watersheds. The MOTION was CARRIED (Councillors Goucher, Cosgrove, Kelly and Deputy Mayor Huntington voted in favour of the motion; Councillors Walker and Draper voted against the motion).

E-24 With regard to the use of the utility corridors, Deputy Mayor Huntington expressed concerns regarding the documented health hazards. Planning staff noted that the Town has been successful in the past in acquiring abandoned corridors and for using the corridors for pedestrian linkages throughout the Town. Councillor Walker noted that as the corridors would have low volumes and low frequency of use that the health concerns would be minimized.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that Policy E-24 regarding use of utility corridors be deleted. The MOTION was DEFEATED (Deputy Mayor Huntington, Councillor Goucher and Councillor Kelly voted in favour of the motion; Mayor Christie and Councillors Draper, Walker, and Cosgrove voted against the motion).

ON MOTION of Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that Policy E-24 recommend that Bedford Recreation Advisory Committee investigate the concept of limiting the recreational use of the utility corridors and eliminating the use of snowmobiles, all terrain vehicles (noisy activities) from the utility corridors. The MOTION was LOST as there was no seconder after three calls from the Mayor.

Planning staff noted that regulation of noise could more effectively be controlled under the Noise By-law.

E-36 Mrs. Broome's suggestion to consider small scale, decentralized approach to sewage treatment was noted and Planning Staff reported that many areas are now using this approach successfully.

ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that Policy E-36 would be changed to include a reference to consideration of small scale, decentralized approach to sewage treatment. The MOTION was CARRIED (Deputy Mayor Huntington, Councillors Cosgrove, Draper, Goucher and Kelly voted in favour of the motion; Councillor Walker voted against the motion).

E-42 It was agreed by consensus that the concept of neighborhood recycling collection centres be included in Policy E-42.

E-46 With respect to the transportation of hazardous goods through the Town of Bedford, concern was expressed that the Town fire department should be notified of hazardous goods being transported through the Town.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that Policy E-46 be changed to include the words "to regulate the storage, use, disposal, and transit ..." The MOTION was CARRIED (Mayor Christie, Councillors Goucher, Cosgrove, and Kelly voted in favour of the motion; Deputy Mayor Huntington, Councillors Walker and Draper voted against the motion).

In discussion of the MOTION, it was noted that the WHIMIS regulations currently regulate transportation of hazardous goods and that individual municipal legislation was not required.

RESIDENTIAL

- R-14 ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that Policy R-14 include the Bedford Petroglyphs Advisory Committee as part of the process. The MOTION was CARRIED (Councillors Goucher, Cosgrove, Kelly and Deputy Mayor Huntington voted in favour of the motion; Councillors Draper and Walker voted against the motion).
- R-14a ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Municipal Planning Strategy such that a new policy, R-14a, be included to indicate that the recommendations forthcoming from the Petroglyphs Advisory Committee final report to Town Council be considered part of the public consultation process regarding the Union Street RCDD. The motion was unanimously approved.

NEW APPENDIX

Councillor Walker's suggestion to include a new Appendix providing examples of photographs of types of buildings envisioned for the Mainstreet zone was approved by consensus.

LAND USE BY-LAW

pg. 2 Mrs. Broome's suggestion to change 'existing vegetation' to existing tree area was approved by consensus

- pg. 6 Council agreed with the revised definition of lot frontage as prepared by staff.
- pg. 18 With respect to maximum lot coverage and garden flats, staff clarified that the maximum 35% still applies.
- pg. 26 ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to AMEND the July 1991 draft of the Land Use By-Law such that in Section 25 a and c (abutting zone requirements), the 40 ft buffer be increased to 50 ft.

In discussion of the MOTION, Councillor Goucher noted his main concern was with the buffer between residential and industrial.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to AMEND the MOTION to change Section 25 a and c such that the buffer in part c only would be increased to 50ft. The AMENDMENT TO THE MOTION was put to the meeting and DEFEATED (Councillors Goucher, Kelly and Cosgrove voted in favour of the motion; Mayor Christie, Deputy Mayor Huntington, Councillors Walker and Draper voted against the motion).

pg. 45 ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Land Use By-Law such that page 45, Mainstreet Commercial Zone, maximum height of two floors which would be measured from the established grade at the Bedford Highway.

In discussion of the MOTION, the Chair agreed that the motion could be split as it contained two distinct items -- grade level at the Bedford Highway and two storeys. Therefore, Councillors Goucher and Cosgrove agreed to WITHDRAW the original motion.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Land Use By-Law such that page 45, Mainstreet Commercial Zone, the maximum height would be measured from the Bedford Highway. The motion was unanimously approved.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Land Use By-Law such that page 45, Mainstreet Commercial Zone, would indicate a maximum of two storeys. The MOTION was CARRIED (Deputy Mayor Huntington, Councillors Goucher, Cosgrove, and Kelly voted in favour; Councillors Draper and Walker voted against the motion).

ON MOTION of Councillor Walker and Deputy Mayor Huntington, at 10:30 p.m. it was moved to extend the hour for adjournment for another 15 minutes. The MOTION was CARRIED (Councillor Goucher voted against the motion).

Following a request of the Mayor to Council, there were no further comments pertaining to any of the written submissions which were circulated to Council on either the Draft MPS or LUB.

ZONING MAP

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to AMEND the July 1991 draft of the Zoning Map such that Smiths Road should be Residential Reserve. The motion was unanimously approved.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to AMEND the July 1991 draft of the Zoning Map such that Brook Street be zoned for townhouse use. The motion was unanimously approved.

ON MOTION of Councillor Walker, it was moved to AMEND the July 1991 draft of the Zoning Map such that approval be given to the request to zone Light Industrial a portion of Peerless Subdivision which is to be consolidated with the lands of G. and R. Kelly.

