

**Cape Breton Regional Municipality**

**Council Meeting**

**AGENDA**

**TUESDAY, OCTOBER 20<sup>TH</sup>, 2015**

**6:00 P.M.**

Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS



# Cape Breton Regional Municipal Council

Tuesday, October 20<sup>th</sup>, 2015

6:00 p.m.

## AGENDA ITEMS

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### ROLL CALL

*O' Canada*

### Moment of Silent Reflection

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

- Regular Council – September 15<sup>th</sup>, 2015
- Special Council – October 6<sup>th</sup>, 2015

2. **DELEGATION:**

- 2.1 **Miners Museum:** Spokespersons, Mary Pat Mombourquette, Executive Director, and James Kerr, Board Chair (See page 7)

3. **STREET CLOSING – PUBLIC HEARING:**

3.1 **Request for Street Closure and Deed - Portion of Dominion Street, Sydney**

Public Hearing regarding the request to close a portion of Dominion Street, Sydney, following which a Quit Claim Deed be granted for the subject property. Demetri Kachafanas, Solicitor (See page 17)

Continued...

4. **PLANNING ISSUES:**

4.1 **FINAL APPROVAL – PUBLIC HEARING:**

- a) **Zoning Amendment Application 1008 – Membertou Development Corporation, Churchill Drive and Highway 125, Sydney:**

Public Hearing to consider the zoning amendment application by Membertou Development Corporation to expand the jurisdiction of the Gabarus Highway – Highway 125 Business Development Zone. Karen Neville, Planner (See page 24 )

4.2 **APPROVAL TO ADVERTISE:**

- a) **Zoning Amendment Application 1012 - Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510):**

Committee recommends approval to advertise notice of a Public Hearing to be held during the November meeting of Council to consider the zoning amendment application Case 1012 by Mr. Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510), to permit a building supply dealership. Karen Neville, Planner (See page 32 )

- b) **Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney. (PID numbers 15058720 and 15697568 – Report on Public Participation Program:**

Staff is prepared to recommend that Council set the date for a formal public hearing on amendments to accommodate this development. Rick McCready, Senior Planner (See page 41 )

5. **BUSINESS ARISING:**

5.1 **Council – November 18<sup>th</sup>, 2014:**

- a) **Conveyance of CBRM Land to Breton Ability Centre:**  
Demetri Kachafanas, Regional Solicitor (See page 64 )

Continued

**BUSINESS ARISING (Cont'd):**

**5.2 General Committee – October 6<sup>th</sup>, 2015:**

**a) New Waterford Urban Center – Land Purchase PID 15475262:**

Committee recommends that Council approve the purchase of PID 15475262 at the price offered by the owner, which is below market valuation for the property, and the cost paid in the project capital budget.. Bill Murphy, Director of Recreation, Parks & Grounds, Buildings & Facilities (See page 85 )

**b) Proposed Amendment to Policy RC4 Committees:**

Committee recommends that Council approve the proposed amendments to the RC4 Committees Policy as outlined in the staff report dated October 2, 2015. Deborah Campbell, Municipal Clerk (See page 91 )

**6. REPORTS:**

**6.1 Election of Deputy Mayor:** Deborah Campbell, Municipal Clerk (See page 114 )

**6.2 Appointment of the Nominating Committee:** Deborah Campbell, Municipal Clerk (See page 117 )

**6.3 Financial Statements to August 31<sup>st</sup>, 2015:** Marie Walsh, Chief Financial Officer (See page 118 )

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

**7.1 By-Laws:** N/A

**7.2 Proclamations:**

**a) Pancreatic Cancer Awareness**  
Councillor Eldon MacDonald (See page 120 )

**b) Diabetes Awareness Month**  
Councillor Ivan Doncaster (See page 121 )

**Continued**

**ByLaws, Resolutions & Motions Cont'd:**

- c) **Holocaust Education Week**  
Councillor Ray Paruch (See page 123 )
  
- d) **Literacy Action Week**  
Councillor Claire Detheridge (See page 124 )
  
- e) **National Pharmacare Strategy**  
Councillor Claire Detheridge (see page 125 )
  
- f) **Request for Porovince to Adopt a Wildlife Control Plan to Eradicate Raccoons**  
Councillor Darrell Flynn (see page 127 )

**Adjournment**

## **Presentation to CBRM Council**

In 2013 Cape Breton Miners Museum was in a precarious position. Attendance had been steadily dropping; debt was escalating; and infrastructure was deteriorating.

Over the last 2 years the Board and staff worked very hard at turning this situation around. Currently, the Museum's past debts have been paid and attendance has seen an increase this year. This turn around has been supported by the Municipal, Provincial and Federal governments. With their assistance we have been able to save the Miners Village and once again open it to the public. They have helped us increase our programming, offer a better experience for the visitor and initiate a volunteer program. We are now looking again to the three levels of government for assistance with the crumbling infrastructure of our 50-year-old main Museum building.

Michael MacDonald Architectural Concepts Inc. was engaged to conduct a building envelope assessment of the Miners' Museum in Glace Bay, Nova Scotia. The preparation of the report was carried out over the period of May - June 2015. The scope of work involved a building envelope assessment with essentially three goals: to determine the present condition of building components, to recommend opportunities for energy upgrades, and to provide estimates of costs for remedial and new work.

While the museum currently has issues with obvious leaks, there are other issues at play. These include the constant high humidity in the building, loss of heat through the building envelope via air flow and thermal bridging, and lack of ventilation. As a total package all these elements have a negative effect on both interior components, artifacts (and people) and the building enclosure.

In response to these issues, the assessment compiles a list of items, estimates, and recommendations for mechanical, electrical, and architectural work. These are presented in a priority system categorizing items as must do, should do and could do.

The resulting priority lists and amount allotted to each category are as follows:

- **Must do (0-2 years) \$ 265,000 Components that have deteriorated beyond saving**
- **Should do (2-4 years) \$ 940,500 Components that will deteriorate within the next 2-4 years**
- **Could do ( 5-7years) \$ 257,000 Components that may last for another 5-7 years**
- **Total \$1,462,500**

Components or systems requiring significant repairs include:

- Energy efficiency of building
- Ventilation systems and humidity control
- Glycol loop replacement
- Building exterior lighting
- Building interior lighting
- Exterior brick walls
- Roof and flashings
- Doors and windows

Some Highlight of the report include:

**AIR LEAKAGE:**

A thermal scan was done and air leakage was noted at the roof, all external walls, doors and windows

**FIRE PROTECTION:**

There are two (2) glycol loops feeding sprinkler in two (2) areas of the building. Present day standards do not allow glycol use as the concentration is too high and pre-mixed glycol is not ULC listed for fire protection use. An end of line dry pipe sprinkler would be necessary to get the Museum up to code.

**VENTILATION:**

There are numerous rooms in the Museum that have no ventilation, supply or exhaust. All other areas have inadequate ventilation.

**LIGHTING:**

The parking lot has a number of pole mounted HID fixtures but the lighting levels would not appear to meet the provincial standards based on locations and quantity of fixtures.

**EMERGENCY AND EXIT LIGHTING:**

The single heads in the building do not meet current code requirements.

**FIRE ALARM SYSTEM:**

The fire alarm panel is in need of replacement. The system also monitors the sprinkler system in the building.

**TELEPHONE SYSTEM:**

A basic telephone system exists with a few data drops connected to the system. It would be advisable to up-grade the system to meet NSTIR present day standards for structured cabling.

**MECHANICAL SYSTEM CONNECTIONS:**

The outdoor A/C condenser located at the rear of the building is rusted significantly and needs replacement.

**FOUNDATION:**

Two areas of exposed rebar need be sealed .

**BRICK:**

All control joints need to be completely cleaned and new rope and sealant should be installed. Brick unit replacement is required at a few locations. There are two control joints which should be carefully reviewed and repaired to prevent water infiltration.

**FASCIA:**

There are at least two noticeable locations at the exterior walls where the preformed metal on the fascia has separated from the plywood substrate

**WALLS:**

Exterior walls are insulated below grade. There is (on average) a foot of wall between grade and top of foundation wall which is not insulated allowing for thermal loss.

**ROOF:**

There are cracks in the flashing and some gaps in the sealant.

**DOORS:**

All of the exterior hollow metal door installations require upgrades.

**WINDOWS:**

All windows have reached the point where it would be more cost effective to replace all than to upgrade the existing.

**TOWER:**

The tower is an unsightly and in unacceptable condition and must be immediately addressed for a complete repair

## MECHANICAL COST ESTIMATE

### 1. MUST DO ITEMS:

.1	Correct Tower Ventilation .....	\$40,000.00
.2	Add Ventilation - Pressure .....	\$15,000.00
.3	Energy Analysis .....	\$ 5,000.00
.4	Glycol Loop Replacement .....	\$15,000.00

### 2. SHOULD DO ITEMS:

.1	Ductless Splits - Mezzanine - Office Area.....	\$30,000.00
.2	Artifact A/C - Humid. ....	\$40,000.00
.3	Add Ventilation .....	\$40,000.00
.4	Flush Valves .....	\$ 8,000.00
.5	Lav. Faucets .....	\$ 4,000.00
.6	Urinal Valve .....	\$3,000.00
.7	BFP .....	\$3,000.00

### 3. COULD DO ITEMS:

.1	Remove Sprinkler Tanks .....	\$10,000.00
.2	Ductless Splits - Remainder of Building .....	\$150,000.00

## ELECTRICAL COST ESTIMATE

### 1. MUST DO ITEMS:

.1	Replace Exterior Light Fixtures .....	\$ 9,000.00
.2	Provide Additional Light Standard c/w Concrete Base .....	\$17,500.00
.3	Fire Alarm System Upgrades .....	\$ 3,000.00
.4	Replace Existing Rusted Equipment .....	\$ 3,000.00

### 2. SHOULD DO ITEMS:

.1	Replace Fluorescent Fixtures .....	\$26,000.00
.2	Replace Compact Fluorescent .....	\$ 4,000.00
.3	Replace Exhibit Lamps .....	\$ 6,000.00
.4	Replace Emergency/Exit Lighting .....	\$ 5,500.00
.5	Wiring for VFD's .....	\$ 6,000.00

### 3. COULD DO ITEMS:

.1	Replace Receptacles .....	\$ 6,000.00
.2	Add Exterior Receptacles (8 Units) .....	2,500.00
.3	Add Exterior in use Covers on Receptacles .....	500.00
.4	Provide New Structured Cabling System .....	\$10,000.00
.5	Provide Additional CCTV Cameras (5) .....	\$ 3,000.00

**ARCHITECTURAL COST ESTIMATE**

**MUST DO ITEMS:**

- 1. Brick repair, re-pointing, and control/expansion joints.....\$20,000
- 2. Repair loose facia metal, repair caulked joints.....\$8,000
- 3. Replace ceiling at admin area.....\$7,500
- 4. Replace damaged roof shingles, all metal flashings, and seal perimeter edges  
.....\$20,000
- 5. Install new insulated hollow metal doors/frames and hardware.....\$42,000
- 6. Replace failed sealed unit and operable window sections at strip windows.
- 7. Replace tower single glazing with sealed units in conjunction with  
mechanical item 1.....\$40,000
- 8. Install insulation between grade and line of brick.....\$14,000

**SHOULD DO ITEMS:**

- 1. Open existing tower base to lower floor lobby in conjunction with ventilation  
and tower glazing upgrades, and as a means of brightening the lobby .....\$25,000
- 2. Refinish exterior brick walls with Exterior Insulation Facing System (EIFS).  
.....\$225,000
- 3. Remove existing roofing system and replace with new membrane system  
.....\$450,000
- 4. Replace all windows with energy efficient units.....\$40,000
- 5. Repair water backflow problem at overhead door.....\$25,000

**COULD DO ITEMS:**

- 1. Install sealed transition lobby at entry to mine shaft to protect visitors and  
staff from continued exposure to a damp environment.....\$40,000
- 2. Remove glazing from tower windows and install insulated infill panels  
.....\$35,000



**Michael MacDonald  
Architectural  
Concepts Inc.**

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Sydney, Nova Scotia, B1L 1E1

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Report

## **Building Envelope Assessment**

### **Miners' Museum**

Glace Bay, Nova Scotia

**Project number: S04-11-01-01**

Presented to:

**Nova Scotia**

**Transportation & Infrastructure Renewal**

**Building Design Group**

**August 28, 2015**

## Executive Summary

Michael MacDonald Architectural Concepts Inc. was engaged to conduct a building envelope assessment of the Miners' Museum in Glace Bay, Nova Scotia. The preparation of the report was carried out over the period of May - June 2015. The scope of work involved a building envelope assessment with essentially three goals: to determine the present condition of building components, to recommend opportunities for energy upgrades, and to provide estimates of costs for remedial and new work.

While the museum currently has issues with obvious leaks, there are other issues at play. These include the constant high humidity in the building, loss of heat through the building envelope via air flow and thermal bridging, and lack of ventilation. As a total package all these elements have a negative effect on both interior components (and people) and the building enclosure.

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- Doors and windows

## **James' CBRM Presentation**

### **Economic and Social Impact and Results Reporting**

The completion of this project will contribute to the sustainability of the Cape Breton Miners Museum

Because of the revitalization of the Museum we will:

- Increase sense of community identity and pride
  - Expats. are coming home for weddings, christenings and funerals and hosting their receptions and memorials at our restaurant. With the Museum's restoration, we will be able to offer more hosting opportunities.
  - Our volunteer program has found great community buy-in so it is natural to develop this asset and give our volunteers a broader mandate.
- Improve our community's image and status
  - There is excitement in the community and a general feeling that there is once again value being placed upon the history and the culture of this area. We will build on this momentum by creating new interesting, creative and collaborative activities in our restored Museum.
- Build social capital by getting people involved
  - We have gone from nothing to a full-fledged volunteer program. Last summer and fall we were able to keep the Company House and the Company Store open 7 days a week, 8 hours a day because we had 35 volunteers that worked 880 hours. With the Museum brought up to code we will recruit more volunteers to offer broader services to our visitors.
- Generate exceptional cultural experiences for visitors that they cannot get anywhere else
  - Currently:
    - Visitors give us rave reviews about their experience.
    - Ambassatours labeled us as the best shore excursion on Cape Breton Island
    - TripAdvisor.com gave us an award of excellence for 2014 and 2015 has us in the top 3 of best tourist attractions on Cape Breton Island
  - In the future
    - With additional usable space, we will be able to build on our current capital and create even more positive buzz about the Museum that will translate into more visitors.

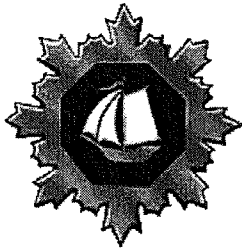
- Bring more tourist dollars to Glace Bay
  - o In 2014, we were able to maintain 2013 visitor numbers even though we had no money for marketing. We increased the number of visitors this year. Eighty-five percent of those visitors were from off Island bring much needed revenue into our community. With the restoration and positive word of mouth, and an active social media campaign, we will see this increase in visitors continue.
- Increase attractiveness of area to tourists which in the long term can generate economic growth
  - o Currently
    - With the Village restoration and landscaping we have seen an increase of community events wanting to partner with the Museum, creating enhanced products and audience for both organizations. Some of those events include Bay Days, William Davis Day, CBU Art Gallery Mining Exhibit, CBU Disaster Songs Exhibit and some local weddings.
    - An offshoot of enhancing the property is that we have seen a decrease in questionable individuals loitering on the grounds of the Museum.
  - o In the future
    - The restored facilities will allow us to partner with more community venues and events to attract more visitors to the museum. We will be looking for mutually beneficial partnership where we can provide a beautiful and restored venue and experience and they can provide an audience. We will also work with other community businesses such as the Savoy, Undercurrent and Talos on programming events in such a way as it gives visitors a reason to linger in the area.
- Enrich our volunteer program. This program generates social networks between people who might not otherwise come into contact with each other (people of diverse ages, ethnicities, abilities and education)
  - o Currently
    - Our volunteer program is successful. We have 35 volunteers who range in age from 15 to 83; many were born and raised in Glace Bay but some are CBU students who landed here from countries as far away as China; some are high school students, some are retired professionals and some are retired miners who left school in grade 8 to take up a pick and shovel. All

our volunteers take pride in their ability to tell the story of the Cape Breton miner and his family to visitors from around the world.

- At our volunteer party, which had 80% participation, people stayed for hours swapping stories and making suggestions for next year's season.
- Some of our volunteers asked for increased responsibility and have taken on committee work
- In the future
  - The restoration will allow us build on this successful program and give our volunteers a broader mandate that will include working with our exhibits and collections to give the visitor a more hands on approach to our history.

This project will create a lasting impact on the community because it:

- Restores a venue that draws people together who would otherwise not be engaged in constructive social activity. Our volunteer program drew participants from four generations, various ethnicities and diverse social and economic backgrounds. It gets seniors living alone out of their home and gives them meaningful, if unpaid work. Our student volunteers get work experience and interact with a people they would not normally have access to. Our international student volunteers get a better sense of place and connection with the community they will call home while they complete their university degree.
- Instils pride of heritage and connection to community in participants. Some, not all, of our volunteers are connected to the mining culture on Cape Breton Island. These volunteer speak with pride about their families' history. Other volunteers looked to our guides and staff for research and stories. All our volunteers are proud of their effect on the visitors as they listened to stories from days gone by and answered questions on life in a mining community.
- Improves the image of our community by creating an atmosphere that attracts residents, businesses and investments. The image of Glace Bay is greatly enhanced by having thriving tourist attraction.

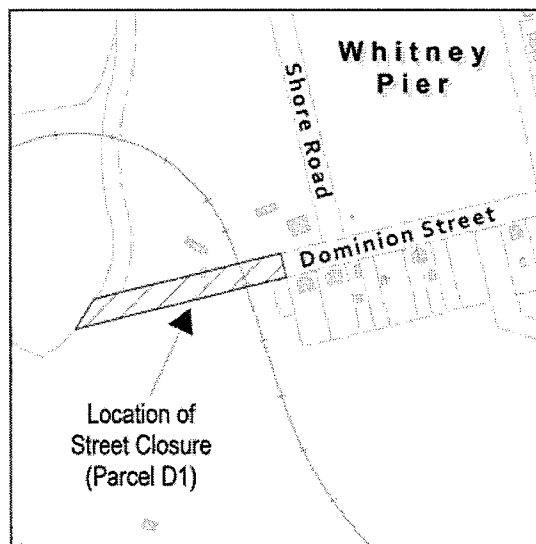


# CAPE BRETON REGIONAL MUNICIPALITY NOTICE - STREET CLOSING

Portion of Dominion Street, Sydney  
Measuring approximately 3130 square metres +/-

TAKE NOTICE that the Council of the Cape Breton Regional Municipality intends to close a portion of Dominion Street, Sydney, in the Cape Breton Regional Municipality, Nova Scotia, being a piece of property measuring approximately 3130 square metres +/- more or less, which is more particularly delineated on a plan of survey prepared by Thompson Conn Limited, certified by Kenneth M. Whalen, NSLS, dated 11 September 2015.

A public hearing in relation to the closing of a portion of the said street reserve will be held on Tuesday, the 20th day of October, 2015, at 6:00 p.m. at the Council Chambers, 2nd Floor, Civic Centre, 320 Esplanade, Sydney, Nova Scotia, at which time Council will hear those in favour and those opposed to the closing of a portion of this street.



Signed: Deborah Campbell - Municipal Clerk  
20 October 2015

**Request for Street Closure and Deed - Portion of Dominion Street, Sydney:**

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Eldon MacDonald, that staff be directed to begin the street closure process for a portion of Dominion Street, Sydney, following which a Quit Claim Deed be granted for the subject property.

**Discussion:**

The Solicitor advised that the Public Works Department has been consulted regarding this request.

The Mayor called for the vote.

**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:** Mayor and Council

**FROM:** Demetri Kachafanas  
Regional Solicitor

**SUBJECT:** Request for Street Closure and Deed  
Portion of Dominion Street, Sydney

**DATE:** April 14<sup>th</sup>, 2015

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I am in receipt of a request from Nova Scotia Power, an Emera Company to close a portion of Dominion Street, Sydney, as shown on the copy of the attached plan.

This portion of Dominion Street forms part of the International Pier lands, presently assessed to Emera Utility Services Inc. and is located within a securely fenced area that is no longer accessible to the public.

The Engineering Department has advised that there is no objection to this request.

I would request a Motion to proceed with the above-requested street closure and that a Quit Claim Deed be granted thereafter for the area outlined on the attached plan.

Thank you.

