

MEETING #78

TOWN OF BEDFORD
PUBLIC HEARING #93-06
TUESDAY, NOVEMBER 9, 1993 - 7:00 P.M.

A Public Hearing of the Town of Bedford took place on Tuesday, November 9, 1993 at 7:00 p.m. in the Town Council Chambers, Suite 400, 1496 Bedford Highway, Bedford, Nova Scotia.

ATTENDANCE

Those in attendance at the commencement of the Hearing included Mayor Peter Kelly; Deputy Mayor Bill MacLean and Councillors John Davies, Len Goucher, Harris Hutt and Anne Cosgrove. Councillor Stephen Oickle advised earlier that he would be late attending.

Staff members in attendance included Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Acting Director of Planning; Jenifer Tsang, Planner and Jane Nauss, Recording Secretary.

Approximately four interested individuals were also present.

**INTRODUCTION - DEVELOPMENT AGREEMENT APPLICATION - CIVIC #37
DIVISION ST., BEDFORD**

The purpose of the Public Hearing was to receive both written and verbal submissions relative to a Development Agreement Application for #37 Division St.

At the request of Mayor Peter Kelly, Jenifer Tsang was called upon to address Council. Ms. Tsang advised that the Hearing had been duly advertised in the local newspapers as in accordance with the Planning Act. Following a review of the information package which had been previously circulated to Members of Town Council, Ms. Tsang noted that both the Planning Advisory Committee and Planning staff recommended approval of the Development Agreement Application.

Mayor Peter Kelly opened the discussion to the gallery and following three calls for comments, enquired if Council had any comments to make. After three calls, Mayor Kelly adjourned Public Hearing #93-06 at 7:10 p.m.

MAYOR

MEETING #79

TOWN OF BEDFORD
PUBLIC HEARING #93-07
TUESDAY, NOVEMBER 9, 1993 - 7:15 P.M.

A Public Hearing of the Town of Bedford took place on Tuesday, November 9, 1993 - 7:15 p.m. - in the Town Council Chambers, Suite 400, 1496 Bedford Highway, Bedford, Nova Scotia.

ATTENDANCE

Those in attendance at the commencement of the Hearing included Mayor Peter Kelly; Deputy Mayor Bill MacLean and Councillors John Davies, Len Goucher, Harris Hutt and Anne Cosgrove. Councillor Stephen Oickle advised earlier that he would be late attending.

Staff members in attendance included Rick Paynter, Director of Engineering Works; Donna Davis-Lohnes, Acting Director of Planning; Jenifer Tsang, Planner and Jane Nauss, Recording Secretary.

Approximately ten interested individuals were also present.

INTRODUCTION - PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT #89-04 - TOWNHOUSE SITE - MOIRS MILL ROAD

The purpose of the Public Hearing was to receive both written and verbal submissions relative to a proposed amendment to Development Agreement #89-04 respecting a Townhouse site on Moirs Mill Road.

At the request of Mayor Peter Kelly, Jenifer Tsang was called upon to address Council. Ms. Tsang advised that the Hearing had been duly advertised in the local newspapers as in accordance with the Planning Act. Following a review of the information package which had been previously circulated to Members of Town Council, Ms. Tsang noted that both the Planning Advisory Committee and Planning staff recommended the amendment to the original Development Agreement.

Mayor Peter Kelly enquired if Council had any comments to make on the proposed amendment.

In response to an enquiry from Councillor Len Goucher, Ms. Tsang noted that the buffer area along Moirs Mill Road and the natural open space area shown on the plan would be maintained; any site disturbance would be defined and that the amendment would address the establishment of a tot lot.

In response to an enquiry from Councillor Harris Hutt, Ms. Tsang noted that the open space between Moirs Mill Road and Amin St. may be deeded over to the Town in the future.

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In response to an enquiry from Councillor Anne Cosgrove, Mr. Paynter noted that under the Grade Alteration By-Law, any run-off from the green space area would be controlled.

Mayor Kelly opened the discussion to the gallery.

Mr. Jim Laskey - 55 Moirs Mill Road - expressed his concern over the fact there was a wet area in the green area and therefore, questioned the potential for runoff.

Ms. Tsang advised that a thirty foot buffer will be maintained along Moirs Mill Road and that whatever is disturbed will be replaced through revegetation.

With respect to the runoff issue, Mr. Rick Paynter noted that storm drainage catchbasins will be installed along the street.

Mr. Robert Howlett - 43 Walden Place - enquired if any stop signs would be installed along Moirs Mill Road due to added traffic as a result of the development.

Mr. Paynter advised that there were no plans at this point in time, to erect stop signs.

With respect to Mr. Laskey's concern, Ms. Davis-Lohnes noted that some disturbance may take place however, the Development Agreement is written such that the developer must supplement existing vegetation with new plantings.

As there was no further comment from the gallery, Mayor Kelly enquired if Council had any remarks on the matter at hand.

In response to an enquiry from Councillor Len Goucher, Ms. Davis-Lohnes advised that within the original Development Agreement, a security bond had been in place to protect vegetation, etc. and that particular bond had been released. With the amendment, each phase of the development requires a separate bond (Letter of Credit - each in the amount of \$12,500).

In response to an enquiry from Councillor Anne Cosgrove, Ms. Davis-Lohnes noted that a walkway through the wooded area could not be built to Town standards therefore, the concept would not be viable.

Following three calls to Council for further comment, Public Hearing #93-07 adjourned at approximately 7:40 p.m.

MAYOR

MEETING #80

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, NOVEMBER 9, 1993 - 8:00 P.M.

A Regular Meeting of the Town Council of the Town of Bedford was held Tuesday, November 9, 1993 - 8:00 p.m. in the Council Chambers, Suite 400, 1496 Bedford Highway, Bedford, Nova Scotia.

1. **LORD'S PRAYER**

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

2. **ATTENDANCE**

Those in attendance at the commencement of the Session included Mayor Peter Kelly; Deputy Mayor Bill MacLean and Councillors Harris Hutt; Len Goucher, John Davies and Anne Cosgrove.

Members of Staff in attendance included Dan R. English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Acting Director of Planning, and Jane Nauss, Recording Secretary.

3. **APPROVAL OF MINUTES**

Mayor Kelly advised the approving of minutes would be deferred until the arrival of Councillor Stephen Oickle.

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

4.1 **Councillor Anne Cosgrove**

Councillor Cosgrove requested the addition of "Children Living in Poverty" to the agenda. This item was discussed immediately. Accordingly, Councillor Cosgrove presented Mayor Kelly with an information respecting the work of "The Body Shop" and its mandate to alleviate childhood poverty.

4.2 Councillor Cosgrove requested the addition of "Proposed Amendment to Terms of Reference - Recreation Advisory Committee." Council agreed to add this item as agenda number 11.1.2.

