Cape Breton Regional Municipality

Council Meeting

AGENDA

Tuesday, November 18th, 2014

6:00 P.M.

Council Chambers
2nd Floor, Civic Centre
320 Esplanade, Sydney, NS
Cape Breton Regional Municipal Council
Tuesday, November 18th, 2014
6:00 p.m.

AGENDA ITEMS

PRAYER (See page __6__)  

ROLL CALL

1. **APPROVAL OF MINUTES:** (Previously Distributed)

   ➢ Special Council – October 7th, 2014
   ➢ Council – October 21st, 2014

2. **PRESENTATION:**

   2.1 **Tompkins Memorial Elementary School – RRFB’s School of the Year:** Deputy Mayor George MacDonald

      **Representatives from Tompkins Memorial Elementary School:**

      • *Principal Kelly McNenly*
      • *Mr. John White, Grade 5 Teacher*
      • *Zachary Ward, Grade 6 Student*
      • *Emma McCormick, Grade 6 Student*

3. **DELEGATION:**

   3.1 **Bras d’Or Lake Biosphere Reserve Association Update:** Dr. Jim Foulds, Chair (See page __7__)  

...Continued
4. PLANNING ISSUE:

4.1 Final Approval – Public Hearings:

a) Request by Kenneth MacKeigan for an amendment to the North End Sydney Secondary Land Use Bylaw:

Public Hearing to consider an amendment to the North End Sydney Land Use Bylaw to allow one storey additions to the rear of buildings in the North End Residential (NER) Zone to be lower than the minimum height currently required.
Rick McCready, Senior Planner (See page 13)

5. BUSINESS ARISING:

5.1 General Committee – November 3rd, 2014

a) Breton Ability Centre – Request for CBRM Land:

Committee recommends approval, in principle, of the request made by the Breton Ability Centre (BAC) to declare the CBRM lands at the site of the former Cape Breton Hospital as surplus to the needs of the Municipality, and to sell them to BAC for $1.00 in accordance with the Municipal Government Act, subject to negotiations with the Province.
Marie Walsh, Chief Financial Officer and Malcolm Gillis, Director of Planning (See page 18)

b) Recreation Master Plan – Steering Committee:

Committee recommends the creation of a five person Steering Committee for the implementation of the Recreation Master Plan to consist of the following members:
- Two (2) Councillors appointed immediately by Council;
- One (1) Manager of Public Works, Parks and Grounds (Chair);
- One (1) Manager of Recreation;
- One (1) Manager of Planning

*It is noted that Councillor Sacca and Councillor Cormier have been selected as the two Council members to sit on the Steering Committee.
Bill Murphy, Manager of Engineering and Public Works (See page 26)

c) “J-Class Roads” – 2015/2017 Cost Share Paving Agreement:

Committee recommends that the Mayor and Municipal Clerk be authorized to sign the three (3) year Provincial Cost Share Agreement for the Paving of “J-Class” Subdivision Streets, noting that funding for same will be subject to annual budget approval.
Bruce Hardy, Manager of Engineering Services (See page 31)

...Continued
BUSINESS ARISING (Cont’d):

General Committee – November 3rd, 2014 (Cont’d):

d) Requests for Deeds:

i) **Property at 48 Verrier Crescent, Louisbourg:**

Committee recommends that a Quit Claim Deed be issued from CBRM to Eric and Leta Trimm for the property identified as 48 Verrier Crescent, Louisbourg, provided CBRM does not absorb any fees or costs associated with the conveyance. Marie Walsh, Chief Financial Officer (See page _42_)

ii) **Property at 22 Argyle Street, Glace Bay:**

Committee recommends that a Quit Claim Deed be issued from CBRM to Mr. William Francis MacNeil for the property identified as 22 Argyle Street, Glace Bay, provided CBRM does not absorb any fees or costs associated with the conveyance. Marie Walsh, Chief Financial Officer (See page _53_)

6. **REPORTS:**

6.1 **Financial Reports to September 30, 2014:** (for information only)

Marie Walsh, Chief Financial Officer (See page _59_)

7. **BY-LAWS, RESOLUTIONS & MOTIONS:**

7.1 **By-Laws:**

a) **First Reading:** N/A

b) **Second / Final Reading:**

i) **Amendments to CBRM Dog By-law:**

Proposed amendments to Appendix ‘A’ of the Dog By-Law (Guidelines for Off-Leash Dog Parks in CBRM) to incorporate under Park Requirements, subsection 2: “The only exception to this rule shall apply to the off-leash trail area of Rotary Park which is approximately 3.5 hectares in size” for second / final reading.

Mary Ann Vuletic, Assistant By-law Manager (See page _61_)

...Continued
7.2 **Resolutions:**

a) **"CBRM Cambridge Suites Day"**  
Councillor Eldon MacDonald (See page _66_)

b) **"Diabetes Awareness Month"**  
Councillor Ivan Doncaster (See page _67_)

7.3 **Motions:** N/A

**Adjournment**
Cape Breton Regional Municipal Council

Tuesday, November 18th, 2014

6:00 p.m.

PRAYER

God Our Creator, bless us as we gather today for this meeting;
You know our most intimate thoughts;
Guide our minds and hearts
so that we will work
for the good of the community,
and help all your people.

Give us today the strengths
and wisdom to carry out our duties
in the most caring and respectful ways.

Teach us to be generous in our outlook,
courageous in the face of difficulty,
and wise in our decisions.

Amen
Deborah Campbell, BBA, MPA
Municipal Clerk
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS B1P 7B9

Dear Ms. Campbell,

I would like to request an opportunity to present an update of the status and activities of the Bras d’Or Lake Biosphere Reserve Association – the society which oversees Canada’s 16th UNESCO designated Biosphere Reserve.

It has been a few years since council members were briefed.

We would prefer to meet with the General Committee and we will not be making any financial request from council. One person will give the presentation and will be open to any questions. The presentation will be 15 minutes in length.

We will provide a PPT file.

Thank you for your consideration,

Sincerely,

Jim Foulds, Chair
Bras d'Or Lake Biosphere Reserve

Cape Breton Regional Municipality

November 18, 2014
Jim Foulds, Chair, BLBRA

Introduction

- Purpose of Presentation:
  - Bras d'Or Lake Biosphere Reserve
    - the UNESCO designation
    - benefits to Cape Breton
    - current projects
  - Questions & Comments
The Bras d’Or Lake Biosphere Reserve

~ 3600 km²

What are the benefits?

- International recognition
- Foster economic and human development which is socio-culturally and ecologically sustainable
  - Tourism
  - Development $ leverages for sustainable development initiatives
- Sustainable life styles are promoted
  - A good place to live and work!
- Help conservation of landscapes, ecosystems, species
- Capacity building (research & monitoring)
  - Networking power
  - Over 610 biosphere reserves in 117 countries
Current Projects

- Educational Resources
- Bras d'Or Web-based Atlas
- Bras d'Or Trail
- Display at the AGB National Historic Site
- Signage

Working together

- How the county can capitalize on this designation...
  - Signage: Use of the BR logo on branding of the county.
Promoting the designation

The South Mountain Arm of
Gold
Community Association
Proudly Supports The
UNESCO

Bras d'Or Lake
biosphere

Welcome • Faîte
Bienvenue • Pjila'Bi

Bras d'Or Lake
biosphere
Cape Breton Regional
Municipality

Explore the
wonders of our
watershed.

Watch for
the signs...
Questions & Comments

How can the CBRM capitalize on this designation?

