

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MAY 12, 2020

1:30 P.M.

**VIA
VIDEO/TELECONFERENCING**

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Cape Breton Regional Municipal Council

Council Meeting

Tuesday, May 12, 2020

1:30 p.m.

Via

Video/Teleconferencing

AGENDA ITEMS

Roll Call

Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

➤ **Special Council Meeting – May 4, 2020**

2. APPROVAL OF AGENDA: (Motion Required)

Note: A Petition was received digitally from the applicants with respect to Rezoning Application 1072 - by Back Beach Gardens - with the following operative clause:

We, the following signatures, support Ivory and David Neal, owners of Back Beach Gardens, in being able to grow pesticide free produce on their property at 8 Commercial St Ext, PID#15457419, and to sell the produce they grow to local residents, tourists and businesses.

We understand that this would require the CBRM to amend the current zoning of their property from Small, Home-Based Business and Cottage Food Processing Industry to Agricultural Zoning and are in favour of it.

Continued...

3. PROCLAMATIONS/RESOLUTIONS:

3.1 Multiple Sclerosis Awareness Month – May 2020:
Deputy Mayor Ivan Doncaster (See page 7)

3.2 Lyme Disease Awareness Month – May 2020:
Councillor Earlene MacMullin (See page 8)

3.3 Purple Day for Epilepsy – March 26, 2020:
Councillor Darren Bruckschwaiger (See page 9)

3.4 William Davis Miners' Memorial Day – June 11, 2020
Councillor Clarence Prince (See page 10)

3.5 Intergenerational Day Canada – June 1, 2020:
Councillor Jim MacLeod (See page 11)

3.6 Request for Equitable Access to Internet and Cell Service in Rural Communities: Councillor Amanda McDougall (See page 12)

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – Public Hearing:

- a) **Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) to Permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone:**

Public Hearing to consider the Zoning Amendment Application 1072 by Back Beach Gardens, 8 Commercial Street Extension, Louisbourg, to permit an Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone, as outlined in the staff report dated May 5, 2020. Kristen Knudskov, Planner (See page 13)

4.2 REPORT ON PUBLIC PARTICIPATION PROGRAM:

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

Report on Public Participation Program as outlined in the staff report dated May 5, 2020. Kristen Knudskov, Planner (See page 28)

Continued...

5. **BUSINESS ARISING:**

5.1 **Council - February 18, 2020**

a) **Hawks Dream Field Project - Updated Proposal and Letters of Support:**

Council approved, in principle, the Hawk's Dream Field proposal and referred the funding application to the 2020-21 Budget deliberations. Councillor Darren Bruckschwaiger (See page 52)

5.2 **Council – April 22, 2020:**

a) **Solid Waste Update:** Francis Campbell, Manager of Solid Waste
(See page 98)

- Follow-up with the Procurement Department on a possible pricing agreement for the “Call to Haul” alternative to heavy garbage later in the year, with an update to be provided at the May 12th Council meeting.
- Provide recommendation on Solid Waste drop-off sites at the May 12th Council meeting.
- Staff to discuss the possibility of permitting extra privacy “black” bags as part of the 5-bag limit during the pandemic once the SPAR Road facility re-opens.

5.3 **Council – May 4, 2020:**

a) **Property Tax Financing Program:** John MacKinnon, Deputy Chief Administrative Officer

- COVID-19 Property Tax Financing Plan Policy: (See page 100)
- Estimated Potential Tax Revenue Impact in the CBRM Due to COVID-19 and Temporary Borrowing Resolution: (See page 109)

Continued...

6. CORPORATE SERVICES ISSUES:

- 6.1 Sewer Easement PID 15219793:** Ray Boudreau, Senior Manager of Public Works (See page 111)
- 6.2 “J-Class Roads” – 2021/2023 Cost Share Paving Agreement:** Bruce Hardy, Manager Engineering Services (See page 113)
- 6.3 Request for Street Closure (undeveloped portion) Minto Street, Sydney, NS - PID 15891534 (2323174 Nova Scotia Limited):** Demetri Kachafanas, QC - Regional Solicitor (See page 114)

7. COUNCILLOR AGENDA REQUESTS:

- 7.1 Downtown Beautification:** Councillor Earlene MacMullin (See page 117)

8. BY-LAWS & MOTIONS:

8.1 By-laws:

- a) **Second / Final Reading – Public Hearing:** N/A
- b) **First Reading:**
 - i. **CBRM Alternative Voting By-law – Proposed Amendments:** Deborah Campbell Ryan, Municipal Clerk (See page 120)

ADJOURNMENT

Proclamation

Multiple Sclerosis Awareness Month May, 2020

Whereas: Multiple Sclerosis is a chronic, often disabling neurological disease affecting an estimated 100,000 Canadians;

And Whereas: Multiple Sclerosis symptoms vary widely and may lead to problems with numbness, coordination, vision and speech, as well as extreme fatigue and even paralysis;

And Whereas: There is no known cause or cure for Multiple Sclerosis;

And Whereas: The Multiple Sclerosis Society of Canada, founded in 1948 is the only national voluntary organization in Canada that supports both MS research and services for people with MS and their families;

Whereas: The MS Society has provided more than \$100 million for MS research in sixty years, as well as a wide range of programs and services for people with MS;

Be It Therefore Resolved: That CBRM Mayor Cecil P. Clarke and Council hereby declare the month of May, 2020 as “Multiple Sclerosis Awareness Month” in the Cape Breton Regional Municipality.

Deputy Mayor Ivan Doncaster - CBRM District #7

May 12th, 2020

PROCLAMATION
“Lyme Disease Awareness Month – May, 2020”

- Whereas:** Lyme disease is a serious illness caused by the bite of a black-legged tick infected with the bacterium *Borrelia burgdorferi*;
- And Whereas:** Black-legged ticks carrying a variety of diseases or illnesses can now be found in all parts of Nova Scotia;
- And Whereas:** Awareness, education and practicing preventative measures, such as daily tick checks and proper tick removal can help reduce your chances of contracting tick borne diseases;
- Be It Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council, proclaim May, 2020 as “Lyme Disease Awareness Month” in the Cape Breton Regional Municipality.

Councillor Earlene MacMullin - CBRM District #2

May 12th, 2020

CBRM PROCLAMATION “PURPLE DAY FOR EPILEPSY”

- Whereas:** Purple Day is a global effort dedicated to promoting epilepsy Awareness in countries around the world;
- And Whereas:** Purple Day was founded in 2008 by Cassidy Megan, a young girl from Nova Scotia, who wanted people to know that if you have epilepsy, you are not alone;
- And Whereas:** Epilepsy is one of the most common neurological conditions, estimated to affect more than 50 million people worldwide, and more than 300,000 people in Canada;
- And Whereas:** The public is often unable to recognize the common seizure types, or how to respond with appropriate first aid;
- And Whereas:** Purple Day will be celebrated on March 26th annually to increase understanding, reduce stigma and improve the quality of life for people with epilepsy throughout the country and globally;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke & Council proclaim March 26, 2020 as “Purple Day” in the Cape Breton Regional Municipality in an effort to raise epilepsy awareness.

Councillor Darren Bruckschwaiger – District #10 - CBRM

Dated this 12th day of May, 2020

Cape Breton Regional Municipality

PROCLAMATION

William Davis Miners' Memorial Day

Whereas: William Davis Miners' Memorial Day is an annual day of remembrance observed on June 11 in coal mining communities in Nova Scotia, whereby citizens recognize all miners who were killed on the job; and

Whereas: the first commercial coal mine in North America began production at Port Morien in 1720, communities throughout the CBRM share a common history and bond from the 300-year tradition of coal mining as well as its realities on the day-to-day lives of miners, their families and our culture; and

Whereas: Davis Day, as it is commonly known, originated in memory of William Davis, a New Waterford coal miner who was killed at approximately 11:00 AM on June 11, 1925, with many others injured during the 1925 mining strike as miners marched in protest in response to British Empire Steel and Coal Company's decision, to shut down the drinking water supply and electricity to the town as a result of the strike; and

Whereas: Davis' sacrifice was noted by the United Mine Workers of America as they designated the date in his honour and memory, with miners in Nova Scotia vowing to never work on "Davis Day" ever again and today, we continue to commemorate his sacrifice as well as that all other workers made to ensure we have better working and living conditions.

Be It Therefore Resolved: That Mayor Cecil P. Clarke and CBRM Council proclaim June 11th, 2020 as "**William Davis Miners' Memorial Day**" in the Cape Breton Regional Municipality.

Councillor Clarence Prince
CBRM Councillor, District # 1

May 12, 2020

PROCLAMATION

INTERGENERATIONAL DAY CANADA JUNE 1st, 2020

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

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

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

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

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

**BE IT THEREFORE
RESOLVED:** That CBRM Mayor Cecil P. Clarke and Council proclaim June 1st, 2020 as “Intergenerational Day Canada” in the Cape Breton Regional Municipality to raise awareness about the simplicity and power of intergenerational connections.

Councillor Jim MacLeod - District #12 - CBRM

May 12th, 2020

Resolution
**Request for Equitable Access to Internet and
Cell Service in Rural Communities**

Whereas: In 2016 the CRTC declared broadband internet a **basic** telecommunications service. Previously, only landlines were considered a **basic** service; and

Whereas: The cost of having services such as internet, phone and cellular continues to rise and access to reliable service is especially hard to obtain in rural communities; and

Whereas: Due to COVID-19, there have been many restrictions put in place to protect the residents of Nova Scotia. These are necessary measures in unprecedented times have resulted in many people and children adjusting to working and learning from home. I hear the gratitude of those able to work from home but am also hearing great frustration of those residing in rural communities where internet and cell service, if available, is unreliable and inefficient; and

Whereas: Communities along the eastern coastline of District 8 also contend with frequent high winds that often result in loss of landline phones, resulting in the inability to contact emergency services should the need arise. Internet and phone access are not a luxury, but rather essential for public safety, economic development and access to education; and

Be it therefore resolved: That Mayor Cecil P. Clarke and Council request to send a letter to all Federal and Provincial representatives on Cape Breton Island requesting a timeline of when the residents of this Island, specifically those living in rural communities, will have equitable and reliable access to internet and cell service.

Respectfully submitted,

Councillor Amanda McDougall
District 8
May 12th, 2020

Land Use Bylaw Amendment Application 1072 - by Back Beach Gardens (8 Commercial Street Extension, Louisbourg) to Permit Agriculture Business in the Wolfe Street Neighbourhood (WSN) Zone

Motion:

Moved by Councillor McDougall, seconded by Councillor MacLeod, approval to advertise notice of Public Hearing to consider the Zoning Amendment Application 1072 by Back Beach Gardens, 8 Commercial Street Extension, Louisbourg, to permit an Agriculture Business in the Wolfe Street Neighbourhood - WSN Zone, as outlined in the staff Issue Paper dated March 3, 2020.

Motion Carried.



TO: CBRM Council

FROM: Kristen Knudskov

**SUBJECT: LAND USE BYLAW AMENDMENT APPLICATION 1072
BY BACK BEACH GARDENS (8 COMMERCIAL STREET
EXTENSION, LOUISBOURG)
TO PERMIT AGRICULTURE IN THE WOLFE STREET
NEIGHBOURHOOD (WSN) ZONE**

DATE: May 5, 2020

Background

The Planning and Development Department has received a zone amendment application from Ivory and David Neal of Back Beach Gardens requesting to amend the Cape Breton Regional Municipality (CBRM) Land Use Bylaw (LUB) to permit an agricultural business at 8 Commercial Street Extension, Louisbourg (PID 15457419; see the property outlined in red on Attachment A). The business currently tends 3 main garden beds and a chicken coop containing 14 chickens and no roosters (see Attachment C). An additional garden bed is proposed to the rear of the existing garden area. At the applicant's request, the application letter is provided on Attachment D.

Back Beach Gardens was brought to our attention in July of 2019, when a CBRM Development Officer received a complaint pertaining to an agricultural business operating in an area where agriculture is not permitted. The complaint cited associated unsightliness, odour, noise, and vehicular traffic to the site due to the operation.

Livestock and crops kept for personal use are currently permitted throughout the CBRM (with the exception of roosters), and are regulated under the Responsible Animal Husbandry Bylaw, and not the LUB. However, where animals and crops are associated with an income-generating business, they are considered an agricultural use and are subject to the LUB.

The property is zoned Wolfe Street Neighbourhood (WSN), as shown on Attachment B. Agriculture is not a permitted use within the WSN Zone. Therefore, the applicants have requested that CBRM Council amend the Land Use Bylaw.

Site and Surrounding Area

The property is approximately 3.5 acres, containing a mix of vegetation including a substantial number of trees to the rear of the dwelling. The property is steeply graded down towards Louisbourg Harbour.

The property has two frontages along Commercial Street Extension, a CBRM-owned Level S local road as defined in the road network hierarchy within the Municipal Planning Strategy (MPS).

The surrounding area (outlined in blue on Attachment A) contains 7 single detached dwellings, tourist accommodations (Point of View Suites), and a restaurant (Beggar's Banquet) and associated accessory uses.

Municipal Planning Strategy

Part 2 Policy 8 of the MPS recognizes certain neighbourhoods as being unique enough to warrant distinctive policy direction, allowing a wider range of development than normally would be expected. Part 2 Policy 8.f reads:

8.f It shall also be a policy of Council to permit, by site plan approval, sales/service businesses catering to the tourism market in the neighbourhood centered on Wolfe Street in Louisbourg southwest of Main Street.

However, agriculture is not considered a sales/service use. The applicant indicated interest in making sales from a roadside stand on Commercial Street Extension near Point of View Suites in the future. Vending of fruits and vegetables grown within CBRM is currently unregulated.

The MPS also contains policy relating to primary industries, including agriculture. Part 6, Policy 1.f reads:

1.f It shall be a policy of Council to consider any agricultural livestock operations, however small, or the rearing of livestock for recreational purposes, an inappropriate type of development within urban communities, except non-kennel type of agricultural uses on unusually large lots outside of the business development zones and the higher density residential zones, as described in the Land Use By-law.

Urban areas are considered to be those on municipal sewer service. The property in question has an on-site septic system and is considered rural. Additionally, the property is spacious at 3.5 acres, is in a low-density area, and is not located within a business development zone.

Despite the fact that Part 6 Policy 1.f does not preclude agricultural uses in the WSN zone, livestock may have adverse impacts on neighbouring properties particularly if they are producing excessive noise or odour. For this reason, in the Residential Urban C and D (RUC and RUD) zones, where agriculture is permitted, there are additional provisions in place to protect surrounding property owners from such impacts:

- The keeping of livestock for agricultural purposes is only permitted on lots greater than 1 acre; and
- New buildings, meaning those which are not deemed existing as defined in the LUB, which includes pens, must be set back a minimum of 200 feet from a dwelling and 50 feet from any property boundary.

Setback provisions are crucial for agricultural operations in residential areas. Because agricultural livestock are not subject to the Responsible Animal Husbandry Bylaw, setbacks are the only instrument available to protect surrounding property owners.

The green area on Attachment A depicts the portion of the property which would meet the above setback provisions. However, as you can see on the attached map, the area may require significant clearing and fill to be usable for keeping livestock. Properties greater than 1 acre within the WSN zone are outlined in yellow on Attachment B.

Given the similarities to the RUC and RUD zones, it is reasonable to include agriculture, with the exception of kennels, as a permitted use in the WSN zone, provided setback and minimum lot size provisions are included to mitigate the impact of noise and odour on surrounding properties. The attached Amending Bylaw (Attachment E) would implement such a change.

Notice of Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was published in the April 27th and May 5th editions of the Cape Breton Post. Notice was mailed to all assessed property owners who own property which is zoned WSN.

At the time this report was prepared, the Planning Department has received four written submissions of support for Application 1072. Full copies of these letters are provided within Attachment F.

Additionally, the applicant provided a petition in support of the proposed development which contained 197 signatures at the time this report was prepared.

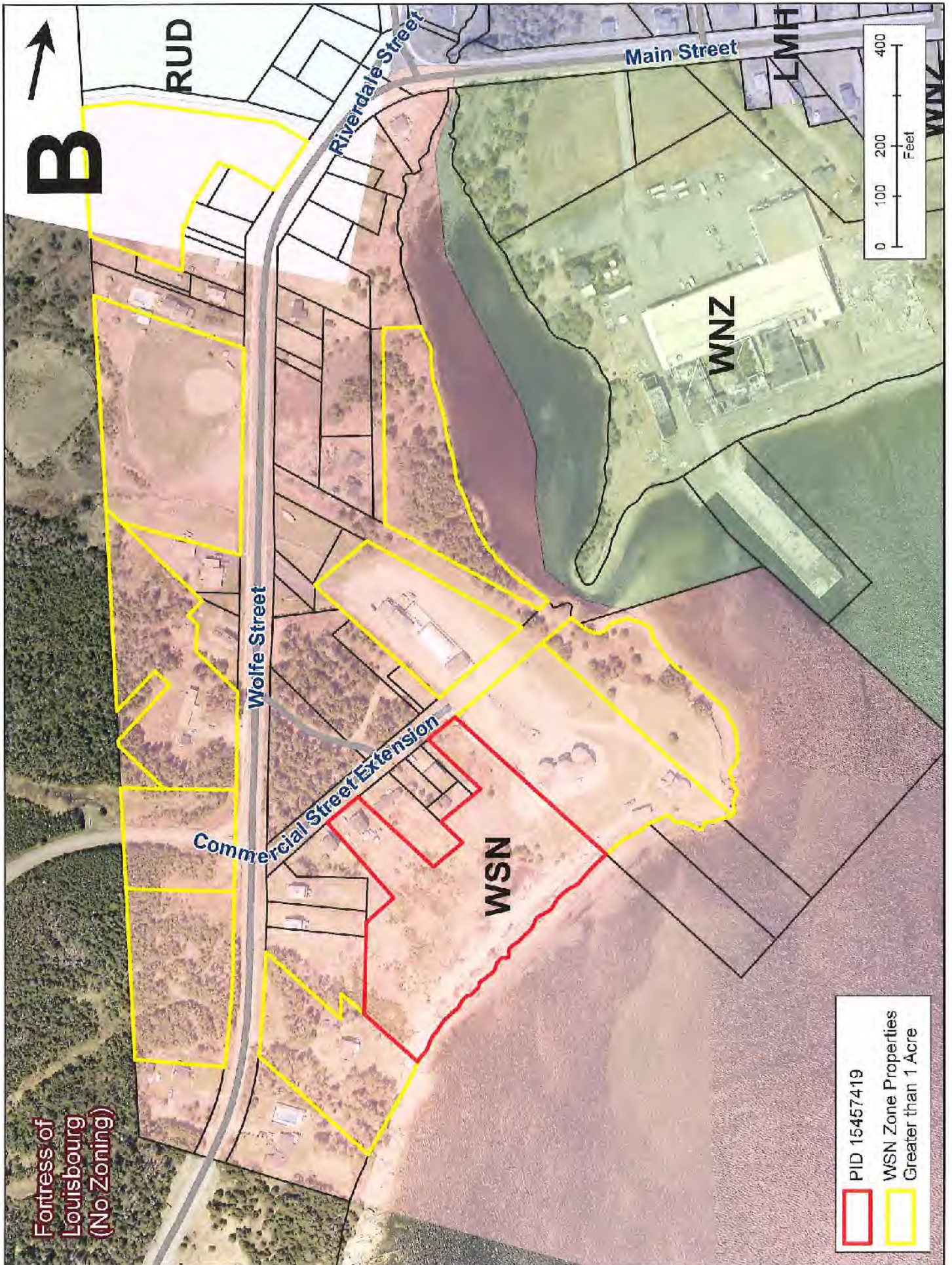
Recommendation

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

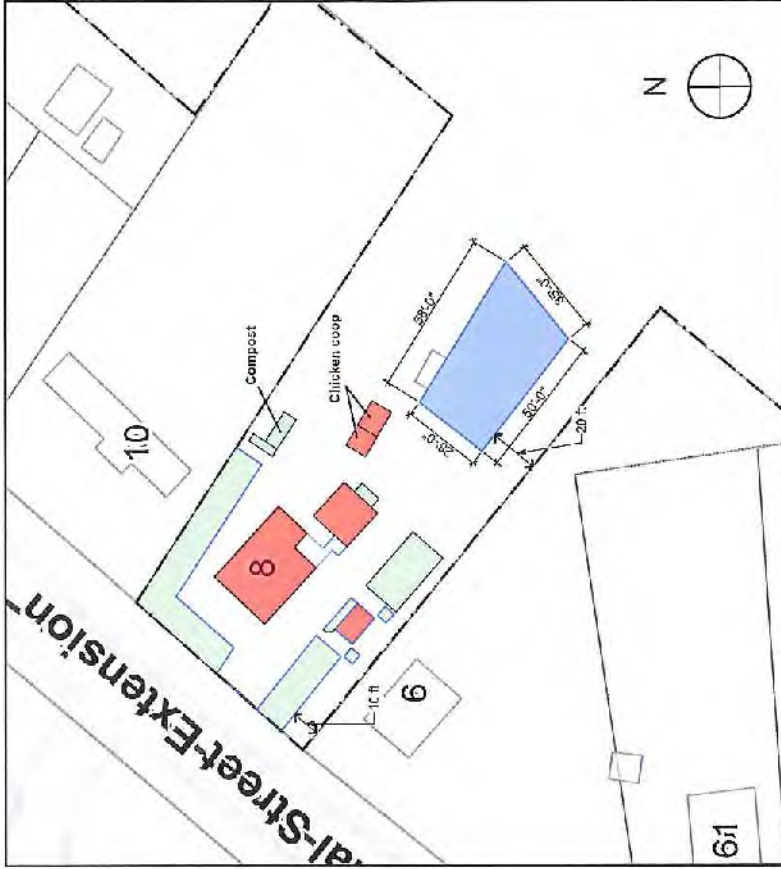
Respectfully submitted by:

Kristen Knudskov
Planning and Development Department





C



PROPOSED DEVELOPMENT
SCALE: 1" = 20'-0"

LEGEND	
---	PROPERTY LINE
■ (Red)	EXISTING STRUCTURE
■ (Green)	EXISTING PLANTING BED
■ (Blue)	FUTURE PLANTING BED



Names: Ivory Neal and David Neal
Company: Back Beach Gardens
Address : 8 Commercial st. ext.
Louisbourg, NS
B1C 2J6
PID 15457419
Phone: 902 304 0670
Email Ivoryseol@hotmail.com

To whom it may concern:

We would like to apply for a Zoning amendment for our property at 8 Commercial st. ext. Louisbourg, NS. in order to operate a Market Garden business. Currently there are no provisions for agricultural type businesses in this zone (WSN).

