

MUNICIPAL COUNCIL

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Minutes of the regular session of **Municipal Council** held on Tuesday, August 21, 2018, at 10:00 a.m. in Council Chambers of the Municipal Administration Building, Annapolis Royal, N.S.

Present: Deputy Warden Martha Roberts; Councillors: Marilyn Wilkins, John A MacDonald, Wayne Fowler, Burt McNeil, Alex Morrison, Michael J Gunn, Wendy Sheridan, and Diane LeBlanc.

Absent: Warden Timothy Habinski and Councillor Gregory Heming (Heming attending Council business - Leahy Report presentation)

Also

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

Additions to the Agenda (to end of Agenda)

Requests were made for the following items to be added: to In-Camera, 4(A) section 22(2)(f) of the MGA - litigation or potential litigation ; and under Additions/Deletions: Item 8(H) – Elevate Annapolis County - postpone to September COTW, 10 (A) Youth Engagement, and (B) FCM Board of Directors Meeting Committee.

Approval of the Agenda

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

Minutes

MOTION 180821.01 Minutes – Regular Session 2018-07-17

Councillor Fowler moved, seconded by Councillor McNeil, that the minutes of the regular session held on July 17, 2018 be approved as circulated. Motion carried unanimously.

MOTION 180821.02 Minutes – Special Session 2018-07-20

It was moved by Councillor McNeil, seconded by Councillor Sheridan, that the minutes of the Special Session held on July 20, 2018, be approved as circulated. Motion carried unanimously.

MOTION 180821.03 Minutes – Special Session 2018-07-26

Councillor Fowler moved, seconded by Councillor LeBlanc, that the minutes of the regular session held on July 26, 2018 be approved as circulated. Motion carried unanimously.

MOTION 180821.04 Minutes – Special Session 2018-07-30

It was moved by Councillor Fowler, seconded by Councillor LeBlanc, that the minutes of the Special Session held on July 30, 2018, be approved as circulated. Motion carried unanimously.

MOTION 180821.05 Minutes – Special Session 2018-08-03

Councillor Sheridan moved, seconded by Councillor McNeil, that the minutes of the regular session held on August 3, 2018, be approved as circulated. Motion carried unanimously.

MOTION 180821.06 Minutes – Special Session 2018-08-07

It was moved by Councillor McNeil, seconded by Councillor Sheridan, that the minutes of the Special Session held on August 7, 2018, be approved as circulated. Motion carried unanimously.

MOTION 180821.07 Minutes - Special Session 2018-08-08

Councillor Fowler moved, seconded by Councillor McNeil, that the minutes of the regular session held on August 8, 2018 be approved as circulated. Motion carried unanimously.

MOTION 180821.08 Minutes – Special Session 2018-08-13

It was moved by Councillor McNeil, seconded by Councillor MacDonald, that the minutes of the Special Session held on August 13, 2018, be approved as circulated. Motion carried unanimously.

MOTION 180821.09 Minutes – Special Session 2018-08-15

Councillor Fowler moved, seconded by Councillor Sheridan, that the minutes of the regular session held on August 15, 2018 be approved as circulated. Motion carried unanimously.

In-Camera

Councillor McNeil moved, seconded by Councillor LeBlanc, to meet in-camera from 10:07 a.m. until 11:03 a.m. in accordance with Sections 22(2) (e) contract negotiations and (f) litigation or potential litigation, of the *Municipal Government Act*. Motion carried unanimously.

Addition to the Agenda

It was moved by Councillor Morrison, seconded by Councillor Wilkins, to add item 10(C) Legal Services Contract 2018-2021 to the agenda and deal with it now. Motion carried unanimously.

Re: Legal Services Contract 2018-2021**MOTION 180821.10 Legal Services 2018-2021 – Award Contract to Durland Gillis and Shackleton**

Councillor Morrison moved, seconded by Councillor Fowler, to award the contract for legal services to Durland Gillis Shackleton, for a period of three years 2018-2021, with an option to extend the contract to March 31, 2022, at the discretion of Municipal Council with the terms of any such extension to be mutually agreed upon. Motion carried unanimously.

