

MEETING #80

TOWN OF BEDFORD

Public Hearing - No. 90-11

Tuesday, November 20, 1990.

A Public Hearing of the Town Council of the Town of Bedford took place on Tuesday, November 20, 1990, 7:00 p.m., in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

In attendance were: Deputy Mayor Huntington, Councillor Kelly, Councillor Goucher, Councillor Draper, Councillor Walker and Councillor Cosgrove. Also in attendance was Donna Davis-Lohnes of the Planning Department.

INTRODUCTION

The Public Hearing was called to receive written and verbal input relative to a Development Agreement Application for civic #1460A Bedford Highway which would permit the use of the existing basement level space for the operation of a pre-school.

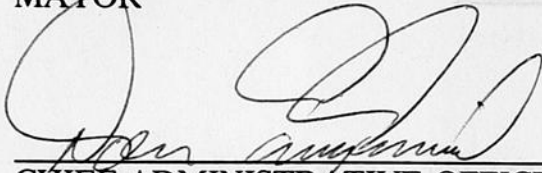
A draft development agreement, a copy of the Bedford Planning Advisory Committee's (BPAC) recommendation to Town Council and a staff report dated September 24, 1990 by Donna Davis-Lohnes were circulated prior to the meeting.

Mrs. Lohnes gave a brief oral presentation highlighting the staff report and the evaluation in terms of the 1982 Municipal Development Plan. She noted the concerns with respect to safety. Several slides of the building, entrance, parking lot and back yard oriented those present to the actual location. The close proximity of the Sackville River was evident.

At the request of Councillor Goucher, it was clarified that the Department of Social Services, the licensing body for the pre-school operation, have recommended a fence to ensure the safety of children as they leave the parking lot and walk to the pre-school entrance door. However, Council agreed that the issue of fencing and ensuring the safety of the children was the responsibility of the Department of Social Services.

Mayor Christie opened the floor and invited public comment. The proponent was not present. There being no response, after three calls from the Mayor, the Public Hearing # 90-11 was adjourned at approximately 7:16 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

MEETING #81

TOWN OF BEDFORD

Regular Session

Tuesday, November 20, 1990

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, November 20, 1990, at approximately 7:30 p.m. (following Public Hearing #90-11), in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. **LORDS PRAYER**

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

2. **ATTENDANCE**

Deputy Mayor Huntington, Councillors Anne Cosgrove, Len Goucher, Peggy Draper, Peter Kelly and Grant Walker were in attendance at the commencement of the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development Control; Donna Davis-Lohnes, Planner; Bob Nauss, Director of Recreation; Rick Paynter, Director of Engineering and Works; and Ron Singer, Director of Finance.

3. **APPROVAL OF MINUTES**

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to accept the minutes as circulated of Regular Session October 16/90 (#74), Reconvened Regular Session October 22/90 (#74); Special Session October 22/90 (#75); Special Session October 30/90 (#76); Special Session November 6/90 (#77); Special Session November 13/90 (#78). **The motion was unanimously approved.**

4. **ADDITIONS/DELETIONS TO ORDER OF BUSINESS**

ON MOTION of Councillor Walker and Councillor Draper, it was moved to amend the order of business such that Section 8 (Delegations) be moved to follow Approval of Order of Business; and that a new item 8.6 (Eaglewood Residents Association) be added. The motion was unanimously approved.

5. **APPROVAL OF THE ORDER OF BUSINESS**

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to approve the AMENDED Order of Business. The motion was unanimously approved.

8. **PETITIONS AND DELEGATIONS**

8.1 **Update School Board Activities**

Mr. Lloyd Gillis, Chief Executive Officer, introduced Mr. Jack Turner as the new Supervisor of Schools (Bedford/Waverley Sub-System). Mr. Turner circulated information on 1990 enrolments for the sub-system and noted the increase in numbers for this year. One of the implications of this increase has been larger class sizes from elementary school through to high school.

Mr. Turner spoke briefly on a new concept, "Industrial Education Councils", which twins industry with participation in schools; having business involved in the schools through Community Education.

In conclusion, Mr. Turner extended an open invitation to Councillors to meet with him at any time to discuss issues of interest to them.

Mr. Gillis addressed three items:

- Community Education policy requires financial support from the municipalities
- serious flaw in the Doane Raymond Report in that it did not tie programs to dollars; how is new curriculum to be funded.
- no news on proposed new Bedford school although he urged Town Council to continue to bring this matter before the government.

Mayor Christie thanked the School Board representatives and expressed the hope that increased communication between Town Council and the School Board could continue.

8.2 Recycling Depot (S. Towill)

Mrs. Towill's petition opposing the Bedford Recycling Depot operations at its current site or on any other lands not zoned for that purpose was circulated with the agenda package. Mrs. Towill was present and indicated there was nothing further to add.

8.3 Proposed Bedford Tennis & Swim Club (Duncan/Trites)

Three members of the proposed club (Mr. Duncan, Mr. Trites, Ms. C. Lowe) made a verbal presentation (a written proposal had been circulated to Council previously).

A summer tennis/swim facility was outlined with the assistance of architect's conceptual drawings. The proposed financing included a \$1.3 m facility to be built by the Town on Town-owned land; 30% provincial grant; and a lease agreement with the non-profit society (club) which would reimburse the Town for the debt servicing and operating costs. A club in Ottawa has served as the model.

The preferred site (Basinview/Madison/Wimbeldon) was discussed and conceptual site drawings showed a proposed layout adjacent to the proposed elementary school.

The methodology and public input to the proposal were outlined. Preliminary results indicate the facility will be supported by family-oriented members. Abutting neighbours have been canvassed and abutters to a similar facility in Dartmouth had also been approached.

The incorporation papers for a non-profit society have been filed and it is proposed that a Board of Governors will draft the Club's bylaws.

It was reported that the facility can be beneficial to the Town by providing a home for such clubs as the Bedford Beavers Swim Club, and additional recreational facilities for school children and local groups.

The delegation requested Town Council to:

- proceed with a site analysis
- research and if possible, endorse the approach of a non-profit organization leasing a Town-built facility on Town-owned land
- authorize Town staff to negotiate a lease.

In discussion of the proposed facility, Councillors raised issues and concerns including the following:

- no other site options have been identified
- if the provincial 30% grant is unavailable, other funding avenues to raise the capital will be investigated
- if there are insufficient members to offset the Town's costs, there are other options such as reducing capital cost, increasing fees and increasing use of volunteers
- staff will research the deed covenants to land in question and a meeting with the former owner is being arranged
- apparent dichotomy of public land/private operation is addressed by permitting public access to the facility (only membership restriction is related to payment of fees)
- importance of consultation with abutters

Mayor Christie thanked the delegation and noted the matter will be placed on a future agenda of Council once staff and Council have had an opportunity to research and discuss more thoroughly.

8.4 Proposed Parking Facilities (Proposed Bedford Tennis & Swim Club)

Mr. P. Reid circulated and read a letter of objection to Council on the above noted facility. The delegation encouraged the preservation of Bedford's limited passive parkland and raised additional concerns of vehicle access; proximity of access and parking to residents on Madison Avenue; amount of land necessary for an elementary school, and public access for non-members.

8.5 Ice Control - Glenmont Avenue (Mr. Whynot)

Mr. Whynot's letter of October 31, 1990 to Mr. R. Paynter was circulated. The letter and accompanying signatures request that crusher dust be applied only when requested by the residents to Glenmont Avenue from the Crosby Street intersection to the end of Glenmont Avenue. Mr. Whynot was not present.

8.6 Eaglewood Residents Association (Mr. Chuck Cartmill)

Mr. C. Cartmill, President of Eaglewood Residents Association, addressed Town Council summarizing the activities of the Association with respect to the Toboggan Hill issue. He emphasized that the majority of residents do not want a public toboggan run nor do they wish a parking lot developed on Town owned land adjacent to the proposed site.

6. **DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES**

6.1 **Ridgevale Drive/Dartmouth Road Signalization**

By memorandum of November 15, 1990, R. Paynter provided further information to Council relative to the matters of possible signalization of the Dartmouth Road/Ridgevale Drive Intersection and the proposed revisions to the traffic markings on the Dartmouth Road itself between the CN overpass and Ridgevale Drive. The proposal would eliminate the existing passing lane and create a centre turning lane.

Mr. Paynter further noted that the Department of Transportation and Communication has not approved of a pedestrian or half signal system. Legal opinion noted that the Town would be in contravention of the Motor Vehicle Act if the Town erected any kind of traffic signalization other than that approved by the Department of Transportation and Communication.

With regards to revising the traffic markings on the Dartmouth Road to eliminate the passing lane and to create a centre-turning lane, the Provincial Traffic Authority's office is in agreement with this proposal.

There was some clarification as to budget allocations re cost sharing of full signalization and pedestrian signalization.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Town Council continue to encourage the Department of Transportation and Communications to approve a pedestrian activated signalization for Dartmouth Road/Ridgevale Intersection; and that Town Council approve in principle the concept of pedestrian activated signalization for that intersection.

In discussion of the MOTION, at the request of Councillor Draper, R. Paynter clarified that a pedestrian activated system would work effectively with a centre turning lane concept.

Deputy Mayor Huntington commented on the position of the truckers delegation, i.e. safety.

ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to AMEND the motion of Councillor Goucher and Councillor Cosgrove such that in the meantime, Town Council authorize the Engineering and Works Department to proceed with the centre-turning lane concept; and that Town Council authorize the expenditure of approximately \$6 - \$10,000 for pavement markings and associated changes; and that this expenditures is to be cost-shared by the Department of Transportation and Communications. The motion was unanimously approved.

In discussion of the AMENDMENT to the MOTION, R. Paynter indicated that the work could be completed this year.

The **MAIN MOTION as AMENDED** was put to the meeting and **CARRIED** (Deputy Mayor Huntington voted against the main motion).

6.2 Golflinks Park

By memorandum of November 15, 1990, B. Nauss brought forward Bedford Recreation Committee's recommendations to not develop Golflinks Park as a toboggan run; BRAC form an ad hoc subcommittee to make recommendations for the future use of the park; and suggestions with respect to the composition of the ad hoc subcommittee.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that Town Council authorize the construction of a berm at the bottom of the run and the placement of a storm water drain on the upside of the berm to facilitate drainage.

ON MOTION of Councillor Cosgrove and Councillor Kelly, it was moved to AMEND the MOTION to extend the berm fifty feet to include Lot 13; and to request Engineering and Works to prepare a detailed cost schedule of this construction.

In discussion of the AMENDMENT to the MOTION, Councillor Cosgrove indicated that the berm must be functional and that the addition of a storm drain and the extension of the berm to Lot 13 would make it so. Mr. Paynter commented on the approximate cost of installing a storm drain (approximately \$7,500 including easements) and added a detailed analysis would be required.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to defer consideration of the AMENDMENT and the MAIN MOTION pending further investigation and research by the Engineering and Works Department. The motion to defer was CARRIED (Councillor Goucher voted against the motion to defer).

ON MOTION of Councillor Draper and Councillor Walker, it was moved that Town Council:

1. *authorize staff to terminate the Toboggan Run project*
2. *discourage the use of Golflinks Park as a public toboggan run*
3. *take the position that a parking lot not be built in the area of Peregrine, now or in the future*
4. *an ad hoc subcommittee of BRAC consisting of citizens of Eaglewood, and Admirals Cove meet with staff to determine the future use of Golflinks Park and that this subcommittee submit their*

recommendations to BRAC.

In discussion of the MOTION, Deputy Mayor Huntington expressed concern that the Town should not discourage all tobogganing in the park. It was clarified that the MOTION indicated public tobogganning which is to be interpreted as advertised.

The MOTION was put to the meeting and was unanimously approved.

6.3 Proposed Contract - Recycling Depot

By memorandum of November 2, 1990, Mr. Paynter supplied additional information with respect to the MOTION to DEFER on October 30, 1990 (page 6). Mr. Paynter's memorandum outlined budget allowances for the establishment of an improved and expanded recycling depot facility located adjacent to the Bedford Place Mall property. Also circulated with the agenda package was a proposed agreement between the Town of Bedford and Bedford Bottle and Metal Exchange Limited.

Councillor Kelly raised the issue of whether a recycling depot could be located in a C-3 zone if it included a bottle exchange component. It was noted that the legal opinion obtained was different from the opinion of the Director of Planning; i.e. legal opinion suggested that a recycling depot with a bottle exchange component located in a C-3 zone might be in violation of the Town's zoning by-laws. Mr. Zwicker indicated that a recycling depot enclosed within a building would be consistent with the C-3 Zone. A bottle exchange could only be considered within the same building as an accessory use to the depot.

The MOTION on the floor from October 30, 1990 was:

"ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that Town Council accept the agreement between the Town of Bedford and Bedford Bottle and Metal Exchange Limited for the purposes of operating a recycling program as circulated by the Director of Engineering and Works on October 24, 1990."

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to AMEND THE MOTION on the proposed contract between the Town of Bedford and Bedford Bottle and Metal Exchange Ltd. such that if the operation is located in a zone other than C-6, it must exclude a bottle exchange component. The motion to amend was lost (Councillors Draper, Walker, Huntington and Mayor Christie voted against).

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to AMEND the AMENDMENT TO THE MOTION such that Section 5 shall

stipulate a frequency of removal from the site of a minimum of twice per week to ensure neatness and cleanliness. The motion to amend the amendment was approved unanimously.

In discussion of the amendment related to the frequency of removal from the site, Councillors noted that the stipulated frequency was a precautionary measure although it was suggested that the building capacity would only permit minimal storage.

By unanimous consent, the Rules of Order were suspended and Mr. Redmond, operator, revealed that materials would be removed from the building when 8 pallets accumulated; probably every second day.

ON MOTION of Councillor Kelly, it was moved to DEFER further consideration of the proposed contract until such time that staff was able to further investigate and substantiate the financial data reported by the operator. The motion to defer was lost after three calls from the Mayor for a seconder.

In discussion of the MOTION to defer, Councillor Kelly voiced concern that an audit should be undertaken to substantiate the financial data submitted by Mr. Redmond.

With respect to Section 10, Councillor Kelly asked Council to consider specifying an amount of insurance coverage. Mr. English noted a legal opinion indicated that the clause sufficiently protects the Town and citizens, and implies that the operator assumes all insurance liability.

Mayor Christie noted for information that approved amendments to the contract (October 30 meeting) included the deletion of "and the crushing and preparing of cans and glass" from Section #7.

ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to AMEND THE MOTION on the proposed contract between the Town of Bedford and Bedford Bottle and Metal Exchange Ltd. such that Section #9 reflect the intent that the agreement may be amended, for additional depot sites, to include crushing and preparation of cans and glass. The motion to amend was approved (Councillor Kelly opposed).

ON MOTION of Councillor Goucher and Councillor Draper, it was moved to AMEND THE MOTION on the proposed contract between the Town of Bedford and Bedford Bottle and Metal Exchange Ltd. such that an additional clause be added to reflect the intent that the operator shall provide the Engineering Department with monthly reporting on tonnage of recycled goods so that the data can be used for future planning and the analysis of cost

implications. The motion to amend was unanimously approved.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to **AMEND THE MOTION** on the proposed contract between the Town of Bedford and Bedford Bottle and Metal Exchange Ltd. such that in Section #8 the word "subsidize" shall be replaced by *compensate* to more accurately reflect the intent. **The motion to amend was approved** (Councillor Kelly opposed).

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to **AMEND THE MOTION** on the proposed contract between the Town of Bedford and Bedford Bottle and Metal Exchange Ltd. such that Section #7 shall be reworded; "will be permitted *within the depot building in question*". **The motion to amend was approved unanimously.**

The MAIN MOTION AS AMENDED with respect to the contract was put to the meeting and was **CARRIED** (Councillor Goucher voted against).

Mayor Christie asked Council to consider the MOTION to DEFER with regards to the location of the recycling depot (page 4, October 30, 1990).

The AMENDED MOTION put to the meeting was "to locate the recycling depot in a C-6/I-1 zone in the Town of Bedford". **The amended motion was LOST** (Councillors Draper, Walker, Huntington and Mayor Christie voted against the amended motion).

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to locate a residential recycling depot on the lands of Martin Eisenhower, next to Bedford Place Mall, as depicted on the site plan accompanying the proposed contract; and to authorize the Engineering Department to have constructed a 15 x 25 foot building on that land to house the recycling depot.

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved to **AMEND** the motion with regards to location of the recycling depot such that the Town shall attempt to reduce any inconvenience to neighbouring residential units by having:

1. *staff negotiate with Mr. Eisenhower to move the building as close to the Sackville River as possible*
2. *the building situated such that the loading doors face the river side; and*
3. *a screen/buffer of trees provided along Union Street.*

In discussion of the amendment, Mr. English noted that staff have negotiated an agreement in principle with Mr. Eisenhower for free use of the land for this purpose. However, Mr. Eisenhower's sole condition was

the actual location of the building (as shown on the site plan) and therefore, staff will attempt to re-negotiate the building position.

In discussion of an agreement for use of the land, Councillor Kelly asked that any proposed agreement should specify a time limit for the Town's use of the land.

The MOTION to AMEND was put to the meeting and **CARRIED** (Councillor Cosgrove opposed).

The AMENDED MOTION was put to the meeting and **CARRIED** (Councillor Cosgrove and Goucher opposed).

With regard to the carried motion on the location of the residential recycling depot, Councillor Kelly noted that, in his opinion, the Town is in violation of its own zoning by-law and he encouraged Mrs. S. Towill to take the proper legal action against the Town.

ON MOTION of Councillor Kelly, he gave NOTICE TO RECONSIDER the Carried motion with respect to the location of the residential recycling depot.

6.4 Refueling Depot

By memorandum of 5 November 1990, Mr. Singer submitted pricing information regarding a fleet credit card system. Based on his findings, Mr. Singer recommended that the Town proceed with the Fuel Depot Facility as the feasible alternative.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to that Town Council not proceed with the Fuel Depot Facility for the budget years 1990 and 1991. The motion was unanimously approved.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Consideration of Approval - Development Agreement Application for #1460A Bedford Highway

A Development Agreement application for 1460A Bedford Highway has been proposed which would permit the use of the existing basement level space for the operation of a pre-school. The staff report and draft agreement were reviewed at the public hearing held just previous to this Council Session.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was

moved that Town Council authorize the Chief Administrative Officer to enter into a development agreement to permit the use of 1460A Bedford Highway for a pre-school operation and that the agreement only apply to the existing structure known as civic #1460A Bedford Highway and that the uses permitted within the agreement include a preschool operation in addition to those permitted as of right by the existing C-2/C-5 zone. The motion was unanimously approved.

9. **MOTIONS** - Nil

10. **NEW BUSINESS**

10.1 **Proposed Changes Tree Committee Membership**

A memorandum of November 15, 1990 from Wayne Legere requested modification in membership such that a third Councillor be appointed which would then allow two members from the community at large and requested that the second non-Council member of the Committee be the representative appointed from the Recreation Advisory Committee.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to amend the membership of the Tree Committee to include a third Councillor and that the second non-Council member be the representative appointed from Recreation Advisory Committee. The motion was unanimously approved.

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved to extend the time for this Session past the normal adjournment time. The motion was unanimously approved.

10.2 **Council Appointments to Various Committees/Commissions/Boards**

A revised list of Council appointments was circulated during the meeting.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to adopt the revised list of Council appointments as circulated.

ON MOTION of Councillor Cosgrove and Deputy Mayor Huntington, it was moved to AMEND the revised Council appointments to include Councillor Walker on the Tree Committee. The motion to AMEND was unanimously approved.

The MAIN MOTION as AMENDED was put to the meeting and was unanimously approved.

10.3 Citizen Appointments to Various Committees/Commissions/Boards

The results of Council ballots were circulated for the various committees. By consensus, it was agreed that the membership of Waters Advisory shall be reviewed by the Chairman and committee and then returned for ratification by Council. The Mayor will ensure that BWAC is supplied with all the names of those who indicated they wished to serve on BWAC.

ON MOTION of Councillor Draper and Councillor Walker, it was moved to adopt the citizen appointments to various committees/commissions/boards as circulated. **The motion was unanimously approved.**

BOARD OF HEALTH - Warren Hutt
Dr. Amid Ismail

POLICE COMMISSION - David Barrett
George Hepworth

TREE COMMITTEE - Sonia Verabioff

BY-LAW/POLICY - Nelson Blackburn
Bill Fenton

PLANNING ADVISORY - Chris Nolan
Chris Lowe

RECREATION - Sean Christie
Carolyn MacLean

GRANTS ADVISORY - Florence Bell
David Yuill

TRANSIT ADVISORY - Dora Sanford
Neil Smith
Rick Collins
Lindiwe Ameny
Randy MacLean
Christopher Rigg

WATERS ADVISORY - Sean Christie

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved that Town Council re-examine the situation with respect to permitting the same citizen to sit on more than one committee. **The motion was LOST** (Councillors Walker and Cosgrove, Deputy Mayor Huntington and Mayor

Christie voted against the motion).

10.4 Proposed Town of Bedford Revised Emergency Response Plan

The proposed Revised Emergency Response Plan was previously circulated to Councillors. A memorandum of November 15, 1990 from Mr. English respectfully requested Council to adopt the document.

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved that Town Council officially adopt the revised Emergency Response Plan for the Town of Bedford; and to recognize the efforts of Mr. English in the development of this document.

ON MOTION of Councillor Walker, it was moved to AMEND the motion by Deputy Mayor Huntington such that the document be given interim approval until a formal presentation is made to Council on the document.

In discussion of the MOTION to AMEND, it was clarified that Town Council must have a plan in place; i.e. Council must officially adopt same in order for the plan to be activated.

The MOTION TO AMEND was withdrawn.

The MOTION was put to the meeting and unanimously approved.

ON MOTION of Councillor Draper, it was moved to recess the Regular Session of Council (Meeting #79) at approximately 11:30 p.m.

[Handwritten signatures]

MEETING #81

TOWN OF BEDFORD

Reconvened Session

Monday, November 26, 1990

A Reconvened Regular Session (November 20) of the Town Council of the Town of Bedford took place on Monday, November 26, 1990, 4:00 p.m., in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. **ATTENDANCE**

Deputy Mayor Huntington, Councillors Anne Cosgrove, Len Goucher, Peggy Draper, Peter Kelly and Grant Walker were in attendance at the commencement of the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development Control; Bob Nauss, Director of Recreation; Rick Paynter, Director of Engineering and Works; and Ron Singer, Director of Finance.

17. **ADDED ITEMS**

With the consent of Council, Mayor Christie proceeded to comment on Councillor Kelly's remark of November 20, 1990 with respect to encouraging Mrs. Shirley Towill to take legal action against the Town. Mayor Christie suggested this may be seen as inconsistent with his Councillor's duties. The Mayor invited Councillor Kelly to clarify or withdraw his comments.

Councillor Kelly clarified that he would receive no financial, personal or public gain. He noted that he was informing Mrs. Towill of her options and one of those options would be to take legal action against the Town for enforcement of a By-Law.

Mayor Christie read paragraph #4 from a November 14, 1988 memorandum from Peter F. Spencer, Q.C. on the matter of Fiduciary Duties:

"....At law, councillors are elected to Council on the implied undertaking representation that they will exercise their authority, judgement and skill for the benefit of the corporation, and not for personal benefit of its elected or other officials, nor for the benefit of individuals with interests independent of the corporation. A person having a duty, created by such an undertaking, to act primarily for the benefit of another party is legally considered to have a "fiduciary duty". That is, in all matters related to the exercise of his office, the councillor is expected to act in good faith for the benefit of the Town...."

Councillor Draper left the meeting at approximately 5:30 p.m.

Mayor Christie stressed "to act in good faith for the benefit of the Town". He also informed Councillor Kelly that the minutes would be forwarded to the Minister of Municipal Affairs for interpretation of possible breach of fiduciary duties.

Councillor Kelly asked for clarification on what specific benefit he had derived. In response, Mayor Christie commented that he did not feel that the Councillor's actions were consistent with "acting in good faith for the benefit of the Town". Councillor Kelly explained that he felt that he acted in good faith by attempting to ensure that the bylaws were enforced.

After some discussion, Councillor Kelly agreed to let the minutes stand as circulated.

At the request of Councillor Goucher, the topic was opened to Council debate.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that Town Council support the decision of the Chair (to forward the minutes to the Department of Municipal Affairs for interpretation of possible breach of fiduciary duties).

In discussion of the MOTION, Councillor Goucher noted that he did not feel that such a motion was required and therefore he would not vote with the motion. He agreed with the decision of the Chair. Councillor Cosgrove agreed with Councillor Goucher.

Councillor Kelly quoted the duties of the Mayor from the Provincial Towns Act and noted the Mayor's responsibilities to enforce the laws of the Town.

Through the Chair, Deputy Mayor Huntington inquired whether the Director of Planning had received correspondence which had not been distributed to Council but which had subsequently fallen into the hands of someone outside Council. Mr. Zwicker reported that he had not received any correspondence which was not circulated to Council on the matter of fiduciary duties; however, with respect to

the recycling depot, this was possible. Mayor Christie noted that the item being discussed was fiduciary duties, not recycling. Deputy Mayor Huntington withdrew the question.

The MOTION was put to the meeting and was CARRIED (Councillors Cosgrove, Goucher and Kelly voted against; and Councillor Walker, Councillor Draper, Deputy Mayor Huntington and Mayor Christie voted with the motion).

10.3 Citizen Appointments to BPAC

By memorandum of November 21, 1990, Mr. English informed Council that Bedford Planning Advisory Committee (BPAC) was short one citizen representative. A ballot to nominate an additional citizen was circulated. On the fourth secret ballot, Mr. Warren Hutt was appointed to BPAC.

Mr. English's memorandum also requested for Council direction with respect to membership on Heritage Advisory Committee.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that the Chief Administrative Officer place an advertisement seeking interested citizens to serve on the Heritage Advisory Committee and that this invitation be extended to those citizens who currently serve on this committee. The motion was unanimously approved.

10.5 Proposed Parkland Development - Peerless Subdivision

By memorandum of November 16, 1990, Mr. Nauss asked Town Council to approve in principle the development of the parkland in Peerless subdivision in 1990 and to proceed with the process as outlined.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Town Council approve in principle the development of the parkland in Peerless subdivision and to proceed as follows:

- staff to continue to meet with the residents association
- a concept plan of the park be developed (approximately 1,500 to 2,000)
- a letter outlining the proposed park development be sent to all area residents
- the concept plan be presented at a neighbourhood meeting
- cost estimates for development to be presented to Town Council in the near future

- *if cost estimates are approved by Council, the required equipment could be ordered in 1990 with installation and development to be completed in the spring of 1991.*

The motion was unanimously approved.

In discussion of the MOTION, it was clarified that Town Council would be presented with the concept plan and tender simultaneously and that schematics of the plan would be part of the tendering process.

10.6 Proposed Parking Lot Development - Smiths Road

By memorandum of November 15, 1990, Mr. Nauss outlined the plans and tenders for the creation of a 50 x 150 ft. gravel based parking lot off Smiths Road on CMHC Lands as per the circulated sketch. The purpose of the parking lot is to provide a safe parking area for users of the trails. Residents of Smiths Road have complained about on-street parking and the Department of Transportation has advised that parking is prohibited on the BiCentennial Highway. The 1990 Capital Budget identified \$20,000 for survey work of Town lands in Sandy Lake Parkland holdings; however current estimates indicate it will require \$30,000 to carry out the work. Mr. Nauss recommended that Town Council defer the Sandy Lake survey project and re-allocate the necessary funds to construct the Smiths Road parking lot in time for the upcoming winter season.

With respect to the sketch of the parking lot, there was some discussion as to whether an increased buffer/screen area could be provided and whether the depth of the buffer was adequate. Mr. Zwicker commented that the depth of the buffer is in keeping with the spirit of the proposed MPS for separations between commercial and residential properties. Mr. Paynter noted that due to site factors (rock ledge and swamp areas) increasing the depth of the buffer area would be difficult.

ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to defer the Sandy Lake survey project; to proceed with the 150 ft x 50 ft gravel based parking lot as sketched; to complete the parking lot in time for the upcoming winter season; and to award a contract to Bedford Excavating Ltd. in the amount of \$7,500 to complete this project.

In discussion of the MOTION, Councillor Kelly inquired whether this project had been discussed with the residents of Smith's Road. Mr. Nauss noted that the concept had not been discussed with them recently. Councillor Kelly noted that Smith's Road is a private road and by way of offering public parking, the Town is encouraging public use of a private road. He encouraged the Town to take some responsibility with regards to the maintenance of this private road.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to **AMEND THE MOTION** such that prior to awarding the tender on the parking lot that a public information meeting be called by Town Council to receive input from the public with regards to the size and location of the proposed parking lot.

In discussion of the MOTION TO AMEND, there was some confusion as to the intent, and with regards to the appropriate timing. Therefore, Councillor Kelly and Councillor Cosgrove agreed to **WITHDRAW** the MOTION to AMEND.

ON MOTION of Councillor Kelly and Councillor Walker, it was moved to **DEFER** the MAIN MOTION on the parking lot until the Director of Recreation reports back to Town Council with the results of public input on the proposed parking lot. **The motion was unanimously approved.**

The Main Motion was unanimously approved.

10.7 Proposed Residents Tax Exemption - 1991

By memorandum of November 15, 1990, Ron Singer circulated a **Resolution** for consideration respecting partial property tax exemption for qualified individuals. Mr. Singer recommended approval of the Resolution which includes an extra 25% allowance in consideration of the 15 month budget for 1991 - 1992 only. The Resolution would increase the exemption from \$350 to \$370 for 1991 plus a further \$93 in lieu of the extra three months for the 1991-1992 year only.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved that:

An exemption for taxation in the Town of Bedford be granted pursuant to Section 112 (a) of the Towns Act and Bill No. 57, Province of Nova Scotia, 1988, in the amount of \$370, plus a further allowance of \$93 in lieu of the extra three months for the 1991-1992 year only.

That the exemption be granted to a person assessed for taxable property in the Town of Bedford who is:

- a) *A widow or widower; or*
- b) *65 years of age or over; or*
- c) *The head of a single parent family supporting a dependent within the meaning of the Income Tax Act (Canada); or*
- d) *Disabled, as defined under the Canada Pension Plan, the Canada Pension Act and the Canadian Assistance Act.*

That the exemption be granted to persons whose total income from all sources, (and including the income of all other persons of the same family residing in the same household as the applicant ratepayer), for the year preceding the year for which exemption is sought, is less than \$20,000.

That the exemption be granted only in respect of property occupied by the applicant ratepayer as his home.

That, where two or more persons, one or more of whom are entitled to an exemption are by any interest the owners of taxable property together, the persons so entitled shall be entitled to that portion of the amount of exemption that the amount of his assessment bears to the total assessment of the whole property, and where the owners are not separately assessed for their interest in the property, then to that portion determined by the assessor, whose determination shall be final.

That no application for an exemption will be received after the 31st day of January 1991.

In discussion of the MOTION, Deputy Mayor Huntington inquired whether seniors could be exempt from the school area rate. Mr. English replied that given the universal nature of property transaction, it is impossible to differentiate.

The MOTION was put to the meeting and unanimously approved.

10.8 Rules of Procedure By-law - Councillor Kelly (Verbal)

Councillor Kelly quoted from items 24 and 7 of the Rules of Procedures By-Law. He asked for clarification as to the responsibilities of the Mayor and/or Deputy Mayor to commence meetings at specified times.

Mayor Christie clarified that a meeting can be held if a quorum is present but there is no obligation in the By-Law to commence at a specified time. Councillor Kelly noted that his question related to a recent Town Council meeting (Special Session, November 13, 1990) and whether the Deputy Mayor who had been present but who left the Council Chambers, was obliged to commence the meeting at the advertised time.

Councillor Kelly noted that, due to the lack of quorum, the Councillors in attendance adjourned the meeting in accordance with Item 9 of the By-Law.

ON MOTION of Councillor Cosgrove and Councillor Kelly, it was moved to refer Bylaw #21101, Rules of Order for Council, to the Bylaw/Policy Advisory Committee for review with the suggestion that the Committee include a new provision which would reflect the intent that Councillors are obliged to commence the meeting at a specified time when a quorum is present.

In discussion of the MOTION, Councillor Walker suggested that perhaps item #9 with regards to Quorum and Adjournment of meeting required a slight modification in terms of the sequence.

The motion was put to the meeting and CARRIED (Councillor Walker voted against the motion).

Deputy Mayor Huntington asked to speak on a point of privilege. He noted that although there was no formal agreement, there had been an understanding on November 13, 1990 that the Special Session would be delayed to permit the Mayor and other Councillors to attend the opening of Sunnyside Mall.

Councillor Kelly asked to speak on a point of privilege and he reported that he was informed that day the meeting would start at its appointed hour, and that only the Mayor would be attending the Sunnyside opening.

Councillor Cosgrove asked to speak on a point of privilege and she agreed with Councillor Kelly noting that she had also been informed that the Special Session would commence at the appointed hour.

Councillor Draper asked to speak on a point of privilege and she noted that Councillors had agreed informally earlier in the day at the opening of the Works Compound Centre that the meeting would be delayed.

Councillor Goucher asked to speak on a point of privilege. He reported his understanding there was an informal agreement that the Deputy Mayor would not call the meeting to order until the arrival of the Mayor.

10.9 Proposal re 91/92 Tax Billing Cycle Due to Fiscal Year End Change

By memorandum of 14 November 1990, Mr. Singer outlined his recommendations for the tax billing schedule in light of the fiscal year end change.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to adopt the recommendations of the Director of Finance as outlined in his memorandum such that:

<i>Interim Bill #1 (50% of 1990 Taxes)</i>	<i>January 1, 1991</i>
<i>Interim Bill #2 (50% 1990 Taxes)</i>	<i>June 1, 1991</i>
<i>Final Three Month Bill</i>	<i>November 1, 1991;</i>

and for 1992 and subsequent years:

*Interim Bill (40% of 1991/92 Taxes only,
50% subsequent years)*

April 1, 1992

Final Bill

September 1, 1991

The MOTION was put to the meeting and was unanimously approved.

10.10 Proposed Amendment - Trade and Licensing Bylaw #15100

By memorandum of November 14, 1990, Mr. Singer outlined proposed amendments to the bylaw noting that the Town of Bedford is not currently charging the metro average for Trade and Licensing Fees. He recommended that the fees be increased as per an attached schedule.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to accept the recommendations of the Director of Finance to amend the Trade and Licensing By-law #15100 such that the trade and license fees be increased as stated in the memorandum of November 14, 1990.

In discussion of the MOTION, Councillor Walker asked staff for their plan of action with respect to levying these fees; i.e. would a new inventory be taken. Mr. Singer responded that he intended this memorandum to act as First Reading and that he could present an actual amended by-law for Second Reading. He did report difficulty in collecting fees as some owners refused to pay.

There was further discussion with respect to the total revenue the by-law generates and whether manpower should be dedicated to the collection of fees. Mr. English suggested that the by-law may be inappropriate as it is difficult to administer and the amount generated, minimal.

The MOTION was put to the meeting and unanimously approved.

11. REPORTS: BOARDS/COMMITTEES/COMMISSIONS/DEPARTMENTAL

11.1 Boards/Committees/Commissions - Nil.

11.2 Departmental

11.2.1 Building Inspector's Report

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to accept the Building Inspectors Report of October 1990. The motion was unanimously approved.

11.2.2 Fire Chief's Report

ON MOTION of Councillor Cosgrove and Deputy Mayor Huntington, it was moved to accept the Fire Chief's Reports for September and October 1990. **The motion was unanimously approved.**

11.2.4 Engineering and Works - Report on Winter Snow & Ice Control Operations

By memorandum of November 15, 1990, Mr. Paynter reviewed winter snow and ice control procedures and operations including general background, present operations policy, manpower and equipment, sidewalk and walkway level of service, and salt usage.

ON MOTION of Councillor Kelly, it was moved to maintain the current standards of service (not the 1983 standards) for winter snow and ice control with respect to vehicular and pedestrian travelled areas.

In discussion of the MOTION, it was clarified by the Director of Engineering that the Town's current salt applications exceed the 1983 recommended levels and that he recommends that the Town strictly adhere to the 1983 standards and thereby reduce the salt tonnage and cost.

Councillor Kelly asked Town Council once again to keep salt usage and plowing at the same levels as the past year.

The MOTION was LOST there being no seconder after three calls from the Mayor.

Councillor Kelly requested Town Council obtain a legal opinion with respect to the Town's responsibility toward safety. Mayor Christie noted that legal opinion has been to maintain 'reasonable' levels of safety.

Councillor Walker suggested that Town Council should encourage the sparing use (for environmental reasons) of chemicals on public ways and that in an attempt to address the recent budget challenge, Town Council might ask for the cooperation of citizens to clear sidewalks in an effort to reduce operational costs.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to request Engineering Staff to report to Town Council outlining those sidewalks, excluding arterials, which could be recommended for clearing by property owners. **The motion was unanimously approved.**

With regards to after hours contact, Councillor Walker suggested that Town Council forestall the hiring of additional personnel and investigate other

alternatives, i.e. the possible use of a cellular phone. Mr. Paynter noted that there may be some possibility of equipping senior level staff with a cellular phone for the purpose of maintaining contact with Councillors. However, he envisaged the 'after hours contact' person as a first phase towards a full-time Clerk Dispatch position which will be necessitated in the near future.

With respect to level of service, no MOTION with regards to changing the 1983 level of service was brought to the floor and it was therefore agreed that staff should operate under the Service Level established in 1983.

12. **CORRESPONDENCE** - Nil

13. **MOTIONS OF RECONSIDERATION**

ON MOTION of Councillor Walker, it was moved to file a NOTICE OF MOTION TO RECONSIDER the Council decision with respect to the bulk fueling depot.

In speaking to the MOTION, Councillor Walker suggested that there may be some possibility for participation with the Department of Transportation to share their facility and thereby save capital costs. Mr. Paynter noted that this alternative had been investigated by staff previously and it was suggested by D.O.T. staff that same was not feasible for security reasons. It was suggested however that Town Council approach the Department on a political level and that in light of current budget restrictions, it may be an alternative worth a second investigation.

14. **MOTIONS OF RECISSION** - Nil

15. **NOTICES OF MOTION** - Nil

16. **QUESTIONS**

16.1 **Status Sheet** - There were no questions on the Status Sheet.

18. ADJOURNMENT

ON MOTION of Councillor Walker, it was moved to adjourn the Reconvened Regular Session on November 26, 1990 at approximately 5:40 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

LORD'S PRAYER

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

ATTENDANCE

Deputy Mayor Huntington, Councillors Anne Congrove, Len Goucher, Peter Kelly and Grant Walker were in attendance at the convening of the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; Charles J. Paymer, Director of Engineering and Works; and Russ Singer, Director of Finance.

ADDITIONS/DELETIONS TO THE ORDER OF BUSINESS

There were no additions or deletions to the Order of Business.

APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to accept the Order of Business as circulated. The motion was unanimously approved.

MEETING #82

TOWN OF BEDFORD

Special Session

Monday, November 26, 1990

A Special Session of the Town Council of the Town of Bedford took place on Monday, November 26, 1990, 6:00 p.m., in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. **LORDS PRAYER**

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

2. **ATTENDANCE**

Deputy Mayor Huntington, Councillors Anne Cosgrove, Len Goucher, Peter Kelly and Grant Walker were in attendance at the commencement of the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development Control; Rick Paynter, Director of Engineering and Works; and Ron Singer, Director of Finance.

3. **ADDITIONS/DELETIONS TO THE ORDER OF BUSINESS**

There were no additions or deletions to the Order of Business.

4. **APPROVAL OF THE ORDER OF BUSINESS**

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to accept the Order of Business as circulated. The motion was unanimously approved.

5. NOTICE OF RECONSIDERATION - Councillor Kelly

Councillor Kelly gave NOTICE TO RECONSIDER on November 20, 1990 with respect to the Council decision respecting the location of the recycling depot. At that meeting, Council agreed to locate the recycling depot on the lands of Mr. Eisenhower, adjacent to Bedford Place Mall.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to reconsider the MOTION made on November 20, 1990 with respect to the location of the recycling depot. The MOTION was LOST (Mayor Christie, Deputy Mayor Huntington, Councillor Walker opposed; motion tied, therefore LOST).

In speaking to the MOTION, Councillor Kelly noted that he feels that Council must abide by their laws. He further noted that if there is a violation of the bylaws, then it is Council's duty to enforce the bylaw.

The MOTION was put to the meeting and LOST (Mayor Christie, Deputy Mayor Huntington, Councillor Walker opposed; motion tied, therefore LOST).

Councillor Kelly asked to speak on a point of privilege. He inquired whether a legal opinion had been sought with respect to whether the current recycling operation was in violation of a bylaw. Mayor Christie reiterated that, according to the Planning Act, the Development Officer's opinion prevails. Mr. Zwicker, Development Officer, stated he did not feel that the proposed operation would violate a Town bylaw however, the current operation was questionable.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to suspend the rules of order to permit the introduction of a new item; i.e., endorsement of the legal opinion obtained on the subject of the recycling depot. The MOTION was LOST (Mayor Christie, Deputy Mayor Huntington, Councillor Walker opposed; motion tied, therefore LOST).

6. PROVISION OF BUS SHELTERS

By memorandum of November 8, 1990 (Wayne Legere) and November 19, 1990 (Dan English), Council was informed of the opportunity to participate in bulk purchasing of bus shelters through Metro Authority. A volume discount would be available if Council agreed to participate in the bulk purchase at this time.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved that Town Council not participate in the bulk purchase of bus shelters through Metro Authority at this time. The motion was approved (Councillor Kelly opposed).

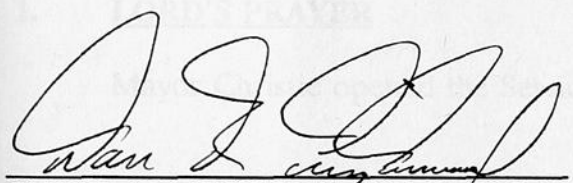
At the request of Councillor Walker, Mr. Zwicker will investigate whether the provision of a bus shelter by the developer was included for the Nelsons Landing development agreement.

ON MOTION of Councillor Goucher, NOTICE OF MOTION OF RESCISSION with respect to the location of the recycling depot at Bedford Place Mall was given.

7. ADJOURNMENT

ON MOTION of Councillor Kelly, it was moved to adjourn the Special Session of Council on November 26, 1990 at approximately 6:15 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

Deputy Mayor Harrington, Councillors Anne Cosgrove, Len Goucher, Perry Draper, Peter Kelly and Grant Walker were in attendance at the commencement of the meeting.

Staff members attending the meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development Control; Duane Davis-Lohner, Planner; and Rick Laymer, Director of Engineering and Works.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

At the request of Councillor Kelly, item 5.b (Point of Privilege) was added to the agenda by consensus.

Councillor Walker requested a new item, Traffic Signs, be added to the agenda. However, Mayor Christie informed Council that a meeting with Mr. Howell, area residents and Department of Engineering and Works will be held in the near future and a report will be forthcoming to the December 18, 1990 Council Session on this item.

MEETING #83

TOWN OF BEDFORD

Special Session

Tuesday, December 4, 1990

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, December 4, 1990, 7:30 p.m., in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. **LORD'S PRAYER**

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

2. **ATTENDANCE**

Deputy Mayor Huntington, Councillors Anne Cosgrove, Len Goucher, Peggy Draper, Peter Kelly and Grant Walker were in attendance at the commencement of the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development Control; Donna Davis-Lohnes, Planner; and Rick Paynter, Director of Engineering and Works.

3. **ADDITIONS/DELETIONS TO ORDER OF BUSINESS**

At the request of Councillor Kelly, item 5.b (Point of Privilege) was added to the agenda by consensus.

Councillor Walker requested a new item, Traffic Signs Golf Links Road, to be added to the agenda. However, Mayor Christie informed Town Council that a meeting with Mr. Howell, area residents and Department of Engineering and Works will be held in the near future and a report will be forthcoming to the December 18, 1990 Council Session on this item.