

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MARCH 15TH, 2016

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, March 15th, 2016

6:00 p.m.

AGENDA ITEMS

ROLL CALL

O' Canada

Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

➤ Council – February 16th, 2016

2. PROCLAMATIONS

- 2.1 UNESCO World Poetry Day and National Poetry Month
Councillor Mae Rowe (See page 8)

Recitation of a Poem

- 2.2 Storytelling Day 2016
Councillor Lowell Cormier (See page 9)

- 2.3 World Water Day
Councillor Kevin Saccary (See page 10)

3. DELEGATION:

- 3.1 Sydney Public Library Feasibility Study: (See page 11)

Introductions: Ms. Faye MacDougall, Regional Librarian, Cape Breton Regional Library

Spokespersons: Mr. Spyro Trifos, Principal Architect, Trifos Architecture & Interiors and Mr. John Nash, FCPA, FCA, Breton Chartered Accountants

Continued...

4. PLANNING ISSUES:

4.1 FINAL APPROVAL – PUBLIC HEARING:

a) Zoning at the Site of Former Heavy Water Plant – Case #1013:

Public Hearing to consider amending the Municipal Planning Strategy concerning the site of the Former Heavy Water Plant currently zoned for Industrial and Business development, to include residential zoning development – Case #1013. Malcolm Gillis, Director of Planning and Development (See page 14)

4.2 PUBLIC PARTICIPATION PROGRAM:

a) Municipal Planning Strategy Amendment Application - 1020 Cavell McNeil and Karen McNeil, 322 Park Road, Florence PID 15658271:

Committee recommends that Council adopt, by Resolution, a Public Participation Program to consider amending the Municipal Planning Strategy and Land Use By-law amendments to allow for retail sales at 322 Park Road, Florence, PID 15658271. Karen Neville, Planner (See updated staff report on page 18)

5. BUSINESS ARISING:

5.1 General Committee – October 6th, 2015:

a) Action Plan for Downtown Sydney – Recommendations on Four Issues Identified in September 10, 2015 Issue Paper: Rick McCready, Senior Planner

Staff recommendations for an action plan for Downtown Sydney to address the four key issues as noted. (See page 25)

5.2 CBRM Board of Police Commissioners – December 8th, 2015:

a) Draft Travel Policy for Civilian Police Commissioners:

CBRM Board of Police Commissioners recommends that Council approve the Travel Policy for Civilian Police Commissioners. Deborah Campbell, Municipal Clerk (See page 42)

Continued...

BUSINESS ARISING (Cont'd):

5.3 General Committee – January 5th, 2016:

a) Proposed Changes to CBRM Policies re: Reference to General Committee:

Committee recommends approval of the proposed amendments regarding reference to the “General Committee” in the following CBRM Policies:

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

Deborah Campbell, Municipal Clerk (See page 49)
(*Appendix “A” distributed separately*)

5.4 Heritage Advisory Committee – February 22nd, 2016:

a) Request by Thomas Ashford for Municipal Heritage Registration for House Located at 439 Johnson Road, George’s River:

Heritage Advisory Committee recommends that Council begin the process of registering 439 Johnson Road, George’s River, as a Municipal Heritage Property. Rick McCready, Planner / Heritage Officer (See page 53)

5.5 General Committee – March 1st, 2016:

a) Transfer of Accumulated Surplus – Operating Fund:

Committee recommends Council approve the transfer of the accumulated surplus balance in the Non-Consolidated Statement of Financial Position - Operating Fund in the amount of \$944,687 to the Operating Reserve. Marie Walsh, Chief Financial Officer (See page 56)

Continued...

6. CORPORATE SERVICES ISSUE:

6.1 Implementation of the CBRM Active Transportation Plan: Grand Lake Road Multi Use Path – Agreements:

Staff recommends that Council authorize the Mayor and Clerk to sign agreements between CBRM and NSAHOPP Mayflower Mall Inc. / HOOPP Realty Inc., Burnac Corporation, Nova Scotia Power and Cape Breton University once they are ready for signature. Rick McCready, Senior Planner (See page 59)

7. REPORTS:

7.1 2016-17 Operating and Capital Budgets / Associated Impacts: Mayor Cecil P. Clarke (See page 61)

7.2 Road Priorities:
Wayne MacDonald, Director of Engineering & Public Works
(See page 63)

7.3 CBRM's Wastewater Infrastructure Accomplishments & Challenges:
Wayne MacDonald, Director of Engineering & Public Works
(See page 67)

7.4 Financial Statements to January 31, 2016: Marie Walsh, Chief Financial Officer (See page 90)

8. BY-LAWS, RESOLUTIONS & MOTIONS:

8.1 By-Laws:

a) **Second / Final Reading:** N/A

Continued...

By-Laws, Resolutions & Motions (cont'd)

By-laws (cont'd)

b) First Reading:

i) Proposed Changes to CBRM By-laws re: Reference to General Committee:

General Committee recommends first reading of the proposed amendments regarding reference to the “General Committee” in the following CBRM Bylaws:

- Building By-Law
- Civic Addressing By-Law
- Parking Meter By-Law
- Taxi By-Law
- Vending Machines By-Law

Deborah Campbell, Municipal Clerk (See page 92)
(*Appendix “B” distributed separately*)

8.2 Resolutions: N/A

8.3 Motions: N/A

Adjournment

PROCLAMATION

UNESCO World Poetry Day & National Poetry Month

Whereas:

Every poem is unique but each reflects the universal in human experience and the aspiration for creativity that crosses all boundaries and borders of time as well as space in the constant affirmation of humanity as a single family;

And Whereas:

Poetry reaffirms our common humanity by revealing to us that individuals, everywhere in the world, share the same questions and feelings;

And Whereas:

Poetry is the mainstay of oral tradition and, over centuries, can communicate the innermost values of diverse cultures;

And Whereas:

In celebrating UNESCO World Poetry Day on March 21st and the month of April as National Poetry Month recognizes the unique ability of poetry to capture the creative spirit of the human mind;

And Whereas:

The observance of World Poetry Day is also meant to encourage a return of the oral tradition of poetry recitals to promote the teaching of poetry, to form a dialogue between poetry and the other arts such as theatre, dance, music and painting and to support small publishers and create an attractive image on poetry in the media so that the art of poetry will no longer be considered as an outdated form of art, but one which enables society as a whole to regain and assert its identity;

Be It Therefore Resolved:

That CBRM Mayor and Council proclaim March 21st, 2016 as UNESCO World Poetry Day and April as National Poetry Month to recognize the unique ability of poetry to capture the creative spirit of the human mind and to support linguistic diversity through poetic expression and to offer endangered languages the opportunity to be heard within their communities.

Councillor Mae Rowe - District #3 – CBRM

March 15th, 2016

PROCLAMATION

STORYTELLING DAY 2016

- Whereas:** Cape Breton's rich and vital cultural heritage relies upon the lively exchange of stories, both to celebrate our past and to preserve wisdom from previous generations;
- And Whereas:** The region's shifting demographics mean new cultural influences and new stories, which can help us, see and shape our role within a global future;
- And Whereas:** A diversity of stories and voices results in a unique and complex culture, further positioning Cape Breton as a destination of interest for world travelers and investors;
- Be It Therefore Resolved:** That storytelling be officially recognized by the Cape Breton Regional Municipality as a *significant cultural resource deserving of support* and that March 20th, 2016 be declared as annual Cape Breton Storytelling Day.

Councillor Lowell Cormier – District #11 - CBRM

March 15th, 2016

PROCLAMATION

“World Water Day”

Whereas: The United Nations has declared Tuesday, March 22nd, 2016 as World Water Day;

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

Therefore Be It Resolved: That CBRM Council proclaim Tuesday, March 22nd, 2016 as “World Water Day” in the Cape Breton Regional Municipality and residents are encouraged to practice responsible and sustainable use of water.

Councillor Kevin Saccary
District #8 - CBRM

March 15th, 2016



CAPE BRETON REGIONAL MUNICIPALITY

Sydney Public Library Feasibility Study Sydney, Nova Scotia



Prepared for: **Cape Breton Regional Library**

March, 2016

TDC Project No. 15-036



Architecture & Interiors

EXECUTIVE SUMMARY

Facility Requirements

A library of 28,000 gross sq. ft. (GSF) is required to serve Sydney's projected 2031 catchment area population of 40,000. The requirement is based on a recommended level of provision of 0.7GSF/capita; which represents a significant increase over the current level of provision of 0.34GSF/capita.

An additional 8,580GSF are required for the Cape Breton Regional Library's (CBRL) headquarters, resulting in a proposed development of 36,580GSF. By comparison, the existing James McConnell Memorial Library and regional headquarters is about 22,000GSF.

The recommended facility does not include space required by partners who may choose to join the CBRL in this development.

At roughly 37,000GSF, the recommended facility will correct many of the deficiencies associated with the current library and headquarters. A larger library is required to reflect the changing roles of public libraries. Contemporary libraries play a different role in the community and, consequently, have different requirements for space. Contemporary libraries are buildings where information literacy is taught, music and video is created, residents come together to discuss and debate important issues, and where community is created and fostered. To be this type of library, physical space not traditionally associated with public libraries is required, including computer and multi-media labs, extensive display space, areas for the community to informally assemble and interact, presentation space, etc. Research clearly demonstrates that this is the library of the future; and input from residents of the Cape Breton Regional Municipality (CBRM) indicates strong support for a contemporary library of this type.

Benefits

Experience in other communities demonstrates that new libraries can be a catalyst for downtown revitalization and economic development. They attract residents and visitors to create vibrant retail and commercial districts, which, in turn, invites new investment. Libraries contribute to the municipality's image and identity as cornerstones of creative cities, and venues for arts, cultural, and heritage events. When part of larger schemes for downtown urban renewal, they become place-makers and public places, contributing to broader urban design and development objectives in progressive communities.

The proposed development will not only correct the limitations of current library services, it will support the future economic, social, and cultural objectives of the CBRM and other community organizations.

Partnerships

Investigating potential partnership, with implications for the size and design of the proposed library, was not a part of this study. However, the CBRL should actively pursue potential partners, and confirm their willingness to be a part of this project. Community stakeholders expressed interest in and support for expanded partnerships. Furthermore, these are particularly important in the CBRM because the population only supports a small central library where program areas are smaller than desired, and some specialized spaces cannot be included. These are the spaces that partners could support (e.g. larger, multipurpose program areas; training facilities; technology labs, and performance and assembly space; spaces designed for the arts, culture, and music; etc.). If partners are prepared to share space and contribute to capital and operating costs, as well as additional programs, program and activity areas that would otherwise not be available to residents, could be provided at the new Sydney library. This important issue should be investigated further, before proceeding with the project.

Design Considerations and Capital Costs

The architectural and site analysis of this portion of the Team's facility feasibility assessment seeks to examine and analyze three (3) varied library facility models. Option 1 is a new-building, stand-alone, iconic library structure on a CBRM-owned waterfront location. Option 2 is an integrated sub-tenant of a large, multi-facility complex on a private waterfront location. Option 3 is a rehabilitation or repurposing of an existing building into a modern, contemporary library. For financial costing, a floor area of 40,000 square feet is assumed. The needs assessment lists 36,580 square feet of floor area for the Library and Regional Headquarters. For options design, it is assumed that Community Partners will be identified for 3,420 additional square feet. A new, iconic, stand-alone, contemporary, 40,000-square-foot library will cost between \$26 million and \$28 million, depending on site selection. A retrofitted edifice of 40,000 square feet will cost approximately \$18 million.

Business Model

The financial analysis carried out as a part of this study has concluded that variances between public and public-private partnership are significant, primarily because the discount rate used on the cost of government funds is 4%, versus the cost of private funds at 8%. In both cases, the full construction costs of the facility would be recovered over the 25-year period.

The costs under the retrofit option are slightly lower. Retrofitting indicates lower initial capital costs, and higher annual operating costs.

In the public-build scenario of a new build, the CBRM would have possession of the Library Facility after the 25-year period. Under the public-private building scenario of a new build or retrofit, the CBRM would have paid 100% of the construction costs of the facility, and would not have possession. CBRM would have to pay an amount to the developer to purchase the property or extend the lease. This amount could be fair-market value at that time, or a lesser amount, if it were negotiated up front.

Zoning at the Site of Former Heavy Water Plant – Case #1013:

Motion:

Moved by Councillor Saccary, seconded by Deputy Mayor George MacDonald, approval to advertise Notice of a Public Hearing to be held at the March 15th, 2016 meeting of Council to consider amending the Municipal Planning Strategy and the Land Use Bylaw concerning the site of the Former Heavy Water Plant currently zoned for Industrial and Business development, to include residential zoning development – Case #1013.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: ZONING AT THE SITE OF THE FORMER
HEAVY WATER PLANT – case 1013**

DATE: January 8th, 2016

Introduction

When the CBRM Municipal Planning Strategy and its implementing Land Use Bylaw came into effect in 2004 there was a policy in the Planning Strategy and a Zone in the Bylaw that identified the highest and best use of all of the lands originally acquired by Deuterium Canada Ltd and the Province when they originally established the long since abandoned and dismantled heavy water plant to be for future industrial and business developments. Responsibility for these assembled lands went to Atomic Energy of Canada, then DEVCO, then ECBC and finally to Public Works Canada. Currently the Federal Government is conveying portions of the former heavy water plant lands to those who make an offer, and that includes the CBRM (the water utility has interest in some of the lands) and private owners wishing to purchase building lots for residential housing.

Much of the former heavy water plant site has been remediated to a residential standard. The Federal Government has no interest in preserving these lands for industrial or commercial purposes since they are entertaining any and all requests to purchase portions of the site. The plant was closed approximately 30 years ago and now we are getting requests from individuals asking for a zoning amendment just for the small part of this large real estate they are in the process of acquiring from the Federal Government. Chipping away at this designation in such a piecemeal way is not the appropriate response. It is time to change land use policy.

Recommendation:

I recommend that Council schedule a Public Hearing to consider adopting the necessary amendments to the CBRM Planning Strategy and Land Use Bylaw , and after conducting the Public Hearing I recommend that a Motion be passed :

- amending the CBRM Planning Strategy by revising Policy 19 of Part 3, including its preamble, to reference that only the part of the former heavy water plant site which was

not remediated to a residential standard continue to be designated and zoned in an industrial and commercial category; and

- amending the CBRM Land Use Bylaw Map to implement this amended policy directive by reducing the jurisdiction of the Donkin Highway Business and Manufacturing (DBM) Zone to just the area referenced above. The zoning in effect in the surrounding area, i.e. the Rural Cape Breton (RCB) Zone, will be used to replace it where it will no longer be in effect.

Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis

Planning and Development Department



Request for Municipal Planning Strategy Amendment

Request from Cavell McNeil and Karen McNeil to Amend the Municipal Planning Strategy and Land Use By-law to allow for Retail Sales at 322 Park Road, Florence PID 15658271:

Motion:

Moved by Councillor Prince, seconded by Councillor Doncaster, that a recommendation be made to Council to adopt by Resolution, a Public Participation Program to consider amending the Municipal Planning Strategy and Land Use By-Law amendments to allow for retail sales at 322 Park Road, Florence, PID 15658271, as referenced in the staff report dated February 24, 2016.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

**SUBJECT: MUNICIPAL PLANNING STRATEGY
AMENDMENT APPLICATION – 1020
Cavell McNeil and Karen McNeil
322 Park Road, Florence
PID 15658271**

DATE: March 8, 2016

Introduction

Cavell McNeil and Karen McNeil would like to establish a retail sales business on PID 15658271 in Florence (Attachment A). The applicants would like to operate a small scale buy and sell furniture and appliance store. The property in questions is zoned Residential Urban D (RUD) and while the RUD zone does permit some non-residential uses, it does not permit a retail sales business.

In addition to having to amend the Land Use By-law (LUB), the Municipal Planning Strategy (MPS) would also need to be amended to permit a retail sales business on this property. Currently, the MPS does not contain policy which would support a retail sales business in a residential area. According to the *Municipal Government Act*, prior to considering an amendment to the MPS, Council must complete a public participation program. On March 1st, 2016, this application was presented to the General Committee of Council; at that time, the General Committee of Council made a motion to recommend that Council conduct a public participation program to consider amending the MPS and LUB to allow for retail sales on Park Road, Florence.

History

In 1998 the Provincial government decided to combine all legislation relevant to municipalities, including planning legislation, into one Act called the *Municipal Government Act* (MGA). The adoption of the MGA in 1999 resulted a few major changes in planning legislation. In particular, municipalities were required to adopt planning strategies that were consistent with Provincial Statements of Interest and replace zoning by-laws with land use by-law. If municipal planning strategy was not adopted within a particular timeframe, any zoning by-law in effect would have been repealed by the Province.

Prior to amalgamation in 1995, the applicant's property would have located in the Municipality of the County of Cape Breton and a zoning by-law was the only planning legislation in effect regulating land use. This meant when the applicant requested a zone amendment, land use policy was not a consideration. A zone amendment was approved by the County of Cape Breton Council on March 17,

1992 to permit the construction of a convenience store on the property in question. A subsequent zone amendment was made for this property to expand the building housing the convenience to allow for general commercial and two apartments in 1995. While the County of Cape Breton Council did approve the second zone amendment, they did so against the staff's recommendation.

According to archived land use data, in 2004 the main building on this property was classified as a vacant convenience store and three residential units. Due to the predominantly residential development along Park Road, the presence of municipal water and sewer, and the fact that the convenient store had not been in operation for several years, this property was included in an urban residential zone when the current LUB was adopted in 2004. The property has not been assessed as commercial since 2007.

The CBRM permit software contains information related to permits issued from 1985 to present. As new information becomes available through the issuance of building and development permits, land use data is updated. According to today's data, the building on the applicants' property has two descriptions, three residential units and former convenient store. The CBRM permit software does have record of building/ development permits for the construction of the convenience and the subsequent addition. That being said, it would appear that the area that was once a convenience store and the general commercial space now contain dwelling units. This conversion would have taken place with obtaining a building development permit.

Municipal Planning Strategy and Land Use By-law

The applicants identify two other properties in their neighbour that have commercial zoning. Tim Horton's located at 366 Park Road (PID 15367212) is zoned Arterial Business Corridor (ABC), which is a sales and service zone [Attachment A]. According to the MP5, it shall be a policy of Council to permit a wide range of business along arterial streets/secondary regional routes with a large percent of business (Part 2, Policy 4a.). Pursuant to this policy, several corridors throughout the CBRM are zoned ABC. The Tim Horton's is located in the corridor of Villa Drive from its intersection with Park Road southeast to its end just west of Highway 125.

The other property identified by the applicants as having commercial zoning is Bonner's Denture Clinic located at 342 Park Road (PID 15253925). PID 15253925 does not have commercial zoning, it is zoned Residential Urban D which is the same zoning as the applicant's property (Attachment A). It is a policy of Council to permit certain types of service business to be operated from a residential property (Part 2, Policy 13 a. of the MP5). Bonner's Denture Clinic is a home business and would be in keeping this policy. Part 2, Section 17 Home Business identifies the following uses as home businesses:

animal (domestic) grooming	catering business
artist/artisan establishment	food processing cottage industry
bed & breakfast accommodations	personal service business
boarding homes	repair service
business offices	

A denturist is considered to a personal service business. The LUB defines a personal service business as:

an establishment where persons are employed to administer to the individual and personal health, grooming and wardrobe requests of persons and shall include hair grooming establishments, private teaching/tutoring, apparel repair, tailoring, denturists, tanning salons, aromatherapy, reiki, reflexology, massage therapy and spas.

The uses listed above are permitted as home businesses accessory to a dwelling unit on a lot parcel in all zones where the type of business is not a permitted main use. A dwelling unit or a building accessory to a dwelling unit can be used for the purpose of conducting a home business. A single unit dwelling and an accessory building can be found on PID 15253925. Bonner's Denture Clinic is operated in the accessory building located at 342 Park Road. The retail use being proposed by the applicants is not considered to be a home based business.

Surrounding Land Uses

The area surrounding the property in question is predominantly residential. Along Park Road there are sixty-six single unit dwellings and ten two units. The average assessed value of a single unit and two unit dwelling on Park Road is \$98,845 and \$151,310 respectively. The assessed value along Park Road is significantly higher than the average assessed value of a single unit and two unit dwelling within the Community Florence is \$79,250 and \$106,087.

The non-residential uses along Park Road and Chandelier Drive includes T.L. Sullivan Junior High School, Tim Hortons, an auto repair business, concrete products sales, and a home based business. The concrete product sales business, Brennan Concrete Products Ltd, located at 34 Chandelier Drive was the result of a zone amendment approved by the County of Cape Breton Council back in 1992 (Attachment B). The property is assessed as both commercial and residential and would therefore be recognized under Part 54 Existing Development of the current LUB.

In 1990, the County of Cape Breton Council approved a zone amendment a truck repair, service centre, and depot and warehouse facility for the area which is now 292 Park Road. The property is only assessed as residential taxable and therefore would not be recognized under Part 54 Existing Development of the current LUB. In addition, it would appear that property is the site of a landscaping company, Zabaskai Landscaping Limited, which does not comply with the zone amendment approved in 1990 or the provisions of the current LUB. As result of changes to the MGA and the timing of the adoption of the CBRM MP5, there was a period of time between 2002 and 2004 when there would have been no zoning in effect for this area. Further research by staff is required to determine when the Zabaskai Landscaping Limited was established on this property to determine if it considered to legal non-conforming or is in contradiction with the CBRM LUB.

While both of these zone amendments were approved by the County of Cape Breton Council, staff was unable to find evidence of the recommendation of the staff at the time these amendments were requested. However, given the fact that there is evidence that staff did not support the zone amendment application made by the applicant back in 1995, it is very likely staff was not in support of the zone amendment referenced above.

Evaluation of the Request

Policies within the MP5 set out the general rules of land development which enables Council and Staff to consider development proposal in an impartial manner. One of the functions of land use policy is to foster sales/service development. Although the MP5 was drafted as a catalyst to facilitate business development, it must also function as a legal tool to provide stability. To achieve this, policies in the MP5 uses a number of factors to establish a hierarchy of site compatibility for development. These factors include public street/road level, proximity to important public street/road intersections, geographic positioning, land use conflict potential, and the unique characteristics of a neighbourhood or

streetscape. As a result, commercial development is discouraged in residential areas with low density (single unit dwelling) development.

It is important to note, that while amendments to MPS and LUB could permit the applicants' proposed development, the approval of those amendments would have a wider impact than one development. Presently the applicants are requesting a small retail use in an urban residential zone; however, if this business type is able to be established in an area with urban residential zoning the precedence for this type of development in a residential area will be set.

Unlike the previous applications made by the applicant, this application must be evaluated based on land use policy. According the MPS, spot zoning a commercial development in a residential area is not in compliance with land use policy. From staff's perspective it is difficult to support this request, not only because of the implications of additional commercial developments in areas with similar zoning, but because it would result in scattered commercial development. Council should be encouraging densely developed commercial areas not irregular commercial development throughout the CBRM.

Recommendation

Based on the recommendation of the General Committee of Council, I recommend that Council pass a motion giving the Planning and Development Department the authority to conduct a Public Participation Program in the form of a notification to be sent by means of a letter delivered by Canada Post to the assessed owners of property along Park Road and Chandelier Drive asking for their opinion regarding this proposal. They will be given the opportunity to respond by Canada Post mail, e-mail, by phoning staff or by appointment in our office.

Submitted by:

Originally Signed by

**Karen Neville
Planner**





Action Plan for Downtown Sydney:

Mr. Rick McCready, Senior Planner, advised that Council recently initiated the process of amending the land use bylaw to rezone tracts of unserviced land outside the Sydney urban core or new commercial development. Although many new business developments wish to locate in suburban environments, it was noted that there are statements in the CBRM Municipal Planning Strategy that articulate the benefits of having strong, vibrant downtown cores within the region, and that there are policies that suggest that Council undertake planning specifically focused on downtown revitalization.

Mr. McCready advised that by Council reaffirming its commitment to downtown revitalization in Sydney and taking action intended to make the downtown attractive for investment, this will allow Sydney to reach its full potential as a vibrant, dynamic hub that will be a catalyst for economic and social renewal in the region.

After the presentation, the following issues were discussed:

- Flowers in downtown area;
- New Marine Atlantic Terminal;
- Tax rates for sewer, fire and transit;
- Downtown parking strategies;
- Narrow streets: snow removal, heavy equipment, garbage trucks etc.

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Paruch, that staff be directed to prepare an action plan for Downtown Sydney to be presented to Council not later than February 2016 which will address the four key areas requiring action:

1. Commercial Tax Rates;
2. A Parking Strategy;
3. The Charlotte Street Streetscape;
4. Residential Development.

The report will be prepared with input from several CBRM departments, along with consultation with other stakeholders including the Sydney Downtown Development Association and the Sydney Ports Corporation.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

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February 21, 2016

ISSUE PAPER

TO: Mayor and Council

FROM: Rick McCready, MCIP, Senior Planner

**RE: Action Plan for Downtown Sydney: Recommendations on Four Issues
Identified in September 10, 2015 Issue Paper**

On October 6, 2015 of the General Committee of Council a motion to direct staff to prepare an Action Plan for downtown Sydney to be presented to Council in February of 2016. The action plan was to address four critical issues identified in a staff report dated September 10, 2015, which are:

1. **Commercial Tax Rates:** The commercial tax rate in Sydney is more than 10% higher than the rate being paid in commercial areas immediately outside Sydney such as Sydney River and Grand Lake Road, even though these areas have essentially the same services (sanitary sewer, fire hydrants, fire protection and transit). This discrepancy is a disincentive for new investment in the downtown core, and needs to be addressed if we are attract developers who wish to renovate old buildings, or build new ones, in our downtown. Staff would develop options for Council to consider that would level the playing field for businesses in the Sydney area, including an option that would be revenue neutral and others that would result in generating additional revenue to assist with the cost of providing transit and fire protection. **It should be noted that the action plan would NOT address residential tax rates anywhere in CBRM or commercial rates outside the Sydney area.** The purpose of this exercise would be to address inequities in commercial tax rates between Sydney and the immediately surrounding areas and would not be a comprehensive review of our entire property tax system.
2. **A Parking Strategy:** Unlike most urban downtowns, there is no parking strategy for downtown Sydney. The last downtown plan prepared for Sydney was prepared under the auspices of CBCEDA in 2002. Although some of the recommendations in that plan (the walkway along the Esplanade and the façade

program, for example) were undertaken, the recommendations to improve parking were never implemented. Today the downtown has much land devoted to off-street parking, but most parking areas are poorly designed and most of them are not available to the general public. The number of parking spaces available for general public use will be reduced when much of the waterfront parking area just south of the Joan Harris Cruise Pavilion is occupied by the new residential development proposed by Harbour Royale. It is essential that a strong downtown have a good supply of parking for downtown employees and visitors, but it is equally important that parking facilities generate revenue that reflects the true cost of providing these facilities. Finally, it is important, as recommended in the concept plan prepared by Ekistics for the Sydney waterfront, that our waterfront and our downtown not be blighted by unsightly, poorly designed parking lots. A parking strategy is required to address these matters.

3. **The Charlotte Street Streetscape:** Although Charlotte Street has been brightened up through the efforts of the Sydney Downtown Development association, BCB, and CBRM during the past two summers, it is obvious that the street needs a major facelift. Uneven sidewalk surfaces, deteriorated pavement, unsightly utility poles and overhead wires, and a general lack of aesthetics characterize the street. Preliminary work has already been carried out by CBRM Engineering on various options for reconstructing and reconfiguring Charlotte Street. What is needed now is a “go-forward” plan that would lay out a timetable for a complete renewal of this streetscape, not only to improve the appearance of the street but also to turn it into the type of pedestrian, bike and transit friendly environment that all cities are now striving to create in their downtowns.
4. **Residential Development:** Although both the 2004 CBRM MPS and the North End Sydney Secondary Plan (2006) reference the importance of new residential development in downtown areas, the reality, if we are prepared to admit it, is that neither document has led to the creation of any significant residential development downtown. In fact, due to demolitions and fires, there are now far fewer dwelling units in the downtown Sydney area than there were prior to amalgamation in 1995. As suggested in the Ekistics report, having people LIVING in and around our downtown is essential if we want to have a lively, safe downtown core. Specific pro-active measures need to be identified that will attract residential development downtown.

