

TOWN OF ANNAPOLIS ROYAL
REGULAR COUNCIL
September 20, 2004
7:00 p.m.

The monthly session of the Council was held on Monday, September 20, 2004 in the Council chambers at Town Hall. In attendance were Chair Mayor J. Kinsella, Deputy Mayor T. Fry, Councillors J. DeWolfe, W. Morgan, M. Tompkins, and R. Microys, A. Boyer CAO¹, Melony Robinson Director of Finance, and Marlene Feener Administrative Assistant as recording secretary. Also, present were Adrian Nette and Patricia Lonergan from the Spectator.

CALL TO ORDER **7:00 P.M.**

J. Kinsella called the meeting to order at 7:00 p.m.

APPROVAL OF REGULAR MINUTES **16/08/04**

Motion # 1

It was moved by T. Fry, seconded by M. Tompkins, approval of minutes of August 16, 2004 as amended. Motion Carried.

ADDITIONS/DELETIONS TO AGENDA **20/09/04**

Error under New Business lettering

APPROVAL OF AGENDA **20/09/04**

¹Chief Administrative Officer

Motion # 2

It was moved by T. Fry, seconded by M. Tompkins, approval of the agenda of September 20, 2004 as amended. Motion Carried.

PUBLIC HEARING

PRESENTATIONS -

Item {r} Streets and Sidewalks Bylaw under New Business was dealt with during item {a} under Presentations

- {a} Encroachment Issues / A. Nette 46 Drury Lane - A. Boyer stated that the Streets and Sidewalks Bylaw has been revised to cover encroachments on Town property. She said that the Bylaw has been reviewed by the Town's Planner and Solicitor. She reported that the new Streets and Sidewalks Bylaw would be required to go for first and second reading and then for publishing before it becomes law.

Mayor Kinsella asked A. Nette if the time line would work for him.

A. Nette stated that his renovations could wait until the Streets and Sidewalk Bylaw became law.

The draft Streets and Sidewalks Bylaw was reviewed and necessary revisions will be made. Discussion was held on a fee for leases for encroachments on Town property. A fee of \$50 will be included in the Streets and Sidewalks Bylaw.

A. Boyer will forward the revised Streets and Sidewalks Bylaw to the Town Planner and Solicitor for further review.

Motion #3

It was moved by R. Microys, seconded by J. DeWolfe, first reading of the Town of Annapolis Royal Streets and Sidewalk Bylaw. Motion Carried

A. Nette stated that his property is situated on an angle and that the property is currently encroaching on Town property. He said that he would work with R. Sturtevant on the encroachment issues.

BUSINESS ARISING FROM MINUTES

Item	Decision / Action	Responsibility	Target Date
{a} Town of Annapolis Royal Fire and Burglar Alarm Bylaw (1)	Discussion was held. Under section 3 add “or the Chief of Police” Motion # 4 <i>It was moved by T. Fry, seconded by M. Tompkins, second and final reading of the Town of Annapolis Royal Fire and Burglar Alarm Bylaw as amended. Motion Carried</i>	Council	
{b} Town of Annapolis Royal Dogs Bylaw (2)	Discussion was held. The definition for CAO will read Chief Administrative Officer. Motion # 5 <i>It was moved by W. Morgan, seconded by M. Tompkins, second and final reading of the Town of Annapolis Royal Dogs Bylaw as amended. Motion Carried</i> J. DeWolfe voiced concerns of dogs being around food and people at the Farmers’ Market . She said that two dogs starting fighting at the Farmers’ Market. A. Boyer stated that this will be dealt through the Farmers’ Market lease.	Council	
{c} National Building Code / 6 Drury Lane (11)	Information only; further information to be provided to Councillors.		
{d} Other			

