

**Municipal Council
September 23, 2019
Summary of Motions**

MOTION 190923.01 Minutes – Regular Session 2019-08-20	1
MOTION 190923.02 Minutes – Special Session 2019-09-12	1
MOTION 190923.03 Application for Heritage Property Registration (Clarence Community Hall) – Refer to Heritage Advisory Committee	4
MOTION 190923.04 05-18-0053 Water Distribution Upgrade Contribution Agreement	4
MOTION 190923.05 Volunteer Week – CAO to Bring Recommendations	4
MOTION 190923.06 Declaration of Climate Emergency	5
MOTION 190923.07 AM-1.2.0 Procedure and Organization of Council Policy - Amend	5
MOTION 190923.08 Recognition of Cadet Ethan Rice	5
MOTION 190923.09 NS Ground Search and Rescue Wilderness Survival Guide – Purchase Ad	5
MOTION 190923.10 AM-6.6.6 Signing Authorities Policy - Amend	5
MOTION 190923.11 TIR Cost Share J-Class Road Submission List	6
MOTION 190923.12 Margaretsville & District Volunteer Fire Department - Release of Funds (\$90,000)	6
MOTION 190923.13 Information Session for All Advisory Committee Citizen Members	6
MOTION 190923.14 Habitation Community Area Advisory Committee – Citizen Appointments	7
MOTION 190923.15 Loan Advance – EA Farren Ltd.	7
MOTION 190923.16 Accept Resignation from Cornwallis Park and Area Asset Review Committee - Heming	8
MOTION 190923.17 Appointment to Cornwallis Park and Area Asset Review Committee - LeBlanc	8
MOTION 190923.18 Vacant Seat Declared in District 1	8
MOTION 190923.19 Hold a Special Election in District 1 on December 14, 2019, Due to Declared Vacancy	8
MOTION 190923.20 Carolyn Young Appointed as Returning Officer for Special Election	8
MOTION 190923.21 Letter of Support to Cape Breton Regional Municipality	8

Minutes of the regular session of Municipal Council held on Monday, September 23, 2019 at 10:04 a.m. (following Special Committee of the Whole) in Council Chambers of the Municipal Administration Building, Annapolis Royal, NS.

Present: Warden Timothy Habinski, Deputy Warden Martha Roberts; Councillors John A MacDonald, Wayne Fowler, Burt McNeil, Gregory Heming, Alex Morrison, Michael Gunn, Wendy Sheridan, and Diane LeBlanc.

Absent: Councillor Marilyn Wilkins

Also

Present: CAO John Ferguson, Municipal Clerk Carolyn Young, other staff, and approximately 20 members of the public.

The Warden showed a photo of students from Bridgetown Regional Consolidated School who ‘marched’ to the former town hall to bring attention to climate change. He noted these students are not just following a trend, they are thoughtful and engaged. They are angry because they didn’t do this but have to live with the consequences. He invited them to the up-coming summit, offering free admission for students. Also, Councillor Heming is addressing young people at CARP’s October 1-2 event.

Additions to the Agenda *(to end of Agenda)*

Requests were made for the following items to be added to the agenda under In-Camera: 5 MGA Section 22(2) (f) litigation or potential litigation; and under (c) personnel matters; and under Additions: 12(A) Cornwallis Park and Area Asset Review Committee.

Approval of the Agenda

Upon motion of Councillors LeBlanc and Sheridan, the agenda was approved as amended.

Minutes

MOTION 190923.01 Minutes – Regular Session 2019-08-20

It was moved by Councillor Fowler, seconded by Deputy Warden Roberts, to approve the minutes of the regular session of Council held on August 20, 2019, as circulated. Motion carried unanimously.

MOTION 190923.02 Minutes – Special Session 2019-09-12

Councillor Fowler moved, seconded by Councillor McNeil, to approve the minutes of the special session of Council held on September 12, 2019, as circulated. Motion carried unanimously.

Councillor’s Comments

District 3 – Councillor Fowler reported the Port Lorne Fire Department was busy during the recent storm, out and about with generators and chain saws, opening as a comfort station to warm and charge, and tending to other matters (flooding, water). Busy every day for a week, he appreciates their volunteer service. He added his appreciation for the Bridgetown Fire Department who also opened as a comfort centre.

