

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Tuesday, January 4, 2011 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 Marc Britney; Chief Administrative Officer, Clayton MacMurtry; Director of Finance, Marianne Daine; and Town Planner, Chrystal Fuller.

Councillor Melinda den Haan was not present for this meeting.

11.01.01 PUBLIC HEARING

.01 Rezoning Application – 71-73 Main Street

Mayor Eddy opened the public hearing and advised that the Planning Services Advisory Panel held a public meeting on this application Thursday, November 18, 2010 and recommended that Council rezone the property located at 71-73 Main Street from Residential (R) to Highway Commercial (HC) to permit an art gallery, restaurant, and other craft related uses on the property, as requested by the applicant. He further advised that Council, at its meeting Monday, December 6, 2010, approved first reading of the rezoning application and set the date for the Public Hearing for submissions on the proposed rezoning.

Mayor Eddy noted that there were no written submissions received on the application. The Mayor introduced Chrystal Fuller, the Town's Planner, and requested that she review the application process.

Ms. Fuller explained that the purpose of a Public Hearing is to provide an opportunity for the public to make submissions on the application to the Council, before a decision is made.

Ms. Fuller reviewed the application and the process to date.

Mayor Eddy invited submissions from the public present.

Katherine Forrestall, 72 Main Street, addressed the Council advising that the property in question has historical value, noting that she feels an art gallery is a good idea, and questioning whether the rezoning would open the door to unwanted businesses. Ms. Forrestall proposed that the Council consider contract zoning, which would ensure that the rezoning would allow only the proposed usage. She noted that she feels a car lot, for example, would take away from the historic value of the area and would be disruptive to a residential area.

Area residents Valerie Wentzell, Carey Russell, and Frank Bryant expressed the same concerns, stating that what is proposed is acceptable for the area, however, future development is a concern.

There being no further questions or comments on the application, it was **moved by Boates, seconded by Smith that the Public Hearing be closed and the Council adjourn to regular session at 7:15 p.m. The motion was carried.**

11.01.02 ACTION ITEMS

.01 Rezoning Application – 71-73 Main Street

Councillor Boates questioned whether contract zoning should be considered.

Planner Fuller explained that contract zoning is actually a development agreement and, if this is the choice of Council, the rezoning application would have to be turned down and an amendment to the Municipal Planning Strategy process undertaken. The Planner noted that this process would take approximately six months, explaining that a policy would need to be developed, based on what the Town would want to control, i.e. aesthetics, hours of operation, etc. The Planner advised that the policy would have to be passed and then a development agreement with the applicant would be negotiated.

It was noted that the future land use map of the Town for this area is highway commercial and the Planner noted that she feels the request is consistent with the Municipal Planning Strategy, however, if Council does not agree, it can be referred back to staff for further information.

Councillors stated that they feel the concerns of the residents are valid. It was also noted that, except for permitted uses in a highway commercial zone, the Town would have no control on what could be developed in the area, if this application is approved.

It was **moved by Boates, seconded by Errington that it be resolved that Council give second reading to the attached resolution in Appendix A rezoning approximately 4 acres of land at 71-73 Main Street in Middleton from Residential (R) to Highway Commercial (HC).** A copy of Appendix A is attached to the original of these minutes.

There was discussion on encouraging growth in the Town; putting the request on hold; denying the request and; deferring the request, pending gathering of information required by the Planner.

The Planner advised that the purchase of the property is contingent upon Council's decision.

It was **moved by Britney, seconded by Smith that the motion be tabled. The motion was carried.**

11.01.03 PRESENTATIONS

.01 Citizens on Patrol – Gordon MacDonald

Gordon MacDonald and Earl Goski, volunteer members of Citizens on Patrol (COPS), were present to provide information on COPS to Council. Mr. MacDonald thanked the Council for the invitation and Mr. Goski proceeded to explain the purpose and activities of COPS.

Mr. Goski advised that Citizens on Patrol is sponsored by the RCMP and that the RCMP provides training for, is very supportive of, and are prompt to respond to any requests by the volunteers. He noted that the main purpose of COPS is to be an extra set of eyes for the RCMP, explaining that there are always two volunteers working together and that they are always in contact with the RCMP while on patrol. He advised that the volunteers keep a log of their rounds and turn it in to the RCMP and that they never act on their own without consulting the RCMP.

Mr. Goski displayed some of the equipment used by the volunteers, explaining that the latest acquisition, a speed radar machine, which cost \$5,000, was acquired through fundraising. He noted that the next objective is the purchase of a module which records speeds, shows trends, and monitors traffic stats. The cost of the module is approximately \$800.

