



TOWN OF SAINT ANDREWS

Regular Council Meeting

MINUTES

December 4, 2017, 7:00 PM

W.C. O'Neill Arena- VIC

Members present: Mayor Doug Naish, Councillor Edie Bishop, Councillor Guy Groulx, Councillor Kurt Gumushel, Councillor Andrews Harrison

Also present were: Angela McLean, CAO/CLERK, Chris Spear, Treasurer/Deputy Clerk, Gail McLaughlin, Administrative Assistant

Members Absent: Deputy Mayor Brad Henderson & Councillor Dan Boyd

RECORDING OF ATTENDANCE

A Regular Meeting of the Town of Saint Andrews Council was held at the W. C. O'Neill Arena Complex Visitor Information Centre beginning at 7:00PM

APPROVAL OF AGENDA

Motion 122 12/17

Moved By Councillor Groulx
Seconded By Councillor Bishop

To adopt the Agenda as presented.

Carried

DISCLOSURE OF CONFLICT OF INTEREST

None

APPROVAL OF THE MINUTES OF PREVIOUS MEETING

Motion 123 12/17

Moved By Councillor Bishop
Seconded By Councillor Harrison

that the minutes of the Regular Meeting of Council of November 6, 2017 be adopted.

Carried

Motion 124 12/17

Moved By Councillor Harrison
Seconded By Councillor Groulx

that the minutes of the Special Meeting of Council of November 8, 2017 related to the 2018 Budget Discussions be adopted.

Carried

Motion 125 12/17

Moved By Councillor Harrison
Seconded By Councillor Bishop

that the minutes of the Special Meeting of Council of November 15, 2017 related to the Indian Point Lease be adopted.

Carried

Motion 126 12/17

Moved By Councillor Bishop
Seconded By Councillor Groulx

that the minutes of the Special Meeting of Council of November 20, 2017 related to a presentation by Rob Capozzi, Climate Change Secretariat be adopted.

Carried

Motion 127 12/17**Moved By** Councillor Gumushel**Seconded By** Councillor Groulx

that the minutes of the Special Meeting of Council to Hear Objections to Municipal Plan and Zoning Amendments for 130 Prince of Wales Street of November 20, 2017 be adopted. **Carried**

Motion 128 12/17**Moved By** Councillor Bishop**Seconded By** Councillor Harrison

that the minutes of the Special Meeting of Council related to 2018 Budget discussions, November 22, 2017 be adopted. **Carried**

Motion 129 12/17**Moved By** Councillor Bishop**Seconded By** Councillor Groulx

that the minutes of the Special Meeting of Council related to Tender TSA 2017-11, Paving Champlain Avenue of September 6, 2017 be adopted. **Carried**

STAFF REPORT**Motion 130 12/17****Moved By** Councillor Groulx**Seconded By** Councillor Bishop

to accept the Staff Reports as presented. **Carried**

Town Managers Report**Financial Report****INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS****Finance & Administration Committee- Councillor Bishop****Motion 131 12/17 - FA171101****Moved By** Councillor Bishop**Seconded By** Councillor Gumushel

that leave be granted to introduce for first reading, By-law R17-03, A By-law to Repeal By-law 00-1, A By-law of the Town of Saint Andrews to Establish a Planning Advisory Committee. **Carried**

By-Law R17-03**A By-Law to Repeal By-Law 00-1, A By-law of the
Town of Saint Andrews to Establish a Planning Advisory Committee**

The Council of the Town of Saint Andrews under authority vested in it by Section 74(1)(a) of the *Community Planning Act*, enacts as follows:

1. The following By-Law, enacted by the Town of Saint Andrews and amendments thereto, are hereby repealed:
 - a) By-Law 00-1, A By-Law to Establish a Planning Advisory Committee, enacted May 1, 2000.
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: December 4, 2017

Read the second time:

Read the third time and enacted:

Doug Naish, Mayor

Angela McLean, Clerk

Motion 132 12/17 - FA171102(a)

Moved By Councillor Bishop
Seconded By Councillor Groulx

Be it resolved that the Town of Saint Andrews Council appoint Don Leachman and Michael Hall as Building Inspectors for the Town of Saint Andrews for a one-year term. **Carried**

Motion 133 12/17 -FA171102(a)

