Cape Breton Regional Municipality

Council Meeting

AGENDA

Monday, November 18th, 2013

Note Date Change

6:00 P.M.

Council Chambers
2nd Floor, Civic Centre
320 Esplanade, Sydney, NS
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

AGENDA ITEMS

PRAYER

ROLL CALL

1. APPROVAL OF MINUTES (See page 6)

2. DELEGATION (See page 8)

3. PRESENTATION (See page 18)

4. PLANNING ISSUES (See page 32)

5. BUSINESS ARISING (See page 37)

6. REPORTS & PROJECT UPDATES (See page 63)

7. BYLAWS, RESOLUTIONS, & MOTIONS (See page 69)

ADJOURNMENT
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

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
1. APPROVAL OF MINUTES

1.1 Approval of Minutes: (Previously Distributed)

- Council – October 15th, 2013
- Special Council – July 25th, 2013
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

2. DELEGATION

2.1 Nova Scotia Trails – Trans Canada Trails Committee:

Spokespersons: Blaise MacEachern - Committee Chair; and Garnet McLaughlin, Trans Canada Trails Independent Contractor (see page 9)
November 15, 2013

Bernie White, Municipal Clerk
Cape Breton Regional Municipality
320 Esplanade
Sydney, Nova Scotia B1P 7B9

Dear Mr. White:

The Nova Scotia Trails Federation (NS Trails) as the partner for the Trans Canada Trail (TCT) in Nova Scotia is interested in presenting to CBRM Council on Monday November 18, 2013 regarding the Trans Canada Trail through CBRM and possible water route options.

A TCT connection deadline of 2017 has been set to align with the 25th Anniversary of the inception of the TCT and Canada’s 150th Celebrations. The TCT completion has been chosen as a one of the cornerstone events as a National Legacy Project.

NS Trails TCT Committee Chair, Blaise MacEachern and our TCT independent contractor Garnet McLaughlin will be presenting on behalf of NS Trails. We are hoping for an endorsement of the connection of the Trans Canada Trail through CBRM to North Sydney by sustainable land and water routes by December 31, 2016.

Yours truly,

Vanda Jackson, Executive Director, NS Trails

Take Trails to HEART!
Trans Canada Trail

Your Trail. Your Journey.

NS Trails TCT Committee

NS Trails/TCT Committee

- **Champion** the TCT in Nova Scotia
- Provide concept and capacity planning for communities, & regional development partners.
- Ensure accountability and transparency with Trail

Ensure full Trail connection by 2017

**NS Trails Vision**

All Nova Scotians and visitors have access to and value diverse and well-managed recreational trails for the pursuit of:

- Health
- **Education, Environment, Economics, and Energy**
- Arts & Culture, and AT
- Recreation
- Transportation and Tourism
NS Trails Trans Canada Trail Committee

Responsible for supporting the initiatives of the NS Trails & Trans Canada Trail Foundation and specifically supporting Trans Canada Trail development and construction in Nova Scotia and nationally, to ensure a connected Trail from coast to coast to coast by 2017

NS Trails Executive Director: Vanda Jackson
TCT Committee Chair: Blaise MacEachern
Concept Planning: Cobequid Trail Consulting-Garnet McLaughlin

National Statistics

- 16,982 km Connected to date
- 6,650 km remaining to Connect
- 23,632 km when fully Connected
- 72% Connected
Big Pond

Big Pond beach next to wharf. Big Pond ramp

This is a multi-use public launch site with a ramp, wharf and beach which is perhaps the most suited to paddlers.

Launch Site Rating
Easy depending on winds.

Launch site Description
Sand beach 50m long - 50 m carry to beach
Steep cement ramp

Amenities at site
Parking off road for 2-3 cars, nearby restaurant (see below)

Arriving by land
Access from church and community hall on Route 4 in Big Pond and behind restaurant down a short dirt loop road.

Arriving by sea
Easily visible. Look for a small wharf, white church, brown building with purple railing and large community fire hall.

Topographic map number
Grand Narrows 1:15,000

GPS reading in degrees minutes seconds
Lat 45° 54’ 46’
Long 60° 32’ 03’
Role of Nova Scotia Rural Municipalities

Provide a committee or members that can:
- Accept the Challenge to champion TCT connection by 2017
- Provide assistance in addressing trail development challenges in rural Municipalities & communities
- Provide concept planning & capacity building guidance
- Provide guidance on signing the Trail & road connections.
- Partner in trail development and management when possible

We Need “Gap Champs” To Complete The TCT in N.S. by 2017
- Community Development Agencies & Associations!
- Provincial & Regional User Groups!
- Municipal Officials & Staff! (PW, Tourism, EDA, MPAL, Parks)
- Provincial Officials & Staff!
- Corporate Leaders and ...
- You!! .... as a “Gap Champ” willing to “Accept the TCT Challenge” by playing your part in this National legacy project!
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

3. PRESENTATION

3.1 Tourism in Richmond County:

Spokespersons: Warden Steve Samson and Jeff Stanley, Director of Tourism & Economic Development - Municipality of the County of Richmond
(see page 19)
Tourism in Richmond County

Why Tourism?

- Tourism is a strong economic driver especially in rural Nova Scotia
- $2 Billion industry accounting for over 20,000 jobs
- Cape Breton is #1 destination island in North America; therefore, a good opportunity.
- Richmond County:
  - Paper mill running at 50% of peak
  - Population is decreasing
  - Many operators rely on a good tourism season
Tourism in CBRM

- Sydney is a perfect launching pad for tourism success:
  - Fortress Louisbourg
  - Miner's Museum
  - Cruise terminal
  - Travellers en-route to NFLD
  - Major Events
- Sydney benefits from tourism
- Develop a winning strategy
- What is good for Sydney is good for the rest of CB!
- Richmond is here to support your efforts

We developed 3 NEW Brands

- We must own the brand
- We must be able to live up to the brand
- We focused on 3 brands for:
  - St. Peter’s
  - Isle Madame
  - Network of water: Ocean, Bras d’Or Lake, rivers, and lakes
60,000+ visitors cross
St. Peter’s Canal
100% Point – Canal Landing
Observation Tower

Isle Madame
Isle of 100 Coves

Fisherman’s Wharf
Thematic Elements

- Buoy
- Chairs
- Trash Can
- Bike Racks
- Marker

Haddock Harbour
Université Sainte Anne
Marine Research Centre

La Picasse
Babin’s Hill Look-Off

Veteran’s Plaza
Blue Ways Sites

Cape Breton Blueways
Point Michaud upgrades

Thank you.
Jeff Stanley  226-3982
jstanley@richmondcountry.ca
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

4. PLANNING ISSUES

4.1 Final Approval: N/A

4.2 Approval to Advertise: N/A

4.3 Amendment to Schedule “E of the Subdivision By-law:

Committee recommends amending Schedule E of the Subdivision By-law by inserting the description for “Major Drainage System” into the Schedule as outlined in the staff report dated October 4, 2013.

Note: A Public Hearing Is Not Required
Malcolm Gillis, Acting Director of Planning and Development (see page 33)
4) **Planning Issues:**

4.1 **Drainage Systems and the Subdivision By-Law:**

The Acting Director of Planning and Development advised that in spring of 2012, staff from Engineering and Public Works and the Planning and Development Department prepared and presented to Council a number of proposed amendments to the Subdivision By-law which were adopted by Council. During revision process, the description of a “major drainage system” was left out of the Schedule of the Subdivision By-law.

A motion of Council is required to amend the by-law, however a public hearing is not required as the proposed amendment is in the Schedule of the By-law and not the body of the document.

| **Motion:** |
| Moved by Deputy Mayor Saccary, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to amend Schedule E of the Subdivision By-law by inserting the description for “Major Drainage System” into the Schedule as outlined in the staff report dated October 4, 2013. |
| **Motion Carried** |
TO: CBRM Council  
FROM: Malcolm Gillis  
SUBJECT: Drainage systems and the Subdivision Bylaw  
DATE: October 4th, 2013

The Subdivision Bylaw has a number of Schedules attached to the Bylaw that describe the construction specifications for public streets/roads and the service infrastructure under them (e.g. sanitary sewer main) and on them (asphalt). In the spring of 2012, at the request of Engineering and Public Works and Planning and Development Department staff, Council adopted amendments to many of these specifications to reflect contemporary engineering standards for service infrastructure in a subdivision. These Schedules of the Bylaw include specifications for major and minor drainage systems and recognizes they are different.

Inadvertently, the description of a major drainage system (which explains how it is different from a minor drainage system) was left out of the Schedules in the revisions brought to Council back in 2012. The description was in the former Bylaw which was repealed with the amendments adopted last year. The purpose of this issue paper is simply to request that Council re-insert the description of a major drainage system back into Schedule E of the Bylaw as written below my recommendation at the bottom of this issue paper.

Recommendation:
I recommend that the Subdivision Bylaw be amended by inserting the description on page 2 of this issue paper into Schedule E.

Submitted by:

Malcolm Gillis  
Planning and Development Department
"Major Drainage System

The major drainage system shall be designed to prevent loss of life and to protect structures and property from damage due to a major storm event. The capacity of the major drainage system shall be adequate to carry the discharge from a major storm event when the capacity of the minor drainage system is exceeded. The major drainage system shall consist of the following components.

- Ditches, open drainage channels, swales, roadways, retention ponds, watercourses, flood plains, canals, ravines, gullies, springs and creeks in those areas where a piped storm drainage system is required for the minor drainage system; or

- Ditches, open drainage channels, swales, roadways, watercourses, flood plains, canals, ravines, gullies, springs and creeks in those areas where an open channel storm drainage system is required for the minor drainage system."
5. BUSINESS ARISING

5.1 General Committee Meeting - November 4th, 2013:

a) Request for Deed – Property at 596 Main Street, Sydney Mines (Sydney Mines Junior High):

Committee recommends that the Mayor and Clerk be authorized to execute the deed concerning the Sydney Mines Junior High School property located at 596 Main Street, Sydney Mines to finalize the transfer from CBRM to Cape Breton-Victoria Regional School Board. Demetri Kachafanas, Regional Solicitor (see page 39)

b) Request for Deed – Sydney Memorial Chapel:

Committee recommends that the Mayor and Clerk be authorized to execute the deed concerning the Sydney Memorial Chapel property to finalize the transfer from CBRM to Sydney Memorial Chapel. Demetri Kachafanas, Regional Solicitor (see page 44)

c) Request for Easement – Napoli Pizzeria Ltd.:

Committee recommends that the Mayor and Clerk be authorized to execute the Easement in favor of Napoli Pizzeria in accordance with the terms as outlined in the Grant of Easement included with the staff report dated October 28, 2013. Demetri Kachafanas, Regional Solicitor (see page 50)

d) Request for Easement – David and Sandra Grechuk, Property at Pipers Cove Benacadie:

Committee recommends Council approve in principle the request for an easement for lands at Pipers Cove, Benacadie, subject to written agreement of the conditions as outlined in the staff report dated October 31, 2013. Demetri Kachafanas, Regional Solicitor (see page 57)

Continued...
Business Arising (cont’d)

5.2 In-Camera Council Meeting - November 4\textsuperscript{th}, 2013:

a) **CUPE Local 933 – Update on Contract Negotiations:**

Council recommends approval of the tentative five (5) year Collective Agreement between CBRM and CUPE Local 911 (Inside Workers) of the CBRM. Gordie MacDougall, Human Resources Officer (see page 60)
5.2 Requests for Deeds

a) Property at 596 Main Street, Sydney Mines (Sydney Mines Junior High):

The Regional Solicitor advised that he received a request for a Quit Claim Deed from the Cape Breton-Victoria Regional School Board (CBVRSB) concerning the Sydney Mines Junior High School property. The Board is trying to resolve a property matter with an adjoining property owners, and during this process, it was realized that a number of parcels in which the school is situate are in the name of the Town of Sydney Mines. They must be transferred into the name of the CBVRSB so that the land migration can take place.

**Motion:**
Moved by Councillor Keagan, seconded by Councillor Prince, that a recommendation be made to Council to authorize the Mayor and Clerk to execute the deed concerning the Sydney Mines Junior High School for the property located at 596 Main Street, Sydney Mines, to finalize the transfer from CBRM to Cape Breton-Victoria Regional School Board.

**Motion Carried.**
To: General Committee

From: Demetri Kachafanas  
Regional Solicitor

Subject: CBRM to Cape Breton-Victoria Regional School Board 
Request for Deed / Property at 596 Main Street, Sydney Mines 
Sydney Mines Junior High School 
My File No. 06954

Date: 30 October 2013

We have been contacted by Solicitor Jillian MacNeil, who represents the CBVRSB, 
requesting that a deed be provided to her client so that she can register same to correct title, 
resolve a property dispute with the adjacent landowner, and ultimately proceed with the migration 
of their land.

As per the attached information, there are several parcels of land on which Sydney Mines 
Junior High is located. These parcels must be transferred into the name of the CBVRSB so that 
the migration can be completed.

I am satisfied that the information provided to my office is correct. Therefore, I would 
ask for a Motion to have Mayor and Clerk sign a deed from CBRM to the Cape Breton-Victoria 
Regional School Board for the property in question.

Thank you.

Sincerely,

Demetri Kachafanas  
Regional Solicitor
VIA FAX to 563-5137

Cape Breton Regional Municipality
320 Esplanade
Sydney, Nova Scotia
B1P 7B9

Attention: Demetri Kachafanas

Dear Mr. Kachafanas:

Re: Cape Breton Regional Municipality and Cape Breton-Victoria Regional School Board – Quit Claim Deed

I am writing with respect to your correspondence of February 26, 2013. I am writing on behalf of the Cape Breton-Victoria Regional School Board with respect to the property in which Sydney Mines Jr. High School is currently located.

A property dispute arose last winter with respect to the use of the rear entrance of Sydney Mines Jr. High School. Specifically, a neighboring property owner barricaded the rear entrance of the school. This entrance is utilized quite frequently by the garbage pickup, oil delivery, staff parking and busing. As a result, the Cape Breton-Victoria Regional School Board entered discussions with this particular neighbor to attempt to reach an out of Court resolution so that the neighbor would remove his blockade from the property. The neighbor agreed to transfer a small portion of his property to the Cape Breton-Victoria Regional School Board.

Upon a Title Search of the property that Sydney Mines Jr. High School is located on, we ascertained that a number of the parcels of property is in the name of the town of Sydney Mines. In order to amicably resolve the ongoing dispute, it would be necessary to transfer a piece of the property in which the neighboring property owner is in possession of to the property that the Sydney Mines Jr. High School is located on. It will be necessary to migrate the school property in order to do a subdivision and consolidation. As a result, the
Cape Breton-Victoria Regional School Board is requesting the parcels of land which Sydney Mines Jr. High School is located on, that are currently in the name of the Municipality, is transferred to the Cape Breton-Victoria Regional School Board so that the migration process can be completed and that this ongoing property dispute can be resolved.

If you have any further questions, please do not hesitate to contact me.

Yours very truly,

[Signature]

Jillian MacNeil

JMN/nl
5.2 Requests for Deeds

b) Sydney Memorial Chapel:

The Regional Solicitor advised he was contacted by the solicitor for Sydney Memorial Chapel who indicated that a deed from the Cape Breton County Joint Expenditure Board to their property was never received/recorded. The Regional Solicitor is satisfied that the information provided to his office is correct and recommended that an appropriate deed be executed.

Motion:
Moved by Councillor Paruch, seconded by Councillor MacLeod, that a recommendation be made to Council to authorize the Mayor and Clerk to execute the deed concerning Sydney Memorial Chapel property to finalize the transfer from CBRM to Sydney Memorial Chapel.

Motion Carried.
TO: General Committee
FROM: Demetri Kachafanas
      Regional Solicitor
SUBJECT: Sydney Memorial Chapel
        Request for Deed
        My File No. 06953
DATE: 28 October 2013

In 1985 a deed was forwarded to Sydney Memorial Chapel from the Cape Breton County Joint Expenditure Board. Apparently this deed was never recorded. Please see the attached documentation.

We have been contacted by Solicitor Vince Gillis, who represents Sydney Memorial Chapel, requesting that a new deed be provided to his client so that he can register same.

I am satisfied that the information provided to my office is correct and am advised that Solicitor Gillis will forward an updated legal description. Therefore, I would ask for a Motion to have Mayor and Clerk sign a deed from CBRM to Sydney Memorial Chapel for the property in question.

Thank you.

Sincerely,

Demetri Kachafanas
Regional Solicitor

DK/er
Attachment
September 10, 2013

Demetri Kachafanas
Barrister & Solicitor
Cape Breton Regional Municipality
Esplanade
Sydney, Nova Scotia

Via Fax: 563-5137

Dear Demetri:

Re: CBRM to Sydney Memorial Chappell

Further to the aforementioned and our previous telephone conversation enclosed please find a copy of two correspondences from David N. Muise, former Jointex Solicitor the first dated July 10, 1985 and the second dated July 30, 1985. You will note Mr. Muise confirms that the Cape Breton County Joint Expenditure Board agreed to convey property to Sydney Memorial Chappell and apparently forwarded a deed to the City of Sydney for signature. My client advises it has never received the deed.

Would you kindly prepare a new deed for the lands in question so that my client may record the same.

I trust you will find this satisfactory and I thank you for your anticipated cooperation.

Yours truly,

Vincent A. Gillis, QC

Enclosure
July 10, 1985

Sydney Memorial Chapel
49 Welton Street
Sydney, Nova Scotia
B1P 5R3

Attention: Wayne Weatherbee

Dear Sir:

I am pleased to advise that the Cape Breton County Joint Expenditure Board has agreed to convey to you free of any restrictive covenants that portion of property you requested. Would you kindly provide me with a survey and legal description so that the necessary documents may be prepared.

Yours truly,

[Signature]

DAVID N. MUISE
JOINETEX SOLICITOR

dg

c.c. Mr. James Cunningham
July 30, 1985

Sydney Memorial Chapel Limited  
49 Welton Street  
Sydney, Nova Scotia  
B1P 5R3

Attention: Mr. Wayne Weatherbee

Dear Sir:

I have today forwarded to the City of Sydney a deed for property adjacent to your's on Welton Street. Should you have any further questions, please contact Mr. Michael Whalley.

I am returning herewith your architectural sketch.

Yours truly,

[Signature]

DAVID N. MUISE  
JOINTEX SOLICITOR

/dg

Enc
5.4 Requests for Easement:

a) Napoli Pizzeria Ltd.:  

The Regional Solicitor provided background information on this matter and noted that all costs associated with the easement will be the responsibility of the property owner.

Motion:
Moved by Councillor Eldon MacDonald, seconded by Councillor Rowe, that a recommendation be made to Council to authorize the Mayor and Clerk to execute the Easement in favor of Napoli Pizzeria in accordance with the terms as outlined in the Grant of Easement included with the staff report dated October 28, 2013.

Motion Carried.
ISSUE PAPER

TO: General Committee
FROM: Demetri Kachafanas
Regional Solicitor
SUBJECT: Napoli Pizzeria Ltd.
Request for Easement
My File No. 06952
DATE: 28 October 2013

We have been contacted by Solicitor Dominic Goduto, who represents Napoli Pizzeria Ltd., requesting an Easement to correct an encroachment over CBRM property as outlined in the attached documentation. Engineering has reviewed same and is in favour of recommending the Easement be granted.

Therefore, I would ask for a Motion to have Mayor and Clerk sign the Easement in favour of Napoli Pizzeria in accordance with the terms as outlined in the attached Grant of Easement.

Thank you.

Sincerely,

Demetri Kachafanas
Regional Solicitor

DK/er
Attachment
DOMINIC GODUTO LAW OFFICE INC.
Barrister and Solicitor
161 Townsend Street
Sydney, NS B1P 5E3
PH: (902) 564-9503 FAX: (902) 562-0365
E-mail: dominic.goduto@ns.aliantzinc.ca

September 4, 2013

C.B.R.M.
320 Esplanade
Sydney, NS B1P 7B9

Attention: Demitri Kachafianus

Dear Demitri:

RE: Napoli Pizzeria Ltd.

As per our telephone conference, I enclose the following:

1. Survey plan showing the encroachment.
2. Easement.

Please arrange execution and return the same to me for registration. Thank you.

Yours truly,

Dominic P. Goduto

DPGjeb

Enclosures
THIS GRANT OF EASEMENT made this ____ day of September, 2013.

BETWEEN:

CAPE BRETON REGIONAL MUNICIPALITY

hereinafter called the “GRANTOR”

OF THE ONE PART

And

NAPOLI PIZZERIA LIMITED, formerly known as 3073475
NOVA SCOTIA LIMITED

hereinafter called the “GRANTEE”

OF THE OTHER PART

WHEREAS the Grantor is the owner of the lands and premises known as Charlotte Street, Sydney, Cape Breton County, Province of Nova Scotia, being better known as PID #15705726; and

WHEREAS the Grantee is the owner of lands and premises known as 465 Charlotte Street, Sydney, Cape Breton County, Province of Nova Scotia, and known as PID #15065527;

WHEREAS a portion of the pizza shop owned by the Grantee encroaches on the lands of the Grantor; and

WHEREAS the Grantor has agreed that the encroachment may continue, only in accordance with the terms of this Agreement.

WITNESSETH that in consideration of the sum of One Dollar ($1.00) and other mutual consideration, the encroachment may continue as an easement for the benefit of the Grantee and a burden to the Grantor on the following conditions:

1. That the easement shall exist over the lands as shown in the plan attached hereto as Schedule “A”;  

2. That the easement pertains only to the lands over which a pizza shop is built and extends onto the land of the Grantor together with the right to enter upon the Grantor’s lands for the purposes of maintaining the pizza shop situate thereon;

3. That in the event the pizza shop is removed at any time or otherwise totally destroyed through fire or any other element, this easement shall then expire and the replacement of any structure shall occur only on the lands of the Grantee.
4. That this Agreement shall enure to the benefit of and be binding on the heirs, executors, administrators and assigns of the parties respectively.

IN WITNESS WHEREOF the Grantor has executed this agreement the day and year first above written.

SIGNED, SEALED and DELIVERED )
in the presence of ) )
) PER: __________________
) )
) ) PER: __________________
CAPE BRETON REGIONAL MUNICIPALITY
AFFIDAVIT OF STATUS

PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

I, Cecil Clarke, of Sydney, in the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say as follows:

1. That I am the Mayor of the Cape Breton Regional Municipality, and as such have a personal knowledge of the matters herein deposed to.

2. That the lands described in the within indenture are not occupied as a dwelling or matrimonial home by any persons to my knowledge.

SWORN TO at Sydney, in the Cape Breton Regional Municipality, Province of Nova Scotia, this ______ day of September, 2013, before me:

[Signature]

Mayor Cecil Clarke

A Barrister/Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT OF EXECUTION

PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

On this ______ day of September, 2013, before me, the subscriber personally came and appeared ______, the subscribing witness to the foregoing Indenture who having been by me duly sworn, made oath and said that Cecil Clarke and Bernie White, the Mayor and Clerk of the Grantor herein, signed, sealed and delivered the same in his presence.

A Barrister/Commissioner of the Supreme Court of Nova Scotia
NOTE '1':
EAVES CLEAR OF STREETLINE BY 3.75 ft.

NOTE: Clearances shown are perpendicular to the closest corners of the structure, measured to a tolerance of 1.0 ft.

CERTIFIED TO: 3073475 NOVA SCOTIA LTD.
RE: 465 CHARLOTTE STREET, SYDNEY,
C.B.R.M., Nova Scotia

I, John S. Pope Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with PART VII of the Nova Scotia Land Surveyor's Regulations made pursuant to Section 8 of the Land Surveyors Act.

DATED: This 16th Day of May, 2012: ___________________________ N.S.L.S.

(1) The PROPOSED ADDITION shown here is located entirely within the boundaries of the subject lands as said boundaries are defined by deed.

(2) All easements, documented in the deed recorded in Blk. 2313, Pg. 294 in the Registry of Deeds, Sydney, N.S.

(3) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned. This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.

© Duplication of this document without the permission of John S. Pope & Assoc. Ltd. is PROHIBITED

LEGEND
SM__SURVEY MARKER
IB__IRON BAR
FD__FOUND
DMP__DEED, MEASURED PLAN

ALL ENCROACHMENTS ARE SHOWN IN RED.
FIELD SURVEY CONDUCTED: MAY 16'12
-XX-XX-XX-- FENCE LINE
REFERENCE FILES: 99727
REFERENCE P.L.D.: 15066527

JOHN S. POPE & ASSOCIATES LIMITED
NOVA SCOTIA AND CANADA LAND SURVEYORS
P.O. BOX 185, 260 CHARLOTTE ST.
SYDNEY, C.B.R.M., NOVA SCOTIA
PHONE 562-1130  B1P 6H1  FAX 530-3629
5.4 Requests for Easement:

b) David and Sandra Grechuk – Property at Pipers Cove, Benacadie:

The Regional Solicitor provided background information on this request. He is recommending that the easement be granted subject to a number of conditions.

Motion:
Moved by Councillor Rowe, seconded by Councillor Paruch, that a recommendation be made to Council to approve in principle the request for an easement for lands at Pipers Cove, Benacadie as outlined in the staff report dated October 31, 2013, subject to written agreement of the following:

1. There shall be no restriction of vehicles and/or pedestrians over the right-of way;
2. The property owners shall not block or park on the right-of way;
3. The property owners construct the roadway at their own expense;
4. The property owners maintain the roadway at their own expense; and
5. The property owners agree and acknowledge that CBRM will in no way maintain or repair the roadway in question.

Motion Carried.
To: General Committee

From: Demetri Kachafanas
Regional Solicitor

Subject: David & Sandra Grechuk
Request for Easement
Property at Pipers Cove, Benacadie
My File No. 06839

Date: 31 October 2013

We have been contacted by, solicitor Glenn Campbell, requesting an Easement on behalf of his clients David and Sandra Grechuk to provide access to their property as outlined in the attached documentation.

The CBRM land in question provides the only access to a local beach. The Planning Department reviewed the matter and determined that an easement could be granted only if it did not restrict access of the public to the beach. The property owners requested only pedestrian access over the road however it is CBRM’s position that there should be no restriction to pedestrian or vehicle access given the distance to the beach from the road.

At this time we are asking for motion for the Mayor and Clerk to sign the Easement subject to written agreement of the following:

1. There shall be no restriction of vehicles and/or pedestrians over the right-of-way
2. The property owners shall not block or park on the right-of-way;
3. The property owners construct the roadway at their own expense;
4. The property owner maintain the roadway at their own expense; and
5. The property owners agree and acknowledge that CBRM will in no way maintain or repair the roadway in question.

Thank you.

Sincerely,

Demetri Kachafanas
Solicitor
The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.
CUPE Local 933 – Update on Contract Negotiations:

The Human Resources Officer provided background information on the issue, noting that the contract between CBRM and CUPE Local 933 expired on October 31st, 2012. The CBRM Management Negotiating Committee has met with CUPE Local 933 on several occasions and a tentative five year Collective Agreement was reached, which would expire on October 31, 2017. CUPE Local 933 approved the tentative Agreement on October 7, 2013.

Motion:
Moved by Councillor Keagan, seconded by Councillor MacLeod, that a recommendation be made to Council for approval of the tentative five (5) year Collective Agreement between CBRM and CUPE Local 933 (Inside workers) of the CBRM.

Motion carried
TO : Mayor & Council
SUBJECT : CUPE Local 933 Negotiations
DATE : October 17, 2013

CUPE Local 933 consists of 123 full-time and 13 part-time employees. This bargaining unit is comprised of mainly Financial Clerks, Secretary Admins, Recreation Programmers, Communications Operators, Jailers, Planners and other clerical staff. The contract of CUPE Local 933 expired on October 31, 2012.

The CBRM Management Negotiating Committee met with CUPE Local 933 Negotiating Committee on several occasions in an attempt to finalize a new Collective Agreement. A tentative five year agreement was reached with a 3.0% increase in each of the first 2 years and a 2.5% increase for each of the last 3 years. This agreement would expire October 31, 2017. In addition, these percentage increases are comparable to those recently approved by Council for CUPE Local 759.

We believe this 5 year agreement is a benefit to the Municipality in terms of providing workplace and budget stability.

CUPE Local 933 approved the tentative agreement on October 7, 2013.

Recommendation:

The Negotiating Committee is now recommending approval of Mayor & Council.
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

6. REPORTS & PROJECT UPDATES

6.1 Election of Deputy Mayor – Bernie White, Municipal Clerk (see page 64)

(for information only)
Marie Walsh, Acting CAO (see page 66)
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
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Total Taxes</td>
<td>$ 48,560,390.68</td>
<td>$ 47,826,027.51</td>
<td>$(734,363.17)</td>
<td>$ 95,652,055.00</td>
<td>$ 47,091,664.32</td>
</tr>
<tr>
<td>Total Federal Government</td>
<td>1,408,100.52</td>
<td>1,408,100.50</td>
<td>(0.02)</td>
<td>2,816,201.00</td>
<td>1,408,100.48</td>
</tr>
<tr>
<td>Total Federal Government Agencies</td>
<td>527,531.02</td>
<td>526,531.00</td>
<td>(1,000.02)</td>
<td>1,053,062.00</td>
<td>525,530.98</td>
</tr>
<tr>
<td>Total Provincial Government</td>
<td>395,920.50</td>
<td>395,920.50</td>
<td>-</td>
<td>791,841.00</td>
<td>395,920.50</td>
</tr>
<tr>
<td>Total Provincial Government Agencies</td>
<td>1,464,092.46</td>
<td>1,464,092.50</td>
<td>0.04</td>
<td>2,928,185.00</td>
<td>1,464,092.54</td>
</tr>
<tr>
<td>Total Services to Other Local Government</td>
<td>170,713.50</td>
<td>170,713.50</td>
<td>-</td>
<td>341,427.00</td>
<td>170,713.50</td>
</tr>
<tr>
<td>Total Transit</td>
<td>346,695.73</td>
<td>340,250.00</td>
<td>(6,445.73)</td>
<td>680,500.00</td>
<td>335,804.27</td>
</tr>
<tr>
<td>Total Environmental Development Services</td>
<td>166,500.61</td>
<td>192,250.00</td>
<td>25,749.39</td>
<td>384,500.00</td>
<td>217,999.39</td>
</tr>
<tr>
<td>Total Center 200</td>
<td>374,395.94</td>
<td>343,590.80</td>
<td>(30,806.14)</td>
<td>1,183,500.00</td>
<td>809,104.06</td>
</tr>
<tr>
<td>Total Arena - Centennial</td>
<td>18,143.66</td>
<td>13,272.23</td>
<td>(4,871.43)</td>
<td>210,500.00</td>
<td>192,356.34</td>
</tr>
<tr>
<td>Total Arena - County</td>
<td>50,380.32</td>
<td>65,620.57</td>
<td>15,240.25</td>
<td>335,500.00</td>
<td>285,119.68</td>
</tr>
<tr>
<td>Total Licenses &amp; Permits</td>
<td>82,662.50</td>
<td>108,250.00</td>
<td>25,587.50</td>
<td>216,500.00</td>
<td>133,837.50</td>
</tr>
<tr>
<td>Total Fines &amp; Fees</td>
<td>1,258,663.25</td>
<td>1,223,356.00</td>
<td>(35,307.25)</td>
<td>2,446,712.00</td>
<td>1,188,048.75</td>
</tr>
<tr>
<td>Total Rentals</td>
<td>296,792.84</td>
<td>328,680.00</td>
<td>31,887.16</td>
<td>657,320.00</td>
<td>360,527.16</td>
</tr>
<tr>
<td>Total Concessions &amp; Franchises</td>
<td>223,388.28</td>
<td>172,500.00</td>
<td>(50,888.28)</td>
<td>345,000.00</td>
<td>121,611.72</td>
</tr>
<tr>
<td>Total Return on Investments/Interest on Taxes</td>
<td>621,615.27</td>
<td>625,250.00</td>
<td>3,634.73</td>
<td>1,250,500.00</td>
<td>628,884.73</td>
</tr>
<tr>
<td>Total Finance Revenue</td>
<td>17,030.00</td>
<td>13,500.00</td>
<td>(3,530.00)</td>
<td>27,000.00</td>
<td>9,970.00</td>
</tr>
<tr>
<td>Total Solid Waste Revenue</td>
<td>1,472,398.43</td>
<td>1,300,000.00</td>
<td>(172,398.43)</td>
<td>2,600,000.00</td>
<td>1,127,601.57</td>
</tr>
<tr>
<td>Total Recreation &amp; Cultural Service Programs</td>
<td>63,036.75</td>
<td>86,582.50</td>
<td>23,545.75</td>
<td>130,605.00</td>
<td>67,568.25</td>
</tr>
<tr>
<td>Total Water Utility Charges</td>
<td>2,475,754.98</td>
<td>2,475,755.00</td>
<td>0.02</td>
<td>4,951,510.00</td>
<td>2,475,755.02</td>
</tr>
<tr>
<td>Total Unconditional Transfers</td>
<td>8,124,285.08</td>
<td>8,124,101.00</td>
<td>(184.08)</td>
<td>16,248,202.00</td>
<td>8,123,916.92</td>
</tr>
<tr>
<td>Total Conditional Transfers</td>
<td>2,870,628.50</td>
<td>2,870,628.50</td>
<td>-</td>
<td>4,851,257.00</td>
<td>1,980,628.50</td>
</tr>
</tbody>
</table>

| Year To Date Assigned | $ 70,989,120.82 | $ 70,074,952.11 | (914,168.71) | $ 140,101,877.00 | $ 69,112,756.18 |

Signed:

Darcy Durham
Departmental

Reviewed:

Vance Lane
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative</td>
<td>$677,448.49</td>
<td>$766,896.35</td>
<td>$89,447.86</td>
<td>$1,374,104.00</td>
<td>$696,655.51</td>
</tr>
<tr>
<td>Administration</td>
<td>573,777.11</td>
<td>562,194.24</td>
<td>(11,582.87)</td>
<td>850,607.00</td>
<td>276,829.89</td>
</tr>
<tr>
<td>Finance</td>
<td>967,812.61</td>
<td>1,085,657.02</td>
<td>117,844.41</td>
<td>2,212,730.00</td>
<td>1,244,917.39</td>
</tr>
<tr>
<td>Legal</td>
<td>203,385.83</td>
<td>215,741.01</td>
<td>12,355.18</td>
<td>398,018.00</td>
<td>194,632.17</td>
</tr>
<tr>
<td>Human Resources</td>
<td>375,497.38</td>
<td>495,223.00</td>
<td>119,725.62</td>
<td>1,636,344.00</td>
<td>1,260,846.62</td>
</tr>
<tr>
<td>Technology &amp; Communications</td>
<td>1,110,683.69</td>
<td>1,331,811.04</td>
<td>221,127.35</td>
<td>2,741,525.00</td>
<td>1,630,841.31</td>
</tr>
<tr>
<td>Municipal Clerk</td>
<td>502,366.89</td>
<td>559,050.65</td>
<td>56,683.76</td>
<td>1,234,345.00</td>
<td>731,978.11</td>
</tr>
<tr>
<td>Fiscal Services</td>
<td>16,519,683.69</td>
<td>16,880,301.00</td>
<td>360,617.31</td>
<td>33,760,602.00</td>
<td>17,240,918.31</td>
</tr>
<tr>
<td>Occupational Health &amp; Safety</td>
<td>86,568.54</td>
<td>95,079.30</td>
<td>8,510.76</td>
<td>196,824.00</td>
<td>110,255.46</td>
</tr>
<tr>
<td>Arena - County</td>
<td>195,651.69</td>
<td>248,530.62</td>
<td>52,878.93</td>
<td>516,313.00</td>
<td>320,661.31</td>
</tr>
<tr>
<td>Arena - Centennial</td>
<td>135,943.74</td>
<td>236,061.29</td>
<td>100,117.55</td>
<td>486,652.00</td>
<td>350,708.26</td>
</tr>
<tr>
<td>Centre 200</td>
<td>1,027,019.78</td>
<td>1,095,020.82</td>
<td>68,001.04</td>
<td>2,182,769.00</td>
<td>1,155,749.22</td>
</tr>
<tr>
<td>Police Services</td>
<td>12,397,970.34</td>
<td>12,672,865.99</td>
<td>274,895.65</td>
<td>24,652,766.00</td>
<td>12,254,795.66</td>
</tr>
<tr>
<td>Fire Services</td>
<td>8,829,735.32</td>
<td>9,047,817.99</td>
<td>218,082.67</td>
<td>16,864,890.72</td>
<td>8,035,155.40</td>
</tr>
<tr>
<td>Emergency Management Office</td>
<td>51,698.56</td>
<td>53,681.20</td>
<td>1,982.64</td>
<td>117,763.00</td>
<td>66,064.44</td>
</tr>
<tr>
<td>Engineering &amp; Public Works</td>
<td>21,829,880.24</td>
<td>23,080,150.82</td>
<td>1,250,270.58</td>
<td>46,876,958.00</td>
<td>25,047,077.76</td>
</tr>
<tr>
<td>Planning</td>
<td>426,282.91</td>
<td>538,786.83</td>
<td>112,503.92</td>
<td>1,118,537.00</td>
<td>692,254.09</td>
</tr>
<tr>
<td>Recreation</td>
<td>2,129,735.74</td>
<td>2,134,330.30</td>
<td>4,594.56</td>
<td>2,880,129.00</td>
<td>750,393.26</td>
</tr>
</tbody>
</table>

Total expended to date            | $68,041,142.55        | $71,099,199.47 | $3,058,056.92           | $140,101,876.72        | $72,060,734.17          

Daria Durham
Departmental

Reviewed
Cape Breton Regional Municipal Council

Monday, November 18th, 2013

6:00 p.m.

7. BY-LAWS, RESOLUTIONS & MOTIONS

7.1 By-Laws:

a) Second/Final Reading: N/A

b) First Reading: N/A

7.2 Resolutions:

a) Nova Scotia Power – “Considering Contracting Out More than 250 Local Unionized Jobs” Councillor Jim MacLeod (see page 70)

7.3 Motions: N/A
RESOLUTION


Whereas: A move by Nova Scotia Power to reduce costs by contracting out could result in the loss of more than 250 jobs, including most unionized positions in Cape Breton;

And Whereas: In May of 2012, after Nova Scotia Power just announced it was seeking yet another increase in electricity rates, revealed that its top executives were getting big raises on their million-dollar salaries;

And Whereas: Since 2012 Nova Scotia Power has raised rates seven times within eleven years and the Province’s Consumer Advocate warned that they would likely seek another increase in 2015;

And Whereas: Nova Scotia Power Officials have boasted about its mega profit records and then demands rate increases on the backs of citizens, many of them low income earners and seniors;

And Whereas: Jeff Richardson, Business Manager at Local 1928 of the International Brotherhood of Electrical Workers, stated “that such a move could mean the loss of virtually every unionized Nova Scotia Power employee in Cape Breton in all classifications”;

And Whereas: Unionized Nova Scotia Power employees work in the fields of construction, utilities, maintenance and many other valuable professions and they are the people who maintain our power lines, inspect homes and businesses to ensure they are safely wired, run power plants and restore power to our homes when the weather is at its worst;

Be It Therefore Resolved: That CBRM Mayor and Council instruct administrative staff to write to the Honorable Stephen McNeil, Premier of Nova Scotia requesting that he move forward with his election promise to bring soaring electricity rates under control while putting an end to corporate handouts and ask for his support for local unionized employees of Nova Scotia Power who deliver valuable service to Nova Scotians, both in the successful delivery of power and to the local economy.

Councillor Jim MacLeod – District #12 – CBRM

November 18\textsuperscript{th}, 2013