

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JANUARY 20TH, 2015

6:00 P.M.

Council Chambers
2nd Floor, Civic Centre
320 Esplanade, Sydney, NS

Cape Breton Regional Municipal Council

Tuesday, January 20th, 2015

6:00 p.m.

AGENDA ITEMS

PRAYER (See page 5)

ROLL CALL

1. APPROVAL OF MINUTES: (Previously Distributed)

- Special Council – December 2nd, 2014
- Council – December 16th, 2014

2. DELEGATION:

2.1 Greenfield Elementary School re: Youth Summit on Child Poverty:
“Keep the Promise”: Teacher Diane Lewis with Students Adam
MacLean and Joella MacIsaac (See page 6)

3. REPORTS:

3.1 Briefing – CBRM 2015 Assessment Roll: (See page 15)

Spokespersons:

Mr. Lloyd MacLeod, P. App, AACI, Sr. Commercial Manager

Ms. Diane Beaton, Area Manager

Ms. Trudy LeBlanc, Sr. Municipal Advisor

3.2 Financial Reports to November 30, 2014: (for information
only) Marie Walsh, Chief Financial Officer (See page 26)

...Continued

4. **PLANNING ISSUES:**

4.1 **Approval to Advertise:**

- a) **Request by Martin MacFarlane to amend the North End Sydney Secondary Planning Strategy and Land Use By-law:**

Committee recommends approval to advertise notice of a Public Hearing to be held at the February 2015 meeting of Council to consider amending the North End Sydney Secondary Planning Strategy and Land Use By-law to allow the owner to convert 43 Esplanade Sydney, to a maximum of four dwelling units. Rick McCready, Senior Planner (See page 28)

- b) **Request by Bruce Kennedy to amend the CBRM Land Use Bylaw:**

Application to amend the CBRM Land Use By-Law that will allow the property owner to subdivide his property located at 48 O'Neil Lane, Glace Bay, along the interior center wall of an existing free-standing garage. Karen Neville, Planner (See page 36)

5. **PROTECTIVE SERVICES ISSUE:**

5.1 **Issuing Summons' for Parking Meter Tickets:**

Request to appoint Assistant Bylaw Manager as Parking Infraction Ticket Administrator, Malcolm Gillis, Director of Planning (See page 42)

6. **BY-LAWS, RESOLUTIONS & MOTIONS:**

6.1 **By-Laws:**

- a) **First Reading:** N/A
- b) **Second / Final Reading: (Public Hearing)**
- i) **Amendments to the Defined Benefit Pension Plan By-Law:**
Proposed amendments 2002-02 and 2014-01 as outlined in the staff report dated December 10, 2014.
Angus Fleming, Director of Human Resources (See page 43)

...Continued

BY-LAWS, RESOLUTIONS & MOTIONS (Cont'd):

6.2 Resolutions:

- a) **Eating Disorder Week**
Councillor Darrell Flynn (See page 50)

- b) **White Cane Week**
Councillor Jim MacLeod (See page 51)

- c) **Family Literacy Day**
Councillor Claire Detheridge (See page 52)

6.3 Motions: N/A

Adjournment

Cape Breton Regional Municipal Council

Tuesday, January 20th, 2015

6:00 p.m.

PRAYER

God Our Creator, bless us as we gather today for this meeting;
You know our most intimate thoughts;
Guide our minds and hearts
so that we will work
for the good of the community,
and help all your people.

Give us today the strengths
and wisdom to carry out our duties
in the most caring and respectful ways.

Teach us to be generous in our outlook,
courageous in the face of difficulty,
and wise in our decisions.

Amen

Keep the Promise

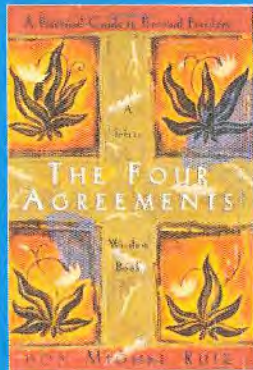


When I was a child my mother used to tell me stories about growing up during the Great Depression. She was haunted by the images of children fainting from hunger in her class.

Lawren Harris-Group of Seven depictions of Glace Bay in the early 20th Century



The Four Agreements



1st Agreement

Be
impeccable
with your
word.

In 1989 Ed Broadbent introduced a bill
to end poverty by the year 2000.



**One-third of Cape Breton
children living in poverty:
report**

Staff ~ The Cape Breton Post
Published on November 24, 2014



- * If this promise had been kept these children would have grown up in a Canada where child poverty was a footnote in a history book.



70+ years after the Great Depression, I am in Ottawa with my students trying to convince the politicians to keep their promise.

In Memory of **June Callwood** the inspiration for **Keep the Promise**



It started with a promise.....

https://www.youtube.com/watch?list=UU2-aDP4A5K1_rgS2tuSry6A&v=OQIC6YQgDe8

Youth Summit on Child Poverty
Canadian Teachers' Federation
Ottawa, 2014.



We met other youth who cared about these issues.



We heard powerful stories James Bartleman.



We met some politicians



But not all politicians made time for
us.



Twitter Reactions to lack of **Conservative** presence at meeting -



Annie McEwen @AnnieMcEwen
Follow

No conservative MPs "available" to hear these
kids out at #KTPCanada. Disgraceful. Canadians
are listening even if the govt isn't!
5:20 PM - 18 Nov 2014

Shelley L Morse @shelleymorse1
Follow



#KTPCanada campaign with #students in
#ottawa, no #Conservative #MPs available to
attend event to end #childpoverty | shameful |
#canpoli
5:23 PM - 18 Nov 2014



<https://www.youtube.com/watch?v=EPIC3zISu>
JA

Hey Canada! We need to talk!

**WE NEED YOUR
HELP!**

Briefing – Cape Breton Regional Municipality

2015 Assessment Roll

Lloyd MacLeod, P. App, AACI, Sr. Commercial Manager

Diane Beaton, Area Manager

Trudy LeBlanc, Sr. Municipal Advisor

January 20, 2015



Agenda

PVSC

- PVSC Background
- Mandate
- Capped Assessment Program
- Assessment Process
- 2015 Assessment Roll

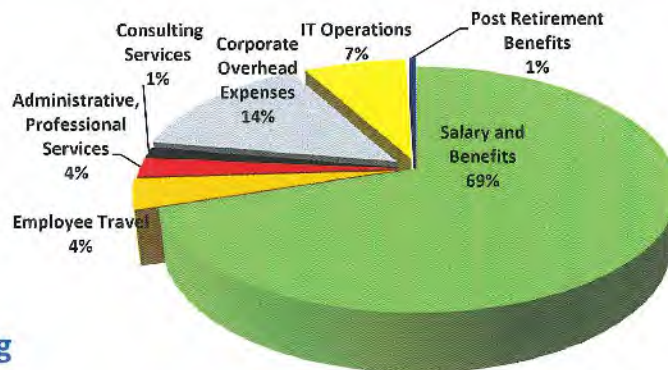
Questions



Property Valuation Services Corp.