On question from Mayor Eddy, Mr. Goski advised that membership is quite low, with eight members currently, noting that three to four years ago, there were approximately fifteen volunteers.

Mr. MacDonald noted that the volunteers use their own vehicles and provide their own gas, which may be prohibitive to people considering volunteering.

Councillors expressed their support for COPS and agreed that the Town would like to help in some way and, on question, Mr. MacDonald advised that the biggest help would be to have more members.

There was discussion on how to promote the need for more volunteers, i.e. advertisement in the paper, word of mouth, and/or an information session to promote membership.

Mayor Eddy thanked Mr. Goski and Mr. MacDonald for their very informative presentation and for making Council aware of the need for recruitment action and noted that the Town will follow up to try to help in this endeavor. The CAO advised that he would contact the local paper.

11.01.04 PROCLAMATIONS**.01 Alzheimer Awareness Month**

Mayor Eddy proclaimed the month of January 2011 *Alzheimer Awareness Month* in the Town of Middleton. He noted that an estimated 500,000 Nova Scotians are impacted by Alzheimer's disease and other dementias and that the Alzheimer Society of Nova Scotia is committed to alleviating the personal and social consequences of these diseases and promoting the search for the causes and cures.

11.01.05 CHANGES TO AGENDA

There were no changes to the agenda for this meeting.

11.01.06 SOLICITOR

The Solicitor was not present for this meeting.

11.01.07 MINUTES

It was moved by Brown, seconded by Boates that the minutes of the regular Council meeting of December 6, 2010 be approved as circulated. The motion was carried.

11.01.08 BUSINESS ARISING FROM THE MINUTES

The CAO reviewed the requests of Council from the December 6, 2010 meeting, noting that all items have been dealt with, with the following exceptions:

- a) The unsightly premises item at 101 Commercial Street – the CAO noted that he is working on this, however, has not been able to contact the property owner as yet.
- b) The request for a presentation from a representative of Valley Regional Health – the CAO advised that the Mayor is dealing with this item.
- c) Investigation of the Kings County Regional Development Agency agreement – the CAO noted that he will not be investigating the agreement, as the ADEDA working group is currently working on an agreement for presentation to its members.

11.01.09 NEW BUSINESS**Action Items****.01 Resolution – Council Honoraria**

It was moved by Boates, seconded by Britney that the Council approve the resolution stating that one-third of the total honoraria and expense allowance paid to elected officers of the Town of Middleton shall be non-taxable income. The motion was carried.

.02 Borrowing Resolution – Water Main

It was moved by Britney, seconded by Brown that the Council approve a temporary borrowing resolution in an amount up to, but not exceeding, \$75,300, to provide financing for the Town's share of the construction costs of an eight-inch water main on Junction Road, to provide service to the area at the intersection of Highway 101 and Brooklyn Road. The motion was carried.

.03 Borrowing Resolution – Sanitary Sewer Main

It was moved by Errington, seconded by Smith that the Council approve a temporary borrowing resolution in an amount up to, but not exceeding, \$125,000, to provide financing for the Town's share of the construction costs of a twelve-inch sanitary sewer main on Brooklyn Road, to provide service to the area at the intersection of Highway 101 and Brooklyn Road. The motion was carried.

.04 Approval of Bills

It was **moved by Boates, seconded by Britney that the Council approve the payment of bills in the amount of \$340,377.14. The motion was carried.**

Information/Discussion Items

.01 Policing Services Options

Mayor Eddy advised that he, Councillors Smith and Brown, CAO MacMurtry, and representatives of the Town of Berwick, met recently with the Town of Kentville Mayor, CAO, and Police Chief to discuss the options for the Kentville Police Department to police the Town of Middleton.

Councillor Smith noted that the Town of Berwick is quite keen on a second meeting with Middleton.

Mayor Eddy stated that he is not in favor of a meeting with Berwick at this time. The Mayor noted that he realizes that some Councillors would like to see a full scale investigation on policing services for the Town. He questioned if Council wished to proceed to the next step in the protocol for a review of policing services, as provided by the Department of Justice.

Councillor Brown questioned whether Middleton should consider regional policing or a satellite office and noted he feels that the Town should perhaps get a price from Kentville, for comparison, before proceeding.