Sincerely,

**ORIGINAL SIGNED BY**

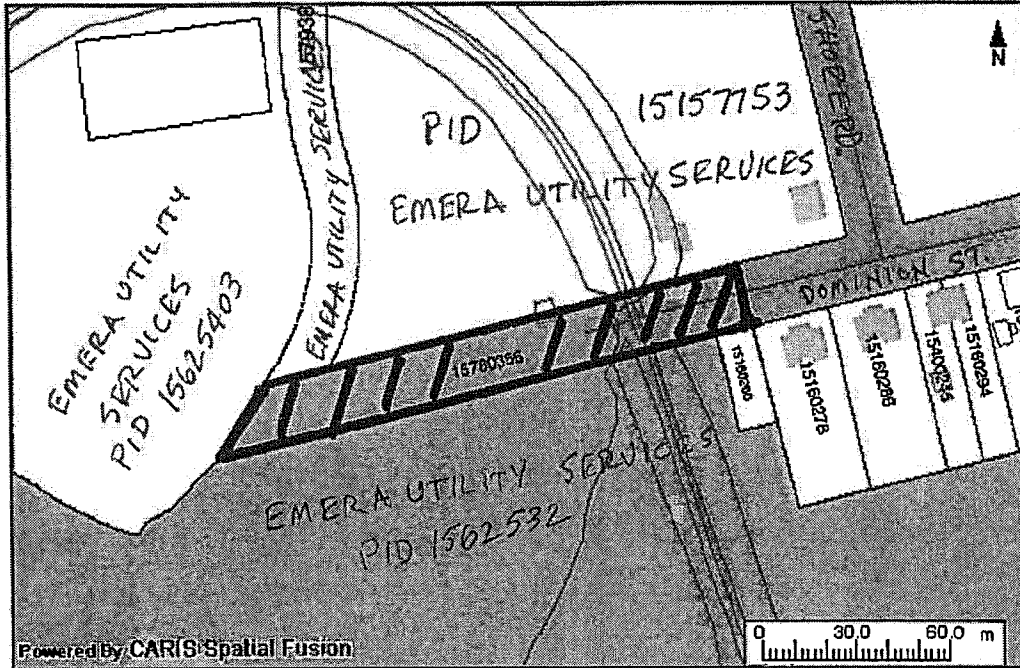
**Demetri Kachafanas**  
Regional Solicitor

DK/spk  
Attachment



### Property Online Map

Date: Sep 5, 2014 2:12:06 PM



PID:	15780356	Owner:	EMERA UTILITY SERVICES INC	AAN:	00656682
County:	CAPE BRETON COUNTY	Address:	DOMINION STREET SYDNEY	Value:	\$5,245,000 (2014 COMMERCIAL TAXABLE)
LR Status:	NOT LAND REGISTRATION				\$1,797,300 (2014 COMMERCIAL EXEMPT)

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

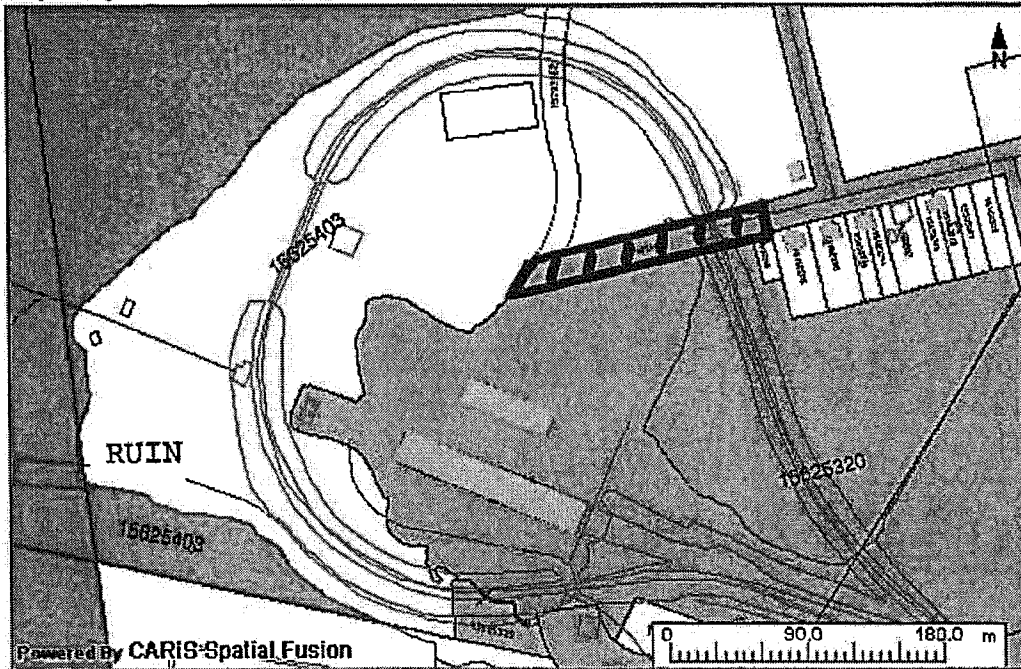
#### Property Online version 2.0

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## Property Online Map

Date: Sep 5, 2014 2:28:13 PM



PID:	15780356	Owner:	EMERA UTILITY SERVICES INC	AAN:	00656682
County:	CAPE BRETON COUNTY	Address:	DOMINION STREET SYDNEY	Value:	\$5,245,000 (2014 COMMERCIAL TAXABLE)
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**Property Online version 2.0**

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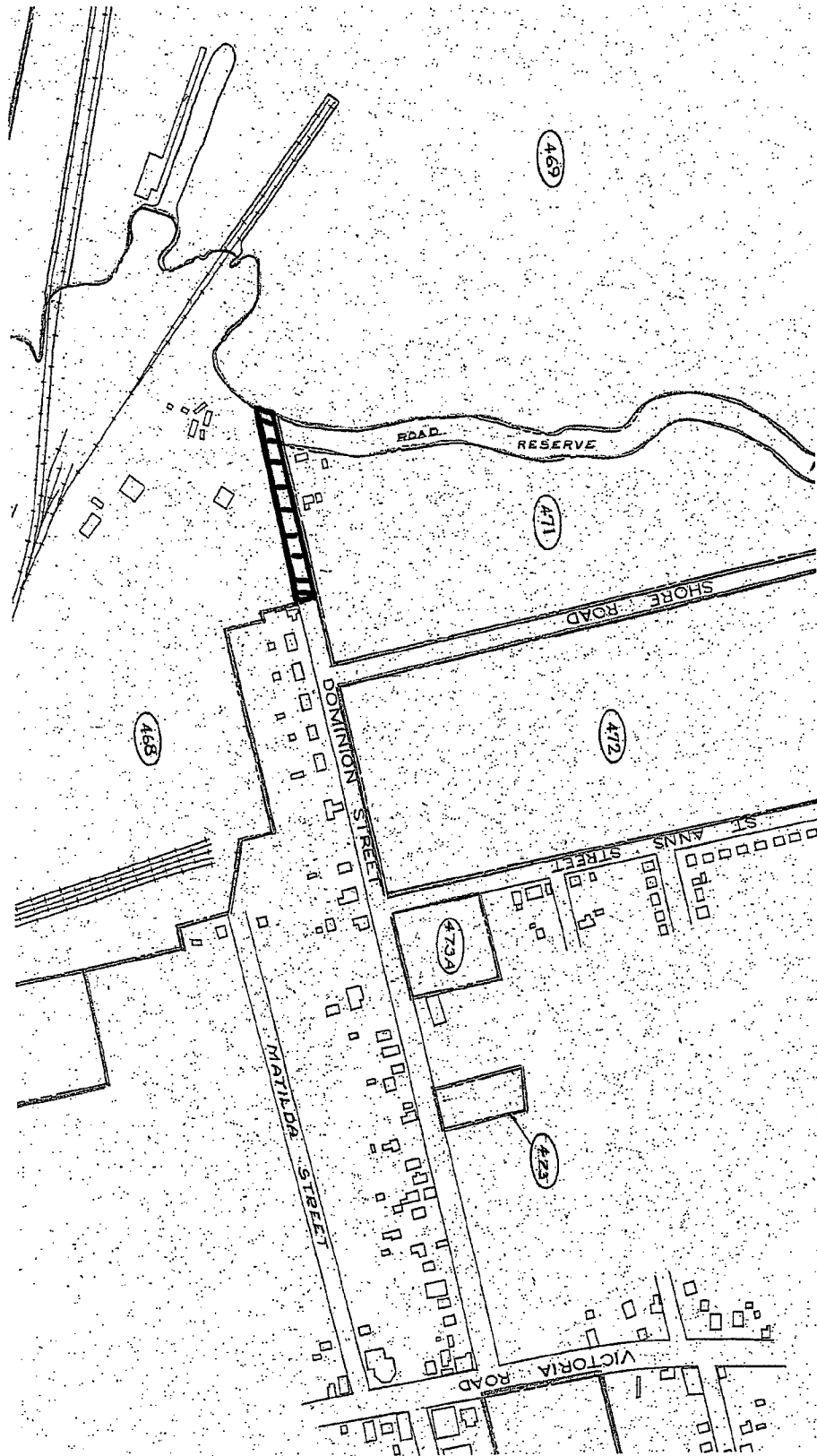
### Parcel Description Information

**PID:** 15780356  
**Status:** Current  
**Effective Date/Time:** 2014-09-03 09:05:36

**Legal Description:** ALL that certain lot of land at Sydney in the County of Cape Breton and Province of Nova Scotia being more particularly described as follows: BEGINNING at a point on the southern boundary of Dominion Street and on the medial line between House No. 54-56 and House No. 62-64, said point being also 737.6 feet, more or less, westerly from the intersection of the said boundary of Dominion Street and the western boundary of lands conveyed by the Dominion Coal Company Ltd. to Daniel J. Poushay by Deed dated April 1900, and recorded in the Registry of Deeds, Cape Breton County in Book 99 at Page 7; THENCE in a northerly direction to the northern boundary of Dominion Street also being the southern boundary of Lot 471 on Sheet 45 of the Acquisition Plan attached to the Expropriation recorded at the Registry of Deeds in Book 918 at Page 1 as Document No. 15502; THENCE in a westerly direction along the southern boundary of the said Lot 471 to the western side of the old shore road also being the eastern boundary of Lot 469 on Sheet 45 of the Acquisition Plan attached to the Expropriation recorded at the Registry of Deeds in Book 918 at Page 1 as Document No. 15502; THENCE in a southerly direction following the sinuosities of the original shere line to a point on the northern boundary of Lot 468 on Sheet 45 of the Acquisition Plan attached to the Expropriation recorded at the Registry of Deeds in Book 918 at Page 1 as Document No. 15502; THENCE in an easterly direction along the northern boundary of the said Lot 468 to the point of beginning. BEING AND INTENDED TO BE the lands conveyed by Cape Breton Development Corporation to 510845 NB Incorporated by deed dated December 18, 2001 and recorded at the Registry of Deeds, Cape Breton County on December 31, 2001 in Book 2241 at Page 199 as Document No. 10152 and as shown cross-hatched on the plan attached thereto. \*\*\* Municipal Government Act, Part IX Compliance \*\*\*  
 Exemption: The parcel is exempted from subdivision approval under the Municipal Government Act because the parcel was created by a subdivision Reason for exemption: Clause 268(2)(c) resulting from an acquisition or disposition of land by Her Majesty the Queen in right of the Province or in right of Canada or by an agency of Her Majesty.

[Click here](#) to request an Official Report







**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: ZONING AMENDMENT APPLICATION – 1008  
MEMBERTOU DEVELOPMENT CORPORATION  
Churchill Drive and Highway 125, Sydney**

**DATE: October 16, 2015**

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### **Introduction**

The Planning and Development Department has received a zoning amendment application from the Membertou Development Corporation to expand the jurisdiction of a business development zone directly south of the Membertou First Nations Reserve on the south side of Highway 12S. The Zone Membertou Development Corporation wants to expand was originally created with the adoption of the CBRM Municipal Planning Strategy (MPS) back in 2004.

The lands subject to this zoning amendment application has an area of approximately 115 acres and located to the east of Prime Brook Sales/Service (SSP) Zone. These lands are outlined in blue on the map titled "Gabarus Highway – Highway 12S Business Zone" (Attachment A). The area that is subject to this zoning amendment consists of a number of lot parcels; it is the applicant's intention to consolidate these parcels (Attachment B). The Membertou Development Corporation is proposing to develop Churchill Crossing which will consist of a series of sales and service businesses on the property currently zoned SSP as well as the lands subject to this zone amendment.

The proposed development will be accessed via Churchill Drive, which is considered to be part of the public street/road network because it is owned and maintained by the Membertou Reserve (Attachment C). In addition to Churchill Drive there will be an internal road system to service the individual sales and service developments. This internal road system will also be owned and maintained by the Membertou Development Corporation, but it will not be considered to be a part of the public street/road network because it would not be constructed to public street/road standards, and therefore subdivision approval cannot be granted by the Regional Municipality's Development Officer in compliance with the CBRM Subdivision Bylaw. It is Membertou Development Corporation's objective to enter into lease agreements with the retailers and service providers who will be establishing their businesses at Churchill Crossing.

### **Why an amendment is necessary for this development?**

The properties in question are zoned Rural CBRM (RCB) and while the RCB zone does permit a wide range of sales and service uses, it does not permit the uses associated with the proposed development; because of this, the Membertou Development Corporation is requesting a zone amendment.

In addition to amending the zoning, Section 16 Frontage on a Public Street Part 2 General Provisions for all Zones must be amended. Section 16 regulates the frontage requirements for the issuance of a Development Permit. Subsection 16 b. 8. states that a Development Permit shall be issued for business developments on lot parcels within the MSB Zone serviced by streets owned and maintained by the Membertou Reserve as stipulated in the MSB Zone. The proposed amendment will remove reference to the MSB zone.

In April 2014, Council approved amendments to the definition of 'public street/road' in both the Land Use and Subdivision By-laws. As result of Membertou Development Corporation's planned development to the south of Highway 125, the definition of a public street/road was amended within the Land Use and Subdivision By-law to include a street or road owned by the Membertou Development Corporation. The proposed amendment to Subsection 16 b. 8. would support the amendments approved in 2014.

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

#### Municipal Planning Strategy

Policy 16, Part 10 of the 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 SSP zone, which is immediately adjacent to the properties in question. While this request does appear to be in keeping with the intent of Policy 16, Part 10, the intent of all of the policies the MPS must also be satisfied.

Part 2 Policy 3.a of the MPS advocates designating sites for large scale business developments in proximity to major intersections with Highway 125. The intersection of the Gabarus Highway with Highway 125 in Prime Brook was one of the intersections subject to this policy. More than 225 acres of undeveloped land (outlined in yellow) on both the east and west side of the Gabarus Highway was zoned Prime Brook Sales/Service (SSP) in accordance with this Policy (Attachment A). The Membertou Development Corporation owns 62 acres within the SSP Zone (Attachment A). This 62 acre acquisition, coupled with the designation of the site for large scale business developments, was a big part of the reason Membertou lobbied the Province to construct the new Highway 125 interchange.

While this zone amendment satisfies the intent of Policy 3.a, the MPS also has several statements that articulate the benefits of having strong, vibrant downtown cores within the region, and there are policies suggesting that Council should undertake planning efforts specifically focused on downtown revitalization. Council has not adopted a formal downtown revitalization plan. The proposed expansion of commercial development along the new interchange on Highway 125 should be seen as an opportunity to start discussing developing a strategy to support and encourage development in our downtowns. However, this discussion should be considered separate from this amendment, and will be presented to Council in the form of an issue paper at a later date.

#### Provisions of the SSP Zone

If Council approves the proposed zone amendment request, any development on the subject property would need to comply with the provisions of the SSP zone as well as all other applicable provisions of the CBRM Land Use By-law. Specifically the SSP zone has provisions for screening of a sales/service use from any residential development.

### Surrounding Land Uses

The area surrounding predominantly vacant; that being said, the Membertou Development Corporation is proposing a combination of sales and service uses on the property to the North West which is zoned SSP (Attachment A).

### Within the Political Jurisdiction of the CBRM

Similar to the other developments by the Membertou Development Corporation, it is highly likely that this development will remain outside the Membertou's boundary because private interest will be investing in this development. This means the proposed that this commercial area will remain within the political jurisdiction of the CBRM.

### **Notification of Neighbours**

Notice was this application was placed in the October 6<sup>th</sup> and 13<sup>th</sup> editions of the Cape Breton Post. At the time this report was prepared no written comments were received by the Planning and Development Department.

### **Recommendation**

I recommend that Council approve amending the zoning of the properties identified in Schedule A of the Amending By-law (Attachment D) from Rural CBRM (RCB) to Prime Brook Sales/Service (SSP) Zone and the amendments to Section 16 Frontage on a Public Street by passing a motion to adopt the Amending By-law accompanying this report.

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

**Submitted by:**

**Originally Signed by**

**Karen Neville  
Planning and Development Department**

# Gabarus Highway- Highway 125 Business Zone Colored yellow

A



Westmount

SYDNEY

Churchill Drive

George St.

Alexandra St.

Terry Way

Membertou

Mira Road

Churchill Drive

Kings Rd.

Highway 125

zoning amendment requested

Sydney River

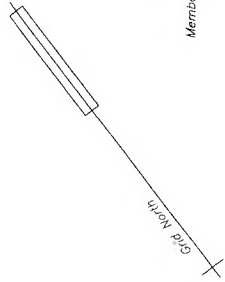
Prime Brook

Gabarus Hwy

N

0 0.25 0.5 1 1.5 Kilometers





P.L.D. No. 15791882  
lands ceded to the  
Memberlou Development Corporation  
document #03100982

Nova Scotia  
Power  
Inc.

Highway  
#125

Parcel #11  
land owned by  
the Province of Nova Scotia  
since 1971

Marantz Road  
Reynolds Brook  
(or Millstone Brook)

P.L.D. No. 15823516  
lands ceded to the  
CBRM

P.L.D. No. 15873508  
lands ceded to the  
Memberlou Development Corporation

c

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 deleting 16b.8. and replacing it with the following:

developments on lots parcels serviced by streets owned and maintained by Membertou Reserve.

**THAT:** Council amends the CBRM's Land Use Bylaw map by deleting Rural CBRM (RCB) Zone in effect for the properties identified in Schedule A replacing it with the Prime Brook Sales/Service (SSP) Zone.

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

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

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

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

**Zoning Amendment Application 1008 - Membertou Development Corporation, Churchill Drive and Highway 125, Sydney:**

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Doncaster, approval to advertise notice of a Public Hearing to be scheduled for the October meeting of Council to consider the zoning amendment application by Membertou Development Corporation to expand the jurisdiction of the Gabarus Highway – Highway 125 Business Development Zone.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: ZONING AMENDMENT APPLICATION – 1012  
Art Mullins  
Woodland Timber Mart  
35 Ryan Street, Glace Bay (PID 15437510)**

**DATE: October 16, 2015**

---

**Introduction**

Mr. Art Mullins, the owner of Woodland Timber Mart, has requested to purchase a portion of CBRM land located behind his existing business at 22 West Ave, Glace Bay. Mr. Mullins is proposing to acquire an additional 50 feet beyond the back lot line of his existing property, which measures approximately 314 feet in length (Attachment A). Mr. Mullins would utilize the proposed area for additional lumber yard space and possibly construct a storage shed.

The land Mr. Mullins is requesting to purchase is a portion of the Table Head Little League Ball Fields. In September of 2010, Mr. Mullins acquired an 18,504 sq. ft. section of land from the very same parcel, as shown on Attachment B and labeled PID 15852296. The 2010 expansion has been utilized to its maximum capacity, as a result Mr. Mullins is requesting to purchase additional land.

The existing rear lot line of the building supply dealership is approximately 97 feet from an existing fence which encloses an active little league baseball field. The requested 50 feet of additional land would bring the nearest point of the ballfield fence to within approximately 47 feet of the proposed adjusted rear lot line of the lumber yard.

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

The current site of the Woodland Timber Mart (PIDs 15669666 and 15852296) is under the jurisdiction of the Arterial Business Corridor (ABC) zone of the CBRM Land Use By-law. The ABC zone does permit a building supply dealership. The CRBM Land Use By-law identifies PID 15437510 as the Residential Urban C (RUC) [Attachment B]. The RUC does not permit a building supply dealership, as a result Mr. Mullins is requesting the zoning on the properties be amended prior to purchasing the property.

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

The proposed area would immediately border the Glace Bay Public Works Center storage compound yard, to the west. To the east of the subject site are four vacant low lying lots. 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 property in question, and therefore the request is in keeping with the MPS.

As part of the application to purchase CBRM property, Ken Smith, Property Management Services, circulated Mr. Mullins' request to Mr. Bill Murphy, Director of Recreation, Parks and Grounds/Building and Facilities, and Mr. John Phalen, Manager, Engineering and Public Works, East, for their review. In their opinion, the requested area should be considered surplus (Attachment C and D). In addition, Bill Murphy indicated that Mr. Mullins should be advised that the Municipality may extend the existing baseball fields approximately 35ft.

Given the land uses in the surrounding area, the content of Policy 16, Part 10 of the MPS, and input from Bill Murphy and John Phalen it is reasonable for Council to consider the request to amend the zoning on a 50ft X 314ft portion of PID 1S437510 from the RUC zone to the ABC zone. In addition, if Council decides to approve this zone amendment, staff will also be recommending that this 50ft X 314ft portion of PID 15437510 be declared surplus.

#### **Next Steps**

If Council agrees to schedule a Public Hearing at their October 21<sup>st</sup> meeting, the earliest date of the Public Hearing would be Tuesday, November 17<sup>th</sup>. Upon a decision of Council to schedule a Public Hearing, along with the required notices to be published in the Cape Breton Post, notice of this zone amendment application will be mailed to assessed owners of property in the vicinity of PID 15437510 encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

#### **Recommendation**

I recommend that Council pass a motion to schedule a Public Hearing to consider this zoning amendment application during the November meeting of Council.

A draft of the recommended amendment can be found in Attachment E.

#### **Submitted by:**

#### **Originally Signed by**

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

A

Public Works

Area Requested

West Avenue

Woodland Timber Mart

Sterling Road

Ryan Street

Tennyson Street

Timmerman Street



B

ABC

Public Works

Woodland Timber Mart

ABC

West Avenue

15669666

15852296

Area Requested

15437510

RUC

Sterling Road

Ryan Street

Tennyson Street

Timmerman Street

No Zoning



# Cape Breton Regional Municipality

2nd Floor, Civic Centre  
320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Telephone/Voice Mail : 563-5093  
Facsimile : 564-0481  
E-mail klsmith@region.cape-breton.ns.ca



Office of : Kenneth L. Smith M.C.I.P.  
Planner

Property Management Services

## SURPLUS PROPERTY CONFIRMATION

August 7, 2015

ATTENTION: Mr. Bill Murphy, Manager, Buildings and Grounds

PROPERTY

LOCATION: West Avenue, Glace Bay (see attached maps)

REGARDING: Request by Art Mullins of Woodland Building Supplies Ltd. to acquire a 50' wide by approximately 314' long strip of CBRM land located behind his existing business on West Avenue, Glace Bay. The requested area is part of a 44 acre site, a portion of which contains the Table Head Ball Fields.

ADDITIONAL

INFORMATION: The requested area would be used for additional lumber yard storage and possibly a storage shed.

The noted property:

- (  ) IS considered to be surplus property by my Department. (additional comments?y/n\_\_\_\_\_)
- (  ) IS NOT considered to be surplus property by my Department because:

*new owner should be advised the municipality may extend the existing baseball field approximately 35 ft.*

signed by:  
**ORIGINAL SIGNED BY**

# Cape Breton Regional Municipality

2nd Floor, Civic Centre  
320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Telephone/Voice Mail : 563-5093  
Facsimile : 564-0481  
E-mail klsmith@region.cape-breton.ns.ca



Office of : Kenneth L. Smith M.C.I.P.  
Planner

Property Management Services

## SURPLUS PROPERTY CONFIRMATION

August 7, 2015

ATTENTION: Mr. John Phalen, Manager, Engineering and Public Works East

**PROPERTY**

LOCATION: West Avenue, Glace Bay (see attached maps)

REGARDING: Request by Art Mullins of Woodland Building Supplies Ltd. to acquire a 50' wide by approximately 314' long strip of CBRM land located behind his existing business on West Avenue, Glace Bay. The requested area is part of a 44 acre site, a portion of which contains the Table Head Ball Fields.

**ADDITIONAL**

INFORMATION: The requested area would be used for additional lumber yard storage and possibly a storage shed.

The noted property:

IS considered to be surplus property by my Department. (additional comments?y/n \_\_\_\_\_)

IS NOT considered to be surplus property by my Department because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*signed by:*

**ORIGINAL SIGNED BY**

*John Phalen*

**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:** Council amends the CBRM's Land Use Bylaw map by deleting Residential Urban C (RUC) Zone in effect for the portion of PID 15437510 identified in Schedule A replacing it with the Arterial Business Corridor (ABC) Zone.

