

VICTORIA COUNTY MUNICIPAL COUNCIL
October 15, 2002

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Tuesday, October 15, 2002, beginning at 5:30 p.m. with Warden Gerald Sampson in the Chair.

Present were:

District #1 – Dan E. MacNeil
District #3 – Bruce Morrison, Deputy Warden
District #4 – John Graham MacInnes
District #5 – Gerald Sampson, Warden
District #7 – Wayne Budge
District #8 – Robert MacLellan

Also present were:

Sandy Hudson, Chief Administrative Officer
Arthur Pickup, Q. C., Municipal Solicitor
Heather MacLean, Recording Secretary

Absent were:

District #2 – Shane Toms
District #6 – Lawrence Barron

CALL TO ORDER

Warden Sampson called the meeting to order.

APPROVAL OF AGENDA/TIME TO ADJOURN

It was moved by Deputy Warden Morrison, seconded by Councillor MacNeil, that the agenda be approved and the time for adjournment be set at 6:55 p.m. Motion carried.

MINUTES

The minutes of the September 3, 2002, Annual Session of Council were presented for approval.

Councillor MacNeil indicated that a correction was required in Page 7 of the minutes pertaining the Ski Cape Smokey – Final sentence should read, “They go after the province for operating funding.”

It was moved by Councillor MacInnes, seconded by Councillor Budge, that the minutes of the September 3, 2002, session of Council be approved as amended. Motion carried.

UNSIGHTLY PREMISES

Courtesy of Council was extended to Paul Burt, Building Inspector, who was in attendance regarding two (2) dangerous and unsightly premises.

Mr. Burt advised that the first unsightly premises is owned by Gary Burchell Land & Sea Limited, 11 Quarry Road, Dingwall, Victoria County. He presented background information on the property in question and indicated that a notice was forwarded to Gary Burchell Land & Sea Limited, to appear at tonight's meeting in this regard. Mr. Burt distributed photographs and indicated that the property is in contravention of Part XV of the *Municipal Government Act*.

Mr. Burt indicated that if Council so wishes, they may issue and order that the property is dangerous and unsightly. If Mr. Burchell fails to heed to this order, after 30 days, the Municipality may enter upon the property without warrant or other legal process and carry out the work specified in the Order. The expenses for this clean up may be recovered from the owners.

Mr. Burt advised that Gary Burchell was in attendance and Mr. Burchell then made a brief presentation on his own behalf.

It was moved by Deputy Warden Morrison, seconded by Councillor Budge, that the Municipality issue an order to Gary Burchell Land & Sea Limited, indicating that the property located at 11 Quarry Road, Dingwall, Victoria County, is dangerous and unsightly within the meaning of the *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia, 1998, Part XV, and ordering that they remedy this situation within 30 days. Motion carried.

Mr. Burt advised that the second dangerous and unsightly premises is located adjacent to the Burchell property. The property is owned by Charles Anthony Cameron and is located at 313 Dingwall Road, Dingwall, Victoria County. Mr. Burt presented background information on this property and advised that a notice was forwarded to Charles Anthony Cameron and no response has been received to date from Mr. Cameron. It was noted that there was no one in attendance representing Mr. Cameron.

Mr. Burt advised that the same procedure would be followed with regard to this property and Council may issue an order that the property is dangerous and unsightly and if Mr. Cameron fails to adhere to this order, after 30 days, the Municipality may enter

upon the property without warrant or other legal process and carry the work specified in the Order.

It was moved by Deputy Warden Morrison, seconded by Councillor Budge, that the Municipality issue and order to Charles Anthony Cameron, indicating that his property located at 313 Dingwall Road, Dingwall, Victoria County, is dangerous and unsightly within the meaning of the *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia, 1998, Part XV, and ordering that they remedy this situation within 30 days. Motion carried.

Mr. Burt was excused at this time.

BUSINESS ARISING FROM MINUTES

- Ed Carey will be present later in the meeting to provide an update on all infrastructure projects.
- Sandy Hudson advised that he would be meeting with representatives from the Neil's Harbour/New Haven Volunteer Fire Department tomorrow with regard to agreements regarding the operation of the Enviro-Depot.
- Councillor MacInnes indicated that he is working with Peter Gouthro, Department of the Environment, regarding the St. Ann's Bay Watershed issue.
- The draft of 100% Smoke Free By-Law will be presented to Council later in the meeting.

INFRASTRUCTURE UPDATE

Courtesy of Council was extended to Ed Carey, P. Eng., Carey Geoenvironmental Engineering, who was in attendance to update Council on the status of the Victoria County Infrastructure Projects.

