

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, APRIL 2, 2019

6:00 P.M.

***NOTE NEW DATE**

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, April 2, 2019

6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)
 - **Council – February 19, 2019**
2. **APPROVAL OF AGENDA:** (Motion Required)
3. **VOLUNTEER WEEK:**
 - 3.1 **Presentation of 2019 Volunteer Awards:** (See page **8**)
 - a) **Gary McDonald Memorial Award** – Joe Costello, Recreation Program Coordinator
Awarded in recognition of an outstanding community project.
 - b) **Anne Holland Memorial Award** – Johnathan Penny, Recreation Program Coordinator
Awarded in recognition of an outstanding community volunteer.
 - c) **Youth Volunteer Award** - Colleen Clare, Recreation Program Coordinator
Awarded in recognition of an outstanding youth volunteer.
 - 3.2 **2019 Volunteer Week Proclamation**
Councillor Eldon MacDonald (See page **9**)

Continued...

**Council Meeting Agenda
April 2nd, 2019 (Cont'd)**

4. PROCLAMATIONS & RESOLUTIONS:

4.1 Multiple Sclerosis Awareness Month:

Councillor Kendra Coombes (See page **10**)

4.2 National Day of Mourning:

Councillor Kendra Coombes (See page **11**)

4.3 #Critical Code

Councillor Kendra Coombes, Councillor Clarence Prince, and Councillor MacMullin (See page **12**)

4.4 Family Violence Prevention Week:

Councillor Jim MacLeod (See page **13**)

4.5 North American Occupational Safety and Health Week:

Deputy Mayor Ivan Doncaster (See page **14**)

4.6 National Hospice Palliative Care Week:

Councillor Steve Gillespie (See page **15**)

4.7 Crimes of Genocide against the Rohingya and other Minorities:

Councillor Kendra Coombes (See page **16**)

5. PLANNING ISSUES:

5.1 FINAL APPROVAL – PUBLIC HEARINGS:

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

Public Hearing 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 **17**)

5.2 APPROVAL TO ADVERTISE: N/A

Continued...

**Council Meeting Agenda
April 2nd, 2019 (Cont'd)**

6. HERITAGE PROPERTY ISSUE:

6.1 FINAL APPROVAL - Request for Municipal Heritage Property Registration:

- a) The Chapel Point Battery, located just off Amber Drive, Sydney Mines (PID 15178908): Karen Neville, Planner (See page 27)

7. PRESENTATION:

- 7.1 Energy Update:** Mr. Ken LeBlanc, On-site Energy Manager – CBRM Efficiency Nova Scotia (See page 32)

8. BUSINESS ARISING:

8.1 Council – February 19, 2019:

- a) Amendments to Tip Fee Schedule – Proposed Solid Waste Management Policy: Francis Campbell, Manager of Solid Waste (See page 48)

8.2 Nominating Committee - March 12, 2019:

- a) Nominating Committee Selection Process for Citizen Appointments:

Committee recommends that Council amend the RC4 Committees Policy to include the selection procedure for Citizen Appointments to Committees as outlined in the staff report of March 8, 2019. Deborah Campbell Ryan, Municipal Clerk (See page 54)

Continued...

**Council Meeting Agenda
April 2nd, 2019 (Cont'd)**

Business Arising - Nominating Committee - March 12, 2019 (Cont'd):

- b) **Report on Call for Expressions of Interest - Citizen Representative on Various Committees:** Deborah Campbell Ryan, Municipal Clerk (See page **57**)
Note: Confidential Matrix attached separately

➤ **Cape Breton Regional Library Board:**

Committee recommends that Council appoint Candidate 4 and Candidate 7 to the Cape Breton Regional Library Board.

➤ **Heritage Advisory Committee:**

Committee recommends that Council appoint Candidate 1, Candidate 2 and Candidate 3 to the Heritage Advisory Committee.

➤ **Port of Sydney Development Corporation**

Committee recommends that Council appoint of Candidate 1 to the Port of Sydney Development Corporation Board for a three year term.

➤ **Viability Study Steering Committee**

Committee recommends that Council to appoint Candidate 4 to the Viability Study Steering Committee.

9. CORPORATE SERVICES ISSUES:

- 9.1 **Request for Road Closure – O’Toole Farm, Sydney Mines, Cape Breton Regional Municipality, NS (PID 15508997):** Sheila Kolanko, Senior Paralegal/Property Manager (See page **94**)
- 9.2 **Seaview Manor, Glace Bay:** Demetri Kachafanas, Regional Solicitor (See page **98**)
- 9.3 **Appointment of New Heritage Officer:** Malcolm Gillis, Director of Planning and Development (See page **103**)
- 9.4 **Proposed Policy for Fee Schedules and Vending Licences in Rural CBRM:** Malcolm Gillis, Director of Planning and Development (See page **104**)
- 9.5 **Renaming of Provincial Trails:** For Discussion (See page **106**)

Continued...

**Council Meeting Agenda
April 2nd, 2019 (Cont'd)**

10. COUNCILLOR AGENDA REQUESTS:

10.1 Medical First Responder Calls: Councillor Eldon MacDonald (See page **108**)

10.2 Northside Dog Park: Councillors Earlene MacMullin and Clarence Prince (See page **113**)

10.3 Request from the Town of Shelburne Regarding HST: Councillor Kendra Coombes (See page **114**)

11. FINANCIAL STATEMENTS: For Information Only.
Jennifer Campbell, Chief Financial Officer

11.1 CBRM to February 28, 2019: (See page **116**)

- | | |
|-------------------------------|-----------------------------------|
| ➤ Legislative | ➤ Police Services |
| ➤ Administration | ➤ Fire Services (Including EMO) |
| ➤ Finance | ➤ Engineering & Public Works |
| ➤ Legal | ➤ Planning |
| ➤ Human Resources & OHS | ➤ Facilities: Centre 200 & Arenas |
| ➤ Technology & Communications | ➤ Parks and Grounds Operations |
| ➤ Municipal Clerk | ➤ Buildings |
| ➤ Fiscal Services | ➤ Recreation |
| | ➤ Water Utility |

11.2 Port of Sydney Development Corporation to February 28, 2019: (See page **141**)

ADJOURNMENT



Cape Breton Regional Municipality Special Volunteer Awards Criteria



Anne Holland Memorial Award

(in recognition of an Outstanding Community Volunteer)

To recognize an individual who has made an outstanding contribution to the inception and growth of community opportunities within the field of recreation/leisure.

Nominees must have made a significant contribution in one or more of the following criteria:

- exhibited high standards of voluntary performance (e.g. dedication, commitment, time, energy, attitude and motivation)
- contributed to a broad range of activities within the field of community volunteerism
- shown a unique and original leadership approach

Gary McDonald Memorial Award

(in recognition of an Outstanding Community Project)

Presented to a volunteer group to recognize an outstanding project that improves recreation/leisure opportunities, locally or regionally.

Projects must have accomplished one or more of the following:

- increased available opportunities that have proven to be innovative or unique
- included a significant number of participants
- endeavored to encompass all-inclusive services for community members

Youth Volunteer Award

(in recognition of an Outstanding Youth Volunteer)

Students throughout the Cape Breton Regional Municipality who attend area schools or post-secondary institutions will be considered for this Youth Volunteer Award. Open to students age 25 and younger.

The award is based on the following criteria:

- demonstrated a balance between volunteering for school, community projects and/or community organizations
- shown that his/her volunteer activities have taken place in a variety of areas or for a variety of purposes
- volunteers a significant number of hours on a regular basis for specific major projects
- shown that his/her leadership has had an impact through volunteering

PROCLAMATION

2019 Volunteer Week

- WHEREAS:** A sense of caring and a desire to share have motivated hundreds of men and women, and boys and girls to volunteer their time and services to the needs of others in the community whether it be by helping the sick, the needy or the disabled, children, students or the elderly, or by enriching the lives of all through the arts, recreation and cultural activities, or by serving on boards and committees; and
- WHEREAS:** Volunteer action is a powerful force for the solution of problems; and
- WHEREAS:** Volunteers are increasingly recognized as an important partner with government and industry in providing services to citizens; and
- WHEREAS:** Anyone can be a volunteer and reap the rich rewards that come from doing for others while improving one's own skills and widening one's horizons; and
- WHEREAS:** Volunteering offers all Nova Scotians, young and old, the opportunity to participate in the life of their community and to link their talents and resources to address some of the major issues facing our communities; and
- WHEREAS:** It is fitting for all Nova Scotians to join in this celebration of our rich volunteer heritage and to give special recognition to the dedicated volunteers and volunteers programs which contribute immeasurably to communities throughout the province;
- BE IT THEREFORE RESOLVED:** That the CBRM Mayor Cecil P. Clarke and Council proclaim April 7th to 13th, 2019 as "Volunteer Week" in recognition of the splendid efforts of our volunteers who provide yeoman service to our residents and communities.

Councillor Eldon MacDonald - District #5
April 2nd, 2019

Proclamation

Multiple Sclerosis Awareness Month - 2019

Whereas: Multiple Sclerosis is a chronic, often disabling neurological disease affecting an estimated 100,000 Canadians;

And Whereas: Multiple Sclerosis symptoms vary widely and may lead to problems with numbness, coordination, vision and speech, as well as extreme fatigue and even paralysis;

And Whereas: There is no known cause or cure for Multiple Sclerosis;

And Whereas: The Multiple Sclerosis Society of Canada, founded in 1948 is the only national voluntary organization in Canada that supports both MS research and services for people with MS and their families;

Whereas: The MS Society has provided more than \$100 million for MS research in sixty years, as well as a wide range of programs and services for people with MS;

Be It Therefore Resolved: That CBRM Mayor and Council hereby declare the month of May, 2019 as “Multiple Sclerosis Awareness Month” and encourage residents to attend a Flag Raising on Wednesday, May 1st at 11:00 a.m. at City Hall to raise more awareness to finding a cure.

Councillor Kendra Coombes – District #11 – CBRM

Dated this 2nd day of April, 2019

Cape Breton Regional Municipality

Proclamation

National Day of Mourning

Whereas: CUPE'S National Health and Safety Committee first proposed the creation of a national Day of Mourning in 1984. In 1991 the federal government passed legislation to establish April 28th as the Day of Mourning. It has grown internationally as the World Day for Safety and Health at Work and is recognized in more than 120 countries around the world.

And Whereas: The day was designed wanted to remember lives lost in the workplace. But there was a broader point. April 28 was also supposed to remind all workers that we need to fight for the living and inspire us to prevent further tragedies.

And Whereas: On April 28th the Canadian flag will fly at half-mast on Parliament Hill and on all federal government buildings. Employers and workers will observe Day of Mourning in a variety of ways. Some light candles, lay wreaths, wear commemorative pins, ribbons or black armbands, and pause for a moment of silence at 11:00 a.m.

Be It Therefore Resolved: Cape Breton Regional Municipality's Mayor Cecil P. Clarke and Council proclaim April 28th 2019 as National Day of Mourning in the CBRM. We would also like to thank all the unions that represent workers in the CBRM for continuing to ensure workers have safe and healthy work environments.

Councillor
Kendra Coombes
District #11- CBRM

April 2nd, 2019

Cape Breton Regional Municipality

Resolution

#CodeCritical

Whereas: On February 11th, 2018 the International Union of Operating Engineers Local 727 representing Nova Scotia's paramedics launched #CodeCritical to pressure the province to improve ambulance availability and launched on social media and to bring public attention to the issue;

And Whereas: The union is also dealing with slow offload times that have paramedics waiting with patients at overburdened hospitals instead of answering other calls. It wants the province to fix administrative delays in offloading patients at the hospital;

And Whereas: Since February 11th, 2018 there have been 496 **reported** incidences of Code Critical to the union across the province. As of March 2018 there have been 80 **reported** incidences of Code Critical to the union in the CBRM. From October 2018 to December 2018 there have been 989 incidences across the province of understaffed ambulances (1 paramedic instead of 2) or out of service ambulances (there is not enough paramedics to staff an ambulance).

Be It Therefore Resolved: The CBRM Mayor Cecil P. Clarke and Council support the Nova Scotia Paramedics International Union of Operating Engineers Local 727 in the #CodeCritical Campaign and request the Province of Nova Scotia via the Minister of Health and Wellness Randy Delorey and Premier Stephen McNeil meet with Local 727 in order to resolve the strain on paramedics due to understaffed ambulances and service shortages around the Province.

Councillor

Kendra Coombes - District # 11 - C.B.R.M

Clarence Prince - District # 1 - C.B.R.M

Earlene MacMullin - District 2 - C.B.R.M

April 2, 2019

Proclamation
Family Violence Prevention Week

WHEREAS:

Family Violence is a reality facing every Nova Scotian, as people in all communities are likely to live with, work with, or know someone who is experiencing or has experienced the trauma of abuse and neglect;

AND WHEREAS:

Increasing public awareness of family violence is a critically important endeavor. The impact of family violence is extensive – from human suffering, to loss of workplace productivity, to increasing demands on government and community agencies;

AND WHEREAS:

The issue of family violence is often sidetracked overshadowed by higher profile issues and remembrances throughout the year and seeing that there is a need to dedicate one specific period in the year to highlight the problems and the solutions to family violence;

**BE IT THEREFORE
RESOLVED:**

That the CBRM Mayor Cecil P. Clarke and Council proclaim the week of April 7th to April 13th, 2019 as **Family Violence Prevention Week** in the Cape Breton Regional Municipality.

Councillor Jim MacLeod – District 12

April 2, 2019

PROCLAMATION

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK “Making Safety a Habit”

- Whereas:** The residents of the Cape Breton Regional Municipality value safe and healthy workplaces for all of our citizens; and
- And Whereas:** The majority of workplace injuries and fatalities are preventable, however more than 900 workers in Canada and 21 in Nova Scotia die each year from job related injuries, and thousands more suffer occupational injuries and illnesses; and
- And Whereas:** Businesses spend more than \$245 million a year on the costs of the most disabling workplace injuries tied to occupational injuries, health care and illnesses in Nova Scotia.
- And Whereas:** Safer organizations enjoy increased productivity, higher employee satisfaction and a better reputation, while recording less lost time, and lower workers’ compensation and healthcare costs;
- And Whereas:** During the week of May 5-11, 2019 North American Occupational Safety and Health Week (NAOSH), Government, businesses and corporate/association partners representing businesses will mobilize in an effort to increase employer, employee and public awareness of being safe and healthy at work and encourage all industries, organizations, community leaders, employers and employees to support activities designed to increase the importance of safe workplaces for all
- Be It Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council proclaim the week of May 5th to May 11th, 2019 as “North American Occupational Safety and Health Week” in the Cape Breton Regional Municipality.

**Deputy Mayor Ivan Doncaster
CBRM District #7**

April 2, 2019

PROCLAMATION

NATIONAL HOSPICE PALLIATIVE CARE WEEK

May 5th to 11th, 2019

Whereas: Hospice Palliative Care strives to provide comfort and dignity for the person living with a life-threatening illness and provides support for their family and caregiver;

And Whereas: Hospice Palliative Care is an approach that improves the quality of life for patients and their families facing problems associated with life-threatening illness and services can include nursing, home support, volunteer support, comfort and care supports, educational resources, a music therapy program, family assistance and bereavement support.

And Whereas: The delivery of hospice palliative care services is a coordinated effort of funded health care staff and community volunteers;

And Whereas: It is in the interest of individuals and communities to be aware of these services and the need for growth and support of such programs;

Be It Therefore Resolved: That Mayor Cecil P. Clarke and my Council Colleagues of the Cape Breton Regional Municipality hereby proclaim May 5th to 11th as National Hospice Palliative Care Week in the CBRM to bring about more public awareness of the mission of the Hospice Palliative Care Society of Cape Breton County in supporting and promoting compassionate care for individuals and their loved ones who are living with a life-threatening illness.

**Councillor Steve Gillespie
District #4 - CBRM**

April 2nd, 2019

Cape Breton Regional Municipality

Resolution

Crimes of Genocide against the Rohingya and other Minorities

- Whereas:** The Parliament of Canada unanimously adopted M.P. Andrew Leslie's motion on September 20, 2018 recognizing that the crimes committed by Myanmar against the Rohingya constitute genocide
- And Whereas:** The "cleansing operation" by Myanmar's military caused the exodus of over 725,000 people to flee to Bangladesh creating the world's largest refugee camp and one of the world's worst humanitarian crises;
- And Whereas:** The genocide is on-going with Myanmar continuing its persecution of the remaining Rohingya in Rakhine State,
- And Whereas:** The Government of Myanmar is defiant in its blatant disregard of international norms and standards, imprisoning journalists, denying access to the United Nations Special Rapporteur, and burning down villages of other ethnic groups such as the Kachin, Karen, Shan, and Chin minorities;
- And Whereas:** Following the end of World War II and the Holocaust, both Canada as well as Myanmar signed and ratified the Convention on the Prevention and Punishment of the Crime of Genocide (the 'Genocide Convention');
- And Whereas:** Canadian human rights think tanks such as the Montreal Institute of Genocide Studies at Concordia University, the Raoul Wallenberg Centre for Human Rights, and the Human Rights Research and Education Centre at the University of Ottawa have called for Canada to invoke the Genocide Convention
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and Council urge the Government of Canada without further delay to invoke the Genocide Convention, and specifically to engage with like-minded States to pursue the matter before the International Court of Justice in order to hold Myanmar to its obligations, and to seek provisional measures and ultimately reparations for the Rohingya people; urge Canada to exert pressure on Myanmar to release the jailed Reuters journalists, and to allow for unobstructed access to Rakhine State by independent monitors in order to investigate the international crimes committed and to afford protection to remaining Rohingya; and urge the Government of Canada to continue to assist the Government of Bangladesh through multilateral aid in addressing the humanitarian needs of the Rohingya refugees, with particular focus on the needs of women and children, including education; and that the Municipal Clerk provide a copy of this motion to the Minister of Foreign Affairs and the Minister of Justice of the Government of Canada.

Councillor Kendra Coombes – District #11

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 MacMullin, approval to advertise notice of 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 25, 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 intension 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 MP5 to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MP5 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. Public Works indicated there is no problem with access of Hillside Street, but the applicant will need to construct a turn around.

- 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 (Attachment E). 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 5 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.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the March 18th and March 25th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. At the time this report was prepared no written comments were received by the Planning and Development Department.

One phone called was received from Jim Donnison of 1226 George Street (Attachment A). Mr. Donnison would like Council to limit the number of storeys for any proposed apartment to two storeys.

Recommendation

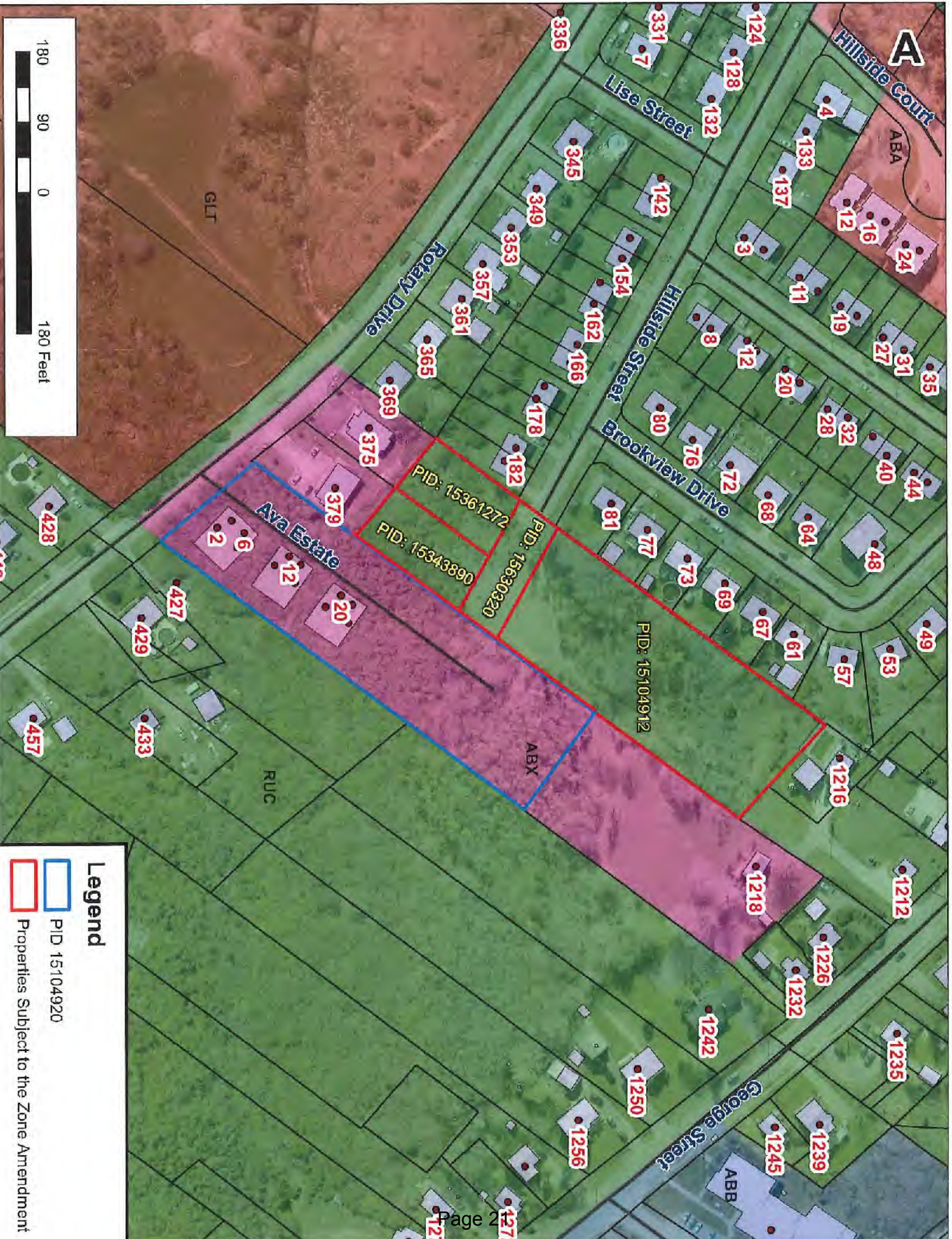
Based on the above evaluation and the policies found in the Municipal Planning Strategy, I recommend that Council approve amending the zoning for PID 15361272, PID 15343890, PID 15630320, and PID 15104912 from Residential Urban C (RUC) Zone to Apartment Building X (ABX) Zone.

A copy of the draft Amending By-law can be found in Attachment E.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**



Legend

- PID 15-104920
- 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



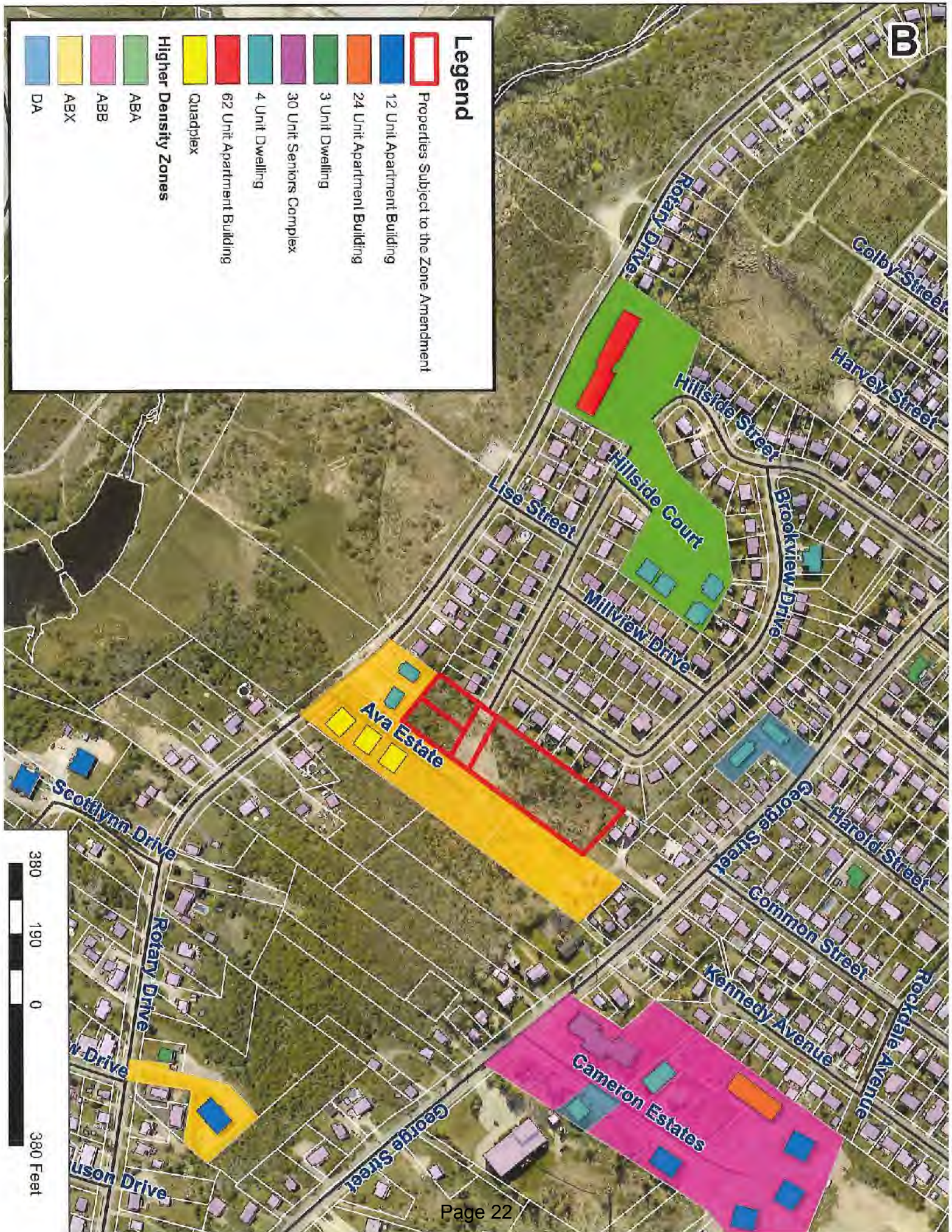
ABB



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.

