

REGULAR SESSION - JUNE 13, 1995

Mayor Peter Kelly thanked Mr. Ambler and noted that this matter will be added to Capital Budget deliberations.

10.8 Capital Budget Discussions - Signalization at Union St. - Fish Hatchery Lane - Deputy Mayor Peter Christie

It was agreed that this item would be discussed during Capital budget deliberations.

10. NEW BUSINESS CONT

10.9 UPDATE - REGIONAL ELECTORAL DISTRICTS - DEPUTY MAYOR PETER CHRISTIE

Deputy Mayor Peter Christie suggested that mailouts be distributed to Bedford residents indicating upcoming hearing dates of the Utility and Review Board, at which time electoral district boundaries of the new regional unit would be discussed, making particular note of the process involved and who to contact for further information.

12. CORRESPONDENCE

12.1 CORRESPONDENCE - HALIFAX-DARTMOUTH AND DISTRICT LABOUR COUNCIL CLC

The correspondence was received for information.

14. MOTION OF RESCISSION

14.1 ELECTORAL BOUNDARIES ISSUE - BEDFORD WEST

Deputy Mayor Peter Christie advised that during a Committee of the Whole held May 30, 1995, Council agreed to stop further action on this matter. Accordingly, a Motion of Rescission was required on an earlier Motion of May 16, 1995:

"... to instruct the Town's solicitor to seek leave to have this matter heard before the Supreme Court. MOTION CARRIED."

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to suspend the Rules of Order to permit a Motion of Rescission on the May 16,

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1995 Motion. **MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to rescind the Motion of May 16, 1995. **MOTION CARRIED UNANIMOUSLY.**

17. QUESTIONS

17.1 STATUS SHEET

The Status Sheet was received for information.

6. NEW BUSINESS CONT

6.3 UPDATE - PROPOSED THREE YEAR CAPITAL BUDGET

Through the use of overheads, Mr. Dan English, provided an overview of the proposed 1995/96 Capital Budget making particular note of Capital From Revenue (funded through the annual tax rate) and projects to be funded by Borrowing or from Reserves.

The following facts were highlighted:

- projects which had been previously committed totalled \$652,000;
- Tenders on Storm Drainage Improvements - Meadowbrook Drive - closed next week;
- Local Street Upgrading - Chip Sealing was about to go to tender;
- projects listed in random order were reviewed;
- maximum borrowing of \$600,000 was approved by Council on February 13, 1995;
- \$720,000 available in the Reserve Fund was reduced by \$30,000 for Millview Park.

Mr. English noted that whatever Council decides this evening, Mr. Bill Hayward, Amalgamation Co-Ordinator, will have to be contacted for approval to borrow necessary funds.

Copies of the results of Council's collective priority listing of projects to be funded by Borrowing or from Reserves was circulated to Members of Town Council.

It was the consensus of Council to deal with Capital projects which did not require provincial cost-sharing i.e. Bedford Highway Boulevard Project; Bedford Highway South

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Road Reconstruction; Sidewalk Construction Basinview Drive and Arterial Road Resurfacing.

#2 - DARTMOUTH ROAD SIDEWALK

ON MOTION of Councillors Stephen Oickle and Joan Pryde, it was moved to call tenders for Dartmouth Road Sidewalk. **MOTION CARRIED UNANIMOUSLY.**

#5 - BEDFORD HIGHWAY UPGRADING

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to call tenders for Bedford Highway Upgrading. **MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to extend the meeting to 11:00 p.m. **MOTION CARRIED UNANIMOUSLY.**

#6 - WARDOUR STREET SIDEWALK

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved to call tenders for Wardour Street Sidewalk. **MOTION CARRIED UNANIMOUSLY.**

#7 - UNION STREET UPGRADING

ON MOTION of Councillors Stephen Oickle and Marvin Silver, it was moved to call tenders for Union Street Upgrading. **MOTION CARRIED UNANIMOUSLY.**

#8 - RANGE PARK PEDESTRIAN BRIDGE

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to call tenders for Range Park Pedestrian Bridge. **MOTION CARRIED UNANIMOUSLY.**

#9 - REPLACEMENT - AERIAL TRUCK

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved not to proceed with this project due to amalgamation. **MOTION APPROVED UNANIMOUSLY.**

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#10 - UNION STREET/FISH HATCHERY LANE SIGNALIZATION

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to call tenders for Union Street/Fish Hatchery Lane Signalization. **MOTION CARRIED UNANIMOUSLY.**

Mayor Peter Kelly enquired on the timing required to follow through with the tender call process for the above-noted tenders. In response, Mr. Wayne Legere advised anywhere from 1.5 months to 3 months.

19. ADJOURNMENT

The meeting adjourned at approximately 10:40 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #18

TOWN OF BEDFORD
SPECIAL SESSION
TUESDAY, JULY 4, 1995 - 7:00 A.M.

A Special Session of the Town Council of the Town of Bedford was held Tuesday, July 4, 1995 - 7:00 a.m. - in the Committee Room, Suite 300, 1597 Bedford Highway, Bedford, Nova Scotia.

1. ATTENDANCE

Those in attendance at the commencement of the meeting included Mayor Peter Kelly; Deputy Mayor Peter Christie and Councillors Joan Pryde, Len Goucher, Marvin Silver and Anne Cosgrove.

Councillor Stephen Oickle was absent with regrets.

Staff members in attendance included Dan R. English, Chief Administrative Officer, Rick Paynter, Director of Engineering and Works and Jane Nauss, Recording Secretary.

Mr. Graham Walker, Q.C., Solicitor, was also in attendance for a portion of the meeting.

4. ELECTORAL DISTRICTS ISSUE - TOWN OF BEDFORD

Mayor Peter Kelly called on Mr. Graham Walker to address Council.

Mr. Walker advised that Mayor Kelly, Deputy Mayor Christie and himself made representation to the Utility and Review Board on June 28, 1995 respecting the electoral boundaries of the Town of Bedford. Mr. Walker noted that the Town has until Friday July 7th to file a supplementary brief with the Board. At the present time, Mr. Walker noted the Board does not feel that Bedford, on its own, has a community of interest, particularly with respect to its current voter numbers. With enumeration of the metro area scheduled to take place July 12 to July 24, Mr. Walker advised that the Town could verify the actual number of voters following that timespan, however, he cautioned Council that July 24, the final day of enumeration, was one week before the boundaries of the new unit to be finalized.

Mr. Walker further advised that Mayor Kelly had made a submission to the Board as a taxpayer and not as Mayor. This was done as it was possible under Section 15 of the

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Charter, that Mayor Kelly could charge the Board with discrimination, in that he, as a resident and taxpayer, would not be properly represented in the Halifax Regional Municipality should there be only one elected representative from Bedford on the new Council. Mr. Walker advised that only a resident could charge the Board with discrimination and not a body such as a municipal Council.

