

**PORT HAWKESBURY TOWN COUNCIL
COMMITTEE OF THE WHOLE**

**Minutes of Meeting
Monday, November 21, 2011**

PRESENT

Mayor, Billy Joe MacLean
Chief Administrative Officer, Maris Freimanis
Director of Finance, Deputy Chief Administrative Officer, Erin MacEachen
Deputy Mayor, Ken Anderson
Councilor, Jim King
Councilor, Hugh MacDougall
Councilor, Mark MacIver
Town Solicitor, Patrick Lamey, Alternate
Director of Marketing, Tourism, Culture and Recreation, Paula Davis
Director of Parks and Facilities, Jim Pyke

GUESTS

Executive Director, Keith MacDonald, Cape Breton Partnership
Chamber of Commerce, Former Principal Nautical School, Bert Lewis

REGRETS

Town Solicitor, Larry Evans
Director of Public Works, Jim MacNeil

1. CALL TO ORDER

A meeting of the Committee of the Whole was held in the Shannon Studio, Monday, November 21, 2011. The meeting was called to order by Mayor MacLean at 6:30 p.m.

2. ADDITIONS TO/APPROVAL OF AGENDA

There were no additions to the agenda.

3. PRESENTATIONS

a) Cape Breton Partnership – Executive Director, Keith MacDonald and Bert Lewis

Keith MacDonald provided a presentation entitled *Integrated Strategic Framework for Economic Prosperity*. At the conclusion, he invited Town Council for comments/questions.

Deputy Mayor Ken Anderson requested a copy of the final report, *Cape Breton-Mulgrave Integrated Strategic Framework for Economic Prosperity*. Chief Administrative Officer, Maris Freimanis will send an electronic version of this report to Town Council.

Councilor H. MacDougall inquired about the relationship between Cape Breton Partnership, the Regional Development Agency and the Chambers of Commerce. Keith MacDonald stated that the Cape Breton Partnership does not compete, but rather, works closely with these agencies. Bert Lewis added that the focus of the Partnership is to work together with other groups, and that good work is being done to represent Cape Breton and Mulgrave.

4. AGENDA ITEMS

a) Director Reports:

i. Finance – Erin MacEachen

Erin MacEachen stated the implementation of the new IT system was still in progress and that she was currently working on the new Chart of Accounts. The new system will be consistent with the eight municipalities regarding billing and reporting. A tax sale was held, November 14th with the purchase of two properties. A timeline that will include key milestone dates for the for the fiscal 2013 budget process will be presented to Council for consideration. Department heads were provided with information and were requested to provide information to determine cost overruns and/or savings. The Statement of Estimates reflecting the Town's budget and the Draft Financial Information Return were submitted to the Province, November 21. All reporting to the Province is up to date.

MOVED by Councilor H. MacDougall and SECONDED by Councilor J. King "That Town Council approves/receives the Finance Report submitted by Erin MacEachen". MOTION CARRIED.

Deputy Mayor Ken Anderson inquired if this motion should be moved to *receive* or *accept* the finance report. Councilor H. MacDougall inquired if the motion should be to *adopt* or *approve* the report. Councilor J. King stated that the report is not final until approved at a Town Council meeting. Town Solicitor, Patrick Lamey provided legal commentary on the terminology indicating that the term *approval* means the report has been presented and Council agrees with the facts presented. The term *adopted* closely relates to *approval* but requires further vetting of facts before it is approved.

ii. Parks and Facilities – Jim Pyke

Jim Pyke presented his Director's report highlighting the Tall Ships 2012 scheduled visit to Nova Scotia, July 19-30, 2012, and subsequent visit to Port Hawkesbury, July 25 -26, 2012; Tenders/Quotations for snow removal at the Incubator Mall; Fall Maintenance/Marina Shutdown; IREP & Efficiency NS Seminars; Port Hawkesbury Energy Management Opportunities Project 2011; and Port Hawkesbury Civic Centre.

Councilor H. MacDougall inquired if the Town received revenue for this event. Jim Pyke confirmed the Town has done well; having either made money or is in the black and is looking for the support of Council. He stated that the ECBC funding for the Cape Breton outports may be cut 50%. If this is the case, Mr. Pyke will report this to Council.

Deputy Mayor Ken Anderson stated that in consideration of Port Hawkesbury being one of the largest ports in Canada, he did not like the reference of *outport* in the report. Jim Pyke will make this change. Mayor MacLean stated that ECBC may cut the funding. He asked Mr. Pyke to prepare a business plan for submission in the event there are cutbacks. Mr. Pyke agreed to prepare a business plan.

Deputy Mayor Ken Anderson inquired if beautification will be done to the Irving Property in Grants Pond as this is the first building seen when entering the Town of Port Hawkesbury. Jim Pyke will follow up on this inquiry. Maris Freimanis will contact Irving to inquire if they will paint the building. Mayor MacLean asked Town Solicitor; Patrick Lamey to investigate this issue.