Jim Foulds
contact@blbra.ca
www.blbra.ca
Request by Kenneth MacKeigan for an Amendment to the North End Sydney Secondary Land Use Bylaw:

**Motion:**
Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, approval to advertise Notice of a Public Hearing to be held at a future meeting of Council to consider an amendment to the North End Sydney Land Use Bylaw to allow one storey additions to the rear of buildings in the North End Residential (NER) Zone to be lower than the minimum height currently required. **Motion Carried.**
September 29, 2014

ISSUE PAPER

TO: General Committee of Council

FROM: Rick McCready, Senior Planner

RE: Request by Kenneth MacKeigan to amend the North End Sydney Secondary Land Use Bylaw to allow additions to the rear of buildings in the NER (North End Residential) Zone to be lower than the minimum height currently required – see attached letter dated September 19, 2014.

Mr. MacKeigan’s Request

Mr. MacKeigan wishes to construct a one storey addition to the rear of his property at 79 Charlotte Street. The bylaw currently requires that buildings in the NER (North End Residential) Zone be one and one half storeys in height, although there is an exception written in to the bylaw which allows additions that are not one and one half storeys provided that they are no larger than 25% of the total footprint of the building. Mr. MacKeigan’s proposed addition would exceed 25% of the total building footprint, and as a result cannot be permitted under the current bylaw.

Discussion

As Council is aware, the North End of Sydney is a unique residential area with many older homes which are one and one half or two and one half storeys in height. The bylaw was written so as to ensure that new buildings and additions to older buildings will fit into the character of the surrounding neighbourhood.

In the case of Mr. MacKeigan’s property at 79 Charlotte Street, however, the addition would be located entirely at the rear of the existing structure, and would not be visible form the street. It would not, in my opinion, detract from the historic character of 79 Charlotte Street or from the neighbourhood in general.
It is also worth noting that Mr. MacKeigan has already done a very fine job of renovating 79 Charlotte Street, and has in particular restored the stone foundation facing the street to its original condition. The addition at the rear of the building, although not visible form the street, will be clad in wooden shingles and will contain windows and mouldings to match the original structure that is adjacent to the street.

Recommendation

Staff recommends that Council grant approval to advertise an amendment to the North End Sydney Land Use Bylaw, as outlined in the attached resolution, to allow one storey additions to the rear of buildings in the North End Residential (NER) Zone.

Yours very truly,

Rick McCready, MCIP
Senior Planner
Resolution

of the

Cape Breton Regional Municipality

Pursuant to Section 204 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following amendment to the North End Sydney Secondary Land Use Bylaw:

To replace the existing wording of Section 4a of Part 4 with the following wording:

“All buildings in the NER Zone shall be a minimum of one and one half storeys in height, except that some portions of the building may be one storey in height, providing that they do not exceed 25% of the total building footprint, OR are located totally to the rear of the building”

PASSED AS A RESOLUTION by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _______________________

_________________________________  __________________________________________________
MAYOR                                    CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of a Resolution of the Cape Breton Regional Municipality, pursuant to Section 204 of the Municipal Government Act.

Deborah Campbell, Clerk
Hi Rick,

I'd like to propose a change to the North End zoning bylaw (Section 4) that would allow for a single story addition on the back of an existing structure.

Please let me know if I can provide any additional information to support this request.

Thanks, Ken

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Section 4  Height Requirements

a. All main buildings in the NER Zone shall be a minimum of one and one half storeys in height, as viewed from a minimum of two yards, one of which is the yard abutting the street, except that some portions of the building (i.e. attached garages, enclosed porches, solariums) may be less than 1 1/2 storeys in height provided that these lower portions cover no more than 25% of the building's total footprint.

b. All buildings in the NER Zone are subject to a maximum height of 35 ft.

Thanks, Ken

Ken Mackeigan
2599 Hillside Road
Marlon Bridge, N.S.
B1K 1C7
(902) 499-1285

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Breton Ability Centre – Request for CBRM Land:

Ms. Millie Colbourne, CEO for Breton Ability Centre (BAC), noted that members from the BAC Board (including Chair Mr. Terry Crawley) and the Senior Leadership Team were in attendance; she also introduced Mr. John Khatter, Legal Counsel, and Mr. Doug Foster.

Ms. Colbourne advised Council that Breton Ability Centre wishes to proceed with plans for a mixed housing development on the lands it currently owns and the lands of the former Cape Breton Hospital. She stated that the mixed housing development would be an inclusive, barrier free community called Celtic Landing.

Ms. Colbourne provided a presentation to Council regarding Celtic Landing, which included:

- Celtic Landing
- BAC Land Request
- About Breton Ability Centre
- Why?
- About Breton Ability Centre: Our Development
- Our Strategic Plan: Celtic Landing Mixed Housing Development
- Our Strategic Plan: Making Life Better for our Community
- Our Role in Social Prosperity for our Community
- Our Strategic Plan: Enhanced Living Model and Services
- Enhanced Living/Service Model: Celtic Landing
- Celtic Landing: Economic Benefits
- Request

Following a question and answer period, the following motion was put forth:

**Motion:**
Moved by Councillor Detheridge, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to approve, in principle, the request made by the Breton Ability Centre to declare the CBRM lands at the site of the former Cape Breton Hospital as surplus to the needs of the Municipality, and to sell them to BAC for $1.00 in accordance with the *Municipal Government Act*, subject to negotiations with the Province.

**Discussion:**
The Mayor noted that a staff Issue Paper will be triggered in the future because of the negotiations with the Province.

**Motion Carried**
October 28, 2014

Ms. Deborah Campbell
CBRM Clerk
320 Esplanade
Sydney, Nova Scotia  B1P 7B9

Dear Ms. Campbell:

Further to our September 23, 2014 letter, enclosed you will find the following documents in support of our presentation to Council members on November 3, 2014.

- Copy of Letters of September 23, 2014 and April 2, 2014
- Copy of presentation slides
- Copy of property appraisal by Stokes Property Appraisal
- Copy of Business Plan completed by Deloitte
- Note: The Environmental Assessment by CBCL and the WSP Traffic Impact Study were submitted previously (September 23, 2014)

Thank you for the opportunity to present to the General Committee of Council.

Sincerely,

[Signature]

Millie Colbourne, CEO
BRETON ABILITY CENTRE

cc  Ms. Marie Walsh, CFO
Mr. Michael Merritt, CAO
Mayor Cecil P. Clarke
April 2, 2014

Mayor Cecil P. Clarke
Cape Breton Regional Municipality
320 Esplanade
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

Re: Submission to: Cape Breton Regional Municipality Council:
  Acquisition of the former Cape Breton Hospital land from the Cape Breton Municipality

Mr. Mayor and Council, Breton Ability Centre is wishing to proceed with plans for a mixed housing development on the lands it currently owns and the lands of the former Cape Breton Hospital. This mixed housing development will be an inclusive, barrier free community called Celtic Landing. We are now requesting Council to convey the Former Cape Breton Hospital Site to Breton Ability Centre to enable development of this mixed housing community on the site.

Our rationale for requesting the sale of the land for one dollar ($1.00) is as follows:

1. Breton Ability Centre is a not for profit Society which has a vision to move away from large facility living for seniors and people with disabilities to an integrated, inclusive and barrier-free residential community. This is a major development which will fill a significant void in the diverse housing needs in CBRM.

2. The Celtic Landing Development will be a significant source of new CBRM tax revenue, with the first phase alone estimated to cost $13 million.

3. Each phase of Celtic Landing Development is estimated to create 75 construction jobs and 20 new permanent jobs, growing to 100 new permanent jobs by the end of the third phase.

4. CBRM Council has demonstrated its commitment to building jobs and assessment revenue by selling Morrison High to a for profit company for one dollar ($1.00) – International Centre for English Academic Preparation (ICEAP) in Glace Bay. ICEAP continues to generate CBRM tax revenue, local jobs in Glace Bay, economic spin-off from students and teachers in the
community, not to mention cultural enrichment with new people and activity in Glace Bay. Celtic Landing is a similar opportunity for a not for profit Society to create tax revenue where there is none, new jobs, and diversity in the community. Celtic Landing is targeted at the very demographic that is growing with CBRM.

