

Rick Paynter, Director of Engineering, noted that the details of the storm water management plan will be submitted for approval by engineering staff.

Mayor Kelly then opened the meeting to the floor.

#### **SPEAKERS**

##### *Ms. Shirley Towill*

Ms. Towill indicated that she was neither against or in favour of the development, but that she shares the concern raised with respect to storm water, especially within the development. She suggested that the agreement should clearly state who will be responsible for problems. Ms. Towill went on to inquire about the demands this development will place on the infrastructure of the Town, such as the Police and Fire Departments, schools and the sewage treatment plant, and whether the development can be supported by this infrastructure.

##### *Mr. Barry Romkey - Crestview Properties*

Mr. Romkey noted that the contract does specifically deal with the issue of storm water. He further suggested that the large amount of green space in the development has the capacity to handle any run-off.

##### *Mr. Neil Stuart*

Mr. Stuart noted that he had served on the Citizen's Advisory Committee that had reviewed the development, and that the only remaining concern he had was with respect to the phasing in of multi-unit buildings ahead of single family homes, in the ratio of 2 to 1. He further stated that he does support the development, and indicated that the proponents had shown considerable concern and willingness to cooperate with respect to tree retention, environmental issues, and meeting the requirements of the RCDD.

After three calls by Mayor Kelly there were no further speakers or questions from members of the public. He inquired whether Council had any other questions or comments.

Councillor Goucher suggested that the Planning Department seek legal clarification with respect to what the Town can and cannot do with respect to the proponent's storm water management plan, before the matter comes back to Council for approval.

After three calls there were no further questions.

Therefore, Public Hearing #93-01 of the Town of Bedford was adjourned at 8:00 p.m.

MAYOR



CHIEF ADMINISTRATIVE OFFICER

/sk

**MEETING #61**

**TOWN OF BEDFORD**

**Regular Session**

**Tuesday, March 30, 1993**

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, March 30, 1993 at 8:15 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 Stephen Oickle and Councillors Anne Cosgrove, John Davies, Len Goucher, Harris Hutt and Bill MacLean were in attendance at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Donna Davis-Lohnes, Senior Planner; Jenifer Tsang, Planner; Barry Zwicker, Director of Planning and Development Control; Rick Paynter, Director of Engineering and Works; Ron Singer, Director of Finance; and Bob Naus, Director of Recreation.

Approximately 45 residents were present.

**3. APPROVAL OF MINUTES - #58 - Special Session - March 2, 1993  
#59 - Regular Session - March 9, 1993**

*ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved to APPROVE the minutes of Special Session #58 - March 2, 1993 and Regular Session #59 - March 9, 1993.*

**The Motion was unanimously approved.**

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

The following changes were made to the Order of Business :

Item 13.1 Motion of Reconsideration - Proposal - Upgrading of Lions Pool - moved to be heard before Item 6.1



- Item 8.1 Peter Mitchell - A.P.E.N.S. - moved to be heard before Item 6.1
- Item 8.2 Peter Sheehan - Lease to Purchase Agreement - Municipal Facilities - moved to be heard before Item 6.1

The following additions were made to the Order of Business:

- Item 10.6 Status of the fire at Adonis Bakery
- Item 10.7 Bus Service for Bluewater Road/Peerless Subdivision
- Item 10.8 Composting Facility and Halifax/Dartmouth Ferry Service

5. APPROVAL OF ORDER OF BUSINESS

*ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to approve the Order of Business as amended. The Motion was unanimously approved.*

13. MOTIONS OF RECONSIDERATION

13.1 Proposal - Upgrading of Lions Pool

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that Council RECONSIDER the Motion made during the 1993/94 Capital Budget deliberations regarding the funding for upgrading of the Lion's Pool in the amount of \$90,000. The Motion was CARRIED. (Councillor Davies and Councillor Hutt were opposed.)*

Councillor Goucher stated that the facility is well-used by the community, and that since Council had felt the amount requested would be too costly under the 1993/94 Capital Budget, he had requested Mr. Ron Singer, Director of Finance, to put together a proposal to finance and pre-allocate the funds, so that construction could begin in the fall of 1993, but funding would come under the 1994/95 Capital Budget. The amount would be carried by a short-term loan until that time. Mr. Singer's report was included in the agenda package.

*ON MOTION of Councillor Goucher and Councillor MacLean, it was moved that Council approve funding for Phase I of the Lion's Pool Facility Upgrading/Renovation Project in the amount of \$93,000 with said funding to come from the 1994/95 Capital Budget subject to the Community fundraising achieving their objectives; it was further moved that the engineering and design specifications be prepared and tenders called however, consideration of tender award not take place until September/October of this year pending a report on the community fundraising efforts.*



Councillor MacLean suggested that the pool is a part of the infrastructure of the Town, and noted that the population of the Town has doubled since Incorporation. He suggested that the expanded facility would be used by age-groups other than youth. He raised a question as to whether it might be possible for construction to begin this spring instead of the fall.

This was discussed by Council and Staff, but it was agreed this would not be feasible.

Councillor Cosgrove noted that she had made a suggestion similar to the Motion during Budget discussions, but that it had not been supported, especially by Councillor Goucher. She indicated that she would be supporting the Motion.

Councillor Hutt expressed concern about Council making this commitment when 1993's Budget year has not even begun. He reminded Council that an additional 3% for 3 years has already been placed on tax bills for the enhanced school. He indicated that he could not support the Motion.

Councillor Davies also expressed concern regarding the pre-commitment, and asked that Council approach this budget year with caution against pre-committing for other items into the 1994/95 budget year. He indicated that he would support the Motion, however, since he would have supported it next year anyway.

Councillor Hutt indicated that he was speaking on behalf of other people in Bedford who live on a fixed income, in not supporting the Motion.

