



**TOWN OF SAINT ANDREWS
COMMITTEE OF COUNCIL MEETING
MINUTES**

**February 22, 2021, 7:00 p.m.
Electronic Meeting**

A. RECORD OF ATTENDANCE

A Committee Meeting of the Town of Saint Andrews Council was held on Monday, February 22, 2021, at 7:00 p.m. with the following members present:

Mayor Doug Naish, Deputy Mayor Brad Henderson, Councillor Kate Akagi, Edie Bishop, Guy Groulx, Kurt Gumushel, Andrew Harrison.

Staff: Chris Spear, CAO/Treasurer, Paul Nopper, Clerk - Senior Administrator, Alexander Gopen, Planner, Southwest New Brunswick Service Commission.

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B. APPROVAL OF AGENDA

RCS210201 Elizabeth Street Pocket Park Naming and RCS210203 Healthy Communities Grant from the Wednesday, February 17, 2021, Special Meeting of Council.

Motion: Motion: 063 - 02/21

Moved by Councillor Bishop

Seconded by Councillor Akagi

That the Agenda be approved as presented.

6 – 0

Carried

C. DISCLOSURE OF CONFLICT OF INTEREST

Deputy Mayor Henderson: FA210104ab Amendment No. 1 to By-Law No. 75 Regulating Licensing of Peddlers and Transient Traders First Reading and PED210205 Kingsbrae Garden Request Regarding Peddler's Permit

Councillor Groulx: RCS210203 Katy's Cove Inc. Request for Support

Councillor Harrison: FA210204ab Amendment No.1 By-Law No. 75 Regulating Licensing of Peddlers and Transient Traders First Reading

D. PRESENTATIONS

E. CORRESPONDENCE

F. INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS

1. Finance & Administration

1. FA210104ab Amendment No. 1 to By-Law No. 75 Regulating Licensing of Peddlers and Transient Traders First Reading

Deputy Mayor Henderson and Councillor Harrison: Conflict of interest declared at 7:12 p.m.

Councillor Groulx: I have concerns about these permit regulations. We have received a letter from Kingsbrae Gardens for a similar process. I would suggest a more appropriate tool to use is a

development permit. This would eliminate the need for modification of the By-Law and that a permanent facility would be built. This would discourage the open door for food trucks. I would recommend tabling and proceeding with a development agreement to allow for the operations.

CAO Spear: it is an interesting topic Councillor Groulx brought up but my concern is part of the reason why Mr. Bartlett wanted to take the summer to make the design and I am questioning if we have the time to put that together. This was brought forward before Christmas before we made the recommendation to PRAC. We are leaving it close to the wire on what way to go. I respect Councillor Groulx's comments but there are still heavy terms and conditions put on 182 Water Street. This would have to be done for anyone looking at this process. It is a lot different than just operating a food truck. It is more of a dine-in option. I would suggest leaving it on the agenda and we can come back with a review of the development agreement. We will let you know either way.

Councillor Groulx: So, suggesting leave it on the agenda and table at the next meeting. I just wanted to raise this. The development agreement ensures something will be built. If we do the amendment to the By-Law, he can change his mind. Nothing in the By-Law stipulates this but creates a new category of exempt business. It is wide open. One other business has asked for a similar exemption.

Mayor Naish: Bring it forward to the next meeting and provide feedback.

Planner Gopen: One issue with the development agreement, under the Community Planning Act, the only way to do a development agreement is with a rezoning. There is no mechanism for Council to ask for the development agreement without the rezoning.

Deputy Mayor Henderson and Councillor Harrison returned to the session at 7:21 p.m.

Move forward to the Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council grant leave for First Reading of Amendment No. 1 of By-Law No. 75 Regulating Licensing of Peddlers and Transient Traders.

Motion: Motion: xxx - 02/21

That Council sets the date of Monday, March 22, 2021 at 7:00 p.m. via Electronic Meeting for a Public Consultation Session on Amendment No. 1 to By-Law No. 75 Regulating Licensing of Peddlers and Transient Traders.

