

Minutes of Meeting  
Regular - Town Council  
March 03, 2009

1. The regular meeting of the Port Hawkesbury Town Council was held in the Shannon Studios of the Port Hawkesbury Civic Centre, on Tuesday, March 03, 2009, commencing at 7:00 p.m.

2. Present were: W.J. (Billy Joe) MacLean - Mayor  
Mark MacIver - Deputy-mayor  
Jim King - Councillor  
Hughie MacDougall - Councillor  
Ken Anderson - Councillor  
Colin J. MacDonald, CMM - Chief Administrative Officer  
L.K. Evans - Town Solicitor

3. The meeting was called to order, by Mayor MacLean; and, the following agenda of business was attended to:

**One Minute Silence – In memory of The Honourable Michael Baker**

4. Mayor MacLean asked the Council to observe one minute of silence in memory of the Honourable Michael Baker, Minister of Finance.

**Gallery Presentations**

5. No presentations were to Council.

**Additions to/Approval of Agenda**

6. Councillor J. King asked that the motion, identified as item #9 of the Special Town Council meeting of November 03, 2008, be amended to reflect that he stated that the 'rotation of committee members' be set up by the nominating committee.

7. Mayor MacLean noted that we would consider this direction when the minutes are presented for amendments.

8. ***It was moved by Councillor K. Anderson and seconded by Councillor M. MacIver to approve the agenda as presented, without addition. Motion carried.***

**Approval of minutes**

9. Minutes presented for additions and/or deletions included:

**Regular Town Council  
Special Town Council**

**October 07, 2008  
November 03, 2008**

10. ***It was moved by Councillor H. MacDougall and seconded by Councillor M. MacIver to approve the amendment to the Special Town Council meeting of November 03, 2008, as requested by Councillor J. King. Motion carried.***

**Business arising from the minutes**

11. There was no business arising from the minutes.

**Appointment of Deputy-mayor**

12. ***It was moved by Councillor H. MacDougall, and seconded by Councillor J. King to appoint Councillor M. MacIver as Deputy-mayor for the next year. Motion carried.***

**Report of the Nominating Committee**

13. Deputy-mayor M. MacIver as chair of the nominating committee filed their report that provides for appointments to the various committees for the next four year period following a rotation system as agreed upon.

14. ***It was moved by Deputy-mayor M. MacIver, and seconded by Councillor H. MacDougall to accept the report of the nominating committee. On a point of order the Town Solicitor pointed out that citizen appointments to the Board of Directors for the Port Hawkesbury Civic Centre, as recommended by the nominating committee, will not have the authority to vote on any direction the Board opts to take on the issues affecting the operations of the Centre, and can serve as advisors only. Motion carried.***

### **Correspondence**

#### ***Destination Cape Breton – Marketing Strategy***

15. The Council received a letter from Destination Cape Breton Association to clarify issues surrounding enabling legislation regarding a 2% marketing levy for operations of ten rooms plus. Councillor Anderson noted that he was not up to speed on the issue and asked if we could delay action on their demands to allow further study. On motion of Councillor J. King, it was agreed to table the issue until the Committee-of-the-whole meets next week.

#### ***UNSM - Code of Conduct***

16. Mr. MacDonald reported that it was discovered, today, that Council were not in receipt of all of the material related to the proposed Code of Conduct; and, that the material will be re-issued for consideration at another meeting.

17. Mayor MacLean reported that the UNSM Board of Directors were issuing the document as many of the Province's municipal units did not have a Code of Conduct in place and in addition this document would bring uniformity to the issue.

18. Councillor Anderson noted a serious concern with respect to section X of the Code in the wording is misleading and perhaps it should be rewritten.

19. The solicitor was asked to review the document for comment to Council prior to any consideration of adoption.

#### ***Municipality of the County of Annapolis – UNSM Resolution # 9A***

20. The Council was in receipt of correspondence from Annapolis County outlining their concern with a recently adopted resolution to the UNSM Conference that propose changes to the Municipal Government Act to expand the items that could be discussed "In-Camera". Their Council opposes the resolution as it "not consistent in keeping within the spirit of Section 22 of the Act, and accordingly is not necessary.

21. ***It was moved by Councillor Ken Anderson, and seconded by Councillor H. MacDougall to support the position of the Municipality of the County of Annapolis and to advise the UNSM Board of Directors of our position. Motion carried.***

#### ***Chamber of Commerce – Community Board of Directors P.H.C.C.***

22. The Council was in receipt of a letter from the Strait Area Chamber of Commerce expressing their concern about recent decisions regarding operations of the Port Hawkesbury Civic Centre. The Chamber encouraged the Council "to re-visit the concept of a community board of directors who would be able to provide support to staff, management and the council in the operation of the Port Hawkesbury Civic Centre".

23. Mayor Maclean, on the issue of the closure of Artisan's Market and the occupation of that space by Property Valuation Services Corporation, noted that the PVSC is operated by the Union of Nova Scotia Municipalities on behalf of the 55 municipal units in Nova Scotia. He stated that no other office would be more compatible with our own municipal service delivery function than that of assessment services. He added that he regards the Chamber's concerns as serious and would welcome and support the proposal for community participation, on an advisory basis, to the Centre's Board of Directors.

24. Councillor K. Anderson suggested that the Council meet with the executive of the Chamber to discuss their concerns. There was agreement of the Council to do so.

25. Councillor H. MacDougall noted that we would be advertising for citizen interest in the Board of Directors; and, that the appointments would be made by the Council.

26. Mayor MacLean noted that Town council as elected representatives of the citizens have the ultimate responsibility for the financial operations of the Town, including the Civic Centre.

**Arbitration decision – Town of Port Hawkesbury vs. Eascan**

27. ***It was moved by Councillor K. Anderson and seconded by Councillor H. MacDougall to receive the report of the Arbitrator on the issue of the Town vs. Eascan.*** On the question Councillor H. MacDougall asked if the decision has been reviewed. Mayor MacLean, with the agreement of Council asked the Solicitor to review the document and offer comment to the Council. ***Motion carried.***

**Adjournment**

28. On motion of Councillor H. MacDougall and seconded by Deputy-mayor M. MacIver the meeting adjourned at 1:20 p.m.

\_\_\_\_\_  
Minutes approved:

\_\_\_\_\_  
Date:

Colin J. MacDonald, CMM, C.A.O.  
Recorder