

VICTORIA COUNTY MUNICIPAL COUNCIL
November 17, 2008

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, November 17, 2008, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil
District #3 – Bruce Morrison, Warden
District #5 – Fraser Patterson, Deputy Warden
District #6 – Larry Dauphinee
District #7 – David Donovan
District #8 – Robert MacLellan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

Absent was:

District #2 – Keith MacCuspik

CALL TO ORDER

Warden Morrison called the meeting to order.

APPROVAL OF AGENDA

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

BADDECK PUBLIC LIBRARY PRESENTATION

Courtesy of Council was extended to Kate Oland, Baddeck Public Library, who was in attendance to update Council on the library and the services it provides.

Ms. Oland began her presentation by expressing the library's condolence on the passing of John Graham MacInnes. She then presented a 5 minute video compiled by summer student, Alexandra Hanam, on the Baddeck Public Library.

Three of the thirteen branches of the Cape Breton Regional Library are in Victoria County – the Baddeck Library, North Victoria in Ingonish and the Victoria County Bookmobile.

Ms. Oland indicated that the library is celebrating its 50th anniversary this year. She has been employed with the library since February, 2008, and besides her position, there is a shared ½ position at the library. She has responsibility for the Baddeck Library and the Victoria County Bookmobile that travels the County. The bookmobile is slated for replacement in the near future. There is a CAP Site located within the Baddeck Library.

Ms. Oland outlined the services provided by the library and indicated there is something for everyone. If an item can't be found at the branch locally, it can be ordered from another branch. Books can also be ordered online and delivered through the bookmobile.

The Baddeck Library is very well utilized. There is an active membership of 929 patrons. It is the 4th busiest library under the Cape Breton Regional Library umbrella, with only Sydney, Glace Bay and New Waterford being busier.

Ms. Oland advised of a new service provided by the library, a pilot project for business support services jointly sponsored by the Cape Breton Regional Library and Cape Breton University. She outlined the program, how it works and indicated that it is a great program.

The goal of the library is provide the best service possible and they work to achieve this through a number of initiatives.

Ms. Oland explained the relationship with the Baddeck Public Library Society and the assistance it provides the library.

Ms. Oland indicated that a recently completed Library Task Force contained a number of recommendations that include a change in the funding formula, more staffing, etc. and she requested that the Council consider petitioning the provincial government to adopt these recommendations. She indicated that she would like to see the Baddeck Library opened fulltime hours.

She thanked Council for the new shelving provided for the branch and asked that they consider assisting with air conditioning for the building for the next summer season.

Discussion took place and Ms. Oland answered various questions of Council.

It was moved by Deputy Warden Patterson, seconded by Councillor MacLellan, that a letter be forwarded to the Honourable Karen Casey, Minister of Education, supporting and requesting that the recommendations contained in the report of the Library Task Force be implemented. Motion carried.

Ms. Oland was extended a vote of thanks for her presentation and she left at this time.

VICTORIA COUNTY WATER UTILITY RATE STUDY

Courtesy of Council was extended to Bill Gates, W. H. Gates Utility Consultants Ltd. and Gerry Isenor, G. A. Isenor Consulting Limited, who were in attendance to make a presentation on the Water Rate Study for the Victoria County Water Utility.

The Water Rate Study combines the existing utilities in Dingwall, Neil's Harbour, Ingonish and Little Narrows into a single Victoria County Water Utility.

Mr Isenor advised that in preparing the rate study they reviewed the financial statements of each of the existing utilities and discussed the operations and planned capital spending with the municipal staff and auditors. The water rate study was done following the requirements outlined by the Nova Scotia Utility and Review Board.

The water rate study was reviewed in detail with Council (copy attached).

The comparison of current water rates and proposed new rates for each of the water systems was discussed and concern was addressed on the percentage increase in the water systems that are currently on a fixed rate.

It is proposed that all systems become metered and it was indicated that the faster the meters are installed, the less effect the proposed rate increase will have.

If accepted by the Municipality, the proposed rate study must be submitted to the Nova Scotia Utility and Review Board. The UARB will set up the date for public hearing. The aim is to have the rate structure in effect for April 1, 2009; however, it is conceivable that this could be delayed until July 1, 2009.

Discussion took place on the rate study and the gentlemen answered various questions of Council.

