

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, OCTOBER 24TH, 2017

***NOTE DATE CHANGE**

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, October 24th, 2017

6:00 p.m.

AGENDA ITEMS

ROLL CALL

O' Canada

Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

- Regular Council – September 19, 2017
- Special Council – September 25, 2017

2. PROCLAMATIONS & RESOLUTIONS:

2.1 2017 World Polio Day:

Deputy Mayor Eldon MacDonald (See page 7)

2.2 Municipal Awareness Week 2017:

Councillor Steve Gillespie (See page 9)

2.3 Pancreatic Cancer Awareness:

Councillor Clarence Prince (See page 10)

2.4 Restorative Justice Week 2017:

Councillor Jim MacLeod (See page 11)

2.5 Diabetes Awareness Month:

Councillor Amanda McDougall (See page 12)

2.6 2017 Complex Regional Pain Syndrome (CRPS – Reflex Sympathetic Dystrophy (RSD)) :

Councillor Amanda McDougall (See page 13)

2.7 Persons Day:

Councillor Kendra Coombes (See page 14)

Continued...

Proclamations & Resolutions (Cont'd):

2.8 **16 Days of Activism Against Gender Violence:**
Councillor Kendra Coombes (See page 16)

2.9 **Nova Scotia Holocaust Week:**
Councillor Ray Paruch (See page 18)

2.10 **4-H Club Movement in Canada**
Councillor George MacDonald (See page 19)

3. **PRESENTATION:**

3.1 **Key to the City – Steve MacKenzie:** Mayor Cecil P. Clarke (See page 20)

4. **PUBLIC HEARING – STREET CLOSING:**

4.1 **Marine Atlantic Terminal Expansion – Portion of 15722960, Pleasant Street, North Sydney:**

Public Hearing regarding the request for closure of a portion of PID 15722960, Pleasant Street, North Sydney, following which the property be deemed surplus to the needs of CBRM to allow for the sale to Marine Atlantic, subject to an easement in favor of CBRM for existing CBRM sewer lines and infrastructure for future maintenance and repair, and that all costs be the responsibility of Marine Atlantic. Sheila Kolanko, Senior Paralegal/Property Manager (See page 23)

5. **PLANNING ISSUES:**

5.1 **Final Approval - Public Hearings:**

a) **Zoning Amendment Application #1036 - Gary Mansfield, 79 Pierce Street, North Sydney:**

Public Hearing to consider the zoning amendment application to permit a three (3) unit apartment building at 79 Pierce Street, North Sydney (PID 15026016) Karen Neville, Planner (See page 30)

Continued...

Planning Issues (Cont'd):

5.2 Requests for Municipal Planning Strategy Amendments:

- a) **Request from Kevin Dixon to Amend the Municipal Planning Strategy and Land Use By-law to allow for Motor Vehicle Repair at 1929 Kings Road, Howie Center (PID 15046592):**

Committee recommends Council approve the staff recommendation to reject the applicant's request to amend the Municipal Planning Strategy and Land Use By-law to allow for Motor Vehicle Repair at 1929 Kings Road, Howie Center PID 15046592. Karen Neville, Planner (See page 37)

- b) **Request from Mark Head to Amend the Municipal Planning Strategy and Land Use By-law to allow for a Marine Assembly and Repair Facility at 62 Birch Grove Road, Port Morien (PID 15372089):**

Committee recommends Council authorize the Planning and Development Department staff and the local Councillor to conduct a Public Participation Program; the results of the Public Participation Program would be brought back to Council's General Committee with a recommendation on how to proceed. In addition, if this application request is to proceed to a Public Participation Program, Mr. Head should be directed to submit the necessary application fee and site plan and a decision regarding the purchase of the property should be made by Mr. Head prior to amending the Municipal Planning Strategy. Karen Neville, Planner (See page 43)

6. APPEAL – Sustainability Funding Request:

- 6.1 **Lighthouse of Cape Breton - Undercurrent Youth Centre:** Spokesperson Mr. David Sawler, Executive Director (See page 48)

7. BUSINESS ARISING:

7.1 General Committee – October 3, 2017:

- a) **Pricing Strategy for Northside Business Park:**

Committee recommends removal of the pricing strategy for CBRM lands in the Northside Business Park and allow CBRM to sell lands pursuant to the *Municipal Government Act* as we do for other surplus lands. John Phalen, Manager of Economic Development & Special Projects (See page 66)

Continued...

Business Arising - General Committee – October 3, 2017 (Cont'd):

- b) **Physical Activity Strategy:** Colleen Clare, Physical Activity Strategy Coordinator (See page 71)

Committee recommends Council;

- approve the Physical Activity Strategy;
- approve the creation of implementation plan by the Physical Activity Strategy Coordinator that focuses on proposed projects and programs and their timelines, budgets and evaluation;
- carry out implementation with the continued support of CBRM's Recreation Department and the Communities, Sport and Recreation division of the Nova Scotia Department of Communities, Culture and Heritage.

7.2 Business Arising - Council Budget Session - February 16, 2017:

- a) **Sydney Harbour West Wastewater Collection/Treatment Project and the CBRM Wastewater Pre-Design Project:** Mayor Cecil P. Clarke (See page 90)

8. CORPORATE SERVICES ISSUES:

- 8.1 **Seaview Manor, Glace Bay – By-law Amendments:** Demetri Kachafanas, Regional Solicitor (See page 117)

- 8.2 **Request for Nova Scotia Power Easement - Sydport Industrial Park - Marine Recycling Corporation (MRC):** Sheila Kolanko, Senior Paralegal/Property Manager (See page 150)

9. REPORTS:

- 9.1 **Election of Deputy Mayor:** Deborah Campbell Ryan, Municipal Clerk (See page 152)

- 9.2 **Appointment of Nominating Committee:** Deborah Campbell Ryan, Municipal Clerk (See page 155)

10. CBRM FINANCIAL REPORTS: Jennifer Campbell, Chief Financial Officer

- 10.1 **Statements to August 31, 2017:** (See page 157)

For information only.

Adjournment

Rotary International Proclamation

“2017 World Polio Day”

- WHEREAS:** Poliomyelitis (Polio) is a paralyzing and potentially fatal disease that still threatens children in some parts of the world as the poliovirus invades the nervous system and can cause total paralysis in a matter of hours, can strike at any age and mainly affects children under five. Polio is incurable, but completely vaccine-preventable;
- AND WHEREAS:** In 1985, Rotary launched its PolioPlus program, the first initiative to tackle global polio eradication through the mass vaccination of children and Rotary has contributed more than \$1.7 billion and countless volunteer hours to immunize more than 2.5 billion children in 122 countries. In addition, Rotary’s advocacy efforts have played a role in decisions by donor governments to contribute more than \$7.2 billion to the effort;
- AND WHEREAS:** The Global Polio Eradication Initiative, formed in 1988 is a public-private partnership that includes Rotary, the World Health Organization and the U.S. Centers for Disease Control & Prevention, UNICEF, the Bill & Melinda Gates Foundation, and governments of the world with Rotary’s focus on advocacy, fundraising, volunteer recruitment and awareness building;
- AND WHEREAS:** Today, there are only three countries that have never stopped transmission of the of the wild poliovirus: Afghanistan, Nigeria & Pakistan and just 37 polio cases were confirmed worldwide in 2016, which is a reduction of more than 99.9 percent since the 1980s, when the world saw about 1,000 cases per day;
- AND WHEREAS:** The polio cases represented by the remaining one percent are the most difficult to prevent, due to factors including geographical isolation, poor public infrastructure, armed conflict and cultural barriers and until polio is eradicated, all countries remain at risk of outbreaks;
- AND WHEREAS:** To date, Rotary has contributed more than US \$1.7 billion and countless volunteer hours to the protection of more than two billion children in 122 countries;

Continued...

AND WHEREAS: Rotary will raise \$50 million per year over the next three years, with every dollar to be matched with two additional dollars from the Bill & Melinda Gates Foundation and these funds help to provide much-needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents, governments, corporations and private individuals and all play a crucial role in funding;

AND WHEREAS: More than one million Rotary members have donated their time and personal resources to end polio and every year, hundreds of Rotary members work side-by-side with health workers to end polio and vaccinate children in polio-affected countries;

AND WHEREAS: Rotary Members work with UNICEF and other partners to prepare and distribute mass communication tools to reach people in areas isolated by conflict, geography, or poverty and members also recruit fellow volunteers, assist with transporting the vaccine, and provide other logistical support;

AND WHEREAS: Pete Smith of the Rotary Club of North Sydney, Marlene Lovett & Gord Card of the Rotary Club of Sydney, together with Lee Anne Macleod Archer from the Rotary Club of Sydney Sunrise with her husband Simon Archer, have volunteered, at their own expense, in various countries in Rotary's campaigns to eliminate polio

BE IT
THEREFORE
RESOLVED: That Mayor Cecil P. Clarke & Council of the Cape Breton Municipality hereby proclaim October 24th, 2017 as "World Polio Day" in the Cape Breton Regional Municipality in support of the four CBRM local Rotary Clubs who are working diligently and are close to seeing the elimination of this disease and while their job remains incomplete, they are very close to seeing a "Polio Free World".

Deputy Mayor Eldon MacDonald

Dated this 24th day of October, 2017

Proclamation

“Municipal Awareness Week” **2017**

- Whereas:** Municipal Government is responsible for the provision of services that enhance the quality of life of its citizens;
- And Whereas:** Dedicated Mayors, Wardens, Councillors and staff are essential for the effective governance of their municipalities;
- And Whereas:** Citizen involvement is essential for an active community;
- And Whereas:** It is fitting and proper to recognize and encourage the contribution of all who work diligently for the improvement of municipalities;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM members of Council proclaim the week of November 20th to 26th to be known as “Municipal Awareness Week” in municipalities of Nova Scotia in recognition of the vital role of Municipal Government and in recognition of all whose efforts support it.

Councillor Steve Gillespie

Dated this 24th day of October, 2017



PROCLAMATION

“Pancreatic Cancer Awareness”

- Whereas:** There will be an estimated 5,500* new pancreatic cancer cases and 4,800* mortalities in Canada this year;
- And Whereas:** Pancreatic cancer is one of the deadliest cancers, currently the 4th leading cause of cancer deaths in Canada and projected to surpass both breast and colon cancers to become the 2nd leading cause of cancer death by as early as 2020;
- And Whereas:** When pancreatic cancer is generally diagnosed in the late stages; 74 percent of patients die within the first year, and 93 percent die within the first five years;
- And Whereas:** Studies show that incidence and death rates for pancreatic cancer are increasing while incidence and death rates are declining for most other cancers;
- And Whereas** A Flag Raising Ceremony will be held on Wednesday, November 1st at 11:00 a.m. at CBRM City Hall, to raise awareness about Pancreatic Cancer. Families and friends who have been affected by pancreatic cancer are welcomed to attend in honour of those we have lost; and to lend our strength to those who carry on the fight.
- Be it Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council proclaim the month of November as National Pancreatic Cancer Awareness Month and November 16th, 2017 as World Pancreatic Cancer Day in the Cape Breton Regional Municipality

Councillor Clarence Prince
CBRM District #1

October 24th, 2017

Cape Breton Regional Municipality

PROCLAMATION
Restorative Justice Week - 2017

WHEREAS: In the face of crime or conflict, restorative justice offers a philosophy and approach that views these matters principally as harm done to people and relationships; and

AND WHEREAS: Restorative justice approaches strive to provide support and opportunities for the voluntary participation and communication between those affected by crime and conflict (victims, offenders, community) to encourage accountability, reparation and movement towards understanding, feelings of satisfaction, healing and sense of closure; and

AND WHEREAS: Restorative Justice Week provides an opportunity to learn about restorative justice and to educate and celebrate along with other communities across the country during the week;

**BE IT THEREFORE
RESOLVED** That CBRM Council proclaim the week of November 19th to 26th, 2017 as Restorative Justice Week in the Cape Breton Regional Municipality.

Dated this 24th day of October, 2017

Councillor Jim MacLeod
District #12 – CBRM

2017 Proclamation “Diabetes Awareness Month”

- Whereas:** Diabetes is a serious condition affecting more than 415 million people worldwide;
- And Whereas:** Eleven million Canadians live with diabetes or prediabetes;
- And Whereas:** 114,000 Nova Scotians currently live with diabetes;
- And Whereas:** Diabetes contributes to 30 percent of strokes and 40 percent of all non-traumatic amputations;
- And Whereas:** There is a great need to raise funds for research into better methods of treatment, and ultimately a cure;
- And Whereas:** Diabetes Canada is leading the fight against diabetes by helping those affected by diabetes live healthy lives while working to find a cure;
- And Whereas:** Maintaining health and wellness can in many cases prevent prediabetes and type 2 diabetes as well as benefit diabetes management;
- And Whereas:** This year, the Diabetes Awareness Month campaign focuses on prevention and early detection of prediabetes and type 2 diabetes and people across Canada are being encouraged to take the CANRISK test at diabetestest.ca;
- And Whereas:** Diabetes Canada encourages governmental and non-governmental organizations to observe Diabetes Awareness Month and recognize World Diabetes Day in order to raise public awareness of diabetes and its related complications,
- Be It Therefore Resolved:** That CBRM Mayor & Council hereby proclaim the month of November 2017 as “Diabetes Awareness Month” and November 14th, 2017 as “World Diabetes Day” in the Province of Nova Scotia and call upon all citizens to combat this disease and its life-threatening complications by familiarizing themselves with the diabetes warning signs, making healthy lifestyle choices and by accessing the best quality of care that Nova Scotia provides to its citizens with diabetes.

Councillor McDougall – District #8 – CBRM

Dated this 24th day of October, 2017

PROCLAMATION

“2017 Complex Regional Pain Syndrome (CRPS – Reflex Sympathetic Dystrophy (RSD)”

- Whereas:** Complex Regional Plain Syndrome (CRPS) also known as Reflex Sympathetic Dystrophy (RSD) is a nerve disorder that causes chronic pain;
- And Whereas:** The symptoms of CRPS/RSD are often described as burning that is out of proportion to the severity of the initial injury and can include extreme sensitivity to the touch and swelling;
- And Whereas:** While CRPS/RSD was first identified during the Civil War, it remains a poorly understood condition which has no cure;
- And Whereas:** The National Institute of Neurological Disorders and Stroke and other institutes of the National Institutes of the National Institutes of Health support research relating to CRPS/RSD;
- And Whereas:** Members of the CRPS/RSD community will be spreading awareness during the month of November;
- And Whereas:** On November 6th, 2017 members of the CRPS/RSD community will be celebrating the third annual Color The World Orange Day to spread awareness of this poorly understood disorder;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM Council proclaim the month of November, 2017 as “Complex Regional Pain Syndrome (CRPS) also known (RFD) Reflex Sympathetic Dystrophy” which is a nerve disorder that causes chronic pain and support the members of the CRPS/RSD community who will be spreading awareness and celebrating the third annual “Color The World Orange Day” in the Cape Breton Regional Municipality.

Councillor Amanda McDougall – District #8 - CBRM

Dated this 24th day of October, 2017



PROCLAMATION

Persons Day

- Whereas:** October 18th was established as Persons Day in Canada after the 1929 proclamation that marked women as persons and should have the right to political participation and sit in the Canadian Senate.
- And Whereas:** At the beginning of the last century women mobilized to gain the right to vote, stand for election to Federal and Provincial legislatures, and the right to sit in the Senate. Unfortunately, these rights were not distributed equally to all women and were achieved at a slower rate for Aboriginal women, working-class women and racialized women;
- And Whereas:** The Famous Five deserve their names to be remembered: Emily Murphy, Irene Marryat Parlby, Nellie Mooney McClung, Louise Crummy McKinney, Henrietta Muir Edwards;
- And Whereas:** While 2017 marks 101 years since the first women in Canada gained the vote and the right to stand for Provincial election, and there is much to applaud about the advancement of women's rights, there is still more work to be done! Women continue to struggle with and are oppressed by sexism and systemic barriers that prevent their full and equitable participation in society. These barriers are often rooted in economics, including: the lack of accessible and affordable public child care; financial inequalities and the growing wage gap; a low minimum wage; a lack of employment equity; and the prevalence of gender-based harassment and violence at work, in the household and in our communities. Other barriers are created because of sexist, misogynistic attitudes and behavior towards women and girls, racism, homophobia and transphobia and ableist ideas that suppress and leave women behind;
- And Whereas:** To make change and truly advance women's equity, we must commit ourselves to act, to speak out and challenge the barriers that prevent full and equitable participation and personhood. We must push for progress and strive for greater representation and create space for a diversity of women's voices in government, on boards and in the general community.

Continued...

Be It Therefore Resolved: That the CBRM Mayor Cecil P. Clarke and Council proclaim October 18th, 2017 as Persons Day in the Cape Breton Regional Municipality because we are all persons under the law thanks to five courageous women.

*Councillor Kendra Coombes, District # 11
October 24th, 2017*



PROCLAMATION

16 Days of Activism Against Gender Violence

- Whereas:** The 16 Days of Activism Against Gender Violence is an international campaign designed to develop strategies to increase international awareness of the systemic nature of violence against women. The 16 Days of Activism Against Gender Violence Campaign runs annually from November 25 (International Day for the Elimination of Violence Against Women) through December 10 (International Human Rights Day) to symbolically link violence against women and human rights and to emphasize that such violence is a human rights violation;
- And Whereas:** According to the United Nations, at least one out of every three women around the world has been beaten, coerced into sex, or otherwise abused in her lifetime — with the abuser usually someone known to her. Violence against women is the most pervasive human rights violation because of its effect on women across borders, categories of age, race, class, and in times of peace as well as conflict. United Nations reports marital rape is a prosecutable offence in at least 104 States, in 102 countries there are no specific legal provisions against domestic violence, fifty percent of women are regularly beaten at home, and marital rape is not a prosecutable offence in at least 53 nations. According to the United Nations, a quarter of all women worldwide are raped during their lifetime. Transgender women are 1.6 times more likely to experience physical violence, 1.6 times more likely to experience sexual violence, and 1.4 times more likely to experience hate violence in public places;
- And Whereas:** The 16 Days Campaign also encompasses numerous other internationally-recognized dates including: The 29th November International Women Human Rights Defenders Day; December 1st World AIDS Day; December 3rd International Day for the Disabled; December 6th Anniversary of the Montreal Massacre, when a man gunned down 14 women engineering students for allegedly being feminist;
- And Whereas:** The 16 Days Campaign provides an opportunity for individuals, organizations, activists, and governments to work together in solidarity and draw upon this period of heightened international attention to gain support for their local efforts to eliminate violence against women;

Continued...

And Whereas: The White Ribbon Project, Cape Breton Transition House, the Elizabeth Fry Society, Pride Cape Breton and the Ann Terry Project stand in solidarity with more than 2,800 organizations worldwide who take part or have taken part in this campaign and the organizations worldwide who desire change for a better, more equal and more just world;

And Whereas: Violence against women is violence against sisters, daughters, mothers, grandmothers, granddaughters, girlfriends, wives, partners, but most importantly human-beings - persons. Violence against women devastates relationships, families, communities, work places, schools, neighborhoods, villages, cities and towns the world over. It is only through awareness of the breadth of this human rights and public health crisis that it can be stopped and prevented;

Be It Therefore That the CBRM Mayor Cecil P. Clarke and Council proclaim November 25th to December 10 as the 16 Days of Activism Against Gender Violence in the Cape Breton Regional Municipality.

Councillor Kendra Coombes, District # 11
October 24th, 2017

Resolution

“No. 2039 – Nova Scotia Holocaust Week”

- Whereas:** November 1st to 9th, 2017 marks “Nova Scotia Holocaust Education week;
- And Whereas:** Holocaust Education Week remembers and honours the survivors of the Nazi regime and helps us to teach generations of the future that injustice and hatred are never an acceptable option;
- And Whereas:** Holocaust Education Week provides a unique opportunity for students and faculty from all backgrounds to reflect upon one of the darkest moments of 20th Century history;
- Be It Therefore Resolved:** That all members of CBRM Council urge fellow Nova Scotians to remember the Holocaust and support the Department of Education’s Holocaust education in the Nova Scotia school curriculum.

Councillor Ray Paruch – District #6 - CBRM

October 24th, 2017

RESOLUTION

4H Club Movement in Canada

- Whereas:** For over 100 years 4-H Canada has been one of the most highly respected Youth Organizations in Canada and the Organization has more than 24,000 members, aged between six & 25, and 7,700 volunteers across the country;
- And Whereas:** 4-H Canada is a not-for-profit organization that is focused on strong leadership for world-class positive youth development experiences in Canada;
- And Whereas:** The 4-H mission is to provide strong national leadership to ensure a quality 4-H program across the country;
- And Whereas:** 4-H Canada empowers young Canadians to become skilled, engaged, and responsible leaders who are passionate about making meaningful contributions to the world around them and they also provide a safe, fun and inclusive environment that prepares them to make a positive impact on their community, on their country and around the world;
- And Whereas:** 4-H Canada invests in a bright future for today's young people with a mandate centered on positive youth development providing a safe, fun and inclusive environment by following this model;
- And Whereas:** Today, young Canadians of all backgrounds face challenges such as obesity, academic competition, mental health, youth violence, substance abuse and societal change;
- And Whereas:** 4-H'ers are offered the opportunity to become leaders and to develop and thrive in a safe and fun learning environment and are taught how to make a difference – one positive change at a time;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke and CBRM Council go on record in recognizing and supporting the 4H Movement in Canada and applauding our local 4-H Club in the CBRM who are dedicated to making a difference for a positive change for the betterment of our local youth.

Councillor George MacDonald
CBRM District #9

October 24th, 2017

FOR IMMEDIATE RELEASE

August 23, 2017

CBRM Firefighter, Stephen MacKenzie, places 3rd at the World Police & Fire Games.

Sydney, N.S., & Los Angeles, CA. – CBRM Firefighter Stephen MacKenzie received bronze on the world stage at the 2017 World Police & Fire Games last week in Los Angeles, California. Going up against competitors from around the world, MacKenzie competed in the Elite Athlete CrossFit division at the Games.

Earlier this year, MacKenzie competed in the CrossFit Open, finishing sixth in the world among firefighters. This placing qualified MacKenzie for the 2017 World Police and Fire Games and also sent him to the CrossFit regional competition in Albany, N.Y., where he competed in the open category involving athletes of all occupations.

When asked what the experience was like being up against competitors from around the world, MacKenzie replied, "Very humbling and a great experience. Everyone was friendly and were from the same walk of life – firefighters and police officers."

MacKenzie also explained how training in CrossFit helps him in his career as a firefighter, "CrossFit (athletes) claim to be functionally fit, meaning we move and train in ways that we move in everyday life. We train in the gym for situations that we face on the fireground everyday".

Gilbert MacIntyre, Deputy Chief of Operations, CBRM Fire and Emergency Services, commented on MacKenzie's success: "A firefighter must go from 0 to 60 or from rest to high physical demand in a matter of seconds, depending on the situation at hand. In order to protect themselves and the public, a certain level of physical fitness is required, which Stephen exemplifies and is showcased when he competes in these competitions. We want to congratulate him on his win and dedication."

