

Summary of Motions

October 15, 2019
Municipal Council

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Minutes of the regular **Municipal Council** meeting held on Tuesday, October 15, 2019, at 10:00 a.m., in Council Chambers of the Municipal Administration Building, Annapolis Royal, N.S.

Present: District 1 – VACANT
District 2 - John A MacDonald,
District 3 - Wayne Fowler,
District 4 - Burt McNeil,
District 5 - Gregory Heming,
District 6 - Alex Morrison,
District 7 – Warden Timothy Habinski, Chair
District 8 - Michael J Gunn,
District 9 - Wendy Sheridan,
District 10 – Deputy Warden Martha Roberts, and
District 11 - Diane LeBlanc.

Also

Present: CAO John Ferguson, Municipal Clerk Carolyn Young, and other staff. Approximately 8 members of the public

In lieu of calling the roll, the Warden asked councillors to introduce themselves and the district they represent. All were present except for District 1, which is currently vacant.

Approval of the Agenda

The Clerk added Section 22(2)(f) of the Municipal Government Act (litigation or potential litigation) to In-camera.

It was moved by Councillor LeBlanc, seconded by Councillor McNeil, to approve the agenda as amended.

Declared Interest

Councillor MacDonald declared an interest in the items for Port George Lighthouse as he is the current president of the Port George District Lighthouse Society.

Councillor Heming declared an interest in the presentation by the Centre for Local Prosperity. He is the president of centre, author of the study being presented.

Motion carried unanimously.

Minutes

MOTION 191015.01 Minutes Regular Session 2019-09-23

Councillor Fowler moved, seconded by Councillor McNeil, to approve the minutes of the regular session of Council held on September 23, 2019, amended to add the additional line as submitted by Councillor Gunn in his comments. Motion carried unanimously.

MOTION 191015.02 Minutes Special Session 2019-10-01

It was moved by Councillor Fowler, seconded by Councillor LeBlanc, to approve the minutes of the special session of Council held on October 1, 2019.

Point of Privilege

Councillor MacDonald stated that he did not recuse himself as recorded in the minutes. Warden Habinski stated that discussions from in-camera cannot be discussed, therefore, he asked that **Point of Privilege** be added above the line discussed.

Motion carried unanimously.

In-camera

It was moved by Councillor Heming, seconded by Councillor Fowler, to meet in-camera from 10:08 a.m. to 10:47 a.m. in accordance with Section 22(2)(f) litigation or potential litigation of the *Municipal Government Act*. Motion carried, 9 in favour, 1 against (McNeil)

PRESENTATIONS

Re: Cadet Ethan Rice – Warden Habinski was pleased to present a certificate of recognition to Cadet Ethan Rice, on being chosen to take part in a two-week Army Cadet Voyage in History earlier this summer, and being one of 30 cadets chosen from across Canada.

Re: Waste Transfer Station – David and Carolyn Hubble gave a presentation entitled The Big Picture, which covered Democracy, Transparency – Right to Know, Public Engagement, Accountability, Due Process, Stewardship – Act Local, and Long-Term Strategic Thinking & Planning, all with regard to the new waste transfer station in West Paradise.

The Warden thanked them for their presentation.

Declaration of Interest

Councillor Heming declared an interest in the following presentation by the Centre for Local Prosperity. He is the president of centre, author of the study being presented. He left the room and did not see the presentation or participate in any subsequent discussion.

Re: Centre for Local Prosperity - Local Procurement Spending Analysis – Andy Horsnell Senior Consultant – presented on Phase Two of a project to assess the economic potential for small shifts in procurement to the local level and to establish the tendering language and planning process to begin more local procurement.

Requesting council's participation in the project which encourages governmental buyers to support local economic development by increased contracting with suppliers based within the region and within the Atlantic Provinces.

The Centre for Local Prosperity is asking the municipality to be the second of two participating institutions to participate from Nova Scotia, along with two participants from each of the other Atlantic Provinces, which includes \$1,500 from each of eight participating partners and a written commitment and approval to proceed as an anchor institution.

Business Arising from the Minutes

None.

Recess

A brief recess was held from 11:25 a.m. – 11:35 a.m., with all returning as stated including Councillor Heming.

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In-Camera

It was moved by McNeil, seconded by Councillor LeBlanc, to meet in-camera from 11:36 a.m. until 2:10 p.m. in accordance with Sections 22(2)(f) litigation or potential litigation of the *Municipal Government Act*. Motion carried unanimously.

