

VICTORIA COUNTY MUNICIPAL COUNCIL
September 8, 2014

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, September 8, 2014, beginning at 6:30 p.m. with Warden Bruce Morrison in the Chair.

Present were:

District #1 – Paul MacNeil
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

CALL TO ORDER/APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES – AUGUST 25, 2014

The minutes of the August 25, 2014, meeting of Victoria County Municipal Council were presented for approval.

It was moved by Councillor MacNeil, seconded by Councillor Dauphinee, that the Victoria County Municipal Council minutes of August 25, 2014, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

Victoria County Water Utility

Councillor Grant brought forward a couple of concerns with regard to the Victoria County Water Utility.

He indicated that he would like to see a line item in the budget/financial statements that indicates the income and expenses of the Victoria County Water Utility. He also requested that staff when reviewing the water operator contracts look at efficiencies in the operation of the water utilities.

Discussion took place on this matter and the pros and cons of same were addressed. The Victoria County Water Utility is a separate entity and is not included in the County financial statements, other than the UARB required fire protection amount of \$239,000.00. Gas tax funding has been allocated to pay the water utility debt and this should be paid back in another three years. The Victoria County Water Utility has its own budget and financial statements.

Councillor Grant felt that residents should be aware of what the water utility costs them. The financial statements of the Victoria County Water Utility are available. The possibility of adding the water utility budget as an appendix to the financial statements was questioned.

Staff will consider these concerns and come back with a report outlining the positives and negatives of same.

NEW BUSINESS

NOTICE OF SURPLUS PROPERTY

A notice of surplus waterfront property located in Big Harbour was received from the Department of Transportation and Infrastructure Renewal. The Municipality has the option to acquire this property. It is Council's policy to obtain waterfront access for future use whenever possible.

It was moved by Councillor MacInnis, seconded by Councillor Budge, that the Municipality advise the Department of Transportation and Infrastructure Renewal of the Municipality's interest in acquiring the surplus property at Big Harbour. Motion carried.

INGONISH BEACH SIDEWALK SNOW REMOVAL

No submissions were received for the one year Ingonish Beach Sidewalk Snow Removal tender. Whether this could be re-advertised as a multi-year tender was questioned.

It was moved by Councillor Dauphinee, seconded by Councillor MacInnis, that a three year tender for snow removal from the Ingonish Beach sidewalks be advertised. Motion carried.

DISTRICT OF BARRINGTON

The Municipality of the District of Barrington have submitted a resolution to the UNSM concerning standardized parking fees at hospitals. They are concerned about the increase in hospital parking fees from \$3.00 to \$4.00. They feel the fees collected should just cover the parking maintenance costs.

It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that the Municipality support the Municipality of the District of Barrington's resolution concerning hospital parking fees. Motion carried.

CAPE BRETON PARTNERSHIP

The Cape Breton Partnership will be holding their Investor Summit on Thursday, October 2, 2014, at the Inverary Resort, Baddeck. Councillors interested in attending are to advise the Municipal Office so they may be registered in advance.

ELECTRIC CAR STATION

Sandy Hudson advised that David Stephenson, Nova Scotia Electric Highway Services, advised that there is a surplus 90 amp charging station that is available to the County and the maximum cost to install the unit is \$1,000.00. It was felt that this station should be located in the Baddeck area.

It was moved by Councillor Grant, seconded by Councillor Dauphinee, that the electric car charging station be installed in the Baddeck area. Motion carried.

VICTORIA COUNTY HOME SUPPORT AGENCY

A letter was received from Ruth Morrison, Agency Director, Victoria County Home Support Agency, advising that the Department of Health and Wellness has agreed to cover the budget shortfall of \$238,116.00 for this year. The shortfall occurred as a result of the Department setting a median rate for direct service hours of \$51.18, where the Agency's direct service hour rate is actually \$59.33 per hour. There is no commitment from Health and Wellness to continue to fund the Agency at their actual service hour rate in the future.

