

the validity of the MOTION and subsequently Mayor Christie ruled that the motion stood. On September 10, 1991 Councillor Goucher gave a NOTICE OF RECONSIDERATION.

*ON MOTION of Councillor Goucher and Councillor Kelly, it was moved that Town Council RECONSIDER the August 20, 1991 motion to reduce the Tax Certificate Charge from the existing \$100 to \$50 and that the change be effective from the date the motion is passed. The MOTION was DEFEATED (Deputy Mayor Huntington, Councillor Walker and Councillor Draper voted against the motion; Councillors Kelly and Goucher voted in favour).*

As the original motion of August 20, 1991, was intended to change the tax certificate charge immediately from \$100 to \$50, Mr. English asked Town Council to consider amending the motion such that staff would be given some lead time to notify legal offices, etc. Mayor Christie noted that staff would implement the motion as quickly as feasibly possible.

## 9.2 Policy re Election Campaign Signage

On September 10, 1991, Council passed a motion enacting a policy prohibiting election signage on Town-owned property. Councillor Goucher gave NOTICE OF RECONSIDERATION immediately following.

*ON MOTION of Councillor Goucher and Councillor Kelly, it was moved that Town Council RECONSIDER its September 10, 1991 motion regarding a policy prohibiting election signage on Town-owned property.*

In speaking to the MOTION, Councillor Goucher reiterated arguments heard on September 10 that candidates should be permitted to put signs on Town-owned property.

**The MOTION was put to the meeting and DEFEATED** (Deputy Mayor Huntington, Councillor Walker and Councillor Draper voted against the motion; Councillors Kelly and Goucher voted in favour).

## 10. ADJOURNMENT

*ON MOTION of Councillor Walker and Councillor Kelly, it was moved to adjourn Town Council Special Session #119 at approximately 9:45 p.m. on September 17, 1991.*

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

**TOWN OF BEDFORD**

***Special Session***

Tuesday, October 8, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, October 8, 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, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting. Deputy Mayor Huntington left the meeting at approximately 8:30 p.m.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; Wayne Legere, Operations Manager; Bob Nauss, Director of Recreation; Ron Singer, Director of Finance; Fire Chief Peter Dickinson; Eric Sheppard, Assistant Deputy Fire Chief and H.A. MacKenzie, Chief of Police.

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

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 Deputy Mayor Huntington, it was moved to approve the Order of Business as circulated. The motion was unanimously approved.***

5. **DELEGATIONS AND PETITIONS**

5.1 **Proposed New School**

Mr. Blandford and Ms. Hornsby presented Town Council with a petition signed by approximately 1,000 residents regarding the current space shortages in Bedford schools and requested Town Council to bring pressure to bear on the provincial government to lift the existing moratorium on the building of new schools in the province such that a new elementary school be built in the Town of Bedford.

Mr. Blandford read the covering letter to Mr. R. Griffin, Minister of Education outlining four identified problems (large class sizes, antiquated facilities, increasing use of portable classrooms and the transfer of students outside their neighbourhoods to attend schools in an attempt to balance class/school populations). It was noted that the recent population growth experienced in Bedford since 1986 has seen 400 new students in the Bedford schools in the last six years and yet there have been no new schools built.

After presenting the letter and petition to the Mayor, Mr. Blandford sought clarification that the Town of Bedford currently owned land which has been designated as the school site. Town Council noted that the school site is Town-owned.

It was noted that Mayor Christie is attempting to schedule a meeting with the Minister of Education and Mr. Streach. There was some discussion indicating that the province may be open to discuss "innovative" financing techniques. It was also noted that should a new school be built, it will be a "community school", rather than the standard elementary school.

The Mayor agreed to present the petition at the proposed meeting with the Minister. It was suggested that a copy of the petition also be given to the School Board.

Councillor Draper reported that representatives of the Halifax County-Bedford District School Board are also seeking a meeting with provincial authorities regarding the crowding of schools.

Town Council commended the efforts of those individuals involved in this presentation.

6. **SNOW AND ICE CONTROL - KEARNEY LAKE ROAD**

By memorandum of October 1, 1991, Mr. Legere provided further information as follow up to the Halifax Water Commission's request to use sand or crusher run

material, rather than salt, on the Kearney Lake Road. The issue was previously discussed at Town Council on September 17, 1991 and staff was asked to investigate alternative materials and solutions.

Mr. Legere's recommendation was that at the commencement of a storm the Town's truck would spread a base coat of salt such that a brine layer would form to prevent the traffic compacted snow from adhering to the road surface and thereafter only crusher dust for traction purposes. The Halifax Water Commission was favourable to the suggestion on the basis that the salt application and frequency be kept to a minimum. Mr. Legere further recommended that the truck's salt metering system be calibrated to achieve a minimum spread rate.

Councillor Kelly indicated that the staff recommendation does not address the concern related to dust problems in the spring when the roads are drying and therefore he requested that sand rather than crusher dust be used.

**ON MOTION** of Councillor Kelly and Councillor Goucher, it was moved that, with respect to the Halifax Water Commission request concerning Kearney Lake Road, Town Council direct staff to use a spread base coat of salt to form a brine layer and thereafter sand for traction purposes.

In response to questions from Councillor Walker, Mr. Legere reported that both sand and crusher dust could cause residual dust problems in the spring as the roads are drying out. However, he indicated that a possible solution to the problem would be to mobilize the street cleaner a few weeks earlier in an attempt to clear the area of residual material.

There was also some discussion regarding storage of sand and possible sharing of facilities. Concern was expressed by the Operations Manager that the water content of the sand must be minimized. Councillor Goucher suggested that staff seek sharing arrangement with either the province or the City of Halifax in response to the request from the Water Commission. There was also a suggestion that the Halifax Water Commission assist in seeking storage for sand.

Councillor Kelly reiterated that the Halifax Water Commission offered to reimburse the Town for any additional costs related to their request.

