

VICTORIA COUNTY MUNICIPAL COUNCIL
February 23, 2015

A meeting of Victoria County Municipal Council was held at the Court House, Baddeck, on Monday, February 23, 2015, beginning at 5:00 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 the agenda for approval. An In Camera meeting will be added to the agenda.

It was moved by Councillor Dauphinee, seconded by Councillor MacNeil, that the agenda be approved with the noted addition. Motion carried.

UNSIGHTLY PREMISES REPORT

Courtesy of Council was extended to Sean Donovan, Eastern District Planning Commission, who was in attendance to make an unsightly premises report.

Mr. Donovan indicated that the property in question is assessed in the name of Sam Rosko, located at 17 Oliver Lane, Black Rock Road, Big Bras d'Or. The property was posted with a notice of Proposed Demolition on February 9, 2015.

It is a mobile home that is abandoned, with broken windows, missing skirting, open and accessible to the public and is no longer habitable. The mobile home is in a ruinous and dilapidated condition and is an allurements to children who may play there to their danger. It is in such a state of non-repair as to be no longer suitable to human habitation.

The Chief Building Official's report strongly recommends this mobile home be removed from the property and disposed of in an appropriate manner.

As Administrator, Mr. Donovan is recommending that an "Order to Remedy Condition" be issued and that the Order be a Demolition Order issued from Council to the owners. The Order should state that the mobile home is to be demolished and all debris be removed and disposed of in an appropriate manner within 90 days. If the property owner fails to comply, the Municipality will complete the same and recover the costs.

Mr. Donovan indicated that he has been in contact with the owners and they are in agreement to having the mobile removed. They have requested time to have the electricity disconnected and remaining furnishings removed. Due to the winter weather, they require time to carry out this remediation.

It was moved by Deputy Warden Patterson, seconded by Councillor MacInnis, that Council issue an "Order to Remedy Condition", for the Sam Rosko property and that the Order be a 90 day Demolition Order dated March 1, 2015. Motion carried.

Councillor MacInnis questioned on the status of the unsightly premises located on Highway 312, River Bennett.

Mr. Donovan advised that the owner will be removing the deck on the mobile home in the near future and the two travel trailers are on wheels and do not fall under the criteria for dangerous and unsightly.

Councillor Dauphinee requested an update on the unsightly premises reported in his district. A homeowner complained about appliances, etc. in the woods adjacent to his property.

Mr. Donovan indicated that he visited the area and there was nothing he could identify as unsightly and the debris may be more visible in the spring when the snow goes.

Warden Morrison indicated if Mr. Donovan is now designated as a Special Constable. Mr. Donovan indicated that he is and Victoria County is being used as the pilot for this initiative. He outlined costs and the procedure for issuing summary offence tickets.

Warden Morrison extended a thank you to Mr. Donovan for his report and he was excused at this time.

BRAD MACKINLEY, CBRM

Courtesy of Council was extended to Brad MacKinley, CBRM, who was in attendance to provide an outline of tax sale procedures in the Cape Breton Regional Municipality.

Mr. MacKinley advised that he has been doing Tax Sales for the past 37 years. He worked at the former County of Cape Breton prior to amalgamation into CBRM. He and one other staff member currently work on Tax Sales.

Mr. MacKinley indicated that a complete list of arrears is generated, broken down by year. In the case of taxes levied on real property, any account with arrears in excess of two years billings shall be processed for tax sale. Properties with less than two years may be processed for tax sale in accordance with the appropriate section of the *Municipal Government Act*.

The larger amounts owing are targeted first and each Tax Sale in CBRM starts with 125 properties. Sheila Kolanko is the title searcher in CBRM and she conducts the searches for the Tax Sales.

Mr. MacKinley outlined the procedure followed for Tax Sale in CBRM which is consistent with the Legislation and once initiated shall not be stopped without full payment of the account or satisfactory payment arrangements being made.

Administration costs of \$200.00 are applied to account balances immediately prior to the issuance of the initial Tax Sale letter. A further \$200.00 is added at the time when a Title search is requested.

Registered letters are forwarded to all heirs, list of judgements/creditors and banks outlined in the search. The properties are also posted.

On average, the length of time it takes to do a title search was questioned. Mr. MacKinley indicated that if it is a migrated property, usually one day and if not, sometimes up to three days. A lawyer is not asked to certify the title searches. There is no difference to searching titles in urban and rural areas.

Mr. MacKinley indicated that of the 125 properties identified for the current Tax Sale in CBRM, 32 properties will be advertised in the Cape Breton Post tomorrow and prior to the sale he anticipates that 15 of these properties will be paid.