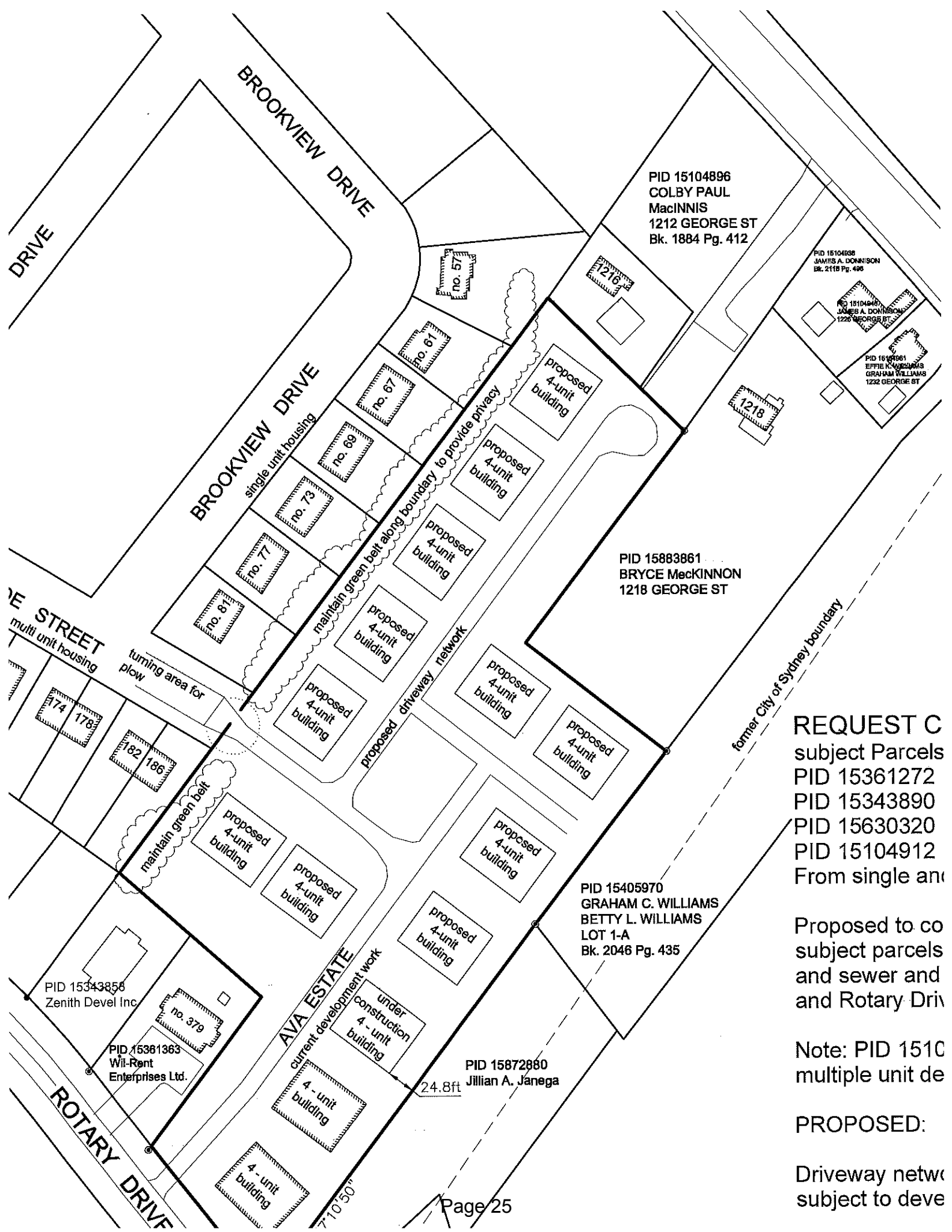
The purpose of the zoning amendment process shall be to ensure the apartment building development does not adversely affect low density residential development in the vicinity. With each successful application, a site specific zone shall be established. Therefore, performance standards or bonus zoning 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. 436

PID 18104448
JAMES A. DONNISON
1228 GEORGE ST

PID 18104961
EFFIE K. HARRIS
GRAHAM WILLIAMS
1232 GEORGE ST

PID 15883861
BRYCE MeCKINNON
1218 GEORGE ST

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

PID 15872880
Jillian A. Janega

PID 15343858
Zenith Devel Inc

PID 15381363
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 network
subject to deve

By-law
of the Cape Breton Regional Municipality

amending the

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

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the text of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Part 26 Apartment Building X (ABX) Zone of the Land Use By-law is hereby amended by adding the following:

Section 3 Special Provisions for PID 15361272, PID 15343890, PID 15630320, and PID 15104912

With the exception of driveway access, a stand of shrubs, bushes, or trees or combination thereof shall be planted or preserved within 10 feet of the lot parcel boundary shared residential development along Hillside Street and Brookview Drive.

THAT: Council amends the CBRM's Land Use Bylaw map by deleting the Residential Urban C (RUC) Zone in effect for PID 15361272, PID 15343890, PID 15630320, and PID 15104912 replacing it with the Apartment Building X (ABX) Zone.

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

MAYOR

CLERK

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

Deborah Campbell Ryan, CLERK

Excerpt – Council Draft Minutes – February 19, 2019

The Chapel Point Battery, located just off Amber Drive, Sydney Mines (PID 15178908)

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Prince, that Council begin the process of registering The Chapel Point Battery, located just off Amber Drive, Sydney Mines (PID 15178908) as a Municipal Heritage Property.

Motion Carried.

Rick McCready
Planning Department



CBRM

A Community of Communities

Cape Breton Regional Municipality

January 31, 2019

MEMO TO: Chairman and members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Proposed Heritage Registration: The Chapel Point Battery, located just off Amber Drive, Sydney Mines. (PID 15178908)

Background

The CBRM is the owner of the Chapel Point Battery, a provincially registered heritage property, located just off Amber Drive in Sydney Mines. Chapel Point is the site of a command post and other fortifications that were part of the military infrastructure that was put in place during World War II to protect Sydney Harbour from attack by enemy forces.

A proposal to develop this property both as a historic attraction and a recreational park was prepared by the Town of Sydney Mines before amalgamation, but the funds to implement the plans were never secured. Today the structures on the site are in a very deteriorated state.

Recently, however, as Council is aware, the AMP (Atlantic Memorial Park) Society has put together an ambitious plan for developing the site as both a tourist attraction and as a commemorative park to honour those who have served in Canada's armed forces. The first phase of this project (the restoration of the Command Post and the development of a trail connecting the Command Post to the nearby beach) will get underway this spring.

The possibility of transferring ownership of the property to the AMP Society, a registered non-profit society, is a possibility in the future as the Society will be responsible for operating the park.

As the property has great heritage value and has never been registered municipally, it is my opinion as Heritage Officer that it would be appropriate for Council to register the building at this time. Information on the historical significance of Chapel Point is attached.

Recommendation

I would recommend that the HAC endorse the proposed registration of Chapel Point in Sydney Mines (PID 151789908) as a municipal heritage property and forward the matter to Council for its consideration.

Yours very truly,

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer



Canada's
Historic Places

A Federal, Provincial and Territorial Collaboration

Chapel Point Battery Site

Church Street and Amber Drive, Sydney Mines, Nova Scotia, B1V, Canada

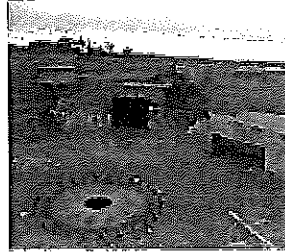
Formally Recognized: 1993/07/29



Battery observation post



Fortification site



Fortification site

OTHER NAME(S)

Chapel Point Battery Site

Chapel Point Fortification

LINKS AND DOCUMENTS

n/a

CONSTRUCTION DATE(S)

LISTED ON THE CANADIAN REGISTER: 2007/01/31

STATEMENT OF SIGNIFICANCE

DESCRIPTION OF HISTORIC PLACE

Chapel Point Battery Site is a World War II era fortification site at Sydney Mines, Cape Breton Island, built to guard Sydney Harbour. Chapel Point includes an observation post and gun batteries and several below ground fortifications. The buildings and underground fortifications are all included in the designation as well as the surrounding property.

HERITAGE VALUE

Chapel Point is valued historically as it played a significant role in the defense of Sydney Harbour during World War II. It is also valued architecturally for its massive construction and such details as deeply placed magazines. It is unique among Canada's wartime coastal defences.

Chapel Point was built in 1939 by E.G.M. Cape Construction Company. Working in conjunction with Fort Petrie, located across the harbour, Chapel Point guarded Sydney Harbour. Both sites protected departing convoys and naval ships based at nearby Point Edward Naval Base from German submarines that patrolled waters surrounding eastern Canada, as well as local industry, which was vital to the war effort. Because of its proximity to the cod fishery, coal mines and the entrance to central Canada through the St. Lawrence River, Sydney Harbour was a strategic defense location, second only to Halifax.

Chapel Point consisted of a battery observation post, gun emplacements, and an extensive underground system housing magazines, and unidentified restricted areas. Chapel Point was decommissioned in 1943 and largely dismantled in 1948. The town of Sydney Mines later purchased the site.

Fort Petrie, Chapel Point's sister fort, was also built in 1939 by E.G.M. Cape and was last of the Sydney Harbour fortifications to be decommissioned in 1956. The communication tower was demolished in 1988. The Sydney Harbour Fortification Society bought the fort in 1991. A museum is now contained in the battery observation post dedicated to the history of the site.

Source: Provincial Heritage Property files, no. 175, Heritage Division, 1747 Summer Street, Halifax, NS

CHARACTER-DEFINING ELEMENTS

Character-defining elements of the fortification at Chapel Point include:

- location of the fort within Sydney Harbour and across from Fort Petrie.
- all remnants of the gun emplacements and underground magazines with escape shafts

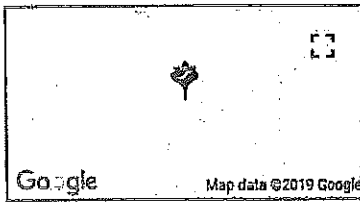
Character-defining elements of the battery observation post include:

- placement of the tower on the fortification site set back from the gun emplacements and the underground magazines, and facing Sydney Harbour;
- the concrete, four storey tower.

RECOGNITION

HISTORICAL INFORMATION

ADDITIONAL INFORMATION



NEARBY PLACES



Holy Ghost Ukrainian Church
 49 West Street, Whitney Pier, Nova Scotia

Holy Ghost Ukrainian Church is located on West Street in the area of Sydney, Cape Breton known

or



CN Train Station
 159 Legatto Street, Sydney Mines, Nova Scotia

The CN Train Station is located on Legatto Street in the centre of Sydney Mines, Nova Scotia. This

2018 - 2019 CBRM Energy Update



Enjoy the good things
efficiency brings.

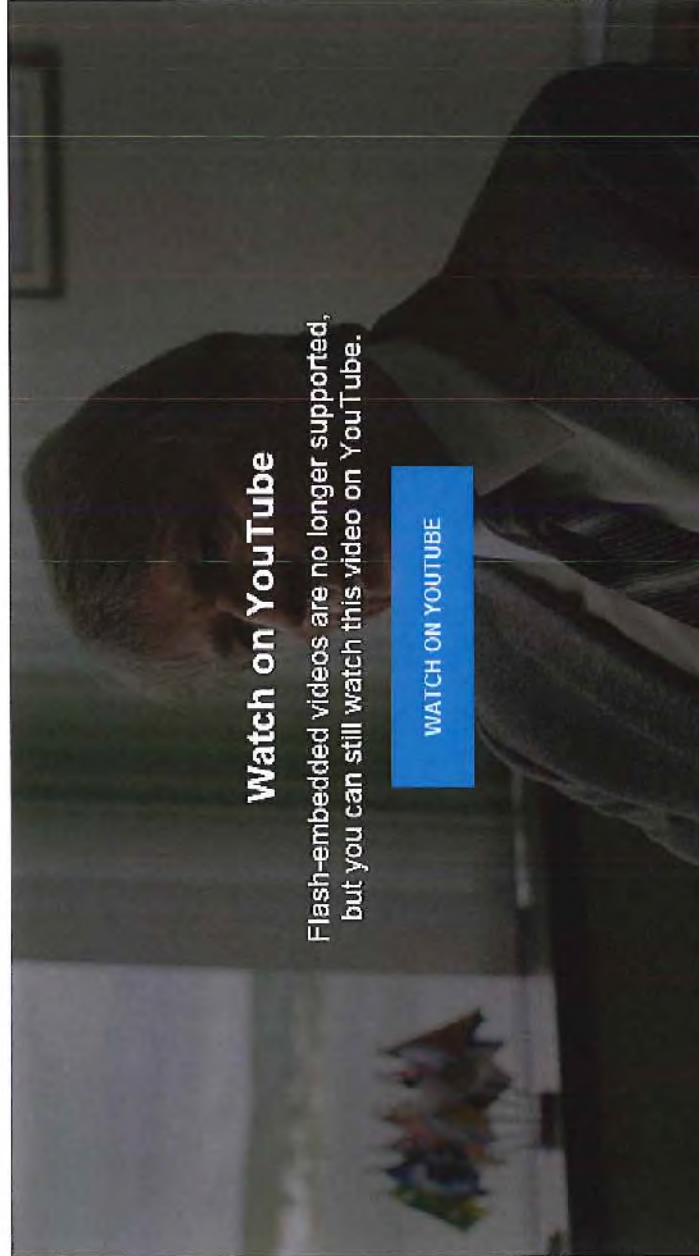
Introduction

- Partnership between CBRM and Efficiency Nova Scotia since 2015
- Objective 1: Reduce energy costs across organization by 15% over 5 year period
- Objective 2: Implement “Strategic Energy Management Plan” to allow for continuous energy improvement: energy monitoring and reporting, energy audits, employee awareness and engagement, capital planning, management assessment, etc.
- Maximize Efficiency Nova Scotia incentives and access “Green” project funding available through federal and provincial programs
- Only implement projects that have strong business case. Ideally, 2 to 3 year return

2018 Efficiency Highlights

- Began conversion of decorative street lighting to LED
- Complete 1st phase of water loss initiative – Sydney and Pottle Lake
- Complete LED retrofit of Glace Bay and Sydney fire station
- Incorporate efficiency standards into new construction documents for Glace Bay Police Station and Bayplex Arena
- Enwave completes feasibility study for District Energy in Downtown Sydney
- Winner of two Efficiency Nova Scotia Bright Business Awards 2018:
 - Engagement Award – CBRM Water Utility
 - Leadership Award – Bill Murphy

2018 Efficiency Highlights



Watch on YouTube

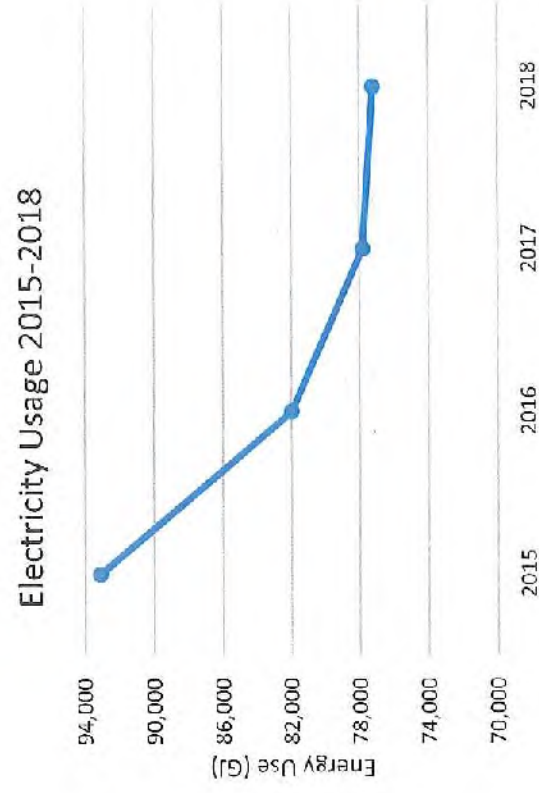
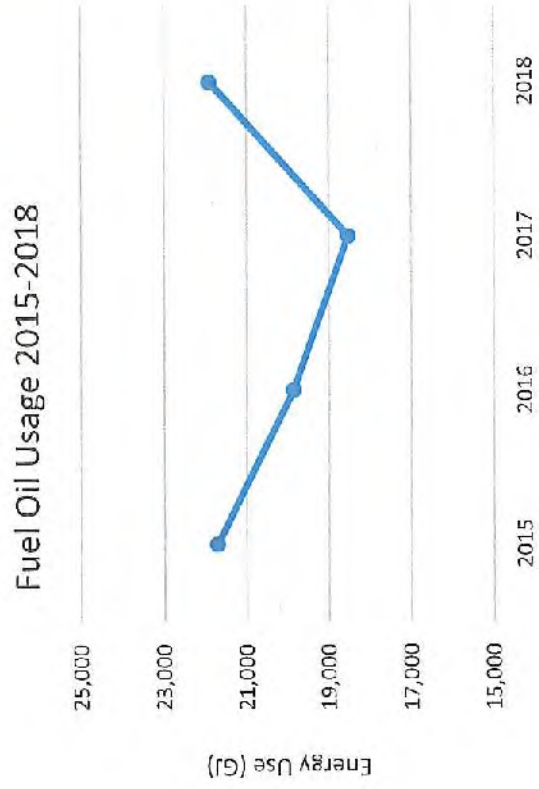
Flash-embedded videos are no longer supported,
but you can still watch this video on YouTube.

[WATCH ON YOUTUBE](#)

Energy Use Summary

CBRM Energy Usage Summary: 2015 (Baseline) vs 2018					
Category	Gigajoules (GJ) 2015	Gigajoules (GJ) 2017	Gigajoules (GJ) 2018	% Savings From 2015	% Savings From 2017
Water Treatment Plants	39,522	35,993	37,517	5.1%	-4.2%
Solid Waste Facilities	8,861	7,584	6,702	24.4%	11.6%
Wastewater Treatment Plants	16,156	13,941	14,464	10.5%	-3.8%
Public Works Garages	6,577	5,152	5,616	14.6%	-9.0%
Police Stations	7,452	6,363	6,649	10.8%	-4.5%
Arenas	21,464	14,721	14,997	30.1%	-1.9%
Libraries and Community Services	9,265	8,583	8,647	6.7%	-0.7%
Fire Stations	5,491	5,094	4,938	10.1%	3.1%
Streetlights	44,128	18,412	18,412	58.3%	0.0%
Total	158,916	115,843	117,942	25.8%	-1.8%

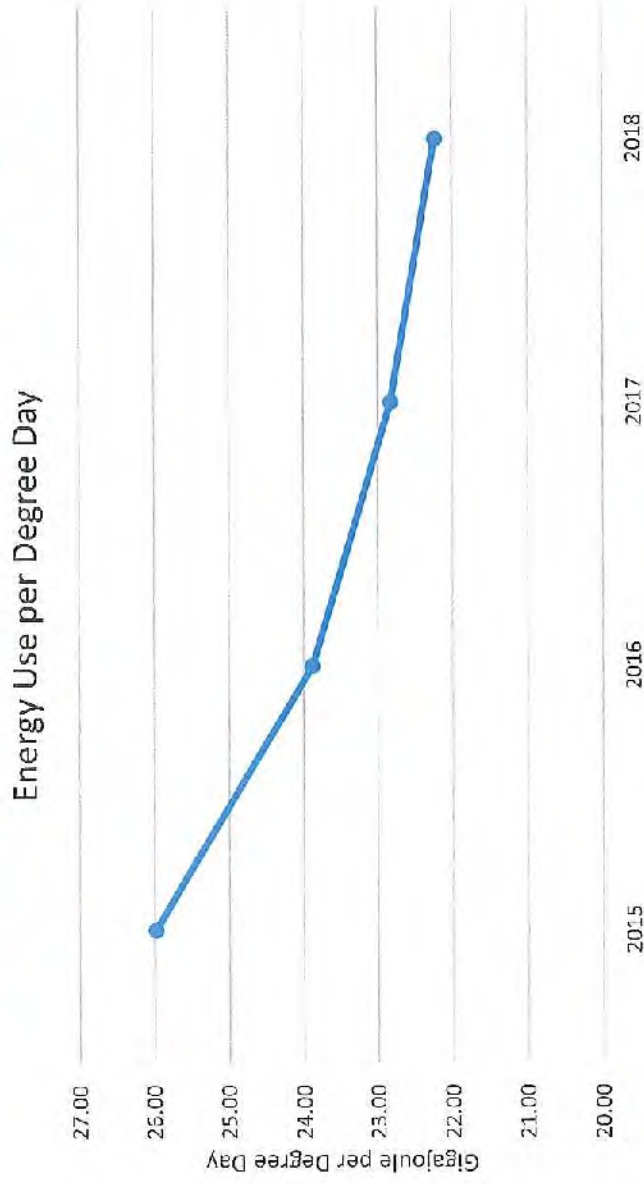
Energy Use Summary



• Does not include streetlight usage

- Fuel oil use increased 18.3% from 2017 → 2018
- Electricity use decreased 0.8% from 2017 → 2018