**ON MOTION** of Councillor Kelly and Councillor Cosgrove, it was moved to DEFER a decision for one week regarding the Halifax Water Commission request pending further investigation by Engineering staff with respect to the sharing of sand storage facilities. The motion was unanimously approved.

7. **CONSIDERATION - AWARDING OF TENDER - HAULING OF BULK SALT**

By memorandum of October 2, 1991, Mr. Paynter outlined the bids submitted for Tender 91-12, which involves the trucking of road salt from the Canadian Salt Company's mine operation in Pugwash to the Operations Centre salt dome on a regular basis through the winter months. It was the Department's recommendation to award the tender to the lowest bidder, Nova Developments.

*ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to award Tender 91-12 (Hauling of Bulk Salt) to Nova Developments Limited (Gays River Aggregates Division) at the tendered price of \$9.95 per tonne (G.S.T. included). The motion was unanimously approved.*

8. **CONSIDERATION - AWARDING OF TENDER - SIDEWALK SNOW PLOWING**

By memorandum of October 3, 1991, Mr. Paynter outlined the bids submitted for Tender 91-14, whereby the Town would hire one small skid-steer loader (Bobcat) at a \$300.00 per month retainer, and an hourly rate to complement the Town's sidewalk snow clearing operation. The staff recommendation was to award the tender to Designscape Landscaping Inc.

*ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to award Tender 91-14 for Sidewalk Snow Plowing to Designscape Landscaping at a \$300 per month retainer and an hourly rate of \$26.00.*

In discussion of the Motion, Mr. Legere clarified that upon approval of this tender there would be two pieces of equipment working one from each end of Town to clear sidewalks after storms. Although Councillor Kelly questioned whether school areas would receive priority treatment, Mr. Legere indicated that he has not received any direction from Town Council on this issue.

At the request of Councillor Walker, it was noted that Engineering staff were comfortable that Designscape Landscaping can perform the job and the company has previously completed work for various school areas and the Fairview Container facility.

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

9. **CONSIDERATION - AWARDING OF TENDER - FIRE PUMPER**

By memorandum of October 1, 1991 Chief Dickinson recommended the tender for a new fire pumper be awarded to E-One and that the options of tilt steering, pressure governor and air conditioning be included for a total cost of \$271,850. A

memorandum from E. Sheppard to Chief Dickinson outlined the four tender bids and the three options.

**ON MOTION** of Councillor Goucher and Councillor Draper, it was moved that Town Council award the tender for a new fire pumper to E-One with three options (tilt steering, pressure governor and air conditioning) for a total price of \$271,850 with expected delivery in April 1992.

In discussion of the MOTION, Councillor Walker sought clarification on the tax implications of the purchase. Mr. English indicated that the expense will be approximately \$50,000 per year which would translate into just less than one cent on the current tax rate for a period of ten years.

**The MOTION was put to the meeting and CARRIED** (Councillor Walker abstained).

**10. SALE OF POLICE STATION AND LEASE AGREEMENT - SOUTHWEST APARTMENTS**

In a memorandum report prepared by Mr. English, it was noted that as a result of Town Council's decision on September 10, 1991, staff had prepared a public proposal call for the sale of the Police Station. The result of the proposal call and recommendations were indicated in a confidential memorandum to Town Council, dated October 4, 1991. Mr. English recommended that Town Council authorize the Mayor and the Chief Administrative Officer to enter into an Agreement of Purchase and Sale respecting the existing Police Building and that procedures be initiated immediately to rezone said property from Institutional to Mainstreet Commercial. Mr. English further recommended that following the execution of the Agreement of Purchase and Sale, that a Lease Agreement be entered into with Southwest Properties Limited for the leasing of approximately 5,500 sq. ft. in Sunnyside Mall in accordance with the details as provided.

**ON MOTION** of Councillor Kelly and Councillor Goucher, it was moved to **DEFER** the sale of the existing Police Station pending a formal appraisal of the building.

In speaking to the MOTION, Councillor Kelly outlined his concerns that as the Town is disposing of a public asset they should be aware of its market value and that same should be determined through a formal appraisal process. The Mayor indicated that Town Council has the right to buy and sell assets as it deems appropriate and the fact that the sale was advertised publicly would indicate fair market value is being received.

**The MOTION was put to the meeting and DEFEATED** (Councillors Goucher, Kelly and Cosgrove voted in favour; Deputy Mayor Huntington and Councillors Walker and Draper voted against the motion).

Further discussion regarding the appropriateness of obtaining a formal appraisal of the building ensued.

*ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved that Town Council approve the staff recommendations as outlined in Mr. English's memorandum of October 4, 1991 however, prior to the execution of the Purchase and Sale Agreement, that a formal appraisal of the building be obtained.*

On a Point of Clarification, Councillor Kelly expressed concern regarding Council's actions if there should be a large discrepancy between the appraisal value of the building and the current bid to purchase.

*ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to AMEND the MOTION such that Town Council approves in principle, the staff recommendations as outlined in Mr. English's memorandum of October 4, 1991 with the proviso that the Purchase and Sale Agreement not be executed until Town Council is in receipt and reviews a formal appraisal on the property in question. **The MOTION was CARRIED** (Councillor Goucher and Councillor Kelly opposed).*

#### 11. ARENA REFRIGERATION SYSTEM

Deputy Mayor Huntington was not present for discussion of this agenda item.

By memorandum of October 3, 1991, Mr. Nauss reviewed the recent problems with the arena chiller and his recommendation to purchase a new chiller for the arena ice refrigeration system at a cost not to exceed \$32,126.00.

At the request of Town Council, Mr. Nauss verbally reported on the recent repairs done to the chiller pipes and that the refrigeration company could not guarantee the work due to the deterioration of the system. Mr. Nauss recommended that in an attempt to avoid possible downtime during the ice season and potential loss of revenue that a new component should be ordered and installed immediately.

