

Councillor Goucher supported the MOTION to DEFER and indicated his concern that Town Council was not willing to give adequate support to the Petroglyphs Advisory Committee.

The MOTION TO DEFER was put to the meeting and DEFEATED (Councillor Draper and Councillor Walker voting against the motion).

ON MOTION of Councillor Goucher and Councillor Walker, it was moved to extend the adjournment time to 11:15 p.m. The motion was unanimously approved.

In discussion of the MOTION TO RESCIND, there was clarification that Town Council could acquire land in the Barrens area to protect the "glyphs" or for parkland purposes with the land designated RCDD.

The MOTION TO RESCIND was put to the meeting and CARRIED (Councillor Goucher and Cosgrove voted against the motion).

ON MOTION of Councillor Draper and Councillor Walker, it was moved to re-instate policy R-15 as proposed in the April 17, 1990 draft of the Municipal Planning Strategy.

ON MOTION of Councillor Draper and Councillor Walker, it was moved to AMEND April 17, 1990 Policy R-15 such that the policy acknowledge the presence of authenticated petroglyphs in this area; that there is a Petroglyphs Advisory Committee to advise Council on methods or protection and land requirements to ensure the preservation of the petroglyphs; and that public participation is required for the development of a concept plan for the RCDD by all landowners. The MOTION TO AMEND was CARRIED (Councillor Cosgrove voted against; Councillor Goucher abstained).

The AMENDED MOTION to re-instate amended Policy R-15 was CARRIED (Councillor Cosgrove voted against; Councillor Goucher abstained).

Mayor Christie resumed the Chair.

ON MOTION of Councillor Goucher, it was moved to adjourn the April 8, 1991 Special Session (#100) of Town of Bedford Town Council at approximately 11:30 p.m.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

TOWN OF BEDFORD

Regular Session

Tuesday, April 16, 1991

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, April 16, 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**

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, 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; Ron Singer, Director of Finance; Bob Naus, Director of Recreation; and Rick Paynter; Director of Engineering and Works.

Prior to the commencement of the agenda, Mayor Christie made several announcements including Earth Day, congratulations to the PeeWee A Team and Volunteer Appreciation Night on Sunday, April 21, 1991.

3. **APPROVAL OF THE MINUTES**

Councillor Kelly requested the minutes of April 4, 1991 (Meeting #96) clearly indicate there will be two Polling Stations with respect to the 1991 Municipal General Election. The minutes shall be amended such that:

page 1 - "ON MOTION of Councillor Kelly and Deputy Mayor Huntington, it was moved that Town Council direct that the Returning Officer operate a minimum of two polling stations within the Town; and further that these two polling stations be the Lions Den and either the Legion or Bedford Junior High School."

Councillor Walker requested that the minutes of Public Hearing, April 2, 1991

(Meeting #98) be amended as follows:

- (a) page 4 - "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...."
- b) page 5 - "*MR. BRIAN LUGAR (25 Wardour Street)* - "**Mr. Lugar noted that he is involved in real estate development as a profession.**" (delete reference to Bedford Waterfront Development Corporation as confirmed by tape recording of public hearing).

*ON MOTION of Councillor Draper and Councillor Goucher, it was moved to approve the minutes of meeting #94 (Public Hearing, March 19, 1991) as circulated; meeting #95 (Special Session, March 19, 1991) as circulated; meeting #96 (Regular Session, March 26, 1991) as amended; meeting #97 (Special Session, March 26, 1991) as circulated; meeting #98 (Public Hearing, April 2, 1991) as amended; meeting #99 (Special Session, April 4, 1991) as circulated. **The motion was unanimously approved.***

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

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

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

*ON MOTION of Councillor Goucher and Councillor Walker, it was moved to approve the Order of Business with the amendment that item #8, (Petitions and Delegations) be moved forward so that the presentations may be heard immediately following Approval of Order of Business. **The motion was unanimously approved.***

8. **PETITIONS AND DELEGATIONS**

8.1 **Presentation - Mr. Ed Mason - Halifax County Social Services 1991/92 Social Services Budget (verbal)**

Mr. Ed Mason and Mr. Jack McNeil were present and invited members of Town Council to ask questions regarding the proposed Halifax County Social Services Budget 1991/92.

At the request of Mayor Christie, it was clarified that the greatest need for assistance seems to fall under the category of General Assistance and that this increase is seen nationally. Also, Mr. Mason noted there was no further indication that the provincial government would be removing the "cap" on Social Services Cost-Sharing.

With respect to demand for homes for Special Care, Mr. Mason noted that the caseload is increasing and that there is a Metro committee examining the requirements for this category of facility. Mr. Mason noted that although over the past few years a number of new types of assistance have been developed (i.e. home care, etc), the demand for homes for Special Care has remained relatively stable.

Councillor Kelly suggested that bulk purchasing (food, fuel), mandatory substitution for prescription drugs, and common dispensary concepts be investigated as methods of decreasing the cost of social services. Mr. Mason agreed that several of these concepts are to be investigated and that a staff person has been dedicated to investigate feasibility. Although Mr. Mason indicated that results of this research may not be available until September, Councillor Kelly urged Mr. Mason to be aware of the need to address these problems as quickly as possible.

At the request of Councillor Walker, Mr. Mason noted that the Department now has a research component which will enable some investigation into demands placed on Social Services as a result of the changing demographics. Councillor Walker suggested that Social Services might collaborate with Town staff on their study to be carried out on seniors' needs.

There being no further questions from Town Council, Mayor Christie thanked Mr. Mason and Mr. McNeil for providing clarification. Mr. Mason and Mr. McNeil left the meeting at this time.

