

**TOWN OF ANNAPOLIS ROYAL  
COMMITTEE OF THE WHOLE  
Special Meeting  
May 26, 2010**

A special Committee of the Whole meeting took place on Wednesday, May 26 in Council Chambers at Town Hall. In attendance were Chair Mayor Phil Roberts, Councillor Kathie Fearon, Councillor Holger Mueller-Sparenberg, Councillor Sherman Hudson, Councillor Pat Power, Peter Davies, PHAC Chair, CAO Amery Boyer, Director of Finance Melony Robinson, Jackie Longmire, and Lynn Moar as recording Secretary. Town Planner Chris Millier, Dave Smith of Service Nova Scotia and ADPC<sup>1</sup> Office Administrator Sharon McAuley were also in attendance.

**Regrets:** Corinne Frantel, Grant Slinn, Ian Lawrence and Deputy Mayor Doug Shaffner

The meeting was called to order and turned over Town Planner Chris Millier. This special meeting of the Committee of the Whole and members of PHAC<sup>2</sup> and Town Staff was called to review and define the roles of members of the PHAC<sup>2</sup> Committee and to review the rules and regulations set out by the Province under the Municipal Government Act, as well as the Municipal Planning Strategy and Land Use By-law.

Chris Millier introduced Dave Smith of Service Nova Scotia who is primarily responsible for the review of planning documents when they are submitted to the province. Mr. Smith is very conversant in both the letter and the intent of legislation.

It was noted by Mr. Smith that questions/issues have arisen over past few months regarding the scope of PHAC<sup>2</sup> and its legal enablement and the amount of support needed for the Committee from Town staff and Council. Mr. Smith noted that this meeting was called in an effort to clarify roles and attempt to find a balance between all parties to make the work of the Committee effective, timely, relevant and appropriate. It was noted that a desirable outcome of this meeting would be the defining of current terms of reference for PHAC<sup>2</sup> to be endorsed by Council.

<sup>1</sup> Annapolis District Planning Commission

<sup>2</sup> Planning and Heritage Advisory Committee

Dave Smith pointed out to the group that there is no mandate under the Municipal Governments Act to have a Planning Advisory Committee. In fact, PHAC<sup>1</sup> is a committee of Council, established by policy. Many Municipal governments wish to have such committees in place as a sounding board for planning issues and as a less formal approach than coming to Council. Many municipal units use such committees as a buffer between themselves and the public. The committee makes recommendations to Council.

Dave Smith advised that the policy establishing a planning advisory committee must contain the following:

- fix the terms of appointment and any provision for reappointment
  - o Dave Smith suggested staggering appointment terms
- provide for remuneration (if any) of members of the public appointed to the Committee
  - o Mr. Smith noted that councillors may not be paid for their work on Committees, but that the public may be, although most committees are made up of volunteers
- establish the duties of the committee (subject to the Act) and any procedures
  - o Mr. Smith noted that Council may only wish for PHAC to review the municipal plan or may want it to be more involved in any changes or applications. Generally, PHAC would be involved in large issues, but that is a decision of Council.
- provide for the appointment of the chair and any other officers such as recording secretary

A Planning Advisory Committee must contain at least 2 members of public - such a committee could be made up entirely of members of the public, but that is not usual.

Mr. Smith pointed out the duties of the Committee – to advise Council on all matters related to land use planning. This Committee cannot deal with anything else and Council cannot get advice on planning matters from any other Committee.

It was noted that Annapolis Royal has a joint Heritage Advisory Committee and Planning Advisory Committee. It was noted by Mr. Smith that that is fine, but that a clear demarcation must be established. The Committee must have 2 separate sets of minutes. One set for the Planning Portion and one for the Heritage Portion. Mr. Smith noted that it would be advisable to have separate meetings. Mr. Millier noted that at times having a joint Committee can provide challenges.

<sup>1</sup>Planning and Heritage Advisory Committee

Mayor Roberts suggested that the Committee should begin its meetings with Planning Advisory business and then adjourn and reopen with Heritage Advisory business. Mr. Davies voiced concern that if the Committee does not separate out issues, a Utility Board review could potentially cause problems.

Mr. Smith went on with the role and duties of a Planning Advisory Committee. It is always open to public – the only time it can go in camera is when staff or legal issues are discussed or if a proposal brought before the Committee has no application (i.e. someone thinking of buying a specific property who wishes to “feel out” the Committee regarding his/her plans).

Councillor Power asked Mr. Smith that if conflict between heritage and planning does occur, which prevails, to which Mr. Smith replied that such matters appear under separate pieces of legislation and should be able to be kept separate. According to Mr. Millier, where some matters may be contradictory, the Land Use By-law is more black and white than the Heritage Property By-law.

Mayor Roberts noted that the role of ADPC<sup>1</sup> is not strictly related to planning and that some heritage issues are dealt with. Mr. Millier noted that in the By-law, the Committee has no right to approve or deny permits. There is no legal connection between the Committee and the issue of permits. A Committee only reviews issues and then sends recommendations to Council.

CAO Amery Boyer noted that the Town has come up with building and alterations guidelines but this is not a By-law, only a guideline.

