

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, MAY 29TH, 2018

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, May 29th, 2018

6:00 p.m.

AGENDA ITEMS

➤ ROLL CALL

➤ *O' Canada*

➤ Moment of Silent Reflection

1. **APPROVAL OF MINUTES:** (Previously Distributed)

- Special Council – Budget Direction-Setting – February 8, 2018
- Budget Session – March 6, 2018
- Special Council – March 7, 2018
- Council – March 27, 2018
- Council – April 24, 2018

2. **PROCLAMATIONS & RESOLUTIONS:**

2.1 **St. John Ambulance Month:**

Councillor Darren Bruckschwaiger (See page 7)

2.2 **Davis Day:**

Councillor Kendra Coombes (See page 8)

2.3 **National Health & Fitness Day:**

Councillor Amanda McDougall (See page 9)

2.4 **Victorian Order of Nurses (VON) Week 2018:**

Councillor Clarence Prince (See page 10)

2.5 **“Walk with Jenna Lee in Sydney Arthritis Fundraiser”:**

Deputy Mayor Eldon MacDonald (See page 11)

2.6 **Extended Producer Responsibility (EPR) for Packaging and Printed Materials (PPP):** Councillor Amanda McDougall (See page 12)

Continued...

3. **DELEGATION:**

- 3.1 **Residential Addiction Treatment Facilities in Sydney:** Mr. Mohamed Naeem, Owner, Mr. Barry McNeil, Program Manager, and Ms. Michelle George, Officer Manager (See page **14**)

4. **PLANNING ISSUES:**

4.1 **FINAL APPROVAL – PUBLIC HEARINGS:**

- a) **Municipal Planning Strategy and Land Use By-law Amendment Application #1038: Mark Head, 62 Grove Road, Port Morien (PID 15372089):**

Public Hearing to consider amendments to allow a marine assembly and repair facility at 26 Birch Grove Road, Port Morien. Karen Neville, Planner (See page **18**)

- b) **Zoning Amendment Application #1044: Ray Embree - Herbert Street, Sydney (PID 15092505):**

Public Hearing to consider amendments to permit the construction of a four unit apartment building on Herbert Street, Sydney (PID 15092505). Karen Neville, Planner (See page **25**)

- c) **Land Use Bylaw Text Amendment Application – Case #1045 – (PID 15199870) Keltic Drive Business Corridor (KBC) Zone Breton Law Group:**

Public Hearing to consider amendments to allow the operation of a boarding kennel and an animal sitting establishment on Keltic Drive (PID 1519980). Karen Neville, Planner (See page **38**)

5. **PRESENTATION:**

- 5.1 **Managing Flood Prone Areas in CBRM:** Mr. Alexander Wilson, Senior Water Resources Engineer, CBCL (See page **44**)

Continued...

6. BUSINESS ARISING:

**6.1 General Committee on Planning & Economic Development:
May 1, 2018:**

a) Economic Development – The Go-Forward:

Committee recommends that Council be directed to host a workshop on economic and community development to discuss the go-forward plan for CBRM in order to provide direction to staff, with agreement that the parameters of the workshop be broadened to invite various stakeholders, including the Cape Breton University President, representative(s) of the former Business Cape Breton Board of Directors, and representatives from the various Provincial and Federal Government Departments who may have information on funding programs to the workshop. (See page 57)

Note: Professor Tom Urbaniak will be in attendance to speak to the issue.
(See page 58)

6.2 General Committee May 1, 2018:

a) Proposal by Douglas MacNeil to Donate Land Adjacent to the Wash Brook in Sydney to CBRM to Facilitate its Possible Eventual Use as Part of the Proposed Wash Brook Greenway:

Committee recommends Council accept Mr. MacNeil's offer, and acquire PID #15674369 subject to the consideration outlined in the staff report dated April 18, 2018. Rick McCready, Senior Planner (See page 59)

b) Meeting with CBRM Museum Contacts – Amendments to the Municipal Grants Policy:

Committee recommends staff be directed to prepare proposed amendments to the Municipal Grants Policy to allow staff to consider operating requirements in terms of funding support for community museums on a case-by-case basis. (See page 73)

c) Request for Partial Street Closure – Breton Ability Centre – Portion of Bentinck Street Sydney (PID 15705551):

Committee recommends beginning the street closure process for a portion of PID 15705551, Bentinck Street, Sydney, and the subject area deemed surplus for sale to Breton Ability Centre. Sheila Kolanko, Senior Paralegal, Property Manager. (See page 78)

Continued...

BUSINESS ARISING (cont'd):

General Committee May 1, 2018 (cont'd)

- d) **Equalization – Discussion of Action:** Councillor Kendra Coombes (See page 81)

Committee recommends Council approve the following action items:

- Request an update on the Private Members Bills: Cape Breton Regional Municipality Viability Study – Bill 78 and *Municipal Grants Act* – Bill 80;
- Send letters to Victoria County, Inverness County, Richmond County, and the Town of Port Hawkesbury requesting they join us in requesting equalization fairness;
- Send letters to the UNSM requesting public support;
- Send letters to First Nations Chiefs on Cape Breton Island requesting from them a letter of support;
- Request meetings with the MLAs, and MPs to discuss equalization;
- Chief Financial Officer be requested to prepare an Issue Paper outlining all Provincial services to which CBRM contributes.

6.3 In Camera Council Meeting - May 28, 2018:

- a) **Report on Call for Expressions of Interest – Citizen Representatives on Committees:** Deborah Campbell Ryan, Municipal Clerk
(Report to be circulated prior to the meeting)

Adjournment



CBRM Proclamation

St. John Ambulance Month

Whereas:

St. John Ambulance, a non-profit organization with a rich historical background, has provided first aid training and community services to Canadians for over 130 years;

And Whereas:

St. John Ambulance has dedicated Volunteer Medical Responders who devote their time and energy to community service including over 9000 volunteer hours of emergency first aid coverage for the citizens of the Cape Breton Regional Municipality and beyond.

And Whereas:

St. John Ambulance has developed continuing programs of first aid training, the dog therapy program, and courses in Mental First Aid and Babysitting to meet the changing needs of Canadians of all ages from all walks of life;

Be It Therefore Resolved:

That CBRM Mayor P. Clarke and Council proclaim the month of June 2018 as “St. John Ambulance Month” in the Cape Breton Regional Municipality.

Councillor Darren Bruckschwaiger
District 10

May 29, 2018



PROCLAMATION

Davis Day

-
- Whereas:** Davis Day, also known as Miners' Memorial Day (and since November 25, 2008, officially William Davis Miners' Memorial Day), is an annual day of remembrance observed on June 11 in coal mining communities in Nova Scotia, whereby citizens recognize all miners who were killed on the job in the province;
- And Whereas:** Davis Day originated in memory of William Davis, a New Waterford coal miner who was killed during the 1925 mining strike near the former power plant and pumping station at New Waterford Lake. The miners marched in protest in response to the decision by the mining company, British Empire Steel and Coal Company (BESCO), to shut down the drinking water supply and electricity to the town as a result of the strike;
- And Whereas:** William Davis was shot and killed at approximately 11:00 AM on June 11, 1925, and many other miners were injured, when striking miners were charged by the company police force, whose officers fired over 300 shots. In the weeks and months following Davis' shooting, company facilities were looted and/or vandalized, despite the deployment of the provincial police force and 2,000 soldiers in what remains Canada's second-largest military deployment for an internal conflict;
- And Whereas:** In commemoration of Davis' sacrifice, the United Mine Workers of America designated this day in his honour, with miners in Nova Scotia vowing to never work on "Davis Day" ever again. Today, we continue to commemorate the sacrifice William Davis and other workers made to ensure we have better working and living conditions.
- Be It Therefore Resolved:** That the CBRM Mayor Cecil P. Clarke and Council proclaim June 11th, 2018, as Davis Day in the Cape Breton Regional Municipality.

Councillor Kendra Coombes

CBRM Councillor, District # 11

May 29th, 2018

PROCLAMATION

NATIONAL HEALTH AND FITNESS DAY

- Whereas:** The Parliament of Canada wishes to increase awareness among Canadians of the significant benefits of physical activity and to encourage Canadians to increase their level of physical activity and their participation in the recreational sports and fitness activities;
- And Whereas:** It is in Canada's interest to improve the health of all Canadians and to reduce the burden of illness on Canadian families and on the Canadian health care system;
- And Whereas:** Many local governments in Canada have public facilities to promote the health and fitness of their citizens;
- And Whereas:** The Government of Canada wishes to encourage local governments to facilitate Canadian's participation in the healthy physical activities;
- And Whereas:** Canada by nature offers abundant recreational and fitness opportunities through such things as our mountains, oceans, lakes, forests, parks and wilderness; hence we as Canadians could be the healthiest and fittest people on earth;
- And Whereas:** The first week of June is Environment Week in Canada, and walking and cycling are great ways to reduce vehicle pollution and encourage physical fitness;
- Be It Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council Proclaim Saturday, June 2, 2018 as National Health and Fitness Day; and encourage all residents to increase participation in health, recreational sports and fitness activities; and to forward a copy of this Proclamation to the Federation of Canadian Municipalities.

Councillor Amanda McDougall
District # 8

May 29, 2018

Proclamation

“Victorian Order of Nurses (VON) Week” 2018

- Whereas:** The Victorian Order of Nurses is Canada’s largest, national, not-for-profit, charitable home and community care organization who offer more than 75 different home care, personal support and community services to enhance each client’s quality of life;
- And Whereas:** Every day, volunteers from all walks of life work with VON staff to help make Canadian communities healthier;
- And Whereas:** VON’s home nursing, health promotion and support services make an invaluable contribution to the Health Care System in Nova Scotia;
- And Whereas:** The Cape Breton VON Branch has provided immeasurable support for individuals and families throughout the Island, providing compassion and care to those in need;
- Be It Therefore Resolved:** That CBRM Mayor, Cecil P. Clarke and Council, recognize the contributions made by the VON through their community work in making our Province a better place in which to live by proclaiming May 20th to May 26th, 2018, as “VON Week in the Cape Breton Regional Municipality.”

Councillor Clarence Prince

CBRM Councillor, District 1

May 29, 2018

Cape Breton Regional Municipality PROCLAMATION

“Walk With Jenna Lee in Sydney Arthritis Fundraiser”

- Whereas:** Sunday, June 10th, 2018 is the “Annual Walk for Arthritis in Sydney” and it is the fourth year since the CBRM has hosted this special event;
- And Whereas:** The Arthritis Society invests in cutting-edge research, proactive advocacy and innovative solutions that will deliver better health outcomes for people affected by arthritis.
- And Whereas:** Jenna Lee Green Mombourquette was diagnosed at the age of 30 with psoriatic arthritis, a form of inflammatory arthritis that usually appears in people with a skin disease called psoriasis and was living in pain and basically immobile;
- And Whereas:** As the Walk Hero for the 2018 Walk for Arthritis takes place at the Joan Harriss Cruise Pavilion on Sunday, June 10th, Jenna is hoping to raise funds to find a cure and believes that bringing people together for arthritis would be a big step in ending some of the stigmas she lives with;
- And Whereas:** Arthritis Awareness Month in September will focus on communities committing to live in a world where people are free from the devastating effects that arthritis has on lives.
- Be It Therefore Resolved:** That CBRM Mayor Cecil P. Clarke and Council encourage residents to take part in the annual 2018 “Walk for Arthritis” and support the one in four Nova Scotians living with arthritis as they come together to raise funds and awareness for Canada’s largest chronic illness.

Deputy Mayor Eldon MacDonald – District #5 - CBRM

Dated this 29th day of May, 2018

RESOLUTION

Extended Producer Responsibility (EPR) for Packaging and Printed Materials (PPP)

Whereas:

Extended Producer Responsibility (EPR) is a policy approach that shifts the responsibility and costs of managing specific wastes/recyclable materials from municipalities to producers (i.e. brand owners and manufacturers), allowing producers to establish a system to optimize efficiency;

And Whereas:

Provincial legislation is required in Nova Scotia to shift both the responsibility and the cost of recycling programs away from the taxpayer to the producer. This is referred to as EPR for PPP.

And Whereas:

In Nova Scotia, the Solid Waste Resource Regional Chairs, represented by elected municipal officials, have established a working group to focus on moving EPR forward. This group is called the Municipal Provincial Priorities Group. The Priorities Group is engaging with stakeholders to build an EPR program proposal that works for Nova Scotians. This proposal will build on insights and lessons learned in other provinces that have implemented EPR for PPP.

And Whereas:

Some of the findings of EPR benefits include:

- EPR would significantly decrease both costs and risks associated with municipal curbside recycling programs.
- EPR would give Nova Scotia consumers direct access to PPP programming **they are already paying for** indirectly but are receiving none of the benefits.

**Be It Therefore
Resolved:**

That CBRM Mayor Cecil P. Clarke and Council go on record in support of Solid Waste Resource Regional Chairs by writing to MLA Ian Rankin, MLA Derek Mombourquette, MLA Geoff MacLellan, MLA Tammy Martin, MLA Alfie MacLeod, MLA Eddie Orrell, MLA Keith Bain and MLA Alana Paon encouraging that they support legislation to enact EPR for PPP in Nova Scotia.

Councillor Amanda McDougall
CBRM District #8

EPR – What's in it for municipalities?

1. Funding to support recycling programs

- Under this framework, producers are responsible for funding collection, processing and marketing of materials, as well as supporting education.
- Across Canada, in 2016, producers provided more than \$367 million to fund provincially-regulated PPP programs. Nova Scotia received \$0.00.
- It is estimated that a Nova Scotia EPR model could generate a financial benefit of up to \$16M per year.
- Municipalities would no longer manage the risk of rising costs and fluctuating commodity markets.