Councillor Kelly left the room for these discussions.

The MOTION was LOST as there was no seconder after three calls from the Mayor.

There was some discussion regarding the application to rezone the former Kingdom Hall property; however, planning staff have not received the owner's agreement to proceed.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to AMEND the July 1991 draft of the Zoning Map such that Centennial Mobile Home Sales property be rezoned Highway Oriented Commercial. The motion was unanimously approved.

There were no other comments regarding the July draft of the MPS or LUB.

ON MOTION of Councillor Walker and Councillor Draper, it was moved to adopt the July 1991 draft of the Municipal Planning Strategy and Land Use By-Law as amended and that same be forwarded to the Department of Municipal Affairs for approval. The MOTION was CARRIED (Councillors Goucher and Kelly opposed).

5. ADJOURNMENT

ON MOTION of Deputy Mayor Huntington, it was moved to adjourn the Reconvened Special Session #114 on July 30, 1991 at approximately 10:45 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/dl

TOWN OF BEDFORD

Special Session

Tuesday, July 30, 1991

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, July 30, 1991, at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. LORDS PRAYER

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

2. ATTENDANCE

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Barry Zwicker, Acting-Chief Administrative Officer and Steve Moir, Planner.

3. <u>ADDITIONS/DELETIONS TO ORDER OF BUSINESS</u>

There were no additions or deletions to the order of business.

4. <u>APPROVAL OF THE ORDER OF BUSINESS</u>

ON MOTION of Councillor Goucher and Councillor Draper, it was moved to approve the Order of Business as circulated. The motion was unanimously approved.

5. <u>CLARIFICATION - VOTING STATUS - COUNCILLOR DRAPER - PROPOSED</u> CHANGE TAX CERTIFICATE CHARGE

During Council discussions, July 23, 1991, on the proposed tax certificate charge Councillor Goucher objected to Councillor Draper's eligibility to vote on the Motion to reduce the fee on the grounds that Councillor Draper would have a conflict of interest as she is now a practising real estate agent. The proposed motion suggested that the current charge for tax certificates be reduced from \$100 to \$50; and that those individuals who have paid \$100 since its effective date of June 2, 1991 be refunded \$50.00. Further discussion on the motion was deferred until the Mayor sought legal advice on the issue of conflict of interest.

As a result, circulated with the Council package was a written legal opinion from Boyne Clarke (dated July 25, 1991). Mayor Christie reviewed the legal opinion which advised that the individual in question must make the personal decision as to whether they are in a conflict of interest; and that the issue of whether it is a conflict of interest would not be appropriately challenged in Council but in the courts as to the validity of the motion and vote.

Councillor Goucher spoke on a Point of Order and noted the third paragraph of Mr. McInroy's letter which noted that as a real estate agent, Councillor Draper would have "a real vested interest...".

At the request of Council, Mayor Christie polled individual Councillors on their vote. The MOTION on the floor was:

" ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved that for the remainder of the Budget year, Tax Certificates be charged out at a \$50.00 rate and a refund of \$50.00 be forwarded to those individuals having already paid the \$100.00 fee for Tax Certificates."

Mayor Christie indicated that he would abstain from voting as he and his wife were recently involved in a real estate transaction and issuance of a tax certificate.

Councillor Draper indicated that she had also received legal counsel which advised that she would not be in a conflict of interest; and therefore, she would be voting on the MOTION. She also noted that she too had recently been involved in a real estate transaction and issuance of a tax certificate.

The MOTION was put to the meeting, the vote was tied and therefore LOST (Mayor Christie abstained; Councillor Kelly, Councillor Cosgrove, and Councillor Goucher voted against the motion; and Councillor Walker, Councillor Draper and Deputy Mayor Huntington voted in favour of the motion).

6. UNSM - BILL 200 - THE SCHOOL BOARDS ACT - COUNCILLOR **COSGROVE**

In her oral address to Town Council, Councillor Cosgrove asked Town Council to support the UNSM in their negotiations and discussion with the Provincial Government in regard to the recently passed Bill 200. She noted that UNSM does not support the concept of giving school boards taxation rights.

ON MOTION of Councillor Cosgrove and Councillor Goucher, it was moved that Town Council fully support UNSM in their discussions with the provincial government concerning Bill 200.

In discussion of the MOTION, Councillor Draper expressed concern that the Bill does not allow for municipal Council representation on the full elected school board and therefore she could not support the MOTION on the floor.

It was clarified that the provincial government is currently undertaking a study as to whether the school boards will be given full taxation powers.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved to DEFER the motion of support for UNSM regarding Bill 200 until such time as Town Council would be provided with additional information on the position of UNSM; and that Town Council meet with the representatives from UNSM and the Department of Education in a timely manner to gather additional information. The MOTION TO DEFER was approved unanimously.

7. INTER-MUNICIPAL COOPERATION AS A STRATEGY FOR THE PROVISION OF RECREATION SERVICES - COUNCILLOR COSGROVE

Councillor Cosgrove spoke on the Nova Scotia Sport and Recreation Commission, Joint Committee on Municipal Recreation, policy statement regarding intermunicipal cooperation for recreational facilities. In a July 8, 1991 letter from Mr. N. Leblanc, Minister for Sport and Recreation, Town Council was asked to provide comment on the policy statement which was circulated.

Councillor Cosgrove referred specifically to Objective #2 which outlined a strategy whereby, in an effort to avoid duplication, municipalities would share recreational facilities.

Councillor Draper, Chair of Town of Bedford Recreation Advisory Committee, reported that the committee had reviewed this item and has forwarded their recommendations and comments.

