

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, FEBRUARY 16TH, 2016

6:00 P.M.

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

Cape Breton Regional Municipal Council

Tuesday, February 16th, 2016

6:00 p.m.

AGENDA ITEMS

ROLL CALL

O' Canada

Moment of Silent Reflection

1. APPROVAL OF MINUTES: (Previously Distributed)

➤ Council – December 10th, 2015

2. PRESENTATION:

2.1 PVSC- The CAP Program – 10 Years On:
Spokesperson, Kathy Gillis, CEO (See page 8)

3. PLANNING ISSUES:

3.1 FINAL APPROVAL – PUBLIC HEARINGS:

a) Zoning Amendment the Watersheds of Sand Lake and John Allen Lake – Case 1014:

Public Hearing to consider an amendment to the CBRM Land Use Bylaw by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone. Malcolm Gillis, Director of Planning (See page 16)

Continued...

Planning Issues:

Final Approval – Public Hearings Cont'd:

- b) **Should CBRM Consider Amending its Municipal Planning Strategy and Land Use By-Law to Allow two Businesses to Re-Locate to Archibald Avenue, North Sydney, Case 1015:**

Public Hearing to consider an amendment to the text of the CBRM Planning Strategy and amendments to the text and map of the Land Use Bylaw by:

- Replacing Residential Urban C (RUC) Zone with the Central Urban Neighbourhood (NCU) Zone in the neighbourhood of North Sydney colored red on the map with the staff report dated November 20th, 2015; and
- Amending the text of the Planning Strategy and of the NCU Zone in the Land Use Bylaw to permit the sale of crafts at a boutique scale in buildings originally constructed as residential dwellings prior to 1940.

Malcolm Gillis, Director of Planning (See page 21)

- c) **Zoning Amendment Application # 1017 – Kristen MacLeod, 5258 Union Highway, River Ryan (PID # 15876675):**

Public Hearing to consider the zoning amendment application to permit a three-unit dwelling to be located on the property located at 5258 Union Highway, River Ryan.

Karen Neville, Planner (see page 34)

3.2 APPROVAL TO ADVERTISE:

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

Committee recommends approval to advertise notice of a Public Hearing to be held during the March meeting of Council to consider amending the Municipal Planning Strategy concerning the site of the Former Heavy Water Plant currently zoned for Industrial and Business development, to include residential zoning development – Case #1013. Malcolm Gillis, Director of Planning and Development (See page 42)

3.3 Appointment of New Development Officer:

Staff recommends approval of the appointment of David Paton as Development Officer in accordance with Section 243 of the *Municipal Government Act*. Malcolm Gillis, Director of Planning (See page 46)

4. BUSINESS ARISING:

4.1 Council Meeting – July 7th, 2015:

- a) **Proposed New Visitor Experience Centre on the Louisbourg Waterfront:** Rick McCready, Senior Planner (See page 47)

4.2 In-Camera Council Meeting – January 19th, 2016:

- a) **UNSM Representation:**

Recommendation to nominate Mayor Cecil P. Clarke to serve as President of the UNSM in Councillor Claire Detheridge's stead during her absence. Councillor Clarence Prince (See page 60)

- b) **Revised Vacation Policy 3.20:**

Recommendation to approve the Revised Vacation Policy 3-20, as presented. Angus Fleming, Pension Administration (See page 61)

- c) **Citizen Appointments to the CBRM Board of Police Commissioners:**

Recommendation to approve the nomination of three Citizen Appointments to the CBRM Board of Police Commissioners for a two year term; and further, that the names of the successful candidates be released to the public following notification and acceptance of the position. Demetri Kachafanas, Regional Solicitor (See page 63)

- d) **Extended Absence of Councillors:**

Recommendation to grant an extended absence to Councillor Claire Detheridge consistent with Section 17(4) of the *Municipal Government Act* and the *Council Remuneration Policy*. Demetri Kachafanas, Regional Solicitor (Verbal Report)

Continued....

Business Arising Cont'd:

4.2 Business Arising – General Committee February 2, 2016

- a) **2016 Municipal and School Board Elections:** Michael Merritt, Chief Administrative Officer (See page 64)

Committee recommends approving the following staff recommendations:

1. **Appointment of Returning Officer and Assistant Returning Officer** – That the Municipal Clerk and the Regional Solicitor be appointed as the Returning Officer and Assistant Returning Officer respectively for the 2016 Municipal and School Board Elections.
2. **Election Budget (Setting of Tariff of Fees & Expenses)** -That the CAO and his designate (Clerk/Returning Officer) be granted authority under Section 139(1A) of the *Municipal Elections Act* to establish a tariff of fees and expenses for various election services.
3. **Preparation of Preliminary and Final Voters' List** – That staff be authorized to utilize the permanent electoral lists as outlined in Sections 30(1)(c) of the *Municipal Elections Act* and that the Mayor and Clerk be authorized to sign the required Data Sharing Agreement as per Section 30B of the *Municipal Elections Act*.
4. **Alternative Voting Methods – E-voting** – to approved, in principle, the use of electronic voting (i.e. internet and telephone) during the 2016 Municipal and School Elections, with a final report to be presented at a later date.

5. REPORTS:

- 5.1 **Council Vacancy:** Demetri Kachafanas, Regional Solicitor (See page 68)
- 5.2 **Financial Statements to December 31st, 2015:** Marie Walsh, Chief Financial Officer (See page 70)

6. BY-LAWS, RESOLUTIONS & MOTIONS:

6.1 By-Laws:

- a) **Second / Final Reading: (Public Hearing)**
 - i) **Amendments to the Defined Benefit Pension Plan By-Law- Consolidated Plan Text:** Angus Fleming, Pension Administration (See page 72)
(Defined Benefit Pension Plan By-Law Attached Separately)

Continued.....

By-Laws, Resolutions & Motions Cont'd:

- b) First Reading: N/A

6.2 Proclamations and Resolutions:

- a) Janet Anderson Day
Councillor Clarence Prince (See page 76)
- b) African Heritage Month:
Councillor Jim MacLeod (See page 77)
- c) Family Violence Prevention Week:
Councillor Mae Rowe (See page 78)
- d) Dietitians of Canada Nutrition Month:
Councillor Darrell Flynn (See page 79)

6.3 Motions N/A

Adjournment

The CAP Program – 10 years On

Presentation to the CBRM Council

Kathy Gillis, CEO

Russ Adams, VP, Enterprise Risk & Quality Services

Meredith Buchanan, VP, Strategy & Stakeholder Services

February 16, 2016



Context

- CBRM has been reviewing and analyzing the impact of the CAP
- Most recently, CBRM councillors visited a number of communities to engage their citizens in the budget process and received questions around the CAP
- CBRM asked PVSC for additional information and analysis on the CAP, including the impact of a CAP recalibration strategy



What a difference a decade makes

That was then...

The Chronicle Herald
Province seeks answers to huge assessment hikes
Published December 15, 2001

Herald News
Assessment hikes may force residents off waterfront land
Published December 19, 2001

The Chronicle Herald
Assessments putting oceanfront out of reach
Published February 9, 2002

This is now...

Herald News
Home News Opinions Business Sports Arts & Life Schools Health Community Careers Video
More Cap Breton Nova Scotia Canada World Nova Scotia

N.S. property assessments up about half of last year's increase
STAFF WRITER'S STORY BY BRIAN FLINN
Published: 12:01 PM EST 04/20/2016

allNOVASCOTIA
BUSINESS POLITICS & OPINION LIFESTYLE

UPDATE: PROPERTY ASSESSMENTS FLAT
Brian Flinn
Nova Scotia property assessments are up just 1.55% for 2016. It's the smallest increase since the Property Valuation Services Corp. (PVSC) was formed in 2008.

CBCnews Nova Scotia
Home World Canada Politics Business Health Arts & Entertainment Technology & Science
Canada NS Photo Galleries

Nova Scotia property values rise 1.55%
Property Valuation Services says the small change reflects a 'stagnating market'
By Staff Writer, CBC News, Published April 20, 2016 (Last Updated: April 20, 2016 12:01 PM EST)

What a difference a decade makes

That was then...

2005:
CAP created to protect homeowners from
“sudden and dramatic increases in assessment values” and
“being taxed out of their homes”

This is now...

CBCnews Nova Scotia
Home World Canada Politics Business Health Arts & Entertainment Technology & Science
Canada NS Photo Galleries

Nova Scotia property assessment cap changes needed, says new UNSM head
By Staff Writer, CBC News, Published April 20, 2016 (Last Updated: April 20, 2016 12:01 PM EST)

Herald News
Home News Opinions Business Sports Arts & Life Schools Health Community Careers Video
More Cap Breton Nova Scotia Canada World Nova Scotia

Property assessment cap hurting new-home buyers: retiring Halifax CFO
By Staff Writer, CBC News, Published April 20, 2016 (Last Updated: April 20, 2016 12:01 PM EST)

CBCnews Nova Scotia
Home World Canada Politics Business Health Arts & Entertainment Technology & Science
Canada NS Photo Galleries

CBRM staff say capped taxes favour rich neighbourhoods
By Staff Writer, CBC News, Published April 20, 2016 (Last Updated: April 20, 2016 12:01 PM EST)

Unintended Consequences (CBRM)

Large Cap Reduction	
Assessed Value	\$85,000
Capped Value	\$50,600
CAP Reduction	\$34,400
Taxes with a CAP ¹	\$1,009
Taxes without a CAP ²	\$1,355
Difference	\$347



Small CAP Reduction	
Assessed Value	\$85,000
Capped Value	\$78,800
CAP Reduction	\$6,200
Taxes with a CAP ¹	\$1,531
Taxes without a CAP ²	\$1,355
Difference	(\$175)



No CAP	
Assessed Value	\$85,000
Capped Value	-
CAP Reduction	-
Taxes with a CAP ¹	\$1,694
Taxes without a CAP ²	\$1,355
Difference	(\$338)



¹Estimated tax rate based on the most recent published tax rate

²Estimated tax rate based on No CAP Program

Unintended Consequences (Chester)

Large CAP Reduction	
Assessed Value	\$2,116,800
Capped Value	\$1,634,200
CAP Reduction	\$482,600
Taxes with a CAP ¹	\$11,028
Taxes without a CAP ²	\$12,386
Difference	\$1,358



No CAP	
Assessed Value	\$150,300
Capped Value	-
CAP Reduction	-
Taxes with a CAP ¹	\$1,014
Taxes without a CAP ²	\$879
Difference	(\$135)



Small CAP Reduction	
Assessed Value	\$150,300
Capped Value	\$143,000
CAP Reduction	\$7,300
Taxes with a CAP ¹	\$955
Taxes without a CAP ²	\$879
Difference	(\$86)



¹Estimated tax rate based on the most recent published tax rate

²Estimated tax rate based on No CAP Program

Section 42 of Nova Scotia Assessment Act

"All property shall be assessed at its market value, such value being the amount which in the opinion of the assessor would be paid if it were sold on a date prescribed by the Director in the open market by a willing seller to a willing buyer, but in forming his opinion the assessor shall have regard to the assessment of other properties in the municipality

so as to ensure that, subject to Section 45A, taxation falls in a uniform manner upon all residential and resource property and in a uniform manner upon all commercial property in the municipality"



7

What a difference a decade makes

That was then...

2005

25,000 enrolled in CAP

Properties with assessment increases greater than 15% and applied for the program.

This is now...

2016

350,000 automatically in CAP

Properties with assessment increases greater than CPI (0.3% for 2016) and meet eligibility criteria.

Why review and improve the CAP?

