

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MAY 24, 2022

9:30 A.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, May 24, 2022
9:30 a.m.

AGENDA ITEMS

Land Acknowledgement

9:30 am

Roll Call

O' Canada

1. APPROVAL OF AGENDA: (Motion Required)

2. RESOLUTION:

9:35 am

2.1 Call to Repeal Scalping Proclamation of 1794: Mayor Amanda M. McDougall (See page 5)

3. PRESENTATION:

9:50 am

3.1 Destination Cape Breton Strategy 2022-23: Terry Smith, Chief Executive Officer, Destination Cape Breton (See page 6)

4. PLANNING ISSUES:

10:30 am

4.1 Municipal Planning Strategy Request – Dwayne Fudge: Kristen Knudskov, Planner and Karen Neville Senior Planner (See page 13)

Continued...

**Council Meeting Agenda
May 24, 2022 (Cont'd)**

5. **CORPORATE SERVICES ISSUES:** **11:00 am**
- 5.1 **Surplus School Properties:** Sheila Kolanko, Property Manager (See page 31)
- 5.2 **Membership Survey to Support the Service Exchange Renegotiation and MGA Review Committee:** Marie Walsh, Chief Administrative Officer (See page 39)
6. **COUNCILLOR AGENDA REQUEST:** **11:30 am**
- 6.1 **Centre 200:** Councillor James Edwards (See page 45)
7. **COMMITTEE REPORTS:**
- N/A
8. **Review of Action Items from this Meeting:** Mayor Amanda M. McDougall

ADJOURNMENT

Resolution
Call to Repeal Scalping Proclamation of 1794

Whereas We have arrived at a time where, as a country, we are working to better educate ourselves on our history, acknowledge the grave errors of the past, and take steps together towards meaningful and lasting reconciliation; and

Whereas The Cape Breton Regional Municipality has begun taking the necessary steps to not only understand what meaningful reconciliation with our Mi'kmaq neighbours should be, but also how to take that learning and turn it into action. Staff and members of Council recently took part in a Blanket Exercise where we learned that the Scalping Law of 1794 still exists as law in Nova Scotia; and

Whereas It is understood that the Treaties of Peace and Friendship technically make the Scalping Law inoperative, but the fact remains that this offensive and outdated piece of legislation still exists as a law in Nova Scotia. No Mi'kmaq person should have to wake up another day knowing a law still exists that permits the scalping of Indigenous people for the purposes of furthering colonization and receipt of a bounty; and

Whereas Our role as elected representatives is to listen to our community members and find resolution to issues brought forward via policy and legislative directive or advocacy. Knowing that the Nova Scotia Legislative Assembly passed a resolution in 2000 calling the Scalping Proclamation of 1794 "repugnant and offensive" indicates that there is a need to bring all levels of government together to make a request of the Governor General of Canada to commence the process of having the legislation removed from the Canadian and Nova Scotia's legislative records.

Be it Therefore
Resolved That I, Mayor Amanda M. McDougall, with the support of CBRM Council, send communication to the Governor General of Canada requesting that her office begin the process of having the Scalping Proclamation of 1794 removed from all legislative records in Canada.

Mayor Amanda M. McDougall
May 24, 2022

Cape Breton Island

your heart will never leave.

Destination Cape Breton Strategy 2022-23



Results

visitcapebreton.com Sessions

Five-year Trend, 2017-21

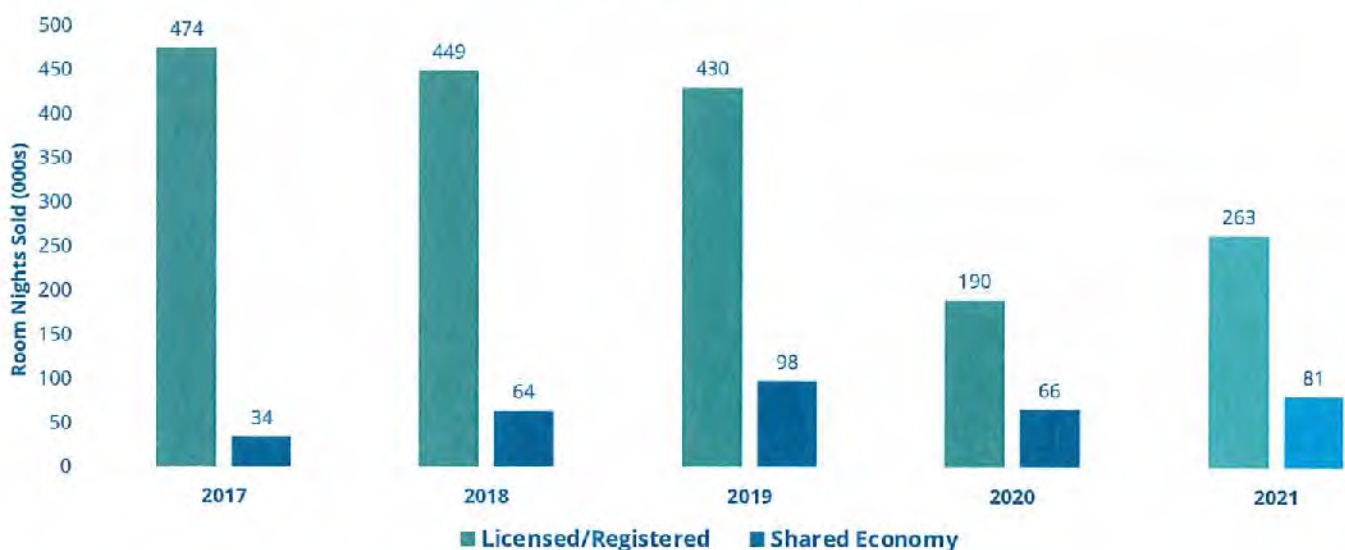


Source: Google Analytics

- Sessions in 2021 were up 29% YOY and surpassed 1 million for the first time – driven by domestic traffic with a 31% increase
- Leads (clicks to operator websites) were up 13%
- In 2022, sessions are already up 65% over last year

Room Nights Sold – Licensed vs Shared Economy

Five-year Trend, 2017-21



Sources: Nova Scotia Tourism Indicators, AIRDNA

- Room nights sold were up 44% YTD over 2020; down 37% from 2019
- Shared economy unit nights sold were up 21% YTD over 2020; down 17% from 2019

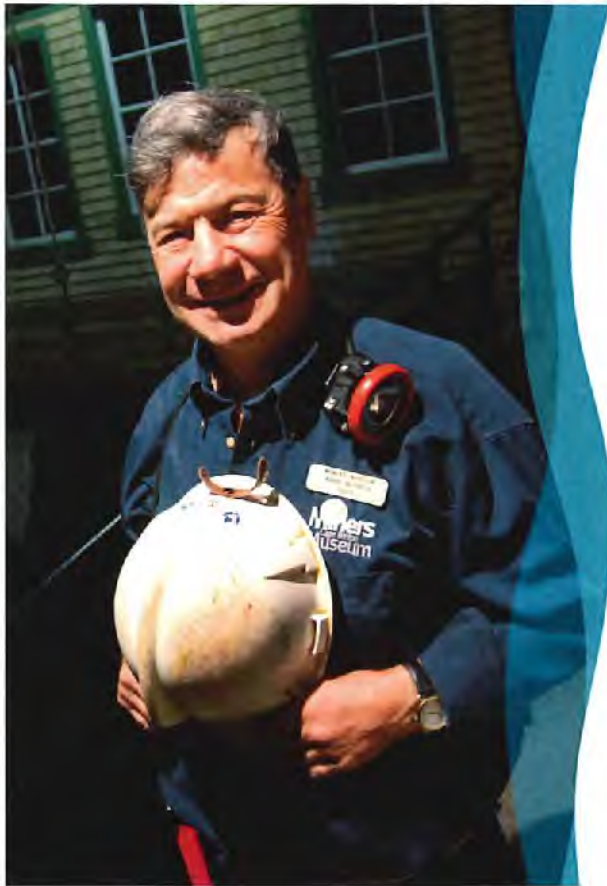


2022-23 Strategy Overview



2022 Forecast

- Overall visitation to Nova Scotia will return to pre-pandemic levels in 2022, driven by domestic leisure travel (+18% over 2019)
- Conference Board of Canada
- "2022 will be travel's year of recovery"
- SKIFT Megatrends 2022
- "Travellers want their next vacation to be their Greatest of All Trips (GOAT), in pursuit of transformative and meaningful travel experiences"
- Expedia 2022 Travel Trends Report
- "This pandemic will end and Omicron is likely to be the way out of this"
- Dr. Robert Strang, Nova Scotia's Chief Medical Officer of Health



