

that the landowner apply for deregistration and that this maybe a delaying tactic on their part.

Mr. Miller also attempted to discuss previous provincial cost sharing arrangements associated with the initial offer to purchase; however, Mayor Christie suggested that Mr. Miller's presentation be limited to the issue of deregistration.

*JOHN TOLSON (Son of landowner):* Mr. Tolson's presentation to Town Council addressed not only his family's personal involvement in the history of this parcel but also the importance of the original Ordinance Grounds. He asked Town Council to permit the deregistration so that the family may develop the lands around the site. He also noted Dr. S. Davis' archaeological dig in the area of the Fort site.

Both Mr. Tolson and Mr. Miller requested permission to address Town Council at the end of the public hearing. Mayor Christie agreed.

There were no other speakers in favour of the deregistration after three calls from the Mayor.

#### IN OPPOSITION TO DEREGISTRATION

*DR. LONCARAVIC (Resident):* Dr. Loncaravic addressed Town Council asking them to consider their decision with respect to the deregistration in terms of how it affects the future of the Town. He believed that if Town Council approved the deregistration of a portion of Fort Sackville that this would be the first municipal deregistration in the province; he was aware of the provincial deregistrations for Pictou courthouse, Marconi Tower property and Cornish pumphouse. He indicated that this approval would be precedent setting.

Dr. Loncaravic felt that Mrs. Tolson's letter of March 14, 1991 could be interpreted as being both in favour of and in opposition to the deregistration.

Dr. Loncaravic asked Town Council to refuse the application for partial deregistration and to deal with the development agreement using the 'substantial alteration' clause of the Heritage Property Act. He noted it was imperative to preserve the viewplanes from the fort site.

*MRS. JEAN BIRD (Resident):* Mrs. Bird indicated her agreement with Dr. Loncaravic's points and asked Town Council to view the development proposal and municipal heritage registration in terms of the future of the town. She asked Town Council to not let this "last bit of history slip away". She suggested that Town Council show some leadership by initiating creative ways to obtain and develop Fort Sackville.

Mrs. Bird also read a March 18, 1991 letter from Frank Mayo (addressed to the Mayor) into the record as being in opposition to the deregistration.

**MR. ANTHONY EDWARDS (Chair, Bedford Heritage Advisory Committee):** Mr. Edwards noted his correspondence dated March 8, 1991 and the MOTION passed by the Heritage Advisory Committee recommending that if Bedford Town Council agrees to enter into a contract development agreement for the development of Fort Sackville that 1) the development proceed with the Heritage Registration in place; 2) that an archaeological survey precede any excavation on the site; and 3) that the excavation be monitored by the Town of Bedford or an appointed agent. He felt that Town Council should refuse the application for deregistration and permit a development agreement to proceed through application for substantial alteration.

Mr. Edwards also reviewed his March 14, 1991 memorandum to Town Council. Mr. Edwards referred to D. Lohnes' memorandum containing three decision options and he suggested that two additional options were available including:

- refuse the deregistration application and recommend that the landowner apply under 'substantial alteration'
- Town Council could defer a decision on the deregistration until the terms of the development agreement have been finalized and resolved (Mr. Edwards indicated that he felt that the current procedure should be reversed, i.e. the development agreement finalized and then an application for deregistration/substantial alteration).

**MRS. A. MACCORMICK (Resident):** Mrs. MacCormick indicated her agreement with the points raised by previous speakers. She noted that her main concern was that there must be a burial ground on that site and that a proper archaeological survey be undertaken prior to deregistration or approval of a development agreement.

**MS. E. PACEY (President, Heritage Trust of Nova Scotia):** In Ms. Pacey's address to Town Council she outlined the historical background to the Heritage Property Act and its intent. She stressed that the intent of the Act is to protect heritage properties and yet give some flexibility to developers.

Ms. Pacey noted Mr. Miller's concern with "sufficiency of boundaries" and she emphasized that the exact determination of which portion of the estate is really historically significant is key to Town Council's final decision. She pointed out a specific rule which pertains to the interpretation of historical sites, that being preservation of that which is "within visual distance". She clarified this noting that the Town should preserve what one can see if one stands at the site as if one was an early settler.



Ms. Pacey asked Town Council not to give up control of its history but to keep control for its future. She emphasized that deregistration was unnecessary and unwarranted.

*Mr. MARCUS WIDE:* Mr. Wide agreed with the points raised by Ms. Pacey. He also felt that the development agreement should have been finalized prior to any possible deregistration.

*MR. RUSSELL BOYD (Resident):* Mr. Boyd asked Town Council to refuse the application for deregistration in order to preserve some of Bedford's 'sense of history. He noted a recent Chatelaine article identifying Bedford as one of the top 10 places to live in Canada.

*MR. NEIL STEWART (Resident):* Mr. Stewart suggested that there would be no benefit to the Town to approve the deregistration; any development agreement could proceed with the municipal registration in place. He asked Town Council to keep the whole property registered as a Municipal Heritage Property.

*MRS. S. TOWILL (Resident):* In her brief presentation to Town Council, Mrs. Towill agreed with previous speakers and asked Town Council to refuse the deregistration.

*MR. JIM PHILLIPS (Resident):* Mr. Phillips noted his opposition to the deregistration. He indicated that Bedford is privileged to have some historical areas and should have pride to preserve them.

*MR. D. HOWELL (Resident):* Mr. Howell recommended that Town Council refuse the deregistration application indicating that Bedford is lucky to have a second opportunity to change the future of this property. He further suggested that Town Council should find the money to buy it; perhaps by levying a special tax.

There were no further speakers in opposition to the application for deregistration.

## CONCLUSION

Mayor Christie granted Mr. Miller and Mr. Tolson a second opportunity to address Town Council.