Mayor Eddy stated that it was noted by the Kentville CAO that, if Berwick and Middleton go the satellite office route, there would be no savings for Kentville and that a regional force would reduce the costs for Kentville. The Mayor noted that Middleton is not concerned with reducing costs for Kentville, that Middleton policing is the concern. He also noted that the Kentville Mayor stated that, even with twenty officers in the Town of Kentville, visibility is an issue at times.

Mayor Eddy questioned whether or not the problems in Town are serious enough to proceed with a review of policing services, noting that he has not heard opinions from all Councillors.

There was discussion on the size of the force required for the Town's policing needs, RCMP versus municipal, cost of services, operating costs, and paying more for more. It was also noted that Kings and Annapolis Counties are not necessarily on board with regional municipal policing.

Councillor Smith stated that he feels the Town is not getting enough professional service from the RCMP. The Councillor advised that Town residents are saying they want more from the RCMP and that he feels the RCMP do nothing in Town.

Mayor Eddy noted that the RCMP should be approached and advised on what the Town wants, noting that he feels they are very open to suggestions. The Mayor advised that they were told that visibility is an issue and it is being addressed, with more visibility and contact with Town businesses.

Councillor Britney stated that he feels the Town should advise the RCMP of its goals and objectives and ask for a focus on its concerns, noting that he feels they will accommodate as much as possible. Councillor Britney advised that he feels they are doing a good job.

Councillor Boates advised that he feels the Town is not getting a fair shake. The Councillor stated that he feels the Town has to make a decision and a commitment and go through the steps.

Mayor Eddy questioned Councillor Smith on what he meant by the RCMP do nothing in Town.

Councillor Smith retracted his comment, however, noted he is not satisfied with the policing services provided by the RCMP to the Town of Middleton.

Mayor Eddy questioned whether the consideration of changing policing is warranted. He noted that Berwick wants to meet with Middleton on this subject and questioned the Council's wishes, noting that, if this is not supported by Council, there is no sense in holding such a meeting.

It was moved by Smith, seconded by Brown that the Council approve for the Town to proceed with a review of its policing services options, per the protocol of the NS Department of Justice. There were three votes in favor and three votes against. The motion was defeated.

.02 Education Funding

Councillor Britney advised that Premier Dexter has announced a cut of 22% to the education budget and questioned the amounts funded by Municipal Governments and the Province.

CAO MacMurtry advised that he has spoken with the Town's Municipal Advisor, noting that he was unable to provide specifics, however, he noted that all funding to municipal units is on the table. The CAO advised that the Province is currently considering extensive cuts, noting that usually a year's notice is given to municipal units, however, this is not to be the case this year. The CAO noted that some funding details should be known by February or March, noting that this may defer the setting of the Town's budgets.

Mayor Eddy stated that he feels these cuts are a battle to be fought on the floor of the Legislature through the MLA's, fueled by the municipal units

On suggestion from Councillor Britney, the CAO is to contact MLA Stephen McNeil to try to determine some details of the Province's intentions concerning funding to municipal units.

.03 Sewage Treatment Plant Draft Budget 2011/12

CAO MacMurtry circulated a Sewage Treatment Plant draft budget for 2011/12, including a summary, operating cost estimates, and information from ABL Environmental Consultants concerning equipment warranties, power consumption and the classification of the plant.

The CAO reviewed the budget addressing such items as the expected date the new plant will be in operation, the employees certified to operate the plant, Department of Environment requirements, expenditures for training, the provision of training by suppliers of equipment, and the SCADA system. The CAO noted that he is projecting an overall reduction in treatment plant costs of \$14,863 for the 2011/12 budget.

There was discussion on increases in the sewer rate and the CAO was requested to investigate setting up an operational special reserve account for sludge removal for the sewage treatment plant.

Councillor Smith noted that he felt the budget information provided is well detailed and thanked the CAO for a job well done. Councillors agreed that the information was well put together.

11.01.10 REPORTS

.01 Committee of the Whole

There was no Committee of the Whole meeting held in December.

.02 Mayor

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

.03 Managers

There were no Management reports for the month of December.

.04 Development Officer/Building Inspector/Fire Inspector

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

.05 RCMP

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

Councillor Boates noted that perhaps the Town should consider a bylaw dealing with parking violations and its own parking tickets, similar to the practice in place in the Town of Bridgewater.

The CAO was requested to contact the Town of Bridgewater to obtain information on its parking violation bylaw and parking tickets.

11.01.11 CORRESPONDENCE

There were no correspondence items for Council's attention for this meeting.

