

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, JANUARY 21, 2020

6:00 P.M.

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

Cape Breton Regional Municipality

Council Meeting

Tuesday, January 21, 2020

6:00 p.m.

AGENDA ITEMS

Roll Call

O'Canada

Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)
 - **Special Council – November 4, 2019**
 - **Council – November 19, 2019**

2. **APPROVAL OF AGENDA:** (Motion Required)

3. **PROCLAMATIONS & RESOLUTIONS:**
 - 3.1 **Bell Let's Talk Day:**
Councillor George MacDonald (See page 7)

 - 3.2 **Family Literacy Day:**
Councillor Earlene MacMullin (See page 8)

 - 3.3 **African Heritage Month:**
Councillor Jim MacLeod (See page 9)

 - 3.4 **White Cane Week:**
Councillor Eldon MacDonald (See page 10)

 - 3.5 **Treatment of CBRM Compared to other Municipalities:**
Councillor Kendra Coombes and Councillor Stève Gilléspie
See Page (11)

Continued...

**Council Meeting Agenda
January 21, 2020 (Cont'd)**

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – Public Hearing

a) **Zoning Amendment Application Case 1064 – To Permit Gas Bar Use:**

Public Hearing to consider Application #1064 to permit a Robin's Donuts restaurant, convenience store, and gas bar at PID 15477656 and 15477649 (corner of Emerald and Larch Street, New Waterford) by WSP Canada Inc. Kristen Knudskov, Planner (See page 12)

4.2 APPROVAL TO ADVERTISE:

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

Committee recommends approval to advertise notice of Public Hearing at the February meeting of Council to consider the Zoning Amendment Application Case 1065 for overnight childcare at 3386 Hinchey Avenue, New Waterford, PID 15482961, as outlined in the staff Issue Paper dated January 7, 2020. Kristen Knudskov, Planner (See page 28)

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

Committee recommends approval to advertise notice of Public Hearing at 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 Issue Paper dated January 7, 2020. Kristen Knudskov, Planner (See page 33)

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

Committee recommends approval to advertise notice of Public Hearing at the February meeting of Council to consider the Zoning Amendment Application Case 1068 as outlined in the staff Issue Paper dated January 7, 2020; and to direct staff to initiate a formal street closure, pursuant to section 135 of the *Municipal Government Act* for road parcel identified as PID 15705759. Karen Neville, Senior Planner (See page 41)

Continued...

**Council Meeting Agenda
January 21, 2020 (Cont'd)**

5. PRESENTATION:

- 5.1 Nova Scotia Community College (NSCC) Sydney Waterfront Campus – Property Rezoning Application:** Mr. Rob Leblanc, President
Fathom Studio (See page 49)

6. BUSINESS ARISING:

6.1 General Committee Meeting - January 7, 2020:

a) CBRM Youth Council:

Committee recommends Council adopt the CBRM Youth Council Terms of Reference and appoint two (2) Councillors to serve a one-year term each on the Advisory Committee as outlined in the draft Terms of Reference. Jillian Moore, Communications and Information Officer (See page 73)

b) Legislative Amendments - Grant Disclosure Policies:

Committee recommends Council approve the proposed amendments to the Municipal Grants Program Policy and Heritage Incentive Program Policy regarding disclosure of grant recipients as outlined in the staff Issue Paper dated December 4, 2019. Jennifer Campbell, Chief Financial Officer (See page 77)

6.2 Nominating Committee Meeting – January 15, 2020:

a) Port of Sydney Development Corporation – Board Vacancies:

Committee recommends approving the appointment of the following applicants to the Board of Directors for the Port of Sydney Development Corporation for the stated terms:

- Candidate #1- Individual with a professional engineering designation (one position) – appointment to March 31, 2024
- Candidate #3 - Individual licensed to practice law in Nova Scotia (one position) - appointment to March 31, 2024
- Candidate #4 - Individual with a professional accounting designation (one position) – appointment to March 31, 2021
- Candidate #6 - Individual with expertise in business and commerce (one position) – appointment to April 2, 2022.

Deborah Campbell Ryan, Municipal Clerk (See page 90)

Continued...

**Council Meeting Agenda
January 21, 2020 (Cont'd)**

BUSINESS ARISING - Nominating Committee Meeting – January 15, 2020 (Cont'd):

b) Advisory Committee for the Youth Council – Council Appointments:

Committee recommends Council appoint Councillors McDougall and Coombes to serve on the Advisory Committee for the CBRM Youth Council for a one-year term. Deborah Campbell Ryan, Municipal Clerk (See page 109)

7. CORPORATE SERVICE ISSUE:

7.1 Nova Scotia Power Service Easements for Civic #224 & Civic #228 Newlands Avenue: Wayne MacDonald, Director of Engineering & Public Works (See page 111)

8. BY-LAWS & MOTIONS:

8.1 By-laws:

a) Second / Final Reading – Public Hearing:

**i) Repeal of the CBRM Defined Benefit (DB) Pension By-Law:
Gordie MacDougall, Director of Human Resources
(See page 118)**

b) First Reading:

**i) Amendments to the Responsible Animal Husbandry By-law:
Karen Neville, Senior Planner (See page 123)**

9. FINANCIAL STATEMENTS: Jennifer Campbell, Chief Financial Officer

9.1 CBRM to November 30, 2019: (See page 133)

For Information Only

**9.2 Port of Sydney Development Corporation to November 30, 2019:
(See page 135)**

For Information Only

ADJOURNMENT

PROCLAMATION

“Bell Let’s Talk Day”

Whereas: January 29, 2010, marks the 10th Annual Bell Let’s Talk Day, a day of conversation and mental health;

And Whereas: Bell Let’s Talk Day promotes mental health awareness, acceptance and action built on four key pillars: fighting stigma, improving access to care, supporting world-class research, and leading by example in workplace mental health;

And Whereas: The Cape Breton Regional Municipality raises a flag to celebrate Bell Let’s Talk Day to encourage all residents to join the conversation through calls, texts, and social media interactions to drive Bell’s donation to mental health past \$100 million;

Be It Therefore Resolved: That CBRM Mayor Cecil P. Clarke and Council hereby proclaim Wednesday, January 29th, 2020, as Bell Let’s Talk Day in the Cape Breton Regional Municipality and encourage support of this campaign.

Councillor George MacDonald – District 9

January 21st, 2020

Cape Breton Regional Municipality

Proclamation

Family Literacy Day

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

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

And Whereas: Family literacy programs serve to secure a solid learning foundation for our children;

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

Be It Therefore Resolved: That Mayor Cecil P. Clarke and CBRM Council proclaim Saturday, January 25, 2020, as “Family Literacy Day” in the Cape Breton Regional Municipality.

Councillor Earlene MacMullin
District 2

January 21, 2020

PROCLAMATION

“AFRICAN HERITAGE MONTH - 2020”

- Whereas:** The 2020 African Heritage Month theme “The Ties that Bind: Faith, Family & Community” recognizes the unique bond People of African Decent share through Faith, Family and Community;
- And Whereas:** The theme is about celebrating the longstanding legacy of Faith and Spirituality, acknowledging strong family ties and honoring the togetherness of the African Nova Scotian Community;
- And Whereas:** These ties help facilitate a greater bond and understanding of all cultures in Nova Scotia;
- And Whereas:** The theme also aligns with the United Nations’ International Decade for People of African Descent (DPAD). The goal of DPAD is to strengthen global cooperation in support of people of African Descent as they strive for full inclusion in all aspects of society;
- And Whereas:** Nova Scotia has over 50 historic African Nova Scotian communities with a long, deep and complex history dating back over 200 years. African Heritage Month provides us with another opportunity to celebrate our culture, legacy, achievements and contributions of our people – past and present;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke & Council of the Cape Breton Regional Municipality, proclaim the month of February, 2020 as African Heritage Month, and encourage all citizens to recognize and celebrate now and throughout the year the many achievements and contributions of African Nova Scotians to our Municipality.

Councillor Jim MacLeod
January 21st, 2020

PROCLAMATION

White Cane Week

WHEREAS: The week of February 2 to 9, 2020 is recognized as White Cane Week; and

WHEREAS: White Cane Week aims to remind all Canadians that the traditional cane is a symbol of independence – not dependence - and that a lack of sight is not a lack of vision; and

WHEREAS: For over 75 years this public awareness program has taken place in Canada and reflects the changing situations of people who are blind and visually impaired; and

WHEREAS: White Cane Week is a program of the Canadian Council of the Blind which has acted as “the voice of the blind” for over 76 years; and

WHEREAS: This campaign asks that service providers remove barriers that limit the fullness of life for our fellow blind and visually impaired citizens.

**BE IT THEREFORE
RESOLVED:**

That CBRM Mayor Cecil P. Clarke and Council proclaim the week of **February 2nd to 9th, 2020 as White Cane Week** in Cape Breton Regional Municipality.

**Councillor Eldon MacDonald
District # 5**

January 21st, 2020

Resolution

“Treatment of CBRM Compared to other Municipalities”

- Whereas:** We have always heard the CBRM is treated differently than other municipalities and we are a special case;
- And Whereas:** We have heard of other municipalities being provided financial incentives if they amalgamated. We believe it would be beneficial for Council and the residents of the CBRM to have a comprehensive list of any financial incentives provided to other amalgamated municipalities;
- And Whereas:** We would like the following questions to be answered:
- Did other municipalities receive financial incentives to amalgamate? If so, why was the CBRM not provided the same incentives?
 - How many municipalities had their debts forgiven by the Province of Nova Scotia?
 - If other municipalities had debts forgiven why was the CBRM not provided the same opportunities?
 - What would be the financial ramifications for the CBRM had our debt been forgiven at the time of amalgamation?
 - What would be the ramifications should CBRM receive help from the Province in paying off the debt that occurred at amalgamation?
- Be It Therefore Resolved:** That CBRM Mayor & Council direct staff to write a letter to the Minister of Municipal Affairs asking for the above-mentioned questions to be answered.

Councillor Kendra Coombes – District #11 – CBRM
Councillor Steve Gillespie – District # 4 - CBRM

January 21st, 2020

Zoning Amendment Application Case 1064 – To Permit Gas Bar Use

Motion:

Moved by Councillor Coombes, seconded by Councillor Gillespie, approval to advertise notice of a Public Hearing to be held during the January meeting of Council to consider Application #1064 to permit a Robin's Donuts restaurant, convenience store, and gas bar at PID 15477656 and 15477649 (corner of Emerald and Larch Street, New Waterford) by WSP Canada Inc.

Motion Carried.



TO: Council

FROM: Kristen Knudskov

**SUBJECT: ZONING AMENDMENT APPLICATION
CASE 1064 – TO PERMIT GAS BAR USE**

DATE: January 21, 2020

Introduction

The Planning and Development Department has received a zone amendment application from WSP Canada Inc. on behalf of Millennium Contracting Services Ltd requesting to amend the zoning of PID 15477656 and 15477649 (corner of Emerald Street and Larch Street, New Waterford – Attachment A). The applicant is proposing to redevelop the site and expand onto a portion of the adjacent vacant parcel to accommodate the following uses:

- Robin's Donuts restaurant (1000 sq ft) and drive-thru
- Convenience store (2200 sq ft)
- Motor vehicle fuel (6 pumps) and cleaning service

The proposed site plan forms Attachment C. The applicant intends to consolidate and divide the two parcels if Council approves the amendment request.

Why is an amendment necessary?

The properties in question are zoned Residential Urban D (RUD). The RUD zone does not permit any of the above-noted uses. However, PID 15477656 is captured under Part 2 Policy 5 of the Municipal Planning Strategy (MPS) and the corresponding Part 51 of the Land Use Bylaw (LUB). Part 51 permits the expansion of the convenience store and restaurant as-of-right by site plan approval. However, motor vehicle fuel and cleaning service are not currently identified as an optional conversion uses under Part 51 (Attachment D). As a result, the proponent has requested an amendment to the LUB.

Evaluation

The revised lot parcel is approximately 0.85 acres. The site is a corner lot with frontage on Emerald Street, a level 2 road (major collector), and Larch Street, a level 4 road (neighbourhood through street).

Attachment B displays the surrounding land uses. Properties to the west are a mix of residential, commercial, and institutional uses. Commercial uses include an auto repair shop, gas station, grocery store, convenience store, and business offices. Areas to the east along Emerald Street and along Larch Street consist of solely low- to mid- density residential dwellings (between 1- and 4-unit buildings).

Part 2 Policy 5.a of the MPS lays out 3 criteria for evaluating such requests:

- *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.)*

Screening will be provided along the north and west sides of the revised parcel, as indicated on the proposed site plan (Attachment C). Screening may include opaque fencing, landscaping, or a combination of both, in accordance with the definition within the CBRM LUB.

- *The development proposal must include a traffic plan (both on-site and along the public street/road accessing it) implementing improvements that compensate for the increase in traffic expected. A traffic impact analysis report financed by the developer may be requested by Council, or the planner responsible for reporting to Council in consultation with the Traffic Authority, to support the development proposal and to ensure this criteria is adhered.*

The applicant provided a Traffic Impact Statement which was circulated to Department of Transportation and Infrastructure Renewal (the Traffic Authority of Emerald Street) and CBRM Engineering and Public Works (the Traffic Authority of Larch Street). Currently, access to the site is open along both frontages. The proposed site plan indicates that driveways will be defined by curbing, improving access management.

The CBRM Engineering and Public Works Department has indicated that they do not have concerns about the proposed access on Larch Street. Parking areas, driveways, and paving will be reviewed for compliance with Part 2 Section 29 of the LUB upon application for a Building and Development Permit.

A Work Within the Highway Right of Way (ROW) Permit will be required prior to issuance of a Building & Development Permit. Department of Transportation provided comments regarding Emerald Street:

- The driveway location on Emerald needs to be shifted to the east about 5m to accommodate the curb radius while not encroaching on the adjacent parcel to the west.
- While not required, a wider driveway is encouraged (10m versus the proposed 7m).
- Extension of the Emerald Street sidewalk along the parcel frontage will be required.
- Further information will be required for detailed design and to obtain a ROW Permit.

- *The development proposal must respect the potential adverse affects any significant buildings will have on much smaller scale low density residential buildings.*

The site plan shows the building relocating and expanding by approximately 1200 sq ft with no change in building height. A combination of screening and setbacks from property boundaries will moderate the impact of the larger building footprint. The building will be screened along the north and west property boundaries. A minimum setback of 20 feet must be maintained to the east and south property boundaries.

Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the December 30th and January 6th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity (100m or 300ft) of the properties in question.

At the time this report was prepared, the Planning Department received questions and concerns from three individuals who reside in the vicinity of the site in question. Full copies of the correspondence are attached (Attachment F). Attachment E contains a table summarizing the questions and concerns raised and associated Staff responses.

Recommendation

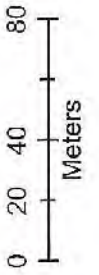
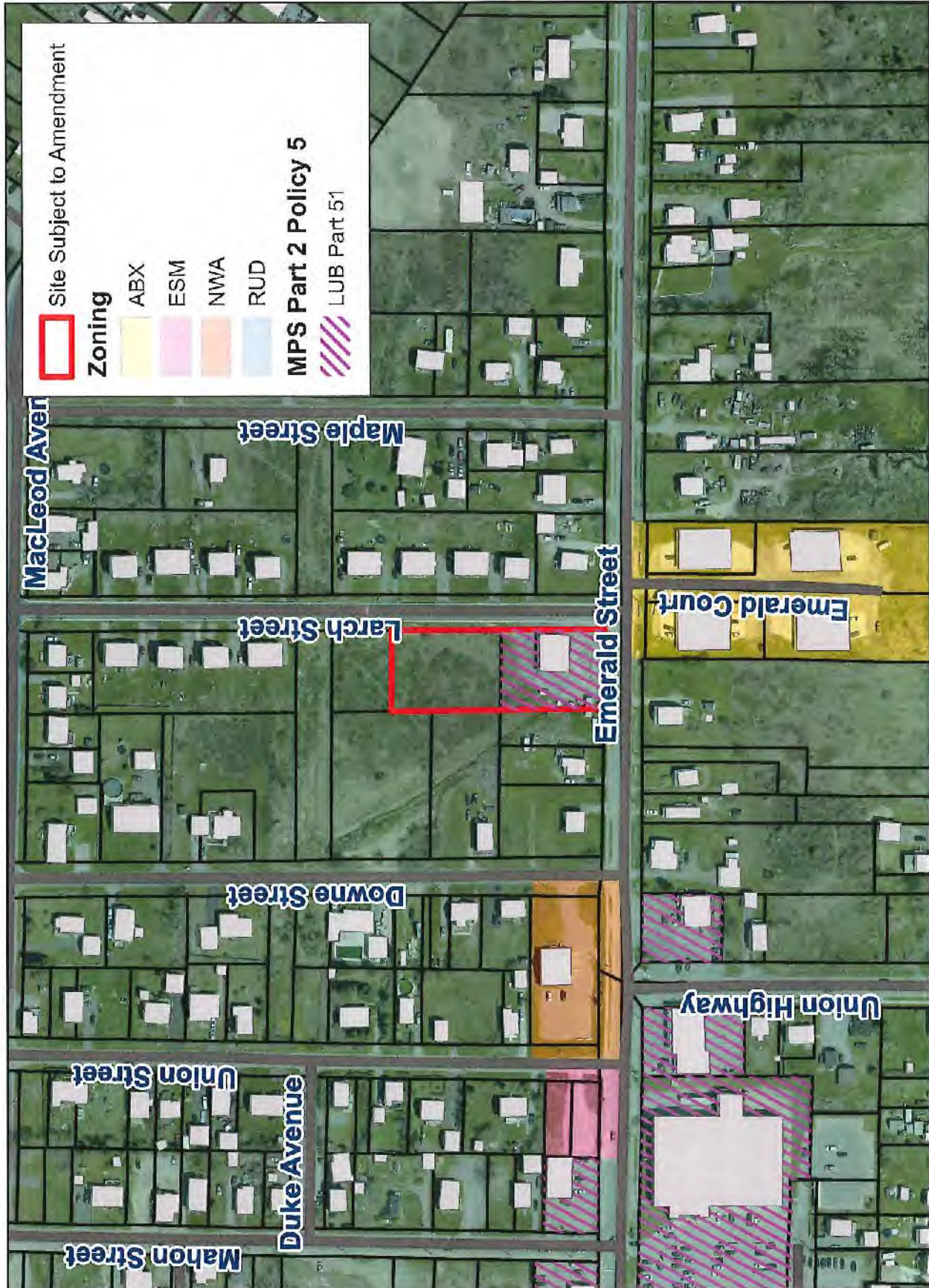
The Amending Bylaw (Attachment G) maintains the existing site plan approval provisions (under Part 51 of the LUB, see Attachment D) which mitigate impacts on neighbouring properties and address traffic concerns. The site plan will be assessed for compliance with site plan approval provisions and the LUB upon an application for a Building and Development Permit. The site plan approval process requires that neighbouring property owners are given the opportunity to review and comment on the submitted site plan.

Given that the Emerald Street corridor is mixed-use in nature and the proponent will be required to undergo site plan approval, I recommend that Council approve the attached Amending Bylaw (Attachment G).

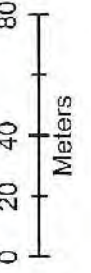
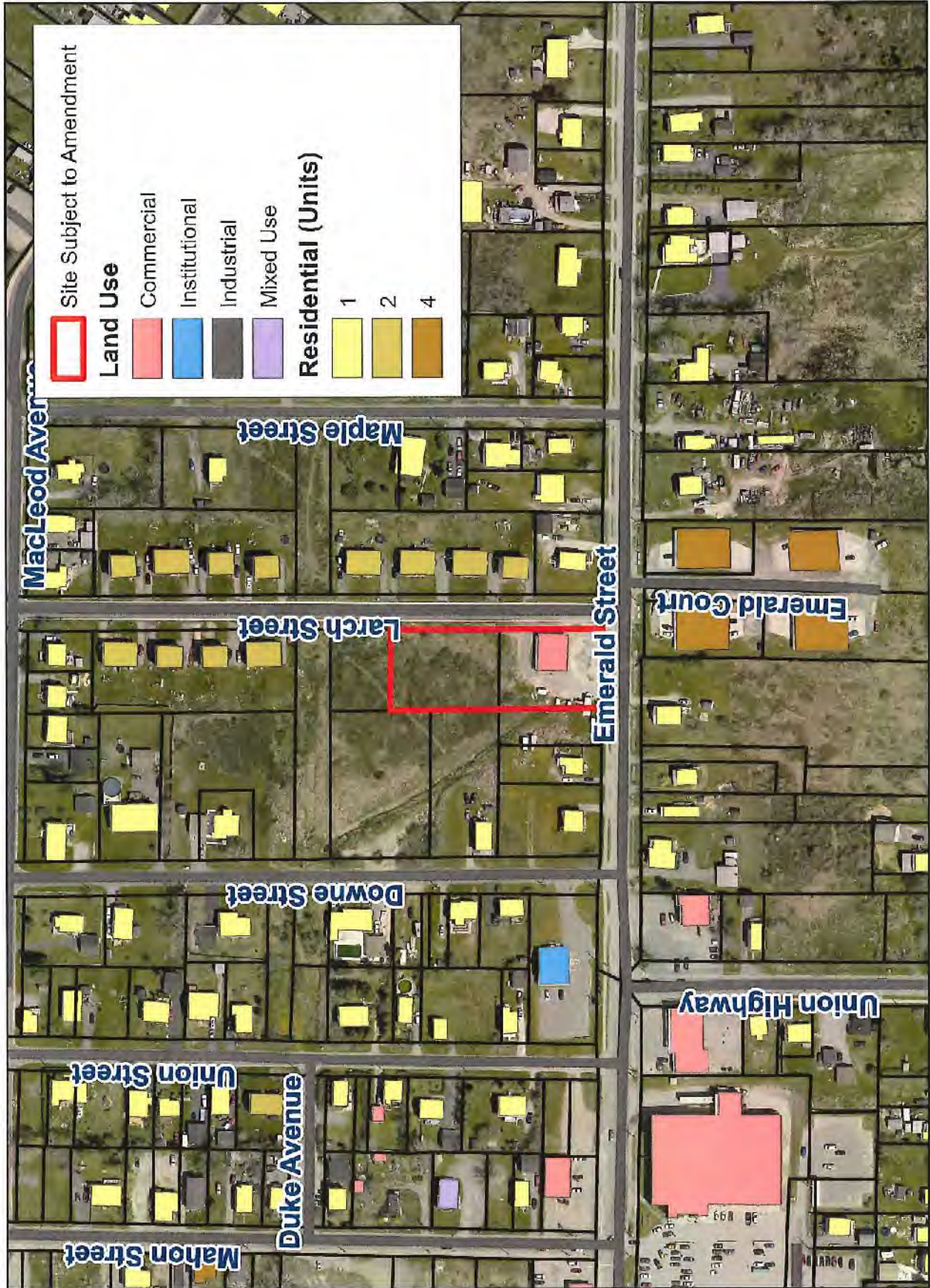
Respectfully submitted by:

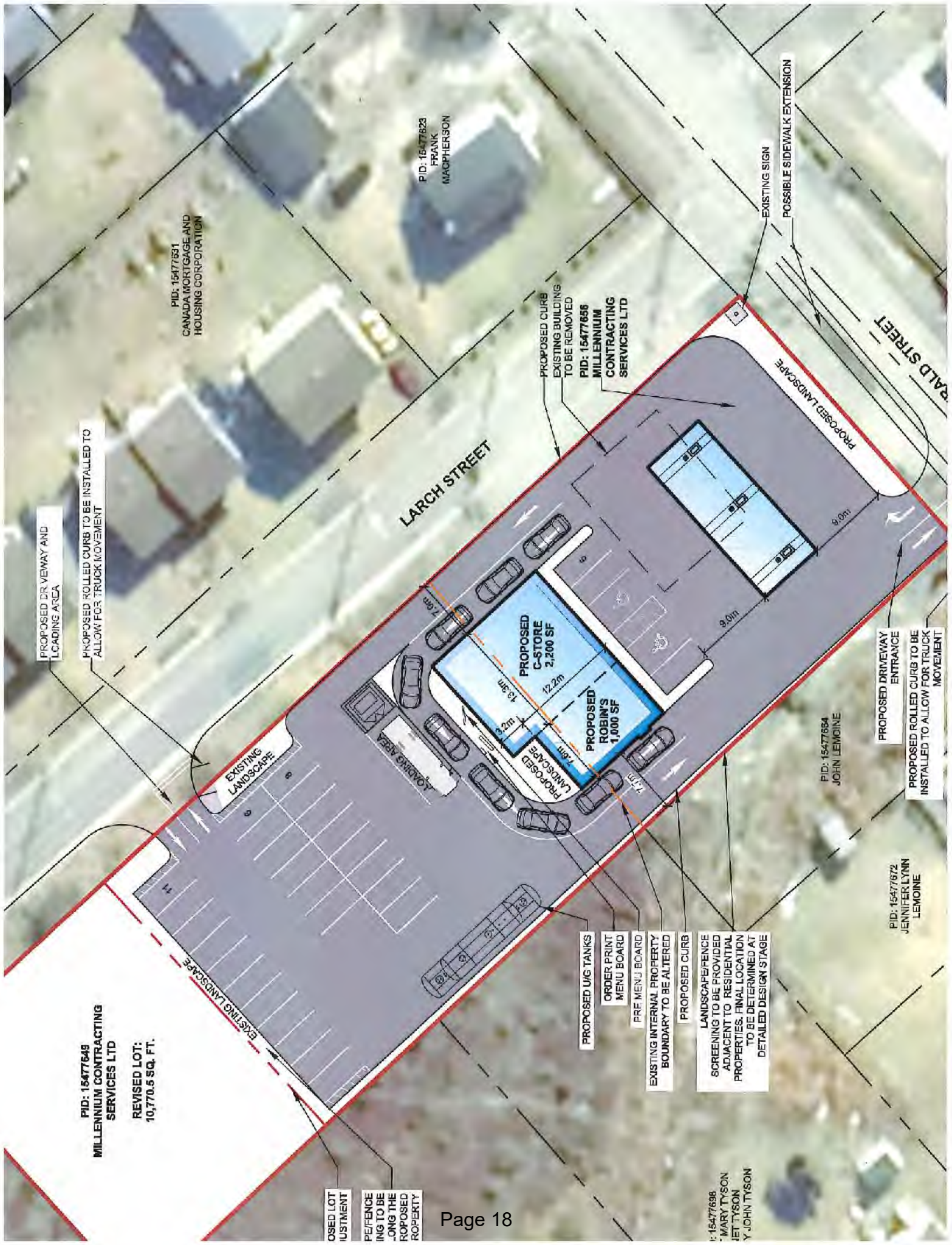
Kristen Knudskov
Planning and Development Department

A



B





PID: 15477649
MILLENNIUM CONTRACTING SERVICES LTD
 REVISED LOT:
 10,770.5 SQ. FT.

