

VICTORIA COUNTY MUNICIPAL COUNCIL
May 9, 2011

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, May 9, 2011, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil
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
District #8 – Johnny Buchanan

Also present were:

Sandy Hudson, CAO
Heather MacLean, Recording Secretary

CALL TO ORDER/APPROVAL OF AGENDA

Warden Morrison called the meeting to order and presented the agenda for approval.

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

DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE RENEWAL

Warden Morrison extended the courtesy of Council to Stephen MacDonald, Area Manager, Department of Transportation and Infrastructure Renewal.

Mr. MacDonald thanked Council for the invitation to appear and presented the 5-Year Highway Improvement Plan to Council (copy attached).

Mr. MacDonald indicated that there is a finally a place in place that should work. It is in the infancy stage, but overall he thinks it is a good plan. Once a roadway is put on the five year plan program, it cannot be taken of the list.

Mr. MacDonald advised that the new Victoria County highway signs are ready and will hopefully be installed within the next few weeks.

The RIM project funding has been reduced by \$500,000.00 from last year and Mr. MacDonald indicated his department will work within this budget to spread RIM work as best as they can.

The damage for the last December storm was discussed. Mr. MacDonald advised that a list of outstanding damage sites is being compiled to forecast the associated costs. It is anticipated that funding over and above the budget approvals will be received from head office.

Mr. MacDonald outlined paving projects planned for Victoria County this year. Also the Bay St. Lawrence Bridge on the Meat Cove Road will be replaced. Corson's Bridge in Ingonish should be completed by late June/early July.

Mr. MacDonald indicated that he received a request for a comparison for the present fleet size to a five year ago period and he advised that the fleet size has not decreased. He requested Council to identify what services and the areas of concern with regard to the levels of service to assist the department.

A clean out of the ditches on Smokey Mountain will be completed and the bridge at the foot of Smokey will also be repaired.

Councillor MacNeil thanked Mr. MacDonald for the pavement that will be coming to Route 223. He questioned on the Washabuck Road and Mr. MacDonald indicated RIM patching will be completed on this road.

Councillor MacNeil brought up a concern on the condition of the dirt roads in his district, especially the Dunn Road where there are sections that are almost impassable. He felt that if proper ditching were completed on these roads, then the road itself would dry quicker. Councillor MacNeil will provide Mr. MacDonald with a list of the dirt roads requiring repair.

Gravel and ditching has been allotted for the John Neil George Road and ditching will be completed on the Red Point Road. Councillor MacNeil brought up the matter of the gypsum hole and erosion of pavement at Estmere, as well as a section of pavement in South Cove that is eroding into the lake. There are also three sites in the district that require armour stone.

Councillor MacNeil brought up the road name change request for a portion of the Jimmie Gillis Road to the Red Point East Road. Mr. MacDonald had retracted his approval for the road name change. Whether approval could be received to have the entire road named the Red Point East Road will be investigated. Mr. MacDonald indicated that there is a new provincial policy on road naming that clearly states all the steps and requirements to be followed.

Councillor MacCuspig requested that he shoulders of the Shore Road, Baddeck, be dressed up with shoulder gravel and Mr. MacDonald indicated he would look at this request. The condition of the Westside Middle River Road was discussed and is on the list to be surveyed. In house RIM patching will be undertaken on this road this season.

Councillor MacCuspig questioned there was any warranty on the chip sealing done on the last section of the Big Baddeck Road that was paved. Mr. MacDonald will check on this.

Councillor MacCuspig indicated when he questioned on a comparison of the present fleet, it was to that of equipment that was in place 15 to 20 years ago and Mr. MacDonald indicated that there has been a decline in equipment since that time. There are two graders presently servicing the County, one owned by the Department of Transportation and another privately owned which is hired by the Department.

The signage in the Big Baddeck area was questioned and Mr. MacDonald indicated that he has a summer student listing all the roads in the District. Signs will be ordered and erected as soon as possible.

Councillor MacInnis indicated that the snow removal system in the North Shore worked better this past season than previously and he questioned whether the same would be in place next winter season. The salt silo at Wreck Cove was discussed and it is to be removed and the area cleaned up this year.