Councillor Goucher indicated that he had thought this item would be approved during the Budget deliberations, which was the reason why he had not supported deferring it to the 1994/95 budget year before. He stated that he felt it was a worthwhile project.

The Motion was put to the Meeting and was **CARRIED**. (Councillor Hutt was opposed.)

## 8. PETITIONS AND DELEGATIONS

### 8.1 Peter Mitchell - A.P.E.N.S.

Mr. Foster McKenzie and Mr. Peter Mitchell gave a joint presentation to Council to explain the roles of Engineers/Architects in the construction process, and to seek Council support in a cooperative effort to address such issues as higher level of public safety, reduced Municipal liability, and better quality construction. Also circulated were copies of a Joint Brief to Municipal Units of Nova Scotia, regarding

the Nova Scotia Building Code Act.

Mr. Mitchell also spoke about new legislation being prepared by the Department of Municipal Affairs, called the Field Review of Construction Inspection Commitment Certificates.

**8.2 Peter Sheehan - Lease to Purchase Agreement - Municipal Facilities**

Mr. Sheehan, a chartered accountant and a commercial real estate professional, addressed Council with concerns regarding the lease purchase agreement being entered into by the Town with Boardwalk Developments. Mr. Sheehan circulated a written copy of his presentation which he read aloud. Attached to it were several spreadsheet of figures to support his presentation.

At the end of Mr. Sheehan's presentation, Councillor MacLean stated that he was pleased with Mr. Sheehan's presentation.

Mayor Kelly thanked Mr. Sheehan, stating that his points were well-taken and his presentation was informative. Mayor Kelly noted that Council will be meeting next Tuesday in camera to review the lease.

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

**6.1 Proposed Signage - Highway 102**

By memorandum dated March 24, 1993, Mr. Dan English, Chief Administrative Officer, provided a summary of responses from Bedford Board of Trade, Heritage Advisory Commission, Heritage '80, and the Bedford Economic Development Commission, who had been asked by Council for input into the signage proposal received from the Motel Association of Suburban Halifax in January 1993.

Mr. English suggested that Council consider two items: Whether they are in favour of relocating the existing sign, and whether or not to change the existing slogan on the sign.

Councillor MacLean spoke on behalf of B.H.A.C., indicating that he was in favour of moving the sign, but not changing the slogan.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that quotations from a professional agency to review the current slogan and if necessary, develop a new logo/slogan for the relocated sign.*

Councillor Goucher noted that this matter has been on the agenda for a long time, and it was time to find out what it will cost so as to make a decision.

Councillor MacLean pointed out that the main issue is the re-location of the sign; the wording or slogan is secondary. He again noted that he prefers the current slogan.

Mayor Kelly pointed out that Council has already committed to moving the sign. Mr. English noted that a this Motion is only necessary if it is desired to change the slogan.

Councillor Goucher indicated that he did not want to change the slogan, and withdrew his Motion.

In response to questions, Mr. English indicated that the approximate cost for moving the sign will be \$2,000, and that this is already built into the 1993/94 Budget.

*ON MOTION of Councillor Goucher it was moved that Council approve the relocation of the Highway 102 sign, at a cost of up to \$2,000.00.*

There was no seconder to the Motion, and the Motion was LOST.

*ON MOTION of Councillor MacLean and Councillor Cosgrove, it was moved that Council approve the relocation of the Highway 102 sign identifying the Town of Bedford with the current slogan. The Motion was CARRIED. (Councillor Goucher was opposed.)*

## 6.2 Walkway - Admiral's Cove Estate

By memorandum dated March 26, 1993, Dan English, Chief Administrative Officer, provided the requested input from the Recreation Advisory Committee and Engineering Staff on the above matter. Both agreed with the original Planning Department recommendation to deed the land to the abutting property owners.

*ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that the existing non-accessible public walkway be eliminated and the lands in question be deeded to the abutting property owners with all legal and survey costs associated with the transfer to be covered by the abutting property owners, provided all parties agree. The Motion was unanimously approved.*



### 6.3 Shore Drive Water Extension

By memorandum dated March 24, 1993, Rick Paynter, Director of Engineering and Works, reported the results of a second survey of all property owners within the area.

Mr. Paynter indicated that he would like to receive specific direction from Council.

Councillor Hutt inquired about the fact that residents are not required to connect to the service. Mr. Paynter indicated that this does not appear to present a problem, and that there is enough indication that the revenue objectives of the water utility will be achieved.

Dan English, Chief Administrative Officer, noted that the Town does not have any legal mechanism to require residents to hook-up. He suggested that the project proceed, and that a report on how many connected after one year be provided.

*ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that Town Council authorize the engineering department to proceed with the engineering design and call for public tenders for the extension of water services along Shore Drive, with the cost recovery method to be by property. The Motion was unanimously approved.*

### 6.4 Nova Scotia Utility and Review Board - Kiel Development Agreement

By memorandum dated March 26, 1993, Dan English, Chief Administrative Officer, reported on the N.S. Utility and Review Board's March 24, 1993 decision relative to the Development Agreement with Kiel Developments for #954 Bedford Highway/#3 Old Hammonds Plains Road.

Mr. English noted this was provided for information purposes, and that the Development Agreement will now be executed as approved by Council in August 1992.

## 7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

### 7.1 Public Hearing 93-01 - Development Agreement Application - Crestview Properties

Donna Davis-Lohnes addressed Council, reviewing the supplementary report included in the package containing three additional clauses, agreed to by the proponent, to be inserted within Schedule "C" of the agreement.

Mayor Kelly expressed concern with respect to how long the responsibility assumed by the proponent in the clause regarding storm water would be in effect.

Barry Zwicker, Director of Planning and Development Control, pointed out that the past decisions by Council to cost share in storm water systems improvements were made despite the fact that neither the Town nor the developers were proven to be liable. He stated that the clauses will live with the Agreement for the whole development through to the last Phase.