NOTICE OF MOTION

Councillor Draper gave a NOTICE OF MOTION regarding the change in the tax certificate charge. Mayor Christie indicated that this would be placed on the agenda of the next Regular Council meeting.

8. OTHER

By consensus, it was agreed that the Mayor and Deputy Mayor provide Council with an update on the recent Metropolitan Authority meeting regarding land fill siting. Mayor Christie reported that as a result of the Authority agreeing to include incineration and composting as part of solid waste treatment strategy, the consultants were asked to reconsider available sites for the solid waste land fill.

Originally siting criteria was based on several factors including a minimum size of 250 hectares. Due to solid waste volume decreases resulting from the use of incineration and composting, the consultants attempted to find site of 125 hectares, no more than 5 km from the 100 series highways, and no closer than .5 km from any residence. Seventy-eight sites were identified; two within the Town of Bedford.

In an attempt to decrease the number of sites, siting criteria was reviewed and changed slightly. Eleven sites of 125 hectares, not closer than 3000 m to any residence and less than 45 km from the center point of generation were identified. All sites are within Halifax County; mainly on the southern and eastern shores. The two Bedford sites were eliminated. The consultants will now test the criteria on the eleven sites and the sites will be made public after the Metropolitan Authority meeting on August 13.

Also at the Metropolitan Authority meeting, it was reported that negotiations will be started with Nova Scotia Power such that the Power Corporation will purchase a maximum of 10 megawatts produced by the incinerator.

Councillor Walker questioned whether consideration had been given to the incineration plant using its own power, rather than having to repurchase it from the Power Corporation. Mayor Christie indicated that he would bring this forward at the next meeting.

9. ADJOURNMENT

ON MOTION of Councillor Walker, it was moved to adjourn the Town of Bedford Council Session #115 on July 30, 1991 at approximately 8:00 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/dl

TOWN OF BEDFORD

Regular Session

Tuesday, August 20, 1991

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, August 20, 1991, at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Christie presiding.

1. LORDS PRAYER

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

2. ATTENDANCE

Deputy Mayor Huntington and Councillors Peggy Draper, Anne Cosgrove, Len Goucher, Peter Kelly and Grant Walker were present at the commencement of the meeting.

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning & Development; Rick Paynter, Director of Engineering and Works; Ron Singer, Director of Finance; Peter Dickinson, Fire Chief; Eric Sheppard, Assistant Deputy Chief; Francis MacKenzie, Director of Bedford Economic Development Commission (BEDC).

3. APPROVAL OF MINUTES

The minutes of Meeting #112 (Public Hearing, July 16, 1991), Meeting #113 (Regular Session, July 16, 1991), Meeting #114 (Special Session, July 23 and 30, 1991) and Meeting #115 (Special Session, July 30, 1991) were previously circulated.

ON MOTION of Deputy Mayor Huntington and Councillor Walker, it was moved to approve the minutes of Meeting #112 (Public Hearing, July 16, 1991), Meeting #113 (Regular Session, July 16, 1991), Meeting #114 (Special Session, July 23 and 30, 1991) and Meeting #115 (Special Session, July 30, 1991) as circulated. The motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

ON MOTION of Councillor Draper and Councillor Cosgrove, it was moved to amend the agenda to add item #10.6, Unsafe Conditions -- Walkway to Lebrun Centre. The motion was unanimously approved.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved to amend the agenda to add item 11.2.2 (c), Bedford Ready-Mix Concrete Plant. The motion was unanimously approved.

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved to amend the agenda to add item #10.7, Litter Abatement. The motion was unanimously approved.

5. APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Draper and Councillor Walker, 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 Proposed Purchase - Fire Department Pumper - 91/92 Capital Budget

By memorandum of August 14, 1991, Mr. English reviewed the June 18, 1991 MOTION by Town Council with respect to the approval in principle of the purchase of a new fire pumper, the request for a staff report outlining the rationale and justification, vehicle specifications and specific financial options. The MOTION also required, following receipt of the staff report, a new motion authorizing the Fire Department to place the order for the new pumper to be delivered in 1992.

The report prepared by Mr. English included information from the Fire, Planning and Finance Departments relative to the proposed purchase. Mr. English noted that providing Town Council was satisfied sufficient need and justification had been demonstrated by the Fire Department and that the proposed purchase would reflect a pre-commitment against the 1992/93 Capital Budget, it was his recommendation the proposed Capital acquisition be financed on a lease to purchase arrangement as outlined in Mr. Singer's memorandum of August 14, 1991.

ON MOTION of Deputy Mayor Huntington and Councillor Cosgrove, it was moved that Town Council approve the acquisition of the new Fire Department

pumper/tanker, in accordance with the specifications as provided and dated August 7, 1991, at an estimated cost of \$280,000, and that said acquisition be financed on a lease to purchase arrangement as outlined in Mr. Singer's memorandum of August 14, 1991. The motion was unanimously approved.

Report - Joint Steering Committee - Community Education Proposal 6.2

By memorandum of August 16, 1991, Mr. English outlined the background of the Joint Steering Committee which was approved by Council on June 18, 1991. In accordance with the Committee's mandate, noted in the August 16, 1991 memorandum, the Committee requested Town Council approval of the implementation schedule. Also circulated was a report by Mr. G. Michael which resulted from the Committee's three meetings.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved that Town Council approve the implementation schedule for the Joint Steering Committee (Model Community Education Demonstration Project) as outlined in Mr. English's memorandum of August 16, 1991.

In discussion of the MOTION, Councillor Draper raised a question with respect to item d of the Implementation Schedule and it was clarified by Mr. English that item d should read "...along with a Town of Bedford Representative..." and that this representative would be one of the elected Board members.

The MOTION was put to the meeting and CARRIED unanimously.

Later in the meeting, Councillor Draper expressed her congratulations to the members of the Joint Steering Committee for their work thus far on this project.

