

MINUTES
TOWN OF ANNAPOLIS ROYAL
Regular Council and Special Meeting of PHAC
May 19, 2009
9:00 a.m.

The regular meeting of the Council was held on Monday, May 19, 2009 in Council Chambers at Town Hall. In attendance were Chair Mayor Phil Roberts, Deputy Mayor Jane DeWolfe, Councillors Kathie Fearon, Doug Shaffner, Sherman Hudson and Pat Power, CAO Amery Boyer, Director of Finance Melony Robinson and Administrative Assistant Jackie Longmire as recording secretary.

APPROVAL OF REGULAR COUNCIL MINUTES

April 20, 2009

Motion # 1

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Hudson, that the regular Council minutes dated April 20, 2009 be approved, as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Under Business Arising add:

{b} Nova Scotia Power Assessment Appeal

Under New Business add:

{e} Meeting with Business Representatives

{f} Request for an exemption to the Noise By-Law

APPROVAL OF AGENDA

May 19, 2009

Motion # 2

It was moved by Councillor Power, seconded by Councillor Hudson, that the agenda dated May 19, 2009 be approved, as amended. Motion carried.

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A special meeting of PHAC was called to order.

In attendance: Grant Slinn

Regrets: Peter Davies and Ian Lawrence

PUBLIC HEARING

1. Bailey House - The planning report for the project was reviewed on April 7, 2009. The purpose of the Public Hearing is to receive comments from the public. Town Planner Chris Millier briefly reviewed the point of the application and said that the property currently has four rentable rooms and the request is for an additional room in an outer building. The property owner asked for an extension of the standard one year development agreement and there were no issues with the extension. There were no objections from the public and the text of the agreement will be finalized after the appeal period has ended, assuming that there are no appeals filed.

Motion # 3

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Shaffner, to recommend to Council that the Town of Annapolis Royal enter into a Development Agreement with Suzan Hebditch for the purposes of permitting the development of an accommodation unit in an existing accessory building located at 150 St. George Street, with the standard one-year initial term being extended to two years. Motion carried.

PLANNING AND HERITAGE ADVISORY

Item	Decision / Action	Responsibility	Target Date
{a} Skate Park Project	<p>The development of the Skatepark will be done in two phases, diagrams have been submitted and reviewed. The property is currently zoned as highway commercial and the adjacent Public Works property is zoned institutional. There are two zoning options for recreational properties and a decision on zoning must be made.</p> <p>Town Planner Chris Miller said that the institutional zone includes parks and playgrounds and there is no need to amend the MPS¹. The LUB² would need to be amended to incorporate the Skatepark as a permitted use and to re-zone the land from Highway Commercial (C2) to Institutional (IN1). If the Committee prefers to include Skateparks as a permitted use in the Parks and Open Space (O1) zone, it would be necessary to amend the MPS and the land would need to be re-designated. The LUB would also have to be amended to incorporate the use as a permitted use and the lands re-zoned from Highway Commercial (C2) to Parks and Open Space (O1).</p> <p>The preference of the Committee is to work under the institutional zone with a definition of Skateparks included. Chris Millier will prepare the amendment to the LUB and the project will move into the Public Hearing process for the re-zoning.</p>		
{b} New Public Works Building	<p>The Town has made an application to ADPC for re-zoning of the proposed new public Works building and yard. Chris Millier said that the application requires an engineering assessment and detailed designs of the building and lay out of the yard. There are potential problems with vehicular and pedestrian traffic that must be addressed. CAO Boyer said that a topographic survey is being completed but conceptual design cannot be done until the proposed building has been sited.</p> <p><i>Motion #5</i> <i>It was moved by Councillor Fearon, seconded by Councillor Hudson, to recommend to Council that the Town undertake an engineering</i></p>		

	<p><i>assessment with respect to environmental suitability of the subject property and prepare a detailed site development plan for consideration by the Planning and Heritage Advisory Committee. Motion carried.</i></p> <p>Business owner, Danny McClair said that if the Town was interested in the old Home Hardware building, that there would be no capital costs and renovations would be completed at the expense of Mr. McClair with a lease agreement for the Town.</p>		
{c} Bike Rack	Detailed pictures of the proposed bike racks were reviewed. The racks will be located at the Skatepark and at the Train Station, at no expense to the Town.		