Recommendations

Staff makes the following recommendations to address the four issues listed above:

Recommendation One: Create a single commercial tax rate for the Sydney area to be implemented in the 2016-2017 budget. *In implementing this decision staff also recommends:*

- *That the new rate would apply only to properties with a commercial assessment in the former City of Sydney and to those areas immediately outside Sydney which have the same municipal services: sewer, fire hydrants, fire protection and transit. It would NOT apply to any residential properties nor to any commercial properties in the former towns or in the rural area.*
- *That the new rate would be revenue neutral. In other words, the CBRM would not generate any additional revenues from this change. The rates in the former County area would rise and the rates in Sydney would drop, but the amount of taxes collected by CBRM for the area affected would be the same. The new uniform rate would address the issue of inequity in taxation between Sydney and the adjacent suburban area, but it would not create a tax windfall for the Municipality.*

If the proposed new system had been in place for the current tax year, the new uniform commercial rate for the Sydney area would be \$5.447. This rate would represent an increase of 7.8% for the former County areas, and a drop of 3.2% for Sydney itself. The commercial tax rate in the Sydney area would remain the highest tax rate in the CBRM, with all of the former towns paying a rate lower than \$5.447. It should be noted that based on the current system the commercial rate in every former town is higher than the rate paid by businesses in the Grand Lake Road and Sydney River areas.

It should be noted that in downtown Sydney and downtown North Sydney there is an additional levy to raise money for downtown marketing and special events. This levy would not be affected by the proposed new system.

Recommendation Two: Issue a Request for Proposals (RFP) to carry out a comprehensive planning study that would address both the redevelopment of Charlotte Street and downtown parking

With respect to the issues of reconstructing Charlotte Street and developing a parking strategy for the downtown, staff is of the opinion that outside expertise is required. It is therefore recommended that Council approve the issuance of a Request for Proposals (draft attached as Appendix A) for a comprehensive Downtown Planning Study that would address both the Charlotte Street streetscape and the parking issue.

A complete renewal of Charlotte Street will be a major infrastructure project and it is essential that all options be properly evaluated before a decision is made to proceed. In order to limit interruptions to Charlotte Street businesses resulting from street closures during construction phase, a well-conceived and comprehensive work plan will form a component of this study.

As for the parking strategy, it is felt that there are many opportunities that exist to improve access to existing parking that would enhance parking for visitors to the downtown and still provide suitable parking opportunities for downtown workers.

It is anticipated that part of the cost of the proposed study may be covered by federal or provincial partners, but staff recommends that Council include at least half of the estimated cost of the study in the 2016-2017 budget.

Recommendation Three: Instruct staff to develop a Strategy for Encouraging Residential Development in all CBRM Downtowns to bring back to Council for approval at a later date

With respect residential development in the downtown, staff has identified a number of roadblocks that cannot be easily overcome. For example:

- The creation of new residential units on the second and third floors of existing buildings is discouraged by regulatory requirements*
- There is a lack of vacant land that is in public ownership in the downtown that could be made available to prospective developers wishing to construct new apartment buildings in these areas*
- There is no inventory of privately owned buildings or lots in the downtown that could be provided to prospective developers as a means of facilitating the redevelopment of downtown sites for housing*

In response, to these problems, staff recommend that work begin on a strategy to address these issues by the following actions:

- Land banking: Acquire key vacant downtown properties when they become available for sale, with the goal of eventually a bank of suitable properties that could be sold to prospective developers interested in constructing new housing. The intention would be to encourage housing for different income groups and it is anticipated that the program should pay for itself over the long term when the lands acquired are sold. Land banking has been recommended in the past (in the North End Sydney Secondary Planning Strategy, for example), but has never been implemented.*
- Inventory of Privately Owned Properties that are available for residential development: In this case, CBRM staff would develop and administer an inventory of downtown properties and would act as a "matchmaker" between property owners and developers, but CBRM would have no direct involvement in any land transactions.*
- Eliminate Municipal Development Fees for developers creating new residential units downtown: As an incentive to developers, CBRM could eliminate application and inspection fees for developers wishing to create new dwelling units in the downtown. This could be tried on an experimental basis over a specified time period such as two years.*
- Exploring the possibility of using taxation policy as an instrument to stimulate private investment through amendments to the Municipal Government Act or through the creation of a Charter for the CBRM.*

Staff recommends that all downtown areas in CBRM be included in this strategy. Although the greatest potential benefits from such a Strategy may occur in Sydney, it could be argued that similar challenges and opportunities exist in other core areas.

Recommendation Four: Issue a Request for Proposal to develop a municipally owned parcel of land on the Esplanade in downtown Sydney that was identified in the Ekistics plan as suitable for housing, and investigate the feasibility of doing the same for a parcel of municipally owned land off Cossitt Street in Sydney's North End.

Although Recommendation Three suggests Council develop a long term strategy for downtown housing, staff has identified two parcels of land the CBRM already owns close to the downtown that could be considered for residential development in the short term.

- Site One, shown on Map One, attached, is 1.36 acres in size and is part of the former Nickerson property south of the Joan Harris Cruise Pavilion. It was identified in the Ekistics plan as suitable for housing and a Request for Proposal to develop this site could be issued very soon.*
- Site Two, shown on Map Two, attached, is approximately eight acres in size and immediately adjacent to the North End residential neighbourhood. It is bordered by railway lands on one side, and if developed for residential uses a buffer would be required. It is also likely that the site contains at least some contaminated materials as it is close to the former Sydney tar ponds site. However, it is the largest vacant site near downtown Sydney that is CBRM owned and the creation of Open Hearth Park nearby has greatly enhanced the attractiveness of the area. Staff recommends that Council authorize further investigation of the feasibility of eventually developing this site for residential purposes. Although most of the potential benefits from such a Strategy may occur in Sydney, it could be argued that similar challenges and opportunities exist in other core areas.*

In addition to implementing these four recommendations, staff supports moving forward with a multi-year plan to build capacity within the downtown business community through heritage conservation, adaptive re-use of existing buildings and marketing that has been prepared by the National Trust. This initiative would complement the four strategic actions outlined above. Staff recommends that Council consider making a financial contribution to the National Trust initiative, providing that there is also support from federal and provincial government partners.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP
Senior Planner

Appendix A: Request for Proposals

DOWNTOWN SYDNEY PLANNING STUDY- REQUEST FOR PROPOSALS

1.0 Background

Downtown Sydney is the traditional downtown of the largest community in the CBRM and contains the largest concentration of commercial office uses, visitor accommodations, public administration activities and cultural activities in the region. It is the location of the region's largest sports venue, Centre 200, and of the Joan Harris Cruise Pavilion, which welcomes approximately 100,000 cruise ship visitors annually. The downtown is no longer the focus of retail activity in the region, as the bulk of retail space is now located outside the core area, but the area is still home to a variety of retail stores including a number of clothing and footwear outlets. The downtown area is close to several fine parks and recreational areas including the spectacular Sydney Boardwalk, the newly revitalized Wentworth Park on the south side of downtown, and Open Hearth Park, which was officially opened in 2014, located just north of the core.

Despite its many assets and its important role as a regional centre, downtown Sydney is exhibiting many signs of decline. A number of retail outlets have closed, resulting in numerous vacant storefronts along Charlotte Street, the main shopping street. Many businesses that are still operating have reduced their hours. Infrastructure is deteriorating, with streets and sidewalks requiring major upgrades. The resident population of the downtown has dropped, echoing a trend across the region where population overall has been declining since 1966. In the evenings and on weekends the downtown is often deserted.

The most recent revitalization plan for downtown Sydney was prepared in 2002, almost 14 years ago. Although some key recommendations regarding infrastructure enhancements and the creation of a façade program were successfully implemented, many other recommendations were never pursued and many are now obsolete. The time has arrived for bold new actions to revitalize downtown.

In 2015 CBRM Council initiated a discussion with the Nova Scotia Community College regarding the possibility of relocating their campus which is now located on Grand Lake Road, almost 10 km. from downtown, to a waterfront site adjacent to the core. This initiative would have a dramatic impact on the viability of the area, but it is recognized that many other measures are needed if the downtown's role as an economic driver for the region is to be enhanced. In light of this, CBRM staff presented an issue paper to Council in September 2015 which outlined four issues that staff felt must be addressed if a truly vibrant downtown Sydney is to become a reality. The issues are:

1. **Commercial Property Tax Rates:** Tax rates, at close to \$6.00 per \$100 of assessed value, are crushingly high and higher than in areas of suburban Sydney. These rates serve as a disincentive to investing in the downtown, discouraging those who might otherwise support the area by renovating older buildings or constructing new ones.
2. **Residential Development:** Having people living in and around a downtown core has long been recognized as being beneficial by creating a customer base for

- downtown businesses and by contributing to the safety and vitality of downtown streets by adding more pedestrians to the area both during the day and at night.
3. **Charlotte Street Streetscape:** Unlike many traditional main shopping streets in other communities, Charlotte Street has never undergone a complete makeover of its physical appearance. Today the street needs major improvements to the street itself as well as to the pedestrian infrastructure and level of amenity.
 4. **Parking:** Although the downtown has much land allocated to parking, there are few off-street parking areas that are specifically designated and signed for public parking for those coming to the area to shop or to do business. Many parking areas are unsightly and disorganized, and long term parking is underpriced, acting as a disincentive to people working downtown to use transit or active transportation modes.

Staff is in the process of finalizing recommendations for Council to consider with respect to the issues of tax rates and residential development. The purpose of this study is to develop plans to address issues the Charlotte Street streetscape and the parking issues.

2.0 Study Objectives

There are two objectives for this planning study. **The first is to develop and evaluate several options for improving the functionality and attractiveness of Charlotte Street and to produce detailed plans and cost estimates for these options. The second objective is develop a comprehensive strategy to improve parking and transportation in downtown Sydney, including off-street parking, on-street parking, and improving access for transit vehicles and users.**

3.0 Specific Tasks

To achieve the study objectives, the consultant will be expected to carry out the following specific tasks:

1. **With respect to Charlotte Street, the consultant shall be expected to perform the following tasks:**
 - **Review, with CBRM Engineering staff, information on the current state of Charlotte Street between Nepean Street and Townsend Street, including the state of the pavement, sidewalks and underground utilities**
 - **Develop at least three options for reconstructing Charlotte Street, all of which shall be intended to enhance the appearance of the street, ensure a high level of pedestrian safety and convenience, and to minimize maintenance costs in the future. At least one of these options shall investigate the feasibility of placing overhead electrical infrastructure partially or totally underground.**
 - **Prepare an opinion of probable cost for each option.**

- Following consultation and feedback from the project steering committee and representatives of the downtown Sydney business community, carry out a public meeting at which the options will be presented and input sought
- Prepare a final report, accompanied by powerpoint presentation outlining the options and recommendations, the probable costs associated with the options, and a summary of community feedback, to be presented to Council

2. With respect to downtown parking and transportation issues, the consultant shall be expected to perform the following tasks:

- Review, with appropriate CBRM staff, the current information available with respect to the cost, availability, management and physical condition of on-street parking (including parking meters) and off-street parking facilities in the area in and around downtown as shown on the attached map
- Review, with appropriate CBRM staff, the current transit routes and transit stops in downtown Sydney, including the vehicles used, the schedules, and the ridership levels.
- Develop recommendations for the CBRM with respect to the pricing and management of on-street parking in the future. In developing these options, consideration shall be given to the management and siting of existing parking meters and the potential applications of new technology in managing on-street parking.
- Develop recommendations for the CBRM with respect to the future provision of off-street parking within the area identified on the attached map. These recommendations will address, at a minimum, the need for improved short term public parking areas for visitors to the downtown, appropriate levels of pricing for any off-street parking areas owned by the CBRM and the feasibility of constructing a weather protected parking facility for public use in the downtown to meet future parking requirements.
- Following consultation and feedback from the project steering committee and representatives of the downtown Sydney business community, carry out a public meeting at which the recommendations on parking and transportation will be presented and input sought
- Prepare a final report, accompanied by a powerpoint presentation outlining the recommendations, the probable costs associated with the

options, and a summary of community feedback, to be presented to Council. (NOTE: These last two items may be combined with the meetings and presentations related to Task One, but could also be carried out separately. The consultant's proposal should specify the approach recommended.

4.0 Costs

The maximum budget for this project is \$100,000, which shall include all disbursements but shall not include HST.

The consultant shall break down the costs into two parts: (Task One and Two)

The proposal must include a breakdown of the costs to include the work identified herein, including labour costs (hours to be worked per individual hourly rates), expenses/disbursements, applicable taxes, along with a fee for any items proposed by the consultant that are not included in the original scope of work, so as to be the final cost to the CBRM for the proposed project.

5.0 Consultant Qualifications

The consulting team shall include persons with the following qualifications:

- A professional engineer with extensive experience in municipal infrastructure design
- An individual with extensive experience in the field of public transit
- A transportation engineer with experience in active transportation and pedestrian safety
- A landscape architect who is a member of CSLA and who has extensive experience preparing plans for downtown cores
- A person with strong communications and public relations skills

The team will be expected to be creative and innovative in their approach. Demonstrated success in assisting other small urban downtowns to become dynamic, lively, pedestrian oriented districts is critical.

The consulting proposal must identify a project manager.

6.0 Meetings with Steering Committee

Oversight for the study is being provided by a steering committee consisting of representatives of CBRM staff. The consultant should expect to have at least four face to

face meetings with the Steering Committee over the course of the study, including a project initiation meeting and a meeting at which the final draft report will be presented. The two public consultation sessions shall be in addition to these four meetings.

The consulting team's project manager will be expected to be present in person at all meetings with the steering committee.

7.0 Work Schedule

- 2.1 The draft final report shall be presented to the Steering Committee for feedback and discussion no later than -----. The final report is expected to be completed by -----, but the final presentation to Council may take place at a later date.
- 2.2 The consulting team is to identify a Task and Time allocation plan from start-up to submission of final plan noting the contribution of hours of each team member to each task.

8.0 Proposal Requirements

The consultant's proposal shall have a clear understanding of all of the work to be undertaken as described in the RFP, and shall demonstrate a commitment to carry out all of the work outlined in the RFP within the prescribed budget.

8.1. Cover letter – The proposal shall include a cover letter that provides an executive summary and the total budget, including professional fees, disbursements, other expenses, and HST.

8.2 Company Identification – The proposal must provide the following information:

- (i) Company Contact Information – state the legal name, full street address, telephone number, fax number and email address of your company;
- (ii) Description of Business – generally describe the type of services provided as well as the total number of employees, head office location and any branch offices within your company; and
- (iii) Other Information – specify any other conditions of information, of which CBRM should be aware, that may affect the successful completion of this project.

8.3 Project Manager – Identification of the project manager and, if application, all personnel involved in this project along with a description of their respective roles, skills, and qualifications.

8.4 Corporate Experience – The proposal must include at least two previous works performed by the consultant with at least one of those works that are directly related to

active transportation. Contact information for references regarding these previous works must also be provided.

