

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MARCH 12, 2019

6:00 P.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, March 12, 2019

6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. **APPROVAL OF AGENDA:** (Motion Required)

2. **PROCLAMATIONS & RESOLUTIONS:**
 - 2.1 **Storytelling Day 2019:**
Councillor Steve Gillespie (See page 7)

 - 2.2 **Purple Day for Epilepsy:**
Councillor Darren Bruckschwaiger (See page 8)

 - 2.3 **World Water Day:**
Councillor Amanda McDougall (See page 9)

 - 2.4 **Transgender Day of Visibility:**
Councillor Kendra Coombes (See page 10)

 - 2.5 **World Down Syndrome Day:**
Councillor Kendra Coombes (See page 11)

3. **DELEGATION:**
 - 3.1 **Handi-Trans Service:** Ms. Marcie Shwery-Stanley, Chair Society for the Improvement of Accessible Transportation (See page 12)

Continued...

**Council Meeting Agenda
March 12th, 2019 (Cont'd)**

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – PUBLIC HEARINGS:

- a) **Zoning Amendment Application #1053 – Wayne LeBlanc, King Street and Walsh Avenue, New Waterford:**

Public Hearing to consider zoning amendments to permit the construction of a four-unit apartment building at the corner of King Street and Walsh Avenue, New Waterford. Karen Neville, Planner (See page **13**)

- b) **Municipal Planning Strategy and Land Use By-Law Amendments re: Mini Homes/Mobile Homes:**

Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned. Malcolm Gillis, Director of Planning & Development (See page **23**)

4.2 APPROVAL TO ADVERTISE:

- a) **Zoning Amendment Application #1060 by 3225339 Nova Scotia Ltd. for a proposed higher density residential development on Hillside Street, Sydney:**

Committee recommends Council schedule a Public Hearing to be held during the April meeting of Council to consider the Zone Amendment Application #1060 to permit a higher density residential development off Hillside Street, Sydney (PID 15361272, PID 15343890, PID 15630320, and PID 15104912). Karen Neville, Planner (See page **30**)

5. BY-LAWS & MOTIONS:

5.1 By-laws:

- a) **Second / Final Reading - Public Hearings:**

- i) **Responsible Animal Husbandry By-law:** Malcolm Gillis, Director of Planning and Development and Karen Neville, Planner (See page **39**)
- ii) **Proposed Amendments to the CBRM Heritage Property By-law:** Rick McCreedy, Senior Planner / Heritage Officer (See page **47**)

- b) **First Reading:** N/A

5.2 Motions: N/A

**Council Meeting Agenda
March 12th, 2019 (Cont'd)**

6. BUSINESS ARISING:

6.1 Fire and Emergency Services Committee – February 13, 2019:

a) Proposed Amendments to RC4 Committees Policy – Fire and Emergency Services Committee Meeting Schedule:

Committee recommends that Council change the meeting schedule for the Fire and Emergency Services meeting to bi-monthly instead of quarterly, and that the Chair has the discretion to schedule additional meetings if required. Deborah Campbell Ryan, Municipal Clerk (See page 56)

6.2 General Committee – March 5, 2019:

a) Human Resources Policies: Gordie MacDougall, Director of Human Resources (See page 67)

i) Human Rights and Harassment Policy:

Committee recommends to Council adopt the Human Rights and Harassment Policy as presented. (See page 69)

ii) Respectful Workplace Policy:

Committee recommends that Council to adopt the proposed amendments to the Respectful Workplace Policy as presented. (See page 79)

b) Louisbourg CSC:

Committee recommends that Council deem the property at 7495 Main Street, Louisbourg, as surplus to the needs of CBRM and to accept the offer to purchase at the assessed value plus HST for the building and property, as directed by existing Council Policy. Bill Murphy, Director Recreation, Parks, Grounds, Buildings & Facilities (See page 86)

c) Land Expropriation Lot 2018-1, PID 15543051 – Wash Brook Flood Mitigation Project:

Committee recommends that Council direct staff to proceed with the expropriation of Lot 2018-1 from PID 15543051 in order to proceed with the installation of the Mud Lake Flow Control Structure. Demetri Kachafanas, Regional Solicitor (See page 91)

Continued...

**Council Meeting Agenda
March 12th, 2019 (Cont'd)**

Business Arising - General Committee – March 5, 2019 (Cont'd):

d) Request From Eastlink for an Easement over CBRM Property to Construct A Telecommunication Tower off No. 125 Highway, Mira Road District:

Committee recommends that Council approve an Easement in favour of Eastlink for the purpose of the construction of a telecommunication tower on CBRM property located within the Watershed Area located off No. 125 Highway (PID 15543739), provided the following conditions are met:

- Eastlink provide CBRM with a final survey showing the exact location of the tower and that final endorsement of the location be approved by the Water Utility Department;
- Access to the Tower be approved by the Water Utility Department; and
- Eastlink keeps a fully stocked spill kit on site and report and incidents to CBRM;

And authorize the Mayor and Clerk to execute an Easement and any other documents required to formalize the said Agreement. Sheila Kolanko, Senior Paralegal/Property Manager (See page **96**)

7. CORPORATE SERVICES ISSUE:

7.1 Implementation of the CBRM Active Transportation Plan: New Waterford Highway Paved Shoulders:

Staff recommends that Council authorize the Mayor and Clerk to sign an agreement with the Province in which CBRM agrees to commit \$150,000 to the total cost of the shoulder paving project on the New Waterford Highway in 2019-2020, on the understanding that the other costs (estimated \$450,000) are covered by the Province. Rick McCready, Senior Planner. (See page **101**)

8. FINANCIAL STATEMENTS: Jennifer Campbell, Chief Financial Officer

8.1 CBRM to January 31, 2019: (See page **110)**

For Information Only.

8.2 Port of Sydney Development Corporation to January 31, 2019: (See page **112)**

For Information Only.

ADJOURNMENT

PROCLAMATION

STORYTELLING DAY 2019

- Whereas:** Cape Breton's rich and vital cultural heritage relies upon the lively exchange of stories, both to celebrate our past and to preserve wisdom from previous generations;
- And Whereas:** The region's shifting demographics mean new cultural influences and new stories, which can help us, see and shape our role within a global future;
- And Whereas:** A diversity of stories and voices results in a unique and complex culture, further positioning Cape Breton as a destination of interest for world travelers and investors;
- Be It Therefore Resolved:** That storytelling be officially recognized by the Cape Breton Regional Municipality as a *significant cultural resource deserving of support* and that March 20th, 2019 be declared as annual Cape Breton Storytelling Day.

Councillor Steve Gillespie – District #4 - CBRM

March 12th, 2019

CBRM PROCLAMATION “PURPLE DAY FOR EPILEPSY”

- Whereas:** Purple Day is a global effort dedicated to promoting epilepsy Awareness in countries around the world;
- And Whereas:** Purple Day was founded in 2008 by Cassidy Megan, a nine year old girl from Nova Scotia, who wanted people to know that if you have epilepsy, you are not alone;
- And Whereas:** Epilepsy is one of the most common neurological conditions, estimated to affect more than 50 million people worldwide, and more than 300,000 people in Canada;
- And Whereas:** The public is often unable to recognize the common seizure types, or how to respond with appropriate first aid;
- And Whereas:** Purple Day will be celebrated on March 26th annually to increase understanding, reduce stigma and improve the quality of life for people with epilepsy throughout the country and globally;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke & Council proclaim March 26, 2019 as “Purple Day” in the Cape Breton Regional Municipality in an effort to raise epilepsy awareness.

Councillor Darren Bruckschwaiger – District #10 - CBRM

Dated this 12th day of March, 2019

PROCLAMATION

“World Water Day”

Whereas: The United Nations has declared Tuesday, March 22nd, 2019 as World Water Day;

And Whereas: People around the world are encouraged to celebrate by remembering our need for clean water to support the most basic human needs;

Therefore Be It Resolved: That CBRM Council proclaim Thursday, March 22nd, 2019 as “World Water Day” in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water.

Councillor Amanda McDougall – District #8

March 12, 2019

Cape Breton Regional Municipality

Proclamation

Transgender Day of Visibility

Whereas: The Cape Breton Regional Municipality recognizes all citizens have equal rights and oppose discrimination against gender identity minorities;

And Whereas: Gender identity minorities are an important part of our community. In Cape Breton there is not one high school that does not have at least one youth identifying as transgender and there are over 150 people taking part in the ALLY Centre’s transgender support group.

And Whereas: Transgender Day of Visibility celebrates the accomplishments of gender identity minorities while fighting transphobia, acts of verbal and physical violence, prejudice and discrimination.

Be It Therefore Resolved: That the CBRM Mayor Cecil P. Clarke and Council proclaim Sunday, March 31st, 2019 as Transgender Day of Visibility in the CBRM.

Councillor Hendra Coombes

District #11- CBRM

March 12, 2019

Cape Breton Regional Municipality

Proclamation

World Down Syndrome Day

Whereas: World Down Syndrome Day is a global awareness day which has been officially observed in by the United Nations since 2012. In Canada one in every 750 babies born with Down Syndrome. Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, exists in all regions across the globe and commonly results in variable effects on learning styles, physical characteristics or health. Individuals with Down Syndrome have tremendous potential to live full and fulfilling lives as contributing members of society;

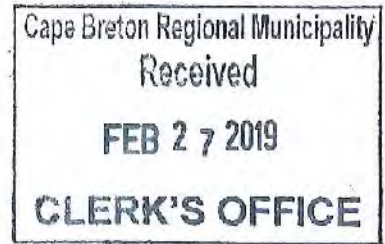
And Whereas: The 2030 UN Agenda for Sustainable Development, a global plan of action for people, planet and prosperity, pledges that “no one will be left behind”. The reality today is that prevailing negative attitudes, low expectations, discrimination and exclusion, ensure that people with Down syndrome are left behind. There is a lack of understanding of the challenges individuals face across their lifetimes and a failure to support them with the opportunities and tools needed to live fulfilling lives. People with Down syndrome and those who support and work with them must be empowered to advocate for these opportunities;

And Whereas: Adequate access to health care, to early intervention programs and to inclusive education, as well as appropriate research, are vital to the growth and development of the individual. We must recognize the inherent dignity, worth and valuable contributions of persons with intellectual disabilities as promoters of the well-being and diversity of their communities, and the importance of their individual autonomy and independence, including the freedom to make their own choices,

Be It Therefore Resolved: The CBRM Mayor and Council proclaim March 21st 2019 as “World Down Syndrome Day” in the CBRM and encourage all residents of the CBRM and the Government of Nova Scotia to “leave no one behind”.

*Councillor
Kendra Coombes
District # 11 - CBRM
March 12, 2019*

Society for the Improvement of
Accessible Transportation
61 Tillock Drive
Sydney, NS, B1P 6P5
February 18, 2019



Re: Request to Address General Committee of CBRM Council

Dear Deborah Campbell-Ryan:

Please accept this letter as my formal request to appear, specifically, before the CBRM General Committee. This request is on behalf of the Society for the Improvement of Accessible Transportation (Handi-Trans), of which I am Chair. We are not seeking funding at this time; however, our objective is to update Mayor Clarke and Council Members regarding Handi-Trans and bring forward recommendation(s) for improvement that will benefit Persons with Disabilities in the CBRM. Also, since we have not addressed Council on this subject for more than five years, we are hoping that this update from "First Voices" (Handi-Trans Users) will be beneficial for new and not so new Council Members.

I will have three persons with me—Fran Tessier (Handi-Trans User), Doug Ivany (Manager, Life Skills, Horizon Achievement Centre), and Andre Gallant (CEO, YMCA) and his mother-in-law uses Handi-Trans to travel to dialysis treatments at the C.B. Regional Hospital. Their role will be to introduce themselves and to explain why Handi-Trans is important to each one of them.

Thank you for your time and attention. We look forward to hearing from you regarding confirmation of our appearance before the General Committee.

Sincerely,

Marcie Shwery-Stanley, Chair
Society for the Improvement of
Accessible Transportation

**Zoning Amendment Application #1053 – Wayne LeBlanc, King Street and Walsh Avenue,
New Waterford**

Motion:

Moved by Councillor Coombes, seconded by Councillor Prince, approval to advertise notice of a Public Hearing to be held during the March meeting of Council to consider Zone Amendment Application #1053 to permit the construction of a four-unit apartment building at the corner of King Street and Walsh Avenue, New Waterford.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1053
Wayne LeBlanc
King Street and Walsh Avenue, New
Waterford**

DATE: February 11th, 2019

Introduction

The Planning and Development Department has received a zoning amendment application from Wayne LeBlanc requesting to amend the zoning for PID 15481344 and PID 15481336 which are located on the corner of King Street and Walsh Avenue, New Waterford (Attachment A). Mr. LeBlanc would like to consolidate the lot parcels and construct a four-unit apartment building. The properties are zoned Residential Urban C (RUC) which only permits one and two unit residential dwellings; as a result, Mr. LeBlanc has requested the zoning on the property be amended.

The area surrounding the properties in question is predominantly residential; however, there is a range of non-residential uses in the area including a car wash, convenience store, wedding supplies store, dental office, fire station and hall, post office, government office, and tavern along with a range of home based businesses (Attachment B). There is a CBRM transit route at the corner of King Street and Plummer Avenue.

What Does the Municipal Planning Strategy Say?

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments like apartment buildings under a variety of circumstances (Attachment C). When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MPS provides a list of six criteria Council must use to evaluate the merits of the zoning amendment application. The criteria are listed below along with an evaluation of the proposed application.

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)

The applicant intends on planting shrubs along the property boundaries shared with adjacent residential properties in an attempt to screen the proposed building (Attachment D). In addition to planting shrubs, the area not occupied by parking will consist of lawn.

- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

Four parking spaces must be provided to be in compliance with the parking standards of the Land Use Bylaw. The proposed site plan depicts the location of the proposed parking (Attachment D).

- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

This zoning amendment will allow for a four unit apartment building on the properties once consolidated. The current zone provisions would permit a two unit dwelling to be constructed on each lot parcel without the need for a zone amendment. If the applicant chose to construct a two unit dwelling on each property, the resulting developments would have the same volume of traffic as the proposed apartment building. Also, the criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

- The development proposal must mitigate the potential adverse effects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse effects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

Generally, landscaping on the surrounding properties is modest i.e. maintained lawns with little or no shrubbery or evidence of professional landscaping. In addition to planting shrubs along the property boundaries shared with adjacent residential properties the area not occupied by parking will consist of lawn. The proposed building will be one storey, which is a residential building found in the general area (Attachment E).

When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

The properties in question have frontage on King Street and Walsh Avenue, all of which are considered to be Level 4 and Level 5 Urban Streets. While the area to the North of Walsh Avenue is predominantly low density residential, the Downtown Central Business Corridor (CBD) Zone, which permits a range of sales and service uses along with higher density residential development, is to the South of Walsh Street. The current zone provisions would permit a two unit dwelling on each property; after consolidation, the four

unit apartment buildings would be a comparable density. Based on the above evaluation and the polices found in the MPS, it is reasonable for Council to consider the proposed zone amendment.

