

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, FEBRUARY 18, 2020

6:00 P.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, February 18, 2020

6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

- Council – December 10, 2019
- Council – January 21, 2020

2. APPROVAL OF AGENDA: (Motion Required)

3. PROCLAMATIONS & RESOLUTIONS:

3.1 World Water Day:

Deputy Mayor Ivan Doncaster (See page 8)

3.2 Storytelling Day 2020:

Councillor Steve Gillespie (See page 9)

3.3 International Mother Language Day:

Councillor Esmond Marshall

Councillor Earlene MacMullin (See page 10)

Continued...

**Council Meeting Agenda
February 18, 2020 (Cont'd)**

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – Public Hearings:

- a) **Zoning Amendment Application Case 1065 – Overnight Childcare - 3386 Hinchey Avenue, New Waterford (PID 15482961):**

Public Hearing to consider the Zoning Amendment Application Case 1065 for overnight childcare at 3386 Hinchey Avenue, New Waterford, PID 15482961, as outlined in the staff Report. Kristen Knudskov, Planner (See page 11)

- b) **Case 1066 – Zoning Amendment Application for a 3 Unit Apartment (PID 15276074) By SGH Holdings Ltd:**

Public Hearing to consider the Zoning Amendment Application Case 1066 for a 3 Unit Apartment (PID 15276074) by SGH Holdings Ltd. at Christy Lane, River Ryan, as outlined in the staff Report. Kristen Knudskov, Planner (See page 16)

- c) **Zoning Amendment Application 1068 – NSCC and Street Closure for PID 15705759, Esplanade, Sydney:**

- i) Public Hearing to consider the Zoning Amendment Application Case 1068 as outlined in the staff Report. Karen Neville, Senior Planner (See page 24)
- ii) Public Hearing to consider a formal street closure for road parcel identified as PID 15705759, pursuant to section 315 of the *Municipal Government Act*. Karen Neville, Senior Planner (See page 34)

4.2 REQUEST FOR MUNICIPAL PLANNING STRATEGY AMENDMENT:

- a) **Request from Island Folk Cider House to Amend the Secondary Planning Strategy and Development Agreement to Permit Serving of Alcoholic Beverages Produced Off Site at 52 Nepean Street, Sydney (PID 15889330):**

Committee recommends to direct staff to proceed with a Public Participation Program to consider an amendment to the North End Sydney Secondary Planning Strategy and Development Agreement to permit serving alcoholic beverages produced off-site at Island Folk Cider House, 52 Nepean Street, Sydney (PID 15889330). Kristen Knudskov, Planner (See page 36)

Continued...

**Council Meeting Agenda
February 18, 2020 (Cont'd)**

5. BY-LAWS & MOTIONS:

5.1 By-laws:

a) Second / Final Reading – Public Hearing:

i) Amendments to the Responsible Animal Husbandry By-law: Karen Neville, Senior Planner (See page 44)

b) First Reading: N/A

6. DELEGATION:

6.1 Hawk's Dream Field: Ms. Lisa McNeil-Campbell and Ms. Toni McNeil (See page 55)

7. REPORTS:

7.1 Wash Brook Flood Mitigation Project Update – Pond 5: Matt Viva, Manager of Wastewater Operations (See page 66)

8. PRESENTATION:

**8.1 The Washbrook Greenway Coalition: Mr. Wayne McKay, Spokesperson (See page 72)
** See background information attached separately***

9. CORPORATE SERVICES ISSUES:

9.1 Proposed Fire Station 1 Location: Allan Clarke, Manager, Buildings & Parks (See page 83)

9.2 2020 Municipal and CSAP Elections – Returning Officer/ Assistant Returning Officer: Marie Walsh, Chief Administrative Officer (See page 87)

Continued...

**Council Meeting Agenda
February 18, 2020 (Cont'd)**

10. BUSINESS ARISING:

10.1 Heritage Advisory Committee Meeting - January 20, 2020:

a) Dominion Italian Hall – 14 Gatto Street, Dominion:

Committee recommends initiating the process for registering Dominion Italian Hall located at 14 Gatto Street, Dominion (PID 15376445) as a Municipal Heritage Property. Karen Neville, Heritage Officer/Senior Planner (See page 88)

b) Grand Narrows Waterfront – 415 Grand Narrows Drive, Grand Narrows:

Committee recommends initiating the process for registering the property located at 415 Grand Narrows Drive, Grand Narrows (PID 15606445), as well as the ferry dock infrastructure, as a Municipal Heritage Property. Karen Neville, Heritage Officer/Senior Planner (See page 94)

c) Saint Joseph’s Catholic Parish Church – 2735 Trout Brook Road, Albert Bridge:

Committee recommends initiating the process for registering Saint Joseph’s Catholic Parish Church located at 2735 Trout Brook Road, Albert Bridge (PID 15341035) as a Municipal Heritage Property. Karen Neville, Heritage Officer/Senior Planner (See page 99)

d) Bernie’s Bakery – 12 Meadow Street, Whitney Pier:

Committee recommends initiating the process for registering Bernie’s Bakery located at 12 Meadow Street, Whitney Pier (PID 15136088) as a Municipal Heritage Property. Karen Neville, Heritage Officer/Senior Planner (See page 108)

10.2 General Committee Meeting – February 4, 2020:

a) Request for Release of Covenant: PID 15021736 – Manning Street, North Sydney:

Committee recommends to direct staff to prepare the necessary documentation required to have the Restrictive Covenant removed from the property on Manning Street, North Sydney, (PID 15021736), to allow Ben Blufarb to sell his property free and clear of such building restriction. Sheila Kolanko, Senior Paralegal/Property Manager (See page 113)

Continued...

**Council Meeting Agenda
February 18, 2020 (Cont'd)**

BUSINESS ARISING (Cont'd)

General Committee Meeting – February 4, 2020 (Cont'd):

b) **Local Travel Policies – Elected Officials:**

Committee recommends to approve the amendments to the local travel policy for elected officials to eliminate the taxable allowance and provide a non-taxable reimbursement based on actual mileage claimed, with clearly-defined parameters of what constitutes eligible travel. Jennifer Campbell, Chief Financial Officer (See page 120)

10.3 **In Camera Council Meeting – February 18, 2020:**

a) **CBRPS Personnel Matter: (to be circulated at meeting)**

11. **FINANCIAL STATEMENTS:** Jennifer Campbell, Chief Financial Officer

11.1 **CBRM to December 31, 2019:** (See page 130)

For Information Only.

11.2 **Port of Sydney Development Corporation to December 31, 2019:**
(See page 132)

For Information Only.

ADJOURNMENT

PROCLAMATION

“World Water Day”

Whereas: The United Nations has declared Sunday, March 22nd, 2020 as World Water Day; themed 2020 Water and Climate Change – Everyone has a Role to Play.

And Whereas: People around the world are encouraged to celebrate by remembering our need for clean water to support the most basic human needs;

Be It Therefore Resolved: That CBRM Mayor Cecil P. Clarke and Council proclaim Sunday, March 22nd, 2020 as “World Water Day” in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water.

Deputy Mayor Ivan Doncaster – District #7

February 18th, 2020

PROCLAMATION

STORYTELLING DAY 2020

Whereas: Cape Breton's rich and vital cultural heritage relies upon the lively exchange of stories, both to celebrate our past and to preserve wisdom from previous generations;

And Whereas: The region's shifting demographics mean new cultural influences and new stories, which can help us, see and shape our role within a global future;

And Whereas: A diversity of stories and voices results in a unique and complex culture, further positioning Cape Breton as a destination of interest for world travelers and investors;

Be It Therefore Resolved: That storytelling be officially recognized by the Cape Breton Regional Municipality as a *significant cultural resource deserving of support* and that March 21st, 2020 be declared as annual Cape Breton Storytelling Day.

Councillor Steve Gillespie – District #4 - CBRM

February 18th, 2020

Proclamation

International Mother Language Day

WHEREAS: languages, with their complex implications for identity, communication, social integration, education and development are increasingly under threat with a language disappearing approximately every two weeks taking with it an entire cultural and intellectual heritage; and

WHEREAS: in recognition of the Bangladesh Language Movement of 1952, The United Nations Educational, Scientific and Cultural Organization unanimously agreed in 1999 to observe International Mother Language Day on February 21st each year; calling upon member states to promote the preservation and protection of all languages used by peoples of the world; and

WHEREAS: nearly 40 per cent of the world's population do not have access to an education in a language they speak or understand creating hurdles, if not barriers, but with increased awareness and understanding of its importance, progress is being made in mother tongue-based multilingual education, particularly in early schooling.

BE IT THEREFORE

RESOLVED: that Mayor Cecil P. Clarke and Council of the Cape Breton Regional Municipality encourage all residents to show their support for all languages spoken by the people who find hope in Cape Breton as we uphold human rights and freedom of language and voice by proclaiming Friday, February 21, 2020 as *"International Mather Language Day"* here in the CBRM.

Councillor Esmond Marshall
Councillor Earlene MacMullin
February 18, 2020

Excerpt - Draft Council Minutes – January 21, 2020

**Zoning Amendment Application Case 1065: Overnight Childcare - 3386 Hinchey Ave,
New Waterford (PID 15482961)**

Motion:

Moved by Councillor Coombes, seconded by Councillor Bruckschwaiger, approval to advertise notice of Public Hearing to be held during the February meeting of Council to consider the Zoning Amendment Application Case 1065 to permit overnight childcare at 3386 Hinchey Avenue, New Waterford, PID 15482961, as outlined in the staff Report dated January 21, 2020.

Motion Carried.



TO: Council

FROM: Kristen Knudskav

**SUBJECT: ZONING AMENDMENT APPLICATION
CASE 1065 – OVERNIGHT CHILDCARE
3386 HINCHEY AVE, NEW WATERFORD (PID 15482961)**

DATE: February 18, 2020

Background

The Planning and Development Department has received an application from Ashley Curry to amend the text of the Land Use Bylaw. Ms. Curry wishes to operate an overnight childcare facility from her residence, a single detached dwelling, at 3386 Hinchey Ave, New Waterford. (PID 15482961, see Attachment A).

Ms. Curry is seeking a licence for her proposed business, which is regulated under the Nova Scotia Department of Education and Early Childhood Development (NSEECD). A Development Permit is required in order to obtain a licence.

Day cares are permitted within the Residential Urban D Zone, and Ms. Curry is currently operating during daytime hours. However, the Land Use Bylaw defines a Day Care Facility as:

*“... a community service establishment which provides nursery and/or pre-school care for all children and also for adults who are mentally and/or physically debilitated to a level which requires a care provider. A day care facility is operated on a daily or hourly basis during all or part of the day but **does not provide overnight accommodation.**”*

Due to the restrictive definition of Day Care Facility, the Planning and Development Department is unable to issue a Development Permit for overnight childcare. As a result, the applicant has applied to amend the text of the Land Use Bylaw.

Evaluation

Overnight childcare is not common, however, there are some facilities in operation within Canada. They fill a gap for individuals who work shift work or evenings.

The NSEECD has standards in place for “Extended Hours Child Care,” which includes any facility in operation past 6:30 pm. The applicant’s proposal must be approved by NSEECD in order to receive a licence for extended hours.

Day Cares are currently permitted in numerous zones throughout CBRM, including zones which are both primarily residential or commercial in nature. The subject site is surrounded by solely low-density residential dwellings, as is common among other day cares.

Overnight childcare will produce similar impacts to traditional day cares, simply operating during different hours. Overnight childcare would be subject to existing parking regulations as outlined in Section 30 of the Land Use Bylaw. Section 30 requires three parking spaces per two playrooms in the daycare. The proposed business has one playroom, and thus would need to provide 2 spaces. There is adequate space on the existing driveway to accommodate the required parking spaces.

Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was published in the February 3rd and February 10th editions of the Cape Breton Post. Notice was also mailed to assessed property owners within 30m (100 feet) of the property in question and posted to the CBRM Facebook page.

At the time this report was prepared, the Planning Department received no questions or concerns regarding this proposed amendment.

Recommendation

Given that the impacts will be similar to day-time operations, and that the Province regulates Extended Hours Child Care, it is reasonable to amend the definition of Day Care Facility to permit overnight childcare.

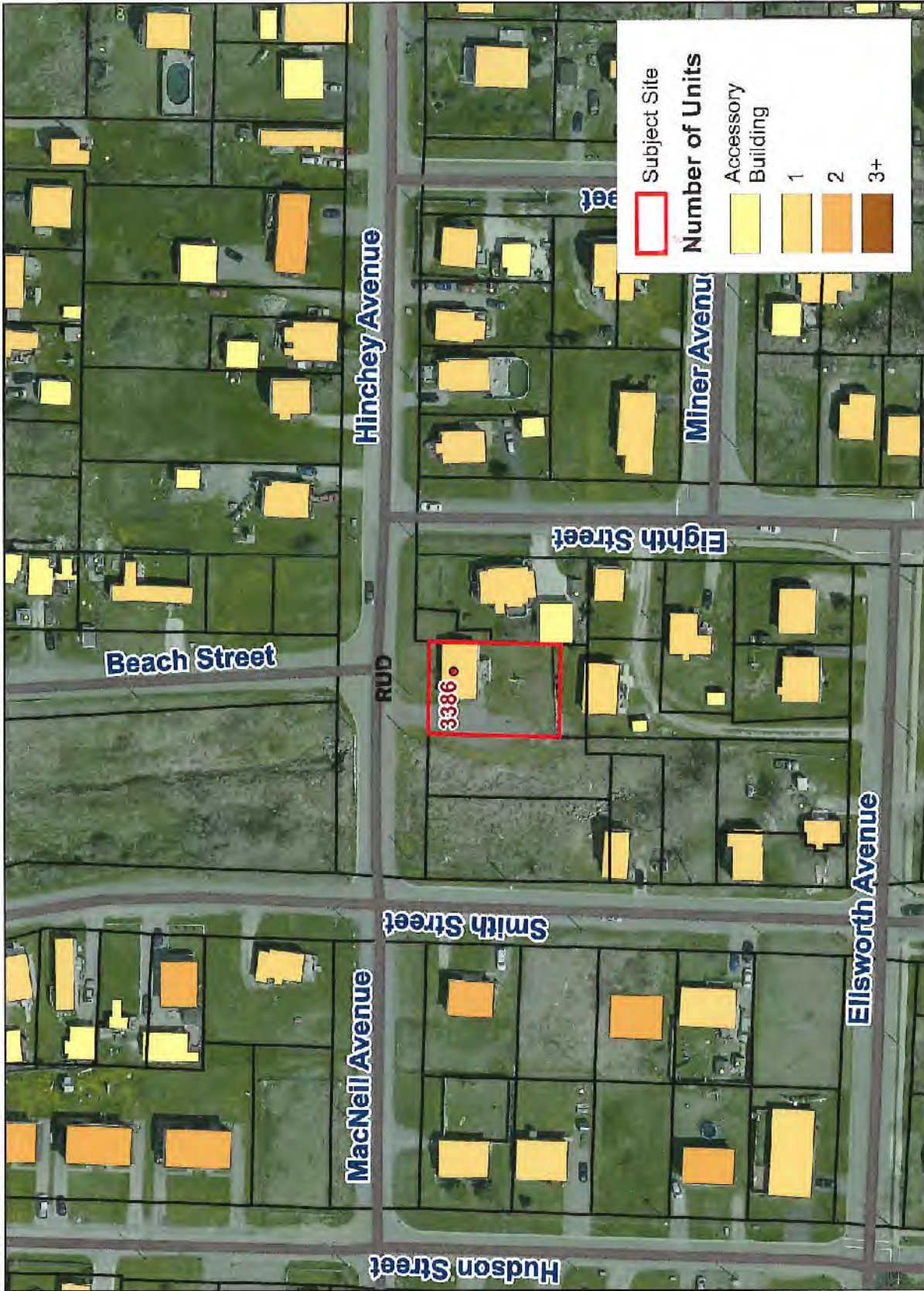
I recommend that the definition of Day Care Facility within the Land Use Bylaw be amended to permit overnight childcare, as outlined in the attached Amending By-law (Attachment B).

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning and Development Department

A



B

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

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

THAT: Part 100 of the Land Use By-law is hereby amended by deleting:

A day care facility is operated on a daily or hourly basis during all or part of the day but does not provide overnight accommodation.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on February 18, 2020.

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on February 18, 2020 to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Excerpt - Draft Council Minutes – January 21, 2020

**Case 1066 – Zoning Amendment Application for a 3 Unit Apartment (PID 15276074)
By SGH Holdings Ltd**

Motion:

Moved by Councillor Coombes, seconded by Councillor Bruckschwaiger, approval to advertise notice of Public Hearing to be held during the February meeting of Council to consider the Zoning Amendment Application Case 1066 for a 3 Unit Apartment (PID 15276074) by SGH Holdings Ltd. at Christy Lane, River Ryan, as outlined in the staff Report dated January 21, 2020.

Discussion:

In response to a question, Planner Knudskov advised that the process used for advertising is in accordance with the *Municipal Government Act* and includes mail-out to assessed property owners in the vicinity and notice in the Cape Breton Post.

CBRM Communications and Information Officer agreed to post the advertisements on the CBRM social media page.

It was also recommended that this topic regarding Planning notices be brought to the workshop to be scheduled in February.

Motion Carried.



TO: Council

FROM: Kristen Knudskov

**SUBJECT: CASE 1066 - ZONING AMENDMENT APPLICATION
FOR A 3 UNIT APARTMENT (PID 15276074)
BY SGH HOLDINGS LTD.**

DATE: February 18, 2020

Background

The Planning and Development Department has received a zone amendment application from SGH Holdings Ltd. requesting to amend the zoning of PID 15276074 (28, 36, and 38 Christy Lane, River Ryan) to permit a 3-unit dwelling (see Attachment A). The site is located near the intersection of Union Highway (Highway 28) and Ryan Street.

The property is approximately 1 acre and is currently occupied by two residential buildings – a semi-detached dwelling, currently under construction, and a 6-unit apartment (see Attachment B). The 6-unit apartment building was converted from the former St. Michael's School in 2015 by site plan approval under Part 2 s. 6 of the Land Use Bylaw (LUB). The semi-detached dwelling is being constructed in such a manner that it may be converted to a triplex subject to the outcome of this amendment application.

The subject property is zoned Residential Urban D (RUD). The RUD zone permits only one- and two- unit dwellings and mobile homes. As a result, the proponent has requested an amendment to the LUB.

Evaluation

There are several policies under the Municipal Planning Strategy (MPS) which advocate for apartment developments under certain circumstances. Policy 1.b outlines a siting hierarchy for areas where apartment buildings should be encouraged to occur. The subject site falls into the lowest priority category:

- 1.b The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:
- within the central business districts of the major urban concentrations of the CBRM;
 - within neighbourhoods in proximity to the central business districts;
 - along the higher level public street/roads linking our central business districts with the surrounding neighbourhoods and communities (refer to Charts on pages 7.3 and 7.4);

- in other locales where they are already prevalent; and
- **all other urban service areas.**

However, when the current zoning does not permit the scale of a proposed residential development, it is a policy of the MPS to at least consider a zoning amendment. The density and scale of allowable apartment building development should be correlated with attributes of the immediate neighbourhood:

1. the level of the public street/road accessing the site (*refer to Charts on pages 7.3 and 7.4*);
2. the variety of land use types in the vicinity; and
3. the existing development densities in a given neighbourhood;

1. The site fronts onto Christy Lane, a dead-end, unpaved, and unlisted road. CBRM Public Works East Division provides gravel, grading, and winter plowing on this street. Christy Lane is accessed by Ryan Street, a level 5 local road (as defined in the MPS road network hierarchy). This suggests that this site would not be suitable for large-scale apartment development. However, the proponent is proposing 3-units, which is reasonable for a site accessed by a minor street.
2. The site is situated in a primarily low-density residential neighbourhood. Apart from the 6-unit apartment building located on the same property, all dwellings in the immediate area (outlined in blue on Attachment A), a total of 14, are single detached dwellings. A church and cemetery are also located in the immediate vicinity. Given the site's unique circumstance, containing a converted school, a 3-unit apartment is not out of scale.
3. The current residential density of the subject site is 7.4 units per acre. The proposed density, if the amendment were to be approved, is 8.4 units per acre. This is approximately two-and-a-half times the density of residential lots in the immediate area (where residential density is 3.3 units per acre). The substantial difference in density is due to the unique attribute of being a former school site which was converted for residential use.

Also note that because the lot is so large, under current regulations the applicant could construct a second two-unit building as-of-right under Part 2 s. 27 of the LUB.

The MPS outlines six specific criteria to assess amendments for sites classified as 'all other urban service areas' (Policy 1.d.9):

1. The development proposal must include a landscaping plan to buffer and screen low density residential uses from the starker ancillary components of the site (*e.g. parking spaces, driveways, utility facilities, etc.*)

The site plan provided does not indicate any intended screening measures. All exposed ground would be required to comply with the definition of landscaped open space as per the Land Use Bylaw.

2. An on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;
3. Traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

Section 30 of the LUB outlines that 1 parking space is required per dwelling unit. There are 8 existing units on the property, and with one additional proposed unit. Therefore, nine parking spaces are required on site. Parking areas are depicted on the site plan (Attachment B).

The traffic associated with one additional unit would only constitute a minor increase to existing levels generated by the property.

4. The development proposal must mitigate the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.
5. The site plan and building design must respect any aesthetic aspects of the streetscape that are easily discernable;
6. Any adverse affects such as bulk and height resulting from a significantly greater scale than existing residential development in proximity shall be mitigated.

On average, dwellings in the immediate area have a total floor area of under 1000 square feet and while the majority are single story, there are some which are 1 ½ or 2 stories in height. The two-unit dwelling, once construction is completed, will have 4480 square feet of floor area over two stories. While it will be significantly larger than dwellings in the immediate area, the semi-detached was approved as-of-right and is currently being constructed. The building footprint and square footage will not be altered with the addition of a third unit.

The subject building is an existing semi-detached dwelling constructed for conversion, and no design requirements were in place for permit approval.

Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was published in the February 3rd and February 10th editions of the Cape Breton Post. Notice was also mailed to assessed property owners within 30m (100 feet) of the property in question and posted to the CBRM Facebook page.

At the time this report was prepared, the Planning Department received no questions or concerns regarding this proposed amendment.

Recommendation

An Amending Bylaw for a site-specific zone is attached (Attachment C). The zone is modeled after the RUD zone currently in place on property, with the addition of apartment buildings permitted at a density which accommodates the one requested additional unit only.

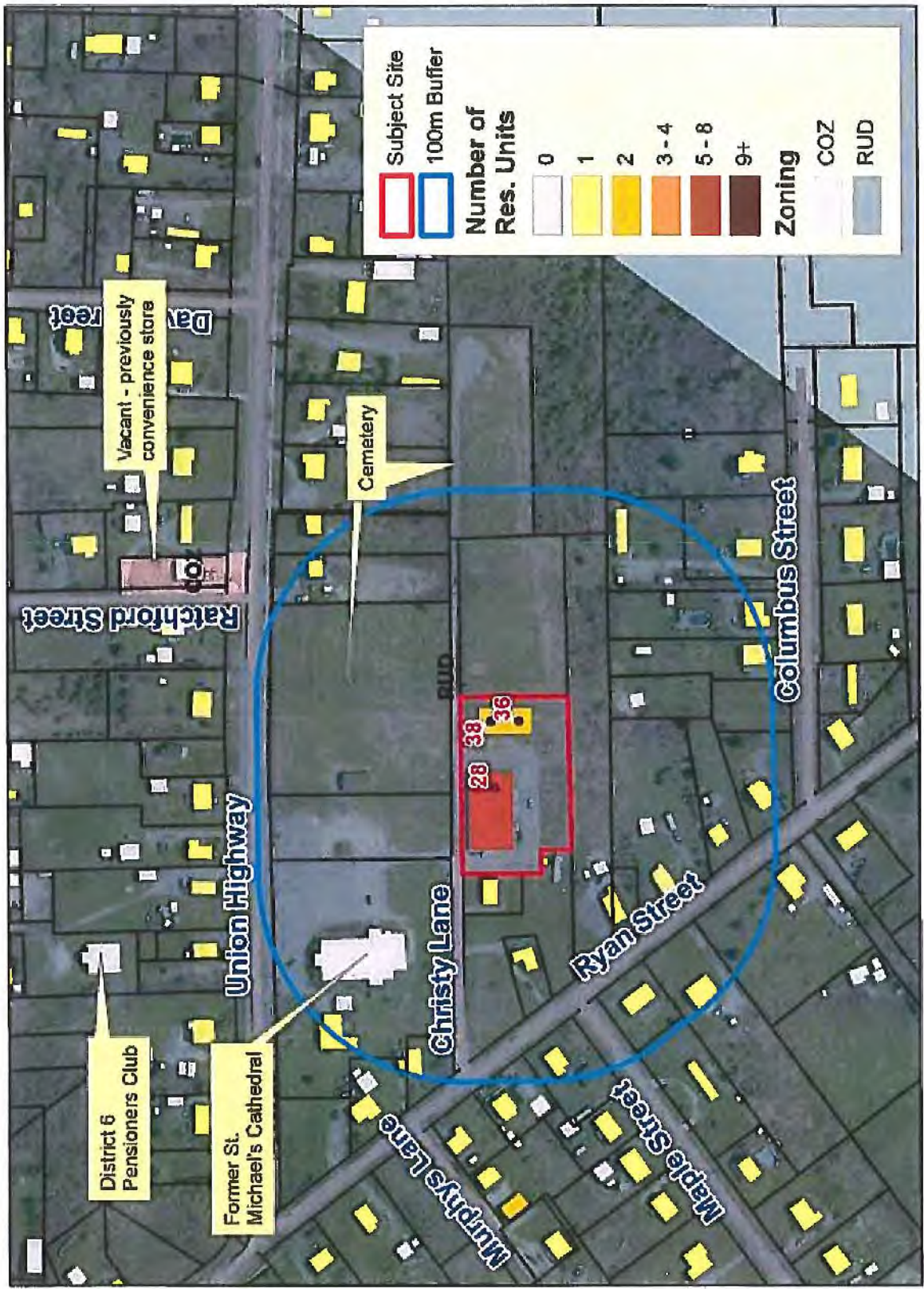
I recommend that Council adopt the Amending Bylaw as presented (Attachment C).

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning and Development Department

A





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

Pursuant to Section 210 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality’s Land Use Bylaw in the following manner:

THAT: Council renumbers Part 100 DEFINITIONS to Part 101.

AND THAT: Council amends the Land Use Bylaw by inserting the following zone:

PART 100 CHRISTY LANE APARTMENT (CLA) ZONE

Section 1 CLA Uses Permitted

Development Permits shall only be issued in the CLA Zone for one or more of the following uses in compliance with any relevant section of the General Provisions Part, and any specific section of this Part devoted to the use.

- apartment buildings at a density of 1 dwelling unit per 5000 sq. ft. of land on the lot parcel subject to Section 2
- All uses permitted in the RUD Zone subject to the RUD Zone requirements

Section 2 Apartment Buildings

- a. The total maximum lot parcel coverage for apartment buildings shall be 33% of the lot parcel area. The part of the building used to calculate this maximum lot parcel coverage is the roof to the edge of the eave (ie. dripline).
- b. Apartment buildings shall have a maximum height of two stories.
- c. All areas of the lot parcel subject this zone not occupied by the building footprint, parking areas, or deck shall be in compliance with the definition for landscaped open area in this Bylaw.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on February 18, 2020.

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on February 18, 2020 to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Excerpt - Draft Council Minutes – January 21, 2020

Zoning Amendment Application 1068 – NSCC, Esplanade, Sydney

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, recommends approval to advertise notice of Public Hearing to be held during the February meeting of Council to consider the Zoning Amendment Application Case 1068, as outlined in the staff Report dated January 14, 2020.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1068
NSCC and Street Closure for PID 15705759
Esplanade, Sydney**

DATE: February 10th, 2019

Introduction

The Planning and Development Department has received an amendment request from Fathom Studio on behalf of N5CC for properties located on the Esplanade which will be the site of the new N5CC Waterfront Campus (PID 15065113, PID 15069032, PID 15574452, PID 15065147, PID 15065154, PID 15065162, PID 15065220, PID 15890676, PID 15580152, PID 15065238, PID 15065246, PID 15551435, PID 15870918, and PID 15705759) [Attachment A]. The properties subject to the zone amendment are either under the ownership of N5CC or have been part of discussions with N5CC and the current property owner(s).

Due to the fact the final design of the campus is not complete, it is unknown if the site will need to be accessed via the CBRM property adjacent to the Cambridge Suites parking lot (PID 15580152) [Attachment C]. To ensure that this lot parcel is located in the appropriate zone if necessary, a portion of PID 15580152 identified on Attachment C is being included as part of the amendment request.

Why a zoning amendment is necessary for this development?

The proposed site of the N5CC Waterfront Campus is under the jurisdiction of the Downtown Central Business District (CBD) Zone and Downtown Sydney Waterfront (DWZ) Zone (Attachment B). While the CBD zone does permit educational service uses, the DWZ zone does not. Part 10, Policy 17, of the Municipal Planning Strategy Policy (MP5) indicates Council may consider a zone amendment to a zone immediately adjacent. In this case, the zone requested is the CBD zone which is immediately adjacent to the DWZ zone; therefore, the request is in keeping with the Part 10, Policy 17.

It should be noted that Section 197 of the *Municipal Government Act* states:

A department of the Province, before carrying out or authorizing any development in a municipality, shall consider the planning documents of the municipality.

This means that a Provincial Department needs to consider planning documents, but they do not need to comply with planning documents. N5CC wants to comply with CBRM's planning documents; as a result, they have requested the zoning on the properties identified in Attachment A be amended.

CBRM Property

The proposed waterfront campus will be located on several lot parcels owned by the CBRM. The lot parcels identified on Attachment D are identified as essential to the needs of the municipality. In accordance with the Property Management Policy, the General Committee of Council declared these properties as surplus on January 7th, 2019.

In addition to declaring the affected properties as surplus, CBRM is required to close an old public right-of-way running through PID 15705759 (Attachment E). Pursuant to the *Municipal Government Act*, Council is required to hold a Public Hearing prior to the closing of a public street.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the February 3rd and February 10th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the properties in question. In addition, notice of the Public Hearing was posted on CBRM's Facebook page. At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

For this application, two Motions are required from Council; therefore, there are two staff recommendations:

1. Based on Part 10, Policy 17, of the Municipal Planning Strategy Policy, it is reasonable for Council to consider the proposed amendment. I recommend Council approve the By-law amending the zoning for the properties identified in Schedule A of the Amending By-law found in Attachment F of this Issue Paper.
2. I recommend Council to pass a motion to close the public street/right-of-way identified as PID 15705759 (Attachment E).

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**

A



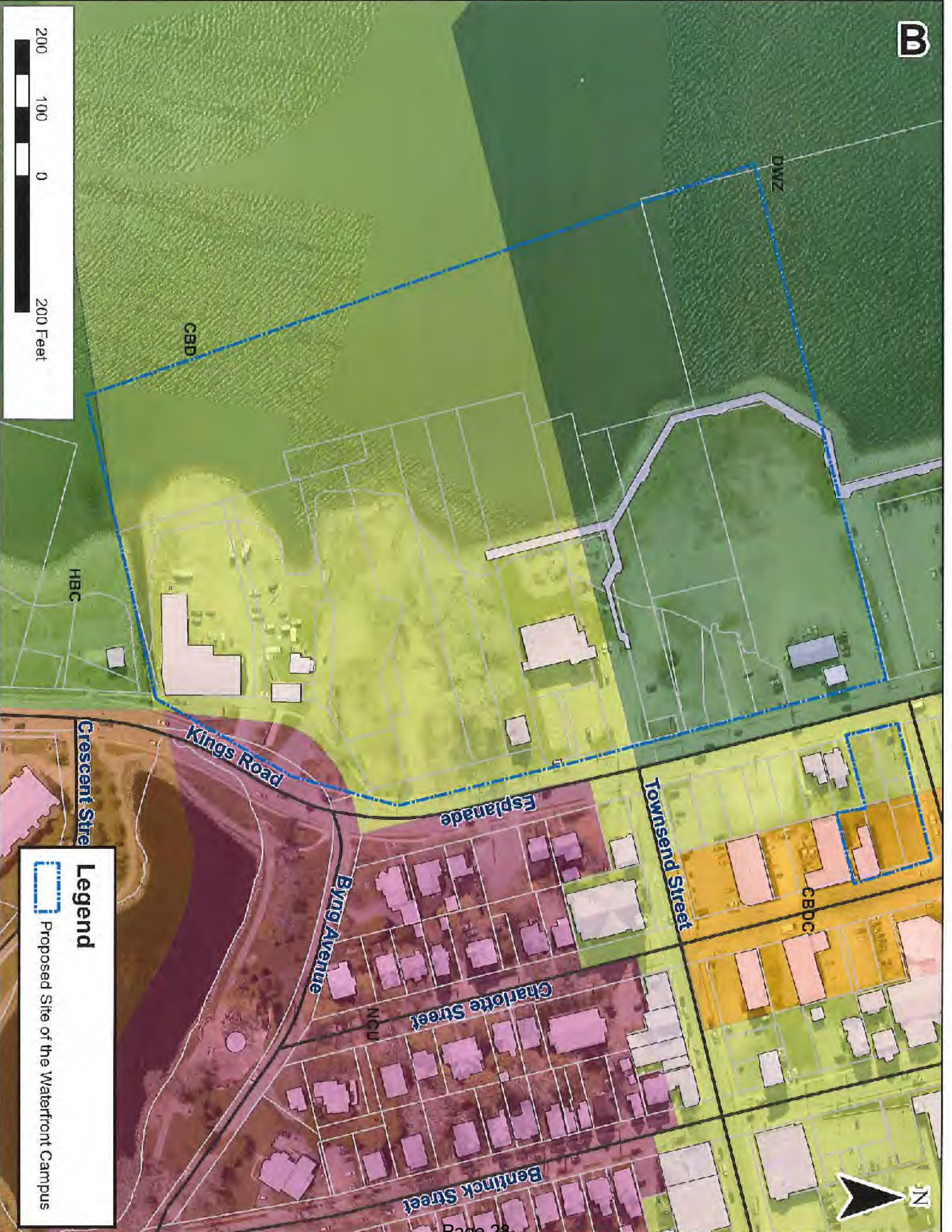
Legend

Properties Subject to the Zone Amendment

-  CBD
-  CBD C
-  CBD C
-  DWZ
-  NCU

B

200
100
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200 Feet



Crescent Street

Kings Road

Esplanade

Townsend Street

Byn9 Avenue

Charlotte Street

Bentinck Street

CBDC

CBD

DWZ

HBC

Legend



Proposed Site of the Waterfront Campus





Legend



-  PID 15580152
-  Portion of PID 15580152 subject to the Amendment Request



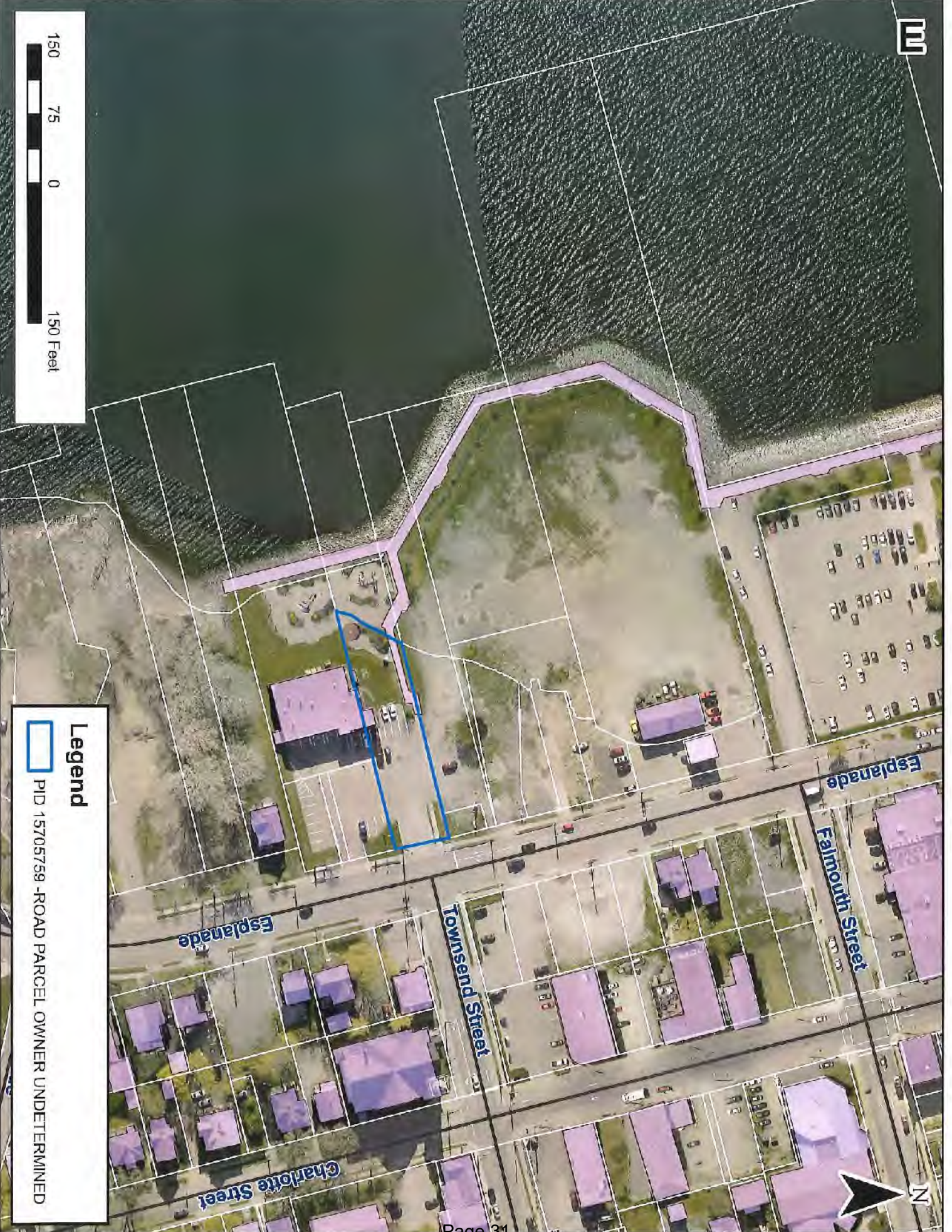
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Legend

-  CBRM Properties to be Deemed Surplus
-  Portion of PID 15580152 to be Deemed Surplus





Legend

 PID 15705759 -ROAD PARCEL OWNER UNDETERMINED

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 map 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 Downtown Sydney Waterfront (DWZ) Zone in effect for the properties identified in Schedule A replacing it with the Downtown Central Business District (CBD) 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 Ryan, CLERK

Schedule A



Legend

 Properties to be amended to the Downtown Central Business District (CBD) Zone

This is written to confirm this map illustrates the effect of the _____, 2020 decision of CBRM Council adopting an amendment to the CBRM Land Use Bylaw map deleting the Downtown Sydney Waterfront (DWZ) Zone and replacing it with the Downtown Central Business District (CBD) Zone.