**MR. MILLER:** Mr. Miller responded to several of the points raised earlier noting that it was at staff's recommendation that the landowner applied for the partial deregistration; he indicated that he would have preferred to negotiate the development agreement first. Mr. Miller also replied to Mrs. Bird's comment as to whether Bedford wanted to 'sell its heritage' -- "well, Bedford doesn't own it".

Mr. Miller further indicated that he felt that Town staff was too busy to be creative to find a sympathetic solution to saving Fort Sackville. He suggested however that the owner of the property would be open-minded to suggestions from the public and that an appropriate compromise regarding the perimeter of the property with the Manor House could be examined.

**MR. TOLSON:** Mr. Tolson applauded those residents who are currently taking an interest in the Fort site; he suggested that he wished to save both the municipal heritage designation and the Manor House site for the Town of Bedford. Mr. Tolson also reviewed his mother's efforts to save various historical properties in the metro area.

There was an attempt by Mr. Tolson to discuss a previous agreement of purchase by the Town, provincial stipulation that the land remain as parkland and an alleged staff rumor that the Town intended to subdivide a portion of the land to pay for the property. Mayor Christie cautioned Mr. Tolson to discuss issues directly related to the deregistration.

There were no further speakers after three calls from the Mayor. The public hearing was then adjourned at approximately 8:45 p.m.



**TOWN OF BEDFORD**

*Special Session*

Tuesday, March 19, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, March 19, 1991, at 7:30 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**

Councillors Anne Cosgrove, Peggy Draper, Peter Kelly, Len Goucher and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning; Ron Singer, Director of Finance; Rick Paynter, Director of Engineering and Works.

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

*ON MOTION of Councillor Kelly, it was moved to defer consideration of agenda item #5, School Board Operating Budget, pending receipt of additional financial information. The motion was LOST (there was no seconder for the motion after three calls from the Mayor.*

Councillor Kelly requested that Town Council consider deferment of this item as he indicated his preference to have included in the financial package the 1990 actuals which would serve as a basis for analysis. The School Board Officials in attendance indicated that the final 1990 actuals were not available at this time.

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

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

*ON MOTION of Councillor Draper and Councillor Cosgrove, it was moved to approve the circulated Order of Business. The motion was CARRIED (Councillor Kelly voted against the motion).*

5. **PRESENTATION - MR. L. GILLS, HALIFAX COUNTY-BEDFORD DISTRICT SCHOOL BOARD 1991/1992 PROPOSED OPERATING BUDGET**

Mayor Christie indicated the purpose of Mr. Gillis's presentation was to provide the Town Council with the current status of the School Board's 91/92 operating budget for information so that Town Council would be able to deal with their own 91/92 budget in a more informed manner.

Mr. Jim Reid, Chairman, Mr. Lloyd Gillis, C.E.O., and Mr. Curtis Langley, Finance Director, were present for this agenda item.

A revised financial package from the School Board was circulated at the meeting. Preliminary figures had been circulated with the agenda package.

Mr. Reid indicated several areas of the general funding formula which had significantly affected the revenue of the school board including:

- provincial abandonment of the "pupil driven" formula as evidenced by the fact that this board's funding was well under its 1.2% growth in student population
- provincial directive that smaller boards (less than 6500 pupils) should receive an additional 2% funding to balance their budgets due to past problems
- no board in the province received a grant increase (over 1990) of greater than 5% (Halifax City school board received more per pupil than this school board)
- three school boards with "isolated schools" received additional grants.

Mr. Reid continued his presentation noting some of the efficiencies of the Halifax County-Bedford District School Board including pupil/teacher ratio (16.6 p/t vs 15.9 provincial average); operating costs/pupil (only one or two boards in the province had lower costs/pupil); equivalency of programs/services compared to other boards (indicated that Halifax Co-Bedford had good programs, not the best but above average); enrolments (half of the boards increase came from within Bedford); gross sq.ft./student as a measure of efficient use of space (98 sq.ft./student; although overcrowding is becoming evident in some areas).



Mr. Reid explained that the Board had made the decision to provide Town Council with summary financial sheets for information; although, detailed breakdowns of the budget are available.

In answer to Councillor Kelly's question as to whether the expected 1990/91 shortfall will be included in the 1991/92 budget, Mr. Gillis indicated that a deficit of approximately \$200,000 - \$500,000 would be included in the 91/92 budget once the figure has been finalized. A substantial portion of the predicted 90/91 deficit is attributed to the purchase of additional buses prior to Provincial funding being refused.

It was noted that the current proposed operating budget includes mandatory funding, supplementary funding at last years rate, and an additional 5% increase in supplementary funding from the municipalities. The board's current budget shows a \$133,000 short fall, excluding the 90/91 deficit.

In review of the financial figures, Mr. Gillis drew Council's attention to:

- increased fuel prices
- necessity for fuel storage tanks to be replaced (DOE)
- program support kept to 1% increase
- library expansion \$9.00/pupil proposed (last year \$5.00/pupil); however this may have to be modified
- Councillor Kelly inquired whether the concept of integration of Halifax Co. Regional Library with the school board library had been considered; Mr. Reid indicated that total integration was unlikely but that there were certainly possibilities in resource areas
- school secretaries (had hoped to increase support so that schools with 400 students would have a full-time secretary; however, budget will not permit)
- teaching positions (had hoped for 20 additional positions; however, at \$32,500 per position some may have to be deleted to balance the budget; i.e. reduce by 10-20 positions to balance the budget still assuming a 5% increase in supplemental funding)
- service areas (speech therapy, psychology, etc.) may have to be reduced although demand is increasing annually
- last year six supervisors were cut from the system; only 4 elementary librarians left in the system
- if the Municipal Units do not provide 5% increase in supplementary funding, it was estimated that 60 teaching positions will have to be deleted along with program cuts (physical education, music, french).

In discussion with Town Council, it was indicated that the Board has asked both the Minister of Education and MLA's for additional funding; the Minister has refused and the Board has not yet received a reply from the MLA's.