Dingwall Water Supply

Three tenders were received for the Dingwall Water Supply. The low tender was ACL Construction Limited at a cost of \$226,538.50. Mr. Carey advised that he met with ACL Construction Limited and it was mutually agreed that proceeding with this project this fall may not be in either the Municipality's or the Contractor's best interest due to freezing weather conditions. ACL have agreed to hold their contract price until the spring of 2003 (except increases that may occur in pipe or concrete). Mr. Carey indicated that Council accept the recommendation to delay the civil works until spring, 2003.

Mr. Carey outlined other costs that may be completed this fall such as NSPI's installation of a power line and site clearing.

It was also indicated that the official approval of the Dingwall Water Upgrade by the Canada/Nova Scotia Infrastructure Program is very near the announcement stage.

It was moved by Councillor Budge, seconded by Councillor MacLellan, that ACL Construction Limited's tender in the amount of \$226,538.50 be accepted, with work to be completed as early as possible in the spring of 2003. Motion carried.

Neil's Harbour Water Chemical Storage Building

Mr. Carey indicated that the chemical storage building is substantially complete. There are some deficiencies with concrete and drainage; therefore 10% was held on Ingonish Contracting Limited's invoice for final completion.

Meetings are ongoing with Victoria Co-op Fisheries regarding future water requirements and AMEC has been contacted for information on the Permit to Withdraw Water From Trout Brook with the Department of Environment & Labour.

Ingonish Beach Water

Mr. Carey advised that the feasibility engineering and cost estimate is progressing as approved by Council on September 3, 2002. Current indications are that the capital cost for transmission and distribution could be \$1,800,000.00.

Mr. Carey updated on negotiations taking place with Parks Canada and the Department of Transportation with regard to the usage of this system. A reply is anticipated from Parks Canada that they agree in principle with this project. A meeting has been scheduled with the Department of Transportation on October 21, 2002.

The possibility of holding a community meeting to determine interest in this system was discussed. There was a survey completed a couple of years ago in the area, but the survey information has gone missing.

Baddeck Sewage Treatment Plant

Construction of the Baddeck Sewage Treatment Plant commenced on August 20, 2002 and is progressing well.

The official sod turning ceremony for the Baddeck Sewage Treatment Plant upgrade will be held at the site on October 17, 2002, at 2:00 p.m., with a reception to be held following at the Baddeck Community Center.

Baddeck Landfill

Five tenders were received for the drainage and leachate control for the Baddeck Landfill. The low tender was Leo Fownes Trucking & Contracting. A meeting will be held with Mr. Fownes on October 16, 2002, to review the bid to determine if everything is covered in the tender, as there appears to be some work not covered.

Discussion took place on the tender.

It was moved by Councillor MacInnes, seconded by Deputy Warden Morrison, that this matter be referred to the Solicitor for further advice. Motion carried.

NON-SMOKING BY-LAW

The draft By-Law Respecting Smoking in the Municipality of the County of Victoria (Non-Smoking By-Law) was presented for 1st reading.

RECESS

The Warden announced that Council would recess for 5 minutes.

NON-SMOKING BY-LAW

Solicitor Pickup reviewed the contents of the draft by-law with Council. He advised that the Province would be introducing the *Smoke Free Places Act* that will come into effect on January 1, 2003. If we have a by-law in place when this Act takes force and it is more restrictive than the Act, then our by-law will be the law that will apply to Victoria County.

Discussion took place on enforcement and how it is felt this will take place.

It was moved by Deputy Warden Morrison, seconded by Councillor MacInnes, that Council approve the 1st reading of the By-Law Respecting Smoking in the Municipality of the County of Victoria (Non-Smoking By-Law). Motion carried.

A public hearing and 2nd reading of this by-law will be held on Monday, November 18, 2002.

BROADBAND PRESENTATION

Courtesy of Council was extended to Tom Wilson, Director of Recreation and Tourism, who presented the following presentation on Broadband for Victoria County (copy attached).

Mr. Wilson was extended a vote of thanks for his presentation.

SIGNING AUTHORITY – CAO

Sandy Hudson advised that Solicitor Pickup will be drafting a Chief Administrative Officer Policy and in the interim he would like approval to give him signing authority on banking and to provide him with control and custody of the County Corporate Seal.

The resolution reads as follows:

*Be It Resolved by this Council that Alexander (Sandy) Hudson, as Chief Administrative Officer for the Municipality of the County of Victoria is herein authorized to execute the powers and duties as outlined in the **Municipal Government Act**, as well as, but not limited to, signing authority on banking and having control and custody of the Municipal Seal. The Chief Administrative Officer shall sign all cheques of the Municipality. In the absence of the Chief Administrative Officer, the Chief Administrative Officer shall appoint another qualified employee to sign in his stead.*

It was moved by Councillor MacInnes, seconded by Deputy Warden Morrison, that this resolution be approved and renewed on an annual basis. Motion carried.