PID: 15477681
 CANADA MORTGAGE AND HOUSING CORPORATION

PID: 15477623
 FRANK MACPHERSON

PROPOSED CURB EXISTING BUILDING TO BE REMOVED
 PID: 15477656
 MILLENNIUM CONTRACTING SERVICES LTD

EXISTING SIGN
 POSSIBLE SIDEWALK EXTENSION

PROPOSED DRIVEWAY AND LOADING AREA

PROPOSED ROLLED CURB TO BE INSTALLED TO ALLOW FOR TRUCK MOVEMENT

EXISTING LANDSCAPE

LOADING AREA

PROPOSED C-STORE 2,200 SF
 PROPOSED ROBINS' 1,000 SF

PROPOSED DRIVEWAY ENTRANCE
 PROPOSED ROLLED CURB TO BE INSTALLED TO ALLOW FOR TRUCK MOVEMENT

PID: 15477684
 JOHN LEMOINE

PID: 15477672
 JENNIFER LYNN LEMOINE

PROPOSED U/G TANKS
 ORDER PRINT MENU BOARD
 PRF MENU BOARD
 EXISTING INTERNAL PROPERTY BOUNDARY TO BE ALTERED
 PROPOSED CURB LANDSCAPE/FENCE SCREENING TO BE PROVIDED ADJACENT TO RESIDENTIAL PROPERTIES. FINAL LOCATION TO BE DETERMINED AT DETAILED DESIGN STAGE

PROPOSED LOT ADJUSTMENT
 FENCE TO BE ALONG THE PROPOSED PROPERTY

PID: 15477696
 MARY TYSON
 JET TYSON
 JOHN TYSON

**PART 51 SALES AND SERVICES SUBJECT TO PART 2, POLICY 5 OF
THE MUNICIPAL PLANNING STRATEGY**

The site of each of the sales and/or services listed in this Part is highlighted on the Land Use By-law Map. Each existing business is permitted at the address identified and the site highlighted, at the scale existing at the time this Land Use By-law came into effect. As well, any of the optional conversion uses listed below each existing business is also permitted, provided the change in the use of land, buildings or structures:

- is in compliance with any relevant provisions elsewhere in this By-law; and
- does not involve or require any extension in the use of land, buildings or structures.

As well, the Zone on the Land Use By-law Map for each of the sites subject to this Part is also in effect.

Any expansion of the existing use, or a change in the use of land, buildings, or structures that involves any such extension shall be subject to site plan approval (pursuant to Sections 231 and 232 of the Municipal Government Act) , unless the expansion proposed will equal less than a 10% increase in the floor area. Such expansions may be onto adjacent lot parcels, provided the lot parcel on which the expansion occurs is consolidated with the existing lot parcel.

Unless identified as permitted at each site, ***outdoor storage shall be prohibited.***

The Development Officer shall approve a site plan where the following matters have been addressed. The Development Officer shall measure the degree of stringency in interpreting the criteria so that it correlates with the scale of the development and each and every feature of the development (e.g. buildings, parking area etc.), and the proximity of the development, or any specific feature of it, to any other development or streetscape intended to be protected by the criteria.

- a. Utility structures and the parking spaces of a new parking area to be constructed shall be screened from a public street/road and any single detached dwellings to soften their starkness by a combination of vegetation and fencing. Where there is land available, landscaping that meets the definition of landscaped open space in this Bylaw, or fencing improvements, shall be introduced between existing parking spaces and any abutting yard on an adjacent property occupied by a residential use to soften the starkness of the parking spaces from that yard.
- b. All existing significant vegetation shall be retained except where its removal is necessary for the construction of the development.
- c. Measures, including lot parcel grading, shall be required to adequately dispose of storm and surface water.
- d. A minimum equivalent to 1/3rd of the floor area of the building shall be in compliance with the definition for landscaped open area. That percentage may be reduced to as low as 1/10th where the Development Officer is satisfied with the design of a Certified Horticultural Technician or Architect.

- e. For new construction and additions, the setbacks shall either meet the setback requirement of 20 ft. or be screened (as defined in this Bylaw) from adjacent lot parcel boundaries to soften the starkness of the building where the development on the adjacent lot parcel warrants protection e.g. residential development with an attractive façade, or a managed landscaped yard, or a business development that uses either an attractive façade e.g. professional office or a managed landscaped yard to promote their establishment e.g. bed and breakfast establishment. For existing buildings proposed to be converted because of a change in use and development on the adjacent lot parcel warrants protection for the reasons given above, only the setback is waived.
- f. Any new buildings of a significantly larger scale (i.e. either higher or greater floor area) than dwellings on an adjacent lot parcel shall be so located on the lot parcel to lessen the impact on dwellings on an adjacent lot parcel.
- g. Signs advertising the business shall be of a scale and style and so located that they will not conflict with the streetscape.
- h. Ingress and egress points where the parking area is to be accessed from any public/street/road shall be designed to ensure that any known significant traffic problem identified by the Traffic Authority is not further exacerbated.

LIST OF EXISTING USES, ADDRESSES, AND PERMITTED OPTIONAL CONVERSION USES

Emerald Street New Waterford – from its intersection with Whitehouse Street to its intersection with Larch Street

<p>6. convenience store 15477656</p> <ul style="list-style-type: none"> - animal (domestic) grooming - artist/artisan establishment - arts/entertainment studio - boutiques - business offices - laundromats - medical clinics - personal service business - pharmacies - restaurant - retail sales 	<p>3425 Emerald Street</p>	<p>PID#</p>
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E

	Questions and Concerns	Staff Responses
Adjacent brook	<ul style="list-style-type: none"> Alteration of nearby brook and flooding implications Polluted runoff Was an environmental assessment completed? 	<ul style="list-style-type: none"> The brook is located on a vacant privately owned lot and is not subject to this amendment or proposed redevelopment. Additionally, any alteration of a water body is subject to Department of Environment regulations. The developer will be required to submit a drainage plan at the Building/Development Permit stage. An environmental assessment has not been completed.
Permitted uses	<ul style="list-style-type: none"> Mechanic service being offered on site Did the conversion from convenience store to restaurant require an amendment? What commercial uses are currently permitted? 	<ul style="list-style-type: none"> Motor vehicle fuel service includes some accessory uses, which according to the Land Use Bylaw may include motor vehicle repair. The attached Amending Bylaw (Attachment H) specifically indicates that motor vehicle fuel service is not permitted as an accessory use on the site in question. The conversion to a restaurant did not require an amendment. The change of use was permitted as-of-right under Part S1 of the Land Use Bylaw. Current commercial uses permitted on the property are listed within Part 51 of the Land Use Bylaw (Attachment E).
Holding tanks	<ul style="list-style-type: none"> Potential for leaching and associated damage Location and regulations for location of holding tanks 	<ul style="list-style-type: none"> Petroleum storage is regulated by Department of Environment. Underground tanks will need to be installed by a Certified Installer in accordance with provincial standards and registered with the Province. Leaching and any damage caused would be a civil matter.
Health concerns	<ul style="list-style-type: none"> Public health concerns and air pollution 	<ul style="list-style-type: none"> Issues of air pollution and public health are beyond the scope of municipal planning. Staff defer to Department of Environment for guidance.
Access and traffic	<ul style="list-style-type: none"> Where will the main entrance be located? Traffic increases Nearby school and danger to pedestrians 	<ul style="list-style-type: none"> There are two proposed entrances (Attachment C). The applicant provided a Traffic Impact Statement which was reviewed by CBRM Engineering Services and the Nova Scotia Department of Transportation. No concerns were raised regarding traffic increases.

		<ul style="list-style-type: none"> • Currently the site is completely open (ie. no curbing) along Emerald Street and Larch Street. The proposed site plan indicates the addition of curbing which will improve access management and pedestrian safety (Attachment C).
Nuisance	<ul style="list-style-type: none"> • Increase in noise • Increase in garbage and littering • Odour associated with filling holding tanks • Snow being placed on adjacent properties 	<ul style="list-style-type: none"> • The applicant will be required to provide screening on the north and west property boundaries, which will assist in noise mitigation. Screening may include fencing, trees, or both. • Littering is regulated by the <i>Environment Act</i>, administered by Department of Environment. Within Solid Waste-Resource Management regulations, Part 3 Section 22, the owner or operator of a convenience store or fast food restaurant must provide and maintain receptacles. • Issues with snow removal on private property would be a civil matter.

Kristen R. Knudskov

From: Jillian Roper [REDACTED]
Sent: December-30-19 4:44 PM
To: Kristen R. Knudskov
Subject: Zoning Amendment Larch Street

Hi Kristen,

I'm looking for more detailed information on the zoning amendment proposed for the corner of Larch Street and Emerald Street in New Waterford. Which direction is he planning on having the gas station face? How close is he planning on having it to my property (I'm [REDACTED]) the brook that runs down the middle between us is that planning on being filled in? When that over flows I get water in my basement so that can't be filled in. It was always understood by us that was CBRM land. How many pumps? Is it just gas or mechanic services as well? Any additional information you can provide me I would appreciate considering I am one neighbor who will be most greatly affected by this.

I do plan to oppose this change but I would like to know exactly what I am opposing. It's a residential street. Which lots of children walking to BEC every day it has enough added traffic from the Robins.

Thank you,

Jillian Roper-LeMoine (wife of Jennifer LeMoine listed property owner)

Kristen R. Knudskov

From: Jillian Roper [REDACTED]
Sent: January-01-20 11:36 AM
To: Kristen R. Knudskov
Subject: Zoning amendment again further questions

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kristen

Further questions regarding the proposed zoning amendment.

Where does he plan on having the holding tanks for the fuel?

Where does he plan on having the main entrance/exit for the station?

Has an environment impact study already been completed? If so am I allowed to access the results of that. (There is a brook running just directly behind it).

What does the current commercial zoning of the property allow? When it was changed from a convenience store to a food service restaurant and convenience store did that require changes to the by law or was that allowed under its current zoning?

Is there a law or rule that states how far his pumps/tanks have to be from my house? One would think newer environmental laws would prevent this proposed by-law amendment from even being proposed. There was a house the same distance from the Fast Fuel as I am to this proposed fuel station that was bought out and torn down just a few years ago due to ground leeching and unable to open their windows each time the gas station refueled their tanks. We can smell their tanks refueling in the summer when our windows are open, can you imagine if it's next door?

Again thank you for any further information you can provide to us looking forward to hearing from you.

Jillian Roper-LeMoine
[REDACTED]

Kristen R. Knudskov

From: Jennifer LeMoine [REDACTED]
Sent: January-02-20 3:28 PM
To: Kristen R. Knudskov
Subject: Proposed rezoning Amendment (Emerald St)

Follow Up Flag: Follow up
Flag Status: Flagged

To Kristen Knudskov

My name is Jennifer LeMoine. I live in and own the property on [REDACTED] Directly across (Same side) from the now robins donuts and proposed building site. I am very opposed to this new rezoning and will explain to you why. This proposed new 37000 sq foot building with a gas bar, Will be plunked into a very small residential area surrounded by houses less then 125 feet away. I can't explain the potential health hazards of living next to a gas bar. The air pollution living next to a gas station increases your risk of cancer, gas fumes and benzine contaminate the air on a daily basis from 328 feet (100) meters or even more. This is very unfair to the community and residents living in proximity to be breathing in toxic emissions on a daily basis. There was a woman who Lived next to the sobeys fast fuel station (a literal 1 min walk away) who's house needed to be bought by the fuel station because of gas leaching into her yard, and she could not open her windows ever because of the smell of gasoline in her home daily. I know I can smell gasoline from my house right as it is now, when they are filling the tanks. And I'm a minute walk away. Noise pollution, I can go outside right now stand on my back step and hear the robins speaker, I can tell you it's not very relaxing. I can't imagine there being a 37000 square foot building with potential vaccume cleaners, car wash and tire station. I will never be able to relax or breath in my own yard again. This thought is very unnerving stressful, and truthfully not fair. Garbage in general has increased in my yard since the robins store opened. With coffee cups, donut bags and boxes bar and chip bags littering the yard on a daily basis. Cleaning garbage out of my yard and bushes have become a daily thing, I can't imagine how much it will increase. Traffic is so backed up on that corner right now as it is because of the bus stops (local bus and elementary) that I have to drive through my backyard because I can't even get out of my own driveway. I can't even imagine how that will be with a potential new 37000 sq foot building there. This is frankly dangerous because of the amount of children living on Larch St. and walking the street everyday going to and from Breton Education Centre, there are also 2 bus stops as i mentioned directly in front of robins. Research also shows that living next to gas stations lower property values. Rightfully so because no one wants to live next to one with all of these risk factors. In ending I would just like to say that is extremely unfair to the residents and property owners that this huge 37000 sq foot building to be rezoned and placed in such a small residential area. Especially when there is a Fast Fuel and Needs convenience store located a 1 minute walk from the proposed building site, we do not need another one. Thank you.

Jennifer LeMoine.

Sent from my iPhone

To Kristen Knudskov and the CBRM Council,

It has come to my attention recently that the Robin's Donuts / Convenience store located at the corner of Emerald and Larch Streets in New Waterford has applied for an amendment to the zoning by-laws to allow them to put a gas station on the property. I own the parcel of land between 3443 Emerald Street and the store. I am NOT okay with this proposed change. This parcel of land has been in my family for over 100 years, and while no house stands on it currently, I do not want the pollution, traffic, noise, and any further damage done to my property by allowing this re-zoning to take place.

It is my belief that the current owner has already moved his parking lot over his property line onto part of my property. In the winter he also plows his snow onto my property, and I am not okay with any further encroachment. I am very concerned with the environmental impacts of this proposed gas station with the brook running directly through my land. Where will the runoff from the gas go if not directly into that brook when it rains? Or from the snow being plowed? The neighbors, including my family, will be surrounded with a horrible fuel smell on a daily basis. The effects this will have on their health long term greatly concerns me.

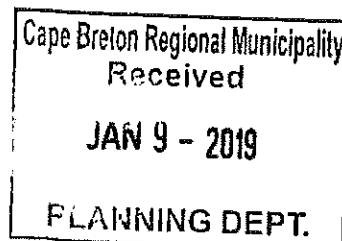
The traffic has already increased immensely on the corner of Emerald and Larch Streets from the addition of the coffee shop making it dangerous for children waiting for the bus.

This re-zoning amendment is a terrible idea. It is too small of an area for this, we do not need another gas station on a primarily residential corner when there is currently a gas station 30 seconds away.

Please share my letter with the council.

Respectfully,

John LeMoine



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 51 of the Land Use By-law in hereby amended by inserting:

- Motor vehicle fuel service. Motor vehicle repair shall not be permitted as an accessory use to motor vehicle fuel service on PID 15477656.

To the list of optional conversion uses for 3425 Emerald Street PID# 15477656.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on January 21, 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 January 21, 2020 to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Excerpt - Draft General Committee Minutes - January 7, 2020

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

Motion:

Moved by Councillor Coombes, seconded by Councillor MacMullin, that a recommendation be made to Council for approval to advertise notice of Public Hearing at the February meeting of Council to consider the Zoning Amendment Application Case 1065 for overnight childcare at 3386 Hinchey Avenue, New Waterford, PID 15482961, as outlined in the staff Issue Paper dated January 7, 2020.

Discussion:

During discussion, Councillor MacMullin suggested that when someone is applying for a development permit, that information be provided regarding changes that may occur in their tax rate. The Chief Financial Officer advised that the CBRM Daycare By-law allows for any licensed daycare to apply to have the commercial portion of their taxes reduced to the residential rate, and this Bylaw can be made available when the application is submitted.

It was clarified by the Planner Knudskov that if the application is approved, overnight daycare would be allowed in all of CBRM.

Motion Carried.



TO: Council

FROM: Kristen Knudskov

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

DATE: January 21, 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.

Next Steps

If Council agrees to schedule a Public Hearing, the earliest date a Public Hearing could be held would be the February meeting of Council. Upon a decision to schedule a Public Hearing, the required notices would be published in the Cape Breton Post, and notice of this application would be mailed to the assessed owners of property in the vicinity (30m) of the site. Notices would encourage them to contact the Planning and Development Department with any questions and to inform them of their opportunity to speak at the Public Hearing.

Recommendation

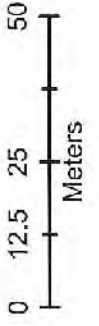
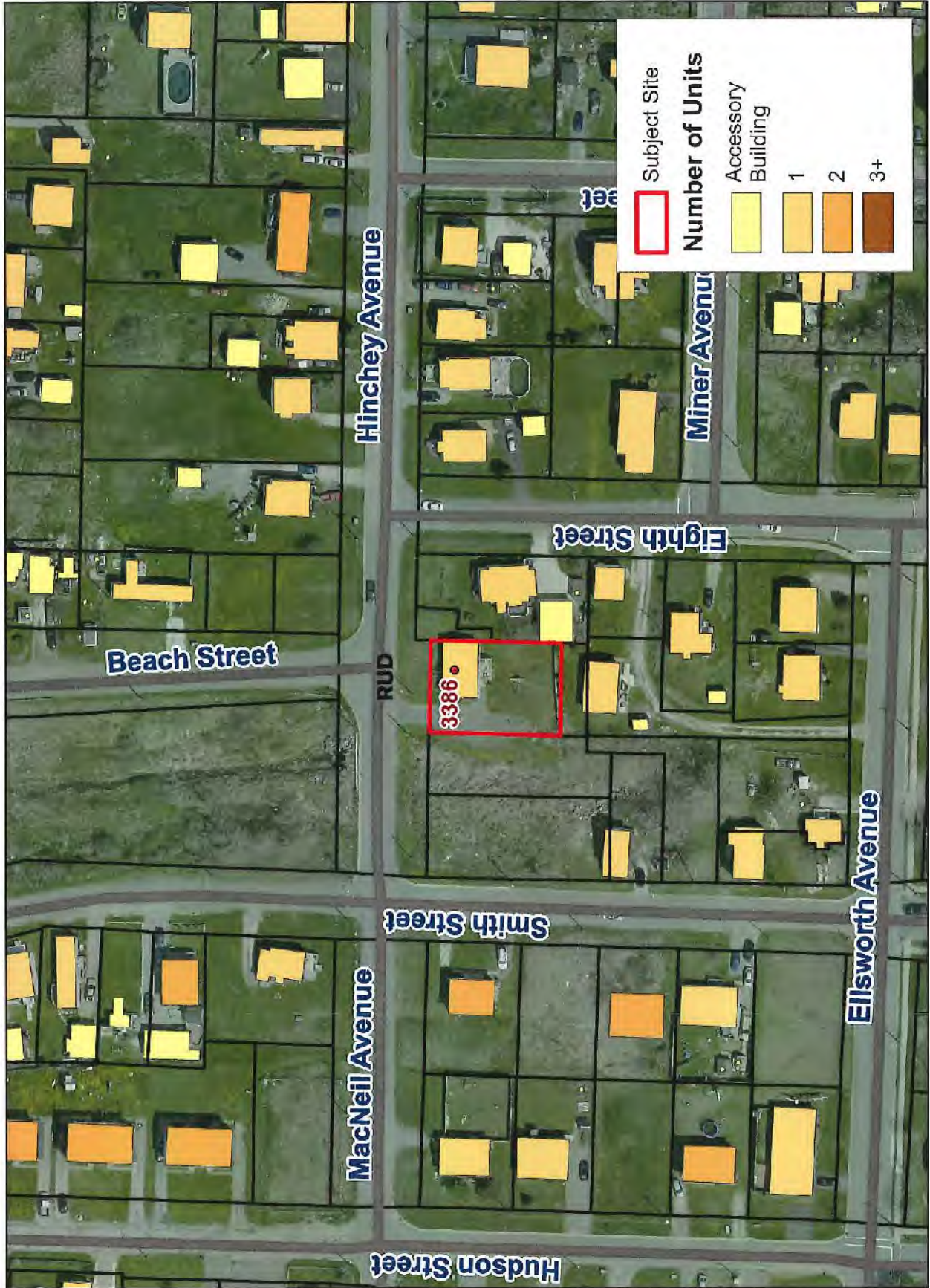
Given that the impacts will be similar to day-time operations, and that the Province regulates Extended Hours Child Care, it is reasonable to amend the definition of Day Care Facility to permit overnight childcare.

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:

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: Part 100 of the Land Use By-law in 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 General Committee Minutes - January 7, 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, that a recommendation be made to Council for approval to advertise notice of Public Hearing at 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 Issue Paper dated January 7, 2020.

Discussion:

In response to a question, Planner Knudskov clarified that to her knowledge the property owner has not been in discussion with CBRM or the Province regarding taking over the unlisted road.

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: January 21, 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, 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.

Next Steps

If Council agrees to schedule a Public Hearing, the earliest date a Public Hearing could be held would be the February meeting of Council. Upon a decision to schedule a Public Hearing, the required notices would be published in the Cape Breton Post, and notice of this zone amendment application would be mailed to the assessed owners of property within the vicinity (100m or 325 feet) of the site. Notices would encourage them to contact the Planning and Development Department with any questions and to inform them of their opportunity to speak at the Public Hearing.

Recommendation

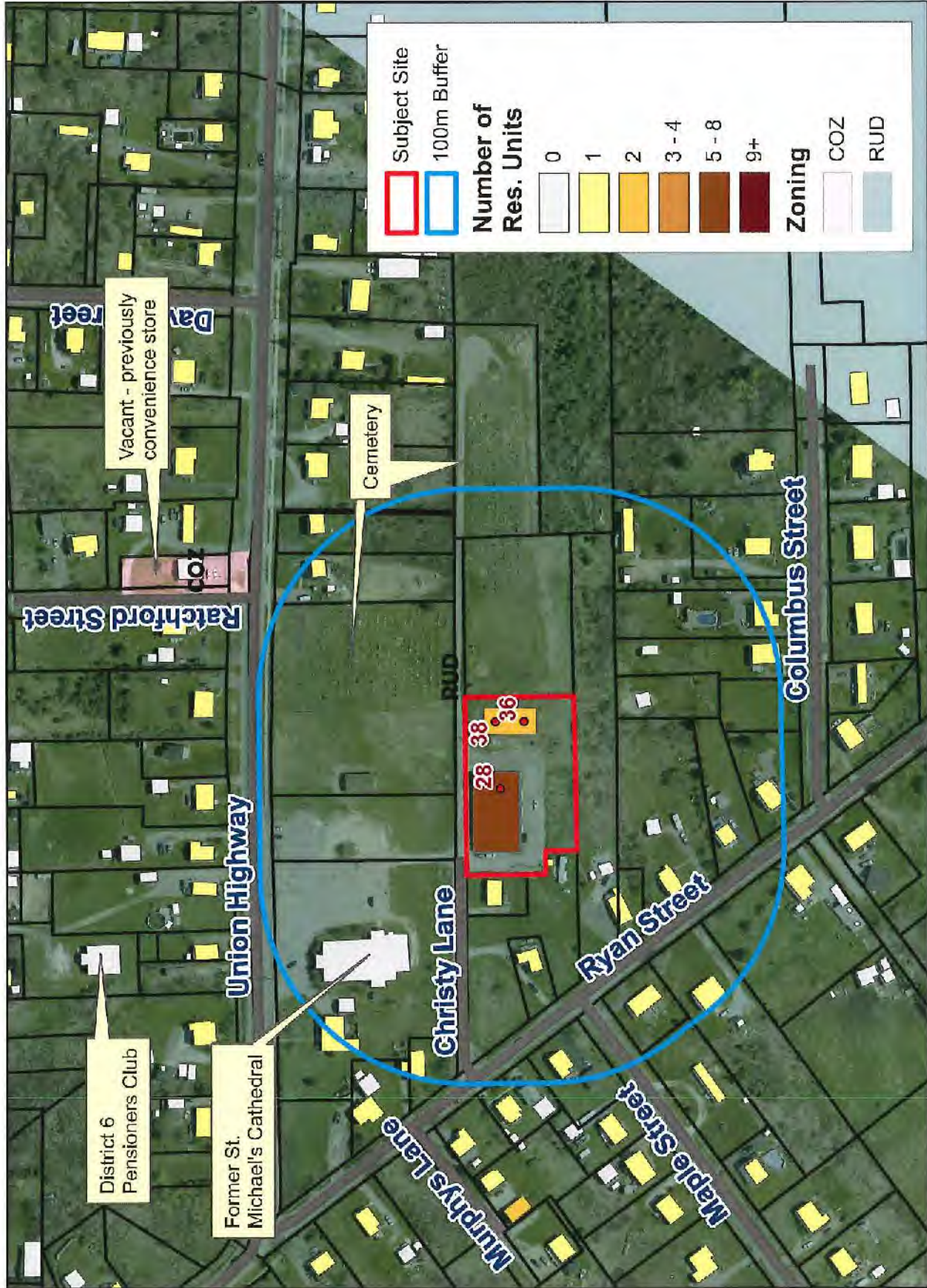
Based on the MP5 Part 4, Policy 1.d.9, it is reasonable that Council at least consider the proposed amendment. I recommend that Council make a motion to hold a Public Hearing for this application.