There was a general discussion regarding Nova Scotia's ranking nationally for education costs; Mr. Gillis indicated that he felt Nova Scotia would rank 4th or 5th highest in terms of teacher salaries.

Councillor Goucher expressed his hope that the Department of Education would follow the Doane Raymond recommendation that funding be based on pupil count and establish core programming.

In summary, Councillor Draper, Town Council's representative on the Board, noted that the School Board has a need for additional revenue in order to maintain the same level of service and served NOTICE OF MOTION to increase Bedford's supplementary funding to the School Board. Mr. Reid also suggested that Bedford might suggest to the province that the Halifax County - Bedford District School Board requires additional funding.

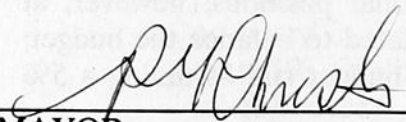
Mayor Christie thanked the School Board representatives for their presentation and they left the meeting.

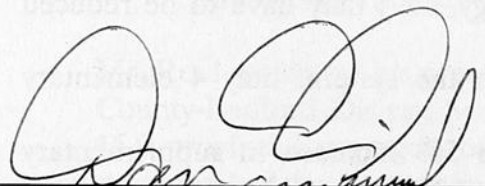
6. **OTHER**

There was no other business.

7. **ADJOURNMENT**

*ON MOTION of Councillor Goucher, it was moved to adjourn the March 19, 1991 Special Session of Bedford Town Council at approximately 10:40 p.m.*

  
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MAYOR

  
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CHIEF ADMINISTRATIVE OFFICER

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**TOWN OF BEDFORD**

*Special Session*

Tuesday, March 26, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, March 26, 1991, at 5:00 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 Don Huntington and Councillors Anne Cosgrove, Peggy Draper, Len Goucher and Grant Walker were present at the commencement of the meeting. Councillor Peter Kelly arrived at approximately 6:05 p.m.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning; Ron Singer, Director of Finance; Rick Paynter, Director of Engineering and Works; Bob Nauss, Director of Recreation; Fire Chief, Peter Dickinson; Acting Chief of Police, Greg Murray; and Economic Development Commission Director, Francis MacKenzie.

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 Deputy Mayor Huntington and Councillor Goucher, it was moved to approve the circulated Order of Business. **The motion was CARRIED.**

**5. DISCUSSION - 1991/92 OPERATING BUDGET - DRAFT #2**

By memorandum of March 26, 1991, Mr. English circulated draft #2 of the proposed 1991/92 Operating Budget. In accordance with Council's directives on March 5, 1991, Draft #2 reflects 1990 actuals, present value data, three, twelve and fifteen month estimates and effective increase rates. Additional information requested by Town Council during the March 5, 1991 meeting was also circulated. The Draft #2 proposed budget reflects annualized tax rate increases of 5.8% over the 1990 rate.

Mr. English noted the primary purpose is to provide an opportunity for individual Departments to present and discuss with Council their proposed 1991/92 Operating Estimates. Following these discussions and review of other more general areas, Mr. English requested that Council provide further direction relative to any changes or additional information required for the purposes of preparing Draft #3 budget.

During introductory discussions, at the request of Councillor Walker, Mr. Singer noted that the present value figures are 1986 dollars converted to 1991 dollars.

**5.1 Fire Department**

Fire Chief Peter Dickinson, by memorandum of February 25, 1991, presented his proposed 1991/92 budget. During his verbal presentation to Town Council, Chief Dickinson noted that since 1987, the Fire Department's share of the Town's total budget had decreased. He highlighted operational budget figures for 1985 to 1991 which reflected a growth in salary expenditures associated with the overall growth in population of the Town. Also noted was the increased costs of medical supplies.

During a discussion of the medical services which the Town supplies through the Fire Department, Councillor Walker suggested that the Fire Chief and staff develop a proposal for some alternatives to the Fire Department providing this service.

Chief Dickinson also noted the importance of fire training, necessity of providing protective clothing, required updating of the radio communication system, and replacement of 1979 pumper. The Chief continued to stress the difficulty for his department to "pre-plan" and suggested that Council award a certain percentage of the overall budget to the Fire Department. He also noted the proposed rank change from Lieutenant to Captain.



## 5.2 Police Department

By memorandum of February 21, 1991, Chief MacKenzie outlined his Department's 1991/92 operating budget. The Chief suggested that the level of police service was effectively cut in attempting to achieve the budget levels presented. Regarding police complement, it was noted that the Department is currently short one officer.

Chief Mackenzie's memorandum also noted a 15% decrease in training and a decrease in policy uniform and clothing category.

Acting Chief Murray was present for the budget discussion and made no formal presentation. Town Council had no questions for the Acting-Chief.

## 5.3 Economic Development

By memorandum of January 15, 1991, Helen Graham Gromick presented the 1991/92 Operating Budget for the Bedford Economic Development Commission. With the exception of the Promotions and Expense components, the budget does not reflect any notable increases that are within the Commission's control. The 1990 salary component was lower as a result of the absence of an Executive Director. This position was filled by Mr. Francis MacKenzie, in February 1991.

Regarding the proposed increase in Promotions, the memorandum suggested that a \$50,000 expenditure in this area to realize an increase in the commercial tax rate was a good investment for Town Council. The Commission also requested an increase in their expense category for local meeting, travel and entertainment expenses.

Mr. Francis MacKenzie made a verbal presentation to Town Council outlining the Commission's mission statement, budget highlights, goal projections and potential budget impact upon the Commission's goals and the Town's commercial development. Mr. MacKenzie reported that a marketing strategy for the Commission will be presented to Town Council in the near future.