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

Mayor Christie noted that this portion of the meeting would be run according to the Rules of Order for Public Hearings. He briefly reviewed the Rules of Order indicating that individuals would be permitted ten minutes to speak.

7.1 Appeal Hearing - Refusal - Minor Variance - Civic #230 Shore Drive

By memorandum of August 2, 1991 Mr. Zwicker outlined the application for a minor variance to permit a second story addition above the current garage as well as his reasons for denying the permit. The applicant has appealed the decision of the Director of Planning and therefore, Town Council has two options: to refuse the minor variance or to grant the variance.

At the request of Council, Mr. Zwicker noted it has been the practice of the Department to refuse variances that were in excess of 50% of the requirement.

IN FAVOUR

Mr. Blandford (applicant): Mr. Blandford addressed Town Council and noted that although his garage is closer than normally permitted to the lot line, his application was to build upwards, and not to encroach further on the abutting property.

IN OPPOSITION

There were no speakers in opposition to the application.

After three calls from the Mayor, there were no further speakers.

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved that Town Council approve the application for minor variance for Civic #230 Shore Drive as outlined in Mr. Blandford's application dated June 24 1991. The motion was unanimously approved.

7.2 Appeal Hearing - Approval of Minor Variance Lot 13D Olive Ave.

By memorandum of August 9, 1991 Mr. Zwicker outlined the application requesting a minor variance to permit the erection of a single family home at 13D Olive Avenue. It was noted that the application was approved by the Department but six letters of appeal were submitted to Mr. English. Town Council now has the option of upholding the decision of the Development Officer and granting the request or to refuse the variance.

With the assistance of a LOIS plot plan, Mr. Zwicker highlighted the application noting that since the request was less than a 50% variance it was approved. The applicant requested that the house be built 13 feet from the rear yard lot line; twenty feet is the requirement.

IN FAVOUR

Mr. Martell (applicant): In addition to outlining the reasons for the request, Mr. Martell, the property owner, responded to questions from Councillor Walker. Mr. Martell also noted that the proposed house would be approximately 100 feet from the house on the property abutting to the rear. There was some discussion of a drainage easement adjacent to Mr. Martell's property.

Mr. Randy Parsons (builder): Mr. Parsons noted that although the minor variance was requested and the building would be 13 feet from the property line, this 13 feet distance occurred only at one point (due to the "V" configuration of the rearyard). He also noted that the deck will be built to the side of the house. In response to questions from Councillor Goucher, Mr. Parsons clarified that although the foundation footings have been poured this was an error on the part of the concrete contractor. In response to questions from Deputy Mayor Huntington, Mr. Parsons indicated that although a survey marker had been inadvertently covered, this was not related to the application for minor variance.

Mr. John Tolson: Mr. Tolson addressed Town Council in favour of granting the minor variance. He noted that under the recently approved MPS, the front yard setback has been reduced to 15 ft, the applicant could have moved his house forward five feet and thus effectively altered the streetscape.

IN OPPOSITION

Mrs. MacLean (rear yard neighbour): Mrs. MacLean expressed her sadness with the applicant's situation but indicated she was not happy with the granting of the minor variance.

Mrs. A. McCormick speaking for Mrs. G. Lowther, Chair, Peerless Subdivision Residents Association: Due to the fact that Mrs. Lowther was out-of-town, Mrs. McCormick read a presentation on her behalf. Mrs. Lowther noted that the residents wished to have the requirements of the MPS and LUB adhered to in an attempt to offer neighbourhood stability and protection. She suggested that although the lot met the minimum square footage requirements, it never should have been approved as a building lot due to its configuration. The residents of the area were not in favour of the granting of this minor variance.

Mr. MacLean (51 Lewis Drive): As the rear yard abutter, Mr. MacLean indicated that he had been approached to sell a small portion of his lot to the applicant so that the minor variance would become unnecessary. He indicated he would not sell part of his lot as he would upset his future plans to subdivide his own lot. Mr. MacLean also suggested that according to his measurements, the footings were twelve and a half feet from the lot line; not thirteen as indicated by the contractor.

Mr. Gingras: In his address to Town Council against the granting of the minor variance, Mr. Gingras suggested that although the individual knew in advance that his lot was an odd configuration, he still went ahead with plans to build a house that would be suitable to the normal rectangular lot shape.

Diane Nickerson (42 Olive): Ms. Nickerson spoke against the granting of the minor variance and expressed her concern that as other lots in the area are subdivided in the future, and that many of these will not easily fit the traditional shape for single family lots, the Town may set a precedent and that this situation may occur again.

After three calls from the Mayor, there were no further speakers.

ON MOTION of Councillor Walker and Councillor Draper, it was moved that Town Council grant the minor variance for Lot 13D Olive Street as requested in the application dated 16 July 1991.

In discussion of the MOTION, it was clarified that the Development Officer granted the variance as it fell within the rule of thumb of less than 50%, (i.e. rear yard requirement of 20 feet, 50% of 20 would be 10 feet). The variance was for 13 feet.

There was also discussion regarding the sequence of events which lead to the pouring of the footings without a permit. Mr. Zwicker noted that a Stop Work Order had been issued immediately by the Town.

In response to questions from Town Council, Mr. Zwicker indicated that he had made suggestions to the property owner that other house designs fitting the required 'building envelope' would not require a minor variance. It was also clarified that the applicant, in the absence of the final of approval of the MPS and during the 120-day freeze, could have applied for a minor variance to move the house forward by five feet.

Councillor Goucher expressed his concern regarding neighbourhood stability and the effects of granting minor variances such as this should abutting lots subdivide.