2. Public Works

1. PW210201 Surplus Public Works Mower 2014 Gravely 460

Move forward to the Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council move the 2014 Gravely 460 Zero Turn Mower to surplus equipment for the purpose of sale.

3. Public Safety

4. Business, Tourism, Heritage and Culture

5. Recreation and Community Service

1. RCS210202 Outdoor Fitness Centre SORTI

Councillor Akagi: I know Langmaid Park was refused but why? Pagan Point is lovely, but Langmaid Park is pretty as well.

CAO Spear: Essentially, they have looked at Pagan Point Park as the most scenic and most traveled part of the road and a lot of people thought the best exposure at Pagan Point.

Councillor Groulx: Additionally, there is parking at Pagan Point.

Councillor Gumushel: There are existing services near the trail point for accessible bathrooms and parks. I do not think there is room at Langmaid Park for these services. I think these were some of the considerations.

Councillor Harrison: I would like to see and be very specific on where this goes. I do not want to ruin the view of the park. Part of the problem is driving down Prince of Wales and around the point is one of the best vistas in the community. I do not think we want a bunch of equipment sitting in the park. Let's make it crystal clear where it is in the park in the motion.

Councillor Gumushel: The equipment is low impact and low visual. If we implement the cycling lane it will make it safer for health and the environment and you can stop at the workout stations with the vistas.

Deputy Mayor Henderson: We want to make sure the exact location, but my question is red ants, has there been consideration based on these? Has there been a consideration on this?

Councillor Gumushel: As this would be something that wheelchairs can use; they would have laneways with circuits to go with. You are right with concern about ants, but we should be ok.

Councillor Groulx: All the equipment will be on concrete pads.

Move forward to the Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council allows for staff to sign into an agreement with the Saint Andrews Outdoor Recreation and Trails Inc. for an outdoor fitness park in Saint Andrews under the terms and conditions set by the Chief Administrative Officer.

2. RCS210201 Elizabeth Street Pocket Park Naming

Clerk Nopper: Provided an overview of the background motion report on the naming of the new Elizabeth Street Pocket Park.

Mayor Naish: We will bring it forward as a motion for debate. We can discuss a bit further on additional names.

Councillor Gumushel: As we continue with these parks, it would be interesting to see if we can come up with artsy names for these parks or themes from the community.

Move forward to the Regular Council Meeting.

3. RCS210203 Canada Healthy Communities Fund

Clerk Nopper: Provided background on the Canada Healthy Communities Fund and the two intakes available with the first on March 9th. Funding is for safety and vibrant communities, mobility and accessibility, and digital options. Staff is suggesting either lighting along the Van Horne Trail from Water Street to Prince of Wales and/or bike stations.

Deputy Mayor Henderson: I had a great conversation with a member of the community that sent me the actual grant. The application highlights how to make spaces safe via COVID-19. The second item is improving mobility options. I wonder if we can tailor our options to this. One idea might be ramping to get into shops downtown and wondering if we can use encroachment on townland to make this happen.

Councillor Bishop: I think that is a really great idea and notice that places are hard to get into for accessibility.

Councillor Groulx: I applaud the Deputy Mayor's suggestion and a fan of accessibility. Unfortunately, the challenge does not stop with a ramp. Doorways and isles in shops are narrow and difficult to maneuver for the general public. I think we should go for it and it is a good initiative.

Councillor Akagi: I think this is a good idea and we should move it forward.

Mayor Naish: Can we make the change to the motion report to reflect the additional option.

Clerk Nopper: Yes, we will add this to the report.

Move forward to the Regular Council Meeting.

6. Planning & Economic Development

1. PED201201 Market Wharf Design

Councillor Groulx: I think we need to fill it in tonight, this sets the motion.

Councillor Harrison: Let's start with the concrete and go from there.

Deputy Mayor Henderson: I do agree we should leave it blank until we have the debate. My second point, we can talk about the process of how we come up with this. Do we start with the best choice and move forward?