MOVED by Council H. MacDougall and SECONDED by Councilor J. King "That Town Council approves/receives the Parks and Facilities Report submitted by Jim Pyke". MOTION CARRIED.

iii. Public Works – Jim MacNeil

Mr. MacNeil was not present to submit his Director's Report for Public Works. Deputy Mayor Anderson inquired why Council did not receive a copy of his report. Maris Freimanis will follow up with Mr. MacNeil regarding this request.

iv. Marketing, Tourism, Culture and Recreation – Paula Davis

Paula Davis presented her Marketing, Tourism, Culture and Recreation Summary Report. She stated that the PHCC Christmas decorating will begin November 22, 2011. Online ticketing is coming to fruition; with less foot traffic re ticket sales. The first Events Meeting was held last week; the second meeting is scheduled the week of November 28, 2011. An ECBC marketing meeting will be held, December 7, 2011 to discuss their ability to assist with a new strategic plan for the PHCC. Destination Cape Breton is interested in product development with the Town. Ms. Davis commented on the Recreation and Aquatic Programs as well as her attendance at the Canadian Public Arts Funders Conference in Whitehorse, YK, November 16-19, 2011.

Deputy Mayor Ken Anderson inquired if Ms. Davis' report included the retirement of SAERC librarian, Marina MacIntyre, who is retiring January 2012. Councilor H. MacDougall inquired about committee membership regarding the use of the Town Box at the PHCC arena and that this should be advertised in the newspaper. Maris Freimanis stated there is full intention to have a core group and it will be publicly advertised to solicit committee interest. Paula Davis will discuss the committee parameters with Maris Freimanis and advertise accordingly. Deputy Mayor Ken Anderson inquired if staff were aware of the 2011-2012 Committee structure. Mayor MacLean inquired if event bookings were down for the Christmas season. Paula Davis stated that the month of December is busy; one booking was lost due to the required room size; and, that she is working in earnest to attract new business.

MOVED by Councilor M. MacIver and SECONDED by Deputy Mayor K. Anderson "That Town Council approves/receives the Marketing, Tourism, Culture and Recreation Report submitted by Paula Davis". MOTION CARRIED.

b) Requests:

i. Festival of the Strait Society – Bearhead Room Rental

Maris Freimanis presented Council with a funding request from the Festival of the Strait Society for options or avenues to offset costs for the rental of the Bearhead Room for New Year's Eve. Council agreed it was a community building and that the Festival of the Strait Society raises revenue for the community. Council agreed to a donation of \$1000 provided no extra costs were incurred for clean-up, bartending services or security.

MOVED by Deputy Mayor K. Anderson and SECONDED by Councilor H. MacDougall "That Town Council approves a funding request of \$1000 to offset the costs of the Festival of the Strait Society regarding rental of the Bearhead Room for New Years' Eve". MOTION CARRIED.

A nay was recorded from Mayor MacLean.

ii. Canadian Cancer Society – Relay for Life

Maris Freimanis presented Council with a funding request from the Canadian Cancer Society – Relay for Life. He met with Susan Butts and Erin Gallagher to discuss the details of the event. He added that as this event is held in the next fiscal year, Council has an option to fund now, comment, or defer this item for the next budget. After detailed discussion on clean-up, security and the responsibilities and costs incurred by the Relay for Life volunteers, Council agreed to support a donation of \$1500 to come from the next fiscal year's budget. Mayor MacLean added that all charitable groups should have equal rights.

MOVED by Deputy Mayor K. Anderson and SECONDED by Councilor Mr. MacIver "That Town Council approves a funding request from the Canadian Cancer Society – Relay for Life, in the amount of \$1500 from next fiscal year's budget". MOTION CARRIED.

iii. SAERC – Use of Town Box

Maris Freimanis presented Council with a funding request from SAERC for the use of the arena Town Box for Wednesday game nights similar to the recent arrangement with the Strait Pirates.

MOVED by Councilor J. King and SECONDED by Councilor H. MacDougall "That Town Council approves the funding request from SAERC for the use of the arena Town Box for Wednesday game nights". MOTION CARRIED.

iv. Strait Area Transit

Maris Freimanis presented Council with a funding request from Strait Area Transit to sponsor their AGM/Strategic Planning Session at the Skye Motel.

MOVED by Councilor J. King and SECONDED by Deputy Mayor K. Anderson "That Town Council approves a funding request from Strait Area Transit in the amount of \$300". MOTION CARRIED.

c) Spent Silica Sand Disposal Site

Maris Freimanis provided Council with detailed information on the spent silica sand disposal site during the construction of the PHCC. He stated that after the Department of Environment carried out initial inspections, the Town was notified to move the material by December 16, 2011. The approximate cost to dispose of the material is \$43,000 at the Guysborough Landfill. Quotations will determine the actual excavation and hauling costs.