The paving project scheduled for this year in the North Shore was discussed and is ready to go to tender.

Councillor MacInnis expressed concern that during the paving project in the National Park, trucks were hauling gravel through the North Shore daily – up to 60 truck loads per day. He questioned on whether there was a possibility of establishing a gravel pit in the northern area. Sandy Hudson advised that Ed Carey, P. Eng., is conducting geological testing on municipal properties in the northern area to see if there are any that could be used for a gravel pit.

Councillor Buchanan questioned on guardrail in District #8, especially in the area of the Bay Road Valley. Mr. MacDonald indicated that the RIM funding for guardrail has been lost this year, but he would look at this request. Councillor Buchanan mentioned two bridges in his district and Mr. Macdonald updated on same.

Councillor Buchanan indicated that the culvert on the ocean side by the Markland Resort on the Dingwall Road is in need of repair.

Councillor Donovan also indicated that need for guardrail in his district.

Councillor Donovan indicated that the Anglican Church has property behind the tower in Neil's Harbour and another down the cove that have used to gravel pits in the past and could be a possibility for obtaining gravel in the northern area. He advised that the Department of Transportation could approach the Vestery to request access to this property.

Councillor Donovan questioned on grading in his district and he was advised that the grader will be going to the northern area shortly. Ferry Road, Wharf Road and Lighthouse Road will be graveled. The northern side of Dingwall Harbour Road has a number of potholes also and now that it is being used more due to fishing season, it is in need of repair.

Councillor Donovan indicated that ditching, shoulder gravel and bush cutting is required throughout the County.

Mr. MacDonald indicated that brush cutting will take place on the White Point/New Haven Roads and also on Rocky Point Road.

Councillor Dauphinee indicated that there is a hole in the centre of Roper's Bridge and this bridge is starting to loop. Mr. MacDonald indicated he was aware of this and he will ask the District Bridge Inspector to investigate the site. This was a temporary bridge erected in 1997 and has been in use ever since.

Councillor Donovan brought up the issue of snow removal in the North Shore area and indicated that this is very important to the residents north of Smokey as they must travel this road. This road should be a priority.

The issue of salt storage was discussed and it was mentioned that the Cape Breton Highlands National Park are interested in cost sharing on a storage facility in Ingonish.

It was indicated that there are three sections requiring guardrail and armour stone in the Ingonish area – the sharp turn south of the Castle Rock Inn, the hill by the Knotty Pines Cottages and Pathway Bridge. There are also a number of minor washouts that require attention.

Councillor MacInnis brought up a dangerous section in his area where drivers cut the turn and the pavement is eroding. This will be investigated.

Mr. MacDonald was at informed that the armour stone on the Beach Crossing Road does not go far enough north and an additional 10 to 15 feet is required and the stone used should be larger.

Mr. MacDonald advised that work on the gravel roads in the northern area would commence next week. Rocky Point Road will be ditched, trees cut back, and the road will be reshaped.

The matter of graffiti on the roadsides on Smokey and Kelly's Mountains in particular and on guardrailing in certain areas was discussed. This matter is a provincial responsibility and Mr. MacDonald indicated that he is attending an Area Managers meeting in New Glasgow tomorrow and would raise this issue. The only way to remove graffiti from the rock face is by sandblasting. The possibility of erecting signs with regard to graffiti and a fine associated with same might raise awareness and deter people from doing same. Mr. MacDonald will look into the signage matter.

Shouldering will be completed on Smokey Mountain and Mr. MacDonald was requested to grade the parking area at the top of Smokey.

Deputy Warden Patterson brought up the condition of the Kempt Head Road and Black Rock Road. As well he brought up the civic addressing for the Department of Transportation garages on the Kempt Head Road. Mr. MacDonald will look into this matter.

Deputy Warden Patterson questioned on whether reclaimed asphalt could be purchased from Department of Transportation and Infrastructure Renewal and he was advised it could not.