Deborah Campbell Ryan, Clerk

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Excerpt - Draft Council Minutes – January 21, 2020

Street Closure for PID 15705759, Esplanade, Sydney

Motion:

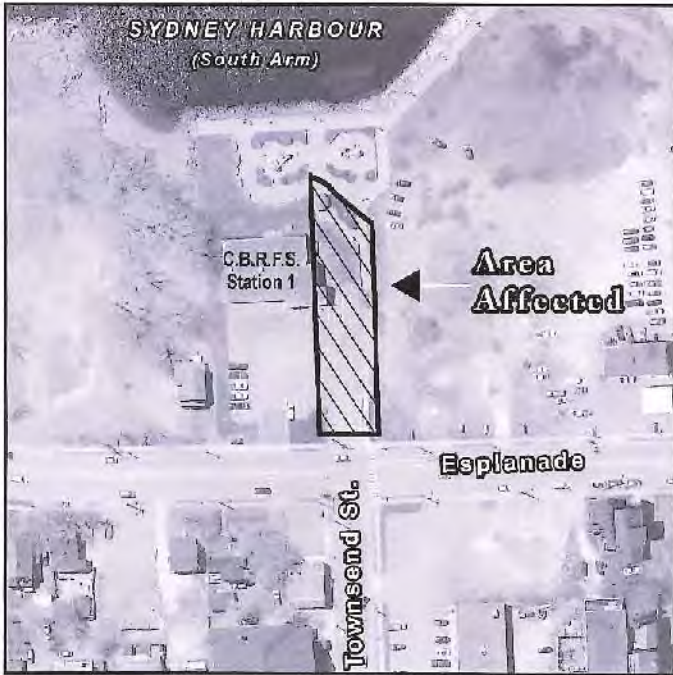
Moved by Councillor Eldon MacDonald, seconded by Councillor Gillespie, to direct staff to initiate a formal street closure, pursuant to section 315 of the *Municipal Government Act* for road parcel identified as PID 15705759.

Motion Carried.

CAPE BRETON REGIONAL MUNICIPALITY

NOTICE - STREET CLOSING

**Road Parcel fronting on Esplanade, Sydney, Nova Scotia,
Measuring Approximately 14,500 square feet +/-**



TAKE NOTICE that the Council of the Cape Breton Regional Municipality intends to close a road parcel fronting on Esplanade, Sydney, Nova Scotia, Measuring Approximately 14,500 square feet +/- more or less, which is more particularly shown on the attached map.

A public hearing in relation to the closing of a portion of the said road parcel will be held on Tuesday, the 18th day of February, 2020, 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 road parcel.

**Signed: Deborah Campbell Ryan
Municipal Clerk
February 8, 2020**

**Cape Breton Post
(Sydney Section)
February 8, 2020**

Request from Island Folk Cider House to Amend the Secondary Planning Strategy and Development Agreement to Permit Serving of Alcoholic Beverages Produced Off Site at 52 Nepean Street, Sydney (PID 15889330)

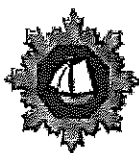
Motion:

Moved by Councillor McDougall, seconded by Councillor George MacDonald, that a recommendation be made to Council to direct staff to proceed with a Public Participation Program to consider an amendment to the North End Sydney Secondary Planning Strategy and Development Agreement to permit serving alcoholic beverages produced off-site at Island Folk Cider House, 52 Nepean Street, Sydney (PID 15889330).

Discussion

- When the Secondary Planning Strategy was approved in 2006, residents indicated that they did not want beverage room establishments in North End Sydney
- No change in hours of operation from what was approved last year
- Similar alcohol content in cider and beer
- Residents can speak during the Public Participation Program
- Different liquor license is required
- Only cider can be taken off site
- Changing zoning in area to create beverage rooms
- New businesses would need to go through a development agreement process

Motion Carried.

**MEMO**

TO: Council

FROM: Kristen Knudskov

SUBJECT: Request from Island Folk Cider House to amend the Secondary Planning Strategy and Development Agreement to permit serving of alcoholic beverages produced off-site at 52 Nepean Street, Sydney (PID 15889330)

DATE: February 18, 2020

Background

On February 19, 2019, Council approved amendments to the North End Sydney Secondary Planning Strategy (SPS) and North End Land Use Bylaw (LUB) and entered into a Development Agreement (DA) to permit a microbrew cidery at the former St. George's Church Hall (52 Nepean Street, Sydney – see Attachment A).

Currently, under the SPS Policy 13.2 and DA, Island Folk Cider House (IFCH) may only serve alcoholic beverages which are produced on site. IFCH would like to serve other low ABV beverages (such as beer and wine) which they do not produce on site. To do so, the SPS and DA would need to be amended. The details of their proposal are outlined in the attached letter (Attachment B).

Authority and Process to Amend Plan Policy

Authority for Council to adopt or amend Plan Policy is provided under the *Municipal Government Act* (P. 8, S. 205). Council is obligated to conduct a Public Participation Program (PPP) to gather public input on proposed changes prior to amending Plan Policy.

On February 4, 2020, General Committee of Council passed a motion to direct Council to approve a PPP. If Council passes a motion to proceed with a PPP, the format will be determined by the Planning Department in consultation with the local Councillor, as per the Public Participation Program Policy. The results of a PPP would be brought back to Council with a recommendation on how to proceed. In addition, if this application request is to proceed to a PPP, the applicant will be required to submit the necessary application fee.

Options

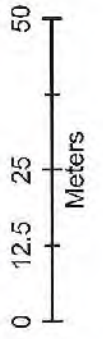
1. Direct Staff to hold a PPP.
2. Request that Staff prepare and submit a detailed issue paper to a future meeting of Council, which would include a recommendation on how to proceed.
3. Uphold Plan Policy and reject the applicant's request.

Respectfully submitted by:

ORIGINAL SIGNED BY

Kristen Knudskov
Planning and Development Department

A





December 18, 2019

Dear Mayor and Council:

Island Folk Cider House (IFCH), located at 52 Nepean St., Sydney NS, is seeking an amendment to the North End Secondary Planning Strategy, Section 4, Policy 13.2 and the Development Agreement PID 15889330 entered and signed by the Cape Breton Regional Municipality and David Realities Limited on May 22, 2019.

Currently, as stipulated by the Development agreement, Island Folk Cider House is “to ensure that the alcoholic beverages sold in the cidery tasting room are limited to those produced on-site.”

At present, Island Folk Cider House (IFCH) is producing cider only, meaning we can offer cider only. However, given the growing craft beverage sector on Cape Breton Island (e.g. Breton Brewing, Big Spruce Brewing, and Route 19) and the diverse preferences of local residents and tourists, we wish to also offer local craft beer and wine which we currently do not produce ourselves and, as such, are prohibited from selling under the current North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 15889330.

Based on the current development agreement, IFCH is offering the following items on location:

- 5oz samples, 12oz, 16oz, and 20oz glasses of cider to be enjoyed on site; and
- 750ml refillable bottles (or ‘growlers’) and 473ml cans to be enjoyed off site.

To provide these items, IFCH requires the following permits from the Nova Scotia Liquor Corporation (NSLC):

- Microbrewery Permit (which allows the production of cider);
- On-site Store Permit (which allows patrons to purchase and take away cider packaged in 750ml refillable bottles and 473ml cans); and
- Hospitality Room License (which allows patrons to enjoy 5oz to 20oz glasses of cider on site).

Island Folk Cider House is seeking an amendment to be able to offer, in addition to the cider items above:

- 16oz and 20oz glasses of local craft beer; and
- 5oz of wine to be enjoyed on site.

To offer items that are not produced on site, requires a Beverage Room License from Alcohol and Gaming Nova Scotia.

The only difference between the Beverage Room Licence and the Hospitality Room Licence is that the cidery will be able to offer other beer and wine (which is not currently produced in the facility) rather than cider only.

Cider and beer have very similar ABV measurements (Alcohol by Volume) ranging from 3% to 8%. While wine has a slightly higher ABV, it is offered and consumed in lesser quantities. Under *no* circumstances, will the cidery pursue the offering of liquor or spirits which contain at least 20% ABV.

Furthermore, if this amendment were to be granted, there will be *no* change to hours of operation as originally outlined in the Development Agreement: 11am-10pm Sunday to Thursday; and 11am-11pm Friday and Saturday.

As mentioned, to offer beer and wine, will require a Beverage Room License. This will require an additional amendment to the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330 which states: "Activities on this property involving the serving of liquor shall be limited to a 'tasting room' and under no circumstances shall a club liquor license or a license for a beverage room, lounge, or cabaret, be granted for this property".

In sum, Island Folk Cider House is seeking an amendment to North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330 to enable the offering of local beer and wine to be enjoyed on site.

Rationale:

Island Folk Cider House is the first of its kind on Cape Breton Island, contributing to a high-growth sector in Nova Scotia, as well as throughout Canada and internationally. The cidery is a new business that will provide new and unique products and experiences for locals and tourists alike.

The rationale for seeking an amendment to the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330 is focused on business sustainability, opportunity for mutual support, and community economic development.

Business Sustainability

Across Nova Scotia, there are a growing number of craft cideries and breweries and a majority offer product that are not produced on site to cater to customer's diverse preferences thus best ensuring the business's sustainability. Similarly, offering local beer and wine products will increase the cidery's customer base which in-turn increases profitability and success.

Opportunity for Mutual Support

Offering other local products at this location will demonstrate support for other entrepreneurs and form the basis for future collaboration. For example, by offering Breton Brewing products at the cidery, in exchange Breton Brewing will offer cider products at their brewery thus mutually benefitting both businesses. Providing additional products will expose tourists to unique product offerings available across the Island and promote our Island as a craft destination.

Community Economic Development

Increasing product offerings will increase capacity and profitability enabling growth and development contributing to our much-needed commercial tax base. Furthermore, business growth will mean more full-time employment opportunities.

Risk Mitigation:

Amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330 will not impact the hours of operation. The hours of operation will remain as 11am-10pm Sunday to Thursday; and 11am-11pm Friday and Saturday.

Additionally, amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330 will not invoke increased intoxication amongst patrons as no hard liquor or alcohol will be offered. Only products with comparable ABV levels will be offered.

In closing, you may be wondering why I am seeking an amendment since I submitted an initial request to Mayor and Council in August 2018 to rezone 52 Nepean St. and amend the policy in September of 2018 with the subsequent Development Agreement PID 1S889330 signed in May 2019. Since that time, I have made significant investment in the infrastructure of 52 Nepean St. and the business's progress. Through this development, I have become increasingly more aware of the challenges and opportunities that exist within the world of entrepreneurship, and specifically the local craft industry. The limitations I am hoping to amend will not only enable my business to enhance our product offerings, attract a larger customer base, and collaborate with other local micro-breweries, but it will also, most certainly, facilitate a sustainable and profitable business from day one. I am confident that the Island Folk Cider House establishment can be, and will be, given the opportunity, a destination for locals and tourists alike for years to come. This venture came about because of my interest, commitment, and passion for local community development and I will run a responsible and respectful operation that our community can be proud of.

Thank you for considering Island Folk Cider House's request to explore amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 1S889330. It is my hope that you will consider the request for amendments as outlined above and that together we can work in collaboration to explore the possibility of these amendments further.

Sincerely,

ORIGINAL SIGNED BY

Jill McPherson
Founder/Co-owner
Island Folk Cider House
52 Nepean St., Sydney, NS



364 Keltic Drive
Sydney, NS, B1R 1V7
902-270-4677

January 28, 2020

Re: Beer Service at Island Folk Cider House

Dear CBRM Council & Concerned Citizens:

We understand that on February 4th, 2020, CBRM Planning is presenting Island Folk Cider House's request to serve beer at their facility.

Island Folk Cider House is the first of its kind on Cape Breton Island, and will provide a unique experience in downtown Sydney. Island Folk will add to the positive experience in this area for both locals and tourists alike.

We at Breton Brewing have been running a taproom at our location on Keltic Drive for over four years, and this has been an important part of our business. Along with providing local employment, the taproom has become an important part of the local community in Coxheath / Westmount / Sydney River areas. Our facility has a positive effect on the social structure of our community, allowing strangers and friends alike to get together in a warm and welcoming environment.

At Breton Brewing, we have a Beverage Room License through Alcohol & Gaming, which allows us to sell products other than those produced at our facility (such as Wine, Cider, beer from other Nova Scotia Breweries, and non-alcoholic beverages). We know that the ability to sell products other than beer at our facility has been a positive attribute for taproom, and has been supported by the local community.

We would like to offer our support to Island Folk Cider House in their request to sell beer at their facility. We are confident this will add to the experience they will be offering in their space, and will be supported by locals and tourists who visit the Cider House.

Sincerely,

Original Signed By

Bryan MacDonald, P.Eng
Co-Founder
Breton Brewing Co.

Original Signed By

Andrew Morrow, B. Ed
Co-Founder
Breton Brewing Co.

Amendments to the Responsible Animal Husbandry By-law

Motion:

Moved by Councillor MacMullin, seconded by Councillor Prince, to approve for first reading the amendments to the Responsible Animal Husbandry By-Law.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

SUBJECT: Amendments to the Responsible Animal Husbandry By-law

DATE: February 10th, 2020

Introduction

In February 2019, staff of the Planning and Development Department presented an issue paper and by-law intended to address complaints from citizens about noise and odour caused by the keeping of livestock animals. Subsequent to the adoption of the By-law by Council in March of 2019, staff requested that Schedule M-1 of the *Summary Offence Tickets Regulations* be amended to include the offences outlined in the Responsible Animal Husbandry By-law.

During the Provincial review of the By-law, Provincial staff identified areas where the wording of the By-law could be improved for better enforceability by way of Summary Offence Tickets. Based on the Province's suggestions, CBRM Staff have prepared amendments to the By-law to improve its enforceability which Provincial staff have indicated would be acceptable. The purpose of this issue paper is to present a series of amendments to Council for their consideration.

Section A Definitions

For the purposes of clarification, the definitions for at large and offensive odour are proposed to be revised. The current wording for the definition for at large speaks to domestic animals found outside its owner's premises or property. It is suggested that the definition should read:

- At large** means that the domestic livestock is not
- (a) under the direct, continuous and effective control of a person competent to control it, or
 - (b) securely confined within an enclosure or otherwise so that it is unable to roam at will.

Offensive odour will be amended by deleting the phrase "that is offensive is" and replacing it with "produced by domestic livestock".

Section B Provisions

Section B outlines those activities that are offences under the By-law. Originally individual subsections identified the classification of properties where the By-law was in effect. To improve the administration of the By-law, the reference to property classification from Subsection 3 and Subsection 4 was removed and replaced with one provision that applies to all the offences under the By-law. This new provision reads:

The provisions of this Part shall apply with respect to properties that are:

- an urban property; or
- a rural property where the raising and/or caring of livestock is not as an agricultural commodity.

Subsection 4 was further amended by deleting the technical terminology for determining an offensive odour because this information was already addressed in the definition for offensive odour; therefore, its inclusion in Subsection 4 was deemed to be repetitive. The reference to offensive odours unreasonably interfering with the enjoyment of life of residents is also being deleted on the basis the language would make the offences difficult to enforce.

Subsection 6 was reworded to improve the enforcement of with animals at large. This subsection now reads:

It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit a domestic livestock animal to go at large.

As the result of the provision addition to Section B, Subsections 3, 4, 5, and 6 needed to be renumbered.

During the December 10th Council Meeting, concerns were raised surrounding the keeping of roosters on urban properties. Based on these comments, it is being suggested the following provision be added to Section B Provisions:

It shall be an offence under this By-law for the assessed owner of an urban property where agricultural uses are not permitted by the CBRM Land Use By-Law having jurisdiction to keep a rooster or allow a rooster to be kept on said property.

Section C Enforcement

When it came to the issuance of a Summary Offence Ticket, the By-law had identified the assessed property owner as being the person for whom a ticket would be issued. It has been suggested to simplify Subsection C.4 by removing the reference to the assessed owner and replacing with "any person who commits an offence". Reference to the assessed owner has been incorporated in Section B Subsection 7 (formerly Subsection 6).

A copy of the By-law showing the proposed changes can be found in Attachment A. The formal Amending By-law can be found in Attachment B

Summary Offence Ticket Regulation

In order to issue a Summary Offence Ticket for offences under the Responsible Animal Husbandry By-law, Schedule M-1 of the *Summary Offence Ticket Regulation* will be amended. If Council approves the proposed amendments, staff will begin the process to have the *Summary Offence Ticket Regulation* updated to reflect these changes.

Recommendation

I recommend Council approve the By-law to amend the Responsible Animal Husbandry By-law (Attachment B).

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**

Responsible Animal Husbandry By-law

of the Cape Breton Regional Municipality
regulating the care of domestic livestock animals

Pursuant to Provision 174.f of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby adopts the following Bylaw:

WHEREAS Provision 174.f gives municipalities the authority to adopt Bylaws respecting domestic livestock animals and activities in relation to them; and

WHEREAS the Cape Breton Regional Municipality intends to regulate incessant sounds and/or noises caused by domestic livestock animals, and also odours caused by improper care of domestic livestock animals that adversely affect the reasonable enjoyment of neighbouring properties

The Council of the Cape Breton Regional Municipality hereby adapts this Responsible Animal Husbandry By-law regulating the care of domestic livestock animals.

PURPOSE

The purpose of this Bylaw is to allow the keeping of most domestic livestock animals for non-agricultural purposes **throughout** the Cape Breton Regional Municipality **provided** responsible animal husbandry is practiced to ensure the reasonable use of their property by other property owners in the neighbourhood is not adversely affected because of **offensive odours or noise**.

Section A. Definitions

Agricultural commodity means a product of an agricultural operation sold on the retail or wholesale market.

Animal husbandry is the branch of agriculture concerned with animals that are raised for meat, fibre, milk, eggs, or other products. It includes day-to-day care, selective breeding and the raising of livestock.

Agricultural operation means the use of land, buildings and structures for the production of crops, or raising and/or caring of livestock with the expectation of financial gain as a commodity.

At large means any domestic livestock animal found outside its owner's premises or property

CBRM wherever used in this Bylaw means the Cape Breton Regional Municipality.

Domestic fowl means poultry which are valued for their meats and eggs including chickens, turkeys, ducks, geese, pigeons and guinea fowl which are kept as pets or for personal use only, but does not include roosters.

Domestic livestock means an animal capable of providing a product (e.g. eggs, milk, meat, fur, wool, honey etc.), or bred historically to perform a task (e.g. large draft animals such as a horse, oxen, carrier pigeons). Domestic livestock do not need to be currently used to provide a product or perform a task to be subject to the provisions of this Bylaw. A domestic livestock is not wild, feral, or a pet animal as defined by this Bylaw.

Incessant sound means vocal sound produced by the larynx of a domestic livestock exceeding a cumulative twenty (20) minute period within any one (1) hour timeframe;

Large draft animal means a domestic livestock animal bred to perform a task such as pulling (e.g. oxen) or riding (e.g. horse).

Living space means any confined area to which domestic livestock animals have access.

Offensive Odour means odour ~~that is offensive is~~ produced by domestic livestock that is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).

Pet animal means a tamed animal primarily kept within a dwelling for companionship.

~~**Rooster** means an adult male chicken.~~

Stable means a building designed to house, or breed large draft animals (e.g. horses, cattle, donkeys) either for agricultural, recreational, or business purposes and shall include riding stable businesses.

Urban property means a lot parcel serviced by a CBRM sanitary sewer main or a property being charged the sanitary sewer rate in the CBRM tax system.

In this Bylaw words used in the **singular** may be interpreted to also mean the **plural** and words used in the **plural** may also be interpreted to mean **singular**, unless they are prefaced with a specific number (e.g. one large draft animal)

Section B. Provisions

1. Domestic livestock animals used solely to provide a product exclusively for the use of the owner of the property on which they are kept are permitted throughout the Regional Municipality.
2. The keeping of domestic livestock animals:

- used to provide an agricultural commodity; or
 - used as a draft animal in an agricultural operation;
- shall be considered an agricultural use and subject to compliance with the CBRM Land Use Bylaw having jurisdiction and therefore, is not subject to this By-law.