- Because it's 2016: Over the past decade, our economy, demographics, and real estate reality have changed dramatically.
- Unintended Consequences
 - Same neighbourhood, same kind of homes, hugely different tax bills
 - High value property owners benefiting; low value property owners subsidizing
 - First time home owners, homeowners upgrading or downsizing, new Nova Scotians most victimized
 - Punishing those who improve their homes
 - Tax burden concerns from the business community
 - Increased tax component in rent for apartment dwellers



Getting There – To a Fair, Balanced System

Guided by four main principles

1. A simple to understand formula
2. Fairness in transition tax impact
3. Long term equity in property taxation
4. Transparency in taxation



CAP Recalibration – CBRM

Large CAP Reduction

Assessed Value	\$85,850
Capped Value	\$50,752
CAP Reduction	\$35,098
Taxes Status Quo Year 1	\$1,012
Taxes Recalibration Year 1	\$1,054
Tax Impact	\$43



Small CAP Reduction

Assessed Value	\$85,850
Capped Value	\$77,030
CAP Reduction	\$8,820
Taxes Status Quo Year 1	\$1,535
Taxes Recalibration Year 1	\$1,514
Tax Impact	(\$22)



No CAP

Assessed Value	\$85,850
Capped Value	-
CAP Reduction	-
Taxes Status Quo Year 1	\$1,711
Taxes Recalibration Year 1	\$1,668
Tax Impact	(\$43)



Higher End, Large CAP Reduction

Assessed Value	\$293,900
Capped Value	\$207,800
CAP Reduction	\$92,100
Taxes Status Quo Year 1	\$4,154
Taxes Recalibration Year 1	\$4,233
Tax Impact	\$79



¹Estimated tax rate based on the most recent published tax rate

²Estimated tax rate based on No CAP Program

CAP Recalibration – Chester

Large CAP Reduction

Assessed Value	\$150,300
Capped Value	\$125,800
CAP Reduction	\$24,500
Taxes Status Quo Year 1	\$851
Taxes Recalibration Year 1	\$855
Tax Impact	\$4



Small CAP Reduction

Assessed Value	\$150,300
Capped Value	\$143,000
CAP Reduction	\$7,300
Taxes Status Quo Year 1	\$968
Taxes Recalibration Year 1	\$958
Tax Impact	(\$10)



Not Capped

Assessed Value	\$150,300
Capped Value	\$0
CAP Reduction	\$0
Taxes Status Quo Year 1	\$1,019
Taxes Recalibration Year 1	\$1,004
Tax Impact	(\$15)



High End, Large CAP Reduction

Assessed Value	\$2,116,800
Capped Value	\$1,834,200
CAP Reduction	\$282,600
Taxes Status Quo Year 1	\$11,061
Taxes Recalibration Year 1	\$11,216
Tax Impact	\$155



¹Estimated tax rate based on the most recent published tax rate

²Estimated tax rate based on No CAP Program

Why Now?

- Market assessments are flattening
- Aligns with Provincial government priorities
 - One Nova Scotia Report
- Nova Scotia and PEI are the only jurisdictions in Canada with a CAP
 - New Brunswick phased out CAP in 2012
- The right leadership, the right time



The Approach

- Evolution, not revolution – a sensitive political, public issue
- Stepwise, gradual, transparent, and fair
- Leadership working together
 - Consultation, education, third party champions building momentum for positive adjustments

Questions



CBRM PUBLIC HEARING

Affecting lands within the zoned watersheds of Sand Lake and John Allen Lake

Council of the Cape Breton Regional Municipality (CBRM) has scheduled a Public Hearing to consider a zoning amendment application to amend the CBRM Land Use Bylaw. The amendment is proposed by staff of its Planning Department and Engineering and Public Works Department. The amendment is intended to replace the restrictive Public Water Supply Watershed (PWS) Zone currently in effect in the natural topographic watershed of Sand Lake and John Allen Lake. These lakes are no longer used by the CBRM water utility to provide water to the communities of the greater Glace Bay area and the utility is decommissioning the infrastructure once used to collect the water from these lakes. Consequently the very restrictive zoning in effect to protect the quality of the water is no longer necessary. With this amendment the zoning in effect in the surrounding rural areas will replace the PWS Zone. The title of this replacement Zone is the Rural Cape Breton (RCB) Zone. This amendment is in compliance with the CBRM's Planning Strategy.

The Public Hearing is scheduled for Tuesday, February 16th, 2016 at 6 p.m. in the Council Chambers, 2nd floor Civic Centre, 320 Esplanade, Sydney. Anyone wishing to inquire, comment, critique, or advocate for or against this proposed amendment is welcome to make a presentation at the Public Hearing.

For more detailed information on this proposed amendment please call the Planning Department at S63-S027 or e-mail mggillis@cbrm.ns.ca.



TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: ZONING AMENDMENT THE WATERSHEDS OF
SAND LAKE and JOHN ALLEN LAKE – case 1014**

DATE: January 14th, 2016

For generations Sand Lake was used first by the Town of Glace Bay and then the CBRM as the source of public water for the greater Glace Bay area while John Allen Lake was first used by the Municipality of Cape Breton County and then the CBRM to service the community of Birch Grove. These Lakes no longer are being used for this purpose. The CBRM water utility now supplies water to the communities of Glace Bay, Dominion, Reserve Mines, Tower Road, Donkin, Port Morien and Birch Grove using water from the former AECL reservoir (i.e. the dammed McAskill Brook).

CBRM's Planning Strategy has a policy that stipulates the various watersheds used by the Regional Municipality as a source of public water should be protected with a Zone that stringently regulates development within them. When the Planning Strategy came into effect in 2004 Sand Lake and John Allen Lake were still being used by the CBRM water utility. Consequently their watersheds were protected with the imposition of the Public Water Supply (PWS) Zone. The jurisdiction of the PWS Zone in both watersheds is colored green on the map with this report.

Now that these Lakes are no longer being used by the water utility (and it has no intention of using them as a backup to the above referenced reservoir) the very restrictive PWS Zone should be removed from their watersheds as the majority of lands within them are privately owned. The appropriate thing to do is to replace the PWS with the rural Zone in effect throughout the surrounding area i.e. the Rural Cape Breton (RCB) Zone. Actually not to do so would contravene Planning Strategy policy.

Recommendation:

I recommend that the CBRM Land Use Bylaw map be amended by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone.

Submitted by:

ORIGINAL SIGNED BY

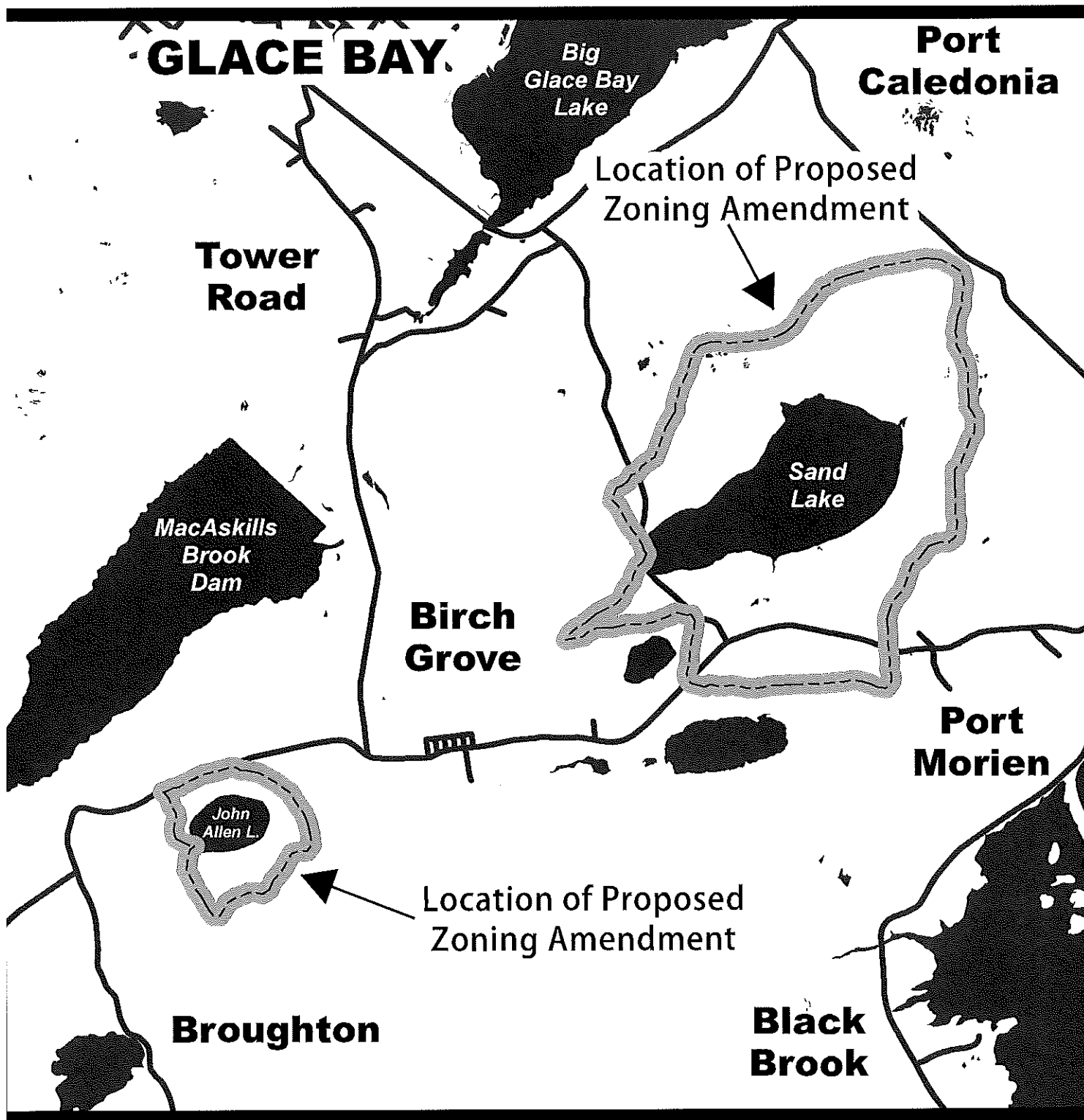
Malcolm Gillis, Planning and Development Department

MPS and Zoning Amendment 1014

Replace PWS Zone with RCB Zone

0 0.5 1 2 3 Kilometers





Necessary Municipal Planning Strategy and Land Use Bylaw Amendments Affecting the Watersheds of Sand Lake and John Allen Lake – Case 1014:

Motion:

Moved by Councillor Saccary, seconded by Councillor Flynn, approval to advertise notice of a Public Hearing to be held at the December 10th, 2015 meeting of Council to consider amending the CBRM Land Use Bylaw map by deleting the Public Water Supply Watershed (PWS) Zone currently in effect in the watersheds of Sand Lake and John Allen Lake and that it be replaced with the Rural Cape Breton (RCB) Zone and that the CBRM Planning Strategy be amended by deleting any reference to these two watersheds in Part 9.

Motion Carried.

CBRM PUBLIC HEARING

Council of the Cape Breton Regional Municipality (CBRM) has scheduled a Public Hearing to consider a change in Planning Strategy policy and an amendment to its implementing Land Use Bylaw that would:

- expand the range of permitted uses in the Central Urban Neighbourhood (NCU) Zone to allow for the retailing of crafts at a boutique scale, as defined in the Bylaw; and
- replace the Residential Urban C (RUC) Zone in the neighbourhood highlighted on the map with this notice with the NCU Zone.

The Public Hearing is scheduled for Tuesday, February 16th, 2016 at 6 p.m. in the Council Chambers, 2nd floor Civic Centre, 320 Esplanade, Sydney. Anyone wishing to inquire, comment, critique, or advocate for or against this proposed amendment is welcome to make a presentation at the Public Hearing.

This proposed amendment is being recommended by staff in response to a proposal to establish a boutique scale craft retail store at 33 Archibald Avenue in the community of North Sydney after conducting a Public Participation Program. The NCU Zone is currently only in effect in the Sydney neighbourhood between Townsend Street and Wentworth Park.

