

## COMMITTEE OF THE WHOLE MEETING

NOVEMBER 24, 2008

Location: Council Chambers, Municipal Office

Warden Boudreau called the meeting to order at 7:00 p.m.

### Items Added to the Agenda

Warden Boudreau indicated that the CAO wished to add additional applications for the Planning Advisory Committee appointments and applications for the Richmond Villa Board of Directors appointments; and Councillor Sampson wished to add Coastal Riders request for use of land (former L'Ardoise Landfill site).

Moved by Councillor David, seconded by Councillor Boucher that the items added be accepted as presented. Motion carried.

Review of Minutes: September 29, 2008 (Regular Meeting)  
September 29, 2008 ("In-Camera")

Moved by Councillor Beaton, seconded by Councillor David that the minutes of September 29, 2008 (Regular Meeting) and September 29, 2008 ("In-Camera" Meeting) be adopted as presented. Motion carried.

### Staff Reports:

(a) CAO re: Major Current Issues

(i) Henson College Report:

The CAO summarized the recommendations in the report, indicating that recommendation #1 was for a joint Council/senior staff training session, and this has been arranged for January 9/10.

The following points were brought forward during discussion:

- It was felt that the concept of a third party evaluation of the CAO was excellent;
- It was felt the UNSM Code of Conduct should be amended to include staff

(ii) Integrated Community Sustainability Plan

The CAO summarized that this was a requirement of the gas tax funding that is being received from the federal government, and a meeting is being arranged with a provincial facilitator, for early December.

The following points were brought forth during discussion:

- The ICSP is a very important and comprehensive document.

(iii) Building Canada Fund

The CAO indicated that there were two major components, and he provided calculations based on population, that estimated that Richmond's share should be approximately \$1,608,000, and he recommended that Council approach the Province for these funds to be allocated to the Evanston sewage treatment plant.

The following points were brought forward in discussion:

- the Arichat lift stations are a major project as well;
- Warden Boudreau advised that he had written to the Premier requesting funding for the Evanston project, and he is hopeful for a meeting with the Premier on this issue later in the week.

(iv) Municipal By-Laws and Municipal Policies

The CAO indicated that a major review of municipal by-laws and municipal policies, to provide for consolidation, removal of redundant by-laws, and resolving any gaps, should be undertaken; with significant resources required.

The following points were brought forth during discussion:

- It is often difficult to dedicate significant funds and resources to this type of project, which does not show the immediate benefits of programs or capital projects.

(v) Anadarko/LNG Site

The CAO summarized the process that resulted in the Anadarko tax agreement, and he recommended that Council increase efforts to determine the status of efforts to sell the project/site, and then determine if the tax agreement should be rescinded.

The following points were brought forth during discussion:

- Previous meetings have been held with provincial representatives, however they do not appear to have any significant clauses to cover this problem (land not being utilized);
- This parcel is a prime piece of industrial waterfront land, that does not appear to be available for job creation.

Moved by Councillor David, seconded by Councillor MacNeil that the Committee recommend to Council that meetings be arranged with provincial department representatives and Anadarko, to determine the status of efforts to return the site to industrial use and job creation, and with this information also being available to assist with evaluating related municipal agreements. Motion carried.

(vi) Succession Planning

The CAO noted the aging nature of the municipal staff, and the Henson College recommendation to create a dedicated HR position.

The following points were brought forth during discussion:

- Succession planning is important;
- A significant portion of the CAO's responsibilities have been transferred to another position, and therefore the new CAO will hopefully be able to carry out this work.

(vii) Point Tupper Energy Office Restructuring

The CAO advised that Council has been discussing amendments to the Energy Office, to include support for community economic development type activities, business planning services, etc.; and internal changes have commenced.

The following points were brought forth in discussion:

- Warden Boudreau indicated that he had made application to Enterprise Cape Breton Corporation, in accordance with previous discussions he has had;
- Terms of Reference for a study will be circulated by the Warden to Councillors/staff, for feedback;
- Funding for a study will be sought; and hopefully the Province and federal and provincial governments will provide funds for a new office.

(viii) Municipal Capital Projects Special Funding/Gas Tax Status

The CAO advised that Council had committed \$975,000 to the St. Peter's-Samsonville and Area Water Supply Project, which is nearing completion, and he recommended that a reserve fund for small infrastructure projects be utilized (approximately \$831,000, together with funds from our gas tax allocation, with provincial approval).

The following points were brought forth in discussion:

- Staff should provide an approximation of the requirement from the gas tax funds for the Integrated Community Sustainability Plan, the repairs to the Arichat lift station, and the

contribution to the St. Peter's-Samsonville and Area Water Project; to determine if there are sufficient funds for these purposes.

Referrals from Council:

- (a) P.A.C. Appointments (3 Members at Large) (attached are eight applications received as of November 18<sup>th</sup>, applications close November 21<sup>st</sup>; and any additional will be forwarded as "item added")

Warden Boudreau advised that he had consulted Councillors, regarding the applications received, and their wishes for appointments to this Committee.

