

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, MAY 19<sup>TH</sup>, 2015**

**6:00 P.M.**

Council Chambers  
2<sup>nd</sup> Floor, Civic Centre  
320 Esplanade, Sydney, NS

# Cape Breton Regional Municipal Council

Tuesday, May 19<sup>th</sup>, 2015

6:00 p.m.

## **AGENDA ITEMS**

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### **ROLL CALL**

*O' Canada*

### **Moment of Silent Prayer, Invocation and Reflection**

#### **1. APPROVAL OF MINUTES: (Previously Distributed)**

- Council Budget Session – March 25<sup>th</sup>, 2015
- Regular Council – April 21<sup>st</sup>, 2015

#### **2. PLANNING ISSUES:**

##### **2.1 Final Approval – Public Hearings:**

- a) **Request for Amendments to the Text of the CBRM Land Use By-law and Subdivision By-law – G-999:**

Public Hearing to consider the request by Mr. Clem MacPhee to amend both the CBRM Land Use and the Subdivision By-laws to allow for the subdivision on islands without the need to provide parking facilities on the mainland of the CBRM. Karen Neville, Planner (See page **6**)

- b) **Zoning Amendment Application G-1003 – Heading Floor and Wall Décor Ltd. Argyle Street, Sydney:**

Public Hearing to consider the request by Mr. Graham Heading of Heading Floor and Wall Décor Ltd. for a zoning amendment for his property located on Argyle Street, Sydney, to allow for retail use such as a floor and wall décor store or motor vehicle storage. Karen Neville, Planner (See page **13**)

#### **3. REPORTS:**

- 3.1 **Spring Road Report:** Bruce Hardy, Manager Engineering and Public Works (See page **19**)

...Continued

**4. BUSINESS ARISING:**

**4.1 General Committee – May 4<sup>th</sup>, 2015:**

- a) **Gardiner Mines Recreation Society - Request for Lease Renewal - Former Gardiner Mines School:**

Committee recommends approval of the Lease Renewal between CBRM and the Gardiner Mines Recreation Society for a further ten (10) year period with all other terms to remain the same and that the Mayor and Municipal Clerk be authorized to sign the Lease. Demetri Kachafanas, Solicitor (See page 20)

**4.2 Council – April 21<sup>st</sup>, 2015:**

- a) **Naming of the Brook Between Munroe Lake and Lake Enon – Restated Motion Required:** Malcolm Gillis, Director of Planning (See page 24)

**5. PUBLIC SERVICES ISSUES:**

- 5.1 CBRM Water Utility 2015-16 Capital and Operating Budgets:** Mike MacKeigan, Manager of Utilities Administration (See page 27)

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

**6.1 By-Laws:**

- a) **Second / Final Reading:** N/A
- b) **First Reading:**
- i) **Area Rate By-law:** John MacKinnon, Director of Technology (See page 35)

**5.2 Resolutions and Proclamations:**

- a) **NSGEU - Privatizing of Home Support Services**  
Councillor Clarence Prince (See page 39)
- b) **Kiwanis Cape Breton – Golden “K”**  
Councillor Ray Paruch (See page 41)

...Continued

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

**Resolutions and Proclamations (Cont'd):**

- c) **Purolator Related Support – Local Food Banks**  
Councillor Eldon MacDonald (See page **42**)
- d) **Sustainable Transportation Week**  
Councillor Ray Paruch (See page **43**)
- e) **Intergenerational Day Canada**  
Councillor Jim MacLeod (See page **44**)
- f) **Child Care Awareness Month**  
Councillor Claire Detheridge (See page **45**)
- g) **Cystic Fibrosis Awareness Month**  
Councillor Lowell Cormier (See page **46**)

**5.3 Motions: N/A**

**God Save The Queen**

**Adjournment**

# Cape Breton Regional Municipal Council

Tuesday, May 19<sup>th</sup>, 2015

6:00 p.m.

## **PRAYER**

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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

**Public Participation Program:**

**Request for Amendments to the Text of the Subdivision By-law - G-999:**

Ms. Karen Neville, Planner, provided background information on this issue, noting that Mr. Clem MacPhee has requested text amendments to both the CBRM Land Use and Subdivision By-laws to allow for the subdivision on islands without the need to provide parking on the mainland.

Amendments to the Subdivision Bylaw require a Public Participation Program. The issue has been included on this meeting agenda to seek input on the proposed amendments, following which the public hearing will be scheduled for the May meeting of Council.

Ms. Neville advised that no submissions were received regarding the proposed text amendments.

The Mayor then asked if there was anyone present to speak on the proposed amendments to the text of the Subdivision By-law.

No one was present to speak on the proposed amendments; this issue will be on the agenda for the May 19 Council meeting.

**Approval to Advertise – Request for Amendments to the Text of the CBRM Land Use By-law and Subdivision By-law – G-999:**

**Motion:**

Moved by Councillor Rowe, seconded by Councillor Eldon MacDonald that:

- For the proposed amendments to the Subdivision By-law, Council schedule a public participation program for the May General Committee meeting; and
- Approve the advertising of a public hearing to be held at the May meeting of Council to consider the proposed amendments to the Subdivision By-law and the Land Use-By-law;

in relation to the request by Mr. Clem MacPhee to allow for the subdivision on islands without the need to provide parking facilities on the mainland of CBRM - Case G-999.

*Councillor Doncaster declared a Conflict of Interest and removed himself from the vote.*

**Motion Carried.**



**TO: CBRM Council Meeting**

**FROM: Karen Neville**

**SUBJECT: Revised: ISLAND SUBDIVISION AND PARKING REQUIREMENT (AMENDMENTS TO THE TEXT THE CBRM LAND USE AND SUBDIVISION BYLAWS) – Application 999**

**DATE: May 11<sup>th</sup>, 2015**

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## Introduction

The Planning and Development Department has received an amendment application from Mr. Clem MacPhee. Mr. MacPhee is requesting text amendments to both the CBRM's Land Use and Subdivision By-laws to allow for the subdivision on islands without the need to provide parking facilities on the mainland of the CBRM.

Mr. MacPhee, along with several of his family members, own land on an island within the Bras d'Or Lakes. The family would like to subdivide their property to enable individual ownership. The family does own land on the mainland which could accommodate the existing parking requirement in Section 7 of the Subdivision Bylaw and Section 16 of the Land Use By-law, however they feel that this request is unreasonable. The family believes that they should be able to utilize the nearby Ben Eoin Yacht Club & Marina along with other public boat ramps as a point of water access and parking.

In order to permit Mr. MacPhee's request there would need to be text amendments to both the Land Use By-law and the Subdivision By-law. More specifically, Part 2 General Provisions for All Zones, Section 16 Frontage on a Public street/road and Section 30 Parking Requirements According to Land Use Type of the Land Use Bylaw and Part 2 General Provisions, Section 7 Island Subdivisions of the Subdivision Bylaw.

Section 16 b. 7 of the Land Use By-law states:

Lot parcels with frontage on a navigable waterway provided:

- access can only be attained by means of a navigable waterway;
- the lot parcel has a minimum of 20 ft. of shoreline frontage measured perpendicular to the side lot line at the shoreline;
- the off-street parking spaces required in compliance with this By-law are located in a parking area within 1,000 ft. of the navigable waterway on which the lot parcel abuts; and

- there exists access of 50 ft. in width to the parking area from a public Street or Highway or a private Road and from the parking area to the shoreline where there exists suitable boat launching facilities.

The last two bullets of 16 b. 7 would need to be removed to accommodate Mr. MacPhee's request.

Section 30 Parking Requirements According to Land Use Type outlines off-public street/road parking requirements. Section 30 also has a list of scenarios where a land use is excluded from providing off-public street/road parking. To accommodate Mr. MacPhee's request, reference to a lot parcel with water frontage on an island which is not serviced by a public street/road would need to be added to the land uses excluded for providing off-public street/road parking. A copy of the draft amendment to the CBRM Land Use By-law has been included as Attachment A for Council's consideration.

According to Section 7 Island Subdivisions of the Subdivision By-law, the Development Officer has the authority to approve lot parcels in a plan of subdivision which is not serviced by a public street/road provided:

- each lot parcel has at least 6 meters of water frontage defined as the distance measured as a straight line between two points where the lot parcel boundary along the shore intersects with two other lot parcel boundaries;
- the subdivider provides a parking area on the mainland or on an island which does contain a public street, and the parking area shall have a parking space measuring not less than 3 meters by 6 meters for the exclusive use of each lot parcel so subdivided, and each such parking space shall have independent access to a public street either directly or by means of an easement;
- there exists an easement at least 6 meters in width to the parking area mentioned above from a public street/road and from the parking area to the shoreline of the body of water on which the lot parcels shown on the plan of subdivision abut;
- the locations of the parking areas and easements are clearly identified on the final plan of subdivision;
- the Land Use By-law in effect permits development on such lot parcels.