Mayor Naish: We will have a debate next week.

Councillor Groulx: Can we get a copy of the last presentation?

CAO Spear: Yes, we will provide a copy.

Move forward to Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council selects _____ design option to replace the current Market Wharf.

2. PED210202ab By-Law 21-03 Being a By-Law to Establish a Planning Advisory Committee for the Town of Saint Andrews First Reading

Councillor Groulx: Is there a requirement to solicit the opinions of PRAC as well.

Planner Gopen: There is no requirement for PRAC. It does not even need a public hearing, but this has been your practice.

CAO Spear: Should be considered, we need terms of reference or operating policy with this By-Law, so Council understands this. The other thing is the start date. Perhaps set a few months out for training and get under the process before full force.

Councillor Harrison: Let the next Council populate the committee and we are tight on time. Let's set up the structure and let them fill it in.

What I am interpreting, we need a document giving rules and such. This will take time.

Councillor Groulx: I agree with Councillor Harrison. This is not something we want to do in haste. We want the next Council to live with the decisions we do but let them pick the committee.

Mayor Naish: We should move forward with it.

Deputy Mayor Henderson: This conversation is going around the community and there are some former members of PAC in previous is wanting to participate.

Councillor Harrison: Does this deal with the contract with the Service Commission?

Mayor Naish: The only thing it changes is that we go from PRAC to PAC.

CAO Spear: We will forward the new version of the contract but the Town will host the PAC meetings. We have been assured that our planners will be there to interpret the Community Planning Act.

Planner Gopen: We do need a motion of PRAC. Please add to the motion list.

Move forward to Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council grants leave for First Reading of By-Law 21-03 Being a By-Law to Establish a Planning Advisory Committee for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council sets the date of Monday, March 22, 2021 at 7:30 p.m. via Electronic Meeting for a Public Consultation Session on By-Law 21-03 Being a By-Law to Establish a Planning Advisory Committee for the Town of Saint Andrews.

3. PED210203abc Zoning By-Law Z18-06 First Reading 108 Sophia Street

Councillor Groulx: I have read through this and concerned on a number of levels. We are doing a new Zoning By-Law, why are we amending the old Zoning By-Law and not the new Zoning By-Law? The other concern, this has the potential to hold up the new Zoning By-Law and pass all the readings and public consultation. There seem to be a lot of issues and raise red flags. We should be amending Z21-01.

Planner Gopen: When the By-Law flips we will do the new number. This is not a substantial change as changing a reference number. It will not hold up the passing of the Zoning By-Law. it can go at the same time and when the new registered By-Law occurs, the amendment in the process will be changed.

Councillor Groulx: My concern is that once we pass Z21-01 the Z18-04 becomes repealed. You cannot amend a By-Law that is repealed.

Councillor Harrison: I think what the planners are saying is that even into the second reading of this amendment when we pass the new Zoning By-Law we can change the number and not cause substantial change.

Councillor Groulx: The Zoning Map will be changed as well, how is that a minor change? The changing of the zoning on the property will occur. The other thing is that it requires an amendment to the Municipal Plan.

Councillor Harrison: It is a minor change as all you are changing is the reference to the Zoning By-Law. Everyone knows we are changing it. We are still in the process of amending our current By-Law.

Planner Gopen: This is how it is done and communities do it all the time.

Councillor Groulx: Can we get a legal opinion on this? The By-Law will be repealed and you are trying to amend a repealed By-Law.

Mayor Naish: I assume we have a legal opinion.

Planner Gopen: You are amending the new Zoning By-Law.

Councillor Groulx: You are amending Z18-04.

Planner Gopen: You can change this.

Councillor Harrison: Can we get the legal opinion for next week?

Mayor Naish: Yes, as long as we can get one.