The MOTION was put to the meeting and DEFEATED (Mayor Christie and Councillors Walker and Draper voted in favour; Deputy Mayor Huntington, Councillors Kelly, Cosgrove and Goucher voted against the motion).

The minor variance was thereby denied.

- 8. <u>PETITIONS AND DELEGATIONS</u> None
- 9. MOTIONS None

10. NEW BUSINESS

10.1 Election Report #2

By memorandum of August 10, 1991, Mr. English, Returning Officer, reported that two polling locations will be used (Bedford Junior High School and Lebrun Center. With respect to the advance polls, he recommended that a second Advance Polling Day be held on Thursday, October 10 in the Meeting Room of the LeBrun Center. The Mandatory Advance Poll will be held on Tuesday, October 15, 1991.

ON MOTION of Councillor Goucher and Councillor Draper, it was moved that Town Council approve the recommendation of the Returning Officer to hold a second Advance Polling Day on Thursday, October 10 in the Meeting Room of the LeBrun Center. The motion was unanimously approved.

10.2 Peerless Neighbourhood Park - Request for Additional Playground Equipment Funding

By memorandum of August 6, 1991, Mr. Nauss responded to a resident's request pertaining to the development of parkland in Peerless Subdivision. Area residents were given three possible options for the purchase and installation of playground equipment by Mr. Nauss.

Subsequently, an application was made for a Provincial Parks Development grant and was denied. The possibility of the Recreation Department purchasing the equipment with the Association to pay back equipment costs within a certain time frame was rejected by the Association.

The third possibility, funding under 1992-93 Budget was presented to Town Council. Mr. Nauss reported the associated costs to be approximately \$3,000 and this would represent an overexpenditure.

In Mr. Nauss's absence, Councillor Draper as Chair of Recreation Advisory addressed Town Council. She noted that BRAC had not discussed this issue.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved that further discussion on this matter be deferred until staff report at the next Regular Council Session regarding the balance of the Parkland Acquisition Fund (Special Reserve) and whether the requested funds (approx. \$3,000) might be applied to the request for the purchase of playground equipment for Peerless Subdivision. The motion was unanimously approved.

10.3 Proposed Amendment - Sunnyside Development Agreement

By memorandum of August 9, 1991 Mr. Zwicker outlined the request from Southwest Apartments Ltd. to amend their Development Agreement to include within the permitted uses a Day Care Facility. It was noted that within the proposed MPS and LUB, day care facilities are a permitted use within Shopping Centre Zones. Mr. Zwicker's recommendation was to amend the Development Agreement dated March 30, 1990 by inserting a clause 1 (b) which would state "permission to operate a Day Care/Early Learning Centre within the Sunnyside Mall Complex".

ON MOTION of Deputy Mayor Huntington and Councillor Draper, it was moved that Town Council approve the recommendation of the Director of Planning and amend the Southwest Apartments Ltd. Development Agreement dated March 30, 1990 by inserting a clause 1 (b) which would state "permission to operate a Day Care/Early Learning Centre within the Sunnyside Mall Complex". The motion was unanimously approved.

10.4 Town of Bedford Appointment - Halifax-Dartmouth Port Development Commission

By letter of July 15, 1991, Mr. Bayne (Executive Director, Port Commission) advised the Town that Captain Bathurst's term would be completed on October 1, 1991 and that he would not be eligible for re-appointment. Therefore the Town should appoint another individual to serve.

At the request of Council, Mr. English noted that Captain Bathurst will be forwarding information regarding two individuals who have agreed to serve on the Commission along with his recommendation.

Mr. English inquired whether Town Council might wish to advertise for additional candidates who would hold the suitable qualifications.

ON MOTION of Councillor Walker and Councillor Kelly, it was moved that Town Council request the Chief Administrative Officer in collaboration with Captain Bathurst, to define suitable technical qualifications for candidates; and further that the vacancy be advertised stating these qualifications. The MOTION was CARRIED (Deputy Mayor Huntington opposed).

10.5 Proposed Blue Mountain Quarry - Environmental Impact Assessment Report/Hearing

ON MOTION of Councillor Kelly and Councillor Goucher, it was

moved that Town Council request staff to prepare a report regarding the proposed Blue Mountain Quarry for presentation at the September Regular Council meeting in preparation for a Town of Bedford submission at the September Public Hearing to be held by the Department of Environment.

In discussion of the MOTION, and at the request of Council, Mr. Zwicker verbally reported on several issues which planning staff had outlined to him including justification for the need of an additional quarry in metro area; lack of identification of future alternative uses of the site; impact upon road systems within Bedford; impact upon Bedford Highway and Mainstreet Commercial areas; concerns with respect to storage stockpiling; lack of emphasis with respect to Black Duck Brook; recreational interests of Kearney Lake; impact of the blasting upon possible development of Bedford's Atlantic Acres into a high tech industrial park; and concerns regarding safety of vehicular and pedestrian traffic. Mr. Zwicker also indicated that staff would further develop a report for Council in collaboration with Bedford Economic Development Commission, Recreation Department and Engineering Department. At the request of Councillor Draper, issues such as noise and dust pollution will also be addressed.

The MOTION was put to the meeting and CARRIED unanimously.

10.6 Unsafe Conditions -- Walkway to Lebrun Center

By letter of August 2, 1991 to Councillor Draper, Mr. George Hepworth requested that Town Council address the unsafe conditions which exist alongside the concrete steps leading to and from the Lebrun Center. He also commented on the dumping that was taking place at the top of the stairs. In addition, Mr. Hepworth asked that the parking on both sides of Basinview be addressed in the interest of safety.

Councillor Draper verbally reported on the various items and indicated that both the Directors of Engineering and Recreation had made on-site visits. With respect to the area currently used for dumping, it was reported that approximately \$1,200 worth of landscaping would improve the area and deter dumping. However, the Recreation Department did not have sufficient funds.

