

ON MOTION of Councillor Davies and Councillor Hutt, it was moved that Council authorize the Chief Administrative Officer to schedule a Public Hearing on the request to Amend the CCDD Zone to allow R1 development.

Councillor MacLean requested clarification that the Motion is to for consideration of the CCDD in general, not just for parcel M1. Councillor Davies confirmed that fact. Councillor MacLean went on to state that B.P.A.C. has been involved in this matter, and that the planning process includes Staff, B.P.A.C. and Council, with public input.

The Motion was put to the Meeting and CARRIED. (Councillors Oickle, Hutt, Davies, MacLean and Deputy Mayor Cosgrove voted in favour; Councillor Goucher and Mayor Kelly were opposed.)

6.3 Consideration - Approval - Detailed Plans - BWDC Project - Sites 3.2 and 4.4

By memorandum dated August 20, 1992. Donna Davis-Lohnes, Senior Planner, reported on B.P.A.C. recommendations with respect to the detailed plans for Site 3.2 and 4.4 of the Waterfront Development Project, and provided copies of the Staff Reports on the above.

Ms. Davis-Lohnes addressed Council, referring to schematic drawings of the proposed developments. She noted that lot 3.2 conforms to the requirements of the Development Agreement, with the exception of the clock tower depicted in the drawing. She indicated that the proponent has suggested that they will reduce the proposed height of the clock tower to 150 feet from 170 feet, but that Council could approve B.P.A.C.'s recommendation to approve the plans for lot 3.2 **excluding** the clock tower; Staff will review the details of the Clock Tower for later consideration by Council.

*ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that Town Council approve the detailed plans for lot 3.2 of the Waterfront Development Project, with the exception of the clock tower. **The Motion was unanimously approved.***

Ms. Davis-Lohnes then briefly reviewed the details of lot 4.4.

Councillor Goucher clarified that **all** of the development is condominiums.

Councillor Oickle commented on the five buildings which are depicted as having "flat roofs". Ms. Davis-Lohnes explained that they are called "mansard" roofs, and briefly why they may have been designed that way. Councillor Oickle stated that he thought

a pitched roof has a more appealing appearance.

ON MOTION of Councillor Goucher and Deputy Mayor Cosgrove, it was moved that Town Council approve the detailed plans for lot 4.4 of the Waterfront Development Project. **The Motion was unanimously approved.**

Councillor Goucher commented on the positive aspects of the development, noting the use of underground parking, the "sympathetic" height of the buildings, and wide view corridors between the buildings. He also noted that the townhouses will be on a town-owned cul-de-sac.

6.4 Consideration of Approval - Naming of Park - Bedford Waterfront

By memorandum dated August 21, 1992, Dan English, Chief Administrative Officer, requested Council's consideration in confirming the name "Admiral Harry DeWolf Park" for those parklands associated with the Bedford Waterfront Development Project.

Councillor MacLean noted that he had spoken to Lucy Goucher, Co-Chair of Bedford Recreation Advisory Committee, who had conducted a phone poll on the naming the park, and to Anne MacVicar, Chair of the Parks Planning Committee. Both had indicated strong support for the suggested name.

ON MOTION of Councillor MacLean and Councillor Goucher, it was moved that Town Council approve of naming the Bedford Waterfront Park *Admiral Harry Dewolf Park*. **The Motion was unanimously approved.**

Mayor Kelly informed Council members that there will be a land dedication ceremony on the site on September 23, attended by Admiral Dewolf and the Premier. He thanked Staff for their hard work in putting together the ceremonial details.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM -NIL

8. PETITIONS AND DELEGATIONS

8.1 Bedford Elementary School - Community/Recreation Facilities - Mr. John Dobbs

Mr. John Dobbs verbally reviewed a written proposal which Council members had received in the past. He spoke on the following proposals:

Cultural

- Cultural facilities for the presentation of drama, dance and music is needed in Bedford.
- A cost-conscious option would be a "cafetorium", with good acoustics.

Education

- A parenting/early childhood centre for pre-primary schooling and daycare.
- An information/media centre.
- A gymnasium usable by adults as well as children, with additional storage
- An office/conference room for support services to use

Exterior - Site and Grounds

- Soccer field of a quality and size that everyone can use
- Increased parking areas

Mr. Dobbs noted that the additional cost for these kinds of upgrades would be \$1.5 Million. He suggested that, while this may seem like a lot at this time, there would be much value obtained for the money.

Deputy Mayor Cosgrove inquired about a "special needs" area. Mr. Dobbs indicated that the proposal includes the Department of Education's standards and criteria on special needs facilities.

Councillor Hutt inquired why C.P. Allen High School, which has much parking, a large gymnasium and a cafeteria, does not fit the requirements of the proposal.

Mr. Dobbs explained that the facilities at C.P. Allen function poorly in terms of the cultural/performance requirements. He noted that the acoustics are bad, sight-lines are poor, and there is a lack of storage.

Bob Nauss, Director of Recreation, noted that C.P. Allen is a "regional" school, so there is much competition for the use of the gymnasium.

Mayor Kelly thanked Mr. Dobbs for his presentation.

After a brief discussion it was agreed that a meeting between Council and Staff will be held to discuss the matter in more detail.

Mr. English noted that the finance department has reviewed the cost, and have determined that, based on some assumptions, the actual additional cost may be closer to \$721,000.00. He indicated that he would circulate Staff's report on this to Council.

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 **Consideration of Award of Tender - 92-11 - Asphalt Patching - Arterials**

By memorandum dated August 19, 1992, Mr. Rick Paynter, Director of Engineering and Works, presented the results of Invitational Tender 91-11, Asphalt Patching - Arterials, and Staff's recommendation to award Tender 92-11 to Basin Contracting Limited.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved to award Tender 92-11, Asphalt Patching - Arterials to Basin Contracting Limited in the amount of \$20,330.00, inclusive of G.S.T. **The Motion was unanimously approved.**

Councillor Davies inquired with respect to the cost-shareability with the Province. Mr. Paynter confirmed that the actual cost to the Town is approximately \$10,000.00, which is within the Operating Budget.

Councillor Goucher expressed concern with respect to the tendering process utilized in this instance, and suggested that in future invitational tenders go out by fax, and that written confirmation of the receipt of it be requested.

Councillor MacLean suggested that, in terms of public and corporate relations, if tenders were sent out by fax it would better define when they were sent out.