Goals

1. To generate total registered room nights sold to 80% of 2019 levels (345,000)
2. To reach average monthly occupancy rates of 45% for spring, 60% for fall and 35% for winter
3. To collaborate with partners to mitigate the labour shortage by all possible means

Marketing through Micro-moments

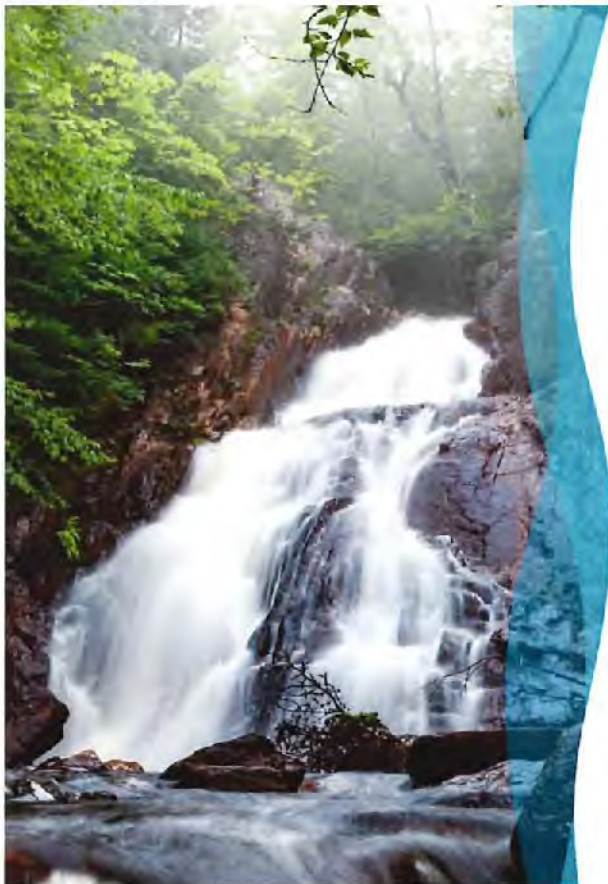
DREAMING	PLANNING	BOOKING	EXPERIENCING
Digital Marketing* Display Video Social	Digital Marketing* Category search Re-marketing Social Email	Digital Marketing* Branded search Re-marketing Social	Digital Marketing App
Content (Hero) Hero video Influencers Travel media	Content (Hub) Locals Know blogs Experience videos List-style content Local ambassadors	Content (Help) FAQ blogs Itineraries Packages Operator listings	Content User-generated (UGC) Reviews
Collateral Material Experience Guide	Collateral Material Experience Guide Seasonal Guides	Collateral Material Experience Guide Seasonal Guides	Collateral Material Map
TV Regional	Specialty Print Motorcycle Guide		
Artist Ambassadors	Travel Trade	Travel Trade	

* Digital marketing is largely conducted in partnership with Tourism Nova Scotia.



Year of Music

- Music Tourism Convention + Nova Scotia Music Week
- "Sound of Cape Breton Island" Activation
 - Pub takeover and pop-up performances in Toronto
- Downtowns Music Series
- New Music Events Incubator
- "Inspired Song" Video Series
- Enhanced Live Music section on our website + mobile app



Waterfall Season

- Modelled after Tofino's Stormwatching Season
- Drive incremental traffic during the Spring
- Waterfall content is very popular
- 12 waterfalls featured, 2 in CBRM
- Waterfall app and contest
- Guided hikes and experiences



Niche Markets

- Luxury/upscale travel
- Sportfishing
- Mountain biking
- Small meetings



Mobile Data Research

- Detailed data on our visitors – demographics, travel patterns, etc.
- Geofencing mobile data
 - Regions (e.g. Sydney Area – Marconi Trail, Bras d'Or Lake)
 - Districts (e.g. Louisbourg, Downtown Sydney, etc.)
 - Points of Interest (e.g. Cruise Pavilion, Cape Breton Miners Museum, etc.)
- Data will be shared with municipality, tourism operators, potential investors, etc.



Destination Development

- Working with partners to address/mitigate the current labour shortage
- Supporting CBU/World Tourism Institute on education and training within the industry
- Developing a sustainability plan for the Cape Breton Island tourism industry
- Evolving Destination Cape Breton to enhance its capacity to deliver its mandate



Questions?

Municipal Planning Strategy Amendment Request – Dwayne Fudge:

Kristen Knudskov, Planner, advised that Dwayne Fudge of Seaview Cycle & Power Equipment Inc. has requested that CBRM Council consider amending the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to allow motorcycle inspections at 1526 Keltic Drive, Leitches Creek.

Two options were proposed by staff:

1. Uphold the Municipal Planning Strategy and Land Use Bylaw
2. Defer to the comprehensive review of the MPS and LUB, and direct Mr. Fudge to contact Dillon Consulting to discuss the proposed development.

Given the CBRM Forward comprehensive review of the MPS and LUB which is currently underway, staff is recommending to defer consideration of this issue as part of the CBRM Forward comprehensive review.

During Council discussion, the Councillor for the area suggested a third option: that Council consider the requested amendment to the MPS and to proceed with the public participation program.

The following motion was put then put forward:

Motion:

Moved by Councillor Cyril MacDonald, seconded by Councillor Green, that Council proceed with the Public Participation Program (PPP) to consider the request by Dwayne Fudge to allow motorcycle inspections at 1526 Keltic Drive, Leitches Creek.

Discussion:

Some of the issues raised during discussion included:

- support for economic development in CBRM;
- amendment would affect similar rural zones throughout CBRM;
- suggestion to change the setback requirements and/or the definitions of motor vehicle/small engine, but Policy would still have to be amended;
- some Council members support Option 2 as recommended by staff;
- intent of the MPS is to protect residents within incompatible zones;
- Council could proceed with the PPP and staff would bring back options;
- Council has authority to change Policy.

Motion to Defer:

Moved by Councillor Cyril MacDonald, Seconded by Councillor Parsons, to defer this motion to an upcoming Council meeting and request staff prepare additional information in relation to the requested policy amendment for Council's consideration prior to proceeding with a Public Participation Program.

Following Council discussion on the motion to defer, the Mayor called for the vote.

Motion to Defer Carried.



TO: CBRM Mayor & Council

FROM: Kristen Knudskov and Karen Neville

SUBJECT: Municipal Planning Strategy Request – Dwayne Fudge

DATE: May 16, 2022

Background

Dwayne Fudge of Seaview Cycle & Power Equipment Inc. has requested that CBRM Council consider amending the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) to allow motorcycle inspections and repair at 1526 Keltic Drive, Leitches Creek. The application letter is provided in Attachment A.

In 2020, Mr. Fudge of Seaview Cycle & Power Equipment Inc. obtained a Building & Development Permit to convert the former propane sales building into a repair service for small engines. At that time, staff advised Mr. Fudge that motor vehicle repair is not permitted and discussed the option to proceed with an amendment to the MPS.

The property is currently zoned Rural CBRM (RCB). The RCB zone does permit motor vehicle repair subject to being setback at least 300 feet from a dwelling. There is a single detached dwelling (civic #1516) located roughly 150 feet from the subject building. For that reason, Planning and Development Staff are unable to approve a building & development permit application for motor vehicle repair on the subject property, outlined in red on Attachment B. The rear Seaview Cycle property, outlined in blue, is separated from the nearby residential development by a rail corridor and would meet the minimum setback requirement. Based on our land use inventory, the property outlined in blue was the location of propane storage and distribution. The property outlined in red was used for retail sales.

In 2019, Council approved a preliminary public participation program in response to a similar request. The feedback included 23 submissions opposed and 1 in support of the proposed amendment. Council passed a motion to uphold the MPS and LUB and proceed with enforcement processes.