LUNCH

The Warden called for a lunch break from 12:12 p.m. until 1:31 p.m., *during in-camera*. All returned as previously noted, and the meeting *resumed in-camera* (until 2:10 p.m.)

In-camera

Councillor McNeil moved, seconded by Councillor Heming, to meet in-camera from 2:12 p.m. until 2:18 p.m. in accordance with Section 22(2)(c) personnel of the *Municipal Government Act*. Motion carried unanimously.

Solicitor's Report

It was moved by Councillor Fowler, seconded by Councillor McNeil, to approve the Solicitor's October 9, 2019, report, to which solicitor/client privilege applies. Motion carried unanimously.

Councillor's Comments

District 3 – Councillor Fowler thanked Area Manager Tony Harvey, Transportation and Infrastructure Renewal, for recent paving on Brinton Road, Port Lorne Road, and work on Arlington Road.

District 2 – Councillor MacDonald – *as submitted*

As I sat looking over The Bay of Fundy this morning, lobster boats with crews working in view, I enjoyed my 1st toasted turkey sandwich since Thanksgiving Dinner. And I thought to myself on how fortunate I am to be enjoying this lifestyle again.

In the last month I started working with the Community of Port George and surrounding area on becoming more self sufficient after major storm events. I have been working with my peers on the upcoming Climate Conference details November 9th. And of course Basketball season is quickly approaching, and I am looking forward to that as well.

District 11 – Councillor LeBlanc hopes all enjoyed a good weekend with family and friends. Residents are thankful that Torbrook Road is paved and waiting for shoulder work to continue. On Thursday, October 24 Three Rivers Community Centre will hold their annual turkey supper, from 4:30 – 6:00 p.m. Come early because they sold out last time.

District 6 – Councillor Morrison – *as submitted*

Let's Take a Ride. Come with me and drive west on Highway 1, past the new storage installation, the renovated Golf Course and the Founders House Dining Room, the Upper Clements Theme Park on your right and the Adventure Park on your left, on to the Clementsport Post Office and down the hill to the affectionally-named Clementsport Turn (note the two monuments and the three resting benches on your left). Then turn left and drive for approximately six kilometers - all on very newly-paved road with new guard rails and other much-needed improvements. Turn around and drive back to ensure you enjoy the scenery all the way on a perfectly smooth road. Many thanks to NS Department of Transportation and Infrastructure Renewal and to Tony Harvey our local TIR "Get it Done" official.

Library Month. October in Library Month here in Nova Scotia - proclaimed by the provincial legislature. Please take the time to visit your local library in Annapolis Royal, Bridgetown,

Lawrencetown and/or Middleton. Marvel at the services offered, the professionalism of the staff, and avail yourself of some enjoyable, enteraining and educational reading material in many forms.

Poppies. They will be available at various locations beginning on Thursday 31 October.

Functions: (1) Clementsport Legion Halloween Party Saturday 26 Oct from 1 to 3 pm. Come and bring your children. (2) Deep Brook/Waldeck Lions Club Harvest Meal from 4 to 6pm on Saturday 2 November. (3) Annual Clementsport Legion Remembrance Week breakfast for students and staff of Clark-Rutherford School, at the Legion very early on the morning of Wednesday 6 November. (4) Cornwallis Park community breakfast 8am Saturday 9 November.

District 8 – Councillor Gunn – as submitted

September has been a little slow for me, I had a little visit with the Province's health system and was put through in record time. Thank you to all those that had to deal with me and for the well wishes sent thereafter. September continued to be a month of saying goodbye to old friends. Otherwise, I attended the Town Hall meeting in Port Royal and the meeting in Paradise addressing the Waste Transfer Site. I would like to commend John Ferguson for persisting with attempting to inform people about the very complex issues we have had to learn about over the years of dealing with Valley Waste. It was very frustrating when people would not listen to responses to questions asked ... there was much to learn, and there is much for us all to learn yet.

At Committee of the Whole last week, we had a long discussion about how Council needs to unite with one another, and how we should stand tall with the decisions Council reflects upon, debates and ultimately makes. And then, we boldly present our choice to the public, knowing that we are informed and aware of what lies in front of us and how we may work with it.

I left thinking that day thinking we knew what it would take to have a united front, and that we had the clarity and understanding as Council and would speak as one, ensuring our Warden was the voice of the decisions made by the group as a whole.