- Municipally funded, independent, not-for-profit organization that provides assessment services for 54 municipalities in Nova Scotia
- Created in 2008 (formerly Assessment Services, Service Nova Scotia and Municipal Relations)
- Governed by a Board of Directors
- Provides annual assessment rolls to municipalities
- 140 employees in 7 regional offices
- ~ 600,000 assessment accounts
- Budget: \$17.1 Million → 4th year with no increase

Financial Status



Municipal Funding

2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
\$16,443,000	\$16,983,000	\$17,100,152	\$17,100,063	\$17,090,000	\$17,090,000	\$17,090,000

Strategic Direction 2015-2020



New Initiative: Open Data

- PVSC remains committed to providing the public with greater access to information and advancing the discussion on **open data**.
 - Open data is data that can freely be used, reused and redistributed by anyone.
- Open data **supports** and **enables**:
 - Transparency and Accountability
 - Economic Development
 - Research and Innovation
 - Information Sharing



Background and Current State

- In 2012, the **Open Data Working Group** was established through the Property Innovation Council
 - To develop a greater understanding of the concept of open data
 - To discuss the potential opportunities and benefits within NS
- Since then the Working Group has met regularly to share insights and advance the concept within the province
 - A **Study on Open Data** was conducted in early 2013
- The organizations represented on the Working Group (the Province, UNSM, HRM and PVSC) are seeking to formalize the authority through the signing of an MOU
 - **Nova Scotia Open Data Council**

PVSC Website

- PVSC publishes data through its public website (www.pvsc.ca) to deliver on the following objectives:
 - To improve client access to information
 - To provide better service to public
 - To align with practices of other jurisdictions
 - To create opportunities for additional products and services

PVSC Website Data Elements

- The following data elements are provided to the public through PVSC's website:

As of 2012

- AAN
- Land Size
- Civic Address
- Sale Date
- # of Parcels in Sale
- Sale Price
- Current Property Assessment
- 5 Year Property Assessment History

As of October 2014

- Building Style
- Under Construction (Y/N)
- Living Units
- # Bathrooms
- Garage (Y/N)
- Preliminary Assessed Value
- Year Built
- # Bedrooms
- Finished Basement (Y/N)
- Living Area (sf)
- Construction Quality

As of January 2015

- Current Taxable Assessed Value

PVSC Mandate

Legislated mandate

- Nova Scotia Assessment Act
- Property Valuation Services Corporation Act

Section 42 Nova Scotia Assessment Act:

"All property shall be assessed at its market value, such value being the amount which in the opinion of the assessor would be paid if it were sold on a date prescribed by the Director in the open market by a willing seller to a willing buyer, but in forming his opinion the assessor shall have regard to the assessment of other properties in the municipality so as to ensure that, subject to Section 45A, taxation falls in a uniform manner upon all residential and resource property and in a uniform manner upon all commercial property in the municipality"

Assessment Act

- All real property in Nova Scotia must be assessed
- Provide assessment roll to municipalities
- Provide assessment notice to property owners
- Market value can be appealed
- Administration of property assessment appeal process



Capped Assessment Program (CAP)

- CAP came into existence in 2005 as a result of Provincial legislation to address concerns over rapidly increasing assessments with the intent to limit "sudden and dramatic increases in market values"
- CAP rate is based on the Nova Scotia Consumer Price Index
- Residential property taxes are based on lesser of the values (capped assessment or market assessment on notice)
- 2015 CAP Rate = 2.1 %



Eligible

- Annual increase in market value greater than the Nova Scotia Consumer Price Index
- At least 50% owned by a Nova Scotia resident
- Residential property with less than four dwelling units or vacant resource
- Ownership remained within the family
- Owner occupied condominium
- Mobile home
- Mobile home park, co-operative housing, residential or resource portions of commercial farm

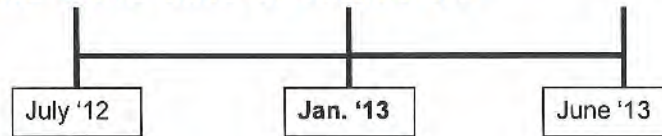
Not Eligible

- Majority owned by an out of province resident
- Commercial property
- New construction
- New home owners: Non-family sale homes are taken out of the CAP program for the year following the purchase
- Non-owner occupied condominium

Section 42 of the Assessment Act Requires ...

"...would be paid if it were sold on a date prescribed by the Director in the open market"

- Base Date = the date of valuation



- The Base Date for the 2015 roll is January 1, 2013
- State Date:
 - The date used to determine the state of the property to be used to file the assessment roll
 - December 1st of the previous year
- The State Date for the 2015 roll is December 1, 2014

Analysis for 2015

- Review Sales within the Base Date
- Investigate sales transactions for analysis

CBRM	Residential	Apartment	Commercial
Qualified Sales	1061	3	33

- Land valuation
- Collect and analyze income and expense information
- Building permits

Appeal Process

- What can be appealed?
 - Property assessed value, classification, and ownership
- Submit appeal within criteria
 - appeal period = 31 days
 - **2015 appeal period is January 9th to midnight, February 9, 2015**
- PVSC will review grounds of appeal
 - Confirm
 - Amend
- Property owners are encouraged to call PVSC to discuss their assessment
 - 1-800-380-7775
- Property owners can view detailed information about their property by viewing their **"My Property Report"**
 - www.pvsc.ca

Appeal Process



Cape Breton Municipality – 2015 Assessment

	2015 Assessment	% Change from 2014
Total CBRM	\$ 6.3 Billion	2.7 %
Residential	\$ 4.8 Billion	3.4 %
Commercial	\$ 1.5 Billion	0.5 %
Residential with CAP	\$ 3.8 Billion	3.5 %



2015 Assessment Roll - Total for Nova Scotia

Total Assessment	\$ 101.8 Billion
Residential Assessment	\$ 78.7 Billion
Residential with CAP	\$ 69.4 Billion
Commercial Assessment	\$ 23.0 Billion



2015 Assessment Roll by Area



Area	Residential Assessment	Residential with CAP	Commercial Assessment	Total Assessment
South (I)	\$ 10.5 Billion	\$ 9.4 Billion	\$ 2.1 Billion	\$ 12.6 Billion
HRM (II)	\$ 40 Billion	\$ 35.4 Billion	\$ 13.3 Billion	\$ 53.3 Billion
East (III)	\$ 12.8 Billion	\$ 10.9 Billion	\$ 4.1 Billion	\$ 16.9 Billion
North West (IV)	\$ 15.4 Billion	\$ 13.7 Billion	\$ 3.5 Billion	\$ 18.9 Billion

Figures are rounded

Questions and Contact Information

Questions?

