

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, SEPTEMBER 17TH, 2019

6:00 P.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, September 17th, 2019
6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. **APPROVAL OF MINUTES** (previously distributed)
 - Special Council Minutes - March 5, 2019
 - Viability Study Steering Committee – August 13, 2019

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

3. **PROCLAMATIONS & RESOLUTIONS:**
 - 3.1 **Wrongful Conviction Day 2019:**
Councillor George MacDonald (See page 8)

 - 3.2 **Fire Prevention Week 2019:**
Councillor Darren Bruckschwaiger (See page 9)

 - 3.3 **British Home Child Day:**
Councillor Amanda McDougall (See page 10)

 - 3.4 **Cadet Day:**
Councillor Earlene MacMullin (See page 11)

 - 3.5 **Medic Monday:**
Councillor Jim MacLeod (See page 12)

 - 3.6 **Right to Know Week:**
Councillor Eldon MacDonald (See page 13)

Continued...

**Council Meeting Agenda
September 17th, 2019 (Cont'd)**

PROCLAMATIONS & RESOLUTIONS (Cont'd):

3.7 **International Day of the Girl:**
Councillor Kendra Coombes (See page 14)

3.8 **The Relocation of MacKinnon Field**
Councillor Kendra Coombes (See page 15)

4. **PRESENTATION:**

4.1 **Downtown Sydney Regeneration Project:** Mr. Robert Pajot, Project Lead; and Mr. Jim Mountain, Associate - National Trust for Canada (See page 16)

5. **PLANNING ISSUES:**

5.1 **Request for Public Participation Program:**

a) **Request from New Dawn Enterprises to Amend the North End Sydney Secondary Municipal Planning Strategy and Secondary Land Use By-law:** Michael Ruus, Director of Planning and Development; and Karen Neville, Senior Planner (See page 35)

5.2 **Report on Public Participation Program:** Michael Ruus, Director of Planning and Development

a) **Eric Beddow – 19 Tobin Road, North Sydney:**

Committee recommends to Council that:

- The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
- CBRM staff notify Mr. Beddow of its intent to enforce the Land Use Bylaw; and
- CBRM staff proceed with enforcement of the Land Use Bylaw. (See page 39)

b) **Martin Lacroix – 740 Alder Point Road, Alder Point:**

Committee recommends to Council that:

- The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
- CBRM staff notify Mr. Lacroix of its intent to enforce the Land Use Bylaw; and
- CBRM staff proceed with enforcement of the Land Use Bylaw. (See page 43)

Continued...

**Council Meeting Agenda
September 17th, 2019 (Cont'd)**

6. BUSINESS ARISING:

6.1 Viability Steering Committee – August 13, 2019:

- a) **Viability Study – Next Steps: CBRM Implementation Roadmap:** Mayor Cecil P. Clarke (See page 47)

6.2 General Committee – September 3, 2019

- a) **Federal Land Divestiture – Memorandum of Understanding (MOU):**

Committee recommends Council approve the Memorandum of Understanding (MOU) with Public Works and Government Services Canada as presented, and that the Mayor and Clerk be authorized to sign the MOU on behalf of CBRM. Wayne MacDonald, Director of Engineering & Public Works; and Bill Murphy, Director of Recreation, Parks, Grounds, Buildings & Facilities (See page 50)

6.3 Fire & Emergency Services Committee – September 11, 2019:

- a) **Medical First Responder Service by CBRM Fire & Emergency Services:**

Committee recommends that a recommendation be made to Council to support the decision of any CBRM Volunteer Fire Department to offer the Medical First Responder (MFR) program, and further, to take steps to have MFR offered by the Career Fire Service immediately.

It was **agreed** that as part of the motion, staff be directed to reach out to the Volunteer Fire Departments to determine the number of Departments that are interested in participating in the MFR program, estimate the associated costs and forecast it out as a multi-year budgetary item. Gilbert MacIntyre, Deputy Fire Chief (See page 78)

Continued...

**Council Meeting Agenda
September 17th, 2019 (Cont'd)**

7. BY-LAWS & MOTIONS:

7.1 By-laws:

a) Second / Final Reading - Public Hearing:

- i) Vendors Bylaw Amendments – Vending in Rural Areas:
Kristen Knudskov, Planner (See page 86)**

b) First Reading: N/A

7.2 Motions: N/A

8. CORPORATE SERVICES ISSUES:

- 8.1 Request from Atlantic Memorial Park Society- PID 15506934, 15178908, 15649296 and 15180136 Pitt Street, Lamonds Street, Cable Street, Tutty Street and Amber Drive Sydney Mines: Demetri Kachafanas, Regional Solicitor (See page 92)**

- 8.2 Request to Establish Boundary Line Between CBRM and Glace Bay Central Credit Union Limited- Main Street, Glace Bay: Sheila Kolanko, Senior Paralegal/Property Manager (See page 125)**

- 8.3 Request to Purchase – John MacKinnon et als Portion of PID 15154958 – Victoria Rd., Sydney: Sheila Kolanko, Senior Paralegal/Property Manager (See page 130)**

- 8.4 Request for Easement PID 15178909 – 19 Amber Drive, Sydney Mines Command Post Restoration - Chapel Point: Sheila Kolanko, Senior Paralegal/Property Manager (See page 133)**

9. COUNCILLOR AGENDA REQUEST:

- 9.1 Request for Issue Paper re Signage on Poles in consideration for Not-for-Profit organizations and Wayfinding: Councillor Darren Bruckschwaiger (See page 137)**

Continued...

**Council Meeting Agenda
September 17th, 2019 (Cont'd)**

10. FINANCIAL STATEMENTS: Jennifer Campbell, Chief Financial Officer

10.1 CBRM to July 31, 2019: (See page **138**.)

For Information Only.

10.2 Port of Sydney Development Corporation to July 31, 2019: (See page **140**.)

For Information Only.

ADJOURNMENT

Proclamation

“Wrongful Conviction Day – CBRM”

Whereas: The purpose of Wrongful Conviction Day is to spread awareness about wrongful convictions and the effects that these convictions have on individuals, their families, and the society at large;

And Whereas: Through Wrongful Conviction Day, Innocence Canada aims to decrease the amount of wrongful convictions in Canada by encouraging the justice system to address issues that contribute to wrongful convictions;

And Whereas: Innocence Canada is a not-for-profit organization founded in 1993 and have been responsible for exonerating 21 wrongly convicted individuals and amongst those exonerated are David Milgaard, Romeo Phillion; Steven Truscott and Guy Paul Morin;

And Whereas: There is an undetermined number of individuals imprisoned for crimes they did not commit and nobody is exempt from the possibility of being wrongfully convicted;

Be It Therefore Resolved: That Mayor Cecil P. Clarke & CBRM Council proclaim October 2nd, 2019 as “Wrongful Conviction Day”.

Councillor George MacDonald – District #9 - CBRM

September 17th, 2019

Proclamation

“Fire Prevention Week”

-
- Whereas:** The Cape Breton Regional Municipality is committed to ensuring the safety and security of all those living in and visiting our municipality;
- And Whereas:** Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire;
- And Whereas:** Roughly 3,000 people die as a result of home fires and burns, more than 200,000 individuals are seen in North America’s emergency rooms for burn injuries;
- And Whereas:** Thermal burns outnumber scalds nearly two-to-one but for children ages five and under, scalds outnumber burns roughly two-to-one;
- And Whereas:** Cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths;
- And Whereas:** The Firefighters of the international Association of Firefighters (I.A.F.F.) Local 2779, the Volunteer Firefighters and first responders of the Cape Breton Regional Fire and Emergency Service, are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education;
- And Whereas:** CBRM residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes;
- And Whereas:** Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire;
- And Whereas:** The 2019 Fire Prevention Week theme, **“Not every hero wears a cape, *PLAN* and *PRACTICE* your *ESCAPE*”** effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire prevention Week and year –round;
- Therefore Be It Resolved:** That Mayor Cecil P. Clarke and Council proclaim October 6th to 12th, 2019 as Fire Prevention Week throughout the Cape Breton Regional Municipality, and to urge all the people of the CBRM to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2019, and to support the many public safety activities and efforts of the Cape Breton Regional Fire and Emergency services and its members.

Councillor Darren Bruckschwaiger, District 10 - CBRM

September 17, 2019

Proclamation

British Home Child Day

Whereas: From 1869 up to 1948, over 100,000 children of all ages were emigrated right across Canada, from the United Kingdom, to be used as indentured farm workers and domestics. Believed by Canadians to be orphans, only two percent truly were;

And Whereas: These children, known as the British Home Children (“BHC”), were sent to Canada by over 50 organizations including the well-known and still working charities: Barnardo’s, The Salvation Army and Quarrier’s;

And Whereas: British Home Children are an integral part of the fabric of our nation-often, rightfully, called Canada’s Nation Builders. Their vast contributions to our country should never be forgotten. Descendants of British Home Children, number in the millions in Canada alone;

And Whereas: The British Home Children Advocacy and Research Association (“BHCARA”) is a Canadian based not for profit organization dedicated to the British Home Children. The mandate of the organization is to promote the story of the British Home Children, to advocate for those who no longer have a voice and to provide free research help to those seeking their family histories; often providing closure from painful pasts;

And Whereas: This year the BHCARA is asking communities to participate in the “Beacons of Light for British Home Children Tribute” and illuminate memorials, monuments, buildings or other areas with the colours of the BHCARA; red, white and blue. The tribute is a symbolic gesture showing these children, in their sesquicentennial year they are not forgotten;

Be It Therefore Resolved: That Mayor Cecil P. Clarke & CBRM Council colleagues proclaim September 28th, 2019 as “British Home Child Day” in the CBRM and recognize that 2019 marks the 150th year since the first British Home Children arrived in Canada.

*Councillor Amanda McDougall – District #8 – CBRM
September 17th, 2019*



PROCLAMATION

“Cadet Day”

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- Whereas:** Royal Canadian Sea, Army and Air Cadets have a lengthy history of service in Nova Scotia and are a positive influence in today’s society;
- And Whereas:** Royal Canadian Sea, Army and Air Cadets provide young people with positive opportunities to develop self-confidence, self-esteem, self-discipline and respect for others;
- And Whereas:** The young people involved in the Royal Canadian Sea, Army and Air Cadets learn valuable life and work skills, such as teamwork, leadership, good citizenship and physical fitness, that will benefit them no matter what path they choose to follow;
- And Whereas:** The young people involved in the Royal Canadian Sea, Army and Air Cadets are rewarded with a sense of accomplishment, recognition from their peers and mentors, once-in-a-lifetime personal and professional growth experiences, lifelong friends and a chance to show their talents and maturity;
- And Whereas:** The hard work and dedication of all those involved in the Royal Canadian Sea, Army and Air Cadets should be recognized;
- And Whereas:** Throughout the province, in each and every year, the first Saturday in October shall be observed under the name of Sea, Army, Air and Navy League Cadets Day;
- Be it Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council proclaim Saturday, October 5, 2019 as Cadet Day in the Cape Breton Regional Municipality.

Councillor Earlene MacMullin
CBRM District #2

September 17th, 2019

Proclamation
MEDIC MONDAY 2019

WHEREAS:

Emergency medical services is a vital public service, with Paramedic teams ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS:

access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS:

the people within the system - which consists of paramedics, emergency medical dispatchers, specialists in various roles including support, education and development - engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills, and they deserve to have their accomplishments and contributions recognized.

**BE IT THEREFORE
RESOLVED:**

That Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality proclaim Monday, September 30th, 2019 as **MEDIC MONDAY** in the CBRM in appreciation for all our paramedics do.

Councillor Jim MacLeod, District # 12 - CBRM
September 17, 2019

CBRM PROCLAMATION

“Right to Know Week”

Whereas: The Cape Breton Regional Municipality has adopted the principles of openness, transparency and accountability; and

Whereas: Part XX of the *Municipal Government Act* gives citizens a right of access to information in the custody or under the control of the Cape Breton Regional Municipality;

Whereas: Access to information ensures citizens of Nova Scotia have the opportunity for meaningful participation in the democratic process; and

Whereas: A celebration of the right of citizens to access information will facilitate informed public participation in policy formulation, ensure fairness in government decision-making and permit the airing and reconciliation of divergent views; and

Whereas: Cape Breton Regional Municipality joins all other Canadian jurisdictions and democracies world – wide in acknowledging international Right to Know Week;

Be It Therefore Resolved: That Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality, proclaim September 23 to September 29, 2019 to be **Right to Know Week** in the CBRM.

Councillor Eldon MacDonald, District 5 - CBRM

September 17th, 2019

Cape Breton Regional Municipality

Proclamation

International Day of the Girl

Whereas: Nearly 25 years ago, some 30,000 women and men from nearly 200 countries arrived in Beijing, China for the Fourth World Conference on Women, determined to recognize the rights of women and girls as human rights. The conference culminated in the adoption of the Beijing Declaration and Platform for Action: the most comprehensive policy agenda for the empowerment of women.

And Whereas: In the years following, women pressed this agenda forward, leading global movements on issues ranging from sexual and reproductive health rights to equal pay. More girls today are attending and completing school, fewer are getting married or becoming mothers while still children, and more are gaining the skills they need to excel in the future world of work.

And Whereas: Today, these movements have expanded. They are being organized by and for adolescent girls, and tackling issues like child marriage, education inequality, gender-based violence, climate change, self-esteem, and girls' rights to enter places of worship or public spaces during menstruation. Girls are proving they are unscripted and unstoppable.

And Whereas: Since 2012, 11 October has been marked as the International Day of the Girl. The day aims to highlight and address the needs and challenges girls face, while promoting girls' empowerment and the fulfillment of their human rights. This year, under the theme, "**GirlForce: Unscripted and Unstoppable**", we will celebrate achievements by, with and for girls since the adoption of the Beijing Declaration and Platform for Action.

Be It Therefore Resolved: Mayor Cecil Clarke and Council proclaim October 11 International Day of the Girl under the theme "GirlForce: Unscripted and Unstoppable"

Councillor
Kendra Coombes
District #11
September 17th 2019

Cape Breton Regional Municipality

Resolution

“The Relocation of MacKinnon Field”

Whereas: On August 2nd, 2019 much to my shock and the shock of many residents the Provincial Government announced a new location for the New Waterford Health Centre. The plans included relocating the soccer field and tennis courts next to the to where MacKinnon Field is now and MacKinnon Field will be moved to Colliery Lands Park.;

And Whereas: Due to Colliery Lands Park and Mackinnon Field being CBRM asset and the Province declaring they are moving Mackinnon Field out of one neighbourhood and relocating it to another without consulting the community or the neighbourhood that will see the loss of a walking track I believe it is my job as Councillor to ensure people are provided a voice to say if they agree or do not agree with the decision. I am doing this with the full knowledge the Provincial Government is able to expropriate municipal lands.

And Whereas: The residents of District 11 have been shut out of all decision making regarding the new health centre and now a neighbourhood could lose a walking track and field leaving very little in recreational activity for many, especially seniors in the neighbourhood. My other concern is that by doing this the Provincial Government would be centralizing recreational facilities to Colliery Lands Park which already has two ball fields, a playground and a walking track further into the park.

Be It Therefore Resolved That a letter be sent to the Ministers of Health and Wellness, Communities, Culture and Heritage, and Municipal Affairs as well as to the Premier, and all MLA’s representing the CBRM demanding meaningful consultation with the community which will include a Town Hall Meeting to occur with the community (residents) of New Waterford regarding the plans to move the Mackinnon field out of the neighbourhood it is currently located so at the very least residents may receive answers to any questions or concerns they may have which have been voiced to me.

*Councillor
Kendra Coombes - District # 11 – CBRM
September 17th, 2019*

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Downtown Sydney, Cape Breton Regional Municipality Regeneration Project

May 2017 - September 30, 2019

Summary of Accomplishments and Next Steps

In Partnership with



Sydney Downtown
Development Association



National Trust
for Canada



Atlantic Canada
Opportunities
Agency



CAPE BRETON
REGIONAL MUNICIPALITY

Acknowledgements

Cape Breton Regional Municipality Council and Staff
Downtown Sydney Development Association
Atlantic Canada Opportunity Agency
Regeneration Committee Members (Past & Present)
Wesley Colford Highland Arts Theatre (Co-Chair)
Janelle Osborne Downtown Sydney Development Association (Co-Chair)
André Gallant YMCA
Holley Grant Cape Breton Centre For Craft and Design
Kathleen Yurchesyn Sydney and Area Chamber of Commerce
Joyce Rankin Old Sydney Society
Joe Costello CBRM Recreation
Nadine Bernard Membertou, Committee member at large
John Phalen CBRM Economic Development
Karen Neville CBRM Planning
Paul Carrigan Port Authority
Adrian White Sydney and Area Chamber (retired)

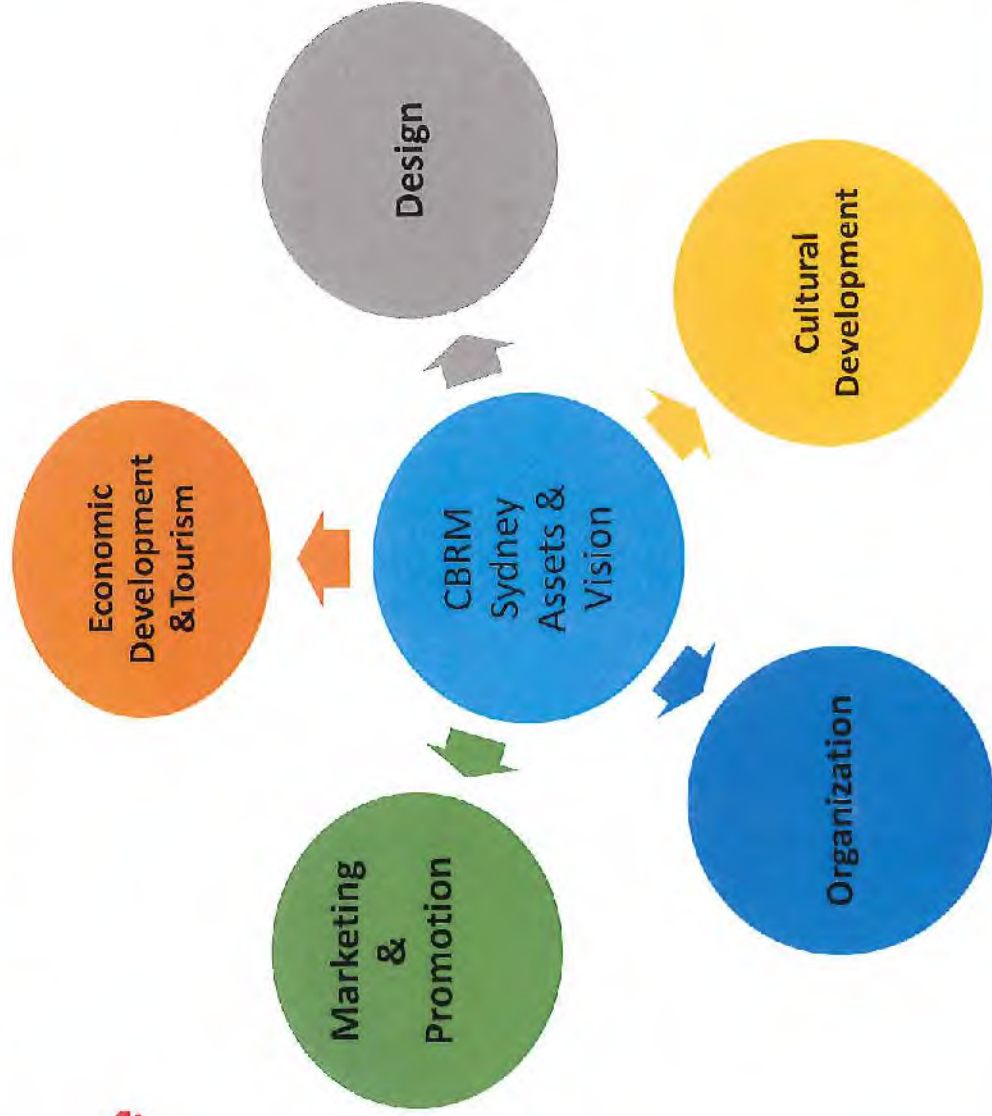
Project Coordination/Management

Michelle Wilson Executive Director, Downtown Sydney
Councillor Eldon MacDonald
Bradley Murphy Regeneration Coordinator CRM
Rick McCready Senior Planner, CBRM



National Trust's Downtown Regeneration Approach :

Coordinating These Key Components



Purpose of Downtown Sydney Regeneration Project is to:

- Foster a cooperative , working together partnership for positive change
- Improve the overall physical image of downtown Sydney through delivering quality design to business owners
- Bring in expertise on business development and marketing downtown as a destination for residents and visitors
- Prepare for the future Charlotte Street infrastructure project
- Utilize Sydney's downtown experience as lessons learned for other CBRM communities



National Trust Services Delivered

- Orientation for Coordinating Staff & Steering Committee
- Project Planning - May 2017
- Opportunity Assessment and Building Inventory (Summer 2017)
- National Trust Conference - Downtowns Workshop - 2017, 2018
- Workshops in Design , Marketing , Business Development (February 2018, January 2019 , July 2019)
- Public Workshop : Young Entrepreneurs
- Networking Workshop with CBRM Communities, Membertou Mi'kmaw Nation, Eskason Mi'kmaw Nation
- Coaching and Mentoring through Specialized Expertise (ongoing)
- Annual Review of Project Budget and Project Activities
- Project Evaluation and Recommendations and Next Steps Action Plan (September 2019)

- **Overall Attendance:** 400 people who are present and future leaders of positive change in CBRM



Coordination is the key

Michelle Wilson

Executive Director

Downtown Sydney

- *Marketing, events, promotion of business*
- *Problem solver*

Bradley Murphy

CBRM

Regeneration Coordinator

- *Design expertise*
- *Liaison with Planning Dept.*



Outcomes

Net gain of 15 new businesses
(23 New, 8 closures)

OCT 2017 : square footage of buildings in Downtown Sydney

Occupied: 1 948 302
Vacant: 445 540sq ft



MAY 2019 : square footage of buildings in Downtown Sydney

Occupied: 1 998 486 sq ft
Vacant: 355 254 sq ft



1st Step : Building Inventory and Data Base

Regeneration Project

329-333 Charlotte Street



Building Owner:
Name

Tenants:
Spinners
The Old Fudge Co.
Sydney Warehouse District



Ⓐ Electrical Connection

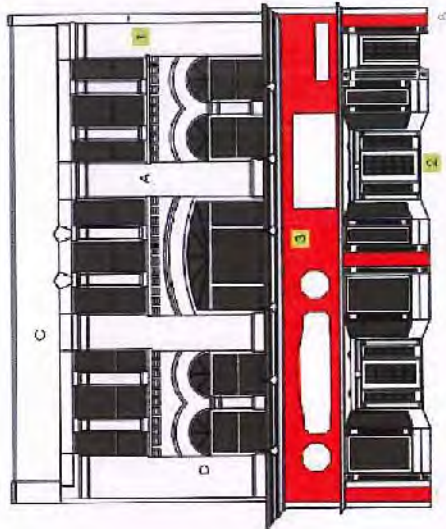
Ⓒ Ground Level Damage

Ⓓ Metal Capping

Ⓔ Brick Deterioration

Character | Historic Elements

- 1 Detailed, red brick buildings with stone lintels and window sills.
- 2 Ground-floor retail storefronts with recessed entrances
- 3 Involvement in 1990s Facade Improvement program



Site History

- Interesting Fact
- Interesting Fact
- Interesting Fact
- Past Owners / Uses of the Building

Conditions Assessment

Previous State of Building



Design Case Examples

Regeneration Project worked with:

- Fired Creations
- Cape Breton Farmers Market
- Mians Café
- Boysenberry Café and Boutique
- The Middle Ground
- Downtown Nutrition
- Island Folk Cider House
- Khufu's Egyptian Restaurant
- Rita Downtown
- Gallery LeDrew