9.0 Proposal Submission

9.1 A minimum of five (5) hard copies (8 ½ inch x 11 inch format) and one Compact disc or USB port containing the proposal shall be delivered in a sealed envelope clearly showing the words 'DOWNTOWN SYDNEY PLANNING STUDY PLANNING PROPOSAL' and the company's name on the front of the envelope, and addressed as follows:

Attention:

9.2 Proposals are to be presented in a sealed package by 2 pm on _____. Any proposals received after this closing time will be returned unopened.

9.3 No changes may be made to proposals after they have been received. If more than one proposal from a consultant is submitted, only the proposal with the latest time/date stamp will be opened and considered.

9.4 CBRM reserves the right to reject any or all proposals or to accept any proposal should it be deemed in the interest of CBRM to do so.

9.5 CBRM is not obliged to accept the proposal with the lowest cost.

9.6 CBRM will evaluate all submittals to determine which Consultants have the experience and qualification that are most suited for this project. The municipality may request personal interviews with Consultants.

9.7 Facsimiled or electronic mail submissions will **not** be accepted.

Any questions related to this proposal are to be addressed to Rick McCready, Planner at 563-5072 or rgmccready@cbrrm.ns.ca.

10.0 Instructions to Consultants

10.1 CBRM reserves the right to immediately terminate the project for sufficient cause, including but not limited to such items as nonperformance, late deliveries, inferior quality, pricing problems, etc. In addition CBRM may elect to terminate the project if the original terms of the proposal are significantly changed by giving thirty (30) days written notice to the Consultant.

10.2 Under no circumstances will any part of a contract resulting from this Terms of Reference be subcontracted or assigned to another firm, person, or company without the prior written authorization of the CBRM.

10.3 CBRM reserves the right to negotiate minor changes or variations with the Consultant without a general proposal recall, provided any such changes would not be deemed to have an effect on the relative standing of all the Consultant proposals or be in any way otherwise prejudicial to them.

10.4 CBRM foresees a fairly high level of interaction between the consultant and the Steering Committee. Therefore, CBRM anticipates that the Project Coordinator appointed by the Consultant shall be readily accessible throughout the duration of the project.

11.0 Consultant Expenses

Consultants shall be solely responsible for their costs in preparing a proposal and any subsequent negotiations.

12.0 Ownership of Material

All documents submitted to the CBRM shall become the property of CBRM and the Consultant shall assign copyright to the CBRM.

13.0 Contract

13.1 If a proposal is accepted, the Consultant will be required to sign a Contract which will be governed by the laws of the Province.

13.2 These Terms of Reference and the Consultant's proposal will form part of the Contract by attachment and incorporation by reference.

13.3 In carrying out this project, the Consultant will act as an independent consultant and shall indemnify and save harmless the CBRM against all claims, demands, loss, cost, damages, actions, suits or other proceedings by whomsoever brought or prosecuted for any damages, injury, or infringement resulting from activities under this project.

14.0 Data Availability

The successful consultant will have access to relevant data from the CBRM Geographic Information System, including 2008 and 2010 Ortho/LIDAR projects. The Client will also provide copies of the 2002 Downtown Sydney Plan, the 2014 Sydney Waterfront Vision, the 2010 Transit Review, and other documents.

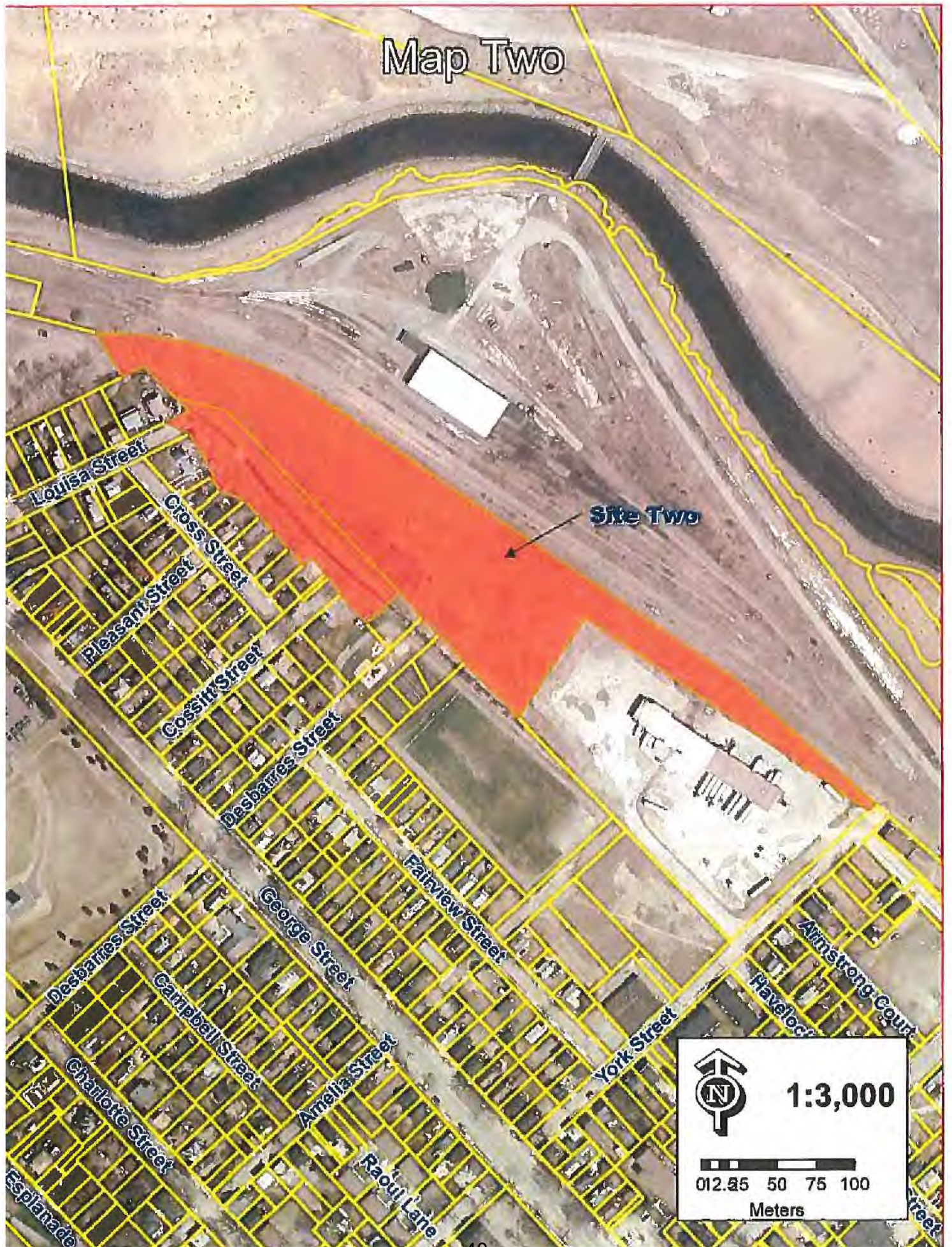
Map One

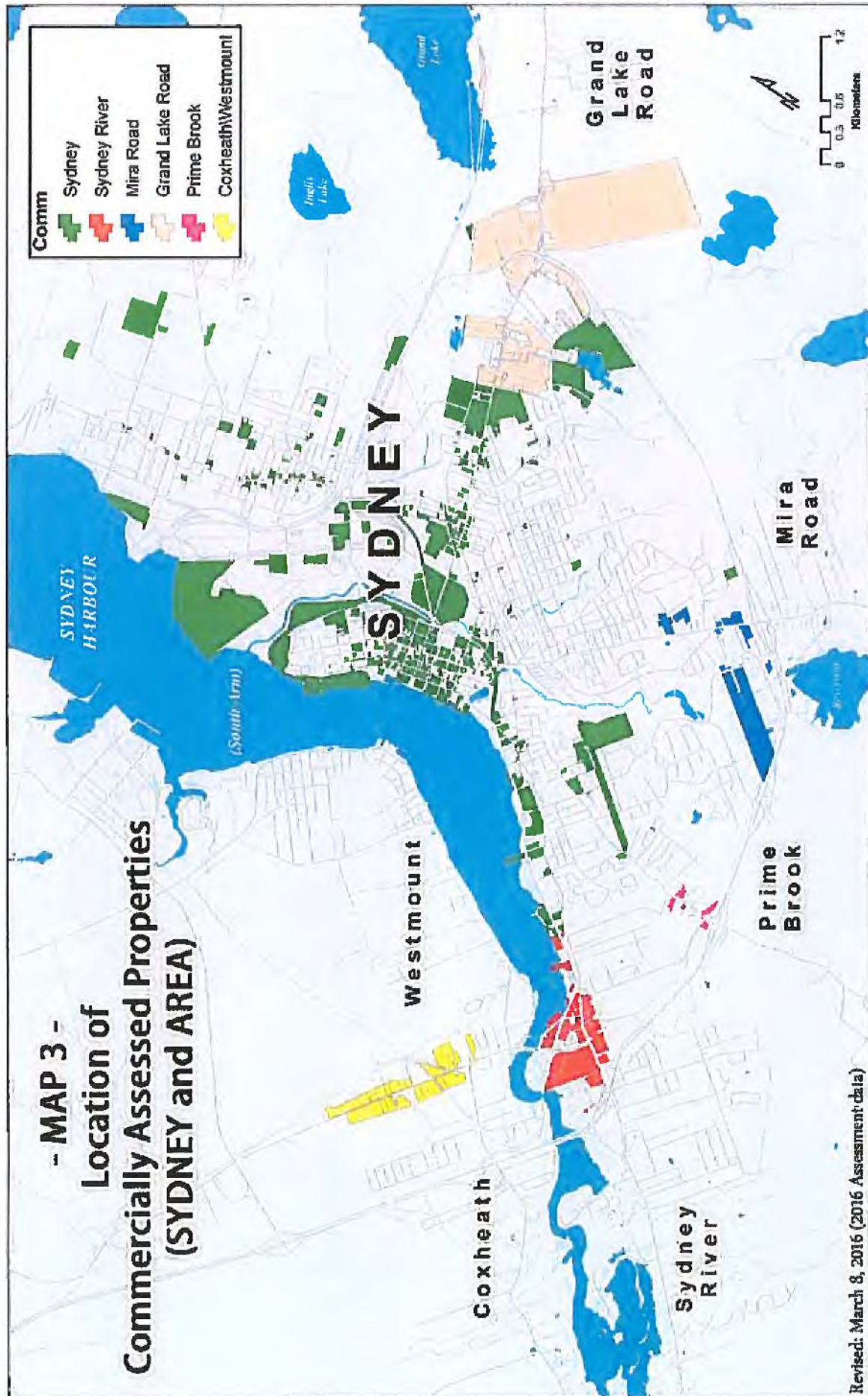


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Map Two





Draft Travel Policy for Civilian Police Commissioners:

Motion:

Moved by Commissioner MacLeod, seconded by Commissioner Gillis, that a recommendation be made to Council to approve the draft Travel Policy for Civilian Police Commissioners as presented.

Motion Carried.

Travel Policy for Civilian Police Commissioners

STATEMENT OF POLICY:

It is the policy of the Cape Breton Regional Municipality to encourage civilian appointees on the Board of Police Commissioners to participate in appropriate Board training and development opportunities.

OBJECTIVES:

This Policy identifies the annual conference of the Nova Scotia Association of Police Governance (NSAPG) as the most appropriate forum for training and development of civilian commissioners.

The Policy acknowledges that periodically there are Provincial cost-shared orientation training programs offered for new commissioners and those orientation sessions are also deemed beneficial training for CBRM civilian commissioners.

CRITERIA:

- Authority to grant permission for travel by Commissioners is not a staff function.
- Civilian Commissioners, including the Provincial Appointee, are eligible to attend the NSAPG annual conference. CBRM will sponsor two civilian commissioners to attend the annual conference, noting that priority will be given to those civilian commissioners who have not attended the Conference in the previous year.
- Requests for additional travel, including any Provincial cost-shared orientations sessions, must be submitted by the Civilian Commissioner in sufficient time to be considered at a Police Commission meeting.
- For any additional travel requests, the Board will, by motion, authorize the travel after reviewing the availability of funds.
- The rates for meals, mileage and accommodations, as well as the filing requirements for expense claims, shall be the same as required in the Council Expense Policy.

Approved by Council: _____

M-E-M-O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM Board of Police Commissioners
From: Deborah Campbell, Municipal Clerk
Date: November 25, 2015
Re: Draft Travel Policy for Civilian Police Commissioners

In August of this year, a request was received from civilian representatives on the Police Commission to attend the Nova Scotia Association of Police Governance Conference being held in Truro on September 17-19, 2015.

Upon a review of the current CBRM policies and by-laws, it was determined that travel expenses for non-local travel by civilian members of the Commission was not addressed in a policy. However, the Police Chief's office advised that the police service usually sponsors two civilian board members to attend the annual conference.

In discussions with the CAO, it was agreed that it would be beneficial to have a policy in place that outlines the parameters of CBRM's financial support for non-local travel by civilian members of the Police Commission.

In preparing this report, a search of the Minutes of the Police Commission was carried out regarding past travel by civilian representatives. It was learned that in April of 2009, the Police Commission approved a draft Travel Policy Statement for Civilian Police Commissioners (see attached - excerpt from the April 7, 2009 Minutes, staff Issue Paper dated February 27, 2009 and the draft Policy Statement). However, this Policy Statement was not referred to Council for approval. Therefore the Policy is being presented to the Commission for review and referral to Council for approval, with minor revisions based on the past practice that CBRM will sponsor two civilian commissioners to attend the annual conference, noting that priority will be given to those civilian commissioners who have not attended the Conference in the previous year. (see Revised Policy attached)

Recommendation:

That the attached revised Travel Policy for Civilian Commissioners be recommended to Council for approval.

ORIGINAL SIGNED BY

Deborah Campbell, Municipal Clerk

Excerpt – CBRM Board of Police Commissioners Minutes – April 7, 2009

Policy Statement on Travel Expense for Commissioners:

Bernie White, Secretary to the Board of Police Commissioners

At the last Police Commission meeting, staff were directed to draft a policy statement with regards to Travel Expense for Civilian Members of the Police Commission. The composition of the Police Commission has changed and there is more civilian oversight than there has been in the past. This change has brought about a need for training for the Members. The funds have been put in place and do include Citizen Appointees as well as the Provincial Appointee.

The authorization for Commissioners to travel is not a Staff function. The authorization will be a collective decision of the Commission if it is not clearly defined in the Policy Statement.