Energy Use Summary

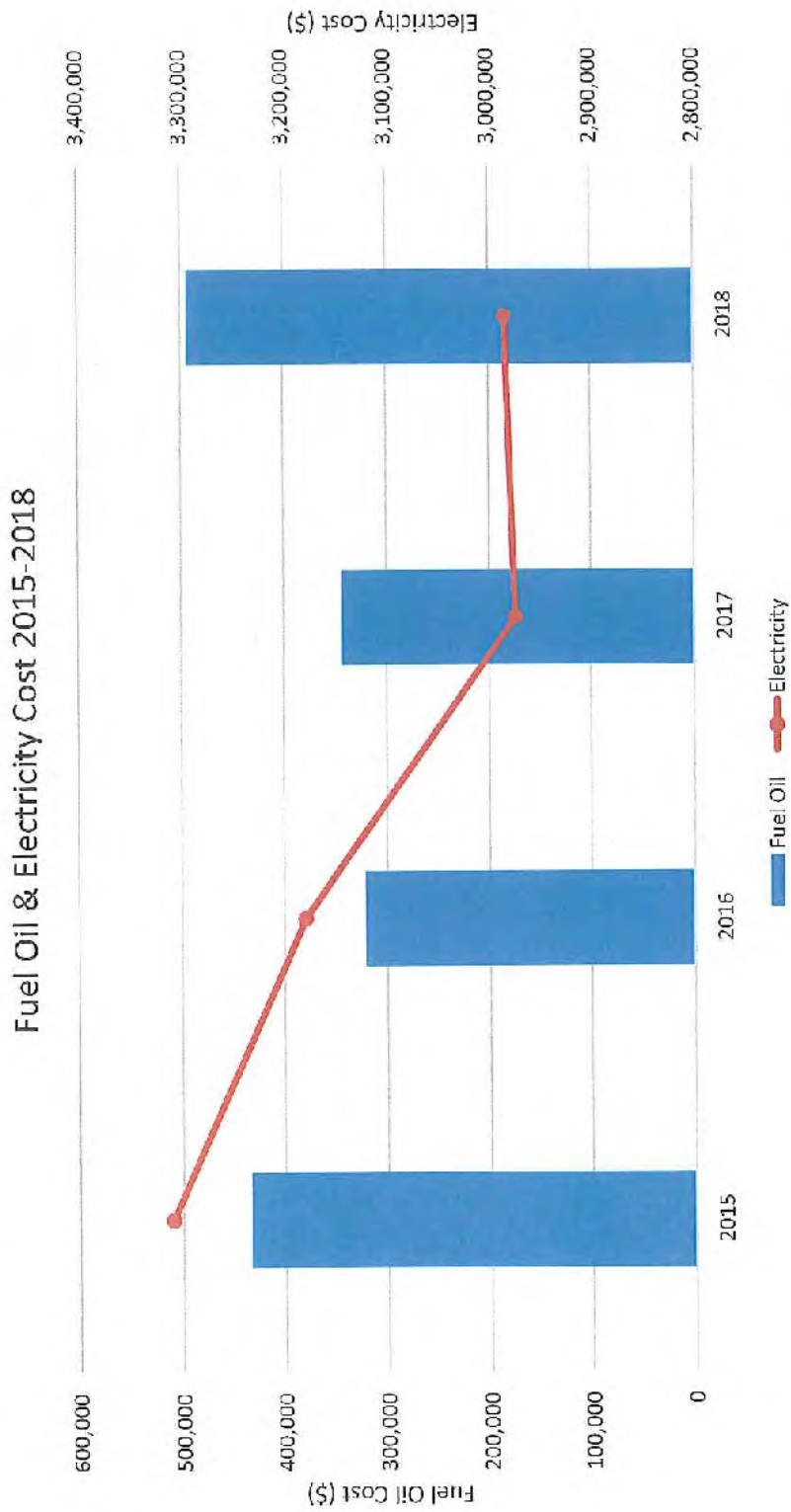


- Degree days are a measure of how cold or warm it is outside
- The more degree days in a given year, the more heating/cooling a building must provide
- Energy use per degree day allows for apple-to-apple comparison despite changing weather conditions
- Energy use per degree day decreased 3.33% from 2017 → 2018

Energy Cost Summary

CBRM Energy Cost Summary: 2015 (Baseline) vs 2018					
Category	Cost 2015	Cost 2017	Cost 2018	% Savings From 2015	% Savings From 2017
Water Treatment Plants	\$1,290,561	\$1,180,673	\$1,169,969	9.3%	0.9%
Solid Waste Facilities	\$346,550	\$299,143	\$265,190	23.5%	11.4%
Wastewater Treatment Plants	\$535,035	\$455,386	\$500,936	6.4%	-10.0%
Public Works Garages	\$227,412	\$181,988	\$201,707	11.3%	-10.8%
Police Stations	\$212,327	\$196,181	\$210,471	0.9%	-7.3%
Arenas	\$819,998	\$622,785	\$614,319	25.1%	1.4%
Libraries and Community Services	\$363,345	\$338,761	\$339,295	6.6%	-0.2%
Fire Stations	\$151,700	\$134,639	\$134,709	11.2%	-0.1%
Streetlights	\$4,240,140	\$2,129,760	\$2,129,760	49.8%	0.0%
Total	\$8,187,068	\$5,539,316	\$5,566,356	32.0%	-0.5%

Energy Cost Summary



*Does not include cost of streetlights

Key Project 2019: Centre200

Completed

- New LED Ice Lighting; saves energy, high quality, met standard for television (i.e. Scotties)
- Efficient Ammonia Refrigeration that heats building with Waste Heat
- HVAC Control Installation
- Approximately \$200,000/yr. in savings

2019 Projects

- Complete LED retrofit of non-ice lighting
- Re-commission building HVAC system for increased energy efficiency and spectator comfort



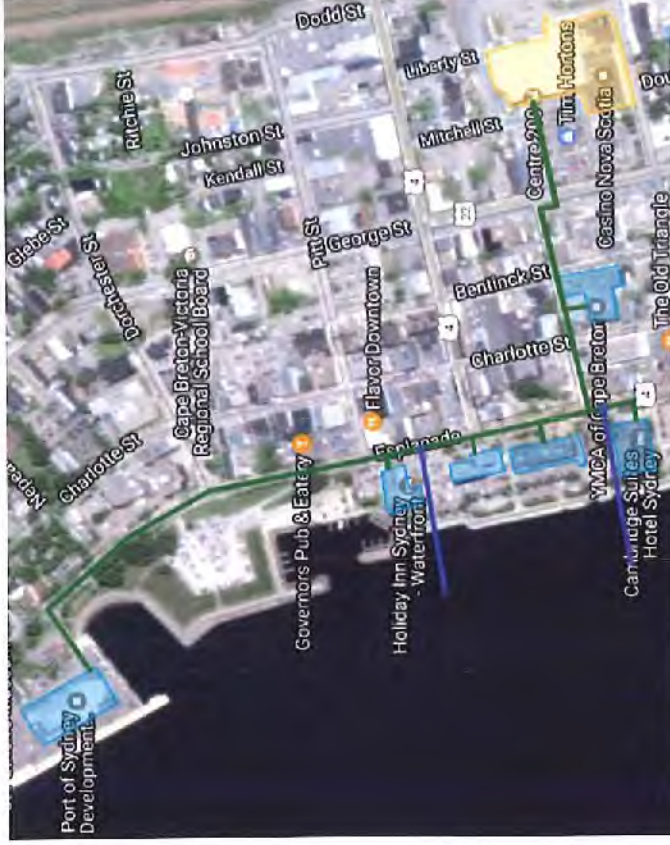
Key Project 2019: Sydney WTP

- Currently has the highest utility costs among CBRM facilities
- HVAC system is at end of life. Opportunity to install high efficiency system to reduce future operating costs
- Electricity costs for well field pumps are ~\$300,000/year. Use of Variable Frequency Drives (VFD) can significantly reduce power and maintenance costs.
- Continue to explore funding options for on-site solar array



Key Project 2019: District Energy

- Private Company, Enwave, is prepared to build and operate district energy facility in downtown Sydney
- Feasibility Study is complete, awaiting submission to CBRM
- Studied multiple options to determine most environmentally friendly and most financially viable.
- Piping treated wastewater from Battery Point to facility downtown is best option financially, biomass facility is best option environmentally.
- Next step, Enwave will attempt to “de-risk” project by securing customers and obtaining additional funding



Key Project 2019: Compost Facility

- Conveyor & Screening System to reduce overage at compost facility (3500 tons of organics are being transported to landfill in Guysborough)
- Upgraded Ventilation Units and building envelope will significantly reduce odors
- Operating savings of ~\$400,000/year
- 3870 tons per year of GHG Savings (equal to removing 695 vehicles from the road)
- Construction beginning in 2019



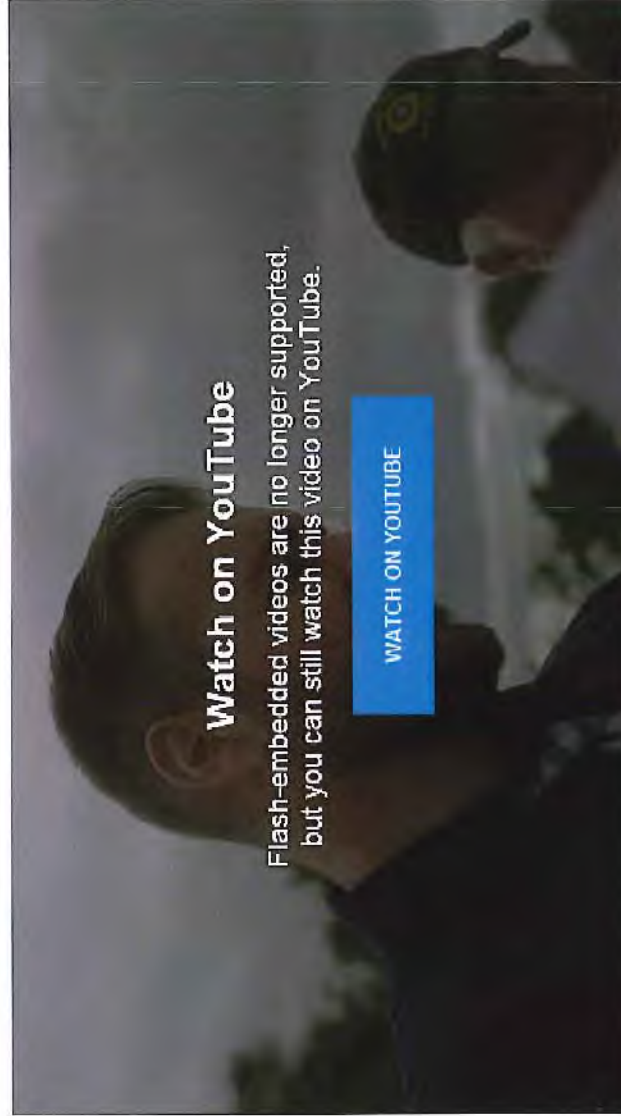
Key Project 2019: Recreation Lighting

- Replaced 60 of 440 decorative lights in 2018. Plan to complete retrofit in coming years
- Replaced lighting at Sydney River Tennis Club with LED in 2018, will complete New Waterford and Cromarty Tennis Clubs early 2019
- Replace lighting at Susan B. MacEachern Ballfield with specialty LED sports lighting in 2019
- Ageing lights result in significant maintenance costs yearly. New fixtures have expected lifetime in excess of 20 years. Maintenance Free!



Key Project 2019: Leak Detection

- Collaborative effort of WTP operators, leak detection crew, and public works, to identify, locate, and repair leaks in timely manner
- \$150,000/year savings to date. Includes utilities, chemicals, and maintenance.
- Expanded to Glace Bay and New Waterford in 2019
- Project will be used as a template for other municipalities throughout Nova Scotia



Questions?

Enjoy the
good things
efficiency
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efficiency[™]
NOVA SCOTIA

Solid Waste Tip Fees Adjustments

Motion:

Moved by Councillor Coombes, seconded by Councillor McDougall, approval of the following:

1. An increase of 20% to the current tipping fees to be instituted as of April 1st 2019
2. Going forward, tipping fees to be updated on April 1st of each year to reflect any changes to the Nova Scotia CPI all-in rate from the preceding 12 month period.

Discussion:

Discussion included the following:

- Deferring Tip Fee Adjustments Issue to Budget
- Revenue from EPR

Motion Carried.



Issue Paper

TO: CBRM COUNCIL

March 2019

RE: Solid Waste Management Policy

BACKGROUND

At the February 19, 2019 Council meeting, a motion was passed approving a 20% increase in the Solid Waste tipping fees.

In that motion, Council also approved on a go-forward basis that the fees be updated on April 1st of each year to reflect any changes to the Nova Scotia CPI “all-in” rate from the preceding 12 month period.

DISCUSSION

In discussions with the Department of Municipal Affairs, we have been advised that the fee schedule in the Solid Waste Resource Management By-Law cannot be amended simply by a motion of Council because amendments to a by-law require two readings by Council and two advertisements. Staff then consulted with the CBRM Legal Department and was advised that although Section 3 of the By-law states that the fees and charges can be amended by policy, we require a separate policy. The power for Council to enact such a policy is contained in Section 60(1)(b) of the *Municipal Government Act*.

Therefore staff has developed a new Solid Waste Management Policy which contains the tipping fee schedule and the hours of operation of the solid waste management facilities (draft attached).

If this draft Policy is approved by Council, staff will present the corresponding amendments to the Solid Waste Resource Management By-Law at a future Council meeting for approval, noting that two readings and public notice are required.

TIMELINE

If the proposed Solid Waste Management Policy is approved, the updated tipping fees will take effect April 3rd, 2019.

RECOMMENDATION

1. Council approve the Solid Waste Management Policy as presented.

Francis Campbell
Manager Solid Waste



CBRM

A Community of Communities

Cape Breton Regional Municipality

Solid Waste Management Policy

1. STATEMENT OF POLICY:

It is the Policy of the Cape Breton Regional Municipality (CBRM) to regulate the use of solid waste management facilities and services, providing for times and conditions under which they may be used, and setting charges for the use of these facilities operated by CBRM, in accordance with Section 60(1)(b) of the *Municipal Government Act*, and in conjunction with the CBRM Solid Waste Resource Management By-Law No. S-300.

2. HOURS OF OPERATION:

Facilities operated by CBRM Solid Waste Management will be open for the public Tuesday through Saturday from 8:00 a.m. to 4:00 pm.

Hours of operation for seasonal and periodic services (i.e. Leaf & Yard Waste Operations and Public Drop-off areas) will be advertised in local media and notices will appear on CBRM media platforms.

3. FEE SCHEDULE:

- 3.1 The fees and charges for the depositing of materials by haulers and persons who transport waste materials acceptable for disposal at any waste management facility operated by the Municipality, its contractors or its agents as part of the Municipality's waste management system shall be as prescribed in this Policy as **Appendix A**, Schedule 1.
- 3.2 No waste disposal fee shall apply to collectible waste from eligible premises, as defined in the Solid Waste Resource Management By-Law, collected through municipal collection and deposited by collection contractors engaged by the Municipality at waste management facilities operated by the Municipality, its contractors or its agents.

FEE SCHEDULE (CONT'D)

- 3.3 Beginning in 2020, on April 1st of each calendar year, the fees set out in **Appendix A** will be updated to reflect any changes to the Nova Scotia CPI all-in rate from the preceding 12 month period.

Approved by Council: _____ 2019

Appendix A: Waste Disposal Tipping Fee Schedule 1

PRODUCT	TIPPING FEE	COMMENTS
RMW (Residual Mixed Waste)	ICI sector = \$96.00/tonne	Residual mixed waste - RMW (Garbage) tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
C&D Unsorted (Construction & Demolition)	ICI sector = \$96.00/tonne	Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
C&D Wood (Construction & Demolition)	ICI sector = \$48.00/tonne	Construction and Demolition (C&D) waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
Impacted Soil	ICI sector = \$36.00/tonne	Impacted soil waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
Scrap Metal	ICI sector = \$36.00/tonne	Scrap Metal waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
Organics	ICI sector = \$60.00/tonne	Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
Organics Unsorted (Contaminated)	ICI sector = \$90.00/tonne	Unsorted or Contaminated Organics waste tip fee will be charged to the ICI (Institutional/Commercial/Industrial) sectors only.
	Residential - no charge	
Asbestos	ICI sector = Friable \$36.00/regulation bag - minimum charge = \$600.00 Non-Friable \$96.00/tonne	Prior notice and approval is required before material arrival. Phone Waste Management Facility site 563-5590.
	Residential - no charge	
Leaf & Yard Waste	no charge	No Charge for Leaf & Yard Waste

REVISED

Nominating Committee Selection Process for Citizen Appointments:

Motion:

Moved by Councillor Gillespie, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to amend the RC4 Committees Policy to include the selection procedure for Citizen Appointments to Committees as outlined in the staff report of March 8, 2019.

Motion Carried.



M·E·M·O

To: Mayor Cecil P. Clarke & the Nominating Committee
From: Deborah Campbell Ryan, Municipal Clerk
Date: March 8, 2019
Subject: Nominating Committee Selection Process for Citizen Appointments

Attached is a summary of the process that the CBRM Nominating Committee has been using for the past number of years to select citizen appointees for internal and external committees. Recently it has been brought to our attention by our Solicitor that this does not meet the test for closed meetings under the *Municipal Government Act*. Subsequently I contacted our Municipal Advisor at the Department of Municipal Affairs to obtain some guidance.

He agreed that discussion of the applicants' personal information in an open meeting is a balancing act with respect to people's privacy. The Municipal Advisor provided suggestions on how to proceed:

- While the meetings of the Nominating Committee must be open to the public, the proceedings do not have to be live streamed or videotaped when dealing with citizen appointments.
- The applicants' background information does not have to be attached to the public agenda.
- A matrix of the applicants identified by name and number, noting their qualifications and experience in the related field, can be provided to the Nominating Committee.
- Discussion by the Committee should be non-specific, referring to the candidates by number and not by name.
- Recommendations to Council in open session shall be based on candidate number, and once the citizens have accepted the positions and any required background checks have been completed, their names can be released at a subsequent open meeting.

I have reviewed this with our Solicitor and he is in agreement. Therefore I would recommend that CBRM Council adopt the above procedure and amend the RC4 Committees Policy accordingly.

ORIGINAL SIGNED BY

Deborah Campbell Ryan,
Municipal Clerk

CBRM Process re: Appointment of Citizens

Citizen applicants for Committees will be considered at an In Camera meeting of the Nominating Committee, after which recommendations with the names of the successful candidates for each Committee are referred to an In Camera Council meeting for review and approval.

At an open session, Council can pass a generic motion regarding the In Camera Council recommendations and the names will be publicly released at a subsequent Council meeting once the citizens have accepted the positions and any required background checks have been completed.

Report on Call for Expressions of Interest – Citizen Representatives on Various Committees:

Cape Breton Regional Library Board

Motion:

Moved by Councillor Gillespie, seconded by Councillor McDougall, that a recommendation be made to Council to appoint Candidate 4 and Candidate 7 to the Cape Breton Regional Library Board.

Motion Carried.

Heritage Advisory Committee

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Prince, that a recommendation be made to Council to appoint Candidate 1, Candidate 2 and Candidate 3 to the Heritage Advisory Committee.

Discussion:

In response to questions, the Municipal Clerk advised that the *Heritage Property Act* and the Heritage Property Bylaw do not state a limit to the number of years that an individual can serve on the Committee. The Bylaw does state that members shall be members of local historical societies or individuals who have, in the opinion of Council, otherwise demonstrated active concern for the preservation of buildings of historic significance. Further, the Citizen Appointment Policy indicates that Committee members are appointed for a two-year term, however is silent on reappointment. Having said that, Council has reappointed Citizens to Committees in the past.

Motion Carried.

Port of Sydney Development Corporation

Motion:

Moved by Councillor Gillespie, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to appoint of Candidate 1 to the Port of Sydney Development Corporation Board for a three year term.

Motion Carried.

Viability Study Steering Committee

Motion:

Moved by Councillor McDougall, seconded by Councillor Gillespie, that a recommendation be made to Council to appoint Candidate 4 to the Viability Study Steering Committee.

Motion Carried.

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Cecil P. Clarke & the Nominating Committee
From: Deborah Campbell Ryan, Municipal Clerk
Date: March 8, 2019
Subject: Report on Call for Expressions of Interest
– Citizen Representatives on Various Committees

The regular term for citizens on the CBRM Heritage Advisory Committee and the Cape Breton Regional Library Board will expire at the end of March this year. Further, the citizen representative for the Business and Commerce position on the Port of Sydney Development Corporation Board will expire April 1st, 2019. Thus as a matter of process, the Clerk's Department made arrangements for an ad to appear in the Cape Breton Post on Saturday, February 23, 2019, calling for expressions of interest for Citizens to serve on these Committees. The notice was also placed on the CBRM website, as well as Facebook, Twitter, LinkedIn and Charity Village. The deadline for submissions was March 1, 2019.

In response, we received a total of fifteen (15) applications, the breakdown of which is as follows:

- i) Cape Breton Regional Library Board – nine (9) submissions
- ii) Heritage Advisory Committee – four (4), including one late submission
- iii) Port of Sydney Development Corporation – two (2) submissions

A matrix outlining the background information for each applicant is attached separately.

Viability Study Steering Committee:

Further, as directed at the Special Council meeting held on December 5, 2018, a call for expressions of interest was issued for a citizen representative to fill the vacancy on the Viability Study Steering Committee. The ad appeared in the Cape Breton Post on Wednesday, December 12th, and the closing date was Wednesday, December 19, 2018. The notice was also circulated via social media. In response, we received a total of six (6) applications, however one was withdrawn. A matrix for each of these applicants is also attached separately.

For the Committee's information, also attached is background information on the roles and responsibilities for each Committee.

Continued...

Recommendations:

- a) Cape Breton Regional Library Board – nine (9) submissions received, but only two citizens are required for a two-year term.

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Terms of Reference for the Cape Breton Regional Library Board and forward their recommendation to Council.

- b) Heritage Advisory Committee – four (4) received, including one late submission. As outlined in the Heritage Property By-Law, at least three but no more than seven members of the Committee shall be citizens who are 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. These appointments will be for a two-year term.

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Roles and Responsibilities of the Heritage Advisory Committee and forward their recommendation to Council.

- c) Port of Sydney Development Corporation – two (2) submissions received, but only one citizen with expertise in business and commerce is required for a three-year term.

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Roles and Responsibilities for the Port of Sydney Development Corporation Board and forward their recommendation to Council.

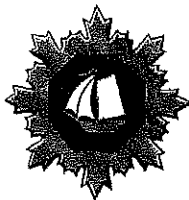
- d) Viability Study Steering Committee - As noted above, five (5) submissions were received, however only one citizen is required for the balance of the project, which is expected to be completed by May 31, 2019.

It is recommended that the Nominating Committee review the submissions in terms of suitability based on the attached Terms of Reference for the Viability Study Steering Committee and forward their recommendation to Council.

ORIGINAL SIGNED BY

**Deborah Campbell Ryan
Municipal Clerk**

Attachments



Cape Breton Regional Municipality

Citizen Representation on Committees Call for Expressions of Interest

The Council of the Cape Breton Regional Municipality requires, from time to time, the services of citizens who would be willing to serve as volunteer members on various Committees of Council, or exterior Committees to which CBRM appoints Citizens.

Currently there are vacancies on the following Committees:

- **CBRM Heritage Advisory Committee** (*three to seven positions for a two year term – note that meetings are live streamed*)
- **Cape Breton Regional Library Board** (*two positions for a two year term*)
- **Port of Sydney Development Corporation** (*one position with Business and Commerce expertise for a three year term*)

The Terms of Reference/Roles for these Committees can be found on the CBRM website:
<http://cbrm.ns.ca/clerks-department.html>

Residents of the Cape Breton Regional Municipality who are interested in serving on these Committees should forward a letter of application, with a short bio/resume outlining qualifications and experience in the related field, by **4:30 p.m. on Friday, March 1st, 2019** to:

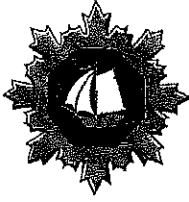
Deborah Campbell Ryan, Municipal Clerk
Cape Breton Regional Municipality
City Hall - 320 Esplanade, Suite 405
Sydney, NS B1P 7B9

Or Fax it to: 902-564-0481
Or Email: ClerksOffice@cbrm.ns.ca

* **Please Note:** The applications will be considered at Nominating Committee/Council meetings that are open to the public.

**Signed: Deborah Campbell Ryan
 Municipal Clerk**

Cape Breton Post
Sydney Section (C3 or D4) or as required
Saturday, February 23, 2019



Cape Breton Regional Municipality

Citizen Representation on Committee Call for Expressions of Interest

The Council of the Cape Breton Regional Municipality requires, from time to time, the services of citizens who would be willing to serve as volunteer members on various Committees of Council, or exterior Committees to which CBRM appoints Citizens.

Currently there one vacancy on the **CBRM Viability Study Steering Committee**.

* **Please Note:** The Terms of Reference/Roles for this Committee can be found on the CBRM website: <http://cbrm.ns.ca/clerks-department.html>

Residents of the Cape Breton Regional Municipality who are interested in serving on this Committee should forward a letter of application, together with a Resume, noting qualifications and experience in their related field, by **4:30 p.m. on Wednesday, December 19, 2018** to:

Deborah Campbell Ryan, Municipal Clerk
Cape Breton Regional Municipality
City Hall - 320 Esplanade, Suite 405
Sydney, NS B1P 7B9

Or Fax it to: 902-564-0481
Or Email: ClerksOffice@cbrm.ns.ca

Please note that the appointment to this Committee is a volunteer position.

