Cape Breton Regional Municipality

Council Meeting

AGENDA

Tuesday, October 21st, 2014

6:00 P.M.

Council Chambers
2nd Floor, Civic Centre
320 Esplanade, Sydney, NS
Cape Breton Regional Municipal Council
Tuesday, October 21st, 2014
6:00 p.m.

AGENDA ITEMS

PRAYER (See page _6_)

ROLL CALL

1. APPROVAL OF MINUTES: (Previously Distributed)
   ➢ Special Council – March 19th, 2014
   ➢ Special Council – July 29th, 2014
   ➢ Council – September 23rd, 2014

2. DELEGATIONS:
   2.1 211 Nova Scotia: Mr. Mike Myette, Executive Director
       (See page _7_)

   2.2 United Way Cape Breton – Annual Campaign: Lynne McCarron,
       Executive Director, (See page _20_)

3. PLANNING ISSUES
   3.1 Final Approval – Public Hearings:
       a) Municipal Planning Strategy and Land Use By-Law
          Amendment 991 – Request from JonelJim Realty:

       Public Hearing to consider the request by JonelJim Realty to amend the Municipal
       Planning Strategy and Land Use Bylaw to permit the outdoor storage yard at the corner
       of Townsend and Hugh Street, Sydney. Malcolm Gillis, Director of Planning
       (See page _25_)

       ...Continued
PLANNING ISSUES (Cont'd):

Final Approval – Public Hearings (Cont’d):

b) Municipal Planning Strategy and Land Use Bylaw 993 – Request from Francis Funeral Home:

Public Hearing to consider the request by Francis Funeral Home to amend the Municipal Planning Strategy and Land Use Bylaw to permit the conversion of a former church manse at 11 Queen Street, Sydney Mines into a funeral home. Malcolm Gillis, Director of Planning (See page 30).

3.2 Approval to Advertise:

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

General Committee recommends 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. Rick McCready, Senior Planner (See page 40).

4. BUSINESS ARISING

4.1 Audit Committee Meeting – October 16th, 2014:

a) Draft Audited Financial Statements for Year Ending March 31, 2014:


Note: Documents previously distributed.

b) Operating Reserve:

Audit Committee recommends restating the amount of the surplus to be transferred to the Operating Reserve from $900,000 to $500,000 to properly reflect the actual surplus noted in the Audited Consolidated Financial Statements for the fiscal year ending March 31, 2014. Marie Walsh, Chief Financial Officer (See page 46).
5. **REPORTS:**

5.1 **Financial Reports to August 31, 2014:** (for information only)  
Marie Walsh, Chief Financial Officer (See page 50)

5.2 **Election of Deputy Mayor:** Deborah Campbell, Municipal Clerk  
(See page 52)

5.3 **Special Election – Cape Breton-Victoria Regional School Board:**  
Deborah Campbell, Municipal Clerk (See page 55)

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

6.1 **By-Laws:**

   a) By-laws for First Reading:

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

   General Committee recommends that Appendix ‘A’ of the Dog By-Law (Guidelines for Off-Leash Dog Parks in CBRM) be amended 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”. 
Mary Ann Vuletich, Assistant By-law Manager (See page 57)

6.2 **Resolutions:**

   a) **“Nova Scotia Holocaust Education Week”**  
Councillor Ray Paruch (See page 61)

   b) **“Request to Erect English/Gaelic Signs – Along Route #4 from Richmond County – Howie Center”** Councillor Ivan Doncaster  
(See page 62)

6.3 **Motions:** N/A

**Adjournment**
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
9 October 2014

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

Dear Ms. Campbell,

Further to our recent email exchange, thank you for considering our request to provide members of CBRM Council with a presentation on the 211 service.

211 was launched as a non-profit service in February of 2013 to provide navigation services for Nova Scotians who need to find a community or social service anywhere in the Province. The purpose of the presentation to Council is to spread awareness about the 211 service, both to Municipal Officials as well as the general CBRM public.

We know that elected officials are often approached by constituents looking for information on programs and services which are frequently not part of the Municipal mandate. The 211 service can make the jobs of elected officials as well as Municipal staff easier because they can either contact 211 to get the information and relay it to the constituent or they can refer the constituent directly to 211 and our trained navigators can provide the information. Since launched we've heard from more than 100,000 Nova Scotians, both through calls and visits to our website at www.ns.211.ca.

The presentation will include an “ask” of Council. The ask is simply that they assist us to the extent that they are able, in making people in CBRM aware of the 211 service, whether it be through a Municipally sponsored initiative such as a newsletter or whether it be through other media such as a local community newspaper in which they routinely report on Municipal news. We will have some of our advertising collateral on hand including posters and brochures, requesting their assistance in ensuring that the materials are distributed throughout the Municipality.

Thank you for your consideration of this request and I look forward to the opportunity to address Council at its regular meeting on the 21st of October.

