

VICTORIA COUNTY MUNICIPAL COUNCIL
June 28, 2010

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, June 28, 2010, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil
District #2 – Keith MacCuspic
District #3 – Bruce Morrison, Warden
District #4 – Merrill MacInnis
District #5 – Fraser Patterson, Deputy Warden
District #6 – Larry Dauphinee
District #7 – David Donovan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

Absent was:

District #8 – Robert MacLellan (Due to Illness)

TOUR OF VICTORIA COUNTY BOOKMOBILE

Prior to calling the meeting to order, Council members went outside to the parking lot to view the new Victoria County Bookmobile.

CALL TO ORDER/APPROVAL OF AGENDA

Warden Morrison called the meeting to order and presented the agenda for approval.

Councillor Donovan indicated he would like to provide a brief update on Councillor MacLellan.

It was moved by Councillor Donovan, seconded by Councillor MacCuspic, that the agenda be approved with the noted addition. Motion carried.

COUNCILLOR MACLELLAN UPDATE

Councillor Donovan provided Council with an update on Councillor MacLellan's health status.

Warden Morrison, on behalf of Council, wished Councillor MacLellan well.

ESTHER BLAKENEY, HIGHLAND MANOR

Courtesy of Council was extended to Esther Blakeney, Administrator of Highland Manor.

Ms. Blakeney was in attendance with regard to the Fire Marshal issue facing Highland Manor. In June of 2009, the Office of the Fire Marshal issued a directive to Highland Manor giving twelve months notice to address deficiencies in safety conditions within the facility. Space is an issue and Ms. Blakeney explained the situation to Council.

The Fire Marshal will not renew the operating license for Highland Manor if the deficiencies are not corrected.

Ms. Blakeney indicated that over the past year attempts have been made to get officials from the Department of Health to address the concerns raised by the Fire Marshal. She was advised within the past couple of weeks by the Department of Health to bring the concerns to the Cape Breton District Health Authority.

The Fire Marshal's licensing inspection will take place next week and nothing has been done to address the concerns of last year's inspection.

The District Health Authority when contacted, were surprised that they were not contacted earlier in the process.

Ms. Blakeney indicated that one idea being considered, which she feels is unacceptable, is having the laundry and kitchen facilities operated out of Buchanan Memorial Hospital. The kitchen and laundry facilities are very important to retain in Highland Manor for the residents and the staff.

Ms. Blakeney indicated that since she assumed the Administrator position two years ago, she has been advocating on behalf of the residents. This facility is their home and should have all the amenities of a home on site. She feels the only remedy is the addition to the facility. The estimated cost of the addition is approximately \$200,000.00.

Attempts have been made to meet with the Minister and she has contacted Keith Bain, MLA, for assistance in this regard. The Fire Marshal will shut down the facility if no action is taken or a commitment made.

Discussion took place and Council members voiced their concerns and indicated their agreement with Ms. Blakeney. Ms. Blakeney was commended for the job she is doing at Highland Manor.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that a letter be forwarded to the Minister of Health supporting Highland Manor's position with regard to the addition to Highland Manor and requesting a meeting with the Minister of address this issue. Motion carried.

Ms. Blakeney indicated that the \$200,000.00 estimate for the addition was from a Sydney area contractor and perhaps this could be achieved at a lesser price locally.

If the Fire Marshal issues an order and doesn't renew the license, Highland Manor cannot continue to operate.

Ms. Blakeney thanked Council for committing to purchase the property adjacent to Highland Manor.

Warden Morrison extended a vote of thanks to Ms. Blakeney for her presentation.

PROPERTY VALUATION SERVICES CORPORATION

Warden Morrison extended the courtesy of Council to Debi Karrel, Senior Government and PR Consultant, Property Valuation Services Corporation (PVSC).

Ms. Karrel indicated that she has done approximately 40 presentations to Councils since January of this year and introduced Dianne Beaton, Area Residential Manager, who was in attendance with her to make a presentation on the PVSC.

Prior to commencing her presentation, Ms. Karrel indicated that the Guide to Property Assessment document is being revamped and will be available to Councils in September of this year. She also presented a copy of the Assessment Appeal brochure that went out to all individuals who appealed their assessment this year.

