

MEETING #14

TOWN OF BEDFORD  
PUBLIC HEARING #95-02  
TUESDAY, MAY 16, 1995 - 7:00 P.M.

A Public Hearing of the Town Council of the Town of Bedford was held Tuesday, May 16, 1995 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

The purpose of the Hearing was to receive written and verbal submissions regarding a Development Agreement for Clearwater Atlantic Seafoods Inc., owner of #757 Bedford Highway. The Application is to permit a second story addition of 4000 square feet to the existing building for office space.

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

Councillor Stephen Oickle was absent with regrets.

Staff members in attendance included Donna Davis-Lohnes, Director of Planning and Development; Jenifer Tsang, Planner, and Jane Nauss, Recording Secretary.

Mayor Peter Kelly called upon Jenifer Tsang to address Council.

Jenifer Tsang advised that Public Hearing #95-02 had been duly advertised in accordance with the Planning Act. Further, the meeting was advised that the Clearwater property consists of five lots which cross the boundary line between the Town of Bedford and the City of Halifax. The actual building is located within Bedford and the loading areas and the majority of employee parking is located on the Halifax side.

The three lots within Bedford are designated and zoned Commercial Comprehensive Development District (CCDD) and the two lots located on the Halifax side are each designated differently; Lot CL is zoned residential and Lot A is zoned commercial. Further, surrounding land uses (Esquire and Travellers' Motels) are zoned CCDD. Clearwater is currently in the process of re-zoning the residential lot to commercial in the City of Halifax.

Ms. Tsang noted that the Clearwater property is located at the southern entrance to the Town, along the Bedford Highway, and that staff are concerned with aesthetics and

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design of the building. Further, as municipal services do not extend to the property, the operation utilizes a well and an on-site septic system.

The property is accessed from the Bedford Highway and is capable of providing the required amount of parking within the property boundaries. Currently, however, there is a significant amount of existing parking within the Bedford Highway right-of-way in both Bedford and Halifax. Accordingly, Town staff are awaiting confirmation from the City of Halifax on its position relative to the parking issue.

On a final note, Ms. Tsang advised that the Planning Advisory Committee approved staff's recommendation that Town Council approve entering into a Development Agreement with Clearwater Seafoods Limited including provisions for architectural design and approval from the Department of the Environment; further, that approval of the proposal be subject to the proper layout and landscaping of the parking lots, confirmation from the City of Halifax regarding parking in the right-of-way, and approved re-zoning of Lot CL in the City of Halifax.

Ms. Donna Davis-Lohnes made reference to a supplementary staff report dated May 15, 1995, particularly noting staff's initial recommendation of March 29, 1995, that Council approve entering into a Development Agreement with Clearwater subject to the following conditions:

1. provisions for architectural design;
2. approval from the Department of the Environment that the on-site septic system can handle any impact from the addition;
3. receiving further details relative to the layout and landscaping of the parking lots;
4. confirmation from the City of Halifax regarding parking in the right-of-way;
5. approved re-zoning of Lot CL in the City of Halifax from a residential zone to a commercial zone.

With respect to the layout and landscaping of the parking lot, Town staff sought legal counsel as to how the draft development agreement should address this particular matter. Staff were advised that further clarification from the City of Halifax is required as although Lot A is zoned Commercial, the City will not issue development permits for parking unless the parking areas are accessory to a main use on a lot. As the office and retail uses are not located on Lot A, a consolidation of the properties prior to issuing a permit for expansion of the parking lot may be required by the City. Further, staff have been advised that the City has no permits on file for the existing office parking lot,

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therefore, it is considered to be illegal.

With respect to Lot CL, the City is in the process of re-zoning same from residential to commercial with all existing uses on the lot being illegal at this point in time. Clearwater will be required to apply for an occupancy permit once the property is re-zoned.

Portions of Clearwater's retail and office parking lots are located within the Bedford Highway right-of-way. Although the proponent has submitted a site plan demonstrating that required parking for both the retail and expanded office functions can be accommodated, they have indicated they do not intend to modify the office parking lot to conform with the submitted site plan nor the Town's parking standards.

Legal Counsel has advised that although parking associated with the office expansion will be located in the City of Halifax, the development agreement can require that the expanded parking lot conform with Town standards. Clearwater, however, does not support the inclusion of a clause requiring the expanded office parking lot to conform to the Town's Land Use By-Law standards.

