

**TOWN OF ANNAPOLIS ROYAL**  
**COMMITTEE OF THE WHOLE**  
**Draft Minutes**  
**April 4, 2007**

The monthly session of the Committee of the Whole was held on Wednesday, April 4, 2007 in the Council Chambers at Town Hall. In attendance were Chair Mayor John Kinsella, Councillors Phil Roberts, Doug Shaffner, Ron Boulding and Sherman Hudson, Director of Finance and acting CAO Melony Robinson, Recreation Director Grant Potter and Administrative Assistant Jackie Longmire as recording secretary.

Regrets: Deputy Mayor Jane DeWolfe and CAO Amery Boyer

**CALL TO ORDER**

Mayor Kinsella called the meeting to order at 9:00 a.m.

**APPROVAL OF COMMITTEE OF THE WHOLE MINUTES**

March 7, 2007

**Motion # 1**

***It was moved by Councillor Shaffner, seconded by Councillor Roberts, that the minutes dated March 7, 2007 be approved. Motion carried.***

**ADDITIONS TO AGENDA**

Under Business Arising Add:

4. Animal Control Services Agreement
5. Funding Agreement - Annapolis Digby Economic Development Agency

Under New Business add:

5. Annapolis Valley Work Activity Society - request for funding
6. Letter from Traffic Authority Laurie Emms re: crosswalks

Under Correspondence add:

2. Development/Building Permit Report - For information only.
3. Memo from Annapolis District Planning Commission re: Infrastructure tenders - For information only.

Under In-Camera add:

1. To discuss personel issues.

## **APPROVAL OF AGENDA**

April 4, 2007

### **Motion # 2**

***It was moved by Councillor Boulding, seconded by Councillor Roberts, that the agenda for the Committee of the Whole meeting dated April 4, 2007 be approved as amended. Motion carried***

## **PRESENTATIONS**

Susan Jost was in attendance for the presentation from Pierre Comeau and introduced him as the President of the Claire Rail/Trail Association. Before Mr. Comeau began his presentation, Ms. Jost made a few points for Council's consideration. She said that the Town should consider being a part of Nova Scotia Pick Up. This program supplies all the necessary tools to clean up litter from the roadside. She also said that Jost Architects will be supplying 4 duck houses for placement on the French Basin Trail. Council thanked her for the contribution to the French Basin Trail.

1. Pierre Comeau and Susan Jost - Old Rail Bed and ATV use - Mr. Comeau talked about the multi use trails that are in the

process of being created on this end of the Province. There is a 44 kilometer trail in Claire that is near completion, and an 87 kilometer trail in Yarmouth is in the planning and construction phase, work on trails has also begun in Digby and King's County. He talked about the benefits to business owners as ATV tours would pass through the area. He said that as President of the Association for two years he has not received one complaint about the multi-use trails.

He explained how employees of the Department of Natural Resources are patrolling the trails; minimum speed requirements will be posted and the Trail Association in each area is responsible for maintenance of the trails. Councillor Shaffner asked how damage to the trails by off road vehicles is handled. Mr. Comeau explained that class A road gravel is packed on top of the ballast on the trail and this provides a surface that is adequate for all types of use and lessens the chance of damage due to normal ATV use. He said if there are complaints of damage, the Trail Association will come up with a solution for the problem.

Mayor Kinsella said that the Town has a letter of authority to operate the old rail line as a walking trail. He asked if the Association has considered alternate routes for the continuation of the trail. Mr. Comeau said that alternate routes came up only in general discussion and there were other areas that were reluctant to have the multi use trail in their area. He said that the Association was not targeting the Town of Annapolis Royal; he was speaking to Council today at the request of Susan Jost. Ms. Jost said that she thought he may have new information to offer Council and Council may re-consider the bylaw that bans off road vehicles from Town.

Mr. Comeau also mentioned the old rail line bridge in Allain's Creek and said that in his professional opinion as an engineer, the structure of the bridge is fine, it needs paint, but would definitely handle the weight of any off road vehicle. Mr. Comeau also mentioned provincial funding that may be available for the development of multi use trails.