- Contact Information
 - Diane Beaton, Area Manager, 902-625-4255
 - Lloyd MacLeod, Commercial Manager, 902-563-2172
 - Trudy Leblanc, Sr. Municipal Advisor, 902-266-9525
- Media Inquiries
 - Rebecca Vorstermans, Communications Coordinator, 902-802-8571 or rebeccavorstermans@pvsc.ca

1-800-380-7775

www.pvsc.ca

Revenue	Year To Date Assigned	8 Month Budget	8 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 66,592,807	\$ 66,379,400	\$ 213,407	\$ 99,569,100	\$ 32,976,293
Total Federal Government	1,832,527	1,832,527	(0)	2,748,790	916,263
Total Federal Government Agencies	671,129	671,129	0	1,006,694	335,565
Total Provincial Government	607,216	607,216	-	910,824	303,608
Total Provincial Government Agencies	1,847,776	1,847,776	0	2,771,664	923,888
Total Services to Other Local Government	227,618	227,618	0	341,427	113,809
Total Transit	639,247	681,333	(42,087)	1,022,000	382,753
Total Environmental Development Services	235,233	256,333	(21,100)	384,500	149,267
Total Licenses & Permits	99,831	160,333	(60,503)	240,500	140,670
Total Fines & Fees	1,658,941	1,631,141	27,799	2,446,712	787,771
Total Rentals	368,515	384,000	(15,485)	576,000	207,485
Total Concessions & Franchises	231,562	230,000	1,562	345,000	113,438
Total Return on Investments/Interest on Taxes	815,006	833,667	(18,661)	1,250,500	435,494
Total Finance Revenue	20,012	22,000	(1,988)	33,000	12,988
Total Solid Waste Revenue	1,747,682	1,578,000	169,682	2,367,000	619,318
Total Recreation & Cultural Service Programs	576,370	959,877	(383,508)	1,985,105	1,408,735
Total Water Utility Charges	3,301,007	3,301,007	(0)	4,951,510	1,650,503
Total Unconditional Transfers	10,620,621	10,623,892	(3,271)	15,935,838	5,315,217
Total Conditional Transfers	2,562,955	2,562,955	(0)	3,844,432	1,281,477
Year To Date Assigned	\$ 94,656,053	\$ 94,790,205	\$ (134,152)	\$ 142,730,596	\$ 48,074,543

Alicia Durham

Departmental

Jennifer Campbell
Reviewed

SUMMARY

INCOME STATEMENT

NOVEMBER 30, 2014

Expenditures	Year to date Expended	8 Month Budget	8 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 846,536	\$ 969,595	\$ 123,059	\$ 1,395,028	\$ 548,492
Administration	776,224	861,712	85,488	1,143,074	366,850
Finance	1,784,844	2,003,845	219,001	3,019,344	1,234,500
Legal	277,249	368,283	91,034	546,623	269,374
Human Resources	1,017,111	1,125,768	108,657	1,659,150	642,039
Technology & Communications	470,576	670,142	199,565	1,215,923	745,347
Municipal Clerk	212,376	340,926	128,551	456,581	244,205
Fiscal Services	26,991,120	27,158,118	166,998	33,323,742	6,332,622
Occupational Health & Safety	108,354	135,117	26,764	204,536	96,182
Facilities: Centre 200 & Arenas	1,928,126	2,036,453	108,327	3,122,653	1,194,527
Police Services	17,513,445	17,743,661	230,216	26,487,767	8,974,322
Fire Services (Incl EMO)	10,850,672	11,349,103	498,431	16,152,559	5,301,887
Engineering & Public Works	31,014,172	31,570,769	556,598	48,350,612	17,336,441
Planning	1,427,428	1,809,832	382,404	2,678,635	1,251,207
Recreation	2,407,842	2,458,956	51,114	2,974,369	566,527
Total expended to date	\$ 97,626,075	\$ 100,602,281	\$ 2,976,206	\$ 142,730,596	\$ 45,104,521

Dana Durham
 Departmental

Griffiths Campbell
 Reviewed

PLANNING ISSUE:

Approval to Advertise:

**Request by Martin MacFarlane for Amendment to the North
End Sydney Secondary Planning Strategy – Report on Public
Participation Program:**

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held at the February 2015 meeting of Council, to consider amending the North End Sydney Secondary Planning Strategy and Land Use By-law to allow four units to be created at 43 Esplanade, Sydney, as outlined in the staff report dated December 22, 2014.

Motion Carried.

Rick McCready
Planning Department



CBRM

A Community of Communities

Cape Breton Regional Municipality

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5072
Fax: 902-539-9419

email: rgmccready@region.cape-breton.ns.ca

December 22, 2014

ISSUE PAPER

TO: General Committee of Council

FROM: Rick McCready, MCIP, Senior Planner

RE: Request by Martin MacFarlane to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to allow four units on his property located at 43 Esplanade, Sydney -- report on public participation program.

Background Information

When the public consultations took place in 2005 regarding the proposal to develop a Secondary Planning Strategy for the North End of Sydney, many residents expressed concern about the number of homes originally built as single detached dwellings that had been converted into apartments. In particular, residents were unhappy with the fact that in some cases the conversions had resulted in exterior changes to the buildings that were inconsistent with the original architectural style or in a loss of green space to parking. Some residents were in fact asking that the Municipality impose a ban on new apartments in the area.