Anyone wishing to inquire, comment, critique, or advocate for or against this proposed amendment is welcome to make a presentation at the Public Hearing. For more detailed information on this proposed amendment, including copies of the proposed amendments, please call the Planning Department at S63-S027 or e-mail mggillis@cbrm.ns.ca.

Approval to Advertise – Should CBRM consider amending its Municipal Planning Strategy and Land Use By-Law to Allow two Businesses to Re-Locate to Archibald Avenue, North Sydney, Case 1015

Motion:

Moved by Councillor Prince, seconded by Councillor MacLeod, approval to advertise Notice of a Public Hearing to be held at the January 2016 meeting of Council to consider option 4 outlined in the September 25th staff Issue Paper which advocates an amendment to the text of the CBRM Planning Strategy and amendments to the text and map of the Land Use Bylaw by:

- Replacing Residential Urban C (RUC) Zone with the Central Urban Neighbourhood (NCU) zone in the neighbourhood of North Sydney colored red on the map with the staff report dated November 30th, 2015; and
- Amending the text of the Planning Strategy and of the NCU Zone in the Land Use Bylaw to permit the sale of crafts at a boutique scale in buildings originally constructed as residential dwellings prior to 1940.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: SHOULD CBRM CONSIDER AMENDING ITS
MUNICIPAL PLANNING STRATEGY AND
LAND USE BYLAW TO ALLOW 2 BUSINESSES
TO RE-LOCATE TO ARCHIBALD AVENUE
NORTH SYDNEY – case 1015**

DATE: November 30th, 2015

Local Councillor Charlie Keagan, the Mayor's office, and the Planning Department have been recently approached by the proprietors of 2 separate businesses asking if they could re-locate their business at different sites within the same block of Archibald Avenue in North Sydney between the Avenue's intersection with Pleasant Street and Pierce Street. Both sites are outside the jurisdiction of North Sydney's downtown Central Business District Zone. This block of the Avenue is in the jurisdiction of a residential Zone that only permits small scale service based home businesses (e.g. a hair salon is permitted with a maximum of 2 barbers and retail is prohibited as a main use). However, this block of the Avenue is adjacent the Central Business District Zone which ends with the properties on the east side of Pleasant Street. During its September 15th meeting Council instructed Planning Department staff to prepare an issue paper explaining what options are available to the Regional Municipality if this request is to be considered.

That requested issue paper was presented to Council's General Committee during its October 6th meeting. The General Committee instructed staff and local Councillor Charlie Keagan to conduct a Public Participation Program as required by Section 204 of the Municipal Government Act for all considered Planning Strategy amendments. This Public Participation Program consisted of a public meeting held on November 19th, a meeting with the Parish Council of St. Joseph's parish, letters to the adjacent property owners, and a meeting with the North Sydney Business Improvement and Development Association.

The result of the Public Participation Program is that the above referenced people and agencies are generally in acceptance of the proposed conversion of the dwelling and home business at 33 Archibald Avenue only because of the specific amendments proposed by staff as options 3 or

4 in the original staff report regarding this issue dated September 25th. There was very little appetite for simply extending the boundary of the downtown Central Business District (CBD) Zone into this neighbourhood. Because of the significantly less restrictions on the types of development and how they are regulated in the CBD Zone, it was generally considered an incompatible regulatory tool for this neighbourhood.

Recommendation:

I recommend that Council consider option 4 from the September 25th issue paper which advocated an amendment to the text of the CBRM Planning Strategy and amendments to the text and map of the Land Use Bylaw by:

- replacing Residential Urban C (RUC) Zone with the Central Urban Neighbourhood (NCU) Zone in the neighbourhood of North Sydney colored red on the map with this report; and
- amending the text of the Planning Strategy and of the NCU Zone in the Land Use Bylaw to permit the sale of crafts at a boutique scale in buildings originally constructed as residential dwellings prior to 1940.

I therefore request a Motion to schedule a Public Hearing to consider these amendments to take place during the January meeting of Council.

Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Planning 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 2, Policy 12 is amended to read as follows:

12. It shall be a policy of Council to create a Zone designed to be in effect in neighbourhoods in proximity to any downtown Central Business District intended to provide for alternative uses of buildings originally constructed several generations ago as substantial residential dwellings. In this Zone, by the use of site plan approval, performance and bonus zoning incentives, buildings originally constructed several generations ago as substantial residential dwellings may be converted into (1) boutiques specializing in retailing crafts and/or (2) service businesses specializing in:

- artist or artisan establishments;
- dining;
- health care;
- personal care and service;
- business office.

The performance and bonus zoning provisions shall be in effect to preserve the architectural integrity of the building. The site plan approval criteria shall be used to ensure the property is attractively landscaped, neighbouring properties are respected, and motor vehicle traffic emanating to and from the site does not exacerbate motor vehicle and pedestrian traffic movement problems along any public street/road.

This Zone can be implemented in any central urban neighbourhood that meets this description by zoning amendment.

PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on January 19th, 2016.

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 January 19th, 2016 to amend the CBRM's Municipal Planning Strategy.

Deborah Campbell, 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 15, titled the "Central Urban Neighbourhood (NCU) Zone" is amended by adding the following to the list of permitted uses in Section 1

- **sales - only the following**
retail stores specializing in crafts at a boutique scale *in compliance with the site plan approval provisions of Section 3 and the Performance Zoning provisions of Section 4*

THAT: Part 15, titled the "Central Urban Neighbourhood (NCU) Zone" is amended by:

- adding the words "Sales and" to the beginning of the title of Section 3;
- deleting Section 3.e and 3.f; and
- renumbering the subsequent sub-sections accordingly.

THAT: Part 15, titled the "Central Urban Neighbourhood (NCU) Zone" is also amended by revising Section 4 to read as follows:

Section 4 Performance Zoning Provisions

No Development Permit for any of the sales or service uses listed in Section 1 subject to Performance Zoning provisions shall be issued unless the proposed business development is to be located within a converted dwelling originally constructed prior to 1940, unless the building was previously converted into a business development. No Development Permit shall be issued unless a total of 4 points is compiled by preserving or incorporating any combination of the types of protuberances, embellishments, or adjuncts listed in the table below into the overall design of the building. Additions may be included as part of the development provided the floor area of the addition does not exceed 25% of the total floor area of the building before the addition.

THAT: the word "boutique" is deleted from the row in the left column of the table in Section 30 of Part 2 which currently reads "convenience stores/boutiques/agricultural products markets".

THAT: the Land Use Bylaw map is amended by replacing the Residential Urban C (RUC) Zone in the neighbourhood colored red on the map with this amending Bylaw with the Central Urban Neighbourhood (NCU) Zone.

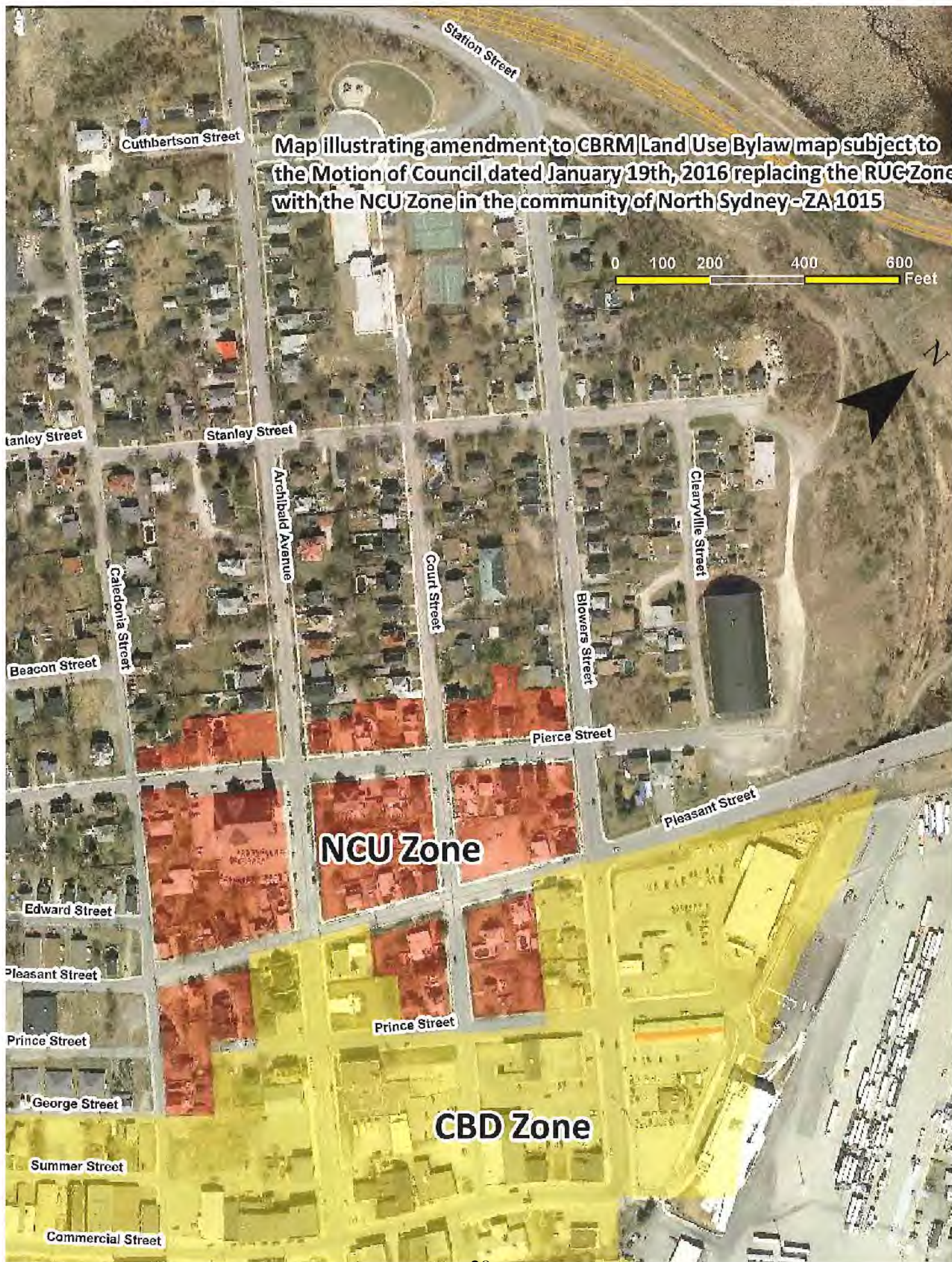
PASSED AND ADOPTED: by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on January 19th, 2016.

MAYOR

CLERK

THIS IS TO CERTIFY that the above text amendments and Land Use Bylaw map amendments on the next page referencing zoning amendment 1015 are a true and correct copy of the Amending By-law of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on January 19th, 2016 to amend the Cape Breton Regional Municipality's Land Use By-law.

Debarah Campbell, CLERK





TO: CBRM Council

FROM: Malcolm Gillis

**SUBJECT: SHOULD CBRM CONSIDER AMENDING ITS
MUNICIPAL PLANNING STRATEGY AND
LAND USE BYLAW TO ALLOW 2 BUSINESSES
TO RE-LOCATE TO ARCHIBALD AVENUE
NORTH SYDNEY – case 1015**

DATE: September 25th, 2015

Local Councillor Charlie Keagan, the Mayor's office, and the Planning Department have been recently approached by the proprietors of 2 separate businesses asking if they could re-locate their business at different sites within the same block of Archibald Avenue in North Sydney between the Avenue's intersection with Pleasant Street and Pierce Street. Both sites are outside the jurisdiction of North Sydney's downtown Central Business District Zone. This block of the Avenue is in the jurisdiction of a residential Zone that only permits small scale service based home businesses (e.g. a hair salon is permitted with a maximum of 2 barbers and retail is prohibited as a main use). However, this block of the Avenue is adjacent the Central Business District Zone which ends with the properties on the east side of Pleasant Street. During its September 15th meeting Council instructed Planning Department staff to prepare an issue paper explaining what options are available to the Regional Municipality if this request is to be considered.

Both of these businesses currently are located within commercially zoned areas. The hair salon is located in downtown North Sydney and the craft retailer is in the North Sydney mall. So we have to be careful if the Regional Municipality is to consider allowing two established business developments located in appropriately zoned locations to relocate to sites within a residentially zoned neighbourhood. The proprietor of the craft shop claims their business is suffering because the mall has not been successful in attracting customers. I'm not sure why the proprietor of the hair salon wanted to re-locate her business. Her hair salon is currently located at 26 Archibald Avenue i.e. just across Pleasant Street. She claimed she could not find a suitable site within North Sydney's downtown.

First let's consider this block of Archibald Avenue. On the south side of the Avenue there are just two lot parcels and each has one main building i.e. a modest single detached dwelling assessed at \$40,000 and one of the largest churches on Cape Breton Island i.e. St. Joseph's Catholic church. On the north side of the Avenue there are three lot parcels. Two are occupied and one lot parcel is vacant. Each of the occupied lot parcels have very large and well maintained single detached dwellings with assessed values well above the community's average residential assessment rate. One of the dwellings has a law office on a part of the 1st floor as a home business (33 Archibald Avenue – the building the craft retailer wants to relocate to). What I have described is not a streetscape that warrants inclusion into the jurisdiction of a downtown Central Business District Zone.

The reasons cited by the proponents of this Planning Strategy and Land Use Bylaw amendment request to justify their request is the proximity of this block to North Sydney's downtown i.e. the downtown starts on the next block to the east, and the location of the following business developments in the vicinity i.e. a convenience store at 83 Pierce Street, an insurance business at 92 Pierce Street, a medical practitioner at 96 Pierce Street and the law office within the building the proprietor of the craft retail business wants to occupy, and the large church across the Avenue.

The convenience store has been there for generations and is one of the last remaining neighbourhood convenience stores in the community. All of the other referenced businesses are in beautiful old residential buildings converted for their current purpose. Other than the convenience store, all of the businesses are service based, not retail.

I believe Council has the following options.

1. Simply reject the requested amendment. There is justification for taking this option. The streetscape I described along this block of Archibald Avenue has no retail establishments. And the only retail store in the vicinity is an old convenience store that is further away from the house the craft retailer wants to relocate to than the downtown Zone. And the business is currently operating from the one mall in the community.
2. Extend the boundary of downtown North Sydney's Central Business District Zone to include the entire block. I wouldn't recommend this. The downtown Central Business District Zone permits a wide range of business developments from craft shops to taverns with no provisions in effect to preserve the architecture of beautiful old buildings.
3. Amend the home business General Provision in the Land Use Bylaw and its supporting Planning Strategy policy. CBRM's Planning Strategy has a policy, implemented in the Land Use Bylaw, that allows for the establishment of business developments in residential neighbourhoods at the proprietor's place of residence. But it only allows service based businesses (e.g. small business office like a law office, or personal service like a hair salon) but not retail as a main use. Both the Planning Strategy and Bylaw could be amended to allow certain types of retail (e.g. a craft retailer but not a convenience store) if the business is operated from a building that was originally constructed as a residence several generations ago and its architectural embellishments are to be preserved. And this retail

option would only be available for residential neighbourhoods in proximity to a downtown Central Business District.

4. The Planning Strategy currently has a policy that creates a Zone which can be used in neighbourhoods in proximity to a downtown Central Business District permitting a range of service business developments in converted residential buildings provided the architectural integrity of the building is preserved, but the range of permitted uses does not include retail. The only neighbourhood currently under the jurisdiction of this Zone is between Townsend Street and Wentworth Park. The Wentworth Park coffee shop is a well known example of how this Zone works. Council could consider expanding this policy and its implementing Zone to include certain retail types and then introduce this Zone in this neighbourhood in North Sydney.

Recommendation:

At this stage I am not prepared to make a firm recommendation. I believe this matter should be discussed with the local business improvement development association in North Sydney (*why are established businesses wanting to re-locate outside of established business areas*) and Sydney (*because if option 4 is taken that Zone is in effect in the neighbourhood just south of downtown Sydney*) as part of the Public Participation Program. However, if a change in policy is to be made I will only be recommending options 3 or 4 or some variation of each. I recommend that Council instruct staff to conduct a Public Participation Program that would consist of consultation with the North Sydney and Sydney business improvement development associations and the immediately surrounding neighbourhood at Archibald Avenue.

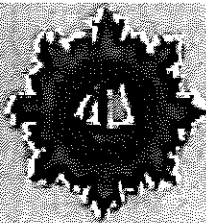
Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis
Planning Department

1015 MPS and LUB Amendment





CAPE BRETON REGIONAL MUNICIPALITY

CBRM PUBLIC HEARING Three Unit Apartment Building 5258 Union Highway, Scotchtown

The Council of the Cape Breton Regional Municipality has scheduled a Public Hearing to consider a zone amendment application to permit a three unit apartment building for a property located at 5258 Union Highway, Scotchtown. The site is currently occupied by two unit dwelling which the applicant would like to convert to a three unit apartment building.

The Public Hearing is scheduled for Tuesday, February 16th, 2016 at 6 p.m. in the Council Chambers, 2nd floor Civic Centre, 320 Esplanade, Sydney. Anyone wishing to comment on this proposed amendment is welcome to make a presentation at the Public Hearing. Written submissions will be received at the Planning and Development Department, Cape Breton Regional Municipality, Suite 200, 320 Esplanade, Sydney, N.S. at any time prior to the Public Hearing.

For more detailed information on this proposed amendment, including copies of the site plan and the draft of the Zone to be in effect, please call the Planning and Development Department at 563-5088 or e-mail kmneville@cbmr.ns.ca.

Approval to Advertise – Zoning Amendment Application #1017 – Kristen MacLeod, 5258 Union Highway, River Ryan (PID# 15876675)

Motion:

Moved by Councillor Cormier, seconded by Councillor Eldon MacDonald, approval to advertise Notice of a Public Hearing to be held at the January 2016 meeting of Council to consider the zoning amendment application to permit a three-unit dwelling to be located on the property located at 5258 Union Highway, River Ryan.

Motion Carried.



TO: CBRM Council

FROM: Karen Neville

**SUBJECT: ZONING AMENDMENT APPLICATION – 1017
Kristen MacLeod
5258 Union Highway (PID 15876675)**

DATE: February 10, 2016

Introduction

The Planning and Development Department has received a zoning amendment application from Ms. Kristen MacLeod requesting permission to construct a three unit apartment building at 5258 Union Highway (PID 15876675). Currently there is a two unit building on the property which Ms. MacLeod is presently renovating. After purchasing this property, Ms. MacLeod realized that the foundation of the existing two storey building needed to be replaced. Ms. MacLeod felt the replacement of the existing foundation provided her with an opportunity to have an additional rental unit in the basement. The property is zoned Residential Urban D (RUD). Only one and two unit residential dwellings are permitted in the RUD, as a result Ms. MacLeod has requested the zoning on the property be amended.

The area surrounding the property in question is predominantly residential however there is a range of non-residential uses in the area including a Sobeys's grocery store, auto repair business, church, private club, Horyls Superior Sausage Company, Greenfield Elementary School, CBRM Water Tower and associated infrastructure along with a range of home based businesses. According to CBRM records, there are 134 single detached dwellings, five two-unit dwellings and four four-unit dwellings in the area outlined in Attachment A. The property is also located on a Transit Cape Breton bus route.

What Does the Municipal Planning Strategy Say?

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

The proposed parking area will be small and located to the rear of the main building. A series of shrubs will be located between the parking area and the residential property located at 5266 Union Highway. Some of the existing vegetation was removed from due to its poor condition and to aid in the access of the property during the renovation stage; however, the applicant did leave several trees along Union Highway and King Street. It is the applicant's intention to plant additional shrubbery on the property once construction has been completed (Attachment B).

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

According to Part 2 General Provisions for all Zones Section 30 Parking Requirements According to Land Use Type of the Land Use By-law one parking space is required per dwelling unit of an apartment building. There will be three units in the proposed building and therefore the applicant must provide three parking spaces. The proposed site plan depicts the location of the proposed parking (Attachment B).

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

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

Also, currently there are various provisions in the Land Use By-law that could result in two two-unit buildings being constructed on this property without the need for a zone amendment. The property also has the potential to be subdivided into at two lot parcels, both of which could contain a semi-detached dwelling. If the applicant chose to undertake either of those options the resulting development have similar volume of traffic as the proposed three-unit 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 existing building is a two storeys, which is a residential buildings found in the general area. From the exterior the building will appear to be a single detached dwelling. That being said, the applicant has taken a number of steps to shelter the proposed three unit dwelling from adjacent residential properties including the retention of shrubs and several trees and they intend on planting additional shrubbery upon the completion of construction.

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;

The property in question fronts on Union Highway which is a Level 2 street, but will be accessed by King Street which is considered to be a Level 5 street. Union Highway is also the site of a Transit Cape Breton bus route. While the area is predominantly single unit there is a range of higher density residential buildings as well as a range of non-residential uses in the area. Given the current provisions in the Land Use By-law, the property has the potential to contain two two-unit building, a three unit apartment building would be a comparable density. Based on the above evaluation, the proposed zone amendment to permit a three-unit building on PID 15876675 would meet the intent of the MP5.

Notice to Neighbours

Notice of this application was placed in the January 30th and February 6th editions of the Cape Breton Post. Notice was also mailed to 14 assessed property owners in the vicinity of the property in question (PID 15876675). At the time this report was prepared no written comments were received by the Planning and Development Department.

Recommendation

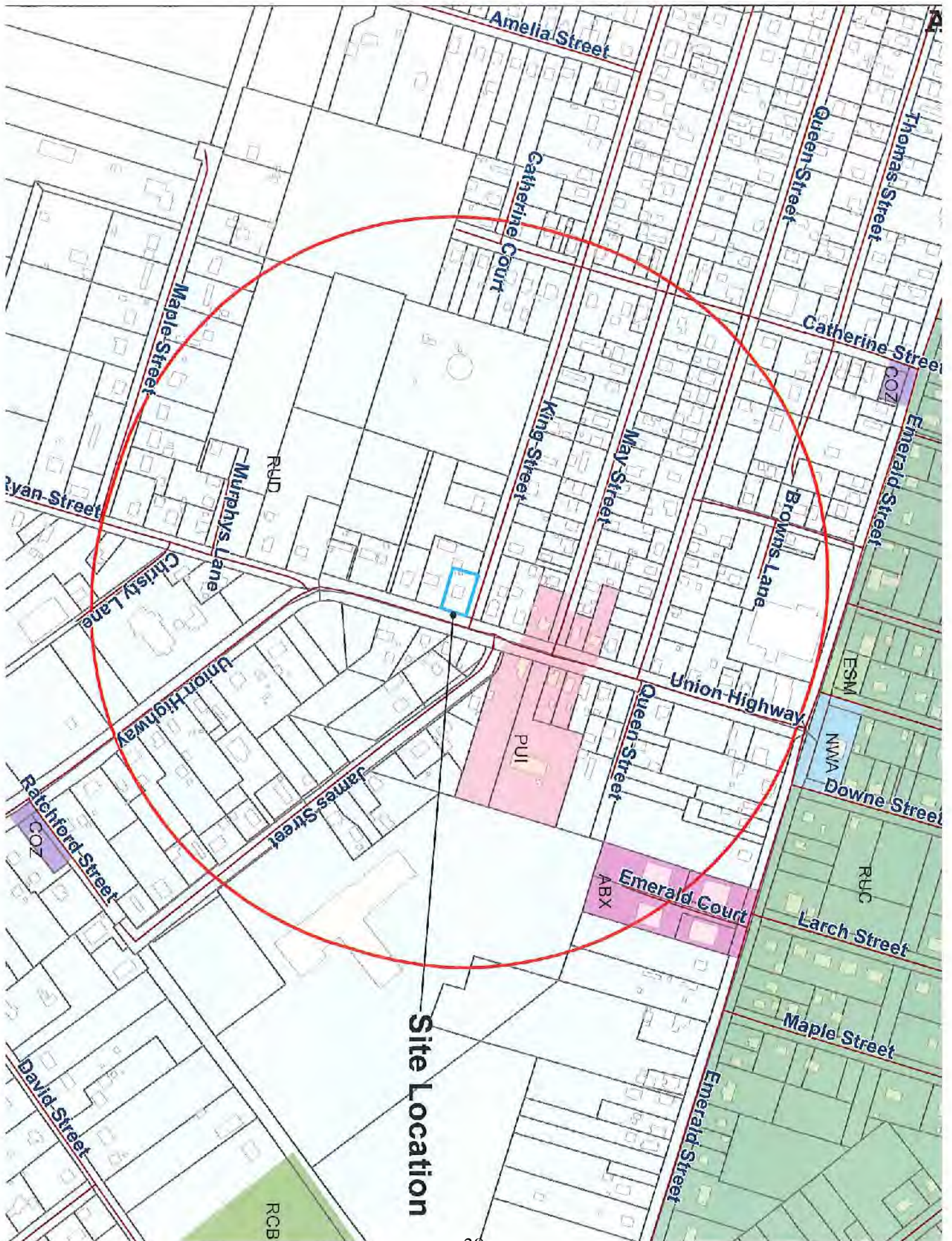
I recommend that Council approved amending the zoning for PID 15876675 from Residential Urban D (RUD) to Apartment Building X (ABX).

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

Submitted by:

Originally Signed By

Karen Neville
Planning and Development Department



SCALE : 1" = 30'

[illegible]

KING STREET

50.

Parking Area

SMfd.
#539

“5”

45.0

GARAGE

DWELLING

PID# 15876675 SM#
LANDS OF #539
LEY DOUGLAS MACLEOD
STEN ROSE MACLEOD
Doc.# 107744527
3, PLAN# 1076605894
civic# 5258

PROPOSED
ADDITION

PID# 15275456
LANDS OF
MARY THERESA EKSAL
CHARLES RICHARD EKSAL
Doc.# 107391816
LOT 2C, PLAN#
1076809894
civic# 5266

Dwelling

SMfB
#539

66' UNION HIGHWAY (ROUTE #28)

NOTE: Clearances shown are perpendicular to the closest corners of the structure, measured to a tolerance of 1.0 ft.

By-law
of the Cape Breton Regional Municipality

amending the

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

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

THAT: Council amends the CBRM's Land Use Bylaw map by deleting the Residential Urban D (RUD) Zone in effect for PID# 15876675 replacing it with the Apartment Building X (ABX) Zone.

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

MAYOR

CLERK

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

Deborah Campbell, CLERK

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

Motion:

Moved by Councillor Saccary, seconded by Deputy Mayor MacDonald, that a recommendation be made to Council for approval to advertise notice of a Public Hearing to be held during the February meeting of Council to consider amending the Municipal Planning Strategy concerning the site of the Former Heavy Water Plant currently zoned for Industrial and Business development, to include residential zoning development – Case #1013.

Public Participation Program:

The Mayor asked if there was anyone present to speak for or against the proposed amendments.

Councillor Saccary raised concerns regarding potential environmental hazards that may exist on the site.

The Director of Planning and Development advised that CBRM will be provided with a map prior to the Public Hearing which will show the areas verified by environmental assessment that have been reclaimed to a residential standard.

The Mayor then called for the vote.

Motion Carried.



TO: CBRM Council

FROM: Malcolm Gillis

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

DATE: January 8th, 2016

Introduction

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

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

Recommendation:

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

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

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

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

Submitted by:

ORIGINAL SIGNED BY

Malcolm Gillis

Planning and Development Department





MEMO TO: CBRM Council

FROM: Malcolm Gillis

SUBJECT: APPOINTING A NEW DEVELOPMENT OFFICER

DATE: January 11th, 2016

With the retirement of Brian Spicer this fall a position of Development Officer became vacant here in the CBRM. After posting the position both internally and externally we hired David Paton to replace Mr. Spicer. David has a Masters of Urban Planning from McGill University. Although he has no experience as a Development Officer, I am confident the combination of his education, his work ethic, intelligence and congeniality will make him a very competent Development Officer representing the CBRM.

It is for these reasons I recommend asking that Council pass a Motion appointing David Paton as Development Officer in accordance with Section 243 of the Municipal Government Act.

ORIGINAL SIGNED BY

Malcolm Gillis
Director of Planning
Cape Breton Regional Municipality



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: 902-539-9419

email: rgmccready@region.cape-breton.ns.ca

February 10, 2016

ISSUE PAPER

TO: Mayor and Council

FROM: Rick McCready, MCIP, Senior Planner

RE: Proposed new visitor experience centre on the Louisbourg waterfront

Background

On July 7, 2015 Council approved in principle a recommendation from staff that CBRM make available lands located on the waterfront in Louisbourg for the development of a new visitor experience centre. At that time a decision to actually convey the property was not possible for several reasons:

- **It was unclear which non-profit organization the land would be deeded over to;**
- **The Louisbourg Merchants' Association, who were operating a campground on the property, had not at that point agreed to relinquish their lease with CBRM;**
- **It was not clear that the financial support and management capacity were in place to design, build and manage the proposed facility.**

Since last July we have received indications that the Synergy Louisbourg Development Society intend to acquire the land and build the facility, and that the facility will be operated by the Fortress of Louisbourg Association in partnership with Synergy Louisbourg. We have also received correspondence from the Louisbourg Merchants' Association indicating that they no longer wish to operate the campground and that they will not be renewing their lease. Finally, ACOA did, in late 2015, approve \$80,000 for the design of the proposed upgrades to the waterfront infrastructure adjacent to the proposed visitor centre. (This design work, which is being funded two thirds by ACOA and one third by CBRM, is currently underway and should be completed by April 2016.

Given the foregoing, it is clear that progress has been made on the waterfront visitor centre project. *However, it is important to note that the funding from ACOA to actually*

design and construct the visitor centre has not been secured as of the date of this issue paper.

Recommendation

Section 4.8 of CBRM's Property Management Policy requires that a public hearing be held before any properties are sold for less than market value that are assessed at greater than \$10,000. As this property has an assessed value of \$130,000, a public hearing must be held before any decision is made by Council to finalize the sale of this land to Synergy Louisbourg.

Although the funding from ACOA and/or the Province to design and build the visitor centre has not yet been secured, staff feel that it would be appropriate at this time to conduct the public hearing regarding the sale. Having the public hearing soon could pave the way for a quick transfer of the property once the required funding has actually been secured.

It should be noted that since last July the area that Synergy Louisbourg is seeking has expanded somewhat. Originally the group was only requesting the former campground property; now they are planning to locate the visitor centre on the lawn area behind the existing CBRM boardwalk, with the entire former campground site being occupied by parking. The area now being requested, and which will be the subject of the public hearing, is shown on the attached map.

Staff recommends that Council schedule a public hearing on this matter.

Yours very truly,

ORIGINAL SIGNED BY

Rick McCready, MCIP
Senior Planner





January 27, 2016

Michael Merritt, Chief Administrative Officer
Cape Breton Regional Municipality
320 Esplanade
Sydney, NS B1P 7B9

Dear Mr. Merritt:

This purpose of this letter is to request that the matter of the transfer of the former Motor Home Park Land in Louisbourg to the Synergy Louisbourg Development Society as decided by Council on July 7, 2015, be added to the Council Committee Agenda for its next meeting on February 2, 2016.

Synergy Louisbourg requires that the land be transferred so that planned improvements can begin immediately. At this time, we have conditional funding and are prepared to enter into a contract with the Dillon Group to create the design of the waterfront including parking and parade areas as well as repairs to the Boardwalk and Guy Hiltz pier. Dillon Group was selected following a CBRM procurement process. We were recently advised that the transfer of the land must be completed before the ACOA funding can be committed or expended.

The purpose of our appearance at the Committee would be to request that the transfer be initiated at the earliest possible time so that the work can proceed. Recent community and business meetings have confirmed broad support for this to happen now. Time is of the essence.

Subsequent to our letter of July 23, 2014, and our previous presentations to Council, we are also asking for CBRM staff support, including maintenance, to move forward elements of the spatial plan and design project. Specifically, we are requesting this support for:

- Approval of the installation of signs as outlined in the sign plan developed by Glenn Group and the Fortress of Louisbourg National Historic Site;
- Assistance in removing existing signage (Synergy Louisbourg will take responsibility for obtaining permissions from any private businesses);



- Immediate and ongoing access to the RV Park site and buildings (during the legal process of land transfer) so we can work with partners who wish to occupy part of that space for the 2016 visitor season;
- Assistance in determining the structural stability of the tunnel as well as an assessment of the feasibility of the proposed redesign. Alternatively, assistance in the removal of this structure if it is determined to be structurally unsound or not feasible to redesign; and
- Assistance in the reorganization of CBRM land; for example, the playground area, which cannot safely remain where it is due to the high traffic volumes in the area now identified for alternate use such as parking areas or gathering spaces.

We would be happy to provide further information and answer any questions during the presentation.

Thank you for your consideration.

Sincerely,

ORIGINAL SIGNED BY

Dorothy Payne, Chair
(on behalf of Synergy Louisbourg Development Society)

ORIGINAL SIGNED BY

~~JöAnna LaTulippe-Rochon~~, Chair
(on behalf of Fortress Louisbourg Association)

Excerpt – Council Minutes: July 7, 2015

Synergy Louisbourg Proposal:

Senior Planner, Rick McCready, provided background information on this issue. He noted that the staff committee reviewed all the proposals outlined in the Synergy Louisbourg plan which were discussed in the staff Issue Paper dated June 8th, 2015, including:

- New Visitor Centre
- Enhancements to existing CBRM Boardwalk
- Other initiatives.

It was noted that the recommended site for the visitor centre was the Louisbourg Motor Home Park site which is owned by CBRM, but leased to the Louisbourg Merchants Association. It is understood that the Merchants Association intends to close the motor home park in the fall of 2015 and would not be renewing its lease, which expires in 2016. Mr. McCready noted that he had asked the treasurer of the Association to provide written confirmation of this decision to the Clerk.

It was pointed out that the Synergy Louisbourg plan is focused entirely on infrastructure, but there is a need to promote the assets the community already has, not just the Fortress. It was suggested that the community should work together to market these assets, which should be undertaken soon, and not delayed while waiting for the infrastructure proposed in the Synergy Louisbourg plan to be completed.

Motion:

Moved by Councillor Saccary, seconded by Councillor Eldon MacDonald, approval of the recommendations outlined in the staff Issue Paper dated June 8, 2015 which included:

- Donation of Motor Home Park Site for Visitor Centre: \$130,000 (in kind, 2015 – 16) – assuming that this is the site is chosen
- One third of estimated cost of design of Crabwalk and associated infrastructure: \$40,000 (2015-2016)
- One third of construction cost of Crabwalk and associated infrastructure: \$400,000 (2016-2017)

During the discussion, Council members noted that the foregoing is contingent upon funding commitments from the other levels of government.