Mayor Kinsella said that the bylaw restricting off road vehicles was the result of a survey conducted in 2000 in which the majority of the residents indicated that they preferred to have the old rail line used for non-motorized activities.. He asked Council if they wished to make changes to the bylaw and Council agreed that they have to respond to the wishes of the citizens.

### **Conflict of Interest**

Mayor Kinsella asked if there were any issues of Conflict of Interest with the Public Participation Meeting planned for 10:00 am. Councillor Roberts said that he will be declaring a conflict of interest because he lives in the home adjacent to the property to be discussed. Councillor Roberts has received information from a lawyer; he will complete the proper paperwork and will not participate in the meeting.

Councillor Boulding expressed concerns as a Bed & Breakfast owner but was advised not to declare a conflict of interest because he would not have a different opinion from other accommodation owners in Town. Councillor Boulding also expressed concerns about having to leave the room, while the issue was being discussed, if a conflict of interest was declared. It was explained that anyone who declares the conflict must leave the room so to not influence the vote or opinion of anyone that is actually participating in the meeting. On direct questioning from Mayor Kinsella, Councillor Boulding responded that he did not believe he had a conflict of interest in this matter.

#### **BUSINESS ARISING**

<b>Item</b>	<b>Decision /Action</b>	<b>Responsibility</b>	<b>Target date</b>
1. Accessibility Rebate Policy	<p>The Town is in the process of adopting a policy similar to a Middleton policy regarding accessibility rebates. Roger Sturtevant had been asked for his advice and he said that all of the towns should seek to harmonize their policies and fee structure.</p> <p><i><b>Motion #3</b></i></p> <p><i><b>It was moved by Councillor Boulding, seconded by Councillor Roberts to recommend to Council approval of the suggestion to harmonize the Accessibility Rebate Policy and fees.</b></i></p>		
2. Mileage Rate	<p>The Provincial average milage rate is now \$0.41. The Director of Finance asked for permission to raise the rate for the Town. It was agreed that there is a policy in place that deals with the mileage rate and it should be the practice of the Town to maintain the rate at the provincial average</p>		

	without asking for Council's permission.		
3. Strategic Planning Feedback Report	All comments from the Strategic Planning process have been reviewed and forwarded to the appropriate people for action. CAO Boyer has asked that Council offer guidance on a number of comments that are outstanding. Council will review and offer advice at the next meeting of Council.		
4. Animal Control Services Agreement	The new agreement has been signed. The Director of Finance pointed out that the only changes involve fees for impounding a cat which increased to \$30.00, and transportation of a live animal which have increased to \$50.00.		
5. Funding Agreement - Annapolis Digby Economic Development Agency	Completed and signed agreement, for information only.  <i><b>Motion #5</b></i> <i><b>It was moved by Councillor Boulding, seconded by Councillor Hudson, to recommend to Council approval of the funding agreement for the Annapolis Digby Economic Development Agency.</b></i>		

## NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
1. Water Tests	Water tests have been reviewed by the CAO and found to be within the required parameters.	Director of Finance	
2. Transportation and Public works 2007 Annual Temporary Count Program	Council agreed that the Town would not participate in the Temporary Count Program.		

3. Dutch Elm Disease	A report was received from Achim Jankowski regarding Dutch Elm disease. Councillor Roberts said that there appear to be a number of cultivars that are resistant to the disease and he suggested that the Tree Committee put together a tree planting plan that would include the trees that are resistant to disease.		
4. CAP Program Analysis	For information only.		
5. Work Activity Society	The Society is requesting a financial contribution from the Town to continue with its services. It was agreed that the request was actually received past the submission date for budget. A letter will be sent informing the Society of the latest possible date for funding requests in the future.		
6. Letter from Laurie Emms re: crosswalks	The Director of Finance said that there is only one crosswalk project in the budget and that is in the Babineau Heights area, at the estimated expense of \$14,000.00. There was some discussion about the crosswalk that used to be in front of the Scotiabank and the possibility of reinstating that particular crosswalk. The decision to move it came from the Traffic Authority and Police Commission at the time. The issue of no parking signs for Lower St. George Street was also discussed and it was agreed that both items would be forwarded to the Traffic Authority for advice.		