Councillor Kelly inquired whether the standard tender process had been undertaken and Mr. Nauss indicated that he had invited only one quotation to-date due to the limited number of other firms, if any, involved with such equipment.

*ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to approve the purchase of a new chiller for the arena refrigeration system; and further that staff be authorized to award the tender to the lowest bidder after undertaking the formal tender process.*

In discussion of the MOTION, Councillor Goucher inquired regarding the financing for this unbudgeted item. By memorandum of October 8, 1991, Mr. Singer recommended that the financing could be accomplished by taking \$12 - 15,000 from Capital from Revenue and the balance would represent additional borrowing or over spending of the Operating Budget.

In discussion of the Reserve funds, Councillor Walker suggested that a special reserve fund be established for rink maintenance and that the funds be derived from arena revenues. Mr. English agreed that this concept could be implemented however this would be a function of the budgetary process.

*ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to AMEND the decision to purchase the new chiller such that funding for the purchase shall be \$15,000 from Capital from Revenue and that the balance be Capital from Borrowing. The motion was unanimously approved.*

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

**12. 1991 DEBENTURE ISSUE AND TEMPORARY BORROWING RESOLUTIONS (\$839,000)**

By memorandum of October 3, 1991, Mr. Singer indicated that debenture proceeds in the amount of \$839,000 will be available on October 30, 1991 and therefore the issuing resolution and temporary borrowing resolutions as circulated should be considered by Council. Mr. Singer recommended that these resolutions be approved by Town Council and forwarded to the Department of Municipal Affairs as soon as possible, to enable the necessary documentation to be processed prior to the closing date.

It was also noted that the 1991/92 budget projected that \$979,500 would be borrowed however due to delays in finalizing a few of the projects only \$839,000 would be necessary during this fiscal year. The debenture is to be paid back over ten years with an effective interest rate of 9.82% calculated net of the discount. The proceeds of the debenture have been allocated: street improvements \$600,000; Waterfront Development Corporation \$219,000 and parkland improvement \$20,000.




**ON MOTION** of Councillor Walker and Councillor Goucher, it was moved that Town Council approve both the temporary borrowing resolutions and the debenture issuing resolution with the Municipal Finance Corporation in the amount of \$839,000 and that all appropriate documentation be forwarded to the Minister of Municipal Affairs for approval. **The motion was unanimously approved.**

**13. ADJOURNMENT**

**ON MOTION** of Councillor Goucher, it was moved to adjourn the October 8, 1991 Special Session (#120) of Bedford Town Council at approximately 9:00 p.m.

---

MAYOR



---

CHIEF ADMINISTRATIVE OFFICER

/dl

**TOWN OF BEDFORD**

**Public Hearing #91-05**

Tuesday, October 15, 1991

Public Hearing # 91-05 of the Town of Bedford was deemed inappropriate and unnecessary by the Director of Planning. The public hearing was originally scheduled to receive written and oral presentations regarding the application for rezoning to apply the Waterfront Comprehensive Development District Zone to the 29 acre parcel of land owned by the Bedford Waterfront Development Corporation. This land is situated at Mill Cove in Bedford. The reason for seeking the rezoning was that most of this land was unzoned, having been created by the infilling of the Bedford Basin.

However, on October 9, 1991, Acting Minister for Municipal Affairs Department, Ron Giffen signed the Town's new Municipal Planning Strategy and Land-Use By-law. The 1991 MPS and LUB provides for policies and zoning regarding the Waterfront Comprehensive Development District Zone thereby making the application for rezoning unnecessary.

At the commencement of Public Hearing 91-06, Mayor Christie explained the reasons for the cancellation of this public hearing.

The purpose of the Public Hearing was to receive written and verbal submissions relative to an application for a Development Agreement, in accordance with the provisions of the Waterfront Policies of the Municipal Planning Strategy and WFCDD Zone, to permit development of a mix of commercial, residential, parking lot and public parking area on the parcel of land known as Plate 1 owned by the Bedford Waterfront Development Corporation. Circulated for information was a copy of the proposed Development Agreement, including schedules and appendices.

Mayor Christie explained, as outlined in the minutes of Public Hearing #91-05, that the 1991 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) had been signed and approved by the Department of Municipal Affairs thereby automatically putting in place the policies and zone regarding the Waterfront Comprehensive Development District. Due to the approval of the 1991 MPS and LUB, the previously scheduled public hearing (91-05) was deemed redundant.

Town Council, by consensus, agreed to the videotaping of the Public Hearing by students of Technical University of Nova Scotia (TUNS).

**TOWN OF BEDFORD**

***Public Hearing #91-06***

***Tuesday, October 15, 1991***

A Public Hearing of the Town of Bedford took place on Tuesday, October 15, 1991, at 7:15 p.m. at the Town Council Chambers, 1496 Bedford Highway, Bedford, Nova Scotia; Mayor Peter Christie presiding.

**ATTENDANCE:** Deputy Mayor Don Huntington and Councillors Len Goucher, Anne Cosgrove, Grant Walker, Peggy Draper and Peter Kelly.

Staff members in attendance included Barry Zwicker, Director of Planning and Development; Steve Moir, Senior Planner; Rick Paynter, Director of Engineering and Works; Bob Nauss, Director of Recreation; and Assistant Fire Chief, Eric Sheppard.

Approximately 30 residents were also present.

**INTRODUCTION**

The purpose of the Public Hearing was to receive written and verbal submissions relative to an application for a Development Agreement, in accordance with the provisions of the Waterfront Policies of the Municipal Planning Strategy and WFCDD Zone, to permit development of a mix of commercial, residential, parking lot and public parkland uses on the parcel of land known as Phase I owned by the Bedford Waterfront Development Corporation. Circulated for information was a copy of the proposed Development Agreement, including schedules and appendices.

Mayor Christie explained, as outlined in the minutes of Public Hearing 91-05, that the 1991 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) had been signed and approved by the Department of Municipal Affairs thereby automatically putting in place the policies and zone regarding the Waterfront Comprehensive Development District. Due to the approval of the 1991 MPS and LUB, the previously scheduled public hearing (91-05) was deemed redundant.

