

COMMITTEE OF THE WHOLE Town Hall – Council Chambers Tuesday, December 5, 2017 7:30 pm

AGENDA

- 1. Call to Order
- 2. Approval of the Agenda
- 3. Approval of the Minutes
- 4. Action Items
 - 4.1 Fire Hall / Community Centre Tender Document
 - 4.2 Correspondence: Geoff Steward
 - 4.3 RFD 17-2017: Rotary Riverside Park Memorial Sign
 - 4.4 RFD 15-2017: Repeal of Taxi Bylaw
 - 4.5 Appointment:
 - a. Youth Ambassador
 - b. Audit Committee
 - 4.6 Correspondence: Municipality of the County of Annapolis
- 5. Information/Discussion Items
 - 5.1. Accounting Activities Report November 2017
 - 5.2. Correspondence: Request for Curb Ramp
 - 5.3. Geotechnical Investigation Report
 - 5.4. Strategic Priorities Chart: Update
- 6. Anything by Members
- 7. In-Camera (Labour Relations)
- 8. Adjournment



MUNICIPALITY OF THE DISTRICT OF ST. MARY'S

P.O. BOX 296, SHERBROOKE, NOVA SCOTIA, BOJ 3CO

November 16, 2018

Mr. Geoff Steward
President, Union of Nova Scotia Municipalities
Suite 1304, 1809 Barrington Street
Halifax NS B3J 3K8

Dear Mr. Steward,

Congratulations on your recent appointment as President of the Union of Nova Scotia Municipalities (UNSM). As the Warden of the Municipality of the District of Saint Mary's I want to assure you that the municipality continues to be supportive of the Board and staff of the UNSM and we look forward to working with you over the coming year.

One area of concern that we want to raise however, is the proposed name change for the organization to the Federation of Nova Scotia Municipalities (FNSM). In our opinion the word Federation has a national connotation and appears to infringe on the national organization's name, the Federation of Canadian Municipalities. In addition the acronym FNSM, when pronounced, does not sound appropriate and lacks a tone of professionalism.

The Municipality of the District of Saint Mary's does not agree with the name chosen for the rebranding of the UNSM and respectfully request the Board revisit the renaming of the organization.

Regards,

Michael Mosher

Warden

CC

Mayors, Wardens and Councillors



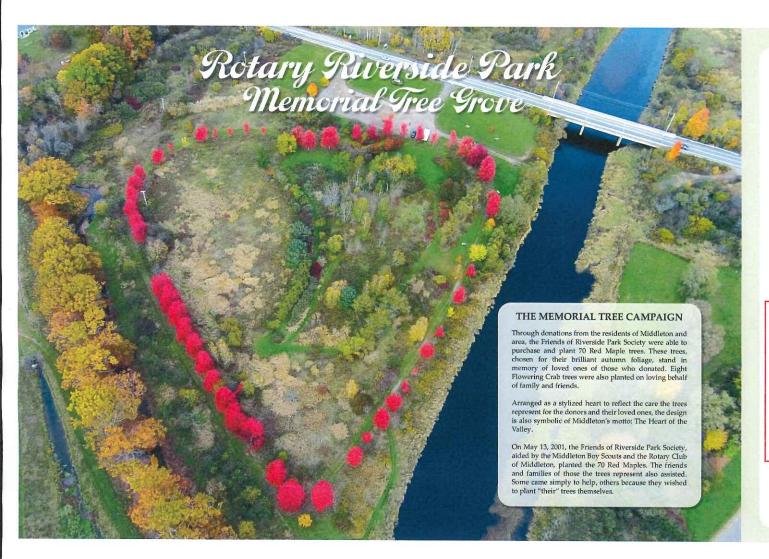
REQUEST FOR DECISION Signage: Rotary Riverside Park Memorial Tree Grove # 017-2017

Date: December 5, 2017	Subject: Signage: Rotary Riverside Park Memorial Tree Grove
Proposal Attached: No	Submitted by: Sharon McAuley, Planning Coordinator

