

A regular monthly meeting of Middleton Town Council was held at the Town Hall on Tuesday, April 6, 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, Melinda den Haan, and Marc Britney; Chief Administrative Officer, Clayton MacMurtry; and Director of Finance, Marianne Daine.

Town Solicitor Bruce Gillis arrived at 7:00 p.m. and left the meeting at 7:35 p.m.

PROCLAMATIONS

.01 Provincial Volunteer Week

Mayor Eddy declared the week of April 18th to 24th, 2010 Provincial Volunteer Week in the Town of Middleton. The Mayor advised that Elizabeth Spinney is this year's volunteer and commented on the valuable contributions volunteers make to communities.

10.04.01 CHANGES TO THE AGENDA

CAO MacMurtry advised that there is one addition to the agenda:

Information/Discussion Items

.03 Request from Anglican Church

10.04.02 MINUTES

It was **moved by Britney, seconded by Boates that the minutes of the regular Council meeting of March 1, 2010 be approved as circulated. The motion was carried.**

10.04.03 PRESENTATIONS BY PUBLIC (If Any)

There were no presentations made to the Council at this meeting.

10.04.04 BUSINESS ARISING FROM THE MINUTES

Mayor Eddy referenced the meeting of March 1, 2010, noting that Councillor Britney advised that he feels the Town needs a better process to review and grant or deny applications for funding submitted to the Town. The Mayor noted that he circulated the grant application used by the Town's Recreation Department for Council's information and requested that the process of grant applications be put on the April 19th Committee of the Whole agenda for discussion.

Mayor Eddy requested that the Solicitor's report be moved to this point in the meeting and that the in camera item, .10 Land Purchase Offer (In Camera, Land Acquisition/Legal Advice), also be dealt with at this time.

10.04.06 REPORTS

.04 Solicitor

It was **moved by Brown, seconded by Smith that the Council adjourn to in camera at 7:05 p.m. to obtain legal advice from the Solicitor on a land acquisition item. The motion was carried.**

Mayor Eddy declared a conflict of interest on this item and Deputy Mayor Errington assumed the Chair.

It was **moved by Boates, seconded by Brown that the Council return to regular session at 7:30 p.m. The motion was carried.**

Mayor Eddy resumed the Chair.

The Solicitor advised that the paperwork for the land sale to Bell Aliant in the Town's Industrial Park has been completed and the deed should be received shortly.

10.04.05 NEW BUSINESS

ACTION ITEMS

.01 Community Garden Request

CAO MacMurtry advised that the Town received a request for permission to develop a community garden on Town-owned property adjacent to the Pool and Rink. The CAO noted that he has checked the zoning with the Planning Commission and this is a permitted use. He also advised that he has consulted with the Facilities Manager and, for a minimum cost, a temporary water supply could be provided from the Town Pool, since there are no fire hydrants near the area. The CAO noted that lighting could be supplied from a pole close to the site, again at a minimum cost, and also that it has been determined that signage would not be required for this year.

Referencing the water supply being provided by the Pool, the Director of Finance advised that this would mean the Pool would be billed and suggested that a separate meter be installed for the garden.

On question from Councillor Britney, the CAO advised that the costs involved would be connect and disconnect fees, the base charge, and a charge for each cubic meter of water used.

The CAO explained that an amount of \$500 would be put in the budget to cover the costs of water and power for this year and, if this was not approved by Council, the Garden Committee would then be responsible for these costs. The CAO also noted that the motion would be to grant permission for this land to be used for a community garden.

It was moved by den Haan, seconded by Boates that the Council approve to grant permission to the Middleton Community Garden Committee to use the Town property adjacent to the Pool and Rink for a community garden. The motion was carried.

.02 Appointment of Citizen-at-large Representative – Valley Regional Housing Authority

It was moved by Smith, seconded by Errington that, on recommendation from the Committee of the Whole, the Council recommend the re-appointment of Frances Lourie, as the Town's citizen-at-large representative on the Valley Regional Housing Authority, to the Minister of Community Services. The motion was carried.