Total Investment: 1.3 Million estimated

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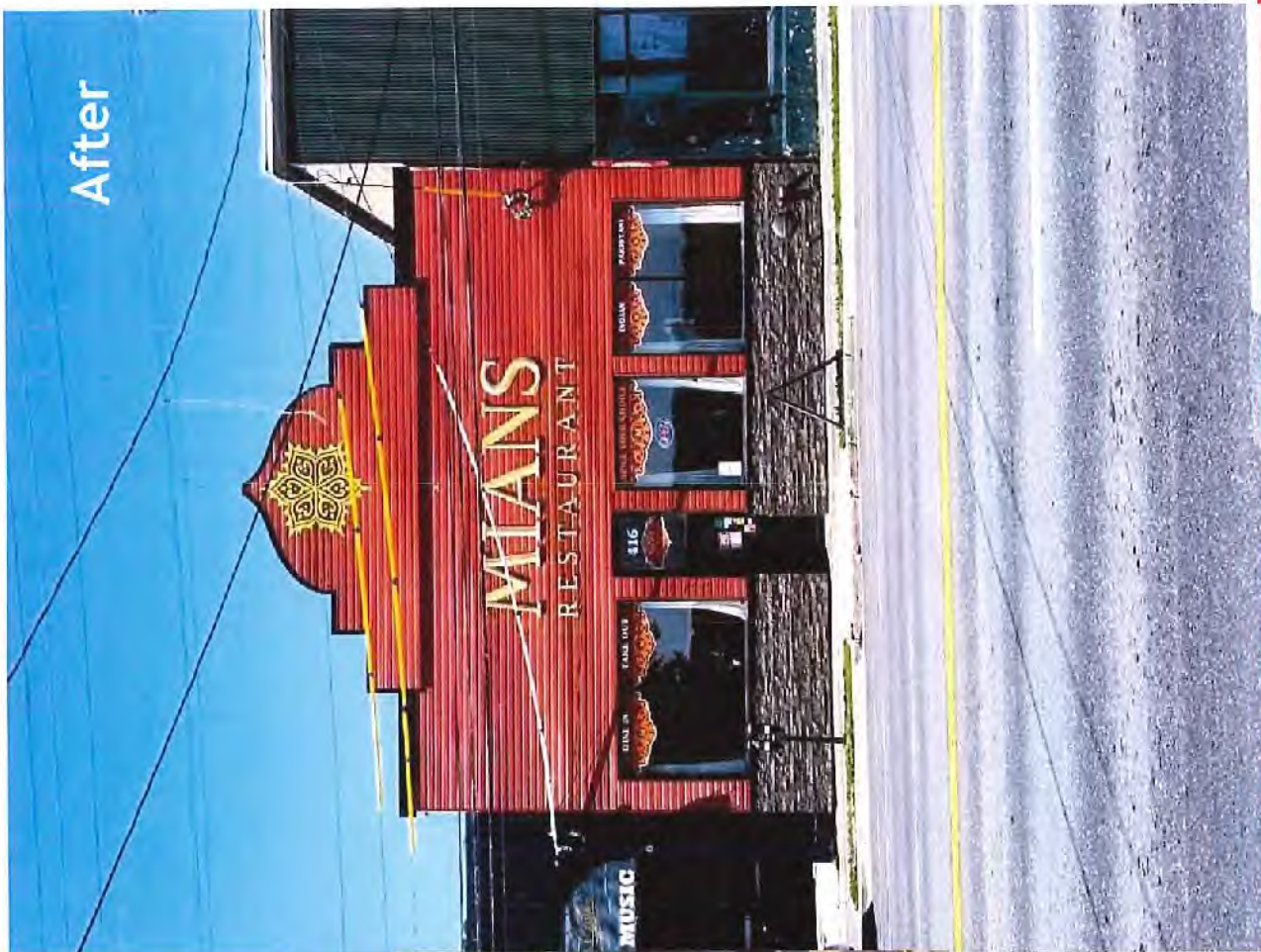
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PRÉSENTÉ PAR

Before



After



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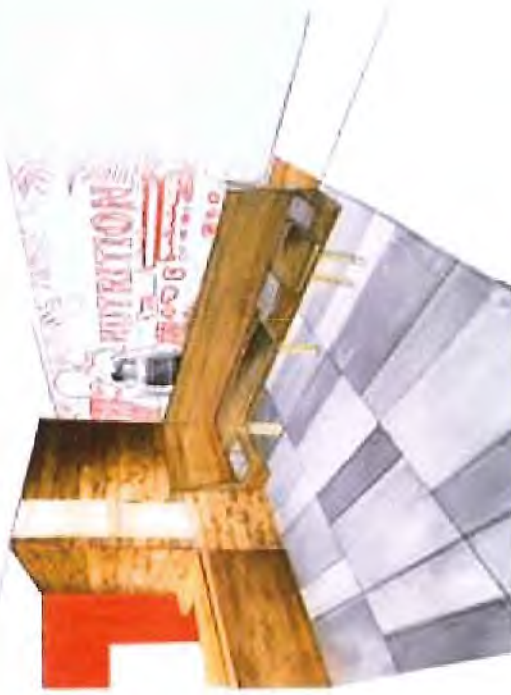
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DOWNTOWN NUTRITION INTERIOR

Downtown Nutrition – locally owned and operated – is an established sandwich and smoothie bar located across the street from the YMCA. It is a hub for young people in the downtown and a mecca for body builders.

They were struggling with their kitchen layout, with the colour palette, and the overall experience of the establishment. I worked closely with the staff and with the owner to simplify the functions, and create a welcoming atmosphere. This was a great example of a vibrant business that simply needed a refresh.



before -> after

CB FARMERS MARKET RELOCATION TO DOWNTOWN SYDNEY
ADAPTIVE REUSE/SIGNAGE/INTERIOR/FACADE



**New location for Farmers
Market into Downtown
Sydney**

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The Cape Breton Farmers Market relocated to the Downtown Sydney in April 2019. It was adapted to the former Smooth Herman's space below the Old Triangle on Charlotte and Falmouth Street. Connecting the community to the food they eat and local artisans is essential to growing the relationships and growing the local economy. The benefits can already be seen. The market is bustling at the seams for vendors, and there are now people walking around in downtown on Saturday mornings.



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Design Projects

Public Space Cleanup/Parkette



Sydney Waterfront District



proposed lot for revitalization



Before

Located in the heart of the Sydney Waterfront District, this vacant lot is a popular location for its location and proximity to downtown Sydney's "Great Escape" trail. In addition, it offers a unique opportunity for a revitalization project. We see this as a perfect opportunity for a revitalization project that will be safe, and comfortable for all. We see this as a perfect opportunity for a revitalization project that will be safe, and comfortable for all. We see this as a perfect opportunity for a revitalization project that will be safe, and comfortable for all.



After (proposed rendering)



1. Landscaping and raised planters
2. Benches

Vacant Lot Parkette (Privately owned, donated by owner)



Installation of Murals



Excellent Project led by Michelle Wilson
and Downtown Sydney Development
Association

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Marketing Expertise

- 70% of sales comes from curb appeal
- Women account for 80% of all sales
- 70% of sales comes after 6 pm
- 7-8-7 rule

“Make Charlotte St look amazing”

Roger Brooks, CBC Interview

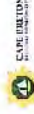
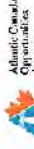
“Downtown Sydney is the nucleus. The strategy then is to direct customers to other CBRM communities, each with their own defined niche. It is a public /private partnership”

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LOVE YOUR DOWNTOWN

A SESSION WITH ROGER BROOKS ON
THE IMPORTANCE & IMPACT OF OUR
DOWNTOWN ON OUR COMMUNITIES

JULY 17 | 7:30PM |
HIGHLAND ARTS THEATRE |
FREE | RSVP REQUIRED |



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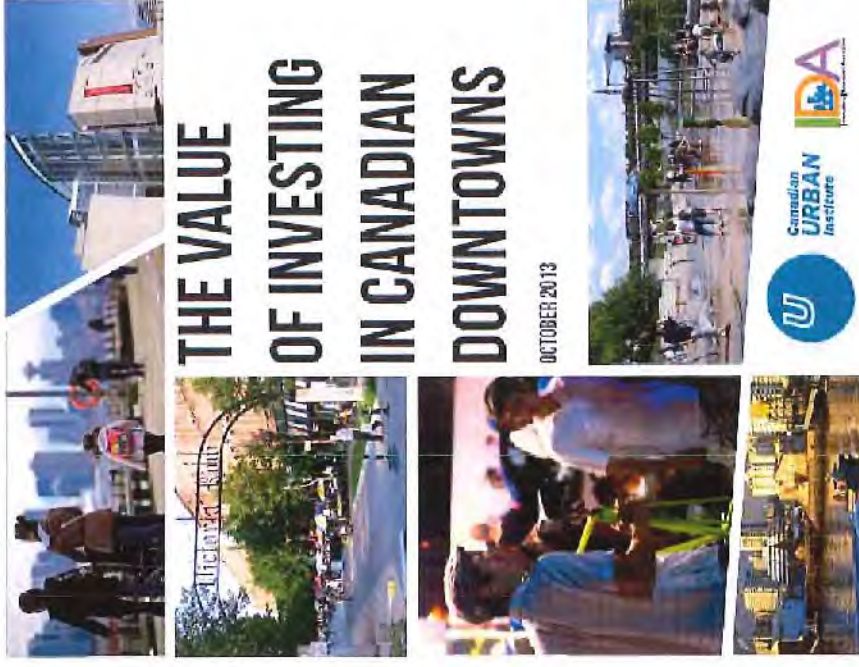
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The downtowns that have achieved the most success have been patiently committed to revitalization efforts for decades.

They have pursued their vision over many political cycles... adapted their vision to reflect changes in trends, attitudes, land uses and activities, a race that never ends, due to the cyclical process of renewing economies.

It is critically important that Downtown Sydney and CBRM communities continue to build upon the good work already underway.



Next Steps: Phase 2

- Activate and Market Downtown Sydney - Hours of operation, cultural performances, popup stages, retail - “Make it Amazing” (Roger Brooks)
- Prepare for opportunities from 2nd Berth, Community College, Library and Infrastructure Projects
- Implement incentives for businesses to improve properties (Sydney and CBRM-wide)
- Develop new and robust partnerships to get things done



**Excerpt – DRAFT Council Minutes
August 13, 2019**

Request from New Dawn Enterprises to Amend the North End Sydney Secondary Municipal Planning Strategy and Secondary Land Use By-law

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor McDougall, that staff be directed to prepare an Issue Paper on the request from New Dawn Enterprises to amend the North End Sydney Secondary Planning Strategy and Land Use By-law (NESSLUB) to allow a café to be operated in the former convent building located at 170 George Street, Sydney, and to address the parking needs of the development.

Discussion:

During discussion, some of the issues raised included:

- Public transit
- Parking plan for Nova Scotia Community College and parking requirements in Land Use By-law
- Future community development
- Expedited issue paper
- **Motion Carried.**



To: General Committee of Council

FROM: Michael Ruus and Karen Neville

SUBJECT: Request from New Dawn Enterprises to amend the North End Sydney Secondary Municipal Planning Strategy and Secondary Land Use By-law

DATE: September 10th, 2019

Introduction

On August 13th New Dawn Enterprises' request to amend the North End Sydney Secondary Municipal Planning Strategy (Planning Strategy) and the North End Sydney Secondary Land Use By-law (Land Use By-law) was presented to Council. At that time, Council passed a motion directing staff to prepare an issue paper associated with New Dawn Enterprises' request. Please consider this Issue Paper to be staff's response to that motion.

New Dawn Enterprises has expressed interest in continuing to operate both the former convent and high school (170 George Street, Sydney) [Attachment A]. In doing so, they are unable to meet the proposed parking requirements as outlined in Land Use By-law. New Dawn Enterprises would also like to operate a café in the former convent building. The café will serve the tenants of the development and be open to the general public.

Why is an Amendment Necessary

The Planning Strategy was adopted by Council in 2006 in order to recognize the unique historical character of Sydney's North End. As a result of extensive public consultation, the Planning Strategy includes several statements and policies that specifically address parking and the types of non-residential uses to be permitted in the Planning Area.

While the Land Use By-law does permit the conversion of former community or educational service buildings, a café is not identified as an optional use in Part 2, Section 6 of the Land Use By-law. A café is also not identified as an optional use in Policy 40 of the Planning Strategy which deals with the conversion of former community or educational service buildings. This policy was intended to encourage the re-use of these buildings, while not competing with other sales and service uses in the Planning Area or interfering with surrounding residential uses.

In order to issue a Building Development Permit for the proposed development, Council would need to amend both the Planning Strategy and the Land Use By-law. In accordance with the *Municipal Government*

Act, Council is required to undertake a Public Participation Program prior to considering an amendment to a Planning Strategy.

It is recommended that Council pass a motion giving the Planning and Development Department staff the authority to conduct a Public Participation Program in the format of an Open House. The Open House should be directed to those individuals who live in the surrounding neighbourhood. Staff will also utilize various digital platforms to seek input from those residents unable to attend the Open House. The results of the Public Participation Program would be brought back to Council with a recommendation on how to proceed at a future meeting.

In addition, if this application request is to proceed to a Public Participation Program, New Dawn Enterprises should be directed to submit the necessary application fee, an updated site plan and floor plan showing proposed uses, a plan to address the parking shortage, and any other necessary information needed to process this application prior to scheduling a Public Participation Program.

Recommendation

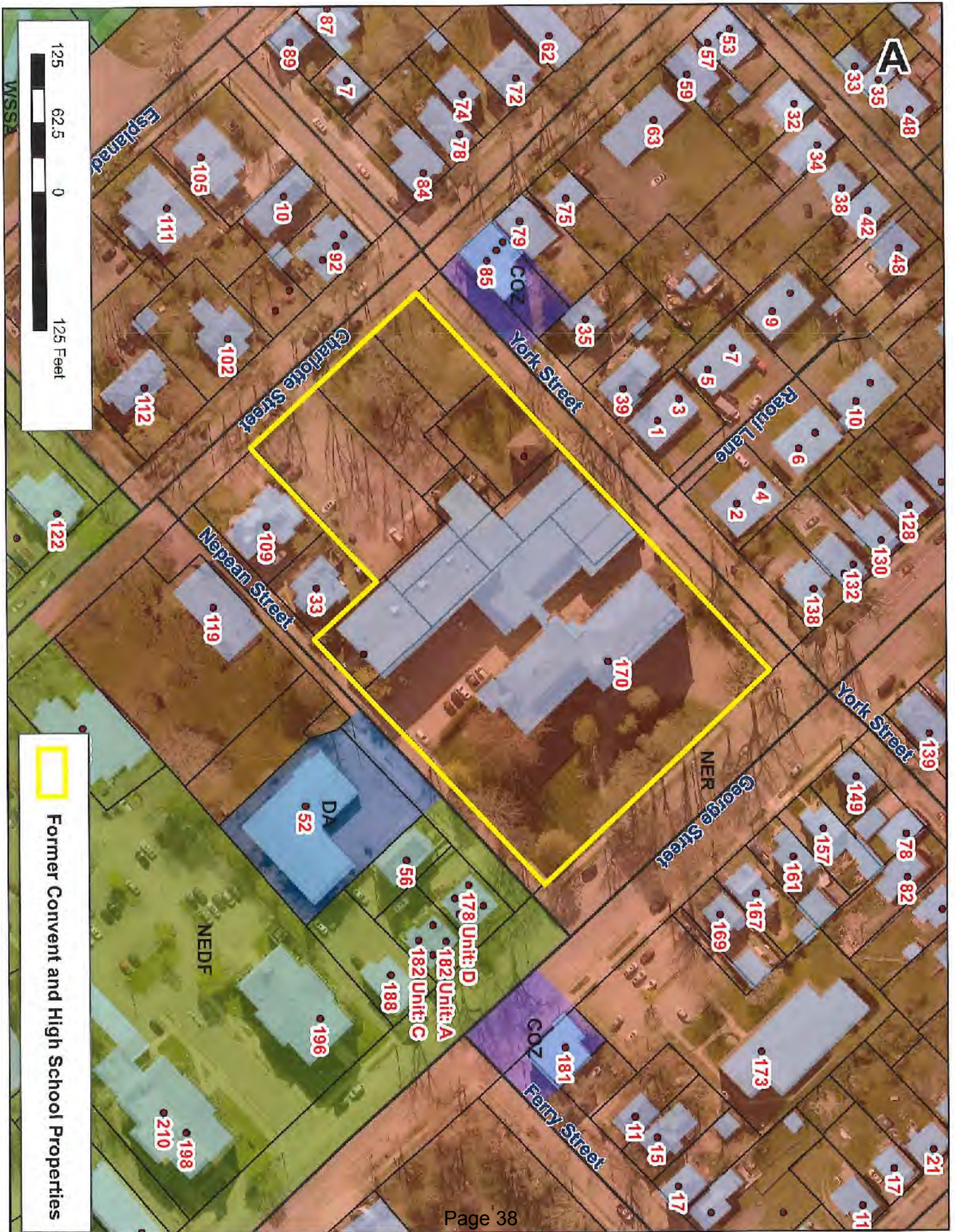
That Council pass a motion to conduct an Open House Public Participation Program for the North End Sydney Secondary Municipal Planning Strategy and Secondary Land Use By-Law; and

That New Dawn Enterprises prepare and submit the any necessary information needed to process the application prior to the scheduling of this Public Participation Program.

Submitted by:

Originally Signed by

**Michael Ruus and Karen Neville
Planning and Development Department**



 Former Convent and High School Properties

Excerpt – Draft General Committee Minutes – September 3, 2019

Municipal Planning Strategy Amendment – Eric Beddow

Motion:

Moved by Councillor MacMullin, seconded by Councillor Coombes, that a recommendation be made to Council that:

- The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
- CBRM staff notify Mr. Beddow of its intent to enforce the Land Use Bylaw; and
- CBRM staff proceed with enforcement of the Land Use Bylaw.

Discussion:

During discussion, Councillor MacMullin noted that although the property is not in her District, staff reached out to property owners within 500 metres of the site, some of which were in District 2, and she received many calls against the amendment.

Motion Carried.



ISSUE PAPER

TO: CBRM Council

DATE: August 22, 2019

FROM: Director, Planning and Development

RE: MUNICIPAL PLANNING STRATEGY AMENDMENT – ERIC BEDDOW

BACKGROUND

Since purchasing the property in 2011 at 19 Tobin Road in North Sydney, Mr. Beddow has operated a heavy equipment depot for his construction contracting business. This neighbourhood is currently zoned Residential Urban D Zone, which does not permit this type of use.

In response to a complaint from a resident in the neighbourhood, staff from the Planning and Development Department successfully prosecuted Mr. Beddow for operating this business in contravention of the Land Use Bylaw. The Provincial Court ordered Mr. Beddow to cease and desist any and all operation of this business on the property unless the business is in compliance with the Land Use Bylaw by March 31st, 2019.

Since that time, CBRM Council passed a motion to consider the property owner's request to amend its Municipal Planning Strategy (and allow the use in the zone) by conducting a preliminary public participation program in the neighbourhood.

DISCUSSION

In July, Planning and Development Staff reached out to properties within 500 metres of the site to request feedback on potentially amending policy allowing these types of uses within the neighbourhood.

Below is a summary of the responses:

Number of Property Owners	Response Summary
Support (2)	Wish to use their own property for business purposes.
Object (19)	Concern with increased noise, traffic, and change in residential character; These uses better located in existing, available industrial land.
Object (Petition of 124)	Concern for children in neighbourhood, effect on wetlands and wildlife.

This existing policy and land use control allow for development of low-density residential neighbourhoods (single-detached and two-unit dwellings) and complimentary service-based uses such as education, daycare, and cultural amenities. The common aim is to cluster uses together that do not harm each other. This ensures that existing residential properties are not negatively impacted by potential noise, traffic, aesthetic, and overall change in character.

Incompatible uses are generally separated into separate zone districts to avoid the negative impacts associated with these types of development such as noise, dust, and traffic. Additionally, the CBRM currently has an inventory of available commercial and industrial land, with significant incentives, in areas which allow this use with and without conditions.

Given the response from the sample of property owners within the area, sharing the same zoning as Mr. Beddow, the potential land use conflict of this requested change in policy, and the availability of land that is appropriate for this type of use, our recommendation is to not proceed with a full Public Participation Program to consider amending the Municipal Planning Strategy.

If Council wishes to proceed with a Municipal Planning Strategy review, our recommendation would be to address this in the future within a comprehensive review and update after the introduction of new minimum planning standards by the Province. This process would require additional resources to hire a consultant team and move forward with a robust public engagement program in creating a new Planning Strategy for CBRM.

RECOMMENDATION

That:

1. The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
2. CBRM staff notify Mr. Beddow of its intent to enforce the Land Use Bylaw; and
3. CBRM staff proceed with enforcement of the Land Use Bylaw.

Respectfully submitted by:

Original Signed By

Michael Ruus
Director, Planning and Development

Municipal Planning Strategy Amendment Request – Martin Lacroix

Motion:

Moved by Councillor MacMullin, seconded by Councillor MacLeod, that a recommendation be made to Council that:

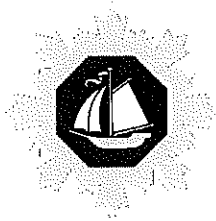
- > The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
- > CBRM staff notify Mr. Lacroix of its intent to enforce the Land Use Bylaw; and
- > CBRM staff proceed with enforcement of the Land Use Bylaw.

Discussion:

During discussion, the Public Participation Program (PPP) was discussed in terms of whether or not the staff recommendation would be different had the results from the PPP been in favour of such development. The Director of Planning and Development explained that their recommendation is based on the results of the PPP and good planning practice, noting that there is a policy in place to strike a balance in rural areas while being sensitive to residential areas.

The Director also noted that if Council wishes to proceed with a comprehensive review of the Municipal Planning Strategy, he would suggest waiting until after the introduction of new minimum planning standards by the Province, however such a review would require additional resources.

Motion Carried.



CAPE BRETON
REGIONAL MUNICIPALITY

ISSUE PAPER

TO: CBRM Council

DATE: August 22, 2019

FROM: Director, Planning and Development

**RE: MUNICIPAL PLANNING STRATEGY AMENDMENT REQUEST –
MARTIN LACROIX**

BACKGROUND

In 2017, Mr. Lacroix received a Building/Development Permit to construct a residential accessory building on his property located at 740 Alder Point Road. In 2018, he applied for a license to operate a motor vehicle inspection/repair facility from this residential garage. However, he cannot receive a zoning confirmation from CBRM as a permit was not issued for a commercial garage and the existing building does not meet building code or zoning. This neighbourhood is currently zoned Rural CBRM Zone, which does not permit this type of use within 300 feet of existing residential dwellings.

CBRM Council passed a motion to consider the property owners request to amend its Municipal Planning Strategy (and consider removing this required setback) by conducting a preliminary public participation program in the neighbourhood. Further, an issue paper would recommend options for a full rural MPS Public Participation Program.

DISCUSSION

In July, Planning and Development Staff reached out to properties within 500 metres of the site to request feedback on potentially amending policy to remove the requirement of a 300-foot setback from existing residential development in the Rural CBRM Zone.

Below is a summary of the responses:

Number of Property Owners	Response Summary
Support (1)	
Object (23)	Concern with increased noise, traffic, environmental impact, and change in rural character of area; These uses are better located in existing, available industrial land.

This existing policy and land use district allow for development of a wide mix of uses and strikes a balance of offering flexibility for business in the rural areas of CBRM, while also protecting resident’s quality of life. With properties in proximity, the common aim is to cluster uses together that do not harm each other. The 300-foot setback ensures that existing residential properties are not negatively impacted by potential noise, traffic, aesthetic, and overall change in character.

Incompatible uses are generally separated into separate zone districts or given conditions to avoid the negative impacts associated with these types of development such as noise, dust, and traffic. The existing zone district provides conditional approval of these uses if adequate separation is provided to avoid conflict. Additionally, CBRM currently has an inventory of available commercial and industrial land in areas which allow this use with and without conditions.

Given the response from the sample of property owners within the area, sharing the same zoning as Mr. Lacroix, the potential land use conflict of this requested change in policy, and the availability of land that is appropriate for this type of use, our recommendation is to not proceed with a full Public Participation Program to consider amending the Municipal Planning Strategy.

If Council wishes to proceed with a Municipal Planning Strategy review, our recommendation would be to address this in the future within a comprehensive review and update after the introduction of new minimum planning standards by the Province. This process would require additional resources to hire a consultant team and move forward with a robust public engagement program in creating a new Planning Strategy for CBRM.

RECOMMENDATION

That:

1. The existing CBRM Municipal Planning Strategy and Land Use Bylaw be upheld;
2. CBRM staff notify Mr. Lacroix of its intent to enforce the Land Use Bylaw; and
3. CBRM staff proceed with enforcement of the Land Use Bylaw.