5. CBRM demolished the old Cape Breton Hospital building on this site in the mid-nineties. Breton Ability Centre has done some preliminary research on that building site and is aware that the foundation of the former hospital is buried beneath the site. In order to develop the site, the foundation must be removed prior to construction. There is a significant cost to removal of the foundation, which has to be done prior to any development, and this cost needs to be reflected in any purchase price.

6. Breton Ability Centre has hired CBCL Consultants to undertake an environmental assessment of this site. There are some environmental constraints to this site, including a small burial ground which must be respected and the buried foundation of the Cape Breton Hospital will have to be remediated.

7. Breton Ability Center currently has easements over the Cape Breton Hospital site owned by CBRM to the existing Breton Ability Centre buildings, most of which go back to the original Braemore Home inception. This property is unlikely to be of interest to other potential developers, unless the developer is an abutter to the property. Any substantial development of this property will require dealing with these easements as well as finding a new road access to the existing site. Breton Ability Centre has rights of access for sewer, road, water and power, and could not be sold by CBRM for development without an agreement of some kind with BAC to deal with these issues. BAC's proposal is uniquely suited to an integrated solution encompassing housing, traffic and piped services in Sydney River.

8. Breton Ability Centre is aware of CBRM's plans for active transportation trail development along Sydney River Waterfront, as part of the Trans Canada Trail development, and supports this concept as it fits well with the integrated residential development of this site on Sydney River waterfront. The active transportation corridor can be continued from the South side of the Sydney Bypass, under the Highway, along the River, through the Keltic Plaza (Tidan Corporation) river frontage, under the railway bridge, through NS Department of Transportation Land to Keltic Drive at the site of the Sydney River Bridge, now under construction. We understand that there will be an active transportation connection across the new bridge, as well as under the bridge along the river.

9. The property does not, at present have an adequate road access for any significant new development, and the smaller .5 acre property owned by BAC near the current entrance would require an agreement with BAC for further access to the larger parcel from the #125 access ramp. NSTIR would almost certainly block significant development, if it were only by way of the
existing access, and no development would be viable with the existing right-in, right out access to the Highway ramp.

10. BAC has invested significant time, effort and money in resolving the access issue since October, 2013 as a necessary requirement for the Celtic Landing Development. We recognized that a development at this site requires a better alternate access to Kings Road. BAC has worked with abutting property owners, including Keltic Plaza, Sydney Credit Union, Sobeys, Petro Canada, Tim Horton’s, the car wash and Riverside Developments, which owns the site adjacent Tim Horton’s. BAC is the most logical, if not the only, potential purchaser of this property for development. The property is worth little or nothing without these road access problems resolved, and presently generates no property tax revenue for CBRM. BAC is realistically the only owner that could develop the entire 31 acre site as a comprehensive development that will integrate and complement adjoining businesses.

11. The solution of the access problem for Breton Ability Centre involves multiple businesses and land, so Breton Ability Centre has held many meetings with the local TIR staff, as well as the Minister responsible for NS Department of Transportation and Infrastructure Renewal. Solving the problem of a second access to this site is essential for a successful site development. This would also address the problem of high accident rate and dangerous left turning movements on Kings Road from Keltic Drive to the Bypass with multiple land owners/businesses. BAC has demonstrated their commitment to this concept by working with these stakeholders and the Nova Scotia Department of Transportation to a point where the Minister of Transportation has committed to an Engineering study to design a solution, not only for BAC, but for the traffic hazards in this area of Kings Road.

We believe we are offering a significant development to CBRM that will address many social housing needs in our communities and also offer an increased tax base to CBRM. We would appreciate your consideration and decision on this request as soon as possible.

Respectfully Submitted,

Millie Colbourne, CEO

Terry Crawley, Chair of the Board
BRETON ABILITY CENTRE
September 23, 2014

Mayor Cecil P. Clarke
Cape Breton Regional Municipality
320 Esplanade
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

Re: Addendum to Letter of April 2, 2014
Acquisition of the former Cape Breton Hospital land from the
Cape Breton Regional Municipality

Mr. Mayor & Council;

Further to our April 2, 2014 submission (attached) regarding our request for council to declare the lands of the former Cape Breton Hospital surplus and sell them to Breton Ability Centre for $1.00 in accordance with the Municipal Government Act., we wish to provide the following update:

1. **Access Road:** Attached you will find the WSP Engineering Study that has identified a solution to the access issue that needed to be addressed in order for any future development to occur on this site. It is important to note that representatives from TIR were at the table with us in identifying this solution. They have also advised that this solution fits with their overall plans to address the traffic issue on Kings Road. This solution can also proceed on its own and tie into those future plans at a later date.

2. **TIR:** We have met with Minister Geoff MacLellan to brief him on this study and TIR involvement moving forward. The final WSP Report was forwarded to TIR within the past few days. We will be working with them to move forward on this access road as soon as possible.
3. **Environmental Assessment:** A copy of the letter regarding the Environmental Assessment completed by CBCL is attached for your review. This study did not find any significant environmental concerns for these properties.

4. **BAC:** Breton Ability Centre is a not-for-profit society. We are a major contributor to the economy of CBRM as well as being a leading service provider for persons with disabilities in this region. We are committed to working with government as services for persons with disabilities are transformed.

5. **Government-Services for Persons with Disabilities:** The Government of NS has started a transformation of Services for Persons with Disabilities in NS. That plan will see less reliance on large facilities such as BAC. The commitment is to move to community living. BAC must be in a position to respond and to prepare for the eventual closing of the large facility. We must transform our services and supports to individuals with disabilities. We must also seek out new business opportunities. Our vision for Celtic Landing – a mixed housing development is the beginning. We now have a Business Development Officer working with us so that our organization continues to excel, we protect and grow jobs and continue to be a major contributor to our economy.

6. **Land Transfer:** As a not for profit society we are requesting our land transfer request be treated in the same manner as was the sale of Morrison High. This is a significant opportunity to create tax revenue, new jobs and diversity in the community. Part of Celtic Landing is also targeted at the very demographic (seniors) that is growing in CBRM.

7. **BAC:** Breton Ability Centre is a dynamic organization that is evolving into a centre of learning and excellence. We recently attained Bronze Level status with Excellence Canada with 97% alignment to their standard. It is our intent to be good neighbours, partners with all levels of government, other service providers and our partners in the community to help grow the economy and enhance social prosperity in our region.
We have completed considerable research and other work to help move this request forward. We would be pleased to provide any further information if required.

We therefore respectfully request that Council declare these lands surplus and sell them to BAC for $1.00 in accordance with the Municipal Government Act.

Sincerely,

Millie Colbourne, CEO

cc Deborah Campbell, CBRM Clerk
     Marie Walsh, CBRM – CFO
     Councillor Claire Detheridge

Attachments:  Copy of Letter – April 12, 2014
                WSP Report
                Environmental Assessment, CBCL
Recreation Master Plan:

The Manager of Engineering and Public Works provided background information concerning this issue. He stated that the development of a Recreation Master Plan was identified in the 2012 Integrated Community Sustainability Plan and has since been discussed during Budget Sessions and the Organizational Review. As directed by Council, a Request for Proposals was developed for a consultant to lead the process.

Staff recommended a Steering Committee be created to select the Consultant and provide oversight direction and feedback framework during the Consultation process. It was suggested the Committee consist of Councillors and CBRM staff members from the Departments of Public Works, Recreation and Planning to provide technical information to the oversight process.