Moved by Councillor Boucher, seconded by Councillor David that Warden Boudreau recommend three names to the Committee for appointments as "Members at Large" on the Planning Advisory Committee. Motion carried.

Warden Boudreau submitted the following names for appointments to the Planning Advisory Committee, to serve as "Members at Large":

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- Doug Begg
- Barry Landry
- A. Wayne Boudreau

Moved by Councillor David, seconded by Councillor Marchand that the Committee accept the recommendation of Warden Boudreau and appoint Mr. Doug Begg, Mr. Barry Landry and Mr. A. Wayne Boudreau as "Members at Large" to serve on the Planning Advisory Committee. Motion carried.

- (b) Richmond Villa Board of Directors (3 Members at Large) (there were no applications received as of November 18<sup>th</sup>, applications close November 21<sup>st</sup>; and will be forwarded as "item added")

Warden Boudreau advised that he had consulted Councillors, regarding the applications received, and their wishes for appointments to this Committee.

Moved by Councillor MacNeil, seconded by Councillor Boucher that Warden Boudreau recommend three names to the Committee for appointment as "Members at Large" to the Richmond Villa Board of Directors. Motion carried.

Warden Boudreau submitted the following names for appointment to the Richmond Villa Board of Directors, to serve as "Members at Large":

- Alice Mombourquette

- Therese Digout
- Blair Campbell

Moved by Councillor MacNeil, seconded by Councillor Boucher that the Committee accept the recommendation of Warden Boudreau, and appoint Alice Mombourquette, Therese Digout and Blair Campbell as “Members at Large” to serve on the Richmond Villa Board of Directors. Motion carried.

(c) CAO Recruitment Selection Committee

The CAO indicated that the Recruiter was recommending that Council appoint the Recruitment Selection Committee for the appointment of the new CAO.

Warden Boudreau indicated that he had received representation from some Councillors regarding this Committee.

Moved by Councillor MacNeil, seconded by Councillor David that the Committee of the Whole delegate the authority for appointment of members to the CAO Recruitment Selection Committee to Warden Boudreau. Motion carried.

Warden Boudreau indicated he will provide the names of the Recruitment Selection Committee members at the December 1, 2008 Committee of the Whole Meeting.

(d) U.N.S.M. re: Code of Conduct

The CAO advised that many Municipal Councils have adopted the Code of Conduct, since the October municipal elections, and he is not aware of any municipal units that have not approved of it.

The following points were brought forth during discussion:

- It was noted that the Code of Conduct should be revised to include Council and Staff
- It was noted that a team should be established to create the template for the Code of Conduct document, which will include three Councillors and three senior staff members
- It was noted that this should take place after the training session in January, 2009.

Moved by Councillor Martell, seconded by Councillor Boucher that the U.N.S.M. “Code of Conduct” be revised, to be suitable for Council and staff, and that staff be consulted when creating the new “Code of Conduct” document. Motion carried.

(e) Planning Area Advisory Committee Terms of Reference

The CAO reported the following:

- There was a typo and the Terms of Reference is for the Area Advisory Committee
- He presented the Area Advisory Committee Terms of Reference for review

The following points were brought forth during discussion:

- It was noted that the Planning Advisory Committee developed the Terms of Reference document;
- It was noted that #2 and #5 of the questionnaire is not satisfactory.

Moved by Councillor David, seconded by Councillor Boucher that the Area Advisory Committee Terms of Reference be tabled until the December 1, 2008 Committee of the Whole Meeting, for further review. Motion carried.

(f) Destination Cape Breton Association re:

- (i) Cape Breton Island Destination Marketing Strategy Meeting of September 20, 2008 (Marketing Levy)

The CAO reported the following:

- The document summarizes the outcome of work done in the past 7 to 8 months;
- The proposed tax levy will be used for marketing the tourism industry

The following points were brought forth during discussion:

- Warden Boudreau noted that all Richmond operators are on board with the new marketing levy;
- It was noted that there are two resolutions that must be accepted in order to endorse the use of the new marketing levy;
- It was noted that CBRM and Victoria Counties have already accepted the new levy and Port Hawkesbury is working towards the use of the levy.

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Moved by Councillor David, seconded by Councillor Boucher that the Committee recommend to Council that the Province of Nova Scotia make the amendments to Bill No. 267, The Cape Breton Island Marketing Levy Act. Motion carried.

Moved by Councillor David, seconded by Councillor MacNeil that the Committee recommend to Council that the Province of Nova Scotia, following the amendments to Bill No. 267, proclaim the enabling legislation that would provide the Municipality with the authority to levy a room tax. Motion carried.

- (ii) Cape Breton Tourism Stats

The CAO provided this document for information purposes.

Correspondence:

(a) CAO re: Membership, St. Peter's-Samsonville and Area Water Utility

The CAO reported the following:

- The Board is now preparing to renew its Officers in December
- The Municipality should appoint someone other than a municipal employee (Darrin is Secretary, and has requested a replacement, because significant conflicts with the Municipality are commencing)

The following points were brought forth during discussion:

- It was noted that Mr. McLean has been working with the water utility for the past couple of years, carrying out the duties such as tendering, engineering, etc.
- It was noted that Mr. McLean did an exceptional job, as evidenced by the project being done within budget (if not under budget), and on time.

