

**TOWN OF ANNAPOLIS ROYAL**  
**1 COMMITTEE OF THE WHOLE**  
**MINUTES**  
**November 4, 2009**  
**9:00 am**

The regular meeting of the Committee of the Whole was held on Wednesday, November 4, 2009 in Council Chambers at Town Hall. In attendance were Chair Mayor Phil Roberts, Deputy Mayor Doug Shaffner, Councillors Kathie Fearon, Holger Mueller-Sparenberg and Pat Power, CAO Amery Boyer, Director of Finance Melony Robinson, Business Liaison Committee representative Beth Fairn and Executive Assistant Jackie Longmire as recording secretary. Several members of the public were also in attendance.

Regrets: Councillor Sherman Hudson

**APPROVAL OF COMMITTEE OF THE WHOLE MINUTES**

October 7, 2009

***Motion # 1***

***It was moved by Councillor Fearon, seconded by Councillor Power, that the Committee of the Whole minutes dated October 7, 2009 be approved, as presented. Motion carried.***

**ADDITIONS/DELETIONS TO AGENDA**

Under New Business add:

14. 3-year Capital Budget
15. Sidewalk Construction – Foodland
16. Winter Market Update

Under Correspondence add:

3. Development/Building Permit Report and Fire Inspection Report

## **APPROVAL OF AGENDA**

November 4, 2009

### ***Motion #2***

***It was moved by Councillor Fearon, seconded by Deputy Mayor Shaffner, that the agenda dated November 4, 2009 be approved as amended. Motion carried.***

**PUBLIC HEARING:           None**

## **PLANNING AND HERITAGE ADVISORY COMMITTEE (PHAC)**

**Mayor Roberts called the Planning and Heritage Advisory Committee meeting to order at 9:10 am**

In attendance: Ian Lawrence, Peter Davies and Grant Slinn

**PRESENTATIONS - Heritage in Annapolis Royal** – Wayne Morgan was in attendance for other reasons but brought the following issues to the attention of the Planning and Heritage Advisory Committee. He said that in the late 70's and 80's the Town came together to conserve, restore and put together a real heritage town. Annapolis Royal took on the initiative of registering heritage properties and established a Heritage Advisory Committee to advise Council on heritage issues. This committee operated successfully until the CAO system was implemented and the committee was changed to the current Planning and Heritage Advisory Committee which includes all members of Council and select members of the public. Mr. Morgan said that the current PHAC has little power and decisions of PHAC are easily overturned by Council.

Mr. Morgan said that it appears as though Council is treating heritage as a non-issue and more effort is given to infrastructure projects and environmental files. He said that installation of steel doors, plastic siding, metal and aluminium windows and aluminum screen doors on heritage properties continues. He also said that the new sidewalks being constructed on St. Anthony Street will completely change the atmosphere of the Town. Annapolis Royal used to be a leader in heritage but Lunenburg has moved ahead. He suggested that the old Heritage Advisory Committee be re-established. Harry Jost said that he agreed with Mr. Morgan's comments and said that the Town seemed to be taking serious steps backward when it came to heritage preservation.

Councillor Fearon said that she was not aware of any vinyl siding that was approved by PHAC. Mr. Morgan used Hutchin's Pharmasave and the old funeral home behind the Source as examples. It was noted that the siding used on these properties was not vinyl but a concrete material. Mr. Morgan said that he used the word "vinyl" in the broad sense, referring to anything but wood.

Grant Slinn said that it was the apparent dedication to heritage that attracted him to the Town but that dedication seems to be weakening over the past few years. Wayne Morgan said that the current PHAC is not a good replacement for the former HAC. In the past HAC<sup>1</sup> members would watch

what is going on with heritage properties in Town and report any issues back to Council. He said that rarely happens now. Councillor Power said that PHAC did take advice from the Annapolis Heritage Society regarding the sidewalks on Lower St. George Street and that advice did have an impact on the decisions made by Council regarding those sidewalks.