District 2 – Councillor MacDonald commented on the best of communities, where people tirelessly help people. He noted caution when clearing trees, especially those that are leaning. He will be attending a community meeting Sunday evening to determine how the community can be better prepared for the next storm.

District 11 – Councillor LeBlanc added her appreciation for a lot of volunteers cleaning up after the storm, even now. One cottage owner noted how interesting and informative the waste meeting was. She attended the Town Hall in District 5 – people there are also pleased with the information shared. Nice that the town halls being attended. Information gets shared.

District 6 – Councillor Morrison reported he had recently attended a Rural Housing Forum entitled "Further Together", dealing with various, and multiple, aspects of housing. He attended the following sessions: Energy Poverty Program, Housing Nova Scotia, Accessibility (Province of NS), Affordable Housing: A Municipal Perspective. Hundreds of visitors to Felker Hall (Cornwallis Park Community Centre) during the aftermath of Hurricane Dorian were welcomed with breakfast, hearty soup, hot baloney sandwiches, and hot dogs, buns, rolls, and bread. These items came from local donations and, after the stores opened, purchases. Citizens brought items from their freezers for the enjoyment of all. The manager of Cornwallis Park ValuFoods opened for the councillor and donated some needed supplies. Volunteers cooked, baked, cleaned up, washed, dried and handled the myriad of chores needed. Card and board games attracted many participants as did the extensive Cornwallis Park Library that has a very lenient lending policy.

Caesar said "*veni, vidi, vinci*". In like fashion, folks came, saw and, indeed, conquered. We can be proud. Lessons were learned regarding communications, equipment, sanitary facilities.

District 8 – As submitted:

August ended with the ACOA Funding Announcement of the gender neutral washrooms at the Annapolis Basin Conference Centre.

September started and before long we were dealing with the effects of Hurricane Dorian. I would like to thank the many community members who stepped up to help neighbours, who provided food for the Comfort Centres, who helped clear debris, who shared resources ... everyone who helped any way they could. I would also like to thank our emergency services, namely the Volunteer Fire Departments who supported the police services in managing the clearing of the roads. And most importantly, I'd like to thank the many crews from Quebec, New Brunswick and even Maine who came to support Nova Scotia Power in dealing with the devastation from the storm.

And other than the storm, we've had the Town Hall in Port Royal. Within District 8, there have been community suppers and benefits.

District 10, Deputy Warden Roberts thanked the residents, who, in the time of emergency, all came together and helped each other, and the volunteers who went above and beyond.

District 5 – Councillor Heming presented a grant cheque to the Lower Granville Hall. He was pleased with the Town Hall last week, where those in attendance chose the five topics they wanted to discuss. The hall is interested in getting off the grid and food security – this is working toward resilient community halls in face of climate emergencies, and future cooperatives (food and energy security). He is leaving today to speak in BC on climate change.

District 9 – Councillor Sheridan expressed her thanks to volunteers and community members who helped each other after the recent storm. She reminded that fall clean-up is happening now.

District 4 – Councillor McNeil applauded the many crews that were here to help us regain power. They worked long, long, hours. Job well done by all. Everyone came together.

District 7 – Warden Habinski remarked on how we experienced the hurricane: there was no sense of panic in the community, and tight community connections. He was once again reminded of the strength of volunteers - they pull together and navigate through it. We knew how we would respond - with neighbourliness and the strength of small community.

New Business

Re: Kings Transit – GM Glen Bannon attended at the request of council to discuss the bus purchase process. He noted this had been addressed when he presented the 19/20 budgets a few months ago, reminding that part of capital plan outlined plans to recapitalize bus service, including a proposal to purchase three transit buses, one for Annapolis County. Earlier this month RFP1905 was issued; it closes on November 1st. It looks at same size bus currently in service on the western route – a Vicinity 30-32foot bus. He added that he will be pleased to come back after the tender closes.

Re: NS Dept. Municipal Affairs – A/Director Advisory Services Ron Dauphinee was unable to attend. He sent an email with his comments dated September 19, 2019, regarding sections of the *Municipal Government Act* (MGA) and the *Municipal Elections Act* (MEA) regarding declaring a vacant seat, which the Clerk circulated to councillors.