The 2017 World Police and Fire Games took place this year from August 7th-16th, 2017 in Los Angeles, California, and are open to active and retired law enforcement and fire service personnel throughout the world. Held every other year, the event draws roughly 10,000 participants from more than 70 countries.





CBRM Firefighter, Stephen MacKenzie, places 3rd at the World Police & Fire Games.

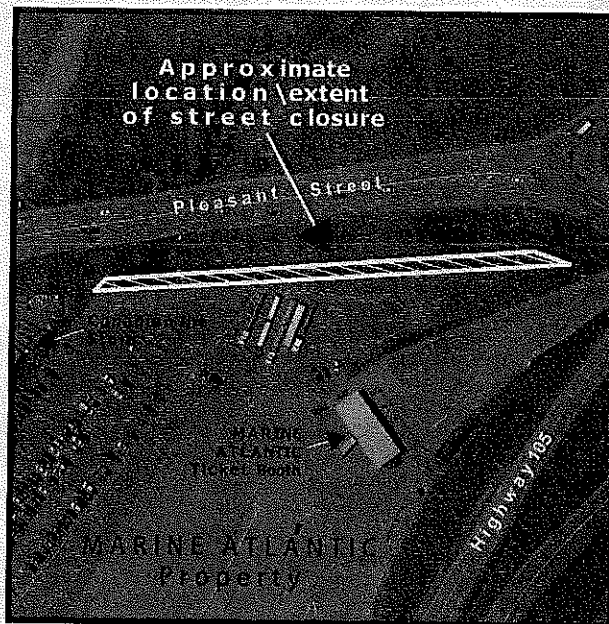


CAPE BRETON REGIONAL MUNICIPALITY

NOTICE - STREET CLOSING

Portion of Road Reserve located at Pleasant Street,
North Sydney, Nova Scotia,
Measuring Approximately 690.3 square meters +/-

TAKE NOTICE that the Council of the Cape Breton Regional Municipality intends to close a portion of a road reserve at Pleasant Street, North Sydney, Nova Scotia, Measuring Approximately 690.3 square meters +/- more or less, which is more particularly delineated on a plan of survey prepared by Horace Lovell, NSLS, dated 12 September 2017.



A public hearing in relation to the closing of a portion of the said street reserve will be held on Tuesday, the 24th day of October, 2017, at 6:00 p.m. at the Council Chambers, 2nd Floor, Civic Centre, 320 Esplanade, Sydney, Nova Scotia, at which time Council will hear those in favour and those opposed to the closing of a portion of this street reserve.

Signed: **Deborah Campbell**
Municipal Clerk
17 October 2017

7554403

Marine Atlantic Terminal Expansion – Portion of 15722960, Pleasant Street, North Sydney

Motion:

Moved by Councillor Coombes, seconded by Councillor Prince, that staff be directed to begin the street closure process for a portion of PID 15722960, Pleasant Street, North Sydney, as outlined in the staff Issue Paper dated September 19, 2017, following which the property be deemed **surplus** to the needs of CBRM to allow for the sale to Marine Atlantic, subject to an easement in favor of CBRM for existing CBRM sewer lines and infrastructure for future maintenance and repair, and that all costs be the responsibility of Marine Atlantic.

Councillor MacMullin declared a Conflict of Interest and removed herself from discussion and the vote.

Motion Carried.

**CBRM***A Community of Communities*

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Request for Street Closure
Marine Atlantic Terminal Expansion
Portion of 15722960 – Pleasant Street, North Sydney

DATE: September 19th, 2017

The legal department is in receipt of a request from Breton Law on behalf of their client, Marine Atlantic, to apply for a formal street closing for that portion of the road reserve encompassing the original placement of Pleasant Street, North Sydney. The area they are seeking to close is outlined in red on the attached map (Attachment A) and confirmed by Survey plan prepared by Horace Lovell, dated September 12th, 2017 (Attachment B).

Marine Atlantic is presently in the process of upgrading the terminal entrance at its property in North Sydney. As part of the upgrade, they are proposing to construct an “off ramp” that will facilitate the re-routing of traffic leading from the Trans-Canada Highway into North Sydney that enters the terminal by accident. Please see the attached drawing (Attachment C) showing the proposed exit route depicted in green arrows. In order to achieve this strategy Marine Atlantic will require a portion of CBRM property (as outlined in red on the attached survey plan). In conjunction with the proposed street closing request, it will be necessary for them to purchase the subject lands from CBRM.

The Engineering and Public Works Department have visited the site and met with representatives of Marine Atlantic to review that portion of the CBRM road reserve they are seeking to acquire. The EPW Department have determined and informed us there is no reason not to allow for the street closure or transfer of the property to Marine Atlantic, provided CBRM retains an easement to access CBRM’s existing sewer lines and infrastructure for all future maintenance and repair.

Based upon all information presented to the legal department and upon full review with the Planning and Public Works staff, we would recommend and request Council provide a Motion approving the partial street closure and sale to Marine Atlantic subject to an easement in favor of CBRM for existing CBRM sewer lines and infrastructure. All costs shall be the responsibility of Marine Atlantic.

Respectively Submitted,

ORIGINAL SIGNED BY

Sheila Kolanko
Property Manager

Attachment (3)

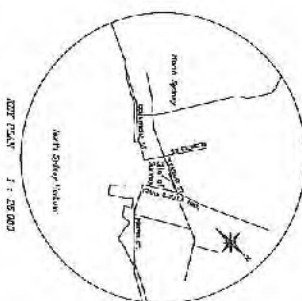
NORTH SYDNEY



Portion of 15722960
(To be confirmed by legal survey)



A



NEW PLY 1 : 25 001

ADULTS

ALL INFORMATION IS NOT TO BE RELEASED TO THE PUBLIC

LEGEND

1. NAME: JOHN E. HARRIS ADDRESS: 1000 N. 10TH ST.
 2. STREET: 1000 N. 10TH ST. CITY: MINNEAPOLIS
 3. STATE: MINN. ZIP: 55403
 4. PHONE: 612-338-1234
 5. BUSINESS: SALES
 6. EMPLOYER: ABC CORP.
 7. EMPLOYMENT: 10 YRS.
 8. EDUCATION: HS GRAD
 9. MARITAL STATUS: MARRIED
 10. NUMBER OF CHILDREN: 2
 11. OCCUPATION: SALES
 12. INDUSTRY: SALES
 13. TYPE OF BUSINESS: SALES
 14. TYPE OF EMPLOYMENT: SALES
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SURVEYOR'S CERTIFICATE

[illegible]

MICHAEL A. CROFT

100

PLAN OF SURVEY SHOWING
CERTAIN LANDS OF

25

REGIONAL MUNICIPALITY

LC 2571-1

APPENDIX

PLEASANT STREET
NORTH SYDNEY

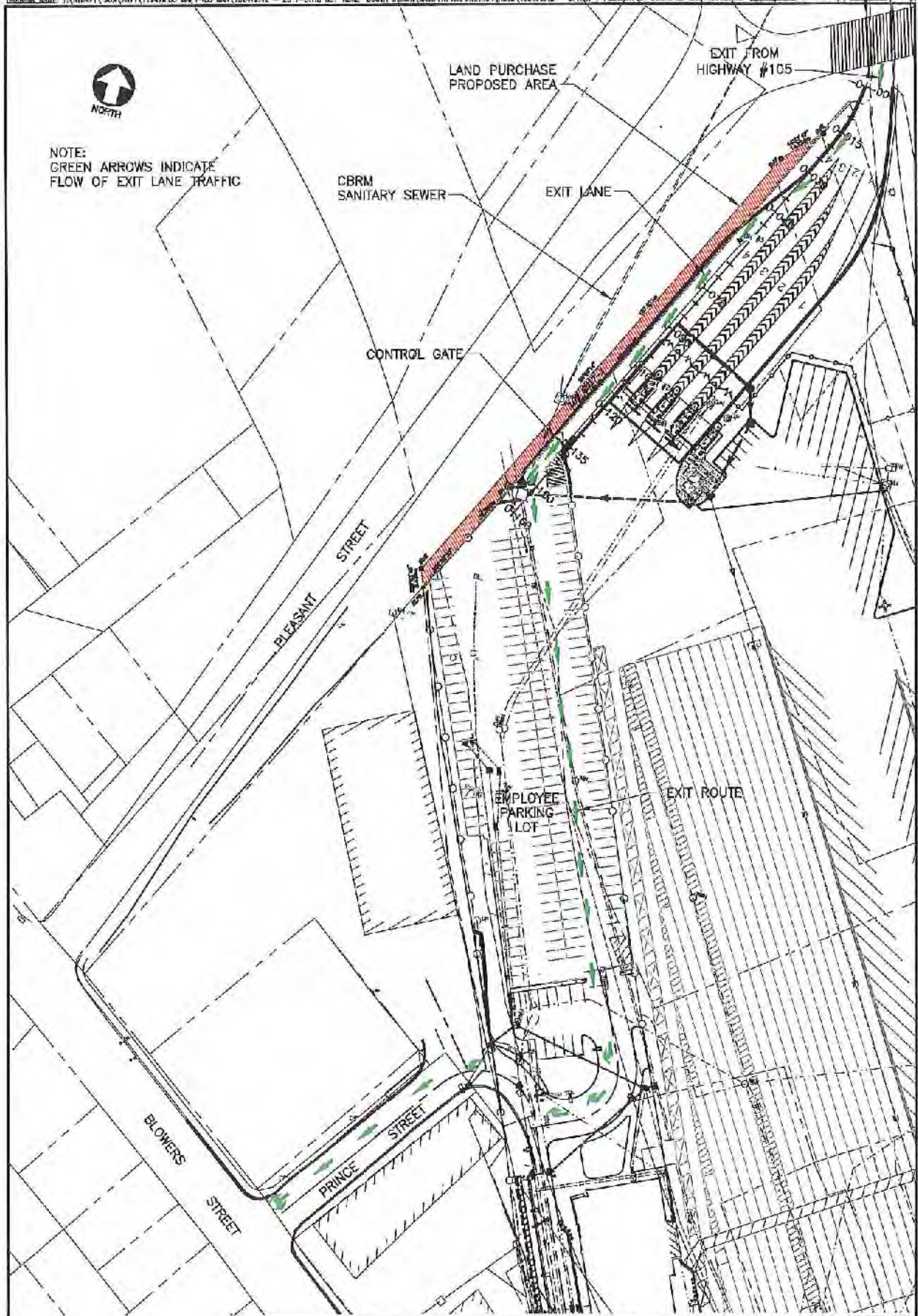
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THIS DELIVERY WAS CANNOT FIT IN 20 - SEPT. 12, 2017

OF HOW WITH
THE ASSOCIATION
No. 54170



C

Date SEPT 12/17	Scale 1:1000	Designed LVC	Drawn PJC	Checked LVC	Approved	CSCL No. 162479.42	Contract
NSY MARSHALLING YARD MODERNIZATION (TICKET BOOTHS)							Figure 1
PROPOSED BOUNDARY (EXIT LANE TRAFFIC FLOW)							
No.	Description						



Zoning Amendment Application #1036 – Gary Mansfield – 79 Pierce Street, North Sydney

Motion:

Moved by Councillor MacMullin, seconded by Councillor Prince, approval to advertise notice of a Public Hearing to be held during the October meeting of Council, to consider the zoning amendment application to permit a three (3) unit apartment building at 79 Pierce Street, North Sydney (PID 15026016).

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1036
Gary Mansfield
79 Pierce Street, North Sydney**

DATE: October 17th, 2017

Introduction

The Planning and Development Department has received a zoning amendment application from Gary Mansfield requesting permission to permit a three unit apartment building at 79 Pierce Street, North Sydney (PID 1S026016). Mr. Mansfield would like the opportunity to have additional rental units in an existing single unit building. The property is zoned Residential Urban C (RUC) which only permits one and two unit residential dwellings; as a result, Mr. Mansfield has requested the zoning on the property be amended.

The area surrounding the property in question is predominantly residential, however there is a range of non-residential uses in the area including a convenience store, churches and clergy residence, artist workshop, denturist, hair dressing school, beauty salon, massage therapist, office buildings along with a range of home based businesses. According to CBRM records, there are 59 single detached dwellings, 20 two-unit dwellings, one three-unit dwelling, four four-unit dwellings, one six-unit dwelling, and one eight-unit dwelling in the area outlined in blue on Attachment A. The property is also in close proximity to the Transit Cape Breton bus route on King Street.

What Does the Municipal Planning Strategy Say?

There are several policies in the Municipal Planning Strategy (MPS) which advocate for higher density residential developments like apartment buildings under a variety of circumstances. When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS to at least consider a zoning amendment. If a zoning amendment is considered, Policy 1. d. 9 Part 4 of the MPS provides a list of six criteria Council must use to evaluate the merits of the zoning amendment application. The criteria are listed below along with an evaluation of the proposed application.

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

A portion of the parking area will be screened by the main building itself as well as an accessory building located on the property. In addition, the parking area will be screened by a series of trees found on neighbouring properties. The portion of the parking area not screened is adjacent to the parking area for the eight unit apartment building on the adjoining lot parcel (Attachment B).

- an on-site parking and vehicular maneuvering plan which does not exacerbate traffic movement problems along any public street/road abutting the site shall be included;

Three parking spaces must be provided to be in compliance with the parking standards of the Land Use Bylaw. The existing development has a parking area that can accommodate several vehicles; however, the applicant does plan on expanding the parking area to improve vehicle maneuverability.

- traffic emanating to and from the site shall not significantly increase the volume of traffic along any public street/road it will be accessing;

The applicant is requesting to convert the existing building from one-unit to three-units which would not result in a significant increase in traffic onto Pierce Street. The criteria to evaluate increased traffic is more relevant when considering a zone amendment for a much larger apartment building.

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

Generally, landscaping on the surrounding properties is modest i.e. maintained lawns with little or no shrubbery. The applicant intends on maintaining the flower gardens located in the front yard of the building. The existing building is two storeys, which is a residential building found in the general area. From the exterior the building will appear to be a single detached dwelling.

When considering a proposed amendment for an apartment building the MP5 states that the purpose of zone amendment is to ensure that the apartment building does not adversely affect low density residential development in the vicinity. The MPS also states that the allowable density and scale of an apartment development within a neighbourhood shall be correlated based on:

- the level of the public street/road accessing the site;
- the variety of land use types in the vicinity; and
- the existing development densities in a given neighbourhood;

Pierce Street is considered to be a Level 4 street (neighbourhood through street). A Level 4 street is mainly used by local traffic but it also serves as a street that channels through traffic. There is a Transit Cape Breton route where Pierce Street intersects King Street. While the area is predominantly single unit dwellings there is a range of higher density residential buildings as well as non-residential uses in the area. Mr. Mansfield is requesting to convert an existing two storey building, which is a common building type in the area. After the conversion the building will still appear to be a single unit dwelling and will be in keeping with the scale of the surrounding buildings. Based on the above evaluation, the proposed zone amendment to permit a three-unit building on PID 15026016 would meet the intent of the MPS.

Notice of the Public Hearing

In accordance with the *Municipal Government Act*, notice of this application was placed in the October 3rd and 10th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of the property in question. At the time this report was prepared no written comments were received by the Planning and Development Department.

One phone was received on behalf of Joseph Jaballee of 56 Pierce Street which is located immediately adjacent to the property in question. Mr. Jaballee objects to amending the zoning to permit a three unit dwelling. Mr. Jaballee feels the existing building is not large enough to accommodate three units and the addition of more rental units in this neighbourhood will have a negative impact on property values.

Recommendation

Based on the above evaluation and Municipal Planning Strategy policy, it is reasonable for Council to approve Mr. Mansfield's zone amendment application; therefore, I recommend that Council amend the zoning for PID 1S026016 from Residential Urban C (RUC) to Apartment Building X (ABX).

The Amending By-law can be found in Attachment C.

Submitted by:**Originally Signed by**

Karen Neville
Planning and Development Department



Pierce Street



-  Existing Single Unit Dwelling
-  Eight Unit Apartment Building
-  Accessory Building

By-law
of the Cape Breton Regional Municipality

amending the

**Cape Breton Regional Municipality's
Land Use Bylaw**

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

THAT: Council amends the CBRM's Land Use Bylaw map by deleting the Residential Urban C (RUC) Zone in effect for PID 15026016 replacing it with the Apartment Building X (ABX) Zone.

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

MAYOR

CLERK

THIS IS TO CERTIFY that the attached is a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on _____ to amend the Cape Breton Regional Municipality's Land Use By-law.

Deborah Campbell Ryan, CLERK

Request from Kevin Dixon to amend the Municipal Planning Strategy and Land Use By-law to allow for Motor Vehicle Repair at 1929 Kings Road, Howie Center PID 15046592:

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that a recommendation be made to Council to approve the staff recommendation to reject the applicant's request to amend the Municipal Planning Strategy and Land Use By-law to allow for Motor Vehicle Repair at 1929 Kings Road, Howie Center, PID 15046592.

Motion Carried.



To: CBRM General Committee of Council

FROM: Karen Neville

**SUBJECT: Request from Kevin Dixon to amend the
Municipal Planning Strategy and Land Use
By-law to allow for Motor Vehicle Repair at
1929 Kings Road, Howie Center
PID 15046592**

DATE: September 26th, 2017

Introduction

On September 19th Kevin Dixon's request to amend the Municipal Planning Strategy was presented to Council. At that time Council passed a motion directing staff to prepare an issue paper associated with Mr. Dixon's request. Please consider this Issue Paper to be staff's response to that motion.

Mr. Dixon resides in a single detached dwelling at 1929 Kings Road in Howie Center (PID 15046592). In 1997 he applied for, and was issued, a Building/Development Permit to allow for the construction of a residential accessory building. His application was supported by a surveyor's location certificate indicating the garage would be constructed within the confines of his property.

Approximately three years ago he started to operate a motor vehicle repair business from this building without applying for a Building/Development Permit. If he applied he would have been advised by a Building Official that the building would need to be upgraded to comply with Province's Building Code's minimum specifications for a commercial motor vehicle repair garage and he would have been advised by a Development Officer CBRM's Land Use Bylaw did not permit the operation of a motor vehicle repair business so close to neighbouring residences. The zoning of Mr. Dixon's property and the surrounding properties is not commercial, but because it is in a rural community, motor vehicle repair businesses are permitted provided the garage is at least 300 ft. from the nearest dwelling not occupied by the proprietor of the business.

The volume of customer traffic apparently gradually increased until exasperated neighbours complained to a CBRM development officer. The photographic evidence taken by Development Officer David Paton and the historical pictometry and orthophoto imagery initially show a residential property evolving into a commercial business with customer motor vehicles parking partly on the Dixon property and spilling onto adjacent properties.

Kevin Dixon would like to continue to operate a motor vehicle repair business at 1929 Kings Road (Attachment A). If that is to happen in compliance with both the Province's laws and the CBRM's Land Use Bylaw the following must happen.

1. If the garage was only constructed to a residential accessory building standard, the garage would have to be upgraded to comply with the Province's Building Code specifications for a commercial repair garage.
2. A recent boundary survey shows that the garage (unlike the proposed location certificate submitted along with his 1997 application for a Permit) actually partly straddles the boundaries of two other abutting properties. Mr. Dixon would have to get permission from the abutting property owners to convey to him the necessary land to realign the property boundaries so that the building would be within the confines of his property and in compliance with the Code and Bylaw setbacks from property boundaries.
3. The Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) would have to be amended to allow for motor vehicle repair businesses to be permitted in all rural areas within 50 ft. of the nearest dwelling. The current setback is 300 ft.

Evaluation

Policy direction regarding business development in most of rural CBRM is more relaxed in comparison to urban/suburban locales. Because of this, a wide variety of business developments are permitted in most of rural CBRM based on a range of regulatory provisions from as-of-right permission to the requirement for a zoning amendment. In the RCB-NM Zone, a motor vehicle repair business is permitted subject to all land uses, buildings, and structures being setback a minimum of 300 feet from a dwelling, other than the dwelling of the proprietor of the business. There are ten residential dwellings within 300 feet of the residential accessory building and outdoor storage area associated with the applicant's motor vehicle repair business (Attachment B).

The applicant only made the request to amend the MPS and LUB after receiving notice from Development Officer David Paton that he was in violation of the LUB. Notice of violation was sent after the Development Officer received complaints about the operation. Regardless of who the complainant is, the applicant is in violation of the LUB. That being said, Council should be aware, the complainant referenced in the applicant's correspondence is not the individual who filed the complaint.

It is important to note, that while amendments to MPS and LUB could permit the applicant's proposed development, the approval of those amendments would have a wider impact than one development. The policy that is subject to this request applies to all of the properties with Rural zoning within the CBRM. In addition, if this amendment request is successful a Building/Development Permit would not be able to be issued until the accessory building is in compliance with the Provincial Building Code and any encroachment issues are resolved. Council should require the applicant submit written confirmation the abutting property owners are willing to amend their property boundary or confirmation that that applicant is will to relocate the accessory building if this request is to proceed.

While the applicant may have initially consulted with his neighbours and tax consultant prior to establishing his business, he failed to contact the agency responsible for regulating the land use associated with this business. If the applicant had applied to establish a motor vehicle repair business at this location, he would have been told not only that he would not be able to meet the minimum setback in the LUB, but that his residential accessory building did not comply with the Provincial Building Code. The applicant is not only operating a commercial business that is not in compliance with the LUB and Provincial Building

Code, but also is not paying commercial property tax for the portion of his property dedicated to the business.

The role of policy is to balance the interests of individual property owners with the wider interest and objectives of the whole community. While the approval of Mr. Dixon's request would permit a motor vehicle repair business on his property, a change in plan policy would mean motor vehicle repair would be permitted under the same conditions throughout all of rural CBRM.

Recommendation

Based on the above evaluation, the proposed development is not in keeping with the intent of the policies of the Municipal Planning Strategy; therefore, I recommend that the General Committee of Council ask that Council reject the applicant's request to amend the Municipal Planning Strategy and Land Use By-law. However, if the General Committee of Council wishes that Council entertain this request, they can recommend that Council schedule a public participation program. In addition, if this application request is to proceed, Mr. Dixon should be directed to submit the necessary application fee, site plan, and written confirmation from abutting property owners stating they are willing to resolve the encroachment issues.

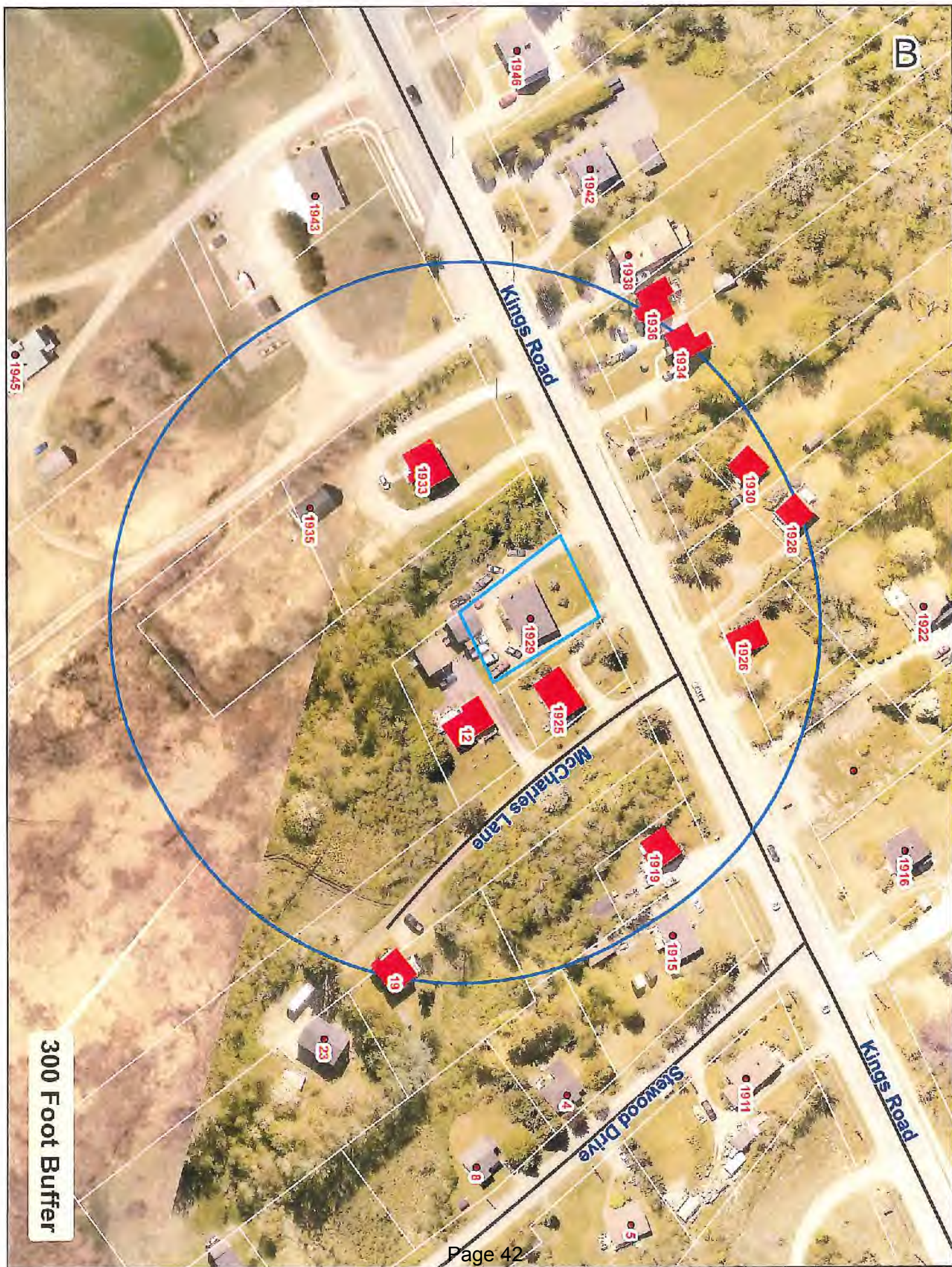
Submitted by:

Originally Signed by

Karen Neville

Planning and Development Department





Public Participation Program Request - Municipal Planning Strategy and Land Use By-law to allow for a Marine Assembly and Repair Facility at 62 Birch Grove Road, Port Morien (PID 15372089) – Mark Head

Motion:

Moved by Councillor McDougall, seconded by Councillor Coombes that a recommendation be made to Council to authorize the Planning and Development Department staff and the local Councillor to conduct a Public Participation Program; the results of the Public Participation Program would be brought back to Council's General Committee with a recommendation on how to proceed. In addition, if this application request is to proceed to a Public Participation Program, Mr. Head should be directed to submit the necessary application fee and site plan, and a decision regarding the purchase of the property should be made by Mr. Head prior to amending the Municipal Planning Strategy.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

SUBJECT: Request from Mark Head to amend the Municipal Planning Strategy and Land Use By-law to allow for a Marine Assembly and Repair Facility at 62 Birch Grove Road, Port Morien (PID 15372089)

DATE: October 17th, 2017

Introduction

Mark Head has expressed interest in purchasing the former Gowrie School located at 62 Birch Grove Road, Port Morien (PID 15372089) from the CBRM to operate a marine assembly and repair facility (Attachment A). The property in question is zoned Small Urban Community (UCS) and while the UCS zone does permit some non-residential uses, it does not permit a marine assembly and repair facility.

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 marine assembly and repair facility on this property. The MPS policies associated with small urban communities and the fishery industry are both silent on marine assembly and repair facilities. According to the *Municipal Government Act*, prior to considering an amendment to the MPS, Council must complete a public participation program. On October 3rd, 2017, 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 a marine assembly and repair facility in the former Gowrie School.

Evaluation

The area surrounding the property in question is predominantly residential, however there is a Nova Scotia Transportation and Infrastructural Renewal fleet maintenance operation, auto-body repair business, and legion in the area (see Attachment B). While there are 17 single detached dwellings and a fifteen unit seniors complex in the area outlined in red on Attachment B, there are no residential dwellings within 300 feet of the former school building.

The applicant initially intends on utilizing the existing school building, but may construct a new building in the future. The property currently has a good stand of tree along all of its boundaries and for the most part the building is not visible from the street. Applicant does intend on maintaining as much of the existing vegetation as possible to screen the outdoor storage of fishery equipment from adjacent

properties. Any proposed amendments to the LUB could include provisions requiring the screening of any outdoor storage.

Port Morien is a community with a history of fishery activity which continues to have a working fishery waterfront. The applicant would like to repair and build fishing vessels and equipment in a community where the fishing industry has been a main industry for generations. The property is also less than a kilometre from Federal docking facilities and boat storage area.

Due the fact the MPS policies associated with small urban communities and the fishery industry are both silent on marine assembly and repair facilities, the history of fishing activity in the community, and the proximity of a working fishery waterfront it is reasonable to consider Mr. Head's request.

Recommendation

Given the above evaluation and the recommendation of the General Committee of Council from October 3rd, 2017, I recommend that Council pass a Motion giving Planning and Development Department staff and local Councillor the authority to conduct a Public Participation Program. The results of the Public Participation Program would be brought back to Council with a recommendation on how to proceed. In addition, if this application request is to proceed to a Public Participation Program, Mr. Head should be directed to submit the necessary application fee and site plan.

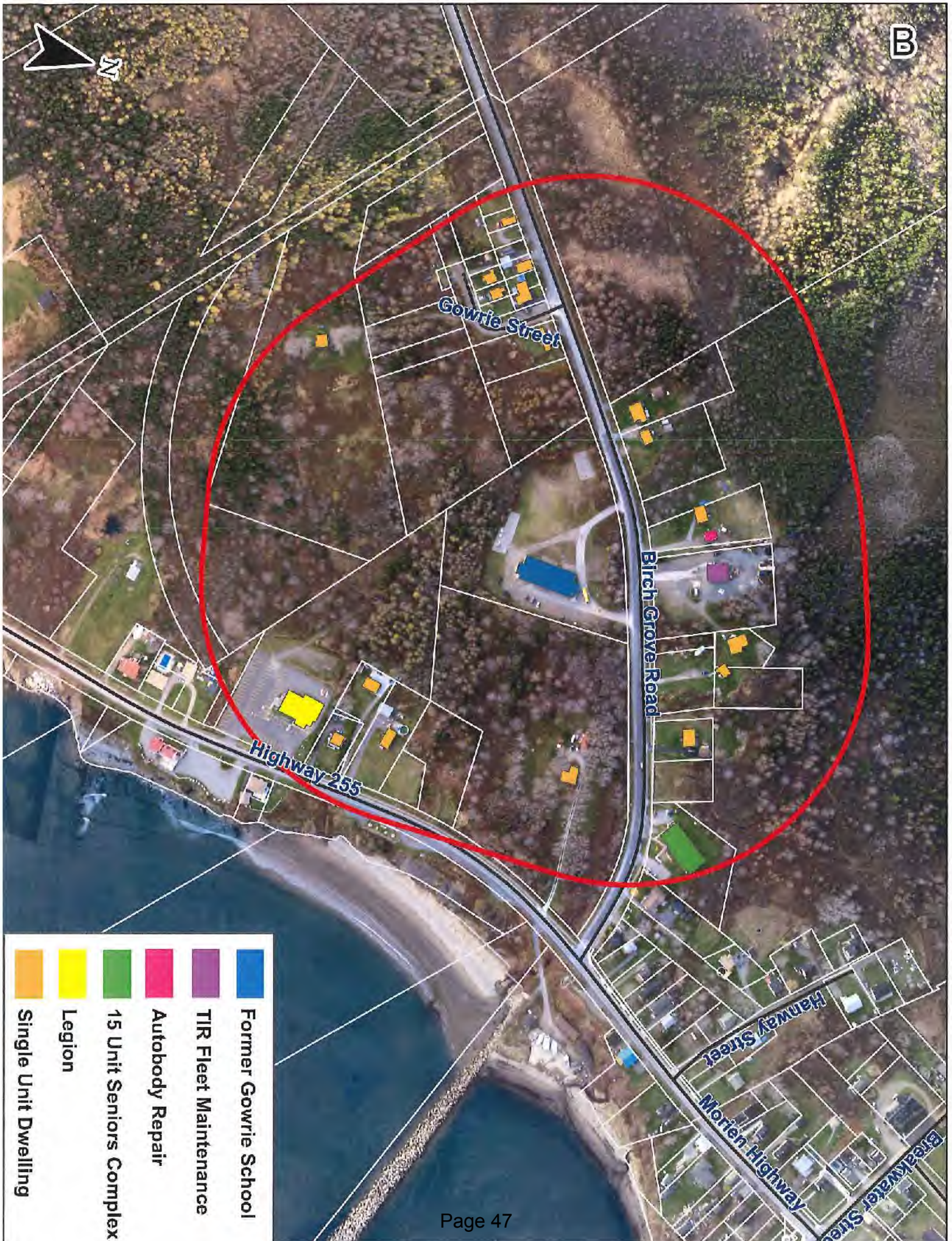
It should be noted that a decision regarding the purchase of the property should be made prior to amending the MPS.

Submitted by:

Originally Signed by

**Karen Neville
Planning and Development Department**





Mayor and CBRM Council

I am writing today to request an opportunity to speak to the CBRM Council about issues regarding funding for Undercurrent Youth Centres. Over the past for months we have applied for funding through the sustainability fund. We were denied, appealed, and then denied again. This has led to me asking to speak directly to council.

In the discussion with the sustainability committee, and several council members, it has been made clear to us that it is not because there are issues with our work, our applications, or the desire to help Undercurrent serve our youth. The reason Undercurrent has been denied funding is because of a position the CBRM council has taken.

The CBRM recreation is currently partnering with both Undercurrent Centres for it's skate school programs. We have been a partner for many community events in Sydney and Glace Bay where all the finances have run through our books for many years. The CBRM youth council has also used our centre for their events. We are operating in every way possible together to help the youth in our community. In the past, as we were in the construction phase of the Glace Bay Centre the CBRM did help with funding several times.

However, even though the CBRM is an active partner with our centres, and we do feel we have the support of the council, we are being denied assistance to help our youth because of policies the council have adopted.

There are two reasons why dealing with this policy is very important to us and should concern the citizens of the CBRM. First, the immediate need of our youth. We are current trying to increase our capacity to help the children and youth of the CBRM. We ask for minimal amounts to do this and the return far exceeds the investments.

Second, we are currently working with groups in three communities in the CBRM to start youth centres in their communities. To move forward there will be some capital expenses to reach this goal. In order to successfully access the funds needed to make these things happen we need investments from every level of government, and they usually hing on everyone being behind a project. With the council adopting a policy that removes CBRM from the table it means it will make it much more difficult for these new communities to have centres like what we have in Sydney and Glace Bay.

We fully support a separation of religious services and state. Our Undercurrent Youth Centre programs are open to people of every background. These are not faith based programs or events. I am involved with Lighthouse as well who owns the properties. Any faith based events are clearly advertised but are run separate from the Youth Centre. People in our community are aware of this and it has never been an issue as we have polices about this and have run things in a way that has been successful.

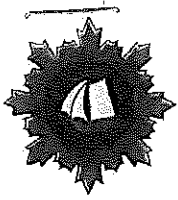
We do not, and have not, asked for any funding for Lighthouse or religious programs. Any funding requested has specially been for youth recreation, arts, music programming related to the work we do with Undercurrent Youth Centre. In the past years we have, or are currently, receiving funding from United Way, Telus, Community Services, Provincial Recreation, several rotaries, the Kinsman, Emera, Walmart, and more. I say this because all of these do not fund religious events or programs, yet they fund Undercurrent. It seems the CBRM has taken a position beyond what every other community group and level of government has done.

After talking to several council members I do not believe it was the intention that a group like Undercurrent would be excluded from funding but this is the result of decisions made by this, or past council members. On a personal note though I feel that any policy which states an person / or group that is faith based cannot deliver non-faith based programs and services is discriminatory. Many groups in our own community were started this way, and many still operate that way. Loaves and Fishes, Town House, Salvation Army, and so on.

I am asking the council to reverse it's decision to fund Undercurrent in Sydney and Glace Bay and approve our requests for funding for 2017. I am also, asking the council to find a way in it's policy to find a way to provide a separation from church and state but do not punish groups like ours who provide essential services to the children and youth of the CBRM.

Sincerely

David Sawler



CBRM *A Community of Communities*

Cape Breton Regional Municipality

320 Esplanade
Sydney, NS B1P 7B9
902-563-5510

14 August, 2017

Lighthouse of Cape Breton
Undercurrent Youth Centre
75 Prince Street
Sydney, NS B1P 5J9

COPY

Attention: David Sawler

Dear Mr. Sawler:

Re: CBRM Municipal Grant Program

In response to your appeal under the above-noted program, I have carefully reviewed your application and supporting documentation. The guidelines of the new Municipal Grant Policy adopted by Council (a copy of which is enclosed) indicate that "The Municipality is non-partisan and does not provide financial support to religious or political doctrine."

Given that your request is outside of policy, I will forward your appeal to the Clerk's Department for their consideration of your ask to present to Council.

Yours sincerely,

ORIGINAL SIGNED BY

Marie Walsh, CPA, CGA
Chief Administrative Officer
MW/to
Enc.
cc Mayor Cecil P. Clarke
Municipal Clerk Deborah Campbell Ryan



MUNICIPAL GRANTS PROGRAM POLICY

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



Municipal Grants General Eligibility Criteria

Annual (application deadline April 30)

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



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

Ineligible

Applications will not be accepted from:

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

Municipal Grants Financial Eligibility Criteria

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

The Community Grants Program does not fund fund-raising.

The Community Grants Program does not provide core operating assistance (e.g. Excludes salaries and wages, rent, office supplies, insurance, etc.).

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

Ineligible

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



**CAPE BRETON REGIONAL MUNICIPALITY
SUSTAINABILITY APPLICATION**

Application Deadlines:

**April 30 Capital and Operating
Ongoing Community Events, Special Events and Festivals**

Organization Name: Lighthouse of Capa Breton - Undercurrent Youth Centre	Contact Person: David Sawler Ph: 902 371 3734 Fax: Other:
Amount Requested from CBRM:	Type of Grant Requested: ☐ Community (under \$1,000) ☐ Capital Sustainability (over \$1,000 under \$50,000) ☐ Operating Sustainability (over \$1,000 under \$50,000) ☐ Special Events and Festivals (over \$1,000 under \$50,000) ☐ All Sustainability (over \$50,000)

Sustainability Grant Application Checklist

- ☐ Certificate of Incorporation attached
- ☐ Copy of resolution to apply for funding from your minutes attached
- ☐ Copy of the most recent annual financial statements attached
- ☐ Two (2) competitive quotes for each item you have listed in the budget. Quotes should be addressed to your organization and no more than three (3) months old on a suppliers' letterhead and should include HST. *This applies to operating and capital applications over \$1000.00*
- ☐ Consent of Audit has been signed by two (2) of your organization's signatories.

1. Applicant's Details

1. Full Name of your organization: Lighthouse of Cape Breton - Undercurrent Youth Centres	2. Organization Type (e.g. incorporated society, community group, sports group, cultural group) Society and Registered Charity
	3. Organization Is HST registered? Yes ☐ No ☐
4. Organization Information Street: 224 York Street, PO Box 278 City/Town: Glace Bay, NS Daytime phone: 902 849 7559 Postal Code: B1A 5V4 Email: sdavesawler@hotmail.com Website: undercurrentyc.com	
5. Main Contact person (Chair) Name: David Sawler Position/Title: Exec Director Personal Address: 830 Main Street City/Town: Glace Bay Daytime phone: 902 371 3734 Email: sdavesawler@hotmail.com	6. Secondary Contact Person (Treasurer) Name: Ange Ross Position/Title: Council Member (Bookkeeper) Personal Address: 87 Disco Street City/Town: Sydney Daytime phone: (902) 539-6340 Email: angeross@ns.sympatico.ca
7. Provide a description of the proposed project. This proposal includes several major upgrades, repairs, and projects at the Glace Bay Undercurrent Centre. This year we are going to creating a whole new music area, repairing our main entry area (Some water damage), rebuilding our gym stage / storage area, and creating a new check in area. These improvements will help us serve our children and youth better, increase capacity, and enable us to start new programs.	

2. Project Details

Provide quantitative details to support your application. Consider the impacts of your project, provide accurate estimates for financial assistance and expenditures. Attach competitive quotes for expenses.

- 1. How many people will benefit from this project? (e.g. how many people in your group? Or how many people will attend the event?) What are any other impacts of your project? (e.g. social, environmental, etc.)**

The amount of children and youth this project will effect would be the 3-400 youth who come to our centre per week in our programs. In addition we have 1-200 other children, youth, and parents, who attend programs, events, etc that also take place in our building per week.

Undercurrent provides and invaluable service to the community. We are able to provide safe space and a growing number of program and recreational opportunities for young people.

Because of the partnerships we have with community groups and funders we are able to provide many of these programs free or at very low cost. This enables us to have an impact on many children, youth, and families, who are the most at risk, or cannot afford other options.

- 2. Project Dates:**

Start Date: May 1, 2017

End Date: Sept 1, 2017

- 3. Additional details you would like to share about your project.**

<http://undercurrentyc.com/> For more information about our centres and our programs we have created a website that tells the story of our centres, why we are doing what we do, and what goes on every week at our centres.

See Attached.

PROJECT BUDGET			
Estimated Project Funding		Estimated Project Costs	
Type of Project Income	\$Amount	Type of Project Expense	\$ Amount
Municipal Grant Requested	\$ 10,000	Capital	\$ 10,000
Other Municipal Assistance	\$ 0		\$
Provincial Assistance (attach support letter)	\$ Applying To Provincial Rec for Funding of \$5000 No Confirmation at this point.		\$
Federal Assistance (attach support letter)	\$		\$
Amount of Project Budget from grant applicant	\$		\$
Project Income (fees, rental income, admission, etc.)	\$		\$
Other	\$ Applied To Telus for Funding \$5000. No Confirmation.		\$
Other	\$ 10,000	Confirmed Work Teams	\$ 10,000
Other	\$ 3,000	Capital / From Light	\$ 3,000
Total Estimated Income for the Project	\$ 23,000		\$ 23,000
Note: If \$ are not confirmed mark with an *		Difference between income and expenses \$	

See Attached for More Info

3. Reporting Previous Years

Did you receive funding from CBRM in the previous year? If so, please provide details.

Project Description and Progress Report

Please confirm that the project was completed as described in your grant application, or if there were major changes in the scope or timing of the project. Briefly describe the main "outcomes" of the project (what did you accomplish and who will benefit?).

Reporting Examples:

1. Event Grant: 1000 people attended the exhibition of which 700 were under age 18 and residents of CBRM. A random survey showed 80% had never attended the event before.
2. Capital Grant: Installed flooring and new doors at entrances to comply with building codes. Receipts enclosed with before and after photos.
3. Project Expenditures. How was your funding used?

We applied but did not receive any funds last year.

4. Consent to Audit

This section is a legal requirement and must be completed.

We confirm that any funds received as a result of this application will be used only for the purpose and quotes for which they were approved and that we will send copies of all invoices and bank statements proving they have been paid. We will return any money we do not spend to The Cape Breton Regional Municipality.

We agree to use the funds by March 31st of receiving them unless written approval to exceed the time limit is received from the CBRM Sustainability Committee.

We acknowledge that The Cape Breton Regional Municipality may audit or inspect our organization's books, accounts and data systems. We agree to provide The Cape Breton Regional Municipality with relevant proof of expenditures to satisfy the audit requirements.

We agree that in the event of any audit irregularity, breach of condition or sponsorship/financial arrangement with CBRM being discovered, we will immediately return part or all of the grant as required by CBRM at its absolute discretion (at our expense).

We declare that the information provided in this application is true and correct to the best of our knowledge and that we have the authority to make this application on behalf of our organization.

Chairperson Signature

Treasurer Signature

Date:

Date:

Our Dream is that, 'Every Child and Youth in Cape Breton, will have Every Opportunity' to live in freedom from poverty, addiction, and hopelessness so they can reach their full potential.

Our Mission is create a network of centres in Cape Breton that will provide safe, creative, dream inspiring space, programs, and mentorship for all children and youth of our community, regardless of background, or income level.

This application is being made to ask the CBRM to help us serve the community by meeting these goals.

There are four areas we are looking to address.

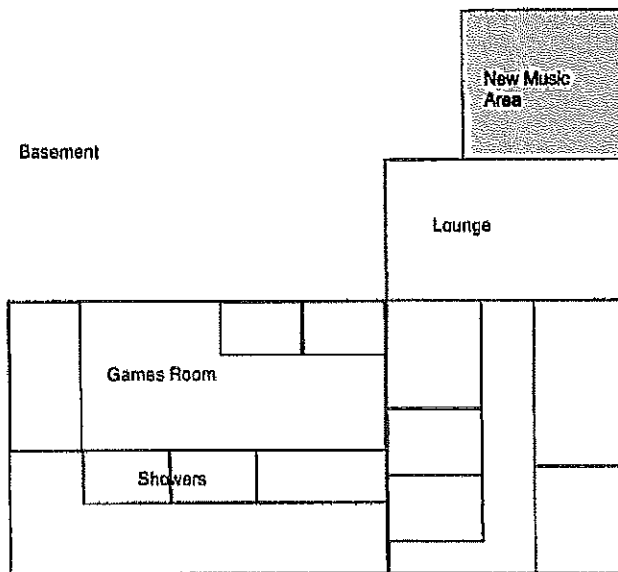
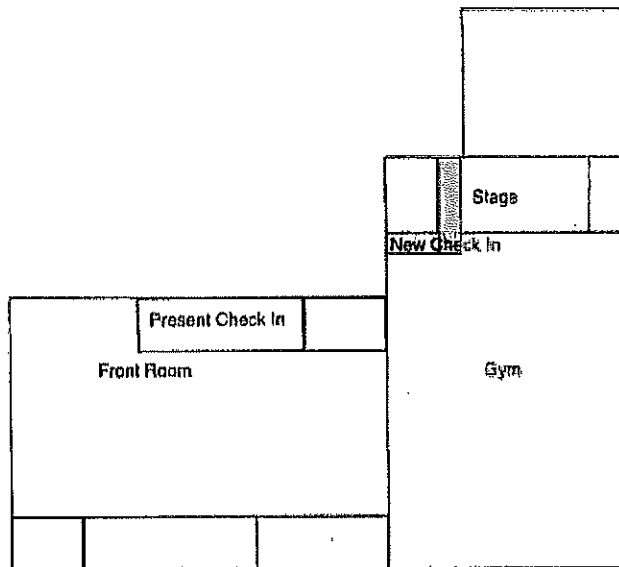
(1) Create a new music room / recording studio. In order to do this we are going to remove our basement offices, and install windows into the room from our lounge. The funding we are asking the CBRM for will go towards the capital / construction part. We have also applied to Telus for some funds for equipment for this project (\$5000 as seen in budget) and another \$5000 for music programs. At this point we have not heard if there will be funding from Telus, and may not know until late June. However, Telus funding is more flexible and if not needed for capital it can all go to programming and equipment.