Respectfully submitted by:

Original Signed by

Michael Ruus
Director, Planning and Development

Task	Primary Activities	Accountability	Implementation Complexity	Time Horizon	Approximate Cost (\$ - \$\$\$)	
Strategic Recommendations						
1. Well defined Economic Development Plan	1. Identify internal resources and external partners that will contribute to the development and implementation of the plan	Cape Breton Regional Municipality Regional Enterprise Network	Moderate	Short Term	\$\$	
	2. Leverage the completed planning to date to inform the development of economic priorities:	Executive team				
	3. Develop clearly defined and measurable objectives within the plan:	Executive team				
	4. Identify key environmental factors, both internal and external, that will influence the plan's success:	Executive team				
2. The Development of a Marketing Strategy with Tailored Value Propositions for Distinct Target Groups	1. Identify the different groups the CBRM is seeking to attract:	Cape Breton Regional Municipality Regional Enterprise Network	High	Short Term	\$\$	
	2. Understand and synthesize why prospective groups should invest in the CBRM, and what unique opportunities the region provides					
	3. Collaborate with existing tourism and regional economic development organizations to ensure consistency and alignment:					
	4. Develop a comprehensive marketing campaign:					
	1. Review current surplus inventory:					
3. Rural Residential Development Plan	2. Work with the planning department to assess what areas would present the most desirable development opportunities that are attractive to prospective buyers/developers	CBRM Administration and Planning department	Moderate	Long Term	\$\$	
	3. Consult with potential developers and builders to assess needs and terms for partnership:					
	4. Develop and amend zoning to accommodate desired plans:					
	5. Confirm conditions for partnership and select suitable partners for community developments					
	1. Explore the potential options available to the CBRM					
4. Expand Seniors Purpose Built Housing and Care Facilities	2. Select potential locations that align with proximity to essential services and future development plans:	CAC, CBRM Administration, Planning department, Facilities department	Low	Medium Term	\$\$\$	
	3. Identify potential partners and labour needs:					
	4. Create a seniors advisory council:					
	1. Consult with the airport to assess the process for increasing seasonal low-cost carriers and increased cargo traffic:					
	2. Work with provincial and regional governments to bolster feasibility of increasing accessibility via the Sydney Airport:					
5. Improve Accessibility to the Region	3. Assess the forecasted costs of incentivizing or attracting low-cost carriers during specific months and potential sources of funding:	Port of Sydney Development Corporation, Sydney Airport Authority	Low	Long Term	\$\$\$	
	4. Assess the projected costs and schedule of repairing and maintaining the rail line to Truro:					
	5. Expand and improve and broadband connectivity needs					
	1. Develop an organization that consists of members from government, secondary education, and the private sector:					
	2. Identify current municipal strengths to focus initial investment:					
6. Utilize the Regional Enterprise Network to Support Skills Training, Align Job Seekers with Available Positions, Improve Collaboration with Higher Education Institutions, and Focus Resources on Industry Specific Research and Development	3. Identify potential funding and investment sources:	Cape Breton Regional Municipality Regional Enterprise Network, executive team consisting of municipal, private businesses, and education institutions	Moderate	Medium Term	\$	
	Operational Recommendations					

<p>1. Consolidate and amend how Fire Services are Delivered and Managed</p>	<p>1. Create a committee consisting of members from various stakeholders within the CBRM and the Fire Department Services group</p> <p>2. Confirm the feasible options available to the CBRM regarding consolidation:</p> <p>3. Identify the required process for consolidating the roles, people, equipment, and facilities:</p> <p>4. Propose a new organizational structure which provides the greatest benefits to the region without disrupting service delivery:</p> <p>1. Work with the CBRPS leadership group to discuss initial options</p> <p>2. Conduct a formal review of current and projected policing costs.</p> <p>3. Identify and rank potential cost savings opportunities</p>	<p>CAO, CFO, CBRM Administration, Fire Department, Executive committee</p>	<p>Low</p>	<p>Short Term</p>	<p>\$</p>
<p>2. Assess Potential Options for Improving Efficiencies of the Cape Breton Regional Police Services (CBRPS)</p>	<p>1. Standardization of strategic planning process for all departments:</p> <p>2. Performance measures and reporting</p> <p>3. Redesign necessary work processes to align activities with outcomes:</p> <p>4. Potential incentive and recognition programs:</p> <p>5. Asset Management Program:</p>	<p>CAO, CFO, CBRM Administration, Police Department</p>	<p>High</p>	<p>Short Term</p>	<p>\$</p>
<p>3. Develop the Necessary Processes, Systems, and Resources to Foster a Culture of Continuous Improvement within Municipal Departments</p>	<p>1. Work with internal directors to identify and assess potential opportunities for partnership:</p> <p>2. Rank the feasibility and potential benefits of the proposed partnership:</p> <p>3. Identify what needs must be fulfilled by the CBRM for successful partnerships:</p> <p>4. Approach partners to initiate negotiations:</p>	<p>CAO, Department heads</p>	<p>Moderate</p>	<p>Medium Term</p>	<p>\$\$</p>
<p>4. Explore the Potential Benefits of Partnerships with External Organizations</p>	<p>1. Work with internal directors to identify and assess potential opportunities for partnership:</p> <p>2. Rank the feasibility and potential benefits of the proposed partnership:</p> <p>3. Identify what needs must be fulfilled by the CBRM for successful partnerships:</p> <p>4. Approach partners to initiate negotiations:</p>	<p>CAO, Department heads, CBRM Administration</p>	<p>Moderate</p>	<p>Long Term</p>	<p>\$\$</p>
<p>5. Explore the Benefits and Drawbacks of Transitioning to a Municipal Structure Consisting of Three Districts</p>	<p>1. Develop a potential model with an amended district representation model to support regional planning:</p> <p>2. Survey residents to assess the appetite for the proposed changes:</p>	<p>Mayor & Council, CBRM Administration</p>	<p>Low</p>	<p>Long Term</p>	<p>\$\$\$</p>
Policy related recommendations					
<p>1. Explore Potential Solutions to Expedite the Processing of Delinquent and Abandoned Properties</p>	<p>1. Identify the legal hurdles and barriers that delay the processing of abandoned and vacant homes</p> <p>2. Assess the current level of resources available to process tax delinquent homes and if additional resources will improve the duration:</p> <p>3. Assess potential options to improve the duration or collections relating to specific homes</p>	<p>Council, CBRM Administration, Legal</p>	<p>Low</p>	<p>Medium Term</p>	<p>\$</p>
<p>2. Assess and Prioritize Mid-term Capital Needs and Develop a Business Case Process to Request Additional Funding</p>	<p>1. Formalize a process for preparing and submitting business cases to the province for the revenue adjustments the CBRM is seeking, the rationale for the adjustment, and the intended use of funds:</p>	<p>CAO, CFO, CBRM Administration</p>	<p>Low</p>	<p>Medium Term</p>	<p>\$</p>
<p>3. Implement Property Tax Incentives for Urban Residential Development</p>	<p>1. Develop specific grants and tax incentives for development in key urban areas:</p> <p>2. Make necessary amendments to the Municipal government Act to implement the incentives</p> <p>3. Market and promote the incentives to developers and the public</p>	<p>Council, CAO, CFO</p>	<p>Moderate</p>	<p>Medium Term</p>	<p>\$\$\$</p>
<p>4. Increase International Migration to the CBRM</p>	<p>1. Assess what future growth sectors will create specific labour shortages and needs</p> <p>2. Consult with federal and provincial organizations to understand all requirements for securing international migrants</p> <p>3. Work with third-party immigration institutions to facilitate the process of sourcing suitable foreign candidates:</p> <p>4. Set annual growth targets for international immigration: numbers that align with specific employment opportunities:</p>	<p>Council, CAO, CFO</p>	<p>Low</p>	<p>Long Term</p>	<p>\$\$</p>

<p>5. Continue Exploring Alternative Revenue Sources</p>	<p>1. Narrow and rank potential options based on an established criteria. 2. Assess the current limitations from the Municipal Government Act (MGA): 3. Consult with other municipalities and the Province to discuss best practices and lessons learned through their experiences. 4. Incorporate findings into the first iteration of the CBRM Charter to progress on-going amendments with the Province:</p>	<p>CAO, CFO, CBRM Administration</p>	<p>Moderate</p>	<p>Long Term</p>	<p>\$</p>
<p>6. Prioritize Capital Spending on Projects that Align with Long-term Strategic Objectives</p>	<p>1. List and prioritize the planned five-year capital expenditures that align with determined economic strategies 2. Develop a framework for assessing the overall importance and alignment of the projects: 3. Align the framework with the CBRM's financial and strategic plans: 1. Request Amendments to the necessary legislation to have further commercial tax categories 2. Benchmark tax rates with similar municipalities & conduct consultations with representatives of enterprises with large presence in CBRM 1. Request Amendments to the necessary legislation to include any properties operating in the business of rental properties 2. Notify the various booking platforms to be collected and remitted on behalf of payers 3. Create monitoring systems and controls to ensure compliance:</p>	<p>Council, CAO, CFO, CBRM Administration</p>	<p>Moderate</p>	<p>Short Term</p>	<p>\$</p>
<p>7. Explore the Feasibility of Multiple Commercial Tax Categories or Lowering Commercial Tax Rates</p>	<p>1. Request Amendments to the necessary legislation to have further commercial tax categories 2. Benchmark tax rates with similar municipalities & conduct consultations with representatives of enterprises with large presence in CBRM 1. Request Amendments to the necessary legislation to include any properties operating in the business of rental properties 2. Notify the various booking platforms to be collected and remitted on behalf of payers 3. Create monitoring systems and controls to ensure compliance:</p>	<p>Council, CFO, CBRM Administration</p>	<p>Low</p>	<p>Medium Term</p>	<p>\$\$</p>
<p>8. Explore Applying the Marketing Levy to Airbnb Style Rentals</p>	<p>1. Take a leadership role in organizing representatives from other municipalities within the Nova Scotia Federation of Municipalities 2. Formalize and implement a phase-out of the CAP. 3. Amend proximity rates 4. Standardize urban and rural rates 5. Lower the base rate to align with the phase out of the CAP 6. Slightly increase the base rate to provide increased annual net benefit to the CBRM:</p>	<p>Council, CBRM Administration</p>	<p>High</p>	<p>Short Term</p>	<p>\$</p>
<p>9. Utilize the Nova Scotia Federation of Municipalities to Work with Other Municipal Governments and the Province on a Strategy to Amend the</p>	<p>1. Take a leadership role in organizing representatives from other municipalities within the Nova Scotia Federation of Municipalities 2. Formalize and implement a phase-out of the CAP. 3. Amend proximity rates 4. Standardize urban and rural rates 5. Lower the base rate to align with the phase out of the CAP 6. Slightly increase the base rate to provide increased annual net benefit to the CBRM:</p>	<p>Council, CAO, CFO, CBRM Administration</p>	<p>Low</p>	<p>Long Term</p>	<p>\$\$</p>

Federal Land Divestiture – Memorandum of Understanding (MOU)

Motion:

Moved by Councillor MacLeod, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to approve the Memorandum of Understanding (MOU) with Public Works and Government Services Canada as presented, and that the Mayor and Clerk be authorized to sign the MOU on behalf of CBRM.

Discussion:

During discussion, Council members discussed:

- Maintenance of Summit Park in Scotchtown
- Areas at risk of subsidence and seeking assistance from the Provincial and Federal Governments in the future
- Deferred maintenance payments and usage of funds
- Environmental Disclosure Agreement
- Rail Bed Corridor
- Process going forward
- Specific areas of concerns
- Properties removed from Appendix “A” in the MOU not required by CBRM

Motion Carried.

MEMO

TO: CBRM General Committee

August 29, 2019

RE: Federal Land Divestiture – Memorandum of Understanding (MOU)

As per the Council Motion dated March 5, 2019 (attached) regarding the Federal Land Divestiture, staff has been meeting with Public Works and Government Services Canada through Public Services and Procurement Canada (PSPC).

Through these meetings, CBRM and PSPC have negotiated terms with regards to CBRM accepting the properties as identified in the attached MOU.

Staff Recommendation:

That a recommendation be made to Council to approve the MOU as presented, and that the Mayor and Clerk be authorized to sign the MOU on behalf of CBRM.

Respectfully submitted:

Wayne H. MacDonald, P.Eng.
Director Engineering & Public Works

Bill Murphy
Director Recreation, Parks, Grounds, Buildings and Facilities

Attachments

Federal Lands Transfer

Motion:

Moved by Councillor Coombes, seconded by Councillor McDougall, that Council request the Mayor to write to the Federal Minister of PWGSC requesting the Federal Government enter into either a long term lease arrangement with the CBRM or alternate land for active transportation, recreational and other public purpose or benefit; and further, that environmental indemnity be provided along with an appropriate financial contribution sufficient to repurpose the identified parcels subject to other provincial, federal and stakeholder investment necessary for successful repurposing of the lands; and further that the Mayor and CBRM officials be authorized to enter into negotiations to facilitate the Federal Government's divestiture objective to the greatest extent possible and feasible for the CBRM to undertake, subject to formal consideration by Council.

Discussion:

Mayor Clarke advised that when staff follow up, they will have the appropriate breakdown of the detailed list with all appropriate identifications.

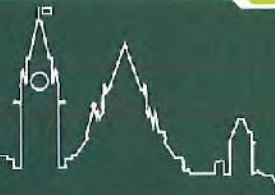
Motion Carried.

Resolution

Federal Lands Divestiture

- Whereas:** The Federal Government through Public Works and Government Services Canada (PWGSC) is requesting the CBRM to accept the divestiture of 157 federal land parcels;
- And Whereas:** The CBRM Council formally approved 109 of the 157 land parcels for divestiture to the CBRM for public holding, use and purpose;
- And Whereas:** 36 of the 48 remaining parcels are of interest to the Cape Breton Regional Municipality for recreational, active transportation and public benefit;
- And Whereas:** The CBRM must have environmental indemnification and financial support for land parcel repurpose, operation and maintenance;
- And Whereas:** 8 of the 48 remaining lots are not within the CBRM's ability or capacity to acquire;
- And Whereas:** 4 land parcels have been identified of interest for future deliberations associated with water utility use and benefit;
- Therefore Be It Resolved:** That Council request the Mayor to write to the Federal Minister of PWGSC requesting the Federal Government enter into either a long term lease arrangement with the CBRM or alternate land for active transportation, recreational and other public purpose or benefit; and further, that environmental indemnity be provided along with an appropriate financial contribution sufficient to repurpose the identified parcels subject to other provincial, federal and stakeholder investment necessary for successful repurposing of the lands; and further that the Mayor and CBRM officials be authorized to enter into negotiations to facilitate the Federal Government's divestiture objective to the greatest extent possible and feasible for the CBRM to undertake, subject to formal consideration by Council.

Mayor Cecil P. Clarke
Cape Breton Regional Municipality
March 5, 2019



Respect + Integrity + Excellence + Leadership

Serving
GOVERNMENT,
Serving
CANADIANS.

Memorandum of Understanding (MOU)

BETWEEN

PUBLIC WORKS AND GOVERNMENT SERVICES CANADA
(undertaking work as PUBLIC SERVICES AND PROCUREMENT CANADA)

(Hereinafter referred to as "PSPC")

AND

CAPE BRETON REGIONAL MUNICIPALITY

(Hereinafter referred to as "CBRM")

Collectively referred to as the "Parties"



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Appendices

Appendix "A" - CBO Portfolio – Final Listing of CBRM Priority Interest Properties

Appendix "B" – Sample Environmental Disclosure Agreement

Appendix "C" – Sample Full and Final Release Document

1.0 BACKGROUND

Cape Breton Operations (CBO), Public Services and Procurement (PSPC), Atlantic Region is responsible for the administration of three programs transferred from Enterprise Cape Breton Corporation (ECBC) to PSPC as a result of its dissolution in June 2014. These programs include:

- 1) benefits programs for former miners of Cape Breton Development Corporation;
- 2) mine water treatment and remediated sites management; and
- 3) portfolio management and divestiture.

For the purposes of this Memorandum of Understanding (MOU), it is the third element of CBO's mandate which is of interest. Cape Breton Operations, reporting through the RDG, Atlantic Region to the Deputy Minister of PSPC, is responsible for the day-to-day administration of surplus lands that were transferred to PSPC with the dissolution of ECBC. The fulfillment of CBO's mandate in administering these programs includes working collaboratively with other levels of government to identify any priority interests they may have in these surplus lands and to seek effective and efficient mechanisms and approaches to facilitate transfer of lands of interest, consistent with federal and provincial policy, directives and associated legislation.

The local municipal body, being the Cape Breton Regional Municipality (CBRM), is responsible for the administration of regional supporting infrastructure and lands, which involves planning for, developing and managing activities within CBRM communities. Certain surplus properties contained within the surplus CBO real property portfolio are of interest to CBRM.

2.0 PURPOSE

This Memorandum of Understanding (MOU) establishes a guideline framework for the terms, components and overall approach to be taken between PSPC and CBRM in an effort to work collaboratively in an efficient and timely manner, to transfer properties deemed to be of interest to CBRM.

The Parties to this MOU are seeking to realize the opportunities that exist to deliver on the mandates of their respective organizations, by working collaboratively at a program and portfolio level, rather than solely at a transactional level. The alignment of these mandates includes the federal requirement to divest of lands, for which there is no program purpose, and the supporting municipal desire to acquire lands in support of regional community infrastructure and servicing throughout the bounds of CBRM. Through these offsetting efforts and activities, the underlying communities will benefit through the reintegration of these properties into the region.

Categories of properties of interest to CBRM include, but are not limited to:

- Various resource land parcels including: forested watershed area tracts and lands that support municipal servicing (i.e water, sewer, drainage, etc.)

- Vacant land parcel located in community areas which support recreational uses.
- Various land parcels comprising sections of the former urban rail corridor to be used for active recreation transportation pathways.

Note: Refer to “Appendix A” for the identification of the specific properties of interest to CBRM (confirmed August 2019), herein referred to as “the Lands”.

3.0 SCOPE

CBRM originally expressed conditional interest in the acquisition of 157 total properties in August 2017 following their review of the greater surplus CBO real property portfolio. This property listing was presented to CBRM municipal council during a special council meeting held March 5th, 2019. The resolution following this meeting confirmed CBRM’s interest in acquiring 109 of the properties and further contemplated that CBRM staff review the remaining 48 properties for future consideration by council. In the following months, and in conjunction with on-going discussions with CBO staff, CBRM staff completed an internal review and presented details on the majority of these remaining properties to council for final acceptance. This final interest listing was confirmed in August 2019 and forms Appendix “A” to this MOU. It is subject to future review and currently shows the status of all discussed properties. It is anticipated that all of these properties will be transferred from PSPC to CBRM on or before March 31st, 2021.

The associated divestiture strategy and implementation plan are intended to include the following elements:

- A phased approach to the transfer of these properties will be mutually developed, incorporating the establishment of timeframes by fiscal year, in terms of priority and transaction target dates of both Parties.

In advance of the transfer of certain property groupings within the greater priority interest property listing, PSPC will undertake to complete the following activities:

Former Rail Corridor Parcels

This property transfer will include all of the contiguous rail corridor parcels located between Gardiner Road and Tower Road (approximately 14 kms). PSPC agrees to bring the rail corridor up to an agreed upon standard prior to transfer. As part of this undertaking, CBRM agrees to complete regular weekly inspections of the rail corridor work and provide agreement and sign off to PSPC confirming the the works meet an acceptable standard. These efforts, completed at PSPC’s expense, would include:

- Chipping the vegetation to approximately 10 feet wide.
- Grading the full length of the rail bed.
- Placing compacted crusher fines on the rail bed.
- Providing armour stone barriers at each road intersection and subject to cost paving the section from King Edward St. to Main St.
- PSPC would also undertake to shift the route of existing rail corridor along Main

Street in Dominion where it is very close to homes (east of Dominion Arena).

Colliery Lands Park (Baseball Field), New Waterford

The parcels within No 12 Colliery Lands Park on which the baseball field is built is in a high risk subsidence area. Even though CBRM has requested title, PSPC would not want to transfer that property with the potential risk. PSPC will act to mitigate that risk potentially by drilling and filling the mine voids with high density foam or cement prior to transfer.

No. 21 – Watershed Area

The property located at No. 21 Birch Grove – watershed area forms part of this real property transfer. CBRM will continue with their water sampling program, which is expected to be completed during late fall or early winter 2019. Subject to these test results and associated Nova Scotia Department of the Environment (NSDOE) review and concurrence, CBRM will move to acquire these lands which are located adjacent to other municipal lands holdings in the area.

Subsidence Related Work at Entrance to Dominion 5/10 Park in Reserve Mines (PIDs 15555915 and 15238561

PSPC will undertake to mitigate the subsidence risk at this location through geo-technical investigation followed by application of high-density foam or concrete to the underground areas of this property subject to subsidence. This effort will be completed at the expense of PSPC.

Deferred Maintenance Payment (Annual Basis) – Recreational Park and Rail Corridor Properties

Ownership of the lands constituting the community based recreational parks and associated properties contained in the priority interest property listing involves costs associated with property taxes and on-going maintenance requirements including grass mowing, landscaping, signage, etc. PSPC hereby agrees to provide CBRM with annualized payments in the maximum amount of \$90,000 (representing an estimate of the cumulative amount of these holding costs for all properties a breakdown of which is shown below), during each of the ten (10) years following transfer of title in these properties to CBRM. This payment will be made by PSPC to CBRM based on CBRM providing an invoice on March 1st of each year. In the situation whereby only a portion of the properties have been transferred to CBRM as of April 1st of a given year, PSPC will make an annual payment reflecting the applicable proportionate share of the overall maintenance estimate.

<u>Rail Corridor (+/- 14 kms):</u>	<u>Annual Maintenance Cost Estimate (\$)</u>	<u>Recreational Park Properties:</u>	<u>Annual Maintenance Cost Estimate (\$)</u>
(Tower Road to Gardiner Highway)	\$40,500	Reserve Mines , Dominion 5/10	\$8,500
Includes grooming, brush removal, surface repair, signage, washouts		Birch Grove, No 21	\$8,500
		Glace Bay No. 20	\$8,500
		Sydney Mines , Princess Trails	\$10,000
		Glace Bay, Dominion No. 11	\$8,500
		New Waterford, Colliery Lands Park	\$5,500

4.0 DUE DILIGENCE

PROPERTY INSPECTION


- CBRM, its servants, agents or employees shall have the right, without limitation, to enter the Lands at any time, during the term of this MOU for the purpose of carrying out any inspections, tests and investigations as deemed necessary by CBRM.
- CBRM represents and warrants that it has or will inspect the Lands or cause the Lands to be inspected on its behalf and has not entered into this MOU in reliance upon any representation by PSPC whether oral, written, or implied and by whosoever made.
- PSPC makes no representations or warranties expressed or implied as to the suitability of the Lands for any purpose.

ENVIRONMENTAL

- PSPC is responsible to ensure the Lands are to be sold or disposed of in a state compatible with all applicable Federal laws or regulations relating to the environment.
- PSPC will provide CBRM with copies of all available environmental phased and closure reports as they relate the Lands for CBRM's review.
- Prior to Closing, CBRM will enter into the Environmental Disclosure Agreement with
- PSPC as it relates to the current environmental state, as well as any potential environmental issues, a sample copy of the said Agreement being attached hereto and marked Schedule "B";
- Many of the land parcels contained within the purview of this property listing are subject to subsidence risk. PSPC will provide CBRM with the consultant prepared "General Subsidence Risk Document" and any other site specific information available in support of a subsidence related "Full and Final Release" which when executed will form part of the closing documentation associated with the overall property transfer.

TITLE/MIGRATION

- Property descriptions and registry requirements: agreement to explore efficiencies in the due diligence requirements associated with providing adequate property descriptions. Given the nominal value nature of the subject properties via their transfer as a public purpose, there is deemed to be no trigger for migration of these lands into the Land Titles system (Nova Scotia's provincial Land Registration Act).
- CBRM shall accept PSPC's title in the Lands provided the title is good. The Parties have mutually agreed that any existing and long-standing encroachments upon the Lands will remain and separate from identification, where known, PSPC will not be required to resolve them. CBRM's future ownership will be subject to existing



registered rights-of-way, or other registered easements, registered restrictions or covenants that run with the Lands and subject to any restrictions in the original grant from the Crown.

- CBRM shall be responsible to pay all fees, levies, or taxes in connection with registration of the documents required to effect the property transfers.

CONSULTATION WITH FIRST NATIONS OF NOVA SCOTIA

- Consultation with KMKNO at the portfolio level formed part of CBO's Duty to Consult requirements. PSPC CBO has completed a Portfolio Based Consultation exercise with the First Nations of NS and following a BCR approving the accommodation, PSPC CBO has received full release on the remainder of their real property portfolio, thus satisfying this requirement.

CONSIDERATION AND HOLDING COSTS

- The properties contained at Appendix "A" are being transferred as continued public purpose properties, supporting that fact that they will be transferred for a nominal value (\$1.00).
- Pursuant to the Payment in Lieu of Taxes Act, PSPC shall pay all payments-in-lieu of taxes on the Lands up to and including the Closing date.

5.0 ROLES AND RESPONSIBILITIES

The Parties, as represented through PSPC and CBRM, will provide leadership, direction and support on property disposal and acquisition activities on behalf of their respective governments.

Joint roles and responsibilities include:

- demonstrate leadership and support the overall objectives of the MOU;
- reporting protocol to be developed.
- Meeting schedule between PSPC and CBRM representatives to be established.

6.0 NOTIFICATION

This MOU may be modified by mutual consent of authorized officials from the Parties.

This MOU shall become effective upon signature by the authorized officials from the Parties and will remain in effect until modified or terminated by any one of the partners by mutual consent.