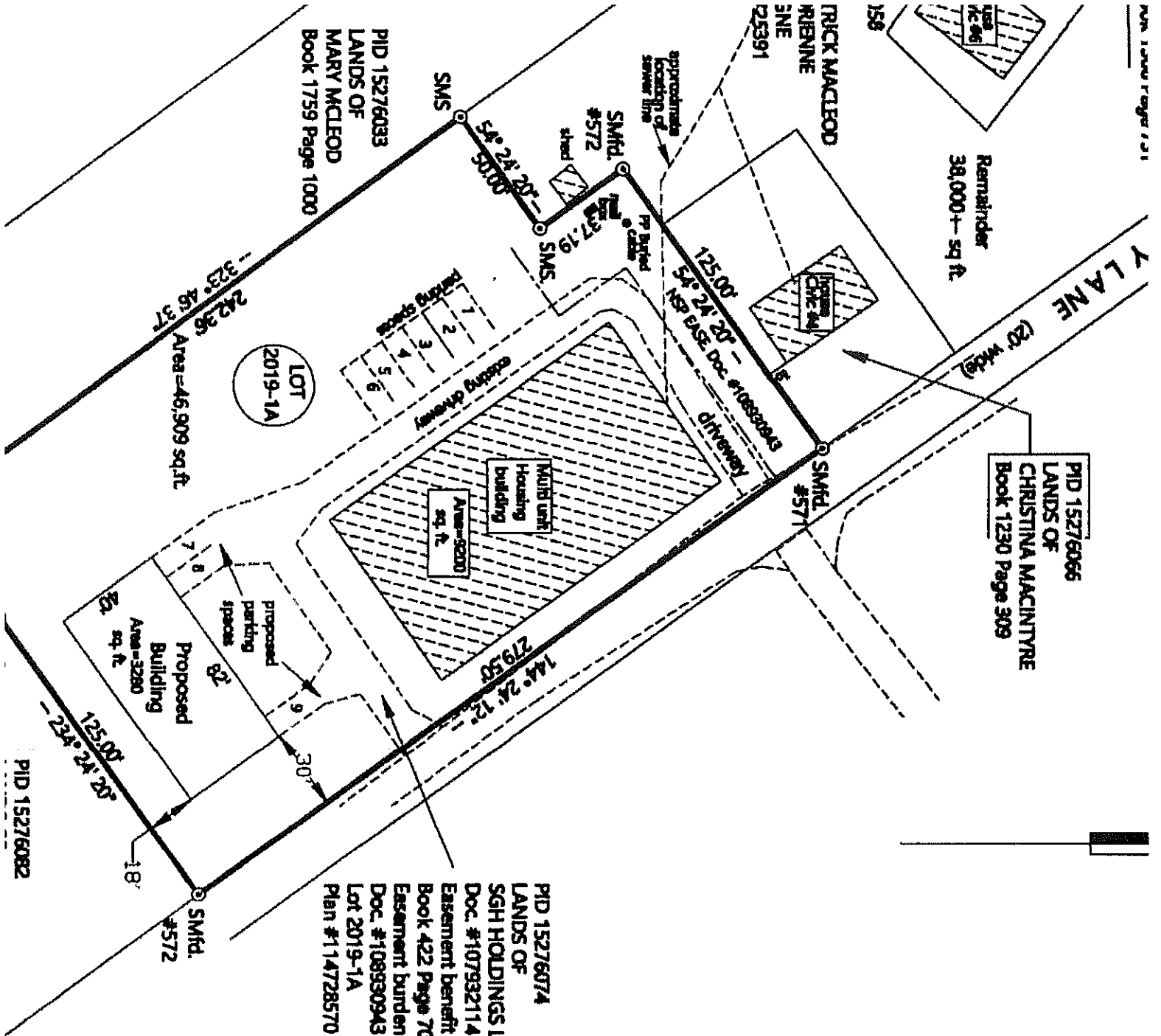
A draft Amending Bylaw for a site-specific zone is attached (Attachment C). The zone is modeled after the RUD zone currently in place on property, with the addition of apartment buildings permitted at a density which accommodates the nine proposed units.

Respectfully submitted by:

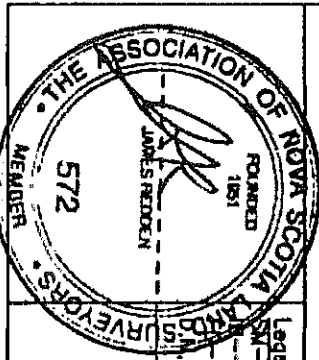
Kristen Knudskov
Planning and Development Department

A





PID 15276074
 LANDS OF
 SGH HOLDINGS LIMITED
 Doc. #107932114
 Easement benefit
 Book 422 Page 70
 Easement burden
 Doc. #108930943
 Lot 2019-1A
 Plan #114728570



Legend
 --- SURVEY
 --- IRON BAR
 --- FOUND
 --- DEED MEASURED.

JAMES A. REDDEN
 NOVA SCOTIA
 UNIT A, 200 CH
 SYDNEY, C.B.M.A.
 B1P 1C5, P.H.I.

I, JAMES A. REDDEN Nova Scotia Land Surveyor, her Certificate was prepared under my supervision and in Scotia Land Surveyor's Regulations made pursuant to

DATED : This 2nd Day of October 2019 :

(1) The PROPOSED BUILDING shown here on are a portion of subject lands as sold boundaries as defined by Doc. #114728570

(2) All easements, documented in the deed recorded in

(3) Cultural features shown hereon are located to plan dimensions. This Surveyor's Location Certificate is for as a reference document for the preparation of legal

NOTE: Clearances shown are perpendicular to the close measured to a tolerance of 1.0 ft

? Duplication of this document without the permission

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

DRAFT

Zoning Amendment Application 1068 – NSCC, Esplanade, Sydney

Motion 1

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council for approval to advertise notice of Public Hearing at the February meeting of Council to consider the Zoning Amendment Application Case 1068 as outlined in the staff Issue Paper dated January 7, 2020.

Discussion:

Council and staff discussed the importance of advertising Public Hearings on social media (i.e. CBRM Website, Cape Breton Post online edition and Facebook) in addition to the paper copy of the Cape Breton Post.

Motion Carried.

Motion 3

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor MacLeod, that a recommendation be made to Council to direct staff to initiate a formal street closure, pursuant to section 135 of the *Municipal Government Act* for road parcel identified as PID 15705759.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

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

DATE: January 14th, 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.

Next Step

If Council agrees to schedule the necessary Public Hearings at their January meeting, the earliest date the Public Hearings can be held would be during the February meeting of Council. Upon a decision of Council to schedule Public Hearings, along with the required notices to be published in the Cape Breton Post, notice of this zone amendment application and street closing will be mailed to assessed owners of property in the vicinity of the proposed development encouraging them to contact the Planning and Development Department if they have any questions and of their opportunity to attend the Public Hearing.

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 pass a motion to schedule a Public Hearing to consider this zoning amendment application during the February meeting of Council.
2. I recommend Council to pass a motion directing staff to initiate a formal street closure pursuant to Section 135 of the *Municipal Government Act* for road parcel identified as PID 15705759.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**

A

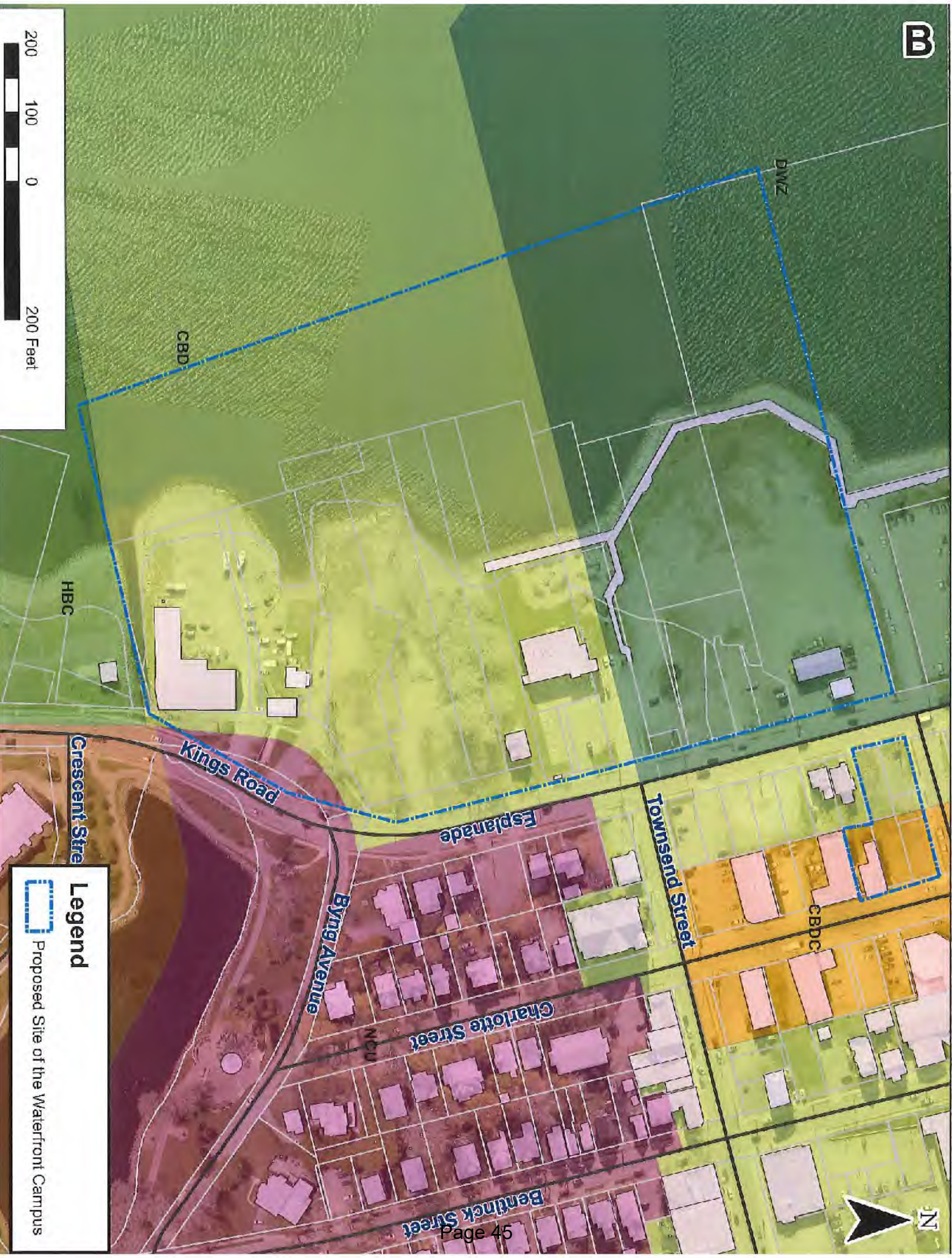
125 62.5 0 125 Feet



Legend

Properties Subject to the Zone Amendment

- CBD
- CBDDC
- DWZ
- NCU



200
100
0
200 Feet

Legend



Proposed Site of the Waterfront Campus



Legend

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





D



150 Feet

Legend

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





Esplanade

Falmouth Street

Townsend Street

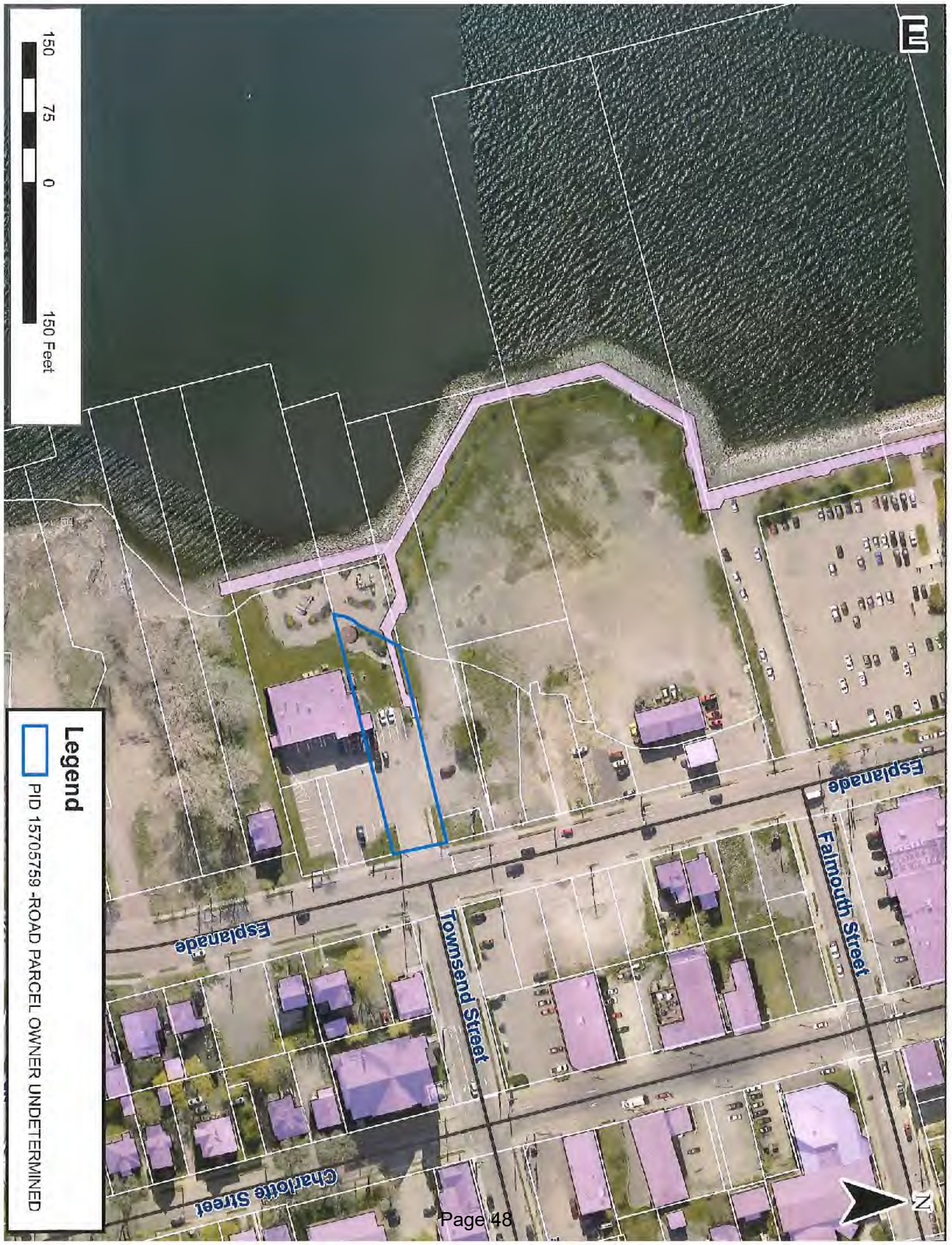
Charlotte Street



Legend



PID 15705759 - ROAD PARCEL OWNER UNDETERMINED



Property Rezoning Application

2020-01-21

Agenda

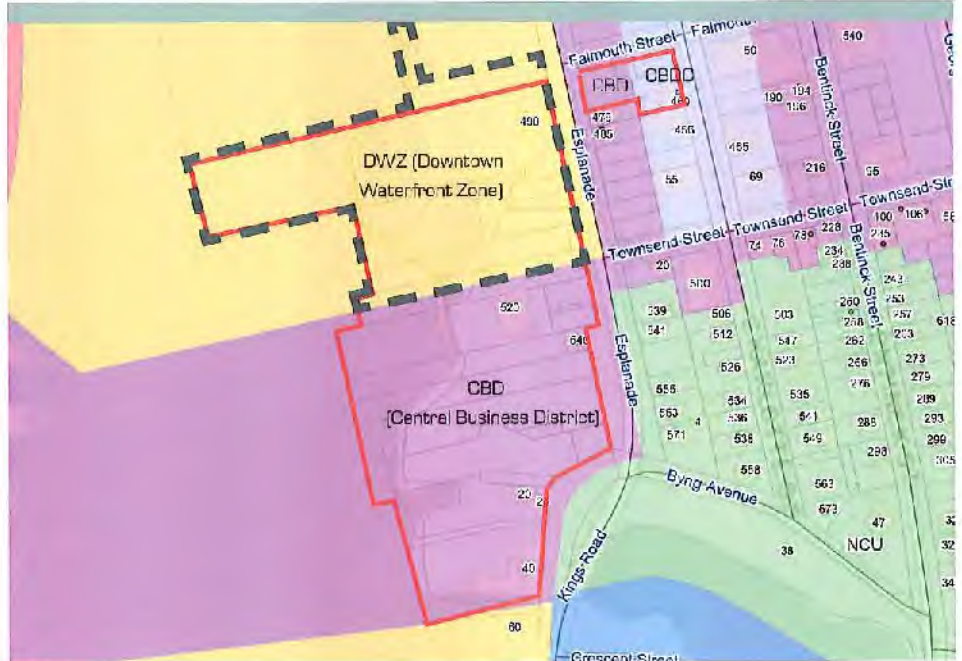
- 1) Rezoning Request
- 2) Project Timeline
- 3) Background Analysis
- 4) Questions



Rezoning Request

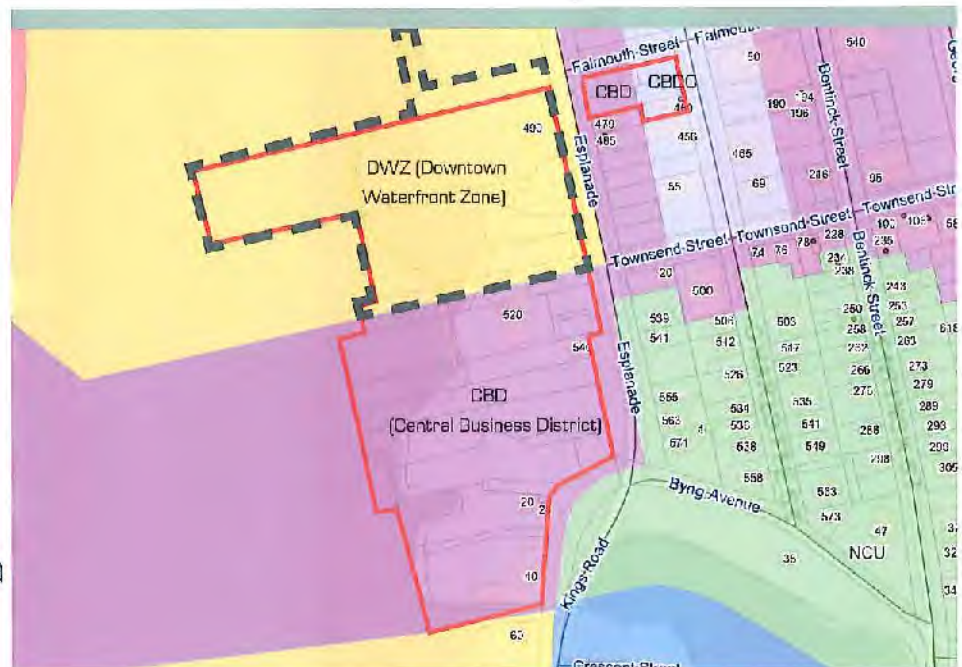
1) DWZ to CBD

- CBD permits - educational service
- CBDC - same as CBD
- DWZ does not include Educational.



CBD Zone

1. No parking requirement
2. No lot coverage, side/rear/front yard setbacks
3. No signage restrictions
4. Outdoor Storage within impound yards accessory to a main use and screened from any pedestrian sidewalk.



Rezoning Rationale

2.0 The Consultation Process

The Community Response

A critical component to the success of any rezoning project is the inclusion of the Marconi Campus to the participant, present and lay, in both the DCU's vision, process, commitment with an effective consultation process that engaged the NSCC Marconi Campus community, local stakeholders, and the local community. Through the April and May literature surveys, and workshops, we were able to engage a diverse group of stakeholders to share their ideas, concerns, and views about the relocation of the NSCC Marconi Campus to the Valley. The collected information was then shared through the process of the public hearing, and the final decision was made. It is also the importance of this as a driver for the rezoning of the university. An overview of each of the consultation events is provided.



172-16-2 Community Workshop May 16, 2018

Phase 2 DCU - August 2018

Community Workshop May 16

On the evening of May 16, the community was invited to the Spring Town Hall for an open house and workshop. Approximately 40 people attended the evening, with a diverse cross-section of gender and age. Participants at the workshop, with a brief introduction of the project where they shared their views on the relocation and the site, discussed the importance of the location of the university, and the importance of the site. Participants were able to provide their input on the project through a survey, and the responses were gathered. The workshop was a key component of the consultation process, and the responses were gathered to inform the rezoning process.

1. What do you most want the relocation of the NSCC Marconi Campus to achieve?
 - The majority of the group wanted the development to attract more development with the goal of "imaging and attracting youth". The community for the development would create potential to bring people to the site, and the surrounding area.
2. What is your main concern regarding the relocation of the Marconi campus to the Valley (NSCC's Downtown site)?
 - The concern of the group was that they were concerned about the increase in parking and traffic congestion associated with a new location. They would like to be addressed with the move.
3. What amenities are important for the new campus in the Valley?
 - All respondents listed parking and the need for a parking lot. Other amenities mentioned were a library, a community center, and a park. The group also mentioned the need for a parking lot, and the need for a parking lot.

4. What are potential partners for the new campus development?
 - The community was most likely to be the NSCC Marconi Campus, and the NSCC Marconi Campus. Other potential partners mentioned were the NSCC Marconi Campus, and the NSCC Marconi Campus.
5. What new program offerings would benefit the local community?
 - The community was most likely to be the NSCC Marconi Campus, and the NSCC Marconi Campus. Other potential partners mentioned were the NSCC Marconi Campus, and the NSCC Marconi Campus.
6. What type of campus typology do you think would be most beneficial for the Valley (NSCC's Downtown site)?
 - An increasing number of respondents mentioned the need for a mix of uses, including office, residential, and retail. The community was most likely to be the NSCC Marconi Campus, and the NSCC Marconi Campus.
7. What type of architecture and building would best benefit Society?
 - The group of the evening discussed the need for a mix of uses, including office, residential, and retail. The community was most likely to be the NSCC Marconi Campus, and the NSCC Marconi Campus.
8. Additional comments
 - The group discussed the need for a mix of uses, including office, residential, and retail. The community was most likely to be the NSCC Marconi Campus, and the NSCC Marconi Campus.

Q1. What is your gender?



Q2. What is your age?



Q3. What is your job?



Q4. Where do you live?



COMMUNITY SURVEY

The online survey was launched on the evening of the public meeting. The survey will run through the process, but within the first two days (opening hours) this is an important starting point for the community having been discussed and shared through the public meeting. The results of the survey are summarized through the data table and displayed, and the importance of survey data available to the public.

Q1. How do you feel about the survey?

71% of those that completed the survey (95%) have been in the past week, mostly, mostly and very much.

Q2. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much. The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q3. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q4. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q5. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q6. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q7. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q8. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

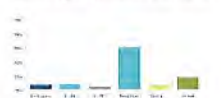
Q9. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q10. How do you feel about the survey?

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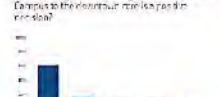
Q11. How do you feel about the survey?



Q12. How do you feel about the survey?



Q13. How do you feel about the survey?



Q14. How do you feel about the survey?



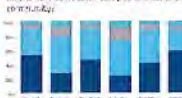
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Q15. What is your main reason for attending the survey?



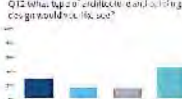
Q16. What is your main reason for attending the survey?



Q17. What is your main reason for attending the survey?



Q18. What is your main reason for attending the survey?



Q19. How do you feel about the survey?

71% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q20. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q21. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q22. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q23. How do you feel about the survey?

70% of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q24. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q25. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q26. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

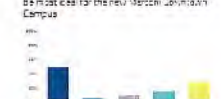
Q27. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

Q28. How do you feel about the survey?

The majority of those who completed the survey (95%) were in the past week, mostly, mostly and very much.

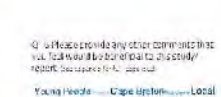
Q29. How do you feel about the survey?



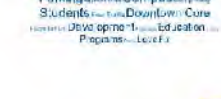
Q30. How do you feel about the survey?



Q31. How do you feel about the survey?



Q32. How do you feel about the survey?



- Q14. Do you have any suggestions for the survey? (15%)
- Q15. Do you have any suggestions for the survey? (15%)
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- Q32. Do you have any suggestions for the survey? (15%)

Phase 3 Draft - August 2018

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Historical Analysis

Nova Scotia Community College
Sydney Waterfront Campus



Historical
Background

2019-11-16

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M'ikmaq
Historical
Context

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LEGEND

- Historically Recorded M'ikmaq Travel Route
- Historically Recorded M'ikmaq Fishing Area
- Historically Recorded M'ikmaq Hunting Area
- First Nations Reserve 1852 - Present Day
- Former First Nations Reserve 1822 - 1866
- First Nations Reserve 1867 - 1926
- First Nations Reserve 1925 - Present Day
- Colonized Town

- Pre-1820 The M'ikmaq (L'nu'ikwas) Cape Breton Island (I'nam'ik) for at least 2,000 years.
- 1820 The Kings Road Reserve (Kun'tawiktu, meaning "at the rock") was first established.
- Pre-1832 M'ikmaq predominantly fished in inland bodies of water, including the Brac d'Or Lake and surrounding areas of freshwater, brackish and salt water bodies of water as well.
- 1832 The Kings Road Reserve was granted to the M'ikmaq.
- 1830s-1860s M'ikmaq women began travelling from inland Cape Breton to Sydney via the Eskasoni route to find business and to sell goods made from ash and maple trees. Women would sell traditional crafts on board local schooners and dock-to-dock in Sydney. This activity, however, resulted in their exclusion from the market.
- 1842-1864 M'ikmaq from Chapel Island began to travel to St. Peter's and Arichat for cod fishing.
- 1864 M'ikmaq submitted request to amend commercial fishing in Escapoon coastal fisheries, such as that of St. Peter's and Arichat for seal and cod fishing.
- 1867-1926 Kun'tawiktu Reserve was formally established in 1867 as a result of frequent travel from Lakeshore to Sydney for purposes of selling baskets or securing supplies.
- 1908 City of Sydney continued to annex the Kun'tawiktu Reserve.
- 1915 Federal government ordered the relocation of Kun'tawiktu residents.
- 1926 24 families were moved from Kun'tawiktu Reserve to Membertou.
- 1926-1964 Federal government retained ownership of the land on Kings Road.
- 1964 Federal government sold the land which became the site of the Medical Arts Building.
- 2015 Membertou First Nation purchased majority of former Kun'tawiktu Reserve on Kings Road.