10.2 **Consideration of Award of Tender - Air Conditioning Unit - Lions Den**

By memorandum dated August 21, 1992, Dan English, Chief Administrative Officer, presented a memorandum from Mr. Bob Nauss, Director of Recreation, relative to the above, which included the results of a tender call for the installation of an air-conditioning unit. Mr. English's memorandum also included Staff's recommendation that Town Council approve the award of Tender 92-10, with the funding source to be determined at a later date.

Councillor Goucher suggested that while this is an unbudgeted item, it has been of concern to this and previous Councils.

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to approve the award of Tender 92-10 to K.J. Fabrication Limited in the amount of \$23,318.00, plus an additional \$1,523.00 worth of required works, with the

funding source to be determined at a later date.

Councillor Davies inquired as to how long tender prices are good for. Mr. Nauss indicated that the normal time would be 30 to 45 days.

Councillor Davies then inquired whether the Town could pay a 10% deposit, and defer installation to the Spring of 1993, since the summer season is now almost over. Mr. Nauss indicated that he would have to approach the contractor on this. Councillor Davies expressed concern that he would like to see the source of the funding identified first.

Mr. English noted the number of complaints by residents regarding the noise from the LeBrun Centre, and further noted that the Town's finances look favourable at this time.

Councillor MacLean suggested that while he agrees with Councillor Davies that Council must act responsibly, this matter has been under consideration for some time.

The Motion was put to the Meeting and CARRIED. (Councillor Davies abstained.)

10.3 Proposed Plan Amendments and Rezoning Request - Blackie Property - Bedford Highway

By memorandum dated August 20, 1992, Donna Davis-Lohnes, Senior Planner, presented background to the above request and B.P.A.C.'s recommendation by Motion on August 19, 1992, to **not approve** the rezoning request. Staff's recommendation is that Town Council authorize the scheduling of a Public Hearing to consider the Application.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Town Council authorize the Chief Administrative Officer to schedule and advertise a Public Hearing with a tentative date of September 22, 1992. **The Motion was unanimously approved.**

10.4 Consideration - Unsightly and Dangerous Property - Oakmount Drive

Included in the agenda package was a copy of an Inspection Report for #70 Oakmount Drive, and a letter from the Chief Building Inspector to the owners of the property.

ON MOTION of Deputy Mayor Cosgrove and Councillor Hutt, it was moved that Town Council authorize Staff to clean up the property known as #70 Oakmount Drive, if it is not done by the owners following 30 days notice. **The Motion was unanimously approved.**

10.5 Consideration - Ditch Infilling Works - Doyle Street

By memorandum dated August 21, 1992, Mr. Dan English, Chief Administrative Officer, requested Council's consideration in having the Bylaw/Policy Advisory Committee review the Policy relative to Roadside Drainage Ditch Infilling and/or Improvement Works. Also included was a memorandum dated August 20, 1992 from Mr. Rick Paynter, Director of Engineering and Works, regarding a request from a Mr. Alex Hantzis, of #32 Doyle Street, to pipe the existing ditch fronting his property. The memorandum noted other similar requests, and requested that direction be given to the Engineering Department so that consistency can be maintained in terms of the Town's responses to these types of requests.

Councillor Goucher noted that he has viewed this property, and he feels it would not be precedent setting to fill this ditch. He mentioned that the Town had constructed a retaining wall two properties down from this one.

Mr. English indicated that the building of the retaining wall was a different matter to this one.

Councillor MacLean noted that Doyle Street has become heavily travelled, and could almost be considered an artery of the Town. He indicated that he is in favour of infilling ditches as finances allow, and inquired of Rick Paynter as to whether Doyle Street has ever been assessed as a collector road category.

Mr. Paynter indicated that he recognised the traffic increases, but it has never been examined on that basis. He further noted that there is no structured plan to do that kind of assessment, but if Council requests Staff do so they will.

Councillor MacLean then inquired, if Doyle Street were categorized as collector road, what would happen to the costs associated with upgrading it. Mr. Paynter indicated that the Town would absorb the costs and, by taxes, they would be apportioned to all residents; however, there would not necessarily be **any** improvements just because it was categorized as a collector road.

Councillor Hutt noted that he has viewed the property, and that there are other properties like it in Town. He suggested that the Town could not do one and not the others. He further noted that there are not water or drainage problems associated

with this property, the infilling would be for "looks" only.

ON MOTION of Councillor Davies and Councillor Hutt, it was moved that Council refer the Policy for Roadside Drainage Ditch Infilling and/or Improvement Works to the ByLaw/Policy Committee for review and recommendation. **The Motion was CARRIED.** (Councillors Oickle and Goucher were opposed.)

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that the request for Ditch Infilling for #32 Doyle Street be referred to the Engineering and Works Department for a report at the next meeting on the associated costs to undertake reduced works fronting only this property. **The Motion was CARRIED.** (Councillors Goucher, Oickle, MacLean, and Mayor Kelly voted in favour; Councillors Davies, Hutt and Deputy Mayor Cosgrove were opposed.)

10.6 Committees Terms of Reference - Councillor Oickle

ON MOTION of Councillor Oickle and Councillor Davies, it was moved that Council approve the following resolution:

In an effort to improve communication and understanding between the Bedford Planning Advisory Committee and the Bedford Economic Development Commission, Town Council request the ByLaw/Policy Advisory Committee to review the Terms of Reference of both B.P.A.C. and E.D.C. with two intents:

- a) *That a specific Councillor serve on both B.P.A.C. and E.D.C. and;*
- b) *That the ByLaw/Policy Advisory Committee make other related recommendations as they might deem necessary.*

The Motion was CARRIED. (Mayor Kelly was opposed.)

11. REPORTS

11.1 COMMITTEES/COMMISSIONS/BOARDS

11.1.1 B.P.A.C. Information Report

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to accept the B.P.A.C. Information Report dated August 20, 1992 as circulated. **The Motion was unanimously approved.**

11.1.2 Municipal Reform Advisory Committee

11.2 DEPARTMENTAL - NIL

12. CORRESPONDENCE - NIL

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION

14.1 Motion to Rescind Motion of July 14, 1992 to Rezone from Commercial to R.S.U. Residual Lands - Bedford Highway/Hammonds Plains Road

ON MOTION of Councillor Davies and Councillor Hutt, it was moved to Rescind the Motion of July 14, 1992 to rezone the residual land on the property at the corner of Hammonds Plains Road and the Bedford Highway to RSU.

Councillor Davies spoke to the Motion, suggesting that, given the Appeal against the Kiel Development Agreement, it is appropriate to delay any further action until Council knows what they are dealing with.

Councillor Oickle stated that he cannot support the Motion. He indicated that if the Appeal was won, the Town would be further ahead at that time.