NEW BUSINESS

Separation Issue

Warden Sampson brought up the topic of the Cape Breton Island separating from Nova Scotia. This issue was recently brought forward by the Cape Breton Regional Municipality.

Warden Sampson indicated that he recently attended the Summit 2002 Conference at the Gaelic College and in his remarks he spoke on unity and that the best way for Cape Breton Island to move forward is to speak with one voice.

Each Council Member was given the opportunity to express their views on this topic.

It was moved by Deputy Warden Morrison, seconded by Councillor MacNeil, that Victoria County go on record as being against separation from the Province of Nova Scotia. Motion carried.

It was moved by Councillor MacInnes, seconded by Councillor MacLellan, that a letter be forwarded to the Cape Breton Regional Municipality advising that Victoria County is interested in working in cooperation and coordination for the benefit of all of Cape Breton, but are opposed to any aim towards separation from the Province of Nova Scotia. Motion carried.

ECBC

Warden Sampson reported on a luncheon meeting he and Deputy Warden Morrison attended recently, with ECBC at Lynwood Inn, Baddeck. Deputy Warden Morrison also offered comments on this meeting.

Summit 2002

Warden Sampson advised Council that he attended Summit 2002 last week and updated on the events of this conference. He indicated that this was the best economic development conference he has attended to date and he came away feeling that there will be money invested in Cape Breton Island, and in particular, Victoria County.

Seal Island Bridge

It was moved by Warden Sampson, seconded by Councillor MacInnes, that a letter be forwarded to the Minister of Transportation, with a copy to Bruce Fitzner, District Director, requesting that upgrading of the lighting on the Seal Island Bridge be included in the modernization being undertaken on the bridge. Motion carried.

NSPI

It was moved by Councillor Budge, seconded by Deputy Warden Morrison, that a letter be forwarded to NSPI requesting that the night shift be reinstated to identify streetlights that require repair in Victoria County and advising that until the repairs are complete, we withhold our street lighting payment. Motion carried.

Presentations

Warden Sampson advised that Forest Industries and the Pitupaq Committee wish to make presentations at the next Council. Sandy Hudson advised that the AG Bell National Historic Park and Gary Collins, EMO, have already requested to attend the next meeting and there will be two public hearings held also at this meeting – the Planning Amendment and the Non-Smoking By-Law issues.

District #1

Iona is one of the few communities in the County that does not have three phase power and there are two projects in the development stages – the new Rankin Memorial School and the Aquarium Project, that require this type of power.

It was moved by Councillor MacNeil, seconded by Councillor Budge, that a letter be forwarded to the Honourable Cecil Clarke, Minister of Economic Development, requesting that three-phase power be installed in the Iona area. Motion carried.

District #3

Deputy Warden Morrison advised that there is a pilot project being considered in Baddeck where a group is seeking funding to make a tree statute out of a large Dutch elm tree. The cost for doing this statute is \$900 in total and Deputy Warden Morrison questioned on whether there was any funding that could be accessed to assist with this project.

It was moved by Deputy Warden Morrison, seconded by Councillor Budge, that a letter be forwarded to Charlie MacDonald, Area Manager, with a copy to Bruce Fitzner, District Director, Department of Transportation, requesting an explanation of the criteria for paving of Village streets, as opposed to that for highways. Motion carried.

It was requested that Bruce Fitzner be invited to come to a future session of Council.

PROPOSED AMENDMENTS TO MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

The Planning Advisory Committee are recommending that the Municipal Planning Strategy and Land Use By-Law for the Village of Baddeck be amended to remove special provisions requiring the evaluation of new commercial and industrial development prior to the issuance of a development permit.

A resolution of Council is required to amend these documents by deleting the following policies: **2.13; 2.14; and 2:15**

It was moved by Deputy Warden Morrison, seconded by Councillor MacInnes, to accept the Planning Advisory Committee's recommendation that the Baddeck Municipal Planning Strategy and Land Use By-Law be amended to remove special provisions requiring the evaluation of new commercial and industrial development prior to the issuance of a development permit. Motion carried.

FINANCIAL UPDATE

Sandy Hudson distributed an income statement as of August 31, 2002, for the Municipality of the County of Victoria, for the information of Council.

VETERAN'S WEEK

It was moved by Councillor MacInnes, seconded by Councillor Budge, that the week of November 5-11, 2002, be proclaimed "Veteran's Week" in the Municipality of the County of Victoria. Motion carried.

ROYAL CANADIAN SEA CADETS

Deputy Warden Morrison, Councillor MacInnes and Councillor MacLellan advised that \$100 is to be withdrawn from each of their district budgets for the Royal Canadian Sea Cadets.

IN CAMERA

It was moved by Councillor MacNeil, seconded by Councillor Budge, that Council break for five minutes and reconvene to an In Camera Session.