Move forward to Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council gives leave for First Reading to By-Law No. Z18-06, A By-Law to Amend By-Law No. Z18-04, Being Zoning By-Law for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council obtain the views of PRAC to By-Law Z18-06, A By-Law to Amend By-Law No. Z18-04, Being Zoning By-Law for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council sets the date of Monday, March 22, 2021 at 7:00 p.m. via Electronic Meeting for a Public Hearing of Objections to By-Law Z18-06, A By-Law to Amend By-Law Z18-04, Being Zoning By-Law for the Town of Saint Andrews.

4. PED210204abc By-Law MP20-03 First Reading 108 Sophia Street

Move forward to Regular Council Meeting.

Motion: Motion: xxx - 02/21

That Council grants leave for First Reading to By-Law No. MP20-03, A By-Law to Amend By-Law No. MP20-01, Being Municipal Plan By-Law for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council obtain the views of PRAC to By-Law No. MP20-03, A By-Law to Amend By-Law No. MP20-01, Being Municipal Plan By-Law for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council sets the date of Monday, March 22, 2021 at 7:15 p.m. via Electronic Meeting for a Public Hearing of Objections to By-Law No. MP20-03, A By-Law to Amend By-Law MP20-01, Being Municipal Plan By-Law for the Town of Saint Andrews.

5. PED200501cde Zoning By-Law Z21-01 Second Reading

Councillor Groulx: I do not think we are ready for the second reading of the Zoning By-Law. There are changes in the STR section. Under the Zoning By-Law, the definition of STR refers to the dwelling unit. It means a suite for two or more people to use with culinary and sanitary provided. An STR would need to have a kitchen but that is not what we intended. The other problem is STR is a secondary use, which means those using STR as a primary use would not be permitted under the Zoning By-Law. Somehow, we have, if we do not pass the Zoning By-Law, they could have a short-term rental or Airbnb. I do not think it is ready for passing without some changes to short-term rentals.

Councillor Harrison: We are looking for perfection, but at some point, fix it in the future. At some point, we need to put stuff through and leave it to the next Council to fix our issues. We must move forward.

Councillor Groulx: Currently under this By-Law, Salty Towers would not be allowed to operate without kitchens.

Councillor Harrison: Perhaps we need to table the STR By-Law.

Councillor Gumushel: Agreed.

Planner Gopen: The dwelling unit says a portion thereof, you do not need to have a kitchen and that is an important part that was not read.

Councillor Harrison: Problem solved.

Councillor Gumushel: Is there a need to finish the Short-Term Rental By-Law before we finish the Zoning By-Law?

Mayor Naish: There is a reconciliation on this, but we could proceed with the second reading. Is this going to be problematic?

Councillor Harrison: The planner says it was fine.

Councillor Groulx: I think we need to look at the whole definition?

Planner Gopen: A dwelling unit or portion thereof. Salty Towers would fall under that.

Councillor Groulx: It says you need culinary and sanitary facilities dedicated to the resident.

Planner Gopen: If you say you can use the culinary and sanitary are provided.

Councillor Harrison: A portion of a property and "or" is an option.

Deputy Mayor Henderson: The motion is good, let's move it forward.

Mayor Naish: Can we get an outline of the debate for Council.

Councillor Groulx: We need to have the Short-Term Rental By-Law in place forward.

Councillor Gumushel: Can we stick it out with STR?

Deputy Mayor Henderson: The STR By-Law does not need to be completed before the Zoning.

Councillor Groulx: We are opening the door to STR all over Town.

Move Forward to Regular Council Meeting

Motion: Motion: xxx - 02/21

That Council grant leave for Second Reading to By-Law No. Z21-01, Being Zoning for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council obtain the views of PRAC to By-Law No. Z21-01, Being Zoning for the Town of Saint Andrews.

Motion: Motion: xxx - 02/21

That Council sets the date of Monday, March 22, 2021 at 6:00 p.m. via Electronic Meeting for a Public Hearing of Objections to By-Law No. Z21-01, Being Zoning for the Town of Saint Andrews.

G. REVIEW OF REGISTERS AND COMMUNICATIONS TO BE DISCUSSED AT THE REGULAR OR SPECIAL MEETING OF COUNCIL

Deputy Mayor Henderson: What is going on with the dental recruitment?