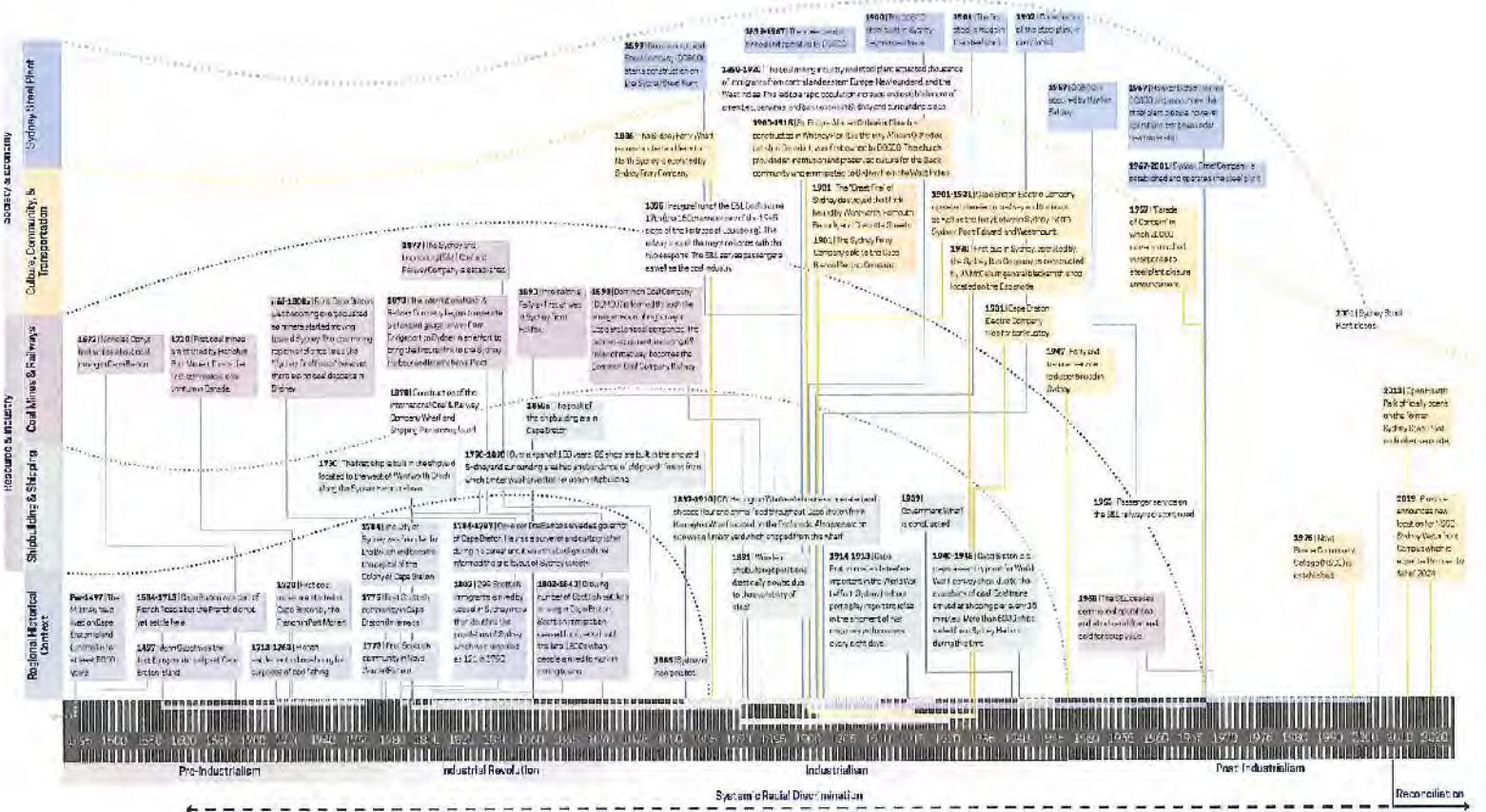
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Cape Breton
Island
Historical
Context

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Industrial Cape Breton

Shipbuilding & Shipping

The Sydney Harbour played a role in the global shipbuilding industry in the 18th and 19th centuries and also played a role subsequently as a shipping port for the coal industry.

When Sydney was founded in 1788, it was surrounded by old growth forest. This provided a valuable resource for wooden shipbuilding. Situated in the early 1800 Sydney Waterfront Campus site, along the shore located off Kings Head, 96 ships were constructed over a span of 100 years in the Sydney Shipyards. It was from this shipyard that the Shipyards' neighbourhood obtained the name that it still has today.

Following shipbuilding, the Sydney Harbour still played a strong role in the global market. Due to its availability, coal and steel were shipped from several wharves in the Sydney Harbour through the 1900s.

During both the first and second world wars, coal trains would arrive every 15 minutes and convoys would travel from Sydney Harbour every eight days. The Government Wharf constructed in 1929 was used by the Commonwealth during World War I as a convoy port.

Today, the Government Wharf is the site of the Port of Sydney. The site welcomes thousands of cruise ship visitors per week and has events through the year, drawing people from all over the CBRW to Downtown Sydney.

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1724 1918 Convoy in Sydney Harbour during World War I
 photo credit: Boston Institute 77-124-289

Industrial Cape Breton

Coal Mines & Railways

As coal mining flourished, railways and wharves were also developed to support these activities. Sydney Harbour became a major hub for coal shipping and eventually steel shipping on a global scale.

Despite an abundance of coal deposits in Sydney, the Sydney Coal Fields' describes the relocation of mining towns in the 1980s, such as Glass Bay, New Wolford, Port Rowan, and Sydney Mines. Railways to transport coal to Sydney and passenger's throughout Industrial Cape Breton were established during the 1800s.

Although the coal mines have since closed and the future of the former wharves remains uncertain, the cultural legacy of the coal mines is still present today in Sydney.

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ca. 1907, miners at the No. 1 Dominion Colliery, operating 1917 to 1927
photo credit: Boston Institute 66-894-166-92



ca. 1920, miners and coal cars at the Dominion No. 6 colliery in Corbin
photo credit: Boston Institute 78-160-1900



1955, miners wearing their hard hats at Dominion #24 colliery
photo credit: Boston Institute 81-497-6517



ca. 1960, Glass Bay No. 2 colliery
photo credit: Boston Institute 77-691-851



ca. 1920, a train and workers on the Sydney and Lewisburg Railway
photo credit: Boston Institute 77-66-229



ca. 1911, looking north on the bridge at railway bridge
photo credit: Boston Institute 77-167-301



ca. 1895, Black Iron Island Coal Shipping Pier in Sydney
photo credit: Boston Institute 77-24-144



ca. 1968, the coal shipping pier in Sydney
photo credit: Boston Institute 77-57-8077



ca. 1948, photograph of the S.S. Oakley, a coal ship
photo credit: Boston Institute 77-108-406

Industrial Cape Breton

Sydney Steel Plant

The coalmining industry was also a key element in Cape Breton when construction of the Sydney Steel Plant began in 1899. With thousands of jobs available, the Sydney Steel Plant attracted immigrants from central and eastern Europe and Newfoundland to live and work in industrial Cape Breton in the early 1900s. Many of these immigrants settled in the Whitney Terrace neighbourhood so men were able to walk to work at the steel plant.

Iron, coke, and limestone are the three required materials to make steel. In Cape Breton, coal was in abundance and limestone was available at Marble Mountain and George's River near the Buzzards' Lakes. It was one of the reasons to bring iron from Bell Island, Newfoundland as there are no deposits in Cape Breton.

In 1967, the future of the steel plant faced uncertainty which prompted the Board of Directors, a group of over 20,000 citizens, to vote to shut the closure of a major employer and economic driver in the region. This was the largest gathering in Cape Breton in living memory. Following this, the steel plant continued to operate under the Sydney Steel Company; however, after a century, the steel plant closed in 2011.

Despite its closure, the Sydney Steel Plant had left a lasting impression in the community. In 2013, the former coke ovens and steel plant site, Open Field Park, officially opened. The park continues to serve the community of Sydney through events and programs: recreational facilities such as a playground and splash pad, dog park, walking trails, and sports fields.

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Industrial steel plant in Sydney
photo credit: Nova Scotia Archives NSIS no. 14419



Industrial Cape Breton: Parade of Concern

1967, concerned citizens stepped into the streets to support the steel industry. In their quest, they held a parade of concern in front of the steel plant in 1967 and carried the steel plant with them. Photo credit: Beaton Institute 85-205-16906



Industrial Cape Breton

Transportation | Culture | Community

The evolution of transportation, culture, and community resulted from economic conditions and industrial opportunity. In the span of a century, Industrial Cape Breton experienced the introduction of various modes of transportation and the shift of business focus in downtown Sydney.

Railways as a mode of transportation in the region occurred in conjunction with commercial industrial uses. With the population of Sydney and surrounding areas rapidly growing as a result of coal mining and related production, a passenger ferry service was available between Sydney, North Sydney, Point Edward, and Washinquit from 1886 to 1947. Also in Sydney, electric trolleys were installed in 1921 and trolley service was available until 1947. Furthermore, in the late 1920s, a local blacksmith constructed the first public bus in Sydney.

With thousands of jobs available at the Sydney Steel Plant, attracted immigrants from all over the world to Cape Breton. Many of them lived and worked in Industrial Cape Breton in the early 1900s. This led to the establishment of churches and synagogues and the arrival of new languages, customs, and traditions in the community. Additionally, businesses and corporations established in North and Downtown Sydney to serve the community which had increased from 2800 in 1899 to over 12,000 in 1911.

Today, along with retail business and services, tourism, technology, and food and beverage industries are thriving. The economy in downtown Sydney, the NSCO Sydney Waterfront Campus will complement the existing economic services available in downtown and support additional economic development.

fathom



1932 St. Mary's Polish church in Whitney Pier, steel plant in background photo credit: Beaton Institute 85-205-16906



ca. 1920 Cape Breton Electric Company ferry wharf photo credit: David A. Wyell



ca. 1901 Mackenzie's Store on the waterfront photo credit: Beaton Institute 77-689-127



ca. 1920 coal miners and families on trolley in Lunenburg's S.S.L. photo credit: Beaton Institute 77-481-615



ca. 1920 interior of the African Methodist Episcopal Church, Whitney Pier photo credit: Beaton Institute 85-244-23284



1961 A Jeweler's on the waterfront formerly Whittier & Bennett photo credit: Beaton Institute 77-689-127



ca. 1930 the first bus in Sydney operated by the Sydney Bus Company photo credit: Beaton Institute 77-481-615



1965, the heritage India Building built in 1929 photo credit: Beaton Institute



1902 Prowse Brothers & Co. building was re-built in 1902 after the 1901 fire photo credit: Beaton Institute

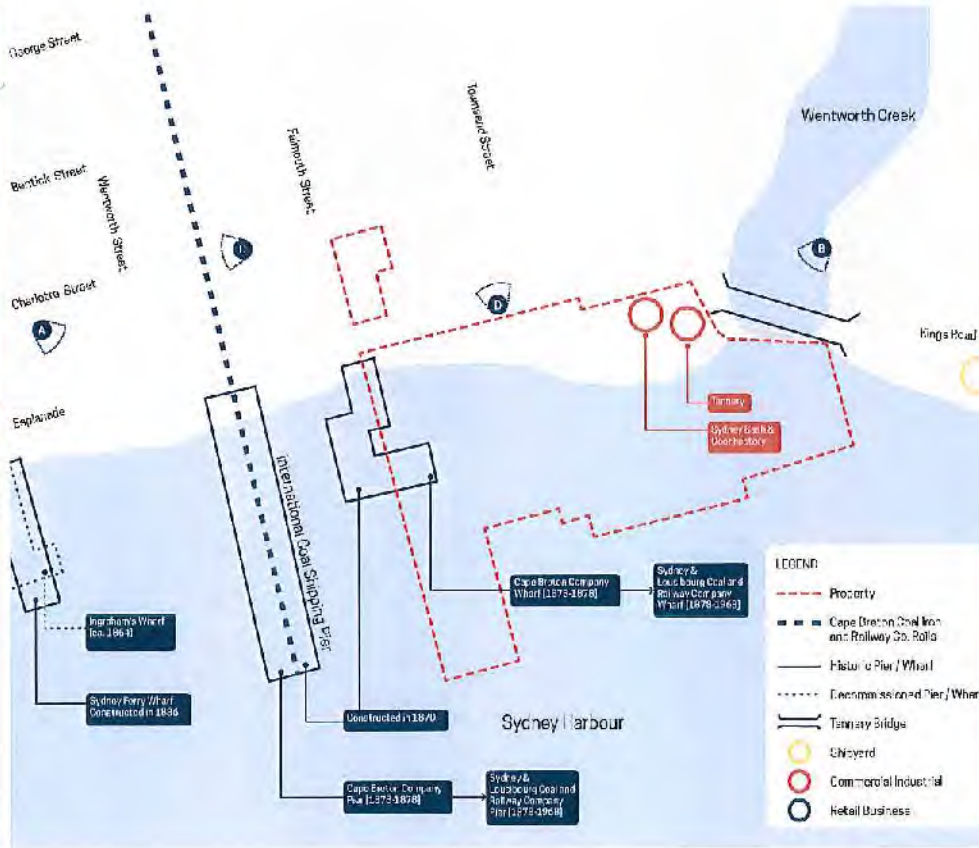


1877 - 1900

The coal industry in Cape Breton began shaping Sydney's industrial waterfront in the 1870s. Piers in downtown Sydney and Alberton Pier for coal shipping were constructed.

The first steel plant in Cape Breton was built in Sydney in 1882. This led to massive immigration of steel plant and coal mine workers to Sydney from 1880 through until the 1920s and installing a coal pollution control.

fathom



ca. 1873 Sydney coal shipping piers photo credit: Boston Institute 77374-4



ca. 1900 Wentworth Creek and Tannery Bridge with coal piers in foreground photo credit: Boston Institute 77382-1056



ca. 1900 street view of Alberton Pier on Charlotte and Wentworth Street photo credit: Boston Institute 77485-620



ca. 1901 street view of Alberton Pier on Charlotte and Wentworth Street photo credit: Boston Institute 77493-1807



1900 - 1966

The "Great Fire" of 1901 destroyed the dock owned by North-western Railway, Banktick, and Charlotte Streets.

Cape Breton Electric Company operated the electric railway and tramcars from 1901 until being sold to the bank in 1911. The last tramcars operated in Sydney in 1949.

fathom



ca. 1902 Robert Peary arriving at the Cape Breton Electric Company wharf photo credit: Boston Institute 77397-2620



ca. 1916 Charlotte Street showing a streetcar on roadway photo credit: Boston Institute 77351-1205



ca. 1936 aerial view of Sydney waterfront photo credit: Boston Institute 77240-874

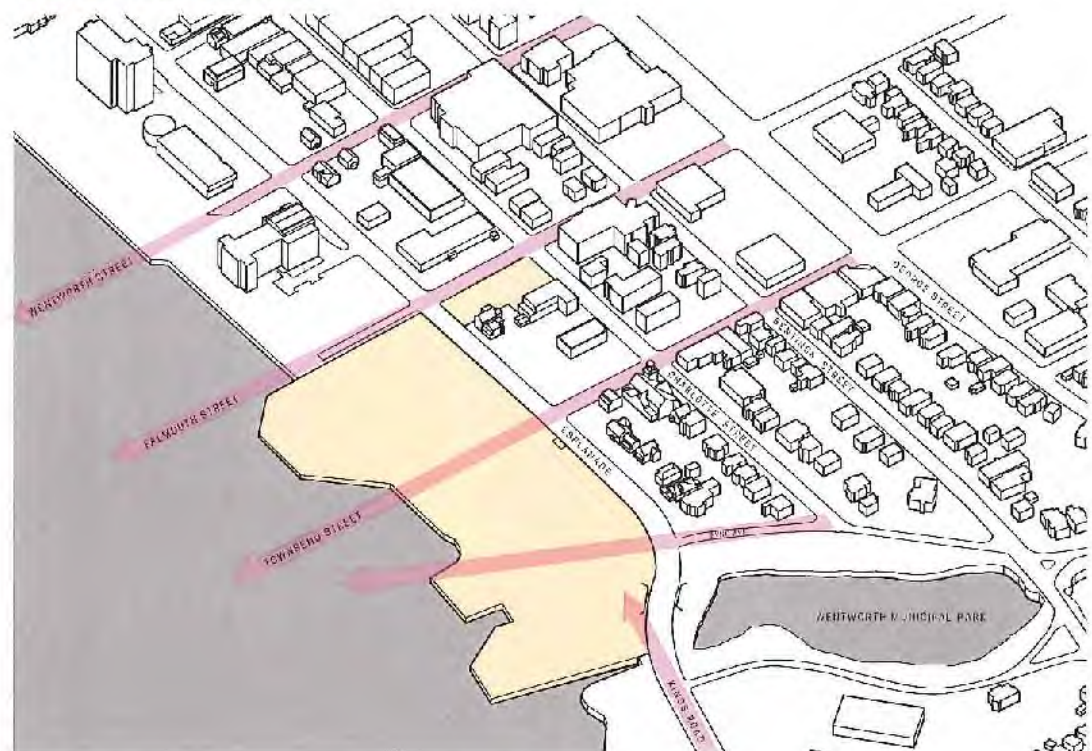


ca. 1936 view of Sydney waterfront photo credit: Boston Institute 77398-808

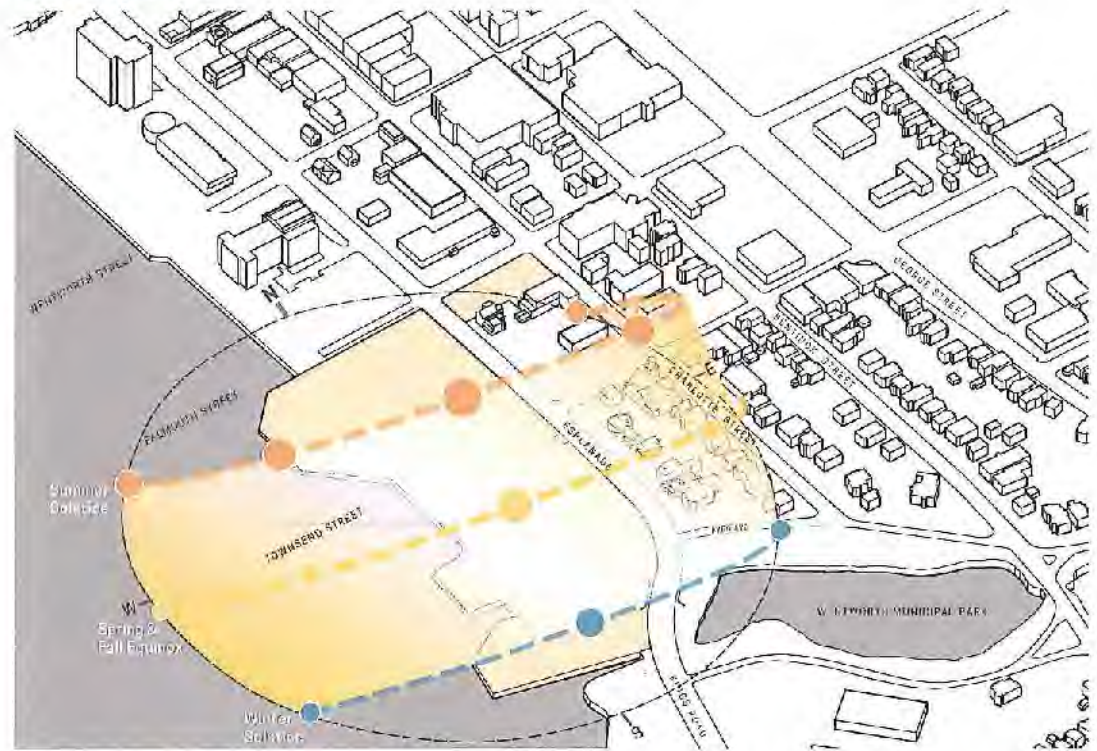


Site Analysis

View Corridors



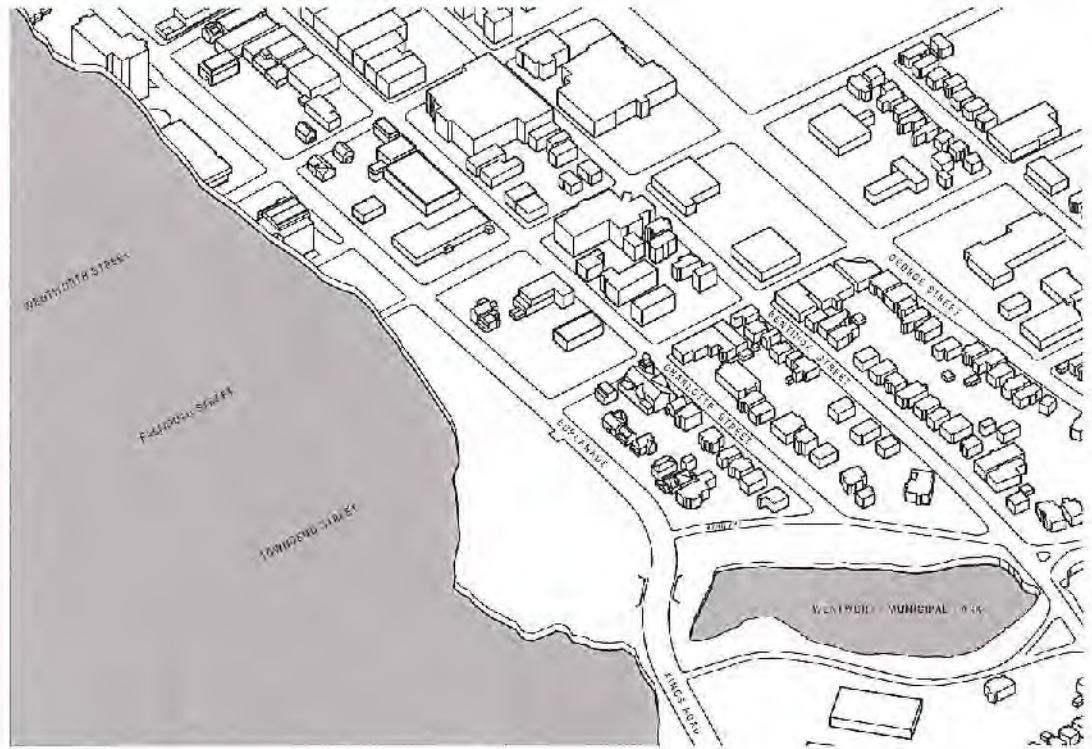
Sun Path



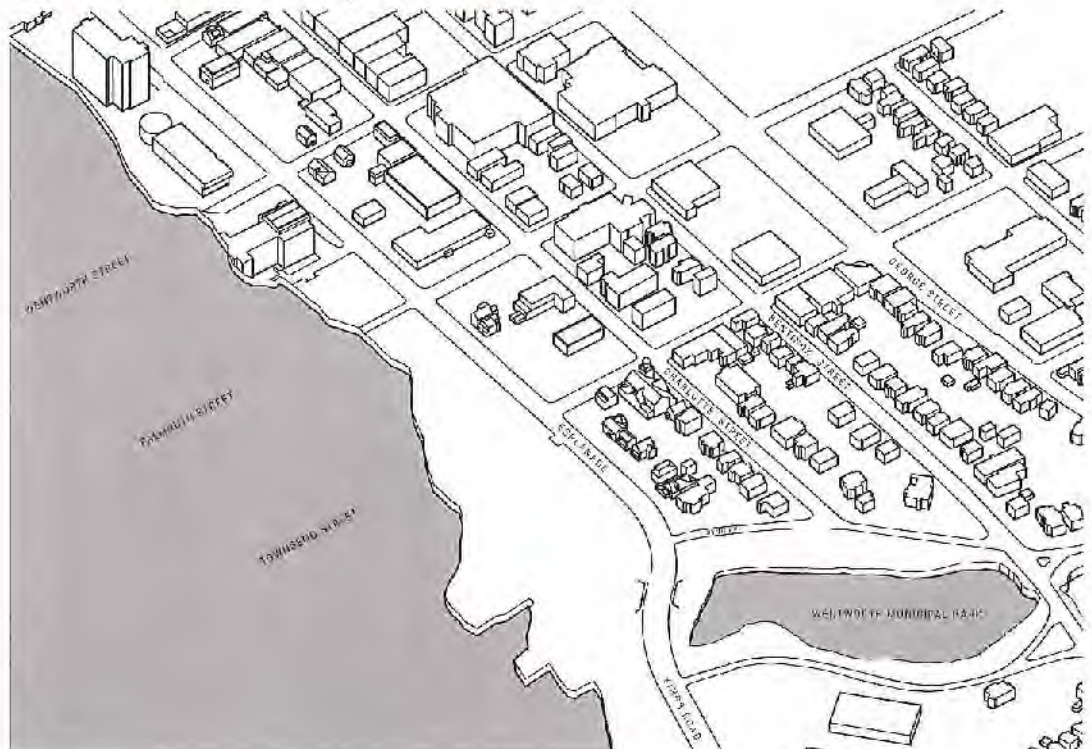
Prevailing Winds & Harbour Wave Action



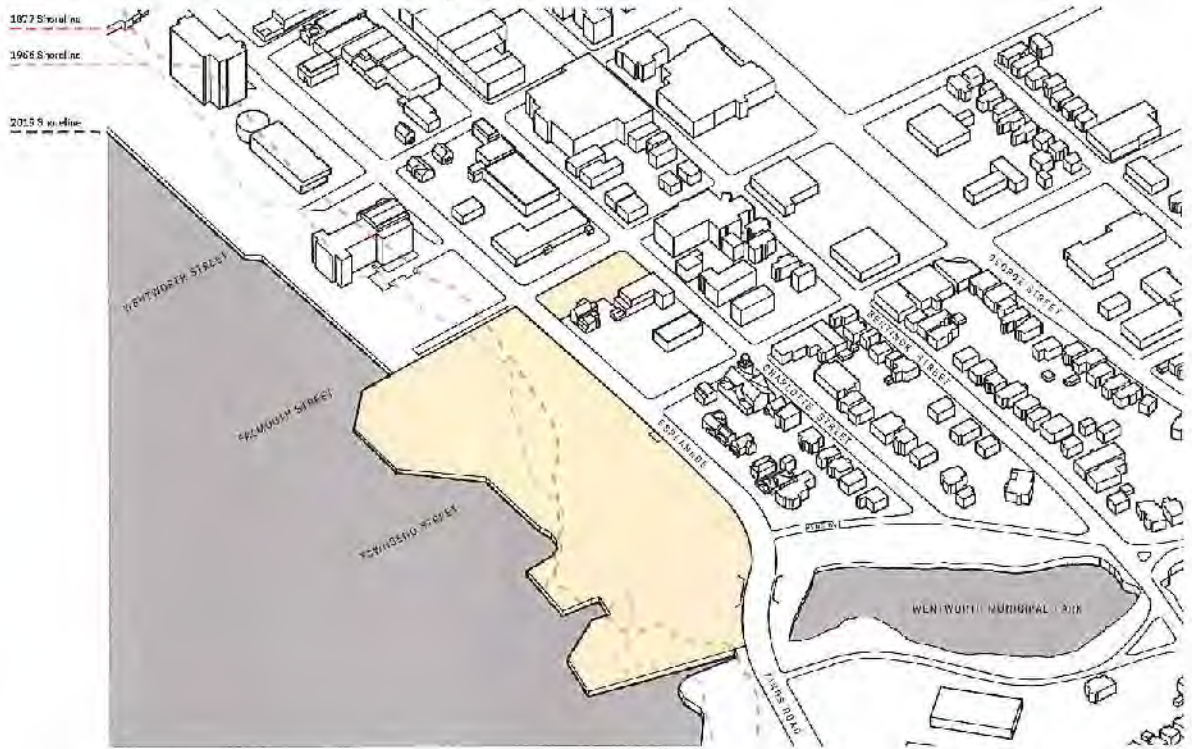
Shoreline History (1877)