Council will have to make a decision as to what the next step will be once the Board makes its final ruling on the boundaries, particularly if Bedford is not happy with the outcome. Should the Town not obtain the representation it requires on the new Council, Mr. Walker noted that Town Council can appeal a decision of the Board. Further, an appeal can be filed regarding personal action against Mayor Kelly, as a resident, due to the Board's decision and the fact they have not recognized Bedford as a community of interest.

Mr. Walker suggested Council look at a backup position once Mr. Bill Hayward makes his recommendation to the Board later on today. Further, he noted that Bedford is the only metro unit who is not, in his opinion, getting a "fair shake" in the amalgamation process.

Mr. Walker advised he would be attending the Hearings later on this morning and that the Town should file a supplementary submission on Friday, July 7, 1995 to strengthen the Town's argument on a community of interest in respect to a Community Council and to strengthen a possible discrimination issue by Mayor Kelly. It was noted that a final decision will be made by the Board in late July.

A brief discussion ensued on the concerns expressed by Council as to the Board's response to the Town's earlier submission.

Mr. Walker noted that in its final submission, Council should clarify the following:

1. what does a community of interest mean?
2. the Statute creates a new community of interest i.e. a Community Council and ties it into the by-laws; how can elected representatives - not elected from Bedford - run a Community Council in Bedford?

In response to an enquiry from Mayor Kelly if Council could delay a decision of the Board until August, after the enumeration is completed and in order to obtain actual

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voter figures, Mr. Walker advised that a request for a delay *may* be successful, however, there was no legal venue by which Council could request a delay.

Mr. Walker enquired if Council would be satisfied with one representative if the legislation was amended to provide a one person Community Council.

Mayor Kelly advised this is not an option as a one person Community Council would have too strong a power. Further, Mayor Kelly suggested that each Councillor make a suggestion as to how they, individually, would like to see the boundaries of Bedford in the new unit.

Following a brief discussion, it was the consensus of Council to request two elected representatives, extending the current boundaries to District 18 - Halifax County-Bedford District School Board boundary area.

In response to an enquiry from Mr. Graham Walker, if the numbers were important to Council and if it was their objective to ensure that two people provide representation to the new unit, Mayor Kelly responded in the affirmative, noting that the numbers could go up to 20,000.

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to request that two elected representatives serve the following area: draw a line within the centre of the Town and extend the boundaries to include District 18 - the Halifax County-Bedford District School Board boundary area.

In speaking to the Motion, Councillor Goucher advised that District 18 was in agreement with the concept.

Councillor Marvin Silver enquired if the Motion could be amended to read "any contiguous area to the south of Bedford."

Deputy Mayor Christie suggested that if Bedford boundaries are extended in a southerly manner, Bedford could be overpowered in terms of population numbers.

MOTION CARRIED UNANIMOUSLY.

5. 1995 CAPITAL PROJECT TENDERS

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5.1 Consideration - Awarding of Tender #95-10 - Rocky Lake Drive Storm Drainage Improvements

Mr. Rick Paynter provided a brief outline of the project noting that this is the third tender call associated with the approved Sanitary Sewer Infiltration Reduction Program which had been approved in 1994 under the Canada-Nova Scotia Infrastructure Works Program. This particular project entails the installation of approximately 250 feet of small diameter storm sewer beginning on Rocky Lake Road (lot numbers 124 and 126) and ending in the Bedford Junior High School parking lot.

It is staff's recommendation that Tender 95-10, Rocky Lake Drive Storm Drainage Improvements, be awarded to C.R. Falkenham Backhoe Services Ltd. in the amount of \$23,913.43, inclusive of G.S.T. with the Town's net cost of \$7,971 to be funded out of the Sewer Redevelopment Reserve Fund.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to award Tender 95-10, Rocky Lake Drive Storm Drainage Improvements, to C.R. Falkenham Backhoe Services Ltd. in the amount of \$23,913.43 inclusive of G.S.T. with the Town's net cost of \$7,971 to be funded out of the Sewer Redevelopment Reserve Fund.
MOTION APPROVED UNANIMOUSLY.

5.2 Consideration - Awarding of Tender #95-07 - Storm Drainage Improvements - Meadowbrook Drive

It is the recommendation of staff that Tender #95-07 be awarded to Ocean Contractors Limited in the amount of \$138,429.11 plus a contingency allowance of \$10,000.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved that Tender #95-07 be awarded to Ocean Contractors Limited in the amount of \$138,429.11 plus a contingency allowance of \$10,000 for a total budget commitment of \$148,429.11.
MOTION CARRIED UNANIMOUSLY.

5.3 Oil Tank Removal/Replacement - Bedford Fire Hall

Mr. Rick Paynter advised that although the report noted a cost of \$25,000 to \$30,000 to remove and replace the existing fuel storage tank, costs may go as high as \$40,000 to \$45,000.

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Mayor Peter Kelly suggested that Council provide permission for staff to have the tank removed and that costs involved will be brought back to the table at a later meeting. Mr. English noted that the costs could form part of the Fire Hall replacement Capital Project.

ON MOTION of Councillors Len Goucher and Deputy Mayor Peter Christie, it was moved to authorize staff to proceed with in the replacement of the storage tank, with costs involved to be brought back to Council at a later date for ratification. **MOTION CARRIED UNANIMOUSLY.**

5.4 Rocky Lake Drive Resurfacing

Mr. Rick Paynter advised that the Town had been pursuing the possibility of resurfacing Rocky Lake Drive in the area of the new entrance to C. P. Allen High School. The Department of Transportation and Communication is prepared to consider the resurfacing of this particular section upon completion of the work involved, subject to the Town approving 50% cost sharing of an approximate total cost of \$78,000.

ON MOTION of Deputy Mayor Peter Christie and Councillor Anne Cosgrove, it was moved to provide 50% costsharing of an approximate total cost of \$78,000, to resurface a portion of Rocky Lake Drive near the new entrance to C. P. Allen High School. **MOTION APPROVED UNANIMOUSLY.**

6. ADJOURNMENT

The meeting adjourned at approximately 8:20 a.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

MEETING #19

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, JULY 11, 1995

A Regular Session of the Town Council of the Town of Bedford took place July 11, 1995 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

PRESENTATION - 10 YEAR PLAQUE/ 15 YEAR PLAQUE

Mayor Peter Kelly presented Mr. Mark Lavoie, Bedford Fire Department, with a 10 Year Plaque commemorating 10 years of employment with the Town of Bedford. Mayor Kelly expressed his appreciation to Mr. Lavoie for his dedication in the delivery of fire service to the residents of the Town of Bedford.

Mayor Peter Kelly presented Mrs. Karen Dorey-Godwin with a 15 Plaque commemorating 15 years of employment with the Town of Bedford. Mayor Kelly noted that Mrs. Dorey-Godwin was one of the employees originally hired at the time of Incorporation; further, he noted that her dedication to the Town was appreciated.

PRESENTATION - BEDFORD DAYS CO-CHAIRS

Mayor Peter Kelly presented Ms. Theresa Conway and Mrs. Lucie Goucher, Co-Chairs, 1995 Bedford Days, with a Plaque and Town of Bedford sweatshirt in appreciation of their efforts in organizing this year's event. Mayor Kelly noted this year's Bedford Days was one of the best and that both Ms. Conway's and Mrs. Goucher's efforts were appreciated.

