

**MINUTES OF THE COUNCIL MEETING**  
**14 MAY 2002**

Present:           Chairman       Mayor John P. Prall  
  Deputy Mayor Michael E. Trinacty  
  Councillor Gary W. Whittier  
  Councillor Donald E. Clarke  
  Councillor Bruce H. Morse  
  Councillor Thomas S. Banks  
  Councillor J. Richard Horsburgh  
  Ms. Linda Parker, Chief Administrative Officer  
  Mrs. Rachel Turner, Recording Secretary

In attendance                   Mr. Ken MacPherson, Register  
  Mr. Dwight Johnson, AVRSB Representative  
  Mr. Jim Woolley, Sidetrack  
  Ms. Lila Hope Simpson, Smoke Free Kings

1.   The Chairman called the meeting to order at 7:00 p.m.
2.   **Approval of Agenda**  
      Additions to the Agenda included 4(b) Jim Woolley; 7(b) Lease Agreement with The 4Site Group; 7(c) Budget meeting.

**IT WAS MOVED and seconded to approve the Agenda as amended.**

**Motion Carried**

3.   **Approval of Previous Minutes**  
      Hearing of no errors or omissions the Chairman approved the minutes of 9 April 2002 as circulated.
4.   **Presentation**
  - (a)   **Annapolis Valley Regional School Board: Dwight Johnson**  
      Mr. Johnson made a brief presentation to Council on the operations of the Annapolis Valley Regional School Board. After responding to several questions from Council, Mayor Prall thanked him for his presentation and Mr. Johnson left the meeting at 7:15 p.m.
  - (b)   **Smoke Free Indoor Public Places Bylaw: Mr. Jim Woolley**  
      Mr. Woolley noted that he was speaking on behalf Mr. Cecil Kelly, owner/operator of the C&M Restaurant in addition to his own establishment. Mr. Woolley outlined the difficulties he is experiencing due to the Town's

Smoke Free Indoor Public Places Bylaw and expressed his disappointment in the inequity that would occur due to the proposed smoke free legislation from the Provincial Government being less restrictive than the Town of Berwick's Bylaw. Mr. Woolley asked Council to consider amending the Town's Bylaw to allow him and Mr. Kelly an exemption from the Bylaw until the Provincial legislation came into force.

Mr. Woolley responded to several questions from Council and a rounded discussion followed regarding the differences between taverns, lounges, and cabarets, as well as the percentage of business gained from gaming, food service and beverage sales. Mr. Woolley left the meeting at 7:45 p.m.

A discussion followed regarding the presentation and options that the Town has available. Staff was instructed to bring back a report to the May Committee of the Whole comparing the proposed Provincial legislation to the municipal bylaws currently in place, and to obtain information from other municipal units as to how they are responding to similar requests from their business owners.

5. **Recommendations from Committee of the Whole**

(a) Playground Equipment

**IT WAS MOVED and seconded to approve the purchase of the last phase of the Playground Equipment through the Capital Budget in the amount of \$11,309.39.**

**Motion Carried**

(b) Memorandum of Agreement: GasWorks

**IT WAS MOVED and seconded to refer the proposed Memorandum of Agreement between the Town and GasWorks to legal counsel for review.**

**Motion Carried**

(c) Valley Waste Resource Management Authority

**IT WAS MOVED and seconded to send a letter to the Valley Waste Resource Management Authority outlining the Town's concerns regarding the method of calculating the Town's portion of required funding.**

**Motion Carried**

6. **Business Arising**

- (a) **Development Control & Planning Applications Fees Bylaw – 2<sup>nd</sup> Reading**  
Ms. Parker reported that staff completed a short survey of local municipalities regarding their fees for development control and planning applications. It was also noted that first reading of the Bylaw was based on increased fees from the new contract with The 4Site Group. Ms. Parker reviewed the fees as charged by the Counties of Annapolis and Kings, as well as the Towns of Wolfville and Kentville.

Discussion of the fees followed, with Council agreeing that the Town's fees need to be competitive with the surrounding communities, most notably Kings County. After a rounded discussion of the various levels of fees,

**IT WAS MOVED and seconded to amend the Development Control & Planning Applications Fees Bylaw to include a Minor Variance Application - \$100 fee; Development Permit for change of use, small buildings and accessory uses - \$10 fee; and Development Permit for residential /commercial activities to 2500 square feet - \$50 fee.**

**Motion Carried**

**IT WAS MOVED and seconded to accept second reading of the Development Control and Planning Applications Fees Bylaw as amended.**

**Motion Carried**

7. **Other Business**

- (a) **Community Strategic Planning Meeting Date**  
It was decided to schedule both the Budget meeting and the Planning Session meeting at this time. After a brief discussion it was agreed to schedule the Budget meeting on May 29<sup>th</sup> at 7:00 p.m. and the Strategic Planning meeting on June 5<sup>th</sup> at 6:30 p.m.
- (b) **Lease Agreement: The 4Site Group**  
Ms. Parker reported that discussions between the Town and The 4Site Group are continuing in order to finalize the terms of a lease for the commercial space in the Annex Building. At this point, the issue of rent is the only outstanding item. There are some renovations required to the space to make it operational. Information was obtained regarding rental rates for other commercial space throughout the Town in order to develop a competitive going rate in this case. Ms. Parker reviewed a number of items included in the lease which has been reviewed by a solicitor. After further discussion,

**IT WAS MOVED and seconded to approve the lease of the south side of the Annex Building to The 4Site Group at \$0.60 per square foot, to include the power costs of \$125 in the total rent each month with a final review of the lease done by a solicitor prior to signing.**

It was agreed that Ms. Parker would authorize the renovations to be completed to a maximum of \$1,000.

**Motion Carried**

It was noted that a formal agreement has yet to be developed between the Town and the Berwick Arts Council. A response was sent regarding their previous requests for work done in the space now occupied by the group.

8. Hearing of no further business the Chairman adjourned the meeting at 9:15 p.m.

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John P. Prall  
Chairman

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Rachel L. Turner  
Recording Secretary