Motion:
Moved by Councillor Saccary, seconded by Councillor Deputy Mayor George MacDonald, that a recommendation be made to Council to create a five person Steering Committee for the implementation of the Recreation Master Plan to consist of the following members:
- Two (2) Councillors appointed immediately by Council;
- One (1) Manager of Public Works, Parks and Grounds (Chair);
- One (1) Manager of Recreation;
- One (1) Manager of Planning

*Discussion took place concerning the main motion suggesting there should be three (3) Council members appointed to the Steering Committee to represent Central, North, and East Divisions of CBRM. The Following Amendment was then put forth;

Amendment on Main Motion:
Moved by Councillor Detheridge, seconded by Councillor Eldon MacDonald to appoint three (3) Council members to the Steering Committee to represent Central, North, and East Divisions of the CBRM.
Amendment Defeated (Tied Vote)

The Mayor called for the vote on the Main Motion.
Motion Carried.

Due to the time sensitivity, the Mayor called for nominations for the two Councillors for the Steering Committee:

Councillor Prince nominated Councillor Saccary, seconded by Councillor Doncaster.
Councillor Saccary accepted the nomination.

Deputy Mayor George MacDonald nominated Councillor Cormier, seconded by Councillor Detheridge.
Councillor Cormier accepted the nomination.

Continued....
Recreation Master Plan Cont'd:

Councillor Paruch nominated Deputy Mayor George MacDonald, however Deputy Mayor George MacDonald declined the nomination.

Councillor Detheridge nominated Councillor Rowe, seconded by Councillor Cormier. Councillor Rowe accepted the nomination.

Councillor Paruch nominated Councillor Eldon MacDonald, seconded by Councillor MacLeod. Councillor Eldon MacDonald accepted the nomination.

Councillor Rowe nominated Councillor Keagan, seconded by Councillor Prince. Councillor Keagan accepted the nomination.

Hearing no more nominations, nominations ceased, the Mayor advised that the vote would take place at the end of the meeting.

Later in the meeting, the Clerk circulated ballots and the Mayor advised Councillors to vote for not more than two Candidates.

The Clerk and Solicitor left the meeting to tally the votes. Upon their return, the Mayor advised that Councillors Saccary and Cormier have been selected as the two Councillors to sit on the Steering Committee for the Recreation Master Plan.
TO: CBRM Council

October 2014

RE: Recreation Master Plan

Introduction

Identified as required in the 2012 Integrated Community Sustainability Plan, discussed during the Council budget sessions, and during the CBRM organizational review, the need for the development of a Recreation Master Plan was identified in presentations by both the Department of Engineering and Public Works (parks operations) and the Department of Recreation. By Council directive, the Chief Administration Officer was asked to develop a request for proposal for a consultant to lead the public process to develop the master plan.

Steering Committee

The Recreation Master Plan is a vital policy tool for the future provision of recreation services. If its broad implications are to meet the high expectations of both Council and the community, the process must hear from all stakeholders. It is critical that a Steering Committee be created with Council representation to select the consultant, provide oversight direction and feedback framework during the consultation process. The committee will also require input from key staff members of public works, recreation and planning to provide technical information to the oversight process.

Recommendation

The following recommendation is made for consideration of Council:

That Council create a five (5) person Steering Committee for the implementation of the Recreation Master Plan.

Two (2) Councillors appointed immediately by Council;
One (1) Manager, Public Works Parks and Grounds; (chair)
One (1) Manager, Recreation;
One (1) Manager, Planning.
The committee will be responsible for:

1. The selection of the consultant.
2. Provide oversight and feedback to the consultant(s)
3. To ensure the consulting process includes the broad public interest in recreation services.
4. That all stakeholders have opportunity to have their interest communicated during the process. (see Appendix A)

Bill Murphy,
Manager
Engineering & Public Works
Appendix A

Recreation Master Plan
Scope of Work

It is expected the successful consultant or consulting team shall:

- develop, design and produce a ten-year Master Plan for the delivery of municipal facilities and grounds that will support a full range of leisure activities appropriate for a region with the demographic characteristics of the CBRM;

- undertake a comprehensive public consultation process to solicit input into future leisure service requirements in the communities across the region;

- review existing studies and all relevant information regarding the facilities and programs under the municipalities current responsibility;

- consult with key stakeholders to develop specific leisure service requirements;

- prepare a draft copy of the Master Plan for presentation and review by the Project Management Steering Committee;

- present approved draft copy to the CBRM General Committee; and

- after feedback on the draft document by the General Committee, present the final document to Council during a public meeting of the CBRM Council.
“J-Class Roads” – 2015/2017 Cost Share Paving Agreement:

The Manager of Engineering Services provided background information to this issue. Mr. Hardy advised Council that CBRM’s “J-Class” Subdivision Roads cost share paving agreement with the Nova Scotia Department of Transportation and Infrastructure Renewal will expire on March 31st, 2015 and they require confirmation CBRM’s interest in continuing to participate in the cost sharing program. He also noted that CBRM funding will be subject to annual budget approval.

Motion:
Moved by Councillor Saccary, seconded by Councillor Detheridge, that a recommendation be made to Council to authorize the Mayor and Municipal Clerk to sign the three (3) year Provincial Cost Share Agreement for the Paving of “J-Class” Subdivision Streets.
Motion Carried
TO: General Committee

November 3, 2014


The Cape Breton Regional Municipality’s current “J-Class” Subdivision Roads cost share paving agreement with the Nova Scotia Department of Transportation and Infrastructure Renewal expires on March 31st, 2015.

Nova Scotia Department of Transportation and Infrastructure Renewal are now requesting confirmation of Cape Breton Regional Municipality’s interest in continuing to participate in the cost share paving of “J-Class” Subdivision Roads Program.

“Signing the outline agreement in no way commits the municipality to the cost sharing of the paving of any (“J-Class”) sub-division roads, unless an approved list is accepted in any fiscal year of the agreement. However, not having a signed agreement on file will prevent the municipality from requesting any sub-division (“J-Class”) paving under this program for the next three fiscal years.”

Recommendation:

Council approve a “motion of Council” to authorize the Mayor & Municipal Clerk to sign the 3 Year Provincial “Cost Share Agreement for the Paving of “J-Class” Subdivision Streets.

We respectfully request a motion of Council to adopt the “J-Class Roads” – 2015/2017 Cost Share Paving Agreement” recommendation.

Respectfully submitted:

Bruce Hardy, c.e.t.,
Manager Engineering Services
Department of Transportation & Infrastructure Renewal  
Capital Programs

September 18, 2014

Ms. Marie Walsh  
A/Chief Administrative Officer  
Cape Breton Regional Municipality  
320 Esplanade  
Sydney, NS B1P 7B9

Dear Ms. Walsh:

RE: THREE YEAR COST SHARE AGREEMENT FOR SUBDIVISION STREETS

The current three year agreement for the paving of subdivision streets expires March 31, 2015. Attached are two copies of the new three year agreement to be entered into with the Minister of Transportation and Infrastructure Renewal in order to continue this program.

The document will cover the terms of the agreement but will not list any specific subdivision roads that are to be paved. For each of the three years covered by the agreement, the Municipality will be asked to submit a prioritized list of roads for the next fiscal year. The Minister will return a letter advising of the approved roads for that fiscal year. Once the Municipality agrees to the approved list, it will become part of the agreement.

Please complete and affix Municipal Seal on the Resolution of Council authorizing the Mayor and a designate to sign the agreements, then have the Mayor and the designate sign both copies of the agreement, have witnessed, and affix the Municipal Seal. Please return all documents to me on or before October 31, 2014.

The Department requests that the Municipality return the attached agreement, whether or not you currently intend to submit subdivision roads for the program. Signing the outline agreement in no way commits the Municipality to the cost-sharing of the paving of any subdivision roads, unless an approved list is accepted in any fiscal year of the agreement. However, not having a signed agreement on file will prevent the Municipality from requesting any subdivision paving under this program for the next three fiscal years.