Municipal Solicitor W Bruce Gillis apologized to council for an error in his written opinion about councillor disqualification dated August 28. He did not have an up-to-date *Municipal Elections Act* (MEA). He added that he has since been advised that 18(6) of MEA is the appropriate section and provides a process, as stated by Mr. Dauphinee.

Addition to the Agenda

It was moved by Councillor Gunn, seconded by Councillor Heming to add to agenda as item 12(B) Vacant Seat. Motion carried unanimously.

In-Camera

Deputy Warden Roberts moved, seconded by Councillor MacDonald, to meet in-camera from 10:52 a.m. until 12:45 p.m. in accordance with Sections 22(2)(g) legal advice eligible for solicitor-client privilege, (f) litigation or potential litigation, and (c) personnel matters of the *Municipal Government Act*. Motion carried unanimously.

Councillor Fowler left at 12:05 p.m.

LUNCH

The Warden declared a lunch break at 12:45 p.m., with all returning at 1:45 as previously noted (except for Councillor Fowler)

Additions to the Agenda

It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to add Council Vacancy and Special Election. Motion carried unanimously. ** *Clerk's Note* - this item had already been added before lunch as 12(B) Vacant Seat.

Councillor Gunn moved, seconded by Deputy Warden Roberts, to add as item 12(C) Letter of Support for Cape Breton Regional Municipality. Motion carried unanimously.

Business Arising from the Minutes

There was no business arising from the minutes.

Municipal Solicitor's Report**• *Monthly Report 11 September 2019***

It was moved by Councillor McNeil, seconded by Councillor LeBlanc, to approve the Solicitor's September 11, 2019 report, to which solicitor/client privilege applies. Motion carried unanimously.

New Business (cont'd)

Re: Application for Heritage Property Registration Clarence Community Hall (Clarence East School) – an application dated July 2, 2019 was received on August 30, 2019.

MOTION 190923.03 Application for Heritage Property Registration (Clarence Community Hall) – Refer to Heritage Advisory Committee

It was moved by Councillor MacDonald, seconded by Councillor LeBlanc, to refer the application for Heritage Property Registration Clarence Community Hall, to the Heritage Advisory Committee for review and recommendation. Motion carried unanimously.

Re: Investing in Canada Infrastructure Program 05-18-0053 Water Distribution Upgrade Contribution Agreement – Alden Hubley

MOTION 190923.04 05-18-0053 Water Distribution Upgrade Contribution Agreement

Councillor McNeil moved, seconded by Councillor Heming, to authorize the Warden and Clerk to sign the Investing in Canada Infrastructure Program (ICIP) 05-19-0053 Water Distribution Upgrade Contribution Agreement. Motion carried unanimously.

Reports and Recommendations

Re: Committee of the Whole 2019-09-16

• *Volunteer Week***MOTION 190923.05 Volunteer Week – CAO to Bring Recommendations**

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Morrison, that municipal council have the CAO review the current Volunteer Week program practices, and report back to October COTW with recommendations as to how to increase the number of nominees and the number of citizens permitted to attend the ceremony. Motion carried unanimously.

- ***Climate Emergency***

Deputy Warden Roberts moved, seconded by Councillor Heming, in accordance with the recommendation of Committee of the Whole, that municipal council for the County of Annapolis declare a climate emergency in order to engage citizens in a cooperative approach that would address the rapidly emerging impacts of the deteriorating climate.

Councillor Gunn read from a prepared statement.

It was moved by Councillor Gunn, seconded by Councillor Sheridan, to amend the motion by removing the words '*engage citizens in a cooperative approach that would*'. **Motion lost.**

The question was called on the original motion:

MOTION 190923.06 Declaration of Climate Emergency

Deputy Warden Roberts moved, seconded by Councillor Heming, in accordance with the recommendation of Committee of the Whole, that municipal council for the County of Annapolis declare a climate emergency in order to engage citizens in a cooperative approach that would address the rapidly emerging impacts of the deteriorating climate. Motion carried, 7 in favour, 2 against (Roberts, Gunn)

Councillor Heming left at 2:10 p.m.

- ***AM-1.2.0 Procedure and Organization of Council Policy – Amend***

MOTION 190923.07 AM-1.2.0 Procedure and Organization of Council Policy - Amend

Pursuant to seven-day notice having been given at Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Gunn, that municipal council amend *AM-1.2.0 Procedure and Organization of Council Policy*, by amending Section 3.4 to move Presentations to immediately follow Approval of Agenda; by adding Roll Call before the Approval of Minutes; and by adding Councillor's Comments immediately following the Municipal Solicitor's Report. Motion carried unanimously.

