

**COMMITTEE OF THE WHOLE**  
**MINUTES**  
**December 5, 2012**  
**6:00 pm**

**CALL TO ORDER:** The meeting was called to order at 6:00 pm by Mayor Tompkins.

**Present:** Mayor Tompkins, Deputy Mayor Power, Councillor Hudson, Councillor Mersereau, Councillor Paquette, CAO<sup>1</sup> St Amour, Administrative Assistant Monica Mills and Recording Secretary Dawn Bourke.

**Regrets:**

**APPROVAL OF COMMITTEE OF THE WHOLE MINUTES:** November 7, 2012

**Motion 1:**

It was moved by Councillor Hudson, seconded by Deputy Mayor Power that the minutes dated November 7, 2012 be approved as presented.

**Motion carried.**

Councillor Paquette inquired about new business item #2 Municipal Auditor General questioning how the Town is going to budget this item, annually or the full payment every fourth year. CAO St. Amour advised that this item should be brought forward for budget discussions.

**Recommendation 1:**

It was moved by Councillor Paquette, seconded by Councillor Hudson to recommend to Council that the Municipal Audit General expenditures be brought forward for consideration during budget discussions. **Motion carried.**

**ADDITIONS TO AGENDA**

- Speed Limits Lower Than 50 KM: Business Arising Item #2
- Request for Direction from Council Mandates for Two Committees: Business Arising Item #3
- Amendment to Policy on Meeting and Procedures and Presentations – Mayor Ex Officio on Committees with Voting Rights and Considered in Quorum: Additional Information for Item #8
- Home Hardware Offer to Host Outdoor Rink – additional information regarding the outdoor rink proposal for Item #9
- Annapolis Royal Historic Gardens Successful Assessment Appeal: New Business Item #10
- Request for Alteration to a Registered Heritage Building: New Business Item #11
- Open Governance: New Business Item #12

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<sup>1</sup> Chief Administrative Officer

- Retreat for Council: New Business Item #13
- Protocol for Workshops: New Business Item #14
- Towns' Procurement Policy: New Business Item #15
- Personnel Issue: In camera Item #4

**Discussion:**

- Councillor Mersereau inquired if there was information available for Council prior to the meet and greet with the County of Annapolis tomorrow. CAO St. Amour advised she has a package compiled for each Councillor.

**APPROVAL OF AGENDA**

**Motion 2:**

It was moved by Councillor Paquette, seconded by Councillor Hudson that the agenda dated December 5, 2012 be accepted as amended. **Motion carried.**

**PUBLIC HEARING**

None

**PRESENTATIONS**

None

**BUSINESS ARISING - COW**

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. (from Nov.19 2012 Council meeting) "Water Utilities" and "Taxes" current and outstanding as at October 31, 2012 (Handout)	CAO St. Amour and Council reviewed the aged receivables for water utilities and taxes current and outstanding as of October 31, 2012. Mayor Tompkins inquired regarding the payment arrangements for outstanding accounts and the protocol for such. CAO St. Amour advised that there is no established protocol for the collection of outstanding arrears adding that the accounting clerk collects outstanding accounts. She noted that some accounts receive monthly payments and some are outstanding. Mayor Tompkins advised that he would like outstanding arrear payments to		<b>Quarterly</b>