---

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

---

**MAYOR**

---

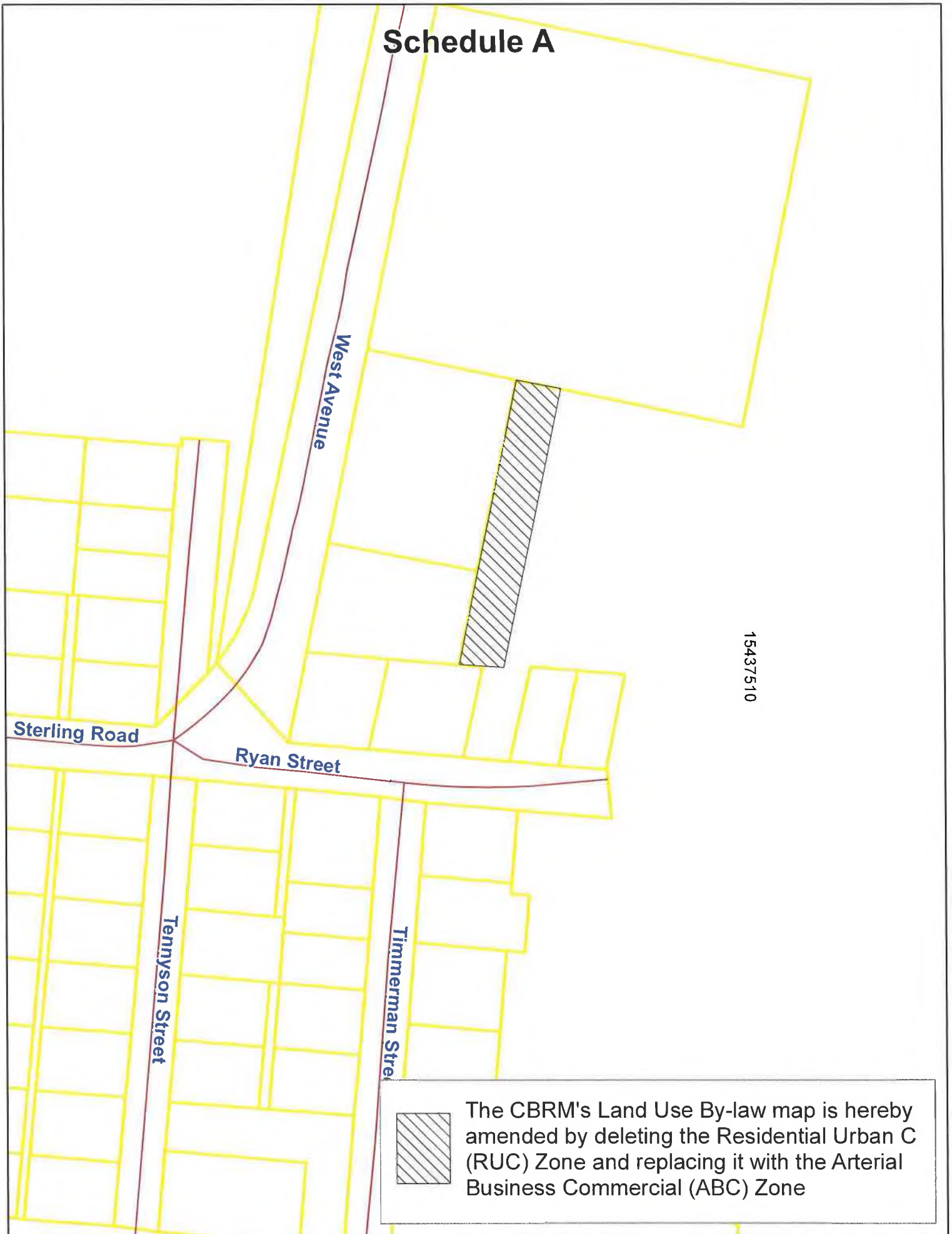
**CLERK**

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

---

Deborah Campbell, CLERK

# Schedule A



The CBRM's Land Use By-law map is hereby amended by deleting the Residential Urban C (RUC) Zone and replacing it with the Arterial Business Commercial (ABC) Zone

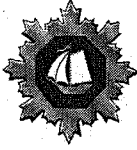
**Zoning Amendment Application 1012 - Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510):**

**Motion:**

Moved by Deputy Mayor George MacDonald, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held during the November meeting of Council to consider the zoning amendment application Case 1012 by Mr. Art Mullins, Woodland Timber Mart, 35 Ryan Street, Glace Bay (PID # 15437510), to permit a building supply dealership.

**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](mailto:rgmccready@region.cape-breton.ns.ca)

October 16, 2015

**ISSUE PAPER**

**TO: Council**

**FROM: Rick McCready, MCIP, Senior Planner**

**RE: Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney. (PID numbers 15058720 and 15697568, as shown on attached map) – REPORT ON PUBLIC PARTICIPATION PROGRAM**

**Background Information**

A request was received earlier this year by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property owned by Harbour Royale on the Esplanade. More specifically, the applicant is proposing to construct a multi-storey apartment building on the site containing rental units on the upper floors, with commercial space and weather protected parking within the lower levels. The letter also requests that the CBRM consider allowing the applicant, through an easement or other means, access to adjacent CBRM property to facilitate vehicular and pedestrian access to the new development. (A preliminary site plan for the development was distributed to Council is attached).

The site owned by Harbour Royale and the surrounding lands fall within the Waterfront Southern Sub-Area as detailed in the North End SPS and Land Use Bylaw which was adopted by Council in 2006. The policy governing this area was written specifically to accommodate an ambitious development proposal which was called Spanish Gates. That development included apartments, commercial space and a hotel within a large complex with varying roof lines. In 2006, Council reviewed the Spanish Gates proposal and a decision was made to include wording in the SPS to allow this development to proceed, but it was also agreed that the wording of the policy would limit the changes in the design and the mix of uses in the development. In other words, the policy is written to allow

Spanish Gates, or an almost identical development proposal, but does not allow any developments that are significant different.

The Harbour Royale project is much smaller than Spanish Gates, it is set back much further from the water, and the building itself is limited to the Harbour Royale property. It also differs from Spanish Gates in that there is no hotel and the exterior design is substantially different. As a result, changes to the policy are required if this project is to proceed. However, this proposal does meet many of the key criteria for the Waterfront Southern Sub-Area. It is a mixed use (residential-commercial) development, it would facilitate access to the waterfront, and it is consistent with the viewplanes that were adopted by Council in 2006.

### **Public Participation Program**

Council, following a recommendation from staff, approved a resolution earlier this year to carry out a public participation program to gather public input into the proposed development. This is a requirement under the Municipal Government Act whenever Council is considering amending a Planning Strategy policy. Council also agreed to request that the developer undertake at his expense the cost of conducting a traffic impact analysis of the proposed development.

The public participation program consisted of two public meetings that were held at the Civic Centre community room on the evenings of September 29 and October 5, 2015. At the meetings residents had the opportunity to review the plans for the development and to discuss the plans with the developer and his architect. Staff were also present to record any comments that were received. A copy of the traffic impact analysis (which was prepared by WSP Engineering of Halifax) was also available at the meeting.

Excluding the developer and his associates, staff and Council members, there were eight persons in attendance at the first meeting and fifteen at the second meeting. Most of the comments received were positive, although at the second meeting two individuals raised concerns regarding the changes in height and exterior design requirements that would have to be made to the bylaw to accommodate the development (the maximum height requirement would have to be increased to 11 storeys from eight storeys, and the requirement that building facades be primarily composed of brick or wood or materials that have the appearance of wood or brick would have to be deleted). The concerns seemed to be focused not so much on the building being proposed by Harbour Royale but on the fear that if this amendment proceeds that other, similar buildings will be built throughout the waterfront area.

No concerns were raised regarding the site plan or traffic circulation plan, although the traffic impact analysis report by WSP does recommend some changes to the site plan which staff intend to address in the wording of the proposed amendments.

The developer indicated at the second meeting that he did not wish to revise the plans to reduce the height of the building or to change the building's exterior appearance. In other

words, he is requesting that Council approve amendments that will accommodate the proposed building as shown in the attached plans.

### **Recommendation**

**Given that there was little opposition to the development at the public meetings and that proposed development:**

- *Is consistent with the original goals of the North End Secondary Planning Strategy to encourage mixed residential/commercial development on the waterfront and to improve public access to the waterfront;*
- *Respects the original policies in the North End Planning Strategy to protect harbour views from the Esplanade and from Dorchester Street;*
- *Is consistent with the land use and urban design recommendations for this particular site found in the Ekistics report on future development of the Sydney waterfront;*
- *Is compatible in scale and architectural style with nearby buildings located across the street;*

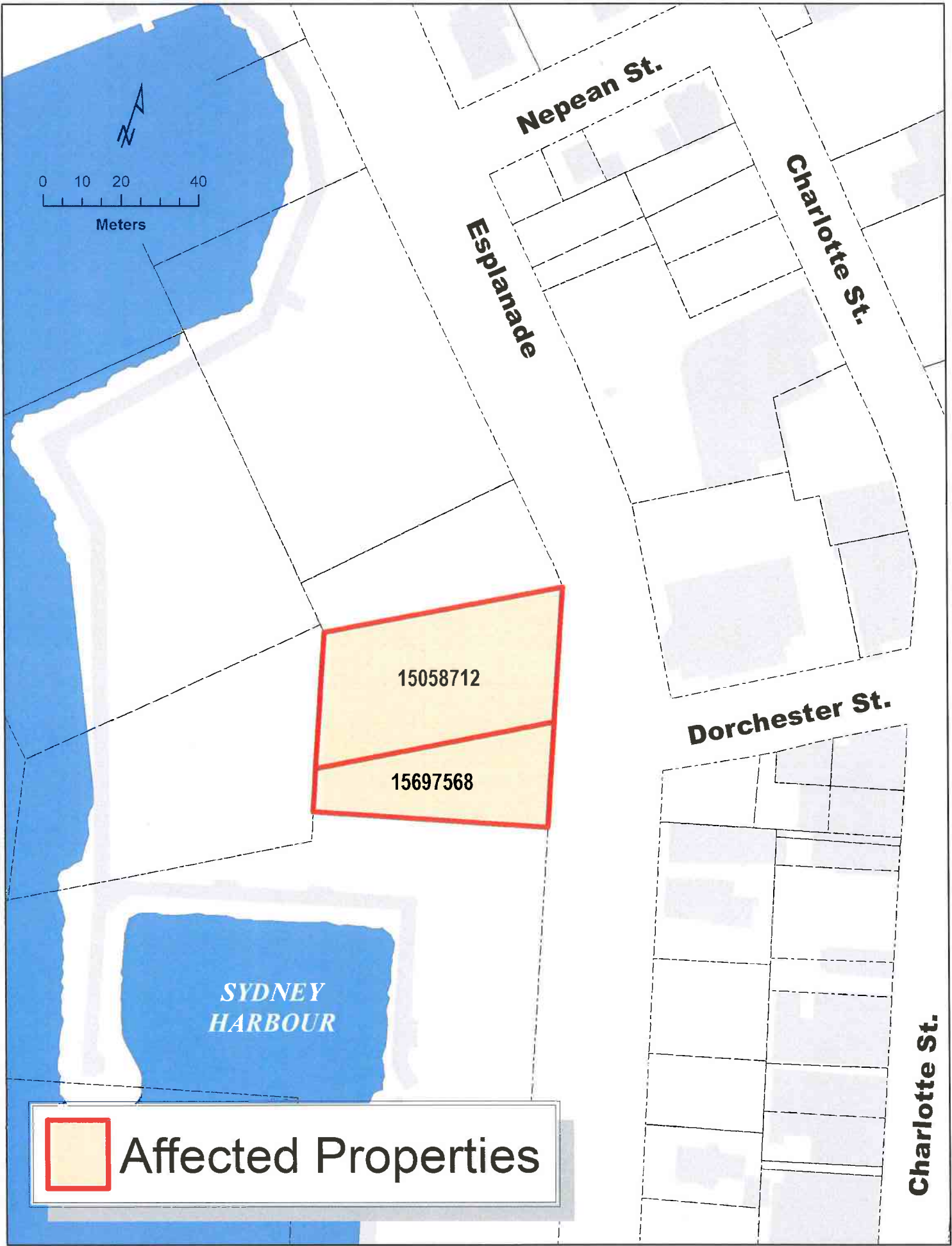
**Staff is prepared to recommend that Council set the date for a formal public hearing on amendments to accommodate this development. A draft resolution for Council to consider outlining the amendments will be ready for the October 20 Council meeting.**

Council is advised that in order for this development to proceed as proposed Council will be required to approve easements and/or land transfers to facilitate access to the new building. Staff has not completed negotiations with the developer on these details at this time so they will not be ready for Council to review on October 20 and will have to be dealt with at a later date.

Yours very truly,

**ORIGINAL SIGNED BY**

Rick McCready, MCIP  
Senior Planner



0 10 20 40  
Meters



**Nepean St.**

**Esplanade**

**Charlotte St.**

15058712

15697568

**Dorchester St.**

*SYDNEY  
HARBOUR*

**Charlotte St.**



**Affected Properties**

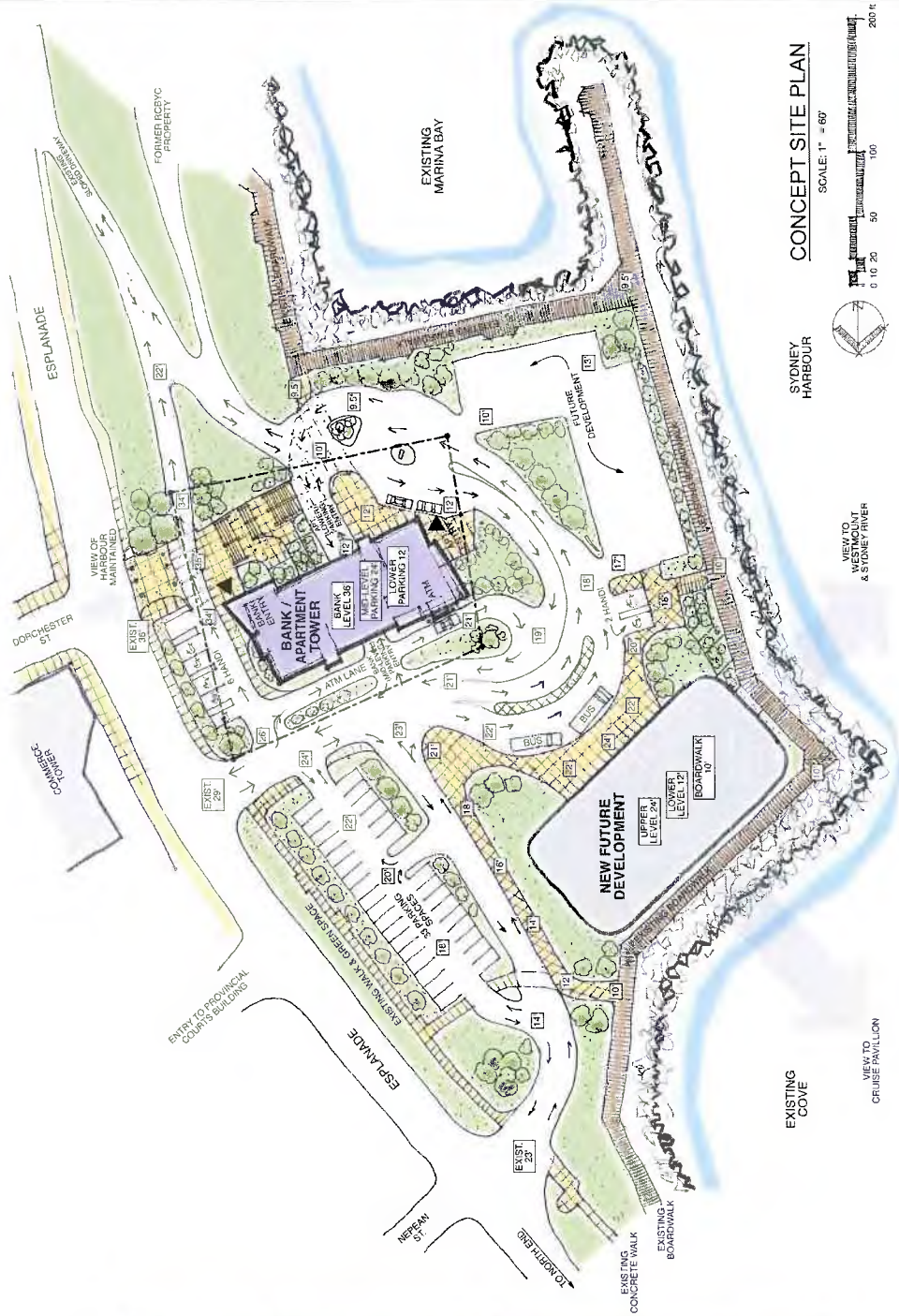
# SHEET INDEX

- 1 CONCEPT SITE PLAN & SITE KEY PLAN
- 2 DORCHESTER VIEW (PERSPECTIVE)
- 3 BOARDWALK VIEW (PERSPECTIVE)
- 4 NORTH-ESPLANADE VIEW (PERSPECTIVE)
- 5 SMALL SCALE PLANS & BUILDING SECTION
- 6 LOWER LEVEL PARKING PLAN
- 7 MID-LEVEL PARKING PLAN
- 8 MAIN LEVEL FLOOR PLAN (BANK)
- 9 LEVEL 4 TO 10 TYPICAL FLOOR PLAN (RESIDENTIAL)
- 10 TOP LEVEL PLAN w/ EVENT & FITNESS SPACE
- 11 ROOF PLAN
- 12 TYPICAL APARTMENT FLOOR PLANS
- 13 SOUTH ELEVATION
- 14 NORTH ELEVATION
- 15 EAST & WEST ELEVATION
- 16 BUILDING SECTION & TYPICAL WALL SECTION
- 17 SURVEY PLAN w/ PROPOSED EASEMENT BOUNDARIES
- 18 SURVEY PLAN w/ TOPOGRAPHIC INFORMATION



**SITE KEY PLAN**

SCALE: 1" = 1250'  
SCALE: 1" = 0.391 km



**CONCEPT SITE PLAN**

SCALE: 1" = 60'



## CONCEPT SITE PLAN & SITE KEY PLAN

# SHEET 1

SHEET 1 of 15

Harbour Royale  
Development Limited



**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRL, SYDNEY, NSW, AUSTRALIA  
10/01/2015  
TDC No. 14-053





DORCHESTER VIEW

NOT TO SCALE

DORCHESTER VIEW (PERSPECTIVE)

**SHEET 2**

SHEET 2 of 18



**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
Municipal File No. 15  
IDC No. 14-068



Harbour Royale  
Development Limited



BOARDWALK VIEW  
NOT TO SCALE

BOARDWALK VIEW (PERSPECTIVE)  
**SHEET 3**  
SHEET 3 of 18



**NORTH-ESPLANADE VIEW**  
NOT TO SCALE

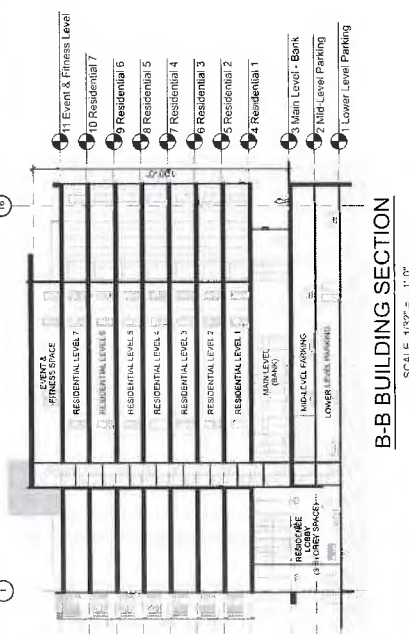
**NORTH-ESPLANADE VIEW (PERSPECTIVE)**

**SHEET 4**  
SHEET 4 OF 18

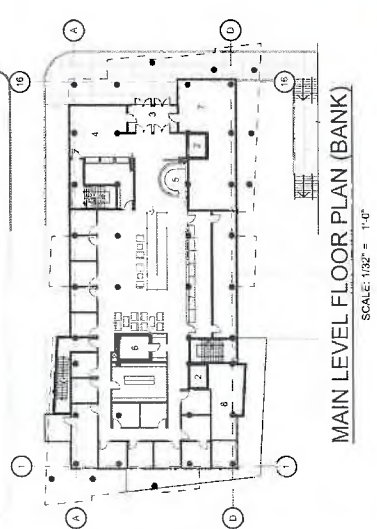
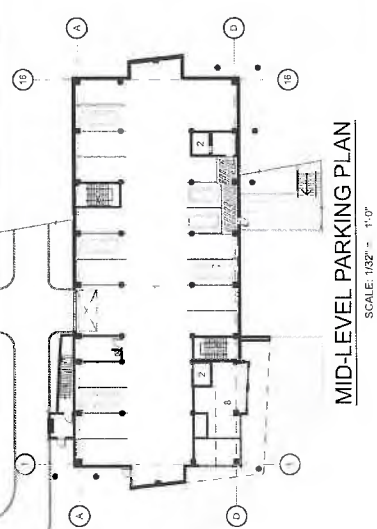
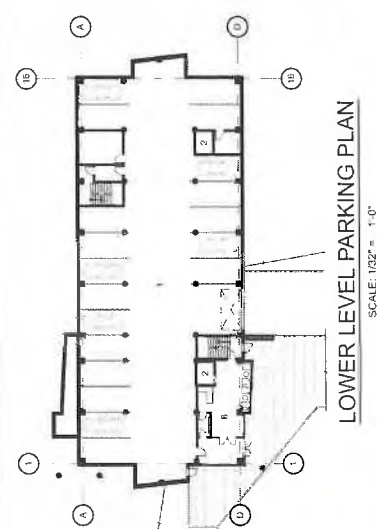
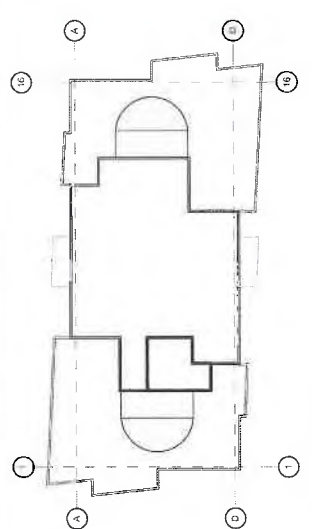
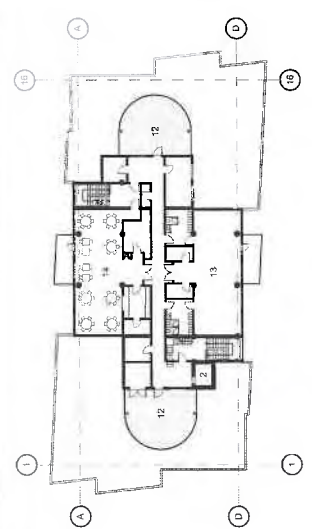
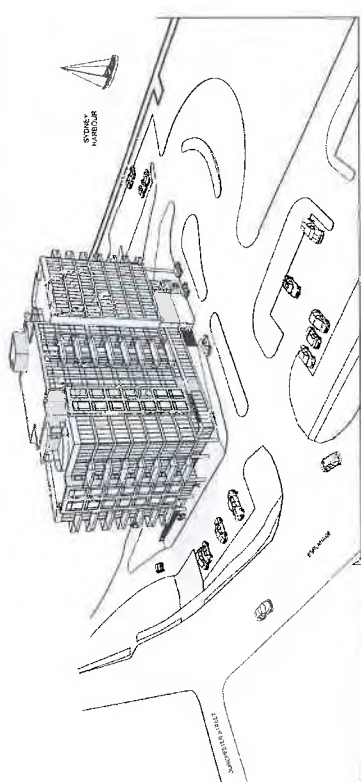
**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**

CBRMA, SYDNEY, NOVA SCOTIA  
Monday, May 11, 2015  
TDC No. 14-055





- PLAN LEGEND**
- 1 PARKING
  - 2 ELEVATOR
  - 3 BANK ENTRANCE
  - 4 BANK ATM VESTIBULE
  - 5 BANK RECEPTION
  - 6 BANK VAULT
  - 7 MINI-MART
  - 8 RESIDENTIAL LOBBY
  - 9 RESIDENTIAL UNIT A
  - 10 RESIDENTIAL UNIT B
  - 11 RESIDENTIAL UNIT C
  - 12 ROOFTOP DECK
  - 13 FITNESS SPACE
  - 14 EVENT SPACE