Sincerely,

Mike Myette
Executive Director
211 Information and Referral Services Association
P: (902) 466-5720 E: mmyette@ns.211.ca
Helping you find the right Community and Social services

Mike Myette, Executive Director, 211 Nova Scotia

211 SERVICE

A service designed to help people navigate the complex network of an estimated 4,000 community and social services available in our Province

Helping you find the right Community and Social Services
211...

provides a simple solution to a complex problem.

Problem: navigating the network of thousands of community and social services

Solution: trained navigators on duty 24/7/365 coupled with an online searchable database

Why 211?

Using alternate methods can take up to 7 phone calls to find the social or community service they need

Problem: overwhelmed by the frustration and confusion, people stop trying and needs go unmet

The result: today’s simpler need develops into tomorrow’s more serious problem for which solutions can be difficult, if not impossible, to find.
WHY 211 WORKS

Locally governed non-profit: Recognizes, understands the social challenges in your community

Thoughtful and compassionate inquiry: Looking beyond the symptoms of today to treat yesterday’s chronic problem

Finger on the pulse: Constant tracking of over 4,000 services

Access when and how it’s wanted: Call, email or self service

Standards of excellence: Sometimes you can only do what you can do, but you can always do it well

NAVIGATING THE TWISTS AND TURNS OF LIFE THAT AFFECT US ALL

"Mom just can’t make it on her own any more... but where do we start?"

"I have a disability. Where can I find services in my community?"

"I just moved here and need to find a job."

"I need to get a SIN card."

"I’m being evicted and I have nowhere to go."

"I'm being bullied at school. What can I do?"

"Dealing with a new baby on my own is so much harder than I thought it would be – can someone help me?"

"someone I really care about has an addiction – what are their options?"

"How do I find a family doctor?"

"I think my child has speech problems."

"I can get a better job... if only I could find affordable daycare."

"I'm elderly and can't drive. Is there help to get me to my doctor?"
WHAT TYPE OF INFORMATION CAN YOU FIND THROUGH 211?

INFORMATION ON SERVICES

- Access to adequate food, shelter, clothing and transportation
- Financial resources to meet their needs
- Consumer education and decision support
- Health and mental health care including substance abuse services
INFORMATION ON PROGRAMS THAT:

- Facilitate the capabilities of people to care for dependents
- Ensure that protective services are available to those who are vulnerable
- Provide for the support of older adults and people with disabilities
- Offer social and leisure time activities
- Provide for the cultural enrichment of the community
- Ensure people have the information needed to fully participate in community life

211 BENEFITS FLOW TO ALL ELEMENTS OF THE PUBLIC SECTOR

- **Individuals:** The right answer the first time = less frustration and fewer complaints

- **Service Agencies:** More calls from people they can help and fewer from those they can’t = more efficient service

- **Government Employees:** “silos” removed = enhanced service delivery
**211 HELPS ELECTED OFFICIALS**

- Social and community services are delivered by governments at all levels and by the non profit sector but jurisdictional boundaries are not always clear to constituents

- Despite efforts to stay informed, councillors are often besieged with requests for information on programs and services that are not part of the municipal mandate

- With 211 the informational needs of constituents are easier to meet – councillors or staff can obtain the information from 211 and relay it to the constituent or, they can refer the constituent to 211

**INQUIRIES WE’VE SEEN FROM ELECTED OFFICIALS**

- Rebates and benefits (i.e. property tax rebates)
- Grants for senior home repair
- Consumer concerns
- Home care and respite
- Credit counselling
- Information on government programs (i.e. HARP)
- Tax information for low income
- Hearing aids for seniors
211 SAVES TIME, MONEY, EFFORT

- Police officers typically spend 80% of their time helping residents navigate social services – 211 will reduce this effort substantially, leading to more cost-efficient policing

- With 211 helping people navigate, municipal staff can spend more time serving the needs of residents and less time redirecting traffic

- 911 has become the go to for people who don’t know who else to turn to. 911 operators typically deal with high levels of non urgent matters, many of which could be managed by 211, freeing up 911 resources to respond to emergencies

211 SUPPORTS LOCAL EMERGENCY MANAGEMENT EFFORTS

- In an emergency the public need for information increases dramatically, mostly due to the potential for social impacts

- 211 is already becoming the recognized source of information about social and community impacts in NS communities

- We can leverage 211 as a communications conduit – feeding information from the local EMO to the community (through online posts and phone calls) and updating EMO on what we are hearing from the community in terms of needs and other developments
211 AS AN INFORMATION CONDUIT

RESULTS FROM 2013

• Service launched on February 11, 2013
• In operation for 324 days
• More than 50,000 Nova Scotians reached out to 211 for assistance both online and by phone.
DATA COLLECTED BY 211

On all Calls:
  Type (individual, third party or service provider)
  Age (ranges)
  Location (to nearest Community)
  Gender
  Needs (both met and unmet)

On website visits:
  Google Analytics – location, web address etc
  By on-line survey - Reason for visiting
  Type (individual, third party or service provider)
  Information about their search

On a statistical sample of calls, a follow up is conducted:
  Reason for call, type (individual, third party of service provider)
  Satisfaction with 211 service and whether referrals met expectations

