

Summary of Motions
2020-11-04
Special Session of Council

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unapproved draft

Minutes of the special **Municipal Council** meeting held on Wednesday, November 4, 2020, at 1: p.m., via ZOOM video-conferencing in accordance with the Direction of the Minister under a Declared State of Emergency [updated July 29, 2020(see attached)]

Roll Call: District 1 – Bruce Prout, present
District 2 - John A MacDonald, present
District 3 - Wayne Fowler, present
District 4 - Burt McNeil, present
District 6 - Alex Morrison, present
District 7 – Warden Timothy Habinski, Chair, present
District 8 - Michael J Gunn, present
District 9 - Wendy Sheridan, present
District 10 – Deputy Warden Martha Roberts, present
District 11 - Diane LeBlanc, present

Also

Present: CAO John Ferguson, Municipal Clerk Carolyn Young, other staff.

The Solicitor was asked to offer an opinion on holding this special meeting. He responded that this council still has full authority and it is appropriate to be meeting, especially regarding the document to come before council.

Councillor Sheridan called a point of order, noting that Section 12 of the *Municipal Government Act* says that a new council can be sworn in 10 days after the election recount time, and that she has been hearing concerns from citizens.

The Clerk added that this council set the November 10th date for a special council to swear in the new council prior to November COTW, so that new council could deal with the business coming before it. Special meetings are called for a specific purpose, and are usually time sensitive or urgent. This is the business of the council, and this is the sitting council who has to deal with it.

The Solicitor noted that a point of order was raised and that it's not debateable. The point is raised and the Chair makes a ruling. The Warden added that he wanted the discussion to occur.

In-Camera

It was moved by Councillor Fowler, seconded by Councillor Heming, to meet in-camera from 1:25 p.m. until 3:37 p.m., in accordance with Section 22(2)(e) contract negotiations of the *Municipal Government Act*. Motion carried, 7 in favour, 4 against (Roberts, Sheridan, Gunn)

Recess

A brief recess was held until 3:47 p.m.

Amend Order of the Day.

Councillor McNeil moved, seconded by Councillor Heming, to amend the Order of the Day by adding Letter of Intent Internet POP Location, and EA Farren, Limited Lease Agreement. Motion carried unanimously.

New Business

Re: Letter of Intent – Internet POP Location Middleton - The CAO noted that there is currently a temporary POP location at the NSCC that has to be moved.

MOTION 201104.01 Letter of Intent – Internet POP Location Middleton

It was moved by Councillor Heming, seconded by Councillor MacDonald, to authorize CAO to send letter of intent to DeWolfe and Morse Surveying Ltd. to house a permanent internet POP (point of presence) location on their property at 181 Junction Road. Motion carried, 8 in favour, 3 against (Gunn, Sheridan, Roberts)

Re: E.A. Farren Lease Agreement

MOTION 201104.02 E.A. Farren, Limited Lease Agreement

Councillor Fowler moved, seconded by Councillor Morrison, to authorize the Warden and Clerk to execute a lease agreement with EA Farren as presented to council in camera. Motion carried, 7 in favour, 4 against (McNeil, Gunn, Sheridan, Roberts)

Re: Relay Property to EA Farren Ltd.

MOTION 201104.03 Relay Property to EA Farren, Limited

It was moved by Councillor Morrison, seconded by Councillor Heming, further, that on execution of the lease to E.A. Farren, Limited, the municipality shall convey the remaining property to E.A. Farren, Limited. Motion carried, 6 in favour, 5 against (McNeil, Gunn, Sheridan, Roberts)

Warden Habinski asked the CAO to provide the background on the Gordonstoun Nova Scotia project.

Adjournment

The Warden declared the meeting adjourned at 4:17 p.m.

Warden

Municipal Clerk

Direction of the Minister
under a Declared State of Emergency
(Section 14 of the *Emergency Management Act*)
20-008

Under my authority in Section 14 of the *Emergency Management Act*, I order that this Direction (20-008) repeal and replace the Direction regarding municipal meetings issued on March 22, 2020.

During the Provincial State of Emergency declared on March 22, 2020, and under the authority provided to me in Section 14 of the *Emergency Management Act*, in addition to any other directives I have issued and not repealed or otherwise terminated, I direct that all municipalities and villages in the Province:

1. **Effective at 8am on July 29, 2020**, may hold meetings exclusively in person if all the following conditions are met:
 - i) the total number of persons present does not exceed a gathering limitation imposed in a *Health Protection Act* order;
 - ii) all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.
2. If the conditions set out in (1) cannot be met, the municipality or village must not hold meetings exclusively in person and must instead hold the meeting partly or wholly as a virtual meeting by video or telephone, and ensure that all of the following conditions are met:
 - i) the total number of persons present for any in person portion of the meeting does not exceed a gathering limitation imposed in a *Health Protection Act* order; and
 - ii) for any in person portion of the meeting, all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.

For clarity, this direction does not apply to statutorily required meetings of electors for a village commission which are covered under Direction 20-007 issued on May 20, 2020.

Despite this direction, municipalities and villages are still authorized to continue making other operational decisions especially those required for service delivery.

Please note that these directions are in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*.

A failure to comply with this direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.

This direction will remain in place for the duration of the Provincial State of Emergency unless it is terminated in writing by me earlier.

Dated July 29, 2020.

Original signed by

Hon. Chuck Porter
Minister of Municipal Affairs and Housing