Harbour Royale  
Development Limited

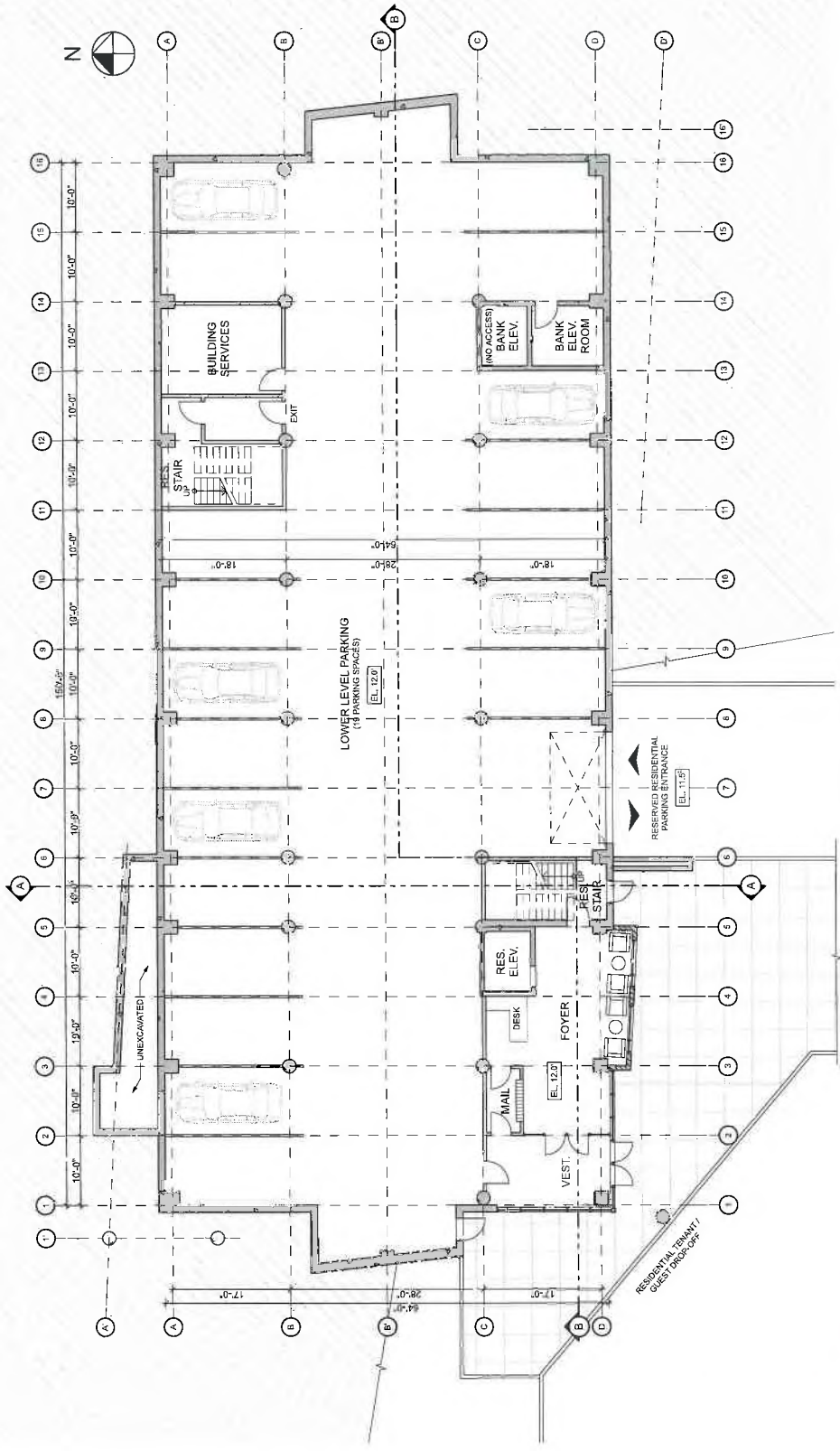
**SMALL SCALE PLANS & BUILDING SECTION**  
**SHEET 5**  
SHEET 5 OF 18

**GROSS BUILDING AREAS (sq. ft.):**

- LOWER LEVEL PARKING = 10,424
- MID-LEVEL PARKING = 9,972
- RESIDENTIAL (11,075 x 77) = 81,725
- EVENT & FITNESS LEVEL = 18,035
- TOTAL GROSS BUILDING AREA = 116,572 sq. ft.

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRMA, SYDNEY, NOVA SCOTIA  
Monday, May 14, 2015  
100 No. 14-038





LOWER LEVEL PARKING PLAN  
SCALE: 3/32" = 1'-0"

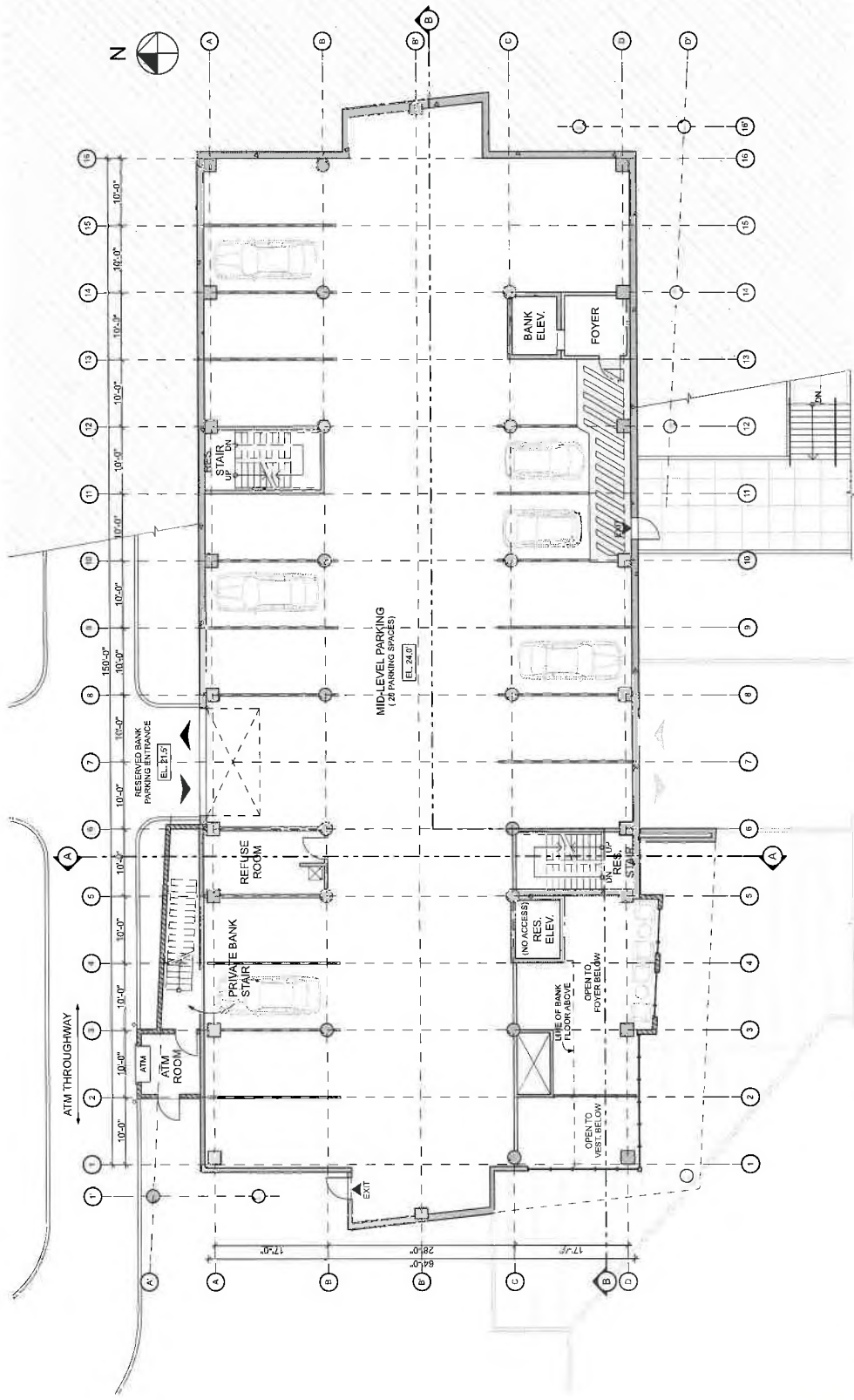
GROSS FLOOR AREA = 10,424 sq ft  
VESTIBULE & FOYER = 766 sq ft

LOWER LEVEL PARKING PLAN

**SHEET 6**  
SHEET 6 of 19

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
Monday, May 11, 2015  
IDC No. 14053



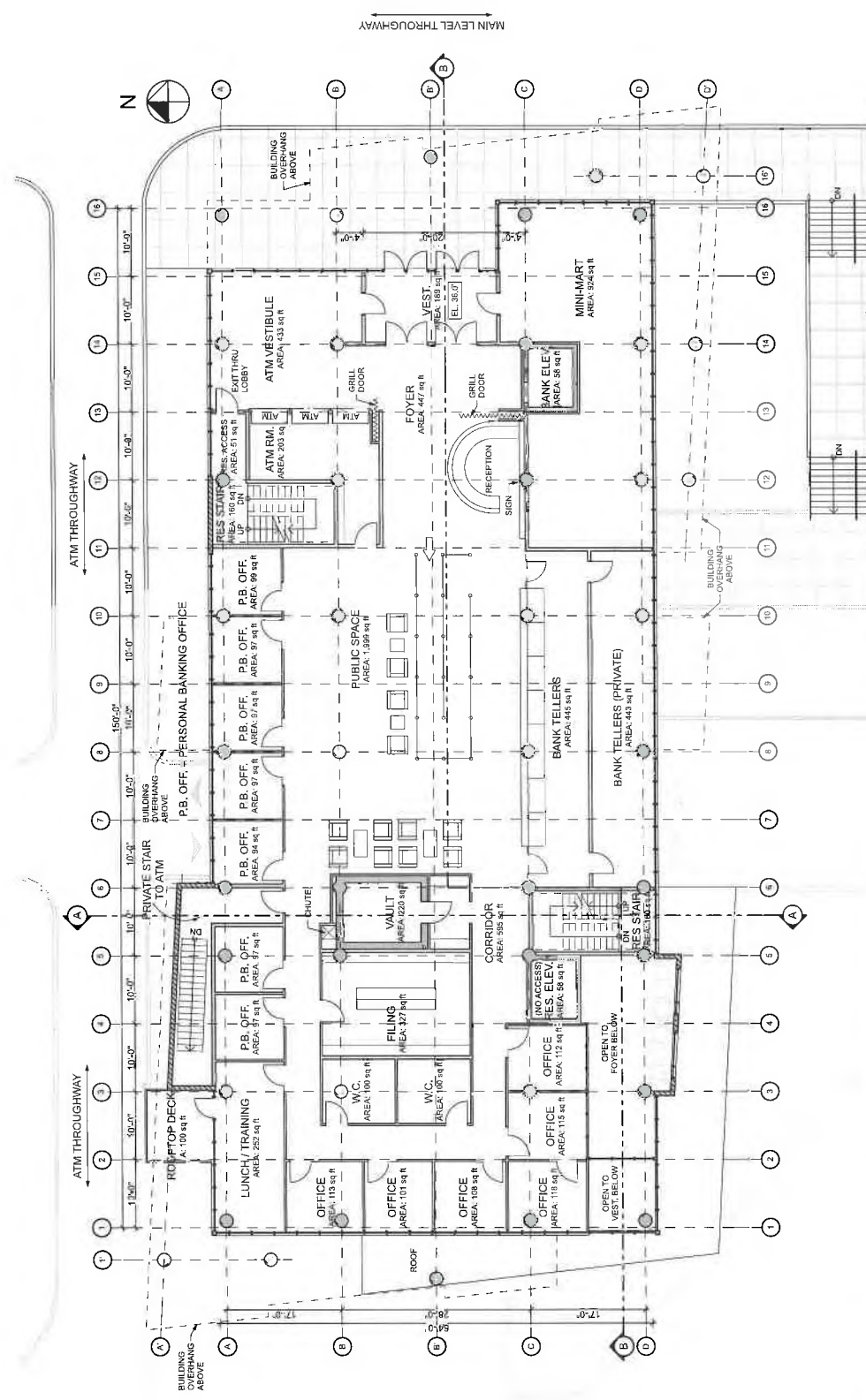


GROSS FLOOR AREA = 9,972 sq ft  
 BANK USEABLE AREA = 9,387 sq ft

MID-LEVEL PARKING PLAN  
 SCALE: 3/32" = 1'-0"



MID-LEVEL PARKING PLAN  
**SHEET 7**  
 SHEET 7 OF 18



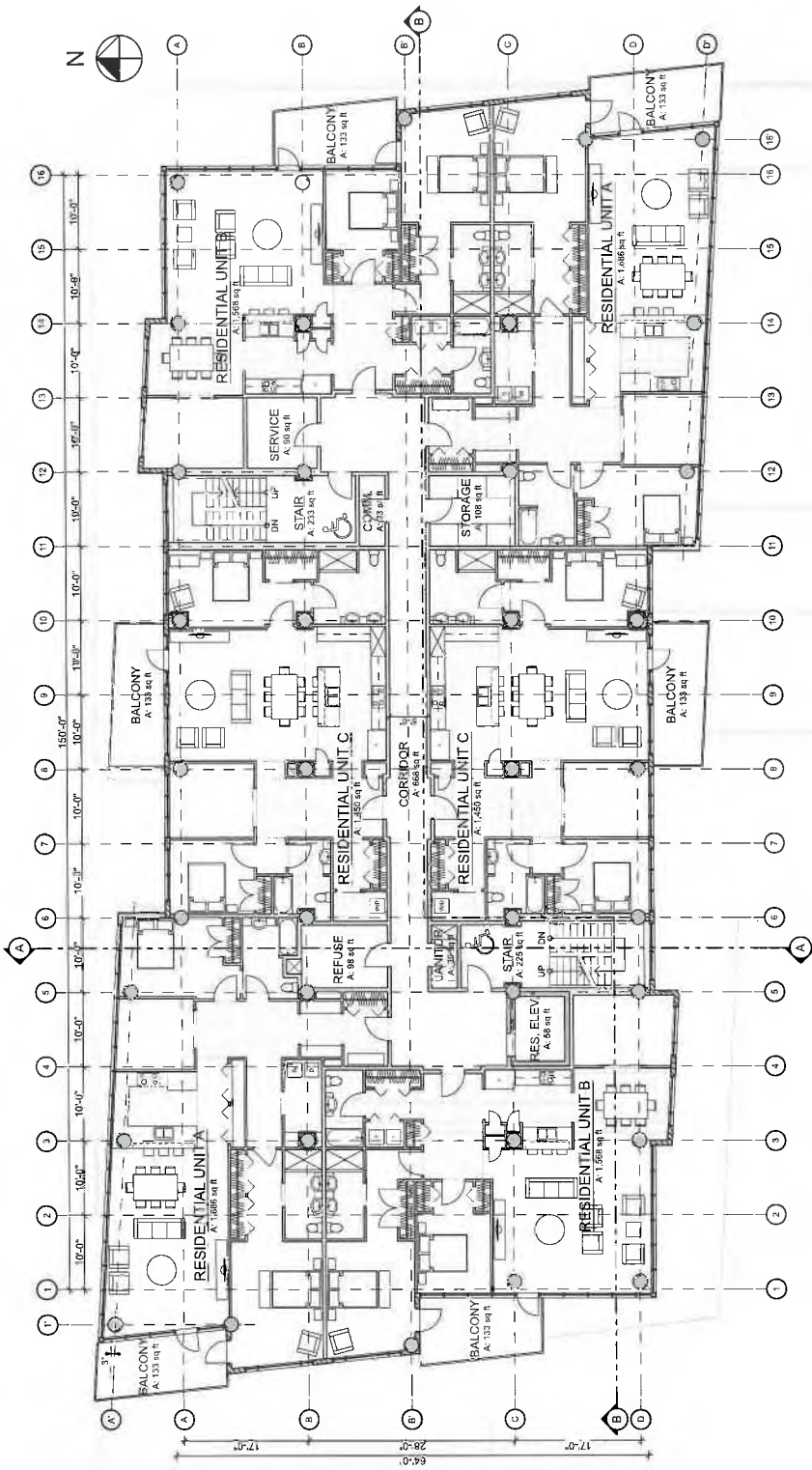
GROSS FLOOR AREA = 9,416 sq ft  
 BANK USEABLE AREA = 7,574 sq ft

MAIN LEVEL FLOOR PLAN (BANK)  
 SCALE: 3/32" = 1'-0"

MAIN LEVEL FLOOR PLAN (BANK)

**SHEET 8**  
 SHEET 8 OF 19



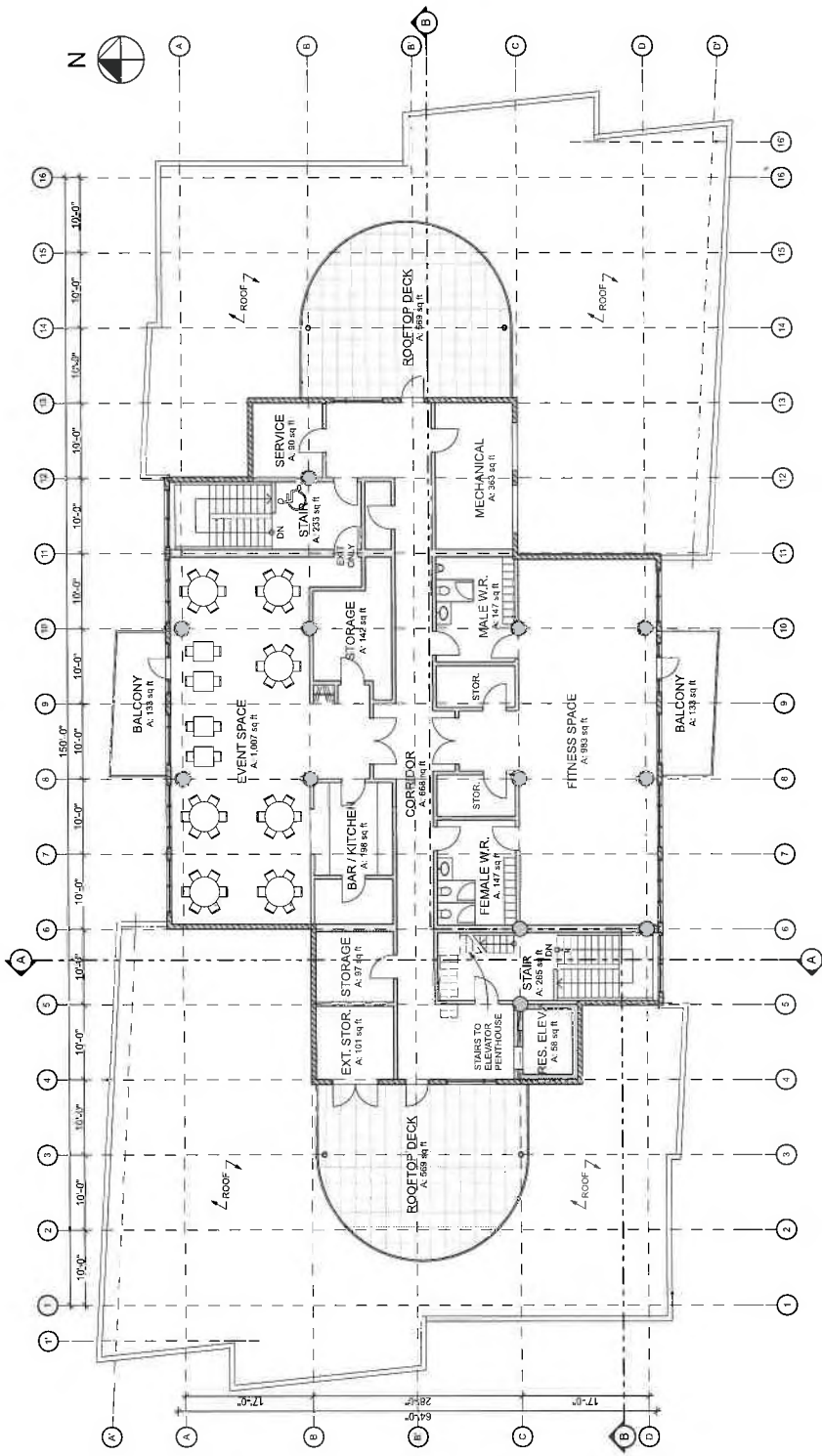


GROSS FLOOR AREA = 11,675 sq ft  
BALCONIES = 798 sq ft

LEVEL 4 TO 10 TYPICAL FLOOR PLAN (RESIDENTIAL)

SCALE: 3/32" = 1'-0"





TOP LEVEL PLAN w/ EVENT & FITNESS SPACE

GROSS FLOOR AREA = 5,035 sq ft  
 ROOFTOP DECK & BALCONIES = 1,404 sq ft

SCALE: 3/32" = 1'-0"



TOP LEVEL PLAN w/ EVENT & FITNESS SPACE

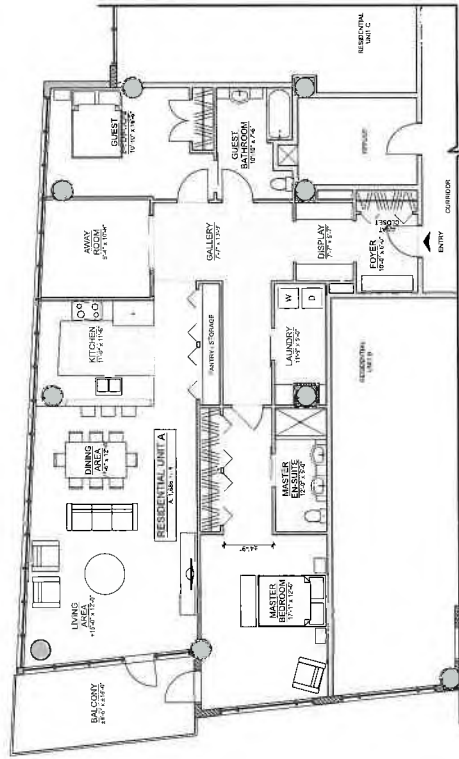
**SYDNEY WATERFRONT  
 BANK / APARTMENT TOWER**

