

TOWN OF BEDFORD

MINUTES

SPECIAL SESSION - MONDAY, MAY 12, 1986

A Special Session of the Town Council of the Town of Bedford took place on Monday, May 12, 1986, 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, N.S. Mayor Keith Roberts presiding.

1. LORD'S PRAYER

Deputy Mayor Chris Nolan opened the Session by the leading of the Lord's Prayer.

2. ATTENDANCE

Councillors Peter Christie, Peter Kelly, David Lugar and William Roy were in attendance at the commencement of the Session.

Staff members attending this Session included Dan R. English, Chief Administrative Officer; Joan Pryde, Deputy Clerk; Barry Zwicker, Director of Planning and Development; Wayne Legere, Superintendent of Works; Ron Singer, Accountant; H.A. MacKenzie, Chief of Police and Robert Nauss, Director of Recreation.

Mayor Roberts took his place at the meeting at 7:35 p.m.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

On the request of the Chief Administrative Officer, it was agreed that the following items be added to the Agenda as circulated.:

5.1 Proposed Rock Crusher Operation - Waverley, N.S.

5.2 Proposed Contribution by Bedford Lion's Club of Fifteen (15) Seat Passenger Van to Recreation Commission.

5.3 Memorandum from Wayne Legere, Superintendent of Works re: Capital from Revenue Estimates - Transportation Services.

4. CONSIDERATION OF 1986 OPERATING ESTIMATES AND TAX RATES

Copies of the preliminary 1986 Operating Estimates Draft #2, were circulated to Members of Council for consideration. Indicating estimates in a total amount of seven million, five hundred and fourteen thousand, ninety-three dollars (\$7,514,093), this Budget would require basic tax rates of \$1.407 per \$100 Residential Assessment

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and \$2.468 per \$100 of Commercial Assessment. In addition, the estimates indicated a .216 per \$100 as the Environmental Health Services Levy and .017 per \$100 for the School Trustees Levy.

ON MOTION of Councillor Kelly and Deputy Mayor Nolan, it was moved that the Town Council of the Town of Bedford adopt the proposed 1986 Operating Estimates as circulated and dated April 25, 1986 in a total amount of seven million, five hundred and fourteen thousand, ninety-three dollars (\$7,514,093) with a resulting 1986 combined Residential Rate of \$1.64 and combined Commercial Rate of \$2.701.

During the ensuing discussion, Councillor Christie requested and received clarification with regard to the current status of the 1986 Snow Removal Budget, the proposal to rent an additional one thousand square feet (1,000 sq. ft.) for administrative office space, the funds currently budgeted for Contingency Expenditures and the funds budgeted for Recreation Program Expenditures.

A general discussion also took place as to whether or not funds should be transferred from the Reserve or Surplus Accounts to the Operating Account in order to reduce the proposed tax rates.

Councillor Short took his place at the meeting at 8:10 p.m.

Following a review by the Chief Administrative Officer of the current status and the use of the Reserve and Surplus Funds, and the wisdom of retaining reasonable balances, it was agreed that additional transfers should not be made at this time.

Deputy Mayor Nolan stated some concern with regard to the number of major projects which are currently included in the 1986 Capital budget and expressed the opinion that consideration should be given to deferring some projects to a future year.

In response to an inquiry from Council, the Chief Administrative Officer advised that no decision has yet been determined with regard to whether or not the Town of Bedford could undertake the accounting function for the Social Services Program, thus enabling a net saving of approximately three to four thousand dollars (\$3,000 to \$4,000).

Some discussion also took place with regard to the

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fact that the estimates for Transportation and Environmental Health Services under the category of Capital from Revenue, have been drastically reduced from estimates approved in previous years. It was suggested that, throughout the year, some re-allocations of funding approved for these Departments may be required.

The Motion was put to the meeting and passed unanimously.

ON MOTION of Councillor Kelly and Deputy Mayor Roy, it was moved that Town Council hold a Special Session on or about September 1, 1986 to determine the status of the Operating Estimates for 1986 and, on or before October 1, 1986, planning commence for the 1987 Operating Estimates. Motion carried unanimously.

It was noted by Councillor Roy that the Halifax County Bedford District School Board has taken steps to ensure that Expenditures during 1986 do not exceed those included in the approved Operating Budget.

Councillor Roy also expressed the opinion that Administrative Staff should be complimented on the manner in which the 1986 Operating Budget was developed and presented.

5. OTHER

5.1

PROPOSED ROCK CRUSHER OPERATION - WAVERLEY, N.S.

Concern was expressed by Mayor Roberts with regard to the fact that a second rock crusher operation may be approved for location on Rock Lake Drive. He noted that while the residents of Waverley have many environmental concerns about this possibility, the Town of Bedford has always expressed concern with regard to the traffic implications.

ON MOTION of Councillor Lugar and Deputy Mayor Nolan, it was moved that the Mayor be authorized to make representation to the Minister of Municipal Affairs, Hon. David Nantes, expressing concerns relative to the proposed Tidewater Construction Ltd. establishment of a rock crusher operation on Rocky Lake Drive prior to such time as a connecting highway between Rocky Lake Drive and the Bicentennial Burnside Expressway is constructed.

Motion carried unanimously.

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5.2

BEDFORD LION'S CLUB - CONTRIBUTION OF PASSENGER VAN
TO BEDFORD RECREATION COMMISSION

Robert Nauss, Director of Recreation advised Council that agreement has been received from the Bedford Lion's Club for the contribution of the funding required for the purchase of a fifteen (15) passenger van to be used by the Recreation Commission. This van will cost in the vicinity of seventeen thousand dollars (\$17,000).

ON MOTION of Councillor Kelly and Councillor Christie, it was moved that the Town of Bedford accept with thanks, the gift of a fifteen (15) passenger van to be funded by the Bedford Lion's Club to the Bedford Recreation Commission. Motion carried unanimously.

It was also unanimously agreed that the Mayor should officially thank the Lion's club for this generous contribution to the work of the Recreation Commission.

5.3

MEMORANDUM FROM WAYNE LEGERE, SUPERINTENDENT OF WORKS
RE: CAPITAL FROM REVENUE ESTIMATES - TRANSPORTATION
SERVICES.


By memorandum, Wayne Legere, Superintendent of Works, reviewed the impact of a reduction in funding for Capital from Revenue Expenditures for Transportation and Environmental Health Services during 1986.

He expressed concern that it would almost be impossible for these departments to remain within Budget during 1986 if funding is not increased.

It was agreed that Council will monitor the situation throughout the year in order to determine whether or not adjustments to the Operating Budgets of these departments should be made.

6. ADJOURNMENT

ON MOTION of Councillor Lugar and Councillor Kelly, it was moved that the meeting adjourn at approximately 9:15 p.m.


 MAYOR


 CHIEF ADMINISTRATIVE OFFICER

TOWN OF BEDFORD

MEETING #23

MINUTES

PUBLIC HEARING - MAY 14, 1986

A Public Hearing was held by the Town Council of the Town of Bedford on Wednesday, May 14, 1986, 7:30 p.m. in the Bedford Fire Hall, Bedford, N.S. Mayor Keith Roberts presiding.

ATTENDANCE

Deputy Mayor Chris Nolan and Councillors Peter Christie, Peter Kelly, David Lugar, William Roy and Robert Short were in attendance at the commencement of the Hearing.

Staff members in attendance included Joan Pryde, Deputy Clerk; Rick Paynter, Director of Engineering and Works and John Malcolm, Town Planner. David Selig, Chief, Bedford Volunteer Fire Department was also in attendance.

Approximately sixty-five (65) members of the general public were in attendance at the commencement of the Hearing.

PURPOSE OF HEARING

In opening the Hearing, Mayor Roberts advised that the purpose of the Hearing was to receive submissions from the general public concerning a Re-Zoning Application for Civic Nos. 1711, 1715 and 1717, Bedford Highway, from R-1 (Residential Single Family) to C-5 (Commercial - Highway Oriented).

Mayor Roberts further advised that the date, time and location of the Public Hearing had been advertised in accordance with requirements of the Nova Scotia Planning Act.

STAFF REPORT

In response to a request from Mayor Roberts, John Malcolm, Town Planner, reviewed the details of the proposed re-zoning. With the aid of a map, he noted the location of the subject properties and their relation to abutting properties, to the Bedford Highway and to Oakmount Drive. He further advised that the area involved is designated Commercial by the Generalized Future Land Use Map of the MDP and consequently, the future of these lands was then and continues to be focused toward Commercial Development. Mr. Malcolm also noted Commercial Development which has and is expected to take place in the vicinity of the subject properties.

SUBMISSION ON BEHALF OF APPLICANTS

MR. MIKE KORYNIOWSKI

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MR. MIKE KORYNIOWSKI CON'T

Mr. Mike Koryniowski addressed Council and advised that it was the desire of the applicants that the zoning be changed from Residential to Commercial in order to encourage the sale of the subject properties.

QUESTIONS FROM COUNCIL

In response to an inquiry from Council as to the Zoning and Future Land Use Designation of abutting properties, Mr. Malcolm advised that the zoning of the abutting properties is R-1 and the Future Land Use Designation is Residential and Commercial depending on the property in question.

PUBLIC HEARING

Mayor Roberts invited submissions and questions concerning the proposed re-zoning from members of the general public.

MR. NEIL BERGMAN

Mr. Neil Bergman addressed Council on behalf of Ms. Shirley Ramey, owner of property located at 16 Oakmount Drive and adjacent to the subject properties. He expressed concern that the proposed re-zoning of the subject properties would, in the long run, devalue Ms. Ramey's property which is currently zoned Residential. He also questioned whether a re-zoning to the C-5 classification was a wise move at this time. He requested consideration of Council for the protection of the property owned by Ms. Ramey and noted that this property had been caught in the previous re-zoning with, in his opinion, detrimental effects.

MRS. SONYA VERABIOFF

Mrs. Sonya Verabioff addressed Council as President of the Oakmount Homeowners Association. She advised that, in the opinion of the association, the proposed re-zoning will result in a negative impact on abutting properties, particularly the property owned by Ms. Ramey. She noted that it was hard to visualize how any future commercial development will be buffered from the Ramey property and expressed particular concern with regard to some types of businesses which might establish under the C-5 Zoning.

The possibility of an effect on the traffic situation on Oakmount Drive was also a concern to the Association.

Mrs. Verabioff asked that Council give serious thought

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MRS. SONYA VERABIOFF CON'T

to the possible immediate impact on the upper side of Oakmount Drive and, in the long run, on the opposite side of the same street.

She also questioned the reason for this current re-zoning request considering that a re-zoning from Commercial to Residential had been requested and granted only three years ago.

MRS. MAY CROUSE

Mrs. May Crouse addressed Council advising that she was the owner of property located at 18 Oakmount Drive. She expressed concern that, if a business such as a fast food outlet is placed on the subject properties, the value of her property will greatly diminish.

QUESTIONS FROM COUNCIL

In response to an inquiry from Council as to what the Oakmount Homeowners Association would feel if only two of the subject properties were re-zoned and the Future Land Use Designation of 17 Oakmount Drive was changed to Residential from Commercial, Mrs. Verabioff agreed that this might be an acceptable compromise. However, she again emphasized that the Association's main concern is what would be located on the subject properties and the resulting impact.

MRS. J. MARTIN

Mrs. J. Martin addressed Council advising that the re-zoning has been requested due to the fact that the current owners are having great difficulty in effecting sale of the properties due, in their opinion, to the fact that the area is no longer considered a desirable Residential location.

The previous re-zoning from Commercial to Residential had been requested in order to allow for the construction of a home on the centre property involved.

QUESTION FROM COUNCIL

In response to an inquiry from Council as to whether or not there is a possibility than an entrance road could be constructed to the subject properties from Oakmount Drive, Mr. Malcolm expressed the opinion that such a possibility was unlikely as such a street opening would not be approved in the foreseeable future.

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MRS. JOAN JOHNSTON

Mrs. Joan Johnston addressed Council advising that she is extremely concerned about the possibility of a driveway opening onto Oakmount Drive from property located at 1711 Bedford Highway.

MR. GARY MARTIN

Mr. Gary Martin addressed Council and noted that three years ago, when application was made to re-zone the subject properties from Commercial to Residential, opposition was received from residents living in the vicinity. Now, he continued, "They are opposed to the current request to re-zone back to Commercial from Residential."

MR. NEIL BERGMAN

Mr. Neil Bergman addressed Council for a second time suggesting that perhaps the property located at #17 Oakmount Drive, could be given the same consideration for re-zoning as the other three properties involved.

In response to three calls from Mayor Roberts, there were no further members of the general public requesting permission to speak on the re-zoning proposal.

ADJOURNMENT

ON MOTION of Councillor Christie and Councillor Lugar, it was moved that the meeting adjourn at approximately 8:20 p.m. Motion carried unanimously.

MAYOR'S REMARKS

MAYOR

CHIEF ADMINISTRATIVE OFFICER

In the meantime, the Town has received the developer's request that no construction above or below ground is to take place on the area determined to be the 20 ft. right-of-way.

Because a request has been received from the developer

PUBLIC INFORMATION SESSION

WEDNESDAY, MAY 14, 1986

A Public Information Session was held by the Bedford Town Council on Wednesday, May 14, 1986, 8:30 p.m. in the Town of Bedford, Fire Hall, 1247 Bedford Highway, Bedford, N.S. Mayor Keith Roberts presiding.

ATTENDANCE

Deputy Mayor Chris Nolan and Councillors Peter Christie, Peter Kelly, David Lugar, William Roy and Robert Short were in attendance at the commencement of the Session.

Staff members attending this Session included Dan R. English, Chief Administrative Officer; Joan Pryde, Deputy Clerk; Rick Paynter, Director of Engineering and Works; Barry Zwicker, Director of Planning and Development; John Malcolm, Town Planner; H.A. MacKenzie, Chief of Police; Robert Nauss, Director of Recreation and Kenneth MacInnis, Town Solicitor. David Selig, Chief, Bedford Volunteer Fire Department was also in attendance.

Approximately eighty-five (85) members of the general public were in attendance at the commencement of the Session.

PURPOSE OF PUBLIC INFORMATION SESSION

Mayor Roberts advised that the purpose of the Public Information Session was for Council to receive public input, prior to giving consideration to a request to vary the location of a 20 ft. right-of-way (so-called) running from Golf Links Road to Town of Bedford Parkland - Reservation "G" - in the proposed Admiral Cove Estates Subdivision.

MAYOR'S REMARKS

Mayor Roberts reviewed the current status of the 20 ft. right-of-way (so-called) from Golf Links Road to Reservation "G" in relation to the development of the Admiral Cove Estates Subdivision. He advised the meeting that the Town has taken the position that the right-of-way is owned by the Town and has initiated steps to have this opinion clarified through a legal determination by the Courts. A Hearing for this purpose will be held on July 9, 1986. In the meantime, the Town has advised the developer that no construction above or below the ground is to take place on the area determined to be the 20 ft. right-of-way.

Because a request has been received from the developer

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MAYOR'S REMARKS CON'T

to vary the right-of-way, replacing it with three distinctive linkages throughout the subdivision, it was agreed by Council that this public meeting should be held in order to obtain the opinions of the residents of Bedford.

Mayor Roberts further advised that the meeting has three purposes:

1. to provide an opportunity for the public to hear the presentation of the developer as to why the company would like to have the right-of-way varied,
2. to receive the comments and opinions of staff on the request,
3. that Council and staff might hear the views of the general public.

Mayor Roberts closed his remarks by requesting that speakers limit their remarks to five to ten minutes each, that remarks be addressed to the Chair, that there be no disruption of speakers and that there be no personal attacks or applause.

PRESENTATION OF THE DEVELOPER

MR. JOHN MACFARLANE, SOLICITOR

Mr. John MacFarlane, Solicitor, Guernsey Developments Ltd., reviewed for the benefit of the meeting, the exact location of the 20 ft. right-of-way and the location of the proposed three walkways which would replace the right-of-way if the request to vary same is approved.

Briefly addressing the question of whether or not the right-of-way is simply a right-of-way or whether it is actually land owned by the Town, Mr. MacFarlane expressed the opinion that, while this is an interesting question, it does not materially effect the developer's request to vary the right-of-way. He advised that, in the opinion of the developer, the net result of the three walkways would be preferable both for the Town and for the developer than the original long 20 ft. right-of-way. In particular, he noted the cost that would be involved in developing the 20 ft. right-of-way and the future difficulty in maintaining and supervising same. Mr. MacFarlane further advised the meeting that, whether or not the request to vary the right-of-way is approved, development will still take place in the area known as Admiral Cove Estates Subdivision. It will simply have

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MR. JOHN MACFARLANE, SOLICITOR

to be redesigned around the 20 ft. right-of-way. However, in the opinion of the developer and the planning staff for the Town of Bedford, the resulting subdivision will not be as good an example of careful planning as the proposed subdivision design with the right-of-way varied.

STAFF REPORT

MR. KENNETH MACINNIS, TOWN SOLICITOR

Mr. Kenneth MacInnis, Town Solicitor, addressed the meeting reviewing the history of the legal transactions which have taken place since the early 1900's and concerning various properties including the 20 ft. right-of-way under consideration at this meeting.

For the benefit of the meeting, he advised that the issues currently under consideration are as follows:

1. insofar as the right-of-way (so-called) is concerned, did the Fee Simple pass to the Town or was it simply a right-of-way.
2. in either case, is the interest encumbered with a Trust.
3. If the Town of Bedford decides to vary the pathway and the property is found to be encumbered with a Trust, the Town must seek authority to vary the location of the pathway, probably by making an application under the Trustees Act.

Mr. MacInnis advised that the Town has taken the position that it owns the 20 ft. right-of-way, in all likelihood another application will have to be made under the Trustees Act. Mr. MacInnis advised that this would be a Court Hearing and any person or group wishing to oppose the application would have to do so in Court.

MR. RICK PAYNTER, TOWN ENGINEER

Mr. Rick Paynter, Town Engineer, addressed the meeting reviewing details of the servicing specifications for the proposed subdivision under the two scenarios; i.e. if the right-of-way is not varied, the result is that servicing would be similar to the servicing of two separate subdivisions. In particular, it was noted by Mr. Paynter that at least one if not two pumping stations will be

MR. RICK PAYNTER CON'T

required and in both areas there could be dead end water systems which are not encouraged by the Water Utility, though not necessarily refused.

Mr. Paynter also reviewed details of the servicing which would be required for the 20 ft. right-of-way if it is not varied and expressed concern with regard to the length, the cost of development and maintenance and in particular the cost of lighting the right-of-way.

MR. ROBERT NAUSS, DIRECTOR OF RECREATION

Mr. Robert Nauss, Director of Recreation addressed the meeting advising that, in his personal opinion, the original 20 ft. right-of-way should be preserved as a walkway. He expressed the opinion that some signage and stairs are required, but he is of the opinion that the walkway could be well designed without actually implementing all the regular standards for the shorter walkways in town. He also advised that he saw no reason why the planned Collector Road could not cross the walkway.

MR. DAVID SELIG, FIRE CHIEF

Mr. David Selig, Fire Chief, addressed the meeting advising that it was the opinion of the Fire Department that, for purposes of Fire Protection, the developer's proposal including the variance of the right-of-way is preferable. He also expressed the opinion that the loop water system which would be possible if the right-of-way is varied, would be far preferable to subdivisions with dead-end water systems.

MR. H.A. MACKENZIE, CHIEF OF POLICE

Chief H.A. MacKenzie, Chief of Police addressed the meeting and advised that, in his department's opinion, it sees no problem for Policing other than the fact that it will be anticipating more calls for protection of property, if the subdivision is developed as proposed with the right-of-way varied.

Assuming that the right-of-way is not varied and the subdivision is developed literally as two subdivisions and the right-of-way maintained, his department has some concerns. Firstly, depending on how the walkway is developed the result could be a green area 20 ft. wide behind many private properties which would provide cover for persons engaging in illegal activities. Chief MacKenzie expressed the opinion that this situation would negate the Neighbourhood Watch Programs in the area.

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MR. H.A. MACKENZIE, CON'T

He also expressed the opinion that this type of subdivision development would increase the traffic on Shore Drive and the response time for police vehicles moving from the subdivision to other parts of town would increase, due to the lack of a connecting roadway from one section to another.

MR. BARRY ZWICKER, DIRECTOR OF PLANNING AND DEVELOPMENT

Mr. Barry Zwicker, Director of Planning and Development addressed the meeting noting that one of the Planning Department's roles is to gather information and consolidate opinions from the various Town departments particularly on matters of subdivision applications.

From his department's examination of the matter it appears that if the 20 ft. right-of-way is maintained, it will result in the following:

1. an inefficient subdivision relative to servicing.
2. two subdivisions each with a single access.
3. in the long run, a subdivision which the Town would not be pleased with ten years down the road from the point of view of Fire and Police Protection.

Mr. Zwicker further advised that, in his department's opinion, one of the important elements is that the subdivision be developed in the manner that will allow people of Bedford to continue to access Reservation "G" from Golf Links Road. The proposed subdivision design maintains this feature.

Following his initial remarks, Mr. Zwicker presented a series of slides depicting the area of the 20 ft. right-of-way in order that those attending the meeting would have a visual impression of the property involved. He also depicted a shorter internal walkway located within the Oakmount Subdivision in order to illustrate a short walkway which has been developed and maintained to the town's standards.

Mr. Zwicker concluded his remarks by advising the meeting that it was his department's opinion that maintaining the 20 ft. right-of-way in it's present configuration would pose problems now and in the future, and that it would be the recommendation of his department that Town Council seriously consider the request to vary the right-of-way as proposed by the developer.

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SUBMISSIONS FROM THE GENERAL PUBLIC

MR. JACK INNIS

Mr. Jack Innis addressed the meeting and suggested that if the Town considers trading or giving up land in the form of the 20 ft. right-of-way, it should consult immediately with the Minister of Municipal Affairs in order to determine whether or not permission will be granted. Such permission will be required if the value of the land to be turned over to the developer is in excess of twenty-five thousand dollars (\$25,000).

MRS. AILEEN MCCORMICK

Mrs. Aileen McCormick addressed the meeting questioning the color coding of the original 20 ft. right-of-way in the vicinity of the Golk Links Road area.

Mrs. McCormick also expressed the opinion that, despite staff's concern with regard to security on a long 20 ft. right-of-way, she has encountered no problems adjacent to the right-of-way. She also expressed the opinion that the 20 ft. right-of-way should be left as much as possible in it's natural state and not developed to the specifications contained in the Town's walkway policy.

Mrs. MacCormick also expressed the opinion that the developer should still be required to construct the proposed short walkways in the subdivision in addition to leaving the 20 ft. right-of-way in it's current configuration.

MR. GARY WIDMEYER

Mr. Gary Widmeyer addressed the meeting requesting of the Deputy Mayor an explanation of what he indicated was misinformation circulated at the previous meeting of ratepayers when discussing the proposed variance of the right-of-way. The Deputy Mayor responded, indicating that he did not keep notes of that particular meeting but illustrating his contention by some of the statements contained within a circulated memo for the Town information meeting, included under the section, "Development and Environment" and relating to the approval of Town Council, of dumping of storm water runoff in Paper Mill Lake. This, according to the Deputy Mayor was not a fact.

Mr. Widmeyer then requested information from staff with regard to the nature of the topography in the area where

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lots will be created. In response, the Town Engineer agreed that the topography is such that no doubt a fair amount of infilling will be required to properly situate houses, and that this is a matter which should probably be addressed by the Chief Building Inspector prior to the approval of the subdivision.

At this point, Mayor Roberts intervened and requested that Mr. Widmeyer restrict his questioning and comments to matters concerning the 20 ft. walkway only.

In response to an inquiry from Mr. Widmeyer with regard to infrastructure deficiencies in the area, in particular, problems with the Parkers Brook Bridge, Chief David Selig agreed that his department is concerned with the reduced access to the area caused by the restrictions on the use of the bridge.

Mr. Widmeyer concluded his remarks by requesting that Council consider the 20 ft. right-of-way a simple pathway through the woods and not an area to be developed with such items as pavement and 4 ft. chain link fences.

MRS. ROBERT LISTON

Mrs. Robert Liston addressed the meeting and advised that she was speaking on behalf of both herself and her husband. Expressing concern with regard to the cutting of the trees in the area of a pathway, she asked if any elected or staff person gave permission for the trees to be cut. In response, Mayor Roberts advised that no permission was given by either Council or any member of staff.

MRS. JOHNETTE CARLI

Mrs. Johnette Carli addressed the meeting advising that she was speaking as Chairperson of the Bedford Parks and Recreation Commission. She advised the meeting that, at a recent meeting of the Parks and Recreation Commission, it was the concensus of the Commission that Council be requested to leave the 20 ft. right-of-way in it's present location for the enjoyment of the citizens of Bedford.

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MR. GRANT WALKER

Mr. Grant Walker addressed the meeting noting that the pathway does not appear at the present time to be one that is well used. He suggested that the proposed development is one which is needed and that the three walkways included are, in his opinion, an acceptable alternate to the existing 20 foot pathway.

MR. ROBERT MURRANT

Mr. Robert Murrant addressed the meeting expressing concern with regard to the planned storm drainage system for the subdivision whereby much of the drainage will be directed to Picnic Cove Park. A discussion ensued during which the Director of Planning and the Director of Engineering and works described in detail the system that is planned and expressed the opinion that this system would be adequate during a one in five year storm frequency.

MR. STAN JOHNSTON

Mr. Stan Johnston addressed the meeting expressing concern that, in his opinion, staff and Council are not listening to the people. He noted that he has lived adjacent to Blueberry Hill for several years and has had no security problems. He asked that Council listen to the people and leave the pathway in it's current state.

MR. DAVID PEMBER

Mr. David Pember addressed the meeting noting the history of park development and acquisition in the Bedford Hills area. He expressed the opinion that the parklike setting of Bedford is one of the reasons why many people live in this community. He further expressed the opinion that the Town should retain ownership of the right-of-way and ensure that all current green areas remain green areas.

MR. RICHARD O'BRIEN

Mr. Richard O'Brien addressed the meeting, expressing the opinion that the parkland in question has been there for decades, and in his opinion should remain. He noted that the Town has been asked to develop a plan to address traffic problems before approving any subdivision. In particular, he emphasized the fact that a new

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Subdivision may cause problems not only within, but outside it's borders.

Mr. O'Brien then expressed the opinion that the walkway in question should be left in it's natural state. On inquiring of the Chief of Police with regard to the Chief's concerns for security of the walkway and noting that such walkways tend to be successful in other large cities, without major security concerns, Chief MacKenzie advised that he was basing his opinion on his experience in the Bedford and Sackville area.

He concluded his remarks by noting that we have a unique piece of pathway and it should not be traded away for three small pieces of constructed walkway.

Following a brief discussion with Mayor Roberts it was also noted by Mr. O'Brien that Council and the people of Bedford have only had an opportunity to see one proposal. No proposal has been developed and shown with the pathway remaining in the ownership of the Town and in it's natural state.

MR. TOM MCCARRON

Mr. Tom McCarron addressed the meeting requesting information from staff with regard to the purpose of the 20 ft. walkway, i.e., "to where does it lead?"

Staff advised Mr. McCarron of the destination and the scenic views which are available from the top of Eagle Rock.

Mr. McCarron then suggested a compromise whereby the 20 ft. right-of-way would be moved slightly in order to accommodate the development and at the same time retain the nature like trail.

DR. BOSKO LONCAREVIC

Mr. Bosko Loncarevic addressed the meeting noting the number of people who were concerned with this issue and who have actually, in many cases, attended two lengthy meetings within a one week period.

He further noted that, if the original pathway remains, it will reduce development on that side of the subdivision thus for all intents and purposes leaving a green area of approximately two hundred feet in width.

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DR. BOSKO LONCAREVIC CON'T

He questioned why the matter has become an issue when for years it has been agreed that this area should remain green.

The alternative proposed would mean walking through the various streets from Golf Links Road to Reservation "G". This does not equate with the Town's desire to have an off the street walkway throughout all of the Town in order that residents may go from one place to another without travelling on the streets. Mr. Loncarevic concluded his remarks by noting that the Town should never give away twenty-four thousand (24,000 sq. ft.) of prime land without due compensation.

MRS. PAMELA WIDMEYER

Mrs. Pamela Widmeyer addressed the meeting expressing concern with regard to the timing and advertising of a Special Meeting of Council held on Tuesday, May 6, 1986. She expressed the opinion that council has a responsibility to properly advertise Regular and special Meetings in order that the general public may have a reasonable opportunity to attend.

With regard to the proposed three, "substitute," walkways, she also expressed the opinion that one of them would be surplus to the needs of the Town.

FIVE PER CENT DEDICATION FEE

In a response to inquiries from members of the general public the Director of Planning and Development reviewed the history of land dedication for the subdivision area involved.

MR. MENGIE SHULMAN

Mr. Mengie Shulman addressed the meeting expressing concern with the fact that we feel we should go to the Courts to be told that the land is owned by the Town when we already know that it is. He also expressed the opinion that the pathway should remain in it's natural state and not be paved and fenced.

MR. BOSKO LONCAREVIC

Mr. Bosko Loncarevic again addressed the meeting noting that the Planning Act only requires a five per cent land

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dedication but the sub-divider can give more if he/she so wishes. He also expressed the opinion that the sub-divider does owe dedication of land to the Town for the last two phases of Eaglewood Development.

MR. ROBERT READ

Mr. Robert Read addressed the meeting expressing several concerns with regards to the Town's policy for the maintaining and ownership of parkland. He expressed the opinion that parkland should not be sold or deeded to other persons without a Public Hearing. He also expressed the opinion that the current developer's proposal to substitute three short walkways within the subdivision for the currently existing 20 ft. pathway, is preferable in his opinion.

MR. CHRIS ALEXANDER

Mr. Chris Alexander addressed the meeting and expressed concern with regard to how this development can be approved using land dedication made by a previous owner. Mr. Zwicker reviewed, with the aid of examples, how the land dedication process actually works.

In response to Mr. Alexander's concern, Mr. Zwicker advised that one company can dedicate land which will actually be given by a successive company, if Title changes during the development process.

MR. DAVID GORSELINE

Mr. David Gorseline addressed the meeting requesting information on the status of the sixteen (16) deficiencies noted in the previous portions of the Eaglewood Subdivision. Mr. Gorseline was advised by staff that these deficiencies will be completed on or about June 15, 1986 by the developer, or steps will be taken by the Town to effect the completion, the cost to be charged to the developer.

Mr. Gorseline requested that Council not approve the next phase of the development until the deficiencies are completed. He also urged Council to move in a more planned direction when considering and approving new subdivisions.

MRS. ANNE PEMBER

Mrs. Anne Pember addressed the meeting expressing concern

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MRS. ANNE PEMBER CON'T

with what will be done with regard to the trees that have already been cut down on the pathway area if it is determined that the land is owned by the Town.


A gentleman offering his address as 172 Shore Drive enquired of the Mayor as to why the Mayor expressed the opinion that there are one or two people who live on Shore Drive who do not want the development to take place. In a response, the Mayor advised that he came to this conclusion because that is what he was told by the people involved.

ADJOURNMENT

There being no further request to speak to the meeting, Mayor Roberts declared the meeting adjourned at approximately 11:30 p.m.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

1.1 REGULAR SESSION (19) APRIL 21, 1986

1.2 PUBLIC HEARING (19) MAY 1, 1986

1.3 SPECIAL SESSION (21) MAY 8, 1986

1.4 SPECIAL SESSION (22) MAY 14, 1986

1.5 PUBLIC HEARING (21) MAY 14, 1986

1.6 TOWN COUNCIL SESSION - REVENUE STUDY BOARD APPROPRIATION - APRIL 28, 1986

ON MOTION of Councillor Lynde and by a majority of the Town Council, it was moved that the following meetings be approved:

1.1 REGULAR SESSION (19) APRIL 21, 1986

1.2 PUBLIC HEARING (19) MAY 1, 1986

1.3 SPECIAL SESSION (21) MAY 8, 1986

TOWN OF BEDFORDMINUTESREGULAR SESSION - MAY 20, 1986

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, May 20, 1986, 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, N.S. Mayor Keith Roberts presiding.

1. LORD'S PRAYER

Mayor Keith Roberts opened the Session by the leading of the Lord's Prayer.

2. ATTENDANCE

Deputy Mayor Chris Nolan and Councillors Peter Christie, Peter Kelly, David Lugar, William Roy and Robert Short were in attendance at the commencement of the Session.

Staff members attending this Session included Dan R. English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; Rick Paynter, Director of Engineering and Works and Joan Pryde, Deputy Clerk.

3. APPROVAL OF MINUTES

3.1 REGULAR SESSION (#19) APRIL 21, 1986

3.2 PUBLIC HEARING (#20) MAY 1, 1986

3.3 SPECIAL SESSION (#21) MAY 6, 1986

3.4 SPECIAL SESSION (#22) MAY 12, 1986

3.5 PUBLIC HEARING (#23) MAY 14, 1986

3.6 JOINT COUNCIL SESSION (RE: SCHOOL BOARD APPROPRIATION - APRIL 26, 1986)

ON MOTION of Councillor Lugar and Councillor Roy, it was moved that the Minutes of the following meetings be approved:

3.1 REGULAR SESSION (#19) APRIL 21, 1986

3.2 PUBLIC HEARING (#20) MAY 1, 1986

3.3 SPECIAL SESSION (#21) MAY 6, 1986

REGULAR SESSION - TOWN COUNCIL - MAY 20, 1986

ADDITIONS/DELETIONS 3.4 SPECIAL SESSION (#22) MAY 12, 1986

3.5 PUBLIC HEARING (#23) MAY 14, 1986

3.6 JOINT COUNCIL SESSION RE: SCHOOL BOARD APPROPRIATION - APRIL 26, 1986

On request of Councillor Kelly it was agreed that the Minutes of the Special Session of May 6, 1986 be amended by the addition of the words, "until after the July 9, 1986 Court Hearing," to the Motion concerning construction activities on the right-of-way, and located on Page 2, Item # 3(b) of the Minutes.

It was agreed that the Motion contained in Item 4 of the Minutes of the Special Session of May 12, 1986 should be amended to indicate that the Motion was made by Councillor Kelly and Deputy Mayor Nolan.

On the request of Councillor Kelly, it was agreed that the minutes of the Regular Session of April 21, 1986 should be amended by the insertion of the following paragraph for Item 14.2(b):

"There was a discussion with regard to a walkway along the riverbank and Mr. Eisenhower indicated that such could be developed on any lands owned by his company and to the Town of Bedford's standards for walkway."

The Amendments were put to the meeting and passed unanimously. The amended Motion was put to the meeting and passed unanimously.

4. ADDITION/DELETIONS TO ORDER OF BUSINESS

On the request of Councillor Kelly it was agreed to add an Item, "Bedford Tourist Bureau," to the Agenda as Item 15.1.2.

On the request of the Chief Administrative Officer, it was agreed to delete Item 13.3, "Recreation Commission - Tenders - LeBrun Centre Parking Lot."

It was agreed that Item 15.6, "Bedford Area Residents Association - Resolutions," would be considered concurrently with Item 7.2, "Admiral Cove Estates - Request for Variance

HOUSING DEMONSTRATION CON'T
ADDITIONS/DELETIONS CON'T

- 20 ft. Right-of-Way."

On the request of Mayor Roberts, it was agreed to add an Item, "Metropolitan Authority Information," as Item 14.5.

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillor Kelly and Councillor Roy it was moved that the Order of Business, as amended, be approved.

6. MOTIONS OF RECONSIDERATION

NIL

7. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

7.1 HOUSING DEMONSTRATION PROJECT - NOVA SCOTIA DEPARTMENT OF HOUSING

By memorandum, Barry Zwicker, Director of Planning and Development advised Council that Town staff has met with representatives from the Nova Scotia Department of Housing to discuss the implementation of the Demonstration Housing Project and to review the level of input required by the Town of Bedford.

Mr. Zwicker further advised that Town staff now requires additional direction with regard to the nature of the Town's contribution towards the Demonstration Project i.e. cash or donation of land, or both; and the Town's desire in terms of the level of involvement it wishes in the actual implementation and on going management of the project.

In response to an inquiry from Council as to whether or not the Town owns any suitable parcels of land for construction of these units, Town staff advised that this is currently being determined.

In response to an inquiry as to whether or not the resultant assets would be in the name of the Town, staff advised that this would be determined depending on the level of involvement desired by the Town during construction and future management. Mr.

HOUSING DEMONSTRATION CON'T

Zwicker noted that it was quite possible that the Town could ask the Department of Housing or the Halifax West Housing Authority to undertake construction and management and, in that case, in all likelihood, Title would not be vested in the Town.

ON MOTION of Councillor Roy and Councillor Lugar, it was moved that the Town Council of the Town of Bedford continue to support, in principle, the proposed Demonstration Housing Project and that staff be directed to commence a search for possible sites either on or off Town owned land; also that a report to Council be developed which would include such matters as financing, operating and Title options.

During discussion of the Motion, it was noted that while it has been suggested that there would be four (4) units for single-parent families and four (4) family housing units, this particular mix could be altered. Also, if desired, existing housing could be utilized if deemed advisable.

The Motion was put to the meeting and passed unanimously.

7.2 ADMIRAL COVE ESTATES - REQUEST FOR VARIANCE
- 20 FT. RIGHT-OF-WAY

15.6 BEDFORD AREA RESIDENTS ASSOCIATIONS -
RESOLUTIONS

Copies of correspondence from John S. MacFarlane, Solicitor, on behalf of Guernsey Development Ltd. and concerning the Admiral Cove Estates Subdivision, were circulated to Members of Council.

Prior to discussion of the subject at hand, Councillor Short expressed concern with regard to the time of delivery of the Council Agenda packages. He asked that the matter be brought to the attention of staff.

ON MOTION of Councillor Short and Councillor Christie, it was moved that Town Council deny the request for the variance of the 20 ft. right-of-way in the proposed Admiral Cove Estates Subdivision.

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A lengthy discussion ensued during which several Members of Council attempted to place on the Table amendments to the Motion which were ruled Out of Order by Mayor Roberts.

Councillor Kelly expressed the desire to give the developer access over and under three (3) particular portions of the right-of-way in order that services might be installed and the roadway constructed with the proviso that any trees removed would be replaced in a proper manner.

Deputy Mayor Nolan expressed his disagreement with the Motion and expressed the opinion that the three (3) walkways proposed by the developer was preferable to the 20 ft. right-of-way in it's current undeveloped state and location.

Councillor Roy expressed concern with what Council is trying to protect - he advised that he is not sure in his own mind what the people of Bedford want to see with this particular public walkway. He also suggested that with some re-design the walkway problem could be solved.

Further discussion took place with regard to whether or not the Motion, as it stands, would close the door to subsequent developments. The opinion was expressed by Councillor Short that this was not the case.

ON MOTION of Councillor Lugar, it was moved that consideration of the Motion be deferred until the ownership of the walkway is established. There being no response to three calls for a Secunder, Mayor Roberts declared the Motion, Out of Order.

In answer to requests/discussions from Council as to whether or not the current Motion would mean that another plan would not be considered if it included a request for a variance of the right-of-way, Councillor Short expressed the opinion that his Motion refers to the request for a variance in relation to the currently existing proposed plan.

It was suggested by Council that an amendment could be moved which would add the plan number to the Motion.

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BEDFORD AREA RESIDENTS ASSOCIATIONS CON'T

Mayor Roberts advised that he would not accept such an amendment.

The Motion was put to the meeting and was defeated. Deputy Mayor Nolan, Councillor Christie, Councillor Kelly and Councillor Roy voted against the Motion.

ON MOTION of Councillor Roy and Deputy Mayor Nolan, it was moved that the Town Council of the Town of Bedford deny the application for the variance of the right-of-way as shown on Plan Number 3607-1 for Admiral Cove Estates Subdivision. Motion carried unanimously.

ON MOTION of Councillor Roy and Councillor Lugar, it was moved that Council would be prepared to consider some modification to the location of the right-of-way, contingent upon satisfactory resolution of concerns of the location of the walkway and negotiations with the Town regarding the use of the Town land, and the future use of the walkway and Eagle Rock in association with the Recreation Commission.

Kenneth MacInnis, Town Solicitor, expressed concern with this Motion suggesting that it was somewhat like an invitation to the developer whereas, in his opinion Council should await any initiative by the developer.

The Motion was withdrawn by the Mover and Seconder.

ON MOTION of Councillor Roy and Councillor Lugar, it was moved that the question of the right-of-way (so-called) be referred to the Recreation Commission for a report as to the use of Eagle Rock and any right-of-way to it, and how the property should be maintained. Motion carried unanimously.

COFFEE BREAK

The meeting adjourned for a ten minute coffee break at approximately 8:55 p.m.

15.6 BEDFORD AREA RESIDENTS ASSOCIATION CON'T

Copies of correspondence from Thomas O. Boyne

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15.6 BEDFORD AREA RESIDENTS ASSOCIATIONS CON'T

including three Resolutions adopted at a meeting of area residents, Monday, May 5, 1986, were circulated to Members of Council.

ON MOTION of Councillor Christie and Deputy Mayor Nolan, it was moved that the Resolutions be received for information and that the Town Engineer prepare a report with comments on each of the Resolutions.

The Motion was put to the meeting and passed unanimously.

8. MOTIONS OF RESCISSION

NIL

9. PUBLIC HEARING AND MOTIONS ARISING THEREFROM

9.1 26 UNION STREET - CONTRACT DEVELOPMENT AGREEMENT

Councillor Kelly asked to be excused from the Table due to the fact that he was not present for the whole of the Public Hearing when this matter was discussed and therefore, was not permitted to be involved in the subsequent discussions or decision.

In granting permission, Mayor Roberts explained that Councillor Kelly had been out of town and was inadvertently delayed in arriving at the Public Hearing.

By memorandum, Barry Zwicker, Director of Planning and Development circulated the various submissions received by Council and a copy of the Minutes of the May 1, 1986 Public Hearing regarding an application for a Contract Development Agreement for Civic #26 Union Street.

He advised that, following consideration of the above, Council is now in a position to consider approval of entering into a Contract Development Agreement regarding the subject property.

Mr. Zwicker also advised that it was the

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recommendation of the Planning Department that Town Council approve the entering into of a Contract Development Agreement for the proposed office use at the property generally known as #26 Union Street.

ON MOTION of Councillor Lugar and Deputy Mayor Chris Nolan, it was moved that the Town Council of the Town of Bedford authorize the Mayor and Chief Administrative Officer to enter into a Contract Development Agreement with Govenor's Place Properties Ltd., as proposed, and place the necessary notice indicating Council's approval of the development in order to initiate the appeal period.

In speaking to the Motion, Deputy Mayor Chris Nolan noted that there is a difference of opinion amongst the residents of the area with regard to this development but he is considering the fact that the use of the property has been commercial for over forty years and, in his opinion, to deny the application would be an injustice and would provide a hardship on the owner.

In speaking to the Motion, Councillor Roy advised that he would advise against the Motion because in his opinion the question of bulk and scale has not been addressed adequately and the project is not suitable for the area involved.

Some concern was expressed by Council that a model of the proposed development was not prepared which showed the scale of the development in relation to other adjacent buildings.

A clause by clause review of the proposed Contract took place during which several amendments were approved to Section 1, 7, 9, 12, 13, 15 and 16 of the Agreement.

A discussion also took place as to when the sidewalk would be constructed, and Council was advised by staff that tenders would be called in the very near future for commencement of this work.

In response to an inquiry from Councillor Christie as to how pedestrians would be protected during the construction phase, the Town Engineer

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advised that normal precautions would be taken during this period.

The Motion to approve the Contract, as amended, and as attached, was put to the meeting and was approved. Councillor Roy voted against the Motion, Councillor Short abstained from voting.

EXTENSION OF TIME OF MEETING

ON MOTION of Councillor Lugar and Deputy Mayor Chris Nolan, it was moved that the Council session be extended to 11:00 p.m. Motion carried unanimously.

Mayor Roberts excused himself from the meeting and Deputy Mayor Nolan occupied the Chair.

9.2

1711 - 1717 BEDFORD HIGHWAY - REZONING

By memorandum, John Malcolm, Town Planner circulated copies of the relevant documentation including the Minutes of a Public Hearing held on May 14, 1986 to receive public input on the application to rezone 1711 to 1717 Bedford Highway from R-1 to C-5. He advised that no written submissions were received.

Mr. Malcolm further advised that the Planning and Development Department and the Bedford Planning Advisory Committee recommends in favour of the rezoning.

ON MOTION of Councillor Kelly and Councillor Lugar, it was moved that Town Council of the Town of Bedford approve the rezoning of properties located at civic number 1711 - 1717 Bedford Highway from R-1, Residential - Single Family to C-5, Commercial - Highway Oriented.

In response to a request from Council with regard to the requirement for the buffering of commercial properties adjacent to residential areas, the Director of Planning and Development reviewed the Zoning Bylaw, Section 33 which outlines such requirements.

Some concern was expressed by Councillor

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Short that Council has not properly addressed the matters of buffering or traffic control in the area concerned.

The Motion was put to the meeting and passed. Councillor Short and Councillor Christie voted against the Motion.

Mayor Roberts resumed the Chair at approximately 10:40 p.m.

10. PETITIONS AND DELEGATIONS

10.1 PETITIONS

NIL

10.2 DELEGATIONS

10.2.1 MEDIACOM INCORPORATED - MR. GEORGE FINDLAY

RE: MEDIACOM BUS SHELTERS PRESENTATION

On the invitation of Mayor Roberts, Mr. George Findlay addressed Council with regard to his company's service of providing bus shelters in the metropolitan area. He noted that currently many bus shelters have been placed in Halifax, Dartmouth and the County of Halifax, and his company would like to be able to provide this service to the Town of Bedford. He advised that his company would be willing to negotiate with the Town to buy back the six (6) existing bus shelters currently located throughout the Town and would also place a number of additional shelters. The additional shelters would be placed after discussion and agreement with the Metro Transit Authority and representatives from the Town of Bedford.

In response to questions from Council, Mr. Findlay advised that the current contract will expire in seventeen (17) years and that decisions relating to the type of advertising to be placed on the bus shelters would be the sole responsibility of Mediacom. Mr. Findlay also advised that the current contract requires that the bus shelters be cleaned at least once a month but, in many cases,

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his company is cleaning them on a once a week basis.

Mayor Roberts expressed the thanks of the Town Council to Mr. Findlay for his attendance at the meeting and noted that this matter would be considered again by Town Council following a recommendation from the Bedford Planning and Advisory Committee with regard to advertising within the Town's right-of-way.

11. MOTIONS

11.1 PROPOSED BYLAW RESPECTING SEWER REDEVELOPMENT CHARGE (RESIDENTIAL)

A proposed Bylaw Respecting Sewer Redevelopment Charge (Residential) was circulated to Members of Council for Third and Final Reading.

Council was advised that information has been received from the Town Solicitor to the effect that the Department of Municipal Affairs will, in all likelihood, not entertain such a Bylaw dealing only with residential development. It was, therefore, suggested to and agreed by Council that further consideration of this Bylaw should be deferred pending the inclusion of a commercial development component.

In response to a request from Councillor Nolan, it was also agreed that some of the wording of the Bylaw should be reconsidered.

11.2 PROPOSED BYLAW RESPECTING NOISE

Copies of a proposed Bylaw Respecting Noise were circulated for Third Reading.

ON MOTION of Deputy Mayor Nolan and Councillor Roy, it was moved that further consideration of this Bylaw be deferred pending further review by our Solicitor with regard to Paragraph 15. Motion carried unanimously.

12. NEW BUSINESS

12.1 TENDER 86-03 - CHIP SEALING - CONSIDERATION AND APPROVAL