

**VICTORIA COUNTY MUNICIPAL COUNCIL**  
**April 15, 2013**

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, April 15, 2013, beginning at 5:00 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #2 – Athol Grant  
District #3 – Bruce Morrison, Warden  
District #4 – Merrill MacInnis  
District #5 – Fraser Patterson, Deputy Warden  
District #6 – Larry Dauphinee  
District #7 – Wayne Budge  
District #8 – Johnny Buchanan

Also present were:

Sandy Hudson, CAO  
Heather MacLean, Recording Secretary

Absent was:

District #1 – Paul MacNeil (Attending Provincial Volunteer Ceremony in Halifax)

**CALL TO ORDER**

Warden Morrison called the meeting to order and presented the agenda for approval. Two items are to be added to the agenda – an In Camera meeting after conclusion of the regular meeting and a short presentation by the Baddeck Lion's Club with regard to the Kidston Island Beach Project.

**It was moved by Councillor Budge, seconded by Councillor MacInnis, that the agenda be approved with the additions as outlined. Motion carried.**

**CAPE BRETON PARTNERSHIP'S PROSPERITY FRAMEWORK**

Courtesy of Council was extended to Keith MacDonald, President and CEO, Cape Breton Partnership, who was in attendance to make a presentation on the Prosperity Framework.

Mr. MacDonald advised that Jody MacArthur, who was to be in attendance, has decided to return to consulting work and the position of Prosperity Framework Manager has been advertised and will be filled in the near future. As a result, he indicated he would be doing the presentation to Council.

Mr. MacDonald advised that the Cape Breton Partnership was formed in 2004 with an aim of instilling ownership, confidence, and pride to enhance prosperity in Cape Breton and the Strait Region. To date, the Cape Breton Partnership has more than 150 investors from the public and private sectors. There is a 20 member Board of Directors.

Mr. MacDonald advised that sector teams are meeting and outlined the sectors and the actions taken to date. The sectors include:

- Oceans
- Agriculture/Food
- Arts & Culture/Creativity
- Tourism
- Investment Attraction Readiness
- Environment and Engineering
- Transportation
- Advanced Manufacturing
- Innovation/ICT
- Energy/Clean Tech
- Major Projects
- Entrepreneurship
- Business Retention & Expansion
- Talent & Labour/Education

The sector team composition is made up of ECBC, CBU, First Nations, NSCC, NSBI, RDAs, Innovacorp, Municipal Units, NSERDT and the Private Sector.

Mr. MacDonald outlined the near-term priorities and requested that Victoria County further strengthen their connection by increasing their investment in the Cape Breton Partnership from \$1,500.00 to \$5,000.00. The Cape Breton Partnership would work with Victoria County to develop an Investment Readiness Plan. A series of business roundtables would be held throughout Victoria County and it would enhance the continued working relationship.

Councillor Grant questioned when the roundtables would be held and was advised that these meetings can be held in June if the Municipality wishes. Invitations will be sent out ahead of time.

Councillor MacInnis indicated that he heard today that the Sydney Airport has just acquired WestJet.

Councillor MacInnis advised that in terms of Oceans, Eastern Canada is the largest producer of lobster in the world, followed by USA and Australia. There is an individual from PEI very knowledgeable in this subject. Eastern Canada throws more lobster away in their

landfills than the third largest producer – Australia produces. Education on lobster handling is critical. It is important to learn how to be more productive.

Eastern Canada produces 131 million pounds of lobster as compared to Australia's 12.8 million pounds.

Deputy Warden Patterson indicated that with the wind down of the tarponds cleanup and the reclamation of mines, is there a transition plan in place. Opportunities exist to export our talent to major cleanups in other areas. Finding new companies to employ this talent would be desirable.

Warden Morrison indicated that Councillor MacNeil, who is absent, is Chair of the Economic Development Committee, and he felt he would be most interested in meeting.

Mr. MacDonald indicated that the Cape Breton Partnership will be holding a Board Meeting at the Inverary Resort on Wednesday, April 17, 2013, and he invited Council to come to lunch and meet the Board.

**It was moved by Councillor Grant, seconded by Councillor Buchanan, that the financial request be referred to budget considerations. Motion carried.**

Henry Fuller questioned on the Municipality's Economic Development Committee. Warden Morrison indicated that the Committee is comprised of 4 Councillors at present and will be appointing citizen members with the next month to six weeks.

