

COMMITTEE OF THE WHOLE
MINUTES
January 5, 2011
9:00am

CALL TO ORDER: Mayor Phil Roberts called the meeting to order at 9:00 am.

Present: Mayor Phil Roberts, Deputy Mayor Doug Shaffner, Councillors Kathie Fearon, Holger Mueller-Sparenberg, Pat Power, Sherman Hudson, CAO Amery Boyer, Director of Finance Melony Robinson, Monica Mills as recording secretary, Jim McGinis, Byron Mersereau, John Kinsella, Holly Sanford, Phil Woods, Angela Chartier, Paul Stackhouse, Paul Paquette, Grant Slinn, Paula Buxton, Wayne Lynch, Jean and Don Allen, Carole Milligan, Pat Redgrave, Wayne Smith, Peter Zavitz, Val Stackhouse, Alma Smith, Ted Ashdown, Susan Ashdown, Cindy Wilson, Wayne Morgan, Jerri Costa, Ray Mackie, Deb Kuzak, Lyla Bartlett, Kathy Dudka and Mrs.E.Guest, Brenda and Lorne Keene, Madeline Akin, Paul Stackhouse, Carole Milligan, Ted and Sue Ashdown.

Regrets:

APPROVAL OF COMMITTEE OF THE WHOLE MINUTES: Moved by Councillor Pat Power that the Committee of the Whole Minutes from December 8, 2010 be approved with the following amendments:

- Business Arising- page 3, item 4- it should be noted that the parking infraction tickets would be implemented upon legal approval from the Yarmouth Court Administrator.

- New Business- page 5, item 8- should read, "DOF Robinson reported that Mrs. Gina Potter had agreed that the playground should be renamed in honour of her late husband, Grant Potter."

-New Business- page 6, item 9- " Council had arranged a meeting to address the concerns of businesses in Annapolis Royal and there hadn't been any attendees" should be amended to read "...there were three businesses represented."

Seconded by Deputy Mayor Doug Shaffner. Motion carried

ADDITION TO AGENDA:

- One in camera item.

APPROVAL OF AGENDA: Moved by Councillor Sherman Hudson, seconded by Councillor Holger Mueller-Sparenberg, that the agenda for January 5, 2011 be approved with the addition. Motion carried.

PUBLIC HEARING: N/A

PRESENTATIONS: 9:05am Presentation by Paul Paquette and Paul Stackhouse on behalf of CCAR¹.

Paul Stackhouse began the presentation by explaining that CCAR arose from a need to have a forum where concerned citizens could voice concerns, opinions and have an opportunity to have an open dialogue regarding their concerns. The founding group included: Paula Buxton, Rion Microys, John Kinsella, Wayne Smith, Paul Paquette, Carol Milligan, Paul Stackhouse, Val Stackhouse, Pat Redgrave and Brian Power-Grimm. A discussion document was developed and circulated through the Town via door to door delivery and sent electronically. An open house was held by CCAR on December 6, 2010 with approximately seventy attendees. The information gathered at the meeting was compiled as a report which was presented to the Committee of the Whole. The information was categorized into three main concerns:

1. That the current Council and Administration are not demonstrating fiscal responsibility and do not have a realistic plan to ensure future sustainability for the Town.
2. That Council and Administration are seriously disconnected from residential and business taxpayers when making decisions.
3. That community spirit within the Town is suffering because of inappropriate decision-making, especially related to fiscal matters, on the part of Council and Administration and frustration because the community was not being listened to. Paul Stackhouse gave the floor to Paul Paquette, who raised concerns about the meeting not being electronically recorded. He was informed by Mayor Roberts that there was a recording secretary and no policy was in place that stated that the meeting had to be recorded on a voice recorder.