PRESENTATION - FORMAL COUNCIL PHOTOGRAPH

Mr. Carlos Cacola, Photographer, presented Mayor Kelly with Council's formal photograph. Also, Mayor Kelly presented each Member of Council with personal copies.

1. LORD'S PRAYER

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

2. ATTENDANCE

Those in attendance included Mayor Peter Kelly; Deputy Mayor Peter Christie and Councillors Joan Pryde, Stephen Oickle, Len Goucher, Marvin Silver and Anne

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Cosgrove.

Staff members in attendance include Rick Paynter, Acting Chief Administrative Officer; Ron Singer, Director of Corporate Services, Donna Davis-Lohnes, Director of Planning and Development Control; Neville Wheaton, Fire Chief, Bedford Volunteer Fire Department and Jane Nauss, Recording Secretary.

3. APPROVAL OF MINUTES

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve the minutes of June 13, 1995 - #17. MOTION CARRIED UNANIMOUSLY.

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to approve the minutes of July 4, 1995 - #18. MOTION CARRIED UNANIMOUSLY.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

Item 10.9 - Tender 95-13 - Ornamental Stone Wall Reconstruction - Second Street -

Item 10.10 - Airport International Airport Planning Group Inc.

Item 10.11 - MPS Review

Item 6.1 - Regional Municipality Electoral Districts - July 4/95 - to be deleted from the agenda - to be discussed In Camera following the Regular Meeting.

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, the Order of Business, as amended, was approved. MOTION APPROVED UNANIMOUSLY.

6. NEW BUSINESS

6.2 Consideration - Resolution - Execution of Agreement for Purchase of Site Respecting New Fire Hall

Mayor Kelly noted he had met with Mr. Frank Sobey, Jr. in order to discuss the above-

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noted proposal. Sobey's has agreed to the price of \$275,000 for the one acre site. The matter was before Council this evening for a formal resolution authorizing the Mayor and Chief Administrative Officer to enter into an Agreement with Sobey Leased Properties Limited for the purchase of the property, subject to the provisions as outlined in correspondence dated July 11, 1995 from Mr. Jack Innes, Solicitor.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to authorize the Mayor and Chief Administrative Officer to enter into an Agreement with Sobey Leased Properties Limited for the purchase of property located on the corner of Bedford Highway and Convoy Run, for the purpose of constructing a fire hall, subject to the provisions as outlined in correspondence dated July 11, 1995 from Mr. Jack Innes, Solicitor.

A brief discussion ensued as to what would occur to the property should the new Halifax Regional Council decide not to continue with the project. It was the consensus of Council that Sobey's could exercise the option of being able to purchase the property back for the initial purchase price plus any capital costs incurred.

MOTION CARRIED UNANIMOUSLY.

6.3 Ratification of Appointments to Fort Sackville Committee

Ms. Donna Davis-Lohnes, Director of Planning and Development Control, reviewed background of the matter before Council, noting that a motion, ratifying Council members on this Committee was required.

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to ratify the appointments of Mayor Kelly; Deputy Mayor Peter Christie and Councillor Anne Cosgrove to the Fort Sackville Committee. MOTION CARRIED UNANIMOUSLY.

Ms. Davis-Lohnes noted that Mr. Ron Pierce, Ms. Diana Haydon and Mr. Allan Duffus, would also sit on this Committee.

10. NEW BUSINESS

10. Consideration - Award of Tender - Recreation Maintenance Vehicle

Councillor Joan Pryde spoke as a member of the Recreation Advisory Committee, noting that the vehicle was badly needed by the Recreation Department.

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A brief discussion ensued on the future of the vehicle after amalgamation. In response, Councillor Pryde noted that the vehicle will still be required for park maintenance, equipment transport, landscape project and snow removal.

ON MOTION of Councillors Joan Pryde and Len Goucher, it was moved to award the tender to Carroll Pontiac GMC for a diesel truck, in the amount of \$30,297.05 plus \$3,500 for dump apparatus, for a total cost of \$33,797.05.

A brief discussion ensued on the difference between leasing and purchasing a vehicle. In response, Mr. Paynter noted that although it would appear to be less expensive to lease the vehicle (approximately \$500 - 600/month); the added truck capabilities, as required by the Recreation Department, would raise the leasing costs.

ON MOTION of Marvin Silver, it was moved to defer further discussion on this matter pending additional information from the Director of Recreation.

As there was no seconder, the Motion was lost.

MOTION CARRIED. Councillor Stephen Oickle voted in the negative.

10.2 Consideration - Award of Tender 95-14 - Asphalt Patching

Mr. Rick Paynter reviewed his memorandum making particular note of the fact that the majority of the work involved consists of machine asphalt patching on localized sections of arterial roadways.

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to award Tender 95-14 - Asphalt Patching, to Dexter Construction Company Limited, in the amount of \$42,479 (GST included) with funding of \$13,589 to come from the Capital Chip Sealing Account and the balance funded through the Road Maintenance Account. MOTION CARRIED UNANIMOUSLY.

10.3 Consideration - Award of Tender 95-15 - Chip Sealing

Mr. Rick Paynter reviewed his staff report noting this project calls for the single surface treatment of approximately 35,000 square yards of local streets.

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to award Tender 95-15 for the surface treatment of local streets, to Dexter

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Construction Company Limited in the amount of \$46,705.50 with a funding estimate of \$60,000 approved under the 1995 Capital Budget; further that a contingency allowance of \$2,000 be included bringing the total cost for the project including the \$13,589 asphaltting patching preparation works cost for a total of \$62,294.50. MOTION CARRIED UNANIMOUSLY.

10.4 Consideration - Award of Tender 95-17 - Stormwater Culvert Replacement
Hammonds Plains Road

Mr. Rick Paynter reviewed his memorandum noting that the project consisted of the replacement of a 36" diameter corrugated metal culvert crossing the Hammonds Plains Road; further the replacement with twin 24" diameter concrete pipes.

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to award Tender 95-17 to C.R. Falkenham Backhoe Services Limited in the amount of \$14,001.70 (GST included), to be funded from the Storm Sewer Maintenance Account. MOTION APPROVED UNANIMOUSLY.

10.5 Consideration - Contract Extension - Tender 95-03 - Samson Industrial Ltd.

Mr. Rick Paynter reviewed his report noting that a number of additional repairs are required under Contract 95-03. As a result, an additional funding allotment from the Infiltration Reduction Program Budget will be required.

ON MOTION of Councillors Anne Cosgrove and Marvin Silver, it was moved that a contingency allotment of \$16,000 (net cost to Town - \$5,331) be approved for Contract 95-03 (approved by Council on May 2/95) for trenchless repair works by Samson Industrial Limited. MOTION CARRIED UNANIMOUSLY.

