the Municipal Government Act. **CARRIED.**

It was agreed to direct CAO St-Amour to speak with the residents of 669 St. George Street regarding the removal of the shipping container explaining the Town's position prior to sending the letter.

vi. Letter from Jaki Fraser, Chair, Lawrencetown Village Commission re: 60th Anniversary
The 60th Anniversary of the Village of Lawrencetown will take place on Saturday, November 2nd from 1-4 pm.

vii. Nova Scotia Utility and Review Board – Stakeholder Survey 2013
Chair Power advised the survey has been completed. Councillor Mersereau advised that the answer to question 7 should either be left blank or clarify that the Town water is obtained from a source of supply that is jointly owned by the Town Water Utility and another municipality.

12. RECOMMENDATIONS FROM COMMITTEES, BOARDS AND COMMISSIONS:

i. Traffic Flow Advisory Committee July 29, 2013

MOTION 13

It was moved by Councillor Paquette, seconded by Councillor Hudson, to retain the 2 hour parking restrictions in the two parking spots across from the Post Office. **CARRIED.**

Traffic Flow Advisory Committee September 23, 2013

MOTION 14

It was moved by Councillor Hudson, seconded by Councillor Mersereau that the Public Works Department install a stop sign on the corner of St. George Street and St. Anthony Street to make a 2 way stop, on a trial basis in the spring of 2014. **CARRIED.**

ii. Marketing & Economic Development Committee Meeting of October 8, 2013

MOTION 15

It was moved by Councillor Mersereau, seconded by Councillor Paquette to request lists of upcoming events and annual events from the various organizations and further the information be placed in the Town Crier, on the Town website and to the community reminder list. **CARRIED.**

MOTION 16

It was moved by Councillor Paquette, seconded by Councillor Hudson that the Marketing and Economic Development Committee hold a luncheon meeting with representatives from the B&B's, accommodations/surrounding area accommodations as listed on the Town website, Board of Trade and the tourist attractions, October 29th, 2013 and further that the invitations be sent out with a RSVP. **CARRIED.**

iii. Board of Police Commissioners Meeting of October 9, 2013

MOTION 17

It was moved by Councillor Hudson, seconded by Councillor Mersereau to approve the nomination of Chair of the Board of Police Commissioners Pat Power to be the Town of Annapolis Royal representative to the Nova Scotia Association of Police Boards. **CARRIED.**

iv. Committee of the Whole Meeting of October 9, 2013

MOTION 18

It was moved by Councillor Mersereau, seconded by Councillor Paquette that the FUNDYweb Broadband Board be dissolved in accordance with Sub-section 32(1) of the signed Intermunicipal Agreement and Sub-section 30(1) of the unsigned agreement between FUNDYweb Broadband Board and Nova Scotia Community College. **CARRIED.**

MOTION 19

It was moved by Councillor Paquette, seconded by Councillor Hudson to approve the draft amendment to Flag-flying Policy 2011-1 dated October 9, 2013 with the following amendments: change half-staff to half-mast throughout; under Procedure Item 4, appropriate to include Union Jack as the Royal Union Flag - Victoria Day, Anniversary of the Adoption of the Statue of Westminster Commonwealth Day; under Display of Flags on Power Poles becomes number 5 under Procedure; expand to read "Flags may be flown on power poles within the guidelines of Canada Heritage rules and regulations as set out in Flag Etiquette in Canada; and further, flags other than the national flag, provincial flag and town flag on power poles will be allowed on a temporary basis and will be removed within a reasonable amount of time (within one week) from the date of the event of the or the occasions they are used to commemorate." **CARRIED.**

MOTION 20

It was moved by Councillor Hudson, seconded by Councillor Mersereau that the Town of Annapolis Royal not support the East Hants Off-Highway Vehicle Resolution UNSM. **1 Nay vote. CARRIED.**

MOTION 21

It was moved by Councillor Mersereau, seconded by Councillor Paquette to appoint Adele MacDonald as a business representative and Bill Monk as a member at large representative on the Marketing and Economic Development Committee for the remainder of the terms vacated to December 2013, and further, that Council will consider re-appointment of all members on the Marketing and Economic Development Committee in December 2013 as per Policy 2012-3. **CARRIED.**