Back Beach Gardens is a small, home based, market garden business located in Louisbourg, started in 2018. Before moving here and starting our business, we called the CBRM zoning office to verify that we were within the local bylaw requirements.

Unfortunately, there was a misunderstanding, because we are not zoned for Cottage Industry, but for Food Processing Cottage Industry, and we did not realize how the difference would effect our business.

The extent of our proposed business would be a Market Garden selling primarily salad greens, baby root vegetables and herbs to local customers and businesses. We differ from a conventional farm in that we don't use, or plan to use any large machinery, pesticides or inorganic fertilizers.

Our goal as a business is to remain a small, home based market garden, offering fresh produce to locals while providing food and income for our family, and an educational setting for our children. We do not wish to become a large, conventional farming/ agricultural operation, nor would we want one move in next door to us, bringing the noise, dust, traffic, chemicals, etc. associated with standard agricultural business.

We do not use tractors or pesticides. We created our vegetable beds using an electric tiller, hand tools and manual labour. We use crop rotation, landscape fabric, organic fertilizers and other permaculture techniques for weed and pest control. We use an electric lawn mower and trimmer for home/ business landscape maintenance. Our business only has 2 employees, my husband and myself, though we hope to create a few local jobs in a year or 2, the nature of our business is to stay small and do it well.

Our gardens currently occupy 165 sq.m.(1/ 25th of an acre) on our 3.5 acre property. The entirety of our envisioned gardens would take approximately 1/12th of an acre. Our 1 greenhouse is 8 x 12 sq.ft. and is framed with pvc tubing and skinned with greenhouse plastic sheeting. We have a few hens (no roosters) in a small coop for personal/ hobby use behind our house.

We would operate standard Monday to Friday 8am-5pm hrs.

In the Digby NS Land Use bylaws they allow for Market Gardens under their Recreational Uses. Our zone (WSN) is zoned for Recreational uses however Market Garden isn't defined under the CBRM Recreational uses.

The city of Port Alberni BC has a clear definition of Market Garden as:

Market gardens are similar to community gardens with the key difference being that market gardens are private enterprises, producing food for sale. In Port Alberni a market garden is the use of land on a limited scale for the growing, harvesting and selling of fruits, vegetables, edible plants and the like but specifically excludes the growing of mushrooms.

What you should know about market gardening on your property:

- You can sell produce (excluding mushrooms) you have grown in your home garden.
- Market gardening is the only type of home-based business that can be conducted outside.
- The total area which may be under cultivation on any given parcel shall not exceed more than 600m² in area except where the lot size is greater than 2,400m², in which case an urban market garden shall not exceed 25% of the lot area.
- Production shall be limited to the growing and harvesting of fruits, vegetables and edible plants, but specifically excludes the growing of mushrooms.
- On-site sales of edible plants shall be permitted within roadside stands for products grown on site provided that:

(a) the size of the roadside stand does not exceed a Gross floor area of 9 m²;

(b) on-site sales and roadside stands are limited to no more than 120 days within a calendar year; and

(c) the roadside stand is located on the property and does not impede sight lines from the driveway.

- No artificial lighting shall be used.
- No pesticides or herbicides shall be used.
- No un-composted manure shall be used.
- The market garden does not create noise, dust, vibration, odour, smoke, glare, fire hazard, or any other hazard or nuisance, to any greater or more frequent extent than that usually experienced in the applicable zone under normal circumstances wherein no market garden exists.

- An urban market garden shall not be permitted where a property has farm status classification, as defined under the BC Assessment Act.

We would prefer to have Market Garden defined and added under the Recreational Uses section of the CBRM bylaws. Or possibly just adding the allowance for agricultural businesses in the WSN zone.

We believe that Urban Agriculture is a growing business opportunity and can be a rewarding and successful career/ industry in this unique Atlantic climate. We would like our case to help the CBRM take full advantage of it by reviewing and possibly altering/ amending its bylaws to encourage these types of businesses to come here. In Nova Scotia, there is a Statement of Provincial Interest, which directs municipalities to provide for a sustainable agriculture and food industry when amending planning documents.

We are attempting to bring a healthy, fresh product to people in a location where the time and cost of buying fresh produce is a not to be minimalized obstacle for a lot of people. The closest similar business to ours operates just outside of Glace Bay and does not deliver near to the Louisbourg area.

According to the CBRM Municipal planning strategy, Under Part 2 Sales/ Service Business Development, Sub heading Isolated Businesses Randomly Situated Throughout the Landscape, Policy 8a.5. States: "It shall be a policy of Council to identify the following neighbourhoods as being unique enough to warrant distinctive policy direction that allows a wider range of development than normally would be expected- the neighbourhood in Louisbourg centered on Wolfe St leading to the Fortress of Louisbourg National Park."

This policy makes us hopeful that our application with find the support of council.

Sincerely,

David & Ivory Neal
Back Beach Gardens, Louisbourg

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 amends Part 23 Section 1 by inserting the following:

- **agricultural** - (all, except kennels) *subject to Section 7*

THAT: Council amends Part 23 by inserting the following:

Section 7 Agricultural

- With the exception of kennels, the use of land, buildings, or structures for the purposes of rearing and caring for animals as agriculture is defined in this By-law shall be permitted on lot parcels or tracts of land comprised of a minimum of 1 acre.
- Existing agricultural buildings or structures on lot parcels or tracts of land comprised of less than 1 acre may be enlarged or re-constructed.
- New agricultural buildings for the purposes of rearing and caring for animals as agriculture is defined in this By-law located within 200 feet from any dwelling other than a dwelling occupied by the owner of the agricultural building shall be setback a minimum of 50 feet from any lot parcel boundary.

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

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 DATE to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Kristen R. Knudskov

From: Parker Bagnell <[REDACTED]>
Sent: April 24, 2020 6:00 AM
To: Kristen R. Knudskov
Subject: Ivory Neil - Rezoning Application - Commercial St , Louisbourg

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Ms Knudskov,

I am sending this note to express my sincere support for the Neil's in their pursuit of growing and selling produce at their Commercial St location.

As you know, I have two businesses in Louisbourg (23 years) and we are actively working on establishing a third and fourth, all related to tourism and culinary.

This type of entrepreneurial initiative must be supported in this area. It is something not seen enough and sets a great example of how young small ventures can be created. As well, my food service businesses would benefit greatly from fresh, locally grown herbs and vegetables from the Neil's gardens. I intend, if they are successful, to partner with them to fill the demand for what they produce here in Louisbourg.

Sincerely,
Parker Bagnell
Foggy Hermit Cafe
Louisbourg Harbour Inn and Heritage House
Historic Coast Holdings Inc.

Kristen R. Knudskov

From: Ivory Neal <[REDACTED]>
Sent: February 21, 2020 10:33 AM
To: Kristen R. Knudskov
Subject: Fwd: Petition

----- Forwarded message -----

From: Wendy Johnston <[REDACTED]>
Date: Thursday, October 10, 2019
Subject: Petition
To: "[REDACTED]" <[REDACTED]>

To whom it may concern,

I am writing to show my support of Back Beach Gardens in Louisbourg. They are a wonderful addition to a small community. Providing local, fresh, and pesticide-free healthy vegetables is vitally important for every person and that is what this small business strives to do.

Thank you,

Wendy Johnston
Owner/artist | Teeka's Treasures
www.teekastreasures.com

—
- Wendy @ Teeka's Treasures

[REDACTED]

October 9, 2019

To whom it may concern:

I am writing in regard to Back Beach Gardens and the issue they are experiencing with zoning of their property on Commercial Street Extension in Louisbourg.

Having met and talked with both David and Ivory Neal on many occasions, I find them both to be honest and above board with everything they do especially their small farming endeavour, Back Beach Gardens. They are hard-working parents of two small children who left a life in Ontario to get back to the land and raise their boys in a small Nova Scotia community. They should be applauded for doing so as many of our young people are heading in the other direction.

I've spoken to them both since the complaint of improper zoning has arisen and they both were surprised and shocked that there was even a hint of impropriety on their part. I found them to be sincere when they said they thought they had done every thing by the book before putting one shovel in the ground and they expressed a desire to do whatever needed to be done in order for them to stay in Louisbourg and fulfil their dreams.

To those with influence and power concerning this issue, please take my support into consideration before making your decision.

Darlene Leahy
Library Clerk
W. W. Lewis Memorial Library

Kristen R. Knudskov

From: Denise Poirier <[REDACTED]>
Sent: February 21, 2020 10:55 AM
To: Mayor's Office; Darren R. Bruckschwaiger; Kendra C. Coombes; Ivan DonCaster; George M. MacDonald; Jim MacLeod; Ray Paruch; Esmond P. Marshall; Steve D. Gillespie; Eldon MacDonald; Clarence Prince; Amanda M. McDougall; Earlene D. MacMullin; Kristen R. Knudskov
Subject: The Back Beach Gardens Case

Cape breton needs young families, access to affordable and healthy foods, sustainable farming, small independent businesses and people who are looking to improve our communities and lives... Back Beach Gardens (Dave and Ivory Neal) in Louisbourg are all of this... they bought property here and moved here, they are revitalizing and doing great things for the community... they provide nutritious, affordable food for cape breton, they chose cape breton to raise their family, and this rezoning is really hurting them... its put a total standstill on their way of making a living. We want to make it easier for people to come here and make a living, not harder, so I plead for you to rectify their case in a quick and timely manner... currently they are unable to secure sales for the upcoming growing season, they cant make any sales right now and have to give away their produce. It's not right, we wouldn't ask any one else to go without their paychecks while the municipality takes their time getting around to signing the paperwork so I urge you to consider pressuring whoever it is that needs to get the job done... thank you for your time and consideration! I get a huge portion of my produce from Dave and Ivory and I fully support the great things they are doing here.

Denise Poirier
[REDACTED]

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

At the Council meeting on April 7, 2020, Mr. Michael Ruus provided background information on the issue, noting that your Department had to cancel the physical Open House due to the Pandemic. However the on-line survey continued and staff is wrapping up the results of same. He advised that staff will bring a report on this matter to a future meeting of Council.



TO: CBRM Council

FROM: Kristen Knudskov

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

DATE: May 5, 2020

Background

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

Currently, under the SPS and DA, Island Folk Cider House (the applicant) may only serve alcoholic beverages which are produced on site. The applicant would like to serve other low alcohol-by-volume beverages (such as beer and wine) which they do not produce on site. Thus, the applicant has requested that Council amend the SPS and DA. Further details of the proposal are outlined in a letter from the applicant (Attachment B).

Public Participation Program

Council has the authority to amend Plan Policy under Part 8, Section 205 of the *Municipal Government Act*. Council is obligated to conduct a Public Participation Program (PPP) to gather public input on proposed changes prior to amending Plan Policy.

On February 18, 2020, CBRM Council passed a motion to conduct a PPP. In consultation with the local area Councilor, the following formats were selected:

1. Survey

The Planning Department surveyed individuals who live, work, or own property in the North End of Sydney. The survey was available online or by hard copy if so requested. The survey was open to responses between March 18th and April 1st. A copy of the survey can be found in Attachment C. The results are summarized below.

2. Open House

An Open House was scheduled for Wednesday, March 18th. Due to the restrictions on gathering due to COVID-19, the Open House was cancelled. Given that CBRM residents would have an additional opportunity to provide their input during a Public Hearing prior to any decision on the matter, the PPP was concluded.

Survey Results

There were seventy-seven (77) total survey responses received. Responses to each question are summarized below:

1. Do you live, work, or own property in the North End of Sydney? Please tick all which apply.

Response	Number	Percentage
Live	29	38%
Work	48	62%
Own Property	19	25%
None of the Above	6	8%

2. Do you support the idea that serving low alcohol-by volume beverages (such as beer and wine), which are produced off-site, be permitted at S2 Nepean Street, Sydney?

Response	Number	Percentage
Yes	74	96%
No	3	4%
Not Sure	0	0%

The individuals who responded 'No' to this question all indicated that they live in the North End of Sydney, within one-third to one-half of a kilometer from the subject site.

3. Do you support the idea of microbreweries being permitted in other areas of the North End Downtown Fringe Zone?

Response	Number	Percentage
Yes	70	92%
No	4	5%
Not Sure	2	3%

4. If yes to question 3, do you support the idea that microbreweries in the North End Downtown Fringe Zone be permitted to serve alcoholic beverages which are produced off-site?

Response	Number	Percentage
Yes	71	93%
No	3	4%
Not Sure	2	3%

5. Is there anything else you would like to add or comment about the proposed project?

The common themes among those who support the proposed development included:

- Encouraging small businesses will generate economic growth and enhance tourism activity for the North End and CBRM as a whole;
- This type of business will help retain younger demographics;
- The development will increase the vibrancy of the North End.

The common themes among those who do not support the proposed development included:

- Alcohol establishments are an inappropriate use for a residential area;
- The North End has a concentration of uses which deteriorate the neighbourhood character;
- Making more beverage types available will increase drinking and driving instances and vehicular accidents, particularly along Nepean Street.

Additionally, two letters in support of the proposed development were received (see Attachment D).

Evaluation

Given the responses received during the PPP, it is reasonable for Council to hold a Public Hearing to consider amendments to the SPS and DA.

In regards to concerns expressed within the survey responses:

- While there are residences in proximity of the site, the North End Downtown Fringe (NEDF) Zone is intended to be a mixed-use, transitional area between the North End Residential Zone and downtown Sydney. The primary use of an alcohol processing facility is currently permitted by Development Agreement in the NEDF Zone. It is reasonable to consider serving alcoholic beverages produced off-site as accessory to the alcohol processing facility.
- Provisions within the Development Agreement regulating the size, hours of operation, and nature of the development (ie. Permitting a beverage room only) are intended to minimize nuisance impacts of the development.
- Drinking and driving offences are enforced by police services. Additionally, traffic concerns regarding Nepean Street have been forwarded to CBRM Engineering and Public Works and the Traffic Authority.

Attachment E contains an Amending Bylaw which would carry out the necessary changes to the SPS to permit the applicant's proposal. Amendments include:

- Removing the phrase "...that consumption of alcohol will be limited to products produced on-site..." from Section 4, Policy 13;
- Removing the provision that alcoholic beverages be "(1) limited to products produced on-site" from Section 4, Policy 13.2; and
- Removing "beverage room" from the list of prohibited establishment types from Section 4, Policy 13.2, Provision (3).

While Development Agreements follow a similar public process to zone amendments, the adoption process differs. Development Agreements must be registered to the subject property at the Land Registration Office. Amendments to the Development Agreement may be carried out by repealing and replacing the existing Development Agreement.

Attachment F contains amended Development Agreement terms which would carry out the necessary changes to accommodate the applicant's proposal. Amendments include:

- Under Clause 5, removing the statement "...to ensure that the alcoholic beverages sold in the cidery tasting room are limited to those produced on-site."
- Under Clause 9, altering the wording of the second statement to read "Activities on this property involving the serving of liquor shall be limited to a "beverage room" and under no circumstances shall a club liquor license or a license for a lounge or cabaret be granted for this property;"

Recommendation

That Council pass a motion to schedule a Public Hearing to consider amendments to the SPS and DA at an upcoming meeting of Council.

Respectfully submitted by:

Kristen Knudskov
Planning and Development Department



T 0



December 18, 2019

Dear Mayor and Council:

Island Folk Cider House (IFCH), located at S2 Nepean St., Sydney NS, is seeking an amendment to the North End Secondary Planning Strategy, Section 4, Policy 13.2 and the Development Agreement PID 15889330 entered and signed by the Cape Breton Regional Municipality and David Realities Limited on May 22, 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale:

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

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

Business Sustainability

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

Opportunity for Mutual Support

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

Community Economic Development

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

Risk Mitigation:

Amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 15889330 will not impact the hours of operation. The hours of operation will remain as 11am-10pm Sunday to Thursday; and 11am-11pm Friday and Saturday.

Additionally, amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 15889330 will not invoke increased intoxication amongst patrons as no hard liquor or alcohol will be offered. Only products with comparable ABV levels will be offered.

In closing, you may be wondering why I am seeking an amendment since I submitted an initial request to Mayor and Council in August 2018 to rezone 52 Nepean St. and amend the policy in September of 2018 with the subsequent Development Agreement PID 15889330 signed in May 2019. Since that time, I have made significant investment in the infrastructure of 52 Nepean St. and the business's progress. Through this development, I have become increasingly more aware of the challenges and opportunities that exist within the world of entrepreneurship, and specifically the local craft industry. The limitations I am hoping to amend will not only enable my business to enhance our product offerings, attract a larger customer base, and collaborate with other local micro-breweries, but it will also, most certainly, facilitate a sustainable and profitable business from day one. I am confident that the Island Folk Cider House establishment can be, and will be, given the opportunity, a destination for locals and tourists alike for years to come. This venture came about because of my interest, commitment, and passion for local community development and I will run a responsible and respectful operation that our community can be proud of.

Thank you for considering Island Folk Cider House's request to explore amending the North End Secondary Planning Strategy, Section 4, Policy 13.2 and Development Agreement PID 15889330. It is my hope that you will consider the request for amendments as outlined above and that together we can work in collaboration to explore the possibility of these amendments further.

Sincerely,

Original Signed By

Jill McPherson
Founder/Co-owner
Island Folk Cider House
52 Nepean St., Sydney, NS
jill@islandfolkcider.ca
902-577-2099

North End Sydney Amendment Survey



In February of 2019, Cape Breton Regional Municipality (CBRM) Council approved amendments to the North End Sydney Secondary Planning Strategy (Planning Strategy) and entered into a development agreement to permit Island Folk Cider House, a microbrew cidery, to operate at 52 Nepean Street, Sydney (former St George's Church hall). Currently, Island Folk Cider House is only permitted to serve alcoholic beverages which are produced on site.

Proposed Development

Island Folk Cider House would like to serve low alcohol-by-volume beverages (ie. Beer and wine) which are produced off-site. The proposed amendments would not permit serving of spirits or hard liquor.

To do so, Council would need to amend the Planning Strategy and the development agreement in effect. CBRM is seeking input from the residents of the North End of Sydney prior to making a decision on the matter.

The intent of this questionnaire is to obtain feedback on the proposed development from residents living and working in the North End of Sydney.

Please answer the following questions. Required fields and questions are indicated by a star symbol (*). Your contact information and answers to these questions will remain confidential and be used only in the evaluation of the above-noted project.

***PLEASE NOTE: SUBMISSIONS MISSING INFORMATION IN REQUIRED FIELDS WILL NOT BE CONSIDERED IN THE EVALUATION OF THE PROJECT.**

Contact Information

Name *

Company (indicate N/A if not applicable) *

Address *

Address 2

City / Town *

State / Province *

Zip / Postal Code

Country

Email Address

Phone Number *

1* Do you live, work, or own property in the North End of Sydney? Please tick all which apply.