Town Council, by consensus, agreed to the videotaping of the Public Hearing by students of Technical University of Nova Scotia (TUNS).

Mayor Christie also reminded Town Council and those present that the Public Hearing would be run according to the New Rules of Order for Public Hearings. Mayor Christie invited a representative from the Bedford Waterfront Development Corporation (BWDC) to make a brief presentation.

## **PROPONENT**

Mr. Michael Towner outlined the reasons for the application for a Development Agreement and noted that the application conforms to the 1991 MPS. He also stressed that the Contract was "not a request to proceed without further review" but that Town Council would have the opportunity to review the development proposals for each lot as they came forward. With the aid of a colored map, Mr. Towner reviewed the proposed Phase I development lots, acreages and potential land uses.

### Questions from Town Council

Questions from Deputy Mayor Huntington raised the issue of preservation of private view planes which may be obstructed by buildings placed on land created by the Waterfront Corporation. In particular, the Deputy Mayor noted properties located on Lock Street which may have their views of the Bedford Basin blocked by 5 storey residential buildings on BWDC lot 4.4.

The issue of the exact location of the boat ramp was raised by Councillor Cosgrove. Mr. Towner clarified that the BWDC is obligated to build a boat ramp but at this time, the Corporation has not determined its exact location. With respect to the boat ramp, Councillor Cosgrove also inquired whether pump out facilities would be provided. Mr. Towner noted that the public boat launch is envisaged to be simply a public facility where the public may put boats in the water.

Councillor Walker raised concern as to whether the requirements regulating building footprint size, density and recreational space could actually be accomplished, especially with respect to BWDC lot 4.4. Architect Peter Klynstra provided additional information and attempted to clarify that it would have been difficult for developers to follow the 50% lot coverage requirement and the maximum density (35 units per acre) using a three-storey building. However, he noted that by permitting five storey buildings, the developers will be able to meet these requirements as well as the open space/recreational requirements.

During the discussion, it was noted that a significant portion of parking on lot 4.4 will have to be underground parking if the lot coverage and open space requirements are to be met.

At the request of Councillor Walker, Mr. Towner reported that on lot 4.4 there would be no less than four buildings and perhaps as many as seven or eight. It was Councillor Walker's concern that the development of residential lot 4.4 may result in a rather "congested" or crowded feeling. Since there are no actual schematics or concept drawings available, Councillor Walker noted that he had hoped that some type of matrix indicating building height, number of buildings and density would have been provided. He suggested that this matrix concept be provided as each proposal for lot development comes forward to Town Council.

#### **SPEAKERS IN FAVOUR OF THE APPLICATION**

*ROBERT SHORT (President, BWDC):* Mr. Short took this opportunity to remind Town Council that the goals and design criteria established for the BWDC were a result of negotiations between Bedford Planning Advisory Committee/Town Council and the Waterfront Corporation. He also noted that each development proposal shall be presented for review by Town Council.

#### **STAFF REPORT AND RECOMMENDATION**

By memorandum of September 13 (Revised September 27), Mr. Moir reviewed the Development Agreement request by the Bedford Waterfront Development Corporation. After review and analysis, Planning Department staff recommended that Town Council enter into the development agreement (attached) as requested. A copy of the Bedford Planning Advisory Committee September 18, 1991 minutes was circulated. BPAC recommended that Town Council proceed to enter into a Development Agreement.

In his memorandum of October 11, 1991, S. Moir reviewed the discussion at the public information meeting to which property owners within 500 feet of the proposed development were invited. Dissatisfaction was raised at the public meeting regarding the lack of protection of private view planes. Mr. Moir noted that the Planning Department does not have sufficient information to comment regarding the protection of private view planes which may be obstructed by buildings constructed on newly created land. He suggested that this may require additional legal research.

Mr. Moir's verbal presentation included brief comments on description of building envelopes rather than detailed plans; inclusion of design guidelines as Schedule E; limitation of residential development to 4 units/acre per year (as of right) until the current problems regarding Sewage Treatment Plant (STP) capacity have been met; limitation of the scale of residential development through limitation of building footprint size; and the maximum 50% lot coverage requirement which is slightly higher than the norm in the Town for multiple units but that staff felt that the proximity of Bedford Bay as well as the greater percentage of recreational land within the project would compensate for greater lot coverage.

For the record and at the request of BPAC, Mr. Moir read the following BPAC MOTION:

*ON MOTION of Mr. Fenton and Councillor Goucher, it was moved that Bedford Planning Advisory Committee recommends that Town Council approve the request from Bedford Waterfront Development Corporation to enter into a development agreement, in accordance with the provisions of the Waterfront Policies of the Municipal Planning Strategy and WFCDD Zone, to permit development of a mix of commercial, residential, parking lot and public park land uses as outlined in the Staff Report dated September 13, 1991 and addendum dated September 18, 1991. The MOTION was CARRIED (G. Lowther opposed)." (September 18, 1991)*

### **SPEAKERS IN OPPOSITION TO THE APPLICATION**

*FRED SHUMAN (1105 Bedford Highway):* Mr. Shuman noted his objection to the BWDC development as the five-storey residential buildings proposed for BWDC lot 4.4, located between his house and the Bedford Basin, will obstruct his view of the Basin. He reported that when he purchased the property, he inquired of the BWDC as to the height of the proposed buildings. He was told that the buildings would be three storeys. It was Mr. Shuman's opinion that a three storey building would have permitted him to view the Basin from the second storey of their home; however, the five-storey buildings now proposed would obstruct this view. In general, Mr. Shuman objected to the way that the development proposal has grown from three to five storeys.

Mr. Shuman noted other reasons for his opposition to the development including the fact that public views from walkways along the Bedford Highway will be obstructed; due to new buildings being constructed on the other side of the railway, the noise level at his home will increase as it will rebound off the newly constructed buildings; and winds and fresh air access from the Bedford Basin will be restricted by the proposed residential buildings. Mr. Shuman did recognize that five-storey buildings may not actually be constructed but that they will be permitted.