AFFORDABLE HOUSING

The report on the Community Consultation on Affordable Housing has been received and was forwarded to Council earlier today for review.

DISTRICT CONCERNS

District #1

Councillor MacNeil brought up a concern with regard to the access to the water spout at Bucklaw.

It was moved by Councillor MacNeil, seconded by Councillor MacInnis, that a letter be forwarded to the Department of Transportation and Infrastructure Renewal requesting that they investigate safer parking access at the water spout in Bucklaw. Motion carried.

It was moved by Councillor MacNeil, seconded by Councillor Buchanan, that a letter be sent to the Department of Transportation and Infrastructure Renewal requesting that brush cutting be done on the roadsides throughout the Municipality. Motion carried.

Councillor MacNeil brought up a concern with regard to gas prices that will be addressed with the Minister when he attends Council later in the meeting.

District #4

Councillor MacInnis questioned on whether anyone was attending the Nova Scotia Annual Heritage Conference in Pictou from September 24-26, 2014.

It will be investigated to see if Joan MacInnes is attending and will be re-circulated to Council should anyone be interested in attending.

Councillor MacInnis questioned on the Heritage Asset Identifier student position. A report of her findings has been compiled and Joan MacInnes will be requested to forward the report to Council for review.

Councillor MacInnis questioned on the streetlights at the harbours throughout the County. In Little River, when the Harbour Authority was formed, the lights are now charged to the fishermen. This matter will be investigated further.

District #5

Deputy Warden Patterson agreed that the brush along the highways requires attention. The letter on this matter will be forwarded to the Department of TIR.

District #6

Councillor Dauphinee brought up the change in hours at the Ingonish Beach Post Office eliminating Saturday hours. The same applies to other post offices in the Municipality.

It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that the Municipality oppose a change in hours of operation at all rural post offices in Victoria County. Motion carried.

District #3

Warden Morrison indicated that he was in contact with Gail Montgomery regarding volunteering for Celtic Colours. She has identified three dates and the information will be forwarded to Councillors in the next couple of days.

Warden Morrison advised that Mayor Cecil Clarke, CBRM, has agreed to host the 3rd Annual Cape Breton Summit to again be held at the Gaelic College, St. Ann's. It is anticipated that the Summit will take place in later November, possibly November 20 and 21, 2014. Further details will be provided as the arrangements progress.

The staff of the Municipality has started a collection for the family of the Late Charlie Lillington, an employee at the Neil's Harbour Enviro-Depot, who passed away on the weekend. Warden Morrison requested that Councillors individually contribute to this cause.

Warden Morrison indicated that the other issue for discussion and feedback was the REN 6 – Inter-Municipal Agreement. The four island municipalities are a part of this agreement and this agreement will form the REN and establish what it will look like. He requested that Council adopt this agreement.

Councillors offered their comments with regard to the agreement. Deputy Warden Patterson indicated that in his 11 years on Municipal Council, this is one of the most important documents requiring Council's approval and he felt approving the document today was rushing the process. He felt he did not have ample time to review the entire document and wanted to be confident and be able to explain the REN to the public if requested, and he felt he was not at this time. He felt the approval of the document should be deferred until the next meeting.

Warden Morrison replied to Deputy Warden Patterson's concerns and indicated that the document would be approved in principle with the provision to make changes if necessary. He explained the process followed to get to this point and indicated that the CAO's and Wardens/Mayor of the four municipal units have brought this agreement to the point where they are seeking approval. It is time to get the REN 6 established and move on to improve the economic development process in Cape Breton.

Deputy Warden Patterson indicated that the time he had to review the document was insufficient and he could not vote for something he has not read and suggested that Council look at it carefully. Discussion took place.

It was moved by Councillor Grant, seconded by Councillor Dauphinee, to accept the draft REN 6 – Inter-Municipal Agreement as presented with the ability to make changes to the document if necessary. Motion carried with Deputy Warden Patterson casting a dissenting vote.