This deeply held optimism lasted until I made it to the drug store, by which time it was pointed out to me the headline, Veteran Annapolis Councillor Marilyn's Humiliation "Council Made The Wrong Decision says Warden".

As elected Councillor for District 8 in the County of Annapolis, this is not what I wanted to see in print. Nor did it reflect what I had understood was the direction we were taking. I have spent the last 7 days having this issue addressed to me in person, I have received phone calls, and even had a copy of the magazine delivered to my house by concerned citizens. The question was: why was the Warden throwing Council under the bus?

I would like to remind the Warden that Councillor absenteeism (and what results from it) is determined by the Municipal Governance Act and is not assigned by the whim of Council, nor do "semantics" determine how it can be interpreted. While the public may do anything except that which is proscribed (or forbidden), government may only do that which is prescribed (or predetermined, by law). We took action as was required by law. And now we read that the Warden is willing to share details of our former Councillor's absences with press – including details he had not shared with us – and that he thinks Council made the wrong decision. And ultimately, the Warden voted against the MGA. The rest of us did not.

I believe that this rather uncomfortable topic needs to be addressed before the Warden continues to act as the voice or chairperson of Council.

Warden Habinski responded to Councillor Gunn as follows (*Clerks note – The Warden asked that his response be transcribed in the minutes*):

Thank you Councillor Gunn. I appreciate you raising that particular question. I'd like to clarify a couple of things, a couple of statements you made in your presentation. First, I provided no detail to the reporter about Councillor Wilkins' situation. In fact I skirted it entirely. He gleaned the rest from other sources. I was asked one question only – Why did you not vote with council? He was asking

Grant

about my own personal opinion as a councillor. As every councillor in this room is fully aware, we are entitled to our own particular opinions as councillors. I wasn't speaking on behalf of the municipality but he asked why did you vote against and I detailed the rationale for why I did. And I recognized at the time that my taking that position wasn't going to have any effect upon council's decision. I knew that I would probably be the lone voice. However, I have to vote my conscience on the issue. And I thought it was fair when the reporter asked me to explain my rationale for why it was that I hadn't agreed with the rest of council. Clearly, that was my opinion. I do not abdicate the right to an opinion by becoming Warden. And I was very careful not to speak as Warden of the Municipality on behalf of the Municipality as I made that comment. But I answered the question about my opinion and I have no qualms about doing so. But thank you for the question.

District 10 – Deputy Warden Roberts thanked TIR Area Manager Tony Harvey for paving Middle Road in Brickton, and Crisp Road up the mountain to Inglisville. It looks nice and is appreciated.

District 5 – Councillor Heming has been dealing with loose ends with forestry initiatives and the upcoming climate summit

District 9 – Councillor Sheridan encouraged all to seek out the webpage to make a donation towards the new primary health care centre being built at Soldiers' Memorial Hospital, Middleton. The Nictaux Fire-ettes Christmas Craft Sale is on November 3, from 10-3.

District 4 – Councillor McNeil had nothing to report.

District 7 - Habinski recounted arriving home after Committee of the Whole, to find company who was leaving. It was someone he knew from 40 years ago who had dropped in to visit. Looking at the North Mountain, the visitor stated that 'he knew they would meet again in heaven, he just thought they would be dead!' it's nice to have an outsiders opinion. He is proud of what we do as a council.

New Business

Re: Municipally-Registered Heritage Property Captain Joseph Hall House

MOTION 191015.03 Municipally-Registered Heritage Property Captain Joseph Hall House – Request Alterations

Deputy Warden Roberts moved, seconded by Councillor McNeil, to refer the request to conduct alterations on the Municipally-Registered Heritage Property Captain Joseph Hall House to the Heritage Advisory Committee for recommendation. Motion carried unanimously.

Re: Municipally-Registered Heritage Property Clarence United Baptist Church

MOTION 191015.04 Municipally-Registered Heritage Property Clarence United Baptist Church – Request Alterations

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, to refer the request to conduct alterations on the Municipally-Registered Heritage Property Clarence United Baptist Church to the Heritage Advisory Committee for recommendation. Motion carried unanimously.