2. Access to PPP programming for which Nova Scotia consumers are already paying.

- Producers fund PPP programs in Canada by incorporating program costs into their national product pricing. [i.e. no eco-fees are charged as an added cost at point-of-sale.] This means the selling price on a box of cereal in Nova Scotia is helping to fund recycling programs for that same packaging elsewhere.
- Nova Scotia consumers are already paying for the incremental costs of PPP programs in other provinces, but without an EPR program here, are receiving none of the benefits.

Regional Chairs are working to develop an EPR for PPP proposal that works for Nova Scotians

Sensitive to municipalities:

- Use existing infrastructure/human resources
- Right of first refusal for collection and education
- Maintain or improve current level of curbside service
- Apply to residential PPP materials
- Allow time for planning and transition

Sensitive to Businesses:

- Exempt small businesses:
 - With revenue under \$2M
 - Supplying less than 1 tonne of PPP to Nova Scotia residents annually
 - Single storefront in NS and are not supplied by or operated as part of a franchise
 - Newspapers and registered charities
- Harmonized with other Canadian EPR programs
- Monitoring and compliance to ensure a level playing field



www.newhorizonaddiction.ca

INTRODUCTION

New Horizon Addiction Rehabilitation Centers for Men and Women are both located in Sydney, Nova Scotia; each provide addiction treatment to individuals and families of Cape Breton, Nova Scotia and to individuals across Canada and beyond.

These Addiction Treatment Centers include a 6- bed Addiction Rehabilitation Center for women and a separate 12 bed facility for men.

Each facility offers acute detoxification, stabilization, and aftercare programs for those struggling with opioid, alcohol, benzodiazepine, cocaine, or other substance use disorders.

A dedicated staff of Physicians, Registered Nurses, Licensed Practical Nurses, and Counselors deliver medical and recovery support around the clock, on a 24 hour a day basis.

STAFFING AND STRUCTURE

Programs vary in length, depending on the patient's needs, they run from 15 days to 45 days or longer. Full daily schedules of psycho-educational and treatment groups delivered by qualified staff are intertwined with individual counseling, leisure activities, active living programs, relaxation, and nutritious meals.

The goal of residential treatment is for patients to transition from intensive clinical management within a supervised inpatient treatment environment to an Intensive Day Treatment Program, to supported self-management recovery community over time.

OUR MISSION

Our Mission is to build healthier communities, families, and individuals, through the delivery of evidence-based addiction treatment interventions in a secure residential, day, and aftercare treatment structure to all individuals in a spirit of inclusivity and caring.

Our Mission also includes supporting individuals, families, and communities in addressing the immense personal impact of addiction and in doing so promoting a journey to wellness, wholeness and happiness in a supportive sober environment.

ADDICTION AFFECTS EVERYONE

Addiction does not just affect any one race, gender, age, or socioeconomic status. Addiction affects everyone; from teenagers to men and women of all ages.

From the highly trained professional to the poor and disenfranchised; addiction affects everyone, imposing a tremendous toll on individuals, families, and communities.

Many people become innocently addicted to pain medications prescribed for legitimate medical conditions. Many other people become addicted to the sedative effects of prescription medication which are intended for short term use.

Many people begin using alcohol or other drugs recreationally, finding that they become increasingly dependent.

While every journey through addiction may be different, the common theme is that when "use" progresses to "abuse"; the outcomes may be fatal.

MODELS OF CARE

New Horizon Rehabilitation Centers support both abstinence based and Harm Reduction models of recovery.

The Abstinence Based Model

This approach involves Twelve Step Programs, counseling, educational, and treatment groups incorporated throughout treatment. Meditation, yoga, art, and a variety of other regenerative activities focused on rebuilding mind, body, and spirit are incorporated throughout treatment.

Medication Assisted Treatments

For those struggling with opioid addiction, in addition to abstinence-based approaches, New Horizons offers evidence-based Medication Assisted Treatment pathway options using Suboxone or Methadone as part of the Comprehensive Opioid Response Program with the Twelve Steps (COR-12).

New Horizon Rehabilitation Centers are sensitive to the unique needs of Canada's First Nations people and utilize evidence based and strengths-based programs in the treatment of indigenous clients, providing culturally sensitive treatment while developing strong links with First Nations communities.

THE PROGRAMS OFFERED AT NEW HORIZON

New Horizons Addiction Rehabilitation Centres offer medically monitored evidence-based treatment programs for the following substance use issues:

- o Opioid Use Disorders
- o Alcohol Use Disorder
- o Benzodiazepine use Disorder
- o Cocaine Use Disorder
- o Cannabis Use Disorder

Other programs available to patients of New Horizon include;

- o Community Methadone/ Suboxone Taper
- o Intensive Outpatient Treatment Follow up
- o Residential to Community Methadone Taper

Visit our website

www.newhorizonaddiction.ca

or visit us on

Facebook [@New Horizon Addiction Rehabilitation Centers for Men and Women](https://www.facebook.com/NewHorizonAddictionRehabilitationCentersforMenandWomen)

Instagram [@newhorizonrehab](https://www.instagram.com/newhorizonrehab)

Twitter [@NewHorizons0123](https://twitter.com/NewHorizons0123)



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Municipal Planning Strategy and Land Use By-law Amendment Application #1038: Mark Head, 62 Birch Grove Road, Port Morien (PID 15372089):

Motion:

Moved by Councillor McDougall, seconded by Councillor Coombes, approval to advertise notice of a Public Hearing to be held at the May 29th, 2018 meeting of Council to consider amending 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), Case #1038.

Discussion:

Several members of Council spoke in favour of this application.

Motion Carried.



To: CBRM Council

FROM: Karen Neville

**SUBJECT: Municipal Planning Strategy and Land Use By-law
Amendment Application 1038
Mark Head
62 Birch Grove Road, Port Morien
(PID 15372089)**

DATE: May 22nd, 2018

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 house his fishery vessel and equipment repair and construction operation (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 fishery vessel and equipment repair and construction.

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 fishery vessel and equipment repair and construction on this property. The MPS policies associated with small urban communities and the fishery industry are both silent on fishery vessel and equipment repair and construction. According to the *Municipal Government Act*, prior to considering an amendment to the MPS, Council must complete a public participation program. On October 24th, 2017, Council passed made a motion directing staff to initiate a public participation program.

Public Participation Program

Twenty five notices were mailed out to property owners in the vicinity of PID 15372089 requesting input on the proposed amendment. It should be noted that this notice included a statement that a lack of response will be interpreted as meaning that there is no objection to the proposed land use policy change. Of those that took the time to respond, six individuals expressed support and four individuals had concerns of about the proposed development. Concerns raised included:

Proper disposal of refuse

- To address this, Francis Campbell, Manager of Solid Waste, has indicated that applicant will be required to submit waste management plan.

Fumes from the development

- Most of the work associated with the fishery vessel and equipment repair and construction will be contained in the building. The building will need to be equipped with a ventilation system in accordance with the Building Code.
- The Amending By-law requires the use be setback from residential dwellings and be screened from a public street/road and any residential dwelling (Attachment D).

- Mr. Head is currently operating a fishery vessel and equipment repair and construction operation within the community of Port Morien, which is located in close proximity to residential development, and no complaints have been received by CBRM.

Increase in traffic

- The traffic generated by this development will be fair less than was once generated by the 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, an auto-body repair business, and a 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. The proposed Amending By-law includes 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.

The majority the individuals that took the time to participate in the public participation program expressed support. The concerns that were raised have been addressed in the draft Amending By-law (Attachment D) and by the requirement to submit a waste management plan. The CBRM has not received complaints about fumes or traffic associated with Mr. Head's current fishery vessel and equipment repair and construction operation.

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

Recommendation

Based on the above evaluation, I recommend that Council amend the Municipal Planning Strategy and Land Use By-law to permit fishery vessel and equipment repair and construction in the Small Urban Communities (UCS) Zone.

The draft Amending By-law to the Municipal Planning Strategy can be found in Attachment C.

The draft Amending By-law to the Land Use By-law can be found in Attachment D.

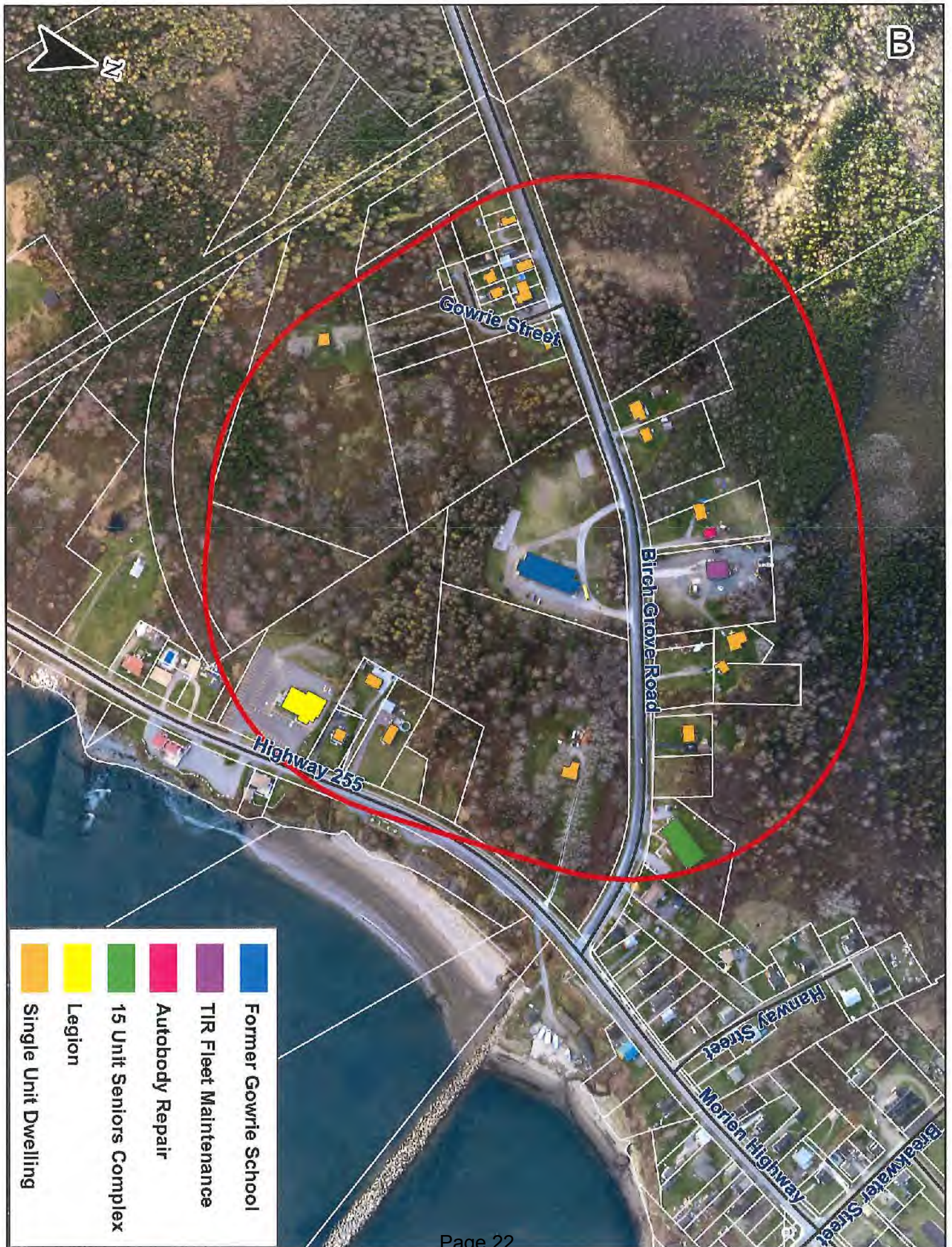
Submitted by:

Originally Signed by

Karen Neville

Planning and Development Department





By-law
of the Cape Breton Regional Municipality
amending the

**Cape Breton Regional Municipality's
Municipal Planning Strategy**

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

THAT: Part 6 of the Municipal Planning Strategy is hereby amended by adding the following:

- 3 k It shall be a Policy of Council to permit the repair and construction of vessels and equipment used in the fishery anywhere in any small urban community with an economic base of which had a significant fishery component subject to zoning provisions in the Land Use By-law.

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 CBRM's Municipal Planning Strategy.

Deborah Campbell Ryan, CLERK

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

Pursuant to Section 219 of the Municipal Government Act of Nova Scotia, the Council of the Cape Breton Regional Municipality hereby amends the Cape Breton Regional Municipality's Land Use Bylaw in the following manner:

THAT: Part 40 Small Urban Communities (UCS) Zone, Section 1 UCS Uses Permitted of the Land Use By-law is hereby amended by adding the following under 'service – only the following':

- fishery vessel and equipment repair and construction *subject to Section 9*

THAT: Part 40 Small Urban Communities (UCS) Zone of the Land Use By-law hereby amended by adding the following:

Section 9 Fishery Vessel and Equipment Repair and Construction

- All land uses, buildings and structures subject to this Section shall be a minimum of 300 feet from a residential dwelling.
- Outdoor storage of equipment shall be screened from a public street/road and any residential dwelling to soften their starkness by opaque vegetative, or topographic screen, or combination thereof.

THAT: Part 98 Definitions of the Land Use Bylaw is hereby amended by adding the following:

Fishery Vessel and Equipment Repair and Construction means a service use associated with the restoration of a vessel used in the fishery, or equipment used in the fishery, or the construction of a vessel or equipment used in the fishery which is not conducted under assembly line conditions. The construction and repair of marine recreational vessels could be considered an ancillary use.

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.