Municipal Solicitor's Report

Re: Municipal Solicitor – A monthly report dated 15 August 2018 was circulated in the agenda package. Councillor LeBlanc moved, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Public Hearings (11:00 a.m.)

It was moved by Councillor McNeil, seconded by Councillor MacDonald, to adjourn to two public meetings: Port Royal Inn Ltd Land Use Bylaw Amendment Application and Hamilton (3314197 Nova Scotia Ltd) Development Agreement at 11:06 a.m. Motion carried unanimously. All returned as previously noted at 11:27 a.m. and the regular session of Municipal Council resumed.

Additions to the Agenda

It was moved by Councillor Morrison, seconded by Councillor MacDonald, to add the following to the agenda and address at this time as New Business: Port Royal Inn Ltd Land Use Bylaw Amendment Application and Hamilton (3314197 Nova Scotia Ltd) Development Agreement. Motion carried unanimously.

New Business

Re: Port Royal Inn Ltd. Land Use Bylaw Amendment Application

MOTION 180821.11 Port Royal Inn Ltd Land Use Bylaw Amendment Application

It was moved by Councillor Morrison, seconded by Councillor LeBlanc, following the full consideration of the related goals, objectives and policies of the Upper Clements Area Municipal Planning Strategy, and upon receiving favourable recommendations from the Upper Clements Area Advisory Committee and the Annapolis County Planning Advisory Committee, and after holding a public hearing thereon, that Municipal Council give second and final reading of its intention to adopt an amendment to Part 10.1 of the Upper Clements Area Land Use By-law to add self-storage facilities as a permitted use in the General Mixed Use (R-2) Zone. Motion carried unanimously.

Re: Hamilton (3314197 Nova Scotia Ltd) Development Agreement

MOTION 180821.12 Hamilton (3314197 Nova Scotia Ltd) Development Agreement

Councillor Morrison moved, seconded by Councillor LeBlanc, following the full consideration of the related goals, objectives and policies of the Upper Clements Area Municipal Planning Strategy, and upon receiving favourable recommendations from the Upper Clements Area Advisory Committee and the Annapolis County Planning Advisory Committee, and after holding a public hearing thereon, that Municipal Council give second and final reading of its intention to enter into a development agreement with 3314197 Nova Scotia Ltd. to permit the construction of a seasonal campground with up to twenty-four (24) campground accommodation rental spaces and up to six rental cottage accommodation structures on the Fort View Golf Village property in the community of Allains Creek. Motion carried unanimously.

Recess

Deputy Warden Roberts declared a brief recess from 11:32 a.m. until 11:46 a.m.

In-camera

Councillor Fowler moved, seconded by Councillor LeBlanc, to meet in-camera from 11:46 a.m. until 12:35 p.m. in accordance with Sections 22 2 (a) acquisition, sale, lease and security of municipal property and (e) contract negotiations of the *Municipal Government Act*. Motion carried unanimously.

Councillor Morrison left at 12:33 p.m. during the in-camera.

LUNCH

The Deputy Warden declared a lunch break at 12:35 p.m. All returned at 1:51 p.m. as previously noted, including Councillor Morrison.

Business Arising From the Minute

Re: C3 Water Supply Program (WSP) Bylaw – Final Reading (from June 19th)

MOTION 180821.13 C3 Water Supply Program (WSP) Bylaw – Final Reading

It was moved by Councillor Morrison, seconded by Councillor McNeil, in accordance with first reading given on June 19, 2018, that Municipal Council give final reading to enact the *C3 Water Supply Program (WSP) Bylaw*. Motion carried unanimously.

Re: S5 Noise Bylaw – Final Reading (from June 19th)

MOTION 180821.14 S5 Noise Bylaw – Final Reading

Councillor Morrison moved, seconded by Councillor LeBlanc, pursuant to first reading given on June 19, 2018, that Municipal Council give final reading to enact the *S5 Noise Bylaw*. Motion carried unanimously.

