Special Council Minutes

July 23, 2020

Present
John C. Grace, Mayor
Myles Murdock, Deputy Mayor
Trevor Bazinet, Councillor
Jim Donnelly, Councillor
Matthew Hoy, Councillor
Stephen Tamming, Councillor
Shawn Thomson, Councillor

Staff Present
Janice Hallahan, Chief Administrative Officer
Deanna Hastie, Treasurer
Andrea Fisher, Clerk/Planning Coordinator
Sean Thomas, Director of Operations
Michaela Johnston, Deputy Clerk/Health and Safety & Emergency Preparedness Coordinator

Others Present
Greg Stewart, Town Solicitor
Larry McCabe, Former CAO for Town of Goderich
Rowland Howe, President, GMPC

1. CALL TO ORDER

2. UNANIMOUS MOTION
Moved By: Councillor Bazinet
Seconded By: Councillor Hoy
That Goderich Town Council hereby unanimously consents to discussing and considering the following at the July 23, 2020 Special Council meeting at 4:30 p.m.:

1) All matters related to the Harbour Agreements
2) Possible resolution regarding moving forward with regards to the Port to be discussed – Mayor Grace
3) Notice of Motion brought forward by Councillor Donnelly at the July 13, 2020 regular Council meeting
4) COVID-19 Financial Estimate Impact to the Municipality
5) Personal Matter

CARRIED
3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

4. APPROVAL OF AGENDA

Mayor Grace notes that the Notice of Motion regarding By-Law 15 of 2020 made by Councillor Donnelly at the July 23, 2020 regular Council Meeting is being brought forward today.

4.1 Approval of Agenda

Mayor Grace notes that the following individuals are also online for the meeting tonight: retired CAO Larry McCabe; President of Goderich Port Management Corporation (GPMC), Rowland Howe; and the Town Solicitor, Greg Stewart.

Moved By: Councillor Tamming
Seconded By: Councillor Hoy

That the Town of Goderich Council hereby accepts the July 23, 2020 Special Council Agenda, as presented.

CARRIED

5. BUSINESS

5.1 All matters related to the Harbour Agreements

Following discussion:

Moved By: Councillor Tamming
Seconded By: Deputy Mayor Murdock

That Goderich Town Council bring Councillor Donnelly's motion forward.

CARRIED

Moved By: Councillor Donnelly
Seconded By: Deputy Mayor Murdock

That the By-Law passed authorizing execution of the Operating, Management & Maintenance Agreement, being By-Law No. 15 of 2020, be rescinded, and that the Town obtain a legal opinion from an independent and experienced litigator such as Earl Cherniak or his equivalent.

Councillor Hoy requests a recorded vote.

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Possible resolution regarding moving forward with regards to the Port to be discussed - Mayor Grace

Following discussion:

Moved By: Councillor Tamming
Seconded By: Councillor Hoy

That Goderich Town Council authorize the Town to enter into a Port User Agreement with Goderich Port Management Corporation.

Mayor Grace requests a recorded vote.

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Results

DEFEATED (3 to 4)

Discussion follows.

Councillor Thomson advises that he erred on the vote. He questions whether anything can be done now that the vote is over but reiterates that he erred on his vote.

Councillor Donnelly notes it is an extremely sensitive issue and he thinks we should all agree that we should take the vote again if that is what happened.

The Town Solicitor notes procedurally Council could permit a 'motion to reconsider'. If one of the people who voted 'no' and it was seconded, it could be considered/voted on again. The purpose of reconsidering a vote is to permit correction of an issue in the previous vote.

What would be voted on now is to reconsider the original vote. If the motion passes Council would not bring another motion forward. Council would re-vote on the original motion.
Moved By: Councillor Donnelly
Seconded By: Councillor Bazinet

That Goderich Town Council reconsider the previous vote regarding the matter of authorizing the Town to enter into a Port User Agreement with Goderich Port Management Corporation.

CARRIED

Moved By: Councillor Tamming
Seconded By: Councillor Hoy

That Goderich Town Council authorize the Town to enter into a Port User Agreement with Goderich Port Management Corporation (Schedule 4) as it is presented.

Mayor Grace requests a recorded vote.

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Results: 4 For, 3 Against, 0 Abstain, 0 Absent

CARRIED (4 to 3)

Port Expansion Lands

Following discussion:

Moved By: Councillor Hoy
Seconded By: Deputy Mayor Murdock

That the Port's fees and tariffs would be split 50/50 between the Town and Goderich Port Management Corporation with respect to the Port Expansion Lands, and that the Town of Goderich will retain 100% of the fees charged with respect to the rental of the Port Expansion Lands.

CARRIED

5.3 COVID-19 Financial Estimate impact to the Municipality

Treasurer Hastie provides a general update with respect to costs incurred by the Town as a result of COVID-19. The impact to date is currently $90,000, excluding child care and YMCA costs. We are in the process of providing data and forecasts to the County. We can expect more costs as time evolves. Recreation will likely be a continued concern with respect to impacts on membership levels going forward.
5. **MOTIONS AND NOTICE OF MOTIONS**

Notice of Motion brought forward by Councillor Donnelly at the July 13, 2020 regular Council meeting

Previously handled under Business - Section 5.1.

That the By-Law passed authorizing execution of the Operating, Management & Maintenance Agreement, being By-Law No. 15 of 2020, be rescinded, and that the Town obtain a legal opinion from an independent and experienced litigator such as Earl Cherniak or his equivalent.

6. **BY-LAWS AND AGREEMENTS**

7. **POSSIBLE CLOSED COUNCIL MEETING MATTERS**

In the event that Council enters into a possible Closed Session pursuant to Section 239 (2) of the Municipal Act, Council will reconvene following the Closed Session at which time the public and press may be present.

Section 239 (2) (b) - personal matter

Moved By: Councillor Hoy
Seconded By: Councillor Thomson

That Council rise at 6:21 p.m. and go into Closed Committee of the Whole Session pursuant to Section 239(2) b.

Councillor Donnelly requests a recorded vote.

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Results 5 2 0 0

CARRIED (5 to 2)

Moved By: Councillor Thomson
Seconded By: Councillor Tamming

That Council rise and come out of Closed Committee of the Whole Session at 6:43 p.m.

CARRIED
9. REPORTING OUT OF CLOSED

CAO Hallahan reports that Council dealt with a matter respecting personal matters about an identified individual, including municipal employees. The CAO has been directed to proceed as indicated within the Closed Session.

10. PRESS REPORTERS AND CITIZENS QUESTION & ANSWER PERIOD

11. CONFIRMING BY-LAW

Moved By: Councillor Tamming
Seconded By: Councillor Hoy

That leave be given to introduce By-Law No. 86 of 2020 being a By-Law to confirm the proceedings of the Goderich Town Council meeting held on July 23, 2020, and that it now be read a first, second and third time, and finally passed this 23rd day of July, 2020.

CARRIED

12. ADJOURNMENT

Moved By: Councillor Thomson
Seconded By: Councillor Hoy

That Goderich Town Council does adjourn at 6:46 p.m. to meet again at the regular meeting of Council scheduled for August 10, 2020 at 4:30 p.m.

CARRIED

_________________________
MAYOR, John C. Grace

_________________________
CLERK, Andrea Fisher