On April 26, 2022, Council directed staff to return to Council with additional background information and policy options which would accommodate Mr. Fudge's proposed development. Three options are outlined below, which include amending policy and the Land Use Bylaw to:

1. Extend the Keltic Drive Business Corridor (KBC) Zone boundary to include the subject property.
2. Reduce or remove the setback requirement.
3. Redefine motor vehicle repair to exclude motorcycles.

Each option is discussed below.

Extend the KBC Zone

There are several zone categories in effect along Keltic Drive from its intersection with Coxheath Road to Seaview Drive, all with a range of permitted uses. The boundaries and brief descriptions of each zone can be found on Attachment C.

According to the MPS, business development along Keltic Drive is interspersed with residential development. The potential for land use conflict will be high if more obnoxious developments were to be introduced other than the range of business developments now prevalent along the streetscape. Because of this, the area along Keltic Drive with the highest percentage of business development is zoned Keltic Drive Business Corridor, while the area with the highest percentage of low density residential development is zoned Rural CBRM.

Within the area of the KBC Zone, 33% of the buildings are residential. The area north of the boundary of the KBC Zone along Keltic Drive is 83% residential. There are some non-residential uses in the area, all of which were established prior to the Land Use By-law being adopted in 2004. The area surrounding the subject property also consists of primarily residential development. As shown on Attachment D, the majority of the non-residential buildings are associated with the applicant's properties.

If Council wishes to extend the KBC zone boundary, the map related to Part 3, Policy 17 of the MPS would need to be amended. An amendment to the MPS would need to follow the process outlined in the *Municipal Government Act*. The applicant's property is approximately 5 km from the boundary of the KBC Zone. An extension of the KBC zone would apply to all properties which front onto the applicable section of the corridor.

Setback

Incompatible land uses are generally separated into separate zone categories or are only allowed if they can meet conditions which reduce the potential for conflict. Part 2 Policy 17.c (see Attachment E) offers some flexibility for business in the rural areas of CBRM, while also protecting resident's quality of life and property value. The policy currently requires that motor vehicle repair be well setback from residential properties. The Land Use Bylaw implements the policy with a 300-foot minimum setback requirement.

A jurisdictional scan determined that counties in Nova Scotia are employing a range of approaches to regulating motor vehicle repair in rural areas (see Attachment F). The most common approaches are to allow the use as-of-right with minimal restrictions, or to prohibit the use in rural residential areas. Two municipalities take a more moderate approach, somewhat similar to the CBRM, allowing the use subject to conditions. Eastern Antigonish requires that open storage be screened. Cumberland County only allows the use as a home business in the Country Residential Zone, subject to gross floor area, outdoor storage, and employee restrictions.

Part 2, Policy 17.c could be amended to reduce the minimum setback distance. In that case, Council may wish to consider introducing alternative measures that reduce the potential for land use conflict. For example, motor vehicle repair could be permitted subject to a development agreement or zone amendment. If Council wishes to amend the existing policy and reduce the setback measurement, this change will apply in all areas zoned RCB, and not just the property in question.

Definitions

The Federal *Motor Vehicle Safety Act* defines a vehicle as:

any vehicle that is designed to be, or is capable of being, driven or drawn on roads by any means other than muscular power exclusively, but does not include any vehicle that is designed to run exclusively on rails.

Under Nova Scotia's *Motor Vehicle Act*, motor vehicle and vehicle are defined as:

"motor vehicle" means a vehicle, as herein defined, which is propelled or driven otherwise than by muscular power and does not include a personal transporter;

"vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power or used exclusively upon stationary rails or tracks.

A motorcycle is considered a motor vehicle under the Nova Scotia's *Motor Vehicle Act*.

"motorcycle" means a motor vehicle having:

- (i) a design to travel on not more than three wheels in contact with the ground,
- (ii) a seat height unladen greater than 700 millimetres above the level surface on which the motor vehicle stands,
- (iii) a wheel-rim diameter greater than 250 millimetres,
- (iv) a wheelbase greater than 1 metre, and
- (v) a capability of maintaining a speed of seventy kilometres per hour when laden;

According to CBRM's Land Use By-law, motor vehicle is defined as:

a machine which is primarily constructed to move under its own power (e.g. automobile) or a wheeled vehicle intended to be hitched to an automobile which is primarily constructed to move under its own power (e.g. recreational vehicle).

The Land Use By-law specifically excludes the repair of a motor vehicle from its definition for repair service:

Repair service means property associated with the maintenance, care, repair or cleaning of goods, commodities, equipment, materials other than motor vehicles and shall include the repair of clothing, jewelry, appliances, furniture, small engines, or parts of vehicles, machinery and equipment without the storage (whether within a building or outdoor) of the vehicle the part is associated with.

A motorcycle is clearly a motor vehicle based on Nova Scotia's *Motor Vehicle Act*. Amendments to definitions found in the Land Use By-law would have greater impacts than the applicant's request. Repair service is permitted as-of-right in a range of zones, as optional conversion uses for specified properties, and as a home business. For example, repair service is currently listed as an optional use for a home business. The inclusion of motorcycle to the definition of repair service would permit this land use as a home business throughout the jurisdiction of the CBRM. There are no setback requirements for home businesses other than those associated with a main or accessory building.

Based on conversations with Motor Vehicle Inspections staff, motorcycle-only licenses can be issued. Licenses are issued based on the class of vehicle which is inspected at a given location. The required equipment and inspector qualifications vary based on the applicable vehicle class(es).

Conclusion

As Council is aware, Dillon Consulting is currently in the process of a comprehensive review the CBRM's MPS and LUB. The draft documents are expected to be considered by Council by the end of 2022 or early 2023. Due to the legislative requirements under the *Municipal Government Act*, the process associated with a MPS and LUB amendment takes approximately 5-6 months. The process can take longer depending on the specifics of the application. It is uncertain whether the requested amendment would be consistent with the direction of the new planning documents.

Given the potential for conflict with the expected timelines, it would be best to direct consideration of this issue as part of the comprehensive review of the MPS and LUB.

However, if Council wishes to proceed with a public participation program, staff will require further direction. The approach Council chooses will impact the scope of the PPP and the targeted respondents. If Council wants to proceed with amending the policy for the Keltic Drive Business Corridor (KBC), notice will be sent to property owners along Keltic Drive outside of the KBC zone. Amendments to the setbacks in the Rural CBRM (RCB) Zone and change in definitions, have a wider impact than the property in question; therefore, a public participation program should cover the larger jurisdiction of the CBRM.

Options

1. Uphold the Municipal Planning Strategy and Land Use Bylaw.
2. Direct consideration of this issue to the comprehensive review of the MPS and LUB, and direct Mr. Fudge to contact Dillon Consulting to discuss the proposed development.
3. Proceed with a public participation program. If this option is selected, Council's motion should include direction to staff as outlined below.

Direct staff to frame the public participation program to obtain input on the following policy option:

- A. KBC Zone;
- B. Setback requirements;
- C. Definitions; or
- D. All three options.

Recommendation

Staff recommend that this application be considered as a part of CBRM Forward for the reasons outlined above. However, if Council wishes to continue to consider this application staff recommend that the public participation program should explore option B. The land use impacts of motor vehicle and motorcycle repair are similar. Option B would allow Council to consider alternative mitigative measures to reduce adverse impacts on neighbouring property owners while reducing the minimum setback provision.

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning and Development Department

ORIGINAL SIGNED BY

Karen Neville
Planning and Development Department

A

SEAVIEW CYCLE & POWER EQUIPMENT INC.
1526 Keltic Drive
North Sydney, NS
B2A 4Y1

April 8, 2022

Cape Breton Regional Municipality
Esplande, Sydney, NS

Attention: Kristen R. Knudskov

Please accept this letter as my application to amend Zoning to allow Motorcycle Inspections to be completed at Seaview Cycle & Power Equipment Inc., 1526 Keltic Drive, Leitches Creek, NS B2A 4Y1.

Attached you will find payment of \$1000.00 for the application fee.

If you require any further information, please do not hesitate to contact me.

