

COMMITTEE OF THE WHOLE
Minutes
September 08, 2004

The monthly session of the Committee of the Whole was held on Wednesday, September 08, 2004 in the Council Chambers at Town Hall. In attendance were Chair Deputy Mayor T. Fry, Mayor J. Kinsella, Councillors J. DeWolfe, and M. Tompkins, A. Boyer CAO¹, Melony Robinson Director of Finance, and M. Feener Administrative Assistant as recording secretary. Regrets were received from Councillors W. Morgan and R. Microys.

CALL TO ORDER

Chair Deputy Mayor T. Fry called the meeting to order at 9:00 a.m.

APPROVAL OF COMMITTEE OF THE WHOLE MINUTES August 04, 2004

It was moved by J. DeWolfe, seconded by M. Tompkins, that the minutes dated August 04, 2004 be approved as circulated. MOTION CARRIED

ADDITIONS TO AGENDA

Under New Business add:

{13} Curb Side Pick ups

{14} Priorities for Council Discretionary Projects

{15} Flex Hours (22)

APPROVAL OF AGENDA September 08, 2004

It was moved by J. Kinsella, seconded by M. Tompkins, that the agenda for the Committee of the Whole for September

¹Chief Administrative Officer

08, 2004 be approved as amended. MOTION CARRIED

PRESENTATIONS: **None**

BUSINESS ARISING

Item	Decision /Action	Responsibility	Target date
1. Entry Point Signs	<p>A. Boyer reported that the Town now has the three new entry point signs. The three signs would be located at the causeway on Department of Transportation land, at Allains Creek and the Annapolis Royal Nursing Home property.</p> <p>She said that the Town does not have permission from property owners for the erection of signs at this time. Property owners will be contacted and a lease agreement will be required with the Annapolis Royal Nursing Home</p> <p>T. Fry reported that she felt that the signs should have a protective coating prior to being installed.</p>		
2. Other:			

NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
1. Storm Drains	<p>A. Boyer reported that there is \$50,000 that has not been allocated from reserves. She said that the storm drain at the Annapolis Community Health Centre is at the top of the priority list and suggested that this be done this year.</p> <p>Mayor Kinsella requested that staff approach the Province to see if funding is available for the project under the Canada / Nova Scotia Infrastructure Program.</p>	CAO	
2. Tall Ships Ad Competition (1)	Information only	Director of Recreation	
3. Outstanding Taxes (3)	<p><i>It was moved by J. Kinsella, seconded by J. DeWolfe, that recommendation be made to Council, 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.</i></p> <p>MOTION CARRIED</p> <p><i>It was moved by J. Kinsella, seconded by M. Tompkins, that recommendation be made to Council, 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.</i></p>	Director of Finance	

	<p><i>MOTION CARRIED</i></p> <p>A. Boyer stated that the owner of the property (water account 520) is located at the end of the water line and that the owner provides a service to the Town. Discussion was held on water account # 520 and a decision was made to provide a yearly honorarium.</p> <p><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>The Superintendent of Public Works will be asked to make a recommendation on any future honorarium.</p>		
4. Streets and Sidewalks Bylaw Amendment (4)	<p>The Planner will speak to the Town's Solicitor to explore alternatives to a bylaw change to deal with encroachments.</p> <p>Deputy Mayor Trish Fry also recommended that staff include curbside maintenance by adjacent property owners in any bylaw revision.</p>	CAO	
5. Karen Allen letter dated Aug. 10, 2004 re: Overhead Wires (5)	Information only. Staff to prepare response.	CoW	
6. Business License / Request for Decision (6)	Discussion was held. Staff did not recommend the proposed policy in view of the phasing out of the Business Occupancy Tax.	Director of Finance	
7. Collections - Water / Request for Decision (7)	<p>M. Robinson suggested that a fee be charged to tenants renting properties within Town. Discussion was held.</p> <p><i>It was moved by J. DeWolfe, seconded by J. Kinsella, that recommendation be made to Council, that a fee of \$100 (which is refundable) be charged at the time a new tenant opens a new water card. This will become effective 01 October 2004. MOTION CARRIED</i></p>	Director of Finance	
8. Joy Elliott Report Re sidewalk by 6	Information only at this time.	CoW	

Drury Lane (9)			
9. Public Washrooms (10)	A. Boyer suggested that the Town provide an incentive to anyone making capital changes to their property for the use of a public washroom. Staff will develop a draft proposal.	CoW	
10. Letter to Minister of Justice re: Police Act (15)	Mayor J. Kinsella thanked A. Boyer for the letter. Mayor Kinsella will be attending the UNSM ² fall conference. He will take the Town's concerns regarding the Police Act to the conference.		
11. Policy on Payment in Lieu of Prosecution (16)	A. Boyer reported that a Payment in Lieu of Prosecution policy is required in order for the Town to accept payment in lieu of prosecution. Discussion was held. <i>It was moved by J. Kinsella, seconded by M. Tompkins, that recommendation be made to Council, for approval of the Payment in Lieu of Prosecution policy and that the payments in lieu of prosecution be set at 50 percent of the fine. MOTION CARRIED</i>		
12. Fee Schedule (19)	For information only		
13. Curb Side Pick up	Discussion was held. Garbage and recyclables are the property of the owner until such time that it is picked up by the contractor.		
14. Discretionary Projects for Councillors (23)	A. Boyer reported that she met with Joy Elliott of BLArch and Mike Comeau of ACOA ³ on the discretionary projects. She stated that ACOA is willing to cost share on some of the projects. For example, the Boardwalk extension could go ahead with a request for 60% from ACOA, and the rest from the Town. She asked that Council review the order of priorities.		
	Discussion was held.	Director of	