In reviewing the budget, Mr. MacKenzie noted that the actual operating budget, outside of salaries, was projected to decrease 23.5% which included a 20% cost reduction in costs related to the "Blueprint". Promotions were projected to increase 14.2%; rent to increase 33%; and a 40% decrease in telephone expenditures. Mr. MacKenzie asked Town Council to consider the impacts of whether the Commission used an "aggressive" or "non-aggressive" marketing strategy.

In discussions with Town Council, Mr. MacKenzie noted that it is difficult to quantify how much economic development is actually realized from the projected 1990 \$43,000 expenditure. Both Deputy Mayor Huntington and Councillor Goucher expressed their feelings that the Town's investment in economic development is a worthwhile expenditure. Councillor Goucher noted that the expense figure of \$1,600 Account #26237 should be increased. Councillor Kelly requested additional information on accounts #26238 and 26239 which Economic Development Commission staff agreed to provide.

#### **5.4 Recreation Department**

Mr. Bob Nauss's memorandum dated February 21, 1991 outlined the proposed 1991/92 budget which maintains its 1990 level of service. The memorandum outlined a number of factors which attributed to the budget status.

The Recreation Director's oral presentation noted that the Recreation Department's involvement in Child Care is being reviewed by Bedford Recreation Advisory Committee (BRAC). Councillor Cosgrove suggested that BRAC should include some parental consultation in their review of the child care function of the Recreation Department. Mr. Nauss also noted options available concerning the operation of the Lebrun Centre Canteen. As well, Council was informed that at present no funding has been provided for security guards at Paper Mill Lake Beach area.

In response to questions from Councillor Walker, Mr. Nauss noted that the Recreation Department will be taking over a vehicle from the Fire Department which will represent a \$2,500 saving which will be reflected in subsequent drafts of the budget. Regarding the workload of the summer horticulturalist, Mr. Nauss reported on this position's duties.

Regarding rental costs for the Town's ball diamonds, Councillor Walker suggested that Mr. Nauss increase these costs to reflect increased utility costs.

#### **5.5 Planning Department**

By memorandum of February 27, 1991, Mr. Zwicker outlined the Planning and Development Control budget broken into three distinct sections; i.e. Salaries and Benefits; Other, and Computer Network System. With respect to Salaries, Mr. Zwicker noted that the department has maintained its 1990 staff complement. Details of the Other category included GST expense.

The third category, Computer Network System, was detailed and it was noted this is a new Budget category and attempts were made to separate costs accordingly.



Mr. Zwicker's oral presentation noted that this is the Department's first budget reflecting declining growth. He reported that although actual housing starts have declined over 1990, the subdivision applications have increased. The Planning Department expects the rate of building permit revenue generated in 1991/92 to equal the rate in 1986, i.e. \$78,000. Mr. Zwicker also reviewed a number of assumptions on which the 1991/92 budget was based including declining interest rates, upcoming Municipal Planning Strategy (MPS) hearings and development of the Bedford Waterfront Development Corporation (BWDC) project.

In response to questions from Councillor Kelly regarding over expenditures in the 1990 budget, Mr. Zwicker noted that many of these were related to the computer network and given last year was the first year of its operation we were not able to anticipate all expenditures.

Councillor Walker asked Planning and Engineering staff to evaluate opportunities for the amalgamation of inspection services. Mr. Zwicker reported there may be some opportunity to realize limited savings, and the concept could be further explored, if necessary, by Senior Administration Staff.

**ON MOTION of Councillor Draper, it was moved to adjourn Meeting #96 of Bedford Town Council at approximately 7:35 p.m.**

It was agreed that review of the proposed 1991/92 Operating Budget would be continued on Thursday, April 4, 1991.

  
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MAYOR

  
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CHIEF ADMINISTRATIVE OFFICER

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**TOWN OF BEDFORD**

*Regular Session*

Tuesday, March 26, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, March 26, 1991, at 7:40 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 Don Huntington and Councillors Anne Cosgrove, Peggy Draper, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning; Rick Paynter, Director of Engineering and Works; and Bob Nauss, Director of Recreation.

3. **APPROVAL OF MINUTES**

Copies of Town Council minutes for meeting #91, Special Session (February 5, 1991), meeting #92, Regular Session (February 19, 1991); and meeting #93, Special Session (March 5, 1991) were circulated.

**ON MOTION of Councillor Goucher and Councillor Draper, it was moved to approve the minutes of Town Council meeting #91, Special Session (February 5, 1991), meeting #92, Regular Session (February 19, 1991); and meeting #93, Special Session (March 5, 1991) as circulated. The motion was unanimously approved.**



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

In addition to those agenda items added to the Order of Business previously circulated by Mr. English, items 6.6 and 8.2, the following were added to the original circulated Order of Business:

6.6 Suggested Terms of Reference, Consultant Study - Proposed Bedford Tennis and Swim Club Facility

8.2 Jackie Cuning, Bedford Ringette, Rink Canteen Operation

11.1.4 Transit Advisory Committee.

Mayor Christie indicated to Councillor Kelly that Mrs. Towill's request to address Town Council re the Recycling Depot would be addressed during that agenda item discussion.

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

*ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to approve the amended Order of Business. The motion was CARRIED.*

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

**6.1 Consideration - Appointment - Additional Member to Planning Advisory Committee**

By memorandum of March 6, 1991, Mr. English circulated names and resumes for consideration of appointment to Bedford Planning Advisory Committee (BPAC). A list of thirteen names including original applicants from November 1990 and the Board of Trade nomination were included.

By secret ballot conducted by the Chief Administrative Officer, Mr. Earl Forgeron was appointed as a member to Bedford Planning Advisory Committee by majority vote.

**6.2 Report - Flooding - Union Street Area**

By memorandum of March 13, 1991, Mr. Paynter responded to the request of Councillor Goucher relative to the Union Street/Bridget Street intersection area and problems relating to storm drainage, particularly as a result of the heavy rain

storm of February 14, 1991.

Mr. Paynter suggested three possible courses of action and recommended the installation of approximately 300 lineal feet of concrete curbing along this section of Union Street directing street drainage into a suitably located catchbasin tied into the ditch drain system at an estimated cost of approximately \$8,000.

*ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to DEFER a decision regarding a solution to the Union Street/Bridge Street storm drainage pending further investigation by staff and Town Council as to whether there were available funds within the 1991/92 budget.*

*ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to AMEND the DEFERRAL such that the Director of Engineering report on the impact within the 1991/92 budget and that included in this report would be additional information pertaining to #97 and #99 Union Street.*

**The MOTION to AMEND was unanimously approved.**

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

Councillor Walker requested that Engineering staff provide photographs of the area and driveway openings for clarification purposes.

### **6.3 Report and Recommendation - Recycling Depot**

By memorandum of March 15, 1991, Mr. Paynter circulated a written report in response to discussions by Town Council, February 19, 1991, and requests from Mr. Redmond relative to the operations of the Bedford Recycling Depot facility and the financial status of this operation. Mr. Paynter also presented six recommendations for Council's consideration.

Councillor Kelly reported that the Depot has been accepting beer bottles and acting as a bottle exchange even though the Depot's contract does not permit this activity. The councillor also reported that glass breaking has been ongoing and that a truck has been parked on the premises on a continual basis; both of which are not permitted under the current contract. Councillor Kelly asked that Town Council address these possible breeches to the contract, change the contract or seek another operator.

In response to Councillor Kelly, Mr. Paynter reported that the operator had been notified and asked to cease accepting beer bottles which was in contravention of the zoning. With respect to the presence of the truck, Mr. Paynter recommended



that this clause be eliminated from the contract in light of the need to transport materials daily because of the volume.

*ON MOTION of Councillor Cosgrove and Councillor Kelly, it was moved to accept the Director of Engineering's recommendation #4 such that*

*"...through some government sponsored employment program, (the Town) might provide a staff person at the depot, keeping own records of materials, numbers of visits, weights, etc., as a means of substantiating the statistics reported on a monthly basis";*

*and that all other recommendations contained in the March 15, 1991 memorandum not be approved as they violate the Town's zoning requirements.*

In discussion of the MOTION, Councillor Goucher noted his serious concerns that the items with respect to the bottle exchange, truck and glass crushing all violated Town zoning requirements or the contract.

In response to questions from Deputy Mayor Huntington, Mr. Zwicker, Director of Planning, commented that in his opinion, the recycling depot is consistent with a C-3 zone however a bottle exchange would violate the present zoning requirements. Mr. Zwicker recommended that Town Council consider an amendment to the 1982 Municipal Planning Document and the zoning by-laws such that an amended recycling operation could exist without violating the Town's zoning requirements.

There was some discussion regarding site alternatives and Mr. Paynter noted that the lands in the area of the Trade Mart are correctly zoned however this land does not lend itself to the operation of a recycling depot.

Councillor Draper addressed the issue of extended hours of operation and expressed her concern that the operator should consider flex hours to deal with this issue.

*ON MOTION of Councillor Draper and Councillor Goucher, it was moved to SUSPEND THE RULES OF ORDER to permit Mr. W. Redmond, operator, and Mrs. S. Towill to address Town Council on the issue of the Bedford Recycling operation. The motion was unanimously approved.*

Mr. W. Redmond

In response to Councillor Draper's concern re extended hours, Mr. Redmond noted that he was willing to discuss this issue however he felt it would be necessary

to increase the total number of hours of the operation.

Mr. Redmond presented statistical evidence compiled over the last three months indicating recyclable tonnage by category, costs related to its transportation and storage, and resulting net profit/loss. It was noted that among the several categories of recyclables, only aluminium cans are profitable. Mr. Redmond also noted that he has accumulated survey results indicating that residents are pleased with the location and that the majority of the users of the facility are from the Town of Bedford. Faced with the reported losses, Mr. Redmond indicated that he may exercise his 60-day option to cease operation.

Regarding the recent bottle exchange activity, Mr. Redmond reported that he had obtained legal advice that his occupancy permit for the bottle exchange issued for his original location was still valid. He also noted that he has not been formally informed in writing to cease the bottle exchange part of his activities.

In addressing concerns raised about glass crushing and presence of the truck, he reported that the only glass crushing was accidental and that the truck was on the premise only to transport material and that it stayed overnight only when partially filled.

At the request of Deputy Mayor Huntington, Mr. Redmond confirmed that he is operating at a \$3,500 monthly deficit after the Town's \$2,500 monthly subsidy.

In discussions with Councillor Draper on the issue of the bottle exchange activity, Mr. Redmond indicated that he had sufficient storage for bottles. He also reported that a bottle exchange would generate an additional \$1,300 to \$1,400 monthly; but this would be seasonal.

#### Mrs. S. Towill

Mrs. Towill reminded Town Council of her concerns which she previously expressed in January 1990 relative to the location of the recycling depot. She noted that the current recycling depot fits the definition of a scrapyard and therefore should be located in a C-6 zone.

Mrs. Towill also commented on the current operating costs of the depot versus the Town's contract with Lantz Leasing re garbage removal. Mayor Christie noted that he had seen recent figures for the SMART depot in St. Margaret's Bay which reportedly had similar operating costs. Mrs. Towill expressed concern that Town staff is unable to verify the figures provided by Mr. Redmond. She also suggested that the 'planter' be covered so that it does not act as a refuse container. In conclusion, Mrs. Towill encouraged Town Council to lobby both federal and provincial governments regarding legislation to decrease the amount of packaging.



(Mayor Christie informed the audience that recently he had signed a letter, on behalf of the Town, to the Minister of Environment on this issue.)

The RULES OF ORDER resumed.

At the request of Councillor Kelly, Mr. Zwicker agreed to circulate to Council a copy of correspondence written to Mr. Redmond on the topic of the bottle exchange, in particular regarding the occupancy permit.

**The MOTION was put to the meeting and CARRIED** (Councillor Draper, Walker and Deputy Mayor Huntington opposed the motion).

Councillor Walker gave NOTICE OF MOTION to amend the 1982 Municipal Planning Document and Land Use Bylaw to permit recycling depots in C-3 zones and all commercial areas of the Town in order to support profitable recycling operations including materials handling, material exchange, material processing, material storage and material transportation.

At the request of Councillor Draper, Mr. Paynter agreed to place a temporary cover on the 'planter' until such time as weather permits the planting of appropriate vegetation.

Mayor Christie also reported that Metropolitan Authority, at its next meeting, will be considering Bedford's request for financial support.

#### **6.4 Cost Sharing Agreement with D.O.T. - Award of Tender 90-06 Mill Cove**

By memorandum of March 15, 1991, Mr. English provided a copy of the Construction Agreement necessary to formalize the cost sharing with respect to Tender 90-06 for Bedford Highway reconstruction from Nelson's Landing to the Hammonds Plains Road.

**ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to authorize the Mayor and Chief Administrative Officer to execute on behalf of the Town the circulated Construction Agreement (B-10) with Department of Transportation with respect to Tender 90-06 for Bedford Highway reconstruction from Nelson's Landing to the Hammonds Plains Road with cost sharing on this project from the Province in the amount of \$205,982. The motion was unanimously approved.**

#### **6.5 Glen Moir Parent-Teacher Association**

By memorandum of March 7, 1991, Mr. Paynter responded to five areas requested

for consideration by the Glen Moir Parent/Teacher Association in their correspondence to the Town dated February 7, 1991.

*ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved that Town Council authorize the Department of Engineering and Works to install, a lighted overhead crosswalk sign similar to the new RA-5 standard and a further enhancement of the addition of a pedestrian activated amber flashing light mechanism at Glen Moir Terrace/Basinview Drive intersection at a cost of approximately \$10,000.*

*ON MOTION of Councillor Walker and Councillor Draper, it was moved to AMEND the motion regarding the installation of the crosswalk signs such that the signs be present only as long as the local school is in use, and should the school cease to operate as a school, that the signs be removed or relocated.*

**The MOTION to AMEND was put to the meeting and CARRIED unanimously.**

**The MAIN MOTION AS AMENDED was put to the meeting and CARRIED unanimously.**

**6.6 Proposed Terms of Reference for Consultants Study (Bedford Tennis and Swim Club Facility)**

By memorandum of March 20, 1991, and in reply to Town Council's February 19, 1991 motion, Mr. Zwicker presented a work plan and a three phase terms of reference for a consultants study drafted by the Bedford Recreation Advisory Committee's Ad Hoc Committee.

*ON MOTION of Councillor Walker and Councillor Goucher, it was moved to accept the Work Plan and three-phase Terms of Reference for a consultant's study as proposed by the BRAC Ad Hoc Committee and presented by March 20, 1991 memorandum with respect to the proposed Bedford Tennis and Swim Club Facility.*

In discussion of the MOTION, there was considerable discussion with respect to the four proposed sites to be reviewed. Councillor Draper raised concerns with respect to the Lions Playground site and whether the current playground facilities would continue to operate. She further suggested that the Lions Club should be consulted.

In response to questions from Town Council, Mr. Zwicker reviewed several other sites which the Ad Hoc committee had suggested and noted the reasons why each had been eliminated. Mr. Zwicker also noted that the four proposed sites provide



a variety in terms of location and property ownership. He added that other site alternatives may come forward during the study process.

**ON MOTION of Councillor Draper and Councillor Goucher, it was moved to SUSPEND THE RULES OF ORDER to permit Mr. Tolson to address the Town Council regarding possible site selection for the proposed tennis/swim facility. The motion was unanimously approved.**

Mr. Tolson

The Fort Sackville site, owned by Mr. Tolson's mother, was one of the four proposed sites for study. Mr. Tolson expressed his surprise to find that the site, which is currently under review for municipal heritage deregistration and development agreement application, is now being studied as a possible location for a municipal recreation facility. He expressed his feelings that this was poor timing on behalf of staff and assumes that the development agreement will not proceed.

The RULES OF ORDER resumed.

Mr. Zwicker reported that the Ad Hoc committee did not have a mandate to discuss the proposed sites for study with the property owners.

At the request of Councillor Kelly, Mr. Zwicker estimated that the three-phase study would cost approximately \$15,000; however, until the project is tendered, it will be difficult to determine the actual cost. Mr. Zwicker reported that Town Council will have the opportunity to review the tender at each of the three phases. Councillor Walker suggested that the project could be funded through 1991 Contingency Account.

**ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to DEFER approval of the Terms of Reference and Work Plan re proposed Tennis/Swim Club, until after 1991/92 Budget is approved. The motion was LOST (Mayor Christie, Deputy Mayor Huntington, Councillor Walker and Councillor Draper voted against the motion to defer).**

Mr. English clarified that approval of the Terms of Reference and Work Plan do not authorize the expenditure of funds but permits staff to call for tenders. He also noted that at present, the 1991/92 Operating Budget does not include any funding for this purpose, however, consideration could be given to withdrawing the funds from Reserve.

Councillor Kelly suggested that during discussions related to the authorization for expenditure of funds for this study that the proponent should be asked to provide information on their financial contribution towards the study. Deputy Mayor

Huntington expressed his concern that he felt this would be inappropriate.

**ON MOTION** of Deputy Mayor Huntington and Councillor Kelly, it was moved to **AMEND** the main **MOTION** approving the Terms of Reference and Work Plan for the proposed Tennis/Swim Club such that the Fort Sackville site be deleted from the list of sites for study. **The motion to AMEND was approved unanimously.**

**The MAIN MOTION AS AMENDED was CARRIED unanimously.**

## **7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM**

### **7.1 Proposed Deregistration of Municipal Heritage Property - 15 Fort Sackville Road)**

On March 19, 1991 Town Council held a public hearing to consider verbal and written presentations in favor or against the application to deregister the Municipal Heritage registration a portion of the property known as the "Tolson Estates". Deputy Mayor Huntington was not present for the Hearing and excused himself from discussion on this agenda item.

**ON MOTION** of Councillor Walker, it was moved that Town Council approve the application to deregister, according to the Provincial Heritage Property Act, the property known as the "Tolson Estates" except for 25,856 sq. ft. in the vicinity of the fort site and except for 38,748 sq. ft. in the vicinity of the Manor House. **The MOTION was LOST**; there being no seconder after three calls from the MAYOR.

**ON MOTION** of Councillor Goucher and Councillor Draper, it was moved to **DEFER** consideration of the deregistration process until after Town Council has held the public hearing with respect to the contract development application for 15 Fort Sackville Road. **The MOTION was DEFEATED** (Councillors Cosgrove, Kelly and Walker voted against the motion; Councillors Goucher and Draper voted in favor of the motion).

**ON MOTION** of Councillor Kelly and Councillor Goucher, it was moved that Town Council reject the application for Municipal Heritage deregistration of a portion of the property located at 15 Fort Sackville Road. **The MOTION was CARRIED** (Councillor Walker voted against the motion).

During discussions of the **MOTIONS**, there was clarification to Town Council that should deregistration be denied, then the application for Contract Development Agreement could still proceed; however, no construction could begin unless deregistration was reconsidered or application made for "substantial alternation" under the Heritage Act. Substantial alteration would require consultation with the



Heritage Advisory Committee and there would be no public hearing process.

Councillor Walker gave NOTICE of RECONSIDERATION regarding the Motion to reject the application for deregistration.

**8. PETITIONS AND DELEGATIONS**

**8.1 Stephen Oickle - Daycares within Town**

By letter of February 27, 1991, Mr. Oickle requested to make a presentation to Town Council on Daycare in the Town of Bedford. At the meeting, Mr. Oickle circulated a written document from which he read various sections.

Mr. Oickle's presentation focused on the 1982 Municipal Planning Document and zoning which permit daycares to a maximum of 14 children within residential zoned areas. For comparative purposes, he contacted various municipalities regarding their limitation on the number of children permitted.

Mr. Oickle asked that during Town Council's consideration of the draft Municipal Planning Strategy that they consider eliminating the Town limitation re the number of children and leave this regulation to the Daycare Services regulatory body.

In answering questions from Town Council, Mr. Oickle indicated that his daycare's breakeven point was 11 - 11-1/2 children. There was considerable discussion regarding terminology within the industry and these differences were clarified.

In discussion of possible ways of addressing Mr. Oickle's concern, Councillor Walker suggested that the Town set some type of "performance standards". Mr. Zwicker reviewed the current bylaw as well as the proposed regulations in the draft MPS. Town Planning staff suggested that it was a land use compatibility issue and it was agreed that it will be placed on a future Town Council agenda for debate within context of the MPS Review.

**ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to extend the normal adjournment time to 11:00 p.m. The MOTION was DEFEATED (Councillors Goucher, Cosgrove, Walker and Mayor Christie opposed).**

The meeting recessed at 10:40 p.m. to be reconvened on April 4, 1991.



## **TOWN OF BEDFORD**

### **Public Hearing**

Tuesday, April 2, 1991

A Public Hearing of the Town of Bedford took place on Tuesday, April 2, 1991, at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

**ATTENDANCE:** Deputy Mayor Don Huntington and Councillors Len Goucher, Grant Walker, Peggy Draper and Peter Kelly. Councillor Cosgrove arrived at 8:05 p.m.

Staff members in attendance included Barry Zwicker, Director of Planning and Development; Steve Moir, Senior Planner; and Donna Davis-Lohnes, Planner.

Approximately 90 residents were also present.

### **INTRODUCTION**

The purpose of the Public Hearing was to receive written and verbal submissions relative to the proposed Contract Development Agreement which would permit construction of three eight-unit apartment buildings and subdivide an additional 33 single-family lots on an 8.82 acre site bounded by Shore Drive, Fort Sackville Road, Stone Terrace and the railroad.

Circulated with the agenda package was March 8, 1991 staff report, two letters dated March 6 1991 from Mr. Miller and Mr. Tolson, January 24, 1991 letter from Mrs. E. Tolson (landowner), January 7, 1991 staff report, December 12, 1990 memorandum from the Director of Engineering & Works, December 18, 1990 memorandum from Lieut. Conway, Fire Prevention and Inspection, November 14, 1990 letter from Mr. J. Turner, Halifax Co.- Bedford District School Board, December 21, 1990 letter from Mr. R. Ogilvie, Curator, Special Places, Nova Scotia Museum Complex, December 4, 1990 memorandum from D. Davis re Parks Planning; January 16, 1991 letter from E. Pacey, President, Heritage Trust of Nova Scotia; January 23 (revised February 1), 1991 memorandum from S. Moir to Bedford Planning Advisory Committee; August 2, 1990 memorandum from Planning Staff to Mayor Christie; July 1988 letter of notification re Municipal Heritage Designation to Mrs. E. Tolson; August 26, 1988 official registration of Heritage Property notification; January 8, 1991 memorandum from T. Edwards,



Chairman, Bedford Heritage Advisory Committee; copies of pertinent sections of Bedford Planning Advisory Committee minutes dated January 16, 1991 and Reconvened January 23, 1991; January 28, 1991 memorandum from Director of Engineering and Works; March 8, 1991 memorandum from T. Edwards, Chairman, Heritage Advisory Committee; March 14, 1991 letter from Jane & Ernie Porter; and March 21, 1991 letter to Mr. Tolson from Planning Staff.