Rick Paynter, Director of Engineering, noted that the Grade Alteration Bylaw provides protection regarding internal development storm water management.

*ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that the matter be DEFERRED until a legal opinion with respect to indemnification is received.*

Mr. Zwicker pointed out there is already an indemnification clause in the agreement which was developed by a lawyer. He read the clause aloud (#24 on page 6).

Councillor Hutt then withdrew his Motion of Deferral.

Deputy Mayor Oickle inquired about the possibility of requiring the proponent to post a bond.

Mr. Zwicker noted that there is already a provision in the agreement against site disturbance, but that requesting the posting of a bond has never been done in the past, and he would question it's validity.

Councillor Goucher indicated that he supports the development, although he had a minor concern with respect to phasing, and the front-end loading of high-density housing.

*ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Council authorize the Chief Administrative Officer and the Mayor to enter into a Development Agreement, containing the recommended amendments, with Crestview Properties Ltd.*

Councillor Davies indicated that he supports the Motion, and that all concerns have been adequately addressed by Staff with respect to storm water and indemnification. Council has been seen to do everything possible to prevent problems in the future.

Mayor Kelly asked for confirmation that the proponent assumes all costs and

responsibility for the installation and maintenance of the sewage holding tanks, as well as the future costs for hook-up to the sewage line.

After a brief conferral with the proponents, Mr. Zwicker stated that they agree to the above.

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

9. **MOTIONS - NIL**

10. **NEW BUSINESS**

10.1 **Consideration - Tender #93-01 - Condo Garbage Collection**

By memorandum dated March 25, 1993, Mr. Rick Paynter, Director of Engineering and Works, provided the results of tender call #93-01, and Staff's recommendation.

*ON MOTION of Councillor Davies and Councillor Hutt, it was moved that the contract for condominium garbage collection services in Bedford, for the period of April 1, 1993 to March 31, 1995 be awarded to Leo J. Beazley Limited in the amount of \$17,160.00 plus G.S.T. The Motion was unanimously approved.*

10.2 **Consideration - Tender #93-02 - Roadway Grading and Shouldering Works**

By memorandum dated March 23, 1993, Mr. Rick Paynter, Director of Engineering and Works, provided the results of a tender call #93-02, and Staff's recommendation.

*ON MOTION of Deputy Mayor Oickle and Councillor Hutt, it was moved that Council authorize the award of tender 93-02, Roadway Grading and Shouldering, to Dexter Construction Company Limited, in the amount of \$36,936.40 The Motion was unanimously approved.*

10.3 **Consideration - Legislation - Waste Flow Guarantees**

By memorandum dated March 24, 1993, Dan English, Chief Administrative Officer, provided a copy of a Draft Private Members Bill that would empower the individual Councils to pass by-laws to control the collection and treatment/disposal of solid wastes.

*ON MOTION of Councillor MacLean and Councillor Davies, it was moved that Council endorse the draft Private Members Bill regarding the collection and disposal of solid waste. The Motion was unanimously approved.*



#### 10.4 Personnel Policy Changes

A copy of proposed amendments to the Town of Bedford Personnel Policy were included in the package for ratification of Council.

**ON MOTION** of Councillor Cosgrove and Councillor Hutt, it was moved that Council ratify the amendments to the Town of Bedford Personnel Policy as submitted by the Personnel Policy Staff Review Committee. **The Motion was unanimously approved.**

#### 10.5 Notices and Motions of Reconsideration

By memorandum dated March 24, 1993, Dan English, Chief Administrative Officer, provided the recommendation of the By-Law/Policy Advisory Committee regarding an amendment to Clause 33(1) of the Rules of Order for Notices and Motions of Reconsideration.

Mayor Kelly indicated concern that a negative decision could not be brought back for reconsideration.

Deputy Mayor Oickle suggested that the new rule would force a member to vote in favour of a Motion if they wished to have the Motion reconsidered. He indicated that he felt the Clause should be left the way it is.

Mr. English noted that a Notice of Motion of Rescission could be used in the case of a negative Motion.

Councillor Davies pointed out that the intent of the amendment is to try to eliminate the abuse of the current rule, especially in the case of a 6 to 1 vote in favour of a Motion.

Deputy Mayor Oickle agreed there has been abuse in the past, but felt that this would not eliminate it.

Mayor Kelly suggested that Council consider this first reading of the amendment, and bring it back for discussion again.

**ON MOTION** of Councillor MacLean and Councillor Davies, it was moved to extend the adjournment of the meeting until 10:45 p.m. **The Motion was CARRIED.**(Councillor Cosgrove opposed.)

**10.6 Status of fire at Adonis Bakery**

Barry Zwicker, Director of Planning and Development Control, reported that after the first fire at the Bakery, the owners had been issued a permit to rebuild under Section 72 of the Planning Act, in that the building must be substantially the same as it was before the fire, and to be used for the same purpose. However, drawings for the building had never been received by the Town.

The recent second fire is still under investigation, and there is little the Town can do at this time, unless the site can be shown to be a safety hazard. A mechanism to be able to charge the owners for the costs of cleaning up the sight will be sought. Staff will be in contact with the Fire Department and the owners, and will follow-up to Council.

**10.7 Bus Service for Bluewater Road/Peerless Subdivision**

Councillor Goucher reported that Bedford Transit Advisory Committee, at a recent meeting, had supported the Economic Development Commission's recommendation regarding bus service in this area.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that Council request the Metropolitan Authority, on behalf of the Town of Bedford, to investigate provision of bus service in the Bluewater Road/Kearney Lake Road area with a possible start-up date by the end of June 1993. The Motion was unanimously approved.*

**10.8 Composting Facility and Halifax/Dartmouth Ferry Service**

Councillor MacLean reported that at a recent Metropolitan Authority meeting, a Motion had been put forward with respect to a three-way cost sharing agreement for ferry services, should it come under the control of the Authority. Councillor MacLean noted that he had objected to the proposal on behalf of the Town.