**Signed: Deborah Campbell Ryan
 Municipal Clerk**

Cape Breton Post
Sydney Section (C3 or D4) or as required
Wednesday, December 12, 2018

Cape Breton Regional Library Board
Terms of Reference for Library Board Appointments

1	Statute	C. 2S4, RSNS 1989 amended 1990, the Libraries Act
2.	Purpose	<p>To set policy and provide governance for the Cape Breton Regional Library, serving the Municipalities of the Counties of Cape Breton and Victoria. A Regional Library Board is a body corporate.</p> <p>A Regional Library Board is a governing board. Governing boards are legal entities which have the authority to make policy and govern the affairs of the organization. They do not have direct responsibility for operations and programming, employees (other than the Regional Librarian), collection development or other day-to-day operational matters.</p>
3.	Composition	<p>Province of Nova Scotia – 2 Citizen Representatives Cape Breton Regional Municipality – 3 Council members Cape Breton Regional Municipality – 2 Citizen representatives County of Victoria – 1 Council Member County of Victoria – 1 Citizen Representative</p> <p>Must reside in area served by the Board.</p>
4.	Library Board Committees	<p>Executive Committee: comprised of Chair, Vice-Chair and Treasurer</p> <p>Audit Committee: comprised of Chair, Vice-Chair and Treasurer</p> <p>Special committees are established at the direction of the Library Board.</p> <p>Regional Librarian serves as Secretary to the Board.</p>
5.	Conflict of Interest	<p>No current or former employee (having worked at the Library within the past two years) shall be appointed a member of the Library Board.</p> <p>Library Board members shall not have a professional or personal (immediate family member of a Library staff member or a person residing in the same household as a Library staff member) conflict of interest. (Immediate family member is defined as spouse, partner, sibling, parent, grandparent, child or in-law of a staff member.)</p>
5.	Work & Experience Requirements	<p>No formal work & experience requirements, however, an understanding and appreciation for the importance of public library services, literacy and reading is very important.</p> <p>Board members are requested to hold a valid Library Card.</p>

Cape Breton Regional Library Board
Terms of Reference for Library Board Appointments

6.	Skills Required	Skill(s) in such area(s) of fundraising, community development, communications, public relations, finance, planning and policy development, advocacy, and information technology would be welcome assets.
7.	Term of Appointment	Terms for one, two or three years (as determined by the municipal unit making the appointment); Province of Nova Scotia appointment term is determined by the Governor in Council.
8.	Remuneration	Participation on the Library Board is voluntary. Cape Breton Regional Library will pay mileage from the Board Members place of residence to Library meetings/events when the member is not compensated from another body for attending a meeting or event (ie. From a municipal unit).
9.	Anticipated Time Commitments	Meetings held a minimum of 4 times per year; weekday (usually Monday) evenings at 6:00pm. Additional meetings are called at the discretion of the Chair. Board members are encouraged to attend special events hosted by/in support of Library (but without remuneration).
10.	Other	The Cape Breton Regional Library operates 12 branches and 2 bookmobiles. A variety of programmes and services are available.

CBRM Heritage Advisory Committee – Roles and Responsibilities

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*.

Excerpt – NS *Heritage Property Act*

<http://nslegislature.ca/legc/statutes/heritage.htm>

Definitions

3(e) "heritage advisory committee" means a heritage advisory committee established by a municipality pursuant to this Act;

Municipal registry of heritage property and heritage advisory committee

12 (1) A municipality may by by-law establish a municipal registry of heritage property.

(2) A by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee.

(3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.

(4) The by-law may provide the term for which members of the heritage advisory committee shall serve.

(5) The by-law may provide that the planning advisory committee of the municipality shall be the heritage advisory committee of the municipality.

(6) A by-law made pursuant to this Section is subject to the approval of the Minister of Municipal Affairs, and when so approved has the force of law. *R.S., c. 199, s. 12.*

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

(a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;

(b) an application for permission to substantially alter or demolish a municipal heritage property;

(ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

(bb) the administration of heritage conservation districts pursuant to the provisions of this Act;

(bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;

(c) building or other regulations that affect the attainment of the intent and purpose of this Act;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Act. *R.S., c. 199, s. 13; 1991, c. 10, s. 3; 2010, c. 54, s. 9.*

Recommendation as municipal heritage property

14 (1) A heritage advisory committee may recommend to the municipality that a building, public-building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

(2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, public-building interior, streetscape, cultural landscape or area in the municipal registry of heritage property.

(3) The notice shall contain

- (a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;
 - (b) a brief statement of the reasons for the recommendation;
 - (c) a summary of the consequences of registration;
 - (d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and
 - (e) notification of the right of the owner to be heard and of the time and place for the hearing.
- (4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public-building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.
- (5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. *R.S., c. 199, s. 14; 2010, c. 54, s. 10.*

Registration as municipal heritage property

- 15 (1) At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, public-building interior, streetscape, cultural landscape or area as a municipal heritage property in the municipal registry of heritage property.
- (2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.
- (3) Notice of the registration shall be sent to each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. *R.S., c. 199, s. 15; 2010, s. 54, s. 11.*

Deregistration of municipal heritage property

- 16 (1) On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where
- (a) the property has been destroyed or damaged by any cause; or
 - (b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner ,
- after holding a public hearing to consider the proposed deregistration.
- (2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.
- (3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be

deposited in the registry of deeds for the registration district in which the property is situate. *R.S., c. 199, s. 16; 2010, c. 54, s. 12.*

Approval to alter or demolish municipal heritage property

17 (1) Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

(3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

(4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

(5) The municipality may grant the application either with or without conditions or may refuse it.

(6) The municipality shall advise the applicant of its determination. *R.S., c. 199, s. 17; 2010, c. 54, s. 13.*

Consideration by municipality of application to alter or demolish

18 (1) The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, 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.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. *2010, c. 54, s. 14.*

Sign or plaque

19 The municipality may cause a sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property. *R.S., c. 199, s. 19.*

Establishment of heritage conservation district

19A (1) A municipality may establish a heritage conservation district by concurrently adopting a heritage conservation district plan and a heritage conservation district by-law for a part of the municipality and there may be different conservation plans and conservation by-laws for different parts of the municipality.

(2) A conservation by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee and subsections (3) to (5) of Section 12 apply mutatis mutandis unless a heritage advisory committee is established pursuant to Section 12.

(3) A conservation plan and conservation by-law shall be adopted by a majority vote of the whole council after a public hearing and consideration of any submissions received, but only those councillors present at the public hearing may vote upon the adoption of the conservation plan and conservation by-law.

(4) The Minister shall forward a copy of the conservation plan and conservation by-law and the prescribed background studies and information to the Minister responsible for the Municipal Government Act for that Minister's recommendation.

(5) The Minister shall approve a conservation plan and conservation by-law unless

- (a) the conservation by-law does not carry out the intent of the conservation plan;
 - (b) the conservation plan is not implemented by the conservation by-law;
 - (c) the prescribed background studies or information do not support the conservation plan or conservation by-law;
 - (d) the conservation plan or conservation by-law conflicts with an applicable provincial land-use policy or regulation adopted pursuant to the Municipal Government Act;
 - (e) the conservation plan or conservation by-law conflicts with the applicable municipal planning strategy or land-use by-law;
 - (f) in the opinion of the Minister, there is a conflict with any other provincial interest, and they take effect on and not before approval by the Minister.
- (6) A conservation plan and conservation by-law approved by the Minister pursuant to subsection (5) may concurrently be amended, revised or repealed by the council and subsections (3) to (5) apply *mutatis mutandis*.
- (7) Where a proposed heritage conservation district includes a provincial heritage property, the Minister shall refer the proposed conservation plan and conservation by-law to the Advisory Council for its recommendation and, upon consideration of the recommendation, shall determine that the conservation plan and conservation by-law
- (a) apply to the provincial heritage property and that Sections 7 to 11 do not apply to the provincial heritage property;
 - (b) apply to the provincial heritage property to the extent determined by the Minister and subject to such conditions as the Minister determines; or
 - (c) do not apply to the provincial heritage property.
- (8) Where a building, streetscape or area in an established heritage conservation district is to be designated as a provincial heritage property, the Minister may determine that the conservation plan and conservation by-law apply or do not apply to the provincial heritage property to the extent determined by the Minister and subject to such conditions as the Minister determines.
1991, c. 10, s. 4; 2010, c. 54, s. 15.

Consequences of establishing district

- 19B (1) Where a heritage conservation district is established,
- (a) no further building, streetscape or area in the district shall be registered as a municipal heritage property;
 - (b) Section 18 does not apply to any municipal heritage property within the district;
 - (c) the conservation plan and conservation by-law shall include
 - (i) policies respecting demolition or removal of municipal heritage properties within the district, and
 - (ii) a requirement that a certificate be issued for demolition or removal of any municipal heritage property within the district; and
 - (d) notwithstanding clause (c) and for greater certainty, Section 17 continues to apply to a municipal heritage property within the district.
- (2) Subject to subsection (1), a municipal heritage property located in a heritage conservation district continues to be a municipal heritage property. *1991, c. 10, s. 4.*

Design guidelines

- 19C Design guidelines included in a conservation by-law shall
- (a) with respect to a building or structure, address only the exterior of the building or structure;
 - (b) not address the use to which land, a building or a structure may be put. *1991, c. 10, s. 4.*

Prohibited restriction in by-law

19D A restriction in a conservation by-law that does not permit a building of any kind on a lot is ultra vires. *1991, c. 10, s. 4.*

Certificate for development

19E (1) Where a council has adopted a conservation plan and conservation by-law, a certificate is required to undertake the types of development for which a certificate is required by the conservation by-law.

(2) A certificate shall be issued for a proposed development if the development meets the requirements of the conservation by-law or is approved by the council following a public hearing where the conservation plan and conservation by-law require such a hearing.

(3) No certificate that is or may be inconsistent with the proposed amendment or revision of a conservation by-law shall be issued for a period of one hundred and twenty days from the date of publication of the first notice advertising the intention of the council to amend or revise the conservation plan and conservation by-law.

(4) Where the proposed amendment or revision of the conservation plan and conservation by-law has not come into effect after the expiry of the time specified in subsection (3), the certificate shall be issued if, in all other respects, it meets the requirements of the conservation by-law or is approved by the council, as the case may be, following a public hearing, where one is required pursuant to this Act or the conservation plan and conservation by-law.

(5) No development permit granted pursuant to the Planning Act and no permit granted pursuant to the Building Code Act and regulations that is or may be inconsistent with a proposed conservation by-law, or an amendment or revision thereof, shall be issued for a period of one hundred and twenty days from the publication of the first notice advertising the intention of the council to adopt, amend or revise the conservation plan and conservation by-law.

(6) Where the proposed conservation plan and conservation by-law, or amendment or revision thereof, has not come into effect after the expiry of the time specified in subsection (5), the permits referred to in subsection (5) shall be issued if, in all other respects, they meet the requirements of applicable by-laws of the municipality. *1991, c. 10, s. 4.*

Public hearing and conditions for approval of demolition or removal

19F (1) Where the conservation plan and conservation by-law require that a certificate be issued for demolition or removal of a building or structure in a heritage conservation district, the council shall hold a public hearing.

(2) Where the council considers an application for a certificate for demolition or removal of a building or structure, the council shall not approve the application unless

- (a) there is irreversible structural damage or deterioration to the building or structure; or
- (b) the applicable policies of the conservation plan respecting demolition or removal of the building or structure are met. *1991, c. 10, s. 4.*

Heritage officer

19G (1) A council that has adopted a conservation plan and conservation by-law shall designate a person employed by the municipality as the heritage officer and the heritage officer shall be responsible for the administration of the conservation plan and conservation by-law and the issuance of certificates.

(2) A council may, from time to time, authorize another person to act in the heritage officer's stead.

(3) Within fifteen days of receiving an application for a certificate, the heritage officer shall inform the applicant whether or not the application is complete.

(4) Where no public hearing is required pursuant to a conservation plan and conservation by-law, within thirty days of receiving a completed application, the heritage officer shall grant the certificate if it meets the requirements of the conservation by-law or inform the applicant, in writing, of the reasons for not granting the certificate.

(5) Where required to do so by a conservation plan and conservation by-law, the heritage officer shall refer the application for a certificate to the council for a public hearing and shall issue or deny the certificate in accordance with the decision of council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer. *1991, c. 10, s. 4; 1998, c. 18, s. 561.*

Appeal re subsections 19G(4) and (5)

19H (1) The denial of a certificate or the imposition of conditions on a certificate granted pursuant to subsection 19G(4) may be appealed to the Nova Scotia Utility and Review Board by the applicant for the certificate.

(1A) The approval, imposition of conditions on or denial of a certificate pursuant to subsection 19G (5) may be appealed to the Nova Scotia Utility and Review Board by

- (a) the applicant for the certificate;
- (b) an aggrieved person;
- (c) the council of a municipality adjoining the heritage conservation district to which the certificate relates;
- (d) an official in the public service designated by the Minister.

(2) In subsection (1), "aggrieved person" includes

- (a) an individual who bona fide believes that the proposed certificate will adversely affect
 - (i) the value of or the reasonable enjoyment of that person's property, or
 - (ii) the reasonable enjoyment of the property occupied by that person;
- (b) an incorporated organization the objects of which include promoting or protecting
 - (i) the quality of life of persons resident in the neighbourhood affected by the council's decision, or
 - (ii) features, structures or sites of the community affected by the council's decision of significant historic, architectural or cultural value; and
- (c) an incorporated or unincorporated organization of which the majority of its members are persons who are aggrieved persons pursuant to clause (a).

(3) The Board shall

- (a) confirm the decision of the heritage officer or the council, as the case may be;
- (b) make any decision the heritage officer or the council, as the case may be, could have made; or
- (c) refer the matter back to the heritage officer or council, as the case may be, for reconsideration.

(4) The Board shall not interfere with the decision of the heritage officer or the council, as the case may be, unless the decision cannot reasonably be said to be consistent with the conservation by-law or clause (a) of subsection (2) of Section 19F. *1991, c. 10, s. 4; 1998, c. 18, s. 561.*

Conflict with Building Code Act

19I Where there is a conflict between this Act or the regulations and the Building Code Act or regulations, the Building Code Act and regulations prevail. *1991, c. 10, s. 4.*

Severability of by-law

19J The provisions of a conservation by-law are severable and the illegality of any part does not affect the validity of the rest of the conservation by-law. *1991, c. 10, s. 4.*

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.

2.
 - (1) 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.
 - (2) 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.
 - (3) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (4) 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 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 Clerk;
 - (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.

Heritage Property Policy

STATEMENT OF POLICY:

- It is the policy of the Cape Breton Regional Municipality (CBRM) to recognize the significance of historical properties within the Municipality by way of a Heritage Designation pursuant to the Heritage Property By-Law.

1.0 OBJECTIVE:

- It is the objective of this policy to ensure that the Municipality shall recover the costs associated with the deregistration of municipal heritage designation of properties pursuant to the CBRM Heritage Property By-Law.

2.0 RESPONSIBILITIES:

- 2.1 The CBRM Council will approve the Heritage Property Policy.
- 2.2 In accordance with Section 49(c)(iii) of the *Municipal Government Act*, a Fee Schedule for the costs associated with the deregistration of a municipal heritage property designation shall be established and reviewed periodically by the Heritage Advisory Committee.
- 2.3 The Applicant shall be responsible for all costs associated with the deregistration of a municipal heritage property designation under the Heritage Property By-Law.
- 2.4 The Director of Planning shall be responsible for the administration of this policy.

Approved by Council: March 18, 2003
Amended: May 24, 2005

**ARTICLES OF ASSOCIATION
OF
PORT OF SYDNEY DEVELOPMENT CORPORATION**

ARTICLE 1: NAME, PURPOSE AND DEFINITION

- 1.01 The name of the Company is Port of Sydney Development Corporation.
- 1.02 The purposes, objects and powers of the Company are as set out in the Memorandum of Association of the Company.
- 1.03 In these Articles of Association of the Company:
- (a) "Company" means Port of Sydney Development Corporation;
 - (b) "Board" or "Board of Directors" means the board of directors of the Company;
 - (c) "Board Member" or "Director" means an individual who has been appointed as a member to the Board of Directors of the Company;
 - (d) "Member(s) of the Company" means an individual or such other legal entity who has acquired voting Membership, in the Company in accordance with Article 3 of the Articles of Association of the Company; and
 - (e) "Port of Sydney" means the Sydney Harbour and associated infrastructure as it relates directly to the operation of the Joan Harriss Cruise Pavilion terminal and wharf.

ARTICLE 2: POWERS

- 2.01 Subject to the Memorandum of Association of the Company, the powers of the Company are as set out in the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.
- 2.02 In addition the Company shall have the power:
- (a) to fix and determine the basis and terms of membership in the Company;
 - (b) to carry out the financing and other agreements necessary to achieve its objects either alone or jointly with others; and
 - (c) to guarantee and act as an endorser on loans and obligations arranged by or on behalf of individuals or groups.

ARTICLE 3: MEMBERSHIP

- 3.01 This, Article 3, shall apply to the admission of voting Members of the Company. Subject to the Memorandum of Association, the Members, by resolution, may approve the admission and terms of membership of non-voting members of the Company.

- 3.02 Subject to the right of the Company to extend its membership and to provide for the terms of such extension, the Members of the Company shall be as follows:
- (a) the Cape Breton Regional Municipality as represented by the Council of the Cape Breton Regional Municipality (sometimes referred to as the "Initial Member");
 - (b) such additional Members of the Company who shall be appointed by the Initial Member; and
 - (c) such additional Members of the Company who shall be appointed by the Members of the Company.
- 3.03 Members of the Company (other than the Cape Breton Regional Municipality), shall, as a condition of membership, sign and file with the Company a copy of the Company's Memorandum of Association as confirmation of an undertaking to contribute to the assets of the Company, subject to the limitations expressed in Article 4 of the Memorandum of Association of the Company.
- 3.04 The number of Members who may be admitted to membership in the Company is unlimited.
- 3.05 The acts and votes of the Members of the Company shall be deemed to be legal and valid notwithstanding any default in the appointment of Members of the Company at the time of such acts or votes; and the act and vote of a majority of those present and voting at any duly convened meeting of the Members of the Company shall be deemed to be the act and vote of the Company.
- 3.06 Subject to Article 3.07, the Members of the Company, including the signatories to the Company's Memorandum of Association, shall continue to maintain membership in the Company unless otherwise removed by a vote of 2/3 of the Members of the Company present in person or by proxy at a duly constituted meeting of the Members of the Company for which notice of the proposed removal of the Member has been provided.
- 3.07 Any Member of the Company, including any signatory to the Company's original Memorandum of Association, shall cease to be a Member of the Company upon:
- (a) in the case of a Member of the Company which is a corporate entity, upon the corporate entity becoming insolvent or being assigned into bankruptcy or being wound up; or
 - (b) with the approval of the Board of Directors, if the Member of the Company fails to pay any fee which may be levied on the Member.
- 3.08 Notwithstanding the foregoing, no fees shall be levied on the Cape Breton Regional Municipality and the Cape Breton Regional Municipality shall not be removed as a Member of the Company.

ARTICLE 4: MEETINGS AND VOTING OF THE MEMBERS OF THE COMPANY

- 4.01 The Secretary or his or her designate shall be responsible for giving notice of all meetings of the Members of the Company.
- 4.02 Notice of the time and place of the annual general meeting of the Members of the Company (the "Annual General Meeting") shall be given to each Member by telephonic, electronic or other communication facility not less than two (2) weeks before the day on which the meeting is to be held. If a Member requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 4.03 Notice of the time and place of general meetings of the Members of the Company, other than the Annual General Meeting of the Members of the Company, shall be given to each Member by telephonic, electronic or other communication facility not less than two (2) weeks before the day on which the meeting is to be held. If a Member requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 4.04 Notice of any emergency meetings will be deemed sufficient if the Secretary gives notice by telephone, fax or message either in person to the Members of the Company or by message left with some responsible person at the respective homes or offices of the Members of the Company the day previous to the date of the emergency meeting of the Members of the Company.
- 4.05 Voting at any meeting of the Members of the Company shall be voiced "aye" or "nay" or by show of hands or by standing vote, unless a secret vote by ballot is requested by motion, seconded and carried by a majority of the Members of the Company present. A motion of request for secret ballot may not be ruled out of order by reason of there being a prior motion on the floor.
- 4.06 Subject to Article 8.01 of the Articles of Association of the Company, each Member of the Company shall be entitled to one (1) vote and no more on any motion.
- 4.07 A quorum of any meeting of the Members of the Company (whether annual, general or emergency) shall be fifty-one percent (51%) of the Members of the Company (actually present, or by proxy) with no person entitled to be counted as more than one (1). Any Member present at any meeting of the Members by proxy shall have filed with the Secretary or his or her designate at any time prior to the meeting of the Members of the Company a proxy form, (substantially similar to the one set out in Appendix "A" to these Articles of Association) and bearing the signature (or certifies the consent to the Secretary's satisfaction) of the Member who wishes to be present at the meeting of the Members of the Company by way of proxy. The proxy form may be presented to the Secretary or his or her designate either by hand (by any person), prepaid post, fax or such other device which, in written form, evidences the consent of the Member being present at the Meeting of the Members of the Company by proxy, the Secretary or his or her designate shall duly note such fact in the minutes of the meeting of the Company and the proxy form or a copy of the proxy form shall be filed with the minutes of the meeting of the Members.
- 4.08 The Members of the Company shall hold not less than two (2) meetings each year, of which one meeting shall be the Annual General Meeting of the Members of the Company. The Annual General Meeting of the Members of the Company shall be open to the public and is to be held at the Joan Harris Cruise Pavilion, or such other convenient location, at such time as is deemed expedient by the Board of Directors of the Company. At the Annual General Meeting of the Members of the Company, the order of business shall be as follows:

- (a) Roll call;
- (b) Approval of minutes of preceding Annual General Meeting of the Members of the Company;
- (c) Adoption of the annual report which shall include:
 - Audited financial statements;
 - Completion of a business plan for the fiscal year containing such information as the Council of the Cape Breton Regional Municipality may require, including but not limited to:
 - o Capital and operating budget, including financial targets;
 - o Anticipated infrastructure and facility maintenance;
 - o Marketing plan;
 - o Strategic operating plan.
 - Risk assessment, if applicable in the year of the Annual General Meeting; and
 - Summary of infrastructure maintenance and development for the prior fiscal year.
- (d) Adoption of treasurer's report and appointment of auditors;
- (e) Receiving report of Governance Committee of the Board of Directors;
- (f) Appointment of individuals to the Board of Directors;
- (g) Election of new Members to Membership in the Company;
- (h) New business.

4.09 General meetings of the Members of the Company may be held at the discretion of the Board of Directors of the Company. Such meetings shall be held at such time and place, and shall take such form as is deemed expedient by the Board of Directors of the Company.

4.10 Emergency meetings of the Members of the Company may be called at such time and place as is deemed in the best interests of the Company. Such meetings shall be held when requested by:-

- (a) One-third (1/3) or more Members of the Company by notice in writing, delivered to any officer of the Company; or
- (b) the Board of Directors of the Company; or
- (c) the chairperson (the "Chairperson").

- 4.11 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Members of the Company shall be conducted in accordance with the most recent edition of Robert's Rules of Order, as it may exist from time to time.