CBRM, SYDNEY, NOVA SCOTIA  
 Monday, May 11, 2015  
 100 No. 1425

**SHEET 10**  
 SHEET 10 of 19

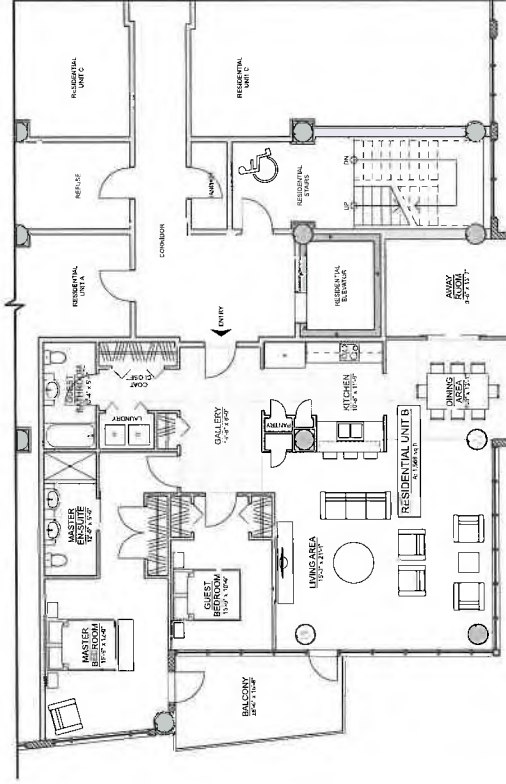






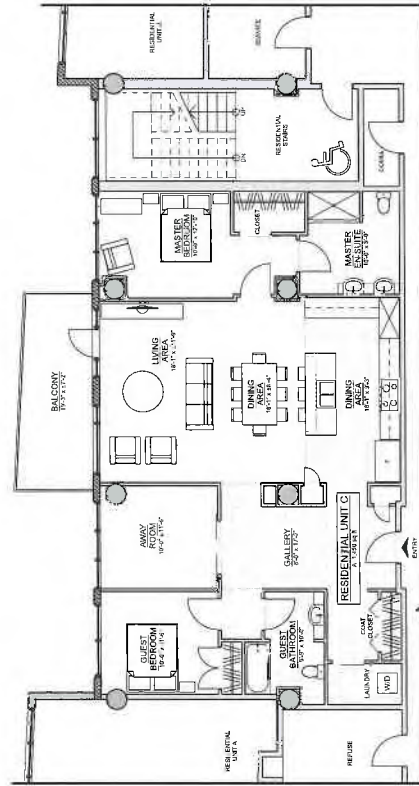
RESIDENTIAL UNIT A - FLOOR PLAN

SCALE: 1/8" = 1'-0"



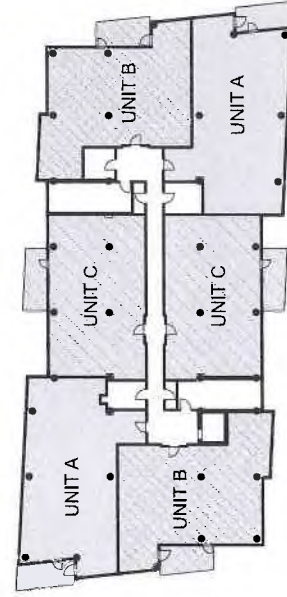
RESIDENTIAL UNIT B - FLOOR PLAN

SCALE: 1/8" = 1'-0"



RESIDENTIAL UNIT C - FLOOR PLAN

SCALE: 1/8" = 1'-0"



TYPICAL RESIDENTIAL LEVEL KEY PLAN

SCALE: 1" = 25'

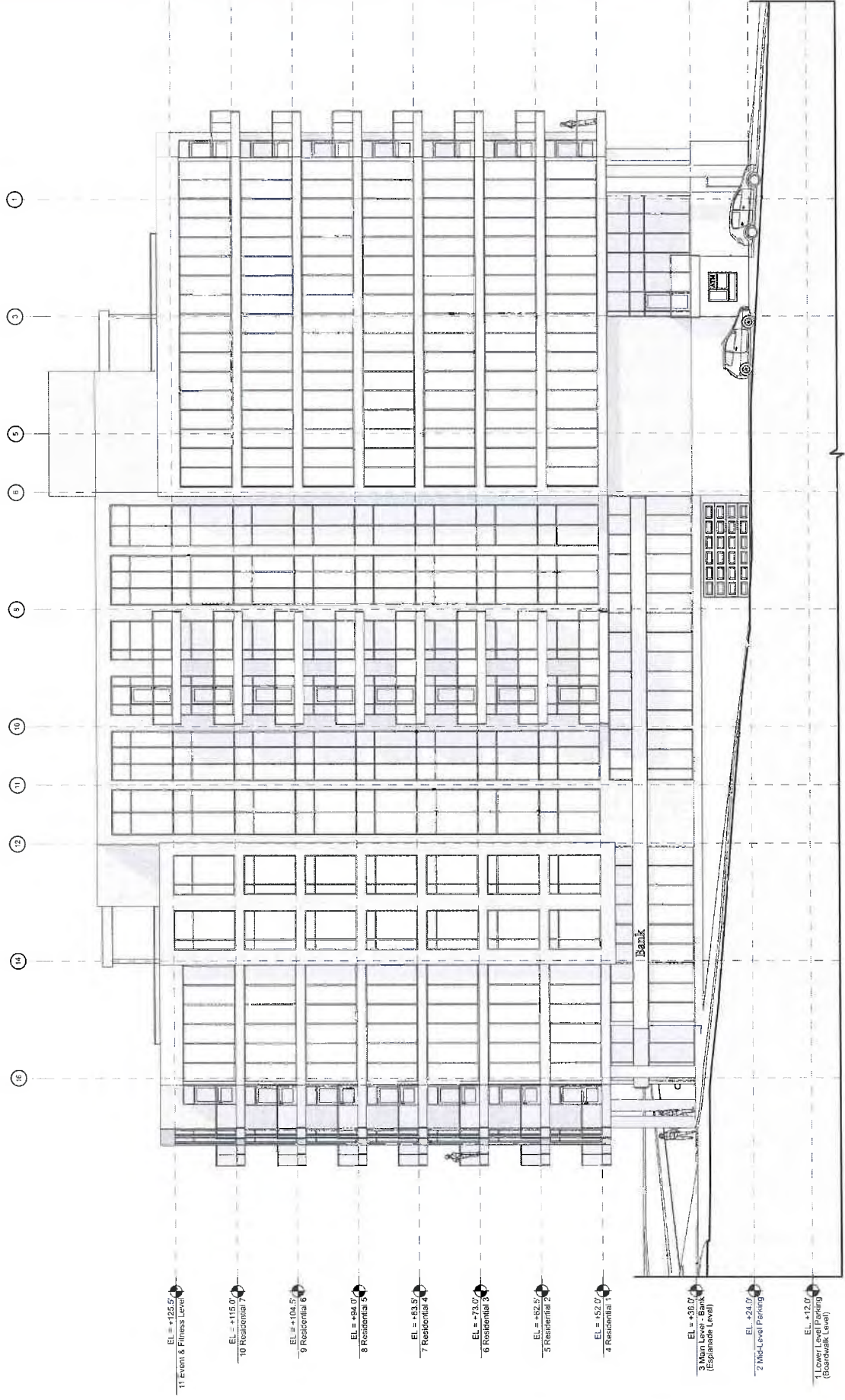




SOUTH ELEVATION (DORCHESTER STREET EXTENSION)

SCALE: 3/32" = 1'-0"





- EL. = +125.5' / 11 Event & Fitness Level
- EL. = +115.0' / 10 Residential 7
- EL. = +104.5' / 9 Residential 6
- EL. = +94.0' / 8 Residential 5
- EL. = +83.5' / 7 Residential 4
- EL. = +73.0' / 6 Residential 3
- EL. = +62.5' / 5 Residential 2
- EL. = +52.0' / 4 Residential 1
- EL. = +36.0' / 3 Main Level - Bank (Esplanade Level)
- EL. = +24.0' / 2 Mid-Level Parking
- EL. = +12.0' / 1 Lower Level (Parking Boardwalk Level)

NORTH ELEVATION  
SCALE: 3/32" = 1'-0"





- EL. = +125.5' 11 Event & Fitness Level
- EL. = +115.0' 10 Residential 7
- EL. = +104.5' 9 Residential 6
- EL. = +94.0' 8 Residential 5
- EL. = +83.5' 7 Residential 4
- EL. = +73.0' 6 Residential 3
- EL. = +62.5' 5 Residential 2
- EL. = +52.0' 4 Residential 1

- EL. = +36.0' 3 Main Level - Bank (Esplanade Level)
- EL. = +24.0' 2 Mid-Level Parking
- EL. = +12.0' 1 Lower Level Parking (Subterranean Level)

**WEST ELEVATION**  
SCALE 3/32" = 1'-0"

**EAST & WEST ELEVATION**  
SCALE 3/32" = 1'-0"

**EAST ELEVATION (ESPLANADE)**  
SCALE 3/32" = 1'-0"

**EAST & WEST ELEVATION**  
**SHEET 15**  
SHEETS of 18

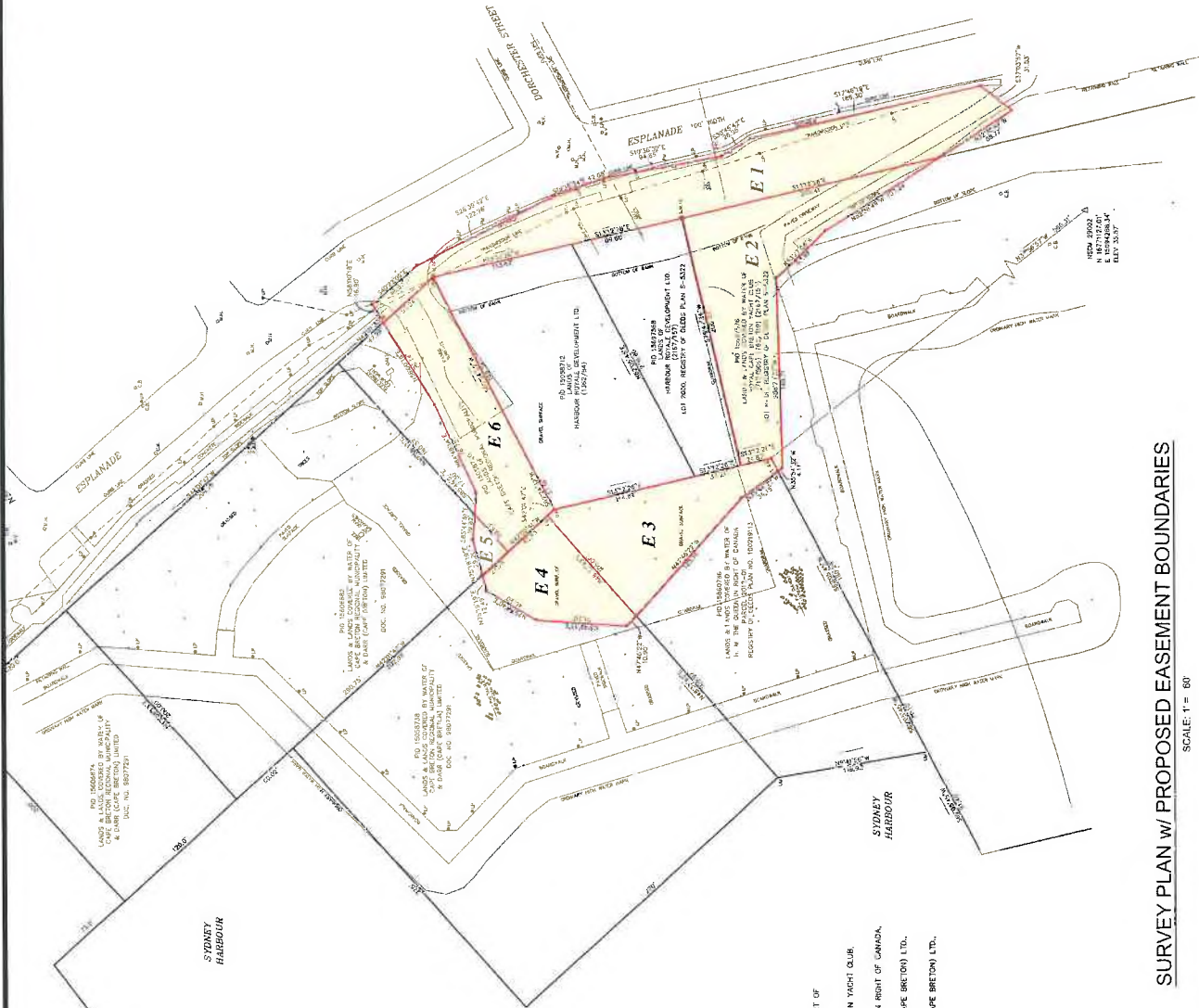
**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
Monday, May 11, 2015  
TDC No. 14-055



Harbour Royale  
Development Limited







PROPOSED EASEMENT NOTES:  
 EASEMENT 1: A PORTION OF LANDS OF C.B.R.M., BEING PART OF  
 P.D. 15592576, AREA = 19,859 SQ. FT.  
 EASEMENT 2: A PORTION OF LANDS OF ROYAL CAPE BRETON YACHT CLUB  
 P.D. 15592576, AREA = 14,597 SQ. FT.  
 EASEMENT 3: A PORTION OF LANDS OF H. M. THE QUEEN IN RIGHT OF CANADA,  
 P.D. 15607096, AREA = 340 SQ. FT.  
 EASEMENT 4: A PORTION OF LANDS OF C.B.R.M.A. DARR (CAPE BRETON) LTD.,  
 P.D. 15607096, AREA = 2,645 SQ. FT.  
 EASEMENT 5: A PORTION OF LANDS OF C.B.R.M.A. DARR (CAPE BRETON) LTD.,  
 P.D. 15604682, AREA = 64 SQ. FT.  
 EASEMENT 6: A PORTION OF LANDS OF C.B.R.M.,  
 P.D. 15592576, AREA = 10,147 SQ. FT.

**SURVEY PLAN W/ PROPOSED EASEMENT BOUNDARIES**

SCALE: 1" = 60'



Harbour Royale  
Development Limited

**SURVEY PLAN W/ PROPOSED EASEMENT BOUNDARIES**

**SHEET 17**  
OF 15

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
 C.B.R.M., SYDNEY, NOVA SCOTIA  
 Monday, May 4, 2020  
 10:56 AM - 14:05



**Verber Surveys Ltd.**  
 PROFESSIONAL SURVEYORS  
 SYDNEY OFFICE  
 1000 BAY ST. #100  
 SYDNEY, NS B1P 1A5  
 TEL: 902-553-5483  
 FAX: 902-553-5483

ESPLANADE SYDNEY  
 CAPE BRETON REGIONAL MUNICIPALITY  
 PROVINCE OF NOVA SCOTIA

ALSO OVER LANDS OF  
 BEING PID 15607096  
 AND ALSO OVER LANDS OF  
 ROYAL CAPE BRETON YACHT CLUB  
 BEING PID 15607096

II. M. THE QUEEN IN RIGHT OF CANADA  
 BEING PID 15607096

BOUNDARIES OF PROPOSED EASEMENTS  
 REQUIRED BY  
 HARBOUR ROYALE DEVELOPMENT LTD.  
 BEING PID 15608712 AND PID 15607096  
 OVER LANDS OF C.B.R.M.  
 BEING PID 15606882, 15607096 AND 15608720

PLAN SHOWING  
 BOUNDARIES OF PROPOSED EASEMENTS  
 REQUIRED BY  
 HARBOUR ROYALE DEVELOPMENT LTD.  
 BEING PID 15608712 AND PID 15607096  
 OVER LANDS OF C.B.R.M.  
 BEING PID 15606882, 15607096 AND 15608720

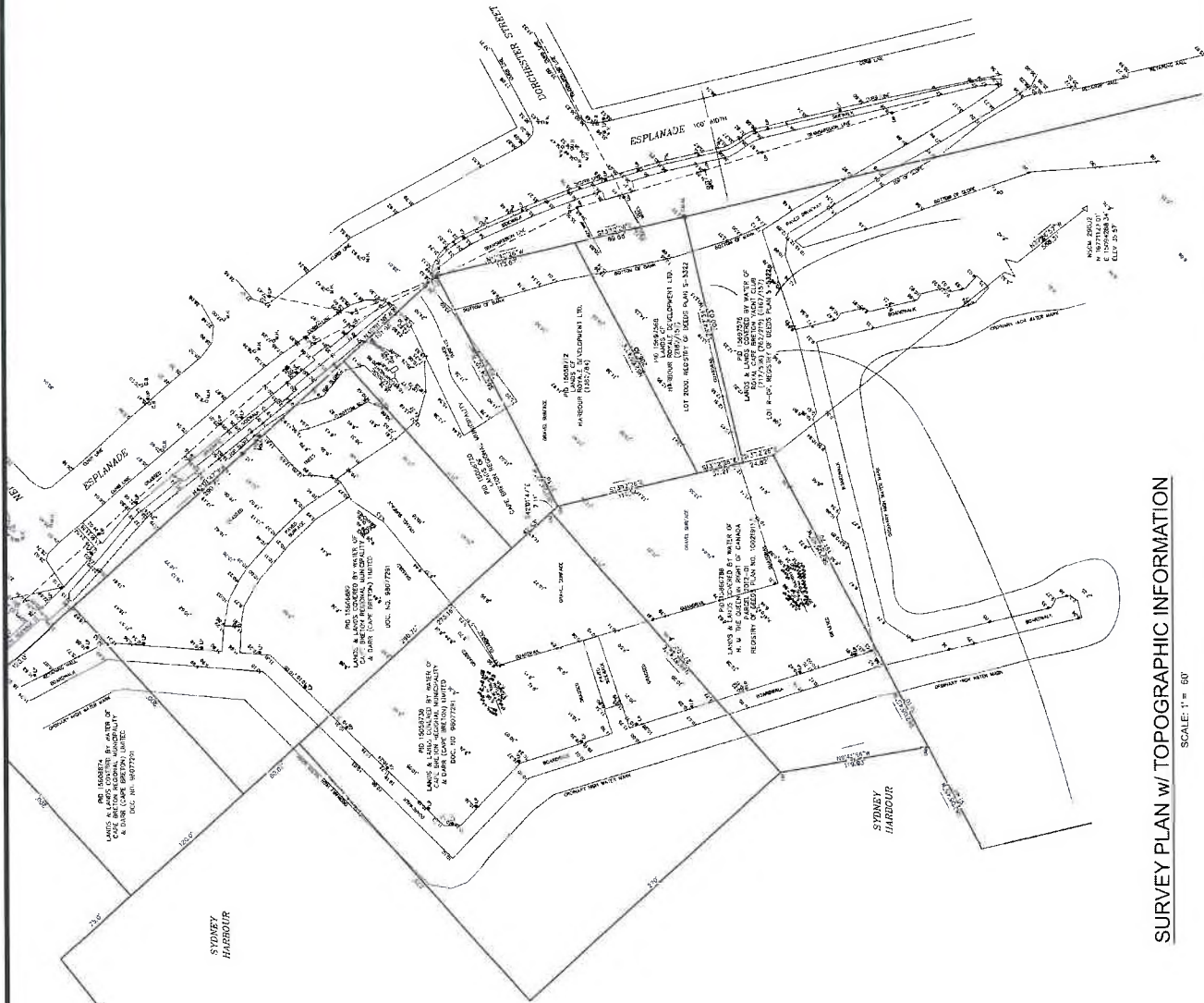
KEY PLAN SCALE: 1:2,500

LEGEND:  
 1. PROPOSED EASEMENT BOUNDARIES  
 2. EXISTING EASEMENT BOUNDARIES  
 3. PROPERTY LINES  
 4. STREETS  
 5. WATERWAYS  
 6. ADJACENT LANDS  
 7. LANDS OWNED BY THE PROVINCE OF NOVA SCOTIA  
 8. LANDS OWNED BY THE FEDERAL GOVERNMENT  
 9. LANDS OWNED BY THE MUNICIPALITY OF SYDNEY

ALL MEASUREMENTS ARE IN METERS AND DECIMALS THEREOF.  
 ALL ANGLES ARE IN DEGREES AND DECIMALS THEREOF.  
 SURVEY CONDUCTED BETWEEN: JULY 14 - AUGUST 19, 2014.



• SEE DRAWING 1001



Reference only

**KEY PLAN SCALE 1:20,000**

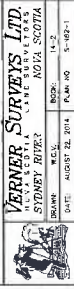
**LEGEND**

- 1. 100' WIDE
- 2. 50' WIDE
- 3. 25' WIDE
- 4. 12.5' WIDE
- 5. 6.25' WIDE
- 6. 3.125' WIDE
- 7. 1.5625' WIDE
- 8. 0.78125' WIDE
- 9. 0.390625' WIDE
- 10. 0.1953125' WIDE
- 11. 0.09765625' WIDE
- 12. 0.048828125' WIDE
- 13. 0.0244140625' WIDE
- 14. 0.01220703125' WIDE
- 15. 0.006103515625' WIDE
- 16. 0.0030517578125' WIDE
- 17. 0.00152587890625' WIDE
- 18. 0.000762939453125' WIDE
- 19. 0.0003814697265625' WIDE
- 20. 0.00019073486328125' WIDE
- 21. 0.000095367431640625' WIDE
- 22. 0.0000476837158203125' WIDE
- 23. 0.00002384185791015625' WIDE
- 24. 0.000011920928955078125' WIDE
- 25. 0.000059604644775390625' WIDE
- 26. 0.0000298023223876953125' WIDE
- 27. 0.00001490116119384765625' WIDE
- 28. 0.000007450580596923828125' WIDE
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- 49. 0.00000000355271367880050805544922775890625' WIDE
- 50. 0.00000000177635683940025402772461387950390625' WIDE

**ALL SERVICES INDICATED ARE AND BEING INDICATED ON THE S.D. INDICATED 1971 ADJUSTMENT PROVISIONAL SURVEY URBAN PLAN NO. 2046 - 1 HAVING BEEN CORRECTED TO THE 1971 ADJUSTMENT PROVISIONAL SURVEY URBAN PLAN NO. 2046 - 1 SURVEY CONDUCTED BETWEEN JULY 14 - AUGUST 19, 2014**

**COMPILED PLAN SHOWING  
ACQUANTANCES AND TOPOGRAPHY  
OF LANDS OF  
HARBOUR ROYALE DEVELOPMENT LTD.  
BEING PID 16008712 AND PID 16097668  
AS WELL AS LANDS OF C.R.A.M.  
BEING PID 16008712 AND PID 16097668  
AND INSURTED  
CAPE BRETON REGIONAL MUNICIPALITY  
PROVINCE OF NOVA SCOTIA**

**PREPARED BY  
V.P. SURVEYS LTD.  
A PROFESSIONAL CORPORATION  
NOVA SCOTIA  
SYDNEY OFFICE  
1000 WESTERN AVENUE  
SYDNEY, NS B1P 1A1  
DATE: AUGUST 22, 2014 PLAN NO. S-1087-1**



**SURVEY PLAN w/ TOPOGRAPHIC INFORMATION**  
SCALE: 1" = 60'

**SURVEY PLAN w/ TOPOGRAPHIC INFORMATION**  
**SHEET 18**  
SHEET 18 of 18

**SYDNEY WATERFRONT  
BANK / APARTMENT TOWER**  
CBRM, SYDNEY, NOVA SCOTIA  
Monday, May 11, 2015  
TDC No. 14-058



**Request by the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary Planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property located on the Esplanade, Sydney:**

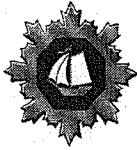
Mr. Rick McCready, Senior Planner, advised Council that the Planning Department was in receipt of a request from the Breton Law Group, on behalf of Harbour Royale Development Limited, to amend the North End Sydney Secondary planning Strategy and Land Use Bylaw to permit a mixed residential-commercial development on property owned by Harbour Royale on the Esplanade, specifically a multi-storey apartment building with rental units on the upper floors, and commercial space and parking on the lower level.

**Motion:**

Moved by Councillor Eldon MacDonald, seconded by Councillor Rowe, approval of the following staff recommendations:

- Approve a Resolution to carry out a public participation program sometime in September to gather public input into the proposed changes to the policies of the Waterfront Southern Sub Area to provide an opportunity for the public to debate the proposed policy changes before Council formally considers them.
- The applicant be requested to undertake, at the applicant's expense, a traffic analysis for the development. If this study is completed by September, the traffic study, the developer's proposal, and a report analyzing the implications of the proposed policy changes can all be presented at the public sessions.

**Motion Carried.**



# **CBRM**

*A Community of Communities*

---

## **Cape Breton Regional Municipality**

*Office of Demetri Kachafanas  
Regional Solicitor*

320 Esplanade  
Sydney, Nova Scotia  
B1P 7B9

Tel: 902-563-5047

Fax: 902-564-0481

e-mail: [dkachafanas@region.cape-breton.ns.ca](mailto:dkachafanas@region.cape-breton.ns.ca)

### **ISSUE PAPER**

**TO:** Council

**FROM:** Demetri Kachafanas, Regional Solicitor

**DATE:** October 14, 2015

**RE:** Conveyance of CBRM Land to Breton Ability Centre

---

#### **BACKGROUND**

Breton Ability Centre (BAC) had requested CBRM transfer lands to BAC for nominal consideration in order to move forward with a mixed housing development on the site. BAC made a presentation to Council at the November 2014 Council meeting. A copy of the various correspondence from BAC is attached as Schedule "A". A copy of the mapping of the subject lands outlined in yellow is attached hereto as Schedule "B".

At that time there was discussion surrounding the value of the property. The property was assessed at over \$370,000.00. An appraisal commissioned by BAC found that the market value of the property to be \$1.00. A copy of the Appraisal is attached as Schedule "C".

Council passed a motion approving, in principle, the request made by BAC to declare the property surplus to the needs of the Municipality and to transfer the lands to BAC for \$1.00 subject to negotiations with the property. A copy of the Council motion is attached as Schedule "D". The negotiations concerned properties that CBRM wanted conveyed to it for nominal consideration. Since the time of the motion, it is my understanding that BAC has been unable to leverage funding or obtain financing because they do not presently own the property.

BAC has now requested that the property be transferred to them without the stipulation of being subject to negotiations with the Province. A copy of correspondence from Mayor Clarke to Millie Colbourne, CEO of BAC is attached as Schedule "E".

## OPTIONS

Council at this point in time has two options:

1. It can simply do nothing and leave the matter as it stands;
2. Council can, considering the fact that the previous motion was simply approval in principle, pass a new motion authorizing the sale without being subject to negotiations with the Province.

## RECOMMENDATION

Given that Council has already agreed with and authorized the conveyance of the land to BAC for \$1.00 in principle, it is recommended that Council pass a motion authorizing the conveyance of the property for \$1.00 pursuant to Section 4.8 of the CBRM Property Management Policy and Section 51(1) of the *Municipal Government Act* which enables the Municipality to sell property at a price less than fair market value to a non-profit organization if Council considers the organization to carry on an activity that is beneficial to the municipality. It should be noted that Section 51 (2) provides that the resolution to sell at less than market value must be passed by at least a two thirds majority of the council present and voting. Furthermore, Section 51(3) requires that Council first hold a public hearing if the property is valued at more than ten thousand dollars. I would recommend that given the discrepancy between the value of the assessment and appraisal that a public hearing be held. Copies of the relevant sections of the Policy and MGA are attached as Schedule "F" and Schedule "G" respectively.

I further recommend that the sale be conditional on BAC developing the property within five years of the conveyance.

A copy of the proposed motion is as follows:

Council recognize that the BAC development proposal as an activity beneficial to the Municipality and in accordance with Section 4.8 of the CBRM Property Management Policy and Section 51 of the *Municipal Government Act* hold a Public Hearing with respect to the proposed sale to BAC for \$1.00 and that any sale be subject to the condition that the property be developed within 5 years or the property is to revert back to CBRM for \$1.00.

Yours truly,

**ORIGINAL SIGNED BY**

Demetri Kachafanas  
Regional Solicitor

## Schedule "A "



April 2, 2014

Mayor Cecil P. Clarke  
Cape Breton Regional Municipality  
320 Esplanade  
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

Re: Submission to: Cape Breton Regional Municipality Council:  
**Acquisition of the former Cape Breton Hospital land from the Cape Breton Municipality**

Mr. Mayor and Council, Breton Ability Centre is wishing to proceed with plans for a mixed housing development on the lands it currently owns and the lands of the former Cape Breton Hospital. This mixed housing development will be an inclusive, barrier free community called Celtic Landing. We are now requesting Council to convey the Former Cape Breton Hospital Site to Breton Ability Centre to enable development of this mixed housing community on the site.

Our rationale for requesting the sale of the land for one dollar (\$1.00) is as follows:

1. Breton Ability Centre is a not for profit Society which has a vision to move away from large facility living for seniors and people with disabilities to an integrated, inclusive and barrier-free residential community. This is a major development which will fill a significant void in the diverse housing needs in CBRM.
2. The Celtic Landing Development will be a significant source of new CBRM tax revenue, with the first phase alone estimated to cost \$13 million.
3. Each phase of Celtic Landing Development is estimated to create 75 construction jobs and 20 new permanent jobs, growing to 100 new permanent jobs by the end of the third phase
4. CBRM Council has demonstrated its commitment to building jobs and assessment revenue by selling Morrison High to a for profit company for one dollar (\$1.00) – International Centre for English Academic Preparation (ICEAP) in Glace Bay. ICEAP continues to generate CBRM tax revenue, local jobs in Glace Bay, economic spin-off from students and teachers in the

community, not to mention cultural enrichment with new people and activity in Glace Bay. Celtic Landing is a similar opportunity for a not for profit Society to create tax revenue where there is none, new jobs, and diversity in the community. Celtic Landing is targeted at the very demographic that is growing with CBRM.

5. CBRM demolished the old Cape Breton Hospital building on this site in the mid-nineties. Breton Ability Centre has done some preliminary research on that building site and is aware that the foundation of the former hospital is buried beneath the site. In order to develop the site, the foundation must be removed prior to construction. There is a significant cost to removal of the foundation, which has to be done prior to any development, and this cost needs to be reflected in any purchase price.
6. Breton Ability Centre has hired CBCL Consultants to undertake an environmental assessment of this site. There are some environmental constraints to this site, including a small burial ground which must be respected and the buried foundation of the Cape Breton Hospital will have to be remediated.
7. Breton Ability Center currently has easements over the Cape Breton Hospital site owned by CBRM to the existing Breton Ability Centre buildings, most of which go back to the original Braemore Home inception. This property is unlikely to be of interest to other potential developers, unless the developer is an abutter to the property. Any substantial development of this property will require dealing with these easements as well as finding a new road access to the existing site. Breton Ability Centre has rights of access for sewer, road, water and power, and could not be sold by CBRM for development without an agreement of some kind with BAC to deal with these issues. BAC's proposal is uniquely suited to an integrated solution encompassing housing, traffic and piped services in Sydney River.
8. Breton Ability Centre is aware of CBRM's plans for active transportation trail development along Sydney River Waterfront, as part of the Trans Canada Trail development, and supports this concept as it fits well with the integrated residential development of this site on Sydney River water frontage. The active transportation corridor can be continued from the South side of the Sydney Bypass, under the Highway, along the River, through the Keltic Plaza (Tidan Corporation) river frontage, under the railway bridge, through NS Department of Transportation Land to Keltic Drive at the site of the Sydney River Bridge, now under construction. We understand that there will be an active transportation connection across the new bridge, as well as under the bridge along the river.
9. The property does not, at present have an adequate road access for any significant new development, and the smaller .5 acre property owned by BAC near the current entrance would require an agreement with BAC for further access to the larger parcel from the #125 access ramp. NSTIR would almost certainly block significant development, if it were only by way of the

existing access, and no development would be viable with the existing right-in, right out access to the Highway ramp.

10. BAC has invested significant time, effort and money in resolving the access issue since October, 2013 as a necessary requirement for the Celtic Landing Development. We recognized that a development at this site requires a better alternate access to Kings Road. BAC has worked with abutting property owners, including Keltic Plaza, Sydney Credit Union, Sobeys, Petro Canada, Tim Horton's, the car wash and Riverside Developments, which owns the site adjacent Tim Horton's. BAC is the most logical, if not the only, potential purchaser of this property for development. The property is worth little or nothing without these road access problems resolved, and presently generates no property tax revenue for CBRM. BAC is realistically the only owner that could develop the entire 31 acre site as a comprehensive development that will integrate and complement adjoining businesses.

11. The solution of the access problem for Breton Ability Centre involves multiple businesses and land, so Breton Ability Centre has held many meetings with the local TIR staff, as well as the Minister responsible for NS Department of Transportation and Infrastructure Renewal. Solving the problem of a second access to this site is essential for a successful site development. This would also address the problem of high accident rate and dangerous left turning movements on Kings Road from Keltic Drive to the Bypass with multiple land owners/businesses. BAC has demonstrated their commitment to this concept by working with these stakeholders and the Nova Scotia Department of Transportation to a point where the Minister of Transportation has committed to an Engineering study to design a solution, not only for BAC, but for the traffic hazards in this area of Kings Road.

We believe we are offering a significant development to CBRM that will address many social housing needs in our communities and also offer an increased tax base to CBRM. We would appreciate your consideration and decision on this request as soon as possible.

Respectfully Submitted,

Millie Colbourne, CEO

**ORIGINAL SIGNED BY**

Terry Crawley, Chair of the Board  
BRETON ABILITY CENTRE



September 23, 2014

Mayor Cecil P. Clarke  
Cape Breton Regional Municipality  
320 Esplanade  
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

**Re: Addendum to Letter of April 2, 2014  
Acquisition of the former Cape Breton Hospital land from the  
Cape Breton Regional Municipality**

Mr. Mayor & Council;

Further to our April 2, 2014 submission (attached) regarding our request for council to declare the lands of the former Cape Breton Hospital surplus and sell them to Breton Ability Centre for \$1.00 in accordance with the Municipal Government Act., we wish to provide the following update:

1. **Access Road:** Attached you will find the WSP Engineering Study that has identified a solution to the access issue that needed to be addressed in order for any future development to occur on this site. It is important to note that representatives from TIR were at the table with us in identifying this solution. They have also advised that this solution fits with their overall plans to address the traffic issue on Kings Road. This solution can also proceed on its own and tie into those future plans at a later date.
2. **TIR:** We have met with Minister Geoff MacLellan to brief him on this study and TIR involvement moving forward. The final WSP Report was forwarded to TIR within the past few days. We will be working with them to move forward on this access road as soon as possible.



3. **Environmental Assessment:** A copy of the letter regarding the Environmental Assessment completed by CBCL is attached for your review. This study did not find any significant environmental concerns for these properties.
4. **BAC:** Breton Ability Centre is a not-for-profit society. We are a major contributor to the economy of CBRM as well as being a leading service provider for persons with disabilities in this region. We are committed to working with government as services for persons with disabilities are transformed.
5. **Government-Services for Persons with Disabilities:** The Government of NS has started a transformation of Services for Persons with Disabilities in NS. That plan will see less reliance on large facilities such as BAC. The commitment is to move to community living. BAC must be in a position to respond and to prepare for the eventual closing of the large facility. We must transform our services and supports to individuals with disabilities. We must also seek out new business opportunities. Our vision for Celtic Landing – a mixed housing development is the beginning. We now have a Business Development Officer working with us so that our organization continues to excel, we protect and grow jobs and continue to be a major contributor to our economy
6. **Land Transfer:** As a not for profit society we are requesting our land transfer request be treated in the same manner as was the sale of Morrison High. This is a significant opportunity to create tax revenue, new jobs and diversity in the community. Part of Celtic Landing is also targeted at the very demographic (seniors) that is growing in CBRM.
7. **BAC:** Breton Ability Centre is a dynamic organization that is evolving into a centre of learning and excellence. We recently attained Bronze Level status with Excellence Canada with 97% alignment to their standard. It is our intent to be good neighbours, partners with all levels of government, other service providers and our partners in the community to help grow the economy and enhance social prosperity in our region.



We have completed considerable research and other work to help move this request forward. We would be pleased to provide any further information if required.

***We therefore respectfully request that Council declare these lands surplus and sell them to BAC for \$1.00 in accordance with the Municipal Government Act.***

Sincerely,

**ORIGINAL SIGNED BY**

Millie Colbourne, CEO

MC/kl

cc Deborah Campbell, CBRM Clerk  
Marie Walsh, CBRM – CFO  
Councillor Claire Detheridge

**Attachments:** Copy of Letter – April 12, 2014  
WSP Report  
Environmental Assessment, CBCL



October 28, 2014

Ms. Deborah Campbell  
CBRM Clerk  
320 Esplanade  
Sydney, Nova Scotia B1P 7B9

Dear Ms. Campbell:

Further to our September 23, 2014 letter, enclosed you will find the following documents in support of our presentation to Council members on November 3, 2014.

- Copy of Letters of September 23, 2014 and April 2, 2014
- Copy of presentation slides
- Copy of property appraisal by *Stokes Property Appraisal*
- Copy of Business Plan completed by Deloitte
- Note: The Environmental Assessment by CBCL and the WSP Traffic Impact Study were submitted previously (September 23, 2014)

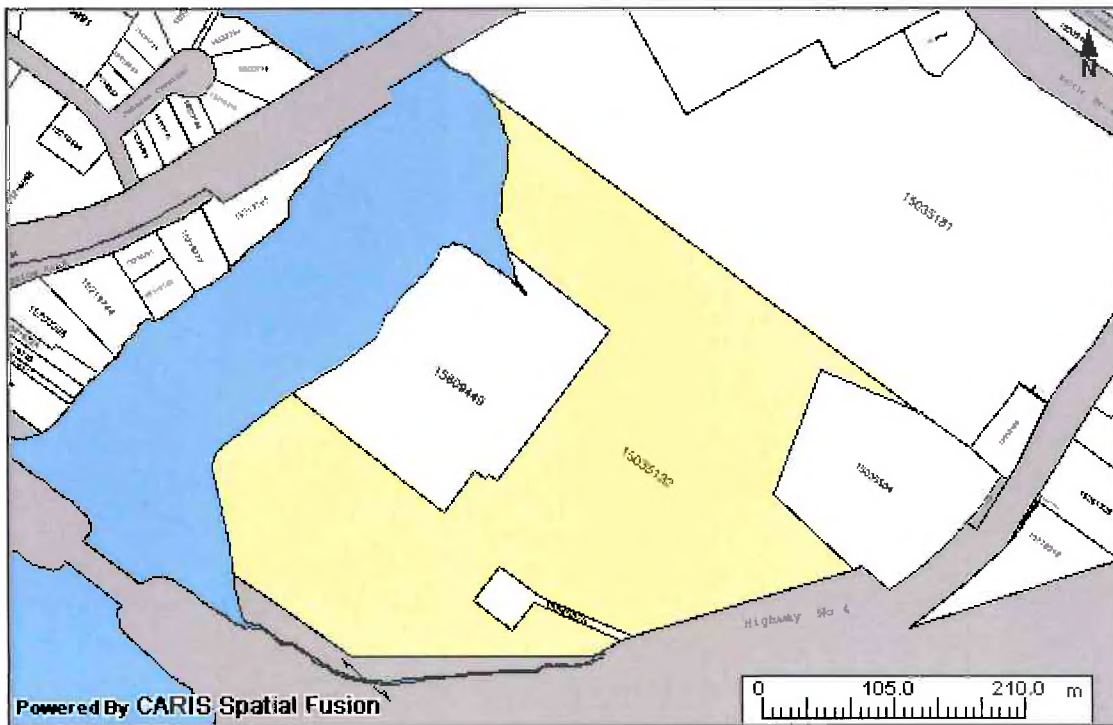
Thank you for the opportunity to present to the General Committee of Council.

Sincerely,

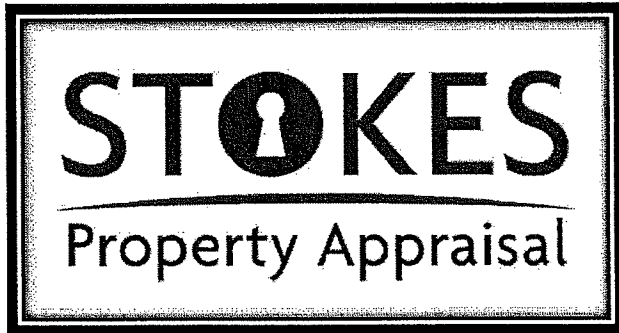
**ORIGINAL SIGNED BY**

Millie Colbourne, CEO  
BRÉTON ABILITY CENTRE

cc Ms. Marie Walsh, CFO  
Mr. Michael Merritt, CAO  
Mayor Cecil P. Clarke







## **Complete Appraisal – Summary Report**

A 19.56 Acre Lot of Land  
Property Owner: Cape Breton Regional Municipality  
Civic Address: PID 15035132 Kings Road  
Sydney River, Nova Scotia  
B1S 0H3

### **A Report For:**

Breton Ability Centre  
1300 Kings Road  
Sydney River, Nova Scotia  
B1S 0H3

### **Prepared By:**

By Todd C. Stokes, AACI, P.App  
October 28, 2014

# STOKES

## Property Appraisal

October 28, 2014  
Our File No.: 14-10-36<sup>©</sup>

Breton Ability Centre  
1300 Kings Road  
Sydney River, Nova Scotia  
B1S 0H3

Attention: Millie Colbourne

RE: A 19.56 Acre Lot of Land  
Property Owner: Cape Breton Regional Municipality  
Civic Address: PID 15035132 Kings Road  
Sydney River, Nova Scotia  
B1S 0H3

Dear Ms. Colbourne;

In compliance with instructions received, the undersigned has now carried out the necessary investigations and performed the required analyses in order to provide you with an indication of the current market value of the fee simple interest held in the above captioned property. The estimate of market value contained herein will apply as of October 15, 2014, the date of inspection.

This document and the material presented herein are intended to comply with the reporting requirements as set forth by the Canadian Uniform Standards of Professional Appraisal Practice for the development of a "summary" valuation report. As such, only summary discussions of the data assembled, reasoning and analyses performed are presented herein.

Effective January 1, 2001, the new Canadian Uniform Standards of Professional Appraisal Practice ("The Standards") came into force. The Nova Scotia Association of Real Estate Appraisers recognizes both the USPAP and CUSPAP standards. An appraiser can therefore elect to follow either set of standards when developing an appraisal report. To this end, this report has been produced in order to satisfy the Canadian Standards. Based on our review of the "Canadian Standards", this appraisal report should meet all of the requirements as set forth for the preparation of a "short narrative" style report.

**Stokes Property Appraisal & Consulting Services**  
335 George Street, Sydney, Nova Scotia B1P 1J7  
TEL: 902-564-4855 FAX: 902-564-4877 EMAIL: stokesappraisal@bellaliant.com

[www.stokesappraisal.ca](http://www.stokesappraisal.ca)

Please be advised that during the course of our inspection of the subject property which commenced on October 15, 2014, full consideration has been given to all factors and forces that influence property value at the subject location. The site was inspected on October 15, 2014 and this report was completed on October 28, 2014.

According to a Site Survey Plan completed by John S. Pope, NSLS dated February 27, 1995; the subject site has approximately 838 feet of frontage along Kings Road. The site comprises 19.56 acres or 852,133 square feet, more or less. There is currently a right-of-way which crosses over the subject property. This right of way is for access to a property owned by Breton Ability Centre which is situated at the back of the subject site. The said right-of-way essentially divides the subject site into two parcels of land as it crosses the mid-point of the property in question. The right-of-way is clearly outlined on the said Site Survey Plan. In addition, there is another parcel of land that has been severed off the subject site. This parcel contains a land mass of 19,067 square feet, more or less and is "flag" shaped. The Property Identification Number for this land is 15846876 and it is also owned by Breton Ability Centre. Access to the subject property is hampered by this aforementioned parcel of land as it crosses over the right-of-way leaving the subject property with no legal access point. I will address this access problem later within this report in the Site Data, Improvements and Services section. This "flag" shaped parcel of land again divides the subject site into a more irregular parcel of land hampering development potential. An overview of the subject site can be viewed by referring to Appendix "C" which attached to this report. The "flag" shaped parcel of land can be viewed by referring to Appendix "D".

The subject land is below the grade of the fronting road and is irregular in configuration. The site is slightly undulating in some areas however it is generally level and appears to allow for good disbursement of surface water. The site is situated in an Arterial Business District (ABC) Zone which allows for a very broad range of commercial related uses.

Unless expressly stated, the subject property, is assumed to be free and clear of pollutants and contaminants, including but not limited to moulds or mildews or the conditions that might give rise to either, and in compliance with all regulatory environmental requirements,

government or otherwise, and free of any environmental condition, past, present or future, that might affect the market value.

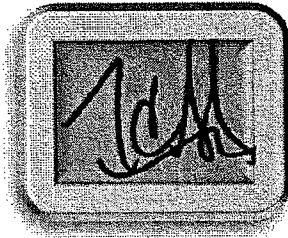
As a result of our investigations and findings, it is our considered opinion that the fee simple interest held in the property as described herein would warrant a current market value as of October 15, 2014 of:

**ONE DOLLAR  
(\$1.00)**

We trust that the data contained herein will be of assistance in this matter. Should further detail or explanation be required, please do not hesitate in contacting the undersigned.

Yours truly,

**STOKES PROPERTY APPRAISAL & CONSULTING SERVICES**



Todd C. Stokes, AACI, P.App  
Registered Member of the Nova Scotia  
Real Estate Appraisers Association  
License No. 259810

TCS/gk

---

**Excerpt – Council Approved Minutes – November 18<sup>th</sup>, 2014**

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**Breton Ability Centre – Request for CBRM Land:**

The Chief Financial Officer provided background information on this issue and advised that staff is not in agreement with the appraisal as provided by BAC at a value of \$1.00.

The Director of Planning advised that two parcels of land have been previously conveyed by CBRM to BAC from the lot parcel; one parcel was less than half an acre at an appraised value of \$18,000 and the other parcel was two acres at an appraised value of \$71,000. The current property that BAC is requesting is 24 acres and is assessed at over \$370,000.

**Motion:**

Moved by Deputy Mayor George MacDonald, seconded by Councillor MacLeod, approval, in principle, of the request made by the Breton Ability Centre (BAC) to declare the CBRM lands at the site of the former Cape Breton Hospital as surplus to the needs of the Municipality, and to sell them to BAC for \$1.00 in accordance with the *Municipal Government Act*, subject to negotiations with the Province.

**Motion Carried.**



CAPE BRETON REGIONAL MUNICIPALITY  
OFFICE of the MAYOR

September 15, 2015

Ms. Millie Colbourne, CEO  
Breton Ability Centre  
1300 Kings Road  
Sydney, NS B1S 0H3

Dear Ms. Colbourne:

A handwritten signature in black ink, appearing to read "M. Colbourne".

Re: Conveyance of CBRM Lands for Residential and Infrastructure Supports for Persons with Disabilities

I am writing further to the request of the Board and Management for the Breton Ability Centre to have CBRM lands conveyed for the purposes of development for persons with disabilities.

Since you last presented to Council, I have been working with Councillor Claire Detheridge to explore options that would allow the transfer of lands to proceed. We appreciate that owning the lands will better position the Breton Ability Centre to leverage the needed federal and provincial funding supports in addition to being able to use the lands towards the security to finance the project.

Given the significance of your work and the impact on residents, family, and caregivers alike, I have asked our Solicitor, Demetri Kachafanas, to meet with your solicitor to discuss preparing the necessary documentation for Council consideration. Any transfer will be contingent on development occurring within a defined period of time with a covenant that the lands would revert back to the CBRM should the proposed development not proceed.

Millie Colbourne

- 2 -

September 15, 2015

I trust this letter will initiate the necessary next steps towards a positive outcome. Should you wish any further dialogue, please speak with Mr. Kachafanas at [dkachafanas@cbrm.ns.ca](mailto:dkachafanas@cbrm.ns.ca) or the City's CAO, Michael Merritt at [mjmerritt@cbrm.ns.ca](mailto:mjmerritt@cbrm.ns.ca)

I look forward to further positive change for the Breton Ability Centre.

Kind ~~personal~~ regards,

ORIGINAL SIGNED BY  
Cecil P. Clarke

CPC:iff

cc: Michael Merritt, CAO  
Marie Walsh, CFO  
Demetri Kachafanas, Solicitor  
Malcolm Gillis, Director of Planning  
Councillor Claire Detheridge

## **PROPERTY MANAGEMENT POLICIES**

**Adopted by Council on September 19<sup>th</sup>, 2000**

Amendments:

February 20<sup>th</sup>, 2001

October 28<sup>th</sup>, 2003

August 25<sup>th</sup>, 2004

September 24, 2013

#### **4.8 Sale To Non-profit Organizations**

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

#### **4.9 Community-Based Surplus Property** (August 25<sup>th</sup>, 2004, Amendment)

Various times the Cape Breton Regional Municipality will acquire title to land and/or buildings that have traditionally been seen as a community based entity. The most frequent category is discontinued schools relinquished by the Cape Breton-Victoria Regional School Board. Less common types of community-based properties that can be acquired by the Municipality would be, for example, a community club/hall, or historical worthy sites.

Any property acquired by CBRM is subject to an internal staff review to determine if the land and/or building is considered surplus to the core requirements of the Municipality. If they are not deemed essential, the properties are declared surplus, and can be sold at market value to the general public.

Where a community interests is a factor; as in the case described in the first paragraph above, and the possibility exists that a property may be sold at less than market value to a non-profit or charitable community group, a separate sales approach is required. The Community-Based Property Procedure will request Expressions of Interest to determine the level of interest in the purchase and redevelopment of community-based properties by both non-profit or charitable groups and the private sector. An internal Property Review Committee will evaluate all submissions to purchase a community-based property. Although the sale of the surplus property on the open market at full market value must always be considered a desirable option, the purpose of this procedure is to allow staff and Council to evaluate all disposal options together and not independently of one another in order to seek the best overall value for the Municipality and the community.

Not for profit organizations that offer expressions of interest will be asked to submit an application and business plan which the Property Review Committee will review. The purpose of the application and business plan is to determine the viability and level of support required by both the particular community and/or the Municipality. A not for profit group must have current registration status as a non-profit or charitable organization to be considered under the terms of the Community-Based Property Procedure, in Policy 4.9.1.

(d) sell deeds for cemetery lots and certificates of perpetual care. 1998, c. 18, s. 50.

**Sale or lease of municipal property**

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

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

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

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

(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale. 1998, c. 18, s. 51.

**Sale to abutting owner**

**51A** Where a municipality holds land that is of insufficient size or dimensions to be capable of any reasonable use, in the opinion of the council, all or part of the land may be sold to the owner of any lot abutting that land and may be consolidated with such lot and, notwithstanding Section 51, the sale price of the land so sold may be set by council at a price that is less than market value at the time of the sale. 2003, c. 9, s. 51.

**Expropriation**

**52 (1)** Where the council considers it necessary to acquire real property, including real property outside the municipality, for a purpose for which it may spend money, the council may expropriate the real property, but this power to expropriate does not authorize a municipality to expropriate property of another municipality.

- (2) Where real property is proposed to be expropriated,
- (a) the municipality shall survey the property and prepare a description of it;
  - (b) municipal employees and agents of the municipality may enter upon the property to survey or examine it; and

**New Waterford Urban Center – Land Purchase PID 15475262:**

**Motion:**

Moved by Councillor Cormier, seconded by Councillor Keagan, that a recommendation be made to Council to approve the purchase of PID 15475262 at the price offered by the owner, which is below market valuation for the property, and the cost paid in the project capital budget.

**Motion Carried.**



*A Community of Communities*

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## **Issue Paper**

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**TO: CBRM General Committee**

**October 2015**

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**RE: PID 15475262**

### **Introduction**

The history of the New Waterford Urban Centre dates back to 1982 when the former town theatre was purchased and renovated for use as a public library, senior program and commercial office space. This project was carried out under the auspices of the former Town of New Waterford through the co-operation of the local miner's memorial society. Recently this property has become a CBRM asset and is nearing completion of a major external and minor internal renovation that has allowed slightly expanded commercial space inside the building and will extend the life cycle of the building 20 years.

### **Rear access and lack of parking**

As illustrated in the attached, the entrance to a very popular senior citizen club is located off Eight Street at the back of the building from a small service entrance. This is also required for safety as it is the only way to get emergency vehicles access to the club in case of emergency.

The adjoining property PID number 15475262 is a vacant lot (see photo) that is used by the tenants of the building for a rear access and parking. It is also used as a storage location for snow clearing during the winter months to give seniors a location that is close to their club entrance. This in fact creates an encroachment on this property for the current owner. It is required for the operation of the center

During the renovation, the municipality has been approached by the property owner with an offer to sell the property to the municipality. As required by Council policy, a market appraisal report (attached) has been completed that defines a market valuation of the property. The offer received is below the market valuation for the property.

### **Recommendation**

The following recommendation is made for consideration;

Council approve purchase of PID 15475262 at the price offered by the owner, below market valuation for the property and the cost paid in the project capital budget.

**ORIGINAL SIGNED BY**

---

Bill Murphy,  
Director  
Recreation, Parks & Grounds, Building & Facilities

**Mackey Appraisals Ltd.**  
Professional Real Estate Appraisers  
& Consultants

May 27, 2015

Cape Breton Regional Municipality  
320 Esplanade  
Sydney, NS

Attention: Mr. Bill Murphy

**Re: Market Valuation: PID 15475262 – Eighth Street, New Waterford, NS**

Mr. Murphy;

In accordance with your request, I have completed the following appraisal report providing my opinion of the current market value for the abovementioned vacant lot located at 457 Eighth Street, in the Town of New Waterford, NS.

The subject property is located in the Downtown Central Business District Zone allowing for a variety of applications.

The site is currently vacant and the perimeter is fenced. There is driveway access from Eighth Street.

The following pages with addenda and exhibits outline the valuation methodology and supporting data, which must be read as a whole, as sections taken out of context may be misleading.

This valuation has been carried out through the exclusive use of the Sales Comparison Approach, which documents sales of undeveloped lands in areas considered similar to that of the subject, during the past few years.

**CBRM - PID 15475262 - Eighth St., New Waterford, NS**

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The current market value of the subject parcel, subject to the attached Special Limitations are as follows;

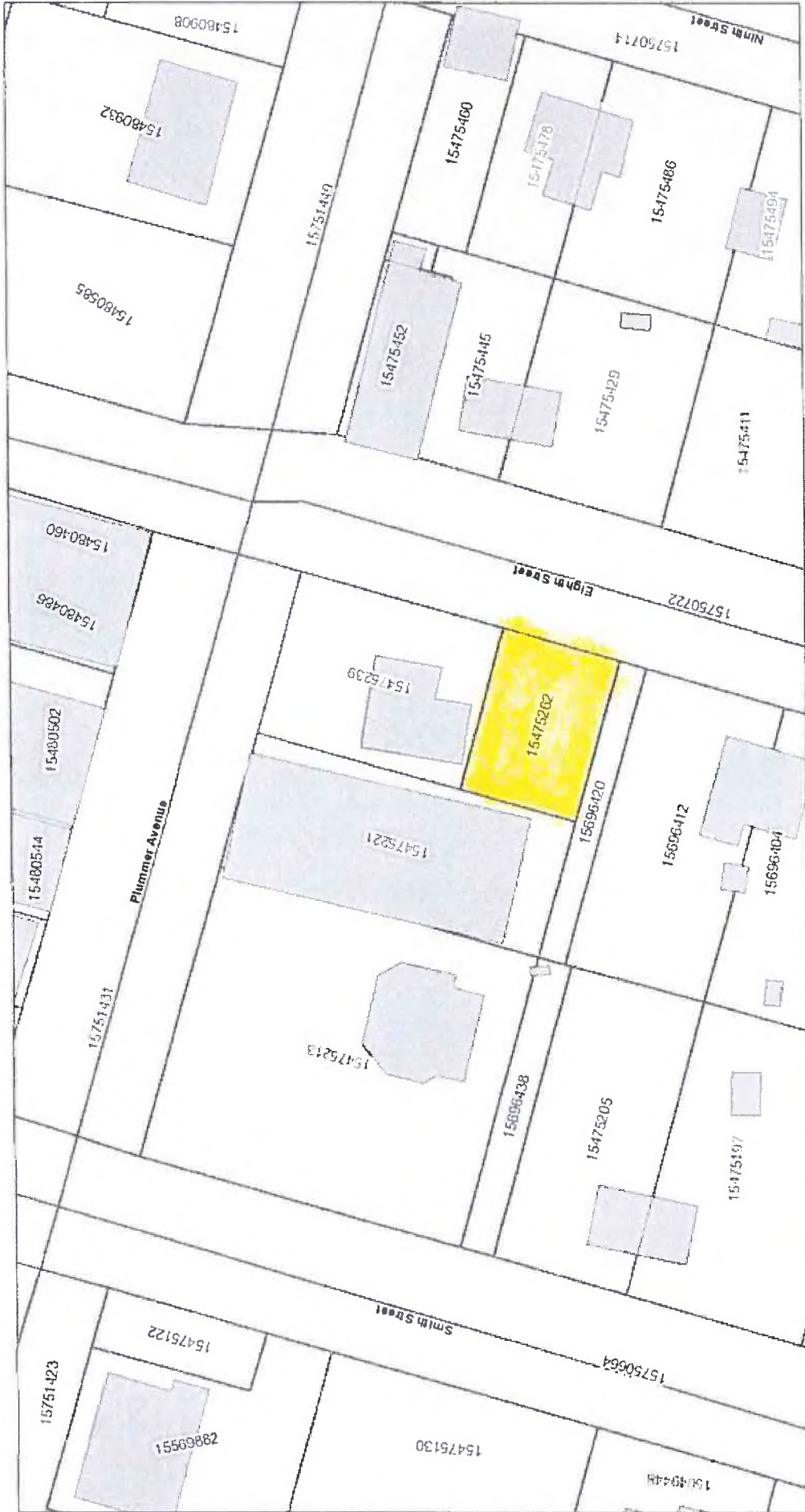
**Twelve Thousand Dollars (\$12,000.00)**

Respectfully submitted:  
Mackey Appraisals Ltd.

**ORIGINAL SIGNED BY**

William R. Martheleur, BSc. DAC

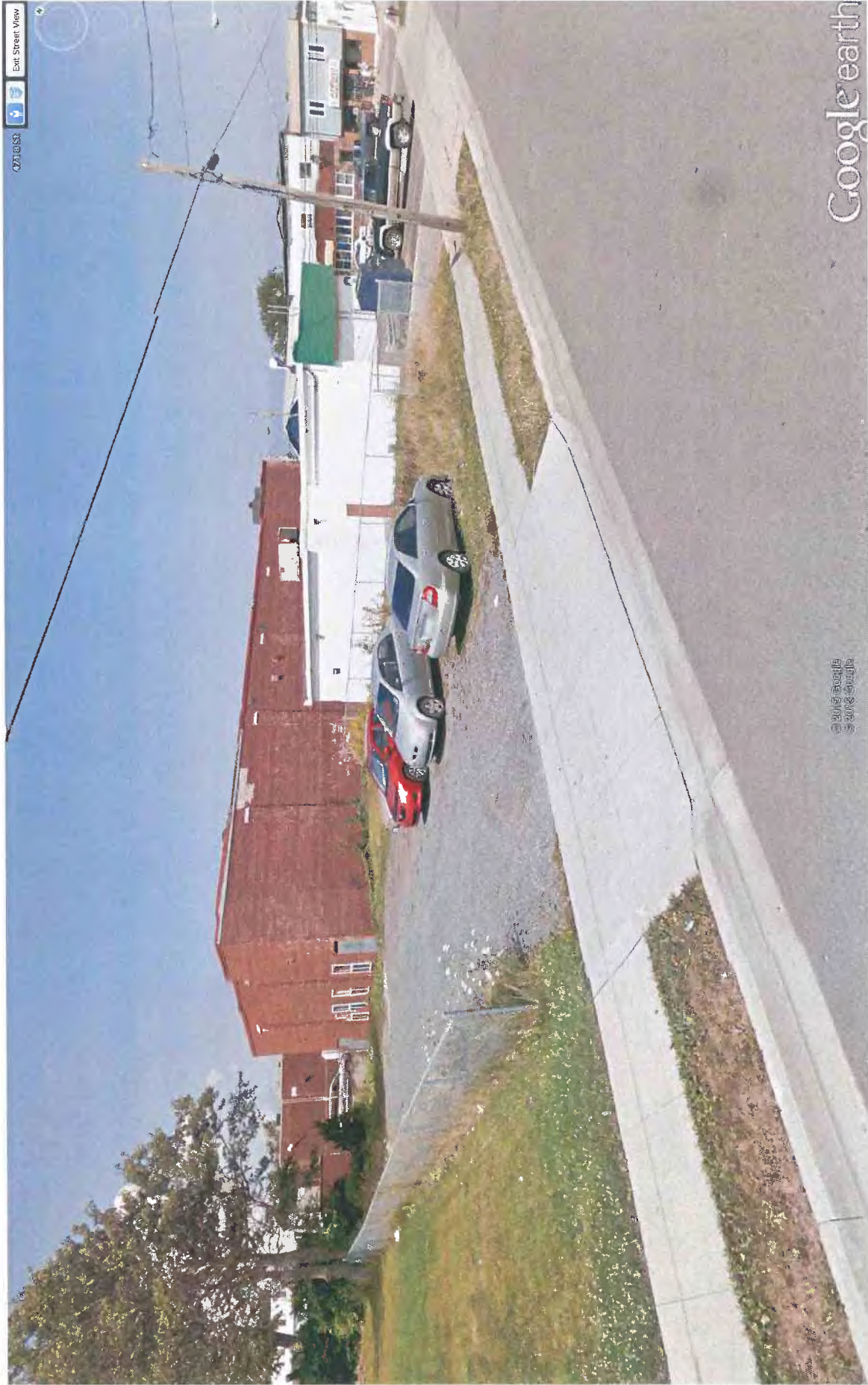
# Cape Breton Regional Municipality



September 30, 2015

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Created by Cape Breton Regional Municipality



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**Proposed Amendments to Policy RC4 Committees:**

**Motion:**

Moved by Councillor MacLeod, seconded by Deputy Mayor George MacDonald, that a recommendation be made to Council to approve the proposed amendments to the RC4 Committees Policy as outlined in the staff report dated October 2, 2015 as presented.

**Motion Carried.**



# M·E·M·O

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320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

**To:** General Committee  
**From:** Deborah Campbell, Municipal Clerk  
**Date:** October 2, 2015  
**Subject:** Proposed Amendments to Policy RC4 Committees

---

Attached please find the CBRM RC4 Committees Policy with proposed amendments to reflect the adoption of the General Committee governance system. Also attached is the current Policy for comparison purposes.

The General Committee governance system was approved in 2013 by Council following a trial period using the Committee of the Whole structure. The General Committee has replaced the former main standing committees, namely Protective Services, Public Services, Corporate Services, Planning Advisory and the Water Utility Committees.

These amendments are being presented as a housekeeping issue, noting in particular the following changes:

1. All sections of the Policy are now numbered.
2. The Fire and Emergency Services Committee has been added to the list of Standing Committees (Section 1), and the Terms of Reference for the Committee can be found in Section 19.
3. In Section 2, the meeting schedule for the Police Commission has been added for clarity. I am also recommending that the term of the Chair of the Commission be two consecutive years, and that the Chair shall represent the CBRM on the Nova Scotia Association of Police Boards.
4. New Section 3 which outlines the powers of the General Committee.
5. New clause "Residual Power" regarding the ultimate power of Council.  
(see Section 4)

continued...

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**Memo to General Committee**

**October 2, 2015**

**Proposed Amendments to Policy RC4 Committees**

**Page - 2**

6. In Section 12, I am recommending that the Nominating Committee be appointed in October of each year instead of November. The main reason for this change is to accommodate the meeting schedules of the Police Commission and Fire and Emergency Services Committee (i.e. new membership for the December meetings). It is also noted that the membership of the Nominating Committee shall consist of the Mayor and at least five Councillors which is reflective of past practice.
7. The membership of the Audit Committee has been added to Section 20.
8. Reference to the Pension Committee has been added (see Section 22).
9. External Agencies and Committees (Section 23) – This new clause is reflective of the Council motion stating that direct representation by Council members on external agencies and committees will not be provided, with a few exceptions as noted.

We have added the Nova Scotia Solid Waste-Resource Management Regional Chairs Committee to this section, with a recommendation that the Council representative be appointed for a two year term. This coincides with the recommendation made by Manager of Solid Waste in his Issue Paper presented to the General Committee on December 2, 2014.

In addition to the RC4 Committees Policy, there are a number of CBRM Policies and By-laws that require minor changes to reflect reference to the General Committee instead of one of the former standing committees (see list in Appendix "A"). It is my intention to circulate the Policies and By-laws to senior staff and Council to determine if there are additional changes required. Those Policies and By-laws with proposed amendments will be presented to future Committee/Council meetings for consideration.

Staff Recommendation:

I recommend that the proposed amendments to the RC4 Committees Policy as outlined in the attached revised Policy be recommended to Council for approval.

**Yours truly,**

**ORIGINAL SIGNED BY**

**Deborah Campbell  
Municipal Clerk**

Attachments

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## Appendix "A"

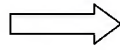
### **CBRM Policies and By-laws requiring amendments re: reference to General Committee**

#### **Policies**

- Constructive Discipline Policy
- Employee Assistance Program Policy
- Reporting of Accidents WCB Policy
- Civic Addressing Policy
- Get Well & Bereavement Acknowledgement Policy
- Meeting Rooms Usage Policy
- Photocopier Service Policy
- CBRM Planning Fees Policy
- Property Management Policies

#### **By-laws**

- \* Building By-Law
  - \* Civic Addressing By-law
  - \* Parking Meter By-law
  - \* Taxi By-law
  - \* Vending Machines By-law
  - \* Vendors and Traders of Goods By-law
-



**Proposed Policy with  
amendments**

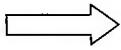
## CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC4

### COMMITTEES

#### 1. Standing Committees

The following standing committees shall be appointed annually:



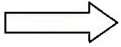
**Fire and Emergency Services Committee**

Audit Committee

Heritage Advisory Committee

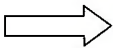
#### 2. Police Commission

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

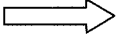
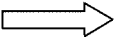


#### 3. General Committee

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



- a. Declaring CBRM property as surplus to the needs of the Municipality in accordance with the CBRM Property Management Policies;
- b. Dangerous and Unsightly Premises Appeals as per Section 345 of the MGA, including motions for demolition orders;

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

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→ 4. **Residual Power**

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

→ 5. **Committee Chair**

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

6. **Policies, By-Laws and Budgets**

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

7. **Members of Standing Committees**

→ Except when otherwise provided by these By-laws or any statute, all standing committees consist of a minimum of three councillors. ~~Public, Corporate, Water Utility and Planning Advisory, and Protective Services Committees shall have eight (8) members.~~ It shall be a guideline to strive for at least one half of the membership of committees to rotate off annually.

8. **Mayor**

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

9. **Special Committees**

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

**10. Citizen Advisory Committees**

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

**11. No Additional Remuneration**

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

**12. Nominating Committee**

⇒ (1) At the first regular meeting of Council held in ~~November~~ **October** of each year, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and **at least five (5)** Councillors.

⇒ (2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the ensuing year on the standing committees **and external agencies/committees.**

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

**Outside Agencies**

⇒ ~~It is understood that outside agencies and boards call for CBRM Councillors to be appointed to external committees.~~

**13. Non-Committee Council Members**

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

---

**14. Committee Procedure**

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

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

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

⇒ (4) A majority of the members of a committee is a quorum, **with the exception of the Planning Advisory Committee where five members constitute a quorum.**

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

**15. Vacancies in Committees**

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

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

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

**16. Council Authority**

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

**17. Committee Reports**

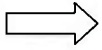
- (1) The report of a committee shall be in writing and signed by the Chair.
- (2) When there is a difference of opinion among the members of the committee, the minority may report their views in writing to the Council, if they see fit.

**18. Duties of Standing Committees**

It is the general duty of all standing committees:

- (a) to report to the Council from time to time, whenever desired by the Council and as often as the interests of the Regional Municipality may require, on all matters connected with the duties imposed on them;
- (b) to carry out action in relation to those matters connected with their duties as may be deemed necessary;
- (c) to draft and introduce for Council consideration and adoption of the by-laws, policies and budgets necessary to empower Committees to carry out their mandate;
- (d) to consider and report on any and all matters referred to them by the Council or the Mayor;
- (e) ~~to present annually to the Council for the information of the Council and of the citizens generally, as well as for the guidance of the committees of the following years, a general report of the state of the various matters referred to them during the year and the work or business done through or by the committee; the report shall contain any suggestions in regard to the future action of succeeding committees as the reporting committee chooses to make.~~



**19. Fire and Emergency Services Committee**

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

***Mission***

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

***Committee Structure***

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

***Committee Duties***

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

***Areas of Responsibility***

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

1. Registration of Fire Services;
2. Registration of Emergency Service;
3. Volunteer Support;
4. Fire Service Operations;
5. Fire - Emergency Services;
6. Fire Service Prevention;
7. Fire Service Training;
8. Emergency Management; and
9. Budget.

***Proposed Meeting Schedule***

Meetings will be held at a minimum quarterly or more frequently as determined by the Chair. Meetings will commence on the first Wednesday of the month at 10am. The schedule is as follows:

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

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**20. Audit Committee**

→ The Audit Committee shall consist of five members of Council, including the Deputy Mayor as Chair, and is responsible for the subjects prescribed by the Public Sector Accounting Board, and any other regulations passed pursuant to Section 44 of the *Municipal Government Act*.

**21. Heritage Advisory Committee**

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

→

**22. Pension (Retirement) Committee**

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

→

**23. External Agencies and Committees**

While Council supports the efforts of external agencies and committees within CBRM and acknowledge the exemplary service provided to the community, it is the Policy of CBRM that direct representation by Council members will not be provided, with the exception of the following organizations (or by future motion of Council), to which the required number of Councillors will be appointed for a one year term unless otherwise stated:

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

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

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**Approved by Council August 1, 1995**

**As amended by Council:**

- **May 21, 1996**
- **Occupational Health and Safety Committee deleted as per motion of Council**
  - **December 17, 1996**
- **November 28, 2000**
- **December 18, 2001 (quorum at Planning Advisory)**
- **February 17, 2004 (creation of Water Utility Committee)**
- **March 11, 2005 (various amendments)**
- **January 19, 2010 (re: Police Commission)**

## CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC4

### COMMITTEES

#### Standing Committees

The following standing committees shall be appointed annually:

Protective Services Committee  
Public Services Committee  
Corporate Services Committee  
Planning Advisory Committee  
Audit Committee  
Heritage Advisory Committee  
Water Utility Committee

Some members of the CBRM Council will also be sworn as Police Commissioners. The Police Commission will act autonomous of Council and will carry out the prescribed responsibilities as outlined in the Cape Breton Regional Municipality By-laws governing the operation of its Police Commission and the Nova Scotia *Police Act*.