Motion Carried.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Rick McCready
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email: rgmccready@region.cape-breton.ns.ca

June 8, 2015

ISSUE PAPER

TO: Mayor and Council

FROM: Rick McCready, MCIP, Senior Planner, on behalf of Synergy Louisbourg Staff Committee

RE: Synergy Louisbourg Proposal

Background

Synergy Louisbourg representatives made a presentation to Council on March 13 outlining a tourism development plan for the community of Louisbourg that was undertaken for the group by a New Brunswick consulting firm. The group concluded its presentation by requesting that the CBRM consider contributing financially to the implementation of the plan. The amount requested was approximately \$1.3 million over four years. The remainder of the funding was expected to be secured from ACOA and the Government of Nova Scotia. Parks Canada was also identified as a funding partner, but only for projects located on Parks Canada property.

In response to a previous presentation by Synergy Louisbourg last summer, staff was requested by Council to prepare an issue paper regarding the projects in the Synergy Louisbourg plan. A staff committee was formed at the request of Marie Walsh, in her former position as acting CAO, to prepare that issue paper. The committee, which includes representatives of Planning, Engineering and Public Works, Parks and Grounds and Recreation, as well as the Economic Development Officer, has met several times to review the proposal. The completion of the issue paper was delayed until after the final report by Synergy's consultant was ready, which was not until February 5, and has been delayed several times since then because of subsequent changes in direction by Synergy Louisbourg.

Overview of Synergy Louisbourg Proposal

Staff has reviewed all of the proposals outlined in the Synergy Louisbourg plan

New Visitor Centre

The key recommendation in the plan is the development of **a visitor centre on the waterfront** in the community that would combine the functions of the existing visitor information centre operated by Destination Cape Breton with those of the welcome centre operated by Parks Canada at the entrance to the Fortress. The opportunity to combine these two functions in a new location in the community has come about because of a decision by the federal government to close the existing welcome centre in 2016. This is an exciting opportunity for the community because it would result in visitors heading to the Fortress stopping in the community to purchase tickets and to get information on the Fortress. At present many of these visitors drive through the community without stopping or spending any money in local businesses.

Although the plans for the visitor centre are conceptual and more detailed planning is required, the recommended location for the centre is in the waterfront area close to the existing boardwalk owned by CBRM.

It is anticipated that the facility will house visitor reception services for the Fortress, the Destination Cape Breton information centre, and possibly some retail and food service facilities, and that it would be owned and operated by a non-profit organization. The non-profit organization would act as landlord, and it is expected that the rent collected from the tenants, particularly Parks Canada and DCB, would cover the cost of operating the facility.

Enhancements to existing CBRM Boardwalk

In addition to the new visitor centre, the plan proposes rebranding the existing boardwalk and wharf area, which of course is owned by the CBRM, as a “Crabwalk”. This project would involve upgrading and enhancing the area to make it more visitor friendly and also by adding some artistic features promoting the community’s connection to the snow crab industry. As Council is aware, the annual Crabfest takes place adjacent to the boardwalk each summer. The total estimated cost of the Crabwalk (including the parking area and a connection between the Crabwalk and the parking area) is \$1.2 million. All of this infrastructure would be located on land owned by CBRM.

Other Initiatives

The Synergy plan contains a number of other infrastructure projects intended to facilitate tourism. In general, these ideas are very conceptual in nature and many involve land that is not in public ownership. The business plan for Synergy did not analyze the feasibility of these initiatives, with the exception of a proposal for a hotel with conference facilities on the waterfront. The business plan did include a preliminary financial analysis for the hotel, and suggested that it could be economically viable if certain conditions were met.

Recommendations

Based on the foregoing discussion, staff recommends the following:

- I. **Visitor Centre:** That Council agree to make available the lands now occupied by the Louisbourg Motor Home Park on Harbourfront Crescent for the development of the new visitor centre. This site, 1.6 acres in size, would represent an in-kind donation of \$130,000 based on current assessed value. This assumes that the current lease with the Louisbourg Merchants' Association, which has operated a campground on the site since 1988, is terminated, and that an agreement is reached with an owner/operator for the new visitor centre with the capacity to manage the facility in a sustainable manner. Assuming that these issues are addressed, the matter will be brought back to Council for approval of the actual land transaction. If a new visitor centre is built, staff recommends that the ownership of the property be transferred to the operator of the facility and that the CBRM NOT contribute to the cost of constructing or operating the facility.

It should be noted that at least two other possible sites for the visitor centre exist, the former Louisbourg Town Hall (which is owned by CBRM and currently underutilized) and another waterfront area property that is privately owned (the former Louisbourg Craft Centre which went bankrupt in 1994 and has been empty ever since). All of the sites are shown on the attached map. If Council wishes, staff could explore the possibility of locating the visitor centre in one of these locations.

There are challenges with these two sites. The former Town Hall has limited parking, and is not large enough to accommodate the restaurant and craft shop recommended by the Synergy Louisbourg plan.

The privately owned building (the former Louisbourg Craft Centre which went bankrupt in 1994 and has been empty ever since) will require extensive repairs if it is to be used for the new visitor centre. According to a recent report by a structural engineer commissioned by CBRM, demolition of the existing building may make more sense than renovation. The building is assessed at \$62,000 but its actual value is estimated to be \$45,000, according to a report by an appraiser retained by CBRM. It is not known if the current owners would be willing to sell the property for \$45,000. *One advantage of placing the visitor centre on the Craft Centre property (either in the renovated Craft Centre or a new building) would be the fact that the campground site would still be available for the hotel complex proposed to be built by the private sector in the Synergy Louisbourg plan.*

As referenced above, any recommendation to locate the visitor centre on CBRM-owned land (the campground or the former Town Hall) would of course be subject to Council's approval.

2. **Crabwalk (current CBRM boardwalk) and associated infrastructure:** That Council authorize staff to prepare terms of reference for a design report on the proposed “Crabwalk” project, including the proposed upgrading and expanding of the parking area that will be used by visitors accessing the Crabwalk and the proposed new visitor centre. The existing boardwalk, wharf and parking lot are CBRM property and both are in need of upgrades. In addition, enhancements to this area are critical if the visitor centre is to proceed in this location. If 2/3 of the funding required to prepare the design report can be secured from other levels of government, it is recommended that a Request for Proposals for the design proceed this year, in accordance with CBRM’s procurement policy. Once the report is completed, probably in late 2015, and we have proper drawings and specifications for the project, the project can be tendered for construction and completed in the summer of 2016. To facilitate this, Council should consider including one third of the estimated cost (\$400,000) in the 2016-2017 capital budget.
3. **Other Initiatives:** That Council defer consideration of the other initiatives in the Synergy Louisbourg plan until after the work outlined in 1 and 2, above, are completed.

In summary, the financial implications of this project for Council, as recommended by staff, are as follows:

- **Donation of Motor Home Park Site for Visitor Centre: \$130,000 (In kind, 2015-2016)- *assuming that this site is chosen***
- **One third of estimated cost of design of Crabwalk and associated infrastructure: \$40,000 (2015-2016)**
- **One third of construction cost of Crabwalk and associated infrastructure: \$400,000 (2016-2017)**

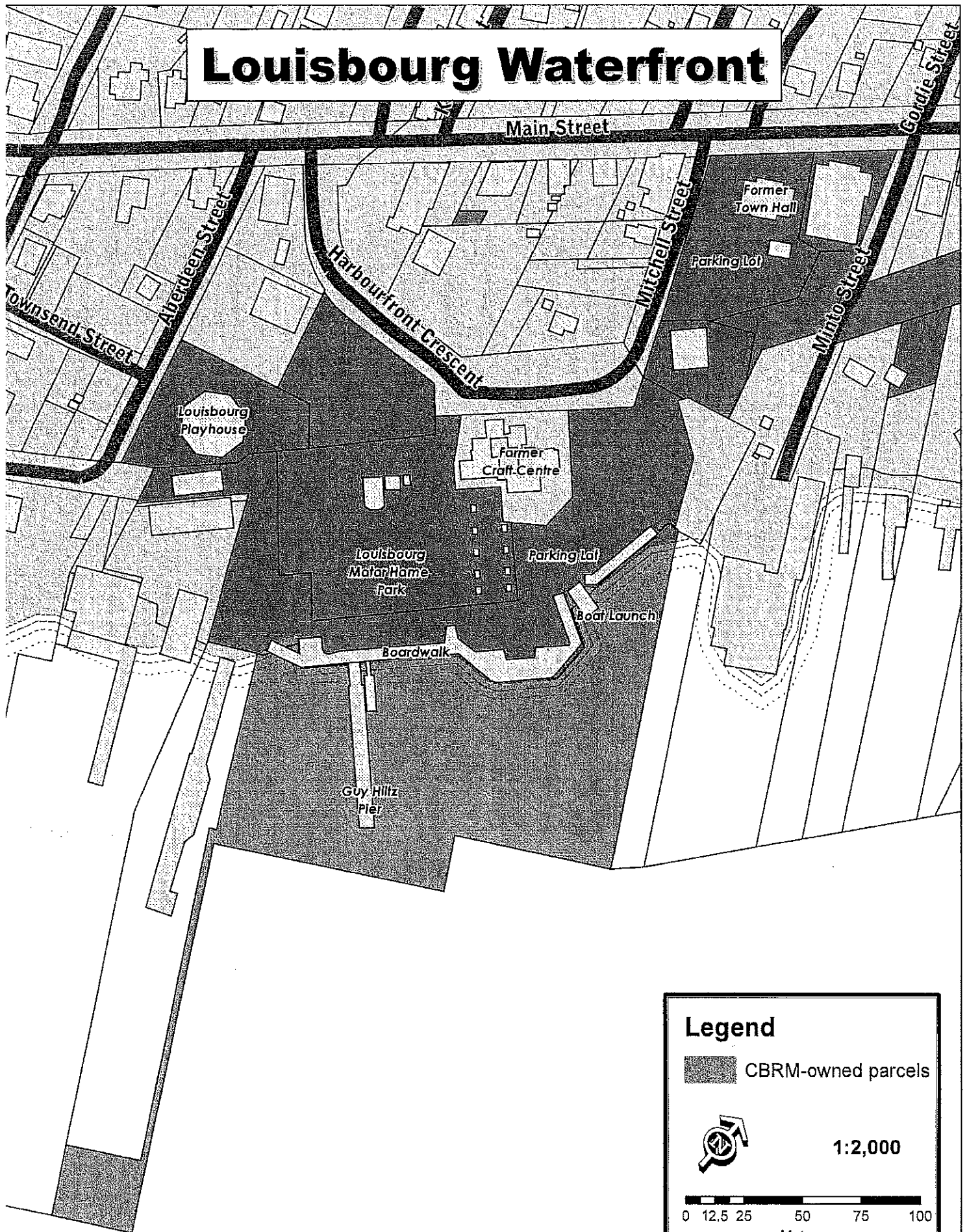
In closing, staff has noted that the Synergy Louisbourg plan is focused entirely on infrastructure, but there is a need to promote the assets the community already has, and not just the Fortress. Compared to communities such as Baddeck and Cheticamp, relatively little effort is being undertaken to promote the community. Louisbourg has top notch accommodations, excellent restaurants, a Playhouse that showcases Cape Breton talent every night from late June to early October and a coastal hiking trail that is one of the most spectacular in the Province. The community should work together to market these assets. This should be undertaken soon, and not delayed while waiting for the infrastructure proposed in the Synergy Louisbourg plan to be completed.

Yours very truly,

Original Signed By

Rick McCready, MCIP
Senior Planner

Louisbourg Waterfront



Legend

 CBRM-owned parcels



1:2,000

0 12.5 25 50 75 100
Meters

The Synergy Louisbourg Development Society – Tourism Spatial Plan for Louisbourg:

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor Eldon MacDonald, that staff be directed to prepare an Issue Paper giving consideration to the request by the Synergy Louisbourg Development Society as outlined in the presentation “Tourism Spatial Plan for Louisbourg”, highlighting the impact of the request over the next number of years and bring back to Council at a future date for further review prior to any action being taken.

Motion Carried

6. **Synergy Louisbourg:** *(PowerPoint Presentation on file in the Clerk's Office)*

Welcome to Ms. Dorothy Payne, Chairperson, and several Board Members of Synergy Louisbourg who were in attendance.

Ms. Payne provided background information on Synergy Louisbourg and an update on their progress, community engagement and support, vision, strategic and spatial plans.

Ms. Payne informed Council that every year, between 75,000 to 100,000 visitors travel through Main Street on route to the Fortress Louisbourg. One component of the spatial plan is to change the sequence of a visitor's arrival to Louisbourg by rerouting their travel to the waterfront as a capture point to enhance their visit and increase potential yield of their visit.

Ask that CBRM provide 10% of the funding for the overall spatial plan, budgeted over a two to four year period, in order to leverage 90 cents on every dollar for the local community.

The CAO advised that an Issue Paper is being prepared regarding Synergy's Spatial Plan to be brought before Council, which will include the impact on CBRM in regard to financial and in-kind support. It was also noted that CBRM staff have been involved in discussions with Parks Canada regarding their acquisition of the former Town Hall, as well as with ACOA regarding Synergy's Plan.

The Economic Development Manager advised that Mr. Rick McCready is preparing the Issue Paper which will include perspectives from the CBRM Departments of Planning, Engineering and Public Works and Economic Development. Louisbourg is the number one tourism draw in the region and having tourists stop in town is fundamental to its continued existence. Should CBRM buy-in to their Plan, Synergy Louisbourg will be able to leverage significant funding from the other partners.

During the discussion, Councillor Saccary indicated that he would be willing to take a more active role in promoting Synergy Louisbourg's Spatial Plan.

Mayor Clarke thanked Ms. Payne for her presentation.

UNSM Representation

Motion:

Moved by Councillor MacLeod, seconded by Councillor Cormier, that a recommendation be made to Council, nominating Mayor Cecil P. Clarke to serve as President of the UNSM in Councillor Claire Detheridge's stead during her absence.

Motion Carried

Revised Vacation Policy 3-20

Motion:

Moved by Councillor Paruch, seconded by Councillor MacLeod, that a recommendation be made to Council to approve the Revised Vacation Policy 3-20, as presented by the Director of Human Resources.

Motion Carried



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5021

To: Members of Council
From: Deborah Campbell, Municipal Clerk
Date: February 5, 2016
Subject: Notice Pursuant to Section 48(1) of *Municipal Government Act* –
Proposed amendments to CBRM Vacation Policy #3-20

Pursuant to Section 48(1) of the *Municipal Government Act*, I hereby give you notice that at the February 16, 2016 meeting, Council will be considering approving proposed amendments to the *CBRM Vacation Policy #3-20*.

Please find attached the proposed amended Policy that was introduced at the January 19, 2016 In Camera meeting of CBRM Council.

ORIGINAL SIGNED BY

Deborah Campbell
Municipal Clerk

Attachment

In-Camera Nominating Committee – December 8th, 2015:

Citizen Appointments to the CBRM Board of Police Commissioners:

Motion:

Moved by Councillor MacLeod, seconded by Councillor Cormier, that a recommendation be made to Council to approve the nomination of the three Citizen Appointments to the CBRM Board of Police Commissioners for a two year term; and further, that the names of the successful candidates be released to the public following notification and acceptance of the position.

Motion Carried

2016 Municipal and School Board Elections:

The Chief Administrative Officer advised that the *Municipal Elections Act* requires Council to take certain actions in preparation for the Municipal and School Board Elections which were outlined in the memo included in the agenda.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Cormier, that a recommendation be made to Council to approve the following staff recommendations:

- 1. Appointment of Returning Officer and Assistant Returning Officer** – That the Municipal Clerk and the Regional Solicitor be appointed as the Returning Officer and Assistant Returning Officer respectively for the 2016 Municipal and School Board Elections.
- 2. Election Budget (Setting of Tariff of Fees & Expenses)** -That the CAO and his designate (Clerk/Returning Officer) be granted authority under Section 139(1A) of the *Municipal Elections Act* to establish a tariff of fees and expenses for various election services.
- 3. Preparation of Preliminary and Final Voters' List** – That staff be authorized to utilize the permanent electoral lists as outlined in Section 30(1)(c) of the *Municipal Elections Act* and that the Mayor and Clerk be authorized to sign the required Data Sharing Agreement as per Section 30B of the *Municipal Elections Act*.
- 4. Alternative Voting Methods – E-voting** – to approve, in principle, the use of electronic voting (i.e. internet and telephone) during the 2016 Municipal and School Elections, with a final report to be presented at a later date.

Motion Carried



M·E·M·O

320 Taspianade

Sydney, Nova Scotia, B1P 7B9

902-563-5009

To: General Committee
From: Michael Merritt, Chief Administrative Officer
Date: January 29, 2016
Subject: 2016 Municipal and School Board Elections

Municipal and school board elections will be held in Nova Scotia on the third Saturday of October this year (October 15th). There are a number of initial decisions that Council must make to commence the election planning process, including:

1. Appointment of RO and ARO
2. Election Budget – Tariff of Fees and Expenses
3. Voters' list - preliminary and final
4. Alternative Voting (E-vote) via Internet and Telephone

1. Appointment of Returning Officer and Assistant Returning Officer:

One of the first decisions a municipality must make according to Section 4 of the *Municipal Elections Act* (MEA) is the appointment of a Returning Officer and Assistant Returning Officer.

In all elections since amalgamation, municipal staff have been appointed to these positions. The CBRM Council, under Section 4(1) of the MEA, has the option to contract this task out to an external person. It is my recommendation that CBRM staff administer the 2016 election and that the Municipal Clerk be appointed Returning Officer and the Regional Solicitor be designated as Assistant Returning Officer.

2. Election Budget (Setting of Tariff of Fees & Expenses):

The experience at CBRM is that a municipal election will cost in the vicinity of \$ 325,000 – \$350,000. CBRM annually reserves funds on a prorated basis for the administration of the election. We will also recover a small portion of these costs (approximately \$20,000 – \$25,000) from school boards to which we offer election services.

The MEA authorizes Council, in Section 139 (1A), to delegate authority to the CAO or Clerk to set the “tariff of fees and expenses” for the election. This would give Election Administrators sufficient flexibility to set the stipends for election workers, rental rates for polling stations, etc.

It is my recommendation that the CAO and his designate (Clerk/Returning Officer) be granted authority to set tariffs and fees as per Section 139(1A) of the MEA.

3. Preparation of Preliminary and Final Voters' List:

The production of a list of electors (voters' list) is a major task and commences early in the election process. The CBRM, in the past six (6) elections, has opted to work with the Provincial Election Officials to create its electoral lists. Our CBRM Planning and IT Departments are noted as leaders in electronic list maintenance and updating.

There will be a requirement for CBRM to sign a Data Sharing Agreement as outlined in Section 30B of the MEA. There are strict privacy and security issues related to the personal information of voters on these lists and we are careful to comply with our statutory obligations.

There is an option for Council to order a physical enumeration of the municipality, however very few units use that process anymore and the CBRM staff strongly recommend that that we utilize an existing list and aggressively revise it to get the most accurate final voters' list possible.

4. Alternative Voting Methods – E-Voting:

Staff will be proposing that we utilize electronic voting again this year (i.e. the internet or telephone) as it was well received by the electorate during the 2012 general elections and 2014 by-election in District 10.

Last summer the NS Association of Municipal Administrators, through the Halifax Regional Municipality (HRM), issued a Request for Proposals (RFP) for the “bulk purchase” of e-voting services for those Nova Scotia Municipalities interested in utilizing e-voting services during the 2016 Municipal and School Board Elections. At that time, CBRM indicated an interest in joining the RFP, noting that it **in no way commits** the Municipality to implement e-voting unless directed by Council. We are awaiting receipt of the final report on the RFP from HRM and once it has been received and analyzed by our staff, a report will be brought to this Council for consideration. At this point, we would ask that Council pass a motion approving, in principle, the use of electronic voting during the 2016 Municipal and School Elections. Amendments to the CBRM Alternative Voting By-law will also be required should we proceed with e-voting this year.

To summarize, today we are presenting recommendations listed below for consideration by the General Committee and hopefully they will be recommended to Council for approval.

Recommendations:

1. Appointment of RO and ARO – That the Municipal Clerk and Regional Solicitor be appointed as the Returning Officer and Assistant Returning Officer for the 2016 Municipal and School Board Elections.
2. Election Budget – Tariff of Fees and Expenses - That the CAO and his designate (Clerk/Returning Officer) be granted authority under Section 139(1A) of the MEA to establish a tariff of fees and expenses for various election services.
3. Voters' List - That staff be authorized to utilize the permanent electoral lists as outlined in Section 30(1)(c) of the MEA and that the Mayor and Clerk be authorized to sign the required Data Sharing Agreement as per Section 30B of the MEA.
4. Alternative Voting Methods (E-voting) - To approve, in principle, the use of electronic voting (i.e. internet and telephone) during the 2016 Municipal and School Elections, with a final report to be presented at a later date.

ORIGINAL SIGNED BY

Michael Merritt
Chief Administrative Officer

/dc



ISSUE PAPER

To: Council
From: Demetri Kachafanas, Regional Solicitor
Date: February 11, 2016
Subject: Vacancy – District 2 Council Seat

Section 13 of the Nova Scotia *Municipal Elections Act* (MEA) outlines the process to be followed when a vacancy occurs on a Council, which is summarized as follows:

- Subject to subsection (8), within four weeks after a vacancy occurs on a council because a councillor dies, resigns, becomes disqualified or forfeits office, the council shall name a day for a special election to fill the vacancy and, if no regular meeting of the council is to be held within that time, the clerk shall call a special meeting for that purpose.
- The day fixed for the special election shall be a Saturday not more than eleven weeks after the meeting of the council at which the day was named.
- A special election shall be conducted as nearly as may be in accordance with the provisions governing regular elections.
- Subsection (8) states that no special election shall be held for a vacancy on council within six months preceding ordinary polling day for a regular election unless otherwise determined by the Minister or the council.

2016 is a regular election year for Municipal and School Board Elections in Nova Scotia. Ordinary polling day (OPD) is Saturday, October 15, 2016. Thus six months preceding OPD is April 15, 2016. Therefore the latest possible date for a special election this year is Saturday, April 9th (which is the last Saturday before April 15th).

The vacancy on CBRM Council occurred on January 19th, 2016. I would recommend that Council deal with the vacancy at its next regular meeting on February 16th, which is exactly four weeks after the vacancy occurred. The Saturday “not more than eleven weeks” after the February 16th meeting of Council is April 30th. This date is after the April 15th deadline and less than six months preceding OPD, thus a special election would not be required.

If Council wishes to hold a special election in District 2 to fill the vacancy, a Council meeting should be scheduled as soon as possible to set the date before the April 15th deadline. However, I do not recommend calling a special election, noting that Council would still be in compliance with the legislation because of the six month time frame outlined in subsection (8) of Section 13 of the MEA. My arguments in favor of this recommendation are as follows:

- i. In order to conduct the special election “as nearly as may be in accordance with the provisions governing regular elections”, the full 10 weeks are required to plan and organize the event. This is based on my recent experience with the special election held in District 10 in December of 2014. Even the 10 weeks is a condensed time frame. Thus in my opinion, anything less than 10 weeks to prepare for a special election in a district located within CBRM is not achievable.
- ii. The estimated cost to run a special election in District 2 is approximately \$35,000, which is also based on my experience with the 2014 special election in District 10. With the regular election scheduled for October of this year, this would create an undue hardship for the Municipality.
- iii. There is a precedent on record with a similar set of circumstances that occurred with the passing of a Councillor in Kings County, Nova Scotia in 2004, which was regular election year. There was a motion of their Council on March 2, 2004 which set a date for a Special Election to fill the vacancy on May 1st. However the Council held a Special meeting on March 8, 2004 and rescinded the motion to hold a special election because it was determined that no special election was required if it would fall within 6 months of a regular election.
- iv. Municipal councils tend to reduce their meeting schedules in the last months of their term, and in CBRM the same holds true. Thus the issue of non-representation of residents of District 2 would not be as pressing. Further, the district business could be coordinated through the Council office until after the regular election in October.

RECOMMENDATION:

Based on the foregoing, it is my recommendation that the matter of the vacancy on Council be included on the February 16, 2016 Council agenda, and that Council pass a motion that a special election to fill the vacancy not be held.

ORIGINAL SIGNED BY

Demetri Kachafanas
Regional Solicitor

Summary

Statement of Expenditures

December 31, 2015

Expenditures	Year to date Expended	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Legislative	\$ 1,055,518	\$ 1,069,061	\$ 2,443	\$ 1,415,714	\$ 349,096
Administration	785,930	824,250	38,320	995,609	209,679
Finance	1,863,355	2,033,106	169,751	2,739,607	876,252
Legal	344,703	422,081	77,377	565,444	220,741
Human Resources	1,107,553	1,203,962	96,409	1,500,549	492,996
Technology & Communications	650,426	694,074	43,649	1,153,999	502,673
Municipal Clerk	253,832	287,059	33,227	480,466	226,634
Fiscal Services	29,952,543	30,067,451	114,908	34,772,031	4,819,488
Occupational Health & Safety	144,917	162,274	17,357	215,532	70,615
Facilities: Centre 200 & Arenas	2,447,471	2,353,809	(93,662)	3,127,620	680,149
Police Services	18,675,751	19,001,619	325,867	25,110,074	6,434,323
Fire Services (Incl EMO)	12,199,545	12,805,895	606,350	16,550,728	4,351,183
Engineering & Public Works	35,702,862	36,447,770	744,907	48,849,744	13,146,882
Planning	1,718,425	1,933,721	215,296	2,650,361	931,936
Recreation	2,737,034	2,638,231	(98,804)	2,980,821	243,787
Total expended to date	\$ 109,650,965	\$ 111,944,361	\$ 2,293,396	\$ 143,207,400	\$ 33,556,434

ORIGINAL SIGNED BY

Departmental

ORIGINAL SIGNED BY

Reviewed

Summary

Statement of Revenue

December 31, 2015

Revenue	Year To Date Assigned	9 Month Budget	9 Month Budget Variance	Annual Budget	Annual Budget Remaining
Total Taxes	\$ 76,902,216	\$ 76,412,966	\$ 489,249	\$ 101,883,955	\$ 24,981,739
Total Federal Government	1,902,042	1,902,042	-	2,536,056	634,014
Total Federal Government Agencies	891,520	883,133	8,388	1,177,510	285,990
Total Provincial Government	989,070	993,674	(4,603)	1,324,898	335,828
Total Provincial Government Agencies	2,400,123	2,196,053	204,071	2,928,070	527,947
Total Services to Other Local Government	322,335	322,334	1	429,779	107,444
Total Transit	459,180	472,500	(13,320)	630,000	170,820
Total Environmental Development Services	239,690	195,126	44,564	260,168	20,478
Total Licenses & Permits	128,143	134,250	(6,107)	179,000	50,857
Total Fines & Fees	380,314	415,015	(34,700)	553,353	173,039
Total Rentals	481,104	412,500	68,604	550,000	68,896
Total Concessions & Franchises	297,876	274,888	22,988	366,517	68,641
Total Return on Investments/Interest on Taxes	1,147,734	937,875	209,859	1,250,500	102,766
Total Finance Revenue	23,785	22,875	910	30,500	6,715
Total Solid Waste Revenue	1,916,269	1,669,667	246,602	2,267,000	350,731
Total Recreation & Cultural Service Programs	1,080,204	1,065,631	14,572	1,789,105	708,901
Total Water Utility Charges	3,713,632	3,713,633	(0)	4,951,510	1,237,878
Total Unconditional Transfers	11,905,052	11,941,094	(36,042)	15,921,458	4,016,407
Total Conditional Transfers	2,791,512	2,791,516	(4)	4,178,021	1,386,509
Year To Date Assigned	\$ 107,971,802	\$ 106,756,769	\$ 1,215,033	\$ 143,207,400	\$ 35,235,598

ORIGINAL SIGNED BY
Departmental

ORIGINAL SIGNED BY



**CAPE BRETON
REGIONAL MUNICIPALITY**

NOTICE

By-Law for Second (Final) Reading by Council

TAKE NOTICE that the following By-Law will be brought to Council for second (final) reading on **Tuesday, February 16, 2016** at 6:00 p.m., Council Chambers, 2nd Floor, City Hall, 320 Esplanade, Sydney, NS:

BY-LAW	INTENT
Amendments to the CBRM Defined Benefit Pension Plan By-Law	To consolidate and restate the Plan Text which contains all amendments up to January 1, 2014.

The above By-law amendments may be inspected at the Clerk's Office, 4th Floor, Room 403, City Hall, 320 Esplanade, Sydney, N.S.

**Signed: Deborah Campbell
Municipal Clerk
January 30, 2016**

7213040

Amendments to the Defined Benefit Pension Plan By-Law – Consolidated Plan Text:

Motion:

Moved by Councillor Rowe, seconded by Councillor Flynn, that the consolidated restated Plan Text for the Defined Benefit Pension Plan By-Law dated August 2015, effective January 1, 2014, be approved for First Reading.

Motion Carried.

ISSUE PAPER

December 2, 2015

To: Mayor and Council

RE: CBRM Defined Benefit (DB) Contribution Pension Plan
Consolidation and Restated Plan Text

Background:

Consolidation and Reinstated Plan Text January 1, 2014

The CBRM Defined Benefit (DB) Pension plan has been in place since 1962. The plan has been amended on many occasions for various reasons. These amendments eventually become part of the plan text when consolidated and restated. The last time the plan was restated was 1999.

The attached document is a new consolidation and restatement of the plan text which contains all amendment up to January 1, 2014.

The new Plan text was reviewed by the CBRM Defined Benefit Pension Committee November 18, 2015 which resulted in the following motion.

Moved by Gussie Gouthro, seconded by Councillor Rowe, that the Defined Benefit Pension Committee recommend to Council to approve the new plan text for the DB Pension Plan dated August 2015. Motion carried

Recommendation:

Based on the Committee's recommendation, I would request Council approve the attached resolution to adopt the consolidated and restated Plan Text effective January 1, 2014.

Original Signed By

Angus Fleming
Human Resources

Attachment

Consolidated Plan Text:

- Resolution to Adopt Consolidated and Restated Plan Text effective January 1, 2014

Motion:

Moved by Gussie Gouthro, seconded by Councillor Rowe, that the Defined Benefit (DB) Committee recommend to Council to approve the new plan text for the Defined Benefit Pension Plan dated August 2015.

Motion Carried.

A PROCLAMATION IN RECOGNITION
OF AN HONOUR & ACHIEVEMENT



CAPE BRETON REGIONAL MUNICIPALITY
A COMMUNITY OF COMMUNITIES

PROCLAMATION

WHEREAS the Cape Breton Regional Municipality honours
our best citizens; and

WHEREAS today, at the age of 104, we honour Janet
Anderson, the founder of the Memory Lane Fun Band; and

WHEREAS Janet is also a lifelong member of the Sydney
Mines Seniors and Pensioners Club and received the
Outstanding Senior Citizen of Cape Breton Award; and

WHEREAS she is also a lifelong member of Branch #8 Legion
and received the meritorious service award; therefore

BE IT RESOLVED THAT Cape Breton Regional Municipality
recognize today, December 20, 2015, as "Janet Anderson Day"
in our municipality and may peace, contentment and
prosperity prevail this day and every day hence.

Hon. Cecil P. Clarke
Mayor, Cape Breton Regional Municipality

Clarence Prince
Councillor, District 1

Dated this 20th day of December, 2015

PROCLAMATION

“AFRICAN HERITAGE MONTH - 2016”

- Whereas:** To honour the 100th year anniversary of the No. 2 Construction Battalion and to continue to create awareness about the Decade for People of African Descent; the African Heritage Month Information Network is pleased to present as the theme for African Heritage Month 2016 **“The Black Battalion: Legacy of Commitment – They Fought to Fight”**;
- And Whereas:** In 1916 the formation of the No. 2 Construction Battalion was completed and the making of the Battalion was the result of months and months of struggle for Black Canadians to be accepted into active duty to fight in the Great War;
- And Whereas:** The members of the Black Battalion had to fight to fight and the Black Battalion were trail blazers who broke the color barrier in the Armed Forces and due to their efforts they paved the way for African Nova Scotians to serve in the Armed Forces in the First World War, the Second World War, the Korean War, the Afghan War, Peacekeeping in the Sinai, Cyprus, the Congo and other conflict zones;
- And Whereas:** The commemoration of African Heritage Month in Canada can be traced to 1926 when Harvard educated black historian, Carter G. Woodson founded Negro History Week to recognize the achievements of African Americans;
- And Whereas:** African Heritage Month is an opportunity to reflect upon the unique and significant history of Black settlement in Nova Scotia, and to look forward to a future of strong participation by African Nova Scotians in all facets of economic, social, legal, political and educational life;
- Be It Therefore Resolved:** That Mayor Cecil P. Clarke & Council of the Cape Breton Regional Municipality, proclaim the month of February, 2016 as African Heritage Month, and encourage all citizens to recognize and celebrate now and throughout the year the many achievements and contributions of African Nova Scotians to our Municipality.

Councillor Jim MacLeod – February 16th, 2016

Proclamation

Family Violence Prevention Week

WHEREAS:

Family Violence is a reality facing every Nova Scotian, as people in all communities are likely to live with, work with, or know someone who is experiencing or has experienced the trauma of abuse and neglect;

AND WHEREAS:

Increasing public awareness of family violence is a critically important endeavor. The impact of family violence is extensive – from human suffering, to loss of workplace productivity, to increasing demands on government and community agencies;

AND WHEREAS:

The issue of family violence is often sidetracked overshadowed by higher profile issues and remembrances throughout the year and seeing that there is a need to dedicate one specific period in the year to highlight the problems and the solutions to family violence;

**BE IT THEREFORE
RESOLVED:**

That the CBRM Council proclaim the week of February 14th to February 20th, 2016 as **Family Violence Prevention Week** in the Cape Breton Regional Municipality.

Councillor Mae Rowe, District # 3

February 16th, 2016

PROCLAMATION

“Dietitians of Canada Nutrition Month”

Take a 100 Meal Journey. Make small change one meal at a time.

Whereas:

The goal of National Nutrition month is to encourage all Canadians to eat well;

And Whereas:

Registered Dietitians are a trusted source of credible nutrition information and are launching a campaign focusing on helping consumers make healthier food choices;

And Whereas:

Canadians are interested in healthy eating and want information to help them achieve this goal - dietitians offer nutrition resources as well as interactive tools on the Dietitians of Canada web site - www.dietitians.ca;

And Whereas:

To celebrate National Nutrition Month, the Dietitians in the Cape Breton Regional Municipality have organized many fun and educational events around the CBRM;

Be It Therefore Resolved:

That CBRM Mayor and Council proclaim the month of March 2016, as **Nutrition Month** in the Cape Breton Regional Municipality.

Councillor Darrell Flynn, District # 10

February 16th, 2016

