Cape Breton Regional Municipality

Council Meeting

ADDENDUM

Thursday, December 15, 2016
1:30 P.M.

*Note Date and Time Change

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS
Cape Breton Regional Municipal Council

Council Meeting

Council Chambers
Second Floor, City Hall

Thursday, December 15, 2016 – 1:30 P.M.

ADDENDUM ITEMS

2. Harbor Port Development Partners Exclusivity Agreement Extension: James R. Gogan, Barrister and Solicitor (See page 3)

3. PRESENTATION:

3.1 “Who Plows My Road”: Louis Ferguson, Manager, Public Works North (See page 5)
ISSUE PAPER

TO: CBRM Council

FROM: James R. Gogan

SUBJECT: Harbor Port Development Partners Exclusivity Agreement Extension

DATE: 015 December 2016

Background

At the June 16th CBRM Council meeting, Harbor Port Development Partners was given a two year exclusivity agreement to market and develop the Port of Sydney and mainly develop an agreement for the development of a container terminal utilizing the Sydport Greenfield Site and the backlands which at the time CBRM were in the process of securing from the federal government. It was agreed that this period could be extended if HPDP made viable progress but was unable to in good faith sign a development agreement within that time period.

Consistent with the obligations of HPDP in the 2014 Exclusivity Agreement; HPDP has achieved the following results:

- Developed a consortium of partners including port financiers, commercial real estate developers, design consultants and port operators.
- Completion of Project Feasibility Study indicating a commercially viable development potential
- Developed an extensive network of international port connections including direct relationships through a proposed terminal operator.

Over the past year and a half, HPDP pursued a number of options to obtain a development agreement on behalf of the CBRM. Through their network, hard work and development of various partnerships, HPDP have been able to reach an agreement with Ports America a major player in the world wide port market. Ports America has signed an agreement with HPDP to develop the Port of Sydney. In order to complete the development, it is imperative that HPDP obtain a five year extension to the existing exclusivity agreement. The extension is necessary to allow the Project participants time to develop a final consortium agreement as well as a final sale/lease and development agreement with the CBRM.
Key among the final agreement with CBRM will be:

- HPDP be given the option to lease the properties known as the Sydport Greenfield Site and the backlands for a period of 99 Years or to purchase the property for $10 million which is equivalent to the purchase and other associated costs in the acquisition of these properties.
- Ports America will obtain reasonable tax concessions, tax abatements or incentives to make the Port of Sydney a viable port in the international market. These concessions may come in part from all three levels of government. The CBRM’s ability to provide tax concessions or abatements will need to come from the provincial government.

CBRM have drafted these powers in the initial draft of a CBRM charter.

**Recommendation:**

THAT HPDP’s previously granted exclusivity rights be extended for an additional five years period commencing on the date of this Motion.

THAT it is a condition of the agreement with Ports America that, in accordance with international standards, the financial return of CBRM be based upon its tax revenues as well as a market return on the Project lands.

THAT the Administration be authorized to enter into on behalf of CBRM an extension and amendment agreement leading to a final definitive agreement to effect the foregoing and that this final definitive agreement be subject to council approval.

THAT the CBRM continue to pursue a Municipal Charter, or other enabling accommodations’, with the province that outlines the needs listed above.

I would request a Motion to proceed with the above-requested recommendations.

Thank you,

**ORIGINAL SIGNED BY**

James R. Gogan
### CBRM Winter Operations Strategy

The general operating priority for winter conditions is as follows:

1. **Plowing and de-icing of streets**
   - During a storm, snowplowing efforts will be focused on arterial routes. Arterials are major roads carrying approximately 10,000 cars per day, and include emergency routes for hospitals and police and fire services.

2. **Divisional Examples Arterial Routes**
   - **Central East North**
     - Rd
     - Reserve St
     - Kings Rd

3. **Divisional Examples Collector Routes**
   - **Central East North**
     - Whitney Ave
     - Beacon St
     - Regent St

4. **Divisional Examples Residential Streets**
   - **Central East North**
     - Henry St
     - Lake Rd
     - Vickers Ln

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### Snow and Ice Control

**Who plows my road?**

The streets listed below are plowed by CBRM Public Works:

<table>
<thead>
<tr>
<th>CBRM Central Division</th>
<th>CBRM East Division</th>
<th>CBRM North Division</th>
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</thead>
<tbody>
<tr>
<td><strong>Community</strong></td>
<td><strong>Street</strong></td>
<td><strong>Community</strong></td>
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<tr>
<td>Sydney</td>
<td>All streets</td>
<td>Sydney</td>
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<tr>
<td>Pictou Park</td>
<td>All streets</td>
<td>Sydney Mines</td>
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<tr>
<td>Big Pond</td>
<td>All streets</td>
<td>South Sydney</td>
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<tr>
<td>Cossehead</td>
<td>All streets</td>
<td>North Sydney</td>
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<tr>
<td>Dune Brook</td>
<td>All streets</td>
<td>Sydney Mines</td>
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<tr>
<td>East Bay</td>
<td>All streets</td>
<td>South Sydney</td>
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<td>Gabarus</td>
<td>All streets</td>
<td>North Sydney</td>
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<tr>
<td>Grand Lake Road</td>
<td>All streets</td>
<td>South Sydney</td>
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<tr>
<td>Grand Mira North</td>
<td>All streets</td>
<td>North Sydney</td>
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<td>Howe Center</td>
<td>All streets</td>
<td>South Sydney</td>
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<tr>
<td>Lingan Road</td>
<td>All streets</td>
<td>North Sydney</td>
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<tr>
<td>Mira Road</td>
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<tr>
<td>Portage</td>
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<td>Prince Brook</td>
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<tr>
<td>South Bar</td>
<td>All streets</td>
<td>North Sydney</td>
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<td>Sydney Forks</td>
<td>All streets</td>
<td>North Sydney</td>
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<td>Sydney River</td>
<td>All streets</td>
<td>North Sydney</td>
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<tr>
<td>Westmount</td>
<td>All streets</td>
<td>North Sydney</td>
</tr>
</tbody>
</table>

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**SAFETY**

The CBRM is committed to workplace safety for its employees and contractors. The workplace for many of our staff is the streets and sidewalks in your community.

**EMERGENCIES**

If an emergency arises, resources are allocated to the situation through the 911 protocol.

**YOURS CAN HELP**

Do not put snow from your property onto the street or sidewalk.

Unnecessary piles of snow and ice are extremely dangerous to snow removal activity and are prohibited by CBRM Traffic Bylaws and the Nova Scotia Highways Act.

**FOR MORE INFORMATION**

CBRM has a Winter Operations Strategy, which includes efficient and cost-effective winter maintenance services within the capability of available resources. The CBRM website is at www.cbrm.ns.ca.

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For snow removal and ice control on provincial roads and highways and any road or community not listed above, call Nova Scotia Department of Transportation and Infrastructure Renewal 563-2245.