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MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

COMMITTEE OF THE WHOLE AGENDA

Tuesday, March 11, 2025
10:00 a.m.



PAGES	1.	ROLL CALL
	2.	DISCLOSURE OF INTEREST
	3.	APPROVAL OF THE ORDER OF THE DAY
	4.	APPROVAL OF MINUTES
3-6	4.1	2025-02-11 Regular COTW
	5.	INFORMATION/STAFF REPORTS
7-12	5.1	SR2025-34 Approve Terms of Reference – Marketing Levy Ad Hoc Committee
13-15	5.2	SR2025-35 Internet Project Final Reconciliation
16-22	5.3	SR2025-36 Approve <i>Bylaw 6 Commercial Activity on Municipal Property</i>
23-25	5.4	SR2025-37 Tom’s Cool Bus Vendor on Municipal Property Application
26-29	5.5	SR2025-38 Repeal <i>AM-1.2.7 Flag Flying Policy</i>
30-33	5.6	SR2025-39 Warden versus Mayor System
	6.	NEW BUSINESS
	7.	IN-CAMERA
	7.1	In accordance with Section 22(2)(g) legal advice eligible for solicitor-client privilege of the Municipal Government Act
	7.2	In accordance with Section 22(2)(c) personnel matters of the Municipal Government Act
	8.	ADJOURNMENT

Minutes of the regular Committee of the Whole meeting held on Tuesday, February 11, 2025, at 10:00 a.m., at the Municipal Administration Building, 752 St. George St. Annapolis Royal, NS.

ROLL CALL

- District 1 – Karie-Ann Parsons-Saltzman, present
- District 2 – Jesse Hare, present
- District 3 – Dustin Enslow, Deputy Warden, present
- District 4 – Charles “Chuck” Cranton, present
- District 5 – Lynn Longmire, present via Teams
- District 6 – Jon Welch, present
- District 7 – Ted Agombar, present
- District 8 – Nile Harding, present
- District 9 – Gidget Oxner, present
- District 10 – Brian “Fuzzy” Connell, present
- District 11 – Diane Le Blanc, Warden, present

Also Present: CAO Chris McNeill; Administrative Clerk - Municipal Clerk Office Kelly Kempton; Policy and Development Coordinator Amy Barr; Director of Planning and Inspection Services Linda Bent; Strategic Initiatives Coordinator Alyssa Blais; Director of Finance Angela Bohaker; Director of Corporate Services / Deputy CAO Dawn Campbell; Administrative Clerk Tina Halliday; Communications Coordinator Nadine McCormick; Manger of Information Technology Ben Olsen; Director of Community Development Debra Ryan; Director of Municipal Operations Jim Young and 1 member of the public.

Disclosure of Interest

None

Order of the Day

To add item 7.2 In-Camera in accordance with Section 22(2)(g) of the *Municipal Government Act* legal advice eligible for solicitor-client privilege.

To add item 6.2 Mayor vs. Warden discussion under New Business.

Moved: Councillor Parsons-Saltzman

Seconded: Deputy Warden Enslow

Motion carried unanimously

Minutes

Re: 2025-01-14 Committee of the Whole

Approved, no errors or omissions

Information/Staff Reports

Re: 2025-01-14 Physician Recruitment & Retention Committee Recommendation

To recommend that Municipal Council approve a grant in the amount of \$10,000.00 to Dr. Yasmin Sadri Savadjani in accordance with *Policy 108 Medical Recruitment Financial Assistance Program*.

Moved: Councillor Parsons-Saltzman

Seconded: Deputy Warden Enslow

Motion carried unanimously

Re: SR2025-21 Municipal Boundaries

Council directed staff to hold 2 public information meetings in each district in the evenings beginning in early May. Additional afternoon public information meetings can be requested by Councillors to the CAO well in advance. Advertising will be done through newspapers, the Bridgetown Reader, Facebook, radio and other public communications methods. An information piece is to be prepared by staff and agreed upon by Councillors. A survey will be created to take place at each public information meeting.

Re: SR2025-22 Lawrencetown Investments Policy

That Council of Municipality of the County of Annapolis approve *Policy 133 Municipal Investments in Lawrencetown*.

Moved: Councillor Connell

Seconded: Councillor Hare

Motion carried unanimously

Re: 2025-01-29 Support Letter for AVRL

That Municipal Council agree to send the letter to The Honourable Dave Ritcey, Minister of Communities, Culture, Tourism and Heritage.

Moved: Deputy Ward

Seconded: Councillor Parsons-Saltzman

Motion carried unanimously

Re: IR2025-23 Ecological Forestry Initiative

Strategic Initiatives Coordinator Alyssa Blais reviewed the information report and answered questions. Council agreed by unanimous consent to proceed with the assessment.

Re: SR2025-24 Approve *Policy 109 Tax Exemption and Reduction*

That Municipal Council approve *Policy 109 Tax Exemption and Reduction* as circulated, seven-day notice.

Moved: Councillor Parsons-Saltzman

Seconded: Deputy Warden Enslow

Motion carried unanimously

Re: SR2025-25 Approve *Policy 126 Road Naming*

That Municipal Council approve *Policy 126 Road Naming* as circulated, seven-day notice.

Moved: Councillor Harding

Seconded: Councillor Welch

Motion carried unanimously

Re: SR2025-26 Repeal *AM-1.2.5 Declaration of Proclamations Policy*

That Municipal Council repeal *AM-1.2.5 Declaration of Proclamations Policy* seven-day notice.

Moved: Councillor Welch

Seconded: Deputy Warden Enslow

Motion carried unanimously

Re: SR2025-27 Approve *Bylaw 5 Civic Address*

To recommend that Municipal Council give first reading to approve *Bylaw 5 Civic Address*.

Moved: Councillor Welch
Seconded: Councillor Agombar
Motion carried unanimously

Re: SR2025-28 Capital Funding Requests

That Committee of the Whole recommend that Council authorize funding of \$32,062.00 from the capital reserve fund for the complete of the Bridgetown Parking Lot and EV Charging Station project.

