

VICTORIA COUNTY MUNICIPAL COUNCIL
August 18, 2008

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, August 18, 2008, beginning at 6:00 p.m. with Warden Wayne Budge in the Chair.

Present were:

District #1 – Paul MacNeil
District #2 – Keith MacCuspic
District #3 – Bruce Morrison
District #4 – John Graham MacInnes, Deputy Warden
District #5 – Fraser Patterson
District #6 – Lawrence Barron
District #7 – Wayne Budge, Warden
District #8 – Robert MacLellan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

CALL TO ORDER

Warden Budge called the meeting to order.

APPROVAL OF AGENDA

The agenda was presented for approval. It was noted that the Victoria County Website presentation would not be available for this meeting.

It was moved by Councillor Patterson, seconded by Councillor Morrison, that the agenda be approved with the noted deletion. Motion carried.

APPROVAL OF MINUTES – JULY 7, 2008

The minutes of the July 7, 2008, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Deputy Warden MacInnes, seconded by Councillor MacCuspic, that the Victoria County Municipal Council minutes of July 7, 2008, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Councillor Patterson questioned on whether the support letter had been provided from the Municipality for the RCMP's application to acquire an additional member under the Street Crime Program. Sandy Hudson, CAO, distributed copies of the letter forwarded in this regard.

NOVA SCOTIA HEALTH PROMOTION AND PROTECTION PRESENTATION

Courtesy of Council was extended to Larry Maxwell and Mike Arthur, Nova Scotia Health Promotion and Protection.

Mr. Maxwell thanked Council for the opportunity to appear. He advised that he is the Cape Breton representative with Nova Scotia Health Promotion and Protection and he introduced Mike Arthur who is the Manager of Physical Activity at the provincial level.

Mr. Maxwell then turned the presentation over to Mike Arthur who provided a presentation on local government and physical activity (copy attached).

The Nova Scotia Municipal Physical Activity Leadership Program was explained to Council. This program is open to all municipalities and is a cost sharing program for a municipal staff person. \$20,000.00 is provided by the Province which must be matched by the municipality. The program is renewable for up to 5 years. The first year is used to develop the strategy. The Province provides support systems, consulting, resource materials, training and networks. Regular meetings and an annual report is required.

In order to get involved in this program a letter of intent is required by Nova Scotia Health Promotion and Protection which indicates Council's commitment to a plan and budget, why physical activity is important to the municipality and the partners you may work with – internal and external.

A list of the program partners up to August, 2008, was provided. The initiatives they have undertaken to increase physical activity were outlined.

Mr. Arthur outlined statistics on physical activity in Nova Scotia and explained why it is important to link municipal government and physical activity.

A copy of the Annapolis County Active Living Strategy was presented for Council to review (copy attached).

Councillor Barron commented on the \$50,000,000.00 funding program over the next 10 years for recreation facilities. He felt the funding should be spread out more rather than providing millions to one facility. He expressed concern over the lack of facilities north of Smokey. The Smokey Recreational Society project to put a roof over

the outdoor rink was discussed. An application was submitted for funding, but no reply was received.

Discussion took place on the Municipal Physical Activity Leadership Program and how to proceed.

It was moved by Deputy Warden MacInnes, seconded by Councillor Morrison, that the Community Development and Recreation Committees meet jointly to discuss the Municipal Physical Activity Leadership Program and make a proposal by the September 30, 2008, deadline. Motion carried.

After further discussion, Mr. Maxwell and Mr. Arthur were extended a vote of thanks for their presentation.

RECESS

Warden Budge advised that Council would recess for 10 minutes.

VICTORIA COUNTY WEBSITE

Concern was expressed that this is the third time that Sue Difiore has cancelled the scheduled presentation of the Victoria County website.

It was moved by Councillor Patterson, seconded by Councillor MacNeil, that Sandy Hudson meet with Sue Difiore, and if the problems she is encountering are unfounded, the Municipality look elsewhere for website development. Motion carried.