**PLANNING AND HERITAGE ADVISORY COMMITTEE 10:00 a.m.**

PHAC members Ian Lawrence and Kathie Fearon were present for this portion of the meeting.

**PUBLIC PARTICIPATION MEETING**

Councillor Roberts left the room as a requirement of his declaration of a conflict of interest.

In attendance for the Public Participation Meeting were Angela Chartier, Jane McBurney Racine, Deb Kuzyk, Jim McGinis, Suzan Hepditch, Lorne Keen, Andrea Boulding, Philip Woods and Town Planner Roger Sturtevant.

The purpose of the meeting was to discuss the re-zoning of the property located at 150 St. George Street. The new owner wants to provide additional accommodations in the Bed & Breakfast; in order to do that, she needs to re-zone from R1 to C3. The addition of the additional accommodation room does not include any construction, just remodelling on of an existing room in the house. The required parking spaces were discussed and it was determined that there is adequate parking for the additional accommodations.

Mayor Kinsella asked if this re-zoning was permitted under the MPS/LUB and if it was recommended under future land use. Roger Sturtevant replied yes to both questions. Mayor Kinsella said that Council had placed a restriction on Bed & Breakfasts last year in an attempt to limit accommodations in the area but this re-zoning may actually help to draw traffic into the Lower St. George Street area. Roger Sturtevant agreed that the mixed zoning in that area seemed to work because of its unique nature. Several of those in attendance spoke in support of the re-zoning and there were no objections. Ian Lawrence said that the Annapolis Heritage Society supports any effort to attract traffic to that area. Mayor Kinsella gave every opportunity for those in attendance to make comment or ask questions. When he determined that every issue had been addressed, the following motion was made:

***Motion #7***

***It was moved by Ian Lawrence, seconded by Councillor Hudson that it be recommended to Council to consider amending the Land Use Bylaw by rezoning the property known as 150 St. George Street from Residential Light Density (R1) Zone to Heritage Commercial (C3) Zone and that the development agreement on this property be terminated by Council.***

With the Public Participation Meeting complete, Councillor Roberts returned to the room to participate in the remainder of the regular Committee of the Whole Meeting.

**BUSINESS ARISING**

Item	Decision/Action	Responsibility	Target Date
1. Strategic Planning	Items from the report were highlighted for specific review by PHAC.		

Feedback Report	Members were asked to review the items and offer guidance at the next meeting.		
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## NEW BUSINESS

Item	Decision/Action	Responsibility	Action
1. Application for changes to Heritage Property - St. Luke's Church Rectory	CAO Boyer tentatively approved the application to allow the work to begin as soon as possible.  <i><b>Motion #9</b></i> <i><b>It was moved by Councillor Boulding, seconded by Kathie Fearon, to recommend to Council approval of the application for changes to Heritage Property located at 340 St. George Street.</b></i>		

## GENERAL / CORRESPONDENCE

1. FCM Member's Advisory - Budget Delivers Infrastructure Investments but not Long Term Solutions - For information only.
2. Development/Building Permit Report - For information only.
3. Memo from the Annapolis District Planning Commission re: Infrastructure Tenders.

## GENERAL DISCUSSION

1. The time for the Council meeting on April 25, 2007 has been changed from 9:00 a.m. to 10:00 a.m.



2. A retirement party is being planned for Constable Dave Allen of the Annapolis Royal Police Department. It will take place on June 23, 2007 at the Legion.

## IN CAMERA

*It was moved by Councillor Boulding, seconded by Councillor Shaffner, to move in camera to discuss a personel issue.*

*It was moved by Councillor Shaffner, seconded by Councillor Boulding to move out of camera*

**NEXT MEETING** May 9, 2007 at 9:00 a.m.

## ADJOURNMENT

*It was moved by Councillor Shaffner that the meeting adjourn.*

<u><b>Action:</b></u>	<u><b>Date</b></u>	<u><b>Signature</b></u>
Reviewed by Mayor John Kinsella		
Changes made by Administrative Assistant Jackie Longmire		
Approved for website by Mayor or CAO		