4.3 A request from the gallery was directed to Mayor Kelly for the addition of "Motions Arising from Public Hearing #93-07" held at 7:15 p.m. prior to the Regular Session. As the unanimous decision in favour of the request was not reached by Council, Mayor Kelly advised the item would be discussed during the November 23, 1993 Council Meeting.

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5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillors Goucher and Davies, the approval of order of business was approved. **MOTION APPROVED UNANIMOUSLY.**

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 Proposed Organizational Review/Study

Mr. English reviewed a memorandum which had been circulated to Members of Town Council earlier that afternoon as a result of the Organizational Review Steering Committee which had met the day prior to the Council Meeting.

ON MOTION of Councillors Goucher and Davies, it was moved that Town Council accept the recommendation of the Steering Committee and approve the awarding of the Organizational Review/Study to ATI Consulting for the upset amount of \$26,900 (including GST). **MOTION CARRIED UNANIMOUSLY.**

6.2 By-Law to Amalgamate - Ferry/Metro Transit

Mayor Kelly advised the meeting a revised by-law was being drafted by the Town's Solicitor and that same would be discussed during the November 23, 1993 Council Meeting.

Councillor Len Goucher served a Motion of Rescission on the original Motion dated September 28, 1993 (item 6.3) to be brought back on November 23, 1993.

Councillor Stephen Oickle joined the meeting at approximately 8:15 p.m.

6.3 Consideration Appointment - Metropolitan Authority's Citizens Committee on Recycling

ON MOTION of Councillors Goucher and Davies, it was moved that this appointment be referred again to B.W.A.C. following the annual appointments taking place November 23, 1993. **MOTION CARRIED UNANIMOUSLY.**

6.4 Establishment of Date - Second Public Forum - Youth Issues

It was the consensus of Council that the Second Public Forum take place on January 27, 1994 - 7:00 p.m. - in the Lions Den. During this Forum, the recommendations as received from BRAC and the Youth Council would be discussed.

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3. APPROVAL OF MINUTES

Councillor Oickle requested the removal of the words "agreed to" from the October 26, 1993 minutes - item 10.4.

ON MOTION of Councillors Oickle and Davies, the Minutes of August 17, 31 and 7, 1993 (#70); and the minutes of October 26, 1993 (#77) as amended, were approved. **MOTION CARRIED UNANIMOUSLY.**

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM - NIL

8. PETITIONS AND DELEGATIONS - NIL

9. MOTIONS - NIL

10. NEW BUSINESS

10.1 Consideration of Approval - Resolution - Debenture Issue - Municipal Finance Corporation - \$766,000

Mr. English advised this report was a follow up to the previous Regular Session of Town Council at which time Council approved a Temporary Borrowing Resolution for the fiscal year 1993/94.

ON MOTION of Councillors Goucher and Hutt, it was moved that Council approve a Debenture Issue of \$766,000 for the 1993/94 Capital Program. **MOTION CARRIED UNANIMOUSLY.**

10.2 Consideration - Amendment - Terms of Reference - Waters Advisory Committee

A brief discussion took place on a proposed amendment to the Terms of Reference of the Waters Advisory Committee to waive residency requirements due to the difficulty in attracting residents of Bedford to this Committee.

ON MOTION of Councillors Goucher and Davies, it was moved that this matter be deferred pending the receipt of all applications at which time the matter of waiving residency for BWAC will be determined. **MOTION CARRIED UNANIMOUSLY.**

10.3 Consideration - Awarding Tender #93-24 - Sanitary Sewer I/I Program

ON MOTION of Councillors Oickle and Hutt, it was moved that Council award Tender 93-24 for the Sanitary Sewer I/I Program to G. & R. Kelly Enterprises Ltd. in an amount not to exceed \$50,000 (including GST) with the actual work program consisting of those components selected from the Tender as deemed most appropriate by the Engineering and Works Department.

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In speaking to the Motion, Deputy Mayor MacLean enquired as to how the Town can reconcile the stated tender price with the recommended price.

In response Rick Paynter advised that a general listing of potential works was prepared for the tender with the intent of selecting components from the listing to match the established budget.

Mayor Kelly questioned the inconsistency in the tender results. In response to this question, Mr. Paynter advised that all the tender packages were the same.

MOTION CARRIED UNANIMOUSLY.

10.4 Consideration - Council Representation - Metro Authority

Prior to a discussion on this matter, Councillor Goucher nominated Councillor Anne Cosgrove as one of the Town's representative to Metro Authority.

Councillor John Davies nominated Deputy Mayor Bill MacLean to fill the position for another year.

Councillor Goucher expressed his concern in that Deputy Mayor MacLean had stated during a Council Meeting in December, 1992 that membership on the Metropolitan Authority should be rotated. If that statement was correct, Councillor Goucher questioned Deputy Mayor MacLean's agreement to reoffer.

In response Deputy Mayor MacLean noted he did not recall such a conversation taking place during a Council Meeting and advised he would be willing to reoffer.

Councillor Len Goucher requested a two minute recess.

10.5 School Board Election Results

Mayor Peter Kelly reviewed the election results of the Special Election - School Board - held November 6, 1993. Deputy Mayor Bill MacLean suggested a letter of congratulations be forwarded to Mrs. Madeleine Dillon, successful candidate.

11. REPORTS

11.1

Committees/Commissions/Boards

11.1.1

BPAC Activity Report

ON MOTION of Councillors Goucher and Davies, it was moved to accept the BPAC Activity Report for information. **MOTION APPROVED UNANIMOUSLY.**

11.1.2

Proposed Amendment to Terms of Reference - Recreation Advisory Committee

ON MOTION of Councillors Cosgrove and Hutt, it was moved that the Terms of Reference for the Recreation Advisory Committee be amended to allow for the Chairman of the Youth Council to sit on BRAC and that same be forwarded to the By-Law/Policy Advisory Committee for input. **MOTION APPROVED UNANIMOUSLY.**

11.2 Departmental Reports - NIL

12. CORRESPONDENCE

12.1 Chairman Robert Harvey, Chair, Sackville Community Council

It was the unanimous decision of Town Council to support the philosophy of the construction of the Glendale Extension as noted within Chairman Harvey's correspondence and is prepared to meet on this matter.

Deputy Mayor Bill MacLean suggested holding the meeting in the Town Council Chambers.

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS - NIL

17. QUESTIONS

17.1 Status Sheet

The status sheet was received for information.

Councillor Goucher requested a 5 minute recess.

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10.4 Consideration - Council Representation - Metro Authority - Continued

Following a review of the December, 1992 minutes Councillor Goucher offered his apologies to Deputy Mayor Bill MacLean as it was not recorded in the minutes that he commented on the matter of rotating Metro Authority appointments from the Town of Bedford.