8.2 Mrs. Aileen McCormick - MPS

By letter of April 10, 1991 Mrs. McCormick requested an opportunity to make a presentation to Town Council regarding the Municipal Planning Strategy.

Mrs. McCormick expressed her concern on the process by which the MPS document has been developed. She noted that, in her opinion, the document no longer reflects the recommendations of Bedford Planning Advisory Committee (BPAC) or the MPS Review Committee but that Town Council has now become "the MPS Review Committee". She suggested that this is in "direct contravention of the Planning Act" as the public no longer has "direct access" to the document.

Mrs. McCormick noted four specific examples (expansion of Residential Reserve Area to the south; proposed Tennis/Swim Club; request to extend residential boundary for proposed golf course and residential development; and strong opposition to Heritage Commercial designation) where Town Council did not consider the expressed wishes of the public.

Mrs. McCormick summarized her opinion by noting that the public feels ignored and now perceives that Town Council is developing a document without their input. She further suggested that Town Council has not met the requirements of the Planning Act and should consult with Municipal Affairs as to whether they are in violation of that act.

Mayor Christie noted that Town Council will be establishing dates for further MPS public hearings in the near future.

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Consideration - Award of Tender - Development Peerless Playground

By memorandum of March 28, 1991 Mr. Nauss outlined Town Council's motion of November 26, 1990 regarding the development of the Peerless Playground. Mr. Nauss noted that the conditions of the motion have been met and he recommended that the tender for Peerless Playground project be awarded to Sun Construction Ltd. at a cost not to exceed \$21,400 and \$500 to CBCL Ltd. for on-site construction supervision.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved to award the tender for Peerless Playground project to Sun Construction at a cost not to exceed \$21,400.

In discussion of the MOTION, Mr. English reported that in his discussions with staff, it was agreed that the on-site construction supervision could be handled in-house.

Councillor Walker inquired as to the source of the funds, i.e. was it coming from the sewer redevelopment fund. Mr. English noted that in the absence of specific Town Council directives on this matter, staff would make a recommendation when the Capital Budget is presented, however it is possible that the funds could come from the 1991-92 unallocated Borrowing amount. Councillor Walker was opposed as he noted that it was an agreed Town Council policy that there be no capital projects for the year 1991-92 and that any projects to be paid from contingency should be assigned funding on the basis of some previous prioritization done by Town Council.

The AMENDED MOTION was put to the meeting and CARRIED (Councillor Walker opposed).

With respect to the staff recommendation on Parkland Planning Process, there was a brief discussion. There was general consensus that the procedures were an excellent attempt to increase public input into the planning process.

ON MOTION of Councillor Goucher and Councillor Walker, it was moved to accept as Policy the recommended procedures for Parkland Planning Process submitted by the Director of Recreation in his March 28, 1991 memorandum. The motion was unanimously approved.

6.2 Proposed Renaming of Bedford Highway

By memorandum of March 20, 1991, Mr. Paynter submitted comments as received from the Provincial Department of Transportation and Communications, Town Departments, and the Heritage Advisory Committee. He also noted that a "Main Street" already exists within the Town.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to receive the March 20, 1991 report from Mr. Paynter concerning the proposed renaming of the Bedford Highway. The motion was CARRIED (Councillor Draper opposed).

6.3 Proposed Amendments to Trade and Licensing By-Law

By memorandum of April 12, 1991, Mr. Singer commented on the amendments to the by-law as drafted by Mr. Peter McInroy.

ON MOTION of Councillor Kelly and Deputy Mayor Huntington, it was moved to approve the Trade and Licensing By-law as drafted by Mr. P. McInroy with comments provided in his letter of April 11, 1991; and further that the by-law include the licensing of automatic tellers and taxis.

In discussion of the MOTION, Councillor Walker asked the Mayor to divide the MOTION. By consensus, it was agreed that the motion contained two separate issues and was thereby divided such that:

ON MOTION of Councillor Kelly and Deputy Mayor Huntington, it was moved to approve the Trade and Licensing By-law as drafted by Mr. P. McInroy with comments provided in his letter of April 11, 1991.

ON MOTION of Councillor Kelly and Deputy Mayor Huntington, it was moved to AMEND the MAIN MOTION such that the by-law include the licensing of automatic tellers and taxis. The motion to AMEND was put to the meeting and DEFEATED (Councillors Cosgrove, Walker, Draper and Mayor Christie opposed the motion to amend).

During discussion of the amendment, it was noted by the Chief Administrative Officer that the Town can not license taxis unless they are based within the Town; the majority of taxis serving Bedford are based in Sackville.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to AMEND the MAIN MOTION such that Section 17, paragraph 2, of the proposed by-law be amended to provide that the individual must purchase a license as well as pay the fine. The MOTION TO AMEND was put to the meeting and unanimously APPROVED.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to AMEND the MAIN MOTION by inserting the regulation of itinerant amusement performances (circus and exhibitions) by the By-law Review Committee. The motion to AMEND was unanimously approved.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND THE MAIN MOTION such that Section 4, paragraph a) shall read: any person offering to sell fresh products of

In discussing this AMENDMENT to the MOTION, Councillor Walker clarified that his intent was to permit sale of fresh produce but to discourage the door-to-door selling of frozen products as he has received numerous complaints.

The MOTION TO AMEND was put to the meeting and unanimously APPROVED.

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

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Proposed Contract Development Agreement - Fort Sackville Estates

Circulated with the agenda package were minutes of the Public Hearing (Meeting #98, April 2, 1991), April 9, 1991 memorandum from S. Moir regarding Site Disturbance Lines and a draft contract between Elsie Tolson and John Tolson, and the Town of Bedford. At the meeting, Barry Zwicker circulated copies of a site plan outlining the deregistration request as well as the amendment to the proposal,

i.e. Proposal #9, April 15, 1991. Also circulated was a letter from Mr. Tolson dated April 16, 1991 with attached information regarding proposed architectural style; and a memorandum from B. Zwicker dated April 15, 1991 outlining the proposed changes to the development agreement, specifically with reference to Lot #18.