Shoreline History (1966)



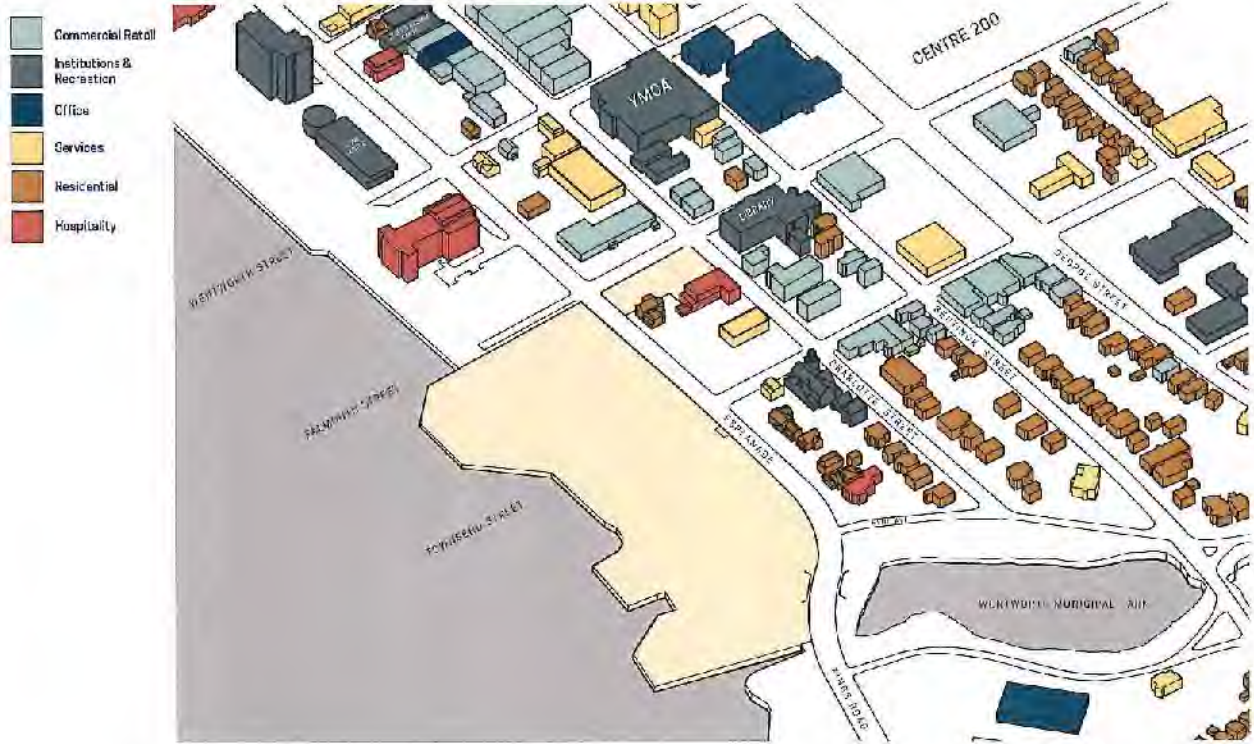
Shoreline History (2019)



Sea Level Rise - Extreme Scenario for 2100



Surrounding Land Use

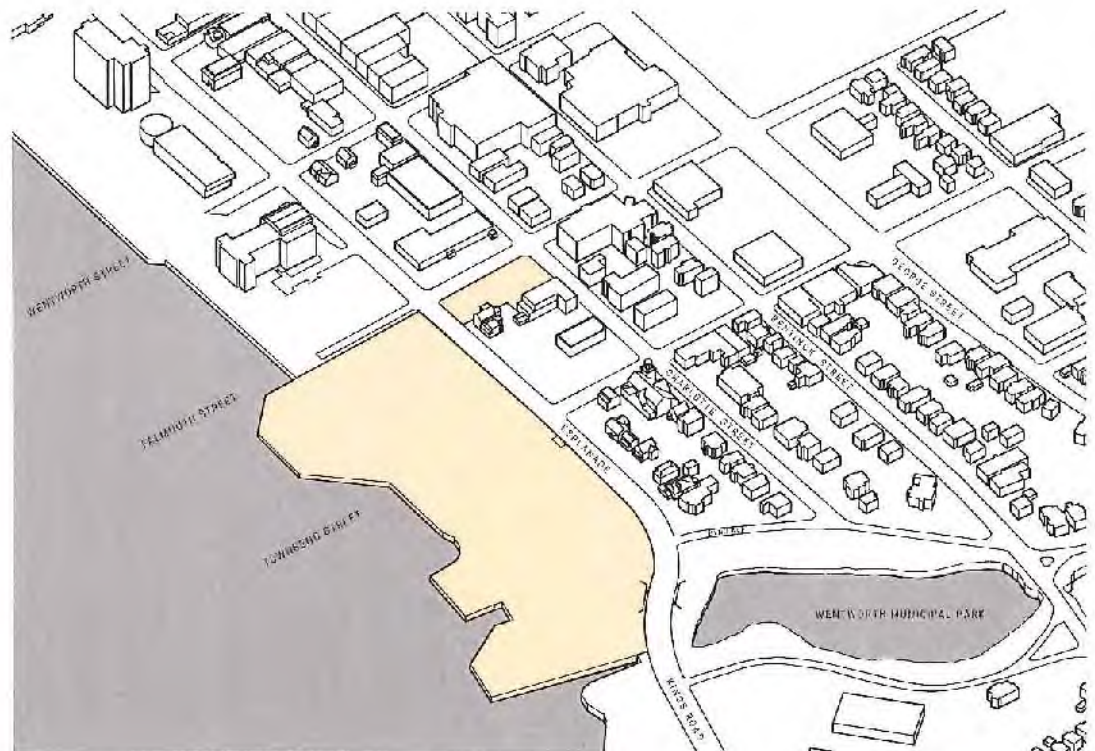


Public Open Space and Destinations



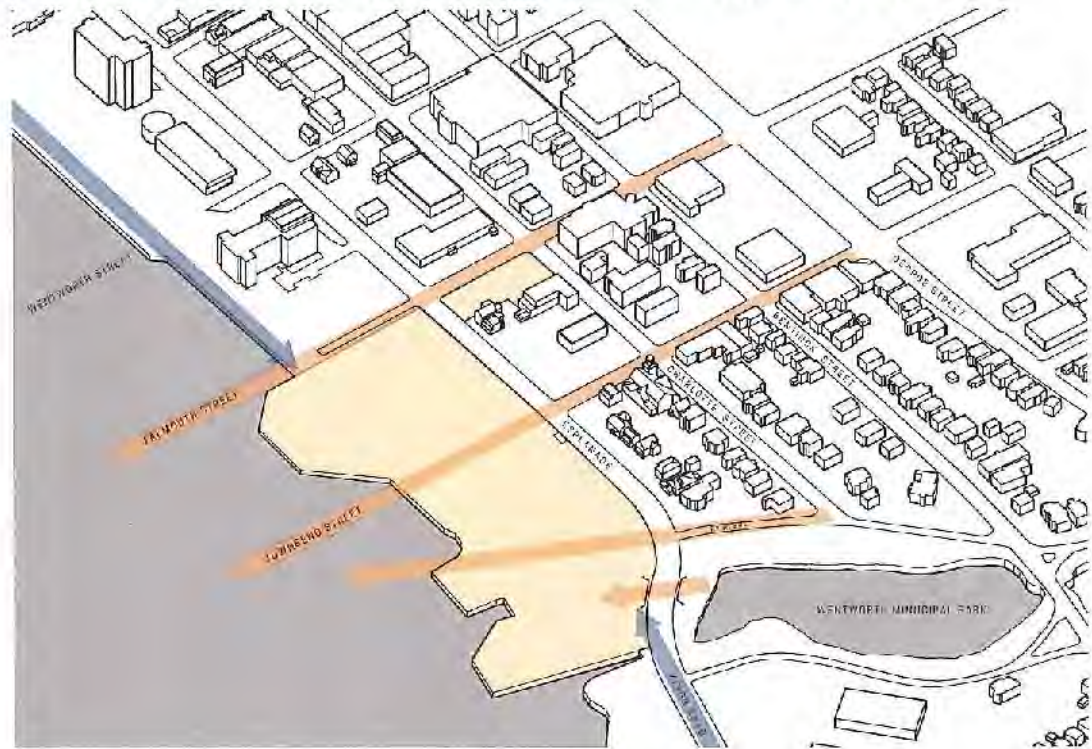
*Scale of distances measured from corner of Pottery/Palmwood Street to destination

Site Planning Framework



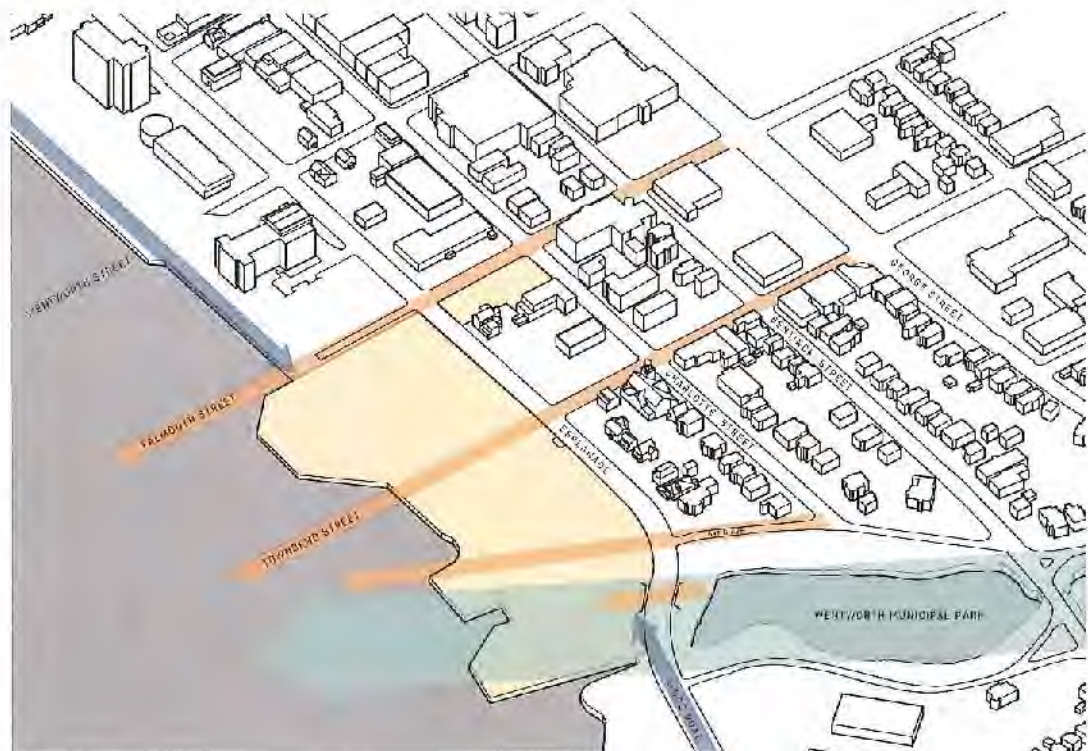
Pedestrian Corridors and Maintained Views

- Waterfront access and views from downtown through established E-W corridors: Falmouth, Townsend, Byng
- Integration with Downtown street fabric
- Reduce mega-block feel of the campus



Park Extension

- Strong and clear open space connection between Wentworth Park and waterfront boardwalk through the campus
- Continue park-like feel on this site



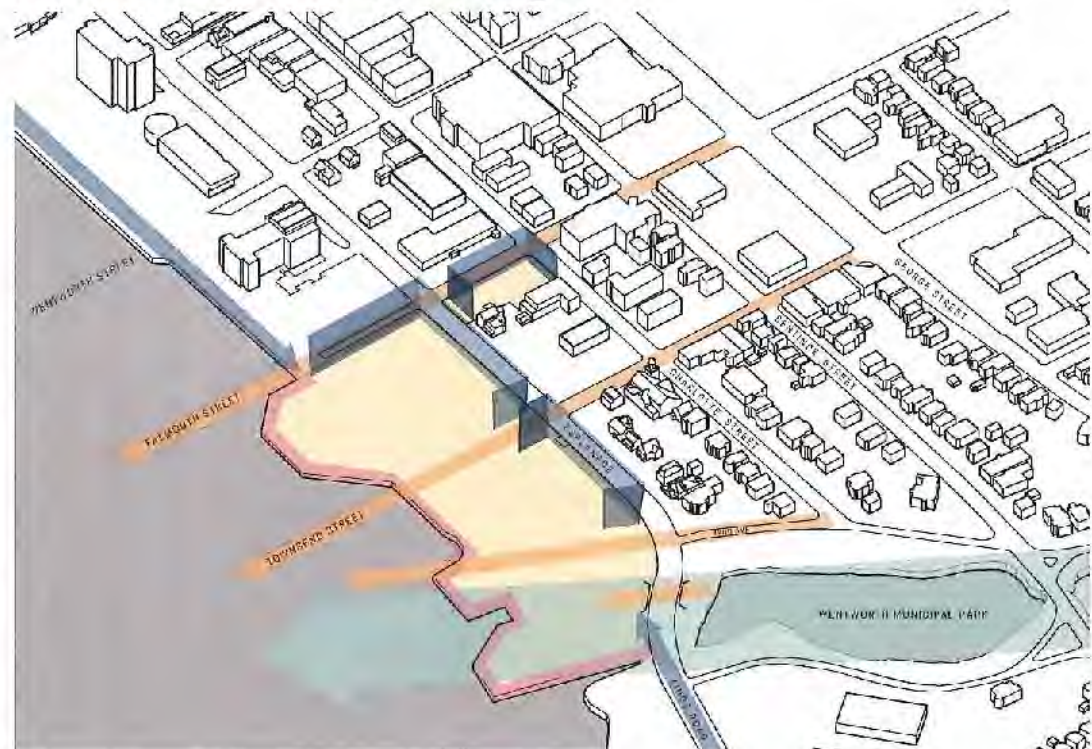
Contiguous and Activated Boardwalk

- Continue the Boardwalk to the southern end of the site
- Activate and animate boardwalk at building ground level in all seasons



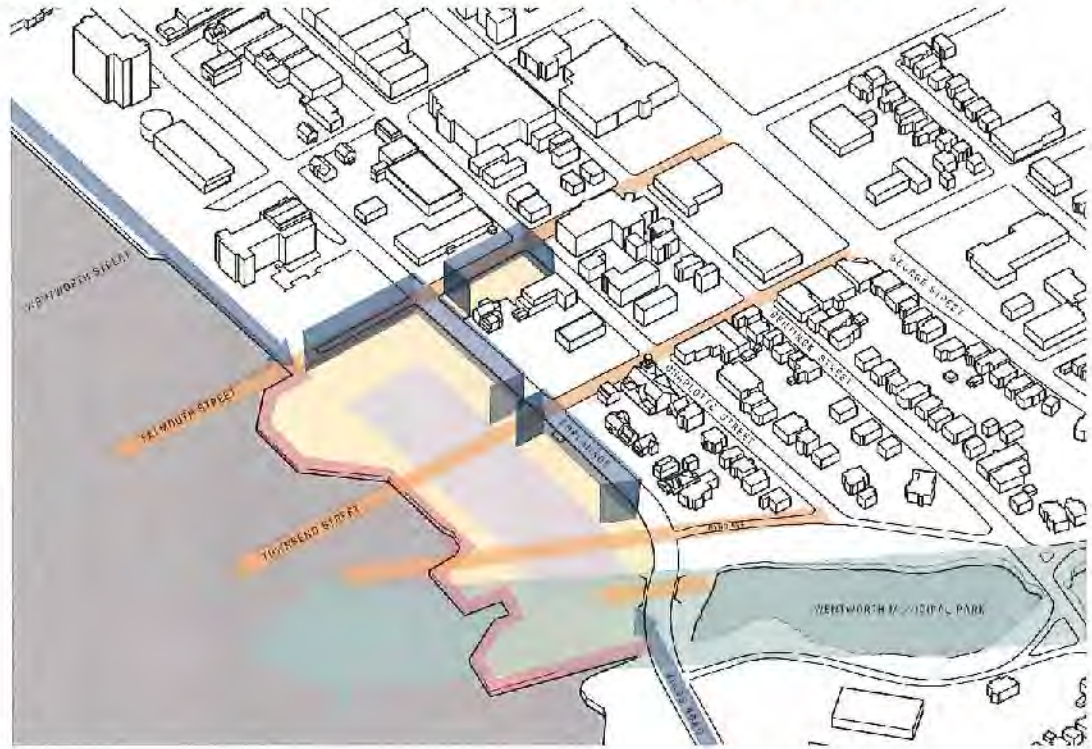
Active Streetwall/Frontage

- Provide activated and articulated building streetwalls
- Ensure there is a relationship to surrounding downtown context



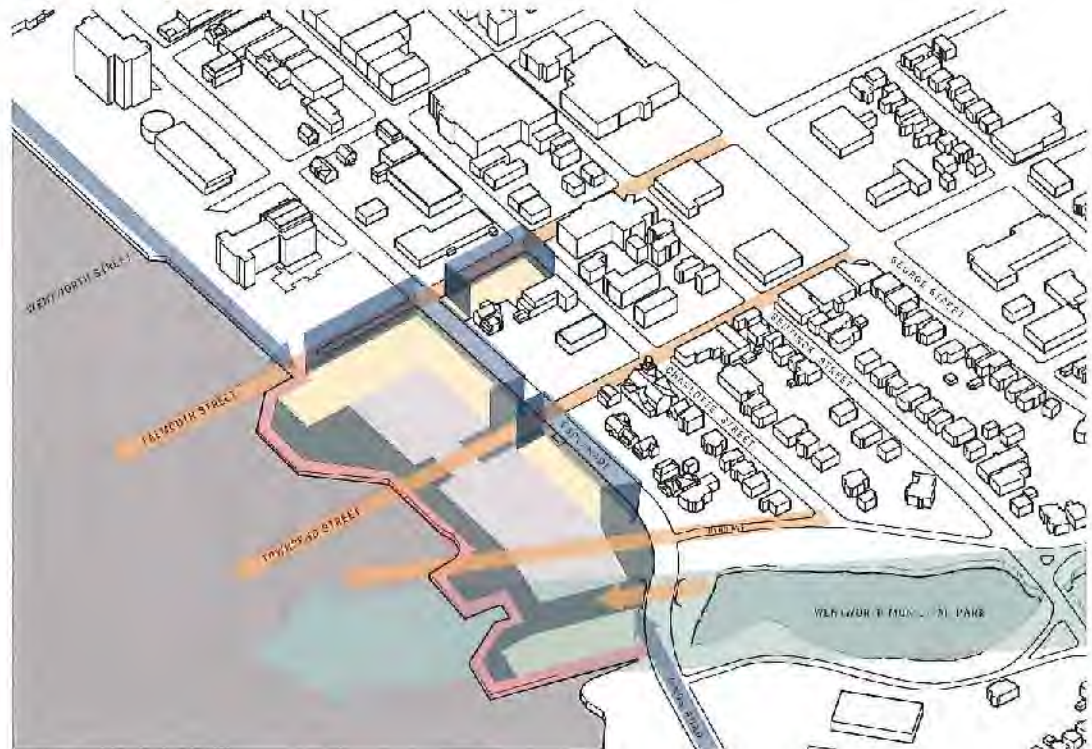
Internalized Parking/Service/Trades Yard

- Consolidate Trades Yard, back-of-house/service activities to reduce internal vehicular circulation
- Minimize visual impact of parking lots and service from boardwalk/sidewalk
- Mitigate any negative impacts of trade show and trade yard activities on boardwalk/sidewalk and open space (visual, noise, smell)
- Disperse parking lot and service vehicle traffic



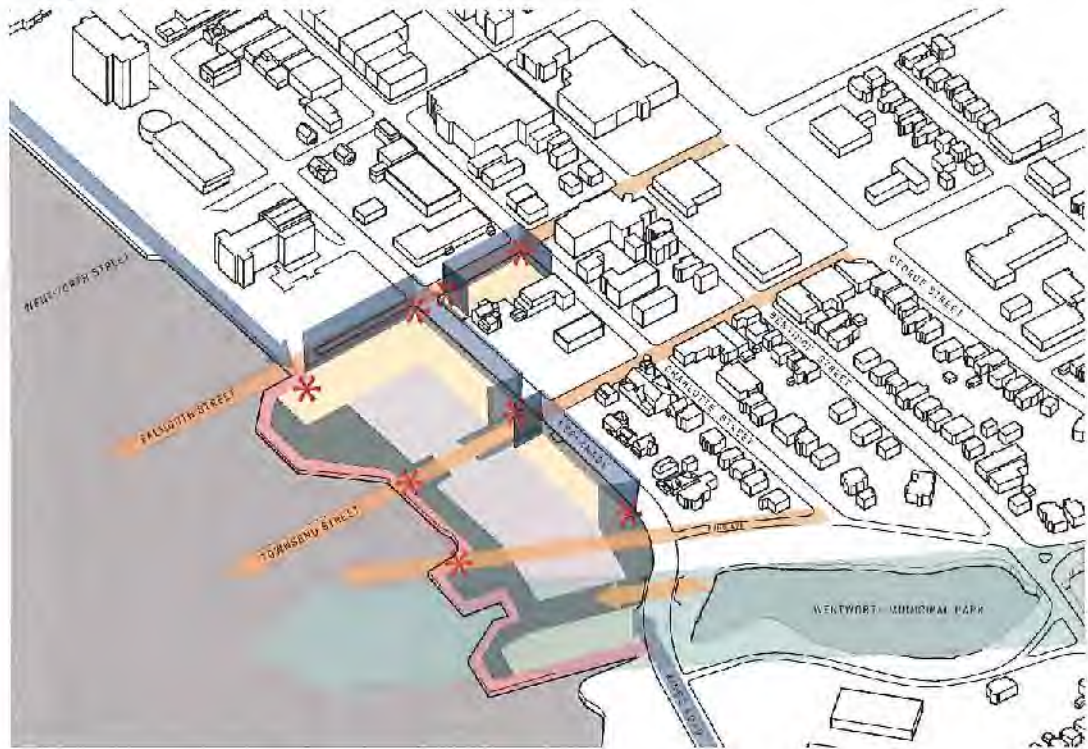
Open Space

- Provide a variety open space opportunities on the waterfront with in the campus property for both informal and event based activity
- Use landscape interventions to mitigate impact of wind on the site and establish comfortable microclimates
- Use landscape interventions to mitigate negative impact of back of house activities
- Use landscape to enhance the campus identity and brand
- Enhance the downtown urban tree canopy
- Landscape interventions to heal the land and water
- Consider First Nations site planning principles (orientation, form, connection to water) and spatial/environmental needs etc.)