 Live Work Own property None of the above (if selected,
then you are not required to
continue with the survey)

2 Do you support the idea that serving low alcohol-by volume beverages (such as beer and wine), which are produced off-site, be permitted at 52 Nepean Street, Sydney?

 Yes No Not sure

3 Do you support the idea of microbreweries being permitted in other areas of the North End Downtown Fringe Zone?

Yes

No

Not sure

4 If yes to question 3, do you support the idea that microbreweries in the North End Downtown Fringe Zone be permitted to serve alcoholic beverages which are produced off-site?

Yes

No

Not sure

5 Is there anything else you would like to add or comment about the proposed project?

Thank you for participating.

Online surveys will be automatically submitted when you click 'Finish Survey' below.

For paper copies, please return this survey by Friday March 27, 2020 at 4:00pm:

By mail or in person to:

Civic Center

320 Esplanade, Suite 200

Sydney, Nova Scotia B1P 7B9

By email to:

planningconsult@cbrm.ns.ca

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January 28, 2020

To whom it may concern,

On behalf of the Cape Breton Partnership, please accept this letter in support of Island Folk Cider House's (IFCH) application to amend the North End Planning Strategy.

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

The Cape Breton Partnership is the Island's private sector-led economic development organization. As such, we are excited about the private investment that IFCH is making to grow both our tourism and manufacturing sectors. Their investment is also supporting Downtown Sydney as a strong and vital Cape Breton tourist destination.

The current investment and amendment request is in alignment with the intent of the CBRM's Commercial Development District Improvement Bylaw (C-300), and will contribute to the much-needed commercial tax base. Furthermore, the business growth expected following a successful amendment will likely enable more full-time employment opportunities and more customers choosing to spend their dollars locally in Downtown Sydney.

IFCH's plan to offer other craft beverages from elsewhere in Cape Breton is an excellent way to expose local residents and tourists to the whole of Cape Breton's growing craft industry, and a practice commonly used in many other craft beverage manufacturers in Nova Scotia and throughout Canada. If permitted, this practice will contribute to the continuous success and growth of not only IFCH, but also other producers in the CBRM and elsewhere in Cape Breton.

The protection of residents is not only important to the CBRM, but also the Cape Breton Partnership, as we strive to create a vibrant community that benefits businesses, customers, and citizens. Therefore, IFCH's application amendment is required to successfully operate in the North End Downtown Fringe Zone.

If you have any questions, please feel free to contact me directly at carla@capebretonpartnership.com or (902) 562-0122.

Sincerely,

Original Signed By

Carla Arsenault
President & CEO

285 Alexandra Street
Sydney, NS | B1S 2E8
(902) 562-7182

609 Church Street, Suite 101
Port Hawkesbury, NS | B9A 2X4
(902) 625-0958

capebretonpartnership.com



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

January 28, 2020

Re: Beer Service at Island Folk Cider House

Dear CBRM Council & Concerned Citizens:

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

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

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

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

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

Sincerely,

Original Signed By

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

Original Signed By

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

By-law
of the
Cape Breton Regional Municipality
amending the
Secondary Planning Strategy

Pursuant to Section 205 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Secondary Planning Strategy in the following manner:

THAT: Section 4, Policy 13 be amended by deleting:

After a review of the proposal and consultation with the neighbourhood through a well attended public participation program, it was felt that this activity could be an appropriate addition to the area, providing that measures were put in place to ensure that the scale of the project is limited to ensure that it will be reasonably compatible with nearby residential areas, that consumption of alcohol will be limited to products produced on-site and that the hours of operation will be regulated so as to ensure that late night activities are prohibited.

AND THAT: Section 4, Policy 13 be amended by inserting:

After a review of the proposal and consultation with the neighbourhood through a well-attended public participation program, it was felt that this activity could be an appropriate addition to the area, providing that measures were put in place to ensure that the scale of the project is limited to ensure that it will be reasonably compatible with nearby residential areas and that the hours of operation will be regulated so as to ensure that late night activities are prohibited.

THAT: Section 4, Policy 13.3 be amended by deleting:

It is Council's intention to permit an alcohol processing facility (such as a microbrewery) within the North End Downtown Fringe, providing that the Owner of the facility enters into a development agreement with Council which limits the scale of the facility so as to ensure that it is reasonably compatible with nearby residential areas, and in particular to ensure the serving of alcoholic beverages at the facility be (1) limited to products produced on-site, (2) not take place late at night and (3) not take place in a club, lounge, beverage room or cabaret as defined by the Province.

AND THAT: Section 4, Policy 13.2 be amended by inserting:

It is Council's intention to permit an alcohol processing facility (such as a microbrewery) within the North End Downtown Fringe, providing that the Owner of the facility enters into a development agreement with Council which limits the scale of the facility so as to ensure that it is reasonably compatible with nearby residential areas, and in particular to ensure the serving of alcoholic beverages at the facility (1) not take place late at night and (2) not take place in a club, lounge, or cabaret as defined by the Province.

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 _____, 2020 to amend the Cape Breton Regional Municipality's Secondary Planning Strategy.

Deborah Campbell Ryan, CLERK

THIS INDENTURE made and entered into this _____ day of _____ A.D., 2020.

BETWEEN:

DAVID REALTIES LIMITED, incorporated in and under the laws for the Province of Nova Scotia

hereinafter referred to as the "Owner(s)"

Of The One Part

AND

CAPE BRETON REGIONAL MUNICIPALITY, a body corporate and politic, in the County of Cape Breton, Province of Nova Scotia;

hereinafter called the "Municipality"

Of The Other Part

WHEREAS the North End Sydney Secondary Planning Strategy provides for Development Agreements under Part VIII of the Municipal Government Act of Nova Scotia pursuant to the policies of the North End Sydney Secondary Planning Strategy.

AND WHEREAS the Municipality by this agreement, permits the Owner(s), or a tenant of the Owner(s) to convert an existing structure at 52 Nepean Street, Sydney into a microbrewery cidery and a cidery tasting room, also identified as PID 15889330, which lands are shown on Schedule "A", attached, subject to the terms and conditions herein contained.

AND WHEREAS the Owner covenants that it is the Registered Owner of the lands and premises outlined in Schedule "A", attached hereto and more particularly described in a deed to the owners dated the 10th day of April A.D., 2019, and registered in the Registry of Deeds Office at Sydney, Nova Scotia, on the 25th day of April A.D., 2019, as Document Number 114364475.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) paid by the Owner(s) to the Municipality, receipt of which is hereby acknowledged, the Owner(s) for and on behalf of themselves, their heirs, executors, administrators, successors, and assigns covenant and agree with the Municipality as follows:

1. To maintain the property identified in the attached Schedule "A", hereinafter described as "the lands and premises" in accordance with the provisions of this Agreement;
2. To develop the property as a microbrewery cidery and a cidery tasting room, to be housed within the existing structure as shown on the attached site plan, identified as Schedule "B", attached hereto, except under the circumstances described in Clause 10;
3. To provide on-site parking, in accordance with the requirements of the NEDF Zone, for the floor area within the existing building only;
4. To limit the cidery and tasting room to the existing structure, with no additions to allow for an expanded floor area, except that an outdoor patio area not exceeding 800 square feet may be developed at the rear (western) side of the structure for use during the period between May 1 and October 15 each year;
5. Alcoholic beverages which are produced on-site may be for on-site consumption or for taking off site;
6. To ensure that the operation of the tasting room is limited to the hours of 11 am to 10 pm, Sunday to Thursday and to 11 am to 11 pm on Friday and Saturday. Sales of food for on-site consumption will be limited to the same hours, and all food served must be consumed on site. No take-out or delivery service is permitted for food sales;
7. Except as provided for in Clause 8, below, any areas within the building not included in the cidery microbrewery or cidery tasting room must be utilized for uses accessory to the cidery operations, such as storage, washrooms, office space, kitchen facilities or a gift shop selling merchandise related to the cidery such as souvenir mugs, t-shirts, ball caps, sweaters, and similar items. No other business activity is permitted on the site;
8. The following exceptions to Clause 7 are permitted: (a) the use of the existing kitchen within the structure by the Owner as a secondary location for the preparation of food for the Meals On Wheels service provided by the Owner, on the understanding that the primary location of the Meals on Wheels operation will be elsewhere, and (b) the use of a maximum of 700 square feet of space within the existing structure as office space, providing that the number of parking spaces required by the office space and the cidery operation combined as specified in the Land Use Bylaw for the NEDF Zone do not exceed the eighteen spaces provided on the property at the time of application;
9. All activities on the property relating to the serving of alcohol or food shall be subject to any applicable regulations of the Province of Nova Scotia. Activities on this property

involving the serving of liquor shall be limited to a "beverage room" and under no circumstances shall a club liquor license or a license for a lounge or cabaret be granted for this property;

10. In the event that the cidery ceases operation for any reason, the use of the property shall be governed by the requirements of the North End Downtown Fringe (NEDF) Zone, or in the event that the Land Use Bylaw is amended so as to eliminate the NEDF Zone, by the requirements of the zone for the property lying immediately to the west of the subject property;
11. Upon the breach by the Owner(s) of any of the terms or conditions of this Agreement, the Municipality shall be entitled to specific performance by way of remedial Court Order or after fifteen (15) days notice in writing to the Owner(s), at its option enter on the lands and premises, and perform any and all covenants or conditions herein contained. Should the Municipality not choose to exercise its option to remedy, this Agreement may be terminated by the Municipality upon written notice to the Owner(s) or their successors-in-title, at which time all licenses or permissions hereby granted by the Municipality to the Owner(s) shall absolutely cease to exist.
12. Should the Municipality be required to pursue legal action to enforce all or any part of this Agreement, the Owner agrees to indemnify the Municipality for all cost associated with the legal action.
13. That all reasonable expenses incurred by the Municipality or its successors, or agents, or employees, whether arising out of the entry of the said lands and premises or from the performance of the covenants may be recovered from the Owner(s), his/her successors, or agents, or employees by direct suit and shall become a charge upon the land;
14. That this Agreement shall be registered in the Registry of Deeds Office in the County of Cape Breton and shall form a charge or encumbrance upon the said property as outlined in Schedule "A";
15. If any provisions of this Agreement shall be found to be or deemed illegal, invalid, or unenforceable, the remainder of this Agreement shall not be affected thereby.

The covenants, agreement, conditions and understandings herein contained on the part of the Owner(s) shall run with the land and shall be binding upon them, their heirs, executors, administrators, successors, assigns, mortgagees, lessees, and occupiers of the said land from time to time and shall be and form a charge and/or restrictive covenant upon the said land.

THIS AGREEMENT and everything contained herein shall endure to the benefit and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns. The parties hereto declare that the term "owner(s)" used in this agreement shall be construed to include the plural as well as the singular and the masculine feminine or neuter genders where the context so requires.

IN WITNESS WHEREOF the parties hereto have caused this Indenture to be duly executed the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of :

DAVID REALTIES LIMITED

Witness

Title:
Position:

Title:
Position:

SIGNED, SEALED AND DELIVERED
in the presence of :

CAPE BRETON REGIONAL
MUNICIPALITY

Witness

Cecil P. Clarke ~ Mayor

Deborah Campbell Ryan ~ Clerk

CANADA
PROVINCE OF NOVA SCOTIA

AFFIDAVIT OF AUTHORIZATION

I, _____, of the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say that:

- 1. I am _____ of the **David Realities Limited**, the *Corporation*. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
- 2. I am authorized to execute this Instrument on behalf of the Corporation and hereby bind David Realities Limited.
- 3. This acknowledgment is made for the purpose of registering such Instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392. or s. 79(I) of the Land Registration Act.

SWORN TO Before me at the Sydney)
 County of Cape Breton, Province of)
 Nova Scotia this _____ day of)
 A.D. 2020, before me,)
)
)
)
)
)

_____)
 A BARRISTER/COMMISSIONER) **Name:**
 OF THE SUPREME COURT OF) **Position:**
 NOVA SCOTIA)
)
)

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

ON THIS _____ day of _____, A.D., 2020, before me the subscriber personally came and appeared _____, a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that the **DAVID REALTIES LIMITED**, herein, executed the same by affixing its corporate seal thereto and attested by the hands of _____ and _____, its proper officers, duly authorized in its behalf, signed, sealed and delivered the same in his/her presence.

**A Barrister/Commissioner of the
Supreme Court of Nova Scotia**

CANADA
PROVINCE OF NOVA SCOTIA

AFFIDAVIT OF AUTHORIZATION

I, Cecil P. Clarke, of the Cape Breton Regional Municipality, Province of Nova Scotia, make oath and say that:

- 1. I am Mayor of the **Cape Breton Regional Municipality**, the *Corporation*. Except as otherwise stated I have personal knowledge of the matters to which I have sworn in this Affidavit.
- 2. I am authorized to execute this Instrument on behalf of the Cape Breton Regional Municipality and hereby bind Cape Breton Regional Municipality.
- 3. This acknowledgment is made for the purpose of registering such Instrument pursuant to s.31(a) of the *Registry Act*, R.S.N.S. 1989, c.392. or s. 79(1) of the Land Registration Act.

SWORN TO Before me at the Sydney)
 County of Cape Breton, Province of)
 Nova Scotia this day of)
 A.D. 2020, before me,)

 A BARRISTER/COMMISSIONER
 OF THE SUPREME COURT OF
 NOVA SCOTIA

Name: Cecil P. Clarke
Position: Mayor

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF CAPE BRETON

ON THIS _____ day of _____, A.D., 2020, before me the subscriber personally came and appeared _____, a subscribing witness to the foregoing indenture who having been by me duly sworn, made oath and said that the **CAPE BRETON REGIONAL MUNICIPALITY**, herein, executed the same by affixing its corporate seal thereto and attested by the hands of **Cecil P. Clarke, Mayor** and **Deborah Campbell, Municipal Clerk**, its proper officers, duly authorized in its behalf, signed, sealed and delivered the same in his/her presence.

**A Barrister/Commissioner of the
Supreme Court of Nova Scotia**

Excerpt - Council Minutes - February 18, 2020

Hawk's Dream Field

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor McDougall, to approve, in principle, the Hawk's Dream Field proposal and to refer the funding application to the 2020-21 Budget deliberations.

Motion Carried.



Hawks Dream Field Society
c/o Toni McNeil, Treasurer
67 Elm Street
Dominion, NS B1G 1E4

Phone: 902-849-0764
Alt. Phone: 902-574-5461
E-mail: hawksdreamfield@gmail.com
Website: www.hawksdreamfield.ca

Registration No. 3333082
Business No. 7570202876

May 7, 2020

To: CBRM Mayor and Council

Re: Hawks Dream Field Project

Dear Mayor & Council:

Further to our presentation to Council and your kind approval in principle of our project as well approval of funding in the CBRM Capital Plan for Active Communities, attached please find the proposal and supporting documentation for our request.

In addition to working with representatives from all three levels of government, our society is so very appreciative of the time, consideration, support and guidance from CBRM staff to help guide us to a reasonable and realistic phased approach to development.

In order to formally apply for provincial and federal funding our society requires formal budget approval. We are extremely thankful for CBRM understanding and endorsement for this all abilities project. With Council approval we understand no funding will flow until the other funding sources are confirmed.

Sincerely,

Lisa McNeil-Campbell, Chairperson
Hawks Dream Field Society

Funding request:

The Hawks Dream Field Society is requesting a one-time contribution of one-third funding for Phase 1 development to a maximum project cost of \$1 million dollars. It is recognized that subsequent phases or project activity will be the responsibility of the society for community cost share contributions.



Proposal for
HAWKS DREAM FIELD PROJECT



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I. Summary

In the Cape Breton Regional Municipality, there's nothing more important than providing everyone with a welcoming, safe and inclusive environment in which to live and play.

Sports such as baseball, bocce ball, walking, swimming, etc. enable residents of all ages and abilities to get physically active and make connections with their peers. At the moment, there are very few activity/sport venues that offer fully-accessible facilities in which to play.

We, the Hawks Dream Field Society, are currently working on redeveloping the Hawks Field in Dominion to make it 100% accessible to EVERYONE! It will not only include an accessible baseball field but also a walking track, splash pad, and bocce ball courts. There will be a new building constructed which will house fully accessible washrooms and canteen space as well as storage space for equipment.

The Hawks Dream Field will be an accessible destination for all to get out with their families and enjoy some physical activity, fresh air and companionship. It will be a place where EVERYONE feels welcome and nobody is left out. It will also provide opportunities for employment for people of all abilities! It's a win win for everyone!

This very grand and exciting project will cost approximately 3.0 million dollars and will serve all residents of the Cape Breton Regional Municipality.

II. Introduction

The idea for this project was inspired by the late Walter McNeil of Dominion. He was a founding member of the Dominion Community Hawks Club and a baseball enthusiast from the time he could hold a ball in his hand. In his youth, he was an avid baseball player and went on to coach baseball and mentor children and adults in his community. Walter was a true family man who shared a passion for sport with his family, friends and peers. Since his passing, his family wanted to continue Walter's legacy with a project that would have a positive and lasting impact, not only for the residents of Dominion, but also the entirety of the Cape Breton Regional Municipality. By incorporating Walter's love of the game and community, the Hawks Dream Field was conceptualized.

The Hawks Dream Field will be a fully accessible field where athletes of all abilities will be able to participate. This will include accessible dugouts, an infield where wheelchairs can round the bases, charging docks for motorized mobility aids and bleachers that will accommodate all fans. In addition to the fully turfed baseball field, a competition grade bocce ball court, walking track and splash pad will allow all people to enjoy the outdoors and benefits of exercise within view of the Atlantic Ocean and Dominion Beach. A fully accessible building will have washrooms equipped with adult change tables, family facilities and a canteen. It is the hope of the society to create job opportunities for people to whom accessibility creates challenges when seeking employment.

The Hawks Dream Field Society was formed to bring this dream to life.

III. History

Founded in 1906, the town of Dominion got its name from the local Dominion Coal Company and owed its birth to the coal mining industry, as did many of the local communities. Dominion and many other smaller towns amalgamated in 1995 to become the Cape Breton Regional Municipality.

Dominion had a rich history in mining with Colliery 1B operating until 1955. The mines brought many immigrants from around the world to the small town including a large Italian population. Throughout the years Dominion grew and welcomed many new families.

The tiny 120-year old former Dominion schoolhouse that rests on the shores of Dominion Beach, attracts major attention. It is now the Dominion Heritage Museum Schoolhouse and welcomes hundreds of visitors each and every year.

Dominion Beach became a Provincial Park in 1992 and hosted thousands of visitors every year. It was the hub of the community where, during our local summer festival "Seaside Daze", it was common to see over 15,000 people on the beach at a time!

Dominion is also rich in sporting history, most especially baseball. The Hawks Field was built close to the beach in 1911. Baseball was something miners could use to take their minds off work, something that brought people together and gave their communities a sense of solidarity and purpose. When you spend most of your day and more than half your life in the damp, dark underground, something as simple as a ball game on the weekend, might be the best thing going. The first season started in 1935 with five teams and crowds of more than 2,000 spectators coming out to see the games. In 1938 Dominion resident Hec Andrews hit the longest home run recorded in Canada on the Hawks Field! He drove the ball 478 feet into the ocean where the fishermen caught the ball and returned it to Andrews. Hec is the namesake for our mascot "Hecky the Hawk".

Throughout the years baseball has continued to be a major sport for the residents of Dominion and the whole Cape Breton Regional Municipality. The Dominion Hawks have been the resident team on the field since the Colliery league. The Dominion Community Hawks Club is a non-profit club that was started in the late 1940s by concerned citizens who wanted to start a sports organization to make the community a better place for their kids to live in. The

club was lost in a fire in the 1950s but revitalized in 1989 and continues today to provide support and funding for children in our communities.

The Hawks Field has been host to hundreds of baseball games, tournaments, festival activities, and the RCMP Musical Ride! It has always been the hub of our community where residents and visitors always felt at home and welcome.

IV. Statement of Need

The Hawk's Field in Dominion, NS, has been a staple in the community for 85 years. Community groups host a variety of events annually; during the cold months, the field is transformed into a skating rink, it is used by numerous baseball leagues of all ages during the ball season and is the point of congregation for the community during its signature festival, Seaside Daze which brings people to the community from far and wide. With heavy use of the ball field, its proximity to the Atlantic Ocean and natural wear and tear, upgrades are required. Fencing is rusted and broken, the outfield is unlevel, the infield is worn, the dugouts (35 years old) are ragged and the outbuildings are in need of major upgrades. The canteen itself has been out of service for years and the building housing the bathrooms is small, cluttered and limiting to those with small children or mobility restrictions.