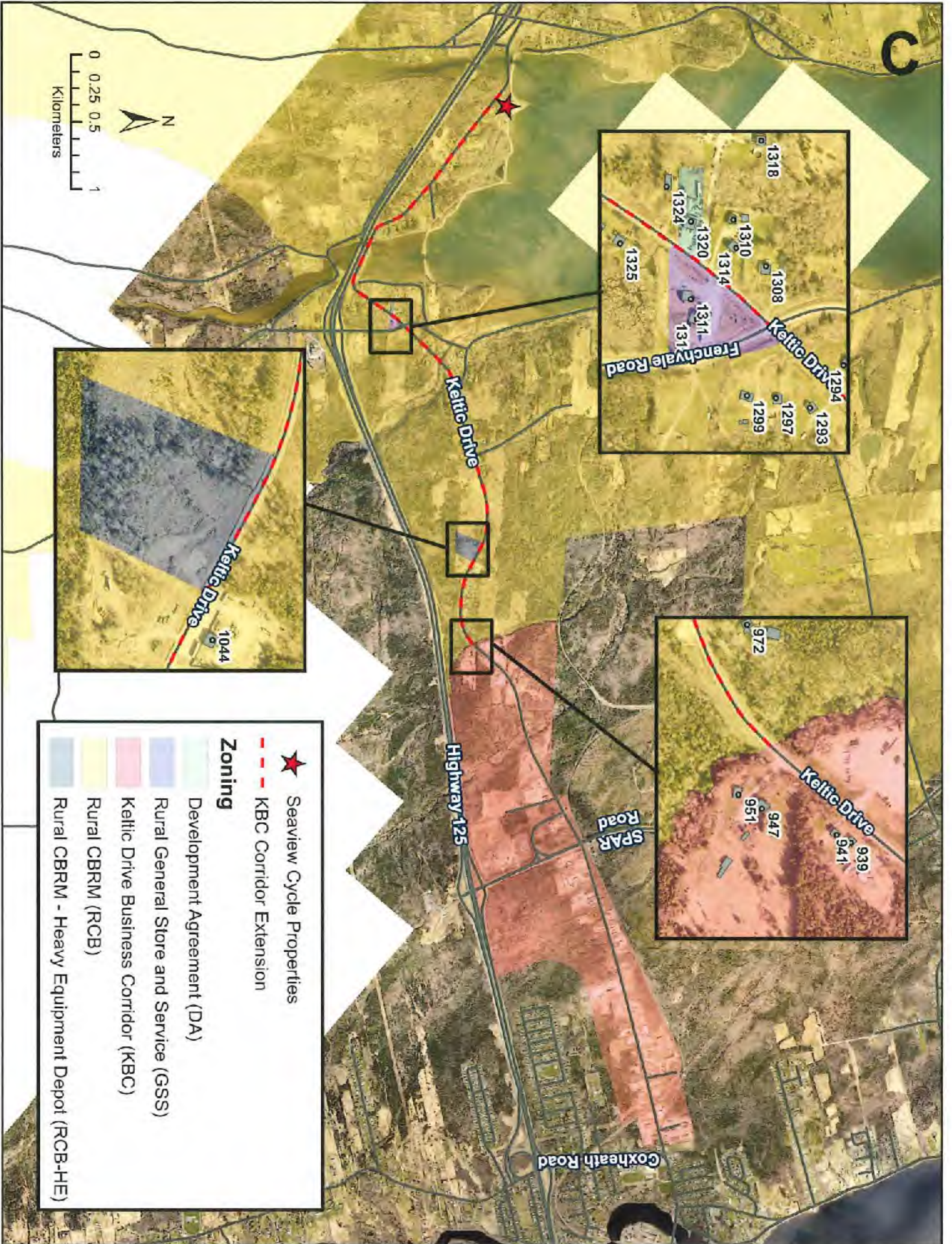
Sincerely,

Original Signed By

Dwayne Fudge
Seaview Cycle & Power Equipment Inc.
902-304-3605

B





Zone Name	Background	Permitted Uses
Keltic Drive Business Corridor (KBC)	Mixed-use zone oriented around portion of Keltic Drive	Agriculture uses Limited manufacturing One and two unit dwellings Apartments in serviced areas Sales and service uses Transportation uses
Development Agreement #G-885	Approved by Council in 2003 (Coxheath Municipal Planning Strategy)	Automotive repair no sales
Rural General Store and Service (GSS)	General store existing at the time the Land Use Bylaw was adopted (i.e. grandfathered use)	General store and service centers All uses permitted in the RCB Zone
Rural CBRM (RCB)		Agriculture uses Fishery Uses Limited Forestry, Manufacturing, Recreational Use One and Two unit dwellings Limited Sales and Services
Rural CBRM – Heavy Equipment Depot (RCB-HE)	Stand-alone heavy equipment depot approved in 2016	Heavy equipment depot Uses permitted in RCB Zone
Residential Urban C (RUC)	Low-density urban residential zone	Predominantly One and Two unit dwellings



D

Leitches Creek Road

St. Columba Drive

Service Road GB-125-02

Highway 125 EB

Highway 125 WB

Keltic Drive

Grant Road

Legend

- Accessory Building (1)
- Auto Repair (1)
- Barn (1)
- Community Mailbox - Incoming (1)
- Craft Sales/Single Residential Unit (1)
- Mobile Home (1)
- Office (1)
- Single Unit Dwelling (32)
- Single Unit Dwelling_Seasonal (1)
- Small Engine Repair (1)
- Storage Building (2)
- Vacant Commercial (2)



810 405 0 810 Feet

Municipal Planning Strategy

Part 2, Policy 13

- 13.a It shall be a policy of Council to permit certain types of service businesses to be operated from a residential property (i.e. home businesses) in:
- urban/suburban locations outside the business districts/corridors where they are generally permitted; and
 - rural subdivisions of uniformly low density residential development and any rural neighbourhood subject to Policy 18.

The specific types of service businesses shall only be identified in the Land Use By-law in compliance with the following two pre-requisites.

They must be chosen from the following broad inventory of land uses:

- accommodations
- business office
- cleaning and repair
- personal and animal care
- educational
- medical clinic

They also must be in compliance with the following criteria.

- The primary occupation at the site must be the residence and not the business.
- The appearance of the site must primarily remain residential.
- If retailing takes place, it must be an insignificant ancillary use to the main business endeavour.
- Service businesses which are high volume traffic generators or provide a service to groups of individuals rather than personal service are not to be included
- Businesses servicing large scale equipment, materials and vehicles are not to be included.

Part 2, Policy 17

- 17.a Because of the relative sparsity of development in comparison to urban/suburban locales, coupled with the generally less apprehensive attitude of rural constituents about land use and development issues in comparison to urban/suburban residents, policy direction regarding business development in most of rural CBRM is more relaxed. It shall be a policy of Council to permit a wide variety of business developments in most of rural CBRM based on a range of regulatory provisions from as-of-right permission to the requirement for a zoning amendment.
- 17.b It shall be a policy of Council to permit personal service businesses, business office and health care, small scale accommodations businesses, arts and artisan

establishments, and maintenance and repair services to sectors other than the automobile, as-of-right throughout rural CBRM, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions.*

- 17.c It shall be a policy of Council to permit automotive repair service businesses throughout rural CBRM, *except in neighbourhoods subject to Policy 18 of this Part and planned residential subdivisions*, provided all buildings and structures associated with the business are well setback from any residential dwelling and outdoor storage is setback even further with screening provisions in effect to protect residential development, as specified in the Land Use By-law.

Municipal Planning Strategy

Part 3, Policy 17

17. It shall be a policy of Council to designate the eastern corridor of Keltic Drive, as illustrated on the Municipal Planning Strategy Map, as a diverse corridor where the following land uses are permitted:

- business service and sales uses;
- manufacturing uses;
- recreation, culture, and entertainment uses;
- transportation service terminals and depots; and
- rural residential uses.

As with other secondary regional routes with a large % of business development, lot development requirements will be imposed regarding:

- building setback;
- on-site parking provisions; and
- public street/road access restrictions.

It shall be zoned the Keltic Drive Business Corridor (KBC) Zone.

Land Use Bylaw

Part 101 Definitions

Repair service means property associated with the maintenance, care, repair or cleaning of goods, commodities, equipment, materials other than motor vehicles and shall include the repair of clothing, jewelry, appliances, furniture, small engines, or parts of vehicles, machinery and equipment without the storage (whether within a building or outdoor) of the vehicle the part is associated with.