Re: S5 Orderly and Peaceful Conduct Bylaw Repeal – Final Reading (from July 17th)

MOTION 180821.15 S5 Orderly and Peaceful Conduct Bylaw

It was moved by Councillor Morrison, seconded by Councillor Fowler, in accordance with first reading given on July 17, 2018, that Municipal Council give final reading to repeal the *S5 Orderly and Peaceful Conduct Bylaw*. Motion carried unanimously.

Councillor’s Comments

District 3 – Councillor Fowler noted that garbage will be picked up as usual!

District 2 –Councillor MacDonald reported that two years ago, Council had a presentation by the Margaretsville Lighthouse Society, asking for a letter of support to obtain ownership of the Lighthouse from a federal authority, which we provided. Two weekends ago at Margaretsville Days in Margaretsville, in the County of Annapolis, the lighthouse was open to the public for the first time since constructed in the 1800s – he was pleased to attend as both tourist and Councillor. He expressed that he is honoured to be part of a Municipality such as this, and how we respond to the resident needs, which he calculates by asking himself the question “Is the decision I’m about to make, in the best interest of the residents of District 2 and Annapolis County and their tax dollars?”.

District 11 – Councillor LeBlanc attended the Port George Jamboree where there were a lot of people - from everywhere! She also the Annapolis Valley Exhibition in Lawrencetown and sat in the county booth, noting she thought the turnout was not as large as other years. She has been passing out compost bags in her district to help them prepare for their next regular garbage day.

District 6 – Councillor Morrison noted this second year of the American Musical Theatre Academy at Annapolis Basin Community Centre, and with more participants this year. They will present “Into the Woods” Friday at 6pm at the Desmond Piers building. Frank and Dora’s – the former Hollow Takeout, Deep Brook - is now owned by Karen and Brad Hewey; he participated in their opening. The Annapolis Golf facility is proceeding well with the new club house opening in October, and the Founders House Dining and Drinks now open. He noted performances by Celtic Vibe – David Holborn, every Thursday at 2:30 pm. He added that the building at the top of Burns Hill Rd has recently sold again. He eagerly awaits the arrival of the 2018 FCM Board of Directors in a few weeks. The Old St. Edward’s Church’s, (Clementsport, built in 1784) Annual Anniversary Celebration had a reference to “... legislators of the Commonwealth and Empire, and all who are set in authority; that all things may be ordered and settled by their endeavours upon the best and surest foundations, that peace and happiness, truth and justice...may be established among us for all generations...” – he felt this fits with current challenges as well, and appreciates the patience of our residents. Tomorrow (Wednesday) from 2-3 pm is the annual

garden party hosted by the Cornwallis Community Gardens Association, and will be Elizabeth McMichael's last garden party.

District 8 – Councillor Gunn noted he has been busy all month, advising about garbage and spending a week in Scotland!

District 9 – Councillor Sheridan noted the Seniors Trailblazers free concert-in-the-park at Lions Club Park on 4th or 5th of September. She also has been helping residents with garbage issues and has arranged for compost bags to be handed out today from 2-4 pm. Doing the best we can!

District 4 – Councillor McNeil noted garbage issues as well, a lot of calls. Received an email for anyone interested that Bridgetown Ciderfest looking for volunteers for the dunk tank, including the Warden and any Councillor! Fund raiser for the Food Bank.

District 1 – Councillor Wilkins noted a quiet month. She thanked Elizabeth McMichael for the annual garden party and her time and commitment given for many years.

District 10 - Deputy Warden Roberts attended the Annapolis Valley Exhibition, which was well attended (some days) noting the numbers will be tabulated at the end of the month. She has been working with constituents throughout the county on the garbage situation and appreciates the patience of the residents and the staff. We will get through this smoothly. Hats off to all staff helping residents and councillors.