As a result of these concerns, staff now recommend that:

1. Council defer making a decision on the proposed development agreement pending clarification from the City of Halifax as to the ability of Clearwater to use and expand parking on Lot A;
2. Council not enter into the proposed development agreement unless clauses addressing improvements to the office parking lot and landscaping of the property (both retail and parking) are included within the draft agreement;
3. Council address the current parking with the street right-of-way situation by perhaps permitting it to continue through a lease arrangement subject to Clearwater addressing the issue of safe access to the site.

Mayor Peter Kelly called on Mr. John Risely, President of Clearwater, to address Council.

Mr. Risely advised that Clearwater was willing to cooperate with the Town as much as possible. As part of the property is located within the boundaries of the City of Halifax and a portion within the Town of Bedford, he would like to have the Town agree to

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enter into the Development Agreement and they will work with the City of Halifax to address their concerns regarding the parking lot on Lot A.

Clearwater is sensitive to the fact that the property is located at the entrance to the Town accordingly, they are prepared to improve the office parking site in accordance with Town of Bedford standards. Further, Mr. Risely stressed the fact that Clearwater is looking for unrestricted movement of traffic along the Bedford Highway in front of their retail operation. Mr. Risely advised that Clearwater would provide a grant to the Town to be used for landscaping elsewhere in the Town, however, they are not prepared to adhere to Section 32 of the Land Use By-Law as it pertains to landscaping requirements along the frontage associated with the retail/office building.

Mayor Peter Kelly enquired if Council had any comments.

Councillor Len Goucher enquired if the landscaping could entail a "wharf like" appearance.

In response, Ms. Davis-Lohnes advised the existing atmosphere created by Clearwater was pleasant, however, the by-law pertaining to landscaping requirements is very specific in that the object of landscaping is to offer a neutral vegetation buffer between the parking lot and the street itself. "Landscaping" is defined in the Town's Land Use By-Law.

Mr. Risely advised he would like Town Council to approve the Development Agreement subject to approval from the City of Halifax on their interest in the matter.

Mayor Kelly advised that same would be discussed by Town Council during the next Regular Meeting of Council.

Mayor Peter Kelly enquired if the public had any comment on the matter.

**MR. FRED HALL, 93 UNION ST.**

Mr. Hall expressed his concern with respect to the additional traffic generated as a result of the proposed additional office space.

After three calls from Mayor Peter Kelly for any further comments from the floor, the Public Hearing adjourned at 7:35 p.m.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

MEETING #15

TOWN OF BEDFORD  
REGULAR SESSION  
TUESDAY, MAY 16, 1995

A Public Meeting of the Town Council of the Town of Bedford took place Tuesday, May 16, 1995 - 7:40 p.m. - in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

Mayor Peter Kelly introduced Mr. Don Houle and his students from Bedford Junior High. A question and answer period took place between the students and Members of Town Council. Prior to beginning the formal portion of the Council Meeting, Mayor Kelly thanked Mr. Houle and his students for attending the Session.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Councillor Stephen Oickle was absent with regrets.

Staff members in attendance at the commencement of the Session included Dan R. English, Chief Administrative Officer; Ron Singer, Director of Corporate Services; Donna Davis-Lohnes, Director of Planning and Development; Chief Greg Murray, Police Department; Eric Sheppard, Assistant Deputy Chief, Fire Department; Wayne Legere, Acting Director of Engineering and Works; Julian Haysom, Engineering Department; Neville Wheaton, Fire Chief, Bedford Volunteer Fire Department and Jane Nauss, Recording Secretary.

Mayor Peter Kelly presented Ten Year Plaques to the following Members of Town Staff: Sean Litle, Fire Department; Ken Bottomley, Fire Department; and Mike Callaghan, Police Department, noting that both Council and staff were appreciative of the commitment these three individuals have made to the Town of Bedford.

Mayor Peter Kelly presented a picture to Chief Greg Murray which had been taken during the Chief's Swearing In Ceremony, noting that the picture included his father who is Chief of Police in Truro.

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At the request of Mayor Kelly, Dan English read a proclamation depicting "Oceans Day - June, 1995"

3. APPROVAL OF MINUTES

ON MOTION of Councillors Anne Cosgrove and Joan Pryde, the minutes of May 2, 1995 - #13 - were approved as circulated. MOTION CARRIED UNANIMOUSLY.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

- a. item #6.2 to be eliminated from the agenda;
- b. item #7.1 to be discussed May 30, 1995;
- c. item #8.1 to be discussed May 30, 1995;
- d. Mr. Fred Hall - Refrigeration Trucks - Bedford Place Mall - to be added to the agenda as item # 8.1.

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to approve the Order of Business, as amended. MOTION APPROVED UNANIMOUSLY.