If Council decides to approve Mr. MacPhee's request, the second, third, and fourth bullets of Section 7 would need to be removed. A copy of the draft amendment to the CBRM Subdivision By-law has been included as Attachment B for Council's consideration.

It is important to note, that while the text amendments to the Land Use and Subdivision By-laws will permit Mr. MacPhee's request, these amendments would also apply to every zone throughout the CBRM due to the fact that both Section 16 and Section 30 are found in Part 2 General Provision for All Zones of the Land Use By-law and the Subdivision By-law is applied throughout the CBRM. There are approximately forty parcels of land located on islands of 2.5 acres or greater within the CBRM, fifteen of which are under private ownership. An inventory our GIS data for boat ramps throughout the Municipality showed that there are six in private ownership and eleven public.

A survey of Nova Scotia municipalities was undertaken to learn which municipalities implemented provisions related to island lot parcel subdivision and to learn the reasons that different municipalities have a provision for parking on the mainland while others do not. Seventeen Nova Scotia Municipalities, excluding the CBRM, were found to have provisions related to lot parcel creation on an island, of those only three had similar provisions for parking on the mainland.

The inclusion of provisions requiring parking on the mainland for island subdivision in Subdivision and Land Use By-laws was likely inherited from the Provincial Subdivision Regulations. The Provincial Subdivision Regulations applies to areas throughout the Province that do not have a Subdivision By-law in place. At one time, the Provincial Subdivision Regulations included provisions requiring mainland parking for island lot parcel, however, the Provincial Subdivision Regulations have since been amended and this requirement has been removed.

The request to subdivide a lot parcel for an island within the CBRM is not common, in fact, an application for this type of lot parcel creation has not been processed since the CBRM inception. Based on the research conducted, the inclusion of parking requirements related to this type of subdivision is not common. As well, the Provincial Subdivision Regulations has removed the parking requirement provisions for island subdivision. For these reasons it is reasonable for Council to remove the requirement for mainland parking as it relates to island subdivision from the Land Use and Subdivision By-laws.

### **Public Participation Program**

In accordance with the Municipal Government Act, amendments to planning documents such as the Subdivision By-law require a public participation program. The purpose of the public participation program is not for Council to make a decision on an application but rather to seek input from the public. Notification of the public participation held on May 4<sup>th</sup> was published in the April 27<sup>th</sup> edition of the Cape Breton Post. No members of the public presented on May 4<sup>th</sup> provided input on the request to remove the parking requirements for island lot subdivision from the Subdivision By-law.

### **Recommendation**

#### Amendment to the Land Use By-law

I recommend that Section 16 Frontage on a Public Street/Road and Section 30 Parking Requirements According to Land Use Type of the CBRM's Land Use By-law be amended to remove the requirements for a parking area on the mainland associated with island lot subdivisions.

A draft of the recommended amendments to the CBRM's Land Use By-law can be found in Attachment A.

#### Amendment to the Subdivision By-law

I recommend that Section 7 Island Subdivision of the CBRM's Subdivision By-law be amended to remove the requirements for a parking area on the mainland associated with island lot subdivisions.

A draft of the recommended amendments to the CBRM's Subdivision By-law can be found in Attachment B.

### **Submitted by:**

*Karen Neville*

**Karen Neville  
Planning and Development Department**

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 16 Frontage on a Public street/road of the Land Use Bylaw is hereby amended by repealing and replacing Subsection 16 b. 7 with the following:

Lot parcels with water frontage on an island which is not serviced by a public street/road provided access can only be attained by means of a navigable waterway.

**THAT:** Part 2 General Provisions, the text of Section 30 Parking Requirements According to Land Use Type of the Land Use Bylaw is hereby repealed and replaced them with the following:

For every building or structure to be erected or enlarged or *change of use*, off-public street/road parking located on the same lot parcel and within the same zone as the use and having unobstructed independent access to a public street/road shall be provided and maintained in conformity with the following schedule excepting:

- where specific parking requirements are established in the text of the zone in effect;
- where parking is not required for the use in the zone in effect;
- where on public street/road curbside parking is permitted by the Traffic Authority, in which case the number of parking spaces available directly in front of the lot parcel on which the development is taking place may be included in the calculation;
- where there is incontrovertible evidence an existing development was originally established when on-site parking requirements were not in effect, and an expansion is proposed, compliance with the parking standards below shall only be imposed on the expansion; or
- where the lot parcel is on an island that is not serviced by a public street/road and access can only be attained by means of a navigable waterway.

**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

By-law  
of the Cape Breton Regional Municipality  
amending the

**Cape Breton Regional Municipality's  
Subdivision By-law**

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Pursuant to Section 271(9) 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 Subdivision By-law in the following manner:

**THAT:** Part 2 General Provisions, Section 7 Island Subdivisions of the Subdivision By-law is hereby repealed and replaced with the following:

The Municipal Planning Strategy gives the Development Officer the authority to approve lot parcels in a plan of subdivision on an island which is not serviced by a public street/road provided:

- each lot parcel has at least 6 meters of water frontage defined as the distance measured as a straight line between two points where the lot parcel boundary along the shore intersects with two other lot parcel boundaries;
- the Land Use By-law in effect permits development on such lot parcels.

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**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 Subdivision By-law 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 Subdivision By-law.

\_\_\_\_\_  
Deborah Campbell, CLERK

**Approval to Advertise - Zoning Amendment Application G-1003: Heading Floor and Wall Décor Ltd. Argyle St., Sydney (PIDs 15071103 & 15071095)**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Detheridge, approval to advertise notice of a public hearing to be held at the May 19<sup>th</sup> meeting of Council to consider amending the Land Use Bylaw to allow for retail uses such as a floor and wall décor store and motor vehicle storage for the property located on Argyle Street, Sydney, (PIDs 15071103 & 15071095).

**Motion Carried.**



**TO: CBRM General Committee of Council**

**FROM: Karen Neville**

**SUBJECT: ZONING AMENDMENT APPLICATION – 1003  
Graham Heading  
Headings Floor and Wall Décor Ltd.  
Argyle Street, Sydney (PIDs 15071103 and  
15071095)**

**DATE: May 12<sup>th</sup>, 2015**

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### **Introduction**

Graham Heading, the owner of Headings Floor and Wall Décor located at 197 Kings Road (PID 15071152), recently purchased two vacant lot parcels on Argyle Street (PIDs 15071103 and 15071095) [Attachment A]. As Mr. Heading's business grows, the long term goal would be that these newly acquired sites will be the location of his expanding business. In the short, Mr. Heading has a lease agreement with Ramsay's Honda, located across the street from the properties in question, to store vehicles on the site.

### **Why a zoning amendment is necessary for this development?**

The site of the current Headings Floor and Wall Décor Store (PID 15071152) is under the jurisdiction of the Arterial Business Corridor (ABC) zone of the CBRM Land Use By-law. The ABC zone does permit a floor and wall décor store and motor vehicle storage. The CRBM Land Use By-law identifies PID 15071103 and 15071152 as the Service Business/Residential Corridor (SBR) Zone (Attachment B). While the SBR zone permits a range of uses, it does not permit a retail use such as a floor and wall décor store or motor vehicle storage, as a result Mr. Heading has requested the zoning on the properties be amended.

### **Provisions of the ABC Zone**

If Council approves the proposed zone amendment request, any development on the subject properties would need to comply with the provisions of the ABC zone as well as all other applicable provisions of the CBRM Land Use By-law. Outdoor storage on the subject properties must comply with the Outdoor Display and Storage provisions within the ABC zone. These provisions state that outdoor storage must be screened from any pedestrian sidewalk.

In addition, the ABC zone has provisions related to screening of adjacent Residential Zones for new and expanding business development and its accessory parking area. The Land Use By-law defines screen as:

a continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting that effectively screens the property which it encloses or the building, structure, or land use specified in a provision that references this definition.

### **Why should a zoning amendment be considered?**

The area along Argyle Street is predominantly residential however there is a range of non-residential uses in the area of the proposed zone amendment. Policy 16, Part 10 of the Municipal Planning Strategy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent without requiring an amendment to the MPS. In this case, the proposed zone request is the ABC zone, which is immediately adjacent to the properties in question, and therefore the request is in keeping with the MPS.

