

VICTORIA COUNTY MUNICIPAL COUNCIL
November 18, 2002

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, November 18, 2002, beginning at 5:30 p.m.

Present were:

District #1 – Dan E. MacNeil
District #2 – Shane Toms
District #3 – Bruce Morrison, Deputy Warden
District #4 – John Graham MacInnes
District #5 – Gerald Sampson, Warden
District #6 – Lawrence Barron
District #7 – Wayne Budge
District #8 – Robert MacLellan

Also present were:

Sandy Hudson, CAO
Arthur Pickup, Municipal Solicitor
Heather MacLean, Recording Secretary

CALL TO ORDER

Warden Sampson called the meeting to order.

APPROVAL OF AGENDA/TIME TO ADJOURN

Warden Sampson advised of a change in the agenda. The Finewood Flooring & Lumber Ltd. agenda item has been deferred until the February, 2003, Council meeting.

It was moved by Councillor Toms, seconded by Deputy Warden Morrison, that the agenda be approved as amended and the time for adjournment be set at 8:00 p.m. Motion carried.

MINUTES

The minutes of the October 15, 2002, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor MacNeil, seconded by Councillor Budge, that the minutes of the October 15, 2002, Council meeting be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Baddeck Landfill

Mr. Hudson advised that he and Ed Carey, P. Eng., met with Leo Fownes concerning his tender for the Baddeck Landfill and he assured them that he could do the required work for the amount tendered.

Streetlighting

Ken Paruch, Nova Scotia Power Inc., will be meeting with Sandy Hudson tomorrow to discuss our concerns with regard to street lighting and an outstanding matter with regard to the White Point Lots.

At the previous meeting, a motion was passed that a letter be forwarded to NSPI requesting that the night shift be reinstated to identify streetlights that require repair in Victoria County and advising that until the repairs are complete, we withhold our street lighting payment. Mr. Paruch will be advised of this matter during the course of the meeting tomorrow.

AMENDMENT – MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

A public hearing was held prior to Council regarding the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for the Village of Baddeck. No written or verbal presentations were received at that time.

It was moved by Deputy Warden Morrison, seconded by Councillor MacInnes, that the Municipal Planning Strategy and Land Use By-Law for the Village of Baddeck be amended by deleting policies 2.13, 2.14 and 2.15. Motion carried.

BY-LAW RESPECTING SMOKING IN THE MUNICIPALITY OF THE COUNTY OF VICTORIA

A public hearing was held prior to Council regarding the By-Law Respecting Smoking in the Municipality of the County of Victoria. Council listened to verbal presentations made at that time. All presentations were in support of the proposed by-law.

It was moved by Councillor Barron, seconded by Councillor Toms, that the 2nd reading of the By-Law Respecting Smoking in the Municipality of the County of Victoria (Non-Smoking By-Law) be approved. Motion carried unanimously.

CORRESPONDENCE

1. Correspondence forwarded by Sandy Hudson, CAO, to Mayor John Morgan, CBRM, and Mayor Morgan's reply regarding an independent Cape Breton Island.
2. Letter from Sandy Hudson, CAO, to Charlie MacDonald, Department of Transportation and Mr. MacDonald's reply concerning the criteria for paving of Village of Baddeck streets.

Discussion took place on the streets in the Village of Baddeck as to whether they are "J" Class roads.

It was moved by Deputy Warden Morrison, seconded by Councillor Toms, that a letter be forwarded to the Department of Transportation to determine if the streets in the Village of Baddeck are considered "J" class roads and if so, is there a fund to assist with the upkeep of "J" class streets and would the Baddeck streets qualify for this funding. Motion carried.

3. Correspondence from Sandy Hudson, CAO, to Honourable Ron Russell, Minister of Transportation and Public Works, and the Minister's reply concerning the lighting of the Seal Island Bridge.
4. Letter from Allan Nicholson, Fire Chief, Middle River Volunteer Fire Department, regarding the weight classification on Campbell's Bridge, West Middle River.

It was moved Councillor Toms, seconded by Deputy Warden Morrison, that a letter be forwarded to Charlie MacDonald, Area Manager, Department of Transportation and Public Works, with a copy of the Minister of Transportation and Public Works; Bruce Fitzner, District Director, DOT&PW, Allan Nicholson, Chief, Middle River Volunteer Fire Department; and Gary Collins, EMC, requesting that repairs or replacement of Campbell's Bridge, West Middle River, be done immediately. Motion carried.