Paul Paquette presented some highlights from consultations with the community members that CCAR spoke with. He detailed three main themes:

1. Leadership and Governance: Mr. Paquette reported that taxpayers felt that "there was a lack of engagement and responsiveness of the Mayor and Council to the real needs and concerns of residents and businesses" and that there were many concerns that the Mayor and Council deferred too many issues to Administration giving the impression that Administration was "calling the shots". There is also some concern regarding the "lack of transparency in Town Hall". Mr. Paquette stated that taxpayers had concerns regarding the lack of a clear plan for the future of the Town. It was recommended that a new strategic plan that is linked to the budget and contain clear roles for the Mayor, Council and staff should be developed.
2. Fiscal Responsibility: Mr. Paquette reported that there was concern from taxpayers that there were too many people employed at Town Hall and the Public Works. He also mentioned that "more clarity and transparency" were necessary in the budget, as some felt the budget was difficult to understand. There is also a need to reduce the tax burden. Mr. Paquette reported that the Town of Annapolis Royal had to stop shopping for grants and reduce discretionary spending. He also stated that the Town's strategic plan should dictate which grants should be used and that the Town needed to get a better handle on where funds were being spent.
3. Ensuring Success of the Business Sector: Mr. Paquette stated that the Town should do more when businesses have problems and that new business should be supported by incentives and lowering taxes. The Town should work closely with outside agencies with a spirit of cooperation not entitlement. Paquette then gave the floor to Paul Stackhouse.

Paul Stackhouse stated that he has much experience in business and presented the following two sets of actions, divided into immediate and short term categories, based on the information that CCAR gathered:

Immediate Action:

1. The budget needs to be reformatted with more graphics for clarification and a detailed list of discretionary spending should be provided.

¹ Concerned Citizens of Annapolis Royal

2. The budget should be a zero-based budget to curb spending
3. The discretionary spending should be lowered so that Council can monitor spending.

Short Term Action:

1. Council needs to refresh its understanding of its governance roles and responsibilities.
2. A new clear strategic plan needs to be developed
3. Council must cooperate with ADEDA and the business community to attract and retain business.
4. The Mayor and Council must begin to communicate more effectively with taxpayers and residents. Using a Town Meeting format, these meetings should be held quarterly to keep the public informed and provide an opportunity for the public to express opinions and ask questions.

In conclusion, Paul Stackhouse stated that the hope of this presentation is to get Council to recognize that people are very concerned with future of our town and that CCAR wants feedback in response to the suggested actions no later than Jan 19, 2011.

Mayor Roberts thanked CCAR for the presentation and stated that Council was always receptive to suggestions. He stated that all Committee of the Whole and Council meetings are open to the public and are announced both on the website and in the monthly newsletter. Also the public are encouraged to attend the meetings and they are encouraged to speak or to write to Town Hall with any concerns that they have. These concerns would then be addressed in the meetings. Mayor Roberts thanked the presenters a second time and opened the floor to comments.

Councillor Power asked if all of Mr. Paquette's comments were included in the package. Mr. Paquette answered in the affirmative. Councillor Mueller-Sparenberg stated that he would comment after he had had an opportunity to read the package.

After the presentation, everyone but Wayne Smith, Paul Paquette, Peter Zavitz, Val Stackhouse and Alma Smith left.

BUSINESS ARISING - COW

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. Budget Version 2 (Tab 1)	DOF Robinson presented her notes and requested direction on the low-flow toilet rebate. Mayor Roberts stated that the Environment Committee suggested twenty dollars. Councillor Fearon stated that that was too much money. Councillor Mueller-	Council	