When the Secondary Planning Strategy was approved by Council in 2006, an effort was made to accommodate the residents' concerns. Although a complete ban on apartments was not imposed, new apartment buildings were restricted to undeveloped areas and to areas closest to the downtown core. Within the built-up residential areas, all existing apartments were "grandfathered", but conversions of single detached dwellings were limited to a maximum of two units. The new Planning Strategy also recommended that a Heritage Conservation District be established in the oldest part of the North End. (The Heritage District was put in place in 2008)

Although the new Strategy limited conversions of old homes into apartments, the rules adopted in 2006 did open up opportunities for other types of development in the neighbourhood. Unlike other residential areas in CBRM, the NER (North End Residential) zoning allows the conversion of old homes into professional offices or into

inns catering to the tourist industry. A dining room open to the public within an inn is even permitted, subject to certain conditions. Unfortunately, there appears to be very little interest in developing tourism related businesses in the North End residential area. As far as I know, there has only been one proposal to do so since 2006. (That proposal was abandoned for several different reasons)

Mr. MacFarlane owns an unusually large house, with over 6,000 square feet of living area on three floors. He also owns more land than most North End residents (about 8400 square feet). Unlike most North End homes, a good argument can be made that turning his home into three or four units could be carried out without having a negative impact on the architecture of the building or on the ambience of the neighbourhood. In fact, it could be argued that the best chance to save this building from future deterioration would be to enhance its financial viability by allowing four units to be created.

Council's Decision to conduct a PPP (Public Participation Program)

The first step in amending a planning strategy is for Council to adopt a public participation program (PPP) to make the public aware of the proposed changes and to provide input. The results of the PPP are brought back to Council before any decision is made to actually amend a bylaw. **On September 23rd, 2014, Council passed a resolution to adopt a public participation program, the purpose of which was to get public input into the possibility of amending the Secondary Planning Strategy for the North End of Sydney so as to provide more flexibility for owners of unusually large properties in the North End Residential (NER) Zone who wish to convert their properties into alternative uses.**

Results of Public Participation Program

The public participation program took the form of two informal public meetings, both held at the Lyceum on George Street in the North End of Sydney. The meetings took place on the evenings of November 17th and December 11th and were advertised by means of a flyer distributed to all mailing addresses in the North End planning area.

The first meeting was attended by approximately 35 residents. At the meeting staff explained the rationale for the existing policy which limits apartment conversions in the neighbourhood, and noted that the policy is consistent with the vision for the future of the North End which was approved as part of the consultations that lead to the adoption of the North End Secondary Planning Strategy in 2006. In general, meeting participants strongly opposed any changes to the current policies. It was felt that changes that would open the door to more conversions of existing homes into apartments would be undesirable and would jeopardize the recent improvements to the area. The view was expressed that some of the apartment buildings now existing in the North End were not well maintained or well managed. At the end of the meeting, however, it was agreed that a second meeting would be held, providing that the discussion at the second meeting be limited to amendments that would affect 43 Esplanade only, rather than policy changes that might affect the entire neighbourhood.

The second meeting was also attended by approximately 35 residents, many of whom were present at the first session. Staff presented a proposed policy amendment that recognized 43 Esplanade as a unique property (it is in fact the largest building in the North End that is not a commercial, institutional or multiple residential use). The proposed policy change would affect 43 Esplanade only and would allow a maximum of four units on that property, subject to several conditions designed to ensure that if the conversion takes place, the character of the building itself and the surrounding area would be protected. After a lengthy discussion, several individuals expressed support for the amendment, but some of those in attendance continued to express concerns that a precedent was being set and that this amendment could lead to future amendments of a similar nature. Others indicated that they were supportive in principle, but were seeking some assurance that the conversion of this building into apartments would be undertaken by a developer interested in enhancing the neighbourhood. The meeting ended without a consensus being reached among those in attendance.

Recommendation

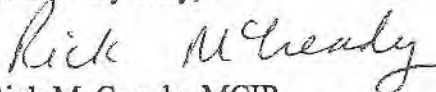
Although staff recognizes that many residents would prefer to leave the current policies unchanged, staff is of the opinion that the situation at 43 Esplanade is unique and that an amendment to accommodate a greater range of uses on that property is warranted.

Although the bylaw now allows such uses, there is no evidence that a strong demand exists to develop inns or professional offices in the North End. On the other hand, there is interest in developing 43 Esplanade into apartments, but limiting the total number of units to two is going to discourage the redevelopment of the property due to its unusually large size....each unit would exceed 3,000 square feet in floor area.

On balance, staff feels that an amendment that would affect 43 Esplanade only, in recognition of its unusual size, with conditions attached designed to address the concerns that have been raised, would be appropriate and consistent with the vision and goals of the Secondary Planning Strategy. The proposed amendment would facilitate the redevelopment of the property and has the potential to attract an investor who would undertake major upgrades to the building. There is a risk that without this amendment the likelihood of an investor acquiring and upgrading the property would be greatly reduced.

Based on the foregoing, staff recommends that Council grant approval to advertise the attached amendments.

Yours very truly,



Rick McCready, MCIP
Senior Planner

By-law

of the Cape Breton Regional Municipality

amending the

North End Sydney Secondary Planning Strategy and Land Use By-law

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the North End Sydney Secondary Planning Strategy and Land Use By-law in the following manner:

Add the following wording to Section 2 of the Secondary Planning Strategy, "Residential Development" just prior to Policy 2:

The intent of the policies of this Secondary Planning Strategy is to discourage conversions of existing homes in the North End Residential (NER) designation into more than two dwelling units. However, in 2014, eight years after the Strategy was adopted, Council received a request to amend the policy with respect to a home located at 43 Esplanade. This home is unique in that it contains more than 6,000 square feet of useable floor area, and is the largest single detached home in the NER designation. Policy 3 was amended by adding a Policy 3 (c) which allows a maximum of four dwelling units to be created on the property, subject to restrictions designed to ensure that the character of the home is preserved and that the visual impact on the surrounding properties is minimized.