CAO Spear: We did a national campaign, provincial, and local. We reached out to a number of other businesses, but COVID-19 has caused issues. We are going to call these applicants to see what the issue might be and how Council can help to bring someone in.

Deputy Mayor Henderson: Anything I can help with that we can get a dentist and a fitness facility; I will be happy to help. I want to get that Wellness Centre full.

CAO Spear: We have not had a lot of interest on the Fitness Centre type of things. We have had a class-by-class request. Staff will work on a COVID-19 plan to make the room work until a more permanent solution can be found.

Councillor Groulx: My question relates to the Short-Term Rental By-Law. We seem to be falling behind on that. What is our strategy to move ahead with that if anywhere?

CAO Spear: We have hit a roadblock and we will do up a report to look at next steps. We brought it forward last week with a strip-down By-Law and will need to meet with Council in March on this. We can reconcile the original version versus what has been presented and we can go from there.

Councillor Harrison: Can staff do a strip-down version for Council?

CAO Spear: Yes.

Councillor Harrison: We can start with the bare bones and work from there.

Councillor Groulx: We have done public consultation, find the middle ground and move forward.

CAO Spear: We will work on it to have in your hands for a meeting after the Regular Council Meeting.

CAO Spear: The public is asking if you would like to restart the tree committee. We are having old trees coming down and staff willing to come to a solution of our own. We said we would bring the Tree Committee to be revitalized or move to next Council?

Councillor Harrison: Can they work on specific projects?

CAO Spear: The public has some ideas on how to protect the existing trees. We do have the ability to have an ad-hoc group work, but we also thought to send it to the Environment Committee. However, we can ask those interested in the public to provide their feedback.

Councillor Bishop: I think there are people in the community that would like to come back to active participation. I think there is some scope there for expertise and attention to the trees we have and the future trees for replacement.

Deputy Mayor Henderson: Although I appreciate volunteers, the reality is a new PAC for the next Council, we are not able to finish this in our term. I would not form a committee with no budget if you want to revamp them. The old committee was stand-alone before. There is a member of the community willing to donate mature trees and this is happening in the background. Let next Council start.

1. PED210205 Kingsbrae Garden Request Regarding Peddler's Permit

Deputy Mayor Henderson: Conflict of Interest left 8:07 p.m.

CAO Spear: Received a letter from Kingsbrae Garden looking at if Council would consider an application similar to 182 Water Street at their property in the downtown. If the applicant wants to follow the process outlaid by 182 Water Street.

Mayor Naish: We will need to have a further presentation from the applicant as this does not seem the same as the temporary use application. I think this is the start of the process. Temporary use is temporary use.

CAO Spear: This applicant is different as they have a facility on the property, and they are looking for additional projects in the future. We would have to see what the plans are from Kingsbrae before we can assess the effect.

Mayor Naish: The other concern is that anyone who owns a piece of property could simply bring in a food truck and set it up if we don't do this property. This probably was not ever our intent to have a downtown with food trucks. 182 Water Street got Council support based on the promise for a new building.

Councillor Bishop: The impact on our current food business service would be detrimental if we allow for more food trucks. We need to be cautious about venues for serving food. I am not sure if we need it and what effect it will have.

Councillor Gumushel: Further to Councillor Bishop's point, we are not experts in the food industry and how much more space the town can have in the downtown for restaurants. Keep in mind this is an application from our community and people that have invested significantly in the community. My support for 182 Water is that the applicants being longstanding community supporters and bringing something to fruition. Kingsbrae has an exceptional track record and the neighbour to work with I think if there is room for more vendors for downtown without adversely affecting them, we should hear them out.

Councillor Groulx: I guess this is the letter that raised the red flag for me to the Peddler's By-Law. We need to be careful with Municipal By-Laws and how they apply equally to all. The By-Laws should apply equally to this. The laws apply to everyone the same and my concern is, although the applicant is a longstanding member of the community and done wonderful things, the next applicant could be brand new from outside the community and we need to vet that in the same way and what residence we set. I am very concerned about the path we are going and setting residence.

