

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Monday, October 4, 2010 starting at 7:00 p.m.

### **PRESENT**

Chairing the meeting, Mayor Calvin Eddy; Deputy Mayor Vera Errington; Councillors Lorne Brown, Dan Smith, Darren Boates, and Melinda den Haan; Chief Administrative Officer, Clayton MacMurtry; Director of Finance, Marianne Daine; and Planning & Development Officer, Chris Millier.

Councillor Marc Britney was not present for this meeting.

### **10.10.01 PUBLIC HEARING**

#### **.01 MPS/LUB Proposed Amendment – Development of Multiple Unit Dwellings within Residential Zones**

Mayor Eddy opened the Public Hearing and declared a conflict of interest on this item.

Deputy Mayor Errington assumed the Chair and requested Chris Millier to proceed.

Mr. Millier explained that the purpose of a Public Hearing is to provide an opportunity for the public to speak and express their views. He noted that he would answer questions, for clarification only, that the Hearing is not a question and answer session.

Mr. Millier explained the current requirements and the proposed amendments. He provided a brief overview of the process to date, advising that the Municipal Planning Strategy and Land Use Bylaw, as it applies to the Residential Zone, has been discussed several times by the Planning Services Public Advisory Panel. He also advised that the Panel held a meeting July 12, 2010 to discuss the proposed amendments and that no recommendation was put forward from that meeting. Town Council held a meeting in August, to consider the amendments, and approved first reading. The next step is a Public Hearing, at which the Council opens the meeting to the public and, after consideration of any submissions, written or verbal, decides whether or not to approve second reading and passing of the proposed amendments.

Deputy Mayor Errington invited submissions from the public present.

Glenn Joudrey read a letter, on behalf of Fundy Spray Motel Limited, expressing concern with the proposed amendments and urging that they not be approved. Mr. Joudry requested that the letter be attached to the minutes of this meeting.

Craig Parsons, Mid Valley Construction Ltd., stated that he is not confident that the amendments are the best option, noting that he is not in favor of development agreements, as they add another layer of time and cost to developments.

Glenn Langille, Rona Cash & Carry, stated that he feels the proposed amendments may hinder the sale and development of land.

Ed Fry stated that he has no objection to smaller multi-unit developments, that some control is a good thing, and that he is in favor of development agreements in general.

There being no further submissions, it was **moved by den Haan, seconded by Boates that the Council adjourn to the regular Council meeting at 7:25 p.m.. The motion was carried.**

At this point, Council moved to NEW BUSINESS

#### **.01 MPS/LUB Proposed Amendment – Development of Multiple Unit Dwellings within Residential Zones**

It was **moved by Boates, seconded by Smith that Council approve second reading and passing of the amendments to the Town's Municipal Planning Strategy and Land Use Bylaw relating to multiple unit residential development within the Residential zone. The motion was carried.**

Mayor Eddy abstained from voting on the motion.

A copy of the amendments is attached to the original of these minutes.

Mayor Eddy resumed the Chair.

**PROCLAMATION**

.01 Fire Prevention Week

Mayor Eddy proclaimed the week of October 3-9, 2010 as *Fire Prevention Week* in the Town of Middleton and requested the citizens of the Town to participate in fire prevention activities at home, work, and school.

**10.10.02 CHANGES TO AGENDA**

CAO MacMurtry advised that there is one item to be added to the agenda as follows:

NEW BUSINESS

Action Items

.09 Membership Application – Middleton Fire Department

**10.10.03 SOLICITOR**

CAO MacMurtry advised that the Solicitor is unable to attend tonight's meeting.

**10.10.04 MINUTES**

It was **moved by den Haan, seconded by Errington that the minutes of the regular Council meeting of September 7, 2010 be approved as circulated. The motion was carried.**

**10.10.05 PRESENTATIONS BY PUBLIC**

.01 Chrystal Fuller, Planning and Development Officer

Ms. Fuller noted that she is in attendance to introduce herself to the Council. She advised that she has been on the job for approximately one month and is quite pleased to have been selected for the position. Ms. Fuller explained that she is familiarizing herself with the Town, the Staff, and the position, noting that she is interested in determining the Town's priorities pertaining to Planning.

Mayor Eddy thanked Ms. Fuller and also thanked Mr. Millier for a job well done while filling in as the interim Planning and Development Officer for the Town.