In April 2017, Nova Scotia became the third province to enact accessibility legislation in Canada; the Nova Scotia Accessibility Act (Bill-59) was passed. This legislation aims to make Nova Scotia inclusive and barrier free by 2030. The Nova Scotia government is working with people with disabilities, the public and private sector organizations to create six standards for an accessible Nova Scotia. These standards will be in areas of information and communication, goods and services, public transportation and transportation infrastructure, employment, education and the built environment (buildings, rights of way and outdoor spaces). Our goal is to enhance the Hawks baseball field site to meet and exceed these standards.

Canada's Participation and Activity Limitation Survey (2006) estimated that 20% (approx. 179,000 people) of Nova Scotians are living with a mental or physical disability. More than 63% of those people require assistive devices. However, despite this number, access to fully accessible infrastructure, employment opportunities, spaces for a physically active lifestyle and recreation remain a barrier. Even though the need for a more accessible Nova Scotia has been identified, much of the existing infrastructure remains, which is grossly inaccessible, particularly to those with mobility impairment.

Numerous studies have been completed stating the benefits of active living. Increased physical activity or exercise can improve health and reduce the

risk of developing several diseases such as type 2 diabetes, cancer and cardiovascular disease. Physical activity and exercise can have immediate and long-term health benefits. Most importantly, regular activity can improve the quality of life.

Those with physical disabilities face different challenges everyday. The challenges for those living with disabilities can range from simply standing up, just taking a few steps without having the need for physical assistance, to the requirement of full time assistance for all of the necessary functions of daily life. Just about any sport or activity can be altered to give special needs children/adults the cardiovascular, flexibility, and strength-training benefits that allow them to stay healthy and fit. Competition-level participation is available as well as there are a variety of wheelchair sports teams and leagues. A special needs adult or child can also take part in the Special Olympics. Inclusivity also carries other benefits such as increased confidence, integration of families of special needs individuals into community, a sense of personal freedom and social acceptance. **First and foremost, safety, inclusion and accessibility are the main goals of the Hawks Dream Field project.**

Elderly people will also benefit from this barrier free remodel of the Hawk's Field. The boardwalk at Dominion beach has been damaged from many harsh winters and natural wear. This is a frequently used resource for people young and old to walk while enjoying the beauty of their surroundings. Having a walking track around the field will give an alternative option to those who may have trouble navigating the terrain at the beach while still being able to enjoy the fresh air and beauty of the coastline. Additionally, the walking track around the field will offer rest areas and will encourage those who may have mobility issues to venture out more frequently, thereby increasing their level of physical activity. This increase in activity and exercise will be beneficial to not only personal health, but potentially reduced instances of conditions that arise from a rather sedentary lifestyle. Increased socialization will also impact the lives of those who make use of the new facilities. Studies show there is a direct correlation between exercise and socialization to increased health benefits. A full study published in the BMC Public Health journal (Rocca et al.) strongly suggests that higher levels of physical activity were more positively associated with healthcare utilization than lower levels of physical activity, meaning that less use of healthcare services are required for those who partake in leisurely-time physical activities..

Currently, there is not a fully accessible recreational area within the CBRM (the nearest being a baseball field Antigonish). The goal of the Hawk's Dream Field Society is to create a space where families in the CBRM can enjoy these benefits without the worry of injury, judgement or physical barriers.

V. Goals/Objectives

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

Our goal is to make the Hawks Baseball Field in Dominion 100% accessible and safe for people of all ages, abilities, genders and socioeconomic status. The new Hawks Dream Field will feature the following:

- Grading and leveling of the field to make it wheelchair accessible
- New fully-accessible dugouts and grandstands (also new fencing where required)
- Walking track around the perimeter of the field
- Building a new facility on site that will house a fully accessible washroom, regular family wash room, storage area and an accessible canteen.
- Accessible splash pad (screened for safety)
- Official size bocce ball court for children, adults and seniors (screened for safety)
- Historical space to depict the rich baseball history in Dominion and the CBRM
- Lighting installed
- Electronic scoreboard

The primary objectives of the Hawk's Dream Field Society are as follows:

- to ensure that all persons, including children, seniors and people of all abilities can, with proper instruction and encouragement, enjoy, learn and benefit from participation in individual and team sports and competition activity, adapted as necessary to meet the needs appropriate to their age and ability;
- to promote, sponsor and facilitate the participation of persons, including children, seniors and people of all abilities in fitness, athletic, and competitive activities that exist in the community;
- to promote, sponsor and support, through existing sport governing bodies and other organizations, qualified instruction in specialized sport training for children, seniors and people of all abilities who are not yet able to participate fully in existing programs;

- to promote, sponsor and conduct local area and provincial athletic competitions for persons including children, seniors and people of all abilities
- to support and engage in special athletic events and competitions at the national and international levels for persons including children, seniors and people of all abilities
- to promote, in cooperation with other persons or organizations, public awareness in the area of children, seniors and people with a disability;
- to solicit, receive and hold contributions of money and property for the objects of the Society; to sell or convert any property into money from time to time; to invest and reinvest any principal in investments authorized by law for the investment of trust funds; and to disburse and distribute such money and property in furtherance of the objects of the Society; and
- for the objects aforesaid, to carry on marketing, printing, publishing, digital production and to sell and distribute literature, films and materials pertaining to Hawks Dream Field project.
- To enhance the economy in the area by offering a location to hold and sponsor events
- to create meaningful employment to those who may otherwise be challenged due to mobility or special needs

VI. Time Table, Budget, Scope of Work

Table 1: Outline of Proposed Budget, Time Table and Description of Work for the Hawk's Dream Field

	Description of Work	Anticipated Cost (\$)
Phase 1 Fall 2020	Demolition of existing Structures and fencing	11,078.00
	Building Construction	340,000.00
	Field Prep & Site Services	67,910.00
	Installation of Light Poles	29,200.00
	Donor Wall	3326.00
	Installation of Flag Poles	6076.00
Phase 2 Spring 2021	Fencing and Dugouts	125,000.00
	Grandstands	15,421.00
	Bocce Courts	In Kind
	Score Board	10,000.00
	Asphalt/paving	79,100.00
	Turfing of field	1,477,950.00
Phase 3 Fall 2021- Spring 2022	Installation of lighting	185,000.00
	Splash Pad	486,100.00
	Completion of landscaping	TBD
	Completion of Historical space	TBD
Total Anticipated Costs		\$2,836,161.00

Phase one is anticipated to begin in early fall 2020 with demolition of the field as it stands currently. The buildings will need to be demolished and the dugouts and fencing removed. The donor wall will be erected and flagposts installed in the beginning stages of the work as well. The land will be graded and prepared for the installation of lighting poles and site services to accommodate the lighting, plumbing to the building, proper drainage of the field and water supply for the splash pad. The foundation of the building will also be laid in this first phase so construction could continue through the colder weather. With the obstacle of the winter months, phase one should be completed by May 2021.

Phase two will commence directly after completion of phase one in May/June 2021. The new building will be completed which will include two fully accessible washrooms, one of which will have an adult-sized change table which is noted as an item rarely found in any facilities but is much needed. Fencing and backstop will be installed, paving of drop off zone and common areas completed and the turf installed for the field and bocce courts. The bleachers will be added and dugouts installed in this time frame as well. Installation of the electronic scoreboard on the new building will be completed as the electrical work will have been already installed. Without any major delays or unexpected circumstances, this phase should be completed by Fall of 2021.

Phase three will involve the installation of the splash pad and lighting. During this phase esthetics (flower gardens, and curb appeal), landscaping and finalization of the historic spaces will also be completed. Security cameras will be installed as well. The target for completion of phase three is the opening season of Spring 2022 with the marquis event being the Special Olympics Summer Games..

VII. Key Personnel

The Hawks Dream Field Society is made up of the following board members:

Executive:

Chairperson: Lisa McNeil-Campbell

Vice-Chairperson; Sheldon Saccary

Treasurer: Toni McNeil

Secretary: Nadine Saccary

Board Members:

Bruce Carabin

Donald Ellsworth

Gary Hickey

Allen MacCormick

Cyril MacDonald

Jillian MacDonald-Canova

Douglas Price

Paul Prince

Laurelle Saccary

Paul Smith

Laura Scheller-Stanford

John Stefura

Karen Vanderlinden

Ad Hoc Members:

Graham Campbell

Jeff Clements

Presley Hynes

Carrie McNeil

Angela Saccary

Murray MacNeil

VIII. Endorsements

The Hawks Dream Field has received endorsements from the following:

- Cyril MacDonald, Special Olympics Cape Breton
- Marie MacPhee, NSHA Director Seniors and Restorative Care
- Rankin MacSween, New Dawn Enterprises
- Kim Bedeck, the Cape Society
- Horizon Achievement Centre
- The Honorable Geoff MacLellan, MLA
- Nichol MacNeil, Mom of Devon

*Please refer to the Appendix for copies of the letters of support

IX. Managing Budget

With this scope of work, managing the budget will be the focus of the society until the work begins. This will be done by the way of the following:

- Fundraising
 - Corporate Dinner- March 28, 2020
 - Grand Slam Dance and Auction- May 30, 2020
 - Sales of promotional items (shirts, hats, key chains etc)- ongoing
 - Donor Wall- accepting donations
- Corporate Sponsorship
- Government funding
- Community Grants- Jay's Foundation, Kraft Project Play, Canadian Tire JumpStart

X. Appendix

Item	Description
A	Proposed Layout of Hawk's Dream Field
B	Schematic of Baseball Themed Splash Pad
C	Schematic of Donor Wall
D	Letter of Support from Special Olympics
E	Letter of Support from Nova Scotia Health Authority
F	Letter of support from New Dawn Enterprises
G	Letter of support from Centre for Adults in Progressive Employment
H	Letter of support from Horizon Achievement Centre
I	Letter of support from Geoff MacLellan, MLA
J	Letter of support from Nichol MacNeil
K	Quotes from Community Members
L	Media Links



Item A: Proposed Layout of the Hawk's Dream Field



Item B: Baseball Themed Splash Pad



Item C: Donor Wall



Special Olympics
Nova Scotia
Case Breton

To whom it may concern,

Special Olympics is a not for profit organization that provides sport and physical activity to individuals living with intellectual disabilities, at no cost to the individuals. We operate strictly on fundraising and partnering with community organizations like Hawks Dream Field, which allows us to achieve our goals and objectives throughout the year.

A facility like Hawks Dream Field is one that will make a huge impact, not only on our community, but on all our programs. Having accessible facilities is a game changer for our organization. We currently say we are an accessible organization, and everyone is welcome, however, many of our programs are in fact not accessible to individuals with mobility issues.

Furthermore, many of our programs are run right across the municipality, meaning athletes who would like to attend various sports, can't. Whether it be transportation, overlap of program times, or different facilities, athletes are forced to choose a sport and miss out on other opportunities. We also face barriers for our athletes who live in homes with others. If an athlete wants to participate in one sport and everyone else chooses another, often that athlete is forced to attend a sport they don't really enjoy, just so they don't get left out.

Hawks Dream Field will allow Special Olympics to take many of our summer programs to one place. Featuring baseball, soccer, bocce, and a walking track, this will bring most of our summer sports to one area. It will also allow us to bring our youth to the same night, where they can participate in outdoor Active Start and Fundamental Movements programs and cool down with the splash pad. Dominion is an area where we have athletes come from, but often an area we don't think to bring our programs to, mainly because there are no facilities suitable for us.

The facilities at Hawks Dream Field would also open many opportunities for us. We currently host a fall registration day, which welcomes all athletes and volunteers to a day of fun and

activities. Currently being hosted at an inaccessible field, it often limits who can participate. It would be ideal to have this event at an accessible field and allow everyone to participate.

Having a fully accessible field in the CBRM would also create the possibility for Cape Breton to host provincial summer games. The municipality currently lacks a fully accessible, outdoor, facility, thus limiting our potential to host a competition for our accessible organization.

Cape Breton Special Olympics is very excited about the possibility of having a 100% accessible baseball field and facility. The opportunity for us to further develop and expand our reach is limitless with such a facility, and this will allow us to grow our organization locally, therefore, providing more opportunity for people of all ages and abilities to engage in sport. As we all know, sport can be expensive and limited for those "elite" athletes. Special Olympics allows people of all ages and abilities to be active and be athletes. We look forward to the opening of the Hawks Dream Field and utilizing the services available from this facility.

Respectfully,

Cyril MacDonald

Cyril MacDonald

Regional Coordinator, Cape Breton Special Olympics

Lisa McNeil-Campbell, Chair
Hawks Dream Field Project Committee
c/o Toni McNeil
67 Elm Street
Dominion, NS B1G 1E4

Dear Ms. McNeil-Campbell,

I was excited to read about the project you and your team are planning, that will provide wheelchair accessibility in the new Hawkes Dreom Field. In an effort to provide inclusive programming to meet the needs of all sports enthusiasts, this will be a dream come true for many kids.

Along with the children, how better to have parents and grand-parents be able to participate in the events with them? Inaccessible facilities are limiting the family's potential to support their kids and attend the games. Although this project was to be more inclusive for the players, the families also play a vital role in transporting and supporting them – how better to have them attend since now, physical barriers will not limit their access!

As you know, seniors are close to my heart, and by including them in the plans for improved mobility you have gained my support as well. The Paralympic sports events would cover participants of all ages – KUDOS to your team for making Dominion an "All inclusive" community that enables participation in all of your planned events.

Sincerely,

Marie McPhee
Director of Seniors and Restorative Care
Nova Scotia Health Authority

Item E: Letter of Support from Nova Scotia Health Authority



New Dawn Enterprises
37 Nepean St, PO Box 1055
Sydney, Nova Scotia, B1P 6J7
Phone: 902-539-9560
www.newdawn.ca

October 28, 2019

To Whom it may concern,

The purpose of this letter is to confirm my support for the Hawks Dream Field Project. This initiative emerges from the outstanding legacy of the Dominion Hawks Club. The Club is a community-based organization with deep roots in Dominion and has been consistently driven by the integrity of its commitment to the community.

The proposed project is a tribute to the late Walter MacNeil. MacNeil was one of the founders of the Club and from its beginning helped lead the organization in important work. He was a man with a big heart who believed in Dominion and its people. That allegiance was repeatedly confirmed through his outstanding work with the Hawks.

The proposed project will essentially function as an modern, outdoor, twenty-first century recreation facility, providing a place for people of all ages to gather in the pursuit of physical activity. Though located in Dominion the facility will of course function so as to serve the larger community. This is a grand and important endeavour which not only honours the past, but more importantly, provides the community with quality sports infrastructure which is necessary and deserved. Such a project calls for our attention and our commitment.

Yours truly,

Original signed by:

Rankin MacSween
President

Item F: Letter of support from New Dawn Enterprises



Centre for Adults in Progressive Employment

October 25, 2019

To Whom It May Concern,

I am writing in support of the Hawks Dream Field Project Committee's funding request for the revitalization and upgrading of the Hawks baseball field in Dominion. The Hawks Club has been an important gathering place for more than 30 years where people can enjoy the outdoors with a good game of baseball or meet indoors to celebrate special occasions with family and friends in its well maintained and well managed clubhouse.

CAPE is a not-for-profit organization that serves adults with intellectual disabilities. For many years, we have had a relationship with the Dominion Community Hawks Club. Members have held a soft spot for our organization and we remain grateful for their kindness. They recognize the service we provide and have demonstrated their appreciation by providing financial donations, volunteers and donations in-kind to support our initiatives. The time has come for our organization to "step up to the plate" and assist our wonderful community partner in reaching its goal.

The family of the late Walter McNeil, a founding member of the Dominion Community Hawks Club, wants to honour his commitment to community and love of baseball with the revitalization of the Hawks baseball field. The vision is to make the field 100% accessible to people of all ages, abilities, gender and socioeconomic status. That is music to the ears of people in our sector who provide opportunities within our communities for disabled adults to live, work, play, build relationships and reach their fullest potential. The Hawks Dream Field Project Committee wants to play its part in building an inclusive community. What better way to achieve this goal than to consider accessibility as a priority when planning to modernize a sports venue. I am certain that our disabled and senior population in the entire Cape Breton Regional Municipality would appreciate the ability to attend events, practice or compete in a barrier free environment.

In my opinion, the Hawks Club is a valuable asset to the community of Dominion. Its baseball field is pivotal in encouraging people to play outdoors and enjoy the company of others. Its dedicated volunteers work diligently to manage and maintain the clubhouse and baseball field for the benefit of all. Members want to continue Walter's legacy and make this dream field a reality. Imagine the smile on the face of a disabled person who steps onto a baseball field for the first time. A future Olympian! Who knows what may happen when a community minded organization like the Hawks Club dreams big and makes it a priority to break down barriers by providing a recreational facility that is safe and accessible to all.

It is our hope that you will grant this funding request to allow the Hawks Dream Field Committee to "hit it out of the park" and make CBRM a more inclusive community for everyone to enjoy.

Sincerely,

Original signed by:

Kim Bedecki
Executive Director

40 Lower MacLean Street, Glace Bay, NS, B1A2K7 Phone: 902-549-6157 Fax: 902-549-3798
Email: cape@ns.sympatico.ca Website: www.capesociety.ca



780 Upper Prince St.
Sydney, N.S.
B1P 3N6

(902) 539-8553

September 27, 2019

To Whom It May Concern:

I am writing this letter in support of the Hawks Dream Field Project for the Hawks Field in Dominion.

The Horizon Achievement Centre is an adult service centre whose mandate is to provide opportunities for employment, training and services which support inclusion, integration and choice to adults with intellectual and/or physical disabilities between the ages of 18 to 75. This project fully supports our mandate and values.

We believe that recreation and leisure is essential to the human and health management process and contributes to a full and meaningful life. It also facilitates opportunities for community inclusion which in turn reduces loneliness and social exclusion. These integrated and accessible opportunities for recreation and leisure help everyone to achieve their full potential, while enhancing their quality of life through team building, friendships and learning.

We believe the personal benefits of recreation and leisure programs are immeasurable and as such, the Horizon Achievement Centre whole heartedly supports this project.

Kind Regards;

Original signed by:

Carol Pendergast
Executive Director
Horizon Achievement Centre

Item H: Letter of support from Horizon Achievement Centre



House of Assembly
Nova Scotia

Office of Geoff MacLellan, MLA
219 Commercial Street
Glouce Bay, NS B1A 3B9

November 26th, 2019

Dear Hawks Dream Field Committee:

I'm writing to offer my personal endorsement to the Hawks field revitalization plan. I wish I was could be there for your launch event. Unfortunately, I'm required to be Halifax this week. I look forward to the details of your discussions and to learn of your next steps.

I've always carried tremendous respect for the Hawks Club members and their leaders, including the late Walter McNeil. Simply put, the Hawks Club has elevated the spirit of Dominion and surrounding communities. Not only have they built and assisted on many successful events and celebrations, they've also worked tirelessly to sustain critical assets such as the Hawks field. With that, I feel the project goal you have identified is both fitting and logical. The Hawks field is a tremendous facility that would certainly benefit from upgrades related to accessibility, historical information, recreation equipment and aesthetics.

While I cannot formally commit provincial funds, there are a number of options under the department of Communities, Culture and Heritage that we can pursue. I will be happy to do what I can to support the plan and will engage CCH staff to begin the process.

In closing, I want to offer my congratulations on a great initiative and I wish you the best of luck on your journey. Please keep me informed as the project gains momentum.

Sincerely,

Original signed by:

Geoff MacLellan, MLA Glouce Bay
Minister of Business

Item I: Letter of support from Geoff MacLellan, MLA

Jan. 27/2020

The When & Where Concern

Just off, I would like to say that I think this is a fabulous plan that is being done in memory of what would be a great man.

My name is Rachel Mac-Cole, I am the proud mother of an 11 year old special needs son, Devon Mac-Bert. Devon has "spastic quadriplegia cerebral palsy" which requires him to be in a wheelchair full time. I know for sure of what it's like to want your child to be like any other, but when you have a wheelchair and trying to do anything, it can be exhausting. There is more planning to do ahead of going out, more questions of whether or not places are accessible for any activity that we may want to do, whether or not if places are equipped with the equipment that may make it a little easier.

Devon loves being introduced to new things. He is always full of excitement when he gets to be involved. The smiles and laughter melts your heart, and you can't help but just smile back as you watch.

Devin shows us what his abilities
are and how they differ from others. No
matter how well they accomplish
something, although it takes
patience and time, it is the
best feeling in the world. Devin
has a idea for "Hawks" which
would be looking for so many
reasons. This will give Devin and
many others the chance to come
together from friendships where
something they all have in
common - all the different types
of disabilities and more. This will
show the abilities of many people,
no matter what their disability
may be.