	<p>go towards decreasing the principal as the total amount will keep increasing otherwise, further noting if there is no payment plan in place the account should be forwarded to the DOF for action. Deputy Mayor Power suggested that there is a by-law whereby a certain amount of time must pass before a lien can be put on the property for outstanding arrears. CAO St. Amour advised that there is a lien on one of the properties presented in the report. Councillor Hudson advised that there is a section in the MGA<sup>2</sup> that refers to the process of payments for outstanding accounts and applying the payments towards interest first. Councillor Hudson inquired if the Town still uses a collection agency from Digby to collect outstanding accounts. CAO St. Amour advised that the Town does use a collection agency and further they charge a 20% fee. Councillor Mersereau reviewed the list provided and identified which tax bill accounts and water accounts had more than two bills in arrears in the last 90 days and inquired how the Town will collect this money, and whether or not there is a collection policy outlining the steps and procedure for defaulted bills.</p> <p><b>Recommendation 2:</b> It was moved by Councillor Paquette, seconded by Councillor Mersereau that it be recommended to Council to have the Town staff create a procedure for the collection of overdue accounts for both water and taxes. <b>Motion carried.</b></p> <p><b>Recommendation 3:</b> It was moved by Deputy Mayor Power, seconded by Councillor Paquette that it be recommended to Council that the aged receivables for both taxes and utilities be presented to council on a quarterly basis. <b>Motion Carried.</b></p>	<p>CAO &amp; DOF</p> <p>CAO &amp; DOF</p>	
<b>2. Speed Limits Lower</b>	Mayor Tompkins advised that the Traffic Flow Advisory		

<sup>2</sup> Municipal Government Act

<p><b>Than 50 KM</b></p>	<p>Committee will look at new non-emergency signs in Town. Mayor Tompkins noted that the Town has advisory signs up that are not enforceable and further suggested that these signs should be removed. Deputy Mayor Power suggested that if the signs are already installed they should stay whether they are enforceable or not. She added that Council could request that the Police Department issue a warning. Mayor Tompkins suggested that the Town put forth a proposal to the province regarding speed limits within Town because of such issues. Councillor Paquette advised that the Traffic Flow Advisory Committee would start with a clean slate if only enforceable signs were in Town. He added that the committee could make recommendations as they choose. Deputy Mayor Power advised that people respect the signs. Mayor Tompkins noted that St. Anthony street has many crosswalk signs and he believes that this is making a difference to the speed. Councillor Mersereau suggested that now that the signs are there he is satisfied to leave them until the committee addresses the issue; but is not in favour of putting up more signage. Deputy Mayor Power noted that the Town of Annapolis Royal is not like any other town in the Valley as there is a whole downtown section that is not affected by traffic going through to Halifax and should be able to set up its own speed limits. Mayor Tompkins noted that the question of enforcement is up to the court. CAO St. Amour advised that the province does currently have a Road Advisory Committee that is looking into the matter of whether lowering speed limits makes a difference.</p> <p><b>Recommendation 4:</b> It was moved by Councillor Paquette that it be recommended to Council that the unenforceable signs be removed. There was no seconder to the motion therefore the <b>motion was defeated.</b></p>		
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<p>3. Request for Direction from Council Mandates for Two Committees</p>	<p>CAO St. Amour presented reports for both the newly created Marketing and Economic Development Committee and the Traffic Flow Advisory Committee and further requested direction from Council for the requirements for the mandate and memberships</p> <p>Mayor Tompkins suggested starting with the Traffic Flow Advisory Committee.</p> <p>Councillor Mersereau advised that the report as presented was acceptable to him. Deputy Mayor Power and Councillor Hudson agreed. Mayor Tompkins suggested that the mandate will have to be an evolving mandate.</p> <p>Considerable discussion was held regarding the membership of the Traffic Flow Advisory Committee. Mayor Tompkins suggested that the membership include – 1 Town resident south of Hwy 1 and 1 Town resident north of Hwy 1. Councillor Paquette advised that would make a committee of 9 members comprised of: 2 business people, 2 town representatives, 2 councillors, the Chief of Police, the Superintendent of Public Works and the Mayor as ex-officio. Councillor Paquette inquired about accessing an expert if the committee requires such.</p> <p>Mayor Tompkins advised that the mandate of the Marketing and Economic Development Committee is to market the Town as a “better place to live”; to promote all aspects of the Town. He also advised that there are economic development options such as increasing population, promoting commercial opportunities and land development and working with all organizations to promote the Town.</p> <p>Councillor Mersereau stated that his main concern regarding</p>	<p>CAO</p>	