7.0 REPRESENTATIVES

The following officials are designated as the representatives for purposes of this MOU:

For PSPC:

Darcy Truen
Regional Director,
Cape Breton Operations

Tel: 902-563-0059


Darcy.Truen@pwgsc-tpsgc.gc.ca

For CBRM:

Marie J Walsh
Chief Administrative Officer
Cape Breton Regional Municipality

Tel: 902-563-7979

mjwalsh@cbm.ns.ca



Signed by:

**For Public Works
and Government
Services Canada:**

Darcy Truen
Regional Director,
Cape Breton Operations
Public Services and Procurement Canada

Date _____

For CBRM:

Cecil Clarke
Mayor
Cape Breton Regional Municipality

Date _____

Deborah Campbell- Ryan
Clerk
Cape Breton Regional Municipality

Date _____



Appendix "A"

CBO Portfolio – Listing of CBRM Priority Interests

CBRM PRIORITY INTEREST (FEDERAL GOVERNMENT - Public Services & Procurement Canada CBO) PROPERTIES

LEGEND: W = Water WW = Waste Water PW = CBRM Public Works AT = Active Transportation P&G = Parks and Gro

#	PID	Land Area (ac)	Property Description	CBRM Requirement	Use
1	15804826	49.70	MacAskills Brook Watershed	Parcel	W
2	15562226	133.00	MacAskills Brook Watershed	Parcel	W
3	15523533	177.90	MacAskills Brook Watershed	Parcel	W
4	15688906	6.85	MacAskills Brook Watershed	Parcel	W
5	15782816	0.01	MacAskills Brook Watershed	Parcel	W
6	15553001	8.60	MacAskills Brook Watershed	Parcel	W
7	15597743	0.45	MacAskills Brook Watershed	Parcel	W
8	15782824	124.00	MacAskills Brook Watershed	Parcel	W
9	15688898	34.00	MacAskills Brook Watershed	Parcel	W
10	15855976	18.27	MacAskills Brook Watershed	Parcel	W
11	15535263	90.43	MacAskills Brook Watershed	Parcel	W
12	15855950	44.30	MacAskills Brook Watershed	Parcel	W
13	15500515	2.30	Glace Bay Water Treatment Plant	Parcel	W
14	15829336	6.19	Water mains located within & Entrance to Glace Bay WTP	Parcel	W
15	15829328	4.23	Water mains located within	Easement	PW
16	15829789	1.60	Water mains located within	Easement	PW
17	15872666	1.20	Water mains located within & AT	Easement	PW / AT
18	15501620	6.76	Sewer and Water Mains located within	Parcel	PW
19	15452097	0.57	ECBC Devco Railway - Water mains located within	Parcel	PW / AT
20	15501760	1.00	No 11 Rail	Parcel	PW
21	15220403	8.30	ECBC Devco Railway - Water mains located within	Parcel	PW / AT
22	15433444	4.65	Haulage Road off Steeles Hill Road for ROW & water and sewer	Parcel	PW
23	15850423	0.27	Maple Ave. water main	Parcel	PW
24	15220692	1.10	Birch Street water main	Parcel	PW
25	15452212	0.50	Lake Road Water main	Parcel	PW
26	15782238	1.20	ECBC Devco Railway	Parcel	PW / AT
27	15782311	1.49	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
28	15782246	1.59	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
29	15418221	14.54	Douglas Ave Soccer Field	Parcel	P&G
30	15418072	5.19	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
31	15782253	2.37	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
32	15782261	0.65	Soccer Field and Parking end of Douglas Ave	Parcel	P&G / AT
33	15782279	0.26	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
34	15782287	0.28	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
35	15782303	1.07	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
36	15859218	5.00	Soccer Field and Parking end of Douglas Ave	Parcel	P&G / AT
37	15427180	4.00	Soccer Field and Parking end of Douglas Ave	Parcel	P&G
38	15782345	1.50	End of South St - Sewer Main	Parcel	PW
39	15782329	0.27	End of South St - Sewer Main	Parcel	PW
40	15220411	2.13	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
41	15061062	3.10	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
42	15060940	0.53	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
43	15061005	1.09	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
44	15061054	2.21	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
45	15061021	0.26	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
46	15060585	0.40	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
47	15564148	1.77	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
48	15773856	2.02	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
49	15773807	0.57	ECBC Devco Railway - Water mains located within	Parcel	PW
50	15773815	0.15	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT

51	15739477	2.63	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
52	15531320	0.85	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
53	15531338	0.69	ECBC Devco Railway - Water mains located within	Parcel	PW
54	15531346	0.07	ECBC Devco Railway - Water mains located within	Parcel	PW
55	15531312	0.50	ECBC Devco Railway - Water mains located within	Parcel	PW
56	15531304	1.00	ECBC Devco Railway - Water mains located within & AT	Parcel	PW / AT
57	15442692	2.70	Land between Wallace & Woodward (Drainage Area)	Parcel	PW
58	15442700	3.05	Land between Wallace & Woodward (Drainage Area)	Parcel	PW
59	15442395	1.70	Land between Wallace & Woodward (Drainage Area)	Parcel	PW
60	15782212	0.35	Land between Woodward & McIntyre Ln (Drainage Area)	Parcel	PW
61	15449812	6.16	Land between Woodward & McIntyre Ln (Drainage Area)	Parcel	PW
62	15449853	1.54	Land between Woodward & McIntyre Ln (Drainage Area)	Parcel	PW
63	15737315	0.85	South east McIntyre Lane - Kendall Lane	Parcel	PW
64	15782519	0.07	North west McIntyre Lane	Parcel	PW
65	15450182	2.60	Parcel near Crosby St for drainage	Parcel	PW
66	15735731	0.78	Station St (Dominion) ROW	Parcel	PW
67	15662109	0.18	End of Lewis Drive - maybe future storm drainage	Parcel	PW
68	15735996	0.11	Cross Country Sewer Lines (Near Cottage Rd LS)	Parcel	PW
69	15736002	0.22	Cross Country Sewer Lines (Near Cottage Rd LS)	Parcel	PW
70	15735913	0.88	Cross Country Sewer Lines (Near Cottage Rd LS)	Parcel	PW
71	15735921	0.88	Cross Country Sewer Lines (Near Cottage Rd LS)	Parcel	PW
72	15735905	0.30	Cottage St Lift Station - Dominion	Parcel	WW
73	15549306	5.76	Overflow for McIntyre Lane LS	Parcel	WW
74	15568074	3.86	Overflow for McIntyre Lane LS	Parcel	WW
75	15441355	3.67	Sewer Outfall - End Wallace Rd	Parcel	PW/WW
76	15441090	6.29	Outfalls, transmission main & Shea's Lane Exchange	Parcel	PW/WW
77	15440969	3.29	Outfalls and transmission main (PRIVATE OWNERSHIP)	Easement/Portion	WW
78	15526668	6.80	Outfalls and transmission main	Parcel	PW/WW
79	15437791	2.20	Corner of East Ave and Eight St	Easement/Portion	WW
80	15437742	2.10	On Sixth Ave behind Ring 23	Easement/Portion	WW
81	15393085	1.20	Off Upper North St near Ocean Ave	Parcel	PW
82	15525165	0.37	Lower North St where we placed Armour Stone	Parcel	PW
83	15782568	1.20	Behind Munroe and Chant St - Sewer line (Reserve Mines)	Parcel	PW
84	15736820	6.96	Off Neville St to Haulage Road (Sewer Main)	No	PW
85	15524945	41.32	Possible Treatment Plant Site - Port Morien (Future Use)	Parcel	WW
86	15370125	27.00	Possible Treatment Plant Site - Port Morien (Future Use)	Portion	WW
87	15782022	3.50	Waterford Lake Watershed	Parcel	W
88	15518343	0.20	Waterford Lake Watershed	Parcel	W
89	15483100	11.50	Barrachois end of Mahon St	Parcel	PW/WW
90	15482730	1.50	Barrachois end of Beach St	Parcel	PW/WW
91	15469331	0.23	Plummer Ave East End - ROW	Parcel	PW
92	15469315	1.30	Plummer Ave East End - ROW	Parcel	PW
PW NORTH					
#	PID	Land Area (NSPRD)	Property Description	CBRM Requirement	Use
93	15535081	0.71	Corner Crescent / Pitt for Drains	Parcel	PW
94	15781842	11.28	Corner Ocean / Pitt for Drains & WW	Easement	PW
95	15250668	Now PID 15892939	Bras D'or, Florence Road Sewer (Easement in place) Now Private	Easement	PW

Parcels 21 through 31 for portions and easements only

21	15535271	20.00	Birch Grove Park - Dom # 22	Parcel	P&G
22	15567993	8.00	Birch Grove Park - Dom # 22	Parcel	P&G
23	15430002	23.50	Reid Ave/Lorway St for ROW & water and sewer (Former No.11 Dump)	Portion	PW
24	15782337	1.00	End of South St	No	PW
25	15531064	0.11	West Ave across from EPW Office	Parcel	PW/WW
26	15736838	10.00	Rear Neville St - Sewer Main	Parcel	PW
27	15782105	3.40	Rear Neville St - Sewer Main	Parcel	PW
28	15523723	22.00	Between Wilson Rd and Sydney Road - Sewer Main (Review for Parcel)	Easement	PW
29	15579170	0.44	End of Ling St - Cross Country Main (Subject to Survey) Discussion	Parcel	PW/WW
30	15490188	4.80	End of Ling St - Cross Country Main (Subject to Survey) Discussion	Parcel	PW/WW
31	15459652	16.00	Railway (Florence), Sewer main crossing	Parcel	
32	15523707	10.00	Reserve Mines behind fire hall - Dom 5/10	Parcel	P&G
33	15471238	2.45	Walking Track off Plummer Ave	No	P&G
34	15469687	17.27	Walking Track off Plummer Ave and Sewer Mains	No	P&G
35	15781867	9.40	Former Sydney Mines Washplant site. - Walking trails	Parcel	
36	15781875	17.21	Former Sydney Mines Washplant site. - Walking trails	Parcel	

Parcels 37 through 40 to be Deferred

37	15855968	131.48	MacAskill's Brook Watershed (Mine Water Remediation Required)	Parcel	W
38	15168412	34.00	Former Sydney Mines Washplant site. - Walking trails	Parcel	WW
39	15781842	11.28	Former Sydney Mines Washplant site. - Walking trails	Parcel	WW
40	15781834	7.74	Former Sydney Mines Washplant site. - Walking trails	Parcel	WW

Parcels 41 through 48 not required

41	15427693	0.27	Lake Road	Parcel	
42	15419427	5.52	Quarry Road	Parcel	
43	15445273	3.86	Tablehead (Shoreline from Hay St to Upper North St)	No	
44	15699937	0.41	End of Tennyson St	No	
45	15515992	7.60	East of Police Station on Grand Lake Road	Parcel	
46	15642036	8.00	George St/ Moffat St Sewer (Sydney Mines)	No	
47	15504913	63.00	Former Sydney Mines Washplant site	No	
48	15781818	153.60	Former Sydney Mines Washplant site	No	
49	15555915	0.13	Dominion 5/10	Parcel	
50	15238561	0.13	Dominion 5/11	Parcel	



Appendix "B"

Sample Environmental Disclosure Agreement



ENVIRONMENTAL DISCLOSURE AGREEMENT

THIS AGREEMENT made in duplicate this ____ day of _____, 2019.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the
Minister of Public Works and Government Services (“Her Majesty”)

PARTY OF THE FIRST PART

- and -

Cape Breton Regional Municipality, Province of Nova Scotia, (“CBRM”).

PARTY OF THE SECOND PART

WHEREAS Her Majesty is the owner of real property, all of which parcel are more particularly described in Schedule “A” (“the Lands”) and

AND WHEREAS in compliance with Canada’s policy on disposal of land, Environmental Assessments of the Lands were conducted and the following reports generated and provided to CBRM, the receipt of which is hereby acknowledged:

LIST ALL AVAILABLE AND APPLICABLE REPORTS

(collectively referred to herein as “the Environmental Reports”)

AND WHEREAS all data has been reviewed and the appropriate determinations made, all to the satisfaction of CBRM.

AND WHEREAS Her Majesty agrees that the above aformentioned Environmental Reports fully satisfy the Treasury Board guidelines for the Government of Canada, that departments prior to disposing of lands must ascertain the environmental health of the property and dispose of lands in a manner environmentally acceptable.

AND WHEREAS CBRM agrees to accept title to the Lands in their present condition on an “as is” basis in accordance with the provisions of this agreement and the primary Memorandum of Agreement (MOU) of which this agreement is a portion.

NOW THEREFORE the parties hereto agree as follows:

1. DEFINITIONS

- a. "Environmental Contaminant" shall mean any physical, chemical, biological or radiological substance in air, soil or water that has an adverse effect. Any chemical substance whose concentration exceeds background concentrations or which is not naturally occurring in the environment or applicable legislation, regulations or guidelines in force at the time of this agreement.
- b. "Environmental Reports" shall collectively mean: [a] LIST REPORTS, all being referenced above.
- c. "Agreement" shall mean this Environmental Disclosure Agreement;
- d. "Canada" shall mean Her Majesty the Queen in right of Canada;
- e. "Environment" as defined in the *Canadian Environmental Protection Act*, means the components of the earth and includes:
 - (a) air, land and water;
 - (b) all layers of the atmosphere;
 - (c) all organic and inorganic matter and living organisms; and (d) the interacting natural systems that include components referred to in paragraph (a) and (c);
- f. "Contaminated area" shall mean portions of the Lands as identified in the Reports, if any.

2. GENERAL

- a. There are, to the knowledge of Her Majesty, no orders or directions relating to environmental matters requiring any work, repairs, construction or capital expenditures with respect to the Lands and the use thereof, nor has Her Majesty received any Notice thereof, except as may be disclosed in this Agreement.
- b. While no warranty is provided, to the best of Her Majesty's knowledge, no Environmental Contaminant has been released into the environment, or deposited, discharged, placed or disposed of at, on, or in the Lands, except as may be disclosed in this Agreement.
- c. CBRM warrant that they have been provided with and is aware of the contents of the Reports and is aware of the present condition of the Lands and has exercised all due diligence with respect thereto in making this Agreement.



3. OBLIGATIONS

- a. Any remedial action applicable to the Lands required as a result of the presence of any Environmental Contaminant howsoever caused, shall be the sole responsibility of the CBRM upon the CBRM taking title to the Lands.
- b. CBRM agrees to accept the Lands in their present environmental state as of the date of this Agreement without recourse against Her Majesty and CBRM accepts all responsibility and liability, including environmental responsibility, for the Lands from the day of transfer notwithstanding that any Environmental Contaminant was deposited in or on the Lands prior to the date of transfer of title CBRM.

4. RELEASE AND INDEMNITY

- a. CBRM do hereby release Her Majesty, its agents and employees from all claims, demands, actions or causes of action that CBRM ever had or may hereafter have as a result of the purchase of the Lands in their present environmental state.

5. MISCELLANEOUS

- a. The representations and warranties contained herein shall not merge but shall survive the transfer of Lands to CBRM. The doctrine of merger shall not apply hereto and this Agreement shall remain in full force and effect notwithstanding the sealing, issuing or delivery of the conveyancing instrument.
- b. No member of the House of Commons shall be admitted to any share or part of this Agreement or any benefit arising therefrom.

IN WITNESS WHEREOF this Agreement has been executed on behalf of HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the Minister of Public Works and Government Services, duly authorized by her the day and year first above written, and CBRM this ____ day of _____, A.D. 2019.

SIGNED, SEALED AND DELIVERED
presence of

HER MAJESTY THE QUEEN in the
IN RIGHT OF CANADA, as
represented by the Minister of
Public Works and Government
Services

Witness

On behalf of the Minister Public Works
and Government Services


SIGNED, SEALED AND DELIVERED at _____, in the County of Cape Breton, Province of Nova Scotia, on the ____ day of _____, A.D., 2019.

Cape Breton Regional Municipality

Per: _____



SCHEDULE "A" TO THE ENVIRONMENTAL DISCLOSURE AGREEMENT



Appendix "C"

Sample Full and Final Release Document

FULL AND FINAL RELEASE

Cape Breton Regional Municipality, Province of Nova Scotia,
(hereinafter called the "RELEASORS")
OF THE FIRST PART
and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the Minister of
Public Works and Government Services
(hereinafter called the "RELEASEE")
OF THE SECOND PART

WHEREAS the Releasors and the Releasee have agreed to conveying the lands to the Releasors, and the Releasors accepts full responsibility for the risk of subsidence and releases the Grantor /Releasee from any further claims;

AND WHEREAS the Releasee has provided to the Releasors disclosure of all information the Releasee has on the subsidence and environmental risks associated with those lands described in Schedule 'A' hereto;

AND WHEREAS the Releasors have had independent legal counsel in this transaction to acquire the Schedule 'A' Lands;

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS that the transfer of the Lands from the Releasees to the Releasors of Schedule 'A' Lands, on even date herewith of which this Release forms a part as Schedule C therein , the Releasors , do hereby remise, release and forever discharge the Releasee , its directors, agents, employees, administrators, successors and assigns of and from any and all actions, causes of action, contracts, claims, suits, costs, demands and damages in any way associated with or arising from any subsidence of the Schedule 'A' Lands of whatsoever sort or nature or kind and howsoever arising which the Releasors , their predecessors in title, their heirs, executors, administrators, successors and assigns have or may have in the future, including:

- a. any damage to, or damage arising out of, the Schedule 'A' Lands; or,
- b. damage to adjacent lands; or,
- c. damage to their other property or of any third parties, property real or personal; or,
- d. for injury to themselves or to any third parties of whatsoever nature and kind, arising out of, or relating to, or in any manner associated with, the subsiding or falling in ,on

account of mining of coal or any related activities or for any other reason, or event occurring under or in the vicinity of the Schedule "A" Lands.

AND THE Releasors do HEREBY DECLARE that they have fully read over and have had explained to each of them this Final Release and they are fully informed of the contents of the Final Release and has been advised by their solicitor of the nature and effect thereof and of the rights and obligations to which they have agreed both as to their current and future status by virtue of the execution of this Final Release and that they have not been influenced to any extent in signing this Final release by any representations or statements by CANADA or persons representing Canada and that they have acted independently in signing this Final Release.

AND IT IS FURTHER UNDERSTOOD AND AGREED that this Final Release is enforceable in all jurisdictions in Canada and that it shall be interpreted according to the laws of the Province of Nova Scotia.

IN WITNESS HEREOF We have hereunto affixed our hand and seal this ___ day of _____, A.D. 2019.

SIGNED, SEALED AND DELIVERED)

In the presence of:)

)

)

)

do not sign

_____)

)

_____ LS

Witness)

)

*

[Proof of Execution of release to cover a stand alone use or purpose for the Release]

I am a barrister and solicitor qualified to practice law in the Province of Nova Scotia and I hereby represent and declare that I have fully explained the foregoing Final Release to the above-named person who, in turn acknowledged to me an understanding of this document and the legal effect thereof and on this ___ day of ___ came before me and signed the aforementioned Release as and for their act.

[Print name of Notary]

[add notary seal]

DATED: _____, 2019.



SCHEDULE "A" TO THE FULL AND FINAL RELEASE

**Excerpt – Draft Fire & Emergency Services Committee Minutes
September 11, 2019**

Medical First Responder Service by CBRM Fire & Emergency Services

Motion:

Moved by Councillor Coombes, seconded by Councillor Eidon MacDonald, that a recommendation be made to Council to support the decision of any CBRM Volunteer Fire Department to offer the Medical First Responder (MFR) program, and further, to take steps to have MFR offered by the Career Fire Service immediately.

Discussion:

During the discussion, some of the issues raised by Committee members included:

- Cost/benefit to CBRM
- Willingness by the Volunteer Fire Departments to be involved
- Training and Certification
- Clarification on whether the previous motion must be rescinded
- Budget amount on an annual basis
- Red Cross, St. John Ambulance and in-house training available to the Fire Service
- Current Mutual Aid Agreements

It was **agreed** that as part of the motion, staff be directed to reach out to the Volunteer Fire Departments to determine the number of Departments that are interested in participating in the MFR program, estimate the associated costs and forecast it out as a multi-year budgetary item.

Motion Carried.

ISSUE PAPER

TO: Fire & Emergency Services Committee

Date: June 18 , 2019

ISSUE:

Medical First Responder Service by CBRM Fire & Emergency Services

BACKGROUND:

Starting in January of 1998, 125 out of the 271 fire departments across Nova Scotia, participated in a pilot project, responding to Medical First Responder (MFR) emergencies. This program was initiated by Emergency Health Services Nova Scotia (EHSNS). By September of 1998, EHSNS was ready for a full implementation of the MFR program across Nova Scotia.

At this time the Protective Services Committee of CBRM passed a motion that without provincial funding to cover the municipality's possible costs connected to the program, CBRM would neither become involved with the MFR program nor encourage any volunteer departments to be involved.

An issue paper presented by Fire Chief Jack Neary at that time drew attention to five concerns that should be addressed before engaging in MFR calls.

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 or separate constitution and by-laws;*
5. *The medical or First responder service should be incorporated as a separate entity to provide a degree of protection to the Fire Service personnel who are not part of the delivery of medical services.*

The paper went further to recommend a fee structure:

- 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.*

CURRENT PRACTICES:

Today, some 20 years later there are 15 fire departments in the CBRM that offer MFR service, three more intend to by the end of 2019 (see attached). In the province of Nova Scotia 229 of the 271 fire departments offer MFR service. An additional 10 agencies, other than fire departments, offer the MFR program in N.S.

There are a variety of levels a department can choose to offer, **once they have been trained to the MFR standard**. The levels are as follows:

LEVEL 1.....Do Not Notify my department/agency for medical calls.

LEVEL 2.....Only notify my department/agency if requested by the responding paramedics.

LEVEL 3.....Notify my department/agency for "Time Critical" emergency calls only, as determined by EHS communications Officer.

LEVEL 4.....Notify my department/agency for all emergency calls in our community.

LEVEL 5.....Notify my department for cardiac arrests, motor vehicle collisions and lift assists only.

LEVEL 6.....Notify my department/agency if requested by the responding paramedics and for all cardiac arrests and motor vehicle collisions.

A fire department/agency can choose whichever level they wish to offer. This level can be changed to any other level at any time the department/agency wishes to.

Addressing the five concerns mentioned in the issue paper of 1998:

1. No department without the willingness to be involved in the MFR program should be asked to, however those who show the willingness should be supported.

2. Skill levels of the First Responder, in the departments currently involved, and in those departments wishing to get involved, are and must meet the certification training and protocol requirement of EHSNS. This is a prerequisite of becoming a department offering MFR. These qualifications must be recertified every three years.
3. Liability insurance is addressed through EHS insurance, both for the individual and the department (see attached). Also Section 300 of the MGA reads:

No liability

300 A municipality, a village, a fire protection district, an employee of a municipality, village or fire protection district, a member of the fire department of a municipality, village or fire protection district, a registered fire department, a member of a registered fire department, a registered emergency services provider and a member of a registered emergency services provider are not liable for an act or omission in providing, or failing to provide, an emergency service, unless they are grossly negligent. 1998, c. 18, s. 300.

The MGA came into effect in April of 1999, thus it would not have been a resource for the issue paper of 1998.

4. Concerns 4 & 5 aren't an issue with any of the 229 fire departments in Nova Scotia currently offering MFR services.

As for the fee schedule that was suggested in the paper of 1998, this seems to be excessive in so much as, we as a municipality, don't offer this to the departments that provide us with volunteer fire services.

However, in the fee schedule it is suggested equipment be replaced, EHS does offer supplies under the MFR program.

Speaking to the expense of training staff to an MFR level, we currently must keep our fire fighters up to date with their First Aid certification. This is a cost of \$38 a person. The MFR training, which is more in depth training, will cost \$95 per staff member, this is with qualified in-house trainers.

Also the books needed for the training are \$100 a book. These books have been purchased by two departments in CBRM that are willing to lend them out further reducing the cost to future departments training.

EHSNS offers up to \$1500 in training for departments in the first year of becoming MFR responders and up to \$300 for recertification.

We have already delivered this training to the career members, irrespective of whether we offer MFR services, this offers better protection of our employees.

EHSNS will supply an Automated External Defibrillator (AED), a fully stocked oxygen tank, spinal immobilization gear, consumable medical supplies such as masks, splints, rubber gloves etc. Any of this gear that must be replaced can be done so by accessing EHSNS online and ordering the depleted supplies at **no cost**.

The following is an excerpt from the Halifax Administrative Order for Halifax Regional Fire & Emergency in the Halifax Regional Municipality:

2.0 “Medical Emergencies” means an acute injury or illness that poses an immediate risk to a person’s life or long-term health. Response to medical emergencies by first responders includes first aid, CPR skills and techniques for sustaining life, preventing further injuries, and caring for illnesses and injuries until the next level of medical care arrives.

“Advanced Medical First Responder Program” means advanced training in first aid, CPR, and the use of Automated External Defibrillation (AED). Such training provides professional first responders with the training and skills they need to respond to medical emergencies. Advanced Medical First Responder Program is the minimum level of medical response that will be provided by HRFE firefighters.

C.B. Regional Fire & Emergency Service volunteer fire departments who provide MFR responses within their communities and respond with an apparatus maintained by the C.B. Regional Fire Fleet Maintenance Division, that MFR service is almost entirely funded by EHS and CB Regional Fire.

EHS will supply all materials, supplies and equipment necessary for medical emergency responses as well as a cash provision toward firefighter MFR certification fees. The C.B. Regional Fire Service provides for all maintenance and repairs and a fuel allowance in volunteer department budgets and grants.

C.B. Regional volunteer fire departments that use a separate vehicle not maintained by C.B. Regional Fire Fleet are responsible for that vehicles maintenance and repairs, however C.B. Regional Fire & Emergency Service assists monetarily with maintenance and repairs when the request is made by the affected volunteer department(s).

The resulting additional financial impact on the volunteer or career fire service in providing Medical First Responses is minimal. When weighted against service provision, this is certainly a service that should be re-evaluated and considered for our CBRM citizens, especially given our aged and widespread demographic and the current level of EHSNS limitations that we are witnessing throughout Nova Scotia.

Recommendation:

Acknowledging the MGA was not a resource in 1998 nor was the EHSNS Insurance Coverage for MFRs. Also the *#code critical campaign* has drawn attention to the fact of there being a crisis in emergency health care. Also acknowledging that a majority of fire departments in Nova Scotia are offering MFR without negative impact to their departments, and providing a

positive impact on their citizens. By the end of 2019 a majority of CBRM fire departments will offer MFR as well.

With the training left for the individual fire departments to finance out of their current budget, and EHSNS supplying and replenishing needed materials, it would appear the financial impact on CBRM would be minimal and the benefit to the citizens could be substantial.

There is an increasing age demographic in our community and a decrease in the ability for trained personnel to respond to medical emergencies. We may not like where we are, but we ignore it at our own peril. Present day realities require present day solutions.