Moved: Councillor Agombar
Seconded: Deputy Warden Enslow
Motion carried unanimously

Re: SR2025-28 Capital Funding Requests

That Committee of the Whole recommend that Council authorize funding of \$52,117.00 from the capital reserve fund for the completion of the Sports Hub accessibility project.

Moved: Councillor Parsons-Saltzman
Seconded: Deputy Warden Enslow
Motion carried unanimously

Re: SR2025-28 Capital Funding Requests

That Committee of the Whole recommend that Council authorize funding of \$141,000.00 equally from the County water and County sewer reserves for the East End water study.

Moved: Councillor Parsons-Saltzman
Seconded: Councillor Oxner
Motion carried unanimously

Re: SR2025-28 Capital Funding Requests

That Committee of the Whole recommend that Council authorize funding of \$27,706.00 from the Canada Community Building Fund for the Facilities Assessment project.

Moved: Councillor Parsons-Saltzman
Seconded: Councillor Harding
Motion carried unanimously

Re: SR2025-28 Capital Funding Requests

That Committee of the Whole recommend that Council authorize funding of \$9,775.00 from the capital reserve fund for the accessible upgrades to Jubilee Park.

Moved: Councillor Welch
Seconded: Councillor Parsons-Saltzman
Motion carried unanimously

Re: SR2025-29 Residential Tax Rate Policy

That Council of Municipality of the County of Annapolis approve *Policy 134 Frozen Residential Tax Rate*.

Moved: Councillor Hare
Seconded: Councillor Cranton
Motion defeated, 2 in favour

Re: SR2025-30 Drinking Water Protection Area Signage

That Municipal Council approve the recommended purchase and installation of drinking water protection signage for municipal water systems in Cornwallis Park, Margaretsville, Granville Ferry, Bridgetown and Bear River.

Moved: Councillor Oxner

Seconded: Councillor Harding

Motion carried unanimously

New Business

Re: Volunteer Selection Committee

Communications Coordinator Nadine McCormick explained the proceed of the Volunteer Selection Committee. Councillor Oxner and Councillor Parsons-Saltzman both volunteered to sit on this committee.

Re: Mayor vs. Warden Discussion

Council agreed to have this subject added to the March COTW agenda.

In-Camera (12:39 p.m.)

To meet in-camera in accordance with Section 22(2)(e) of the *Municipal Government Act* contract negotiations, and with Section 22(2)(g) of the *Municipal Government Act* legal advice eligible for solicitor-client privilege.

Moved: Deputy Warden Enslow

Seconded: Councillor Cranton

Motion carried unanimously

The meeting resumed at 2:41 p.m. will all councillors present.

Adjournment

The Warden declared the meeting adjourned at 2:41 p.m.

Warden

Recording Secretary, Administrative Clerk –
Municipal Clerk Office



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Alyssa Blais, Strategic Initiatives Coordinator
Dawn Campbell, Director of Corporate Services
Report Number: SR2025-34 Approve Terms of Reference – Marketing Levy Ad Hoc Committee
Subject: Approve Terms of Reference – Marketing Levy Ad Hoc Committee

RECOMMENDATION

That Municipal Council approve the Terms of Reference for the Marketing Levy Ad Hoc Committee.

LEGISLATIVE AUTHORITY

Sub-section 23(1)(c) states:

The council may make policies providing for committees and conferring powers and duties upon them, except the power to expend funds.

Section 24 further states:

- (1) *The council may establish standing, special and advisory committees.*
- (2) *Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the municipality.*
- (3) *The council may appoint persons who are not members of the council to a committee and may establish a procedure for doing so.*
- (4) *A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the council applies to committees unless the council, by policy, decides otherwise.*

BACKGROUND

Council recently enacted a Marketing Levy Bylaw and as part of the initiative, there is the ability to establish an Advisory Committee.

DISCUSSION

Given that *Policy 122 Ad Hoc Citizen Advisory Committees* already provides for the establishment of ad hoc committees, it is sufficient for the responsibilities, membership and procedures to be defined in a terms of reference.

FINANCIAL IMPLICATIONS

There should be no significant budget impact from establishing this committee.

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATIVES / OPTIONS

The Committee of the Whole may recommend council approve the terms of reference as circulated.

The Committee of the Whole could recommend changes to the terms of reference.

COMMUNICATION

When approved by council, the Terms of Reference will be made available on our website and social media as part of the citizen member recruitment process.

ATTACHMENTS

Terms of Reference – Marketing Levy Ad Hoc Committee (proposed for approval)

Approved by:

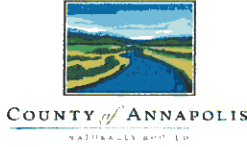
Approval Date:



Chris McNeill
Chief Administrative Officer

MARCH 3, 2025

(Date)



MARKETING LEVY AD HOC COMMITTEE Terms of Reference

Purpose

The purpose of Annapolis County Marketing Levy Ad Hoc Committee is to make recommendations for the use of funds collected through the Marketing Levy By-Law to promote tourism in County of Annapolis.

Authority

Annapolis County Marketing Levy Ad Hoc Committee has been granted its legal authority to assist municipal council with the allocation of funds of Marketing Levy usage within Annapolis County through permission from Council of Municipality of the County of Annapolis on March 18, 2025. Council's authority for this committee is established through Sections 9A and 24 of the *Municipal Government Act*.

Scope

The scope of Annapolis County Marketing Levy Ad Hoc Committee shall be limited to the following:

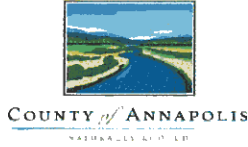
- a. Recommending how the disbursement of funds collected through the Marketing Levy By-Law of County of Annapolis to promote tourism within the County shall be completed; and
- b. Review and provide recommendations on by-law matters related to the Marketing Levy to ensure alignment with municipal priorities and legislative requirements; and
- c. Consider input from industry interest-holders, tourism organizations, and other relevant entities to maximize the effectiveness of marketing initiatives.