Mr. Morgan said that the Town should be setting an example by not installing vinyl windows and a metal door on the Town Hall. Ian Lawrence said that PHAC members quietly raised the issues with Council. He said that it is difficult for the committee to enforce heritage guidelines when the Town itself does not follow the rules.

It was said that the Town tends to hide behind energy efficiency when making decisions regarding vinyl versus wood windows and doors made of materials other than wood. Harry Jost said that it is interesting that Sefton Squires, a resident of Annapolis Royal, is restoring wooden windows on the Town Hall in Halifax. Mr. Jost also said that there is no supporting evidence that indicates vinyl windows are more energy-efficient than wood. A list of manufacturers and craftspeople for wooden windows will be created and distributed.

Peter Davies said that he was a member of the original HAC<sup>1</sup> and as a member of the current PHAC he feels as though the PHAC is an insignificant part of the Committee of the Whole meeting. It was noted that HAC members all had an interest in heritage and all members contributed. He said that he would like to see the committee go back to what it was during the time of the Heritage and Advisory Committee with only one representative from Council at HAC<sup>1</sup> meetings. Council agreed that the former Heritage Advisory Committee could be re-established with planning issues also being reviewed by the Committee.

Peter Davies volunteered to be the Chair of the new Planning and Heritage Advisory Committee and it was suggested that the Committee hold a meeting before the next meeting of Council on December 21, 2009. The new committee will review all of the heritage guidelines and come up with new stringent guidelines.

### ***Motion #3***

***It was moved by Peter Davies, seconded by Councillor Power, to recommend to Council that the Planning and Heritage Advisory Committee expand its membership and meet separately from Council on a regular date to be determined with one member of Council being appointed to the Committee as the Council representative and all recommendations of the Committee being made as recommendations to Council. Motion carried.***

### **BUSINESS ARISING**

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Item	Decision / Action	Responsibility	Target Date
1. Rezoning – 210 St. Anthony Street	Kathy Dudka of 210 St. Anthony Street has withdrawn her rezoning application. Mayor Roberts said that he met with Ms. Dudka and provided copies of all the information pertaining to home occupations and rezoning applications. Ms. Dudka said that she was not given any of this information when she purchased the property or when she submitted her rezoning application.		
2. Metal door on the Murray House	All members of PHAC were asked to take notice of the door for discussion at this meeting; some members said that they had not noticed the door. It was noted that there was no application submitted to have the metal door installed; CAO Boyer was asked to draft a letter to the property owner.		

#### NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
1. Draft resolution by Peter Davies and ADPC response	<p>Peter Davies said that there is a need to address land-use practices outside of Town limits. He drafted 2 resolutions for Council's consideration and suggested that the resolutions could get a discussion process started with the County of Annapolis. Comments were received from Roger Sturtevant and he didn't seem to support either resolution, indicating that the Town has a policy that moves toward annexation and control of its present and future land base; joint planning is not really the intention.</p> <p>CAO Boyer said that the resolution may be a good way to get discussions started. It was noted that the County does have a Heritage Committee and discussions could be tasked to the newly formed Annapolis Royal Planning and Heritage Advisory Committee.</p> <p><b><i>Motion #4</i></b></p>		