The recommendation would be to reconsider the motion of the Protective Services Committee of twenty years ago and support the decision of any CBRM volunteer department to offer the MFR program. Further, to take steps to have MFR offered by the career fire service immediately.

Attached is a detailed list of which departments in CBRM are offering Medical First Responders, as well as information on the insurance coverage for MFRs offered by EHSNS.

Deputy Chief Gilbert MacIntyre, ECFO

FIRE DEPARTMENT	MFR RESPONDER	PROCESS
Albert Bridge	NO	IN THE PROCESS OF RECERTIFYING AND REOFFERING
Bateston	NO	
Big Pond	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Birch Grove	NO	
Boisdale	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Christmas Island		
Coxheath	NO	
Dominion	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Donkin	NO	
East Bay	NO	
Florence	YES	CONTACTED EHSNS MFR AND WERE ADDED TO THE LIST
Frenchvale Road	NO	
Gabarus	NO	
George's River	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Glace Bay	YES	
Grand Lake Road	NO	
Haz Mat	NO	
Howie Centre	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Louisbourg	NO	THEY DO RESPOND TO HELP THE VOLUNTEER MFR AMBULANCE SERVICE IN TOWN
Marion Bridge	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Mira Road	NO	
New Victoria	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
New Waterford	NO	PLANS ON OFFERING BY FALL OF 2019
North Sydney	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Northside East Bay	NO	INTERESTED IN OBTAINING TRAINING
Port Morien	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Reserve Mines	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Scotchtown	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
South Bay	NO	
Southside Boularderie	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Sydney (Station # 1)	NO	
Sydney (Station # 2)	NO	
Sydney Mines	NO	
Sydney River	YES	NO SEPARATE SOCIETY, RUNNING UNDER THE FIRE DEPARTMENT
Tower Road	YES?	Trained submitted paperwork to EHSNS awaiting approval
Westmount	NO	Plans on offering by fall of 2019



Emergency Health Services

Insurance Coverage for Medical First Responders (MFRs)

As a Medical First Responder (MFR), you volunteer with an MFR agency that is sponsored by EHS to provide medical assistance. You have completed the necessary training to register with EHS MFR Services and continue to meet registration requirements through competency maintenance processes.

EHS has arranged for liability insurance coverage to protect registered MFRs when they act at the direction, and with the authorization, of EHS.

ACTING AS AN MFR

You may be called upon to put your MFR skills and training to use when:

- Your Agency is notified by EHS Medical Communications Centre of an emergency requiring medical assistance in your community. You, as an MFR, provide that assistance until an ambulance and paramedics arrive.
- Your Agency is asked to provide support for a community event, such as a sporting or cultural event, by having MFRs on site in case of a medical emergency. Your Agency requests and receives approval from EHS to provide MFRs.

Any time that you provide assistance to an injured person, there is a possibility that they might allege that you have caused them harm and make a claim against you for compensation. In some circumstances you are protected by the liability insurance provided through EHS that will respond on your behalf to a claim for compensation.

WHEN DOES INSURANCE PROTECT YOU?

You are only protected by this insurance when:

- You act within the Scope of Practice; and
- Your Agency is notified by EHS Medical Communications Centre of an emergency in your community and your Agency responds to the emergency in order to provide MFR assistance; or
- Your Agency has received prior approval from EHS to provide MFR support for a community event.

No matter what the circumstances, this insurance coverage only protects you when you are performing tasks and duties within the Scope of Practice of an MFR. You will have no insurance coverage if you exceed that Scope of Practice.

WHEN DOESN'T INSURANCE PROTECT YOU?

If you come upon a person in need of first aid and you choose to provide first aid, you have limited protection under the insurance provided by EHS. You should call 911 and administer only basic first aid until EHS personnel arrive. Also, Nova Scotia's **Volunteer Services Act ("Good Samaritan" Act)** may provide you with some protection against legal liability in these circumstances. The insurance protection provided through EHS does not apply in any other circumstances.

This Bulletin is intended for general information only. Insurance coverage is always subject to all terms, conditions and limitations of the insurance policy. Should you have any questions about this insurance coverage, or any potential claim, please contact mfrservices@emci.ca



CAPE BRETON REGIONAL MUNICIPALITY

NOTICE

By-Law for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, September 17, 2019 at 6:00 p.m.**, Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

By-Law	Intent
Amendments to the Vendors By-Law	• To allow licensing of vendors in rural areas, subject to circulation requirements.

The above By-law may be inspected at the Clerk's Office, 4th Floor, Room 405, City Hall, 320 Esplanade, Sydney, N.S.

Signed: **Deborah Campbell Ryan**
Municipal Clerk
August 31, 2019

7866216

Excerpt – DRAFT Council Minutes
August 13, 2019

Vendors Bylaw Amendments – Vending in Rural Areas

Motion:

Moved by Councillor Coombes, seconded by Councillor Gillespie, to proceed with first reading of the amendments to the Vendor's Bylaw regarding vending in rural areas, and schedule a Public Hearing at the September 17th meeting of Council.

Motion Carried.



ISSUE PAPER

TO: Council
DATE: September 9, 2019
FROM: Kristen Knudskov, Planner

RE: VENDORS BY-LAW AMENDMENT – VENDING IN RURAL AREAS

BACKGROUND

On May 7, 2019, General Committee directed staff to investigate options to streamline the process for vending proposals not found on Schedule A of the Vendors By-law.

Under the current Vendors By-law, licences may only be issued for locations which:

- are identified on Schedule A,
- previously contained a business development,
- are on CBRM property with permission, or
- the mobile vendor operates on for a short period of time.

However, the Licensing Authority receives inquiries regarding operating in locations not acknowledged under the By-law. To operate at such a location, the applicant must undergo the bylaw amendment process, which is costly and may take months.

DISCUSSION

Rural areas may also be appropriate for vending operations provided that there are no concerns from a planning, traffic, or neighbourhood nuisance perspective. Associated nuisances are currently regulated within the Bylaw, which includes provisions to manage trash and refuse, prohibit audible solicitation, and prevent unsightliness.

The proposed Amending Bylaw (attached) facilitates vending in rural areas. Section 4 Locations could be amended to allow the Licensing Authority to issue a licence as of right in rural areas, provided that the location is not within 100 feet (30m) of a residential dwelling. If the location is within 100 feet (30m) of any residential dwellings, the assessed property owners within said distance would receive notice of the application with a 14 day period to comment. The licence may

be issued if no objections are received. The Licensing Authority shall refuse the application if objections are raised. The applicant maintains the right to either appeal the refusal as per s. 5(6) or amend the Schedule A map as per s. 15.

As of the date of this report, no comments have been received from the public regarding the proposed amendment.

The attached amendment also encompasses a housekeeping item to remove the duplicate definition of Non-Profit Organization.

RECOMMENDATION

That Council proceed with the second reading of the amendment to the Vendor's Bylaw as attached.

Respectfully submitted by:

Kristen Knudskov
Planner, Planning and Development

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Vendor's Bylaw**

Pursuant to Section 168 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Vendor's Bylaw in the following manner:

THAT: s.1 Definitions is hereby amended by deleting the following:

Non-Profit Organization means an organization which is created primarily for a charitable object or purpose, is operated not for profit, with 100% of the funds raised going to the designated charity, and includes, but is not limited to a religious organization, school activities, or minor sports group.

THAT: s. 1 Definitions is hereby amended by inserting the following:

Dwelling means a residential building, or portion thereof, occupied or capable of being occupied as a residence by one or more persons, containing one or more dwelling units. A dwelling may include a single detached dwelling, mobile home, converted dwelling, duplex dwelling, semi-detached dwelling, apartment building, townhouse, recreational vehicle with a service connection to the Nova Scotia Power Inc. power grid, or a dwelling unit(s) within a business or institutional building.

Rural means any part of CBRM at least 500 feet from the nearest CBRM sanitary sewer main.

THAT: Provision 4(2) is hereby amended by inserting:

- (d) The property is located within rural CBRM and notice of the application is circulated, with no reasonable objection, to all assessed owners of property that are occupied by a dwelling which is within 100 feet of the vending location. Property owners are deemed no objection if no comment is received within 14 days of the issuance of said notice.

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

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on 2019 to amend the Cape Breton Regional Municipality's Vendors By-law.

Deborah Campbell Ryan, CLERK



CBRM

A Community of Communities

ISSUE PAPER

TO: CAPE BRETON REGIONAL COUNCIL

FROM: DEMETRI KACHAFANAS – REGIONAL SOLICITOR

**SUBJECT: REQUEST FROM ATLANTIC MEMORIAL PARK SOCIETY –
PID 15506934, 15506934, 15506934, 15506934,
15178908, 15649296 and 15180136
PITT ST., LAMONDS ST., CABLE ST., TUTTY ST., and
AMBER DR. SYDNEY MINES**

DATE: SEPTEMBER 10, 2019

INTRODUCTION

CBRM is in receipt of a request from the Atlantic Memoria Park Society (AMP) requesting CBRM transfer 7 parcels of land consisting of over 110 acres located on Pitt Street, Cable Street, Lamonds Street, Tutty Street and Amber Drive in Sydney Mines for nominal consideration for the development of a memorial park tourist attraction commemorating Canada's and the Municipality's wartime history. The lots are identified herein (Schedule "A") as PID 15506934, 15506934, 15506934, 15506934, 15178908, 15649296 and 15180136 and outlined in gold on the attached map.

BACKGROUND INFORMATION

AMP Society is a registered non-profit organization that is managed by a volunteer Board of Directors. Their business plan is attached herein as Schedule "B".

The society is hoping to receive financial support from the Provincial and Federal levels of government to assist with the development of the project. It is my understanding that the Society has also entered negotiations with Cape Breton University to develop a

MOU for the partnering between the Society and the University for the provision of services and particularly research services and initiatives.

The Society is asking for council to consider conveying the 7 parcels of land for no consideration for their development. The total assessed value of the property is \$ 180,200.00 (Parcel 4 has no assessment information available).

Pursuant to Policy 4.8 of CBRM's Property Management Policy and Section S1 of the *Municipal Government Act* a Municipality can sell at a price less than market value to a non-profit organization that Council considers to be carrying on an activity that is beneficial to the Municipality. It also provides that the resolution to sell at less than market value must be passed by at least a two thirds majority of the council present and voting. Furthermore, Section S1(3) requires Council first hold a public hearing if the property is valued at more than ten thousand dollars. Copies of the relevant sections of the MGA and Policy are attached as Schedule "C" and Schedule "D" respectively.

The request was reviewed with the Planning department, the Recreation Department and Engineering and Public Works, and all departments are in favour of granting the request.

Presently, the site as it exists today poses a potential danger to the public and requires that CBRM maintain, secure and monitor the site. The transfer of the property would create an added benefit of relieving the Municipality of liability.

Given the content of the AMP Society's development proposal and the recognition of its benefit to the community, it is reasonable for Council to consider the request of the association.

Recommendation

I recommend that Council recognize the AMP Society's development proposal as an activity beneficial to the Municipality, and in accordance with Policy 4.8, the Property Management Policy and Section S1 of the *Municipal Government Act*, hold a Public Hearing with respect to the proposed sale to AMP for \$1.00. I further recommend all fees and/or cost associated with the transfer of land(s) shall be the responsibility of AMP Society.

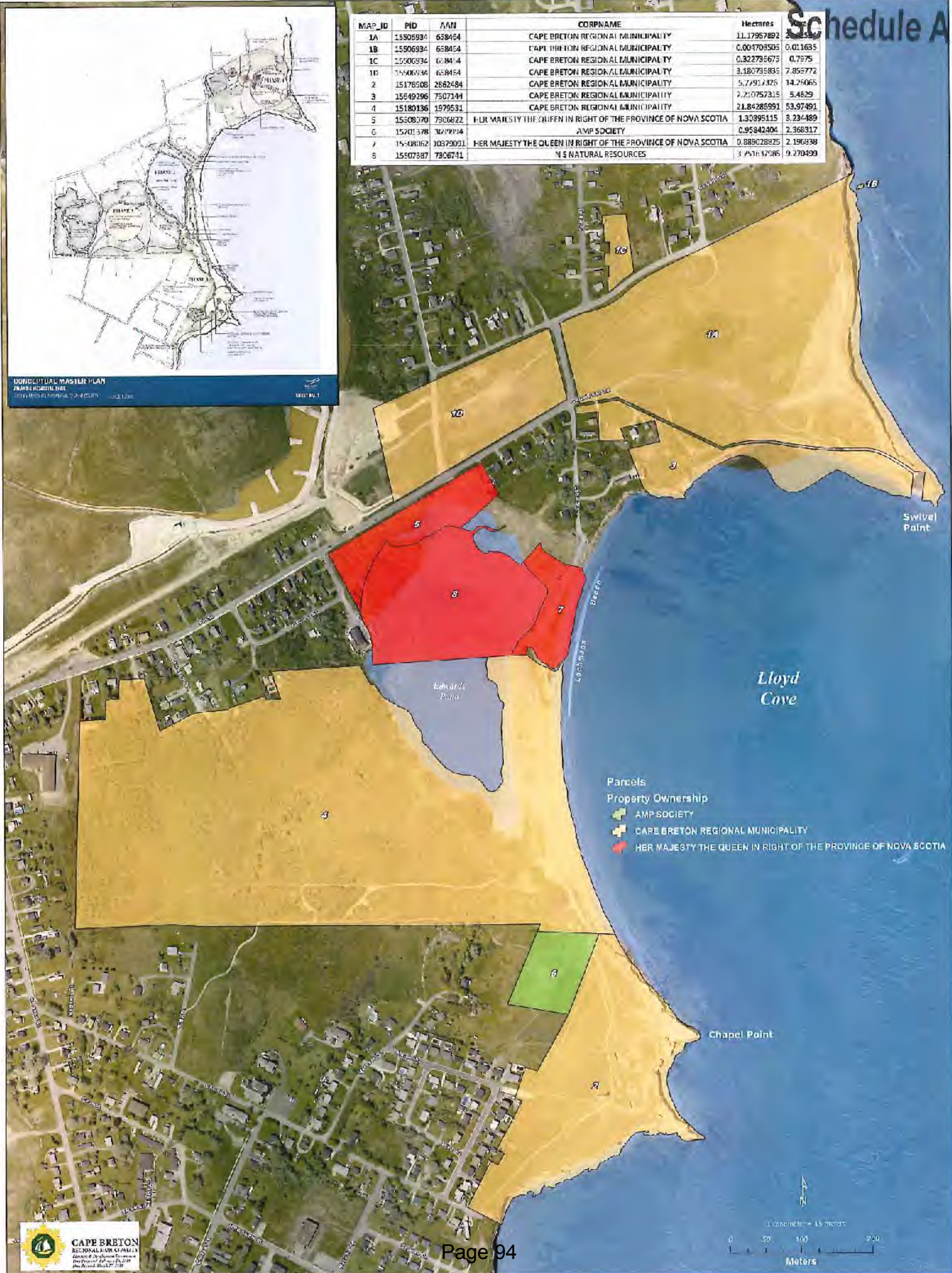
Respectively Submitted by:

ORIGINAL SIGNED BY

~~Demetri Kachafanas~~
Regional Solicitor

MAP_ID	PID	LAN	CORPNAME	Hectares
1A	15505934	638454	CAPE BRETON REGIONAL MUNICIPALITY	11.17957892
1B	15506934	638454	CAPE BRETON REGIONAL MUNICIPALITY	0.004709505
1C	15506934	638454	CAPE BRETON REGIONAL MUNICIPALITY	0.322735673
1D	15506934	638454	CAPE BRETON REGIONAL MUNICIPALITY	3.180795835
2	15178508	2862484	CAPE BRETON REGIONAL MUNICIPALITY	5.77914375
3	15549296	7507344	CAPE BRETON REGIONAL MUNICIPALITY	2.210757315
4	15180136	1979531	CAPE BRETON REGIONAL MUNICIPALITY	21.84285991
5	15508370	7306822	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA	1.30895115
6	15701378	3499914	AMP SOCIETY	0.95842404
7	15408052	10379001	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA	0.889028825
8	15507387	7906741	N S NATURAL RESOURCES	3.751647085

HORIZONTAL MASTER PLAN
 PLANNED MUNICIPAL DISTRICT
 2014 MUNICIPAL PLAN, 2014-2017



Parcels
Property Ownership
 AMP SOCIETY
 CAPE BRETON REGIONAL MUNICIPALITY
 HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NOVA SCOTIA



Schedule "B "

**ATLANTIC MEMORIAL PARK
BUSINESS CASE**

THE AMP SOCIETY, FEB 6, 2018

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1. INTRODUCTION

This document, prepared by the AMP Society is intended to present a business case for the creation of an Atlantic Memorial Park at the entrance to Sydney Harbour Nova Scotia. The AMP Society is a not for profit corporation registered in Nova Scotia. The Business Case serves two purposes:

1. To present the costs and benefits associated with the creation of the Atlantic Memorial Park
2. To describe the 3 year business plan for the restoration of the Command Post of the historic Chapel Point Battery. The Command Post restoration is currently the subject of an application for funding to ACOA, Heritage Canada and other government agencies.

2. EXECUTIVE SUMMARY

The Business Case for the establishment of the Atlantic Memorial Park on 120 acres of publicly owned land at the entrance to Sydney Harbour is compelling. The Atlantic Memorial Park would augment national efforts by Heritage Canada and Veterans Affairs Canada who both seek to improve the educational opportunities for Canadians to learn about Canada's war time contributions

At the same time as Canada has seen a resurgence in interest in commemorative ceremonies, there remains much more that needs to be done to encourage Canadians to learn more about the contributions of the military to the nation and the world. The Features of the Park would offer a unique opportunity to provide an educational experience for Canadians to learn about its military contributions.

The proposed Atlantic Memorial Park would address a significant gap in the current Canadian commemorative landscape. First, although there are many monuments across the nation, few provide a meaningful or comprehensive explanation of Canada's extensive wartime efforts. The most notable exception is the Canadian War Museum in Ottawa .

The Atlantic Memorial Park will offer visitors a unique trek through Canada's military history. Situated on 120 acres of land it would provide an ideal setting to erect a feature monument capturing the spirit of Canada's military sacrifice. The Monument would emulate the imaginative and inspiring edifice at Vimy Ridge in northern France. The site would also educate Canadians about a broad range of wartime battles and endeavours, through a modern visitor centre and walking trails containing a multitude of appropriate displays, interpretive signage. Storytelling sessions by expert volunteers would enhance the experience. The choice of educational materials and displays will be made in conjunction with military associations including the Royal Canadian Legion, 1st nations groups and with Veterans Affairs Canada, DND, Parks Canada and Heritage Canada, the Vimy Foundation and other associations.

The Park will provide a unique opportunity to tell Canada's story in an appealing family oriented setting. It will offer an unmatched combination of features and the opportunity to explore the extensive Monument and Historic Themes site, The historic Chapel Point Battery, a First Nations replica encampment and, enjoy a family outing in a park area with playground while also having the use of a beautiful mile long sandy beach.

An East Coast memorial site at the entrance to Sydney Harbour Nova Scotia is most appropriate because Sydney Harbour was one of the two most important wartime harbours in Canada-the other being Halifax. Slow convoys headed for Europe with munitions and supplies were assembled in, and sailed from, Sydney harbour. The historical richness of the area in contributing to the Battle of the Atlantic is unsurpassed. The Battle of the Atlantic is itself an untold story which would be explained via direct observation of the restored Chapel Point Battery site and various other educational displays and historical linkages as outlined Annex A to this document.

Canada's most evocative and compelling wartime memorials are located overseas and provide a limited opportunity to be viewed by Canadians. Special efforts are often made by the Government to attract Canadians to events in Europe and elsewhere. Special programs by schools and Veterans Affairs Canada for example, target events in Vimy, France including for the 100th anniversary ceremonies. Based on Vimy visitor centre statistics 14,396 Canadians visited in 2016. This compares to an estimated 120,000 visitors annually to the proposed Atlantic Memorial site, of which about 80% (96,000) would be Canadians). **The Park will bring the overseas memorials home to Canada.**

The value for money proposition for a commemorative/educational site at the entrance to Sydney harbour is overwhelmingly positive. The Park would provide a unique opportunity for a significant economic boost to an economically challenged region. In comparison to a total construction cost of \$25,238,220, the following economic benefits summarize the overwhelming return on investment from establishment of the Park.

- Over \$94 million in additional tourism expenditures over the 10 year period following completion of the Park
- 457 person years of work and over \$37 million in direct and indirect economic impact resulting from construction of the Park
- A sustainable ongoing break-even operation creating 7 permanent and several part time employee positions.

Park construction and operation will be professionally managed by the AMP Society in partnership with professional staff from the Cape Breton Regional Municipality. Outside consulting resources and construction firms will be acquired as appropriate via sound procurement and financial management practices. An extensive network of stakeholders, partners and subject matter experts has been created further strengthening the management capability required to ensure successful project completion.

A 3 Year Business Plan for the renovation of the Command Post of the Chapel Point Battery is presented herein. It shows an ongoing break even position.

3. BACKGROUND

The proposal to create an Atlantic Memorial Park was officially launched in December 2016 by the Sydney Mines Tourism Development Society. The original concept paper for the Park, entitled "Canada's Atlantic Memorial Park (AMP): A Proposal " is attached as annex A to this report. The Society has since been re-registered as the AMP Society to better reflect the national scope of the initiative. The proposed

park will provide a unique opportunity for Canadians to learn about Canada's military sacrifices overseas and the role of Sydney Harbour during the Battle of the Atlantic. It will provide a gesture of national closure for the approximately 115000 personnel lost during the wars- none of whom could be repatriated to Canada. It will operate as a focal point for commemoration of Canada's veterans.

Over the past year the Society has conducted an extensive communications campaign aimed at creating public awareness and support. Activities included public briefings, media engagements, presentations to key stakeholders and participation in letter writing campaigns. Considerable support and advice has been obtained from government agencies including Veterans Affairs Canada, DND, Parks Canada, Heritage Canada, ACOA and the Nova Scotia Department of Communities, Culture and Heritage. Royal Canadian Legion branches have been most supportive. The Executive of the Nova Scotia/ Nunavet Command of the RCL has strongly endorsed the creation of the Park, following a presentation in Bridgewater NS. A number of legion branches have provided financial contributions as have many corporate organizations and private citizens. Regional agencies have provided excellent support and guidance. These include the Cape Breton Regional Municipality, Business Cape Breton, The Port of Sydney Development Corporation, ACOA and the Membertou First Nation. Numerous letters of endorsement have been received. There is strong local community support for the initiative as evidenced by the hundreds of signatures obtained in support of the park. An excellent drone video of the Park is available at the society website- ampheroes.ca. The website was developed as a class assignment by the Marconi campus of the Nova Scotia Community college.

A critical milestone in the development of the Park has been achieved with the completion of a Restoration Plan for the historic Chapel Point Battery site by Dillon Consulting Limited. The report concluded that the restoration is feasible and provided the detail necessary to complete the restoration. The report was jointly funded by ACOA, the Cape Breton Regional Municipality (CBRM) , the Nova Scotia department of Communities Culture and Heritage and the Membertou First nation.

The Atlantic Memorial Park is intended to provide Canadians and international visitors with a unique historical site to honour our military contributions overseas, and at home. The goal is to provide visitors with an educational experience similar to visiting the famous Vimy Ridge Memorial located in France and the Canadian war Museum in Ottawa. The Park will provide visitors with an opportunity to be educated about Canada's war time engagements and how these engagements have impacted the evolution of Canada as an independent nation.

The Canadian Government has recognized the inherent value in providing this educational opportunity. Currently Heritage Canada and Veterans Affairs Canada (VAC) operate major commemorative programs attempting to reach a broad Canadian audience. Many historians have stressed the value of educating Canadians about its military heritage and many prominent historians have called for even greater attempts at educational programming. And that effort has been paying off as witnessed by the growing interest in Remembrance Day events and the burgeoning attendance at the Canadian War Museum, the pre-eminent location for military education in Canada. Some 500,000 visitors annually willingly pay a significant entrance fee to visit the museum, far surpassing original projections of 300,000 annual visitors. This underscores the opportunity, and need for providing the military educational experience in Canada itself.

There are some 7500 military monuments across Canada and these play a key role in Remembrance Day activities. Also there are numerous monuments throughout Europe and in Italy and the Far East, and

now Afghanistan. However these monuments do not, and were not intended to, provide a broad and deep education about Canada's wartime history. In addition, few Canadians are fortunate to see the overseas sites and most Canadians obtain only media reported glimpses of the overseas engagements on significant anniversary dates and on Remembrance Day. As one striking example, attendance at the Vimy Memorial averages about 1,000,000 visitors annually. Based on VAC estimates only 14,000 Canadians signed the visitor registry in 2016.

The Atlantic Memorial Park will provide an educational venue modelled on that offered by the Canadian War Museum but offering a totally unique experience by providing a walking tour through Canada's military history in a breath taking ocean side setting, itself rich in military history. The entire area is steeped in military history. Going back hundreds of years, the Sydney Harbour area has a rich military and civilian wartime history as documented in a number of historical references. An excellent source is the book "Guardian of the Gulf Sydney, Cape Breton and the Atlantic Wars" by Brian Tennyson and Roger Sarty, 2001. They open with the following statement "One of the great untold military stories revolves around the eastern seaport of Sydney Nova Scotia".

During World War 2, the Sydney Harbour area was the 2nd most important seaport in eastern Canada from a strategic military perspective with numerous fortifications in place. Convoys to Britain sailed from the Harbour and military fortifications guarded the strategic assets from U boat attack. Approximately 7500 vessels sailed in the convoys from Sydney. The harbour was under threat from enemy U boats and submarine nets and seven major fortifications guarded the convoys and the regions steel and coal assets. A United States sea plane base was established Kelleys beach, North Sydney 5 kilometres from the Park site.

The boost to tourism and related spinoffs flowing from attendance at the Park would create immediate economic benefits for a region with high unemployment and few economic development opportunities. It is expected that the economic pay off will justify government economic development investments and that the inherent commemorative value and beauty of the Park will attract corporate and private donations.

THE SITE

The site consists of 120 Acres in Sydney Mines on the west side of Sydney Harbour. The crescent shaped site curves around a cove (Lloyds Cove) and will include :

- A monument and historic themes site on the 40 acre cliff side plateau at the Northern edge of the Cove. It provides stunning ocean vistas and is where a 25 metre high memorial monument looking eastward across the Atlantic will be constructed. It will be seen from ferries, cruise ships and other vessels. The monument design will impart an image consistent with the world famous Vimy memorial in northern France. The plateau will also be populated with visible displays, signage and, smaller monuments depicting significant Canadian wartime contributions including the contributions made in the historic Sydney Harbour area.
- The 11 acre Chapel Point Battery site on a cliff directly across the beach from the monument plateau. The fortification is a registered historic place and consists of a battery observation post, gun emplacements and an extensive underground system housing magazines and other restricted areas.

- A large pond directly below the plateau around which there will be a family park with a walking path, park benches, tables, children's playground and other amenities.
- A beautiful, user friendly, large ocean beach directly in front of the family park area. The beach has a long history of use by local citizens. It sits at the end of Cable Street so named because it is the location where the Trans-Atlantic Cable came ashore from Valentia Ireland via Hearts Content, Newfoundland and, thence onward to the North Sydney Cable Office which served as a central point for wartime messaging, including the message announcing the end of WW2
- A multi acre woodland setting (Neil's Woods) astride Chapel Point and the beach. The woodland gently slopes upward from the beach and will be the setting for the authentic replica first nations encampment, an annual veterans pow-wow and interesting displays and signage. **An excellent drone video describing the site can be found at ampheroes.ca.**

VISITOR EXPERIENCE

- Visitors entering Sydney Harbour via ferry or cruise ship traffic will be treated to the sight of a significant cliff side monument depicting an evocative image of sacrifice and providing an important visual invitation to the parks attractions.
- Visitors will enjoy a panoramic view of Sydney harbour from a cliff side headland and view the stunning monument and numerous smaller monuments and displays highlighting Canada's wartime contributions overseas. The unique and compelling military history in the Sydney Harbour area will also be highlighted.
- The park will include a beautiful education centre highlighting the features and historical themes of the park and providing up to date visitor comforts and craft and gift shopping opportunities with numerous pathways and look offs, accessibility and transportation supports for the disabled and elderly. The educational component of the park will be significant with many displays and interactive technologies that will be used to network with other regional, national and overseas historic sites including the Vimy Memorial site in France.
- Families will enjoy the parkland setting and an impressive mile long ocean beach properly supervised by lifeguards for user safety.
- The site is easily accessible to visitors arriving by automobile or by ship. It is only 20 kilometres from downtown Sydney and 5 kilometres from the Marine Atlantic departure point in North Sydney. The park features will compare to the Fortress Louisbourg and the Bell Museum in Baddeck and will provide , because of its central location, a portal or jumping off point for visits to these and other sites

4. CONSTRUCTION PHASES AND RELATED COSTS

The Park is to be completed in 4 phases as outlined below:

- PHASE 1- RESTORATION OF THE HISTORIC CHAPEL POINT BATTERY (TIMEFRAME:2018-2020)
- PHASE 2- CREATION OF A FAMILY PARK AND RECREATION AREA AROUND EDWARDS POND AND LOCHMAN'S BEACH (TIMEFRAME: 2020-2021)
- PHASE 3- CREATION OF A FIRST NATIONS REPLICA ENCAMPMENT IN THE NEILS WOODS AREA OF THE PARK (TIMEFRAME: 2020-2021)
- PHASE 4- CREATION OF THE MONUMENT AND HISTORC THEMES SITE ON THE PRINCESS MINE PLATEAU (TIMEFRAME: 2020- 2013)

As can be seen from the above timeframes, the phases will be overlapping and integrated in a comprehensive project plan supported by modern Project software. Many of the activities will be conducted in parallel. Further details on each phase are provided below

PHASE 1- RESTORATION OF THE CHAPEL POINT BATTERY

Dillon Consulting Ltd has provided the following cost estimates for the restoration of the Chapel Point Battery. A digital copy of the Dillon Consulting Ltd Chapel Point Battery Assessment and Development Plan –Phase 1 is available in PDF format, on request.

ITEM	COST
BATTERY COMMAND POST	\$320,000
SOUTH GUN EMPLACEMENT	\$150,000
NORTH GUN EMPLACEMENT	\$150,000
UNDERGROUND MAGAZINE	\$148,000
CENTER SEARCH LIGHT	\$ 186,000
POWER HOUSE	\$ 70,000
PRIMARY SITE ACCESS AND PARKING	\$ 540,000
SITE TRAILS	\$ 956,000
ACCESSIBLE PARKING AND DROP OFF	\$ 288,000
SUB TOTAL	\$ 2,808,500
CONTINGENCY (20%)	\$561,700
ENGINEERING DESIGN, CONSTRUCTION ADMIN (10%)	\$337,020
TOTAL	\$ 3,707,220

The AMP Society proposes to implement the restoration in two sub phases. The 1st sub phase will restore the Battery Command Post and provide appropriate security fencing and sufficient visitor access to enjoy a visit to the site . This work is targeted to begin in 2018 , The 2nd sub phase will complete the other elements of the restoration with work targeted to begin in 2019.

The cost elements for the 1st sub phase (Command Post Restoration) are outlined below.

ITEM	COST
BATTERY COMMAND POST	\$320,000
MULTI USE TRAIL CHAPEL POINT TO PARKING (INTERIM)	\$100,000
WASHROOM FACILITY	\$100,000
TRAIL NODE HARD LANDSCAPE FEATURES	\$82,500
CHAINLINK SECURITY FENCE	\$45,000
SIGNAGE	\$72,000
SUB TOTAL A	\$719,500
CONTINGENCY (20%)	\$143,900
SUB TOTAL B	\$863,400
ENGINEERING, DESIGN, CONSTRUCTION, ADMIN (10%)	\$86,300
TOTAL	\$949,700

PHASE 2- CREATION OF A FAMILY PARK AND RECREATION AREA AROUND EDWARDS POND AND LOCHMANS BEACH

A preliminary estimate of costs for phase 2 is outlined below. These costs will be verified or adjusted through a further planning study to be conducted in 2019 by a professional consulting firm.

ITEM	ESTIMATED COST (\$)	2020	2021
LANDSCAPING AROUND EDWARDS POND	100,000	100,000	
CHILDRENS PLAYGROUND	100,000		100,000
PATHWAYS AND BENCHES	175,000		175,000
SEWER PIPE REPAIR	300,000	300,000	
CHANGE AND BATHROOM FACILITIES	150,000	100,000	50,000
WATER AND SEWAGE/ELECTRICAL SERVICES	110,000	50,000	60,000
SUB-TOTAL	935,000	550,000	385,000
CONTINGENCY (20%)	187,000		
REFRESHMENT/ FOOD OUTLET(S)	No charge (Private sector operations)		N/C
TOTAL	1,122,000		

PHASE 3- CREATION OF A FIRST NATIONS REPLICA ENCAMPMENT IN THE NEILS WOODS AREA OF THE PARK.

A preliminary estimate of the cost for phase 3 is outlined below. These costs will be verified or adjusted through a further planning study to be conducted in 2019 by a professional consulting firm.

ITEM	ESTIMATED COST (\$)	2020	2021
SITE PREPARATION	200,000	200,000	
TRAILS DEVELOPMENT	300,000	200,000	100,000
DISPLAYS AND SIGNAGE	75,000		75,000
REPLICA ENCAMPMENT DESIGN AND CONSTRUCTION	400,000	200,000	200,000
BATHROOM AND WATER/SEWAGE/ELECTRICAL SERVICES	100,000	50,000	50,000
SUB-TOTAL	1,075,000	650,000	425,000
CONTINGENCY (20%)	215,000		
TOTAL	1,290,000		

PHASE 4- CREATION OF THE MONUMENT AND HISTORIC THEMES SITE ON THE PRINCESS MINE PLATEAU.

The preliminary estimate of the costs for phase 4 is presented below.

ITEM	ESTIMATED COST (\$)	2020	2021	2022	2023
LAYOUT PLANS	100,000	50,000	50,000		
DESIGN OF EDUCATION CENTRE	100,000	100,000			
DESIGN OF MONUMENTS AND GATEWAYS	50,000	25,000	25,000		
SITE PREPARATION INCLUDING PATHWAYS/LOOK OFFS	500,000	50,000	200,000	200,000	50,000
PARKING LOT(5)	250,000	50,000	100,000	100,000	
EDUCATION CENTRE CONSTRUCTION	3,000,000		1,000,000	1,000,000	1,000,000
CONSTRUCTION OF MONUMENTS	12,000,000		3,000,000	5,000,000	4,000,000
FENCING AND SECURITY	300,000		200,000	100,000	
WATER/SEWAGE/ELECTRICAL	100,000				100,000
EQUIPMENT/STORAGE	500,000			100,000	400,000
SUB-TOTAL	16,900,000	275,000	4,575,000	6,500,000	5,550,000
CONTINGENCY (20 %)	3,380,000				
TOTAL	20,280,000				

The estimated total cost for the creation of the Atlantic Memorial Park, based on the above estimates is \$25,238,220.

5.COMMEMORATION VALUE

The Atlantic Memorial Park concept strives to provide a broad and deep education about Canada's military contribution to freedom and democracy.

The Park will provide visitors with a unique opportunity to be educated about Canada's war time engagements and how these engagements have impacted the evolution of Canada as an independent nation. The Canadian Government has recognized the inherent value in providing this educational opportunity. Currently Heritage Canada and Veterans Affairs Canada (VAC) operate major commemorative programs attempting to reach a broad Canadian audience. Many historians have stressed the value of educating Canadians about its military heritage and there are a number of prominent historians who have called for even greater attempts at educational programming. And that effort by Government has been paying off as witnessed by the growing interest in Remembrance Day events and the burgeoning attendance at the Canadian War Museum, the pre-eminent location for military education in Canada. Some 500,000 visitors annually willingly pay to visit the museum, far surpassing original projections of 300,000 annual visitors. This underscores the opportunity, and need for providing the military educational experience in Canada itself.

There are some 7500 military monuments across Canada and these play a key role in Remembrance Day activities. Also there are numerous monuments throughout Europe and in Italy and the Far East, and now Afghanistan. However these monuments do not, and were not intended to, provide a broad and deep education about Canada's wartime history. In addition, Few Canadians are fortunate to see the overseas sites and most Canadians obtain only media reported glimpses of the overseas engagements on significant anniversary dates and on Remembrance Day. As one striking example, attendance at the Vimy Memorial averages about 1,000,000 visitors annually. Based on VAC estimates only 14,000 Canadians signed the visitor registry in 2016.

The Atlantic Memorial Park will provide an educational venue modelled on that offered by the Canadian War Museum but offering a totally unique experience by providing a military walking tour through Canada's military history in a breath taking ocean side setting, itself rich in military history.

Veteran's Affairs Canada Strategic Outcome #2 contained in the Department's Report on Plans and Priorities 2016-17 tabled in the Parliament contains the following goal.

" CANADIANS REMEMBER AND DEMONSTRATE THEIR RECOGNITION OF ALL WHO SERVED IN CANADA'S EFFORTS DURING WAR, MILITARY CONFLICT AND PEACE" .

Planned spending on this initiative is \$ 40,746,058 in 2018-19. The vast bulk of the expenditure is for overseas cemetery maintenance and annual commemorative events. Only \$3,064,969 is planned for commemorative initiatives in Canada.

This situation underscores the importance of finding innovative means to further the above goal and the proposed Atlantic Memorial Park will greatly enhance the achievement of this noble intent by the Canadian Government .

6. TOURISM ECONOMIC BENEFITS

The tourism and associated economic benefits flowing from the Atlantic Memorial Park will be significant for the Sydney Harbour region and indeed all of Cape Breton. These benefits are summarized below:

- It is expected that there will be a further tourism bump resulting from the creation and marketing of a new venue of the magnitude and scope of the proposed Atlantic Memorial Park. When completed, the Park will rival and complement the Fortress of Louisbourg and the Alexander Bell Museum as tourist destinations. While it is not possible to accurately forecast the increase in tourist visitors to be caused by opening and aggressive marketing of the Atlantic Memorial Park it can be expected that the Park will rival these two venues as an attraction for off island visitors. Currently between 80,000 and 120,000 visitors are welcomed annually at the Alexander Graham Bell museum and the Fortress of Louisbourg respectively. These are the most visited attractions on the Island in combination with the Cabot Trail and, while no formal studies are available, likely contribute significantly to the room nights rented annually on Cape Breton Island. Based on Tourism Nova Scotia statistics for 2017, approximately 500,000 room nights were purchased in Cape Breton. Based on Nova Scotia Government statistics to the end of September 2017, each room night spent in Cape Breton resulted in an estimated revenue of approximately \$980.
- Given the following factors it is expected that, when completed the annual visits to the Atlantic Memorial Park will be approximately 120,000.
 1. An aggressive marketing campaign will be undertaken in coordination with Destination Cape Breton
 2. The Atlantic Memorial Park will focus on the national appeal of commemorating Canada's wartime history, a successful formula already exhibited by the Canadian War Museum in Ottawa. The compelling difference offered by the Park will be the unique combination of family oriented features in a breathtaking setting, itself rich in military history.
 3. The location of the park at the entrance to Sydney Harbour will serve as a beacon to welcome cruise ship passengers into the harbour.
 4. The Park will add a valuable venue to the package of attractions available to visitors to Cape Breton Island.
- It is estimated that approximately 10 percent of the visitors forecast to visit the Atlantic Memorial Park annually would be part of a tourism bump attributable to the Park. This translates into 12,000 visitors based on an estimate of 120,000 visitors annually- the most likely scenario as described in the following section of this report. It is further estimated that 9600 room nights would be required to accommodate a two night stay for these visitors (2.5 visitors per room). Applying the average expenditure per room night of \$980 would result in an annual additional tourism expenditure in Cape Breton of \$9,408,000. Based on these estimates over a 10 year period the Park would contribute in excess of \$94 million to the Island economy.

7. ECONOMIC BENEFITS OF PARK CONSTRUCTION

The Atlantic Memorial Park will create a number of temporary jobs over the multi-year period of its construction. Statistics Canada reported in March of 2016 that the average Canadian salary was \$49,500. The Nova Scotia average salary was \$42,992- 87% of the national average. The average construction worker in Canada earned \$63,471. Applying the 87% factor the average construction worker in Nova Scotia earned \$55,219. By dividing this figure into the \$25,238,220 estimated Park construction cost we arrive at a figure 457 person years of work created by the development of the Park.

Another perspective on the economic benefits of Park construction is to consider the well-known economic multiplier effect. An economic multiplier is the factor by which gains in total output are greater than the changes in spending that caused it. For example, businesses and employees will spend money to buy goods and services, pay taxes etc. which will have a beneficial economic ripple effect. The calculation of the multiplier effect is a complex process and the multiplier factors are calculated across industries and regions by Statistics Canada and published in their input/output tables for the Canadian economy. Generally it can be expected that a multiplier of 1.5 would be appropriate for most direct expenditures. Applying this factor to the direct multi-year construction costs of the park we arrive at a figure of \$ 37,857,330 in direct and indirect economic benefits.

8. PARK OPERATIONS

The following forecasts have been prepared to describe the operations of the Atlantic Memorial Park when it is completed.

REVENUE FORECAST:

The annual revenues expected for the Park will be dependent on the volume of paying visitors. It is expected that the national magnitude and scope of the park will attract visitor volumes comparable to the Fortress of Louisbourg which achieves approximately 100,000 visitors annually. The Atlantic Memorial Park will have several advantages in terms of location. First it is close to major transportation routes from the Cabot Trail and is on the direct route of the Trans-Canada highway leading to Sydney. It will be very easy for visitors to make a stop in the Park along this route. 2nd, it will provide easy access for tour bus operators who provide ground services and guided tours to cruise ship passengers arriving in Sydney. Third it is only a 5 minute drive from the Marine Atlantic terminal in North Sydney. Many of the more than 300,000 passengers on the Ferries will have an opportunity to visit the site while waiting for the ferry departure. The inherent features of the Park with its locational advantages provide a sound argument for an annual estimate of at least 100,000 visitors as a basis for projecting operational revenues.

A key component will be the fee schedule adopted. The following table compares the planned Atlantic Memorial Park fee schedule with other key sites.

venue	adult	senior	Youth/children	family
FORTRESS LOUISBOURG	17.60	14.95	8.80	44.10

BELL MUSEUM	7.80	6.55	3.90	19.60
CANADIAN WAR MUSEUM	17.00	15.00	12.00	43.00
ATLANTIC MEMORIAL PARK	12.00	10.00	6.00	20.00

As this chart indicates the rate schedule for the Atlantic Memorial Park will be very attractive given the unique features of the Park. It is expected that approximately 20% of the visitors will be youth or children.

Three visitor volume estimates and their impact on revenues have been considered:

MOST OPTIMISTIC: 176,000 VISITORS.

This estimate is based on the estimate provided by the Never Forgotten Foundation in its proposal to establish the Mother Canada monument in Green Cove. Based on the proposed fee schedule, for the Atlantic Memorial Park, revenues would be \$1,760,200.

LEAST OPTIMISTIC: 100,000

This estimate is based on expected visitor volumes achieved at the Fortress Louisbourg. Expected revenues would be \$1,000,000.

MOST LIKELY: 120,000

This estimate factors in the locational advantages of the Park cited above. Revenues would be \$1,200,000 under this scenario

OPERATING COSTS.

Operating costs will be impacted by the operating vision for managing the 120 acre site. In this regard, it is important to understand that the site will be open to all visitors. Visitors will be encouraged to enjoy the beach, family park and extensive walking trails free of charge. Fees will be levied to enjoy the Chapel Point Battery site, the First Nations replica encampment and the Monument and historic themes site on the Princess Mine Plateau.

The following table provides a preliminary estimate of personnel requirements when the memorial park is fully developed.

FUNCTION	PERMANENT STAFF	SEASONAL STAFF/VOLUNTEERS
OVERALL MANAGEMENT AND DIRECTION	<ul style="list-style-type: none"> 1 CEO AND 2 ADMIN SUPPORT 	N/A
CHAPEL POINT BATTERY	<ul style="list-style-type: none"> 0.75 SITE MANAGER 	<ul style="list-style-type: none"> 1 MAINTENANCE/SECURITY WORKER STUDENT GUIDES THEME BASED STORY TELLING VOLUNTEERS

MONUMENT AND HISTORIC THEMES SITE	<ul style="list-style-type: none"> • 1 SITE MANAGER AND 1 MAINTENANCE/SECURITY WORKER 	<ul style="list-style-type: none"> • STUDENT GUIDES • THEME BASED STORY TELLING VOLUNTEERS • GIFT SHOP MANAGER AND STAFF
RECREATION SITE/FIRST NATIONS ENCAMPMENT	<ul style="list-style-type: none"> • 0.2S SITE MANAGER 	<ul style="list-style-type: none"> • 1 MAINTENANCE/SECURITY WORKER • STUDENT LIFEGUARDS • PRIVATE SECTOR STAFF-FOOD FACILITY
VISITOR AMENITIES	<ul style="list-style-type: none"> • 1 MANAGER 	<ul style="list-style-type: none"> • 1 MAINTENANCE SECURITY WORKER • 2 CASHIERS • THEME BASED STORY TELLING VOLUNTEERS

ANNUAL OPERATING EXPENDITURES:

- \$494,500 for permanent staff salaries consisting of:
 - \$100,000 for the CEO
 - \$100,000 for 2 admin support staff
 - \$120,000 for two permanent site managers
 - \$50,000 for 1 permanent maintenance/security worker
 - \$60,000 for 1 permanent cashier/bookkeeper
 - \$ 64,500 for employee benefits (15% of \$430,000 permanent salaries)
- \$220,000 for seasonal staff consisting of:
 - \$100,000 for student guides and lifeguards
 - \$90,000 for 3 seasonal maintenance /security personnel
 - \$30,000 for a seasonal cashier/bookkeeper
- \$ 50,000 for electricity/heat/grounds keeping/cleaning services
- \$ 764,500 expenditures
- \$ 152, 900 (20% contingency)

TOTAL: \$917,400

All three revenue scenarios produce a break even position for the Atlantic Memorial Park. The Park will provide employment for 7 permanent staff and several part time staff.

9. CHAPEL POINT BATTERY COMMAND POST RESTORATION- 3 YEAR BUSINESS PLAN (2019-2022)

Restoration of the Command Post constitutes the first of two projects to completely restore the historic Chapel Point Battery fortress at the entrance to Sydney Harbour Nova Scotia. The Command Post restoration is scheduled for completion by July 2019. The estimated completion date for the remainder of the fortification is July 2020. Visitors to the site will be charged a fee to enter the Battery site and for guide services. The initial fee schedule will focus on the Command Post visit. It will be adjusted when the remainder of the fortification is restored. While the two components will be integrated with completion of the total restoration, this business plan assumes that only the Command Post is open over the next 3 year period. Consequently the business plan presents a lower than expected revenue stream to ensure the most conservative estimates possible and to allow for any delays that could occur with completion of the total restoration.

THE VISITOR EXPERIENCE

The restoration will be made available to the general public as a tourist attraction for the region. Located on a prominent headland, the dramatic view of the four storey Command Tower will be visible for miles around and will definitely attract attention from the many cruise ship and Ferry passengers entering Sydney Harbour. It will be lit up at night to further display the site. Visitors will be able to visit the site at any time. Entry to the Command Tower will be possible through daylight hours during the summer months from May through October.

Visitors will enter the general area of the site via a parking lot situated in the Edwards Pond area. They will be invited to use optional guide services offered in both official languages. They will ascend to the Battery via a pathway past the beach and past the extensive Neil's Woods area. Small golf cart style vehicles will be available to transport guests if required. This will be made possible through a partnership with a local golf course. On the way to the Battery, visitors will be able to review educational displays and use look off areas strategically located on the site. Visitors will have the ability to enter and ascend the Command Tower, walk around the magazine and tunnel areas and view the gun emplacement and searchlight positions (to be restored in the next phase of the restoration project) .

Story telling sessions will be arranged to ensure visitors appreciate the history of the Fortification and its contribution to Canada's defenses during the Battle of the Atlantic. This will further strengthen the legacy of the site.

VISITOR VOLUME FORECAST

In 1993, an economic development study was completed for the town of Sydney Mines focussed on the restoration of the Chapel Point Battery. The professional estimate done at that time forecast an annual visitor volume of between 25,000 and 40,000. The estimate was based on the market share expected from tourists and local residents. Since that time Cape Breton has become an extremely popular tourist destination and has seen significant growth in cruise ship visits to Sydney Harbour and in the Marine Atlantic ferry traffic between North Sydney and Newfoundland. The result is that the market size of potential visitors has increased significantly over the past 25 years.

Key visitor volumes to the region include:

- Over 500,000 room nights sold in 2017, an 8% increase over 2016 which, in turn, represented a 16% increase over 2015.
- 120,000 visitors to the Fortress Louisbourg
- 80,000 visitors to the Alexander Bell museum in Baddeck
- Over 300,000 visitors using the Marine Atlantic ferries in North Sydney. The ferry terminal is a 5 minute drive from the Command Post site which will offer a welcome diversion for ferry passengers awaiting their departures.
- 140,000 cruise ship passengers expected in 2018 . The on shore tour operators who provide guided tours for cruise ship passengers have expressed great interest in the Atlantic Memorial Park development.

The AMP Society will encourage visitation to the Command Post site via a comprehensive national and regional marketing and advertising campaign through social and print media, including posters and displays at partner sites (Louisbourg/Port of Sydney/Bell Museum/Marine Atlantic etc.) A partnership will be established with Destination Cape Breton to be included in the sites they highlight in their tourism marketing campaigns. The marketing literature will place the Command Post restoration within the context of the overall 4 phase vision for the Atlantic Memorial Park and highlight the family enjoyment that can be accessed currently at the 120 acre site (Edwards Pond, spectacular ocean vistas, walking trails, Lochman’s beach).As a result of this marketing approach many visitors to the site will seek to visit the Command Post and related guided tours and storytelling sessions provided by volunteer guides and local historians. The volume of visitors electing to pay for a guided visit to the Command Post is estimated to be 40, 000 annually. This number is expected to increase significantly when the complete Battery restoration is complete and visitors can tour the underground features of the site. When the Atlantic memorial Park is fully complete paying visitors are expected to exceed 100,000 annually.