Ms. Karrel then proceeded with the presentation on the PVSC (copy attached). The PVSC was launched on April 1, 2008, and is a not-for-profit entity that falls under the direction of a Board of Directors. The Board members are municipally elected (UNSM) or are members of the Association of Municipal Administrators (AMA). The Deputy Minister of Service Nova Scotia and Municipal Relations also sits on the Board. She indicated that Sandy Hudson, CAO, is a member of the Board.

Ms. Karrel outlined the legislated mandate; the mission, vision and goals of the PVSC; and outlined how property is valued.

She then turned the presentation over to Dianne Beaton who provided Council with the provincial/municipal profile. Ms. Beaton advised that assessment appeals were down in Victoria County this year from 237 the previous year to 212 this year. Of this number, 24 have been appealed to the regional appeal court.

Councillor MacNeil questioned on the assessment of woodland property and whether a portion of this property can be assessed residential. Ms. Beaton explained that in some cases it can be and others not and she outlined the situation to Council.

Councillor MacCuspic indicated that a few of his neighbours have mentioned to him that their properties have been divided as a result of a roadway, etc. and he questioned on why this has changed. Ms. Karrel indicated that this change would be part of the Land Information Service information and the PVSC assess on the information received from this department. She outlined the “defacto consolidation” legislation that allows these properties to be combined into one property and indicated she would provide a copy of this legislation for distribution to Council.

A question was raised on market value and how it is determined. Ms. Karrel indicated that transactions are received every night from the Registry of Deeds. Every municipality is its own entity and an explanation was provided on the factors that determine the market value.

Councillor MacInnis indicated that with the current value of the American dollar, property sales to Americans have decreased and the value of the sales has decreased. Properties are now being sold for a 1/3 of what they were 10 years ago in his district. Ms. Beaton indicated that they are seeing properties taking longer to sell, but overall sales are good.

Discussion took place on the CAP Program. The 2010 CAP is at zero percent. There are certain criteria to meet to be included in the CAP Program. The program only applies to Nova Scotia residents and only to residential property. Discussion took place on the future of the CAP Program and Ms. Karrel indicated that this matter is before the Board.

Councillor Dauphinee questioned on whether property owned by other levels of government is assessed. In particular he was interested in Ski Cape Smokey. Ms. Beaton advised that all real property in the province is assessed and this information would be available.

Deputy Warden Patterson indicated that a resident of his area indicated his property assessment increased because he had a view of the water. Ms. Beaton indicated that this can be true as properties with a view are assessed higher than those without one.

Councillor MacInnis questioned on whether there was any way to tax non-resident land owners at a higher rate. Such legislation is in effect in other provinces and Ms. Karrel indicated the CAP Program does not apply to non-residents, so this ensures they pay the assessed rate. She indicated there is nothing in the Assessment Act to allow for taxing non-residents at a different rate.

Ms. Karrel indicated that the Minister is planning to come out to talk to Councils with regard to the CAP Program and it is anticipated that this will now happen in September, 2010.

Deputy Warden Patterson questioned whether assessors conduct field inspections at present. Ms. Beaton indicated that assessors still do inspections and the inspections are based on a number of factors, including building permits, sales, appeals, inquiries and the PVSC also identify certain areas that need to be reviewed.

Further discussion took place and Ms. Karrel indicated that there is a great deal of valuable information available on the PVSC website – www.pvsc.ca.

Warden Morrison extended a vote of thanks to Ms. Karrel and Ms. Beaton for their presentation.

RECESS

Warden Morrison advised that Council would recess for 10 minutes.

VILLAGE OF BADDECK

Courtesy of Council was extended to Erin Bradley, Clerk, Village of Baddeck, who was in attendance to make a presentation with regard to the public fire protection rate for the Village Water Utility.

Ms. Bradley presented a proposal regarding public fire protection to Council for consideration.

She indicated that the Village will in 2010-11, be applying a rate increase from \$.0.12 to \$.0.195 per \$100 of assessment for residential and an increase from \$.0.14 to \$.0.215 per \$100 of assessment for commercial. It will also be necessary to implement a fire protection tax to previous non-taxables of \$.0.075 per hundred of assessment. Non-taxables include churches, hospital, schools, etc.