Next Steps

If Council agrees to schedule a Public Hearing at their February meeting, the earliest date for the Public Hearing would be during the March meeting of Council. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this application will be mailed to the assessed property owners in the vicinity of the properties encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

Recommendation

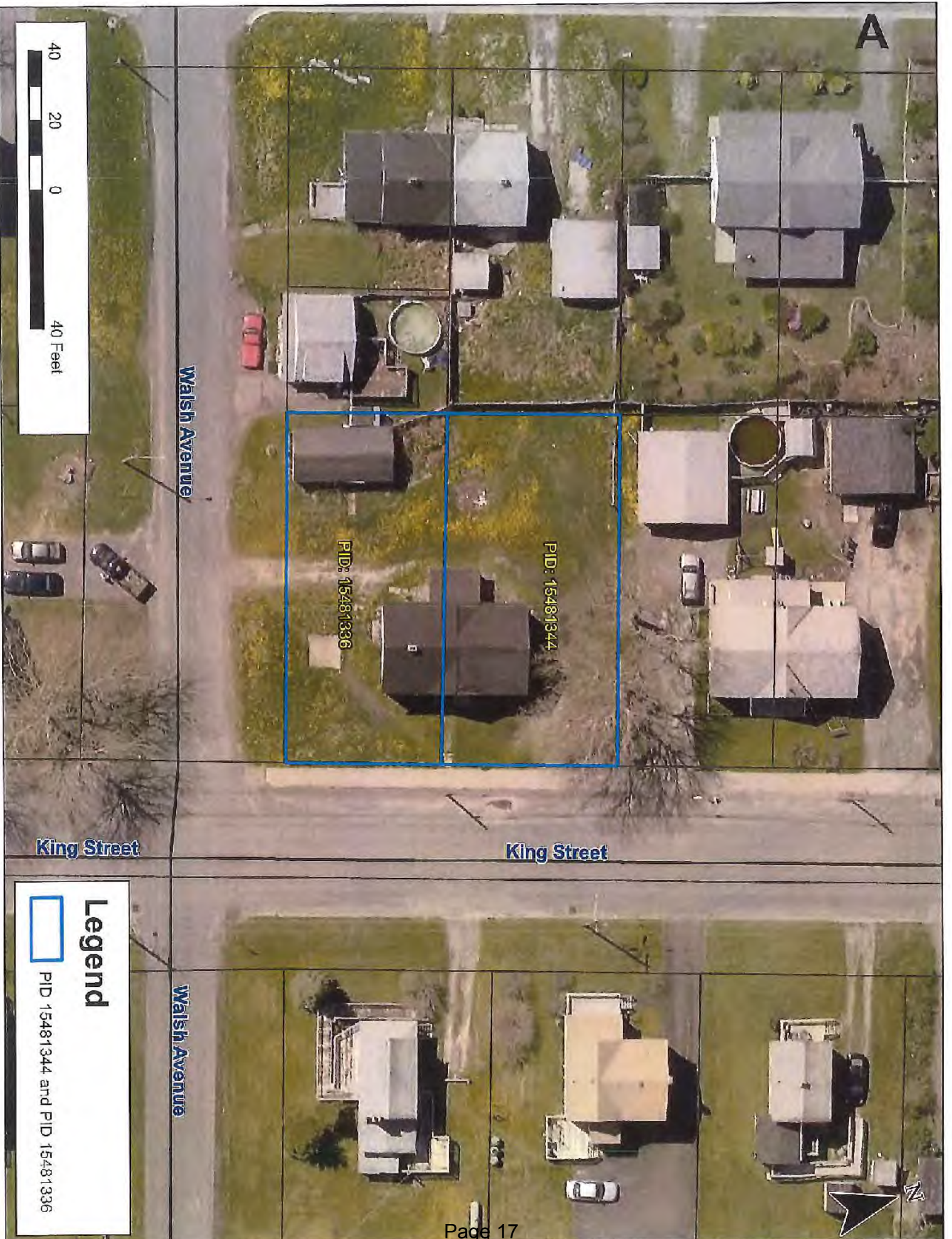
I recommend that Council pass a Motion to schedule a Public Hearing to consider this zone amendment application during the March meeting of Council.

Submitted by:

Originally Signed by

Karen Neville
Planning and Development Department

A



Walsh Avenue

PID: 15481336

PID: 15481344

King Street

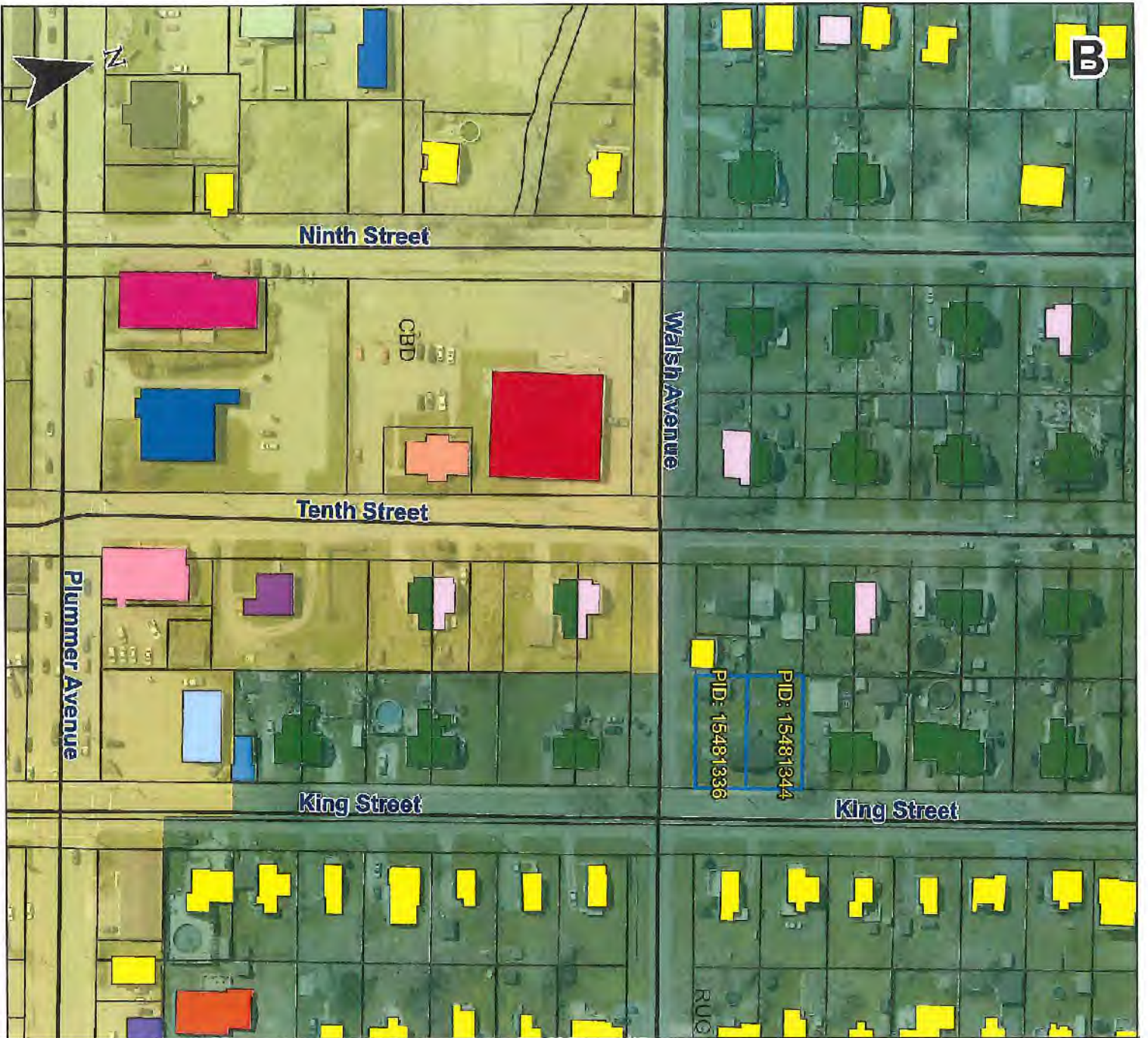
King Street

Walsh Avenue

Legend



PID 15481344 and PID 15481336



Legend

DESCRIP1

- 2 Unit Dwelling
- 7 Unit Dwelling
- Car Wash
- Convenience Store/Wedding Supplies
- Dental Office
- Fire Station/Hall
- Office
- Pizza Shop/Single Residential Unit
- Post Office
- Semi-detached Dwelling
- Single Unit Dwelling
- Single Unit of Semi-detached Dwelling
- Skate Sharpening/Single Residential Unit
- Tavern/Billiards
- Vacant Commercial
- Vacant Garage
- Vacant Residential
- PID 15481344 and PID 15481336

LanduseByLaw (Zone)

LUZONE

- CBD
- RUC

Municipal Planning Strategy - Part 4 Residential

1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

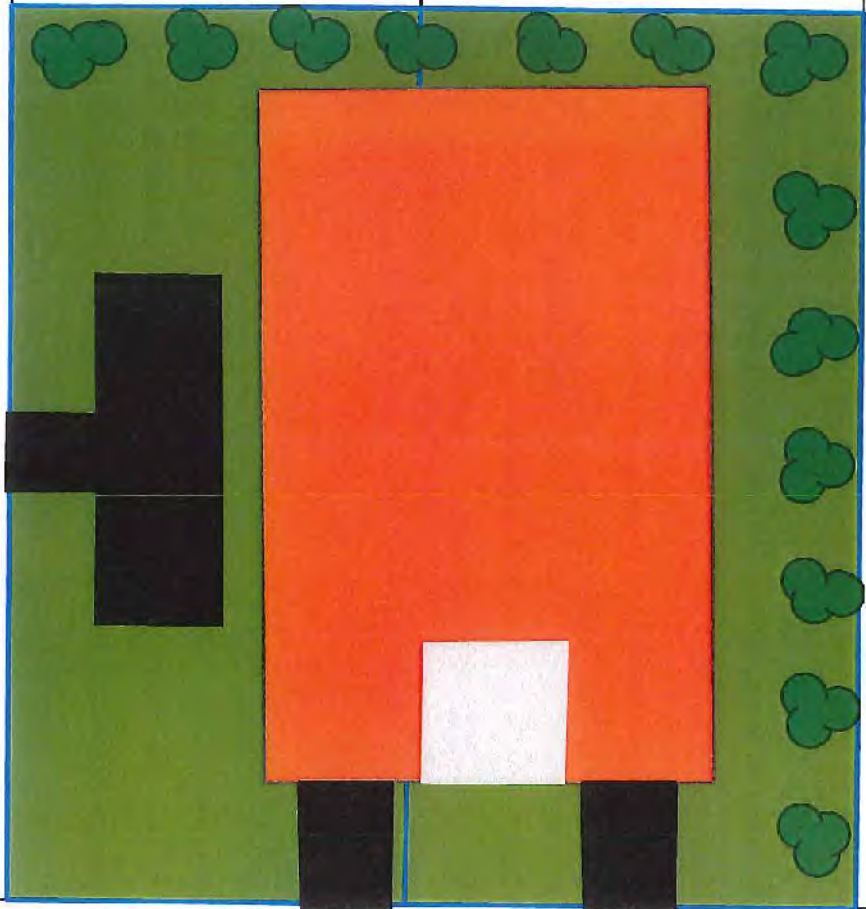
1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment.

The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

1.d.10 Apartment building development shall be prohibited in all areas of the CBRM not serviced with a Municipal piped sanitary sewer main, except for the following two scenarios. To facilitate the re-use of abandoned, community, educational, or municipal service buildings, their conversion into an apartment building shall be permitted at the ratio of 1 apartment per 1,000 sq. ft. of floor space. This Municipal Planning Strategy supports the mandate of the Province of Nova Scotia to provide public housing for seniors. Such projects shall be permitted even in rural service areas.







D



Walsh Avenue

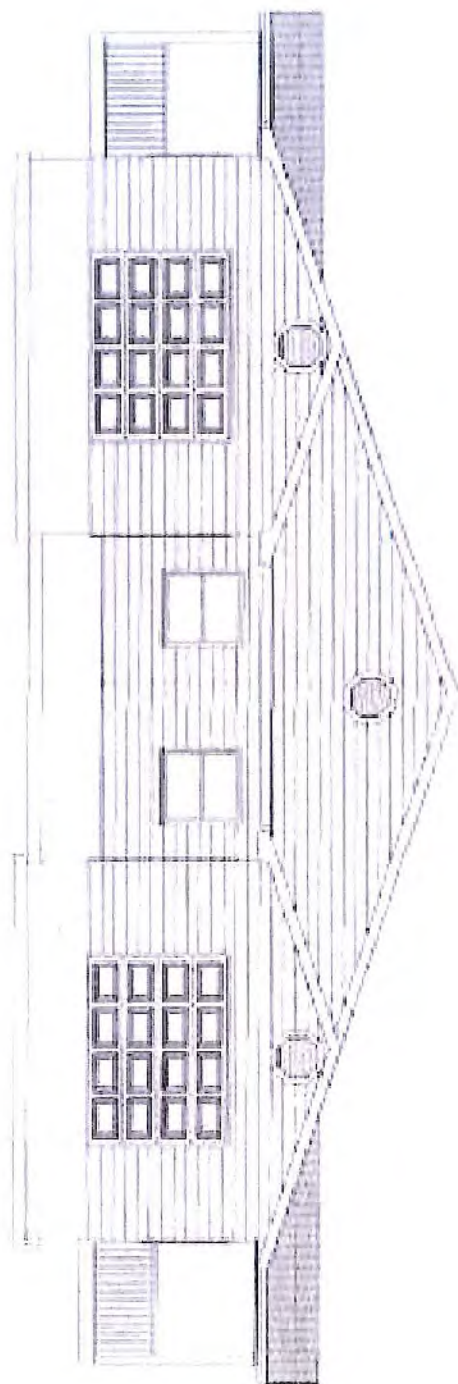
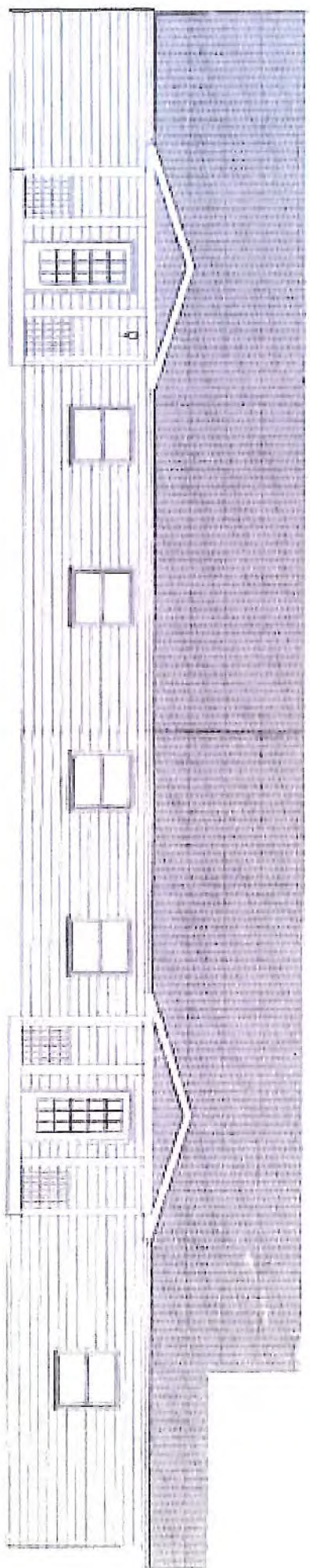
King Street



| | |
|-------------------------------------------------------------------------------------|-------------------------------|
|  | PID 15481344 and PID 15481336 |
|  | Proposed Building |
|  | Parking/Driveway |
|  | Patio |
|  | Lawn |
|  | Shrubs |



E



Municipal Planning Strategy and Land Use By-Law Amendments re: Mini Homes/Mobile Homes – Report on Public Participation Program

Motion:

Moved by Councillor Coombes, seconded by Councillor MacLeod, approval to advertise notice of a Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned as illustrated on the maps available on the CBRM website and circulated to each member of Council.

Motion Carried.



MEMO TO: COUNCIL

FROM: Malcolm Gillis and Karen Neville

**SUBJECT: MINI HOMES/MOBILE HOMES
Report on Public Participation Program**

DATE: January 30th, 2019

During its December 11th meeting Council passed a Motion instructing Planning and Development Department staff to conduct a Public Participation Program to attempt to gauge public opinion regarding the initiative to amend the CBRM Planning Strategy and its implementing Land Use Bylaw that would lift the ban on mini homes/mobile homes within many of the urban and suburban neighbourhoods of Sydney, North Sydney, New Waterford, and Glace Bay along with the remaining rural areas where they are currently not permitted. In a previous survey conducted on our behalf by Statistics Canada the response was overwhelmingly in favour of such an amendment. That survey led staff to introduce the idea to Council.

In its Motion, Council instructed Planning and Development Department staff to work with the CBRM Communications Officer to solicit response from constituents using social media. 380 people completed the questionnaire.

81% of the respondents considered mini homes/mobile homes an acceptable residential dwelling building type within the municipality. Remarkably, 88% of those from communities where mini homes/mobile homes are currently banned considered mini homes/mobile homes an acceptable residential dwelling building type within the municipality.

The overwhelming majority of those who said NO were from neighbourhoods where mini homes/mobile homes are currently NOT permitted. However, because the survey didn't ask for their address we couldn't determine if they were from neighbourhoods where mini homes/mobile homes will continue to be banned even if the proposed amendments are adopted.

73% of the respondents from communities where they are currently banned said YES they would be an acceptable form of housing in their neighbourhood and 27% said NO.

72% of the respondents from communities where they are currently banned said YES they would be an acceptable form of housing next to their property and 28% said NO.

From staff's perspective the results of the survey support the results of the previous survey conducted last summer by Statistics Canada and the anecdotal responses we have been receiving from random phone calls and e-mails.

Recommendation:

We recommend that Council pass a Motion to schedule a Public Hearing to consider adopting the amending Bylaws to (1) the CBRM Planning Strategy and (2) to the CBRM Land Use Bylaw that will permit the placement of mini homes/mobile homes in the neighbourhoods where they are currently banned as illustrated on the maps available on the CBRM website and circulated to each member of Council.