ANNUAL REVENUE FORECAST

- Revenues from 40,000 paying customers are estimated at \$200,000 based on a sliding fee schedule for adults, seniors and children averaging \$5.00 per person.
- Annual fund raising events and donation campaigns in support of Command Post operations are expected to raise approximately \$50,000 annually. This excludes the fundraising targeted at completing the subsequent phases of the Atlantic memorial Park.
- Based on the above estimates the total annual revenue for the Command Post operation is estimated at \$250,000.

The visitor volume and associated revenue forecast is projected over a 6 month period (May-Oct) and will vary on a monthly basis as shown in the following table. This revenue is in addition to the \$50,000 to be raised through annual fundraising.

YEAR	MONTH	VISITORS	REVENUE
2019	July	2500	\$12,500
2019	August	7500	\$37,500
2019	Sept	10000	\$50,000
2019	Oct	5000	\$25,000

Total 2019		25000	\$125,000
2020	MAY	2500	\$12,500
2020	JUNE	5000	\$25,000
2020	JULY	7500	\$37,500
2020	AUGUST	10000	\$50,000
2020	SEPT	10000	\$50,000
2020	OCT	5000	\$25,000
Total 2020		40000	\$200,000
2021	MAY	2500	\$12,500
2021	JUNE	5000	\$25,000
2021	JULY	7500	\$37,500
2021	AUGUST	10000	\$50,000
2021	SEPT	10000	\$50,000
2021	OCT	5000	\$25,000
Total 2021		40000	\$200,000

ANNUAL EXPENDITURES

The AMP Society Management Team will direct the operations of the site. This is a volunteer group which does not receive any personal remuneration. The effort expended annually by the Team is estimated to exceed \$100 k annually and this in-kind contribution will continue over the period of this business plan and beyond. This represents a major cost avoidance for the Command Post initiative.

There will be the following annual costs incurred by the Society to maintain and operate the site.

- Contract for security and maintenance of the site- \$125,000
- Student guides (bilingual services) 10x\$3000- \$30,000
- Story telling expenditures \$ 5000
- Closed circuit TV security services-\$3000.
- Landscaping and site cleanup - \$5000
- Special events- \$5,000
- Payment and admin services- \$75,000
- Total annual expenditures- \$243,000

As shown in the table above, revenues in 2019 will be less than in subsequent years as the Command Post will not be open in May and June. The expenditure profile outlined above will be adjusted accordingly to ensure a break even or better position in 2019. The contract for security and payment will be for a 6 month instead of a 12 month period. The payment services will be for 4 months instead of 6 month period. Cost reductions in these areas will be approximately \$75,000 resulting in a breakeven position for 2019.

BOTTOM LINE

The 3 year Business plan for the restoration of the Chapel Point Battery Command Post shows an annual breakeven position

10. SUMMARY OF COSTS AND BENEFITS

The overall cost of the Atlantic memorial Park is estimated to be \$25,238,220. The pay-off from this investment is outlined below:

- A significant addition to Canada's military and veteran commemoration assets. The educational benefits will augment those available through the Canadian War Museum and Veterans Affairs Canada programming.
- A return of investment of up to approximately \$290 million over a 10 year period related to increased visitor room purchases attributable to the Park
- 457 person years of work and over \$37,000,000 in direct and indirect economic benefits flowing from the investment in construction of the Park
- A sustainable ongoing Park operation providing permanent employment of 7 staff and additional part time employment.

11. MANAGEMENT CONSIDERATIONS

There are several key management issues that must be addressed to assess the viability of the Atlantic memorial Park project. These considerations are outlined below.

A. MANAGERIAL CAPACITY.

The project will be managed by the AMP Society, a not for profit organization managed by a group of dedicated volunteers. It consists of a 7 member Board of Directors, a Management team, a planning Committee of 20 members and a Volunteer Action Group of 15 members. The Management team consists of the Chair of the Society, the Vice Chair and Planning Director, the Treasurer and Corporate Secretary. This 4 member team manages the ongoing, daily operations of the AMP project.

The Society was originally formed as the Sydney Mines Tourism Development Society on Dec 14, 2016. It was subsequently re-registered as the AMP Society with the same mandate on June 6, 2017. This was a change to have a title that better reflects the global intent of the project.

As the society has only entered its 2nd year of operation it has not managed similar projects in the past. However two of the principals in the management team have extensive experience in large scale projects. The Society operates in close partnership with the Cape Breton Municipality which brings significant management expertise to the project.

The qualifications of two of the members of the Board of Directors are outlined below.

CYRIL AKER, CHAIR

Cyril Aker has diverse and broad ranging planning and management experience across a number of private sector, government and non-profit organizations. He is currently the Sydney Harbour Master. Mr Aker is an expert in the use of project planning tools. He has taught courses on the use of Microsoft Project.

BRIAN FERGUSON, VICE-CHAIR/PLANNING DIRECTOR

Brian Ferguson, retired, has significant experience as a Senior Assistant Deputy Minister in the federal government of Canada. The many major Projects managed by Mr. Ferguson include implementation of the federal government's shared systems strategy in the late 1990's and, more recently, Canada's New Veterans Charter. Mr. Ferguson was also responsible for developing and managing the federal governments Major Crown Project policy framework when he worked for the Treasury Board of Canada Secretariat from 1990-1996.

The Society has accomplished the following in its 1st year of operation

- Over 70 meetings held with stakeholders, subject matter experts and interested citizens and groups.
- Liaison and partnerships established with major stakeholders including The Cape Breton Regional Municipality; Heritage Canada; NS Department of Communities Culture and Heritage; Veterans Affairs Canada; National Defence; Parks Canada; Atlantic Canada Opportunities Agency; the Cape Breton Partnership; Business Cape Breton; Membertou First Nation; Port of Sydney Development Corporation; Destination Cape Breton; The Royal Canadian Legion national, provincial and local units; the VIMY Foundation; Cape Breton University; The Nova Scotia Community College-Marconi Campus; The regional school Board; and various local and regional heritage and cultural associations.
- Active fundraising was undertaken to raise the money required for ongoing Society operations and the completion of the plan for the Restoration of the Chapel Point Battery. Over 50 individuals and groups have contributed to the fundraising to date. The Society participated in the National Trust of Canada Historic Places competition.
- The establishment of a robust and stable organizational structure and volunteer network.
- The Plan for the restoration of the Chapel Point Battery- phase 1 of the Atlantic Memorial Park development was completed on time and within budget by Dillon Consulting LTD. The Society was the client for the review which was overseen by a steering committee comprised of the Society Chair, The Planning Director and several senior officials from the CBRM.

B. FUND RAISING

Each Phase of the Park development will have a specific fundraising strategy. For example, the restoration of the Command Post of The Chapel Point Battery, has the following funding targets:

- Corporate/Private funding	\$ 30,000
- Veterans Affairs Canada	\$ 30,000
- NS Dept. of Communities ,Culture and Heritage	\$ 30,000
- Membertou First Nation	\$ 5,000
- Legacy Fund-Heritage Canada	\$474,850
- ACOA Innovative Communities Fund	\$379,850

Total: \$ 949,700

The AMP Society has a dedicated volunteer team tasked with pursuing Corporate and Private fund raising sources and opportunities. In addition an Expert Panel has been created consisting of experienced high profile fund raising experts in the region. The Panel will help guide the fund raising activities of the AMP Society

C. PROCUREMENT PROCESSES

All design and construction activity launched by the AMP Society will follow established procurement processes in partnership with the CBRM. Joint AMP/CBRM steering committees will create the RFP documents, select the winning bids and oversee implementation of contractual agreements. This approach was followed successfully in the development of the plan for the restoration of the Chapel Point Battery.

D. PLANNING APPROACH

Each phase of the Park development will be the subject of a specific development plan to be created with relevant stakeholders and private sector consulting expertise, as completed for the restoration of the Chapel Point Battery. Fund raising will be undertaken to implement the phase plans to be followed by appropriate procurement activities. The scope and complexity of each phase will vary considerably. The most complex will be the planning required for the implementation of the Monument and historic themes site on the Princess Mine Plateau. Stakeholder consultations for the remaining phase plans will be formalized in 2018 to ensure the construction timing outlined previously is achieved. Overall scheduling and control of the many AMP Society activities will be maintained via the MicroSoft project management tool.

The Society has arranged for the creation of a Construction Expert Panel to augment its planning expertise. It consists of a number of experts in engineering, project management and environmental assessment.

E. REMEDIATION ISSUES

The following remediation issues will be addressed by the AMP Society.

1. WASTE WATE STRUCTURE REPAIRS

A waste water outfall structure enters Sydney Harbour near Lochmans Beach causing human health concerns as it is in need of repair. Arrangements are being made with the CBRM to develop options and

a costed plan for fixing this situation in order for the family recreation component of the Park to be realized. One potential option is for the implementation of a pumping station to alleviate the problem. The Options Review will be coordinated with CBRM long term plans for Harbour clean up. A preliminary estimate of the cost of the remediation has been included in the overall construction cost estimates for the Park

2. CLIFF EROSION NEAR A PLANNED PEDESTRIAN ACCESS ROUTE

The Society plans to create a pedestrian access route from the Monument and Historic Themes site down to Lochmans Beach in order for visitors to be able to traverse the total park on foot. The pedestrian access route passes behind several houses located back from the cliffs edge. The cliff is showing signs of erosion and will require reinforcement to enable a stable access route to be created. A recommended technique is to reinforce the cliff with armour stone. The AMP society is working with the CBRM to develop a costed plan for the cliff reinforcement. Home owners near the cliff are supportive of the creation of the access route as it offers the opportunity for the cliff near their properties to be protected.

3. ENVIRONMENTAL IMPACTS

Appropriate environmental assessments will be conducted as part of the phase plans for the Park. Generally, the construction activities planned will not require significant disruption of the soil in the area, limiting the potential for an environmental impact. The notable exceptions will be for construction of the education centre and the for the pedestal for the feature monument, although it is not expected they will create any environmental issues. It is generally recognized that the net result of the Park will be the beautification of a former mine site rather than the creation of any environmental problems. In addition, as noted above, a clean-up of the waste water outfall issue will be accomplished via creation of the Park.

F. SUPPORT FOR THE PROJECT

The support for the project has been overwhelmingly positive. The level of interest in the project has grown steadily and significantly since its inception.

Extensive consultations and engagement with the regional and local communities around Sydney Harbour have been undertaken and will continue. Presentations and town hall consultations have been held as outlined below:

- 2 community presentations to the citizens of Sydney Mines where the site of the Chapel Point Battery and Atlantic Memorial Park is Located
- A Community presentation in the city of Sydney on the other side of the Harbour from Sydney Mines.
- Presentations to the several legions in the area as well as the Cape Breton legion District Command ,the Nova Scotia/Nunavet Command
- Presentation to The Cape Breton Highlanders Association.
- Presentations to the Cape Breton Regional Municipality Council.
- Consultations with the Local High School to solicit student engagement

- Meetings and engagement with the Membertou First Nation Heritage Park, the Cheticamp Acadian Association and the Gaelic College

A Local residents committee has been formed to solicit feedback and address any concerns that may arise. The positive response has been universal. Hundreds of signatures of support and many letters of support have been received. Coverage in the Cape Breton Post newspaper has been frequent and positive. A recent article dated Dec 19, 2017 communicated the positive findings of the Dillon report. To further illustrate the level of support, over 50 residents and local businesses have contributed financially to the project operations. Many individuals have been consulted and have either joined the planning committee for the project or a volunteers group actively involved in specific tasks to move the project ahead.

Some of the partners that have contributed to the Atlantic Memorial Park project include:

1. The Cape Breton Regional Municipality (CBRM)

The CBRM has contributed in kind staff services through its economic and Parks and recreation department. Three senior staff members have been engaged with the project since it outset and have contributed many hours of guidance and support. The CBRM has also made a \$13750 cash contribution towards the Dillon study.

2. Business Cape Breton

The CEO and staff of Business Cape Breton, a regional economic development agency, have been actively engaged in providing advice, guidance and presentation support to the project

3. Destination Cape Breton

This tourism development agency has provided excellent statistical analysis about the tourism potential for the Park.

4. The Port of Sydney Development Corporation

The Cruise ship industry will see significant growth through the Atlantic Memorial Park project and the Port of Sydney has been actively engaged in the planning process. Atlantic Ambassatours regional cruise manager described the site as "Something Golden" in relation to the "fit" within the cruise industry.

5. Membertou First Nation

Membertou has contributed planning advice and has made a \$5000 contribution to the project

6. Cape Breton University

The Shannon School of Business MBA class has provided a Venture analysis to supplement the Business case for the Park

7. The Marconi Campus of the Nova Scotia Community College. The Business Information Technology Class has developed the Project website amheroes.ca

8. The Royal Canadian Legion. Legions from Sydney Mines, Florence, Sydney and legions across Nova Scotia have provided letters of support and assisted financially with the project.

ANNEX A – CANADA’S ATLANTIC MEMORIAL PARK: A PROPOSAL

OBJECTIVE:

TO ESTABLISH AN ATLANTIC MEMORIAL PARK IN SYDNEY MINES, AT THE ENTRANCE TO SYDNEY HARBOUR NOVA SCOT, CONSISTING OF:

- a) An appropriate national monument to Canada’s military service on both sides of the Atlantic. The monument would provide a gesture of national closure for the 115000 personnel lost during the wars- none of whom could be repatriated to Canada. It would provide a unique opportunity for Canadians to learn about Canada’s military sacrifices and the role of Sydney Harbour during the Battle of the Atlantic
- b) Restored military fortifications at the most strategic harbour fortification, the historic Chapel Point Battery which exists within the boundaries of the proposed park.
- c) An accessible cliff side recreational setting with outstanding ocean views, a recreational walking trail, attractive nature pond and, a large ocean beach
- d) Linkages to mining and Merchant Navy Memorials and other points of interest, e.g., Louisbourg Fortress, Cape Breton Miners Museum, Bell Museum, Fort Petrie etc.

THE SITE

The proposed site consists of about 120 acres of **publicly owned land** in Sydney Mines which is situated on the west side of Sydney Harbour. The crescent shaped site curves around a cove (Lloyds Cove) and has several important assets including:

- A 40 acre plateau situated at Cranberry head at the Northern edge of the Cove. It is a Cliffside setting near the former Process Colliery coal mine which operated for 100 years (1876-1976). It provides spectacular ocean vistas and is where a memorial monument looking eastward across the Atlantic would be constructed. It would overlook the arrival and departure of cruise ships, ferries and other vessels which use Sydney Harbour. It features a prominent headland with an unobstructed panoramic view of the Atlantic Ocean. The proposed monument could be strategically positioned so as to be facing Europe. The plateau would also be populated with visible displays, signage and ,smaller monuments depicting significant Canadian wartime contributions including, the contributions on this side of the Atlantic.
- The 11 acre Chapel Point Battery site on a cliff directly across from the Cranberry head plateau. The fortification consists of a battery observation post, gun emplacements and an extensive underground system housing magazines and other restricted areas. Restoration of this site would focus on ensuring a stable, secure environment for public visits and viewing of the restored structures. The remnants of other sites of interest and fortification sites nearby on the Harbour would be visible via telescope from the Chapel Point site and the Cranberry Head monument site.
- A large pond directly below the plateau (Edwards Pond) which has been recently remediated and landscaped with federal funding to eliminate the potential for toxic run offs from the former

mine which ran under the site. The result is a beautiful 10 acre setting suitable for park benches, tables, children's playground and other amenities.

- A beautiful ,user friendly, large ocean beach (Lochman's Beach) directly in front of Edwards Pond . The beach has a long history of use by local citizens. It sits at the end of Cable Street so named because it is the location where the Trans-Atlantic Cable came ashore from Valentia Ireland via Hearts Content, Newfoundland and, thence onward to the North Sydney Cable Office which served as a central point for wartime messaging.
- A multi acre woodland setting (Neils Woods) astride Chapel Point and the beach which is ideal for the creation of walking trails and commemorative displays. The woodland gently slopes upward from the beach and would be the setting for an authentic replica first nations encampment.

BACKGROUND

Canada has a rich history of commemorating the sacrifice of its military personnel in defence of freedom and democracy. There are hundreds of local monuments and commemorative sites in communities across the nation. Nationally the Canadian War Museum and the National War Memorial in Ottawa stand out as opportunities for Canadians to pay their respects. Overseas, in partnership with the Commonwealth War Graves Commission, many monuments and cemeteries are maintained in pristine condition.

At the same time as Canada has seen a resurgence in interest in commemorative ceremonies, there remains much more that could be done to encourage Canadians to learn more about the contributions of the military to the nation and the world. Visits to commemorative sites offer a unique opportunity to provide an educational experience for Canadians to learn about its military contributions.

The proposed Atlantic Memorial Park would address a significant gap in the current Canadian commemorative landscape. First, although there are many monuments across the nation, few provide a meaningful or comprehensive explanation of Canada's extensive wartime efforts. The most notable exception is the Canadian War Museum in Ottawa which is not technically a commemorative site. The Atlantic Memorial Park, situated on 120 acres of land would provide an ideal setting to erect an appropriate monument capturing the spirit of Canada's military sacrifice. It would emulate the imaginative and inspiring edifice at Vimy Ridge in northern France. The site would also educate Canadians about a broad range of wartime battles and endeavours, through a modern visitor centre and a multitude of appropriate displays, interpretive signage and storytelling sessions by expert volunteers. The choice of educational materials and displays would be made in conjunction with military associations including the Royal Canadian Legion, 1st nations groups and with Veterans Affairs Canada, DND , Parks Canada and Heritage Canada. This would provide a unique opportunity to tell Canada's story in an appealing family oriented setting.

An East Coast memorial site in Sydney Mines, Nova Scotia is most appropriate because Sydney Harbour was one of the two most important wartime harbours in Canada-the other being Halifax. The 1st convoys headed for Europe were assembled in Sydney harbour. The historical richness of the area in contributing to the Battle of the Atlantic is unsurpassed. The Battle of the Atlantic is itself an untold story which would be explained via direct observation of the restored Chapel Point Battery site and various other educational displays and historical linkages as outlined earlier in this document.

Canada's most evocative and compelling wartime memorials are located overseas and provide a limited opportunity to be viewed by Canadians. Special efforts are often made by the Government to attract Canadians to events in Europe and elsewhere. Special programs by schools and Veterans Affairs Canada , for example, target events in Vimy, France including for the upcoming 100th anniversary ceremonies. Based on Vimy visitor centre statistics 14,396 Canadians visited in 2016. This compares to an estimated 176,000 visitors annually to the proposed Atlantic Memorial site, of which about 80% (140,000) would be Canadians). The value for money proposition for a commemorative/educational site at the entrance to Sydney harbour is overwhelmingly positive.

As a follow up to Canada 150 celebrations and the 100th anniversary of Vimy Ridge what better tribute and recognition of these events than to announce the creation of the proposed Atlantic Memorial Park.

RATIONALE FOR THE SYDNEY HARBOUR LOCATION

- The entire area is steeped in military history. Going back hundreds of years, the Sydney Harbour area has a rich military and civilian wartime history as documented in a number of historical references. An excellent source is the book " Guardian of the Gulf Sydney, Cape Breton and the Atlantic Wars" by Brian Tennyson and Roger Sarty, 2001. They open with the following statement " One of the great untold military stories revolves around the eastern seaport of Sydney Nova Scotia
- During World War 2, the Sydney Harbour area was the 2nd most important seaport in eastern Canada from a strategic military perspective with numerous fortifications in place. Convoys to Europe sailed from the Harbour and military fortifications guarded the strategic assets from U boat attack.
- Much of the physical evidence around Sydney Harbour of the military contribution has been allowed to deteriorate-it is time to save and restore what remains.
- The site is publicly owned (Cape Breton Regional Municipality and the NS Department of Natural Resources) and could be used for this public purpose. Parks Canada would not have to relinquish any land or disturb the beauty of the Green Cove site to enable this site to be utilized.
- The timing is right to commit to an Atlantic Memorial site in concert with the Canada 150 celebrations and those for the 100th anniversary of Vimy Ridge. The monument would be designed to reflect the Vimy standard and would attract Canadians to a site where a unique educational experience would be available. The site would attract around 140,000 Canadians and thousands of foreign tourists annually, far exceeding the number of Canadians fortunate enough to visit the much revered memorial in Vimy.
- The boon to tourism and related spinoffs would create immediate economic benefits for a region with high unemployment and few economic development opportunities. It is expected

The study would benefit greatly from the “ Chapel Point Development Plan” prepared in 1993 by Porter Dillon Consulting Engineers. It is a high quality document which details the restoration activities required for the Chapel Point Battery. The requirements would be reviewed and updated to reflect today's context and would provide the launching pad for site restoration.

It is anticipated that the work required for restoration would include:

- Clean up of the area and building structures
- Creation of travel/walking routes to the site (Minimal upgrades to existing routes required)
- Conducting a public safety assessment and securing the safety of the site structures and its tunnels including guard rails as appropriate
- Restoring the key fortification features (Command Post, Powerhouse, Gun emplacements, Searchlights)
- Preparing signage and storyboards
- Creating a visitor center and parking area.

OPTIONS FOR A NATIONAL MONUMENT

Strong support for a national monument on the east coast was confirmed by a proposal launched by the Never Forgotten Foundation. The site (Green Cove) ran into opposition and support by Parks Canada was dropped. As a result, development of the monument has paused.

The monument for the proposed Atlantic Memorial Park will not conflict with the Green Cove proposal the name of which has trademark protection. The design will be developed through a stakeholder consultation process and the leading options will be subjected to a public survey to determine the most appropriate one from a public perspective

Whatever monument design is chosen, the Sydney Mines site provides a spectacular setting facing towards Vimy and, during the world wars, provided departing military personnel with a last view of Canada. The site is extensive (120 acres) and resides in an area of rich military history, including where large wartime convoys were assembled and left from Sydney Harbour and where protective fortifications guarded the area during the Battle of the Atlantic. Over and above the military experience the site offers an excellent family oriented recreational experience.

THE BENEFITS

The proposed Atlantic Memorial Park would:

- A) From an educational /personal enjoyment perspective;
 - Provide a 1st class east coast commemoration experience and the opportunity for Canadians to learn about and appreciate the little told story of Canada's wartime sacrifices at home and overseas
 - Bring forward a better understanding of the Battle of the Atlantic which raged off the east coast-knowledge of which was suppressed for wartime secrecy.

- Provide a unique opportunity to experience an important commemoration site within an ideal recreational setting including a park, a pond, a walking trail and a beach all surrounded by panoramic views.
- B) From an economic perspective:
- Provide significant direct operational revenues to offset operating costs (an estimate of 176000 annual visitors was made for the proposed Green Cove memorial). A similar volume may be expected at the proposed site with proper marketing especially in an environment of burgeoning tourism in Cape Breton.
 - Provide significant spinoff benefits for tourist facilities, restaurants, craft shops, tour guides, transportation companies in the local area.
 - Encourage further upgrading of local facilities and provide further motivation for cruise ship expansion- imagine the cruise ship passenger entering the Harbour in sight of an imposing contemplative monument situated on a crest of Canadian shoreline opposite the one on the crest in France
 - Provide a positive return on investment on the economic development dollar in an area with limited practical economic investment opportunities.

THE AMP SOCIETY

A local community group has been formed and is registered as the AMP Society to further develop the proposal and to form partnerships to prepare a project plan and seek funding support. It is recognized that the project will encompass 3 interconnected components to be implemented over a multi-year period. The 1st will be to restore the Chapel Point site. The 2nd will be to design and create the walking trails and 1st nations encampment in Neil's Woods. The 3rd will be to prepare the pond, walking trails and beach for enhanced recreational activity. The 4th and final phase will be the completion of the monument and historic themes site. Each phase will require a separate detailed plan and funding model. The Community group is seeking the support and assistance of key partners in development of this exciting opportunity to contribute positively to Canada's commemoration landscape and to regional economic development.

ACTION PLAN

The Society's action plan consists of developing and implementing the following:

- A governance structure for the project (Society registered)
- A park layout and site plans and designs
- A funding strategy
- A comprehensive multi-year project plan
- A business case presentation
- A communications and marketing strategy
- A network of stakeholders and partnerships.

WEBSITE; ampheroes.ca

SCHEDULE "C"

MUNICIPAL GOVERNMENT ACT

Sale or lease of municipal property

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

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

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

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

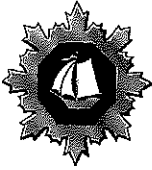
(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale.

SCHEDULE "D"

CBRM PROPERTY MANAGEMENT POLICY

4.8 Sale To Non-profit Organizations

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



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

**SUBJECT: REQUEST TO ESTABLISH BOUNDARY LINE BETWEEN
CBRM AND GLACE BAY CENTRAL CREDIT UNION
LIMITED – MAIN STREET, GLACE BAY**

DATE: SEPTEMBER 17TH, 2019

INTRODUCTION

A request has been received from Frank Gillis, Solicitor for Glace Bay Central Credit Union Limited seeking to acquire a strip of land from the Cape Breton Regional Municipality. The subject lot is outlined in yellow on the attached Plan. (Attachment A)

INFORMATION

Recently CBRM acquired lands located at 610 Main Street, Glace Bay for construction of a new police station. The property is identified on the attached survey plan as Lot 1-19 (Attachment B) and outlined in red on attach map (Attachment C). The Credit Union property lies adjacent to the CBRM parcel. Upon review of the survey plan, in particular towards the eastern boundary of the CBRM parcel, you will note an existing fence line marked with “x” running through CBRM’s property; a 10 foot right of way and portion of an 8 foot right of way on the said lands. The Credit Union presently has the benefit of the right of ways to access the rear of their property. The plan also shows a small portion of the Credit Union’s asphalt driveway encroaching on the lands of CBRM. Historically, the Credit Union and the successors in title to the CBRM property used the fence as a common boundary between the respective properties.

