

Minutes of the regular Committee of the Whole meeting held on Thursday, November 12, 2020, at 9:11 a.m., via Zoom Video-Conference, in accordance with the Direction of the Minister under a Declared State of Emergency. (*See attached*)

Roll Call: District 1 – Bruce Prout, present
District 2 - Brian “Fuzzy” Connell, present
District 3 – Alan Parish, present
District 4 – Clyde Barteaux, present
District 5 – Lynn Longmire, present
District 6 – Alex Morrison, present
District 7 – David Hudson, present
District 8 – Michael Gunn, present
District 9 – Wendy Sheridan, present
District 10 – Brad Redden, present
District 11 – Diane Le Blanc, present

Also Present: CAO John Ferguson, Municipal Clerk Carolyn Young, other staff (W. Atwell, A. Dunphy, D. Campbell, H. Orde)

Warden Parish stated that having Declaration of Interest on the agenda doesn’t conform to county policy so he will not recognize it.

Additions to Agenda

Warden Parish asked to add, as the first item of New Business, Meetings Held After the Election

Councillor Longmire asked to remove item 5B and 5I. Councillor Morrison asked that those items be dealt with as they arise from the agenda.

Councillor Redden asked to add Court Date December 9th.

Approval of the Agenda (Order of the Day)

Upon motion of Councillors Gunn and Connell, the agenda was approved as amended. Motion carried unanimously.

Minutes

Councillor Sheridan moved, seconded by Councillor LeBlanc, to approve the minutes of the regular meeting of Committee of the Whole held October 13, 2020, as circulated. Motion carried unanimously.

New Business

Re Meetings Held After the Election – Warden Parish noted

Point of Order

Councillor Morrison asked if it would be more appropriate for the Chair to step aside while he speaks and have the Deputy Warden Chair.

Deputy Warden Gunn presided as Chair

Warden Parish referenced the meetings of Council held on October 20 (regular session), October 28 (special session) and November 4 (special session) and ongoing debate on whether those meetings are valid. Municipal Solicitor W. Bruce Gillis, Q.C. says they are valid; Jason Haughn of Municipal Affairs says they were not. Warden Parish personally retained a municipal lawyer to get an opinion on the matter. He read portions of correspondence from Dennis James of Patterson Law which says the meetings were not valid. The Warden listed several action items that he would like to have addressed as soon as possible.

The CAO reminded all that Committee of the Whole is not a decision-making body and can only make recommendations to council. Direction can be given to the CAO or Solicitor. Municipal council had asked Mr. Gillis to provide the opinion on the validity of the meetings.

Warden Parish resumed the Chair.

Re: RFD Bear River Deed Request

It was moved by Deputy Warden Gunn, seconded by Councillor Morrison, to recommend that Municipal Council instruct the Municipal Solicitor to prepare a deed to transfer the Bear River Greenhouse property to the Bear River Board of Trade in accordance with the January 8, 2016 agreement of purchase and sale. Motion carried unanimously.

Re: Sheralyn Bishop Email Dated October 29, 2020

Deputy Warden Gunn moved, seconded by Councillor Connell, to receive for information. Motion carried unanimously.

Re: Nictaux Park and Playground Update – In a Memo dated October 30, 2020, Debra Ryan, Recreation Manager, reported that the developers open to negotiating for land that will benefit the community. Staff will stake out the land in early November and map it so that the developers can clearly have a visual of expectation to start the next phase of negotiation. A future on site meeting will be coordinated with the developers.

It was moved by Councillor Connell, to receive for information. Motion carried unanimously.

Re: RFD AM-3.2.1 Hiring Policy Amend

Deputy Warden Gunn moved, seconded by Councillor Hudson, that seven day notice be given for Municipal Council to amend *AM – 3.2.1 Hiring Policy* by deleting Subsections 5.8 b) and c) and adding a header before Sub-section 5.12. Motion carried, 10 in favour 1 against.

Re: RFD AM-1.3.6.17 Accessibility Policy New

It was moved by Deputy Warden Gunn, seconded by Councillor LeBlanc, that seven day notice be given for Municipal Council to approve *AM – 1.3.6.17 Accessibility Advisory Committee Policy* as circulated. Motion carried unanimously.