Motion:

Moved by Commissioner Saccary, seconded by Commissioner Jim MacLeod, to approve the policy statement on Travel Expense for Police Commissioners. The Primary training opportunity would be participation at the annual meeting of the Nova Scotia Association of Police Boards (NSAPB) or orientation sessions cost shared with the Province for new Commissioners.

Motion Carried

CBRM

Clerk's Office

M·E·M·O

COPY

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-583-5010

To: CBRM Board of Police Commission

From: Bernie White, Secretary to Police Commission

Date: February 27th, 2009

Re: Policy Statement on Travel Expense for Commissioners

At the last meeting of the Commission a motion was passed directing staff to formulate a policy statement on travel expenses for civilian members of the Police Commission, including the Provincial appointee.

Upon review of existing CBRM policies on citizen appointees and travel expense claims in general it is noted that authorization currently exists to pay citizens for expenses they incur for travel to and from meetings of committees to which they are appointed.

This statement clearly gives direction outlining expense entitlement for citizens for "meetings of the Committee". Depending on different perspectives the above statement could be read to mean travel to such events as annual Police Board Association annual conferences.

The Police Commission is subject to both CBRM policy and Provincial legislation especially in relation to board structure. Changes to the Police Act in 2007 resulted in a shift in the civilian oversight component of local Police Board. In Nova Scotia municipal units with Police Commissions there are more civilian appointees then elected police Commissioners.

The need to provide appropriate training opportunities for these civilian appointees is even more important today then in the past.

To that end the CBRM Police Commission have instructed staff to compose clarifying criteria for civilian Commissioners when they travel and in the interim have directed that funds be included in the 2009/2010 police estimates for civilian Commissioners. An amount of \$7,000 has been included in the police budget estimates that will be discussed by the commission and eventually by Council in the budget deliberations.

The above noted \$7,000 is an arbitrary figure which is an estimate of what it would cost for the travel of civilian commissioners, including the Provincial appointee who may wish to attend the annual association meetings of the Nova Scotia Association of Police Boards (NSAPB).

Other training opportunities might present themselves in future relating to possible additional participation of one of our civilian Commissioners at the National Police Association level. Authorization for civilians to travel to training exercises would be subject to Board approval and availability of funds.

The authorization for civilian Commissioners to travel will not be determined by any staff member, but will come from criteria established in the policy. It will also be linked to availability of funding.

As noted at present the CBRM has some authority to pay expenses for civilian appointees, however no funding is identified in the CBRM departmental budgets for same. The Police Commission is the most likely "Committee" that would have civilian members travelling.

Other CBRM Committees have civilian members i.e. Affirmative Action, Heritage Advisory, Planning Advisory, however these citizen appointees tend to have only local expenses if any.

Recommendation:

A specific policy statement for travel expenses for civilian police commissioners be composed (draft attached). The primary training opportunity would be participation at the annual meeting of the Nova Scotia Association of Police Boards (NSAPB) or orientation sessions cost shared with the Province for new Commissioners

ORIGINAL SIGNED BY

Bernie White
Secretary to Police Commission

/lak

DRAFT

Travel Policy Statement - Civilian Police Commissioners

Statement of Policy:

The Cape Breton Regional Municipality encourages civilian appointees to the Board of Police Commissioners to participate in appropriate Board training and development opportunities.

Objective:

This policy identifies the annual meetings of the Nova Scotia Association of Police Boards (NSAPB) as the most appropriate forum of training and development for Police Commissioners.

The Policy acknowledges that periodically there are Provincial cost shared orientation training programs offered for new commissioners and that such are also deemed beneficial training for local civilian commissioners.

This policy is based on the following criteria:

- Authority to grant permission for travel by Commissioners is not a staff function.
- Civilian commissioners including the Provincial appointee are automatically authorized to attend the annual meeting of the NSAPB, if funding exists in the annual CBRM Police budget.
- For any additional travel requests the Board will by motion authorize the travel after reviewing the availability of funds.
- Requests for additional travel other than the NSAPB annual meeting or Provincial cost shared orientations sessions must be submitted by the requesting Civilian commissioner in sufficient time to be considered at a Police Commission meeting.
- The rate for meals mileage and accommodations and requirements for filing expense claims shall be the same as required in the Council Expense Policy.

Bernie White

Secretary to the Board of Police Commissioners

/de



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM Mayor and Council

From: Deborah Campbell, Municipal Clerk

Date: March 11, 2016

Subject: Proposed Changes to CBRM Policies (reference to the "General Committee")

At the January 5, 2016 meeting of the General Committee, a motion was passed recommending that Council approve the proposed amendments to the following policies to reflect reference to the "General Committee":

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

The full documents with the proposed amendments are in a separate attachment to the Council agenda (see Appendix "A"). The seven (7) days' notice of these changes was provided to Council in accordance with Section 48(1) of *Municipal Government Act*.

Staff Recommendation:

I recommend that Council approve the proposed amendments to the foregoing CBRM Policies.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk

Proposed Changes to CBRM Policies and Bylaws:

Motion:

Moved by Councillor Rowe, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to approve the proposed amendments to the CBRM Policies and Bylaws as outlined in Appendix “A” of the staff report of December 30, 2015, noting that the amendments to the Bylaws require two readings by Council.

Motion Carried.



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: General Committee

From: Deborah Campbell, Municipal Clerk

Date: December 30, 2015

Subject: Proposed Changes to Policies and Bylaws (reference to General Committee)

Further to the recent amendments to CBRM Policy RC4 Committees which were approved by Council on October 20, 2015, attached please find a list (Appendix "A") of the CBRM Policies and Bylaws which require amendments to change reference to any former standing committees (i.e. Corporate Services, Public Services, Water Utility, Protective Services or the Planning Advisory Committee) to the "General Committee". The full documents with the proposed amendments are attached separately.

I would note that the Planning staff is currently drafting amendments to the Vendors and Traders of Goods By-law which will be presented to Committee at a later date. During that process they will also make the necessary changes to reference the General Committee.

Staff Recommendation:

I recommend that the proposed amendments to the attached CBRM Policies and Bylaws (i.e. with reference to the "General Committee") be recommended to Council for approval, noting that the amendments to the By-laws will require two readings by Council.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk

Attachments

Appendix "A"

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

Policies



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

By-laws

- * Building By-Law
- * Civic Addressing By-law
- * Parking Meter By-law
- * Taxi By-law
- * Vending Machines By-law

~~Vendors and Traders of Goods By-law~~

Request by Thomas Ashford for Municipal Heritage Registration for House Located at 439 Johnson Road, George's River:

Motion:

Moved by Citizen Norma Boyd, seconded by Citizen Anne Dwyer, that a recommendation be made to Council to begin the process of registering 439 Johnson Road, George's River, as a Municipal Heritage Property.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

February 18, 2016

MEMO TO: Chairman and members, Heritage Advisory Committee

FROM: Rick McCready, Senior Planner/Heritage Officer

RE: Request By Thomas Ashford for municipal heritage registration for house located at 439 Johnson Road, George's River

Background

A request has been received from Thomas Ashford who owns a home located at 439 Johnson Road in George's River (see attached letter) and would like to have it registered as a municipal heritage property.

Although I have not had an opportunity to carry out research on this property the home's architectural features alone are sufficient to warrant registration.

Recommendation

I would recommend that the HAC begin the process of registering 439 Johnson Road as a municipal heritage property.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP, MURP
Senior Planner/Heritage Officer

tashford@outlook.com

Tel (902) 574-1289

439 Johnson Road,
Georges River, Cape Breton
Nova Scotia
B1Y 3B3

R.E. 439 Johnson Road, Georges River

Dear Mr. Rick McCreedy,

I am the proud owner of the above property. The property is a beautiful and distinct 1894 Victorian house in a Queen Anne architectural style.

The property has been in the Johnstone family since it was built over 120 years ago and today it still holds its character and original features.

Considering the age of the property, its architectural style and the fact that the property still has many of its original features, I was wondering whether it would be possible to get it registered as a Heritage property through the municipality.

These are a few current photos of the house,



Please feel free to contact myself with any questions,
Yours Sincerely,

ORIGINAL SIGNED BY

Mr. Thomas J. Ashford

Transfer of Accumulated Surplus – Operating Fund:

Motion:

Moved by Councillor MacLeod, seconded by Councillor Rowe, that a recommendation be made to Council to approve transferring the accumulated surplus balance in the Non-Consolidated Statement of Financial Position - Operating Fund in the amount of \$944,687 to the Operating Reserve.

Discussion:

The Chief Financial Officer advised that the funds in the operating reserve can be accessed at any time with a motion of Council.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

MEMO

Date: February 22, 2016
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Manager of Finance
Re: Transfer of accumulated surplus – Operating Fund

The Cape Breton Regional Municipality's Non-consolidated Statement of Financial Position – Operating Fund indicates an accumulated surplus balance of \$944,687. This balance represents surpluses incurred and accumulated in prior years that were not transferred to operating reserve.

The Department of Municipal Affairs has made certain amendments to the Financial Reporting and Accounting Manual (FRAM). Included in such amendments is a revision to section 3.2(a)(iii) which now states:

"In addition, a municipality shall transfer all of the change in operating surplus for tax purposes after financing and regular transfers into a Reserve Fund."

The supporting reasons for this change was to accommodate requests from municipalities with regards to accessing prior year surpluses (or accumulated surplus balances). For reporting purposes prior to this amendment, to use these accumulated funds, municipalities would have to intentionally incur a deficit. This change to FRAM allows the funds to be brought into operations in any year by motion of Council, either as part of the budget process, or individually by resolution of Council and therefore avoids the need to report a deficit.

As a result of this amendment, CBRM requires a motion from Council to transfer the accumulated surplus balance noted above to our operating reserve. On a go forward basis, any reported surplus balances incurred in the operating fund will continue to require the same motion from Council, however the amount of the transfer will be set at the entire amount of the annual surplus, rather than a portion thereof.

ADMINISTRATIVE RECOMMENDATION:

To approve a motion transferring the accumulated surplus balance in the Non-Consolidated Statement of Financial Position – Operating Fund of \$944,687 to operating reserve.

Sincerely,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA Manager of Finance



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCreedy
Planning Department

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5072
Fax: 902-564-0481
email: rgmccreedy@cbrm.ns.ca

March 8, 2016

MEMO TO: CBRM Council

FROM: Rick McCreedy, MCIP, Senior Planner

RE: Implementation of the CBRM Active Transportation Plan: Grand Lake Road Multi Use Path –Agreements with NSAHOPP Mayflower Inc/ HOOPP Realty Inc, Burnac Corporation, Nova Scotia Power and Cape Breton University

Background

One of the signature projects in the CBRM Active Transportation (AT) Plan which was approved by Council in 2008 is the Grand Lake Road Multi Use Path. This path will be a 3 metre wide pathway extending from the Mayflower Mall to CBU and Reserve Mines, a distance of 10 km.

Although most of the pathway is being constructed on lands owned by the Nova Scotia Department of Transportation and Infrastructure Renewal, several sections cross properties owned by other landowners. CBRM already has an agreement with the Sydney Airport Authority to build a section of pathway across airport property. In order to continue the path agreements will be needed with Nova Scotia Power (for an area near Cape Breton University), Cape Breton University, NSAHOPP Mayflower Inc/ HOOPP Realty Inc (for sections near the Mayflower Mall) and Burnac (for a small section near the Grand Lake Road Fire Hall).

The pathway is being constructed on these properties to improve the aesthetics of the pathway, minimize the cost of utility pole relocation, to improve safety and to facilitate access to the path for future users.

Staff has negotiated agreements with Hoopp and Burnac and expects to have agreements with Nova Scotia Power and CBU negotiated soon. In the case of Nova Scotia Power, an agreement is already in place for the Whitney Pier Trail, so we expect that this agreement will be very similar. The agreements are all for twenty years at a rental cost of \$1 a year. They will be standard agreements similar to agreements already approved by Council for other pathways.

Recommendation

I would request that Council authorize the Mayor and Clerk to sign the above referenced agreements between the CBRM and the Nova Scotia Power Corporation, Burnac Corporation, NSAHOPP Mayflower Inc/ HOOPP Realty Inc and Cape Breton University, once they are ready for signature.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP
Senior Planner

MEMORANDUM - MAYOR'S OFFICE

DATE: March 11, 2016
TO: Council
FROM: Mayor Cecil P. Clarke
RE: 2016-17 Operating and Capital Budgets/Associated Impacts

Dear colleagues:

I have met with the CAO and CFO about the status of our budget deliberations given the fire service arbitration impact, uncertain mandatory costs, as well as increased operating and capital pressures. The CBRM is faced with many budget uncertainties (note: if the arbitration costs create a deficit once the 2015-16 year is reconciled then that deficit has to be recovered in the 2016-17 operating budget).

The operating budget is not able to be balanced without significant impact on expenditures, especially within Engineering and Public Works. Municipal Affairs has not yet provided any indication of what they are projecting for mandatory costs, no confirmation of a freeze or improvement to the equalization program, no confirmation that a partnership agreement will provide relief and stability for the operating budget, and no indication that capital plan priorities will be reconsidered. As well, there is no clarity on the status of school closures which is a component of the partnership agreement. The CFO will present on the Department of Municipal Affairs FCI (Financial Condition Index) and CBRM ratings.

The federal budget is being presented on March 26, 2016, and the provincial budget will not be until some date in mid-April, at the earliest, as 30-days notice is required to call back the House of Assembly. Given that both budgets impact the capital plan priorities, in addition to no clarity on major operating budget impacts, it would be prudent to hold off the 2016 budget until May.

I will be placing the 2016 budget on the March 15, 2016, Council agenda. The recommendation will be to approve only mandatory operating expenses and spending otherwise approved by Council.

The Capital Plan will also be placed on the agenda. Without certainty and stability with the overall budget process and our ongoing relationship with the Province, it is also necessary to reconsider the Sydney West Wastewater project. My recommendation will be to place the wastewater project on hold and defer it until we have certainty from the

Province that we can afford the operations costs and repay the capital borrowing on an ongoing basis. You will note that the federal government is proposing more wastewater projects be undertaken; however, the CBRM simply does not have the capacity to take on additional capital projects that have significant operating costs upon completion. This in addition to our road, water and sewer line infrastructure deficits, makes it difficult for the CBRM to make fact-based decisions at this time.

The agenda will also include a presentation on CBRM's wastewater infrastructure accomplishments and challenges.

