

**TOWN OF SAINT ANDREWS
W. C. O'NEILL ARENA COMPLEX DINING ROOM
Regular Council Meeting
MINUTES
November 6, 2017 at 7:00PM**

A Regular Meeting of the Town of Saint Andrews Council was held at the W. C. O'Neill Arena Complex Dining Room beginning at 7:00PM with the following members present: Mayor Doug Naish, Deputy Mayor Brad Henderson, Councillors Edie Bishop, Dan Boyd, Guy Groulx, Kurt Gumushel and Andrew Harrison. Also present were: Angela McLean, Clerk, Chris Spear, Treasurer, Gail McLaughlin, Administrative Assistant.

APPROVAL OF AGENDA

Motion 102- 11/17

It was moved by Councillor Groulx, seconded by Councillor Bishop and carried that the Agenda be approved as presented.

DISCLOSURE OF CONFLICT OF INTEREST -

Deputy Mayor Henderson declared a conflict of interest on items PED170602.

MINUTES

Motion 103 – 11/17

It was moved by Councillor Boyd, seconded by Councillor Groulx and carried that the Minutes of the October 2, 2017 Special Meeting of Council be adopted with an amendment to motion 97 to include the specific comments from Councillor Groulx.

Motion 104 - 11/17

It was moved by Deputy Mayor Henderson, seconded by Councillor Groulx and carried that the Minutes of the October 2, 2017 Regular Meeting of Council be adopted as presented.

Motion 105 - 11/17

It was moved by Councillor Groulx, seconded by Councillor Bishop and carried that the Minutes of the October 10, 2017 Special Meeting of Council be adopted as presented.

Motion 106- 11/17

It was moved by Councillor Boyd, seconded by Councillor Gumushel and carried that the Minutes of the October 16, 2017 Special Meeting of Council be adopted as presented.

PRESENTATIONS - NONE

COMMUNICATIONS - NONE

STAFF REPORTS

Motion 107 - 11/17

It was moved by Councillor Bishop, seconded by Councillor Gumushel and carried that Council accept the Staff Reports as presented.

FINANCIAL REPORT

INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS

Finance & Administration Portfolio- Councillor Bishop

Motion 108 - 11/17

It was moved by Councillor Bishop, seconded by Councillor Groulx and carried that Council proceed to third and final reading of Amendment 1 to By-law 16-03, A Procedural By-law for the Organization and Operation of the Council of the Town of Saint Andrews.

**AMENDMENT NO. 1
TO BY-LAW NO. 16-03**

A PROCEDURAL BY-LAW FOR THE ORGANIZATION AND OPERATION OF THE COUNCIL OF THE TOWN OF SAINT ANDREWS

THE COUNCIL OF THE TOWN OF SAINT ANDREWS UNDER THE AUTHORITY VESTED IN IT BY SECTION 10.3(1) OF THE MUNICIPALITIES ACT RSNB 1973, CH. M-22, HEREBY AMENDS BYLAW NO. 16-03 AS FOLLOWS:

Article 17: Changes to the Agenda

- 17.1 Any changes to the agenda approved by Council at the Committee meeting for a special meeting may only be made with the unanimous consent of the Councillors present at the meeting.
- 17.2 Any changes to the agenda approved by Council at the Committee meeting for a regular meeting may only be made with the affirmative vote of two-thirds of the Councillors present at the meeting.

Section 34: Council Committee

- 34.2 While it may be the primary purpose of the Council Committee to set the agenda and wording of by-laws and motions for a regular or special meeting of Council, other matters on Council registers may be discussed.

Read a first time this 11th day of September, 2017

Read a second time this 2nd day of October, 2017

Read a third time this 6th day of November, 2017.

MAYOR

TOWN CLERK

Public Works- Councillor Boyd**Motion 109 - 11/17**

It was moved by Councillor Boyd, seconded by Councillor Gumushel and carried that Council approve the use of Town property on Salt Marsh Road, by the residents of O'Neill Farm Road, for the installation of an accessory structure in the form of a trash container, in order to facilitate orderly removal of domestic garbage, subject to terms and conditions to be set by the CAO. Councillor Groulx also stated that an Agreement should be drawn up and signed by both parties.

Public Safety – Councillor Groulx

No motions

Business, Tourism, Heritage and Culture Portfolio – Deputy Mayor Henderson**Motion 110 - 11/17**

It was moved by Deputy Mayor Henderson, seconded by Councillor Harrison and carried that Council proceed to second reading of Amendment MP17-01, to By-law 10-03, A Municipal Plan By-law of the Town of Saint Andrews. Mayor Naish read Amendment MP17-01 a second time in its entirety.