With respect to the unsafe conditions, Councillor Draper suggested that use of bicycles be deterred by the erection of appropriate signage or changing the pattern of the path to improve its safety.

Mr. Paynter commented that with respect to possible landscape improvements, he has not had discussions with Mr. Nauss regarding the possibility of pooling funds from both Departments to cover the expenditure. Pending the receipt of the

analysis of departmental budget to actual expenditure figures, Mr. Paynter indicated that he could not comment at this time.

With respect to changing the parking regulations on Basinview, Mr. Paynter reported that staff is investigating the situation.

Councillor Draper raised further issues regarding the possibility of public liability due to the steepness of slope of the pathway and its use by cyclists.

ON MOTION of Councillor Draper and Councillor Goucher, it was moved that Town Council approve the purchase and installation of appropriate "No Bicycles" signage on the steep path to and from the Lebrun Center.

In discussion of the MOTION, Councillor Cosgrove noted that there are other walkways in the Town with similar situations. Further discussion regarding public liability ensued. It was noted that "No Bicycles" signage may not reduce the Town's liability.

ON MOTION of Councillor Walker and Deputy Mayor Huntington, it was moved to DEFER the issues raised in Mr. Hepworth's letter of August 2, 1991 such that the items regarding the pathway and dumping would be further investigated by staff and processed via the established procedures for recreational projects; further that Mr. Paynter follow up regarding the parking issue; and that staff provide a report at the next Regular Session of Town Council. The motion was unanimously approved.

10.7 Litter Abatement

Councillor Goucher verbally commented on the serious litter problem which exists in the Town of Bedford and suggested that the Town might investigate ways to gain stricter control.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to REFER the issue of litter abatement to the By-law Review Committee for investigation such that the Town of Bedford seek to gain from the province stricter control with a minimum of \$500 fine.

In discussion of the MOTION, Councillor Cosgrove suggested that this item may also be referred to the Union of Nova Scotia Municipalities (UNSM) fact-finding committee.

The MOTION was put to the meeting and CARRIED unanimously.

11. REPORTS

11.1 Boards/Committees/Commissions

11.1.1 Heritage Advisory Committee

a. Application to Demolish

By letter of 27 June 1991, Mrs. E. Tolson applied, under the Heritage Property Act -- Section 17 (2) to demolish the Tolson Manor House which is a registered Municipal Heritage Property. As indicated by memorandum of August 7, 1991, the Bedford Heritage Advisory Committee reviewed the application to demolish and unanimously recommended that Town Council reject same.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved that Town Council reject the June 27, 1991 application by Mrs. Tolson to demolish the municipally registered Heritage Property known as the Manor House for those reasons outlined by the Bedford Heritage Advisory Committee memorandum of August 7, 1991.

b. Application to Substantially Alter

By letter of July 12, 1991, Mrs. E. Tolson applied, under the Heritage Property Act -- Section 17(2) to substantially alter the appearance and use of the lands registered as municipal heritage property, being the Fort Sackville lands which are contiguous with the Tolson Manor House. The proposed alteration will consist of constructing an R-1 sub-division. In a memorandum dated August 15, 1991, the Bedford Heritage Advisory Committee recommended that Town Council return the application for clarification, specifically with reference to a) application section of the Heritage Property Act; b) definition of the property boundary around the manor house; c) the intent of this application in conjunction to the June 27/91 application to demolish.

With respect to the applicable sections of the Act, the Chair of the Committee reported by memorandum of August 19, 1991 that this matter had been addressed and in fact was an error on his behalf.

At the request of Town Council, Mr. Zwicker attempted to clarify the intent of this application with respect to the Development Agreement which Town Council approved for these lands but which is in abeyance due to appeals. With the aid of the colored map depicting those lands involved in the approved Development Agreement, Mr. Zwicker suggested that the application to substantially alter was applicable to those lands which were

registered municipal heritage and which were to be developed as single family units, i.e. those not colored dark green on the map.

ON MOTION of Councillor Walker, it was moved that Town Council approve the application to substantially alter lands contiguous to the Manor House and Fort Sackville; and that the substantial alteration applies only to those lands which are not colored green on the map accompanying the approved Development Agreement. The MOTION was LOST (after three calls, there was no seconder)

(Councillor Draper was not in the room for this vote.)

ON MOTION of Councillor Goucher and Deputy Mayor Huntington, it was moved to DEFER the decision regarding substantial alteration until the September Regular Council meeting. The MOTION was CARRIED unanimously. (Councillor Draper was not present for this vote.)

11.2 Departmental

11.2.1 Fire Chief's Monthly Report (July 1991)

The Chief's report for the month of July was circulated. In discussion of the report with Deputy Mayor Huntington, it was noted that a staff report regarding medical responses will be presented at the September Regular Council meeting.

ON MOTION of Deputy Mayor Huntington and Councillor Goucher, it was moved that Town Council receive the Fire Chief's monthly report dated July 1991. The motion was unanimously approved.

11.2.2 Planning and Development Control

a. Building Inspector's Monthly Report - July 1991

ON MOTION of Councillor Goucher and Councillor Walker, it was moved that Town Council receive the Building Inspector's Monthly Report dated July 1991. The motion was unanimously approved.

ON MOTION of Councillor Kelly and Councillor Cosgrove, it was moved to SUSPEND THE RULES OF ORDER to permit discussion of item 14.2 at this time due to the late hour; and to discuss a new item, as requested by Councillor Cosgrove, a draft resolution to UNSM. The motion was unanimously approved.