~~3. Incessant sound produced by a domestic livestock animal experienced on a property other than where the incessant sound is emanating from shall be a violation of this By-law when the incessant sound is emanating from:~~

- ~~• an urban property; or~~
- ~~• any rural property where the raising and/or caring of livestock is not as an agricultural commodity.~~

~~4. Offensive Odour is odour from domestic livestock animals, and/or their shelters, and/or any ancillary facilities associated with the care of the animals emanating from:~~

- ~~• an urban property; or~~
- ~~• any rural property where the raising and/or caring of livestock is not as an agricultural commodity;~~

~~that unreasonably interferes with the enjoyment of life of residents, or the use of property in proximity is a violation of this Bylaw if the odour is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).~~

3. The provisions of this Part shall apply with respect to properties that are:

- an urban property; or
- a rural property where the raising and/or caring of livestock is not as an agricultural commodity.

4. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit incessant sound produced by domestic livestock to emanate from said property.

5. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit an Offensive Odour to emanate from said property.

6. All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.

~~6. Any owner or harbourer of domestic livestock animal who does not prevent it from going at large shall be liable of an offence under this By-law.~~

7. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit a domestic livestock animal to go at large.
8. It shall be an offence under this By-law for the assessed owner of an urban property where agricultural uses are not permitted by the CBRM Land Use By-Law having jurisdiction to keep a rooster or allow a rooster to be kept on said property.

Section C. Enforcement

1. Enforcement of this Bylaw shall be the responsibility of the Police Department of the CBRM.
2. The Police may Order the assessed owner of the property on which domestic livestock animals are being kept to remedy the condition when sufficient evidence of a violation of any of the provisions of Section B of this Bylaw has been collected.
3. If the condition is not remedied within the time specified in the Order:
 - a. a Summary Offence Ticket may be issued, and/or
 - b. an officer may to enter upon the property without warrant or other legal process and remove the domestic livestock animal. The cost associate with the removal and retention of a domestic livestock animal will be the responsibility of the owner.
4. ~~The assessed owner of a property on which a domestic livestock animal is being kept which is not in compliance with any of the provisions of Section B of this~~ Any person who commits an offence under this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.
 - 1st offence within a 12 month period = \$165.00
 - 2nd offence within a 12 month period = \$279.00
 - 3rd offence within a 12 month period = \$425.00
 - 4th offence within a 12 month period = \$605.00

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on March 12th, 2019.

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Responsible Animal Husbandry Bylaw of the Cope Breton Regional Municipality adopted by Regional Council during a meeting held on March 12th, 2019.

CBRM CLERK

PUBLICATION DATE: April 10, 2019

By-law
of the Cape Breton Regional Municipality
amending the

**Cape Breton Regional Municipality's
Responsible Animal Husbandry By-law**

Pursuant to Section 168 of the *Municipal Government Act* of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Responsible Animal Husbandry By-law in the following manner:

THAT: Section A Definitions of the Responsible Animal Husbandry By-law is hereby amended by deleting 'at large' and replacing it with the following:

At large means that the domestic livestock is not

- (a) under the direct, continuous and effective control of a person competent to control it, or
- (b) securely confined within an enclosure or otherwise so that it is unable to roam at will.

THAT: Section A Definitions of the Responsible Animal Husbandry By-law is hereby amended by deleting 'offensive odour' and replacing it with the following:

Offensive Odour means odour produced by domestic livestock that is detectable in the ambient air greater or equal to 7 D/T (dilution to threshold) for two observations not greater than 15 minutes apart at the same location as measured by a field olfactometer device (Nasal Ranger or equivalent equipment).

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by deleting Subsection 3 and replacing it with the following:

The provisions of this Part shall apply with respect to properties that are:

- an urban property; or
- a rural property where the raising and/or caring of livestock is not as an agricultural commodity.

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by deleting Subsection 4 and replacing it with the following:

It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit incessant sound produced by domestic livestock to emanate from said property.

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by deleting Subsection 5 and replacing it with the following:

It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit an Offensive Odour to emanate from said property.

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by deleting Subsection 6 and replacing it with the following:

All buildings used as shelters or stables for domestic livestock animals shall be constructed in compliance with the Regulations under the Building Code of Nova Scotia.

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by adding the following:

7. It shall be an offence under this By-Law for the assessed owner of a property on which a domestic livestock animal is being kept to permit a domestic livestock animal to go at large.

THAT: Section B Provisions of the Responsible Animal Husbandry By-law is hereby amended by adding the following:

8. It shall be an offence under this By-law for the assessed owner of an urban property where agricultural uses are not permitted by the CBRM Land Use By-Law having jurisdiction to keep a rooster or allow a rooster to be kept on said property.

THAT: Section C Enforcement of the Responsible Animal Husbandry By-law is hereby amended by deleting Subsection 4 and replacing it with the following:

Any person who commits an offence under this Bylaw is subject, on summary conviction, to a fine for each violation as described below. Every day during which the condition is not remedied is a separate offence.

- 1st offence within a 12 month period = \$165.00
- 2nd offence within a 12 month period = \$279.00
- 3rd offence within a 12 month period = \$425.00
- 4th offence within a 12 month period = \$605.00

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on _____ 2020.

MAYOR

CLERK

THIS IS TO CERTIFY that the above amendments are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ 2020 to amend the Cape Breton Regional Municipality's Responsible Animal Husbandry By-law.

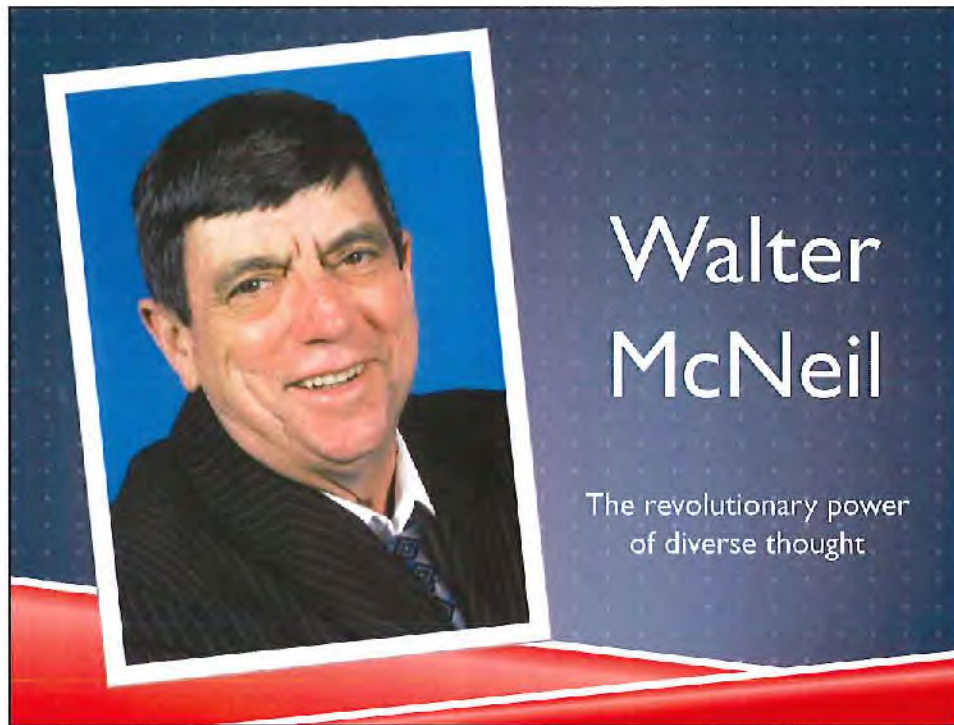
Deborah Campbell Ryan, CLERK



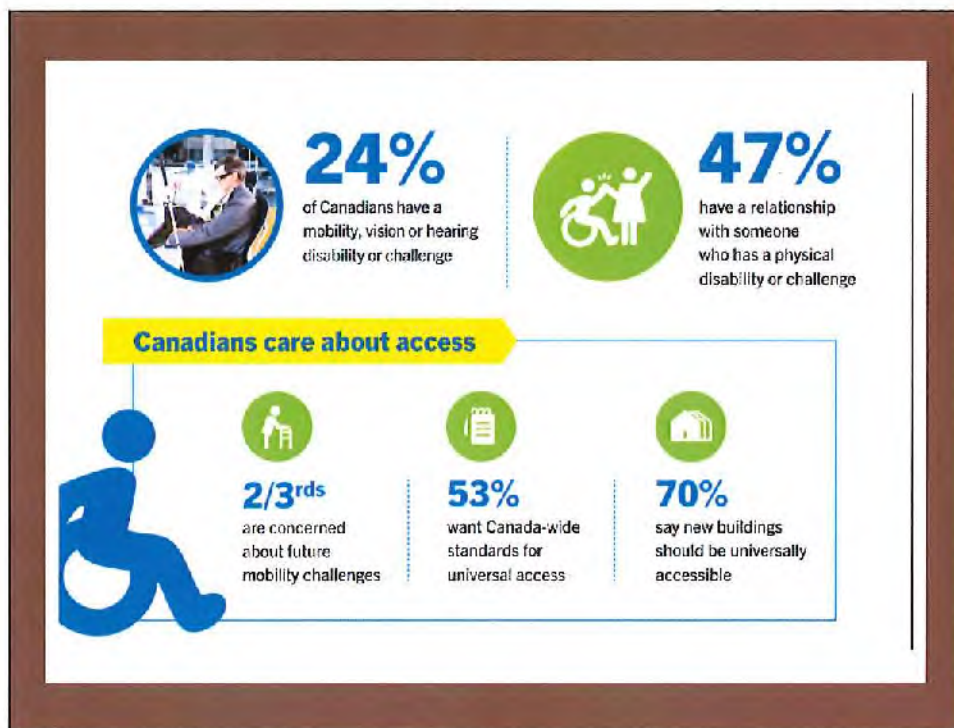
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4

ACCESSIBLE CANADA ACT

VISION PROACTIVELY ELIMINATE AND PREVENT BARRIERS AND ENSURE GREATER OPPORTUNITIES FOR PERSONS WITH DISABILITIES

- SERVICE DESIGN AND DELIVERY**
Receive services that are accessible to all
- BUILT ENVIRONMENT**
Move freely around buildings and public spaces
- EMPLOYMENT**
Access to employment opportunities and accessible workplaces
- INFORMATION AND COMMUNICATION TECHNOLOGIES**
Accessible digital content and technologies
- COMMUNICATIONS**
Barrier-free services and spaces for persons with communication disabilities
- TRANSPORTATION**
Barrier-free federal transportation network
- PROCUREMENT**
Ensure purchases of accessible goods, services and facilities

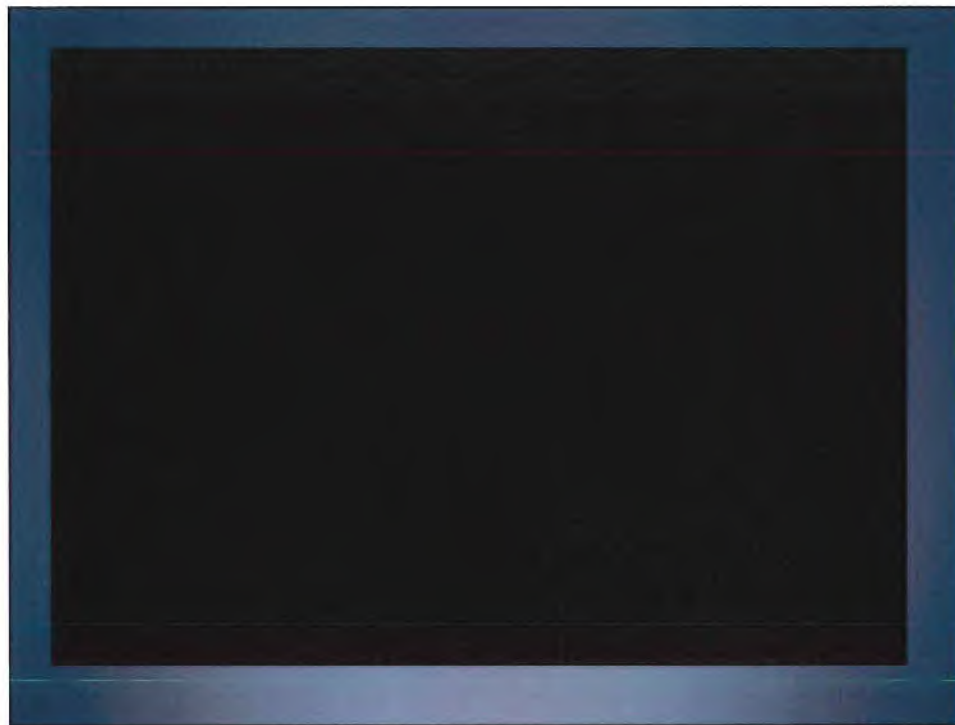
Royal Assent 6/21/19

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Mission: to provide a 100% accessible destination to encourage people of all ages with abilities and disabilities to partake in outdoor activities

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7

100% ACCESSIBLE RECREATION DESTINATION FOR THE CBRM!!!

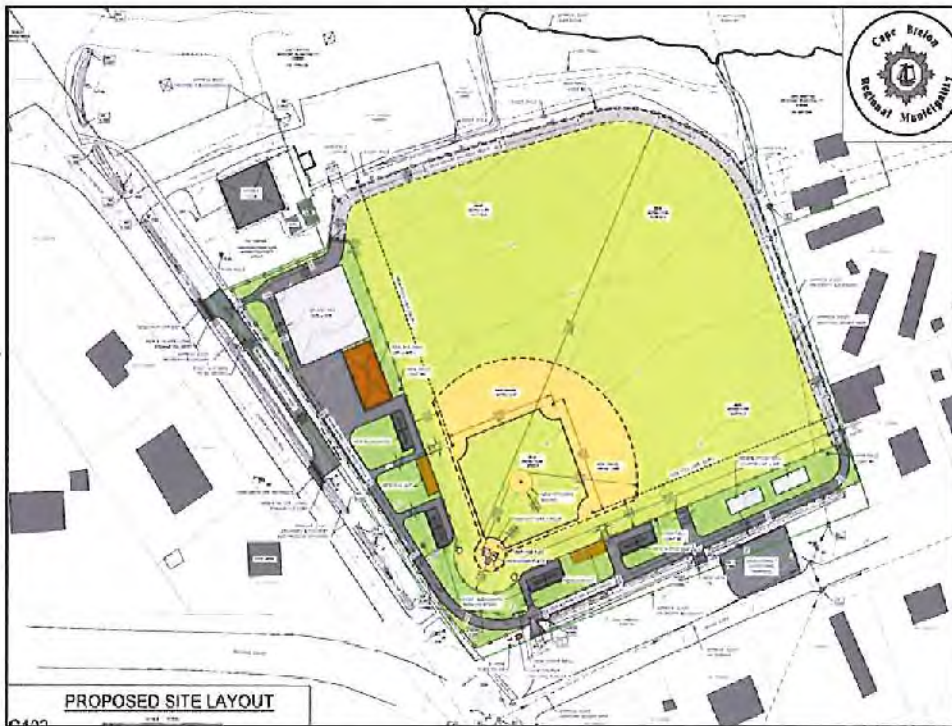
- ▶ Upgrading of field & turfing of field
- ▶ Lighting
- ▶ Walking track, splash pad, bocce ball courts
- ▶ Washroom, canteen and storage facility
- ▶ History corner
- ▶ Donor wall
- ▶ Potential for an 'Accessible Cluster'



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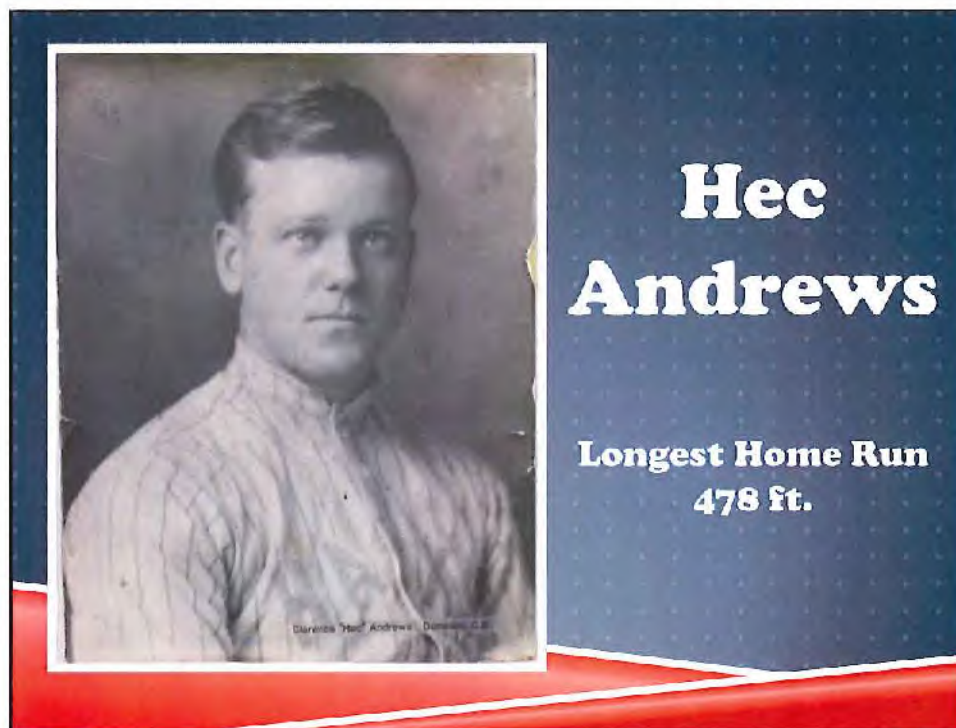
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THE PLAN

▶ Phase I - Fall of 2020	
▶ Demolition of current structures and fencing	\$11,078
▶ Installation of lighting poles	\$29,200
▶ Grading and site servicing	\$67,910
▶ Erection of Donor Wall	\$3,326
▶ Installation of Flag poles	\$6,076
▶ Construction of building	<u>\$340,000</u>
TOTAL	\$457,950

14

▶ **Phase 2 – Spring of 2021**

▶ Installation of new fencing and dugouts	\$ 125,500
▶ Grandstands	\$15,421
▶ Installation of bocce ball courts	In Kind
▶ Turfing of field	\$1,477,950
▶ Paving	\$79,082
▶ Electronic Scoreboard	<u>\$10,000</u>
TOTAL	\$1,707,953

15

▶ **Phase 3 – Fall of 2021/Spring of 2022**

▶ Installation of Splash Pad	\$486,099
▶ Installation of Lighting	\$185,000
▶ Completion of Landscaping	TBD
▶ Completion of Historical Spaces	TBD
▶ Opening Ceremonies	<u>PRICELESS!</u>
TOTAL	\$671,099

16

FUNDING

- ▶ Projected Total – 2.8 Million Dollars
- ▶ Anticipated Total – 1.5 – 1.8 Million Dollars
- ▶ Funding Sources
 - ▶ Fundraising
 - ▶ Community grants (Jays Foundation, Kraft Project Play, Canadian Tire Jumpstart)
 - ▶ Corporate Sponsorship
 - ▶ Donor Wall
 - ▶ Government Funding

17

THE DONOR WALL



18

GROWING SUPPORT

- Special Olympics
- Nova Scotia Health Authority
- Horizon Achievement Center
- Center for Adults in Progressive Employment (CAPE)
- New Dawn Enterprises
- Nichol MacNeil – Mom of Devon
- Bretton Ability
- Marcie Schwery-Stanley
- Hailey St. Adult Services Centre

19



20



21



DISCUSSION PAPER

TO: MAYOR AND COUNCIL

From: Matt Viva, Manager Wastewater Operations

RE: Wash Brook Flood Mitigation Project Update – Pond 5

Date: February 18th, 2020

Background

Following a project update provided to General Committee on November 4th, 2019, a request was made for staff to update council with the Pond 5 conceptual design once it was completed.

This discussion paper describes project milestones with a focus on the completion of the pond 5 conceptual design.

Project milestones

In February 2017 with council approval, a flood risk study of the Wash Brook watershed was initiated. For the next sixteen months, CBCL, following the National Disaster Mitigation Program Framework, conducted a thorough analysis and mapping exercise with the aid of sophisticated flood models in order to develop a flood mitigation plan. The study was completed in June 2018 and included conceptual drawings of the recommended option number 15. Option 15 included three structures; (1) Mud Lake Flow Control Structure, (2) Gilhomes Lake Flow Control Structure, and (3) Pond 5.