It was moved by Councillor MacLellan, seconded by Deputy Warden Patterson, that the four (4) existing water utilities – Dingwall, Neil's Harbour, Ingonish and Little Narrows, be combined to form a single Victoria County Water Utility. Motion carried.

It was moved by Councillor MacLellan, seconded by Councillor Donovan, that the Municipality of the County of Victoria, on behalf of the Victoria County Water Utility, apply to the Nova Scotia Utility and Review Board for changes in its rates for water and water service and changes to its rules and regulations for customers serviced by the Utility, as set out in the Water Rate Study prepared by W. H. Gates Utility Consultants, in association with G. A. Isenor Consulting Limited. Motion carried.

APPROVAL OF MINUTES – SEPTEMBER 8, 2008

The minutes of the September 8, 2008, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Deputy Warden Patterson, seconded by Councillor MacNeil, that the Victoria County Municipal Council minutes of September 8, 2008, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Victoria County Website

The status of the updated Victoria County website was discussed. The length of time it has taken to complete the website was discussed. An update is to be received from Sue Difiore.

Unightly Premises

The status of the regulations pertaining to dangerous and unsightly premises was discussed. It was indicated that one unsightly premise in District #8 was destroyed by fire recently and is no longer a problem.

APPROVAL OF MINUTES – NOVEMBER 14, 2008

The November 14, 2008, minutes of Victoria County Municipal Council were presented for approval.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that the Victoria County Municipal Council minutes of November 14, 2008, be approved as presented. Motion carried.

NEW BUSINESS

SIGNING AUTHORITY

Sandy Hudson advised that temporary signing authority is required until the new signature plate is received.

It was moved by Councillor MacLellan, seconded by Councillor MacNeil, that the signing officers for the Municipality of the County of Victoria be any two of the following: Bruce Morrison, Warden; Sandy Hudson, Chief Administrative Officer; and Heather MacLean, Administrative Assistant. Motion carried.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that the old signature plate be delivered to our auditors, Grant Thornton LLP, for them to destroy. Motion carried.

ELECTION BALLOTS

It was moved by Councillor MacNeil, seconded by Councillor MacLellan, that pursuant to Section 140 of the *Municipal Elections Act*, the ballots from the October 18, 2008, Municipal Election be destroyed. Motion carried.

STRATEGIC PLAN REVIEW

It was moved by Deputy Warden Patterson, seconded by Councillor Dauphinee, that the proposal received from Jack Novack, Jane Mulatz and Grant MacDonald, College of Continuing Education, Dalhousie University, for the updating of the Victoria County Strategic Plan be accepted. Motion carried.

MARKETING LEVY

It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that a letter be forwarded to the provincial legislature requesting that amendments be made to the *Marketing Levy Act* that would permit, but not require, municipalities to adopted a Marketing Levy By-Law. Motion carried.

Sandy Hudson advised that the Cape Breton Island Marketing Strategy should be unveiled before Christmas.

DISTRICT #4

It was moved by Deputy Warden Patterson, seconded by Councillor Donovan, that the District #4 seat on Victoria County Municipal Council be declared vacant. Motion carried.

It was moved by Councillor MacLellan, seconded by Councillor MacNeil, that the By-election for District #4 be held on Saturday, January 31, 2009, with nominations closing on January 6, 2009. Motion carried.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that the advance poll dates for the District #4 By-election be Saturday, January 24, 2009, and Tuesday, January 27, 2009. Motion carried.

LETTERS OF APPRECIATION

It was moved by Councillor Donovan, seconded by Councillor MacLellan, that letters be forwarded to former Councillors, Wayne Budge and Lawrence Barron, and to the family of the Late John Graham MacInnes, expressing appreciation for the years of service they have given to the Municipality of the County of Victoria. Motion carried.

BRAS D'OR LAKES BIOSPHERE RESERVE

It was moved by Deputy Warden Patterson, seconded by Councillor MacNeil, that the Bras d'Or Lakes Biosphere Reserve designation be deferred until the next session of Council to provide opportunity for the CAO to consult with Inverness County on their decision. Motion carried.

UNSM CODE OF CONDUCT

The UNSM have developed a Code of Conduct for all municipal elected officials. They are requesting that all Councils consider having all Council members commit to the Code and sign the proposed Statement of Commitment to the Code.

