

MINUTES OF THE MUNICIPAL COUNCIL MEETING
APRIL 11, 2006

Present: Chairman Deputy Mayor Donald E. Clarke
 Councillor J. Richard Horsburgh
 Councillor Beth Easson
 Councillor Gary W. Whittier
 Councillor Anna Ashford-Morton
 Mr. Mike MacLean (arrived at 8:42 p.m. and left at 9:12
 p.m.)
 Mr. Craig Burgess (arrived at 8:42 p.m. and left at 9:12
 p.m.)
 Mr. Bob Ashley, Chief Administrative Officer
 Ms. Michelle Millett, Recording Secretary

In Attendance: Mrs. Sara Keddy, Kings County Register
 Frank Lee
 Jim Keith
 Reta Shay
 Stan Maynard

Absent with Regrets: Mayor John P. Prall
 Deputy Mayor Trinacty

1. The Chairman called the meeting to order at 7:19 p.m. following the Town Hall meeting regarding the Food Bank.
2. **Approval of the Agenda**
The Agenda was approved with the addition of the following item under New Business 6(f) Capital and Operating Budget 2006/07 ~ Sensitive Issues. Mr. Ashley indicated that the sensitive issues would be an overview. The Agenda was approved as amended.
3. **Approval of the Previous Minutes**
The Chairman approved the Council minutes of March 14, 2006 noting that Councillor Whittier was recorded as being at the meeting and had not been in attendance. The minutes of March 14, 2006 were approved as corrected.
4. **Presentation ~ Ecology Action Centre ~ Joanne Cook**
Deputy Mayor Clarke welcomed Ms. Joanne Cook from the Ecology Action Centre. Ms. Cook relayed that Standing Tall was an initiative to protect the Acadian Forests and that the lobby group existed to allow Nova Scotians as participants in our forestry strategy currently being worked on by the Department of Natural Resources. Her goal was to see a conversion from clear cutting and tree farms that be limited to ¼ of our working forests.

Ms. Cook distributed some material from the Ecology Action Centre on our Acadian Forest and noted that Nova Scotia's current forestry management strategy is even-aged management in Nova Scotia that her group advocated uneven aged management. Ms. Cook discussed the definition of the Acadian Forest and noted that it was a transitional zone between the boreal and southern hardwood forests. She noted that they were long lived trees that were a healthy and resilient forest that was resistant to fire, wind and disease. She noted that the forests created to replace our forests were not resistant to any of these factors.

Ms. Cook reported that the pulp and paper sector was in grave financial difficulty as evidenced by plant closures in the Maritimes and noted that the Chinese had become a competing market with Nova Scotia. She noted that a lot of our wood was going out of the province in a raw form that did not allow value to be added prior to the lumber leaving here.

Ms. Cook said that the pulp and paper industry was becoming a dieing industry and encouraged us to diversify our forest and add value to forestry products and think long term. Ms. Cook said that DNR was now preparing a new forestry strategy that would begin a ten year process to manage our forests.

Councillors asked Ms. Cook a few questions and she encouraged Council to write to DNR and encourage the UNSM have an active voice at the table at the Forestry Strategy for Nova Scotia. She said that the municipal voice needs to be heard and thought that the DNR Strategy development process should include municipal opinions.

Deputy Mayor Clarke thanked Ms. Cook for her presentation and she thanked Council for the opportunity to speak.

5. Business Arising

(a) Berwick Food Bank Relocation

Mr. Ashley noted that the recommendation contained within the Agenda Package was not current. Councillors were of different opinions whether the property should be sold or leased to the Food Bank. Discussion took place regarding this issue.

Mr. Ashley noted that the option to lease fit well with Mr. Hubbards recommendation to phase out food banks within ten years. Councillor Easson asked about the legalities of leasing if the Town were to continue to use the side of the property for snow removal and the storage shed currently located there.

Mr. Ashley discussed insurance, building liens and liabilities by the Town that could occur under a leasing agreement. Mr. Frank Lee was agreeable with a shorter term lease to start out with the Town retaining ownership and control in the short term and a longer term sale agreement be struck after a period of about

five years. Mr. Lee asked what happened to the value of the building if the land was leased by the Food Bank. Mr. Lee relayed that the new building would have a value that would require a buy back or the Food Bank be compensated for the building were the lease to end.

IT WAS MOVED and seconded

That the Town have a lease drawn up at a price of \$1.00 per year pending legal opinion.

The Motion was amended to read

The Town of Berwick will lease the land to the Food Bank for a sum of \$1.00 per year and in five years look at a re-option for a lease or sale subject to legal advice and agreement between the two parties.