ARTICLE 5: BOARD OF DIRECTORS OF THE COMPANY

- 5.01 The Board of Directors of the Company shall be responsible to establish the policies and perspectives of the Company, including, but not limited to, major policy issues, financial issues and the hiring of senior employees, if any, and shall meet no less than six (6) times during the Company's fiscal year. The Board is responsible for the management of the activities of the Company.
- 5.02 Subject to Article 5.22, the following individuals shall not be eligible to sit as Directors:
- (a) an individual who is a mayor, councillor, officer or employee of the Cape Breton Regional Municipality;
 - (b) an individual who is a member of the legislature of the province of Nova Scotia, or an officer or employee of the public service or of a Crown corporation of the province of Nova Scotia;
 - (c) a Senator or a member of Parliament or an officer or employee of the federal public service or of a federal Crown corporation;
 - (d) an individual who is not a resident Canadian;
 - (e) an individual who is under 18 years of age;
 - (f) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or
 - (g) an undischarged bankrupt.
- 5.03 The Board shall consist of at least nine (9) voting Directors and no more than twelve (12) voting Directors.
- 5.04 The quorum necessary for the transaction of business at a meeting of the Board shall be a majority of the number of Directors in office. A quorum of Directors may exercise all powers of the Board.
- 5.05 The appointment of a Director shall be effected by a duly authorized resolution of the Council of the Cape Breton Regional Municipality and the Board of Directors shall be comprised of the following:
- (a) not less than one (1) individual holding a professional accounting designations;
 - (b) not less than one (1) individual licensed to practice law in the Province of Nova Scotia;
 - (c) not less than one (1) individual holding a professional engineering designation;

- (d) not less than one (1) individual with noted expertise in marketing;
 - (e) not less than three (3) individuals with expertise in business and commerce;
 - (f) one designate appointed by band council resolution from Eskasoni First Nation who is not an elected band official; and
 - (g) one designate appointed by band council resolution from Membertou First Nation who is not an elected band official.
- 5.06 Directors' terms shall be staggered. No Director of the Company shall hold office as a Director of the Company for a term greater than three (3) years; the Company may, by a majority vote of the Members of the Company present in person or by proxy at a meeting of the Board, extend such term for up to one (1) additional term, which shall not exceed three (3) years.
- 5.07 Subject to such other requirements prescribed pursuant to these Articles of Association of the Company with respect to membership on the Board of Directors of the Company, if a Director of the Company has held office for a period of six (6) consecutive years, he or she will not be eligible to hold office as a Director of the Company for a period of at least three (3) years from the date on which he or she attained six (6) consecutive years as a Director of the Company.
- 5.08 A Director shall cease to hold office when:
- (a) the Director dies or resigns;
 - (b) the Director is removed for cause;
 - (c) the Director is no longer qualified to hold the office of director;
 - (d) the term of office of the Director expires; or
 - (e) the Director is removed by special resolution of the Members of the Company. Subject to those items enumerated herein Article 5.08, so long as the Cape Breton Municipality is the sole Member of the Company, a Director shall not be unilaterally removed by special resolution of the Members, without cause.
- 5.09 A Director may resign his or her office as a Director by sending to the Company a written resignation which shall become effective on the date received by the Company or on the date specified in the resignation, whichever is later.
- 5.10 Any Director may be removed for cause by the Members at any time.
- 5.11 The Board, subject to the approval of the Members, may appoint from their number one or more committees of the Board not otherwise provided for herein, to best carry out the provisions enumerated herein, however designated, and delegate to any such committee any of the powers of the Board except the Board shall not delegate to any committee the power to:

- (a) fill a vacancy in the office of the auditor of the Company;
 - (b) issue debt obligations except in the manner and on the terms authorized by the Board;
 - (c) approve the audited financial statements of the Company;
 - (d) adopt, amend or repeal by-laws; or
 - (e) authorize or ratify any activity carried on or to be carried on or any power exercised or to be exercised by a subsidiary.
- 5.12 The Board shall appoint from their number a governance committee comprised of not less than three Directors, one of whom shall be a barrister (the "Governance Committee").
- 5.13 The Governance Committee shall perform the following functions:
- (a) Develop and manage the administration of a code of conduct;
 - (b) Develop and annually update a long-term plan, including recommendations to the Board, for the composition of the Board, in terms of the optimal combination of skills, background or experience, which plan shall take into consideration the skills, background and experience of existing Directors, retirement dates and the strategic direction of the Company;
 - (c) at least four months prior to the expiry of the term of a director appointed by the Cape Breton Regional Municipality provide notice to the Cape Breton Regional Municipality, that the term of its appointee on the Board is about to expire and requesting an appointment;
 - (d) provide to the Cape Breton Regional Municipality the notice described in subsection 5.13(c) above, a current copy of the plan and recommendations described in subsection 5.13(b) and also provide a profile of the skills, background and experience of the continuing Directors;
 - (e) in the event a Director ceases to hold office, the Governance Committee shall forthwith provide to the Cape Breton Regional Municipality, a written request for a new appointment to fill such vacancy together with a copy of the plan and recommendations described in subsection 5.13(b) and the profile described in subsection 5.13(d).
- 5.14 Notwithstanding a term appointment of a Director to the Board of Directors of the Company by the Members of the Company, the Members of the Company shall have the right to remove any Director of the Company by majority vote of those present in person or by proxy at any meeting of the Members of the Company duly convened and held and for which notice of the proposed removal has been provided.
- 5.15 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Board of Directors shall be conducted in accordance with the most recent edition of "Robert's Rules of Order", as it may exist from time to time.

- 5.16 No Director shall be paid any salary or remuneration for the execution of his or her duties other than such out-of-pocket expenses as he or she may properly incur on behalf of the Company.
- 5.17 Meetings of the Board of Directors of the Company may be held by telephone conference call and Directors of the Company may be present at any meeting of the Board of Directors of the Company by telephone speaker or such similar device, so long as the Director attending the meeting of the Board of Directors by way of speaker phone or such similar device is able to hear and participate in the meeting.
- 5.18 Notice of the time and place of a meeting of Directors shall be given to each Director by telephonic, electronic or other communication at least two (2) weeks before the day on which the meeting is to be held. If a Director requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 5.19 The Board of Directors of the Company shall be tasked with having the following corporate records available for inspection by the Council of the Cape Breton Regional Municipality at any time:
- (a) copies of the annual financial statements, for a period of six years after the end of the fiscal year to which they relate;
 - (b) copy of every document received by it in the last six years notifying it of the appointment or cessation of office of a director;
 - (c) copy of the constating instruments of each of its wholly-owned subsidiaries;
 - (d) Minutes of any meetings of the Board; and
 - (e) Records relating to the traffic and general use of the Port of Sydney.
- 5.20 The Board of Directors of the Company shall be required to report, and provide supporting documentation, to the Council of the Cape Breton Regional Municipality on the following matters within five (5) business days of such business being approved at a meeting of the Board of Directors:
- (a) filling a vacancy in the office of CEO;
 - (b) approving the annual financial statements;
 - (c) approving a borrowing of more than Fifty Thousand Dollars (\$50,000.00);
 - (d) adopting a land use plan or business plan;
 - (e) authorizing or ratifying any activity carried on or to be carried on, or any power exercised or to be exercised, by a subsidiary of the Company; or
 - (f) approval of internal monthly financial statements.

- 5.21 The Board of Directors of the Company shall requisition a risk assessment, relating to the Port of Sydney, prepared by a competent risk assessor every five (5) years with respect to:
- (a) risk, risk management, property value, risk transfer and probable maximum loss; and
 - (b) insurance coverage, limits and deductibles.
- 5.22 Notwithstanding the foregoing regulatory framework concerning the Board of Directors of the Company contained in this Article 5, immediately upon incorporation, the Initial Member shall appoint as the first Directors of the Company:
- (a) the Mayor of the Cape Breton Regional Municipality;
 - (b) the Deputy Mayor of the Cape Breton Regional Municipality; and
 - (c) three (3) councilors of the Cape Breton Regional Municipality.
- (collectively known as the "Interim Directors")

The Interim Directors shall hold office from the date of incorporation until such time as the requisite Directors have been established in accordance with Article 5.05 herein, and on staggered terms as enumerated in Article 5.06. As the requisite Directors are appointed in accordance with Article 5.05 herein, the Interim Directors shall proportionately resign.

ARTICLE 6: OFFICERS: CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, TREASURER, CHIEF EXECUTIVE OFFICER

- 6.01 The elected officers of the Company shall be the Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer, and such other officers as the Board of Directors of the Company may from time to time appoint (the "Elected Officers").
- 6.02 The Board shall appoint a Chief Executive Officer (CEO), who shall not be a Director. The Board shall fix the remuneration of the CEO of the Company, subject to the approval of the business plan of the Company at the Annual General Meeting.
- 6.03 The Directors shall elect from their number the Elected Officers at each Annual General Meeting. Where a vacancy exists in any office of the Company, such vacancy shall be filled at the next meeting of the Board of Directors of the Company following the Annual General Meeting of the Members of the Company, which meeting of the Board of Directors of the Company shall be held no later than thirty (30) days after the Annual General Meeting.
- 6.04 The Board of Directors shall have the authority to elect any Director to serve as an interim officer of the Company, should a vacancy occur during the Company's business year until the next Annual General Meeting.
- 6.05 Any Elected Officer of the Company shall hold office for one (1) year from the date of his or her election, provided such person continues to be a Director of the Company.
- 6.06 No Elected Officer shall be paid any salary or remuneration for the execution of his or her duties other than such out-of-pocket expenses as he or she may properly incur on behalf of the Company.

- 6.07 Notwithstanding anything to the contrary contained herein, with the consent of the Board of Directors, the offices of Secretary and Treasurer may be combined into the one office of Secretary-Treasurer.

ARTICLE 7: EXECUTIVE COMMITTEE

- 7.01 The "Executive Committee" of the Board of Directors of the Company shall consist of the following individuals:
- (a) the officers of the Company, from time to time;
 - (b) the Chief Executive Officer of the Company, if any, who shall be a non-voting Member of the Executive Committee.
- 7.02 The Executive Committee shall serve as a standing committee of the Board of Directors of the Company and shall oversee the effective execution of the day-to-day operations of the Company, approve all major budgeted expense items, act as the strategic planning committee of the Company, evaluate the performance of the Chief Executive Officer, and be responsible for issuing public statements on major policy/media issues. The Executive Committee shall have the authority to transact such business as may properly be required of the Company between meetings of the Board of Directors of the Company and shall carry on its activities in accordance with such directions and limitations as the Board of Directors of the Company may from time to time prescribe. The Executive Committee shall meet no less than once a month during the Company's business year.

ARTICLE 8: DUTIES OF THE CHAIRPERSON AND VICE-CHAIRPERSON

- 8.01 The Chairperson shall:
- (a) Provides leadership to the Board that will result in attaining the objectives of the Company and adheres to its Articles of Association;
 - (b) The Chairperson shall preside at meetings of the Members of the Company, the Board of Directors and the Executive Committee and shall have an extra or deciding vote when votes are evenly divided;
 - (c) Encourages Directors to participate in meetings and activities;
 - (d) Keeps the Board's discussion on topic by summarizing issues;
 - (e) Keeps the Board's activities focused on the Companies' issues;
 - (f) Evaluates the effectiveness of the Board's decision-making process;
 - (g) Makes sure that committee chairs are appointed;
 - (h) Orients Directors and committee chairs to the Board;
 - (i) Makes sure there is a process to evaluate the effectiveness of Directors, using measurable criteria;

- (j) Recognizes Directors' contributions to the Board's work;
- (k) Conducts biannual Director evaluations;
- (l) Acts as one of the signing officers for cheques and other documents, such as contracts and grant applications. Unless otherwise determined by the Board of Directors of the Company, the Chairperson, together with the Secretary, shall sign all documents requiring the seal of the Company and perform such other duties as are usual for such an officer;
- (m) Promotes the Companies' purpose in the community and to the media or to delegate such responsibility to another Director; and
- (n) Vets all reports for the Annual General Meeting.

8.02 In the event of the absence, illness, or incapacity of the Chairperson, the Vice-Chairperson shall act in his or her place and stead for all purposes. The Vice-Chairperson shall learn the duties of the Chairperson and keep informed on key issues. The Vice-Chairperson shall perform such duties as may be directed by the Chairperson or Board.

ARTICLE 9: DUTIES OF THE SECRETARY

9.01 The responsibilities of the Secretary are as follows:

- (a) Ensure notices of meetings have been prepared and delivered;
- (b) Ensure minutes of meetings of the Members of the Company, the Board of Directors of the Company and the Executive Committee are kept;
- (c) Ensure all correspondence has been read and answered as directed by the Officers and Board of Directors;
- (d) Serves on the Executive Committee;
- (e) Keeps copies of the Companies' Articles and the Board's policies and plans;
- (f) Keeps list of officers, Directors, committees and general membership;
- (g) Cares for official minute book;
- (h) Keeps record of Board attendance;
- (i) Makes sure that there is a quorum at Board meetings;
- (j) Distribute copies of minutes to Directors;
- (k) Signs official documents of the Company as required;

- (l) Files with the registrar, with its annual financial statement, a list of its Directors with their addresses, occupations, and dates of appointment or election, and, within fourteen days of a change of Directors, notify the registrar of the change;
- (m) Files with the registrar a copy in duplicate of every special resolution within fourteen days after the resolution is passed;
- (n) In the absence of the Chair and vice-chair, chairs Board meetings until the election of an alternate Chair; and
- (o) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 10: DUTIES OF THE TREASURER

10.01 The responsibilities of the Treasurer are as follows:

- (a) Ensure the financial affairs of the Company are monitored;
- (b) Serves on the Executive Committee;
- (c) Gives regular reports to the Board on the financial state of the Company;
- (d) Present the records to designated accountant for review and preparation of a certified statement for the Annual General Meeting. Prepare the annual financial statements required by law;
- (e) Receive and deposit all funds of the Company in the bank designated by the Board;
- (f) Monitor the budget as approved by the Board;
- (g) Acts as signing officer, with another officer or Coordinator for cheques and other documents; and
- (h) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 11: ARTICLES OF ASSOCIATION

11.01 The Articles of Association of the Company shall be amended or repealed only in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.

ARTICLE 12: ACTIVITIES OF THE COMPANY NECESSARY TO SUPPORT PORT OPERATIONS

12.01 To operate the Port of Sydney, the Company may undertake the activities which are necessary to support the objects of the Company, including, but not limited to:

- (a) Subject to Article 5.20(c), the borrowing of money. The borrowing powers of the Company shall be exercised in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time;

- (b) Renting equipment;
- (c) Leasing or licensing real property – the acquisition of freehold title to real property shall be strictly prohibited unless approved by special resolution of the Members;
- (d) Acquisition, disposition, holding, leasing or licensing of personal property;
- (e) Participating as a partner, or a co-venturer in connection with the activities enumerated herein;
- (f) The management of harbour service fees;
- (g) Operation of restaurants, bars, retail, office, display, tradeshow, and carry-on entertainment activities, travel or tour operations and similar tourism-related activities;
- (h) Consulting services relating to the operation of the Port of Sydney; and

12.02 The Company shall carry out the following activities in relation to the operation of the Port of Sydney:

- (a) Environmental risk mitigation and maintenance;
- (b) Navigational services and aids;
- (c) Emergency planning and response;
- (d) Dispatching services;
- (e) Security;
- (f) Vehicle parking, control or marshalling facilities;
- (g) Stevedoring services; and
- (h) General facility maintenance.

12.03 The CEO shall deliver to the Members of the Company an operational report describing the activities undertaken in that month in reference to those items enumerated in Article 12.01 and Article 12.02.

ARTICLE 13: GENERAL PROVISIONS

13.01 The books and accounts of the Company shall be audited each year and certified by a licensed public accountant appointed at the Annual General Meeting of the Members of the Company.

13.02 The Company shall maintain a registered office on Cape Breton Island, Nova Scotia, at a place determined by resolution of the Members of the Company from time to time, and shall give notice of the same to the Registry of Joint Stock Companies.

13.03 Unless otherwise directed by the Board of Directors of the Company, at such registered office shall be kept:

- (a) the corporate seal of the Company;
- (b) the official list of Members of the Company;
- (c) the minutes of all meetings of the Members of the Company;
- (d) the minutes of all meetings of the Board of Directors of the Company; and
- (e) records and books of account of the Company.

13.04 The fiscal year of the Company shall be April 1 to March 31.

13.05 The Company shall adopt a seal which may be affixed to any documents signed for or on behalf of the Company. Such seal shall be authenticated by the signatures of the Chairperson and the Secretary or such other person or persons so designated and authorized by the Board of Directors of the Company. The seal is to be given into the custody of the Secretary or as designated by the Board of Directors of the Company.

13.06 Any Member of the Company may inspect the books of account or records of the Company at the registered office of the Company upon giving reasonable notice thereof to the Secretary of the Company.

DATED at Sydney, Nova Scotia, this ____ day of _____, 2017

APPENDIX "A"

PROXY

To: Chairperson
And to: Port of Sydney Development Corporation (the "Company")
From: [Name and address of Member]

The undersigned, being a member of the Company, hereby appoints:

_____;

to be proxy of the undersigned (the "Proxy"). The Proxy shall have power of substitution, and may attend, act and vote for and on behalf of the undersigned at the _____ (the "Meeting") of the members of the Company to be held on _____, and at any adjournments thereof, with respect to all business and every poll that may take place at that Meeting, with the same powers that the undersigned would have if the undersigned were present at the Meeting, or any adjournment thereof.

Dated this ____ day of _____, _____

Signature of Member

Terms of Reference

Official Name

The Committee shall be known as the CBRM Viability Study Steering Committee.

Background

The Cape Breton Regional Municipality (CBRM) was amalgamated in 1995 by way of a special act of the legislature. At the time, the eight municipalities located in Cape Breton County (Louisbourg, Dominion, New Waterford, Glace Bay, Sydney, Sydney Mines, North Sydney and The Municipality of the County of Sydney) were merged into a single unit. Prior to amalgamation, several of the individual municipalities had struggled financially for several years. In addition, in the lead up to amalgamation, a number of the municipalities made the decision to invest heavily in infrastructure, which led to the new amalgamated CBRM inheriting a high level of debt.

Twenty-three years later, the CBRM is facing several real challenges and municipal representatives have been asking for a viability study in recent years. The Provincial Municipal Fiscal Review also included a recommendation (Recommendation 17) to conduct a joint viability review of the municipality. It is proposed that a performance audit and an evidence-based review of the strengths, weaknesses, and limitations of the CBRM's tax base and tax rate structure be conducted. In January 2018, the Department of Municipal Affairs provided \$224,000 for the purposes of rejoining the REN Program, and completing a viability study, among several other initiatives.

The CBRM is experiencing a population decline at a rate of roughly 1% per year – a trend that has been occurring for at least a generation. As well, compared the Provincial average, the residents of the CBRM have lower average household incomes, participate less in the workforce, and face a higher rate of unemployment. They are also facing significant infrastructure challenges, as they manage a municipality that was originally built to meet the needs of a larger population, and at the same time, must make significant investments in new wastewater collection and treatment infrastructure to meet environmental regulations by 2040. Furthermore, the Capped Assessment Program (CAP) is responsible for distortions of the CBRM's assessment base; shifting tax burdens, limiting the overall strength of the base, and tying growth largely to the Consumer Price Index.

According to common financial metrics used by the Province to assess the health of municipalities, the CBRM has above average assessment base growth and they appear to have limited tax effort.

Objectives and Deliverables

The objective of this work is to oversee the development of a comprehensive and authoritative shared body of information from which decisions can be made about how to improve the overall viability of the CBRM's circumstances in order to provide essential municipal services of reasonable quality at a reasonably comparable tax burden and effort.

The deliverable shall be a comprehensive report that:

- Describes the current state of the tax base, tax rate structure, tax burden and tax effort of the CBRM, at a service level, where possible.

- Describes, with context, the other sources of revenue the CBRM collects and has access to.
- Provides a value-for-money assessment of the CBRM's budget expenditures along departmental and project/functional lines.
- Explores of the degree to which the CBRM has consolidated and coordinated its operating, program and infrastructure expenditures, given its status as a regional municipality.
- Describes, with appropriate context, of how the CBRM is positioned relative to comparable municipalities, along measures of tax base, commercial vs residential assessment, tax burden and tax effort, budget expenditures, and infrastructure deficit. This work should consider the impact of the CAP.
- Provide recommendations for potential changes to the tax structure, budget items, budgeting approach, municipal programs, operations, or governance necessary to improve the viability of the CBRM over the medium to long term. These recommendations should be informed both by jurisdictional work, value-for-money audit results, and financial/demographic modeling and information. After considering the impact of any recommendations put forward, commentary should be provided on the specific challenges facing the municipality as well as the state of the finances and the overall viability of the CBRM as an organization. There should also be a specific focus on whether the CBRM has access to adequate revenue to provide a reasonable level of quality services at a reasonable tax burden and effort for its residents.

Members/Composition

The Committee shall consist of:

- 2 Provincial representatives from the Department of Municipal Affairs;
- 5 Councillors from the CBRM Council;
- 3 CBRM staff representatives; and
- At least 2 representatives from the public at large

Note: From time to time the Committee may invite subject experts and specialized resources to aid the committee in meeting its mandate. Persons other than Committee members may, with permission of the Committee, attend any meeting for the purpose of providing information, making a submission or providing feedback. Such persons may, with the permission of the Chair, speak on an issue but are not involved in the decision process.

Reporting Structure

A Project Steering Committee comprised of members of the Department of Municipal Affairs, the CBRM Council and staff, and members of the public, shall oversee the project. The Committee shall appoint a "Project Manager" as the primary liaison/contact with the successful proponent.

The successful proponent will assemble a "Project Team" for this assignment and appoint a "Project Lead" who will liaise with and report to the Steering Committee through its Project Manager and/or the Steering Committee, as appropriate.

Term of Membership

1. This is an ad hoc committee; once the work is completed the term of office expires.

2. The term of the work is anticipated to be complete by March 31, 2018.

Meetings

Every attempt will be made to schedule meetings at least 10 days in advance, meetings shall be as required.

A face-to-face meeting can be cancelled by the meeting Chair if:

- All issues on the agenda can be addressed by phone, fax, or e-mail consultations.
- The meeting is purely for information sharing with no consensus building or decision-making necessary and the same result can be achieved by sending e-mails to everyone.
- The majority, especially provincial and public representatives, are not available for the meeting.
- Bad weather or other unforeseen circumstances

Attendance

If committee members are unable to attend, they must notify the CBRM office.

A member of the Committee, who without leave of the Committee, is absent for three consecutive regular meetings of the Committee may be requested by the Committee to vacate his/her position.

Quorum

A Quorum shall be 50 percent of Committee members with 1 Provincial representative and 1 member of the Public.

Decision Making

The members of the Committee shall make every effort to come to consensus during the decision-making process. The Committee will use consensus decision making to facilitate better decisions through:

- including the input of all Committee members;
- including and respecting all parties, and generating as much agreement as possible;
- setting the stage for greater cooperation in implementing the resulting decisions;
- promoting atmosphere that fosters group cohesion and interpersonal connection.

When the Committee members cannot reach an agreement, the Committee may have a motion put forth which requires a vote to be taken. Provincial representative support will be required for a vote to pass.

2018 to 2020 Internal and External Committee – Council Appointments

INTERNAL COMMITTEES: *Council Appointments Approved by Council – November 5, 2018*

Police Commission

(3 Members + 4 Citizens)
Councillor Steve Gillespie
Councillor George MacDonald
Councillor Jim MacLeod
Citizen Paul C. MacDonald
Citizen Dale Deering-Bert
Citizen Lloyd Bailey
Citizen Joseph Gillis *Appointment Sept. 28, 2017****

Fire & Emergency Services Committee

(Deputy Mayor + 4 = 5 Members)
Deputy Mayor Ivan Doncaster
Councillor Eldon MacDonald
Councillor Amanda McDougall
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes

Pension Committee

(2 Members)
Councillor Clarence Prince
Councillor Jim MacLeod

Charter Ad Hoc Committee

(quorum 5 – open to all members of Council)
Councillor Kendra Coombes – Chair
Councillor Earlene MacMullin
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor Amanda McDougall – Vice- Chair

Viability Study Steering Committee

Councillor Earlene MacMullin
Councillor Eldon MacDonald
Councillor Ray Paruch
Councillor George MacDonald
Councillor Darren Bruckschwaiger
~~Citizen Nicole LaFosse~~
Citizen Carmen Dunn
Marie Walsh - CBRM
Jennifer Campbell - CBRM
John MacKinnon - CBRM
Ron Dauphinee – Municipal Affairs
Emily Pond – Municipal Affairs

Audit Committee

(Deputy Mayor + 4 = 5 Members)
Deputy Mayor Ivan Doncaster
Councillor Clarence Prince
Councillor Ray Paruch
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes
~~Citizen Qin (Jackie) Hou~~ *Appointed May 29, 2018**
Citizen Ian MacLean *Appointed May 29, 2018**

Heritage Advisory

(2 Members minimum + max. 7 citizens)
Councillor Clarence Prince
Councillor Eldon MacDonald
Citizen Vanessa Childs Rolls
~~Citizen Neal MacDonald~~ } *Appointed March*
Citizen Spyro Trifos } *29, 2017*
Citizen Thomas Ashford *Appointed May 29, 2018***

Diversity Committee: *Appointed May 29, 2018**

(12 voting members)
Citizen Hind Eloukkal – New Comer Community
Citizen Andrea Hawley – African Nova Scotia
Community
Citizen Keith Anderson - Mental Health
Community
Citizen Jennifer Jesty – First Nation Community
Citizen Ann McPhee – Women’s Group
Citizen Eli Quirk – Gay, Lesbian and
Transgendered Community
Citizen Shannon Long – Community Member
at Large
Citizen Stephanie McCormick - Community
Member at Large
Citizen Don Vickers – Community Member at
Large
Citizen Raymond Young – Disability Community
Citizen Victor Tomiczek Jr. - CBU
Vacant – Cape Breton-Victoria Regional
School Board

Continued...