¹ - Municipal Planning Strategy

² - Land Use By-Law

ADJOURNMENT

Motion # 6

It was moved by Deputy Mayor DeWolfe, seconded by Grant Slinn to adjourn the Special Meeting of PHAC. Motion carried

The regular meeting of Council continued and the first order of business was accepting the recommendations from PHAC.

Motion #7

It was moved by Deputy Mayor DeWolfe, seconded by Councillor Shaffner, to accept and approve the above recommendations to Council from the Planning and Heritage Advisory Committee. Motion carried.

PRESENTATIONS

9:00 am - Michael Tompkins - Pool Insurance - A request has been received from FAPS to be covered under the Town's insurance policy. Michael Tompkins from Fairway Insurance said that he has had a conversation with the underwriters and the Town should have some type of governance over the pool. It was suggested that a Committee of Town be formed for the pool and the Recreation Department oversee the

general operations of the facility. The liability insurance for municipal units does include pools. It was also explained that the liability insurance for the Town does cover the pool when it is not operational. There would be no additional cost to the Town, but the liability coverage would cost the Friends of the Pool Society \$1,500.00 per year if the existing agreement remains in place.

Rion Microys explained the cost of operating the pool and the current debt load. She said that FAPS would like to concentrate on fundraising and have the Town's Recreation Department be more involved in the governance and general operations. Mayor Roberts suggested that FAPS put together a complete proposal to be brought back to the next meeting of Council. Michael Tompkins will explore the provincial program that may cover the insurance needs of the pool.

The majority of Council felt that this was a request that would lead to the Town assuming all responsibility for the pool and that was not the original agreement. CAO Boyer said that any changes to the agreement, including increased involvement of the Recreation Director would require renegotiation of the contract. It was agreed that clarification on the following issues would be brought back to the next meeting of Council: legal opinion, proposal through the Province and how much Council is willing to get involved.

BUSINESS ARISING FROM MINUTES

Item	Decision / Action	Responsibility	Target Date
{a} Budget Discussions	Mayor Roberts requested that budget approval be postponed until he is able to attend. He suggested that the regular meeting of Council be held on June 22 rather than June 15. <i>Motion #8 It was moved by Councillor Power, seconded by Councillor Shaffner, to reschedule the regular meeting of Council from June 15 to June 22. Motion carried with one nay vote recorded.</i>		
{b} Meeting with Business	There were several members of the business community in attendance for		

Representatives	<p>this portion of the meeting. Mayor Roberts said that he and Councillor Power meet with the business representatives, as citizens, at the Hillsdale House on May 14, 2009. Several issues were discussed and the reason for this agenda item is to bring comments, suggestions and discussion to Council.</p> <p>Val Peterson said that the group did not attend the last budget meeting because there was some confusion over the actual date for the meeting. There were several different notifications posted on the website. She also said that there is no copy of the latest budget on the website.</p> <p>The group has proposed that a business liaison committee be established with a representative of that committee attending Committee of the Whole meetings on a regular basis.</p> <p><i>Motion #9</i> <i>It was moved by Councillor Power, seconded by Councillor Hudson to create a committee for business liaison with the intent of more interaction between businesses and Council. Motion carried.</i></p> <p>The group indicated that they are aware of a proposed ten cent increase in commercial taxes. It was suggested that the proceeds of that increase be placed in a special fund for business development and not in general revenue. The funds would be used for business development initiatives.</p> <p>It is estimated that this ten cent increase will generate approximately \$25,000.00 in extra funds for the Town and Council has agreed that the possibility of creating a business development fund would have to be discussed. The funds have been factored into the current budget and this fund would generate the need to further review the budget and replace the funds as necessary. Val Peterson said that the business community is frustrated that Council doesn't seem to understand that the businesses in Annapolis Royal cannot afford a tax increase. She said that the Town is receiving more commercial tax because of the increase in assessment.</p> <p><u>creation of the</u></p>		
	The creation of this fund and allowing the extra funds to go back to		

