



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

**July 4, 2022, 7:00 p.m.  
W.C. O'Neill Arena**

**A. RECORDING OF ATTENDANCE**

A Regular Meeting of the Town of Saint Andrews Council was held on Monday, July 4, 2022, at 6:50 p.m. with the following members present:

*Mayor Brad Henderson, Deputy Mayor Kate Akagi, Councillor Kurt Gumushel, Lee Heenan, Jamie Hirtle, Steve Neil.*

*Chris Spear, CAO/Treasurer, Paul Nopper, Clerk - Senior Administrator, Alex Henderson, Director of Planning, Southwest New Brunswick Service Commission.*

*Absent: Councillor Marc Blanchard.*

**B. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION**

**C. APPROVAL OF AGENDA**

**Motion: 289 - 07/22**

**Moved by** Councillor Heenan

**Seconded by** Councillor Neil

*That the Agenda be approved as presented.*

**Amended**

**Motion: 290 - 07/22**

**Moved by** Councillor Heenan

**Seconded by** Councillor Neil

*That Council adds to PS220709 Joe's Point Road No Parking Anytime Amendment.*

**5 – 0**

**Carried**

**Motion: 291 - 07/22**

**Moved by** Councillor Heenan

**Seconded by** Councillor Neil

*That the Amended Agenda be approved as presented.*

**5 – 0**

**Carried**

**D. DISCLOSURE OF CONFLICT OF INTEREST**

**E. PRESENTATIONS**

**F. APPROVAL OF THE MINUTES OF PREVIOUS MEETING**

1. **Minutes of the 220606 Public Hearing of Objections to the Zoning By-Law Z22-01 on Monday, June 6, 2022, 6:00 p.m.**

**Motion: 292 - 07/22**

**Moved by Councillor Heenan**

**Seconded by Councillor Neil**

*That the Minutes of the 220606 Public Hearing of Objections to the Zoning By-Law Z22-01 on Monday, June 6, 2022, at 6:00 p.m. be adopted.*

**5 – 0**

**Carried**

2. **Minutes of the 220606 Public Hearing of Objections to By-Law 22-03 Non-Vehicular Transportation on Monday, June 6, 2022, 6:30 p.m.**

**Motion: 293 - 07/22**

**Moved by Councillor Gumushel**

**Seconded by Councillor Hirtle**

*That the Minutes of the 220606 Public Hearing of Objections to By-Law 22-03 Non-Vehicular Transportation on Monday, June 6, 2022, at 6:30 p.m. be adopted.*

**5 – 0**

**Carried**

3. **Minutes of the 220606 Regular Council Meeting on Monday, June 6, 2022, 6:45 p.m.**

**Motion: 294 - 07/22**

**Moved by Deputy Mayor Akagi**

**Seconded by Councillor Hirtle**

*That the Minutes of the 220606 Regular Council Meeting on Monday, June 6, 2022, at 6:45 p.m. be adopted.*

**5 – 0**

**Carried**

4. **Minutes of the 220620 Regular Council Meeting on Monday, June 20, 2022, 6:30 p.m.**

**Motion: 295 - 07/22**

**Moved by Deputy Mayor Akagi**

**Seconded by Councillor Heenan**

*That the Minutes of the 220620 Regular Council Meeting on Monday, June 20, 2022, at 6:30 p.m. be adopted.*

**5 – 0**

**Carried**

**G. COMMUNICATIONS**

- H. **STAFF REPORT/FINANCIAL REPORT, RCS220706, FA220710, RCS220707, PS220707, BTHC220703, PW220705, PW220706, PS220708, FA220711, PED220712, FA220713**

*CAO Spear provided a Municipal update of the Staff Reports and Financial Reports for the month of June 2022. CAO Spear noted that there are cost overruns in the Public Works Department of \$90,000.00 due to the frequency of storms, road clean-up, and fuel costs. Staff will have an updated report for Council outlining the overruns.*