Yours truly,

Carol McKee  
Capital Program Administration Officer
Resolution of Council
Cost Share Agreement No. 2015-005

The following Resolution was passed at a meeting of the Council of the Cape Breton Regional Municipality on the ______ day of ________________ A.D., 2014.

Moved by: __________________________

Seconded by: _______________________

"That the Mayor and ___________________________ be authorized to sign Cost Share Agreement No. 2015-005"

Motion Carried.

I certify that the above Resolution was passed at the duly called meeting of the Cape Breton Regional Municipal Council on ________________ A.D., 2014.

______________________________
Signature

______________________________
Name (Print)

______________________________
Title

Municipal Seal
NOVA SCOTIA

Transportation and Infrastructure Renewal
Province of Nova Scotia

COST SHARE AGREEMENT NO. 2015-005

THIS AGREEMENT made this ______ day of ______________, 2014.

BETWEEN:

HER MAJESTY THE QUEEN in Right of the Province of Nova Scotia, represented in this behalf by the Minister of Transportation and Infrastructure Renewal for the Province of Nova Scotia (hereinafter called the "Province"),

OF THE ONE PART

- and -

CAPE BRETON REGIONAL MUNICIPALITY, a body corporate under the laws of the Province of Nova Scotia (hereinafter called the "Municipality"),

OF THE OTHER PART

WHEREAS the Province is of the opinion that certain Village and Subdivision Streets, under the jurisdiction of the Province, and located within the Municipality, are necessary and in the public interest;

AND WHEREAS by Memorandum to the Cabinet Number MH1104 dated May 12, 1988 the Executive Council approved a cost sharing paving program on these Village and Subdivision Streets;

AND WHEREAS the April 1996 Provincial-Municipal Service Exchange Agreement specified cost-sharing on Village and Subdivision Streets is set at a uniform 50-50% basis.
NOW THIS AGREEMENT WITNESSETH that in consideration of the covenants, promises and agreements herein contained to be by them observed, performed and paid, the parties mutually agree as follows:

1. **INTERPRETATION**

1.1 In this Agreement, unless something in the subject matter or context is inconsistent therewith, the following terms shall have the meanings set forth below:

(a) "Agreement" means this Agreement.

(b) "Business Days" means any day other than a Saturday, Sunday or a statutory holiday in the Province of Nova Scotia.

(c) "Fiscal Year" means the 12 month period beginning on April 1 and ending on March 31;

(d) "Paving" means the work of grading, gravelling, culvert work and required upgrading of Village and Subdivision Street to meet paving standard specifications. "Paving" also means the paving, repaving, or double chip sealing of the Village and Subdivision Streets. "Paving" shall also include pre-engineering, and/or design costs, on site engineering supervision and inspection and incidental costs from the edge of the roadway to the limit of the right of way. The work DOES NOT INCLUDE feasibility studies, the construction, reconstruction, relocation, repairs or adjustments of sidewalks, water lines, fire hydrants, sanitary sewers, sanitary sewer manholes, utility poles, street lighting or similar work;

(e) "Village and Subdivision Street" means the village and subdivision streets constructed prior to April 1, 1995 under the administration and control of the Province.

1.2 In this Agreement, unless something in the subject matter or context is inconsistent therewith, words importing the singular number shall include the plural and *vice versa*; words importing a gender shall include the masculine, feminine and neutral genders; and words importing persons shall include individuals, partnerships, companies, associations, trusts, government agencies and any other form of organization or entity whatsoever.

1.3 This Agreement shall be governed by and construed in accordance with the laws of the Province of Nova Scotia.

1.4 This Agreement, constitute the entire Agreement among the parties hereto with regard to the subject matter hereof and supersedes all prior agreements, understandings, representations or warranties, negotiations and discussions, whether oral or written, among the parties hereto with respect thereto, entered into prior to the date hereof, which are hereby terminated.
1.5 No amendment of this Agreement shall be binding unless in writing and signed by all of the parties hereto.

1.6 No waiver by any party hereto of any breach of any of the provisions of this Agreement shall take effect or be binding upon such party unless in writing and signed by such party. Unless otherwise provided therein, such waiver shall not limit or affect the rights of such party with respect to any other breach.

1.7 Time shall be of the essence of this Agreement.

2. TERM OF AGREEMENT

2.1 This agreement shall be effective for each of the following Fiscal Years:

(a) 2015-16
(b) 2016-17
(c) 2017-18

3. DESIGNATION AND ACCEPTANCE OF STREETS

3.1 On or before October 31 prior to the start of each Fiscal Year to which this Agreement applies, the Municipality shall provide to the Province a notice stating if it intends to participate in the Paving program for the Fiscal Year in question, and if so, which streets it wishes to be considered for Paving.

3.2 If the Province receives a notice under section 3.1 that the Municipality wishes to participate in the Paving program for a Fiscal Year, the Province shall review the request and notify the Municipality of the streets the Province accepts for Paving and the anticipated cost of such Paving ("Cost Estimate").

3.3 Within 20 Business Days after the delivery of the Cost Estimate to the Municipality, the Municipality shall notify the Province whether or not it accepts the list of approved streets and the related Cost Estimate.

3.4 If the Municipality does not provide a notice to the Province under sections 3.1 or 3.3 by the specified times, it shall be deemed to be notification that the Municipality does not wish to participate in the Paving program for the Fiscal Year in question.
3.5 The parties acknowledge that the extent to which the Province can accept streets for the program in any Fiscal Year is contingent upon the amount of funding the Paving program receives for the Fiscal Year and the number of municipalities that wish to participate in the Paving program.

4. ADDITIONAL WORK

4.1 If an approved street for the Paving Program requires that the Province make adjustments to manholes, catch basins or water valves, the Province shall make adjustments as part of the Municipalities request for Paving ("Additional Work"). The Municipality will be invoiced at the standard unit price for the required Additional Work.

5. MUNICIPALITY’S OBLIGATIONS

5.1 The Municipality shall be responsible for acquiring, at its sole expense, all additional land required for Paving and Additional Work, including any necessary licenses or leases.

5.2 The Municipality agrees to indemnify and save harmless the Province and its officers, employees and agents from all liabilities, fines, suits, claims, demands and actions, of any kind and nature for which the Province or its officers, employees or agents shall or may become liable or suffer by reason of any breach, violation or non-performance by the Municipality of any covenant, term or provision hereof or by reason of any death or injury of any person or any damage or destruction of any property resulting from any act, neglect or default on the part of the Municipality or any of its servants, employees, agents, invitees or licensees whatsoever.

6. PROVINCE’S OBLIGATIONS

6.1 Where the Municipality has accepted the list of approved street and the related Cost Estimate under section 3.3, the Province shall be responsible for tendering the Paving and Additional Work and for all construction oversight and management of the Paving and Additional Work.

6.2 The Province shall notify the Municipality in writing of any cost overruns in excess of ten (10%) percent of the Cost Estimate (the "Cost Overrun") within 10 Business Days of becoming aware of such Cost Overruns.

6.3 The Province shall provide the Municipality with statements of account for Paving and Additional Work upon completion of the contract (the “Statement of Accounts”).
7. **CONTRIBUTION AND PAYMENT**

7.1 The Municipality shall pay to the Province, within 60 days of submission of accounts by the Province to the Municipality:

(a) fifty percent (50%) of the total amount of the statement of account for Paving; and

(b) one hundred percent (100%) of the amount of the statement of account for Additional Work.