Councillor Gumushel: Councillor Groulx's points are well taken but, in both cases, the proposed vendors own the land in the commercial district downtown. They are not just rolling in and food trucks are not the best way to describe. These are people thinking outside the box in a tough time.

Mayor Naish: We would like more information and ask for a presentation from Kingsbrae Garden. We are expecting to hear back from the proponent and schedule to get information.

CAO Spear: As a reminder, the application needs to go through PRAC and the Service Commission, then PRAC will come back to us. We will remind the applicant of the process.

2. RCS210203 Katy's Cove Inc. Request for Support

Deputy Mayor Henderson Returned to Session: 8:18 p.m.

Councillor Groulx Conflict of Interest left at 8:18 p.m.

CAO Spear: Provided oversight of the project and asking for a letter of support for the community for Katy's Cove Inc. on the redevelopment of

Katy's Cove. At this point, no additional assistance has been requested from Council and Town.

Councillor Harrison: I like the letter that was drafted and no issues with providing the letter. I do not think we need to have the debate on funding when it has not been asked for. Let's support the letter.

Councillor Akagi: I agree to give them the letter of support.

Deputy Mayor Henderson: Who are we asking them to transfer the land to?

Mayor Naish: The land to be transferred to Katy's Cove Inc.

Deputy Mayor Henderson: We should clarify this in a letter beyond a letter of support and \$2.2 million in renovations.

Mayor Naish: Concern seems to be missing, hopefully, this will be great and little support from the town, but we may be in completion for grant funding.

Councillor Harrison: Add land to Katy's Cove Inc. That would be the simple solution. On Council in principle, the general support seems there.

Mayor Naish: We just paid some big bills for what we did not budget for that was not ours.

Councillor Gumushel: I would like in the letter of support to include a reference to all of Charlotte County. The whole area would benefit from this development as the only saltwater swimming area. If this can be added that would be great.

Additional presentation is not needed.

Move forward to Regular Council Meeting.

3. FA210201 COVID-19 Safe Restart Funding

Councillor Groulx: Returned to session 8:25 p.m.

CAO Spear: The Federal and Provincial government provided funds for COVID-19 restart funding. For the first application, we received \$54,000. We did get funds provided to us from the leftover restart funding with an additional \$90,000 plus. The question is what to do with the funding? This Council does not have to decide on the funding, and we could sit on it to apply for debt, future capital, trail network, wharf, etc. We are making you aware of it, but you do not have to choose how to spend it now as this is unbudgeted.

Councillor Bishop: Would some of the money be used for some of the barriers along the streets?

CAO Spear: Basically, it is money into revenue and not earmarked. The sky is the limit where it could be allocated. Part of this funding was to help with funding lost last year and coming into revenue this year as unbudgeted.

Deputy Mayor Henderson: I think we sit on the money and see what's coming forward. The arena will probably be low from rentals and the curling club has shut down. I think we wait and see other incurred expenses. We should look at paying off debt in the future. If something pops up that's it.

H. NEW BUSINESS

I. QUESTION PERIOD

J. COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS

K. MAYOR'S COMMENTS

L. CLOSED SESSION

Motion: Motion: 064 - 02/21

Moved by Councillor Bishop

Seconded by Councillor Groulx

At 8:42 p.m. Council move into Closed Session per the Local Governance Act, Section 68 J labour and employment matters, including the negotiation of collective agreements.

6 – 0

Carried

Motion: Motion: 065 - 02/21

Moved by Councillor Gumushel

Seconded by Councillor Akagi

At 9:11 p.m. Council returned to Open Session.

6 – 0

Carried

M. ADJOURNMENT

Motion: Motion: 066 - 02/21

Moved by Councillor Bishop

Seconded by Councillor Akagi

At 9:12 p.m. that the meeting be adjourned.

6 – 0

Carried



Doug Naish, Mayor



Paul Nopper, Clerk