Following a secret ballot, Deputy Mayor Bill MacLean was appointed as one of the Town's representatives to Metro Authority for the year 1993/94.

18. ADDED ITEMS - NIL

19. ADJOURNMENT

The meeting adjourned at approximately 9:10 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Meeting #82

TOWN OF BEDFORD
Public Hearing #93-08
Tuesday, November 30, 1993

A Public Hearing of the Town of Bedford took place on Tuesday, November 30, 1993 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

Mayor Peter Kelly; Councillors Anne Cosgrove, Len Goucher, Harris Hutt, Stephen Oickle and Deputy Mayor Bill MacLean were in attendance.

Staff members in attendance included Donna Davis-Lohnes, Acting Director of Planning and Jenifer Tsang, Planner.

Approximately 4 residents were in attendance.

Proposed Amendment to the M.P.S. affecting Mainstreet Commercial Designation and Zone

INTRODUCTION

Jenifer Tsang reviewed the proposed amendment to the M.P.S., noting that the Staff Report regarding this issue had been reviewed and given a positive recommendation by the Bedford Planning Advisory Committee. All written documentation for the proposed amendment to the M.P.S., was included in an information package.

Ms. Tsang explained that the purpose of the amendment is to allow residential uses in the Mainstreet Commercial designation and zone on those properties which do not front on the Bedford Highway. This amendment to the Mainstreet Commercial Designation and Zone is necessary to permit consideration of a Development Agreement application for six townhouses and a nine unit apartment building located at 1254 Bedford Highway and 10 Meadowbrook Drive.

She referred to the architect's renderings of the proposal and explained that the former Transmission shop presently on the property would be removed as well as one single family dwelling on the property. The developer proposes to build a commercial building to be located on the corner of the Bedford Highway and Meadowbrook Road which Ms. Tsang pointed out is permitted as of right in the Mainstreet Commercial (CMC) zone. She also pointed out the proposed second building, a six unit townhouse structure, and the third building, a nine unit apartment to be located beside the second building and have frontage on Meadowbrook Drive.

Mayor Kelly requested clarification regarding the BPAC recommendation. Ms. Tsang confirmed that the positive BPAC recommendation specifically stated for these two properties only.

Councillor Goucher indicated that as a member of BPAC, he had concerns regarding residential uses within commercial zones. He explained that was the reason for the BPAC recommendation specifically stating for these two properties only.

There were no further questions from Council and the floor was then opened to the public.

SPEAKERS

Barry Zwicker

Mr. Zwicker on behalf of the applicant, commented that he was in favour of the amendment that he indicated was consistent with the MPS, and he supports the recommendation of the Planning Department.

After three calls by Mayor Kelly there were no further speakers. He then asked for questions from Council.

COUNCIL

Mayor Kelly inquired about the other properties which are in a similar situation. Ms. Tsang pointed out the other properties on the map. Ms. Davis-Lohnes informed Council that the Planning Department's recommendation was not site specific but applicable to the other properties.

Councillor Cosgrove inquired about parking for the townhouse units. Ms. Tsang indicated that the parking would be at the rear of the units.

Councillor Hutt inquired about the proposed driveway. Ms. Tsang pointed out the location of the shared driveway for the townhouses and apartment building on the map.

Councillor MacLean inquired about the required distance of the commercial driveway from the intersection and Ms. Tsang indicated the requirement was a minimum of 50 feet.

After three calls by Mayor Kelly there were no further speakers.

Therefore, Public Hearing #93-08 of the Town of Bedford was adjourned at approximately 7:15 p.m..

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #81

TOWN OF BEDFORD

Regular Session

Tuesday, November 23, 1993

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, November 23, 1993 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Kelly presiding.

PRESENTATION BY MAYOR PETER KELLY TO STEW MACMILLAN ON THE OCCASION OF HIS 10TH ANNIVERSARY AS TOWN CRIER

Mayor Kelly thanked Mr. MacMillan for his continued interest and support for the Town of Bedford, and presented a plaque and the Town's Coat of Arms to him commemorating the 10th anniversary as Town Crier.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Dan English, Chief Administrative Officer; Rick Paynter, Director of Engineering and Works; and Donna Davis-Lohnes, Acting Director of Planning.

There were approximately 20 residents present.

3. APPROVAL OF MINUTES - Meeting #78 - Public Hearing, November 9/93

Meeting #79 - Public Hearing, November 9/93

Meeting #80 - Regular Session - November 9/93

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved to approve the minutes for meetings #78, #79, and #80 as circulated. The Motion was unanimously approved.

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

The following additions were made to the Order of Business:

- Item #10.1 Request for Easement - Hammond Centre
- Item #10.2 Request for Easement - Nelson's Landing
- Item #11.1.2 Report - Metropolitan Authority - Deputy Mayor MacLean

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

ON MOTION of Deputy Mayor MacLean and Councillor Oickle, 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 **Storm Drainage Problems - Ambercrest and Snowy Owl**

Mr. Rick Paynter, Director of Engineering and Works, spoke briefly to Council, reviewing the matter of storm drainage problems in general, noting that the matter has been under review for some time, and that Council has been in receipt of engineering, insurance and legal reports relative to same. He indicated it was Staff's opinion that a direction from Council with respect to drainage problems in general within the town is required.

Three residents were present to give verbal presentations to Council relative to their individual concerns regarding drainage problems on their properties.

Mr. and Mrs. Alfred Brown, 75 Ridgevale Dr., spoke first to Council. Mr. Brown noted that problems with drainage on his property have arisen since 1991, and that despite many reports to Council from engineering staff etc., Council has been unable or unwilling to make a decision. Mr. Brown clarified that he was the first owner of the house, and that the problems with drainage only began two years ago; he has owned the house for six years.

Mr. Paynter spoke to Council, noting that staff has spent a considerable amount of time investigating the problem at Mr. Brown's property, but have not been able to identify a source of the water run-off. He further noted there are some indications that blasting during upstream development of the area may have opened a rock seam and caused the problem.

Mrs. Brown suggested that a culvert at a point further uphill from their property,

draining into the street drainage system would solve the problem for very little cost.

Mr. Paynter pointed out that a culvert at that place would require extensive digging through rock to place it underground and would likely cost approximately the same as the estimate obtained by staff to fix the problem closer to the subject property. In response to questions from Councillor Goucher, he reported that the estimate had been \$8,000 and the hydrological survey that had been conducted had cost \$1,500. The results of that survey had been inconclusive and the company had indicated that a more extensive investigation was required, which would cost approximately \$9,000. He also reported that the Brown's neighbour, Mr. Murphy, also experiences drainage problems, and that no actual claims have been filed with an insurance company for damages.

Mr. Murphy was present and indicated that he would be willing to have a catch-basin placed on his property, which would likely solve the problems both for the Browns and himself.

In response to Mr. Murphy's suggestion, Mr. Paynter indicated that he still felt it would cost approximately \$8,000, and that the machinery required is a track backhoe from an experienced contractor.

Councillor Cosgrove raised questions as to why the Brown's feel it is the Town's responsibility to repair the problem. Mr. Murphy cited several law cases where the municipality was found responsible when a developer fails to take the proper steps with respect to drainage.

Mr. English, Chief Administrative Officer, noted that because actual claims have not been made to an insurance company for damages, an adjuster from the Town's insurance company has never investigated as to whether the Town is actually at fault for the problem. He suggested that Council could decide to engage an independent insurance adjuster to investigate and determine the cause and whether there is any negligence on the part of the Town.

Mr. Murphy noted that he had submitted a \$500 claim to his insurance company, but that it had been disallowed because the water came from an outside source. Mayor Kelly suggested that Mr. Murphy submit this claim to the Town so that it can be presented to its insurance company.

Mr. English indicated that, since all information to date has been forwarded to the insurance company, they should be up to date on the matter, and a subsequent investigation would likely take not more than a month to complete.

Mr. Mike Sabourin, Salmon River Terrace, then spoke to Council regarding drainage problems at his property. He indicated that he was not prepared to speak in detail about his property, but that he felt there was more than financial damages involved; there was also a concern about the quality of life. He also indicated that the problem was not just a seasonal one.

Mr. Rick Paynter provided background information on staff's investigation of the situation at the Sabourin property.

Mayor Kelly stated that it was his personal opinion that when the Town approves a subdivision and takes over the roads and water courses, it then has the responsibility to deal with drainage problems that arise in the future.

Councillor Hutt suggested that all drainage claims should go through the insurance company, instead of being handled by Council. He further indicated that he had concerns about the Town's right to charge the people of Bedford for a problem caused by a contractor.

Councillor Goucher stated that the Town's existing policy was "benign", and that Council has no clear direction as to how to handle these problems. He suggested that the Town is asking residents to sustain damage and claim for the damages before it will do anything. He further suggested that Council needs to discuss the matter during an informal meeting, and that the matter should be deferred no more than two weeks to allow Council to produce a report on Town policy direction on this matter.

Mr. English suggested that it would be difficult to establish a policy on flooding since each case is different. Councillor Goucher indicated that he still felt Council needs to determine where it stands and discuss it further. Mr. English expressed concern that Council could be acting as an adjudicator on each and every situation and therefore claims should be referred to the insurance company, which is how other municipalities handle it. He noted that the issue was one of determining responsibility and whether the Town was negligent in its' duties.

Mrs. Profit of 86 Snowy Owl Drive then spoke to Council. She explained that natural run-off from the adjacent DND land is frequently flooding their property, and that they had not been aware of this problem prior to building their house. She reported that Town staff had not mentioned any problems to them, and did approve the construction with no recommendations to raise the foundation or install drains during construction. Subsequently, they have spent \$4,000 on a french drain system that is not handling the problem. In response to a question from Councillor Hutt, she indicated that they did not make a claim for damages to their insurance company.

Mr. English reported that the Town's insurance company did investigate this particular matter, and found no negligence on the part of the Town.

In other words, he stated, the Town did not do anything to create the problem and there was nothing it should have done, and didn't, to prevent the problem.

Councillor Cosgrove inquired to Mr. English whether claims are only made for damages incurred, or could they be made for steps the property owner has taken to correct the problem. He responded that insurance claims can only be made for property damages incurred.

ON MOTION of Councillor Goucher and Deputy Mayor Oickle, it was moved to Defer further discussion for two weeks to allow Council to establish a policy direction on drainage problems. The Motion was unanimously approved.

6.2 Request to extend Capital Storm Drainage Program re 389/393 Hammonds Plains Road

By memorandum dated October 25, 1993, Mr. Rick Paynter, Director of Engineering and Works, outlined a request to extend the 1993/94 Capital Storm Drainage Program relative to drainage problems at 389/393 Hammonds Plains Road.

Mr. English noted that, should Council approve this request, they will be approving an over-expenditure on the Capital Program which is already over-extended.

ON MOTION of Councillor Hutt and Councillor Goucher, it was moved to approve the calling of tenders for drainage correctional work at 389/393 Hammonds Plains Road. The Motion was unanimously approved.

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Public Hearing #93-06-Development Agreement Application - Civic #37 - Division St.

As both Deputy Mayor MacLean and Councillor Oickle were not present for the Public Hearing they withdrew from the voting.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved to approve the Development Agreement Application for Civic #37 Division St., Bedford. The Motion was unanimously approved.

7.2 **Public Hearing #93-07 - Proposed Amendment - Development Agreement #89-04 - Townhouse Site - Moirs Mill Road**

As Councillor Oickle was not present for the Public Hearing, he withdrew from the voting.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Council approve the Amendment to Development Agreement #89-04 - Townhouse Site - Moirs Mill Road. The Motion was unanimously approved.

8. **PETITIONS AND DELEGATIONS - NIL**

9. **MOTIONS**

9.1 **Consideration - Appointments from community to Commissions/Committees/Boards**

Following secret ballots, Mayor Kelly announced the following appointments:

Bedford Board of Health:

Sherry Hattin
Gordon Smith

Bedford Economic Development Commission:

Nelson Blackburn

Bedford Tree Advisory Committee:

Shirley Steeves

Bedford Recreation Advisory Committee:

Ross Welsman
Walter Williams

Bylaw/Policy Advisory Committee:

Robert Blois
Dr. Don Carter

Bedford Waters Advisory Committee:

Dufferin Harper
Will Apold
Peter Hayes
Sheila McBreairty
Mike Horwich
Clark Bedford
Gary Winters

Board of Police Commissioners

Norm Atkinson
Eric Richards
Alex Steeves

	James Trites
Bedford Planning Advisory Committee	Joan Pryde Peter Sheehan Doug Shute Brian Tomie
Bedford Heritage Advisory Committee	Austin David Noel Fowler Diana Haydon Betty Knodell William McCann

9.2 Consideration - Appointments from Council to Commissions/Committees/Boards

By memorandum dated November 18, 1993, Mayor Kelly presented a matrix outlining his recommendations for Council appointments to the various Committees/Commissions/Boards for 1993/94.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to approve the Council appointments for Committees/Commissions/Boards for 1993/94 as recommended by Mayor Kelly. **The Motion was unanimously approved.**

Councillor Oickle congratulated Mayor Kelly on his recommendations, noting they were very fair.

10. NEW BUSINESS

10.1 Easement Agreement - Nelson's Landing

Council had discussed this matter In Camera prior to the Council Session.

ON MOTION of Councillor Davies and Deputy Mayor MacLean, it was moved that Council approve an easement agreement with Nelson's Landing, with respect to a parking lot area encroaching on Town owned land, for approximately 700 square feet. **The Motion was unanimously approved.**

10.2 Easement Agreement - Kiel Developments - Parcel K-D

ON MOTION of Councillor Cosgrove and Councillor Hutt, it was moved that Council approve an easement agreement with Kiel Developments for Parcel K-D,

with respect to a parking lot encroaching on Town-owned land. The Motion was unanimously approved.

11. **REPORTS**

11.1 **COMMITTEES/COMMISSIONS/BOARDS**

11.1.1

By-Law/Policy Advisory Committee

(a) **Consideration - Proposed Amendments - Burning By-Law**

The following motion was passed by the Committee during a November 17 meeting and was brought forward to Council for first reading:

ON MOTION of Deputy Mayor MacLean and Mr. Blois, it was moved that the By-Law/Policy Advisory Committee recommend to Town Council that the existing By-Law respecting Burning be amended to prohibit the practice of large scale burning during site preparation works for major development projects. Motion carried unanimously.

(b) **Consideration - Proposed Policy - Stipend Advances**

ON MOTION of Councillor Cosgrove and Deputy Mayor MacLean, it was moved that Council adopt the following proposed policy:

WHEREAS the Mayor and Councillor Stipends are included as part of the Town of Bedford employee payroll system, ie. twenty-six (26) pay periods per year; and

WHEREAS the Mayor or Councillors may request an advance to these bi-weekly stipends;

BE IT RESOLVED that stipend advances shall not be permitted except for vacation advances which must not exceed the net amount of the preceding paycheque and can only be drawn if a normal pay period falls during the vacation.

Councillor Goucher inquired whether other municipalities' policies on this matter had been investigated. Mr. English noted that most do not have policies such as this one.

Councillor Goucher suggested that a paragraph should be added that would indicate that Council is allowed to deal with exceptions due to unusual circumstances.

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved to AMEND the Motion such that any deviation from the policy would be only with the approval of Council.

Mr. English noted that inherent in all policies is the fact that Council, by Motion, can over-rule or modify as required.

Councillor Oickle indicated that he felt there was already a mechanism in place to allow Council to consider deviations from the policy. Councillor Goucher suggested that it should be stated in the policy.

The Amendment was put to the Meeting and was LOST. (Councillors Davies, Oickle, Hutt and Cosgrove were opposed.)

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

(c) **Consideration - Proposed Amendment to Terms of Reference - Recreation Advisory Committee**

ON MOTION of Councillor Cosgrove and Councillor Hutt, it was moved that the Terms of Reference for the Bedford Recreation Advisory Committee be amended such that the Youth Council President/designate be permitted to sit on B.R.A.C. for a one year term. The Motion was unanimously approved.

11.1.2

Metropolitan Authority - Report - Deputy Mayor MacLean

Deputy Mayor MacLean made a verbal report to Council on two matters discussed recently at Metropolitan Authority. He reported on difficulties with the waste flow legislation.

He also noted that Bedford is recycling 100% higher than any other municipality on a per capita basis, but that it is still below the 10% target.

11.2 **DEPARTMENTAL - NIL**

12. **CORRESPONDENCE - NIL**

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION

14.1 **By-Law to Amalgamate - Ferry/Metro Transit - Councillor Goucher**

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved to RESCIND the following Motion passed by Council on September 28, 1993:

ON MOTION of Councillor MacLean and Councillor Goucher, it was moved that Bedford adopt the proposed By-Law regarding the amalgamation of the Dartmouth Ferry with Metro Transit, and that Bedford cost-share at 3% to the operating costs.

The Motion was unanimously approved.

Included in the agenda package was a proposed new By-Law to Amalgamate the Ferry/Metro Transit system, submitted for approval of Council.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved that Council adopt the proposed By-Law regarding the amalgamation of the Dartmouth Ferry with Metro Transit, and that Bedford cost-share at 3% to the operating costs.

Councillor Goucher expressed concern that the new wording in the proposed By-Law will hamper the Town's efforts to alleviate traffic problems in Bedford through alternate forms of transportation.

Councillor Davies noted that he had supported the original motion because he supported the idea that if Bedford ever wanted to expand the transit system, it would have the opportunity to do so, but that this proposed By-Law gives the City of Halifax the ability to stop any such efforts.

Mayor Kelly agreed that the By-Law does limit any fair and just consideration of any further expansion of the transit system. He further noted that this new By-Law has not yet been dealt with at Metropolitan Authority.

Councillor Goucher and Councillor Hutt withdrew their Motion. It was agreed that Council wait for the By-Law to be reviewed by Metropolitan Authority.

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS

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

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved to approve the Fire Chief's Monthly Report for the Month of October 1993. The Motion was unanimously approved.

16.2 Building Inspector's Monthly Report - October 1993

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

17. QUESTIONS - NIL

18. ADDED ITEMS - NIL

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 81st Regular Session of the Town Council of the Town of Bedford at approximately 10:00 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

Meeting #83

TOWN OF BEDFORD

Public Hearing #93-09

Tuesday, November 30, 1993

A Public Hearing of the Town of Bedford took place on Tuesday, November 30, 1993 at 7:15 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

Mayor Peter Kelly; Councillors Anne Cosgrove, Len Goucher, Harris Hutt,, Stephen Oickle and Deputy Mayor Bill MacLean were in attendance.

Staff members in attendance included Donna Davis-Lohnes, Acting Director of Planning and Jenifer Tsang, Planner.

Approximately 5 residents were in attendance.

Proposed Amendment to the Land Use By-Law affecting Mainstreet Commercial Designation and Zone.

INTRODUCTION

Jenifer Tsang reviewed the proposed amendment to the Land Use By-Law, noting that all written documentation for the proposed amendment to the Land Use By-Law, was included in an information package.

Ms. Tsang explained that the purpose of the amendment to the Land Use By-Law is to change Part 4 to allow residential use, by Development Agreement, in the Mainstreet Commercial designation and zone on those properties which do not front on the Bedford Highway. This amendment to the Land Use Bylaw is necessary to permit consideration of a Development Agreement application for six townhouses and a nine unit apartment building located at 1254 Bedford Highway and 10 Meadowbrook Drive.

Ms. Tsang referred to the architect's renderings of the proposal and explained that the former Transmission shop presently on the property would be removed as well as one single family dwelling on the property. The developer proposes to build a commercial building to be located on the corner of the Bedford Highway and Meadowbrook Road which Ms. Tsang pointed out is permitted as of right in the Mainstreet Commercial (CMC) zone. She also pointed out the proposed second building, a six unit townhouse structure, and the third building, a nine unit apartment to be located beside the second building and have frontage on Meadowbrook Drive.

There were no questions from Council and the floor was then opened to the public.

SPEAKERS

Barry Zwicker

Mr. Zwicker, on behalf of the applicant, commented that he was in favour of the Land Use By-Law amendment.

After three calls by Mayor Kelly there were no further speakers. He then asked for questions from Council.

COUNCIL

Councillor Goucher inquired about the wording of the amendment. D. Davis-Lohnes referred to the two options available as indicated in the Planning Department's report.

After three calls by Mayor Kelly there were no further speakers.

Therefore, Public Hearing #93-09 of the Town of Bedford was adjourned at approximately 7:30 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/gy

TOWN OF BEDFORD

Public Hearing #93-10

Tuesday, November 30, 1993

A Public Hearing of the Town of Bedford took place on Tuesday, November 30, 1993 at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

ATTENDANCE

Mayor Peter Kelly; Councillors Anne Cosgrove, Len Goucher, Harris Hutt, Stephen Oickle and Deputy Mayor Bill MacLean were in attendance.

Staff members in attendance included Donna Davis-Lohnes, Acting Director of Planning and Jenifer Tsang, Planner.

Approximately 15 residents were in attendance.

Development Agreement Application 10 Meadowbrook Drive/1254 Bedford Highway

INTRODUCTION

Jenifer Tsang reviewed the Development Agreement application for six townhouses and a nine unit apartment building proposed for 1254 Bedford Highway and 10 Meadowbrook Drive. She reported that the Staff Report regarding this issue had been reviewed and given a positive recommendation by the Bedford Planning Advisory Committee. All written documentation for the development agreement application was included in an information package.

She referred to the architect's renderings of the proposal and explained that the former Transmission shop presently on the property would be removed as well as the single family dwelling on the property. The developer proposes to build a commercial building at the corner of the Bedford Highway and Meadowbrook Road which Ms. Tsang pointed out is permitted as of right in the Mainstreet Commercial (CMC) zone. She also pointed out the proposed second building, a six unit townhouse structure, and the third building, a nine unit apartment to be located behind the second building and have frontage on Meadowbrook Drive.

Mr. Barry Zwicker reviewed the proposal, noting that the developer could proceed with the commercial building on the Bedford Highway at this time because it does meet the Mainstreet Commercial Zone requirements, however the developer needs the residential component to support the commercial component.

Mr. Zwicker pointed out the vegetation that would be kept and the sidewalk that would be built.

Mayor Kelly inquired about buffering at the rear of the property. Mr. Zwicker pointed out that no buffering is required because it will be one parking lot adjacent to another.

Mayor Kelly inquired about the phasing of the proposal. Mr. Zwicker indicated that the development was in the design process presently and if the application is approved, they plan to commence construction in the spring.

Councillor Cosgrove inquired about parkland dedication. Mr. Zwicker indicated that it was not required with this development. Ms. Davis-Lohnes agreed that policies indicate that parkland dedication is not required, however, she confirmed that she would clarify this.

At Councillor Cosgrove's request, B. Zwicker clarified that the siding on the townhouses would be wood.

Councillor Cosgrove inquired about the density of the abutting neighbourhood. B. Zwicker explained that the building adjacent to the proposed apartment building has several apartments units in it, that the roof-lines are similar, and they were designed to fit the topography.

Councillor Hutt commented that the brook on the property runs heavily during storms. B. Zwicker confirmed that the developer will be piping the brook and enclosing the end so that it will not be a dangerous area like it is presently.

Mr. Hutt also inquired about the sidewalk not being constructed along the full length of development. J. Tsang referred to item 5 in the Engineering Department's report, dated September 23, 1993, that indicated they would prefer to have the sidewalks along Meadowbrook Drive constructed along the limits of the development. B. Zwicker indicated that this matter would be included in the development agreement and it is whatever the developer is willing to provide. Mayor Kelly asked if this was a negotiable point and D. Davis-Lohnes replied that it was.

Councillor Goucher commented about 15 units being constructed on .5 acres of land. B. Zwicker confirmed that the proposed number of units could not be changed, it had to remain at this number to made it economically viable.

B. Zwicker confirmed that the siding on the buildings would not be vinyl, they would have wood siding.

There were no further questions from Council and the floor was then opened to the public.

SPEAKERS

Mr. Koppernaes

The owner of the adjacent property spoke in favour of the proposed development. He indicated that he thought the proposal was a good one and he had no objections. He commented that he would be happy to see the deep hole on the property covered because it is presently very dangerous. He also mentioned that during the past 20 years, he has never seen the pipe full even during heavy storms. He commented that he would like to be able to have his driveway connect to the one behind the third unit.

After three calls by Mayor Kelly there were no further speakers.

Therefore, Public Hearing #93-10 of the Town of Bedford was adjourned at approximately 8:15 p.m..

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/gy

MEETING #85

TOWN OF BEDFORD

Regular Session

Tuesday, December 14, 1993

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, December 14, 1993 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 Bill MacLean and Councillors Harris Hutt, Anne Cosgrove, Stephen Oickle, Len Goucher and John Davies 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 Donna Davis-Lohnes, Acting Director of Planning.

There were approximately 20 residents present.

- 3. APPROVAL OF MINUTES - Meeting #81 - Regular Session, November 23/93
 Meeting #82 - Public Hearing, November 30/93
 Meeting #83 - Public Hearing, November 30/93
 Meeting #84 - Public Hearing, November 30/93

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved to approve the minutes for meetings #81, #82, #83, and #84 as circulated. The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions were made to the Order of Business:

- Item #10.3 Update on School
- Item #10.4 Municipal Infrastructure Program
- Item #10.5 Report - Metropolitan Authority - Deputy Mayor MacLean

Item #10.6 School Board Boundaries

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

ON MOTION of Deputy Mayor MacLean and Councillor Hutt, 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 **Storm Drainage Problems - Ambercrest and Snowy Owl**

A draft of a proposed Town policy regarding flooding and water problems, which had been approved by the By-Law/Policy Advisory Committee, was circulated with the agenda package for consideration of Council. Mr. Dan English, Chief Administrative Officer, explained the policy for Council and recommended its' adoption.

Mr. Rick Paynter, Director of Engineering and Works, also spoke to Council, noting that staff time spent on these matters has been considerable, and recommended that Council approve the policy. He further noted that the policy falls in line with the general practice among other municipalities.

Mayor Kelly indicated to Council that the policy should pertain to any future problems, but that Council still has to deal with the problems from the past that are on the table.

Councillor Oickle suggested, in reference to the Brown property on Ambercrest, that since the Town approved the building lot and a building occupancy permit was issued, the Town has a responsibility with respect to the subsequent problems with water runoff.

ON MOTION of Councillor Oickle and Councillor Cosgrove, it was moved that Town Council authorize the Engineering Department to proceed with repairs for the Ambercrest water problems, and also to build a swale at the Murphy property to re-direct water away.

Councillor Cosgrove inquired of Mr. Paynter whether placing the storm drain higher up the slope would help all down stream properties. Mr. Paynter indicated the placement of this drainage system further upstream would be preferable but would be more costly and questioned whether property owners would provide the easements to do so given the more difficult construction required.

Councillor Goucher indicated that he felt the new policy will deal with future problems with fairness and consistency, and that he will support the motion in dealing with this particular problem.

Councillor Davies stated that he has some concern with the idea that the Town has "some" responsibility, but that how much of a responsibility has not yet been quantified. He indicated that he could not support the motion on this basis.

Councillor Goucher indicated that he did not disagree with Councillor Davies, but that this particular problem had been before Council for a long time. He suggested that the cost of the work to be done should be included in the motion. He inquired to Mr. Paynter what the estimated cost is. Mr. Paynter stated that the work, including the swale, would be \$9,000.00.

ON MOTION of Councillor Oickle and Councillor Cosgrove, it was moved to Amend the Motion such that an upset cost of \$9,000.00 be approved for the corrective work at Ambercrest, and that any costs above this amount be shared by the Murphys and the Browns.

Councillor Hutt indicated that he did not feel the Town was 100% responsible for the corrective work. He noted that the Murphys had only bought their property in the last two years, and that, under real estate law, they should have been informed by the former owners and the real estate agent that there were drainage problems. Councillor Hutt suggested that a cost-sharing arrangement be considered.

Deputy Mayor MacLean also indicated that the Town does have "some" responsibility, but that he was not convinced that the suggested solution to the problem was the proper one.

Mayor Kelly asked Mr. Paynter to comment on whether the swale and drainage pipe will solve the problem. Mr. Paynter indicated that, based on observations made, he felt that the swale would be the most effective way to pick up the flow of water, if the path of the water flow remains the same.

Deputy Mayor MacLean indicated that he would like Mr. Paynter to be able to provide a higher level of assurance.

ON MOTION of Deputy Mayor MacLean, it was moved to DEFER further discussion until the Director of Engineering and Works has made further observations at the site and assessed it in consultation with the Murphys and the Browns.

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

ON MOTION of Councillor Goucher and Deputy Mayor MacLean, it was moved to AMEND the Motion such that the Engineering Department is to proceed with tender calls, instead of repairs, for the corrective works.

Mr. Paynter indicated that he would revise the plan to include the berm and call for tenders to return to Council for approval.

Councillor Goucher noted that tender calls would have to be made first anyway and that this amendment will not stall anything.

Mr. Paynter also indicated that he could have the results back by next week, but that if the amount is under \$10,000 it could be approved by the Chief Administrative Officer.

Councillor Oickle asked Councillor Goucher to withdraw his motion to Amend. Councillor Goucher indicated that he would not.

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

The Amended Motion was put to the Meeting and was CARRIED. (Councillors Davies and Hutt opposed.)

With respect to the drainage problems at Snowy Owl, Mayor Kelly reported that D.N.D. has given the Town permission to cross their land with a drainage pipe which would empty into a stream.

Mayor Kelly stepped down from the Chair briefly.

ON MOTION of Councillor Oickle and Mayor Kelly, it was moved that the Engineering Department fix the drainage problems at Snowy Owl utilizing in house resources.

Mayor Kelly noted that the water runoff is coming from both D.N.D. and Town-owned lands, and that the Town did approve the building lot knowing it was a problem area.

Councillor Davies stated that, again, he would like to know from an expert source whether the Town is responsible and to what degree; therefore, he was not

supporting the Motion.

Mr. Rick Paynter noted that an insurance investigation had been done and that it found no responsibility on the part of the Town. In addition, Town owned land was located and three properties away. The run-off was due to the natural topography.

Councillor Oickle suggested that the french drain installed by the property owners at their own expense of \$4,000, should have been inspected by the Town for suitability, but was not, and the drain is not sufficient.

Mrs. Profit, the property owner, was given permission to speak. She indicated that Town staff did come and look at the drain system but not in terms of suitability, only to see if it was attached to their storm lateral pipe properly.

The Motion was put to the Meeting and was LOST. (Mayor Kelly and Councillor Oickle voted in favour.)

Council then considered the above mentioned policy.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved that the Policy be accepted and incorporated into the Town Policy Manual with respect to water problems.

Deputy Mayor MacLean stated that the policy provides a quick remedy and fair and equitable treatment. It will take the issues out of the political forum and dealt with by a neutral person.

ON MOTION of Councillor Oickle, it was moved to DEFER.

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

Councillor Davies inquired how Council will determine, under the new policy, which professional will be deemed appropriate to assess future claims. Mr. English indicated that it would be through the mutual consent of Council and the claimants.

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

6.2 Appointment of Staff Pension Plan Carrier

By memorandum dated December 9, 1993, Mr. Dan English, Chief Administrative Officer, reported on the recommendation of a Committee which had evaluated the proposals received for a pension fund manager from various companies.

ON MOTION of Deputy Mayor MacLean and Councillor Goucher, it was moved that the firm of Maritime Life be appointed as Manager of the staff pension plan effective January 1, 1994. **The Motion was unanimously approved.**

6.3 Regional Library Funding

A letter regarding a new Regional Library Cost Sharing, arrived at during a joint meeting held on November 29, 1993, was circulated with the agenda for Council's consideration.

ON MOTION of Councillor Hutt and Councillor Goucher, it was moved that Bedford pay an additional \$30,960.00 to the Halifax County/Bedford Regional Library Board for the year 1993/94. **The Motion was unanimously approved.**

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.2 Consideration - Development Agreement - 1254 Bedford Highway/10 Meadowbrook Drive - Transmission Shop Re-Development

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that the M.P.S. be amended to add a new policy, Policy C-29A as follows:

Council shall consider residential uses on the rear portion of 1254 Bedford Highway and the property known as 10 Meadowbrook Drive through a Development Agreement. In considering a Development Agreement Council shall give consideration to the CMC zone requirements with regard to architectural guidelines. Multiple unit buildings shall not contain more than nine (9) units.

The Motion was unanimously approved.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that the Land Use By-Law be amended as follows:

1. *By adding to PART 4 USES PERMITTED BY DEVELOPMENT AGREEMENT under #3 policy "C-29A" to the sentence referring to Commercial Policies.*
2. *By adding to PART 4 USES PERMITTED BY DEVELOPMENT AGREEMENT under #3 e) the following sentence:*

A Development Agreement also may be considered for residential uses per Policy C-29A.

The Motion was unanimously approved.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that Town Council approve the entering into of a development agreement for the property at 1254 Bedford Highway/10 Meadowbrook Dr. for the Transmission Shop Re-development subject to obtaining Ministerial approval of the preceding MPS and LUB amendments. The Motion was unanimously approved.

8. **PETITIONS AND DELEGATIONS**

8.1 **Mr. Michael Spearns - Petition - Use of LeBrun Centre**

A petition with respect to the use of the LeBrun Centre was included in the agenda package.

ON MOTION of Councillor Goucher and Councillor Hutt, it was moved to table the petition. The Motion was unanimously approved.

8.2 **Request for Sidewalk - Eaglewood Drive - Ms. Deborah Toogood**

Ms. Toogood was present to speak to Council with respect to the petition. She stated to Council that the 350 concerned taxpayers want a permanent sidewalk from the school to Peregrine Crescent and a crosswalk in front of the school.

She noted that if the street were being constructed today, sidewalks would be required by law as a collector road.

ON MOTION of Councillor Oickle and Deputy Mayor MacLean, it was moved that Council accept the petition. The Motion was unanimously approved.

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that the Director of Engineering place, in the Capital Budget for prioritization, the funding for a sidewalk and crosswalk on Eaglewood Drive. The Motion was unanimously approved.

9. **MOTIONS**

9.1 Proposed Amendments - Burning By-Law - Second Reading

ON MOTION of Deputy Mayor MacLean and Councillor Davies, it was moved that the Proposed Amendments to the Burning By-Law be given Second Reading. The Motion was unanimously approved.

10. NEW BUSINESS

10.1 Ratification - Appointments to Transit Advisory Committee

ON MOTION of Deputy Mayor MacLean and Councillor Davies, it was moved that the following individuals be appointed to the Transit Advisory Committee for a one-year term (November, 1993 - November, 1994):

*William Chaffey
Reg Ogilvie
Bill Walsh
Dianne Korim
Marvin Silver*

The Motion was unanimously approved.

10.2 Ratification - Appointments to Union Street RCDD

ON MOTION of Deputy Mayor MacLean and Councillor Hutt, it was moved that the following individuals be appointed to the Union Street RCDD Public Participation Committee:

Clarke Bedford - Bedford Waters Advisory Committee
Janet Ogden Calder - Bedford Planning Advisory Committee
Eric Fraser - UNBM Resident's Association
Jayne Huizen - Old Central Bedford Resident's Association
Bill Roy - Citizen at large

The Motion was unanimously approved.

Councillor Oickle spoke with respect to an article in a local publication that had commented unfavourably on Town Council's decision to proceed with the above committee. Councillor Oickle called the article "short-sighted" and suggested that it was written with "tunnel vision". He further noted that if Town Council had turned down the proponents application to begin the RCDD committee process, the Town would have been open for a law suit.

10.3 Update on School

Mayor Kelly reported that the site has been cleared and that "grubbing" will begin on Thursday of this week; possibly with blasting. He further noted that staff is investigating possible "over-zealousness" with respect to tree clearing.

10.4 Municipal Infrastructure Program

Mayor Kelly noted that a report on the program had been circulated.

ON MOTION of Councillor Davies and Deputy Mayor MacLean, it was moved that the resolutions pertaining to the Municipal Infrastructure Program be adopted. The Motion was unanimously approved.

10.5 Update - Metropolitan Authority

Mayor Kelly reported that the proposed By-Law to amalgamate the Ferry/Metro Transit System has been referred to legal counsel in order to substitute a more "generic" clause for the exclusion clause to which Bedford Town Council had objected. The By-Law will then be circulated to the respective Councils for debate.

10.6 School Board Boundaries

Mayor Kelly reported that during a public hearing of the School Board a proposal to re-align the districts into 5 districts, and to assign districts 13, 17 and 18 to the Town of Bedford was put forth. Mayor Kelly had raised a concern with respect to Town input/representation on the Board. He had suggested that there be a total of 10 districts to guarantee enough Town representation.

Councillor Davies raised a suggestion that Bedford look at the possibility of having it's own school board.

ON MOTION of Councillor Davies and Councillor Oickle, it was moved that a feasibility study be conducted on the possibility of Bedford establishing it's own school board. The Motion was unanimously approved.

11. REPORTS

11.1 COMMITTEES/COMMISSIONS/BOARDS

11.1.1

BPAC Activity Report - December 3, 1993

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to accept the BPAC Activity Report for December 3, 1993. The Motion was unanimously approved.

11.2 **DEPARTMENTAL - NIL**

12. **CORRESPONDENCE - NIL**

12.1 **Proposed Extension of Services - Hammonds Plains Road**

By memorandum dated December 10, 1993, Donna Davis-Lohnes, Acting Director of Planning and Development Control, reported on a request to extend trunk services from Mrs. Foster, 753 Hammonds Plains Road.

Mr. Rick Paynter, Director of Engineering and Works, indicated to Council on a map where the services currently end and where it is requested they be extended.

Ms. Davis-Lohnes explained the planning issues to Council, noting that the existing lot of 1.6 acres, with 310 ft. of street frontage, had been previously approved for development of one single family home with health approvals.

Ms. Davis-Lohnes went on to report that the zoning is currently RR, which is very restrictive, and that under this zoning no additional lots could be created. She noted that she could outline six concerns if Council were to consider making amendments to the M.P.S. and L.U.B. to allow this lot owner to subdivide the lot.

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to DEFER further discussion until the January 11 meeting. The Motion was unanimously approved.

12.2 **Dept. of Economic Development - Future Administration of B.W.D.C.**

A letter from Hon. Ross Bragg was included in the agenda package for Council's information.

Deputy Mayor MacLean requested that an update of the Town's Municipal Facilities be brought forward at the next Council meeting.

13. MOTIONS OF RECONSIDERATION - NIL

14. MOTION OF RESCISSION - NIL

15. NOTICES OF MOTION - NIL

16. DEPARTMENTAL INFORMATION REPORTS

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

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to approve the Fire Chief's Monthly Report for the Month of November 1993. The Motion was unanimously approved.

16.2 Building Inspector's Monthly Report - November 1993

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to approve the Building Inspector's Monthly Report for November 1993. The Motion was unanimously approved.

17. QUESTIONS

17.1 Status Sheet

Questions were raised with respect to:

Town-owned land - Doyle St. - Donna Davis-Lohnes indicated that staff have not been able to schedule a Public Information Session as yet.

Proposed Upgrading - Lion's Pool - will be discussed at the next meeting.

Parking Papermill Lake - Donna Davis-Lohnes reported that a proposed plan for the remaining lands around Paper Mill Lake will be brought forth early this Spring.

18. ADDED ITEMS - NIL

19. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 85th Regular Session of the Town Council of the Town of Bedford at approximately 9:45 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

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