8. **NOTICES**

8.1 All notice, demand or other communication to be given in connection with this Agreement shall be in writing and shall be given by personal delivery, registered mail or by electronic means of communication addressed to the recipient as follows:

(a) to the Municipality at

Ms. Marie Walsh  
Chief Administrative Officer  
Cape Breton Regional Municipality  
320 Esplanade  
Sydney, NS B1P 7B9  
Tel (902) 563-5009  
Fax (902) 564-0481

(b) to the Province at

Carol McKee  
Capital Program Administration Officer  
Johnston Building, 1672 Granville St.  
P.O. Box 186  
Halifax, NS B3J 2N2  
Tel (902) 423-2303  
Fax (902) 424-0571
or, to such other address, individual or electronic communication number as may be designated by notice given by either party to the other in accordance herewith. Any demand, notice or other communication given by personal delivery shall be conclusively deemed to be given on the day of actual delivery thereof and, if given by registered mail, on the fifth business day following the deposit thereof in the mail and if given by electronic communication, on the day of transmittal thereof if given during normal business hours of the recipient and on the business day during which such normal business hours next occur if not given during such hours on any day. If the party giving any demand, notice or other communication knows or ought reasonable to know of any difficulties with the postal system which might affect the delivery of mail, any such demand, notice or communication shall not be mailed but shall be given by personal delivery or by electronic communication.
IN WITNESS WHEREOF the Province has hereunto subscribed its hand and affixed its seal and the Municipality has set and affixed its corporate seal authenticated by the signatures of the Mayor and the witness hereunto duly authorized.

SIGNED, SEALED and DELIVERED in
The presence of:

Witness

[Signature]

Her Majesty the Queen, in Right of the Province of Nova Scotia as represented by the Minister of Transportation and Infrastructure Renewal

Cape Breton Regional Municipality

Witness

[Signature]

Mayor Cecil Clarke

Witness

[Signature]

Resolution of Council Designate
Request for Deed:

Property at 48 Verrier Crescent, Louisbourgh:

The Regional Solicitor provided background information concerning this issue.

Motion:
Moved by Councillor Saccary, seconded by Councillor Detheridge, that a recommendation be made to Council to issue a Quit Claim Deed from CBRM to Eric and Leta Trimm for the property identified as 48 Verrier Crescent, Louisbourgh, provided CBRM does not absorb any fees or costs associated with the conveyance.

Motion Carried
TO: General Committee
FROM: Demetri Kachafanas
Regional Solicitor
SUBJECT: Request for Deed / Eric Trimm and Leta Trimm
Property at 48 Verrier Crescent, Louisbourg, Nova Scotia
PID 15660756
My File No. 07070
DATE: November 3rd, 2014

The legal department received a request for a Quit Claim Deed from the CBRM for property located at the above-noted address. The request is from the current property owners, Eric Trimm and Leta Trimm. It has been discovered through a search of title that portion of their property is still registered in the name of the Cape Breton Regional Municipality.

Back in July of 1995 Eric and Leta Trimm requested a small portion of land from the Town of Louisbourg. It was believe that this was taken to council, however, there is no record indicating it was formerly approved. Amalgamation was August 1st, 1995 and it appears this matter was not brought forward. The property intended to be conveyed contained 4106 sq. feet. At that time Eric and Leta Trimm retained and paid for the survey. The lot in issue is shown outlined in yellow on Plan M-4092 attached herein. The intention at that time was to consolidate Parcel “A” with another parcel of land (Lot 14) held by the said property owners. On June 30th, 1995, Cape Breton Metro Planning Commission granted final approval for Lot 14-A. The plan of Subdivision and Consolidation was registered at the Registry of Deeds on July 17th, 1995 as plan M-4092. Unfortunately, the deed from the Town of Louisbourg was never registered. Paper title to Parcel “A” is still vested in the name of Cape Breton Regional Municipality, successor to the Town of Louisbourg. Mr. and Mrs. Trimm have resided on the property since they purchased the said land back in 1995 and have been paying the property taxes on the whole lot, Lot 14-A.
Mr. and Mrs. Trimm are interested in clearing title and establishing the correct description to their property. They are seeking a Quit Claim Deed from the CBRM to resolve their title issue. It appears that this matter “fell thru the cracks” during the time of Amalgamation with the Town of Louisbourough on August 1st, 1995.

The legal department did a full review of the applicable deeds and descriptions affecting this property and agree with the findings of Eric and Leta Trimm that the deed from the Town of Louisbourough was never registered at the Registry of Deeds office transferring title for Parcel “A” to Eric and Leta Trimm.

Attached please find the following:

(a) A copy of Plan showing subdivision/Amalgamation of lands of Eric & Leta Trimm & The Town of Louisbourough, Verrier Crescent, Louisbourough, NS, registered on the 17th day of July, 1995 as Plan # M-4092.
(b) A copy of Plan M-467 showing lot 14.
(c) A copy of the Grant to Eric and Leta Trimm for Lot 14.
(d) A copy of the map from Parcel Finder showing the property in issue as one lot.
(e) A copy of Property Online Map showing the property (PID 15660756) as one consolidated lot (Lot 14-A)

It is my recommendation a Motion be granted to issue a Quit Claim Deed to Eric and Leta Trimm for the property identified as 48 Verrier Crescent, Louisbourough, provided CBRM does not absorb any fees or costs associated with the conveyance.

Thank you.

Sincerely,

[Signature]

DEMETRI KACHAFANAS
Regional Solicitor

DK/spk
Attachments(5)
GRANT

by

HER MAJESTY THE QUEEN

to

ERIC JUSTIN TRIMM
and
LETA TRIMM

Lot 14 Plan S-966, Public Works Canada,
Town of Louisbourg, County of Cape Breton,
Province of Nova Scotia.

DATED ...... 25th March, 1988
RECORDED ... 25th March, 1988

Film 598 Document 112

David O. Kirchmayer
DEPUTY REGISTRAR GENERAL OF CANADA
ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

[Signature]
FOR DEPUTY ATTORNEY GENERAL

(25)
TO ALL TO WHOM these Presents shall come,

GREETING:

WHEREAS the lands hereinafter described are vested in Us in right of Canada.

AND WHEREAS the said lands are not required for public purposes and under and by virtue of the statutes in that behalf and pursuant to authority duly granted by Our Governor in Council, the said lands or the interest therein that is or may be vested in Us for the uses of Canada have been disposed of to ERIC JUSTIN TRIMM and LEFA TRIMM, both of the Town of Louisbourg, in the County of Cape Breton, in the Province of Nova Scotia, hereinafter called the grantees, as joint tenants, at and for the price or sum of Forty-Five Thousand Dollars.

NOW KNOW YE that We do by these Presents grant, convey and assure unto the grantees, as joint tenants and not as tenants in common, ALL AND SINGULAR:-

LOT No. 14

ALL that lot of land situated in the Town of Louisbourg, County of Cape Breton, Province of Nova Scotia, shown as Lot No. 14 on Public Works Canada Plan S-966 dated April 3rd, 1981, signed by Ivan P. MacDonald, D.L.S., P.L.S., and being more particularly described as follows:

BEGINNING at a Point on the Southerly limit of a road and being the most Northerly angle of Lot No. 15 as shown on the above mentioned plan;
THENCE by the said road limit on an azimuth of 60°-35.6', 73.7 feet to a point;

THENCE by a boundary of Lot No. 38, 126°-45.5', 125.7 feet to a point;

THENCE by a boundary of Lot No. 38, 240°-35.6', 124.5 feet to a point at the most Easterly angle of Lot No. 15;

THENCE by the Northeasterly boundary of Lot No. 15, 330°-35.6', 115.0 feet to the Point of Beginning.

Containing an area of 0.26 acre more or less.

All azimuths refer to astronomic North.