**Motion: 296 - 07/22**

**Moved by Councillor Heenan**

**Seconded by Councillor Hirtle**

*That Council accepts all the Staff Reports and Financial Reports as presented.*

**5 – 0**

**Carried**

**I. INTRODUCTION, CONSIDERATION AND PASSING OF BY-LAWS AND MOTIONS**

**1. Finance & Administration - Deputy Mayor Akagi**

**1. Community Grant Request from Passamaquoddy Lodge Inc., FA220712**

*Council asked for clarification if the Passamaquoddy Lodge Inc. will purchase a \$2,600.00 digital piano with 50% funding provided by the Town through the Community Grant. Staff indicated that the Lodge would be raising \$1,300.00 to match the grant funding provided if approved by the Town.*

**Motion: 297 - 07/22**

**Moved by Deputy Mayor Akagi**

**Seconded by Councillor Heenan**

*That Council approves \$1,300.00 from the Community Grant request from the Passamaquoddy Lodge Inc. for the purchase of a new digital piano for supporting residents' therapy and activities.*

**5 – 0**

**Carried**

**2. Public Works - Councillor Blanchard**

**3. Public Safety - Councillor Neil**

**1. Amendment to By-Law 18-01, Regulate Vehicular Traffic to Schedule "B" No Parking Anytime for Frederick Street, PS220709**

*Council has no comment regarding the change to the parking regulations for Frederick Street. Council discussed the Joe's Point Road parking changes and sought clarification from staff regarding the area of road that would be open for parking versus closed. Staff noted that the area that would be opened for parking would be between the Blockhouse parking lot and the Niger Reef Restaurant parking lot. This would allow for 6 to 8 vehicles to park alongside the roadway. Staff indicated that there would be a buffer put in place to prevent people from parking on the grassed area of the National Historic Site. It was noted that this roadway is narrow and limited areas for pedestrian walking. Creating buffer space and indicating the no parking areas would allow for safer travelling of the roadway. Staff will be monitoring the area and will report back to Council if there are any issues.*

**Motion: 298 - 07/22**

**Moved by** Councillor Neil

**Seconded by** Councillor Heenan

*That Council amends Schedule "B" No Parking Anytime, under By-Law 18-01, A By-Law to Regulate Vehicular Traffic in the Town of Saint Andrews, to add Frederick Street, between Water Street and Queen Street, from the Grocery Store parking lot to the Frederick Street stop sign, East Side, as no parking.*

**5 – 0**

**Carried**

**Motion: 299 - 07/22**

**Moved by** Councillor Neil

**Seconded by** Councillor Gumushel

*That Council amends Schedule "B" No Parking Anytime, under By-Law 18-01, A By-Law to Regulate Vehicular Traffic in the Town of Saint Andrews, to modify Joe's Point Road with the following:*

- 1. Brandy Cove Road to Harriet Street North Side*
- 2. Niger Reef Parking Lot to Harriet Street South Side*
- 3. Brandy Cove Road to Blockhouse Parking Lot South Side*

**5 – 0**

**Carried**

**4. Business, Tourism, Heritage and Culture - Councillor Hirtle**

**5. Recreation and Community Services - Councillor Gumushel**

**1. Dog Park Concepts Update for Council, RCS220610**

*Council requested that both options for the dog park location be provided to the public and that the Open House should be well advertised.*

**Motion: 300 - 07/22**

**Moved by** Councillor Gumushel

**Seconded by** Councillor Hirtle

*That Council sets the date of Monday, July 25, 2022, from 6:00 p.m. – 8:00 p.m. at the Council Chambers, W.C. O'Neill Arena to host an Open House regarding the potential Dog Park to be located at the Harry Mallory Sports Field.*

**5 – 0**

**Carried**

**6. Planning & Economic Development - Councillor Heenan**

**1. Amendment Z22-03 to Zoning By-Law Z22-01 Regarding Text Amendment to Section 3.33 (2) for Licenced Premises Second and Third Reading, PED220613**

*Mayor Henderson read Amendment Z22-03 in Full for Second Reading.*

*Mayor Henderson read Amendment Z22-03 in Full for Third and Final Reading.*

**Motion: 301 - 07/22****Moved by** Councillor Heenan**Seconded by** Deputy Mayor Akagi

*That Council grants leave for Second Reading to the Text Amendment Z22-03 to the Town of Saint Andrews Zoning By-Law Z22-01 for Section 3.33 (2) Licenced Premises.*

**5 – 0****Carried****Motion: 302 - 07/22****Moved by** Councillor Heenan**Seconded by** Councillor Hirtle

*That Council grants leave for Third and Final Reading to the Text Amendment Z22-03 to the Town of Saint Andrews Zoning By-Law Z22-01 for Section 3.33 (2) Licenced Premises.*

**5 – 0****Carried**

**2. Zoning By-Law Z22-01 Section 3.33 (2) Licenced Premises Terms and Conditions Char and Chowder, PED220709**

*Council inquired as to the designation of food times with alcohol being served from 11:00 a.m. - 7:00 p.m. and why this term was being brought forward. Staff noted that Lounge Licences can allow for business to be open until 2:00 a.m. and that the two grandfathered licences in the community were moved forward with the 2:00 a.m. designation. It was also noted that with a Lounge Licence, those under the legal drinking age, without being accompanied by an adult, would not be allowed to be served food without the term being added. This term allows for those under the legal drinking age to still purchase food throughout the day without concern about the Lounge Licence. All terms and conditions are enforced by the Department of Public Safety.*

**Motion: 303 - 07/22****Moved by** Councillor Heenan**Seconded by** Deputy Mayor Akagi

*That the Council of the Town of Saint Andrews sets the following Terms and Conditions under Zoning By-Law Z22-01 Section 3.33 (2) Licenced Premises for the Char and Chowder Restaurant:*

- 1. Operating hours for alcohol are between 11:00 a.m. – 11:00 p.m.*
- 2. Food must be served with alcohol between 11:00 a.m. – 7:00 p.m.*
- 3. Alcohol can be served without food between 7:00 p.m. – 11:00 p.m.*
- 4. The Char and Chowder is subject to all rules and regulations from the Department of Public Safety of the Province of New Brunswick regarding Lounge Licences.*

**5 – 0****Carried**

**3. Amendment MP20-02-01 to the Town of Saint Andrews Secondary Municipal Plan MP20-02 for PIDs 01320035 and 15054893 256 and 260 Water Street for Bridle Path International Inc., PED220710**

*Council asked for further clarification on Amendment MP20-02-01. Planner Henderson explained that the developers are seeking an exemption to the Secondary Municipal Plan MP20-02 Section 2.1.2.6(a),(b), and (c), with the willingness to conform to (d). Section 2.1.2 refers to streetscapes and requirements within the Historic Business District.*

*Section 2.1.2.6 states "it is proposed that new buildings and construction, alterations, and alterations shall respect the general pattern of massing and scale of the general vicinity and adjacent properties. This may be achieved in one of the following ways - building height and footprint shall be:*

*(a) identical to another main building or structure on the block.*

*(b) an average of the main buildings on the same block.*

*(c) within a 10% tolerance of the average of main buildings on the same block.*

*(d) notwithstanding (a), (b), and (c), no building shall exceed a maximum height of 12.5 m (41 ft.)"*

*There are adjacent buildings within the block radius that are at a height of 12 meters but in this block of Water Street, there are no buildings on this street at the height of 12 m. A Lidar Map of the heights of buildings in the area of Water Street was provided to Council for reference. Staff asked if the parking would be on the main floor or below grade. Planner Henderson noted that the parking would be below grade with an entry point at the rear of the building to have parking underground. Two commercial storefronts and an entrance to the apartment complex would be on the main street level. Council asked if the developers could provide some visuals for the Council and the public of a street view of the building and have them in colour to have a better understanding of the building design. It was also noted that 30 new units in downtown would help support the housing crisis that the Town is experiencing. Council inquired as to the previous development that was proposed for this lot and what its height of it was? Planner Henderson stated that the previous Council gave a variance for a height of a building of 14.4m and the Planning Review and Adjustment Committee went through 7 additional variances as the Zone for the lot would not permit the proposed requests. The current challenge with this proposed development is that it cannot meet the Secondary Municipal Plan height average requirements. By exempting them, this does not exempt them from all other requirements of the Zoning By-Law. Council can use a Development Scheme By-Law for a particular PID to enforce other regulations as Council deems necessary.*

**Motion: 304 - 07/22****Moved by** Councillor Heenan**Seconded by** Councillor Hirtle

*That Council sets the date of Monday, July 18, 2022, at 6:30 p.m. through a public meeting for a Public Presentation, as per Section 25(1), of the Community Planning Act, on Amendment MP20-02-01 to the Town of Saint Andrews Secondary Municipal Plan MP20-02 for exemption under HBD Section 2.1.2.6(a), (b), and (c) for Bridle Path International Inc. PIDs 01320035 and 15054893 at 256 and 260 Water Street.*