Residents that attended the June 2018 Citizen Information Session at C200 were very much in favor of CBRM proceeding with the construction of the recommended option, however concerns were raised by the Baille Ard Nature Trail Association members that attended that day. At the July 2018 council session, option 15 was endorsed with direction from council to staff to include the Baille Ard Association through the design development of Pond 5.

In 2019, detailed design and tender specifications were completed for the Mud Lake and Gilhomes Lake flow control structures, along with the construction of the Mud Lake flow control structure, see attachment A. Construction of the Gilhomes Lake flow control structure will commence immediately following site access approval from the Department of National Defense. Construction is expected to take place in 2020.

Pond 5 update

Additionally, in 2019 design development conversations for Pond 5 started with the assistance of the Baille Ard Association. The original Pond 5 concept consisted of six (6) berms that would result in eleven (11) crossings of the trail system, see attachment B. At a design workshop held in October, the Baille Ard Trail association presented a concept drawing that would result in less disturbance or crossings of the trail system. CBRM then directed the consultant to use this modified version of pond 5 as a template to develop a conceptual drawing of modified berms along with an evaluation of its flood reduction potential, see attachment C. A second workshop with the Baille Ard Association was held on Wednesday January 29th to review and discuss the modified version of Pond 5 which was very well received by the group.

Summary

To determine the course of the project, a number of variables were considered when comparing the original Pond 5 to the modified Pond 5, see attachment D. Some key findings are described below:

- The modified Pond 5 shows less but similar flood reduction potential as the original concept,
- The modified Pond 5 shows approximately 12 meters of disturbance to the trail system compared to 360 meters of disturbed trail with the original concept,
- The modified Pond 5 can be fully constructed at no cost to CBRM under the DFA funding program, while the original concept will require CBRM financial assistance,
- With the constructing of modified Pond 5, opportunities will exist to provide enhanced flood protection should the need arise into the future.

As directed by council in 2018, staff has considered all stakeholders throughout the conceptual design process of Pond 5 and are now able to use the modified Pond 5 concept as a basis for detailed design and construction. To adhere to Public Safety Canada's Disaster Financial Assistance funding criteria, the Gilhomes Lake and Pond 5 flood mitigation structures must be completed during the 2020-21 fiscal year.

Regards,

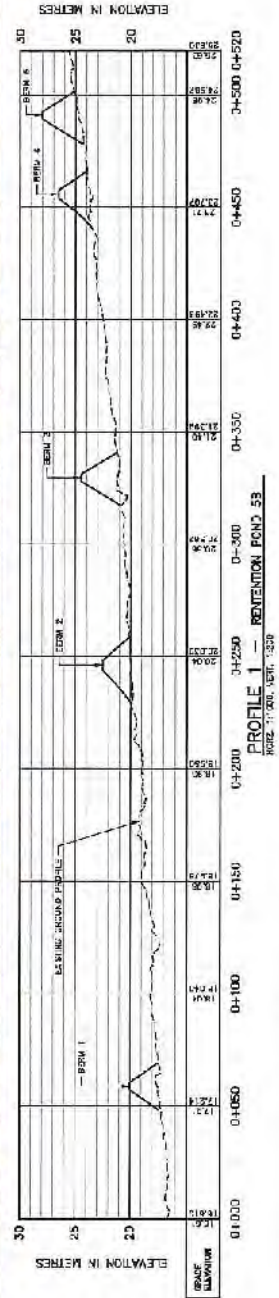
Matt Viva, P.Eng
Manager of Wastewater Operations

Cc. Wayne MacDonald, P.Eng., Director of Engineering and Public Works
Ray Boudreau, P.Eng., Senior Manager, Public Works

Attachment A – Mud Lake Flow Control Structure.



Attachment B - Original Pond 5 Concept



DRAWING INFORMATION
 PROJECT: RETENTION POND #5B
 DATE: 10/15/10
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 APPROVED BY: J. B. BROWN

ISSUED FOR REVIEW ONLY

NO.	DATE	DESCRIPTION	BY
1	10/15/10	ISSUED FOR REVIEW	J. B. BROWN
2	10/15/10	REVISIONS	J. B. BROWN
3	10/15/10	REVISIONS	J. B. BROWN

Revision: 0 - Issue
 DATE: 10/15/10
 PROJECT: RETENTION POND #5B
 CLIENT: WASH BROOK REGIONAL MUNICIPALITY

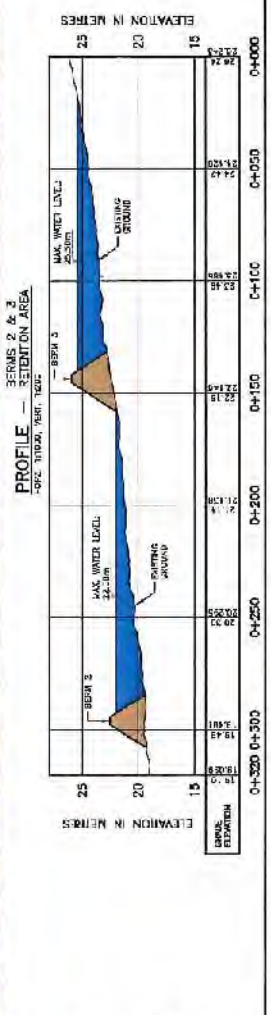
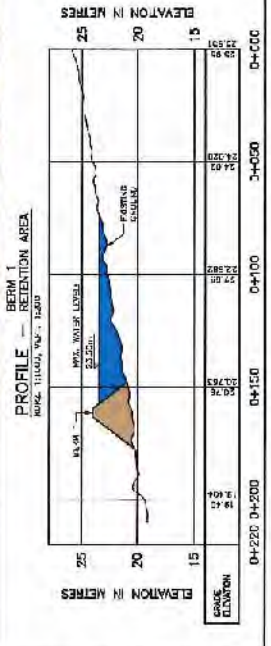
RETENTION POND #5B
 EAST OF TERRACE STREET
 WEST OF HIGHWAY #125
 PLAN

CBCI CONSULTANTS
 CONSULTING ENGINEERS

PROJECT NO: 11-2001-001R-1-320
 SHEET 5 OF 11
C05B



SITE PLAN - RETENTION AREAS
 0 20 40 60 80 100m
 0 20 40 60 80 100ft



TABLES

TABLE 1: RETENTION AREA VOLUMES

Retention Area	Volume (m³)
Berm 1	1,200,000
Berm 2	1,500,000
Berm 3	1,800,000

TABLE 2: RETENTION AREA SURFACE AREAS

Retention Area	Surface Area (m²)
Berm 1	10,000
Berm 2	12,000
Berm 3	15,000

DRAWING INFORMATION

HORIZONTAL PROJECTION
 UTM ZONE 18T
 DATUM: WGS 84
 UNIT: METERS

ISSUED FOR REVIEW ONLY

REVISIONS

No.	Description	Date	By
1	Issue for Review	10/15/2019	JL
2	Issue for Review	10/15/2019	JL

SAPE BRETON REGIONAL MUNICIPALITY
 WASH BROOK FLOOD MITIGATION PROJECT
 2019

CONSULTING ENGINEER
 C.E. COLSON LIMITED

DATE 10/15/2019
SCALE 1:1000
PROJECT WASH BROOK FLOOD MITIGATION PROJECT
DATE 10/15/2019
SCALE 1:1000
PROJECT WASH BROOK FLOOD MITIGATION PROJECT

C01A

Attachment D - Original Pond 5 Concept compared to Modified Pond 5 Concept

Parameter	Project Name:		Washbrook Pond 5 Pre-Design Project						
	CBCL Project Number:		192457.00						
	Sheet Name:		Pond 5 Configuration Options Evaluation Matrix						
Parameter	1:30 Year Return Period Storm				1:100 Year Return Period Storm				
	No Flood Mitigation Measures	Original Pond 5B Concept + Lake Flow Controls	Percent Reduction	Revised Pond 5 Concept (3 Berms Only) + Lake Flow Controls	Percent Reduction	No Flood Mitigation Measures	Original Pond 5B Concept + Lake Flow Controls	Percent Reduction	Revised Pond 5 Concept (3 Berms Only) + Lake Flow Controls
Approx. Area of flooding between Bernard Lind Dr. and Hwy. 125 (m ²) (Upper Reaches)	89,302	126,212	-41%	123,513	-33%	\$2,814	139,945	-51%	138,630
Approx. Area of flooding between Whitney Ave and Bernard Lind Dr. (m ²) (Middle Reaches)	99,452	39,344	60%	69,829	30%	140,565	103,184	27%	125,791
Approx. Area of flooding between Prince Street and Whitney Ave. (m ²) (Lower Reaches)	58,420	48,706	17%	53,803	8%	65,655	61,165	12%	67,861
Approx. Length of Belle And Trails impacted due to construction (m)	0	360		12		0	360		12
Approx. Area of Belle And Trail System impacted due to construction (m ²)	0	35,000		14,200		0	35,000		14,200
Estimated Capital Cost (including net taxes)	\$0	\$2,989,000		\$1,588,000		\$0	\$2,989,000		\$1,588,000



The Washbrook Greenway Coalition

Shared Principles, Vision and Mission

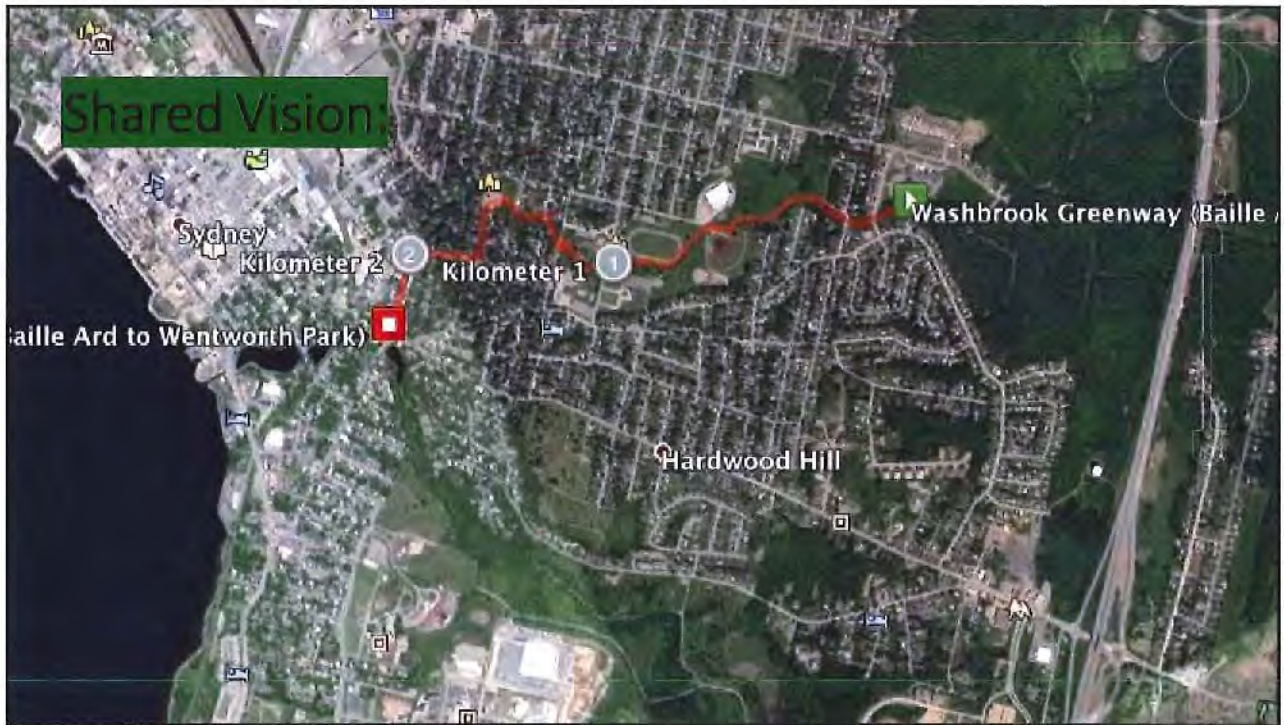


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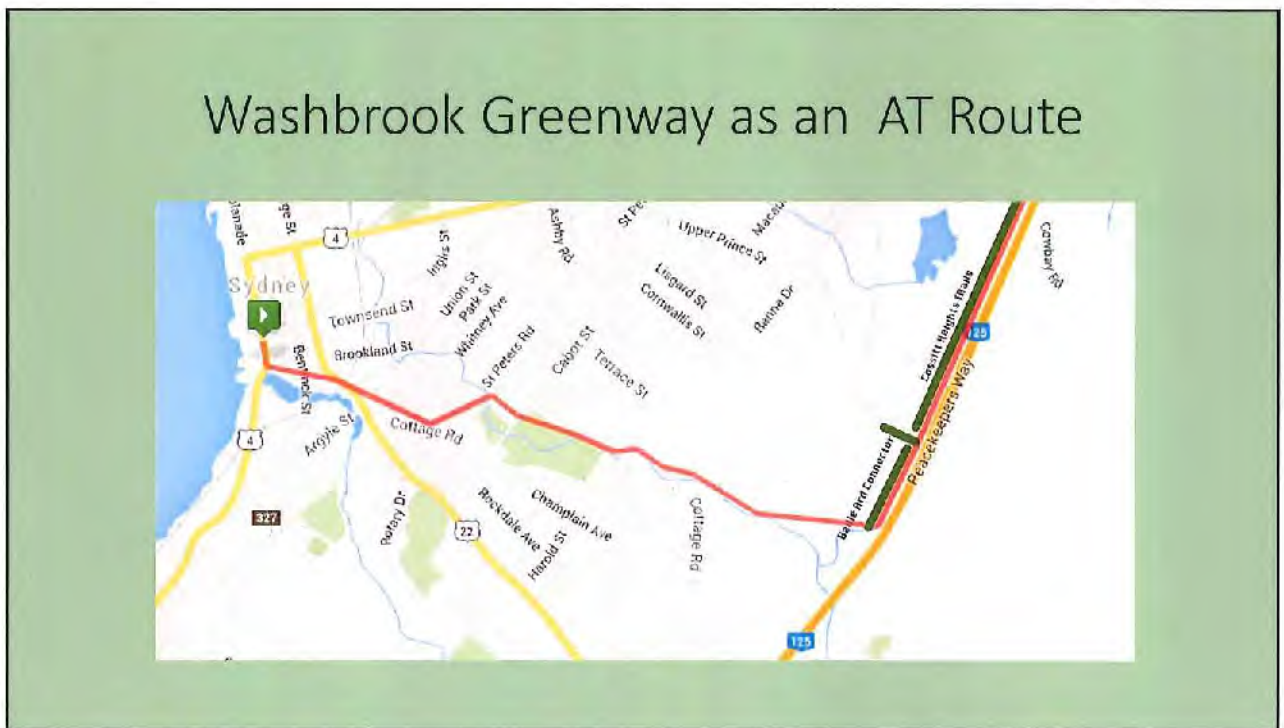
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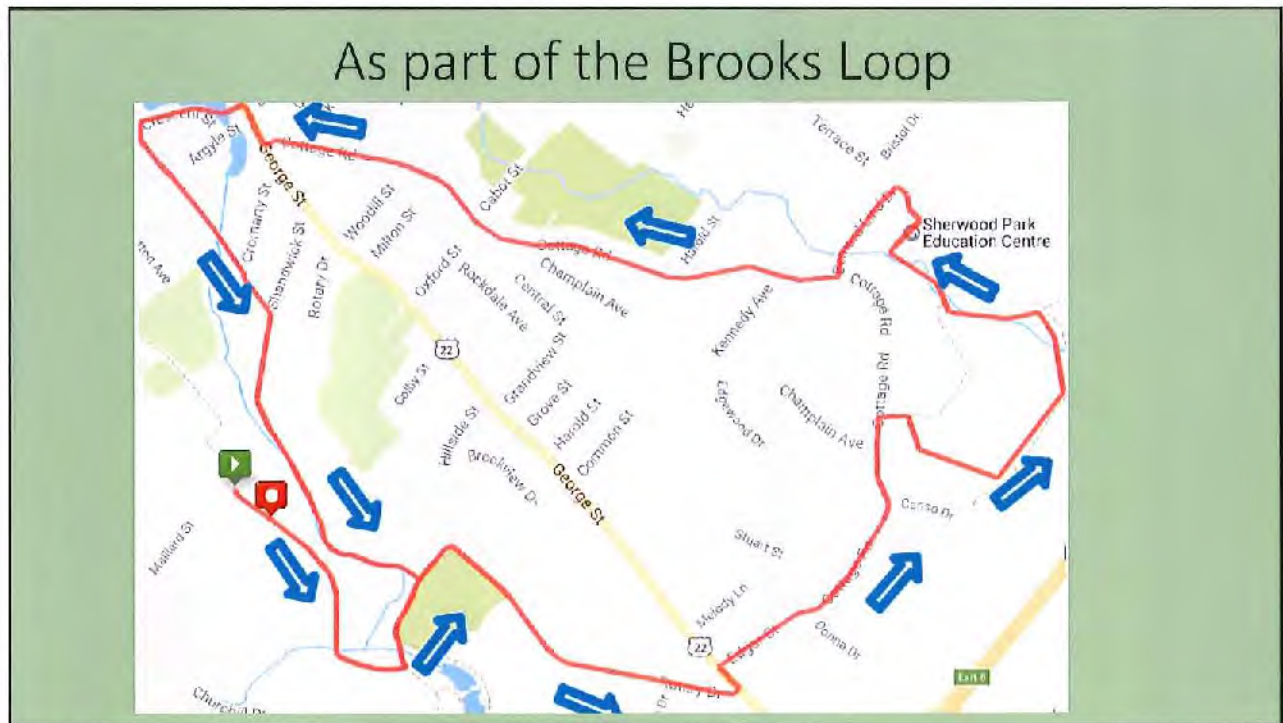
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- ### Stakeholder Groups:
- Baille Ard Recreation Association
 - Southend Public Gardens Society
 - ACAP Cape Breton
 - CBRM Recreation
 - Sherwood Park Education Centre
 - Brookland Elementary School Advisory Committee
 - Ecology Action Centre
 - Nova Scotia Public Health

6

The Greenway Guiding Principles:

- **Environmental Stewardship:**

Ensure that the area is developed with environmental stewardship in mind. Opportunities for stewardship would be fostered through educational and recreational opportunities.

- **Natural Flood Abatement:**

Ensure that any work to minimize future flooding utilizes natural solutions and strives to maintain the natural appearance of the Greenway.

- **Active Living and Transportation:**

Trail development will maximize opportunities for active transportation within the Greenway and beyond through the Baille Ard Nature Trails to the Greenlinks and Cossitt Heights with a specific focus on encouraging active travel to schools and recreation areas.



7

The Greenway Guiding Principles:

- **Educational Opportunities:**

Connections will be made with schools to take advantage of the educational opportunities that are available in the outdoor environment along the Greenway.

- **Unstructured Outdoor Play:**

Opportunities for unstructured outdoor physical activity will be developed along the Greenway.



8

The Greenway Guiding Principles:

- **Recreational Opportunities:**

Recreational opportunities will be encouraged along the trail through partnerships with local recreation departments and community groups.



- **Future Tourism Potential:**

Development of linkages to Wentworth Park and the Sydney Boardwalk will lead to future opportunities to support tourism in the Sydney area.

- **Cultural Connections:**

The development of the Greenway will lead to opportunities for art and culture, including opportunities for visual and performing arts and cultural activities related to the diverse cultures of Sydney and Membertou.



9

The Greenway Guiding Principles:

- **Health:**

The Greenway will provide opportunities for improved physical and mental health through access to nature, increased active transportation and outdoor physical activities.

- **Community Connectedness:**

Networks of trails help to connect areas of the community to each other. They enlarge and enhance our sense of our community. They provide a physical connection between people, their community and their natural surroundings.