5. A request was received from Charles Yorke, Guidance Counsellor for Baddeck Academy and Rankin Memorial School, requesting financial assistance towards the cost of a "Drug and Alcohol Seminar" hosted at Baddeck Academy on November 20, 2002.

Warden Sampson will contact Mr. Yorke to determine the cost of this seminar and report back later in the meeting.

FINANCIAL UPDATE

Sandy Hudson distributed an income statement as of September 30, 2002, for the Municipality of the County of Victoria, for the information of Council.

MEETING CHAIR

Warden Sampson temporarily vacated the Chair to obtain the information required from Charles Yorke and Deputy Warden Morrison assumed the Chair.

WATER UTILITIES

Council were presented with the financial statements and management letters for the year ended March 31, 2002, for the following water utilities:

Little Narrows Water Utility
Neil's Harbour/New Haven Water Utility
Dingwall Water Utility

It was moved by Councillor MacInnes, seconded by Councillor Budge, that the financial statements and management letters for the Little Narrows Water Utility; Neil's Harbour/New Haven Water Utility; and the Dingwall Water Utility be accepted as presented. Motion carried.

Councillor MacLellan brought up the issue of arrears in the Dingwall Water Utility.

Discussion took place on the possibility of combining the water utilities under one umbrella for administration purposes.

It was indicated that a Water Committee meeting is required in the near future and these matters can be referred to the Committee for consideration. A meeting will be coordinated within the next couple of weeks.

ALEXANDER GRAHAM BELL NATIONAL HISTORIC SITE

Courtesy of Council was extended to Aynsley MacFarlane, Site Manager of the A. G. Bell National Historic Site, and Carol Whitfield, Field Unit Superintendent, Parks Canada.

Ms. Whitfield indicated that Parks Canada is presently embarking on a review of the Management Plan for the Alexander Graham Bell National Historic Site and is proposing the establishment of a co-operating association to work in partnership with the

Site. Ms. Whitfield advised of other sites that have such organizations in place and the benefits derived from this type of association.

Tonight's meeting begins the public consultation process with regard to the establishment of a co-operating association and comments and input are welcomed and will be reviewed.

Further meetings will be held with interested stakeholders and the public over the next few weeks to obtain additional comments.

MEETING CHAIR

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Councillor MacInnes brought up the fact that the walking required from the Parking area to the Museum is difficult for the senior visitors and he wondered whether there was any way to accommodate seniors in a parking area closer to the Museum.

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Discussion again took place on the co-operating association and Ms. MacFarlane advised that an organizational meeting will be held on November 26, 2002, at 7:00 p.m. at the Bell Theatre, Alexander Graham Bell National Historic Site.

Whether there would be any chance of getting the replica of the "Silver Dart" located at the Site was questioned. Ms. Whitfield indicated that an extension would be required to the building and at this point it is outside of the budget. The possibility of obtaining funding from other sources, i.e. Cape Breton Growth Fund, was discussed.

The possibility of the Nova Scotia Highland Village, Wagmatcook Cultural Centre, Gaelic College, and A. G. Bell National Historic Site working in conjunction to promote the southern area of Victoria County was discussed. Ms. Whitfield indicated that this is something they would be interested in investigating.

After further discussion, Ms. Whitfield and Miss MacFarlane were extended a vote of thanks and excused at this time.

DRUG AWARENESS SEMINAR

Warden Sampson advised that he contacted Charles Yorke and the cost of the Drug Awareness Seminar to be held at Baddeck Academy is \$800, and a \$200 donation has been already made towards the cost. The balance remaining is \$600.

It was moved by Councillor Budge, seconded by Deputy Warden Morrison, that the \$600 balance for the Drug Awareness Seminar be equally divided among the 8 district budgets. Motion carried.

PITUPAQ COMMITTEE PRESENTATION

Courtesy of Council was extended to Laurie Sutor, Bras d'Or Lakes Coordinator, and Karen Malcolm, Coordinator for the Canada Shipping Act Designation for the Bras d'Or Lakes.

