

10.5 Proposal for Price Adjustment - Garbage Collection Contract '91

By memorandum of December 12, 1990, Mr. Paynter recommended that Lantz Leasing and Rentals Limited be granted a \$6,000 price adjustment as requested for 1991 garbage collection. The contract for garbage collection stipulates that two requirements must be fulfilled prior to requesting a price adjustment, i.e. the number of residential housing units must increase by over 5% annually, and the cost of fuel at the pumps must increase by over 10% in either year of the three year contract period.

It was noted that over a two-year period, on average the number of residential units in the Town increased by over 5%. Secondly, diesel fuel has increased in price in excess of 40%.

ON MOTION of Councillor Walker and Councillor Kelly, it was moved that Town Council deny the price adjustment request submitted by Lantz Leasing and Rentals Limited for 1991 garbage collection as the applicant has failed to meet the contract stipulations.

In discussion of the MOTION, it was noted that due to the increased tipping fee at the landfill site, the proponent is currently making additional stops for pickup at commercial enterprises resulting in a change in collection manner from the original contract. Mr. Paynter supported the price adjustment increase due to a culmination of three factors (dramatic increase in fuel prices, increase of residential housing units averaged over two years, and the change in collection manner).

Councillor Kelly and Councillor Walker noted that the specific stipulations of the contract have not been met and therefore, the contract should not be adjusted. Councillor Kelly noted when an analysis is done of the increased residential units, it could be proven that a substantial portion of these would be multiple units which are not serviced under this contract.

The MOTION was put to the meeting and CARRIED (Councillors Draper and Cosgrove opposed).

10.6 Appointment - New Executive Director, Economic Development Commission

Mr. English verbally presented the recommendation of the Selection Committee that Mr. Francis MacKenzie be employed as Executive Director for the Economic Development Commission of the Town of Bedford.

ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to accept and approve the recommendation of the Selection Committee

that Mr. Francis MacKenzie be appointed as Executive Director for the Economic Development Commission of the Town of Bedford. The motion was CARRIED (Councillor Cosgrove voted against the motion).

Councillor Goucher excused himself from the meeting at approximately 10 p.m.

11. REPORTS: BOARDS/COMMITTEES/COMMISSIONS/DEPARTMENTAL

11.1 Boards/Committees/Commissions

11.1.1 By-law/Policy Advisory Committee

a. Proposed Amendment - Rules of Procedure By-law

By memorandum of December 13, 1990, Mr. English submitted the recommendations of the By-law/Policy Advisory Committee that the Rules of Procedure By-Law be amended to address those concerns raised by Council at their November 26, 1990 (item 10.8) meeting. Mr. English also provided correspondence from the Solicitor as to the ability or lack thereof of the by-law to address this particular issue.

ON MOTION of Councillor Walker and Councillor Kelly, it was moved to accept the recommendation of the By-law/Policy Advisory Committee such that the Bylaw be amended;

BE IT RESOLVED that the following be adopted and enacted as a Bylaw of the Town of Bedford under the authority of the Towns Act, R.S.N.S. 1989, c. 472, when and if the same has received the approval of the Minister of Municipal Affairs and that the Town Clerk forward same to the said Minister along with a request for approval;

Bylaw to amend the Bylaw providing Rules of Order for Council.

1. *Bylaw Number 21101 of the Town of Bedford, being the Rules of ORder Bylaw is hereby amended by deleting the words "Presiding Councillor" from the first line of the subsection (2) of Section 7 and replacing those words with the words "presiding member";*
2. *The said Bylaw is further amended by deleting clause 9 and replacing it with the following:*

"9(1) At the time appointed for any meeting of the Council, the Chair shall call the meeting to order if there is a quorum present;

- (2) *If there is no quorum present at the time appointed for the meeting, the time for commencement of such meeting shall automatically be extended for one half hour or until such time as a quorum is present, whichever comes first;*
- (3) *If there is still no quorum present at the expiry of one half hour after the appointed time for the meeting, the meeting shall be cancelled;"*
3. *The said Bylaw is further amended by inserting a comma after the word "Clerk" in the third line of subsection (1) of Section 13;*
4. *The said Bylaw is further amended by deleting the word "petitioner" where it appears in the second line of subsection (2) of Section 17 and replacing it with the word "petition";*
5. *The said Bylaw is further amended by deleting the word "next" where it appears in the first line of both subsection (4) of Section 33 and subsection (5) of Section 34.*

The MOTION was put to the meeting and unanimously approved.

b. Proposed Bylaw - Solid Waste Collection and Disposal - First Reading

By memorandum of December 13, 1990, Mr. English presented the first draft of the proposed by-law respecting solid waste collection and disposal as recommended by the By-Law/Policy Advisory Committee. The request was originally initiated by the Board of Health in an effort to replace the existing Board of Health regulations respecting the matter of solid waste collection with an appropriate by-law.

ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to accept the draft by-law on solid waste collection and disposal for first reading.

In discussion of the proposed by-law, Councillor Walker made the following suggestions:

- 2(i) iii from any residential building construction
- iv to include trees as collectible waste, i.e. Christmas Trees
(In discussion of this item, Mr. Paynter noted that it is the intent to encourage "Special Pick Up Days" designated for specific purposes and not to have trees picked up on a year round basis.)
- 2(k) i cardboard containers were suggested as they are recyclable

(Mr. Paynter noted that there was some concern about cardboard becoming wet and also a possible rodent problem)

- 5 the development of an incentive program, i.e. coupons, to keep the number of containers to a minimum
- 5(a) five containers is too many; suggested reducing the number
- 7(1) suggested no prior evening placement of garbage at curb
- 12(4) suggested that this was effective re-use of materials; asked staff to investigate how other municipalities are handling this issue.

The MOTION was put to the meeting and unanimously approved.

ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to extend the meeting for another thirty minutes to allow for completion of the agenda items. The motion was unanimously approved.