The Motion was amended to read

That the Food Bank be financially responsible for drawing up a lease agreement for the proposed relocation site at Orchard Street.

Motion Carried

Mr. Lee agreed to seek legal council in this regard. More discussion took place regarding the lease or sale of the land.

6. Committee Updates and Recommendations

(a) Committee of the Whole

Mr. Ashley read the following motions.

(i) 2011 Canada Winter Games Bid

IT WAS MOVED and seconded that Council support the 2011 Canada Winter Games bid by passing the attached Bid Proposal Resolution as developed by the Bid Committee.

Motion Carried

It was moved and seconded that Council support the 2011 Canada Winter Games bid by passing the attached Debt Management Plan Resolution as developed by the Bid Committee.

Councillor Ashford-Morton asked what the Deficit Management Plan was. Mr. Ashley reported that there was no specific Debt Management Plan, but that if there were a deficit a share would be paid back over a period of time. Councillor Easson and Ashford-Morton were concerned with passing the resolution without seeing any Plan on paper. Mr. Ashley noted that since 1985 the Games have not lost money.

Motion Carried

(ii) UNSM Drafted Resolution Regarding Guiding Principles to the Province

IT WAS MOVED and seconded that Council approve pass the UNSM-drafted resolution to lobby the Province to accept the three guiding principles of the report, *A Question of Balance: An Assessment of the State of Local Government in Nova Scotia* (see attached).

Motion Carried

At 8:34 p.m. the Council took a short recess that ended at 8:42 when Mr. Craig Burgess and Mr. Mike MacLean joined the meeting for the next topic.

7. New Business

(a) Sensitive Issues ~2006/07 Budget

Mr. Ashley reported that due to the lateness of the hour the business of reviewing Sensitive Issues should be set for a second meeting. It was decided to have this meeting on Wednesday April 12, 2006 at 7:00 p.m.

Mr. Ashley reviewed the Sensitive Issues document. He noted that Priority Setting have been translated to the Sensitive Issues Document and to the Capital Budget. Mr. Ashley noted that the Town tax rate was number five or number four in the province, although that did not include the sewer levee.

Mr. MacLean reviewed the Business Occupancy Assessment Tax – Phase Out portion of the Sensitive Issues document. He indicated that the commercial tax rate would be adjusted to make up for the loss of the BOT. Mr. MacLean noted that in most municipalities the commercial rate would rise and would not be shifted to a residential responsibility.

Councillor Ashford-Morton asked for a listing of businesses within the general categories. Mr. MacLean noted that the financial institutions are banks and insurance agencies and that the Royal Bank made up the largest portion of these. Mr. MacLean agreed to forward via e-mail the breakdown of businesses in each category to Councillor Ashford-Morton.

Mr. Ashley reviewed the RCMP with a few cost summaries as of what has been and what will be paid for policing.

Mr. Burgess relayed that the Apple Dome Task Force has not come up with a dollar value yet and that \$30,000 had been included in this document as a starting point made up by in kind, and capital support. Mr. Burgess reported that the Town had given the association \$9,000 for the past three years. Mr. Burgess relayed that the Town hoped to work in partnership with the Apple Dome Committee.

Mr. Ashley noted that Big Industry Retention ~ Crisis Planning be part of the budget process. Mr. MacLean relayed that the Deed Transfer Tax had been budgeted at 60,000 and this past year we were well in excess of the budget. Mr.

MacLean said that the Deed Transfer Tax and its amount are something the Town does not have much control of. He relayed that Mr. Ashley had suggested that we cap it and that the excess be used to cushion the blow for any big industry loss. It puts the tax to a good use and helps us set money aside for a rainy day. Mr. Ashley thought this was a proactive move for the Town to make. Councillor Easson asked if it could be used to help an industry stay alive. Mr. MacLean noted that the MGA does not allow tax concessions for any private industry.

Deputy Mayor Clarke thought that the Deed Transfer Tax amount of 1.5% was too much to charge and that we should try to address that issue. He noted that this tax should be scaled back if at all possible. Mr. MacLean asked how often the Town wished to revisit this issue and suggested that if studied, the tax would be increased. Mr. MacLean noted that the Town's that have it generally have it at a rate of 1.5%. Councillor Easson suggested that we need the Deed Transfer Tax to offset the expenses the Town is facing.

Mr. Ashley discussed briefly the Canada Games Bid and suggested a savings plan that starts at \$5,000 in this fiscal year. Mr. Ashley reviewed the Economic Development Strategy that he thought that Council would endorse this evening in its business. Mr. Ashley noted that he had entered discussions with Mr. Gordon of the Western Kings Board of Trade.