Role of Chairperson

The Chairperson is ultimately responsible for organizing, chairing and facilitating all meetings, ensuring that appropriate research, directions and recommendations are given by the Ad Hoc Committee to Council, including the provision for adoption of work plans, guiding policy discussions, reviewing financial considerations, and ensuring that all decisions align with the committee's mandate. The Chairperson also ensures effective collaboration among members and interest-holders to support the successful implementation of marketing initiatives.

Role of Vice Chairperson

A Vice Chairperson shall be appointed and act in the place of the Chairperson during absences, unavailability or conflicts of interest of the Chairperson.



MARKETING LEVY AD HOC COMMITTEE Terms of Reference

Role of Chief Administrative Officer

Chief Administrative Officer shall ensure that the Ad Hoc Committee focuses on its approved mandate and completes its analysis and work within its approved timeline, including considering the use of municipal staff to organize meetings.

Membership

Membership on Annapolis County Marketing Levy Ad Hoc Committee shall consist of up to six persons and include the following duly appointed pursuant to Section 24 of the *Municipal Government Act*:

- a. three elected representatives from Municipality of the County of Annapolis; and
- b. three representatives from operators registered under the Marketing Levy.

Members of the Ad Hoc Committee must have a strong knowledge of the local tourism industry, an understanding of municipal and provincial government operations, governance and practices, and knowledge and ability to understand and comprehend tourism marketing data and industry trends in hospitality to support informed decision-making.

Reporting Relationship

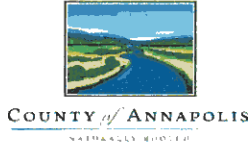
Annapolis County Marketing Levy Ad Hoc Committee shall report directly to the Council of Municipality of County of Annapolis and the Chief Administrative Officer for operational and administrative support.

Duration of Mandate

The mandate of Annapolis County Marketing Levy Ad Hoc Committee shall be from April 01, 2025, to March 31, 2026.

Frequency of Meetings

Meetings of Annapolis County Marketing Levy Ad Hoc Committee shall be held on such day as the Ad Hoc Committee decides at the first meeting of the Ad Hoc Committee, with such meetings taking place at the time agreed to by the Ad Hoc Committee. Additional meetings may be held, or the above meetings date and times changed, when agreed to by consensus of the Ad Hoc Committee and prior notification is provided to Ad Hoc Committee members.



MARKETING LEVY AD HOC COMMITTEE Terms of Reference

Quorum Requirements

No decisions may be made at any Annapolis County Marketing Levy Ad Hoc Committee meeting unless at least two elected representatives from Municipality of the County of Annapolis are present, and no less than four members in total are present and vote at such meetings.

Agenda, Minutes and Resolutions

Minutes and recommendations of Annapolis County Marketing Levy Ad Hoc Committee shall be provided to each member of the Committee within a reasonable time after the conclusion of such meeting. The Chairperson or their designate shall be responsible for preparing and submitting meeting minutes to the Municipal Clerk within 7 days after the conclusion of each meeting. An agenda and meeting package shall also be prepared by the Chairperson and provided to each member of the Ad Hoc Committee at least five days before every meeting.

Conflict of Interest

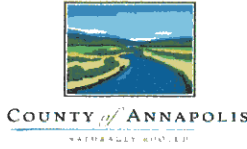
It is expected that all members of Annapolis County Marketing Levy Ad Hoc Committee will adhere to the *Municipal Conflict of Interest Act*, disclosing any pecuniary or indirect pecuniary interest in any matter before the Ad Hoc Committee and refraining from taking part in, or trying to influence either before or after the meeting, any directions or decisions respecting such matters. Any breach of this guideline will require the Chairperson to ask Council to remove that member and appoint another member in their stead. If the breach is by the Chairperson, this shall be reported to Council by the Vice Chairperson.

Resources

Annapolis County Marketing Levy Ad Hoc Committee shall independently fulfill its mandate, including conducting necessary research, maintaining meeting records, and preparing reports to support its decision-making process. Requests for any funding required shall be made by the Chairperson directly to Council with the specific details of the request. No specific funding is being allocated to this committee.

Decision Making Process

All decisions of Annapolis County Marketing Levy Ad Hoc Committee shall be made by consensus vote of Ad Hoc Committee members. Where a consensus is not forthcoming, the decision shall be determined in the negative. The Ad Hoc Committee has authority to oversee and facilitate the research and data collection process by researching Marketing Levy information .



MARKETING LEVY AD HOC COMMITTEE Terms of Reference

Confidentiality

All meetings of Annapolis County Marketing Levy Ad Hoc Committee are considered public, except those matters deemed to be private and confidential in nature and subject to Section 22 of the *Municipal Government Act*. Minutes and subsequent resolutions of such meetings shall be recorded and publicly available upon approval by the Ad Hoc Committee. Information and reports of the Ad Hoc Committee shall be subject to normal Freedom of Information and Protection of Privacy (FOIPOP) regulations.

Communications

All communications and messaging from Annapolis County Marketing Levy Ad Hoc Committee's work and activities shall come solely from the Chairperson or their designate. It is expected that all decisions of the Ad Hoc Committee will be supported by all members of the Ad Hoc Committee upon ratification. This does not limit the ability of individual member's from speaking freely with the media, but in all such cases the individual Ad Hoc Committee member should be clear that it is their personal opinion and not that of the Ad Hoc Committee.

Reporting

At least quarterly, the Chairperson shall provide a written report to municipal council concerning the Ad Hoc Committee's work plan progress to date, focus, strategies, and priorities. Should Council request an oral presentation, this request will be made to the Chairperson.

**Approved by Municipal Council: March 18, 2025
SR2025-34**

Chief Administrative Officer

At Annapolis Royal Nova Scotia

March 18, 2025
Date



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Angela Anderson, CPA, Director of Finance
Report Number: SR2025-35 Internet Project Final Reconciliation
Subject: **Internet Project Final Reconciliation**

RECOMMENDATION(S):

That Committee of the Whole recommend that Council authorize funding of \$394,837 from the capital reserve fund for the completion of the internet project.