Ms. Sutor updated Council on the work of the Pitupaq Committee since her last visit to Council. Approval has been received for a Youth Program that will employ 1 person from each of the 5 First Nations and 1 from each of the 5 municipalities, along with a coordinator, to work in public education and on the GIS Mapping Project. It is hoped that this project will commence early in the New Year. The Municipality will be asked to provide a location, as well as phone and computer access for the intern.

The Pitupaq Committee was created deals with three sources of waste around the Bras d'Or Lakes – centralized sewage systems, on-site sewage systems, and boating sewage. The Committee has appointed a Task Team, made up of representatives from relevant departments, and this Team is in the process of completing a comprehensive application. This will be the first time an application will be received from Atlantic Canada.

Ms. Sutor commended Victoria County, and in particular Warden Sampson, for the leadership shown. The Pitupaq Committee is now getting national attention.

Karen Malcolm, Coordinator for the Canada Shipping Act Designation for the Bras d'Or Lakes, presented Council members with a brochure, *Protecting Your Health – Attention Boaters*, and a backgrounder on the Canadian Shipping Act Regulations and Designation Application.

She indicated that community meetings will be held around the Lakes and requested the Municipality, when meetings are held in Victoria County, to provide someone to Chair, advertise and set up the meetings, as well as record the minutes. Warden Sampson indicated he would Chair the meetings.

After further discussion, Ms. Suitor and Ms. Malcolm were extended thanks and left at this time.

RECESS

The Warden announced that Council would recess for 10 minutes.

HRDC BUSINESS PLAN

Warden Sampson extended the courtesy of Council to Bernadette Theriault, Manager, HRDC North Sydney, who was in attendance to make a presentation on HRDC's Business Plan.

The HRDC Core Programs are:

- Employment Insurance
- Human Resources Investment
- Income Security
- Labour Program

Ms. Theriault explained these programs to Council. HRDC have ongoing commitments to service delivery, excellence in leading people, corporate leadership and policy leadership. HRDC is committed to supporting the efforts of Nova Scotians at the local, regional and national levels.

Ms. Theriault indicated that HRDC's website is www.hrdc.gc.ca. All of the services offered by HRDC are explained on the website and application can be made for EI benefits on the Appli Web.

Councillor MacInnes expressed concern that a resident from his area went to the HRDC Office in North Sydney to apply for EI and was advised they would have to come back at another time. Ms. Theriault explained that the machines come on at 8:30 a.m. and are turned off at 2:00 p.m. each day. This is done nationally.

After further discussion, Ms. Theriault was extended a vote of thanks for her presentation and she left at this time.

INFRASTRUCTURE UPDATE

Courtesy of Council was extended to Ed Carey, P. Eng, to update on the Infrastructure Projects.

Dingwall Water

Infrastructure funding approval was announced for the Dingwall Water System upgrade on November 15, 2002. Joint federal-provincial funding in the amount of \$333,332 was announced. The Municipality will fund the \$166,668 balance. The total project cost will be \$500,000.

Neil's Harbour/New Haven Water Supply

Mr. Carey advised that the information requested from AMEC on the water withdrawal from Trout Brook has been received and a meeting will be held in the near future to discuss this matter.

Ingonish Beach Water

The pump testing of the well for the Ingonish Beach Water was completed and went extremely well. Mr. Carey distributed a picture for Council to view. The initial chemical results for this water supply are very good.

Ed. Carey will provide Sandy Hudson with a timetable on this project within the next couple of weeks.

Baddeck Sewage Treatment Plant

The Baddeck Sewage Treatment Plant is proceeding. The tank has been completed and they are now working on the roof. The required equipment has been ordered and because of the weather, the project is a couple of weeks behind schedule, but there have been no major cost overruns to this point.

Baddeck Landfill

Leo Fownes has commenced work at the Baddeck Landfill. The drainage problem around the landfill site should be resolved this year.

Water Committee Meeting

A Water Committee meeting is to be arranged for the near future. Department of the Environment representatives should be in attendance at this meeting.

Mr. Carey was extended a vote of thanks for his report and was excused at this time.

NEW BUSINESS

District #2

It was moved by Councillor Toms, seconded by Deputy Warden Morrison, that a letter be forwarded to Charlie MacDonald, DOT&PW, with copy to Bruce Fitzner, requesting guardrails be installed on the TCH 105 opposite Tim Horton's/Irving and requesting they investigate the entrances and exits to these businesses, as this area is considered a danger. Motion carried.