Re: Cornwallis Park Water System – Boil Order – The Director of Municipal Operations noted that water test results had come back with presence of e-coli. The Department of Environment has issued a boil order. One bad sample was received and staff continue to re-test. Re-test samples have been sent in and they expect results Wednesday or Thursday. A boil water order is going out at this time. Discussion was held and the procedure explained, i.e. a series of tests are conducted, one bad test result came back. All facilities will be posted to boil the water for consumption. Test #2 has to come back clean and generally takes 24 hours. A clean test must be received in order to lift the boil order.

New Business (cont'd)

Re: AM-6.5.1 Special Reserve for Culture and Recreation Policy – Amend

MOTION 180821.16 AM-6.5.1 Special Reserve for Culture and Recreation Policy - Amend

In accordance with seven day notice given on July 17, 2018, I move that Municipal Council approve an amendment made to the *AM-6.5.1 Special Reserve for Culture and Recreation Policy* to add subsection 3.1 (c) – *A purpose at the discretion of Municipal Council*. Morrison LeBlanc. Motion carried unanimously.

Re: RFD Annapolis West Education Centre (AWEC) Grant Application

MOTION 180821.17 Annapolis West Education Centre – Grant Not Approved as Requested

It was moved by Councillor Morrison, seconded by Councillor Fowler, that Municipal Council not approve a grant in the amount of \$15,000 to the Annapolis West Education Centre (AWEC) due to limited funds left in the 2018-19 Community Grants budget, in accordance with AM-1.4.9 Community Grants Policy. Motion carried, 6 in favour, 3 against.

MOTION 180821.18 Annapolis West Education Centre - Grant

It was moved by Councillor McNeil, seconded by Councillor LeBlanc, that Municipal Council approve a grant in the amount of \$1,500 to the Annapolis West Education Centre (AWEC)

from the 2018-19 Community Grants budget in accordance with aM-1.4.9 Community Grants Policy. Motion carried 6 in favour, 3 against.

Re: RFD Inglisville Community Club Grant Application

MOTION 180821.19 Inglisville Community Club – Grant

Councillor Morrison moved, seconded by Councillor MacDonald, that Municipal Council approve a grant in the amount of \$1,200 to the Inglisville Community Club from the 2018-19 budget in accordance with *AM-1.4.9 Community Grants Policy, Community Halls and Centres Assistance Program*. Motion carried unanimously.

Re: RFD Milford and Area Community Association Grant Application

MOTION 180821.20 Milford and Area Community Association - Grant

It was moved by Councillor Morrison, seconded by Councillor Gunn, that Municipal Council approve a grant in the amount of \$619.99 to the Milford and Area Community Association from the 2018-19 budget in accordance with *AM-1.4.9 Community Grants Policy, Community Halls and Centres Assistance Program*. Motion carried unanimously.

Re: RFD Round Hill Hall Company Grant Application

MOTION 180821.21 Round Hill Hall Company - Grant

Councillor Morrison moved, seconded by Councillor McNeil, that Municipal Council approve a grant in the amount of \$2,400 to the Round Hill Hall Company from the 2018-19 budget in accordance with *AM-1.4.9 Community Grants Policy, Community Halls and Centres Assistance Program*. Motion carried unanimously.

Re: RFD Application for TBR TD Trimper Under C3 Water Supply Program Bylaw

MOTION 180821.22 Warden and Clerk to Sign C3 WSP TBR – TD Trimper \$8,821

It was moved by Councillor Morrison, seconded by Councillor Fowler, that Municipal Council authorize the Warden and Clerk to sign a Temporary Borrowing Resolution for a 10-year loan from the Municipal Finance Corporation in the amount of \$8,821 (quote amount plus \$300 administration fee and HST). Motion carried unanimously.

Re: Annapolis County Welcome Package – A draft document and a brief presentation on it was provided by Vincent Tian. His contract is up at the end of the month and he noted that he has appreciated working in this beautiful place. The Deputy Warden thanked him for providing a different outlook and vision on our county.

Councillor Morrison moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Elevate Annapolis County – Councillor Heming has asked to postpone this presentation to September Committee of the Whole.