BACKGROUND

The purchase and sale agreement included sections 2.13 and 2.14 creating an ongoing liability for the Municipality. Section 2.13 relates to the fixed contract build and states:

“The Seller shall be responsible for all amounts relating to the completion of the network to the specifications set out in Schedule 2.01. The Seller shall be responsible for all amounts payable under the Eagle Contract either before or after the Time of Closing, including any holdbacks, up to a maximum of the contract prices [including all change orders]. Notwithstanding the foregoing, the Purchaser shall be responsible for amounts resulting from a Change Order submitted by the Purchaser after the Time of Closing...”

Section 2.14 addresses the “make ready” portion of the project and states:

“The Seller shall be responsible for the cost of Make-Ready Work, either before or after the Time of Closing to complete the network to the specification set out in Schedule 2.01. Notwithstanding the foregoing, the Purchaser shall be responsible for Make-Ready Work resulting from a Change Order made after Closing or other changes required by the Purchases and for any costs related to fiber drops...”

As a result, an accrued liability was estimated and provided for in the financial statements for the fiscal year 2021/2022 for the following amounts:

- Fixed Contract Amount \$1,389,416
- Make Ready \$1,400,000

All factors including budgets were considered in these estimates net of any potential Connect to Innovate (CTI) funding and Develop Nova Scotia (DNS) funding, as the purchase and sale agreement provided for these revenues to reduce our ongoing costs.

Prior to project completion and factoring in these estimates, the gain on sale of the Internet was \$1,216,426.

DISCUSSION

A summary of the transactions that have occurred since the sale *as they pertain to the estimated remaining liability* post-sale are as follows:

	Make Ready (section 2.14)	Eagle Contract (section 2.13)
Estimate provided	\$1,400,000	\$1,389,416
Less: 2021-2023 Expenditures	\$4,352,265	\$1,147,121
Add: Funding (DNS/CTI)	\$1,096,579	\$1,218,554
Total Surplus (Deficit)	(\$1,855,686)	\$1,460,849
Net Deficit – invoices	(\$349,837)	

All invoices have been received and checked by staff for compliance with the purchase and sale agreement. CTI funding of \$1,096,579 was received and DNS funding of \$1,218,554 funding was received from Xplore as well, per the contract.

The table below is a reconciliation of the items involved in the internet project. The left column represents the reconciliation at the time of sale, with associated estimates to completion. The "Actual" column are the final results for comparison. The difference is the \$349,837 that is the difference in the estimate amounts below (see "Variance column").

As noted in this report, and all previous reports to Council there would be a final reconciliation required as the purchase and sale agreement included future variable liabilities for the Municipality. These future liabilities were estimated with the information at hand and resulted in a shortfall when it came to actual expenditures.

Revenues	Time of Sale	Actual	Variance
Sale of Network - Xplore	17,000,000	17,000,000	-
DNS Funding	1,096,579	1,096,579	-
CTI Funding	2,730,078	1,218,554	- 1,511,524
Gas Tax	516,858	516,858	-
	21,343,515	19,831,991	- 1,511,524
Expenses			
Eagle Contract	11,985,487	10,646,583	- 1,338,904
Make Ready	4,852,410	5,029,627	177,217
Other Costs (POP station, engineering, communication poles, etc.)	763,255	763,255	-
Legal Fees	1,349,756	1,349,756	-
Legal Settlement	850,000	850,000	-
Operational Costs (Seaside, annual fees)	82,639	82,639	-
Line of Credit Interest	171,751	171,751	-
Operational Reserve Reimbursement	71,792	71,792	-
	20,127,089	18,965,402	- 1,161,687
Gain on sale	1,216,426	866,589	- 349,837

FINANCIAL IMPLICATIONS

The gain on sale of the internet build was reported at \$1,216,426 and those funds, per the MGA, are in the capital reserve fund. It is recommended that \$349,837 be utilized to fund the final invoice, per the contract.

The estimated reserve impact to fund the final invoices is as follows:

Estimated capital reserve balance	\$1,147,723
Internet Deficit	(\$349,837)
Projected Reserve Balance	\$797,886

ALTERNATIVES

Council could choose to utilize the operating reserve to offset this final expense. The impact would be as follows:


Estimated balance	\$4,229,137
Internet Deficit	(\$349,837)
Projected Reserve Balance	\$3,879,300

There is additional investment income expected in the amount of approximately \$700,000 in 2024/2025 that will help supplement this balance as well. The capital reserve fund is recommended as that is where the gain on sale of asset is being held. However, this reserve is also an option for Council.

Prepared by:

Angela Anderson, CPA, Director of Finance

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

MARCH 3, 2025



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: SR2025-36 Approve *Bylaw 6 Commercial Activity on Municipal Property*
Subject: Approve *Bylaw 6 Commercial Activity on Municipal Property*

RECOMMENDATION

To recommend that Municipal Council give first reading to approve *Bylaw 6 Commercial Activity on Municipal Property*.

BACKGROUND

S6 Commercial Activity on Municipal Property was initially approved by the county in 2018 in response to a request from a vendor.

DISCUSSION

The bylaw requires review and updating. The only significant change proposed in the new bylaw is to allow permits for the sale of food, beverages, crafts, or souvenirs from a mobile canteen or a stand to be issued by the Municipal Clerk (*considered routine*). Requests for the sale of other merchandise from a mobile canteen or a stand must be approved by municipal council.

Council may choose to:

- approve the new bylaw as proposed;
- change the new bylaw to require all permits to be approved by council;
- keep the old bylaw in effect by not approving the new bylaw;
- request the CAO to have staff prepare a new bylaw that repeals the old bylaw and no longer permit commercial activity on municipal property.

LEGISLATIVE AUTHORITY

The new bylaw adheres to requirements in the *Municipal Government Act* and specifically exercises the authority provided under Sections 172 and 173.

BUDGET IMPACTS

The new bylaw imposes no new financial or budget impacts.

