

Councillor MacLean asked Mr. Zwicker whether the details in the information constitutes a substantial amendment, and Councillor Goucher asked him to first define "substantial" for the benefit of the public.

Mr. Zwicker indicated that it is Council's decision as to what is substantial. He then went on to explain various criteria in this regard, such as the relocation of buildings, changes in height and bulk, intrusion on the environment, and the percentage of the land to be developed. He then noted some of the amendments proposed by the developer, which includes the relocation of several buildings, changes in the height, parking areas, the configuration of the commercial buildings, and improvements in the disturbance of the grounds. Mr. Zwicker then stated that, in his opinion, he would not recommend consideration by Council of these amendments without going to a Public Hearing.

A resident in the audience, former Mayor Cosman, was given permission by the Mayor to ask questions regarding the process. She referred to an earlier statement by Mr. Zwicker, in which he had indicated two examples of receiving subsequent amendments to a development agreement just prior to a decision being made by Council. Mrs. Cosman asked whether this had happened before or after a Motion had been made. Mr. Zwicker indicated that both had occurred after a Motion was on the floor, but prior to it being voted on.

Mr. Zwicker went on to point out that other municipalities do not even draft a development agreement until after a Public Hearing, in order to give the proponent time to make changes. He suggested that a certain amount of flexibility has to be there. He noted that the Motion of Reconsideration gave the proponent time to make amendments, but that it was only appropriate to go back to a Public Hearing with them. He noted that B.W.A.C. will meet on October 28, and B.P.A.C. on November 4. The earliest date for a Public Hearing would be November 17.

Councillor Goucher raised objections to this schedule, noting that both B.W.A.C. and B.P.A.C. are meeting on October 28, and this would only give them 24 hours to review the information before the meeting. He indicated that this was not reasonable, and questioned why the matter is being "rushed through". Mr. Zwicker noted that the B.P.A.C. meeting **has** been cancelled for tomorrow night. He suggested that if the amendments were "radical" changes, he might agree with Councillor Goucher, but he felt these amendments were just revisions; the mix is the same, the total units is the same, there is just some relocations in the buildings.

Mayor Kelly asked Mr. Zwicker whether he felt B.W.A.C. would have enough time to review this information. Mr. Zwicker suggested that if B.W.A.C. members feel this is not enough time, then they could schedule another meeting before November 17.

Councillor Goucher again raised objections, asking why the matter was being rushed.

Mayor Kelly suggested that November 17 could be a target date, but that it could be open to change in the future. Councillor Oickle indicated that he would be away on November 17, and he was open to having that date changed. Following further discussion of dates, December 3rd was agreed on for the Public Hearing.

ON MOTION of Councillor Oickle and Councillor Hutt, it was moved that the amendments to the development agreement for parcel M-1 be referred to B.W.A.C. and B.P.A.C. for review and recommendation, and that the matter be scheduled for a Public Hearing on December 3, 1992. **The Motion was CARRIED.** (Councillor Goucher was opposed.)

Councillor Hutt inquired whether there would also be a Public Information meeting before the Public Hearing, and this was confirmed.

Following a recess, Councillor Oickle raised objections regarding the Mayor permitting a member of the public to speak. He noted that this had happened before, and was contrary to the Rules of Order, which demand unanimous agreement of all Council members.

Mayor Kelly concurred that he had been wrong to do so, and indicated that any Councillor may raise on a Point of Order to object to it at the time. Councillor Oickle suggested that this puts the Councillor in a bad position; many members of the public would view this in a negative way.

Councillor Goucher indicated that he did not agree with Councillor Oickle, stating that the Mayor has the prerogative to allow someone to speak, and a Councillor can raise on a Point of Order to challenge it.

Councillor MacLean suggested that the general point has been recognized.

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

6.1 **Drainage Corrective Works - DeWolfe Court and 75 Ridgevale Drive**

By memorandum dated October 19, 1992, Mr. Rick Paynter, Director of Engineering and Works, presented the results of Invitational Tender # 92-16, Storm Drainage Improvements at the above two locations, and Staff's recommendations.

