

**Town of Annapolis Royal
Approved Minutes of Regular Council Meeting Held
September 15, 2014, 6:00 pm**

1. PRESENT: Mayor Michael Tompkins, Deputy Mayor Pat Power, Councillor Sherman Hudson, Councillor Byron Mersereau, Councillor Paul Paquette, Chief Administrative Office (CAO) Carol St-Amour, Director of Finance (DOF) Melony Robinson, Recording Secretary Dawn Bourke, Val Stackhouse (Innkeeper Hillsdale House).

2. REGRETS:

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

MOTION #C-2014-SEP-15-01

Moved by Councillor Paquette to raise a point of order concerning the recently discussed practice of adding agenda items 3-4 days prior to a meeting, unless for an emergency item. Councillor Paquette suggested that doing so would preclude Council from doing ordinary business. A motion to lay on the table provides the opportunity to discuss immediately or to postpone discussion.

It was agreed that the Town Solicitor and the Town Municipal Advisor be invited to attend a meeting for the purpose of discussing meeting procedures.

4. APPROVAL OF COUNCIL MINUTES: July 21, 2014; August 18, 2014

MOTION #C-2014-SEP-15-02

Moved by Deputy Mayor Power, seconded by Councillor Hudson to approve the minutes of the July 21, 2014 Council minutes as amended: Page 3 MOTION C-2014-JUL-21-05 delete "Non-residents" and insert "Residents" and Page 4, MOTION C-2014-JUL-21-08 at the end of the motion add "and waive the fee".

CARRIED

Councillor Paquette inquired with regards to item 10i of the July 21st, 2014 minutes noting the Town has an order; the date has come and gone for the compliance of the order; the work was not completely carried out; how does the Town proceed with the order; is there no intent to proceed with the order because they are working; work is visibly slowing down; need to maintain the process. CAO St-Amour advised that she has met with the property owner and the expectation is the work will be completed by the end of September or beginning of October.

It was agreed to have the CAO discuss with the Town Solicitor what would be required to maintain the process of the order.

MOTION #C-2014-SEP-15-03

Moved by Councillor Mersereau, seconded by Deputy Mayor Power to approve the minutes of the August 18, 2014 meeting as printed. **CARRIED**

5. APPROVAL OF AGENDA:

MOTION #C-2014-SEP-15-04

Moved by Councillor Mersereau, seconded by Deputy Mayor Power to approve the agenda as presented. **CARRIED**

6. PUBLIC INPUT:

7. PUBLIC HEARING: Orderly & Peaceful Conduct By-law

Mayor Tompkins called the public hearing to order at 6:25 pm.

Background information was provided noting that the request was for an exemption of the Orderly and Peaceful Conduct to allow an extension of noise until midnight on October 11, 2014; and further the Town sent out the letters to property owners located within 300 metres.

Councillor Mersereau suggested that prior to next season, when reviewing the Orderly & Peaceful Conduct By-law, consideration be given to providing for exceptions to accommodate established B&B's operating under the same ownership for a set number of years, with conditions.

Val Stackhouse noted that according to the By-law, a B&B cannot apply for an extension 6 months prior to the event and suggested this also be addressed when reviewing the by-law as some people book their functions a year in advance or more; and the time could be extended.

MOTION #C-2014-SEP-15-05

Moved by Councillor Paquette, seconded by Councillor Hudson be it resolved that Council grant an extension under the Orderly and Peaceful Conduct By-law to the owners of the Hillsdale House Inn to allow music until midnight on October 11, 2014 as requested. **CARRIED**

8. PRESENTATIONS:

a) **Tennis Court – Brian Gibson and John Rodie - unavailable**

b) **Consolidated Financial Statements March 31, 2014 Draft Audit – Erica McCurdy via Teleconference**

Ercia McCurdy, Auditor joined the meeting via teleconference.

Considerable discussion was held regarding the Consolidated Financial Statements ending March 31, 2014. Councillor Mersereau requested clarification regarding the receipt of the gas tax revenue (\$60,006); and the Taxes Receivable Page 7 of 28 should accurately reflect the taxes receivable.