STATUTORY REQUIREMENTS

Requirements for all bylaw approvals:

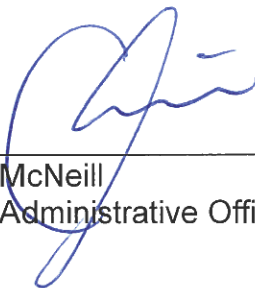
- Pass first reading;
- Notice of council’s intent to consider 2nd reading published in a newspaper circulating in the municipality or posted on the municipality’s website at least 14 days before read for 2nd time. Notice must state the object of the bylaw, date and time it will be considered and how a copy of the proposed bylaw may be inspected;
- Pass 2nd reading;
- Receive ministerial approval if required (not required for this bylaw);
- Notice published in a newspaper circulating in the municipality stating object of the bylaw and place where it may be read;
- Certified copy of the bylaw filed with Minister of Municipal Affairs.

ATTACHMENTS

Bylaw 6 Commercial Activity on Municipal Property (proposed new bylaw)
S6 Commercial Activity on Municipal Property Bylaw (for repeal)

Approved by:

Approval Date:



Chris McNeill
Chief Administrative Officer

MARCH 3, 2025

 (Date)

Bylaw 6 Commercial Activity on Municipal Property

BE IT ENACTED by the Council of the Municipality of the County of Annapolis, under authority of the *Municipal Government Act*, Chapter 18 of the Acts of Nova Scotia 1998, as amended:

DEFINITIONS

1. Except as provided below, terms used in this policy shall have the same meaning as in the *Municipal Government Act*, or as their context applies according to a dictionary of the English language:
 - “Vendor” means any person offering food, beverages, crafts, souvenirs or other merchandise from a mobile canteen or a stand outside an enclosed building.
2. It is the intention of Municipal Council to promote municipal properties as public places for the general and recreational enjoyment of residents.
3. Commercial activities conducted in conjunction with recreational activities often enhance the experience for the general public.
4. Commercial vending may be conducted on municipally owned property:
 - (1) when for the sale of food, beverages, crafts, or souvenirs from a mobile canteen or a stand and expressly authorized pursuant to a permit issued by the Municipal Clerk;
 - (2) when for the sale of other merchandise from a mobile canteen or a stand and expressly authorized pursuant to a permit approved by Municipal Council by resolution; and
 - (3) as part of a municipally sponsored event conducted by a municipal department.
5. The Vendor is responsible for obtaining all other required permits and approvals required by the municipality or other levels of government.
6. The Vendor is responsible for picking up, removing, transporting, and disposing of all litter, trash or refuse associated in any way with the vending activity.
7. Advertising signage shall be affixed to the mobile canteen or stand.
8. All permits shall be obtained by making application. An application for a permit shall be in such form and contain such information as may from time to time be required for the proper administration of this bylaw.
9. Permits may be issued for a one-year period or for one or more occasions of less than ten days in any year. If an application is for one or more occasions, specific dates and times must be provided.

Bylaw 6 Commercial Activity on Municipal Property

10. The permit fees shall be:

- (1) \$500.00 per fiscal year; or
- (2) \$25.00 each for one or more occasions of three days or less in any fiscal year.

11. The permit fee is due and payable at the time the permit is issued.

12. All permits shall expire on March 31st next following the date of approval unless sooner cancelled or revoked.

13. A permit issued pursuant to this bylaw shall indicate the period of the permit and any additional conditions authorized or required.

14. A permit issued pursuant to this bylaw shall be conspicuously displayed at all times the Vendor is operating.

15. The municipality may at its discretion refuse to issue, renew, or amend a permit.

16. The municipality may immediately revoke a permit for breach of any bylaw or terms / conditions of the permit.

Penalty

17. Any person who contravenes any provision of this bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 and to imprisonment of not more than three months in default of payment thereof.

REPEAL

18. *S6 Commercial Activity on Municipal Property Bylaw*, adopted by the Municipality of the County of Annapolis on the 26th day of July 2018, is hereby repealed.

THIS IS TO CERTIFY that *Bylaw 6 Commercial Activity on Municipal Property* was duly approved by Council of the Municipality of the County of Annapolis on the 11th day of April 2025.

Warden

Municipal Clerk

First Reading: March 18, 2025
 Notice of Intent: PENDING
 Second Reading: PENDING April 11, 2025
 Notice of Passing: PENDING (effective date)

For Repeal

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS *S6 Commercial Activity on Municipal Property Bylaw*

Legislative Authority and Intent

1. This Bylaw has been prepared in accordance to the provisions of the *Municipal Government Act*, S.N.S. 1998, c.18 and amendments thereto. Section 172 provides that Municipal Council may make bylaws respecting nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise.
2. This Bylaw shall apply within the boundaries of the Municipality of the County of Annapolis.

Definitions

3. In this Bylaw words and phrases have the same meaning as in the *Municipal Government Act* or as provided below:
 - (1) "mobile canteen" means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor;
 - (2) "mobile stand" means a stand having any wheels with a diameter in excess of (10 cm.) or having or designed to have removable wheels of such diameter, and each such stand capable of being moved as a separate unit shall be counted as a separate mobile stand;
 - (3) "non-mobile stand" means a stand that is not a mobile stand;
 - (4) "stand" includes a table, showcase, bench rack, pushcart, wagon or wheeled vehicle or device that can be moved without the assistance of a motor and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a mobile vendor;
 - (5) "vendor" means any person who engages in a temporary business of preparing and selling goods or food products outside an enclosed building, either from a mobile canteen or mobile or non-mobile stand, and who, in furtherance of such purpose, hires, leases, uses or occupies any location for the exhibition, sale and delivery of such goods or food products.
4. It is the intention of Municipal Council to promote municipal properties as public places for the general and recreational enjoyment of residents.
5. Promotion of municipal properties for these uses does not preclude commercial activities from also being conducted on municipal property. Commercial activities conducted in conjunction with recreational activities often enhance the experience of the general public for both activities.
6. Commercial vending may be conducted on municipally-owned property:
 - (1) when expressly authorized pursuant to a permit approved by Council to locate a mobile canteen, mobile stand, non-mobile stand or stand for the sale of food, beverages, crafts, souvenirs or other merchandise approved by Municipal Council by resolution; or
 - (2) as part of a municipally sponsored event conducted by a municipal department.
7. The Municipal Council may permit commercial activity on Municipal Property subject to the applicant obtaining all the required approvals and permits from the Municipality.
8. The Vendor is responsible for obtaining all other required permits and approvals required by other levels of government.
9. The Vendor is responsible for picking up, removing, transporting and disposing of all litter, trash or refuse associated in any way with the vending activity.
10. Advertising signage shall be affixed to the canteen or stand.