Mr. Millier noted that he enjoyed his work and commented that the Town should feel quite confident that they have an excellent Staff at the Planning Commission, which is very supportive of the Town.

**10.10.06 BUSINESS ARISING FROM THE MINUTES**

.01 Update – Noise Complaint – Victoria Street

CAO MacMurtry reported that he attended a meeting with representatives from MBW Courier, the landlord of the building in which they are located, and three residents of Victoria Street, concerning the problems in the area. He advised that the group reviewed the portion of the building occupied by MBW Courier. It was noted that the ramp is still metal, not wood. The Courier company is to carpet the ramp where the trucks make contact, and the landlord is to move the bumpers out, so that the trucks will contact them when loading/unloading. It was agreed that these two suggestions be implemented to see if there is a satisfactory difference in the noise emanating from the building.

**10.10.07 NEW BUSINESS****ACTION ITEMS****.01 MPS/LUB Proposed Amendment – Development of Multiple Unit Dwellings within Residential Zones**

This item was dealt with earlier in the meeting.

**.02 Policy Amendment - # A.3.5 Presentations by Public to Council**

It was moved by den Haan, seconded by Boates that, on recommendation of the Committee of the Whole, Council approve the amendments to Policy # A.3.5, Presentations by Public to Council, as circulated, with amendments as noted. The motion was carried.

**.03 Policy Amendment - # D.3.1 Performance Appraisal**

It was moved by Brown, seconded by Errington that, on recommendation from the Committee of the Whole, Council approve an amendment to the Performance Appraisal Policy, # D.3.1, by replacing the current Appendix “A” with the proposed Appendix “A” and that the appropriate amendments to section 5.0 of the Policy be amended to coincide with the new appendix. The motion was carried.

**.04 Tender Award – Replacement of Sanitary Manhole – Taylor Drive/Main Street**

It was moved by Errington, seconded by Smith that, on recommendation from the Committee of the Whole, Council reject both tenders received on the Replacement of Sanitary Manhole, Taylor Drive/Main Street, and that Staff be directed to contact at least three contractors to obtain quotes on repairs to this manhole. The motion was carried.

**.05 Approval of Bills**

It was moved by Boates, seconded by den Haan that, on recommendation from the Committee of the Whole, Council approve the payment of bills in the amount of \$1,380,687.53. The motion was carried.

**.06 Borrowing Resolution – Sewage Treatment Plant Upgrade (Sewer Lagoons)**

It was moved by Smith, seconded by Boates that Council approve a one-year renewal for a temporary borrowing resolution, TBR 09/10-01, and increase the amount from “up to, but not exceeding, \$1,300,000” to an amount “up to, but not exceeding, \$3,870,000”, to finance the sewage treatment plant upgrade and construction of sewer lagoons. The motion was carried.

**.07 Appointment of Working Group - ADEDA**

CAO MacMurtry advised that the County of Annapolis has given notice of its intent to withdraw from the Annapolis Digby Economic Development Agency (ADEDA). He noted that there are a number of issues that the County feels are unresolved. The CAO advised that a motion was passed, at the last ADEDA Board meeting, to request the municipalities involved to appoint the Mayors and CAOs to a Working Group to resolve these issues.

Mayor Eddy noted that Councillor den Haan, due to work commitments, is unable to continue as the Town’s representative on ADEDA. He noted that the Town’s appointment list is updated and approved annually in November and a reappointment could be made at that time.

The Mayor also noted that there has been a great deal of correspondence recently on the issues, however, questioned whether there is an actual need for a working group and, if it is decided that there is a need, perhaps the new representative appointed in November could serve in this capacity.

Councillor den Haan advised that the working group would not be formed until after two or three more meetings. The Councillor commented that she would like to see the Mayor on the working group.

The Mayor commented that he feels there is some confusion, that it is not clear, the County of Annapolis is out of the funding formula, however, does this necessarily mean it is out of ADEDA. Councillor den Haan stated that her understanding is that, if the County is out of the funding formula, it is out of ADEDA.

There was discussion on the one-year notice requirement, withdrawal of funding versus withdrawal from ADEDA, the importance of ADEDA continuing and how it would affect funding opportunities, unidentified issues by the County, and some units hiring their own economic development officer.

Councillor Smith noted that he is currently the alternate on the ADEDA and advised that he would be willing to serve as the Town's representative, however, he is unsure whether it is appropriate for a new member to take over at this time. It was decided that both Councillors den Haan and Smith attend the next meeting.