Mr. Zwicker clarified for Town Council that as a result of the public hearing, Mr. Tolson has changed the proposal such that Lot #18 would no longer be a residential lot but shall be included in the Manor House property. He did not consider this a substantial alteration to the development proposal discussed at the April 2, 1991 Public Hearing.

Also outlined for the benefit of Town Council was the development of the concept of cluster housing as it pertained to this project. Mr. Zwicker noted that as a result of at least two other proposals for this property having been rejected, staff had recommended that:

1. the Manor house and Fort site be given special attention
2. the substantial stand of mature trees which lend to the character of the neighborhood be preserved
3. the Fort Sackville/Perth/Camden street neighborhood was unique in the Town with its interesting characteristics and that development of this area should not require substantial changes to that character.

As a result of these considerations, the possibility of using cluster development within the development agreement was proposed to the property owner as an opportunity to provide greater than the required 5% parkland dedication; as an opportunity to keep lower servicing standards; and as an opportunity to maintain the ambience of the existing neighborhood. Mr. Zwicker commented that he felt that the current proposal comes close to achieving these aims but still requires some work in the areas indicated in the staff report (site disturbance and "setting" or context of Manorhouse). He also noted that staff has not changed its recommendation, even after the inclusion of Lot #18 with the Manorhouse property.

At the request of Councillor Goucher, Mr. Zwicker noted that verbally the purchase price of the Manorhouse Property with the inclusion of lot #18 remains at \$300,000.

There was further clarification regarding the interpretation of Policy Z-3 (MDP 1982) and the subjectiveness of the "setting" or context for the Manorhouse. Mr. Zwicker noted that policy Z-3 is the basis for Town Council's decision.

In response to Mayor Christie, Mr. Zwicker indicated that the proposed contract is made between Elsie and John Tolson and the Town of Bedford; and that he

assumes that Mr. Tolson is acting on behalf of himself and his mother Ms. Elsie Tolson, the property owner.

Further clarification was provided concerning the staff recommendation regarding the Manorhouse context. It was noted that staff recommends that Lots 17 and 16 also be included in the Manorhouse property and be removed from residential development.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to reject the application to enter into the development agreement respecting Fort Sackville Estates as currently proposed. **The MOTION was CARRIED** (Mayor Christie, Deputy Mayor Huntington and Councillor Walker voted against the motion).

In discussion of the MOTION, Councillors provided their reasons for rejecting the proposed development agreement:

- Councillor Kelly noted his concerns with respect to the density of the proposal as it relates to the existing neighborhood; the failure to provide enough context/setting for the manorhouse; and the lack of street network;
- Councillor Draper supported staff's recommendation that the proposal should be denied due to failure to provide sufficient context for a historic building (manorhouse); and failure to provide an acceptable site disturbance definition to preserve vegetation and the character of the site;
- Councillor Goucher noted his concerns with respect to the proposed density as it relates to the existing neighborhood, lack of historical context for the manorhouse; and the lack of street network;
- Councillor Cosgrove explained that she could not support the current development proposal due to concerns regarding increased traffic and the impact on the safety of school children; the lack of historical context; and the present limited capacity of the sewage treatment plant.
- Deputy Mayor Huntington noted that he feels that the density is appropriate and that the proposal meets all the requirements of the 1982 Municipal Planning Document;
- Councillor Walker, noted that the proposal appears to satisfy staff's goal of maintaining the unique character of the neighborhood and meets the residential objective.

10. NEW BUSINESS

10.1 Siting Criteria - Landfill and MRF Facilities

By memorandum of April 10, 1991 Mr. Paynter briefed Council on the status of the siting process presently underway by the Metropolitan Authority relative to the proposed new landfill and MRF facilities. Mayor Christie provided an oral update including the recent Metropolitan Authority decision that the landfill site will not be located in the Bedford/Sackville area of Halifax County but will be located within close proximity to the 100 series highway or rail line.

It was also noted that a contract has been awarded to erect and manage a MRF which is proposed to handle 25% of the total waste stream; however, the site has not been selected. It was noted that a site within Bedford limits has been identified however it lacks the accessibility the Authority was seeking, as well as connection to Metro Transit.

10.2 Mill Cove Expansion Plans

By memorandum of April 10, 1991 Mr. Paynter provided a brief report as follow-up to the interim study presentation made to the Halifax County/Bedford Joint Committee by Porter Dillon on March 12, 1991. The anticipated completion date for the study is May 1991.

Mayor Christie noted that a meeting with the Provincial Environment Minister and Warden has taken place and the Department has received the application for partnership funding (50/50). Mayor Christie reported that the Minister felt that the timing of the funding may have to be delayed until the following budget year.

It was also noted that Mr. B. Gillis has been appointed to liaise with Bedford/Halifax County and the Department of Environment on this issue.

At the request of Councillor Kelly, Mr. Paynter provided clarification and information reported in a recent newspaper article that the current sewage treatment plant had sufficient capacity for another forty years. Mr. Paynter noted that the current facility will exceed normal dry weather capacity this summer and that during heavy rain conditions, the STP exceeds capacity.

In response to a request by Councillor Goucher, it was clarified that the interim report by Porter Dillon is available to the public on request.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved that Bedford Town Council adopt the direction agreed to at the Joint Committee meeting, i.e. to have the Consultants proceed with further investigation of scenarios #3 and #4 as outlined in their interim report.

The MOTION was put to the meeting and CARRIED unanimously.