Respectfully submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Director of Planning and Development

By-law

of the Cape Breton Regional Municipality

amending the

Cape Breton Regional Municipality's Municipal Planning Strategy

Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Municipal Planning Strategy in the following manner:

THAT: Part 4 is amended by adding the preamble below immediately after Policy 2 and by replacing Policy 3 with the policy below.

Manufactured homes comprised of one main modular part

Dwellings manufactured in an assembly line, as opposed to constructed on-site, comprised of one main modular part (a.k.a. mobile homes, mini homes) as opposed to modular homes comprised of more than one main modular part, represent just over 5% of the single detached dwelling housing stock in the CBRM. The term "mobile home" came into popularity during the late 1950's and 1960's to replace the term "trailer home" as an industry initiative because of improved manufacturing standards and to overcome a perception that they were of inferior quality.

Although originally constructed with wheels attached to a chassis they gradually were recognized as a more permanent dwelling that could be attached to a concrete slab foundation. As the manufacturing standards improved, the industry continued to promote new names (e.g. from mobile home to mini home) to shed continued perceptions of inferior construction. The contemporary term from the industry is "manufactured home". Two important milestones in the evolution of these types of single detached dwellings is that (1) the Nova Scotia Building Code now acknowledges they are a form of residential housing, subject to unique Code specifications and (2) manufactured homes *to be relocated* to a new permanent site must first be inspected for current Building Code compliance.

Before the advent of this Policy the manufactured home industry was stifled by former land use policies that denigrated the manufactured home comprised of one modular part as an inferior type of housing unsuitable in many of the urban and suburban neighbourhoods of the CBRM. Because of the combination of the (1) evolution of manufactured home construction specifications to the significantly more stringent current specifications and (2) the low assessment and real estate market values generally in Cape Breton, manufactured homes comprised of one main modular part connected to a secure foundation are now recognized as a legitimate type of single detached dwelling throughout much of the CBRM. As the cost of

housing increases and the average family income in the CBRM continues to compare unfavorably to the Provincial and National averages, pre-fabricated homes are a more financially feasible alternative

CBRM does recognize that the unique architectural shape of mobile homes make them an inappropriate type of housing in certain streetscapes. The long, rectangular, one storey shape clashes architecturally within a streetscape of dwellings primarily comprised of more than one storey. But such neighbourhoods represent a trifling percentage of the urban and suburban residential streetscape, or the rural landscape.

Policy

3.a It shall be a policy of Council to allow a wide range of development options for manufactured homes comprised of one modular part (*a.k.a. mobile homes, mini homes*) because:

- they are becoming a dwelling unit style of choice for more and more Cape Bretoners;
- mobile home construction standards have now reached the minimum standards of the Provincial Building Code; and
- mobile homes are a *style of construction* and not a unique land use.

3.b More specifically, it shall be a policy of Council to permit manufactured homes comprised of one main modular part constructed and inspected in compliance with contemporary Provincial Building Code provisions, or any building that incorporates the same architectural style, to be permitted in any Zone where single detached dwellings are generally permitted with the following exceptions.

- they are not to be permitted along an urban or suburban streetscape, or within a rural residential subdivision, where the overwhelming majority of dwellings are comprised of more than one storey; and
- they are not to be permitted along streetscapes where the assessed value exceeds a threshold that could be considered to be adversely affected with the introduction of a manufactured home comprised of one main modular part which could result in a reduction in assessed values.

This Policy is to be implemented with the use of the following formula.

Mobile homes shall be permitted unless:

- 50% of residential buildings are single detached dwellings; and
- average assessed value of single detached dwellings in a neighbourhood, or subdivision is \$100,000 or more; or
- 75% of the single detached dwellings are 1.5 storeys or greater, in which case the average assessed value of single detached dwellings is \$75,000 or greater.

This Policy should be reviewed every 5 years to ensure the formula's threshold of \$100,000 is representative of the base price of a mini home/mobile home.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____ 2019.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ 2019 to amend the Cape Breton Regional Municipality's Municipal Planning Strategy.

Deborah Campbell Ryan, CLERK

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Land Use Bylaw in the following manner:

THAT: the RUC Zone is replaced with the RUD Zone wherever identified on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

THAT: the RCB-NM Zone is replaced with the RCB Zone wherever indicated on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

THAT: any business development zone that the RCB-NM Zone is replaced with the RCB Zone wherever indicated on the maps with this Bylaw as "Where staff recommends the ban on mini homes/mobile homes be lifted".

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____ 2019.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ 2019 to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Zoning Amendment Application #1060 by 3225339 Nova Scotia Ltd. for a proposed higher density residential development on Hillside Street, Sydney

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Marshall, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held during the April meeting of Council to consider the Zone Amendment Application #1060 to permit a higher density residential development off Hillside Street, Sydney (PID 15361272, PID 15343890, PID 15630320, and PID 15104912).

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1060
3225339 Nova Scotia Ltd
Hillside Street, Sydney**

DATE: March 6, 2019

Introduction

The Planning and Development Department has received a zoning amendment application from Eric Whyte on behalf of his client, 3225339 Nova Scotia Ltd, requesting the zoning for four lot parcels off Hillside Street, Sydney (PID 15361272, PID 15343890, PID 15630320, and PID 15104912) be amended (Attachment A). The developer has an agreement of purchase with the current property owner and is proposing higher density residential development on the subject properties.

Why a zoning amendment is necessary for this development?

The developer owns an adjacent parcel of the land (PID 15104920) under the jurisdiction of the Apartment Building X (ABX) zone which is the site of several four-unit apartment buildings (Attachment A). The ABX permits apartment buildings at a density of 1 dwelling unit per 3,000 sq. ft. of land on the lot parcel. It is developer's intention to consolidate the newly acquired the lot parcels with PID 15104920 and construct several multiple unit residential buildings (Attachment D). The CRBM Land Use By-law identifies the subject lot parcels (PID 15361272, PID 15343890, PID 15630320, and PID 15104912) as Residential Urban C (RUC) which only permits one and two unit residential dwellings; as a result, the developer has requested the zoning on the property be amended.

What Does the Municipal Planning Strategy Say?

Part 10, Policy 17, of the Municipal Planning Strategy Policy (MP5) indicates Council may consider a zone amendment to a zone immediately adjacent. In this case, the proposed zone requested is the ABX zone which is immediately adjacent to the RUC zone; therefore, the request is in keeping with the Part 10, Policy 17.

In addition to Part 10, Policy 17, there are several policies in the MP5 which advocate for higher density residential developments like apartment buildings under a variety of circumstances (Attachment C). When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MPS provides a list of six criteria Council must use to evaluate the merits of the zoning amendment application. The criteria are listed below along with an evaluation of the proposed application.

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (e.g. *parking spaces, driveways, utility facilities, etc.*)

The applicant intends on retaining the vegetation along the property boundaries shared with the residential properties along Hillside Street and Brookview Drive in an attempt to screen the proposed buildings (Attachment D). In addition to vegetation retention, the area not occupied by parking will consist of lawn.

- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

Parking space must be provided in compliance with the parking standards of the Land Use Bylaw. After consolidation, the lot parcel will have access via Hillside Street and Rotary Drive. Rotary Drive experiences a greater volume of traffic and will likely be the main entrance for the proposed development, with a secondary access via Hillside Street. Notice of this application has been circulated to Public Works Central for their consideration. While no comments were received at the time this report was prepared, any comments received from Public Works Central will be presented in future Issue Papers.

- The development proposal must mitigate the potential adverse effects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse effects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

Generally, landscaping on the surrounding properties is modest i.e. maintained lawns with little or no shrubbery or evidence of professional landscaping. The developer has indicated that they intend on retaining the vegetation along the northwestern boundaries which abut low density residential development. In addition to the retention of existing vegetation, the area not occupied by buildings or parking will consist of lawn. To ensure that vegetation is retained, provision should be added to the ABX zone. The proposed buildings will be one storey, which is a residential building found in the developer's adjacent lot parcel.

When considering a proposed amendment for an apartment building the MPS states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

While Hillside Street is a Level S street, which only serves local traffic, Rotary Drive is a Level 3 street that channels neighbourhood traffic to the primary urban arterial the area of George Street. The main entrance for the proposed development will likely be off Rotary Drive with a secondary access via Hillside Street. There are several zones in the immediate area which permit higher density residential development as of right (Attachment B). In addition to those areas where higher density residential development is

permitted, there are several other higher density developments found elsewhere throughout the surrounding area.

Based Part 10, Policy 17 and the polices associated with higher density residential development in the MPS, it is reasonable for Council to consider the proposed zone amendment.

Next Steps

On March 5th, the General Committee of Council passed a motion recommending that Council pass a Motion to schedule a Public Hearing to consider this zone amendment application during the March meeting of Council. If Council agrees to schedule a Public Hearing at their March meeting, the earliest date for the Public Hearing would be during the April meeting of Council. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this application will be mailed to the assessed property owners in the vicinity of the properties encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

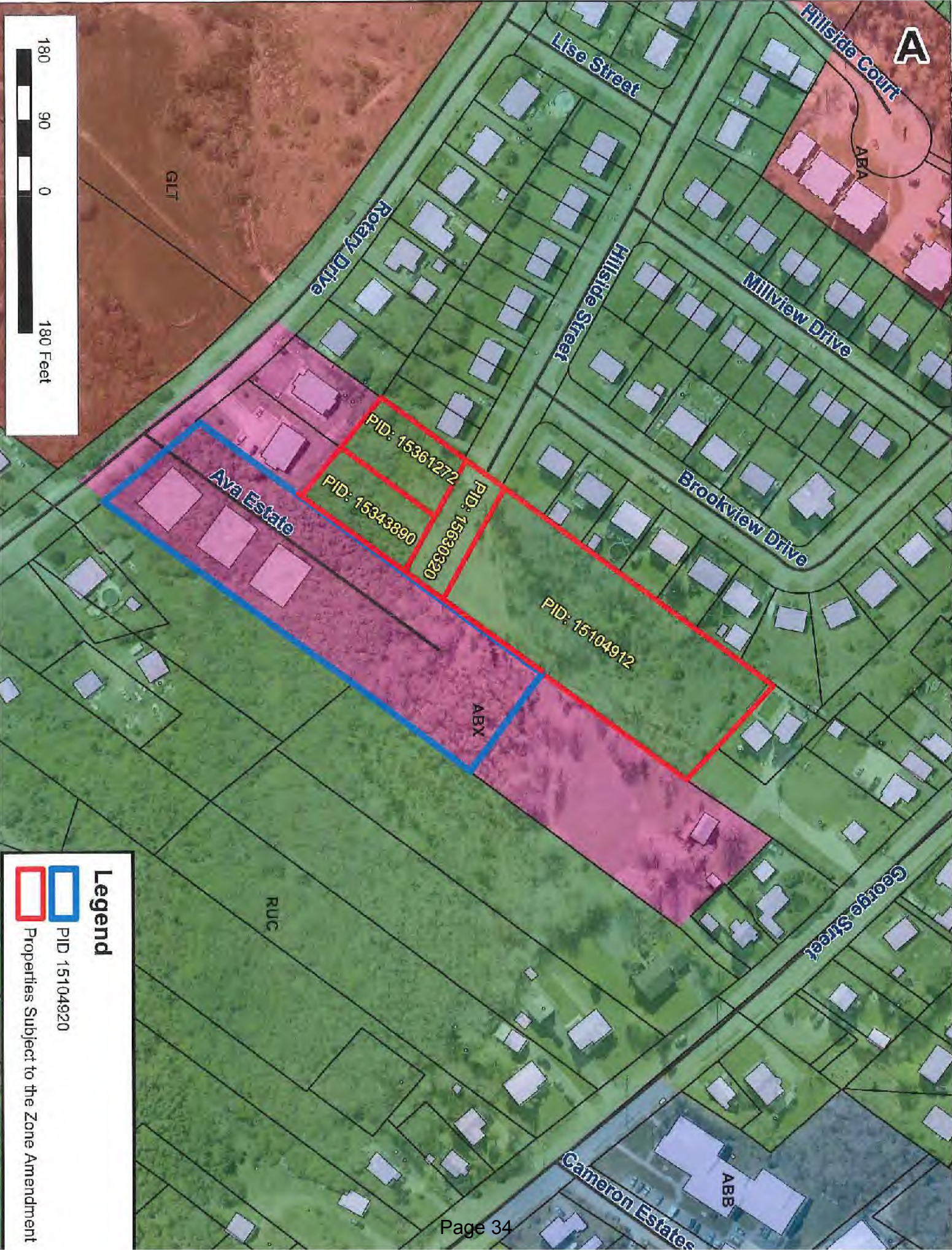
Recommendation

I recommend that Council pass a Motion to schedule a Public Hearing to consider this zone amendment application during the March meeting of Council.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**



A

180
90
0
180 Feet

GLT

Ava Estate

PID: 15361272

PID: 15343890

PID: 15630320

PID: 15104912

ABX

RUC

George Street

Cameron Estates

ABB

Legend

 PID 15104920

 Properties Subject to the Zone Amendment

B

Legend



Properties Subject to the Zone Amendment



12 Unit Apartment Building



24 Unit Apartment Building



3 Unit Dwelling



30 Unit Seniors Complex



4 Unit Dwelling



62 Unit Apartment Building



Quadplex

Higher Density Zones



ABA



ABB



ABX



DA



Municipal Planning Strategy - Part 4 Residential

1.a It shall be a policy of the CBRM to recognize apartment buildings as a legitimate form of housing providing accommodation for a significant segment of the population. The degree to which they are to be accepted shall range from:

- outright permission with little or no regulatory provisions;
- permitted with regulatory provisions;
- a requirement to get specific permission from Council by means of a public hearing process;
- to near prohibition.

The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);
- the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;
- the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (*i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic*); and
- apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts.

These four suppositions shall be applied in the form of criteria to be used as pre-requisites to specifically determine where apartment building development should occur, the scale at which it is to be permitted, and the site design provisions to be imposed.

1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

- within the central business districts of the major urban concentrations of the CBRM;
- within neighbourhoods in proximity to the central business districts;
- along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (*refer to Charts on pages 7.3 and 7.4*);
- in proximity to other concentrations of sales/service business developments;
- in other locales where they are already prevalent; and
- all other urban service areas.

1.c The criteria shall correlate a link between the density and scale of the allowable apartment building development and the site design provisions to be imposed with:

- the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

1.d.9 In all other urban neighbourhoods or scenarios not referenced in Policy 1.d.1 through 1.d.8 apartment building development shall only be permitted by zoning amendment.

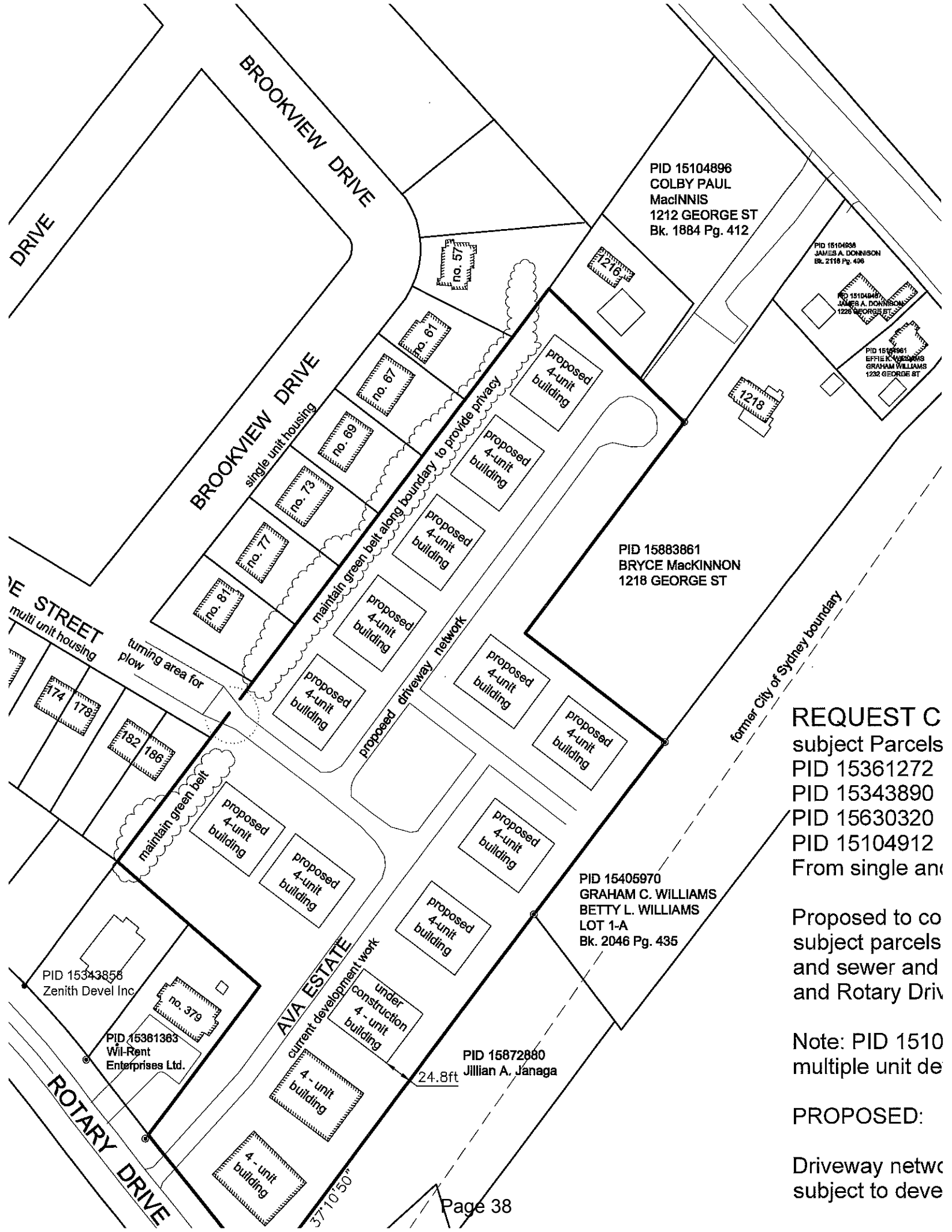
The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning incentives may be used to blend the apartment building development into the neighbourhood. Council shall use the following criteria to evaluate such zoning amendment applications:

- The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)
- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;
- The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
- The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
- Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

1.d.10 Apartment building development shall be prohibited in all areas of the CBRM not serviced with a Municipal piped sanitary sewer main, except for the following two scenarios. To facilitate the re-use of abandoned, community, educational, or municipal service buildings, their conversion into an apartment building shall be permitted at the ratio of 1 apartment per 1,000 sq. ft. of floor space. This Municipal Planning Strategy supports the mandate of the Province of Nova Scotia to provide public housing for seniors. Such projects shall be permitted even in rural service areas.

Part 10. General Provision Policies

17. Areas immediately adjacent to a given land use designation on the Municipal Planning Strategy Map may be considered for rezoning to a use permitted in the given designations without requiring an amendment to this Strategy, provided that the intent of all other policies of the Strategy are satisfied.



PID 15104896
COLBY PAUL
MacInNIS
1212 GEORGE ST
Bk. 1884 Pg. 412

PID 15104898
JAMES A. DONNISON
Bk. 2118 Pg. 406

PID 15104848
JAMES A. DONNISON
1226 GEORGE ST

PID 15104961
EFFIE K. WILLIAMS
GRAHAM WILLIAMS
1232 GEORGE ST

PID 15883861
BRYCE MACKINNON
1218 GEORGE ST

PID 15405970
GRAHAM C. WILLIAMS
BETTY L. WILLIAMS
LOT 1-A
Bk. 2046 Pg. 435

PID 15872880
Jillian A. Janaga

PID 15343858
Zenith Devel Inc

PID 15361363
Wil-Rent
Enterprises Ltd.

REQUEST C
subject Parcels
PID 15361272
PID 15343890
PID 15630320
PID 15104912
From single and

Proposed to co
subject parcels
and sewer and
and Rotary Drive

Note: PID 1510
multiple unit de

PROPOSED:

Driveway netw
subject to deve

Responsible Animal Husbandry By-law

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Coombes, to approve for first reading the Responsible Animal Husbandry By-law as presented.

Discussion:

During discussion, some issues raised included:

- Definition of “Agricultural Commodity”
- Hobby farms
- Consider allowing roosters in rural areas in the By-law.

Motion Carried.



MEMO TO: COUNCIL

FROM: Malcolm Gillis

SUBJECT: RESPONSIBLE ANIMAL HUSBANDRY BYLAW

DATE: February 11th, 2019

Since this draft Bylaw was first presented to the General Committee of Council the Legal Department completed its review. One minor amendment has been inserted on their recommendation. That is, the Bylaw now includes a definition for the term “agricultural commodity”. It reads as follows ...

“Agricultural commodity means a product of an agricultural operation sold on the retail or wholesale market.”

No other amendments were recommended by the Legal Department.

Malcolm Gillis
Director of Planning
Cape Breton Regional Municipality

Responsible Animal Husbandry By-law

of the Cape Breton Regional Municipality regulating the care of domestic livestock animals

Pursuant to Provision 174.f of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following Bylaw:

WHEREAS Provision 174.f gives municipalities the authority to adopt Bylaws respecting domestic livestock animals and activities in relation to them; and

WHEREAS the Cape Breton Regional Municipality intends to regulate incessant sounds and/or noises caused by domestic livestock animals, and also odours caused by improper care of domestic livestock animals that adversely affect the reasonable enjoyment of neighbouring properties

The Council of the Cape Breton Regional Municipality hereby adopts this Responsible Animal Husbandry By-law regulating the care of domestic livestock animals.

PURPOSE

The purpose of this Bylaw is to allow the keeping of most domestic livestock animals for non-agricultural purposes throughout the Cape Breton Regional Municipality **provided** responsible animal husbandry is practiced to ensure the reasonable use of their property by other property owners in the neighbourhood is not adversely affected because of **offensive odours or noise**.

Section A. Definitions

Agricultural commodity means a product of an agricultural operation sold on the retail or wholesale market.

Animal husbandry is the branch of agriculture concerned with animals that are raised for meat, fibre, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.

Agricultural operation means the use of land, buildings and structures for the production of crops, or raising and/or caring of livestock with the expectation of financial gain as a commodity.

At large means any domestic livestock animal found outside its owner's premises or property

CBRM wherever used in this Bylaw means the Cape Breton Regional Municipality.

Domestic fowl means poultry which are valued for their meats and eggs including chickens, turkeys, ducks, geese, pigeons and guinea fowl which are kept as pets or for personal use only, but does not include roosters.

Domestic livestock means an animal capable of providing a product (e.g. eggs, milk, meat, fur, wool, honey etc.), or bred historically to perform a task (e.g. large draft animals such as a horse, oxen, carrier pigeons). Domestic livestock do not need to be currently used to provide a product or perform a task to be subject to the provisions of this Bylaw. A domestic livestock is not wild, feral, or a pet animal as defined by this Bylaw.

Incessant sound means vocal sound produced by the larynx of a domestic livestock exceeding a cumulative twenty (20) minute period within any one (1) hour timeframe;

Large draft animal means a domestic livestock animal bred to perform a task such as pulling (e.g. oxen) or riding (e.g. horse).

Living space means any confined area to which domestic livestock animals have access.

Offensive Odour means odour that is offensive is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).

Pet animal means a tamed animal primarily kept within a dwelling for companionship.

Rooster means an adult male chicken.

Stable means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.

Urban property means a lot parcel serviced by a CBRM sanitary sewer main or a property being charged the sanitary sewer rate in the CBRM tax system.

In this Bylaw words used in the **singular** may be interpreted to also mean the **plural** and words used in the **plural** may also be interpreted to mean **singular**, unless they are prefaced with a specific number (e.g. one large draft animal)

Section B. Provisions

1. Domestic livestock animals used solely to provide a product exclusively for the use of the owner of the property on which they are kept are permitted throughout the Regional Municipality.

2. The keeping of domestic livestock animals:
 - used to provide an agricultural commodity; or
 - used as a draft animal in an agricultural operation;
 shall be considered an agricultural use and subject to compliance with the CBRM Land Use Bylaw having jurisdiction and therefore, is not subject to this By-law.
3. Incessant sound produced by a domestic livestock animal experienced on a property other than where the incessant sound is emanating from shall be a violation of this By-law when the incessant sound is emanating from:
 - an urban property; or
 - any rural property where the raising and/or caring of livestock is not as an agricultural commodity.
4. Offensive Odour is odour emanating from:
 - an urban property; or
 - any rural property where the raising and/or caring of livestock is not as an agricultural commodity;
 emanating from domestic livestock animals, and/or their shelters, and/or any ancillary facilities associated with the care of the animals that unreasonably interferes with the enjoyment of life of residents, or the use of property in proximity is a violation of this Bylaw if the odour is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).
5. Roosters are banned from any urban property or any rural property where the housing of domestic livestock animals is not as an agricultural commodity.
6. All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.
7. Any owner or harbourer of domestic livestock animal who does not prevent it from going at large shall be liable of an offence under this By-law.

Section C. Enforcement

1. Enforcement of this Bylaw shall be the responsibility of the Police Department of the CBRM.
2. The Police may Order the assessed owner of the property on which domestic livestock animals are being kept to remedy the condition when sufficient evidence of a violation of any of the provisions of Section B of this Bylaw has been collected.
3. If the condition is not remedied within the time specified in the Order a Summary Offence Ticket may be issued.

4. The assessed owner of a property on which a domestic livestock animal is being kept which is not in compliance with any of the provisions of Section B of this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.
- 1st offence within a 12 month period = \$165.00
 - 2nd offence within a 12 month period = \$279.00
 - 3rd offence within a 12 month period = \$425.00
 - 4th offence within a 12 month period = \$605.00
5. Where the owner fails to pay the fine within the time specified the Police may direct an official delegated by the Council of the Cape Breton Regional under Section ____ of the *Municipal Government Act* to enter upon the property without warrant or other legal process and remove the domestic livestock animal. The cost associate with the removal and retention of a domestic livestock animal will be the responsibility of the owner.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____ 2019.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ 2019.

 CBRM CLERK



ISSUE PAPER

TO: COUNCIL'S GENERAL COMMITTEE

From: Malcolm Gillis and Karen Neville

RE: Livestock animal nuisance Bylaw

Date: January 29th, 2019

This issue paper is written in response to a number of requests from individual councillors and a Motion of Council for staff to prepare **(1) an issue paper and (2) a draft Bylaw** intended to address complaints from constituents about noise and odour caused by the keeping of livestock animals. Invariably, the complaints are either of noise and/or odour, and the common thread is that the noises and odors are incessant. The animals being kept are never the common domestic pets which are intended to be companion pets (e.g. cats, dogs). Instead they are the types of animals normally considered livestock (e.g. chickens, pigs, horses) and which are generally not being kept as companion pets.

There currently is no Bylaw addressing the issue of odour and the Noise Bylaw has been determined ineffective as a tool to address complaints of animal noises by both the Crown Prosecution office and the CBRM Police Department. From the legal information Planning and Development Department staff has reviewed there are four essential principles that must be addressed in order for such a Bylaw to be effectively enforced and violations successfully prosecuted. (1) The source of the noise or odour must be identifiable, (2) the noise or odour must be offensive, (3) it must occur over an extended period of time, and (4) you must measure it.

Planning and Development Department staff organized a committee comprised of:

- people who claim to be adversely affected by either the noise or odour emanating from a site where livestock animals are being kept outside of a bona fide agricultural farm in urban and rural residential neighbourhoods;
- owners of livestock animals who are practicing effective animal husbandry;
- a representative of the CBRM Police Department (i.e. the Department expected to enforce any Bylaw adopted by Council and Planning Department staff;
- a representative of the Province's Department of Agriculture.

After a number of meetings the committee is unanimously endorsing a draft Bylaw prepared for Council adoption and CBRM administration and enforcement. The draft Bylaw is included with this issue paper. It is just 4 pages long so I encourage each and every councillor to read it. The salient points of the Bylaw are ...

- The focus of this Bylaw is **not** to be authoritarian. With the adoption of this Bylaw CBRM will be embracing the keeping of livestock animals ANYWHERE in the Regional Municipality with very few exceptions. However, those keeping livestock animals will be expected to respect their neighbours and practice responsible animal husbandry.
- **The keeping of domestic livestock animals used to provide an agricultural commodity, or used as a draft animal in an agricultural operation is not subject to this By-law.**
- The Bylaw is succinct. It is not quite 4 full pages long and approximately 40% of it is devoted to definitions so that it is easily understood.
- The Bylaw is focused and simple. There are just two violations of the Bylaw. Your animals are either too noisy or your poor husbandry practices are resulting in odours which should not be endured by your neighbours and will not be tolerated by the CBRM.
- The Bylaw does not play the numbers game. We are not counting animals and we are not imposing yard sizes.
- The Bylaw is not an animal husbandry standards document. We are not inspecting premises and therefore there is no need for an increased bureaucracy to administer and enforce it.
- Violations of the Bylaw are measured either by time (i.e. noise) or by a technical device operated by a skilled technician (i.e. odour). There is a cost as the skilled technician will be under contract, but there is no expectation this cost will be significant because the expected volume of complaints should not be great.
- The Police do not have to enter the property (which would require a warrant) from which the noise or odour is emanating to gather evidence.
- Enforcement provisions can be imposed swiftly because the use of Summary Offence Tickets will be permitted and the fine amount increases as the number of violations increases.

It is the opinion of the staff of this Department that the draft Bylaw with this report effectively implements the principles explained on page 1 of this issue paper and the Police Department is prepared to test the Bylaw as an enforcement tool.

Recommendation:

I recommend that the General Committee ask Council to adopt this Bylaw and that Council pass a Motion to schedule the necessary Public Hearing.

Respectfully submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Director of Planning and Development

Proposed Amendments to the CBRM Heritage Property By-law

Motion:

Moved by Councillor Coombes, seconded by Councillor MacLeod, to approve for first reading the amendments to the Heritage Property By-law to make the bylaw consistent with the recent amendments to the *Heritage Property Act*, as outlined in the staff Issue Paper dated February 4, 2019.

Motion Carried.



February 4, 2019

MEMO TO: Chairman and members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Proposed amendments to the CBRM Heritage Property Bylaw

Background

The Province recently amended the *Heritage Property Act* to enable municipalities to delay substantial alterations to, or demolitions of, heritage properties up to a maximum of three years. Previously the delay period was a maximum of one year. Most municipalities in the Province have amended their heritage property bylaws to make them consistent with the new legislation.

If CBRM amends its bylaw to allow for a maximum three year delay period, it should be noted that Council retains the ability to approve a substantial alteration or a demolition without waiting the three year period, subject to the procedures outlined in the Act.

Recommendation

I would recommend that the HAC endorse amendments to the Heritage Property Bylaw to make the bylaw consistent with the recent amendments to the *Heritage Property Act*, and forward the amendments to Council for approval. A copy of the bylaw with the revisions is attached for the Committee's perusal. Please note that some minor housekeeping changes have also been made to the bylaw to better reflect current procedures for heritage property registration.

Yours very truly,

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer

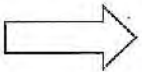
CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C3

HERITAGE PROPERTY

1. In this Bylaw:

- (a) "Council" means the Council of the Cape Breton Regional Municipality;
- (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
- (c) "Act" means the *Heritage Property Act*;
- (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
- (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
- (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act.



- 2.
- (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
 - (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
 - (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.

3.

The ~~Clerk~~ **Heritage Officer** shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the **Heritage Officer**;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.

7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.

8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

Passed and adopted by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995; and amended on April 17, 2007, and 2019.

Mayor Cecil P. Clarke

Deborah Campbell Ryan, Clerk

This is to certify that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995, and amended on April 17, 2007 and 2019.

Deborah Campbell Ryan, Clerk

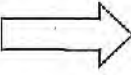
DATE OF ADVERTISEMENTS: October 27, 1995
July 10, 2007 (amendment)

SCHEDULE "A"

NOTICE OF RECOMMENDATION

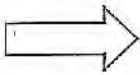
TO REGISTER A MUNICIPAL HERITAGE PROPERTY

Cape Breton Regional Municipality

 Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5)  **Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;**
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at _____ this _____ day of _____ 2_____.

Per:
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS _____ day of _____, A.D., 2_____, before me, the subscriber, personally came and appeared _____ the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h _____ presence.

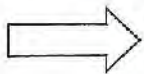
Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

SCHEDULE "B"**NOTICE OF REGISTRATION****MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) **Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;**
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.



For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

DATED at Sydney, Nova Scotia, this [date].

Cape Breton Regional Municipality

Per:
Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS day of , A.D., 2____, before me;
the subscriber, personally came and appeared the subscribing witness to the
foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE
BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be
executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper
officer in h presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

CBRM

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM Council

From: Deborah Campbell Ryan, Municipal Clerk

Date: February 20, 2019

Subject: *RC4 Committees Policy - Proposed Amendments re: Fire & Emergency Services Meeting Schedule*

At the February 13, 2019 meeting of the Fire and Emergency Services Committee, a motion was passed recommending that their meeting schedule be changed to bi-monthly meetings, and more frequently as determined by the Chair (copy of motion attached). In order to effect that change, amendments are required to the RC4 Committees Policy.