Add a new clause (c) to Policy 3 in Section 2 of the Secondary Planning Strategy, "Residential Development" to read as follows:

(c) It shall be the policy of Council to allow the conversion of the dwelling located at 43 Esplanade (PID numbers 15053895 and 15053903), due to its unusual size, to be converted into a maximum of four dwelling units, providing that:

- A certificate of appropriateness has been issued for any exterior renovations to the structure pursuant to the Heritage Conservation District Bylaw*
- There is no increase in the building footprint as it existed on January 20, 2015*
- PID numbers 15053895 and 15053903 have been consolidated into one property*
- A minimum of six paved parking spaces are created to the north of the dwelling, in accordance with the parking requirements in the Land Use Bylaw, and the parking area has been screened from adjacent properties and from the street by a combination of wooden fencing, hedges, and other planting materials*
- All areas of the property not covered by buildings, paved parking and paved driveway areas shall be landscaped with trees, shrubs, grass, flowers or a combination thereof*
- All existing mature trees on the property shall be maintained.*

- *There is compliance with all other applicable requirements of the Land Use Bylaw.*

Add to the list of permitted uses in Part 4 of the North End Sydney Secondary Land Use Bylaw the following words:

- *A dwelling containing a maximum of four dwelling units on PID #15053895 and PID #15053903 , subject to the restrictions contained in Section 9 of this Part*

Add a new Section 9 to Part 4 of the North End Sydney Secondary Land Use Bylaw, to read as follows:

Section 9 PID # 15053895 and PID # 15053903

- *A certificate of appropriateness has been issued for any exterior renovations to the structure pursuant to the Heritage Conservation District Bylaw*
- *There is no increase in the building footprint as it existed on January 20, 2015*
- *PID numbers 15053895 and 15053903 have been consolidated into one property*
- *A minimum of six paved parking spaces are created to the north of the dwelling, in accordance with the parking requirements in the Land Use Bylaw, and the parking area has been screened from adjacent properties and from the street by a combination of wooden fencing, hedges, and other planting materials*
- *All areas of the property not covered by buildings, paved parking and paved driveway areas shall be landscaped with trees, shrubs, grass, flowers or a combination thereof*
- *All existing mature trees on the property shall be maintained.*
- *There is compliance with all other applicable requirements of the Land Use Bylaw.*

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

MAYOR

CLERK

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

DEBORAH CAMPBELL, CLERK



June 5, 2014

Dear Mr. Rick McCready;

On June 12, 2014 we discussed a matter of great importance to me personally. I would very much like to convert my building on 43 Esplanade to four apartments. After researching the existing by-laws, I came to the realization that I am only permitted two apartments. However, my building is quite large and very spacious. I think its size could easily accommodate four apartments. I think an amendment to the existing by-law to allow four apartments is a more than reasonable request.

Mr McCready, I would like to thank you for your time, attention and assistance with this personal matter.

Respectfully,
Martin W. Mac Farlane

Martin W. MacFarlane

539 -8848



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: AMENDMENT TO THE TEXT OF PART 2,
SECTION 1 AND SECTION 19 OF THE CBRM
LAND USE BYLAW**

DATE: January 13th, 2015

Introduction

The Planning and Development Department has received a land use bylaw amendment application submitted by Mr. Bruce Kennedy, of 48 O'Neil Lane in Glace Bay. Mr. Kennedy is requesting a text amendment to the CBRM's Land Use Bylaw that will allow him to subdivide his property located at 48 O'Neil Lane (PID 15697279) along an interior center wall of an existing free standing garage (Attachment B).

Currently there is a house and a four bay garage on the property in question. The property is zoned Residential Urban C (RUC) and has an area of 68,658ft² (6378m²). The proposed subdivision would result in the creation of two lot parcels (Attachment A). Proposed Lot 7 would have an area of 42,158ft² (3916m²) and would contain the existing single detached dwelling and a portion of the existing accessory building. Proposed Lot 6 would have an area 25,500ft² (2369m²) and contain a portion of the existing accessory building. Approval of the proposed text amendment would enable the Development Officer to approve a final subdivision plan where the common property line runs through the centre of the garage. It is the applicant's intention that upon receiving final approval of the subdivision plan to construct a single detached dwelling on Lot 6.

In order to permit Mr. Kennedy's request there would need to be text amendments to Part 2 General Provisions for All Zones of the Land Use Bylaw. More specifically, Section 1 Accessory Buildings and Section 19 Lot Parcel Development would need to be amended. At this time Section 1 c. sets the minimum setback from a lot parcel boundary for an accessory building. As a result, a provision would need to be added to Section 1 to waive the setback yard requirements for accessory buildings that share a common wall on adjacent lots.

According to Section 19, the minimum setback from any other lot parcel boundary is 4 feet. However, Section 19 also states that:

For a semi-detached dwelling, townhouse, apartments, or any service or sales establishment, the yard setback is waived where there is either:

- a common wall connecting the same type of land use; or
- a pedway connecting two buildings;

if the property boundary is either along the common wall or through the pedway, provided all other provisions of this Bylaw and the provisions of the Provincial Building Code are met.

This exception to lot boundary setbacks applies to a select number of main buildings, but does not reference to accessory buildings. This provision is most often used for semi-detached dwellings. The so-called company homes, which are so prevalent in the coal colliery towns and in neighbourhoods of Sydney in proximity to the former steel plant site, are the best and most common examples of this type of residential construction. On the other hand, over the last several years the number of dwelling units constructed as one of two dwelling units in a semi-detached dwelling is now approaching the number of single detached dwellings being constructed each calendar year here in the CBRM. This is the first such request for a residential accessory building. The text in Section 19 would need to be amended to include accessory buildings in order to allow an accessory building to be constructed, or in this case subdivided, on a common lot parcel boundary. A copy of the draft amendment to the CBRM Land Use By-law has been included as Attachment C for Council's consideration.

The applicant is aware that he needs to comply with all other applicable provisions of CBRM Land Use Bylaw as well as the CBRM Subdivision and Building Bylaws and the Provincial Building Code related to his proposal. It is important to note, that while these text amendments will permit Mr. Kennedy's request, these amendments would also apply to every zone throughout the CBRM due to the fact that both Section 1 and Section 19 are found in Part 2 General Provision for All Zones.

Mr. Kennedy has conducted some research on his own which led him to claim other municipalities in the Maritimes have a similar provision allowing for this. It is the intention of Planning Department staff to conduct a survey of Nova Scotia municipalities to learn which have implemented such a provision and which have not and to learn the reasons different municipalities have taken this approach or have chosen not to. A full and final report based on those findings will be presented to the General Committee of Council in March.

Recommendation

I recommend that Council pass a Motion to schedule a Public Hearing during the February meeting of Council.