10.3 UNSM Regional Meeting - Selection of Five Voting Delegates/Resolutions

At the request of Mayor Christie, Councillor Cosgrove explained the request for five delegates to the Regional Meeting of UNSM. Deputy Mayor Huntington, Councillor Draper, Cosgrove, Goucher and Walker volunteered as the delegates.

Mayor Christie asked Councillors to consider possible issues to forward as resolutions to the Regional Meeting.

**11. REPORTS:
BOARDS/COMMITTEES/COMMISSIONS/DEPARTMENTAL**

11.1 Boards/Committees/Commissions

11.1.1

By-Law/Policy Advisory Committee - Report & Recommendations

By memorandum of April 9, 1991, Mr. English reported on the By-law/Policy Advisory Committee's recommendations regarding the following policies:

a) Review of Policy P-24202 - Sewer Maintenance and Repair - Building Service Laterals

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to reaffirm Policy 24202 respecting sewer maintenance and the repair of building service laterals. The motion was unanimously approved.

b) Proposed by-law respecting waterfowl

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to accept the committee recommendation that the matter be deferred indefinitely. The motion was unanimously approved.

c) Proposed Public Hearing Procedures

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to accept draft #4 (9 April 1991) Public Hearing Procedures for first reading. The motion was unanimously approved.

d) **Proposed Policy - Rental of Town owned Housing**

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to accept the proposed Town Policy/Procedures regarding Rental of Town Owned Housing for first reading. The motion was **unanimously approved.**

11.2 Departmental

11.2.1 Building Inspection Monthly Report - March 1991

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to table the March 1991 Building Inspection Monthly Report. The motion was **unanimously approved.**

11.2.2 Fire Department - Fire Chief's Monthly Report - March 1991

ON MOTION of Councillor Goucher and Councillor Walker, it was moved to table the Fire Chief's March 19, 1991 Monthly Report. The motion was **unanimously approved.**

12. CORRESPONDENCE

12.1 Chris Nolan - Resignation from BPAC

An April 6, 1991 letter was received from Mr. Chris Nolan announcing his resignation from Bedford Planning Advisory Committee effective immediately following BPAC's April 10, 1991 meeting.

ON MOTION of Councillor Draper and Councillor Goucher, it was moved to accept Mr. Nolan's resignation; and further that Town Council expresses its appreciation for the work Mr. Nolan has done for the Town in his capacities as Councillor, Deputy Mayor and member of Bedford Planning Advisory Committee. The motion was **unanimously approved.**

In discussion of the MOTION, it was also agreed that staff would prepare a Certificate of Appreciation to be forwarded along with a letter from the Mayor.

At the request of Councillor Goucher, it was agreed that appointment of a new member to BPAC be placed on the next agenda for Town Council's consideration.

13. MOTIONS OF RECONSIDERATION

13.1 Councillor Walker - Proposed Deregistration of #315 Fort Sackville Road

At a Regular Town Council Meeting on March 26, 1991, Councillor Walker served NOTICE of RECONSIDERATION regarding Town Council's motion to reject the Application for Deregistration of a portion of the Fort Sackville Estate property.

Councillor Walker WITHDREW his motion of reconsideration.

14. MOTIONS OF RESCISSION - Nil

15. NOTICES OF MOTIONS

15.1 Proposed Amendment C-3 Zone (Recycling Depots) - Councillor Walker

At a Regular Town Council Meeting on March 26, 1991, Councillor Walker served a 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.

Councillor Walker WITHDREW his NOTICE OF MOTION.

16. QUESTIONS

16.1 Status Sheet - There were no questions on the status sheet.

17. ADDED ITEMS - There were no added items.

18. ADJOURNMENT

ON MOTION of Councillor Walker and Councillor Goucher, it was moved to adjourn the #101 Special Session of Bedford Town Council at approximately 10:10 p.m.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

TOWN OF BEDFORD

Special Session

Thursday, April 25, 1991

A Special Session of the Town Council of the Town of Bedford took place on Thursday, April 25, 1991, 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 and Councillors Peter Kelly, Peggy Draper, Anne Cosgrove, Len Goucher and Grant Walker were in attendance.

Staff member in attendance included Barry Zwicker, Director of Planning & Development Control.

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

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

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

Town Council approved the Order of Business as circulated.

5.1 **VALIDITY OF VOTE - MOTION APPROVED BY COUNCIL APRIL 16, 1991**

Mayor Christie reviewed for the members of Council two legal opinions with respect to the validity of a recent vote by Town Council on a Development Agreement application for the Tolson Estates lands. Mayor Christie indicated that he was in receipt of a legal opinion from Mr. Jack Innes, acting on behalf of the Tolson Family and also from Mr. Peter McInroy, acting on behalf of the Town of Bedford.

It was the concensus of both solicitors that there is sufficient question with respect to the validity of Councillor Anne Cosgrove participating in the discussion and subsequent vote on the Motion with respect to this Development Agreement given she was unable to attend all of the Public Hearing held on this matter.

Mayor Christie indicated that upon review of these legal opinions, it was his position that the vote and motion would be declared invalid and that the subject would be brought back before Council at this point in time.

On a point of order, Councillor Len Goucher asked for further clarification with respect to the Mayor's ruling and indicated that he did not share the same opinion as the Mayor and made a motion to challenge the Ruling of the Chair on this issue.

The Motion was seconded by Councillor Peter Kelly.

As per the Rules of Order, Section 25, the Acting Chief Administrative Officer then polled Council with the question "Shall the decision of the Chair be sustained?" The vote of Council as a result of the Acting Chief Administrative Officer's poll was 4 in favour, 2 opposed and one abstaining. The Ruling of the Chair was therefore upheld, in that the previous motion and vote of Council with respect to the Tolson Development Agreement had been determined to be in invalid.