CONSOLIDATED FINANCIAL STATEMENTS

Sandy Hudson presented the consolidated financial statements for the Municipality of the County of Victoria for the year ended March 31, 2008. Mr. Burgess presented these statements in draft form at the last meeting and since that time the financial information for the two homes – Highland Manor and Alderwood – have been included in the statements.

A letter was also provided from Grant Thornton LLP outlining their internal control findings from the 2008 audit. One of the comments contained in the letter indicated that council does not review financial information on a regular basis.

Mr. Hudson presented Council with the most recent statements for the current year and indicated this information could be provided on a monthly basis.

It was moved by Deputy Warden MacInnes, seconded by Councillor MacNeil, that the topic of financial information update be placed on the agenda of Council as a formal item for review on a monthly basis. Motion carried.

It was moved by Councillor Barron, seconded by Councillor Morrison, that the consolidated financial statements for the Municipality of the County of Victoria for the year ended March 31, 2008, be approved. Motion carried.

The matter of tax receivables and tax sales was also addressed in the Grant Thornton letter.

It was moved by Councillor Morrison, seconded by Councillor MacNeil, that tax receivables and tax sales be a priority for the next year. Motion carried.

DANGEROUS AND UNSIGHTLY PREMISES

A copy of the proposed dangerous and unsightly premises policy from John Bain, Eastern District Planning Commission, was provided to Council. Sandy Hudson requested that Council review this document prior to the next meeting.

Councillor MacLellan expressed concern about the inaction that has taken place with regard to dangerous and unsightly premises in his district.

RAIL AMERICA AGREEMENT

Sandy Hudson presented an occupancy license agreement which is a one time agreement with Cape Breton & Central Nova Scotia Railway Ltd. that will allow the Municipality to drill under the railway to enable water pipeline to be installed for the Little Narrows Water System extension.

Mr. Hudson advised that our solicitor is advising that we shouldn't sign the agreement, as it places a major liability on the Municipality. However, if the agreement is not signed the work will not be done and the waterline will not be completed.

Mr. Hudson advised that the drilling will be done on a day when there is no railway traffic in the area and MacCoy Insurance, our insurers, have agreed to add the Cape Breton and Central Nova Scotia Railway as a named insured on our insurance policy for the duration of the drilling. Discussion took place.

It was moved by Councillor MacNeil, seconded by Councillor MacCuspic, that the occupancy license agreement with Cape Breton & Central Nova Scotia Railway Ltd. be signed and the railway be covered under the municipality's insurance policy for the duration of the required drilling. Motion carried.

RESIDENTIAL WIND ENERGY

A letter was received from Mary Hallisey Hunt and William Hunt, Lower Washabuck, expressing concern over the lack of existing permitting or regulatory requirements for the placement of residential wind turbines in Cape Breton, in particular the residential wind turbine that is being installed adjacent to their property.

The Hunts are not opposed to installation of technology that encourages the use of this type of energy; however, they feel proper regulations should be in place prior to the installation to avoid safety hazards, problematic noise and other interference that may pose health and nuisance problems.

Ms. Hallisey-Hunt is actively engaged in research and development of wind energy policy in her work in the United States. Enclosed in the letter was a copy of a model wind ordinance for wind energy facilities in North Carolina.

Discussion took place. At present, a permit is required by the Eastern District Planning Commission for the foundation; however, no permit is required for the equipment to be installed on the foundation.

It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that this matter be referred to John Bain, Eastern District Planning Commission, for review and comment. Motion carried.

It was felt that Mr. Bain should be invited to a future meeting on this matter and the matter of dangerous and unsightly premises.

NEIL'S HARBOUR/NEW HAVEN WATER SYSTEM

Sandy Hudson advised that the Neil's Harbour/New Haven Water System has gone through a difficult period this past month plus. It is our only surface water source system and the heavy rain that has occurred and the usage over this period has been a challenge for the operation of the system.