External Committees: Approved by Council – November 5, 2018

Nova Scotia Solid Waste Resource Management Regional Chairs Committee

(1 Member)

Council Amanda McDougall

Pitu'paq*

(1 Member)

Councillor Esmond Marshall

Library Board

(3 Members + 2 Citizens)

Councillor Steve Gillespie

Councillor Amanda McDougall

Councillor Kendra Coombes

Neeta Kumar-Britten *Appointed Mar. 29, 2017**

Douglas MacLennan *Appointed May 29, 2018***

Port of Sydney Development Corporation Board of Directors

Business & Commerce

Owen Fitzgerald× *Appointed March 29, 2017*

Jerry Gillis× *Appointed March 29, 2017*

Al Pendergast *Appointed May 29, 2018*

Professional Engineering Designation

M. Lucia MacIsaac× *Appointed March 29, 2017*

Marketing Expertise:

Glen Murrant~ *Appointed June 26, 2018*

Professional Accounting Designation

John Anderson× *Appointed March 29, 2017*

Licensed to Practice Law in Nova Scotia:

John G. Khattar× *Appointed March 29, 2017*

~One (1) Year Term

*Two (2) Year Term

**Balance of a two (2) Year Term

***Provincial Appointment - Three Year Term

×Extension of one additional term by Council March 7, 2018



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Request for Road Closure – O’Toole Farm
Sydney Mines, Cape Breton Regional Municipality, NS
PID 15S08997

DATE: April 2nd, 2019

INTRODUCTION

The legal department has been contacted by Michael Tobin, solicitor for Brian O’Toole, regarding a request for closure of undeveloped streets located within his client’s property as shown on the attached Plan of Survey showing certain boundaries of lands formerly referred to as the O’Toole Farm (Parcel B) and land presently owned by CBRM(Parcel A). (Attachment A). The subject area is shaded in yellow for ease of reference.

BACKGROUND

In November of 2006, Council passed a motion directing the Legal Department to transfer property in Sydney Mines to the O’Toole family as shown outlined and crosshatched in blue on the attached map (PID 15S08997 - Attachment B). In exchange, the O’Toole’s were to transfer a parcel to CBRM for the land encompassing Legatto Street as well as a parcel previously owned by the former Town of North Sydney. The CBRM parcel is outlined and crosshatched in red. (Attachment B). I confirm the said deeds were registered at the Registry of Deeds.

The title search concluded the properties outlined on the attached plans did not have marketable title. Mr. Tobin made an application to the court under the *Quieting of Titles Act* in an attempt to resolve all outstanding title issues.

Mr. Tobin advised the application was heard and the court is prepared to issue a Certificate of Title for the said lands owned by his client and CBRM, subject to a formal street closing by the Municipality for the undeveloped road reserves depicted on the attached survey plan.

The road reserves subject to this Issue Paper were created by a registered plan prior to 1960. The former Town of North Sydney did not receive a deed for the road reserves. It appears that it was the intention at that time to create a subdivision in the area. However, the subdivision was never completed.

CBRM's Engineering and Public Works department have provided confirmation they have no issue with this request.

RECOMMENDATION

It is the legal department's recommendation to council

- To pass a motion directing staff to take all necessary steps pursuant to the Municipal Government Act to formally close the undeveloped road reserves as depicted on the attached plan of survey;
- To deem the subject lands surplus; and
- To transfer title to that portion of the undeveloped road reserves encompassing PID 15508997 to the present owner, Brian O'Toole.



Respectively Submitted by:

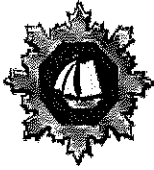
Original signed by

Sheila Kolanko
Property Manager



Legend

-  CBRM Property
-  OTOOLE (PID 15508997)



CBRM

A Community of Communities

Office of the Regional Solicitor

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Seaview Manor, Glace Bay

DATE: April 2, 2019

Further to the issue papers of December 9, 2016, and October 11, 2017 (copies of which are attached), we have been notified by the Chief Executive Officer of Seaview Manor, Eric Doucette, that the revised By-laws have not yet received the required approval of the Department of Municipal Affairs. Until such time that the Department approves the By-laws, authority still remains with the CBRM to appoint the Board of Directors.

Due to the delay in approval of the new By-laws, we must use the historical mechanism, and not the new By-laws, to appoint the new Board.

Accordingly, I ask that the attached resolution appointing a member to the Board of Directors at Seaview Manor be approved.

Thank you.

Sincerely,

Original Signed By

DEMETRI KACHAFANAS
Regional Solicitor

OK/lo
Attachments

RESOLUTION

CAPE BRETON REGIONAL MUNICIPALITY

WHEREAS Seaview Manor is a body corporate established pursuant to the provisions of the *Municipality Housing Corporation Act* (the "Act");

AND WHEREAS the current (1978) by-laws require the members of Seaview Manor be appointed by the Cape Breton Regional Municipality;

AND WHEREAS, the revised (2017) Seaview Manor bylaws, approved by the Cape Breton Regional Municipality Council on December 19th, 2016, remain with the Department of Municipal Affairs and Seaview Manor is awaiting for Departmental approval and then subsequent approval by the Department of Health and Wellness;

AND WHEREAS the following persons have expressed to Seaview Manor their willingness to participate as members of Seaview Manor;

BE IT RESOLVED THAT:

The following person be appointed as members of Board of Directors at Seaview Manor until such time as their successor or successors have been appointed;

Alison Etter, M. Div., B. Mus.
65 Ferris St.,
Sydney, Nova Scotia
B1N 2N1

DATED at Sydney, Nova Scotia, the ____ day of _____, 2019



CBRM

A Community of Communities

Office of the Regional Solicitor

ISSUE PAPER

TO: Mayor and Council
FROM: Demetri Kachafanas
Regional Solicitor
SUBJECT: Seaview Manor, Glace Bay
DATE: October 11, 2017

Further to the issue paper of December 9, 2016, and the Resolution of Council dated February 7, 2017 (copies of which are attached), please find enclosed a Resolution of Seaview Manor requesting that CBRM approve the revised Seaview Manor Corporation By-laws and send a letter to the Minister of Municipal Affairs recommending the approval of the revised By-laws.

Accordingly, I recommend a motion to the same.

Thank you.

Sincerely,

Original Signed By

DEMETRI KACHAFANAS
Regional Solicitor

DK/to
Attachments



Demetri Kachafanas
Regional Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Seaview Manor, Glace Bay

DATE: December 9, 2016

The legal department received correspondence from Frank Gills, Q.C., solicitor for Seaview Manor requesting that CBRM pass a motion approving the sale of property owned by Seaview Manor as well as approving the members of the Board, which were approved by Seaview Manor.

AS Council may be aware, in the past members of Council sat on various external Boards and Committees. In 2012, Council undertook a review of these boards and committees and decided to end formal Council participation on many Boards and Committees including the Board of Seaview Manor.

However, under legislation Seaview Manor remains a Municipal Housing Corporation. The Board requires that CBRM approve the members of the Board and approve and sale of property. Seaview Manor is now in the process of reviewing the structure for future appointments so that approval of the Municipality is not required.

I have attached the following for Council's review:

1. Letter from Frank Gillis dated February 22, 2016 requesting municipal approval for the sale of Seaview Manor owned property;
2. Letter from Frank Gillis dated June 7, 2016 requesting approval of Board members;
3. Resolution of the Board of Seaview Manor;
4. Draft Resolutions for consideration of Council.

Based on the foregoing, I recommend Council pass a motion authorizing the sale of the land and approving the Board's nominees for Directors.

Thank you.

Sincerely,

ORIGINAL SIGNED BY

Demetri Kachafanas
Regional Solicitor



MEMO TO: CLERK DEBORAH CAMPBELL-RYAN

FROM: Malcolm Gillis

SUBJECT: Appointment of new Heritage Officer

DATE: March 26th, 2019

CBRM has a Heritage Conservation District Plan and Bylaw for part of the North End neighbourhood of Sydney and 6S (and counting) heritage properties scattered throughout the Regional Municipality. The Provincial Heritage Property Act states that if a municipality chooses to do one or both of the above it should have a heritage officer. The Act states the heritage officer:

- shall be responsible for the administration of the Heritage Conservation District Plan and Bylaw;
- shall be responsible for processing all applications for certificates in compliance with it; and
- shall work with the municipality's heritage advisory committee.

The Act states that the heritage officer should be a person employed by the municipality and appointed by Motion of Council.

Until his retirement on March 29th Senior Planner Rick McCready was CBRM's heritage officer. With this memo I am asking that you place this matter on the agenda of the April 2nd meeting of Council. It will be my recommendation that Council appoint Senior Planner Karen Neville as the Cape Breton Regional Municipality's heritage officer.

Respectfully submitted by:

Original signed by:

Malcolm Gillis
Director of Planning
Cape Breton Regional Municipality



MEMO TO: CLERK

FROM: Malcolm Gillis

**SUBJECT: PROPOSED POLICY FOR FEE SCHEDULES AND
VENDING LICENCES IN RURAL CBRM**

DATE: March 28th, 2019

The Municipal Government Act gives municipalities the authority to adopt bylaws or policies to govern its regulatory and bureaucratic procedures. A bylaw is primarily a regulatory document dictating what is permitted, where it is permitted and the circumstances under which it is permitted with the end result being a permit, a licence or an approval. The adoption or amendment to Bylaws requires a Public Hearing. Policies are to be used to establish formal procedures. All it takes to adopt or amend a policy is a Motion of Council, with seven days advance notice to Council, (i.e. a much quicker legal and bureaucratic process).

It has always been our understanding that schedules (e.g. a fee schedule) and appendixes to Bylaws of municipalities could be amended by Motion of Council without the need for a formal Public Hearing process (i.e. 1st and 2nd reading of the Bylaw, public notification in a local newspaper plus a Public Hearing, with a second newspaper notice of final approval). In their response to the Motion of Council approving a new fee schedule for the Solid Waste Resource Management Bylaw, the Department of Municipal Affairs advised the CBRM Clerk that is not the case, as any amendments to By-laws require two readings, a public hearing and two ads. CBRM Legal Department agrees with Municipal Affairs. Therefore if a municipality wants to have the flexibility to make changes to fee schedules and approvals of licences without a Public Hearing, the correct interpretation of the *Municipal Government Act* is that we should adopt a policy for fee schedules and a policy for licencing.

My Department is responsible for processing applications for a variety of licences and permits (e.g. Building Permits, Development Permits, subdivision approvals, taxi licences, vendor's licences, vending machine licences etc.). With the knowledge of this recent ruling of the Province, during the May meeting of Council's General Committee we will be introducing a draft policy for fee schedules that will give us the flexible authority we always thought we had i.e. the legal ability to change fee schedules.

Vending in the CBRM is regulated by the Vendors Bylaw. In urban and suburban CBRM vendors are directed to commercial areas. Because there are no commercial areas in rural CBRM, applications for vending licences have been brought to Council for approval because there was a reluctance to allow vendors anywhere in rural CBRM. This recent ruling of the Province says we can't take that approach anymore unless we have a policy. This policy will be introduced to the May meeting of Council's General Committee. Because we are approaching the vending season, it is important that such a policy be in effect.

I am asking that you put this issue on the agenda of the April 2nd General Committee meeting for information purposes only to give Council a heads up about these important policy initiatives to be considered as promptly as the enabling legislation allows us.

Original signed by:

Malcolm Gillis
Director of Planning
Cape Breton Regional Municipality



Destination Cape Breton Association
 PO Box 1448 Sydney, NS, B1P 6R7
 Tel 902.563.4636 Fax 902.564.5422
 www.cbisland.com

Mayor and Council
 Cape Breton Regional Municipality
 City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

March 28, 2019

Re: Renaming of Provincial Trails

Dear Mayor and Council Members:

In recent years, Tourism Nova Scotia has moved away from using touring trails around the province and has replaced them with regions, with Cape Breton Island being one of the regions. Added to this is the fact that visitors today are motivated to visit particular geographic areas by experiences within those areas more so than a touring route.

However, there is still value in educating visitors to the Island on the experiences they can expect in the sub-regions of Cape Breton to assist them in their travel planning. To do so, we feel that sub-regions are still important.

Following some stakeholder consultations, the following table outlines the proposed sub-regions for the Island:

Previous Trail Name	Proposed Direction
The Cabot Trail	The Cabot Trail will remain as it is iconic and the #1 motivator of visitation to the province
The Bras d'Or Lake Scenic Drive	The Bras d'Or Lake
The Ceilidh Trail	To be replaced by the tourism branding developed by Inverness County, "Canada's Musical Coast"
The Fleur-de-Lis Trail	To be divided into two regions: <ul style="list-style-type: none"> • Louisbourg & Area (encompassing Louisbourg, Main-a-Dieu, Gabarus, Fourchu, and the Mira area) • Cape Breton's Southern Coast (encompassing the Atlantic coastal area of Richmond County)
The Marconi Trail/Metro Cape Breton	To be determined

Over the next few weeks, we will be consulting with tourism industry stakeholders in the Marconi Trail / Metro Cape Breton sub-region to obtain their feedback on the appropriate direction. I would be happy to provide an update when I present to Council on May 7th and we welcome the input of the Mayor and Council.

Please note that regardless of the sub-region name, the driver of visitation to the sub-region will be experiences. As part of our strategy, we will be working with partners to develop new experiences and to create more content (video, photography, blogs, etc.) for each sub-region. For example, content could be developed to promote "The 5 Must-do Experiences in Glace Bay", "10 Things to Do while Waiting for the Marine Atlantic Ferry", or "The Best Beaches within an Hour of Sydney".

Please contact me should you have any questions.

Best regards,

Original Signed By

Terry Smith
Chief Executive Officer



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form		
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)	<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion
Date of Council Meeting: April, 2nd 2019		
Subject: Medical First Responder Calls		
<p>Motion for Council to Consider: To request an issue paper to review the attached previous carried motions and issue paper of the Protective Services Committee from 1998/1999 and compile any new information need to recommend an appropriate process for council to consider for adoption on a go forward basis.</p> <p>Reason: It has been brought to my attention that Emergency Health Services Department medical first responders (MFR's) work and responsibilities is currently being performed by various fire departments in the CBRM, contrary to previous motions and processes established by the previous Protective Services Committee of Council.</p> <p>Outcome Sought: 1.To acquire clarity/legal opinion from Solicitor Kachafanas on the current practice being provided considering the previous motions? Provide direction if this current practice should continue if a new issue paper is pending? If so who would be held legally liable for any wrong doing should something happen, individual firefighters involved in providing the services, individual fire stations answering the calls, or the Fire and Emergency Services Department of the CBRM.</p>		
<i>Councillor Eldon MacDonald</i>	<i>District 5</i>	
<i>Date: March 26th</i>	<i>Received by Clerk's Department (date): March 26, 2019</i>	

b) The Provision of Medical First Responder Service by the CBRM Fire Service:

MOTION:

Moved by Councillor MacArthur, seconded by Councillor Kavanaugh, to approve the recommendation that any of the CBRM Fire Departments wishing at this time to enter into the provision of Medical First Responder Services be incorporated under the Societies Act in a separate and new incorporation outside of the Fire Service Incorporation.

That this newly incorporated body is

1. Fully trained and recognized by the governing provincial body to provide and assist in the provision of Emergency pre hospital care.
2. Fully insured for the provision of Emergency medical Services as first responders.

That a schedule of fees be introduced and adopted for the provision of this service.

- a) \$100.00 per vehicle rolling;
- b) A minimum of 2 personnel per vehicle at provincial base rate of salary
- c) Each call out guarantees a minimum of two hours per person
- d) A base rate of \$5.00 per Kilometer to and from the incident
- e) Replacement of all equipment and material used or damaged

Amendment:

Moved by Councillor Kavanaugh, seconded by Councillor Green, that the above stated **Motion** recognizes the intent of the previous **Motion** of September 1998 which in part states "in the absence of Provincial funding to overall direct and indirect costs pertaining to EMS, the CBRM will neither become directly involved with the provision of this **Provincial Service** *nor* will the CBRM encourage volunteer fire departments in the CBRM to become involved in the provision of EMS

The Chair called for the vote on the Amendment. **Amendment carried**
The Chair called for the vote on the main motion as Amended. **Motion carried.**

ISSUE PAPER

TO: CBRMFCA

DATE September 17, 1998

Issue: **The Provision of Medical First Responder Service by the CBRM Fire Service**

Background:

The Province is in the midst of rolling out a Medical First Responder program in which Fire Department is deemed to play a vital role. The Protective Services Committee by motion, have stated in part "in the absence of provincial funding to overall direct and indirect costs pertaining to EMS, the CBRM will neither become directly involved with the provision of this provincial service nor will the CBRM encourage volunteer fire departments in the CBRM to become involved in the provision of EMS".

Currently Florence Fire Station is providing a First Responder service. This service was established in the community prior to amalgamation. To provide this service, Florence Fire have attained private liability insurance and attained an appropriate level of First Responder Skills. Florence originally separated their constitution, under their fire incorporation to cover both Fire and Medical. They are now seeking a separate incorporation for medical services under the Societies Act to further protect fire department interests.

From the model set forth by the Florence Fire Department it is clear that their experience shows that certain issues have to be addressed to commence the process.

1. There has to be a willingness in the Fire Department to provide the service;
2. Skill levels must be increased to meet the First Responder need;
3. Liability insurance is a definite requirement;
4. The medical service organization requires, in addition to provincial guidelines, rules of governance within their department a separate constitution and by-laws.
5. The Medical or First Responder service should be incorporated as a separate entity to provide a degree of

8

protection to the Fire Service personnel who are not part of the delivery of medical services.

The aforementioned can provide a good entry point for the provision of EMS under an incorporated body outside of the Fire Service incorporation. This allows for fire departments to function as fire departments and allow for the additional service of Medical First Responder. The issue of liability plays a big role. At this time providing first responder service under the incorporation of the Fire Service does not protect those members who do not want to play a role in the provision of a medical service. It is, therefore, clear that members should have a choice in the matter of the provision of medical services. By incorporating the provision of Medical Services outside of the Fire Department incorporation this would redirect the liability issue to the medical service incorporation. This process provides a short-term fix in dealing with the issues of liability, which are, in some cases, causing division within departments. The Province may have a permanent solution, however, this solution has not been forthcoming.

The next issue, which is unresolved with respect to the departments wishing to become involved, is that of financing. This issue should cover training, vehicle maintenance, liability, with these items forming part of a fee schedule.

An example of a fee schedule would be as follows:

1. \$100.00 per vehicle rolling;
2. A minimum of 2 personnel per vehicle at provincial base rate of salary. Each callout guarantees a minimum of two hours per person.
3. A base rate of \$5.00 per Kilometer to and from the incident.
4. Replacement of all equipment and material used or damaged.

A resolution to the issues of liability and financial responsibility must be found and to this end I would offer the following recommendation for debate and motion.

Recommendation:

That any of the CBRM Fire Departments wishing at this time to enter into the provision of Medical First Responder Services be incorporated under the Societies Act in a separate and new incorporation outside of the Fire Service Incorporation.

That this newly incorporated body is:

1. fully trained and recognized by the governing provincial body to provide and assist in the provision of Emergency pre-hospital care.
2. fully insured for the provision of Emergency Medical Services as First Responders.

That a schedule of fees be introduced and adopted for the provision of this service.

- (a) \$100.00 per-vehicle rolling;
- (b) A minimum of 2 personnel per vehicle at provincial base rate of salary. Each call out guarantees a minimum of two hours per person.
- (c) A base rate of \$5.00 per Kilometer to and from the incident.
- (d) Replacement of all equipment and material used or damaged

Presented by:

J. Neary



City Hall
320 Esplanade
Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form	
<p><input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)</p>	<p><input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)</p>
<p><input type="checkbox"/> Request from the Floor: (New Business)</p> <ul style="list-style-type: none"> - Announcement - Referral - Submit Petition - Notice of Motion 	
<p>Date of Council Meeting: April 2, 2019</p>	
<p>Subject: Northside Dog Park</p>	
<p>Motion for Council to Consider:</p> <p><i>Staff draft an issue paper on possible site options for a dog park within the boundaries of North Division</i></p>	
<p>Reason:</p> <p>Dog parks are a way to let dogs run free without penalty to pet owners or damage to private property. For municipalities like ours, with by-laws requiring dogs to be leashed, an off-leash area encourages compliance by providing a legal alternative. Well-exercised dogs are better neighbours who are less likely to create a nuisance, bark excessively and destroy property. the use of off-leash parks offers not only a social avenue, but also a safer way for those with mobility problems who find it very difficult to walk, much less exercise a dog on lead. Although CBRM currently does have dog parks within the municipality they are quite a distance away for those residing in North Division and as a result we ask that potential sites within this area be identified and brought forward for formal consideration.</p>	
<p>Outcome Sought:</p> <p>CBRM provide North Division with a public use dog park for use of residents throughout the Municipality</p>	
<p><i>Councillor</i> Earlene MacMullin & Clarence Prince</p>	<p><i>District</i> 2 & 1</p>
<p><i>Date:</i> March 19, 2019</p>	<p><i>Received by Clerk's Department (date):</i></p>



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form	
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)
<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion	
Date of Council Meeting: April 2nd, 2019	
Subject: Request from the Town of Shelburne regarding HST	
Motion for Council to Consider: <i>A letter be sent on behalf of Council to the Town of Shelburne supporting their request to the Nova Scotia Provincial Government that 0.75% of the HST be distributed to municipal units, noting HST makes up roughly 18% percent of the total tax revenue that the Province of Nova Scotia receives.</i>	
Reason: The Town of Shelburne has requested the support of the CBRM via letter attached.	
Outcome Sought: A discussion regarding municipal units receiving HST money and a letter of support to the Town of Shelburne if Council is agreeable.	
Councillor Kendra Coombes	District 11
Date: March 25 th 2019	Received by Clerk's Department (date):



P.O. Box 670
168 Water Street
Shelburne, N.S.
B0T 1W0

Phone: (902) 875-2991
Fax: (902) 875-3932

cao@town.shelburne.ns.ca
www.town.shelburne.ns.ca

February 26th, 2019

Municipal Units of Nova Scotia,

Dear Municipal Units of Nova Scotia,

The Town of Shelburne would like to propose that a portion of the Provincial HST goes back to municipal units who own and are responsible for two thirds of public infrastructure. As we all know, property taxes alone can't keep up with our growing local needs. There is mounting evidence that the main risk to financial viability of our communities is both the cost of infrastructure to provide services and service levels that don't reflect fiscal capacity. Asset Management studies have demonstrated that our infrastructure is in need of maintenance and repairs that already exceed our budgets, let alone expanding infrastructure to help our communities grow. As municipal units, we are often faced with new responsibilities that are forced upon us by the provincial government.

In Shelburne, we have a former federal government wharf that requires major repairs to maintain; we are being told to contribute to doctor retention programs, fund libraries, fund education, pay for policing, and so many more additional expenses that were not part of our responsibility in the past. These new additional costs, ones that we have no choice but to accept, make it even more difficult to plan future projects and stick to our budgets. By distributing a small portion, we are asking for 0.75% of the HST to municipal units, this will result in municipal units receiving a portion of the taxes collected from both tourists and residents who use our infrastructure without having to resort to imposing large increases in property taxes to cover our basic needs.

HST makes up roughly 18% of the total tax revenue. We are asking for 0.75% of that 18%. The Nova Scotia Provincial Government is balancing their budgets while many municipalities are struggling to maintain basic standards. The Town of Shelburne is asking other municipal units to collectively lobby for a small share of this HST and asking you to write to us showing support. This item could then be forwarded to the NSFM.

Please send all letters of support to: clerk@town.shelburne.ns.ca or by mail.