Mayor Christie outlined the procedure for the public hearing noting that Town Planning Staff would make a brief presentation, Town Council would have the opportunity to question staff and then the floor would be open for comment from the public. Mayor Christie asked that individuals come forward and identify themselves for the microphone and the tape recorder.

### **PLANNING RECOMMENDATION**

At its January 23, 1991 meeting, Bedford Planning Advisory Committee reviewed the application for development agreement and recommended that Town Council enter into a development agreement for the construction of two eight-unit apartment buildings, on four-unit apartment building, and subdivide an additional 30 single family lots. Further it was agreed that the proponent would dedicate 0.6 acres public parkland at the site of the historic stockade and offer for sale to the Town the site of the historic manor house. The recommendation also made the entering into of a development agreement conditional upon:

1. the apartment building immediately north of the manor house be reduced in size to half its original size and the four single family homes between the manor house and Fort Sackville Road (lots #17-20) be removed to provide a better context for the manor house;
2. the manor house have direct frontage onto Fort Sackville Road the entire width of the site;
3. the developer provide a public walkway, either along a right-of-way, by easement or by deed between Shore Drive near the railroad and Fort Sackville Road.
4. phasing be introduced to limit immediate development to 40 units with the remainder to be constructed once adequate capacity exists at the sewage treatment plant (STP);
5. a site disturbance plan, acceptable to Council, is provided showing site disturbance lines and that adequate performance bonding or other form of assurance be provided to ensure such items as ditching, construction of walkways, tree protection and landscaping.

6. an archaeological assessment be performed prior to development proceeding on the site;
7. grates are installed, or else a hard-surface is provided, for the driveways leading onto Shore Drive;
8. the developer provide vegetated berms where indicated by Town staff on the south and north side of the stockade park and a berm for sound control parallel to the railroad.

Subsequent to that BPAC meeting and recommendations, changes were made in the development agreement and Town staff continued to meet with the developer and property owner. As a result, an addendum to the staff report was written and dated March 8, 1991. Several items raised by BPAC were addressed in the revised proposal however planning staff noted concerns which they felt had not been adequately addressed (i.e., elimination of four houses between the Manor House & Fort Sackville to provide better context for the heritage building and to maintain the view of the house; the Manor House have direct frontage on Fort Sackville Road; much of the character along Ft. Sackville Road be maintained through use of shared driveways and/or use of common lane at rear of lots; and, while a site disturbance plan was provided staff wishes it to indicate greater preservation of vegetation.

In his oral presentation to Town Council, Steve Moir outlined, with the aid of overheads, the 8.8 acre site, 24 apartment units, 33 single-family units, the .6 acre public land, 38,748 sq. ft. around the Manor House, and public walkway. Mr. Moir also noted that there were several variances from the normal Subdivision bylaw and Land Use By-law including smaller residential lots, reductions in side, front and rear yards, development of apartment units on land zoned R-1, development of apartment units on a local street as opposed to a collector street, and the development of a greater number of units than would be permitted as-of-right, etc.

Mr. Moir briefly reviewed the proposal in light of the 1982 Municipal Planning Document, with specific reference to Policy R-6 (access to collector versus local street) and Policy Z-4 (compatibility, buffering, improved road & storm drainage, recreation).

At this time, planning staff recommended that Town Council not enter into the development agreement as requested because the proposal fails to meet the objectives and policies of the 1982 Municipal Planning Document; specifically with reference to: failure to provide as much context as possible for an historic building; and failure to provide an acceptable site disturbance definition to preserve vegetation and the character of the site. Mr. Moir went into detail explaining staff's reasons.

In response to Councillor Walker, Mr. Moir and Mr. Zwicker attempted to clarify



concerns regarding the preservation of vegetation, specifically with regard to the calliper of trees. Staff is requesting the preservation of all vegetation greater than two inch calliper. Mr. Zwicker noted that although staff has not previously specified calliper size in other development agreements, staff was attempting to increase the total amount of vegetation preserved on this particular site.

There were no further questions from Town Council.

#### **PUBLIC COMMENT**

*WAYNE & JANICE KIDD* - Mayor Christie read the April 2, 1991 letter into the record which noted that these residents of Perth Street were not in favour of the proposed development citing undersized lots and change in character of the neighborhood as their reasons.

*MR. MILLER (Developer)* - With the aid of four color drawings and maps, Mr. Miller reviewed the history of the project noting historical sentiments/romanticism versus practical development. He agreed that there were five or six areas of disagreement between planning staff and the property owners but he did not consider these major. Mr. Miller was quite clear that there was "no room for compromise"; and, if this development agreement was not approved the Tolson family would proceed with as-of-right single-family development. Mayor Christie reminded Mr. Miller that the topic of discussion at this public hearing was the actual development proposal.

Mr. Miller outlined the various phases of the proposal with the aid of a map. He also pointed out the various driveway locations (one map with the proposed 15 driveways and an overlay depicting as-of-right 16 driveways).

Mr. Miller announced that he would present to the Mayor a written request from the Tolson family, effectively serving notice that should this development agreement not be approved, 'substantial alteration' to the municipal heritage designation would be sought.

*MRS. E. TOLSON* - Mrs. Tolson read her letter to Town Council (copy circulated). She dwelled on the historic importance of the property and her involvement in its preservation. She reviewed the history leading up to a signed agreement of purchase with the Town of Bedford in 1988 which was never brought to fruition; she commented that the Town acted in bad faith.

Mrs. Tolson continued by noting her disagreement with Town staff that the proposal does not meet the criteria set out in the 1982 MDP; with T. Edwards that an archaeological survey is necessary; with A. MacCormick that an Indian burial ground may be present; and with Mrs. E. Pacey concerning sufficiency of boundaries. Mrs. Tolson notified the Town that should this application for development agreement be rejected by Town Council that she would appeal the decision.