Challenges baseball and bocce are
giving people a chance to play and
learn something they may not of
been able to do before. They will
get to feel how it is to take
part in an activity in their own
way and that makes it even more
special to see these faces knowing
what they are doing can be rewarding.
I know all to well from experience
the feeling it gives to Devin, the
way he lights up and is full
of excitement.

After you play, you can go for
a walk around the track and
then cool down at the "Palash pad"
All of these things can be family
activity and be done together.
There is many people from small
kids to youth to teenagers to
adults to the community and the
surrounding areas that would
benefit greatly from this.
Let's show the Ability of all!!!
Not the disability!!!

Sincerely:

Original signed

Item J: Letter of support from Nichol MacNeil

Item K: Quotes from Community Members

"I am very impressed with this project taken on by Committee Members and Volunteers who have made a commitment to follow this project through

Upon completion this will be a state of the art facility and envy of other communities through Nova Scotia.

This community has the heart to complete their goals that will shine bright in our on our Island.

The value of this project will show other communities what hard work and determination can achieve and make this community stand out above all others.

Thank you for taking on this massive project."

Brian McDougall

Lisa McSavaney: " You guys are doing a great thing so very proud of you xo |

Cory McNei: " I Your hard work and persistence is paying off ... big congratulations!!!!!!!"

Johnny Campbell: "Awesome tonight I must admit a few tears came I think tears of pride for the man Walter was and the family and friends involved with this project."

"Last night I witnessed a most impressing presentation by the committee for the Hawks Field Dream. Toni, Lisa, Sheldon all did an excellent job. This is an endeavor that will not only benefit the whole area, as a whole, but also everyone in surrounding areas. What is the old adage, "BUILD IT THEY WILL COME", the committee had the unanimous support of all the club members. Wait for further announcements from the committee as to it's development." Joe Osborne

Darlene Ward: "Lisa's presentation at the Legion amazing! This is going to be HUGE for Dominion and surrounding areas"

Mary Bouillier: "Wtg guys you are doing a great job"

Item L: Media Links

website:

<https://www.hawksdreamfield.co/>

Facebook Page:

https://www.facebook.com/HAWKS-DREAM-FIELD-105100017528725/?modal=admin_todo_tour

Promotional Video:

https://www.youtube.com/watch?v=58iAft_goK8&t=1s

CBC News:

<https://www.cbc.ca/news/canada/nova-scotia/hawks-field-to-be-accessible-for-seniors-and-people-with-disabilities-1.5377043>

Cape Breton Post Article:

<https://www.capebretonpost.com/news/local/community-group-unveils-plans-to-transform-historic-dominion-ballfield-into-fully-accessible-recreation-facility-382193/>

ATV Live of Five

https://atlantic.ctvnews.ca/video?clipId=1886002&jwsource=fb&fbclid=IwAR1RuTMOqighNgTnI-CQoXOZLEGx6l1HHOAvULk8SM9ZEcRwF_4EDiuf-Zc

Promotional Video:

https://www.youtube.com/watch?v=58iAft_goK8&t=1s

XI. Addendum (May 4, 2020)

Since the original proposal was written there have been several changes noted below:

ADDITIONAL PROGRAMS TO OFFER - upon further discussion with members of the public, it was suggested that we look at the possibility of offering Yoga and Tai Chi programs on the field. We connected with a Yoga instructor, Joeanna Pickup, and she provided us with the following information:

“My name is Joeanna Pickup, I am a resident of Dominion and a 200 hr certified yoga instructor. For the purpose of demonstrating why I believe there should be a space for practicing yoga in the plans set out for the future Hawks Dream Field, I will briefly describe what Yoga is, and what benefits I believe there are to the physical practice of yoga by the oceanside.

You don't have to be physically fit, young and rich, or able bodied. You don't have to follow the latest fashion or have the most expensive mat on the market to practice yoga. You can practice yoga anywhere, wearing anything comfortable, and you can spend as little or as much time in your practice as you choose. There are many different types of classes nowadays that offer different types of practice that fit the individual's lifestyle. All which have significant benefits to the practitioner. Yoga is not just about flexibility and looking good; it is a lifestyle of practices. Yoga is an ancient and scientific practice that aids in the building, and maintenance of good (holistic) health. When practiced regularly, yoga asana or the physical practice of yoga, has a significant positive effect on all systems of the physical body; mental, emotional and spiritual well being. Practicing for only 15 to 30 minutes, just once or twice a week has shown to decrease symptoms in those suffering from anxiety and depression. Yoga asana can, of course, build strength and make you more flexible, too; these among its other physical benefits such as, building and maintaining good bone health, quieting the mind and improving concentration, enhancing creativity, improvements to circulatory system, respiratory system, digestion, calming the nervous system etc. Yoga does not discriminate, this practice has benefits for the young and old. Whether you have good health, or you are ailing from adverse health effects, yoga practices can be modified to enhance the individuals experience. Chair yoga can be offered to those with physical limitations and modifications are always offered along with beginner and more challenging practice to meet the needs of the individual.

The benefits of Yoga practiced beside the ocean can greatly enhance the experience. Besides the obvious benefit of a beautiful view during practice, you will be absorbing vitamin D from the sun, which aids in the maintenance of bone

and muscle health. Being one with nature in yoga practice can deepen your relaxation and have a positive effect on the nervous system. Oceanside practice can also enhance your creative mind, challenge your focus, change the feeling of the physical practice itself in comparison to doing it indoors on a flat surface. Oceanside practice will help you to calm down, breath deeper and receive the benefits of the sea air. Sea air helps you to absorb oxygen, naturally boosting serotonin (good feeling hormones). The salt from the air, having antibacterial properties, means recovering faster from anything your system may be fighting against during that time as well. Children and adults will have fun and enjoy a seaside Yoga practice.

To end, there isn't possibly a more beautiful location than that of our Dominion Beach and I sincerely hope for a consideration of space for the use of those wishing to practice yoga outdoors among the many other activities this space could be used for!

Special Olympic sports such as archery, skip into action and soccer are other potential programs we could offer!

FUNDRAISING:

- Since mid-December the Hawks Dream Field Society has been selling baseball t-shirts and hats. Sales have been excellent to date with over 300 shirts being sold to date! Hats were just recently introduced. We also purchased key chains and fan horns to sell at local festivals and fundraisers.
- Unfortunately due to the COVID-19 pandemic we had to post-pone our two major fundraisers which were a Corporate Dinner/Auction and our Grand Slam Dance/Live Auction. The dinner is completely sold out and will take place on October 3, 2020 pending Public Health lifting restrictions.
- We are looking at a baseball tournament potentially in July should Public Health restrictions be lifted in time.

DONOR WALL DONATIONS:

- Total in donor wall donations so far is \$2625.00

SPONSORSHIP:

- The New Waterford Rotary Club has committed to sponsoring us for a total of \$15,000 over three years. They have already presented their first cheque for \$5,000.
- Home Depot and Kent Building Supplies have both committed to sponsoring \$1000 each
- The Golden K club has pledged their support although the amount is unknown to date.

CASH ON HAND:

- As of May 4, 2020 we have a total of \$27,951.25 in the Credit Union Account. We are very proud of what we have accomplished to date despite the pandemic crisis.

FUNDING APPLICATIONS: The following grant applications have been submitted for approval:

- Community Facilities Improvement Grant - still pending
- Advancing Accessibility Standards Research Grant - still pending
- Canada Post Grant - still pending
- Canadian Tire Jumpstart Program Grant - still pending
- Emera/NS Power Grant - denied

UPDATED TIME TABLE, BUDGET, SCOPE OF WORK: Our original plan is still in place should we receive all of the funding we are striving to achieve. That being said, we have also developed a “Plan B” currently to look at a second, less expensive option should all of the funding not come through as expected.

“Plan B” would see us move the field lighting to the third phase or a later date when adequate funding is available. The field can be open from early morning until late evening without lights in the meantime so it will not affect field usage to a large degree.

There will be an allowance added into the budget for lighting around the walking track which would cost significantly less than full field lighting.

To cut costs for this second option we will only turf the infield as opposed to the complete field. The outfield will be completely graded, leveled and resodded.

To complete a baseball themed splash pad with absolutely ALL of the features the company suggests would cost close to half a million dollars. In Plan B we will start with a few of the sprinkler features and add on as funds become available. Groundwork could be prepared with expansion in mind.

The original plan did not include engineering costs so we have added this into phase one of Plan B at a rate of 12% of the completed Plan B project.

Plan B also has a line item for Rick Hanson certification which will ensure all of our standards are met and will also garner support for the project!

Table 2: Outline of Plan B Proposed Budget, Time Table and Description of Work for the Hawk's Dream Field (Changes marked in blue)

Phases	Description of Work	Anticipated Cost (\$)
Phase 1 Summer 2020	Demolition of existing Structures and fencing	11,078.00
	Building Construction	340,000.00
	Field Prep & Site Services	67,910.00
	Engineering	223,000.00
	Lighting for walking track and power receptacles for field	50,000.00
	Top soil, drainage, piping, gravel, walking track	250,000.00
	Score Board	10,000.00
	Donor Wall	3,326.00
	Installation of Flag Poles	6,076.00
	Rick Hanson Certification	5,000.00
	TOTAL PHASE 1	966,390.00
Phase 2 Spring 2021	Fencing and Dugouts	127,500.00
	Grandstands	15,421.00
	Bocce Courts	In Kind
	Turfing of field	600,000.00
	TOTAL PHASE 2	742,921.00
Phase 3 Fall 2021	Asphalt/paving	79,100.00
	Splash Pad	300,000.00
	Completion of landscaping	50,000.00
	Completion of Historical space	75,000.00
	TOTAL PHASE 3	504,100.00
Total	\$2, 213,411.00	

LETTERS OF SUPPORT: The following letters of support for the Hawks Dream Field Project have been received since the original proposal and are attached at the end of this report::

- Velo Cape Breton
- Breton Ability Centre
- Nova Scotia Board of Accessibility
- Marcie Shwery-Stanley
- Rick Hanson Foundation

We have also received many notes of support from our local community which have been accumulated into one document which is also attached at the end of this report.

APPENDIX: SUPPORT LETTERS



Velo Cape Breton Bicycle Association
PO Box 485
Sydney, NS
B1P 6H4
April 27, 2020

To Whom It May Concern:

I am writing to support the Hawks Field Dream project on the behalf of Velo Cape Breton Bicycle Association.

Velo Cape Breton is a local cycling club and advocacy organization, based out of Sydney, Nova Scotia with membership primarily on Cape Breton Island.

The plan to revitalize the Hawks Field as a fully accessible recreation facility is a very positive step forward for our community to ensure that all have access to activities that promote health, decrease social isolation, and build inclusive, vibrant communities. The location next to Dominion Beach and near the Glace Bay Rail to Trail multiuse path would make Dominion a hub for accessible outdoor recreation and leisure activities.

Sincerely,

Original signed by:

Paul Babin,
President

VELO CAPE BRETON



May 4th, 2020

To whom it may concern,

Please accept this letter of support on behalf of Breton Ability Centre, for the proposed Hawks Dream Field project located in Dominion, Nova Scotia. This innovative and tremendous initiative proposed by the Hawks Dream Field group will not only be a first of its kind within the CBRM, but most importantly, it will help to strengthen and promote a more fully inclusive community here in CBRM. It shouldn't be a surprise that Cape Breton is viewed as a leader in the disability support sector throughout the province of Nova Scotia. A proposed project such as this and the important work done in our community by such groups as the Horizon Achievement Centre, Hayley Street Adult Service Centre, the CB Autism Chapter, Society for the Treatment of Autism, New Dawn and Breton Ability Centre are championing CBRM to be a leader and model for supporting individuals living with disabilities in both our community and throughout our province.

The proposed Hawks Dream Field project should be viewed as a significant investment into our future for those with disabilities living in our community. Potential opportunities to play host to both Provincial and National Special Olympics events could be a reality with this project moving ahead which would spin off too many opportunities for the town of Dominion and the CBRM. Not only are there countless opportunities associated with this project for our community as a whole, but a project such as this would also have a significant impact on our local economy.

In closing, Breton Ability Centre would like to urge the CBRM to consider providing funds related to the Hawks Dream Field project. This project and significant opportunity could have the ability to showcase that no matter if an individual has a disability, the infrastructure of this proposed project would highlight that everyone has the ability to excel and feel accepted and a part of their community. It is the strong belief of Breton Ability Centre that the proposed Hawks Dream Field project is ultimately building a better CBRM for our future.

Sincerely,

Original signed by:

Harman Singh, M.A., R.Psych
Chief Executive Officer
Breton Ability Centre
1300 Kings Road





Park Lane Terraces
Suite 305, 3rd Floor
5657 Spring Garden Road
PO Box 2221
Halifax, Nova Scotia
Canada B3J 3CA

902 424-4622 T
902 424-2407 F
TOLL FREE IN NS
1 877 259-7559 T
humanrights.novascotia.ca

Office of the Director & CEO

March 12, 2020

By Email (hawksdreamfield@gmail.com)

Hawks Dream Field Project Committee
Attention: Lisa McNeil-Campbell, Chair
67 Elm Street
Dominion, NS B1G 1E4

Dear Ms. McNeil-Campbell,

On behalf of the Nova Scotia Human Rights Commission, I am writing in support of the Hawks Dream Field Project and its initiative to create an inclusive and fully accessible sports field in Dominion.

The Commission supports Nova Scotians working together to build diverse, inclusive, and supportive communities. The objectives of this initiative are an example of how communities can work together to accomplish this goal and create spaces where community members can come together and strengthen their relationships with one another.

I would like to commend the work of the residents of Dominion on their commitment to removing barriers for people with disabilities, in the case of Dominion Beach and now this initiative. Your community's attention to this important issue is an example to other communities that it can be done.

All the best with this project.

Sincerely,

Original signed by:

Christine Hanson
Director and CEO

Marcie Stanley

To: Hawks Dream Field Society

I strongly support the Hawks Dream Field Project. I am a person with a disability & a Senior. I use a power wheelchair in the community. I have been an advocate for & of persons with disabilities for 38 years. There are many leisure events that I am not able to enjoy because of accessibility challenges. When completed this project will result in my being able to enjoy what able-bodied persons presently enjoy!

I commend the project team for their inclusive mindset which is in keeping with Nova Scotia's Accessibility ACT. To quote a member of Nova Scotia's Accessibility Advisory Board, "I like the idea of the Hawks Dream Field Society Project. I am truly impressed with the enthusiasm of those persons within the Society & applaud their efforts!".

Whatever support you can give this project would be greatly appreciated by persons with disabilities & seniors in the CBRM.

Sincerely

Marcie Shwery-Stanley,
BA (Econ), MBA (CED)
Disability Consultant
Communications Specialist

Dreams are where I go to see the world as it could be!

Member, Accessibility Advisory Board

Past member, Marine Atlantic Accessibility Advisory Committee

Chair, Society for the Improvement of Accessible Transportation

Past President, Community Involvement of the Disabled

Past member, CBRM's Affirmative Action Committee



May 5, 2020

To Whom it May Concern,

The Rick Hansen Foundation (RHF) supports the rehabilitation of the Hawks Dream Field – the revitalization of a century old ball field into a modern, and accessible destination for persons of all abilities.

Hawks Dream Field is a place where everyone within the Cape Breton Regional Municipality, of varying ages and abilities, can partake in outdoor activities. When people of all abilities can live, work, learn and play in their communities we all benefit.

According to Statistics Canada, 30.4% of Nova Scotians have a disability, the highest of any province in Canada. Nova Scotia also has the largest population over the age of 65. Ensuring community spaces such as Hawks Dream Field are accessible means removing barriers so that all people, regardless of their abilities have equal access to participate and contribute.

Rick Hansen Foundation Accessibility Certification™ (RHFAC) is a national program that rates the meaningful access of buildings and sites and showcases results via certification and labeling. Hawks Dream Field have expressed their desire to have their site certified under RHFAC, which demonstrates their commitment to accessibility.

We look forward to supporting this revitalization project via RHFAC and hearing of the benefits it brings to Nova Scotian's of all abilities.

Sincerely,

Original signed by:

Doramy Ehling
Chief Executive Officer



Hawks Dream Field Project
 c/o Toni McNeil, Treasurer
 67 Elm Street
 Dominion, NS B1G 1E4

Phone: 902-849-0764
 Alt. Phone: 902-574-5461
 E-mail: hawksdreamfield@gmail.com

Messages of Support for Hawks Dream Field Project



wheezie2@sympatico.ca <wheezie2@sympatico.ca>

Fri, Mar 27,
 7:47 PM

to me

I've grown up to be the man I am today due mainly because of my parents. My parents were/are honest, and hardworking. They believed every child deserves to live in a place where they are safe, loved and cared for. This was/is the town of Dominion. Dominion has a rich history in community sports, especially baseball. This field would not only enhance that history, but expand it to those, who in the past, could not access the diamond. It is said Canada is a land of privilege. Margaret Ujaga, a 23-year-old Carleton student from Nigeria stated "Being **Canadian means** you appreciate everything you have." (July 2, 2016). She is absolutely correct. We appreciate the fact we grew up in an area where children were free to grow, to participate in things such as sports that other towns and countries can only dream of. The residents of Dominion want to continue that tradition, as well as, build upon it by making it accessible to all. We need help doing this. Expanding and improving the Hawk's Field as proposed by the Hawk's Dream Field committee would show a commitment to upkeeping the tradition of sport in our town. It shows that our government cares about the people this field benefits and will assist to make this field a reality rather than a dream. Together, we can make this happen.

Nick Corbett Jr.

Ashley Smith <ashleyscricutstuff@gmail.com> Mon, Apr 27, 7:30 PM (13 hours ago)

to me

Hello,

I write today in support of the Hawks Dream Field. As someone who grew up in Dominion, my family spent a lot of time at the field. From watching baseball to seaside daze activities and much more. I currently still in this community and spend time at the field. This is, and has always been, the perfect gathering spot for not only residents of Dominion, but for all residents of CBRM and the visitors who come "home" to Cape Breton every single year! It's been home to many successful events and gatherings over the years. Being next to our beautiful ocean is just an added bonus! To see Lisa's "dream" come alive is amazing and I personally support this project and all it

represents! It will bring people together for many, many more years to come. And the best part is, it's accessible to everyone! Amazing!

Thank you Lisa and the Hawks Dream Field Team!

Sincerely,

Ashley

Bob Sloan THIS IS A GREAT PROJECT FOR THE AREA DOMINION IS BASEBALL

Aaron Pickup let's keep the moment going on this please. This project has the power to transform the community landscape in Dominion. A lot of families and individuals have moved away over the years but there is still a good heart to Dominion that deserves an upgraded facility like this. I love this idea, baseball was at the heart of Dominion a lot of years ago, from my understanding people were crowded around the fence and filled the bleachers and it was bustling at that time. I envision, kids from all around the island coming to Dominion to play in games. I also see this as an area with the beautiful beach in the back ground to conduct concerts and events that could draw crowds from all over! To me, this is the best news to hit the island, in a long time. God bless everyone involved and all the best moving forward.

Sandra Turnbull Giving our support for a very needed cause. It is a great community effort that benefits the town of Dominion & nearby communities.

Colin MacEachern This project will be great for the town. People will come together, young and old for enjoyment, bringing on a real sense of community. The local shops and stores will also have a boost in business as the attraction will have lots people around the town of Dominion.

Allan Jacques You Have my support on the Biggest sports project in the History of Dominion. I played most of my baseball at the Hawks field and loved every minute of it. This is where I met The Late Sonny MacNeil and his son Walter and many more great Coaches And Managers Every summer this was my life everyday at the Hawks field I guess that I could write a book on all of this. It was a time when the men cared about showing you right from wrong and how to play the game of baseball and you felt safe and not a worry in the world. My Father told me that the Mines would shut down, back long before my time as there were professional ball players playing.....The Hawks Field is known far and wide...Let's Get Out There And Support This Project and Make this Historic.....

Bernadette McNeil I Certainly support this project. Wishing you the best of luck.

Ron Gardiner Played ball on hawks field back in little bigger league Love to watch games great for young and old great job you have my support all the way

Patricia Balcom I have memories of Hawks Field, as a young girl growing up in Dominion. |

The word "boredom" never existed in our Vocabulary" either we were at the Beach or a Baseball game. It is a big piece of the history of Dominion. I will support this project with out hesitation.

Shirley Dedeu I support the Hawks Dream field 100%. I played baseball most of my younger years and was one of the first coaches for the little girls baseball in Dominion. Also I was one of the assistant coaches for the only girls Hardball team in N.S. and we were based out of Dominion but had girls from all over N.S. play on the team. This is not only going to be great for Dominion but for all other sorrow di g communities. With the beach so close by families could make a day filled with lots of activities. It is amazing what this town can do once they put their minds d to it.