Given the range of land uses in the surrounding area, the provision of the ABC zone, and the content of Policy 16, Part 10 of the MPS it is reasonable for Council to consider the request to amend the zoning on PIDs 15071103 and 15071095 from the SBR zone to the ABC zone.

### **Notification of Neighbours**

At the time this report was prepared, the Planning and Development Department had not received written comments from any of the fifteen neighbouring property owners who were mailed a notice of the public hearing.

### **Recommendation**

I recommend that Council amend the zoning on PIDs 15071103 and 15071095 from Service Business/Residential Corridor (SBR) Zone to Arterial Business Corridor (ABC).

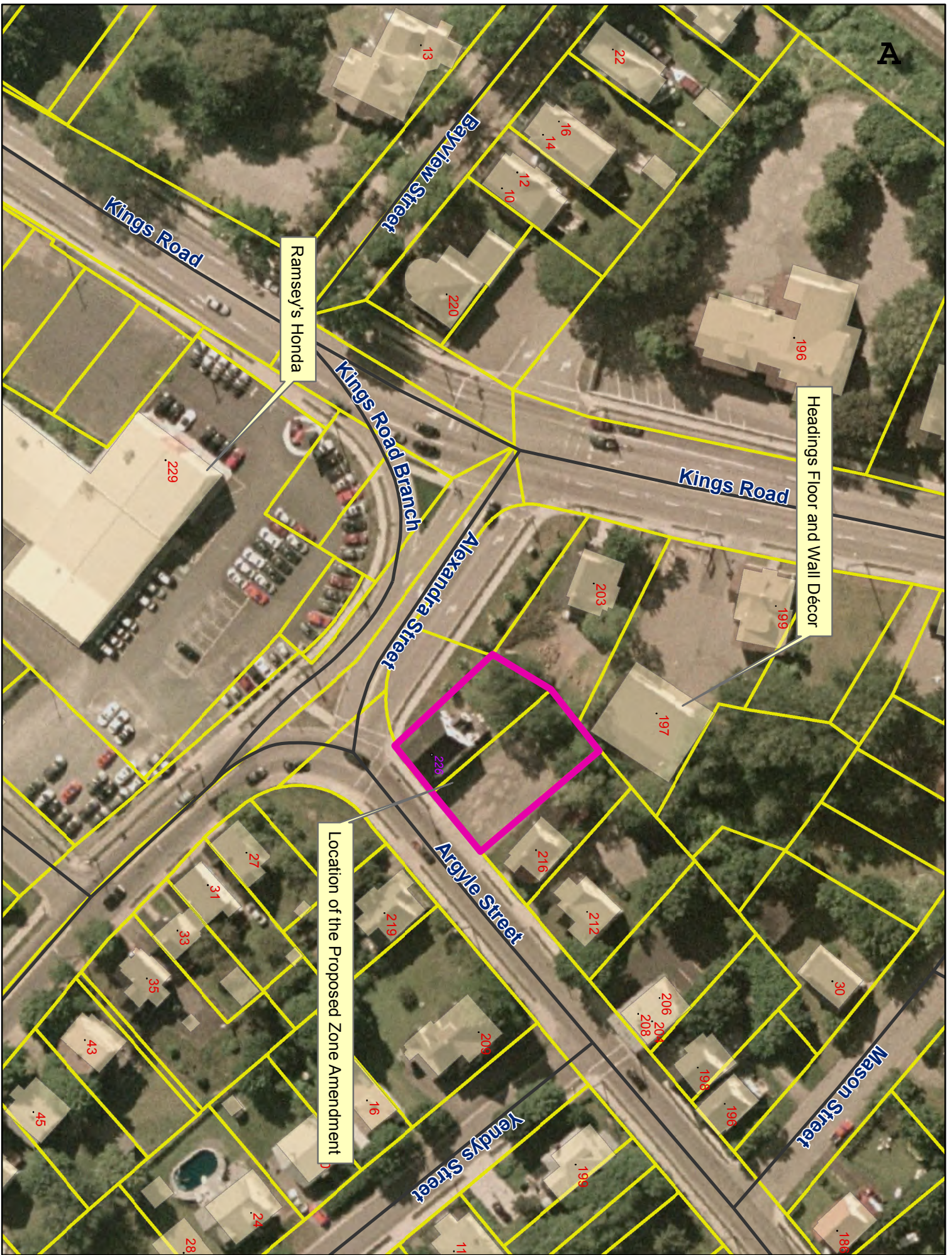
A draft of the recommended amendments can be found in Attachment C.

### **Submitted by:**

*Karen Neville*

**Karen Neville**  
**Planning and Development Department**

A



Ramsey's Honda

Headings Floor and Wall Décor

Location of the Proposed Zone Amendment

Kings Road

Bayview Street

Kings Road Branch

Kings Road

Alexandra Street

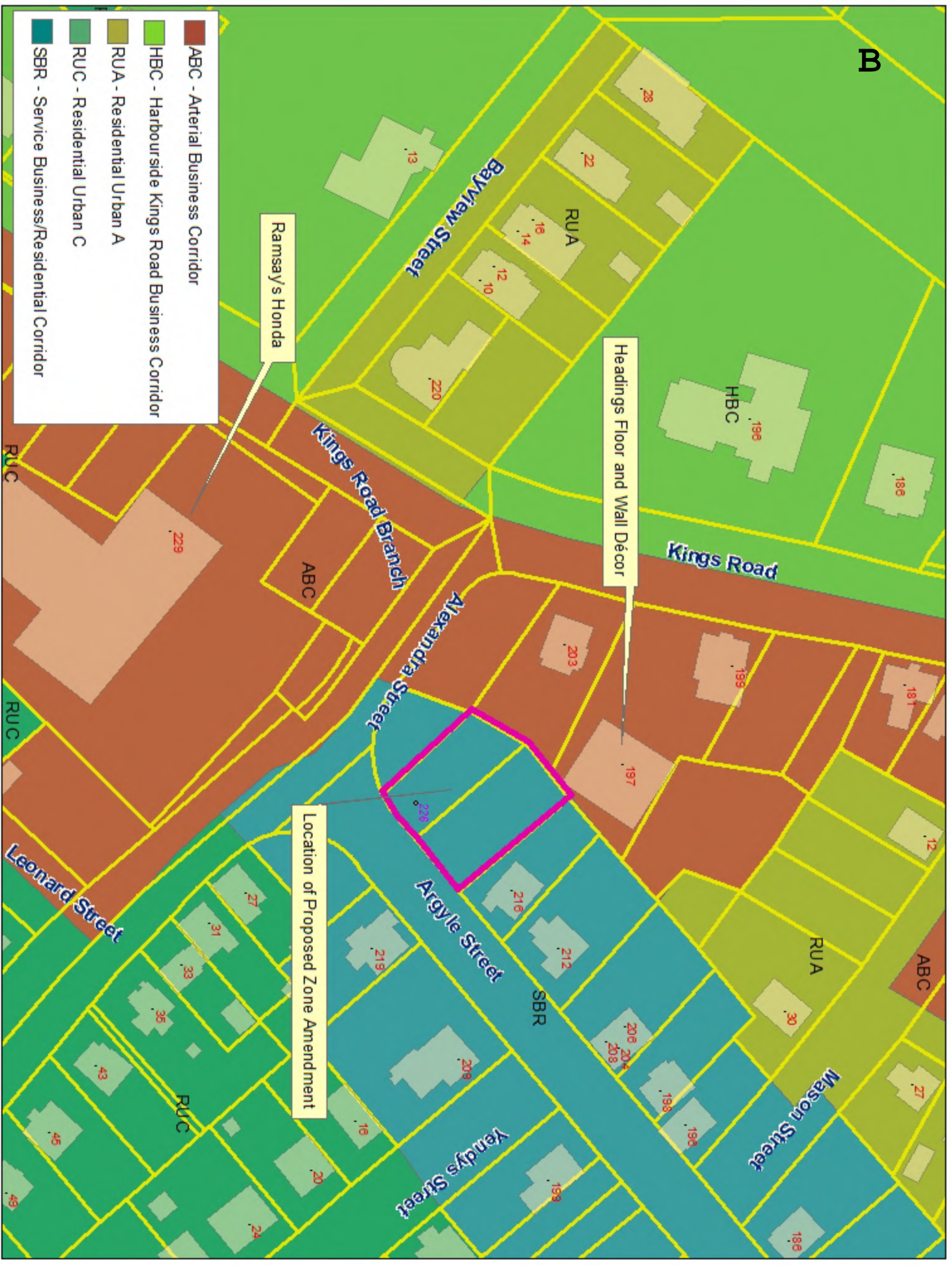
Argyle Street

Yendys Street

Mason Street

B

- ABC - Arterial Business Corridor
- HBC - Harbourside Kings Road Business Corridor
- RUA - Residential Urban A
- RUC - Residential Urban C
- SBR - Service Business/Residential Corridor



By-law  
of the Cape Breton Regional Municipality  
amending the

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

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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:** Council amends the CBRM's Land Use Bylaw map by deleting the Service Business/Residential Corridor (SBR) Zone in effect for PID# 15071103 and 15071095 replacing it with the Arterial Business Corridor (ABC) Zone.