Mayor Christie then indicated that the matter was back on the floor at which time Councillor Cosgrove excused herself from the meeting given that she was not able to participate in all of the previous Public Hearing.

Following a question of clarification from Councillor Kelly to the Mayor, it was determined that there was no motion on the floor dealing with this issue.

Mayor Christie asked Mr. Zwicker to review for Council new information provided to him by the applicant. Following a review of this information, it was the recommendation of Mr. Zwicker that the new information was a substantial change from the initial application and recommended that Town Council authorize the Chief Administrative Officer to set a date for a Public Hearing and place the necessary advertising before Council gives consideration to the Development Agreement.

It was moved by Councillor Grant Walker, seconded by Deputy Mayor Don Huntington that Town Council authorize the Chief Administrative Officer to set a date for a new Public Hearing and place the necessary advertising.

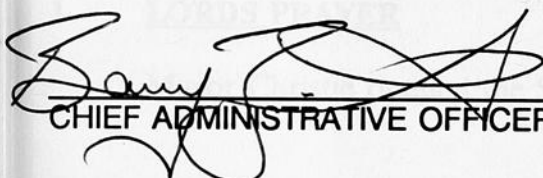
TOWN OF BEDFORD

During the discussion of the motion, Mr. Zwicker reviewed for Town Council the revised proposal and answered several questions from Town Council with respect to detailed elements of the Plan.

Following discussion, the motion was called and it was carried unanimously.

Deputy Don Huntington then moved adjournment at 7:25 p.m.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

2. ATTENDANCE

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, 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; Ron Singer, Director of Finance; Bob Nades, Director of Recreation; Rick Paynter, Director of Engineering and Works; Steve Molt, Senior Planner; and Donna Davis-Lohme, Planner.

At 9:30 p.m., after deferral of agenda item 5.5, several members of staff with the exception of Planning Department left the meeting.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to add to the circulated agenda, item #5.6, Petroglyph Advisory Committee - Terms of Reference. The motion was unanimously approved.

Councillor Cosgrove noted for information that the Board of Health's No-Smoking By-law had been given Legislative approval.

TOWN OF BEDFORD

Special Session

Tuesday, May 7, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, May 7, 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**

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, 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; Ron Singer, Director of Finance; Bob Nauss, Director of Recreation; Rick Paynter; Director of Engineering and Works; Steve Moir, Senior Planner; and Donna Davis-Lohnes, Planner.

At 9:30 p.m., after deferral of agenda item 5.5, several members of staff with the exception of Planning Department left the meeting.

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

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to add to the circulated agenda, item #5.6, Petroglyph Advisory Committee - Terms of Reference. The motion was unanimously approved.

Councillor Cosgrove noted for information that the Board of Health's No Smoking By-law had been given Legislative approval.

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

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to approve the Order of Business as amended. The motion was unanimously approved.

5. **NEW BUSINESS**

5.1 **Town of Bedford Recycling Depot Operation - Presentation by W. Redmond and Report from Director of Engineering**

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By letter of April 16, 1991, Mr. English informed Mr. Redmond that his request to address Town Council had been approved and placed on the agenda. Also circulated with the agenda package was an April 12, 1991 letter from Mr. Redmond requesting Town Council to review the operation of the recycling depot and give consideration to his proposal to increase the Town's subsidy to \$3,500 a month, and in addition pay \$100 for every ton shipped over the anticipated 20 tons.

By memorandum of May 1, 1991 Mr. Paynter provided a synopsis of the recycling depot operations and also a number of options for Council's consideration. Mr. Paynter also provided a copy of a letter from the Department of Environment approving payment for 70% of the Town's capital costs not to exceed \$8,999.20. However, the Board deferred the decision on the Town's request for operating assistance pending receipt of additional information. It was also noted that Metropolitan Authority will assist the Town of Bedford with its recycling operation in the amount of \$500.00/month for the balance of the year until the Authority's MRF is in place.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved that Engineering staff explore the possibility of an "in-house" Town operated depot program (as outlined in Option E, page 3, of Mr. Paynter's memorandum dated May 1, 1991) with the depot facility staffed by Town-employed personnel and operated in the interests and direction desired by Council; funded in part by cost-sharing received from the Province and Metropolitan Authority.

In speaking to the MOTION, and at the request of Councillor Kelly, it was reported that the annual maintenance and operating cost of the depot to the Town is estimated to be approximately \$8,000; and the Metropolitan Authority grant for \$500.00/month is effective until the establishment of a MRF which is expected to be January or February 1992.

At the request of Councillor Walker, Deputy Mayor Huntington clarified that once the MRF facility is operational there will still be a need for a central recycling

depot within the Town.

Councillor Kelly suggested that the Town should be moving toward a by-law enforced Blue Bag program. There was some discussion of the current Blue Bag program operated by the City of Halifax. Mayor Christie reported that the contract between the City of Halifax and the operator does not permit re-negotiation for the purposes of allowing other municipalities to join in their program.

In speaking to the MOTION, Councillor Walker suggested that the investigation into an "in-house" Town operated depot program include costs related to staffing, transportation, management, and marketing.

Mr. Redmond addressed Town Council and read into the record a subsequent proposal, which was circulated in written form. In summary, Mr. Redmond's new proposal suggested:

1. an increase in monthly subsidy, retroactive to January 1, 1991, of \$1,000 per month to \$3,500 per month;
2. a \$500.00 per month subsidy for the months of January, February and March related to additional costs incurred while the '24-hour drop-off' bin concept was in operation;
3. receipt of the \$500.00 per month subsidy from the Metropolitan Authority;
4. elimination of the bottle exchange component from further contract discussions.