When CBRM was incorporated, there was \$18 million in arrears, and this is now down below \$8 million.

The current arrears in Victoria County were discussed and it was indicated that there is approximately \$2.1 million owing in current and arrears. Going through a lawyer is a long and arduous process and of the 28 properties sent for searching in Victoria County, 15 have come back as not suitable for sale.

Mr. MacKinley indicated that Tax Sale does not guarantee title. The purchaser is just buying the interest in the property. As with any property sale, it is buyer beware.

Mr. MacKinley indicated that he has been to Court regarding properties sold at Tax Sale, but has never lost a challenge. As long as it can be proven that proper procedure was followed, this has never been an issue.

Mr. MacKinley advised that all Tax Sale charges are cost recoverable. CBRM have four Tax Sales per year and properties that are not sold at three consecutive Tax Sales are put up on tender.

Mr. MacKinley provided a copy of a presentation he made at an Association of Municipal Administrators conference, *Tax Sale for Dummies*, which outlines the procedure.

After further discussion, Mr. MacKinley was extended a thank you for his presentation and the information provided.

DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE RENEWAL

Warden Morrison extended the courtesy of Council to Stephen MacDonald and Darren Blunden, Area Managers, Department of Transportation and Infrastructure Renewal (TIR).

Mr. MacDonald indicated that this winter has been a particularly challenging winter and in his almost 20 years with TIR, he has never seen such a difficult winter. The ice on paved roads is new and unusual. There has been no downsizing of equipment or staffing. Some of the equipment is now 20 to 30 years old and he outlined the methods used to maintain the snow removal fleet.

Mr. Blunden advised that in his area, the gravel roads are a challenge. Snow removal works out from the TCH 105 to the lower level roads. 50% of the roads are gravel roads and they are the lowest class of roads.

Mr. Blunden indicated that the new wind closure policy on the Canso Causeway also affects his district, as it takes time and energy to implement this policy. Wind events have increased dramatically in recent years.

Deputy Warden Patterson questioned if there was any provision for someone in need; a type of policy for emergency response. If they are aware of a genuine situation, the snow removal policy can be overridden. TIR officials are members of the EMO Committee and work with such situations.

The status of the flashing light at New Campbellton turn-off was questioned. The work was completed last week and it is now in the hands of NSPI.

The sanding of dirt roads was brought up. Most salt trucks are capable of both salting and sanding and there are a couple of areas where private contractors are used.

Discussion took place on the increase in school closures due to roads and if closures are done in conjunction with TIR.

Councillor Dauphinee thanked Mr. MacDonald for the recent patching of the potholes on Roper's Bridge. He questioned why the TIR employees who travel this road on a daily basis, do not look after these problems as they occur.

Mr. MacDonald advised that it is the responsibility of TIR staff to note deficiencies and schedule repairs. He indicated that he would again reinforce the importance of maintenance.

The lack of sand on both gravel and paved roads was discussed. In this extremely icy winter, it was felt that more sanding should be done on all roads.

Discussion took place on equipment and Mr. MacDonald indicated that of the 28 units, most days 10 to 20% of this equipment could be down for repairs. They, at times, have to wait for parts before repairs can be completed.

Both Mr. Blunden and Mr. MacDonald indicated they communicate across their area boundaries and have pitched in when necessary.

Councillor Budge indicated that he has received calls about the plowing of side roads and he brought up the matter to TIR trucks from the northern area being sent to Sydney for maintenance. It was indicated that there are mobile service equipment mechanics and they do ship equipment to Sydney for repairs also. This can be a result of preferred vendors and tenders and is a government directive.

It was indicated that calls for the northern area of the County should be directed to the Baddeck office, as the northern depots are not manned on a regular basis. This will ensure the calls will be forwarded appropriately.

Councillor Buchanan brought up salting in his area. Salt trucks have computerized application systems with three settings. Salt usage is up from other years.

As this is an extreme year for ice, additional salting and sanding on paved roads is also required.

Councillor MacNeil thanked Mr. Blunden for his work in District #1. He indicated that he has been advised by some residents in his district, that the reception they receive when calling dispatch is at times negative. Mr. Blunden indicated there are four different dispatchers with various skill levels.

Training of plow and grader operators was questioned. The way plowing is done by in the same area by different operators can be very different.

The grader in District #1 broke down last week with transmission problems and should be back on the road by Wednesday of this week.

Some of the gravel roads in District #1 were plowed and others were not done at the same time. This is a worry for the people that live on these roads.

The Washabuck Bridge is in bad repair and Mr. Blunden indicated that work is scheduled on this bridge this year.