*MARILYN SCHWARTZ (nee Gillette) (1095 Bedford Highway):* Mrs. Schwartz owns two lots in the same vicinity as Mr. Shuman. She opposed the proposed development as she has lost everything -- boat moorings, access to the water and view. She suggested that the view planes from older sections of Bedford are being jeopardized and are not being protected. She further indicated that original meetings with the Waterfront Corporation revealed that "under no circumstances would her property be impeded".

*JOHN TOLSON:* Mr. Tolson objected to the manner in which the proposed development has grown from three storeys to five and eight storeys. He suggested that the development was previously approved at three storeys and should Town Council approve a change to five and eight storeys, it would be setting a precedent for other developers to request similar changes.

**FRANK MAYO:** Mr. Mayo agreed with Mr. Tolson and suggested that Town Council "rethink" the development proposal. Mr. Mayo was "shocked" to think that the people in Bedford would want an eight-storey building.

**FRED SHUMAN:** In follow up to an earlier discussion between Deputy Mayor Huntington and Mr. Towner, Mr. Shuman inquired whether private view planes are entitled to protection from obstruction by buildings constructed on newly created land. Staff indicated that this will require further research.

**GLORIA LOWTHER:** Mrs. Lowther objected to the proposed development as the original intent was for the project to be a low-rise development. However, with a proposed maximum density of 35 units per acre, she expressed concern that the development will look more crowded than an existing development (Nelsons Landing) at 27 units/acre. Mrs. Lowther also expressed concern that although the proposal sets the maximum height at 5, 6 or 8 storeys, there may be additional height created by the existence of mechanical equipment on the rooftops. Further, Mrs. Lowther expressed concern that the Town should enter into a development agreement with only building envelopes pre-determined; she felt that specific conceptual drawings should be presented and perhaps that the Town should wait and enter into individual contracts for each lot development.

**JEAN BIRD:** At the request of Ms. Bird, it was clarified that the Town's existing walkway system will be connected to the project by sidewalks over the bridge. She also questioned whether the Waterfront proposal is consistent with the concept of Bedford as a "small, intimate community". She felt that the proposed densities and building heights were not in keeping with the "small town" concept. Finally, Mrs. Bird questioned how much recreational space will actually be available and agreed with comments made earlier regarding density and building heights.

**DON HOWELL:** Mr. Howell suggested that Town Council may wish to get legal counsel with respect to the protection of private view planes as discussed earlier. He also commented that the road access to the BWDC is "unworkable" and that the Town was creating another "Sunnyside Mall situation". Mr. Howell also agreed with previous speakers in that the proposal should have remained at three storeys for residential as originally stated.

**CLAUDETTE SHUMAN:** Mrs. Shuman read into the record Policy WF 14 "It shall be the intention of Town Council to protect views of the Bedford Basin and areas beyond the Highway. Specifically the residential site behind the portion of the Bedford Highway between the Travellers Motel and Mill Pond (Moirs Pond) shall incorporate at least three

(3) view corridors between buildings. Such corridors shall be at least thirty (30) feet wide from the ground to the sky".

**JOHN TOLSON:** Mr. Tolson reminded Town Council that public money is being used in the creation of the Waterfront project.

There were no further speakers after three calls from the Mayor. Public Hearing #91-06 was adjourned at approximately 8:15 p.m.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

/dl



**TOWN OF BEDFORD**

***Regular Session***

*Tuesday, October 15, 1991*

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, October 15, 1991, following Public Hearing #91-06, approximately 8:30 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 and Development; Rick Paynter, Director of Engineering and Works; Bob Nauss, Director of Recreation; Assistant Fire Chief Eric Sheppard.

**3. APPROVAL OF MINUTES**

Prior to the meeting, minutes from Council Sessions #117 - September 10/91 (Regular Session); #118 - September 17/91 (Public Hearing); #119 - September 17/91 (Special Sessions; and #120 - October 8/91 (Special Session) were circulated.

***ON MOTION of Councillor Draper and Councillor Cosgrove, it was moved to approve, as circulated, the minutes of Town Council Sessions #117 - September 10/91 (Regular Session); #118 - September 17/91 (Public Hearing); #119 - September 17/91 (Special Sessions; and #120 - October 8/91 (Special Session). The motion was unanimously approved.***

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

There were no additions or deletions to the circulated Order of Business. Councillor Kelly indicated that he would like to present a Notice of Motion, under Agenda Item #15.

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

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

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

6.1 **Police Station - Proposed Agreement of Purchase and Sale**

During the Town Council Session of October 8, 1991, Town Council approved, in principle, the sale of the Police Station building, initiation of procedures to rezone the property to Mainstreet Commercial and, following the sale of the building, authorization of the Mayor and the Chief Administrative Officer to enter into a Lease Agreement with Southwest Properties for the leasing of approximately 5,500 sq. ft; with the proviso that the Purchase and Sale Agreement not be executed until the Town received and reviewed a formal appraisal on the property in question.

In the agenda package, a formal appraisal by At-Tech Appraisal Consultants was circulated for review. By memorandum of October 11, 1991, Mr. English recommended that Town Council proceed with the sale of the building.