I will be resubmitting the Build Canada SCF (Small Communities Fund) \$12 million local roads program application for reconsideration by the Minister of Municipal Affairs. Nova Scotia receives \$42.6 million for 10 years. My understanding is that as of November, 2015, 16 projects were approved and there was \$34.6 million remaining in the current fund. All NS municipalities except Halifax are eligible under this program. It is imperative that local road projects be advanced for the much-needed improvements as well as the jobs stimulus and local economic benefits.

I will meet with the Minister of Municipal Affairs on Wednesday, March 16, 2016, for the first time, at his department the morning after our Council meeting. All the items above will be raised with him and his officials. The CAO and CFO will be attending the meeting. The operating and capital budget realities will be presented seeking clear decision and direction from Municipal Affairs.

Kind regards,

ORIGINAL SIGNED BY

MAYOR CECIL P. CLARKE

PROPOSED ROADS PAVING 2016 / 2017

LOCAL STREETS - \$4,600,000 (Partial Gas Tax Funding)

“Local Streets” have been and we suspect will continue to be CBRM’s most pressing need in the foreseeable future as it pertains to roadwork. Local roads are not eligible under any current cost share funding program. CBRM has well in excess of 200 local streets identified for rehabilitation on our current list. We are operating under the basic principal of “worst first” in formulating a cost effective and pragmatic work plan for 2016.

There are 36 local streets proposed for rehabilitation across CBRM for this construction season.

Central Division

Stanfield Street (Prince to end)	Herbert Street (High to Terrace)
Grey Street (Spruce to Beech)	High Street (St. Peter’s to Columbia)
Chestnut Street (Sheriff to Ashby)	Mason Street (Kings to Argyle)
Worgan Street (Kings to Leonard)	Mercer Street (Victoria to Manse)
Robert Street (Jameison to Northend)	Highland Street (George to Rockdale)
Lorne Street (Welton to Beech)	Argosy Street (Borden to Manse)
Willow Street (Welton to Vulcan)	Whitney Avenue Retaining Wall

East Division

Currie Street (Rockdale to McDonald)	Wood Street (Marian to end)
Coady Street (Rockdale to Hillside)	Devison Lane (Sterling to #26)
1-B Road (Connaught to #1S)	Thomas Avenue (Mahon to end)
Prince Street (Grace to Ling)	Maxi Street (School to Shaft)
MacAulay Street (Poole to South)	13 th Street (Plummer to end)
Ford Street (Emerald to end)	Sydney Street (Roost to Sterling)
Beaton Avenue (Acadia to Thompson)	Sunset (Brookside to end)
Spruce (Heelen to Gibbon)	

North Division

Parnell Street (Purves to #22)	Amber Drive (Church to MacLean)
McGean Street (Atlantic to Hankin)	Stanley Street (Archibald to Blowers)
Charlotte Street (Brown to Beech)	Cottage Street (Purves to end)
McInnis Street (Church to Oram)	

ARTERIAL ROADS - \$1,300,000 (Provincial & Federal Cost Share Funding)

We are completing our Arterial Roads work under the “NBCF-PTIC-NRP” (*New Building Canada Fund: Provincial-Territorial Infrastructure Component – National/Regional Projects*) cost share Program. To be eligible for this program the street must have >10,000 AADT.

Phase 2 - “Year 1 of 2” involves four roads being completed this summer:

Spar Road (Ferry to Quinlan)	Esplanade (Dorchester to Byng)
South Street (MacAulay to end)	Commercial Street (Main to Catherine)

Phase 2 – “Year 2 of 2” involves Kings Road (Byng to Wiedner)

Our plan is to submit a later Phase 3 application for work to be completed in 2018 & 2019.

2018 – Prince Street (Inglis to Victoria) & Argyle Street Phase 1

2019 – Argyle Street Ph. 2, Victoria Road, Townsend Street in Sydney & Main Street -Syd.

COLLECTOR ROADS - \$3,400,000 (Partial Gas Tax Funding)

CBRM was originally “turned-down” for funding under the NBC-PTIC-SCF Program for both 2015 & 2016 construction seasons. In anticipation of the Province accepting applications for the 2017 construction season we did not consider the Collector Roads that will meet the >3000 AADT requirement of the SCF Program for this year’s works.

We are recommending 16 Collector Roads for rehabilitation for 2016.

Central Division

Terrace Street (Bristol to Herbert)	Falmouth Street (George to Esplanade)
Cottage Road (Christopher to Donna)	Royal Avenue (Cottage to Terrace)
Bentinck Street (Townsend to Byng)	

East Division

Mechanic Street (Park to Reserve)	Larch Avenue Emerald to MacLeod)
York Street (3) (Newton to Park)	Main St. – Louisbourg (Strathcona to Wolfe)
Main Street (Minto to Bell)	Beacon Street (Wallace to Reservoir)
St. Ann Street (Ellsworth to William)	

North Division

Gannon Street (West to Civic #124)	Archibald Avenue (Commercial to Pleasant)
Legatto Street (Pitt to Atlantic)	Pitt Street (Crescent to Jessome)

"J CLASS ROADS - \$600,000 (Provincial Cost Share, CBRM Funding out of Operating)

We are in "Year 2" of our current, Council approved, prioritized "J-Class" roads paving list.

<u>Priority</u>	<u>Road</u>	<u>District</u>
1	Country Lane (Completed 2015)	8
2	Egan Ave, Cooks Lane (Completed 2015)	12
3	Berthelot Crescent, Staney Brea	3
4	Carmichael Drive, Johnson Crescent (Completed 2015)	4
5	O'Neil's Road	4
6	Posure Street, Killarney Crescent, Kristen Court	7
7	Hanna Street, Karen Lynn Court, Nearingdale Drive	11
8	Harrietha Road	2
9	Wilfred Place, Earl's Lane, Gowrie Street	8

Pending the provincial formula for 2015, we would anticipate completing Berthelot Crescent (District #3) and O'Neil Road (District #4) this construction season.

GRAVEL ROADS PAVING - \$500,000 (CBRM Borrowing Funding)

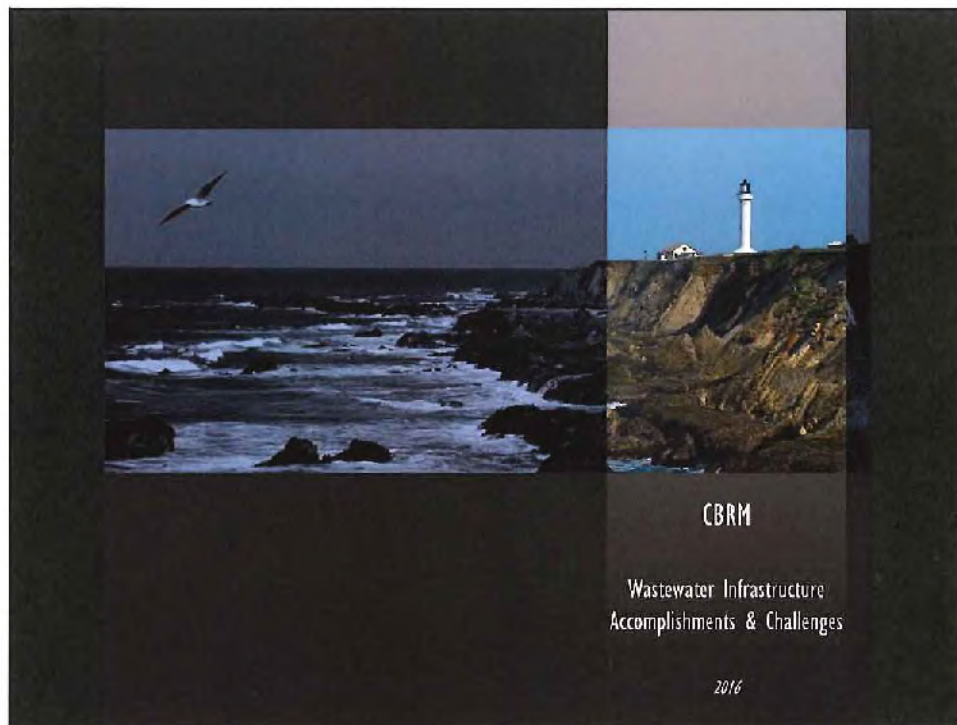
These are CBRM owned/maintained gravel roads located outside the former towns that were constructed post 1995, and therefore, would not qualify for initial paving under the "J-Class" program.

Deerfield Drive (Coxheath), Hampton Drive (Howie Center)
Ryland Court (Albert Bridge), Colin/Ferryview (Albert Bridge)

NBCF-PTIC-SCF - \$12.0 mil (Provincial & Federal Cost Share Funding)

The “CBRM 2017 – 2021” submission under the SCF Program will involve a 5-year; 23 roads application.

SCF APPLICATION - CASH FLOW					
	Street	Community	Location	Cost	AADT
	2017-2018				
1	Ferry Street	Sydney	George to Walker	\$830,000	4100
2	Main Street #3	Glace Bay	Phalen to Cadegan	\$830,000	5430
3	Royal Avenue	Dominion	Commercial to King	\$150,000	6530
4	Commercial Street	Dominion	Royal to Mitchell	\$300,000	5730
5	High Street	North Sydney	King to Brook	\$350,000	4010
	2018-2019				
6	Union Street	Glace Bay	Reserve to Commercial	\$750,000	5020
7	Disco Street	Sydney	Prince to Victoria	\$200,000	6340
8	Station Street	North Sydney	King to Blower	\$300,000	4580
9	George Street	Sydney	Prince to Dorchester	\$800,000	6460
10	Dorchester Street	Sydney	George to Dodd	\$300,000	3090
	2019-2020				
11	Phalen Road	Glace Bay	Civic #360 to Main	\$550,000	3960
12	Gannon Street	Glace Bay	Nolan to Reserve	\$410,000	3010
13	Queen Street	North Sydney	Musgrave to Peppett	\$700,000	7020
14	Dodd Street	Sydney	Prince to Dorchester	\$350,000	3910
15	Memorial Drive	North Sydney	Pleasant to Civic #65	\$350,000	3550
	2020-2021				
16	Dominion Street	Glace Bay	Brookside to Highland	\$270,000	5060
17	McKeen Street	Glace Bay	Main to Sterling	\$300,000	6310
18	Fraser Avenue	Sydney Mines	Main to Shore	\$540,000	5290
19	Charlotte Street	Sydney	Dorchester to Townsend	\$800,000	5800
	2021-2022				
20	Kings Road	Dominion	Cadegan to Royal	\$500,000	6040
21	Purves Street	North Sydney	Dinault to Town Line	\$300,000	5250
22	Main Street	Sydney Mines	Pond to Meadowbrook	\$1,250,000	6100
23	Wallace Road	Glace Bay	Poloni to Connaught	\$850,000	3060



Presentation Overview

- *Regulations*
- *CBRM Wastewater - past / present / future*
- *Financial Challenges*



Highlights of the Regulations!

Environment Canada – CCME Standard

- *Canadian Council of Ministers of the Environment signed the Canada Wide Wastewater Strategy on February 17th, 2009.*
- *Adopted by the Province of Nova Scotia.*
- *Mandatory municipal wastewater treatment with timelines (2020, 2030 & 2040).*
- *Objective – to protect human health and the environment.*



Environment
Canada

Environnement
Canada



Highlights of the Regulations, cont...

Wastewater Systems Effluent Regulations

- *Established under the Fisheries Act - June 29th, 2012*
- *Includes mandatory effluent quality standards*
 - *Deadlines to treat wastewater*
 - *Compliance agreements / authorizations to deposit*
- *Monitoring and reporting requirements*
- *Enforced through the Compliance and Enforcement Policy for the Habitat Protection & Pollution Prevention Provisions of the Fisheries Act.*



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Canada



Highlights of the Regulations, cont...

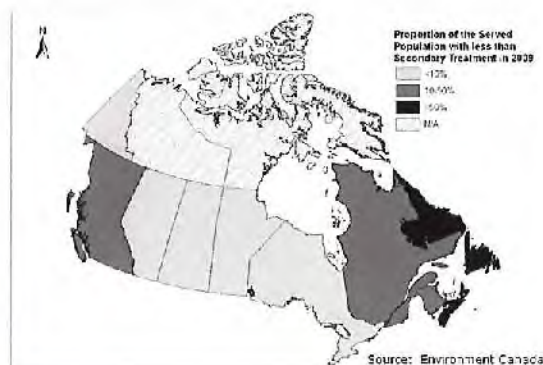
Nova Scotia Environment Municipal Wastewater Standard (Draft)

- Meets the intent of the CCME (EC) strategy and regulations.
- Potential equivalency agreement with EC.
 - One regulator – EC steps down
 - Reduce administrative burden for Municipalities
- Environmental Risk Assessments for all wastewater systems – due December 31st, 2017.
- Endorsed standard expected in the summer of 2016.



National Impact

- One-in-four wastewater systems across Canada need to be substantially retrofitted or replaced.
- A conservative estimate by FCM for these systems to meet the national standards is in excess of \$18 billion. \$3.4 billion correlates to the 2020 deadline for high risk systems.
- CBRM accounts for 6% of the national population with sewer collection lacking treatment.





National Impact Continued.....