BUT WHAT IF WE CAN’T HELP?
(WE ALWAYS CAN)

211 documents everything: Tracking all of the transactions and all of the needs all of the time
Finding help for human problems is rarely easy: Every day 211 encounters new situations for which solutions are not readily obvious
“There’s a lot of help out there”: The non-profit sector has more flexibility than you might think
Some problems don’t have answers... (today): High quality data on unmet needs can help inform decisions on how and where to direct resources for maximum benefit
A Strategy for Mutual Success

- Identify a champion to ensure 211 has information on Municipal programs and services which is kept up to date when programs are changed or enhanced
- Communications between the municipality and 211 when announcements on new programs are made so 211 is “in the loop”
- Feedback from 211 to Municipal units on gaps in services or, lack of public awareness, or unmet needs
- Sharing credit where credit is due – 211 appreciates and acknowledges Municipal support in making 211 a reality for Nova Scotians

211’s Strategic Priorities

Increased Awareness: Marketing and communications-strategic outreach and measurement

Employee Development: High performance coaching, continuous learning with a goal of attaining National Accreditation

Continuous Improvement: Defined strategic outcomes, quality measurement and objective reporting

Building Value: Rigorous data analysis, identifying impacts and demonstrating value

Service Expansion: Seeking new opportunities (i.e. program intake or becoming the 211 “hub” for Atlantic Canada)
CURRENT AWARENESS INITIATIVES

- Internal Bus Ads – HRM, and Kings County
- Caring professionals
- Print media – i.e. Positive Ageing Directory
- TV screens in Access NS sites
- CAP sites and libraries

POTENTIAL 211 AWARENESS ACTIVITIES AT MUNICIPAL LEVEL

- Posting a 211 link on Municipal websites
- Including a 211 story in a Municipal newsletter(s)
- Communications on 211 to Municipal employees
- Posting 211 information where people gather
- Presentations available on request
QUESTIONS?

Dial 211
TTY 1.888.692.1382
Email help@ns.211.ca
Web www.ns.211.ca
October 14, 2014

To Whom It May Concern,
Please find my Power Point presentation attached. Within this document is a link for a 3 minute video http://www.youtube.com/watch?v=bMAGzwVLOEs, I would like to share. The purpose of the presentation is to educate the Council and viewers about the programs funded by the United Way Cape Breton Campaign. I am hoping to gain support for our mission “To improve lives and build community on the island of Cape Breton, by engaging individuals and mobilizing collective action.”

It has been my experience that people know who United Way is, but not what we do. Building knowledge and trust for a charity is critical when you are asking for donations. The goal of this presentation is for community leaders to understand the work of United Way Cape Breton and share that knowledge with potential donors. Our Community Investment Committee has used the CBRM Vital Signs document when determining the best investment of donors’ dollars. We believe that by funding programs that support initiatives addressing concerns in this document, we will make positive impact in our communities. We are moving people from poverty to possibility, helping kids to be all that they can be and building stronger healthier communities and we need your help.

I understand that you have a heavy agenda for the October 21st meeting. If I am not mistaken the delegation 211 NS has submitted a request for a presentation as well. This is a program that is partially funded by United Way as it receives 1% of our Campaign. They provide the necessary resources to build strong communities across Cape Breton. If you were able to place two delegates on the agenda, our organizations work collaboratively, so it might be a good fit. Our Campaign runs from September to December, so we need as much help as we can get to reach our goal in just three months, the more support we have the better. Please do not hesitate to contact me if you have any questions.

Sincerely,

Lynne McCarron
Executive Director

PO Box 1929,
Sydney, NS  B1P 6W4
Reg. # 10816 0086 RR0001
Phone: (902) 562-5226
Fax: (902) 562-5721
Email: Lynne@unitedwaycapebreton.com
Web: www.unitedwaycapebreton.ca
Thank you!
Community Investment Fund
Three areas of impact:

From poverty to possibility
- Moving people out of poverty
- Meeting basic human needs (e.g., food, shelter, and jobs)

At school, outside school
- Improving access to early childhood learning and development programs
- Helping kids do well at school and complete high school
- Making the healthy transition into adulthood and post-secondary education

Keeping families healthy and safe
- Improving access to social and health-related support services
- Supporting residents and community engagement
- Supporting community integration and settlement

Change Starts Here.

Ways to Give:

- Pay deduction*
- One-time gift
- Monthly gift

* More than half of the dollars raised through our annual workplace campaign come through payroll deduction!
Did You Know?

- $5 per pay can send a child to YMCA summer camp for one week.
- The Lunch Program run by the Whitney Pier Youth Club saves parents a total of $1,100 that they would have to pay yearly to feed their child lunch during the school year.
- The total number of extended hours of operation at the Community Homeless Shelter due to weather and holidays was 261.5 (April 2013-March 2014).