Warden Morrison advised that the report on the Community Consultation on Affordable Housing was received today and forwarded to Council for review. This document will be included on the agenda at the next meeting of Council on September 22, 2014.

Warden Morrison advised that the first Age-Friendly Conference – Charting the Course – will be held at the Inverary Resort on September 11-12, 2014. Each Council member is to invite a senior in their district who may attend free of charge.

Deputy Warden Patterson advised that the planning is going well and they are approaching 50 registrants, with a wide array of backgrounds. The conference was featured on the upper front page of *The Chronicle Herald* today.

Warden Morrison commended Deputy Warden Patterson, Jocelyn Bethune, and the Age-Friendly Committee for their work in planning the conference.

RECESS

The Warden announced that Council would recess for five minutes.

HONOURABLE MARK FUREY, MINISTER OF MUNICIPAL AFFAIRS

Warden Morrison extended the courtesy of Council to Honourable Mark Furey, Minister of Municipal Affairs, and his delegation, and he indicated Council have identified 6 issues which would be first addressed and if there are other comments, they will be dealt with after discussing these issues.

Warden Morrison welcomed the delegation and requested Minister Furey to introduce the members of his delegation.

Minister Furey indicated that this meeting was a homecoming of sorts as he served as a Staff Sgt of the RCMP in Baddeck and area back in 2004. As Minister, he has committed to travelling to each municipality in the province and advised that as of tomorrow he will have visited 52 of the 54 municipalities. The two remaining after that time will be HRM and the Municipality of East Hants. He indicated that travelling the province has been a tremendous experience and has provided him with a greater understanding of municipal government.

Minister Furey indicated that staff travels with him to extend support and he provided introductions for the following:

- Paul Wills, Municipal Advisor, who is a strength of support to the Minister. Mr. Wills will be assuming the duties of CEO of the Municipal Finance Corporation in December, 2014

- Sandy Shembri, Executive Assistant to the Minister, has a degree in Politic Science and is a valuable resource and has an excellent knowledge and understanding of the government system
- Dan McDougall, Deputy Minister of Municipal Affairs, who was a former CAO of Guysborough and Colchester, a Municipal Advisor, Associate Deputy Minister and now Deputy Minister of Municipal Affairs – Dan’s experience and understanding of municipal matters is significant and is essential in the post meeting discussions
- Tracy Barron, Communications Officer, who reaches out to local media to ensure that the dialogue and discussion is open and transparent
- Pam Eyking, MLA, Victoria-The Lakes – Colleague in the Legislature

Also in attendance was Mark Eyking, MP, Sydney-Victoria.

The first item for discussion is the seasonal tourist business tax issue. In 2004 the seasonal tax issue was instituted and the Municipality has discussed this issue with several different Ministers since that time. A seasonal tourist business means a business that is closed for at least four months of the year. What this has done in Victoria County is that it has encouraged businesses to close to obtain the 25% tax reduction.

The cost of the seasonal business tax designation is \$130,000.00 to the Municipality. Victoria County is the most affected municipality in the province. Victoria County would prefer to offer a tax reduction to businesses that stay open year around.

Sandy Hudson advised that Victoria County would like the legislation changed by removing the word “shall” and changing it to “may”. This would give the municipality an option.

Minister Furey indicated that this has been a topic of discussion across the department as to how to manage disincentives imbedded in the system. He indicated that this matter will again be researched and investigated to see what the Department is able to do on this matter.

The proposed changes to the *Environmental Act* that will have financial impacts on municipalities are also a concern to the Municipality. It was felt that any legislation that affects the bottom line of municipalities should go through the Department of Municipal Affairs first. The municipality does not want to bear any further expense that is now a provincial responsibility.

Minister Furey indicated that he clearly understands the importance of municipal matters coming through the Department of Municipal Affairs early on in the process.