It was agreed that based on the conditional changes and subject to changes of the notes to the Consolidated Financial Statements March 31, 2014; an electronic vote will be held for the purpose of approval of such.

9. BUSINESS ARISING:

a) **Ratification of Electronic Vote re: AR14-021-HER**

MOTION #C-2014-SEP-15-06

Moved by Councillor Hudson, seconded by Councillor Mersereau, that Council gives the applicant at 21 Church Street heritage approval to repair and replace the emergency fire escape as detailed in application AR14-021-HER, providing all conditions of the Land Use By-law are met. **CARRIED**

b) Ratification of Electronic Vote re: Leaf and Yard Waste Keys

MOTION #C-2014-SEP-15-07

Moved by Deputy Mayor Power, seconded by Councillor Hudson to ratify the motion moved, seconded and carried unanimously July 23, 2014 as follows:

- “a) That Council rescind the July 21, 2014 motions regarding the leaf and yard waste drop-off site keys for residents and contractors;
- b) that Council approve that new keys be made available to all residents, business occupants, or owners of in-Town properties or a contractor regularly employed by them to assist with yard and tree maintenance, and who are currently authorized holders of an old key to the lock at the leaf and yard waste drop-off site at no extra cost;
- c) that residents, business occupants, or owners of in-Town properties or a contractor regularly employed by them to assist with yard and tree maintenance, who wish access to the leaf and yard waste drop-off site, and who do not have an old key be required to pay a non-refundable key deposit in the amount of \$25;
- d) that at the time of issuance of a key in accordance with b) or c) above, an agreement that includes conditions as set-out in the attached outline that has been reviewed by Council shall be obtained from the recipient;
- e) that the provisions of this motion shall be incorporated in an updated policy that is to be developed in respect of the future operation of the Leaf and yard Waste Drop-Off Site. **CARRIED**

c) Draft Policy for Use of Leaf and Yard Waste Site

MOTION #C-2014-SEP-15-08

Moved by Councillor Mersereau, seconded by Councillor Paquette to adopt the policy on Yard Waste Drop-Off at the Leaf and Yard Drop-Off Site as presented. **CARRIED**

d) Motion to Approve Capital Water Budget 2014-2017 and Water Utility Budget 2014-2017

MOTION #C-2014-SEP-15-09

Moved by Councillor Hudson, seconded by Councillor Paquette to approve the Annapolis Royal Capital Water Budget 2014-2017 and the Town of Annapolis Royal Water Utility Budget 2014-2017 as presented. **CARRIED**

10. NEW BUSINESS:

a) Seasonal Business Reductions for 2014-2015

MOTION #C-2014-SEP-15-10

Moved by Councillor Hudson, seconded by Deputy Mayor Power that Council approve the following Seasonal Business Reductions for 2014: Roll 92274 in the amount of \$3,403.58; Roll 1408402 in the amount of \$833.18; Roll 2466988 in the amount of \$2,623.95; Roll 3144577 in the amount of \$1,385.21; and Roll 4542975 in the amount of \$2,344.39. **CARRIED**

It was agreed to determine what are the rules and guidelines for the seasonal business reductions.

b) Not for Profit Tax Rebate/reduction 2014-2015

MOTION #C-2014-SEP-15-11

Moved by Councillor Mersereau, seconded by Councillor Paquette that Council approve the rebate/reduction for the following properties: Roll 00479993 in the amount of \$2,234.45; Roll 02355256 in the amount of \$1,883.55; Roll 00092428 in the amount of \$742.40; Roll 02045486 in the amount of \$137.75; Roll 02045494 in the amount of \$1,670.40; Roll 03611957 in the amount of \$957.00; Roll 01033204 in the

amount of \$655.40; Roll 04997409 in the amount of \$2,731.05; and Roll 00092398 in the amount of \$660.83. **CARRIED**

It was agreed to exclude Roll 06645721 in the amount \$1,848.75 until a review of the application in support of the request has been completed.

c) Town Owned Land

It was agreed to accept the report Town Owned Land for information.

d) By-law Enforcement

Deputy Mayor Power advised that some by-law enforcement would fall under the Board of Police Commissioners authority. Mayor Tompkins suggested that the Superintendent of Public Works be included when discussing by-law enforcement as some of the by-laws deal with traffic authority.