10.6 Consideration - Proposed Disposal of Service Right-of-Way - Peregrine Crescent
to Armoyan Court

Mr. Rick Paynter reviewed his staff report noting that in 1989, property owners abutting the above-noted area expressed an interest in purchasing the right of way, with the proviso that the Town maintain the service easement. Although this proposal was approved by Council on April 24, 1989, for several reasons, the proposal was never implemented.

The issue at hand has come to the forefront again with three of four abutting property

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owners agreeing to purchase the property, with the Town maintaining a service easement. Council direction at this time was required.

A brief discussion ensued on the procedure involved to dispose of Town land.

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve, in principle, the sale of the existing service right-of-way between Peregrine Crescent and Armoyan Court, to those abutting property owners who have expressed an interest in same for the cost of legal and survey costs (approximately \$600 - \$800 per property owner) subject to this matter going to a Public Hearing.

MOTION CARRIED. Councillor Marvin Silver voted in the negative.

10.7 Consideration - Request for Tax Refund - Kel-Ann Enterprises Ltd.

Mr. Ron Singer, Director of Corporate Services, reviewed his staff report noting that Kel-Ann Enterprises Limited had been wrongly billed for taxes on Lot TB-1 for the period 1991 - 1994 inclusive. It was staff's recommendation that the taxes be refunded in full totalling \$4,974.91.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to refund taxes from 1991 - 1994 inclusive, to Kel-Ann Enterprises Limited on Account 07659245 - Lot TB-1. MOTION CARRIED UNANIMOUSLY.

10.8 Consideration - Special Event - Citizens' Appreciation Day

Mayor Peter Kelly addressed Council proposing that Council express its appreciation to Bedford residents for their support over the past fifteen years by holding a Citizens' Appreciation Day the second weekend in September. Further, he advised that the current Bedford Days Committee has agreed to organize same.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to organize a Citizens' Appreciation Day, expanding the Committee by bringing in other residents to assist the Bedford Days Committee; further, that this matter be brought back to Council on August 11, 1995.

A brief discussion ensued on the timing with respect to obtaining entertainment at this late date.

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MOTION CARRIED UNANIMOUSLY.

10.9 Consideration - Awarding of Tender 95-13 - Ornamental Stone Wall Reconstruction - Second Street

Mr. Rick Paynter reviewed his staff report noting that the low bidder did not include a bid deposit as required within the Instructions to Tenderers, Section 2, Tender Security. Accordingly, it was staff's recommendation to award the tender to the second lowest bidder.

ON MOTION of Councillors Stephen Oickle and Len Goucher, it was moved to award Tender 95-13 - Ornamental Stone Wall Reconstruction - Second Street - to Dexter Construction Company Limited in the amount of \$16,585.00 plus a contingency allowance of \$2,000 for a total funding commitment of \$18,585.00. MOTION APPROVED UNANIMOUSLY.

10.10

Halifax International Airport Planning Group Inc.

Mayor Peter Kelly addressed Council noting that Mr. Stephen Wallace had been earlier nominated by Town Council to sit on the Board of the Halifax Airport Authority. The Chairman of the Board, Mr. James Radford, was now seeking a formal resolution from each participating municipality as it relates to the nomination, appointment and revocation of the appointment process.

ON MOTION of Councillors Marvin Silver and Len Goucher, it was moved that Bedford Council endorses the structure of the Board of Directors of the Authority and, in particular, endorses the provisions of its By-Law as related to the nomination, appointment and revocation process; and

further, that Council designates the Mayor to be its designated representative as a Nominator and as required under the Constitution of the Authority and confers the right on the Mayor to designate an alternate representative as a Nominator by written notice to the Chair of the Authority. MOTION CARRIED UNANIMOUSLY.

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to correspond with Mr. James Radford, Chairman of the Authority, enquiring if the Board is successful in privatizing Halifax International Airport, what would be the future of the Airport. MOTION CARRIED UNANIMOUSLY.

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10.11

MPS Review - Councillor Len Goucher

Councillor Goucher expressed a concern with regard to the density issue in Commercial Comprehensive Development Districts and recommended that Council proceed to public hearing for a change to the MPS to apply RCDD densities in CCDDs as recommended by BPAC.

Ms. Donna Davis-Lohnes, Director of Planning and Development Control noted that a Public Information Meeting must be held prior to going to Public Hearing on this matter. Further, she noted that residents have expressed earlier concerns with Public Information Meetings and Public Hearings being held in the summer. Ms. Davis-Lohnes recommended that information pertaining to the density issue be made available to the public; further, that a staff report would have to be compiled.

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved to hold a Public Information Meeting on September 5, 1995, followed by a Public Hearing on September 26, 1995. Further, Town staff are to consult with the Town's solicitor on this matter. MOTION CARRIED UNANIMOUSLY.

16. DEPARTMENTAL REPORTS

16.1 Fire Chief's Monthly Report - Month of May, 1995.

The Fire Chief's Monthly Report for the Month of May, 1995 was received as circulated.

16.2 Chief Building Inspector's Report - Month of May, 1995.

ON MOTION of Councillor Stephen Oickle and Deputy Mayor Peter Christie, it was moved to approve the Chief Building Inspector's Report for the Month of May, 1995. MOTION CARRIED UNANIMOUSLY.

17. QUESTIONS

17.1 Status Sheet

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In response to an enquiry from Deputy Mayor Peter Christie regarding the Hearing scheduled for the Halifax County Water Utility proposed rate increase, Mr. Rick Paynter noted the rate Hearing would be held on Wednesday, July 12, 1995. Further, Mr. Paynter noted that Town staff were not requested to prepare a presentation for submission to the Utility and Review Board in regards to this rate Hearing .

Deputy Mayor Christie expressed his concern with respect to dealing with the water pressure problems in Eaglewood Subdivison.

18. ADDED ITEMS

18.1 ASSESSMENT PROCESS

Mayor Peter Kelly addressed Council noting that the Minister of Municipal Affairs, the Hon. Sandy Jolly, had announced that the three-year assessment process would be carried out on an annual basis from now on. The 1995 assessment figures will be calculated December, 1996 thereby providing a basis for 1997.

Mr. Ron Singer noted this new process will be more timely and provide more accurate assessments.

19. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

MAYOR

ACTING CHIEF ADMINISTRATIVE OFFICER

MEETING #21

TOWN OF BEDFORD
PUBLIC HEARING #95-03
WEDNESDAY, AUGUST 2, 1995 - 7:00 P.M.

A Public Hearing was held Wednesday, August 2, 1995 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

The purpose of the Hearing was to receive both written and verbal submissions with respect to a Development Agreement Application with Crestview Properties Ltd.

Those in attendance included Mayor Peter Kelly; Deputy Mayor Peter Christie and Councillors Joan Pryde, Len Goucher and Marvin Silver.

Those absent with regret included Councillors Stephen Oickle and Anne Cosgrove.

Staff members in attendance included Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Director of Planning and Development Control, and Jane Naus, Recording Secretary.

Mayor Peter Kelly called on Ms. Davis-Lohnes to provide an overview of the project for Town Council.