In his address to Town Council, Mr. Redmond noted that his current contract with the Town clearly provides for a three-month review of operations and that a decision by Town Council was required at this meeting.

At the request of Councillor Kelly, Mr. Redmond agreed to provide Town staff access to his financial records and documentation.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND THE MOTION such that Town Council revise the current contract with Bedford Bottle and Metal Exchange for the operation of the recycling depot such that Town Council authorize a one time subsidy of \$1500 to cover the additional expense associated with the 24-hour drop off bins for January, February and March 1991; and that the monthly subsidy be increased by \$1,000 to \$3,500 per month retroactive to January 1, 1991, until June 30, 1991 when Council will review a staff report on an "in-house" Town operated depot

program (as outlined in Mr. Paynter's memorandum of May 1, 1991); and that the Director of Finance have access to Mr. Redmond's financial information.

In speaking to the AMENDMENT TO THE MOTION, Councillor Draper raised the issue of extended hours of operation. Mr. Redmond agreed that the hours of operation could be extended for either Thursday or Friday evening upon approval of the MOTION.

At the request of Councillor Kelly, Mayor Christie clarified that Mr. Redmond's contract provided for a three-month review and that this contract was different from a previously discussed residential garbage contract where pre-negotiated conditions had to be met prior to re-negotiation of that contract.

The MOTION TO AMEND was put to the meeting and CARRIED (Councillor Kelly opposed the motion to amend).

The MAIN MOTION AS AMENDED was put to the meeting and CARRIED (Councillor Kelly opposed the amended motion).

5.2 Consideration of Approval - 1990 Audited Financial Statements

By memorandum of May 3, 1991, Mr. Singer circulated and commented on the Audited Financial Statements for the Town of Bedford respecting the fiscal year ending December 31, 1990. Mr. Singer's memorandum provided a review of the 1990 operating deficit (\$172,703) and outlined areas where over expenditures or revenue shortfalls were incurred.

Mr. Singer recommended that the 1991 Audited Financial Statements be formally accepted as tabled; and that the accounting firm of Levy Casey MacLean be appointed as the Town's registered Municipal Auditors for the year 1991/92.

ON MOTION of Councillor Walker and Councillor Kelly, it was moved to DEFER acceptance of the 1991 Audited Financial Statements pending discussions with the auditing firm, Levy Casey MacLean, at the next Town Council session. The motion was CARRIED (Councillor Cosgrove opposed).

Questions directed at the Chief Administrative Officer and the Director of Finance revealed that it has not been the general practice for Town Council to discuss the financial statements with the auditors at a Town Council meeting; and that written recommendations from the auditors had not been provided (or required) in the past. It was suggested that Town Council may, at a later date, wish to consider the establishment of an Audit Committee.

At the request of Councillor Walker, Mr. English reported that guidelines for municipal accounting procedures are available for review by Councillors and that the firm presently engaged are registered municipal auditors.

5.3 Review and Consideration of Approval - MPS (draft of proposed MPS/LUB circulated April 30/91 and attached BWAC minutes)

A draft of the Municipal Planning Strategy and Land Use By-law dated May 7, 1991 was previously circulated. By memorandum of April 30, 1991, Mr. Paynter circulated copies of Bedford Waters Advisory Committee April 24, 1991 minutes noting the committee's concerns and motions with respect to the intertidal zone.

Mr. Zwicker's May 7, 1991 memorandum asked for Town Council's consideration of several matters relating to the May 7, 1991 draft of the MPS/LUB.

By memorandum of May 6, 1991, Mr. English suggested two Public Open House sessions (May 13 and 15) and at the regular Town Council meeting scheduled for May 21, 1991 Town Council set a date for Public Hearings. Currently, the recommended date is Saturday June 15, 1991.

Councillor Walker suggested that consideration of the May 7, 1991 drafts was premature as Council had only just received the GFLUM and zoning maps which accompany the draft documents.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to DEFER consideration of the May 7, 1991 drafts of the MPS/LUB until a Council Session scheduled for May 14, 1991. The motion was DEFEATED (Councillors Goucher, Kelly and Cosgrove voted against the motion).

Councillor Kelly asked for consideration to defer discussion of agenda item #5.5 (1991/92 Operating Budget); however Mayor Christie suggested that at this hour, this was not an appropriate MOTION.

Councillor Cosgrove addressed Town Council on the matters raised in the BWAC minutes of April 24, 1991 and asked Council to support the suggested policies regarding the intertidal zone for inclusion in the MPS.

ON MOTION of Councillor Cosgrove and Councillor Walker, it was moved to AMEND the May 7, 1991 draft of the MPS such that policies E-15 as recommended by Bedford Waters Advisory Committee's April 24, 1991 minutes be approved.

"Policy E-15

It shall be the intention of Town Council to permit the erection of seawalls, or other structures whose purpose

is to prevent erosion of the shoreline provided that said structures are located at the high water mark and further that the structures do not require substantial infilling of the intertidal area. A development permit shall be required for such structures as well as permission from the appropriate provincial and federal authorities. This provision shall apply to all waterlots." (BWAC, April 24, 1991, page 4)

In speaking to the MOTION, Councillor Cosgrove reminded Town Council that the members of BWAC are professionals in water quality and environmental matters, and as such provide Town Council with professional advice.

There was considerable discussion amongst Council that these BWAC recommendations were major changes to the draft MPS and several Councillors felt that the discussions on the MPS at this meeting should be only minor changes to the draft circulated. However, Mayor Christie did note that Town Council could make any changes to the documents prior to announcing dates for public hearings.

Councillor Draper expressed concern that the BWAC recommendations were issues that Town Council had previously discussed and that these were motions that had been previously defeated. Mayor Christie noted that he felt that the intent of the MOTIONS was substantially different from those originally defeated to permit discussion. Town staff noted that the over-riding purpose of these recommendations is environmental protection, regardless of whether waterlots are pre or post-confederation.