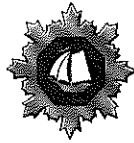
Deborah Campbell Ryan, CLERK

Zoning Amendment Application #1044 – Ray Embree, Herbert Street, Sydney (PID 15092505):

Motion:

Moved by Councillor Paruch, seconded by Deputy Mayor Eldon MacDonald, approval to advertise notice of a Public Hearing to be held at the May 29th, 2018 meeting of Council to consider the Zoning Amendment Application by Ray Embree to construct a four unit apartment building on PID 15092505, Herbert Street, Sydney, Case #1044, and render a decision following the Public Hearing.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1044
Ray Embree
Herbert Street, Sydney
PID 15092505**

DATE: May 22nd, 2018

Introduction

The Planning and Development Department has received a zoning amendment application from Ray Embree requesting permission to construct a four unit apartment building on Herbert Street, Sydney (PID 15092505) [Attachment A]. The property is zoned Residential Urban C (RUC) which only permits one and two unit residential dwellings; as a result, Mr. Embree has requested the zoning on the property be amended.

The area surrounding the property in question is predominantly low density residential. According to CBRM records, the immediate area, which is outlined in blue on Attachment A, is comprised of 62 single detached dwellings, 15 two-unit dwellings, the Centennial Complex and a church. With the exception of the Cape Breton Housing Authority development located on Terrace Street, the neighbourhood is comprised of low density one and two unit dwellings. Only 15% of the homes in this area (11 out of 72) are owner unoccupied, which means the majority of the property owners in this area actually live in the neighbourhood. It would appear the current zoning evidently fits the streetscape.

What Does the Municipal Planning Strategy Say?

The Land Use By-law defines an apartment building as a residential building containing three or more dwelling units. Less than 16% of the dwelling units in the CBRM are within an apartment building. For this reason there are very few urban residential neighbourhoods with a concentration of high density development that would warrant permitting apartment building development as-of-right. That being said there are several statements and policies in the Municipal Planning Strategy (MPS) which outline the circumstances where higher density residential developments like apartment buildings should be considered.

In the Part of the MPS devoted to residential development, the introductory policy statement focused on apartment building development reads as follows...

"The degree of acceptance within any given neighbourhood shall be based on four broad suppositions:

- 1. apartment building developments are essentially an urban type of land use with urban service needs (the rare exceptions are primarily public housing for seniors or the conversion of former community service buildings);*

2. *the majority of apartment building tenants often have different service needs than those of our constituency who own their own homes;*
3. *the larger scale of apartment building development has a likely potential to conflict with smaller scale low density residential development in cloistered neighbourhoods (i.e. residential neighbourhoods only accessible via local streets that are overwhelmingly used by neighbourhood traffic); and*
4. *apartment building development can contribute to the vitality of our downtowns if allowed to proliferate within, in proximity to, or along the major routes leading to, our central business districts."*

Evaluation of this development proposal's compliance with each of the above mentioned policy statements:

1. This is a fully serviced urban neighbourhood (i.e. both CBRM water and sanitary sewer is available).
2. Tenants of an apartment building are often less likely to own a car and are more inclined to want to be close to the amenities and services found in the center of urban communities or in proximity to regional shopping centers.
3. While the apartment building proposed is only one storey (Attachment C) it will be more than two times the footprint of the average residential building on Herbert Street (between Terrace Street and High Street)
4. The subject property is more than a kilometre away from downtown Sydney.

The next pertinent policy statement in the MPS says...

"The following hierarchy of site and situation criteria shall influence where apartment building development is most encouraged to occur, and to what degree it is to be regulated:

1. *Within the central business districts of the major urban concentrations of the CBRM;*
2. *Within neighbourhoods in proximity to the central business districts;*
3. *Along the higher level public streets/roads linking our central business districts with the surrounding neighbourhoods and communities;*
4. *In proximity to other concentrations of sales/service/ business developments;*
5. *In other locales where they are already prevalent; and*
6. *All other urban service areas."*

The property is more than a kilometre away from downtown Sydney. Herbert Street is a Level S street with a very low traffic volume. Other than a convenience store located on Terrace Street, there are no other business developments within the neighbourhood. The neighbourhood is predominantly comprised of low density developments of one and two unit dwellings. Based on the above criteria, this is not the most ideal location for higher density residential development.

When the current zoning does not permit the scale of a proposed residential development it is a policy of the MPS that Council may consider a zoning amendment. If a zoning amendment is considered, 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.)

Other than showing a landscaped area between parking spaces, the site plan does not indicate the applicant's plan for landscaping (Attachment B). Mature vegetation borders the property, provisions for the retention of existing vegetation could be included in a site specific zone.

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

Four parking spaces must be provided to be in compliance with the parking standards of the Land Use Bylaw. The proposed site plan depicts the location of the proposed parking (Attachment B). 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.

The proposed four unit building will be more than double the footprint of the average residential buildings along Herbert Street. While landscaping on the surrounding properties is modest, the applicant has not provided a landscaping plan for the property. A site specific zone could include requirements for retention of existing vegetation or the installation of screening to mitigate impacts on surrounding development.

When considering a proposed amendment for an apartment building the MPS 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;

Development aspirations of those who invested in the immediate area and the above mentioned zoning provisions have provided a level of consistency which has resulted in the low density residential development in this area. Herbert Street is Level S Street in the CBRM street network hierarchy (i.e. a street with a very low traffic volume) which only serves local traffic. With the exception of the Cape Breton Housing Authority development located on Terrace Street, the area immediately surrounding Herbert Street is comprised of low density residential development majority of which are single unit dwellings. Planning Department staff believe approving this zoning amendment sets a precedent for all low density residential neighbourhood comprised of exclusively one and two unit dwellings that may require a Planning Strategy policy change to support it.

Notification

Notice of this application was placed in the May 12th and May 19th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of PID 1S092S05 informing them of their opportunity to attend the Public Hearing and provide a written submission for Council's consideration. At the time this issue paper was prepared three written submissions objecting to this zone amendment application were received by the Planning and Development Department (Attachment D, E, and F).

Recommendation

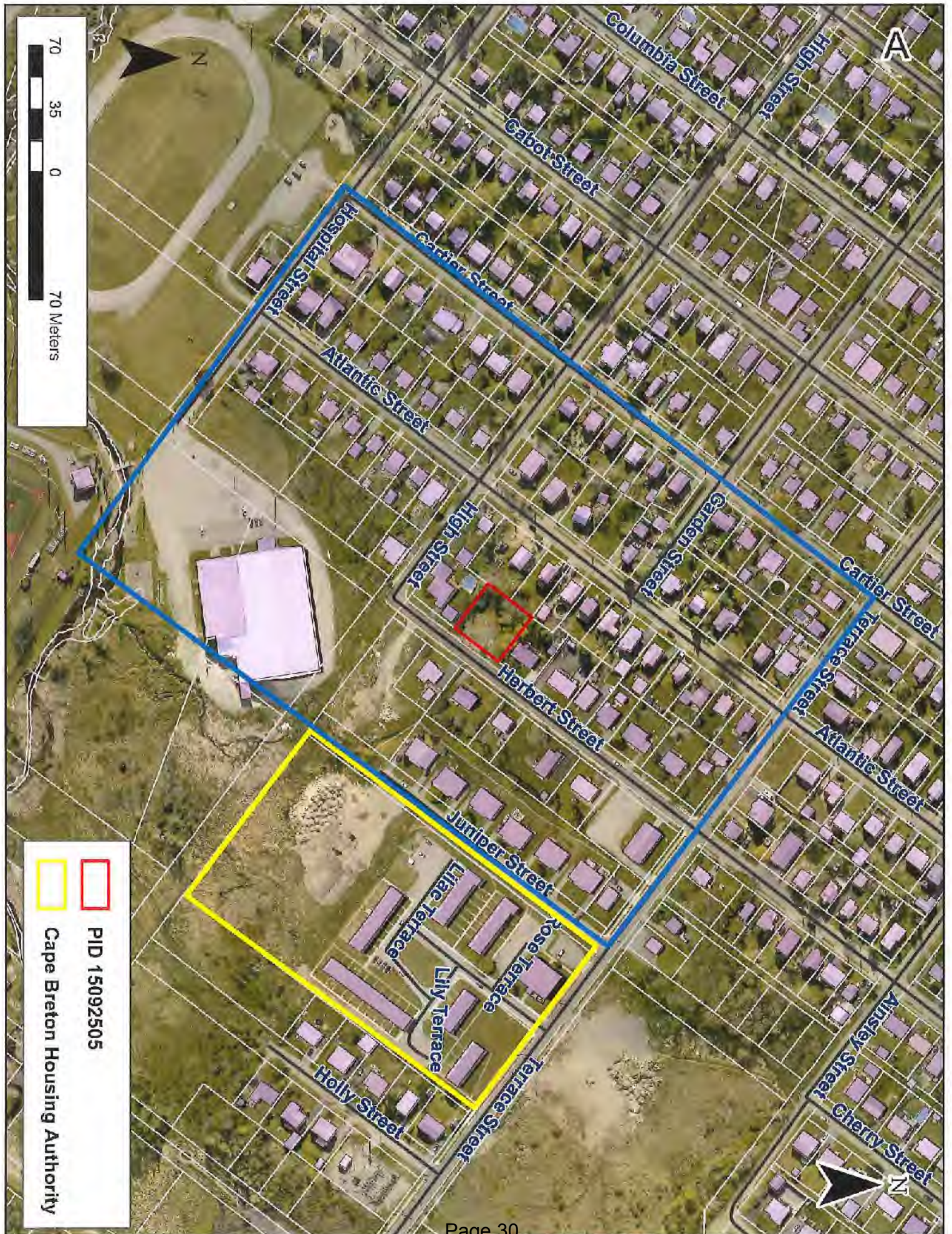
Based on the reasons explained in this issue paper, there are justifiable reasons according Municipal Planning Strategy policy to reject this zoning amendment application and that is my recommendation.

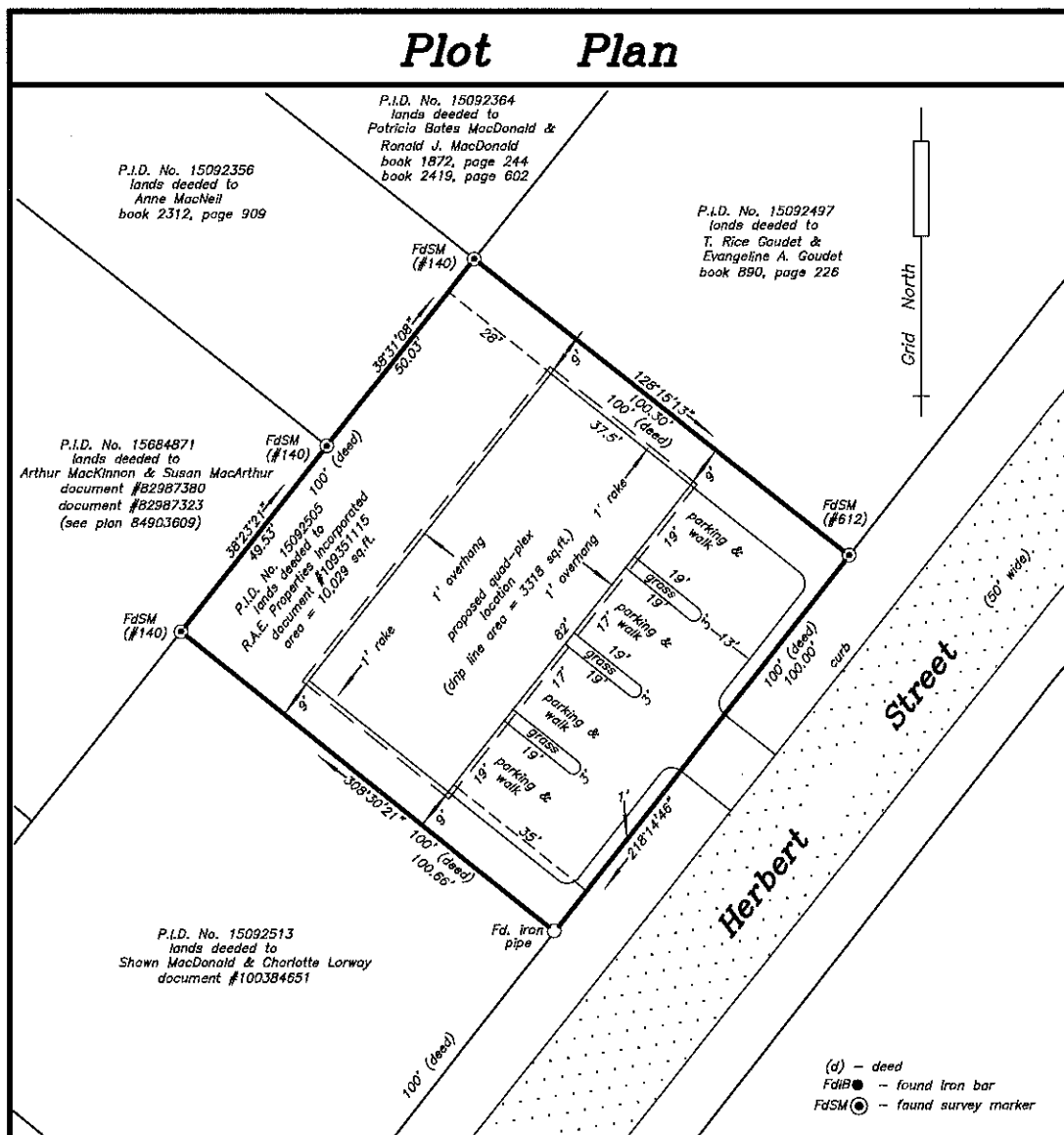
However, since the applicant has made a request to amend the zoning on this property and Council has granted approval to hold a Public Hearing, staff was obliged to prepare Amending By-law (Attachment G).