#### Committee Chair

The position of Chair of each standing committee shall be rotated annually.

#### Policies, By-Laws and Budgets

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

#### Members of Standing Committees

Except when otherwise provided by these By-laws or any statute, all standing committees consist of a minimum of three councillors. Public, Corporate, Water Utility and Planning Advisory, and Protective Services Committees shall have eight (8) members. It shall be a guideline to strive for at least one half of the membership of committees to rotate off annually.

**Mayor**

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

**Special Committees**

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

**Citizen Advisory Committees**

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

**No Additional Remuneration**

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

**Nominating Committee**

- (1) At the first regular meeting of Council held in November of each year, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and designated Councillors.
- (2) Upon appointment, or soon thereafter, the nominating committee shall convene and nominate persons to serve for the ensuing year on the standing committees.
- (3) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

### **Outside Agencies**

It is understood that outside agencies and boards call for CBRM Councillors to be appointed to external committees.

### **Non-Committee Council Members**

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

### **Committee Procedure**

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

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

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

(4) A majority of the members of a committee is a quorum, with the exception of the Planning Advisory Committee where five members constitute a quorum.

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

### **Vacancies in Committees**

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

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

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

**Council Authority**

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

**Committee Reports**

- (1) The report of a committee shall be in writing and signed by the Chairman.
- (2) When there is a difference of opinion among the members of the committee, the minority may report their views in writing to the Council, if they see fit.

**Duties of Standing Committees**

It is the general duty of all standing committees:

- (a) to report to the Council from time to time, whenever desired by the Council and as often as the interests of the Regional Municipality may require, on all matters connected with the duties imposed on them;
- (b) to carry out action in relation to those matters connected with their duties as may be deemed necessary;
- (c) to draft and introduce for Council consideration and adoption of the by-laws, policies and budgets necessary to empower Committees to carry out their mandate;
- (d) to consider and report on any and all matters referred to them by the Council or the Mayor;
- (e) to present annually to the Council for the information of the Council and of the citizens generally, as well as for the guidance of the committees of the following years, a general report of the state of the various matters referred to them during the year and the work or business done through or by the committee; the report shall contain any suggestions in regard to the future action of succeeding committees as the reporting committee chooses to make.

**Protective Services Committee**

- (1) The Protective Services Committee will make decisions on all issues pertaining to:
  - a. Fire Services
  - b. Building Inspection
  - c. Development
  - d. Animal Control
  - e. Emergency Management
  - f. and other non-police, protective services.
  
- (2) The Protective Services Committee is also responsible for non-service delivery revenue i.e. licenses, permits, etc.
  
- (3) The Protective Services Committee will report periodically to Council concerning:
  - financial status, actual vs. budget
  - requests for approval to deviate from established policy
  - departmental performance issues

**Public Services Committee**

- (1) The Public Services Committee will make decisions on all issues pertaining to:
  - a. Transit
  - b. Public Works
  - c. Engineering
  - d. Solid Waste Collection and disposal
  - e. Parks and Recreation
  
- (2) The Public Services Committee will report to Council periodically on issues such as:
  - financial status, actual vs. budget
  - to seek approval for deviation from policy
  - departmental performance and service delivery issues.

**Corporate Services Committee**

- (1) The Corporate Services Committee will make decisions on all issues pertaining to the legislative branches of government, including:
  - a. The Chief Administrative Officer's Department
  - b. The Clerk's Department
  - c. Solicitor
  - d. Finance Department
  - e. Human Resources
  - f. Economic Development Initiatives
- (2) The Corporate Services Committee is responsible for issues relating to fiscal services.
- (3) The Corporate Services Committee is also responsible for overseeing the business operation of Centre 200, Cossitt Heights Industrial Park and the Northside Industrial Park.
- (4) The Corporate Service Committee shall also be the Social Services Committee for the Municipality for as long as relevant legislation dictates that we have a Social Service Committee.
- (5) The Corporate Services Committee will report to Council periodically during the year concerning:
  - financial status, actual vs. budget
  - to seek approval for deviation from approved policy
  - departmental performance issues.

**Planning Advisory Committee**

- (1) The Planning Advisory Committee shall assist the Council in the exercising of any power and carrying out of any duty conferred or imposed upon the Regional Municipality by the *Municipal Government Act*, and in particular to advise the Council in the preparation, amendment or revision of planning strategies, land-use by-laws, and subdivision by-laws and on land use matters generally, and to carry out the functions of a Planning Advisory Committee pursuant Sections 200-203 of the *Municipal Government Act*.
- (2) The Planning Advisory Committee consists of ten members, eight of whom are members of the Council and two of whom are not.

**Audit Committee**

The Audit Committee is responsible for the subjects prescribed by the Public Sector Accounting Board, and any other regulations passed pursuant to Section 44 of the *Municipal Government Act*.

**Heritage Advisory Committee**

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

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**Water Utility Committee:**

- (1) This Committee's sole focus will be to oversee the operation of the CBRM Water Utility.
- (2) The membership of the Committee shall be the same members who serve on the Public Services Committee.
- (3) The Committee shall make decisions on issues such as, but not limited to the following:
  - a. Regulatory Responsibility
  - b. Service Procedures
  - c. Rate Structure
  - d. Budget Preparation for Council consideration
  - e. Recommendations on Capital Projects
- (4) The Water Utility Committee will report periodically to Council concerning:
  - a. Financial Status: - Actual vs. Budget
  - b. Requests to deviate from established policy
  - c. Departmental performance issues.

**Approved by Council August 1, 1995**

- **As Amended by Council - May 21, 1996**
- **Occupational Health and Safety Committee deleted as per motion of Council - December 17, 1996**
- **Further amended by Council – November 28, 2000**
- **Amended by Council – December 18, 2001 (quorum at Planning Advisory)**
- **Amended by Council – February 17, 2004 (creation of Water Utility Committee)**
- **Amended by Council – March 11, 2005 (various amendments)**
- **Amended by Council – January 19, 2010 (re: Police Commission)**



# M·E·M·O

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320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

**To:** Mayor Cecil P. Clarke and Regional Councillors

**From:** Deborah Campbell, Municipal Clerk

**Date:** October 16, 2015

**Subject:** Election of Deputy Mayor

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Each year, the CBRM Council elects/selects a Deputy Mayor for a one year term commencing November 1<sup>st</sup>.

As per the Deputy Mayor Policy (copy attached), all Councillors are eligible to run for the office on an annual basis, however the Deputy Mayor shall serve no more than two consecutive years. As you are aware, Councillor George MacDonald is just completing his first year as Deputy Mayor.

This issue is on the agenda for the October 20<sup>th</sup> meeting of Council, at which time the Mayor will call for nominations from the floor.

## ORIGINAL SIGNED BY

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**Deborah Campbell**  
**Municipal Clerk**

Attachment

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## **Policy Respecting the Deputy Mayor**

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### **STATEMENT OF POLICY:**

- It is the policy of the Cape Breton Regional Municipality (CBRM) to select a Deputy Mayor on an annual basis.

### **1.0 TERM OF OFFICE:**

- The term of office for the Deputy Mayor shall be for one year running from November 1<sup>st</sup> to October 31<sup>st</sup> and all Council members are eligible to run for the office on an annual basis. The Deputy Mayor shall serve no more than two consecutive years (for clarity, an example in a four year term, a Councillor could serve as Deputy Mayor in year one and two, but would be ineligible for the third consecutive year, and would be eligible again thereafter.)

### **2.0 REMUNERATION:**

- The remuneration for the office of Deputy Mayor shall be \$5,000 per year.

### **3.0 ROLES AND RESPONSIBILITIES:**

The Deputy Mayor, in addition to filling in when the Mayor is absent or incapacitated, shall:

- ◆ Be apprised of ongoing labour relations issues;
- ◆ May be Chairman of the Audit Committee;
- ◆ Be responsible for bringing the annual budget forward for Council perusal;
- ◆ Chair special committees as assigned by the Mayor or Council and report findings back to Council;

- ◆ Assume other duties assigned by the Mayor or Council.

**Approved by Council:      January 20, 1998**  
**Amended by Council:      March 11, 2005**



# M·E·M·O

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320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

**To:** Mayor Cecil P. Clarke and Regional Councillors

**From:** Deborah Campbell, Municipal Clerk

**Date:** October 16, 2015

**Subject:** Appointment of the Nominating Committee

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There is an annual requirement to appoint the Nominating Committee in accordance with Section 12 of Policy RC4 Committees. Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve on the standing committees and external agencies/committees. This year the Committee will also be reviewing applications for the citizen representatives on the Police Commission.

Should the amendments to Section 12 of Policy RC4 Committees be approved by Council on October 20<sup>th</sup>, Council shall appoint at least five Councillors to sit on the Nominating Committee with the Mayor. Further, the Committee meeting should be scheduled as soon as possible to allow sufficient time to prepare its report for Council in November.

**Recommendation:**

It is recommended that Council appoint five Councillors to sit on the Nominating Committee with the Mayor, and that the Committee meet as soon as may be convenient to allow sufficient time to prepare the nomination report for the consideration of Council at its November meeting.

**ORIGINAL SIGNED BY**

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Deborah Campbell  
Municipal Clerk

Revenue	Year To Date Assigned	5 Month Budget	5 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 42,689,895	\$ 42,451,648	\$ 238,248	\$ 101,883,955	\$ 59,194,060
Total Federal Government	1,056,690	1,056,690	-	2,536,056	1,479,366
Total Federal Government Agencies	490,625	490,629	(4)	1,177,510	686,885
Total Provincial Government	552,040	552,041	(1)	1,324,898	772,858
Total Provincial Government Agencies	1,220,030	1,220,029	1	2,928,070	1,708,040
Total Services to Other Local Government	179,075	179,075	0	429,779	250,704
Total Transit	249,125	262,500	(13,375)	630,000	380,875
Total Environmental Development Services	145,819	108,403	37,416	260,168	114,349
Total Licenses & Permits	71,692	74,583	(2,891)	179,000	107,308
Total Fines & Fees	234,204	230,564	3,641	553,353	319,149
Total Rentals	235,362	229,167	6,195	550,000	314,638
Total Concessions & Franchises	166,589	152,715	13,873	366,517	199,928
Total Return on Investments/Interest on Taxes	586,355	521,042	65,314	1,250,500	664,145
Total Finance Revenue	12,870	12,708	162	30,500	17,630
Total Solid Waste Revenue	870,699	791,667	79,032	2,267,000	1,396,301
Total Recreation & Cultural Service Programs	356,253	404,890	(48,638)	1,789,105	1,432,852
Total Water Utility Charges	2,063,129	2,063,129	(0)	4,951,510	2,888,381
Total Unconditional Transfers	6,613,918	6,633,941	(20,023)	15,921,458	9,307,541
Total Conditional Transfers	1,550,840	1,740,842	(190,002)	4,178,021	2,627,181
<b>Year To Date Assigned</b>	<b>\$ 59,345,210</b>	<b>\$ 59,176,263</b>	<b>\$ 168,947</b>	<b>\$ 143,207,400</b>	<b>\$ 83,862,190</b>

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Reviewed

SUMMARY

INCOME STATEMENT

AUGUST 31, 2015

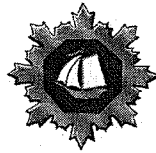
Expenditures	Year to date Expended	5 Month Budget	5 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 596,543	\$ 617,300	\$ 20,756	\$ 1,415,714	\$ 819,171
Administration	454,238	482,568	28,330	995,609	541,371
Finance	1,007,473	1,114,914	107,442	2,739,607	1,732,134
Legal	190,214	245,983	55,769	565,444	375,230
Human Resources	604,981	687,857	82,876	1,600,549	995,568
Technology & Communications	361,363	393,609	32,246	1,153,099	791,736
Municipal Clerk	139,904	165,004	25,101	480,466	340,562
Fiscal Services	9,431,148	9,527,928	96,780	34,772,031	25,340,883
Occupational Health & Safety	81,815	90,939	9,124	215,532	133,717
Facilities: Centre 200 & Arenas	1,164,693	1,328,474	163,781	3,127,620	1,963,427
Police Services	10,363,476	10,693,632	330,156	25,110,074	14,746,598
Fire Services (Incl EMO)	6,600,378	7,032,999	432,620	16,550,728	9,950,350
Engineering & Public Works	20,146,256	20,627,097	480,841	48,849,744	28,703,488
Planning	1,002,001	1,104,523	102,522	2,650,361	1,648,360
Recreation	2,033,027	2,099,422	66,395	2,980,821	947,794
<b>Total expended to date</b>	<b>\$ 54,177,512</b>	<b>\$ 56,212,249</b>	<b>\$ 2,034,738</b>	<b>\$ 143,207,400</b>	<b>\$ 89,030,388</b>

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Reviewed



## PROCLAMATION

### ***“Pancreatic Cancer Awareness”***

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- Whereas:** Pancreatic Cancer is the fourth-leading cause of cancer-related death in Canada with only about 8% of patients surviving five years after diagnosis. Pancreatic cancer is the only one of the top ten cancers with a five year survival rate still in the single digits and has seen no significant improvement in survival rates over the past 40 years;
- And Whereas:** By 2030, Pancreatic Cancer is projected to be the second leading cause of cancer related deaths as Pancreatic Cancer is seriously under-recognized and under-funded, receiving less than 2% of research and charitable funding. The gap between lives lost and funding presents an enormous opportunity for donors to support much needed research that will improve outcomes for those diagnosed in the future;
- And Whereas:** Currently there are no early detection methods for Pancreatic Cancer and treatment options are limited. When symptoms of this cancer presents themselves, it is usually after the cancer has spread to other organs, thus resulting in a 75% death rate in the first year and a 92% death rate within 5 years of diagnosis;
- And Whereas:** Pancreatic Cancer Canada is a national volunteer-driven registered charitable foundation whose mission and goals are to improve pancreatic cancer survival, create hope through awareness, be a voice for those who have been silenced by Pancreatic Cancer and a hope for those who currently battle it;
- And Whereas:** Pancreatic Cancer Canada has generated increasing national support with its Purple Lights campaign to increase research funding and to raise awareness about this silent killer; landmarks, iconic buildings, homes and businesses across Canada are being illuminated in purple light to bring attention to this terrible disease,
- Be it Therefore Resolved:** That the CBRM Council proclaim the month of November as “Pancreatic Cancer Awareness Month” and November 13<sup>th</sup>, 2015 as “Pancreatic Cancer Awareness Day” in the Cape Breton Regional Municipality and urge citizens to take note of this special month and to participate in the Purple Lights campaign by illuminating their homes and by donating to this very worthy cause. This event gives citizens an opportunity to be involved in the efforts to discover new and better ways to diagnose and treat Pancreatic Cancer while improving the quality of life of people living with this disease in hopes that there can be a future without pancreatic cancer.

*Councillor Eldon MacDonald*  
*CBRM District #5*

October 20<sup>th</sup>, 2015

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# Proclamation

## “Diabetes Awareness Month”

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- Whereas:** Diabetes is a serious condition affecting more than 382 million people worldwide, and
- And Whereas:** More than nine million Canadians lives with diabetes or prediabetes, and
- And Whereas:** This means one in four Canadians either has diabetes or prediabetes, and 103,000 Nova Scotians currently lives with diabetes, and
- And Whereas:** The cost of diabetes in Canada is approximately \$13.5 billion and is expected to rise to \$17 billion by 2024, and
- And Whereas:** The cost of diabetes in Nova Scotia is approximately \$428 million and is expected to rise to \$501 million by 2024, and
- And Whereas:** There is a great need to raise funds for research into better methods of treatments, and ultimately a cure, and
- And Whereas:** The Canadian Diabetes Association is leading the fight against diabetes by helping people with diabetes live healthy lives while working to find a cure, and
- And Whereas:** Maintaining positive health and wellness can in many cases lead to the prevention of prediabetes and type 2 diabetes as well as better diabetes management, and
- And Whereas:** This year, the Diabetes Awareness Month campaign focuses on prevention and early detection of prediabetes and type 2 diabetes and people across Canada are being encourage to take the CANRISK test at [DontBeRisky.ca](http://DontBeRisky.ca), and

...Continued

**And Whereas:**

The Canadian Diabetes Association encourages governmental and non-governmental organizations to observe Diabetes Awareness Month and recognize World Diabetes Day in order to raise public awareness of diabetes and its related complications,

**And  
Be It Therefore  
Resolved:**

That the CBRM Council proclaim the month of November 2015 as Diabetes Awareness Month and November 14<sup>th</sup>, 2015 as World Diabetes Day in the Cape Breton Regional Municipality and call upon all citizens to combat this disease and its life-threatening complications by familiarizing themselves with the diabetes warning signs, making healthy lifestyle choices and by accessing the best quality of care than Nova Scotia provides to its citizens with diabetes.

*Councillor Ivan Doncaster - CBRM - District #7*

October 20<sup>th</sup>, 2015

# **CBRM PROCLAMATION**

## ***“Nova Scotia Holocaust Education Week”***

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- Whereas:** November 1<sup>st</sup> to 9<sup>th</sup>, 2015 marks Nova Scotia Holocaust Education Week;
- And Whereas:** Holocaust Education Week remembers and honors the survivors of the Nazi regime and helps us to teach generations of the future that injustice and hatred are never an acceptable option;
- And Whereas:** Holocaust Education Week provides a unique opportunity for students and faculty from all backgrounds to reflect upon one of the darkest moments of 20<sup>th</sup> century history;
- Be it Therefore Resolved:** That CBRM Mayor and Council proclaim November 1<sup>st</sup> to 9<sup>th</sup> as “Holocaust Education Week” in the Cape Breton Regional Municipality and urge all CBRM residents to remember the Holocaust and support the Department of Education’s Holocaust education in the Nova Scotia school curriculum.

*Councillor Ray Paruch – District #6 - CBRM*

October 20<sup>th</sup>, 2015

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*Cape Breton Regional Municipality*

**CBRM Proclamation  
“Literacy Action Week”**

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- Whereas:** The Canadian Council on Learning reports that over 40% of CBRM adults have difficulty with the reading, writing and math skills needed to cope in a modern society;
- And Whereas:** Literate citizens are more likely to be employed in better and higher paying jobs, more likely to enjoy good health and take part in community activities and less likely to be in contact with the law;
- And Whereas:** children whose parent(s) have not graduated from high school are twice as likely to live in poverty as those whose parent(s) have graduated from high school;
- And Whereas:** Investing in learning opportunities for individuals with lower literacy produces three times the economic benefit over the long run as investment in physical capital;
- And Whereas:** good literacy skills are essential for lifting people out of poverty and building a strong economy
- And Whereas:** Working with community partners, the Adult Learning Association of Cape Breton County provided services to over 200 CBRM residents in 2014-15 in five different communities through free literacy and essential skills classes, employment readiness, family literacy and seniors’ literacy programs;
- Be It Therefore Resolved:** That Mayor Cecil Clarke and CBRM Council proclaim November 1<sup>st</sup> to 7<sup>th</sup>, 2015 as “Literacy Action Week” in the CBRM and salute the efforts of the Adult Learning Association of Cape Breton County for focusing attention on the fundamental role of literacy and essential skills in all aspects of our community’s health and well being.

*Councillor Claire Detheridge*

October 20<sup>th</sup>, 2015

# RESOLUTION

## *“National Pharmacare Strategy”*

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- Whereas:** the Cape Breton regional Municipality has recognized and has demonstrated over the past years, its commitment to the importance of healthy citizens as the foundation of a healthy, engaged and economically vibrant community;
- And Whereas:** over 3 million Canadians, including many in our local communities, don't take medicines prescribed by their doctors because they can't afford them;
- And Whereas:** Canada is currently the ONLY country with a national Medicare program that does not have a national pharmacare program;
- And Whereas:** the risk of having no insurance for medicines is high among lower income, Canadians which includes the service industry, precarious working and seasonal workers, like many in the Cape Breton Regional Municipality;
- And Whereas:** studies show that adding a national pharmacare program to our national health care system would lower costs to businesses by over \$8 billion per years, providing Canadian companies competitive advantages in international trade;
- And Whereas:** recent research confirms that these gains can be achieved with little or no increase in public investment;
- And Whereas:** municipal government expenses for employee benefits would be significantly reduced by a national pharmacare program;
- And Whereas:** a national prescription drug formulary would support better quality prescribing, including reducing dangerous and inappropriate prescribing to Canadian seniors;

Continued...

**And Whereas:**

a National Pharmacare plan is sound policy, both economically and socially, The Cape Breton Regional Municipality expresses its support for the creation of a National Pharmacare program as an extension of Canadian Medicare, since health and economic studies now show that such as policy would improve health in municipalities, give local businesses a competitive advantage in the global marketplace and lower costs for municipal government on taxpayers;

**And Whereas:**

the Cape Breton Regional Municipality, call on all Nova Scotia MLA's to urge the Province of Nova Scotia to work with other Provinces and the Federal Government to develop and implement a National Pharmacare program;

**Be It Therefore Resolved:**

That the CBRM Council Mayor & Council urge the Federation of Canadian Municipalities to adopt a similar resolution respecting the Federal government; and that the Cape Breton Regional Municipality convey the decision of Council on this resolution to the local MP's, The Nova Scotia Minister of Health, the Premier of Nova Scotia.

*Councillor Claire Detheridge*

October 20<sup>th</sup>, 2015

# CBRM RESOLUTION

## Request for Province to Adopt a Wildlife Control Plan to Eradicate Raccoons

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- WHEREAS:** When wildlife, such as raccoons show up on your property, it can cause more than just a nuisance, as in some cases unwanted wildlife can constitute a health hazard and put people at risk for injury;
- AND WHEREAS:** There have been incidents when residents try to tackle a wildlife invasion and as a result were seriously injured;
- AND WHEREAS:** Raccoon feces and urine are associated with known diseases, including roundworm, giardia and more;
- AND WHEREAS:** When a property is invaded, a team of experienced professionals should be on hand to provide a quick and effective solution to the problem;
- AND WHEREAS:** There are provinces in Canada where municipalities have adopted policies to protect their citizens and have used the services of “Canadian Wildlife Control” that have the tools and skills to rid property owners of wildlife problems;
- BE IT THEREFORE RESOLVED:** That CBRM Mayor & Council request Paul Burt, CBRM Manager of Planning, By-Laws and Unsightly Premises to undertake the following:
- Write to the Honourable Lloyd Hines, Minister of National Resources to endorse a “Wildlife Control Plan” that would keep all residents in Nova Scotia from serious risk when raccoons wander onto residential properties putting our residents and especially, small children in danger;
  - Write to the President of the Union of Nova Scotia Municipalities, Warden Keith Hunter requesting that this resolution be added to the UNSM Fall Conference resolutions for approval.

*Councillor Darrell Flynn – District #10 - CBRM*

October 20<sup>th</sup>, 2015