(2) Repairing our main entry area (Some water damage). Our front entry way which we are presently using as our check in area for youth program needs to be repaired. We will be removing a section of the floor, fixing a water issue, repainting, and tiling this area.

(3) Rebuilding our gym stage / storage area. We are going to rebuild our stage in our gym to provide storage space and create skateboarding / scooter elements with stairs and handrails, into the design. This will create a much more functional recreation area which creating better space for sporting equipment. Our present stage is in disrepair after daily use for many years from concerts, sports, skateboarding, scootering, etc.

(4) Create a new check in area. We are going to create a space at the top of the stairs coming into our gym with a check in area for programs. This is a very much needed addition which will enable us to get more children / youth into our centre faster between programs, improve safety, etc.

- * We have three confirmed work teams who will be doing all / or most of the labour at no cost to us.
- * We have also applied for provincial funding for this project. At this point we have not received any confirmation of funding.
- * We have two quotes, one with and one without labour. However, the material costs will be the same.





**CAPE BRETON REGIONAL MUNICIPALITY
SUSTAINABILITY APPLICATION**

Sydney

Application Deadlines:

**April 30 Capital and Operating
Ongoing Community Events, Special Events and Festivals**

Organization Name: Lighthouse of Cape Breton - Undercurrent Youth Centre	Contact Person: David Sawler Ph: 902 371 3734 Fax: Other:
Amount Requested from CBRM:	Type of Grant Requested: ☐ Community (under \$1,000) ☐ Capital Sustainability (over \$1,000 under \$50,000) ☐ Operating Sustainability (over \$1,000 under \$50,000) ☐ Special Events and Festivals (over \$1,000 under \$50,000) ☐ All Sustainability (over \$50,000)

Sustainability Grant Application Checklist

- ☐ Certificate of Incorporation attached
- ☐ Copy of resolution to apply for funding from your minutes attached
- ☐ Copy of the most recent annual financial statements attached
- ☐ **Two (2) competitive quotes for each item you have listed in the budget. Quotes should be addressed to your organization and no more than three (3) months old on a suppliers' letterhead and should include HST. *This applies to operating and capital applications over \$1000.00***
- ☐ Consent of Audit has been signed by two (2) of your organization's signatories.

1. Applicant's Details

1. Full Name of your organization: Lighthouse of Cape Breton - Undercurrent Youth Centres	2. Organization Type (e.g. incorporated society, community group, sports group, cultural group) Society and Registered Charity
3. Organization is HST registered? Yes ☐ No ☐	
4. Organization Information Street: 75 Prince Street City/Town: Sydney, NS Daytime phone: 902 371 3734 Postal Code: (Mailing Address same as Glace Bay) Email: sdavesawler@hotmail.com Website: undercurrentyc.com	
5. Main Contact person (Chair) Name: David Sawler Position/Title: Exec Director Personal Address: 830 Main Street City/Town: Glace Bay Daytime phone: 902 371 3734 Email: sdavesawler@hotmail.com	6. Secondary Contact Person (Treasurer) Name: Ange Ross Position/Title: Council Member (Bookkeeper) Personal Address: 87 Disco Street City/Town: Sydney Daytime phone: (902) 539-6340 Email: angeross@ns.sympatico.ca
7. Provide a description of the proposed project. This proposal includes several major upgrades at the Sydney Undercurrent Centre. This spring / summer we are going to continue to finish first stage of the centre. This will include creating a check in area, music room, adding basketball nets, rock wall, sound baffling, sound and light system, etc. Our goal is to create great capacity for program and amount of youth we can serve. See Attached.	

2. Project Details

Provide quantitative details to support your application. Consider the impacts of your project, provide accurate estimates for financial assistance and expenditures. Attach competitive quotes for expenses.

1. How many people will benefit from this project? (e.g. how many people in your group? Or how many people will attend the event?) What are any other impacts of your project? (e.g. social, environmental, etc.)

The amount of children and youth this project will directly affect would be the 150 250 youth who we hope to come to our centre per week in our programs. In addition we have 1-200 other children, youth, and parents, who attend programs, events, etc that also take place in our building per week.

Undercurrent provides and invaluable service to the community. We are able to provide safe space and a growing number of program and recreational opportunities for young people.

Because of the partnerships we have with community groups and funders we are able to provide many of these programs free or at very low cost. This enables us to have an impact on many children, youth, and families, who are the most at risk, or cannot afford other options.

*This application is for programs connected to Undercurrent Youth Centre. We do run a shared space facility. However, all Lighthouse (faith based programs) are run separately. All undercurrent programs are open to all children and youth and are not Lighthouse Faith based programs.

2. Project Dates:

Start Date: May 1, 2017

End Date: Sept 1, 2017

3. Additional details you would like to share about your project.

<http://undercurrentyc.com/> For more information about our centres and our programs we have created a website that tells the story of our centres, why we are doing what we do, and what goes on every week at our centres.

See Attached.

PROJECT BUDGET			
Estimated Project Funding		Estimated Project Costs	
Type of Project Income	\$Amount	Type of Project Expense	\$ Amount
Municipal Grant Requested	\$ 15,000	Labour	\$ 12,000
Other Municipal Assistance	\$ 0	Building Material	\$ 23,540
Provincial Assistance (attach support letter)	\$ 20,000 (applied)*	Equipment	\$ 8,500
Federal Assistance (attach support letter)	\$		\$
Amount of Project Budget from grant applicant	\$		\$
Project Income (fees, rental income, admission, etc.)	\$ 5,000 Telus (applied)*		\$
Other	\$ 10,000 Donated Labour		\$
Other	\$ 3,000 Undercurrent Fundraisers		\$
Other	\$	Taxes	\$ 6,606
Total Estimated Income for the Project	\$ 53,000 - See Attached		\$ 50,646 With Tax
Note: If \$ are not confirmed mark with an *		Difference between income and expenses \$	

3. Reporting Previous Years

Did you receive funding from CBRM in the previous year? If so, please provide details.

Project Description and Progress Report

Please confirm that the project was completed as described in your grant application, or if there were major changes in the scope or timing of the project. Briefly describe the main "outcomes" of the project (what did you accomplish and who will benefit?).

Reporting Examples:

1. Event Grant: 1000 people attended the exhibition of which 700 were under age 18 and residents of CBRM. A random survey showed 80% had never attended the event before.
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3. Project Expenditures. How was your funding used?

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We agree to use the funds by March 31st of receiving them unless written approval to exceed the time limit is received from the CBRM Sustainability Committee.

We acknowledge that The Cape Breton Regional Municipality may audit or inspect our organization's books, accounts and data systems. We agree to provide The Cape Breton Regional Municipality with relevant proof of expenditures to satisfy the audit requirements.

We agree that in the event of any audit irregularity, breach of condition or sponsorship/financial arrangement with CBRM being discovered, we will immediately return part or all of the grant as required by CBRM at its absolute discretion (at our expense).

We declare that the information provided in this application is true and correct to the best of our knowledge and that we have the authority to make this application on behalf of our organization.

Chairperson Signature

Original Signed By

Treasurer Signature

Date:

Date: 08/30/17

Pricing Strategy for Northside Business Park

Motion:

Moved by Councillor Prince, seconded by Councillor MacMullin that a recommendation made to Council to remove the pricing strategy for CBRM lands in the Northside Business Park and allow CBRM to sell lands pursuant to the *Municipal Government Act* as we do for other surplus lands.

Motion Carried.



CBRM

A Community of Communities

Office of Manager of Economic Development

ISSUE PAPER

TO: CBRM Council

FROM: John Phalen

SUBJECT: Pricing Strategy for Northside Business Park

DATE: 4 October 2017

Background

A pricing strategy for the Northside Business Park was presented to Council on March 17, 2009. A motion was moved, seconded and carried to approve the strategy as presented.

A copy of the strategy is attached.

The report acknowledges the previous selling price of the industrial park for industrial use at 20,000 dollars per acre. Non-manufacturing and retail services shall be based on an appraised market value.

Since then, there has been little activity in the park, it is actually in decline with the closure of the car part manufacturing plants and the end of pharmaceutical operations.

It is the intent of CBRM staff to begin actively marketing the park and its abundant serviced lands of which we own a large portion.

The CBRM under the Municipal Government Act currently has the ability to sell surplus property at not less than the appraised value. Most of the land is assessed well below the current 20,000.00 dollars per acre.

Recommendation:

It is the recommendation of staff to remove the pricing strategy for our lands in the Northside Business Park and allow CBRM to sell lands as we can under the Municipal Government Act as we do for other surplus lands.

Staff recommends that the General Committee on Planning and Economic Development forwards a motion for Council to approve the recommendation above.

Thank you,

ORIGINAL SIGNED BY

John Phalen

Cape Breton Regional Municipality

2nd Floor, Civic Centre
320 Esplanade
Sydney, Nova Scotia
B1P 7B9

Telephone/Voice Mail : 563-5093
Facsimile : 539-9419
E-mail ksmith@cbrm.ns.ca



Office of: Kenneth L. Smith M.C.I.P.
Planner

Property Management Services

MONTHLY REPORT

To: Corporate Services Committee
From: Ken Smith
Date: February 2, 2009
Re: Pricing Strategy for the Northside Business Park

Information: In July of 2007, Council approved amendments to the Municipal Planning Strategy and Land Use By-law which implemented a name change of the Northside Industrial Park to the Northside Business Park. The reason for the amendments was to expand the variety of permitted uses within the Park to include non-industrial uses exclusively along Memorial Drive.

Up until these particular amendments, the pricing strategy for all lands within the Industrial Park was exclusively set at \$20,000.00 per acre. This comparatively low pricing strategy still exists today for all industrial manufacturing uses. However, the revised text within the Municipal Planning Strategy also acknowledged the need for a separate pricing strategy for the newly established non-industrial (commercial) permitted uses. Not having a separate pricing strategy for non-industrial uses would create an inequitable market disadvantage for existing commercial developers who have invested in land at higher market values within the established commercial sectors throughout the Northside. The Municipal Planning Strategy amendment cites 'an imposed appraised value' as a pricing strategy for all non-industrial uses wishing to develop along Memorial Drive.

Policy 5.3 of the Property Management Policies acknowledges the existence of established selling prices previously approved by Council. Besides the nine (9) disposal methods for the selling of surplus property by CBRM, Policy 5.3 states:

5.3 Exceptions To Policy

Lands such as subdivision owned by the Cape Breton Regional Municipality or Industrial Park Lands, which have established selling prices or pricing strategy which has been previously approved by Council.

To follow through on the 2007 Municipal Planning Strategy and Land Use By-law amendments for the Northside Business Park, staff would like Council to approve the following revised Pricing Strategy Policy for the Northside Business Park:

PRICING STRATEGY POLICY FOR THE NORTHSIDE BUSINESS PARK

PREAMBLE:

- **WHEREAS** the Cape Breton Regional Municipality provides for the sale of land within the Northside Business Park,
- **BE IT THEREFORE ENACTED** by the Council of the Cape Breton Regional Municipality that the pricing strategy for lands within the Northside Business Park shall be as follows:

1.0 PRICING STRATEGY FOR THE NORTHSIDE BUSINESS PARK

The selling price of serviced land for industrial manufacturing uses permitted shall be set at \$20,000.00 per acre, whereas all non-manufacturing business retail and service uses permitted shall be based on an appraised market value.

Recommendation: Staff recommends that the Corporate Services Committee forwards a motion for Council to approve the above noted pricing strategy for the Northside Business Park.

Original Signed By

Kenneth L. Smith M.C.I.P.
Planner
Property Management Services

Physical Activity Strategy:

Motion:

Moved by Councillor Marshall, seconded by Councillor MacMullin that a recommendation be made to Council to:

- approve the Physical Activity Strategy;
- approve the creation of implementation plan by the Physical Activity Strategy Coordinator that focuses on proposed projects and programs and their timelines, budgets and evaluation;
- carry out implementation with the continued support of CBRM's Recreation Department and the Communities, Sport and Recreation division of the Nova Scotia Department of Communities, Culture and Heritage.

Motion Carried.

CBRM Physical Activity Strategy

Vision

Citizens of Cape Breton Regional Municipality appreciate a vibrant culture of active living. All residents are able to participate in active pursuits that enhance their physical, social, intellectual, creative and spiritual wellbeing resulting in a healthier community.

Strategy Review Committee

The Strategy Review Committee consisted of representatives from the following stakeholders: Department of Communities, Culture and Heritage; Cape Breton Victoria Regional School Board; Velo Cape Breton; Cape Breton YMCA; Nova Scotia Health Authority; ACAP Cape Breton; Heart and Stroke Foundation; Unama'ki MPALs from Membertou and Eskasoni; Cape Breton Regional Library; International Centre for English Academic Preparation; Sport Nova Scotia; Caper Base; New Dawn; Undercurrent Youth Centre; Community Cares Youth Outreach; Special Olympics; Schools Plus; IWK Health Centre; Sport and Physical Activity Leadership (Cape Breton University); Whitney Pier Youth Club; Ecology Action Centre; Nova Scotia Disabled Persons Commission.

Guiding Research

Review of the Strategy was guided by key elements from a number of relevant studies and publications that focus on physical activity and recreation, representing research from national, provincial and local levels: CBRM Physical Activity Community Survey Among Adults; 2016 ParticipACTION Report Card on Physical Activity for Children and Youth; A Framework for Recreation in Canada 2015: Pathways to Wellbeing; Shared Strategy for Advancement of Recreation in Nova Scotia; CBRM Recreation Master Plan; Population Physical Activity in Canada: The Options.

The Strategy applies the social-ecological model to priorities of the Municipal Physical Activity Leadership Program (MPAL) Memorandum of Understanding, key components of relevant studies and publications and input from the Strategy Review Committee to identify goals and strategies to promote physical activity in the community.

Goals and Strategies

Goal 1: Be Collaborative. Create a mutually beneficial environment of partnership, information-sharing, support, motivation and alliance.

- Strategy 1.1: Partner with health care, education, culture, leisure, environment and sustainability organizations as well as First Nations communities and the private sector on physical activity issues, especially those specific to CBRM.
- Strategy 1.2: Ensure information-sharing and cooperation among internal CBRM departments.

Goal 2: Create Liveable Communities. Establish communities that focus on the promotion of safe, barrier-free, environmentally friendly, inclusive and engaged experiences for all CBRM residents.

- Strategy 2.1: Create policies on walkability, accessibility, green space and facility use.
- Strategy 2.2: Provide and/or support programs and events that are high-quality, family-oriented, introductory/re-entry, non-competitive, accessible, connected to nature and low-cost.
- Strategy 2.3: Incorporate unstructured outdoor play in programs and events aimed at youth that enhance their physical, mental and spiritual health.
- Strategy 2.4: Provide and/or support programs and events that offer opportunities designed to encourage women/girls, youth and seniors to be more active.

Goal 3: Make Walking a Priority. Make walking and other forms of active transportation the easy choice for citizens.

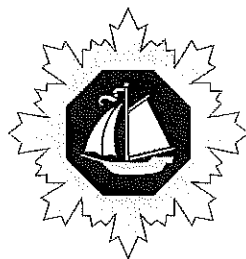
- Strategy 3.1: Ensure support of CBRM's Active Transportation Plan among internal CBRM departments.
- Strategy 3.2: Commit to support the delivery of programs that promote walking, cycling and other methods of active transportation, such as Making Tracks and Heart and Stroke Walkabout.

Goal 4: Raise Awareness. Provide physical activity messaging that is innovative and targeted and that reaches citizens through their preferred method of communication.

- Strategy 4.1: Direct physical activity and recreation communication at groups who would receive the most benefit of being reached, such as women/girls, youth and seniors.
- Strategy 4.2: Apply a "multiple factors lens" to media creation and distribution, recognizing that one message and one form of communication may not suit all.

Next Steps

- Approval of the *Physical Activity Strategy* by CBRM Mayor and Council.
- Creation of implementation plan by Physical Activity Strategy Coordinator that focuses on proposed projects and programs and their timelines, budgets and evaluation.
- Carry out implementation with the continued support of CBRM's Recreation Department and the Communities, Sport and Recreation division of the Nova Scotia Department of Communities, Culture and Heritage.



CAPE BRETON
REGIONAL MUNICIPALITY



PHYSICAL ACTIVITY STRATEGY

Cape Breton Regional Municipality

2017

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Vision

Citizens of Cape Breton Regional Municipality appreciate a vibrant culture of active living. All residents are able to participate in active pursuits that enhance their physical, social, intellectual, creative and spiritual wellbeing resulting in a healthier community.

The Importance of Physical Activity in our Community

It has been proven that regular physical activity significantly reduces the risk of many chronic diseases, including coronary heart disease and stroke, the leading cause of death in Canada. Physical activity also combats osteoporosis, restores health, prevents site specific cancers, prevents arthritis, rehabilitates back problems, fights obesity and contributes to mental health and well-being.

Although extremely important to our physical and mental health, physical activity goes well beyond this by impacting many aspects of our community. Active transportation leads to infrastructure improvements and safety on our streets and in our public spaces. It also fosters an appreciation for the importance of reducing our carbon footprint and protecting nature. An environment that

supports physical activity helps to improve the quality of life of residents and leads to economic growth and population retention.



Cape Breton Regional Municipality has an important role to play in the promotion of healthy, active lifestyles within the community. Not only does CBRM possess many assets and tools such as recreation infrastructure and physical activity program assistance, it also considers active transportation a high priority. Cape Breton Regional Municipality works collaboratively with various stakeholders on a number of significant community health issues. In Cape Breton, the burden of illness is greater than any other region of the province. Because physically active lifestyles can have a positive impact in this regard, CBRM values being a key partner with the health, education and volunteer sectors.

Municipal Physical Activity Leadership Program

In 2009, the Cape Breton Regional Municipality entered into a funding and support partnership with the Nova Scotia Department of Health and Wellness (now Department of Communities, Culture and Heritage - Communities, Sport and Recreation) to employ a full time Physical Activity Strategy Coordinator under the Municipal Physical Activity Leadership Program (MPAL). The MPAL agreement is based on a Memorandum of Understanding that requires municipal physical activity strategies to address the following priorities (based on current evidence related to physical inactivity in Nova Scotia):

1. A focus on youth ages 12 to 18, especially girls;
2. A focus on female population across the lifespan; and
3. A focus on walking and biking as part of daily living.

With the support of the Nova Scotia Department of Health and Wellness and a working group representing a number of community organizations, the Coordinator developed a strategy focused on promoting the benefits of physical activity and encouraging CBRM residents to be more active. The *Cape Breton Regional Municipality Physical Activity Strategy* was approved by CBRM Council in 2012 and implementation of the strategy began.



Review Process

As with any community strategy, the *Cape Breton Regional Municipality Physical Activity Strategy* is a living, dynamic document that requires updating as time goes on. The revision process allows for changes and adjustments that are required to maintain the integrity and relevance of the strategy. It also ensures that the priorities of CBRM's Memorandum of Understanding with the Department of Communities, Culture and Heritage - Communities, Sport and Recreation are met.

The review process for the strategy resulted in the following focus areas:

1. Preliminary Revision of the *Cape Breton Regional Municipality Physical Activity Strategy*

The municipality determined which elements of the strategy were unrealistic, not feasible and/or no longer appropriate. This process involved consultation among internal municipal departments.

2. Partnership Engagement and Collaboration

The municipality identified key partners and stakeholders and created a Physical Activity Strategy Review Committee for the purpose of developing collaborative alliances that supported the revision, implementation and evaluation of the strategy.

3. Finalize Refreshed Strategy Goals, Activities and Targets

The municipality assumed formal engagements with the Department of Communities, Culture and Heritage - Communities, Sport and Recreation, key partners and stakeholders, internal municipal staff, elected officials

Key Partners & Stakeholders

- Department of Communities, Culture and Heritage
 - Cape Breton Victoria Regional School Board
 - Velo Cape Breton
 - Cape Breton YMCA
 - Nova Scotia Health Authority
 - ACAP Cape Breton
 - Heart and Stroke Foundation
 - Unama'ki MPALs from Membertou and Eskasoni
 - Cape Breton Regional Library
 - International Centre for English Academic Preparation
 - Sport Nova Scotia
 - Caper Base
 - New Dawn
 - Undercurrent Youth Centre
 - Community Cares Youth Outreach
 - Special Olympics
 - Schools Plus
 - IWK Health Centre
 - Sport and Physical Activity Leadership (Cape Breton University)
 - Whitney Pier Youth Club
 - Ecology Action Centre
 - Nova Scotia Disabled Persons Commission
-

PHYSICAL ACTIVITY STRATEGY - CBRM

and citizens to finalize the strategy. The revised strategy is evidence-based and considers best practices and emerging trends.

4. Raise Awareness among Municipal Staff and Elected Officials of the MPAL Coordinator's Role, the Strategy and its Implementation

The municipality raised in-house awareness of the MPAL Coordinator's role within its structure. This facilitated whole of government support and commitment to the strategy as well as increased municipal capacity and awareness.

5. Community and Citizen Engagement

The municipality engaged citizens, providing them with opportunities to participate in the strategy revision process, through a community survey, in-person meetings with key informants and community organizations, on-line submissions and public announcements and communications.



Studies and Publications

The *Cape Breton Regional Municipality Physical Activity Strategy* is based on key elements from a number of relevant studies and publications that focus on physical activity and recreation. These studies and publications represent research done on national, provincial and local levels.

CBRM Physical Activity Community Survey Among Adults

In the Fall of 2015, Nova Insights Inc. completed a survey in CBRM on behalf of the Department of Communities, Culture and Heritage - Communities, Sport and Recreation (Appendix A). The survey provided data on the physical activity habits of adults aged 18 and up.



KEY ELEMENTS

- With walking cited as the most popular physical activity for health and active transportation - currently and for future participation - there is a significant opportunity to increase activity in CBRM by prioritizing support for walking.
- 
- Interventions that support social connections and tackle time constraints are essential to address barriers that restrict the participation of community members in physical activities.
 - Infrastructure for walking and cycling is a clear need based on identified physical activity challenges in general and active transportation facilitators.

Are Canadian kids too tired to move? The 2016 ParticipACTION Report Card on Physical Activity for Children and Youth

The 2016 ParticipACTION Report Card on Physical Activity for Children and Youth is an annual report created by an interdisciplinary research team who use the best available data, research and key issue areas from the past year to identify and assess indicators and determine grade assignments (Appendix B). The indicators include overall physical activity, organized sport and physical activity participation, active play, active transportation, physical literacy, sedentary behaviours, family and peers, school, community and environment, government, non-government and, for the first time in the report's history, sleep.

The report card outlines a number of successes in Canada, such as high grades in organized sport and community and environment. However, it also highlights the fact that much more needs to be done in terms of increasing the number of youth who are physically active and getting sufficient, quality sleep.



KEY ELEMENTS

- Children and youth move more in countries where being active is a fundamental part of their everyday lives.
- The *Canadian 24-Hour Movement Guidelines for Children and Youth: An Integration of Physical Activity, Sedentary Behaviour, and Sleep* (Appendix C) respond to emerging research that shows the close interrelation among physical activity, sedentary behavior and sleep. This interrelation highlights the fact that sleep deprivation has a negative impact on the health of children.

National and Provincial Recreation Strategies

In 2015, provincial and territorial governments (except Quebec), the Canadian Parks and Recreation Association and the Provincial/Territorial Parks and Recreation Associations (including l'Association Québécoise du loisir municipal) released *A Framework for Recreation in Canada 2015: Pathways to Wellbeing* (Appendix D) with the objective of guiding communities in the creation of strategic recreation plans.

Guided by the framework, Recreation Nova Scotia and the Active Living Branch of the Nova Scotia Department of Health and Wellness (now Department of Communities, Culture and Heritage - Communities, Sport and Recreation) created a partnership to prepare the *Shared Strategy for Advancement of Recreation in Nova Scotia* in 2015 (Appendix E). The strategy is focused on the directions and priorities most relevant to Nova Scotia.



KEY ELEMENTS

- Foster active living through physical recreation.
- Increase inclusion and access to recreation for populations that face constraints to participation.
- Help people connect to nature through recreation.
- Ensure the provision of supportive physical and social environments that encourage participation in recreation and build strong, caring communities.
- Ensure the continued growth and sustainability of the recreation field.



PHYSICAL ACTIVITY STRATEGY - CBRM

Cape Breton Regional Municipality Recreation Master Plan

As an amalgamated entity, CBRM's recreation fabric is a patchwork of duplicated and underutilized infrastructure. Parks and open spaces were developed not necessarily in areas of need or suitability but in neighbourhoods where land was available for development. Arenas are limited as single-use facilities. Programs are not evenly distributed across the municipality. Municipal departments are faced with allocating limited financial and employee resources to maintaining over 420 properties. The purpose of the *Cape Breton Regional Municipality Recreation Master Plan* (Appendix F) is to address these realities and provide overall direction and guidance for delivering recreation facilities, programs, infrastructure and investment over a 15-year horizon.



The *Cape Breton Regional Municipality Recreation Master Plan* draws on a number of concepts meant to create a strong and vital community using a universal investment in wellness, community and the economy. These concepts support not only the wishes of CBRM residents (as outlined in the *CBRM Physical Activity Community Survey Among Adults*) but also the priorities of the MPAL Program's Memorandum of Understanding (focusing on youth, females across the lifespan, walking and cycling).



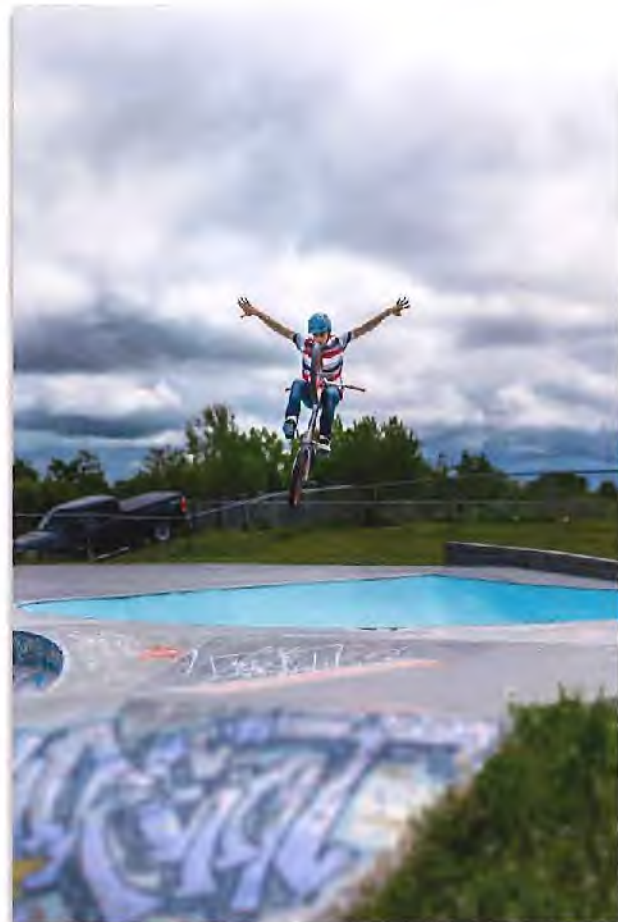
KEY ELEMENTS

- Sustaining Community and Neighbourhood Concepts ensure recreation opportunities are delivered as shared community products while sustaining neighbourhood identity.
- Youth Concepts capture the imagination of youth and solicit their participation in recreation activity and program delivery and enable equal opportunities for those with barriers to participation.
- Mobility Concepts incorporate networks that begin at our front doors and include immediate access to highly localized transportation networks.
- Recreation Delivery Concepts outline demographic and trend evolution as they relate to recreation.
- Park Classification and Spatial Concepts articulate a network of facilities - neighbourhood park, community park and regional park - each with its own set of amenities.

Population Physical Activity in Canada: The Options

Canada's Physical Activity Resource Centre created *Population Physical Activity in Canada: The Options* to assist physical activity and recreation professionals in discussions on how to move the active living agenda forward (Appendix G). The document lists a number of factors that contribute to physical activity, recognizing that these factors do not exist in isolation but overlap and interact in various ways. Among these factors are supportive environments (built, social, natural, employment), barriers (time, money, climate, accessibility), life skills, physical literacy and cultural norms.

The *Options* document stresses the importance of diverse stakeholders working



PHYSICAL ACTIVITY STRATEGY - CBRM

together to address the complicated interplay of factors by using a combination of approaches. The Physical Activity Strategy Review Committee chose to adopt this view to guide the development of the strategy.



KEY ELEMENTS

- Collaborate across sectors and levels
- Support livable-city development
- Support multi-modal transportation
- Apply whole-of-school programs
- Integrate activity into health care system
- Change social norms
- Provide sport-for-all programs across the life course



Goals and Strategies

The Social-Ecological Model recognizes the many factors that may influence an individual's behavior, from the individual level to the policy level (Appendix H). Efforts to change behavior are more likely to be successful when multiple levels of influence are addressed at the same time. The *Cape Breton Regional Municipality Physical Activity Strategy* applies this model to priorities of the MPAL Memorandum of Understanding, key elements from the previous section and input from the Review Committee to identify goals and strategies to promote physical activity in the community.

Goal 1: Be Collaborative. Create a mutually beneficial environment of partnership, information-sharing, support, motivation and alliance.

- Strategy 1.1: Partner with health care, education, culture, leisure, environment and sustainability organizations as well as First Nations communities and the private sector on physical activity issues, especially those specific to CBRM.
- Strategy 1.2: Ensure information-sharing and cooperation among internal CBRM departments.

Goal 2: Create Liveable Communities. Establish communities that focus on the promotion of safe, barrier-free, environmentally friendly, inclusive and engaged experiences for all CBRM residents.

- Strategy 2.1: Create policies on walkability, accessibility, green space and facility use.
- Strategy 2.2: Provide and/or support programs and events that are high-quality, family-oriented, introductory/re-entry, non-competitive, accessible, connected to nature and low-cost.
- Strategy 2.3: Incorporate unstructured outdoor play in programs and events aimed at youth that enhance their physical, mental and spiritual health.
- Strategy 2.4: Provide and/or support programs and events that offer opportunities designed to encourage women/girls, youth and seniors to be more active.

PHYSICAL ACTIVITY STRATEGY - CBRM

Goal 3: Make Walking a Priority. Make walking and other forms of active transportation the easy choice for citizens.

- Strategy 3.1: Ensure support of CBRM's Active Transportation Plan among internal CBRM departments.
- Strategy 3.2: Commit to support the delivery of programs that promote walking, cycling and other methods of active transportation, such as Making Tracks and Heart and Stroke Walkabout.

Goal 4: Raise Awareness. Provide physical activity messaging that is innovative and targeted and that reaches citizens through their preferred method of communication.

- Strategy 4.1: Direct physical activity and recreation communication at groups who would receive the most benefit of being reached, such as women/girls, youth and seniors.
- Strategy 4.2: Apply a "multiple factors lens" to media creation and distribution, recognizing that one message and one form of communication may not suit all.

Next Steps

Following approval of the *Physical Activity Strategy* by CBRM Mayor and Council, the Physical Activity Strategy Coordinator will create an implementation plan that focuses on proposed projects and programs and their timelines, budgets and evaluation. The Coordinator will carry out implementation with the continued support of CBRM's Recreation Department and the Communities, Sport and Recreation division of the Nova Scotia Department of Communities, Culture and Heritage. The implementation plan will take the municipality through the first five years following the strategy's endorsement, after which time review and evaluation will take place.

"Whatever your age or size, regular physical activity is proven to add years to your life and life to your years."

- Dr. Andrew Lynk

Resources

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Health Canada, Active Living Coalition for Older Adults, Canadian Society for Exercise Physiology. (1999). *Canada's Physical Activity Guide to Healthy Active Living for Older Adults*.

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ParticipACTION. (2016) Active choice must be by default, global comparisons with ParticipACTION Report Card suggest.

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Province of Nova Scotia. (2015). *Shared Strategy for Advancing Recreation in Nova Scotia*.

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Trace Planning and Design. (2017). *Cape Breton Regional Municipality Recreation Master Plan*.

Appendices

A: *Cape Breton Regional Municipality Physical Activity Community Survey Among Adults*

B: *Are Canadian Kids Too Tired to Move? The 2016 ParticipACTION Report Card on Physical Activity for Children and Youth*

C: *The Canadian 24-Hour Movement Guidelines for Children and Youth: An Integration of Physical Activity, Sedentary Behaviour, and Sleep*

D: *A Framework for Recreation in Canada 2015: Pathways to Wellbeing*

E: *Shared Strategy for Advancing Recreation in Nova Scotia*

F: *Cape Breton Regional Municipality Recreation Master Plan*

G: *Population Physical Activity in Canada: The Options*

H: *Social-Ecological Model*

MEMORANDUM - MAYOR'S OFFICE

DATE: October 24, 2017
TO: CBRM Councillors
FROM: Mayor Cecil P. Clarke
RE: Sydney Harbour West Wastewater Collection/Treatment Project and
the CBRM Wastewater Pre-Design Project

Dear Colleagues:

I am writing to confirm the Municipality's success in securing the necessary commitment by the Province of Nova Scotia to enable the \$58 million Sydney Harbour West Collector/Treatment project and the \$1.4 million CCME Wastewater Feasibility/Risk Assessments to proceed.

Pursuant to the budget motion of Council (attached), officials and my office have been working with our respective counterparts at the provincial and federal levels. This has included representations by Marie Walsh as CFO, subsequently CAO, with the Department of Municipal Affairs; as well as Wayne MacDonald as Director of Public Works and Engineering to the Canada-Nova Scotia Infrastructure Secretariat. Both before and after the provincial election, I had discussions and followed-up on Council's position to the Premier, Ministers MacLellan and Mombourquette.

On July 7, 2017, I had the opportunity to meet with the Hon. Derek Mombourquette as Minister of Municipal Affairs and the Hon. Mark Eyking, MP for Sydney-Victoria to discuss common understanding and achieved consensus on a go-forward. Following that meeting, Minister Mombourquette and I spoke on several occasions which resulted in a letter of confirmation from the Minister (attached). Officials were asked to speak and clarify the letter to ensure that the CBRM position was clearly understood about the conditions necessary for these projects to proceed as well as future projects.

Attached please find related correspondence for information and background as part of undertakings on behalf of Council. Based upon the above, the projects can proceed as directed by motion of Council; however, it is important for the CBRM's position to be articulated in official correspondence to the Minister.

Recommendation:

Council approve the draft letter (attached) from the Mayor to the Minister of Municipal Affairs.

Kind regards,

ORIGINAL SIGNED BY

MAYOR CECIL P. CLARKE

Attachments – 4

CPC/lfd

October 24, 2017

Hon. Derek Mombourquette
Minister of Municipal Affairs
Province of Nova Scotia
Email: dmamin@novascotia.ca

Dear Minister Mombourquette:

Re: Sydney Harbour West Wastewater Collection/Treatment Project and
the CBRM Wastewater Pre-Design Project

As of May 9, 2016, Infrastructure Canada and the Province of Nova Scotia had provided approval for two major wastewater projects in Cape Breton Regional Municipality: the Sydney Harbour West Wastewater Collection and Treatment Project and the CBRM Wastewater Pre-Design Project, valued at \$58 million and \$1.4 million respectively.

The Sydney Harbour West Project will completely remove raw sewage discharge into Sydney Harbour and was recognized as a priority before the 2012 Wastewater System Effluent Regulations.

The objective of the CBRM Wastewater Pre-Design Project is to establish conceptual treatment and collection measures for seven raw sewage discharge systems in CBRM. This project also includes environmental risk assessments to establish site specific effluent discharge objectives for each system.

As you know, both projects have been approved by CBRM Council, as part of the 2017/2018 CBRM Budget, conditional on an agreement with the Province of Nova Scotia with respect to funding approvals going forward.

CBRM Mayor and Council are in receipt of the attached letter from you confirming that *"a decision of CBRM Council to address their wastewater infrastructure issues would*

not preclude them from receiving additional funding consideration for other eligible infrastructure projects” and “all requests for project approval and Infrastructure funding from CBRM Council would continue to be considered on a case by case basis.”

Thank you for recognizing that our Municipality’s significant regulatory requirement for wastewater investment must not consume our available funding for infrastructure. To do so would leave our Municipality at a severe disadvantage on any and all infrastructure outside of wastewater projects.

Please consider this letter as confirmation the both projects are proceeding immediately. We look forward to taking this important step in working to meet our wastewater goals, while also continuing to invest in our community's roads, facilities and utilities.

Warm personal regards,

Cecil P. Clarke

CPC/tfd
Attachment I



**Municipal Affairs
Office of the Minister**

PO Box 216, Halifax, Nova Scotia, Canada B3J 2M4 • Telephone 902 424-5553 Fax 902 424-0581 • novascotia.ca

JUL 21 2017

Dear Mayor and Council:

At a meeting held on March 22, 2017, between Mayor Clarke and the former Minister of Municipal Affairs, Zach Churchill, infrastructure funding was a key item on the agenda.

It is my understanding that, at that meeting, Minister Churchill committed to the Mayor that a decision of CBRM Council to address their wastewater infrastructure issues would not preclude them from receiving additional funding consideration for other eligible infrastructure projects. It was further noted that all requests for project approval and infrastructure funding from CBRM council would continue to be considered on a case-by-case basis.

I am taking the opportunity today to reiterate that this remains the Department's position on this matter, and we look forward to working with CBRM Council to address the infrastructure needs of the Municipality.

Sincerely,

ORIGINAL SIGNED BY

Derek Mombourquette
Minister

Excerpt – Council Budget Minutes February 16, 2017

Sydney Harbour (West) Collector/Treatment – 2017 – 2025 (BCF PTIC-NIC) - Agreed

CCME Wastewater Feasibility/Risk Assessments (BFC-MIC) – Agreed

Motion:

Moved by Councillor Gillespie, seconded by Councillor MacLeod, approval of the project funding for the Sydney Harbour West Collector/Treatment 2017-2025 and the CCME Wastewater Feasibility/Risk Assessments as presented in the 2017-2018 Capital Budget pending written confirmation from the Province that our unique and significant need for waste water infrastructure will not impact our ability to obtain other infrastructure projects from the federal and provincial governments.

Motion Carried.



TO: CBRM Council
FROM: Engineering and Public Works
SUBJECT: CCME/MWWE WASTEWATER PROJECTS
DATE: February 15th, 2017

In response to the Canadian Council of Ministers of the Environment / Municipal Wastewater Effluent (CCME/MWWE) Regulations, and the Federal Wastewater Systems Effluent Regulations (WSER), CBRM approved two (2) projects as part of the Five Year Capital Plan:

1) Sydney Harbour (West) – Collector/Treatment

Wastewater treatment for western side of Sydney Harbour (Westmount, Coxheath, and Sydport) including a collection system, stormwater separation and wastewater treatment.

2) Wastewater Management – Predesign/Risk Assessment

Effluent testing, outfall and receiving water Environmental Risk Assessments (ERAs) and a plan towards Wastewater project prioritization.

During its March 2016 meeting Council passed a Motion, to:

“Place the Sydney West Wastewater project on hold and defer it until CBRM has certainty from the Province that we can afford the operational costs and repay the capital borrowing on an on-going basis”.

Further, it was requested that staff initiate an issue paper be prepared to build on staff wastewater presentation and recommendations, and present a summary of borrowing and operating cost pressures.

Project Funding

1) Sydney Harbour (West) – Collector/Treatment

On April 5th, 2016 Infrastructure Canada confirmed financial commitment to the project by issuing an approval-in-principal letter for \$19,335,708, attached. The total Federal and Provincial financial contribution for this project equals \$38,671,416 over 10 years.

Following Federal Budget 2016, Infrastructure Canada provided clarification to the Province of Nova Scotia regarding improvements to the 2014 New Build Canada Fund (NBCF). Attached is a copy of the letter from the Federal Minister of Infrastructure and Communities to the Provincial Minister of Transportation and Infrastructure Renewal.

Staff has been reviewing all available information regarding the changes to the NBCF, and although it appears that this project does not meet the new (2016) federal funding programs which have a higher federal contribution (up to 50% federal funding), it would certainly be beneficial to request clarification from Infrastructure Canada on the question.

Cash flows are provided on the attached tables for Federal funding at both 33% and 50% of the total project costs. It is anticipated that the Capital Borrowing associated with the project will be borne by CBRM for the first three years of the project and through a new rate structure under a Water / Wastewater Utility for the following seven years.

2) Wastewater Management – Predesign/Risk Assessment

The Greater Sydney Collectors Project, funded under the Build Canada Fund – Municipal Infrastructure Component (BCF-MIC), resulted in a project underage. A request was made to reallocate this allotment (approximately \$1.4million) to the Wastewater Management – Predesign/Risk Assessment project. The fund also allows for Gas Tax funding to be utilized to increase the Federal funding portion to 50%. CBRM has not received the approval in principal to date. Based on staff's initial review of the Infrastructure Canada clarification letter, it would appear that this project could qualify for funding under the Clean Water Wastewater Fund (CWWF), however CBRM borrowing for the project would be the same. Under the Federal CCME/MWWE, the risk assessment results are due by Environment Canada by December 2017.

Future Operating Costs

The estimated cost to operate and maintain the proposed infrastructure included in the Sydney West project has been established with reference to similar infrastructure that CBRM currently operates today. Assuming a 2.5% inflation rate not including asset management (i.e. equipment replacement at end of life cycle) the operating cost of this infrastructure starting in 2026 is estimated to be \$871,000 per year.

Similar to the CBRM portion of the capital cost of this project, it is intended that the future operating cost of this infrastructure will be funded by a new rate structure under a Water / Wastewater utility.

Summary & Recommendation

Environment Canada states that *"Municipal Wastewater is the largest source of pollution by volume to receiving waters in Canada."* Removing this pollution from the South Arm of Sydney Harbour will improve the environment, create work, have a positive impact on our local economy and allow CBRM to fulfil the requirements of the regulations with reference to the Sydney River, Westmount & Coxheath systems.

It is recommended that CBRM proceed with both the Sydney Harbour (West) – Collector/Treatment, and the Wastewater Management – Predesign/Risk Assessment projects and continue to seek additional funding from both the Federal and Provincial Governments as we move forward.

Submitted by:

Wayne MacDonald, P.Eng.

Director of Engineering and Public Works

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B8

APR 05 2016

His Worship Cecil Clarke
Mayor, Cape Breton Regional Municipality
320 Esplanade – Suite 400
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

I am pleased to inform you of approval-in-principle of the Sydney Harbour West Wastewater Collection and Treatment Project (the Project). This approval is given following the successful review of your Project under the terms and conditions of the Provincial-Territorial Infrastructure Component – National and Regional Projects (PTIC-NRP) of the New Building Canada Fund (NBCF).

Federal funding of the Project from the PTIC-NRP will be up to 33.33 percent of the total eligible project costs, to a maximum federal contribution of \$19,335,708 under this program. Federal funding from all sources (including funding from the New Building Canada Fund and any other federal program such as the Gas Tax Fund) cannot exceed 33.33 percent of the Project's total eligible costs.

With this approval-in-principle, eligible costs as determined under the terms and conditions of the PTIC-NRP, and incurred as of the date of this letter, will be eligible for federal reimbursement, subject to the timely execution of a contribution agreement. If a contribution agreement is not signed, the Government of Canada will not reimburse any costs incurred. Once signed, the contribution agreement represents the final federal approval of the Project.

As we move toward the contribution agreement stage, the following conditions will also apply:

Regardless of the outcome of any of the project tendering processes, all ineligible costs, cost increases or overruns, and any costs related to the ongoing operation and maintenance of the Project, will be the responsibility of the Cape Breton Regional Municipality (CBRM);

Any costs incurred or associated with a contract that has been executed prior to the date of this letter are ineligible for reimbursement;

...2

The CBRM will satisfy the Government of Canada with respect to the competitive and transparent tendering process to be established;

The CBRM and the Government of Canada will work to complete the execution of a contribution agreement in a timely manner and to this end the Cape Breton Regional Municipality will provide detailed and final design information, and verified cost estimates and cash flows broken down by fiscal year for all project components, a clear indication of how the Project will contribute to one or more of the category-specific outcomes and benefits as well as the indicators that will be used to report on the outcomes and benefits at the Project's substantial completion;

The Government of Canada cannot contribute more than 15 percent of its funding, more specifically \$2,900,356 towards non-capital or "soft costs." These costs include planning and assessment costs specified in the contribution agreement, for example, those related to environmental planning, surveying, engineering, architectural supervision, testing and management consulting services;

The CBRM agrees to produce and erect temporary signage at each of the project sites acknowledging the federal government's contribution to the Project, the costs of which will be an eligible cost under the contribution agreement. The signage will be produced in accordance with the design requirements to be provided by the Government of Canada, and will be at least equivalent in size and prominence to other partners' project signage. It will be erected 30 days before construction activity begins on the site or, if the activity will begin in less than 30 days from the date of this letter, as expeditiously as possible. The signage will remain in place until 30 days after construction is completed;

The *Canadian Environmental Assessment Act, 2012*, may apply to the portion of the project that involves additions and upgrades to the existing collection system network. The CBRM will ensure that construction of this project component does not begin prior to written confirmation by INFC that the *Canadian Environmental Assessment Act, 2012*, requirements have been met.