MOTION(S) OF RECONSIDERATION: none

MOTION(S) OF RESCISSION: none

OTHER NOTICE(S) OF MOTION: none

NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
{a} Water Reports	Reports have been reviewed and found to be satisfactory.	CAO	
{b} Appointment of Citizen Representative for Western Valley Development Authority	<p>Mayor Kinsella stated that the WVDA² make up will include one Council member and one citizen at large appointed by each municipality. He said that R. Microys has offered to be the citizen at large member since she will no longer be a Council member.</p> <p>A. Nette stated that the citizen used to be selected by another body and not Council. A. Nette is now the citizen at large member and said that he would be willing to let R. Microys sit on the Committee in his place.</p> <p>Item deferred until after the municipal election.</p>		
{c} Appointment of Citizen Representative for Board of Police Commissioners	R. Microys stated that she will apply for the position of the Department of Justice citizen representative which is currently vacant on the Board of Police Commissioners.		
{d} Assistant Returning Officer	Discussed under item {j} Under New Business		
{e} Request to Trap Muskrats	Discussion was held. T. Fry stated that rules and regulations should be put in place if this request is approved. Staff will investigate.		
{f} Sustainable Communities (3)	<p>Discussion was held on whom Council would send to the Sustainable Communities Conference. A Boyer reported that the bursary if awarded to the Town would be 10,000 British pounds, which would equal approximately \$25,000 Canadian dollars.</p> <p>Mayor Kinsella stated that the Town was considering sending Councillor T. Fry, A. Boyer Chief Administrative Officer, and Sharon McAuley Marketing Manager.</p> <p>R. Microys stated that this conference is being held in Canada. She said</p>		

²Western Valley Development Authority

	<p>that press will be covering it and that it could be beneficial to the Town.</p> <p>W. Morgan stated that this is a small Town and felt that only one person should be sent to the Liveable Communities Conference.</p> <p>R. Microys stated that the press coverage alone during the conference would be worth sending three individuals.</p> <p>J. DeWolfe stated that she had been in favour of sending three people, but now feels that three would be too many to send.</p> <p>M. Tompkins voiced concerns that three people is a bit excessive. He said that he did not feel that this is a priority for the Town. He felt that one person would be adequate.</p> <p>T. Fry stated that she did not ask to be sent on this trip. She said that this is a huge opportunity for the Town and felt that there should be at least one more person to assist with the presentation.</p> <p>M. Tompkins stated that he would be in favour of sending two people to the Liveable Communities Conference but that it not be the Chief Administrative Officer.</p> <p>R. Microys stated that it would be asking a lot to send one person to the conference to do an adequate job with the presentation.</p>		
{g} Sustainable Communities Conference (cont'd)	<p><i>Motion # 6</i> <i>It was moved by R. Microys, seconded, by J. DeWolfe, that approval be given to the Town sending two people to the Liveable Communities Conference to be held October 2004. (Two nays M. Tompkins and W. Morgan) Motion Carried</i></p> <p><i>Motion # 7</i> <i>It was moved by T. Fry, seconded by R. Microys, that Melony Robinson be appointed as the Assistant Returning Officer. Motion Carried</i></p>		
{h} Keith Robicheau email re: RuSh Communications (4)	<p>Information only at this time.</p> <p>Staff will investigate.</p>	CAO	