Re: Bridgetown Sport Redevelopment (Bridgetown Artificial Track Complex)

MOTION 180821.23 Letter to Communities Culture and Heritage in Support of Bridgetown Artificial Track Complex

It was moved by Councillor Morrison, seconded by Councillor McNeil, that Municipal Council send a letter to the Department of Communities Culture and Heritage in support of the design

phase of the Bridgetown Artificial Track Complex, an athletic development that will benefit the region. Motion carried unanimously.

Correspondence

Re: Southwest Nova Biosphere Reserve Association (email dated July 9th) – of thanks for the \$1,500 grant received. Councillor Wilkins moved, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Re: Elyse Whitman (July 12th) – of thanks for scholarship funds received. It was moved by Councillor MacDonald, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Annapolis Valley Exhibition (July 16th) – of thanks for support of the 2018 Redneck Rodeo. Councillor McNeil moved, seconded by Councillor Wilkins, to receive for information. Motion carried unanimously.

Re: Annapolis Valley Regional Library (July 10th) – providing a copy of their annual report (April 1 2017 – March 31 2018). It was moved by Councillor Fowler, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Re: Valley Hospice Foundation (July 13th) – of acknowledgement and thanks for the fifth and final payment of the five year commitment of \$54,000. Councillor Fowler moved, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Re: Lunn's Mill Beer Company Ltd.(July 17th) – to clarify a false comment made during the Committee of the Whole meeting on July 10, 2018 during discussions about the Beaver Creek application for an exemption to the noise bylaw. Lunn's Mill stated in their correspondence that they have no interest in pursuing an exemption to the noise bylaw at this time and that they actively work to comply with existing bylaws. It was moved by Councillor MacDonald, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Nova Scotia Gaming (July 19th) – providing a link to view their 2017-18 Summary of Results. For information. Councillor LeBlanc moved, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Re: Annapolis Royal Football Club (July 24th) – of thanks for the grant received and providing their end of year financial statement as requested. It was moved by Councillor Fowler, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Re: Nancy Bray (email dated July 25th) – in response the July 24th request for an extension to end of August for input on powers to expend, coastal protection, and the planning framework in Nova Scotia. It was the consensus that this be added to September COTW for discussion.

Re: Harris Trimper (August 1st) – of concern regarding a member of the RCMP. Councillor Fowler moved, seconded by Councillor Gunn, to receive for information. Motion withdrawn.

MOTION 180821.24 Letter to S/Sgt RCMP Bridgetown Detachment

It was moved by Councillor Fowler, seconded by Councillor LeBlanc, to refer the letter from Mr. Trimper dated August 1, 2018, to the RCMP Bridgetown Detachment Staff Sgt., copied to Mr. Trimper. Motion carried unanimously.

Re: Lindsay Longmire (July 27th) – providing her contact information and thanking Council for allowing her to address them. Councillor Morrison moved, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: Let's Get a Playground in Nictaux Charity (email dated August 1st) – requesting to purchase land adjacent to the Nictaux playground in order to create a parking lot. Vehicles currently park in front of homes. This is a well-used, beautiful spot.

MOTION 180821.25 CAO to Research Property Adjacent to the Nictaux Playground

It was moved by Councillor Sheridan, seconded by Councillor McNeil, that the CAO investigate property adjacent to the Nictaux playground for use as a parking area. Motion carried unanimously.

Re: Annapolis Board of Trade (August 2nd) – of thanks for the contribution to the VIC and enclosing samples of the materials produced with the money. Councillor Wilkins moved, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Re: Attorney General (August 3rd) – in response to Council correspondence dated June 28th regarding the Street Crimes Enforcement Unit, and suggesting the concerns be directed to the Commanding Officer, Assistant Commissioner Brian Brennan.

MOTION 180821.26 Send Letter to Assistant Commissioner Brennan re Street Crimes Enforcement Unit

It was moved by Councillor Morrison, seconded by Councillor LeBlanc, that Municipal Council redirect the letter regarding Street Crimes Enforcement Unit to Assistant Commissioner Brennan as suggested by the Attorney General. Motion carried unanimously.