- **Community Development:**

The Greenway development brings together various community groups and government partners to develop a positive asset in the community. This project will help to build capacity in these groups and to foster leadership and volunteer development. This will result in new program opportunities in the community.



10

Connections to Municipal, Provincial and Federal Strategies:

- **Federal:**
 - Let's Get Moving Strategy
- **Provincial:**
 - Accessibility Act
 - Shared Strategy for Trails
 - Shared Strategy for Recreation
 - Culture Action Plan
 - Shift Strategy
 - Provincial Active Transportation Framework
 - Let's Get Moving NS
 - Environmental Goals and Sustainable Prosperity (EGSPA)
- **Municipal:**
 - CBRM Active Transportation Plan
 - Physical Activity Strategy
 - Recreation Master Plan
 - Integrated Community Sustainability Plan
- **Mikmaw Community:**
 - Membertou Physical Activity Strategy

11

Our Vision :

An active, healthy and engaged community based on our guiding principles that is inspired and enabled by the green corridor that runs from the Baille Ard Nature Trail system along the Washbrook to Whitney Avenue and beyond.

12

Our Mission

- Create and maintain green corridor that runs from the Baille Ard Nature Trail system along the Washbrook to Whitney Avenue.
- Participate in a shared effort for the betterment of our community.
- Support the development of a network of trails linking Baille Ard Nature Trails, the Washbrook Greenway, Wentworth Park, Sydney Boardwalk, Open Hearth Park and the Whitney Pier Heritage Trail and to Rotary Park via the Greenlink Trail system (Brooks Loop).



13

Our Initial Action Plan

- Work with our coalition of partners to:
- Secure funding to hire a consultant to develop a Washbrook Greenway Plan
- Hold stakeholder and public consultation on the plan

14

Plan Development

Funding Partners:

- NS Communities, Culture and Heritage
- ACAP Cape Breton
- Kiwanis Club
- Golden K Club
- Baille Ard Recreation Association
- Southend Public Gardens Society

15

Uplands

- Hired to produce our plan for the Washbrook Greenway

Plan includes:

- Accessible trail development
- Establishment of wetlands
- Possibility of combining with Nick Hill's Flood Mitigation Report

16

Stakeholder Consultation

Held at Brookland School in January 2020

27 people attended, representing the following:



17

Stakeholder Consultation

- CBRM council and staff
- MP Jaime Battiste's staff
- Velo Cape Breton
- ACAP Cape Breton
- The Kiwanis Club
- Kiwanis Golden K Club
- CBRCE
- Baille Ard Trail Recreation Association
- Ecology Action Centre

18

Stakeholder Consultation

- Cape Breton Partnership
- Moosebait Trail Group
- Southend Public Gardens
- Brookland School
- CBU
- Ally Centre of Cape Breton
- Parents
- Community Members

19

Stakeholder Consultation

There was unanimous support for the Washbrook Greenway vision



20

Next Steps

- Continue engagement with CBCL/CBRM to develop flood mitigation that best protects the forest
- CBRM Council support for Washbrook Greenway vision
- Further engagement with public
- Engagement of children and youth

21

Thank you!



22



TO: Council

FROM: Allan Clarke

SUBJECT: Proposed Fire Station 1 Location

DATE: February 18, 2020

Introduction

Owners Engineer, Dillon Consulting was given the task of reviewing potential site location for the new Fire Station 1. In consultation with Cape Breton Regional Municipality Fire Services, the International Association of Fire Fighters and our Building Maintenance Division, Dillon Consulting reviewed two potential sites for the new Fire Station 1.

The first location is PID#15061484 & 15458763, which is located at the corner of Pitt and George St. The second location is PID#1506690S, which is located on the corner of George St and Glenwood Street.

Recommendation

As indicated in the attached report, Dillon is recommending the site on Pitt and George Street as the preferred location.

In addition, Fire and Buildings officials reviewed both locations. After discussions it was agreed Location 1 meets all the requirements, such as square footage, accessibility, setbacks and parking.

Staff recommends that Council approve the location at Pitt and George Street for Fire Station 1.

Submitted By:

Originally Signed by

Allan Clarke
Manager, Building & Parks

Memo



To: Allan Clark, Cape Breton Regional Municipality (CBRM)
From: Brian Latimer, P. Eng., Dillon Consulting
cc: Bill Murphy, CBRM
Date: February 10, 2020
Subject: Review of Proposed Sites for the new Sydney Fire Station No. 1
Our File: 20-2205

Dillon Consulting Limited (Dillon) has been requested to review the suitability of the two potential sites for the new Sydney Fire Station No. 1, which have been identified in the report, titled "*Geographic Information System Emergency Services Response Capabilities Analysis: Cape Breton Regional Municipality Fire Services – Sydney, Coxheath and Sydney River*", which was prepared by the International Association of Fire Fighters (IAFF) in October of 2019.

These two potential sites include:

- Proposed Station Location 1- existing parking lot owned by CBRM at the corner of George St. and Pitt St.
- Proposed Station Location 2- existing Needs Store property located at the corner of George St. and Glenwood Street.

In order to review the suitability of the two proposed sites, the approximate size of building and site amenities required for the proposed Fire Station No. 1 were investigated. The preliminary building program and layout was reviewed and developed with input from the CBRM Steering Committee. To determine the number and size of bays for the fire trucks and equipment, the size of the various firefighting equipment was reviewed as follows:

- Aerial Fire Truck- 48' long
- Fire Pumper Truck- 31'-3"
- Pickup Truck- 21'
- Trailer- 16'

To accommodate this firefighting equipment, the recommended size of the fire station bays was established as two 90' long x 21' wide drive through bays. This configuration provides the most economic usage of space, while providing ample room for firefighting equipment.

For the administration section of the building, the size of rooms were estimated to satisfy the building program requirements, and two options were investigated as follows:

- Two storey building with a 75' x 60' floor area per floor
- Three storey building with a 50' x 60' floor area per floor

Besides the building footprint, the site is required to accommodate staff and visitor parking areas, emergency generator area, exterior apron slab, and a possible exterior storage building for storing flammable and combustible liquids and propane.

Proposed Station Location 1:

This site is located at the corner of George St. and Pitt St. and consists of the following properties:

PID	Area
15061484	25,080 square feet
15458763	8,000 square feet

Figure 1 attached illustrates the location of this property.

From a search of these PID's, and a review of the property deed descriptions, the main PID has approximate dimensions as follows:

- 160' +/- along George St.
- 175' +/- along Pitt St.

This site is accessible on 3 sides from George St., Pitt St., and Bentinck St. The size of the site was found to be acceptable for the construction of this fire station. Several options for locating the proposed Fire Station No. 1 on this site were reviewed. The recommended option consists of two apparatus bays with a 3 storey attached administration area. The apparatus bays have been setback 55' from George St., to enable the use of this space for parking and washing the fire trucks on a concrete apron slab. The preliminary layout of the site is shown on the attached Figure 2. By using a 3 story administration building option, the building footprint area is minimized, which allows for vehicle access and parking spaces around the building.

Proposed Station Location 2:

This site is located at the corner of George St. and Glenwood Street. There is currently a Needs Convenience Store on the lot adjacent to George St. and a Canadian Red Cross Building on the adjacent lot along Glenwood Street.

From a review of the documents posted on the LRIS system, a survey plan dated April 15, 1981 was reviewed. This plan shows the approximate dimensions of these lots as approximately 95' parallel to George St. and 100' parallel to Glenwood Street.

If these two lots were combined and used for a Fire Station site, the total area would be 19,000 square feet. This represents approximately 58% of the size of the Proposed Station Location 1 site. This size property would not be sufficient to accommodate the new Fire Station No. 1 facility.

To have a main entrance onto George St. from this corner lot location would not be favourable due to the close proximity to the existing streets that intersect George St. adjacent to this site including Byng Ave. and Glenwood Street, as well as the railway tracks that cross George St. just south of this property.

If the main entrance for the fire station was onto Glenwood Street, the bay length would have to be minimized to 75' to fit on the 95' deep property. This would not allow for drive through bays, or the 60' apron slab area in front of the bays.

This site has therefore been found to be inadequate for the new Fire Station No. 1 facility and required parking, and additional amenities such as the apron slab, generator area, training area, etc.

Conclusions and Recommendations:

From our review of the new Fire Station No. 1 requirements, it was determined that Station Location 1 is suitable and the Station Location 2 is not adequate for this new facility.

Therefore, from a site size and layout perspective, it is recommended to proceed with the development of Station Location 1 for this new Fire Station No. 1 project. This property has been found to be a sufficient size for the Fire Station layout consisting of 2 Fire Truck bays with an attached 3 storey administration building for offices, training room, conference room, sleeping quarters, kitchen/dining room, showers and washrooms, fitness room, storage rooms, and locker rooms.



M·E·M·O

To: CBRM Council
From: Marie Walsh, Chief Administrative Officer
Date: February 12, 2020
Subject: 2020 Municipal & CSAP Elections – Returning Officer/Assistant Returning Officer

The 2020 Municipal and *Conseil Scolaire Acadien Provincial* (CSAP) elections will be held in Nova Scotia on Saturday, October 17th. One of the first decisions a municipality must make in accordance with Section 4 of the *Municipal Elections Act* (MEA) is the appointment of a Returning Officer and Assistant Returning Officer.

The CBRM Council, under Section 4(1) of the MEA, has the option to contract this task out to an external person. In all elections since amalgamation, municipal staff has been appointed to these positions.

Recommendation:

That Council approve the appointment of the Municipal Clerk as the Returning Officer and that the Regional Solicitor be designated as the Assistant Returning Officer for the 2020 Municipal and CSAP Elections.

Yours truly,

Original signed by:

Marie Walsh,
Chief Administrative Officer

Dominion Italian Hall – 14 Gatto Street, Dominion

Motion:

Moved by Councillor Prince, seconded by Citizen Ashford, that a recommendation be made to Council to initiate the process for registering Dominion Italian Hall located at 14 Gatto Street, Dominion (PID 15376445) as a Municipal Heritage Property.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

**SUBJECT: Request for Municipal Heritage Registration
– Dominion Italian Hall (14 Gatto Street,
Dominion)**

DATE: February 10th, 2020

The Dominion Italian Hall was organized to provide a meeting place for individuals with Italian Heritage living in Dominion. At one time, the town of Dominion featured the largest Italian population in Canada east of Montreal. The coal mines were the main reasons so many individuals from Italy found their way to Dominion. The Dominion Coal Company specifically went to Italy to recruit their workforce.

The first meeting of the group to establish the hall occurred at the Dominion Hotel, also known as the Red Onion, in 1936. The current location of the hall was originally purchased with the intention of establishing a church. The building was designed with gothic peaks to resemble a church. It is believed the church was not established on the site due to the unavailability of an Italian Priest.

While the building is not an exceptional example of a particular architectural style, the Dominion Italian Hall scores high on historical and cultural significance. The Dominion Italian Hall has been a fixture in Dominion and a source of Italian culture since it first opened its doors. The Dominion Italian Hall has played a role in preserving the Italian language in the community for this reason Municipal Heritage Designation is being request. Therefore, it is reasonable to consider this building for Municipal Heritage Designation.

A Painting Lorinda Antonello depicting the original exterior of the Italian Hall can be found in Attachment A and the current exterior can be found in Attachment. B. The scoring criteria for this property can be found in Attachment C.

Heritage Advisory Committee

During the January 20th, 2020 Heritage Advisory Committee Meeting, the Heritage Advisory Committee passed a motion advising Council to initiate the process for registering this property as a Municipal Heritage Property.

Recommendation

I recommend Council initiate the process for registering Dominion Italian Hall located 14 Gatto Street, Dominion (PID 15376445) as a Municipal Heritage Property.

Submitted by:

Originally Signed by

**Karen Neville
Heritage Officer**

A



B



Property Requesting Registration: Dominion Italian Hall, Dominion

Historic Significance		
Age of Property (87 years)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	10 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	15 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	0 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	25 points
*Total	165 points	110 points

*** It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.**

Grand Narrows Waterfront – 415 Grand Narrows Drive, Grand Narrows

Motion:

Moved by Councillor Prince, seconded by Citizen Ashford, that a recommendation be made to Council to initiate the process for registering the property located at 415 Grand Narrows Drive, Grand Narrows (PID 15606445) as well as the ferry dock infrastructure as a Municipal Heritage Property.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

SUBJECT: Request for Municipal Heritage Registration
– Grand Narrows Waterfront (415 Grand
Narrows Drive, Grand Narrows)

DATE: February 10th, 2020

In 1847, ferry service began between Iona and Grand Narrows. The ferry, which was operated by Alexander "Sandy" MacNeil and his son, Hector MacNeil, transported people, horses, cattle, and wagons. The next ferryman to operate were Dan "Dogan" MacNeil and his son, Dan Joe MacNeil in 1877. The Department of Highways took over ferry service in 1927.

With the construction of the Barra Strait Bridge and decommissioning of the ferry service between Grand Narrows and Iona in 1993, there was an opportunity to acquire the surplus land and buildings at the former ferry dock. Since acquiring the property (PID 1S60644S), the Grand Narrows Waterfront Development Society has revived the dock area to make the area more attractive for tourists, boaters, and fisherman (Attachment A). The property consists of the Ferryman's Warehouse (warehouse, showers, office, and workshop), Ferryman's Hall (restaurant and meeting facility), accessory buildings, parking area and beach, and dock facilities.

The Society is seeking assistance to carry out repairs to the existing infrastructure and establishing amenities, as a result, they are requesting the site be registered as a Municipal Heritage Property. While the dock has been refurbished, some of the old ferry dock's full infrastructure is still intact. The Society wants the dock as the focal point of the site and believe that through a plaque, pictures, and a poster board, it will be the needed link to tell generations to come of the proud history of the location and the people who lived and worked there.

While many of the buildings on the property have undergone extensive renovations or are not original to the historic development, aspects of the old ferry dock infrastructure still exist. Due to the fact the many of the existing buildings are not be considered as a part of the criteria for registration, the property does not score high (Attachment E). That being said, the scoring criteria is intended to be used as a guide. If the Heritage Advisory Committee is in agreement, the property and the old ferry dock could be registered, but not the other buildings on the property.

Photo of the dock facilities can be found in Attachment B. Aerial photos of the site from 2008-2009 and 2004 can be found in Attachment C and D.

Heritage Advisory Committee

During the January 20th, 2020 Heritage Advisory Committee Meeting, the Heritage Advisory Committee passed a motion advising Council to initiate the process for registering this property as a Municipal Heritage Property.

Recommendation

I recommend Council initiate the process for registering the property of 415 Grand Narrows Drive, Grand Narrows (PID 15606445) as well as the ferry dock infrastructure as a Municipal Heritage Property.

Submitted by:

Originally Signed by

**Karen Neville
Heritage Officer**

B



Property Requesting Registration: Grand Narrows Waterfront, Grand Narrows

Historic Significance		
Age of Property (ferry service began 1847, but many of the structures are not original to the property)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	0 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-15 points
Property is in a deteriorated state, requiring major repairs	-15 point	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	0 points
Association of the property with social or sports events within a community over a long period of time	25 points	25 points
*Total	165 points	45 points

*** It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.**

Saint Joseph's Catholic Parish Church – 2735 Trout Brook Road, Albert Bridge

Motion:

Moved by Citizen Ashford, seconded by Citizen Trifos, that a recommendation be made to Council to initiate the process for registering Saint Joseph's Catholic Parish Church located at 2735 Trout Brook Road, Albert Bridge (PID 15341035) as a Municipal Heritage Property.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

**SUBJECT: Request for Municipal Heritage Registration
– Saint Joseph's Catholic Parish Church
(2735 Trout Brook Rd, Albert Bridge)**

DATE: February 10th, 2020

Saint Joseph's Catholic Parish Church in Albert Bridge has served the pastoral, spiritual, and community needs of the Catholic people of Albert Bridge (formerly called Mira Ferry) since its construction in 1877. Due to its location high on a hill, the church is recognized as a visual landmark in the community.

The original construction of the building was that a simple design with elements of Scottish and Gothic building styles (Attachment A). In and around 1978 and 1979, the church underwent significant renovations. The building slides of the building were enlarged from its simple rural church style (Attachment B). Recent photos of the exterior of the church can be found in Attachment C.

Due to renovations, the church no longer retains the simple rural church architectural style; however, due to the age of Saint Joseph's Catholic Parish Church, Municipal Registration can be considered. The scoring criteria for this property can be found in Attachment D.

Heritage Advisory Committee

During the January 20th, 2020 Heritage Advisory Committee Meeting, the Heritage Advisory Committee passed a motion advising Council to initiate the process for registering this property as a Municipal Heritage Property.

Recommendation

I recommend Council initiate the process for registering Saint Joseph's Catholic Parish Church located 2735 Trout Brook Rd, Albert Bridge (PID 15341035) as a Municipal Heritage Property.

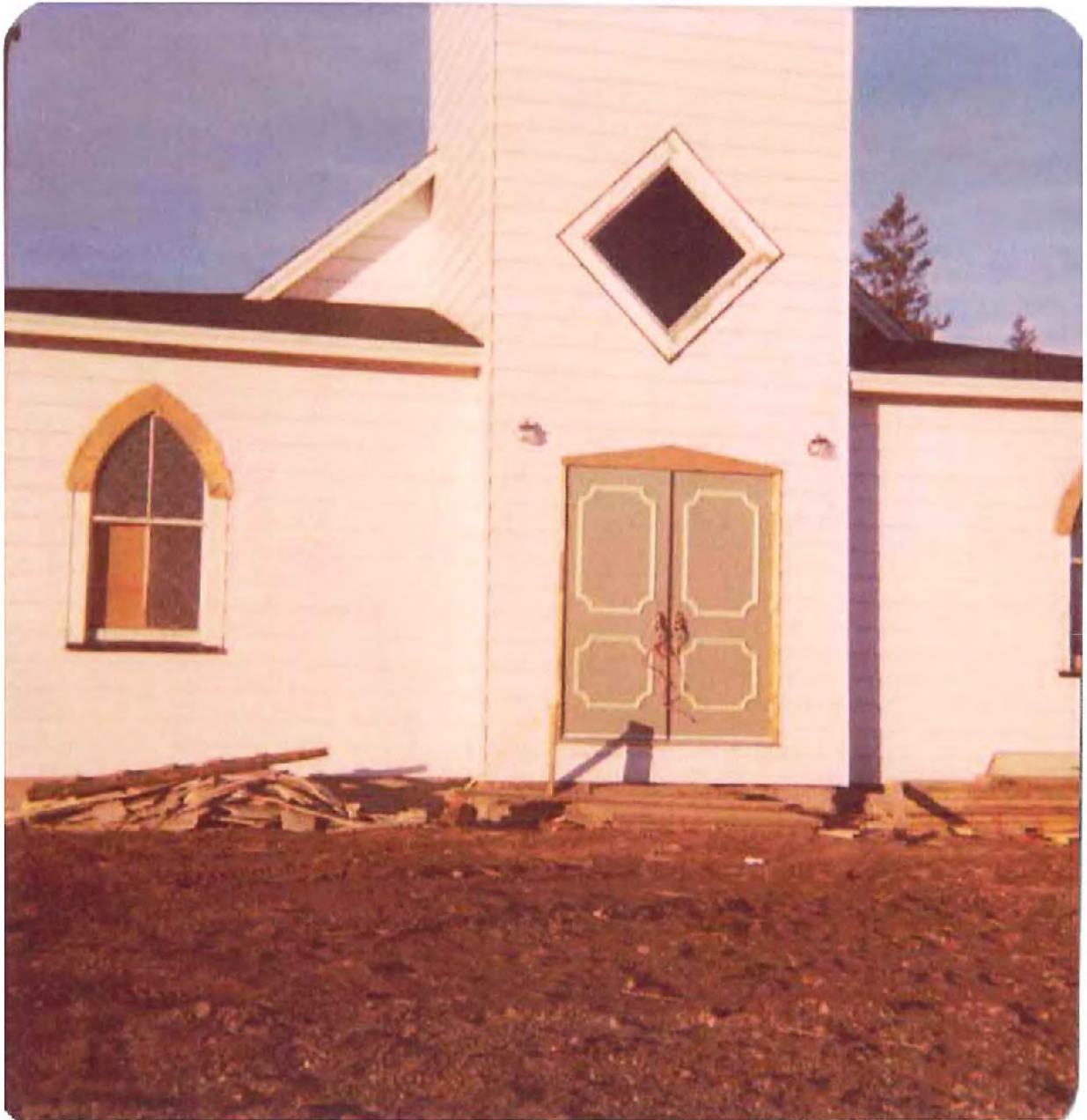
Submitted by:

Originally Signed by

**Karen Neville
Heritage Officer**



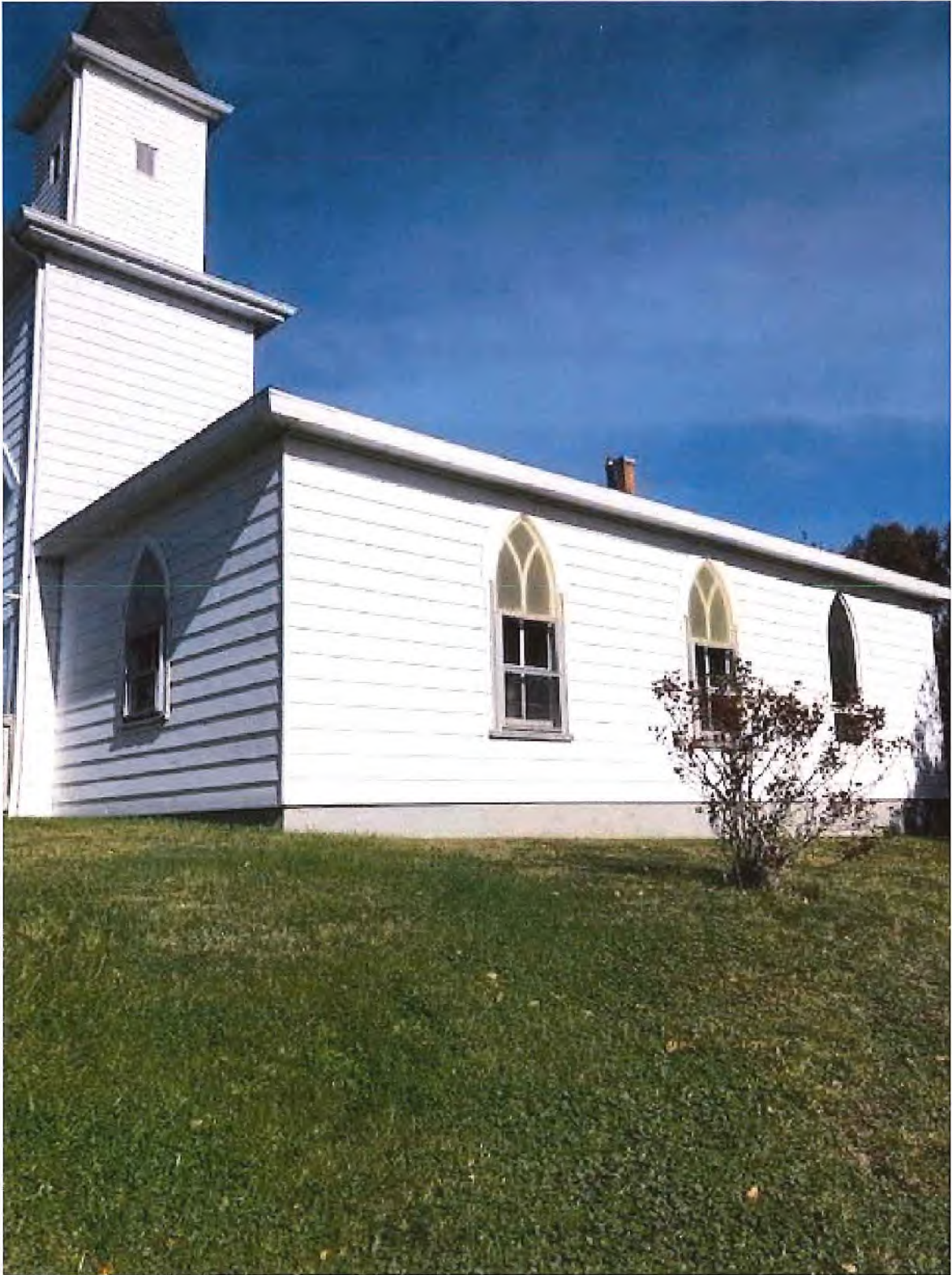
B



B







C



D

Property Requesting Registration: St. Joseph's Church, Albert Bridge

Historic Significance		
Age of Property	30 points	30 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	0 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	0 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	10 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	25 points
Exterior is wood, clay brick or natural stone	10 points	0 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	-25 points
Property is in a deteriorated state, requiring major repairs	-15 points	0 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	0 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
*Total	165 points	65 points

*** It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.**

Bernie's Bakery – 12 Meadow Street, Whitney Pier

Motion:

Moved by Councillor Prince, seconded by Citizen Trifos, that a recommendation be made to Council to initiate the process for registering Bernie's Bakery located at 12 Meadow Street, Whitney Pier (PID 15136088) as a Municipal Heritage Property.

Discussion:

In response to a question, Heritage Officer Neville advised that the request was made by the granddaughter of Bernie Kokoszka Sr. who has a range of potential ideas to restore the property, but that may not include a bakery.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

SUBJECT: Request for Municipal Heritage Registration
– Bernie’s Bakery (12 Meadow Street,
Whitney Pier)

DATE: February 10th, 2020

In 1925, at the age of 14, Bernie Kokoszka Sr. officially began his baking as a baker’s helper at the Oriental Baker in Sydney. Within two years he became head baker, replacing his teacher Felix Depenta, who retired. In 1939, Mr. Kokoszka established his own bakery which specialized in European brick hearth baked breads. The original bakery was destroyed by fire in 1954 after which a new bakery was built on Meadow Street. The oven in this bakery was an 18th century model, brick hearth oven designed by Bernie Kokoszka Sr.

On September 13, 1984, Bernie’s Bakery had the honour of having its bread blessed by Pope John Paul II in the traditional offering of “bread and salt”. This presentation was the first of its kind in Canada.

Simple in design, the bakery has retained its original character since its construction. Bernie’s Bakery is valued because it has significant cultural value for the community of Whitney Pier. Therefore, it is reasonable to consider this building for Municipal Heritage Designation.

An historic photo of Bernie’s Bakery can be found in Attachment A. A more modern photo can be found in Attachment B. The scoring criteria for this property can be found in Attachment C

Heritage Advisory Committee

During the January 20th, 2020 Heritage Advisory Committee Meeting, the Heritage Advisory Committee passed a motion advising Council to initiate the process for registering this property as a Municipal Heritage Property.

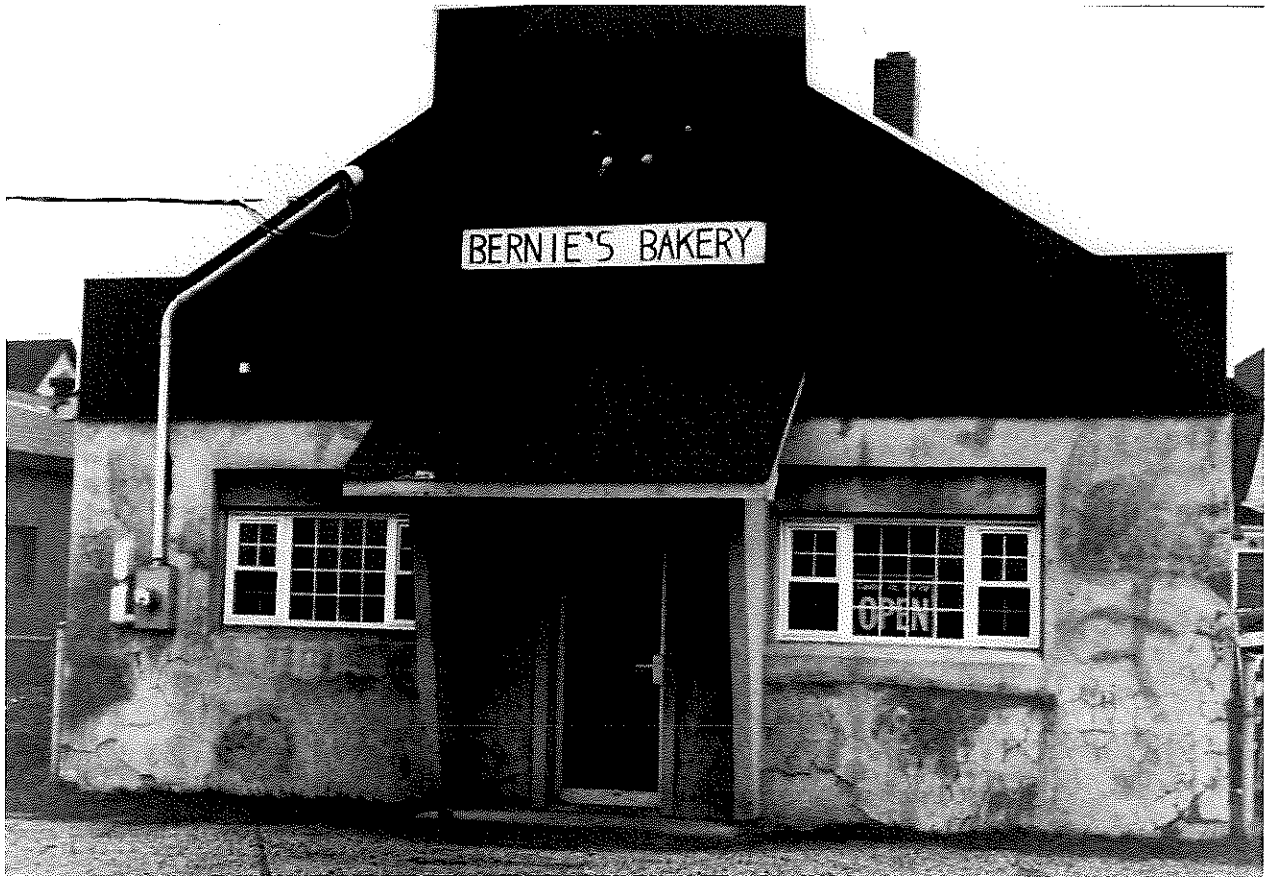
Recommendation

I recommend Council initiate the process for registering Bernie’s Bakery located 12 Meadow Street, Whitney Pier (PID 15136088) as a Municipal Heritage Property.

Submitted by:

Originally Signed by

Karen Neville
Heritage Officer



B



Property Requesting Registration: Bernie's Bakery, Whitney Pier

Historic Significance		
Age of Property (original bakery 1939 – 81 years, new bakery 1954 – 66 years)	30 points	15 points
Association of the property with the community's economic, social, political, athletic or cultural history	20 points	20 points
Association of the property with a well-known person locally, provincially or nationally	10 points	0 points
Association of the property with a significant event in a community's history (such as incorporation of a former municipal unit, a famous labour dispute, a famous court case)	10 points	10 points
Architectural Significance		
Presence of rare or unique architectural features on the exterior (such as stained glass windows, Scottish dormers, turrets, unique pre-fabricated features on modern buildings, etc.)	20 points	0 points
Exceptional example of a particular architectural style; in order to score high in this category a structure need not be old or elaborately designed (a modern building that is unique or is a particularly good example of a particular style could score high in this category, as could a modest, relatively unornamented structure if it is a very good example of a particular style (such as a semi-detached coal company house)	50 points	0 points
Exterior is wood, clay brick or natural stone	10 points	8 points
Has been very substantially altered in recent years; most or all original features (dormers, windows, doors, verandahs, etc.) have been changed in size and/or style or have been removed	-25 points	0 points
Property is in a deteriorated state, requiring major repairs	-15 point	-15 points
Presence of unique interior features (such as a Casavant Freres organ, exceptional interior wood work, unique light fixtures) - <i>points to be awarded only in cases where the building is open to the public on a regular basis (places of faith, theatres, public buildings)</i>	5 points	5 points
Cultural Significance		
Association of the property with the history of a particular religious or ethnic group in the CBRM	25 points	25 points
Association of the property with social or sports events within a community over a long period of time	25 points	0 points
*Total	165 points	68 points

*** It is intended that this scoring criteria will be used as a guide; it is not recommended that a specific score in each category would be required in order for registration to proceed. However, it is assumed that in order to be registered a property should score at least 50 points overall.**

Request for Release of Covenant: PID 15021736 – Manning Street, North Sydney

Motion:

Moved by Councillor MacMullin, seconded by Councillor Gillespie, that a recommendation be made to Council directing staff to prepare the necessary documentation required to have the Restrictive Covenant removed from the property on Manning Street, North Sydney, (PID 15021736), to allow Ben Blufarb to sell his property free and clear of such building restriction.

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: REQUEST FOR RELEASE OF COVENANT
PID 15021736 – Manning Street, North Sydney

DATE: February 18th, 2020

INTRODUCTION

As presented to General Committee on February 4th, 2020, CBRM is in receipt of a written request from Michael Tobin, solicitor on behalf, Ben Blufarb. He is asking CBRM to release a building restrictive covenant attached to his client's property.

BACKGROUND INFORMATION

Mr. Tobin represents Mr. Blufarb regarding the sale of his vacant properties located on Manning Street, North Sydney and identified on the attached map; PID 15021736 and PID 15021728 (Attachment A).

The parcel subject to this Issue Paper (PID 15021736) was conveyed to Mr. Blufarb's mother by the former Town of North Sydney in 1993 subject to a restrictive covenant. The Covenant restricts the purchaser, or their successor and assigns, to the construction of a residential dwelling at any time on the subject lands. A copy of the Deed is attached herein for reference and marked Attachment B.

The proposed buyer wishes to build a residential dwelling on the properties overlapping on both lots. Their desire is to consolidate the 2 lots and build in the center of the newly consolidated parcel.

REVIEW/EVALUATION

An internal review has confirmed there is no functioning CBRM infrastructure on this property. Planning department advised if the lots were consolidated a building permit would be issued if the proposed use complied with the Land Use By-law. As such, staff has no issue with CBRM releasing the covenant from PID 15021736

RECOMMENDATION

It is my recommendation to Council to pass a Motion directing staff to prepare a Release of Covenant and authorize Mayor and Clerk to execute the said Release to have the Restrictive Covenant removed from the property (PID 15021736) and to allow Mr. Blufarb to sell his property free and clear of such building restriction.

Respectively Submitted by:

ORIGINAL SIGNED BY

Sheila Kolanko
Property Manager



BENJAMIN BLUFARB
PID 15021736
Subject to Restrictive Covenant

BENJAMIN BLUFARB
PID 15021728

50 25 0 50 Feet

Doc # 284

000913

ATTACHMENT "B"

THIS INDENTURE made the 7th day of October, in the year of Our Lord one thousand nine hundred and ninety-three.

BETWEEN: THE TOWN OF NORTH SYDNEY, a duly incorporated town under the laws of the Province of Nova Scotia

hereinafter called the "GRANTOR"

OF THE ONE PART

#2173
Jan 3, 1994
The Town Of North Sydney
Deed Transfer Tax
Certificate Requested
P. Landry
ASST.

ANNA BLUFARB of the Town of North Sydney in the County of Cape Breton, Province of Nova Scotia

hereinafter called the "GRANTEE"

OF THE OTHER PART

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar of lawful money of Canada, to the said Grantor in hand well and truly paid by the said Grantee at or before the ensembling and delivery of These Presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold aliened, enfeoffed, released, remise, conveyed and confirmed, and by These Presents doth grant, bargain, sell, alien, enfeoff, release, remise, convey and confirm unto the said Grantee, their heirs and assigns,

ALL that certain lot, piece or parcel of land situate, lying and being on the southeastern boundary of Manning Street, in the Town of North Sydney, County of Cape Breton, Province of Nova Scotia, and shown on a plan of survey of land of the Town of North Sydney as prepared by Harvey Surveys dated October 22, 1993, and said lot is more particularly bounded and described as follows:

BEGINNING at a survey marker set at the intersection of the southeastern boundary of Manning Street and the northeastern boundary of land of James Lewis & Jane Lewis;

THENCE S 54° 24' 37" E along the said Lewis lands 100.0 feet to a survey marker set on the northwestern boundary of land of Arthur & Mary Wilkie (Book 1359, Page 334);

THENCE N 34° 42' 43" E along the said Wilkie lands and lands of Michael and Winnifred Merritt (Book 1359, Page 329) a distance of 50.0 feet to a survey marker set on the southwestern boundary of land of Lublin Management Ltd. (Book 1370, Page 17);

THENCE N 54° 24' 37" W along the said Lublin Management Ltd. lands 100.0 feet to a survey marker set on the southeastern boundary of Manning Street;

THENCE S 34° 42' 43" W along Manning Street 50.0 feet to the Place of Beginning.

The above described lot contains an area of 5000 square feet, more or less.

All bearings herein are based on the Nova Scotia Coordinate System, 3° M.T.M. Projection, Zone 4, Central Meridian 61° 30' Longitude West. (ATS 77)

"CERTIFICATE OF REGISTRAR

I hereby certify that no deed transfer tax has been paid on this deed by virtue of claimed exemption.

.../2

J. Osborne
Registrar

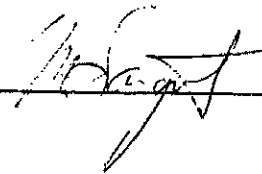
PROVIDED however that the Purchaser herein shall be and is restricted from the building of a residential dwelling at any time on the herein described lot.

TOGETHER WITH all and singular the buildings, easements, tenements, hereditaments and appurtenances to the same belonging, or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim, property, and demand, both at law and in equity of the said Grantor of, in to or out of the same, or any part thereof.

TO HAVE AND TO HOLD the said land and premises, with the appurtenances, and every part thereof, unto the said Grantee, their heirs and assigns, to them and their sole use, benefit and behoof forever.

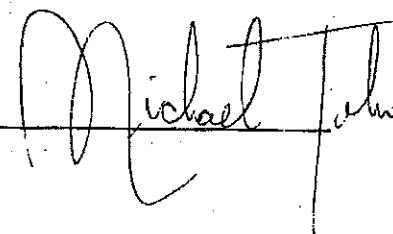
IN WITNESS WHEREOF the Mayor and the Town Clerk of the said Town of North Sydney have hereunto set their hands and affixed the Corporate Seal of the said Town hereto the day and year first above written.


SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

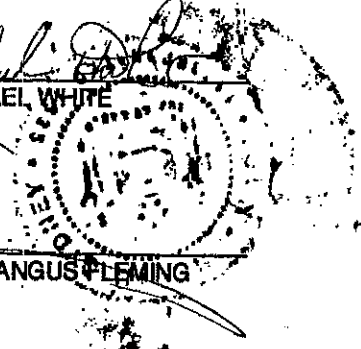



MAYOR - MICHAEL WHITE


TOWN CLERK - ANGUS FLEMING




ANNA BLUFARB - as per the restrictive
covenant contained herein




PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON, SS.

000915

ON THIS ^{2nd} day of ^{New} October, 1993, before me, the
subscriber, personally came and appeared MEG SARGENT

a subscribing witness to the foregoing Indenture, who, having been by me duly sworn,
made oath and said that MICHAEL WHITE, MAYOR and ANGUS FLEMING, TOWN
CLERK, of the said Town, did sign the said Indenture as such Mayor and Town Clerk,
and the said Clerk did attach thereto the Corporate Seal of the said Town, and the Mayor
and Clerk did deliver the same, all in h ^{is} presence.