Submitted by:**Originally Signed by**

Karen Neville

Planning and Development Department





Certified to: R.A.E. Properties Incorporated
169 Herbert Street, Sydney
Cape Breton Regional Municipality, Nova Scotia

NOTE: Clearances shown are perpendicular to the boundary and are to the closest corners of the facing of the structure. Clearances are defined to a tolerance of 1'.

I, David Attwood, Nova Scotia Land Surveyor, hereby certify that this Surveyor's Location Certificate was prepared under my supervision and in accordance with the Land Surveyors Act, Regulations and Standards made there under.

Dated _____

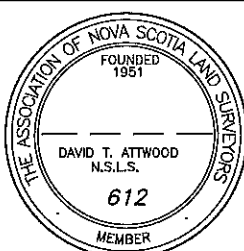
I have supervised an inspection of the subject lands and have caused such measurements to be made as I deemed necessary to certify that:

(1) The proposed quad-plex shown hereon is located entirely within the boundaries of the subject lands as said boundaries are defined by deed; see document #109351115

(2) Cultural features shown hereon are located to plotting accuracy unless specifically dimensioned.

(3) All easements, documented in the deed recorded in n/a in the County of Cape Breton, are reflected hereon.

No further certification or assurance is implied by or to be inferred from this document. This Surveyor's Location Certificate is not to be used for boundary definition or as a reference document for the preparation of legal descriptions.



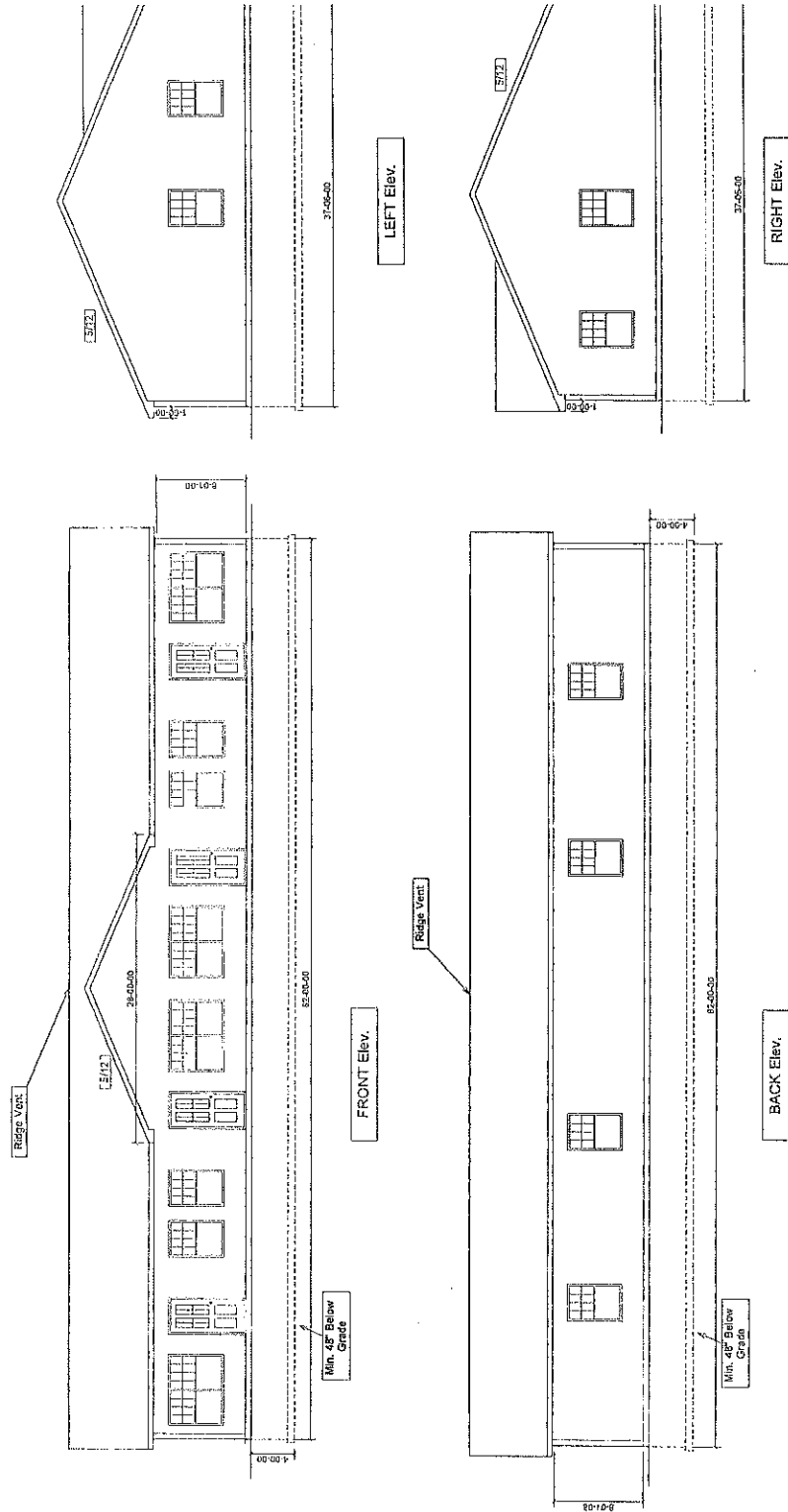
Attwood
Surveys
Limited

441 MORRISON ROAD, SYDNEY
CAPE BRETON, NS B1M 1B7
PHONE: 564-9163 FAX: 564-9086
E-mail: attwoods-surveys@seasidehighspeed.com

DATE: field:
office:

SCALE: 1"=30'

SLC#:



Karen M. Neville

From: Bates-MacDonald, Patricia C [REDACTED]
Sent: May-15-18 1:02 PM
To: Karen M. Neville
Subject: re zoning amendment

Hello Ms. Neville,

This is in response to a letter I received about an application being made by Mr. Ray Embree, to re-zone a property on Herbert St., Sydney, NS, so he can build a four unit apartment home/building. Our family lives at [REDACTED] Atlantic Street, the next property behind this empty lot. Unfortunately I'm on work training in Halifax the evening of May 29th so I cannot attend the meeting about this zoning application request, but hopefully my spouse, Ron MacDonald, will be in attendance that evening.

We want to voice that we oppose a four unit home/building being put on this empty lot on Herbert Street.

Our neighborhood is comprised of single family homes, and some double occupancy homes, so a busier unit such as a four home unit would likely de-value our own property.

I understand there is a need for housing people in our community, however this can be done by having more affordable single family homes and double occupancy homes, even if such is done through public housing and non-profit organizations.

We have another empty lot directly across from our home, so if Mr. Embree is permitted to put a four unit home/building on the lot behind us, what's to stop someone from getting such an exemption [having set a precedent] for another such unit on another empty lot in the neighborhood, which means we could have such a unit almost directly behind our home, and then another one directly in front of our home. Our home, and the many homes around us, are not necessarily high value homes, but this is our home, and usually our homes are the main material investments people have in life, so it's value is very important. Also, often when it comes time to selling, as people get older and need to sell their property, they depend on this investment to support themselves in their older ages. We feel building a four unit apartment home in our neighborhood will decrease the value of our property. Thank you for the notice, and for considering our wishes.

Patricia B. MacDonald and Ron MacDonald, [REDACTED]
 [REDACTED]

Karen M. Neville

From: anne macneil [REDACTED]
Sent: May-13-18 7:31 PM
To: Karen M. Neville
Subject: Zoning amendment application

Karen, I am replying to your letter sent to me on May 9th about the 4 unit apartment building that Mr. Embree wants to build on Herbert St., this piece of property connects to my back yard and I am DEFINITELY not for it, I would like to see the neighborhood stay the way it is just single unit housing. I have talk to a few neighbors and they feel the same way.

Thank-you for taking the time to read my e-mail
Anne MacNeil
Atlantic Street

May 19, 2018

Joseph Aguinaga

Atlantic Street

Sydney

Cape Breton

██████████

To the Planning and Development Department of the CBRM,

I want you to know that I do NOT agree with the Proposal of a four unit apartment building to be constructed on Herbert Street.

I have lived here for over 50 years and I think this would not be a benefit to our neighbourhood.

I would only like to see a single family swelling constructed there to keep in line with our Neighbourhood of single family dwellings.

Thanking you for my consideration.

Joseph Aguinaga

the authors are not aware of any other studies that have examined the effects of the use of a single, non-validated, self-report measure of perceived effort on the relationship between perceived effort and the other variables examined in this study.

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 and map of the Cape Breton Regional Municipality's Land Use By-law in the following manner:

THAT: Council Renumbers Part 98 Definitions to Part 99

THAT: Council amends the text of the Land Use By-law by creating the following Zone.

PART 98 HERBERT STREET HIGH DENSITY (HHD) ZONE

Section 1 HHD Uses Permitted

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

- apartment building *in compliance with the provisions of Section 2*
 - townhouse *in compliance with the provisions of Section 2*
 - All uses permitted in the RUC Zone subject to the RUC Zone requirements
-

Section 2 HHD Lot Development Requirements

- a. The maximum number of storeys shall be one
- b. The maximum number of dwelling units on the lot parcel shall be four
- c. The total maximum lot parcel coverage for all main uses in this Zone shall be 1/3rd (i.e. 33%) of the lot parcel area. The part of a building used to calculate this maximum lot parcel coverage is the roof to the edge of the eave (i.e. dripline)
- d. Only one intersection providing motor vehicle access to the site from Herbert Street to the parking area shall be provided.
- e. Enough space shall be provided within the parking area between its driveway intersection with Herbert Street and each parking space for motor vehicles to maneuver from each parking space to the intersection with Herbert Street so that they can face Herbert Street as entering it, instead of having to back out onto it.
- f. The parking space provided for each unit shall be separated from the others by a landscaped area.
- g. All aspects of the parking area shall be in compliance with the General Provision Section of this Bylaw titled "Parking Area Standards".
- h. All areas of the lot parcel subject to this Zone not occupied by the building footprint, parking area, or deck shall be in compliance with the definition for landscaped open area in this Bylaw.

- i. Residential uses on adjacent lot parcels shall be screened (as defined by this by-law) from the apartment building/townhouse and its parking area. Any existing mature trees shall be retained as part of this screen.
-

Section 3 Timeline for Completion of Aspects Associated with a Development Permit

All aspects of development required for the development to conform with this By-law, including but not limited to the installation of a driveway, paving of a parking area, landscaping requirements, and screening requirements, must be completed within one year of receiving Final Occupancy Permit, or final inspection with approval to occupy, which is issued when all phases of the construction project have been completed in compliance with the Building Code.

THAT: Council amends the Land Use Bylaw map by deleting the Residential Urban C (RUC) Zone in effect for PID 15092505 and replacing it with the Herbert Street High Density (HHD) 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 Land Use Bylaw amendment 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

Land Use By-Law Text Amendment Application #1045: Keltic Drive Business Corridor (KBC) Zone – Breton Law Group:

Motion:

Moved by Councillor Gillespie, seconded by Deputy Mayor Eldon MacDonald, approval to advertise notice of a Public Hearing to be held at the May 29th, 2018 meeting of Council to consider the Zoning Amendment Application #1045 by the Breton Law Group to allow the operation of a boarding kennel and an animal sitting establishment on PID 15199870 located in the Keltic Drive Business Corridor (KBC) Zone.

Motion Carried.



TO: General Committee Council

FROM: Karen Neville

**SUBJECT: LAND USE BY-LAW TEXT AMENDMENT
APPLICATION – 1045
Keltic Drive Business Corridor (KBC) Zone
Breton Law Group**

DATE: May 22nd, 2018

Introduction

The Planning and Development Department has received a text amendment application from the Breton Law Group on behalf of their client. Breton Law Group is representing an individual that would like to operate a boarding kennel and an animal sitting establishment on a property on Keltic Drive (PID 15199870) [Attachment A].

Why an amendment is necessary for this development?

The property in question (PID 15199870) is located in the Keltic Drive Business Corridor (KBC) Zone (Attachment A). The KBC zones permits a range of manufacturing, recreational, residential, sales, service, and transportation uses. That being said, the KBC zone specifically identifies kennels, animal shelters, and animal sitting establishments as not permitted in areas with municipal water and sewer. PID 15199870 is located in an area of the KBC Zone serviced by municipal water and sewer; as a result, the applicant is requesting Council consider a text amendment to permit the proposed uses.

Evaluation

Since only a small percentage of the area zoned KBC is serviced by municipal water and sewer, the proposed uses would be permitted as of right in the majority of the area zoned KBC. In fact, the area of the KBC zone serviced by both municipal water and sewer is comprised predominantly of sales and service uses. It is reasonable to locate a kennel and animal sitting establishment in a sales and service area away from residential development (Attachment B).

The commercial self-storage facility located on the property will continue to operate and it is the applicant's intention to construct a new building for their boarding kennel operation to the rear of the existing buildings. The applicant also plans on planting trees to screen the new operation from adjacent sales and service businesses.

In addition to complying with the provisions of the Land Use By-law, boarding kennels and animal sitting establishment are regulated under the CBRM's Dog By-law and must be licenced in accordance with this By-law.

Notification

Notice of this application was placed in the May 12th and May 19th editions of the Cape Breton Post. Notice was also mailed to assessed property owners in the vicinity of PID 15199870 informing them of their opportunity to attend the Public Hearing and provide a written submission for Council's consideration. At the time this issue paper was prepared no written comments were received by the Planning and Development Department.