Donna Corrigan I support the Hawks Dream Field 100%. My family played ball and my children played ball on that field. It would be a great addition for our community.

Danette Sparrow This is a great opportunity for the town of Dominion and surrounding communities!

Mary Sloan-Macintyre I fully support any project that will bring people together young and | old for a day of fun and socializing, my uncles Bernie and Jiggs Sloan played on the Hawks team many years ago

Laura Poirier I fully support the Hawks Dream Field. It is an opportunity for the town of Dominion to show our community spirit with making this field open to everyone within the town and all surrounding communities. It shows how willing the people of Dominion are willing to work hard to improve our community. I remember as a young child going to watch the ball games at the Hawks Field. I also know that the men of our communities have worked tirelessly to support everything within the communities. So improving this field will only improve our town spirit. Thank you for what you are doing to get this project started. ♡ ♡

Edith Anderson I support the Hawks Dream Field 100% It is a great opportunity for the town of Dominion and surrounding communities!. ♡ ♡

Francine Little I 100% support the Hawks Dream Field. Looking forward to taking my grandchildren there 😊😊😊

Beverly Bowers I grew up in Dominion, now live on the mainland, but come home during Seaside Daze, etc. and think the Hawks Dream Field is needed in the area. Many family and community members, of all ages, who still live in the Dominion area, will be frequent users. A wonderful investment that is sure to improve mental and physical health of many in Dominion and surrounding communities. I too look forward to spending time there with my family while home visiting. Thanks to The Hawks Dream Field Team for your efforts to make this dream a reality! 😊🍀

Sheila Peori I support the Hawks Field of Dreams.

Margo Poirier **HAWKS DREAM FIELD** yes I think it's a fantastic idea and it should get any grants that are available!

Daniel Campbell THE HAWKS DREAM FIELD PROJECT, it began with a purpose by Toni McNeil and her family then a absolutely dedicated team of volunteers began working tirelessly raising money to make the purpose come to life, a fully accessible sports field at the beautiful hawks field a field that has seen a lot of history over its many many years.....and now will become a field truly accessible for everyone and anyone from anywhere a project that should be supported by everyone

Pat Sampson This dream can and will become a reality. There is a need for a totally accessible field for any handicap person. It will be unique because no other area near us has one. Our politicians must listen and act for this need that the Hawks Club has identified for our communities. The members of this club have contributed so much to our community already to help people. Please give them support in order to make this dream a reality. Hats off to the McNeil family for their untiring work to bring this worthy cause to reality.

Johnny Ellsworth The Hawks club is a group of people who do amazing things in our little part of the Island here. Growing up in my early 20's I loved playing slo-pitch and I would find myself and a few buddies down the Hawks field every Wednesday to play with the Hawks team while they practiced. Walter was always there and his humour and laughter made it just another reason to enjoy playing. This project is vital to our area. Keep up the amazing work

Discussion Paper – Solid Waste Service-Related Update

The following items were noted for follow-up:

- Follow-up with the Procurement Department on a possible pricing agreement for the “Call to Haul” alternative to heavy garbage later in the year, with an update to be provided at the May 12th Council meeting.
- Provide recommendation on Solid Waste drop-off sites at the May 12th Council meeting.
- Staff to discuss the possibility of permitting extra privacy “black” bags as part of the 5-bag limit during the pandemic once the SPAR Road facility re-opens.

TO: CBRM COUNCIL

MAY 2020

RE: Solid Waste Update

BACKGROUND

1. Call to Haul/Heavy Garbage
 - a. Heavy garbage remains postponed. When a decision is made to move ahead with either of these programs a call for tenders or pricing agreement can happen quickly enough as to not delay the start-up. Any attempt to secure pricing without a definitive scope of the requirements could prove to be detrimental if any significant changes to the program are required.
2. Seasonal Leaf & Yard Waste Sites
 - a. Seasonal sites appear on the solid waste calendar as opening this week. We can safely open these sites and are prepared to do so starting with the site in North Sydney on Thursday May 14th 1:00 pm - 6:00 pm, the sites in Glace Bay and New Waterford will be open Saturday May 16th 9:00 am 3:00 pm.
3. Curbside Regulations
 - a. We continue to allow two black bags as part of the 5-bag limit. Will continue to monitor the need and will return to the one black bag limit when appropriate
4. Community Clean-Ups
 - a. Under the current measures being put forth by the Medical Officer of Health for Nova Scotia it would be appropriate to reschedule the events for such a time when these activities can be undertaken.

Francis Campbell
Manager Solid Waste

Property Tax Financing Program:

Motion:

Moved by Councillor George MacDonald, seconded by Councillor Prince, that staff be directed to:

- Draft a Property Tax Financing Plan Policy for Council consideration at the May 12, 2020 meeting; and
- Initiate the process for a Temporary Borrowing Resolution to support the application for the Property Tax Financing Loan offered through the Municipal Finance Corporation.

Motion Carried.

Staff was also directed to provide a breakdown of the calculation for the \$42 million loan requirement at the May 12, 2020 Council meeting.

CBRM

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5009

To: CBRM Mayor Cecil P. Clarke and Council
From: John MacKinnon, P. Eng., Deputy Chief Administrative Officer
Date: May 6, 2020
Subject: COVID-19 Property Tax Financing Program Policy

Greetings Mayor and Council,

The attached is a copy of the CBRM COVID-19 Property Tax Financing Program Policy for Council's consideration based on the Policy Template developed by the Nova Scotia Federation of Municipalities (NSFM) and the Association of Municipal Administrators (AMA).

Included with the policy are examples of what the repayment terms would be for a potential residential and commercial tax account.

Original signed by:

John MacKinnon, P.Eng.
Deputy Chief Administrative Officer

Encl.

Chapter [--]

COVID-19 Property Tax Financing Program Policy

Title

1. This Policy is entitled the “COVID-19 Property Tax Financing Program Policy.”

2. **Objective:**

The Cape Breton Regional Municipality (CBRM) is concerned about the health and safety of residents. CBRM recognizes that facilitating the payment of property taxes in installments will better allow Nova Scotians to follow the public health directives endorsed by the Government of Nova Scotia. This Policy responds to that need by establishing a one-time property tax installment payment program (the “Program”) for eligible owners of residential and commercial properties negatively affected by the COVID-19 global pandemic.

3. **Authority:**

Sections 111 and 112 of the *Municipal Government Act* give Council the authority to provide for the payment of taxes by installments.

Section 113 of the *Municipal Government Act* allows Council to charge interest for non-payment of taxes when due, at a rate determined by policy.

4. **Scope:**

4.1 Residential - The following owners of residential property are eligible to participate in the Program:

4.1.1 An owner of a residential property that is the owner’s primary residence including secondary cottage/summer home , where the owner has experienced financial hardship through a significant reduction in income due to the State of Emergency declared by the Government of Nova Scotia in response to COVID-19, demonstrated through receipt of Provincial or Federal program assistance, a Record of Employment (ROE) demonstrating layoff from employment after March 15, 2020, or signed affidavit acceptable to the Cape Breton Regional Municipality that clearly describes financial hardship ;

4.1.2 An owner of a residential property where the owner was a registered Tourism Operator with Tourism Nova Scotia for the 2019 tourist season (excluding AirBNBs);

4.1.3 An owner of a residential property that is rented to one or more tenants, where the owner has experienced a significant reduction in rental income from the property due to the State of Emergency, demonstrated through the following:

4.1.3.1 Signed affidavit acceptable to the Cape Breton Regional Municipality that clearly explains financial hardship and relevant provincial/federal and other documentation.

4.2 Commercial - The following owners of commercial property are eligible to participate in the Program:

4.2.1 An owner of a taxable commercial property where the property has a total taxable 2020 property assessment value equal to or less than \$5,000,000 and where the owner's business or building located on the property has experienced financial hardship through loss of revenue related to the State of Emergency, demonstrated through the following:

4.2.1.1 Signed affidavit acceptable to the Cape Breton Regional Municipality that clearly explains financial hardship and relevant provincial/federal and other documentation.

4.2.2 An owner of a taxable commercial property who has experienced financial hardship through loss of revenue related to the State of Emergency, regardless of the assessed value, where:

4.2.2.1 The owner of the property is a tourism operator registered under the *Tourist Accommodations Registration Act* and the property is used for tourist accommodations (e.g., hotels, motels, bed and breakfasts);

4.2.2.2 The owner of the property carries on the business of an automotive or leisure/recreational vehicle dealership on the property;

4.2.2.3 The owner of the property uses the property as a private or non-profit recreation facility (e.g., golf courses, indoor playgrounds, campgrounds, racing venues);

4.2.2.4 The owner of the property carries on a business on the property in the hospitality industry, including bars, cafes, and coffee shops;

4.2.2.5 The owner of the property carries on a business on the property in the service industry, including hairdressers, nail salons, gyms, tattoo parlours;

4.2.2.6 The owner of the property carries on a business on the property as a health care provider (including, but not limited to, dentists, naturopaths, chiropractors,

physiotherapists, physicians and other doctors), where that business has been required to reduce hours as a result of the State of Emergency.

4.3 Exclusions: Regardless of sections 4.1 and 4.2 of this policy, the following are not eligible to participate in the Program:

4.3.1 Property owners who have not experienced financial hardship through loss of revenue related to the State of Emergency;

4.3.2 Property owners who have received compensation from Business Interruption Insurance towards the payment of property taxes;

4.3.3 Properties occupied by daycare centres in receipt of federal or provincial funding, or those in receipt of other emergency funding;

4.3.4 Properties used for landfill, pipeline, managed forest, parking, and vacant land;

4.3.5 Properties for which there is an active tax agreement with the Municipality through legislation or bylaw;

4.3.6 Properties owned by non-profit organizations that are funded by the Municipality or that are partially exempted from property tax;

4.3.7 All properties managed under payment-in lieu-programs.

4.4 General Requirements

4.4.1 Installments shall be payable by the person, company or other entity assessed for the property for the current fiscal year.

4.4.2 In order for taxes for a property to qualify for the Program, the taxes for the property must not be in arrears at the time of application.

4.5 Application

4.5.1 Property owners wishing to apply to participate in the Program for a property must complete and submit to the Municipality an application in the form attached as Schedule "A" to this policy.

4.4.3 The application deadline to participate in the Program is June 30th, 2020.

5. Administration

5.1 Tax Installments

5.1.1 For applications meeting the Program criteria set out above, property tax payments normally issued between April 1st, 2020 and September 30th, 2020 for approved properties may be paid in installments as follows.

5.1.2 For each property, Program participants will pay tax installments as follows:

5.1.2.1 Payments of \$25 per month for six months, payable on or before the last day of each month, commencing in the month the property tax payment is normally due.

5.1.2.2 Following these six months at \$25 per month, monthly payments equal to 1/24th of the balance of the amount eligible for the Program plus interest as set out below. These monthly payments are payable on or before the last day of each month and continue for 24 months.

5.1.4 The rate of interest for the Program will be 1.35% per year.

5.1.5 Interest on amounts owing under the Program will be calculated commencing on the date the property tax payment is normally due and continuing until all installments have been paid.

5.2 Terms of the Program

5.2.1 The Chief Financial Officer, or his or her designate, shall approve qualifying applicants.

5.2.2 Payments under the Program must remain in good standing with the municipality throughout the duration of the Program.

5.2.3 Default in payment of an installment when due will result in the following:

5.2.3.1 The balance of outstanding taxes on the applicable property and interest will become immediately due and payable; and

5.2.3.2 The outstanding taxes and interest then owing will become subject to the municipality's regular rate of interest for overdue taxes of 10%.

5.2.4 All amounts owing and payable on the property tax account that are not included in the Program are due on their normal dates and any amounts not paid when due will be subject to the municipality's regular rate of interest for overdue taxes of 10%

5.2.5 Payments received by the municipality from a property owner will first be applied to any installments due under the Program, in priority to any other taxes or other amounts owing by the owner to the municipality.

6. **Responsibilities**

6.1 Council will:

7.1.1 Monitor the implementation and administration of this policy and make any amendments required for the effective and efficient operation of the Program.

7.2 The Chief Administrative Officer will:

7.2.1 Be responsible for the administration and implementation of this policy and the Program; and

7.2.2 Identify necessary amendments to this policy in consultation with Council and managerial staff and make recommendations accordingly to Council.

7. **General Provisions**

Payments received by mail are deemed to be paid on the date received by the Municipality.

\$2000 Tax Bill Financing Scenario over 30 months

Tax Bill	\$ 2,000.00	
Interest Rate	0.013500	0.001125

Period	Princpal	Interest	Principal+interest	Payment
1	\$ 2,000.00	\$ 2.25	\$ 2,002.25	\$ 25.00
2	\$ 1,977.25	\$ 2.22	\$ 1,979.47	\$ 25.00
3	\$ 1,954.47	\$ 2.20	\$ 1,956.67	\$ 25.00
4	\$ 1,931.67	\$ 2.17	\$ 1,933.85	\$ 25.00
5	\$ 1,908.85	\$ 2.15	\$ 1,910.99	\$ 25.00
6	\$ 1,885.99	\$ 2.12	\$ 1,888.12	\$ 25.00
7	\$ 1,863.12	\$ 2.10	\$ 1,865.21	\$ 78.73
8	\$ 1,786.48	\$ 2.01	\$ 1,788.49	\$ 78.73
9	\$ 1,709.76	\$ 1.92	\$ 1,711.68	\$ 78.73
10	\$ 1,632.95	\$ 1.84	\$ 1,634.79	\$ 78.73
11	\$ 1,556.06	\$ 1.75	\$ 1,557.81	\$ 78.73
12	\$ 1,479.08	\$ 1.66	\$ 1,480.75	\$ 78.73
13	\$ 1,402.02	\$ 1.58	\$ 1,403.59	\$ 78.73
14	\$ 1,324.86	\$ 1.49	\$ 1,326.35	\$ 78.73
15	\$ 1,247.62	\$ 1.40	\$ 1,249.03	\$ 78.73
16	\$ 1,170.30	\$ 1.32	\$ 1,171.61	\$ 78.73
17	\$ 1,092.88	\$ 1.23	\$ 1,094.11	\$ 78.73
18	\$ 1,015.38	\$ 1.14	\$ 1,016.53	\$ 78.73
19	\$ 937.80	\$ 1.06	\$ 938.85	\$ 78.73
20	\$ 860.12	\$ 0.97	\$ 861.09	\$ 78.73
21	\$ 782.36	\$ 0.88	\$ 783.24	\$ 78.73
22	\$ 704.51	\$ 0.79	\$ 705.30	\$ 78.73
23	\$ 626.57	\$ 0.70	\$ 627.28	\$ 78.73
24	\$ 548.55	\$ 0.62	\$ 549.16	\$ 78.73
25	\$ 470.43	\$ 0.53	\$ 470.96	\$ 78.73
26	\$ 392.23	\$ 0.44	\$ 392.67	\$ 78.73
27	\$ 313.94	\$ 0.35	\$ 314.30	\$ 78.73
28	\$ 235.57	\$ 0.27	\$ 235.83	\$ 78.73
29	\$ 157.10	\$ 0.18	\$ 157.28	\$ 78.73
30	\$ 78.55	\$ 0.09	\$ 78.64	\$ 78.64
	Total Interest	\$ 39.43		\$ 2,039.43

\$10,000 Tax Bill Commercial Financing Scenario over 30 months

Tax Bill	\$ 10,000.00	
Interest Rate (1.35%)	0.013500	0.001125 Monthly Rate

Period	Principal	Interest	Principal+Interest	Payment
1	\$ 10,000.00	\$ 11.25	\$ 10,011.25	\$ 25.00
2	\$ 9,986.25	\$ 11.23	\$ 9,997.48	\$ 25.00
3	\$ 9,972.48	\$ 11.22	\$ 9,983.70	\$ 25.00
4	\$ 9,958.70	\$ 11.20	\$ 9,969.91	\$ 25.00
5	\$ 9,944.91	\$ 11.19	\$ 9,956.10	\$ 25.00
6	\$ 9,931.10	\$ 11.17	\$ 9,942.27	\$ 25.00
7	\$ 9,917.27	\$ 11.16	\$ 9,928.42	\$ 419.06
8	\$ 9,509.36	\$ 10.70	\$ 9,520.06	\$ 419.06
9	\$ 9,101.00	\$ 10.24	\$ 9,111.24	\$ 419.06
10	\$ 8,692.18	\$ 9.78	\$ 8,701.96	\$ 419.06
11	\$ 8,282.90	\$ 9.32	\$ 8,292.22	\$ 419.06
12	\$ 7,873.16	\$ 8.86	\$ 7,882.02	\$ 419.06
13	\$ 7,462.96	\$ 8.40	\$ 7,471.35	\$ 419.06
14	\$ 7,052.29	\$ 7.93	\$ 7,060.23	\$ 419.06
15	\$ 6,641.17	\$ 7.47	\$ 6,648.64	\$ 419.06
16	\$ 6,229.58	\$ 7.01	\$ 6,236.58	\$ 419.06
17	\$ 5,817.52	\$ 6.54	\$ 5,824.07	\$ 419.06
18	\$ 5,405.01	\$ 6.08	\$ 5,411.09	\$ 419.06
19	\$ 4,992.03	\$ 5.62	\$ 4,997.65	\$ 419.06
20	\$ 4,578.59	\$ 5.15	\$ 4,583.74	\$ 419.06
21	\$ 4,164.68	\$ 4.69	\$ 4,169.36	\$ 419.06
22	\$ 3,750.30	\$ 4.22	\$ 3,754.52	\$ 419.06
23	\$ 3,335.46	\$ 3.75	\$ 3,339.21	\$ 419.06
24	\$ 2,920.15	\$ 3.29	\$ 2,923.44	\$ 419.06
25	\$ 2,504.38	\$ 2.82	\$ 2,507.20	\$ 419.06
26	\$ 2,088.14	\$ 2.35	\$ 2,090.49	\$ 419.06
27	\$ 1,671.43	\$ 1.88	\$ 1,673.31	\$ 419.06
28	\$ 1,254.25	\$ 1.41	\$ 1,255.66	\$ 419.06
29	\$ 836.60	\$ 0.94	\$ 837.54	\$ 419.06
30	\$ 418.48	\$ 0.47	\$ 418.95	\$ 418.95
	Total Interest	\$ 207.33		\$ 10,207.33



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5009

To: CBRM Mayor Cecil P. Clarke and Council
From: John MacKinnon, P. Eng., Deputy Chief Administrative Officer
Date: May 6, 2020
Subject: Estimated Potential Tax Revenue Impact in the CBRM due to COVID-19

Greetings Mayor and Council,

The attached spreadsheet is a working document produced for the Association of Municipal Administrators (AMA) and the Nova Scotia Federation of Municipalities (NSFM) to estimate the potential tax revenue impact in the CBRM due to the COVID-19 virus. This document was presented to the Province of Nova Scotia to help the province determine the total amount of financing required for municipalities.

The categories and percentage impact shown in the document were provided to the CBRM by the AMA and NSFM. The resulting \$42 million impact was derived from the most recent tax billing available in the CBRM.

Staff Recommendation

Council approve a Temporary Borrowing Resolution (TBR) in the amount of \$42,252,896.00 for the CBRM Property Tax Financing Program.

Original signed by:

John MacKinnon, P.Eng.
Deputy Chief Administrative Officer

Encl.

Potential impact on tax revenue due to COVID- 19 Crisis

	Total Revenue		Potential Impact
Hotel and accomodation	\$ 1,999,180.90	100%	\$ 1,999,180.90
Tourism sector, including seasonal tourism (approx taxes)	\$ 3,500,000.00	100%	\$ 3,500,000.00
Restaurants, bars, coffee shops, cafes	\$ 5,046,519.24	100%	\$ 5,046,519.24
Health (dentists, massage, physio, chiro, vet clinics)	\$ 534,368.82	100%	\$ 534,368.82
Hairdressers, nail salons, private gyms, tattoo parlors	\$ 575,701.33	100%	\$ 575,701.33
Call Centers	\$ 1,548,859.43	80%	\$ 1,239,087.54
Craft beer/wine/spirits	\$ 36,662.61	30%	\$ 10,998.78
Non-Profit organizations (approx taxes)	\$ 1,000,000.00	20%	\$ 200,000.00
Other commercial businesses	\$ 21,500,000.00	35%	\$ 7,525,000.00
Total Commercial	\$ 35,741,292.33		\$20,630,856.62
Residential	\$ 72,073,465.86	30%	\$21,622,039.76
Total Revenue and Potential Impact	\$ 107,814,758.19		\$42,252,896.38

**ISSUE PAPER****TO: COUNCIL****From: Ray Boudreau, Senior Manager Public Works****RE: Sewer Easement PID 15219793****Date: March 24, 2020**

BACKGROUND

The owner of PID 15219793 has requested that the Municipality consider a proposal to relocate the boundaries of an existing sewer easement on this parcel to allow for the possibility of future development. See attached Sketch.