CBRM's current inventory identifies the subject land as essential to the needs of the municipality.

An internal staff review has been completed and staff agree that a common boundary between the respective properties should be established and formalized in writing. The existing fence was erected on the property by the Credit Union and used as a boundary for many years. It is reasonable and prudent for both parties to continue to use this as the common boundary line.

In order to establish a legal boundary between the respective parties, CBRM would have to agree to convey approximately 8 feet fronting on Main Street and extending 100 feet more or less to the rear of the Credit Union parcel and running approximately 4 feet along the rear. In exchange the Credit Union would release any and all interest they have in the 2 right of ways to CBRM. The conveyance to the Credit Union would not impede or cause harm to CBRM's development for the new police station. It would merely confirm and recognize the boundaries as they presently appear.

RECOMMENDATION:

Staff is recommending council pass a motion authorizing Mayor and Clerk sign a deed of conveyance to the Glace Bay Credit Union for a small strip of land lying to the east of the existing fence line as outlined in yellow on the attached plan in Attachment "A". In exchange the Credit Union will release to CBRM all interest in the 2 right of ways as depicted on the survey plan in Attachment "B".

Respectively Submitted by:

Original signed by

Sheila Kolanko
Property Manager

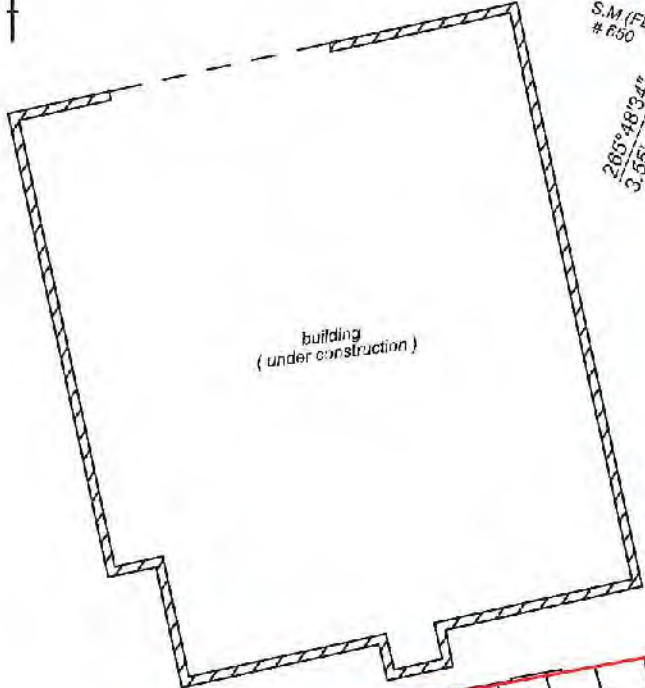
GRID NORTH
SCALE: 1" = 30'

PI # 15395437
lands deeded to
CAPE BRETON REGIONAL
MUNICIPALITY
Lot 1 - 19
(see plan # 114721310)

PI # 15089207
lands deeded to
GLACE BAY CENTRAL
CREDIT UNION LIMITED
book 1184, page 580
Parcel C
area = 3586 sq. ft. ±

PI # 15395212
lands deeded to
THE GLACE BAY CENTRAL
CREDIT UNION LIMITED
book 357, page 133
Parcel B
area = 6832 sq. ft. ±

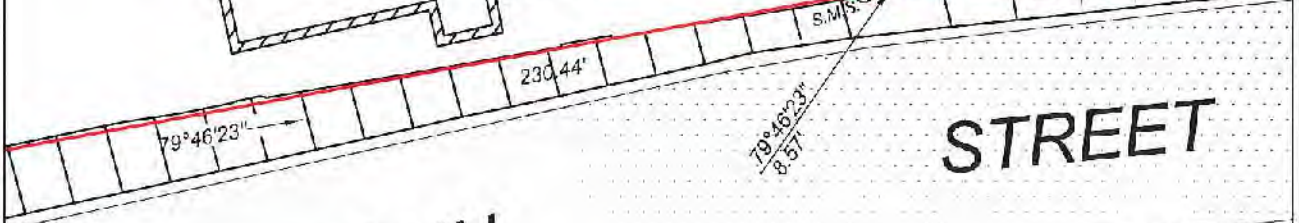
PI # 15885100
lands deeded to
THE GLACE BAY CENTRAL
CREDIT UNION LIMITED
book 096, page 107
Parcel A
area = 3365 sq. ft. ±



building
(under construction)



building
Glace Bay Credit Union
civic # 568



MAIN STREET

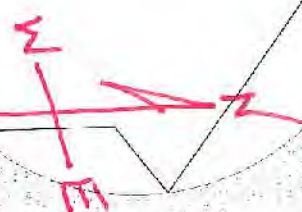
**PROPOSED ACQUISITION BY
GLACE BAY CENTRAL CREDIT UNION LIMITED
598 MAIN STREET, GLACE BAY, N.S.**

PRENDERGAST SURVEYS LIMITED
416 MAIN STREET, GLACE BAY
CAPE BRETON REGIONAL MUNICIPALITY, N.S.
PHONE: (902) 445-2291 FAX: (902) 445-1875
WEBSITE: www.plandersurveys.com

Dated : July 22, 2019

B

PN 1235403
Surrey
31.41.69.22
31.41.69.23
31.41.69.24
see plan reference #1



William Street

Main Street



Lot 1-19
area = 41,004 sqft.

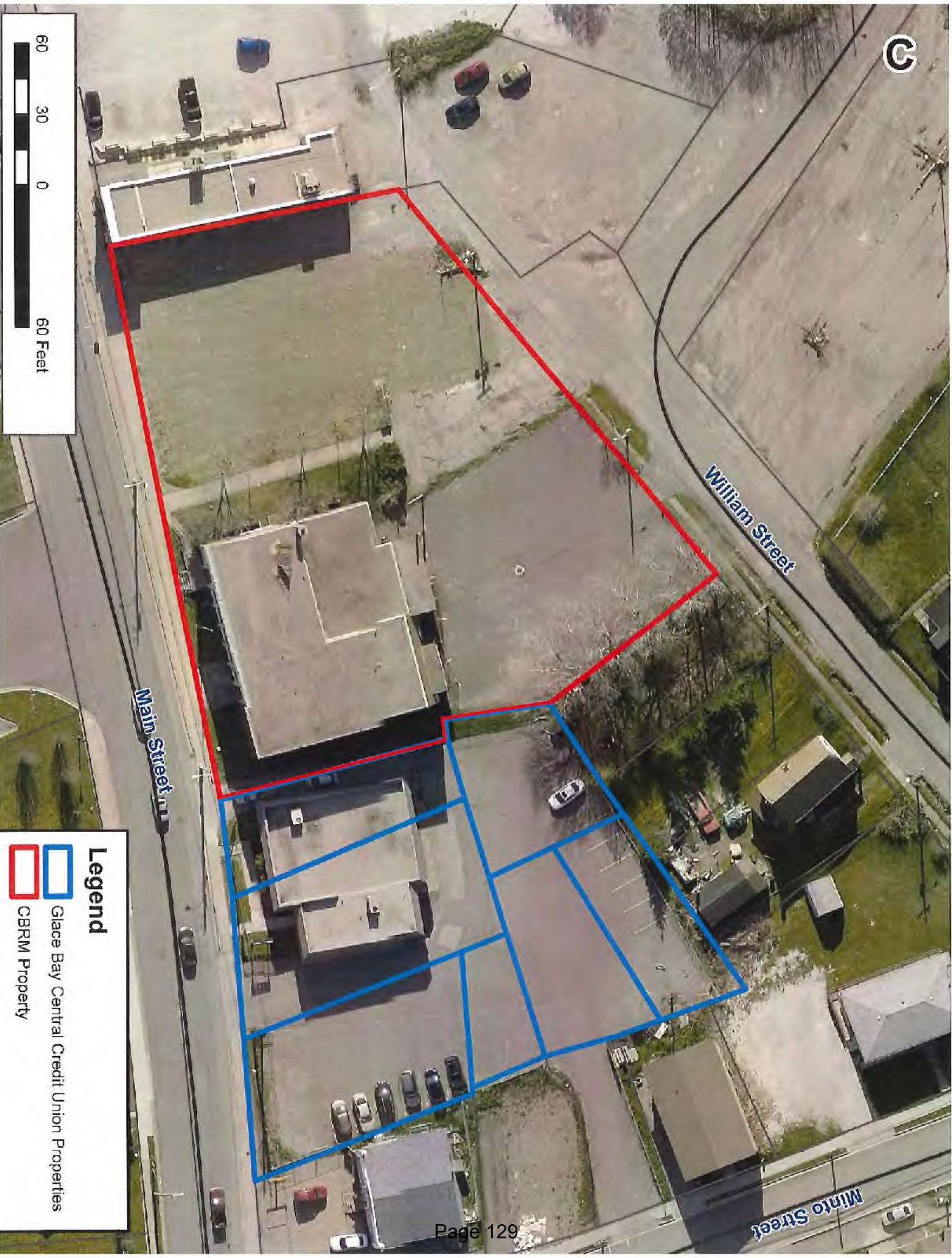
10' Row
Asphalt Driveway

Face Line



Legend

-  Glace Bay Central Credit Union Properties
-  CBRM Property





CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST TO PURCHASE – John MacKinnon et als
PORTION OF PID 1S1S4958 – Victoria Rd., Sydney

DATE: September 17th, 2019

INTRODUCTION

CBRM received a letter of interest from John MacKinnon asking CBRM to consider selling a portion of vacant land lying adjacent to his family property at 1542 Victoria Road, Sydney.

The property owned by CBRM is outlined in red (PID 15154958) on the attached map. The MacKinnon lots are in blue (PID 15154941 and 15154933). The area subject to this issue paper is shown crosshatched in yellow and contains approximately 17,500 square feet. (Attachment A)

INFORMATION

CBRM's inventory currently has this property listed as "essential" to the needs of the municipality. The property was formerly leased to Outfront Media for billboard advertising. In February of 2018, the billboards were removed from the property and the lease surrendered.

An internal staff review concluded the property is no longer required for CBRM purposes and for that reason should be deemed surplus.

Mr. MacKinnon wishes to acquire a portion of the subject property for the purpose of constructing a new garage and driveway on the property.

Staff has no issues in selling that portion as outlined herein provided Mr. MacKinnon consolidates it with his existing properties to comply with the necessary provisions of the Land Use By-law, Building By-law and Subdivision By-law.

RECOMMENDATION:

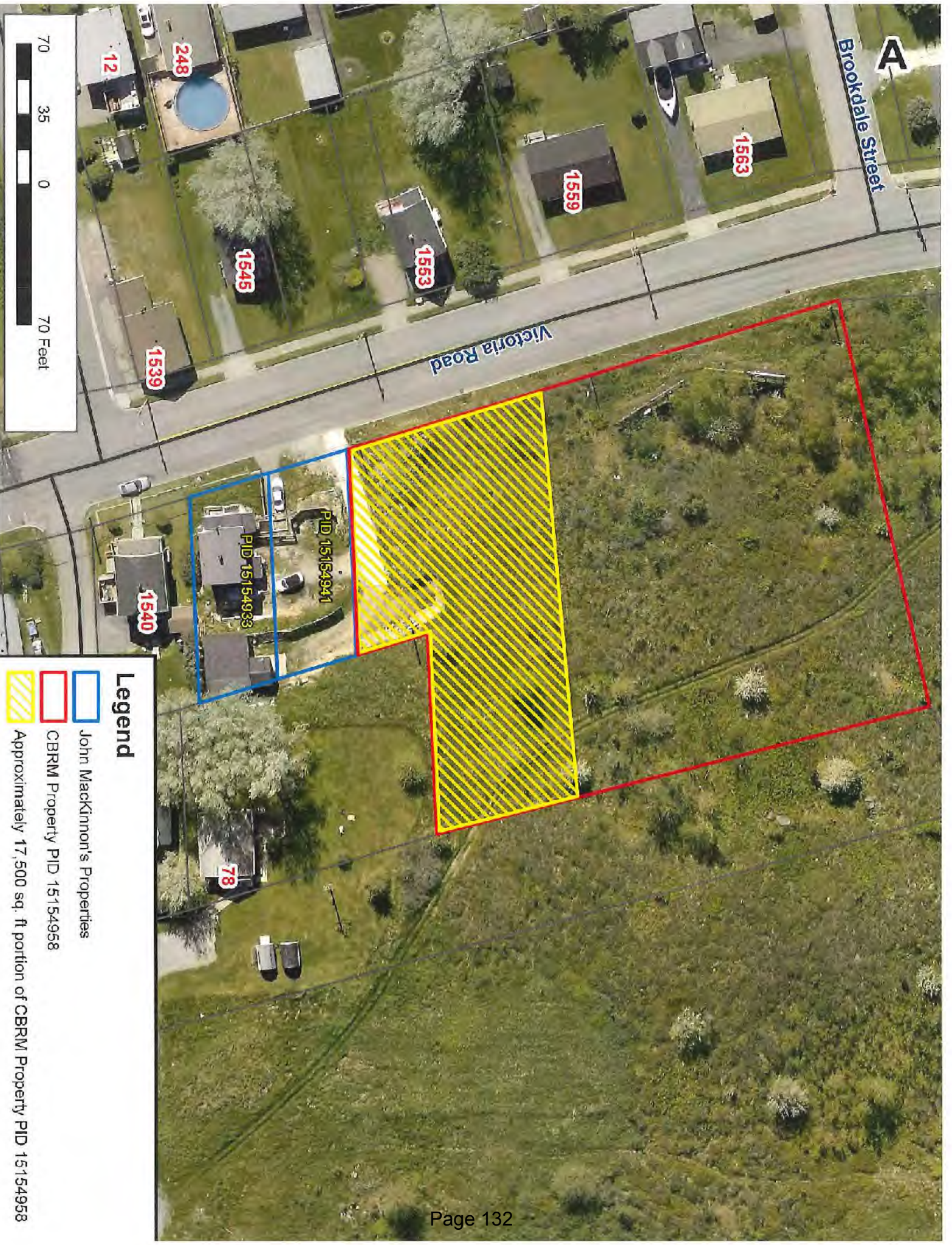
Based on the above, it is a recommendation to council:

1. To pass a motion declaring PID 15154958 surplus to the needs of the municipality;
2. To sell a portion of PID 15154958 (as shown crosshatched in yellow on Attachment "A") subject to lot consolidation to conform to existing CBRM Land Use Bylaws and all other applicable legislations and regulations; and
3. All cost shall be the responsibility of the purchaser.

Respectively Submitted by:

Original signed by

Sheila Kolanko
Property Manager



A

Brookdale Street

Victoria Road

1563

1559

1553

1545

1539

12

248

PID 15154941




PID 15154933

1540

78



Legend

-  John Mackinnon's Properties
-  CBRM Property PID 15154958
-  Approximately 17,500 sq. ft portion of CBRM Property PID 15154958



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR EASEMENT
PID 15178908– 19 AMBER DRIVE, SYDNEY MINES
COMMAND POST RESTORATION – CHAPEL POINT

DATE: September 17th, 2019

INTRODUCTION

A request has been received from Dillon Consulting Limited seeking an Easement in favor of Nova Scotia Power Corporation (NSP) for the installation of power poles and lines across lands presently owned by CBRM and identified herein as PID 15178908. (Attachment “A”)

INFORMATION

Dillon Consulting Limited is working on behalf of the Atlantic Memorial Park Society for the proposed Battery Command Post Restoration Project. In order to connect power to the restored Command Post, NSP requires an Easement from the registered property owner (CBRM) prior to installing any new poles and/or equipment to the site. Attached herein is a site plan showing the proposed easement outlined in red. (Attachment “B”)

Upon review with various staff members, I confirm staff supports and foresees no issue with the request to provide an easement to NSP.

RECOMMENDATION:

It is my recommendation to Council to pass a Motion authorizing the Mayor and Clerk to execute an Easement Agreement in favour of Nova Scotia Power Corporation for the installation of power lines and/or poles on CBRM property as outlined herein. All cost and fees associated with the Easement shall be the responsibility of Atlantic Memorial Park Society.

Respectively Submitted by:

Original Signed By

Sheila Kolanko
Property Manager - CBRM

A



220

110

0

220 Feet

Legend



CBRM Property PID 15178908

ELECTRICAL SPECIFICATIONS AND NOTES

1. ALL MATERIALS SHALL BE PROVIDED BY THE CONTRACTOR UNLESS OTHERWISE NOTED.
2. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC), 2017, AND ALL LOCAL ORDINANCES AND CODES.
3. THE CONTRACTOR SHALL VERIFY THE EXISTING ELECTRICAL SYSTEMS AND RECORD THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
5. ALL ELECTRICAL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE OWNER.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
7. ALL ELECTRICAL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
9. ALL ELECTRICAL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
11. ALL ELECTRICAL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE OWNER.
12. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
13. ALL ELECTRICAL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
15. ALL ELECTRICAL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND ALL LOCAL ORDINANCES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
17. ALL ELECTRICAL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE OWNER.
18. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

GENERAL NOTES:
 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 2. ALL ELECTRICAL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE OWNER.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
 4. ALL ELECTRICAL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

AWM
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 CONSULTING

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NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITS	10/15/2023	JL	MS
2	ISSUED FOR CONSTRUCTION	10/20/2023	JL	MS

PROPOSED BATTERY
 COMMAND POST RESTORATION
 SCHEDULE/SITE PLAN

E4

LINE NO.	DESCRIPTION	AMOUNT	UNIT	EXTENSION	DATE
1	100% LABOR	100	HR	10/15/2023	
2	100% MATERIALS	100	UNIT	10/15/2023	
3	100% EQUIPMENT	100	HR	10/15/2023	
4	100% TRAVEL	100	HR	10/15/2023	
5	100% OVERHEAD	100	HR	10/15/2023	
6	100% PROFIT	100	HR	10/15/2023	
7	100% TAXES	100	HR	10/15/2023	
8	100% CONTINGENCY	100	HR	10/15/2023	
9	100% TOTAL	1000	HR	10/15/2023	





City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form	
<input 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 - Reterral - Submit Petition - Notice of Motion	
Date of Council Meeting: September 17, 2019	
Subject: Request for Issue Paper re Signage on Poles in consideration for Not-for-Profit organizations and Wayfinding	
Motion for Council to Consider: That Staff be directed to prepare an issue paper regarding sign removal practices and the mandate regarding the same, and to be able to deal with signage for not-for-profits and including way-finding.	
Reason: To allow staff to be able to address signage that is not advertising in nature but for community benefit.	
Outcome Sought: Staff Issue Paper.	
<i>Councillor Darren Bruckschwaiger</i>	<i>District 10</i>
<i>Date: September 11, 2019</i>	<i>Received by Clerk's Department (date): September 11, 2019</i>

Summary

Statement of Revenue

July 31, 2019

Revenue	Year To Date Assigned	4 Month Budget	4 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 37,047,009	\$ 36,794,984	\$ 252,025	\$ 110,384,952	\$ 73,337,943
Total Federal Government	1,018,531	1,018,531	(0)	3,055,594	2,037,063
Total Federal Government Agencies	249,065	249,065	(0)	747,195	498,130
Total Provincial Government	733,466	733,466	-	2,200,398	1,466,932
Total Provincial Government Agencies	1,062,775	1,062,775	0	3,188,324	2,125,549
Total Services to Other Local Government	202,917	202,917	-	608,750	405,833
Total Transit	404,755	366,667	38,088	1,117,500	712,745
Total Environmental Development Services	116,048	82,067	33,982	246,200	130,152
Total Licenses & Permits	48,084	50,333	(2,249)	151,000	102,916
Total Fines & Fees	195,346	205,492	(10,147)	616,477	421,132
Total Rentals	188,436	198,830	(10,394)	596,490	408,054
Total Concessions & Franchises	119,413	123,333	(3,920)	370,000	250,587
Total Interest on Taxes	414,857	503,333	(88,476)	1,510,000	1,095,143
Total Finance Revenue	9,036	10,000	(965)	30,000	20,965
Total Solid Waste Revenue	836,288	800,000	36,288	2,700,000	1,863,712
Total Recreation & Cultural Service Programs	359,278	181,667	177,611	2,100,000	1,740,722
Total Water Utility Charges	1,650,503	1,650,503	-	4,951,510	3,301,007
Total Unconditional Transfers	5,311,946	5,311,946	-	15,935,838	10,623,892
Total Conditional Transfers	-	-	-	-	-
Year To Date Assigned	\$ 49,967,752	\$ 49,545,910	\$ 421,842	\$ 150,510,228	\$ 100,542,476

Departmental

Reviewed

Statement of Expenditures

Summary

Expenditures	Year to date Expended	4 Month Budget	4 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 483,501	\$ 527,207	\$ 43,706	\$ 1,626,311	\$ 1,142,810
Administration	254,432	298,587	44,155	1,082,923	828,491
Finance	778,548	805,038	26,490	2,663,928	1,885,380
Legal	616,943	588,122	(28,821)	1,843,611	1,226,668
Human Resources	346,389	403,724	57,334	1,350,257	1,003,868
Technology & Communications	397,922	406,506	8,584	1,339,155	941,233
Municipal Clerk	130,872	143,291	12,419	544,230	413,368
Fiscal Services	7,733,651	7,713,132	(20,519)	32,506,114	24,772,463
Police Services	8,911,003	8,972,422	61,419	27,611,933	18,700,930
Fire Services (Incl EMO)	5,913,048	6,199,407	286,359	17,891,006	11,977,958
Engineering & Public Works	14,674,283	14,724,979	50,696	47,080,056	32,405,773
Planning	874,446	886,083	11,636	2,665,010	1,790,564
Facilities C200 & Arenas	1,109,604	1,097,162	(12,442)	3,507,642	2,398,038
Parks & Grounds	947,174	965,022	17,847	2,889,432	1,942,258
Buildings	992,121	1,072,016	79,895	3,253,791	2,261,670
Recreation	1,439,356	1,480,828	41,472	2,654,825	1,215,469
Total expended to date	\$ 45,603,294	\$ 46,283,523	\$ 680,229	\$ 150,510,224	\$ 104,906,930

Reviewed

Departmental

Port of Sydney Development Corporation

Income Statement for 4 month period ended July 31 2019

	YTD Actual	YTD Budget	Variance to Budget	Annual Budget
Wharfage & Berthage	161,629.59	146,002.30	15,627.29	553,384.64
Event Revenue	99,844.41	20,350.00	79,494.41	73,100.00
Miscellaneous Revenue	115,458.91	2,100.00	113,358.91	4,300.00
Storage & Rental	101,587.49	104,491.24	(2,903.75)	289,927.21
Passenger tax	239,011.50	205,570.80	33,440.70	1,172,691.45
Security Revenue	81,981.34	75,606.26	6,375.08	264,435.64
Government Grants	149,188.01	42,400.00	106,788.01	153,900.00
Craft Market Revenue	13,937.16	20,375.00	(6,437.84)	83,545.00
	<u>962,638.41</u>	<u>616,895.60</u>	<u>345,742.81</u>	<u>2,595,283.94</u>
Wages & Salaries	307,556.94	314,675.44	(7,118.50)	931,041.18
Professional Fees	24,941.57	32,300.00	(7,358.43)	80,800.00
Advertising & Promotions	32,965.82	29,120.00	3,845.82	59,155.00
Cruise Activities	11,587.88	32,550.00	(20,962.12)	59,595.00
Dues & Memberships	11,703.18	13,237.00	(1,533.82)	39,176.00
Event Expense	6,314.65	4,030.00	2,284.65	7,775.00
Insurance	26,197.64	26,820.00	(622.36)	84,960.00
Interest & Bank Charges	2,377.21	2,200.00	177.21	6,870.00
Office & Admin	37,873.57	78,244.00	(40,370.43)	94,555.00
Office Rent	17,440.00	17,440.00	0.00	52,320.00
Miscellaneous Expense	552.15	1,600.00	(1,047.85)	4,800.00
Repairs & Maintenance	102,049.25	332,914.00	(230,864.75)	426,428.00
Repairs- JHCP	23,851.94	73,000.00	(49,148.06)	73,000.00
Travel	5,410.94	21,010.00	(15,599.06)	43,630.00
Utilities	58,526.42	54,584.00	3,942.42	206,584.00
Bad Debt Expense	0.00	500.00	(500.00)	1,500.00
Security Expense	54,588.59	77,223.40	(22,634.81)	217,696.20
Leasehold Improvements	1,430.03	11,500.00	(10,069.97)	11,500.00
Transport Canada Marketing	39,900.00	0.00	39,900.00	-
Business Development	100,000.00	0.00	100,000.00	-
	<u>865,267.78</u>	<u>1,122,947.84</u>	<u>(257,680.06)</u>	<u>2,401,385.38</u>
	97,370.63	(506,052.24)	603,422.87	193,898.56
Less Amortization	(116,666.68)	(116,666.68)	0.00	(350,000.00)
Net Income (Loss)	<u>(19,296.05)</u>	<u>(622,718.92)</u>	<u>603,422.87</u>	<u>(156,101.44)</u>