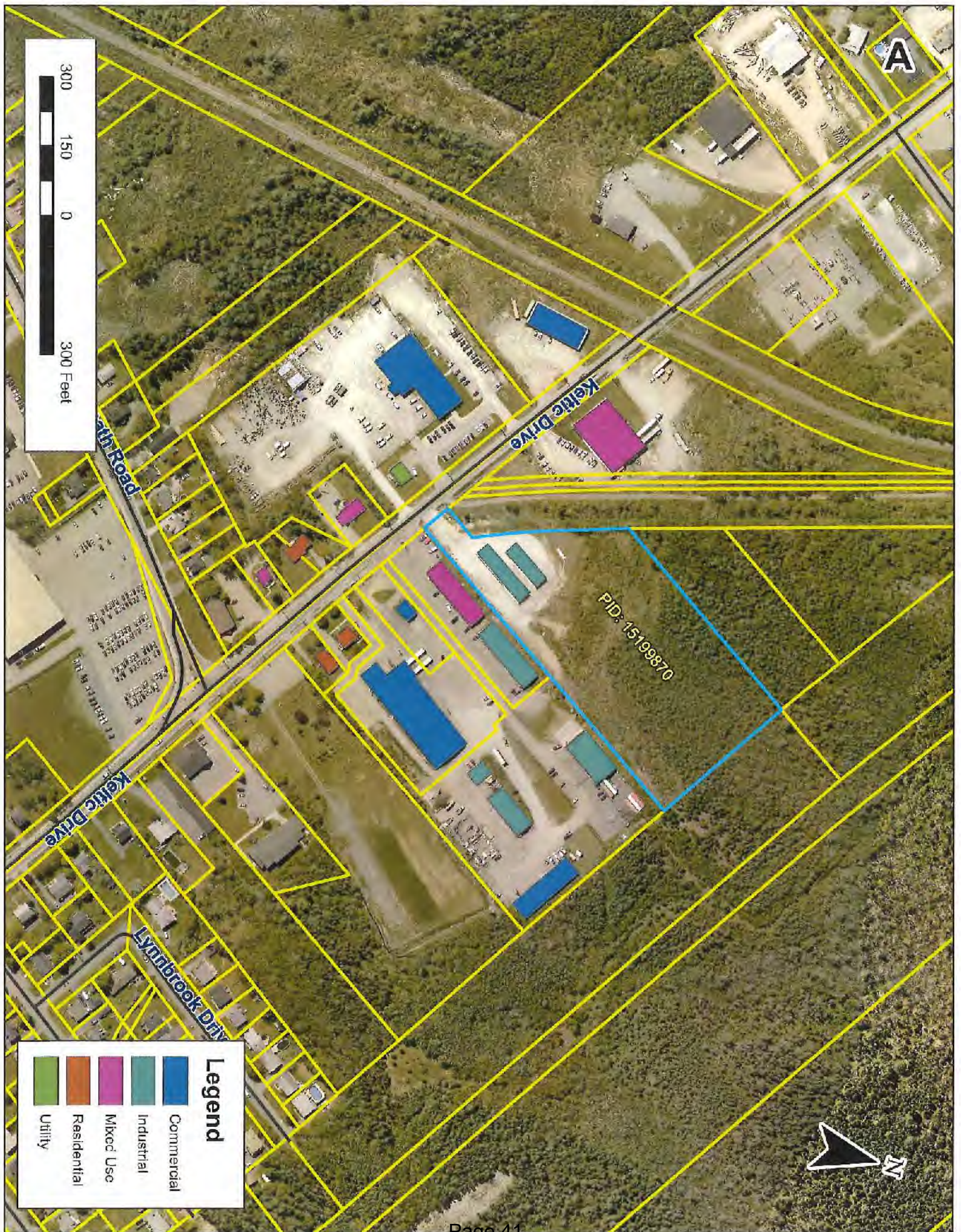
Recommendation

Based on the above evaluation, I recommend that Council approve the text amendment request to permit kennels and animal sitting establishments throughout the Keltic Drive Business Corridor (KBC).

A draft of the Amending By-law can be found in Attachment C.

Submitted by:**Originally Signed by**

Karen Neville
Planning and Development Department



Legend

	Commercial
	Industrial
	Mixed Use
	Residential
	Utility



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: Part 10 Keltic Drive Business Corridor (KBC) ZONE, Section 1 KBC Uses Permitted of the Land Use By-law is hereby amended by deleting the following:

kennels are not permitted in areas serviced with both Municipal water and sewer

THAT: Part 10 Keltic Drive Business Corridor (KBC) ZONE, Section 1 KBC Uses Permitted of the Land Use By-law is hereby amended by deleting the following:

animal shelters and animal sitting establishments are not permitted in areas serviced with both Municipal water and sewer

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.

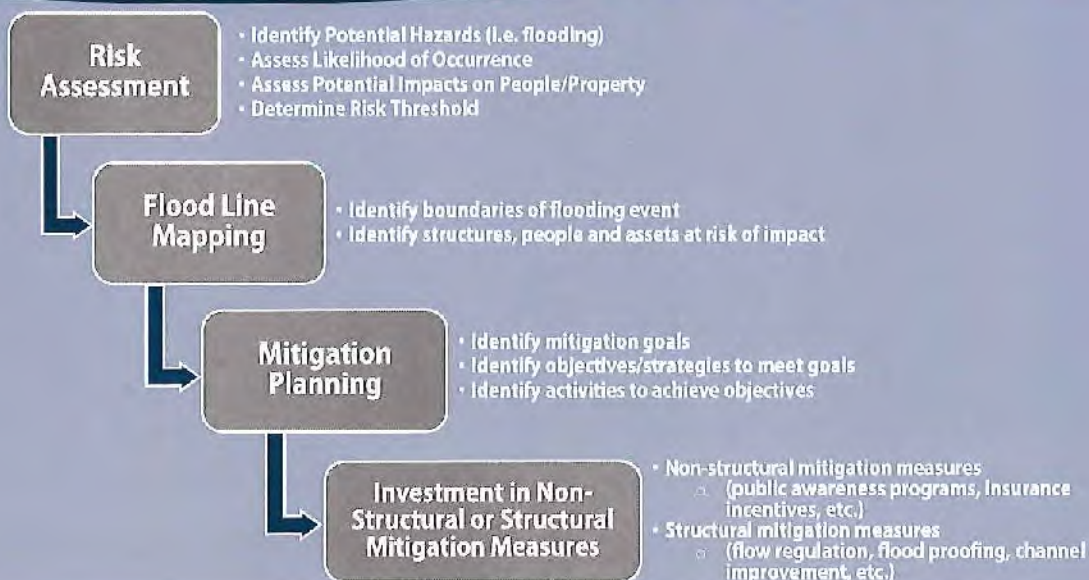
Deborah Campbell Ryan, CLERK

National Disaster Mitigation Program (NDMP) Framework for Managing Flood Prone Areas in Cape Breton Regional Municipality



CAPE BRETON
REGIONAL MUNICIPALITY

Overall Steps to Managing Flood Risk



Wash Brook Watershed



Wash Brook Watershed in Sydney is an example area where the NDMP Framework is currently being applied

Wash Brook Watershed Flood management

 **Risk Assessment completed**



✓ **Consultant engaged (CBCL Limited) to assist with Flood Mapping & Mitigation Planning Stage**

Wash Brook Watershed Example



Computer model constructed to simulate flood lines during the 1:20 and 1:100 year return frequency storms



Computer model can predict flood lines resulting from implementation of structural measures such as storm water retention ponds, flow diversions and flow control structures.

Wash Brook Example



Existing 1 in 100 Year Flood Lines



Wash Brook Example



Wash Brook Example





Wash Brook - what can be done to mitigate flooding?

Big Picture Options:

Approaches:

- Do nothing
- Protect
- Mitigate
- Retreat

Holistic or Targeted Plan:

- Planning (Zoning, By-laws)
- Design (Engineered Protection)
- Construction (Runoff control for lot construction, forestry)

Engineering Measures:

- Stormwater Control (Best Management Practices, Low Impact Development)
- Stormwater Storage / Diversions
- Channel and Structure Upgrades
- Dykes



Possible Structural Measures Currently Being Reviewed for Wash Brook Watershed

1

Stormwater Retention Ponds at the following locations:

- South of Whitney Avenue near former Hospital site;
- South of Royal Avenue near former site of South End Community Center below Brookland Elementary School;
- At the current location of the walking track at Cabot Street;
- South of and behind the Centennial Area;
- South of the SPEC School in the area of the Baille Ard Trail system;
- South of Highway 125 on watercourse from Mud Lake near end of Duffell Drive.

2

Flow control structures at the following locations:

- At the headwaters of Gilholmes Lake;
- At the headwaters of Mud Lake

Possible Structural Measures Currently Being Reviewed for Wash Brook Watershed

3

Flow diversion of some percentage of Wash Brook flows to Wentworth Creek via a large culvert routed through Trinity Avenue;

4

Expansion of the existing channel between Prince and Townsend to 25m wide to match the capacity of the channel installed for the Tar Ponds;

5

Installation of a flow diversion culvert beneath the railway bridge near Prince Street.

Wash Brook Example



Potential Flood Mitigation Options

Floodwater Mitigation Measures Evaluation

Floodwater Mitigation Option #	Floodwater Mitigation Option Description	Opinion of Probable Design and Construction Costs (Including 15% HST)	Relative Effectiveness for Floodwater Mitigation (Low, Medium or High)
1	Stormwater Retention Pond #1	\$105,000	Low
2	Stormwater Retention Pond #2	\$863,000	Low
3	Stormwater Retention Pond #3	\$1,210,000	Low
4	Stormwater Retention Pond #4	\$2,732,000	Low
5	Stormwater Retention Pond #5A	\$2,146,000	High
6	Stormwater Retention Pond #5B	\$2,975,000	Medium
7	Stormwater Retention Pond #6	\$168,000	Low
8	Flow Control Structure @ Gilholmes Lake	\$109,000	Low
9	Flow Control Structure @ Mud Lake	\$401,000	Low
10	Flow Diversion to Wentworth Creek	\$1,760,000	Low
11	Widen Channel @ Prince Street	\$706,000	Low
12	Flow Diversion @ Railway Bridge	\$152,000	Low
13	Combined Stormwater Retention Ponds #2, #3 and #4	\$4,805,000	Low
14	Combined Flow Control Structures @ Gilholmes Lake and Mud Lake and Stormwater Retention Pond #5A	\$2,656,000	High
15	Combined Flow Control Structures @ Gilholmes Lake and Mud Lake and Stormwater Retention Pond #5B	\$3,485,000	High

Floodwater Mitigation Measures Evaluation

Floodwater Mitigation Option #	Floodwater Mitigation Option Description	Effectiveness for Floodwater Mitigation (Low, Medium or High)	Cost (Low, Medium or High)	Ease of Property Access (Low, Medium or High)	Ease of Regulatory Approval (Low, Medium or High)	Expected Acceptance by Stakeholders (Low, Medium or High)
1	Stormwater Retention Pond #1	Low	Low	Medium	High	Medium
2	Stormwater Retention Pond #2	Low	Medium	High	High	High
3	Stormwater Retention Pond #3	Low	High	High	High	Low
4	Stormwater Retention Pond #4	Low	High	High	Medium	Medium
5	Stormwater Retention Pond #5A	High	High	Medium	Low	Low
6	Stormwater Retention Pond #5B	Medium	High	Medium	Medium	Medium
7	Stormwater Retention Pond #6	Low	Low	Medium	High	Medium
8	Flow Control Structure @ Gilholmes Lake	Low	Low	Low	High	High
9	Flow Control Structure @ Mud Lake	Low	Medium	Medium	High	High
10	Flow Diversion to Wentworth Creek	Low	High	High	Low	Low
11	Widen Channel @ Prince Street	Low	Medium	Medium	Medium	High
12	Flow Diversion @ Railway Bridge	Low	Low	Medium	High	High
13	Combined Stormwater Retention Ponds #2, #3 and #4	Low	High	High	High	Medium
14	Combined Flow Control Structures @ Gilholmes Lake and Mud Lake and Stormwater Retention Pond #5A	High	High	Medium	Low	Low
15	Combined Flow Control Structures @ Gilholmes Lake and Mud Lake and Stormwater Retention Pond #5B	High	High	Medium	Medium	Medium



Wash Brook Example



Stormwater Retention
Area #4



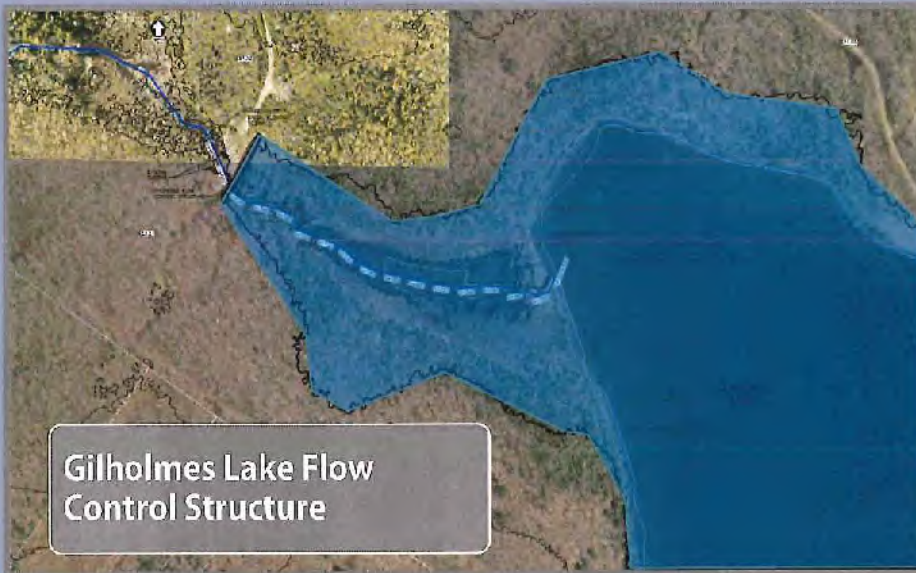
Wash Brook Example



Stormwater Retention
Area #5



Wash Brook Example



Gilholmes Lake Flow Control Structure



Wash Brook Example



Mud Lake Flow Control Structure

Wash Brook Example



Wash Brook Example



Wash Brook Example



Next steps for Wash Brook Watershed Floodwater Mitigation

- 1 Finalize selection of structural or non-structural flood mitigation measures for implementation / further investigation
- 2 Seek Council approval for installation of mitigation measures
- 3 Make application for funding for structural or non-structural flood mitigation measures
- 4 Implement selected flood mitigation measures contingent upon funding



Implementation of structural floodwater mitigation measures

- 1 Carry out topographical survey at each site (with the property owner's permission);
- 2 Carry out geotechnical investigation / desktop geotechnical review at each site (with the property owner's permission);
- 3 Begin negotiations with owners of properties and stakeholders at each site to secure easements or acquire property as required to construct, operate and maintain the mitigation measure structures;
- 4 Carry out detailed design and construction document preparation for each mitigation measure structure;



Implementation of structural floodwater mitigation measures

- 5 Issue tenders and engage qualified construction contractors to construct each mitigation measure structure;
- 6 Oversee construction to ensure the mitigation measure structures and features are constructed in accordance with the design documents; and
- 7 Make arrangements for on-going operation and maintenance of the mitigation measures in perpetuity.