INFORMATION

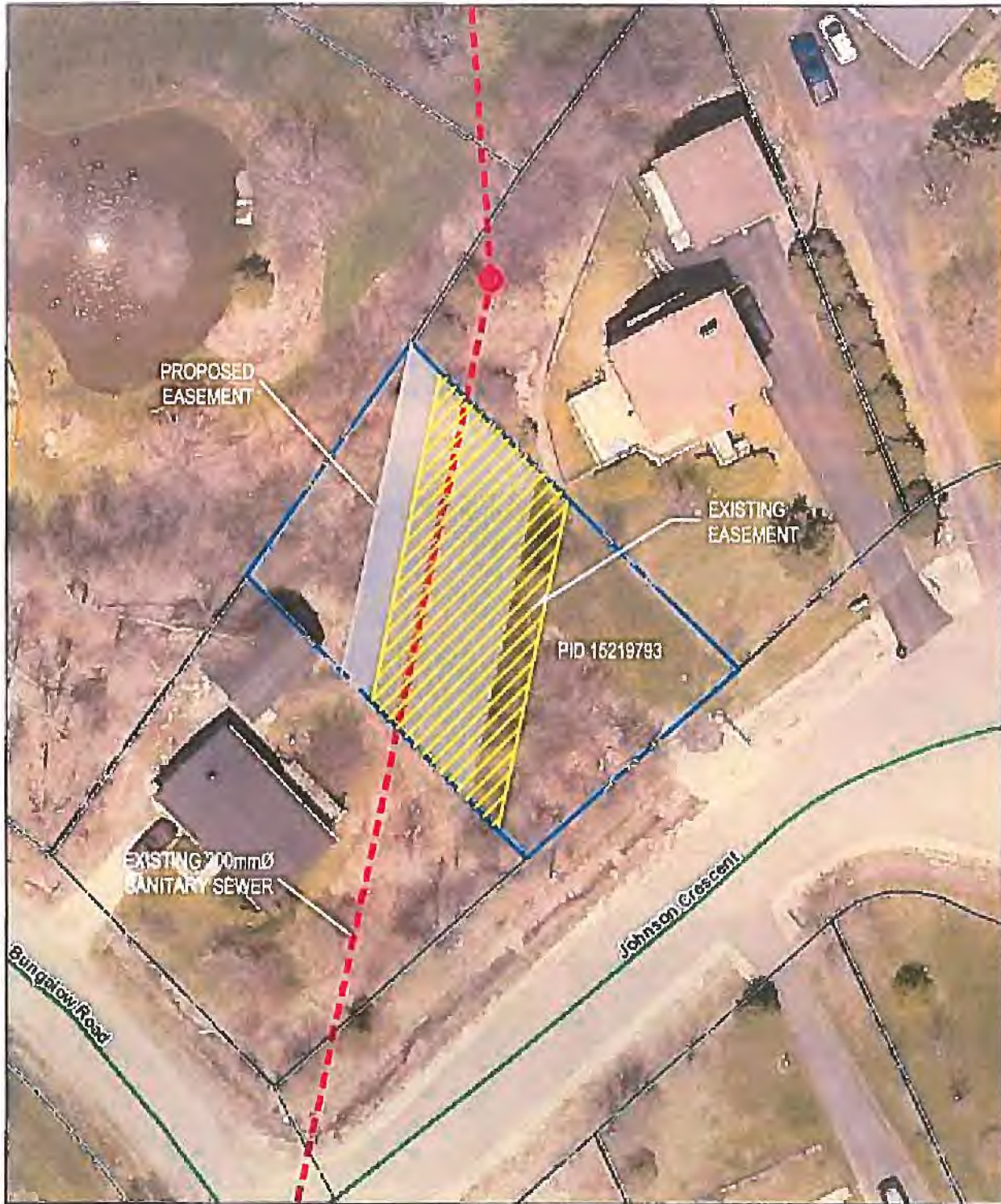
This request has been reviewed by the Engineering and Public Works Department and it has been confirmed that the requested changes will not impact the department's ability to maintain the sanitary sewer main in the future.

RECOMMENDATION

I would ask that Council pass a motion approving the relocation of the easement boundaries and authorizing Mayor and Clerk to execute the necessary legal documents upon submittal by the proponent.

Respectfully Submitted by:

Ray Boudreau, P.Eng.
Senior Manager of Public Works



PROJECT NAME
**SANITARY SEWER
 EASEMENT
 JOHNSON CRESCENT**

CBRM APPROVAL: RJB

CBRM PROJECT No.

DESIGNED BY:

DRAWING NAME

DATE: 03/10/2020

DRAWING No.

**GENERAL
 PLAN**

DRAWN BY: MDV

SK-1





A Community of Communities

Issue Paper

TO: **CBRM Council**

May, 2020

RE: “J-Class Roads” – 2021/2023 Cost Share Paving Agreement

The Cape Breton Regional Municipality’s current “J-Class” Subdivision Roads cost share paving agreement with the Nova Scotia Department of Transportation and Infrastructure Renewal expires on March 31st, 2021.

Nova Scotia Department of Transportation and Infrastructure Renewal are now requesting Cape Breton Regional Municipality confirm their “*expression of interest*” in continuing to participate in the cost share paving of “J-Class” Subdivision Roads Program by August 15, 2020.

There is no funding commitment under this “*expression of interest*”. Funding for this program is approved by annual CBRM General Capital Budget.

Nova Scotia Department of Transportation & Infrastructure Renewal correspondence April 21, 2020 - “*Signing the outline agreement in no way commits the municipality to the cost sharing of the paving of any (“J-Class”) sub-division roads, unless an approved list is accepted in any fiscal year of the agreement. However, not having a signed agreement on file will prevent the municipality from requesting any sub-division (“J-Class”) paving under this program for the next three fiscal years.*”

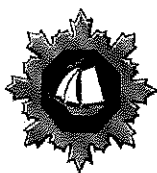
Recommendation:

<p>Council approve a “motion of Council” to authorize the Mayor & Municipal Clerk to sign the three (3) Year Provincial “Cost Share Agreement for the Paving of “J-Class” Subdivision Streets, noting that the CBRM funding for the same will be subject to annual budget approval.</p>

We respectfully request a motion of Council to adopt the “*J-Class Roads” – 2021/2023 Cost Share Paving Agreement*” recommendation.

Respectfully submitted:

**Bruce Hardy, c.e.t.,
Manager Engineering Services**



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas – Regional Solicitor

SUBJECT: Request for Street Closure
(undeveloped portion) Minto Street, Sydney, NS
PID 15891534 (2323174 Nova Scotia Limited)

DATE: May 12th, 2020

INTRODUCTION:

CBRM is in receipt of a request from Chris Conohan of Khattar & Khattar Law Office, solicitor on behalf of 2323174 Nova Scotia Limited, seeking a formal street closing for a portion of land formerly encompassing an unused section of Minto Street, Sydney. The area is identified as PID 15891534 on the attached map (Attachment "A").

BACKGROUND INFORMATION:

The former City of Sydney sold property, including PID 15891534, to Mr. Conohan's client back in May of 1995. The property sold was the site of the former Tartan Downs. At the time the land was conveyed by the City to his client; it included a small section of an undeveloped portion of Minto Street. The small section is the area shown outlined in yellow on the attached map and is the subject of my Issue Paper (Attachment "A"). Mr. Conohan has advised he could not find registered evidence that a proper Street Closing was done back in 1995 for that section of Minto Street that was included in his client's deed. He has acknowledged that in order for him to migrate his client's property into the Land Registration System so they can sell, a formal street closure is required.

REVIEW

The legal department has reviewed the documentation provided by Mr. Conohan's office as well as the records at the Land Registration office and confirm there is no registered Street Closure for this property. This property is not listed as a CBRM property in CBRM's Real Property Inventory. I confirm Mr. Conohan's client has paid the property taxes on this property since 1995 (25 years).

The Engineering and Public Works Department as well as the Planning Department have reviewed this request and have determined there is no reason not to allow for the street closure. The required deposit has been provided to cover processing fees and we hold that amount in trust.

RECOMMENDATION:

I recommend Council pass a Motion directing staff to initiate a formal street closure pursuant to Section 315 of the Municipal Government Act, for that portion of the undeveloped section (PID 15891534) of Minto Street with the intention of releasing any interest CBRM may have in the property to 2323174 Nova Scotia Limited in order to resolve the title issues related to the subject property.

Respectively Submitted,

Demetri Kachafanas
Regional Solicitor

Attachment (1)



2323174 NOVA SCOTIA LTD
PID 15891534

Beech Street

Lorne Street





City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Council Agenda Request Form		
<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)	<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion
Date of Council Meeting: May 12, 2020		
Subject: Downtown Beautification		
Motion for Council to Consider: <i>Reinstate the Beautification program for the downtown areas of the CBRM based on a cost-share program supported through staff oversight for implementation/delivery leveraging the Province's 2020 Beautification and Streetscaping Program wherever possible that provides up to \$25,000 per project.</i>		
Reason: This is going to be a difficult year for our residents and small business throughout the CBRM. The idea for reinstating the blooming and beautification program for this year is based on the idea that this program would put some immediate investment into small business within the CBRM as well as contribute to employment for the individuals who would be installing, maintaining, watering etc. I also believe it would be enjoyed by our residents and business as we encourage people to spend local as the restrictions relax in the future. It has been a difficult time for many and a little hometown pride and beautification will go a long way for many.		
Outcome Sought: Reinstatement of the Beautification Program for 2020 on a cost-share basis with community partners and the Nova Scotia 2020 Beautification and Streetscaping Program.		
<i>Councillor Earlene MacMullin</i>	<i>District 2</i>	
Date: <i>May 1, 2020</i>	Received by Clerk's Department (date):	

From: Boyd, Lorraine
Sent: March-23-20 2:51 PM
Subject: Beautification and Streetscaping Program 2020-2021 - Announced

Good afternoon,

We can now confirm that the Beautification and Streetscaping Program will be offered in Fiscal Year 2020-2021. See attached email for more details. Here is a portion of the email sent to municipalities advising of the program offering in fiscal year 2020-2021.

“Municipalities are encouraged to apply for funding through the Beautification and Streetscaping Program.

The program will invest in projects that improve appearances with a specific focus on attracting tourists. Projects can include landscaping, installing interpretive and entrance signs, enhancing lighting and building public restrooms.

Guidelines, criteria and timelines for projects to be approved can be found at <https://beta.novascotia.ca/apply-funding-develop-beautiful-areas-municipality-beautification-and-streetscaping-program>

The deadline for applications is **April 30, 2020 – extended to June 1, 2020 due to current circumstances.”**

Regards,
Lorraine Boyd
BSP Team



Lorraine Boyd
Program Administration Officer

B North Maritime Centre, 1505 Barrington Street
PO Box 216, Halifax, NS B3J 2M4

From: Janice Wentzell [mailto:jwentzell@amans.ca]
Sent: March-23-20 11:13 AM
To: AMA Maritime List Serve
Subject: 2020 Beautification and Streetscaping Program Guidelines - Province Extends Deadline

Good afternoon everyone,

Municipalities are encouraged to apply for funding through the Beautification and Streetscaping Program.

The program will invest in projects that improve appearances with a specific focus on attracting tourists. Projects can include landscaping, installing interpretive and entrance signs, enhancing lighting and building public restrooms.

Guidelines, criteria and timelines for projects to be approved can be found at <https://beta.novascotia.ca/apply-funding-develop-beautiful-areas-municipality-beautification-and-streetscaping-program>

Applications can be submitted through the provincial portal: <https://grants.novascotia.ca/irj/portal>