Warden Morrison extended a thank you to Mr. MacDonald for his presentation.

### **PROPERTY VALUATION SERVICES CORPORATION**

Courtesy of Council was extended to Jean Thorburn, VP Operations; Lloyd MacLeod, Senior Commercial Manager; and Trudy LeBlanc, Senior Advisor, Municipal Client Relations; Property Valuation Services Corporation.

Ms. Thorburn presented the agenda for the presentation. She explained that they are in attendance because:

- Belief several business owners have had assessment increased over 100%
- Assumption there is no related sales activity to support assessments
- Miscommunication with property owners "catch up year".

The Property Valuation Services Corporation (PVSC) is a municipally funded, independent, not-for-profit organization that provides assessment services for 54 municipalities in Nova Scotia. Annual assessment rolls are provided to municipalities and the municipalities determine the tax rates for budget requirements.

PVSC employs 150 people in 7 regional offices. There are 20 assessment staff in Cape Breton with a combination of AACI (Accredited Appraiser Canadian Institute) and CRA (Canadian Residential Appraiser). Lloyd MacLeod is the Senior Commercial Manager and Diane Beaton is the Eastern Area Manager in the Cape Breton offices (Sydney and Port Hawkesbury).

The total assessment accounts number 600,000 with a total market value of \$95 Billion. Victoria County's 9,685 accounts equal \$945 Million.

Lloyd MacLeod explained the legislated mandate followed by the PVSC. The two bodies of legislation include the *Nova Scotia Assessment Act* and the *Property Valuation Services Corporation Act*. He outlined Section 42 of the *Nova Scotia Assessment Act* which governs the assessment of property at market value.

The *Assessment Act* requires a base date and a state date for the 2013 assessment roll. January 1, 2011 is the base date and December 1, 2012, is the state date for the 2013 roll.

The valuation process was explained to Council outlining how land is valued, how improvements to land are valued and the IAAO standards to be followed.

A map showing the Baddeck Water Related Sales 2000-2011 was presented as was a graph showing the average water related sale prices in Baddeck from the period 1990 to present – both residential and commercial.

An outlined of the process for the Baddeck Assessments for 2013 was explained and a graph of both residential and commercial assessment in Victoria County from the period 2001 to 2013 was presented.

The Appeal Process was outlined. The property assessed value, classification and ownership can be appealed. The appeal period is 31 days and ended on February 14, 2013. The PVSC will review grounds of appeal and either confirm or amend. If not satisfied with the decision of the Appeal Court, it can be put before the Nova Scotia Utility and Review Board for their decision.

Deputy Warden Patterson indicated that he received complaints from two couples who recently purchased property. They were informed of the taxes by the previous owner, only to find that the CAP was removed and their taxes had increased significantly from what they expected.

Ms. Thorburn indicated that the PVSC has reached out the Realtors Association to educate them on the CAP Program and processes.

Councillor Dauphinee questioned on the “catch up year” phrase. Mr. MacLeod offered a reply.

Both Councillor Budge and Councillor Buchanan advised that they never received a call or complaint about assessments in their districts.

Councillor MacInnis indicated that at one time you would physically see an assessor assess property. Mr. MacLeod indicated that this still happens but not to the previous extent. All commercial sales are visited and depending, some residential. Councillor MacInnis questioned whether comparisons are done with other jurisdictions along the eastern seaboard and he was advised they are not.

Councillor Grant questioned why the income approach is not used for properties built for rental apartments, offices and shopping centres. Mr. MacLeod advised that this is a problem as you are valuing the business, not the real estate.

Councillor Grant advised that he dislikes the CAP immensely and finds it a hindrance to development.

Warden Morrison than opened the floor to the public to discuss their concerns with regard to the increase in their commercial assessments.

In reviewing the information provided, Charlie Weaver, Baddeck Marine, questioned with the information on sales in the area over the time period 2000 to 2011, why the big increase in one year. He indicated he has been meeting with PVSC officials and the meetings are ongoing.

Mr. MacLeod indicated that most sales were residential, with one commercial sale. There was a change right away, not based on the one commercial sale. They looked at more evidence.