*ON MOTION of Councillor MacLean and Deputy Mayor Oickle, it was moved that the Town of Bedford advise Metropolitan Authority it is not agreeable to entering into any cost-sharing agreements with the metro units on ferry services. Motion approved unanimously.*

Councillor MacLean suggested that the Town of Bedford should consider making a proposal to Metropolitan Authority regarding the locating of a composting plant in the Town of Bedford.

Mayor Kelly suggested this be brought forth at the next meeting.

11. REPORTS - NIL

11.1 COMMITTEES/COMMISSIONS/BOARDS - NIL

12. CORRESPONDENCE

12.1 C.N. Atlantic re Procedure to Eliminate Train Whistling

A copy of a letter from CN regarding the elimination of train whistling at the Islevue Lane was included in the agenda.

This has been an ongoing matter for some period of time and was initiated by the previous Council in their approach to CN relative to the elimination of the train whistling at the Islevue Lane track crossing.

Rick Paynter, Director of Engineering and Works, indicated that Islevue Lane was closed to regular traffic and that some modifications had been undertaken within the last few months in conjunction with CN to the Islevue intersection with Shore Drive.

Councillor Davies expressed concern relative to public safety at this crossing given the number of pedestrians that traverse down through this area particularly during the summer months. It was indicated by Mr. Paynter that even if the train whistling were to be eliminated at this crossing, the traffic signals would still remain operative.

However as indicated in the March 26, 1993 letter from CN, one of the requirements is that Town Council pass a Motion requesting the railway to eliminate the whistling and that Council satisfy itself that the users of this crossing would be adequately protected in the absence of the train whistling. It was indicated by Councillor Davies that CN was attempting to have the liability for this matter become the Town's problem and that the Town should consider carefully proceeding with this matter.

Councillor Hutt pointed out that when the Lion's Pool is in use during the summer months it is a very busy and active intersection for pedestrians.

Following discussion, it was agreed by Council that no further action on this matter would be taken by the Town at this time.

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTIONS - NIL



16. DEPARTMENTAL INFORMATION REPORTS - Deferred

16.1 Fire Chief's Monthly Report - Month of February, 1993 - Deferred

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

19. ADJOURNMENT

**ON MOTION** of Mayor Kelly, it was moved to adjourn the 61st 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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**MEETING #62**

**TOWN OF BEDFORD**

**Regular Session**

**Tuesday, April 13, 1993**

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, April 13, 1993 at 7:00 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 Stephen Oickle and Councillors Anne Cosgrove, John Davies, Len Goucher, Harris Hutt and Bill MacLean were in attendance at the commencement of the Meeting.

Staff members in attendance included Rick Paynter, Acting Chief Administrative Officer; Donna Davis-Lohnes, Senior Planner; and Fire Chief Neville Wheaton and John Robertson, Chief Building Inspector.

Approximately 5 residents were present.

**3. APPROVAL OF MINUTES - #60 - Public Hearing - March 30, 1993  
#61 - Regular Session - March 30, 1993**

*ON MOTION of Councillor Davies and Councillor Hutt, it was moved to APPROVE the minutes for Public Hearing #93-01 and Regular Session #61 March 30, 1993.*

**The Motion was unanimously approved.**

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

The following additions were made to the Order of Business:

- Item 10.5 Supreme Court Appeal - Electoral Boundaries
- Item 10.6 Update - Metropolitan Authority

5. APPROVAL OF ORDER OF BUSINESS

*ON MOTION of Councillor Goucher and Councillor MacLean, 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 **Recommendations - Board of Trade - Developers' Forum**

Included in the agenda package was a copy of the Developers' Forum Committee's report and recommendations. Mr. Paynter, Acting Chief Administrative Officer, asked Council for comments and direction with respect to the report.

*ON MOTION of Councillor Cosgrove and Councillor Davies, it was moved to accept the Developers' Forum Committee's report.*

Councillor Goucher noted that he had served on the Committee, and had some concerns with respect to several implications in the report. He suggested that the report should be referred to the By-Law/Policy Advisory Committee, other Advisory Committees and pertinent staff departments for review and comment. He indicated that his particular concern was with respect to "standards".

Councillor Davies stated that there had been "good dialogue" between the Committee and Council, and that Planning staff had been involved. He indicated that a "very thorough process" had taken place. He further indicated recommendation numbers 7, 9 and 10 as being of particular importance in his personal opinion.

Councillor Goucher again expressed concern with respect to Town "standards" as indicated in the report, as well as the fact that the Committee has recommended that the RCDD Committee be "monitored". He indicated that without a staff report attached to the Committee report, it was unacceptable to approve the report as it was.

Councillor Cosgrove responded, indicating that the Committee had accepted the value of the RCDD Committee and that it should continue. She noted that staff had much input into the Committee's report and recommendations, and suggested that a staff report was not necessary.

Councillor MacLean concurred that the recommendation to "monitor" the RCDD



was only intended to ensure that everyone attends the meetings and that they are moving along well. He suggested however that he would like to see written responses from Town departmental staff as to why certain aspects of the developmental approval process take as long as they do. Councillor MacLean noted that the Committee had served well in bringing concerns regarding "client service" by the Town to the forefront.

Councillor Hutt pointed out that everyone who had attended the last meeting of the Committee, including Town staff, had seemed to be in agreement with the findings of the Committee and its recommendations. He read aloud the portion of the recommendations relative to "standards", suggesting there was not anything in it to be of concern.

Mayor Kelly indicated he concurred that there had been agreement with respect to most of the document, but that there may still be room for misunderstanding with respect to standards in engineering and design.

Councillor Goucher stated that he still had some concern about standards, and that without a staff report there was no direction or reflection of intent.