Council agreed to sign and date the document.

NOISE BY-LAW

Two pieces of correspondence were received requesting Council consider adopting a Noise Control By-Law that would put reasonable limits on industrial and commercial operations in the Municipality. Both were in regard to the gravel pit at Skir Dhu connected with the Cabot Trail paving project.

Council is to consider this request and it will be tabled until the December Session of Council.

WIND GENERATION

Correspondence was received previously over the lack of regulation or control over the construction and operation of private wind generators.

There are draft regulations available through the Eastern District Planning Commission for Council to consider. This matter will be deferred until December.

FINANCIAL UPDATE

Sandy Hudson advised that an updated financial statement to the end of September, 2008, is included in the Council binders for information purposes.

BADDECK SOLID WASTE TRANSFER STATION ADDITION

Council previously approved the construction of additional space at the Baddeck Municipal Solid Waste Transfer Station for office space for the Director of Public Works, as well as the yet to be hired, Solid Waste Education Coordinator.

The original proposal was to add on to the existing metal building, but the one tender received was well over the anticipated cost. It is now being proposed to look at a stand alone building.

Pricing has been done on a modular type building and Sandy Hudson questioned whether Council wished to go that route, or obtain prices from local contractors to build same.

It was moved by Deputy Warden Patterson, seconded by Councillor MacLellan, that a tender be issued to local contractors for a stand alone office building for the Baddeck Municipal Solid Waste Transfer Station. Motion carried.

COUNCILLOR ORIENTATION

Sandy Hudson advised that he and Councillors MacNeil, Donovan and Dauphinee will be attending the orientation session for newly elected Councillors on November 20 and 21, 2008, in Truro.

PLANNING COMMISSION APPOINTMENTS

It was moved by Councillor MacLellan, seconded by Councillor Donovan, to approve the following appointments:

- **Administrator – Dangerous and Unsightly Premises – John Bain
Alternate – Brad Parks**
- **Building Inspector – David MacKenzie
Alternates - Cyril LeBlanc**

**Leon LeBlanc
Harry Martell
Zack Van Rossum**

- **Development Officer – Wanda Ryan**
Alternates - John Bain
Karl Grenke
Lindsay Lyghtle
- **Fire Inspector – Cyril LeBlanc**
Alternate – Leon LeBlanc

Motion carried.

CHETICAMP ECONOMIC COUNCIL

A request has been received from the Cheticamp Economic Council for Victoria County to accept crab shells and herring melt from Cheticamp Fisheries for the 2009 fishing season. It is estimated that there will be 10 tons of crab shells and 15 tons of herring melt.

The Dingwall Transfer Station site presently accepts the same material from Victoria Co-op Fisheries. It is composted on site at Dingwall.

Council agreed to enter negotiations with Cheticamp Economic Council on accepting these materials.

CPR AWARENESS MONTH

It was moved by Councillor MacNeil, seconded by Deputy Warden Patterson, that November be designated as “CPR Awareness Month” in the Municipality of the County of Victoria. Motion carried.

DISTRICT CONCERNS

District #5

It was moved by Deputy Warden Patterson, seconded by Councillor Donovan, that Private Road 6101(P), Big Bras d’Or be named “MacLeod Hill Road”. Motion carried.

District #6

Councillor Dauphinee brought up the matter of a heavy garbage collection in his district. Council previously agreed to rotate a heavy garbage collection in the southern

and northern areas of the County so that it will be completed in each area every two years.

The collection will be completed in the northern area of the Municipality in June, 2009.

Councillor Dauphinee also expressed concern that the budget for District #6 has been depleted and he does not have access to funding for his district. The same applies to District #7. He felt that in the last year of a Council term, Councillors should only be permitted to use $\frac{3}{4}$ of their district budget for that year. This will allow the new or returning Councillor to have funding available. He also requested consideration be given to approving funding for District #6 and #7 for the remainder of the fiscal year.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that \$1,000.00 be allotted to District #6 and #7 for the remainder of the fiscal 2008-09 year and Councillors be permitted an advance of \$1,000.00 of their next year's district budget. Motion carried.

It was moved by Councillor Dauphinee, seconded by Councillor Donovan, that in the final year of a Council term, Councillors be permitted to spend only $\frac{3}{4}$ of their district budget funds. Motion carried with Deputy Warden Patterson voting against the motion.