	<p>business development initiatives would allow each business to re-coup some of the expense. There was some discussion about the phase out of the business occupancy tax and the efforts of Council to replace the lost funding. Rion Microys pointed out that the business occupancy tax was removed by the Province because it was deemed an unfair tax.</p> <p>The issue of the business development initiative fund will be forwarded to the Director of Finance and will be further discussed at the Committee of the Whole meeting on June 3, 2009. It was noted that Councillor Power is preparing a condensed and simplified version of the budget.</p> <p>The discussion switched to a budget meeting that was held on April 30, 2009. The group says that they were unaware that minutes were being taken and the notes from the meeting appeared on the website before they were provided answers to questions that were presented. As a result of those notes, negative comments were made to the group and it has caused some level of embarrassment. The notes have since been pulled from the website.</p> <p>Danny McClair said that Council is not aware of everything that is happening at the staff level and pointed out two instances, a potential law suit and engineering being done before Council approval. It was noted that Council was aware of both issues.</p> <p>Councillor Power will start the liaison committee and it will be further discussed at the Committee of the Whole meeting on June 3, 2009. Val Peterson and the other members of the business community who were in attendance thanked Mayor Roberts for hearing the issues and addressing the concerns.</p>		
{c} Outdoor Fire By-law	<p><i>Motion #9</i> <i>It was moved by Councillor Fearon, seconded by Councillor Power, second and final reading of the Outdoor Fire By-Law. Motion carried.</i></p>		

NEW BUSINESS

Item	Decision / Action	Responsibility	Target Date
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{a} Water Tests	Water tests have been reviewed and found to be satisfactory.	CAO	
{b} Schedule for completion of Orientation	All members of Council agreed that the next item to be covered through orientation is water and sewer. Site visits will be arranged through the Superintendent of Public Works.		
{c} Request from Buy Back Nova Scotia	The request is for the development of a Municipal Planning Strategy. The Town has an MPS and it was agreed that the request requires no further action from the Town.		
{d} Development/Building Permit Report and Fire Inspection Report	For information only.		

RECOMMENDATIONS FROM COMMITTEES, BOARDS, COMMISSIONS

Item	Decision / Action	Responsibility	Target Date
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**Recommendation from
Committee of the Whole**

10. It was moved by Councillor Power, seconded by Councillor Hudson, first reading of the By-Law to permit the Production and Distribution of Energy from Specific Green Renewable and Green Energy Sources. Motion carried.

The recommendation for first reading of the Lot Grading and Drainage By-Law was deferred with the following motion:

11. It was moved by Councillor Hudson, seconded by Councillor Shaffner to table first reading of the Lot Grading and Drainage By-Law until the Committee of the Whole meeting on June 3, 2009. Motion carried.

12. It was moved by Councillor Shaffner, seconded by Councillor Fearon, approval of the request from the Lion's Club to have the mobile canteen located in Town during the Natal Day weekend with the suggestion that it be located in the lower parking lot at Town Hall, on an experimental basis for one year. Motion carried.

13. It was moved by Councillor Fearon, seconded by Councillor Power, approval of the funding application through the ecoNova Scotia Corporate Action Grant for an energy efficient public works building subject to financing for the entire public works building project. Motion carried.

14. It was moved by Councillor Power, seconded by Councillor Shaffner that the Lower St. George Street Phase II project proceed to the tendering stage. Motion carried.

{a} Recommendations from Committee of the Whole	<p>15. It was moved by Councillor Hudson, seconded by Councillor Power to adopt the Resolution to Recover Expenses for Fire and Emergency Services Responses on Provincial Highways of Nova Scotia, with the condition that the requested changes are made. Motion carried.</p> <p>16. It was moved by Councillor Shaffner, seconded by Councillor Hudson that the current lease agreement with the Farmer's Market not be changed to reflect the extended period to the end of October and that there be no increase in the rental fee. Motion carried.</p> <p>17. It was moved by Councillor Fearon, seconded by Councillor Power that the following tax accounts for Town-owned properties be written off: account number 04997409 in the amount of \$3,112.53, account number 00092398 in the amount of \$660.83 and account number 10093082 in the amount of \$439.20. Motion carried.</p> <p>The recommendation to Council to set the tax rate for the 2009-2010 fiscal year at \$1.65 for residential and \$3.15 for commercial was tabled with the following motion:</p> <p>18. It was moved by Councillor Power, seconded by Councillor Hudson to table the recommendation to Council to set the tax rate for the 2009-2010 fiscal year at \$1.65 residential and \$3.15 commercial, until the next meeting of Council that is scheduled for June 22, 2009. Motion carried with one nay vote recorded.</p>		
{b} Motion from the Special Meeting of Council, May 13, 2009	<p>The recommendation to Council to pass the 2009-2010 operating and capital budgets has been tabled with the following motion:</p> <p>19. It was moved by Councillor Power, seconded by Councillor Hudson that the recommendation to Council to pass the 2009-2010 operating and capital budgets be tabled until the next meeting of Council scheduled for June 22, 2009.</p>		
{b} Board of Police Commissioners	Deputy Mayor DeWolfe said that a complete review of the Department was discussed during an in-camera session. She also said that all members of the Department are working well together and the ad and pictures in the upcoming edition of the Spectator will feature the Departments latest	Deputy Mayor DeWolfe	