.03 Special Reserve Fund Borrowing – Sewer Video Camera

It was moved by den Haan, seconded by Britney that, on recommendation from the Committee of the Whole, the Council authorize the borrowing of \$10,394.59 from the Equipment Reserve Fund, with repayment over a five-year term, at an annual interest rate of 2.74%, to finance the purchase of a sewer video camera. The motion was carried.

.04 Patio Request – Capitol Lounge & Grill

It was moved by Boates, seconded by den Haan that, on recommendation from the Committee of the Whole, the Council grant permission to the owner of the Capitol Lounge & Grill to erect a non-permanent outdoor patio on the sidewalk in front of his establishment, subject to conditions put in place in 2003, which include proper maintenance of pedestrian sidewalk widths for the area and reserving the right of the Town to cancel the approval should problems persist for free passage of pedestrians, and that the patio be removed in its entirety, and any damage to the sidewalk repaired to the satisfaction of the Town, no later than October 19 yearly and, further, that this agreement will be automatically renewed on a yearly basis for a period of five years, or until ownership changes, at which time the new owner will be required to re-apply. The motion was carried.

.05 Approval of Additional Cost for Equipment Purchase – STP Project

The CAO circulated a memo to Council explaining that the recommendations on the equipment pre-purchase process for the Town's Sewage Treatment Plant Upgrade Project submitted by ABL Environmental Consultants Limited were approved by the Committee of the Whole at its June 29, 2009 meeting.

The memo advised that the recommendation pertaining to pumping equipment for the project stated that there could be a change in valve size, which would result in an increase in price, and the Engineer's have advised there is a valve size change and the additional cost is \$4,400.00.

It was moved by Errington, seconded by Britney that the Council approve an additional cost for equipment purchase for the Sewage Treatment Plant Project, of \$4,400.00, for a valve size change, as recommended by ABL Environmental Consultants Ltd. The motion was carried.

.06 Insurance Coverage Renewal

CAO MacMurtry advised that the renewal quote from AON Reed Stenhouse is \$41,051.00, an increase of 6.93% over last year's cost of \$38,389.00 for the package. He explained that the increase in the property portion of the premium is solely due to the 3% increase in values and the increase in the automobile premium is due to the addition of three vehicles.

It was moved by Brown, seconded by Smith that Council approve the one-year renewal of the Town's insurance package with AON Reed Stenhouse at a quoted premium of \$41,051.00. The motion was carried.

.07 Bills

It was moved by Boates, seconded by Britney that Council approve the payment of bills in the amount of \$421,132.33. The motion was carried.

.08 Membership Application – Middleton Fire Department

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

.09 Approval of Town Logo

CAO MacMurtry advised that Councillor den Haan and Deputy Mayor Errington have reviewed the Town's logo and their recommendations have been circulated to Council.

The CAO explained that there are a number of Town logos being used currently and the main purpose of the review is to ensure there is consistency, by having only one Town logo used whenever a logo is required.

There was some discussion on the use of the Town logo versus the Town seal and the possibility of amending the Town's Policy and Bylaw to more clearly define proper usage.

It was moved by Boates, seconded by Britney that the Council approve to adopt the logo as recommended by Councillor den Haan and Deputy Mayor Errington as the official logo of the Town of Middleton, to be used in conjunction with the Town's registered slogan *Heart of the Valley*®. The motion was carried.

.10 Land Purchase Offer (In Camera, Land Acquisition/Legal Advice)

This item was dealt with earlier in the meeting.

INFORMATION/DISCUSSION ITEMS.01 Ambassador Program

Councillor Britney advised that Council requested that he approach Jan Davis to determine her interest in taking on the responsibilities of Chair of the Ambassador Program for the Town. The Councillor advised that he and Mrs. Davis are currently investigating the various details, issues, and requirements involved with an Ambassador Program and, once these are sorted out, he will report back to Council.

.02 Idling Control Bylaw

CAO MacMurtry circulated a copy of the Town of Kentville's Idling Control Bylaw. The CAO explained that Kentville has a Bylaw Enforcement Officer, however, before any enforcement was undertaken, the Town carried out a public awareness program to educate the community.

The CAO advised that the Town of Middleton does not have a Bylaw Enforcement Officer, that the enforcement of the Town's bylaws is carried out by the RCMP.

The CAO suggested that perhaps a directive could be issued to the Public Works and Recreation Departments for anti-idling of Town vehicles, after consultation with these Departments.

There was discussion on putting a bylaw in place and having a problem with enforcement. It was also noted that this is an environmental issue, of which people are aware, however, most choose not to participate. It was the consensus of the Council that education is the key to participation and that perhaps Town staff should be encouraged to turn off vehicles whenever possible, to set a good example.

.03 Request from Anglican Church

CAO MacMurtry explained that the Anglican Church will be applying for a rezoning, from Recreational to Institutional, to accommodate the new church to be built on the land currently used by the Town as the West End Park. The CAO advised that he has received a request from a representative of the Church for the Town to waive the fees of \$1,400 for the rezoning, due to the fact that the Church is a non-profit organization.

The CAO advised that the Town of Middleton is one of three units represented by the Annapolis District Planning Commission and, as such, does not have the authority to arbitrarily waive fees.

The Director of Finance advised that the \$1,400 fee could be waived, however, approximately \$600 is for advertising costs and registration expense, which the Planning Commission would have to absorb, and the \$800 for the application fee would be lost revenue.

It was the consensus of the Council that the CAO bring this request to the Planning Commission meeting and obtain a decision from all members.

10.04.06 REPORTS.01 Committee of the Whole

All items from the Committee of the Whole meeting of March 15, 2010 have been dealt with earlier in the meeting.

.02 Mayor

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

.03 Managers

The Management reports have been circulated to all members of Council. Councillor den Haan requested an explanation of "Exercise Handshake", in the Regional Emergency Management

Coordinator's report. Councillor Brown advised he would contact Mr. McCoubrey for an explanation.

.04 Solicitor

The Solicitor's report was dealt with earlier in the meeting.

.05 Development Officer/Building Inspector/Fire Inspector

Copies of the reports for the month of March have been circulated to all Council members. There were no comments on the reports.

.06 RCMP

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

10.04.07 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.

10.04.08 ANYTHING BY MEMBERS

Councillor Britney questioned whether a program for fire extinguishers in homes, i.e. testing, refilling, etc., could be carried out by the Fire Department.

Councillor Brown advised that the Fire Department is not equipped to do this type of work and that Foster's Fire & Safety maintains and services its extinguishers.

Councillor den Haan advised that she has heard complaints about noise/disturbances at the Rotary Park and that the canteen building had been vandalized. The CAO noted he will request the Facilities Manager to check the building, to ensure it is secure.

Councillor Smith advised that there was a recent attempt to break in to his place of business and, when he phoned the Middleton RCMP phone number, his call was forwarded to the Bridgetown Detachment.

Mayor Eddy advised that he has, in the past, called the Middleton number and his call was answered elsewhere, however, there was a quick response to his concern.

Councillor Smith noted that he received calls from two people requesting handicapped parking on Commercial Street.

Mayor Eddy explained that this situation has arisen in the past, that the Traffic Authority, after investigation, refused to put handicapped parking spaces on Commercial Street due to safety issues, however, a number of handicapped parking spaces have been established, with signage and pavement markings, behind and beside a number of businesses in the downtown. The Mayor noted that this issue has gone before the Human Rights Commission, the Town has complied with all requests, and has received no further requests from the Commission.

On question from Councillor Britney, the CAO advised that he has contacted the Engineers concerning the low elevation of the lift station on North Street. The Engineers advised that the grades are correct for the pumps to work properly. The CAO suggested that two rows of brickwork be added to the building to give it the appearance of being level with the land.

After discussion on the issue, it was the consensus of the Council that the CAO inform the Engineers that, as they were aware the lift station was too low, they correct the situation at no cost to the Town.

Mayor Eddy reminded Council of the following dates:

April 9 – Grand Opening of Glacier Windows, Doors, and Kitchens in the Industrial Park;

April 21 – An event celebrating Tourism at the Macdonald Museum, 2:00 p.m.;
April 29 – A supper at the Baptist Church to raise money for the local Food Bank.

There being no further business, it was **moved by Britney, seconded by Brown that the Council adjourn at 8:30 p.m. The motion was carried.**

MAYOR

SECRETARY