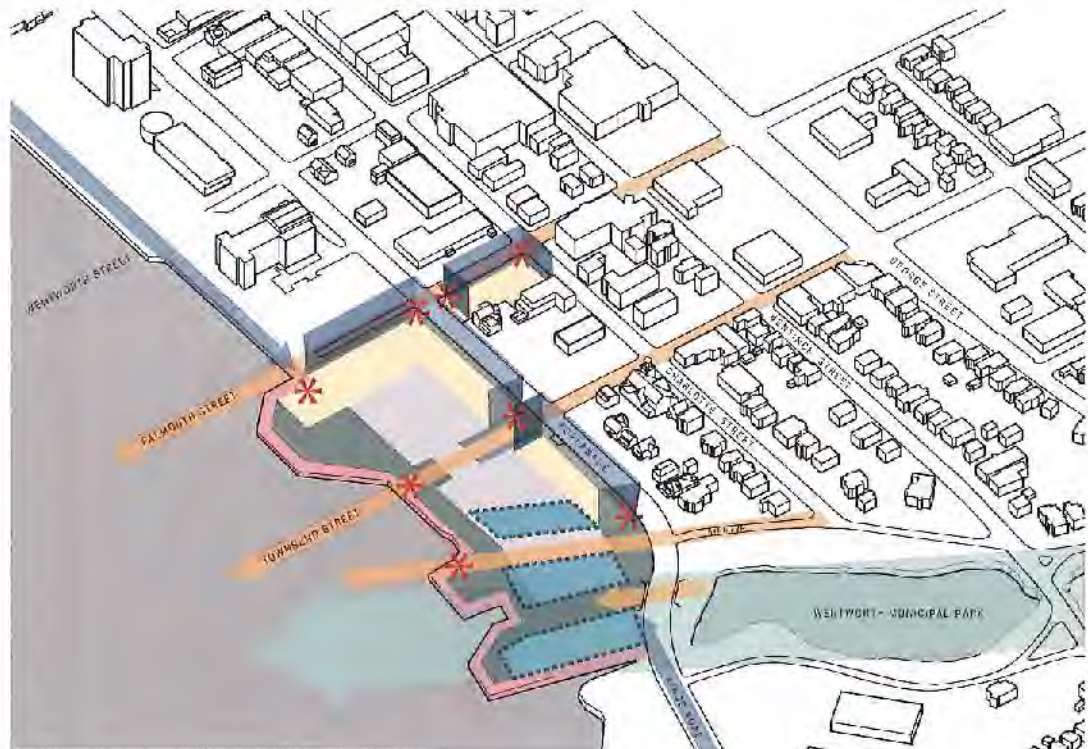
Key Nodes

- Emphasize logical key nodes as building entries, gathering/activation spaces, destinations for students, residents, and visitors



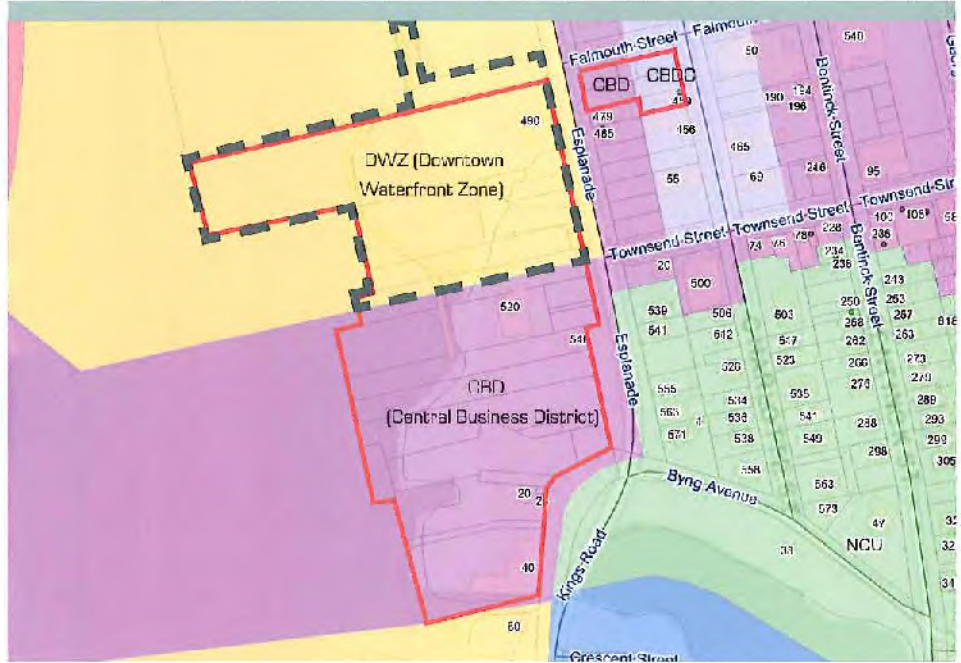
Future Development

- Preserve viable opportunities for future expansion



The Request

We request that council give consideration for the rezoning of the DWZ property to CBD.



CBRM Youth Council

Motion:

Moved by Councillor Coombes, seconded by Councillor Gillespie, that a recommendation be made to Council to adopt the CBRM Youth Council Terms of Reference and appoint two (2) Councillors to serve a one-year term each on the Advisory Committee as outlined in the draft Terms of Reference.

Discussion:

Councillors discussed the following:

- Budget allocation for the Youth Council
- Clarification that Carla Arsenault, President and CEO of the Cape Breton Partnership that is responsible for the CBRM REN, would appoint one representative from the REN staff to be part of the Advisory Committee
- Inclusion of International Students
- Clarification of the selection criteria for the Youth Council

Motion Carried.



Cape Breton Regional Municipality Youth Council

TERMS OF REFERENCE

Purpose:

The mandate of the CBRM Youth Council is to provide Mayor and Council with a youth perspective, including recommendations, guidance and discussions on municipal issues. The Youth Council will also help to create community awareness of youth facilities, youth services, youth organizations and programs available for youth in the community.

The Mayor, Council and CBRM staff are committed to working with the Youth Council to address their needs and concerns, and to further educate them on the operation of local government and how Council decisions affect them. The Youth Council encourages its members to become more familiar with the workings of local government through education, involvement and participation.

Values:

Cape Breton Regional Municipality believes that:

- Youth are integral parts of the community and, like all residents, have inherent rights and responsibilities;
- Youth should be encouraged and given the opportunity to take a leading role in issues which affect their lives and their communities;
- Youth can make a positive contribution to their community; and,
- Investing in youth is an investment in the future.

Composition:

The CBRM Youth Council will be comprised of 12 individuals between the ages of 14 and 25; with at least one representative of legal voting age. One representative will be selected from each of the 12 CBRM Districts. If a representative does not come forward from a District, another applicant can be chosen from the same Division (Central, North, East) – for a maximum of 4 per Division.

Prospective members will be identified by soliciting applications through advertising in local print media, as well as CBRM Facebook, and website, with additional efforts to create awareness by connecting with local school groups at the high school, university, and community college level.

Membership should, where possible, represent the range of diverse individuals that live in and make up the community of the of CBRM.

All members shall serve without remuneration.

CBRM Council may appoint new voting members at any time to fill vacancies.

Appointment and Term:

Youth will be selected by the Advisory Committee based on a series of criteria as outlined in *Appendix A- Youth Selection Criteria* and will serve a one-year term with possibility for reelection.

Structure:

A Chair, Vice Chair and Secretary will be selected by voting Youth Council members each year term.

Advisory Committee:

The council will be advised by a group of individuals which will comprise of:

- Two members of CBRM Council, on a one-year term. All CBRM Council are encouraged to attend/participate in meetings of the CBRM Youth Council
- Two CBRM Staff, appointed by CAO
- One representative from REN Staff, appointed by CBRM REN Executive Director

Meetings:

The CBRM Youth Council will meet bi-monthly and a minimum of one time each year with Mayor and Council. Meeting schedule will be designed to accommodate the academic calendar year in consultation with members of elected officials and will be determined at the beginning of each term. Additional meetings will be scheduled when required.

Meetings will be held at 320 Esplanade in the CBRM Council Chambers in the afterschool time period.

In order to assure relevant topics of discussion, the youth advisory will develop an agenda for their meetings by selecting one or more pertinent issue from either an upcoming or previous CBRM Council Meeting Agenda. In addition, other topics not covered by CBRM Council may be added to the agenda by elected officials, youth, or by CBRM Staff.

Authority:

The CBRM Youth Council may make recommendations to Council which are non-binding and may include requests for financial support for specific actions and projects.

Appendix A: Youth Council Selection Criteria

Youth applicants are encouraged to provide a resume and cover letter demonstrating proof of the following competencies:

Relevant Knowledge and Experiences	
Personal knowledge and experience	<ul style="list-style-type: none"> • The applicant has spoken out about things that matter to them and have worked to make a positive difference. • They have had some life experience that gives insight into what it means to be human and can use that insight to influence others. • The applicant values people and ideas. • The applicant is curious about the world and acts to learn more. • The applicant has experience contributing to the community. It could be at their school community or communities outside of school. They may have influenced students, parents, teachers, principals or community members to take positive action. They demonstrate the ability to build networks and foster trusting relationships.
Commitment to Community	<ul style="list-style-type: none"> • The applicant has a demonstrated ability to inspire, motivate and offer direction and leadership to others. They can demonstrate an understanding of the importance of teamwork. This may include an ability to inspire a shared vision for improving their community, the skill of recognizing and valuing the contributions of others and or a demonstrated ability to others to do great work. • They might have some experience with leading a group, a club or a team. • They might lead a team at work, school, or in a volunteer capacity. • The applicant has an ability to think strategically about opportunities and challenges they face. They can anticipate what might happen and plan accordingly. • They may have managed a budget, planned for an event or organized a trip. • They can demonstrate that people come to you for advice and suggestions for how to move forward. • The applicant can demonstrate the ability to apply critical thinking to creatively assess situations and to generate new or innovative solutions to challenges. This can include identifying potential risks and devising plans to minimize the impact of those risks.
Personal Effectiveness Skills	
Leadership and Teamwork Skills	<ul style="list-style-type: none"> • The applicant has a demonstrated ability to inspire, motivate and offer direction and leadership to others. They can demonstrate an understanding of the importance of teamwork. This may include an ability to inspire a shared vision for improving their community, the skill of recognizing and valuing the contributions of others and or a demonstrated ability to others to do great work. • They might have some experience with leading a group, a club or a team. • They might lead a team at work, school, or in a volunteer capacity. • The applicant has an ability to think strategically about opportunities and challenges they face. They can anticipate what might happen and plan accordingly. • They may have managed a budget, planned for an event or organized a trip. • They can demonstrate that people come to you for advice and suggestions for how to move forward. • The applicant can demonstrate the ability to apply critical thinking to creatively assess situations and to generate new or innovative solutions to challenges. This can include identifying potential risks and devising plans to minimize the impact of those risks.
Strategic Thinking and Planning Skills	<ul style="list-style-type: none"> • The applicant has a demonstrated ability to inspire, motivate and offer direction and leadership to others. They can demonstrate an understanding of the importance of teamwork. This may include an ability to inspire a shared vision for improving their community, the skill of recognizing and valuing the contributions of others and or a demonstrated ability to others to do great work. • They might have some experience with leading a group, a club or a team. • They might lead a team at work, school, or in a volunteer capacity. • The applicant has an ability to think strategically about opportunities and challenges they face. They can anticipate what might happen and plan accordingly. • They may have managed a budget, planned for an event or organized a trip. • They can demonstrate that people come to you for advice and suggestions for how to move forward. • The applicant can demonstrate the ability to apply critical thinking to creatively assess situations and to generate new or innovative solutions to challenges. This can include identifying potential risks and devising plans to minimize the impact of those risks.
Critical Thinking	<ul style="list-style-type: none"> • The applicant has a demonstrated ability to inspire, motivate and offer direction and leadership to others. They can demonstrate an understanding of the importance of teamwork. This may include an ability to inspire a shared vision for improving their community, the skill of recognizing and valuing the contributions of others and or a demonstrated ability to others to do great work. • They might have some experience with leading a group, a club or a team. • They might lead a team at work, school, or in a volunteer capacity. • The applicant has an ability to think strategically about opportunities and challenges they face. They can anticipate what might happen and plan accordingly. • They may have managed a budget, planned for an event or organized a trip. • They can demonstrate that people come to you for advice and suggestions for how to move forward. • The applicant can demonstrate the ability to apply critical thinking to creatively assess situations and to generate new or innovative solutions to challenges. This can include identifying potential risks and devising plans to minimize the impact of those risks.

Legislative Amendments - Grant Disclosure Policies

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor Gillespie, that a recommendation be made to Council to approve the proposed amendments to the Municipal Grants Program Policy and Heritage Incentive Program Policy regarding disclosure of grant recipients as outlined in the staff Issue Paper dated December 4, 2019.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Issue Paper

Date: December 4, 2019
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Legislative amendments – 65C – Grant Disclosure Policies

Recent legislative changes to section 65C of the Municipal Government Act require that Council adopt a policy for the public disclosure of grant recipients. The full text of Section 65C of the MGA states:

Grant disclosure policies

65C (1) The council shall adopt a policy that requires the municipality to disclose to the public a list of recipients of grants made by the municipality and the amounts of those grants.

(2) A policy adopted under subsection (1) must include the

- (a) frequency and timing of disclosure;
- (b) content to be included in a disclosure; and
- (c) form in which the disclosure must be made.

(3) A policy adopted under subsection (1) may include any other matter that the council considers necessary or advisable to carry out effectively the intent and purpose of the policy. 2019, c. 19, s. 5.

In conference with Municipal Affairs staff, grants whose amounts are specifically identified and approved as part of budget deliberations (ie. library funding, fire department grants, REN, DCBA, etc.) are not subject to the new legislative requirement. However, grants whereby applications are submitted, evaluated and awarded from a general grant pool do require that a disclosure protocol be adopted. As such, grants awarded under our Municipal Grants Program Policy and Heritage Incentive Program Policy are subject to this legislation.

We have been advised that amendments to each of our existing policies that incorporate the requisite changes are sufficient to meet the requirements and a new policy need not be adopted.

As such, staff propose the addition of the following text to each policy:

Grant Disclosure:

A list of grant recipients, including the type of grant and funding amount shall be published on CBRM's website annually, within 90 days of each fiscal year end.

The amended policies are attached for your review and consideration.

Staff recommendation and suggested motion:

That Council approve the proposed amendments to the Municipal Grants Program Policy and Heritage Incentive Program Policy as presented.

Respectfully submitted,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA
Chief Financial Officer



MUNICIPAL GRANTS PROGRAM

The Municipal Grants Program is a portfolio of programs which offer project grants, or operating grants to community nonprofit organizations and charities throughout the municipality. The portfolio is managed and administered under a committee designated by Council.

Municipal Grants General Eligibility Criteria

Annual (application deadline April 30)

- The applicant shall be a registered Canadian Charity or non-profit society registered with the Nova Scotia Registry of Joint Stocks. Registration must be current: **defaulted, expired or revoked status is ineligible for further consideration.** Non-profit groups incorporated under an Act of the NS Legislature are also eligible.
- Grants are not awarded to individuals, commerce, business, industry or sole proprietorships.
- The application organization and/or event is located within the geographic boundary of the Cape Breton Regional Municipality.
- The applicant must have been registered for at least one (1) year prior to the date of application to the Community Grants Program. The Grants Committee may, at its discretion, permit the application from a new organization in circumstances where the absence or delay of a program is to the detriment of the general public or a community of interest.
- All applicants to the Community Grants Program are screened for debt to the municipality. Those in debt (e.g. taxes/water owed, delinquent on final reports for previous grants, fines, etc.) will be deemed ineligible for consideration.
- The applicant shall respect the Canadian Charter of Human Rights and promote equal access and opportunity for all persons.
- The municipality is non-partisan and does **not** provide financial support to religious or political doctrine. Therefore, church halls and affiliated organizations are not eligible.

- Grants are not awarded for the salary/ wages of staff positions, volunteer bursaries or honoraria, or recurring operating costs.
- Grant applicants are not required to match funds; however, they should be able to demonstrate active fundraising efforts to support the continuation of a program, project or service.

Ineligible

Applications will not be accepted from:

- Individuals
- For-profit businesses
- Organizations that are political or religious in nature
- Hospitals, clinics-based services or medical treatment programs;
- School boards

① Municipal Grants Financial Eligibility Criteria

The following criteria support the principles of self-sufficiency, public accountability for the expenditure of public money, and outcomes of benefit to the general public. The aim is to acknowledge and support good financial practices regardless of the size of an organization or its financial assets. The applicant shall submit a financial statement for the prior year in addition to a budget for the project for which they are seeking a grant. The statement should contain a complete list of all sources of revenue and expenses as well as assets and liabilities if applicable.

The Community Grants Program does not provide funding for fund-raising initiatives.

The Community Grants Program does not provide core operating assistance (e.g. Excludes salaries and wages, rent, office supplies, insurance, etc.), however special consideration may be given to community museums.

Applicants are expected to demonstrate they have applied to a designated Provincial and/or Federal grant program. Some projects can be phased and may be partially funded. Matching funding is **not required** but applicants are **encouraged to cost share** or seek assistance from other sources (for example: fund-raising, other levels of government, foundations, corporate sponsors. etc.). Operating grants are not intended to replace Provincial or Federal obligations.

Ineligible

- Core operating assistance (rent, insurance, office supplies)
- Private property
- Government Property
- Public and private schools and post-secondary institutions
- Research for academic or commercial purposes

- Annually recurring fees, core operating costs, general administration, or insurance
- Staff salary or wages, volunteer bursaries or honoraria
- Travel
- Uniforms
- Fund-Raising

Application Requirements

Each grant category requires a separate application to be completed through the use of approved forms. Potential applicants are encouraged to review the associated application forms for specific application requirements.

Evaluation Process

The Grants Review Committee, made up of members of staff, will review applications received under this policy. The role of this committee is to determine which applications meet the basic eligibility requirements within this policy, evaluate the application, and report grant awards to Council within the approved Grants to Organizations budget.

Evaluation Criteria

The Municipality may utilize, but is not limited to, the evaluation criteria in *Schedule A*, for the scoring of grant applications.

Approval

The total budget for grants to organizations will be considered as part of the Municipality's annual budget process. Council may allocate funds over and above the amount approved in the budget process when requests for grants of an emergency or pressing nature are received. Council reserves the right to grant partial requests, or grant or reject any application that may or may not qualify in accordance with the guidelines set out in this policy. Applicants are not guaranteed funding. Grants to organizations will be considered public knowledge. Grants may be awarded with certain terms and conditions. Applicants will be notified of the staff committee's approval with a *Letter of Award*, which will state if any particular restrictions apply to the grant.

Appeal Process

If an organization wishes to appeal a decision of the staff committee, the organization is required to submit a letter to the Chief Administrative Officer (CAO) within 30 days of the date of the *Letter of Award* detailing the basis for their appeal. The CAO shall render a decision following a review of the information submitted and further discussion with the applicant and staff committee. All decisions of the CAO shall be final.

Grant Disclosure:

A list of grant recipients, including the type of grant and funding amount shall be published on CBRM's website annually, within 90 days of each fiscal year end.

Reporting Requirements

All groups receiving a financial and/or an in-kind grant from the Municipality must complete a *Project Evaluation Form* and abide by any conditions listed within the *Letter of Award*. Groups in noncompliance with these obligations may not be considered for future grant opportunities.

I. Operating Grants- Maximum \$10,000

- Operating grants are considered annually for organizations with a mandate to deliver an ongoing service or program that is generally delivered by a municipality, or complements a service being offered by CBRM. Operating grants may also be granted to community not for profit museums under special circumstances.
- Operating grants may assist a group with its operations through tax relief (see below), the provision of in-kind support, or direct financial support.
- Operating grants are not intended to support permanent full-time staff salaries or wages.
- Although an organization may be awarded an operating grant several times, the award does not carry the guarantee of renewal over several years.

II. Tax Relief for Non-Profit Organizations Program

This program offers conversions from commercial to the residential tax rate, to a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization.

III. Capital Grants- Maximum \$25,000

A capital grant provides **one-time** support for the purchase of property; the construction of a facility, remodeling, expansion of a facility; or purchase of equipment.

The award of a capital grant is reserved for special circumstances and thus, may not be awarded on an annual basis. The Municipality may pay capital grants to groups over two or more fiscal years. Applicants must hold the deed/lease to the property/facility or acceptable alternative (if relevant).

**Municipal Grant Programs Application Deadline:
Applications must be received, in full, on or before April 30 each year.**

FESTIVAL & EVENT FUNDING

IV. Special Events Grants Program—Parks and Recreation: Events and Cultural Initiatives- \$1000 to \$40,000

Annual (application deadline March 31)

The municipal Grants Program also provides funds for events to community non-profit organizations and charities throughout the Municipality. The portfolio is managed and administered under a committee designated by Council.

Funding programs:

- **Community Celebrations:** Focuses on local residents and community gatherings, all of which are free admission or low cost activities.
- **Significant Anniversaries:** Event organized to commemorate or celebrate a major quarterly anniversary (**25th, 50th, 75th, 100th etc.**).
- **Cultural Events and Showcases:** Events with strong cultural content that furthers the disciplines of literary, media, performing and visual arts, accessible to the public with free or low cost activities.
- **Sporting Events:** Events that demonstrate Economic Impact as described in Schedule A and are open to all residents of the Cape Breton Regional Municipality.

Non-Eligible events:

- Consumer shows
- Private events
- Tradeshows
- Awards
- Clinics
- Symposiums
- Individual registration for sports team
- Religious events
- Seminars
- Banquets
- Marketing initiatives
- Uniforms
- Fundraising events
- Political events,
- Travel

Festival & Event Application Deadline:
Festival & Events Applications must be submitted on or before March 31st each year.

SCHEDULE A

Grant Evaluation Criteria

In general, preference will be given to groups that demonstrate community support, efficient use of resources, sound business practices and a commitment to achieving self-reliance.

I. Tax Relief and Operating Grant Evaluation Criteria

a. Relevance of Service

- The extent to which the organization offers a service that is a legislated responsibility of municipal government.
- The extent to which the service complements the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the service.
- The extent to which the service or program enhances the quality of life for CBRM residents.
- The extent to which the benefits of the service are broad-based and not specific to a special interest group.

b. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

c. Organizational Effectiveness

- Group has a solid leadership structure.
- Group operates with a clear mandate.
- Budgets are well developed

II. Capital Grant Evaluation Criteria

a. Relevance of Capital Project/Purchase

- The extent to which the capital project/purchase enhances an organization's ability to offer a service that is a legislated responsibility of municipal government.
- The extent to which the capital project/purchase enhances the organization's ability to complement the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the capital project/purchase.
- The extent to which the capital project/purchase improves the quality of life for CBRM residents.
- The extent to which the benefits of the capital project/purchase are broad-based and not specific to a special interest group.

b. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

c. Organizational Effectiveness

- Group has a solid leadership structure;

- Group operates with a clear mandate.
- Budgets are well developed

III. Event/Program Grant Evaluation Criteria

a. Merit of the Event

- Organizers have communicated a solid vision and goals for the event/activity/program, which supports the purpose of a development grant.
- The event/activity/program does not duplicate other community events/activities/programs.
- Residents of CBRM will directly benefit from the event/activity/program.

b. Economic Impact

- The applicant has described the expected economic benefits to CBRM (dollars spent in the municipality, staff hired, and number of local volunteers, training offered to staff/volunteers, local performers, and hotel rooms rented).
- The event/activity/program promotes economic activity in CBRM.
- The event/activity/program promotes CBRM as a destination for visitors.

c. Financial Need

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

d. Organizational Effectiveness

- Event organizers have presented an application that indicates a well-planned and organized event/activity/program.
- Group has a solid leadership structure.
- Group operates with a clear mandate.
- Budgets are well developed

*The above policy replaces the former *Community Facilities Grants and Contributions Policy* dated February, 2010.

Amended by Council June 26, 2018, December xx, 2019

Heritage Incentive Program Policy

1. OBJECTIVE:

To encourage owners of registered municipal heritage properties to upgrade their properties in a manner that is consistent with the heritage value of the property as stated in the statement of significance for the property and the associated character defining elements.

2. AVAILABLE INCENTIVE:

The incentive shall be 50% of the cost of the repairs or renovations up to a maximum of \$12,000 per property. In the case of roof replacement and/or repair, the maximum grant shall be 30% of the cost up to a maximum of \$6,000. In exceptional circumstances, the Committee may award a higher percentage of cost-sharing, as outlined in 4(c)

3. ELIGIBLE APPLICANTS:

All owners of municipally registered heritage properties and all owners of properties located within municipal heritage conservation districts, except:

- a) Government owned properties, except where the property is leased to a registered non-profit society which is partially or totally responsible for building maintenance;
- b) Properties within a heritage conservation district that were built in 1940 or later.

4. CRITERIA:

- a) All work done must be approved under the Heritage Property Bylaw or, in the case of properties within the Heritage Conservation District, the Heritage Conservation District Bylaw. All work must comply with the Building Bylaw and the Land Use Bylaw.
- b) Work funded under the program should be carried out on the exterior of the property and shall include but not be limited to windows, doors, cladding, roofing, and steps. Landscaping, fencing, and driveway paving are not eligible under any circumstances.

CBRM Heritage Incentive Program Policy

- c) Work that is necessary to ensure the long term viability of a structure (for example, repairs to the foundation, repairs to beams or trusses, or repairs to address significant stormwater infiltration problems) may be considered by the committee for funding assistance at levels higher than the normal amounts in exceptional circumstances. In these cases assistance may be provided for work in the structure's interior if necessary.
- d) Architectural, engineering and other consulting fees are eligible for funding; consultants may have to supply proof of professional qualifications to the HIP Committee.
- e) When an application is being considered priority shall be given to projects that significantly enhance the heritage value of the property. An example would be the removal of windows that are inconsistent with the original windows and replacing them with ones that more closely resemble the originals.
- f) When considering an application priority shall be given to projects that are unlikely to proceed without CBRM assistance. Where a property is owned by a non-profit organization, the availability of funds from other sources (such as federal government programs) shall be a consideration.
- g) Only one project may be approved per property in any given fiscal year. Properties which have received grants in one fiscal year may apply in subsequent years but priority shall be given to first time applicants.
- h) Use of original materials (such as brick or wood) shall normally be required for exterior cladding and corner boards although exceptions may be made where a substitute material is used that very closely resembles the original in appearance. Under no circumstances shall an incentive grant be provided to assist with the cost of replacing or installing vinyl or metal siding on a building originally clad in wood or brick.

5. APPLICATION PROCEDURES:

- a) Applicants must submit an application to the CBRM Heritage Officer. Applications will be reviewed and approved by the Heritage Incentive Program (HIP) Committee, which is comprised of the Heritage Officer, one other CBRM employee or Heritage Advisory Committee member, and an architect licensed to practice in Nova Scotia. Any applicants whose projects do not meet the criteria will be informed of the reason why their projects are not acceptable and will be given an opportunity to revise and resubmit their applications.
- b) All decisions of the HIP Committee shall be final.

6. DISBURSEMENT OF FUNDS:

Funds will be disbursed only after completion of the work and inspection of same by the Heritage Officer. Proof of payment in the form of paid invoices, cancelled cheques, or credit card receipts must be submitted prior to the disbursement of any funds. CBRM will not reimburse any portion of the harmonized sales tax.

7. GRANT DISCLOSURE:

A list of grant recipients, including the type of grant and funding amount shall be published on CBRM's website annually, within 90 days of each fiscal year end.

Approved by Council: January 15, 2019, December xx, 2019

Port of Sydney Development Corporation (PSDC) – Board Vacancies:

Motion:

Moved by Councillor Gillespie, seconded by Councillor McDougall, that a recommendation be made to Council to approve the appointment of the following applicants to the Board of Directors for the Port of Sydney Development Corporation for the stated terms:

- Candidate #1- Individual with a professional engineering designation (one position) – appointment to March 31, 2024
- Candidate #3 - Individual licensed to practice law in Nova Scotia (one position) – appointment to March 31, 2024
- Candidate #4 - Individual with a professional accounting designation (one position) – appointment to March 31, 2021
- Candidate #6 - Individual with expertise in business and commerce (one position) – appointment to April 2, 2022.