Ms. Davis-Lohnes commenced her review of the proposal by advising the Public Hearing had been duly advertised as per the Planning Act and that a draft Development Agreement and staff report had been previously circulated to Council. Further, it was noted that the original application was submitted to staff on July 22, 1994 and that the matter had been before BPAC twice, namely, April 3 and July 10, 1995 with two Public Information Meetings taking place October 5, 1994 and June 29, 1995.

The original proposal was to construct two thirty-six (36) unit apartment buildings, a seniors complex with 20 to 30 units and a two-storey commercial building approximately 1600 square feet in size. The two 36 unit apartment buildings were located on the upper section of the CCDD having direct access onto Nelson's Landing Blvd. The seniors complex and commercial building were located on the lower section of the CCDD with access onto Wyatt Road. Further, it was proposed that a portion of the Wyatt Road be upgraded.

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Upon receipt of the original proposal, Town staff expressed concerns, particularly with the fact that the commercial component of the project was inadequate to meet the intent of the CCDD. Further, resident concerns were expressed on the siting of the seniors complex and the commercial building in respect to a potential impact on the brook which runs through the parcel, residential homes and on Wyatt Road itself.

Following a revision by the developer to the original plan, the upper area of the CCDD identified as a residential component (two 36 unit apartment buildings) was proposed to proceed as Phase I. There was no specific proposal for the commercial component (lower section of the CCDD) at that time however if developed in the future, same would be carried out through an amendment to the original Development Agreement. This second proposal was presented to BPAC on April 3, 1995 at which time the committee recommended that staff meet with the developer recommending that the density of the development be decreased.

Following the April 3, 1995 BPAC meeting, a third proposal by the developer was prepared in that the two buildings (A and B) (situated on approximately 4.0 acres of the entire 7 acre CCDD) were relocated to better suit the lot. Further, the parking area had been re-sited between the two buildings thereby addressing concerns of the Fire Department, residents of Wyatt Road and Town staff and that two stands of hardwood trees were retained to create a partial buffer between the parking area and private residences on Wyatt Road. Ms. Davis-Lohnes also noted that private recreation areas would be provided for the project residents. Further, it was noted that the lower building (Building B) was proposed to have 30 units and be three storeys high. The upper building (Building A) was proposed for 42 units with three storeys on the higher floor grade and four storeys on the lower floor grade. These new proposals were discussed during a Public Information Meeting held on June 29, 1995 with the outcome that the process for the Crestview CCDD would continue with a staff report being presented to BPAC for recommendation and eventual Public Hearing date to be determined by Town Council.

Ms. Davis-Lohnes noted that the southwest corner of the upper building (Building A) would require a twenty foot site disturbance area into one of the knolls with a 10 - 15 foot retaining wall and that this corner should be pulled away from the knoll. The northwest end of the lower building (Building B) is approximately 10 feet from the edge of the rock face along Nelson's Landing Boulevard. It was noted that the developer has agreed to provide a fence along the edge of the rock face. Ms. Davis-Lohnes noted

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however this end of the building should be pulled further from the rock face.

The meeting was advised that the buildings will be accessed via a private driveway (20 ft. wide) from Nelson's Landing Boulevard through the transfer of ownership of a strip of land fronting on Nelson's Landing Boulevard, from Bedford Basin Estates to Crestview Properties Ltd.

With respect to private recreation space, Ms. Davis-Lohnes advised that one area is proposed between the parking spaces as a passive recreation area, to be extensively landscaped, with the other located at the southern end of Building A. It was noted that the latter area could serve twofold; as visitor parking and as a basketball court/road hockey area. Further, the developer has agreed to extend the landscaping by the cliff (top of Building B) overlooking Bedford Basin. The area behind Building A is to be left as is.

Ms. Davis-Lohnes reviewed the recommendation of BPAC during the July 10, 1995 meeting:

"... that BPAC approves the Staff Report that recommends approval of the project subject to the following conditions:

- a) cash contribution to the infiltration reduction program consistent with recently approved Development Agreements;
- b) contribution to the upgrading of the intersection of Nelson's Landing Boulevard and the Bedford Highway proportionate to the impact the project will place on the intersection (8-10%);
- c) architectural design guidelines similar to the adjacent Crestview RCDD 48 unit apartment building;
- d) landscaping and fencing of the area between parking lot and Wyatt Road;
- e) the developer will design a solution to mitigate the impact of building on slopes to be consistent with Policy C-8.

Further, BPAC included a condition:

- f) the private driveway be 26 feet in width.

Making reference to a supplementary staff report dated August 2, 1995, Ms. Davis-Lohnes provided an update on the first five items which have been addressed by the

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developer:

- a) the developer has agreed to pay \$300 per unit prior to the issuance of occupancy permits. Same will be applied to the Infiltration Reduction Program. However, "if" at the time of occupancy sufficient capacity is available at the Mill Cove treatment plant, this payment will not be necessary;
- b) the developer has agreed to pay 8% (total cost to approximate \$125,000) of the cost to upgrade the intersection of Nelson's Landing Boulevard and the Bedford Highway to accommodate additional left turning traffic;
- c) the developer has agreed to design guidelines similar to 86 Nelson's Landing Boulevard;
- d) fences similar to those provided to screen the parking lot of the adjacent 48 unit apartment building will be constructed. Coniferous trees are to be planted within the two existing road beds;
- e) the developer has agreed to modify the location of the two buildings to address staff concerns. Building A has been adjusted to avoid intrusion into the knoll which separates the building and the adjacent residential property owned by Mrs. Helen Beaver. Accordingly, the green area between the parking lots has been decreased with the displaced parking relocated to the southern end of Building A.

Building B has been relocated by increasing the separation between the building and the rock cliff from 9-10 feet to 30 feet. Further, the southeastern corner of the building nearest Wyatt Road will be shifted to relocate the corner of the building away from the steep slope and mature vegetation.

- f) With respect to BPAC's recommendation that the private driveway be 26 feet in width, Ms. Davis-Lohnes advised that the current 20 foot proposal was consistent with private driveway requirements, further, that the Fire Department has agreed that the 20 foot width was agreeable as long as no parking was permitted.

In response to an enquiry from Mayor Peter Kelly if staff had concerns with Fire Truck access to the rear of the buildings, Ms. Davis-Lohnes advised there was no need for a vehicle to be in the back of the buildings and that only a walkway would be required. Further, the only requirement for the Fire Trucks was that they be able to turn around.

In response to an enquiry from Mayor Kelly on the fence, Ms. Davis-Lohnes advised it was 6 foot tall solid wooden board fencing created in four or five staggered sections.

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In response to an enquiry from Mayor Kelly on the size of the play area, Ms. Davis-Lohnes advised it was approximately 4,000 square feet in area. Further, she noted there was ample open space around the project as well, with an area much like a grove behind Building A. Ms. Davis-Lohnes reiterated that the visitor parking in the back corner of Building A could be used as a basketball court (the developer is prepared to fulfil this requirement and staff recommends that same be included in the Development Agreement).

Ms. Davis-Lohnes advised that staff had spoken to the landowner and prospective purchaser and that it is not known who will actually be living in the area, therefore, there is uncertainty as to the type of parkland to provide, particularly with respect to playground equipment.

In response to an enquiry from Mayor Kelly as to BRAC's comments on this particular matter, Ms. Davis-Lohnes advised that BRAC is not responsible for private playgrounds.

Mayor Kelly expressed his concern that no playground equipment may be installed in this project. In response, Ms. Davis-Lohnes advised that Town Council direction would be required on this matter.

In response to an enquiry from Mayor Kelly if parking would be permitted at the top of Building A, Ms. Davis-Lohnes advised that the area is too steep.

In response to an enquiry from Deputy Mayor Peter Christie as to the logic for breaking the project into two phases, Ms. Davis-Lohnes noted that the residential component of the project was considered Phase 1 with the commercial aspect being referred to as Phase 2. As it was not known at this point in time, as to what would actually be developed on the commercial site, same was subject to a substantial amendment to the draft Development Agreement.

A brief discussion took place regarding the commercial area shown on the map in pink which will be considered Phase 2 of the project. Ms. Davis-Lohnes advised that staff expressed concerns with the location of the seniors unit given the location of the two houses in the vicinity of the facility. Further, it was noted that the commercial quadrant was too small an area and did not meet the intent of the CCDD. Ms. Davis-Lohnes noted there is a need to examine other types of projects which could be placed on the commercial site.

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In response to an enquiry from Councillor Joan Pryde if elevators would be included in the buildings, Ms. Davis-Lohnes advised the developer, Mr. Armoyan, has indicated same would be included in the project.

In response to an enquiry from Councillor Joan Pryde on the number of 1, 2 and 3 bedroom apartment units, Ms. Davis-Lohnes advised there were 6 one bedroom units, 30 two bedroom units and 6 three bedroom units in Building A, with 25 two bedroom units and 5 three bedroom units in Building B.

Councillor Joan Pryde commented as there could be children living in the buildings, she noted there should be ample space for a play area. In response, Ms. Davis-Lohnes advised that children could actually play in the natural woodland area behind Building A. Further, she reiterated the visitor parking area for basketball and road hockey. Further, she noted the fencing could be moved closer to Wyatt Road to increase the playing area.

Councillor Marvin Silver advised this plan was much improved from the original proposal.

In response to an enquiry from Councillor Goucher if the buildings were sprinklered, Ms. Davis-Lohnes advised the developer, Mr. Armoyan, has indicated both buildings will contain sprinkler systems.

Mayor Peter Kelly called on the proponent to address Council.

Mr. Barry Zwicker, Consultant with Wallace, MacDonald & Lively, addressed Council noting that the plan has gone through "very good modifications" and that he had met with BPAC, staff and the public. He noted that Wyatt Road will remain as an interrupted access onto the Bedford Highway. With respect to the commercial component, he noted that a commercial unit was required, however, as there was no demand for same at the moment, the developer is still considering a seniors complex. He noted there should be ongoing discussion on this as two commercial proposals would fit into an overall plan. He closed his comments by stating sprinklers will be included; he wasn't confident if elevators were part of the project; and that all other issues appeared to have been addressed.

Ms. Davis-Lohnes advised she would re-firm the installation of elevators in the buildings.

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In response to an enquiry from Deputy Mayor Peter Christie as to the reasoning behind the inclusion of a clause in the Development Agreement that the Town will be deeded over the appropriate walkways and roads, Mr. Zwicker advised this is a standard clause included in all Development Agreements and that this particular clause is not actually required in this project.

After three calls by Mayor Kelly for comments from the public either in favour or opposed to the proposal, the Public Hearing adjourned at 8:00 p.m.

MAYOR PETER KELLY

ACTING CHIEF ADMINISTRATIVE OFFICER

MEETING #22

TOWN OF BEDFORD
REGULAR SESSION
TUESDAY, AUGUST 8, 1995 - 7:00 P.M.

A Regular Session of the Town Council of the Town of Bedford was held on Tuesday, August 8, 1995 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

Mayor Peter Kelly presented 15 year plaques to the following Town of Bedford employees: Mr. Eric Sheppard, Deputy Fire Chief; Mr. John Conway, Fire Prevention & Inspection Officer; Lloyd Boutilier, Firefighter and Pat Morrison, Recreation Program Director.

Mayor Kelly expressed his appreciation to these members of staff who have contributed greatly to the Town of Bedford.

Mayor Kelly made a presentation to both Jason Vallis and Donald MacLean who have accomplished considerable achievements in baseball, hockey and football. Mr. Vallis is the 23rd Round Selection of the Minnesota Twins Baseball Club in the 1995 Amateur Draft and Mr. MacLean has been invited to the Los Angeles Kings Training Camp in Palm Springs, California in September, 1995. Further, he was drafted 33rd overall by the Los Angeles Kings of the National Hockey League.

Mayor Kelly expressed his best wishes to both and presented them with Town of Bedford sweatshirts and ball caps.

PROCLAMATION - Mr. Rick Paynter, Acting Chief Administrative Officer, read a proclamation for Child Care Awareness Days.

1. LORD'S PRAYER

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

2. ATTENDANCE

Those in attendance included Mayor Peter Kelly; Deputy Mayor Peter Christie and Councillors Joan Pryde, Stephen Oickle, Len Goucher and Marvin Silver.

Councillor Anne Cosgrove was absent with regrets.

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Staff members in attendance included Rick Paynter, Acting Chief Administrative Officer; Ron Singer, Director of Corporate Services; Donna Davis-Lohnes, Director of Planning and Development Control, and Jane Nauss, Recording Secretary. Neville Wheaton, Fire Chief, was also in attendance.

3. APPROVAL OF MINUTES

ON MOTION of Deputy Mayor Peter Christie and Councillor Marvin Silver, the Regular Meeting Minutes (#19) of July 11, 1995 were approved. **MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Councillors Joan Pryde and Stephen Oickle, the Special Meeting Minutes (#20) of July 11, 1995 were approved. **MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to approve the Public Hearing Minutes (#21) of August 2, 1995.

In speaking to the Motion, Deputy Mayor Peter Christie noted he would like the minutes to be amended to include the following paragraph to page 5, following paragraph #5:

"In response to an enquiry from Deputy Mayor Peter Christie as to the logic for breaking the project into two phases, Ms. Davis-Lohnes noted that the residential component of the project was considered Phase 1 with the commercial aspect being referred to as Phase 2. As it was not known at this point in time, as to what would actually be developed on the commercial site, same was subject to a substantial amendment to the draft Development Agreement."