Moved by Councillor David, seconded by Councillor Marchand that the Committee recommend to Council that Councillor MacNeil be appointed as the municipal representative on the St. Peter's-Samsonville and Area Water Utility Board, to replace Mr. Darrin McLean. Motion carried.

Warden Boudreau expressed thanks to Councillor MacNeil for accepting such a position, and the additional responsibilities that come with the position.

(b) Director of Tourism, Culture & Recreation re: Arena Agreement

The CAO reported the following:

- The documents were provided for information purposes

Moved by Councillor MacNeil, seconded by Councillor David that the request to review the agreement has been met; and further moved that municipal signing officers be authorized to execute the documents. Motion carried.

(c) Alfred McNamara re: Highway 104 Highway Crossing

The CAO reported the following:

- Mr. McNamara has encountered serious issues with his septic system, and is being forced by Courts to find a solution
- Mr. McNamara is requesting to cross the 100 Series Highway to connect to the Evanston sewage treatment system

The following points were brought forth during discussion:

- Warden Boudreau advised that he has been approached by Mr. McNamara, who indicates that he wishes to withdraw his request to cross the 100 Series Highway (he is now considering a lateral extension on the hospital access road). Mr. McNamara also advised the Warden that he has received a reprieve from the judicial system, until next spring, by installing a holding tank.

(d) Frank Gallagher re: Site for Garbage Pickup

(e) Solicitor re: Garbage Collection on Private Roads

The CAO reported that these items were related, and that Mr. Gallagher is complaining about a designated garbage collection area that is adjacent to his property, and this would not be necessary if permission could be obtained to carry out curbside garbage collection on the private roads that serve the subdivision (the Solicitor's correspondence attaches a revised authorization/waiver, which is narrower in scope than the previous version, but provides less protection to the Municipality).

The following points were brought forth in discussion:

- Mr. Gallagher is requesting that the garbage collection area adjacent to his home be eliminated, or moved;
- written permission to access private roads, which are essentially private property, would be applicable to other subdivisions;
- Warden Boudreau notified the Committee that the owner of the Cape George Estates subdivision had called him this afternoon and indicated that he was much more comfortable with this proposed waiver document, and he would respond within 24 hours to the Municipality.

(f) Muriel Presant re: Municipal Advance Poll

The CAO indicated that Mrs. Presant expressed her unsatisfactory experience at the advance poll held on October 14<sup>th</sup>.

The following points were brought forth in discussion:

- It was noted that staff should reply to Mrs. Presant to acknowledge receipt of her correspondence

#### Items Added to the Agenda

(1) CAO re:

- i. Additional Applications, Planning Advisory Committee Appointments, "Members at Large"

This item was previously dealt with.

- ii. Applications, Richmond Villa Board of Directors Appointments, “Members at Large”

This item was previously dealt with.

- (2) Councillor Sampson re: Coastal Riders Request to Use Land (Former Dumpsite) in L’Ardoise

Councillor Sampson indicated that he had been advised by the municipal engineer that new information has been made available to the CAO, and that this group has been trying to obtain permission to use the former landfill site since early this year.

The CAO indicated that he has received a recommendation, on today’s date, from the engineer; which basically indicates that we cannot change the use of the former landfill site without permission from the Department of Environment.

The municipal engineer, Darrin McLean, addressed Council, indicating that he has had informal discussions with Department of Environment, who indicated that it is unlikely that they would give us permission. Mr. McLean further indicated that he has recommended in today’s report to the CAO, that the Vested Property Clerk be directed to search for alternative municipally owned properties in the L’Ardoise area.

The following points were brought forth in discussion:

- It was the intention of Council/staff to assist the group if possible, by selling or leasing the property in question, however, this is not possible.
- It was suggested that an alternate site be sought for the group of land owned by the County in the L’Ardoise area.
- The Vested Property Clerk will begin to search for available land; communicate with the Coastal Riders ATV group of any findings, and also report any findings to Municipal Council
- There needs to be some action in regards to closing out the former landfill
- Staff will provide Council with a copy of correspondence from the Solicitor regarding this request for the former L’Ardoise landfill.

#### Fifteen Minute Question Period

Mr. Erin MacDonald approached Council, indicating that he is the President of the Coastal Riders ATV group. He noted that his property is adjacent to the former landfill and there are three walking paths to the former landfill in L’Ardoise, from the main road. He also noted that the trench that was dug, to prohibit entrance to the site, is now being

used as an illegal dumping site and would like to see some action taken to resolve that issue.

Warden Boudreau indicated that the Solid Waste Management Committee is currently reviewing options to deal with the illegal dumpsites within Richmond County.

Mr. Richard Burt approached Council, and commenced addressing the Freedom of Information provisions of the Municipal Government Act, however Warden Boudreau suggested to him that this was not an item that had been discussed this evening.

Moved by Councillor Boucher, seconded by Councillor Martell that the meeting be adjourned. Motion carried.

There being no further business, Warden Boudreau adjourned the meeting at 9:30 p.m.