*ON MOTION of Councillor Walker and Councillor Draper, it was moved that*

*WHEREAS by Section 4(3) of the Towns Act, a Town may, with the consent of the Minister of Municipal Affairs, sell real or personal property (valued over \$25,000) no longer required for the use of the Town;*

*AND WHEREAS the said property is no longer required for the use of the Town of Bedford;*

*AND WHEREAS the price hereinafter mentioned is considered by the Council to be fair and reasonable;*

*BE IT THEREFORE RESOLVED that subject to the consent of the Minister of Municipal Affairs, the Town of Bedford do sell and convey the property at*

*1405 Bedford Highway to Atlantic New Home Warranty Corporation at and for the price of two hundred and ten thousand (\$210,000) dollars;*

*BE IT FURTHER RESOLVED that the Mayor and the Chief Administrative Officer be and they are hereby authorized and instructed to execute and deliver on behalf of the Town the Attached Agreement of Purchase and Sale conveying said property under the terms of this resolution.*

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

## **6.2 Snow and Ice Control - Kearney Lake Road**

On October 8, 1991, Town Council DEFERRED a decision regarding the Halifax Water Commission request concerning snow and ice control on Kearney Lake Road to direct staff to use a spread base coat of salt to form a brine layer and thereafter sand for traction purpose pending further investigation by Engineering staff with respect to the sharing of sand storage facilities.

By letter of October 11, 1991 to Mr. O'Brien, N.S. Department of Transportation & Communication, Wayne Legere (Operations Manager) requested permission for the Town of Bedford to purchase sand from their storage facility on Oakmount Drive. He further indicated that the use of the sand would be limited to applications on the Kearney Lake Road and estimated 200 tonnes would be required for the winter season.

At the request of the Mayor, Mr. Paynter noted that there had been no response to-date from the Department of Transportation & Communications. He will continue to follow up.

## **6.3 Proposed Extension - Garbage Collection Contract**

By memorandum dated October 11, 1991, Mr. Legere recommended that Town Council approve a three-month extension of the existing residential garbage collection contract (from December 31, 1991 to March 31, 1992) to match the new municipal fiscal year and to provide an adequate time-frame to prepare the tender documentation which would address recycling and apartment/condominium collection and disposal responsibilities. The Department of Engineering has negotiated with Lantz Leasing to extend the existing contract for three months for a monthly price of \$9,450.00.

**ON MOTION** of Councillor Cosgrove and Councillor Goucher, it was moved that Town Council approve the staff recommendation for a three-month

*extension to Contract 88-12 for the months of January, February and March 1992 at a monthly cost of \$9,450.00.*

In discussion of the MOTION and at the request of Deputy Mayor Huntington, Mr. Paynter reviewed the driving factors related to the 29% increase in the costs of the garbage pickup. It was reported that since the original contract was signed in 1988, fuel costs, and tipping fees have increased dramatically as well as the volume of garbage within the Town. Staff noted they felt these costs were in-line and would be typical of costs when a new contract is tendered in 1992.

At the request of the Deputy Mayor, Mr. Paynter indicated that there have been no talks at the staff level of integrating garage collection with other municipalities.

Mayor Christie took this opportunity to note that the Metropolitan Authority recently received a report on recycling in which Bedford was reported to have contributed 36% of all tonnage of recycled materials in the metro area. Bedford is highly regarded for its efforts in recycling.

In speaking to the MOTION, Councillor Kelly suggested that since the total amount of the extension of the contract is greater than \$25,000, the contract should be retendered. Councillor Kelly recommended that the Town's Policy on tendering should be enforced. Staff indicated however that they would prefer to retender when a new tender package encompassing recycling has been prepared and that they recommended an extension in the existing contract to ensure consistency and uninterrupted service.

Councillor Kelly further suggested that as the start date for the contract extension is two months away that staff should explore other options including having the new tender package available.

**ON MOTION** of Councillor Kelly, it was moved to DEFER the decision with respect to the three-month extension of the existing residential garbage collection contract. **The MOTION was LOST** as there was no seconder.

On a Point of Clarification, Councillor Kelly inquired whether the Policy on Tendering was not being adhered to. Mayor Christie indicated that Town Council can apply Policies with discretion and in this instance the Policy may not fit the situation.

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

#### 6.4 **Municipal Planning Strategy (MPS) Approval**

By letter of October 10, 1991, Mr. English was informed that the proposed Municipal Planning Strategy (MPS) and Land Use By-law (LUB) were approved with minor changes. Barry Zwicker commented that there were only minor changes for clarification, except for two changes of intent which staff had expected. He reported that staff have incorporated those changes into the documents and copies of the approved MPS and LUB were available for Town Council. Copies for the general public will be available at a reasonable cost in the near future.

Mayor Christie commended staff and Council for their long efforts in bringing the MPS to fruition.

**ON MOTION** of Councillor Walker and Deputy Mayor Huntington, it was moved to receive the October 10, 1991 letter from the Provincial Director of Planning noting Ministerial approval of the Municipal Planning Strategy and Land Use By-law and the changes therein. **The motion was unanimously approved.**

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

##### 7.2 **Public Hearing #91-06 - Application for Development Agreement (Bedford Waterfront Development Corporation)**

Public Hearing #91-06 was held on October 15, 1991 and the minutes revealed public concern with respect to the protection of private view planes which may be obstructed by buildings constructed on land which was created by the Bedford Waterfront Development Corporation (BWDC).

At the request of Councillor Kelly, Mayor Christie indicated that staff has no further information than was revealed at the public hearing with respect to private view planes.

**ON MOTION** of Councillor Kelly and Councillor Goucher, it was moved to DEFER a decision regarding the application for a Development Agreement by the BWDC pending further information and legal counsel on the issue of the inherent rights of landowners to the protection of private view planes when construction on a newly created waterlot threatens to obstruct their view. **The motion was unanimously approved.**

#### 8. **PETITIONS AND DELEGATIONS** - Nil

**9. MOTIONS****9.1 Second and Final Reading - Proposed Loitering By-law**

A copy of the proposed Loitering By-law was circulated with the agenda for information.

*ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that the proposed Loitering By-law be approved for second and final reading. The motion was unanimously approved.*

**10. NEW BUSINESS****10.1 Proposed Change in Structure/Composition - Bedford Economic Development Commission**

By memorandum of October 11, 1991, Mr. English recommended that Town Council approve the September 20, 1991 amendments to the Instrument of Incorporation and By-Law of the Bedford Economic Development Commission.

*ON MOTION of Councillor Kelly and Councillor Draper, it was moved to approve the September 20, 1991 amendments to the Instrument of Incorporation and By-Law of the Bedford Economic Development Commission.*

In speaking to the MOTION, Councillor Walker raised concern with the amendment suggested and approved by the BEDC on September 25, 1991 that a representative of the Bedford Waterfront Development Corporation be nominated for membership on the BEDC. Councillor Walker suggested that more appropriately Town Council may wish to seek representation from the more general development community rather than one specific developer.

*ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND the September 20, 1991 amendments regarding BEDC membership such that membership would consist of six members from the community at large to be appointed by Town Council; one nominated by the Urban Development Institute; two members nominated by the Bedford Board of Trade, and two members from Town Council. The MOTION to amend was CARRIED (Deputy Mayor Huntington, Councillors Walker, Draper, and Kelly voted in favour; Mayor Christie and Councillors Cosgrove and Goucher voted in opposition).*

**The MAIN MOTION AS AMENDED was put to the meeting and CARRIED (Councillor Goucher voted in opposition).**

## 10.2 Proposed Cost Sharing Arrangements - Retaining Wall - Basinview Drive

By memorandum of October 2, 1991, Mr. Paynter brought before Town Council for information and direction the issue of constructing a retaining wall in front of 101 Hammonds Plains Road and the possibility of cost sharing such structure with the property owner. The memorandum outlined the history behind the issue as well as the erosion of the embankment created as a result of the grade alteration associated with the construction of Basinview Drive. By letter of May 27, 1991, Mr. Anderson, the property owner, requested assistance in the construction of a retaining wall. The embankment is entirely on Basinview Drive right-of-way conveyed to the Town by deed dated January 19, 1987.

Staff estimated that cost of construction of the wall would be approximately \$17,000 and Mr. Anderson has agreed to cost share 25%. A proposal from the Town to cost share 50% was rejected by Mr. & Mrs. Anderson.

Mr. Paynter also noted that construction of the retaining wall was, at the time of building of Basinview Drive collector road, the responsibility of the developer however, the issue became embroiled in litigation. Finally, Mr. Paynter indicated that there are no Capital funds available for this project at the present time.

Mayor Christie indicated that at a recent informal meeting, Council had agreed to cost share 66% with the property owner paying 33%. This proposal has not been presented to the Andersons.

*ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Town Council approve the construction of the retaining wall for 101 Hammonds Plains Road at a cost of \$17,000; and that there would be no contribution from the Andersons.*

In speaking to the MOTION, Councillor Cosgrove reviewed additional historical facts relating to the offers presented to the Andersons by the developer. She noted that the cost of \$17,000 was a 1987 cost but she felt that an expenditure of \$6,000 solely for the construction of the retaining wall should be approved.

There was further discussion as to whether there were other retaining walls in the Town which had been built and cost shared by property owners. There was mention of a wall built this year in front of 26 Doyle Street.

Concern was expressed that the structure could cost more than \$17,000. Mr. Paynter assured Town Council that design specifications would be drawn up for tender and once tendered, then Town Council would have the opportunity to evaluate a current price.

*ON MOTION of Councillor Kelly and Councillor Draper, it was moved to DEFER a decision regarding the construction of a retaining wall in front of 101 Hammonds Plains Road pending Town Council review of the design specifications, estimated costs and further information regarding cost-sharing experiences for retaining walls in the Town. The MOTION to DEFER was CARRIED* (Mayor Christie, Councillor Kelly, Councillor Walker and Councillor Draper voted in favour; Deputy Mayor Huntington, Councillor Goucher, Councillor Cosgrove voted against the motion).

### 10.3 Request to Prepare Cost Estimates re Extension of Water Main - Kearney Lake Road

By memorandum of September 13, 1991, Mr. Legere reviewed a request from Councillor Kelly to determine the cost feasibility of extensions of the water main on Kearney Lake Road (from the Bluewater Road intersection west and from Hammonds Plains Road intersection east), sufficient distances to provide fire hydrants for the residents along Kearney Lake Road encompassed by these hydrants.

In discussion of the proposal, Councillor Kelly suggested that the responsibility for hookup would belong to the Public Utility Board.

*ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved that Town Council direct staff to further investigate the costs of construction of water main hookups and provision of fire hydrants on Kearney Lake Road (from the Bluewater Road intersection west and from Hammonds Plains Road intersection east).*

At the request of Town Council, Mr. Paynter indicated that an approximate cost for water main hookups and fire hydrants would be \$250,000 to service 12 to 15 homes. There was discussion and clarification regarding a pressure reducing valve and the possibility of looping (double tracking) the lines.

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

### 10.4 Proposed Women's Correctional Facility

By memorandum of October 10, 1991, Colleen Pierce (BEDC) requested confirmation of the Town's interest in receiving a Regional Women's Correctional Facility. She noted that Correctional Service Canada is requesting detailed submissions from communities to determine the feasibility of each as a location for the future facility.



In discussion of the request it was noted that the proposed facility is to be a small "home-type" facility of approximately 14 beds although the possibility may exist for the Province to integrate their women's facility with this one. Mr. Zwicker noted that according to the 1991 MPS, correctional facilities are permitted in institutional zones, although a liberal interpretation may allow a smaller facility as a 'special care' facility.

**ON MOTION** of Deputy Mayor Huntington and Councillor Cosgrove, it was moved that Town Council is formally expressing interest in receiving the proposal women's correctional facility and that the Bedford Economic Development Commission should proceed with completing and submitting the "Community Evaluation Questionnaire". **The motion was CARRIED** (Councillor Goucher and Councillor Kelly opposed the motion).

#### **10.5 Rocky Lake Drive - Paving Contract Extension (Councillor Kelly - verbal)**

Councillor Kelly verbally requested Town Council to consider approving an extension of the paving contract for Rocky Lake Drive. Mr. English reviewed the capital budget allowances for the project as well as Town Council approved borrowing to-date.

At the request of Town Council, Mr. Paynter noted that Department of Transportation and Communication has now approved the realignment of Rocky Lake Drive intersection with cost sharing of \$140,000 from the DOT. He suggested that chances of obtaining approval from the Department for additional cost sharing (i.e. \$50,000 for paving extension) would be slight.

Following this, Councillor Kelly requested that the proposal to extend the paving of Rocky Lake Drive be added to the list of capital projects for review during the 1992/93 budget discussion.

#### **10.6 Proposed Purchase - Tolson Manor House**

Town Councillors recently received a signed agreement from Mrs. Elsie Tolson to sell the Manor House and adjacent property to the Town for a price of \$350,000. Councillor Kelly requested clarification from the Chief Administrative Officer regarding the status of the capital budget allocations for 1992/93.

Mr. English noted that approximately \$725,000 was already committed for the 1992/93 capital budget.

**ON MOTION** of Councillor Kelly and Councillor Cosgrove, it was moved to *DEFER* to the new Town Council any decision regarding the purchase of the property known as the Tolson Manor House. **The MOTION TO DEFER was DEFEATED** (Councillors Kelly, Cosgrove and Walker voted in favour; Mayor Christie, Deputy Mayor Huntington, Councillors Draper and Goucher voted against the motion).

In speaking to the MOTION, Councillor Kelly expressed his opinion that this Council should not commit all of the capital spending for the upcoming year but that the decision should rest with the new Council to be elected on October 19, 1991.

At the request of Councillor Walker, Barry Zwicker outlined some of the research quickly undertaken by planning staff with respect to funding options which might be pursued through federal and provincial governments. In summary, staff was unable to identify specific funding programs which would be applicable to the Manor House, either for purchase or for restoration and maintenance.

There was some discussion regarding cost estimates to restore the property and two levels of restoration were briefly discussed. Mayor Christie indicated that Town Council has not expressed a specific intent at this time as to the level of restoration nor its future use.

Also discussed was the identification of a funding source for the purchase. It was noted that Town Council has not specifically identified how the purchase should be funded.

**ON MOTION** of Councillor Kelly and Councillor Cosgrove, it was moved to *DEFER* a decision regarding the offer of sale for the Manor House until a future meeting pending further information on possible federal and/or provincial funding programs; the development of a management plan outlining the estimated cost of restoration and identified use for the property; a review of the offer of sale by the Town's solicitor; and pending any other information as deemed by Town Council.

**The MOTION TO DEFER was DEFEATED** (Councillors Kelly, Cosgrove and Goucher voted in favour; Mayor Christie, Deputy Mayor Huntington, Councillor Draper and Councillor Walker voted against the motion).

Town Council proceeded to discuss the various options remaining with respect to the offer of sale.

**ON MOTION** of Councillor Draper and Councillor Goucher, it was moved that Town Council approve in principle the purchase of the Tolson Manor House for \$350,000 subject to review of the agreement of purchase and sale by the Town's solicitor and subject to the identification of acceptable financing/funding options.

Several Councillors noted that the issue of purchasing the Manor House has been discussed through the terms of at least two Town Councils and that this Town Council should deal with the issue. Also noted in the discussion was the need to identify further, the long term impacts, a management plan, and identified sources of acceptable funding for both the purchase and the maintenance.

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

**ON MOTION** of Councillor Goucher and Councillor Draper, at 10:40 p.m. it was moved to extend the regular adjournment time for fifteen minutes. **The motion was unanimously approved.**

## 11. REPORTS

### BOARDS/COMMITTEES/COMMISSIONS/DEPARTMENTAL

#### 11.1 Recreation Advisory Committee

By memorandum of October 3, 1991, Mr. Nauss requested Town Council discussion of BRAC's recommendation regarding Town Surplus Land Review, Peerless Park Project and proposed Lease for After School Day Care.

##### a. **Town Surplus Land Review**

By motion of BRAC, the advisory committee urged that prior to Town Council approving any rezoning or disposition of existing Town Parkland that the issue be referred to BRAC for comment and recommendations.

**ON MOTION** of Councillor Goucher and Councillor Draper, it was moved that Town Council adopt as a policy the recommendation from the Bedford Recreation Advisory Committee regarding rezoning or disposition of existing Town Parkland. **The motion was unanimously approved.**

**b. Peerless Park Project**

Mr. Nauss reviewed the BRAC motion recommending that Town Council not approve the request to allocate monies from the 1991/92 budget for the Peerless Park Project but that the funds be allocated for the play equipment in the 1992/93 budget year.

In discussion of the subject, Councillor Goucher requested that the funds be allocated from 91/92 budget year for installation in the spring of 92; however, Mr. Nauss reiterated that there were no funds available.

*ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to approve the purchase of the playground equipment for Peerless Park and to direct the Recreation Department to install the equipment in the spring of 1992.*

In discussion of the MOTION, Councillor Draper outlined the BRAC's reasoning for not approving the purchase at this time of the year; however, Councillor Goucher asked Town Council not to delay the project further.

**The MOTION was put to the meeting and DEFEATED** (Councillor Goucher, Councillor Cosgrove, and Councillor Kelly voted in favour; Mayor Christie, Deputy Mayor Huntington, Councillor Walker and Draper voted against the motion).

*ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved to accept the recommendation of Bedford Recreation Advisory Committee not to approve the purchase of playground equipment for Peerless Park during the 1991/92 budget year but that the funds be allocated in the 92/93 budget year. The motion was unanimously approved.*

**c. Department After School Program**

Mr. Nauss recommended that the Town enter into a formal offer to rent space at set hours from a private Nursery School. The additional space addresses a need as determined by enrolment. BRAC reviewed and recommended the proposal on September 11, 1991.

*ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved that Town Council authorize the Mayor and Chief Administrative Officer to enter into a formal agreement with Judy's Nursery School for one year to lease space with the proviso that in subsequent years there be a formal public tender.*