Re: Gail Dyer (August 3rd) – responding to Council's July 10th letter of response regarding cell service and noting her disappointment with public servants' indifference. Councillor Fowler moved, seconded by Councillor Gunn, to receive for information. Motion carried unanimously.

Re: Susan Whiteway (email dated August 9th) – requesting Municipal Council move forward on the formation of a land use bylaw regarding regulations on lot sizes for keeping farm animals. Councillor Sheridan noted that this won't go away. It is ongoing. The issue is growing. There is no issue with the animals, the issue is with lot sizes. At the Town Hall meeting, it was suggested that it goes back to East End Area Advisory Committee. Councillor MacDonald, Chair of the East End Area Advisory Committee has discussed with the Planner. He will follow up.

Re: Elizabeth Llewellyn (2018) – of thanks for scholarships and awards received upon graduation. It was moved by Councillor McNeil, seconded by Councillor LeBlanc, to receive for information. Motion carried unanimously.

Re: NS Transportation and Infrastructure Renewal (August 9th) – responding to Council’s July 20th letter regarding the deteriorating of Arlington and Brinton Roads, and informing that there are plans to patch these roads during the current construction season, and including plans for a more permanent solution through their capital program. Councillor Fowler moved, seconded by Councillor Wilkins, to receive for information. Motion carried unanimously.

Re: Municipality of Barrington (August 14th) – a copy of their letter to: the federal Ministers of Fisheries & Oceans and the Canadian Coast Guard; Natural Resources; and Environment and Climate Change, expressing concerns regarding the Canada-Nova Scotia Offshore Petroleum Board’s decision to allow oil and gas drilling by British Petroleum (BP) Canada approximately 300 kms off Halifax. It was moved by Councillor Gunn, seconded by Councillor McNeil, to receive for information. Motion carried unanimously.

Additions

Re: Youth Engagement – Councillor MacDonald noted that Council had talked about engaging with the older students at the four high schools in the area and having discussions on lowering the voting age. Councillor Morrison added that this was referred to the Strategic Planning Committee for discussion.

Re: 2018 FCM Board of Directors Meeting Committee Meeting – Councillor Morrison noted that at last meeting he had asked for an additional meeting to find out what is happening and what the roles are. There was a tentative date set for it.

In-camera

Councillor Fowler moved, seconded by Councillor LeBlanc, to meet in-camera from 3:35 p.m. until 4:29 p.m. in accordance with Section 22 2 (e) contract negotiations of the *Municipal Government Act*. Motion carried unanimously.

Additions

Re: EFR Environmental Inc. Curbside Collection of Residential Waste, Recycling & Organics Dated August 17, 2018

MOTION 180821.27 EFR Environmental Inc. – Curbside Collection of Residential Waste, Recycling & Organics Dated August 17, 2018

It was moved by Councillor McNeil, seconded by Councillor Sheridan, to authorize the Warden and Clerk to sign the agreement with EFR Environmental Inc. for Curbside Collection of Residential Waste, Recycling & Organics, as emailed on August 17, 2018 and subject to final review of the Solicitor. Motion carried unanimously.

Re: CAO Response to Citizen Re Waste – Councillor Fowler moved, seconded by Councillor LeBlanc, that the CAO share the comprehensive response he sent to a citizen regarding waste and the interruption of service. Motion carried unanimously.

Re: Seasonal Cottage Bins – Staff reported that temporary bins have been placed at cottage areas and EFR will clean up around the bins as necessary.

Re: Full Compost Carts - Valley Waste had indicated that they would be picking them all up. Now they have stated they won't pick up full bins. We are asking our citizens not to use current compost carts. *Please place compost in compostable bags and place at roadside on regular garbage day.* We are working on solutions for the green carts.

Re: Compost Carts – currently sourcing compost carts, with solid opportunities for delivery.

Adjournment

Upon motion of Councillors McNeil MacDonald, the meeting adjourned at 4:44 p.m.

Warden

Municipal Clerk