11.2.1 Heritage Advisory Committee - Annual Report

ON MOTION of Councillor Kelly and Councillor Walker, it was moved to accept the Annual Report for 1990 from the Heritage Advisory Committee with the following amendments:

- B) "and was initiated by the Director of Planning." (not Councillor Peter Kelly)

last paragraph

"making arrangements through the Chief Administrative Officer" (not Mrs. Jane Nauss).

The motion was unanimously approved.

11.3 Departmental Reports

11.3.1 Building Inspectors Report - Month of November 1990

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

Councillor Walker requested that an analysis be provided with the next monthly report outlining the implications of the sharp decline in construction and how this impacts on the Town's revenue and growth. The analysis would be of assistance as Council begins budget considerations.

11.3.2

a. Finance Department - Update GST

By memorandum of December 13, 1990, Mr. Singer outlined the impact of the GST to the Town and the implementation procedure through the Town's computer system.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to receive the December 13, 1990 memorandum from the Director of Finance on the effect to the Town from the Goods and Services Tax. The motion was unanimously approved.

b. Finance Department - Update - Town's Finances

By memorandum of December 14, 1990, Mr. Singer outlined the present financial position of the Town and the projected \$200,000 operating deficit. Mr. Singer noted that any deficit remaining at the conclusion of fiscal 1990 will have to be funded within the 1991 operating budget.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to receive the December 14, 1990 memorandum from the Director of Finance on the current status of the Town's 1990 finances. The motion was unanimously approved.

11.3.3 Planning Department - Proposed Revisions Building By-law

By memorandum of December 12, 1990 Mr. Zwicker explained the two proposed amendments to the building by-law. The amendments deal with:

- a) linking the issuance of building permits and occupancy permits with the requirements of the noted By-laws and Acts;
- b) revising the fee structure of the permits.

Mr. Zwicker suggested waiving the normal three readings in consideration of these by-law amendments. In discussion of the resolution, Mr. Zwicker circulated a new page with slight modifications to the permit fees and to item 3.2.

In discussion of the proposal, Councillor Walker expressed his concern with respect to the validity of using the Marshall and Swift Evaluation Quarterly as a means of determining the 'value'.

ON MOTION of Councillor Walker and Councillor Walker, it was moved to AMEND the proposal with respect to amendments to the Building By-law such that the recommended change to item 3.2 not be included (3.2 would read: "Value" for the purposes of a Building Permit, means the value of what the applicant proposes to construct".

In discussion of the AMENDMENT, Mr. Zwicker agreed that the reference to the Marshall and Swift Evaluation Quarterly could be omitted.

Motion carried unanimously.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that the following be adopted as a bylaw of the Town of Bedford and that a copy be forwarded to the Minister of Municipal Affairs for his records:

1. *The building bylaw of the Town of Bedford, being bylaw number 26138-1 of the bylaws of the Town of Bedford is hereby amended deleting the present clause 4.2 and replacing it with the following:*

"4.2 *Before issuing any permit, the authority having jurisdiction shall be satisfied that any applicable requirement of the Heritage Property Act, Planning Act and any land use bylaw or development agreement thereunder, have been complied with, and that any required development permit has been issued by the development officer.*"

AND that the Permit Fees be amended such that:

3.1 *The Fee for a Building Permit or a Temporary Building Permit shall be as indicated in the following scale:*

	Value	Fee
i)	\$0 - \$6,000	\$25.00
ii)	For every increment (or part thereof) of \$1,000 over and above the sum of \$6,000, an additional fee of:	\$ 4.00 each

- 3.2 "Value" for the purposes of a Building Permit, means the value of what the applicant proposes to construct.
- 3.3 "Value" for the purposes of a Temporary Building Permit, means the value of the structure being temporarily located plus any necessary or attended works to accomplish the temporary location or to accommodate the temporary structure.
- 3.4 There shall be no fee for a Partial Building Permit.
- 3.5 The fee for an Occupancy Permit shall be:
- a) No fee in the case of allow the occupancy of a building, or part thereof, to which a valid Building Permit or Temporary Building Permit relates;
 - b) \$25.00 when the occupancy of a building, or part thereof, is changed.
- 3.6 The fee for a Demolition Permit shall be \$25.00
- 3.7 The fee for a Permit renewal shall be twenty-five percent (25%) of the original permit fee.
- 3.8 An owner may complete a Permit Cancellation Form, a copy of which is attached as Schedule "C" to this bylaw, anytime within the twelve (12) months o the valid term of any permit, and upon the signing of such a completed form, shall be eligible for a refund of seventy-five percent (75%) of the fee paid for the said permit.
- 3.9 Any fee paid in relation to an application which ha been deemed to have been abandoned is also refundable, to the extend of seventy-five percent (75%) of the fee paid, according to the method and terms of the preceding section.
- 3.10 No refund shall be available to an owner, or applicant, in a case where a permit is revoked pursuant to Subsection (3) of the Building Code Act of Nova Scotia.

The motion was CARRIED (Councillor Kelly abstained).

ON MOTION of Councillor Walker, it was moved to increase the fee for demolition permits to \$4.00 per \$1,000 valuation. **The motion was LOST** there being no seconder after three calls from the Mayor.

In discussion of Councillor Walker's motion, Mr. Zwicker noted that it would be very difficult to establish a value for a building which was to be demolished.

12. CORRESPONDENCE - Nil.

13. MOTIONS OF RECONSIDERATION - Nil.

14. MOTIONS OF RESCISSION - Nil.

15. NOTICES OF MOTIONS - Nil.

16. QUESTIONS

16.1 Status Sheet

In review of the Status Sheet dated December 17, 1990, Councillor Draper requested that the Chairman of the Special Committee (School Board Study) hold a meeting of that committee.

With respect to Retail Business Uniform Closing Day Act, Councillor Walker requested that the Chief Administrative Officer and the Mayor set a time for a joint meeting of the By-law/Policy Advisory Committee and Council to review this matter.

17. ADDED ITEMS

18. ADJOURNMENT

ON MOTION of Councillor Kelly, it was moved to adjourn the December 17, 1990 Regular Session of Town Council of the Town of Bedford at approximately 11:00 p.m.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

TOWN OF BEDFORD

Public Hearing -#90-12

Tuesday, December 18, 1990

A Public Hearing (#90-12) took place on Tuesday, December 18, 1990, 7:00 p.m., in the Town of Bedford Town Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

The purpose of the meeting was to receive written and verbal input relative to a Development Agreement Application for Civic No. 16 Oakmount Drive, Bedford, Nova Scotia which would permit the use of the property for home office/professional office of up to 1,000 square feet; the erection of a sign of up to 20 square feet in area; and a reduction of the rear yard setback requirement to permit construction of a deck/ramp and a shed.

Attendance: Councillors Goucher, Cosgrove, Kelly, Walker and Deputy Mayor Huntington were present as well as approximately 20 interested citizens. Staff member Donna Davis-Lohnes, Planning Department, was in attendance to review the proposal.

INTRODUCTION:

Mayor Christie outlined the normal procedures for Public Hearings, noting that staff would review the proposal and Council would have an opportunity for questions. The Mayor also noted that citizens in favour and citizens opposed to the proposed development agreement would then be invited to make presentations to Council. There would be no debate on the project during this public hearing.

A copy of the staff report (October 29, 1990), pertinent minutes from Bedford Planning Advisory Committee (November 7, 1990), the development agreement application, and a draft of the proposed development contract, as well as correspondence dated December 13, 1990 from Chris Palmer (Chairperson, Oakmount Homeowners Association) were circulated prior to the meeting.

Mrs. Lohnes began her review of the Staff Report by noting that the development agreement addresses three distinct issues: sign, home office use and reduction of rear yard

setback. She also commented on the commercial Generalized Future Land Use designation and the residential zoning for this particular lot. With the aid of overheads, and several slides, Mrs. Lohnes reviewed the proposal in light of the Town's 1982 Municipal Planning Strategy.

The staff report pointed out that the requests of the Bergmans (landowners) appear to be consistent with the intent of the Municipal Planning Strategy. The proposed commercial use of the basement level of the dwelling appears to be a low intensity use which would not be anticipated to change the residential character of the Oakmount neighbourhood. A more intense commercial use which would generate more traffic flow and which required such items as alteration of the exterior of the building and increased parking to accommodate customers could be viewed as being disruptive of the residential character.

It was the recommendation of the Planning Department that Town Council enter into the development agreement with the Bergman's as requested and further that the development agreement stipulate that:

1. the commercial office use within the house is to be limited to no more than 1,000 sq. ft. of the basement level;
2. that no alteration of the physical appearance of the building nor enlargement of the driveways is to take place to accommodate the commercial office use;
3. that the office use of the dwelling be subject to provisions governing home occupations, except with regard to items f) and g) and j) of Part 5, Section 27 of the Land Use By-law;
4. that the 20 sq. ft. sign be permitted provided that the sign is consistent with the Mainstreet Program and does not exceed a height of 8 ft.;
5. that the ramp may intrude into the rear yard as required to make the home wheelchair accessible;
6. that the shed may be constructed within 4 ft of the dwelling and 2 ft of the rear yard line, provided construction complies with the provisions of the National Building Code.

Bedford Planning Advisory Committee recommended to Town Council that the development agreement be approved with the above stipulations. Mrs. Lohnes noted that these provisions were included in the draft agreement which was circulated to Town Council.

During the Council's question period directed through staff, Deputy Mayor Huntington requested clarification on the screening/buffering which resulted from the Oakmount Centre development. He also noted that 16 Oakmount does not face the Bedford Highway directly, and he was of the opinion that it was inappropriate to request that the signage should be consistent with the Mainstreet requirements. Deputy Mayor Huntington requested that the proposal be treated as a home occupation and that the signage requirements be consistent with those for home occupations.

At the request of Councillor Goucher, it was clarified that a development agreement goes with a property and once a property is sold, the development agreement, like covenants, goes with the property. Councillor Goucher raised the issue of "commercial creep". In response, Mrs. Lohnes commented that the draft 1990 MPS has addressed the issue of "commercial creep" by the removal of Policy 2-2 contained in the 1982 Municipal Development Plan, and that it would no longer be possible once the draft MPS becomes law.

At the request of Councillor Cosgrove, the exact location of the ramp and side door was clarified with the aid of maps and slides.

IN FAVOUR:

MR. BERGMAN: Mr. Bergman reviewed some of the historical background information relating to his application for development agreement and outlined his communications with the abutting neighbours and the Oakmount Homeowners Association. In response to some of the recent objections to his proposal, he noted that he would be willing to compromise on the square footage of space used for home office and with respect to the size, place and style of the sign. However, Mayor Christie reminded Mr. Bergman that the reason for this public hearing was to hear public input with respect to this particular proposal. If Mr. Bergman wished, at this time, to change the proposal, then Town Council would be obliged to adjourn the public hearing and call a new public hearing for a new proposal. Mr. Bergman agreed that the proposal as submitted would stand for this public hearing.

Mr. Bergman continued his presentation to Town Council (a written copy of which was submitted to the Mayor) noting that there would be no new construction to the exterior of the home associated with the commercial home occupation; and that there would be no increased traffic or change in character of the subdivision. Mr. Bergman suggested that the proposed commercial use of fifty percent of his dwelling, with no exterior changes, would represent a transition between the existing commercial uses of Oakmount Centre and the abutting residential subdivision.

In response to a comment made earlier by Councillor Walker, Mr. Bergman reported that the wheelchair of his sister-in-law does pass through the patio doors. Mr. Bergman is proposing a wheelchair ramp along the back portion of the property to access the patio doors. The sister-in-law occasionally lives with Mr. and Mrs. Bergman.

MRS. MARY KRAUSE: As the abutting residential neighbour to the proposed development, Mrs. Krause commented that she could see nothing wrong with Mr. Bergman's proposal. She further commented that it was the Oakmount Centre development which ruined the Bergman property.

IN OPPOSITION:

MR. CHRIS PALMER: As Chairperson of the Oakmount Homeowners Association, Mr. Palmer addressed Town Council noting the concerns of the association members. It was also noted that correspondence from Mr. Palmer, dated December 13, 1990, was circulated to Councillors prior to the meeting; the correspondence detailed four reasons why the association was against the proposal (does not meet all provisions of zoning by-law; against commercial growth through conversion of existing residential area; the proposed business does not serve the needs of the community; the proposed 20 sq. ft sign will change the impression that upon entering Oakmount Subdivision that it is strictly a residential area). The correspondence from the association indicated that, if approved, this would be another example of "commercial creep" and thereby result in the "destruction of the purely residential character of ...(the) neighbourhood".

In his oral presentation to Town Council, Mr. Palmer noted that the above concerns were the consensus of those members present at the Homeowners Association meeting on December 5, 1990. Mayor Christie asked that minutes of that meeting be circulated to Council as is the normal practice. Mr. Palmer agreed to forward a copy of these minutes to the Mayor.

Mr. Palmer's presentation reviewed the concerns expressed in his written correspondence dated December 13, 1990. Mr. Palmer submitted three photographs and his written notes to Mayor Christie.

MRS. SONIA VERABIOFF: Presented an oral and written submission to Town Council against the proposed development agreement. During her presentation, it became clear that the Bergman property had been re-zoned many times during the past several years. Mrs. Verabioff suggested that these re-zonings have created some uncertainty with respect to real estate in the neighbouring area. She was concerned about the possibility of commercial creep crawling further into Oakmount subdivision.

MR. JACK COATES (resident of Oakmount subdivision): Mr. Coates sought clarification that the property would contain more than one commercial operation; Mr. Bergman noted that perhaps in the future it might contain more than his clergy office and real estate endeavors. Mr. Coates suggested that Town Council reject the application as presented.

MR. BILL CHAFEE (resident of Riverview Crescent): Mr. Chafee noted his objection to the proposal due to the possibility of commercial creep. He was also wary of what other commercial activities might be operated on that premise should the Bergman's sell the property at a later date.

MR. LLOYD SEARS (27 Oakmount): Mr. Sears shared the concerns about the instability of the land use for Oakmount Drive; especially in light of two absentee landowners and the fact that #30 Oakmount has been for sale for over two years. He noted that commercial creep could become a real possibility if #30 Oakmount was sold for commercial purposes.

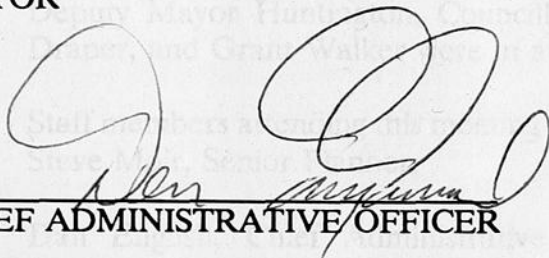
MR. DON CURRY (57 Riverview Crescent): Mr. Curry was against the proposed development agreement due to the real possibility that traffic will increase due to the signage and the number of employees engaged within the dwelling.

ADJOURNMENT

Public Hearing #90-12 was adjourned at approximately 8:30 p.m. when, after three calls from the Mayor, there were no further submissions with regards to the development agreement for #16 Oakmount Drive.

2. ATTENDANCE

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

3. PRESENTATION - SOLID WASTE DISPOSAL ALTERNATIVES

3.1. Solid Waste Disposal Alternatives

Ms. Anne Muecke and Mr. Rene MacEachern gave a presentation on the solid waste disposal alternatives. Based on a presentation made to Town Council on December 17, 1990, Mr. MacEachern reviewed the philosophy of the Metropolitan Authority to include four common elements (residential recycling, household hazardous waste collection system, composting and commercial diversion) in any solid waste disposal strategy the municipalities might agree upon.

Two strategies originally presented by the consultants (#3 and #5) to the Metropolitan Authority were preferred by the municipal representatives. Strategy #3 included incineration of a maximum of 40% of the waste stream.

TOWN OF BEDFORD

Special Session

Monday, January 14, 1991

A Special Session of the Town Council of the Town of Bedford took place on Monday, January 14, 1991, 7:00 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 Len Goucher, Anne Cosgrove, Peggy Draper, and Grant Walker were in attendance at the meeting.

Staff members attending this meeting included Donna Davis-Lohnes, Planner; and Steve Moir, Senior Planner.

Dan English, Chief Administrative Officer and Rick Paynter, Director of Engineering and Works, were present for the presentation on Solid Waste Disposal Alternatives.

3. **PRESENTATION - SOLID WASTE DISPOSAL ALTERNATIVES**

a. **Solid Waste Disposal Alternatives**

Ms. Anne Muecke and Mr. Rene MacEachern gave a presentation on the solid waste disposal alternatives. Based on a presentation made to Town Council on December 17, 1990, Mr. MacEachern reviewed the philosophy of the Metropolitan Authority to include four common elements (residential recycling, household hazardous waste collection system, composting and commercial diversion) to any solid waste disposal strategy the municipalities might agree upon.

Two strategies originally presented by the consultants (#3 and #5) to the Metropolitan Authority seemed preferred by the municipal representatives. Strategy #5 included incineration of a maximum of 40% of the waste stream.

Mr. MacEachern outlined a revised strategy which was presented to the Metropolitan Authority on January 8, 1991. This revised strategy combined the basic elements of both strategies #3 and #5. The composting element was altered to exclude household waste and to include organic waste from large suppliers such as supermarkets, large cafeterias, restaurants, and produce suppliers. The revised strategy also suggested increasing composting from the 5% suggested in strategy #3 to 10%. It also included an element of incineration.

The capital, operating and "present worth" financial figures for all strategies were also reviewed with Town Council. In response to questions from Town Council, Mr. MacEachern explained that the consultants have set a goal of 25% of the waste stream to be recycled; however, this objective is for the year 2000 and beyond. It is the consultants suggestion that through the efforts of public education and development of markets that this figure can increase to upwards of 50% of the waste stream.

There was further discussion on the topic of organic composting. Members of Town Council pointed out that several large scale composting efforts have been stopped in Great Britain and Sweden and that Florida has been burying their compost. The consultants explained that many composting efforts have been thwarted by contamination of compost from the source where mixed waste was often used.

In response to Councillor Cosgrove's question on the validity of reports with respect to incineration methods, Mr. MacEachern commented that it is the aim of the Metropolitan Authority to reduce, and reuse as much of the waste stream as possible prior to incineration. It was also noted that manufacturers are being encouraged to change packing, i.e. reduce mercury, and thereby reduce the hazardous elements. Technology for incineration has improved and standards for emissions of incinerators have become more stringent.

Councillor Goucher expressed his concerns on the topic of incineration noting the increased release of carbon dioxide, greenhouse effects and the presence of heavy metals in residual ash. Mr. MacEachern reviewed some of the methods available to deal with both bottom ash and fly ash.

Ms. Anne Muecke noted that the Metropolitan Authority had deferred a decision with respect selecting a solid waste disposal strategy until February 12, 1991. The week of January 30th has been selected as an 'informational blitz week' with a Public Information Meeting to be held at St. Marys University (January 30) with a variety of expert speakers on ash, composting, health related issues, etc. She also noted that several opportunities will be made for the public to voice their opinions, i.e. through radio talk shows, and telephone call-in lines.

Mayor Christie thanked the consultants for their presentation and it was noted that this item will be placed on the upcoming Town Council agenda.

b. Landfill Siting Criteria

Mayor Christie noted that the Metropolitan Authority asked the municipalities for input into the Landfill Siting Criteria by January 15, 1991.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to suggest to Metropolitan Authority that the Landfill Siting Criteria, Physical Environment (Table 4) include, in its 'Avoidance' Column, existing high tension wires, i.e. Nova Scotia Power lines. The motion was unanimously approved.

In discussion of the MOTION, Councillor Walker was concerned about the possible undermining of the supporting towers for the lines and the relative safety. It was noted that a buffer zone around these towers might solve the issue.

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to suggest to Metropolitan Authority that the Landfill Siting Criteria, Land Use (Table 5), include, in its 'Avoidance' Column, lands within 2000 metres of a lake with a low turnover rate (i.e. 1 or 2 a week). The motion was unanimously approved.

In discussion of the MOTION, Councillor Walker's concern was that bodies of water with low turnover rates could be more adversely affected than those which had higher turnover rates.

ON MOTION of Councillor Goucher and Councillor Walker, it was moved to suggest to Metropolitan Authority that the Landfill Siting Criteria, Social (Table 2), include, in its 'Avoidance' Column, municipal parks and park reserves. The motion was unanimously approved.

4. CONTINUATION - REVIEW OF PROPOSED MUNICIPAL PLANNING STRATEGY

Deputy Mayor Huntington gave NOTICE of a MOTION OF RESCISSION with respect to Town Council's December 11, 1990 motion to eliminate the concept of flag lots. With the aid of overheads, Deputy Mayor Huntington reviewed the flag lot concept and its effect upon an individual case which has come to his attention.

Steve Moir circulated his January 11, 1991 memorandum referring to a number of items which were sent to staff for comment, review and study. His

memorandum noted that many of the minor items could be addressed in the next draft of the MPS and LUB; however many were major policy decisions and suggested that Council discuss these items prior to the completion of the next draft of the MPS. Mayor Christie asked that Council defer discussion of this memorandum until review of the "Checklist" memorandum (October 18, 1990) was completed.

LAND USE BYLAW

PART 5

Pg. 26 5. Non-conforming Uses

ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to ask planning staff to investigate alternatives to permit the upgrading and expansion of properties designated non-conforming by the April 17, 1990 draft of the Land Use By-law. **The motion was unanimously approved.**

Pg. 28 9. Daycare Facilities

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that daycares located in residential zones be permitted through development agreement and that staff develop criteria for these development agreements. **The motion was CARRIED** (Councillor Walker opposed the motion).

In discussion of daycares located in residential zones, Councillor Goucher pointed out that he felt it was important that there be public input into the process of locating a daycare in a residential area. The development agreement process would allow for this public input.

Pg. 31 24. Abutting Zone Requirements

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that in Part 5, Section 24, where industrial lands abut residential lands that a sliding scale buffer (50 to 300 ft) be provided depending on the intensity of the abutting industrial use. **The motion was unanimously approved.**

In discussion of the MOTION, staff cautioned that criteria for this sliding scale would have to be established and that Municipal Affairs may not agree with the philosophy. There was some suggestion from Council that intensity could be related to the height of the building. Staff is to investigate and report back.

Pg. 44 37. Signs (subsection 6, Ground Signs)

ON MOTION of Councillor Walker, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the height for ground signs be increased to 25ft. The motion was LOST; there being no seconder after three calls from the Mayor.

Pg. 32 26. Illumination

Councillor Cosgrove suggested that this section be eliminated as it was unnecessary. Staff suggested that the intent was preventative; not restrictive.

PART 11

Pg. 50 Secondary Development Area (now called Residential Reserve Area)

ON MOTION of Councillor Draper and Councillor Goucher, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the zone requirements in the Residential Reserve Area be amended to increase maximum height of a building to 35 ft. The motion was unanimously approved.

In discussion of the MOTION, it was agreed that the maximum height of a building should be the same as within the Primary Development Area.

ON MOTION of Councillor Walker, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the maximum lot coverage in the Residential Reserve Area be increased to 25%. The motion was LOST, there being no seconder after three calls from the Mayor.

PART 13

Pg. 52 Shopping Centre (CSC) Zone

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the permitted uses within the Shopping Centre (CSC) Zone include office towers. The motion was DEFEATED (Councillors Cosgrove, Goucher and Draper voted against the motion).

In discussion of the MOTION, staff noted that officer towers are permitted by development agreement.

PART 15

Pg. 57

Highway Oriented Commercial (CHWY) Zone

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the definition of Neighbourhood Convenience Store be changed to reduce the permitted floor space to 1,000 square feet.

In discussion of the MOTION, it was clarified that there was some confusion between a neighbourhood convenience store in a residential zone and a similar type store located along the highway.

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved to AMEND the above MOTION such that the definition for Neighbourhood Convenience Store within residential zones be changed to reduce the permitted floor space to 1,000 square feet. The motion was unanimously approved.

The main MOTION as amended was put to the meeting and approved unanimously.

Staff reminded Council that there is a MOTION of Reconsideration concerning MPS policy C-3.

PART 17

Pg. 59

Light Industrial (ILI) Zone

Some clarification with respect to dry cleaning depots was provided.

There was also some discussion with respect to changing the permitted height of buildings within this zone. Staff noted that buildings higher than 52 ft would be permitted by development agreement.

PART 23

Pg. 68

Park Open Space (POS) Zone

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that within the Park Open Space Zone the maximum height of buildings be reduced to 20 ft. The motion was unanimously approved.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to AMEND the April 17, 1990 draft of the Land Use By-law such that the

permitted uses listed for Park Open Space zone include pavilion/interpretative centre. The motion was CARRIED (Councillor Cosgrove and Councillor Goucher voted against the motion).

PART 25

Pg. 70 Intertidal Area Management (IAM) Zone

Discussion on this section was deferred pending staff comments on the topic.

ZONING MAP

- request for 128/130 Rocky Lake Drive denied; staff recommended to deny due to STP capacity
- request for IHI Zone on lands east of the By-Pass Highway denied
- request for RMU Zone on Lots 9 and 10 Mitchell Subdivision, Frederick Street denied; staff recommend to deny due to STP capacity
- it was agreed that policy support shall be provided in Policy C-11 for the two CCDDs located on the Hammonds Plains Road
- request for ILI Zone on the parkland at the entrance to Atlantic Acres Industrial Park denied
- request for CGB/ILI Zones for the two land parcels at the intersection of the Hammonds Plains Road and Kearney Lake Road denied
- request for RMU Zone for 26 Sunnydale Crescent denied, again because of concerns regarding STP capacity
- request for commercial zone for 26 acre portion of Union St. RCDD denied; area now designated POS.

Councillor Walker gave NOTICE of a MOTION TO RESCIND a Town Council motion made on designating the lands known as the Barrens Parkland Open Space. As the Council representative on Bedford Recreation Advisory Committee, and in light of their recent motion to Town Council asking Town Council to reconsider its designation of the whole area known as the Barrens, Councillor Walker will ask Town Council to revisit this issue.

Other requests: re the Zoning Map were reviewed.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND the April 17, 1990 Land Use By-law Zoning Map such that a portion of the park located at the intersection of the Hammonds Plains Road and Bedford Highway be zoned Commercial. The motion was unanimously approved.

MISCELLANEOUS

ON MOTION of Councillor Draper and Councillor Goucher, it was moved to **AMEND** the **APRIL 17, 1990** draft of the **Land Use By-law** such that **correctional facilities** would be removed as a permitted use within the **SDA Zone (Residential Reserve Area)**.

During discussion of this **MOTION**, Councillor Walker suggested that although he agrees that a correctional facility might not be appropriate in the Residential Reserve west of the BiCentennial, it might be appropriate on the large tract of land near the Magazine which is proposed to be zoned Residential Reserve also. This suggestion lead to further discussion as to whether the large tract of land near the magazine should be designated 'residential' reserve as the name may indicate a future residential use. Staff did not agreed that the name indicated a future use but merely a holding zone for future development.

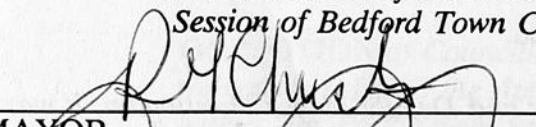
ON MOTION of Councillor Draper and Councillor Goucher, it was moved to **AMEND** the above **MOTION** such that staff will review the suggestion that **correctional facilities** be removed from the Residential Reserve west of the Bicentennial (as indicated in Table III) and that **correctional facilities** could be a permitted use on the lands adjacent to Highway #7 (magazine area). **The AMENDED MOTION was put to the meeting and unanimously approved.**

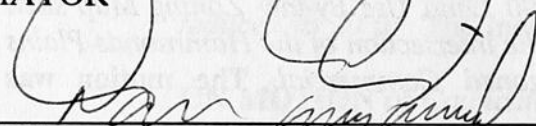
In staff's review of daycare facilities, staff will investigate the inclusion of daycares Residential Reserve designation (SDA) by development agreement.

In discussion of "Notification of Affected Property Owners", staff pointed out that during the MPS process it would have been difficult to notify every property owner of the specific nature of any proposed zoning change. However, when zoning changes are considered by BPAC, it is staff policy to notify the affected property owners.

Council was in agreement that communication with the public on such issues requires improvement. A regular spot on the local radio station is to be investigated as a method to improve communication.

ON MOTION of Councillor Goucher, it was moved to adjourn the Special Session of Bedford Town Council at approximately 10:30 p.m.



MAYOR


CHIEF ADMINISTRATIVE OFFICER

TOWN OF BEDFORD

Regular Session

Tuesday, January 22, 1991

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, January 22, 1991, 7:00 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 Len Goucher, Anne Cosgrove, Peggy Draper, Peter Kelly and Grant Walker were in attendance at the meeting.

Staff members attending this meeting included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning; Bob Nauss, Director of Recreation; and Rick Paynter, Director of Engineer and Works.

3. **APPROVAL OF MINUTES**

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to accept the minutes of Special Session #84 (December 11, 1990) as circulated; the minutes of Regular Session #85 (December 17, 1990) as amended; and the minutes of Public Hearing #86 (December 18, 1990) as circulated. The motion was unanimously approved.

At the request of Councillor Cosgrove, the minutes of December 17, 1990 (Regular Session) were amended such that page 3, last paragraph, fourth line shall now read: "...there was **some** suggestion to divert the runoff and to decrease the velocity..." (delete word "no").

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

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to

add the following items to the agenda under agenda item #17, Added Items: Animal Control By-law; Skating, Paper Mill Lake; and Heritage Advisory Committee membership. The motion was unanimously approved.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to add *Fiduciary Duties* to the agenda as item 6.a. **The motion was CARRIED** (Deputy Mayor Huntington and Councillor Walker opposed).

At the request of the Chief Administrative Officer, a new item, Bedford Planning Advisory Committee Membership was added to the agenda by consensus as item #11.1.5.

It was agreed by consensus that item 8.1, Presentation re Environment (Mr. S. M. Mandaville) be moved forward to come after item #5, Approval of Order of Business.

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

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to accept the amended Order of Business. **The motion was CARRIED** (Deputy Mayor Huntington and Councillor Walker opposed).

8. **PETITIONS AND DELEGATIONS**

8.1 **Presentation re Environment (Mr. S.M. Mandaville)**

As per his written request to address Town Council on the topic of "watershed management", Mr. Mandaville spent thirty minutes sharing his views. He left Council with excerpts from numerous research publications. The latter portion of his presentation entailed video tapes of television programs on management of urban waterbodies and preservation of wetlands.

Mr. Mandaville noted his water quality testing project which was done last year in which it was determined that Kearney Lake and Sandy Lake are in "very good shape".

At the request of Councillor Walker, Mr. Mandaville commented that when addressing the issue of intertidal zone management within the Town of Bedford, the Town should permit some flexibility, i.e. permit wharves.

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

6.a **Fiduciary Duties**

As a follow up to Town Council discussions (Meeting #81, Monday, November 26, 1990) on the matter of fiduciary duties, Councillor Kelly circulated written correspondence to Councillors earlier during the day. Councillor Kelly verbally outlined the background of this topic noting the Mayor's correspondence to the Minister's of Municipal Affairs (December 3, 1990) and the Ministers response.

At the request of Councillor Kelly, Mayor Christie reported that the Minister's correspondence had indicated that the Department would not offer a legal opinion on the matter. The Mayor also noted that he was not prepared to pursue the matter of any possible breach of fiduciary duties on the part of Councillor Kelly.

In discussion as to whether a MOTION was required, Councillor Kelly indicated that he did not feel that a formal motion was necessary but felt that Council should indicate to him and to the public where the matter stood.

It was clarified that the Mayor and Town Council neither condemn or condone the actions of Councillor Kelly that precipitated discussions of possible breach of fiduciary duties.

Mayor Christie indicated that he would recommend to an incoming Council that to be included in the swearing-in ceremony of Councillors should be some acknowledgement of their understanding of their fiduciary duties.

6.1 **Golf Links Road Drainage Proposal**

13.1 **Motion of Reconsideration, Solution to Storm Drainage Problem**

It was agreed that these two items be discussed together.

On December 17, 1990 at a Regular Council Session, Councillor Goucher gave NOTICE of RECONSIDERATION.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to reconsider the following MOTION made on December 17, 1990 at a Regular Session of Town Council:

"ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved that Town Council authorize staff to place a snow fence perpendicular to the hill on Golf Links Parkland behind the snow fence, place straw bales; and further that the berm be constructed behind Mr. Lord's property with the required 4" diameter perforated drain piping connected into an on-site dry-well

to prevent the accumulation of surface water runoff behind the berm. The motion was approved."

The MOTION to RECONSIDER was CARRIED (Deputy Mayor Huntington opposed).

By memorandum of November 28, 1990 Mr. Paynter outlined a proposed piped drainage system for Falcon Run at an estimated cost of \$18,800; and by memorandum of January 4, 1991 he presented an alternative drainage system utilizing the french drain concept for an estimated cost of \$11,700.

At the request of Town Council, Rick Paynter addressed the issue of possible solutions to the storm drainage problem on Falcon Run. It was Mr. Paynter's opinion that the solutions were presented for Council's consideration should Council determine that the Town is responsible for the storm water problem. Mr. Paynter noted that a storm water problem had existed prior to the Town's actions on Golf Links hill and that in his opinion, the existing storm water problem had not been compounded by the brush cutting. Mr. Paynter noted that although brush had been cut, the ground had not been disturbed as the root structures were still in place.

At the request of Councillor Draper, Mr. Paynter responded that there were theoretical calculations which could be performed related to run-off as it relates to ground cover but he did not feel that the ground cover had been changed; thereby the calculations relating to the before and after brush cutting would be the same.

Councillor Cosgrove noted that the natural windbreak had been removed by the cutting of the brush; erosion would increase; and that upon site examination, it was determined by staff that there was no actual drywell now in existence.

Councillor Goucher reported that in his conversations with residents in the neighbourhood, the residents did not expect the Town to accept full responsibility for the existing storm water drainage problem but that the problem compounded by the Town's work on Golf Links hill should be rectified by the Town.

In discussions, there was no consensus with regard to the degree of responsibility that the Town should assume if any the current storm water drainage problem and subsequently, the appropriate action was difficult to determine. There were suggestions that Engineering staff contact engineering consultants with regards to this issue; investigate the possibility of computer simulations; further discussions with local residents to establish the nature of conditions prior to brush cutting and possible further monitoring.

ON MOTION of Councillor Draper and Councillor Walker, it was moved to DEFER the MOTION with respect to a solution for the storm water drainage on Falcon Run pending further investigation by Engineering staff as indicated during the discussions. The motion was CARRIED (Councillor Cosgrove and Councillor Kelly voted against the motion).

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Public Hearing #90-12 -- Development Agreement Application - 16 Oakmount Drive

Councillor Draper excused herself from the room for discussion on this topic as she was not present at the Public Hearing.

A Development Application for Civic No. 16 Oakmount Drive which would permit the use of the property for home office/professional office of up to 1,000 square feet; the erection of a sign of up to 20 square feet in area; and a reduction of the rear yard setback requirement to permit construction of a deck/ramp and a shed, was for discussion.

Circulated with the agenda package were the minutes of the Public Hearing #90-12, a proposed development agreement contract, excerpts from Bedford Planning Advisory Committee minutes dated November 7, 1990 including BPAC's recommendation, the Staff report dated October 29, 1990 and copies of written submissions received during the Public Hearing #90-12.

By memorandum of January 18, 1991, Director of Planning, Barry Zwicker, informed Council that the Planning Department had received a letter from the applicant, Mr. N. Bergman, requesting that two changes to the Development Agreement: the proposed sign be reduced in size to 12 sq. ft and that the home office use be reduced to 500 sq. ft. It was the opinion of the Planning Department that the requests could be considered non-substantive changes to the Development Agreement and therefore the Application did not require a new Public Hearing.

At the request of Deputy Mayor Huntington, Mr. Zwicker noted that in compliance with the Land Use By-Law, the proposed sign could only advertise an item for sale from the property on which the sign is located; otherwise it would be classified a billboard. Mr. Zwicker agreed that the wording of the sign would be negotiated with the applicant. Mr. Bergman proposes to advertise real estate which is located in the Annapolis Valley.

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to authorize the Mayor and Chief Administrative Officer to enter into a Development Agreement contract with the applicant, Mr. N. Bergman, for

the property located at 16 Oakmount Drive for the purposes of erecting a sign up to 12 square feet; use of up to 500 square feet for home office/professional office; and the reduction of the rear yard setback requirement to permit construction of a deck/ramp and a shed. The motion was DEFEATED (Deputy Mayor Huntington, Councillor Walker and Mayor Christie voted in favour of the motion and Councillors Goucher, Kelly and Cosgrove voted against the motion).

In providing necessary rationale for the rejection, Council indicated they opposed the Development Agreement due to the size of the sign and its possible negative impact upon the neighbourhood. Council was in agreement that they were not opposed to the zoning variance related to the construction of the deck/ramp and shed; nor were they opposed to the 500 sq. ft. for home office/professional use.

At the suggestion of the Deputy Mayor, Mr. Zwicker and the proponent consulted; and it was proposed that the sign be further reduced to 8 square feet. It was noted that for a home office use, the applicant would be permitted as-of-right, a two foot square sign.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to authorize the Mayor and Chief Administrative Officer to enter into a Development Agreement contract with the applicant, Mr. N. Bergman, for the property located at 16 Oakmount Drive for the purposes of erecting a sign up to 8 square feet; use of up to 500 square feet for home office/professional office; and the reduction of the rear yard setback requirement to permit construction of a deck/ramp and a shed. The motion was CARRIED (Councillor Cosgrove voted against the motion).

9. MOTIONS

9.1 Proposed By-law Respecting Blasting - Third and Final Reading

ON MOTION of Deputy Mayor Huntington and Councillor Kelly, it was moved to accept the Blasting By-law for third and final reading as circulated.

Councillor Goucher noted that a clause pertaining to notification of area residents of pre-blasting surveys had been removed from the by-law. Mr. English clarified that the legal advice received recommended deleting this clause from the by-law due to liability considerations. There was considerable debate as to whether the Town, by accepting a blasting fee, would be assuming responsibility.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to defer further debate on the clause with respect to the Town's requirement for notification of area residents of pre-blasting surveys until Town Council had

discussed it fully with the By-law Review Committee. The motion was DEFEATED (Deputy Mayor Huntington, Councillors Draper, Cosgrove and Walker voted against the motion).

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to AMEND the proposed Blasting By-law such that the minimum amounts stated in Section 6.2 a and b would be increased from \$250,000 and \$100,000 to \$1,000,000.

In discussion of the MOTION to AMEND, it was noted that the blasting industry is regulated under the Department of Labour and the amounts quoted in the proposed by-law are those required by the Department of Labour.

The MOTION TO AMEND was put to the meeting and DEFEATED (Deputy Mayor Huntington, Councillors Draper, Cosgrove and Walker voted against the motion).

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to AMEND the proposed Blasting By-law such that Section 10.1 would read "...be delivered to the Town Engineer on a daily basis." The motion to AMEND was LOST (Mayor Christie, Councillors Draper, Cosgrove and Walker voted against the motion).

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to AMEND the proposed Blasting By-law such that a new clause be added to the by-law with the intent that the Town shall give written notice to residents within 500 ft. of a site where a blasting permit has been applied for.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to AMEND the AMENDMENT to the proposed Blasting By-law such that a new clause be added to the by-law with the intent that the Town shall give written notice to residents within 500 ft. of a site where a blasting permit has been applied for; and further that residents be notified if a pre-blasting survey is carried out and that they may request copies of the pre-blast survey from the company carrying out the survey.

In discussion of the AMENDMENT to the AMENDMENT, Mr. English noted that there may be some practical problems related to notifying residents and that this suggestion should be reviewed by the Town's legal counsel.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved that the MOTION to AMEND and the subsequent AMENDMENT to the AMENDMENT be referred to the By-law/Policy Advisory Committee for legal interpretation; and shall be brought back to the next Regular Session of Town Council. The motion to REFER was CARRIED (Councillor Cosgrove and Deputy Mayor Huntington opposed the motion to refer).