Community Impact Video

http://www.youtube.com/watch?v=bMAGZwVLOEs
Questions?
WWW.UNITEDWAYCAPEBRETON.COM
Municipal Planning Strategy Amendment 991 – Request from Joneljim Realty for permission to establish an outdoor storage yard – Corner of Townsend & Hugh Streets, Sydney

**Motion:**
Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, approval to advertise Notice of a Public Hearing to be held during the August 19th, 2014 meeting of Council to consider the Municipal Planning Strategy and Land Use Bylaw amendment to regulate the proposed outdoor storage yard at the corner of Townsend and Hugh Street, Sydney, by Joneljim Realty – Case 991.

**Motion Carried.**
MEMO TO COUNCIL

FROM: Malcolm Gillis

SUBJECT: Request from Joneljim Realty for permission to establish an outdoor storage yard corner of Townsend and Hugh Street Sydney

DATE: June 26th, 2014

During the June 17th meeting of Council a Motion was passed instructing staff to conduct a Public Participation Program of notification to the owners of the residential properties across Hugh Street from the site of this zoning amendment application. Notices have been mailed and a meeting with owners and residents is being organized with local Councillor Eldon MacDonald for a date after the July 2nd meeting of Council. I do know that at least some who have been notified are concerned about the proposed development.

There is not another meeting of Council until August 19th. Although the matter obviously hasn’t been resolved, I believe it would be reasonable to ask Council to at least schedule the necessary Public Hearing to consider this for the August 19th meeting of Council. This still gives the neighbours, the developer, staff and the local Councillor several weeks to attempt to negotiate a settlement.

Recommendation:
For the reasons explained above, it is my recommendation that Council schedule a Public Hearing to consider this Municipal Planning Strategy/Land Use Bylaw amendment for the Tuesday, August 19th meeting of Council.

Submitted by:

Malcolm Gillis
Director of Planning and Development Department
ISSUE PAPER

FROM: Malcolm Gillis

SUBJECT: Request from JonelJim Realty for permission to establish an outdoor storage yard corner of Townsend and Hugh Street Sydney

DATE: June 12th, 2014

Introduction
JonelJim Realty is the owner of the building supply dealership at 199 Townsend Street in downtown Sydney. This is the dealership known as Stephens Building Supplies currently operating as one of the RONA network of retail stores adjacent the railway intersection. They recently purchased the 22,000 sq. ft. lot parcel across the Street. A part of this site was formerly occupied by a large, green building formerly used by MacDonald Wholesale. The building was demolished earlier this year because JonelJim Realty want to use this newly acquired site across the Street as a building supplies outdoor storage yard.

Both the current site of the building supply dealership and the newly acquired site across the Street are in the Jurisdiction of the Central Business District (CBD) Zone of the CBRM Land Use Bylaw. The downtown Sydney CBD Zone permits outdoor storage areas, but only in discreet locations set back from the streetscape as an ancillary use on the site of the main retail store. The site across Townsend Street from the RONA dealership is actually a corner lot with approximately 375 ft. of frontage along the eastern side of Hugh Street. Although also within the downtown Sydney CBD Zone, development on the opposite (i.e. western) side of Hugh Street is almost completed comprised of single detached dwellings, and many of these are owner occupied. The one exception is the one storey office building at the southwest corner of the intersection of Townsend and Hugh Street. A Development Permit in compliance with the provisions of the CBD Zone cannot be issued for an outdoor storage yard at this site. JonelJim Realty is asking that CBRM consider an amendment to the Land Use Bylaw to allow for their proposed development.

A map is included with this report that highlights the boundary of the current location of Stephens Building Supplies/RONA in red, the site of the proposed outdoor storage yard is colored yellow, and the lot parcels of the residential properties across Hugh Street are outlined in white.
In discussions between JonelJim Realty representatives and Planning staff they have agreed to erect a 10 ft. high chain link fence to be covered in privacy slats with a stand of vegetation between the fence and the Street. However, a simple zoning amendment spot zoning the site isn’t an option under the Municipal Planning Strategy. And there is no policy direction in the Municipal Planning Strategy to support a text amendment to the Land Use Bylaw to allow for an outdoor storage yard on a separate lot parcel as a stand alone use directly across the Street from residential properties.

The residents on the opposite side of Hugh Street currently see the railway and the inadequately fenced-in scrap yard on the eastern side of the railway. While the building supplies outdoor storage yard will be just across the Street (the scrap yard is approximately 100 ft. away) the privacy fence fronted by a green area should block the view of the scrap yard. Although they are residential properties, this entire neighbourhood is within the Jurisdiction of the Central Business District Zone and it permits a wide range of business developments. A fenced in and tastefully screened outdoor storage area could be considered a relatively innocuous use in comparison to the range of uses permitted and what they are currently viewing (i.e. the scrap yard). It is for these reasons Planning staff are advocating Council consider an amendment to the Municipal Planning Strategy and Land Use Bylaw. What could be considered would the implementation of a policy and zoning provisions that would allow stand-alone outdoor storage areas if they are discreetly screened and buffered from the streetscape. There are legal planning tools in the Municipal Government Act which would enable a Municipality to impose a range of possible regulatory provisions to suit the specifics of a site and its surroundings.