Based on the information provided, the Government of Canada has a duty to consult and may have a duty to accommodate Aboriginal groups for this project. The CBRM will ensure that construction of the project does not begin prior to confirmation by INFC that these requirements have been met.

- 3 -

I note that the project business case you have submitted specifies that project construction is planned to get underway in summer 2018, and be completed in winter 2024. As your Project is being approved in principle on the basis of this information, please notify me, in writing, should you expect delays of more than six months in either the start or completion date.

Thank you for your collaboration to date and I look forward to continuing to work together to conclude a contribution agreement for this project in a timely fashion.

Yours sincerely,

Original Signed By

Amarjeet Sohi, P.C., M.P.

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

The Honourable Geoff MacLellan
Minister of Transportation and Infrastructure Renewal
Department of Transportation and Infrastructure Renewal
2nd Floor, Johnston Building
1672 Granville Street
P.O. Box 186
Halifax, Nova Scotia, B3J 2N2

Dear Minister MacLellan:

This letter is a follow up to our conversation on April 5th regarding the federal government's historic infrastructure investments outlined in Budget 2016. I am pleased to provide you with details regarding Infrastructure Canada's (INFC) new programs related to public transit, water and wastewater infrastructure that will be delivered via the provinces and territories. I am also pleased to inform you of improvements to the 2014 New Building Canada Fund (NBCF).

As I am sure you agree, infrastructure is not an end in itself – it is the means with which we build a more prosperous, inclusive and sustainable country. It goes beyond concrete and water pipes; it is what allows Canadians to get to work on time and return home to their families faster at night, it helps victims of domestic violence find shelter, and it provides facilities for kids to learn and build the networks that will support them throughout their lives.

The 2016 budget announced an infrastructure plan that commits to smart, strategic investments that will grow Canada's economy and improve the lives of Canadians. Our plan will focus on accelerating federal investments in the short term by providing funding for projects that rehabilitate and modernize public infrastructure. We will achieve this by working collaboratively with you and our municipal partners who are best placed to quickly identify their priorities for funding. We will flow funds rapidly to ensure that projects can begin immediately. We will also work in close partnership to reduce unnecessary administrative burden and streamline approvals.

The Government of Canada has introduced the \$3.4 billion Public Transit Infrastructure Fund (PTIF) and the \$2 billion Clean Water Wastewater Fund (CWWF) to encourage economic growth and support sustainable, livable communities. These initiatives will lay the groundwork for longer term, strategic investments in public transit and water/wastewater infrastructure that will keep pace with the rapid growth of Canadian cities.

Under these programs, we would like to encourage a focus on projects that promote innovation, optimization and rehabilitation of existing assets. These programs include new features based on feedback that we have received from many of our partners. We have increased the federal cost sharing and will now provide up to 50% of project eligible costs. Furthermore, project costs will be considered eligible as of April 1, 2016 so work can begin immediately. We will continue to

respect the existing accountability frameworks that all provinces and territories have in place to ensure appropriate oversight of all taxpayer dollars.

The Public Transit Infrastructure Fund (PTIF)

The PTIF will primarily support investments that meet immediate public priorities including: projects that improve the state of good repair of public transit, that support system optimization and efficiency, increase asset management capacity, and design and planning for future expansion of public transit systems. Effective use of innovative new technologies that can unlock improved environmental benefits and projects that advance improvements in safety and accessibility are also eligible. Projects for system expansion may be considered if they can be completed within the program timeframe. We all know that to grow transit ridership, a multitude of factors should be considered, and for that reason I would also encourage you to work with municipalities and transit agencies to promote targeted investments in active transportation.

The PTIF allocation for Nova Scotia is \$32,200,000. The funding allocation is to be distributed so that each recognized transit system receives a minimum base amount of \$50,000 with the remainder of the funds to be distributed based on overall ridership of each transit system. (See Annex 1 for PTIF Allocation National Breakdown)

Clean Water Wastewater Fund (CWWF)

The CWWF will primarily focus investments on meeting immediate priorities for clean water and wastewater to support a cleaner and healthier environment for communities. These include:

- the rehabilitation and optimization of water, storm water, and wastewater related infrastructure;
- improvement of asset management approaches including studies and pilot projects;
- planning for future upgrades to wastewater treatment and collection infrastructure to meet applicable regulatory requirements; and
- new construction projects, including the construction of naturalized systems for management and treatment of wastewater and storm water may also be considered if they can be completed within the program timeframe.

The CWWF allocation for Nova Scotia is \$86,869,027. (See Annex 2 for CWWF Allocation National Breakdown)

2014 New Building Canada Fund

In addition to these new programs, I am pleased to inform you that we have improved the 2014 New Building Canada Fund (NBCF) to provide provinces and territories greater flexibility to commit all remaining funding within the next two years (by March 2018). I have heard from you and many of your colleagues about your concerns with how the previous government designed the NBCF and as part of our commitment to ensuring the programs work for Canadians, we have made the following changes:

- Removal of the mandatory P3 screen across NBCF;
- Under the Provincial Territorial Infrastructure Component (PTIC):
 - Modifying the Highways and Roads category to reduce (PTIC-National Regional Program) or eliminate (PTIC-Small Communities Fund) minimum traffic volume

thresholds in order to reflect varying needs in provinces and communities across Canada;

- Adding five new categories, Tourism, Culture, Recreation, Passenger Ferries Services Infrastructure, and Civic Assets and Municipal Buildings;
- Adjusting specific cost sharing requirements for future projects delivered as P3s is removed so federal funding share can be higher (up to one-third or 50 % depending on the category);
- Aligning eligible cost for P3 projects with the P3 Canada Fund - this will eliminate administrative confusion;
- Adjusting the cost sharing for disaster mitigation projects – in recognition that a number of significant disaster mitigation assets in Canada are provincially owned, federal funding can now be up to 50%.

Budget 2016 also announced funding for local governments to support stronger stewardship through asset management planning activities and climate change resilience investments. The following two programs will be managed by the Federation of Canadian Municipalities to provide funding for capacity building directly to municipalities:

- \$50 million to increase municipal capacity for asset management, including funding to develop and implement infrastructure asset management planning practices and support more reliable and comprehensive data collection on infrastructure assets; and
- \$75 million to support enhanced municipal planning for climate change resilience, including funding to support municipal projects to identify and implement greenhouse gas reduction opportunities, assess local climate risks, and integrate climate change impacts into asset management planning practices.

Our government has placed a strong focus on outcomes and results. Through the new transit funding, we are aiming to improve the reliability, efficiency, safety and accessibility of public transit systems and support municipalities to plan and be better prepared for future system improvements. Under the new clean water and wastewater funding, we are seeking to improve the reliability of drinking water, wastewater and storm water systems and to encourage municipalities to have plans in place that include innovative approaches and that are aimed at meeting applicable water quality guidelines and wastewater regulations.

We are committed to publicly reporting on the progress under these programs to demonstrate we are achieving the results that Canadians expect and deserve. We will need to work together in order to provide timely reports to Canadians on the results achieved through our collective investments in infrastructure. For example, a priority under the new programs is extending the useful life of existing infrastructure assets. We plan to work collaboratively to ensure that we have an effective way to measure and report on this and other key outcomes and results of these programs.

Finally, as you know, our government is committed to accountability. This means that we need to ensure that federal funding is incremental to existing provincial, territorial and municipal planned investments. We will need to work together to develop appropriate measures for incrementality and report on how projects have been accelerated and investments have increased through these programs.

Our goal is to advance the PTIF and CWWF programs and continue our efforts under NBCF as quickly as possible so that these infrastructure investments can begin to contribute to economic growth and support sustainable, livable communities. It is clear that partnership will be key to our success and an efficient governance structure will have to be established to ensure adequate monitoring and robust communication between our respective organizations. As such, my officials will be in contact with your officials to establish next steps and launch discussions so that we may quickly conclude negotiations of the bilateral agreements.

I want to extend my appreciation to you for your continued support in the implementation of these initiatives. I look forward to our continued collaboration in support of infrastructure investments through these existing and new programs.

Yours sincerely,

Original Signed By

Amarjeet Sohi, P.C., M.P.

Annex

Annex 1 PTIF Allocations		
Province/ Territory	Ridership*	Allocation
Newfoundland and Labrador	3,027,498	\$4,940,000
Prince Edward Island	402,163	\$660,000
Nova Scotia	19,719,555	\$32,200,000
New Brunswick	5,353,913	\$8,740,000
Quebec	565,712,079	\$923,710,000
Ontario	910,488,752	\$1,486,680,000
Manitoba	50,733,295	\$82,840,000
Saskatchewan	17,760,942	\$29,000,000
Alberta	212,629,617	\$347,190,000
British Columbia	282,019,372	\$460,490,000
Yukon	546,496	\$890,000
Northwest Territories	196,427	\$320,000
TOTAL	2,068,590,109	\$3,377,660,000

*Taken from the CUTA 2014 Fact book

Annex 2 CWWF Allocations				
Province/ Territory	Base funding Allocation	Net Population percentage (%)	Per Capita Allocation	Total Funding
Newfoundland and Labrador	\$50,000,000	1.54%	\$20,600,134	\$70,600,134
Prince Edward Island	\$50,000,000	0.42%	\$5,654,677	\$55,654,677
Nova Scotia	\$50,000,000	2.76%	\$36,869,027	\$86,869,027
New Brunswick	\$50,000,000	2.20%	\$29,449,770	\$79,449,770
Quebec	\$50,000,000	23.47%	\$313,774,400	\$363,774,400
Ontario	\$50,000,000	38.87%	\$519,642,062	\$569,642,062
Manitoba	\$50,000,000	3.39%	\$45,250,782	\$95,250,782
Saskatchewan	\$50,000,000	2.94%	\$39,342,112	\$89,342,112
Alberta	\$50,000,000	10.98%	\$146,714,129	\$196,714,129
British Columbia	\$50,000,000	13.10%	\$175,067,721	\$225,067,721
Yukon	\$50,000,000	0.10%	\$1,390,275	\$51,390,275
Northwest Territories	\$50,000,000	0.13%	\$1,711,108	\$51,711,108
Nunavut	\$50,000,000	0.10%	\$1,336,803	\$51,336,803
Total	\$650,000,000	100.00%	\$1,336,803,000	\$1,986,803,000

Cash flow - Sydney Harbour (West) Collection & Treatment Project - compressed due to delay										
Funding Source	Maximum Funding	Contribution Ratio	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Federal	\$19,335,709	1/3	\$166,587	\$166,687	\$1,000,123	\$3,667,117	\$4,333,866	\$4,333,866	\$4,333,866	\$1,333,497
Provincial	\$19,335,709	1/3	\$166,587	\$166,687	\$1,000,123	\$3,667,117	\$4,333,866	\$4,333,866	\$4,333,866	\$1,333,497
Recipient - CBRM	\$19,335,709	1/3	\$166,587	\$166,687	\$1,000,123	\$3,667,117	\$4,333,866	\$4,333,866	\$4,333,866	\$1,333,497
Other	-	-	-	-	-	-	-	-	-	-
Total	\$58,007,127	100%	\$500,061	\$500,061	\$3,000,369	\$11,001,352	\$13,001,597	\$13,001,597	\$13,001,597	\$4,000,492

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

MAY 09 2016

His Worship Cecil Clarke
Mayor
Cape Breton Regional Municipality
320 Esplanade – Suite 400
Sydney, Nova Scotia B1P 7B9

Dear Mayor Clarke:

I am pleased to inform you of approval-in-principle of the Cape Breton Regional Municipality Wastewater Feasibility Study (the Project). This approval is given following the successful review of your Project under the terms and conditions of the Building Canada Fund – Major Infrastructure Component (BCF-MIC) of the Building Canada Fund.

Federal funding of the Project from the BCF-MIC will be up to 33.33 percent of the total eligible project costs, to a maximum federal contribution of \$494,056 under this program. Federal funding from all sources (including funding from the New Building Canada Fund and any other federal program such as the Gas Tax Fund) cannot exceed 50 percent of the Project's total eligible costs.

With this approval-in-principle, eligible costs as determined under the terms and conditions of the BCF-MIC, and incurred as of the date of this letter, will be eligible for federal reimbursement, subject to the timely execution of a contribution agreement. If a contribution agreement is not signed, the Government of Canada will not reimburse any costs incurred. Once signed, the contribution agreement represents the final federal approval of the Project.

As we move to the contribution agreement stage, the following conditions will also apply:

- Regardless of the outcome of any of the project tendering processes, all ineligible costs, cost increases or overruns will be the responsibility of the Cape Breton Regional Municipality;
- Any costs incurred or associated with a contract that has been executed prior to the date of this letter are ineligible for reimbursement;

- The Cape Breton Regional Municipality will satisfy the Government of Canada with respect to the competitive and transparent tendering process to be established;
- The Cape Breton Regional Municipality and the Government of Canada will work to complete the execution of a contribution agreement in a timely manner and to this end the Cape Breton Regional Municipality will verified cost estimates and cash flows broken down by fiscal year for all project components, a clear indication of how the Project will contribute to one or more of the category-specific outcomes and benefits as well as the indicators that will be used to report on the outcomes and benefits at the Project's substantial completion.

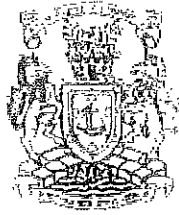
I must also inform you that any project costs incurred prior to the date of this letter are ineligible for federal reimbursement. I note that the project business case you have submitted specifies that the project is planned to get underway in May 2016, and be completed in March 2018. As your Project is being approved in principle on the basis of this information, please notify me, in writing, should you expect delays of more than six months in either the start or completion date.

Thank you for your collaboration to date and I look forward to continuing to work together to conclude a contribution agreement for this project in a timely fashion.

Yours sincerely,

Original Signed By

Amarjeet Sohi, P.C., M.P.



CAPE BRETON REGIONAL MUNICIPALITY

OFFICE *of the* MAYOR

June 30, 2016

Honourable Amarjeet Sohi, P.C., M.P.
Minister of Infrastructure
and Communities
House of Commons
Ottawa, ON K1A 0A6
Email: Amarjeet.Sohi@parl.gc.ca

Dear Minister Sohi:

Re: Sydney Harbour West Wastewater Collection and Treatment Project

I am writing in response to your April 5, 2016, letter which included written notification should the project expect delays.

Attached please find a copy of two motions of Council to postpone the Wastewater Management - Feasibility/ Risk Assessment Year 1 of 2 and to postpone the Sydney Harbour (West) Collector/Treatment, Year 1 of 10. The operating uncertainty that exists within the Municipality is further impacted by the lack of capacity to operate a new facility following the capital portion.

The CBRM would welcome a dialogue on capacity building with the federal and provincial governments to overcome the largest wastewater regulatory burden of any city in Canada.

Should you wish further details or information on these files and the CBRM's overall inability to participate at this time, I would be only too glad to have officials respond. The CBRM would welcome the opportunity to meet with your officials to discuss our City's overwhelming challenges.

Kind personal regards, 

Original Signed By

Cecil P. Clarke

CPC:ifd
Attachments - 2

320 Esplanade Sydney Nova Scotia B1P 7B9 Canada

Sydney Harbour (West) Collector/Treatment – Year 1 of 10 (NBCF-PTIC-NIC):

Motion:

Moved by Councillor Cormier, seconded by Councillor Eldon MacDonald, to postpone the Sydney Harbour (West) Collector/Treatment – Year 1 of 10 (NBCF-PTIC-NIC) as presented in the Capital Budget.

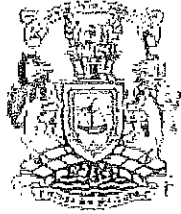
Motion Carried

Wastewater Management - Feasibility Risk Assessment Year 1 of 2 (BCF-MIC):

Motion:

Moved by Councillor Cormier, seconded by Councillor MacLeod, to postpone the Wastewater Management – Feasibility/ Risk Assessment Year 1 of 2 (BCF-MIC) as presented in the Capital Budget.

Motion Carried.



CAPE BRETON REGIONAL MUNICIPALITY
OFFICE of the MAYOR

August 31, 2016

Honourable Amarjeet Sohi, P.C., M.P.
Minister of Infrastructure
and Communities
House of Commons
Ottawa, ON K1A 0A6
Email: Amarjeet.Sohi@parl.gc.ca

Dear Minister Sohi:

Thank you for your letter of August 15th, 2016 in regard to the Cape Breton Regional Municipality's (CBRM) application "Sydney Harbour West Wastewater Collection and Treatment Project" under the Provincial – Territorial Infrastructure Component – National and Regional Projects of the New Building Canada Fund and the Wastewater Feasibility Study Project under the Building Canada Fund – Major Infrastructure Component.

I want to thank you and your government again for your support and the positive changes that you are making to Build Canada to make the program more equitable to municipal governments. On the matter of the Sydney Harbour West Wastewater Collection and Treatment Project and the Wastewater Feasibility Study Project, I did highlight two concerns that have a great impact on the CBRM's ability to afford this project.

The first concern I raised is in regard to when this project is completed. Once this project is completed it will have a significant impact on the CBRM's already strained operating budget. This portion alone will cost the CBRM over a million dollars in operational costs. If the CBRM were to complete this project and the other outstanding wastewater projects which at the present time amount to over \$400 million in capital requirements under current regulations, this would cost the municipality approximately \$10 million.

While I realize that the operational costs and funding are not a federal matter, I need to be concerned that the decision I and my current Council make does not create problems for future Councils. Also, as President of the UNSM, I am hopeful that a future partnership agreement between the Province and the UNSM will address this issue.

The other significant concern was that in a meeting I had with Provincial Municipal Affairs Minister Churchill, the ministry indicated that the approval of the Sydney Harbour West Wastewater Collection and Treatment Project meant that the CBRM had received more than its fair per capita share of infrastructure dollars and thus any projects under the Small Communities Fund would be (were) rejected as the Wastewater project was consuming our allocation of funds. That was the case with our application to the SCF in 2014 "*Cape Breton Regional Municipality -- Collector Streets 2015 -- 2020*," which was rejected. I argued that the CBRM has a disproportional amount of need in regards to wastewater (six percent of the national need) and that the current per capita allocation formula was insufficient to deal with the significant need we faced.

It is my contention that while wastewater is important, other projects namely roads cannot be sacrificed in order to address only wastewater projects. Therefore, as mayor I indicated that the CBRM would need to defer the approval of the Sydney project until a more reasonable accommodation with the Province can be made to the CBRM not to base our infrastructure needs solely on our wastewater need.

This situation does pertain to the federal government and I believe that the Province should not be penalizing the CBRM from accessing federal programs. I have asked my officials to look into this matter again to see if this condition has changed and that our current roads application "*Cape Breton Regional Municipality -- Collector Streets 2017 -- 2022*" will be considered based on our total need and not based on just a per capita allocation by municipality.

I hope you understand the decision made to defer the project was not to discount the project but to ensure that a comprehensive approach to our infrastructure needs is taken and that decisions of today do not handcuff us fiscally into the future.

Warm personal regards,

Original Signed By

Cecil P. Clarke

CPC:mf



AUG 12 2016

His Worship Cecil Clarke
Mayor
Cape Breton Regional Municipality
320 Esplanade, Suite 400
Sydney, Nova Scotia B1P 7B9

Dear Mr. Mayor:

Thank you for your correspondence of June 30, 2016, regarding the postponement of the Sydney Harbour West Wastewater Collection and Treatment Project under the Provincial-Territorial Infrastructure Component – National and Regional Projects of the New Building Canada Fund and the Wastewater Feasibility Study Project under the Building Canada Fund – Major Infrastructure Component.

Infrastructure is the foundation of sustainable and inclusive communities – it removes barriers, brings people together and allows all Canadians to be active participants in their community.

Although the vast majority of public infrastructure in Canada falls under provincial, territorial or municipal jurisdiction, the Government of Canada has a long history of making strategic investments in a wide range of infrastructure categories. We are working closely with all of our partners and stakeholders to deliver an ambitious plan that will significantly increase federal infrastructure investments and build strong communities.

I understand that a contributing factor for the Municipality in delaying these projects may be to seek funding under other federal infrastructure programs, namely the Canadian Water and Wastewater Fund (CWWF). However, it is unlikely that these projects would qualify under that fund for two reasons:

- The CWWF is focussed on projects that can be completed in the short term. As such, to be eligible, projects must be completed by no later March 31, 2018. Furthermore, costs are only eligible between April 2016 and March 31, 2018.
- The CWWF has a requirement that projects be incremental, meaning that they would not have proceeded without a federal contribution under that program. Given that these projects have already received approval-in-principal under another federal program, they would not meet the test of incrementality.

...2

Based on these factors, the projects would likely be deemed ineligible and could not be considered for funding under the CWWF. Given the projects already have funding approval-in-principle and can, therefore, incur eligible costs, I encourage you to proceed with the projects and to work with Infrastructure and Communities Canada officials to finalize a contribution agreement based on that approval.

Phase 2 of the Government's infrastructure plan will be developed in the coming months and announced in the next year following consultations with provincial, territorial, municipal and indigenous partners to ensure funding responds to the needs and priorities of communities across the country.

The Government of Canada is currently engaging all Canadians on the development of Phase 2 and is seeking your ideas to improve its infrastructure locally, regionally and nationally. You are invited to share your ideas with us at <http://infraconsults.ca>.

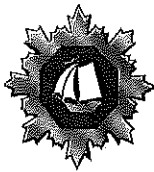
I would also encourage you to visit our Web site at www.infrastructure.gc.ca for more details and updates on the Government of Canada's future infrastructure investments and funding programs.

Thank you for writing on this important issue.

Yours sincerely,

Original Signed By

Amrjeet Sohi, P.C., M.P.



CBRM

A Community of Communities

Office of the Regional Solicitor

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Seaview Manor, Glace Bay

DATE: October 11, 2017

Further to the issue paper of December 9, 2016, and the Resolution of Council dated February 7, 2017 (copies of which are attached), please find enclosed a Resolution of Seaview Manor requesting that CBRM approve the revised Seaview Manor Corporation By-laws and send a letter to the Minister of Municipal Affairs recommending the approval of the revised By-laws.

Accordingly, I recommend a motion to the same.

Thank you.

Sincerely,

Original Signed By

DEMETRI KACHAFANAS
Regional Solicitor

DK/to
Attachments

RESOLUTION

CAPE BRETON REGIONAL MUNICIPALITY

Whereas the Cape Breton Regional Municipal Council has a finite number of councillors and limited fiscal resources and has not been in a position since (date) to appoint multiple Councillors to the Seaview Manor Corporation Board of Directors and;

Whereas Seaview Manor Corporation's current (1978) approved bylaws requires Regional Councillors to be appointed as Board Members, and these bylaws have not been updated to reflect the transition of the Corporations founding towns (Glace Bay, Reserve Mines and Dominion) into the amalgamated Regional Municipality of Cape Breton, and;

Whereas Seaview Manor Corporation was incorporated under the Municipality Housing Corporation Act and Seaview Manor wishes to continue with its incorporation under that same legislation, and;

Whereas Seaview Manor wishes to have current relevant bylaws that:

1. Reflect an autonomous governance structure for the Corporation;
2. Reflect more autonomy in the Corporation's management of assets and liabilities;
3. Reflect current processes and procedures of the Corporation;
4. Align with policies and contacts of the Corporation;
5. Comply with current legislation (i.e., municipal, provincial and federal); and
6. Facilitate adaptation to current and future technology used by the Corporation;

Be it resolved that the Cape Breton Regional Council approve the revised bylaws of the Seaview Manor Corporation as presented and further that the Cape Breton Regional Council send a letter of support to the Minister of Municipal affairs recommending the approval of the revised Seaview Manor Corporation bylaws.