	<p>Sparenberg stated that the biggest incentive was minimizing the environmental impact of regular flow toilets and prolonging the life of our sewage facility. Councillor Hudson agreed. Mayor Roberts suggested eliminating the rebate.</p> <p>Councillor Mueller-Sparenberg requested that the wording for line 01-22132 of the budget be changed to Police Department Administrative Assistant to avoid confusion.</p> <p>CAO Boyer reported that Fire Department grant seems fine; however, there is pressure to create a part-time position at the fire hall. CAO Boyer reported that it is happening in other jurisdictions. The County is currently waiting for the completion of a strategic plan for all eleven fire departments in the County. Due to the constant need for training upgrades, it may be beneficial to have a combined function with the County and other municipal units.</p> <p>The matter of recreation was also a concern, since there is no recreation director. Currently, Town staff has been doing the necessary work but many activities such as the outdoor rink aren't happening. Options are being explored such as partnering with the County.</p> <p>DOF Robinson reported that Natal Day expenses have been kept at a flat rate, going down by \$1000.00 in 2012 but returning to the norm, \$6500.00 in 2013, as this is one of the most important days of the year to the Town.</p> <p>Mayor opened the floor to the public for their opinions. Peter Zavitz questioned the \$80,000 for the NSPI appeal, line 01-21150 of the budget, Mayor Roberts explained that some of that money had already been spent, that approximately \$45,000 is left. Zavitz stated that this could be minimized if, rather than using a lawyer in the NSPI appeal process, Town staff handled it themselves.</p>		
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	<p>Mayor Roberts stated that no one on staff or on Council had the expertise to handle the situation, since this is the only Tidal Power Station in North America. The PVSC² stated that the tidal power station was of much less value and the appeal is to get PVSC to explain their rationale. Zavitz reiterated that rather than getting a lawyer to do research, Town staff should handle it. Mayor Roberts explained that only a qualified expert would be permitted to present to the Utility and Review Board.</p> <p>Alma Smith questioned the need to budget \$6500.00 for Natal day because when she was Natal Day treasurer they received the money for the celebration from donations. Councillor Hudson stated that the local businesses gathered money from the community. Val Stackhouse added that the businesses still do that but questioned where the money is being spent? DOF Robinson stated that \$5000.00 of the budget was for fireworks. Alma Smith suggested either dropping fireworks or raising money voluntarily. Val Stackhouse suggested approaching the County and asking them to contribute. Mayor Roberts stated that he was meeting with the County on January 6, 2011 and would raise the issue with them. Paul Paquette stated that Natal Day is the most important day of the year for the Town. Councillor Mueller-Sparenberg agreed adding that a lot of visitors come to the Town and spend money. Carole Milligan said that actually the businesses didn't make much more money because they were closed. Councillor Mueller-Sparenberg stated that the fact that businesses were closed at such an opportune time was an issue that the businesses should address and that perhaps it would be a good idea to remain open and take advantage of the Natal Day visitors. Councillor Fearon questioned whether the Town should stop having the fireworks. Carole Milligan said that she didn't think they should.</p>		
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² Property Valuation Services

DOF Robinson indicated that in this draft budget, no money would be spent on marketing after, April 2012. Val Stackhouse requested a detailed report explaining where the marketing money was spent. Mayor Roberts requested the report from DOF Robinson. Councillor Power stated that there was a general consensus from Council and staff that more should be done to help businesses, using the allocated marketing money for community development. Councillor Power also suggested working with the Board of Trade and businesses directly. Councillor Mueller-Sparenberg suggested that it be used for special occasions, events and group activities. Mr. Paquette disagreed with Councillor Mueller-Sparenberg, stating that a plan of where the money was to be spent had to be developed; it shouldn't be held in reserve for whoever asks for it.

The budget for Christmas has increased due to need to replace decorations each year. Councillor Power stated that the banners looked good and added to the streetscape.

Councillor Power also stated that the elimination of the Welcome Wagon was not a good idea. Councillor Fearon stated that it is only \$300.00 annually but it all adds up. Mayor Roberts suggested that the Board of Trade could run it, as it is a great opportunity to introduce newcomers to the Town's businesses. Councillor Mueller-Sparenberg agreed that the business community should be involved, perhaps developing a coupon booklet.

In regards to the Capital Reserve, DOF Robinson stated that the numbers could be adjusted. CAO Boyer suggested that this should only be considered after the province announces its cuts to municipal funding.