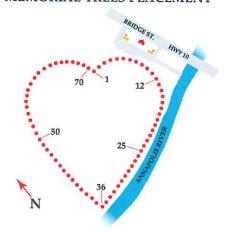
Proposal:	The Rotary Club is requesting permission to erect an additional sign at Rotary Riverside Park to provide information on the Memorial Tree Grove.
Background:	Riverside Park is located at 80 Bridge Street. It has walking trails and the recent addition of a floating dock and canoe and kayak rental access point. The park was created thanks to the efforts of the Rotary Club. For many years it was maintained by the Friends of the Riverside Park Society. Now it is mostly maintained by the Town's Parks Department, with some recent development input from the Rotary Club and some plant work from the Clean Annapolis River Project. In October 2017 Council agreed to change the name from Riverside Park to Rotary Riverside Park and granted permission to change the current sign. The Rotary Club now wishes to erect an additional sign to describe the Memorial Tree Grove which was established in 2001.
Benefits:	 The sign will describe in more detail the Memorial Tree Grove. Provides an additional use for the park and may increase the number of people using it.
Disadvantages:	Signage may increase people visiting the Memorial Tree Park seeking peace and solitude. The additional use of the park may conflict with the current recreation use of the park.
Options:	 Grant permission to the Rotary Club to erect a sign for the Memorial Tree Grove. Status quo.

Required Resources:	Staff time to process the application
Source of Funding:	Operating budget. There is a fee associated with the sign permit, which Town Council can decide to have the Town pay for, or require the Rotary Club to pay for. The amount is \$50.
Sustainability Implications: (Environmental, Social, Economic and Cultural)	
Staff Comments/ Recommendations:	
CAO's Review/ Comments:	

CAO Initials: <u>RLT</u> Target Decision Date: <u>December 18, 2017</u>



MEMORIAL TREES PLACEMENT



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REQUEST FOR DECISION Chapter 15b Taxi Bylaw Repeal # 15-2017

Date: 30 October 2017	Subject: Chapter 15b Taxi Bylaw Repeal
Proposal Attached:	Submitted by: Rachel Turner, Chief Administrative Officer

Proposal:	That Council give first reading to repeal the Chapter 15b Taxi Bylaw.
Background:	Under section 305 of the <i>Motor Vehicle</i> Act, municipalities are provided the power to make bylaws respecting taxis. This is permissive and not mandatory. The Town has exercised its authority to regulate taxis with a bylaw that has been in effect in excess of 30 years.
	Through the recent Service Capacity Review that was undertaken by Town Council in September 2017, the issue of taxi licensing as an administrative issue came under discussion. It was agreed at that time that the administrative burden to enforce this bylaw was an inefficient use of staff time. In addition to that, the liability around licensing a service that is not a core municipal mandate is an area that the Town would do well to leave to general market demand for private business. As a result, staff were directed to begin the process to repeal Chapter 15b Taxi Bylaw.
	In consultation with the Town's solicitor, it has been noted that the potential decision to repeal the bylaw would be ground-breaking, with many municipalities wanting to follow suit. Additionally, with UBER becoming more popular and prevalent, it is good timing to repeal the bylaw.
	There is currently one person operating a valid taxi license in Middleton and this is valid until May 1, 2018. The repeal of the bylaw should coincide with this to be effective on May 1, 2018 and the permit holder be notified in advance.
	The Bylaw does reference authority given to the Chief of Police on this matter. The solicitor recommends that, prior to repeal, a signed letter from the head of the local detachment be obtained

	which notes that the police force is prepared to waive the rights conferred upon it by the Bylaw.
Benefits:	 Allows staff to focus on core municipal services. Taxi companies have less restrictions to offer services within the community. The Town withdraws from regulating a private business. Having a bylaw that is not strictly enforced opens the Town to increased liability
Disadvantages:	None foreseen.
Options:	
Required Resources:	
Source of Funding:	
Sustainability Implications: (Environmental, Social, Economic and Cultural)	Allows for free movement of public transportation options for residents in and out of Middleton, as well as giving private business opportunity for growth.
Workplan Implications (now/future):	Less burden for staff to track licensing requirements, renewal processes, and enforcement of the bylaw.
Communication Plan:	Notice will be made public through the public bylaw repeal process as well as promotion of taxi safety tips. Correspondence will also be sent to currently licensed taxi businesses with the Town to advise them of the change in requirements.
Staff Comments/ Recommendations:	
CAO's Review/ Comments:	First reading of the bylaw for repeal can take place as early as the November Council meeting, with second and final reading at the December Council meeting. Required public advertising will take place between first and second reading.