Mr. English, suggested that Council could allow the re-zoning request to proceed to a Public Hearing, and postpone the actual decision until the Appeal is dealt with by the Municipal Board.

Councillor MacLean inquired whether a Motion of Rescission can be re-introduced at a later time if it is defeated today. Mr. English indicated that it could be. Councillor MacLean then inquired as to what usually happens during Appeals of the Town's actions. Mr. English indicated that any further action by the Town is stopped. Councillor MacLean then suggested that it would be appropriate to stop any further action on this property; there should not be an encumbrance on the land.

Councillor Davies noted that Council has been dealing with this property since October.

Councillor Goucher suggested that there was no purpose to the rescission, and that nothing has to happen because Council has control over the planning process. He indicated that he felt the matter should be allowed to go to a Public Hearing.

Councillor Davies and Councillor Hutt agreed to WITHDRAW the Motion.

15. **NOTICES OF MOTIONS**

Councillor Oickle gave notice of Motion of Rescission of the following Resolution from June 9th, 1992:

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that Bedford Town Council deny consent for Halifax City to withdraw from Metropolitan Authority for the purpose of Solid Waste Management, as was requested at the June 2, 1992 meeting of Metropolitan Authority.

16. **DEPARTMENTAL INFORMATION REPORTS**

16.1 **Fire Chief's Monthly Report - NIL**

16.2 **Building Inspector's Monthly Report - NIL**

17. **QUESTIONS**

17.1 **Status Sheet**

Waste Disposal Accord

Mayor Kelly reported that Metropolitan Authority has agreed to postpone the signing of the contract with Ogden Martin until September 15, 1992. Halifax has not endorsed the Accord. There are now three alternatives for Halifax : agree to arbitration by the Province; negotiate with other parties for an alternate solution; or go on their own. Mayor Kelly indicated that a copy of the 800 page contract with Ogden Martin is available for Council members.

18. **ADDED ITEMS - NIL**

TOWN OF BEDFORD


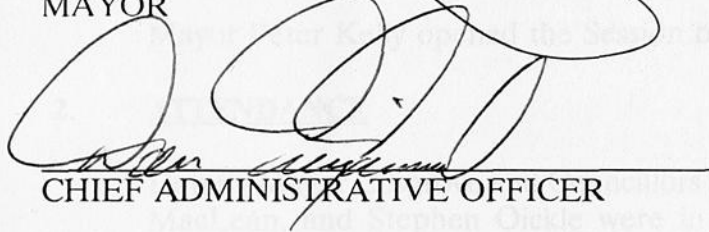
Special Session

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 32nd Regular Session of the Town of Bedford at approximately 10:10 p.m.

The motion was unanimously approved.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

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

4. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Deputy Mayor Coogrove and Councillor Gickle, it was moved to Approve the Order of Business as circulated. The Motion was unanimously approved.

5. Mr. Oren Hertzman - Citizen Task Force on Solid Waste Management

Mr. Hertzman was pleased to give a presentation relative to a written report, dated September 8 from the Halifax Citizen's Task Force on Waste Management, which was circulated to Council Members and members of the public present. The report was entitled, "A Complete Approach to Waste Management".

Mr. Hertzman introduced himself as a Professor at Dalhousie University; he has been involved with the Task Force since March 1992.

MEETING #33

TOWN OF BEDFORD

Special Session

Tuesday, September 8, 1992

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, September 8, 1992 at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

Deputy Mayor Cosgrove and Councillors John Davies, Len Goucher, Harris Hutt, Bill MacLean, and Stephen Oickle were in attendance at the commencement of the Meeting.

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

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

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

4. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Deputy Mayor Cosgrove and Councillor Oickle, it was moved to Approve the Order of Business as circulated. The Motion was unanimously approved.

5. Mr. Owen Hertzman - Citizens' Task Force on Solid Waste Management

Mr. Hertzman was present to give a presentation relative to a written report, dated September 8 from the Halifax Citizen's Task Force on Waste Management, which was circulated to Council Members and members of the public present. The report was entitled "A Complete Approach to Waste Management".

Mr. Hertzman introduced himself as a Professor at Dalhousie University; he has been involved with the Task Force since March 1992.

Using overheads, Mr. Hertzman spoke on such topics as:

- Why reject Metropolitan's incinerator option
- Myth exploders
- The proposal of a City of Halifax Resource Management Commission, designed to handle the Task Force's proposed Waste Management system.
- The current proposal from the Task Force before the City of Halifax, with a breakdown of costs.

Mr. Hertzman stated that a 500 ton per day incinerator, as currently proposed by Metropolitan Authority, does not encourage the reduction of waste; in fact, it is premised on an ever-increasing stream of waste being produced by the four municipalities.

The Task Force's proposal is to divide up the waste stream into such areas as recyclables, composting, a Front-End Processing Facility to remove remaining recyclables and biodegradable materials, and a Leachate Treatment Plant.

Following Mr. Hertzman's presentation, there were questions from Council Members.

Councillor Davies inquired whether the Task Force's proposal has been accepted by Halifax. Mr. Hertzman indicated that Halifax Council members are divided on what course Halifax should take on this matter.

Mayor Kelly inquired about the \$160 million figure, for the cost of the proposed incinerator, used by Mr. Hertzman in his presentation. Mr. Hertzman presented an overhead of Metropolitan Authority April 1991 figures, which he had taken his figures from. At further questioning from Mayor Kelly, Mr. Hertzman acknowledged that his figure for the Bedford portion of the \$160,000 million cost was high, due to misinformation.

Mayor Kelly also inquired with respect to comments made by Mr. Hertzman about "misinformation on tonnage figures" for the proposed incinerator. Mr. Hertzman again noted that the incinerator assumes an increasing amount of garbage. He further indicated that a 500 ton per day incinerator is required to produce the amount of power required by the Nova Scotia Power Corporation, and this fact is what is driving the size of the incinerator, not on the basis of the amount of waste produced.

Councillor MacLean requested clarification of what is to be done with the remainder of waste after the separation of recyclables and compostables. Mr. Hertzman explained the concept of "factory separation" of the "third bag" of waste into re-usable

materials, toxic materials such as paints, and the remainder, which would be treated through a series of "ponds", producing "dry", inert waste which would go to a landfill. He noted that this system is being used successfully in Germany.

Councillor Goucher thanked Mr. Hertzman for his presentation, and indicated that the money factor, which seemed to be important to Mr. Hertzman, did not bother him, and that the June 1994 date for closing the Sackville Landfill was a deadline which he would like to see met.