²Union of Nova Scotia Municipalities

³Atlantic Canada Opportunities Agency

15. Flex Hours (22)	Mayor Kinsella reported that staff has worked their share of overtime and that there didn't see a problem with this request. The Director of Finance will be asked to draft a policy.	Finance	
16. Conflict of Interest	Mayor Kinsella reported that he has received the correspondence from Grant Cooke on the Municipal Conflict of Interest Act and that Michael Tompkins was not in a conflict of interest during discussions during the last meeting.		

PLANNING AND HERITAGE ADVISORY COMMITTEE (10:00 a.m.)
BUSINESS ARISING

Ian Lawrence and Elizabeth Ross were present during the Planning and Heritage Advisory portion of the meeting.

1. Minimum Housing and Maintenance Standards (17)	<p>A. Boyer reported that she had spoken to Chief Campbell felt that it would be possible for the Police Department to enforce the Minimum Housing and Maintenance Standards Bylaw.</p> <p>A. Boyer reported that the Town Solicitor has reviewed the bylaw and that everything seems to be in order. She said that once a fine has been set, the bylaw can be scheduled for first reading</p> <p><i>It was moved by M. Tompkins, seconded by J. Kinsella, that recommendation be made to Council, that the Minimum Housing and Maintenance Standards Bylaw with amendments be forwarded to Council for the first reading of the Bylaw. MOTION CARRIED</i></p> <p>Amendments:</p> <ul style="list-style-type: none">· Under Section (10.1) that a penalty be leveled in an amount of not less than \$250 and not more than \$1000· Under Section (10.3) \$100		
2. Swimming Pool Fence Bylaw (14)	<p>T. Leslie arrived at 9:00 a.m. and this item was discussed at this time.</p> <p>T. Leslie reported that he would like to see the three Towns have one generic Swimming Pool Bylaw. He said that he will be meeting with the other two Towns as well to discuss issues.</p> <p>M. Tompkins reported that he had a problem with the two foot pools that do not require a fence.</p> <p>The current Swimming Pool Bylaw stated that a four-foot fence will be constructed; T. Leslie stated that current fence heights would have to be</p>	Tim Leslie	

	<p>increased to the five-foot height if the Bylaw is revised.</p> <p>Mayor Kinsella stated that the purpose of the Swimming Pool Bylaw is to protect the public (children) within the Town.</p> <p>Mayor Kinsella asked T. Leslie if there are national guidelines available on fencing around swimming pools. T. Leslie will investigate.</p> <p>T. Leslie reported that R. Sturtevant had indicated that a swimming pool is a structure and that there are requirements that have to be followed.</p>		
3. Heritage Handbook	<p>A. Boyer reported that she has spoken to Harry Jost and that he stated he was very interested in this project.</p>	CAO	
4. Solution for sign proliferation at traffic light	<p>A. Boyer suggested that the sign at the intersection be redone. The sign would include only one section of each sign and a single arrow be located at the bottom of each post. Discussion was held.</p> <p>R. Sturtevant suggested that the intersection at the traffic lights should be limited to non commercial signs only. He said that area at the intersection is very crowded.</p> <p>R. Sturtevant said that the Province should have a clear policy on signage within the Town.</p> <p>A. Boyer suggested that the Theme Park and Parks Canada could locate their signs on a single sign post. It was agreed that this solution will be pursued.</p>	CAO	
5. Other: Proposed Public meeting on signage (23)	<p>Ian Lawrence stated that he felt that there are too many signs within town limits. He said that most tourists get out of their cars and stroll the streets to see what is located within the Town. Discussion was held.</p> <p>A. Boyer suggested that a public meeting be held on signage. She said that staff have spent hours working on signage issues within the Town and there is a need to clarify a number of issues.</p>		

	<p>R. Sturtevant reported that there are several types of signs which include: signage on private property, on sidewalks, and on roadways. He suggested that the meeting be held after the election and in the fall after seasonal signs have been removed.</p> <p>Mayor J. Kinsella suggested that R. Sturtevant come up with a discussion paper on signage within the Town. The Committee will discuss in more detail at the next Planning and Heritage Advisory Committee meeting.</p> <p>A. Boyer stated that Council has given approval for directories to be placed at strategic locations within Town.</p> <p>M. Tompkins reported that problems with signage occurred when signs were put up prior to approvals being given.</p> <p>Mayor Kinsella stated that most people do follow the proper procedures when erecting signs within the Town.</p> <p>Deputy Mayor T. Fry said that there are several rules for various signs within Town making it confusing to the public. She said that if we do a proposal and present it to the public that it will alleviate confusion.</p> <p>R. Sturtevant stated that the Town requires a rapport with the public and businesses on signage issues.</p>		
--	---	--	--