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**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



# M·E·M·O

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320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5180

**To:** CBRM Council  
**Fr:** Wayne MacDonald, P. Eng., Director Engineering & Public Works  
**Date:** May 14<sup>th</sup>, 2015  
**Subject:** CBRM Road Report

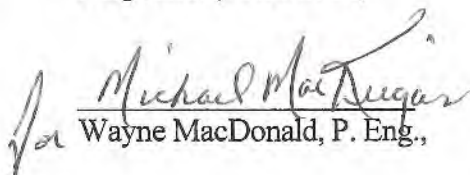
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Following up on a Council request of May 4<sup>th</sup>, 2015, Engineering & Public Works will be prepared to provide an overview of conditions and actions pertaining to CBRM's "spring road repair" initiatives at the May 19<sup>th</sup> Council meeting.

This presentation will provide a basic overview, update on maintenance activities to date as well as our strategy as we move into our full construction season.

This will be a short presentation conducted by Bruce Hardy, Manager of Engineering Services with opportunity for Q&A following same.

Respectfully submitted,

  
Wayne MacDonald, P. Eng.,

c. Clerk's Office  
Bruce Hardy, Manager Engineering Services  
Mike MacKeigan, Manager Utilities Administration

**Gardiner Mines Recreation Society: Request for Lease Renewal - Former Gardiner Mines School:**

**Motion:**

Moved by Councillor Keagan, seconded by Councillor Saccary, that a recommendation be made to Council to approve the Lease Renewal between CBRM and the Gardiner Mines Recreation Society for a further ten (10) year period with all other terms to remain the same and that the Mayor and Municipal Clerk be authorized to sign the Lease.

**Motion Carried.**



# **CBRM**

*A Community of Communities*

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**Demetri Kachafanas**  
**Regional Solicitor**  
**563-5047**

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## ISSUE PAPER

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**TO:** General Committee

**FROM:** Demetri Kachafanas  
Regional Solicitor

**SUBJECT:** Gardiner Mines Recreation Society  
Request for Lease Renewal  
Former Gardiner Mines School  
My File No. 04762

**DATE:** 27 April 2015

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I am in receipt of a request to renew the Lease between the CBRM and the Gardiner Mines Recreation Society for the property known as the Old Gardiner Mines School for a further ten (10) year period with all other terms to remain the same.

We have sought input from both the Engineering & Public Works Department and the Recreation Department and have been advised that they have no issues with granting a renewal of this lease agreement.

Therefore, I would ask for a Motion to have Mayor and Clerk sign a Lease on behalf of CBRM in favour of the Gardiner Mines Recreation Society for the property in question.

Thank you.

Sincerely,



**Demetri Kachafanas**  
Regional Solicitor

DK/er

THIS INDENTURE made in duplicate this 14<sup>th</sup> day of February, A.D., 2005

**BETWEEN:**

CAPE BRETON REGIONAL MUNICIPALITY, a body corporate and politic in and for the Province of Nova Scotia (hereinafter referred to as the "Landlord")

OF THE ONE PART

AND

GARDINER MINES RECREATION SOCIETY, of Gardiner Mines, in the County of Cape Breton, Province of Nova Scotia (hereinafter referred to as the "Tenant")

OF THE OTHER PART

WITNESSETH that in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the Tenant to be paid, observed and performed, the Landlord hereby demises and leases unto the Tenant all those premises situate at Gardiner Mines, in the County of Cape Breton, Province of Nova Scotia, known as the Old Gardiner Mines School (hereinafter called the demised premises).

TO HAVE AND TO HOLD the demised premises unto the Tenant for a term of ten (10) years commencing on the 1<sup>st</sup> day of January, 2005, and thenceforth fully to be completed and ended on the 30<sup>th</sup> day of December, 2015.

PROVIDED HOWEVER that this lease shall automatically terminate upon the occurrence of either of the following situations:

1. Mutual agreement of the parties hereto;
2. If the premises are damaged by fire and not repaired or restored by the Tenant within sixty (60) days following the fire;
3. In the event that the premises cease to be actively used for recreational purposes;

YEILDING AND PAYING therefore during the said term the sum of One (\$1.00) Dollar payable on execution hereof.

THE TENANT covenants, promises and agrees to and with the Landlord in the following manner:

1. The Tenant agrees that the demised premises shall be used only for the purpose of a recreational centre.
2. The Tenant will, at all reasonable time during the term of this lease permit the Landlord to enter the demised premises to inspect and examine the condition thereof and to make any repairs or alterations to the structure should it so desire.
3. The Tenant will provide and pay for all charges for electrical energy that may be used in connection with the demised premises.





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**Cape Breton Regional Municipality**

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**Malcolm Gillis**

Director Planning and Development Department

Email: [mkgillis@cbrm.ns.ca](mailto:mkgillis@cbrm.ns.ca)

Tel: 902-563-5027

320 Esplanade, Sydney, N.S.

B1P 7B9

Fax

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**MEMO TO: CBRM COUNCIL****FROM: Malcolm Gillis****SUBJECT: NAMING THE BROOK BETWEEN MUNROE LAKE AND LAKE ENON****DATE: May 6<sup>th</sup>, 2015**

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In an April 9<sup>th</sup> memo I advised Council that a Mr. Ray Stapleton wants the Province to name an un-named brook flowing from Munroe Lake to Lake Enon in the community of Enon in honor of his relative who was a war hero. I've learned from the Nova Scotia Geomatics Center that I misinterpreted Mr. Stapleton's request. In my April 9<sup>th</sup> memo to Council I said he wants the brook to be named "Sgt. Ken Power Brook" but in fact the requested name is "Ken Power Brook".

According to the pertinent records the Planning Department has access to this Brook does not have a name. I recommend that Council sanction the requested name put forth Mr. Stapleton and I apologize for the misinterpretation.

Submitted by:

A handwritten signature in black ink, appearing to read "Malcolm Gillis".

Malcolm Gillis

Director of Planning CBRM

Ray Stapleton  
RR#1 Box 8A  
Ingonish Centre, NS B0C 1L0  
Tel: 902-285-2278  
Email: [astapleton@ns.sympatico.ca](mailto:astapleton@ns.sympatico.ca)

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May 14, 2015

Cape Breton Regional Municipality  
320 Esplanade  
Sydney, NS B1P 7B9

Dear CBRM:

I am hereby requesting that the CBRM Council amend the recent motion naming a brook in my brother's honour from " Sgt.Ken Power Brook to " Ken Power Brook " in keeping with the terms of reference from the Nova Scotia Geomatics Committee.

Regards,

Ray Stapleton

**Excerpt – CBRM Council DRAFT Minutes – April 21, 2015**

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**Naming of the Brook between Munroe Lake and Lake Enon**

**Motion:**

Moved by Councillor Doncaster, seconded by Councillor Saccary, that CBRM Mayor and Council support the proposal to have an unnamed brook located between Munroe Lake and Lake Enon, flowing from Munroe Lake south to Lake Uist, named the **Sgt. Ken Power Brook**.

**Motion Carried.**

# Memo



Cape Breton Regional  
Municipality

To: Mayor & Council  
From: Mike MacKeigan  
Date: April 30<sup>th</sup>, 2015  
RE: 2015/16 Capital and Operating Budget – Water Utility

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The attached Capital and Operating Budget reflects the financial requirements of the Water Utility for period April 1/15 to March 31/16.

These projections are based upon historical and current data for water utility operations and are constant with the mandate of the utility as provided by CBRM Council and the Nova Scotia Utility and Review Board. There are borrowing requirements associated with the proposed capital budget and this will be subject to Utility and Review Board approval. All capital projects have a brief description attached and each has a need identified by the utility through operational requirements for consistent level of service to our customers. Both budgets can be supported by the current rate structure and no application to the Utility and Review Board for a rate review is identified.

I would recommend approval of these budgets as presented, once accepted by CBRM they will be submitted to the Utility and Review Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael MacKeigan".