Mr. Smith said that any number of developments may occur within the Town which comply with Land Use By-laws and are automatically acceptable and therefore don't have to go to PHAC<sup>2</sup>. These are more of a development permit situation - if the developer proposed a permitted use and meets all parameters, approval is a development administration process and not a Committee responsibility. If the proposed development is not a permitted use of the land in question, the Committee has to look at whether to recommend a change to permitted uses to allow new use. Changes of zone or generalized future land use are planning related changes.

Mr. Millier noted that if the Town strategy is premised on having public involvement in most development within the Town, then the Committee will be involved. Councillor Power noted that the Town has made the statement that it wishes to be involved because of heritage considerations.

<sup>1</sup> Annapolis District Planning Commission

<sup>2</sup> Planning and Heritage Advisory Committee

Councillor Fearon noted that the Committee would like to be more proactive in specific cases, ie curb cuts. A discussion ensued as to the role of the Planning Committee, the Council and the Town engineers. Mr. Smith noted that certain decisions are engineering decisions, and that engineers have a lot of power under the Municipal Government Act. Mr. Smith noted that while Council can determine how close driveways are from other driveways, this being an aesthetic issue, only engineers can determine where street cuts will be, curbing, and width of streets and like matters. Engineers cannot be influenced by Council and are governed by accepted engineering practices.

For example, Council cannot have a street made 20' wide instead of 50'. Only an engineer can make such a determination as set out by accepted practices and legislation. As a further example, it was noted by CAO Boyer that the new sidewalk on Lower St. George Street is 5' wide as opposed to the 4' width requested by Council due to snow removal.

CAO Boyer asked for clarification on what is considered "all matters related to land use planning". Mr. Smith noted that the definition is as wide as can be. The Municipal Governments Act, Section 214 outlines all that a Planning Committee can deal with. It was suggested that everyone read Section 214 and that section will be brought forward to the June 9<sup>th</sup> meeting of the Committee of the Whole.

A discussion ensued as to the specifications that have been adopted by the Town for roads, sewers, etc. in the past which are not always being followed. Mr. Smith noted that perhaps the specifications need to be looked at, and that there are people in his office to give advice on those types of matters. Mayor Roberts noted that the streetscape in Annapolis Royal is old and cherished, and that most specifications are for new communities. Mr. Smith noted that specifications can be tailored to specific areas.

A general discussion ensued as to when the Town takes over work done by a developer. Mr. Millier noted that the burden is on the developer to fulfill the qualifications of the development plan, and only then does the Town take ownership.

It was agreed then that Council should come up with a scope to guide the Planning Advisory Committee. The Committee must be guided by a policy developed by Council.

<sup>1</sup> Annapolis District Planning Commission

Mr. Davies asked for clarification of how forward looking the PHAC<sup>1</sup> could be, for example in the case of the Annapolis Royal Regional Academy closure in the future, and Goddard College looking at moving into Town, can the Committee look forward to examine what sorts of implications may exist for the Town regarding accommodations etc. CAO Boyer noted that the Town has a Strategic Plan that encompasses issues such as this. Mr. Smith suggested that PHAC<sup>1</sup> ask Council to define its role in this issue Council decides if PHAC<sup>1</sup> has or does not have a role to play.

Mr. Smith noted that it is imperative that Council establish policies to guide committees such as the Heritage and Planning Advisory Committee, which is a combination committee. Council should lay out procedure, reporting structure, etc. using Section 214 of the Municipal Government Act and decide on any of the optional areas such as “social wellbeing”.

Mr. Millier noted that the work of PHAC<sup>1</sup> has been well done over the years in the absence of policy, but that going forward it would be good to have a more firmly drawn plan of action.

Mr. Davies asked for clarification as to the relationship between the MPS<sup>2</sup> and the strategic plan. CAO Boyer replied that the MPS<sup>2</sup> is a static document that operationalizes nothing. The strategic plan lays out objectives to be accomplished. These objectives should be in accordance with the MPS<sup>2</sup>.

Councillor Power asked Mr. Smith about jurisdictional differences, and if his office could be called. Mr. Smith noted that Council has authority over everything. Mr. Millier noted that ADPC<sup>3</sup> is staff and does not write policy or define planning work for future. It waits for the Town to ask and plays a support role. CAO Boyer noted that sensitivity to heritage has been noted as a significant requirement in the search for a new Managing Director for ADPC<sup>3</sup>. Applicants have been short listed and interviews will be conducted in June.

<sup>1</sup> Planning and Heritage Advisory Committee

<sup>2</sup> Municipal Planning Strategy

<sup>3</sup> Annapolis District Planning Commission

Mayor Roberts suggested that Council needs a policy explaining how the two sides will work together. He asked town hall staff to produce a draft. Executive Assistant Jackie Longmire has already been working on this project and Section 214 will be put on the June 9<sup>th</sup> agenda.

Mr. Smith thanked everyone for their participation and offered to return in the future should there be more questions.

Mayor Roberts thanked everyone for attending.

**NEXT MEETING**

June 9, 2010 at 9:30 a.m.

**ADJOURNMENT**

*It was moved by Councillor Power 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 Lynn Moar		
Approved for website by CAO		
Sent to webmaster		