**AMENDMENT NO. Z17-02 TO ZONING BY-LAW NO. 10-04
A BYLAW OF THE TOWN OF SAINT ANDREWS
RESPECTING ZONING**

BE IT ENACTED by the Council of the Town of Saint Andrews that the Town of Saint Andrews Zoning By-law No. 10-04, is hereby amended as follows:

By rezoning a parcel of land identified as 161 Augustus Street with PID No. 01203033 from Serviced Residential (SR Zone) to Mixed Use Zone (MU Zone), subject to the property owner entering into a Development Agreement pursuant to the provisions of Section 39 of the Community Planning Act.

And further the said parcel of land shown on the Plan attached marked Schedule "A", be delineated on the town of Saint Andrews Zoning Map as a Mixed Use Zone (MU Zone).

Read First Time: October 2nd, 2017

Read Second Time: November 6, 2017

Read Third Time and Enacted:

Clerk

Mayor

By-Law R17-02
A By-Law to Repeal By-Law 13-03, A By-law of the Town of Saint Andrews Related to the Operation and Management of the W.C. O'Neill Arena

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. The following By-Law, enacted by the Town of Saint Andrews and amendments thereto, are hereby repealed:
 - a) By-Law 13-03, A By-Law Related to the Operation and Management of the W.C. O'Neill Arena, enacted August 12, 2013.
2. The repeal of said by-law shall not affect any penalty, forfeiture or liability incurred before such appeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal or disturb, invalidate, or prejudicially affect any matter or thing whatsoever completed, existing, or pending, at the time of repeal.

Read the first time: October 2, 2017
 Read the second time: November 6, 2017
 Read the third time and enacted: _____

 Mayor

 Clerk

Planning and Economic Development Portfolio- Councillor Harrison

Motion 116 – 11/17

It was moved by Councillor Harrison, seconded by Deputy Mayor and carried that Council proceed to second reading of Amendment Z17-01 to Zoning By-law 10-04, Being the Zoning By-law for the Town of Saint Andrews and related to 260 Water Street. Councillor Groulx re-stated his concerns on the enactment process. Deputy Mayor Henderson stated that based on the legal opinions on record and the Development Officer's recommendations that he believed the process to be on track. Following this discussion, the vote was taken with Nay votes registered by Councillors Groulx and Boyd and 4 votes in favour of the motion. Mayor Naish proceeded to read Amendment Z17-01 in its entirety a second time.

Deputy Mayor Henderson left the room as the he had earlier declared a Conflict of Interest on the matter related to a Municipal Plan Amendment at 130 Prince of Wales Street.

Motion 117 – 11/17

It was moved by Councillor Harrison, seconded by Councillor Groulx and carried that leave be granted to introduce By-law MP17-02, A By-law to Amend By-law 10-03, Being the Municipal Plan By-law of the Town of Saint Andrews related to 130 Prince of Wales Street and that it be read a first time. Mayor Naish read By-law No. MP17-02 in its entirety a first time.

BY-LAW NO. MP17-02

A BY-LAW TO AMEND BY-LAW NO. 10-03, BEING THE MUNICIPAL PLAN BY-LAW FOR THE TOWN OF SAINT ANDREWS.

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By-Law No. 10-03, the Municipal Plan By-Law for the Town of Saint Andrews, is amended by adding a policy to Section 2.8.2, which reads:

(4) Council may permit residential properties to be used for artistic or cultural uses by way of a rezoning of land where a proposal is determined to be compatible with the residential character of the area.
2. By-Law No. 10-03, the Municipal Plan By-Law for the Town of Saint Andrews, is amended by adding the following proposal, which reads:

2.8.3 Any amphitheatre permitted by way of rezoning requires Council to take into consideration site design, parking (including temporary parking for events), noise, traffic, hours of operation and any other matter deemed appropriate.

Read the first time this 6th day of November, 2017.
 Read the second time this XXth day of _____, A.D. 2017.
 Read the third time this XXth day of _____, A.D. 2017.

 Doug Naish, Mayor

 Angela McLean, Clerk

Motion 118 – 11/17

It was moved by Councillor Harrison, seconded by Councillor Groulx and carried that leave be granted to introduce By-law Z17-03, A By-law to Amend By-law 10-04, Being the Zoning By-law for the Town of Saint Andrews related to 130 Prince of Wales Street and that it be read a first time. Mayor Naish read By-law Z17-03 in its entirety a first time.

BY-LAW NO. Z17-03

A BY-LAW TO AMEND BY-LAW NO. 10-04, BEING ZONING BY-LAW FOR THE TOWN OF SAINT ANDREWS.