CAO Initials: <u>RLT</u> Target Decision Date: <u>20 November 2017</u>

And A 30 year

TAXI BY-LAW CHAPTER 14 15B

l. In this by-law:

(a) "Council" means the Town Council of the Town

- (b) "Motor Vehicle" means a motor vehicle as defined by the Motor Vehicle Act;
- (c) "Taxi" means a taxicab as defined by the Motor Vehicle Act

(d) "Town" means the Town of Middleton;

(e) "Traffic Authority" means the traffic authority of the Town pursuant to the Motor Vehicle Act;

(f) "Vehicle" means a vehicle as defined by the Motor Vehicle Act;

- (g) "Chief of Police" means the Chief of Police appointed by the Town.
- 2. (1) No person shall engage in the business of operating a taxi as the owner thereof unless he has a valid license in respect of such vehicle issued pursuant to this by-law, which license is hereinafter referred to as a "taxi license".
 - (2) No person shall for the purpose of transporting persons for compensation drive a taxi unless he has a valid license issued to him pursuant to this by-law, which license is hereinafter referred to as a "taxi driver's license".
 - (3) A taxi license is required with respect to each vehicle used as a taxi.
- 3. (1) Every application for a taxi license or a taxi driver's license shall be made in writing, on the form provided therefore by the Town Clerk, and shall be signed by the person applying therefor.
 - (2) An application for a taxi license shall set out:

(a) the name of the applicant;

on the application;

- (b) the residence address, residence mailing address, and home telephone number of the applicant;
- (c) the business address, business mailing address and business telephone number of the applicant;
- (d) a description of the vehicle to be used, giving the registration number or other number sufficient to identify it;
- (e) the name and address of the owner of the vehicle to be used, and where the owner is not the applicant the consent of the owner to the application shall be set out
- (f) the amount and types of insurance in force with respect to the vehicle to be used, with the name of the insurance company issuing the policy, the number of the policy, and statement as to whether or not the insurance company has been advised of the proposed use of the vehicle;

(g) the names of those who will be driving the taxi for the purpose of transporting persons for compensation;

(h) where the owner will be one of those driving the taxi for the purpose of transporting persons for compensation:

(i) the age of the applicant;

(ii) the number of the applicant's Class 4 driver's license then in force;

(iii) the number of years the applicant has possessed a valid Class 4 driver's license;

(iv) the number of years the applicant has possessed a valid driver's license of any kind;

- (v) a statement or record of any convictions against the applicant in the five years preceding the date of the application under the Criminal Code of Canada, the Motor Vehicle Act and Liquor Control Act.
- . (3) An application for a taxi driver's license shall set out:

(a) the name of the applicant;

(b) the residence address, residence mailing address and home telephone number of the applicant;

(c) the business address, business mailing address and business

telephone number of the applicant;

(d) a description of the vehicle to be used, giving the registration number or other number sufficient to identify it;

(e) the name and address of the owner of the vehicle to be used and the number of the taxi license issued with respect to the vehicle to be used or, if no such license has been issued, the date of the application for taxi license with respect to the vehicle to be used;

(f) the age of the applicant;

(g) the number of the applicant's Class 4 driver's license then in force;

(h) the number of years the applicant has possessed a valid Class 4 driver's license;

(i) the number of years the applicant has possessed a valid

driver's license of any kind;

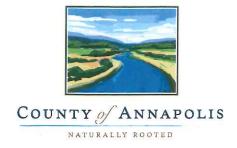
- (j) a statement or record of any convictions against the applicant in five years preceding the date of the application under the Criminal Code of Canada, the Motor Vehicle Act and the Liquor Control Act.
- (4) Every application shall be deposited with the Town Clerk and shall be accompanied by the fee for the license prescribed by this by-law.
- (5) Every application form shall contain the following words: "A false statement in this application could render the applicant liable to criminal prosecution."
- (6) The Town Clerk may recommend to Council that Council revoke any taxi or taxi driver's license if it is made to appear to the Town Clerk that the application for the license contained information that was false in a material particular.