Minister Furey indicated that the Department of Municipal Affairs now receive all UNSM resolutions on behalf of government and forward them on to the appropriate departments

for action. The Departments respond to the Department of Municipal Affairs and the Department then responds to the UNSM.

Minister Furey advised that he has spoken to the Minister of Environment on the importance of the proposed changes to municipalities and the stakeholder consultation submissions have been delayed to allow for more opportunity to review and respond. He indicated that progress has been made and the Premier wishes to build relationships with municipalities.

Sandy Hudson advised that the next issue was the Property Valuation Services Corporation. Some of Victoria County property owners appeal their assessments, only to have them decreased one year and increased the next year up to or more than the pre-appeal assessment.

A problem incurred is that if the assessment notice is not delivered due to an improper address, then the tax billing notice will also not be delivered. The Municipality has received an excessive amount of returned tax notices. The responsibility to ensure proper addressing has been referred to municipalities.

Minister Furey indicated that his department meets with the Executive of the PVSC on a regular basis and will bring concerns to their attention.

The PVSC has presented to Council on a couple of occasions.

The fourth item of concern is the importance of the Cabot Trail and having the required road improvements done sooner than later. At the meeting held with the Minister of Transportation and Infrastructure Renewal he mentioned the possibility of forming a super body to work on making the Cabot Trail the icon it should be.

The Departments of TIR and ERDT are both critical to this process and Minister Furey indicated he would bring this matter forward in Cabinet to Ministers MacLellan and Samson. He also indicated that his colleague, Pam Eyking, has brought this matter to his attention on a number of occasions. He indicated he has had a discussion with the Minister of TIR on tourist destinations in the province in general and ensured Council that the Minister's attention is there. He is open and creative in what TIR can do.

The possibility of the federal government playing a role in improving the Cabot Trail infrastructure was discussed.

On the Tourism side, Councillor Dauphinee brought up the importance of the Keltic Lodge to his district. This property has been neglected and needs to be brought to the condition it should be. This facility is critical to the economy of the area.

Minister Furey indicated that he has been a tourist, worked in the area and now as Minister of Minister of Municipal Affairs, and has viewed this matter from three different perspectives. He indicated he will move this discussion forward with his colleagues. He assured Council the Ministers understand Cape Breton.

The provincial protected area designation is also a concern to Victoria County. 40% of Victoria County's landmass is protected.

Councillor Grant indicated that this designation has no economic value that is tangible and would like to be able to make some type of economy out of the designation. He advised that understanding the issues in the Act is problematic and other changes are also required in the Act. Some of the public roads are included in the protected designation which means no motorized access on these roads.

Councillor Grant indicated that if the Cape Breton Highlands National Park was excluded from the percentage, 25% of Victoria County's landmass is protected. If this much land were in a protected designation in the HRM area, there would be more outcry and it wouldn't happen.

Councillor Grant provided an example of where the designation of a public road in the protected status is a detriment. It was thought that public roads would be excluded from the protected designation.

A meeting was held with Honourable Zach Churchill, Minister of Natural Resources, where the issues were presented and discussed.

After further discussion, Minister Fury indicated he would reach out and follow up on this issue with Environment to see what the status is on that matter.

The education levy was another issue brought forward. The education costs have been increasing, while the student population in the Municipality is down 30%. There should be a change in the education funding formula.

Minister Furey indicated that most of the municipalities he has visited have brought this particular issue to his attention. It is on the radar and will be discussed. The government is committed to education and will look at creative options and opportunities.

A question was raised on the replacement for Paul Wills, Municipal Advisor. He will not be assuming his new position with the Municipal Finance Corporation until December 1, 2014, and this should provide ample time to find a replacement. Warden Morrison recognized the assistance provided by Mr. Wills to the Municipality and wished his well on his new position.

The CAP assessment and its future was also addressed. Minister Furey indicated that this matter has come up at a majority of the municipal meetings he has attended and he advised that until there is a reasonable option identified, the CAP will remain.