A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA
DAVID J. RYAN

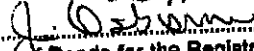
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

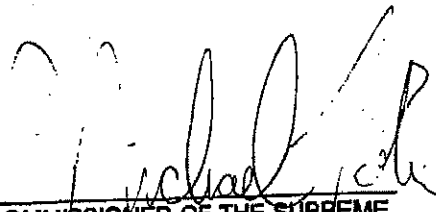
I CERTIFY that on this ^{8th} day of ^{NOVEMBER} October, A.D. 1993, ANNA

LUBFARB, one of the parties mentioned in the foregoing and annexed Indenture, signed
and executed the said Indenture in my presence and I have signed as a witness to such
execution.

Province of Nova Scotia
County of Cape Breton

I hereby certify that the within Instrument
was recorded in the Registry of Deeds Office
at Sydney in the County of Cape Breton, N.S.
at ^{9:52} o'clock ^{P.} M., on the ^{13.}
day of ^{Jan.} A.D. 1994 in
Book No. ¹⁸³³ at pages ⁹¹³
as Document Number ^{284.}


Registrar of Deeds for the Registration
District of Cape Breton County


A COMMISSIONER OF THE SUPREME
COURT OF NOVA SCOTIA
MICHAEL TOBIN

MICHAEL A. TOBIN
A BARRISTER OF THE
SUPREME COURT OF
NOVA SCOTIA

Local Travel Policies – Elected Officials

Motion:

Moved by Councillor Gillespie, seconded by Councillor Coombes, that a recommendation be made to Council to approve the amendment to the local travel policy for elected officials to eliminate the taxable allowance and provide a non-taxable reimbursement based on actual mileage claimed, with clearly-defined parameters of what constitutes eligible travel, as outlined in Option 3 of the staff Issue Paper dated January 24, 2020.

Discussion:

- Similar policy to other levels of government
- Provides for more accountability and transparency
- Eligible and non-eligible travel expenses would be part of policy change
- CAO approval for milestone events
- Financial reporting for public disclosure
- Process for submitting receipts
- Travel budget reduced over last couple of years
- MP and MLA travel expenses available online

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Memo

Date: February 10, 2020
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Revised Travel Expenses Policy – Elected Officials

At the February 4, 2020 meeting of General Committee, a motion was passed to accept the recommendation of staff to eliminate the taxable travel allowance and instead reimburse mileage on a per km basis, consistent with the majority of other municipal units following a jurisdictional scan.

The proposed revised Travel Expense Policy for Elected Officials is attached for consideration. The changes are highlighted in the attached policy document with key changes summarized as follows:

- Previous references to the daily per diem/ travel allowance have been removed - 3(vi)(3); 3(vi)(4)
- 3(vi)(3) replaced to define official municipal business eligible for mileage reimbursement and includes:
 - Council / Committee meetings
 - Board / Agency meetings where a Councilor was appointed by Council to the Board
 - Public meetings / hearings
 - Council Workshop / Training seminars / Conventions
 - Meetings with representatives of other levels of government
 - Municipal hosted events
 - Public events where a Councilor has been officially invited as part of their role as a member of Council.
- 3(vi)(4) replaced to note travel reimbursement exclusions:
 - Political activities associated with election or re-election
 - Meetings with constituents, individual electors, or complainants
 - Meetings / conferences related to organizations or Boards of which the Councilor is not appointed by Council
 - Other costs incurred for unofficial municipal travel.
- 3(vi)(5) Notwithstanding clause added for consideration of other community events / meetings as approved by the CAO or designate.

Staff request that Council approved the recommendation of General Committee to reimburse travel based on actual mileage claims and to approve the proposed Travel Expense Policy for Elected Officials as amended.

Respectfully submitted,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA
Chief Financial Officer

Travel Expense Policy for Elected Officials

1. LEGISLATIVE AUTHORITY

- a. This policy derives its authority from Section 65(r) and (s) of the *Municipal Government Act* of the Province of Nova Scotia.

2. STATEMENT OF POLICY:

- a. It is the policy of the municipality to reimburse elected officials for reasonable and necessary expenditures incurred on official municipal business.
- b. Actual kilometers travelled will be reimbursed at the kilometer rate set by Council or the appropriate committee.
- c. All other allowable expenses are on an actual cost basis; or per diem rate set by Council or the appropriate committee.
- d. Claims for reimbursement of actual travel expenses, other than for kilometers or per diems, must be accompanied by detailed invoices and/or receipts showing proof of payment with all taxes detailed.
- e. All expense claims are subject to review and internal audit verification.
- f. Travel is subject to budget restrictions.
- g. Any travel outside of Canada must be approved in advance by the Chief Administrative Officer (“CAO”).
- h. The purpose of the travel, destination, kilometers (if applicable) and dates must be recorded on the expense claim form.
- i. The distribution of travel funds for non-local conferences and meetings will be allotted in the following manner:
 - i. Each member of Council will be assigned an annual budget based on past experience and available budget. Each member of Council must be personally accountable for the usage of this funding and must make travel decisions based on their individual total budget available.

- j. FCM/NSFM convention fund entitlement is authorized by Council. Delegates attending the annual FCM convention shall not exceed one half of council membership, noting that priority will be given to Council members who have not attended the conference in the previous year.
- k. Emergency Travel – Non budgeted travel will only be authorized by the Mayor when it is deemed necessary to have Council representation present at some unforeseen event, despite the lack of individual councillor(s) budget.
- l. ~~Income Tax Act—Reporting requirements include some items as taxable income or taxable benefits.~~

3. TRAVEL WHILE ON MUNICIPAL BUSINESS

- i) **Airfare**
 - (1) Air travel should be booked at the advanced purchase excursion rates on commercial airlines using the most efficient and direct route.
 - (2) Any differentials from the excursion rate or stop-over costs must be explained and approved on the expense claim when submitted.
 - (3) Where available, business/executive class air travel shall be authorized where continuous air travel exceeds nine hours. Continuous air travel starts at the scheduled flight departure time, and ends with the arrival at destination terminal or with an overnight stop or layover equivalent to an overnight stop.
 - (4) For all other travel, airfare upgrades shall be at the personal expense of the claimant unless there are ergonomic necessities attributable to physical requirements of the employee including, but not limited to, wheel chair accessibility. Reimbursement for upgrade costs must be received at the time of billing.
 - (5) Additional charges for baggage fees shall be limited to 1 item per claimant unless authorized in advance.
 - (6) The purchase and use of flight passes constitutes a travel advance and must be reported on an expense claim with 10 days of use.

ii) Lodging

- (1) Hotel and motel expenses will be reimbursed on completion of travel upon submittal of proper "Expense Claim" forms.
- (2) Hotel accommodations shall not exceed the cost of a standard room, double occupancy.
- (3) Other than for conferences/conventions offering group rates, hotel accommodations shall be booked at a hotel with a negotiated price agreement whenever possible or offering reduced government rates.
- (4) Hotel upgrades shall be at the personal expense of the claimant unless there are ergonomic necessities attributable to physical requirements of the employee including, but not limited to, wheel chair accessibility.
- (5) Additional accommodation expenses for an accompanying guest will not be reimbursed and are the personal responsibility of the claimant.
- (6) Private accommodation may be authorized in lieu of hotel accommodation for non-local travel and shall receive a per diem of \$40.00 per night.

iii) Meals

- (1) Meal per diem reimbursements are to be itemized on proper "Expense Claim" forms.
 - (2) Reimbursement for meals shall not exceed the per diem meal amounts set out in this policy. Reimbursement in excess of daily maximum meal per diem will only be made if the actual expenses are reasonable and approved by the CAO.
 - (3) Approved meal reimbursements are to be itemized on proper "Expense Claim" forms accompanied by detailed receipts.
 - (4) Breakfast may be claimed only when the council member has been travelling on municipal business for more than one hour before the recognized time for the start of the day's work. Dinner may only be claimed when the council member is not expected to return to his/her residence before 6:30pm.
 - (5) Meal costs will not be reimbursed where the cost is included in the airfare or in registration fees at conventions, conferences, or training events. (Conference itineraries should be attached to the expense claim form).
-

iv) Kilometer Allowance

- (1) Members of Council who utilize their personal vehicles on travel assignments will be reimbursed the approved rate per kilometer.
 - (2) Mileage will be reimbursed from the regular place of work, or from the Council member's residence, whichever is less.
 - (3) Local travel of an elected official to Council or Committee meeting is an allowable claim, but restricted to only one claim per day. Alternatively, Council members may opt for a daily per diem for local travel.
 - (4) If an elected official is out of town or otherwise unavailable to fulfill municipal duties, the elected official shall forfeit the travel allowance for days absent, either through payroll deduction or as an offset to expenses being claimed.
 - (3) Members of Council are eligible for reimbursement of actual kilometers travelled for official municipal business pertaining to the following:
 - Council/Committee meetings
 - Board/Agency meetings where a Councillor was appointed by Council to the Board
 - Public meetings/hearings
 - Council Workshop/Training seminars/Conventions
 - Meetings with representatives of other levels of government
 - Municipal hosted events
 - Public events where a Councillor has been officially invited as part of their role as a member of Council.
 - (4) Members of Council shall not be reimbursed for travel expenses related to:
 - Political activities associated with election or re-election
 - Meetings with constituents, individual electors, or complainants
 - Meetings/conferences related to organizations or Boards of which the Councillor is not appointed by Council
 - Other costs incurred for unofficial municipal travel.
 - (5) Notwithstanding 3(iv)(3) and 3(iv)(4), consideration may be granted for other community events / meetings as approved by the CAO or designate.
 - (6) Non local travel - No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the economy rate on a licensed common carrier, plus auto rental or taxi fare at point of destination.
 - (7) When two or more Council members are attending the same seminar, convention, or meeting, reasonable efforts to share a vehicle shall be made whenever possible.
-

- (8) If an elected official, for his or her own convenience, travels by an indirect route or interrupts travel by the most economical route, the elected official shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.

v) **Vehicle Rentals**

- (1) Council members are encouraged to rent a vehicle from an agency with a negotiated price agreement wherever possible in instances where:
- (a) The aggregate costs of renting a vehicle are more cost effective to the Municipality than paying a per diem.
 - (b) Reasonable ground transportation services such as public transit, taxis or hotel shuttles are unavailable; or
 - (c) Two or more employees are travelling for the same purpose, and it is more economical than the combined cost of other reasonable transportation.
- (2) Compact, economical vehicles must be used unless three (3) or more persons travelling together, the bulk weight of goods being transported necessitates a larger vehicle, or a compact, economical vehicle is unavailable.

vi) **Parking Fees**

- (1) Parking fees will be reimbursed for actual cost when receipts are provided.

vii) **Travel Advances**

- (1) Advances will only be issued where an overnight stay is required.
- (2) Travel advances will be issued by the Finance Department based on reasonable estimated costs.
- (3) Advances will not be paid for less than **\$200**.
- (4) Travel advances must be reconciled against actual costs incurred by submitting an expense claim accompanied by any repayment of advance owing within **10** days of completing the travel. Any travel advance not reconciled in this time frame shall be reclaimed through payroll deduction.

viii) **Non-allowable items**

- (1) Claims for loss of personal effects, for medical and hospital treatment, for purchase of hand luggage, clothing, and other personal equipment, or for other personal expenses such as laundry, valet parking will not be reimbursed.
- (2) If the duration of travel exceeds 1 week or for extenuating circumstances, then laundry services may be reimbursed for reasonable amounts with receipts.
- (3) Fines for parking or traffic violations are the direct responsibility of the employee and will not be reimbursed.
- (4) Additional expenses incurred as a result of non-council member accompaniment are the direct responsibility of the council member.
- (5) Purchases of alcohol will not be reimbursed.

2) OTHER

- i) Expenses incurred by one individual on behalf of another must be attributed to the individual(s) for whom those expenses were incurred.
- ii) Debit/Credit card transaction records are not acceptable as receipts and will not be reimbursed. Only detailed/itemized receipts are accepted.

3) REPORTING REQUIREMENTS

- i) Pursuant to Section 65A of the Municipal Government Act, the CAO shall ensure that:
 - (1) Within 90 days of the end of each fiscal quarter, the expense report for elected officials is prepared and posted on the Municipal website.
 - (2) Reportable expenses include Travel and travel related expenses, including transportation accommodation and incidentals, meals, and training and education.
 - (3) The annual summary report on expenses for the preceding fiscal year that is compliant with the requirements of the Department of Municipal Affairs and the requirements set out in the Financial Reporting and Accounting Framework is prepared and submitted to the Minister of Municipal Affairs by September 30th of each year.

4) REVIEW REQUIREMENTS

- i) By the January 31st immediately following a regular election held under the Municipal Elections Act, Council shall review this policy and, following a motion of Council, either re-adopt or amend the policy.

5) PROCEDURES

a) RESERVATIONS

- i) All reservations for air travel, accommodation and rental vehicles will be coordinated by the Council Assistant.
- ii) Accommodation and rental vehicles shall be reserved using negotiated price agreements whenever possible in order to provide the municipality a preferred level of service at competitive rates.

b) Travel Advances

- i) The travel advance will be submitted to the Finance Department by the Council Assistant.
- ii) The travel advance must be approved by the Chief Financial Officer.
- iii) The Council Assistant should receive the travel advance form from the Councillor no earlier than five working days prior to the required date.

c) Expense Claims

i) Local Travel

- (1) Travel claims are to be submitted to the Council Assistant on approved claim form the 1st working day of each month for the prior month.
- (2) Claims are to be processed and payment made on or before mid month.

ii) Travel Reimbursement

- (1) All expense claims or advance repayments are to be submitted to the Council Assistant on the 1st and 15th of each month. (First working day following – if weekend or holiday.)
- (2) All travel expenditures relating to the Mayor will be authorized by the Chief Administrative Officer CAO or designate.
- (3) Payments shall be processed the week following submission date if supported by proper documentation.

iii) MEAL PER DIEM and KILOMETER ALLOWANCE

- (1) Meal and incidental per diems and per-kilometer allowances shall be that of the Nova Scotia Federation of Municipalities (NSFM) established rates, adjusted annually, effective the first day of the fiscal year – April 1. Incidental per diem shall only be paid on travel dates requiring overnight accommodation in hotels.
- (2) Private accommodation per diem shall be set at \$40.00 per night.
- (3) Rates in USA are the same as in Canada but paid in US funds.

**Approved by Council:
Amended**

**June 12, 1996
June 27, 2001
March 11, 2005
June 8, 2006
November 20, 2018
February XX, 2020.**

Summary

Statement of Revenue

December 31, 2019

Revenue	Year To Date Assigned	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 83,078,283	\$ 82,788,714	\$ 289,569	\$ 110,384,952	\$ 27,306,669
Total Federal Government	2,291,695	2,291,696	(0)	3,055,594	763,899
Total Provincial Government Agencies	560,396	560,396	(0)	747,195	186,799
Total Provincial Government	1,650,299	1,650,299	-	2,200,398	550,100
Total Provincial Government Agencies	2,340,759	2,391,243	(50,484)	3,188,324	847,565
Total Services to Other Local Government	456,563	456,563	0	608,750	152,187
Total Transit	1,030,862	825,000	205,862	1,117,500	86,638
Total Environmental Development Services	230,632	184,650	45,982	246,200	15,568
Total Licenses & Permits	105,339	113,250	(7,911)	151,000	45,661
Total Fines & Fees	464,670	462,358	2,313	616,477	151,807
Total Rentals	441,572	447,368	(5,796)	596,490	154,918
Total Concessions & Franchises	259,826	277,500	(17,674)	370,000	110,174
Total Interest on Taxes	942,825	1,132,500	(189,675)	1,510,000	567,175
Total Finance Revenue	19,625	22,500	(2,875)	30,000	10,375
Total Solid Waste Revenue	1,980,980	2,100,000	(119,020)	2,700,000	719,020
Total Recreation & Cultural Service Programs	1,148,975	1,297,214	(148,240)	2,100,000	951,026
Total Water Utility Charges	3,713,632	3,713,633	(0)	4,951,510	1,237,878
Total Unconditional Transfers	11,867,512	11,951,879	(84,367)	15,935,838	4,068,326
Total Conditional Transfers	-	-	-	-	-
Year To Date Assigned	\$ 112,584,444	\$ 112,666,760	(\$ 82,316)	\$ 150,510,228	\$ 37,925,784

Departmental

Reviewed

Statement of Expenditures

Summary

Expenditures	Year to date Expended	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,087,996	\$ 1,194,384	\$ 106,388	\$ 1,626,311	\$ 538,315
Administration	703,034	794,089	91,055	1,082,923	379,889
Finance	1,957,541	2,027,620	70,078	2,663,928	706,387
Legal	1,395,519	1,326,617	(68,903)	1,843,611	448,092
Human Resources	795,053	916,607	121,554	1,350,257	555,204
Technology & Communications	767,367	789,615	22,248	1,339,155	571,788
Municipal Clerk	301,734	323,001	21,268	544,230	242,496
Fiscal Services	27,250,978	27,301,417	50,439	32,506,114	5,255,136
Police Services	19,489,829	19,978,128	488,298	27,611,933	8,122,104
Fire Services (Incl EMO)	13,809,199	13,749,278	(59,921)	17,891,006	4,081,807
Engineering & Public Works	34,579,155	34,973,456	394,301	47,030,056	12,500,901
Planning	1,969,903	2,011,167	41,264	2,665,010	695,107
Facilities C200 & Arenas	2,817,041	2,679,648	(137,393)	3,507,642	690,601
Parks & Grounds	2,218,534	2,230,509	11,975	2,889,432	670,898
Buildings	2,346,906	2,394,679	47,773	3,253,791	906,885
Recreation	2,171,693	2,192,877	21,184	2,654,825	483,132
Total expended to date	\$ 113,661,484	\$ 114,883,092	\$ 1,221,608	\$ 150,510,224	\$ 36,848,740

Departmental

Reviewed

Port of Sydney Development Corporation

December 31, 2019 Income Statement

	This YTD Actual	This YTD Budget	Variance to Budget	Annual Budget
Wharfage and Berthage	\$ 489,707	\$ 447,187	\$ 42,520	\$ 553,385
Event Revenue	153,658	69,950	83,708	73,100
Miscellaneous Revenue	118,882	17,384	101,498	4,300
Storage and Rental	263,007	265,268	(2,261)	289,927
Passenger tax	1,324,104	1,172,691	151,413	1,172,691
Security/Traffic Control	254,835	250,816	4,019	264,436
Government Grants	263,268	103,900	159,368	153,900
Craft Market Revenue	87,728	83,545	4,183	83,545
	\$ 2,955,188	\$ 2,410,741	\$ 544,447	\$ 2,595,284
Wages and Salaries	\$ 760,373	\$ 725,820	\$ 34,553	\$ 931,041
Professional Fees	66,494	67,300	(806)	80,800
Advertising & Promotions	161,725	42,605	119,120	59,155
Cruise Activities	22,121	53,870	(31,749)	59,595
Dues & Membership Fees	36,376	37,601	(1,225)	39,176
Event Expense	8,743	7,130	1,613	7,775
Insurance	66,888	55,970	10,918	84,960
Interest & Bank Charges	15,251	5,220	10,031	6,870
Office & Admin	41,339	89,809	(48,470)	94,555
Office Rent	39,240	39,240	-	52,320
Miscellaneous	3,529	3,600	(71)	4,800
Fender replacement	175,000	-	175,000	-
Repairs & Maintenance	191,070	377,371	(186,301)	426,428
Repairs -JHCP	63,977	73,000	(9,023)	73,000
Travel	15,050	39,290	(24,240)	43,630
Utilities	139,715	158,834	(19,119)	206,584
Bad Debts	1,300	1,500	(200)	1,500
Security Expense	166,097	208,924	(42,827)	217,696
Leasehold Improvements	1,430	11,500	(10,070)	11,500
Transport Canada Marketing	54,396	-	54,396	-
	\$ 2,030,114	\$ 1,998,584	\$ 31,530	\$ 2,401,385
Surplus	\$ 925,075	\$ 412,157	\$ 512,917	\$ 193,899
Less Amortization	(262,500)	(262,500)	-	(350,000)
Less reserve for south dock	(500,000)	-	(500,000)	-
	\$ 162,575	\$ 149,657	\$ 12,917	(\$156,101)