Whether the street lights at the highway exits were the responsibility of the Department of Transportation was questioned and Mr. MacDonald indicated that some were and some were not. Deputy Warden Patterson brought up the lighting at Exit 14 on the TCH 105.

Warden Morrison indicated that armour stone was required on the Baddeck Bay Road by Broad Water Inn. He also mentioned a hole adjacent to the golf course on TCH 105 that requires attention.

Mr. MacDonald indicated that his door is always open and he welcomed the input from Council. He advised that the information received from Council could be a blueprint for future work plans and he would try to accommodate as many of the requests received as he could. Anything he was unable to address at this meeting, will be investigated and he will provide a reply at a later date.

Additional discussion took place and Mr. MacDonald was extended a vote of thanks for his attendance and the information provided.

RECESS

Warden Morrison announced that Council would recess for 10 minutes.

APPROVAL OF MINUTES – APRIL 18, 2011

The minutes of the April 18, 2011, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor MacCuspic, seconded by Councillor MacInnis, that the Victoria County Municipal Council minutes of April 18, 2011, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Parks Canada

Sandy Hudson advised that he contacted Parks Canada with regard to the housing matter brought up when Dr. Buffett appeared before Council. They will not sell property, but will look into whether same could be leased.

Baddeck Academy

There will be a rally held at Baddeck Academy on Wednesday, May 11, 2011, at 11:30 a.m. concerning the proposed reduction to the school renovation project. Any Council member available is encouraged to attend. The rally is in support of having the 5,000 square foot reduction to the renovation project reinstated.

Representatives of the Cape Breton-Victoria Regional School Board have been invited to attend Council and Lorne Green, Board Chair, will be in attendance on Tuesday, May 24, 2011, at 6:30 p.m. Mary Tulle, Destination Cape Breton Association, will also be in attendance on May 24, 2011, at 5:30 p.m.

Heavy Garbage Pickup

The heavy garbage pickup is now being undertaken throughout the County. Any concerns or questions are to be directed to Robert Dauphinee, Director of Public Works.

Victoria County Fire Study

Sandy Hudson advised that the Victoria County Fire Study was presented to the Victoria County Fire Departments on April 30, 2011. All fire departments in the County were represented and the meeting went quite well. A Training Implementation Committee was established and are to provide recommendations by mid-June.

A question was raised on the invoices for communications equipment purchased by the fire departments and Sandy Hudson advised that he has not received them to date.

The status of the training fund was discussed. This will come before budget.

To Do List

Sandy Hudson made a suggestion on the To Do List Council wishes to have developed. He felt that after the minutes have been completed, a summary page of all action items be included. As the items are addressed, Council will receive a copy of what has been done to complete the action item.

COMMITTEE REPORTS

An update was provided on the recent Age-Friendly Communities Advisory Meeting held at the Ski Lodge, Ingonish Beach. The meeting was very productive and a decision was made to do surveys and focus groups to obtain information. The Centre on Aging at Mount Saint Vincent University will do the analysis of the data. Application will be made for Phase 2 funding by the May 16, 2011, deadline.

POLICY REVIEW

Sandy Hudson advised that the provincial government is seeking an amendment to the *Municipal Government Act* requiring municipalities to police signage on the highways. This is something that Council should start addressing before it happens.

The Warden, Councillor MacCuspik and the CAO attending a session in Port Hawkesbury recently on harvesting wind energy. Subsequent to that, Sandy Hudson contacted Ken Paruch, NSPI, with regard to this matter and what is required. The CAO questioned on possible consultants on wind energy development

A letter was received from Jeff MacKinnon, Director, Highland Power Company Inc., requesting the County to grant preliminary approval to a wind farm project that Highland Power Company Inc. is proposing for Victoria County.

The County should commence work on a by-law with regard to wind energy development in the County. It is important to establish rules. It was felt that someone knowledgeable in the field is required to begin the process.

It was moved by Deputy Warden Patterson, seconded by Councillor Buchanan, that the Municipality retain a consultant and begin the process to develop a by-law with regard to wind energy development for Victoria County. Motion carried.

A letter will be forwarded to Highland Power Company Inc. acknowledging receipt of their request.

Sandy Hudson advised that the provincial mileage rate was increased from .3813 to .4015 effective April 1, 2011. At present the municipal policy indicates that the mileage rate is .3813 and he questioned on whether Council wishes to amend the policy to follow the provincial rate.

Discussion took place on this matter and Council members expressed their opinions in regard to same.

It was moved by Deputy Warden Patterson, seconded by Councillor MacCuspic, that the Municipal Travel Expense Policy be amended to reflect that the municipal mileage rate follow the provincial mileage rate.

Those voting in favour of the motion were Councillors MacNeil, MacCuspic, MacInnis, Deputy Warden Patterson and Warden Morrison.

Those voting against the motion were Councillors Donovan, Dauphinee and Buchanan.

Motion carried 5 – 3.

This change will be retroactive to April 1, 2011.

TEMPORARY BORROWING RESOLUTION

Sandy Hudson advised that approval is required for temporary borrowing resolution for a term credit and line of credit renewal.

It was moved by Councillor MacNeil, seconded by Councillor Donovan, that temporary borrowing resolutions in the amount of \$2,652,410.00 for the Municipality's term credit and \$1,700,000.00 for the line of credit renewal be approved. Motion carried.

DISTRICT CONCERNS

District #5

It was moved by Deputy Warden Patterson, seconded by Councillor MacInnis, that 2 street lights be ordered for District #5 to be located at 5661 Kempt Head Road and 7925 Kempt Head Road. Motion carried.

It was moved by Deputy Warden Patterson, seconded by Councillor MacInnis, that \$1,500.00 be approved from the District #5 budget for both the Big Bras d'Or Volunteer Fire Department and the Ross Ferry Volunteer Fire Department. Motion carried.

District #6

It was moved by Councillor Dauphinee, seconded by Deputy Warden Patterson, that a letter of congratulations be forwarded to Mark Eyking on his re-election as MP for Sydney-Victoria. Motion carried.

Councillor Dauphinee advised that the heavy garbage collection was well received in his district and the contractor did an excellent job of collecting the heavy garbage.

District #7

It was moved by Councillor Donovan, seconded by Councillor Dauphinee, that a letter of congratulations be forwarded to Sheldon and Valerie MacKinnon on be selected as "Citizens of the Year" by the Lion's Club. Motion carried.

Councillor Donovan brought up a request from the Cape Breton Pathways Association with regard to financial assistance for a Best Trails Practice Mission attended by Julie Watson. The amount of assistance being requested is \$150.00. Sandy Hudson will check to see which budget funds this request should be paid from.

Councillor Donovan questioned on the status of the Victoria County flag contest. As it is late in the school year, this will be deferred until September, 2011.

Councillor Donovan brought up the matter of establishing bursaries for the three high schools from the Municipality. The criteria for these bursaries was discussed and it was felt that volunteering should be a part of the requirements and the awarding of the bursary would be decided by the schools.

It was moved by Councillor Donovan, seconded by Councillor MacCuspig, that \$500.00 bursaries be established for a graduating student furthering their education from each of the three high schools in Victoria County. Motion carried.

District #8

Councillor Buchanan brought up the matter of the woodpile at the Dingwall Transfer Station.

Sandy Hudson advised that a company will be retained in June to eliminate the woodpile. The cost to do so is estimated to be in the vicinity of \$100,000.00.

Councillor Donovan questioned on when decisions would be made with regard to the funding assistance applications submitted to the Municipality.

Sandy Hudson advised that work will commence on the budget the week of May 24, 2011, with the hopes of having a tax rate established by June 1, 2011, to enable the tax bills to be sent out.

District #4

Councillor MacInnis brought up the matter of the heavy garbage collection and whether this was put on tender. Sandy Hudson advised that it was and the successful collectors were Kilcare Contracting for the southern area of the County and David Fitzgerald for the northern area of the County.

Councillor MacInnis questioned on the procedure with regard to unsightly premises. Sandy Hudson advised that a list of unsightly premises could be compiled and forwarded on to the Eastern District Planning Commission for action.