12. CORRESPONDENCE - Nil

13. **MOTIONS OF RECONSIDERATION** - Nil

14. **MOTIONS OF RESCISSION**

14.2 Councillor Kelly - Sewer Installation Policy #24201 - Lateral Extensions to Vacant Lots

On July 23, 1991 at a Reconvened Regular Session, Councillor Kelly served a NOTICE OF RESCISSION regarding Sewer Installation Policy #24201. On July 2, 1991, with respect to an application to deviate from the stated policy, Town Council reconfirmed the existing Policy. On July 16, 1991, Councillors Goucher and Kelly's MOTION to reconsider was defeated.

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to RESCIND the July 2, 1991 MOTION with respect to reconfirming Sewer Installation Policy #24201.

In giving reasons for the MOTION, Councillor Kelly pointed out that the Town of Bedford must uphold the prior commitment made to the applicant by the County of Halifax.

> The MOTION was put to the meeting and DEFEATED (Councillors Kelly, Cosgrove and Goucher voted in favour; Deputy Mayor Huntington, Councillors Draper and Walker voted against).

17. ADDED ITEMS

17.1 **Draft Resolution to UNSM**

Councillor Cosgrove requested that Town Council approve a draft resolution as outlined in Mr. Moir's memorandum of August 20, 1991 and which was approved by Bedford Planning Advisory Committee with respect to strengthening the Planning Act in the area of environmental concerns.

ON MOTION of Councillor Cosgrove and Deputy Mayor Huntington, it was moved that

WHEREAS the Municipal level of government is enabled by the N.S. Planning Act to include environmental policies within its Municipal Planning Strategy with respect to the use, protection and development of lands within the municipality, including the

identification, protection, use and development of lands subject to flooding, steepslopes, lands susceptible to subsidence or erosion, swamps, marshes and other environmentally sensitive areas;

AND WHEREAS the residents expect their municipal planning documents to regulate more than the protection of developments from hazards within the environment;

AND WHEREAS residents expect planning documents to provide for the regulation of development to require environmentally correct development which minimizes environmental impacts;

AND WHEREAS the municipal level of government is increasingly responsible to fund services provided to its residents and consequently seeks additional powers commensurate with the increased fiscal responsibility;

AND WHEREAS residents want the municipal level of government to be able to regulate such items as development and operation of quarries, and tree planting;

AND WHEREAS residents have most direct access to decision-markers at the municipal level of government;

<u>BE IT RESOLVED THAT</u> Town Council requests the Union of Nova Scotia Municipalities to approach the Provincial Government for a review of the present provisions within the Nova Scotia Planning Act governing municipal regulation of development to minimize environmental impact.

The MOTION was put to the meeting and CARRIED unanimously.

At the suggestion of the Mayor, Town Council agreed to DEFER Agenda Item 11.2.2 b) (Report/Analysis Development Activity) to the end of the agenda pending sufficient time.

11.2.2 Planning and Development Control

c) Bluewater Road - Bedford Ready-Mix Concrete Plant

An August 16, 1991 letter from B. Van Helvoort raised concerns that a concrete plant would be moving into the Atlantic Acres Industrial Park which is zoned light industrial. She noted that the decision to permit a heavy industrial operation into the Park does not honour "the spirit nor the intention of the MDP and MPS documents".

By memorandum of August 20, 1991, Mr. Moir provided a chronological history of events pertaining to the concrete plant location in Atlantic Acres. In short,

Planning Department issued a permit conditional upon no unsightly outside storage nor emissions of dust.

In addressing Town Council, Councillor Goucher briefly reviewed the background and requested permission for Mrs. van Helvoort to address Town Council. Mr. Zwicker also commented on the sequence of events particularly as it related to the date of application and the 1982 MPS.

ON MOTION of Councillor Goucher and Councillor Kelly, it was moved that Town Council SUSPEND THE RULES OF ORDER to allow Mrs. Van Helvoort to address Town Council regarding the issuance of a Development Permit for construction of a concrete plant to be located off Kearney Lake Road. The motion was unanimously approved.

In her presentation to Town Council, Mrs. van Helvoort reiterated those concerns which she had previously expressed in her letter of August 16, 1991. She stressed the request of area residents to have the park remain light industrial and 'clean'. She also noted that concrete plants are a specified use under Heavy Industrial only. In conclusion, she noted a loss of faith in Town Council's method of decision making.

The RULES OF ORDER resumed.

Council requested that an information package be circulated on this matter.

11.2.3 Engineering and Works

11.2.3.1

a. Award of Tender 91-05 Bulk Fuel Facility

By memorandum of August 15, 1991, Mr. Paynter outlined the results of the tender call for a bulk fuel depot facility. Mr. Paynter recommended that Council authorize the award of this tender to the low bidder, C.R. Falkenham Backhoe Services Ltd., in the amount of \$75,689.00 plus \$3,5000 for professional site testing and inspection services of those specialized in mechanical components of the project.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved that Town Council award tender 91-05 for the construction of a bulk fuel facility to the low bidder, C.R. Falkenham Backhoe Services Ltd., in the amount of \$75,689.00 plus \$3,500 for professional site testing and inspection services of those specialized in mechanical components of the project and that same be financed through a lease to purchase arrangement. The motion was unanimously approved.

b. Award of Tender 91-07 Arterial Road Upgrading

By memorandum of August 19, 1991, Mr. Paynter reviewed the results of Tender 91-07 for resurfacing a section of Rocky Lake Drive from Rockmanor Drive to the entrance of Havill Brothers Mobile Homes, a distance of 3500 ft. The project is to be cost shared by the Department of Transportation as indicated in their letter of July 29, 1991.