Re: RFD Seek Nominee for Western Regional Housing Authority Board

Deputy Warden Gunn moved, seconded by Councillor Barteaux, to recommend that municipal council advertise on the County's website and social media, and through other media as deemed appropriate by Council, for applications from citizens interested in serving on the Western Regional Housing Authority Board. Motion carried unanimously.

Re: Annapolis County Municipal Housing Corporation Recommendations for Appointment

Deputy Warden Gunn moved, seconded by Councillor Sheridan, to recommend that municipal council appoint Nancy McGrath, Gail Grover and Alnoor Rajan for an additional two-year term each, and Judy Green and Nicola McCarthy as new appointments. Motion carried unanimously.

It was requested to add Review of Relationship Between ACMHC and the Municipality to the December Committee of the Whole agenda.

Re: EMO Mayors and Elected Officials Training – Nova Scotia Emergency Management Office offers emergency management training to newly-elected councils. Because we have a regional emergency management organization, we do a joint training with the councils of the Towns of Annapolis Royal and Middleton.

By consensus, Monday, November 16, 2020 at 7:00 p.m. was selected.

Re: Larry Powell / Lynn Longmire Email Dated November 5, 2020 – It was moved by Deputy Warden Gunn, seconded by Councillor Sheridan, to receive for information. Sheridan.

In-camera

Councillor Redden moved, seconded by Councillor LeBlanc, to meet in-camera from 10:59 a.m. until 11:11 a.m. in accordance with Sections 22(2)(c) personnel and (f) litigation or potential litigation of the *Municipal Government Act*. Motion carried, 6 in favour, 5 against.

Amend the Order of the Day

It was moved by Councillor Connell, seconded by Councillor LeBlanc, to amend the order of the day to add Who Should be in Attendance for In-camera Session at this time. Motion carried unanimously.

Re: Who Should be in Attendance for In-camera Session -

Councillor Redden moved, seconded by Councillor Connell to meet in-camera in accordance with sections 22(2)(c) personnel, and (f) litigation or potential litigation of the *Municipal Government Act*, and that the CAO and Solicitor be included.

It was moved by Councillor Connell, seconded by Councillor Hudson, to amend the motion to include the Clerk this time. Motion carried unanimously.

Councillor Redden moved, seconded by Councillor Connell to meet in-camera from 11:24 a.m. until 11:41 a.m. in accordance with sections 22(2)(c) personnel, and (f) litigation or potential litigation of the *Municipal Government Act*, and that the CAO, Solicitor, and Clerk be included. Motion carried unanimously.

The question was called on the original motion to receive Larry Powell / Lynn Longmire Email Dated November 5, 2020 for information. Motion carried, 10 in favour, 1 against.

Lunch

The Warden declared a lunch break at 11:44 a.m., with all returning as previously noted at 12:27 pm.

Re: RFD Parking and Boat Launch Access Proposal for Raven Haven

Deputy Warden Gunn, seconded by Councillor Barteaux, to recommend that municipal council not enter into a use agreement with Kirk Hicks to develop a long-term parking/storage area at Raven Haven in exchange for island park/picnic land.

It was moved by Councillor Connell seconded by Councillor Sheridan to table and meet with Mr. Hicks before making a decision. Motion carried, 9 in favour, 2 against.

Community Development Director A. Dunphy noted that he and Recreation Manager D. Ryan would be please to arrange a tour of the premises if asked.

Re: December 9th Court Date – Councillor Redden asked for further information on this. The CAO noted that the Solicitor reports to Council.

Councillor Sheridan moved, seconded by Councillor Redden, to request Mr. Gillis to provide a summary of pending court cases dealing with the Waste Transfer Station and distribute to all of council. Motion carried unanimously.

Departmental Reports

Re: Community Development (October)

Deputy Warden Gunn moved, seconded by Councillor LeBlanc, to receive the October Community Development report for information. Motion carried unanimously.

Re; Protective Services (October)

It was moved by Deputy Warden Gunn, seconded by Councillor Longmire, to receive the October Protective Services report for information. Motion carried unanimously.

Re: Municipal Services (October) – not available

Re: CAO Report (October)

Deputy Warden Gunn moved, seconded by Councillor Hudson, to receive the October CAO Report for information. Motion carried unanimously.

- *Gordonstoun Legal Arrangements*

It was moved by Councillor Connell, seconded by Deputy Warden Gunn, to request a memorandum from the CAO to council outlining all the legal arrangements with the Gordonstoun projects with documents attached to receive by November 19th. Motion carried unanimously.