Re: Municipally-Registered Heritage Property James Whitman House

MOTION 191015.05 Municipally-Registered Heritage Property James Whitman House – Request Registration

Deputy Warden Roberts moved, seconded by Councillor Sheridan, to refer the request for municipal heritage property registration for the James Whitman House to the Heritage Advisory Committee for recommendation. Motion carried unanimously.

Re: Deep Brook Sewer Request for Update – from the monthly report given to October Committee of the Whole. This is a longstanding issue trying to get an easement from the province over the old railway right of way. Waiting on the Province in order to move forward.

Re: Special Election Tariff of Fees and Expenses

MOTION 191015.06 Special Election Tariff of Fees and Expenses

It was moved by Deputy Warden Roberts, seconded by Councillor Heming, that municipal council approve the Tariff of Fees and Expenses for services to conduct the 2019 Special Election taking place on December 14, 2019, as circulated and to be adjusted to reflect current information. Motion carried unanimously.

Re: Returning Officer's Report – a report dated October 15th was circulated in the agenda package. Deputy Warden Roberts moved, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Re: Response to RFP for Animal Control

MOTION 191015.07 RFP for Animal Control – Award to Nova Scotia SPCA

It was moved by Deputy Warden Roberts, seconded by Councillor McNeil, that municipal council accept the proposal in the amount of \$6,200 submitted by the Nova Scotia SPCA dated September 25, 2019, as the agency for the transfer and rehoming of abandoned / stray cats for the Municipality of the County of Annapolis for a three year period starting April, 2020 ending March 31, 2023. Motion carried unanimously.

Reports and Recommendations

Policy and Budget – Purchasing Advertisements

MOTION 191015.08 Policy and Budget – Purchasing Advertisements

Deputy Warden Roberts moved, seconded by Councillor McNeil, pursuant to the recommendation of Committee of the Whole, that municipal council request staff to develop recommendations and a suggested budget for requests presented to council to purchase advertising in publications of not-for-profit organizations. Motion carried unanimously.

Nova Scotia Crime Stoppers Awareness Guide

MOTION 191015.09 Nova Scotia Crime Stoppers Awareness Guide

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Sheridan, that municipal council purchase a 1/10 page ad in the Nova Scotia Crime Stoppers Awareness Guide at the cost of \$260. Motion carried unanimously.

Round Hill Hall Company Grant Application**MOTION 191015.10 Round Hill Hall Company Grant \$2,400**

It was moved by Deputy Warden Roberts, seconded by Councillor McNeil, in accordance with the recommendation of Committee of the Whole, that municipal council approve a grant in the amount of \$2,400 from the Community Halls and Centres Assistance Program to the Round Hill Hall Company in accordance with *AM-1.4.9 Community Grants Policy*, to assist with costs associated with continued upgrades to the hall focussing on heating and energy efficiency for this year. Motion carried unanimously.

Forest Glade Community Club Grant Application**MOTION 191015.11 Forest Glade Community Club Grant \$1,200**

Pursuant to the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor MacDonald, that municipal council approve a grant in the amount of \$1,200 from the Community Halls and Centres Assistance Program to the Forest Glade Community Club in accordance with *AM-1.4.9 Community Grants Policy*, to assist with costs associated with re-shingling the back and east end of the hall roof. Motion carried unanimously.

Declaration of Interest

Councillor MacDonald declared an interest in the following item (he is the current President of the Port George District Lighthouse Society) and he left the room at 2:46 p.m. and did not participate in any discussion or subsequent motion.

Port George District Lighthouse Society Grant Application**MOTION 191015.12 Port George District Lighthouse Society Grant \$500**

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that municipal council provide a grant in the amount of \$500 from the Community Heritage Grants for Lighthouses and Museums to the Port George District Lighthouse Society in accordance with *AM-1.4.9 Community Grants Policy* to assist with costs associated with scraping and painting the lighthouse in Port George. Motion carried unanimously.

Councillor MacDonald returned to the room.

Letters of Welcome - RCMP**MOTION 191015.13 Letters of Welcome - RCMP**

In accordance with the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor LeBlanc, that Municipal Council provide letters of welcome to Cst. Dallas Richardson and Cst. Matthew MacLean to the Bridgetown Detachment. Motion carried unanimously.