This rate increase will only provide the Village with enough to cover 50% of the 2009-10 grant owing to the Water Utility and 50% of the 2010-11 requirement for the year.

The Village is asking the Municipality to consider increasing their fire protection requirement from the calculated 22% based on the hydrant count to 50%. This would cover the charges owing from the 2009-10 and 2010-11 fiscal years. They are also requesting that the 50/50 cost sharing remain in effect until a water rate study for the Village of Baddeck is completed. Gerry Isenor has been retained to complete the water rate study.

It was moved by Councillor MacCuspic, seconded by Councillor MacNeil, that the Village of Baddeck's proposal regarding public fire protection be referred to budget talks. Motion carried.

Warden Morrison extended a vote of thanks to Ms. Bradley for her presentation.

APPROVAL OF MINUTES – JUNE 14, 2010

The minutes of the June 14, 2010, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor MacInnis, seconded by Deputy Warden Patterson, that the Victoria County Municipal Council minutes of June 14, 2010, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Nova Scotia Power

Deputy Warden Patterson indicated that just before leaving home to attend tonight's meeting he experienced a brief power blip. He indicated he was not satisfied with Mr. Paruch's explanation and recommendation in regard to these brief power outages.

Councillor Donovan indicated that after the meeting in Neil's Harbour on June 14, 2010, a brief power outage occurred that shut down the Victoria Co-op Fisheries Plan in Neil's Harbour.

Discussion took place on the street light inventory that was requested from NSPI and the fact that they cannot provide an accurate audit of the lights the Municipality is presently paying for. Other municipal units are in a similar situation and a request is being submitted to the UNSM in regard to same.

Age-Friendly Communities

Deputy Warden Patterson indicated he received information from Toronto this week regarding the Age-Friendly Communities and indicated that Jacquie Campbell, Department of Seniors, is available to come to Council on July 19, 2010, to make a presentation. She will be included on the agenda as the second presentation for the meeting.

Cardboard

Councillor Donovan questioned whether a letter was forwarded to the Keltic Lodge as requested at the last meeting concerning their disposal of cardboard and Sandy Hudson indicated it had not been sent as yet.

Sandy Hudson is to investigate the cardboard disposal situation at the Dingwall Transfer Station with Robert Dauphinee, Director of Public Works.

EMO

Courtesy of the meeting was extended to Lyle Donovan, EMC, regarding the priorities for emergency measures. He presented Council with a list of suggestions that consisted of an established location for an Emergency Operations Centre (EOC); purchasing additional communications equipment; connecting Victoria County online with Facebook, Twitter, etc.; backup power supply for the EOC; and reconvening regular meeting of the Emergency Planning Group.

Mr. Donovan proposed that Council include \$15,000.00 in the budget for the next five years, for a total of \$75,000.00, to begin to upgrade our emergency preparedness.

Reconvening the Emergency Planning Group was discussed and it was indicated that Mr. Donovan should organize a meeting of this group with a target date of the end of July. The CAO is the Chair of the Emergency Planning Group. Council members interested in sitting in as an observer at this meeting are welcome. Council will be advised when the date for the meeting has been set.

The Fire Chiefs Association group has not met in some time. It was felt this was an internal matter within the fire departments and they should be the ones to initiate convening a meeting of this committee.

The funding request will be referred to budget.

CED UPDATE

Deputy Warden Patterson indicated that Victoria County's movement on economic development has been questioned in the press lately. He suggested that

Council review the three documents – ICSP, Victoria County Strategic Plan, and the Economic Development Strategy, and see where we are with the recommendations contained in each.

He indicated that he did a preliminary review of the documents and outlined to Council what he has identified in the documents that could be using as a starting point. He indicated that there are a number of areas where action has been taken and a number of areas that require attention.

Economic development has been identified as a Council priority. Council is to review Deputy Warden Patterson's report, review the three documents and a further meeting will be held on this matter in the future.

DISTRICT CONCERNS

District #1

Councillor MacNeil brought up the condition of Route 223 and the back roads in his district.