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve the Public Hearing Minutes (#21), August 2, 1995, as amended. **MOTION CARRIED UNANIMOUSLY.**

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

6.4 - Consideration - Appointment of Architects - Fire Hall Design - to be discussed September 12, 1995

7.2 - Public Information Meeting - Disposal of Town Right of Way - Eaglewood

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Subdivision - to be discussed September 12, 1995

10.7 - to be discussed first under New Business - to be renumbered as 10.0

10.10 - to be added to the agenda - Admiral DeWolf Park - Proposed Power Service

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to approve the Order of Business, as amended. **MOTION CARRIED UNANIMOUSLY.**

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

6.1 **Mediacom Inc. - Additional Bus Shelters**

Mr. Rick Paynter, Acting Chief Administrative Officer, reviewed two proposals from Mediacom respecting transit shelter advertising. Following a brief discussion, it was the consensus of the meeting to forward this matter to the Transit Advisory Committee for input and comment.

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved to refer both proposals from Mediacom to the Transit Advisory Committee for information on potential revenue; further, that this matter be brought back before Council at a future Council Meeting.

In speaking to the Motion, Deputy Mayor Peter Christie supported the Motion, however, he would like to see the Transit Advisory Committee negotiate with Mediacom for a better package.

Mayor Peter Kelly suggested that the Transit Advisory Committee also look at the matter of bus shelters within the Town.

MOTION CARRIED UNANIMOUSLY.

6.2(a) and (b)

Environmental Checklist - Crestview Phase 11; Minimum Water Triplicate Sampling Program; CCME Guidelines

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Councillor Marvin Silver requested that Council consider establishing a policy placing all bodies of water in Bedford within the CCME recreational aquatic life guidelines.

Ms. Davis-Lohnes, Director of Planning and Development, commented although it was important to establish a set of guidelines, Council needs to be clear that it has the ability or authority to endorse same.

Mr. Rick Paynter noted he understood what BWAC was looking for, however, it was important that further clarification be sought on the matter.

ON MOTION of Councillor Stephen Oickle and Deputy Mayor Peter Christie, it was moved to defer this matter until September 12, 1995. **MOTION CARRIED.** Councillors Len Goucher and Marvin Silver opposed.

Councillor Marvin Silver reviewed BWAC's recommendation that a minimum sampling program that is applicable to all water bodies in Bedford include triplicate sampling of a minimum of 9 out of 10 criteria at a minimum of three times per year (once per season) which may include a shoreline activity. Further, that all laboratory samples be collated and analyzed by an environmental laboratory which has a documented quality management program and that this program be audited at regular time intervals with particular attention being paid to continuity of sampling.

ON MOTION of Councillors Len Goucher and Marvin Silver, it was moved to defer this matter until September 12, 1995. **MOTION APPROVED UNANIMOUSLY.**

ON MOTION of Marvin Silver, it was moved that Town Council permit BWAC to apply the Environmental Checklist to the Crestview Phase 11 project.

In speaking to the Motion, Mr. Rick Paynter enquired as to where the Town stood with respect to Crestview Phase 2. Further he expressed concern if there was time to introduce an environmental checklist.

In response, Ms. Davis-Lohnes advised that a subdivision plan had been submitted to the Town. With respect to the guidelines, the Town's power in this regard, must come from the N.S. Planning Act; further, the Town needs to determine the uses of the guidelines/checklist. Ms. Davis-Lohnes advised the Planning and Development Control Department is reviewing the checklist as per the direction of Town Council. Staff comments regarding the checklist will be available for the next Regular Session of Council.

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ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to defer this matter until September 12, 1995. **MOTION CARRIED.** Councillor Marvin Silver opposed.

A brief discussion took place on the construction of an off ramp located on the Bicentennial Highway at the Hammonds Plains Road. Mr. Rick Paynter advised that a letter had been forwarded to the Department of Transportation and Communication for additional input but that no response had been received as yet. Councillor Marvin Silver requested that the matter eventually be referred back to BWAC for environmental comment. Mr. Paynter noted that once a response was received, same would be forwarded to BWAC for review.

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved that correspondence be forwarded to the Department of Transportation and Communication expressing the Town's concern on not being consulted in the construction of this ramp.

In speaking to the Motion, Councillor Len Goucher enquired if staff could contact the Department of the Environment to enquire if any environmental precautions have been taken to control possible problems at the ramp area due to heavy rain.

MOTION CARRIED UNANIMOUSLY.

6.3 Decision of Utility and Review Board re Electoral Districts

Mayor Peter Kelly advised the decision of the Utility and Review Board on the electoral districts for Halifax Regional Municipality had been previously circulated. Further, he noted there were possible grounds for appeal however that same could not be undertaken until the boundaries had been officially declared - in September. Mayor Kelly noted that same would be brought back to Council at that time.

Deputy Mayor Peter Christie made reference to correspondence received from Mr. Bill Hayward appointing the Deputy Returning Officers for the upcoming Municipal Election.

In response to an enquiry from Deputy Mayor Christie if the Deputy Returning Officers would be reimbursed, Mayor Kelly advised they would be reimbursed and that the new unit would be billed accordingly.

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7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Public Hearing #95-03 - August 2, 1995 - Development Agreement Application - Crestview RCDD

Councillor Stephen Oickle left the table as he was not in attendance at the Public Hearing.

Ms. Davis-Lohnes addressed Council advising that sprinklers would be installed in both buildings and that an elevator would be installed in Building A. An elevator may be installed in Building B. Ms. Davis-Lohnes continued her address reviewing a supplementary staff report dated August 4, 1995. Within that report the following proposed minor amendments to the draft Development Agreement were recommended:

1. the modified site plan referenced at the Public Hearing is to be attached to the draft Development Agreement;
2. clause 4(4) of the draft Development Agreement is to be revised to read:

"Developed private recreation areas shall be provided within the open space between the two parking lots and at the northern end of Building B as shown on the plans."
3. With respect to Schedule "C" - Screening and Buffering:

(d) "Existing vegetation between the two parking areas shall be maintained to the maximum extent possible. Extensive tree planting and landscaping will be necessary where existing vegetation cannot be maintained."
4. Schedule "C" - Recreational Land
 - (a) "Developed private recreation space shall be provided within the open space area between the two parking lots and at the northern end of Building B as shown on the plans."
 - (b) "The Developer shall clear, grub, stabilize and sod the recreation areas where trees cannot be maintained and provide park benches and picnic tables within the areas."

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- (c) "The Developer shall install basketball stands at the edge of the parking lot located at the south end of Building A and play apparatus within the natural open space area at the rear of Building A."

Ms. Davis-Lohnes further recommended that a clause be included in the Development Agreement to permit flexibility in the siting of the play apparatus. She suggested the following wording be used:

"SCHEDULE C - Recreational Land

- (d) The exact location of the play apparatus and path leading to it shall be determined in the field at the time of detailed site plan approval."

Ms. Davis-Lohnes advised the play apparatus will be of commercial quality and will cost approximately \$7,000 to purchase and install.

ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to enter into a Development Agreement with Crestview Properties Limited subject to the aforementioned amendments being included in the Development Agreement.

In speaking to the Motion, Deputy Mayor Peter Christie made reference to clause 15(2) of the draft Development Agreement and enquired as to why same was worded this way.

In response, Ms. Davis-Lohnes advised this particular clause was a standard clause included in every Development Agreement but that same could be reviewed by a solicitor.

Deputy Mayor Peter Christie expressed concern if the originally proposed seniors complex would indeed be constructed.

Deputy Mayor Peter Christie enquired if clause 11(2) could be expanded to include the following: "... which will be submitted to the Development Officer in draft form within six (6) months of the signing of this Agreement."

Ms. Davis-Lohnes advised the developer is agreeable to including such a clause in the Development Agreement.

ON MOTION of Deputy Mayor Peter Christie and Councillor Marvin Silver, it was moved to amend the original Motion to include at the end of clause 11(2) the following:

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"which will be submitted to the Development Officer in draft form within six (6) months of the signing of this Agreement."

The amended Motion now reads:

ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to enter into a Development Agreement with Crestview Properties Limited subject to the aforementioned amendments being included in the Development Agreement. Further, that the following text be inserted at the end of clause 11(2):

"... which will be submitted to the Development Officer in draft form within six (6) months of the signing of this Agreement."

In speaking to the Motion, Councillor Len Goucher enquired what were the initial concerns of staff regarding the seniors complex.

In response, Ms. Davis-Lohnes advised there were two concerns:

1. the proposed commercial component was too small to meet the intent of the CCDD zone; and
2. seniors complex was too close to the two existing residential uses located on the Bedford Highway.

MOTION CARRIED UNANIMOUSLY.

10. NEW BUSINESS

10.0 Consideration - Ratification - Borrowing Resolutions - 1995 Capital Program

Mr. Ron Singer, Director of Corporate Services, noted this matter was before Town Council for ratification. The meeting was advised it was necessary for Council to approve a formal Motion respecting the Temporary Borrowing Resolution in the amount of \$1,898,000.

ON MOTION of Councillor Joan Pryde and Deputy Mayor Peter Christie, it was moved to approve a Temporary Borrowing Resolution in the amount of \$1,898,000. **MOTION CARRIED UNANIMOUSLY.**

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ON MOTION of Deputy Mayor Peter Christie, it was moved to put item 2.6 - Bedford Highway Boulevard - to tender.

Mayor Peter Kelly noted that Department of Transportation and Communication approval on the final design was required before the Town could put the project out to tender.

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to amend the Motion to read:

" it was moved to put item 2.6 - Bedford Highway Boulevard Project - to tender, subject to Department of Transportation and Communication approval on the final design."

In speaking to the Motion, Councillor Len Goucher expressed his concern that the funds allocated for this particular project would be better spent elsewhere; further, he didn't feel the boulevard would assist with the speeding problem in the area.

In response, Deputy Mayor Peter Christie agreed with Councillor Goucher, however, although the area in question is the border of the Town, it looks like a Department of Transportation and Communication area. Further, he felt the boulevard would provide a safer haven for traffic and pedestrians.

Councillor Len Goucher noted he supports the businesses in the area however his main concern was the speed of vehicular traffic. He further suggested the highway be narrowed to three lanes to deal more effectively with the speeding problem.

MOTION CARRIED. Councillor Len Goucher opposed.

10.1(a)

Consideration - Award of Tender 95-18 - Exposed Aggregate Sidewalk Repairs - Various Locations

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved that Tender 95-18 - Exposed Aggregate Sidewalk Repairs - be awarded to G. & R. Kelly Enterprises Limited in the amount of \$10,860.77, G.S.T. included. **MOTION CARRIED UNANIMOUSLY.**

10.1(b)

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Consideration - Award of Tender 95-09 - Storm Drainage Corrective Works - Basinview Drive

ON MOTION of Councillors Joan Pryde and Len Goucher, it was moved to award Tender 95-09 - Storm Drainage Works - to G. & R. Kelly Enterprises Limited in the amount of \$14,503.85, G.S.T. included, plus a \$2,000 contingency. MOTION CARRIED UNANIMOUSLY.

10.2 Consideration - Award of Tender 95-16 - Wardour Street Sidewalk

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to award Tender 95-16 - Wardour Street Sidewalk Construction - to Ocean Contractors Limited in the amount of \$52,928.89 G.S.T included, plus a \$2,000 contingency allowance for project layout and materials testing requirements. MOTION CARRIED UNANIMOUSLY.

10.3 Consideration - Award of Tender 95-19 - Dartmouth Road Sidewalk

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to award Tender 95-19 - Dartmouth Road Sidewalk - to Ocean Contractors Limited in the amount of \$144,592.31, G.S.T. included, plus a \$5,000 contingency allowance for project layout and materials testing. MOTION CARRIED UNANIMOUSLY.

10.4 Consideration - Award of Tender 95-20 - 1225 Bedford Highway Improvements - Fourth St. to Sullivan's Hill

ON MOTION of Councillors Len Goucher and Stephen Oickle, it was moved to award Tender 95-20 - Bedford Highway Improvements - Fourth St. to Sullivan's Hill - to Dexter Construction Company Limited in the amount of \$76,719.00, G.S.T. included plus a contingency allowance of \$5,000. MOTION CARRIED UNANIMOUSLY.

10.5 Proposed Financing - Town's Sanitary Sewer Infiltration Reduction Program

Mr. Ron Singer addressed Council noting that at the time the capital program was approved in principal by Council, sufficient funds were not available within the Sewer Redevelopment Reserve to undertake approximately \$600,000 of Infiltration Reduction expenditures through the Canada-Nova Scotia Infrastructure Works Program. It was noted that the Town's net cost would approximate \$200,000.

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Mr. Singer recommended that the funding requirements be funded through the Sewer Redevelopment Reserve.

ON MOTION of Councillors Marvin Silver and Len Goucher, it was moved that the total projected net Town funding requirements for the 1995/96 Infiltration Reduction Program estimated in the amount of \$189,971, be funded as a withdrawal from the Sewer Redevelopment Reserve. MOTION CARRIED UNANIMOUSLY.

10.6 Audited Financial Statements as of March 31, 1995

Mr. Ron Singer addressed Council noting that the Audited Financial Statements for the Town related to fiscal year ending March 31, 1995. Further, he reviewed the recommendations with respect to the financial statement as noted in his report.

Mr. Singer advised the above-noted considerations were required by the Department of Municipal Affairs. Further, Mr. Singer suggested that staff be commended on a job well done with respect to their departmental budgets.

Mayor Kelly reiterated Mr. Singer's remarks that staff be commended in this regard.

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to approve of the following:

1. that the 1994/95 withdrawal from the Special Capital Reserve in the amount of \$23,793 for costs associated with Granville Park be approved;
2. that the 1994/95 audited Financial Statements be formally accepted as tabled;
3. that the accounting firm of Levy Casey MacLean, Chartered Accountants, be appointed as the Town as registered Municipal Auditors for the year 1995/96.

In speaking to the Motion, Deputy Mayor Peter Christie enquired about Clause 5 - page 25 - of the Audited Financial Statements and how the \$83,963 figure was reached.

Mr. Ron Singer advised that under the Operating Budget - Fiscal Services, the cash is set aside in the event that a long term employee leaves the employ of the Town, with the understanding that the amount withdrawn would be replaced. At the current time, there is not sufficient funds.