- ***Army Cadet League of Canada – Recognize Cadet Ethan Rice***

MOTION 190923.08 Recognition of Cadet Ethan Rice

Deputy Warden Roberts moved, seconded by Councillor Morrison, pursuant to the recommendation of Committee of the Whole, that municipal council provide a certificate of recognition to recognize the success of Cadet Ethan Rice, and that Cadet Rice be invited to a session of council where the certificate can be presented to him. Motion carried unanimously.

- ***Nova Scotia Ground Search and Rescue Wilderness Survival Guide – Purchase Ad***

MOTION 190923.09 NS Ground Search and Rescue Wilderness Survival Guide – Purchase Ad

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Gunn, that municipal council purchase a half-page colour ad in the upcoming NS Ground Search and Rescue Association Wilderness Survival Guide at a cost of \$560. Motion carried unanimously.

- ***AM-6.6.6 Signing Authorities Policy - Amend***

MOTION 190923.10 AM-6.6.6 Signing Authorities Policy - Amend

Deputy Warden Roberts moved, seconded by Councillor LeBlanc, in accordance with seven-day notice having been given at Committee of the Whole, that municipal council amend *AM-6.6.6. Signing Authorities Policy* as follows:

- In Subsection 5(2)(f) replace “*Senior Administrative Assistant*” with “*Deputy Municipal Clerk*” to reflect changes to job title.

Motion carried unanimously.

- ***Transportation and Infrastructure Renewal Cost Share J-Class Road Submission List***

MOTION 190923.11 TIR Cost Share J-Class Road Submission List

Pursuant to the recommendation of Committee of the Whole, it was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council authorize staff to submit the following subdivision streets to the Province for consideration under the Cost Share Program in the 2020-21 construction season:

- Mills Mountain Road
- North Street
- Troop Lane
- Duke Street
- Silver Street
- West Clementsport Road
- Cross Street
- Pecks Hill
- Session Street
- Tupper Street

Motion carried unanimously.

- ***Margaretsville & District Volunteer Fire Department Release of Funds***

MOTION 190923.12 Margaretsville & District Volunteer Fire Department - Release of Funds (\$90,000)

Deputy Warden Roberts moved, seconded by Councillor MacDonald, pursuant to the recommendation of Committee of the Whole, that municipal council authorize the withdrawal of \$90,000 from the Fire Services Capital Reserve to the Margaretsville & District Volunteer Fire Department in the 2019-20 fiscal year to purchase a new chassis for their used utility vehicle. Motion carried unanimously.

- ***Information Session for All Advisory Committee Citizen Members***

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor MacDonald, that municipal council consider a new best practice of holding an information session of all advisory committees to which citizens are appointed, early in the new year (January) following each nomination cycle to explain the roles and functions of committees and to establish clear expectations of committee members.

It was moved by Councillor Morrison, seconded by Councillor MacDonald, to amend the motion by removing the words ‘*consider a new best*’ and replace with ‘*adopt the*’. Motion carried unanimously.

The motion was called, as amended to read:

MOTION 190923.13 Information Session for All Advisory Committee Citizen Members

In accordance with the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor MacDonald, that municipal council adopt the practice of holding an information session of all advisory committees to which citizens are appointed, early in the new year (January) following each nomination cycle to explain the roles and

functions of committees and to establish clear expectations of committee members. Motion carried unanimously.

• ***Habitation Community Area Advisory Committee – Citizen Applications and Appointments***

MOTION 190923.14 Habitation Community Area Advisory Committee – Citizen Appointments

Deputy Warden Roberts moved, seconded by Councillor McNeil, in accordance with the recommendation of Committee of the Whole, that municipal council appoint Wayne Currie, Carl DeNuke, Andi Rierden, Ryan Schaffrick, and Susan Tooke, as citizen members of the Habitation Community Area Advisory Committee for a term ending November 30, 2020. Motion carried unanimously.

• ***Loan Advance – EA Farren Ltd.***

MOTION 190923.15 Loan Advance – EA Farren Ltd.