Councillor Cosgrove suggested it was felt that too many Town Committees are involved with planning. She further suggested that BPAC members should attend the RCDD neighbourhood meetings between the developers and residents.

Deputy Mayor Oickle noted that no staff were listed on the membership list for the Committee, and that staff had been invited to only one meeting. He inquired to Rick Paynter, Director of Engineering, whether he thought staff wanted time to review the report and make a staff report.

Rick Paynter noted that many of the recommendations are already in action, but that staff will make a report if Council so desires.

Councillor Cosgrove pointed out, in response to Deputy Mayor Oickle, that it had never been the intention that staff would take part in the Committee.

**ON MOTION** of Deputy Mayor Oickle and Councillor Goucher, it was moved that the Developers' Forum Committee report be referred to the C.A.O. for review and a Staff report be brought back to Council at the next meeting. **The Motion was CARRIED.** (Councillor Cosgrove, Councillor Hutt and Councillor Davies were opposed; Mayor Kelly, Deputy Mayor Oickle, Councillor MacLean and Councillor Goucher voted in favour.)

## 6.2 Consideration - Proposed Changes - Terms of Reference - BPAC

Donna Davis-Lohnes, Senior Planner, referred to a January report from the Chief Administrative Officer which had contained several recommendations with respect to the Terms of Reference for BPAC, and briefly noted three of them specifically:

1. To establish a closer link between BPAC and the EDC through the appointment of a committee member who serves on both;
2. Changing the process of development review such that the information meetings replace the preliminary BPAC meeting, with BPAC members attending the information meeting;
3. Change the timing of the submission of the Planning staff report, on a trial basis, to be presented at the Public Hearing stage instead of at the second BPAC meeting, to allow the focus to be on the merits of the development instead of on the staff report.

Ms. Davis-Lohnes noted that Council had agreed to defer consideration of the Chief Administrative Officer's report until receipt of the BBOT Developers' Forum Committee report (item 6.1 above).

Councillor Goucher indicated that the idea of a closer link between BPAC and EDC is a good suggestion, but that he had a concern with the suggested change in timing of the staff report. He suggested that the staff report is a professional document required by the public, the development community, and Council. He further suggested that it should be received no later than the information meeting. Councillor Goucher noted that developers have complained in the past that they find out too late in the process what staff think of the development.

Deputy Mayor Oickle asked Ms. Davis-Lohnes to clarify what the sequence of events are following the receipt of a Development Application. Ms. Davis-Lohnes reported that an Application can be received just prior to a BPAC meeting, and can go before BPAC before staff have a chance to review it to see if it even meets the M.P.S. She suggested that a preliminary discussion with staff should take place before an Application goes to BPAC, and that in most cases it does, but not all.

Councillor MacLean stated that once a Development Application has been determined by staff to fit within the M.P.S., he did not have a problem with the staff report being received at the Public Hearing stage, in order that comments are kept focused on the merits of the project. He further clarified he felt that staff should only make the determination whether the project fits with the M.P.S. or not prior to

the Application proceeding through the approval process, until the Public Hearing stage.

**ON MOTION** of Councillor Goucher and Councillor MacLean, it was moved to DEFER further discussion for two weeks, to allow Council members to further review the Chief Administrative Officer's report. **The Motion was unanimously approved.**

### 6.3 Notices of Motions of Reconsideration - Second Reading

Council gave second reading to a change in the wording of Clause 33(1) of the Rules of Order By-Law, as recommended by the By-Law/Policy Advisory Committee on March 23, 1993.

Councillor Goucher stated that he agreed with Deputy Mayor Oickle's concern that the change will promote "flagrant abuse" of the rule. He went on to note that the current rule may be abused, but that the rule is there for all of Council to use equally, and is used with only the best intentions. Councillor Goucher stated that he felt the rule should remain the same.

Councillor Davies indicated his disagreement that the recommended amendment would be abused. He suggested that any Councillor "flip-flopping" his vote would be accountable for his actions. He further noted that any motion could still be rescinded. Councillor Davies also pointed out that the further intention of the recommended amendment was to prevent abuse in the case of a 5-2 or 6-1 vote in favour of a motion.

**ON MOTION** of Councillor Cosgrove and Deputy Mayor Oickle, it was moved that the revised Clause read as follows:

*"...After any motion, other than an amending motion, has been decided in the affirmative or the negative, any member who has voted in the affirmative or in the negative may, at the meeting at which same was decided, give Notice of Motion to reconsider such resolution. Any member abstaining may not file such Notice of Motion."*

Mayor Kelly clarified the restrictions that apply to rescinding a motion, and noted that a Notice of Motion of Rescission does not halt any action to be taken as a result of the motion.

Councillor MacLean indicated that he agreed with Councillor Cosgrove's motion, but that the last line was "over-kill".



Mayor Kelly indicated that the matter will come back for a third and final reading at the next meeting.

7. **PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM** - NIL
8. **PETITIONS AND DELEGATIONS** - NIL
9. **MOTIONS** - NIL
10. **NEW BUSINESS**
- 10.1 **Purchase of Police Vehicle**

Included in the agenda package were three quotes for the acquisition of one Police vehicle, and staff's recommendation.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved to approve the tender package submitted by Forbes Chevrolet Olds, Ltd., not to exceed \$19,294.00. The Motion was unanimously approved.*

10.2 **Reports re Citizens Advisory Forum - March 24, 1993**

Included in the agenda package were summarized reports on the debates of the third Citizens' Advisory Forum held on March 24, 1993, and recommendations from Town staff.

*ON MOTION of Councillor Davies and Councillor Goucher, it was moved that, as per the recommendation in the Recreation Department report, the demographic breakdown of the population of Bedford be researched, with a study to determine what percentage of those identified are "seniors".*

Councillor Cosgrove noted that the concerns raised with respect to the lack of senior housing in Bedford had been brought forth before, and had been presented, however, nothing has been done to date. She stated that something should be done with the information obtained from the study recommended in the motion.