Deputy Warden Patterson outlined the impediments of the CAP and that when properties are sold the CAP is removed and sometimes the purchasers are unaware of this until they receive their tax bill. On the positive side, some retired people who plan on staying in their homes, do not want the CAP touched.

It was felt that it was collective responsibility to make purchasers aware of the removal of the CAP when purchasing the property.

Minister Furey indicated that the four items his department are currently working on are the fiscal review, Towns Task Force, Tax Review and the UNSM resolutions. His position on these matters is to move forward collectively and it is taking longer than anticipated, but progress is being made. His Department is committed to finding a level of fairness both municipally and provincially that is not a detriment to the provision of services. He outlined the anticipated timetable for the completion of the items.

Minister Furey quickly reviewed the items addressed and Warden Morrison opened the meeting to questions from Council.

Councillor MacNeil extended a thank you to Pam Eyking, MLA, for assisting the Municipality by arranging meetings with three Ministers to date.

Councillor MacNeil brought up his concern with regard to gas prices and the fact that the price increases when the oil price increases, but does not decrease when oil prices decrease. He questioned whether there was anything that could be done on gas pricing.

Minister Furey indicated that the pricing formula is complex with many components in it. Gas regulation is currently being looked at and when completed and he indicated that the government would be in a better position this fall to publicly discuss this matter.

Deputy Warden Patterson thanked the Minister and delegation for attending Council and indicated that all three levels: MP, MLA and Councillor (Deputy Warden) live in the same municipal district – District #5.

Minister Furey indicated he feels discussion is critically important and he frequently receives call from Councillors. He attempts to get answers when he can. He indicated that open and honest discussions are vital and when making decisions we should ask how it affects our neighbour. Using common sense and sound judgement and making decisions in an environment of cooperation will ensure progress.

Further discussion took place and Jim Morrow brought up the matter of the Ivany Report and Minister Furey replied that there are significant discussions being held with regard to planning, priorities and municipal governance and 90% of the municipalities/towns have put amalgamation on the table. Three towns have gone through the dissolution process.

Elmoune MacKinnon thanked the Minister, his delegation and Council and stated he had a better confidence in who is representing him than he did when he came to the meeting earlier this evening.

MP Mark Eyking indicated that he would be returning to Ottawa next week and will continue to lobby other parties. He indicated he likes to attend Council as often as he can and that what happens at the municipal level, translates up to the higher levels of government.

MLA Pam Eyking thanked the Minister and his delegation for coming to Victoria County and indicated that she is a proponent of opening up the lines of communications. She thanked Council for the opportunity to meet.

Warden Morrison thanked the Minister and representatives from coming to Council and discussing and listening to Council's concerns and made a small presentation (golf shirt) to Minister Furey.

The delegation left at this time.

LATE CHARLIE LILLINGTON

Warden Morrison reminded Councillors to contribute to the collection for the family of the late Charlie Lillington.

FCM BOARD MEETING

Warden Morrison advised that he recently attended a FCM Board meeting and indicated that information could be obtained online at www.fcm.ca with regard to the issues. He encouraged Councillors to go to www.fcm.ca/hometown to register as a Hometown Champion. The FCM is leading a national campaign encouraging all federal parties to recognize that a strong Canada begins with strong hometowns. By registering, we can help the FCM deliver this message.

ECONOMIC DEVELOPMENT COMMITTEE

Councillor MacNeil indicated he would be rescheduling the Economic Development committee and will notify of the time and date by email next week.

NEXT MEETINGS

The next meeting of Council will be held on September 22, 2014, at 5:00 p.m. at the Court House, Baddeck. Presentations scheduled include DNR on Open Fire Burning, Scotian Windfields and the Clear Bag Waste Collection.

The election of Warden and Deputy Warden will be held at the October 6, 2014, session of Victoria County Municipal Council.

ADJOURN

There being no further business, on motion of Councillor Buchanan, seconded by Councillor Dauphinee, the meeting adjourned at 9:20 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO