

**STAFF REPORT**

**TO:** Warden and Members of Shelburne Municipal Council

**FROM:** Warren MacLeod, Chief Administrative Officer

**APPROVED BY:** Warren MacLeod, Chief Administrative Officer

**DATE:** March 13, 2024

**SUBJECT:** **Old Municipal Building**

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**PURPOSE**

As per the Disposal of Surplus Lands Policy, I am notifying Council that the Old Municipal Building is no longer required for Municipal purposes from April 1<sup>st</sup>, 2024, and that Council deem the property as surplus to the needs of the Municipality and be disposed of according to the policy. In addition, I ask Council to provide the CAO with the authority to dispose of the Old Municipal Building as per the Surplus Lands Policy.

**BACKGROUND & DISCUSSION**

On November 13, 2023, Andrew Amos of Catalyst Consulting Engineers Inc. submitted a report (see attached) that provided the following summary and recommendations:

The former Municipal Building on Hammond Street has outlived its useful life and is no longer an “asset” but is moreso, a “liability” to the Municipality. Years of neglect relative to maintaining the structure has led to a condition where all significant building systems are beyond their useful lives and require replacement. In addition, there are several significant life safety concerns related to Indoor Environmental Quality, Fire Protection and Accessibility – all of which pose significant liabilities to the Municipality in the event of an incident or claim.

The cost to tear out everything that is non-compliant / outdated and rebuild back around whatever can be maintained from the structure / facade is more than the cost to build new in a purpose built structure / facility.

The risk to the Municipality of continuing to operate as is, is significant and in the opinion of this author, greater than the nominal value of the rent being earned and the inherent value of the services being offered from this asset. From a straight risk perspective, the recommendation is to discontinue use in the near future and make arrangements to house the tenants in new leased space elsewhere. If the Municipality were to try to sell the asset, it is expected there would be little interest in retaining the building and if anything, the value remains in the site itself. New owners would be equally hard-pressed to renovate the facility for new uses based on

their need as well to adhere to the current Codes & Standards in the event they intended any sort of “Major Intervention”. The private sector may however, have a greater risk tolerance to operate the building on an “as is” basis as they are better able to insulate themselves from 3rd party claims relative to that of a Municipality BUT the poor overall condition of the spaces will likely limit interest.

There is some historic value associated with the building being the location of the last hanging in Nova Scotia but this fact could be incorporated into any new structure and in the opinion of this author, is not sufficient justification for maintaining the asset. The recommendation of this report is:

In order to ensure maximum value for money for the Municipality, declare the asset surplus at the end of the current lease obligations (at the latest) and advertise the asset for sale both as is and as well as a pad ready site (ie with the building demolished and site reinstated). The results of which will show what interest the private sector has both in the asset and the site and whether the “highest and best use” is with the building or without.

In the event that the bids come back with a higher value for the site alone, the Municipality would be best to take care of the demolition themselves due to the variability in pricing which can be expected. There would be a little effort required to update the hazardous material report and recommendations based on current legislation on same and to prepare a comprehensive demolition and reinstatement tender package. Total assumed value of same is in the \$25 – 40 K range.

Trusting this report satisfies your requirements. I remain available at your convenience to discuss an aspect of this report and the findings / recommendations contained herein.

Following discussions with Council, it was the unanimous opinion to determine if the Old Municipal Building can be sold “As is”. In the event that the CAO should receive no interest from a purchaser than the CAO will present another staff report in regard to the option of demolition.

### **RECOMMENDATION & MOTION**

Be it resolved that the Old Municipal Building located at 136 Hammond Street be declared as no longer required for Municipal purposes from April 1<sup>st</sup>, 2024, and that it be deemed as surplus to the needs of the Municipality. Furthermore, be it resolved that the CAO be provided with the authority to dispose of the Old Municipal Building as per the Surplus Lands Policy.

### **BUDGET IMPLICATIONS**

There may be some minimal costs associated with the sale of the property, depending on the method of sale selected by the CAO, however it is anticipated that any costs incurred will be offset by the purchase price.

**ATTACHMENTS**

Catalyst Consulting Engineers Inc. report.

Disposal of Surplus Lands Policy

November 13, 2023

Warren MacLeod  
Chief Administrative Officer  
Municipality of the District of Shelburne  
Woodlawn Road  
Shelburne, NS

**Re: Building Assessment Study – 136 Hammond Road**

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Warren,

Further to our previous discussions and proposal, please find below our findings / outputs relative to the Building Assessment Study on the existing Municipal Building at 136 Hammond Road

**Scope of Work / Findings**

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1. An assessment of the existing building structure including systems and infrastructure

The original Municipal Administration Building and Court House is a 3 storey structure constructed in 1902. It was constructed using wood frame construction and methodologies common to that period. The structural loadings assumed / designed for / constructed to are significantly lower than required by the current 2020 National Building Code. In 1969, a two storey addition (masonry and steel structure) was attached to the front of the Courthouse.

The building is currently home to lease tenants with the Municipality housed in the new Municipal Building on Woodlawn Road. There have been a variety of user complaints regarding the space and its suitability for ongoing and future operations. These concerns include accessibility, air quality, IT, heating, cooling, security and layouts of the spaces.

Structural Assessment – The original 1902 structure is not well suited to renovation from a structural perspective. Numerous previous renovations and irregular framing make reuse somewhat impractical. The structural members are undersized relative to current Code and as a result, the space would be severely restricted in terms of being able to have larger, open spaces and would limit the ability to reprofile the existing spaces. As well, the floor to ceiling height is restrictive relative to adding required HVAC services.

Electrical Assessment – There are a significant number of significant deficiencies and accordingly, the full electrical system would require full replacement for any renovation to meet the current Canadian Electrical Code, Fire Protection Standards and Provincial Government Standards.

Mechanical Assessment – The building lacks a code compliant HVAC system. The only space with fresh air ventilation is the Court Room but it does not have supplemental heat making it difficult and inefficient to control temperatures in the space. Current Code requires all spaces to be ventilated (with a fresh air component) and have appropriate temperature and humidity control. There are also significant concerns with respect to the Plumbing, Controls, Energy Efficiency and lack of Sprinkler systems. The mechanical system would require a full replacement to meet the current Canadian Plumbing Code, Fire Protection Standards, ASHRAE Standards and Provincial Government Standards.

Architectural Assessment – The current space does not meet Accessibility requirements, lacks required fire ratings between certain functions / spaces, the exterior envelope has very low insulation levels, the windows are poor quality and the interior partitions & finishes are all outdated / worn and require replacement.

**In summary, other than the structure itself and the exterior cladding, the building has no residual value. The cost to construct new would be LESS THAN the cost to renovate the existing structure to meet a new space program / user requirements, the current National Building Code, Canadian Plumbing Code, Canadian Electrical Code, ASHRAE Standards, Fire Protection Standards and Provincial Government Standards.**

2. Assessment of three options, one for demolition of the building, one for the upgrading the building for continued use, and one for continued use as is. We will provide a recommendation on preferred / recommended option.

See “Summary & Recommendations” at the end of this report.

3. The Assessment will include as a minimum:

A) Demolition

- ✓ Identify estimated budget for demolition

Demolition and disposal is an inherently difficult amount to estimate as it is not done frequently and tends to be a side business of other trades such as excavation firms. The cost is very much driven by their availability and willingness to tie up their equipment and resources away from their core business. As well, the risk tolerance for these types of works varies between firms with many not willing to carry the required insurances and certifications.

Based on recent and relevant precedents for comparable demolition projects and our assumed volume / tonnage of waste, we predict a tender amount in the range of \$350 K to \$500 K plus HST. This would include severing all utility connections, demolition, material separation, trucking, tipping fees, site reinstatement to pad ready level. This would also include the cost to prepare the demolition tender package and provide required oversight / contract management.

More so than any other type of construction related works, these types of demolition are as much "*how much can I charge*" versus "*how much will it cost me to do*" mentality from potential bidders as evidenced by extremely high variability in tender results and very sporadic and limited bidding for these works. Fortunately for the Municipality, there is little investment required to prepare a tender package and there is no pressing need to award / complete the works such that IF a poor tender result is received, it can be delayed and retendered at a separate point in time when market conditions are more favourable.

✓ Identify timeline for demolition

The entire timeline would be approximately 3-4 months. This includes tender preparation, tender period, award, mobilization, demolition and reinstatement. For optimal tender results, we would recommend these works be completed over the winter months when civil contractors are not otherwise busy.

✓ Identify any special care items such as asbestos and the cost within the overall budget that this or other special care items would require.

From a visual assessment only at this juncture and materials on file from the Municipality, there doesn't appear large volumes of special care items (such as asbestos, PCBs, lead, etc) to be dealt with. The extent identified in 2009 was some asbestos in mechanical fittings and flooring. As part of the tender process, we would recommend a current building inspection and assessment relative to these contaminants be performed (as legislation and acceptable limits have changed over time) and recommendations be included in the tender. We have allowed a nominal allowance of \$25 K within the total budget for all remediation / disposal works.

✓ Identify within the overall budget landfill disposal fees, including special disposal for special items such as asbestos, lead etc.

The total landfill disposal fee is estimated to be \$30,000 - \$40,000.

## B) Upgrade for continued Use

- ✓ Identify estimated budget for upgrading the building for continued use.

Estimated hard construction costs	\$7,718 K (see App A)
Design & Project Management Fees	\$ 650 K
Client Contingency (10%)	<u>\$ 836 K</u>
Total = \$ 9.2 M	

For comparison purposes, the renovation costs above represent a cost of \$586 / ft<sup>2</sup> Gross whereas the all inclusive costs for the recently completed Municipal Building is only \$464 / ft<sup>2</sup> Gross.

**Therefore, from a straight economics perspective, it is not cost effective to renovate / upgrade the existing building for continued use as the cost to demolish existing components and build onto the only effective portions is more expensive than this residual value.**

- ✓ Identify a list of upgrade items within the budget and their corresponding estimated cost.

See full breakdown in attached Appendix A. In summary, the scope of work includes:

- Strip all elements in the 1902 construction with the exception of the wood structure. Nothing other than this element is worth retaining. The wood structure will require significant reinforcement / upgrading c/w new interior foundations and potentially additions to perimeter foundations.
- Strip all elements in the 1969 addition with the exception of the steel and masonry structure and exterior brick cladding. Nothing other than these two elements are worth retaining.
- Full replacement of all interior partitions, doors, finishes
- Full replacement of all mechanical systems
- Full replacement of all electrical systems
- New fire protection systems
- Upgrading exterior siteworks to suit above

- ✓ Identify anticipated extended lifespan for using an upgraded building.

It the building was renovated as per above, it would have an extended lifespan equal to that of a new building, ie 40 years plus.

c) Continued use as is:

- ✓ Identify the anticipated future life of the building in its current state, assuming no major upgrades, but maintaining it in its current state.

The ability to retain and continue using the “*building in its current state, assuming no major upgrades, but maintaining it in its current state*” is really **a function of risk tolerance for the Municipality**. Currently the building is operating well outside of modern / current Code and Standards and relies on the “grandfathering” of the asset relative to these Codes and Standards. However, this “grandfathering” MAY be an effective means of limiting the Municipality’s liability relative to being forced into upgrading the building to current levels, it does little (if anything) to protect the Municipality from liability in the event of claim relative to these deficiencies / non compliances.

The lack of adherence to current Fire Protection standards, Indoor Environmental Quality standards and Accessibility standards alone are risks which we feel are beyond those which the Municipality should be accepting on a long term go forward basis. In the event that the Municipality wished to address only these major risks, the Code requires **ALL ASPECTS** of the building be brought into compliance with the most recent version of all applicable Codes. Therefore, if the Municipality went in and wanted to install a new fire alarm system, sprinkler system, HVAC system and Accessibility upgrades they would also be required to bring ALL systems into compliance – this would include Energy Efficiency, Plumbing, Structural, Lighting, Electrical distribution, etc... This is referred to a “Major Intervention” as opposed to a “Minor Renovation”. The Authorities Having Jurisdictions will allow you to replace carpet, change out a few light fixtures, replace some windows, etc.. but when the “renovation” is of a certain dollar value and /or touches on life safety systems, it is considered a “Major Intervention” and thereby, requires a wholesale upgrade to all systems.

- ✓ Estimated budget be for maintaining it in its current state.

Not Applicable – see narrative above.

- ✓ Listing of regulatory issues with operating the building in its current state, What they are and mandatory upgrades if the Municipality decides to maintain in its current state. Provide the budget implications of this option.

Not Applicable – see narrative above.

## **Summary & Recommendations**

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The former Municipal Building on Hammond Street has outlived its useful life and is no longer an “asset” but is moreso, a “liability” to the Municipality. Years of neglect relative to maintaining the structure has led to a condition where all significant building systems are beyond their useful lives and require replacement. In addition, there are several significant life safety concerns related to Indoor Environmental Quality, Fire Protection and Accessibility – all of which pose significant liabilities to the Municipality in the event of an incident or claim.

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The risk to the Municipality of continuing to operate as is, is significant and in the opinion of this author, greater than the nominal value of the rent being earned and the inherent value of the services being offered from this asset. From a straight risk perspective, the recommendation is to discontinue use in the near future and make arrangements to house the tenants in new leased space elsewhere. If the Municipality were to try to sell the asset, it is expected there would be little interest in retaining the building and if anything, the value remains in the site itself. New owners would be equally hard-pressed to renovate the facility for new uses based on their need as well to adhere to the current Codes & Standards in the event they intended any sort of “Major Intervention”. The private sector may however, have a greater risk tolerance to operate the building on an “as is” basis as they are better able to insulate themselves from 3<sup>rd</sup> party claims relative to that of a Municipality BUT the poor overall condition of the spaces will likely limit interest.

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### **The recommendation of this report is:**

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Trusting this report satisfies your requirements. I remain available at your convenience to discuss an aspect of this report and the findings / recommendations contained herein.

Regards,

**CATALYST CONSULTING ENGINEERS INC.**



Andrew Amos, P.Eng.  
Senior Partner

ADA/lsm

Attachment

## **Appendix A - Cost Estimate**

ELEMENT	Quantity	Unit	Elemental Unit	Elemental Unit Rate	Elemental Amount		Rate per SF GFA		%
					Sub-total	Total	Sub-total	Total	
Gross Area =	15700	SF							
<b>A SHELL</b>		Ratio					<b>\$1,536,083</b>	<b>\$97.84</b>	<b>19.9</b>
<b>A1 SUBSTRUCTURE</b>		to GFA					\$33,020	\$2.10	0.4
A11	Normal Foundations	0.414	6,500	SF	\$5.08	\$ 33,020		\$2.10	0.4
A12	Basement Excavation	0.000	1	CY	\$0.00	\$ -		\$0.00	0.0
A13	Special Foundations	0.000	1	SF	\$0.00	\$ -		\$0.00	0.0
<b>A2 STRUCTURE</b>							\$648,063	\$41.28	8.4
A21	Lowest Floor Construct.	0.414	6,500	SF	\$5.39	\$ 35,035		\$2.23	0.5
A22	Upper Floor Construction	0.586	9,200	SF	\$51.09	\$ 470,028		\$29.94	6.1
A23	Roof Construction	0.414	6,500	SF	\$22.00	\$ 143,000		\$9.11	1.9
<b>A3 EXTERIOR ENCLOSURE</b>							\$855,000	\$54.46	11.1
A31	Walls Below Grade	0.083	1,300	SF	\$30.00	\$ 39,000		\$2.48	0.5
A32	Walls Above Grade	0.573	9,000	SF	\$42.00	\$ 378,000		\$24.08	4.9
A33	Windows and Entrances	0.102	1,600	SF	\$137.50	\$ 220,000		\$14.01	2.9
A34	Roof Finish	0.414	6,500	SF	\$32.00	\$ 208,000		\$13.25	2.7
A35	Canopies and Projections	0.000	1	sum	\$10,000	\$ 10,000		\$0.64	0.1
<b>B INTERIORS</b>							<b>\$1,318,840</b>	<b>\$84.00</b>	<b>17.1</b>
<b>B1 INTERIOR PARTITIONS AND DOORS</b>							\$539,100	\$34.34	7.0
B11	Fixed Partitions	0.892	14,000	SF	\$16.65	\$ 233,100		\$14.85	3.0
B12	Interior Doors & Screens	0.005	80	no.	\$3,825.00	\$ 306,000		\$19.49	4.0
<b>B2 INTERIOR FINISHES</b>							\$441,340	\$28.11	5.7
B21	Floor Finishes	1.000	15,700	SF	\$11.60	\$ 182,120		\$11.60	2.4
B22	Ceiling Finishes	1.000	15,700	SF	\$8.60	\$ 135,020		\$8.60	1.7
B23	Wall Finishes	2.866	45,000	SF	\$2.76	\$ 124,200		\$7.91	1.6
<b>B3 FITTINGS AND EQUIPMENT</b>							\$338,400	\$21.55	4.4
B31	Fittings and Fixtures	1.000	15,700	SF	\$12.00	\$ 188,400		\$12.00	2.4
B32	Equipment	1.000	15,700	SF	\$0.00	\$ -		\$0.00	0.0
B33	Conveying Systems	0.000	1	No.	#####	\$ 150,000		\$9.55	1.9
<b>C SERVICES</b>							<b>\$2,226,260</b>	<b>\$141.80</b>	<b>28.8</b>
<b>C1 MECHANICAL</b>							\$1,237,160	\$78.80	16.0
C11	Plumbing and Drainage	1.000	15,700	SF	\$9.20	\$ 144,440		\$9.20	1.9
C12	Fire Protection	1.000	15,700	SF	\$7.60	\$ 119,320		\$7.60	1.5
C13	HVAC	1.000	15,700	SF	\$50.00	\$ 785,000		\$50.00	10.2
C14	Controls	1.000	15,700	SF	\$12.00	\$ 188,400		\$12.00	2.4
<b>C2 ELECTRICAL</b>							\$989,100	\$63.00	12.8
C21	Services and Distribution	1.000	15,700	SF	\$16.00	\$ 251,200		\$16.00	3.3
C22	Lighting & Heating	1.000	15,700	SF	\$16.00	\$ 251,200		\$16.00	3.3
C23	Systems and Ancillaries	1.000	15,700	SF	\$31.00	\$ 486,700		\$31.00	6.3
<b>NET BUILDING SUBTOTAL - LESS SITE</b>							<b>\$5,081,183</b>	<b>\$323.64</b>	<b>65.8</b>
<b>D SITE &amp; ANCILLARY WORK</b>							\$606,000	\$38.60	7.9
<b>D1 SITework</b>							\$576,000	\$36.69	7.5
D11	Site Development		32,000	SF	\$11.00	\$ 352,000		\$22.42	4.6
D12	Mechanical Site Services		32,000	SF	\$4.00	\$ 128,000		\$8.15	1.7
D13	Electrical Site Services		32,000	SF	\$3.00	\$ 96,000		\$6.11	1.2
<b>D2 ANCILLARY WORK</b>							\$30,000	\$1.91	0.4
D21	Demolition					\$ 30,000		\$1.91	0.4
D22	Alterations					\$ -		\$0.00	0.0
<b>NET BUILDING SUBTOTAL - INCLUDING SITE</b>							<b>\$5,687,183</b>	<b>\$362.24</b>	<b>73.7</b>
<b>Z GENERAL REQUIREMENTS AND OVERHEADS</b>							\$2,030,324	\$129.32	
<b>Z1 GENERAL REQUIREMENTS AND FEES</b>							\$1,023,693	\$65.20	13.3
Z11	General Requirements and Overheads @ 12%					\$ 682,462		\$43.47	8.8
Z12	Contractor's Profit & Risk @ 6%					\$ 341,231		\$21.73	4.4
<b>Z2 ALLOWANCES</b>							\$1,006,631	\$64.12	13.0
Z21	Design Development Contingenc @ 15%					\$ 1,006,631		\$64.12	13.0
Z22	Construction Contingency					\$ -		\$0.00	0.0
Z23	Escalation					\$ -		\$0.00	0.0
<b>TOTAL CONSTRUCTION COST (HST EXTRA)</b>							<b>\$7,718,000</b>	<b>\$491.59</b>	<b>100.0</b>

## **Appendix B – Select Site Photos**

Typical ceilings - no HVAC and no sprinkler



# Inerconnected stairway - significant Fire Protection issue



## Mechanical & Electrical Code Issues (typ)



# Mechanical & Electrical Code Issues (typ)





## **POLICY PURPOSE**

- 18.1 It shall be the policy of the Municipality of the District of Shelburne to have a process and procedure for the Municipality to determine when land and property it owns are surplus to its needs and to thereafter determine the best and most appropriate method of disposition considering potential financial gain for the Municipality, impact on the local community, fairness and legally compliant.

## **POLICY DETAILS**

### **Deeming Lands and Buildings Surplus**

- 18.2 As often as required, Chief Administrative Officer shall notify Council of lands or buildings which s/he determines are no longer required for municipal purposes and request that Council deem such property as surplus to the needs of the Municipality and be disposed of according to this policy.
- 18.3 Before land or buildings are deemed surplus by Council, all department heads shall be notified of such potential surplus property and have at least 14 days thereafter to determine if that department may require the property for other municipal purposes. Should an alternate use and need be identified, Chief Administrative Officer may authorize the re-purposing of the property.
- 18.4 Should it be determined by Chief Administrative Officer that no alternate use of the land and building are required for municipal purposes, a comprehensive staff report shall be prepared and presented to Council requesting that Council deem the property surplus to municipal requirements and be disposed of according to this policy.

### **Disposition of Surplus Land and Buildings**

- 18.5 Subsequent to a property being declared surplus, a notice shall be placed in the local newspaper, on the Municipality's website and in social media, offering the property for sale outlining the general location and description of the property, current use if any, assessment value, and how interested purchasers can bid on the property along with stating their planned usage for the property.
- 18.6 After the deadline passes for interested purchases, Chief Administrative Officer and appropriate staff shall review any bid proposals received and prepare a report and recommendation for Council's consideration considering purchase price, best and highest value usage and community impacts.

## **Sale Price of Surplus Property**

- 18.7 When deeming certain property surplus, Council shall decide whether to offer the property for sale without a minimum bid, or it may choose to establish a minimum bid which shall be provided in the public advertisements.
- 18.8 When Council establishes a minimum bid, the following criteria shall be used as a guide for all lands outside Shelburne Marine Industrial Park and values shall be cumulative:
- a. vacant undeveloped unserviced land without water frontage \$5,000 per lot
  - b. vacant undeveloped unserviced land with water frontage \$10,000 per lot
  - c. vacant undeveloped serviced land without water frontage \$10,000 per lot
  - d. vacant undeveloped serviced land with water frontage \$15,000 per lot
  - e. buildings at current assessment value of the property
  - f. if property abuts a private road \$2,500 per lot
  - g. if property abuts a public road \$5,000 per lot

## **Method of Disposal of Surplus Land and Buildings**

- 18.9 The manner in which disposal shall take place shall take into consideration the fairest method of disposal and most effective cost method for the Municipality. The following ways shall be considered:
- a. Expression of Interest – may be used when there may be interest from a local non- profit organization and highest price may not be the deciding factor.
  - b. Public Auction – may be used when there is a likelihood of multiple bidders and an open auction may lead to a higher sale price.
  - c. Public Tender – may be used when there may not be a high interest in the property.
  - d. Sale to Adjacent Landowner – may be used when it is felt that the only possible interest in the subject property will be from an adjacent landowner.
  - e. Sale by Real Estate Agent – may be used for multiple lots or when buildings are involved which may require a purchaser from outside the local community.
- 18.10 In cases where the Municipality receives an unsolicited offer to buy a piece of municipal property or a request from another government to acquire municipal property, Council may waive the requirements of Section 18.9 of this policy and rely on Section 18.8 as a guideline for the sale price of the property. In certain situations authorized by law, Council may dispose of property at less than fair market value.
- 18.11 In cases where a person or business wishes to acquire a piece of municipal property, or the Municipality requires a specific piece of land, Council may consider a land exchange with the proponent.

**Municipal Conflict of Interest**

18.12 All provisions of the *Municipal Conflict of Interest Act* shall apply to the sale of surplus property of the Municipality.

**Sale Costs**

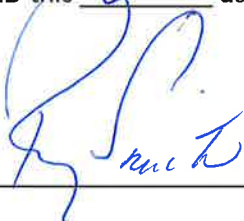
18.13 The cost of preparation of a deed, registering the deed, and migration of the property shall be at the sole expense of the purchaser.

**Non-Binding Sale of Surplus Property**

18.14 Nothing in this policy shall bind the Municipality to sell any property should it not wish to sell a particular piece of property for an established price should Council deem it not to be in the current or future interests of the Municipality.

**THIS IS TO CERTIFY** that the Council of the Municipality of the District of Shelburne duly passed the policy respecting Disposal of Surplus Lands on the 24<sup>th</sup> day of April, 2017.

SIGNED this 24<sup>th</sup> day of MAY, 2017



WARDEN



CHIEF ADMINISTRATIVE OFFICER

Approved by Council: April 24, 2017

Effective Date: April 24, 2017