The Little Narrows Ferry was down recently because of ice and the efforts of Kenzie Matheson got the service up and operating again. Repairs to the ferry are scheduled again tomorrow and with the severe cold warnings in effect, makes it worrisome that this could occur again.

Mr. Blunden advised that the ferries do not come under their jurisdiction. The marine services branch is responsible.

Councillor MacNeil indicated that a section of the Gillis Point Road in the Grass Cove area has been torn up.

Councillor Grant indicated he does not receive many calls and the only correspondence he received was regarding the maintenance of the road beyond Finewood Furniture in Middle River.

Councillor MacInnis mentioned the loss of the salt silo at Wreck Cove. There is more salt transported past his community than ever. The snow plow that is dedicated to the North Shore area was discussed and he stressed the importance of having this equipment servicing this area.

The paving project in the North Shore area last year has not been finished yet. There will be road construction tie ups for residents in the area in the spring again and Councillor MacInnis stressed the importance of having projects completed in a timely manner, when the weather is not a deterrent.

Stephen MacDonald indicated he would stress the importance of completion dates with the construction division and roadbuilders.

Warden Morrison mentioned the flooding in different locations within the Village this winter. He also presented a request from Victoria Farmers Co-op to have a sidewalk located from Shore Road to the entrance of the Co-op.

Warden Morrison also mentioned an article in the press by the Minister of TIR that mentioned the Municipality would be holding open houses to obtain feedback on the feasibility of a bridge at Englishtown. This matter will be investigated with the Deputy Minister.

It was indicated that approximately 80% of the calls received by Council members are related to road issues. The public rely on Council to voice their concerns. For local issues, a call to the local office is appropriate. Council's lobbying is an asset to assist with decisions not made at the local level.

Elmourne MacKinnon brought up the flyer which recently came in the mail from the MLA. He questioned if the information included in the flyer was the standards of TIR and he was advised the information was accurate. In terms of the relationship with the CBVRSB regarding school closure, Mr. MacKinnon questioned on the communication between TIR and the School Board.

Mr. MacKinnon mentioned that a great deal of Council time at regular Council meetings is spent on TIR related issues.

After further discussion, Warden Morrison extended a thank you to Mr. MacDonald and Mr. Blunden for their attendance.

RECESS

Warden Morrison announced that Council would recess for 10 minutes.

APPROVAL OF MINUTES – FEBRUARY 9, 2015

The minutes of the February 9, 2015, 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 February 9, 2015, be approved as presented. Motion carried.

BUSINESS ARISING FROM MINUTES

AUTOMATED EXTERNAL DEFIBRILLATOR (AED)

Sandy Hudson advised that four AED's will be ordered – one for each of the four municipal sites.

CABOT LINKS

Sandy Hudson advised that Cabot Links has offered a property in River Bennett to the Crown to be added to the province's protected French River Wilderness Area in exchange of property for Cabot Cliffs in Inverness.

DISTRICT CONCERNS

District #1

It was moved by Councillor MacNeil, seconded by Councillor Dauphinee, that a letter be forwarded to Kenzie Matheson, D.W. Matheson & Sons, thanking him for his recent actions in assisting to get the Little Narrows Ferry operating. Motion carried.

District #2

Councillor Grant felt that a Committee to deal with taxation issues should be established. He does not feel the Municipality is being adequately compensated by the federal government and there are other issues to deal with also with regard to collections.

Council agreed to meet in Committee of the Whole in this regard and Lorne MacDowell, Q.C., will be invited to this meeting to explain his actions with regard to tax sales searches, etc.

Councillor Grant indicated that the Alternate Energy Committee met this afternoon and he updated some of the ideas the Committee is pursuing – carbon credits, solar water heating and the use of solar panels to create power.

District #4

Councillor MacInnis advised that at the recent Heritage Day celebrations, a resident tripped on the step in the Court Room and fell. He felt a barrier identifying this step should be installed.

Sandy Hudson advised that arrangements have been made to have a railing installed in this area.

Councillor MacInnis brought up the Englishtown Ferry and the fact that it is anticipated it will be out of operation until April. Ice conditions are the reason for it being out of service.

It was moved by Councillor MacInnis, seconded by Councillor Buchanan, that a letter be forwarded to Honourable Geoff MacLellan, Minister of TIR, expressing the frustration of Council and the residents on the Englishtown Ferry Service. Motion carried.

District #8

Councillor Buchanan asked that Jocelyn Bethune be requested to forward additional recycling flyers to him for distribution.

District #7

Councillor Budge questioned on the carbon tax and whether it has a greater impact on rural areas than urban areas. In other provinces where there is a carbon tax, it is revenue neutral.