Councillor Dauphinee advised of two dangerous areas in his district where street lights are required – Roper's Bridge and the blind turn on Beach Crossing Road.

It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal requesting that consideration be given to locating street lights on Roper's Bridge and at the blind turn on Beach Crossing Road. Motion carried.

District #1

It was moved by Councillor MacNeil, seconded by Councillor Donovan, that a streetlight located on the Peter MacLean Road be relocated to the pole at the Tom Playford residence. Motion carried.

District #7

It was moved by Councillor Donovan, seconded by Deputy Warden Patterson, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal requesting that a road sign be erected for Brandon Lane. Motion carried.

Councillor Donovan indicated that he would like to order a street light and will provide the information to the municipal office, so the order can be placed.

Councillor Donovan requested that a meeting be arranged with Roy MacDonald, Area Manager, and Nelson Dixon, Department of Transportation and Infrastructure Renewal, to discuss matters pertaining to the northern area of the County. All Councillors in the north of Smokey area expressed an interest in attending this meeting.

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that Roy MacDonald, Area Manager, and Nelson Dixon, Department of Transportation and Infrastructure Renewal, be requested to attend a meeting with Councillors north of Smokey. Motion carried.

District #8

Councillor MacLellan indicated that the street lights he had ordered to be located at the Cape North Community Hall have not been installed. This matter will be investigated.

Councillor MacLellan also requested that representatives from the Bay St. Lawrence Centre be provided time on the agenda of the next Council meeting. Two presentations are on the agenda for the December meeting, so representatives will be invited to appear in January, 2009.

Councillor MacLellan indicated that since the Municipality no longer has a Director of Community Economic Development, there is no assistance available locally to groups and organizations to assist with proposal writing, government applications, etc. He felt there should be.

It was moved by Councillor MacLellan, seconded by Councillor Donovan, that this matter be referred to the Community Development Committee. Motion carried.

District #2 and #3

Deputy Warden Patterson assumed the Chair.

It was moved by Warden Morrison, seconded by Councillor MacLellan, that \$1,200.00 be approved from both the District #2 and #3 budgets for the Baddeck Nursery School. Motion carried.

Warden Morrison brought forward a letter received from Shane MacFarlane, Chair, Silver Dart Centennial Association, updating on the progress for the 2009 centennial of the first manned powered flight in Canada. The Association will be seeking financial support from the Municipality. The amount is unknown at this time.

It was moved by Warden Morrison, seconded by Councillor MacNeil, that the Municipality provide financial support to the Silver Dart Centennial Association when requested. Motion carried.

The request will be brought to the next session of Council.

The Warden resumed as Chair.

PROPERTY VALUATION SERVICES CORPORATION

The UNSM have called for nominations for a rural representative to serve on the Board of the Property Valuation Services Corporation Board.

Councillor Dauphinee expressed an interest in putting his name forward.

It was moved by Councillor Donovan, seconded by Councillor MacLellan, that the Municipality nominate Councillor Larry Dauphinee to serve on the Property Valuation Services Corporation Board. Motion carried.

FIVE YEAR CAPITAL BUDGET

Sandy Hudson presented the 2008 five year capital budget for Council's approval.

It was moved by Councillor MacLellan, seconded by Councillor MacNeil, that the 2008 five year capital budget be accepted. Motion carried.

CAO/CEO SEMINAR

Sandy Hudson advised that he and the Warden would be attending the CAO/CEO Seminar to be held in Truro on December 11 and 12, 2008.

CLANS LETTER

Sandy Hudson will forward a letter received from the Community Learning Association North of Smokey (CLANS) to the District #6, #7 and #8 Councillors.

IN CAMERA

It was moved by Deputy Warden Patterson, seconded by Councillor MacLellan, to move In Camera.

Council returned to the regular session.

COMMITTEES

Discussion took place on the appointment of a Committee to review and recommend on the Committee structure. It was felt this should be done in Committee of the Whole.

A Committee of the Whole meeting will be held on Monday, November 24, 2008, at 5:00 p.m. to deal with the topic of Committees only.

NEXT COUNCIL MEETING

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

ADJOURN

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

Bruce Morrison, Warden

Sandy Hudson, CAO