	<p>the mandate, from initial discussions, was that more emphasis would be placed on strategic planning rather than tactical. Mayor Tompkins stated that this committee is not going to run events. Councillor Paquette noted that this Committee is going to require financing. Mayor Tompkins suggested that the Committee make proposals to Council regarding their projects and budget. Mayor Tompkins noted that the tourist bureau, the wharf, the Historic Gardens and King's Theatre are some of the economic items within this town. Deputy Mayor Power inquired as to how this Committee would work in conjunction with ADEDA<sup>3</sup>. Mayor Tompkins advised that the committee would operate separately as it is directly related to the Town. Councillor Paquette clarified that these are ideas from the Town for the Town by the Town. Mayor Tompkins advised that the Natal Day Celebration, for example, is the Town's celebration, and further that there is no Council involvement. He added that Town staff does what they can; he further added that the Christmas tree lighting is planned by other organizations.</p> <p>CAO St. Amour clarified that the committee would provide strategic planning but not event coordination.</p> <p>Council agreed that the membership for the Marketing &amp; the Economic Development Committee be comprised of 2 councillors, 2 business representatives, 2 residents and an ex-officio.</p>		
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<sup>3</sup> Annapolis Digby Economic Development Agency

**NEW BUSINESS - COW**

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. King's Theatre request for Council Member Appointment to King's Theatre Board (Tab 1)	Councillor Mersereau noted that it was a great letter from Chair of the Board of Directors and recommended that Council should respond in kind but suggested that Council should decline the offer. Mayor Tompkins advised that he would be willing to have a personal meeting with the Chairman of the Board. Mayor Tompkins noted that the letter discussed funding and direct access to Council and further advised that this will not be the case as an avenue is available to address marketing and economic issues. Councillor Mersereau suggested that Council extend an invitation to them occasionally to attend Council meetings. Councillor Paquette advised that the Board also are concerned about the maintenance of the property. Councillor Paquette suggested that a member of Council sit on the property committee as the Town owns the property and should be aware of capital improvements. Councillor Mersereau advised that there is a 10-year lease with the society that states implicitly whose responsibility is what. Mayor Tompkins noted that if a Councillor sat on the Board they would still need to report to Council for decision making.		
2. Pixie Dust Funds and Expenditure Potential (Tab 2)	CAO St. Amour advised that the donors of the Pixie Dust Funds preferred to remain anonymous. Mayor Tompkins noted that he has concerns with the direction of spending. He noted that if the donors want to earmark funds for improvements in town then it should be at the Town's discretion as long as it meets their criteria. Mayor Tompkins advised that he does not like the perception that the Council is being governed by someone else. CAO St. Amour advised that the understanding is that the people	CAO	

	<p>providing the funds did so for beautification of the Town. A list of projects was compiled by the former CAO, Superintendent of Public Works and the donors. Deputy Mayor Power suggested that the donors should be given the courtesy of being involved in the selection of projects, as they are projects suggested by the Town. Councillor Mersereau suggested that if someone wants to give the Town money they should be allowed to make a designated donation. Councillor Hudson noted that the list that was presented was made up by public works, the CAO and the donors. CAO St. Amour suggested that she can confirm the process; work with staff and the donors for ideas.</p>		
<p>3. Invitation to attend Recreation Conference (Tab 3)</p>	<p>Mayor Tompkins requested more details on the conference. CAO St. Amour advised that the conference is for municipal leaders so they can see what MPAL<sup>4</sup> is about, including new partnerships among municipalities and active recreation programs. Councillor Mersereau advised that he thinks recreation is important. He noted that he would like to review an agenda, he added that the Town should be represented. Councillor Hudson suggested that Accounting Clerk Millett-Campbell should attend the conference.</p> <p>Mayor Tompkins stated that the MPAL Leader Southcote would be attending the conference and questioned whether it was necessary to send another staff member. Considerable discussion was held regarding who should attend the conference.</p> <p>CAO St. Amour reminded Council that staff related matters fall under her jurisdiction and confirmed that Councillor Hudson stated he planned to attend the conference.</p>		