Motion Carried



M·E·M·O

To: Mayor Cecil P. Clarke & Members of the Nominating Committee
From: Deborah Campbell Ryan, Municipal Clerk
Date: January 16, 2020
Subject: Port of Sydney Development Corporation (PSDC) – Board Vacancies

At the November 19, 2019 Council meeting, I was directed to call for expressions of interest to fill the vacancies on the Board of Directors for the Port of Sydney Development Corporation (PSDC) to replace the following members that resigned effective November 1, 2019:

- Lucia MacIsaac – professional engineering designation (appointment expires March 31, 2020)
- John Khattar – licensed to practice law in Nova Scotia (appointment expires March 31, 2020)
- John Anderson – professional accounting designation (appointment expires March 31, 2021)
- Owen Fitzgerald – expertise in business and commerce [one of three] (appointment expires April 2, 2022)

The notice appeared in the Cape Breton Post on Saturday, November 23, 2019. Notice was also placed on the CBRM website, Facebook, Twitter, LinkedIn and Charity Village. The deadline for submissions was December 2, 2019.

In response, we received a total of nine (9) applications: two (2) with a professional engineering designation; one (1) licensed to practice law in Nova Scotia; one (1) with a professional accounting designation; four (4) with expertise in business and commerce; and one (1) submission received after the deadline (accounting designation).

A matrix outlining the background information for each applicant is attached separately, noting they are listed by number. Also attached for the Committee's information is a copy of the Articles of Association for the PSDC.

Continued...

I have consulted with Marlene Usher, CEO for the PSDC, regarding the Port's requirements with respect to terms for the replacements. She suggested that for the replacements for Lucia MacIsaac (professional engineering designation) and John Khattar (licensed to practice law in Nova Scotia), the term run from current to March 31, 2024; and for the other two positions, the appointments shall be for the balance of the existing terms.

Recommendation:

That the Nominating Committee review the applications and make a recommendation to Council to appoint representatives (by number only) for the following positions and terms:

- Individual with a professional engineering designation (one position) – appointment to March 31, 2024
- Individual licensed to practice law in Nova Scotia (one position) – appointment to March 31, 2024
- Individual with a professional accounting designation (one position) – appointment to March 31, 2021
- Individual with expertise in business and commerce (one position) – appointment to April 2, 2022.

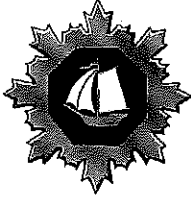
Yours truly,

Original Signed by

Deborah Campbell Ryan
Municipal Clerk

Attachments

C: Marie Walsh, Chief Administrative Officer



Cape Breton Regional Municipality

Citizen Representation on Board of Directors for the Port of Sydney Development Corporation Call for Expressions of Interest

The Council of the Cape Breton Regional Municipality requires citizens who would be willing to serve as volunteer members on the Board of Directors for the Port of Sydney Development Corporation (PSDC), as follows:

- One individual with a professional engineering designation
- One individual licensed to practice law in the Province of Nova Scotia
- One individual with a professional accounting designation
- One individual with expertise in business and commerce

The Articles of Association for the PSDC can be found on the CBRM website:
<http://cbrm.ns.ca/clerks-department.html>

Residents of the Cape Breton Regional Municipality who are interested in serving on the PSDC Board of Directors in the above-noted capacities should forward a letter of application, with a resume outlining qualifications and experience in the related field, by **4:30 p.m. on Monday, December 2, 2019** to:

Deborah Campbell Ryan, Municipal Clerk
Cape Breton Regional Municipality
City Hall - 320 Esplanade, Suite 405
Sydney, NS B1P 7B9

Or Fax it to: 902-564-0481
Or Email: ClerksOffice@cbrm.ns.ca

* **Please Note:** The applications will be considered at Nominating Committee/Council meetings that are open to the public.

**Signed: Deborah Campbell Ryan
 Municipal Clerk**

Facebook, Twitter, Linked In and Charity Village

**ARTICLES OF ASSOCIATION
OF
PORT OF SYDNEY DEVELOPMENT CORPORATION**

ARTICLE 1: NAME, PURPOSE AND DEFINITION

- 1.01 The name of the Company is Port of Sydney Development Corporation.
- 1.02 The purposes, objects and powers of the Company are as set out in the Memorandum of Association of the Company.
- 1.03 In these Articles of Association of the Company:
- (a) "Company" means Port of Sydney Development Corporation;
 - (b) "Board" or "Board of Directors" means the board of directors of the Company;
 - (c) "Board Member" or "Director" means an individual who has been appointed as a member to the Board of Directors of the Company;
 - (d) "Member(s) of the Company" means an individual or such other legal entity who has acquired voting Membership, in the Company in accordance with Article 3 of the Articles of Association of the Company; and
 - (e) "Port of Sydney" means the Sydney Harbour and associated infrastructure as it relates directly to the operation of the Joan Harriss Cruise Pavilion terminal and wharf.

ARTICLE 2: POWERS

- 2.01 Subject to the Memorandum of Association of the Company, the powers of the Company are as set out in the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.
- 2.02 In addition the Company shall have the power:
- (a) to fix and determine the basis and terms of membership in the Company;
 - (b) to carry out the financing and other agreements necessary to achieve its objects either alone or jointly with others; and
 - (c) to guarantee and act as an endorser on loans and obligations arranged by or on behalf of individuals or groups.

ARTICLE 3: MEMBERSHIP

- 3.01 This, Article 3, shall apply to the admission of voting Members of the Company. Subject to the Memorandum of Association, the Members, by resolution, may approve the admission and terms of membership of non-voting members of the Company.

- 3.02 Subject to the right of the Company to extend its membership and to provide for the terms of such extension, the Members of the Company shall be as follows:
- (a) the Cape Breton Regional Municipality as represented by the Council of the Cape Breton Regional Municipality (sometimes referred to as the "Initial Member");
 - (b) such additional Members of the Company who shall be appointed by the Initial Member; and
 - (c) such additional Members of the Company who shall be appointed by the Members of the Company.
- 3.03 Members of the Company (other than the Cape Breton Regional Municipality), shall, as a condition of membership, sign and file with the Company a copy of the Company's Memorandum of Association as confirmation of an undertaking to contribute to the assets of the Company, subject to the limitations expressed in Article 4 of the Memorandum of Association of the Company.
- 3.04 The number of Members who may be admitted to membership in the Company is unlimited.
- 3.05 The acts and votes of the Members of the Company shall be deemed to be legal and valid notwithstanding any default in the appointment of Members of the Company at the time of such acts or votes; and the act and vote of a majority of those present and voting at any duly convened meeting of the Members of the Company shall be deemed to be the act and vote of the Company.
- 3.06 Subject to Article 3.07, the Members of the Company, including the signatories to the Company's Memorandum of Association, shall continue to maintain membership in the Company unless otherwise removed by a vote of 2/3 of the Members of the Company present in person or by proxy at a duly constituted meeting of the Members of the Company for which notice of the proposed removal of the Member has been provided.
- 3.07 Any Member of the Company, including any signatory to the Company's original Memorandum of Association, shall cease to be a Member of the Company upon:
- (a) in the case of a Member of the Company which is a corporate entity, upon the corporate entity becoming insolvent or being assigned into bankruptcy or being wound up; or
 - (b) with the approval of the Board of Directors, if the Member of the Company fails to pay any fee which may be levied on the Member.
- 3.08 Notwithstanding the foregoing, no fees shall be levied on the Cape Breton Regional Municipality and the Cape Breton Regional Municipality shall not be removed as a Member of the Company.

ARTICLE 4: MEETINGS AND VOTING OF THE MEMBERS OF THE COMPANY

- 4.01 The Secretary or his or her designate shall be responsible for giving notice of all meetings of the Members of the Company.
- 4.02 Notice of the time and place of the annual general meeting of the Members of the Company (the "Annual General Meeting") shall be given to each Member by telephonic, electronic or other communication facility not less than two (2) weeks before the day on which the meeting is to be held. If a Member requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 4.03 Notice of the time and place of general meetings of the Members of the Company, other than the Annual General Meeting of the Members of the Company, shall be given to each Member by telephonic, electronic or other communication facility not less than two (2) weeks before the day on which the meeting is to be held. If a Member requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 4.04 Notice of any emergency meetings will be deemed sufficient if the Secretary gives notice by telephone, fax or message either in person to the Members of the Company or by message left with some responsible person at the respective homes or offices of the Members of the Company the day previous to the date of the emergency meeting of the Members of the Company.
- 4.05 Voting at any meeting of the Members of the Company shall be voiced "aye" or "nay" or by show of hands or by standing vote, unless a secret vote by ballot is requested by motion, seconded and carried by a majority of the Members of the Company present. A motion of request for secret ballot may not be ruled out of order by reason of there being a prior motion on the floor.
- 4.06 Subject to Article 8.01 of the Articles of Association of the Company, each Member of the Company shall be entitled to one (1) vote and no more on any motion.
- 4.07 A quorum of any meeting of the Members of the Company (whether annual, general or emergency) shall be fifty-one percent (51%) of the Members of the Company (actually present, or by proxy) with no person entitled to be counted as more than one (1). Any Member present at any meeting of the Members by proxy shall have filed with the Secretary or his or her designate at any time prior to the meeting of the Members of the Company a proxy form, (substantially similar to the one set out in Appendix "A" to these Articles of Association) and bearing the signature (or certifies the consent to the Secretary's satisfaction) of the Member who wishes to be present at the meeting of the Members of the Company by way of proxy. The proxy form may be presented to the Secretary or his or her designate either by hand (by any person), prepaid post, fax or such other device which, in written form, evidences the consent of the Member being present at the Meeting of the Members of the Company by proxy, the Secretary or his or her designate shall duly note such fact in the minutes of the meeting of the Company and the proxy form or a copy of the proxy form shall be filed with the minutes of the meeting of the Members.
- 4.08 The Members of the Company shall hold not less than two (2) meetings each year, of which one meeting shall be the Annual General Meeting of the Members of the Company. The Annual General Meeting of the Members of the Company shall be open to the public and is to be held at the Joan Harris Cruise Pavilion, or such other convenient location, at such time as is deemed expedient by the Board of Directors of the Company. At the Annual General Meeting of the Members of the Company, the order of business shall be as follows:

- (a) Roll call;
- (b) Approval of minutes of preceding Annual General Meeting of the Members of the Company;
- (c) Adoption of the annual report which shall include:
 - Audited financial statements;
 - Completion of a business plan for the fiscal year containing such information as the Council of the Cape Breton Regional Municipality may require, including but not limited to:
 - o Capital and operating budget, including financial targets;
 - o Anticipated infrastructure and facility maintenance;
 - o Marketing plan;
 - o Strategic operating plan.
 - Risk assessment, if applicable in the year of the Annual General Meeting; and
 - Summary of infrastructure maintenance and development for the prior fiscal year.
- (d) Adoption of treasurer's report and appointment of auditors;
- (e) Receiving report of Governance Committee of the Board of Directors;
- (f) Appointment of individuals to the Board of Directors;
- (g) Election of new Members to Membership in the Company;
- (h) New business.

4.09 General meetings of the Members of the Company may be held at the discretion of the Board of Directors of the Company. Such meetings shall be held at such time and place, and shall take such form as is deemed expedient by the Board of Directors of the Company.

4.10 Emergency meetings of the Members of the Company may be called at such time and place as is deemed in the best interests of the Company. Such meetings shall be held when requested by:

- (a) One-third (1/3) or more Members of the Company by notice in writing, delivered to any officer of the Company; or
- (b) the Board of Directors of the Company; or
- (c) the chairperson (the "Chairperson").

- 4.11 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Members of the Company shall be conducted in accordance with the most recent edition of Robert's Rules of Order, as it may exist from time to time.

ARTICLE 5: BOARD OF DIRECTORS OF THE COMPANY

- 5.01 The Board of Directors of the Company shall be responsible to establish the policies and perspectives of the Company, including, but not limited to, major policy issues, financial issues and the hiring of senior employees, if any, and shall meet no less than six (6) times during the Company's fiscal year. The Board is responsible for the management of the activities of the Company.
- 5.02 Subject to Article 5.22, the following individuals shall not be eligible to sit as Directors:
- (a) an individual who is a mayor, councillor, officer or employee of the Cape Breton Regional Municipality;
 - (b) an individual who is a member of the legislature of the province of Nova Scotia, or an officer or employee of the public service or of a Crown corporation of the province of Nova Scotia;
 - (c) a Senator or a member of Parliament or an officer or employee of the federal public service or of a federal Crown corporation;
 - (d) an individual who is not a resident Canadian;
 - (e) an individual who is under 18 years of age;
 - (f) an individual who has been declared mentally incompetent by a court in Canada or elsewhere; or
 - (g) an undischarged bankrupt.
- 5.03 The Board shall consist of at least nine (9) voting Directors and no more than twelve (12) voting Directors.
- 5.04 The quorum necessary for the transaction of business at a meeting of the Board shall be a majority of the number of Directors in office. A quorum of Directors may exercise all powers of the Board.
- 5.05 The appointment of a Director shall be effected by a duly authorized resolution of the Council of the Cape Breton Regional Municipality and the Board of Directors shall be comprised of the following:
- (a) not less than one (1) individual holding a professional accounting designations;
 - (b) not less than one (1) individual licensed to practice law in the Province of Nova Scotia;
 - (c) not less than one (1) individual holding a professional engineering designation;

- (d) not less than one (1) individual with noted expertise in marketing;
 - (e) not less than three (3) individuals with expertise in business and commerce;
 - (f) one designate appointed by band council resolution from Eskasoni First Nation who is not an elected band official; and
 - (g) one designate appointed by band council resolution from Membertou First Nation who is not an elected band official.
- 5.06 Directors' terms shall be staggered. No Director of the Company shall hold office as a Director of the Company for a term greater than three (3) years; the Company may, by a majority vote of the Members of the Company present in person or by proxy at a meeting of the Board, extend such term for up to one (1) additional term, which shall not exceed three (3) years.
- 5.07 Subject to such other requirements prescribed pursuant to these Articles of Association of the Company with respect to membership on the Board of Directors of the Company, if a Director of the Company has held office for a period of six (6) consecutive years, he or she will not be eligible to hold office as a Director of the Company for a period of at least three (3) years from the date on which he or she attained six (6) consecutive years as a Director of the Company.
- 5.08 A Director shall cease to hold office when:
- (a) the Director dies or resigns;
 - (b) the Director is removed for cause;
 - (c) the Director is no longer qualified to hold the office of director;
 - (d) the term of office of the Director expires; or
 - (e) the Director is removed by special resolution of the Members of the Company. Subject to those items enumerated herein Article 5.08, so long as the Cape Breton Municipality is the sole Member of the Company, a Director shall not be unilaterally removed by special resolution of the Members, without cause.
- 5.09 A Director may resign his or her office as a Director by sending to the Company a written resignation which shall become effective on the date received by the Company or on the date specified in the resignation, whichever is later.
- 5.10 Any Director may be removed for cause by the Members at any time.
- 5.11 The Board, subject to the approval of the Members, may appoint from their number one or more committees of the Board not otherwise provided for herein, to best carry out the provisions enumerated herein, however designated, and delegate to any such committee any of the powers of the Board except the Board shall not delegate to any committee the power to:

- (a) fill a vacancy in the office of the auditor of the Company;
 - (b) issue debt obligations except in the manner and on the terms authorized by the Board;
 - (c) approve the audited financial statements of the Company;
 - (d) adopt, amend or repeal by-laws; or
 - (e) authorize or ratify any activity carried on or to be carried on or any power exercised or to be exercised by a subsidiary.
- 5.12 The Board shall appoint from their number a governance committee comprised of not less than three Directors, one of whom shall be a barrister (the "Governance Committee").
- 5.13 The Governance Committee shall perform the following functions:
- (a) Develop and manage the administration of a code of conduct;
 - (b) Develop and annually update a long-term plan, including recommendations to the Board, for the composition of the Board, in terms of the optimal combination of skills, background or experience, which plan shall take into consideration the skills, background and experience of existing Directors, retirement dates and the strategic direction of the Company;
 - (c) at least four months prior to the expiry of the term of a director appointed by the Cape Breton Regional Municipality provide notice to the Cape Breton Regional Municipality, that the term of its appointee on the Board is about to expire and requesting an appointment;
 - (d) provide to the Cape Breton Regional Municipality the notice described in subsection 5.13(c) above, a current copy of the plan and recommendations described in subsection 5.13(b) and also provide a profile of the skills, background and experience of the continuing Directors;
 - (e) in the event a Director ceases to hold office, the Governance Committee shall forthwith provide to the Cape Breton Regional Municipality, a written request for a new appointment to fill such vacancy together with a copy of the plan and recommendations described in subsection 5.13(b) and the profile described in subsection 5.13(d).
- 5.14 Notwithstanding a term appointment of a Director to the Board of Directors of the Company by the Members of the Company, the Members of the Company shall have the right to remove any Director of the Company by majority vote of those present in person or by proxy at any meeting of the Members of the Company duly convened and held and for which notice of the proposed removal has been provided.
- 5.15 Subject to such modification as may be required by law and/or pursuant to the Articles of Association of the Company, the business of the Board of Directors shall be conducted in accordance with the most recent edition of "Robert's Rules of Order", as it may exist from time to time.

- 5.16 No Director shall be paid any salary or remuneration for the execution of his or her duties other than such out-of-pocket expenses as he or she may properly incur on behalf of the Company.
- 5.17 Meetings of the Board of Directors of the Company may be held by telephone conference call and Directors of the Company may be present at any meeting of the Board of Directors of the Company by telephone speaker or such similar device, so long as the Director attending the meeting of the Board of Directors by way of speaker phone or such similar device is able to hear and participate in the meeting.
- 5.18 Notice of the time and place of a meeting of Directors shall be given to each Director by telephonic, electronic or other communication at least two (2) weeks before the day on which the meeting is to be held. If a Director requests that the notice be given by non-electronic means, the notice will be sent by mail, courier or personal delivery.
- 5.19 The Board of Directors of the Company shall be tasked with having the following corporate records available for inspection by the Council of the Cape Breton Regional Municipality at any time:
- (a) copies of the annual financial statements, for a period of six years after the end of the fiscal year to which they relate;
 - (b) copy of every document received by it in the last six years notifying it of the appointment or cessation of office of a director;
 - (c) copy of the constating instruments of each of its wholly-owned subsidiaries;
 - (d) Minutes of any meetings of the Board; and
 - (e) Records relating to the traffic and general use of the Port of Sydney.
- 5.20 The Board of Directors of the Company shall be required to report, and provide supporting documentation, to the Council of the Cape Breton Regional Municipality on the following matters within five (5) business days of such business being approved at a meeting of the Board of Directors:
- (a) filling a vacancy in the office of CEO;
 - (b) approving the annual financial statements;
 - (c) approving a borrowing of more than Fifty Thousand Dollars (\$50,000.00);
 - (d) adopting a land use plan or business plan;
 - (e) authorizing or ratifying any activity carried on or to be carried on, or any power exercised or to be exercised, by a subsidiary of the Company; or
 - (f) approval of internal monthly financial statements.

- 5.21 The Board of Directors of the Company shall requisition a risk assessment, relating to the Port of Sydney, prepared by a competent risk assessor every five (5) years with respect to:
- (a) risk, risk management, property value, risk transfer and probable maximum loss; and
 - (b) insurance coverage, limits and deductibles.
- 5.22 Notwithstanding the foregoing regulatory framework concerning the Board of Directors of the Company contained in this Article 5, immediately upon incorporation, the Initial Member shall appoint as the first Directors of the Company:
- (a) the Mayor of the Cape Breton Regional Municipality;
 - (b) the Deputy Mayor of the Cape Breton Regional Municipality; and
 - (c) three (3) councilors of the Cape Breton Regional Municipality.
- (collectively known as the "Interim Directors")

The Interim Directors shall hold office from the date of incorporation until such time as the requisite Directors have been established in accordance with Article 5.05 herein, and on staggered terms as enumerated in Article 5.06. As the requisite Directors are appointed in accordance with Article 5.05 herein, the Interim Directors shall proportionately resign.

ARTICLE 6: OFFICERS: CHAIRPERSON, VICE-CHAIRPERSON, SECRETARY, TREASURER, CHIEF EXECUTIVE OFFICER

- 6.01 The elected officers of the Company shall be the Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer, and such other officers as the Board of Directors of the Company may from time to time appoint (the "Elected Officers").
- 6.02 The Board shall appoint a Chief Executive Officer (CEO), who shall not be a Director. The Board shall fix the remuneration of the CEO of the Company, subject to the approval of the business plan of the Company at the Annual General Meeting.
- 6.03 The Directors shall elect from their number the Elected Officers at each Annual General Meeting. Where a vacancy exists in any office of the Company, such vacancy shall be filled at the next meeting of the Board of Directors of the Company following the Annual General Meeting of the Members of the Company, which meeting of the Board of Directors of the Company shall be held no later than thirty (30) days after the Annual General Meeting.
- 6.04 The Board of Directors shall have the authority to elect any Director to serve as an interim officer of the Company, should a vacancy occur during the Company's business year until the next Annual General Meeting.
- 6.05 Any Elected Officer of the Company shall hold office for one (1) year from the date of his or her election, provided such person continues to be a Director of the Company.
- 6.06 No Elected Officer shall be paid any salary or remuneration for the execution of his or her duties other than such out-of-pocket expenses as he or she may properly incur on behalf of the Company.

- 6.07 Notwithstanding anything to the contrary contained herein, with the consent of the Board of Directors, the offices of Secretary and Treasurer may be combined into the one office of Secretary-Treasurer.

ARTICLE 7: EXECUTIVE COMMITTEE

- 7.01 The "Executive Committee" of the Board of Directors of the Company shall consist of the following individuals:
- (a) the officers of the Company, from time to time;
 - (b) the Chief Executive Officer of the Company, if any, who shall be a non-voting Member of the Executive Committee.
- 7.02 The Executive Committee shall serve as a standing committee of the Board of Directors of the Company and shall oversee the effective execution of the day-to-day operations of the Company, approve all major budgeted expense items, act as the strategic planning committee of the Company, evaluate the performance of the Chief Executive Officer, and be responsible for issuing public statements on major policy/media issues. The Executive Committee shall have the authority to transact such business as may properly be required of the Company between meetings of the Board of Directors of the Company and shall carry on its activities in accordance with such directions and limitations as the Board of Directors of the Company may from time to time prescribe. The Executive Committee shall meet no less than once a month during the Company's business year.

ARTICLE 8: DUTIES OF THE CHAIRPERSON AND VICE-CHAIRPERSON

- 8.01 The Chairperson shall:
- (a) Provides leadership to the Board that will result in attaining the objectives of the Company and adheres to its Articles of Association;
 - (b) The Chairperson shall preside at meetings of the Members of the Company, the Board of Directors and the Executive Committee and shall have an extra or deciding vote when votes are evenly divided;
 - (c) Encourages Directors to participate in meetings and activities;
 - (d) Keeps the Board's discussion on topic by summarizing issues;
 - (e) Keeps the Board's activities focused on the Companies' issues;
 - (f) Evaluates the effectiveness of the Board's decision-making process;
 - (g) Makes sure that committee chairs are appointed;
 - (h) Orients Directors and committee chairs to the Board;
 - (i) Makes sure there is a process to evaluate the effectiveness of Directors, using measurable criteria;

- (j) Recognizes Directors' contributions to the Board's work;
- (k) Conducts biannual Director evaluations;
- (l) Acts as one of the signing officers for cheques and other documents, such as contracts and grant applications. Unless otherwise determined by the Board of Directors of the Company, the Chairperson, together with the Secretary, shall sign all documents requiring the seal of the Company and perform such other duties as are usual for such an officer;
- (m) Promotes the Companies' purpose in the community and to the media or to delegate such responsibility to another Director; and
- (n) Vets all reports for the Annual General Meeting.

8.02 In the event of the absence, illness, or incapacity of the Chairperson, the Vice-Chairperson shall act in his or her place and stead for all purposes. The Vice-Chairperson shall learn the duties of the Chairperson and keep informed on key issues. The Vice-Chairperson shall perform such duties as may be directed by the Chairperson or Board.

ARTICLE 9: DUTIES OF THE SECRETARY

9.01 The responsibilities of the Secretary are as follows:

- (a) Ensure notices of meetings have been prepared and delivered;
- (b) Ensure minutes of meetings of the Members of the Company, the Board of Directors of the Company and the Executive Committee are kept;
- (c) Ensure all correspondence has been read and answered as directed by the Officers and Board of Directors;
- (d) Serves on the Executive Committee;
- (e) Keeps copies of the Companies' Articles and the Board's policies and plans;
- (f) Keeps list of officers, Directors, committees and general membership;
- (g) Cares for official minute book;
- (h) Keeps record of Board attendance;
- (i) Makes sure that there is a quorum at Board meetings;
- (j) Distribute copies of minutes to Directors;
- (k) Signs official documents of the Company as required;

- (l) Files with the registrar, with its annual financial statement, a list of its Directors with their addresses, occupations, and dates of appointment or election, and, within fourteen days of a change of Directors, notify the registrar of the change;
- (m) Files with the registrar a copy in duplicate of every special resolution within fourteen days after the resolution is passed;
- (n) In the absence of the Chair and vice-chair, chairs Board meetings until the election of an alternate Chair; and
- (o) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 10: DUTIES OF THE TREASURER

10.01 The responsibilities of the Treasurer are as follows:

- (a) Ensure the financial affairs of the Company are monitored;
- (b) Serves on the Executive Committee;
- (c) Gives regular reports to the Board on the financial state of the Company;
- (d) Present the records to designated accountant for review and preparation of a certified statement for the Annual General Meeting. Prepare the annual financial statements required by law;
- (e) Receive and deposit all funds of the Company in the bank designated by the Board;
- (f) Monitor the budget as approved by the Board;
- (g) Acts as signing officer, with another officer or Coordinator for cheques and other documents; and
- (h) such other duties as may be designated from time to time by the Board of Directors of the Company are carried out.

ARTICLE 11: ARTICLES OF ASSOCIATION

11.01 The Articles of Association of the Company shall be amended or repealed only in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time.