The deadline for applications is **April 30, 2020 – extended to June 1, 2020 due to current circumstances.**

~~~~~  
Please note the following instructions to improve the online application experience:

1. **DO NOT** register as **New User** – all Municipal Units have been registered in GMS. Please contact your CAO for user ID and password. If you cannot locate user ID or need password reset, please contact DMAH.
2. GMS system has a 1 hour '**Time out**' limit, so save regularly to prevent loss of data. You can locate the **Save** button (yellow) at the bottom left of the screen.
3. '**Add Attachments**' button will only be available after the form is saved (between Save and Submit buttons).
4. You can **Save a copy** of the application to the local drive by selecting the black disk icon at the top center of the screen. **Please note, if you save a version offline, this version cannot be submitted online.**
5. To find your saved applications, select **My Applications Tab** at the top header, then click on the **Application ID** to open your application. To **Edit** your application, click **Edit** button at top left of your form (paper and pen icon). You can also view your **Application Status** in this view.
6. Complete all sections, and/or attach any additional items then **SAVE** again. You may wish to **save an offline version** at this time.
7. If **error** occurs, the system will provide error message at the top right corner of the screen (besides the printer icon). Please check to make sure there is no error message before you submit.
8. **Submit** your application by selecting the **Submit** button at the bottom left of the screen. You will receive a success message (i.e., *Request was submitted with number #####. Please record this number for your records*).

If you have **any questions or need help**, feel free to contact us at [bsp@novascotia.ca](mailto:bsp@novascotia.ca)

Thanks,

Nick Barr, A/Director Governance and Advisory Services  
Lorraine Boyd, Program Administration Officer, BSP Team



# M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

**To:** CBRM Council  
**From:** Deborah Campbell, Municipal Clerk/Returning Officer  
**Date:** May 6, 2020  
**Subject:** CBRM Alternative Voting By-law – Proposed Amendments

There are several changes required to the CBRM Alternative Voting By-Law, most of which are housekeeping issues to update terminology and align our By-law with the provincial standard and amendments to legislation.

I would point out that the suggested amendments would also provide Council with an option to decide, by motion, that voting by telephone or a personal computing device would be the only means of voting for a particular election (i.e. no paper ballots). Staff recommends that these amendments be adopted to provide greater flexibility in the future.

The CBRM Alternative Voting By-Law, with the proposed amendments highlighted in yellow, is attached.

The following is a brief summary of the changes:

- Section 2(i): change “Education Act” to “Education (CSAP) Act”: only CSAP school board elections will be held since the Regional/District School Boards were dissolved in 2018. Several sections throughout the By-law were changed to reference the CSAP school board only.
- Section 2(n): changed “computer screen” to “personal computing device” to recognize there are various devices on which an elector can vote, with the definition of personal computing device in Section 2(ra).
- Section 2(na): New section to define the list of electors pursuant to the *Municipal Elections Act* (the Act), which replaces section 2(x).
- Section 2(rb): New section to define “procedures and forms” which are required as part of the electronic voting process under the Act.

Continued...

- Section 3(2): New section to provide for electronic voting as the only means of voting for an election, by Council motion.
- Sections 7A (1) & (2): New sections relating to the process for adding people to the applicable list of electors, or correcting their information, during the entire alternative voting period.
- Sections 7B, 7C & 7D: New sections relating to polling stations and polling locations established by the Returning Officer if Council decides that electronic voting is the only means of voting in an election.
- Sections 9A (1) & (2) and 9B: New sections regarding the System Elections Officer, replacing Section 2(y)(iii) (renumbered) and Section 24(1), (2) & (3).
- Section 19(1) *renumbered*: If Council decides to limit the means of voting to a telephone or personal computing device, a judicial recount will not be possible.
- Section 26(A): New section prohibiting a candidate or agent/representative from providing a person with a device to cast a vote. In response to questions were raised during alternative voting in previous elections, thus this amendment will make it an offence for a candidate or someone supporting a candidate to provide a device to an elector to vote. This is consistent with the conduct at paper ballot elections where it is not permitted to post or display items in support of a candidate within 200 feet of a polling place.
- Delete the Forms 26, 26A, 31, 31A & 31b attached at the end of the By-law. These will included in the “Procedures and Forms” document that is required under Section 146A(4) of the Act, except Form 31A which is no longer relevant because the Regional/District School Boards have been dissolved.

**Recommendation:**

I recommend that Council approve the proposed amendments to the CBRM Alternative Voting By-Law as outlined above and contained in the attached amended By-law for first reading, noting that these amendments require two readings by Council.

**Yours truly,**

*ORIGINAL SIGNED BY*

**Deborah Campbell  
Municipal Clerk/Returning Officer**

Attachments

**CAPE BRETON REGIONAL MUNICIPALITY  
BY-LAW NUMBER A- 100  
RESPECTING ALTERNATIVE VOTING**

**BE IT ENACTED** by the Council of the Cape Breton Regional Municipality, under the authority of Section 146A of the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended, as follows:

**Short Title**

1. This By-law shall be known as By-law Number A – 100 and may be cited as the “Alternative Voting By-law”.

→ **Definitions Interpretation**

2. In this by-law:
  - (a) “Act” means the *Municipal Elections Act*, 1989 R.S.N.S. c. 300, as amended;
  - (b) “Advance poll” means the Tuesday immediately preceding ordinary polling day; and either
    - (i) one other day fixed by the Council by resolution that is either Thursday, the ninth day before ordinary polling day or Saturday, the seventh day before ordinary polling day; or
    - (ii) if Council has delegated its authority to fix a day to the Returning Officer, one other day fixed by the Returning Officer that is either Thursday, the ninth day before ordinary polling day, or Saturday the seventh day before ordinary polling day;
  - (c) “alternative polling days” means any hours and dates fixed by a resolution of Council for alternative voting;
  - (d) “alternative voting” means voting by telephone or via the internet and includes a combination of telephone and internet voting;
  - (e) “ballot box” means a computer database in the system where cast internet ballots and telephone ballots are put;
  - (f) “candidate” means a person who has been nominated as a candidate pursuant to the *Act*;
  - (g) “Council” means the Council of the municipality;
  - (h) “Deputy Returning Officer” means a person appointed under the Act to preside over a polling station;

- (i) “Education (CSAP) Act” means the *Education (CSAP) Act*, 1995-1996 S.N.S. c. 1, as amended;
- (j) “election” means an election held pursuant to the *Act*, including a CSAP school board election, a special election and a plebiscite;
- (k) “Election Officer” means an “election official” under the *Act*;
- (l) “elector” means a person:
- (i) qualified to vote pursuant to the *Act* and the *Education (CSAP) Act*; and
- (ii) entitled to vote for an election pursuant to section 7 of this by-law;
- (m) “friend voter” means a friend who votes for an elector pursuant to section 9 of this by-law;
- (n) “internet ballot” means an image of a ballot on a screen on a computer-screen of a personal computing device, including all the choices available to an elector and the spaces in which an elector marks a vote;
- (na) **“list of electors” means:**
- (i) **prior to the list of electors being completed and certified by the Returning Officer pursuant to section 50A of the Act, the list of electors that has been amended and corrected by the Returning Officer pursuant to subsections 2 and 3 of section 38 of the Act; or**
- (ii) **the list of electors that has been completed and certified by the Returning Officer pursuant to section 50A of the Act;**
- (o) “municipality” means the Cape Breton Regional Municipality;
- (p) “normal business hours” means the time between 8:30 a.m. and 4:30 p.m. Monday through to and including Friday;
- (q) “ordinary polling day” means the third Saturday in October in a regular election year and in the case of any other election means the Saturday fixed for the election;
- (r) “PLN” means a Personal Identification Number issued to:
- (i) an elector for alternative voting on alternative voting polling days; or
- (ii) to a System Elections Officer;
- (ra) **“personal computing device” means an electronic device that may access the internet, including a computer, laptop, tablet or gaming device.**

→ (s raa) “plebiscite” means a plebiscite directed to be held by the Council pursuant to section 53 of the *Municipal Government Act* or section 56 of the *Act*;

→ (rb) “procedures and forms” means the procedures and forms established by the Returning Officer pursuant to subsection 146A(4) of the *Act*.

(t s) “proxy voter” means an elector who votes by a proxy pursuant to the *Act*;

(+ t) “regular election year” means 2012 and every fourth year thereafter;

(- u) “rejected ballot” means refusal by an electoral officer to accept a ballot in a race;

(w v) “Returning Officer” means a Returning Officer who is appointed pursuant to the *Act*;

Replaced  
with Section  
(na) above

(x) “revised list of electors” means the revised list of electors completed pursuant to Section 50A of the *Act*;

(y w) “seal” means to secure the ballot box and prevent internet and telephone ballots from being cast;

(- wa) “special election” means a special election held pursuant to the *Act*, including a special election for a vacancy on a the CSAP school board;

(aa wb) “spoiled ballot” means an internet ballot or telephone ballot that is accepted by the elector that:

(i) is not marked for any candidate in a race;

(ii) is marked by an elector indicating a refusal to cast a vote for any candidate in a race;

(bb x) “system” means the technology, including software, that:

(i) records and counts votes; and

(ii) processes and stores the results of alternative voting during alternative polling days;

(ee y) “System Elections Officer” means:

(i) a person who maintains, monitors, or audits the system, and

(ii) a person who has access to the system beyond the access necessary to vote by alternative voting.

See Section  
9A & 9B

(iii) a person who, pursuant to section 146A(3)(ed) of the Act, is appointed as auditor to audit and monitor the performance of the system of voting.

(z) “telephone ballot” means:

- (i) an audio set of instructions which describes the voting choices available to an elector; and
- (ii) the marking of a selection by an elector by depressing the number on a touch tone keypad.

### Alternative Voting Permitted

3. (1) Subject to this by-law, alternative voting shall be permitted on alternative polling days.

(2) Council may, by resolution, provide that voting by a telephone or by a personal computing device shall be the only means of voting for an election.

### Notification of Electors

4. (1) The Returning Officer shall cause notice of alternative polling days to be published in a newspaper circulating in the municipality.
- (2) The notice of alternative polling days shall:
  - (a) identify the alternative polling days for alternative voting; and
  - (b) inform the elector that telephone voting and internet voting is permitted during alternative polling days.
- (3) The notice may include any other information the Returning Officer deems necessary.

### Form of Telephone and Internet Ballots

5. (1) A telephone ballot and internet ballot shall:

- (a) identify by the title “Election for Mayor” or “Election for Councillor” or “Election for CSAP School Board Member”, as the case may be;
- (b) identify the names or names by which they are commonly known of the candidates with given names followed by surnames, arranged alphabetically in order of their surnames and, where necessary, their given names; and

- (c) warn the elector to “vote for one candidate only” or “vote for not more than (the number of candidates to be elected) candidates”, as the case may be.
- (2) No title, honour, decoration or degree shall be included with a candidate’s name on an internet ballot or telephone ballot.

### Oath

6. Any oath that is authorized or required shall be made:

- (i) in the form specified **by this by-law by the procedures and forms;** or
- (ii) if the form is not specified by **this by-law the procedures and forms;** in the form required by the *Act*.

### Electors

7. No person shall vote by alternative voting unless:

(a) the person’s name appears on the **revised list of electors pursuant to Section 50A of the Act applicable list of electors;** or

~~(b) the person’s name does not appear on the revised list of electors and:~~

~~(i) the person appears before the Returning Officer or the Deputy Returning Officer during normal business hours during alternative polling days; and~~

~~(ii) the person swears an oath in the prescribed form to this by-law.~~

**(b) the person is added to the applicable list of electors pursuant to section 36 of the Act or section 7A of the By-law.**

**7A. (1) Notwithstanding sections 33 and 38 of the Act, in addition to section 36 of the Act, a person may apply for an amendment to any list of electors by telephone after the first notice of the preliminary list of electors is given pursuant to Section 34 of the Act and before the end of alternative polling days and such amendment may be made by a revising officer or the Returning Officer in accordance with subsection 2.**

**(2) Notwithstanding subsection 36(2) of the Act, an application by telephone to be added to any list of electors shall be sufficiently detailed to allow the revising officer or Returning Officer to determine whether the information can be verified from other sources available to the revising officer or Returning Officer and, if the revising officer or Returning Officer determines that this is not possible, then the applicant shall be required to personally appear, at the location and time determined by the revising officer or Returning Officer, and make application accompanied by a declaration under oath**

administered by the revising officer or Returning Officer of the facts that support the application.

#### **Polling Station for Alternative Voting**

7B. (1) If Council decides that voting by telephone and by a personal computing device are the only means of voting for an election, the Returning Officer shall establish at least one polling station for alternative voting and each polling station established shall be equipped with at least one device that is capable of casting either an internet ballot or telephone ballot.

(2) The polling station for alternative voting shall be:

- (a) available for electors who are voting with friend voters and for any other electors; and
- (b) open on each advance polling day and on ordinary polling day; and
- (c) on such other days and times as decided by the Returning Officer.

#### **Polling Locations for Alternative Voting**

7C. (1) In addition to establishing at least one polling station, the Returning Officer may establish one or more polling locations for alternative voting during alternative polling days.

(2) A polling location may be at such places and during such times as may be determined by the Returning Officer and such location shall be equipped with at least one device that is capable of casting either an internet ballot or telephone ballot.

(3) A polling location established by the Returning Officer is not a polling station within the meaning of the Act.

#### **Notification and Attendance at Polling Location**

7D. (1) The Returning Officer shall provide each candidate with at least forty-eight (48) hours' notice of a polling location.

(2) A candidate officially nominated or their official agent may appoint one or more agents to represent the candidate at each polling location.

(3) An agent may absent himself or herself from and return to a polling location from time to time while the polling location is open.

(4) Only one agent for each candidate shall be entitled to remain in the polling location at any one time while the polling location is open.

→ (5) Upon exhibiting the appointment to the deputy returning officer or Returning Officer and without taking an oath, the official agent, other than a candidate acting as official agent, may represent a candidate in any polling location in the same manner as, and in addition to, an agent.

### Proxy Voting

8. A proxy voter shall not vote for an elector by alternative voting.

### Friend Voting

9. (1) A friend voter shall only vote for an elector by alternative voting if:

(a) an elector is unable to vote because:

(i) the elector is blind

(ii) the elector cannot read; or

(iii) the elector has a physical disability that prevents him or her from voting by alternative voting.

→ (b) the elector and the friend appear, in person, before the Returning Officer or the Deputy Returning Officer and take the prescribed oaths.

(2) A candidate shall not act as a friend voter unless the elector is a child, grandchild, brother, sister, parent, grandparent, or spouse of the candidate.

(3) The elector shall take an oath in the prescribed form to this by-law providing that he or she is incapable of voting without assistance.

(4) The friend of the elector shall take an oath in the prescribed form to this by-law that:

(a) the friend has not previously acted as a friend for any other elector in the election other than an elector who is a child, grandchild, brother, sister, parent, grandparent, or spouse of the friend of the elector.

(b) the friend will mark the ballot as requested by the elector; and

(c) the friend will keep secret the choice of the elector.

(5) The Returning Officer shall enter in the poll book:

(a) the reason why the elector is unable to vote;

Replaces Sec.  
2(y)(iii) -  
renumbered

- (b) the name of the friend; and
- (c) the fact that the oaths were taken.

### **System Elections Officer**

→ **9A. (1) A System Elections Officer shall have access to the system prior to the commencement of alternative voting to verify the count for each candidate is zero.**

**(2) Notwithstanding the day and time set for alternative voting, alternative voting shall not commence until the counts for each of the candidates is zero.**

**9B. A System Elections Officer shall comply with the procedures and forms established by the Returning Officer pursuant to subsection 146A(4) of the Act.**

### **Voting**

- 10. (1) The system shall put internet ballots and telephone ballots cast by an elector in the ballot box.
- (2) The system shall put spoiled ballots in the ballot box.

### **Seal**

- 11. (1) Where alternative voting closes before the close of the polls on ordinary polling day, the system shall seal the ballot box until after the close of the poll on ordinary polling day.
- (2) The system shall seal the ballot box even where fewer than ten persons from any polling district voted for a candidate during alternative polling days.

### **List of persons who voted**

- 12. Where alternative voting closes before the close of the polls on ordinary polling day, the system shall:
  - (a) generate a list of all electors who voted by alternative voting; and
  - (b) on the revised **applicable** list of electors, cause a line to be drawn through the name of all the electors who voted during alternative polling days.

13. A printed and electronic copy of the lists under Section 12 shall be delivered to the Returning Officer within 24 hours of the close of alternative voting.

→ **14. 13A.** Where alternative voting closes at the close of the polls on ordinary polling day, the system shall generate a list of all electors who voted by alternative voting.

### Counting

- **15.14.** (1) At the close of ordinary polling day, the system shall generate a count of the telephone ballots and internet ballots in the ballot box that were cast for each candidate during the alternative polling days.
- (2) In counting the votes that were cast for each candidate during alternative polling days, the system shall count spoiled ballots and shall not count rejected ballots.

### Tallying of Spoiled Ballots

- 16.15.** At the close of ordinary polling day, the system shall tally the number of spoiled ballots that were cast during alternative polling days and the tally shall be delivered to the Returning Officer.

### Recount by System

- 17.16.** In the event of a recount, the system shall regenerate the election count and a printed copy of the regenerated count shall be given to the Returning Officer.

- 18.17.** If the initial count and the regenerated count match, the regenerated count shall be the final count of the votes cast by alternative voting.

- 19.18.** (1) If the regenerated count and the initial count do not match, the Returning Officer shall:

- (a) direct one final count be regenerated by the system of the votes cast by alternative voting, and
- (b) attend while the final count is being regenerated.

- (2) The regenerated final count pursuant to Subsection (1) shall be the final count of the votes cast by alternative voting.

### Recount by Court

- **20.19.** (1) **For elections for which there is no voting by paper ballot, there shall be no recount by a judge.**

- (1a)** ~~For a recount,~~ For elections for which there is voting by paper ballot and alternative voting, in respect of alternative voting, the judge shall only consider the final count by the system, as determined by Section **18.17** or **19.18**, of the total number of votes that were cast by alternative voting for each candidate.

- (2) The final count by the system, as determined by Sect Section **48-17** or **49-18**, of the total number of votes that were cast by alternative voting for each candidate shall be added to the judge's count of the number of votes for each candidate cast by non-alternative voting.

### Secrecy

**21.20.** An election officer and system election officer shall maintain and aid in maintaining the secrecy of the voting.

**22.21.** Every person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

### Other Methods of Voting

**23.22. (1)** If voting via the Internet through the unsupervised use of a personal computing device is permitted during an election, voting shall be permitted by some other means on each advance polling day and on ordinary polling day.

→ **(2) Council may, by resolution, provide that voting by a telephone and by a personal computing device shall be the only means of voting for an election.**

### Appointment of Auditor

*See Section 9A & 9B* **24. (1)** The Returning Officer may appoint a System Elections Officer for the purpose of auditing and monitoring the performance of the system of voting.

**(2)** A System Elections Officer so appointed shall carry out the duties of auditor as outlined in the procedures and forms for the conduct of voting pursuant to Section 146A(4) of the Act.

**(3)** Before carrying out the duties described in subsection (2), the System Elections Officer shall swear an oath in the form prescribed by the regulations.

### Severability

**25-23.** If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

## Prohibitions

→ **26.24.** No person shall:

- (a) use another person's PIN to vote or access the system unless the person is a friend voter;
- (b) take, seize, or deprive an elector of his or her PIN; or
- (c) sell, gift, transfer, assign or purchase a PIN.

**27.25.** No person shall:

- (a) interfere or attempt to interfere with an elector who is casting an internet ballot or telephone ballot;
- (b) interfere or attempt to interfere with alternative voting; or
- (c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

**28.26.** No person shall, at any time, communicate or attempt to communicate any information relating to the candidate for whom an elector has voted.

→ **26A. No**

- (a) candidate,**
- (b) recognized agent, or**
- (c) person acting on behalf or in support of a candidate,**

**shall provide a person with a personal computing device or telephone for the purposes of casting an internet ballot or telephone ballot.**

## Offences and Penalty

29. (1) A person who:

- (d) violates any provision of this by-law; or

→ **(aa) makes a false statement in a declaration; or**

- (b) permits anything to be done in violation of any provision of this by-law;  
is guilty of an offence.
- (2) A person who contravenes subsection (1) of this section is guilty of an offence and is liable, on summary conviction, to a penalty of not less than five thousand dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of two years less a day, or both.
- (3) In determining a penalty under subsection (2), a judge shall take into account:
  - (a) the number of votes attempted to be interfered with;
  - (b) the number of votes interfered with; and
  - (c) any potential interference with the outcome of an election.
- (4) Pursuant to Section 146A of the *Act*:
  - (a) the limitation period for the prosecution of an offence under this by-law is two years from the later of the date of the commission of the offence and the date on which it was discovered that an offence had been committed; and
  - (b) *The Remission of Penalties Act*, 1989 SNS c. 397, as amended, does not apply to a pecuniary penalty imposed by this by-law.

**PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on the 15<sup>th</sup> day of May, 2012, and amended by Council on the 21<sup>st</sup> day of June, 2016, and on the **\_\_\_\_\_ day of \_\_\_\_\_, 2020.**

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**Mayor Cecil P. Clarke**

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**Municipal Clerk – Deborah Campbell**

I, Deborah Campbell, Municipal Clerk of the Cape Breton Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Cape Breton Regional Municipal Council on May 15<sup>th</sup>, 2012, and amended on the 21<sup>st</sup> day of June, 2016, on the **\_\_\_\_\_ day of \_\_\_\_\_, 2020.**

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**Municipal Clerk – Deborah Campbell**

**Publication Date:** \_\_\_\_\_

**NOTE:** Forms 26, 26A, 31, and 31B to be deleted from this By-Law and added to the Alternative Voting Procedures and Forms. Form 31A is not required because there are no longer regional/district school boards.

**CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A-100**

**FORM 26  
BY-LAW SECTION 9**

**OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE  
FOR ALTERNATIVE VOTING**

*(For use by a person who is not a candidate and who is not related to the elector)*

You swear (or solemnly affirm) that:

- \_\_\_\_\_ (a) \_\_\_\_\_ you have not previously acted as a friend for any other elector in the election who  
\_\_\_\_\_ is not a child, grandchild, brother, sister, parent, grandparent, or spouse;
- \_\_\_\_\_ (b) \_\_\_\_\_ you will carry out the wishes of the elector on whose behalf you act; and
- \_\_\_\_\_ (c) \_\_\_\_\_ you will keep secret the name of the candidate or candidates for whom you mark  
\_\_\_\_\_ the internet ballot or telephone ballot.

**NOTE:** \_\_\_\_\_ A candidate shall not act as a friend of an elector who is not a child, \_\_\_\_\_  
\_\_\_\_\_ grandchild, brother, sister, parent, grandparent, or spouse of the candidate.  
\_\_\_\_\_ A person who is not a candidate may act as a friend for one unrelated elector  
\_\_\_\_\_ and any number of electors who are a child, grandchild, brother, sister, \_\_\_\_\_  
\_\_\_\_\_ parent, grandparent, or spouse of the friend.

~~CAPE BRETON REGIONAL MUNICIPALITY BY LAW NUMBER A- 100~~

~~FORM 26A  
BY LAW SECTION 9~~

~~OATH OR AFFIRMATION OF FRIEND OF ELECTOR REQUIRING ASSISTANCE  
FOR ALTERNATIVE VOTING  
(CANDIDATE/RELATIVE)~~

~~(For use by a person, including a candidate, who is related to the elector)~~

~~You swear (or solemnly affirm) that:~~

- ~~\_\_\_\_\_ (a) \_\_\_\_\_ the elector on whose behalf you acted is a child, grandchild, brother, sister, parent,  
\_\_\_\_\_ grandparent, or spouse;~~
- ~~\_\_\_\_\_ (b) \_\_\_\_\_ you will carry out the wishes of the elector on whose behalf you act; and~~
- ~~\_\_\_\_\_ (c) \_\_\_\_\_ you will keep secret the name of the candidate or candidates for whom you mark  
\_\_\_\_\_ the internet ballot or telephone ballot.~~

~~**NOTE:** \_\_\_\_\_ A candidate shall not act as a friend of an elector who is not a child, \_\_\_\_\_  
\_\_\_\_\_ grandchild, brother, sister, parent, grandparent, or spouse of the candidate. \_\_\_\_\_  
\_\_\_\_\_ A person who is not a candidate may act as a friend for one unrelated elector \_\_\_\_\_  
\_\_\_\_\_ and any number of electors who are a child, grandchild, brother, sister, \_\_\_\_\_  
\_\_\_\_\_ parent, grandparent, or spouse of the friend.~~



~~CAPE BRETON REGIONAL MUNICIPALITY BY-LAW NUMBER A-100~~

~~FORM 31A  
BY-LAW SECTION 7~~

~~OATH OR AFFIRMATION OF ELECTOR NOT ON LIST OF ELECTORS  
FOR USE WHEN ELECTOR CAN VOTE ONLY FOR  
REGIONAL/DISTRICT SCHOOL BOARD~~

I swear (or solemnly affirm) that:

1. ~~On this date I actually reside in Polling Division Number \_\_\_\_\_ of the Cape Breton  
\_\_\_\_\_ Regional Municipality.~~
2. ~~I have been ordinarily resident in the Province of Nova Scotia for a period of six months  
immediately preceding the first advance polling day in this election, and have been  
ordinarily resident in the school region/district in which my polling division is located  
since immediately before the first advance polling day.~~
3. ~~I have not voted before in this election.~~
4. ~~I am a Canadian citizen and of the full age of eighteen years, or will be on the first  
\_\_\_\_\_ advance polling day.~~
5. ~~I am not the returning officer, a person serving a sentence in a penal or reform institution,  
\_\_\_\_\_ or a person convicted of bribery under the *Municipal Elections Act* in the six years  
\_\_\_\_\_ preceding ordinary polling day.~~

| <del>Address of Elector</del> | <del>Elector's Date<br/>of Birth</del> | <del>Signature of Elector</del> | <del>Consents to Name<br/>Being added to<br/>Voters List*</del> |
|-------------------------------|----------------------------------------|---------------------------------|-----------------------------------------------------------------|
| _____                         | _____                                  | _____                           | _____                                                           |
| _____                         | _____                                  | _____                           | _____                                                           |
| _____                         | _____                                  | _____                           | _____                                                           |
| _____                         | _____                                  | _____                           | _____                                                           |
| _____                         | _____                                  | _____                           | _____                                                           |

(\*write "yes" or "no")

Sworn (or affirmed) at \_\_\_\_\_  
in the Cape Breton Regional Municipality;  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me

\_\_\_\_\_  
Returning Officer or  
Deputy Returning Officer

~~The Voters List may be used in future municipal, provincial or federal elections.~~



**MUNICIPALITÉ RÉGIONALE DU CAP BRETON RÈGLEMENT NUMÉRO A-100**

**FORMULAIRE 31B  
ARTICLE 7**

**SERMENT OU DÉCLARATION SOLENNELLE DE L'ÉLECTEUR (TRICE)  
NON INSCRIT(E) SUR LA LISTE DES ÉLECTEURS, À UTILISER LORSQUE L'ÉLECTEUR  
(TRICE) NE PEUT VOTER QUE POUR LE CONSEIL SCOLAIRE ACADIEN PROVINCIAL**

Je jure (ou j'affirme solennellement) que:

1. \_\_\_\_\_ A ce jour, je réside dans la section de vote numéro \_\_\_\_\_ de la municipalité  
\_\_\_\_\_ régionale du Cap Breton.
2. \_\_\_\_\_ J'ai habituellement résidé dans la province de la Nouvelle Écosse pendant la période de six  
\_\_\_\_\_ mois précédant immédiatement le jour ordinaire du scrutin de cette élection.
3. \_\_\_\_\_ Je n'ai pas voté lors de cette élection.
4. \_\_\_\_\_ Je suis un citoyen(ne) canadien(ne) et de l'âge de dix huit ans ou sera le premier jour de scrutin  
spécial. \_\_\_\_\_
5. \_\_\_\_\_ Je ne suis pas le(la) directeur(trice) du scrutin, une personne purgeant une peine dans un  
\_\_\_\_\_ établissement pénitentiaire ou un centre d'éducation surveillée ou une personne  
\_\_\_\_\_ condamnée pour corruption au cours des six années précédant le jour du scrutin selon la Loi sur  
\_\_\_\_\_ les élections municipales.

|                                |                                   |                                      |                             |
|--------------------------------|-----------------------------------|--------------------------------------|-----------------------------|
| <b>Adresse de</b> _____        | <b>Date de naissance</b> _____    | <b>Signature de l'électeur</b> _____ | <b>Consent à ce que son</b> |
| <b>l'électeur(trice)</b> _____ | <b>de l'électeur(trice)</b> _____ | <b>l'électeur(trice)</b> _____       | <b>nom soit ajouté la</b>   |
| _____                          | _____                             | _____                                | <b>liste des électeurs</b>  |

|       |       |       |       |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
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| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(Indiquer oui ou non)

Juré (ou déclaré solennellement) à \_\_\_\_\_  
dans le comté de la Municipalité Régionale du Cap Breton,  
de le \_\_\_\_\_ jour du mois de \_\_\_\_\_ de l'an en ma présence

\_\_\_\_\_  
Adjoint Directeur ou  
Adjoint Directrice de scrutin

(A translation of this form is available in English)  
**La liste électorale pourrait être utilisée dans les futures élections municipales, provinciales  
ou fédérales.**