- Municipalities across the country have expressed their concern to FCM...
“without a partnership between all orders of government, cost associated with the new regulations will force municipalities to defer other infrastructure priorities that are critical to sustained economic growth and job creation, and could significantly increase property taxes for hundreds of thousands of families and small businesses”
- Per-capita cost estimates from Canadian municipalities are as follows:
 - \$519 – Metro Vancouver
 - \$1,186 – St. John's, NL
 - \$1,525 – Halifax Water
 - \$2,400 – (Estimated) Greater Victoria, BC (780,000,000 WWTP)
 - \$9,700 – CBRM

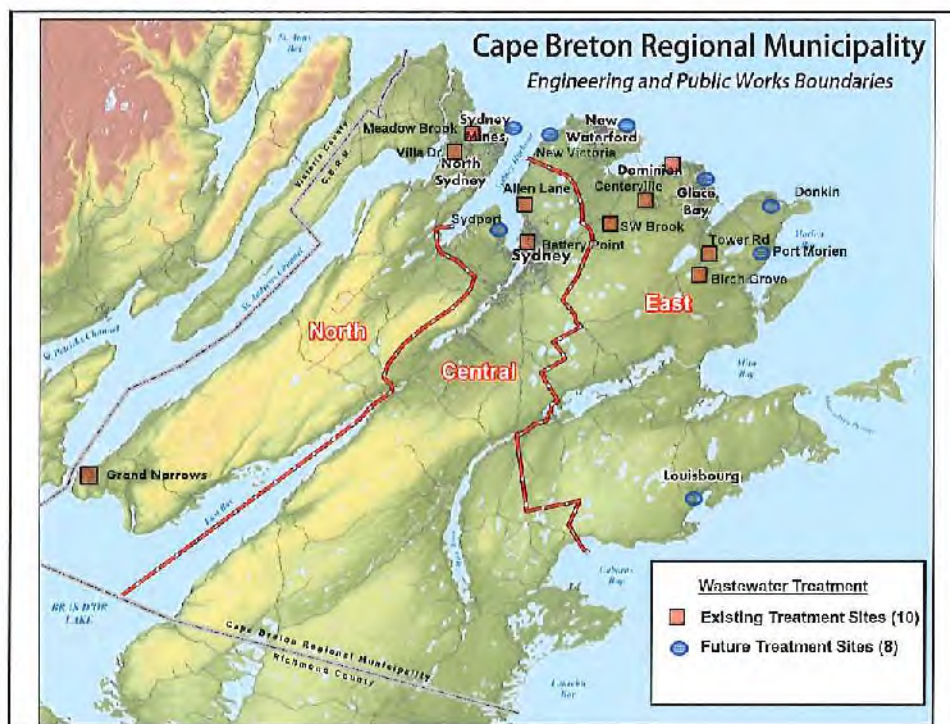


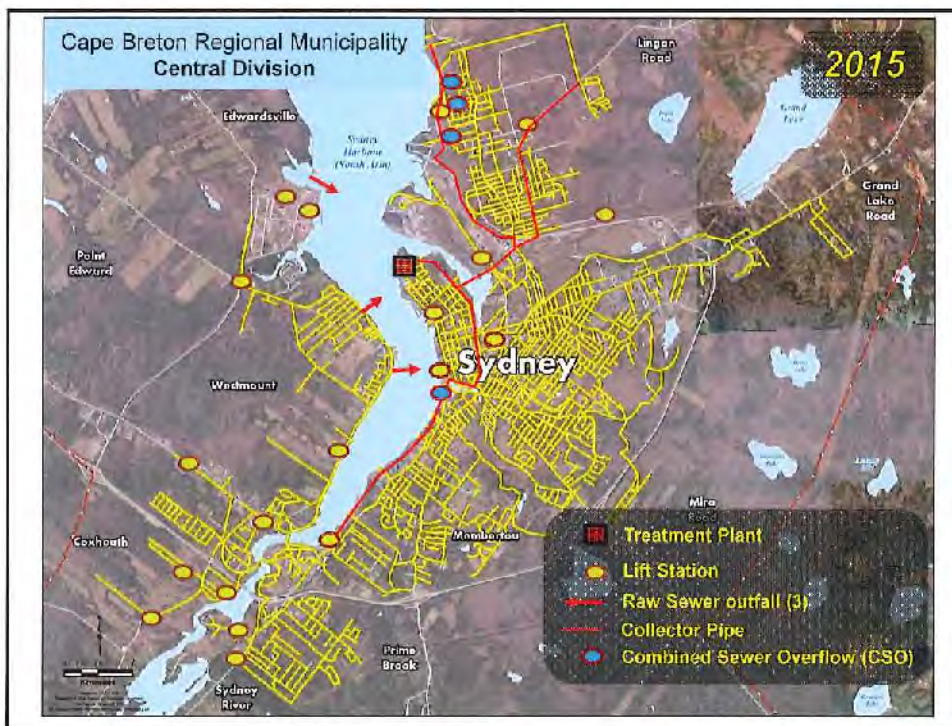
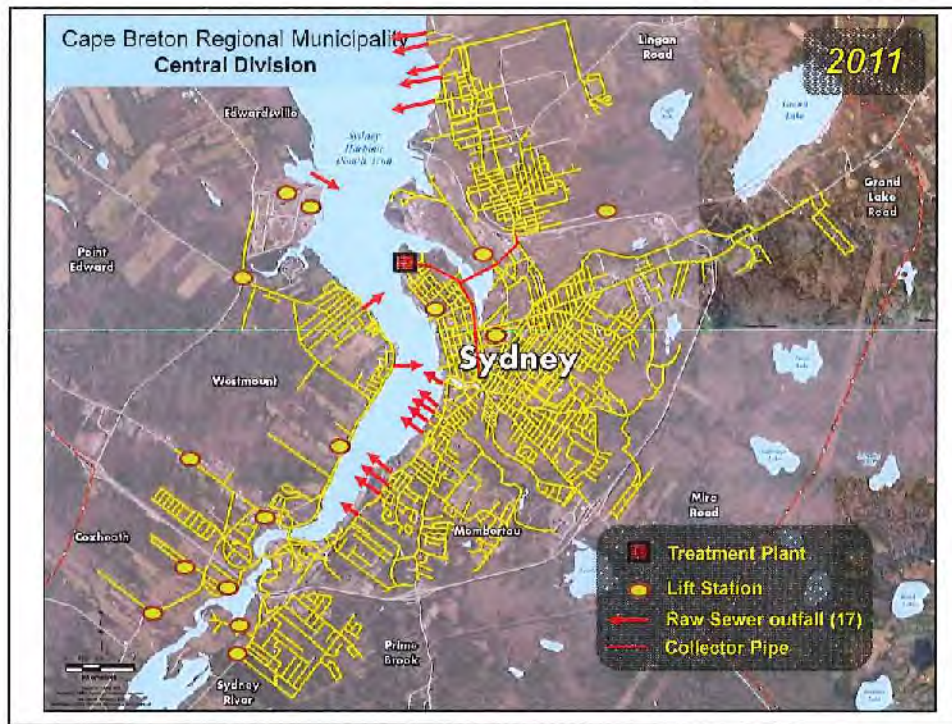
A Brief Introduction

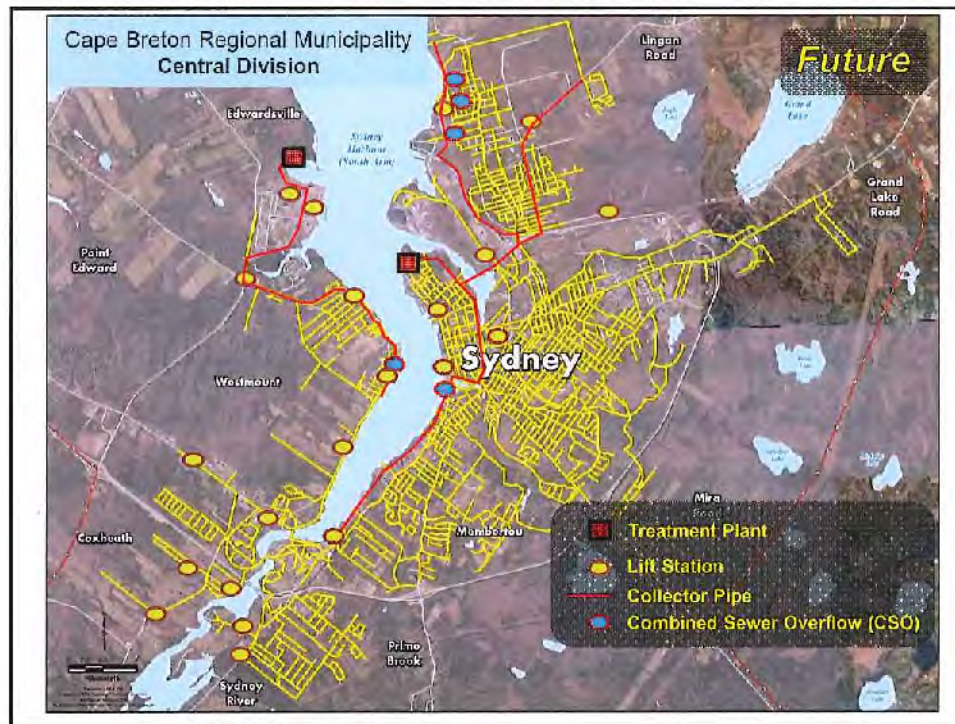
- Over 80,000 people in CBRM receive municipal wastewater collection services with 50,000+ lacking treatment.
- The largest population centres are: Sydney, Glace Bay, New Waterford, North Sydney and Sydney Mines. Smaller centres include Dominion and Louisbourg.
- These significant urban centres combined are scattered across a 2,500 km² area and all require extensive wastewater infrastructure.



Cape Breton Regional Municipality









CBRM Wastewater Accomplishments

Greater Sydney System – Completed items




Battery Point WWTP (Enhanced Primary Treatment)	12,000,000.00
Muggah Creek Interceptor Sewer	8,000,000.00
Byng Avenue Interceptor Sewer	4,000,000.00
Greater Sydney Collector Sewer	13,900,000.00
Project to date	37,900,000.00



CBRM Wastewater Strategy

Sydney Harbour West Wastewater Collection & Treatment Project - \$58M

Sydney River, Westmount, Coxheath (combined pop. 7000)

- Wastewater Treatment Plant & Outfall
- Collection System
 - CSO's, new lift stations, kilometers of pipe
 - Lift station upgrades, inflow and infiltration separation

Westmount / Coxheath Shoreline



CBRM Wastewater Management Strategy

Sydney Harbour West CSO / lift station Site & overflow



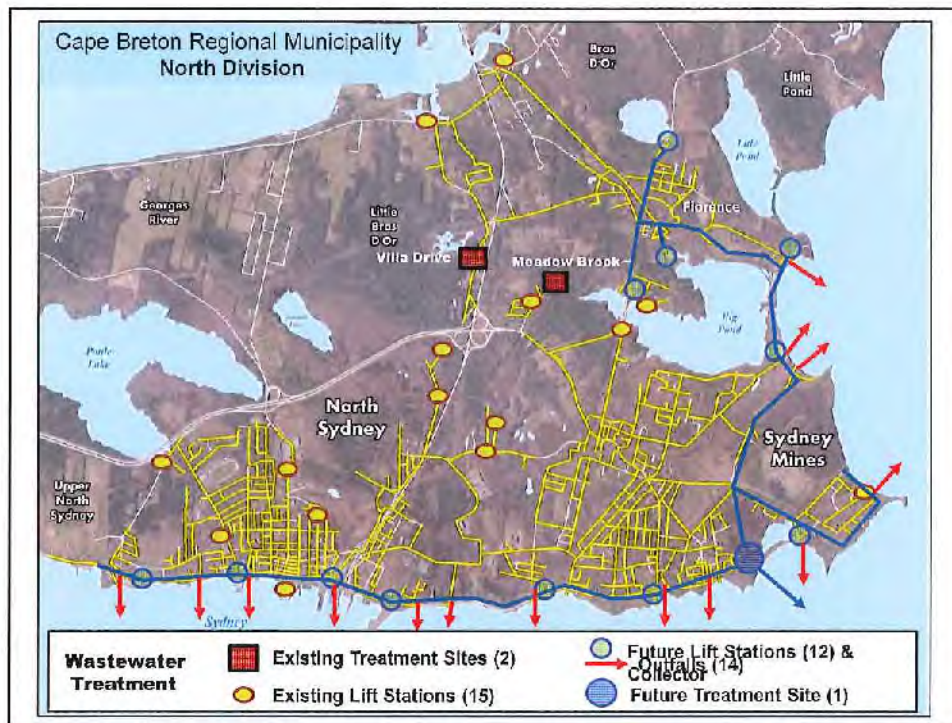




CBRM Wastewater Strategy

CBRM - WASTEWATER STRATEGY 2011						
Division	FACILITY / COLLECTION AREA	SIZE	RISK LEVEL	DEADLINE TO TREAT	NEW CONSTRUCTION	UPGRADES
		V/S/S/M/L	H/M/L	YEAR	MILLION	MILLION
CENTRAL	Battery Point / Sydney	L	L	2040	0.0	€4.1
	Coxheath/ Westmount Sydney River	M	M	2030	48.5	9.5

\$122.1M





CBRM Wastewater Accomplishments

Villa Drive WWTP & Collection System



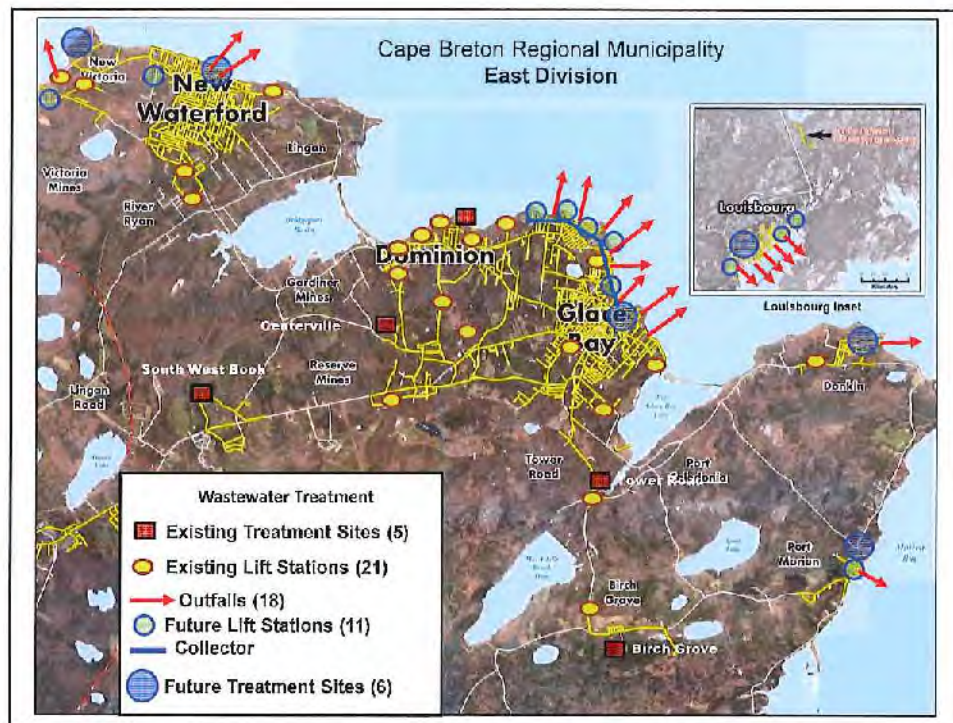
Plant - \$1,000,000



CBRM Wastewater Strategy

CBRM - WASTEWATER STRATEGY 2011						
Division	FACILITY / COLLECTION AREA	SIZE	RISK LEVEL	DEADLINE TO TREAT	NEW CONSTRUCTION	UPGRADES
		VS/S/M/L	H/M/L	YEAR	MILLION	MILLION
NORTH	North Sydney Sydney Mines Florence	L	H	2020	108.5	37.0
	Meadow Brook	VS	L	2021 / 2040	-	1.1
	Villa Drive	VS	MEETS NPS	-	-	-