TO HAVE AND TO HOLD the said lands unto the grantees and the survivor of them and his heirs, forever; saving, excepting and reserving unto Us, Our Heirs and Successors, the free use, passage and enjoyment of, in, over and upon all navigable waters that now are or may be hereafter found on or under or flowing through or upon any part of the said lands.

GIVEN under the Great Seal of Canada.

WITNESS:

ANTHONY P. SMYTH, Esquire, Deputy of Our Right Trusty and Well-beloved Jeana Sauvé, a Member of Our Privy Council for Canada, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit upon whom We have conferred Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.
AT OTTAWA, this twenty-fifth day of March in
the year of Our Lord one thousand nine hundred and
eighty-eight and in the thirty-seventh year of Our Reign.

BY COMMAND,

David D. Kirkman
DEPUTY REGISTRAR GENERAL
OF CANADA

FOR DEPUTY MINISTER
OF PUBLIC WORKS

Province of Nova Scotia
Office of Registry of Deeds
Cape Breton, N.S.
Sydney

I certify that the within instrument was registered in
office at 3:35 P.M., this day in Book 1556 page 984
in lieu of the
foregoing certificate.

Registrar of Deeds
Request for Deed:

Property at 22 Argyle Street, Glace Bay:

The Regional Solicitor provided background information concerning this issue.

Motion:
Moved by Deputy Mayor George MacDonald, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to issue a Quit Claim Deed from CBRM to Mr. William Francis MacNeil for the property identified as 22 Argyle Street, Glace Bay, provided CBRM does not absorb any fees or costs associated with the conveyance.

Motion Carried
The legal department received a request and support material for a Quit Claim Deed from the CBRM for property located at the above-noted address. The letter of request is from the law firm of Crosby Burke & MacRury, representing the interest of the current property owner, William Francis MacNeil. It has been discovered through a search of title that errors were made in the legal description contained in a Tax Deed from the Town of Glace Bay to Mr. MacNeil’s grandfather. The Tax Deed was registered in 1945. The property has been in the MacNeil family since that time. The Town of Glace Bay acquired the correct description by virtue of the tax sale however, the Town used the wrong description when the property was transferred over to the MacNeil family.

Mr. MacNeil is interested in clearing title and establishing the correct description to his property. He is seeking a Quit Claim Deed from the CBRM to resolve his title issue.

Attached please find the following:

(a) A copy of a portion of survey showing the property owned by Mr. MacNeil;
(b) A copy of the Legal description for the property;
(c) A copy of map from Parcel Finder showing the property in issue.
The legal department did a full review of the applicable deeds and descriptions affecting this property and agree with the findings of Mr. MacNeil's solicitor that an erroneous legal description was use in the Tax Deed to Mr. MacNeil grandfather back in 1945.

It is my recommendation a Motion be granted to issue a Quit Claim Deed to William Francis MacNeil for the property identified as 22 Argyle Street, Glace Bay, provided CBRM does not absorb any fees or costs associated with the conveyance.

Thank you.

Sincerely,

DEMETRI KACHAFANAS
Regional Solicitor

DK/spk
Attachments(3)
All that certain lot or parcel of land situate lying and being in the Town of Glace Bay, County of Cape Breton and Province of Nova Scotia more particularly described as follows:

Beginning at a point on the northern limit of the right of way of the Sydney and Louisbourg Railway at the boundary line between the lands of Angus Currie and that of A. D. MacLeod;

Thence along said boundary north 62 degrees west 100 feet to Argyle Street;

Thence northerly along said street 128 feet to the boundary line between the land of the said Angus Currie and that of William Blackman;

Thence south 38 degrees east along said boundary 100 feet to the right of way of the Sydney and Louisbourg Railway;

Thence southerly along said right of way 87 feet to the place of beginning.

Excepting and reserving therefrom all that certain lot conveyed by William E. Bates and wife to William J. Bates by deed dated January 6th, 1903, registered at Sydney in Book 114 at page 414 and described as follows:

All that certain lot or parcel of land situate, lying and being in the Town of Glace Bay, in the County of Cape Breton and more particularly described as follows:

Commencing at a point on the right of way of the Sydney and Louisbourg Railway and at the division line between lands at present owned by the said William E. Bates and lands of one William Blackman;

Thence along said division line north 38 degrees west 100 feet more or less to the line of an unnamed street;

Thence along said street in a southerly or southwesterly direction 64 feet to a point;

Thence in a southeasterly direction 100 feet more or less till it strikes the right of way aforesaid at a point 43 feet and six inches distant in a southerly direction from the point of commencement;

Thence along the said right of way in a northerly direction 43 feet and six inches to the place of beginning.

Being the same lot of land conveyed or intended to be conveyed by the said William E. Bates and wife to the said William J. Bates by deed bearing even date with these presents and duly recorded in the Registry of Deeds Office at Sydney in Book 109, page 517.
### INCOME STATEMENT

**September 30, 2014**

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Year To Date Assigned</th>
<th>6 Month Budget</th>
<th>6 Month Budget Variance</th>
<th>Annual Budget</th>
<th>Annual Budget Remaining</th>
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<tbody>
<tr>
<td>Total Taxes</td>
<td>$49,917,718</td>
<td>$49,784,550</td>
<td>$133,168</td>
<td>$99,569,100</td>
<td>$49,651,382</td>
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<td>1,006,694</td>
<td>503,347</td>
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<td>Total Provincial Government</td>
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<td>455,412</td>
<td>-</td>
<td>910,824</td>
<td>455,412</td>
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<tr>
<td>Total Provincial Government Agencies</td>
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<td>-</td>
<td>2,771,664</td>
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<td>Total Services to Other Local Government</td>
<td>170,714</td>
<td>170,714</td>
<td>-</td>
<td>341,427</td>
<td>170,714</td>
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<td>Total Transit</td>
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<td>511,000</td>
<td>(65,806)</td>
<td>1,022,000</td>
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<td>Total Environmental Development Services</td>
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<td>192,250</td>
<td>(16,955)</td>
<td>384,500</td>
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<td>Total Licenses &amp; Permits</td>
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<td>120,250</td>
<td>(44,711)</td>
<td>240,500</td>
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<td>Total Fines &amp; Fees</td>
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<td>1,223,356</td>
<td>38,477</td>
<td>2,446,712</td>
<td>1,184,879</td>
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<td>Total Rentals</td>
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<td>288,000</td>
<td>(10,823)</td>
<td>576,000</td>
<td>298,823</td>
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<td>Total Concessions &amp; Franchises</td>
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<td>172,500</td>
<td>22,953</td>
<td>346,000</td>
<td>149,547</td>
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<td>Total Return on Investments/Interest on Taxes</td>
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<td>625,250</td>
<td>(29,314)</td>
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<td>(2,923)</td>
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<td>268,904</td>
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<td>Total Recreation &amp; Cultural Service Programs</td>
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<td>570,962</td>
<td>(222,527)</td>
<td>1,985,105</td>
<td>1,636,670</td>
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<td>2,475,755</td>
<td>(0)</td>
<td>4,951,510</td>
<td>2,475,755</td>
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<td>Total Unconditional Transfers</td>
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<td>7,967,919</td>
<td>(2,453)</td>
<td>15,935,838</td>
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<td>1,922,216</td>
<td>(0)</td>
<td>3,844,432</td>
<td>1,922,216</td>
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</table>

| Year To Date Assigned            | $71,011,698 | $70,943,708 | $67,990 | $142,730,596 | $71,718,898 |

*Signature: Marci Durham*

*Reviewed: [Signature]*
<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Year to date Expended</th>
<th>6 Month Budget</th>
<th>6 Month Budget Variance</th>
<th>Annual Budget</th>
<th>Annual Budget Remaining</th>
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<tr>
<td>Legislative</td>
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<td>$772,985</td>
<td>$143,100</td>
<td>$1,395,028</td>
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|                              | Total expended to date | $63,624,357 | $67,282,101 | $3,657,745 | $142,730,596 | $79,106,239 |

Signature: [Signature]

Departmental Reviewed: [Signature]
CAPE BRETON REGIONAL MUNICIPALITY

NOTICE

By-Law for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, November 18, 2014** at 6:00 p.m., at the Council Chambers, Civic Centre, 2nd Floor, 320 Esplanade, Sydney, NS:

<table>
<thead>
<tr>
<th>By-Law</th>
<th>Intent</th>
</tr>
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| Amendments to the Dog By-law | • To amend the park requirements section of the guidelines for off-leash dog parks in CBRM;  
• To only exempt, from fencing, the off-leash trail area of Rotary Park due to the size of the park area. |

The above By-law may be inspected at the Clerk’s Office, 4th Floor, Room 403, Civic Centre, 320 Esplanade, Sydney, N.S.

