

**VICTORIA COUNTY MUNICIPAL COUNCIL**  
**October 23, 2006**

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, October 23, 2006, beginning at 5:00 p.m. with Warden Wayne Budge in the Chair.

Present were:

District #1 – Dan E. MacNeil, Deputy Warden  
District #2 – Keith MacCuspic  
District #3 – Bruce Morrison  
District #4 – John Graham MacInnes  
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**

**It was moved by Councillor Morrison, seconded by Councillor MacInnes, that the agenda be approved as presented. Motion carried.**

**APPROVAL OF MINUTES – SEPTEMBER 18, 2006**

The minutes of the September 18, 2006, session of Victoria County Municipal Council were presented for approval.

**It was moved by Councillor MacCuspic, seconded by Councillor MacLellan, that the September 18, 2006, minutes of Victoria County Municipal Council be approved as presented. Motion carried.**

**BUSINESS ARISING FROM MINUTES**

**RCMP**

The Sergeant position at the Baddeck Detachment remains unfilled at this time. The position has been posted and once a decision has been made on the successful candidate, there is a 90 day period for the member to report to duty.

**Non-Resident Land Ownership**

Sandy Hudson indicated that Mark Peck, Municipal Advisor, Service Nova Scotia and Municipal Relations, has provided him with information on a report conducted on this matter. He will review the report and advise Council of his findings.

**Municipal Boundaries and Representation**

Public hearings to review the number of Municipal Councillors and size of Municipal Districts have been held in Cape North and Ingonish to date. A meeting will be held in Little Narrows on Wednesday, October 25, 2006, and the two remaining meetings, Englishtown and Baddeck, will be held in November.

**Victoria County Logo**

The Committee met with Vibe Communications regarding the new Victoria County logo and image and there will be a further meeting held tomorrow at which time three (3) designs will be presented for consideration.

**Silver Dart Centennial Committee**

Councillor Morrison indicated that a meeting will be held immediately following Council this evening to review the Request for Proposals received for the Silver Dart Centennial Celebrations.

**NORTH HIGHLANDS COMMUNITY MUSEUM**

Courtesy of Council was extended to Heather Morrison who was in attendance on behalf of the North Highlands Community Museum.

Ms. Morrison thanked Council for the opportunity to appear before them. She then provided Council with a presentation on the North Highlands Community Museum (copy attached), as well as a visual presentation on the museum and its amenities.

Ms. Morrison advised that a recently released interim report outlined the problems faced by museums in Nova Scotia and indicated the recommendation that municipalities should provide core funding to community museums. This is what is being requested from Council.

Ms. Morrison presented each Councillor with an information package on the North Highlands Community Museum including a picture representative of their particular area. She indicated that there is a Board Room in the Museum and she would welcome Council to meet there at anytime.

Warden Budge thanked Heather Morrison, on behalf of Council, for her excellent presentation and all the hard work put into the maintaining the museum.

**KEITH BAIN, MLA – VICTORIA-THE LAKES**

Courtesy of Council was extended to Keith Bain, MLA, Victoria-The Lakes, as well as his colleague, Alfie MacLeod, MLA, Cape Breton West.

Mr. Bain thanked Council for the opportunity to appear before them in the first of what is hoped to be many regular meetings. He indicated his pleasure in having Alfie MacLeod, Caucus Chair, in attendance with him. He then opened the floor to Council to address their issues and concerns.

Deputy Warden MacNeil questioned on next year's paving priorities. Mr. Bain indicated that the priority list for paving has been submitted and outlined a number of areas in Victoria County that have been included. He also indicated that he attended a meeting in Ottawa recently concerning federal infrastructure funding for 100 series roads that would free up more provincial money for secondary road maintenance. Discussion also took place on RIM funding.

Councillor Morrison brought up the topic of the Silver Dart Centennial Celebrations. Mr. Bain indicated that he met recently with John MacDonnell, Chief of Staff for the Honourable Peter MacKay, Minister of Foreign Affairs, concerning a royal visit in conjunction with the centennial. He corresponded with Sandy Hudson on this meeting and an email was forwarded to the Minister's office from Mr. Hudson regarding this request. Mr. Bain indicated he also presented a request for assistance in building a replica of the Silver Dart and a place to house it in the Baddeck area.

Councillor Barron questioned on the provincial budget for economic development. Mr. Bain indicated that he did not have this information at this time. Mr. Bain met with Councillor Barron previously concerning the rink project and he indicated that application for funding could be done by letter.

The transfer of a position from the Department of Community Services office in Baddeck to North Sydney was discussed. Mr. Bain indicated that he would be meeting with the Minister tomorrow morning and would bring this issue up at the meeting.

The concern regarding graffiti on the roadsides was discussed and it was indicated that a letter was forwarded to the Minister of Transportation and Public Works in this regard.

The RCMP policing concerns were discussed. Mr. Bain and Minister Scott met with Councillors and the CAO recently in this regard. Mr. Bain indicated that the Minister of aware of the problems and is committed to getting the issues resolved.

The status of a new facility for Alderwood Rest Home was questioned and it was indicated that the replacement of the existing home is a priority. The Municipality has identified a parcel of land for a new facility.

The Business Occupancy Tax changes, and in particular the 25% rebate of commercial taxation provided to tourist facilities who are closed at least four months of the year was discussed. This cost the municipality \$123,000.00 this current year. It was felt that by this action, the province is encouraging businesses to become seasonal. Victoria County is one of the areas most affected in the province and we would like to see changes made before the next budget year.

Councillor MacInnes brought up the concern regarding ferry fees and the costs incurred by seniors traveling to medical appointments, etc. Mr. Bain indicated that a review is presently being planned with regard to ferry rates and he will follow up with the Minister in this regard.

Councillor MacCuspic indicated that the Tourism Committee met with Crown Jewel Resort representatives concerning expansion of the air strip at the resort. This would be a tremendous benefit for tourism as it would open up our area for air travel. Mr. Bain indicated that he will also be meeting with Mr. Korem on this and other issues.

Councillor Morrison questioned whether the paving of the TCH 105 in the area below the Old Margaree Road overpass was planned. Mr. Bain indicated that this stretch would be done this year, as well as guardrail replacement. He indicated that the Department of Transportation had a 24% increase in their budget this year.

The South Harbour Channel issue was discussed and Mr. Bain indicated he would see the Minister with regard to payment of the bill for opening the South Harbour Channel.

Warden Budge indicated that his concern was that the approaches to the new Smelt Brook Bridge will not be paved. Mr. Bain indicated he would check into this matter. Warden Budge also requested that brush cutting be carried out in the area between New Haven and White Point. The Department of Natural Resources enforcement in the North of Smokey area is also an ongoing concern.

Mr. Bain advised that the present ambulance service in the North of Smokey area will remain as it is until further notice.

Warden Budge extended a vote of thanks of Mr. Bain and Mr. MacLeod for their attendance.

**RECESS**

It was moved by Councillor Barron to recess for a 10 minute coffee break.

**APPOINTMENT OF WARDEN**

Sandy Hudson, CAO assumed the Chair. He indicated that the next item the agenda was the appointment of a Warden.

He then called for nominations for the office of Warden for the Municipality of the County of Victoria for the remaining 2 year term.

**It was moved by Councillor MacInnes, seconded by Councillor MacLellan, that Wayne Budge be nominated for the office of Warden.**

Mr. Hudson called three times for further nominations.

**It was moved by Councillor Morrison, seconded by Councillor MacInnes, that nominations cease.**

Sandy Hudson advised that the Warden for the Municipality of the County of Victoria is Wayne Budge.

Mr. Hudson then administered the Oath of Allegiance and Of Office to Wayne Budge, Warden.

***OATH OF ALLEGIANCE AND OF OFFICE***

***I, Wayne Budge, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.***

***And that I am duly qualified as required by law for the office of Warden of the Municipality of the County of Victoria.***

***And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.***

*And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.*

**Signed:**

District #7 – Wayne Budge

Warden Budge then assumed the Chair.

**APPOINTMENT OF DEPUTY WARDEN**

Warden Budge indicated that the next item on the agenda was the appointment of Deputy Warden.

Warden Budge called for nominations for Deputy Warden.

**It was moved by Councillor MacLellan, seconded by Deputy Warden MacNeil, that John Graham MacInnes be nominated for the position of Deputy Warden.**

Warden Budge called three times for further nominations.

**It was moved by Councillor Morrison, seconded by Councillor Patterson, that nominations cease.**

Warden Budge advised that John Graham MacInnes is the Deputy Warden of the Municipality of the County of Victoria for the remaining 2 year term.

The Oath of Allegiance and Of Office was then administered to John Graham MacInnes, Deputy Warden.

***OATH OF ALLEGIANCE AND OF OFFICE***

***I, John Graham MacInnes, do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law.***

***And that I am duly qualified as required by law for the office of Deputy Warden of the Municipality of the County of Victoria.***

***And that I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.***

*And that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office.*

*Signed:*

*District #4 – John Graham MacInnes*

### **SIGNING OFFICERS**

**It was moved by Councillor Barron, seconded by Councillor MacNeil, that the signing officers for the Municipality of the County of Victoria continue as they are at present, Warden Wayne Budge and Sandy Hudson, CAO. Motion carried.**

### **MEETING**

Warden Budge indicated that he would like Council to meet informally to discuss their plans for the next two years of the Council term. This meeting will be arranged.

### **COURT HOUSE DRIVEWAY**

Sandy Hudson advised that the sidewalk construction of the Baddeck Revitalization Project is presently being undertaken and it is an opportune time to carry out necessary work on the Court House driveway and parking area. He indicated he would like to invite tenders locally, and from the sidewalk installers, to have this work carried out.

Strait Engineering, the engineers for the Baddeck Revitalization Project, have conducted a survey and drafted plans for the work required.

**It was moved by Councillor Morrison, seconded by Councillor Patterson, that the CAO be authorized to invite tenders for improvements to the Court House driveway and parking area and review and select the appropriate tender. Motion carried.**

### **VICTORIA COUNTY PENSION PLAN**

Sandy Hudson advised that the Victoria County Pension Plan as it currently stands is not compulsory. He indicated that he would like to see it become mandatory for employees to join the pension when they become eligible.

**It was moved by Councillor MacCuspic, seconded by Councillor MacNeil, that it become policy that once a municipal employee becomes eligible to join the**

**Victoria County Pension Plan, it is mandatory that they participate. Motion carried.**

**MUTUAL AID AGREEMENT**

Sandy Hudson presented a Peacetime Emergency Mutual Aid Agreement for approval. This agreement includes all municipalities and First Nations in the Eastern Region of Nova Scotia.

**It was moved by Deputy Warden MacInnes, seconded by Councillor Patterson, that the Warden and CAO be authorized to execute the Peacetime Emergency Mutual Aid Agreement and it be forwarded on to all other parties for execution. Motion carried.**

**NEW BUSINESS/DISTRICT CONCERNS**

**District #1**

Councillor MacNeil presented a petition for a road name change in his District to be forwarded on to the Department of Transportation and the Eastern District Planning Commission.

**District #5**

Councillor Patterson brought up the strip mining issue and indicated he would keep updated on CBRM's actions in this regard.

Councillor Patterson also questioned on education programs with regards to recycling. Kara MacEachern, Region 1 Solid Waste, is the contact regarding setting up education programs.

**District #6**

Councillor Barron requested permission to attend the Tourism Summit's session on festival and events planning to be held in Halifax in December. The cost is \$125.00.

**It was moved by Deputy Warden MacInnes, seconded by Councillor Morrison, that Councillor Barron be authorized to attend the one day festival and events planning seminar held in conjunction with the Tourism Summit in Halifax. Motion carried.**

**District #8**

Councillor MacLellan questioned on the snow removal plans for the Cape North Transfer Station this winter season. A skid steer has been purchased and will be used for snow removal on site, as well as for pushing back the wood pile and working in the compost pile. The machine is not to be used offsite.

There will be some snow removal that will have to be done by outside contractors and it was felt that Medrick Dixon, Site Operator, should be responsible for arranging same when necessary.

The bill for the South Harbour Channel opening was discussed and it was indicated that this bill is to be paid by the Province.

**District #4**

**It was moved by Deputy Warden MacInnes, seconded by Councillor MacCuspic, that a letter be forwarded to the Department of Transportation requesting Gaelic signage for 20 communities in District #4. Motion carried.**

Deputy Warden MacInnes will provide the appropriate Gaelic names for the communities.

**District #7**

**It was moved by Deputy Warden MacInnes, seconded by Councillor MacNeil, that \$1,000.00 be approved from the District #7 budget for the Neil's Harbour/New Haven Volunteer Fire Department for the installation of a generator at the Parish Hall in Neil's Harbour. Motion carried.**

**ROAD NAME CHANGES**

Approval was received from both the Department of Transportation and the Eastern District Planning Commission for the following road name changes:

- District #1 – Change from “Beach Loop” to “Jimmie Gillis Road” located in Jamesville
- District #1 – Change from “Washabuck Road” to “Rear Estmere Road” located in Estmere
- District #4 – Change from “Lawson Lane” to “Partridge Landing” located in Big Harbour

**It was moved by Councillor MacNeil, seconded by Deputy Warden MacInnes, that the names “Jimmie Gillis Road”, “Rear Estmere Road” and “Partridge Landing” be approved by Council. Motion carried.**

**CORRESPONDENCE**

1. A letter was received from Brooke Oland requesting that Victoria County Municipal Council write a letter to the Minister of Agriculture requesting that the Tansy Ragwort be re-listed as a Class 1 Noxious Weed in Victoria County.

**It was moved by Deputy Warden MacInnes, seconded by Councillor MacCuspic, that a letter be forwarded to the Minister of Agriculture requesting that the Tansy Ragwort be listed as a Class 1 Noxious Weed in Victoria County. Motion carried.**

**BRAS D'OR LAKES PRESERVATION SOCIETY**

The Bras d'Or Lakes Preservation Society has made application to be included in our By-Law Respecting Tax Exemption for Fire Companies, Charitable and Non-Profit Organizations. They have a federal charitable tax exemption number and Mr. Hudson has checked to make sure the number is valid, which it is.

**It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that the Bras d'Or Lakes Preservation Society be added to the list of charitable organizations included in the Tax Exemption By-Law. Motion carried.**

**CULTURAL CAPITALS OF CANADA**

Sandy Hudson advised that application has been made under the Cultural Capitals of Canada program for funding for the 2009 Silver Dart Centennial Celebrations. There is funding available in the amount of \$500,000.00 under this program. The deadline for application for the 2009 year was October 15, 2006, and an application has been submitted. One of the requirements for application was a motion approving the application from Council, which Mr. Hudson advised, if received, would be forwarded after today's meeting.

**It was moved by Councillor Barron, seconded by Councillor MacLellan, that Victoria County Municipal Council approve the funding application submission under the Cultural Capitals of Canada program. Motion carried.**

**LITTLE NARROWS WATER EXTENSION**

Three proposals were received for engineering design for the Little Narrows Water System extension. They were:

CBCL	\$108,600.00
ADI	\$147,440.00
Strait Engineering	\$43,475.00

Discussion took place on the differences in the prices received. Strait Engineering were the project engineers for the Ingonish Water System and are the project engineers for the Baddeck Revitalization Project.

**It was moved by Councillor MacNeil, seconded by Councillor MacCuspic, that the engineering design tender for the Little Narrows Water System Extension be awarded to Strait Engineering Ltd. at a cost of \$43,475.00. Motion carried.**

#### **VILLAGE OF BADDECK**

Sandy Hudson advised that Erin Bradley, Village Clerk, looks after the water utility billing, etc. and a portion of her wages are paid by the Municipality. The Municipality is currently paying her salary for 2 days per week and the Village is requesting that her wages be cost shared 50/50, with the recent addition of the Ingonish Water Utility to her duties.

**It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that the Village's proposal for the Municipality to cost share the Village Clerk's wages on a 50/50 basis be approved. Motion carried.**

#### **DESTINATION CAPE BRETON ASSOCIATION**

A letter was received from Destination Cape Breton Association this afternoon concerning municipal support for moving forward with the Marketing Levy for Cape Breton Island.

Discussion took place on this matter. It was felt that it would be beneficial to hold a public hearing to receive submissions from tourist operators and the public on this matter.

An advertisement for the Public Hearing is to be published in the November 6, 2006 issue of the *Victoria Standard*, advising that the Municipality has previously approved in principle, a marketing levy for Cape Breton Island and they will be receiving submissions, both written and oral, in regard to the implementation of the marketing levy. The hearing will be held the week on November 13, 2006, with Council meeting on November 20, 2006.

#### **UNSM LONG SERVICE AWARDS**

Sandy Hudson advised that four Councillors received long service awards at the recent UNSM Conference in Sydney. Warden Budge, Councillor Barron and Deputy Warden MacInnes received 20 year awards and Councillor MacLellan received his 15 year award. They were congratulated on their achievement.

**IN CAMERA**

**It was moved by Councillor Barron, to move to In Camera.**

Council returned to regular session.

**RANKIN SCHOOL PROPERTY**

**It was moved by Councillor MacNeil, seconded by Councillor Morrison, that the Municipality concur with the Cape Breton-Victoria Regional School Board's proposal to convey a portion of the school property to Lawrence MacKinnon prior to the school property being turned over to the Municipality. Motion carried.**

**LITTLE NARROWS WATER EASEMENTS**

**It was moved by Councillor Morrison, seconded by Councillor Patterson, that the CAO be authorized to negotiate with the Great Bras d'Or Land Company with regard to the property and easement required for the Little Narrows Water System. Motion carried.**

**DIRECTOR OF PUBLIC WORKS**

**It was moved by Councillor Patterson, seconded by Councillor Barron, that Robert Dauphinee be hired as Director of Public Works for the Municipality of the County of Victoria at a salary of \$55,000.00, to be incrementally increased after successful completion of a 6 month probation period, with a provision for a further 6 month probation period if required. Motion carried.**

**UNION NEGOTIATIONS**

**It was moved by Deputy Warden MacInnes, seconded by Councillor Morrison, that the agreement reached with CUPE Local 2694 be approved with the exception of the vacation allotment requested. Motion carried.**

**ADJOURN**

**There being no further business, on motion of Councillor MacNeil, the meeting adjourned at 8:20 p.m.**

**Wayne Budge, Warden**

**Sandy Hudson, CAO**