Sincerely,

Original Signed By

Karen Mattatall
Mayor, Town of Shelburne

Revenue	Year To Date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 98,955,348	\$ 98,827,293	\$ 128,056	\$ 107,811,592	\$ 8,856,244
Total Federal Government	2,841,667	2,841,667	(0)	3,100,000	258,333
Total Federal Government Agencies	690,780	690,780	0	753,578	62,798
Total Provincial Government	1,905,064	1,905,070	(5)	2,078,252	173,188
Total Provincial Government Agencies	2,800,665	2,802,509	(1,844)	3,057,283	256,618
Total Services to Other Local Government	558,516	558,086	430	608,821	50,305
Total Transit	923,821	712,708	211,113	792,500	(131,321)
Total Environmental Development Services	216,796	225,500	(8,704)	246,000	29,204
Total Licenses & Permits	157,776	137,958	19,817	150,500	(7,276)
Total Fines & Fees	535,062	525,114	9,947	572,852	37,790
Total Rentals	482,378	461,661	20,717	503,630	21,252
Total Concessions & Franchises	310,750	334,583	(23,834)	365,000	54,250
Total Interest on Taxes	1,215,588	1,479,503	(263,915)	1,614,003	398,415
Total Finance Revenue	24,355	27,500	(3,145)	30,000	5,645
Total Solid Waste Revenue	1,989,112	2,133,333	(144,221)	2,300,000	310,888
Total Recreation & Cultural Service Programs	1,540,636	1,805,383	(264,747)	2,065,000	524,364
Total Water Utility Charges	4,538,884	4,538,884	(0)	4,951,510	412,626
Total Unconditional Transfers	14,634,885	14,538,592	96,293	15,860,282	1,225,397
Total Conditional Transfers	-	-	-	-	-
Year To Date Assigned	134,322,082	134,546,124	(224,042)	146,860,803	12,538,721

Expenditures	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,244,552	\$ 1,334,401	\$ 89,849	\$ 1,455,969	\$ 211,417
Administration	635,898	645,984	10,086	1,083,980	448,082
Finance	2,520,480	2,545,120	24,640	2,860,330	339,850
Legal	565,060	572,282	7,223	676,601	111,541
Human Resources	1,047,726	1,216,561	168,835	1,374,144	326,418
Technology & Communications	978,807	1,001,873	23,066	1,301,881	323,074
Municipal Clerk	355,020	367,373	12,353	536,755	181,735
Fiscal Services	30,046,617	30,177,252	130,635	31,894,505	1,847,888
Police Services	23,778,757	24,174,637	395,880	26,994,915	3,216,158
Fire Services (Incl EMO)	16,161,009	16,537,476	376,466	18,201,998	2,040,989
Engineering & Public Works	41,386,779	41,395,402	8,623	45,577,828	4,191,049
Planning	2,219,212	2,277,206	57,993	2,656,806	437,594
Facilities C200 & Arenas	3,534,008	3,152,856	(381,152)	3,398,410	(135,598)
Parks & Grounds	2,583,189	2,572,231	(10,958)	2,832,660	249,471
Buildings	3,043,584	2,954,996	(88,588)	3,374,564	330,980
Recreation	2,398,288	2,414,643	16,355	2,639,461	241,173
Total expended to date	\$ 132,498,987	\$ 133,340,294	\$ 841,308	\$ 146,860,807	\$ 14,361,820

Reviewed

Departmental

Legislative	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 836,950	\$ 849,718	\$ 12,769	\$ 940,114	\$ 103,164
6010 BENEFITS	95,115	136,738	41,624	151,285	56,170
6030 TRAVEL/CONFERENCES	146,048	177,507	31,459	188,238	42,190
6040 PROF MEM/DUES & FEES	63,962	59,251	(4,711)	59,251	(4,711)
6050 OFFICE SUPPLIES	19,169	18,400	(769)	18,400	(769)
6060 OFFICE EQUIPMENT	2,187	5,000	2,813	5,000	2,813
6080 ADVERTISING	10,058	12,806	2,748	14,500	4,442
6100 COURIER	169	229	60	250	81
6110 TELEPHONE/FAX	21,391	23,519	2,128	25,549	4,158
6120 PUBL./SUBSCRIPTIONS	1,622	1,682	60	1,782	160
6130 COMPUTER HARDWARE	5,589	6,467	878	6,600	1,011
6150 MEETING EXPENSES	17,216	21,083	3,868	23,000	5,784
6170 PROMOTION	25,077	22,000	(3,077)	22,000	(3,077)
Total expended to date	\$ 1,244,552	\$ 1,334,401	\$ 89,849	\$ 1,455,969	\$ 211,417

Departmental

Financa

Administration	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 320,506	\$ 323,205	\$ 2,698	\$ 357,588	\$ 37,082
6010 BENEFITS	49,586	51,646	2,060	63,779	14,193
6020 TRAINING/EDUCATION	1,095	2,675	1,580	4,800	3,705
6030 TRAVEL/CONFERENCES	22,718	24,390	1,672	36,500	13,782
6040 PROF MEM/DUES & FEES	2,723	2,600	(123)	2,600	(123)
6050 OFFICE SUPPLIES	531	2,722	2,190	2,800	2,269
6080 ADVERTISING	587	-	(587)	-	(587)
6110 TELEPHONE/FAX	3,743	3,667	(76)	4,000	257
8120 PUBL./SUBSCRIPTIONS	671	475	(196)	475	(196)
6130 COMPUTER HARDWARE	-	917	917	1,000	1,000
6150 MEETING EXPENSES	3,978	2,920	(1,058)	2,920	(1,058)
6170 PROMOTION	12,924	13,733	810	15,000	2,076
8100 PROFESSIONAL SERVICES	43,698	43,698	-	125,000	81,302
8150 GRANTS/SUBS TO ORG	173,139	173,337	198	467,518	294,379
Total expended to date	\$ 635,898	\$ 645,984	\$ 10,086	\$ 1,083,980	\$ 448,082

 Departmental

 Finance

Financa	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,694,045	\$ 1,739,336	\$ 45,291	\$ 1,924,372	\$ 230,327
6010 BENEFITS	340,191	339,237	(953)	367,498	27,307
6020 TRAINING/EDUCATION	6,591	9,362	2,770	18,940	12,349
6030 TRAVEL/CONFERENCES	10,043	23,632	13,588	25,780	15,737
6040 PROF MEM/DUES & FEES	3,724	5,110	1,387	5,575	1,851
6050 OFFICE SUPPLIES	13,370	13,292	(78)	14,500	1,130
6060 OFFICE EQUIPMENT	14,155	14,500	345	14,500	345
6080 ADVERTISING	32,547	39,096	6,549	42,650	10,103
6090 POSTAGE	148,825	147,767	(1,058)	161,200	12,376
6100 COURIER	28,574	24,475	(4,099)	26,700	(1,874)
6110 TELEPHONE/FAX	14,616	14,593	(22)	15,920	1,304
6130 COMPUTER HARDWARE	2,740	6,117	3,377	15,400	12,660
6140 COMPUTER SOFTWARE	-	-	-	47,000	47,000
6160 LIABILITY INSURANCE	225,863	306,763	80,900	334,650	108,787
6180 COST RECOVERY	(248,984)	(295,304)	(46,321)	(322,150)	(73,166)
8010 OPERATIONAL MAT/SUPP	1,450	4,125	2,675	4,500	3,050
8100 PROFESSIONAL SERVICE	46,658	50,417	3,759	55,000	8,342
8110 CONTRACTS/AGREEMENTS	35,977	51,274	15,297	55,935	19,958
8120 LEASES	11,627	11,330	(297)	12,360	733
8180 TAX EXEMPT/WRITE OFF	138,469	40,000	(98,469)	40,000	(98,469)
Total expended to date	\$ 2,520,480	\$ 2,545,120	\$ 24,640	\$ 2,860,330	\$ 339,850

Departmental

Financa

Legal

Statement of Expenditures

February 28, 2019

Legal	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 350,238	\$ 353,636	\$ 3,398	\$ 383,096	\$ 32,858
6010 BENEFITS	69,732	71,914	2,182	77,905	8,173
6020 TRAINING/EDUCATION	7,094	6,500	(594)	6,500	(594)
6030 TRAVEL/CONFERENCES	8,665	8,500	(165)	8,500	(165)
6040 PROF MEM/DUES & FEES	12,808	13,100	292	13,100	292
6050 OFFICE SUPPLIES	1,705	3,208	1,503	3,500	1,795
6060 OFFICE EQUIPMENT	90	200	110	4,200	4,110
6070 PHOTOCOPIER LEASE	3,450	2,842	(608)	3,100	(350)
6080 ADVERTISING	845	917	72	1,000	155
6100 COURIER	518	800	282	800	282
6110 TELEPHONE/FAX	3,444	4,033	590	4,400	956
6120 PUBL./STATUTES	12,368	10,000	(2,368)	10,000	(2,368)
6130 COMPUTER HARDWARE	3,176	3,000	(176)	3,000	(176)
6140 COMPUTER SOFTWARE	-	-	-	2,500	2,500
6150 MEETING EXPENSE	-	458	458	500	500
8100 PROFESSIONAL SERVICE	90,928	93,174	2,246	154,500	63,572
Total expended to date	\$ 565,060	\$ 572,282	\$ 7,223	\$ 676,601	\$ 111,541

Departmental

Finance

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Human Resources					
6000 WAGES/SALARIES	\$ 667,310	\$ 785,698	\$ 118,388	\$ 851,152	\$ 183,842
6010 BENEFITS	179,507	197,974	18,467	181,967	2,460
6020 TRAINING/EDUCATION	4,558	6,029	1,471	9,850	5,292
6030 TRAVEL/CONFERENCES	9,538	12,440	2,902	27,000	17,462
6040 PROF MEM/DUES & FEES	327	758	432	2,300	1,973
6050 OFFICE SUPPLIES	9,385	16,500	7,135	18,000	8,635
6060 OFFICE EQUIPMENT	1,850	2,500	650	2,500	650
6080 ADVERTISING	3,473	3,817	345	4,000	527
6110 TELEPHONE/FAX	8,025	12,260	4,235	13,375	5,350
6120 PUBL./SUBSCRIPTIONS	804	3,833	3,029	4,000	3,196
6130 COMPUTER HARDWARE	1,678	2,000	322	6,000	4,322
6140 COMPUTER HARDWARE	-	-	-	500	500
8150 MEETING EXPENSE	5,640	4,500	(1,140)	4,500	(1,140)
8100 PROFESSIONAL SERVICE	148,346	156,792	8,446	236,500	88,154
8110 CONTRACTS/AGREEMENTS	7,305	11,458	4,153	12,500	5,195
Total expended to date	\$ 1,047,726	\$ 1,216,581	\$ 168,835	\$ 1,374,144	\$ 326,418

Departmental

Finance

Technology/
Communications

Statement of Expenditures

February 28, 2019

Technology/Communications	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 510,210	\$ 499,892	\$ (10,318)	\$ 541,536	\$ 31,326
6010 BENEFITS	106,026	102,524	(3,502)	111,065	5,039
6020 TRAINING/EDUCATION	6,839	8,400	1,561	12,000	5,161
6030 TRAVEL/CONFERENCES	18,971	19,333	363	20,000	1,029
6040 PROF MEM/DUES & FEES	654	917	263	1,000	346
6050 OFFICE SUPPLIES	1,038	2,750	1,712	3,000	1,962
6060 OFFICE EQUIPMENT	1,604	2,200	596	3,000	1,396
6080 ADVERTISING	-	458	458	500	500
6100 COURIER	-	275	275	300	300
6110 TELEPHONE/FAX	42,111	55,000	12,889	60,000	17,889
6120 PUBL./SUBSCRIPTIONS	-	-	-	1,000	1,000
6130 COMPUTER HARDWARE	108,605	123,667	15,062	130,000	21,395
6140 COMPUTER SOFTWARE	148,909	150,417	1,508	175,000	26,091
6150 MEETING EXPENSE	700	500	(200)	500	(200)
8110 CONTRACTS/AGREEMENTS	33,141	35,540	2,399	40,000	6,859
8120 LEASES SAP	-	-	-	102,000	102,000
8130 LICENSES/PERMITS	-	-	-	100,980	100,980
Total expended to date	\$ 978,807	\$ 1,001,873	\$ 23,066	\$ 1,301,881	\$ 323,074

Departmental

Finance

Municipal Clerk	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 243,004	\$ 243,925	\$ 920	\$ 269,874	\$ 26,870
6010 BENEFITS	52,328	52,507	179	56,881	4,553
6020 TRAINING/EDUCATION	4,613	5,067	454	5,500	887
6030 TRAVEL/CONFERENCES	5,197	6,032	835	6,500	1,303
6040 PROF MEM/DUES & FEES	654	917	263	1,000	346
6050 OFFICE SUPPLIES	2,121	4,308	2,188	4,700	2,579
6060 OFFICE EQUIPMENT	1,863	2,500	637	10,000	8,137
6070 PHOTOCOPY SUPPLIES	18,239	22,000	3,761	24,000	5,761
6080 ADVERTISING	-	-	-	750	750
6100 COURIER	-	-	-	750	750
6110 TELEPHONE/FAX	2,214	3,208	994	3,500	1,286
6120 PUBL./SUBSCRIPTIONS	1,411	1,800	389	1,800	389
6130 COMPUTER HARDWARE	1,735	1,735	-	6,000	4,265
6140 COMPUTER SOFTWARE	10,091	11,000	909	12,000	1,909
6150 MEETING EXPENSES	11,550	12,375	825	13,500	1,950
8110 CONTRACTS/AGREEMENTS	-	-	-	120,000	120,000
Total expended to date	\$ 355,020	\$ 367,373	\$ 12,353	\$ 536,755	\$ 181,735

Departmental

Finance

Fiscal Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
9010 INT SHRT TERM BORROW	\$ 211,119	\$ 320,833	\$ 109,714	\$ 350,000	\$ 138,881
9020 INT ON DEBT	1,396,121	1,396,121	-	1,396,121	(0)
9051 PRINC ON DEBT	9,891,341	9,891,341	-	9,891,341	-
9052 DEBT/CAP BOND DISC	89,833	89,833	-	98,000	8,167
9090 BANK CHARGES	70,763	87,083	16,320	95,000	24,237
9200 ALLOWANCE FOR UNCOL. TAXES	641,667	641,667	-	700,000	58,333
9420 APPROP TO CAPITAL FUND	82,500	82,500	-	90,000	7,500
9430 APPROP TO B.I.D.C.	88,957	88,957	-	97,043	8,086
9600 PROV. CORRECTIONS	993,013	1,004,012	10,999	1,095,286	102,273
9610 CB REG. HOUSING	1,712,927	1,686,409	(26,518)	1,839,719	126,792
9620 REGIONAL LIBRARY	604,910	614,167	9,257	670,000	65,090
9630 CB/VIC. SCHOOL BOARD	12,997,805	13,015,002	17,197	14,198,184	1,200,379
9640 PROPERTY ASSESSMENT	1,265,660	1,259,327	(6,333)	1,373,811	108,151
Total expended to date	\$ 30,046,617	\$ 30,177,252	\$ 130,635	\$ 31,894,505	\$ 1,847,888

Departmental

Finance

Police Services

Statement of Expenditures

February 28, 2019

Police Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 6000, 6010 , & 6011 WAGES & BENEFITS NET OF COST RECOVERY	\$ 20,414,707	\$ 20,607,421	\$ 192,714	\$ 23,152,686	\$ 2,737,979
6020 TRAINING/EDUCATION	162,382	133,232	(29,150)	142,927	(19,455)
6030 TRAVEL/CONFERENCES	53,186	96,250	43,064	105,000	51,814
6040 PROF MEM/DUES & FEES	2,919	4,583	1,665	5,000	2,081
6050 OFFICE SUPPLIES	40,873	44,225	3,352	48,000	7,127
6060 OFFICE EQUIPMENT	48,053	50,417	2,363	55,000	6,947
6070 PHOTOCOPY SUPPLIES	16,695	16,500	(195)	18,000	1,305
6080 ADVERTISING	3,945	4,583	638	5,000	1,055
6090 POSTAGE & 6100 COURIER	10,028	7,000	(3,028)	7,000	(3,028)
6110 TELEPHONE/FAX	253,317	252,083	(1,234)	275,000	21,683
6120 PUBL./SUBSCRIPTIONS	8,015	4,000	(4,015)	4,000	(4,015)
6130 COMPUTER HARDWARE	149,954	132,000	(17,954)	132,000	(17,954)
6140 COMPUTER SOFTWARE	213,559	220,000	6,441	240,000	26,441
6150 MEETING EXPENSES	10,859	15,583	4,724	17,000	6,141
6160 LIABILITY INSURANCE	4,599	4,583	(15)	5,000	402
6170 PROMOTION	13,455	11,000	(2,455)	11,000	(2,455)
7000 HEAT	48,235	47,000	(1,235)	47,000	(1,235)
7010 ELECTRICAL	92,050	105,417	13,367	115,000	22,950
7020 WATER	8,083	8,000	(83)	8,000	(83)
7030 BLDG/FACILITY MAINT	66,396	77,095	10,699	83,000	16,604
7040 BLDG/FACILITY REPAIR	5,200	13,750	8,550	15,000	9,800
7050 BLDG/FACILITY INSURANCE	19,305	16,120	(3,185)	17,028	(2,277)
7060 BLDG/FACILITY RENOV	-	18,333	18,333	20,000	20,000
7070 BLDG/FACILITY RENTAL	51,174	58,667	7,493	64,000	12,826
7110 SECURITY	1,426	3,392	1,966	3,700	2,274
7505 GASOLINE & DIESEL	349,394	343,750	(5,644)	375,000	25,606
7510 VEH/EQUIP REPAIRS	320,908	263,741	(57,167)	287,717	(33,191)
7520 VEH/EQUIP INSURANCE	39,501	51,357	11,856	56,026	16,525
7530 VEH/EQUIP REPLACEMENT	534,773	934,773	-	580,000	45,227
7540 VEH/EQUIP RENTAL	1,178	1,833	656	2,000	822
7550 VEH/EQUIP TOWING	125	4,583	4,458	5,000	4,875
7560 VEH/EQUIP GEN SUPPLY	3,174	9,167	5,993	10,000	6,826
8000 OPERATIONAL EQUIP	118,628	175,285	56,657	191,220	72,592
8010 OPERATIONAL MAT/SUPP	102,151	171,575	69,425	181,373	79,222
8020 MAINTENANCE EQUIP	7,247	3,362	(3,886)	3,570	(3,677)
8030 MAINTENANCE MAT/SUPP	-	3,667	3,667	4,000	4,000
8040 COMM EQUIPMENT LINES	2,087	6,875	4,788	7,500	5,413
8090 UNIFORMS/CLOTHING	141,355	148,500	7,145	162,000	20,645
8100 PROFESSIONAL SERVICE	105,430	86,996	(18,433)	95,000	(10,430)
8110 CONTRACTS/AGREEMENTS	106,181	126,534	20,353	137,000	30,819
8125 MAJOR INVESTIGATIONS	75,673	118,404	42,731	129,168	53,495
8130 LICENSES/PERMITS	2,540	3,000	460	3,000	460
8150 GRANTS/SUBS TO ORG	170,000	170,000	-	170,000	-
Total expended to date	\$ 23,778,757	\$ 24,174,637	\$ 395,880	\$ 26,994,915	\$ 3,216,158

Departmental

Finance

Police Services

Statement of Revenue

February 28, 2019

Police Services Revenue	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
4751 RECORDS INQUIRIES	\$ 97,607	\$ 13,574	\$ 84,033	\$ 14,808	\$ (82,799)
5151 FINES	254,596	328,682	(74,086)	358,562	103,966
Total Revenue to date	\$ 352,203	\$ 342,256	\$ 9,947	\$ 373,370	\$ 21,167

Departmental

Finance

Fire Services

Statement of Expenditures

February 28, 2019

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Fire Services Including EMC					
6000 WAGES/SALARIES	\$ 5,171,279	\$ 5,196,738	\$ 25,459	\$ 5,749,582	\$ 578,303
6010 BENEFITS	982,307	987,380	5,073	1,118,299	135,992
6011 MISC. BENEFITS	126,081	132,294	6,213	132,351	6,270
6020 TRAINING/EDUCATION	176,149	190,281	14,132	207,200	31,051
6030 TRAVEL/CONFERENCES	43,723	52,567	8,844	55,900	12,177
6040 PRQF MEM/DUES & FEES	8,155	10,930	2,775	11,732	3,577
6050 OFFICE SUPPLIES	9,255	11,092	1,836	12,100	2,845
6060 OFFICE EQUIPMENT	4,299	11,871	7,572	12,950	8,651
6070 PHOTOCOPY SUPPLIES	-	458	458	500	500
6080 ADVERTISING	8,515	5,350	(3,165)	5,350	(3,165)
6100 COURIER	275	413	138	451	176
6110 TELEPHONE/FAX	31,818	41,249	9,431	44,999	13,181
6120 PUBL./SUBSCRIPTIONS	724	2,475	1,751	2,700	1,976
6130 COMPUTER HARDWARE	2,738	2,738	-	11,507	8,769
6140 COMPUTER SOFTWARE	-	-	-	16,006	16,006
6150 MEETING EXPENSES	2,524	4,037	1,513	4,404	1,880
6170 PROMOTION	19,933	19,933	-	39,000	19,067
7000 HEAT	80,258	93,822	13,564	102,351	22,093
7010 ELECTRICAL	59,837	57,338	(2,499)	64,536	4,699
7020 WATER	27,265	24,523	(2,742)	24,523	(2,742)
7030 BLDG/FACILITY MAINT	41,069	58,418	17,349	63,729	22,660
7040 BLDG/FACILITY REPAIR	22,562	96,773	74,211	225,571	203,009
7050 BLDG/FACILITY INS	12,848	7,532	(5,316)	8,217	(4,631)
7060 BLDG/FACILITY RENOV	5,464	9,167	3,703	10,000	4,536
7080 PLANT MAINTENANCE	-	367	367	400	400
7500 VEH/EQUIP MAINT.	178,105	170,000	(8,105)	170,000	(8,105)
7505 GASOLINE/DIESEL	52,613	72,837	20,224	79,459	26,846
7510 VEH/EQUIP REPAIRS	242	3,667	3,424	4,000	3,758
7520 VEH/EQUIP INSURANCE	50,974	66,966	15,992	84,848	33,874
7530 VEH/EQUIP REPLACEMENT	21,710	21,710	-	85,000	63,290
7540 VEH/EQUIP RENTAL	1,201	204	(997)	204	(997)
7550 VEH/EQUIP TOWING	540	1,833	1,294	2,000	1,460
7560 VEH/EQUIP GEN SUPPLY	9,151	14,667	5,515	16,000	6,849
8000 OPERATIONAL EQUIP	269,123	329,083	59,961	359,000	89,877
8010 OPERATIONAL MAT/SUPP	45,458	42,131	(3,327)	45,870	412
8020 MAINTENANCE EQUIP	28,931	48,216	19,284	52,599	23,668
8040 COMM EQUIPMENT LINES	6,687	36,667	29,980	40,000	33,313
8090 UNIFORMS/CLOTHING	55,372	92,081	36,708	100,452	45,080
8100 PROFESSIONAL SERVICE	16,595	17,726	1,132	19,338	2,743
8110 CONTRACTS/AGREEMENTS	83,253	214,885	131,632	234,420	151,167
8120 LEASES	242,139	125,041	(117,098)	125,041	(117,098)
8130 LICENSES/PERMITS	17,155	17,335	180	17,335	180
8150 GRANTS/SUBS TO ORG	1,707,912	1,707,912	-	1,711,051	3,139
8195 WATER SUPPLY & HYDR	6,536,770	6,536,770	-	7,131,023	594,253
Total expended to date	\$ 16,161,009	\$ 16,537,476	\$ 376,466	\$ 18,201,998	\$ 2,040,989

Departmental

Finance

Fire Services

Statement of Revenue

February 28, 2019

Fire Services Revenue	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
4776 PROV NS FIRE PROTECTION GRANT	\$ 147,377	\$ 146,947	\$ 430	\$ 160,306	\$ 12,929
4776 MEMBERTOU MUNICIPAL SERVICES AGRMNT	411,139	411,139	(0)	448,515	37,376
Total Revenue to date	\$ 558,516	\$ 558,086	\$ 430	\$ 608,821	\$ 50,305