Mr. Hudson explained the situation. Three major users of the system are the Victoria Co-op Fisheries, Highland Manor and Buchanan Memorial Hospital. Mr. Hudson is recommending that a committee be established with representatives of the three main users; the Warden, CAO, Director of Public Works and Terry Hogan, Water System Operator, to see what can be done to prevent a similar situation from occurring next year.

It was moved by Councillor Patterson, seconded by Councillor MacLellan, that representatives from Victoria Co-op Fisheries, Highland Manor and Buchanan

Memorial Hospital, be requested to work with Victoria County personnel on a committee to address the seasonal problem with the Neil's Harbour/New Haven Water System. Motion carried.

EXEMPT CHARITABLE PROPERTIES 2008

A listing of exempt charitable properties for 2008 and the list of properties with taxation reduced from commercial to residential was presented for Council review. Sandy Hudson requested that Council review this list for omissions.

It was moved by Councillor Morrison, seconded by Councillor Barron, that the listing of exempt charitable properties and properties with taxation reduced from commercial to residential be approved and other properties that qualify be added to the listings as required. Motion carried.

BORROWING RESOLUTION

Sandy Hudson advised that a temporary borrowing resolution is required for \$3,000,000.00 for various purposes (municipal water and solid waste management facilities). He then presented the borrowing resolution to Council (copy attached).

It was moved by Councillor MacNeil, seconded by Deputy Warden MacInnes, that the temporary borrowing resolution from the East Coast Credit Union in the amount of \$3,000,000.00 be approved. Motion carried.

CORRESPONDENCE

1. Letter from the Nova Scotia Association of Health Organizations requesting that September be declared as "Continuing Care Month" in the Municipality of the County of Victoria.

It was moved by Deputy Warden MacInnes, seconded by Councillor Morrison, that September be declared "Continuing Care Month" in the Municipality of the County of Victoria. Motion carried.

2. Letter from the Honourable Peter G. MacKay, Minister Responsible for ACOA, thanking Council for their letter of support for the work of ECBC and its role in the economic life of Cape Breton Island. He indicated that ECBC is currently undergoing a mandated review which should be complete by the fall of 2008.
3. Letter from Dennis Laffan, North River Organics, regarding the inspection of the trees in front of the Court House, outlining his findings.

DISTRICT CONCERNS

District #5

Councillor Patterson advised that approval was received from both the Eastern District Planning Commission and the Department of Transportation and Infrastructure Renewal to name an unnamed private road at Ross Ferry as "Lightfoot Lane".

It was moved by Councillor Patterson, seconded by Deputy Warden MacInnes, that Victoria County Municipal Council approve the name of "Lightfoot Lane" for the unnamed private road at Ross Ferry. Motion carried.

It was moved by Councillor Patterson, seconded by Councillor MacCuspic, that a petition requesting that private road 6101(P), Big Bras d'Or, be named "MacLeod Hill Road" be forwarded on to the Eastern District Planning Commission and the Department of Transportation and Infrastructure Renewal for their approval. Motion carried.

It was moved by Councillor Patterson, seconded by Councillor MacCuspic, that \$2,500.00 be approved from the District #5 budget for the St. James Cemetery Committee towards the cost of the erection of a war memorial. Motion carried.

Councillor Patterson advised that residents in the area before the Seal Island Bridge are requesting that "No Engine Breaking" signs be erected in the area.

It was moved by Councillor Patterson, seconded by Councillor Barron, that a letter be forwarded to Roy MacDonald, Area Manager, Department of Transportation and Infrastructure Renewal, requesting that the location of "No Engine Breaking" signs for the area before the Seal Island Bridge be investigated. Motion carried.

Councillor Patterson questioned whether the Municipality held a copyright for the Victoria County logo that would prevent its use by anyone other than the municipality.

This matter will be brought to the Victoria County Municipal Community Development Committee. A date for a meeting of this Committee was set for Monday, August 25, 2008, at 5:00 p.m. at the Court House, Baddeck.