Michael MacKeigan  
Manager Utility Administration

attach/

c. Michael Merritt, CAO  
Marie Walsh, CFO  
Wayne MacDonald, P. Eng., Director Engineering & Public Works

## WATER CAPITAL 2015-16

**York Street , Glace Bay-** (Bruce St. to Newton Avenue) – The scope of this waterline project involves the replacement of approximately 300m of 150mm waterline with new 200mm diameter ductile iron pipe. Along with corrosion and maintenance issues this watermain is the second phase to a 3 part project to replace the watermain and rebuild the street. This project also includes 23 small-diameter residential services, 2 new fire hydrants plus 5 main line water-valves and street connections. **Estimated cost for water component: \$300,000**

**Brook Street, North Sydney** - (High St to Clifford St.) – The scope of this waterline project involves the replacement of approximately 410m of old 100mm & 150mm waterline with new 200mm diameter ductile iron pipe. Along with corrosion, fire flow and maintenance issues this watermain is part of a major street rebuild. This project also includes 30 small-diameter residential services, 2 new fire hydrants, 8 new main line water-valves and 8 street connections as well a short section of the water-main is to be installed beneath rail-line ROW using “trenchless technology”. **Estimated cost for water component: \$350,000**

**Ferry Street, Sydney** – (George St to Walker St) - The scope of this waterline project involves the replacement of approximately 390m of 150mm waterline with new 200mm diameter ductile iron pipe. Along with corrosion, fire flow and maintenance issues this watermain is part of a major street rebuild. This project also includes 21 small-diameter residential services, 2 new fire hydrants, 8 new main line water-valves and 8 street connections. **Estimated cost for water component: \$300,000**

**Burke Street, Sydney Mines** - (Pond Road to Brooklyn Avenue) - The water main component involves the replacement of approximately 380m of old tuberculated 150mm waterline. This work will include the installation of 384 meters of new 300mm diameter ductile iron pipe c/w with 24 small-diameter residential services, 2 new fire hydrants, 6 new 300mm direct bury water-valves and 6 street connections. This water main installation is part of a major street rebuild. **Estimated cost for water component: \$350,000**

**Columbia Street, Sydney** - (Ashby Road to Lisgard Street) - The waterline component involves the replacement of approximately 260m of old 150mm with new 200mm diameter pipe c/w with 24 small-diameter residential services, 2 new fire hydrants, 4 new 200mm direct bury water-valves and 4 street connections. **Estimated cost for water component: \$250,000**

**Borden Street, Sydney-** ( Brookdale St. to Grant St.) – The waterline is phase 2 of a project that started in 2013 and is part of a major street rebuild, this component involves the replacement of approximately 340m of old tuberculated 100 and 150mm waterline with new 200mm diameter pipe c/w with 18 small-diameter residential services, 2 new fire hydrant, 2 new 200mm direct bury water-valves and 2 street connections. **Estimated Cost: \$300,000**

**Total Estimated Distribution Water Capital: \$ 1,850,000**

**New Waterford Highway / Daley Road Transmission water main** – the scope of this project will be phase two of the New Waterford Water Treatment Plant / Daley Road transmission main upgrade. This phase will commence where the previous project ended at Daley Road / New Waterford Highway intersection. The existing transmission main is very heavily tuberculated is the only supply for the New Victoria area of the New Waterford water distribution system. The second Phase will be to replace 700 meters of 150mm water main on New

Waterford Highway which was originally installed between 1937 and 1940 with new 250mm water main as this portion of existing transmission main is contributing to very poor fire flows in the area. This project also includes 20 small-diameter residential services, 2 new fire hydrants, 3 new main line water-valves and 2 connections to existing infrastructure. **Estimated cost for this project: \$500,000**

**MacAskills Brook Dam / Glace Bay Water Treatment Plant Suction line (s) replacement** - Raw water from MacAskills Brook dam is fed by gravity to the Glace Bay Water Treatment plant through approximately 2150 meters of wood stave piping that was once part of the AECL operation. MacAskills brook Dam was constructed in 1971 and the two 750mm wood stave lines that supplied water to the AECL site were constructed and commissioned in 1972. The CBRM Water Utility has been utilizing a combination of one or two of these wood stave lines in its operation of the treatment plant since 2003. The CBRM Water Utility commissioned proposals from qualified Engineering Consultant firms to recommend options to reline or refurbish these water line(s) which ultimately will extend the useful life of the existing 750mm wood stave water line(s) that presently supply water to the treatment plant or provide the Utility with options for new suction supply line(s) that will supply water to the treatment plant well into the future. This report by Dillon Consulting concluded that the replacement of one of these lines was the best option for the Utility therefore a major transmission project to replace 2150 meters of existing wood stave pipe with a new ductile iron / PVC / HDPE water transmission main will be part of the Utility's transmission capital for this year. **Estimated cost for this project: \$2,500,000**

**Total Estimated Transmission Water Capital: \$ 3,000,000**

**Whitney Pier Pump Station Upgrades** - The Cape Breton Regional Municipality Water Utility is proposing to undertake a major water system improvement within the Sydney water distribution system. This project will include the construction of a new pump station to be located adjacent to the existing Henry St pump station in Sydney. The existing has been in service since 1949 although it has seen a number of mechanical, electrical and civil upgrades over the years. This project will include a new above ground pump station, 2 new centrifugal pumps, variable frequency drives, standby power supply complete with automatic transfer switch, all appropriate electrical, piping and mechanical equipment required to ensure a seamless transition into the existing water distribution infrastructure in this area. As part of the Henry Street water main replacement project in 2010 a master meter chamber which includes a Foxboro Magmeter was installed on the pump discharge water main and it is the intention of the Water Utility to reuse this infrastructure as part of this project. In addition to this portion of the project the Water Utility will also require the Engineering consultant to provide project management services required to demolish the existing Henry Street pump station (upon decommissioning), the George Street pump station (civic # 959) and the Alexandra Street pump station (civic # 258) all located in Sydney. These other pump stations have not been in service for some time and it is the intent of the Utility to remove this infrastructure and remediate the property as required. **Estimated cost for this project: \$675,000**

**Total Estimated Power and Pumping Water Capital: \$ 675,000**

**Cape Breton Regional Municipality -Water Capital Budget  
Proposed 2015/16 and 2016/17**

|                    | <u>2015-16</u>          | <u>2016-17</u>          |
|--------------------|-------------------------|-------------------------|
| Power & Pumping    | 675,000.00              | -                       |
| Storage            | -                       | 3,000,000.00            |
| Transmission Mains | 3,000,000.00            | 2,500,000.00            |
| Distribution       | 1,850,000.00            | 1,500,000.00            |
| Water Metering     | 300,000.00              | 300,000.00              |
| <b>TOTAL</b>       | <u><u>5,825,000</u></u> | <u><u>7,300,000</u></u> |

| <b>Whitney Pier Pump Station Upgrades 2015</b> |   |             |                   |                      |
|--|---|-------------|-------------------|----------------------|
| <b>Item</b>                                    | <b>Description</b>                      | <b>Unit</b> | <b>Unit Price</b> | <b>Total</b>         |
| 1  | Water Pump Station                      |             |                   |                      |
|  | .1 Civil Works and Building Structure   | 1           | \$ 190,000.00     | \$ 190,000.00        |
|  | .2 Mechanical                           | 1           | \$ 12,000.00      | \$ 12,000.00         |
|  | .3 Electrical Power, Lighting, Security | 1           | \$ 51,000.00      | \$ 51,000.00         |
|  |   |             |                   | \$ -                 |
| 2  | Water Pumps                             |             |                   | \$ -                 |
|  | .1 Domestic Pumps                       | 2           | \$ 19,000.00      | \$ 38,000.00         |
|  | .2 Process piping and instrumentation   | 1           | \$ 75,000.00      | \$ 75,000.00         |
|  |   |             |                   | \$ -                 |
| 3  | Standby Power Generation                | 1           | \$ 48,000.00      | \$ 48,000.00         |
|  |   |             |                   | \$ -                 |
| 4  | Supply / install pump control SCADA     | 1           | \$ 50,000.00      | \$ 50,000.00         |
|  |   |             |                   |                      |
| 5  | Demolition of existing pump station     | 3           | \$ 25,000.00      | \$ 75,000.00         |
|  |   |             |                   |                      |
|  | Subtotal                                |             |                   | \$ 539,000.00        |
|  | Contingency @ 10%                       |             |                   | \$ 53,900.00         |
|  | Engineering @ 15%                       |             |                   | \$ 80,850.00         |
|  | <b>TOTAL</b>                            |             |                   | <b>\$ 673,750.00</b> |
|  |   |             |                   |                      |