	<p><i>It was moved by Peter Davies, seconded by Councillor Fearon to recommend to Council, that a letter be sent to the Council of the Municipality of the County of Annapolis requesting that appropriate officials of both municipal units be asked to meet to discuss land use planning and related issues in the environs of Annapolis Royal and further to report back to their respective Councils on the issues discussed and on any recommendations that might be appropriate. Motion carried.</i></p>		
2. King's Theatre windows	<p>Jeff Langstaff said that custom-made wood windows are very expensive and the Theatre has obtained two quotes; one for vinyl windows and one for wood with an aluminium storm attached. The vinyl windows are priced at \$500.00 each and the wooden are \$1,000.00 each, plus installation. Harry Jost said that he is aware of wooden windows at the Sinclair Inn Museum being restored for \$700.00 per window and suggested that the Theatre restore the windows rather than buy new. Wayne Morgan said that the problem seems to be that the owner of the property, the Town, is not meeting its maintenance responsibilities. He said that the Town is cash- strapped as a result of large and expensive infrastructure projects and properties like the Theatre are being ignored. He also said that if the Theatre is burdened with ownership of the property it will fail.</p> <p>Alice White said that the issues with the windows are a matter of funding. The Theatre has \$2,500.00 from the Town to use for maintenance and it was easiest for the Theatre to simply use the funds available rather than request more from the Town. Maintenance items are prioritized and the two large windows in the front of the building are at the top of the maintenance list. Ms. White said that the Theatre cannot afford to put any of its own funds into exterior repairs. She said that these windows are rotten and need to be replaced right away. If they are not replaced further rot may result in structural damage to the property that would even be more expensive to repair.</p> <p>The King's Theatre Manager, Geoff Keymer said that the relationship</p>		

	<p>with the Town has been very good and the Town has been quick to respond to any repair issues. He noted that all of the windows in the upstairs of the building were replaced in 2008 with Town funds. The Theatre did not receive the same amount from the Town for repairs in this budget year. He said that when receiving quotes for new windows he considered expediency, expense and efficiency.</p> <p>Jerri Costa spoke about the history of the Theatre and the importance of maintaining the building. She noted that according to comments made today, vinyl windows were no more economical or efficient than wooden and she suggested that the windows be replaced with appropriate wooden windows and others be replaced as needed.</p> <p>Each member of PHAC was asked to comment on the window options. It was agreed that vinyl windows as a temporary solution was not economical and the Town would be setting the wrong example in regard to heritage guidelines. Ian Lawrence said that he has epoxy products that could be used to repair the windows until proper wooden windows could be installed in the Spring, it was agreed that this would be the best option.</p> <p>Councillor Mueller-Sparenberg said that the tenant of the building should have some obligation in the form of a rental payment to the Town. He said that the Theatre is under-utilized and there is the potential for more income to be generated.</p> <p><b><i>Motion #3</i></b> <b><i>It was moved by Councillor Fearon, seconded by Council Mueller-Sparenberg to recommend to Council, that the two large windows on the main floor of the King's Theatre be temporarily repaired with epoxy products and two appropriate, heritage-sensitive wooden windows be purchased for replacement as soon as possible. Motion carried with one nay vote recorded.</i></b></p>		
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3. Heritage Guidelines for review by members of PHAC	This item has been referred to the first meeting of the new Planning and Heritage Advisory Committee		
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The Planning and Heritage Advisory meeting was adjourned and the Committee of the Whole meeting was called to order.

## COMMITTEE OF THE WHOLE

### PRESENTATIONS

**10:00 – Kevin McLean – Public Works** – This item has been deferred to the next Committee of the Whole meeting.

### BUSINESS ARISING

Item	Decision /Action	Responsibility	Target date
1. Police Office Space	Increased space for the police department is an ongoing issue and CAO Boyer said that there are four options for Council's consideration. Three of the options would require extensive and costly renovations to the main floor of the Town Hall. The fourth option is for notice to be given to the Foodbank and the police office could move into the basement; this option would also free up space on the main floor that could be used for the Library or the administration office. The Foodbank space will be looked at and this item will be discussed at the next meeting of Council.	CAO Boyer	
2. Update on Outpatient Clinic closures meeting	<p>Mayor Roberts, Councillors Fearon and Mueller-Sparenberg, and the CAO attended a meeting with administrators of the Annapolis Community Health Centre and said that it was a good meeting that has resulted in a follow-up meeting being scheduled with the CAO. A new doctor is scheduled to arrive on April 19, 2010 and it was noted that only about 3% of the total pool of available doctors might be likely to relocate to Annapolis Royal. The administrators said that a welcome package for new interns from the Town would be a good gesture and agreed to let the Town know when new interns were scheduled to arrive. It was also agreed that the Town would be given notice on such things as outpatient closures.</p> <p>Councillor Mueller-Sparenberg suggested that a convention for doctors be held in the area. It was suggested that this project be taken to the next</p>	CAO Boyer	

