

**VICTORIA COUNTY MUNICIPAL COUNCIL**  
**May 10, 2010**

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, May 10, 2010, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil (Late Arrival)  
District #2 – Keith MacCuspic  
District #3 – Bruce Morrison, Warden  
District #4 – Merrill MacInnis  
District #5 – Fraser Patterson, Deputy Warden  
District #6 – Larry Dauphinee  
District #7 – David Donovan

Also present were:

Sandy Hudson, CAO  
Heather MacLean, Recording Secretary

Absent was:

District #8 – Robert MacLellan (Due to Illness)

**CALL TO ORDER**

Warden Morrison called the meeting to order.

**APPROVAL OF AGENDA**

The agenda was presented for approval. Warden Morrison advised that the draft budget and EMO training would be added to agenda.

Council viewed one of the new waste collection vehicles prior to the meeting.

**It was moved by Councillor Donovan, seconded by Councillor MacCuspic, that the agenda be approved with the noted additions. Motion carried.**

**DESTINATION CAPE BRETON ASSOCIATION**

Courtesy of Council was extended to Doug Peach and Mary Tulle, CEO of Destination Cape Breton Association.

Mr. Peach indicated that Destination Cape Breton Association (DCBA) is the official marketing arm for the entire Cape Breton Island. He indicated he has been contracted by DCBA to facilitate the implementation of the Marketing Levy By-Law in each of the participating units and to have a Memorandum of Understanding signed between the participating members and DCBA.

Mr. Peach indicated that the Cape Breton Island Marketing Levy Act is before the legislature. It has received 3<sup>d</sup> reading and is now awaiting proclamation only. He provided a draft by-law that they would like to see approved by all participating units. The by-law has been revised to indicate that establishments with 10 or more rooms are required to collect the levy. Establishments with rooms under 10 are exempt from the by-law. It is almost identical to the by-law in place in the Halifax Regional Municipality.

DCBA would like to see all participating municipal units have a common implementation date for the Marketing Levy By-Law.

Mr. Peach indicated that the marketing levy will be 2% of sales on establishments with 10 or more rooms. The ownership of collection is on the tourist establishment operator and they must submit their collections monthly to the Municipality. The Municipality must then forward the monies on to DCBA by the 25<sup>th</sup> of each month.

The Municipality is the only body with authority to collect the funds. Mr. Peach indicated that a form would be developed for remitting the levy funds. There will be a standard registration form to register the operators.

The question was raised as to whether the Municipality would receive any reimbursement for collecting the funds, as it entails extra work for someone. They were advised there was no reimbursement and that 100% of the levy goes towards marketing Cape Breton Island.

Inverness County has not yet agreed to proceed with the marketing levy in their Municipality. Discussion took place on where the checks and balances would be and who would ensure the establishments are forwarding their fees. Mr. Peach indicated they are anticipating voluntary compliance. The industry must remit monthly and it will be tracked.

The question was raised as to how the marketing levy is working in other jurisdictions. Ms. Tulle advised that a marketing levy was first introduced in the 1950's to generate revenue for marketing. It is common worldwide and has been in effect in the Halifax Regional Municipality, Yarmouth and other areas in the Atlantic Provinces for some time.

Whether tourist operators would receive a commission for collecting the fee was discussed and there is no provision for same. All money collected is to be remitted and forwarded to DCBA.

Ms. Tulle indicated that there was a wide communication done in the last go around with regard to the marketing levy and since she assumed her position on January 4, 2010, she has held several “open houses” on the matter and there has been only one individual expressing anything negative. The operators are questioning when it will commence, but have not expressed any negativity.

They would like to see a July 1 implementation of the by-law by the 4 participating units. It is anticipated that the legislation will be proclaimed within the next couple of weeks.

There are 53 establishments island-wide with 10 or more rooms and 27 of these facilities are located in Victoria County. Discussion took place on financial reporting and it was indicated that an annual submission of a plan and a financial audit is required and it is common good business practice to share this information with each of the participating municipalities.

The marketing levy will come up as an actual tax on the invoice received by the customer. It is anticipated that roughly \$500,000.00 will be raised annually by the marketing levy.

Ms. Tulle outlined some of Destination Cape Breton Association’s activities over the past four months and the plans for the future. An “Open House” will be held on May 21, 2010, at Destination Cape Breton Association. Ms. Tulle outlined some of the activities planned for the open house.

It is anticipated that the first reading of the Victoria County Marketing Levy By-Law will take place at the next meeting and advertisement will be required for the second and final reading of the by-law. A public hearing will be scheduled prior to final reading.

The Municipality will be informed when the proclamation of the Act takes place and work will commence towards a common implementation date in the four participating municipalities.

Ms. Tulle presented Council with the new marketing piece for Cape Breton – *Cape Breton Island, Nova Scotia’s Masterpiece - Your 2010 Destination.*

After further discussion, Mr. Peach and Ms. Tulle were extended a vote of thanks and excused at this time.

**APPROVAL OF MINUTES – APRIL 26, 2010**

The minutes of the April 26, 2010, meeting of Victoria County Municipal Council were presented for approval.

