

**PORT HAWKESBURY TOWN COUNCIL
SPECIAL PUBLIC MEETING**

**Minutes of Meeting
October 22, 2018**

Present

Mayor, Brenda Chisholm-Beaton
Deputy Mayor, Hughie MacDougall
Councilor, Trevor Boudreau
Councilor, Mark MacIver
Chief Administrative Officer, Terry Doyle
Director of Finance, Erin MacEachen
Director Marketing, Recreation, Tourism & Culture, Paula Davis
Town Solicitor, Patrick Lamey

Guest

Ron Dauphinee, Department of Municipal Affairs (DMA)

1. Call to order

A Special Public Meeting of the Port Hawkesbury Town Council was held in Shannon Studio, PHCC, Monday, October 22, 2018 and called to order by Mayor B. Chisholm-Beaton at 6:00 p.m.

2. Additions to the agenda

- i. Destination Reeves Street Project – Councilor M. MacIver
(It was noted by CAO, T. Doyle that the Destination Reeves Street Project is on the upcoming agenda for the Committee of the Whole).

3. Approval of the agenda

MOVED by Councilor M. MacIver and SECONDED by Deputy Mayor H. MacDougall “that the Town of Port Hawkesbury approves the agenda as amended”. MOTION CARRIED.

4. Notice of Motion - Plebiscite

A Point of Order was called by Deputy Mayor H. MacDougall. He requested a meeting to be called on Friday, October 19, 2018 to discuss a plebiscite in conjunction with the Special Election scheduled December 15, 2018. He stated a notice of 24 hours and agreement by Council should suffice to call a Special Meeting or an Emergency Meeting of Council in accordance with the Town Council By-Law.

Mayor B. Chisholm-Beaton stated she inquired if the Deputy Mayor’s reason for calling a meeting was an emergency in nature. As it was not, she indicated a Special Public Meeting requires the appropriate time of notice to Council and the public. Town Solicitor P. Lamey reviewed the Town Council By-Law and noted that it is out of date where the relevant section 1(c) of that By-Law refers to a meeting that is requested by three members as provided in the *Towns Act* (of Nova Scotia). He advised Council that the *Towns Act* was repealed with the proclamation of the Municipal Government Act (Nova Scotia). He advised that the relevant section in the MGA is Section 19(2) of the MGA which states:

“In addition to regular meetings, the council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the council determines, if each council member is notified at least three days in advance and the clerk gives at least two days public notice of the meeting”

He also cited Section 19(4) and (5) of the MGA which states:

“(4) The clerk shall call a meeting of the council when required to do so by the mayor or warden or upon presentation of a written request signed by a majority of the councillors.

(5) When calling a meeting pursuant to subsection (4), the clerk shall give at least two days public notice of the meeting.”

The Deputy Mayor wanted to call a meeting, Friday, October 19, 2018 to conform to the 10 week period necessary to call a special election and to have a plebiscite on the Destination Reeves Street Project. Ron Dauphinee stated the DMA can provide clarification on the Municipal Elections Act (MEA). However, the DMA defers legal advice to municipal Town solicitors. Any changes to the MEA would require legislative change which is conducted biannually. A motion was passed at a Special Council Meeting on September 18, 2018 to declare a Councillor vacancy as of that date. A Special Election was officially called by Council on October 15, 2018. P. Lamey cited Section 13(1)(b) (Vacancy) of the MEA. He further cited Section 13(2) of the MEA which requires that the date fixed for a special election must be a Saturday not more than 11 weeks after the meeting of council at which the election date was named. The 4 week time limit for calling the special election under Section 13(1)(b) of the MEA expired. The special election date was set for Saturday, December 15, 2018 (being a Saturday that preceded the expiry of 11 weeks from October 15, 2018). P. Lamey advised council that he could find no provision in the MGA or the MEA that grants council discretionary power to change the special election date once it has been called. P. Lamey further cited Section 53(3) of MGA that sets out the statutory authority for council to call a plebiscite:

“(3) A plebiscite shall be held on a Saturday, as specified in the resolution, which shall be not less than ten weeks after the resolution directing the plebiscite is passed”

P. Lamey concluded:

1. The special election date could not be any later than a Saturday before December 31, 2018 (being 11 weeks from the October 15, 2018 call date);
2. A successful motion of council on October 22, 2018 to hold a plebiscite could not be scheduled before December 31, 2018 (being ten weeks from October 22, 2018) and must be on a Saturday; and
3. Since the Special Election date cannot be changed, a plebiscite cannot be part of the Special Election on December 15, 2018.

Mr. Dauphinee stated plebiscites are most useful when a binary question (yes/no) is applied. The more complex the nature, the more difficult a plebiscite is to address, it tends to be a more divisive issue within a community, and Council should consider who will vote and what is the measure of success. The Deputy Mayor stated a plebiscite is not binding and that Council must make the decision. Additionally, he would like to proceed with a Notice of Motion – Plebiscite, on the November 6 Public agenda and to review the Town Council By-Law.

5. Donation Request – The Strait Area Evergreen Club Christmas Bazaar

MOVED by Deputy Mayor H. MacDougall and SECONDED by Councilor M. MacIver “that the Town of Port Hawkesbury approves a contribution to The Strait Area Evergreen Club in support of their Christmas Bazaar, December 1, 2018”. MOTION CARRIED.

6. Approved Additions

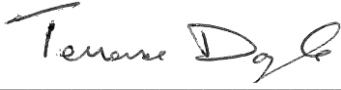
The Destination Reeves Street Project was deferred to the October 22 Committee of the Whole.

7. Adjournment

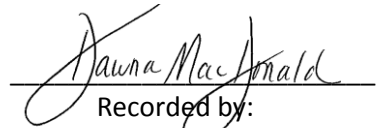
MOVED by Councilor M. MacIver and SECONDED by Councilor T. Boudreau “that the Town of Port Hawkesbury adjourns the October 22, 2018 Special Public Meeting at 6:20 p.m.” MOTION CARRIED.

November 7, 2018

Date



Approved by:
Terry Doyle, P.Eng.
Chief Administrative Officer



Recorded by:
Dawna MacDonald