NEW BUSINESS

<p>1. Applications for Changes to Heritage Property, 46 Drury Lane</p>	<p>A. Boyer reported that she contacted the Town's Solicitor on the encroachment at 46 Drury Lane. She said that the Solicitor indicated that the Town cannot approve a further error on an encroachment. She stated that the Streets Bylaw requires an amendment to deal with this issue.</p> <p>R. Sturtevant stated that over the years in older towns that the streets have encroached on private property in other towns. He said that working with</p>		
--	--	--	--

	<p>people on a personal basis may be beneficial to both the individual and the Town. R. Sturtevant will talk to George Lohnes, the Town's Solicitor on an alternative approach to the encroachment issue.</p> <p>Discussion was held on a wheelchair ramp at 6 Drury Lane at this time.</p> <p>R. Sturtevant recommended that if the wheelchair ramp is allowed to remain at 6 Drury Lane that an agreement be drawn up between the owner and the Town as the wheelchair ramp encroaches on Town property. He said that some locations are not suitable for some businesses. Discussion was held. The agreement could state should the ramp be required to be removed at some point down the road, perhaps after one year of monitoring if the Town deems that it is unsafe, that the Town would remove it at the Town's expense.</p> <p>It was moved by J. Kinsella, seconded by J. DeWolfe, that recommendation be made to Council, that an agreement be made between the Town and Drury Lane Café for the issue of the encroachment of the wheelchair ramp on Town property. (3 nays MOTION DEFEATED)</p> <p>Mayor J. Kinsella stated that he is not in favour of removing the wheelchair ramp at 6 Drury Lane.</p> <p>T. Fry asked if the café is required to have a wheelchair ramp in order to operate. Staff will investigate further.</p>		
2. Presentation on Commercial Heritage Properties Incentive Fund	Discussion was held. No presentation required.		
3. Plans for B&B ⁴ operation at 607 St George Street	Information only.		

⁴ Bead and Breakfast

4. Terms of reference for PHAC ⁵ (12)	tabled until next meeting; members present referred to a separate document prepared for Planning and Heritage Advisory Committee.	Carole Milligan	
5. Follow up to 2001 Heritage Conference	tabled until next meeting	Elizabeth Ross	
6. Review of evaluation criteria for heritage properties	tabled until next meeting	Elizabeth Ross	
7. Mews development - options for development of properties behind St George Street (behind Annapolis Appliances)	tabled until next meeting	Elizabeth Ross	
8. Consideration of heritage awards	tabled until next meeting	Elizabeth Ross	
9. Request for second heritage plaque at 634/636 St George Street for 634 St George / Former Gilliatt property	Referred to the Historical Association of Annapolis Royal.	PHAC	
10. Designation program for heritage properties	Referred to the Historical Association of Annapolis Royal.	Wayne Morgan	
11. Plans for 150 St George Street (Bailey House) (13)	<p>A. Boyer reported that this is a provincial heritage property that has received provincial approval for exterior changes to the main building. She said that the owners had requested a revision on height for outbuildings within town limits but that no Application for Changes to Heritage Property was ever received..</p> <p><i>It was moved by J. Kinsella, seconded by J. DeWolfe, that recommendation be made to Council, approval of an outbuilding at 150 St. George Street (Bailey House). (One Nay M. Tompkins) MOTION CARRIED</i></p>		

⁵Planning Heritage Advisory Committee

12. Powers of Heritage Advisory Committee (12)	Discussed at item 4. Tabled until next meeting (remove from agenda)		
13. Application for Changes to Heritage Property at 519 St. George Street / sign (21)	<i>It was moved by J. DeWolfe, seconded by M. Tompkins, that recommendation be made to Council, that approval be given to the Hillsdale House's application for changes to heritage property at 519 St. George Street (sign). MOTION CARRIED</i>		

GENERAL / CORRESPONDENCE

1. ADPC⁶ monthly report for August, 2004 (8) - information only
2. Workers' Compensation Board of Nova Scotia letter dated Aug. 10, 2004 (2) - information only
3. Letter from Richie Cotton, County of Richmond dated September 1, 2004 (11) - information only
4. UNSM memo dated August 26, 2004 re: Police Act (18) - information only
5. Compliment from Jeff Melanson (20) - information only

OTHER

{ 1 } Caroline Bosley 228 St. George Street Application for changes to heritage property -

It was moved by J. Kinsella, seconded by M. Tompkins, 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

NEXT MEETING October 06, 2004 at 9:00 a.m.

ADJOURNMENT

It was moved by J. DeWolfe, seconded by M. Tompkins that the meeting adjourn at 1:00 p.m.

--	--	--

⁶Annapolis District Planning Commission

<u><i>Action:</i></u>	<u><i>Date</i></u>	<u><i>Signature</i></u>
Reviewed by Deputy Mayor Trish Fry		
Changes made by Administrative Assistant Marlene Feener		
Approved for website by Mayor or CAO		