Dated June 19, 2017 at Glace Bay, Nova Scotia.

Original Signed By

Earl Morgan, Seaview Manor Corporation
Board Chair,

Witness Original Signed By

Eric Doucette, RN, MBA CHE
C.E.O



By-Laws
for the
Board of Directors
of
Seaview Manor Corporation

Document History

Signatory Date:	Signatory:
	Board of Directors, Seaview Manor Corporation
	Cape Breton Regional Municipality
	N.S. Department of Municipal Affairs
	N.S. Department of Health and Wellness

Amendment Date:	Signatory:
	Board of Directors, Seaview Manor Corporation
	Cape Breton Regional Municipality
	N.S. Department of Municipal Affairs
	N.S. Department of Health and Wellness

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VII. By-Laws

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Signatory page

Appendices

- A: Seaview Manor Organizational Chart
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- C: Strategic Directions
- C: List of Board Policies
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These By-laws of Seaview Manor Corporation are made and effective as adopted by the Board of Directors for Seaview Manor Corporation on <dd-month-yyyy>, and as approved by the public bodies signatory to this document.

I. Seaview Manor

Seaview Manor is a long-term care facility located at 275 South Street, Glace Bay, Nova Scotia, Canada. Incorporated under the *Nova Scotia Municipal Housing Corporations Act*, the Seaview Manor Corporation provides continuing care in keeping with its legislated mandate, following the vision, mission, values of the Home.

II. Purpose

The purpose of these by-laws is to provide a framework for the Board of Directors for Seaview Manor Corporation to exercise its mandate in an accountable, efficient, ethical, and consistent manner in keeping with the intent of legislation, and the vision, mission, and values of Seaview Manor.

III. Definitions

Administrator	the Chief Executive Officer (CEO)
Board	the Board of Directors for Seaview Manor Corporation
calendar year	January 1 to December 31
CBRM	the Cape Breton Regional Municipality
CEO	Chief Executive Officer
Chair	Chair of the Board as defined in these by-laws
chair	presiding member of any meeting of a board or committee
Chief Executive Officer	the Administrator of Seaview Manor
Corporation	Seaview Manor Corporation
CQI	continuous quality improvement
essential services	services which are necessary to maintain and protect the physical and mental conditions of the residents of the home for special care and the safety and security of the home for special care
ex-officio	standing member, of a committee or board, with no voting rights
fiscal year	April 1 to March 31
Home	the premises, known as Seaview Manor, used and operated as a residence for long-term care
Member	a duly appointed Member of the Board of Directors for Seaview Manor Corporation
Municipality	Cape Breton Regional Municipality
Past Chair	position held on the Board and on the Executive Committee by the outgoing Chair
recuse	Remove oneself from participation to avoid conflict of interest
Secretary	administrative assistant provided by the CEO to fulfil duties for the Board as per these By-laws
Vice-Chair	Vice-Chair of the Board as defined in these by-laws

IV. The Board of Directors

1.0 Role of the Board

- 1.1 The Board is subject the provisions in these by-laws, and to the Board of Directors: Role Policy.
- 1.2 The Board will define the mission, vision, and values of the Corporation.
- 1.3 The Board will exercise its powers under legislation, by-laws, and policy to further the vision, mission, and values of the Home in an ethical and accountable manner.
- 1.4 The Board will define the strategic directions of the Home.
- 1.5 The Board will set policy on how the Corporation will function.
- 1.6 The Board will provide oversight for policy administration.
- 1.7 The Board is responsible for monitoring the success of the Corporation through the reporting structure process.
- 1.8 The Board will ensure the Corporation meets community needs as defined by health authority assessments.
- 1.9 The Board will exist perpetually, unless Seaview Manor ceases to exist as an entity.

2.0 Governance of the Board

The Board will be governed in keeping with the following provisions:

- 2.1 Membership on the Board will follow the criteria set in these by-laws.
- 2.2 The Board will consist of no less than seven (7) and no more than (9) Members, as appointed by the sitting Board, in keeping with these by-laws.
- 2.3 The Board will advise the Municipality if the Board is unable to maintain a full complement of Board members as per these by-laws.
- 2.4 The Board will operate within the provisions of the *Nova Scotia Municipal Housing Act* and *Nova Scotia Homes for Special Care Act & Regulations*.
- 2.5 The Board will comply with the laws of the Province of Nova Scotia and Canada.
- 2.6 The Board will comply with the policies of the Board.
- 2.7 The Board will support the policies of the Home.
- 2.8 The Board will comply with the provisions set forth in these by-laws.
- 2.9 The Board will be cognizant of succession issues as regards Board business.
- 2.10 The Board will meet regularly, as per these by-laws to meet its legislated requirements, and to fulfil its obligations to the Home.

3.0 Powers of the Board

- 3.1 The Board is responsible for the appointment of Members to the Board, in keeping with these by-laws
 - 3.1.1 In the event of any unresolved disputes or issues regarding the timely appointment of one or more Members to the Board, the Board will advise the Municipality, and the Municipality will appoint Members to fill the vacancies on the Board.

- 3.1.2 In the event of outstanding unfilled vacant positions on the Board, the Board will advise the Municipality, and the Municipality will appoint Members to fill the vacancies on the Board.
- 3.2 The Board is responsible for the appointment of the CEO as the Administrator of the Home, in keeping with legislation.
 - 3.2.1 The CEO is responsible for the operations and administration of the Home.
 - 3.2.2 the Board is accountable for ensuring that the CEO has the education and experience to enable them to perform responsibilities set out in legislation, policy, and these by-laws.
- 3.3 The Board is responsible for the oversight of policy.
- 3.4 The Board is responsible for the approval of single purchase decisions or commitments for the Home in excess of \$100,000.
- 3.5 The Board is responsible for the approval of acquisitions, encumbrances, or disposal of real property.
- 3.6 The Board is responsible for appointing an external independent auditor each August after the audit review.
 - 3.6.1 The Board is responsible for reviewing the auditor's statement.
- 3.7 The Board will be signatory to collective bargaining agreements between labour unions and the Home.

4.0 Responsibilities of the CEO

- 4.1 administering the overall daily management of the Home;
- 4.2 making operational decisions for the Home, respecting CEO Limitations as defined by the Board.
- 4.3 ensuring that the Home complies with the requirements of legislation;
- 4.4 ensuring that the residents receive the standard of care prescribed in legislation;
- 4.5 ensuring the staff and the Board adhere to policy;
- 4.6 planning and implementing programs and activities in the Home and community which provide social, educational, vocational, religious and recreational opportunities for the residents;
- 4.7 ensuring that the programs and activities of the Home are in compliance with the primary purpose of the Home;
- 4.8 oversight of human resource management of the Home, including the appointment, operational administration, and oversight of staff Directors;
- 4.9 ensuring delivery of staff orientation and in-service training programs;
- 4.10 signatory to collective bargaining agreements between labour unions and the Home;
- 4.11 ensuring that essential services continue to be provided to and for the residents of the Home whenever there is a reduction in the number of staff available to serve the residents occasioned by, or as a result of, labour-management dispute or other cause;
- 4.12 ex-officio member of the Board;
- 4.13 ex-officio member of all Board appointed working groups;
- 4.14 submission of activity reports to the Board on a regular basis;

- 4.15 preparation and presentation of a budget consistent with priorities identified by the Board;
- 4.16 advising the Board on requests for proposal (RFP) for contracted services in excess of \$100,000;
- 4.17 advising the Board if it is in non-compliance with governance process and policies; and
- 4.18 other duties as per the Governance Policy.

V. Composition of the Board

5.0 Membership

- 5.1 The Board will consist of no less than seven (7) and no more than (9) Members,
- 5.2 Officers of the Board
 - 5.2.1 The members shall elect from among themselves a Chair and a Vice-Chair, subject to these by-laws
 - 5.2.2 The Past-Chair will serve as an Officer of the Board.
 - 5.2.3 In the event that the Past-Chair is no longer able to serve on the Board, a Member-at-Large will be elected from Members to sit as an Officer of the Board.
 - 5.2.4 Officers of the Board will hold office until their successors are elected, unless they resign, are removed from the Board, or are otherwise disqualified from sitting on the Board.
 - 5.2.5 Officers of the Board will be elected at the first meeting of the Board in the calendar year.
 - 5.2.6 In the case of vacancy of the Chair position mid-term, the Vice-Chair will become Chair until the end of the Calendar year, a new Vice-Chair will be elected from within the Board, and will serve in that position until the end of the calendar year.
- 5.3 The executive officers of the Board shall be as follows
 - 5.3.1 Chair
 - 5.3.1.1 will perform such duties as required by these by-laws
 - 5.3.1.2 will preside at all meetings of the Board
 - 5.3.1.3 will appoint Board committees and working groups
 - 5.3.1.4 in consultation with the CEO, will set the agenda of Board meetings at least four (4) days before the meeting date
 - 5.3.1.5 will provide the agenda to the Secretary for distribution three (3) days before the meeting date.
 - 5.3.1.6 will be one of the management signatories to collective agreements
 - 5.3.2 Vice-Chair
 - 5.3.2.1 In the event of the absence or inability of the Chair to exercise their duties of office, the Vice-Chair will become acting Chair of the Board with all of the rights, duties, and responsibilities as if elected Chair

5.3.3 Past-Chair

5.3.3.1 In the event of the absence or inability of the Chair and Vice-Chair to exercise their duties of office, the Past-Chair will become acting Chair of the Board with all of the rights, duties, and responsibilities as if elected Chair

5.3.4 Chief Executive Officer

5.3.4.1 The CEO will be an ex-officio Member of the Board

5.3.4.2 will advise the Chair regarding the agenda of the next Board meeting, at least four (4) days before the meeting date.

5.3.4.3 Will have custody of the corporate seal.

5.3.5 Secretary

5.3.5.1 An administrative secretary will be provided by the CEO for all Board and Executive meetings, and

5.3.5.2 will take keep the minutes of the Board, and document Board attendance at meetings (attended, regrets, absence);

5.3.5.3 will maintain the records of the Board;

5.3.5.4 will communicate all meeting notices to Members of the Board as per these by-laws;

5.3.5.5 will not have a vote at meetings;

5.3.5.6 will not enter into meeting discussion, unless requested by the Chair;

5.3.5.7 will collect and tally voting ballots as per these by-laws; and

5.3.5.8 will administer correspondence received by/for the Board, including responding to Board correspondence as directed by the Chair.

5.4 Appointment process

5.4.1 Appointments to the Board will be made in keeping with these by-laws.

5.4.2 Appointments of Members will be made by the Board from a slate of nominees presented by the Nominating Committee at the regular meeting in January.

5.4.3 If the membership of the Board is reduced to less than seven (7) during the year, the Board will recruit and appoint an interim Member for the duration of the calendar year.

5.4.4 In the appointment of Board Members, consideration will be given to what experience and contacts the individual may bring to the Board, and where the individual may add strategic value to the operations of the Home.

5.5 Term of Office

5.5.1 Members will be appointed for a term period as defined in these by-laws

5.5.2 All Members, other than executive officers, will sit for on the Board for a term of three (3) years.

5.5.3 A Member may be reappointed by the Board for a second consecutive term.

- 5.5.3.1 After fulfilment of a second term, the Member will retire from the Board, however may re-apply after three (3) years.
- 5.5.4 The Chair will serve a two (2) year term, which may be extended for a second term of two (2) years by a vote of the Board, after which the Chair will sit on the Board as Past Chair for an additional two (2) years.
- 5.5.5 Members will hold office until their term has expired, unless they resign, are removed from the Board, or are otherwise disqualified from sitting on the Board.
- 5.5.6 The office of a Member will be considered vacated if:
 - 5.5.6.1 their term has expired;
 - 5.5.6.2 they resign the Board position, in writing to the Board Chair;
 - 5.5.6.3 they miss three (3) consecutive regular Board meetings without just cause as determined by the Board
 - 5.5.6.3.1 the Member may request reinstatement; the Board, at its discretion, may reinstate the Member;
 - 5.5.6.4 Other reasons may apply—i.e. fraud, unacceptable behaviour, or death.

5.6 Accountabilities

- 5.6.1 Members of the Board will:
 - 5.6.1.1 comply with the laws of the Province of Nova Scotia and Canada;
 - 5.6.1.2 comply with the policies of the Board;
 - 5.6.1.3 support the policies of the Home;
 - 5.6.1.3.1 including, but not limited to, the Executive Limitations Policy
 - 5.6.1.4 comply with the provisions set forth in these by-laws;
 - 5.6.1.5 respect Board confidentiality;
 - 5.6.1.6 conduct themselves in a professional manner when engaged in Board or Home matters;
 - 5.6.1.6.1 Members are subject to the Board of Directors: Code of Conduct Policy.
 - 5.6.1.6.2 Members must avoid a conflict of interest with respect to their fiduciary responsibility.
 - 5.6.1.7 conduct themselves honestly and ethically, in their representation on the Board;
 - 5.6.1.7.1 Members are subject to the Business Code of Ethics.
 - 5.6.1.8 prepare themselves for meetings and Board duties by accessing all relevant orientation material and meeting documentation;
 - 5.6.1.9 uphold the privacy rights of Board Members, residents, and staff, and clients of the Home and Board, in keeping with privacy law; and
 - 5.6.1.10 will be required to sign a declaration of confidentiality upon appointment to the Board.
 - 5.6.1.10.1 Members are subject to the Confidentiality Policy.
- 5.6.2 Members will not encourage direct communication with staff who attempt to bypass administration.

- 5.6.2.1 Members will encourage staff to utilize reporting lines within the administration to bring their concerns to the Board.
- 5.6.3 Members will not willingly permit personal, professional, or business interests to conflict, or appear to conflict, with the interests of the Board or the Home.
 - 5.6.3.1 Members are subject to the Board of Directors: Conflict of Interest Policy.
 - 5.6.3.2 Upon appointment to the Board, Members have a duty to declare any possibilities where their personal, family, and/or business interests might benefit disproportionately to a real, or perceived, extent as a result of discussions, or decisions made, by the Board.
 - 5.6.3.2.1 Should this duty to declare becomes apparent at another time, the Member shall declare it to the Board.
 - 5.6.3.2.2 In situations where the Member may be in conflict of interest with Board interest, they will recuse themselves physically from the discussion and/or decision.
- 5.6.4 Any Board, Corporation, or Home records which may reside on a Member's electronic device (e.g.: smartphone, tablet, laptop, computer) must be password protected and/or encrypted and held securely by the Member.
 - 5.6.4.1 When the Member leaves the Board, all such digital records will be securely deleted from the electronic device(s), and the Member shall in writing advise the Secretary that this has been done.
- 5.6.5 Members will not accept unauthorized gifts or gratuities.
- 5.6.6 At the completion of their term of office, or at any time, upon request by the Board, the Member agrees to deliver to the Board all memoranda, notes, plans, relating to Board business, no matter where or in what format the records may be.
- 5.6.7 Members are subject to the Board of Directors: Board Discipline Policy.
- 5.6.8 Each Member, in consideration of their services on the Board, will, in the absence of fraud, be indemnified for the reasonable cost and expenses incurred by them by reason of them having been a member of the Board to the extent permitted by law. This will be inclusive of any other rights to which the Board member may be entitled as a matter of law.

5.7 Orientation

- 5.7.1 Upon appointment, each new Member will be provided with a copy of these by-laws
 - 5.7.1.1 Sitting Members will be provided with a copy of these by-laws when any substantive changes have been made
- 5.7.2 Upon appointment, each new Member will receive an orientation to the Board and to the Home, as per the Orientation checklist affixed to these by-laws.

5.8 Remuneration

- 5.8.1 No Board Member will receive compensation for attendance at meetings, or for carrying out duties of the Board.

Members may be reimbursed, as per policy, for reasonable expenses necessarily incurred by the Member in performing their functions as a Board member.

6.0 Committees

6.1 Executive Committee

6.1.1 Will consist of the Officers of the Board

6.1.2 The CEO will be an ex-officio member of the Executive Committee
The CEO will not have voting rights

6.2 Operational Committees

6.2.1 The standing operational committees for the Corporation are:

6.2.1.1 CQI & Risk Committee

- Chaired by the CEO, or delegate appointed by the CEO

6.2.1.2 Ethics Committee

- Chaired by the CEO, or delegate appointed by the CEO

6.3 Nominating Committee

6.3.1 will be struck by the Chair at the regular November Board meeting;

6.3.2 will consist of the CEO, one (1) Member, and one (1) member of the community;

6.3.3 is empowered to seek nominees for appointment to the Board;

6.3.4 will have a poster designed requesting expressions of interest to serve on the Board;

6.3.4.1 poster will be posted in public places in the community and Home;

6.3.4.2 poster will be posted on the Seaview Manor website;

6.3.4.3 poster or notice may be placed with local print and electronic media, and on social media;

6.3.5 will review all applications and expressions of interest for experience and suitability to sit as a Member;

6.3.6 will create a short-list of nominees to present to the Board at the first regular meeting in the calendar year, for discussion and appointment by the Board;

6.3.7 Members seeking a second term will automatically be placed on the slate of nominees;

6.3.8 if the terms of the Chair or Vice-Chair are ended, the Nominating Committee will seek expressions of interest from the Board to sit as Chair;
the sitting, or end-of-term, Vice-Chair will be considered for the new Chair position;

6.3.9 once the appointment of Members and the election of officers, as required, is complete the Nominating Committee will cease to exist.

6.4 Working Groups

6.4.1 the Board may appoint working groups as necessary to meet the objectives of the Corporation;

6.4.2 will have a lead designated by the working group;

6.4.3 the lead may be, but is not required to be, a Board Member;

6.4.4 must have a Board Member as part of the group;

- 6.4.5 will report to the Board through the working group Board Member; and
6.4.6 will be temporary for the duration of a specific task, project, or function.

VI Meetings of the Board

7.0 Regular Meetings

7.1 Scheduling

- 7.1.1 Meetings of the Board shall be held on the second Monday of each month.
7.1.1.1 If that day is a holiday, the meeting will be held on the third Monday of that month
7.1.1.2 if the meeting cannot be held due to extenuating circumstances the Chair will fix an alternate date not more than two (2) weeks from the original fixed date.
7.1.1.3 at the discretion of the Board, meetings may or may not be held during the months of July, August, or December.
7.1.2 Meetings of the Board will be held in the Munroe Room at Seaview Manor, unless otherwise determined and communicated to all Members.
7.1.3 the CEO will supply Members with a complete Board package at least three (3) days prior to a regular meeting, to include an agenda and minutes of the past regular meeting.
7.1.4 The Secretary will email to each Member any notices regarding regular, special, and rescheduled Board meetings, indicating time and place of the meeting.

7.2 Order of Business

- Sign in
- Call for any additional agenda items
 - Acceptance of agenda
- Acceptance of previous minutes as distributed
 - Distribution of minutes from any special meetings which may have been held since the last regular meeting
- Reports
 - Chair
 - CEO
 - Committees
 - Working groups (if applicable)
- Unfinished business
- New business
- Adjournment

7.3 Quorum

- 7.3.1 The presence of not less than (50% +1) of the voting Board members will constitute a quorum. A quorum is necessary to conduct the business of the Board.

7.3

7.3.2 If a quorum cannot be met at the meeting, the meeting will be adjourned and the Chair will fix an alternate date not more than two (2) weeks from the original fixed date.

7.4 Voting

7.4.1 At all meetings, except for election of officers, all votes shall be by voice.

7.4.2 There will be no proxy voting.

7.4.3 At any regular meeting, if a majority of Members indicate, a question may be voted upon by ballot. The anonymous results of such votes will be recorded in the minutes.

7.4.4 For the election of officers, blank ballots shall be provided.

7.4.5 Any ballots cast at a Board meeting will be collected and tallied by the Secretary, who will convey the results to the Chair.

7.4.6 The minutes will reflect whether the question/motion was carried or denied.

7.5 Records

7.5.1 All records, in any format, pertaining to Board business will be considered under the custody and control of the Corporation.

7.5.2 All board records will be maintained and managed as part of an accountable records management program.

7.5.3 Unless deemed otherwise, all records of the Board shall be considered confidential and only disclosed for the following purposes:

7.5.3.1 For the administration of Board business

7.5.3.2 As required by law

7.5.4 Records of the Board will be stored in a secure locked filing location.

7.5.4.1 In Camera records of the Board will be sealed, then stored in a secure locked filing location.

8.0 Special Meetings

8.1 Scheduling

8.1.1 A special meeting of the Board may be called by the Chair when it is deemed to be in the best interest of Seaview Manor Corporation.

8.1.2 At the request of (50%+1) of the Members of the Board, the Chair will cause a special meeting of the Board to be called. Such request must be made in writing to the Chair at least three (3) days before the requested scheduled date.

8.1.3 The Secretary will email notice of a special meeting to all Board Members at least two (2) days before the scheduled date of the special meeting.

8.1.4 Notice of a special meeting will state the reason(s) that the special meeting has been called, the business to be transacted at the meeting, and the person(s) requesting the special meeting.

8.1.5 Calling a special meeting will not disrupt the regular schedule of Board meetings.

8.2 Order of Business

8.2.1 No other business is to be transacted at a special meeting without the unanimous consent of all Board Members present at the meeting.

8.2.2 If there is more than one item of business to be addressed at the special meeting, the Chair will designate the order in which the items are presented and discussed.

8.3 Quorum

8.3.1 The presence of not less than (50% +1) of the voting Board members will constitute a quorum. A quorum is necessary to conduct the business of a special meeting.

8.3.2 If a quorum cannot be met at the special meeting, the meeting will be adjourned and the Chair will fix an alternate date not more than one (1) weeks from the original fixed date.

8.4 Voting

8.4.1 There will be no proxy voting.

8.4.2 The question voted on at a special meeting will be voted upon by ballot. The anonymous results of such votes will be recorded in the minutes.

8.4.3 Blank ballots will be provided.

8.4.4 Any ballots cast at a special meeting will be collected and tallied by the Secretary, who will convey the results to the Chair.

8.4.5 The minutes will reflect whether the question/motion was carried or denied.

8.4.6 Minutes of a special meeting will be distributed at the next regular meeting.

8.5 Records

8.5.1 All records, in any format, pertaining to business at a special meeting will be considered under the custody and control of the Corporation.

8.5.2 All records of a special meeting will be maintained and managed as part of an accountable records management program.