<p>{I} Black Educators Association letter dated September 9, 2004 (5)</p>	<p>A. Boyer reported that she had spoken with the Black Educators' Association with regards to the Town's building on Grange Street. The Black Educators Association requested the use of the building on Grange Street.</p> <p>A. Boyer reported that the School Board has agreed with the Town's plans for disposal of the property. The Municipality of the County of Annapolis is going through the process of investigating the Town's request to dispose of the building.</p> <p>Staff will investigate the possibility of working out an agreement with the Black Educators' Association for the short term.</p>	<p>CAO</p>	
<p>{j} Swimming Pool Fencing Bylaw (6)</p>	<p>M. Tompkins stated that he has a problem with the proposed bylaw. He said that his pool is 4 feet and that the current bylaw provides for a 4-foot fence.</p> <p>Discussion was held on the current requirement to have a 4-foot fence and the impact of changing the height to a 5-foot fence.</p> <p>There was agreement to require a 4 foot fence only.</p> <p>Motion # 8 <i>Moved by T. Fry, seconded by J. DeWolfe, first reading of the Swimming Pool Fence Bylaw as amended. Motion Carried</i></p>		
<p>{k} Orientation Session for New Council Members</p>	<p>Mayor Kinsella stated that a tour of the water and sewer facilities should be included in the orientation for the new Council.</p>		
<p>{l} Date of Swearing in of New Council</p>	<p>M. Robinson suggested that the swearing in for the new council be held on November 01, 2004.</p> <p>T. Fry reported that it would make sense that the current Council remain in place for another meeting. She said that it would allow this Council to tie up loose ends.</p>		
<p>{m} J. Elliott Report on Church Street and Farmers' Market Landscape Improvements (10)</p>	<p>Information only at this time.</p> <p>A. Boyer requested that Council provide input.</p>		

{n} Annapolis District Planning Commission letter to Mike Gunn re: Boat (12)	Information only.		
{o} Minimum Housing and Maintenance Standards Bylaw (13)	<i>Motion # 9</i> <i>Moved by T. Fry, seconded by M. Tompkins, first reading of the Minimum Housing and Maintenance Standards Bylaw as amended.</i> <i>Motion Carried</i>		
{p} Email from Town Solicitor re: Policy on Payment in Lieu of Prosecution (14)	A. Boyer reported that if someone paid 50 percent of the minimum fine, then a bylaw infraction would not move forward for prosecution. Council was in favour of the Payment in Lieu of Prosecution Policy.		
{q} Policy on Payment in Lieu of Prosecution (15)	<i>Motion # 10</i> <i>It was moved by M. Tompkins, seconded by T. Fry, that the Town of Annapolis Royal adopt the Policy on Payment in Lieu of Prosecution.</i> <i>Motion Carried</i>		
{r} Streets and Sidewalks Bylaw	Discussed under Presentations		
{s} Other:			

RECOMMENDATIONS FROM COMMITTEES, BOARDS, COMMISSIONS

Item	Decision / Action	Responsibility	Target Date
(a) Recommendations from Committee of the Whole	<p>Motion #11 <i>It was moved by T. Fry, seconded by M. Tompkins, that the following tax accounts be written off:</i></p> <p><i>Account # 7092571 in the amount of 213.03, Account #7089880 in the amount of \$1,911.66, and Account #5347882 in the amount of \$1,211.81. Motion Carried</i></p> <p>Motion #12 <i>It was moved by T. Fry, seconded by J. DeWolfe, that the following water accounts be written off:</i></p> <p><i>Account # 481 in the amount of \$322.80, Account # 484 in the amount of \$30.09, Account # 183 in the amount of \$132.06, and Account # 19 in the amount of \$ 303.06. Motion Carried</i></p> <p>Motion #13 <i>It was moved by J. DeWolfe, seconded by M. Tompkins, that the owner of bill card #520 is given an honorarium in the amount of \$858.38 for services rendered in the past. Motion Carried</i></p> <p>Motion #14 <i>It was moved by J. DeWolfe, seconded by M. Tompkins, that a refundable deposit of \$100 be charged at the time a new tenant opens a new water card. This will become effective 01 October 2004. Motion Carried</i></p> <p>Mayor Kinsella reported that the Town has worked hard to reduce the Town's outstanding collectibles. Mayor Kinsella stated that staff have done a great job in collecting outstanding tax and water bills.</p>		
(a) Recommendations from Committee of the Whole (continued)	<p>Motion #15 <i>Moved by T. Fry, seconded by R. Microys, approval of an outbuilding (carriage house) at 150 St. George Street (Bailey House). (One nay M.</i></p>		