For Repeal

11. All permits shall be obtained by making application to the Municipal Council. Permits may be issued for a one (1) year period or for one or more occasions of less than ten (10) days in any year. If an application is for one or more occasions, specific dates and times must be provided.
12. The permit fees shall be:
 - (3) \$500.00 per fiscal year;
 - (4) \$25.00 each for one or more occasions of three (3) days or less in any fiscal year.
13. The permit fee is due and payable at the time the permit is issued.
14. All permits shall expire on March 31st next following the date of approval unless sooner cancelled or revoked.
15. Applicants obtaining permits under this Bylaw shall be required to have in place / show proof of liability insurance in an amount of not less than One Million Dollars (\$1,000,000.00) and the Municipality of the County of Annapolis as an additional named insured.
16. Municipal Council shall authorize the Municipal Clerk to issue a permit to the vendor pursuant to this Bylaw and the permit shall indicate the period of time and any additional conditions authorized or required by Municipal Council.
17. The permit issued pursuant to this Bylaw shall be conspicuously displayed at all times while the vendor is operating.
18. All permits shall be issued at the sole discretion of the Municipal Council.
19. The Municipality of the County of Annapolis may:
 - (1) refuse to issue, renew or amend; or
 - (2) immediately revoke a permit
 for breach of this or any other bylaw or breach of the terms or conditions of the permit.

Penalty

20. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$200.00 and not more than \$1,000 and to imprisonment of not more than three months in default of payment thereof.

Clerk 's Annotation For Official Bylaw Book	
Date of First Reading	June 25, 2018
Date of Advertisement of Notice of Intent to Consider	June 28, 2018
Date of Second Reading	July 17, 2018
Date of advertisement of Adoption of Bylaw	July 26, 2018*
I certify that this Bylaw was adopted by Municipal Council and published as indicated above.	
Carolyn Young	July 26, 2018
Municipal Clerk	Date
<i>*Effective date of the Bylaw unless otherwise specified.</i>	

COUNTY of ANNAPOLIS

NATURALLY ROOTED

Vendor on Municipal Property Application Form

Please complete and return to:

Recreation Services, County of Annapolis, 271 Granville St., P. O. Box 609, Bridgetown, NS B0S 1C0

Name of Individual / Organization / Business _____

Mailing Address _____

Type of Canteen or Stand: _____

If mobile:

Motor Vehicle Registration # _____ Expiration Date: _____

Inspection Sticker # _____ Expiration Date: _____

Description of products or items to be offered for sale:

Location for which permit is requested: _____

Duration for which permit is requested (check one)

One year Please specify: Number of days per week _____ Hours of Operation: _____

One or more occasions of less than ten (10) days in any year (specify dates below)

INSURANCE COVERAGE: (Minimum \$1,000,000.00 liability insurance required)

Required: Copy of policy attached Photo of canteen or stand attached

I hereby request Municipal Council to grant a permit for commercial activity on municipal property as described above. I declare that the information contained in the application is true and correct to the best of my knowledge.

If a permit is approved, I will be responsible for:

- maintaining the required insurance coverage
- obtaining and maintaining current any other required licenses, permits or inspections for the proposed commercial activity
- picking up, removing, transporting and disposing of all litter, trash or refuse associated in any way with my vending activities

Contact Name (please print) _____ Signature _____

Date _____ Contact Phone# _____ Email _____

If approved by Municipal Council, the Municipal Clerk shall issue a permit in accordance with the S6 Commercial Activity on Municipal Property Bylaw. The permit will indicate the period of time and any additional conditions authorized or required by Council. The permit will also include a site map showing the approved location for the canteen or stand. Permit fee must be paid at the time the permit is issued.

I, _____, Municipal Clerk for the Municipality of the County of Annapolis, do hereby certify that the above permit application was approved at a duly called meeting of Municipal Council held on _____ day of _____, 20____. [MOTION _____]

Attached is a copy of the motion which indicates the period of time and any additional conditions authorized or required by Municipal Council.

GIVEN under the hand of the Municipal Clerk and the corporate seal of the Municipality of the County of Annapolis this _____ day of _____, 20____.

Municipal Clerk



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Kelly Kempton, Administrative Clerk – Municipal Clerk Office
Report Number: SR2025-37 Tom’s Cool Bus Vendor on Municipal Property Application
Subject: Vendor on Municipal Property Application – Tom’s Cool Bus.

RECOMMENDATION(S):

That Municipal Council authorize the Clerk to issue a 2025-26 Vendor on Municipal Property permit to Tom Marshall, for the operation of Tom’s Cool Bus Canteen at the Annapolis River Causeway Park in accordance with *S6 Commercial Activity on Municipal Property Bylaw*, and permit the canteen to stay at the park overnight for the April-October season, subject to reasonable requests from the Municipality to move it from time to time.

LEGISLATIVE AUTHORITY

S6 Commercial Activity on Municipal Property Bylaw

BACKGROUND

The Bylaw provides for vending to be conducted on municipally-owned property in accordance with a permit approved by Council.

The owner of Tom’s Cool Bus Canteen, Tom Marshall has made an application for a permit to operate a mobile canteen at the Annapolis River Causeway Park for the 2025/26 fiscal year. Mr. Marshall has provided the following required information in accordance with the *S6 Commercial Activity on Municipal Property*:

- copy of his liability insurance with the Municipality named as an additional insured (if permit approved he understands and has confirmed he will provide an updated copy once renewed on May 28th, 2025);
- current vehicle registration and inspection numbers; and
- Photo of canteen/bus (Appendix A).