**It was moved by Councillor MacCuspic, seconded by Councillor MacInnis, that the April 26, 2010, minutes of Victoria County Municipal Council be approved as presented. Motion carried.**

**BUSINESS ARISING FROM MINUTES**

**RCMP Advisory Board Training**

Deputy Warden Patterson attended RCMP Advisory Board Training with Cpl. Ann Andrews in New Glasgow on May 1, 2010. There were a few political representatives, some civilian board members and the remainder, were RCMP members in attendance. It was indicated that province-wide there are 11 or 12 Police Advisory Boards actively operating at present.

Council appointed 4 Council Members to the RCMP Advisory Board, and were unable to find any lay members to serve on the Committee.

It was felt that the present practice of having the RCMP provide updates to Council was an appropriate way of sharing information and concerns.

**It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspic, that Victoria County continue with the present practice of having the RCMP come to Council on an, at least, quarterly basis to discuss mutual concerns. Motion carried.**

**Solid Waste Collection**

Deputy Warden Patterson advised that the second day of the new municipal waste collection has been completed in his district and everything appears to be running smoothly.

It was felt that Robert Dauphinee, Director of Public Works, and his staff should be congratulated on a job well done.

Discussion took place on heavy garbage collection and Mr. Hudson indicated that an amount has been included in the budget for same and it will likely take place in June. Whatever way it is decided to proceed with the collection, whether our own sources or contracted out, it will be well advertised well in advance so residents will be informed.

**Trees – St. Ann’s Bay Loop and North Shore**

Councillor Dauphinee questioned whether a letter was forwarded to the Department of Transportation concerning the trees on the roadside around the St. Ann’s Bay Loop and North Shore. There are 73 trees requiring attention in this area. Sandy Hudson will email Steve MacDonald on this matter tomorrow.

**RECESS**

Warden Morrison announced that Council would recess for 10 minutes.

**CYCLING SUMMIT**

Councillor MacCuspic attended a cycling summit in Annapolis Royal on May 1, 2010. There were 75 participants and there is funding available to municipalities who wish to become more cycling friendly.

Warden Morrison advised that he discussed this matter with Tom Wilson and had him draft a funding application for submission. Discussion took place on the contents of the application.

**It was moved by Councillor MacCuspic, seconded by Councillor MacInnis, to endorse the Green Mobility Sustainable Transportation proposal for Victoria County and submit the application to the appropriate authority. Motion carried.**

**AGE FRIENDLY COMMITTEE**

Deputy Warden Patterson indicated that the UNSM Age Friendly Committee will be meeting to organize workshops in the near future. He has suggested Baddeck or the Gaelic College as a central site for a Cape Breton Workshop.

**HIGHLAND MANOR**

A concern on the increase in the cost of water at Highland Manor since the meters were installed was discussed. The Utility and Review Board set the rates and there is no provision to offer any lower rates. All water customers pay a base rate and a consumption rate for water used.

Sandy Hudson advised that he would be meeting with Paul MacCormack, Deputy Fire Marshal, and Esther Blakeney, Administrator of Highland Manor, tomorrow concerning the Fire Marshal’s Report.

**DISTRICT CONCERNS**

**District #2**

Councillor MacCuspig presented information on solar powered street lighting for the eastern entrance of the Beverly's Hall Road. The cost of a solar street light is \$6,600.00 and the cost of a pole would be approximately another \$1,000.00. He has received several requests from residents and snow plow operators for a light at this area.

Discussion took place on whether there was any funding under a green initiative program or whether the Department of Transportation and Infrastructure Renewal would assist with the cost, as it would be beneficial to their snow plow operators. This is to be investigated.

**It was moved by Councillor MacCuspig, seconded by Councillor MacInnis, that the solar street light request be referred to budget talks. Motion carried.**

Councillor MacCuspig expressed concern that the CAP sites in Victoria County will not be receiving summer student employment positions this year.

**It was moved by Councillor MacCuspig, seconded by Councillor Donovan, that a letter be forwarded to Neal Conrad, Office of Economic Development, questioning why and expressing concern as to why the CAP sites in Victoria County are not receiving summer student employment positions this year. Motion carried.**

**District #4**

Councillor MacInnis expressed concern with the ongoing problem of garbage in the ditches of the roadsides in his district and other areas of the County. He has an organization interested putting boxes in designated areas where garbage can be placed rather than thrown on the road. They are suggesting that the Municipality collect the garbage from these boxes.

Discussion also took place on the lack of public washrooms around the County.

It was indicated that the Cabot Trail Working Association has begun an initiative to locate public washrooms/rest spots around the trail and the placement of garbage containers in the areas of public rest areas would be an ideal location. Councillor MacInnis will contact the Cabot Trail Working Association in this regard.

**District #7**

Councillor Donovan indicated that there is only one NSPI employee located North of Smokey and he is unable to work alone and has to wait for someone to come from another jurisdiction.

**It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that a letter be forwarded to NSPI requesting a representative appear before Council and requesting that another NSPI staff member be located in the North of Smokey area. Motion carried.**

Councillor Donovan requested a copy of this letter.