ON MOTION of Councillor Walker and Councillor Cosgrove, it was moved that Town Council award Tender 91-07 to Dexter Construction in the amount of \$101,339.70 for the repaving of a portion of Rocky Lake Drive; and that the project is to be cost shared as indicated in the July 29, 1991 letter from the Department of Transportation and Communications with the Town's share to be financed through borrowing. The motion was unanimously approved.

c. Bedford Recycling Depot

By memorandum of August 14, 1991, Mr. Paynter circulated statistical information from Mr. W. Redmond and expressed his disappointment over the format of this information and the lack of authenticity. Also circulated for information was a Registered Letter dated July 26, 1991 from Mr. Paynter to Mr. Redmond which noted that no further subsidy payments would be made to Mr. Redmond until statistical information was submitted, reviewed and substantiated. The letter also reviewed Town Council's request to extend hours of operation on Thursday to 9:00 p.m.

In discussion of the correspondence, it was noted that subsequent meetings with Mr. Redmond had been cancelled at his initiative. Mr. Paynter also noted that the current agreement with Bedford Bottle and Metal Recycling expires at the end of December 1991 and he suggested that prior to that time, Town Council should review its future policy direction regarding recycling.

ON MOTION of Deputy Mayor Huntington and Councillor Kelly, it was moved that Town Council instruct staff to cease any further Town subsidies to Bedford Bottle and Metal Recycling until such time as the statistical figures are submitted, reviewed and substantiated to the satisfaction of Town staff. The motion was unanimously approved.

d. Status Report - Rocky Lake Drive Intersection Project

By memorandum of August 14, 1991, Mr. Paynter provided an update with respect to the Department of Transportation's rejection of the traffic signal system as designed by Porter Dillon for the Rocky Lake Drive intersection. DOTC

suggested that the left turning movements off Rocky Lake Drive into Sunnyside Mall be eliminated.

Mr. Paynter expressed concern that a third construction season is almost at a close without a solution to the problem at this intersection.

Mayor Christie agreed he will attempt to meet with the Minister within the next two weeks to discuss a possible solution.

ON MOTION of Councillor Draper and Councillor Kelly, at approximately 10:30 p.m. it was moved to extend the regular hour of adjournment for another fifteen minutes. The MOTION was CARRIED (Deputy Mayor Huntington voted in opposition).

Status Report - Oakmount Drive/Bedford Highway Project

By letter of August 14, 1991 to DOTC, Mr. Paynter updated Council regarding Bedford's proposal for construction of a curbed boulevard turning lane for Bedford Highway, Oakmount Drive to Bicentennial. In his verbal presentation to Council, Mr. Paynter reiterated the Department's reluctance to Bedford's proposal and indicated that DOTC had suggested a solution similar to Cole Harbour Road.

In discussion, Deputy Mayor Huntington noted that safety of both vehicles and pedestrians should be the driving force of any change to the highway. At the request of Council, Mr. F. MacKenzie indicated that BEDC has written to DOTC outlining the implications from tax and economical point of view.

It was agreed that BEDC forward to the Mayor and Council the package which was recently forwarded to Department of Transportation and Communications. Mayor Christie will follow up.

14. MOTIONS OF RESCISSION

14.1 Councillor Goucher - BPAC Non-Council Vacancy

On July 16 at a Reconvened Regular Session, Councillor Goucher served a NOTICE OF RESCISSION with respect to the Motion of Council approved on June 18, 1991 whereby Council moved not to fill the vacancy left by the resignation of Mr. Nolan.

ON MOTION of Councillor Goucher and Councillor Cosgrove, it was moved to RESCIND the Motion of Council approved on June 18, 1991 whereby Council moved not to fill the vacancy left by the resignation of Mr. Nolan.

In speaking to the MOTION, Councillor Goucher spoke on behalf of members of Bedford Planning Advisory Committee who recommended that Town Council fill the membership vacancy as the lack of full membership would have consequences in terms of continuity on the committee. He also noted that the Committee's Terms of Reference require Town Council to fill vacancies.

The MOTION was put to the meeting and DEFEATED (Councillors Goucher, Cosgrove and Kelly voted in favour; Deputy Mayor Huntington, and Councillors Walker and Draper voted against the motion).

15. NOTICES OF MOTION

15.1 Councillor Draper - Tax Certificate Charge

During the July 30, 1991 Town Council Meeting, Councillor Draper served NOTICE OF MOTION that the Tax Certificate Charge of the Town of Bedford be reduced from the existing \$100 to \$50, effective from the date the Motion is passed.

ON MOTION of Councillor Draper and Deputy Mayor Huntington, it was moved that Town Council approve a change in the Tax Certificate Charge of the Town of Bedford such that it be reduced from the existing \$100 to \$50, effective from the date the Motion is passed.

In discussion of the MOTION, it was reported that no complaints had been received in the office regarding the \$100 charge. Councillor Draper noted that she had received complaints and that the charge is out-of-line with the tax certificate charge in other municipalities.

The MOTION was put to the meeting and CARRIED (Mayor Christie, Deputy Mayor Huntington and Councillors Draper and Walker voted in favour of the motion; Councillors Goucher, Cosgrove and Kelly voted against the motion).

On a POINT OF ORDER, Councillor Goucher challenged the validity of the MOTION quoting from Kerr and King that a two-thirds majority would be required on a vote involving money matters; and therefore in this instance, the motion should be recorded as Defeated. Mayor Christie indicated that until such time as the Chair responded, the MOTION would be held in abeyance.

16. QUESTIONS

16.1 Status Sheet - Deferred

17. Presentation - Planning Department - Report/Analysis - Development Activity - Deferred

18. ADJOURNMENT

ON MOTION of Councillor Kelly and Councillor Goucher, it was moved to adjourn the August 20, 1991 Regular Session of Bedford Town Council at approximately 10:50 p.m.

approve the minutes of Popular Session, #1.16 (August 20, 1992) of the Town

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/dl