ARTICLE 12: ACTIVITIES OF THE COMPANY NECESSARY TO SUPPORT PORT OPERATIONS

12.01 To operate the Port of Sydney, the Company may undertake the activities which are necessary to support the objects of the Company, including, but not limited to:

- (a) Subject to Article 5.20(c), the borrowing of money. The borrowing powers of the Company shall be exercised in accordance with the provisions of the *Companies Act*, Chapter 81, Revised Statutes of Nova Scotia, 1989, as amended from time to time;

- (b) Renting equipment;
- (c) Leasing or licensing real property – the acquisition of freehold title to real property shall be strictly prohibited unless approved by special resolution of the Members;
- (d) Acquisition, disposition, holding, leasing or licensing of personal property;
- (e) Participating as a partner, or a co-venturer in connection with the activities enumerated herein;
- (f) The management of harbour service fees;
- (g) Operation of restaurants, bars, retail, office, display, tradeshow, and carry-on entertainment activities, travel or tour operations and similar tourism-related activities;
- (h) Consulting services relating to the operation of the Port of Sydney; and

12.02 The Company shall carry out the following activities in relation to the operation of the Port of Sydney:

- (a) Environmental risk mitigation and maintenance;
- (b) Navigational services and aids;
- (c) Emergency planning and response;
- (d) Dispatching services;
- (e) Security;
- (f) Vehicle parking, control or marshalling facilities;
- (g) Stevedoring services; and
- (h) General facility maintenance.

12.03 The CEO shall deliver to the Members of the Company an operational report describing the activities undertaken in that month in reference to those items enumerated in Article 12.01 and Article 12.02.

ARTICLE 13: GENERAL PROVISIONS

13.01 The books and accounts of the Company shall be audited each year and certified by a licensed public accountant appointed at the Annual General Meeting of the Members of the Company.

13.02 The Company shall maintain a registered office on Cape Breton Island, Nova Scotia, at a place determined by resolution of the Members of the Company from time to time, and shall give notice of the same to the Registry of Joint Stock Companies.

13.03 Unless otherwise directed by the Board of Directors of the Company, at such registered office shall be kept:

- (a) the corporate seal of the Company;
- (b) the official list of Members of the Company;
- (c) the minutes of all meetings of the Members of the Company;
- (d) the minutes of all meetings of the Board of Directors of the Company; and
- (e) records and books of account of the Company.

13.04 The fiscal year of the Company shall be April 1 to March 31.

13.05 The Company shall adopt a seal which may be affixed to any documents signed for or on behalf of the Company. Such seal shall be authenticated by the signatures of the Chairperson and the Secretary or such other person or persons so designated and authorized by the Board of Directors of the Company. The seal is to be given into the custody of the Secretary or as designated by the Board of Directors of the Company.

13.06 Any Member of the Company may inspect the books of account or records of the Company at the registered office of the Company upon giving reasonable notice thereof to the Secretary of the Company.

DATED at Sydney, Nova Scotia, this ____ day of _____, 2017

APPENDIX "A"

PROXY

To: Chairperson
And to: Port of Sydney Development Corporation (the "Company")
From: [Name and address of Member]

The undersigned, being a member of the Company, hereby appoints:

_____;

to be proxy of the undersigned (the "Proxy"). The Proxy shall have power of substitution, and may attend, act and vote for and on behalf of the undersigned at the _____ (the "Meeting") of the members of the Company to be held on _____, and at any adjournments thereof, with respect to all business and every poll that may take place at that Meeting, with the same powers that the undersigned would have if the undersigned were present at the Meeting, or any adjournment thereof.

Dated this ____ day of _____, _____

Signature of Member

CBRM Youth Council – Council Appointments to Advisory Committee:

Motion:

Moved by Councillor Gillespie, seconded by Councillor Marshall, that a recommendation be made to Council to appoint Councillors McDougall and Coombes to serve on the Advisory Committee for the CBRM Youth Council for a one-year term.

Motion Carried.

DRAFT



M·E·M·O

To: Mayor Cecil P. Clarke & Members of the Nominating Committee
From: Deborah Campbell Ryan, Municipal Clerk
Date: January 15, 2020
Subject: Council Appointments for Advisory Committee – CBRM Youth Council

At the January 7, 2020 meeting of the General Committee, a motion was passed recommending that Council to adopt the CBRM Youth Council Terms of Reference and appoint two (2) Councillors to serve a one-year term each on the Advisory Committee. This recommendation is on the agenda for the January 21, 2020 Council meeting.

At the Council Workshop on January 13th, 2020, the Clerk's office was directed to poll Council to ask who would be interested in putting their name forward to serve on the Advisory Committee, as these appointments would be dealt with at the Nominating Committee meeting scheduled for January 16th.

I now wish to report that the following Councillors have expressed an interest in serving on the Advisory Committee for the Youth Council:

1. Councillor Earlene MacMullin
2. Councillor Amanda McDougall
3. Councillor Kendra Coombes

It would be in order for the Nominating Committee to select two of these Councillors to serve on the Advisory Committee for a one year term, and forward a recommendation to Council to appoint same.

Yours truly,

Original Signed by

Deborah Campbell Ryan
Municipal Clerk

ISSUE PAPER

January 16, 2020

To: CBRM Council

Re: **Nova Scotia Power Service Easements for
Civic #224 & Civic #228 Newlands Avenue**

BACKGROUND:

The parcel at 224 Newlands Avenue (PID# 15873995) was issued a building permit in November 2017. In November 2018, Nova Scotia Power reached out to CBRM Public Works to discuss plans associated with providing power. At that time, it was understood that the power would be provided in the same fashion as the surrounding neighborhood as an underground utility service, and it would be extended from the nearest available connection. The location of the underground service would be located within the Street Right of Way.

224 Newlands Avenue is located as part of the Calderwood Subdivision. The Calderwood Subdivision generally refers to a section of residential development beginning at the intersection of Grosvenor Crescent/Newlands Avenue, and continues along Newlands Avenue, and includes Calderwood Drive, Calder Court and Oakwood Crescent. This subdivision development was developed over the past 40 years and includes full services as well as underground power features. Streetlights are also configured on Architectural Landscape Poles. As a point of note, underground power features are typically uncommon in the Sydney area and on the attached figure 1, the general area of surrounding neighborhoods of portions of Sydney referred to as the “Shipyard Area” and areas of “Prime Brook” include overhead power except for the Calderwood Subdivision development described above.

A number of calls and discussions with Nova Scotia Power and CBRM between late 2018 and March 2019 occurred, specifically about the requirement for underground power and to begin discussions with regards to providing a power service cross-country from a power pole in the adjacent Boulderwood Subdivision between homes that front on Grosvenor Crescent. The proposed plan from Nova Scotia Power was to have power connected to the existing power poles on the adjacent Subdivision. This type of connection would require that CBRM provide an easement to Nova Scotia Power across PID15202195 with the intent that overhead power poles would be used to provide the power service. Correspondence from Nova Scotia Power is attached and a detail of the configuration on Figure 2. As described on the proposed plan, the provision of overhead power transmission would utilize existing poles and easements servicing the homes at Civic #10, #26, and #28 Grosvenor Crescent. The power would be upgraded on these poles, and all trees/foliage on existing easements would be removed. The power would then travel across CBRM property PID#15202195, and through PID#15873987 to service this property, as well as property PID#15873995.

In March, 2019, calls were received by Public Works that a number of trees were cleared in the vicinity of the CBRM Property PID15202195. Staff visited the site and instructed Mr. Elias Parsons (owner of Civic #224 Newlands Avenue) where the CBRM property line was located, and that the clearing of the land that was happening had encroached onto the CBRM Parcel. Mr. Parsons was told that he could not continue clearing on CBRM Property. Although a separate issue to the power servicing easement request, CBRM Solicitor is currently dealing with legal representation for Mr. Elias Parsons on this issue.

The parcel at 228 Newlands Avenue (PID#15873987), adjacent to 224 Newlands Avenue was issued a building permit in July 2019. Attached correspondence between Building Permit is attached as well as a request from Mr. Adam Goode for an easement across CBRM Property PID#15202195, for power service configuration.

Subsequent emails between Legal Representatives for Mr. Elias Parsons and CBRM Solicitor occurred in June and July of 2019 with the final position that:

“CBRM considered the easement request and it is the decision of the Municipality to honor the covenants and services that are prevalent in the area, that being power by way of underground infrastructure. It is my understanding that Nova Scotia Power is willing and able to provide your client with power via underground lines. CBRM will consider any easement necessary for running power underground under property owned by CBRM. Accordingly, CBRM is denying the request for the easement for the purposes of locating power poles.”

RECOMMENDATION:

It is recommended that CBRM uphold the current position to deny the request for the easement for the purposes of locating power poles across PID15202195 and that power be provided to both Civic #224 and #228 along Newlands Avenue via underground power service from the nearest available connection within the street right of way, in accordance of requirements of Nova Scotia Power. The cost of this power installation would be the full responsibility of the developer, including all associated reinstatement to existing infrastructure within the Street Right of Way.

Respectfully submitted by:

Original signed by:

Wayne MacDonald, P.Eng.
Director of Engineering & Public Works

Attachments



Figure 1

Book Price Quote

W.O. # 2916457 Feeder No.: 11S-305

Customer Name : ELIAS PARSONS

Service Location (Civic Address): NEWLANDS AVE HOUSE, SYDNEY

Mailing Address: 642 ALEXANDRA ST, SYDNEY, NS, B1S 2G8 Telephone No.: 902-304-1308

Notes :	Total Distance	146.00 meters	
This estimate only includes the work being completed by Nova Scotia Power Inc.	Less Allowance	92.00 meters	
This estimate is for work to be completed during regular working hours. (Monday - Friday, 8am-4pm). Unless request for After-hours.	Contribution	54.00 meters x	\$36.29 /m = \$ 1,959.66
Any additional or special costs associated with this project or work sites are not included in this estimate, and shall be considered extra. (Examples: Civil work and Rockbreaking)		Other	= \$ 0.00
		Plus Tax (HST)	= \$ 1,959.66
		Total Quote	= \$ 2,253.61

Prepared By: Christine Richardson Date: 24-Dec-18

Customer To Do's:

Customer Contribution - Payment by cheque or money order of the estimated amount is required prior to material being ordered or work being scheduled. Payment is to be submitted to the address below. (Attn: Christine Richardson or Genoa Beal).

Easement - The Customer is responsible for the acquisition of all easements required or cost-associated with the required easements. The document must be registered at the local registry of deeds office. NSPI is to be notified when easement has been registered. The easement shall be completed prior to any work commencing.

Right-of-Way Clearing - Prior to NSPI commencing work, the ROW is to be cleared to NSPI Standards. 20 feet on either side of pole line and established for vehicular traffic.

Charges for 146 m line extension

Refunds of Capital Contributions - Customers who have paid a capital contribution may be entitled to a rebate each time additional customers are connected to the line within 10 years of the date of the customer's capital contribution. For rebate inquiries please contact 902-428-6230.

This quote is an estimate only. Upon completion of the job, actual costs & applicable taxes will be reviewed and, if necessary, you will be billed accordingly

Please make cheque payable to Nova Scotia Power Inc., NSPI Mailing Address PO Box 610, Sydney NS B1P 6H8
 Courier Address: 369 Keltic Dr. Sydney, NS B1L 1B8
 This Quote is valid until 22-Feb-19 or 60 days

Backhoe to install 3-45ft poles, 5 anchors.

2 Crews, install 3 spans #2 primary, 25Kva
tx, triplex and meter, connect service at
224 Newlands Ave, Sydney.

Wo 2916457 (SC)
B.Halliday
578-6301

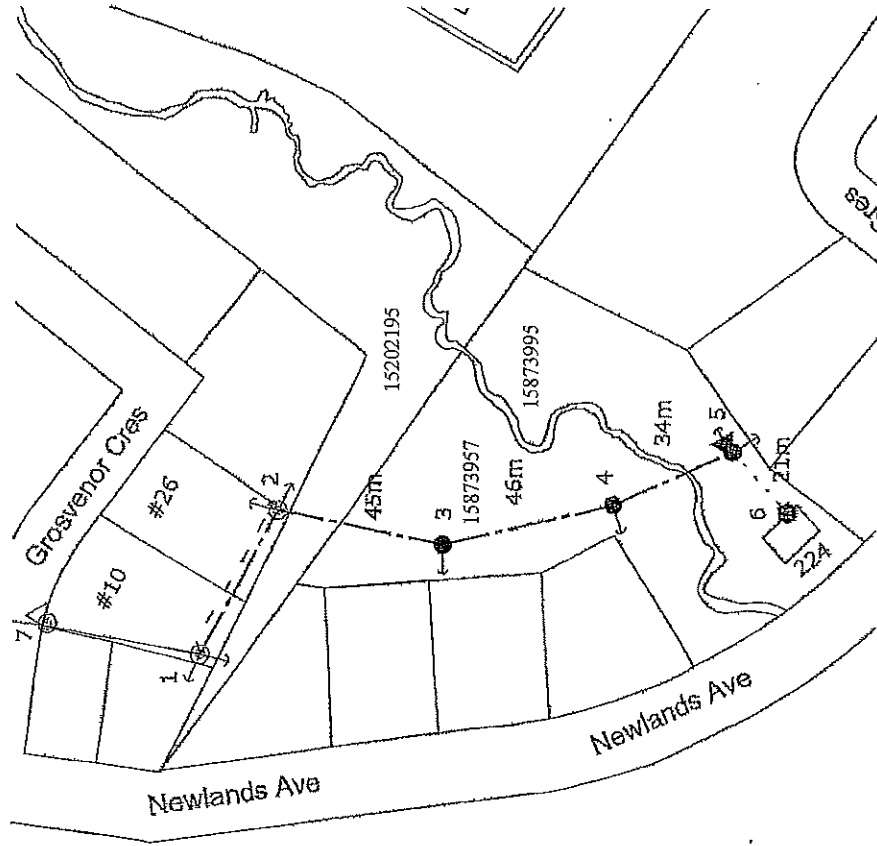


Figure 2

From: Kimberly A. Spinney
Sent: Wednesday, October 30, 2019 9:19 AM
To: adam goode
Cc: Michael E. Ruus
Subject: RE: Application # BD010282

Good Morning Mr. Goode,

Thank you for your response. I will send your request to the CBRM legal department.

If you have any questions or require further information, please do not hesitate to contact me at your convenience.

Take care,

Kimberly Spinney

Development Officer
Development Division | Planning Dept.
Cape Breton Regional Municipality

Phone: (902) 563-5134
kaspinney@cbrm.ns.ca

From: adam goode <adamgoode@cbrm.ns.ca>
Sent: Tuesday, October 29, 2019 10:12 PM
To: Kimberly A. Spinney <kaspinney@cbrm.ns.ca>
Subject: Re: Application # BD010282

To Whom It May Concern:

My name is Adam Goode and I am looking for permission for a walk-on easement on city property **PID#15202195**.

This permission will allow Nova Scotia Power to provide me with power for my new home development on Newlands Avenue in Sydney, NS. **PID #15873987**

I would just like to reiterate that this is for a walk-on easement only. Therefore, an access road is not necessary.

I am aware of the ongoing conflict that is going on with the neighbouring property that is owned by Mr. Parsons. However, I hope that I will not be brushed aside for issues that do not involve me.

I just started my new development! Therefore, I'd like to get the documentation pertaining to permission for the walk-on easement as soon as possible. Thank you for your time.

Sincerely,

Adam Goode

From: Kimberly A. Spinney <kaspinney@cbrm.ns.ca>

Sent: July 24, 2019 5:09 PM

To:

Subject: Application # BD010282

Good afternoon Mr. Goode

I am reviewing this application for compliance with CBRM's Land Use Bylaw and am writing to request additional information in order to complete my review. It is our understanding that this area has in-ground power and any extension of the power lines is at the property owners expense . To obtain the final occupancy permit, the dwelling must have power. Can you please confirm your plan to hook up power to the proposed dwelling?

If you have any questions or require further information, please do not hesitate to contact me at your convenience.

Take care,

Kimberly Spinney

Development Officer

Development Division | Planning Dept.

Cape Breton Regional Municipality

Phone: (902) 563-5134

kaspinney@cbrm.ns.ca

Excerpt - Draft Council Minutes – December 10, 2019

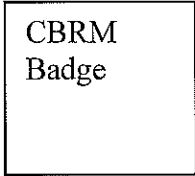
Repeal of the CBRM Defined Benefit (DB) Pension By-Law

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor George MacDonald, to approve for first reading the repeal of the CBRM Defined Benefit Pension By-Law.

Motion Carried.

CAPE BRETON REGIONAL MUNICIPALITY



NOTICE

By-Law for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, January 21, 2020 at 6:00 p.m.**, Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

By-Law	Intent
By-law R-200 to Repeal the Cape Breton Regional Municipality By-Law Respecting Pension Plan	<ul style="list-style-type: none">• To remove the Cape Breton Regional Municipality By-Law Respecting Pension Plan, No. D-300, in its entirety from the official record of the Municipality

The above By-law may be inspected at the Clerk’s Office, 4th Floor, Room 405, City Hall, 320 Esplanade, Sydney, N.S.

**Signed: Deborah Campbell Ryan
 Municipal Clerk
 January 6, 2020**

Cape Breton Post – Sydney Page
Size B3 – to accommodate text
Monday, January 6, 2020

Cape Breton Regional Municipality

By-Law No. R-200

Repealing the

**Cape Breton Regional Municipality
By-Law Respecting Pension Plan - No. D-300**

Pursuant to Section 168 of the *Municipal Government Act* of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby repeals the Cape Breton Regional Municipality By-Law Respecting Pension Plan No. D-300 in its entirety.

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

Mayor Cecil P. Clarke

Deborah Campbell Ryan, Clerk

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____, 2020 to repeal the Cape Breton Regional Municipality By-Law Respecting Pension Plan No. D-300.

Deborah Campbell Ryan, Clerk

ISSUE PAPER

November 2019

To: Mayor & Council

RE: Repeal of the CBRM Defined Benefit (DB) Pension By-Law

Repeal of the CBRM Defined Benefit (DB) Pension By-Law

On November 19, 2019, the CBRM DB Committee met for the final time. The Committee as part of the DB plan have been in existence for the past 55 years. It has been through the excellence stewardship of the many members over the years that the plan ended in a sound financial position.

Brief History on the Transfer to the Nova Scotia Public Services Superannuation Pension Plan (PSSP)
--

Brief History on the Transfer to the NS Public Services Superannuation Plan (PSSP)

In July 2015, Council were advised to seriously look at the opportunity of transferring the CBRM DB plan to the PSSP. Two main reasons for this move;

- 1) Transferring to the PSSP would remove the growing financial liability of running a pension plan from the books of CBRM.
- 2) The administration of a pension plan is not a core service of a Municipality. The Plan, small by pension standards, has the same administrative requirement as larger plans, i.e. audits, governance, actuarial expertise, investment expertise and additional staffing knowledgeable in pension administration. Based on economy of scale, expensive for the plan to operate.

Once determined that a transfer was financially feasible, Council approved a motion that moved the CBRM DB Plan assets to the PSSP on February 1, 2018. Over the next twenty months, substantial effort was put forth to transfer data to the PSSP and determine the liability associated with the CBRM plan as of February 1, 2018. Now that this work is complete, the PSSP takes over administration of pension activities concerning CBRM employees effective December 1, 2019.

During a duly called meeting of the CBRM DB Pension Committee held November 19, 2019, the Committee were provided details as to the financial windup of the CBRM plan.

Financial Position of the CBRM DB Plan as of October 31, 2019
--

Assets transferred to the PSSP as of February 1, 2019	\$187,019,400.00
Liabilities for past service as of January 31, 2019	\$185,146,600.00
Expenses February 1, 2018 to October 31, 2019	<u>\$ 1,176,500.00</u>
Remaining expenses and provision for data adjustments	\$ 1,558,800.00

Committee Recommendation to Council
--

The CBRM Defined Benefit Pension Committee recommends to Council that the CBRM DB Pension By-Law be repealed.

Angus Fleming
CBRM DB Committee Chair

Amendments to the Responsible Animal Husbandry By-law

Motion:

Moved by Councillor MacMullin, seconded by Councillor Gillespie, that a recommendation be made to Council to approve for first reading the proposed amendments to the Responsible Animal Husbandry By-law as outlined in the staff Issue Paper dated December 24, 2019, and schedule a Public Hearing for an upcoming meeting of Council.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

SUBJECT: Amendments to the Responsible Animal Husbandry By-law

DATE: January 14th, 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

Recommendation

I recommend Council proceed with first reading of the amendments to the Responsible Animal Husbandry as attached in Attachment B and schedule a Public Hearing for an upcoming meeting of Council.

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 adopts 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 Cape Breton Regional Municipality adapted 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 _____ 2019.

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 _____ 2019 to amend the Cape Breton Regional Municipality's Responsible Animal Husbandry By-law.

Deborah Campbell Ryan, CLERK

Revenue	Year To Date Assigned	8 Month Budget	8 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 74,089,311	\$ 73,589,968	\$ 499,343	\$ 110,384,952	\$ 36,295,641
Total Federal Government	2,037,063	2,037,063	(0)	3,055,594	1,018,531
Total Federal Government Agencies	498,130	498,130	(0)	747,195	249,065
Total Provincial Government	1,466,932	1,466,932	-	2,200,398	733,466
Total Provincial Government Agencies	2,080,674	2,125,549	(44,875)	3,188,324	1,107,650
Total Services to Other Local Government	405,833	405,833	0	608,750	202,917
Total Transit	943,395	748,334	195,061	1,117,500	174,105
Total Environmental Development Services	219,393	164,133	55,260	246,200	26,807
Total Licenses & Permits	95,672	100,667	(4,994)	151,000	55,328
Total Fines & Fees	412,342	410,985	1,357	616,477	204,135
Total Rentals	391,865	397,660	(5,795)	596,490	204,625
Total Concessions & Franchises	238,112	246,667	(8,554)	370,000	131,888
Total Interest on Taxes	739,956	1,006,667	(266,711)	1,510,000	770,044
Total Finance Revenue	18,005	20,000	(1,995)	30,000	11,995
Total Solid Waste Revenue	1,810,877	1,790,500	20,377	2,700,000	889,123
Total Recreation & Cultural Service Programs	898,812	1,031,619	(132,807)	2,100,000	1,201,188
Total Water Utility Charges	3,301,007	3,301,007	(0)	4,951,510	1,650,503
Total Unconditional Transfers	10,548,899	10,623,892	(74,993)	15,935,838	5,386,939
Total Conditional Transfers	-	-	-	-	-
Year To Date Assigned	\$ 100,196,278	\$ 99,965,605	\$ 230,673	\$ 150,510,228	\$ 50,313,950

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Summary

Statement of Expenditures

November 30, 2019

Expenditures	Year to date Expended	8 Month Budget	8 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 983,804	\$ 1,074,057	\$ 90,253	\$ 1,626,311	\$ 642,507
Administration	434,282	521,720	87,438	1,082,923	648,641
Finance	1,717,442	1,850,634	133,192	2,663,928	946,486
Legal	1,245,487	1,182,869	(62,618)	1,843,611	598,124
Human Resources	706,894	822,874	115,980	1,350,257	643,363
Technology & Communications	689,207	706,780	17,573	1,339,155	649,948
Municipal Clerk	273,044	290,176	17,133	544,230	271,186
Fiscal Services	25,583,786	25,626,518	42,732	32,506,114	6,922,329
Police Services	18,483,213	18,575,791	92,579	27,611,933	9,128,720
Fire Services (Incl EMO)	12,052,920	12,458,739	405,818	17,891,006	5,838,086
Engineering & Public Works	30,155,687	30,463,941	308,254	47,080,056	16,924,369
Planning	1,653,470	1,715,098	61,628	2,665,010	1,011,540
Facilities C200 & Arenas	2,453,681	2,388,314	(65,367)	3,507,642	1,053,961
Parks & Grounds	2,015,239	2,022,825	7,586	2,889,432	874,193
Buildings	2,022,236	2,095,259	73,023	3,253,791	1,231,555
Recreation	2,081,174	2,089,125	7,951	2,654,825	573,651
Total expended to date	\$ 102,551,565	\$ 103,884,719	\$ 1,333,154	\$ 150,510,224	\$ 47,958,659

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Port of Sydney Development Corporation

November 30, 2019 Income Statement

	Year to Date Actual	Year to Date Budget	Variance to Budget	Annual Budget
Wharfage and Berthage	\$ 447,622	\$ 416,455	\$ 31,168	\$ 553,385
Event Revenue	153,693	128,703	24,990	73,100
Miscellaneous Revenue	104,409	17,034	87,375	4,300
Storage and Rental	253,574	256,565	(2,991)	289,927
Passenger tax	1,324,104	1,172,691	151,413	1,172,691
Security/Traffic Control	243,653	242,476	1,178	264,436
Government Grants	201,800	103,900	97,900	153,900
Craft Market Revenue	87,728	83,545	4,183	83,545
	<u>2,816,584</u>	<u>2,421,369</u>	<u>395,214</u>	<u>2,595,284</u>
Wages and Salaries	682,343	660,152	22,191	931,041
Professional Fees	65,663	56,800	8,863	80,800
Advertising & Promotions	154,801	39,255	115,546	59,155
Cruise Activities	22,081	48,670	(26,589)	59,595
Dues & Membership Fees	24,496	25,864	(1,368)	39,176
Event Expense	7,963	7,130	833	7,775
Insurance	60,982	50,140	10,842	84,960
Interest & Bank Charges	14,003	4,670	9,333	6,870
Office & Admin	38,641	86,777	(48,136)	94,555
Office Rent	34,880	34,880	0	52,320
Miscellaneous	2,765	3,200	(435)	4,800
Fender replacement	175,000	0	175,000	0
Repairs & Maintenance	172,972	364,146	(191,174)	426,428
Repairs -JHCP	61,157	73,000	(11,843)	73,000
Travel	12,714	33,120	(20,406)	43,630
Utilities	115,743	124,834	(9,091)	206,584
Bad Debts	1,300	1,000	300	1,500
Security Expense	157,559	203,200	(45,641)	217,696
Leasehold Improvements	1,430	11,500	(10,070)	11,500
Transport Canada Marketing	51,245	0	51,245	0
	<u>1,857,738</u>	<u>1,828,337</u>	<u>29,401</u>	<u>2,401,385</u>
	958,846	593,032	365,813	193,899
Less Amortization	233,333	233,333	0	350,000
Surplus	725,513	359,699	365,813	(156,101)
Less reserve for south dock	500,000	0	500,000	0
	<u>\$ 225,513</u>	<u>\$ 359,699</u>	<u>\$ (134,187)</u>	<u>\$ (156,101)</u>

