



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

**November 6, 2023, 6:45 p.m.
W.C. O'Neill Arena Complex Council Chambers**

A. RECORDING OF ATTENDANCE

A Regular Meeting of the Town of Saint Andrews Council was held on Monday, November 6, 2023, at 6:45 p.m. with the following members present:

Mayor Brad Henderson, Deputy Mayor Kate Akagi, Councillors Mark Bennett, Marc Blanchard, Kurt Gumushel, Annette Harland, Lee Heenan, Jamie Hirtle, Steve Neil, and Darrell Weare.

Chris Spear, CAO/Treasurer and Paul Nopper, Clerk - Senior Administrator.

B. LAND RECOGNITION OF THE PESKOTOMUHKATI NATION

C. APPROVAL OF AGENDA

Before the Approval of the Agenda, the Mayor and Council held a moment of silence for Remembrance Day.

Motion: 356 - 11/23

Moved by Councillor Harland

Seconded by Councillor Hirtle

That the Agenda for the 231106 Regular Council Meeting be approved as presented.

Amended

Motion: 357 - 11/23

Moved by Councillor Heenan

Seconded by Deputy Mayor Akagi

That under New Business Council review a request for support from Katy's Cove Inc. for an Environmental Trust Fund Grant in partnership with Eastern Charlotte Waterways to conduct a Water Quality Study of Katy's Cove.

9 - 0

Carried

Motion: 358 - 11/23

Moved by Councillor Harland

Seconded by Councillor Hirtle

That the Amended Agenda for the 231106 Regular Council Meeting be approved as presented.

9 - 0

Carried

D. DISCLOSURE OF CONFLICT OF INTEREST

E. PRESENTATIONS

F. APPROVAL OF THE MINUTES OF PREVIOUS MEETING

1. **Minutes of the 230927 Special Council Meeting Wednesday, September 27, 2023, 6:30 p.m.**

Motion: 359 - 11/23

Moved by Councillor Heenan

Seconded by Councillor Neil

That the Minutes of the 230927 Special Council Meeting on Wednesday, September 27, 2023, at 6:30 p.m. be adopted.

9 – 0

Carried

2. **Minutes of the 231003 Regular Council Meeting on Tuesday, October 3, 2023, 6:30 p.m.**

Motion: 360 - 11/23

Moved by Deputy Mayor Akagi

Seconded by Councillor Hirtle

That the Minutes of the 231003 Regular Council Meeting on Tuesday, October 3, 2023, at 6:30 p.m. be adopted.

9 – 0

Carried

3. **Minutes of the 231010 Special Council Meeting on Tuesday, October 10, 2023, 6:30 p.m.**

Motion: 361 - 11/23

Moved by Councillor Gumushel

Seconded by Councillor Blanchard

That the Minutes of the 231010 Special Council Meeting on Tuesday, October 10, 2023, at 6:30 p.m. be adopted.

9 – 0

Carried

4. **Minutes of the 231016 Regular Council Meeting on Monday, October 16, 2023, 6:30 p.m.**

Motion: 362 - 11/23

Moved by Councillor Harland

Seconded by Councillor Hirtle

That the Minutes of the 231016 Regular Council Meeting on Monday, October 16, 2023, at 6:30 p.m. be adopted.

9 – 0

Carried

5. **Minutes of the 231019 Public Hearing of Objections Compass Housing Inc. on Thursday, October 19, 2023, 6:30 p.m.**

Motion: 363 - 11/23

Moved by Deputy Mayor Akagi

Seconded by Councillor Gumushel

That the Minutes of the 231019 Public Hearing of Objections for Compass Housing Inc. on Thursday, October 19, 2023, at 6:30 p.m. be adopted.

9 – 0

Carried

6. Minutes of the 231019 Special Council Meeting on Thursday, October 19, 2023, 6:45 p.m.

Motion: 364 - 11/23

Moved by Councillor Heenan

Seconded by Councillor Neil

That the Minutes of the 231019 Special Council Meeting on Thursday, October 19, 2023, at 6:45 p.m. be adopted.

9 – 0

Carried

G. COMMUNICATIONS

H. STAFF REPORT/FINANCIAL REPORT, FA231118, FA231120, PS231115, FA231119, RCS231109, PS231113, RCS231110, RCS231108, PED231105, PW231116, PS231114, PW231117

CAO Spear provided an overview of the Town for October 2023. Highlights of the report included the Business Improvement Levy By-Law, public consultations on the Wharf Designs, 2024 Budget, Statements of Public Interest from the Province of New Brunswick with upcoming training for Council and the Planning Advisory Committee, security cameras for downtown Saint Andrews, water meter changes, the new Asset/Operations Manager Terry Acton, follow up of Municipalities Week, Fire Department calls, and Public Works review of staffing.

Council thanked CAO Spear for his report. Council asked if there was anything from the Financial Reports he would like to speak on. CAO Spear noted that the current statements show a large surplus, which is due to cancelled projects and savings in staff wages from vacancies. In December, Council will review the year-end report and will put the surplus into reserves for future spending. Council asked about the Tourism Accommodation Levy and wondered about the extra revenue that has come in and if it was related to the increase in the short-term rentals in Town. Clerk Nopper noted that for Quarters 1 and 2 before Bayside and Chamcook short-term rentals were paid into the fund, we saw an increase in revenues collected. As of July 1, 2023, the Levy increased from 3.0% to the maximum allowed 3.5% under the Local Governance Act. This was only applied to Quarter 3 revenues and only to those rooms that were not booked until after July 1, 2023. We have seen an increase in short-term rentals, which include hotels, motels, bed and breakfasts, and Airbnb rentals over the last few years. It was noted in 2023 before Bayside and Chamcook short-term rentals added, there were 67 total accommodations. Now there are 93 included in the whole community. Additionally, it was noted that with the weather being foggy and rainy in June, we expected to see a slight reduction of the Levy, but we are seeing increases, which means even with bad weather, businesses were doing well.

Council noted that in the Staff Reports, a new website was in the works. Council asked when they would be able to see the new redesign. Clerk Nopper noted that they are meeting with the web designer for training in the coming weeks and can show the Council after that. The goal would be to roll out the new website in December.

Motion: 365 - 11/23

Moved by Councillor Heenan

Seconded by Deputy Mayor Akagi

That the Council of the Town of Saint Andrews accepts all the Staff Reports and Financial Reports as presented.

9 – 0

Carried

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

1. Finance & Administration - Deputy Mayor Akagi

1. Change to the November 20, 2023, Regular Council Meeting Date, FA231116

Motion: 366 - 11/23

Moved by Deputy Mayor Akagi

Seconded by Councillor Hirtle

That the Council of the Town of Saint Andrews approves the date change for the Regular Council Meeting of Monday, November 20, 2023, at 6:30 p.m. to November 22, 2023, at 7:00 p.m.

9 – 0

Carried

2. Public Works - Councillor Blanchard

1. Appointment of Terry Acton, Asset/Operations Manager for the Town of Saint Andrews, PW231118

Motion: 367 - 11/23

Moved by Councillor Blanchard

Seconded by Councillor Bennett

That the Council of the Town of Saint Andrews accepts the resignation of Kevin Hughes, Asset/Operations manager with a final date of Friday, October 6, 2023.

9 – 0

Carried

Motion: 368 - 11/23

Moved by Councillor Blanchard

Seconded by Councillor Neil

That the Council of the Town of Saint Andrews appoints Terry Acton as the Asset/Operations Manager for the Town of Saint Andrews.

9 – 0

Carried

2. Proclamation for Nature Canada Restoring and Protecting 30% of our Oceans by 2030, PW231115

Council discussed the proclamation with concerns that there was not enough information provided regarding the areas of the ocean that are being protected. There was concern over being a coastal community that relies on the oceans for fishing, tourism, and economic development and how the conservation measures would impact the community. Council provided information noting that conservation measures have different levels and impacts based on what is being protected. The conservation areas go through a scaled review process that looks at protection areas, consultations, baseline identifications, stakeholder engagements, etc. Council further discussed Nature Canada and their role with the proclamation versus the Government of Canada which is implementing the 30% conservation of oceans. There was limited information for Council to know and understand Nature Canada and the request. Council asked staff to provide further information on the background of Nature Canada and the goals behind the proclamation.

Motion: 369 - 11/23

Moved by Councillor Blanchard

Seconded by Councillor Harland

That the Council of the Town of Saint Andrews supports the Proclamation for the Nature Canada's Restoring and Protecting 30% of our Oceans by 2030.

Amended

Motion: 370 - 11/23

Moved by Councillor Gumushel

Seconded by Councillor Heenan

That the Council of the Town of Saint Andrews tables the Proclamation for the Nature Canada's Restoring and Protecting 30% of our Oceans by 2030.

9 – 0

Tabled

3. Updated Asset Management Plans for Market Wharf and Saint Andrews Streets, PW231114

Council discussed the Market Wharf and Saint Andrews Street Asset Management updated documents. Council had concerns with the Market Wharf document and asked staff if a second engineering firm could review the document provided. There was concern over the cost numbers provided. CAO Spear noted that CBCL Ltd. is a reputable engineering firm. CBCL Ltd. is very familiar with the Wharf and has studied it multiple times. It was noted that it could cost up to \$100,000.00 for another engineering firm to provide a thorough review of the Wharf. Staff have concerns with the additional professional fees and to make Council aware of this. Council noted that from the CBCL Ltd. presentation approximately 1 month ago, the presenter noted that Wharf work was not his field of study. CAO Spear noted he would reach out to CBCL Ltd. to ensure that the information provided to Council was valid and to have their marine engineering sector review the documents.

Motion: 371 - 11/23

Moved by Councillor Blanchard

Seconded by Councillor Harland

That the Council of the Town of Saint Andrews accepts the updated Asset Management Reports for the Market Wharf and Streets of Saint Andrews.

Amended

Motion: 372 - 11/23

Moved by Councillor Weare

Seconded by Councillor Hirtle

That the Council of the Town of Saint Andrews tables the updated Asset Management Reports for the Market Wharf and Streets of Saint Andrews.

9 – 0

Tabled

3. **Public Safety - Councillor Neil**
4. **Business, Tourism, Heritage and Culture - Councillor Hirtle**

1. **Feedback from the Heritage Board Regarding the Courthouse Study, Broken Shovel Consulting, BTHC231105**

Council discussed the staff report highlighting the request to have the Saint Andrews Civic Trust conduct a review and provide a proposal to Council in one year. Council noted that there are continuing expenses with the low-use facility. Council noted that there is \$100,000.00 in the budget to replace the siding on the Courthouse. CAO Spear noted that it would be prudent to have the Civic Trust present to Council on their plan moving forward. Council noted that the further projects are put off the larger the cost of repairs. Council indicated they wanted to see the proposal from the Civic Trust as it is a community organization putting a proposal forward and worth a review.

2. **Town of Saint Andrews to Manage Finances for the Christmas By-the-Sea Committee, BTHC231104**

Motion: 373 - 11/23

Moved by Councillor Hirtle

Seconded by Councillor Blanchard

That the Council of the Town of Saint Andrews provides oversight and management of the financials for the Christmas By-the-Sea Committee.

9 – 0

Carried

3. **By-Law No. 23-04, A By-Law of the Town of Saint Andrews to Impose a Special Business Improvement Levy Second and Third Reading, BTHC230906**

Read by Title for the Second Reading Mayor Henderson.

Read by Title for the Third and Final Reading Mayor Henderson.

Motion: 374 - 11/23

Moved by Councillor Hirtle

Seconded by Councillor Neil

That the Council of the Town of Saint Andrews grants leave for the Second Reading of By-Law No. 23-04, A By-Law of the Town of Saint Andrews to Impose a Special Business Improvement Levy for 2024 in the Town of Saint Andrews.

9 – 0

Carried

Motion: 375 - 11/23

Moved by Councillor Hirtle

Seconded by Councillor Blanchard

That the Council of the Town of Saint Andrews grants leave for the Third and Final Reading of By-Law No. 23-04, A By-Law of the Town of Saint Andrews to Impose a Special Business Improvement Levy for 2024 in the Town of Saint Andrews

9 – 0

Carried

5. **Recreation and Community Services - Councillor Gumushel**
6. **Planning & Economic Development - Councillor Heenan**
 1. **Peddler's Permit Request for a Food Trailer with a Temporary Use Permit 220 Bayview Drive, Charlie Bartlett, PED231106**

Council reviewed the documentation associated with the request for a Peddler's Permit for the operation of a food trailer at 220 Bayview Drive. CAO Spear noted that the Planning Advisory Committee only reviews the file based on Zoning. The decision on the viability of the Pedder's Permit is a Council decision. Council was briefed on the history of the moratorium on food trucks and trailers in the community by staff. It was noted that food trucks and trailers are usually only permitted during special events. Council discussed the option of allowing the food trailer for the temporary use timeline of November 2023 to May 2024. The debate revolved around brick-and-mortar businesses, business expansion, and the need for a more robust policy and By-Law associated with vending vehicles in Town. It was noted that several businesses are trying to expand their hours and operations to be open longer for the public and how this food trailer may be competition to those in permanent locations. It was debated that the operator is an owner of a downtown location and that this food trailer provided an alternative option to help keep people employed. It was noted that food trucks and trailers might be a good way to help support the community as both an attraction and to help provide alternative food options to fulfil our tourists' and residents' needs.

At 7:45 p.m. Mayor Henderson entered the debate and Deputy Mayor Akagi Chaired the Meeting.

Council further discussed the need to have a policy and updated By-Law in place that is more reflective of the changing needs of the community before making ad-hoc decisions on individual permits. Council indicated if an ad-hoc decision is made without a policy, then this opens the door for other requests to come forward. There was a discussion of a possible Request For Proposal process that could be used for vending vehicles in the community. Council would like a level playing field for all requests for vendor permits that is regulated effectively. Council discussed the actions of interfering with free enterprise and business operations in the community and how the decisions on vending vehicles are changing the landscape for business opportunities.

Motion: 376 - 11/23

Moved by Councillor Heenan

Seconded by Councillor Harland

That the Council of the Town of Saint Andrews approves the Peddler's Permit for Charlie Bartlett to operate a food trailer at 220 Bayview Drive, Saint Andrews, from November 2023 – May 2024.

Amended

Motion: 377 - 11/23

Moved by Councillor Hirtle

Seconded by Councillor Harland

That the Council of the Town of Saint Andrews tables the Peddler's Permit for Charlie Bartlett to operate a food trailer at 220 Bayview Drive, Saint Andrews, from November 2023 – May 2024.

2 – 7, Nay Mayor Henderson, Councillor Neil, Bennett, Gumushel, Heenan, Weare, and Blanchard.

Defeated

Motion: 378 - 11/23

Moved by Councillor Heenan

Seconded by Councillor Harland

That the Council of the Town of Saint Andrews approves the Peddler's Permit for Charlie Bartlett to operate a food trailer at 220 Bayview Drive, Saint Andrews, from November 2023 – May 2024.

3 – 6, Nay Mayor Henderson, Councillor Neil, Bennett, Gumushel, Heenan, and Weare.

Defeated

J. NEW BUSINESS

1. Request for Letter of Support Eastern Charlotte Waterways and Katy's Cove Inc. Environmental Trust Fund Grant

Mayor Henderson returned to be the meeting Chair at 8:05 p.m.

Clerk Nopper noted that Katy's Cove Inc. is seeking to apply to the Environmental Trust Fund to have a study completed on the Water Quality of Katy's Cove and is partnering with Eastern Charlotte Waterways. They are looking for a letter of support from the Town for their application. Council was informed that there is a lot of water runoff that comes through the subdivision and into Katy's Cove. There could be actions from the study the Town may have to look at regarding the water quality. It was noted that a similar request to study the water quality at Katy's Cove has come from the Environmental Advisory Committee. CAO Spear noted that the Town was testing the water quality on behalf of Katy's Cove this year and that all results were shared with the Department of Environment and Local Government. If there was a striking issue with the water quality, they would be alerted to it. It was also noted that any solution, to an issue of water quality, would need an engineered solution but that will be reviewed after the report. A root cause needs to be determined first if there is an issue that needs to be remedied. Council provided consensus to provide a letter of support.

K. QUESTION PERIOD

CAO Spear asked Council if they want to consider moving the final Council Meeting of December as it will fall just before Christmas. Council asked staff to look at the meeting options and propose amendments at the next Regular Council Meeting.

L. COUNCILLORS' AND DEPUTY MAYOR'S COMMENTS

Councillor Heenan - Congratulated Deputy Mayor Akagi for being awarded the Order of New Brunswick. She will be receiving the award on Thursday, November 23, 2023.

Councillor Blanchard - Appreciated the preferential treatment on his 50th birthday.

Deputy Mayor Akagi - Thanked the hard work of all the volunteers who have created and decorated our downtown light poles with poppies. They look tremendous and wanted to acknowledge all the hard work and effort put into the new Remembrance Day recognition.

Deputy Mayor Akagi - There will be a Kairos Blanket Exercise at the Anglican United Church on Sunday, November 12, 2023, from 2:00 p.m. - 4:00 p.m. This is open to the public and would encourage anyone interested in participating to register by calling Janis Fairney at 506-466-8152. There is limited seating so please call to reserve your space.

M. MAYOR'S COMMENTS

CAO Spear wanted to acknowledge the Passamaquoddy Branch #8 of the Royal Canadian Legion for the great work on the Remembrance Day banner program. I wanted to thank Public Works for their hard work putting the banners up for 2023.

N. CLOSED SESSION

Motion: 379 - 11/23

Moved by Councillor Gumushel

Seconded by Councillor Neil

At 8:18 p.m. Council moves into Closed Session per the Local Governance Act, Section 68(1)(c) information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract and Section 68(1)(f) information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications between solicitor and client in a matter of local government business.

9 – 0

Carried

Motion: 380 - 11/23

Moved by Councillor Heenan

Seconded by Councillor Neil

At 8:51 p.m. that Council returns to Open Session.

9 – 0

Carried

O. ADJOURNMENT

Motion: 381 - 11/23

Moved by Deputy Mayor Akagi

Seconded by Councillor Heenan

At 8:51 p.m. that the meeting be adjourned.

9 – 0

Carried



Brad Henderson, Mayor



Paul Nopper, Clerk - Senior
Administrator