Moved By Councillor Bishop
Seconded By Councillor Groulx

Be it resolved that the Town of Saint Andrews Council appoint Alex Henderson, Don Leachman and Judy Hartford as Development Officers for the Town of Saint Andrews for a one-year term. **Carried**

Motion 134 12/17 -FA171105

Moved By Councillor Bishop
Seconded By Councillor Gumushel

that the Town of Saint Andrews act as the agent of record for the South West New Brunswick Transit Authority for the Administration of a two-year funding grant from the United Way. **Carried**

Public Works – Councillor Boyd – N/A

Public Safety – Councillor Groulx – N/A

Business, Tourism, Heritage and Culture Committee – Councillor Bishop

Motion 137 12/17 -BTHC170202

Moved By Councillor Bishop
Seconded By Councillor Groulx

that the Council proceed to third and final reading of Amendment MP17-01 to By-law No. 10-3, A Municipal Plan By-law Related to 161 Augustus Street. **Carried**

Amended Motion 137(a) 12/17 -BTHC170202

Moved By Councillor Groulx
Seconded By Councillor Gumushel

to amend the wording in the provided By-law Amendment MP17-01 to read from "*Residential*" to "*Commercial*". Mayor Naish re-read the by-law with amendments. **Carried**

**AMENDMENT NO. MP17-01
 TO MUNICIPAL PLAN BY-LAW NO. 10-3**

BE IT ENACTED by the Council of the Town of Saint Andrews that Municipal Plan By-Law No. 10-3 is hereby amended as follows:

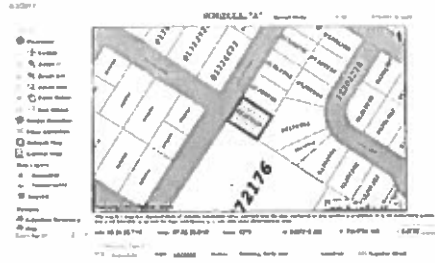
A parcel of land having PID No. 01203033, shown on the Plan attached hereto as Schedule "A", be re-designated on the Town of Saint Andrews Land Use Classification Map attached to By-law 10-3 from "Residential" to "Commercial".

Read first time:	October 2 nd , 2017
Read second time:	November 6 th , 2017
Hearing of Objections:	September 11 th , 2017
Read third time:	December 4 th , 2017

 Doug Naish, Mayor

 Angela McLean, Clerk

Schedule "A"



Motion 138 12/17 -BTHC170202

Moved By Councillor Bishop
Seconded By Councillor Harrison

that the Town of Saint Andrews enter into a Development Agreement with Emily Donahue as per Section 39 of the *Community Planning Act of New Brunswick*, and as presented to Council on November 29, 2017 and subject to Third reading of By-law Z17-02. **Carried**

Motion 139 12/17 -BTHC170202

Moved By Councillor Bishop
Seconded By Councillor Groulx

that the Council proceed to third and final reading of Amendment Z17-02 to By-law No. 10-4, A Zoning By-law Related to 161 Augustus Street. **Carried**

**AMENDMENT NO. Z17-02
 TO ZONING BY-LAW NO. 10-04
 A BY-LAW 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 *Commercial Zone (C Zone)*, subject to the property owner entering into a Development Agreement pursuant to the provisions of Section 39 of the Community Planning Act of New Brunswick.

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 *Commercial Zone (C Zone)*.

Read first time:	October 2 nd , 2017
Read second time:	November 6 th , 2017
Hearing of Objections:	September 11 th , 2017
Read third time:	December 4 th , 2017

_____ Doug Naish, Mayor	_____ Angela McLean, Clerk
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Schedule "A"



Motion 140 12/17 - BTHC171003

Moved By Councillor Bishop
Seconded By Councillor Harrison

that Council proceed to second reading of By-law 17-04, A By-law of the Town of Saint Andrews to Impose a Special Business Improvement Levy.

Carried

**TOWN OF SAINT ANDREWS
BY-LAW NO. 17-04
A BY-LAW OF THE TOWN OF SAINT ANDREWS TO IMPOSE A SPECIAL BUSINESS
IMPROVEMENT LEVY**

Pursuant to Section 5(1) of the *Business Improvement Areas Act* R.S.N.B 2014, c. 102, be it enacted by the Council of the Town of Saint Andrews as follows:

1. That a special business improvement tax shall be levied for the calendar year 2018 on all non-residential property within the business improvement area of the Town, said area having been designated in Town of Saint Andrews By-Law No. 72 enacted on June 4, 1984.
2. That the special business improvement tax for calendar year 2018 shall be at the rate of *twenty cents (\$0.20)* on each *one hundred dollars (\$100.00)* assessment of real property being the non-residential property in the business improvement area.