Mr. Paynter referred to a chart on the wall, and an area on the chart coloured in blue which indicated the whole drainage area involved at the DeWolfe Court

location. He further clarified Staff's reasoning for recommending a three-way cost sharing proposal for the project.

ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that Council approve the awarding of a contract for drainage improvements at DeWolfe Court to Vernon Kynock Trucking Limited, in the amount of \$8,897.05, to be cost-shared three ways between the Town, Mr. Stapleton, and Mr. Whiting.

Councillor Goucher inquired of Mr. Paynter whether he felt the drainage problem had been exacerbated by nearby developments by the Town, and to what extent, if any. Mr. Paynter indicated that development at Condor Court has increased the problem, but that there is a large land mass draining into this area, which contributes greatly to the problem.

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

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that Council approve the awarding of a contract for drainage improvements at Ridgevale Drive to Vernon Kynock Trucking Limited, in the amount of \$7,987.55, to be fully paid for by the Town of Bedford.

Councillor Oickle circulated a photograph of the site, which had been missing from the original information package. He noted that the photograph clearly shows a foundation full of water. He indicated that he felt that Town staff should never have approved this lot, without going to the developers and asking them to post a bond for the purpose of ensuring that measures were taken to avoid drainage problems.

Mr. English, Chief Administrative Officer, indicated that the Town would not have had that type of leverage. He suggested that the Town's insurance company could investigate, and if negligence on the part of the Town was found, it would be covered by insurance, less the deductible.

Councillor Hutt inquired whether the current owners of the property were the original owners. Mr. Paynter indicated that they were not.

Councillor Goucher inquired whether the Town's inspector **had** seen the foundation as shown in the photograph, and was there contact with the developer at that time. Mr. Paynter indicated that an inspector had seen the property, but no specific contact with the developer was made. Mr. Paynter went on to explain that there are many causes for a full or partially full foundation at that stage of building, but that after the placing of weeping tiles and footing drains, and the lot is back-filled, there are usually no further problems. He noted that the current owners, the Browns, had indicated

that they had experienced no problems for two years. Mr. Paynter suggested that it was the subsequent development, which included blasting, opened up a source of ground water, and that this is not uncommon.

Councillor Goucher asked whether Mr. Paynter felt there was no culpability on the part of the Town, and Mr. Paynter indicated that he felt there was not.

The Motion was put to the Meeting and was LOST. (Councillor Oickle voted in favour; the remaining Council members were against the Motion.)

6.2 Library Board Capital Funding - Proposed Automation

Mr. English, Chief Administrative Officer, reported that he had met with Ken Meech of the County of Halifax, and representatives from the Library Board and the consultants involved with the proposal. He noted that the County has **not** yet had a presentation, but will be doing so on November 3. However, he noted, Mr. Meech had indicated that it was felt the County would support the proposal.

Mr. English further reported that a joint proposal with the City of Dartmouth was determined to be more costly, since the Dartmouth library system needs upgrading. He then referred to page 17, which gave the Municipal cost-sharing figures, and indicated that Staff is recommending the approval of funding in the amount of \$49,808. He noted that this amount of funding could be amortized over five years.

Councillor Hutt noted that he had met with the Library Board, and that a meeting with Dartmouth Regional Library is upcoming, to propose cost-sharing.

ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that the Town of Bedford support the funding for the proposed Automation of Halifax County/Bedford Regional libraries, subject to the approval of the County of Halifax and the Province of Nova Scotia. **The Motion was unanimously approved.**

6.3 Bridge Commission Fare Increase/Truck Traffic

Mr. English, Chief Administrative Officer, noted that Mayor Kelly will attend the Public Utilities Board Hearings as an interested party on November 9 and 10. He brought forth the Motion that had been Deferred from the October 13 meeting:

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Council support Mayor Kelly making a presentation at the Public Utilities Board Hearings, to express Bedford's concerns regarding the raising of Truck Tolls and

the resulting increase in truck traffic through Bedford. **The Motion was unanimously approved.**

6.4 Adonis Bakery Fire

By memorandum dated October 27, 1992, Mr. Zwicker, Director of Planning and Development Control, provided follow-up information on the above matter. Briefly, it indicated that the bakery had **not** been non-conforming; a bakery is a permitted use within the category of Commercial General Business. The building does not meet all of the normal setback requirements, but the initial building was constructed prior to the Incorporation of the Town and, therefore, was not subject to the Town's Land Use Bylaw. The Fire Department has yet to report on whether the building has been destroyed beyond 75% of its value, which will be utilized in the decisions to issue a Development Permit for the reconstruction of the building.

Councillor Goucher inquired what would happen if the damage is determined to be in excess of 75% of its value. Mr. Zwicker indicated that the debris would be removed, and any new building would have to conform to the Land Use Bylaw, in terms of front yard setback. In response to a further question from Councillor Goucher, he indicated that there would be enough room on the lot to re-locate the building, after some re-grading.

Councillor MacLean inquired about the bakery's permit for the preparation of foodstuffs. Mr. Zwicker reported that the Health Department will not revoke the permit, but an inspection must be conducted before they are allowed to begin preparing food again.

Councillor Davies inquired whether the 75% figure refers to the building only, or the entire value of the land and building. Mr. Zwicker indicated that it was the building only.

6.5 Metropolitan Authority - Update

Mayor Kelly reported that the Metropolitan Authority has requested that Bedford bring forth a proposal for the siting of the incinerator in Bedford, which was supported by a 5 - 2 vote. No time specifications were given, just that it be prepared as soon as possible.

Mayor Kelly then reported that, with respect to the Borrowing Resolution, which Bedford and the County of Halifax have passed, Dartmouth has indicated that they may vote to only agree to \$12 Million, and Halifax may agree to \$3.8 Million, the balance being subject to the outcome of the Supreme Court decision. In addition,

Halifax County may now rescind their Motion because of the move by Dartmouth to only approve a portion of the Resolution.

Mayor Kelly reported that, as a result of these factors, Metropolitan Authority may be shutting down due to lack of funds, which would mean no transit service, no garbage collection etc.

Mayor Kelly further reported that Dartmouth will be voting on October 29, and it is felt that if Halifax votes to approve the \$3.8 Million, this will be enough to carry the Authority over until the decision by the Supreme Court. Otherwise, the Province may have to step in with emergency funding.

Councillor Davies inquired about the composting component of Strategy 5, suggesting that Bedford should keep that option open for possible siting in Bedford, should Bedford not get the incinerator. Mayor Kelly indicated that everything is on hold until the decision by the Supreme Court.

7. **PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM -NIL**

9. **MOTIONS - NIL**

10. **NEW BUSINESS**

10.1 **Consideration of Approval - Tender - 92-14 - Sidewalk Snowclearing**

By memorandum dated October 22, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported on the results of the above tender.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that the contract for the rental of one skid-steer loader be awarded to Fil-Built Contracting for \$300.00 per month retainer, and a hourly operating cost of \$36.10.

ON MOTION of Councillor Oickle and Councillor Davies, it was moved that the adjournment time for the meeting be extended to 11:00 p.m. The Motion was unanimously approved.

Mayor Kelly inquired how the staff ensure value for dollars with this kind of contract. Mr. Paynter indicated that a specifically assigned crew police this contracted unit, and there are avenues to pursue non-performance. Mayor Kelly also inquired whether a "dry run" had been performed to get an idea of the average amount of work it

requires to clear the sidewalks. Mr. Paynter indicated that staff have a general idea of the time.

Councillor Goucher inquired what the cost was of a Bobcat (for sidewalk clearing). Mr. Paynter indicated a cost of \$18,000 to \$20,000. Councillor Goucher suggested that the awarding of contract be deferred to give staff time to investigate the possibility of purchasing a machine. Mr. Paynter noted that the contract costs only \$1,200 if there is no snow. Dan English, Chief Administrative Officer, pointed out that there would also be a staffing cost associated with the purchase of a machine.

Councillor Oickle raised concern that if the contract is deferred, what would happen if there was a snow storm in the meantime. Mr. Paynter indicated that staff do have the means to do the job, should this happen. Mr. Paynter further noted, with respect to staffing of a town-owned machine, that the Engineering department is very tight for staff now, and that another person would have to be hired, which would cost approximately \$20,000 per year. Mayor Kelly pointed out that it would only be for October to March.

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to refer further investigation of purchasing a Bobcat, or similar machine, for sidewalk snow-clearing, to the Director of Engineering. **The Motion was unanimously approved.**

10.2 Consideration of Approval - Animal Control Contract

By memorandum dated October 22, 1992, Mr. Dan English, Chief Administrative Officer, reported that the contract for Animal Control had previously been awarded to Mountain Security, and that notice has been received that this company will be going into receivership. It is now necessary for the Town to make alternative arrangements for animal control as of October 1, 1992. An proposal by the Society for the Prevention of Cruelty to provide interim service for the period of October 2, 1992 to November 1, 1992 was negotiated. Subsequently, there was a public tender for a contract from November 1, 1992 to March 31, 1994, the result of which is included in the memo.

ON MOTION of Councillor Oickle and Councillor Davies, it was moved that the contract for animal control for the period November 1, 1992 to March 31, 1995 be awarded to the Society for the Prevention of Cruelty in the amount of \$52,200 (\$1,800 monthly). **The Motion was unanimously approved.**

10.3 Signage at Hammonds Plains Road

Mayor Kelly raised discussion with respect to a lack of suitable Town signage at the Hammonds Plains Road exit from the BiCentennial Highway. It was suggested that a larger sign with arrow indicating "Bedford Centre" to the left and "Bedford West" to the right should replace the small single sign. Mayor Kelly also suggested that a larger sign should be placed off the Kearney Lake Road exit.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that Hon. Ken Streach, Minister of Transportation and local MLA be contacted with respect to Council's concerns and suggestions for better Town signage on Hammonds Plains Road and Kearney Lake Road. **The Motion was unanimously approved.**

10.4 Regular Session Meeting Dates

Discussion regarding the next Regular Session date was raised. It was agreed that since the next Regular Session would have been November 10, just prior to Remembrance Day, it should be changed to November 2. No meeting will be held on November 10.

11. REPORTS

11.1 COMMITTEES/COMMISSIONS/BOARDS

11.1.1

Planning Advisory Committee - BPAC Activities

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to table the October 19, 1992 B.P.A.C. report. **The Motion was unanimously approved.**

Councillor MacLean inquired about recent problems in obtaining a quorum for the committee meetings. Councillor Goucher indicated that there are a couple of members who have not been to a meeting for long time, so generally there are 7 people available to make a quorum of 5. However, since these member's appointments will be expiring in November, it was felt that no measures would be taken otherwise. Mr. Zwicker noted that the only problem has been with the special meetings for CCDD discussions.

11.2 DEPARTMENTAL - NIL

12. CORRESPONDENCE

12.1 Department of Housing re Development Boundary - Jack Lake Lands

A letter from the Department of Housing and Consumer Affairs, regarding advancing the status of the Department's holdings at Jack Lake, was included in the agenda package.

ON MOTION of Councillor Oickle and Councillor Hutt, it was moved that the matter of the Department of Housing and Consumer Affairs' holdings at Jack Lake be referred to the appropriate Advisory Committees and Town Staff for review and recommendations. The Motion was unanimously approved.

12.2 Bedford Board of School Trustees - New Elementary School/Community School

A letter from the Bedford Board of School Trustees regarding the enhancement of the new elementary school facilities was included in the agenda package for information purposes only.

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTIONS - NIL

16. DEPARTMENTAL INFORMATION REPORTS - NIL

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 44th Regular Session of the Town of Bedford at approximately 10:50 p.m. The motion was unanimously approved.

MAYOR


CHIEF ADMINISTRATIVE OFFICER

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