Mayor Roberts stated that it is fairly early to have a completed

	budget for next year and that this draft budget gives a general idea of where the Town could go..		
2. Revised Fire-arms By-law (Tab 2)	Having reviewed the Board of Police Commission's comments on the by-law, Mayor Roberts stated that he would like to discuss this by-law in depth with Chief Burt MacNeil prior to any decision. Mayor Roberts invited Chair of the Board of Police Commissioners, Jim McGinis to give his opinion. Jim McGinis recommended consulting with Chief Fire-Arms Officer Maarten Kramer and to consider his input. The by-law was tabled pending more research.	Council	
3. Purchase of one new fireproof cabinet	Committee of the Whole approved the purchase of one fireproof cabinet at a cost of \$1,748.00 from this year's operating budget. The cabinet will be used to protect Council, COW and PHAC minutes that were formerly stored in the basement at Town Hall. No motion needed.	Council	
4. Flag Flying Policy (Tab 6)	This item comes from the July 7, 2010 Committee of the Whole meeting. CAO Boyer noted that potential changes were in bold print. Councillor Fearon suggested that perhaps that number 3 of the Policy Statement be changed to "flying the flag at half-mast for a maximum time" as some memorial services take place six months after the death. Mayor Roberts and Councillor Hudson agreed, suggesting one week following the death of the individual. Councillor Power suggested changing the wording from "will" to "may" in policy statements number 3, 4 and 5. Mayor Roberts stated that the following dates should be added to the policy: April 23, St.George flag July 15, Flag of France	Council	

	<p>August 15, Acadian flag. September 15, Nova Scotia flag</p> <p>Motion 1: It was moved by Councillor Fearon, seconded by Councillor Power that the amended Flag Flying Policy be approved by Council. Motion carried</p>		
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NEW BUSINESS - COW

ITEM	DECISION / ACTION	RESPONSIBILITY	TARGET DATE
1. Uniform Assessment (Tab 3)	For information; the corrections have been forwarded to the Province by CAO Boyer. CAO Boyer stated that comments from Mike Fearon have also been forwarded to Service Nova Scotia Municipal Services Division. The errors that Mike Fearon noted were rounding errors. Mayor Roberts asked if this was indicative of a drop in Uniform Assessments. DOF Robinson replied in the affirmative, adding that was the reason that there was a reduction in the School Board and ADPC line items in the budget. Councillor Power asked if there was a deadline. CAO Boyer replied that it is sixty days from December 15, 2010.		
2. Urban Forestry Projects (Tab 4)	These projects are being proposed by Angelika Waldow in preparation for hosting the Canadian Urban Forestry Conference in 2012. TD Friends of the Environment had previously expressed an interest in working with the Town on another green initiative (they were this year's sponsors for the Green Streets program). Mayor Roberts asked what action was required. CAO Boyer stated that it is for	Council	

	<p>information purposes only, as Angelika Waldow had secured funding from GreenStreets (\$15,000) and could now approach TD Friends of the Environment and the Wal-Mart Fund. DOF Robinson questioned if the GreenStreets Grant had to be spent prior to April 1, 2011. CAO Boyer replied in the affirmative adding that Angelika Waldow would be placing many of her orders in March. Deputy Mayor Shaffner asked about the proposed nursery and the funding for the venture. CAO Boyer explained that the nursery would be funded externally and located by the Legion subject to its approval. She also added that there was the possibility of it being taken over by the Community Centre with some assistance from some other body. Councillor Power queried about the possibility of hosting the Urban Forestry Conference and whether Council must approve the application for the conference. CAO Boyer replied in the negative indicating that we would have to bid for the conference.</p>		
3. Listings on Town Website	<p>In July, Council introduced a new fee for listing out-of-town businesses in the Town's catchment area on the website. This fee would come into effect April 1, 2011. CAO Boyer queried whether Council wished to move forward with charging the fee. Mayor Roberts replied in the affirmative, adding that it was a matter of fairness to local businesses. DOF Robinson stated that the expected total revenue generated would be approximately \$800.00 in miscellaneous revenue.</p>		
4. Topics for discussion with the Province (Tab 10)	<p>CAO Boyer presented some suggested topics for future meetings with the province. Mayor Roberts mentioned that the meeting would be with Stephen Feist, the Municipal Advisor, in Annapolis Royal, as opposed to Halifax.</p>	Council	