The MOTION regarding Policy E-15 was put to the meeting and DEFEATED (Mayor Christie, Deputy Mayor Huntington, Councillor Goucher and Councillor Draper voted against the motion).

ON MOTION of Councillor Cosgrove and Councillor Walker, it was moved to AMEND the May 7, 1991 draft of the MPS such that Policy E-17 as recommended by Bedford Waters Advisory Committee's April 24, 1991 minutes be approved

"Policy E-16

It shall be the intention of Town Council to require infilling activity within the intertidal area, beyond the high water mark, to proceed by development agreement. Prior to considering entering into such an agreement, Town Council shall require the proponent to undertake an environmental assessment which examines the impact of the infilling activity on the Basin and

adjoining waterlots. A set of parameters for the environmental assessment shall be established by Town staff. The results of the study shall be a major criterion used to evaluate a development agreement application. A development agreement, if entered into, shall require measures to mitigate any detrimental environmental impacts to the intertidal area. This provision shall apply to all waterlots."

(Note: The BWAC policy was changed slightly to delete reference to Policy E-15 which did not receive Council support; see above.)

The MOTION was put to the meeting and DEFEATED (Mayor Christie, Deputy Mayor Huntington, Councillor Goucher and Councillor Draper opposed the MOTION).

ON MOTION of Councillor Walker and Councillor Draper, it was moved to recess for ten minutes. The motion was DEFEATED (Deputy Mayor Huntington, Councillors Cosgrove, Goucher and Kelly opposed).

ON MOTION of Councillor Cosgrove and Councillor Walker, it was moved to AMEND the May 7, 1991 draft of the MPS such that Town Council approve Bedford Waters Advisory Committee's April 24, 1991 recommendation for a new policy E-16a,

"Policy E-17

It shall be the intention of Town Council, upon adoption of this plan, to study the intertidal areas of the Bedford Basin to explicitly determine the effects of infilling on this area" (BWAC April 24, 1991 minutes, page 3)

In speaking to the MOTION, Councillor Walker noted his concern regarding Council's reluctance to provide protection for the shoreline wilderness environment. Several Councillors noted that these topics had been previously discussed by Council and that they did not feel they should enter into further debate on topics previously defeated.

The MOTION to add Policy E-16a to the May 7, 1991 draft of the MPS was CARRIED unanimously.

Councillor Cosgrove gave NOTICE OF RECONSIDERATION of the BWAC recommendations for inclusion of Policies E-15 and E-16 as noted in their minutes of April 24, 1991.

At the suggestion of Councillor Walker, Town Council agreed by consensus to a

briefing by the Bedford Waters Advisory Committee prior to voting on reconsideration.

ON MOTION of Councillor Kelly and Councillor Walker, it was moved to defer agenda item 5.5, Proposed 1991/92 Operating Budget, Draft #3, until May 14, 1991 due to the lateness of the hour. **The motion was CARRIED unanimously.**

Councillor Goucher gave NOTICE OF MOTION regarding Bedford Planning Advisory Committee's motion of April 10, 1991 and discussion on the motion at its May 1, 1991 meeting with respect to the Municipal Planning Strategy process,

"**ON MOTION** of W. Fenton and W. Hutt, it was moved that, at the next Regular Town Council Meeting, Councillor Goucher, will table from Bedford Planning Advisory Committee a statement of concern regarding the stages of process that the Municipal Planning Strategy Document will take; and further, he will request Council to make known to BPAC its will regarding the above. **The motion was unanimously approved.** (Bedford Planning Advisory Committee, April 10, 1991).

Councillor Goucher noted that BPAC also recommends a clear definition of a process for future MPS discussions.

T-9

Councillor Goucher raised concern with respect to the May 7, 1991 draft of the MPS and Policy T-9.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to **AMEND** the May 7, 1991 draft of the Municipal Planning Strategy such that the last line of the policy read:

"... with a maximum of 48 feet of travelled right of way at signalized intersections and that this redesign may include a reduction from the present four lane configuration to three lanes between Rocky Lake Drive and the Sackville/Highway 102 interchange."

The motion was unanimously approved.

ON MOTION of Councillor Walker, it was moved to recess for ten minutes. **The MOTION was LOST** (Councillor Draper and Councillor Kelly opposed).

- R-11 By memorandum of May 7, 1991, staff asked Town Council to clarify their intent regarding the definition of "gross density". Is the original definition approved by BPAC to be used or the standard definition as recommended by staff.

ON MOTION of Councillor Walker, it was moved to **AMEND** the May 7, 1991 draft of the Municipal Planning Strategy such that the staff definition of "gross density" (bottom paragraph, page 23) be approved by Town Council. **The MOTION was LOST**, there being no seconder after three calls from the Mayor.

Mr. Zwicker clarified that staff's recommended definition would make the gross density calculation easier; does allow a potentially higher residential density; and does not penalize a developer who provides land for arterial roads or school sites which, after all, serve the community.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to **Suspend the Rules of Order** to permit Councillor Walker's **LOST** motion to be re-introduced. **The MOTION was CARRIED** (Councillor Kelly and Councillor Goucher voted against the motion to suspend the rules of order).

The Rules of Order were suspended and Councillor Walker re-introduced the motion.

ON MOTION of Councillor Walker, it was moved to **AMEND** the May 7, 1991 draft of the Municipal Planning Strategy such that the staff definition of "gross density" (bottom paragraph, page 23) be approved by Town Council.

In discussion of the MOTION, Councillor Goucher received clarification that it was not staff's intent to include the land under Papermill Lake in any calculation for gross density.

