

Minutes of a **Public Hearing** conducted by the Municipal Council for the Municipality of the County of Annapolis on May 17, 2016, at the Municipal Administration Building, Annapolis Royal, N.S. at 11:31 a.m.

Present: Warden Reg Ritchie, Deputy Warden Timothy Habinski; Councillors Marilyn Wilkins; Brian ‘Fuzzy’ Connell, Wayne Fowler, Paul McDonald, Gregory Heming, Alex Morrison, Frank Chipman, Martha Roberts, Diane LeBlanc, and Horace Hurlburt.

Also Present: CAO John Ferguson, Director of Community Services Albert Dunphy, Municipal Clerk Carolyn Young, other staff, and one member of the public.

Format, Purpose and Procedure

Warden Ritchie welcomed all, and noted that Council is holding a public hearing in accordance with Section 205 of the *Municipal Government Act*.

The purpose of a Public Hearing is to permit members of the public to make their views known to Council, via oral or written submissions, concerning, solely, the application before Council.

This 2nd Public Hearing is to inform the public of Council’s intention to enter into a development agreement with Milton Hamilton and Janice King-Hamilton to permit the redevelopment of the property, identified as Property Identification Number 05149653 and civic address 51 Church Street in the community of Bridgetown.

He added that all questions and comments throughout the public hearing are required to be addressed to the chair. The chair will afford an opportunity for public input and will ask that persons speaking identify themselves so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations. Questions and comments from Council members are asked to be held until all public comment is heard.

Re: File No 66520-40 - 2015-DA-002 Bridgetown - Hamilton, Milton 2015-DA-002: Bridgetown Development Agreement Application

• ***Application Specifics & Planning Process*** - Presentation by Planner

The Planner noted the same process was used as outlined for the previous public hearing. Both issues included in one advertisement. A draft development agreement was included in the agenda package and the Planner reviewed the contents, item by item, noting Councillors could ask for clarifications as the document is discussed.

Once the contents were identified, the Planner asked if Council had any suggested changes. He added that this typically would have occurred at the Planning Advisory Committee public meeting prior to coming to Council.

LUNCH

Councillor Roberts moved, seconded by Deputy Warden Habinski, to adjourn the public hearing for lunch at 12:30 p.m. Motion carried unanimously. The Warden called the public hearing back to order at 1:30 p.m. with all present as previously noted.

• ***Suggested Changes to the Draft Development Agreement:***

1. Use – none
2. None
3. 3 none
4. None
5. None
6. None

7. None
8. Completed within 12 months of demolition rebuilding of Unit 4
9. None
10. None
11. None
12. None
13. Fence have an opacity of 90%; also noting south*west* corner rather than southeast corner
14. None
15. None
16. North property boundary term reduced to 3 years
17. Consensus was reached for the following - to start refueling at 6am and no Sunday operations. This section applies to work yard vehicles. Heading should now say Hours / Days of Operation.
18. None
19. Asked if recent suggested wording for leases should be included. The Planner noted that these issues are already covered by the MGA and are not necessary.
20. None
21. None
22. None
23. None

The Warden asked the applicant if he agreed to the suggested changes. Mr. Hamilton noted that the main operations don't take place on the weekends anyway, but that his business can't afford a day of rest due to emergencies (he would continue to do repairs or maintenance on weekends – but this is not the operation of the business). Regarding the change to start up times, he asked if Kings Transit has a specified start time and noted he felt like he was being held to a different standard.

Additional Comments

The Deputy Warden appreciated the inclusion of the earthen berms to help battle the noise issue. He noted that the applicant earlier stated he couldn't guarantee he would adhere to the hours of operation, but would do his best. The Deputy Warden wanted the applicant to be reminded that this is a contract with him, and it needs to be adhered to, that the contract with him states what it states, and it is not a suggested guideline.

Councillor Fowler noted that having run an auto repair shop, he understands that work can continue seven days a week to keep a business afloat.

Warden Ritchie thanked the Planner and the applicant for the cooperative work done on the agreement.

The CAO added that this development agreement would not prohibit Mr. Hamilton from attending to his other businesses, i.e. - attending his office or attending to his rentals on a Sunday; it relates to log processing, delivery, storage, etc. on Sunday.

Next Steps

Once the suggested changes are received, the Planner will send the document to the Solicitor for review.

Adjournment

Councillor Roberts moved, seconded by Councillor Heming, to adjourn the second public hearing and reconvene the regular session of Council at 1:53 p.m.

Warden

Municipal Clerk