Questions / Discussion

**Excerpt – DRAFT General Committee on Planning &
Economic Development Minutes: May 1, 2018**

Economic Development – The Go Forward

Motion:

Moved by Councillor Coombes, seconded by Councillor Parnch, that Council be directed to host a workshop on economic and community development to discuss the go-forward plan for CBRM in order to provide direction to staff.

Discussion:

It was **agreed** that the parameters of the workshop be broadened to invite various stakeholders, including the Cape Breton University President and representative(s) of the former Business Cape Breton Board of Directors.

At the request of Councillor McDougall, it was **agreed** to also invite representatives from the various Provincial and Federal Government Departments who may have information on funding programs to the workshop.

Motion Carried.

[Text of e-mail message]

From: Tom Urbaniak
Sent: May 24, 2018
To: All Council
Cc: Marie J. Walsh; John F. Phalen; John F. MacKinnon; Cathy MacIntyre; Toni DeLorenzo
Subject: Workshop - Economic Development Go Forward Plan for CBRM

Dear Mr. Mayor and Members of Council.

I am looking forward to working with you. I am also looking forward to the initial conversation with Council at the meeting on Tuesday evening.

This initial conversation will help to collectively clarify the objectives and tangible outcomes for the workshop, the participants, and the information that members of Council desire and require. I hope the workshop can be productive, transparent, and inclusive.

The workshop and invitations will not be finalized until we have this dialogue on Tuesday evening.

I should also clarify that my suggested list of organizations that may be particularly interested and willing to assist is in addition to suggestions made by members of council (all good suggestions). It is also in addition to provincial and ACOA staff, and one of the existing RENS, who have already indicated that they would be willing to participate. We can discuss this further on Tuesday.

With best wishes,

Professor Tom Urbaniak
Cape Breton University

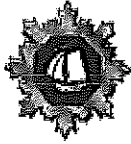
Proposal by Douglas MacNeil to Donate Land Adjacent to the Wash Brook in Sydney to CBRM to Facilitate its Possible Eventual Use As Part of the Proposed Wash Brook Greenway:

Motion:

Moved by Councillor Paruch, seconded by Councillor Gillespie, that a recommendation be made to Council to accept Mr. MacNeil's offer, and acquire PID #15674369 on the understanding that:

1. No pathway development takes place on the property until after the completion of the plans outlined in the proposal by Cobequid Consulting;
2. No pathway development takes place on the property until an agreement has been negotiated with the CBRM, which specifies that all costs associated with the development and maintenance of the pathway will be the responsibility of the Southend Public Gardens Association or another established community organization.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
Planning Department

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

April 18, 2018

MEMO TO: CBRM Council

FROM: Rick McCready, MCIP, Senior Planner and Bill Murphy, Director of Recreation, Parks, Grounds, Buildings & Facilities

RE: Proposal by Douglas MacNeil to donate land adjacent to the Wash Brook in Sydney to CBRM to facilitate its possible eventual use as part of the proposed Wash Brook Greenway

Background

Staff has been approached by citizens who are interested in developing a public pathway along the Wash Brook in central Sydney. The concept envisages a combined pedestrian/cyclist path that would, once completed, connect the Baille Ard trails system to Whitney Avenue. The pathway would cross a number of properties owned by the CBRM and by the Province, as well as several privately owned properties. In the case of all of the properties, agreements would obviously have to be negotiated with the owners before trail construction could take place.

It must be emphasized at this point that this proposed pathway is just a concept, not a concrete proposal. However, the proponents of the project (the Southend Public Gardens Association) have met with a trail planning consultant who has prepared a proposal to prepare a preliminary plan for the project. A copy of that proposal is attached. The Society has applied for funding to undertake the plan, although at the time this report was written the funding had not been secured. No funding applications have been submitted to CBRM.

Although actual construction of this pathway is unlikely to begin any time soon, the proponents have had some discussions with Mr. Douglas MacNeil, the owner of PID # 15674369, regarding the possibility of him donating the land (which borders directly on the brook) so that it could eventually be utilized as part of the pathway. Mr. MacNeil has written to the CBRM indicating his willingness to do so. The only cost to CBRM would be some legal fees associated with the deed transfer. (See attached letter from Mr. MacNeil and map showing the location of PID #15674369).

Discussion

It is the understanding of staff that the intention of the project's proponents to develop a pathway using the same model as that employed with the Baille Ard trails system. This model involved a community board taking the lead on planning and constructing the trail system, and taking responsibility for maintenance once complete. As some of the proposed pathway crosses CBRM property, it is assumed that once the plans are completed agreements would be signed with CBRM allowing the pathway to be built across CBRM property, and also specifying that the responsibility for building and maintaining the pathway would be the responsibility of the board, which, in this case, would presumably be the Southend Public Gardens Association or another established community organization.

At this point, Mr. MacNeil has made an offer and staff feel that it would be appropriate to accept that offer and acquire ownership of the property in question. Staff also sees the value in the proposed pathway, which would provide a quality off-road link between Baille Ard and the Whitney Avenue area in the heart of Sydney. However, the proposed path is not identified in the CBRM Active Transportation Plan nor is it identified as a priority in the CBRM Recreation Master Plan.

As a final note, staff are of the opinion that it may be desirable to acquire this property even if for some reason the pathway is never built. The land in question is obviously in a flood prone area and it is in the public interest to keep it in an undeveloped state. It could possibly be useful in future flood mitigation efforts.

Recommendation

Staff recommends that CBRM Council accept Mr. MacNeil's offer, and acquire PID # 15674369, on the understanding that:

- 1. No pathway development take place on the property until after the completion of the plans outlined in the attached proposal by Cobequid Consulting**
- 2. No pathway development take place on the property until an agreement has been negotiated with the CBRM, which specifies that all costs associated with the development and maintenance of the pathway will be the responsibility of the Southend Public Gardens Association or another established community organization**

Yours very truly,

Bill Murphy,
Director of Recreation, Parks, Grounds, Buildings and Facilities

Rick McCready, MCIP
Senior Planner

Mar 27, 2018

Pope Breton Regional Municipality
320 Esplanade
Sydney, N. S.
BIP 279

Dear Sir,

This is a letter to donate a lot of
land to The Canadian Trailway. The lot
is located at Cottagedale Crescent in
the Parth area.

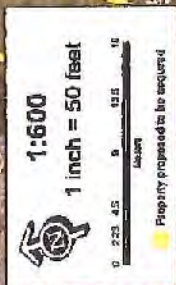
The lot is Lot No 97A2 of The
Subdivision of the Lands of Cottagedale
Crescent, prepared by John S. Pope and
Ltd. Nov 29, 1979. Assessment account
number is (A.A.N) 07300670.

Hope this is suffice. Thanks.

Douglas MacNeil
50 Lyne Dr.
Sydney, N. S.
BIP 278
(962) 562-5292

Hiram

Property Proposed to be Acquired



PID: 15711104
ROAD PARCEL OWNER UNDETERMINED

PID: 15674369
DOUG MACNEIL

PID: 15626955
WILLIAM SNOW

PID: 15711056
ROAD PARCEL OWNER UNDETERMINED

Proposal to Develop a Detailed Trail Development Plan for Washbrook Greenway



Cobequid Trail
CONSULTING

3361 Highway 2, Economy NS, B0M 1J0. O: 902-647-2271
cobequidconsulting1@gmail.com

Washbrook Greenway

February 14, 2018

Dear Selection Committee,

Please find enclosed our proposal for the Washbrook Greenway Trail Plan located in the Sydney within the Municipality of Cape Breton Regional Municipality.

Our team is well suited to undertake the work in a thorough, innovative and timely manner. We see incredible opportunity to provide a trail development plan for the Washbrook Greenway Trail Committee. If you would like to further discuss the details of this proposal, please let us know. We would be happy to arrange a time to discuss the proposal in more detail.

Thank you for your time and consideration.

Sincerely,

ORIGINAL SIGNED BY

Garnet McLaughlin
Cobequid Consulting Ltd

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INTRODUCTION

Trails are one of the most important assets to towns and regions across the Atlantic Provinces and beyond. They provide opportunities for recreation, social interaction and community building. They are also places for tourism, healthy living and education. Trails are successful when they connect people with both nature and culture, and foster a sense of place. As with any public resource, trails require stewardship and investment in order to retain their best features and continue to meet changing needs.

This proposal responds to the Washbrook Greenway Committees' Request of Proposal. The recreational space under review is located within Sydney. As noted in the request,

A project like this requires a team of experts with a creative vision, wide ranging expertise, excellent communication skills and an understanding of the complexity of issues surrounding the urban environment. Our dynamic and experienced team will engage the diverse groups of trail users, trail managers, staff and council, provincial partners, land owners and local residents in a process of better understanding the current situation, exploring a common vision, determining the trail routing and outlying clear steps for implementation and ongoing maintenance of these important community assets.

The following pages outline our team, methodology, deliverable, schedule and budget for this project.

OUR TEAM

The Project Team consisting of Garnet McLaughlin (Park and Trail consultant), Thomas Young (RMA Tourism), and Mark Evans will design and carry out the project according to the specifications presented in the request.

Cobequid Consulting Ltd.

Cobequid Consulting Ltd is based in West Colchester as has been specializing in recreational trail development and construction in Atlantic Canada for over 17 years. Trails are our business and people are our passion. From large government contracts to community initiatives we believe every project is more than just a recreational pathway. Trails build communities and opportunities for growth and education.

Trail development planning has become a major aspect to our business and we pride ourselves in working closely with our clients to provide a quality product. We help our clients planning, locating financial and resource support all in an effort to make their vision become reality. Innovative and creative solutions to some of the hurdles clients might face with reinvigorating their existing facility have become somewhat a specialty of CTC Ltd.

We have been very fortunate to be involved in various trail projects across the Province and throughout Atlantic Canada, including planning the Seawall Trail, Gros Morne Mountain Bike Park Plan, and Atlantic

Canada Destination Trail Assessments. Cobequid Consulting has worked with every community managed wilderness trail system in the Province of Nova Scotia and are on a standing offer with Parks Canada for Trail Construction and Design

Garnet McLaughlin (President, CTC)

Garnet has been working in the field of recreation trail planning and development since 1999. An Integrated Resource Management graduate, he understands the complex relationships of the natural world while balancing them with the needs and desires clients want from their open spaces. He began his own business in 2004, specializing in the design, construction, and maintenance of trail systems throughout Nova Scotia. Garnet has been fortunate to have been involved with every trail system within Wilderness Areas in Nova Scotia in various capacities. His business has since evolved into open space planning and strategy development. Planning, facilitating, and community development has become integral aspects to the business. He is known for his dedication to his projects regardless of the budget and has been recognized in the NS Legislature for his volunteer commitment. Garnet approaches every project with the community development model in mind facilitating and inspiring discussion surrounding goals and outcomes. Garnet will provide expertise in the areas of trail development, implementation and maintenance along with his experience in consensus building and GIS.

RMA Tourism LTD.

Thomas Young, MBA, BBA, BA

As the owner of RMA Tourism Ltd, Thomas Young has successfully managed key government/industry partnerships, industry network initiatives and regional trail planning and museum projects for 20 years. From June, 2011, Mr. Young worked with the Atlantic Canada Trails Association (ACTA), first in developing a comprehensive trail assessment tool for destination trails in Atlantic Canada and subsequently, working with over 30 trails organizations and agencies and evaluating potential trails in all 4 Atlantic Canada provinces. Prior to this, Mr. Young was responsible for the preparation of a Bay of Fundy attractions master-plan (Interpretation and Attractions Development Plan, 2010) and in 2009 he completed a master-plan for the 200 km long Saint John River multi-use trail corridor.

Work Plan

We have carefully reviewed the scope of the services as discussed and have composed a work program and project team roles that respond to the stated goal of the Trail Development Plan. The following four phase work plan details our approach to the assignment and identifies consultation meetings and deliverables. The work plan is based on our best understanding of the assignment and we would be pleased to discuss revisions and refinements to this approach with Trails Committee. A project timeline is included at the end of this section that describes how the project will unfold over the proposed three month schedule. We will confirm the timeline and formalize key dates for consultation events and completion of deliverables.