**New Waterford Water Transmission Ph. II**

**30/04/2015**

| ITEM  |   | AMOUNT | UNIT           | UNIT PRICE            | TOTAL               |
|-------|---|--------|----------------|-----------------------|---------------------|
|       | <b>Earthwork</b>  |        |                |                       |                     |
| 1.00  | Clearing  |        | ha             | 15,000                | \$0.00              |
| 2.00  | Grubbing  |        | ha             | 28,000                | \$0.00              |
| 3.00  | Mass Excavation and Embankment- Common                    |        | m <sup>3</sup> | 22.00                 | \$0.00              |
| 4.00  | Mass Excavation and Embankment- Rock                      |        | m <sup>3</sup> | 75.00                 | \$0.00              |
| 5.00  | Borrow  |        | m <sup>3</sup> | 20.00                 | \$0.00              |
|       | <b>Water System</b>                                       |        |                |                       |                     |
| 6.00  | Pipe - 100mm CL52   |        | m              | 225.00                | \$0.00              |
| 7.00  | Pipe - 150mm CL52   |        | m              | 275.00                | \$0.00              |
| 8.00  | Pipe - 200mm CL52   |        | m              | 310.00                | \$0.00              |
| 9.00  | Pipe - 250mm CL52   | 700.00 | m              | 350.00                | \$245,000.00        |
| 10.00 | Fire Hydrants   | 2.00   | ea             | 7,000.00              | \$14,000.00         |
| 11.00 | Direct Buried Valves - 150mm                              |        | ea             | 2,000.00              | \$0.00              |
| 12.00 | Direct Buried Valves - 200mm                              | 3.00   | ea             | 2,600.00              | \$7,800.00          |
| 13.00 | Direct Buried Valves - 250mm                              |        | ea             | 3,300.00              | \$0.00              |
| 14.00 | Tapping sleeve and valve - 150mm                          |        | ea             | 3,000.00              | \$0.00              |
| 15.00 | Tapping sleeve and valve - 200mm                          |        | ea             | 3,500.00              | \$0.00              |
| 16.00 | Services - Set of fittings - 19mm                         | 21.00  | ea             | 825.00                | \$17,325.00         |
| 17.00 | Service pipe - 19mm Type K Copper                         | 400.00 | ea             | 225.00                | \$90,000.00         |
| 18.00 | Adjust Water Valve  |        | m              | 180.00                | \$0.00              |
| 19.00 | Connections to Existing Main                              | 2.00   | ea             | 4,000.00              | \$8,000.00          |
|       |   |        |                |                       |                     |
|       |   |        |                |                       |                     |
|       | <b>COMMENTS:</b>  |        |                |                       |                     |
|       | Daley Road to Lamey's Lane                                |        |                | Subtotal              | \$382,125.00        |
|       | Repace water main   |        |                | Contingency fees @10% | \$38,212.50         |
|       | Allowance for 15m copper per service due to width of road |        |                | Engineering fees @15% | \$63,050.63         |
|       |   |        |                | Tax - Net of Hst      | \$20,718.02         |
|       |   |        |                |                       |                     |
|       |   |        |                | <b>Project Total</b>  | <b>\$504,106.14</b> |

Name: Glace Bay Water - Suctine Line Replacement

Date: March 11, 2015

Description:

The two 30" (750mm) diameter water mains are to be replaced by a single 30" (750mm) pipe to convey the raw water from MacAskill's Brook to the Glace Bay Water Treatment Plant. This work is being completed as the wood stave pipes have reached the end of their expected life and the water utility is being proactive given the critical importance of this infrastructure.

Details:

One pipe will replace the existing two pipes as a result of the flow being dramitically reduced from the previous capacity requirements of the former Glace Bay Heavy Water Plant. The single line will provide sufficient capacity for the maximum flow the water treatment plant is capable of accomodating which is 4.5 million imperial gallons per day or 20,460 cubic metres per day. This flow will be available with a drawdown of approximately 6m below the dam spillway elevation.

| ITEM NO. | DESCRIPTION                                      | UNIT | QUANTITY  | UNIT PRICE  | TOTAL PRICE           |
|----------|--|------|---|-------------|-----------------------|
| 1        | Clearing and Grubbing                            | ha   | 2.2   | \$35,000.00 | \$75,600.00           |
| 2        | Pipe - 750 mm Diameter                           | each | 2,160.0   | \$905.00    | \$1,954,800.00        |
| 3        | Pipe - 300 mm Diameter                           | each | 10.0  | \$350.00    | \$3,500.00            |
| 4        | Direct Buried Valves - 750 mm Diameter Butterfly | each | 6.0   | \$18,000.00 | \$108,000.00          |
| 5        | Direct Buried Valves - 300 mm Diameter Gate      | each | 1.0   | \$6,000.00  | \$6,000.00            |
| 6        | Connection at MacAskill's Brook Dam              | each | 1.0   | \$10,000.00 | \$10,000.00           |
| 7        | Connection at Water Treatment Plant              |      | 1.0   | \$8,000.00  | \$8,000.00            |
| 8        | Trench Excavation - Rock                         | cu.m | 1,500.0   | \$75.00     | \$112,500.00          |
| 9        | Trench Excavation - Unsuuitable Material         | cu.m | 500.0   | \$15.00     | \$7,500.00            |
| 10       | Replacement of Unsuuitable with Site Material    | cu.m | 250.0   | \$20.00     | \$5,000.00            |
| 11       | Replacement of Unsuuitable with Pit-Run Gravel   | cu.m | 250.0   | \$30.00     | \$7,500.00            |
|          |  |      | <b>SUBTOTAL</b>                                   |             | <b>\$2,298,400.00</b> |
|          |  |      | <b>10% CONTINGENCY ALLOWANCE</b>                  |             | <b>\$229,840.00</b>   |
|          |  |      | <b>ENGINEERING</b>                                |             | <b>\$83,150.00</b>    |
|          |  |      | <b>OPINION OF PROBABLE COST (excl. all taxes)</b> |             | <b>\$2,528,240.00</b> |

Cape Breton Regional Municipality -Water Utility  
Statement of Proposed Financial Activities 2015/16 - 2016/17

|   | <u>2015-16</u>                  | <u>2016-17</u>                  |
|---|---------------------------------|---------------------------------|
| <b>OPERATING REVENUE</b>                    |                                 |                                 |
| Metered                                     | 17,050,000.00                   | 17,350,000.00                   |
| Flat Rate                                   | -                               | -                               |
| Public Fire Protection                      | 6,965,758.00                    | 6,965,758.00                    |
| Sprinkler Service                           | -                               | -                               |
| Sales to Other Utilities                    | -                               | -                               |
| Interest on Overdue Accounts                | 275,000.00                      | 275,000.00                      |
| Other Operating Revenue                     | 22,000.00                       | 22,000.00                       |
| <b>TOTAL OPERATING REVENUE</b>              | <u><b>24,312,758.00</b></u>     | <u><b>24,612,758.00</b></u>     |
| <b>OPERATING EXPENDITURES</b>               |                                 |                                 |
| Source of Supply                            | 458,000.00                      | 515,000.00                      |
| Power and Pumping                           | 1,957,000.00                    | 1,977,059.25                    |
| Water Treatment                             | 3,685,000.00                    | 3,722,771.25                    |
| Transmission and Distribution               | 4,432,000.00                    | 4,477,428.00                    |
| Administration and General                  | 2,854,000.00                    | 2,883,253.50                    |
| Depreciation                                | 2,598,000.00                    | 2,624,629.50                    |
| Taxes                                       | 2,250,000.00                    | 2,410,000.00                    |
| Other Operating Expenditures                | -                               | -                               |
| <b>TOTAL OPERATING EXPENDITURES</b>         | <u><b>18,234,000.00</b></u>     | <u><b>18,610,141.50</b></u>     |
| <b>NET OPERATING REVENUE</b>                | <u><b>6,078,758.00</b></u>      | <u><b>6,002,616.50</b></u>      |
| <b>NON-OPERATING REVENUE</b>                |                                 |                                 |
| Grants from Province of Nova Scotia         | -                               | -                               |
| Land Rights                                 | -                               | -                               |
| Transfer from Depreciation Fund for         | -                               | -                               |
| Repayment of Principal on Capital Debt      | -                               | -                               |
|   | <u>-</u>                        | <u>-</u>                        |
| <b>NON-OPERATING EXPENDITURES</b>           |                                 |                                 |
| Short Term Interest Charges                 | 187,000.00                      | 170,000.00                      |
| Debt Charges                                | -                               | -                               |
| Principal                                   | 3,497,834.00                    | 3,533,686.80                    |
| Interest                                    | 1,588,521.00                    | 1,604,803.34                    |
| Amortization of Debt Discount               | 32,000.00                       | 32,000.00                       |
| Capital Expenditure Out of Operations       | 150,000.00                      | 150,000.00                      |
| New Debt                                    | -                               | -                               |
| Principal                                   | 100,000.00                      | 127,000.00                      |
| Interest                                    | 65,000.00                       | 75,000.00                       |
|   | <u>5,620,355.00</u>             | <u>5,692,490.14</u>             |
| <b>EXCESS OF REVENUE OVER EXPENDITURE</b>   | <u><b>458,403.00</b></u>        | <u><b>310,126.36</b></u>        |
| <b>SURPLUS (DEFICIT), BEGINNING OF YEAR</b> | <u>-</u>                        | <u>-</u>                        |
| <b>SURPLUS (DEFICIT), END OF YEAR</b>       | <u><u><b>458,403.00</b></u></u> | <u><u><b>310,126.36</b></u></u> |