Departmental

Finance

**Engineering and Public Works Actuals to February 28, 2019
(Period 11)**

REVENUE	Actual & Committed Y-T-D Feb 28, 2019	Budget Y-T-D Feb 28, 2019	Variance Y-T-D Feb 28, 2019	Total Annual Budget	Annual Budget Remaining	% of Annual Budget
TRANSIT	\$923,821	\$712,708	\$211,112	\$792,500	\$131,321	116.57%
SOLIDWASTE TIP FEES	\$1,776,446	\$1,833,333	-\$56,887	\$2,000,000	-\$223,554	88.82%
SOLIDWASTE COST RECOVERIES	\$212,666	\$300,000	-\$87,334	\$300,000	-\$87,334	70.89%
SEWER PERMIT FEES	\$105,041	\$91,667	\$13,375	\$100,000	\$5,041	105.04%
WATER UTILITY ADMIN FEE	\$4,538,884	\$4,538,884	\$0	\$4,951,510	-\$412,626	91.67%
TOTAL PW REVENUES	\$7,556,858	\$7,476,593	\$80,266	\$8,144,010	-\$587,152	92.79%

EXPENDITURES

ADMINISTRATION	\$3,807,189	\$3,988,696	\$181,507	\$4,342,402	\$535,213	87.67%
ENGINEERING	\$655,164	\$687,466	\$32,301	\$743,283	\$88,119	88.14%
CENTRAL DIVISION	\$6,198,424	\$6,307,559	\$109,135	\$7,116,467	\$918,043	87.10%
EAST DIVISION	\$5,858,120	\$5,978,345	\$120,225	\$6,495,118	\$636,998	90.19%
NORTH DIVISION	\$2,754,961	\$2,929,818	\$174,857	\$3,183,761	\$428,800	86.53%
SOLID WASTE	\$11,700,484	\$11,599,738	-\$100,746	\$12,658,643	\$958,159	92.43%
MECHANICAL FLEET	\$4,168,622	\$3,737,869	-\$430,753	\$4,180,336	\$11,714	99.72%
TRANSIT	\$3,639,269	\$3,624,283	-\$14,986	\$3,941,501	\$302,232	92.33%
QUALITY CONTROL	\$2,604,545	\$2,541,629	-\$62,916	\$2,916,317	\$311,772	89.31%
TOTAL PW EXPENDITURES	\$41,386,779	\$41,395,402	\$8,623	\$46,577,828	\$4,191,049	90.80%

Signature: _____

ORIGINAL SIGNED BY

Director of Engineering & Public Works

ORIGINAL SIGNED BY

Chief Financial Officer

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Planning / ByLaw / Fire Inspection					
6000 WAGES/SALARIES	\$ 1,174,364	\$ 1,220,069	\$ 45,706	\$ 1,349,864	\$ 175,500
6010 BENEFITS	248,635	253,468	4,833	280,542	31,907
6020 TRAINING/EDUCATION	22,023	14,000	(8,023)	14,000	(8,023)
6030 TRAVEL/CONFERENCES	53,439	33,000	(20,439)	33,000	(20,439)
6040 PROF MEM/DUES & FEES	5,493	6,917	1,424	7,500	2,007
6050 OFFICE SUPPLIES	12,674	17,875	5,201	19,500	6,826
6060 OFFICE EQUIPMENT	7,298	9,625	2,327	12,500	5,202
6080 ADVERTISING	18,107	19,833	1,726	26,500	8,393
6100 COURIER	150	-	(150)	-	(150)
6110 TELEPHONE/FAX	13,307	18,042	4,735	19,500	6,193
6120 PUBL./SUBSCRIPTIONS	445	1,192	747	1,300	855
6130 COMPUTER HARDWARE	4,967	4,887	(80)	10,500	5,533
6140 COMPUTER SOFTWARE	8,615	4,651	(3,965)	6,500	(2,115)
6150 MEETING EXPENSE	2,058	2,933	875	3,200	1,142
6170 PROMOTION	27,221	27,500	279	30,000	2,779
7130 DEMOLITIONS	7,618	7,618	-	120,000	112,382
8000 OPERATIONAL EQUIPMENT	23,444	30,500	7,056	33,000	9,556
8010 OPERATIONAL MAT/SUPP	1,594	3,667	2,073	4,000	2,406
8090 UNIFORMS / CLOTHING	6,706	8,000	1,294	8,500	1,794
8100 PROFESSIONAL SERVICE	37,931	50,000	12,069	53,000	15,069
8110 CONTRACTS/AGREEMENTS	354,200	354,200	(0)	421,400	67,200
8130 LICENSES/PERMITS	66,645	66,645	-	74,500	7,855
8135 REGULATORY FEES	38,361	39,667	1,306	43,000	4,639
8150 GRANTS /SUBS TO ORG	83,917	82,917	(1,000)	85,000	1,083
Total expended to date	\$ 2,219,212	\$ 2,277,206	\$ 57,993	\$ 2,656,806	\$ 437,594

Departmental

Finance

	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
Bylaw Revenue					
5112 Vendor Licenses	\$ 11,800	\$ 12,833	\$ (1,033)	\$ 14,000	\$ 2,200
5113 Animal Licenses	7,170	10,083	(2,913)	11,000	3,830
5114 Taxi Licenses	20,835	16,500	4,335	18,000	(2,835)
5115 Vending Machine Licenses	12,930	6,875	6,055	7,500	(5,430)
5301 Parking Meter Revenue	310,750	334,583	(23,834)	365,000	54,250
Total Bylaw Revenue	\$ 363,484	\$ 380,875	\$ (17,391)	\$ 415,500	\$ 52,016
Development / Planning Revenue					
5496 Mapping Sales	\$ 253	\$ 1,833	\$ (1,580)	\$ 2,000	\$ 1,747
5495 Other Sales	2,824	3,667	(843)	4,000	1,176
5101 Building Permits	170,819	183,333	(12,514)	200,000	29,181
5102 Subdivision Fees	42,900	36,667	6,233	40,000	(2,900)
Total Develop / Planning Rev	\$ 216,796	\$ 225,500	\$ (8,704)	\$ 246,000	\$ 29,204
Total Bylaw / Dev / Planning Revenue	\$ 580,280	\$ 606,375	\$ (26,095)	\$ 661,500	\$ 81,220

Departmental

Finance

**Facilities (C200, Statement of Expenditures
County / Centennial Arenas)**

February 28, 2019

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,395,038	\$ 1,242,099	\$ (152,939)	\$ 1,347,213	\$ (47,825)
6010 BENEFITS	241,860	222,858	(19,203)	241,497	(363)
6020 TRAINING	6,655	6,000	(655)	6,000	(655)
6030 TRAVEL/CONFERENCES	14,575	8,000	(6,575)	8,000	(6,575)
6040 PROF MEM/DUES & FEES	1,401	1,458	57	1,500	99
6050 OFFICE SUPPLIES	6,992	5,500	(1,492)	5,500	(1,492)
6060 OFFICE EQUIPMENT	3,495	2,000	(1,495)	2,000	(1,495)
6080 ADVERTISING	6,312	5,000	(1,312)	5,000	(1,312)
6100 COURIER	1,418	1,000	(418)	1,000	(418)
6110 TELEPHONE/FAX	17,938	18,792	853	20,500	2,562
6130 COMPUTER HARDWARE	2,870	2,500	(370)	2,500	(370)
6140 COMPUTER SOFTWARE	2,660	2,500	(160)	2,500	(160)
6150 MEETING EXPENSES	1,434	1,000	(434)	1,000	(434)
6160 LIABILITY INSURANCE	11,473	25,667	14,194	28,000	16,527
7000 HEAT	76,195	48,000	(28,195)	48,000	(28,195)
7010 ELECTRICAL	490,046	458,333	(31,713)	500,000	9,954
7020 WATER	41,165	35,000	(6,165)	35,000	(6,165)
7030 BLDG/FACILITY MAINT	96,845	85,000	(11,845)	85,000	(11,845)
7040 BLDG/FACILITY REPAIR	74,657	65,000	(9,657)	65,000	(9,657)
7050 BLDG/FACILITY INS	31,884	19,892	(11,992)	21,700	(10,184)
7060 BLDG/FACILITY RENOV	1,504	-	(1,504)	-	(1,504)
7080 PLANT MAINTENANCE	41,797	63,417	21,620	71,000	29,203
7110 SECURITY	91,381	65,000	(26,381)	65,000	(26,381)
7500 VEH/EQUIP MAINT	7,029	-	(7,029)	-	(7,029)
7510 VEH/EQUIP REPAIRS	7,653	11,458	3,806	12,500	4,847
7520 VEH/EQUIP INSURANCE	1,903	1,833	(70)	2,000	97
7540 VEH/EQUIP RENTAL	8,896	2,500	(6,396)	2,500	(6,396)
8000 OPERATIONAL EQUIPMENT	19,611	5,000	(14,611)	5,000	(14,611)
8010 OPERATIONAL MAT/SUPP	120,455	120,167	(288)	130,000	9,545
8040 COMM EQUIPMENT LINES	576	-	(576)	-	(576)
8050 COST OF SALES	648,050	563,750	(84,300)	615,000	(33,050)
8090 UNIFORMS/CLOTHING	13,328	8,500	(4,828)	8,500	(4,828)
8100 PROFESSIONAL SERVICE	9,955	10,000	45	10,000	45
8110 CONTRACTS/AGREEMENTS	36,958	45,833	8,875	50,000	13,042
Total expended to date	\$ 3,534,008	\$ 3,152,856	\$ (381,152)	\$ 3,398,410	\$ (135,598)

Departmental

Finance

**Facilities (C200,
County /
Centennial Arenas)**

Statement of Revenue

February 28, 2019

	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 5001 Ice Rentals	\$ 419,875	\$ 711,429	\$ (291,554)	\$ 830,000	\$ 410,125
GL 5002 Public Skating	11,212	-	11,212	-	(11,212)
GL 5004 Arena Rental	6,443	119,167	(112,723)	130,000	123,557
GL 5005 Gym Rental	13,283	-	13,283	-	(13,283)
GL 5006 Canteen Sales	380,262	732,857	(352,596)	855,000	474,739
GL 5009 Major Events	87,868	125,000	(37,132)	125,000	37,132
GL 5010 Other Revenue	405,186	77,764	327,422	85,000	(320,186)
GL 5033 Program Equipment	33,241	-	33,241	-	(33,241)
GL 5034 Facility Rentals	143,103	-	143,103	-	(143,103)
GL 4808 Advertising Revenue	9,650	13,750	(4,100)	15,000	5,350
Total Revenue To Date	\$ 1,510,122	\$ 1,779,967	\$ (269,844)	\$ 2,040,000	\$ 529,878

Departmental

Finance

**Parks and Grounds
Operations**

Statement of Expenditures

February 28, 2019

Parks & Grounds	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,398,545	\$ 1,371,202	\$ (27,342)	\$ 1,517,075	\$ 118,530
6010 BENEFITS	294,909	290,071	(4,837)	334,819	39,910
6011 MISC BENEFITS	360	2,567	2,207	2,800	2,440
6020 TRAINING/EDUCATION	2,915	8,400	5,485	10,000	7,085
6030 TRAVEL/CONFERENCES	9,267	11,458	2,192	12,500	3,233
6040 PROF MEM/DUES & FEES	-	180	180	200	200
6050 OFFICE SUPPLIES	1,289	1,833	544	2,000	711
6060 OFFICE EQUIPMENT	-	450	450	500	500
6080 ADVERTISING	-	300	300	300	300
6110 TELEPHONE/FAX	7,280	5,750	(1,530)	5,750	(1,530)
6130 COMPUTER HARDWARE	-	229	229	250	250
7000 HEAT	7,715	3,866	(3,849)	3,866	(3,849)
7010 ELECTRICAL	68,976	71,174	2,197	82,500	13,524
7020 WATER	42,269	22,600	(19,669)	22,600	(19,669)
7030 BLDG/FACILITY MAINT	3,048	5,000	1,952	5,000	1,952
7040 BLDG/VACILITY REPAIR	4,307	-	(4,307)	-	(4,307)
7060 BLDG/FACILITY RENOV	400	-	(400)	-	(400)
7080 PLANT MAINTENANCE	3,629	-	(3,629)	-	(3,629)
7110 SECURITY	7,580	7,100	(480)	7,100	(480)
7500 VEH/EQUIP MAINT.	143	-	(143)	-	(143)
7510 VEH/EQUIP REPAIRS	89	1,238	1,148	1,350	1,261
7530 VEH/EQUIP REPLACEMENT	-	-	-	25,000	25,000
7540 VEH/EQUIP RENTAL	3,315	13,750	10,435	15,000	11,685
8000 OPERATIONAL EQUIP	20,121	25,208	5,087	27,500	7,379
8010 OPERATIONAL MAT/SUPP	398,493	362,000	(36,493)	362,000	(36,493)
8020 MAINTENANCE EQUIP	35,776	32,000	(3,776)	32,000	(3,776)
8040 COMM EQUIP LINES (GPS)	10,830	-	(10,830)	-	(10,830)
8080 STREET LIGHTS	3,121	-	(3,121)	-	(3,121)
8090 UNIFORMS/CLOTHING	13,449	12,200	(1,249)	12,200	(1,249)
8100 PROFESSIONAL SERV	-	321	321	350	350
8110 CONTRACTS & AGRMNT	245,363	323,333	77,970	350,000	104,637
Total expended to date	2,583,189	\$ 2,572,231	\$ (10,956)	\$ 2,832,660	\$ 249,471

Departmental

Finance

Buildings	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
6000 WAGES/SALARIES	\$ 1,252,480	\$ 1,205,913	\$ (46,567)	\$ 1,334,202	\$ 81,722
6010 BENEFITS	237,767	229,264	(8,503)	297,112	59,345
6011 MISC BENEFITS	30	-	(30)	-	(30)
6020 TRAINING/EDUCATION	7,366	8,810	1,444	10,000	2,634
6030 TRAVEL/CONFERENCES	507	2,203	1,696	2,500	1,993
6040 PROF MEM/DUES & FEES	61	88	27	100	39
6050 OFFICE SUPPLIES	2,044	1,958	(86)	2,000	(44)
6060 OFFICE EQUIPMENT	3,234	3,303	69	3,700	466
6080 ADVERTISING	-	-	-	-	-
6110 TELEPHONE/FAX	7,457	7,460	3	8,150	693
6130 COMPUTER HARDWARE	3,356	3,524	168	4,000	644
6140 COMPUTER SOFTWARE	11,780	8,000	(3,780)	8,000	(3,780)
6150 MEETING EXPENSE	348	-	(348)	-	(348)
7000 HEAT	96,374	92,683	(3,691)	105,000	8,626
7010 ELECTRICAL	418,818	419,167	349	462,500	43,682
7020 WATER	24,641	22,921	(1,720)	23,550	(1,091)
7030 BLDG/FACILITY MAINT	3,844	29,514	25,670	33,500	29,656
7040 BLDG/VACILITY REPAIR	4,449	-	(4,449)	-	(4,449)
7050 BLDG/FACILITY INS	237,809	146,667	(91,142)	160,000	(77,809)
7060 BLDG/FACILITY RENOV	169,936	173,216	3,280	271,400	101,464
7070 BLDG/FACILITY RENTAL	4,015	3,700	(315)	4,200	185
7080 PLANT MAINTENANCE	-	16,299	16,299	18,500	18,500
7100 MAINT. TOOLS/EQUIP	31,536	3,500	(28,036)	3,500	(28,036)
7110 SECURITY	96,553	109,725	13,172	119,700	23,147
7540 VEH/EQUIP RENTAL	-	3,667	3,667	4,000	4,000
7570 VEH/EQUIP TOOLS	-	413	413	450	450
8000 OPERATIONAL EQUIP	3,550	8,084	4,534	9,000	5,450
8010 OPERATIONAL MAT/SUPP	114,907	100,000	(14,907)	100,000	(14,907)
8020 MAINTENANCE EQUIP	-	3,524	3,524	4,000	4,000
8040 COMM EQUIP LINES (GPS)	4,282	-	(4,282)	-	(4,282)
8090 UNIFORMS/CLOTHING	14,600	4,846	(9,755)	5,500	(9,100)
8100 PROFESSIONAL SERVICE	73,184	62,383	(10,801)	70,000	(3,184)
8110 CONTRACTS/AGREEMENTS	163,657	229,167	65,510	250,000	86,343
8150 GRANTS/SUBS TO ORG	55,000	55,000	-	60,000	5,000
Total expended to date	\$ 3,043,584	\$ 2,954,996	\$ (88,588)	\$ 3,374,564	\$ 330,980

Departmental

Financa

Recreation Cultural Services

Statement of Expenditures

February 28, 2019

Recreation/Cultural Services	Year to date Expended	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
GL 6000, 6010, & 6011 Wages & Benefits Including Summer Students	\$ 1,100,245	\$ 1,080,323	\$ (19,922)	\$ 1,158,084	\$ 57,839
6020 TRAINING/EDUCATION	8,932	9,129	196	16,000	7,068
6030 TRAVEL/CONFERENCES	16,688	18,083	1,395	35,000	18,312
6040 PROF MEM/DUES & FEES	1,208	1,500	292	3,500	2,292
6050 OFFICE SUPPLIES	1,883	7,490	5,607	8,000	6,117
6060 OFFICE EQUIPMENT	2,228	8,000	5,772	8,000	5,772
6080 ADVERTISING	47,089	54,305	7,215	70,000	22,911
6110 TELEPHONE/FAX	8,589	10,083	1,494	11,000	2,411
6120 PUBL./SUBSCRIPTIONS	1.34	188	187	200	199
6130 COMPUTER HARDWARE	7,027	7,000	(27)	7,000	(27)
6160 LIABILITY INSURANCE	11,297	9,167	(2,130)	10,000	(1,297)
7070 BLDG/FACILITY RENTAL	36,032	42,167	6,135	46,000	9,968
8000 OPERATIONAL MAT/SUPPLY	137,211	138,417	1,205	175,000	37,789
8025 COMMUNITY EVENTS	264,736	271,730	6,994	334,615	69,879
8150 SCHOLORSHIPS	20,000	20,000	-	20,000	-
8160 SPECIAL EVENTS & FESTIVALS	331,110	356,562	25,452	356,562	25,452
8170 OPERATING GRANTS POLICY	404,011	380,500	(23,511)	380,500	(23,511)
Total expended to date	\$ 2,398,288	\$ 2,414,643	\$ 16,355	\$ 2,639,461	\$ 241,173

Departmental

Finance

Recreation /
Cultural Services

Statement of Revenue

February 28, 2019

Recreation/Cultural Services	Year to date Assigned	11 Month Budget	11 Month Budget Variance	Annual Budget	Annual Budget Remaining
5031 PROGRAM REVENUE	\$ 30,000	\$ 30,000	\$ -	\$ 30,000	\$ -
5034 FACILITY RENTALS	10,164	9,167	997	10,000	(164)
5526 STUDENT FUNDING	-	-	-	-	-
Total Revenue To Date	\$ 40,164	\$ 39,167	\$ 997	\$ 40,000	\$ (164)

Departmental

Finance

Cape Breton Regional Municipality Water Utility
Statement of Operations - period ending February, 2019

	Actual February 28, 2019	Budget February 28, 2019	Variance February 28, 2019	Total Annual Budget 2018-2019
Revenue				
Operating:				
Metered Sales	16,726,523	16,989,014	(262,491)	18,533,470
Public Fire Protection	6,536,770	6,536,771	(1)	7,131,023
Interest on Overdue Accounts	419,835	312,999	106,837	341,453
Other Operating Revenue	4,035	64,167	(60,132)	70,000
	<u>23,687,163</u>	<u>23,902,951</u>	<u>(215,787)</u>	<u>26,075,946</u>
Total Operating Revenue				
Expenditures				
Operating Expenses				
Source of Supply	332,051	482,625	150,574	526,500
Power and Pumping	1,413,312	1,896,592	483,280	2,069,009
Water Treatment	3,679,972	3,363,927	(316,045)	3,669,738
Transmission & Distribution	4,345,179	4,269,656	(75,523)	4,657,806
Administration & General	2,519,295	2,743,454	224,159	2,992,859
Depreciation	3,676,090	3,676,090	-	4,010,280
Taxes	1,808,931	2,111,009	302,078	2,302,919
	<u>17,774,831</u>	<u>18,543,353</u>	<u>768,522</u>	<u>20,229,111</u>
Total Operating Expenses				
Operating Profit/(Loss)	<u>5,912,333</u>	<u>5,359,598</u>	<u>552,735</u>	<u>5,846,835</u>

Cape Breton Regional Municipality Water Utility
Statement of Operations - period ending February, 2019

	Actual February 28, 2019	Budget February 28, 2019	Variance February 28, 2019	Total Annual Budget 2018-2019
Non Operating Revenue				
Debt Charge Income	-	-	-	-
Interest Income	-	-	-	-
Amorization of Deferred Capital contribution	130,328	64,167	66,161	70,000
Total Non Operating Revenue	130,328	64,167	66,161	70,000
Non Operating Expenses				
Short term interest charges	125,662	125,670	8	137,094
Debt Charges				
Principal	3,279,190	3,267,458	(11,732)	3,564,500
Interest	1,520,387	1,359,638	(160,750)	1,483,241
Amortization of Debt Discount	29,337	29,333	(4)	32,000
Capital Expenditures out of operations	137,500	137,500	-	150,000
Total Non Operating Expenses	5,092,077	4,919,599	(172,478)	5,366,835
Non- Operating Profit/(Loss)	(4,961,749)	(4,855,432)	(106,317)	(5,296,835)
TOTAL UTILITY REVENUES (OPERATING & NON-OPERATING)	23,817,491	23,967,118	(149,626)	26,145,946
TOTAL UTILITY EXPENSES (OPERATING & NON-OPERATING)	22,866,907	23,462,952	596,045	25,595,946
CBRIM WATER UTILITY PROFIT/(LOSS)	950,584	504,166	446,418	550,000

Prepared by Amanda Carroll
Review by _____
Date _____

Port of Sydney Development Corporation
Income Statement for 11 Month Period Ended February 28, 2019

	This Year Actual	This Year Budget	Variance to Budget	Annual Budget
Wharfage & Berthage	536,587.71	443,796.58	92,791.13	475,529.08
Event Revenue	93,885.20	56,400.00	37,485.20	57,450.00
Miscellaneous Revenue	18,615.92	5,250.00	13,365.92	5,500.00
Storage & Rental	283,502.76	251,090.72	32,412.04	258,817.72
Passenger tax	1,036,816.00	936,880.00	99,936.00	936,880.00
Security/Traffic Control	194,494.37	156,965.51	37,528.86	160,212.21
Transport Canada Marketing Rev.	24,672.11	35,000.00	(10,327.89)	35,000.00
Craft Market Revenue	83,108.71	83,780.00	(671.29)	83,780.00
	<u>2,271,682.78</u>	<u>1,969,162.81</u>	<u>302,519.97</u>	<u>2,013,169.01</u>
Wages & Salaries	692,152.48	786,870.10	(94,717.62)	846,816.13
Professional Fees	67,310.58	74,000.00	(6,689.42)	78,500.00
Advertising & Promotions	81,028.65	53,980.00	27,048.65	54,680.00
Cruise Activities	49,261.81	47,705.00	1,556.81	54,105.00
Dues & Membership Fees	45,779.77	44,911.00	868.77	45,591.00
Event Expense	11,162.67	14,085.00	(2,922.33)	14,085.00
Insurance	73,677.08	52,811.00	20,866.08	67,311.00
Interest & Bank Charges	10,452.53	5,720.00	4,732.53	6,220.00
Office & Admin	44,859.97	67,633.00	(22,773.03)	72,165.00
Miscellaneous	2,797.87	7,000.00	(4,202.13)	7,500.00
Repairs & Maintenance	217,660.21	197,993.00	19,667.21	212,398.00
Repairs - JHCP	183,376.49	100,000.00	83,376.49	100,000.00
Travel	13,821.73	33,036.66	(19,214.93)	40,040.00
Utilities	184,429.73	185,639.00	(1,209.27)	200,464.00
Bad Debts	2,612.82	500.00	2,112.82	500.00
Security Expense	186,258.35	165,812.71	20,445.64	168,988.33
Business Development Transport Can	24,334.02	0.00	24,334.02	0.00
Leasehold Improvements	53,629.00	10,000.00	43,629.00	10,000.00
	<u>1,944,605.76</u>	<u>1,847,696.47</u>	<u>96,909.29</u>	<u>1,979,363.46</u>
	327,077.02	121,466.34	205,610.68	33,805.55
ACOA Marina Proceeds	150,446.00	0.00	150,446.00	0.00
Less Amortization	(269,874.00)	(269,874.00)	0.00	(294,405.00)
Net Income (Loss)	<u>207,649.02</u>	<u>(148,407.66)</u>	<u>356,056.68</u>	<u>(260,599.45)</u>