Councillor Hutt noted that the current seniors' housing has only 26 units that are very small. There is no large common room in the building. He suggested that an affordable seniors' "development" is greatly needed.

Donna Davis-Lohnes suggested that the report/study can include future projections, and how the M.P.S. addresses seniors' concerns.

Mayor Kelly suggested that the Department of Housing be requested to conduct a feasibility/needs study, and that the above report be provided to them as well.

Councillor Hutt also suggested that nursing home facilities are lacking in Bedford.

Councillor Cosgrove cautioned that any seniors' housing should be placed in an area where the seniors can see and interact with people, and it should not be in a rural setting or in an industrial park, as has been suggested. She further noted that a proposed development by Caretenders at the waterfront is very expensive and is not directly related to the Town's needs.

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

*ON MOTION of Councillor MacLean and Councillor Cosgrove, it was moved that Planning Staff review whether developers can be required to develop deeded green space within a project, rather than just deeding unfinished land to the Town as the 5% parkland dedication.*

Councillor MacLean indicated that by "develop" he intended that the space be finished as usable parkland, as determined by the Bedford Recreation Advisory Committee.

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

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that the remainder of recommendations included in the summaries be referred to staff for review. The Motion was unanimously approved.*

### **10.3 Consideration - Tender 93-04 - Street Line Painting**

By memorandum dated April 7, 1993, Mr. Rick Paynter, Director of Engineering and Works, reported the results of bidding for Tender 93-04, Traffic Markings, and staff's recommendation.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that the Town's 1993 Traffic Marking Tender #93-04 be awarded to Sea Side Marking Limited in the amount of \$25,120.56, and further that a contingency allowance of \$3,000 be provided for application of thermal plastic traffic markings at selected locations. The Motion was unanimously approved.*

Councillor MacLean questioned going back to the Supreme Court again, when a decision has already been made.

Councillor Davies also questioned the cost of the procedure, and whether it should be pursued.

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

Mayor Kelly also reported that the local MLA will be presenting a Private Member's Bill to the Legislature to bring Bedford West into the riding of Bedford/Fall River.

#### 10.6 Update - Metropolitan Authority

Mayor Kelly reported there had been discussion with respect to cost-sharing the Halifax/Dartmouth ferry service. The Bedford representatives had made it clear that Bedford would not be participating in cost-sharing.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that Bedford Town Council confirm that the Town of Bedford is not interested in cost-sharing for ferry services, based on uniform assessment. The Motion was unanimously approved.*

Mayor Kelly reported that, commencing in June, there will be transit service along Hammonds Plains Road to the Peerless and Kingswood subdivisions, and to Atlantic Acres Industrial Park.

### 11. REPORTS

#### 11.1 COMMITTEES/COMMISSIONS/BOARDS

#### 11.2 DEPARTMENTAL

##### 11.2.1

#### Information Report re Proposed Extension - Servicing - Bedford Highway

By memorandum dated April 7, 1993, Mr. Rick Paynter, Director of Engineering and Works, reported the results of a survey of all property owners abutting the section of Bedford Highway from Nelson's Landing to the City of Halifax boundary.



As indicated in the report, further analysis of cost allocation methods is being pursued to assist in the establishment of an equitable and fair betterment charge system that can be implemented should this project proceed.

Councillor Davies requested that a list of property owners and how much property is owned by each be included in the next report to Council.

11.2.2

**Consideration - Proposed Amendments - Subdivision By-Law**

By memorandum dated April 6, 1993, Donna Davis-Lohnes, Senior Planner, reported on several issues that have arisen that suggest the need to consider amendments to the Town's Subdivision By-Law, and provided staff's recommendations.

*ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that the process be initiated to permit consideration of the referenced amendments to the Town's Subdivision By-Law. The Motion was unanimously approved.*

11.2.3

**Consideration - Proposed Establishment - Public Participation Committee - Bedford Village Properties**

By memorandum dated April 6, 1993, Donna Davis-Lohnes, Senior Planner, provided information relative to a request from Bedford Village Properties Ltd. to restart the RCDD process for a block of Annapolis Basin Pulp and Power Company RCDD lands on the south side of Paper Mill Lake. As per Policy R-14 in the Municipal Planning Strategy, a Public Participation Committee must be formed. The recommended breakdown of membership for this committee was included in the memo.

Deputy Mayor Oickle suggested that of the two representatives from the Paper Mill Lake neighbourhood, one should be from the elected Board of Directors of the Bedford Village Resident's Association, since every resident is already a member of the Association.

*ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that a Public Participation Committee be established to satisfy the requirements of Policy R-14 relative to the Paper Mill Lake RCDD, and that the membership of the Committee be selected as outlined in the memorandum dated April 6, 1993. The Motion was unanimously approved.*

**12. CORRESPONDENCE**

**12.1 Warden Robert Anthony - Municipality of the District of Yarmouth - Municipal Reform**

Included in the agenda package was a copy of a letter from the Warden for the Municipality of the District of Yarmouth, Robert Anthony, asking that Bedford Town Council consider a proposal to organize a protest by closing their offices for a period of time on April 19, 1993 and conduct a march with placards, blow horns, etc., along with all municipalities in Nova Scotia, against the Provincial Government's Proposal of Municipal Reform.

There was brief discussion among Council members, and it was agreed that Bedford Town Council would not participate in the proposal.

**12.2 Consideration - Establishment of Fire Commission**

Fire Chief Neville Wheaton spoke to Council with respect to a proposal to establish a Fire Advisory Committee within the Town system, similar to other advisory committees such as BPAC, BRAC and BWAC.

Chief Wheaton spoke of the Fire Department's feeling of being isolated. He suggested that the committee be made up of representatives of Council, the Fire Department and citizens at large, thus providing for better understanding of the Fire Department by the public.