Councillor den Haan commented that the ADEDA is a model agency and that Dan Harvey has done an excellent job on the Business Retention Expansion Program.

Deputy Mayor Errington offered to be the Town's alternate representative. It was agreed that the changes be made next month when the list is approved.

**It was moved by Smith, seconded by den Haan that the appointment of the Town's representatives on the Annapolis Digby Economic Development Agency Working Group, to address issues arising from the withdrawal of Annapolis County from the Agency, be tabled. The motion was carried.**

.08 Appointment to Heart of the Valley Festival Committee

CAO MacMurtry advised that the 2011 Heart of the Valley Festival Committee is requesting a member of Council be appointed to the Committee and is recommending the appointment of Councillor den Haan as Council's representative.

Councillor Smith commented that he is pleased with the Town participating in the Festival, however, questioned whether the Committee should pick the Town's representative. The Councillor questioned, if Councillor den Haan is to be the Treasurer for the Committee, an executive position, is this possibly a conflict, with grant monies being requested from the Town for the Festival's operations.

Mayor Eddy noted that perhaps Councillor den Haan could declare a conflict at budget time when grants are discussed and suggested that perhaps the Solicitor should be consulted.

Councillor den Haan stated that she does not feel it would be inappropriate for her to serve as Treasurer for the Committee, however, she will consult with the Town's Solicitor on the question of conflict.

It was noted that there were a number of concerns expressed with this year's festival and the CAO was asked if he has a file on these. The CAO advised that he would pass the concerns on to Councillor den Haan.

**It was moved by Brown, seconded by Boates that Council appoint Melinda den Haan to serve as Council's representative on the 2011 Heart of the Valley Festival Committee. The motion was carried.**

.09 Membership Application – Middleton Fire Department

**It was moved by Boates, seconded by Brown that, on recommendation from the membership of the Middleton Fire Department, the Council approve the appointment of Scott Whynot to the membership of the Middleton Fire Department. The motion was carried.**

INFORMATION/DISCUSSION ITEMS

There were no items for information or discussion for this meeting.

**10.10.08 REPORTS**.01 Committee of the Whole

All items from the Committee of the Whole meeting of September 20, 2010 have been dealt with earlier in the meeting.

.02 Mayor

Mayor Eddy tabled his report for the month of September. A copy of the report will be circulated with these minutes.

.03 Managers

The Management reports have been circulated to all members of Council.

.04 Development Officer/Building Inspector/Fire Inspector

The reports for the month of September have been circulated to all Council members.

CAO MacMurtry previously circulated a report on overruns on the sewage treatment plant project.

After discussion, it was agreed that the CAO obtain a more detailed report to better explain the overruns on the project.

.05 RCMP

A copy of the RCMP report for the month of August has been circulated to all Council members.

There were a number of comments on the vandalism, mischief, and break and enters occurring in Town and it was noted that these incidents justify a greater presence of the RCMP in the Town. It was also noted that there have been comments from residents that visibility is an issue.

The CAO is to contact Corporal Pemberton to request him to attend a meeting to address Council's concerns.

**10.10.09 CORRESPONDENCE**

A list of correspondence for the month has been circulated to all members of Council. There were no questions or comments on the list. A copy of the list will be circulated with these minutes.

**10.10.10 ANYTHING BY MEMBERS**

Councillor Brown, noting the recent damage to the Riverside Park, advised that it was previously discussed, and Council requested, that measures be taken to try to avoid damage to the grounds, however, this was not done. The Councillor stated that he feels that perhaps granite stones or boulders could be placed at the Park to keep vehicles off grassed areas. The Council agreed that this be investigated by Staff.

Councillor Brown thanked the CAO for the tour of the Sewage Treatment Plant project. The CAO is to arrange for a tour of the project for those members of Council who were unable to attend.

Deputy Mayor Errington commented on the tour of the GEM nursing home, noting that it is a beautiful facility.

Mayor Eddy noted he was disappointed with no representation from GEM for the tour.

Mayor Eddy reminded Councillors of the special Council meeting tomorrow night, requested that they consider the positions on the appointment list, and advised that the annual Christmas supper will be held this year at the Middleton Curling Club December 10<sup>th</sup>.

There being no further business, it was **moved by Brown, seconded by Smith that the Council adjourn at 8:20 p.m. The motion was carried.**

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MAYOR

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SECRETARY