**5 – 0****Carried**

**4. 376 Queen Street Request for Terms and Conditions for Installation of Shed on Town Right of Way, PED220711**

*Council noted that the shed would be specifically for Ms. Tennant's use at this time and that any future owners would have to seek permission from the Town to keep the shed in the designated location. Staff provided a recommendation to amend the fifth term and condition to add that the fence is maintained in good condition at all times along with the shed.*

**Motion: 305 - 07/22****Moved by** Councillor Heenan**Seconded by** Deputy Mayor Akagi

*That Council approves the placement of a 7' x 7' shed in the front yard of PID 01324771 at 376 Queen Street for Joan Tennant on the Town of Saint Andrews Right of Way with the following terms and conditions:*

- 1. Placement of the 7'x7' shed at 376 Queen Street will be allowed on the Town right of way, in the front yard of the property, as indicated by the Southwest New Brunswick Service Commission.*
- 2. Placement of the shed must be located behind the fence on the right side of the front yard of the property from the roadway.*
- 3. If repairs are needed to the in-ground infrastructure, it is the responsibility of the owners to move the shed, at their cost, for the Town to complete work.*
- 4. That upon sale of the property, the new owners seek permission from the Town of Saint Andrews on the continued placement of the shed in this location.*
- 5. That the shed must be maintained in good condition at all times.*
- 6. That the Town of Saint Andrews is held harmless from any damage or incident that could occur to the exterior or interior of the shed.*

**Amended**

**Motion: 306 - 07/22**

**Moved by** Deputy Mayor Akagi

**Seconded by** Councillor Heenan

*That Council amends the second term and condition to add that the fence be maintained in good order at all times.*

**5 – 0**

**Carried**

**Motion: 307 - 07/22**

**Moved by** Councillor Hirtle

**Seconded by** Councillor Heenan

*That Council approves the amended motion of the placement of a 7' x 7' shed in the front yard of PID 01324771 at 376 Queen Street for Joan Tennant on the Town of Saint Andrews Right of Way with the following terms and conditions:*

1. *Placement of the 7'x7' shed at 376 Queen Street will be allowed on the Town right of way, in the front yard of the property, as indicated by the Southwest New Brunswick Service Commission.*
2. *Placement of the shed must be located behind the fence on the right side of the front yard of the property from the roadway.*
3. *If repairs are needed to the in-ground infrastructure, it is the responsibility of the owners to move the shed, at their cost, for the Town to complete work.*
4. *That upon sale of the property, the new owners seek permission from the Town of Saint Andrews on the continued placement of the shed in this location.*
5. *That the shed and fence must be maintained in good condition at all times.*
6. *That the Town of Saint Andrews is held harmless from any damage or incident that could occur to the exterior or interior of the shed.*

**5 – 0**

**Carried**

**J. NEW BUSINESS**

**K. QUESTION PERIOD**

**L. COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS**

**M. MAYOR'S COMMENTS**

**N. CLOSED SESSION**

**Motion: 308 - 07/22**

**Moved by** Councillor Heenan

**Seconded by** Councillor Hirtle

*At 7:48 p.m. Council moves into Closed Session per the Local Governance Act, Section 68 (1)(d) the proposed or pending acquisition or disposition of land.*

**5 – 0**

**Carried**



**Motion: 309 - 07/22**

**Moved by** Councillor Heenan

**Seconded by** Councillor Hirtle

*At 8:08 p.m. that Council returns to Open Session.*

**5 – 0**

**Carried**

**O. ADJOURNMENT**

**Motion: 310 - 07/22**

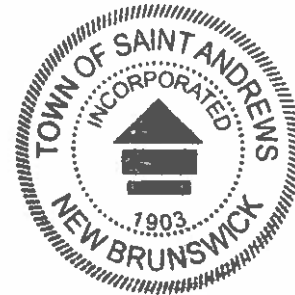
**Moved by** Deputy Mayor Akagi

**Seconded by** Councillor Heenan

*At 8:09 p.m. that the meeting be adjourned.*

**5 – 0**

**Carried**



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Brad Henderson, Mayor

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Paul Nopper, Clerk - Senior  
Administrator