8.5.3 Unless deemed otherwise, all records of the Board shall be considered confidential and only disclosed for the following purposes:

8.5.3.1 For the administration of Board business

8.5.3.2 As required by law

8.5.4 Records of the Board will be stored in a secure locked filing location.

8.5.4.1 In Camera records of special Board meetings will be sealed, then stored in a secure locked filing location.

VII By-laws

9.0 By-laws & Amendments

9.1 The Board may make by-laws with respect to:

9.1.1 meetings of the Board and Board committees/working groups,

9.1.2 the method of calling those meetings, their frequency, the conduct of business at them, and rules of order and proceedings at meetings;

9.1.3 the election or appointment and term of office of members and officers of the Board;

- 9.1.4 the filling of vacancies on the Board
- 9.1.5 the filling of the position of Administrator of the Home;
- 9.1.6 the qualifications of members and officers;
- 9.1.7 vacating or terminating Members or Officers of the Board;
- 9.1.8 the appointment or election of Board committees/working groups and their functions, duties and powers

9.2 These by-laws may be altered, amended, repealed, or added to by an affirmative vote of not less than (50%+1) of Board Members

9.2.1 Any changes to these by-laws must be:

9.2.1.1 adopted by the Board;

9.2.1.2 verified by CBRM; and

9.2.1.3 signed by the Minister of NS Dept. of Municipal Affairs and the Minister of NS Department of Health & Wellness

Signatories

Seaview Manor Corporation, incorporated under the *Nova Scotia Municipal Housing Corporation Act*, adopt these by-laws.

witness

Chair, Board of Seaview Manor Corporation

dated: _____
dd/mm/yyyy

dated: _____
dd/mm/yyyy

Seaview Manor Corporation, incorporated under the Nova Scotia Municipal Housing Corporation Act, directs that these by-laws be forwarded to the Regional Municipality of Cape Breton for review --AND- to the Minister of Nova Scotia Department of Municipal Affairs and to the Minister of Nova Scotia Department Health and Wellness for approval.

Original Signed By

For Seaview Manor Corporation

for CBRM

Eric Doolette, CEO
PRINT name and title
dated: 19/06/2017
dd/mm/yyyy

PRINT name and title
dated: _____
dd/mm/yyyy

witness
dated: _____
dd/mm/yyyy

for NS Dept. of Municipal Affairs

PRINT name and title
dated: _____
dd/mm/yyyy

witness
dated: _____
dd/mm/yyyy

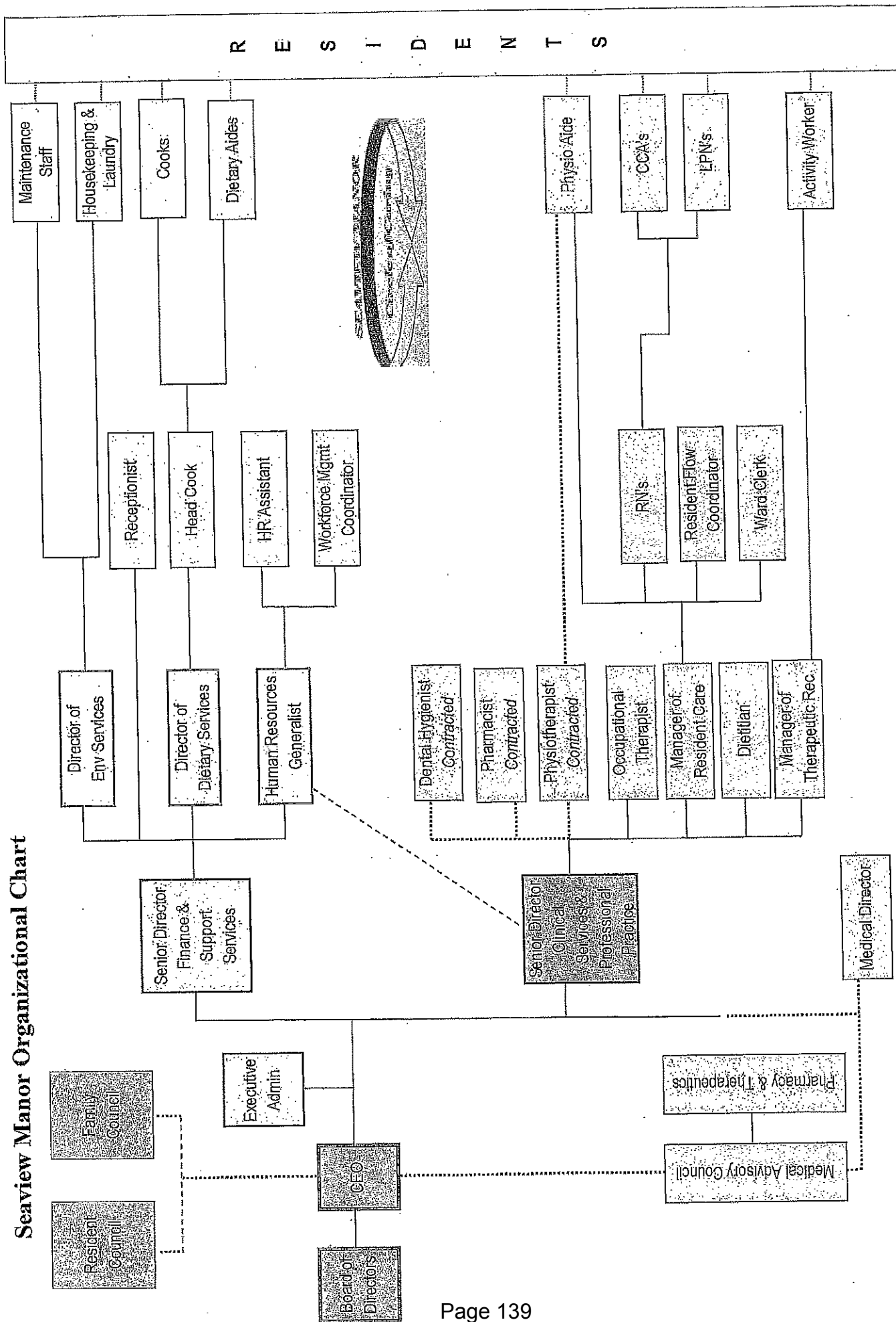
for NS Dept. of Health and Wellness

PRINT name and title
dated: _____
dd/mm/yyyy

**Appendices
to the
By-laws**

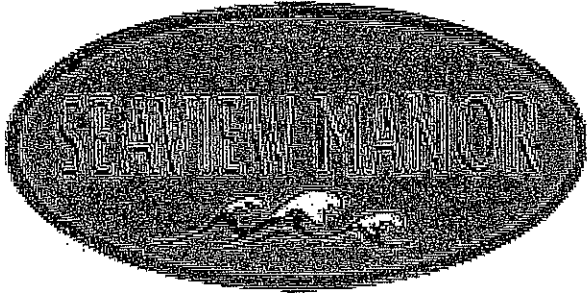
A: Seaview Manor Organizational Chart

Seaview Manor Organizational Chart



Revised June 2017

B: Vision, Mission, & Values



Mission:

Seaview Manor will provide people-centered continuing care and education to residents and other stakeholders of Zone 3 of the Nova Scotia Health Authority (NSHA). Programs and services will be based on assessed needs, keeping in mind quality of life, safety, dignity and respect for all, as evidenced by best practices and ethical processes.

Vision:

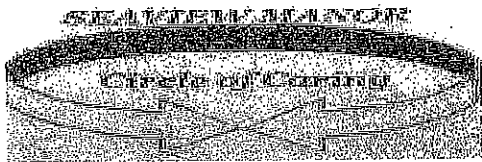
Seaview Manor is recognized as a trusted leader in the provision of resident centered continuing care and education within Zone 3 of the Nova Scotia Department of Health and Wellness. Safety and well-being of residents, staff and public is a priority of the organization.

Values:

Seaview Manor holds certain values to be the cornerstone of its activities. These values include, but are not limited to:

- Respect, dignity, and privacy for everyone – residents, family, staff, visitors and other stakeholders. Confidentiality is inherent in all our activities.
- Cultural Competence (diversity) – we serve all people equitably regardless of race, religion, age, ability, gender, sexual orientation or socioeconomic status, while recognizing individuality.
- Autonomy – we believe individuals have the autonomy to make informed decisions regarding their quality-of-life and to refuse treatment to the extent that it will not interfere with the lives and safety of others.
- Relationships – Seaview Manor values its relationships with residents, family, friends, visitors, volunteers, and community partners. We are committed to participating whenever and wherever possible to provide resources to the community, especially the seniors and people with varying abilities.
- Accountability to all stakeholders including residents, staff, regulators, funding partners and the public.

C: Strategic Directions



Strategic Directions 2016-2019

Consistent with our vision, mission and values statements the following strategic directions have been identified to guide our staff and make effective use of our organizational resources and capabilities.

Establishing leading practices and excellence in our core functions:

- Safety
- Quality of Resident Care
 - National Accreditation
 - Expand the focus of resident centred care
 - Expand Seniors Outreach
- Quality of Worklife
 - Service Excellence
 - Staff Cafeteria
- Ethical Behaviour



Enhance current infrastructure to meet the changing needs of residents in Long Term Care:

- Develop an infrastructure plan and funding sources to improve the function space in the original building (1976).
- Launch a 1.0M Capital Fund Raising Campaign
- Develop a plan and funding sources to significantly upgrade our information technology platform and software applications
 - Operating System
 - Electronic Medication Administration Record
 - Electronic Health Record



Invest in our people to grow leadership and create effective knowledge transfer to advance our work as a Centre of Excellence:

- Empower people to demonstrate leadership at all levels
- Support staff development through educational programs which
 - Enhance the knowledge, attitudes and skills necessary to
 - Provide a high quality of life for our residents.



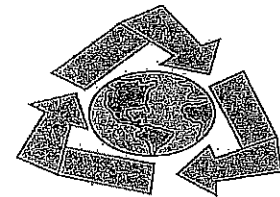
Strengthen the relationship between community partners and stakeholders characterized by effective communication and collaboration:

- Create increased opportunities for dialogue with legislative,
- regulatory, funding agencies,
- Establish a more interactive web page
- Increase our number and variety of student placements from local academic partners
- Participation in appropriate strategic research activities which contributes to enhancing the research body of knowledge in Long Term Care
- Participate in appropriate, funded, and strategic pilot projects
- Expand the focus of Seniors Outreach



Continue to expand our commitment to stewardship of the environment:

- Enhance our commitment to internal recycling
- Achieve a paper-friendly environment (e.g. online invoicing)
- Explore alternate sources of energy (e.g. Geothermal/Solar)



D: List of Board Policies

- Executive Limitations Policy
- Board of Directors: Role Policy
- Board of Directors: Conflict of Interest Policy
- Board of Directors: Board Discipline Policy
- Board of Directors: Code of Conduct Policy
- Business Code of Ethics
- Confidentiality Policy

E: Board Orientation Package

- ☐ Board by-laws
- ☐ Seaview Manor mission, vision, and values
- ☐ Seaview Manor Code of Conduct
- ☐ Seaview Manor philosophy
- ☐ Seaview Manor Patient Bill of Rights
- ☐ current strategic directions
- ☐ Executive Limitations Policy
- ☐ Board of Directors: Role Policy
- ☐ Board of Directors: Conflict of Interest Policy
- ☐ Board of Directors: Board Discipline Policy
- ☐ Board of Directors: Code of Conduct Policy
- ☐ Business Code of Ethics
- ☐ Confidentiality Policy
- ☐ signed copy of declaration of confidentiality
- ☐ contact list of Board members



CBRM

A Community of Communities

Demetri Kachafanas
Regional Solicitor
563-5047

ISSUE PAPER

TO: Mayor and Council

FROM: Demetri Kachafanas
Regional Solicitor

SUBJECT: Seaview Manor, Glace Bay

DATE: December 9, 2016

The legal department received correspondence from Frank Gillis, Q.C., solicitor for Seaview Manor requesting that CBRM pass a motion approving the sale of property owned by Seaview Manor as well as approving the members of the Board, which were approved by Seaview Manor.

As Council may be aware, in the past members of Council sat on various external Boards and Committees. In 2012, Council undertook a review of these boards and committees and decided to end formal Council participation on many Boards and Committees including the Board of Seaview Manor.

However, under legislation Seaview Manor remains a Municipal Housing Corporation. The Board requires that CBRM approve the members of the Board and approve and sale of property. Seaview Manor is now in the process of reviewing the structure for future appointments so that approval of the Municipality is not required.

I have attached the following for Council's review:

1. Letter from Frank Gillis dated February 22, 2016 requesting municipal approval for the sale of Seaview Manor owned property;
2. Letter from Frank Gillis dated June 7, 2016 requesting approval of Board members;
3. Resolution of the Board of Seaview Manor;
4. Draft Resolutions for consideration of Council.

Based on the foregoing, I recommend Council pass a motion authorizing the sale of the land and approving the Board's nominees for Directors.

Thank you.

Sincerely,

ORIGINAL SIGNED BY

Demetri Kachafanas
Regional Solicitor

RESOLUTION

CAPE BRETON REGIONAL MUNICIPALITY

WHEREAS Seaview Manor is a body corporate established pursuant to the provisions of the *Municipality Housing Corporation Act* (the "Act");

AND WHEREAS the by-laws require the members of Seaview Manor be appointed by the Cape Breton Regional Municipality;

AND WHEREAS the following persons have expressed to Seaview Manor their willingness to participate as members of Seaview Manor;

BE IT RESOLVED THAT:

The following persons be appointed members of Seaview Manor until such time as their successor or successors have been appointed;

Earl Morgan
300 Ben George Rd
Marion Bridge, NS B1K 2H7

Martha Cameron
53 Borden Street
Glace Bay, NS B1A 1Y2

Fred Gillis
14 Kressnor Lane
Dominion, NS B1G 1K3

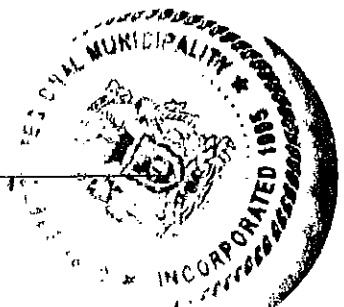
Martha MacDonald
16 Carroll Street
Glace Bay, NS B1A 3B3

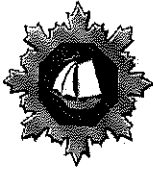
Robert Sheppard
56 McAulay Avenue
Glace Bay, NS B1A 6C1

DATED at Sydney, Nova Scotia, this 7th day of February, 2017.

Original Signed By

DEBORAH CAMPBELL
Municipal Clerk





CBRM

A Community of Communities

**Office of the Regional Solicitor
563-5047**

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko
Property Paralegal

SUBJECT: Request for Nova Scotia Power Easement
Sydport Industrial Park – Marine Recycling Corp. (MRC)
PID 15776370

DATE: October 16, 2017

We are in receipt of a request from Marine Recycling Corporation (MRC) seeking an Easement in favor of Nova Scotia Power Corporation (NSPC) for the installation of power poles and lines across lands located within the Sydport Industrial Park presently owned by CBRM. MRC currently subleases approximately 2 acres of land and wharf space from Point Edward Marine.

Presently there is no power supply to the site. In order for NSPC to provide electrical services to MRC, NSPC is requesting an Easement from the registered land owner prior to installing any new poles and equipment to the site. Attached herein is the sketch prepared by Ken Cormier, NSLS, showing the proposed Easement over CBRM lands.

Upon review of the relevant documents by the legal department, it is our request for a Motion of Council authorizing the Mayor and Clerk to sign an Easement in favor of NSPC for the installation of poles and power lines as depicted on the attached Sketch. All cost and fees associated with the Easement shall be the responsibility of MRC.

Thank you.

Sincerely,

Original signed by

Sheila Kolanko
Property Manager

Attachment(1)

SKETCH

PID 15776388
Lands deeded to
East Coast Metal
Fabrication Inc.
Document No. 105611934

GRID NORTH

existing
electrical
trailer

existing building

Lot 2014-1
Lands deeded to
Cape Breton Regional
Regional Municipality
Document No. 1007800931

Gulf Crescent

existing pole

Plan Showing Proposed Easement
to
Nova Scotia Power Inc.

Prepared by: Ken Cormier, NSLS

Date: October 5, 2017.
Scale: 1" = 40'



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Cecil P. Clarke and Regional Councillors

From: Deborah Campbell Ryan, Municipal Clerk

Date: October 6, 2017

Subject: Election of Deputy Mayor

Each year, the CBRM Council elects/selects a Deputy Mayor for a one year term commencing November 1st.

As per the Deputy Mayor Policy (copy attached), all Councillors are eligible to run for the office on an annual basis, however the Deputy Mayor shall serve no more than two consecutive years.

This issue will be included on the agenda for the October 24, 2017 meeting of Council, at which time the Mayor will call for nominations from the floor.

ORIGINAL SIGNED BY

Deborah Campbell Ryan
Municipal Clerk

Attachment

Policy Respecting the Deputy Mayor

STATEMENT OF POLICY:

- It is the policy of the Cape Breton Regional Municipality (CBRM) to select a Deputy Mayor on an annual basis.

1.0 TERM OF OFFICE:

- The term of office for the Deputy Mayor shall be for one year running from November 1st to October 31st and all Council members are eligible to run for the office on an annual basis. The Deputy Mayor shall serve no more than two consecutive years (for clarity, an example in a four year term, a Councillor could serve as Deputy Mayor in year one and two, but would be ineligible for the third consecutive year, and would be eligible again thereafter.)

2.0 REMUNERATION:

- The remuneration for the office of Deputy Mayor shall be \$5,000 per year.

3.0 ROLES AND RESPONSIBILITIES:

The Deputy Mayor, in addition to filling in when the Mayor is absent or incapacitated, shall:

- ♦ Be apprised of ongoing labour relations issues;
- ♦ May be Chairman of the Audit Committee;
- ♦ Be responsible for bringing the annual budget forward for Council perusal;
- ♦ Chair special committees as assigned by the Mayor or Council and report findings back to Council;

- ♦ Assume other duties assigned by the Mayor or Council.

Approved by Council: January 20, 1998

Amended by Council: March 11, 2005



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Cecil P. Clarke and Regional Councillors

From: Deborah Campbell Ryan, Municipal Clerk

Date: October 6, 2017

Subject: Appointment of the Nominating Committee

There is an annual requirement to appoint the Nominating Committee in accordance with Section 12 of Policy RC4 Committees (see excerpt attached). Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve on the standing committees and external agencies/committees.

Thus Council should appoint at least five Councillors to sit on the Nominating Committee with the Mayor. Further, the Committee meeting should be scheduled as soon as possible to allow sufficient time to prepare its report for Council in December.

Recommendation:

It is recommended that Council appoint five Councillors to sit on the Nominating Committee with the Mayor, and that the Committee meet as soon as may be convenient to allow sufficient time to prepare the nomination report for the consideration of Council at its December meeting.

ORIGINAL SIGNED BY

Deborah Campbell Ryan
Municipal Clerk

Attachment

12. Nominating Committee

(1) At the first regular meeting of Council held in October of each year, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and at least five (5) Councillors.

(2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the ensuing year on the standing committees and external agencies/committees.

(3) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

Summary

Statement of Revenue

August 31, 2017

Revenue	Year To Date Assigned	5 Month Budget	5 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 44,960,892	\$ 44,611,487	\$ 349,404	\$ 107,067,569	\$ 62,106,677
Total Federal Government	1,282,437	1,282,437	-	3,077,849	1,795,412
Total Federal Government Agencies	320,826	320,826	-	769,983	449,157
Total Provincial Government	837,015	837,015	-	2,008,825	1,171,810
Total Provincial Government Agencies	1,212,416	1,212,416	-	2,909,799	1,697,383
Total Services to Other Local Government	254,199	254,199	-	610,078	355,879
Total Transit	216,601	276,667	(56,066)	664,000	443,399
Total Environmental Development Services	101,163	86,404	14,759	207,370	106,207
Total Licenses & Permits	71,242	61,667	9,575	148,000	76,758
Total Fines & Fees	245,378	230,571	14,807	553,370	307,992
Total Rentals	231,640	283,366	(51,726)	680,079	448,439
Total Concessions & Franchises	137,520	152,465	(14,945)	365,915	228,395
Total Interest on Taxes	676,546	551,291	125,255	1,323,098	646,552
Total Finance Revenue	12,610	13,954	(1,344)	33,489	20,879
Total Solid Waste Revenue	1,166,195	958,333	207,862	2,300,000	1,133,805
Total Recreation & Cultural Service Programs	366,965	221,766	141,199	1,862,000	1,499,035
Total Water Utility Charges	2,063,129	2,063,129	(0)	4,951,510	2,888,381
Total Unconditional Transfers	6,602,063	6,602,063	-	15,844,951	9,242,888
Total Conditional Transfers	1,442,900	1,442,900	-	3,512,960	2,070,060
Year To Date Assigned Before Cost Recovery 2016 Flood Claims	\$ 62,201,736	\$ 61,462,957	\$ 738,781	\$ 148,890,845	\$ 86,689,107
Cost Recovery 2016 Flood Claim	180,202	-	180,202	-	(180,202)
Year To Date Assigned After Cost Recovery 2016 Flood Claims	\$ 62,381,940	\$ 61,462,957	\$ 918,983	\$ 148,890,845	\$ 86,508,905

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Summary

Statement of Expenditures

August 31, 2017

Expenditures	Year to date Expended	5 Month Budget	5 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 608,519	\$ 660,432	\$ 51,913	\$ 1,470,936	\$ 862,417
Administration	514,048	527,685	13,637	1,233,343	719,295
Finance	1,075,569	1,230,380	154,811	2,897,017	1,821,448
Legal	318,327	286,238	(32,089)	664,515	346,188
Human Resources	633,045	699,262	66,216	1,650,262	1,017,217
Technology & Communications	398,100	450,498	52,398	1,244,687	846,587
Municipal Clerk	147,299	175,573	28,273	527,594	380,295
Fiscal Services	9,190,449	9,433,022	242,573	35,570,603	26,380,154
Occupational Health & Safety	88,844	94,397	5,552	222,183	133,339
Police Services	11,726,913	11,940,199	213,286	26,231,264	14,504,351
Fire Services (Incl EMO)	7,184,481	7,593,374	408,893	17,977,844	10,793,363
Engineering & Public Works	17,507,900	18,190,148	682,248	44,367,637	26,859,737
Planning	1,265,175	1,057,270	(207,905)	2,599,518	1,334,343
Facilities C200 & Arenas	1,202,683	1,266,214	63,531	3,306,912	2,104,229
Parks & Grounds	1,409,563	1,357,401	(52,162)	2,893,786	1,484,223
Buildings	1,267,423	1,369,701	102,278	3,346,211	2,078,788
Recreation	1,867,226	1,843,367	(23,860)	2,686,533	819,307
Total expended to date excluding 2016 Flood Costs	\$ 56,405,566	\$ 58,175,160	\$ 1,769,594	\$ 148,890,845	\$ 92,485,279
2016 Flood Costs	180,202	-	(180,202)	-	(180,202)
Total expended to date including 2016 Flood Costs	\$ 56,585,767	\$ 58,175,160	\$ 1,589,392	\$ 148,890,845	\$ 92,305,078

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