Henry Fuller, Cape Breton Boat Yard, saw his assessment increase this year by 78%. He indicated he employs 5 to 7 people and he does not know where to get the money to pay these taxes. He felt it is unfair and regressive and consideration should have been given to the income approach. The assessment is highly punitive to small business and he cannot see any new business wishing to locate to Baddeck.

He indicated that he may have to cancel the insurance on his buildings to have enough money to pay the taxes. He mentioned the \$4.2 million marina funded by ECBC and questioned how other marinas can compete when the government is paying the taxes for Ben Eoin Marina.

Mr. MacLeod indicated he has been trying to contact Mr. Fuller with regard to a meeting on his appeal. Mr. Fuller advised that he has retained Turner Drake to look at his situation and he agreed to meet with Mr. MacLeod whenever it can be arranged.

The Bras d'Or Yacht Club's assessment also increased by 115% this year and this is certainly a major concern as to how they can pay these taxes.

Alicia Lake questioned on trends and whether sales are looked at as a whole. Mr. MacLeod replied to the question.

Warden Morrison indicated that the Council would like a clear response on the process followed to justify the increases in writing so we will know where we stand and be able to answer the public's questions in this regard.

Warden Morrison thanked the representatives from PVSC for their attendance.

**RECESS**

Warden Morrison announced that Council would recess for 5 minutes.

**BADDECK LION'S CLUB – KIDSTON ISLAND BEACH PROJECT**

Courtesy of Council was extended to Brian Chandler and Dan Chaisson, Baddeck Lion's Club.

The Baddeck Lion's Club have provided swimming instruction and supervision for the kids in the community, as well as ferry transportation to the beach on Kidston Island for the past 61 years. This service is extremely important to the community and is now in jeopardy due to the regulations imposed by Transport Canada.

The problem lies with the shuttle service to the island. The boat operator must have a SVOP (Small Vessel Operators Proficiency Training Certificate) to carry more than 6 passengers. Presently up to 12 passengers are ferried at one time.

The Lion's Club requested an "Alternate to the Regulations" which would have permitted the carrying of 12 passengers with a boat operator having a Pleasure Craft Operators Card. This action was supported by the Atlantic Area Regional Director, but the Maritime Technical Review Board met and denied the request and the Club were told there is no appeal process.

An outline of the further action taken after this denial was explained. Mr. Chaisson indicated that talks have taken place with Transport Canada officials over the last month and a letter was received from them reaffirming the current status – without an SVOP operator, only 6 passengers can be on board at one time. This shuts down the operation for many reasons, safety for employees and passengers being the most important reason.

Along with the SVOP operator course, the boat operator will also require a Radio Operator Certificate with Maritime Qualifications, a valid Marine Basic First Aid Training Certificate and a MED-A3 course.

Mr. Chaisson requested that Council partner with them to move this issue forward.

**It was moved by Councillor Grant, seconded by Councillor Dauphinee, to support the Baddeck Lion's Club in their efforts to maintain the Kidston Island Beach Project. Motion carried.**

Warden Morrison questioned on the type of support requested. Mr. Chaisson indicated that assistance in arranging a meeting as soon as possible, with the Municipality providing the venue and having Council members present at the meeting to offer their support would be appreciated.

Warden Morrison extended a vote of thanks to Mr. Chandler and Mr. Chaisson for their presentation.

**VICTORIA COUNTY WATER UTILITY RATE STUDY**

Sandy Hudson advised that a Rate Study has been completed for the Victoria County Water Utility by G. A. Isenor Consulting Ltd. in association with W. H. Gates Utility Consultants Ltd.

All four utilities under the Victoria County Water Utility will be paying the same rates. The proposed average rates for a 5/8 inch line quarterly are currently \$142.49. The rates will drop to \$139.10 per quarter for 2013-14; increase to \$143.69 per quarter in 2014/15; and further increase to \$147.00 per quarter in 2015/16.

The consumption rate charged was questioned and Mr. Hudson indicated he did not see this rate, but would investigate same. There should be a consumption rate per cubic meeting set on in the Rate Study.

**It was moved by Councillor Dauphinee, seconded by Councillor Buchanan, 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 served by the Utility, as set out in the Water Rate Study prepared by W. H. Gates Utility Consultants Ltd. in association with G. A. Isenor Consulting Ltd. Motion carried.**

**APPROVAL OF MINUTES – MARCH 25, 2013**

The minutes of the March 25, 2013, meeting of Victoria County Municipal Council were presented for approval.