Mayor Kelly inquired about the Committee's Terms of Reference. Chief Wheaton suggested that this would be developed with Council's approval, and may be similar to the County's Fire Advisory Council.

*ON MOTION of Deputy Mayor Oickle and Councillor Goucher, it was moved that the proposal for a Fire Advisory Committee be referred to the By-Law/Policy Advisory Committee. The Motion was unanimously approved.*

**12.3 Alzheimer Society of N.S. - Request for Council Representation**

Robie Home, Chairperson, 1993 "Jigger" Mott Memory Walk, wrote on behalf of the Alzheimer Society to request that a Council member sit on their Committee to facilitate the planning of the event.

Councillor Davies nominated Councillor Hutt, who accepted the nomination.

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTIONS - NIL

16. DEPARTMENTAL INFORMATION REPORTS

16.1 Building Inspector's Monthly Report - Month of March, 1993

ON MOTION of Deputy Mayor Oickle and Councillor MacLean, it was moved to accept the Building Inspector's Monthly Report for March 1993. The Motion was unanimously approved.

17. QUESTIONS - NIL

18. ADDED ITEMS

18.1 Update - Adonis Bakery Fire

Chief Building Inspector, John Robertson, was present to request Council's approval to serve Notice under Section 154 of the Towns Act to the owners and occupants of the bakery.

ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved that Notice be served to the owners and occupants of the former Adonis Bakery under Section 154 of the Towns Act. The Motion was unanimously approved.

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 62nd Regular Session of the Town of Bedford at approximately 9:45 p.m. The motion was unanimously approved.

MAYOR

CHIEF ADMINISTRATIVE OFFICER



MEETING #63

TOWN OF BEDFORD

Regular Session

Tuesday, April 27, 1993

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, April 27, 1993 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

**PRESENTATION - ISA AWARD BY BOB GOLDING**

Mr. Golding presented to Mayor Kelly and the Town of Bedford, the 1992 Outstanding Arbor Day Program Award in the form of a plaque.

**PROCLAMATION - ARBOR DAY - SATURDAY, MAY 8, 1993**

Mayor Kelly asked Mr. Golding to speak on the upcoming Arbor Day. A copy of the Proclamation that is to be read aloud by the Town Crier at the event was included in the agenda package.

Mr. Golding noted that several events will take place, including performances by school bands and the Town Crier. Six thousand seedlings will be available for distribution to residents.

Councillors MacLean and Goucher both commended the activities and participation of Mr. Golding, and noted that 20,000 trees have been planted in the Town of Bedford thus far as a result of annual Arbor Days. Mayor Kelly thanked Mr. Golding.

1. **LORD'S PRAYER**

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

2. **ATTENDANCE**

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

Councillor Cosgrove was on vacation; Deputy Mayor Oickle was unable to attend.

Staff members in attendance included Dan English, Chief Administrative Officer; Donna Davis-Lohnes, Senior Planner; and Rick Paynter, Director of Engineering and

Works.

3. **APPROVAL OF MINUTES - #62 - Regular Session - April 13, 1993**

*ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to APPROVE the minutes for Regular Session #62 April 13, 1993.*

**The Motion was unanimously approved.**

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

The following additions were made to the Order of Business:

Item 11.1.2 Resignation - Board of Health Member

5. **APPROVAL OF ORDER OF BUSINESS**

*ON MOTION of Councillor Davies and Councillor Goucher, 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 **Tenders - Sale of Peregrine Lot**

By memorandum dated April 23, 1993, Mr. Dan English, Chief Administrative Officer, reported on the results of a Public Tender Call for the sale of a surplus Town owned lot on Peregrine Crescent.

Also circulated were copies of a professional appraisal of the lot, as one large lot, and as two smaller lots. Mr. English noted the appraisals were basically consistent with information previously conveyed to Council by Staff.

Councillor Hutt noted that the offers for the purchase of the lot were not what had been expected, and suggested that Council should reconsider the decision to combine the original two lots into one lot.

Councillor Hutt served NOTICE OF RESCISSION respecting the Motion approved by Council on February 9, 1993 to sell the two lots as one combined lot.

**6.2 Consideration - Proposed Changes - Terms of Reference - BPAC**

Dan English, Chief Administrative Officer, referred to his January report which had contained several recommendations with respect to the Terms of Reference for BPAC, and briefly noted three of them specifically:

1. To establish a closer link between BPAC and the EDC through the appointment of a committee member who serves on both;
2. Changing the process of development review such that the information meetings replace the preliminary BPAC meeting, and BPAC members attend the information meeting;
3. Change the timing of the submission of the Planning staff report, on a trial basis, to be presented at the Public Hearing stage instead of at the second BPAC meeting, to allow the focus to be on the merits of the development instead of on the staff report.

Mr. English noted that Council had agreed to defer consideration of the report to allow Council members to read and review the BBOT Developer's Forum Committee report.

**ON MOTION of Councillor Davies and Councillor Hutt, it was moved that in November 1993, during the committee appointments, a common Council member be appointed to the E.D.C. and B.P.A.C. The Motion was unanimously approved.**

**ON MOTION of Councillor Davies and Councillor Goucher, it was moved that the process of development review be changed (on a trial basis until November 1993) such that the Information Meetings replace the preliminary B.P.A.C. meeting, with B.P.A.C. members attending the information meetings. The Motion was unanimously approved.**

Mr. English, reported that the above third recommendation has been re-thought, and it is now felt it may not achieve anything worthwhile. He indicated that B.P.A.C. members need the professional staff report for the review process.



Councillor Goucher indicated agreement, noting that developers have requested the staff report be available as early as the Information Meetings but that he agrees to leave the timing as is.