The motion was put to the meeting and CARRIED (Councillors Cosgrove, Goucher and Kelly opposed; Mayor Christie, Deputy Mayor Huntington, Councillors Walker, Draper voted in favour of the MOTION.)

OTHER

At this time, Deputy Mayor Huntington asked for acknowledgement of an April 17, 1991 letter addressed to Mayor Christie from Mr. Douglas Miller, on behalf of his clients Crestview Properties, requesting a plan amendment to change the residential development boundary. The Mayor indicated that this letter would be addressed in the near future.

- R-8 By memorandum of May 7, 1991, staff requested approval of the newly drafted R-8 regarding seniors housing.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to approve the staff recommended wording for Policy R-8 as included in the May 7, 1991 draft of the Municipal Planning Strategy. The motion was unanimously approved.

COMMERCIAL

By memorandum of May 7, 1991, staff requested clarification regarding the proposed zoning of the Town-owned commercial area at the corner of the Hammonds Plains Road and the Bedford Highway.

ON MOTION of Councillor Goucher and Councillor Walker, it was moved to AMEND the May 7, 1991 draft of the Municipal Planning Strategy such that the Town-owned commercial area at the corner of the Hammonds Plains Road and Bedford Highway to proceed by development agreement; and that the property be identified as a CCDD with supporting policy in the MPS the necessary amendments to Map 2, the GENFLUM, and the Zoning Map. The motion was unanimously approved.

Councillor Walker indicated that the Mainstreet Improvement District boundary on Map #3 may be inconsistent with the proposed zoning along the Dartmouth Road.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND the May 7, 1991 draft of the Municipal Planning Strategy to reword Policy C-35 such that the Mainstreet Improvement District boundary coincides with the commercial designation on the GFLUM and that Map #3 reflect this change. The motion was CARRIED (Councillor Kelly opposed).

LUB By memorandum of May 7, 1991, staff asked for clarification and/or approval of several definitions contained in the LUB.

- a) **ON MOTION** of Deputy Mayor Huntington and Councillor Goucher, it was moved to approve the staff definitions as contained in the May 7, 1991 draft of the Land Use By-law regarding "established grade" and "height".

In discussion of the MOTION, staff provided clarification and examples of application of the new definitions.

The MOTION was put to the meeting and CARRIED (Councillor Walker opposed; Councillor Kelly abstained).

- b) **ON MOTION** of Councillor Walker and Deputy Mayor Huntington, it was moved to approve the new definition of 'outdoor' market included by staff in the May 7, 1991 draft of the Land Use By-law with the revision that 'truck trailers' be changed to tractor trailers.
The motion was unanimously approved.
- c) **ON MOTION** of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to **AMEND** the May 7, 1991 draft of the Land Use By-law such that the definitions and diagrams for lot frontage eliminate any reference to '20 feet'. **The motion was unanimously approved.**

Councillor Walker suggested that the mandatory 8 foot setback for residential sideyards be amended such that it applies only to new lots. Mr. Zwicker noted that this specific provision pertains to attached garages; staff has recommended that residential buildings are currently permitted too close together due to overhangs, etc. Therefore, staff recommends that the 8 ft. setback apply to new and existing lots, however, a minor variance may be applied for in some circumstances.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to **AMEND** the May 7, 1991 draft of the Muncipal Planning Strategy such that staff write a new policy to reflect Town Council's intention to use the minor variance provisions of the Planning Act to enable Town Council to consider a reduction of the required RSV 8ft. side yard to four feet provided said reduction can be demonstrated to minimize disruption to the site where there are attached garages. **The motion was CARRIED** (Councillor Kelly and Councillor Goucher opposed).

DISTRIBUTION

By memorandum of May 7, 1991, staff recommended that copies of the MPS and LUB be available to the public for a cost of \$10.00; however those individuals who return their copies of the April 1990 document (for recycling) should receive copies of the new document at no charge.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to approve the staff recommendation contained in Mr. Zwicker's May 7, 1991 memorandum for the distribution of copies of the May 7, 1991 draft of the MPS and LUB. **The motion was unanimously approved.**

Although Councillor Walker had several points of clarification regarding the draft MPS and LUB, it was suggested that these be placed in writing and circulated to staff and Town Council and that prior to the May 13, 1991 Council Session, staff would attempt to respond to Councillor Walker's concerns.

- 5.4 Establishment of Dates - MPS Public Hearings - Deferred
- 5.5 Continuation - Review - Proposed Operating Budget (Draft #3) - Deferred
- 5.6 Terms of Reference, Petroglyphs Advisory Committee - Deferred.

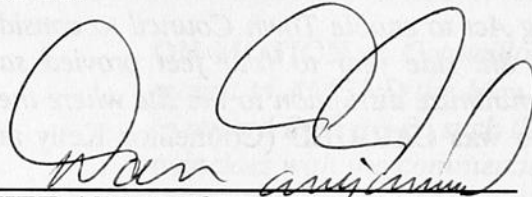
6. **OTHER**

There was no other business.

7. **ADJOURNMENT**

ON MOTION of Deputy Mayor Huntington, it was moved to adjourn the Special Session #102 of Bedford Town Council on May 7, 1991 at approximately 10:45 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl

TOWN OF BEDFORD

Special Session

Monday, May 13, 1991

A Special Session of the Town Council of the Town of Bedford took place on Monday, May 13, 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.

ATTENDANCE

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

Staff members in attendance included Barry Zwicker, Director of Planning and Development; Steve Moir, Senior Planner and Donna Davis-Lohnes, Planner; Rick Paynter, Director of Engineering and Works; Francis Mackenzie, Director of Economic Development Commission.

2. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

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

3. APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Goucher and Councillor Draper, it was moved to approve the Order of Business as circulated. The motion was unanimously approved.