- 4. (1) The Town Clerk shall refer every application to the Chief of Police who, in the case of an application for a taxi license, shall direct the owner to a licensed vehicle inspection station for inspection of the vehicle and a certificate of mechanical fitness of the vehicle, at the owner's expense, and, in all cases, he shall make such inquiries as he deems appropriate to determine that the applicant, whether for a taxi license or a taxi driver's license, is a fit and proper person to have a license.
 - (2) The Town Clerk shall refer every application for a taxi driver's license to the Chief of Police and, after giving the applicant an opportunity to be heard and considering the report of the Chief of Police, if any, the Town Clerk may grant the license.
 - (3) The applicant may appeal the Town Clerk's decision to refuse a license to the council who, after hearing the report of the Town Clerk, may grant or refuse the license, but Council shall not unreasonably refuse a license and shall, if it determines to refuse the license, provide the applicant with an opportunity to be heard before the refusal is made final.
 - (4) The Town Clerk shall refuse to issue a license if:
 - (a) All of the information required on an application is not provided;
 - (b) The amount of the license fee has not been paid to the Town Clerk;
 - (c) In the case of a taxi license, the amount of insurance required by this by-law is not in effect;
 - (d) In the case of a taxi license, the vehicle is not in clean condition or in good mechanical condition;
 - (e) The applicant has been convicted within the preceding year of any offence against the Liquor Control Act or the Criminal Code of Canada;
 - (f) The applicant is not in possession of a Class 4 driver's license or is not of the age required under the Motor Vehicle Act for a person operating a taxi;
 - (g) In the case of a taxi driver's license, there is no taxi license in effect with respect to the vehicle proposed to be used; or
 - (h) issuance of the taxi license would exceed 5 taxis licensed to operate within the Town.
 - (5) Where a license is refused, the Town Clerk shall return the fee paid by the applicant to the applicant.
- 5. A license issued under this by-law shall be valid until the first day of May next following its issuance, unless sooner revoked or suspended.
- 6. (1) The Chief of Police may suspend for such period not exceeding one year as he may determine, any license issued under this by-law for any of the following reasons:

- (a) that the insurance required by this bylaw is no longer in effect;
- (b) that the vehicle operated under the license is not in clean condition or in good mechanical condition; or
- (c) that the licensee has since the date of issuance of the license been convicted of an offence against the Criminal Code or the Liquor Control Act.
- (2) The person whose license has been suspended may appeal from the action of the Chief of Police to the Council and the Council may:
 - (a) approve the action of the Chief of Police;
 - (b) vary the action of the Chief of Police; or
 - (c) allow the appeal and set aside the action of the Chief of Police.
- (3) Any decision of Council on an appeal shall be in accordance with the provisions of this bylaw, excepting that Council may exercise its judgment as regards Section 4 (4), Articles (a), (d), (e) and (h).
- 7. Every person who holds a license under this bylaw must at all times while engaging in the taxi business or driving a taxi for compensation:
 - (a) holds a Class 4 driver's license under the provisions of the Motor Vehicle Act, unless he is a corporation;
 - (b) have in force on the vehicle licensed and operated, public liability, property damage and cargo or passenger hazard insurance in the following amounts:
 - (i) minimum of \$500,000 inclusive coverage.
 - (c) keep the vehicle with respect to which the license is in force in clean condition and in good mechanical condition while in use as a taxi.
- 8. (1) Every taxi shall have prominently displayed within view of the passengers, the taxi license, the taxi driver's license, with a recent photograph of the driver affixed thereto; and the maximum fee schedule.
 - (2) Every taxi shall have prominently displayed on its exterior a sign bearing the word "taxi", which sign shall be lighted after dark and shall be clearly visible at all times from a distance of 200 feet.
- 9. (1) The Traffic Authority may specify places within the Town to be used as taxi stands.
 - (2) Where taxi stands have been specified, no owner or driver of any taxi shall permit the same, when not engaged, to stand on any public highway except at a specified taxi stand.
- 10. The amount of the license fees shall be as follows:
 - (a) for a taxi license \$25.00
 - (b) for a taxi license for each vehicle after the first \$10.00
 - (c) for a taxi driver's license \$10.00

- 11. (1) No license under this bylaw may be transferred from one person to another.
 - (2) A taxi license shall be issued for one vehicle only, a description whereof shall be given on the license, provided that if that owner wishes to discontinue the use of that vehicle and to substitute another, the Town Clerk shall, if the latter vehicle complies with this bylaw, authorize the use of the license for such vehicle instead of for the one with respect to which it was originally issued, and endorse the license to that effect.
- 12. Nothing in this bylaw shall apply to a bus or to a public utility as defined in the Public Utilities Act.
- 13. (1) Any person who violates any of the provisions of this bylaw shall be guilty of an offence and shall be liable for the first offence to a penalty of not less than fifteen dollars and in default of payment to imprisonment for a term of not more than thirty days; for the second offence to a penalty of not less than twenty-five dollars and in default of payment to imprisonment for a term not less than thirty days nor more than sixty days; for a third offence or any subsequent offence to a penalty of not less than fifty dollars and in default of payment, to imprisonment for a term of not less than thirty days nor more than sixty days or to both.
 - (2) The penalty prescribed pursuant to subsection (1) shall not exceed one thousand dollars or in default of payment thereof, imprisonment for a period not exceeding ninety days.