Submitted by:

Karen Neville

**Karen Neville
Planning and Development Department**

KEY PLAN

LEGEND:

- NOVA SCOTIA CONTROL POINT
- SURVEY MARKER SET
- IRON BARK FOUND
- SPICE
- STEWIA
- BOUNDARIES DEALT WITH BY THIS P.L.
- OTHER BOUNDARIES
- DISCOUNTY HIGH WATER MARK
- CALCULATED POINT
- TRAIL LINE
- TREES
- PROPERTY IDENTIFICATION NUMBER
- WOODEN STAKE SET

AZIMUTHS:

All azimuths shown herein are based on the Pacific Time System (P.T.S.) for meridian projection, zone 4, 1979 adjustment, N.S.C.M. #

This survey was executed on _____, 2011 to _____, 2011.

AZIMUTHS AND DISTANCES SHOWN ARE TO BE TRUSTED UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE:

I, Dennis Prendergast, Nova Scotia Land Surveyor, hereby certify that this survey was conducted under my supervision and plan was made in accordance with the regulations made thereunder.

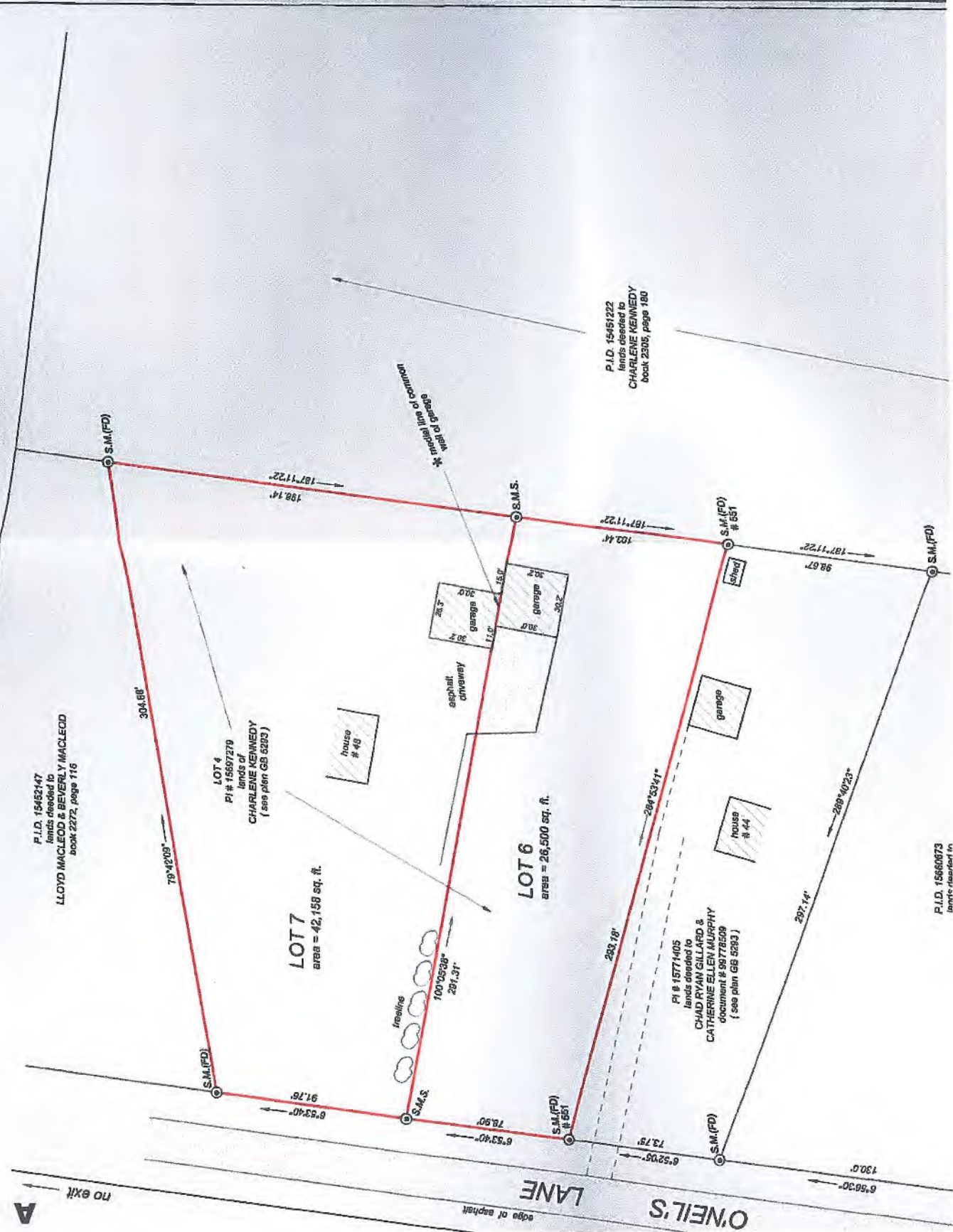
Dated this _____ day of _____, 2011.

NOVA SCOTIA LAND SURVEYOR

PRENDERGAST

648 MAIN ST
CAPE BRETON RI
PHONE: (902) 849
WEBSITE: WWW

**PLAN OF SUBDIVISION
LOT 6 & LOT 7**



P.I.D. 15462147
lands devised to
LLOYD MACLEOD & BEVERLY MACLEOD
book 2272, page 116

LOT 4
PI # 15667270
lands of
CHARLENE KENNEDY
(see plan GB 5203)

LOT 7
area = 42,158 sq. ft.

LOT 6
area = 26,500 sq. ft.

PI # 15771405
lands devised to
CHAD RYAN GILLIARD &
CATHERINE ELLEN MURPHY
document # 99778509
(see plan GB 5293)

P.I.D. 15660873
lands devised to

P.I.D. 15451222
lands devised to
CHARLENE KENNEDY
book 2305, page 180

A
no exit

edge of asphalt
LANE

O'NEIL'S

B



Proposed Lot 7

Common Wall

Proposed Lot 6

O'Neils Lane



1:600



By-law
of the Cape Breton Regional Municipality
amending the
Cape Breton Regional Municipality's
Land Use Bylaw

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

THAT: Part 2 General Provisions, Section 1 Accessory Buildings of the Land Use Bylaw is hereby amended by adding the following:

- e. Notwithstanding subsection c., where an accessory building is constructed on a common boundary, the applicable yard setback will be zero along the common lot line provided that:
 1. there is a main use or structure on each lot parcel,
 2. the provisions of the CBRM Building Bylaw and the Provincial and National Building Codes are met,
 3. all other applicable provisions of this Bylaw are met

Part 2 General Provisions, Section 19 Lot Parcel Development Requirements of the Land Use Bylaw is hereby amended by replacing the text following with the * with the following:

For a semi-detached dwelling, townhouse, apartments, accessory building, or any service or sales establishment, the yard setback is waived where there is either:

- a common wall connecting the same type of land use; or
 - a pedway connecting two buildings;
- if the property boundary is either along the common wall or through the pedway, provided all other provisions of this Bylaw and the provisions of the CBRM Bylaw, Provincial and National Building Code are met.

