

Cape Breton Regional Municipality

Council Meeting

ADDENDUM

TUESDAY, APRIL 2, 2019

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, April 2, 2019

6:00 p.m.

ADDENDUM

9. **CORPORATE SERVICES:**

- 9.6 **Request from Sydney Mines Volunteer Fire Department – PID 15177132 and 15845829 Pitt Street, Sydney Mines, NS:** Sheila Kolanko, Senior Paralegal/Property Manager (See page 3)



ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FROM SYDNEY MINES VOLUNTEER FIRE DEPARTMENT – PID 15177132 AND 15845829 PITT STREET, SYDNEY MINES, NS

DATE: APRIL 2ND, 2019

INTRODUCTION

CBRM is in receipt of a letter from the Sydney Mines Volunteer Fire Department (SMVFD) requesting CBRM transfer 2 parcels of CBRM property to the department for \$1.00. The property subject to this Issue Paper is identified on the attached map as PID 15177132 and 15875829 and outlined in red. This property is located on Pitt Street, Sydney Mines and lies adjacent to the department's property identified as PID 15505357 and outlined in blue on the attached map. (Schedule A)

BACKGROUND

A copy of the letter of request from SMVFD is attached as Schedule B. Upon review of the letter you will note they are asking CBRM to convey the property to allow the fire department to expand the parking lot to accommodate parking for patrons of the John. J. Nugent Firemen's Centre as well as for members of the fire department while they are attending emergency calls. They are seeking to relocate an existing storage garage (which a portion appears to be encroaching on one of the lots (PID 15177132). Their future plans would be to improve the appearance of the property by planting trees and placing park benches on the property.

The subject lands were purchased by CBRM back in 2016 at a tax sale at the request of Fire Services. This was done to secure the land for the SMVFD. The amount paid for the

property at the time of tax sale was \$16,360.24. The demolition fee was a large part of the cost.

The fire department is asking for council to consider conveying the parcels of land for no consideration. The property is currently assessed at \$12,300 per lot which would equate to \$24,600 for the 2 parcels.

Staff have reviewed the request and while some staff support conveying the lands for \$1.00, others feel that if the property is deemed surplus it should be sold for fair market value to recover the cost of the taxes and demolition fees.

Pursuant to Policy 4.8 of CBRM's Property Management Policy and Section 51 of the *Municipal Government Act* a Municipality can sell at a price less than market value to a non-profit organization that Council considers to be carrying on an activity that is beneficial to the Municipality. It also provides that the resolution to sell at less than market value must be passed by at least a two thirds majority of the council present and voting. Furthermore, Section 51(3) requires Council first hold a public hearing if the property is valued at more than ten thousand dollars. Copies of the relevant sections of the Policy and MGA are attached as Schedule "C" and Schedule "D" respectively.

The Land Use Bylaw allows for a parking lot to be a main use however it must be paved and meet all provisions as outlined in the Land Use ByLaw.

OPTIONS:

Council at this point in time has three options:

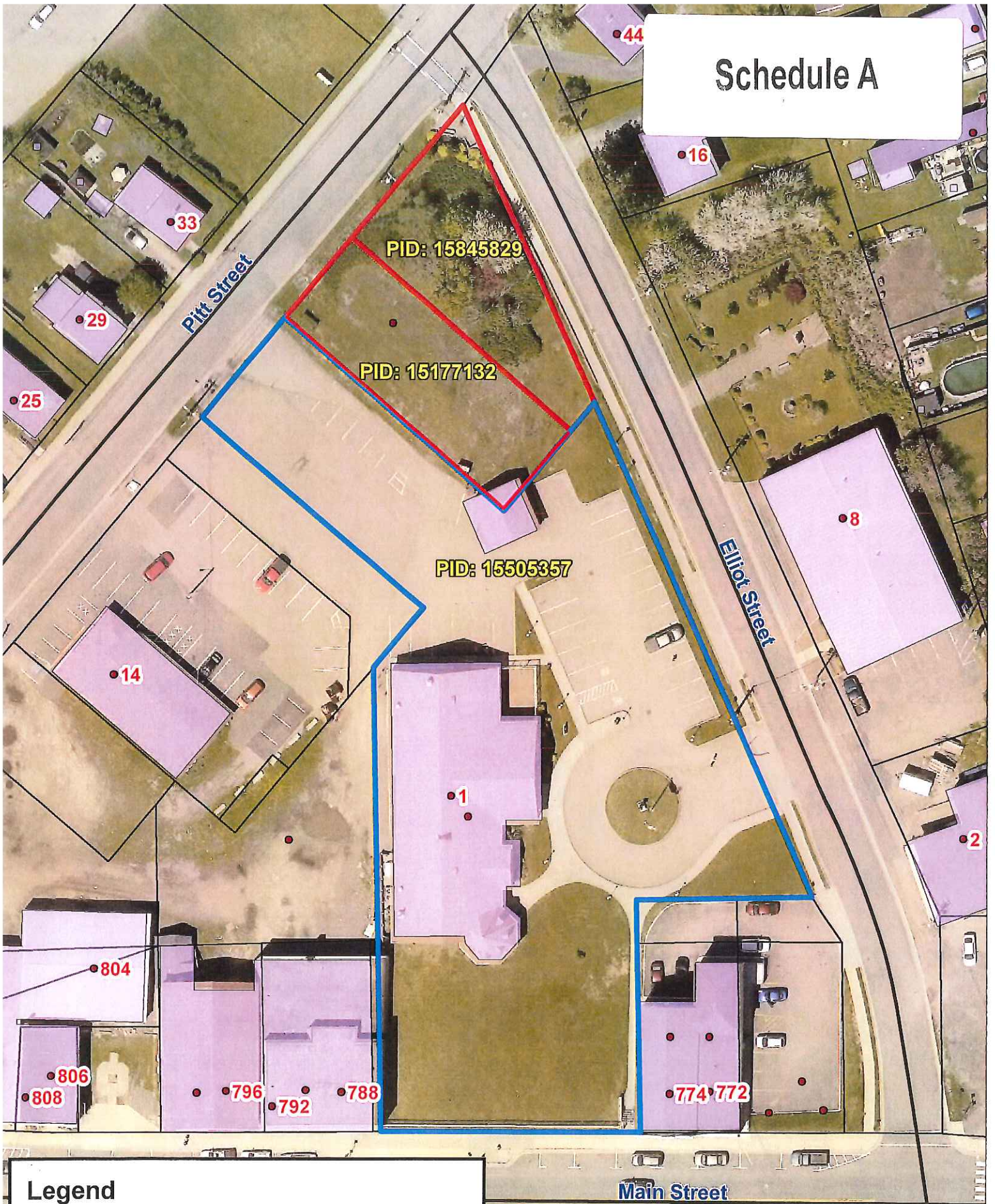
1. It can deem the property surplus and recognize the Sydney Mines Volunteer Fire Department's development proposal as an activity beneficial to the Municipality, and hold a Public Hearing with respect to the proposed sale to SMVFD for \$1.00. Based on the Land Use By-law the transaction would be subject to lot consolidation with existing lands of the fire department and the developer obtaining a development permit for any work on the site;
2. It can deem the property surplus and sell for fair market value subject to the same provisions noted in item 1 above; or
3. It can simply do nothing and leave the matter as it stands.