	<p><i>Tompkins) Motion Carried</i></p> <p>Motion #16 <i>It was moved by R. Microys, seconded by T. Fry, that approval be given to the Hillsdale House's application for changes to heritage property at 519 St. George Street (sign). Motion Carried</i></p> <p>Motion #17 <i>It was moved by R. Microys, seconded by T. Fry, that approval be given to Caroline Bosley's application for changes to heritage property at 228 St. George Street (sign) pending approval of the Annapolis District Planning Commission. Motion Carried</i></p> <p>Motion #18 <i>Moved by T. Fry, seconded by R. Microys, ratification of the Elector's List. Motion Carried</i></p>		
(b) Board of Police Commissioners	J. DeWolfe reported that the last Board of Police Commissioners meeting dealt mainly with correspondence.		
(c) Port Royal 400 th	W. Morgan reported on that the Port Royal 400 th Society received good news in correspondence from Senator Wilfred Moore.	Councillor Wayne Morgan	
(d) Focus 2005	<p>T. Fry reported that the staff member from the County is pulling together a calendar of events. She reported that each county has purchased Port Royal 400th flags which will be flown during the 2005 celebrations.</p> <p>T. Fry reported that the group has met to work on the landing at Port Royal. She said that there are several good events that will be taking place during 2005.</p>	Deputy Mayor Trish Fry	
(e) Mayor's Report	Mayor Kinsella gave an oral report.	Mayor John Kinsella	
(f) Natal Day	<p>A. Boyer reported that a Natal Day debriefing has taken place. She stated that Colin MacKenzie has started fundraising for next years celebrations.</p> <p>Mayor Kinsella reported that the Lieutenant Governor will not be attending the New Year's Eve Ball.</p>		

{g} Fundy Broad Band	<p>W. Morgan reported that the installation should be completed by October 01, 2004 and should come in below budget. He said that a contractor may be interested in purchasing additional lines in the area.</p> <p>M. Tompkins reported that he knows of two businesses that have moved to this area because of the high speed phone lines.</p>	Councillor Wayne Morgan	
(h) Other			

CORRESPONDENCE

Item	Decision / Action	Responsibility	Target Date
{a} Gail Jock letter re: Compliment (7)	Information only. The letter has been forwarded to the Spectator. This letter is a thank you to the Town, businesses and residents for everything that they did during the Congrès mondial acadien.		
{b} Blockhouse Hill Development - Lunenburg (8)	A. Boyer will investigate to see if there is funding available to the Town.	CAO	
{c} Annapolis District Planning Commission Monthly Report - Update (9)	<p>A. Boyer provided information on the Annapolis District Planning Commission Monthly report for the month of August 2004.</p> <p>The owner of 23 St. James Street should be informed that a Development Agreement is required prior to a Bed and Breakfast being established.</p>		
{d} Letter from Crosskill Court Residents dated September 13,2004 (16)	Staff will confirm Town contribution.		
{e} Correspondence re: Bluenose	Discussion was held regarding the Mayor's invitation for the Bluenose for the Landing Event in 2005.		
Other: Schedule for October 2004	Meetings will remain as previously scheduled for the month of October 2004.		
Other: Sidewalk in front of Century 21 Office	A. Boyer reported that three individuals have fallen in front of the Century 21 office on St. George Street since April 2004. Discussion was held.		

	A. Boyer will get costing for sidewalks by the Home Hardware on St. Anthony Street and the sidewalk in front of Century 21 on St. George Street.		
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OTHER BUSINESS

{a} Other

QUESTIONS

ADDED ITEMS

NEXT MEETING

October 18, 2004 at 7:00 p.m.

ADJOURNMENT

Motion 19

It was moved by W. Morgan, seconded by J. DeWolfe that the meeting adjourn at 9:00 p.m.

<i>Action:</i>	<i>Date</i>	<i>Signature</i>
Reviewed by Mayor John Kinsella		
Changes made by Administrative Assistant Marlene Feener		
Approved for website by		

Mayor or CAO		
Forwarded to Western Valley Development Authority		
Forwarded for Website		