The purpose of this report is to ask Council to give staff the authority to conduct a Public Participation Program (PPP). Under the Municipal Government Act, a PPP is the 1st step in the legal and bureaucratic process of amending a Municipality’s Planning Strategy to support new zoning provisions. Clearly the purpose would be to consult with residents and assessed owners of the residential properties on the opposite side of Hugh Street.

**Recommendation:**
I recommend that Council pass a Motion giving Planning staff the authority to conduct a Public Participation Program consisting of contacting the residents and assessed owners of the residential properties on the west side of Hugh Street to discuss JonelJim Realty’s proposed development and the legal mechanisms that can be implemented in the Municipal Planning Strategy and Land Use Bylaw to regulate it. A report will be prepared in time for the July meeting of Council. If there is a possible resolution to this we would ask Council to consider scheduling a Public Hearing during the August meeting of Council.

Submitted by:

Malcolm Gillis
Planning and Development Department
Approval to Advertise:

**Request to amend to the Municipal Planning Strategy and Land Use Bylaw –
Francis Funeral Home G – 993:**

**Motion:**
Moved by Councillor Prince, seconded by Councillor Rowe, approval to advertise Notice of a Public Hearing to be held during the October meeting of Council to consider amending the Municipal Planning Strategy and Land Use Bylaw to permit the conversion of former manses and rectories in urban residential neighbourhoods and spot zone the site of the manse at 11 Queen Street, Sydney Mines, G-933.

**Motion Carried.**
CBRM has a policy in its Municipal Planning Strategy intended to facilitate the re-use of abandoned former institutional and community service buildings. It is implemented in the Land Use Bylaw as a General Provision allowing a broad range of conversion options for the use of abandoned institutional buildings which normally would not be permitted in the Zone in effect within their respective neighbourhoods. Their conversion is regulated by Site Plan Approval criteria. Because of this policy there are former churches, church halls, convents, and former schools which are now apartment buildings, commercial schools, mixed business developments etc.

The proprietors of Francis Funeral Home want to convert the former manse of the Trinity Anglican church at 11 Queen Street in Sydney Mines into a funeral home business. The above referenced Municipal Planning Strategy policy and Land Use Bylaw General Provision don’t extend to manses and rectories. They were deliberately excluded because of their scale. In low density urban residential neighbourhoods it is unrealistic to expect a large scale building like a church, church hall, or school could be converted into one of the narrow range of development options (e.g. single detached dwelling) typically permitted in such neighbourhoods. Manses and rectories are essentially single detached dwellings where the priest or reverend resided; ergo they could easily be sold in the real estate market as a family home. Staff was obliged to candidly tell them a Development Permit could not be issued for their intended conversion in compliance with the CBRM Land Use Bylaw.

The proprietors of Francis Funeral Home believe the policy should be extended to manses and rectories where they can access the usually large parking lots associated with a church or its hall (parking is usually the biggest complaint from residents near funeral homes) and when they
are of a very large scale, as many of the older rectories are. The former manse of the Trinity Anglican church certainly meets this test.

During the August 19th Council meeting a Motion was passed instructing staff and local Councillor Clarence Prince to conduct a public meeting in Sydney Mines to introduce the concept to the residents of the neighbourhood of the manse. That meeting took place in the old Town hall on September 15th. Every assessed owner of property fronting along Queen Street and every other assessed owner of property within a 500 ft. radius of the manse received an invitation to attend the meeting by Canada Post mail. Approximately 130 property owners would have received these invitations.

Approximately 30 people attended the meeting. Those in attendance were asked to provide us with their name and address. When these addresses were mapped we learned most of those in attendance would not have received one of our mailed invitations i.e. they were not from the neighbourhood. What we learned is that many in attendance were members of the parish and therefore had a vested interest in seeing that the manse was sold. One individual was actually a close relative of the proprietors of the funeral home who resided in Millville on Boulauderie Island. It was a public meeting so anyone could attend, but acceptance of this proposed conversion from such people is no indication of what the neighbourhood thinks of it.

However, I am also of the opinion that if a property owner receives notice of a proposed development in their neighbourhood and are encouraged to either attend a public meeting in the neighbourhood (the old Town hall is just a few blocks away from the manse) or are offered the option to respond by phone call, Canada Post mail, or e-mail and they choose not to take you up on those options, most likely they are either okay, or indifferent, about it. Both Councillor Prince and I each were in receipt of approximately 3 dozen phone calls or e-mails regarding the proposal. And some people in attendance at the meeting expressed concern about motor vehicle traffic and curbside parking in front of private residences. But the majority of the comments were either in favour of it or cautiously optimistic with some reservations.

For these reasons I am confident the neighbourhood is generally accepting of this conversion 1st because they do not believe this proposed development will adversely affect them and 2nd because they are concerned the former manse may remain vacant.

The most vocal concern came from the residents of Windsor Avenue east of its intersection with Queen Street. This block of Windsor Avenue is a dead end with very little traffic. The manse is at the southeast corner of these two streets. The concern is that people attending wakes and services at the funeral home will be accessing the Avenue and parking in front of residences along it because of its proximity. Motor vehicles parking on either side of the Avenue's asphalt travelway may make it very difficult for motor vehicles to access the Avenue or get out of it. The solution advocated was to have the CBRM Traffic Authority install NO PARKING signs along one side of the Avenue. The problem with such a solution is ... what side? Most likely those on the side where it is not prohibited will laud it and those on the side where
it is prohibited will not. I will be asking Public Works North staff to comment and bring back a recommendation to Council.

**Recommendation:**
This report has three recommendations.
1\textsuperscript{st} I recommend that the Council consider amending the Municipal Planning Strategy by establishing a policy that would permit the conversion of former manses and rectories in urban residential neighbourhoods which are:
- unusually large in scale; and
- adjacent to abundant off-Street parking

Into any one of the range of uses permitted when a church, church hall, or school etc. is to be converted, but only be zoning amendment. The Zone would permit only the use proposed and would be site specific. The policy should go on to say a further change of use shall also only be permitted by zoning amendment.

2\textsuperscript{nd} I recommend that the site of the manse at 11 Queen Street be the first site spot zoned in compliance with this new policy.

3\textsuperscript{rd} I recommend that Council schedule a Public Hearing to consider adopting these meetings for the October 21\textsuperscript{st} meeting of Council.

Bylaws amending the Municipal Planning Strategy and Land Use Bylaw to implement the first two above referenced recommendations will be submitted to Council with the agenda for the October 21\textsuperscript{st} Public Hearing.

Submitted by:

Malcolm Gillis
Planning and Development Department
MEMO TO: CBRM Council

FROM: Malcolm Gillis

SUBJECT: Francis Funeral Home’s request to amend the CBRM Municipal Planning Strategy and Land Use Bylaw

DATE: August 14th, 2014

CBRM has a policy in its Municipal Planning Strategy intended to facilitate the re-use of abandoned former institutional and community service buildings. It is implemented in the Land Use Bylaw as a General Provision allowing a broad range of conversion options for the use of abandoned institutional buildings which normally would not be permitted in the Zone in effect within their respective neighbourhoods provided Site Plan Approval criteria are adhered. Because of this policy there are former churches, church halls, convents, and former schools which are now apartment buildings, commercial schools, mixed business developments etc.

The proprietors of Francis Funeral Home want to convert the former manse of the Trinity Anglican church on Queen Street in Sydney Mines into a funeral home business. The above referenced Municipal Planning Strategy policy and Land Use Bylaw General Provision don’t extend to manses and rectories. They were deliberately excluded because of their scale. In low density urban residential neighbourhoods it is unrealistic to expect a large scale building like a church, church hall, or school could be converted into one of the narrow range of development options (e.g. single detached dwelling) typically permitted in such neighbourhoods. Manses and rectories are essentially single detached dwellings where the priest or reverend resided; ergo they could easily be sold in the real estate market as a family home. Staff was obliged to candidly tell them a Development Permit could not be issued for their intended conversion in compliance with the CBRM Land Use Bylaw.
The proprietors of Francis Funeral Home believe the policy should be extended to manses and rectories where they can access the usually large parking lots associated with a church or its hall (parking is usually the biggest complaint from residents near funeral homes) and when they are of a very large scale, as many of the older rectories are. The former manse of the Trinity Anglican church certainly meets this test.

They will be before Council during the August 19th meeting in hopes Council will at least consider their request. COUNCIL HAS NO OBLIGATION TO DO SO AND THEY WOULD HAVE NO OPTION TO APPEAL TO THE NOVA SCOTIA UTILITY AND REVIEW BOARD. However, if Council chooses to exercise its prerogative I would recommend that the Motion of Council instruct staff to first conduct a public meeting in the neighbourhood to gauge the opinions of the residents who will be expected to live with a funeral home business in their midst.

Submitted by:

Malcolm Gillis
Planning and Development Department
August 13, 2014

Request to Address the Cape Breton Regional Council
Council Meeting – August 19th, 2014

To The Honorable Cecil Clarke and Elected Councillors
320 Esplanade
Sydney, NS

Dear Mayor Clarke and Council,

We are requesting that council consider amending the Municipal Planning Strategy Policy which allows the conversion of specific buildings (churches, church halls and schools) into a variety of business developments. I ask that council amend Section 6 of the zoning by-law which addresses the conversion of former community or educational service buildings to include rectories, manse, glebes, parsonages; all buildings constructed by a church community to serve the purpose of housing their clergy or religious leader.

My husband Jim and I wish to purchase the former rectory of Trinity Anglican Church, located at 11 Queen Street, Sydney Mines and move our current funeral home operation to that location. We received notification we are to cease operations in the present location as of October 20, 2014. The 11 Queen Street address is located in an RUD zone, and as the bylaws currently stand a funeral home is not permitted in the area. We do currently have a lease agreement with Trinity Anglican Church to utilize their adjacent parking facility.

By their very nature Church Rectories fulfill a role well beyond a purely residential structure. These buildings serve in a multi-role capacity, as office, meeting and study center, and home — based on the individual needs of each congregation at any given time. Some examples of the roles these buildings fulfill: Sunday school classes and/or gatherings, meetings for ecumenical services, educational programs, faith formation, planning weddings or funerals, mediation, consultation, parish offices and the location of all church records.

These buildings are usually adjacent to the churches themselves which are larger than an average residence, which makes them more expensive to heat, and maintain and harder to sell.

Churches are now faced with dwindling congregations and rising expenses. Church communities are now having to make some very difficult decisions. Numerous glebes have had to be placed on the market for sale to insure the continuation of the church into the future.

We feel that these rectories have served a very valuable purpose to the religious communities within the municipality, and that allowing them to continue to serve the public good is in the best interest of the neighbourhoods they are located in.
We ask that council conduct a public meeting in the Queen Street & Windsor Avenue
neighbourhood of Sydney Mines to gauge the interest in such a development, and amend the bylaws
accordingly.

Thank you for your time and consideration on this matter.

Respectfully Submitted,

Jim & Kate Young
Request 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:

The Director of Planning advised Council that his office was in receipt of a request from Mr. Kenneth MacKeigan to amend the North End Sydney Secondary Land Use Bylaw to allow him to construct a one storey addition to the rear of his property located at 79 Charlotte Street, Sydney.

Motion:
Moved by Councillor Paruch, seconded by Councillor Detheridge, that a recommendation be made to Council for 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.
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

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 ½ 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 Mackelgan
2599 Hillside Road
Marion Bridge, N.S.
B1K 1C7
(902) 499-1285

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Draft Audited Financial Statements for Year Ending March 31, 2014:

**Motion:**
Moved by Councillor Doncaster, seconded by Councillor George MacDonald, that a recommendation be made to Council to approve and release the:
- Audit Findings Report for the Year Ending March 31, 2014
- CBRM Consolidated Financial Statements for the Year Ending March 31, 2014
- CBRM Water Utility Financial Statements for the Year Ending March 31, 2014

**Motion Carried.**
Operating Reserve:

Mr. Darren Chiasson, Auditor, MGM and Associates, noted that Council recently passed a motion to transfer the surplus from 2012-13 in the amount of $900,000 into an Operating Reserve, however due to PSAB regulations a surplus can only be transferred from a prior period.

Motion
Moved by Councillor George MacDonald, seconded by Councillor Paruch, that a recommendation be made to Council to restate the amount of the surplus to be transferred to the Operating Reserve from $900,000 to $500,000 to properly reflect the actual surplus noted in the Audited Consolidated Financial Statements for the fiscal year ending March 31, 2014.

Motion Carried
Operating Reserve:

The Acting Chief Administrative Officer provided background information on this issue.

**Motion**

Moved by Councillor Detheridge, seconded by Councillor Doncaster, approval to move the 2012-2013 surplus in the amount of $890,000 (rounded to $900,000) into an Operating Reserve to be used for potential overages in major crime or snow removal.

**Motion Carried**
To: Mayor and Council

Date: August 19, 2014

Subject: Operating Reserve

The 2013-2014 Budget included an $890,000 surplus from 2012-2013 brought into revenue. With the hiring freeze and a moratorium on discretionary spending, we ended the year with a surplus and therefore it was not necessary to bring forward the previous year's surplus.

CBRM currently scores in the red for 6 out of the 15 on the financial condition index, with two of those indicators being tied to reserves. I am recommending that we put the $890,000 (round to $900,000) into an operating reserve. This fund would be used for items such as overages in major crime or snow removal. Part IV Sec 99(6) of the Municipal Government Act states “A municipality may maintain other reserve funds for such purposes as the Council may determine. This would still not meet the threshold required by Service Nova Scotia as the acceptable level is 5% of expenditures and this would be less than 1%, but would be a start for CBRM that we could build on.

Sincerely,
Marie Walsh,
Interim CAO
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## INCOME STATEMENT

### AUGUST 31, 2014

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Signed: [Signature]

Departmental

Reviewed: [Signature]
To: Mayor Cecil P. Clarke and Members of Council
From: Deborah Campbell, Municipal Clerk
Date: October 17, 2014
Subject: Election of Deputy Mayor

Each year, the CBRM Council elects/selects a Deputy Mayor for a one year term commencing November 1st.

Councillor Kevin Saccary has served as Deputy Mayor for the last two consecutive years; thus he is not eligible to put his name forward this year as per the Deputy Mayor Policy (copy attached).

This issue is on the agenda for the October 21st meeting of Council, at which time the Mayor will call for nominations from the floor.

Deborah Campbell
Attachment
Policy Respecting the Deputy Mayor

STATEMENT OF POLICY:

• It is the policy of the Cape Breton Regional Municipality (CBRM) to select a Deputy Mayor on an annual basis.

1.0 TERM OF OFFICE:

• The term of office for the Deputy Mayor shall be for one year running from November 1st to October 31st and all Council members are eligible to run for the office on an annual basis. The Deputy Mayor shall serve no more than two consecutive years (for clarity, an example in a four year term, a Councillor could serve as Deputy Mayor in year one and two, but would be ineligible for the third consecutive year, and would be eligible again thereafter.)

2.0 REMUNERATION:

• The remuneration for the office of Deputy Mayor shall be $5,000 per year.

3.0 ROLES AND RESPONSIBILITIES:

The Deputy Mayor, in addition to filling in when the Mayor is absent or incapacitated, shall:

• Be apprised of ongoing labour relations issues;

• May be Chairman of the Audit Committee;

• Be responsible for bringing the annual budget forward for Council perusal;

• Chair special committees as assigned by the Mayor or Council and report findings back to Council;
• Assume other duties assigned by the Mayor or Council.

Approved by Council: January 20, 1998
Amended by Council: March 11, 2005
To: Mayor Cecil P. Clarke and Members of Council

From: Deborah Campbell, Municipal Clerk

Date: October 17, 2014

Subject: Special Election – Cape Breton-Victoria Regional School Board

The Clerk’s office has received correspondence from Mr. George Boudreau, Director of Finance at the Cape Breton-Victoria Regional School Board (School Board), advising that the School Board member for District 10 in the CBRM has resigned effective October 10, 2014. (copy attached)

In accordance with Section 48(2) of the Education Act and Section 5(1) of the Municipal Elections Act, the School Board has requested that the Cape Breton Regional Municipality conduct the by-election to fill the vacant seat on their behalf.

Therefore as Returning Officer for CBRM, I will be administering the special election for the vacant seat on the School Board concurrent with our special election for the vacancy on CBRM Council for District 10. Election Day is scheduled for Saturday, December 6, 2014.

Deborah Campbell

Attachment
October 7, 2014

Ms. Deborah Campbell
Municipal Clerk’s Office
Cape Breton Regional Municipality
320 Esplanade
Sydney, N. S.
B1P 7B9

Dear Ms. Campbell:

Please be advised that a letter of resignation by Board member Darrell Flynn, District 10, dated October 3, 2014 was accepted by the Board at the Education Committee meeting held on October 6, 2014. The effective date of the resignation is October 10, 2014.

As per the Education Act, the seat for District 10 was officially declared vacant by motion at this meeting as well. It is the Board’s wish that the Cape Breton Regional Municipality conduct the by-election to fill this vacated seat on our behalf.

Should you require anything further, please let us know.

Yours truly,

George Boudreau
Director of Finance

GB/kr
pc L. Green
    B. MacIsaac
    J. Astephen
Enc.
Amendment to CBRM Dog By-Law:

The Assistant By-law Manager provided background information concerning this issue.

Ms. Vuletich explained that as a result of Council approving the continuation of the off-leash dog area at Rotary Park, indefinitely, with no requirement for fencing the perimeter of the Park area the CBRM Dog By-Law would have to be amended to accommodate this change.

**Motion:**
Moved by Councillor Detheridge, seconded by Councillor Rowe, that a recommendation be made to Council to amend the CBRM Dog By-Law to incorporate under Appendix -A, Guidelines for Off – Leash Dog Parks in CBRM, 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”.

**Motion Carried**
CAPE BRETON REGIONAL MUNICIPALITY
INSPECTIONS & BY-LAWS DEPARTMENT

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
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 in 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.
CBRM PROCLAMATION

“Nova Scotia Holocaust Education Week”

Whereas: November 1st to 9th, 2014 marks Nova Scotia Holocaust Education Week;

And Whereas: Holocaust Education Week remembers and honors the survivors of the Nazi regime and helps us to teach generations of the future that injustice and hatred are never an acceptable option;

And Whereas: Holocaust Education Week provides a unique opportunity for students and faculty from all backgrounds to reflect upon one of the darkest moments of 20th century history;

Be it Therefore Resolved: That CBRM Mayor and Council proclaim November 1st to 9th as “Holocaust Education Week” in the Cape Breton Regional Municipality and urge all CBRM residents to remember the Holocaust and support the Department of Education’s Holocaust education in the Nova Scotia school curriculum.

Councillor Ray Paruch – District #6 - CBRM

October 21st, 2014
RESOLUTION

“Request to Erect English/Gaelic Signs – Along Route #4 from Richmond County to the Tasty Treat Location – Howie Center”

Whereas: The Department of Transportation & Public Works has adopted a new policy that allows the display of bilingual (English & Gaelic) community boundary signs based upon input from the Gaelic Council of Nova Scotia;

And Whereas: The policy objective is to acknowledge the diverse cultural history of Nova Scotia, enabling both residents and visitors to recognize the visible evidence of the Gaelic culture in local communities;

And Whereas: Residents who are in favor of erecting signs have to request the municipality to contact the Nova Scotia Department of Public Works;

Be It Therefore Resolved: That CBRM Council request the Nova Scotia Department of Transportation and Public Works to erect English/Gaelic signs from the Richmond County line along Route #4 to the Tasty Treat location in Howie Center.

[Signature]

Councillor Ivan Doncaster – District #7 - CBRM

October 21st, 2014