Councillor Goucher went on to say he felt that, while the Task Force's proposal ideally could work, it would require massive education and much packaging legislation. He indicated concern as to how it could be achieved in a short time, when other countries, such as Germany, have been working on it for 15 to 20 years.

Mr. Hertzman suggested that the technology available today is far advanced from that of even 10 years ago, and would allow for a quicker set-up.

Councillor Oickle inquired whether the idea of the separation factory involved people working on an assembly line, sorting garbage. Mr. Hertzman affirmed that it would, but that over time, with more education and better separation of garbage at source, the amount of people would be reduced. In addition, some machines can be used for certain types of work.

Mayor Kelly thanked Mr. Hertzman for his presentation, indicating that Town Council will give it their consideration.

6. Request for Ditch Infilling Works - #32 Doyle St.

By memorandum, dated September 2, 1992, Rick Paynter, Director of Engineering and Works, reported, with respect to the Council discussion of August 25, 1992, on a revised estimate to pipe the portion of ditch fronting #32 Doyle St. only, instead of the ditch fronting all three properties from Civic #32 Doyle Street up to Doyle Court intersection, as was requested by Mr. Hantzis on his initial approach to the Town of Bedford. The new estimate was for \$3,000.00

The memo also noted Staff's suggested policy regarding these types of works, which has been referred to the Bylaw/Policy Advisory Committee for their input and comments back to Council.

Councillor Goucher inquired of Mr. Paynter whether the estimate was based on hooking into the existing Town drainage system. Mr. Paynter indicated that it was, and also hooking into an existing private drainage system which ran between this and

the adjacent property.

There was some discussion regarding the private system, and Mr. Hantzis, who was present, was asked if he knew who had put in the private system. Mr. Hantzis indicated that the system was there when he bought the property, and that he assumed it was put in by the developer.

Rick Paynter noted that this is often done by developers, and that the private drainage pipes exist in many places in town.

Councillor Goucher then inquired of Rick Paynter what the cost would be for just the piping itself. Mr. Paynter indicated that his best estimate would be 25% of the total estimate, or \$700 to \$800. He also spoke briefly about other factors included in the \$3,000 estimate.

ON MOTION of Councillor Goucher and Deputy Mayor Cosgrove, it was moved that the Town of Bedford pay for the piping costs up to \$750.00, for the ditch fronting #32 Doyle Street, for the purpose of improving drainage.

Councillor Oickle noted that the suggested policy on this type of matter has been forwarded to the Bylaw Review Committee, but that Council has yet to hear back from the committee. He inquired why Council is considering this matter at this time.

Mr. English, Chief Administrative Officer, noted that although the August 25th suggested policy was forwarded to the Bylaw/Policy Advisory Committee, Councillor Goucher had requested Staff to also bring back a new cost estimate for piping this property, which is what Council is dealing with now.

Councillor Oickle noted that the Town has had, and will have, many similar requests to this one, and that he felt a firm policy should be in place before Council sets a precedent with this. He suggested that this would ensure that everyone is treated fairly.

Councillor Goucher noted that this would not be the first time that Council takes further action on a matter before hearing a recommendation from an Advisory Committee. He cited an example regarding the Bedford Planning Advisory Committee. He suggested that the Motion deals solely with the drainage system of this property, and that it is in the Town's best interest to assist the property owner in this particular matter.

Councillor Davies indicated that while he agrees with Councillor Goucher's Motion, and that he considers it a reasonable and equitable idea to supply materials to property owners, he cannot support it because of the previous Motion to send the proposed policy to the Bylaw/Policy Advisory Committee. He indicated that he would like to see the Committee come back with their recommendation first.

Councillor Hutt inquired of Rick Paynter whether there is a drainage problem on this property. Mr. Paynter stated that Staff is not aware of any drainage problems, and that it is their opinion this is a matter of esthetics only.

Councillor MacLean indicated that while he does not normally support the Town doing work of this nature, he feels that the Motion provides the initiative for residents to fix problem areas.

The Motion was put to the Meeting and was CARRIED. (Mayor Kelly, Deputy Mayor Cosgrove, Councillors MacLean and Goucher voted in favour; Councillors Oickle, Davies and Hutt voted against the Motion.)

7. **Request from County of Halifax to Opt Out of Metro Authority Solid Waste Management**

A letter dated August 25, 1992 from Halifax County Municipality requesting Bedford Town Council to provide consent for Halifax County Municipality to revoke the responsibility for solid waste management granted to the Metropolitan Authority.

Mayor Kelly spoke to Council, noting that Bedford Council has already said no to Halifax on this same matter, and that he felt Council should remain consistent. He indicated that Council should consider the financial implications of the situation.

Councillor Goucher spoke, noting that there is to be a Metropolitan Authority meeting on Tuesday, September 15 and a Regular Session of Town Council that evening.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that further discussion on this matter be DEFERRED until the next Regular Session on September 15, 1992. **The Motion was CARRIED.** (Deputy Mayor Cosgrove was opposed.)


TOWN OF BEDFORD

Regular Session

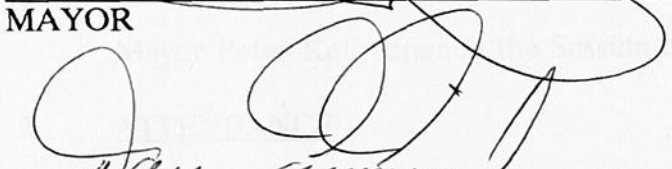
19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 33rd Special Session of the Town of Bedford at approximately 8:40 p.m.

The motion was unanimously approved.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

/sk

APPROVAL OF MINUTES - Meeting #32 - Regular Session, August 25/92

ON MOTION of Councillor Guicher and Deputy Mayor Cyrine, it was moved that the Council approve the minutes for Meeting #32, Regular Session, August 25, 1992, as presented. The Motion was unanimously approved.

ADDITIONS/DELETIONS TO ORDER OF BUSINESS

There were two additions to the Order of Business:

8.1 - Mr. Smith - Presentation - Sewer Lateral Installation Costs

10.5 - Public Hearing - September 22 - Councillor Guicher

Councillor Oickle wished to specify that under Agenda #10.2, he will be addressing item #2 only, of the attached material.

MEETING #34

TOWN OF BEDFORD

Regular Session

Tuesday, September 15, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, September 15, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Kelly presiding.

1. LORD'S PRAYER

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

2. ATTENDANCE

Deputy Mayor Anne Cosgrove and Councillors John Davies, Len Goucher, Harris Hutt, Bill MacLean, and Stephen Oickle were in attendance at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; and Rick Paynter, Director of Engineering and Works.