Amendment by Council December 7, 1998



752 St. George Street, PO Box 100 Annapolis Royal, Nova Scotia, Canada BOS 1A0

Phone: (902) 532-2331 Fax: (902) 532-2096

Website: AnnapolisCounty.ca

November 22, 2017

File No. 12700-20 Town of Middleton

Town of Middleton Office of the Mayor P.O. Box 340 Middleton, NS B0S 1P0

Email: satkinson@town.middleton.ns.ca

Dear Mayor Atkinson:

Re: Invitation to a Joint Meeting Regarding Service Levels

On behalf of Municipal Council, I am pleased to accept your invitation to join with Middleton Town Council to discuss ways to share services and/or to collaborate on initiatives.

As directed by Council, and so we may be well prepared, I am requesting clarification on what issues are seen by the Town as outstanding or having been outstanding for some time without significant progress.

I look forward to hearing from you.

Yours truly, 41 (althorhoberts Depoty Warden

per Timothy Habinski

Warden

TH:WLA:wla



November 21, 2017

Dear Honorable Mayor Sylvester Atkinson:

Re: Curb Ramp, Commercial Street and Hwy#1

As an Occupational Therapist and a Recreation Coordinator working for the Nova Scotia Health Authority (NSHA), we work with people with disabilities and mobility issues. We strive to maximize their level of functioning and level of participation in work, volunteer, leisure and social activities within their homes and communities. Increasing accessibility for community members adds to their overall psychological and emotional well-being (subsequently reducing healthcare costs) and enables them to shop and do transactions in their communities, thereby supporting local businesses.

Over the past several years, when we (and others) have taken Resident Veterans, inpatients, or community clients for a walk in their wheelchairs, walkers or out for power mobility assessments (scooters, power wheelchairs), in the town of Middleton, we have run in to challenges with some areas of sidewalks and intersections.

We are writing this letter to bring your specific attention to the curb ramp at the Northwest corner of Commercial Street and Hwy#1 (in front of the Scotia Bank); Although the other 3 curb ramps at this intersection are accessible, the curb ramp in front of the Scotia Bank is an ongoing concern. It is difficult to get mobility aids, especially manual and powered wheelchairs, up the curb ramp and onto the sidewalk. Also, the mobility aids often get stuck or end up in the line of traffic increasing the risk of an accident or injury. We are requesting that the Town of Middleton reconstruct/fix the curb ramp/sidewalk area to meet the accessibility guidelines criteria. Please see attached photo of curb ramp at this intersection, and the Curb Ramp Guidelines (page 14 of attached document) for further details. As per the Best Practice Guidelines by the National Guide to sustainable Municipal Infrastructure re: Sidewalk design, Construction and Maintenance, "it is important to provide sidewalk users with safe accessible areas for walking outside of the traffic area. Deterioration of sidewalks can create hazards that effect public safety and liability. The population of Canada is ageing; therefore more senior citizens are using sidewalks. An injury due to a fall on the sidewalk/intersection can have a significant impact on a senior's lifestyle and can cost significant dollars to the healthcare system, including follow-up care related to impairment of mobility. Once a sidewalk/intersection has been constructed within the public right-of-way, the municipality assumes the maintenance, rehabilitation, and replacement costs. "(Please see attached Best Practice Guidelines by the National Guide re: Sidewalk Design, Construction and Maintenance, for full details).

We believe working together will help us achieve the NS Health Authority's Vision of healthy people, healthy communities for generations, which will ultimately benefit the town of Middleton and its residents.

Please contact us via phone or e-mail to further discuss this request. We look forward to hearing from you soon.