BE IT ENACTED by the Council of the Town of Saint Andrews as follows:

1. By adding immediately after Section 4.2.6 the following:

4.2.7 SRC Zone Permitted Uses

Any land, *building* or *structure* may be used for the purposes of:

(a) One of the following *main uses*:

- (i) One of the main uses prescribed in 4.2.1(a) above; or
(ii) An *Artist's Residence*.

(b) One or more of the following *secondary uses*:

- (i) One of the *secondary uses* prescribed in 4.2.1(b) above; and
(ii) In addition to (i), one or more of the following *secondary uses*:
(A) *Artist's Residences*,
(B) Art galleries, or
(C) Art studios.

(c) One or more of the following *accessory uses*:

- (i) One of the *accessory uses* prescribed in 4.2.1(c) above, and
(ii) An amphitheatre

4.2.8 Application of SR Zone to SRC Zone

Sections 4.2.2, 4.2.5 and 4.2.6 apply with the necessary modifications to the SRC Zone prescribed in 4.2.7. Section 4.2.3 applies with the modification to the maximum height for accessory buildings; in the SRC Zone it is 9.5 m (31 ft).

2. Add a definition to the Town of Saint Andrews Zoning Bylaw (10-04) for *artist's residence* and *amphitheatre*:

"ARTIST'S RESIDENCE"

Means any *main or secondary use* prescribed in 4.2.7 serving as temporary accommodations for artists, musicians, writers, or other similar cultural professionals, but does not include an apartment, rental suite, garden suite, hotel, inn, hostel, group home, or bed and breakfast.

"AMPHITHEATRE"

Means a cultural performance stage with outdoor seating for an audience and may include accessory facilities, such as restrooms, change rooms, audio visual equipment, and storage.

3. Table 2.1: Zone Classifications under Section 2.1 (2) is amended by adding a row below the SR Zone, with the Short Form listed as "SRC Zone," with the Zone Designation listed as "Serviced Residential and Culture", and classified under the Residential Zones Classification.
4. Section 2.1(3) is amended by striking out "SR, ER and MR Zones, collectively, are referred to as Residential Zones" and substituting "SR, SRC, ER and MR Zones, collectively, are referred to as Residential Zones"
5. By-Law No. 10-04, the Zoning By-Law for the Town of Saint Andrews, is amended by changing the zone as shown on the Zoning Map attached to the said By-Law as Schedule "A" thereof for the lands shown on Schedule "1" attached hereto and forming part hereof from Serviced Residential to Serviced Residential and Cultural.

Read the first time this 6th day of November, 2017.

Read the second time this XXth day of _____, 2017.

Read the third time this XXth day of _____, 2017.

Doug Naish, Mayor

Angela McLean, Clerk

I, Angela McLean, of the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, Town Clerk, DO SOLEMNLY DECLARE:

1. THAT I am the Town Clerk of the Town of Saint Andrews, a municipal corporation, and have personal knowledge of the facts herein declared.
2. THAT the requirements of Sections 39, 66 and 68 of the *Community Planning Act* have been complied with in respect to Bylaw No. 17-03, A Bylaw to amend Bylaw No. 10-04, Being the Zoning Bylaw for the Town of Saint Andrews

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

DECLARED before me at the Town of Saint Andrews, in the County of Charlotte and Province of New Brunswick, this ____ day of _____ A.D. 2017.

COMMISSIONER OF OATHS

Angela McLean, Clerk

Read first time: November 6, 2017
Read second time: _____, 2017
Read third time: _____, 2017

Mayor

Clerk



Following the discussion and subsequent motions related to 130 Prince of Wales Street, Deputy Mayor Henderson returned to the Council chambers.

Mayor Naish went directly to Question Period, however there were no public questions or comments. He then moved to Councillors' and Deputy Mayor Comments and then Mayor's comments. Following the comments, he asked for a motion to move to Closed Session.

NEW BUSINESS - NONE

QUESTION PERIOD

Motion 119 – 11/17

At 8:10 p.m. it was moved by Councillor Groulx, seconded by Councillor Gumushel and carried that Council move to Closed Session per Section 10.2(4)(c) of the Municipalities Act of New Brunswick with states: Information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract.

At 8:36 p.m. it was moved by Councillor Groulx, seconded by Councillor Boyd and carried that Council return to Open Session.


Motion 119(a) – 11/17

Following discussion, it was moved by Councillor Groulx seconded by Councillor Boyd and carried that the Town of Saint Andrews enter into an agreement with the Southwest New Brunswick Service Commission for the provision of municipal planning and building inspection services, effective January 01, 2018, at a rate of \$106,728 for 2018.

ADJOURNMENT

Motion 120 - 11/17

At 8:50PM, it was moved by Councillor Boyd, seconded by Councillor Groulx and carried that the meeting be adjourned.


 Doug Naish, Mayor


 Angela McLean, Clerk