MOTION 22

It was moved by Councillor Paquette, seconded by Councillor Hudson, that the Meeting and Procedure Policy be amended to include "Council meetings shall be a maximum of 3 hours in length with an option to extend the meeting by a maximum of 30 minutes in special cases or an unusually long agenda" and "time set for presentations will only be extended by a motion of Council". **CARRIED.**

MOTION 23

It was moved by Councillor Hudson, seconded by Councillor Mersereau that the Town of Annapolis Royal not proceed with an appeal of the Nova Scotia Utility and Review Board (NSUARB) decision of April 25, 2013 and further, not to proceed with an appeal of the Supplementary Decision dated October 3, 2013. **CARRIED.**

13. REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS:

1. **Mayor's Report** – Mayor Tompkins – no report

2. **Marketing and Economic Development Committee**

Councillor Paquette advised invitations for the luncheon meeting with representatives from the B&B's, tourist attractions etc. are in the process of being delivered, the luncheon will be held at the Fire Hall October 29th starting at noon. Councillor Paquette noted the promotional video came out October 9th and can be seen on annapolisroyal.ca.

3. Annapolis Royal Regional Academy

Councillor Mersereau reported showing the Annapolis Royal Regional Academy to a developer from Truro, who acted more in an advisory capacity and had some good suggestions. Councillor Mersereau advised a 17 page preliminary document has been prepared. The next meeting of the ARRA sub-committee is scheduled for October 29th and the purpose of the meeting is to refine as appropriate the information document and update task lists for the next steps to market the ARRA building.

4. Annapolis Pool Committee

Councillor Paquette noted the Committee team is positive and forward looking. The Friends of the Annapolis Pool Committee is revising programs and hours of operation.

5. Planning Services – No reports available

6. Regional Emergency Measures Organization

CAO St-Amour noted that she will be attending a mock disaster exercise Wednesday October 23, 2013.

7. Planning and Heritage Advisory Committee

Draft minutes of the meeting held October 7, 2013 circulated in the agenda.

8. Traffic Flow Advisory

Draft minutes of the meeting held September 23, 2013 and July 29, 2013 circulated in the agenda.

9. Board of Police Commissioners

Chair Power advised that following the Board of Police Commissioners meeting of October 9th, 2013, a meeting took place with the Board, Council and two representatives from the Department of Justice. Councillor Mersereau suggested that consideration be given at the Union of Nova Scotia Municipalities Conference regarding the Police Act legislation as it seems to require an overhaul; it is intended to separate Council from supervising the Police Departments but some disconnect occurs between who pays for the service and how the money is spent and could be clarified.

10. CAO's Report

CAO St-Amour provided her report dated October 21, 2013. CAO St-Amour advised the Board of Trade is removing the octagon kiosks. Councillor Mersereau suggested the Board of Trade consider hiring a high school student to update the information at the kiosk by the Post Office as it is used regularly, and further questioned if the Pixie Dust funds may be available to pay a high school student.

CAO St- Amour advised that representatives from NSPI would like to come to a meeting of the Wharf Sub-Committee to discuss a mural for their building.

11. Water Report

Water tests have been viewed and are within the required parameters.

14. OTHER BUSINESS: None

15. CORRESPONDENCE:

- i. Dalhousie Local Government Fall Workshops

Recording Secretary Bourke departed the meeting at 8:50 pm

MOTION 24

It was moved by Councillor Paquette, seconded by Councillor Hudson to move in-camera at 8:55 pm
CARRIED.

16. IN CAMERA:

- i. Reason (c) Personnel Matter
- ii. Reason (c) Personnel Matter

MOTION 25

It was moved by Councillor Paquette, seconded by Councillor Hudson to move out of in-camera at 9:27 pm.
CARRIED.

MOTION 26

It was moved by Councillor Mersereau, seconded by Councillor Hudson that Council authorize CAO St-Amour to recruit a Planning, Heritage and Marketing Coordinator to fill the new position, with salary to be commensurate with experience and qualifications as per the job description approved. **CARRIED.**

17. ADJOURNMENT

It was moved by Councillor Hudson, seconded by Councillor Paquette to adjourn the meeting at 9:32 pm.
CARRIED.

Mayor Michael Tompkins

CAO Carol St-Amour