Phase 1: Project Initiation

A full day project kick off meeting is proposed at which the Project Team will work with the trail committee, CBRM staff to refine the project scope, schedule and methodology; assemble base maps and background material; and collectively go on an extensive site tour.

Deliverables

- ✿ Refine Work Plan, Project Schedule.
- ✿ Consolidated background information and relevant documents, reports and studies
- ✿ Refined list of proposed trail routing to document
- ✿ Digital Base Mapping compiled (GIS data to be supplied by trail committee and CBRM).

Phase 2: Inventory of Trail Routing and Consultations

During this phase, the Project Team will explore and develop an initial trail route concept (using the input of the trail committee. The concept will include: existing managed trails; trail standards; history of the informal trails, and opportunities/recommendations.

Deliverables

- ✿ Draft inventory of trail resources
- ✿ GIS maps and photographs for each trail and proposed routing
- ✿ Summary of meeting outcomes with various partners
- ✿ Recommendations regarding how best to implement a sustainable trail system
- ✿ Stakeholders approval of the trail design criteria

Phase 3: Development of the Trail Route Plan

The bulk of phase 3 will focus on completing the Trail Development Plan. The final trail routing will be a reflection of the input provided by the trail committee and stakeholders with the trail design criteria approved by the Washbrook Greenway Trail Committee.

Deliverables

- Recommendations on how to complete the trail route
- Approval of design standards
- An implementation framework outlining costing, maintenance and funding opportunities.

Phase 4: Final Trail Route Plan and Presentation

During the final month, the Project team will consolidate and organize the information obtained through the first three phases of work.

Deliverables

The final report and presentation will include the following:

- Documentation relating to the assessment of informal trails with shapefiles and photos,
- Summary description of and justification of final trail alignment
- Maps (resource and final trail alignment) in digital (Shapefile and PDF) and print form,
- Detailed plans and priorities (front-country and wilderness standard) for the development of a low maintenance and sustainable trail system,
- Detailed budget for proposed trail system
- Wayfinding recommendations.
- Reference sources to funding partners

Work Plan Chart

	March				April			
Week	1	2	3	4	1	2	3	4
Project Initiation -Project team meeting with trail committee and CBRM-Base Mapping								
Inventory of Trail Routing and Consultations -Research -Site Visits -Mapping								
Development of the Trail Route Plan -Draft Trail Route completed -Presentation to project team								
Final Trail Route Plan and Presentation -Release draft report to committee for comments								

Washbrook Greenway

Budget

	Project Team	Materials	Total
Project Initiation	\$1,500.00	\$50.00	\$1,550.00
Inventory of Trail Routing and Consultations	\$2,647.00	\$150.00	\$2,797.00
Development of the Trail Route Plan	\$2,348.00		\$2,348.00
Final Trail Route Plan and Presentation	\$1,700.00	\$300.00	\$2,000.00
Subtotal	\$8,195.00	\$500.00	\$8,695.00
HST			\$1,304.25
Total			\$9,999.25

*** Prices can be negotiated if final presentation can be completed remotely.

Meeting with CBRM Museum Contacts – Amendments to Municipal Grants Policy:

Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor McDougall, that a recommendation be made to Council to direct staff to prepare proposed amendments to the Municipal Grants Policy to allow staff to consider operating requirements in terms of funding support for community museums on a case-by-case basis, to be considered at a future meeting of council.

Discussion

During discussion, some of the issues raised included:

- Insurance Costs
- Grant applications
- Lack of volunteers

Motion Carried.



**CBRM Councillors'
Office**

M·E·M·O

To: Municipal Clerk Deborah Campbell Ryan
From: Mayor Cecil Clarke
Re: Meeting with CBRM Museum Contacts
Date: April 24th, 2018

Dear Deborah:

Please find attached a copy of the minutes regarding a meeting that I and members of Council and Administrative Staff convened with CBRM Museum contacts in the CBRM on March 19th, 2018.

The meeting focused on two main topics of discussion:

1. The current operating pressures of the community museums
2. The capital needs for projects and improvements that will be required

The facility assessments of all the community museums will include a list of priorities and upgrades and the required work that has to be done. A list of all operating costs has to be provided for power, insurance and general operating costs that creates pressure.

At that particular meeting I advised that I will be bringing this information back to Council with an opportunity to examine what a community Museum Sustainability Policy may entail. The main focus is to reach a goal in an effort to be fair to everyone in the process and the need for CBRM to gather individual needs for each community.

I am requesting that this issue be included on the General Committee agenda scheduled for Tuesday, May 1st at 6:00 p.m.

Sincerely;

ORIGINAL SIGNED BY 

Mayor Cecil P. Clarke – Mayor's Office

(Attachments)

/cmi

CAPE BRETON REGIONAL MUNICIPALITY
Meeting with CBRM Museum Contacts
March 19th, 2018

His Worship Mayor Cecil P. Clarke called the meeting to order at 10:00 a.m.

Present: Mayor Cecil P. Clarke - Chair
Deputy Mayor Eldon MacDonald
Councillor Clarence Prince
Councillor Earlene McMullin
Councillor Amanda McDougall
Councillor George MacDonald
Councillor Darren Bruckschwaiger
Councillor Kendra Coombes
Councillor Jim MacLeod

Staff: John Phalen – CBRM Economic Development Manager
Jennifer Campbell – CBRM Chief Financial Officer

Museum Cathy MacIntyre, Theresa Gillis – Dominion Heritage Schoolhouse
Volunteers: Museum,
George Dunn – Whitney Pier Historical Society,
Richard Jerrott – Glace Bay Miners Museum,
Elke Ibrahim – Glace Bay Miners Museum,
Mary Pat Mombourquette – Glace Bay Miners Museum
Stuart Critchley – Sydney Mines Historical Society
Patricia Hall – Main-A-Dieu Fisherman's Museum
Jenna Lahey – Louisbourg Marine Museum (Privately Owned – Attended
For Information Purposes)
Marilyn Ritza – North Sydney Historical Society
Joyce Rankin – Old Sydney Society
Margo Patrick – Sydney & Louisbourg Railway Museum

Mayor Clarke welcomed and thanked the volunteer members of the CBRM museums, Council members and CBRM administrative staff for taking the time to gather to discuss funding for museums within the CBRM. The purpose of the meeting was to bring all CBRM museum staff together with a vision to determine and compare the Federal and Provincial museums and parks.

He explained that he is working with CBRM administrative staff Jennifer Campbell, Director of Finance and Accounting as well as John Phalen, Economic Development & Major Project Manager in regard to changes in the Sustainability Program. As a result, the invitation was forwarded to all museum contacts for an opportunity to follow up and enter into discussions as to their priorities. They fully realize that some of the museums are facing operational pressures. He advised that he would like to see assessments carried out on the facilities for those who host museums within the municipality.

Chief Financial Officer, Jennifer Campbell stated that day to day costs for lights, insurance, supplies, heating etc. are not included in the CBRM Sustainability Policy. However, the applications can be submitted for one-time operating costs such as emergency repair or supplies for new program offerings.

Council plans to bring forward a Sustainability Assessment and plan on approaching the Federal & Provincial Governments to work with CBRM to get the study completed. The plan is also to create a policy in reference to how needs affects the Sustainability Fund and how to make it more flexible so that it may assist with some of the operating pressures of community museums.

The two main topics of discussion were:

1. The current operating pressures of the community museums,
2. The capital needs for projects and improvements that will be required.

The facility assessments of all the community museums will include a list of priorities and upgrades and the required work that has to be done. A list of all operating costs has to be provided for power, insurance and general operating costs that creates pressure.

Mayor Clarke said that he will bring this information back to Council with an opportunity to examine what a community Museum Sustainability Policy may entail. The goal is to be fair to everyone in the process and CBRM needs to gather individual needs for each community.

The process will review the merits of the applications as well as an understanding that CBRM will try to deal with asks on a needs based approach. The end result should see one solution within the family of community museums we have, but applied based on need rather than equal distribution as not all museums share the same operating pressures. The Mayor provided an opportunity for the museum representatives to speak to the priorities that they have to improve their facilities.

Some of the challenges expressed by the volunteers are:

- 1) Insurance Costs,
- 2) Limited ability to generate sustainable revenues outside of grants,
- 3) Leveraging other levels of government to assist with funding opportunities,
- 4) Need for more volunteers,
- 5) Future compliance requirements under the *Accessibility Act*,
- 6) Staffing – no programs are available to help with staffing.

Meeting Adjourned – 11:25 a.m.

Mayor Cecil P. Clarke

Request for Partial Street Closure: Breton Ability Centre, Portion of Bentinck Street, Sydney (PID 15705551):

Motion:

Moved by Deputy Mayor Eldon MacDonald, seconded by Councillor Gillespie, that a recommendation be made to Council to begin the street closure process for a portion of PID 15705551, Bentinck Street, Sydney, and subject area deemed **surplus** for sale to Breton Ability Centre.

Motion Carried.



CBRM

A Community of Communities

Regional Solicitor's Office
563-0865

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko
Property Manager

SUBJECT: Request for Partial Street Closure / Breton Ability Centre
Portion of Bentinck Street, Sydney
(PID 15705551)
My File No. 07705

DATE: May 29th, 2018

As presented to General Committee on May 1st, 2018, a request from Breton Ability Centre was received to close a portion of Bentinck Street, Sydney, measuring 4.2 feet by 40 feet, as outlined in red on the attached map. They require the property with the anticipation of replacing the current step and improving accessibility for staff and customers.

The Engineering Department has advised there is no objection to this request. Breton Ability has provided the required \$600 deposit against costs and we hold that amount in trust. They intend to purchase the closed portion from CBRM and possibly consolidate it with their existing property.

I would request a Motion to proceed with the above-requested street closure and the subject area be deemed surplus to the needs of the CBRM to allow for Breton Ability Center to purchase the property.

Thank you.

Sincerely,

Original Signed By

Sheila Kolanko
Property Manager

Attachment

**Frank Rudderham
Family Y.M.C.A**

**PID 15705551
CBRM Lot Parcel**

Bentnick Street

**Location of
Requested Street Closure
(App. 4.2ft X 40ft)**

PID 15063118

N

30 15 0 30 Feet

Equalization – A Discussion of Action

Motion:

Moved by Councillor Coombes, seconded by Councillor MacMullin, that a recommendation be made to Council to approve the following action items:

- Request an update on the Private Members Bills: Cape Breton Regional Municipality Viability Study – Bill 78 and *Municipal Grants Act* – Bill 80;
- Send letters to Victoria County, Inverness County, Richmond County, and the Town of Port Hawkesbury requesting they join us in requesting equalization fairness;
- Send letters to the UNSM requesting public support;
- Send letters to First Nations Chiefs in the CBRM requesting from them a letter of support;
- Request meetings with the MLAs, and MPs to discuss equalization;
- Chief Financial Officer be requested to prepare an Issue Paper outlining all Provincial services to which CBRM contributes.

Discussion:

It was agreed that the letter to First Nations be sent to all First Nations Chiefs on Cape Breton Island.

Motion Carried.



M·E·M·O

To: CBRM Council
From: Councillor Kendra Coombes
Re: **Equalization: A Discussion of Action**
Date: April 4th, 2018

Dear Collogues,

I am writing this memo because I believe the time has come for us as a Council to have the equalization discussion and create an action plan. During budget sessions issues surrounding equalization were constantly brought to the forefront. The Cape Breton Regional Municipality receives \$15.35 million from the Government of Nova Scotia, however, we send the Government of Nova Scotia a cheque for \$1.77 million more than what is given to the CBRM. This means we send the Government of Nova Scotia a cheque for \$17.12 million, thereby making the \$15.35 million the Government provides the CBRM irrelevant.

The public appears to be in support of action being taken if the attendance at the Nova Scotians for Equalization Fairness town hall meetings are any indication. The NSEF is planning to take political action that includes demonstrations. It is time that we, Mayor and Council also take political action.

There are several actions we can take; for a start:

- Request an update on the Private Members Bills: Cape Breton Regional Municipality Viability Study – Bill 78 and Municipal Grants Act – Bill 80;
- Send letters to Victoria County, Inverness County, Richmond County, and the Town of Port Hawkesbury requesting they join us in requesting equalization fairness;
- Send letters to the UNSM requesting public support;
- Request meetings with the MLAs, and MPs to discuss equalization

Sincerely;

Kendra Coombes, Councillor District 11

Councillor Kendra Coombes
/kc



CBRM

A Community of Communities

Cape Breton Regional Municipality

Office of Deborah Campbell Ryan, BBA, MPA
Municipal Clerk

320 Esplanade
Sydney, Nova Scotia
B1P 7B9
Tel: 902-563-5010
Fax: 902-564-0481
email: clerksoffice@cbrm.ns.ca
www.cbrm.ns.ca

Via Fax: 902-424-0632

_____, 2018

DRAFT

Mr. Neil Ferguson, Chief Clerk
Nova Scotia House of Assembly
Clerk's Office
1st Floor, Province House
PO Box 1617
Halifax, NS B3J 2Y3

Re: Request for Update - Private Member Bills 78 and 80

Dear Mr. Ferguson:

At the May 29th, 2018 meeting of CBRM Council, a motion was passed directing staff to request an update on the following Private Members Bills (copies attached):

- Cape Breton Regional Municipality Viability Study Act – Bill 78; and
- Amendment to the *Municipal Grants Act* – Bill 80.

I did refer to the Government of Nova Scotia website and understand that these Bills were introduced in the Legislature on March 6, 2018 for First Reading.

Any additional information you can provide in relation to the status of the attached Bills would be greatly appreciated.

I look forward to hearing from you.