Read the by-law in its entirety in Council first time:	November 6, 2017
Hearing of Objections:	December , 2017
Read the second time:	December 4, 2017
Read the third and final time this day of	, 2017.

Doug Naish, Mayor

Angela McLean, Clerk

Recreation and Community Services Committee - Councillor Gumushel

Motion 141 12/17 - RCS170902

Moved By Councillor Gumushel

Seconded By Councillor Groulx

that Council proceed to third and final reading of By-law R17-02, A By-law to Repeal By-law 13-03, Related to the Operation and Management of the W. C. O'Neill Arena Complex. **Carried**

**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**

The Council of the Town of Saint Andrews under authority vested in it by Section 74(1)(a) of the *Community Planning Act*, enacts 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:	December 4, 2017

Doug Naish, Mayor

Angela McLean, Clerk

Planning and Economic Development Committee- Councillor Harrison

Motion 143 12/17 -PED170601

Moved By Councillor Harrison

Seconded By Councillor Groulx

that the Town of Saint Andrews Council enter into a Development Agreement with the Developers of Princess Royal Condominiums, 260 Water Street, as per Section 39 of the Community Planning Act of NB, and as presented to Council on November 29, 2017, and subject to Third Reading of Amendment Z17-01 to Zoning By-law 10-04, Being the

Zoning By-law for the Town of Saint Andrews.

Carried

Motion 144 12/17 - PED170601

Moved By Councillor Harrison

Seconded By Councillor Gumushel

that Council proceed to third and final 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. **Carried**

**AMENDMENT NO. Z17-01
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 three parcels of land, identified as 260 Water Street with PID No. 01320035, 256 Water Street with PID No. 15054893 and 48 Princess Royal Street with PID No. 1320043 from Central Commercial Zone (CC 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 parcels 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: December 4, 2017

Doug Naish, Mayor

Angela McLean, Clerk

Schedule "A"



Map 6401 (Landed Lot) 1:1000
When this map may not be true then other or additional data has been used to ensure the best possible quality. This map is a graphical representation of property boundaries with a guarantee of a map, verification of its status of an official map is not intended to be used for legal purposes or to establish exact dimensions of land.
L'usage de cette carte n'est pas une garantie de la précision des données. Cette carte est une représentation graphique des données de terrain. L'usage de cette carte n'est pas une garantie de la précision des données. Cette carte n'est pas destinée à être utilisée pour des fins juridiques ou pour établir des dimensions exactes de terrain.

Motion 145 12/17 -PED170602

Moved By Councillor Harrison

Seconded By Councillor Groulx

that Council proceed to second reading of By-law MP17-02, Related to 130 Prince of Wales Street, A By-law to Amend By-law 10-03, Being the Municipal Plan By-law for the Town of Saint Andrews. **Carried**

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.

Hearing of Objections: November 20, 2017

Read the second time this 4th day of December, 2017.

Read the third time this th day of December, 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 25(1), 66 and 68 of the *Community Planning Act* have been complied with in respect to Bylaw No. 17-02, A Bylaw to amend Bylaw No. 10-03, Being the Municipal Plan 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 December,
 2017.

 COMMISSIONER OF OATHS

 Angela McLean, Clerk

Motion 146 12/17 - PED170602

Moved By Councillor Harrison
Seconded By Councillor Groulx

that Council proceed to second reading of By-law Z17-03, Related to 130 Prince of Wales Street, A By-law to Amend By-law 10-04, Being the Zoning By-law for the Town of Saint Andrews.

Carried

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.

Hearing of Objections: November 20, 2017

Read the second time this 4th day of December, 2017.

Read the third time this th day of December, 2017.

Doug Naish, Mayor

Angela McLean, Clerk

ADJOURNMENT

Moved By Councillor Gumushel

Seconded By Councillor Groulx

At 8:10PM that the meeting be adjourned.

Carried



Doug Naish, Mayor



Angela McLean, Clerk