MOTION #C-2014-SEP-15-12

Moved by Councillor Mersereau, seconded by Councillor Paquette, that Council direct the Chief Administrative Officer to pursue questions regarding by-law enforcement as an option for the Annapolis Royal Police Department and report findings to a future Council (or the Board of Police Commissioners) meeting. **CARRIED**

e) Acadian Flag Flown at Town Hall

Councillor Paquette advised that he received 3 different positive responses from the community regarding the Acadian Flag being flown at the Town Hall.

f) Annapolis Royal Volunteer Fire Department

It was agreed that Council direct the Chief Administrative Officer to pursue specific questions as per the Report for Discussion with the Fire Department and report back to a future Council meeting.

g) Municipal Awareness Week

Discussion was held; no action required.

h) Repeal Solid Waste Material Management By-law

MOTION #C-2014-SEP-15-13

Moved by Councillor Mersereau, seconded by Councillor Paquette that Council repeal the "Solid Waste Material Management By-law" that was given second and final reading May 21, 2008 as it has been superseded by the new Valley Region Waste Resource by-law. **CARRIED**

i) Increase to Parking Fees at Hospitals – Resolution to UNSM Conference – District of Barrington

It was agreed to direct the voting delegates to vote in favour of this proposed motion at the Union of Nova Scotia Municipalities conference.

j) Compost Complaint

A complaint was received from the owner of the Lucky Rabbit Pottery regarding the smell and leakage of compost.

It was agreed to direct administration to determine what other municipalities are doing with regards to this.

k) Experience Rating WCB – Police Services

This item was presented for information.

l) Experience Rating WCB – Executive, Legislative and Public Works

This item was presented for information.

m) Maud Lewis Dwelling Replica Project – Deputy Mayor Power

Deputy Mayor Power advised that the Art Gallery of Nova Scotia had an auction of Maud Lewis dwelling replicas and Gerry Ackerman with other investors purchased a dwelling. Deputy Mayor Power inquired if the Town would move the building a couple of times a year and store it inside in the winter.

Mayor Tompkins suggested they contact ARCAC for possible placements of the dwelling. CAO St-Amour will check with the Superintendent of Public Works to determine if there is room in the Quonset hut to store it during the winter.

n) Municipal Climate Change Action Plan Draft

MOTION #C-2014-SEP-15-14

Moved by Deputy Mayor Power, seconded by Councillor Hudson that Council approve the Annapolis Royal Municipal Climate Change Action Plan dated September 2014 for submission to Service Nova Scotia Municipal Affairs. **CARRIED**

Councillor Mersereau inquired what the Town is committing to by way of submitting the Municipal Climate Change Action Plan; and are there recommended time lines to work on for the implementation of the action steps. CAO St-Amour advised that the commitment would only be to send it to the Province; and there are no time lines within the document. Councillor Mersereau suggested reserving time at the next strategic meeting to deal with the recommendations; and determining funding options for Section 2 Mitigation.

MOTION #C-2014-SEP-15-15

Moved by Deputy Mayor Power, seconded by Councillor Hudson to extend the meeting for ½ hour until 9:30 pm. **CARRIED**

11. RECOMMENDATIONS FROM COMMITTEES, BOARDS AND COMMISSIONS:

Planning Heritage Advisory Committee meeting of September 2, 2014

Councillor Mersereau removed himself from the room and discussion.

a) AR14-023-HER – 401 St George Street – Request for Changes to a Heritage Property