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

8. **PETITIONS AND DELEGATIONS** - NIL

9. **MOTIONS**

9.1 **Notices/Motions of Reconsideration - Second Reading**

*ON MOTION of Councillor Goucher, it was moved that the revised Clause read as follows:*

*"...After any motion, other than an amending motion, has been decided in the affirmative or the negative, any member who has voted in the affirmative or in the negative may, at the meeting at which same was decided, give Notice of Motion to reconsider such resolution. Any member abstaining may not file such Notice of Motion."*

The Motion was LOST, since there was no seconder to the Motion.

Councillor Davies requested that the original recommended revised Clause now be brought back for a third reading at the next meeting.

10. **NEW BUSINESS**

10.1 **Consideration - Replacement Appointment - Recreation Advisory Committee**

Due to the resignation of a B.R.A.C. member, Council was asked to vote, by ballot, on the appointment of a replacement.

After two ballots, Mr. Wayne Lemoine was appointed for a term which will expire November 1994.

10.2 **Consideration - Awarding of Tender 93-03 - Grass Mowing**

By memorandum dated April 22, 1993, Mr. Rick Paynter, Director of Engineering and Works, presented the results of Tender 93-03 - Grass Mowing.

In response to a question from Mayor Kelly, Mr. Paynter reported that the lowest bid had not been accepted because it was felt that the respondent did not have the expertise and equipment necessary. In addition, there had been some inaccuracies in his tender document.

Rick Paynter further reported that work for Section C of the Tender will be performed in-house by the Recreation Department, because it requires specialized equipment. He also indicated that the main reason for tendering out the remainder was due to lack of in-house man-power; that staff can be better utilized elsewhere.

Concerns were raised by Councillors Hutt, MacLean, and Goucher and Mayor Kelly that the tendering out of Sections A & B would not provide summer jobs for students. Rick Paynter indicated that he would raise this concern with the operator at the first job meeting, and that a built-in stipulation into future contracts will be attempted. He also noted that the Department of Recreation usually hire summer students to work in the performance of duties for Section C. Mr. Paynter noted that there are problems with Department of Labour requirements with respect to safety, in the hiring of students to cut grass along arterials.

*ON MOTION of Councillor Hutt and Councillor Davies, it was moved that Tender 93-03, for the mowing of all Town right-of-way areas and the Waterfront Park be awarded to C.C.M. Enterprises Ltd. for a cost per cutting of \$2,613.88 plus G.S.T.*

Councillor Davies inquired what steps will be taken with respect to weed and pest control. He noted that there had been many complaints about dandelions last year, and chinch bugs had been a particular problem.

Rick Paynter indicated that this has been reviewed with staff, and a different weed/feed product will be tried this year. He noted that it is difficult to maintain the growth of weeds in some areas, and depends, to some extent, on weather conditions.

Councillor Davies suggested that this problem be monitored by both Engineering and Recreation Department Staff, particularly in areas adjacent to residential properties.

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

### **10.3 Appointment of Voting Delegates (5) - UNSM Regional Meeting - May 5/93**

In reference to a letter from Mr. Ken Simpson, UNSM, included in the agenda package, Council was requested to designate 5 voting delegates for the UNSM Annual Metro Regional Meeting.

Mayor Kelly inquired of each Councillor whether or not they could attend. It was agreed that the following would be voting delegates at the May 5 Regional Meeting: Mayor Peter Kelly; Deputy Mayor Stephen Oickle; Councillors Anne Cosgrove, Harris Hutt and Bill MacLean.

**10.4 Consideration - May Meeting Dates**

Mayor Kelly asked for Council's agreement with respect to meeting dates in May, noting that the 4th Tuesday in May (May 25) is the date of the Provincial Election.

Council agreed to forego the May 25th meeting with a Special Meeting to be scheduled if necessary.

**11. REPORTS**

**11.1 COMMITTEES/COMMISSIONS/BOARDS**

**11.1.1**

**Activity Report - Planning Advisory Report**

*ON MOTION of Councillor Goucher and Councillor Davies, it was moved to accept the April 13, 1993 Activity Report for B.P.A.C. The Motion was unanimously approved.*

**11.1.2**

**Resignation - Board of Health**

Councillor MacLean reported that Dr. Brian Simchison will be moving away from Bedford to pursue post-graduate work, and has resigned from the Board of Health. He requested that a letter be forwarded to Dr. Simchison, thanking him for his participation, and that a new appointment be made.

Mayor Kelly indicated that the matter of a replacement appointment will be brought forth at the next meeting.

**11.2 DEPARTMENTAL**

**11.2.1**

**Unightly Premises Report - Civic #1127 - 29 Bedford Highway**

Circulated at the meeting was a copy of a building inspector's report on the above-noted property.



TOWN OF BEDFORD

Dan English, Chief Administrative Officer, noted that the building inspector had determined that the property, in his opinion, was not "dangerous and/or unsightly", and therefore; no action can be taken with respect to same.

Mayor Kelly suggested that staff try some persuasion with the owners, possibly with correspondence from Council. It was agreed Mayor Kelly would contact the owners.

- 12. CORRESPONDENCE - NIL
- 13. MOTIONS OF RECONSIDERATION - NIL
- 14. MOTION OF RESCISSION - NIL
- 15. NOTICES OF MOTIONS - NIL
- 16. DEPARTMENTAL INFORMATION REPORTS
- 16.1 Fire Chief's Monthly Report - Month of March, 1993

**ON MOTION of Councillor Goucher and Councillor MacLean, it was moved to accept the Fire Chief's Monthly Report for March 1993. The Motion was unanimously approved.**

- 17. QUESTIONS - NIL
- 18. ADJOURNMENT

**ON MOTION of Mayor Kelly, it was moved to adjourn the 63rd Regular Session of the Town of Bedford at approximately 7:45 p.m. The motion was unanimously approved.**

\_\_\_\_\_  
MAYOR

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