Pursuant to the recommendation of Committee of the Whole, Deputy Warden Roberts moved, seconded by Councillor Gunn, that municipal council advance a loan of \$62,000 from the operating reserve to EA Farren Ltd., subject to security and signature from Mr. Farren. Motion carried, 7 in favour, 1 against (Roberts).

Correspondence

Re: Heartland Tour (August 15th) – of thanks for on-going support of the Heartland Tour. It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to receive for information. Motion carried unanimously.

Re: Canadian Union of Postal Workers (August 22nd) – requesting council to question political parties regarding the maintenance of door-t-door delivery and stopping the rollout of community mailboxes. Councillor McNeil moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Peter C Davies (August 22nd) – noting he is pleased to have resolved the question of copyright pertaining to the reproduction of his artwork as produced for the Municipally-Registered Heritage Property Program. It was moved by Councillor MacDonald, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: James McCurdy (email August 26th) – with additional information regarding water testing and the Arlington dump. Deputy Warden Roberts moved, seconded by Councillor MacDonald, to receive for information. Motion carried unanimously.

Re: Robert Mann (email September 6th) – regarding concerns about meal allowance for Committee of the Whole and Council. It was moved by Councillor Morrison, seconded by Deputy Warden Roberts, to receive for information. Motion carried unanimously.

Re: Town of Shelburne (September 9th) – congratulating the municipality as part of the Annapolis Valley Region on becoming the world's first rural Sustainable and Smart Region with WCCD Gold Certification. Deputy Warden Roberts moved, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Additions

Re: Cornwallis Park and Area Asset Review Committee – Councillor Morrison addressed this matter on behalf of Councillor Heming, noting that Councillor Heming would like to be relieved from committee membership. Councillor Morrison requested this on his behalf. Councillor LeBlanc is willing to serve on the committee

MOTION 190923.16 Accept Resignation from Cornwallis Park and Area Asset Review Committee - Heming

It was moved by Councillor Morrison, seconded by Councillor Sheridan, to accept Councillor Heming's resignation from the Cornwallis Park and Area Asset Review Committee. Motion carried unanimously.

MOTION 190923.17 Appointment to Cornwallis Park and Area Asset Review Committee - LeBlanc

Deputy Warden Roberts moved, seconded by Councillor MacDonald, to appoint Councillor LeBlanc to the Cornwallis Park and Area Asset Review Committee, to fill the vacancy left by the resignation of Councillor Heming. Motion carried unanimously.

Re: Vacant Seat/Special Election

MOTION 190923.18 Vacant Seat Declared in District 1

It was moved by Deputy Warden Roberts, seconded by Councillor Gunn, that municipal council declare a vacant seat on council in District 1, in accordance with Section 17[4] of the *Municipal Government Act* and Sections 13[1] and 18[6] of the *Municipal Elections Act*. Motion carried, 7 in favour, 1 against (Habinski)

MOTION 190923.19 Hold a Special Election in District 1 on December 14, 2019, Due to Declared Vacancy

Deputy Warden Roberts moved, seconded by Councillor McNeil, that municipal council hold a special election in District 1 on Saturday, December 14, 2019, due to a vacancy as declared in accordance with Section 17[4] of the *Municipal Government Act*, and Sections 18[6] and 13[2] of the *Municipal Elections Act*. Motion carried unanimously.

MOTION 190923.20 Carolyn Young Appointed as Returning Officer for Special Election

It was moved by Deputy Warden Roberts, seconded by Councillor Sheridan, to appoint Carolyn Young as Returning Officer for the Special Election. Motion carried unanimously.

Re: Letter of Support to CBRM

MOTION 190923.21 Letter of Support to Cape Breton Regional Municipality

Councillor Gunn moved, seconded by Deputy Warden Roberts, to send letter to Cape Breton Regional Municipality in support of their request to the province for additional funding consideration. Roberts. Motion carried unanimously.

In-camera

Councillor McNeil moved, seconded by Councillor MacDonald, to meet in-camera from 2:31 p.m. until 2:47 p.m. in accordance with Sections 22(2)(a) acquisition, sale, lease and security of municipal property of the *Municipal Government Act*. Motion carried unanimously.

Adjournment

The Warden declared the meeting adjourned at 2:48 p.m.

Warden

Clerk