DISCUSSION

Mr. Marshall has operated the same business at the Annapolis River Causeway Park since 2018. Tom’s Cool Bus offers take away food service with a menu that includes hamburgers, hot dogs, fries, onion rings, poutine, pop and water and seafood.

His operating hours are expected to be 7 days a week (11:00am – 7:00pm) from May to October.

FINANCIAL IMPLICATIONS

The fee for the permit is \$500 for the fiscal year and will be due at the time the permit is issued. Mr. Marshall will also be responsible for the power consumed while on site and will pay the power bill at the end of his season.

POLICY IMPLICATIONS

None known.

ALTERNATIVES / OPTIONS

- Approve the application with conditions; or
- Not approve the application.

NEXT STEPS

- Communicate to Mr. Tom Marshall whether the application is approved.
- If approved, the Municipal Clerk will prepare the permit and arrange a date / time to issue and receive payment.

ATTACHMENTS

Photo of Tom’s Cool Bus

Prepared by:

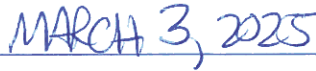
Kelly Kempton, Administrative Clerk – Municipal Clerk Office

Reviewed by:

Dawn Campbell, Director of Corporate Services / Deputy CAO

Approved by:

Approval Date:

Chris McNeill
Chief Administrative Officer

(Date)

Tom's Cool Bus Riverside Canteen





STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: SR2025-38 Repeal AM-1.2.7 Flag Flying Policy
Subject: Repeal AM-1.2.7 Flag Flying Policy

RECOMMENDATIONS

That Municipal Council repeal AM-1.2.7 Flag Flying Policy [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

BACKGROUND

The policy recommended for repeal was first enacted in January 2014 and updated in 2017.

DISCUSSION

This policy is unnecessary as the municipality no longer has flag poles at its facilities. If this changes in future, there are extensive protocols and etiquette developed by federal and provincial governments.

FINANCIAL IMPLICATIONS

There are no known financial implications resulting from this new policy.

POLICY IMPLICATIONS

Repeal of this policy does not impact other existing policies.

ALTERNATIVES / OPTIONS

- Repeal
- Maintain policy as is

COMMUNICATION

Normal statutory requirements (7-day notice prior to approval by council)

ATTACHMENTS

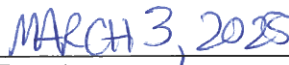
AM-1.2.7 Flag Flying Policy (for repeal)

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:



(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	AM – 1.2.7
Section Procedure and Organization of Council	Subject Flag Flying Policy

For Repeal

1.0 Purpose

- 1.1 To establish clear practices regarding:
- flags to be flown on municipal properties; and
 - procedures for when the flag will be flown at half-mast.

2.0 Authority

- 2.1 This policy is enacted pursuant to the Subsection 48 (3) of the *Municipal Government Act*, as amended.

3.0 Flags to be Flown

- 3.1 No flag other than a Canadian flag, a Nova Scotia flag, or a County of Annapolis flag will be flown from a municipally-owned flagpole.
- 3.2 The County of Annapolis flag shall be hung in the Council Chambers and shall be flown at all municipal offices (Annapolis Royal and Lawrencetown).
- 3.3 Flags shall be flown in a manner consistent with flag etiquette of the Department of Canadian Heritage.
- 3.3 When two flags are flown together, the Canadian flag shall be on the left of an observer facing the flags.
- 3.4 When three flags are flown together, the Canadian flag shall be in the middle.

4.0 Flags at Half-mast

- 4.1 Flags flown on municipal properties will be flown at half mast to mark the passing of the following for a period beginning when the Municipality is notified of the individual's death until sunset on the day of funeral or if there is to be a memorial service the half-masting should take place from the time of notification of death until sunset the following day and from sunrise to sunset on the day of the memorial service.
- (a) The passing of members of the Canadian Armed Forces from the County of Annapolis or surrounding area whose lives are lost while on active duty.
- (b) The passing of any of the prominent public figures listed below:
- The Sovereign, or a member of the Royal Family related to the Sovereign in the first degree (spouse, child, parent, sibling);
 - The Governor-General or a former Governor General of Canada;
 - The Prime Minister of Canada or a former Prime Minister;
 - Lieutenant Governor or a former Lieutenant Governor;
 - Premier or a former Premier;
 - Councillor or former Councillor of the County of Annapolis;
 - A Member of the House of Commons, or former Member of the House of Commons, who represented a constituency within the County of Annapolis;
 - A Member of the Legislative Assembly or former Member of the Legislative Assembly, who represented a constituency within the County of Annapolis.
- (c) The passing of individuals from the County of Annapolis whose duties can be described as "Protective Services," who have died in the line of duty, including but not limited to police, fire, emergency health services, DNR Conservation Officers and Fisheries Officers.
- (d) The passing of an individual who is or was an employee of the County of Annapolis.
- 4.2 The flag will be flown at half-mast to mourn lives lost in tragic national and international events. In such cases, a decision to lower the flag and the period during which it remains at half-mast will generally mirror the practice of the Province of Nova Scotia.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	AM – 1.2.7
Section Procedure and Organization of Council	Subject Flag Flying Policy

For Repeal

- 4.3 Other individuals and events may be recognized by lowering the flag at the direction of the Chief Administrative Officer or Warden.
- 4.4 Flags will be half-masted on the following commemorative days:
 - (a) April 28th, Day of Mourning for Persons Injured or Killed in the Workplace (sunrise to sunset);
 - (b) November 11th, Remembrance Day ((10:59 a.m. to 12 noon);
 - (c) December 6th, National Day of Remembrance and Action on Violence Against Women

5.0 Procedures

- 5.1 Any resident, councillor or employee who becomes aware of an individual or event deserving of recognition under this policy should contact the Chief Administrative Officer as soon as possible.
- 5.2 The Chief Administrative Officer will determine if the circumstance conforms to the criteria of the policy.
- 5.3 The Chief Administrative Officer will arrange for:
 - (a) the half-masting of the flag; and
 - (b) notification to Council and staff to explain why the flag is at half-mast.