Councillor Dauphinee indicated two corrections:

Page 6 – 4<sup>th</sup> paragraph – Remove the words “to Dingwall” on the discussion regarding guardrail

Page 11 – District #6 – Should read the Northeast Highlands Chamber of Commerce not Ingonish Seniors.

**It was moved by Councillor Buchanan, seconded by Councillor MacInnis, that the Victoria County Municipal Council minutes of March 25, 2013, be approved with the noted corrections. Motion carried.**

**BUSINESS ARISING FROM MINUTES**

At the last meeting Stephen MacDonald, Area Manager, DOTIR, indicated that he and Nelson Dixon would meet with Councillors North of Smokey. This meeting has not taken place and Mr. MacDonald is to be contacted to arrange this meeting.

**NEW BUSINESS**

**HEAVY GARBAGE COLLECTION**

An invitation to tender has been issued for the 2013 Heavy Garbage Collection. The collection is to commence on Monday, June 3, 2013 and be completed by Saturday, June 22, 2013.

**TAX OFFICE CLOSURE**

Sandy Hudson advised that training in the new financial system is ongoing and this Friday there will be training specific to taxation. As a result, he indicated that both Pauline Davis and Cathi Pierrard will be attending the training in Port Hawkesbury and the Tax Office will be closed for the day.

**CLEAR BAG WASTE COLLECTION**

Sandy Hudson advised that he would like to schedule Robert Dauphinee on a future agenda to discuss implementing clear bags in our waste collection and discuss the appropriate education programs to enhance this change.

**SAFE – LAW LIBRARY**

A number of years ago, two safes in the Court House were declared surplus and at that time Allan Nicholson was given permission to take one. He is now seeking to obtain the second safe that still remains. Sandy Hudson advised that the Municipality does not own the safe and this is for information purposes only.

**GREEN GYMS**

Sandy Hudson advised that 2 applications were received from District #8 and one application from District #5 for acquiring Green Gym equipment. No applications were received from District #2 or #3.

**DISTRICT CONCERNS**

**District #2**

Councillor Grant advised that he attended a meeting at the Inverary Resort ten days ago concerning parks and protected areas. Of interest, is that 40% of the land within Victoria County are within the parks and protected areas designation.

Although this could be a good thing, there are also concerns as to whether the designated areas would prevent the development of wind turbines, run off river energy projects and other development. The good side could be an asset for eco-tourism.

Councillor Grant brought forward a letter from Nahman Korem, Crown Jewel Resources, to Helen Smith, Protected Areas and Wetlands Branch of DOE, regarding the MacRae Brook Nature Reserve. Crown Jewel Resources would like to use part of the proposed reserve for a maple syrup operation and for trails to connect their property to the highlands road system.

**It was moved by Councillor Grant, seconded by Councillor Budge, to support Crown Jewel Resources application to use a part of the proposed MacRae Brook Nature Reserve for a maple syrup operation and for trails development to connect Crown Jewel property to the highland road system. Motion carried.**

Councillor Grant advised that he and Warden Morrison have a meeting scheduled with the Deputy Minister of Natural Resources on Wednesday. Topics of discussion will include the protected area designation, job loss at DNR in Baddeck, maintaining hiking areas in the 40% protected area, that the proposed protected areas land locks Ingonish and that the fishing season be the same throughout Victoria County.

**District #4**

Councillor MacInnis indicated that he attended a meeting and there was a map of Inverness County showing all the different types of land in the County and he questioned whether one could be obtained for Victoria County.

Sandy Hudson will check with the Eastern District Planning Commission to see if they can provide such a map.

Councillor MacInnis indicated that it has been some 3 months since the Englishtown Ferry has been in regular service. This is unacceptable. Bill Yarn, former Director of Ferry Services has retired and has been replaced by Dan Leopold.

**It was moved by Councillor MacInnis, seconded by Councillor Dauphinee, that a letter be written to Dan Leopold, Director of Ferry Services, requesting that he come to a meeting of Victoria County Municipal Council concerning the Englishtown Ferry. Motion carried.**

**District #8**

Councillor Buchanan questioned on the status of the Bay St. Lawrence Water project.

