

VICTORIA COUNTY MUNICIPAL COUNCIL
December 10, 2007

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, December 10, 2007, beginning at 5:00 p.m. with Warden Wayne Budge in the Chair.

Present were:

District #1 – Paul MacNeil
District #2 – Keith MacCuspic
District #3 – Bruce Morrison
District #4 – John Graham MacInnes, Deputy Warden
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 Patterson, seconded by Councillor MacNeil, that the agenda be approved as presented. Motion carried.

APPROVAL OF MINUTES – NOVEMBER 19, 2007

The minutes of the November 19, 2007, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that the November 19, 2007, minutes of Victoria County Municipal Council be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Victoria County Strategic Plan

The Requests for Proposals for updating the Victoria County Strategic Plan will be received until December 14, 2007.

IT Centre

The IT Centre has received an extension to remain at the present location until June, 2008.

Property Mapper

A copy of correspondence from the Cabot Trail Barrister's Society in support of retaining the property mapper position in Victoria County was received. The Municipality also forwarded a letter in support of retaining this position.

Unightly Premises

Sandy Hudson spoke with Kate Beaton, CAO, Inverness, and she will forward a draft of their proposed Dangerous and Unightly Premises By-Law.

SPECIAL PLACES PROTECTION ACT

Courtesy of Council was extended to Robert Ogilvie, Manager, Special Places, Nova Scotia Department of Tourism, Culture and Heritage.

Mr. Ogilvie is the Manager of the Special Places Program for the Nova Scotia Department of Tourism, Culture and Heritage. He administers the *Special Places Protection Act*. This Act was passed in 1980 and supports the preservation, regulation and study of archaeological, historical and palaeontological sites and remains that are deemed to be important parts of Nova Scotia's natural or cultural heritage. Mr. Ogilvie has been in his position since 1985.

Protected sites may include land in either public or private ownership. The designation process involves development of a management plan in cooperation with various stakeholders, and looks to address long-term protection, management and development of the site. Designated sites in Nova Scotia include the Joggins Fossil Cliffs, the Debert Paleo-Indian Site and the Parrsboro Fossil Cliffs. There is tremendous opportunity to add other outstanding heritage sites. He outlined the regulations and the fines that can result under this *Act*.

Mr. Ogilvie was in attendance tonight concerning Fort Dauphin, Englishtown. He was contacted by an Englishtown resident who expressed concern that there may be some new developments in the area that could impact upon the significant archaeological remains of the early French settlement in that area. As a result, he forwarded letters to

the affected landowners in the area, as well as the Municipality. He was in attendance tonight to discuss this issue.

The Englishtown site predates Fortress Louisbourg and there is also a significant aboriginal component in this area. Mr. Ogilvie indicated that his job is to make people aware of the legislation. The future development of the area is a concern and the fact outlined in the letters forwarded to the residents is that care should be taken when disturbing the lands.

The floor was then opened to questions from both Council and the audience.

Deputy Warden MacInnes questioned on the significance of the letters received. Not everyone received letters and he questioned why. Mr. Ogilvie indicated that an area was identified and designated and letters were forwarded to landowners in the designated area. He extracted the names and addresses of the property owners in the area from the provincial property online system. He did indicate that some came back as undeliverable.

Mr. Ogilvie advised that there are 1500 archaeological sites registered in the province and he has no resources in his office to send out notification to all affected landowners.

The affect this designation would have on the resale value of property was questioned and discussed. Building additions/out buildings to current residences was discussed. If there is no concern, then this can be done, however, if there is a concern it is up to the homeowner to hire an archaeologist to do an impact assessment to determine if there is indeed any historical significance on the property.

What constitutes an artifact was also discussed. Mr. Ogilvie indicated that his department's main interest is in sites that have an opportunity to advance knowledge, more so than artifacts. Englishtown is the best example of pre-Louisbourg French settlement in Nova Scotia and work done in the area to date has supported this.

What liability the Municipality could incur when issuing a building permit in this area was questioned. Mr. Ogilvie indicated that both the Municipality and the landowners have been made aware of the *Special Places Protection Act* regulations.

It was indicated that there has been very little archaeological digging done in the Englishtown area. Two surveys were done in the 1990's, but just looked at one specific area. It is unknown how much of the fortification is left.

The map that was sent out to landowners goes out into the water, where there are two wharves and a car ferry and also encompasses a couple of cemeteries. The question was raised as to what would happen if dredging was done in the water to remove silt and

gravel build up. Mr. Ogilvie indicated that the water area indicated is not a concern and he indicated that he had no answer with regard to the cemeteries in the area.

A number of years ago an individual did a great deal of research on Fort Dauphin and no one was interested in the research at the time. Mr. Ogilvie indicated he was unaware of the research and stated it would be valuable to him. He was advised that the Nova Scotia Museum is well aware of the Englishtown Historical Society and the work undertaken and he indicated he would contact the Museum as his office is located in the Museum.

It was mentioned that the scope of the site is underestimated. It is far bigger than speculated and it was indicated that 10,000 people were reported to have surrendered in Englishtown.

Whether it would be beneficial to hold a public meeting in the community to discuss this issue was questioned. Mr. Ogilvie indicated he would attend this meeting, and hopefully be able to have an archaeologist attend with him.

The ideal situation would be to have the whole area looked at, mapped and the protected area identified. Mr. Ogilvie indicated the funding requests are looked at more favourably when they come from the community and Council. Contacting the MLA in this regard would also be a positive step.