It was moved by Councillor Budge, seconded by Councillor Dauphinee, that a letter be forwarded to the Department of Finance requesting clarification on how carbon tax affects rural constituents. Motion carried.

Councillor Budge brought up the matter of changes coming with regard to crab quotas. Councillor Buchanan indicated that in his area the quota was cut by 40.1%. Councillor MacInnis indicated that a meeting will be held in his area tomorrow.

It was moved by Councillor Budge, seconded by Councillor Buchanan, that Mark Eyking, MP, be requested to meet with Council. Motion carried.

Councillor MacInnis also brought up the effect the link from Newfoundland will have on the area fishing grounds.

District #3

Warden Morrison brought Council up to date on the status of REN 6. A meeting of the Board of Directors was held on February 9, 2015, and they brought a go forward plan to the Liaison and Oversight Committee on February 19, 2015.

Clarification is required on some of the financial information provided and Eileen Oldford will be contacted in that regard.

It is anticipated that REN 6 will start up on April 1, 2015. The hiring of Economic Development Officers was discussed and it was felt it was time to start this process.

MOTIONS – TAXATION

Councillor Grant gave notice of motion at the last meeting concerning motions he would be bringing to Council with regard to taxation.

It was moved by Councillor Grant, seconded by Councillor MacNeil, that the 2015 tax bill include notification of the provincial and municipal rebates offered for property taxes. Motion carried.

It was moved by Councillor Grant, seconded by Councillor MacInnis, that the Victoria County tax rebate for low income property owners be increased to a maximum of \$200.00 per year. Motion carried.

Councillor Grant presented further information on the use of a third party company for credit card payment of taxation. Last year accepting credit cards cost the Municipality approximately \$59,000.00.

Discussion took place and Council felt the public should be consulted in some form. This could be achieved through a by-law process which requires public consultation.

Councillor Grant presented a copy of the Municipality of the County of Inverness “Service Fees for Payment Cards By-Law” for review.

It was moved by Councillor Grant, seconded by Councillor MacInnis, that the CAO come back with a draft for a Service Fees for Payment Cards By-Law for review and consideration. Motion carried.

MARK EYKING, MP

Councillor Buchanan asked that Mark Eyking, MP, be requested to meet with Council as soon as possible.

COMMITTEE REPORT

Age-Friendly Communities Committee

Deputy Warden Patterson advised that he participated in an Age-Friendly webinar last Friday as a presenter. 120 people listened in. He found it to be an interesting experience and obtained a lead on a contact the deal with liability issues.

Honourable Leo Glavine, Minister of Seniors, will be meeting with the Age-Friendly Communities Committee on March 9, 2015, at 12:15 p.m. – location to be determined.

Economic Development

Councillor MacNeil requested Council to review the report received from Dan White & Associates.

CEPI

It was moved by Councillor Dauphinee, seconded by Councillor Buchanan, that Paul MacNeil be appointed to CEPI for another year. Motion carried.

WRITE-OFFS – TAXATION

The CAO brought forward two properties where mobile homes were taken off the assessment roll. There is no possibility of collecting these funds and the amounts owing are to be written-off.

It was moved by Councillor Dauphinee, seconded by Councillor Budge, that \$5,117.79 be written-off for Account #07968590 and \$2,314.72 be written-off for Account #05781434. Motion carried.

ORDER OF NOVA SCOTIA

Nominations for the Order of Nova Scotia are now open and must be submitted to the Protocol Office by March 15, 2015.

IN CAMERA

It was moved by Councillor Budge, seconded by Councillor Buchanan, that Council move In Camera to deal with personnel issues. Motion carried.

It was moved by Councillor Dauphinee, seconded by Councillor MacInnis, to return to the regular session of Council.

It was moved by Deputy Warden Patterson, seconded by Councillor MacInnis, that the recommendations contained in the January 24, 2015, and February 23, 2015, In Camera meetings be approved.

Those voting in favour of the motion were Councillors Grant, MacInnis, Dauphinee, Buchanan, Deputy Warden Patterson and Warden Morrison.

Those voting against the motion were Councillors MacNeil and Budge.

Motion carried 6-2.

FCM

The Federation of Canadian Municipalities Annual Conference will be held in Edmonton, Alberta, from June 5-9, 2015.

Councillors MacNeil, Dauphinee, and Deputy Warden Patterson expressed interest in attending. Warden Morrison is a member of the FCM Board and will be attending.

ADJOURN

There being no further business, on motion of Councillor Buchanan, seconded by Councillor Budge, the meeting adjourned at 8:15 p.m.

Bruce Morrison, Warden

Sandy Hudson, CAO