*A Community of Communities*

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## **Issue Paper**

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TO: Mayor and Council  
RE: Creation of "Area Rate" By-Law  
DATE: May 14, 2015

### **Background**

Shortly after amalgamation (September 3, 1996), CBRM Council approved the Policy "Cape Breton Regional Municipality's Service Based Tax Structure." This set out the parameters for developing taxation "Area Rates" for services on properties in the newly amalgamated CBRM. A number of options were considered and debated. Council decided on "Area Rating" properties based on access to transit, hydrant, and sewer services. Enshrining the "Area Rate" based tax structure in a by-law is designed to ensure there is no ambiguity as to the service rules, rates, and who is affected.

### **Purpose**

The purpose of the by-law is to provide clarity and provide concise rules for who is required to pay "Area Rates" as originally approved via the lengthy Policy "Cape Breton Regional Municipality's Service Based Tax Structure (September 3, 1996)."

### **Legislative Authority**

Section 79 User Charges and Section 80 Fire Protection Rate in the *Municipal Government Act* provide the legislative authority to enact such a by-law.

#### **User charges**

79 Subject to the approval of the Board for those services that are subject to the Public Utilities Act, the council may, by by-law, prescribe charges for the provision of services for persons who use or benefit from the service, on a basis to be set out in the by-law.

1998, c. 18, s. 79.

**Fire protection rate**

80 (1) The council may levy a rate on the value of all assessable property and business occupancy assessment in the area served by a water system in the municipality, as defined by the council by policy, in order to recover that part of the cost of the water system that is attributable to fire protection.

**Discussion**

The CBRM is currently assigning “Area Rates” based on the Policy “Cape Breton Regional Municipality’s Service Based Tax Structure (September 3, 1996).” The policy contained significant historical information and analysis that was necessary in 1996 as part of the amalgamation of the CBRM. The new by-law will focus on the application of “Area Rates” and associated rules related to the application.

**Financial Implication**

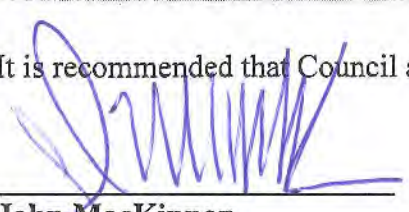
There are no additional costs or savings envisioned as a result of implementing this by-law.

**Enforcement**

The by-law will be administered by the Department of Finance under the authority of the CBRM Council.

**Recommendations**

It is recommended that Council approve the attached by-law.



---

**John MacKinnon**  
**Director of Technology**

CAPE BRETON REGIONAL MUNICIPALITY

DRAFT

BY-LAW # \_\_\_\_\_

**A By-Law Respecting the Charging of Fees for Connection and Discharge to Municipal Sewer Systems,  
and Municipal Fire Hydrant and Transit Access**

Made pursuant to Section 79 and 80 of the *Municipal Government Act*

**1 SHORT TITLE**

1.1 This By-Law may be cited as the "Area Rate By-Law".

**2 PURPOSE**

2.1 This By-Law describes how fees are charged for providing access to Municipal Sewer, Hydrant, and Transit service.

**3 FEES**

3.1 All properties, including properties with exempt assessed values, are subject to the fees.

**3.2 Sewer**

3.2.1 Sewer usage shall be charged through the Sewer Area Rate (on assessed value, as set out in the Operating Budget by Council).

3.2.2 All properties within 200 feet of a sewer shall be charged the Sewer Area Rate.

**3.3 Transit**

3.3.1 Transit usage shall be charged through the Transit Area Rate (on assessed value, as set out in the Operating Budget by Council.)

3.3.2 All properties within 2500 feet of a transit route as measured along the road will be charged the Transit Area Rate.

**3.4 Fire Hydrant**

3.4.1 Hydrant service shall be charged through the Hydrant Area Rate (on assessed value, as set out in the Operating Budget by Council).

3.4.2 All properties within 1200 feet of a fire hydrant as measured along the road will be charged the Hydrant Area Rate.

**DRAFT**

**4 EXEMPTIONS**

4.1 Only properties approved by Council shall be exempt of the Area Rate fees.

**PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on \_\_\_\_\_ 2015.

\_\_\_\_\_  
**MAYOR CECIL P. CLARKE**

\_\_\_\_\_  
**DEBORAH CAMPBELL, MUNICIPAL CLERK**

**PUBLICATION DATE:** \_\_\_\_\_

# CBRM Resolution

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## *NSGEU – Privatization of Home Support Services*

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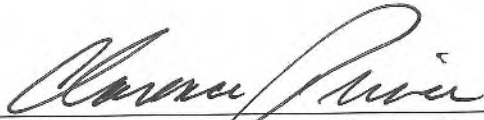
- Whereas:** Nova Scotia Government Employees members are very concerned about the further privatization of home support services in Nova Scotia;
- And Whereas:** As it stands, the provincial government is the funder of this service, and a variety of agencies deliver the care throughout the province;
- And Whereas:** The vast majority are non-profit organizations, like the VON but there are also a handful of private for-profits now in place and the NSGEU and CUPE represent home support workers (2,000 and 600 respectively), while the Nova Scotia Nurses Union represents home nurses (approximately 1,000);
- And Whereas:** The government has hired a consultant to help them develop an RFP so they can put home support services out for competitive bidding,
- And Whereas:** While the NSGEU is not opposed to a transparent procurement process, they are very concerned about what will happen to their members' jobs and the quality and continuity of care for the clients if the contract is awarded to a new employer;
- And Whereas:** The NSGEU met with the consultant that is developing the RFP and during that meeting, they learned that the government is trying to find a company who can deliver the care for significantly less money per hour than agencies do today;
- And Whereas:** There are a number of private, for-profit agencies from outside of Nova Scotia who have expressed an interest in bidding on delivering the service;
- And Whereas:** Home support workers do not have successor rights, which means that their collective agreements, including their wages and benefits will not necessarily be transferred to the company that is selected to deliver this care;
- And Whereas:** Private-for-profit companies may bid low in order to land the contract, then slash workers' wages and benefits to ensure they make a profit and this means home support workers will have less money to support their families and help them to stay in their communities;

**And Whereas:**

There will also be increased shortages of home support workers to deliver the care, due to decreased wages and benefits and this is particularly worrisome, as employers are already having a very difficult time filling vacancies, and the demand for home support services is only going to continue to grow;

**Be It Therefore  
Resolved:**

That the Cape Breton Regional Mayor & Council write to the N.S. Minister of Health & Wellness, the Honourable Leo Glavine, strongly opposing the intention to cut Home Support Care Services.