Mr. Ogilvie indicated his willingness to work with the community and indicated that the letters he forwarded to the property owners were meant to inform them, not threaten them. Deputy Warden MacInnes will work with Mr. Ogilvie to set up an information session in the area.

Mr. Ogilvie was extended a vote of thanks for the coming to the meeting and the information provided.

RECESS

Warden Budge announced that Council would recess for 10 minutes.

DOG BY-LAW

The proposed Dog By-Law was previously distributed and reviewed by Council.

It was moved by Deputy Warden MacInnes, seconded by Councillor Patterson, that Council approve the 1st reading of the proposed Dog By-Law. Motion carried.

DISTRICT CONCERNS

District #1

Councillor MacNeil brought up the matter of the leasing costs associated with the Cape Breton Railways and indicated that it affects some residents in his district. The Cape Breton Railways Victims Organization wishes to make a presentation to Council at their next meeting.

It was moved by Councillor MacNeil, seconded by Councillor Patterson, that Council provide a letter of support and the group be invited to attend the next meeting of Council. Motion carried.

Councillor MacNeil indicated that he did not hear the notice regarding the “Boil Order” for the Little Narrows Water System on the radio. Some Council members indicated they heard it on CBC Radio.

District #2

It was moved by Councillor MacCuspic, seconded by Councillor Morrison, that a letter be forwarded to the Department of Transportation requesting that when plowing the Shore Road, Baddeck, the shoulders of the road be cleared also to accommodate walkers. Motion carried.

District #3

It was moved by Councillor Morrison, seconded by Councillor Patterson, that a letter be forwarded to NSPI expressing concern with their response time and service to Victoria County and request that they again meet with Council to discuss our dissatisfaction with their service. Motion carried.

It was moved by Councillor Morrison, seconded by Councillor MacCuspic, that a letter be forwarded to the Village of Baddeck congratulating them on achieving “5 Blooms” under the Communities In Bloom Program. Motion carried.

District #8

It was moved by Councillor MacLellan, seconded by Councillor Barron, that the cost of two street lights be approved from the District #8 budget. Motion carried.

District #6

Councillor Barron presented a resolution regarding an Ingonish Tourism Project (copy attached).

It was moved by Councillor Barron, seconded by Deputy Warden MacInnes, that the resolution be adopted and the federal and provincial governments and their agencies or department be requested to provide the necessary funding to complete this project as soon as possible and this project be declared the #1 priority project for the Ingonish area for 2008. Motion carried.

It was moved by Councillor Barron, seconded by Councillor Morrison, that \$5,000.00 be approved from the District #6 budget for the Smokey Recreational Society. Motion carried.

Councillor Barron indicated that at the last Cape Breton Regional Library Board meeting, concern was expressed at the proposed sale of the building where the Baddeck Library is located. It was indicated that there is a public consultation meeting scheduled for tomorrow evening concerning the possible sale of the property by the Baddeck Volunteer Fire Department.

NEW BUSINESS

LITTLE NARROWS WATER TOWER

Sandy Hudson advised that Strait Engineering went to tender on the water tower for Little Narrows and received two tenders:

Greatario - \$204,000.00
Landmark Structures - \$348,000.00

It was moved by Councillor MacNeil, seconded by Deputy Warden MacInnes, that Greatario's tender in the amount of \$204,000.00, be accepted. Motion carried.

NEW YEAR'S LEVY

Calvin Hillier, Royal Canadian Legion, Baddeck, has requested the Municipality to co-sponsor a New Year's Levy on January 6, 2008, at 2:00 p.m. at the Legion.

It was moved by Deputy Warden MacInnes, seconded by Councillor MacNeil, that the Municipality co-sponsor the New Year's Levy. Motion carried.

GRAND SLAM CURLING

Tickets are available for the Grand Slam Curling Event to be held at the Port Hawkesbury Civic Centre from December 21-23, 2007.

CORRESPONDENCE

1. Letter from the Honourable Jamie Muir, Minister of Service Nova Scotia and Municipal Relations, advising that no action will be taken to alter the current agreement with municipalities on the Seasonal Tourist Property Tax issue.

Council felt this response did not address the issue and was an insult and should be responded to.

2. Copy of the Memorandum or Understanding between the Province and Municipalities.
3. Letter from Susan MacDonald, Englishtown, regarding Fort Dauphin, Englishtown, advising her position that she feels it is important to preserve this valuable historic site.
4. Letter from the Cabot Trail Barrister's Society in support of maintaining the property mapper position in Victoria County.
5. Letter from Dr. Chris Milburn, VELO Cape Breton, concerning bicycling infrastructure for economic development.
6. Correspondence from Kimball Brogan regarding road name change situation with regard to Black Rock Light.

COMMUNITY SERVICES OFFICE

Concern was again expressed on the future of the Department of Community Services office in Baddeck.

MLA Keith Bain is to be requested to attend the next Council meeting.

HEALTH STUDY REPORT

Councillor Morrison indicated that he attended a presentation on the Health Study Report by John Malcom and felt it would be beneficial to have him come to Council to make this presentation.

It was moved by Councillor Morrison, seconded by Deputy Warden MacInnes, that John Malcom be requested to come to Council to make a presentation on the report of the Health Study. Motion carried.

IN CAMERA

It was moved by Councillor Patterson, seconded by Deputy Warden MacInnes, to adjourn to an In Camera meeting.

REGULAR SESSION

Council returned to regular session.

ADJOURN

It was moved by Councillor MacLellan, seconded by Councillor Barron, the meeting adjourned.

Wayne Budge, Warden

Sandy Hudson, CAO