- *Municipal Buildings to be Open to the Public*

Councillor Connell moved, seconded by Deputy Warden, to recommend that municipal council direct the CAO to arrange for the Municipal Buildings in Annapolis Royal and Lawrencetown, to be open to the public with safety precautions being put in place by mid-December

It was moved by Councillor Hudson, seconded by Deputy Warden Gunn, to amend the motion include the Bridgetown municipal building. Motion carried unanimously.

Deputy Warden Gunn moved, seconded by Councillor LeBlanc, to amend the motion to extend the deadline to the end of January. Motion carried unanimously.

As amended to read:

Councillor Connell moved, seconded by Deputy Warden, to recommend that municipal council direct the CAO to arrange for the Municipal Buildings in Annapolis Royal, Lawrencetown, and Bridgetown to be open to the public with safety precautions being put in place by the end of January 2021. Motion carried unanimously.

- *Seaside Communications and Eagle Telecom – Monthly Updates with Maps*

Deputy Warden Gunn moved, seconded by Councillor Barteaux, to recommend to municipal council to direct the CAO to have Seaside Communication and Eagle Telecom bring monthly updates to municipal council with a map showing the location they've reached and how far they intend to go. Motion carried unanimously.

- *Public Waste Drop-Off and Household Hazardous Waste*

It was moved by Councillor Hudson, seconded by Deputy Warden Gunn, to recommend that municipal council direct the COA to provide the budget the county has set for public drop off of waste.

Councillor Redden moved, seconded by Councillor LeBlanc, to amend the motion to include capital costs for the Household Hazardous Waste proposal as well. Motion carried unanimously.

The Question was called on the motion as amended to read:

It was moved by Councillor Hudson, seconded by Deputy Warden Gunn, to recommend that municipal council direct the COA to provide the budget the county has set for public drop off of waste and the projections for a Household Hazardous Waste program. Motion carried unanimously.

- *Summary of Costs to Date for the Waste Transfer Station*

Councillor Connell moved, seconded by Deputy Warden Gunn, to recommend that municipal council direct the CAO to provide a full detailed summary of costs to date for the waste transfer station. Motion carried unanimously.

- *Summary of All Legal Cases With Current Standing and Fees to Date*

It was moved by Deputy Warden Gunn, seconded by Councillor Sheridan, to recommend that municipal council direct the CAO to have the solicitors provide a summary of all legal cases and fees and current standing, to report to COTW in December.

Recess

A brief recess was held from 2:06 p.m. until 2:19 p.m.

Council, Committee & Organizational Reports

Re: Kings Transit Authority September Managers Report – Deputy Warden Gunn moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

In-Camera

It was moved by Councillor LeBlanc, seconded by Councillor Prout, to meet in-camera from 2:26 p.m. p.m. until 4:29 p.m. in accordance with Section 22(2)(f) litigation or potential litigation and (e) contracts of the *Municipal Government Act*. Motion carried unanimously.

Declared Interest

Deputy Warden Gunn declared an interest while in-camera as he knows many of the persons involved; he left the zoom room, not participating in discussion. He lost internet connection and did not rejoin the meeting.

Amend the Order of the Day

It was moved by Councillor LeBlanc, seconded by Councillor Sheridan, to amend the Order of the Day by adding County-Owned Karsdale Property and Basinview Projects.

Re: County-Owned Karsdale Property

Councillor Barteaux moved, seconded by Councillor Prout, to direct the Solicitor to send a letter to Dieter Klaussen and Robbie Bent to cease and desist actions on county-owned land in Karsdale identified as Lot 99-1, PID 05218607, Assessment Account #09148892 as further action for damage is being contemplated in accordance with the trespass. Motion carried unanimously.

It was moved by Councillor Hudson, seconded by Councillor Redden, to direct the CAO to verify if survey markers are still in place; to install barricades at the access to the roadway, and to report water drainage issues to the Department of Environment. Motion carried unanimously.

Re: Basinview Projects

Deputy Warden Gunn moved, seconded by Councillor Barteaux, to recommend that municipal council instruct the CAO to provide council with updated background information regarding the Basinview Centre and the Fuel Switching Project, and to set a date for a workshop at Basinview Centre. Motion carried unanimously.

Adjournment

Upon motion of Councillors Sheridan and Barteaux, the meeting adjourned at 4:36 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