District #4

It was moved by Councillor MacInnes, seconded by Councillor Budge, that a letter be written to Charlie MacDonald, DOT&PW, with copy to Bruce Fitzner, requesting that guardrail be erected on the Jersey Cove Road where the washout occurred last year. Motion carried.

District #7

It was moved by Councillor Budge, seconded by Councillor Barron, that Bruce Fitzner be contacted to meet regarding the road from New Haven to White Point. Motion carried.

District #8

Councillor MacLellan requested that the Dingwall Water Utility arrears be included on the agenda for the next Water Committee meeting.

District #5

It was moved by Warden Sampson, seconded by Councillor MacInnes, that a letter be forwarded to the Minister of Transportation and Public Works, as a follow up to his verbal commitment at the recent UNSM Conference that lighting would be installed on the Seal Island Bridge, requesting when we can expect a written commitment from him. Motion carried.

APPOINTMENT OF WARDEN

As the next item on the agenda was the appointment of a Warden, Warden Sampson vacated that Chair and CAO Sandy Hudson assumed the Chair.

Mr. Hudson indicated that the term for Warden was a two-year term, which has expired. The *Municipal Government Act* states that the Warden shall be chosen at the first meeting of the Council after the expiration of the term of a Warden. If a majority of the Council members are unable to agree upon the choice of a Warden, the Clerk shall determine the Warden from the two leading candidates by lot as provided in the *Municipal Elections Act*.

Mr. Hudson then called for nominations for Warden.

It was moved by Councillor Toms, seconded by Councillor MacLellan, that Gerald Sampson be nominated for Warden.

It was moved by Deputy Warden Morrison, seconded by Councillor MacLellan, that Wayne Budge be nominated for Warden.

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

Mr. Hudson advised that voting would be by secret ballot and explained the voting procedure to Council.

Councillor MacNeil indicated that he wished to advise that he did not want his vote to be secret and that he was supporting Gerald Sampson for Warden.

The ballots were collected, opened, and counted by Sandy Hudson and Heather MacLean.

Mr. Hudson advised that 8 votes were cast. The number of votes necessary for election is 5. The results were a tie vote – 4 votes for Gerald Sampson and 4 votes for Wayne Budge.

As the vote was a tie vote, Mr. Hudson then put two names in the ballot box – Gerald Sampson and Wayne Budge, and as is the procedure outlined in the MGA, if a majority of the Council members are unable to agree upon the choice of a Warden, the Clerk shall determine the Warden from the two leading candidates by lot as provided in the *Municipal Elections Act*. Mr. Hudson then drew the name, opened the envelope, and declared Gerald Sampson re-elected as Warden for the remainder of the Council term.

It was moved by Councillor Toms, seconded by Councillor MacNeil, that the ballots be destroyed. Motion carried.

Sandy Hudson then administered the Oath of Allegiance and Of Office to Warden Gerald Sampson.

I, Gerald E. Sampson, 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 #5 – Gerald E. Sampson

Warden Sampson then assumed the Chair.

APPOINTMENT OF DEPUTY WARDEN

Warden Sampson indicated that the next item on the agenda was the appointment of Deputy Warden. He called for nominations for Deputy Warden.

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

Mr. Morrison declined the nomination.

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

It was moved by Councillor MacNeil, seconded by Councillor MacLellan, that Wayne Budge be nominated for the position of Deputy Warden.

Mr. Budge also declined the nomination.

Warden Sampson called for further nominations, but on hearing none, declared John Graham MacInnes elected as Deputy Warden.

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

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

NEXT MEETING

The next meeting of Victoria County Municipal Council will be held on Monday, December 2, 2002, beginning at 5:30 p.m.

ADJOURN

There being no further business, on motion of Councillor MacNeil, the meeting adjourned at 8:05 p.m.

Gerald Sampson, Warden

Sandy Hudson, CAO

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The Baddeck Sewage Treatment Plant is proceeding. The tank has been completed and they are now working on the roof. The required equipment has been ordered and because of the weather, the project is a couple of weeks behind schedule, but there have been no major cost overruns to this point.

Baddeck Landfill

Leo Fownes has commenced work at the Baddeck Landfill. The drainage problem around the landfill site should be resolved this year.

Water Committee Meeting

A Water Committee meeting is to be arranged for the near future. Department of the Environment representatives should be in attendance at this meeting.