6. DEFERRED BUSINESS/BUSINESS ARISING FROM THE MINUTES

6.1 DEFERRED MOTION - AMALGAMATION - ELECTORAL DISTRICTS

Mr. Dan R. English advised that a Motion had been made by Town Council during the April 25, 1995 Council Meeting that Bedford be split into two districts with approximately 7,000 Bedford population in each district. This Motion was deferred pending a meeting with Bill Hayward. At this point in time, Mr. Hayward has now asked to receive Bedford's position on the matter. Mr. Graham Walker, Solicitor, had proposed this matter not be discussed pending further debate of the Bill.

Councillor Len Goucher enquired if Council defers this matter again this evening, will this put the Town behind in seeking another representative for Bedford in the new unit?

In response, Mayor Kelly advised that Council could defer this matter pending passing

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of the Bill or consider the Motion subject to the outcome being anticipated in a specified form.

ON MOTION of Councillors Len Goucher and Joan Pryde, it was moved to recommend that should amalgamation proceed, that Bedford be divided into two districts containing approximately 7,000 Bedford residents in each by joining with the Hammonds Plains and Timberlea areas.

ON MOTION of Deputy Mayor Peter Christie and Councillor Marvin Silver, it was moved to defer this matter to be discussed during the next meeting of Town Council.  
**MOTION APPROVED UNANIMOUSLY.**

**6.3 PROPOSED PROJECT - FORMER THU DO RESTAURANT PROPERTY - CAPITAL BUDGET**

Mr. Dan English advised this matter had been discussed during the May 2, 1995 Council meeting and that it was a component of the Capital Budget as a continuance of the Mainstreet project. A submission for cost-sharing was made to the Province, however, at this point in time, no response has been received.

ON MOTION of Councillor Len Goucher, it was moved to approve this project at an estimated amount of \$95,000 for tender call, subject to provincial cost-sharing.

Mr. Dan English noted that cost-sharing from the Department of Transportation (DOT) is minimal (\$21,500) and that this particular project should be evaluated against all other projects in terms of priorities.

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to defer discussion of this item to the Capital Budget deliberations.

In speaking to the Motion, Mr. English noted that once the Town receives a response from DOT, Council should be in a position to prioritize items 1 - 20 on the "Projects to be Funded by Borrowing or from Reserves" sheet and determine the total amount and sources of funding.

**MOTION APPROVED UNANIMOUSLY.**

**6.4 RETAINING WALL - SECOND STREET**

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Mr. Dan English reviewed a memorandum from staff dated May 12, 1995.

**ON MOTION** of Councillors Marvin Silver and Joan Pryde, it was moved to replace the retaining wall on Second Street at an estimated cost of \$20,000 with funding to be made available under the Capital from Operating Account. **MOTION CARRIED UNANIMOUSLY.**

#### 6.5 ELECTORAL BOUNDARIES ISSUE - PREMIER'S RESPONSE

Mr. Dan English reviewed correspondence from Premier Savage making particular note of paragraph 3 which stated that the Premier was "... satisfied that the Electoral Boundaries (1992) Confirmation Act gives proper recognition to all relevant values, that Bedford West as part of the Sackville-Beaverbank constituency and Bedford-Fall River are effectively represented and that the legislation is constitutionally valid."

Mayor Kelly enquired as to which direction Council wished to take.

In response to an enquiry from Councillor Anne Cosgrove as to the number of options available, Mayor Kelly advised that the Town could proceed under a Charter Challenge.

**ON MOTION** of Councillors Marvin Silver and Anne Cosgrove, it was moved to instruct the Town's solicitor to seek leave to have this matter heard before the Supreme Court.

In speaking to the Motion, Councillor Pryde warned Council that an initial fee of \$1,000 would be required.

Deputy Mayor Peter Christie noted that if the Town was successful, an additional cost of \$25,000 to \$30,000 would follow.

Deputy Mayor Peter Christie noted he would be voting against the Motion as the Premier has stated in his letter he will defend the Party's decision. As amalgamation seemed apparent, the Town does not have the resources to fight this matter any longer.

Councillor Marvin Silver requested Deputy Mayor Peter Christie to reconsider his decision on the Motion.

Councillor Len Goucher advised that the Town cannot bail out at this point in time and that he will be supporting the motion.

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Mayor Peter Kelly advised he would be supporting the Motion.

**MOTION CARRIED.** Deputy Mayor Peter Christie and Councillor Joan Pryde voted in the negative.

**6.6 CONSIDERATION - ADDITIONAL FUNDING LIONS POOL, PHASE I  
EXTENSION ROCK REMOVAL**

Mr. Dan English reviewed correspondence from Mr. John Dobbs, Architect, noting an additional \$25,000 is required for bedrock removal. Further, the meeting was advised that as the work has proceeded, Council ratification was required at this point in time.