\$146.6M



CBRM Wastewater Accomplishments

Dominion / Bridgeport WWTP



SBR Plant - \$12,000,000
Treated sewer for 4000+ residents



CBRM Wastewater Accomplishments

Dominion / Bridgeport Collection System



Collection system - \$7,000,000





CBRM Wastewater Strategy

CBRM - WASTEWATER STRATEGY 2011						
Division	FACILITY / COLLECTION AREA	SIZE	RISK LEVEL	DEADLINE	NEW CONSTRUCTION	UPGRADES
		VS/S/M/L	H/M/L	YEAR	MILLION	MILLION
EAST	Glace Bay Reserve	L	H	2020	64.7	19.0
	New Waterford	M	L	2040	25.4	5.4
	Scotchtown	S	L	2040	8.1	1.1
	Louisbourg	S	L	2040	18.9	3.9
	Donkin	S	L	2040	4.7	-
	Port Morien	S	H	2020	7.9	1.0
	Dominion	M	MEETS NPS	-	-	6.5
	South West Brook	S	L	2021 / 2040	-	0.3
	Tower Road	VS	L	2021 / 2040	-	1.3
	Centerville	VS	L	2021 / 2040	-	0.2
	Birch Grove	VS	MEETS NPS	-	-	0.9
	Louisbourg Resort	S / VS	MEETS NPS	-	-	-
					\$169.4M	



CBRM Wastewater Strategy

SUMMARY - WASTEWATER STRATEGY 2011			
DIVISION	NEW CONSTRUCTION	UPGRADES	FUTURE ANNUAL OPERATING COSTS
CENTRAL	\$62.1M	\$76.4M	\$10.0M
NORTH	\$108.5M	\$38.1M	
EAST	\$129.7M	\$39.7M	
TOTAL	\$454.5 MILLION		



CBRM Wastewater Strategy

SUMMARY - WASTEWATER 2015			
DIVISION	NEW CONSTRUCTION	UPGRADES	FUTURE ANNUAL OPERATING COSTS
CENTRAL	\$45.1M	\$76.4M	\$10.0M
NORTH	\$108.5M	\$38.1M	
EAST	\$129.7M	\$39.7M	
TOTAL	\$437.5 MILLION		



Wastewater Infrastructure Accomplishments

Major Infrastructure within the last 11 years:

- ✓ Battery Point Collection and Treatment Facility
 - ✓ Greater Sydney Collector Project
- ✓ Villa Drive Collection and Treatment Facility
- ✓ Dominion Collection and Treatment Facility
- ✓ Storm Water Separation



Wastewater Regulatory Accomplishments

- Established a CBRM wastewater discharge by-law adopted by Council
- Completed items outlined in the Wastewater Strategy:
 - Determine existing sewersheds and collection systems;
 - Located potential treatment plant sites;
 - Estimate compliance costs to address the federal regulations;
 - Completed ID reports for all outfalls in CBRM;
 - Identified fictional consolidated systems;
 - Assigned monitoring / sample points in each community;
 - Transitional Authorizations in place;
 - One year effluent characterization complete for lagoons;
 - ERA's complete for Battery Point & Dominion WWTP's.
- Presently involved in funding applications for:
 - Sydney Harbour West WWT&C Project – \$58M
 - Feasibility Study to conduct ERA's at the remaining 7 raw discharge communities - \$1.5M



Compliance Gaps & Challenges!

Today

- Continuous flow measurement at all treated and raw outfalls.
- Ability to meet Transitional Authorization limits (due to lack of treatment).

Near Future

- Site Specific Environmental Risk Assessments due 2017 – CCME & the Provincial DRAFT Standard.
- Effluent TRC limits in place by January 1, 2021. (Lagoons)
- Progress reports / consolidation plans for high risk systems due April 1st, 2017
- Transitional Authorizations for high risk systems expire on Jan 1st, 2021. (Northside, Port Morien and Glace Bay).

Future

- Progress reports / consolidation plan for medium risk systems due on April 1st, 2027.
- Transitional Authorizations for medium risk systems expire on Jan 1st, 2031. (Westmount / Coxheath).
- Progress reports / consolidation plans for high risk systems due on April 1st, 2037.
- Transitional Authorizations for low risk systems expire on Jan 1st, 2037. (Battery Point, New Waterford, New Victoria, Dunkin, Louisbourg)



CBRM's Capital Funding Options and Constraints



How can this requirement be funded?

- There needs to be a sustainable funding program specifically designed to fund the wastewater requirements that includes partnership between all levels of Government.
- The funding needs to be based on the cost of required wastewater projects per region. (i.e. need)



How can this requirement be funded?

Long Term Borrowing

- *borrow capital requirement of \$425 million as required, and begin a 20 year debt repayment schedule.*
- *yearly operating budget of 10 million.*

OUTCOMES:

- CBRM debt would increase from \$85 million to \$510 million over 10 years. (600% increase)
- future debt servicing costs would add \$50 million per year on tax base and would increase taxes by 62.5%.



How can this requirement be funded?

General Tax Rate Increase

- fund \$42.5million each year for 10 years and fund on the general tax rate.
- yearly operating budget of 10 million.

OUTCOMES:

- Future increase of average tax rate by 66%.



How can this requirement be funded?

Utility

- create a Water / Wastewater Utility and fund \$42.5 million each year for 10 years through the water rates.
- yearly operating budget increase of 10 million.

OUTCOMES:

- increase the average water / wastewater bill from \$600 per year to \$2,400 per year (300% increase).



How can this requirement be funded?

Utility - Long Term Borrowing

- *borrow capital requirement of \$425 million as required, and begin a 20 year debt repayment schedule.*

- *yearly operating budget of 10 million.*

OUTCOMES:

- Utility will borrow \$425 million over 10 years with a 20 year repayment.
- increase the average water / wastewater bill from \$600 per year to \$2,720 per year (350% increase).



How can this requirement be funded?

- There needs to be a sustainable funding program specifically designed to fund the wastewater requirements that includes partnership between all levels of Government.
- The funding needs to be based on the cost of required wastewater projects per region. (i.e. need)

Wastewater Strategy (*Fisheries Act* Regulations):

The Director of Engineering and Public Works report on CBRM's Wastewater operations and the impact of the Federal *Fisheries Act* Regulations which are soon to be proclaimed as law.

A letter received in January 2011 from the Nova Scotia Department of the Environment included a ranking of all CBRM's existing wastewater treatment systems containing mandatory timelines and upgrades, but no indication of a funding model to enable CBRM to comply with the new regulations. A majority of CBRM Wastewater Plants are rated as high risk and require upgrades within a 10 year timeframe.

The issue of legal liability and strict liability offence under the Act and its Regulations was explained.

The Director highlighted three action items relating to CBRM's Wastewater Operations in terms of the ICSP, including:

- ✓ Continue to develop CBRM's wastewater treatment strategy.
- ✓ Work with senior governments to develop a funding model that will allow CBRM to address the requirements of the provincial wastewater treatment strategy.
- ✓ Develop wastewater treatment plants as necessary funds and assistance become available.

The Director reviewed what CBRM has accomplished to date, including:

- ✓ Battery Point Collection and Treatment Facility;
- ✓ Villa Drive Collection and Treatment Facility;
- ✓ Dominion Collection and Treatment Facility;
- ✓ Storm Water Separation;
- ✓ Other system accomplishments (outlined in full report on file in the Clerk's office).

As well, specific cost estimates for completion of the upgrades totaling \$425 million by 2021 were outlined.

Following a lengthy discussion, the following motion was put forth:

Motion:

Moved by Councillor Paruch, seconded by Councillor Jim MacLeod, that a Special Meeting of Council be scheduled to develop a strategy with respect to Wastewater treatment in accordance with the *Fisheries Act* Regulations.

Motion Carried.

Wastewater Systems Effluent Regulations:

Council moved into open session to deal with this issue.

Motion:

Moved by Councillor Keagan, seconded by Councillor MacLeod, approval of the following three (3) major projects to allow CBRM to become “in-compliance” with the Wastewater System Effluent Regulations (WSER) in the *Fisheries Act* and to make application under the New Build Canada Fund – National Infrastructure Component (NBCF-NIC) and Small Communities Fund (NBCF-SCF) Programs, for cost sharing of CBRM Arterial and Collector Roads Rehabilitation Programs:

1. Municipal Infrastructure – “Arterial Roads” (NBCF-NIC)
2. Municipal Infrastructure – “Collector Roads” (NBCF-SCF)
3. Wastewater – (NBCF-NIC- revised current application to reflect 10 year timeline, and revised cash-flow).

Motion Carried

Summary

Statement of Revenue

January 31, 2016

Revenue	Year To Date Assigned	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 85,550,937	\$ 84,903,296	\$ 647,641	\$ 101,883,955	\$ 16,333,018
Total Federal Government	2,113,380	2,113,380	-	2,536,056	422,676
Total Federal Government Agencies	990,577	981,258	9,319	1,177,510	186,933
Total Provincial Government	1,099,478	1,104,082	(4,603)	1,324,898	225,420
Total Provincial Government Agencies	2,666,804	2,440,058	226,746	2,928,070	261,266
Total Services to Other Local Government	358,150	358,149	1	429,779	71,629
Total Transit	505,452	525,000	(19,548)	630,000	124,548
Total Environmental Development Services	264,062	216,807	37,255	260,168	6,106
Total Licenses & Permits	133,783	149,167	(15,383)	179,000	45,217
Total Fines & Fees	425,833	461,128	(35,295)	553,353	127,520
Total Rentals	505,278	458,333	46,944	550,000	44,722
Total Concessions & Franchises	335,291	305,431	29,860	366,517	31,226
Total Return on Investments/Interest on Taxes	1,294,503	1,042,083	252,419	1,250,500	(44,003)
Total Finance Revenue	25,085	25,417	(332)	30,500	5,415
Total Solid Waste Revenue	1,916,269	1,858,583	57,685	2,267,000	350,731
Total Recreation & Cultural Service Programs	1,270,888	1,324,748	(53,860)	1,789,105	518,217
Total Water Utility Charges	4,126,258	4,126,258	(0)	4,951,510	825,252
Total Unconditional Transfers	13,227,835	13,267,882	(40,047)	15,921,458	2,693,623
Total Conditional Transfers	3,101,680	3,101,684	(4)	4,178,021	1,076,341
Year To Date Assigned	\$ 119,901,543	\$ 118,762,744	\$ 1,138,800	\$ 143,207,400	\$ 23,305,857

ORIGINAL SIGNED BY

ORIGINAL SIGNED BY

Departmental

Reviewed

Summary

Statement of Expenditures

January 31, 2016

Expenditures	Year to date Expended	10 Month Budget	10 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,191,240	\$ 1,197,544	\$ 6,304	\$ 1,415,714	\$ 224,474
Administration	830,774	884,038	53,265	995,609	164,835
Finance	2,171,505	2,300,117	128,612	2,739,607	568,102
Legal	436,128	474,188	38,060	565,444	129,316
Human Resources	1,302,626	1,351,964	49,339	1,600,549	297,924
Technology & Communications	874,954	977,779	102,825	1,153,099	278,145
Municipal Clerk	287,817	323,607	35,790	480,466	192,649
Fiscal Services	31,509,051	31,645,505	136,454	34,772,031	3,262,980
Occupational Health & Safety	165,095	182,295	17,200	215,532	50,438
Facilities: Centre 200 & Arenas	2,884,252	2,647,803	(236,450)	3,127,620	243,368
Police Services	21,069,986	21,350,823	280,837	25,110,074	4,040,088
Fire Services (Incl EMO)	13,519,681	14,161,017	641,336	16,550,728	3,031,047
Engineering & Public Works	40,917,715	40,906,362	(11,353)	48,849,744	7,932,029
Planning	2,012,227	2,208,394	196,167	2,650,361	638,134
Recreation	2,877,349	2,821,495	(55,854)	2,980,821	103,472
Total expended to date	\$ 122,050,398	\$ 123,432,932	\$ 1,382,534	\$ 143,207,400	\$ 21,157,001

ORIGINAL SIGNED BY

ORIGINAL SIGNED BY

Departmental

Reviewed



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: CBRM Mayor and Council

From: Deborah Campbell, Municipal Clerk

Date: March 11, 2016

Subject: Proposed Changes to CBRM By-Laws (reference to the "General Committee")

At the January 5, 2016 meeting of the General Committee, a motion was passed recommending that Council approve the proposed amendments to the following By-laws to reflect reference to the "General Committee":

- * Building By-Law
- * Civic Addressing By-law
- * Parking Meter By-law
- * Taxi By-law
- * Vending Machines By-law

The full documents with the proposed amendments are in a separate attachment to the Council agenda (see Appendix "B").

Staff Recommendation:

I recommend that Council approve the proposed amendments to the foregoing CBRM By-laws, noting that these amendments require two readings by Council.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk

Proposed Changes to CBRM Policies and Bylaws:

Motion:

Moved by Councillor Rowe, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to approve the proposed amendments to the CBRM Policies and Bylaws as outlined in Appendix “A” of the staff report of December 30, 2015, noting that the amendments to the Bylaws require two readings by Council.

Motion Carried.



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: General Committee

From: Deborah Campbell, Municipal Clerk

Date: December 30, 2015

Subject: Proposed Changes to Policies and Bylaws (reference to General Committee)

Further to the recent amendments to CBRM Policy RC4 Committees which were approved by Council on October 20, 2015, attached please find a list (Appendix "A") of the CBRM Policies and Bylaws which require amendments to change reference to any former standing committees (i.e. Corporate Services, Public Services, Water Utility, Protective Services or the Planning Advisory Committee) to the "General Committee". The full documents with the proposed amendments are attached separately.

I would note that the Planning staff is currently drafting amendments to the Vendors and Traders of Goods By-law which will be presented to Committee at a later date. During that process they will also make the necessary changes to reference the General Committee.

Staff Recommendation:

I recommend that the proposed amendments to the attached CBRM Policies and Bylaws (i.e. with reference to the "General Committee") be recommended to Council for approval, noting that the amendments to the By-laws will require two readings by Council.

Yours truly,

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk

Attachments

Appendix "A"

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

Policies

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



By-laws

- * Building By-Law
- * Civic Addressing By-law
- * Parking Meter By-law
- * Taxi By-law
- * Vending Machines By-law

~~Vendors and Traders of Goods By-law~~