It was moved by Councillor MacNeil, seconded by Councillor Dauphinee, that a letter be forwarded to the Honourable Bill Estabrooks, Minister of Transportation and Infrastructure Renewal, expressing concern on the condition of Route 223 and the back roads in District #1 and requesting that pavement patching be carried out on the Washabuck Road prior to the festival in the area. Motion carried.

District #2

Councillor MacCuspic brought up the matter of extending the paved sidewalk area from the Silver Dart to the new Alderwood road.

It was moved by Councillor MacCuspic, seconded by Councillor Donovan, that a letter be forwarded to Steve MacDonald, Acting Area Manager, requesting that consideration be given to extending the paved sidewalk from the Silver Dart Lodge to the new Alderwood roadway. Motion carried.

District #4

Councillor MacInnis brought up a concern with regard to an establishment that recently opened in his district which is not allowed to sell dairy products without running water and a washroom in the premises. He questioned on the necessity for this requirement.

Warden Morrison indicated that retail outlets of any size require running water on site. He advised Council of what he knew with regard to this matter and indicated that questions in this regard should be directed to Barry MacGregor at 563-2004.

Councillor MacInnis indicated that he would like to see an initiative started to rebuild the ship "Margaret". He saw this venture as an asset in economic development for the County. He will continue to pursue the possibility.

District #7

Councillor Donovan questioned on where electronics are to be taken in the northern area, the Dingwall Transfer Station or the Enviro-Depot. Sandy Hudson will check on this matter and advise Council of his findings by email.

Councillor Donovan indicated that tonight's agenda is too long and a motion was previously passed that no more than 2 presentations be received at a meeting. He would like to see this maintained to prevent the meetings from being so lengthy.

Councillor Donovan expressed concern that the budget has not been finalized with regard to the requests that have been received and this was to be done at tonight's meeting.

It was decided that a meeting to deal with just the budget be set for Monday, July 5, 2010, beginning at 5:30 p.m. at the Court House, Baddeck.

The status of the Street Lighting Policy and the Travel Expense Policy was discussed. Sandy Hudson advised that copies of street lighting policies in effect in other municipal units have been distributed for Council to review. The draft Travel Expense Policy was also circulated and a discussion took place on the concern with regard to the mileage rates. These policies will be considered at a future meeting.

Councillor Donovan also expressed a concern with regard to matters of which he was unaware. He was unaware that Council hired a student and also that the Village of Baddeck receive 15% of the gas tax money received by the Municipality annually. He felt that Council should be aware of these facts and called for more open transparency concerning municipal matters.

District #6

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal, requesting that all side roads in the north of Smokey area be graded and the matter of signage in the Ingonish Centre area be addressed. Motion carried.

Councillor Dauphinee indicated that the recent heavy garbage pickup was a tremendous success in his district and he felt a thank you should be expressed to the contractor.

It was moved by Councillor Dauphinee, seconded by Deputy Warden Patterson, that a letter be forwarded to David Fitzgerald expressing Council's thanks for the great job done in the heavy garbage pickup. Motion carried.

District #3

Deputy Warden Patterson assumed the Chair.

It was moved by Warden Morrison, seconded by Councillor MacInnis, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal requesting that ditching and drainage work be undertaken on Ross Street, Baddeck. Motion carried.

Warden Morrison returned to the Chair.

District #1

Councillor MacNeil indicated that there were a couple of places in his district where certain materials were not taken during the heavy garbage pickup. He is to make contact with Robert Dauphinee to see if it is possible to have these materials removed by staff.

CORRESPONDENCE

1. Copy of letter sent by the Municipality of the District of Barrington to the UNSM asking them to approach Nova Scotia Power regarding the cost of non-metered streetlights.
2. Letter from Lorne MacDowell, Municipal Solicitor, concerning municipal authority to pass a Curfew By-Law.

VICTORIA COUNTY STRATEGIC PLAN

This matter was previously dealt with by Deputy Warden Patterson's presentation on economic development.

NEXT MEETING

A Budget Meeting will be held on Monday, July 5, 2010, beginning at 5:30 p.m. at the Court House.

The next meeting of Victoria County Municipal Council will be held at the Court House, Baddeck, on Monday, July 19, 2010, beginning at 5:00 p.m.

ADJOURN

There being no further business, on motion of Councillor MacCuspic, the meeting adjourned at 7:55 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO