



**TABLE OF CONTENTS**

1.	Invocation .....	4
2.	Approval of Minutes	
2.1	Special Council Session - June 4, 1997 .....	4
2.2	Regular Meeting - June 26, 1997 .....	4
3.	Approval of the Order of Business and Approval of Additions and Deletions ..	4
4.	Business Arising Out of the Minutes	
4.1	Riverview Recreation Association .....	4
4.2	Referendum on Supplementary Education Funding .....	5
4.3	First Lake Village Committee re First Lake Village Project .....	5
4.4	Sidewalk Extension - Millwood Drive .....	5
5.	Motions of Reconsideration - None .....	5
6.	Motions of Rescission - None .....	5
7.	Consideration of Deferred Business	
7.1	Application DA-BED-00-95-CR submitted by Crestview Properties .... to amend Development Agreement #95-04 to permit the development of Phase II of the Crestview Commercial Comprehensive Development District (CCDD) in the former Town of Bedford	5
8.	Public Hearings - None .....	8
9.	Correspondence, Petitions and Delegations	
9.1	Delegations	
9.1.1	Privatization of Crosswalk Guards - Information re Tender Call ..	8
9.1.2	Leachate Discharge - Sackville .....	10
10.	Reports	
10.1	Appointment to North West Planning Advisory Committee .....	11
10.2	Report from North West Transit Advisory Committee re Go Plan .....	12
11.	Motions - None .....	12

12.	Added Items	
12.1	Tender No. 97-355 Street Resurfacing Works - New Concrete Curb and Gutter and Sidewalk Installation - Dartmouth Road, Bedford and Alder Crescent, Lower Sackville	12
12.2	Designation of Controlled Access Highway - Bedford/Sackville	14
13.	Notices of Motion - None	14
14.	Public Participation	14
15.	Next Meeting	15
16.	Adjournment	15

1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an Invocation at the Sackville Library, 636 Sackville Drive, Lower Sackville.

2. **APPROVAL OF MINUTES**

2.1 **Special Council Session - June 4, 1997**

**MOVED by Councillors Rankin and Mitchell to approve the Minutes of Special Council Session held on June 4, 1997 as circulated. MOTION PUT AND PASSED.**

2.2 **Regular Meeting - June 26, 1997**

**MOVED by Councillors Kelly and Barnet to approve the Minutes of Regular Meeting held on June 26, 1997 as circulated. MOTION PUT AND PASSED.**

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Added Items: Tender No. 97-355 Street Resurfacing Works - New Concrete Curb and Gutter and Sidewalk Installation - Dartmouth Road, Bedford and Alder Crescent, Lower Sackville

Letter dated July 10, 1997 from Paul O'Brien, Department of Transportation and Public Works re Designation of Controlled Access Highway

Councillor Barnet: Information Item No. 4 as part of Business Arising from the Minutes (Sidewalk Installation - Millwood Drive)

**MOVED by Councillors Barnet and Kelly to approve the Order of Business as amended. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Riverview Recreation Association**

With regard to a question from Bryce Reid during Public Participation as to monies being allotted to improve soccer fields within the Sackville community as a result of amendments to the Municipal Planning Strategy and Land Use By-law for Sackville, the Staff Report had

been located dated November 29, 1995 which indicated that Riverside Recreation Association proposed to use the proceeds of the sale to acquire a new site in the community and develop a soccer field. This intention was not part of the motion or recommendation but part of the background information. It was agreed to send a copy of the relevant page of the Staff Report to Riverview Recreation Association and ask for comments, with a copy of the letter to John Payzant and Bryce Reid.

#### 4.2 **Referendum on Supplementary Education Funding**

The Chair advised that at the last meeting, the motion agreed upon was to send a letter to the School Board in this regard. Since then, however, it was found that a report would be going to Regional Council next week and the legal opinion was, since Council legally conducts the election, Council could pose the question itself. The motion from the last meeting should, therefore, be directed to Regional Council and Council should be involved in the formation of the question. It was agreed that the motion should be redirected.

#### 4.3 **First Lake Village Committee re First Lake Village Project**

Councillor Harvey referred to the fact he had indicated at the meeting that he had seen certain information a couple hours before the meeting. He tabled documents which were transmitted seven days before the meeting to a non-Sackville member of Community Council involving this topic. He requested that these documents be attached to the Minutes. Community Council members agreed.

#### 4.4 **Sidewalk Extension - Millwood Drive**

Meadowland Development Company Limited had indicated that the contract for the sidewalk installation has been awarded and it was anticipated that the work would be complete by July 18, 1997. Councillor Barnet advised further that he had no reason to believe that the construction would not be complete by the date stated. It was agreed that it was not necessary to contact Bryce Reid, who had raised the item, as Mr. Reid has likely seen the sidewalk construction progressing.

#### 5. **MOTIONS OF RECONSIDERATION** - None

#### 6. **MOTIONS OF RESCISSION** - None

#### 7. **CONSIDERATION OF DEFERRED BUSINESS**

#### 7.1 **Application DA-BED-00-95-CR submitted by Crestview Properties to amend Development Agreement #95-04 to permit the development of Phase II of the**

**Crestview Commercial Comprehensive Development District (CCDD) in the Former Town of Bedford**

A letter dated July 4, 1997 from Armoyan Group requesting that a representative be permitted to speak was before Community Council along with a Staff Report dated July 3, 1997 from Barry Allen, Manager, Legal Services as a result of a request from Community Council at the last meeting to obtain a legal opinion.

Councillor Kelly referred to the situation that had occurred with regard to First Lake Village where certain members of Community Council had not been contacted regarding the proposal and stated that it appeared this was a similar situation whereby the Armoyan Group has contacted several members of Community Council but he had not been. He was not saying he was opposed to the process but all parties should be provided with the same information.

It was agreed that Michael Wood, Burchell, MacAdam and Hayman, solicitor for Crestview Properties Limited should be permitted to speak. Mr. Louis Lemoine, Armoyan Group was also in attendance.

Mr. Wood stated that with respect to the application, the proponent was not looking for Community Council to approve a particular amendment to a Development Agreement. The matter came before Community Council from staff on the basis of the solicitor's opinion that the site was governed by the present MPS provisions dealing with CCDD zoning and, in particular, that 50% of the site comprise commercial. The site has been developed in part based on Phase I of the Development Agreement so that there is 40% of the site remaining. Phase I was developed residentially and the 40% remaining could not, under any development scenario, achieve the 50% commercial requirement. The developer, therefore, was in the situation that the site could not be developed, if you accept the staff position, without an MPS amendment or without Community Council's go ahead.

Mr. Wood went on to say that the proponent was requesting deferral in order to meet with staff and come up with a proposal that staff thinks is appropriate for the site. Mr. Allen, in his report, indicated the site was appropriate for some type of development and so had staff in the original report. He submitted that the portion of the site left undeveloped was not suitable for commercial development and provided reasons. He believed that staff was also of the view that 100% commercial on the lower part of the site was not appropriate. The developer was looking for the opportunity to sit down with staff and discuss what would work on the site and then have the matter come back to Community Council. The only recourse the developer would have, if not deferred, would be to take it to a judicial review court process as there was no appeal to the Utility and Review Board or to undertake an amendment to the MPS, which was a time consuming process and requires staff involvement in any event.

Councillor Kelly stated it had been made very clear that the property was not undevelopable; it just would take a different process for them to achieve what they wanted. Armoyan Group knew it was staff's intention that they would be subject to the new regulations and it appeared it was accepted. The proponent would be able to go through due process with no restrictions. With respect to having staff go through a process now based on an assumption that Community Council might change its mind down the road after staff had made it clear that there would be non-conformance to the current MPS process, he believed would be a waste of staff time as they could be working on the amendment. He welcomed the opportunity for staff to meet with the proponent to come up with ideas. At this time, staff has made it very clear it is contrary to the MPS, the solicitor on two occasions has backed up staff's position and, therefore, he was making the following motion.

**MOVED by Councillors Kelly and Barnet to accept the recommendation from staff as outlined in the Staff Report dated June 19, 1997 and refuse the application to amend the Phase II Development Agreement provisions for the Crestview Commercial Comprehensive Development District.**

The Chair asked for input from staff. Ms. Jenifer Tsang, Planner advised that Planning staff spoke to Mr. Allen and their recommendation has not changed. The only thing that staff could come forward with as a positive recommendation would be an entirely commercial component; anything else would require an MPS amendment. Those discussions could take place now or later but it was necessary to deal with the application on the table, resolve that and then move on.

Mr. Louis Lemoine, Armoyan Group said, under the current MPS, the site could only be developed as 100% commercial and asked if that was really what staff wanted as there were already strong commercial nodes not fully leased in the area. All the proponent was asking for was the opportunity to sit down with staff and decide collectively what would be the appropriate and best use for the community, irrespective of the MPS. He did not think the original intent of the Municipality was to render the site 100% commercial.

Councillor Kelly pointed out that the community spent a lot of time going through the process of developing the MPS. The land is not without potential; it just takes a process to go through. It was unfortunate that it was not what the proponent now wants to do. The proponent should also understand that the CCDD has been changed many times over the last four to five years and should know the process. He was asking that the appropriate process be carried out; he was not opposed whatsoever.

Councillor Barnet asked how long it would take for the MPS process. Ms. Tsang advised it would be six to nine months because of Ministerial approval. The application would have to go to Regional Council. She pointed out that at the time of the MPS Plan Review, the

proponent was not interested in pursuing an amendment. She acknowledged it was a difficult property which has been in question off and on for some time as to what was appropriate. Now, however, the current application was not appropriate.

Councillor Mitchell asked if the Development Agreement was in place before the new MPS. In reply, Ms. Tsang replied yes. Councillor Mitchell said he thought something was wrong. Ms. Tsang clarified that the original Development Agreement set out Phase I and Phase II but Phase II did not have a specific proposal. The agreement, however, applied to the entire site and required that Phase II go through a substantial amendment process. Following that, the MPS was amended and, in dealing with any amendments to Development Agreements, you use the policies of the day. The difficulty arose in the fact that the original agreement allows Phase II to have a range of uses but the new policies restrict it to commercial. She agreed it was highly unusual. Councillor Mitchell then indicated he would not be supporting the motion.

There was further discussion on this matter after which Councillor Rankin asked if the mover would consider an amendment to the motion that having regard to the fact that 100% commercial would not be a good application, staff be instructed to use their best efforts to expedite the process as quickly as possible.

Councillor Kelly stated he would have no problem provided it was according to the MPS.

Motion as amended:

**MOVED by Councillors Kelly and Barnet to accept the recommendation from staff as outlined in the Staff Report dated June 19, 1997 and refuse the application to amend the Phase II Development Agreement provisions for the Crestview Commercial Comprehensive Development District. Further, that staff be instructed to use their best efforts to expedite the process as quickly as possible.**

**AMENDED MOTION CARRIED 4-1.**

8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Delegations**

9.1.1 **Privatization of Crosswalk Guards - Information re Tender Call**

Inspector David Murphy and Mike Christie, Executive Assistant, Police Services were in attendance in this regard.



Insp. Murphy provided background information on the four crosswalk programs in the former municipalities, supervision of same and the evolution of the standardization of the total program under Police Services as a result of amalgamation. He explained the budget process and the rationale to have someone undertake the entire program, by tender call with cost savings associated therefrom. As a result of the tender call, there were two responses and a recommendation will be made to Regional Council next Tuesday. The low tender results in a saving of approximately \$300,000 which over three years would compound to approximately \$900,000.

Councillor Barnet asked for clarification on the areas from which the cost savings would originate. Insp. Murphy provided the information requested. Councillor Barnet asked then, if the former County crosswalks could be extracted as it appeared there would be no cost savings. The people in the former County doing the job had done a good job and he could not see any reason for change. Insp. Murphy replied that the low tenderer had indicated the intention to employ people in close proximity but it had not been possible to indicate in the tender documents that consideration should be given to current staff. He was sure, however, that any wise recipient of the contract would look to experience within the community to fill the need. He pointed out that if certain areas were extracted from the tender process, then there would still be administration costs involved and the context of the contract would change.

Councillor Barnet asked if staff considered the Court decision rendered upon the City of Dartmouth about two years ago. In reply, Mr. Christie provided information on Pay Equity as it related to the former City of Dartmouth and the Pay Equity Act. He added that with amalgamation, restructuring and time, it was Legal Department's opinion that HRM was not bound by that particular Court judgement.

Councillor Barnet expressed concern that if there is a challenge, it may end up costing more money in the end. He stated he was not opposed to privatization of services if they make sense. He acknowledged there would be savings by averaging wages but he thought it could have been done differently by maintaining the status quo in the former County. He did not think his community was going to be any better served by a contractor coming in and providing the service for more money and with the potential of different people.

Councillor Mitchell stated the important thing was looking after the children and the right people in place were needed. He supported the privatization and said it would be a chance to screen the crossing guards.

Councillor Harvey asked if the tender, if approved, would go into effect for September to which Insp. Murphy replied yes. Councillor Harvey then asked if the crossing guards who were HRM employees were given notice that they would not be recalled in September.

Insp. Murphy advised that at the conclusion of the school term, the crossing guards were normally terminated and recalled. This time, however, they might not necessarily be recalled unless the new company hires them.

Councillor Kelly said he hoped current crossing guards would be given the opportunity to continue. It was too bad that there had been no stipulation that the persons employed would have options to continue provided their record has been good. He asked if it was the intent to give first option to current employees. In reply, Insp. Murphy advised that because there were four distinct groups, it was thought inappropriate to include in the tender the requirement to inherit the current staff. He added that Marine Drive Community Council has already made a recommendation to Council for the successful tenderer to give consideration to HRM current staff.

**MOVED by Councillors Kelly and Barnet to recommend to Regional Council that the Halifax Regional Municipality staff currently in crosswalk guard positions be given first consideration and, subsequently, those who are hired should come from their respective areas. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Barnet pointed out this motion assumes that the contract would be awarded.

#### 9.1.2 Leachate Discharge - Sackville

The Chair welcomed Mr. Alan Brady, Manager, Wastewater Treatment, Mill Cove and Mr. Kulvinder Dhillon, Director of Engineering Services.

Mr. Brady referred to the concern in the newspapers regarding discharge of Cumberland leachate into the Sackville collection system at Glendale Drive which flows to the Mill Cove Treatment Plant. He provided an overview, going back to amalgamation, regarding the present leachate situation. The reasons the decision was made were to allow for dilution of the leachate prior to coming to the Treatment Plant, heavy truck traffic considerations at the Mill Cove site and cost factors. It was never meant to be a covert operation. A few days ago, it was found that the collection route went through a residential area, and not a direct route. As a result, even though it was not felt there was a degree of potential harm to the residential area, deliveries were stopped to Glendale Drive and went back to Mill Cove with other potential sites being assessed at this time.

Councillor Kelly asked for clarification on the strength of the current leachate, how long it was expected to continue going to Mill Cove and if the leachate from the new landfill site will be coming to Mill Cove as well. In reply, Mr. Brady advised that the leachate being produced by Cumberland was a very weak concentration. The current contract expired in 1999 with an option for a six month extension; however, there was also agreement to take Cumberland's leachate for a period of time but staff felt this would be a remote situation

because Cumberland would be developing its own landfill cell and collecting its own leachate. Mr. Dhillon added there would have to be a separate contract after 1999. With regard to leachate from the new HRM landfill, there was no intention at present to have a leachate plant at the new landfill site. It was expected that the leachate would be even weaker than the Cumberland site because of the new generation landfill.

Councillor Harvey asked if leachate had been discharged anywhere else other than Mill Cove prior to when the discharge started in Sackville. In reply, Mr. Brady advised that one or two shipments from Cumberland initially had been delivered directly to the Timberlea plant but there had been elevation problems and it had gone to Mill Cove after that.

Councillor Kelly requested that in future, the Councillor for the area should be contacted and given thorough disclosure when a change is made so that he will be able to respond.

#### Public Participation on Leachate Discharge

Ms. Theresa Scratch asked if there was a potential for volumes to go up. In reply, Mr. Brady advised they could increase during wet weather conditions. She also asked if there was consideration for pumping the leachate from the new landfill through the sewer system to have it treated at Timberlea. In reply, Mr. Brady advised the site was quite a distance from the nearest collection system and it would no doubt be cost prohibitive.

Mr. Marvin Silver asked what was the excess capacity at Mill Cove at present to treat the leachate from Cumberland. In reply, Mr. Brady advised there was excess capacity and volumes per day represent a very small proportion. Mr. Silver asked if Mill Cove would be able to handle Cumberland and the new landfill as well. In reply, Mr. Brady advised that the CBCL report confirmed there would be no problem handling both leachate sources.

Councillor Harvey asked if the expansion of Mill Cove was fully operational to which Mr. Brady estimated 95%. The excess capacity referred to relates to the expansion of Mill Cove.

The Chair thanked Mr. Brady and Mr. Dhillon for attending.

## 10. **REPORTS**

### 10.1 **Appointment to North West Planning Advisory Committee**

Councillor Rankin explained that the last appointment made to North West Planning Advisory Committee had fallen through and he was, therefore, making the following motion.

**MOVED by Councillors Rankin and Mitchell to appoint Frank Hope as a member of North West Planning Advisory Committee for District 22. MOTION PUT AND PASSED.**

**10.2 Report from North West Transit Advisory Committee re Go Plan**

Comments on the Go Plan Consultation Workbook provided by North West Transit Advisory Committee were before Community Council.

**MOVED by Councillors Barnet and Rankin to refer the information to Traffic and Planning Department who are dealing with the Go Plan and preparing a report to Regional Council. MOTION PUT AND PASSED.**

Community Council members recognized the efforts of Phillip Cox, Chairman of the Committee in developing the comments package and expressed appreciation.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Tender No. 97-355 Street Resurfacing Works - New Concrete Curb and Gutter and Sidewalk Installation - Dartmouth Road, Bedford and Alder Crescent, Lower Sackville**

A Staff Report dated July 9, 1997 was before Community Council. Mr. Rick Paynter, Manager, Construction Services and Mr. Kulvinder Dhillon, Director of Engineering Services were in attendance.

Mr. Paynter advised that this was the first report stemming from the Local Improvement Policy approved by Regional Council relating to capital works projects. He pointed out that the Staff Report contained estimated costs in the two instances for one side of the street only; therefore, the total costs would be double that indicated in the Staff Report. He explained the Local Improvement Policy which would be decided upon by Community Council specific to the project before them.

Councillor Barnet referred to the policy adopted by Regional Council which said that in areas where a new service was provided, the cost would be borne by either the abutters or an area rate for such things as storm sewer, sanitary sewer, sidewalks. Replacements, such as pavement, would be covered 100% by HRM. There was confusion, however, because in the case in Sackville, the asphalt curb was being replaced with a concrete curb. In his view, this would be a replacement although someone could argue it was an

upgrade in services. There was no real benefit to the property owner. He was under the impression that replacing asphalt with concrete would result in no betterment charges. If there were betterment charges, it should be by area rate. He felt this should be raised at Regional Council for clarification of the new policy. He did not think the people wanted a better service, they just wanted new asphalt.

Mr. Dhillon, who was involved with the development and presentation of the policy, advised that staff interpreted replacing asphalt curb with concrete curb as new infrastructure. Based on that understanding, staff was present at this meeting to seek direction from Community Council as the tender has to proceed one way or the other. If it was the wish not to proceed with concrete curb, staff could delete the work from the tender and proceed with just paving the street. As far as replacing the curb with asphalt, the recommendation was to replace with concrete curb for long term benefits and that was why there was cost sharing on concrete curb at 50/50.

Mr. Paynter explained the benefits of concrete curb over asphalt.

Councillor Barnet stated it would have to be an argument at Regional Council. If, however, there were going to be betterment charges, he felt it should be area rated, particularly considering that the benefit would be generally borne by reducing operating costs. In his opinion, the people were satisfied with an asphalt curb and could be satisfied with it being replaced and having the street repaved. They would not be happy having to pay.

Councillor Kelly stated he had already decided that Dartmouth Road should be area rated because Dartmouth Road led to schools but asked if there was the potential of getting a credit for the asphalt aspect of replacement with concrete. In reply, Mr. Dhillon stated it would have to be a decision of Regional Council. Staff's recommendation was, however, not to replace asphalt with asphalt because of cost factors involved.

Councillor Kelly said that as well as Dartmouth Road, he wanted an area rate to apply to Bedford Hills and Scotia Drive.

**MOVED by Councillors Kelly and Rankin to approve the estimated local improvement costs of \$8600.00 per side for new concrete curb and gutter and sidewalk installation for Dartmouth Road in Bedford and that the project be paid for by levying a general area rate in District 21. Further, that the same process occur for the Bedford Hills and Scotia Drive projects as well. MOTION PUT AND PASSED.**

Councillor Barnet asked the status of the Beaver Bank storm sewer and curb project as he was prepared to recommend an area rate. Mr. Dhillon provided an update on the project and suggested it would be helpful for Community Council to make a decision at this meeting.

**MOVED by Councillors Barnet and Mitchell to approve the estimated local improvement costs of \$33,000.00 per side for the new concrete curb and gutter installation for Alder Crescent in Lower Sackville and that the project be paid for by levying a general area rate for that part of District 19 which is agreed upon in consultation with the Councillor for the District. Further, that an area rate be levied for Beaver Bank storm sewer, curb and sidewalk project when it comes forward. MOTION PUT AND PASSED.**

**12.2 Designation of Controlled Access Highway - Bedford/Sackville**

A letter dated July 10, 1997 from Paul O'Brien, Transportation and Public Works regarding the issue of identifying a name for the highway connecting the Bedford and Sackville Business Parks directly to Highway 102 and providing connector access from Sackville to Highway 102 was before Community Council.

Community Council discussed whether or not to solicit submissions from the public. It was agreed that groups such as Heritage Societies, Sackville Rivers Association would be contacted to see if they wished to submit a name. Further that a general advertisement be placed in the Bedford/Sackville Weekly News and the Mail Star, with a due date in early August, so that consideration could be given to the submissions prior to the August 28, 1997 meeting of Community Council. In the meantime, Mr. O'Brien would be advised of Community Council's decision.

It was pointed out that Community Council would not be bound to accept any particular suggestion.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Tony Edwards pointed out that in the former Town of Bedford there was a policy re naming of streets. It was left up to the Heritage Society. To request submissions from the public would contravene the policy. In reply, Councillor Kelly advised there should be a spirit of co-operation with regard to the connector. Councillor Harvey stated he would be interested in submissions from the Bedford Heritage Society.

Mr. Wayne MacPhee raised the following points:

- He referred to potholes at the entrance to the parking lot at A. J. Smeltzer School - Prince Street. It was agreed to contact Regional Operations.

- He asked who was responsible for the one way street going to Sackville Heights School as it was in bad shape. In reply, Councillor Harvey advised it was a School Board driveway.
- He referred to telephone costs of \$14,000 for the Sackville Sports Stadium versus \$250 for Centennial Pool in the 1996/97 budget. He said he understood telephone costs would be considered as common costs across HRM facilities from now on and asked how you would ever get a true cost of what a particular facility was recovering. He said this was one reason why there should be an Auditor General.

Mr. Mike Gray expressed appreciation for the information provided regarding leachate discharge as it provided clarification on points of concern he had. He also congratulated HRM's Grants Committee for the monies made available for Search and Rescue groups.

Mr. Marvin Silver expressed concern with a wide walkway constructed between Union Street and Bedford Place Mall which was so wide it was being used by cars. He asked if it would be possible to expedite putting a blockage there to preclude this use. In reply, Councillor Kelly advised that staff was in the process of getting equipment in to do this. He understood it would be taken care of within the next two weeks.

Mr. Ron MacKinnon expressed concern that newspapers put out in grocery bags for recycling were not being picked up and asked if there had been a change in policy. In reply, Councillor Harvey agreed to look into this matter and advise.

15. **NEXT MEETING** - Thursday, August 28, 1997  
Upper Hammonds Plains Community Centre  
711 Pockwock Road

16. **ADJOURNMENT**

On a motion from Councillor Barnet, the meeting adjourned at 9:20 p.m.

Sandra M. Shute  
Assistant Municipal Clerk