<sup>4</sup> Municipal Physical Activity Leader



4. Invitation to Nominate – 2013 Paul Yuzyk Award for Multiculturalism (Tab 4)	Council reviewed the invitation.		
5. Proclamation Alzheimer Society (Tab 5)	<p>Mayor Tompkins advised that Council does not make proclamations. CAO St. Amour advised that the Town has a policy for proclamations and referred to the policy. Councillor Mersereau advised that the policy refers to standing proclamations.</p> <p>Mayor Tompkins stated that the Council should follow the existing policy therefore declining the proclamation.</p>		
6. Letter from Valley Health Revitalization Campaign Chair – request to make presentation in 2013 (Tab 6)	Mayor Tompkins inquired if Council has any issues with the request to make a presentation in 2013. Councillor Mersereau suggested that it would be valuable to have a presentation from Valley Health.	CAO	2013
7. Council, Staff & Guests Christmas Dinner	CAO St. Amour suggested that it would be nice to have a staff and council Christmas dinner. She presented three quotes for their review and suggested December 17, 2012 at 4:30 pm. She noted that each person would be responsible for the cost of their meal. It was agreed by Council that Christmas dinner at Vicki's is a good idea and further members will contact the Administrative Assistant with attendance details.	AA	
8. Discussion Amendment to "Policy on Meetings and Procedures and Presentations"	<p>Council discussed the following amendment, "Mayor as Ex-officio on Committee with Voting Right and Quorum". Councillor Mersereau questioned whether the Mayor's schedule would permit regular attendance at committee and board meetings. He added would regular attendance be a requirement to exercise voting privileges.</p> <p>Mayor Tompkins advised that he is ex-officio to all</p>		

	<p>committees unless he is appointed as a member and that some committees he attends as ex-officio he cannot vote. Mayor Tompkins advised that if he is going to a part of a committee discussion he wants to be able to vote.</p> <p>Councillor Paquette questioned if the ex officio position would count for quorum. CAO St. Amour advised that the Mayor is entitled to vote, make motions and be a part of quorum if Council approves a change in policy.</p> <p><b>Recommendation 5:</b> It was moved by Councillor Paquette seconded by Councillor Hudson that the Committee of the Whole recommend that Council approve an amendment to the Policy on Meetings and Procedures and Presentations under the section titled Standing, Special and Advisory committees by adding “Section 70 e) Where the Mayor is ex officio to any committee of council, and the Mayor attends the committee meeting, the Mayor is entitled to vote, to make motions, and be considered in the number of members required to reach quorum. <b>Motion Carried</b></p>		
9. Home Hardware Offer to Host Outdoor Rink	<p>Mayor Tompkins advised that he had received a phone call from Home Hardware offering the use of their fenced in property for an outdoor rink. CAO St. Amour advised that she spoke with MPAL Southcote. MPAL Southcote noted that the Home Hardware site was the better of the two options that she had. She added that she has already raised \$470.00 towards rinks cost and has hired someone to look after the rink. Councillor Paquette suggested that there would be more visibility in the Home Hardware location, which would bring in more people.</p> <p><b>Recommendation 6:</b> It was moved by Councillor Hudson, seconded by Councillor Paquette that the Committee of the Whole recommend to Council that MPAL Southcote proceed with</p>		