Motor Vehicle means a machine which is primarily constructed to move under its own power (e.g. automobile) or a wheeled vehicle intended to be hitched to an automobile which is primarily constructed to move under its own power (e.g. recreational vehicle)

Motor vehicle related means an establishment which retails, repairs, or provides fuel services to automobiles. Types of motor vehicle related establishments include:

- **motor vehicle repair service** means an establishment where the primary purpose is the repairing of motor vehicles. Motor vehicle retail may be an accessory use to the repair business in such establishments. Motor vehicle repair can be divided into three categories; the repair of the parts of the motor vehicle which are responsible for it to operate, the repair of the external body of the motor vehicle, and the repair of the glass affixed to the body.

County, Plan Area	Definitions	Approach
Annapolis County	No applicable definitions included.	No provisions are in place and a permit is not required.
Antigonish County, Fringe	<p>AUTOBODY SHOP means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and which may include towing service and motor vehicle rentals for customers while the motor vehicle is under repair.</p>	<p>Permitted in Rural General Zone. There are no special provisions. However, the minimum lot size, frontage, and yards (i.e. setbacks to property boundaries) are greater than CBRM's requirements.</p>
Antigonish County, Central	<p>SERVICE SHOP means a building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.</p> <p>AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, diesel and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. An automobile service station may include an automobile car wash and/or convenience store.</p>	<p>Automobile service stations are permitted in the Rural Commercial Zone. The minimum lot size, frontage, and yards (i.e. setbacks) are greater than the CBRM's requirements.</p> <p>They are not permitted in the Rural Development Zone.</p>
Antigonish County, Eastern	<p>REPAIR SHOP means a building used for the repair and servicing of household articles, industrial equipment, machinery, automobiles or similar items for monetary gain.</p> <p>SERVICE SHOP means a building used for the provision of a personal service including but not limited to a repair shop, machine shop for household articles, barber shop, or a dry cleaning, hairdressing,</p>	<p>Repair shops are permitted in the Rural and Rural Settlement Zones.</p> <p>All repair shops must be screened within 5 feet of the outside perimeter of open storage with a minimum height of 5 feet above grade.</p> <p>Rural Zone requires larger minimum lot size, frontage, and yards (i.e. setbacks) than CBRM requirements.</p>

	dressmaking or tailoring establishment to the general public for monetary gain.	
Colchester County, Central	AUTOMOTIVE REPAIR OUTLET means a commercial use, buildings or place other than a private garage where vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop and includes muffler shops, transmission repair shops, and shops specializing in windshield replacement, radiator repairs, autobody work, and the sale and installation of automotive accessories SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or automotive repair outlets.	Automotive Repair Outlet is not a permitted use in the Rural General Zone.
Cumberland County	AUTOMOTIVE SERVICE means a building or a portion of a building used to repair and / or paint the body or engine of an automobile, including but not limited to vehicle detailing and sandblasting. HOUSEHOLD ITEM REPAIR SERVICES means the use of building or part of a building used for the repair and accessory sale of household appliances, furniture or equipment, such as, but not limited to, the repair of televisions, computers, kitchen appliances, hand tools, bicycles, and vacuum cleaners, but does not include manufacturing or automotive service.	Automotive Service is permitted in Rural Industrial Zone with no special provisions. However, the minimum lot size, frontage, and yards (i.e. setbacks to property boundaries) are greater than CBRM's requirements. Automotive Service is permitted only as a level 2 home-based business in the Country Residential Zone, subject to: <ul style="list-style-type: none"> - Up to 4 employees - Gross floor area is tied to the lot size <ul style="list-style-type: none"> o Under 5000 m² = 100 m² o 5000 m² to 10,000 m² = 150 m² o Greater than 10,000 m² = 200 m²

		<p>- Maximum outdoor storage and display area is determined same as gross floor area</p>
<p>Inverness County, Cheticamp</p>	<p>AUTOMOBILE SERVICE STATION means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.</p> <p>SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.</p> <p>LIGHT INDUSTRIAL FABRICATION means the use of land, buildings or structures for manufacturing, processing or repair of goods which is not offensive or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse, and shall not include scrap yards. Retail stores associated and secondary to the facility shall be permitted.</p>	<p>Automobile service stations are permitted in the Rural Commercial Highway Zone. The minimum lot size, frontage, and setbacks are greater than the CBRM's requirements.</p> <p>Automobile service stations are not permitted in the Residential Rural Zone.</p>
<p>Inverness County, Inverness</p>	<p>"Repair Service": means the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.</p> <p>Automobile service and repair shop is not defined.</p>	<p>Automobile service and repair shop, while not defined, is listed as a permitted use in the Rural Development Zone. There are no special provisions. However, the minimum lot size, frontage, and yards (i.e. setbacks to property boundaries) are greater than CBRM's requirements.</p>

		<p>Automobile service and repair shop is not listed as a permitted use in the Rural Residential Zone.</p>
<p>Inverness County, Whyccocomagh</p>	<p>5. Automobile service centre means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash but shall not include an automobile body or repair shop.</p> <p>32. Light industrial use means the use of land, buildings or structures for manufacture, processing or repair which is not 25 offensive or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water carried waste, or other obnoxious emission or refuse. Automotive repair establishments shall be considered a light industrial use. Automotive scrap yards and retail stores shall not be considered a light industrial use for the purposes of this By-law.</p> <p>56. Service shop means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.</p>	<p>Automotive repair is considered a light industrial use. Light industrial uses are not permitted in the Residential Rural Zone.</p>
<p>Kings County</p>	<p>Automotive Repair means a building or a portion of a building used to repair and/or paint the body or engine of a motorized vehicle, including but not limited to motor vehicle detailing and sandblasting. Unless otherwise controlled by a zone provision, this use may include the accessory display of up to six vehicles for sale, lease or rental.</p>	<p>Automotive repair is permitted in the Rural Industrial Zone, but not the within Country Residential Zone.</p>

	<p>Household Item Repair Services means a building or part of a building used for the repair and/or accessory sale of household appliances, furniture or equipment, such as, but not limited to, the repair of televisions, computers, electronics, kitchen appliances, hand tools, bicycles, and vacuum cleaners, but does not include the manufacturing, repair or servicing of combustion engines</p>	
<p>Richmond County, Central</p>	<p>5. AUTOMOBILE SERVICE CENTRE means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles and may include an automobile car wash.</p> <p>55. SERVICE SHOP means a building or part thereof used for the sale or repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.</p> <p>Automobile repair shops listed as an example of a commercial use but is not defined.</p>	<p>Commercial uses are permitted in the Rural Residential Zone and the Rural General Zone. Neither zone contains special provisions. However, the minimum lot size, frontage, and yard (i.e. setback) provisions are larger than CBRM requires.</p>



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Surplus School Properties

DATE: May 24th, 2022

INFORMATION:

At previous council meetings, Council approved a motion deeming the former East Bay School, Bridgeport School, and Portage School surplus to the needs of the municipality. The properties are identified in yellow on the attached maps (Attachment "A") herein.

At the council meeting held on November 9th, 2021, council passed a motion directing staff to call for an Expression of Interest (EOI) for the former East Bay School pursuant to current policy. The purpose was to determine the level of interest in the purchase and redevelopment of the property by both non-profit and the private sector. Staff would bring back a recommendation to council.

One written submission was received for an amount significantly lower than market value. There were no submissions received from the non-profit sector. CBRM did receive a letter of interest after the date the Expression of Interest closed and have since received various calls from individuals showing interest in the property.

Given the interest in all 3 vacant surplus schools, staff felt it prudent to establish what the schools would be worth on the open market. CBRM retained Kempton Appraisal and they have provided CBRM with market value reports on each property.

The factors affecting the value included size, shape and location of the land; quality of improvements, topography, zoning, highest and best use; developments in the area, accessibility and demands of similar properties were also considered to determine the Market Value of the subject properties. The Accredited Appraisal Reports determined the values as set out below*:

- Former East Bay School (PID 15334170) \$85,000*
- Former Bridgeport School (PID 15450349/15450356) \$65,000 *
- Former Portage School (PID 15039860) \$ 3,500

**This value is based on the assumption the subject property is environmentally clean*

Property Management Policy 4.9 (see Attachment B) directs staff to sell former school properties by using the disposal method under Community -Based Property. This procedure calls for an Expression of Interest prior to entertaining any sale (as was done with the East Bay School). After the Expression of Interest process is completed, staff is then required to bring the results back to council with a recommendation. Following council's decision, staff then has to proceed with a course of action based on council's motion. This procedure is very time consuming, unproductive, and frustrating for potential purchasers wanting to re-develop a property in a timely manner.

The Municipal Government Act is very clear that the Municipality is required to sell surplus property at market value unless the purchaser is a non-profit organization.

All 3 schools have been vacant for several years and are currently in poor condition. The longer CBRM holds onto them, the greater the financial burden is for the municipality. Staff would like to see the process flow using a more efficient method. Staff is asking council to consider going outside policy with the sale of these properties and not use the disposal method as outlined in Policy 4.9. This request will help facilitate the sale of these properties more effectively and efficiently.

RECOMMENDATION:

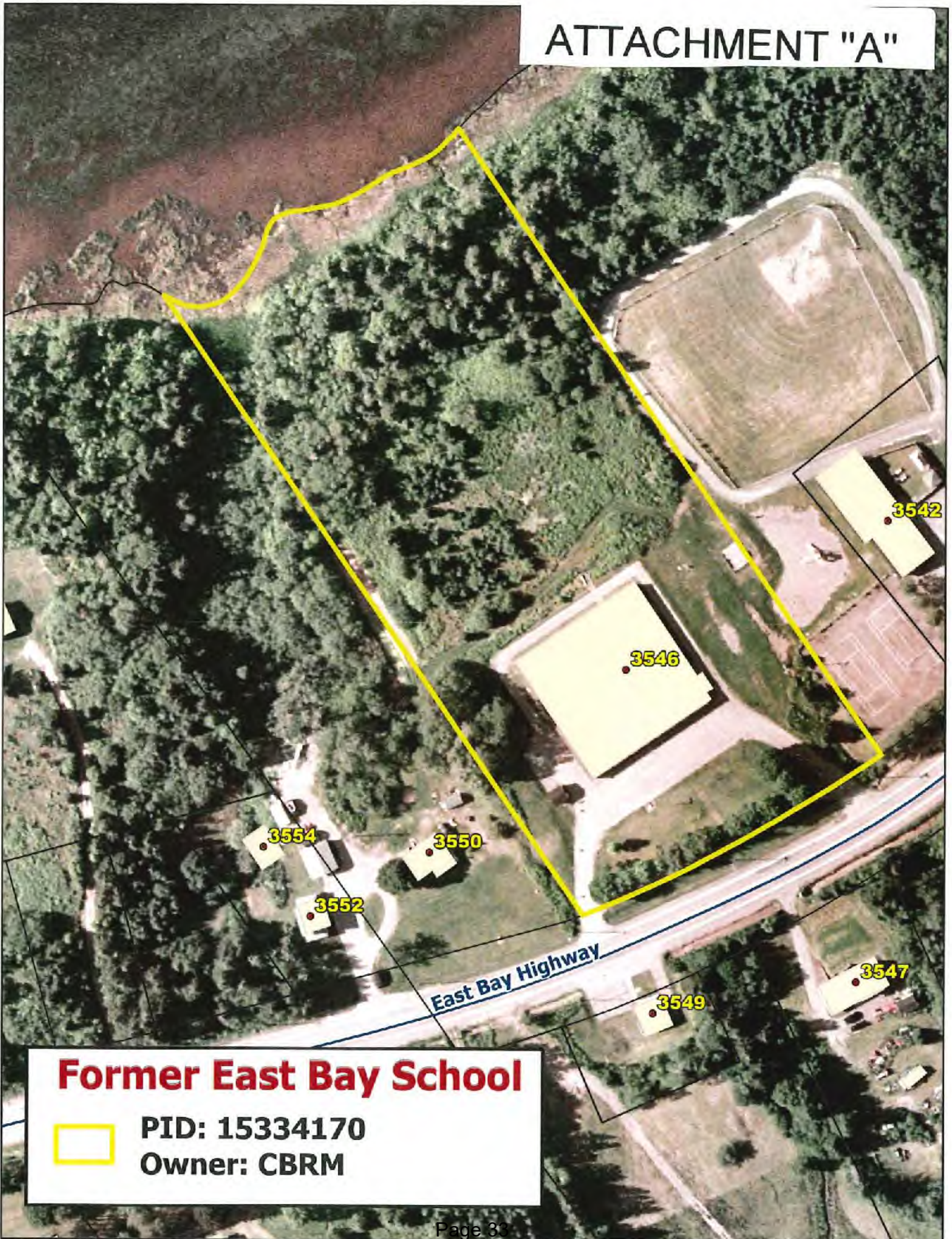
It is staff's recommendation to council to pass a motion directing staff to sell all 4 properties (former East By/Bridgeport/Portage Schools) by Public Tender with the appraised values as a reference point and sold "as is where is" to the highest bidder.

Respectively Submitted by:

Original signed by

Sheila Kolanko
Property Manager

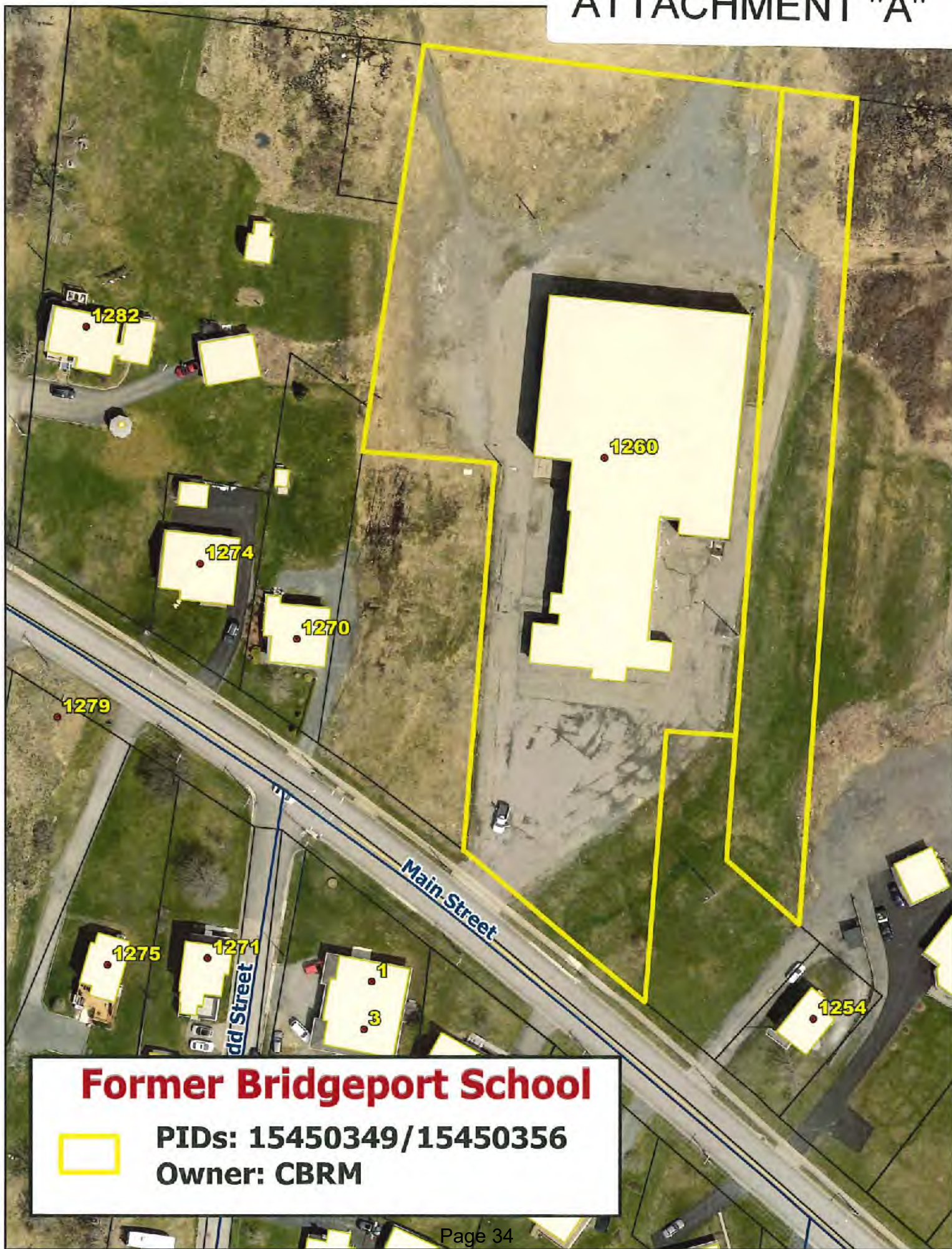
ATTACHMENT "A"



Former East Bay School



PID: 15334170
Owner: CBRM

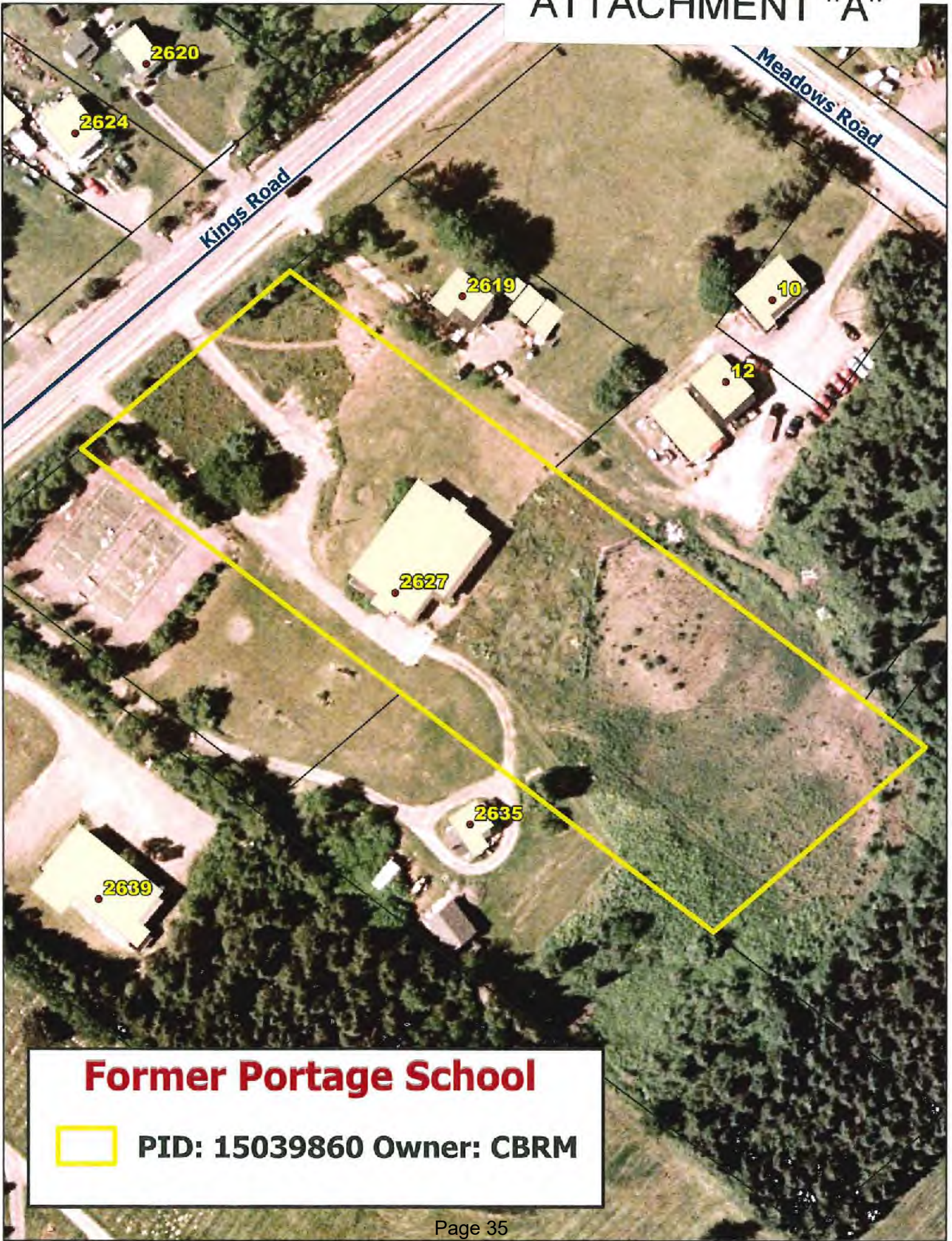


Former Bridgeport School



PIDs: 15450349/15450356

Owner: CBRM



Former Portage School



PID: 15039860 Owner: CBRM

PROPERTY MANAGEMENT POLICIES (ADOPTED SEPTEMBER 19, 2000)

4.9 Community-Based Surplus Property (August 25th, 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 interest 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 staff review will evaluate all submissions to purchase a community-based property and make a recommendation to Council. 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 staff will review and make a recommendation to council. 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.

If, in the final analysis the decision is made to sell a community-based property to private interests, and there is more than one competing interest, sealed bids would

then be requested of those participants interested in purchasing the property at market value. The Municipality would engage the services of a qualified Appraiser to establish a fair market value for the community-based property. The individual with the highest bid shall become the successful purchaser.

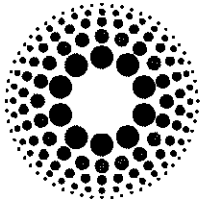
4.9.1 Community-Based Property Procedure

The sale of community-based property shall adhere to the following procedures:

- a) After formal notification that a community-based building and/or land has been closed or abandoned, the Property Management Services Division staff conducts an internal staff review to determine if the building and/or land is considered surplus to the core requirements of the Municipality.
- b) Property Management Services Division staff brings a recommendation to the Council to have the property declared essential or surplus to the needs of CBRM.
- c) If declared a community-based surplus property, an advertisement is placed in the local newspaper inviting 'Expressions of Interest' from both not for profit and the private sector.
- d) Letters of intent are received up until an established closing date.
- e) Expression of interest packages are sent to the community groups who submit letters of intent. The package will include an 'information form' which must be filled out by the community group. The information on this form will outline the organization's structure, and include details on an operating budget for the property, for example, property taxes, insurance, power, heat, repairs to building, proposed grants, etc. Proposals must be received within 60 days from the letters of intent closing date.
- f) Review of competing proposals (including sale on the open market) is conducted by an inter-departmental staff review. The review committee would include representatives, as need be, from recreation, finance, property management, economic development, and the district councilor from the area in which the community-based property is located.
- g) If required, a public hearing, information meeting, or a presentation before Council may be called.
- h) Property Management Services Division staff brings back a final recommendation to the Council.
- i) An Agreement of Purchase and Sale is implemented.

4.9.2 Factors that shall be taken into account when determining a successful purchaser; whether at full market value or at less than market value, are as follows:

- Cost considerations associated in retaining or selling the property;
- Potential adverse affects on the immediately abutting neighborhood associated with a new use on the property.
- Potential positive impact on the particular local neighborhood or community in providing better quality programs or services as a result of a new use on the property.



**NOVA SCOTIA
FEDERATION OF
MUNICIPALITIES**

Membership Survey to Support the Service Exchange Renegotiation and MGA Review Committee

Purpose of this survey:

As Nova Scotia municipalities head into the renegotiation of the Service Exchange Agreement, it is important to take stock of their needs and aspirations to better serve their constituents. The Province is also reviewing the Municipal Government Act (MGA) and Halifax Regional Municipality Charter (HRMC) and it is important for NSFM to collectively envision an MGA/HRMC that helps municipalities confront modern challenges. This survey will help to develop an in-depth understanding of the problems and opportunities that should be addressed in these two importance processes.

This survey includes 20 questions and is organized into four sections. The first section focuses on service exchange, the second section focuses on the MGA/HRMC, the third section focuses on municipal revenue. The survey ends with questions about special considerations that your municipal unit requires and final comments.

Please note, this information is collected for internal use only. Survey responses will only be reported in aggregate form. Information that identifies specific municipalities will not be released.

If you have any questions, please contact info@nsfm.ca.

Q1: What is the name of your municipality?