**ON MOTION** of Councillors Marvin Silver and Anne Cosgrove, it was moved to ratify an additional \$25,000 for bedrock removal, for the Lions Pool project.

In speaking to the Motion, Councillor Joan Pryde enquired as to how the bedrock problem had been dealt with in the tenders.

In response, Mayor Kelly advised that four test pits had been dug however no bedrock had been located in those particular areas. When the project was actually undertaken, however, it was then that the rock was found.

Mr. English noted the contract had included rock removal at a unit cost, however, the estimated volume was not to the extent discovered.

**MOTION CARRIED UNANIMOUSLY.**

**8. PETITIONS AND DELEGATIONS**

**8.1 REFRIGERATION TRUCKS - BEDFORD PLACE MALL - MR. FRED HALL**

Mr. Fred Hall addressed Council making particular note of concerns with refrigeration trucks delivering goods to Bedford Place Mall at all hours of the day, leaving their engines running. Although he had met with mall officials, he did not find the meeting fruitful. Mr. Hall made several suggestions to Council which might alleviate the noise problem:

1. construct a noise barrier out of concrete and vines;
2. amend the Noise By-law ;

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3. restrict parking behind the mall on Sundays;
4. establish police patrols in the back of the mall;
5. erect larger signs;
6. the Town should cover the costs of the inconvenience of the noise;
7. truck delivery times should be changed.

**ON MOTION** of Councillors Marvin Silver and Joan Pryde, it was moved to refer this matter to staff for a report to be brought back to Council on May 30, 1995. **MOTION CARRIED UNANIMOUSLY.**

10. **NEW BUSINESS**10.1 **RECONSTRUCTION AND PAVING - FIRST AVE.**

Councillor Joan Pryde reviewed her memo making note she understood this was a Capital Budget issue.

**ON MOTION** of Councillors Joan Pryde and Marvin Silver, it was moved to authorize staff to call for tenders on the repaving of First Ave. at an estimated cost of \$268,000.

**ON MOTION** of Councillor Len Goucher, it was moved to defer further discussions on this matter to Capital Budget deliberations.

As there was no seconder, this Motion was lost.

Deputy Mayor Peter Christie suggested staff obtain tender prices.

Mayor Peter Kelly stepped down from the Chair. Deputy Mayor Christie assumed the Chair.

**ON MOTION** of Mayor Peter Kelly and Councillor Len Goucher, it was moved to amend the original Motion to include the resurfacing of Union St. at a cost not to exceed \$156,000.

Mr. Dan English cautioned that Council was basically committing to the two projects if tenders were called and they should really be considered in context of all other priorities.

**ON MOTION** of Councillors Len Goucher and Marvin Silver, it was moved that both

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projects be dealt with in the context of Capital Budget deliberations. **MOTION CARRIED UNANIMOUSLY.**

10.2 1995 UNSM REGIONAL MEETING

Mayor Peter Kelly noted that Members of Town Council will be contacted as to their availability to attend the upcoming UNSM Regional Meeting on May 25, 1995, as a voting delegate.

10.3 CONSIDERATION - RESOLUTION APPROVED PROPOSED INTEGRATED WASTE MANAGEMENT STRATEGY

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve the Integrated Waste Management Strategy in principle. **MOTION CARRIED UNANIMOUSLY.**

10.4 HALIFAX WATER UTILITY - PROPOSED RATE INCREASE

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to table the report for information.

Deputy Mayor Peter Christie expressed concern with the fact that the DND/Eaglewood Reservoir was not to be commenced until March, 1999. He further enquired if the Town could receive the report agreeing with a rate increase, however, requesting consideration of the Water Utility to move the reservoir project up to 1996.

In response, Mr. Wayne Legere, Acting Director of Engineering and Works, advised he felt the projects, as listed, were properly prioritized.

In response to an enquiry from Deputy Mayor Peter Christie if correspondence could be forwarded to the Halifax County Water Utility enquiring as to why the Capital Works Plan list has been prioritized as such, Mayor Kelly advised that same will be carried out and brought back to Council at a later date.

**MOTION CARRIED UNANIMOUSLY.**

11. REPORTS

11.1 BWAC RESOLUTIONS

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Councillor Len Goucher sought clarification of item #5 in a memorandum from the chairman of BWAC, Mr. Dufferin Harper, which recommended Council adopt an amended Terms of Reference for the Bedford Waters Advisory Committee.