Signed: Deborah Campbell  
Municipal Clerk  
November 1, 2014
Amendment to CBRM Dog By-law:

**Motion:**
Moved by Councillor Eldon MacDonald, seconded by Councillor Prince, that the proposed amendments to Appendix ‘A’ of the Dog By-law (Guidelines for Off-Leash Dog Parks in CBRM) to incorporate under Park Requirements, subsection 2: “The only exception to this rules shall apply to the off-leash trail area of Rotary Park which is approximately 3.5 hectares in size” be approved for first reading.

**Motion Carried.**
MEMO

TO: Mayor Clarke and CBRM Council

FROM: Mary Ann Vuletich, Assistant By-Law Manager

DATE: October 7, 2014

SUBJECT: Amendment to CBRM Dog By-Law

Origin:

At the Council meeting on September 23rd, 2014, the following Motion was passed:

**Motion:**
Moved by Councillor Eldon MacDonald, seconded by Councillor Detheridge, approval of the continuation of the off-leash dog area at Rotary Park, indefinitely, with no requirement for fencing the perimeter of the Park area, and to also continue with the current on-leash trail area of the Park.

**Motion Carried.**

Purpose:

In order to finalize Council's Motion with respect to the approval of the continuation of the off-leash dog area of Rotary Park with reference to the non-fencing of the perimeter of the Park area, Staff is recommending that the CBRM Dog By-Law be amended to accommodate this change.

Recommendation:

That the following amendment be incorporated under Appendix-A, Guidelines for Off-Leash Dog Parks in CBRM, under Park Requirements, subsection 2 and to read as follows:

"The only exception to this rule shall apply to the off-leash trail area of Rotary Park which is approximately 3.5 hectares in size".

Mary Ann Vuletich
Assistant By-Law Manager
APPENDIX-A

Guidelines for Off Leash Dog Parks in CBRM

Introduction:

Traditionally suburban and rural areas of our community contained most of the pet population; however there has been an increase in pet population and urbanization over the past 15 years.

As the dog population increases along with development, regulations are needed for pet owners and facilities need to be provided to allow pet owners and their canine companions to exercise together.

The provision of ample space for human/dog companion recreation promotes the well-being of both dog and human.

Definition:

Dog Park- A dog park is a fenced area set aside for dogs and their owners to exercise and play off-leash in a controlled environment.

Mission:

To provide a fun, safe and friendly environment for dogs to exercise and play with other dogs and provide a place for citizens of CBRM to socialize with other dog owners.

Goals:

In creating an off leash dog park it is hoped to accomplish these goals;

1. To allow registered, not-for-profit groups and others to form and operate off leash dog parks in our communities.

2. To develop easily maintained space, open to all dog lovers and friends who are willing to uphold the group’s park rules and restrictions.

3. To view these parks as community projects in partnership with CBRM, designed to satisfy the needs of dog owners and non-dog owners.
Park Requirements:

1. An off-leash dog park shall be a minimum of 20,000 square feet in area to allow ample space for multiple dogs and their owners to enjoy the space.

2. The perimeter of the park shall be fenced a minimum of 4ft. high and provided with a double entry gated system. 

   "The only exception to this rule shall apply to the off-leash trail area of Rotary Park which is approximately 3.5 hectares in size".

3. Parks shall be provided with signage indicating rules of the park as established by the organization responsible for its operation.

4. Provisions shall be made for the disposal of garbage and dog waste at the entrance to the gate entry.

5. Hours of operation shall be posted which shall require off-leash dog parks to be closed at dusk and not to open any earlier than 8:00AM.

6. Parks shall not be located within 500 feet of a residence.
Cape Breton Regional Municipality

“CBRM Cambridge Suites Day”

Whereas: On November 27th, 2014 the Management & Staff at the Cambridge Suites, Sydney will be celebrating their 25th Anniversary in business;

And Whereas: In commemoration of this milestone event, a celebration will include live music, excellent cuisine and memories dating back to 1989 when the hotel first opened its doors;

And Whereas: The Cambridge Suites have made a truly positive impact on the communities within the Cape Breton Regional Municipality and beyond;

And Whereas: This unique facility offers a design conducive to productivity, relaxation and amenities that meet the needs of both the planner and the attendees as well as the perfect spot that places guests in the center of what is most important in terms providing the perfect spot to start and end the day;

And Whereas: The Management and Staff of the Cambridge Suites are well known for their commitment to fine dining, commitment to their community, love for hospitality and a sound approach to business;

And Whereas: Since their official opening in 1989, the Cambridge Suites Hotel has strategically grown into one of the finest amenities in the CBRM;

Be It Therefore Resolved: That Mayor Cecil P. Clarke and CBRM Council proclaim Thursday, November 27th, 2014 as “Cambridge Suites Day” in the Cape Breton Regional Municipality and extend sincere congratulation to General Manager, Michelle Bianchini & her dedicated staff on the celebration of their 25th Anniversary.

Councillor Eldon MacDonald – District #5 – CBRM

November 18th, 2014
Proclamation

“Diabetes Awareness Month”

Whereas: Diabetes is a serious condition affecting more than 382 million people worldwide, and

And Whereas: More than nine million Canadians lives with diabetes or prediabetes, and

And Whereas: This means one in four Canadians either has diabetes or prediabetes, and 103,000 Nova Scotians currently lives with diabetes, and

And Whereas: The cost of diabetes in Canada is approximately $13.5 billion and is expected to rise to $17 billion by 2024, and

And Whereas: The cost of diabetes in Nova Scotia is approximately $428 million and is expected to rise to $501 million by 2024, and

And Whereas: There is a great need to raise funds for research into better methods of treatments, and ultimately a cure, and

And Whereas: The Canadian Diabetes Association is leading the fight against diabetes by helping people with diabetes live healthy lives while working to find a cure, and

And Whereas: Maintaining positive health and wellness can in many cases lead to the prevention of prediabetes and type 2 diabetes as well as better diabetes management, and

And Whereas: This year, the Diabetes Awareness Month campaign focuses on prevention and early detection of prediabetes and type 2 diabetes and people across Canada are being encourage to take the CANRISK test at DontBeRisky.ca, and

...Continued
And Whereas: The Canadian Diabetes Association encourages governmental and non-governmental organizations to observe Diabetes Awareness Month and recognize World Diabetes Day in order to raise public awareness of diabetes and its related complications,

And
Be It Therefore
Resolved: That the CBRM Council proclaim the month of November 2014 as Diabetes Awareness Month and November 14th, 2014 as World Diabetes Day in the Cape Breton Regional Municipality and call upon all citizens to combat this disease and its life-threatening complications by familiarizing themselves with the diabetes warning signs, making healthy lifestyle choices and by accessing the best quality of care than Nova Scotia provides to its citizens with diabetes.

Councillor Ivan Doncaster – District #7 - CBRM
November 18th, 2014