	<p>the arena at Home Hardware. <b>Motion carried.</b></p> <p><b>Motion 3:</b> It was moved by Councillor Mersereau, seconded by Councillor Hudson to recess at 7:53 p.m. <b>Motion carried.</b></p> <p>Mayor Tompkins reconvened the meeting at 8:00 pm</p>		
10. Annapolis Royal Historic Gardens Successful Assessment Appeal:	<p>CAO St. Amour advised that the Annapolis Royal Historic Gardens were successful in their appeal. CAO St. Amour advised that DOF Robinson put together the information regarding the taxation for 2011 &amp; 2012 taking into consideration the revised assessment noting the end result was a credit of \$2,236.00 to the Historic Gardens.</p> <p>Councillor Mersereau advised that the Gardens have 5 tax accounts as they have 5 different properties Councillor Mersereau stated that it had become apparent some assessment errors had occurred by PVSC<sup>5</sup>.</p>		
11. Request for Alteration to a Registered Heritage Building	<p>CAO St. Amour presented the request for an alteration to a registered heritage building. Council reviewed the request.</p> <p><b>Recommendation 7:</b> It was moved by Councillor Mersereau, seconded by Councillor Hudson that it be recommended that Council approve the application to install vinyl inserts on the second floor at 314 St. George Street with the following condition: the inserts be the same size, shape and configuration of panes and dividers as the existing windows. <b>Motion carried.</b></p>		
12. Open Governance	Councillor Paquette stated that it is important that town residents have access to council; further noting that the mayor is available for 2 hours every Thursday evenings at the Town Office.	Councillor Paquette & CAO	

<sup>5</sup> Property Valuation Services Corporation

	<p>Councillor Paquette advised that at the Truro conference discussion was held regarding the provision of a 10 minute window at the beginning of council meetings where ratepayers would have an opportunity to speak for a 1 minute timeslot about an agenda item that has been placed before Council that the ratepayer would like Council to deliberate and consider.</p> <p>Councillor Paquette suggested this information, if approved, could be placed on the Town website homepage; as well as the current agenda.</p> <p>Councillor Paquette further noted if we were to do this it would be important that the minutes of the previous Committee of the Whole meeting be posted so the residents would have an opportunity to review the minutes and discussions. Councillor Paquette suggested that the minutes of the Committee of the Whole Meeting could be available within 72 hours of the meeting, and also the council minutes. Councillor Paquette further suggested that all motions that are discussed should be printed in the Town Crier as there is a 37% illiteracy rate in province and then a even greater percentage are not using electronics. Councillor Paquette noted that this is his view of open governance.</p> <p>Mayor Tompkins inquired of Administrative Assistant Mills the length of time required to complete minutes. Administrative Assistant Mills advised that it does not take her a long time, she added that the turnaround time for minutes was not dependent solely on her. She stated that after she had completed the draft minutes, they then go to the CAO for review and then they go to the Mayor for his review. Administrative Assistant Mills suggested that</p>		
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	<p>Council be lenient with Recording Secretary Bourke as she has just started. Mayor Tompkins suggested that within 5 days of meetings it would be appropriate to have the minutes completed and clearly marked as draft on website.</p> <p>CAO St. Amour agreed that posting both the Committee of the Whole and Council agendas can be accomplished. CAO St. Amour advised that there are some concerns about posting unapproved minutes. Mayor Tompkins advised that the minutes can be posted with a watermark that states “draft”. CAO St. Amour requested clarification regarding what motions should be posted. Councillor Paquette suggested that only the motions of council be posted disregarding the recess motions, call to order motions and other housekeeping motions.</p> <p>Mayor Tompkins suggested that only the motions be posted with either motion carried or defeated; no names unless specifically listed and requested.</p> <p>Deputy Mayor Power inquired if Council will be accepting comments from the public by presentation in person; and would an appointment be required in order to place them on the agenda. Councillor Paquette replied in the affirmative.</p> <p>Councillor Mersereau advised that he would appreciate a draft of the proposal that Councillor Paquette had presented as there are many items that were discussed. Mayor Tompkins suggested that the posting of the agenda be removed from the proposal as it could be posted on the Town website.</p> <p>CAO St. Amour requested further direction regarding posting the agenda on website; further noting the addendums may not get posted. Administrative Assistant</p>		
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	Mills clarified that the only matter approved by Council was the posting of the agenda on the website. It was agreed by the Committee of the Whole that the agenda be placed on the website and that a draft proposal regarding Councillor Paquette's proposal for Open Governance be brought forward to Council for further discussion.		
13. Retreat for Council	<p>Councillor Paquette advised that there was a concept that Town Councillors were not allowed to talk to each other regarding town matters without being at the Council table. Councillor Paquette noted that at the Truro conference, discussion was held regarding informal meetings, which are permitted provided that no minutes, motions or decisions are allowed.</p> <p>Councillor Paquette noted that when dealing with a review of strategic planning that this may be an appropriate approach. Mayor Tompkins suggested that a retreat should be held quarterly. Councillor Mersereau suggested that a brain storming session to begin strategic planning would be beneficial. Mayor Tompkins suggested that it would be appropriate to have a retreat around budget time and suggested January or February. Councillor Paquette agreed that early January would be ideal. Councillor Mersereau advised that he is in favour of the idea and supports it. Deputy Mayor Power advised that the municipal advisor said retreats are permitted.</p> <p>Discussion was held regarding where and when the first retreat will be held and it was agreed to look at January 12, 2013 from 10:00 am to 2 pm in the Council Chambers.</p> <p>Mayor Tompkins will confirm with CAO St. Amour his availability.</p>		<b>Quarterly</b>
14. Protocol & Workshops	Councillor Paquette inquired what the process is for Councillors who want to attend conferences. CAO St. Amour advised that there is no formal policy. She added		