	<p>Mayor Roberts mentioned that one item that he found intriguing was the process of running for the position of mayor because one can run for mayor or councillor but not both. Mayor Roberts wondered if the process could be changed so that an individual could run for both at the same time. This change would ensure that Council would have a sufficient number of candidates for Council. Councillor Fearon questioned what would happen if not enough people ran for Council. Mayor Roberts replied that a special election would have to be held to fill the empty seats.</p> <p>Councillor Power queried about the County's process in selecting a Mayor or Warden. Mayor Roberts stated that according to the wording of the Municipal Government Act, any municipality can choose to move to a mayor from a warden position, but a town cannot move to a warden from a mayor position. Councillor Power requested clarification on how the selection was made, not the changing of the position title.</p> <p>Paul Paquette stated that changing the process in such a way would be anti-democratic and the electorate should select the councillors who are on the ballot. He added that an individual should not be able to run for two positions at one time. Mayor Roberts replied that the issue is that excellent candidates who run for mayor are automatically excluded from running for Council. If an individual were allowed to run for both there would be plenty of candidates. Wayne Smith stated that most provinces fall under that category and that he would vote for someone for Mayor but not necessarily vote for them for Council. Peter Zavitz stated that there is no reason that Annapolis Royal couldn't lead the way and change the process, as alternative voting is still democratic. Mayor Roberts stated that Council is still governed by the Municipal Act and abides by it. Paul</p>		
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Paquette stated that changing the process is approaching cronyism and the electorate needs to be listened to and they vote in the councillors and mayor or else the same clique of people remain in power. Councillor Fearon stated that the electorate would be the voting body, it was just a change in allowing an individual to run for both mayor and council. Wayne Smith stated that council shouldn't choose the mayor, that the electorate should choose and there should be only one election rather than two. Mayor Roberts replied that it was one election with two ballots; one ballot for electing mayor and the other for councillors. Wayne Smith replied that it should be one ballot. Peter Zavitz suggested that a committee be created to consider the options. Zavitz also volunteered to be on committee, as well as Wayne Smith.

Councillor Power requested clarification on the term "ring development". Mayor Roberts replied that it was when the business sector moves from the centre of town to the periphery of town. He also added that this was an issue with heritage protection for Granville Ferry and Lequille, as the County stated that residents must request that they are interested in development controls. Mayor Roberts proposed having a discussion with the Province on the matter.

Councillor Fearon questioned the necessity of a room tax that would be applied to inns with ten or more rooms and whether there were a sufficient number of locations that met this criterion. Councillor Mueller-Sparenberg stated that the room tax was already implemented in some districts of Cape Breton with success. He added that his experience in Bavaria with the room tax was very positive, with the businesses giving discounted tickets to local attractions; also a small amount of extra revenue would be generated

	<p>for the Town.</p> <p>Councillor Power questioned suggestion #8 which would change the current age-based model of education to an outcome based model and whether this topic was under Council's realm of influence. CAO Boyer replied in the affirmative, adding that soon the ARRA building may be empty and this type of system would save the building as well as provide upgrading opportunities to individuals of all ages. The money from the upgrading courses would also assist the School Board.</p>		
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GENERAL / CORRESPONDENCE (FOR INFORMATION ONLY)

1. Amendments to Nova Scotia Building Home – Nursing Homes (Tab 7)
2. New Physical Activity Guidelines (Tab 8) For information only.
3. ENERhouse Conference January 13 & 14, 2011 in Halifax (Tab 9)

GENERAL DISCUSSION

IN CAMERA

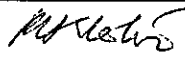

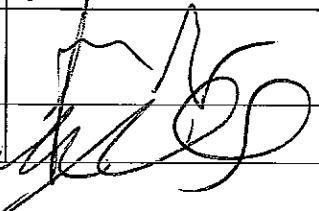
Moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson , to go in camera to discuss the following items at 10:25 am. Motion carried.

1. To discuss potential litigation. (Tab 5)
2. To discuss negotiations (Tab 11)
3. To discuss unsightly premises

NEXT MEETING February 9, 2011 at 9:00 am

ADJOURNMENT:

Moved by Councillor Mueller-Sparenberg, seconded by Councillor Hudson that the meeting be adjourned at 11:40 am. Motion carried.

<i>Action:</i>	<i>Date</i>	<i>Signature</i>
Reviewed by Mayor Roberts	2011.05.06	
Changes made by Administrative Assistant Monica Mills	May 6, 2011	
Approved for website by CAO	May 6, 2011	
Sent to webmaster	May 16, 2011	