MOTION #C-2014-SEP-16

Moved by Councillor Paquette, seconded by Councillor Hudson that the applicant at 401 St George Street be given heritage approval to replace the windows, install a new deck, add additional parking, and install a ground sign as detailed in the application AR14-023-HER, providing the requirements of the Land Use By-law are met. **CARRIED**

b) AR14-024-HER – 64 St Patrick’s Lane – Request for Changes to a Property Adjacent to a Heritage Property

MOTION #C-2014-SEP-17

Moved by Deputy Mayor Power, seconded by Councillor Hudson that the application to build a garage at 64 St. Patrick’s Lane as detailed in the application AR14-024-HER be approved, providing all conditions of the Land Use By-law are met. **CARRIED**

Councillor Mersereau returned to the meeting.

12. REPORTS FROM COMMITTEES, BOARDS AND COMMISSIONS:

- a) **Mayor’s Report** – Mayor Tompkins advised he attended Port Days in Digby, was invited as Mayor, sessions topics were about infrastructure and tidal/turbine power; had numerous conversations with Bay Ferries; had another meeting in Cornwallis with MLA Greg Kerr regarding Legacy 2017 projects noting the MLA wants a commitment from all municipal units. CAO St-Amour has provided a “concept for consideration” document to Atlantic Canada Opportunities Agency for several projects including the boardwalk, amphitheatre, for consideration of funding.
- b) **Marketing and Economic Development Committee** – Mayor Tompkins advised a meeting was held and there was discussion with regards to Natal Days; Minister Inces has interest in coming back if invited by a municipality.
- c) **Board of Police Commissioners re: Chiefs Report for July and August 2014** – Deputy Mayor Power advised a meeting was held last week and there was discussion regarding Taser usage further noting Tasers fall under the Board and the Board may be in contravention to provincial standards as they relate to Use of Force. Councillor Mersereau noted once verified with the Department of Justice if the use of force continuum requires Tasers as mandatory legal requirements then the Board will review. It was further noted that at the next meeting the strategic initiatives will be reviewed.
- d) **Friends of the Annapolis Royal Library** – Deputy Mayor Power Pat advised a meeting was held and discussion included plans for the library expansion; the Library held a focus group meeting with members of the business community and showed them the plans and received feedback.
- e) **ARRA** – Councillor Mersereau advised a meeting was held September 4, 2014, worked on ongoing initiatives; added the development of a fee schedule in anticipation of use of space, the deadline for production of a draft of the request for expression of interest is September 30, 2014; the coffee mugs with “Where History Meets Opportunity” were well received.
- f) **Planning Services re: Report for July and August 2014**
It was noted that the Fire Inspector has been active.
- g) **REMO re: Report July and August** – Councillor Hudson advised a meeting was held in July after the Tropical Storm Arthur; and it was noted David McCoubrey Regional Emergency Management Coordinator receives instruction from Halifax.
- h) **Valley Waste Resource Management re: Management Minutes; Approved Audited Statements**– Councillor Hudson advised a meeting is scheduled for Wednesday September 18, 2014.
- i) **Planning and Heritage Advisory Committee** – Discussed previously.
- j) **Traffic Flow Advisory Committee** – Mayor Tompkins – No report.
- k) **Events Protocol Update** – Councillor Paquette noted the next event is Remembrance Day in November.
- l) **Friends of the Pool Society** – Councillor Paquette advised the new management team is doing very well.
- m) **CAO’s Report** – accepted for information.
- n) **Water Report** – within required parameters.

13. OTHER BUSINESS:

14. CORRESPONDENCE: (for information)

- a) Nova Scotia Municipal Finance Corporation Annual Report Year Ended March 31, 2014
- b) Standard Life – Sale of Canadian Businesses to Manulife
- c) Draft Poster – First Friday October 3, 2014

15. IN CAMERA: None

16. ADJOURNMENT

MOTION #C-2014-SEP-18

Moved by Councillor Mersereau, seconded by Councillor Hudson to adjourn the meeting at 9:26 pm.

CARRIED

Mayor Tompkins

CAO Carol St-Amour