Deputy Mayor K. Anderson inquired a) how the material was deposited and b) if the Town can recover any costs as per their insurance policy. Maris Freimanis stated that how the material was deposited is under investigation and that our insurance company will be contacted. Councilor H. MacDougall stated he was unaware of this issue; inquired when did this initial process begin; and, why Council received this information at this late date.

Maris Freimanis provided the following sequence of events:

1. He learned of the contaminants this spring
2. Site samples were tested
3. The Town received the report in August
4. Additional testing confirmed the extent of the contaminants
5. The final report was received November 17, 2011
6. The Town has until December 16, 2011 to remove the material
7. Presentation to Council at Committee of Whole meeting, November 21, 2011.

MOVED by Councilor J. King and SECONDED by Deputy Mayor K. Anderson “That the Town proceed with the removal and disposal of the spent silica sand as per the C.A.O.’s report and that the Town pursue other avenues to recover costs”. MOTION CARRIED.

d) Bourinot Drive – Town Property

Maris Freimanis presented Council with rezoning options for Bourinot Drive – Town owned properties. Council agreed to the administration recommendations as outlined in the memo; Council will start the proposed rezoning; Councilors will be polled to set a date for a Planning Advisory Committee meeting followed by a Special Council meeting; the Town conveys properties back to the province maintaining ownership of property easement for the water mains currently crossing the property; the Town undertakes to have the property pins located and have the properties migrated as required at an estimate of \$1500. Deputy Mayor K. Anderson stated the costs should be borne by the Province.

MOVED by Deputy Mayor K. Anderson and SECONDED by Councilor H. MacDougall “That the Town approaches the Province to cover legal, survey and migration costs associated with rezoning of Bourinot Drive”. MOTION CARRIED.

e) Treadmills - YMCA

Maris Freimanis presented Council with a request from Andre Gallant, CEO, YMCA, Cape Breton for the replacement of four Town owned treadmills. Council agreed to proceed with replacement by leased units as per the C.A.O.’s report. Deputy Mayor K. Anderson inquired about grants to offset these costs. Jim Pyke will explore this option. Councilor H. MacDougall stated that the Town is obligated to research grant options through Health Promotion,

MOVED by Councilor H. MacDougall and SECONDED by Councilor J. King that Council approves the recommendation to replace four Town owned treadmills and to research grant options to offset the costs”. MOTION CARRIED.

f) Waterfront and Creamery

Maris Freimanis presented Council with a memo to provide an update regarding the waterfront and to have general discussion and direction. Councilor M. MacIver stated there is more to do and to continue with the project regarding maintenance and grounds keeping. Mayor MacLean stated that ECBC is waiting for a detailed business plan. Council discussed status of the society, activating a waterfront committee and advertising for committee membership. Waterfront areas to be discussed include walkways, docks and breakwater repairs.

MOVED by Deputy Mayor K. Anderson and SECONDED by Councilor M. MacIver that Council supports Councilor M. MacIver to activate a waterfront committee , prepare a business plan and meet with Council for approval and next steps”. MOTION CARRIED.

g) Ferry Boat Replica

MOVED by Councilor J. King and SECONDED by Deputy Mayor K. Anderson that Council approves the request that the ferry boat be classified as scrap and sold to Mr. Dunphy at a cost of \$1.00”. MOTION CARRIED.

h) By-law Enforcement

Council discussed the memo dated November 18, 2011, from Town Solicitor Larry Evans regarding the enforcement of by-laws. Deputy Mayor K. Anderson requested clarification on the last paragraph. Mayor MacLean stated the Town is obligated to enforce by-laws. Maris Freimanis stated the Town has internal efforts in place to enforce, e.g. winter parking. Summary offences can also be explored in consultation with the RCMP to bridge the gap until a by-law enforcement officer is in place. The by-law enforcement officer will be discussed at the next budget meeting. No motion was made on this agenda item.

Councilor H. MacDougall requested that a letter of congratulations be sent to Sgt Shelby Miller. As Sgt. Miller is Acting Operations NCO, Inverness County District RCMP *only*, it was decided a congratulatory letter was not required.

5. ADDITIONS

There were no additions to the agenda.

6. IN CAMERA – PERSONNEL ITEM

Council held in camera discussion and returned to the Regular Council meeting at 8:45pm.

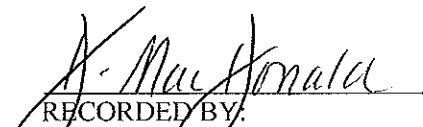
MOVED by Deputy Mayor K. Anderson and **SECONDED** by Councilor J. King that Council approves the recommendation forms for Glenn MacIver and Gordie Snook to receive \$250 each for their extra effort for the Celtic Colours Concert". **MOTION CARRIED.**

7. ADJOURNMENT

MOVED by Deputy Mayor K. Anderson and **SECONDED** by Councilor J. King that Council adjourns the Committee of the Whole meeting at 8:51 p.m. **MOTION CARRIED.**

Feb 13, 2012
DATE


APPROVED BY:


RECORDED BY:
D. MacDonald