	that a conversation with the CAO and Mayor is appropriate. She noted that it does not require Council approval. Deputy Mayor Power suggested that Council should be aware of who would like to attend.		
15. Procurement Policy	Councillor Paquette advised that procurement policies were discussed during the Truro meeting and further inquired what the Town policy is as he does not believe the least expensive option is the way to go referring to the road pavement project. CAO St. Amour advised that procurement and tenders are separate policies. She added that she would provide Council with copies of the policy for their review.		

#### **GENERAL / CORRESPONDENCE (FOR INFORMATION ONLY)**

1. Letter from PVSC<sup>6</sup> - Phase out of Business Occupancy Assessments: for information (Tab 7)  
Councillor Merserereau advised that the letter confirms the Business Occupancy Assessments end March 31/2013.
2. Response from Office of the Prime Minister re: Parks Canada Cuts: for information (Tab 8)
3. Letter from PVSC re: Delivery of Service and Future Plans: for information (Tab 9)

#### **GENERAL DISCUSSION**

##### **Motion 4:**

It was moved by Councillor Hudson, seconded by Deputy Mayor Power to move in camera at 8:56 pm.

**Motion carried.**

#### **IN CAMERA**

1. Subject: Water Utility Arrears reason: (f) Litigation or potential litigation
2. Subject: Negotiations reason: (d) Labour Relations
3. Subject: ARPD<sup>7</sup> reason: (d) Labour Relations

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<sup>6</sup> Property Valuation Services Corporation

4. Subject: Personnel Matter

**Motion 5:**

It was moved by Councillor Hudson, seconded by Deputy Mayor Power that the meeting come out of camera at 10:11 pm.  
Motion carried.

**NEXT MEETING:** January 9, 2012

**ADJOURNMENT**

**Motion 6:**

It was moved by Councillor Hudson, seconded by Deputy Mayor Power that the meeting be adjourned at 10:12 pm.  
Motion carried.

<i><b>Action:</b></i>	<i><b>Date:</b></i>	<i><b>Signature:</b></i>
Reviewed by CAO		
Changes made by Administrative Assistant		
Approved by Mayor Tompkins		
Approved for website by CAO		
Sent to webmaster		

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<sup>7</sup> Annapolis Royal Police Department