11.01.12 ANYTHING BY MEMBERS

Referencing the noise complaints associated with the Hankinson property on Victoria Street, Councillor Britney noted that he feels Council should have been made aware of the regulations under the Municipal Planning Strategy and Land Use Bylaw concerning such situations when this item was first discussed with the Town's Solicitor.

Councillor Britney advised that, in a recent session of the Municipal Finance Corporation, it was stated that minutes of in camera sessions should be recorded. The Councillor noted that the Town has kept minutes of in camera meetings in the past, however, this practice is not currently in place.

Mayor Eddy advised that, on the advice of the Town Solicitor, in camera minutes were no longer taken and suggested that perhaps this could be discussed with the Solicitor at a future meeting.

It was the consensus of Council that the CAO check on this recordkeeping question with the Town's Municipal Advisor, Parliamentarian Bernie White, and Solicitor Gillis.

Councillor Boates questioned Deputy Mayor Errington on whether or not she feels the new stop sign at the corner of Connaught and Maple Avenues is effective.

Deputy Mayor Errington advised that she feels it has made a great difference in reducing speeding on the street.

Councillor Smith noted that he feels the sign is not being policed.

Mayor Eddy advised that he was informed that three tickets have been issued for violations at the new stop sign.

Councillor Brown added that he felt the public should have been given notification of the new sign.

Councillor Boates complimented the staff on the banners selected for the Christmas season.

Councillor Smith advised that he and the CAO attended an ADEDA Working Group meeting recently, noting that some of the highlights of the meeting were the core budget and the business plan, both of which require approval by all units, noting that any projects not included in the budget require 100% approval by all municipal partners. Other items discussed were the term limits of Board members, industry representation for citizen-at-large representatives, reduction of the Board size, and more direction by the Board to the Agency. The Councillor advised there was a narrow focus on what the Agency does. Councillor Smith advised that Annapolis Royal is no longer a member of the Agency and the County will be meeting next week to decide whether they are still participating.

Councillor Smith advised that he feels the Town should investigate joining the Kings County RDA.

Mayor Eddy noted that this was suggested in the past, however, no action was taken.

There was discussion on reasons this should be considered and the Mayor questioned what Provincial regulations exist, should Middleton wish to proceed.

The CAO was requested to investigate the rules and regulations to determine if the Town could be a member of the Kings County RDA.

Deputy Mayor Errington advised that she attended two Valley Waste Management meetings recently and that both meetings dealt with budgets. The Deputy Mayor advised that Ross Maybee, General Manager, will be attending a future Council meeting to present the budget.

The Deputy Mayor commented that the Town looked great for Christmas, that she received a lot of positive comments, and congratulated the staff on their decoration of the Town.

Councillor Smith noted that the New Year's Eve celebration at the Arena was very well attended. The Councillor commented that he felt it was a great event, with face painting, skating, and a fireworks display, to wrap up the evening.

CAO MacMurtry advised that the current Planner was hired for a term of six months to one year. The CAO noted that Middleton pays the largest share of the three Towns in the Annapolis District Planning Department and suggested that it may be practical to investigate other options for planning services for the Town.

Mayor Eddy noted that he is concerned with the CAO advising that the Planner wants to change the structure of the Department and then leave within a short period of time.

Mayor Eddy advised that there is a push on from the Annapolis Royal CAO requesting a meeting with the Mayors and CAOs to brainstorm on how they can face their future financial challenges. The Mayor stated that, although he wants to be cooperative and sympathizes with the financial issues facing the other Towns in Annapolis County, he does not feel that this should involve Middleton at this time.

The Mayor stated that he feels the CAO has a legitimate concern with Planning and that alternatives should be investigated. Considering the possible cutbacks coming from the Province, he feels it would be wise to look into the planning budget in January or February.

The CAO recapped the following requests from Council from tonight's meeting:

1. Contact the local paper to promote recruitment for COPS.
2. Contact Stephen McNeil to request information on funding cuts by the Province to municipal units.
3. Investigate a sludge reserve account for the sewage treatment plant.
4. Check with Bridgewater on parking violation tickets and bylaw.
5. Contact Bernie White, Bruce Gillis, and Stephen Feist concerning minutes for in camera meetings.
6. Contact Provincial representative to determine the rules and regulations regarding whether or not Middleton could be a member of the Kings County RDA.

There being no further business, it was **moved by Brown, seconded by Smith that the Council adjourn at 9:35 p.m. The motion was carried.**

MAYOR

SECRETARY