Mr. Carey was extended a vote of thanks for his report and was excused at this time.

NEW BUSINESS

District #2

It was moved by Councillor Toms, seconded by Deputy Warden Morrison, that a letter be forwarded to Charlie MacDonald, DOT&PW, with copy to Bruce Fitzner, requesting guardrails be installed on the TCH 105 opposite Tim Horton's/Irving and requesting they investigate the entrances and exits to these businesses, as this area is considered a danger. Motion carried.

District #4

It was moved by Councillor MacInnes, seconded by Councillor Budge, that a letter be written to Charlie MacDonald, DOT&PW, with copy to Bruce Fitzner, requesting that guardrail be erected on the Jersey Cove Road where the washout occurred last year. Motion carried.

District #7

It was moved by Councillor Budge, seconded by Councillor Barron, that Bruce Fitzner be contacted to meet regarding the road from New Haven to White Point. Motion carried.

District #8

Councillor MacLellan requested that the Dingwall Water Utility arrears be included on the agenda for the next Water Committee meeting.

District #5

It was moved by Warden Sampson, seconded by Councillor MacInnes, that a letter be forwarded to the Minister of Transportation and Public Works, as a follow up to his verbal commitment at the recent UNSM Conference that lighting would be installed on the Seal Island Bridge, requesting when we can expect a written commitment from him. Motion carried.

APPOINTMENT OF WARDEN

As the next item on the agenda was the appointment of a Warden, Warden Sampson vacated that Chair and CAO Sandy Hudson assumed the Chair.

Mr. Hudson indicated that the term for Warden was a two-year term, which has expired. The *Municipal Government Act* states that the Warden shall be chosen at the first meeting of the Council after the expiration of the term of a Warden. If a majority of the Council members are unable to agree upon the choice of a Warden, the Clerk shall determine the Warden from the two leading candidates by lot as provided in the *Municipal Elections Act*.

Mr. Hudson then called for nominations for Warden.

It was moved by Councillor Toms, seconded by Councillor MacLellan, that Gerald Sampson be nominated for Warden.

It was moved by Deputy Warden Morrison, seconded by Councillor MacLellan, that Wayne Budge be nominated for Warden.

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

Mr. Hudson advised that voting would be by secret ballot and explained the voting procedure to Council.

Councillor MacNeil indicated that he wished to advise that he did not want his vote to be secret and that he was supporting Gerald Sampson for Warden.

The ballots were collected, opened, and counted by Sandy Hudson and Heather MacLean.

Mr. Hudson advised that 8 votes were cast. The number of votes necessary for election is 5. The results were a tie vote – 4 votes for Gerald Sampson and 4 votes for Wayne Budge.

As the vote was a tie vote, Mr. Hudson then put two names in the ballot box – Gerald Sampson and Wayne Budge, and as is the procedure outlined in the MGA, if a majority of the Council members are unable to agree upon the choice of a Warden, the Clerk shall determine the Warden from the two leading candidates by lot as provided in the *Municipal Elections Act*. Mr. Hudson then drew the name, opened the envelope, and declared Gerald Sampson re-elected as Warden for the remainder of the Council term.

It was moved by Councillor Toms, seconded by Councillor MacNeil, that the ballots be destroyed. Motion carried.

Sandy Hudson then administered the Oath of Allegiance and Of Office to Warden Gerald Sampson.

I, Gerald E. Sampson, 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 #5 – Gerald E. Sampson

Warden Sampson then assumed the Chair.

APPOINTMENT OF DEPUTY WARDEN

Warden Sampson indicated that the next item on the agenda was the appointment of Deputy Warden. He called for nominations for Deputy Warden.

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

Mr. Morrison declined the nomination.

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

It was moved by Councillor MacNeil, seconded by Councillor MacLellan, that Wayne Budge be nominated for the position of Deputy Warden.

Mr. Budge also declined the nomination.

Warden Sampson called for further nominations, but on hearing none, declared John Graham MacInnes elected as Deputy Warden.

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

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

NEXT MEETING

The next meeting of Victoria County Municipal Council will be held on Monday, December 2, 2002, beginning at 5:30 p.m.

ADJOURN

There being no further business, on motion of Councillor MacNeil, the meeting adjourned at 8:05 p.m.

Gerald Sampson, Warden

Sandy Hudson, CAO