Respectfully,

Jodi Goudey, OTReg(NS)

Occupational Therapist

Soldier's Memorial Hospital, Middleton, NS

902-825-6160 ext 1762 241

Jodi.goudey@nshealth.ca

Alexis Hannah

Recreation Coordinator

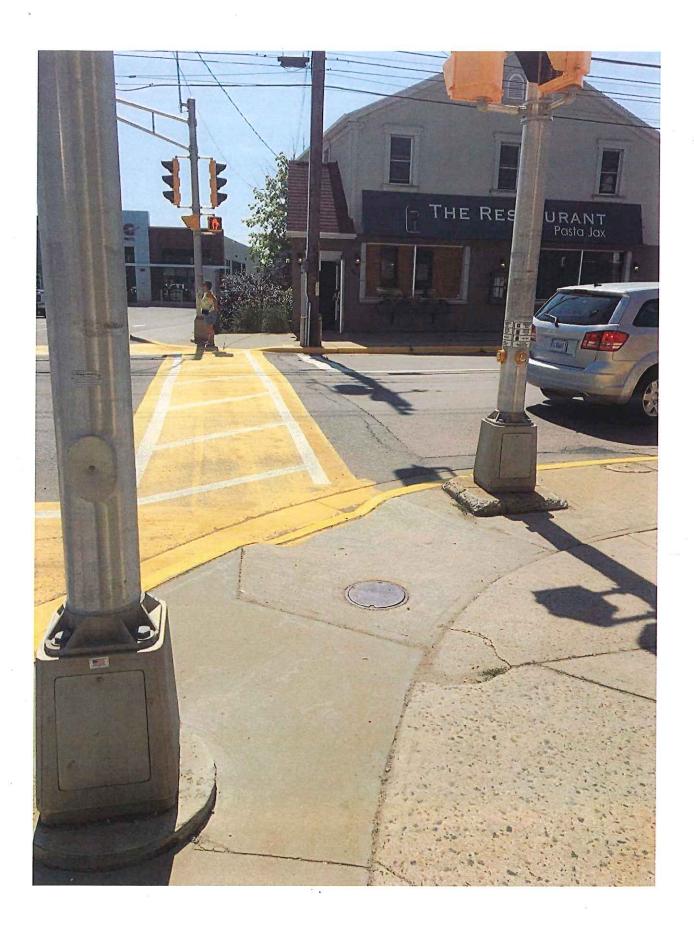
VAC Unit, SMH, Middleton, NS

902-825-6160 ext 1762 247

alexis.hannah@nshealth.ca

cc. Melinda den Haan, Deputy Mayor

cc. Rachel Turner, CAO





STRATEGIC PRIORITIES CHART September 2017 **CORPORATE PRIORITIES (Council/CAO)** NOW TIMELINE 1. COUNTY RELATIONS: Mayor to send letter November 2. FIRE HALL: Design & Location December November 3. SERVICE LEVELS: Staff Structure Review **February** 4. VIC OPERATIONS: Operation Review December 5. PARKING LOTS: Nullify the Agreements **ADVOCACY / PARTNERSHIPS** NEXT • TOWN OFFICE: Options NSHA: Hospital Support • GREEN SPACE / TRAILS: Plan NSHA: Doctor Recruitment LONG TERM CAPITAL PLAN NS Community College: Incubator • RECREATION FACILITIES: Cost Recovery • NS Community College: Future Plans • COMMUNITY POLICING OFFICER: Monitor RCMP complement • ECONOMIC DEVELOPMENT STRATEGY: One Day Workshop • STREETSCAPE: replace street lights **OPERATIONAL STRATEGIES** (CAO/Staff) **CHIEF ADMINISTRATIVE OFFICER** (Rachel) RECREATION & COMMUNITY SERVICES (Jennifer) 1. COUNTY RELATIONS: Mayor to send letter - November 1. VIC OPERATIONS: Operation Review- February 2. FIREHALL: Design & Location - December 3. SERVICE LEVELS: Staff Structure Review-November 4. PARKING LOTS: Nullify the Agreements - December Green Space / Trails: Plan Bylaw Review: Target List Economic Dev.: one-day workshop-Fall 2018 Town Office: Options Comm. Policing Officer: monitor RCMP complement FINANCE (Marianne) **PUBLIC WORKS** (Kim) 1. STREETSCAPE: replace street lights (December) LONG TERM CAPITAL PLAN - November 2018 2. RECREATION: Cost Recovery - ??? PLANNING (Sharon) 1. Municipal Plan review: draft reviewed by Council (Dec) 2. Records Mgmt. System - Implementation - Dec.

<u>CODES</u>: BOLD CAPITALS = NOW Priorities; CAPITALS = NEXT Priorities; *Italics = Advocacy;* Regular Title Case = Operational Strategies