Councillor MacInnis questioned on the procedure for civic addressing. A petition is to be submitted by all residents on the road requesting the road name change. Petition forms are available at the municipal office.

District #1

It was moved by Councillor MacNeil, seconded by Deputy Warden Patterson, that \$1,000.00 be approved from the District #1 budget for the Little Narrows Community Development Association for repairs to the community centre. Motion carried.

Councillor MacNeil brought up the matter of a community cleanup. It was indicated that garbage bags could be obtained from the Department of Transportation and Infrastructure Renewal and in other areas, arrangements are made with the local fire department to pick up and dispose of the garbage collected.

District #3

Warden Morrison vacated the Chair and Deputy Warden Patterson assumed the Chair.

It was moved by Warden Morrison, seconded by Councillor MacNeil, that approximately \$1,500.00 be approved from the District #3 budget for the Baddeck and Area Business Tourist Association (BABTA) for the 2011 operating season. Motion carried.

Warden Morrison advised that a meeting of the Planning Advisory Committee was held prior to Council and an application was received to amend the Baddeck Municipal Planning Strategy and Land Use By-Law to allow Tourist Commercial Uses (Cottages or Cabins) in the Residential Urban (R-1) zone in Baddeck.

It was moved by Warden Morrison, seconded by Councillor MacCuspik, that 1st reading be approved for an amendment to the Baddeck Municipal Planning Strategy and Land Use By-Law by adding a clause to permit up to five (5) tourists cabins on an unserviced lot in the Residential Urban (R-1) zone, the lot size to be determined by the Nova Scotia Department of Environment. Motion carried.

A public hearing on this amendment will be held on a date to be determined.

Warden Morrison indicated that on reading the paper and seeing that Emera had a \$61 million dollar profit and shareholders received a 31% return on their investment, he felt that the 15% increase in power rates being requested by Emera is not acceptable.

It was moved by Warden Morrison, seconded by Councillor Dauphinee, that a letter be forwarded to Nova Scotia Power and the Utility and Review Board opposing the rate increase requested by Nova Scotia Power based on their earnings. Motion carried.

Warden Morrison returned to the Chair.

District #6

Councillor Dauphinee indicated that as it has been one year since the Municipality assumed responsibility for solid waste collection, he felt it would be appropriate to have Robert Dauphinee, Director of Public Works, come to Council to update on the service. He indicated that in the year, he has received only one minor complaint and felt that an excellent job is being done.

CORRESPONDENCE

1. A letter was received from Athol Grant, Rare Earth Venture, indicating that he wished to have the name of the road designated for the access road to his subdivision at Bucklaw named *Neil's Shore Road*.

It was moved by Councillor Donovan, seconded by Deputy Warden Patterson, that the road name request be forwarded to the Department of Transportation and Infrastructure Renewal and the Eastern District Planning Commission for their consideration. Motion carried.

2. A letter was received from the Eastern District Planning Commission approving the road name change from Bird Island Lane to Livingstone Lane, Big Bras d'Or.
3. A letter was received from Stephen MacDonald, Area Manager, Department of Transportation and Infrastructure Renewal, advising that he has reviewed their road data list and can confirm that no provincial road in Victoria County has the name Livingstone Lane.

It was moved by Deputy Warden Patterson, seconded by Councillor Buchanan, that the road name change from Bird Island Lane to Livingstone Lane, Big Bras d'Or, be approved by Council. Motion carried.

NEXT MEETINGS

The next meeting of Victoria County Municipal Council will be held on Tuesday, May 24, 2011, at 5:00 p.m. Presentations will be made by Mary Tulle, Destination Cape Breton Association, and Lorne Green, Chairman of the Cape Breton-Victoria Regional School Board.

The June Council meetings will be held on June 13, 2011, and June 27, 2011. John Malcom, Cape Breton District Health Authority, has been invited to attend one of the meetings dependent on his availability. His availability will determine which Council meeting will be held in Neil's Harbour.

ADJOURN

There being no further business, on motion of Deputy Warden Patterson, seconded by Councillor MacInnis, the meeting adjourned at 7:35 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO

