

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, FEBRUARY 11, 2025

10:00 A.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

Cape Breton Regional Municipality

Council Meeting

Tuesday, February 11, 2025

10:00 a.m.

AGENDA ITEMS

Land Acknowledgement

Roll Call

O' Canada

1. **APPROVAL OF AGENDA:** (Motion Required)
2. **APPROVAL OF MINUTES:** (Previously Circulated)
 - **Special Council Minutes – January 14, 2025**
 - **Council Minutes – January 21, 2025**
3. **PROCLAMATIONS & RESOLUTIONS:**
 - 3.1 **Wear Red Canada Day:**
Councillor Kim Sheppard-Campbell (See page 4)
4. **BUSINESS ARISING: Committee of the Whole – February 4, 2025:**
 - 4.1 **Doucet Developments – CBRM Council Update:** Demetri Kachafanas, K.C.,
Interim Chief Administrative Officer (See page 5)
 - 4.2 **Request for Municipal Property – PID 15435597 – Rear of Lot Fronting on
Highland Street, Glace Bay (District 9):** Sheila Kolanko, Property Manager (See
page 18)
 - 4.3 **Request for Municipal Property – Portion of PID 15523707 – Official Row,
Reserve Mines (District 9):** Sheila Kolanko, Property Manager (See page 22)

Continued...

**Council Meeting Agenda
February 11, 2025 (Cont'd)**

- 4.4 **Request for Municipal Property – Portion of PID 15006869 – St. Agnes Avenue, New Waterford (District 11):** Sheila Kolanko, Property Manager (See page 26)

- 4.5 **Nova Scotia Power Incorporated / 190 Daley Rd., New Victoria – Lease Request:** Demetri Kachafanas, K.C., Interim Chief Administrative Officer (See page 30)

- 4.6 **Vacancies on Various Committees:** Christa Dicks, Municipal Clerk (See page 42)

- 4.7 **Property for Municipal Purposes – PID 15519283:** Robert Walsh, Chief of Police (See page 45)

- 4.8 **Resolution for Pre-Approval of Debt Issuance / Temporary Borrowing Resolution:** Jennifer Campbell, CPA, CA Chief Financial Officer (See page 48)

- 4.9 **Resolution for Pre-Approval of Debt Issuance:** Jennifer Campbell, CPA, CA Chief Financial Officer (See page 55)

ADJOURNMENT



PROCLAMATION

Wear Red Canada Day

- WHEREAS:** Heart disease is the number one killer of women worldwide and the leading cause of premature death for Canadian women, a fact unknown to many women and their healthcare providers; and
- WHEREAS:** The Canadian Women's Heart Health Alliance is an organization of volunteer health professionals and patients working hard to improve women's heart health; and
- WHEREAS:** Wear Red Canada Day is celebrated annually to raise awareness for all Canadians, but especially Canadian women, to be mindful, curious, and proactive in the management of their heart health and wellness; and
- WHEREAS:** We want to see better prevention, diagnosis, and care and fewer women dying prematurely from heart disease.
- BE IT THEREFORE
RESOLVED:** That CBRM Mayor Cecil P. Clarke and Council proclaim Thursday, February 13, 2025, as Wear Red Canada Day in the Cape Breton Regional Municipality.

Councillor Kim Sheppard-Campbell – CBRM District #12

February 11, 2025

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Doucet Developments – CBRM Council Update

Motion

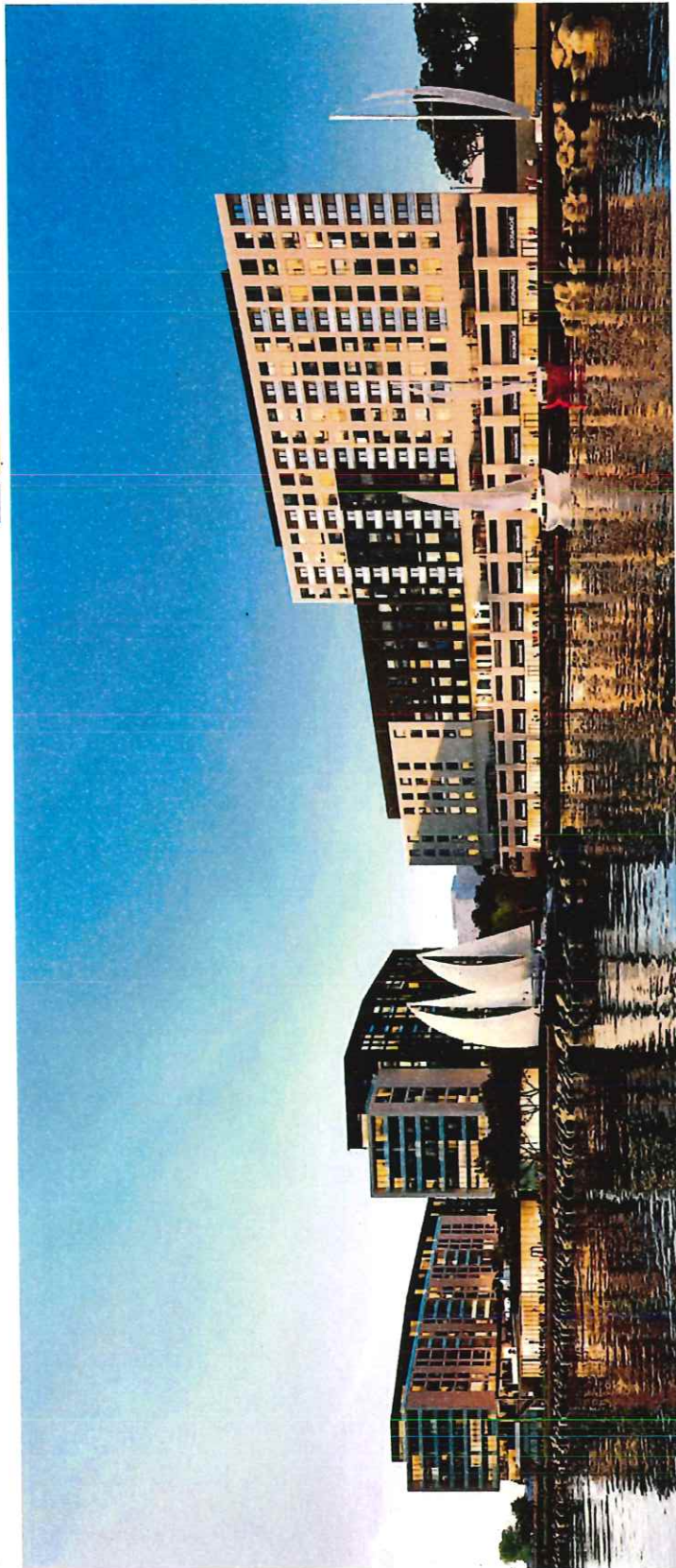
Moved by Deputy Mayor Eldon MacDonald, seconded by Councillor Paruch, that Committee of the Whole recommend to Council extensions and amendments to the approved development agreement between CBRM and Doucet Developments as follows:

- Permit Application – six months after land purchase closes
- Breaking Ground – 90 days after permit approval

Discussion:

- Request for this vote to be recorded

Motion Carried



CBRM Council Update
February 2025

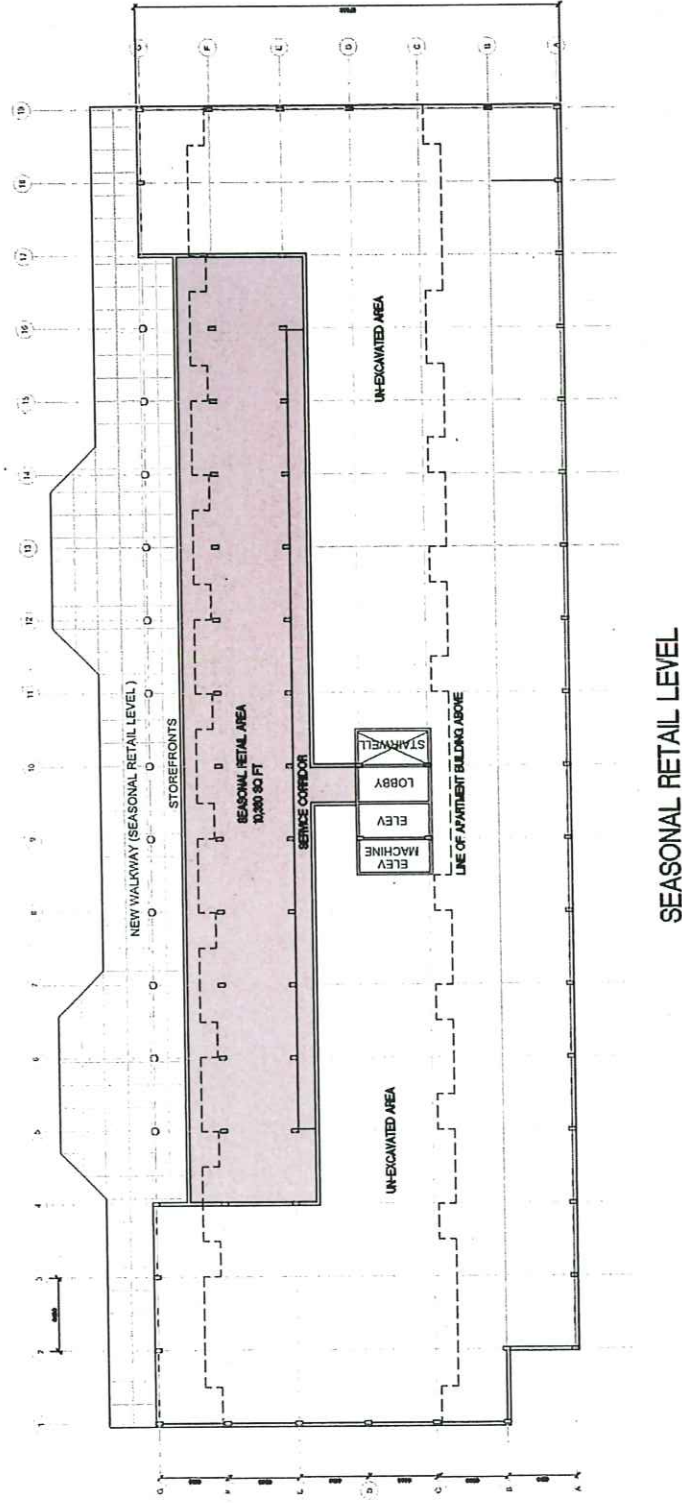
2024 Activities

- Q1 January – March
 - Phase 1 change and hotel addition – CBRM Council Update
 - Site massing study and feasibility analysis
 - Geotechnical and Environmental reporting
- Q2 April – June
 - Site Surveying
 - Land Purchase (Harbor Royale Investments)
 - CBRM Land – purchase proposal
 - June – Geotechnical and Environmental due diligence complete (behind schedule but completed)
- Q3 July – September
 - Hotel removed from Phase 1 scope. Cost & shifting priorities
 - Site redesign to exclude hotel
 - Costing exercises and building type review
- Q4 October – December
 - Modular review and Canam site tours
 - Land Migration; Subdivision Application
 - Feasibility review
 - Shanghai, China; Gdansk, Poland; Toronto, Ontario;

Boardwalk Level



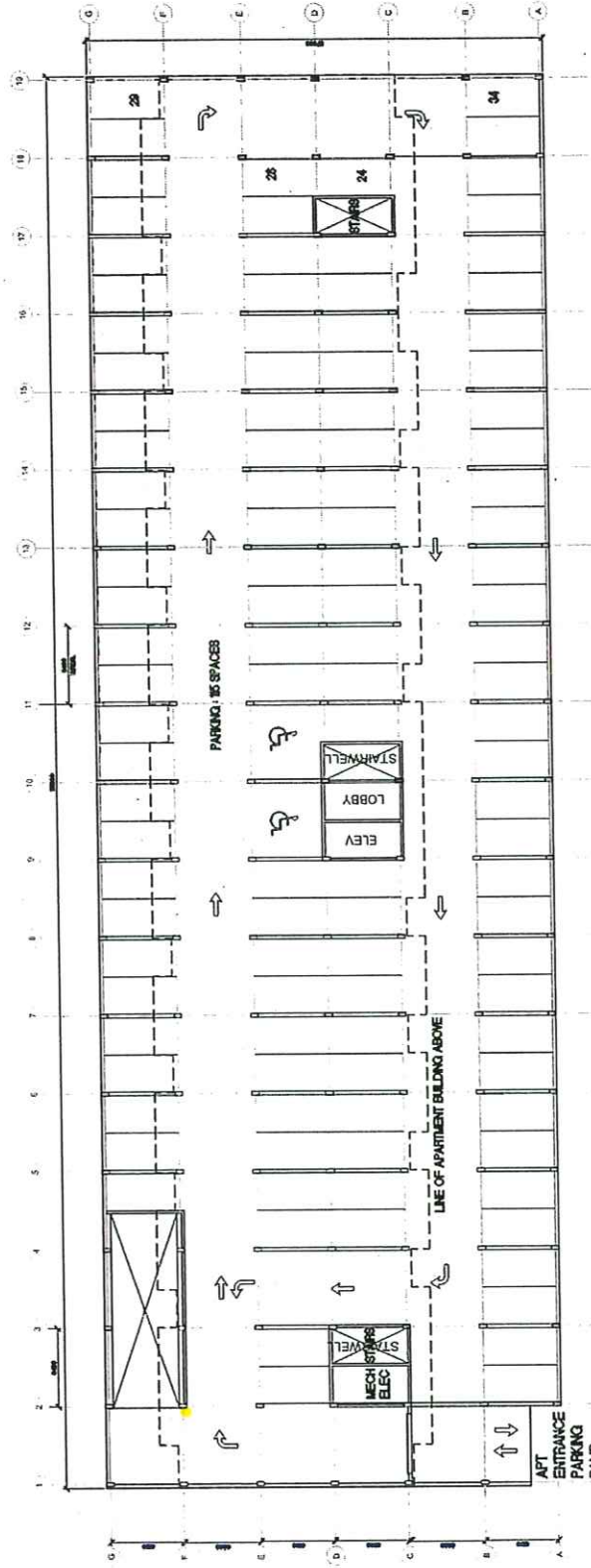
- Boardwalk level
- 10,000 + square feet for seasonal retail operations
- Fully accessible
- No parking at this level



U/G Parking



- 115 underground parking spots available – fully accessible
- Tenant Parking



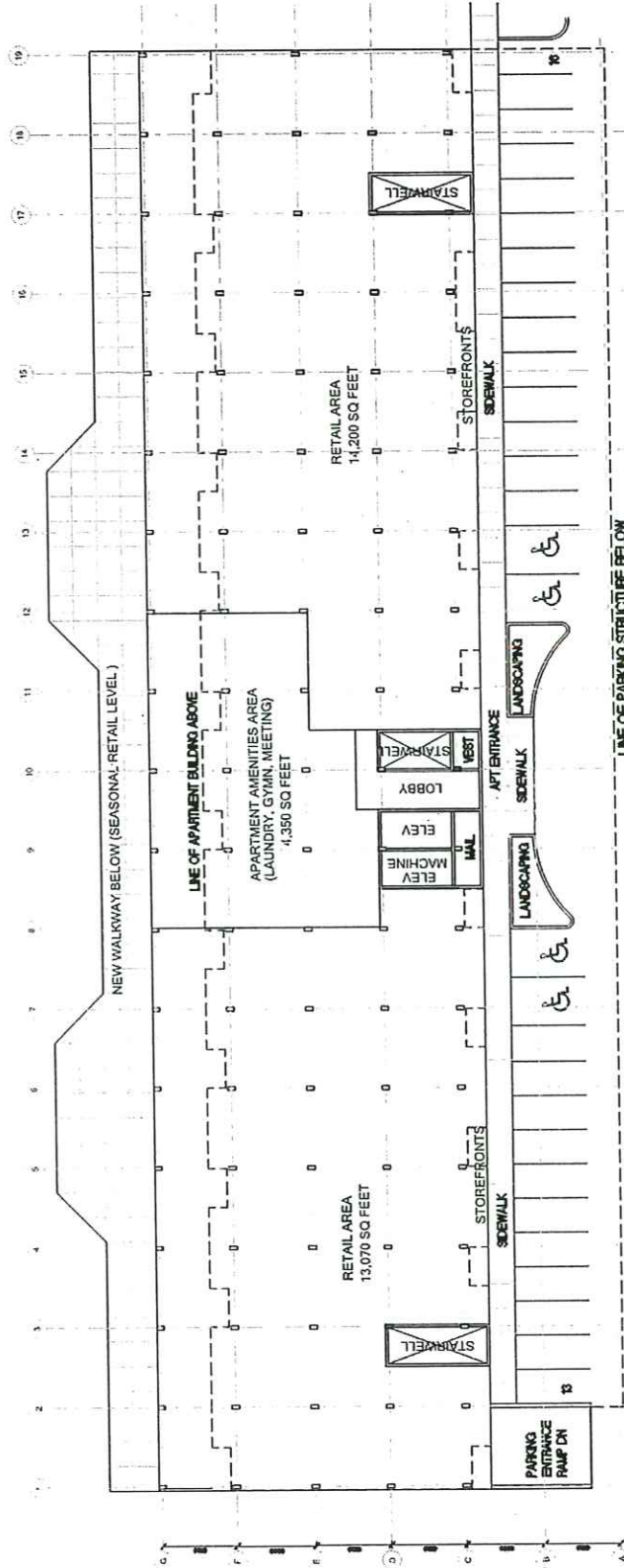
PARKING LEVEL 2 (UPPER)

PARKING : 115 SPACES

46,870 SQ FT PER LEVEL

Main Level

- 27,000 square feet of commercial retail space
- 29 Ground Floor Parking Spaces
- Fully Accessible
- 5000+ square feet of patio

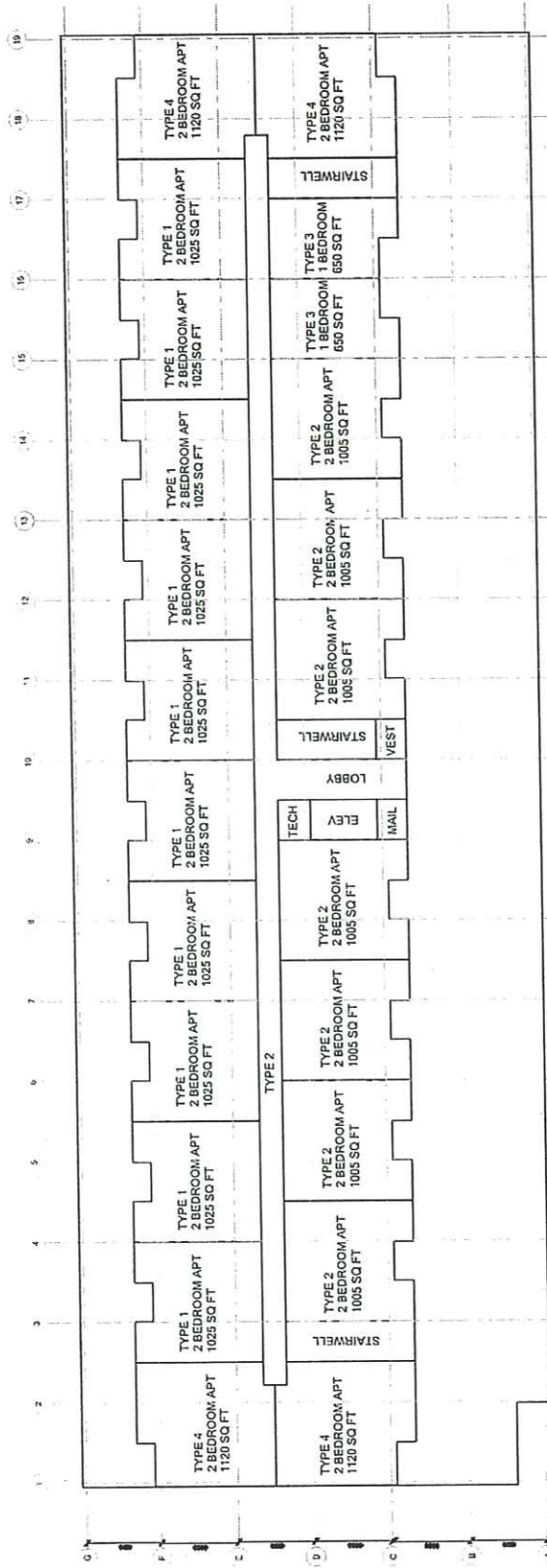


RETAIL LEVEL (GROUND FLOOR)
46,870 SQ FT



Levels 2 - 7

- 27,000 square feet per floor
- 23 Units Per Floor
- 138 Units in total
- Patios / Juliette Balconies
- 1 Bed / 2 Bed
- 3 Bed TBD



APARTMENT LEVELS FLOOR PLAN
23 UNITS (2 - 1 BEDROOM, 21 - 2 BEDROOM)
26,800 SQ FT PER LEVEL



DOUCET
DEVELOPMENTS

- [illegible]



G

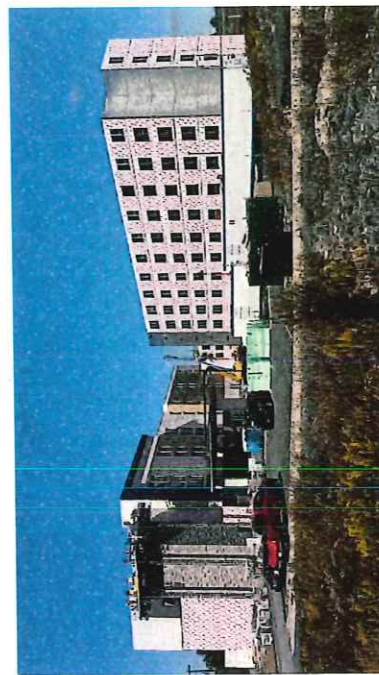
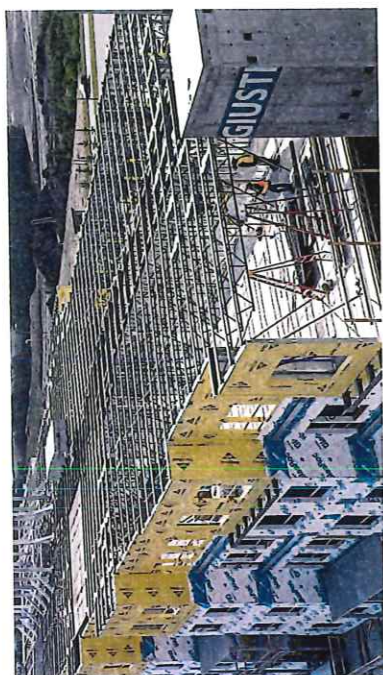
Modular

- Pre-Fabricated Steel Modules. Built to local codes / specs.



Steel

- Hambro Structural Building Systems – Examples



Next Steps – 2025

- Q1 January - March
 - Design Progression
 - Subdivision Approval / CBRM Land Purchase
- Q2 April – June
 - Load Impact Study (NSP)
 - Design Final Draft
- Q3 July – September
 - Permit Application Submission
 - Break ground / Construction
- Q4 October – December
 - Construction Continues

Request of CBRM Council



- Extension / Amendment to Approved Development Agreement
- Permit Application – 6 months after land purchase closes
 - Design can't proceed further until land deal closes
- Breaking Ground – 90 days after permit approval
 - Once approved, we are ready to go!

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Request for Municipal Property – Portion of PID 15435597 – Rear of Lot Fronting on Highland Street, Glace Bay (District 9)

Motion

Moved by Councillor MacKeigan, seconded by Councillor Nickituk, that Committee of the Whole recommend to Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the *Municipal Government Act*.

Motion Carried



CBRM

A Community of Communities

MEMO — Committee of the Whole

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR MUNICIPAL PROPERTY
PID 15435597
Rear of Lot fronting on Highland Street, Glace Bay
(District 9)

DATE: February 4th, 2025

REQUEST:

To deem municipal property surplus for sale at market value.

BACKGROUND INFORMATION:

CBRM received a *Letter of Interest* requesting CBRM sell a parcel of municipal property located on an undeveloped street, recognized as Eastwood Street, in Glace Bay (“subject property”). The subject property is outlined in yellow on the attached map (Attachment “A”) and identified as PID 15435597. The applicant’s property at 93 Highland Street, Glace Bay, lies adjacent to the subject property and is identified as PID 15435571 and PID 15045156, and outlined in blue on the said map.

The subject property is currently listed essential and identified in the Property Inventory database as a landlocked parcel with a comment referencing “Renwick brook drainage”. The applicant is seeking to purchase the subject property to add to his existing lots and extend this driveway to access his property in the rear.

PID 15435597 is currently assessed at \$2,200.00.

INTERNAL REVIEW/EVALUATION:

An internal review has been completed, and staff have confirmed there is no CBRM infrastructure on the subject property. CBRM does not require this property for stormwater management. There is no plan or objective for the municipality to develop the undeveloped road parcel referred to as Eastwood Street. The parcel is landlocked and would only benefit an adjacent property owner. If the applicant's request is approved by council, lot consolidation would be required to comply with CBRM's Municipal Planning Strategy and Land Use By-Laws.

LEGISLATIVE AUTHORITY

Section 50 (5)(b) of the *Municipal Government Act* states that

A municipality may sell property at market value when the property is no longer required for the purposes of the municipality.

FINANCIAL IMPLICATIONS:

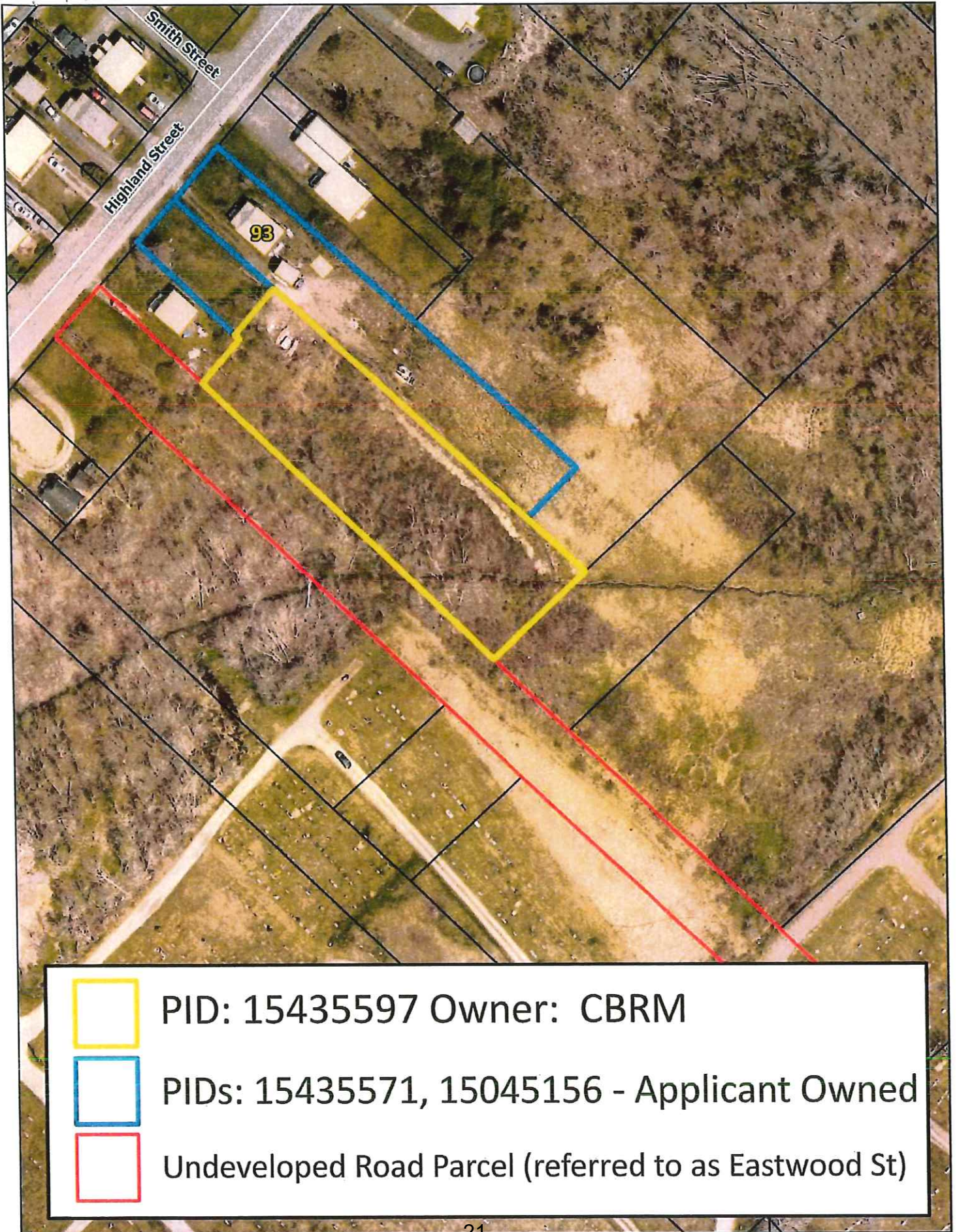
The applicant will be required to pay market value for the subject property and all costs shall be the responsibility of the applicant.

RECOMMENDATION:

It is the recommendation of staff that the Committee of the Whole direct Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the Municipal Government Act.

Respectfully submitted,

Sheila Kolanko
Property Manager



Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Request for Municipal Property – Portion of PID 15523707 – Official Row, Reserve Mines (District 9)

Motion

Moved by Councillor MacKeigan, seconded by Councillor MacMullin, that Committee of the Whole recommend to Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the *Municipal Government Act*.

Motion Carried



CBRM

A Community of Communities

MEMO — Committee of the Whole

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR MUNICIPAL PROPERTY
Portion of PID 15523707 – Official Row, Reserve Mines
(District 9)

DATE: February 4th, 2025

REQUEST:

To deem municipal property surplus for sale at market value.

BACKGROUND INFORMATION:

The municipality received a *Letter of Interest* requesting CBRM sell a portion of municipal property located on Official Row, Reserve Mines ("subject property"). The subject property is shown crosshatched in yellow on the attached map (Attachment "A") and is a portion of municipal land identified as PID 15523707, outlined with a solid yellow line. The applicant's property at 1 Official Row, Reserve Mines, lies adjacent to the subject property and is identified as PID 15636871 and outlined in blue on the said map.

The subject property is part of a larger parcel currently listed as an essential community asset for Reserve Mines Park. The applicant is seeking to purchase a small portion of the property to square off his property that is consistent with adjacent properties and use it as an entrance point off Official Row to the rear of the applicant's property. The applicant is asking CBRM to sell an area measuring approximately 25 feet more or less along Official Row and running the length of his existing property, approximately 160 feet.

INTERNAL REVIEW/EVALUATION:

An internal staff review was completed. Staff determined there is no issue with the applicant's request and the proposed dimensions and if sold, would have no adverse effect on the current park. If the applicant's request is approved, lot consolidation would be required with the applicant's existing property to comply with the applicable provisions of the Land Use By-Law.

LEGISLATIVE AUTHORITY

Section 50 (5)(b) of the *Municipal Government Act* states that

A municipality may sell property at market value when the property is no longer required for the purposes of the municipality.

FINANCIAL IMPLICATIONS:

The applicant would be required to pay market value for the subject property together with all costs associated with the proposed sale and lot consolidation.

RECOMMENDATION:

It is the recommendation that the Committee of the Whole direct Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the Municipal Government Act.

Respectfully submitted,

Sheila Kolanko
Property Manager

ATTACHMENT "A"



Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Request for Municipal Property – Portion of 15006869 – St. Agnes Avenue, New Waterford (District 11)

Motion

Moved by Councillor O'Quinn, seconded by Councillor Sheppard-Campbell, that Committee of the Whole recommend to Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the *Municipal Government Act*.

Motion Carried



CBRM

A Community of Communities

MEMO — Committee of the Whole

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR MUNICIPAL PROPERTY
Portion of PID 15006869 – St. Agnes Avenue, New Waterford
(District 11)

DATE: February 4th, 2025

REQUEST:

To deem municipal property surplus for sale at market value.

BACKGROUND INFORMATION:

The municipality received a *Letter of Interest* requesting CBRM sell a portion of municipal property located on St. Agnes Street, New Waterford ("subject property"). The subject property is shown crosshatched in yellow on the attached map (Attachment "A") and is a portion of municipal land identified as PID 15006869. The applicant's property at 3789 St. Agnes Avenue, New Waterford, lies adjacent to the subject property and is identified as PID 15490121 and outlined in red on the said map.

The applicant's driveway and baby barn are encroaching on the CBRM property. The applicant wishes to acquire the subject property to resolve the encroachment issues. The municipal property is currently listed essential and identifies the encroachments in the Property Inventory database.

PID 15006869 is currently assessed at \$9,600.00.

INTERNAL REVIEW/EVALUATION:

An internal staff review was completed. All departments agree the encroachment concerns should be addressed and support the applicant's request. However, the department of Engineering is recommending the parcel be adjusted more inline with

civic 3789 to allow for additional road right of way beyond the edge of asphalt and to encompass the utility pole and power lines. As such, it is the staff's recommendation to retain a portion of the property, as shown outlined in blue. The blue parcel and the yellow crosshatched parcel comprise of PID 15006869. If the applicant's request is approved, a subdivision would be required. CBRM would retain the blue lot and the applicant would require lot consolidation with his existing property to comply with the applicable provisions of the Land Use By-Law.

LEGISLATIVE AUTHORITY

Section 50 (5)(b) of the *Municipal Government Act* states that

A municipality may sell property at market value when the property is no longer required for the purposes of the municipality.

FINANCIAL IMPLICATIONS:

The applicant would be required to pay market value for the subject property together with costs associated with the proposed sale.

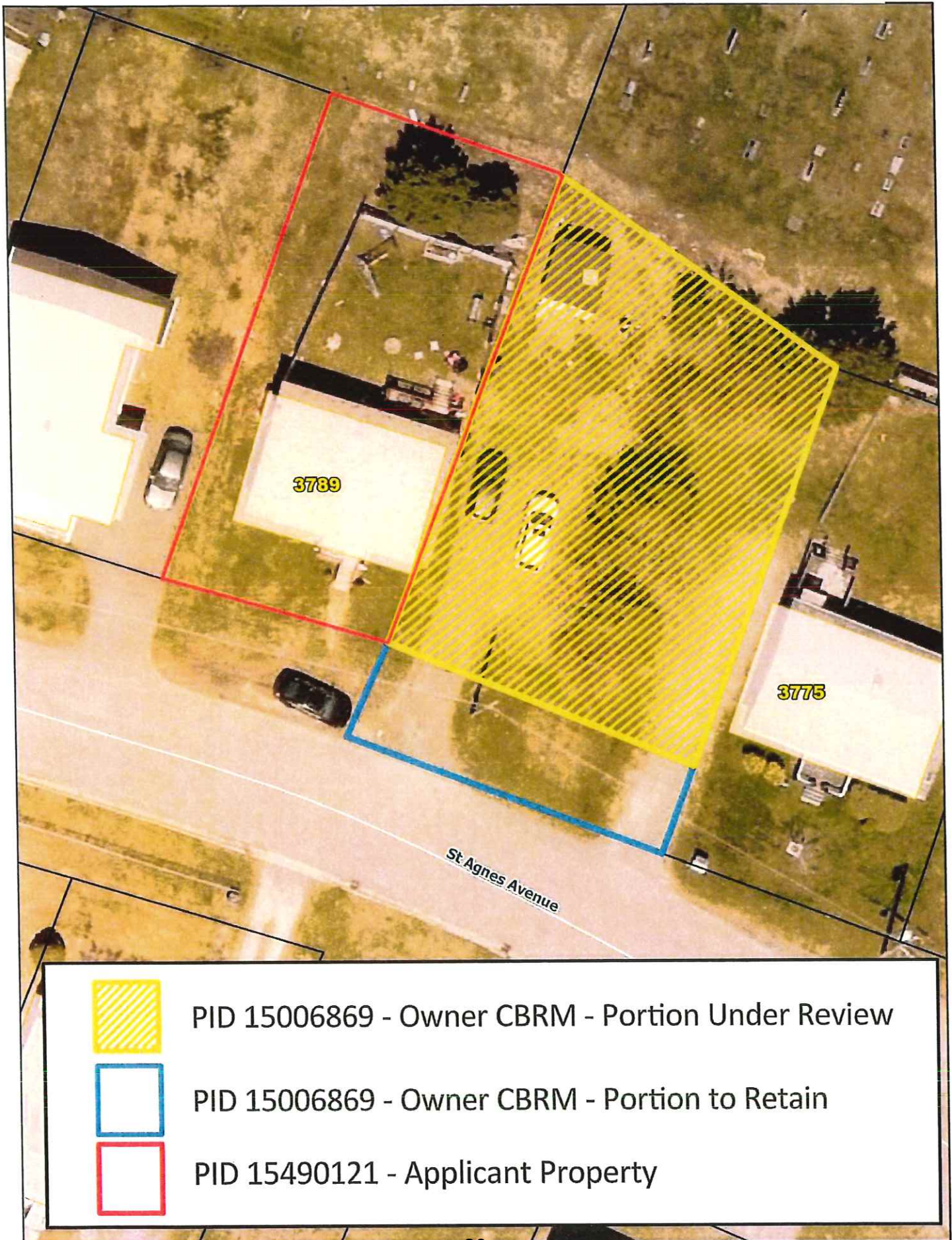
RECOMMENDATION:

It is the recommendation that the Committee of the Whole direct Council to pass a motion to deem the subject property surplus and sell the said subject property to the applicant pursuant to the Municipal Government Act.

Respectfully submitted,

Sheila Kolanko
Property Manager

ATTACHMENT "A"



Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Nova Scotia Power Incorporated / 190 Daley Rd., New Victoria – Lease Request

Motion

Moved by Councillor MacMullin, seconded by Councillor Paruch, that Committee of the Whole recommend to Council to approve a five-year lease with NSPI for CBRM property located at 190 Daley Rd., New Victoria, at an annual rent of \$1200.

Motion Carried



CBRM

A Community of Communities

Memo

TO: Committee of the Whole

FROM: Colin Fraser

SUBJECT: Nova Scotia Power Incorporated / 190 Daley Rd., New Victoria
– Lease Request

DATE: Jan. 28, 2025

BACKGROUND:

NSPI currently operates an Ambient Air Monitoring Station on CBRM property at 190 Daley Road, New Victoria, PID #15517659. The Legal Department was contacted by NSPI regarding this property in 2024. Although the air monitoring station has been operated on the property for many years, there is no formal agreement in place between CBRM and NSPI regarding their use of the property. NSPI has requested that we enter into a five-year lease of the property with them because no agreement currently exists. The proposed lease contains an option to renew for an additional five years at the end of the term.

Under NSPI's proposed lease, annual rent in the amount of \$1200 would be paid for their use of the property. NSPI would not be permitted to use the property for any purpose other than the operation and maintenance of the Ambient Air Monitoring station.

A copy of the proposed lease is attached. I have reviewed the lease and the terms appear reasonable for NSPI's continuing use of the property.

RECOMMENDATION:

That the Committee pass a motion to direct Council to approve a five-year lease with NSPI for CBRM property located at 190 Daley Rd., New Victoria, at an annual rent of \$1200.

Submitted by:

Colin Fraser
Legal Researcher

THIS LEASE made effective the 1st day of January, 2025

BETWEEN:

CAPE BRETON REGIONAL MUNICIPALITY, a municipality, in the County of Cape Breton, Province of Nova Scotia

(hereinafter called the "**Lessor**")

-and-

NOVA SCOTIA POWER INCORPORATED, a body corporate with Head Office at Halifax, in the County of Halifax, Province of Nova Scotia

(hereinafter called "**NSPI**")

WHEREAS:

- A. The Lessor is the owner of certain lands situate at 190 Daley Road, New Victoria, County of Cape Breton, Province of Nova Scotia, and more particularly described as PID 15517659 (collectively the "**Lands**").
- B. NSPI wishes to lease from the Lessor a portion of said lands, as described in Schedule "A" for the purpose of operating an Ambient Air Monitoring Station on the Lessor's property.

NOW THEREFORE, THIS LEASE WITNESSETH THAT in consideration of the premises, and the mutual covenants and agreements herein and the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. BASIC TERMS

- (a) **Leased Premises:** the portion of Lands marked in red on Schedule "A";
- (b) **Term:** Five years from Commencement Date;
- (c) **Commencement Date:** January 1, 2025;
- (d) **End of Term:** December 31, 2029;
- (e) **Annual Rent:** \$1,200.00 per year payable on or before the 1st day of January on each anniversary of the Commencement Date; and
- (f) **Permitted Use:** Operating and maintaining an Ambient Air Monitoring Station, this use shall include the right of access over the Lands.

2. **RENT**

In consideration of the granting of this Lease, NSPI covenants to pay the Lessor during each year of the Term the Annual Rent. The first of such payments shall be made on or before the 1st day of January, 2025, and on or before the first day of January each year thereafter. In the event NSPI overholds beyond the expiration of the Term NSPI shall pay the Lessor \$100.00 on a month by month basis during the period of overholding.

3. **TERM**

The Term of the Lease shall be as set forth in Section 1(b) hereof. Provided that NSPI is not in default, NSPI shall have the option to renew the current Lease for a further term ("**Extended Term**") of five years at a rent to be negotiated, but the Extended Term rent shall not be less than the Annual Rent. All other terms and conditions will remain the same as set out in this Lease.

4. **NSPI's COVENANTS**

NSPI covenants and agrees:

- (a) the Leased Premises will be used for the Permitted Use and for no other purpose;
- (b) to pay the Annual Rent in the manner and at the times set forth herein;
- (c) to comply with all federal, provincial and municipal laws, by-laws, rules and regulations which in any way relate to or affect the privileges herein granted;
- (d) to occupy the Leased Premises in a tenant-like manner and to well and sufficiently repair, maintain and keep the Leased Premises in good and substantial repair, reasonable wear and tear only accepted; such repairs or maintenance shall be done with the Lessor's prior written permission;
- (e) NSPI agrees that upon termination of the Lease, NSPI will remove from the Leased Premises all buildings, structures or other materials it has placed on the Leased Premises during Term and the Extended Term; and
- (f) The Lessor shall not be in any way liable for damage or loss to NSPI, its successors or assigns, or third parties, arising out of the use of the Leased Premises by NSPI, unless such damages or loss shall be caused as a result of the negligence or willful misconduct of the Lessor.

5. **TERMINATION**

It is mutually agreed by and between the parties that:

- (a) this Lease shall be terminated automatically upon expiration or earlier in accordance with the terms hereof;
- (b) the Lessor may terminate this Lease forthwith upon ninety (90) days prior written

notice to NSPI if NSPI is in material breach of any covenant herein;

- (c) NSPI may terminate this Lease upon ninety (90) days prior written notice given by NSPI to the Lessor, provided however the Annual Rent paid in advance to the Lessor shall not be refundable to NSPI;
- (d) if any part or all of the Leased Premises are damaged or destroyed so as to render the Leased Premises or any part thereof unsuitable for NSPI's needs during the term of this Lease, this Lease shall terminate; or
- (e) if the Annual Rent, or any part thereof, shall be in arrears or if NSPI shall default in the observance or performance of any of the NSPI's covenants or agreements contained in this Lease and such areas or default shall continue for a period of fourteen (14) days, then the Lessor shall give NSPI written notice of the default requiring NSPI to pay arrears or remedy the default within thirty (30) days of written notice, and if not cured in thirty days the Lessor may re- enter the Leased Premises and the Term hereby granted shall thereupon be terminated with the balance of the lease payments to be paid in full upon termination.

6. GENERAL

- (a) Any notice to be given pursuant to, or in connection with, this Lease shall be in writing and shall be given either:
 - (i) by personal service on the party to be notified; or
 - (ii) by mailing the notice to the party to be notified by prepaid registered mail.
- (b) If any such notice is given, it shall be deemed to have been given on the day on which it was served, in the case of personal service, or in the case of notice by mail, four (4) days after it has been deposited in a Post Office in Canada.

The proper address for service upon the Lessor is:

Cape Breton Regional Municipality
320 Esplanade, Suite 401
Sydney, NS B1P 7B9
Attention: Colin A. Fraser

The Proper address for service upon NSPI is:

Nova Scotia Power Incorporated
1223 Lower Water Street
P.O. Box 910
Halifax, NS B3J 2W5
Attention: Legal Services

- (c) This Lease shall be construed and interpreted in accordance with the laws of the Province of Nova Scotia.
- (d) A Notice of this Lease shall be recorded pursuant with the Land Registration Act,

as described in Schedule "B" hereto.

[balance of page is intentionally left blank- signatures to follow on next page]

36

SCHEDULE A



SCHEDULE "B"

Notice of Lease

THIS NOTICE OF LEASE made this _____ day of _____, 2025.

BETWEEN:

NOVA SCOTIA POWER INCORPORATED, a body corporate,
having its head office at Halifax, in the County of Halifax,
Province of Nova Scotia,

(hereinafter called "**NSPI**")

AND

CAPE BRETON REGIONAL MUNICIPALITY, a municipality, in
the County of Cape Breton, Province of Nova Scotia,

(hereinafter called the "**Lessor**")

WHEREAS:

1. By Lease effective as of the 1st day of January, 2025 (the "**Lease**"), the Lessor leased to NSPI a portion of the property situate at 190 Daley Road, New Victoria, County of Cape Breton, Province of Nova Scotia (PID 15517659), as more particularly depicted in Schedule "A" annexed hereto (the "**Leased Premises**");
2. The Parties have agreed to record this Notice for the purposes of giving notice of the interest of NSPI in the Leased Premises.

TAKE NOTICE:

1. The Lessor has demised and leased to NSPI the Leased Premises in accordance with the terms contained in the Lease.
2. The term of the Lease is for a period of five (5) years commencing on the 1st day of January, 2025, and terminating on the 31st day of December, 2029. NSPI has the right to extend the term for a further period of five (5) years commencing on the 1st day of January, 2030 and terminating on the 31st day of 4.
3. NSPI acknowledges and declares this Notice has been executed for the purpose only of giving notice of the Lease and certain of its terms, and reference must be had to the Lease for all of its terms.

[balance of page is intentionally left blank – signatures to follow on next page]

SIGNED AND DELIVERED
in the presence of:

NOVA SCOTIA POWER INC.

Per: _____
Name: _____
Title: _____

**CAPE BRETON REGIONAL
MUNICIPALITY**

Witness

Per: _____
Name: _____
Title: _____

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX**

1. **THAT** I am the _____ at Nova Scotia Power Incorporated (the "**Corporation**"), and, as such, I have a formal knowledge of the matters herein deposed to.
2. **THAT** for the purpose of this my Affidavit, "matrimonial home" means a dwelling and real property occupied by a person and that person's spouse as their family residence.
3. **THAT** the Corporation is not a non-resident of Canada within the meaning of the *Income Tax Act*.
4. **THAT** the lands described in the within Notice of Lease are not occupied by any member of the Corporation as a Matrimonial Home, nor is any person entitled to use the lands as a Matrimonial Home, and the lands have never been so occupied while the lands have been owned by the Corporation.
5. **THAT** I am the properly authorized signatory of the Corporation and have executed the foregoing documentation on its behalf on the date of this affidavit and thereby bind the Corporation. This acknowledgment is made pursuant for the purposes of registering the within Notice of Lease pursuant to the relevant provisions of the *Land Registration Act*, S.N.S. 2001 c. 6 and in compliance with the provisions of the *Matrimonial Property Act*, R.S.N.S. 1989, c. 275 and the *Vital Statistics Act*, R.S.N.S. 1989, c. 494.

A Barrister of the Supreme
Court of Nova Scotia

**CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX**

I CERTIFY that on this ____ day of _____, 2025, **NOVA SCOTIA POWER INCORPORATED**, one of the parties mentioned in the forgoing and annexed Notice of Lease, signed and delivered the said Notice of Lease in my presence and I have signed as a witness to such execution.

A Barrister of the Supreme Court of
Nova Scotia

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Vacancies on Various Committees

Motion

Moved by Councillor MacMullin, seconded by Councillor Nickituk, that Committee of the Whole recommend to Council to approve the recommendations regarding vacancies on various committees as follows:

- Refer the applicants as presented for the Accessibility Advisory Committee to Council
- Refer the applicants as presented for the Audit Committee contingent on qualifications to Council
- Refer the applicants as presented for the Diversity, Equity, and Inclusion Committee to Council
- Refer the applicants as presented for the Heritage Advisory Committee to Council
- Defer all applications for the Library Board for additional time for review
- Defer all applications for Police Commission for additional time for review
- That Council direct staff to reissue a call for public interest to serve on the Accessibility Advisory Committee
- That Council direct staff to reissue a call for public interest to serve on the diversity, equity, and inclusion committee after the terms of reference have been developed

Motion Carried



320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Clarke and Council

From: Christa Dicks, Municipal Clerk

Date: February 11, 2025

Subject: Vacancies on Various Committees

Recommendations

As recommended at the meeting held on February 4, 2025, that Committee of the Whole recommend to:

- Refer the applicants as presented for the Accessibility Advisory Committee to Council
- Refer the applicants as presented for the Audit Committee contingent on qualifications to Council
- Refer the applicants as presented for the Diversity, Equity, and Inclusion Committee to Council
- Refer the applicants as presented for the Heritage Advisory Committee to Council
- Defer all applications for the Library Board for additional time for review
- Defer all applications for Police Commission for additional time for review
- That Council direct staff to reissue a call for public interest to serve on the Accessibility Advisory Committee
- That Council direct staff to reissue a call for public interest to serve on the diversity, equity, and inclusion committee after the terms of reference have been developed

Background

As directed by Council at its December 2024 meeting, expressions of interest for citizen positions on various internal and external committees were publicly advertised in the Cape Breton Post. Notice was also placed on the CBRM website, and social media. The deadline for submissions was Tuesday, February 3, 2025.

In response, there were a total of 31 applications:

Committee	Positions Available	Applications
Audit	Two	2
Diversity, Equity and Inclusion	Up to ten	3
Accessibility	Up to eight	5
Heritage	Up to Seven	6
Police Commission	Three	6
Library Committee	Two	9

A confidential matrix with applications was provided to Committee of the Whole on February 4, 2025, and an overview of applications occurred during an in-camera session for protection of personal and confidential information. Recommendations were made in open session by Committee of the Whole to Council to refer and defer applications as noted in the recommendations above.

Next Steps:

Applications being recommended to Council will be referred to the next Council meeting, while Library Board and Police Commission applications will be reviewed during the next meeting of Committee of the Whole.

A copy of this report can be obtained online at www.cbrm.ns.ca or by contacting the Office of the Municipal Clerk at 902-563-5010.

Report Prepared by: Christa Dicks, Municipal Clerk 902-563-5010

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Property for Municipal Purposes – PID 15519283

Motion

Moved by Councillor Gordon MacDonald, seconded by Councillor Paruch, that Committee of the Whole recommend to Council to permit negotiations for a nominal fee with the Government of Canada for potential acquisition of the property at 1795 Grand Lake Road.

Motion Carried



MEMO

To: Mayor Clarke and Committee of the Whole
Submitted by: Chief Robert Walsh
Date: February 4th, 2025
Subject: Municipal Property PID15519283

The purpose of this memorandum is to inform Committee of the Whole of engagement with the federal government regarding the potential acquisition of the property at 1795 Grand Lake Road for a nominal fee.

CBRPS ascertains that this property may address operational needs, strengthen public safety infrastructure, and support service expansion in a cost-effective manner.

Details will be presented to the Police Commission and Council before proceeding further.

This report is available at www.cbrm.ns.ca or by contacting the Clerk's Department at 902-563-5010.

Report Prepared by: Olivia Boudreau, CBRPS Business Manager 902-563-5100



MEMO

To: Mayor Clarke and Committee of the Whole
Submitted by: Chief Robert Walsh
Date: February 6th, 2025
Subject: Municipal Property PID15519283

During the COTW meeting on February 4, 2025, Committee of the Whole recommended to Council to approve the Chief of Police to engage with the federal government regarding the potential acquisition of the property at 1795 Grand Lake Road for a nominal fee.

CBRPS ascertains that this property may address operational needs, strengthen public safety infrastructure, and support service expansion in a cost-effective manner.

Details will be presented to the Police Commission for discussion and further recommendation to Council.

This report is available at www.cbrm.ns.ca or by contacting the Clerk's Department at 902-563-5010.

Report Prepared by: Olivia Boudreau, CBRPS Business Manager 902-563-5100

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Resolution for Pre-Approval of Debt Issuance / Temporary Borrowing Resolution

Motion

Moved by Deputy Mayor Eldon MacDonald, seconded by Councillor Parsons, that Committee of the Whole recommend to Council to approve the resolution, included in the agenda package, for the pre-approval of debt issuance and temporary borrowing resolution in the amount of \$9,208,569 for capital projects completed up to March 31, 2024.

Motion Carried

**CBRM***A Community of Communities***Cape Breton Regional Municipality**

MEMO

Date: February 4, 2025

To: Mayor and Council

From: Jennifer Campbell, CPA, CA Chief Financial Officer

Re: Resolution for Pre-Approval of Debt Issuance/Temporary Borrowing Resolution

CBRM requires a renewed pre-approval for Debenture Issuance and temporary borrowing resolution for the Province of Nova Scotia – Municipal Finance Division's 2025 Debenture Issue for Municipalities. The amount of borrowing required is \$9,208,569. This borrowing is for capital projects approved and completed in the fiscal year March 31, 2024. A summary of the projects and related borrowing is included for reference and as previously presented as part of the 2023-24 Annual Financial Report on January 20, 2025:

CBRM Capital Program 2023/24	Cost	Funding	Borrowing
Land and buildings	\$ 841,937	\$ 212,448	\$ 629,489
Arenas	7,029,550	7,007,623	21,927
Fire Equipment/Apparatus	836,421	103,193	733,228
Streets and Sidewalks	11,975,466	6,663,102	5,312,364
Fleet Replacement	1,762,755	873,908	888,848
Waste Water/Storm Water	914,321	887,000	27,321
Parks & Grounds	2,565,435	2,017,469	547,966
Active Transportation			-
Transit	2,174,637	1,127,212	1,047,426
Tech Upgrades	-	-	
Waterfront Development			
Total	\$ 28,100,523	\$ 18,891,954	\$ 9,208,569

The original borrowing resolution was approved upon the adoption of the 2023-24 Budget in the amount of \$8,839,633 on April 6, 2023. As noted during the Audit Committee presentation, the difference between borrowing approved and borrowing required is due to the timing of costs incurred for multi-year projects.

Due to the fact that longer than 12 months have elapsed since the original borrowing resolution approval, a current resolution must be passed to meet MFD's debenture participation requirements.

Requested Motion:

Council approve the attached resolution for the pre-approval of debt issuance and temporary borrowing resolution in the amount of \$9,208,569 for capital projects completed up to March 31, 2024.

Sincerely,

A black rectangular redaction box covering the signature of Jennifer Campbell.

Jennifer Campbell, CPA, CA Chief Financial Officer

MUNICIPAL COUNCIL OF THE
Cape Breton Regional Municipality
TEMPORARY BORROWING RESOLUTION

Amount: \$9,208,569

Capital Projects: Detailed in Schedule "A"

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the Cape Breton Regional Municipality, subject to the approval of the Minister of Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute;

WHEREAS the Council of the Cape Breton Regional Municipality has adopted a capital budget for this fiscal year as required by Section 65 of the Municipal Government Act and are so authorized to expend funds for capital purposes as identified in their capital budget; and

WHEREAS the specific amounts and descriptions of the projects are contained in Schedule "A" (attached);

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the Cape Breton Regional Municipality borrow a sum or sums not exceeding Nine million, two hundred eight thousand, five hundred sixty nine Dollars (\$9,208,569) for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the Cape Breton Regional Municipality to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that a sum or sums not exceeding Nine million, two hundred eight thousand, five hundred sixty nine Dollars (\$9,208,569) in total be borrowed from time to time from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of approval of the Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the Cape Breton Regional Municipality held on the 11 day of February, 2024.

GIVEN under the hands of the Clerk and under the seal of the Council of the Cape Breton Regional Municipality this ____ day of _____, 2024.

Clerk

**MUNICIPAL COUNCIL OF THE
Cape Breton Regional Municipality
TEMPORARY BORROWING RESOLUTION**

Amount: \$ 9,208,569

Capital Projects: Detailed in Schedule "A"

**SCHEDULE "A"
CAPITAL PROJECTS**

		Estimates \$
Heading / Category:		
Item	Land and buildings	629,489
Item		
Item		
Item		
Heading Sub Total:		629,489
Heading / Category:		
Item	Fire Equipment & Apparatus	733,228
Item	Fleet Replacement	888,848
Item		
Item		
Heading Sub Total:		1,622,076
Heading / Category:		
Item	Streets & Sidewalks	5,312,364
Item		
Item		
Item		
Heading Sub Total:		5,312,364
Heading / Category:		
Item	Wastewater/Stormwater	27,321
Item		
Item		
Item		
Heading Sub Total:		27,321
Heading / Category:		
Item	Parks, Grounds, Arenas	547,966
Item	Arenas	21,927
Item		
Item		
Heading Sub Total:		569,893
Heading / Category:		
Item	Transit	1,047,426
Item		
Item		
Item		
Heading Sub Total:		1,047,426
TOTAL REQUEST CONTAINED WITHIN THIS RESOLUTION		9,208,569

Name of Unit: _____ CAPE BRETON REGIONAL MUNICIPALITY _____

Resolution for Pre-Approval of Debenture Issuance Subject to Interest Rate

WHEREAS clause 66 (1) of the Municipal Government Act (the "Act") provides that a municipality may borrow to carry out an authority to expend funds for capital purposes conferred by the Act or another Act of the Legislature;

AND WHEREAS clause 91(1)(a) of the Act provides that where a municipality is authorized to borrow money, subject to the approval of the Minister of Municipal Affairs and Housing (the "Minister"), that the sum shall be borrowed by the issue and sale of debentures, in one sum or by installments, as determined by the council;

AND WHEREAS clause 91(1)(b) of the *Municipal Government Act* authorizes the council to determine the amount and term of, and the rate of interest, on each debenture, when the interest on a debenture is to be paid, and where the principal and interest on a debenture are to be paid;

AND WHEREAS clause 91(2) of the *Municipal Government Act* states, that in accordance with the *Finance Act*, the mayor or warden and clerk or the person designated by the council, by policy, shall sell and deliver the debentures on behalf of the municipality at the price, in the sums and in the manner deemed proper;

AND WHEREAS the resolution of council to borrow for was approved by the municipal council on February 11, 2025
(council's TBR approval date)

BE IT THEREFORE RESOLVED

THAT under the authority of Section 91 of the *Municipal Government Act*, the

CAPE BRETON REGIONAL MUNICIPALITY
(Name of Unit)

borrow by the issue and sale of debentures a sum or sums not exceeding \$9,208,569, for a period not to exceed 20 years, subject to the approval of the Minister;

THAT the sum be borrowed by the issue and sale of debentures of the

CAPE BRETON REGIONAL MUNICIPALITY
(Name of Unit)

in the amount that the mayor or warden and clerk or the person designated by the council deems proper, provided the average interest rate of the debenture does not exceed the rate of 6.5%;

THAT the debenture be arranged with the Province of Nova Scotia with interest to be paid semi-annually and principal payments made annually;

THAT this resolution remains in force for a period not exceeding twelve months from the passing of this resolution.

For Province use only:

TBR #: _____

Minister
signed: _____

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a meeting of the Council of the
CAPE BRETON REGIONAL MUNICIPALITY

(Name of Unit)

held on the 11 day of February 2025

GIVEN under the hands of the Mayor/Warden and the Clerk of the
CAPE BRETON REGIONAL MUNICIPALITY

(Name of Unit)

this _____ day of _____ 20____

Mayor/Warden

Clerk



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Jennifer Campbell, Chief Financial Officer
Wayne MacDonald, Director of Engineering & Public Works

From: Deborah Campbell Ryan, Municipal Clerk

Date: April 6, 2023

Subject: CBRM Capital Budget 2023-24

At the Special Council Budget meeting on April 6, 2023, the following motion was passed:

Motion:

Moved by Councillor Parsons, seconded by Deputy Mayor Edwards, to approve the 2023-24 Capital Budget, totaling \$68,768,310, and

- Associated required borrowing resolutions for \$8,839,633;
- Associated required borrowing resolution for \$4,693,985 (Wastewater);
- Transfer from Capital reserve \$2,350,000;
- Transfer from Operating Reserve \$340,000.

Motion Carried.

I would ask that you please take the action noted in the above motion.

Thank you.



Deborah Campbell Ryan
Municipal Clerk

/acr

C: Marie Walsh, Chief Administrative Officer
Adam MacNeil, Manager of Finance

Excerpt – DRAFT Committee of the Whole Minutes – January 14, 2025

Resolution for Pre-Approval of Debt Issuance

Motion

Moved by Deputy Mayor Eldon MacDonald, seconded by Councillor MacMullin, that Committee of the Whole recommend to Council to approve CBRM Water Utility to refinance the balance of \$3,750,000, for the final five-year term of the loan.

Motion Carried



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: February 4, 2025
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Resolution for Pre-Approval of Debt Issuance

CBRM requires a pre-approval for Debenture Issuance for the Province of Nova Scotia – Municipal Finance Division's 2025 Spring Debenture Issue. The purpose of this debenture issuance is to refinance the balance of maturing loan # 30-A-1 held by the CBRM Water Utility.

The debenture was originally drawn November, 2010 in the amount of \$15,000,000, repayable at \$750,000/year over a 20 year period. Subsequent to the initial 10 year term, the Water Utility has the option of paying the loan balance in full or refinancing the balance at each 5 year renewal date.

Staff recommend that the Utility refinance the balance of the loan, which will ensure stability of water rates.

The amount eligible to be refinanced is \$3,750,000, for the final 5 year term of the loan. The resolution required by DMA and MFD is included and requires Council approval.

Sincerely,

Jennifer Campbell, CPA, CA Chief Financial Officer

MUNICIPAL COUNCIL OF THE

TEMPORARY BORROWING RESOLUTION

Amount: \$3,750,000

Refinance Debenture: 30-A-1

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the
Cape Breton Regional Municipality subject to the approval of the Minister of
Municipal Affairs and Housing, may borrow to expend funds for a capital purpose as authorized by statute; and,

WHEREAS clause 66 (4)(b) of the Municipal Government Act authorizes the Municipality to expend funds for
the purpose of paying or retiring debentures;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the
Cape Breton Regional Municipality borrow a sum or sums not exceeding
Three million, seven hundred fifty thousand Dollars (\$3,750,000)
for the purpose set out above, subject to the approval of the Minister of Municipal Affairs and Housing;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the
Cape Breton Regional Municipality to such an amount as the Council deems necessary;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the
Minister of Municipal Affairs and Housing of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read
and duly passed at a meeting of the Council of the
Cape Breton Regional Municipality
held on the 11 day of February, 2025.

GIVEN under the hands of the Clerk and under the seal of the Council of the
Cape Breton Regional Municipality this
____ day of _____, 2025.

Clerk