Municipal Clerk's Annotation for Official Policy Book

I certify that this policy was adopted by Municipal Council as indicated below:

Seven (7) Day Notice **July 11, 2017**

Council Approval **July 18, 2017**

Wanda Atwell **July 18, 2017**

Acting Municipal Clerk Date

At **Annapolis Royal** Nova Scotia

Approved October 21, 2014

Amended July 18, 2017

- Added in Sub-section 3.3 "of an observer facing the flags"



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: March 11, 2025
Prepared By: Chris McNeill, Chief Administrative Officer
Report Number: SR2025-39 Warden versus Mayor System
Subject: **Request for Public Consultation on Warden versus Mayor System of Governance**

RECOMMENDATION:

THAT Council of the Municipality of the County of Annapolis add to the public boundary review consultation process whether or not Annapolis County should switch from the current Warden System to a Mayoral System.

LEGISLATIVE AUTHORITY

Section 369 of the *Municipal Government Act* states that

- (1) In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councillors.
- (2) After the study is completed, and before the end of the year in which the study was conducted, the council shall apply to the Board to confirm or to alter the number and boundaries of polling districts and the number of councillors.

Section 370 of the *Municipal Government Act* states that

Unless the Board otherwise orders, where boundaries of polling districts are revised, any councillor holding office at the time of the revision continues to hold office until the next regular municipal election.

Section 12 of the *Municipal Government Act* states that

- (1) The warden of a county or district municipality shall be chosen by the council members from among themselves.
- (2) The term of office of the warden expires when the term of office of the council expires, unless prior to the selection of a warden, the council adopts a shorter term of office for the warden.
- (3) The warden shall be chosen
 - (a) at the first meeting of the council in a regular election year after the time for applying for a recount has expired; or

(b) at the first meeting of the council after the expiration of the term of a warden or when the office of warden otherwise becomes vacant.

(4) The clerk shall preside at the meeting of the council at which the warden is to be elected, until the warden is elected.

(5) If a majority of the council members are unable to agree upon the choice of a warden, the clerk shall determine the warden from the two leading candidates by lot as provided in the Municipal Elections Act.

(6) The council of a county or district municipality may, by policy, adopt rules governing the election of a warden by the council members.

(7) The council of a county or district municipality may

(a) by a vote of two thirds of the council members; and

(b) on twenty days notice in writing to the clerk, the warden and the councillors, remove a warden from office as warden and proceed to elect a new warden.

(8) The council of a county or district municipality may, at any time not less than nine months prior to a regular municipal election, decide that the chair of the council be elected at large, in which case

(a) commencing at the next regular municipal election, a mayor shall be elected at large for the municipality;

(b) every person eligible to vote for a councillor of the municipality is eligible to vote for the mayor;

(c) the total number of council members is increased by one unless the municipality has applied to the Board and the Board has determined otherwise;

(d) A decision made pursuant to subsection (8) may not be reversed after February 15 in the year in which the first mayor is to be elected, or subsequently.

BACKGROUND

In the early summer of 2023, the Municipality applied to the NSUARB to re-confirm the number of councillors at eleven (11) and to alter the boundaries of the districts. A hearing before the NSUARB was held in the Council Chambers on September 6, 2023.

All members of Council were previously provided with the detailed copy of the Municipality's application.

During the public hearing and final decision of the NSUARB Board, it was noted that there was too strong a public response favouring a reduction in the size of Council to not seek further input before two additional council cycles have gone by. Therefore, the Board exercised its jurisdiction and ordered and directed that the Municipality conduct a new study into its polling districts and boundaries and report back to the Board before December 31, 2025.

The NSUARB also stated that if Council wished to revisit its January 2023 decision to maintain a Warden System, that this issue should be determined first before any further public consultation takes place on the number of councillors and polling districts.

DISCUSSION

At the February Committee of the Whole meeting, Council requested that staff carry out a public consultation process using internal resources and host 22 public meetings to seek the public's feedback on the system of governance that the public would like, and the number of councillors preferred. This schedule would allow for two public meetings in each of the current electoral districts. Work on establishing these meeting locations and dates is underway.

Councillor Ted Agombar has now requested that the issue of an elected mayor at large be revisited and be included as part of the proposed public consultation process. If Council moves to a mayor system, it cannot be reversed and changed back at a later date.

If Council wishes to do this and follow the NSUARB order related to public consultation on a warden versus mayor system, then this consultation must take place first. Revisiting the warden versus mayor system is not required by the NSUARB as they have no jurisdiction over that decision as it falls fully within the purview of municipal council.

Therefore, council must decide whether they wish to revisit the warden versus mayor discussion again, and if so, how they wish this public consultation to take place. Council can choose to add another 11 or 22 public meetings on this issue alone before consulting again with 22 meetings on polling districts, they could choose to use the first 11 public meetings to focus solely on warden versus mayor with the second set of 11 meetings focusing solely on polling districts, or they can choose to continue with the current approval of focusing all 22 meetings on polling districts and the number of councillors.

The current schedule for the approved 22 meetings will take place during all of May and part of June. If there is to be a public consultation process on warden versus mayor, that would need to take place in May, followed by a report prepared afterwards and presented to council for a decision. This would delay the public consultation on polling districts and the number of councillors until July at which time these would take place during the whole month of July.

FINANCIAL IMPLICATIONS

If a public consultation on warden versus mayor takes place instead of 11 of the polling district meetings, no additional financial costs are expected. If the decision is made to hold this consultation in addition to the already approved polling district and number of councillors meetings, then there will be an additional cost of approximately \$8,000 plus staff time to prepare the documents and attend the meetings.

NEXT STEPS

Council is being asked to decide on Councillor Agombar's motion contained at the beginning of this report.

Approved by:

Approval Date:



MARCH 3, 2025

Chris McNeill
Chief Administrative Officer

(Date)