Respectively Submitted by:


Original signed by

Sheila Kolanko
Property Manager

Schedule A



Legend

 SMVFD (PID 15505357)

 CBRM Property (PID 15177132 and PID15845829)

70 35 0 70 Feet



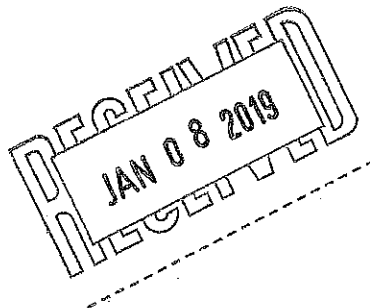
Schedule B

SYDNEY MINES FIRE DEPARTMENT

8 Elliott Street P.O. Box 55 Sydney Mines N.S. B1V 2Y4
Founded 1904

December 13, 2018

Ms. Shelia P. Kolanko
Senior Paralegal/Property Manager
Cape Breton Regional Municipality
320 Esplanade, Suite 401
Sydney, NS



Dear Ms. Kolanko

We, the members of the Sydney Mines Volunteer Fire Department, are interested in obtaining two parcels of land that once belonged to the late Joseph & Mary Frances MacIntyre of Pitt Street, Sydney Mines.

It is our understanding that the CBRM has acquired ownership of these two parcels - PIDs' 15177132 and 15845829. (Copy enclosed)

We would like the CBRM to donate these two parcels to our fire department to allow us to expand the parking lot to accommodate parking for patrons of the John J. Nugent Firemen's Centre. Also these lots could be used by members of the fire department while attending emergency calls of the department. This addition could allow us to relocate our existing storage garage to a more suitable and useful location on the requested properties.

Future plans would be to clean up and beautify that property by placing several park benches and shade trees at the corner of Pitt and Elliott streets. This acquisition would be a huge plus for our department and it is our hope that you will give this request favourable consideration.

Sincerely,

ORIGINAL SIGNED BY

John MacPherson
Deputy Fire Chief

ORIGINAL SIGNED BY

Charles Hawboldt
Secretary - Treasurer

c. P. MacCormick, Fire Chief

ATTACHMENT "C"

MUNICIPAL GOVERNMENT ACT

Sale or lease of municipal property

51 (1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the council considers to be carrying on an activity that is beneficial to the municipality.

(2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the council present and voting.

(3) Where the council proposes to sell property referred to in subsection (1) valued at more than ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale.

(4) The council shall advertise the public hearing at least twice, in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing.

(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale.

ATTACHMENT "D"

CBRM PROPERTY MANAGEMENT POLICY

4.8 Sale To Non-profit Organizations

Section 51 of the Municipal Government Act enables the municipality to sell or lease property at a price less than market value to a non-profit organization if Council considers the organization to carry on an activity that is beneficial to the municipality. The procedures for this process to occur includes a public hearing respecting the sale of property if more than ten thousand dollars less than market value, and a resolution of council passed by at least two-thirds majority of the council present and voting.