Wells drilled on the Thelma Burton property proved to be unsatisfactory and the well drilled on the Paul MacDonald property was full of gypsum. No acceptable water was found and we are back to square one.

Funding was received for this exploration under the Provincial Capital Assistance Program.

Also the well drilled in Neil Harbour only yielded 3 gallons per minute.

Councillor Buchanan questioned whether there was any update on the sewage issue. Sandy Hudson advised that Richmond County are purchasing a sewage pump truck and Victoria County can partner or hire this truck as required. This gives an option, however; Sandy Hudson advised that he is still pursuing the closure of the Island Vacuum site with the Department of the Environment.

Hector Hines will be added to the April 29, 2013, agenda for a brief presentation on the non-motorized moose hunt.

Councillor Buchanan brought up the matter of the terrible smell permeating from the crab waste at the Dingwall Transfer Station. There is a compost process for dealing with this waste and Sandy Hudson will check to see it is being followed properly.

Discussion took place on the lease for the former Dingwall School property.

**It was moved by Councillor Buchanan, seconded by Councillor Budge, that the lease agreement for the former Dingwall School property between the Municipality and the Dingwall Recreation Society be executed. Motion carried.**

Councillor Buchanan indicated that meetings have been held regarding safer communities in the North of Smokey area and the Network for Children and Youth Eastern Nova Scotia are proposing a project that will see someone hired for eight months to work with the area youth. The project will be a \$25,000 project and contribution is being requested from both Victoria and Inverness Counties. The individual hired will be hired by the Network and will report to the Network.

**It was moved by Councillor Buchanan, seconded by Councillor Dauphinee, that this request be referred to budget. Motion carried.**

Councillor Buchanan indicated that he was advised that Sandy Hudson had a copy of the survey regarding rest stops/comfort stations for the Cabot Trail.

Mr. Hudson indicated he did not have this document but would check with the Strait-Highlands RDA who have been working on a Cabot Trail project to see if they could provide a copy.

**District #6**

Councillor Dauphinee indicated that he was advised that the Department of Transportation and Infrastructure Renewal will not be renewing the private sanding contracts North of Smokey the next winter season.

**It was moved by Councillor Dauphinee, seconded by Councillor Buchanan, that a letter be forwarded to the Minister of Transportation and Infrastructure Renewal and Stephen MacDonald, Area Manager, DOTIR, objecting to the Department not renewing the private sanding contracts in the North of Smokey area. Motion carried.**

Councillor Dauphinee indicated that concern was expressed to him that the North Victoria Regional Library Branch does not have a public washroom available and the library requires more space.

It was felt that this matter should be directed to the Library Board to see if they can find and alternate spot that would include a public washroom and additional space. Councillor MacNeil is our representative on the Library Board. The Municipality pays the rent for the library branch.

**District #3**

Deputy Warden Patterson took the Chair.

The Silver Dart Centennial Association will be hosting a dinner to commemorate the gifting of the Silver Dart Replica. The dinner will be held on May 6, 2013, at 7:00 p.m. and Council members interested in attending are to notify the CAO's office.

Warden Morrison advised that he will be out of town and Deputy Warden Patterson would be providing comments on behalf of the Municipality.

Destination Cape Breton Association will be holding their Industry Day on May 3, 2013, at the Joan Harris Pavilion, Sydney. Council members who are available are encouraged to attend this event.

Warden Morrison advised that he made contact with a representative from Housing who will be available to meeting with the Affordable Housing Committee after April 17, 2013, when he returns from vacation. When the meeting date is scheduled, the Committee will be advised. Warden Morrison advised Alicia Lake that she will be invited to this meeting also.

The UNSM Spring Workshop will be held in Yarmouth from May 8-10, 2013. Council members interested in attending are to notify the CAO's office so accommodations can be made. Deputy Warden Patterson indicated he would be attending.

Warden Morrison advised that he will be visiting his daughter in Calgary from May 5-20, 2013.

**IN CAMERA**

**It was moved by Councillor Buchanan, seconded by Councillor MacInnis, to move In Camera. Motion carried.**

Council returned to regular session.

**ADJOURN**

**There being no further business, the meeting adjourned at 8:45 p.m.**

**Bruce Morrison, Warden**

**Sandy Hudson, CAO**

