

VICTORIA COUNTY MUNICIPAL COUNCIL
November 1, 2004

A session of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, November 1, 2004, commencing at 5:00 p.m.

Sandy Hudson, CAO, opened the session.

Present were:

Dan E. MacNeil – Councillor Elect for District #1
Keith MacCuspig – Councillor Elect for District #2
Bruce Morrison – Councillor Elect for District #3
John Graham MacInnes - Councillor Elect for District #4
Fraser Patterson – Councillor Elect for District #5
Lawrence Barron – Councillor Elect for District #6
Wayne Budge – Councillor Elect for District #7
Robert MacLellan – Councillor Elect for District #8

Also present were:

Sandy Hudson, Chief Administrative Officer
Heather MacLean, Recording Secretary

2004 MUNICIPAL AND SCHOOL BOARD ELECTION

Sandy Hudson, Returning Officer, advised of the results of the October 16, 2004, Municipal and School Board Election.

District #1	Dan E. MacNeil		(Acclamation)
District #2	Evelyn Canning	166	
	Keith MacCuspig	236	(Elected)
	Shane Toms	176	
District #3	Joanne Dunlop	294	
	Bruce Morrison	310	(Elected)
District #4	John Graham MacInnes		(Acclamation)
District #5	Karen MacPhee	197	
	Fraser Patterson	371	(Elected)
District #6	Lawrence Barron	283	(Elected)
	Jim Donovan	144	

District #7	Wayne Budge	366	(Elected)
	Rickie Gwinn	141	
District #8	Scott MacKinnon	144	
	Robert MacLellan	406	(Elected)

Cape Breton-Victoria Regional School Board Election

District "G" – South Victoria	Keith Bain	1186	(Elected)
	Lenard Davis	587	
	Donald Morrison	448	
District "H" – North Victoria	David Donovan	728	
	J. Stan MacKinnon	787	(Elected)

After announcing the results, Sandy Hudson then administered the Oath of Allegiance and Of Office to the Councillors.

OATH OF ALLEGIANCE AND OF OFFICE

I, the undersigned, 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 Councillor 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 #1 – Dan E. MacNeil

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

District #8 – Robert MacLellan

Sworn to (or affirmed) by each of the Councillors who have hereto subscribed their names to the Oath of Allegiance and Of Office of Councillor at Baddeck, in the County of Victoria and Province of Nova Scotia, this 1st day of November, 2004, before me

*A. W. (Sandy) Hudson
Chief Administrative Officer*

APPOINTMENT OF WARDEN

The next item on the agenda was the appointment of a Warden.

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

Mr. Hudson called three times for further nominations.

It was moved by Councillor Morrison, that nominations cease.

Sandy Hudson advised that the new 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 MacInnes, seconded by Councillor Patterson, that Dan E. MacNeil be nominated for the position of Deputy Warden.

It was moved by Councillor MacCuspic, seconded by Councillor Barron, that Bruce Morrison be nominated for the position of Deputy Warden.

It was moved by Councillor MacLellan, that nominations cease.

Voting commenced by secret ballot and the ballots were collected and counted.

Sandy Hudson advised that 8 votes were cast. The number of votes necessary for election is 5. 4 voted in favour of Dan E. MacNeil and 4 in favour of Bruce Morrison.

Council directed Sandy Hudson to destroy the ballots.

As the vote was a tie, it was agreed that the two names, Dan E. MacNeil and Bruce Morrison, be placed on equal size pieces of paper and placed in a container to be drawn by lot. Sandy Hudson then drew the name and advised that the new Deputy Warden is Dan E. MacNeil.

The Oath of Allegiance and Of Office was then administered to Dan E. MacNeil, Deputy Warden.

OATH OF ALLEGIANCE AND OF OFFICE

I, Dan E. MacNeil, 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 #1 – Dan E. MacNeil

APPROVAL OF AGENDA

The remainder of the agenda was presented for approval. Sandy Hudson requested that the Ingonish Beach Water Supply agenda item be brought up In Camera.

It was moved by Councillor Barron, seconded by Councillor MacLellan, that the agenda be approved as amended. Motion carried.

APPROVAL OF MINUTES

The minutes of the September 20, 2004, Victoria County Municipal Council Session were presented for approval.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that the September 20, 2004, Council minutes be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Councillor Patterson questioned on the Municipality of the District of Guysborough's Dog By-Law, which prohibits certain breeds of dogs.

Sandy Hudson will obtain a copy of the Dog By-Law, which will be brought to a future meeting.

NEW BUSINESS

It was moved by Councillor MacInnes, seconded by Councillor Morrison, that a letter be forwarded to former Councillor, Shane Toms, thanking him for his contribution and service to Victoria County over the past 19 years. Motion carried.

Councillor MacInnes also noted that Heather MacLean has completed her 25th year of service to Victoria County.

MUNICIPAL ELECTION EXPENSE

Sandy Hudson indicated that he would like to submit a bill for Returning Officer duties for the October 16, 2004, Municipal and School Board Election. He is suggesting the amount of \$7,000.00, to be divided as follows:

Sandy Hudson	\$3,000.00
Joan MacInnes	\$3,000.00
Heather MacLean	\$1,000.00

It was moved by Councillor MacLellan, seconded by Councillor MacCuspig, that Council approve \$7,000.00 for the Returning Officer duties in conjunction with the October 16, 2004, Municipal and School Board election. Motion carried.

Sandy Hudson advised that the County will receive \$500 plus 65 cents per elector from the Province as reimbursement for conducting the Sunday Shopping Plebiscite. The reimbursement received for conducting the School Board Election is unknown at this time.

Mr. Hudson advised that all the election expenses have not been received as yet, and an accurate cost will be presented at a future meeting.

It was moved by Councillor Patterson, seconded by Deputy Warden MacNeil, that Sandy Hudson and Joan MacInnes be extended a vote of thanks for their assistance during the Municipal Election. Motion carried.

HILLTOP CRESCENT, BADDECK

Councillor Morrison presented a petition on behalf of the concerned citizens of Hilltop Crescent and area (MacDonald Street and Upper Twining Street) requesting the paving of Hilltop Crescent.

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that the petition received from the concerned citizens of Hilltop Crescent and area be accepted and forwarded on to the Minister of Transportation and Public Works, with a copy to Charles MacDonald, Area Manager, DOT&PW, requesting that Hilltop Crescent be considered under the Department's program for cost-shared paving on local roads and that the County share of such funding be referred to budget. Motion carried.

WASTE DIVERSION CREDITS

Councillor Morrison questioned whether information was received clarifying the waste diversion figures for Region 1 – Cape Breton Island. It was requested that these figures be further broken down to the units within Region 1 to determine the true diversion figure for Victoria County.

Sandy Hudson will investigate this matter and provide information for the next meeting.

NOTICE OF MOTION

Councillor Barron presented a notice of motion concerning the community rink in Ingonish. Application has been made to ECBC for funding under the SCIF (Strategic Community Initiative Fund) for the outdoor rink project.

The total project cost is \$268,500 and Councillor Barron outlined the funding sources. Application has been made to ECBC for \$190,000, and Councillor Barron indicated that there is a shortfall of \$27,600. If the Smokey Recreational Society does not come up with money, the project will not proceed.

It was moved by Councillor Barron, seconded by Councillor MacInnes, that a notice of motion be given that at the next meeting of Council a request will be made that the Municipality provide a capital grant of \$27,600 to the Smokey Recreational Society for the community rink project. Motion carried.

DISTRICT CONCERNS

District #4

Councillor MacInnes indicated that the 2005 Annual FCM Conference will be held in Newfoundland and he indicated that Victoria County should be represented at this conference. He advised that he would be interested in attending.

Further information will be available on this conference in the New Year.

District #3

Councillor Morrison indicated that a couple of years ago a motion was passed that an operational review of the Municipality be conducted. He indicated that he would now like to see this operational review proceed.

He questioned on the RCMP investigation and it was indicated that this matter would be brought up during the In Camera meeting.

District #2

Councillor MacCuspik indicated that during his campaign visits the issues and concerns addressed to him included the Middle River Sewage Lagoon, paving of the

remainder of the Big Baddeck Road, the RCMP investigation and the status of the Baddeck Landfill after 2005.

District #1

Deputy Warden MacNeil indicated that he recently met with the Little Narrows Community Development Association regarding the Little Narrows Water System and the proposed phases of the project.

It was moved by Deputy Warden MacNeil, seconded by Councillor MacLellan, that Sandy Hudson write a letter to the Little Narrows Community Development Association, with a copy to the Ottawa Brook Water Group, outlining the plans for the future development of the Little Narrows Water Supply. Motion carried.

Deputy Warden MacNeil indicated that the site preparation for the new school at Iona will begin next week.

District #5

Councillor Patterson indicated that the concerns he received during his campaign included the condition of the roads, waterfront property assessment and zoning. There is a possibility of a strip mine being developed on the border of the CBRM/Victoria County boundary at Black Rock and there is no zoning in effect in this area. The only area where zoning exists in the County is the Village of Baddeck.

District #6

It was moved by Councillor Barron, seconded by Councillor MacLellan, that a letter be forwarded to Don Carter, District Director, DOT&PW, with a copy to Charlie MacDonald, Area Manager, and the Minister of Transportation and Public Works, that the listed gravel roads in the Ingonish area be considered for paving under the RIM Program. Motion carried.

Councillor Barron is to provide a list of the roads to be included in this letter.

District #8

Councillor MacLellan brought up the issue of a private water supply in St. Margaret's Village that supplies 15 users that is in need of repair.

It was felt that the residents on this system should form a private water company and determine the costs to repair this system. They can then submit a proposal to Council and there is a possibility of funding towards the repairs, however, the Municipality would not be responsible for the water quality, testing or distribution.

District #3

It was moved by Councillor Morrison, seconded by Councillor MacInnes, that Victoria County Municipal Council forward their signed petition to the Victoria County Community Health Board in support of Provincial Smoke-Free Public Places Legislation. Motion carried.

District #7

Warden Budge indicated that there are water problems in the White Point area and he contacted Peter Gouthro, Department of the Environment, and he agreed that the Department would conduct water testing in the area.

CORRESPONDENCE

1. Letter from Grant Burgess, CA, Grant Thornton LLP, offering their services to deliver a complimentary two hour presentation to Council as an orientation on Council's new roles and responsibilities.

Sandy Hudson advised that he would arrange this presentation after the orientation for newly elected Councillors to be held in Halifax on November 19 and 20, 2004. He and Councillors MacCuspic and Patterson will be attending this session.

2. Letter from Charles MacDonald, P. Eng., DOT&PW, replying to Council's concerns addressed in the letter of September 8, 2004.
3. Letter from Leanne Hachey, Director of Provincial Affairs, Canadian Federation of Independent Business regarding high commercial tax burden and the elimination of the business occupancy tax. Copies of Action Alerts signed by approximately 40 Victoria County businesses were enclosed.

Sandy Hudson advised that he replied to all the businesses that signed that Action Alerts and he provided Council with a copy of the letter sent.

IN CAMERA

It was moved by Councillor MacLellan, seconded by Councillor Barron, that Council adjourn to an In Camera meeting. Motion carried.

RECONVENE

Council reconvened.

INGONISH BEACH WATER SUPPLY TENDER

It was moved by Councillor Patterson, seconded by Councillor MacLellan, that based on the Solicitor's report, on the Ingonish Beach Water Tenders, Council decline all the tender submissions and re-tender the entire project in the New Year with work to commence in the spring of 2005. Motion carried.

NEXT MEETING

The next session of Victoria County Municipal Council will be held on Monday, November 29, 2004, at 5:00 p.m.

All present Committees of Council will be dissolved as of November 30, 2004, and new committees will be established.

REPORT – CROWDIS MOUNTAIN

The final report of the independent review of the Crowdis Mountain Island Vacuum Limited Lagoon Site dated October 20, 2004, was received. This report was prepared by Meinhard Doelle, Marine and Environmental Law Institute, Dalhousie Law School, and Tom Austin, ABL Environmental Consultants.

It was moved by Councillor MacCuspik, seconded by Councillor Morrison, that this report be received and tabled. Motion carried.

ADJOURN

There being no further business, on motion of Councillor MacLellan, the meeting adjourned.

Wayne Budge, Warden

A. W. (Sandy) Hudson, CAO