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Councillor Clarence Prince – District #1 – CBRM

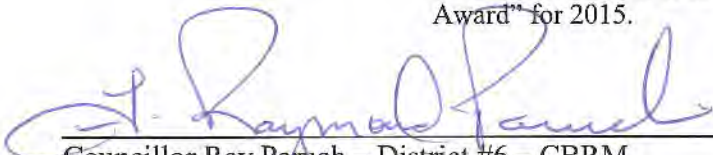
May 19<sup>th</sup>, 2015

# Resolution

## ***“Kiwanis Cape Breton – Golden “K”***

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- Whereas:** The Kiwanis Cape Breton “Golden K” is a fine Service Club comprised of men and women from all walks of life who give much of their time, people skills and resources for the betterment of many individuals and groups;
- And Whereas:** The members are often called upon to assist in many community initiatives and support for the projects of other groups and individuals;
- And Whereas:** Many of the members have been actively volunteering with Golden K for twenty years and the members attend to their commitments with the pride of serving their community with particular attention to the youth and the elderly;
- And Whereas:** The participation of the Golden K Members at numerous events is evident by their crested Golden K blue jacket;
- And Whereas:** Some of the diverse events attended by the members are Sydney Ports Cruise Greeters, CBRM Greeters, Coffee Club Seniors, Meals on Wheels, VON Daycare Program, Kiwanis Music Festival, Breakfast Program and TV Bingo;
- And Whereas:** Members are called upon to assist with major events in the community and they are proud of their youth programs such as K-Kids and the Bursary Program; which is conducted with the much appreciated support of Eastlink Television;
- And Whereas:** In February, the Cape Breton Kiwanis Golden K was named by Kiwanis International as the recipient of the “Distinguished Club Award” for 2015 and this recognition is awarded to a Club from the Eastern Canada and Caribbean Division which includes the Eastern Caribbean and the Bluenose Division (Division 20);
- And Whereas:** The Division is comprised of the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Kiwanis International printed an article and group photo of their Club in their April/May 2015 magazine;
- Be It Therefore Resolved:** That CBRM Mayor & Council instruct staff to write a letter of congratulations to Anthony Dalton, Public Relations Chair, Kiwanis Cape Breton Golden K, extending sincere congratulations to the members of their Club for being named by Kiwanis International as the recipient of the “Distinguished Club Award” for 2015.

  
Councillor Ray Paruch – District #6 – CBRM

May 19<sup>th</sup>, 2015

**PROCLAMATION  
PUROLATOR HUNGER RELATED SUPPORT – LOCAL  
FOOD BANKS**

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- Whereas:** Purolator has been a proud supporter of Food Banks Canada since 2003;
- And Whereas:** Through their Purolator Tackle Hunger Week and various game day food drives Purolator provides food and cash donations to food banks within Food Banks Canada’s member community;
- And Whereas:** Food Banks Canada has recognized the Purolator Tackle Hunger Week campaign as a Top Food Drive in 2012 and 2013;
- And Whereas:** Over the last several years Purolator has provided logistical support to Second Harvest’s Hero Campaign (formerly Lunch Money Days) – their annual workplace and public outreach campaign;
- And Whereas:** Through the Purolator Tackle Hunger Program, all food and cash collected through fundraising efforts at their head office are donated to local Food Banks, assisting those who live within the local community;
- Be It Therefore Resolved:** That CBRM Council Proclaim June 1<sup>st</sup> to 5<sup>th</sup>, 2015 as “Purolator Tackle Hunger Week” and encourage CBRM residents to donate financial assistance or food to our local food banks to assist those less fortunate in our communities.

  
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Councillor Eldon MacDonald – District #5 - CBRM

May 19<sup>th</sup>, 2015



**PROCLAMATION**  
**“SUSTAINABLE TRANSPORTATION WEEK”**

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**Whereas:**

The CBRM Active Transportation Committee has formed a joint committee with community stakeholders such as the Cape Breton District Health Authority Public Health, CBRM Transit & the Heart and Stoke Foundation to carry out a multi-year campaign to promote sustainable transportation;

**And Whereas:**

The goals of this initiative are (1) to increase the number of people in the CBRM who are using Active Transportation (primarily walking & cycling) as a means of transportation which will include trips to work, school, shopping and other activities – (2) to increase the number of people in the CBRM who are using public transportation;

**And Whereas:**

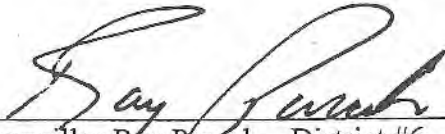
The committee was fortunate to obtain funding from the Department of Health and Wellness to produce a series of videos to showcase the ease of using Sustainable Transportation means such as walking, cycling, rolling and public transit;

**And Whereas:**

The committee members believe that they require an active participation from all community leaders and invite them to attend at least one celebration event and speak briefly about the value of Active Transportation in the CBRM and consider to co-leading with the committee a ten minute walk, as well as several other events planned across the CBRM;

**Be It Therefore Resolved:**

That Mayor Cecil P. Clarke and CBRM Council proclaim the week of May 24<sup>th</sup> to May 30<sup>th</sup>, 2015 as “Sustainable Transportation Week” in the CBRM and encourage all residents to use sustainable transportation means such as walking, cycling, rolling and public transit.

  
Councillor Ray Paruch – District #6 – CBRM

May 19, 2015

# PROCLAMATION

## INTERGENERATIONAL DAY CANADA JUNE 1<sup>st</sup>, 2015

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**WHEREAS:** Intergenerational Day Canada, June 1<sup>st</sup>, is meant to raise awareness about the power of making simple, respectful intergenerational connections;

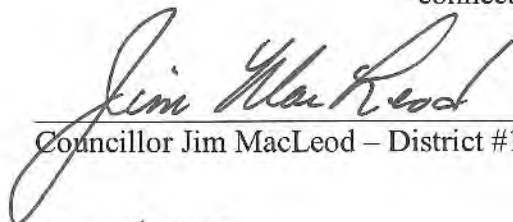
**AND WHEREAS:** Intergenerational Day Canada, June 1<sup>st</sup> is a day to focus on the positive influence intergenerational connecting has in creating healthy, all-age friendly communities;

**AND WHEREAS:** Intergenerational Day Canada, June 1<sup>st</sup> is a day to celebrate all of the good things presently taking place between generations in local communities;

**AND WHEREAS:** Intergenerational Day Canada, June 1<sup>st</sup> does not require funding, excessive time or extensive planning, but rather comes from the people for the people;

**AND WHEREAS:** Intergenerational Day Canada, June 1<sup>st</sup> will be an official reminder, a yearly invitation for every citizen to take one small respectful step to bridge generations within his or her local community; (How much effort and time does it take to smile at someone from a different generation?)

**BE IT THEREFORE  
RESOLVED:** That CBRM Mayor Cecil P. Clarke and Council proclaim June 1<sup>st</sup>, 2015 as "Intergenerational Day Canada" in the Cape Breton Regional Municipality to raise awareness about the simplicity and power of intergenerational connections.

  
Councillor Jim MacLeod – District #12 - CBRM

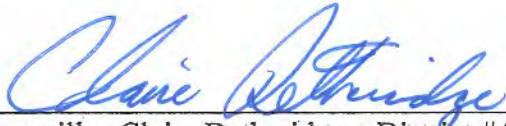
May 19<sup>th</sup>, 2015

# PROCLAMATION

## ***“CHILD CARE AWARENESS MONTH”***

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- Whereas:** Quality Child Care is an investment in our present and in our future;
- And Whereas:** By providing safe educational, nurturing environments to our children today, parents are productive and have a piece of mind, and young children can grow into successful and responsible adults tomorrow;
- Be It Therefore Resolved:** That the Cape Breton Regional Municipal Council declare the month of June, 2015 as *“Child Care Awareness Month”* and urge all citizens to support quality child care in our community.



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Councillor Claire Detheridge – District #4 – CBRM

May 19<sup>th</sup>, 2015

# Proclamation

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## ***“Cystic Fibrosis Awareness Month”***

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- Whereas:** To help build a “World Without Cystic Fibrosis” and to support the important work of Cystic Fibrosis Canada, the Cape Breton Regional Municipality is pleased to designate the month of May as Cystic Fibrosis Awareness Month;
- And Whereas:** Cystic fibrosis is the most common fatal genetic disease affecting Canadian children and young adults;
- And Whereas:** There is no cure and Cystic Fibrosis is a multi-system disease that attacks the lungs and digestive system;
- And Whereas:** There are almost 4,000 Canadians living with Cystic Fibrosis and it is estimated that one in every 3,600 children born in Canada has Cystic Fibrosis;
- And Whereas:** But there is hope and thanks to investments in Cystic Fibrosis research and care, Canadians are living longer, healthier lives than ever before;
- And Whereas:** In the 1960s, a child with Cystic Fibrosis was not expected to live long enough to go to kindergarten and today 50 percent of Canadians with Cystic Fibrosis are expected to live into their early 50’s and beyond;
- Be It Therefore Resolved:** That CBRM Council proclaim the month of May as “Cystic Fibrosis Awareness Month” and encourage residents to take part in the Great Strides Walk in Sydney on Sunday, May 31st leaving from the Sydney Curling Club to raise funds to help find a cure or control for Cystic Fibrosis and to continue to help Canadians battling this life threatening disease.



Councillor Lowell Cormier – District #11 - CBRM

May 19<sup>th</sup>, 2015