	meeting of ADEDA to be discussed.		
3. Water issues on Ritchie Street and St. James Street	Reports have been received from the Town engineer but have not been reviewed. CAO Boyer will provide copies of the reports to all members of Council.	CAO Boyer	

## NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
1. Water Tests	Water tests have been reviewed and found to be within the required parameters.	CAO Boyer	
2. Annual Reports for future years	It was agreed that annual reports will be discontinued for future years but financial information will be made available on the website and upon request.		
3. Review and approval of new and legal letterhead	Funding through the 300 <sup>th</sup> anniversary will pay for the issue of a limited amount of letterhead. It was suggested that the names of Councillors be removed from the letterhead; CAO Boyer will make the change before an order is placed.		
4. Request from C@P	<p>The Association of Western Valley C@P sites has requested a letter of support from the Town.</p> <p><b><i>Motion #5</i></b>  <b><i>It was moved by Councillor Fearon, seconded by Councillor Mueller-Sparenberg, to recommend to Council that a letter of support for the Association of Western Valley C@P Sites be drafted. Motion carried.</i></b></p>		
5. Probation period for Corporal	Corporal Will Chase has successfully completed his six-month probationary period. The Town is pleased to welcome him as a full-time member of the Annapolis Royal Police Department.		
6. Additional streetlight on Babineau Heights	There is a need for additional street lighting on Babineau Heights. Council has the option of requesting that an old sodium-vapour streetlight be installed or purchasing a new LED streetlight from LED Roadway		



	<p>Lighting to be installed by Nova Scotia Power. The LED street light can be purchased for \$1,250.00 and installed by Nova Scotia Power with a monthly maintenance fee of \$3.19.</p> <p><b><i>Motion #6</i></b>  <b><i>It was moved by Deputy Mayor Shaffner, seconded by Councillor Mueller-Sparenberg to recommend to Council, that a LED street light be purchased from LED Roadway Lighting and be installed on Babineau Heights. Motion carried.</i></b></p>		
7. 3-year Water Utility Operating Budget	<p>A 3-year water utility operating budget is required by the Utility Review Board for any capital borrowing. This is a new requirement that has been added to the Utility Review Board accounting handbook.</p> <p><b><i>Motion #7</i></b>  <b><i>It was moved by Councillor Power, seconded by Councillor Mueller-Sparenberg to recommend to Council that the 3-year aoperating budget be approved as presented. Motion carried.</i></b></p>		
9. Request for invoice write-off	<p>This request is to have invoice #493 written off. The invoice, in the amount of \$124.30 is for Dutch Elm disease sample testing on a property that has since been sold.</p> <p><b><i>Motion #8</i></b>  <b><i>It was moved by Councillor Power, seconded by Councillor Mueller-Sparenberg, to recommend to Council that invoice #493 in the amount of \$124.30 be written off. Motion carried.</i></b></p>		
10. Tax write-off request	<p>This request is to have the taxes written off from Town-owned properties.</p> <p><b><i>Motion #9</i></b>  <b><i>It was moved by Councillor Fearon, seconded by Councillor Mueller-Sparenberg, to recommend to Council that the tax bill for assessment number 00092398 in the amount of \$660.82 and the tax</i></b></p>		