3. APPROVAL OF MINUTES - Meeting #32 - Regular Session, August 25/92

ON MOTION of Councillor Goucher and Deputy Mayor Cosgrove, it was moved that Council approve the minutes for Meeting #32, Regular Session, August 25, 1992, as circulated. The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

There were two additions to the Order of Business:

8.1 Mr. Smith - Presentation - Sewer Lateral Installation Costs

10.5 Public Hearing - September 22 - Councillor Goucher

Councillor Oickle wished to specify that under Agenda #10.2, he will be addressing item #2 only, of the attached material.

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

ON MOTION of Councillor Davies and Deputy Mayor Cosgrove, it was moved to approve the Order of Business, as amended. The Motion was unanimously approved.

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

6.1 **Spring Street (Central School) Traffic Control**

By memorandum dated September 10, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported on the results of a meeting he, as Traffic Authority for the Town of Bedford, and Mr. Wayne Legere, Operations Manager and member of the Traffic Management Group had met with representatives and officials from the Bedford Central School. The meeting was held to discuss problems relative to a petition regarding traffic concerns received from the Bedford Central Homeowners and School Executive in the spring of 1992.

Mr. Paynter briefly reviewed the courses of action that would be put forth for consideration, noting that the report was included in the Agenda package for information purposes only.

6.2 **Request from County of Halifax to Opt Out of Metro Authority Solid Waste Management**

Mayor Kelly noted to Council that a decision by the Metropolitan Authority to sign a contract with Ogden Martin for the construction of a 500 ton per day incinerator, has been deferred until the next meeting scheduled for September 22, 1992. He suggested a decision regarding the County of Halifax be deferred until after that meeting.

Councillor Goucher noted that a Motion of Rescission with respect to the City of Halifax opting out of Metropolitan Authority was also on the Agenda for tonight, and that in the interest of being consistent, it would be difficult to discuss the County of Halifax until the Motion of Rescission was considered and voted upon.

It was agreed by Council members to defer discussion of this item until after Item #14.1

6.3 **Update - Sewer Lateral Installation Costs - Lot 33 - Meadowview Drive**

By memorandum dated September 10, 1992, Mr. Rick Paynter, Director of

Engineering and Works, presented, as a follow-up to the August 25, 1992 Council discussion, the response of legal counsel's opinion as to whether or not a change in ownership of the above property, from Mr. Ken Smith to Mr. Smith Jr., would impact in any way on the apparent Town contractual obligation in this matter. Also attached was a copy of Mr. Smith's billing from the Municipality of the County of Halifax regarding sewer laterals for Lot 33.

Mr. Paynter and Mr. English both indicated that it is still Staff's recommendation that the current policy regarding sewer lateral services be adhered with.

By agreement of Council, it was decided to hear item #8.1 - Mr. Smith Jr., prior to discussion by Council on this matter.

8. PETITIONS AND DELEGATIONS

8.1 Mr. Smith Jr., Lot 33 - Meadowview Drive

Mr. Smith informed Council of the breakdown of what was intended to be provided to lot owners for the charge of \$900.00 as shown on the 1978 billing from the County of Halifax, and noted that the total costs of the entire servicing project was jointly paid for by the Federal and Provincial Governments, the landowner and the municipality. He further noted that Lot 33 was a separate single lot, not one of several subdivided lots, and that the lateral sewer service was paid for this lot. Mr. Smith also provided information regarding the history of the lateral sewer charges, from when the Town of Bedford assumed responsibility for this property from Halifax County.

Councillor Goucher clarified with Mr. Smith that the installment payments had been paid to the County of Halifax for two years from 1978, and for 10 years to the Town of Bedford following its incorporation. He inquired why the Town of Bedford has been collecting the payments, if the lateral service was not intended to be provided.

Mr. Paynter noted that the issue had been discussed by Council in 1985, and that the current policy had been put in place in January 1986.

Councillor Goucher again inquired why the Town had continued to collect the charges after January 1986. Mr. English indicated that the Town had paid the County of Halifax for these charges, and had continued to collect from lot owners to cover these costs, but that the amount collected from lot owners would be far less than it would now cost to install lateral services at today's costs.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that the Town of Bedford reimburse Mr. Kenneth C. Smith, in the amount of \$2,354.00, for lateral service costs, as per the invoice from CRM Excavation Limited.

Councillor Davies clarified with Mr. Paynter that 24 lot owners **had** received "free" lateral services prior to the establishment of the current policy.

Mr. Paynter acknowledged that this was true, but reiterated that the matter had been debated in 1985. He noted again that the costs in the 1970's compared to the 1990's is quite different, and that there were a number of vacant lots left following the establishment of the policy, for which the costs of lateral servicing would exceed the amount of funds received in the past.

Councillor MacLean inquired whether **any** lateral services had been provided subsequent to the policy. Mr. Paynter indicated that none had been provided; all had been paid for by the lot owners themselves.

Councillor Hutt inquired whether the Town is still collecting, at this time, for lateral service on vacant lots. Mr. Paynter indicated that they were. Councillor Hutt inquired why the Town had not stopped collecting after 1985.

Mr. English, Chief Administrative Officer, responded, noting that the Town of Bedford had paid the County of Halifax for the lateral services, in the amount of approximately \$100 to \$150,000 and were collecting from lot owners to cover these costs.

Councillor Hutt pointed out that the laterals have been paid for twice, and many lot owners will pay once again to actually have the service installed. Mr. English acknowledged that this was true, however, if this Motion is approved, it will result in the Town paying twice.

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

6.4 Community School Concept

Included in the agenda was a copy of a letter from Mr. English to the Nova Scotia Department of Education regarding the Town's position relative to the possible inclusion of Community School Facilities in the new elementary school. A meeting had been held between Staff and Council members in order to address the costs associated with the community school elements.

ON MOTION of Councillor Davies and Councillor Hutt, it was moved that, due to financial constraints, the Town is not able to proceed at this time with the community school facilities.

Deputy Mayor Cosgrove noted that she had been present at a recent meeting of the UNSM, during which a presentation had been made on the community school concept. She noted that members of UNSM were unaware of what the costs associated were, and were surprised at how high they were.

Councillor Oickle wished to clarify whether Council is saying no to the concept.

Mayor Kelly responded, indicating that Council is saying no right now, due to financial reasons, but that it was hoped Council could meet with the architect, when appointed, to discuss how the design for the new school could facilitate or accomodate future expansion for community school purposes.

Councillor Oickle suggested that such a design may not be possible. Mr. Dan English indicated that preliminary information indicates that it is possible.

Mayor Kelly noted that it is Council's intention to not delay the building of the school.

Councillor MacLean indicated that while he supports getting the school built as soon as possible, he felt that by saying no to an enhanced gymnasium, they were saying no to a whole range of people who might be able to use the facility.

Deputy Mayor Cosgrove noted that an expanded gymnasium is considered "non-educational", but that the extra costs would be split so that the Town would pay two thirds and the Province one third. She inquired whether this funding would still be available 5 years from now. Mr. English indicated that in all probability, it would.

Mr. English noted, as an example, that new schools such as the elementary school on Holland Road in Fall River, has the gymnasium and cafeteria built on the outsides of the building, to allow for future expansion.

Mayor Kelly reiterated that it is the Town's intention to leave the door open for future expansion.

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

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 **Request - Drainage Corrective Works - Mr. Bill Stapleton, DeWolfe Court**

By memorandum dated August 24, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported on a request for drainage corrective works for the above. The report outlined the situation as it pertains to this particular problem.

Councillor Goucher inquired why the lots were ever approved, when the report indicates that it was known there was a problem with drainage from the beginning.

Mr. Paynter referred to an attached schematic drawing of the area, noting that because of the topography, a course of action was proposed to deal with it - a drainage swale - which Staff now know is not acceptable to many residents, but was an accepted solution at that time. He noted that it has been monitored since development, and an analysis on the impact from development of Condor Court was conducted, the results of which were included with the report.

By concensus of Council members, it was agreed to allow Dr. C. Whiting, who had jointly made the above request with Mr. Stapleton, to speak to Council and to play a video taken by Mr. Stapleton.

Dr. Whiting played the video for Council, which was taken during a spring thaw rain, and which displayed the extent of the drainage problem.

Dr. Whiting noted that it was their feeling that the drainage outfall from the higher Condor Court was the main contributing factor to the problem.

Mayor Kelly inquired from Mr. Paynter as to how far away the main storm system was from the drainage pipe in question on Condor Court. Mr. Paynter indicated that it was between 80 and 85 feet away.

Councillor Goucher inquired about a possible dry well being put in to handle to the outfall of the drainage pipe. He suggested that this might solve a large part of the problem. Mr. Paynter indicated that it could be done, but would likely not work well during the winter, when the ground is frozen.

Mr. Paynter went on to point out that the analysis done on this drainage pipe had indicated that it was **not** a large contributing factor, and that there would continue to be much run-off because of topography.

There was some discussion with respect to an earlier (November 1990) proposal by the Town to make improvements to the problem, involving piping of the existing swale, for a cost of approximately \$6,000.00. A three-way cost sharing arrangement had been proposed, but was turned down by Mr. Stapleton and then-resident Mr. Michael Turner.

Mayor Kelly suggested that Council refer the matter back to Staff to study the dry well suggestion, and any other possible solutions.

Councillor Davies pointed out that the matter had been reviewed by Staff in 1990, and that the solution proposed then would solve the problem.

Mayor Kelly inquired about the possibility of cost-sharing the proposal.

Dr. Whiting noted that he has only lived in his house since December, but that he and Mr. Stapleton had decided that they considered the problem to be from the drainage pipe on Condor Court; therefore, it was the Town's responsibility to assume the full cost.

Councillor Goucher inquired whether Dr. Whiting had been aware of the problem before he purchased the home. Dr. Whiting indicated that he knew there was a problem, but was not aware of the extent of it until this past winter. He further noted that he and Mr. Stapleton have already spent money on the problem, trying to alleviate same.

Mr. Paynter indicated that it was Staff's opinion there would still be a problem, during a heavy rain, even if the Condor Court drainage pipe were plugged, and that the Town was not fully responsible.

Councillor Davies again pointed out that a solution to the problem has been provided by Staff, and inquired to Mr. Paynter whether he considers it to be the "best and cheapest" solution. Mr. Paynter indicated that the original solution was still considered the best one. Councillor Davies indicated that he felt Council should deal with it now.

Mr. Paynter noted that the \$6,000.00 figure was from 1990, and that Staff could obtain updated quotes.

ON MOTION of Councillor Davies, it was moved that Council agree to install piping in the existing swale, as proposed, at the full cost to the Town.

The Motion was LOST; there was no seconder to the Motion.

Deputy Mayor Cosgrove indicated concern that the cost could be much higher than \$6,000.00.

Mayor Kelly inquired whether the proposal was based on the use of Town equipment and staff. Mr. Paynter indicated that the \$6,000.00 had been based on the use of a local contractor, not the Town. Mayor Kelly suggested that Staff could look into that possibility.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that Council authorize Staff to place an invitational bid for the proposed drainage corrective works, and bring back cost information to Council. **The Motion was unanimously approved.**

10.2 Additional Requested Roadside Improvement Works

By memorandum dated September 10, 1992, Mr. Rick Paynter, Director of Engineering and Works, presented a report on four additional requests for roadside improvement works, as a result of a previous approval by Council of the ditch infilling works requested by Mr. Alex Hantzis of Doyle Street.

Councillor Oickle noted that he will only address item #2 of the report. Councillor Oickle noted that the request was for purely esthetic reasons, and that he did not feel the Town should take full responsibility for same.

ON MOTION of Councillor Oickle and Deputy Mayor Cosgrove, it was moved that, providing Mr. Young buys the needed topsoil and sodding or seeding, the Town of Bedford Department of Engineering will provide labour required to perform the requested project. **The Motion was unanimously approved.**

Mayor Kelly noted that the growth of bushes on this property has caused two or three near-car accidents, so the work is not just for purely esthetic reasons.

In response to questions from Council, Mr. Paynter indicated that Engineering Staff will be able to do the work as time permits, and that it should take two men one day to complete, with the use of a backhoe.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that further discussion of the three other requests for roadside improvement works be deferred until after the Bylaw/Policy Advisory Committee has reviewed the proposed Policy on these matters, prepared by the Engineering and Works Department. **The Motion was unanimously approved.**

10.3 Request for Drainage Corrective Works - Civic #75 Ridgevale Drive

By memorandum dated September 11, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported on a request for drainage corrective works at the above address.

Councillor Oickle addressed Council, referring to a schematic drawing of the area. He noted that Mr. Brown's residence is at the bottom of a hill, and the uphill residents have all built retaining walls along the back of their properties to deflect water drainage away from their properties, which results in it being directed down to Mr. Brown's property, where it has nowhere else to go.

ON MOTION of Councillor Oickle and Deputy Mayor Cosgrove, it was moved that Council authorize the Engineering Department to place invitational tender requests for the construction of a drainage swale, and bring back cost information to Council.

Councillor Goucher suggested that the Town is not responsible in this case; the problem has been created by residents and the developers.

In response to questions from Councillor Hutt, Mr. Paynter indicated that the homeowner has lived at the property for two years, and that Staff feel the increased drainage problem is a result of blasting by the developers, causing ground water to surface. Staff feel that the matter should be between the homeowner and Clayton Developments.

Councillor Davies inquired from Mr. Paynter, whether he thought it was legal for the uphill property owners to re-direct drainage by building retaining walls.

Mr. Paynter indicated that, although not a lawyer, in his opinion homeowners can take measures to protect their property if they wish.

Councillor Oickle noted that he had seen pictures of the property with just a foundation, and that it had been full of water. He suggested that the problem had already existed at that time; the blasting may have made it worse.

Mr. Paynter indicated that Ridgevale Subdivision is noted for drainage problems, and that it is common for a foundation to fill with water prior to final backfilling and grading of the property. Following this, it may never happen again.

Councillor Goucher raised concern regarding whether the Engineering department had been aware of the problem prior to approving the development, and whether

there had been a problem with inspection of the property.

Mr. Paynter stated that the property owner had indicated there had been no problem with drainage until further development of the uphill properties had taken place.

Councillor Oickle questioned why the water doesn't have anywhere to go once it settles on Mr. Brown's property. Mr. Paynter suggested that it could be a problem with the grading, or the ground is frozen in winter.

The Motion was put to the meeting and unanimously approved.

10.4 Consideration of Approval - Temporary Borrowing Resolution - Metro Transit

Included in the agenda package were copies of the Guarantee Resolution in relation to the Temporary Borrowing Resolution for Metro Transit (\$2,149,900.00).

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that Bedford Town Council approve the Guarantee Resolution for Metro Transit, as circulated. The Motion was unanimously approved.

10.5 Public Hearing - September 22, 1992

Councillor Goucher expressed concern regarding a possible misunderstanding with respect to the date of a Public Hearing scheduled for September 22. He suggested that the Hearing either be re-scheduled or an announcement be placed confirming the original date.

It was agreed that the people of Bedford be publicly notified of the Public Hearing on September 22, by placement of additional advertisements.

11. REPORTS - NIL

12. CORRESPONDENCE - NIL

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTIONS OF RESCISSION

- 14.1 Motion to Rescind Motion of June 9, 1992 - Request for Halifax County to Opt out of Metro Authority for the Purpose of Solid Waste Management - Councillor S. Oickle**

Councillor Oickle noted there is one week left before Metropolitan Authority makes a decision regarding Strategy 5. He suggested that the Rescission of the above Motion would allow for a "clean slate" on this matter, and would be advantageous.

ON MOTION of Councillor Oickle and Councillor Davies, it was moved that Council rescind the Motion of June 9, 1992.

Deputy Mayor Cosgove inquired what this would mean to Bedford.

Mayor Kelly indicated that he would not like to see the Motion rescinded, and noted that Halifax has never asked to be allowed to opt out of Metropolitan Authority Solid Waste Management. He further noted that Halifax County **has** started the process by which to opt out, and that Bedford Council should treat each municipality in the same way. Mayor Kelly stated that he felt it was important to maintain as much leverage as possible in this matter.

Councillor Oickle clarified that the intention of the Motion was not to start the process by which Halifax could opt out of Metropolitan Authority, but to clean the slate.

Councillor Goucher suggested that the Motion could send a negative message to Halifax, and that the timing was wrong. He further suggested that Council should wait one more week; the matter may not even have to be dealt with after that.

Deputy Mayor Cosgove inquired why the original Motion was made in the first place, if Halifax had never requested being allowed to opt out.

Mayor Kelly indicated that Dartmouth and the County of Halifax had wished to give them the option to leave Metropolitan Authority, in order to see where Halifax stood at that time.

Councillor Davies indicated that he was against the Motion. He suggested that Council must rely on the opinions of the two people on Council who are members of the Metropolitan Authority, and closer to the situation.

Deputy Mayor Cosgrove also indicated that she was against the Motion.

Councillor Oickle requested clarification as to whether a Motion of Rescission can be dealt with more than once. Mr. English, Chief Administrative Officer indicated that it could. Councillor Oickle stated that he still feels the original Motion should be rescinded.

Mayor Kelly noted that a special meeting of Council members can be called at any time during the next week, and that if all members agree to suspend the Rules of Order at that time, a Motion can be voted on then.

Councillor Oickle indicated that if Council does not vote to pass the Motion of Rescission at this time, he will not agree to suspend the Rules of Order at a later date.

The Motion was put to the Meeting and was LOST. (Councillors MacLean, Hutt and Oickle voted in favour; Deputy Mayor Cosgrove, Mayor Kelly, and Councillors Davies and Goucher voted against the Motion.)

6.2 Request from County of Halifax to Opt Out of Metro Authority Solid Waste Management

ON MOTION of Councillor Davies and Councillor Goucher, it was moved that Bedford Town Council defer consideration on consent for the County of Halifax to withdraw from Metropolitan Authority for the purpose of Solid Waste Management. The Motion was unanimously approved.

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS

16.1 Fire Chief's Monthly Report - Months of July and August, 1992

16.2 Building Inspector's Monthly Report - Month of August, 1992

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved to accept the Fire Chief's Monthly reports for the months of July and August, 1992, and the Building Inspector's Monthly Report for the Month of August, 1992, as circulated. The Motion was unanimously approved.

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

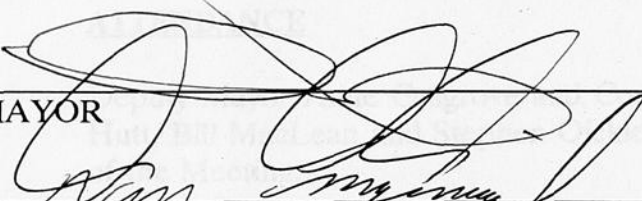
TOWN OF BEDFORD


19. ADJOURNMENT

Public Hearings #92-08 and #92-09

ON MOTION of Mayor Kelly, it was moved to adjourn the 34th Regular Session of the Town Council of the Town of Bedford at approximately 9:20 p.m.

Two Public Hearings of the Town of Bedford took place on Tuesday, September 22, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.



 MAYOR


 CHIEF ADMINISTRATIVE OFFICER
 /sk

...ors John Davies, Len Goucher, Harris were in attendance at the commencement

...members in attendance included Barry Zwicker, Director of Planning and Development (Acting Chief Administrative Officer); Bob Nauss, Director of Recreation and Donna Davis-Lohnes, Senior Planner.

Amendment - Generalized Future Land Use Map - #37 and #38 Peregrine Crescent
Zoning Change - #37 and #38 Peregrine Crescent

INTRODUCTION

The purpose of the Hearing was to receive both written and verbal submissions relative to an application for an amendment to the Municipal Planning Strategy to change the Generalized Future Land Use designation from Park and Recreation to Residential on lots 37 and 38 Peregrine Crescent, in addition to a proposal to change the zoning on Lots 37 and 38 Peregrine Crescent from Park to Residential Single Unit. Donna Davis-Lohnes, Senior Planner, explained the purpose for splitting the Public Hearing into two separate Public Hearings and noted that they were both duly advertised, and that a Public Information Meeting on the matter was held on August 25, 1992. Ms. Davis-Lohnes noted that copies of the Planning Department's report, B.P.A.C.'s August 19 recommendations, and correspondence from two residents has been circulated in the agenda package.

It was agreed by Council members that Ms. Davis-Lohnes should make the entire presentation for Hearings #92-08 and #92-09 first, and then questions and answers would be heard from the public audience and Council.

Ms. Davis-Lohnes then briefly reviewed events relative to the Hearings and the main points in the Staff Report. She noted that B.P.A.C., B.R.A.C. and Staff all positively recommend that the Generalized Future Land Use Map be amended to change the land use designation

MEETINGS #35 & #36

TOWN OF BEDFORD

Public Hearings #92-08 and #92-09

Tuesday, September 22, 1992

Two Public Hearings of the Town of Bedford took place on Tuesday, September 22, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

Deputy Mayor Anne Cosgrove and Councillors John Davies, Len Goucher, Harris Hutt, Bill MacLean and Stephen Oickle were in attendance at the commencement of the Meeting.

Staff members in attendance included Barry Zwicker, Director of Planning and Development (Acting Chief Administrative Officer); Bob Nauss, Director of Recreation; and Donna Davis-Lohnes, Senior Planner.

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It was agreed by Council members that Ms. Davis-Lohnes should make the entire presentation for Hearings #92-08 and #92-09 first, and then questions and comments would be heard from the public audience and Council.

Ms. Davis-Lohnes then briefly reviewed events relative to the Hearings, and the main points in the Staff Report. She noted that B.P.A.C., B.R.A.C. and Staff all positively recommend that the Generalized Future Land Use Map be amended to change the land use designation

from Park and Recreation to Residential on Lots 37 & 38 Peregrine Crescent, and to subsequently rezone the two lots from Park (P) to Residential Single Unit (RSU). She further noted that the Eaglewood Residents Association have also agreed to the re-zoning and sale of the two lots, although they do not agree with the sale of town-owned parkland in principle, and do not wish this to be precedent-setting. Ms. Davis-Lohnes also noted that, if Council approves of the amendment and re-zoning, the matter then must be approved by the Minister of Municipal Affairs.

Mayor Kelly asked Council if they had any questions for Ms. Davis-Lohnes before he opened the floor to the public.

Councillor MacLean inquired with respect to frontage size of the two lots, and whether they were compatible with the lots in the immediate area. Ms. Davis-Lohnes indicated that #37 had approximately 68 feet of frontage and was approximately 16,500 square feet in size, and that #38 had approximately 69 feet of frontage and was approximately 13,700 square feet in size. She noted that these sizes exceed the minimum required, but, in general, they were smaller than most other lots in the area; however, smaller lots did exist as well. She further noted that a 20 foot strip of land along the rear of the lots would be subdivided from the lots to provide pedestrian access to the school.

SPEAKERS

Greg Isenor - 89 Peregrine Crescent

Mr. Isenor first pointed out that the two lots slope down from the road, whereas other lots are flat. He suggested that that fact was just as important as frontage and size. Mr. Isenor went on to state that a letter he wrote to the Planning Department is included in the agenda package, and that it contains most of his comments on the matter, but that he wished to add a few more at this time.

Mr. Isenor indicated that he felt the August 14 memo from the Planning Department to Council did not reflect the comments and general feeling of residents expressed at the Public Information meeting on August 12; that the memo seemed rather optimistic by comparison. Mr. Isenor further noted that an August 13 memo states that the land was purchased by the Town for the purpose of building a parking lot, and that this fact was not known to him previously, nor could he find any documentation to substantiate it. He suggested that he would like to see some documentation on it.

Mayor Kelly responded, noting that the Eaglewood Residents Association have approved of the sale of the lots, but with concerns, which the Council will address.

Mr. Isenor noted that a copy of his letter to the Planning Department was not included in the "data pack" to the public for this Public Hearing, and suggested that it may have been useful for the public to see his comments in that letter. He indicated that he was surprised by the Resident's Association agreement to the re-zoning, and that this was not his own desire.

Mr. Isenor then requested that the process by which the lots will be re-zoned be explained again.

Mayor Kelly suggested that Council answer some of Mr. Isenor's questions raised. With respect to when the lots were specifically identified as being for a parking lot, Mr. Barry Zwicker, Director of Planning and Development, indicated that the land was purchased as "back-up" land for a potential parking lot, and to provide a pedestrian connection between the school and the park; however, no detailed plans were ever developed.

Mr. Zwicker went on to explain this Public Hearing was the second step in the re-zoning approval process. At a subsequent Council meeting, Council will deliberate on the issue. If Council approves of the MPS amendment, it must then be approved by the Minister of Municipal Affairs. If approved by the Minister, the process will be complete. Council will then decide how to dispose of the lots.

Mr. Melnyck

Mr. Melnyck stated that when he purchased his property, he went to great lengths to investigate the purpose for which the lots were to be used, and that, at that time, there were no solid plans and no indication of the true intent of a parking lot. He indicated that he would like to see the lots remain the same, but in the spirit of compromise he will accept that they should be sold. Mr. Melnyck went on to say that he felt the issue of the frontages of the lots was not responded to accurately by the Planning Department, and that the frontages were significantly less than other lots. He suggested that Council give serious consideration to making one lot out of the two, or making the frontages larger. He also expressed concern with respect to drainage problems that may occur when trees on the lots are cut down.

Mr. Melnyck stated that while he is willing to compromise, he wishes to feel that he is being heard by Council in his concerns, and that he feels the Town must be willing to compromise as well.

Councillor MacLean asked Mr. Melnyck to clarify a point he had made earlier with respect to the "worst case scenario".

Mr. Melnyck indicated that the best case would be to leave the lots as is, but in the event