Mr. Ashley suggested a target date of COTW April for first draft of the budget. Mr. MacLean relayed that tomorrow's meeting regarding Sensitive Issues would gather input for the first draft of the budget.

Mr. Craig Burgess and Mr. Mike MacLean left the meeting at 9:12 p.m.

6. Committee Updates and Recommendations

(b) Planning Advisory Committee

There were no questions regarding the report.

7. New Business

(b) H & G Properties ~ MPS & LUB Amendment Concerning Commercial Activities within Industrial Zones

Mr. Ashley reviewed his report highlighting the different types of offices that could locate in the M1 and M2 zones and the risks associated. He noted that the buildings in this zone were originally constructed for industrial use and new office buildings would not be erected. Mr. Ashley relayed that if the zone were opened up in this manner flexibility would be maximized. Deputy Mayor Clarke added that a Public Hearing had been held and no opposition was heard

IT WAS MOVED and seconded that Council approve first reading of the following amendments:

That the Berwick Municipal Planning Strategy be amended as follows:

1. Part 3.3 be amended by inserting the following new provisions after Policy P-3.8

Text

“While the Town wishes to continue to promote industrial development as a critical component of the economic fabric of the community, it is recognized that a number of industries have closed in recent times leaving significant buildings and infrastructure which is currently underutilized. It is important therefore that a degree of flexibility be present in development control provisions relating to industrial zones so that the reuse and redevelopment of existing industrial buildings can be encouraged. To this end specific provisions are being made to allow a complete range of office uses, including but not limited to business, professional, government and institutional offices to locate existing industrial building.

P-3.8(a) It shall be the intention of Council that existing building within industrial zones may be used for Office use and that up to forty-five (45) percent of the gross floor area of a permitted industrial use may be occupied by an accessory commercial use.

Motion Carried

IT WAS MOVED and seconded that Council approve first reading of the following amendments:

That the Berwick Land Use By-law be amended as follows:

1. That the following new Section be added to Part 16, General Provisions for all Industrial Zones

16.4 Office Use within Existing Industrial Buildings

Notwithstanding any provisions in Parts 17, 18 Office uses shall be permitted to locate within the confines of building located within the Industrial Light M-1 and Industrial Heavy M-2 Zone existing as of (TBD, the date of approval of amendment by Berwick Town Council).

2. That provisions in Part 18.1 relating to commercial and office uses accessory to permitted industrial be amended to as to read:

Commercial Uses accessory to the main use permitted in the M-1 Zone and occupying no more than forty-five (45) percent of the gross floor area.

3. That provisions in Part 19.1 relating to commercial and office uses accessory to permitted industrial be amended to as to read:

Commercial Uses accessory to the main use permitted in the M-2 Zone and occupying no more than forty-five (45) percent of the gross floor area.

Motion Carried

IT WAS MOVED and seconded that Council set date of Tuesday, May 9th 2006 at 6:30 p.m. to hold a Public Hearing on the H& G Properties ~ MPS and LUB Amendments concerning Commercial Activities within Industrial Zones.

Motion Carried

(c) Apple Dome Letter to Peter MacKay, Minister of ACOA

Discussion took place regarding the letter.

IT WAS MOVED and seconded that Council supports the concept of the joint Letter of Support for the Apple Dome, signed by Mayor Prall and Warden Whalen, and authorizes its immediate delivery to Peter Mackay, Minister for ACOA.

Motion Carried

(d) Appletown Estates – Signage Request

Discussion took place regarding the signage and its content. It was noted that the signage would be a location identifier only and not consist of any commercial advertising.

IT WAS MOVED and seconded that Council approve an amendment to the Town's Development Agreement with Appletown Estates to include a provision for the erection of signage on the property as Schedule D and subject to review by the traffic authority.

Motion Carried

(e) Economic Strategy Report

Deputy Mayor Clarke reviewed the report briefly. Councillor Horsburgh noted that there were very good ideas contained within the report and he hoped that the EDS did not sit on a shelf.

IT WAS MOVED and seconded that Council endorse the main principles in the final draft of Hockin Cronin's report *Economic Development Strategy* and declare its intention to move forward with implementation.

Motion Carried

8. Correspondence

(a) Letter from the Premier of Nova Scotia

For the information of Council.

Councillor Whittier requested staff send a letter to the government regarding the Eco Action presentation.

9. Next Meeting Date

The next meeting of Council will be held April 12, 2006 at 7:00 p.m. The next regular meeting of Council would be held May 9, 2006 at 7 p.m.

10. Hearing of no further business the Chairman adjourned the Council meeting at 9:27 p.m.

Deputy Mayor Donald Clarke
Chairman

Michelle Millett
Recording Secretary