**ENTERED**

Councillor Paul MacNeil entered the meeting at 6:30 p.m.

**District #7**

Councillor Donovan indicated that the Neil's Harbour/New Haven Development Association has the opportunity to obtain the old legion property from the Legion District Command. The old building is located on the property and has to be demolished. The cost to demolish the building is approximately \$9,000.00 and the Legion has \$2,000.00 on hand to put towards this cost. Councillor Donovan indicated that they are requesting the remaining funds from the Municipality.

**It was moved by Councillor Donovan, seconded by Councillor MacCuspic, that the Neil's Harbour/New Haven Development Association's request for \$7,000.00 to assist with the demolition of the old legion building be referred to budget talks. Motion carried.**

**District #8**

Councillor Donovan presented a request for District #8 received from Claudia Gahlinger. A Cape North Farmers Market Society is being established and they are looking for funding to assist with the cost of a coordinator for a 16 week period at 35 hours per week. The funding requested is \$3,920.00.

**It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that the Cape North Farmers Market Society's request be referred to budget talks. Motion carried.**

**District #6**

Councillor Dauphinee again brought up the matter of a Curfew By-Law and requested that the Solicitor investigate the legalities of same.

**It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that Lorne MacDowell, Municipal Solicitor, be requested to investigate a Curfew By-Law for Victoria County. Motion carried.**

The Cape Breton Cancer Centre recently received a #1 ranking in a National Patient Satisfaction Survey.

**It was moved by Councillor Dauphinee, seconded by Councillor MacInnis, that a letter of congratulations be sent to the Cape Breton Cancer Centre on achieving the #1 ranking in a National Patient Satisfaction Survey. Motion carried.**

**District #1**

Councillor MacNeil brought up the matter of a heavy garbage pickup. This matter was addressed earlier in the meeting and will be undertaken in the future.

Councillor MacNeil mentioned a couple of incidents relating to solid waste collection in his area at the Highland Village and Legion.

**CORRESPONDENCE**

1. Letter from John Bain, Director of the Eastern District Planning Commission, recommending consideration of repealing existing Building By-Law and replacing it with a Building Permit Fees By-Law. A copy of a proposed by-law was provided.

Sandy Hudson will revise the by-law and present it for first reading at the next Council meeting.

2. Letter from the Honourable Bill Estabrooks, Minister of Transportation and Infrastructure Renewal, regarding the scheduled repairs and downtime on the *Torquil MacLean* ferry at Englishtown.

Councillor MacInnis advised that Bill Yarn, Supervisor of the car ferries in Nova Scotia, has retired and been replaced by Mike Wambolt.

**VICTORIA COUNTY STRATEGIC PLAN**

Deputy Warden Patterson advised that the report from the Population Forum and he and the CAO attended has been published on the UNSM website. Included in the

report is the roles of municipalities in increasing/maintaining population and he felt all Council members should review this document.

Sandy Hudson advised that Stantec has made the requested changes to the Integrated Community Sustainability Plan (ICSP) to include the fishery.

### **2010/2011 OPERATING BUDGET**

Sandy Hudson presented the first draft of the budget for Council's review. This draft maintains the existing tax rates. The document was reviewed with Council.

Financial requests were discussed and it was indicated that \$55,000.00 has already been committed from this year's budget as a result of previous approvals. There are also many additional requests over and above this amount.

Budget meetings will be set up to continue with the budget process with a view to setting the tax rates as soon as possible to enable the tax billing to be completed.

The Municipality also has a commitment to the Baddeck Water Supply Project in the amount of \$1.9 million over a three year period, starting this fiscal year.

Council are to review the document and a further discussion will take place at the Committee of the Whole on May 17, 2010.

### **EMERGENCY MEASURES TRAINING**

Lyle Donovan, EMC, forwarded a request regarding Council and staff training. He is developing an inventory of the courses taken by Council and staff.

All Councillors, with the exception of Councillor Dauphinee, have the Basic Emergency Management course.

Other training was discussed and it was felt it would be beneficial for all Councillors to complete the Emergency Operations Centre course in Ottawa. Additional information will be requested on this course.

### **NEW VEHICLES**

Council suggested that it would be beneficial to have the new waste collection vehicles undercoated with Rust Check.

### **CABOT TRAIL LION'S CLUB**

The Cabot Trail Lion's Club will be hosting the Buddy & Fisher Memorial Golf Tournament at the Highland Links Golf Course, Ingonish, on July 25, 2010. This is a four-person scramble tournament.

Victoria County will register a team in this golf tournament.

**IN CAMERA**

**It was moved by Councillor Donovan, seconded by Councillor MacNeil, that Council move In Camera. Motion carried.**

**It was moved by Councillor MacCuspic, seconded by Councillor MacNeil, to return to the regular session of Council. Motion carried.**

**NEXT MEETING**

A Committee of the Whole meeting will be held on Monday, May 17, 2010, at 5:00 p.m. at the Court House, Baddeck.

**ADJOURN**

**There being no further business, on motion of Councillor MacInnis, the meeting adjourned at 7:55 p.m.**

**Bruce Morrison, Warden**

**Sandy Hudson, CAO**