Yours truly,

Deborah Campbell Ryan
Municipal Clerk

Encls.

copy: Ms. Tammy Martin, MLA - Cape Breton Centre

Dear Municipal Units/First Nations/NSFM

(I am) writing on behalf of the Cape Breton Regional Municipality's Mayor and Council requesting the support of () regarding the issue of equalization funding.

The Mayor and Council are aware that the CBRM is not the only municipal unit being impacted by the issue of funding. That is why (we/they) are requesting () join the conversation in order to create action and find solutions. The Mayor and Council believe we are stronger when everyone is at the table and the only way to solve the issue of equalization funding is to work together.

To further understand the issue of equalization funding and its impact outside the CBRM the Mayor and Council request the issue be added to the (Tri-Council Meeting/ Cape Breton Regional Caucus Meeting/One Cape Breton).

Thank you for your time and consideration.

Dear MLA/MP

(I am) writing to you on behalf of the Cape Breton Regional Municipality's Mayor and Council requesting a meeting with you to discuss the issue of equalization funding.

It is the desire of Mayor and Council to have the opportunity to enter into a meaningful conversation with you on the issue of funding and to discuss with you the impact it has on the municipality's ability to provide essential services to our residents.

If this interests you, kindly let (me) know so we can set up a date and time that suits your schedule.

Furthermore, Mayor and Council invite you to speak on the issue of equalization funding at a Regional Council Meeting.

Thank you for your time and consideration.



Cape Breton Regional Municipality Viability Study Act - Bill 78

An Act Respecting Cape Breton Regional Municipality

Introduced by Tammy Martin, Cape Breton Centre

RSS feed for this bill

Bill No.	Bill Type	Assembly Session	Party
78	Private Member's Bill	Assembly 63, Session 1	NDP

Progress of the Bill

1	2	ST	WH	3	RA
First Reading	Second Reading	Standing Committee	Committee of the Whole House	Third Reading	Royal Assent

Stage	Date
First Reading	March 6, 2018 - Bill as introduced

[View other Bills introduced in Assembly 63, Session 1](#)

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(as introduced)



*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

Private Member's Bill

Municipal Grants Act (amended)

Tammy Martin
Cape Breton Centre

First Reading: March 6, 2018

(Explanatory Note)

Second Reading:

Third Reading:

Explanatory Note

This Bill requires Cape Breton Regional Municipality be paid an annual stimulus grant of not less than \$50,000,000 in each of the 2018-19, 2019-20 and 2020-21 fiscal years.

An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act

Be it enacted by the Governor and Assembly as follows:

1 Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act, is amended by adding immediately after Section 7 the following Section:

- 7A (1) For the purpose of this Section, "stimulus grant" means a grant payable to a municipality for a fixed time to assist the municipality in defraying expenses related to operations, infrastructure construction or rehabilitation or debt relief.
- (2) Subject to subsection (3), Cape Breton Regional Municipality shall be paid a stimulus grant of not less than fifty million dollars for the 2018-19 fiscal year and for each of the two subsequent fiscal years.
- (3) The money required for the purpose of subsection (2) must be paid out of the money appropriated for that purpose by the Legislature.
- (4) For greater certainty, the payment of the stimulus grant pursuant to subsection (2), terminates at the end of the 2020-21 fiscal year.

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NOVA SCOTIA
LEGISLATURE

Municipal Grants Act (amended) - Bill 80

An Act to Amend Chapter 302 of the Revised Statutes, 1989, the Municipal Grants Act

Introduced by Tammy Martin, Cape Breton Centre

RSS feed for this bill

Bill No.	Bill Type	Assembly Session	Party
80	Private Member's Bill	Assembly 63, Session 1	NDP

Progress of the Bill

1	2	ST	WH	3	RA
First Reading	Second Reading	Standing Committee	Committee of the Whole House	Third Reading	Royal Assent

Stage	Date
First Reading	March 6, 2018 - Bill as introduced

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(as introduced)



*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

Private Member's Bill

Cape Breton Regional Municipality Viability Study Act

Tammy Martin
Cape Breton Centre

First Reading: March 6, 2018

Second Reading:

Third Reading:

An Act Respecting Cape Breton Regional Municipality

WHEREAS the Steering Committee of Provincial-Municipal Fiscal Review's Fall 2014 report noted concerns respecting Cape Breton Regional Municipality's economic and fiscal viability;

AND WHEREAS the report noted that many of the options for improved viability available to other municipalities in Nova Scotia are not realistic options for Cape Breton Regional Municipality;

AND WHEREAS the report recommended that Cape Breton Regional Municipality and the Province conduct an immediate joint review to assess the viability issues facing the Municipality;

THEREFORE be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Cape Breton Regional Municipality Viability Study Act.

2 In this Act, "Minister" means the Minister of Municipal Affairs.

3 The Minister shall immediately convene a joint review with the Cape Breton Regional Municipality Council to investigate the overall economic and fiscal viability of the Municipality.

4 (1) Subject to subsection (4), the Minister shall hire an external consultant to

(a) conduct a review of; and

(b) assess and report on,

the current structure of, services offered by and challenges faced by Cape Breton Regional Municipality and make recommendations on addressing those challenges.

(2) The Minister shall consult with Cape Breton Regional Municipality before hiring the external consultant referred to in subsection (1).

(3) The report and recommendations made pursuant to subsection (1) must be completed no later than six months after the coming into force of this Act.

(4) The money required for the purpose of subsection (1) must be paid out of money appropriated for that purpose by the Legislature.

5 The Minister shall

(a) publish the report and recommendations made pursuant to subsection 4(1) on the Department of Municipal Affairs website forthwith upon receiving the report and recommendations; and

(b) within 10 days of receiving the report and recommendations, table them in the Assembly if the Assembly is then sitting or, where it is not then sitting, file them with the Clerk of the Assembly.

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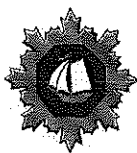
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CBRM

A Community of Communities

Cape Breton Regional Municipality

Issue Paper

Date: May 16, 2018

To: Mayor and Council

From: Jennifer Campbell, CPA, CA Chief Financial Officer

Re: Municipal Transfers for Provincial Costs

During the May 1, 2018 General Committee Meeting, Council requested a staff issue paper detailing all provincial services to which CBRM contributes. In response to this request, I offer the following background and information:

Education:

A municipality's contribution to Education is based on the municipal unit's uniform assessment(UA). Uniform assessment is essentially the taxable property assessment (net of properties exempt from taxation through municipal by-law) plus the value of grants received under special tax arrangements (Grants in lieu).

The Municipal Education Tax Rate (MET), as determined by the Province, is applied to the municipal unit's UA to determine the contribution amount charged to each municipality. While the MET rate has been frozen since 2012-13 at \$.003048, the total municipal units' share across the province is not capped. Therefore, the amount charged to municipalities is subject to increases in conjunction with annual increases in their uniform assessments, which includes increases to capped assessments based on CPI.

The contribution is calculated as:

CBRM UA	x	0.003048
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CBRM's contribution to Education over the past 3 years is as follows:

2018-19	\$14,179,424
2017-18	\$13,644,521
2016-17	\$13,522,080

It is important to note, that in addition to the costs above paid to the Province for education, CBRM pays for wages and benefit costs associated with 40 crossing guard positions which is included in the Police Budget. The budget for crossing guards for 2018-19 is \$485,238.

Additionally, the municipality incurs the financial burden of certain abandoned schools, including insurance costs, securing the property, and ongoing public safety. As you are aware, CBRM incurred the costs of demolishing 3 schools in 2017-18 (St. Agnes, MacLennan, South Bar) at a total cost of over \$400,000.

Corrections:

The amount municipal units are charged for Provincial Corrections has been capped at \$13.9m since 2012-13. This means that total contributions from all municipalities cannot exceed \$13.9m, however changes in the values of formula inputs may shift how the \$13.9m is distributed among the various municipal units.

The contribution amount is derived as a factor of both uniform assessment (UA) and # of dwelling units and computed as:

$$\left[\frac{\text{CBRM UA}}{\text{Provincial UA}} \times \$13.9\text{M} \times 50\% \right] + \left[\frac{\text{CBRM Dwellings}}{\text{Provincial Dwellings}} \times \$13.9\text{M} \times 50\% \right]$$

CBRM's contribution to Corrections over the last 3 years is as follows:

2018-19	\$1,083,287
2017-18	\$1,084,442
2016-17	\$1,090,725

Regional Housing:

The amount that municipal units pay for Regional Housing is determined by the actual operating results of the CB Island Housing Authority for the preceding year. How much the municipal units pay is set out in "handover agreements" between the Canada Mortgage & Housing Corporation, the Province of NS, and the municipalities. For CBRM, the municipal portion is approximately 12.5% of the operating deficit for public housing units located in the CBRM. Housing Authority operating results could fluctuate depending on rising operating costs and capital investments necessary to maintain the existing public housing portfolio.

CBRM's contribution to Regional Housing over the past 3 years is as follows:

2018-19	\$1,839,719 (estimated)
2017-18	\$1,821,504
2016-17	\$2,014,014

Roads:

The Province maintains various roads for municipalities across the province. The rate charged per km is increased annually by CPI.

The contribution amount is computed as:

	Rate			Rate	
	2017-18	±	CPI	=	2018-19
Rate per km:	\$ 5,222		1.90%	\$	5,321

CBRM's contribution to Roads over the last 3 years for maintenance of 209.74km of road is as follows:

2018-19	\$1,116,072
2017-18	\$1,095,299
2016-17	\$1,079,117

Equalization

Equalization is a "legislated unconditional operating grant to assist municipalities whose costs of delivering a core set of services exceed their ability to pay, when compared to similar municipalities"¹. The total amount of equalization transfers distributed to municipalities by the Province is \$32,050,000, which is partially funded by the Nova Scotia Power Grant in Lieu. There is no provision in the pool for CPI increases and therefore, there has been no increase to the Equalization "pool" for over a decade.

The grants are calculated using a formula that measures:

Municipal need - by developing standard expenditures per dwelling unit for certain municipal services for the various classes of municipalities; and

Ability of municipalities to fund their need - by calculating a "uniform assessment" for each municipality.

CBRM receives Equalization transfers from the Province in the amount of \$15,335,838 annually. As you know, the current formula is under review and CBRM's allocation of the Equalization pool has been frozen since 2014-15. Prior to the freeze, CBRM's allocation of provincial equalization had been decreasing annually as other municipal units began to experience similar increased pressures respecting municipal needs and ability to fund. Because the equalization pool was never increased nor was it indexed for CPI, as other municipal units needs grew based on the formula, the existing pool is simply redistributed – while some municipal units received more equalization, others, like CBRM, received less. In 2007/08 CBRM received \$16,760,131. In 2014/15 onward, CBRM received \$15,335,838. That's a decrease of over \$1.4m (8.5%!).

HST Offset Grant

The Harmonized Sales Tax (HST) Offset Grant helps municipalities deal with the effects of the increased costs for services as a result of the implementation of the HST. Each year, the Department of Municipal Affairs distributes \$6 million to municipalities and villages through this program, which is fully funded by the Nova Scotia Power Grant in Lieu.

The HST Offset Grant for each municipality is allocated on the basis of the municipality's share of its federal portion of the HST. It is calculated by dividing the total rebate amount per municipality by the total rebates for all municipalities and multiplying that by \$6 million.ⁱⁱ

$\frac{\text{CBRM HST Rebate}}{\text{Total MU HST Rebates}} \times \$6.0\text{m}$

CBRM's share of the HST offset grant is directly affected by our actual taxable spending (both operating, and capital) and how it relates to taxable spending by other municipal units in any given year.

CBRM's share of the HST offset grant over the last 3 years is as follows:

2018-19	\$524,444 (estimated)
2017-18	\$524,444
2016-17	\$505,297

The gap widens...

In summary:

	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>
Unconditional Grants			
Equalization	\$ 15,335,838	\$ 15,335,838	\$ 15,335,838
HST offset	505,297	524,444	524,444
Total Unconditional Grants	<u>\$ 15,841,135</u>	<u>\$ 15,860,282</u>	<u>\$ 15,860,282</u>
Provincial Mandated Costs			
Education	\$ 13,522,080	\$ 13,644,521	\$ 14,179,424
Corrections	1,090,725	1,084,442	1,083,287
Housing	2,014,014	1,821,504	1,839,719
Roads	1,079,117	1,095,299	1,116,072
Total Provincial Mandated Costs	<u>\$ 17,705,936</u>	<u>\$ 17,645,766</u>	<u>\$ 18,218,502</u>
Spread	<u>-\$ 1,864,801</u>	<u>-\$ 1,785,484</u>	<u>-\$ 2,358,220</u>
Total Operating Budget	\$ 146,011,421	\$ 148,890,843	\$ 146,860,803
Provincial costs as a % of Total Budget	12.1%	11.9%	12.4%

Neither of the formulas for unconditional grants provided by the Province are indexed for inflationary increases, however the majority of the formulas for provincial mandated costs are. As a result, the spread between what we receive vs what we pay to the province continues to widen, and our “ability to fund our municipal needs” is further strained with mandatory costs consuming an increasing % of our overall operating budget each year.

On April 18, 2018, CBRM received formal notice from the Department of Municipal Affairs that the Equalization Grant will be reviewed in 2018-19, and any results of such review could be phased in over future years, beginning as early as 2019-20. Nothing in the notice however, indicated that any changes in formulas are being considered for review with respect to mandated provincial costs.

Respectfully submitted,

ORIGINAL SIGNED BY

Jennifer Campbell, CPA, CA
Chief Financial Officer

ⁱ <https://novascotia.ca/dma/funding/operating/equalization-grants.asp>

ⁱⁱ <https://novascotia.ca/dma/funding/operating/hst-offset-program.asp>