To that end, attached is the RC4 Committees Policy with the proposed amendments highlighted in yellow on page 7 for Council's consideration.

Original signed by:

**Deborah Campbell Ryan,
Municipal Clerk**

Attachments

RC4 Committees Meeting Policy – Fire and Emergency Services Proposed Meeting Schedule

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Coombes, that a recommendation be made to Council to change the meeting schedule for the Fire and Emergency Services meetings to bi-monthly instead of quarterly, and that the Chair has the discretion to schedule additional meetings if required.

Discussion:

There was discussion on the need for more meetings indefinitely and whether or not a Policy change was needed. It was clarified that the intent of the motion is to change the current Policy and an Issue Paper would not be required.

Motion Carried.

CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC4

COMMITTEES

1. Standing Committees

The following standing committees shall be appointed every two years:

Fire and Emergency Services Committee
Audit Committee
Heritage Advisory Committee

2. Police Commission

Some members of the CBRM Council will also be sworn as Police Commissioners for a two year term. The Police Commission will act autonomous of Council and will carry out the prescribed responsibilities as outlined in the Cape Breton Regional Municipality By-laws governing the operation of its Police Commission and the Nova Scotia *Police Act*. The Commission shall meet on a quarterly basis (i.e. March, June, September and December), with the proviso that a special meeting could be called by the Chair should a pressing issue arise. (Police Commission – February 25, 2014). The Chair shall be selected by the Commission at the December meeting for a term of two consecutive years. The Chair shall also represent CBRM on the Nova Scotia Association of Police Boards.

3. General Committee

Following a trial period utilizing a Committee of the Whole system, the General Committee replaced the Protective Services, Public Services, Water Utility, Planning Advisory and Corporate Services Committees (Council - February 19, 2013). General Committee membership is comprised of all members of Council and chaired by the Mayor. The General Committee was empowered with certain decision-making powers as per Section 23(1)(c) of the *Municipal Government Act* (MGA) (Council – April 16, 2013). The delegated powers include:

- a. Declaring CBRM property as surplus to the needs of the Municipality in accordance with the CBRM Property Management Policies;
- b. Building Inspection;

-
- c. Development;
 - d. Animal Control
 - e. Non-service delivery revenue i.e. licenses, permits, etc.
 - f. Public Works;
 - g. Engineering;
 - h. Transit;
 - i. Solid Waste Collection and Disposal;
 - j. Parks and Recreation;
 - k. Oversight of the CBRM Water Utility operation, including Regulatory Responsibility, Service Procedures, Rate Structure, Budget Preparation for Council consideration, and recommendations on Capital Projects;
 - l. will make decisions on all issues pertaining to the legislative branches of government, including:
 - i. The Chief Administrative Officer's Department
 - ii. The Clerk's Department
 - iii. Solicitor
 - iv. Finance Department
 - v. Human Resources
 - vi. Economic Development Initiatives
 - m. Issues relating to fiscal services;
 - n. Oversight of the business operation of Centre 200 and the Northside Industrial Park;
 - o. Advise the Council in the preparation, amendment or revision of planning strategies, land-use by-laws, and subdivision by-laws and on land use matters generally, and to carry out the functions of a Planning Advisory Committee pursuant Sections 200-203 of the *MGA*;
 - p. The General Committee will report to Council periodically during the year concerning:
 - financial status, actual vs. budget
 - to seek approval for deviation from approved policy
 - departmental performance issues.

4. Residual Power

In recognition of the ultimate power of the Council, especially on occasions when it would be prudent to retrieve an issue from the General Committee, CBRM Council reserves the right to require an issue to be returned to Council in formal session.

5. Committee Chair

The position of Chair of each standing committee shall be rotated annually unless otherwise directed in this or another CBRM Policy.

6. Policies, By-Laws and Budgets

Council shall approve policies, by-laws and budgets for each of its standing committees which will govern the action of the standing committees.

7. Members of Standing Committees

Except when otherwise provided by these By-laws or any statute, all standing committees consist of a minimum of three councillors who shall be appointed for a two year term. It shall be a guideline to strive for at least one half of the membership of committees to rotate off every second year to maintain continuity.

8. Mayor

The Mayor is an ex-officio voting member of all Committees except the Audit Committee and the Police Commission.

9. Special Committees

- (1) Special or select committees may be appointed on motion, by recorded resolution, at any time.
- (2) Upon presenting its final report to Council on matters referred to it, a special or select committee is dissolved.

10. Citizen Advisory Committees

The Council may from time to time appoint citizen advisory committees to advise the Council on the subjects and at the times set out in the resolution establishing the committee.

11. No Additional Remuneration

No member of a committee is entitled to remuneration for serving on the committee.

12. Nominating Committee

(1) At the first regular meeting of Council held, after the Election, and at the first regular meeting of Council held in October and every two years thereafter, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and at least five (5) Councillors.

(2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the next two years on the standing committees and external agencies/committees.

(3) The Nominating Committee shall also meet as required to deal with citizen appointments and any vacancies on Committees.

(4) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

13. Non-Committee Council Members

Council members not serving on Committees will not be permitted to participate in the Committee debate or the vote, but are authorized to make comments, presentations and participate at Committee meetings.

14. Committee Procedure

(1) Unless otherwise determined by statute or by-law, the members of a committee shall at their first meeting following the appointment of the committee choose a chair and a vice-chair from among their number.

(2) The Clerk shall call the first meeting of any committee after its appointment on the request of the Mayor or a majority of the members of the committee.

(3) The procedures to be followed by any committee are those prescribed by the rules of order resolution.

(4) A majority of the members of a committee is a quorum.

(5) All meetings of a committee are public except meetings to discuss matters related to personnel, land acquisition, legal opinions and other similar matters as outlined in Section 22(2) of the Nova Scotia *Municipal Government Act*.

15. Vacancies in Committees

(1) A councillor appointed to a committee ceases to be a member of the committee upon ceasing to be a councillor.

(2) The Council may by majority vote remove any member from a committee, remove any committee, or remove any member of a board or commission appointed by the Council.

(3) The Council shall fill any vacancy occurring in any committee or with respect to any person appointed by the Council as soon as practicable after the vacancy occurs.

16. Council Authority

The Council may confirm, alter, modify or annul any act, requirement or direction of any committee.

17. Committee Reports

(1) The report of a committee shall be in writing and signed by the Chair.

(2) When there is a difference of opinion among the members of the committee, the minority may report their views in writing to the Council, if they see fit.

18. Duties of Standing Committees

It is the general duty of all standing committees:

-
- (a) to report to the Council from time to time, whenever desired by the Council and as often as the interests of the Regional Municipality may require, on all matters connected with the duties imposed on them;
 - (b) to carry out action in relation to those matters connected with their duties as may be deemed necessary;
 - (c) to draft and introduce for Council consideration and adoption of the by-laws, policies and budgets necessary to empower Committees to carry out their mandate;
 - (d) to consider and report on any and all matters referred to them by the Council or the Mayor;

19. Fire and Emergency Services Committee

The Terms of Reference for the Fire and Emergency Services Committee is as follows: (Council - August 19, 2014):

Mission

The mission of the Fire and Emergency Services Committee is to manage community risk through a system of engineering, enforcement, education and consultation; and to provide a standard of emergency response meeting the defined needs of the CBRM.

Committee Structure

The Committee shall consist of five (5) members of Council. The Deputy Mayor is to serve as Chair with the annual election of a Vice Chair. Half of the Committee members are replaced every two years to maintain Committee continuity.

Committee Duties

The Committee is to report to Council, carry out the requests of Council, conduct research, create draft bylaws, policies and budgets for Council's consideration, and provide an annual report to Council on the state of service delivery including recommended service direction.

Areas of Responsibility

The Fire and Emergency Services Committee will accomplish their mission through their oversight and recommendations to Council pertaining but not limited to the delivery of:

1. Registration of Fire Services;
2. Registration of Emergency Service;
3. Volunteer Support;
4. Fire Service Operations;

- 5. Fire - Emergency Services;
- 6. Fire Service Prevention;
- 7. Fire Service Training;
- 8. Emergency Management; and
- 9. Budget.

Proposed Meeting Schedule

Meetings will be held **bi-monthly** at a ~~minimum quarterly~~ or more frequently as determined by the Chair. ~~The schedule is as follows:~~

- ~~March - Budget Proposal~~
- ~~June - Activities Reports~~
- ~~September - Activities Reports~~
- ~~December - Activities Reports~~

When possible, meetings will be held on the second Wednesday of the month commencing at 10:00 a.m.

20. Audit Committee

The Audit Committee shall be appointed in accordance with the provisions of the Audit Committee Policy to perform the duties and exercise the powers prescribed by the Audit Committee Policy in accordance with the *Municipal Government Act*.

21. Heritage Advisory Committee

The Heritage Advisory Committee shall be appointed in accordance with the provisions of the Heritage Property By-Law to perform the duties and exercise the powers prescribed by the Heritage Property By-Law and the *Heritage Property Act*.

22. Pension (Retirement) Committee

The Pension (Retirement) Committee members shall be appointed in accordance with the provisions of Section XIII of the Cape Breton Regional Municipality By-law Respecting Pension Plan to perform the duties, exercise the powers and report to Council as prescribed in the said By-law.

23. External Agencies and Committees

While Council supports the efforts of external agencies and committees within CBRM and acknowledge the exemplary service provided to the community, it is the Policy of CBRM that

direct representation by Council members will not be provided, with the exception of the following organizations (or by future motion of Council), to which the required number of Councillors will be appointed for a two year term unless otherwise stated:

- Cape Breton Regional Library Board (3 members);
- Pitu'paq (one member);
- Nova Scotia Solid Waste-Resource Management Regional Chairs Committee (one member);

Members of Council are at liberty to offer their service to community organizations as a citizen of the Municipality (Council - June 18, 2013).

24. Appeals Standing Committee

The Terms of Reference for the Appeals Standing Committee shall be as follows:

Purpose:

- a. The purpose of the Appeals Standing Committee is to provide a single forum for the hearing of certain appeals of decisions by staff of the Municipality and other duties as assigned.

Composition:

- b. The Appeals Standing Committee shall consist of all members of Council.
- c. The Mayor will be the Chair and the Deputy Mayor will be the Vice-Chair of the Appeals Standing Committee.

Duties and Responsibilities:

- d. To hear appeals as delegated to the Committee by the Council, including appeals in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*; appeals in accordance with the CBRM Taxi By-law (as authorized under Section 305 of the *Motor Vehicle Act*); and to issue demolition orders in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*.

Administration and Procedures:

- e. The Appeals Standing Committee shall meet as required to fulfil its duties and responsibilities, and within sixty (60) days from the date the Clerk is in receipt of:

-
- an appeal of a decision of staff; or
 - a Notice of Staff Intent to Request an Order to Demolish; or
 - a request by an owner to appear and be heard pursuant to Section 346(3) of the *Municipal Government Act*.
- f. While the meetings of the Appeals Standing Committee are open to the public, the proceedings will not be live streamed or videotaped, and the background information for the agenda items will not be posted on the CBRM website.

Approved by Council August 1, 1995

As amended by Council:

- **May 21, 1996**
- **Occupational Health and Safety Committee deleted as per motion of Council**
- **December 17, 1996**
- **November 28, 2000**
- **December 18, 2001 (quorum at Planning Advisory)**
- **February 17, 2004 (creation of Water Utility Committee)**
- **March 11, 2005 (various amendments)**
- **January 19, 2010 (re: Police Commission)**
- **October 20, 2015 (General Committee and other amendments)**
- **June 19, 2017 (Appeals Standing Committee)**
- **July 18, 2017 (meeting date for Fire and Emergency Services Committee)**
- **June 26, 2018 (Council appointment term 2 years)**
- **_____ 2019 (Fire & Emergency Services Committee – changes to schedule)**

Gordie MacDougall
Director of Human Resources

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5056
Fax: 902-563-5582

Issue Paper

MEMO TO : Mayor & Council

MEMO FROM : Gordie MacDougall, Director of Human Resources
Demetri Kachafanas, Regional Solicitor

SUBJECT : **1. Human Rights and Harassment Policy**
2. Respectful Workplace Policy

DATE : January 25, 2019

I wish to submit for your review and approval the attached Human Resources policies. These policies will address both Harassment as outlined in Nova Scotia Human Rights Legislation and Respectful Workplace requirements. The Human Rights and Harassment Policy is new and specifically aligns with the protected covenants mandated by legislation. The Respectful Workplace Policy is a rewrite of an existing policy and will now address personal harassment which is not a protected covenant under Nova Scotia Human Rights Legislation.

These policies would apply to both Employees and Council.

RECOMMENDATION:

As Director of Human Resources, I would recommend the adoption of both the Human Rights and Harassment Policy and the Respectful Workplace Policy.

ORIGINAL SIGNED BY

Gordie MacDougall
Director of Human Resources

attach.

Human Rights and Harassment Policy

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Coombes, that a recommendation be made to Council adopt the Human Rights and Harassment Policy as presented.

Discussion:

In response to questions, the Director of Human Resources clarified the following:

- There are no specific schedules for training in regards to this Policy
- This Policy pertains to CBRM Staff, Council and contractors
- If there are no grounds for a complaint, the information is kept on record but not in the personnel file.
- The Director of Human Resources is responsible to oversee such matters

Motion Carried.



**Cape Breton Regional Municipality
Human Resource Services
Policy**

Category: Employment

Ref: _____

Approved By Council:
Amended:

Page: 1 of 6

Human Rights and Harassment Policy

PURPOSE

The Cape Breton Regional Municipality is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

The CBRM also recognizes that employees have the right to work in an environment that is free from harassment as prohibited by the NS Human Rights Act.

This Policy sets out guidelines for the reporting, investigating and resolving of Complaints of harassment in an effort to ensure a respectful workplace for everyone.

SCOPE

This policy applies to all CBRM employees and elected officials.

This Policy applies to the workplace itself, and to work-related events. It includes harassment involving CBRM employees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace.

Harassment of employees by volunteers, members of the public, contractors, and those doing business with the CBRM is also prohibited.

DEFINITIONS

Harassment is a form of discrimination, and is prohibited by the NS Human Rights Act. It is defined as behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as prohibited grounds of discrimination in the NS Human Rights Act, namely:

- age;
- race;
- colour;
- religion;
- creed;
- sex;
- sexual orientation;
- gender identity;
- gender expression;
- physical disability or mental disability;
- an irrational fear of contracting an illness or disease;

- ethnic, national or aboriginal origin;
- family status;
- marital status;
- source of income;
- political belief, affiliation or activity;
- Association with another individual or class of individuals having characteristics referred to above.

(the "Prohibited Grounds").

Harassment can, depending on the seriousness of the behaviour, consist of a single incident or a number of incidents. It can be directed at one person, or it can involve a number of individuals.

Behaviour does not need to be intentional in order to be considered harassment, although intention may be relevant in assessing the severity of the behaviour. Some examples of harassment include, but are not limited to:

- Unwelcome, offensive remarks, jokes slurs, or innuendo related to any of the Prohibited Grounds;
- Unwelcome, offensive behaviour related to gender identity, gender expression or perceptions of sexual orientation or gender;
- Displaying or distributing derogatory or offensive pictures, graffiti or other materials related to any of the Prohibited Grounds, including but not limited to racist, sexist, or homophobic materials;
- Refusing to interact or communicate with persons because of any of the Prohibited Grounds;
- Unwelcome, offensive communications related to a Prohibited Ground sent by any means, including email or other electronic transmission;
- Unwelcome, offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or a consideration in job-related decisions;
- Unwelcome, offensive behaviour related to a Prohibited Ground that creates an intimidating, hostile, offensive or poisoned workplace environment;
- Unwelcome, offensive comments that are sexual in nature;
- Unwelcome, physical contact, such as touching, patting or pinching.

Harassment under this Policy does not include conduct that a reasonable person would find welcome or neutral. This Policy is not intended to curtail welcome, appropriate workplace interaction. Some examples of conduct that is not harassment include, but are not limited to:

- Welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- The exercise of the CBRM's right to direct the workforce, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline;
- Bona fide qualifications or occupational requirements established by the CBRM as contemplated in s. 6(f) of the Nova Scotia Human Rights Act

In cases where harassment is not related to a prohibited ground under the Nova Scotia Human Rights Act, it will be governed by the Respectful Workplace Policy.

1 General

CBRM employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

2 Roles and Responsibilities

2.1 The Cape Breton Regional Municipality

The CBRM has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy.

2.2 Supervisory Staff and Managers

Supervisors, Managers and Department Heads have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are to:

- ensure staff is provided with information about and access to policies and procedures related to harassment;
- model appropriate behaviour;
- monitor the workplace for incidents of harassment; and
- intervene promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.

2.3 Employees

All employees have a responsibility to refrain from harassment as defined in this Policy.

3 Harassment Complaint Procedures

3.1 General

The CBRM's procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. The CBRM provides both an informal and formal process to resolve harassment Complaints.

An individual who believes he or she is being harassed (the "Complainant") may consult an HR Director or designate, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

Some of the options available may include:

- the Complainant discussing her or his concerns directly with those involved;

- having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include a supervisor, manager, department head, human resource consultant, or union representative;
- initiating an "informal" or "formal" resolution process as outlined below. Interim measures may be taken by CBRM to address ongoing harassment during either the informal or formal processes.

3.2 Informal Complaint Resolution

The CBRM strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to: mediation, behavioural guidelines or agreements, apologies or other measures agreed to between the parties and the CBRM Manager or her/his delegate.

3.3 Formal Complaint Resolution

If a Complaint is not resolved informally, or if an individual who believes he or she is experiencing harassment chooses, he or she may make a formal Complaint. Formal Complaints shall be made in writing to management. Management will ensure that assistance in completing a written Complaint is provided, as required.

Upon the filing of a Formal Complaint, CBRM will appoint an investigator to investigate the complaint. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the "Respondent"). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the CBRM Manager or her/his delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the CBRM Manager or her/his delegate shall be notified of the findings of the investigation.

3.4 Other Remedies

None of the procedures described in this Policy prevent a person from pursuing other remedies, such as pursuing a grievance, where applicable, or filing a Complaint with the NS Human Rights Commission. The investigation procedures outlined under this Policy may be suspended at the discretion of the investigator until any other remedial processes have been concluded.

3.5 False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the CBRM may take disciplinary measures against the Complainant, up to and including termination of employment.

4 Retaliation

4.1 General

Retaliation also constitutes a form of discrimination under this Policy, and may form the basis of a separate Complaint.

4.2 Forms of Retaliation

Any form of retaliation or discrimination against an employee because that person initiated a Complaint of harassment, or because that person acted as a witness or otherwise participated in an investigation, may be considered a violation of this Policy. Such action may result in discipline up to and including termination of employment.

4.3 Reporting Retaliation

If an employee believes that he or she has been subjected to retaliation as set out above, that person may report it as outlined under Section 3 of this Policy.

5 Consequences of Harassment

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

6 Confidentiality and Document Retention

Information collected and retained by an investigator during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, the investigator shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint.

If, after investigation, a Complaint is not established, no documentation of the Complaint shall be placed on either of the parties' personnel files. However, documentation of the investigation shall be kept in a confidential file separate from the employee's personnel file and maintained by CBRM in order to evidence the CBRM's proper investigation of formal Complaints of harassment. Documentation which outlines disciplinary action arising from an investigation shall be placed on an employee's personnel file.

Confidentiality extends to all records relating to Complaints, including but not limited to meetings, interviews and investigation results. Individuals making a Complaint, witnesses and individuals against whom a Complaint has been made are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be protected in accordance with the Freedom of Information and Protection of Privacy Act.

Information collected and retained by an investigator and/or CBRM may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

7 Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with a binding CBRM collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

| | | |
|----------------------|--------------|-------|
| Issued by: | Approved by: | Date: |
| CBRM Human Resources | Council | |



CBRM - Harassment Complaint Form

PART I

Complainant's Name: _____

Address: _____

Telephone Number: _____

Department: _____

Position/Job Title: _____

Name of Immediate Supervisor: _____

PART II

Type of Harassment: Verbal Physical Property

Date and Time of the Incident: _____

Person who was responsible for the harassment:

Supervisor: Co-worker: Customer/Client: Other:

Name: _____

Position: _____

Did it occur more than once? Yes No

Location of Incident: _____

Describe the circumstances in which the incident took place:

- During your working hours?
- When did it start?
- When did it stop?
- Is it still going on?



CBRM - Harassment Complaint Form

What was your reaction? _____

How did you feel? _____

Did you do anything to talk to anyone after the incident? Give details: _____

Part III

Describe the incident: _____



CBRM - Harassment Complaint Form

I understand that the incident(s) described above will be investigated, I will be given an opportunity to explain further, and I will be informed of the results of the investigation.

Complainant's Signature: _____

Date: _____

FOR OFFICE USE ONLY

Matter was referred to investigation on _____ (date)

Investigation was completed on _____ (date)

Final report was produced on _____ (date)

Complaint was: established / not established

Parties were informed of outcome on _____ (date)

Action taken: _____

[Note: Make the complaint form part of your sexual harassment policy. Consult with your lawyer to ensure that the complaint form is suitable to your organizational needs and meets with the legal requirements of your province or state.]

Respectful Workplace Policy

Motion:

Moved by Councillor MacLeod, seconded by Councillor Coombes, that a recommendation be made to Council to adopt the proposed amendments to the Respectful Workplace Policy as presented.

Motion Carried.



**Cape Breton Regional Municipality
Human Resource Services
Policy**

Category: Employment

Ref: _____

Approved By Council:
Amended:

Page: 1 of 6

Respectful Workplace Policy

PURPOSE

The Cape Breton Regional Municipality's greatest resource is its Employees. It is essential to CBRM that staff are provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, consideration and dignity guide our interactions with one another.

The CBRM is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. In our diverse and equitable workplace, the CBRM endeavors to ensure all employees have the opportunity to contribute fully to the CBRM's mission, and that each employee's unique contribution is respected.

While the CBRM's "Human Rights and Harassment Policy" addresses harassment as prohibited by the NS Human Rights Code, this policy deals specifically with disrespectful workplace behaviour. Disrespectful behaviour, commonly referred to as "personal harassment," is not covered by human rights legislation.

The focus of this Policy is to ensure a respectful workplace, prevent disrespectful behaviour and outline guidelines to address disrespectful workplace behaviour should it occur.

SCOPE

This policy applies to all CBRM employees and Council.

This Policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour involving CBRM employees that happens away from the workplace or after regular working hours, where those behaviours have a negative impact on the workplace.

Disrespectful behaviour towards employees by volunteers, members of the public, contractors, Council Officials, advisory body members, and those doing business with the CBRM is also prohibited.

DEFINITIONS

Respectful Workplace is a work environment where individuals treat each other with respect at all times which includes:

- inclusion of people with different backgrounds, strengths and opinions;
- safety from disrespectful, bullying or intimidating behaviours;
- individual accountability for effective workplace relationships involving the constructive resolution of differences.

Complainant means the individual making a complaint that disrespectful behaviour has occurred.

Disrespectful behaviour is behaviour that:

- ought reasonably to be known or expected to be offensive, humiliating or intimidating;
- has a clear and demonstrably negative effect on the complainant;
- includes either words or actions and can consist of a single incident or a number of incidents;

Some examples of disrespectful behaviour as defined under this Policy include, but are not limited to:

- public ridicule or humiliation;
- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- directing profanity or violent language at another employee;
- unjustifiable or deliberate interference with another's work or work sabotage;
- interference with or vandalizing personal property;
- bullying, which can be defined as offensive, malicious, intimidating, ostracizing, insulting or humiliating behavior.

Some examples of conduct that are not considered disrespectful behaviour under this Policy include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- conduct that a reasonable person would find welcome or neutral;
- exercise of the CBRM's right to direct the workforce, including all aspects of supervising and managing such as giving appropriate and legitimate performance feedback, managing employee attendance, coaching, and discipline;
- disagreements or misunderstandings;
- conflicts or quarrels between co-workers unless they include disrespectful behaviours as outlined above.

Respondent means the individual alleged to have engaged in disrespectful behaviour.

POLICY STATEMENTS

1 General

CBRM employees shall not be subjected to, and shall not subject another individual to, disrespectful behaviour as defined in this Policy.

2 Roles and Responsibilities

The CBRM has the primary responsibility to establish and maintain a respectful workplace as defined in this Policy.

2.2 Human Resources

The responsibilities of Human Resources include to:

- ensure a fair, prompt and equitable process is followed;
- champion respectful workplace behaviours and practices;
- protect the privacy and confidentiality of all individuals involved;
- work with Managers to determine corrective action;
- where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.

2.3 Supervisory Staff and Managers

Supervisors, Managers and Department Heads have an essential role in preventing and resolving disrespectful behaviour issues. Managers are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision.

Their primary responsibilities with respect to disrespectful behaviour are to:

- ensure staff is provided with information about and access to policies and procedures related to behaviour expectations;
- model appropriate respectful behaviour;
- monitor the workplace for incidents of disrespectful behaviour;
- intervene promptly and appropriately when they know, or ought reasonably to know, that disrespectful behaviour is occurring;
- work cooperatively with Human Resources to resolve and remedy instances of disrespectful behaviour;
- take steps to restore positive working relationships.

2.4 Employees

All employees are a part of creating a respectful workplace and have a responsibility to refrain from disrespectful behaviours as defined in this Policy, and to:

- act in a professional manner consistent with the standards that support this Policy;

- take personal responsibility to maintain respectful working relationships and constructively resolve conflicts;
- seek out support and assistance if required from their Supervisor, Manager, Human Resources Designate, Union representative or other resource to effectively resolve workplace conflicts;
- co-operate with, and participate in, any related investigation process as required.

3 Complaint Resolution Procedures

3.1 Informal Resolution

The CBRM strives to provide a wide range of options to resolve complaints informally. Informal resolution may include, but is not limited to behavioural guidelines or agreements, apologies or other measures acceptable to both the Complainant and Respondent.

Informal resolution approaches may include:

- Discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with CBRM policy.
- Requesting assistance from an appropriate party to assist in discussing concerns with those involved. An appropriate party could include a Supervisor, Manager, Department Head, Human Resource Designate or Union representative;

A Human Resources Designate or Manager may suggest interim measures to be taken during either the informal or formal processes.

3.2 Formal Resolution

If a complaint cannot be resolved informally, a formal complaint may be made in writing by the Complainant to either the Human Resources Designate, Union representative or other colleague they feel comfortable in assisting them in writing a formal complaint.

As all staff have a responsibility in creating a respectful workplace, occurrences of disrespectful behaviour may be reported to Human Resources by another party such as a colleague or Manager.

The formal resolution process is initiated once a written complaint is received. Once a formal written complaint of disrespectful behaviour is made, Human Resources will commence an investigation if appropriate and may recommend the engagement of an external party in the investigation process.

An investigation may be carried out by the Human Resources Designate directly, or assigned to an independent third-party.

Formal resolution investigations cannot be carried out anonymously. The identity of the complainant and the allegations contained in the complaint will be made known to the individual(s) alleged to have engaged in disrespectful behaviour and he/she shall be provided an opportunity to respond to the allegations.

At the conclusion of the investigation, the investigator will document his/her findings and any recommendations for the resolution of the disrespectful behaviour. Human Resources will work with management to determine the appropriate action to be taken, communicate the decision to the Complainant and Respondent, identify follow-up actions to ensure the issue has been resolved and provide any additional support deemed necessary for the parties involved.

Should it be found that the disrespectful behaviour constitutes discrimination as defined by the NS Human Rights Act, the investigation will be carried out under the terms of the "Human Rights and Harassment Policy."

Concerns about disrespectful behaviour should be raised as soon as reasonably possible to ensure disrespectful behaviour does not go unaddressed. It is recommended that staff bring forward concerns no longer than 6 (six) months from the time of the last alleged incident of disrespectful behaviour, although this does not preclude a complaint being raised at a later date.

3.3 False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the CBRM may take disciplinary measures against the Complainant, up to and including termination of employment.

4 Retaliation

Any form of retaliation or discrimination against an employee because that person initiated a complaint, or because that person acted as a witness or participated in a complaint resolution process will be considered a violation of this Policy. Retaliation may result in discipline up to and including termination of employment.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written complaint to their departmental Manager who will review the complaint with Human Resources, to ensure the allegation is appropriately addressed.

5 Consequences of Disrespectful Behaviour

Engaging in disrespectful behaviours or retaliation may result in disciplinary action up to and including termination of employment. Repeated instances of disrespectful behaviour will be considered as one of the factors in determining the appropriate level of disciplinary action.

6 Confidentiality

Information collected and retained by Human Resources during the course of an investigation process is treated as confidential. During the investigation process, Human Resources will limit disclosure of investigation-related information to that which is necessary to resolve the complaint.

Information collected and retained by Human Resources may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

7 Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with a binding CBRM collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

| | | |
|----------------------|--------------|-------|
| Issued by: | Approved by: | Date: |
| CBRM Human Resources | Council | |

Louisbourg CSC

Motion:

Moved by Councillor McDougall, seconded by Deputy Mayor Doncaster, that a recommendation be made to Council to deem the property at 7495 Main Street, Louisbourg, as surplus to the needs of CBRM and to accept the offer to purchase at the assessed value plus HST for the building and property, as directed by existing Council Policy.

Discussion:

During discussion, Council members discussed:

- The benefits of the sale of this property to the community of Louisbourg and how money from the sale could be leveraged to provide upgrades to the former George D. Lewis Hub School and S & L Railway building.
- Mayor Clarke clarified that the current motion authorizes the sale of the property and if approved, the recommendation for use of the net proceeds will be brought back to Council with further details including rent and operating costs by the Director Recreation, Parks, Grounds, Buildings & Facilities;
- The possibility of police and recreation moving to space at the George D. Lewis Hub School.

Motion Carried.



TO: CBRM General Committee of Council

FROM: Bill Murphy

SUBJECT: Louisbourg CSC

DATE: March 5, 2019

Introduction

The municipality has received an offer to purchase the existing municipally owned CSC at 749S Main Street Louisbourg, N.S. The building, (locally known as the former town hall) currently serves as a Visitor Information Center for Destination Cape Breton, office for the local Harbour Port Authority, satellite Recreation and Police office, a community used boardroom and a local food bank.

In its 2014 organizational review, Council mandated staff to look to reduce the numbers of buildings that could be deemed surplus to its operational needs. It was concluded this facility could be considered surplus to municipal need. It was also determined the municipality could work with existing partners in the community to accommodate the existing users. To that end, a commercial appraisal of the building was conducted in August 2014 that identified the current market value for the property at \$335,000.00. (attached)

Since 2014, the municipality held discussions with Parks Canada on their interest in moving their administration/visitors center from its present location to Main Street.

Recommendation

1. That Council approve a motion to consider the property at 7495 Main Street, Louisbourg, surplus to its operational needs.
2. That Council approve a motion to accept the offer to purchase for the assessed value plus hst for the building and property at 7495 Main Street Louisbourg as directed by existing Council policy.

Bill Murphy

Director of Parks, Recreation
Buildings & Facilities

Mackey Appraisals Ltd.
Commercial and Residential Appraisal Service

September 14, 2014

Cape Breton Regional Municipality
320 Esplanade,
Sydney, NS

Attention: Mr. Bill Murphy

Re: Market Valuation: Louisbourg Town Hall; 7495 Main Street, Louisbourg, NS

Mr. Murphy;

In accordance with the request of the Cape Breton Regional Municipality, we have completed the following appraisal report providing an opinion of current market value for the above property. The subject site contains approximately 38,000 square feet and is improved with a wood frame multi purpose building with a base area of approximately 2,766 square feet.

As a result of our investigation, and after considering all relevant data as outlined in this report, it is our opinion the Current Market Value of the subject property (as is) as of the effective date is as follows:

Three Hundred and Thirty Five Thousand Dollars (\$335,000.00)

This is a summary appraisal formatted in a narrative (summary) style and is subject to the Limiting Conditions contained elsewhere in this report.

This report is subject to a Use Restriction as follows;

“The reliance on the report is limited to the Client, potentially for the purpose of sale. The depth of the discussion contained in this report is specific to the needs and the intended use of the client only, and no third party can rely on this report as the full extent of the appraisal process and the report contents may not be apparent to the reader”

Respectfully submitted:
Mackey Appraisals Ltd.

Original Signed By

William R. Martheleur, BSc DAC (CNAREA)

50 Amberwood Cres.,
Sydney, Nova Scotia
Canada B1R 2J8

PHONE (902) 562-6112
FAX (902) 564-1177
E-MAIL mackeyapp@ns.sympatico.ca

Land Expropriation Lot 2018-1, PID 15543051 – Wash Brook Flood Mitigation Project

Motion:

Moved by Councillor MacLeod, seconded by Deputy Mayor Doncaster, that a recommendation be made to Council to direct staff to proceed with the expropriation of Lot 2018-1 from PID 15543051 in order to proceed with the installation of the Mud Lake Flow Control Structure.

Discussion:

In response to questions, the Property Manager advised that at the present time the current tax payer on the property does not hold clear title as there is no registered document confirming title to the listed owner as identified on Property Online. The appraisal determined fair market value for the property. Should the listed owner establish title to the subject property, CBRM would pay fair market value as set out in the appraisal. This money will be held in trust (pursuant to applicable legislation) until fee simple ownership to the property is established by the current listed owner.

Motion Carried.

ISSUE PAPER

March 12th, 2019

To: Mayor and Council

Re: Land Expropriation LOT 2018-1, PID 15543051 - *Wash Brook Flood Mitigation Project*

Background:

The results of the Wash Brook Flood Water Containment and Intensity Mitigation Project, which were received on June 15th, 2018 recommended the installation of option #15 consisting of three structures to help mitigate flooding during various precipitation events. On July 10th Council endorsed that staff proceed with the installation of option 15 in a multiyear phased approach.

One of the three structures is a ‘Flow Control Structure’ designed to regulate the flow that enters the Wash Brook from Mud Lake during precipitation events.

The Flow Control Structure is to be located at the outlet of the lake which is located on a private parcel of land 2.3 kilometers South of Highway 125 and 1.8 kilometers North of Mira Road (Refer to Map 1 attached).

The result of a property title search conducted in October of 2018 concluded the property has title issues therefore, the best option is Expropriation. The parcel of land in question is 302+ acres in size, CBRM requires a 28.3 acre section for the flow control structure, and this is identified as “Lot 2018-1” (See survey plan attached).

In order to proceed with the installation of this structure, CBRM is seeking ownership of Lot 2018-1 (A section of PID 15543051).

An appraisal report dated November 22nd, 2018 concluded that a value of One Hundred and Twenty Dollars (\$120) per acre shall be utilized in the final opinion of market value for the subject property.

Recommendation:

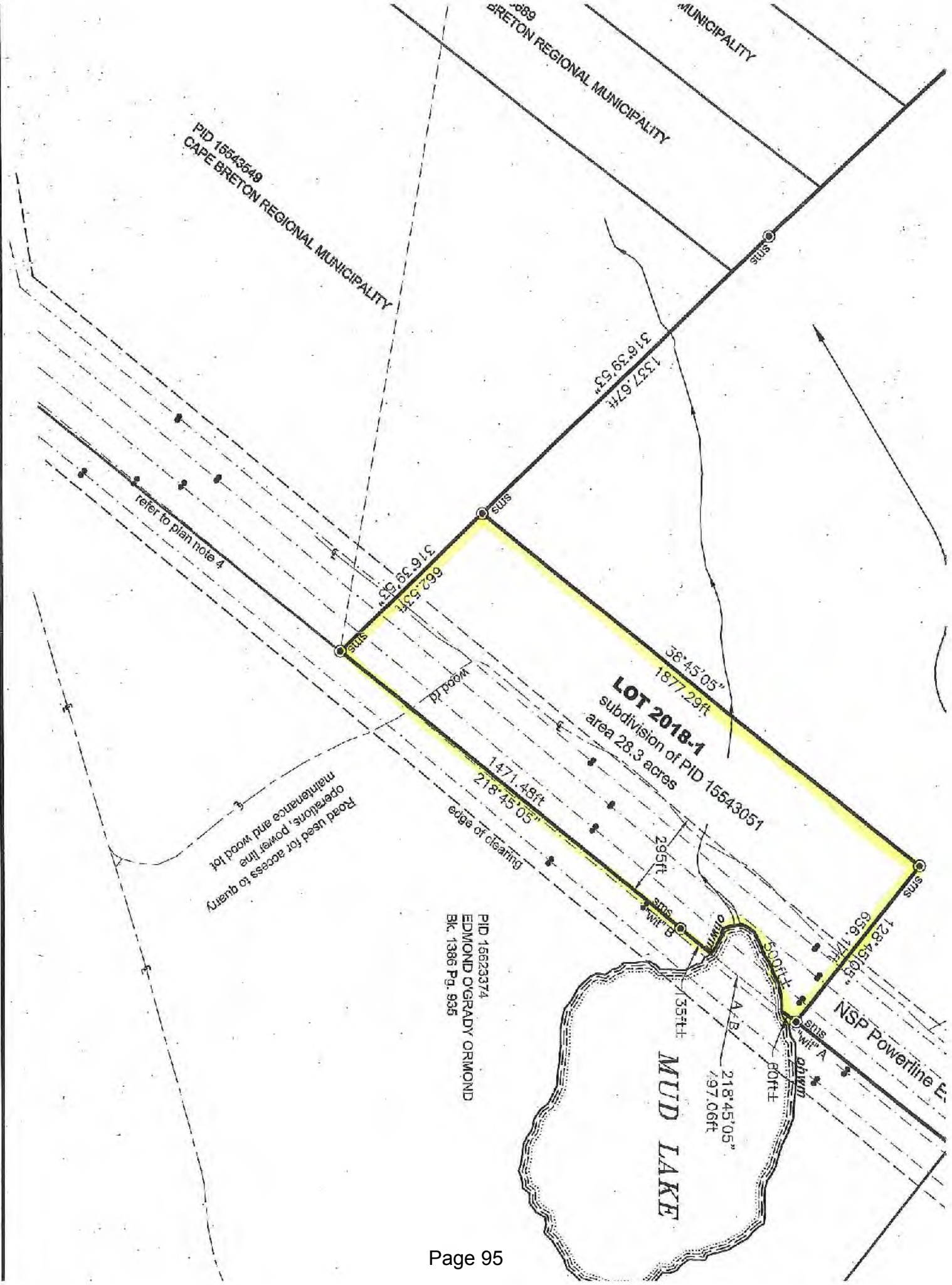
That council passes a motion directing staff to proceed with the expropriation of Lot 2018-1 from PID 15543051 in order to proceed with the installation of the Mud Lake Flow Control Structure.

Original Signed By

Demetri Kachafanas
Regional Solicitor

MAP 1





PID 15543549
CAPE BRETON REGIONAL MUNICIPALITY

BRETTON REGIONAL MUNICIPALITY

MUNICIPALITY

refer to plan role 4

Road used for access to quarry operations, power line maintenance and wood lot

PID 15623374
EDMOND O'GRADY ORMOND
Blk. 1386 Pg. 936

LOT 2018-1
subdivision of PID 15543051
area 28.3 acres

MUD LAKE

NSP Powerline E

Request from Eastlink for an Easement over CBRM Property to Construct a Telecommunication Tower off No. 125 Highway, Mira Road District

Motion:

Moved by Deputy Mayor Doncaster, seconded by Councillor MacMullin, that a recommendation be made to Council to approve an Easement in favour of Eastlink for the purpose of the construction of a telecommunication tower on CBRM property located within the Watershed Area located off No. 125 Highway (PID 15543739), provided the following conditions are met:

- Eastlink provide CBRM with a final survey showing the exact location of the tower and that final endorsement of the location be approved by the Water Utility Department;
- Access to the Tower be approved by the Water Utility Department; and
- Eastlink keeps a fully stocked spill kit on site and report and incidents to CBRM;

And authorize the Mayor and Clerk to execute an Easement and any other documents required to formalize the said Agreement.

Discussion:

Council discussed and received information regarding the following:

- Closest home in proximity to the proposed tower
- Industry Canada and CBRM regulatory authority
- The reason for conditions regarding the spill kit
- The annual fee of \$2,500 for the easement

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FROM EASTLINK FOR AN EASEMENT OVER CBRM PROPERTY TO CONSTRUCT A TELECOMMUNICATION TOWER, off No. 125 Highway, Mira Road District

DATE: March 12th, 2019

INTRODUCTION

As presented to General Committee on March 5th, 2019, CBRM was approached by Bragg Communication Inc., carrying on business as “Eastlink” seeking an easement to a portion of CBRM land located off Highway 125, Mira Road District to construct a telecommunication tower (PID 15543739). The proposed site is located just outside the CBRM’s Watershed area. (Schedule B).

BACKGROUND INFORMATION

In Canada, all telecommunication towers are governed by Federal legislation and regulation. Industry Canada is the approval agency, under the *Radiocommunication Act*, with respect to the final decision to approve and licence the location of all telecommunication towers. Because telecommunication towers are so effectively regulated by Industry Canada, CBRM does not require a Development Permit in compliance with its land use bylaws. Also, the Province’s Building code does not require a building permit for the construction of the towers.

In order for the telecommunication tower to be located on the proposed site, CBRM would need to enter into an Easement Agreement. Eastlink is offering to pay a fee in an

amount of \$2500, plus HST to be paid annually with an annual increase by an amount equal to the consumer Price Index. All maintenance and upkeep to the towers/equipment will be the sole responsibility of Eastlink.

The property is deemed essential lands to the Municipality. It adjoins property that encompasses CBRM's Water Treatment Plant and is identified as CBRM's Watershed Area (PID 15543739).

The legal department consulted with internal staff to determine if Eastlink's request would cause CBRM any potential issues.

Staff referrals for the review concluded there was no issue with a tower being located in the Watershed Area provided:

1. Eastlink supply CBRM with a final survey showing the exact location of the tower and that final endorsement of the location be approved by the Water Utility Department;
2. Access to Tower be approved by Water Utility Department; and
3. Eastlink is required to keep a fully stocked spill kit on site and report and incidents to CBRM

Recommendation

Staff recommends that Council pass a motion to approve an Easement in favour of Eastlink for the purpose of the construction a telecommunication tower on CBRM property (PID 15543739), provided the following conditions are met:

- Eastlink provide CBRM with a final survey showing the exact location of the tower and that final endorsement of the location be approved by the Water Utility Department;
- Access to Tower be approved by Water Utility Department; and
- Eastlink keeps a fully stocked spill kit on site and report and incidents to CBRM

And to authorize the Mayor and Clerk to execute an Easement and any other documents required to formalize the said Agreement.

Respectively Submitted by:

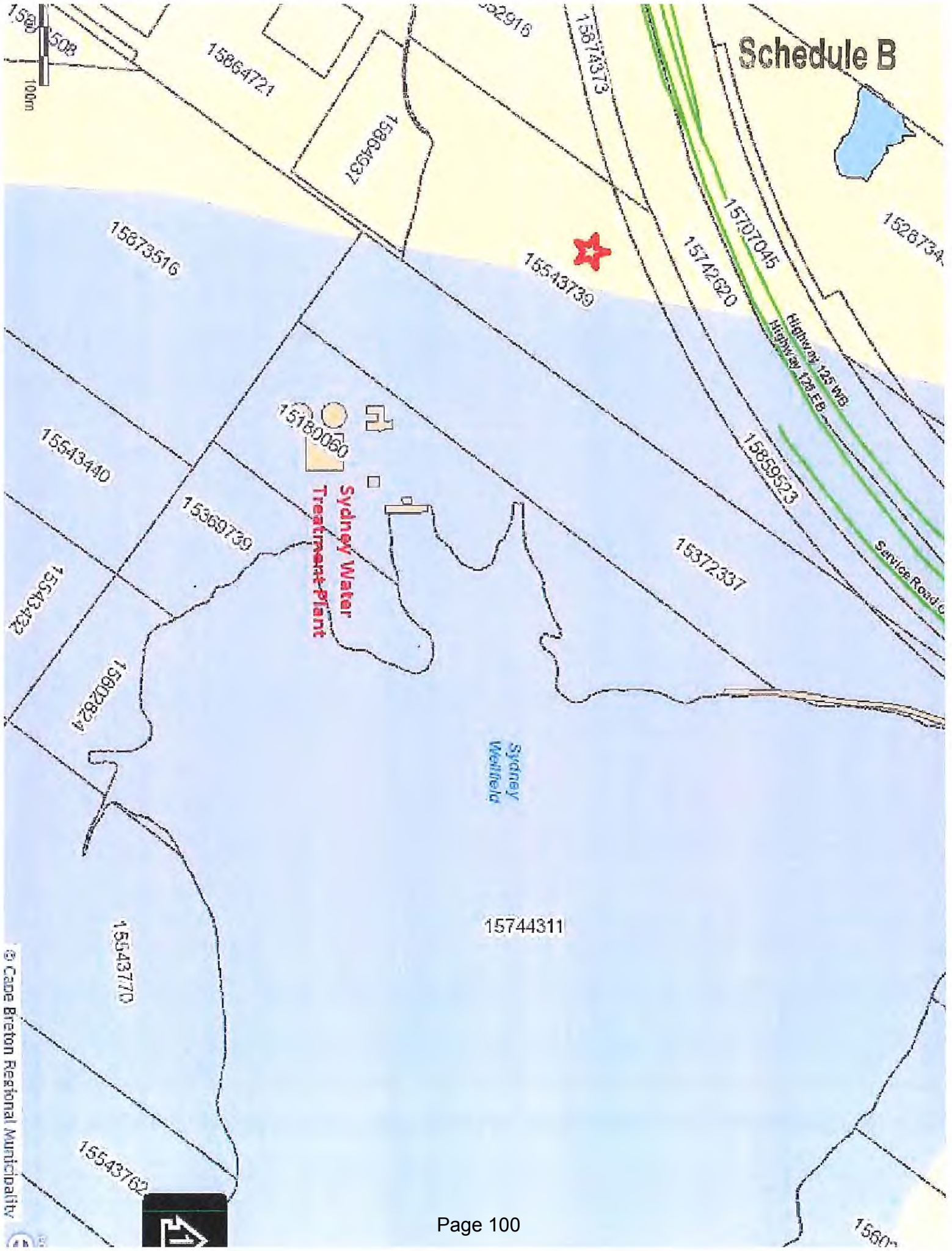
Original Signed By
Sheila Kolanko
Property Manager

Schedule B



CBRM Property
PID 15543739

Schedule B



Rick McCready
Planning Department



CBRM

A Community of Communities

Cape Breton Regional Municipality

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5072
Fax: 902-564-0481
email: rgmccready@cbrm.ns.ca

March 4, 2019

MEMO TO: CBRM Council

FROM: Rick McCready, MCIP, Senior Planner

RE: Implementation of the CBRM Active Transportation Plan: New Waterford Highway Paved Shoulders

Background

One of the signature projects in the CBRM Active Transportation (AT) Plan which was approved by Council in 2008 is the paving of shoulders on the New Waterford Highway. This is a provincially owned road.

In 2016, the Province repaved the section of the highway between Daley Road and Kilkenny Lake Road. At CBRM's request, one metre wide paved shoulders were added. In 2019, the Province is planning to repave the highway between Kilkenny Lake Road and Whitney Pier, and have agreed to install 1.2 metre wide paved shoulders at their cost. The CBRM AT Committee is proposing that on one side the shoulder width be increased to 2 metres to facilitate pedestrian movements on the section between MacKay Brook bridge and Whitney Pier, a total of 5.2 km. The Province has agreed to do this, but has indicated that the cost of the additional 80 cm. (\$150,000) must be paid for by CBRM.

Although this 5.2 kilometre section of highway has no paved shoulders at present, there is a narrow, substandard asphalt sidewalk in a deteriorated state located within the gravel shoulder on the west (harbour) side of the road. The extra wide paved shoulder being proposed on that side would replace the substandard sidewalk.

Attached is an agreement regarding the cost of the additional 80 cm. of paving. The total cost of the shoulder paving project for the 5.2 km. section is estimated to be \$600,000 of which \$150,000 would be paid for by CBRM through our Active Transportation budget, if approved by Council.

Please note that the agreement requires the Province to maintain the shoulders after construction, and that the CBRM has the right to opt out of the entire project should the tendered price accepted by the Province significantly exceed the estimated costs.

Recommendation

If Council wishes to support this initiative, staff recommends that Council pass a motion authorizing the Mayor and Clerk to sign an agreement (copy attached) with the Province in which CBRM agrees to commit \$150,000 to the total cost of the shoulder paving project on the New Waterford Highway in 2019-2020, on the understanding that the other costs (estimated at \$450,000) are covered by the Province.

Yours very truly,

Rick McCready, MCIP
Senior Planner



NOVA SCOTIA

**Transportation and
Infrastructure Renewal**

Cost Share Agreement 2019-002

THIS AGREEMENT made this ____ day of _____ 2019.

BETWEEN:

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

OF THE ONE PART

- and -

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

OF THE OTHER PART

WHEREAS the Province is the owner of the highway infrastructure known as Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road in Cape Breton County;

AND WHEREAS the Province intends to repave Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road for approximately 6.3 kilometers;

AND WHEREAS the Municipality has requested the Province to upgrade the existing paved shoulder as the existing paved shoulder is in very poor condition.

AND WHEREAS the Municipality has agreed to cost share the paved shoulder on the west side of the road, for the first 5.2 km of the Province's job.

NOW THIS AGREEMENT WITNESSETH that in the consideration of covenants, promises and agreements hereinafter contained to be by them observed, performed and paid, the parties mutually agree as follows:

1. During the repaving of Trunk 28, the Province shall repave 6.3 km of Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road including shoulder gravel, drainage structures, ditching and clearing. This also includes paving 1.2-meter shoulders on both sides of the road for active transportation.
2. During the repaving of Trunk 28, the Province on behalf of the Municipality shall pave the west side shoulder an additional 0.8 meters (increasing from 1.2 meters to 2 meters) of Trunk 28 from 150 meters south of Egan Avenue easterly, approximately 5.2 kilometers (the "Work") during the 2019 construction season.
3. The Municipality agrees to pay 100% of the project costs related to the Work, which includes increasing the paved shoulder on the west side from 1.2 meters to 2 meters for the first 5.2 km starting 150 meters south of Egan Avenue. Increasing the paved shoulder an additional 0.8 meters includes removal of existing paved shoulder (in some locations), rough grading surface, type 1 gravel, catch basin adjustments, asphalt CHF (2 lifts), binder and tack.
4. The "Estimated Project Cost" is One Hundred and Fifty Thousand Dollars (\$150,000.00) as shown on Schedule "A" attached hereto (the "Project Estimate Report"). The Municipality acknowledges and agrees on the Estimated Project Cost of One Hundred and Fifty Thousand Dollars (\$150,000.00).
5. The Province and the Municipality acknowledge that the Province shall abide by its Procurement Policy and conduct a competitive tendering process for the selection of a contractor(s) capable of completing the Work contemplated by this Agreement. The Work will be performed as part of the Province's contract.
6. The Municipality agrees to pay for any possible cost overruns associated with the Work.
7. Once the tender for the repaving of Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road closes, if the Tendered Project Cost for the Work exceeds the Estimated Project Costs by 10% or more, the Province shall provide the Municipality with the details of the successful bid, including all costs prior to awarding the contract. The Municipality shall, within ten (10) business days of receipt of the bid details, provide the Province with written acknowledgement of its consent to award the tender as proposed by the Province, which consent shall not be unreasonable withheld. If the Municipality does not consent to the award of the tender, then this Agreement shall terminate automatically.
8. The Province shall submit an account to the Municipality upon the completion of the Work. The Municipality shall pay to the Minister within (sixty) 60 days of submission of the account.

9. During construction of the Work, the Province shall grant the Municipality and its duly authorized servants, agents, contractors and workmen the right to enter upon the Province's property on foot or with machinery, materials, vehicles and equipment for the purposes of inspection and/or approval of the Work. The Municipality will advise the province in writing of any concerns with the Work within five (5) business days of the completion of the Work of Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road.

10. The Province shall have the right, at its sole discretion and cost, to have a supervisor and/or inspector of its choice on site for all phases of construction of the Work.

11. Upon completion of the Work, the Province shall be responsible for the on-going maintenance and upkeep of the 2-meter paved shoulder located on the west side of Trunk 28 from 150 meters south of Egan Avenue easterly, approximately 5.2 kilometers.

12. The Municipality agrees to indemnify and save harmless the Province, its Ministers, officers, employees and agents from and against all liabilities, fines, suits, losses, claims, demands and actions, of any kind and nature whatsoever for which the Province, its Ministers, officers, employees or agents shall or may become liable or suffer by reasons of any breach, violation or non-performance by the Municipality of any covenant, term or provision hereof or by any reason of any death or injury of any person or any damage or destruction of any property resulting from any act, neglect or default on the part of the Municipality or any of its servants, employees, agents, invitees or licensees whatsoever. The Municipality hereby releases the Province from any claim that may arise from construction delays or cost overruns in relation to the Work.

13. Words in this Agreement in the singular include the plural and words in the plural include the singular, and words importing the masculine gender include the feminine and neutral genders, where the content so requires.

14. The Municipality shall not assign, either in whole or in part, any of its rights or obligations under this Agreement without the prior written consent of the Province.

15. The Agreement enures to the benefit of and is binding upon the Province and the Municipality, and each of their respective successors and permitted assigns.

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

17. The repaving of Trunk 28 from 150 meters south of Egan Avenue easterly to Kilkenny Lake Road, approximately 6.3 km's is conditional on the appropriation of funds. The Work will only proceed if funding is available for the above noted construction.

18. This Agreement constitutes the entire Agreement between the Province and the

Municipality about the subject matter hereof and supersedes all prior agreements, understandings, representations or warranties, negotiations and discussions, whether oral or written.

19. All notices, demands or other communications to be given in connection with this Agreement shall be in writing and shall be given by personal delivery, registered mail or by electronic means of communication addressed to the recipient as follows:

(a) to the Municipality at:

Mr. Malcolm Roach
Public Works Supervisor
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS
B1P 7B9
Tel (902) 563-5180
Fax (902) 564-0481
mroach@cbm.ns.ca

(b) to the Province at:

Ms. Laura Cunningham
Capital Program Administration Officer
Johnston Building, 1672 Granville Street
P.O. Box 186
Halifax, NS
B3J 2N2
Tel (902) 424-0897
Fax (902) 424-0571
laura.cunningham@novascotia.ca

or to such other address, individual or electronic communication number as may be designated by written notice given by either party to the other in accordance herewith. Any demand, notice or other communication given by personal delivery shall be conclusively deemed to be given on the day of actual delivery thereof and, if given by registered mail, on the fifth business day following the deposit thereof in the mail and if given by electronic communication, on the day of transmittal thereof if given during normal business hours of the recipient and on the business day during which such normal business hours next occur if not given during such hours on any day. If the party giving any demand, notice or other communication knows or ought reasonable to know of any difficulties with the postal system which might affect the delivery of mail, any such demand, notice or communication shall not be mailed but shall be given by personal delivery or by electronic communication.

IN WITNESS WHEREOF the Province has hereunto subscribed its hand and affixed its seal and the Municipality has set and affixed its corporate seal authenticated by the signatures of the Mayor and the Clerk.

SIGNED, SEALED and DELIVERED in
The presence of:

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

Witness

Lloyd P. Hines, Minister of
Transportation and Infrastructure
Renewal

Cape Breton Regional Municipality

Witness

Cecil Clarke, Mayor

Witness

Deborah Ryan, Municipal Clerk

Schedule A
Project Estimate Report

CONFIDENTIAL



NOVA SCOTIA Job Estimate Report

Transportation and Infrastructure Renewal

Job Estimate: E2019-50-001
 County: CAPE BRETON
 Main Description: TRUNK 28 (SHOULDER WIDEN 0.8m LHS)
 Supplemental Description: FROM 150M SOUTH OF EGAN AVE. EASTERLY 5.2km
 Work Type: ASPHALT WORK
 Last Modified: Feb 7, 2019 1:17:41 PM
 Width: 0.8
 Job Length: 5.2
 Estimator: JEFF MURPHY

| Item | Item Description | Units of Measure | Item Quantity | Unit Price | Extended Amount |
|--------------------------|------------------------------------------------------|------------------|---------------|-------------|---------------------|
| TENDER ITEMS | | | | | |
| 02.10.001 | Grading Rough (Div. 2 Sec. 10) | SQUARE METRE | 3,800.00 | \$1.50 | \$5,700.00 |
| 03.02.002 | Gravel Type 1 (MS) (Div. 3 Sec. 2) | TONNE | 250.00 | \$15.00 | \$3,750.00 |
| 04.01.001 | Emulsified Asphalt Tack (Div. 4 Sec. 1) | LITRE | 1,200.00 | \$1.00 | \$1,200.00 |
| 04.02.006 | Asphalt Binder PGAB PG58S-28 (Div. 4 Sec. 2) | TONNE | 55.00 | \$825.00 | \$45,375.00 |
| 04.06.001 | Asphalt Concrete Removal (Div. 4 Sec. 6) | SQUARE METRE | 3,800.00 | \$6.00 | \$22,800.00 |
| 04.19.033 | Asphalt Mix Type C-HF PG58S-28 (EPS) | TONNE | 925.00 | \$45.00 | \$41,625.00 |
| 05.12.332 | Manhole / Catch Basin - Adjust/Repair (Div 5 Sec 12) | EACH | 7.00 | \$600.00 | \$4,200.00 |
| CONTINGENCY ITEMS | | | | | |
| 30.01.001 | General Contingencies | LUMP SUM | 1.00 | \$25,350.00 | \$25,350.00 |
| TENDER ITEMS | | | | | \$124,650.00 |
| CONTINGENCY ITEMS | | | | | \$25,350.00 |
| Grand Total: | | | | | \$150,000.00 |

Prepared: _____

Project Engineer - _____

Approved: _____

Construction Manager _____

Statement of Revenue

Summary

| Revenue | Year To Date Assigned | 10 Month Budget | 10 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|----------------------------------------------|-----------------------|--------------------|--------------------------|--------------------|-------------------------|
| | \$ | \$ | \$ | \$ | \$ |
| Total Taxes | 90,085,968 | 89,842,993 | 242,975 | 107,811,592 | 17,725,624 |
| Total Federal Government | 2,583,333 | 2,583,333 | (0) | 3,100,000 | 516,667 |
| Total Federal Government Agencies | 627,982 | 627,982 | 0 | 753,578 | 125,596 |
| Total Provincial Government | 1,731,877 | 1,731,871 | 5 | 2,078,252 | 346,375 |
| Total Provincial Government Agencies | 2,546,059 | 2,547,736 | (1,677) | 3,057,283 | 511,224 |
| Total Services to Other Local Government | 507,781 | 507,351 | 430 | 608,821 | 101,040 |
| Total Transit | 810,528 | 660,417 | 150,111 | 792,500 | (18,028) |
| Total Environmental Development Services | 204,246 | 205,000 | (754) | 246,000 | 41,754 |
| Total Licenses & Permits | 141,231 | 125,417 | 15,815 | 150,500 | 9,269 |
| Total Fines & Fees | 488,791 | 477,377 | 11,414 | 572,852 | 84,061 |
| Total Rentals | 438,671 | 419,692 | 18,979 | 503,630 | 64,959 |
| Total Concessions & Franchises | 293,445 | 304,167 | (10,721) | 365,000 | 71,555 |
| Total Interest on Taxes | 1,105,355 | 1,345,002 | (239,648) | 1,614,003 | 508,648 |
| Total Finance Revenue | 21,820 | 25,000 | (3,180) | 30,000 | 8,180 |
| Total Solid Waste Revenue | 1,907,879 | 1,891,667 | 16,212 | 2,300,000 | 392,121 |
| Total Recreation & Cultural Service Programs | 1,235,124 | 1,013,771 | 221,353 | 2,065,000 | 829,876 |
| Total Water Utility Charges | 4,126,258 | 4,126,258 | (0) | 4,951,510 | 825,252 |
| Total Unconditional Transfers | 13,304,441 | 13,216,902 | 87,539 | 15,860,282 | 2,555,841 |
| Total Conditional Transfers | - | - | - | - | - |
| Year To Date Assigned | 122,160,789 | 121,651,935 | 508,855 | 146,860,803 | 24,700,014 |

| Expenditures | Year to date Expended | 10 Month Budget | 10 Month Budget Variance | Annual Budget | Annual Budget Remaining |
|-------------------------------|--------------------------|-----------------------|--------------------------------|-----------------------|-------------------------------|
| Legislative | \$ 1,121,269 | \$ 1,243,176 | \$ 121,908 | \$ 1,455,969 | \$ 334,700 |
| Administration | 599,392 | 608,975 | 9,582 | 1,083,980 | 484,588 |
| Finance | 2,335,474 | 2,356,784 | 21,311 | 2,860,330 | 524,856 |
| Legal | 518,705 | 522,836 | 4,132 | 676,601 | 157,896 |
| Human Resources | 956,188 | 1,120,231 | 164,043 | 1,374,144 | 417,956 |
| Technology & Communications | 920,122 | 937,462 | 17,341 | 1,301,881 | 381,759 |
| Municipal Clerk | 325,966 | 335,554 | 9,588 | 536,755 | 210,789 |
| Fiscal Services | 28,449,252 | 28,549,999 | 100,747 | 31,894,505 | 3,445,253 |
| Police Services | 21,909,202 | 22,025,176 | 115,974 | 26,994,915 | 5,085,713 |
| Fire Services (Incl EMO) | 14,776,229 | 15,138,518 | 362,289 | 18,201,998 | 3,425,769 |
| Engineering & Public Works | 37,431,042 | 37,288,078 | (142,964) | 45,577,828 | 8,146,786 |
| Planning | 2,073,805 | 2,086,455 | 12,651 | 2,656,806 | 583,001 |
| Facilities C200 & Arenas | 3,008,211 | 2,856,303 | (151,908) | 3,398,410 | 390,199 |
| Parks & Grounds | 2,335,063 | 2,305,875 | (29,188) | 2,832,660 | 497,597 |
| Buildings | 2,778,841 | 2,694,143 | (84,698) | 3,374,564 | 595,723 |
| Recreation | 2,314,150 | 2,307,651 | (6,499) | 2,639,461 | 325,311 |
| Total expended to date | \$ 121,852,909 | \$ 122,377,217 | \$ 524,308 | \$ 146,860,807 | \$ 25,007,898 |

Departmental

Reviewed

Port of Sydney Development Corporation
Income Statement for 10 Month Period Ended January 31, 2019

| | YTD Actual | YTD Budget | Variance to Budget | Annual Budget |
|------------------------------------|---------------------|---------------------|--------------------|---------------------|
| Wharfage & Berthage | 500,156.30 | 418,064.08 | 82,092.22 | 475,529.08 |
| Event Revenue | 84,735.20 | 55,350.00 | 9,385.20 | 57,450.00 |
| Miscellaneous Revenue | 18,569.92 | 19,333.37 | (773.45) | 5,500.00 |
| Storage & Rental | 270,657.36 | 243,613.72 | 27,043.64 | 258,817.72 |
| Passenger tax | 1,036,816.00 | 936,880.00 | 99,936.00 | 936,880.00 |
| Security/Traffic Control | 172,943.62 | 153,718.81 | 19,224.81 | 160,212.21 |
| Transport Canada Marketing Rev. | 24,872.11 | 35,000.00 | (10,327.89) | 35,000.00 |
| Craft Market Revenue | 83,108.71 | 83,780.00 | (671.29) | 83,780.00 |
| | <u>2,171,649.22</u> | <u>1,945,739.98</u> | <u>225,909.24</u> | <u>2,013,169.01</u> |
| Wages & Salaries | 616,713.55 | 728,210.27 | (111,496.72) | 840,816.13 |
| Professional Fees | 49,727.58 | 72,500.00 | (22,772.42) | 78,500.00 |
| Advertising & Promotions | 43,457.61 | 52,280.00 | (8,822.39) | 54,680.00 |
| Cruise activities | 47,112.51 | 47,705.00 | (592.49) | 54,105.00 |
| Dues & Membership Fees | 44,127.12 | 44,581.00 | (453.88) | 45,591.00 |
| Event Expense | 11,162.67 | 14,085.00 | (2,922.33) | 14,085.00 |
| Insurance | 68,039.66 | 48,311.00 | 19,728.66 | 67,311.00 |
| Interest & Bank Charges | 8,186.54 | 5,220.00 | 2,966.54 | 6,220.00 |
| Office & Admin | 39,590.89 | 63,101.00 | (23,510.11) | 72,165.00 |
| Miscellaneous | 2,802.23 | 6,500.00 | (3,697.77) | 7,500.00 |
| Repairs & Maintenance | 199,128.23 | 183,188.00 | 15,940.23 | 212,398.00 |
| Capital Repairs | 101,676.00 | 80,000.00 | 21,676.00 | 100,000.00 |
| Travel | 13,186.98 | 31,533.33 | (18,346.35) | 40,040.00 |
| Utilities | 166,557.37 | 189,814.00 | (3,256.63) | 200,464.00 |
| Bad Debts | 2,612.82 | 600.00 | 2,112.82 | 500.00 |
| Security | 181,632.35 | 162,637.09 | 18,995.26 | 168,988.33 |
| Business Development Transport Can | 24,334.02 | 0.00 | 24,334.02 | 0.00 |
| Leasehold Improvements | 629.00 | 10,000.00 | (9,371.00) | 10,000.00 |
| | <u>1,620,677.13</u> | <u>1,720,165.69</u> | <u>(99,488.56)</u> | <u>1,979,363.46</u> |
| | 550,972.09 | 225,574.29 | 325,397.80 | 33,805.55 |
| ACOA Marina Proceeds | 150,446.00 | 0.00 | 150,446.00 | 0.00 |
| Less Amortization | (245,340.00) | (245,340.00) | 0.00 | (294,405.00) |
| Net Income (Loss) | <u>458,078.09</u> | <u>(19,765.71)</u> | <u>475,843.80</u> | <u>(260,599.45)</u> |