	seizure of illegal products.		
{c} Mayor's Report	Mayor Roberts has attended the following events over the past month: April 21 - meeting with Theresa Bunbury re: the 300 th anniversary, April 22 - Volunteer Night at King's Theatre, April 30 - REMO meeting in Lawrencetown, May 3 - Battle of the Atlantic Service in Cornwallis, May 7 - meeting with AIMS, May 9 - Cadet inspection at ARRA, and May 14 - Meeting with the business representatives at the Hillsdale House.	Mayor Phil Roberts	
{d} ADEDA	Deputy Mayor DeWolfe said that she had reports from ADEDA that are available to all members of Council. She also said that the biomass project is progressing, Annapolis Royal billboards have been erected in the Halifax area and the waterfront development continues to be in the fore front.	Deputy Mayor DeWolfe	
{e} King's Theatre	the Annual General Meeting was held on May 6, 2009. Fundraising projects and marketing issues were among the items discussed.	Councillor Kathie Fearon	
{f} REMO	Councillor Hudson said that there was no quorum at the last REMO meeting. All members were asked to remind Town Council that participation in REMO is statutory and attendance at the meeting is important. The next REMO meeting is scheduled for May 26, 2009.	Councillor Sherman Hudson	
{g} Historic Gardens	A board meeting was held on May 12, 2009 and Councillor Power attended. She said that there are some new, innovative ideas from new members of the Board but as it turns out, these ideas were brought to forefront several years ago but never implemented. A presentation is being made to the Annapolis County Council today in an attempt to gain more funding from the County. Ian Davidson has tendered his resignation citing a lack of support for staff.	Councillor Pat Power	

CORRESPONDENCE

Item	Decision / Action	Responsibility	Target Date
{a} none			

GENERAL DISCUSSION

1. NSPI Assessment Appeal - Jerry Ackerman was in attendance during portion so the meeting and addressed Council on the appeal issue. He said that he is very familiar with the Assessment Act and has successfully appealed assessment on several occasions. He suggested that the Town must take charge or the funding generated by the NSPI property will diminish to nothing but a token grant in lieu. Mayor Roberts said that a technical team has been assembled to deal with the appeal. Mr. Ackerman offered his assistance.
2. Morse Brewster and Lake - The Town is in the process of having the final audit completed through Morse Brewster and Lake. Deputy Mayor Dewolfe was asked by the auditors to ask Council if there was anything in particular that they wanted the audit to focus on or if Council had any concerns over the financial transactions of the Town. No issues were immediately discussed but Deputy Mayor DeWolfe will pass along all comments to the auditors.
3. Champlain Drive Project - Champlain Drive will be widened for two-way traffic from St. Patricks Lane to AWEC. The extra costing is within the budgeted amount for the project.

IN CAMERA

It was moved by Councillor Fearon, seconded by Councillor Shaffner to move in camera to discuss staffing and negotiations.

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

The following motion was a result of the in-camera discussion:

Motion #20

It was moved by Councillor Fearon, seconded by Councillor Shaffner, to adjust the salary of the police chief, as discussed with the six months probation to remain in effect, otherwise the letter of offer stands until the end of probationary period at which time the salary will be adjusted, as discussed.

Deputy Mayor DeWolfe said that a meeting of the Human Resourse committee was held with the Chief of Police and she is confident that the offer will be accepted. Councillor Hudson said the issue should go back to the Board of Police Commissioners for further review.

The Chair called for a vote on the motion and the following votes were cast: Councillor Fearon - yay, Councillor Shaffner - yay, Councillor Hudson - nay, Councillor Power - nay and Deputy Mayor DeWolfe - yay. ***Motion carried.***

The following motion was also a result of the in-camera discussion:

Motion #21

it was moved by Councillor Fearon, seconded by Councillor Shaffner to accept and approve the overtime payment request as submitted.

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Motion carried.

NEXT MEETING June 22, 2009

ADJOURNMENT

It was moved by Councillor Fearon to adjourn the meeting.

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