Habitation Community Area Advisory Committee – Advertise for Additional Citizen Member**MOTION 191015.14 Habitation Community Area Advisory Committee – Advertise for Additional Citizen Member**

It was moved by Deputy Warden Roberts, seconded by Councillor MacDonald, in accordance with the recommendation of Committee of the Whole, that municipal council advertise for one citizen member for the Habitation Community Area Advisory Committee in order to bring membership to its full capacity. **Motion lost, 2 in favour, 8 against.**

Cornwallis Park Area Advisory Committee – Appoint Citizen Member

MOTION 191015.15 Cornwallis Park Area Advisory Committee – Appoint Citizen Member

Pursuant to the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Morrison, that municipal council appoint Eulalie Bruce (satisfying Section 24(d) of the Provisions), as a citizen member of the Cornwallis Park Area Advisory Committee for a term ending November 30, 2020. Motion carried unanimously.

Audit Committee – Advertise for Citizen Member

MOTION 191015.16 Audit Committee – Advertise for Citizen Member

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that municipal council place an advertisement in the Bridgetown Reader, The District Rambler, and the County's website and Facebook page, inviting citizen member applications to the Audit Committee for a term expiring November 30, 2020. Motion carried unanimously.

Heritage Advisory Committee – Appoint Councillor to Fill Vacant Position

MOTION 191015.17 Heritage Advisory Committee – Appoint Councillor to Fill Vacant Position

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor LeBlanc, that municipal council appoint Councillor MacDonald to the Heritage Advisory Committee for a term ending November 30, 2020. Motion carried unanimously.

Trans County Transportation Society

MOTION 191015.18 Trans County Transportation Society

It was moved by Deputy Warden Roberts, seconded by Councillor LeBlanc, in accordance with the recommendation of Committee of the Whole, that municipal council appoint Councillor MacDonald to the Trans County Transportation Society for a term ending November 30, 2020. Motion carried unanimously.

Special Election – Delegate Powers of Appointment

MOTION 191015.19 Special Election – Delegate Powers of Appointment to Appoint ARO

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Sheridan, that municipal council delegate its powers of appointment to the Municipal Clerk for the purpose of appointing an Assistant Returning Officer (ARO). Motion carried unanimously.

Special Election – Approval of First Advance Poll

MOTION 191015.20 Special Election – Approval of First Advance Poll

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, pursuant to the recommendation of Committee of the Whole, that municipal council approve Saturday, December 7, 2019 (seventh day before ordinary polling day) as the first advance poll day, from noon until 8:00 p.m. Motion carried unanimously.

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Letter Dated September 28, 2019 from Upper Clements Parks Society

MOTION 191015.21 Upper Clements Parks Society – Support Joint Approach for Funding Request

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Morrison, that municipal council support a joint municipal approach (with District of Digby, District of Clare, and the Towns of Annapolis Royal and Digby) to meet with the Department of Culture and Heritage in support of a funding request made by Upper Clements Parks Society to ensure that Upper Clements Park continues to offer economic and employment benefit to South West Nova Scotia. Motion carried unanimously.

Comfort Centres

MOTION 191015.22 Comfort Centres

It was moved by Deputy Warden Roberts, seconded by Councillor McNeil, in accordance with the recommendation of Committee of the Whole, that municipal council refer the matter of Comfort Centres to the REMO Advisory Committee. Motion carried unanimously.

Correspondence

Re: Royal Canadian Legion (September 24th) – noting preparations are underway for the annual 2019 Remembrance Day Service and Poppy Campaign. It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, to receive for information. Motion carried unanimously.

Councillors will attend Remembrance Day ceremonies as follows:

- Bridgetown - Councillor Fowler and Warden Habinski
- Middleton – Councillors MacDonald and LeBlanc
- Clementsport – Councillor Morrison
- Clementsvale and Bear River – Councillor Gunn
- Springfield, Lawrencetown, Brickton – Deputy Warden Roberts
- Nictaux – Councillor Sheridan
- Annapolis Royal – Councillor McNeil

Re: Dept of Environment (October 9th) – responding to Council’s letter of September 11, 2019 regarding the Arlington C&D Landfill.

MOTION 191015.23 Dept of Environment Correspondence October 9th – Forward to Annapolis Waterkeepers

It was moved by Deputy Warden Roberts, seconded by Councillor Fowler, to forward the October 9, 2019 response from the Department of the Environment regarding the Arlington C&D Landfill to the Annapolis Waterkeepers. Motion carried unanimously.

Adjournment

Upon motion of Councillors McNeil and Sheridan, the meeting adjourned at 3:11 p.m.

Warden

Municipal Clerk

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