

MEETING #42

TOWN OF BEDFORD

Regular Session

Tuesday, October 13, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, October 13, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Barry Zwicker, Director of Planning and Development (Acting Chief Administrative Officer) and Rick Paynter, Director of Engineering and Works.

3. APPROVAL OF MINUTES - Special Session #33, September 8, 1992
Regular Session #34, September 15, 1992
Public Hearings #35 and #36, #92-08/09,
September 22, 1992
Public Hearings #37 and #38, #92-10/11,
September 22, 1992
Special Session #39, September 22, 1992
Public Hearing #40, #92-14, September 29, 1992

ON MOTION of Deputy Mayor Cosgrove and Councillor MacLean, it was moved to approve all of the above minutes, except for Meeting #40, Public Hearing #92-14, September 29, 1992. The Motion was unanimously approved.

Councillor Goucher indicated he was aware of several errors and omissions from the minutes of Meeting #40, and inquired whether any tape recording of the meeting was made, as there were comments which he believed to be relevant that had not been included. Barry Zwicker, Acting Chief Administrative Officer, indicated he did not know at this time, but would enquire about same. In the meantime, the following errors and omissions were noted:

- On page 5, Mr. Ted Booney should be **Mr. Ted Hooley**
- On Page 6, Mr. Marian Stewart was quoted as "Council shall permit", which should be "Council **shall prohibit**".
- On page 13, Mr. Starr should be **Mr. Stark**
- On page 14, Mr. Tomy should be **Mr. Tomie**
- Mayor Peter Kelly and Councillor Goucher **were** present for the meeting

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

The following was added to the Agenda:

- 10.6 Metropolitan Authority Update - Mayor Kelly
- 10.7 Discussion - Fire at Adonis Bakery

The following was deleted from the Agenda:

- 8.1 Halifax County/Bedford Regional Library Board - Presentation - Capital Funding - Proposed Automation - **DEFERRED UNTIL OCTOBER 20/92**

5. **APPROVAL OF ORDER OF BUSINESS**

ON MOTION of Deputy Mayor Cosgrove and Councillor MacLean, it was moved to Approve the Order of Business as amended. **The Motion was unanimously approved.**

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

6.1 **Committees Composition/Membership Increase - Police Commission**

By memorandum dated October 9, 1992, Dan English, Chief Administrative Officer, reported on the results of a review conducted by the By-Law/Policy Advisory Committee of all Town Committees/Commissions to determine the need for membership expansion, as was directed by Council. The By-Law/Policy Advisory Committee submitted their report and findings with a recommendation that at this time, only the Board of Police Commissioners' membership be increased to the maximum permitted under existing Provincial Legislation, ie. 7 members. It was also suggested that the two additional members should all be Citizens at Large.

Deputy Mayor Cosgrove indicated her support for the new members being all Citizens at Large, as it will provide more coverage of the general population from around Town, and provide more opportunity for public participation.

ON MOTION of Councillor Davies and Councillor MacLean, it was moved that the Board of Police Commissioners' membership be increased to the maximum permitted under existing Provincial Legislation, and that the two new members be Citizens at Large. **The Motion was unanimously approved.**

Councillor MacLean noted that he had initially requested the review of all Committee memberships, that he was satisfied no other committee required or desired change.

6.2 County of Halifax's Request to Opt Out of Solid Waste Management

Mayor Kelly reported at a recent meeting of Metropolitan Authority, a vote to accept the Ogden Martin contract to build an incinerator in Burnside had been passed 6 to 0. He noted that Halifax had left the meeting before the vote, and Bedford representatives had abstained. Further, the Motion had stated that the acceptance of the contract was subject to two items: 1) a declaration by the Supreme Court as to whether Halifax was financially responsible to participate with the three other municipalities in the contract; and 2) the result of a financial site analysis which was to be conducted on the proposed Bedford and Dartmouth sites.

Mayor Kelly indicated the site analysis process was underway, and should be complete in two weeks. The declaration by the Supreme Court could take three months.

Mayor Kelly explained that, although he was personally against the concept of incineration, given Council's position of support for same, he abstained from voting with Council's knowledge and approval.

Councillor Goucher indicated, as the other representative for Bedford, he abstained because, although he supports the contract, he felt it was outside his mandate to vote yes or no on a \$120 Million contract without the presence of Halifax representatives. He noted had they been there, he would have voted in favour.

Mayor Kelly asked Council, given the information on the above circumstances, what was their wish on the matter of the County of Halifax's request to opt out.

ON MOTION of Councillor MacLean and Councillor Oickle, it was moved to **DEFER** discussion on the County of Halifax's request to opt out of Metropolitan Authority for solid waste management, pending the declaration by the Supreme Court on the financial responsibility of the City of Halifax with respect to the Ogden Martin contract to build an incinerator. **The Motion was unanimously approved.**

7. PUBLIC HEARINGS AND MOTIONS ARISING THEREFROM

7.1 Public Hearing 92-08 (September 22/92) - Amendment to MPS to change GFLUM from Park and Recreation to Residential - Lots 37 and 38 Peregrine

7.2 Public Hearing 92-09 (September 22/92) - Proposal to Rezone from Park to Residential Single Unit - Lots 37 and 38 Peregrine

By memorandum dated September 23, 1992, Donna Davis-Lohnes, Senior Planner, provided a report containing data regarding street frontage and lot area measurements for all properties located within the Eaglewood Subdivision, as requested by Town Council on August 22, 1992.

ON MOTION of Deputy Mayor Cosgrove and Councillor Davies, it was moved to Amend the Generalized Future Land Use Map to change the Land Use designation from Park and Recreation to Residential on Lots 37 and 38 Peregrine Crescent, and to subsequently rezone the two lots from Park (P) to RSU (Residential Single Unit).

Deputy Mayor Cosgrove inquired whether the two lots would be re-surveyed once they were reduced in size, due to the walkway at the rear of the lots. Mr. Zwicker, Director of Planning and Development, indicated they would. Deputy Mayor Cosgrove then inquired whether the lots would have the same square footages, or could they be made more equal in size. Mr. Zwicker referred to the lot plan on the wall and noted there is a 3,000 square foot difference now, and that it would be possible to take more from one lot than the other to create the walkway, but that it would "tighten" the building line on one lot quite a bit. He suggested that several options could be considered at the time of the survey.

Deputy Mayor questioned the need for the walkway. Mr. Zwicker noted it is still considered important, and that it was one of the original purposes for the Town retaining the lots.

ON MOTION of Councillor MacLean and Councillor Davies, it was moved to AMEND the original Motion to direct that the two lots be amalgamated into one lot.

Mr. Zwicker suggested that the two lots be re-zoned first, and that the ultimate disposal of the lots will be brought back to Council. It will be left at their discretion as to whether they are sold as one lot or two at that time.

Councillor MacLean then withdrew the Motion to AMEND.

Councillor Oickle expressed concern as to how much revenue would be lost should the two lots become one. Mr. Zwicker estimated the value would reduce by approximately one half.

Mayor Kelly suggested the two lots could be made into one, and a part of it be designated as parkland.

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

7.3 Public Hearing 92-10 (September 22/92) - Amendments to MPS - Text Amendment to CCDD - Land Use By-Law

7.4 Public Hearing 92-11 (September 22/92) - Proposed Text Amendment to Land Use By-Law to include "Single Residential Units" as permitted use in the CCDD Zone.

ON MOTION of Councillor Goucher, it was moved that Council deny the Proposed Text Amendment.

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

ON MOTION of Councillor Davies and Councillor MacLean, it was moved that Council amend the M.P.S. to allow a text amendment to the Land Use By-Law to include "Single Residential Units" as a permitted use in the CCDD Zone.

Councillor Davies spoke to the Motion, indicating his three reasons for supporting the Motion were as follows:

- The original intent of the 1982 Development Plan for the Town of Bedford was to allow residential buildings in commercial zones;
- There has been desire expressed by residents with respect to having lower density development adjacent to residential properties;
- It is logical to not preclude lower density building from a higher density zone.

Councillor Goucher noted the overwhelming number of people at the Public Hearing who had spoken against the text amendment, mainly due to a concern with respect to "process"; the whole CCDD Zone portion of the M.P.S. had been referred to B.P.A.C. for a comprehensive review, looking at it in the "total context" of the M.P.S., and this review is currently in process. Councillor Goucher indicated he understood Councillor Davies' position, and if the outcome of the Public Hearing had been positive, and if B.P.A.C.'s recommendation was given a chance to be brought forth, and it was positive, then he could support the Motion; however, he felt proper process was not being followed.

ON MOTION of Councillor Goucher and Councillor Oickle, it was moved that this item be DEFERRED until the Bedford Planning Advisory Committee has completed a comprehensive review of the CCDD Zone. **The Motion was CARRIED.** (Councillor Davies and Deputy Mayor Cosgrove were opposed; Councillors Goucher and Oickle, and Mayor Kelly voted in favour.)

Mayor Kelly inquired as to when the review is expected to be complete. Councillor Goucher indicated that it would take one or two more months to complete.

7.5 Public Hearing 92-14 (September 29/92) - Proposed Development Agreement Application - Civic #171 - Hammonds Plains Road - Parcel M-1

Councillor Goucher noted that two pieces of correspondence had been received recently, one from the proponent and one from the Bedford Economic Development Commission, both of which were requesting a deferral of this item until the next Regular Session. These two letters were not included in the public information package. Councillor Goucher suggested that they constituted an address to Council, and that a representative of Bedford Village Resident's Association was present tonight with a request to speak to Council on this matter, prior to Council's deliberations.

Mayor Kelly suggested that the two letters were not a request to speak, just to defer, but that the intent was to hear this item tonight. He indicated that a request to speak by a member of the public must be voted on by Council, and that the decision must be unanimous. A ballot vote was conducted at this time. Mayor Kelly advised Councillor Goucher that the vote was **not** unanimous, therefore the person could not speak tonight.

Councillor Goucher then inquired with respect to the Rules of Order on a request to Suspend the Rules of Order. Mayor Kelly indicated that it must be a two-thirds majority vote, by show of hands, in order to Suspend the Rules of Order.

A show of hands was conducted on whether to Suspend the Rules of Order. Councillors Davies and MacLean abstained, and Councillor Oickle was opposed. Therefore, the Rules of Order were not suspended.

ON MOTION of Councillor Oickle and Councillor MacLean, it was moved that this item be DEFERRED until the next Regular Session, October 27, 1992.

Councillor Oickle explained that his two reasons for the Motion were that Councillor Hutt was not present, and that Councillor Hutt had requested, with 3 weeks notice, that nothing of importance be included on the agenda for tonight's meeting. Also, at the Public Hearing, there had been approximately five requests to slow down the process to allow opportunities for the developer and members of the community to meet and discuss the development and provide input. Councillor Oickle noted that the developer wishes to meet with residents for this purpose, and that rushing the matter through Council was not being fair to either the proponent or the public.

The Motion was put to the Meeting and was LOST. (Councillor Goucher, Mayor Kelly and Deputy Mayor Cosgrove were opposed.)

ON MOTION of Councillor Goucher and Deputy Mayor Cosgrove, it was moved that Council reject the Proposed Development Agreement Application for Civic #171 - Hammonds Plains Road - Parcel M-1.

Councillor Goucher indicated that this matter represented the first test of the M.P.S. noting the process had been going on and off for 8 to 10 months. Councillor Goucher went on to note that residents have come out to meetings many times, and have played by the only rules they can, which is to speak at Public Hearings, and would now like to be "sentenced" and get on with their lives. Councillor Goucher suggested that to consider any further deferral of this matter is unthinkable.

Councillor Goucher noted that it is the inherent right of Bedford Village Properties to develop their property, but it is the right of residents to have it developed according to the M.P.S.

Councillor Goucher noted Councillor Davies' referral to an old Bedford Municipal Development Plan document, and suggested that this was irrelevant.

Councillor Goucher then listed a number of reasons why this development should be turned down:

- Based on the actual amount of acreage that is to be developed into residential is 5.6 acres, with 23 to 27 units per acre. This means that the development

will be 55% residential, which does not comply with the commercial intent of CCDD.

- Most importantly, Councillor Goucher suggested, was that Policy E8, which calls for a 100 foot set back from water courses, and which Council "may" consider reducing, was not being met. The edge of some parking lots will be within 30 to 35 feet of a stream.
- Non-compliance with policies E4 - Use with residential, and E8 - Use with commercial.
- Non-compliance with policy Z3 - Compatibility with respect to "bulk and scale", "buffers and screens", and environmental impact.

Councillor Goucher inquired of Mr. Paynter, Director of Engineering and Works, as to how many times a berm at Beaver Pond has broken and fallen into the pond. Mr. Paynter indicated that this had happened 3 to 4 times. Councillor Goucher pointed out that this has resulted in much silt at the bottom of Beaver Pond.

With respect to the 45% donation of property to parkland, Councillor Goucher suggested that it may not be a donation when the land cannot be developed in the first place.

Councillor Goucher indicated that he feels strongly about this matter, and that although he tried to be open-minded and wanted to support the development, he cannot support it and supports the recommendation of B.P.A.C. and two B.W.A.C. recommendations to not approve the development application. He indicated that he hoped Council would also take those recommendations into consideration.

Councillor Oickle inquired as to the distance of Councillor Goucher's house to a brook which runs through his property. Councillor Goucher indicated the distance was approximately 50 feet.

Councillor Oickle then requested clarification of the Rules of Order, and inquired whether a Motion can pass if half of the Councillors abstain. Mayor Kelly indicated that it can. Councillor Oickle then inquired whether a Motion of Reconsideration can be made if it passes with abstentions. Again, Mayor Kelly indicated that it could.

Councillor Goucher refuted Councillor Oickle's comment regarding the proximity of his home to a brook. He noted that he lives in a Residential Zone, not a Commercial Zone, and he doesn't live in an apartment. He suggested that the impact was not the same.

Councillor MacLean addressed the Motion, noting that he has spoken to many people on this matter and attended the Public Hearing. He suggested that it was not his responsibility to represent only those against the development, but to be informed and make an objective decision, without emotion.

Councillor MacLean noted that nobody ever indicated that they were against "development", but that the general feeling was that this was a "bad" development. He noted that most people at the Public Hearing had spoken clearly and had made critical, responsible points. He indicated that if he were "sitting on their patio" he might also be emotionally involved, but that he was for equal opportunity and that he felt "we have not availed ourselves of all resources". Councillor MacLean suggested that the right decision should be made for all the right reasons, and that if it is rushed, an error can be made.

Councillor MacLean went on to comment on the attitude expressed by one speaker at the Public Hearing, who he quoted as saying that Council should use the benefit of hindsight, and asked the developer to re-think the development, especially since it was on sensitive land. The speaker had also pointed out that no-one had said they were against development per se, and suggested to the proponents that the development process requires negotiation and being sensitive to the community. Councillor MacLean suggested that this speaker had summed up well the feeling of the whole meeting.

Councillor MacLean indicated that he did not share the position that Council must assume a "take it or leave it" attitude. He indicated his wish to be fair to the community, and to the development, and to do what was best for the Town of Bedford as a whole, and what was best for the developer. He suggested there was still time to consider the matter, and that he was not convinced that everyone had had their "best shot". He indicated he felt it was inappropriate to decide tonight.

A member of the public, Mr. Tomie, requested permission to clarify his comments from the Public Hearing, if it were his comments from which Councillor MacLean

was quoting. Councillor MacLean indicated that it was Mr. Tomie's comments that he was quoting. Mr. Tomie indicated he felt Councillor MacLean had misinterpreted his comments, and that he **had** been speaking against the development, and he shared the wish of the residents to be "sentenced" tonight.

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

Councillor Oickle then served NOTICE OF RECONSIDERATION of this Motion for the next Regular Session.

At the request of Councillor Goucher, Mayor Kelly explained the meaning of a Motion of Reconsideration, and what events could take place because of it.

A member of the public requested clarification with respect to the planning approval process. She inquired if the proponent makes changes to the development application, will that mean the application will then go back to B.P.A.C. and B.W.A.C. for recommendation.

Mayor Kelly indicated that Council must first consider whether those changes are "substantial" or not. If they are considered "substantial" then the application may be referred to B.P.A.C. and B.W.A.C. for review and recommendation.

8. **PETITIONS AND DELEGATIONS - NIL**

9. **MOTIONS - NIL**

10. **NEW BUSINESS**

10.1 **Consideration of Approval - Tender - 92-13 - Hauling of Bulk Salt**

By memorandum dated October 9, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported the submitted bids on the above tender and Staff's recommendation to award the contract to Gay's River Aggregate.

ON MOTION of Councillor Goucher and Councillor MacLean, it was moved that Tender 92-13, Hauling of Bulk Salt from the Canadian Salt Company be awarded to Gay's River Aggregate at the Tendered price of \$9.90 per tonne (G.S.T. included.) The Motion was unanimously approved.

10.2 Consideration of Approval - Guarantee Resolution - Solid Waste - \$8,370,000

Copies of a Temporary Borrowing Resolution, from Metropolitan Authority, in the amount of \$8,370,000 for Solid Waste Capital Projects (Schedule was also attached - with recommended revisions as of September 15, 1992) were included in the agenda package.

Councillor MacLean referred to the schedule of Capital Projects and inquired whether preparations for the two proposed building sites, Dartmouth and Bedford, were to be started simultaneously until such time as one is decided upon.

Mayor Kelly indicated that the Dartmouth site is in a "holding pattern" until the financial analysis for both sites is complete. Should the Bedford site become the chosen site, then the environmental assessment will be shifted to that site.

Mayor Kelly briefly reviewed further the list of Capital Projects. He noted that both the County of Haliux and Dartmouth have passed the Resolution.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Bedford Town Council approve the Metropolitan Authority Guarantee Resolution for Solid Waste in the amount of \$8,370,000.

Councillor Goucher noted that the Authority is a Regional Authority, and should Bedford not approve the Resolution, the Authority would be in a position to go ahead anyway, take the funds needed out of Operating, and start billing Bedford. Alternatively, they could arrange short-term borrowing for the funds.

Councillor Goucher acknowledged that Metropolitan Authority "has been struggling lately", and that non-approval of the Resolution would put them in a poor position. He suggested that Bedford should support the Authority, in order that they may carry out their mandate.

Councillor Davies clarified that this Guarantee is an "upside estimate", and that the members will still have approval over expenditures.

Councillor Goucher confirmed that it did not give the Authority "carte blanche" ability to spend.

Councillor Davies inquired of Councillor Goucher and Mayor Kelly whether they were satisfied, at this stage, with the present projected costs. Both indicated they were.

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

10.3 Bridge Commission Fare Increase/Truck Traffic

By memorandum dated August 24, 1992, Mr. Rick Paynter, Director of Engineering and Works, responded to a request for information relative to truck traffic control, and what impact additional truck traffic might have on Bedford, in light of a recent announcement by the Halifax-Dartmouth Bridge Commission to raise bridge fares for commercial trucks utilizing the two bridges.

The report indicated a significant impact on Bedford arterials, especially given the indication that 60-70% of the trucks are overweight.

Mr. Paynter indicated to Council there is little action open to the Town, other than to state the concerns of the Town to the Public Utilities Board. Mayor Kelly noted he will attend the Public Utilities Board Hearing for the application of the Bridge Commission for Truck Toll increases on November 9th and 10th, 1992, to express the Town's concerns.

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

Deputy Mayor Cosgrove inquired about possible plans for future signage for weight restrictions.

Mr. Paynter noted that while weight restrictions have been placed on certain routes in the Province, the Town has not been successful in the past at pursuing the implementation of weight restrictions on roads such as Hammonds Plains and Kearney Lake. The Province considers these as Provincial arterial roads. He noted that, in the long term, the Highway 107 bypass would help, but it will be 7 to 10 years before it is completed. He suggested the best the Town can do in the meantime is to exert some influence.

Councillor Davies pointed out that the Provincial restrictions are being exceeded, and inquired whether Town Police can do anything to enforce them.

Mr. Paynter reported that the Police Department did purchase a set of scales in the past, in an attempt to enforce weight restrictions but problems arose because training for the use of the scales is necessary, and the idea was dropped. It was suggested that with a training program, the use of the scales **could** be considered again, giving

the Town an in-house truck weighing program.

Councillor Davies suggested this could be a way for the Town to deter trucks from driving through Bedford; if they wish to drive overweight, they will prefer to pay the higher bridge fees than pay a weight fine.

Mayor Kelly concurred with the idea and suggested this is something he will point out to the Public Utilities Board. He indicated that since further information will be forthcoming prior to the Hearing, the Motion may be premature.

Council agreed to Defer the Motion.

10.4 Sewer Installation Policy No. 24201

By memorandum dated September 22, 1992, Mr. English, Chief Administrative Office, requested Council's concurrence to have the By-Law/Policy Advisory Committee review the Sewer Installation Policy and provide an appropriate recommendation to Council.

ON MOTION of Councillor Davies and Deputy Mayor Cosgrove, it was moved that the Sewer Installation Policy #24201 be referred to the By-Law/Policy Advisory Committee for review and recommendation. The Motion was unanimously approved.

10.5 Garbage Collection Regulations

By memorandum dated October 8, 1992, Mr. Rick Paynter, Director of Engineering and Works, reported that several commercial properties, that are continuing to exceed the maximum five regulation containers per commercial premise per week, despite several months of notices and warnings. Staff is seeking direction and approval to notify all of the offending property owners that, effective November 3, 1992, the regulations of the Town of Bedford's Solid Waste Bylaw as it pertains to the number of regulation containers placed at curbside per week will be strictly enforced by the Town's solid waste collection contractor.

Mr. Paynter indicated that while a Motion is not required, he would request an indication of support by Council, and noted that the stand will likely generate some phone calls.

Council agreed to support the enforcement of Town regulations on this matter.

10.6 Metropolitan Authority Update - Mayor Kelly

Mayor Kelly again reviewed the recent vote by Authority members to proceed with Strategy 5, noting that Halifax left the meeting before the vote and Bedford had abstained. He again indicated that while he, personally, does not support incineration, and has made this clear in the past, he abstained from voting because he felt he should be voting with the intentions of Council as a whole.

Mayor Kelly noted that the vote was dependent on the Declaration from the Supreme Court and a Site Financial Analysis.

Councillor Goucher indicated he believes there will be some long-term benefits to having the incinerator sited in Bedford, and noted that Bedford never was assessed from a financial standpoint.

In response to an enquiry from Councillor MacLean as to whether economics will be the deciding factor. Mayor Kelly indicated it will be one of the major aspects, but that there may be some political aspects as well.

Councillor Goucher suggested that, given all the details, Bedford will be ahead in the financial analysis.

Mayor Kelly again indicated that the re-consideration of Bedford as a site was at the request of Council, and does not reflect his own feelings on the matter.

Mayor Kelly also indicated he feels betrayed and misled with respect to the Ogden Martin contract. He reported members had been assured that the contract would be brought back to Authority members before a dead-line to sign, review and make changes; however, it was presented as a "fait accompli" and no changes were allowed.

Councillor Goucher concurred there had been no opportunity to negotiate.

Mr. Zwicker, acting Chief Administrative Officer, noted that a request to waive the usual waiting time period of 30 days before the Supreme Court hears the case for the Declaration, had been circulated to Council members prior to the meeting. He noted the same request will be made for each of the four members of the Authority, in order that the matter get to the Supreme Court as soon as possible.

ON MOTION of Councillor Goucher and Councillor Davies, it was moved that Bedford Town Council agree to waive the 30 day waiting period for the Declaration of the Supreme Court.

Councillor Goucher questioned whether representation for the Town of Bedford had been considered. Mayor Kelly indicated that it had not.

Councillor MacLean pointed out that Bedford is the defendant, and is assuming that the plaintiff will take care of the defendant.

Mr. Zwicker explained that the Town is not being sued, but is looking for a resolution from the Supreme Court; a Declaration on whether the decision by the Authority to proceed with Strategy 5 is binding on all four members. He noted there is nothing to defend, unless Council decides to oppose the Declaration.

This was discussed further, and it was pointed out that one or more members, particularly Halifax, may contest the Declaration, and perhaps Bedford should have someone representing its interests.

Mr. Zwicker indicated that the current matter is to waive the waiting period; once heard by the Supreme Court, it may be decided that representation is needed, but that can be considered at a later time.

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

10.7 Discussion - Adonis Bakery Fire

It was agreed that discussion of this item would be postponed until the next meeting on October 20, 1992, pending further information.

11. REPORTS

11.1 COMMITTEES/COMMISSIONS/BOARDS - NIL

11.2 DEPARTMENTAL - NIL

12. CORRESPONDENCE

12.1 Brook St. Drainage

By memorandum dated September 21, 1992, Mr. English, Chief Administrative Officer, reported on a cost-sharing proposal outlined in a letter from Mr. Art Hustins, Jr.

Mr. Paynter, Director of Engineering and Works, explained that although the Wardour Centre Development Agreement had indicated that all "off-site" costs were to be the responsibility of the proponent, the proponent had incurred higher costs than anticipated to improve a drainage problem on Brook Street which will be of benefit to the Town of Bedford, and will allow the Town to make further improvements in that area.

Mr. Zwicker noted that although the proponent is now requesting 50/50 cost sharing, the Town is under no obligation to do so; however, there is some rationale so doing. He further noted that the proponent, Hustins Enterprises, is willing to carry the costs over to the next fiscal year in order that the Town can budget for the expense in the next year.

Councillor MacLean inquired whether the work would have been performed by the Town anyway. Mr. Paynter indicated that it would have been done "in time". Councillor MacLean indicated he is in favour of seeing open ditches closed, as has been done in this case.

Councillor Goucher noted that B.P.A.C. had originally expressed a concern with respect to forcing a proponent to pay offsite costs.

ON MOTION of Councillor MacLean and Councillor Goucher, it was moved that the Town agree to cost share for the improvements to drainage on Brook Street with Hustins Enterprises, for 50% of \$18,000.00 with the Town's costs to be paid in the next fiscal year.

The Motion was put to the meeting and unanimously approved.

13. **MOTIONS OF RECONSIDERATION - NIL**
14. **MOTION OF RECISSION - NIL**
15. **NOTICES OF MOTIONS - NIL**
16. **DEPARTMENTAL INFORMATION REPORTS**
 - 16.1 **Fire Chief's Monthly Report - Month of September, 1992**
 - 16.2 **Building Inspector's Monthly Report - Month of September, 1992**

ON MOTION of Councillor MacLean and Councillor Goucher, it was moved to accept the Fire Chief's Monthly Report for September, 1992, and the Building Inspector's Monthly Report for September, 1992, as circulated. **The Motion was unanimously approved.**

17. **QUESTIONS - NIL**

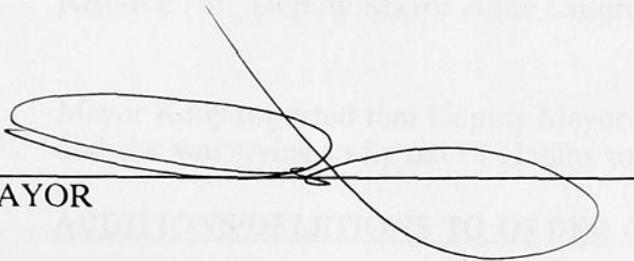
18. **ADDED ITEMS**

Mr. Barry Zwicker reminded Council members of the second Citizens' Forum on October 21, 1992 at the Lebrun Centre.

19. **ADJOURNMENT**

ON MOTION of Mayor Kelly, it was moved to adjourn the 42nd Regular Session of the Town of Bedford at approximately 9:35 p.m.

The motion was unanimously approved.


MAYOR

ACTING CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #43

TOWN OF BEDFORD

Special Session

Tuesday, October 20, 1992

A Special Session of the Town Council of the Town of Bedford took place on Tuesday, October 20, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia; Mayor Peter Kelly presiding.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Dan English, Chief Administrative Officer.

REGRETS: Deputy Mayor Anne Cosgrove.

Mayor Kelly reported that Deputy Mayor Anne Cosgrove's father had had a stroke, and she was trying to fly out of Halifax to be with her family at this time.

3. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

There were no Additions or Deletions to the Order of Business.

4. APPROVAL OF THE ORDER OF BUSINESS

ON MOTION of Councillor Davies and Councillor Oickle, it was moved to approve the Order of Business. The Motion was unanimously approved.

5. NEW BUSINESS

5.1 **Halifax County/Bedford Regional Library Board - Presentation - Capital Funding - Proposed Automation**

Councillor Hutt introduced Ms. Mary Gillis, Ms. Judy Smiley, and Ms. Beverly Brucha who were present to give a presentation on the proposed automation. He noted that a joint meeting had been proposed to the County Council, but this had not been possible. He further noted that a decision by Bedford Council was not necessary to be made tonight, since a Provincial Library Board meeting on the matter has been delayed until November.

Ms. Judy Smiley thanked Council for the opportunity to make the presentation. She noted the advance of the "information age", and the dramatic growth of use of the libraries. The Library Board had recently reviewed their goals and objectives, and had established as their first priority the automation of all Branch libraries. A consulting firm, Beaumont and Associates, had been asked to conduct a Needs Assessment. A copy of their report was later circulated to Council members.

Ms. Smiley reported that the consultants had indicated that there were few libraries left in Canada, with the volume of the Regional System, that were not already automated. They had commented on the multiplication of files and duplication in work among the staff. The three main recommendations of the consultant were:

1. To move forward with automation.
2. Explore options for telecommunication systems.
3. Initiate discussions with other Regional Libraries to share in the automation, and tie systems together.

Mary Gillis then spoke to Council. She noted that the two main reasons to automate are efficiency and quality of service. Using overheads, she showed a graph depicting the growth in circulation over the past few years, and indicated that the libraries have lost control of circulations and collections. Circulation has grown 13% in the just the last six months, and there has been an increase of 65% in information questions in the same time period.

Ms. Gillis noted that there is less and less time available for staff to assist the public; it is hoped that automation of the manual labour currently carried out by staff will allow the staff to refocus time back to the public. She showed Council staff's current "hardware" - a date stamp - and suggested that their "software" was all in staff's

minds. Ms. Gillis also noted that the current system of fiche catalogues are always out of date and difficult to use.

An overhead depicted two traffic patterns - one of a traditional library, with card catalogues, and one of an automated library. Ms. Gillis noted the dramatic difference between the two. She also noted that, with automation, a patron can phone up and use the computer and modem, look up books and place holds on them.

Ms. Gillis noted the possibility of the Department of Education and the Nova Scotia Library Network cost-sharing in the proposal as well.

Ms. Gillis went on to note that Dartmouth Regional Library had a circulation 45% lower than the County when they automated. The public ask frequently why the Halifax County/Bedford Regional libraries are **not** automated; they are used to this standard of service.

An overhead listing the benefits of Automation was shown, and Ms. Gillis indicated that copies of the Capital Proposal was available to circulate to Council. Overheads titled Summary of Automation Budget and Estimated Share of Costs were then shown. The total amount of contribution from Bedford over three years is \$49,808.00. The Province is proposed to pay 67% of costs. It is proposed, said Ms. Gillis, that the entire system would be up and running in two years.

Following the presentation there were questions from Council.

Councillor Davies inquired when it was felt the Bedford Branch would be fully automated. Ms. Gillis indicated the end of 1993.

Councillor Davies then inquired about a figure of \$96,000 for one-time costs, included in the capital costs. Ms. Beverly Brucha noted that this covers the labour to convert the current system and load the information into the computer. It also covers other costs such as an extensive cable system.

Councillor MacLean asked about the hardware and software, and whether the software would be unique to the Halifax County/Bedford Regional system, or was it a "canned" software. Ms. Brucha noted that there would be a mainframe and the software would be "somewhat" customized; it may even be different from one branch to another. Ms. Gillis noted that most vendors have a good integrated system.

Councillor MacLean went on to inquire whether the Halifax County/Bedford Regional system would be able to be integrated with other Regional Systems. Ms. Brucha indicated that it could, in the future. She further indicated, in response to

Councillor MacLean, that the system would be available 24 hours a day, 7 days a week for phone-in requests.

Councillor Davies inquired whether they were exempt from G.S.T. Ms. Brucha indicated that a small municipal rebate is given, but they are not exempt.

Councillor Goucher inquired whether the Library Council is in full support of the capital expenditures proposed. Ms. Gillis indicated that she couldn't say; the Council hasn't met recently and the membership is undergoing a change. Generally, she noted, there is good support around the Province.

Councillor Hutt inquired what would happen if one municipality does not agree with the proposal. Ms. Bratka indicated that it could not go ahead; the support of the two municipalities is needed.

Mayor Kelly inquired about Halifax County's support. Ms. Gillis indicated that they will be meeting with Halifax County on Thursday. Mayor Kelly inquired why it had never been considered that all of Halifax city, Dartmouth city, and the Halifax County/Bedford Regional Libraries should be included in a single automation system. Ms. Brucha noted that Dartmouth Regional Library has been automated for three years, and Halifax is in the final stages of signing a contract to automate; it is too late to "piggy-back" with them. She further noted that Halifax had received two bids on their system: one to "stand-alone", and one that would tie-in with the Dartmouth System directly. The tie-in system had been more expensive, even though the vendor, Dynex, is the same, because the Dartmouth system is now three years old and would need to be updated.

Councillor Goucher suggested to Ms. Smiley, as a Provincial representative, that the Province should ensure that the proposed system for the Halifax County/Bedford Regional and the Province are compatible with other systems in the province before agreeing to funding.

Ms. Brucha noted that even if they are not directly compatible, a dial-up service to other systems could be provided, although this is not the ideal.

Mayor Kelly inquired if one municipality rejects the proposal, could another municipality offer to automate one branch as a test case. Ms. Gillis indicated that this was not desirable; the system is Regional, and an integrated system was the proposal.

Mayor Kelly thanked Ms. Brucha, Ms. Gillis and Ms. Smiley, and noted that discussion of the proposal would be included on the agenda for next Tuesday's

TOWN OF REDFORD

Regular Session. He noted that they will be watching to see what happens at the meeting with Halifax County on Thursday.

Tuesday, October 27, 1992

6. ADJOURNMENT

ON MOTION of Mayor Kelly, it was moved to adjourn the 43rd Special Session of the Town Council of the Town of Bedford at approximately 8:00 p.m.

The motion was unanimously approved.

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

2. ATTENDANCE

Present: Mayor Peter Kelly, Councillors Davies, Len Goucher, Harris Hutt, Bill MacLean and Stephen...

Also present: Dan English, Chief Administrative Officer; Planning and Development; and Rick Poynter, Director...

Students present

Deputy Mayor Anna Cosgrove

Mayor Peter Kelly noted the passing of Deputy Mayor Anna Cosgrove's father on October 21, 1992, in Saskatchewan. He wished to express, on behalf of all Council members, sympathy, support and prayers to her and her family at this time.

- 3. APPROVAL OF MINUTES - #40 - Public Hearing - September 29, 1992
- #41 - Special Session - October 6, 1992
- #42 - Regular Session - October 13, 1992

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to approve the above minutes as circulated. The Motion was unanimously approved.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions and changes to the Order of Business were made:

MAYOR

CHIEF ADMINISTRATIVE OFFICER

/sk

MEETING #44

TOWN OF BEDFORD

Regular Session

Tuesday, October 27, 1992

A Regular Session of the Town Council of the Town of Bedford took place on Tuesday, October 27, 1992 at 7:00 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Dan English, Chief Administrative Officer; Barry Zwicker, Director of Planning and Development; and Rick Paynter, Director of Engineering and Works.

There were approximately 70 residents present.

Regrets: Deputy Mayor Anne Cosgrove

Mayor Peter Kelly noted the passing of Deputy Mayor Anne Cosgrove's father on October 21, 1992, in Saskatchewan. He wished to express, on behalf of all Council members, sympathy, support and prayers to her and her family at this time.

3. APPROVAL OF MINUTES - #40 - Public Hearing - September 29, 1992
#41 - Special Session - October 6, 1992
#42 - Regular Session - October 13, 1992

ON MOTION of Councillor Oickle and Councillor Davies, it was moved to approve the above minutes as circulated. **The Motion was unanimously approved.**

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

The following additions and changes to the Order of Business were made:

Items 8.1, 8.2, 8.3, and 13.1 were moved to be heard prior to item #6.

Item 6.5 Metropolitan Authority - Update was added.

Item 10.3 Signage on Hammonds Plains Road was added.

Item 10.4 Date for next Regular Session was added.

5. APPROVAL OF ORDER OF BUSINESS

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

8. PETITIONS AND DELEGATIONS

8.1 Mr. Gary Blandford - Extension of Water Service to End of Shore Drive

Mr. Gary Blandford addressed Council regarding a proposal to extend the Water System to the end of Shore Drive, outlined in a memo from Rick Paynter, Director of Engineering and Works, dated September 18, 1992. (Included in the agenda package).

Mr. Blandford noted that Mr. Paynter's memo has been reviewed, and a number of names have been added to a previously filed petition, which he then forwarded to the Mayor.

Mr. Blandford reviewed the resident's reasons for requesting the water system, and the water system only, instead of water and sewer. Fire hazards and health reasons were noted. He further noted a figure of 44% in the memo, which represents the percent of total lot frontage represented by the names on the petition. Mr. Blandford indicated that this figure has now changed, due to the additional names on the petition; also, there are a number of lot owners who cannot be reached. Mr. Blandford also noted that if the Town's total frontage of 1,746.49 feet was subtracted from the total frontage figure of 7,223.91, the petition's representation of the remaining 5,456 feet would be 72%.

Mr. Blandford indicated that the preferred method of costing, as outlined in the memo, is by lot, not by lineal feet of frontage. Of the 48 lots, 72.9% of lot owners have indicated support for the instalment of water services. He inquired whether it was possible to have the costing done by lot, since the bylaws state that it must be calculated by lineal feet. He suggested that this method is fairer, and would cost the

Town less. He also inquired whether the Town would consider financing it entirely, and charge betterment taxes to the property owners. He noted that many lot owners already pay approximately \$3,000 per year in taxes, and do not have water or sewer.

Mayor Kelly thanked Mr. Blandford, and asked Mr. English to respond to the questions raised by Mr. Blandford.

Mr. English noted this is the first project, where the Town owns a significant part of the frontage. He suggested that it is Council's decision as to whether the Town's land should be included.

He further indicated that although the bylaw indicate costing by frontage, an amendment could be made to the bylaw to include the words "either/or frontage or lot". Mr. English further noted that the by-law allows the resident's costs to be amortized over 10 years.

Mr. Blandford wished to further note that there are a number of reasons why sewer is not a priority of the residents at this time, and that there would not be as much support for the project, if Council decides to include sewer. He inquired what Council's priority was on this.

Rick Paynter indicated that the Town recognizes that the residents want water only at this time, but that figures to include sewer were included in the report for information purposes. He noted that doing both at the same time would result in cost savings, but there would also be a significant increase in initial outlay.

Mayor Kelly indicated that Council would want a response from residents before deciding. He inquired what the impact would be should the Town decide to fund the project at a flat rate of 30% of costs. Mr. Blandford indicated that the cost is not the main issue to residents; they just want the water service installed as soon as possible. He inquired what the average cost for hook-up to individual homes would be. Mr. Paynter indicated that a site analysis would have to be conducted, and that an estimate per foot could be provided. He further noted that the water utility would likely enforce general hook-up as soon as possible for revenue recovery purposes.

Mayor Kelly suggested that the next step will be a revision of the costs for the project, which will be sent to each of the lot owners, with a request for a response indicating support. The matter will then be included in the Budget Deliberations for 1993/94.

ON MOTION of Councillor Oickle and Councillor Goucher, it was moved that the proposed Water System Extension for Shore Drive be included in 1993/94

Budget Deliberations. **The Motion was unanimously approved.**

8.2 Mr. Brian Tomie - Proposed M1 Development

Mr. Tomie and Mr. Neil Stuart were present, representing Bedford Village residents, to read from a prepared statement regarding the proposed M1 Development.

Mr. Stuart began by noting that the residents have been representing their interest and concern in this matter by sticking to the process and trusting Council to hear them and represent them in their best interest. He suggested that now the residents are beginning to question this approach, and whether they were receiving fair representation.

He went on to suggest that Bedford Village Properties should not have been surprised by any of the concerns expressed at the Public Hearing on September 29, and that rather than having a decision on the proposal deferred, so that changes could be made, they should only be allowed back with an entirely new proposal.

Mr. Stuart noted that the proponents have a right to develop their property, but with controls. He noted that there are environmental laws to protect. He suggested that Council should give serious consideration to those concerns raised at the Public Hearing, and to ignore personalities and personal grievances.

Mr. Tomie then spoke to Council. He emphasized concern with respect to faith and trust. He noted that the residents have participated to the best of their ability and had acted in great numbers to bring their message to the proponents, and to Council.

Mr. Tomie indicated that irresponsible development is not wanted; that the overall impact of development on the Town needs to be assessed. The residents were not saying no to development, just to this development. A whole new proposal that is within the M.P.S. is needed.

Mr. Tomie asked, on behalf of Bedford Village Resident's Association, that Council consider the issues with a sharp focus on what has been asked by the people, and what has been offered by the developer.

Mayor Kelly thanked both speakers.

8.3 Petition - Traffic Concerns - Bedford Highway (Arby's Restaurant)

Mr. Ron Leitch, owner of Arby's, presented a petition to Council of 300 patrons who were concerned about their safety, with respect to the lack of a turning lane on the

Bedford Highway, and the speed at which the traffic travels in front of the restaurant. He spoke briefly to Council on this matter, and expressed the fact that he would be grateful for any kind of solution.

At the request of Mayor Kelly, Mr. Rick Paynter spoke on the matter. He reported that the Town has been looking at a proposal for this stretch of the highway for a couple of years. He referred to a concept plan on the wall, which depicted both a centre turning lane and boulevard islands in the middle of the road. He noted that a 50 kph sign is posted, but that the stretch of road acts as a transition zone from the 100 kph zone off the highway interchange just above this area. He noted that there have been several accidents attributable to motorists turning off the highway in this area.

Mr. Paynter indicated that the Town has had discussions with the Department of Transportation and Communication with respect to this proposal, which is estimated to cost \$225,000, but these discussions have not been successful to date. In response to questions from Mayor Kelly, Mr. Paynter indicated that other options have been considered, such as reducing the four lanes down to three, in an attempt to slow traffic down, but an estimated 26,000 vehicles per day travel along this section of highway; it was felt this would cause more problems. He indicated that the best solution would be to pursue the proposed boulevard concept plan with the Province. A few changes have been made to the proposal, after preliminary discussions, and it should be re-submitted.

Councillor Davies noted that the Economic Development Commission had prepared some figures during this year's Budget discussions, with respect to possible "paybacks" that might result from this proposal. One area that was explored was a possible increase in business occupancy taxes that would result from better access to the businesses in that area; currently, there is a high rate of vacancy in the buildings there. He suggested that the project would not involve outlay of funds only; there may be a payback to the Town.

ON MOTION of Councillor Davies and Councillor Hutt, it was moved that the matter be referred to the Economic Development Commission for review, and to bring back a report to Council. In addition, the Engineering Department will pursue the proposed concept with the Department of Transportation and Communication, and the provincial Mainstreet program. The Motion was unanimously approved.

13. MOTIONS OF RECONSIDERATION

13.1 M-1 Development Agreement - Councillor S. Oickle

Councillor Goucher inquired to Mayor Kelly whether a legal opinion had been sought with respect to a Council member's private meeting with the proponents recently.

Mayor Kelly indicated that Mr. Peter McInroy, Solicitor, had given his opinion that, while it was not advisable for the majority of Council members to do this, it was Councillor Oickle's option to do so, since he served the Notice of Reconsideration on this matter.

Councillor Oickle noted that he had called Mayor Kelly prior to the meeting, and requested an opinion on whether he should have the meeting, and also informed a number of residents that he would be doing so. He indicated that he had the meeting with Mr. R. G. Hattie of Bedford Village Properties, in order to obtain additional information.

Councillor Goucher expressed his concern and stated that he "totally disagreed" with the action. He indicated that he felt the public participation factor was being overturned, and that Councillor Oickle does not have the right to negotiate with the proponent.

Councillor Oickle stated that he had not conducted any negotiations. He went on to recall a meeting held at Mr. Ray Davies home in February 1992, when Bedford Village Properties was in negotiations with the Planning Department. Councillor Goucher, he recalled, had been at the meeting, with maps of the development, and had taken an active role in explaining the development to the residents who were present and how they could go about opposing the development. He suggested that Councillor Goucher had made his mind up about the development prior to the approval process.

Councillor Goucher responded, noting that he had obtained the maps from Barry Zwicker, Director of Planning and Development, and had informed Mr. Zwicker of what he was doing with them. Mr. Zwicker confirmed this, and noted that these maps are open to the public once filed in the office.

Mayor Kelly indicated that all Councillors should remain open-minded until the approval process is finished.

ON MOTION of Councillor Oickle and Councillor Hutt, it was moved that Council RECONSIDER the Motion of October 13, 1992, which was:

ON MOTION of Councillor Goucher and Deputy Mayor Cosgrove, it was moved that Council reject the Proposed Development Agreement Application for Civic #171 - Hammonds Plains Road - Parcel M-1.

The Motion to Reconsider was CARRIED.. (Councillors Oickle, Hutt, Davies and MacLean voted in favour; Councillor Goucher and Mayor Kelly were opposed.)

Mayor Kelly indicated the October 13, 1992 Motion was now back on the table for discussion. He explained the process for benefit of the audience.

Councillor Goucher spoke in favour of the Motion. He urged all Councillors to better familiarize themselves with the M.P.S.. Specifically, he noted Policy E8 has not been adhered to; there are places in the development, along the edges of parking lots, where it comes to 35 feet from a water course. He suggested that this could set a precedent for other developments. He indicated that it was imperative that all Councillors know every policy affected, and understand the M.P.S.

Councillor Goucher went on to note policy Z3, which refers to "bulk and scale", has not been adhered to. He urged Councillors to put themselves in the shoes of the affected residents before voting.

Councillor Hutt spoke, indicating that he wished to explain his absence at the last Regular Session, when this Motion had originally been debated, because he has been highly criticized for it. Mayor Kelly noted that there had been an error in scheduling Council deliberation of this matter on that date; he had been aware that Councillor Hutt was to be absent, but he had forgot this fact, and he takes responsibility for his error.

Councillor Hutt indicated that he would like to further explain for the benefit of the public. He noted that he had given notice of his absence to the Mayor on September 15, because early notice was required in order to avoid having controversial items placed on the agenda. Following the Public Hearing on September 29, when the Mayor advised the public that Council would deliberate on the matter on October 13, Councillor Hutt again advised the Mayor that he would not be present. The Mayor was twice reminded of this fact on October 6 and October 8. At that time, the Mayor advised Councillor Hutt that it **would** be on the agenda for October 13, and suggested that he call the other Councillors to seek their support to defer the matter; however, at Councillor Hutt's inquiry, Mayor Kelly indicated that **he** would not support a deferral.

Mayor Kelly responded to Councillor Hutt, indicating the Rules of Order involve a

learning process, and that he sometimes makes mistakes. He suggested that he mainly deviates on the side of caution, and that he felt he had made a commitment to the public at the Public Hearing to have the matter deliberated on October 13. Mayor Kelly again apologized to Councillor Hutt for his error.

Councillor MacLean then spoke, inquiring about a letter from Bedford Village Properties that was supposed to have been received by Staff today.

Mayor Kelly indicated that Council is dealing with the Motion on the floor, and the development proposal discussed at the Public Hearing; nothing else can be brought into the discussion.

Councillor MacLean then asked Mr. Zwicker to confirm that a letter containing modifications to the development agreement **had** been received. Mr. Zwicker indicated that it had.

Mayor Kelly again indicated that Council can only deal with the public process and the Motion, based on discussions of the Public Hearing and recommendations of B.P.A.C. and B.W.A.C.

Councillor MacLean inquired whether the process ends with the final discussions of Council, after the rest of the process is completed.

Mayor Kelly inquired of Mr. Zwicker whether the letter prejudices the Motion on the floor, and whether there are any other examples of Council considering subsequent submissions by the developer after the public process. Mr. Zwicker gave two examples: On the night of Council's decision to reject a development at Oakmount Dr. and the Bedford Highway, the Motion was suspended pending consideration of a late submission by the proponent. He also cited an example involving the Adult Lifestyle development. He noted that this kind of thing **has** been done on a number of occasions.

Mr. Zwicker noted that Council must decide whether the amendments submitted by the proponent are substantial or non-substantial. Mr. English, Chief Administrative Officer, noted that if the Motion on the floor was defeated, then Council would have the option to vote again on the development as it was submitted, or go back to Public Hearing if the amendments are deemed substantial.

Councillor Goucher expressed a concern that the Motion had now been prejudiced by this information. Councillor MacLean expressed confusion as to who, or what, was been prejudiced. Mayor Kelly indicated that he had asked that the letter from the proponent **not** be referred to, and made it clear that it cannot be brought into the

decision.

Councillor MacLean stated that he had not intended to prejudice the Motion, he just wished to have all information on the table for all to view.

Councillor Davies indicated that he supported Councillor MacLean. He referred to the Motion to Defer that had been made at the last meeting, which had been defeated by a 3-3 tie vote, and that he had heard Mayor Kelly ask the Deputy Mayor to vote against deferral.

Mayor Kelly denied this suggestion, indicating that he had never tried to sway any member of Council at any time, and never would do so.

The October 13, 1992 Motion was put to the meeting and was DEFEATED. (Councillors Oickle, Hutt, Davies and MacLean voted against; Mayor Kelly and Councillor Goucher voted in favour of the Motion.)

Councillor Goucher asked for a poll of the vote, and each Councillor stood to verbally state how they had voted on the Motion.

Councillor MacLean then asked that Council be allowed to see the information received by Staff today. Councillor Goucher inquired whether any Councillors had seen, or had knowledge of the details of the information previously.

Councillor Oickle indicated that the only items he discussed with Mr. Hattie were the concerns put forth at the Public Hearing, and that he had no idea what was in the subsequent information.

Councillor MacLean indicated that it is a Councillor's responsibility to talk to everyone, and that he didn't understand this need for secrecy; however, he stated, he did not know what was in the letter either.

Councillor Hutt inquired whether Councillors are only allowed to speak to those representing one side of an issue. Mayor Kelly indicated that was only true at times; in this case, the Town lawyer had suggested that it was inappropriate for the majority of Councillors to meet with the proponent. Mr. English clarified that the lawyer had used the words "meet **collectively**". Councillor Hutt then noted that he had never been told this, and wondered if that meant he could not speak to someone on the phone or on the street. Mayor Kelly indicated that he had only spoken to Councillor Oickle in this respect because he had not been aware that Councillor Hutt had the same concerns. Councillor Hutt stated that **all** the Councillors have the same concerns.