	<b><i>bill for assessment number 04997409 in the amount of \$3,112.52 be written off. Motion carried.</i></b>		
11. Unsightly Premises – status report	<p>CAO Boyer is working on a letter to the owner of a property with a 30-day deadline to complete necessary exterior repairs. A complete inspection has been completed and CAO Boyer has consulted with a by-law enforcement officer from Digby. If the owner does not comply with the order the file will move into the penalty phase. All members of Council will be able to review the letter before it is forwarded to the property owner.</p> <p><b><i>Motion #9</i></b></p> <p><b><i>It was moved by Councillor Mueller-Sparenberg, seconded by Deputy Mayor Shaffner to recommend to Council, that the Town proceed with the order to repair and a letter be drafted to the owner concerned with a 30-day deadline for completion of the required repairs. Motion carried.</i></b></p>		
12. Capital Improvement Plan	The Capital Improvement Plan has been submitted to and been received by the Province.		
13. Follow up on October 31, 2009 meetings with Dalhousie University students and community representatives – Plan for Financial Independence of the Town	A date needs to be set for the public meeting; November 25 and December 2 were suggested as possible dates with one to be confirmed by Bernie Smith. Invitations for this meeting will be extended to Town residents, tax-payers and business owners. CAO Boyer will confirm the date with Bernie Smith.		
14. 3-year Capital Budget	<p>This budget is also a requirement of the Utility Review Board.</p> <p><b><i>Motion #10</i></b></p> <p><b><i>It was moved by Deputy Mayor Shaffner, seconded by Councillor Mueller-Sparenberg to recommend to Council that the 3-year Water Capital Budget be approved as presented. Motion carried.</i></b></p>		
15. Sidewalk construction - Foodland	Hydrocarbons have been discovered during the construction of sidewalks in front of Foodland; the site may be contaminated and all		

	construction has ceased until an environmental assessment is completed. Paul Buxton has been contacted and he will provide advice when testing is complete. The Province will not allow on site remediation but the site will be made stable if necessary.		
16. Winter Market Update	<p>Mayor Roberts has volunteered to coordinate the market for this year and an agreement has been drafted between the Historic Gardens and the Town. The agreement has a two-week cancellation clause and all fees have been outlined. The Town solicitor is reviewing the agreement and copies will be provided for Council's review when complete.</p> <p>The first market will take place on November 7 and will run for 26 weeks from 9:00 am to 12 noon. Mayor Roberts estimated that 8-9 vendors have confirmed space rental.</p> <p>It was agreed that all aspects of the winter market will be reviewed half-way through the season and if the market is not proving to be a successful project, it can be cancelled.</p>		

#### GENERAL CORRESPONDENCE (FOR INFORMATION ONLY)

- 1. Michelin Travel Guide** – The Town has made it into the Michelin Travel Guide as a two-star Town. The maximum rating is three stars. Halifax and the City of St. John's Newfoundland have three stars. The Town of Lunenburg and the Valley have two stars.
- 2. Letter from CMA RE: Melony Robinson** – The Director of Finance has achieved her CMA designation. Council congratulated Ms. Robinson on her achievement.
- 3. Development/Building Permit Report and Fire Inspection Report** – For information only.

## GENERAL DISCUSSION

1. **ARCAC** - Mayor Roberts received an e-mail indicating that Gene Lane was no longer the Executive Director of ARCAC.

## IN CAMERA

*It was moved by Deputy Mayor Shaffner, seconded by Councillor Fearon to move in camera to discuss possible litigation.*

*It was moved by Councillor Fearon, seconded by Deputy Mayor Shaffner to move out of camera.*

## NEXT MEETING

December 9, 2009 at 9:00 a.m.

## ADJOURNMENT

*It was moved by Deputy Mayor Shaffner that the Committee of the Whole meeting be adjourned.*

<b><i>1Action:</i></b>	<b><i>Date</i></b>	<b><i>Signature</i></b>
Reviewed by Mayor Roberts		
Changes made by Administrative Assistant Jackie Longmire		
Approved for website by CAO		
Forwarded to the Website		