District #6

Councillor Barron advised on the meeting held with ECBC regarding the Smokey Recreational Society outdoor rink project. He presented an outline of funding requested from various sources.

Councillor Barron then presented a notice of motion that at the next Council meeting he will be requesting that the Municipality approve an additional \$68,000.00 for the Smokey Recreational Society Outdoor Rink Project conditional on federal, provincial and other funding commitments being approved.

District #8

It was moved by Councillor MacLellan, seconded by Councillor Morrison, that \$1,500.00 be approved from the District #8 budget for the Cape North Community Centre. Motion carried.

Councillor MacLellan requested the CAO to contact Melvin Burton to explain the situation with regard to the dangerous and unsightly premises in District \$8.

District #4

Deputy Warden MacInnes questioned on the procedure followed by the dog control officer when taking dogs that are running at large. Sandy Hudson explained the procedure followed and assured that if it is necessary to put a dog down, it is euthanized at a veterinary office.

Deputy Warden MacInnes questioned whether a response had been received to the second Terms of Reference for the Victoria County Strategic Plan. He felt the County are losing out by not having a development officer or being involved in an RDA.

The Provincial Office of Economic Development has a list of consultants who do such work and this will be brought to the Development Committee meeting on Monday.

Deputy Warden MacInnes also brought up the matter of an expansion for the Neil's Harbour Enviro-Depot. He felt that there is a definite lack of space in the building. It was suggested that all Council members who haven't visited the site to do so prior to the next Council.

It was moved by Deputy Warden MacInnes, seconded by Councillor MacLellan, that the Neil's Harbour Enviro-Depot be added to the next Council meeting agenda. Motion carried.

It was moved by Deputy Warden MacInnes, seconded by Councillor Barron, that Lawrence Walsh be appointed to serve on the Board of Highland Manor. Motion carried.

District #3

It was moved by Councillor Morrison, seconded by Councillor MacNeil, that the Municipality enter a team in the Victoria Highland Civic Centre Golf Tournament at a cost of \$600.00. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor Patterson, that congratulations be forwarded to Jessica Wong on making the Under 18 National Women's Hockey Team. Motion carried.

District #2

Councillor MacCuspic questioned on the signage for Buckwheat Drive and he was advised to contact the Department of Transportation with regard to having the signage done. As it is a private road, the residents would be responsible for the cost of the signage.

It was moved by Councillor MacCuspic, seconded by Councillor Morrison, that the cost of a street light be approved from the District #2 budget. Motion carried.

District #1

Councillor MacNeil indicated that work is progressing on extending the soccer field at the Rankin School of the Narrows to a recreation field. He indicated that he contacted Tom Wilson with regard to funding and Mr. Wilson advised that he could provide \$2,000.00 from this year's budget and \$5,000.00 from next year's budget. Councillor MacNeil requested an advance of the \$5,000.00 from next year, as it is needed now.

It was moved by Councillor MacNeil, seconded by Deputy Warden MacInnes, that a \$5,000.00 advance be approved from the 2009/2010 recreation budget for the recreation field expansion at the Rankin School of the Narrows. Motion carried.

Councillor MacNeil expressed concern that the sides of the road in his district have not as yet been mowed by the Department of Transportation.

It was moved by Councillor MacNeil, seconded by Councillor Patterson, that a letter be forwarded to Roy MacDonald, Area Manager, Department of Transportation and Infrastructure Renewal, requesting that the mower be brought in to mow the roadsides in District #1. Motion carried.

NEXT MEETING

The next meeting of Victoria County Municipal Council will be held on Monday, September 8, 2008, beginning at 5:00 p.m.

ADJOURN

There being no further business, on motion of Councillor Patterson, seconded by Councillor MacLellan, the meeting adjourned at 9:00 p.m.

Wayne Budge, Warden

A. W. (Sandy) Hudson, CAO