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

MAYOR

CLERK

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

Deborah Campbell, CLERK



ISSUE PAPER

FROM: Malcolm Gillis

SUBJECT: Issuing Summons' for parking meter tickets

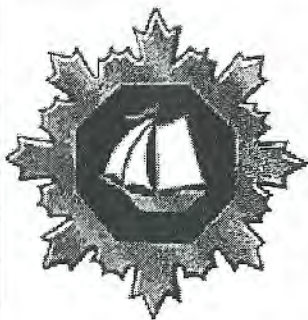
DATE: January 16th, 2015

CBRM has a Parking Meter Bylaw pursuant to the Motor Vehicle Act that gives Bylaw Enforcement Officers sworn in as Special Constables the authority to issue Summary Offence Tickets (a.k.a. parking meter tickets) for parking meter violations. If you choose not to pay you will eventually receive a Summons to defend yourself in court. This Summons cannot be issued by the Bylaw Enforcement Officers. The Province's Summary Offence Tickets Regulations stipulate such a Summons must be issued by the Parking Infraction Ticket Administrator appointed by a Municipality's Council.

Rick Fraser was the appointed Parking Infraction Ticket Administrator whose signature was on all such Summons'. He is now retired as of December 31st, 2014. His replacement has yet to be hired. The purpose of this Issue Paper is to ask that Council appoint Assistant Bylaw Manager (Mary Ann Vuletich is currently in that position) as Parking Infraction Ticket Administrator until Mr. Fraser's replacement has been hired.

Submitted by:

Malcolm Gillis
Director of Planning



**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, January 20, 2015**, at 6:00 p.m., Council Chambers, 2nd Floor, Civic Centre, 320 Esplanade, Sydney, NS:

By-Law	Intent
Amendments to the Defined Benefit Pension Plan By-Law	<ul style="list-style-type: none">• To remove reference to CPP Survivor's pension when calculating Pre-retirement Death Benefits;• Currently Credited Service while on LTD or Leaves of Absence is capped at five years. The amendment removes this cap, provided contributions are made by the member.

The above By-law amendments may be inspected at the Clerk's Office, 4th Floor, Room 403, Civic Centre, 320 Esplanade, Sydney, N.S.

**Signed: Deborah Campbell
Municipal Clerk
January 3, 2015**

Defined Benefit Pension Plan Amendments:

Motion:

Moved by Councillor MacLeod, seconded by Councillor Rowe, that the proposed amendments 2002-02 and 2014-01 to the Defined Benefit Pension Plan as outlined in the staff report dated December 10, 2014 be approved for first reading.

Motion Carried.

ISSUE PAPER

December 10, 2014

To: Mayor and Council

RE: Defined Benefit Pension Plan Amendments

Background:

The following two amendments are administrative adjustments to amendments previously approved by Council. The CBRM Defined Benefit Committee at a duly called meeting held November 13, 2014 approved a motion recommending to Council the adoption of amendments 2002-02 and 2014-01

AMENDMENT 2002-02 Pre-Retirement Death Benefits

On March 18, 2003, Council approved amendment 2002-01 which provided an increase in death benefits to survivors from 60% to 66.2/3% effective January 1, 2002.

The amendment also removes an upward adjustment to the survivor pension in cases where the member had over 10 years of service and the surviving spouse did not receive CPP Survivor's Pension for the period of service in the CBRM Plan. An adjustment upward was also made if the surviving spouse did receive a CPP Survivor's Pension and the CPP Survivor's Pension was reduced.

Eckler Consultant Ltd., pension consultants reviewing the history of this amendment determined that the retroactive removal did not affect anyone who died since January 1, 2002. In fact, the amendment has improved survivor benefits from 60% to 66. 2/3% for all affected members over this period. Our future expectation is the same as survivors now receive a CPP Survivor's Pension for each year the member worked for CBRM after January 1, 1966. In addition, reductions are only made to the CPP Survivor Pension when the surviving spouse is under the age of 45 and has no dependent children and is not disabled.

Accordingly, CBRM was of the view providing a 66 2/3% benefit was most appropriate approach to pre-retirement death benefits, and is consistent with the post-retirement survivor's benefit.

Continued...

AMENDMENT 2014-01 - Removal of the 5 year Crediting Cap on Pension Accruals while on LTD

The definition of Credited Service previously limited additional Credited Service while on approved leaves of absences for LTD, maternity, parental or other to five years, plus an additional three years in respect of absences that commence immediately after the birth or adoption of a child. The definition states that the Member must make contributions to the plan, or contributions must be made on their behalf by the Member's LTD insurer.

With this amendment effective January 1, 2014, the five year cap is removed for LTD service provided that contributions are made by the Member during the period of service or contributions were made on their behalf by the Member's LTD insurer. This change is consistent with Income Tax Act requirements and is also consistent with past administrative practice for the Plan in such cases where contributions were made by the Member or on the behalf by the Member's LTD insurer.

Recommendation:

The CBRM Defined Benefit Committee recommends to Council the approval of Amendments 2002-02 and 2014-01 as presented.


Angus Fleming
Director of Human Resources

**THE CAPE BRETON REGIONAL MUNICIPALITY
DEFINED BENEFIT PENSION PLAN**

(as Amended and Restated January 1, 1999)
Registration #0234211

AMENDMENT 2002-02

- WHEREAS the Cape Breton Regional Municipality ("Employer") has established the Cape Breton Regional Municipality Defined Benefit Pension Plan ("Plan");
- WHEREAS the Employer retains the right to amend the Plan; and
- WHEREAS the Employer wishes to amend the Plan for consistency with intended terms and administrative practice, as well as housekeeping items related to interest and the Canada Revenue Agency, effective January 1, 2002;
- NOW THEREFORE the Plan is amended effective January 1, 2002 as follows:

Section I – Definitions

Section I. "Definitions", is amended by:

1. Deleting subsection 1.16 in its entirety and replacing it with the following:

*1.16 **"Interest"** shall mean Interest with respect to contributions made pursuant to subsection 6.1 at the rate of 3% per annum compounded annually, or such other rate as may be adopted from time to time by the Regional Council. After December 31, 1987, such rate shall not be less than the average rate of five (5) year personal fixed term chartered bank deposit rate (CANSIM Series B14045) with such average to be determined over a reasonably recent period not exceeding twelve (12) months, or such other minimum rate as may be specified in the Act. For greater clarity, such average shall be determined over the 12 months of the preceding calendar year. This average shall continue to be used until the next such average is available.