(Dropdown menu)

Questions related to the Service Exchange Agreement Renegotiation

In 1994, the Provincial-Municipal Service Exchange Agreement reallocated responsibilities and restructured the fiscal framework. The objectives of the Service Exchange Agreement were 1) to create strong, financially viable local governments, 2) to develop a clearer, fairer, provincial-municipal partnership, and 3) to rationalize service provision.

Information for Q2 and Q3:

Under the Service Exchange Agreement, the provincial government took responsibility for:

- Social Services and Child Welfare
- Public Health and Long-term Care

This PDF copy of the survey is for review purposes only.
Responses must be submitted using the online platform:

<https://form.surveypal.net/Service-Exchange-Renegotiation-and-MGA-Review-Survey>

- Administration of Justice
- Environment (regulatory aspects of sanitation and health standards)
- Highway Police Patrols and central police services

The provincial government also continued to hold a range of responsibilities, such as those pertaining to healthcare, education, housing, and provincial roads.

Municipalities took responsibility for:

- Making mandatory contributions to correctional services
- Policing
- Local Roads
- Sidewalks
- Public Transit
- Land-use Planning
- Building Inspection
- Recreation
- Control of Invasive Weed Species

Municipalities continued to be responsible for water and wastewater, management of solid waste, public libraries, and mandatory contributions to education and regional housing authority net operating losses.

Some municipalities also pay a per kilometre service exchange balancing fee (initially \$3500 per/km pegged to CPI) in lieu of accepting the transfer of local roads under the Provincial-Municipal Service Exchange.

Q2: Considering the responsibilities listed above, which responsibilities does your council believe municipalities should maintain or assume and why?

(Open Response Box)

Q3: Considering the responsibilities listed above, which responsibilities does your council believe the Province should maintain or assume and why?

(Open Response Box)

Information for Q4: Municipalities often respond to challenges and opportunities in their jurisdictions at their own discretion.

Many municipalities continue to make significant expenditures in the areas of Public Health, Environmental Health Services, Long-Term Care Facilities, Housing, Public Safety, Physician Recruitment, Economic Development, and Arts and Culture.

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Q4: What discretionary expenditures by your municipality does your council believe should be better supported by the Province?

(Open Response Box)

Q5: To provide a sense of priorities, state the top three municipal expenditure responsibilities that your municipal council believes should be reviewed and why?

(Open Response Box)

Q6: What new service responsibilities would your municipality find unacceptable?

(Open Response Box)

Questions related to the Municipal Government Act Review

Since the last MGA Review in 2015, several changes have been made to the MGA. These changes have granted municipal authority to take actions that were previously prohibited. These changes allow municipalities to invest and make decisions in new aspects of the communities that they govern.

Q7: The following question provides a list of recent changes to the MGA that have implications for the abilities and responsibilities of municipalities. Using the checklist below, please indicate the discretionary abilities that your council believes are useful for your municipality.

(Checklist Response List)

- Expanded power to expend
- Mandate to establish a Municipal Code of Conduct
- Ability to finance developments that increase accessibility
- Ability to enable municipalities to sell land below market price in some cases
- Ability to engage in negotiation for the purpose of increasing affordable housing units
- Ability to create commercial development districts
- Others? Please add.

Q8: What discretionary abilities conferred by the MGA does your municipal council believe are not useful and why?

(Open Response Box)

Q9: What additional discretionary abilities does your municipal council believe should be granted by changes to the MGA?

(Open Response Box)

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Information for Q10: A number of other federal and provincial statutes and regulations have implications for municipal budgets as non-discretionary expenses.

Q10: Using the checklist below, please indicate which regulations or responsibilities your municipal council finds to be causing considerable pressure on your budget and capacity to accomplish core goals?

(Checklist Response List)

- Surplus Schools
- Property Valuation Assessment Services
- Federal Wastewater Systems Effluent Regulations
- Cost of Police Evidentiary Lab Analysis Services
- Minimum Planning Requirements (Coastal Protection Act)
- (Upcoming) Worker Compensation Board Premiums for Volunteer Fire Fighters

Q11: Are there any other responsibilities brought about by statutes or regulations not mentioned above that add significant pressure on your budget?

(Open Response Box)

Q12: If your county or district municipality elects a warden, please indicate whether, in the opinion of your municipal council, the warden system should be replaced by the mayoral system.

(Open Response Box)

Q13: Village governance is established in Part XVII of the MGA. In the view of your municipality, should villages be consolidated with districts and counties? Please explain why or why not.

(Open Response Box)

[This survey continues on the next page]

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Information for Q14: Municipal mergers can help municipalities cooperate rather than engage in competition with each other. Consolidation is a new approach to municipal mergers that is more collaborative for the municipal partners than dissolution or amalgamation. Below is a chart that describes the difference between consolidation and amalgamation.

	Consolidation	Amalgamation
Examples	Windsor West Hants	Halifax Regional Municipality Cape Breton Regional Municipality
Overview	Municipal Leadership "Bottom Up" Process	Provincial Leadership "Top Down" Process
Legislation	Special Legislation for each merger Joint Councils make the merger decision Councils request special legislation	Municipal Government Act, Part XVII NSUARB Reviews Municipal proposals Cabinet issues merger order
Structure	Joint Transition Committee Joint Committee recommends Coordinator Joint Committee develops organization Staffed with municipal staff, consultants Joint Committee hires first CAO Boundaries reviewed by NSUARB Joint Committee organizes first election	Independent Coordinator Cabinet Chooses Coordinator Coordinator develops organization Staffed by experts, consultants Coordinator hires first CAO Boundaries reviewed by NSUARB Coordinator organizes first election

Source: Antigonish Fact Sheet "Consolidation or Amalgamation? What is the Difference?",
<https://antigonish.ca/>

Q14: Under what conditions does your council believe municipal consolidation is advisable? Reasons could include fiscal insolvency, limited access to qualified personnel, infrequency of competitive elections, or an effort to decrease costs.

(Open Response Box)

Q15: What incentives could be put in place to make amalgamation a viable option?

(Open Response Box)

Questions related to municipal revenue

Q16: Municipalities can be supported in fulfilling all responsibilities with new or expanded sources of revenue. What new or expanded revenue sources or tools does your municipal council believe to be most viable?

(Open Response Box)

[This survey continues on the next page]

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Information for Q17 and Q18:

Municipalities benefit from a range of grants including grants-in-lieu of taxes, the Municipal Financial Capacity Grant, and the Towns Foundation Grant.

Grants-in-lieu of Taxes include Farmland Grant, Nova Scotia Power Grants-in-lieu of Taxes, and Provincial or Federal grants-in-lieu of Taxes.

Other Grant Programs include a) Emergency Services Provider Fund, b) Municipal Innovation Program, c) Provincial Capital Assistance Program, d) Flood Risk Infrastructure, e) Investment Program, f) Fire Protection Grant, g) Municipal Flood Line Mapping Program, h) Beautification and Streetscaping Program, i) Community Works Program, j) Canadian Community Building Fund (formerly the Gas Tax), k) 911 grant.

Q17: What grants has your municipality received for operational expenses and how could these grants be improved?

(Open Response Box)

Q18: What grants has your municipality received for capital expenses and how could these grants be improved?

(Open Response Box)

Special considerations and other comments

Q19: Is there anything about your municipality that your council believes deserves special consideration in terms of expenditure responsibilities, legislation, or financial support?

(Open Response Box)

Q20: Is there anything else that your municipal council would like to share?

(Open Response Box)



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Council Agenda Request Form	
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)
<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion	
Date of Council Meeting: May 24, 2022	
Subject: Centre 200	
Motion for Council to Consider: Requesting a Staff Issue Paper outlining the Pros & Cons of selling Centre 200 as a going concern.	
Reason: Included in the paper please provide all financial implications of a sale including, but not limited to the latest appraised value of the Centre, cost saving to the municipality, employee displacement costs, projected property tax revenue, benefits and liabilities to CBRM to keep and / or to sell.	
Outcome Sought: Full financial discussion to make informed decision on whether or not to sell C200 as a going concern.	
<i>Councillor</i> James Edwards	<i>District</i> 8
<i>Date:</i> May 17, 2022	<i>Received by Clerk's Department (date):</i>