Member voluntary contributions made pursuant to subsection 6.3 shall be credited with Interest each year at the rate of return which is reasonably attributable to the portion of the pension fund in which Member voluntary contributions were invested, net of investment expenses.

**THE CAPE BRETON REGIONAL MUNICIPALITY
DEFINED BENEFIT PENSION PLAN**
(as Amended and Restated January 1, 1999)
Registration #0234211

AMENDMENT 2014-01

- WHEREAS the Cape Breton Regional Municipality ("Employer") has established the Cape Breton Regional Municipality Defined Benefit Pension Plan ("Plan");
- WHEREAS the Employer retains the right to amend the Plan; and
- WHEREAS the Employer wishes to amend the Plan to amend the Plan to make changes to the definition of Credited Service;
- NOW THEREFORE the Plan is amended effective January 1, 2014 as follows:

Section I – Definitions

Section I, "Definitions", is amended by:

1. Deleting subsection 1.7 in its entirety and replacing it with the following:

"1.7 "Credited Service" means the years and parts thereof of the following periods of a Member's service with the Employer in Canada while a Member of the Plan:

- (1) periods in respect of which the Member receives remuneration from the Employer and makes the required contributions pursuant to subsection 6.1;
- (2) unpaid leaves of absence in respect of a period of Total Disability during which the Member receives or is in the waiting period to receive long-term disability benefits from a plan sponsored by the Employer, provided that he is not in receipt of a disability pension under subsection 4.1 and further provided that contributions are made to the Plan by the Member or on behalf of the Member by the Member's long-term disability insurer;
- (3) any period of absence required by law to be granted in respect of maternity or parental leave provided that the Member continues to make required contributions during the absence;

"Subject to subsection 9.5, if a Member has a Spouse or Common Law Partner at his date of pension commencement, his pension shall continue to such surviving Spouse or Common Law Partner after his death in the full amount until a total of 60 monthly payments have been made since the pension commencement date, then reducing to 66 2/3% of the amount the Member was receiving immediately before his death, payable for life of the Spouse or Common Law Partner."

The undersigned certifies that the foregoing amendment is adopted on this _____ day of _____, 2014.

Authorized Signature

Angus Fleming

Name

Director of Human Resources

Title



PROCLAMATION

“Eating Disorder Awareness Week 2015”

- Whereas:** Eating disorders are the number one cause of death among all psychiatric illness and are the third most common cause of death in teenage girls;
- And Whereas:** That 5 to 8% of Canadian girls will experience an eating disorder in their lifetime, however, eating disorders can develop in anyone, regardless of age, ethno-racial background, socioeconomic status, gender or ability. Unfortunately, stigma and secrecy still surround eating disorders, causing many people who are suffering to refrain from seeking help, and to struggle in silence;
- And Whereas:** Through open, supportive dialogue, we can help break the shame and silence that affect nearly 1 million Canadians that are living with diagnosed eating disorders and the millions of others who are struggling with unhealthy food and weight preoccupation;
- And Whereas:** Eating Disorder Awareness Week is a time to increase awareness about eating disorders, their impact and to shed light on the dangerous and pervasive myths that surround them. It’s a time of year when Canadians can learn more about eating disorders and about the resources that are available for individuals and family members who are impacted by them;
- Be it Therefore Resolved:** That CBRM Council proclaim the week of February 1st to 7th as Eating Disorder Awareness Week Awareness in the CBRM, to help raise awareness and hope among the many citizens who are impacted by this illness.

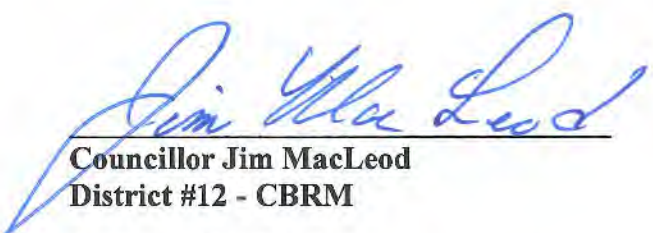

Councillor Darrell Flynn
District #10 - CBRM

January 20th, 2015

PROCLAMATION

White Cane Week February 1 - 7, 2015

- WHEREAS:** The week of February 1st to 7th, 2015 is recognized as White Cane Week; and
- AND WHEREAS:** White Cane Week aims to remind all Canadians that the traditional cane is a symbol of independence – not dependence - and that a lack of sight is not a lack of vision; and
- AND WHEREAS:** This is the 68th year this public awareness program has taken place in Canada and reflects the changing situations of people who are blind and visually impaired; and
- AND WHEREAS:** White Cane Week is a program of the Canadian Council of the Blind which has acted as “the voice of the blind” for over 70 years; and
- AND WHEREAS:** This campaign asks that service providers remove barriers that limit the fullness of life for our fellow blind and visually impaired citizens.
- BE IT THEREFORE RESOLVED:** That the CBRM Council proclaim the week of **February 1st to 7th, 2015** as **White Cane Week** in Cape Breton Regional Municipality.


Councillor Jim MacLeod
District #12 - CBRM

January 20th, 2015

Cape Breton Regional Municipality

Proclamation

Family Literacy Day

Whereas: Solid literacy skills are vital to our social and economic development as a municipality;

And Whereas: Research shows that parents have a strong influence on the literacy development of their children;

And Whereas: Family Literacy Programs serve to secure a solid learning foundation for our children;

And Whereas: Family learning helps maintain the literacy levels of adults and encourages the development of lifelong readers and learners;

Be It Therefore Resolved: That the CBRM Council proclaim January 24th, 2015 as “Family Literacy Day” in the Cape Breton Regional Municipality and encourage all CBRM residents to develop solid literacy skills which are vital to our social and economic development as a Municipality.

Councillor Claire Detheridge – District #4 – CBRM



January 20th, 2015