Mayor Kelly reminded Councillor Goucher that same should be deferred to the By-Law/Policy Advisory Committee for comment.

**ON MOTION** of Councillors Len Goucher and Joan Pryde, it was moved to defer this matter to the By-Law/Policy Advisory Committee for comment, with same to be brought back to Town Council as expeditiously as possible. **MOTION CARRIED UNANIMOUSLY.**

12. **CORRESPONDENCE**

12.1 **CONSIDERATION - PROPOSAL FROM MEDIACOM INC. - ADVERTISING SPACE - BUS SHELTERS**

Mr. Dan English reviewed correspondence from Mr. Bill Chaffey, Chair of the Bedford Transit Advisory Committee, recommending that Council consider a proposal from Mediacom Inc. to sell advertising space in existing Bedford bus shelters. The generated revenue could be utilized to purchase additional transit shelters.

**ON MOTION** of Councillors Anne Cosgrove and Marvin Silver, it was moved to authorize staff to meet with Mediacom to negotiate a proposal. **MOTION APPROVED UNANIMOUSLY.**

16. **DEPARTMENTAL REPORTS**

16.1 **FIRE CHIEF'S MONTHLY REPORT - MONTH OF APRIL, 1995**

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

16.2 **CHIEF BUILDING INSPECTOR'S REPORT - MONTH OF APRIL, 1995**

**ON MOTION** of Councillors Anne Cosgrove and Joan Pryde, the Chief Building Inspector's Report for the Month of April, 1995 was approved. **MOTION APPROVED UNANIMOUSLY.**

17. **QUESTIONS**

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17.1 STATUS SHEET

The Status Sheet was received as circulated.

19. ADJOURNMENT

As there was no further business, the meeting adjourned at approximately 10:00 p.m.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

MEETING #16

TOWN OF BEDFORD  
REGULAR SESSION  
TUESDAY, MAY 30, 1995 - 7:00 P.M.

A meeting of the Town Council of the Town of Bedford took place on Tuesday, May 30, 1995 - 7:00 p.m. - in the Town Council Chambers, Mezzanine Level, Bedford Place Mall, Bedford, Nova Scotia.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Mayor Peter Kelly was absent with regrets.

Staff members in attendance included Dan R. English, Chief Administrative Officer; Ron Singer, Director of Corporate Services; Donna Davis-Lohnes, Director of Planning and Development Control; Wayne Legere, Acting Director of Engineering and Works, and Jane Nauss, Recording Secretary.

At the request of Deputy Mayor Christie, Dan English read a Proclamation on Race Unity Day.

3. APPROVAL OF MINUTES

ON MOTION of Councillors Anne Cosgrove and Len Goucher, the minutes of May 16/95 - #14 - Public Hearing; and of May 16/95 #15 - Regular Session, were approved. MOTION CARRIED UNANIMOUSLY.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

- Environmental Checklist - Councillor Marvin Silver - new 10.1

- defer items 6.3 and 6.4 to June 13, 1995

- entertain all petitions and delegations - items 8.1 - 8.5 inclusive at the beginning of the

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agenda.

5. APPROVAL OF ORDER OF BUSINESS

ON MOTION of Councillors Len Goucher and Stephen Oickle, the Order of Business, as amended, was approved. MOTION APPROVED UNANIMOUSLY.

8. PETITIONS AND DELEGATIONS

8.1 PRESENTATION - 7TH BEDFORD SCOUT TROUP - WORLD CONSERVATION BADGE - RON HILTZ

Mr. Ron Hiltz, Scout Leader, addressed Council noting that obtaining the World Conservation Badge was the last hurdle to the five scouts in attendance to becoming Chief Scouts. The Badge was earned by cleaning up the Parker's Brook area. The Scouts (Jeff Bachelor, Keith Hiltz, Patrick LaRoche, David LeLacheur and John-Ezra Winters), provided a brief overview of the cleanup, noting they would be interested in distributing pamphlets on pesticides if the Town was willing to produce the pamphlet.

In response, Councillor Len Goucher suggested they contact a representative of the Sackville River Waters Advisory Committee as he believed they had produced a pamphlet regarding the detrimental effect of pesticides.

Deputy Mayor Christie thanked the Scouts and their leader Mr. Hiltz for taking the time to address Council. Further, he congratulated them on their achievements to date in the scouting field.

8.2 PRESENTATION - N.S. HOME BUILDERS ASSOCIATION - PROPOSED AMENDMENTS TO SEWER REDEVELOPMENT CHARGE BY-LAW

Mr. Hussein Mousavi addressed Council on behalf of the N.S. Home Builders Association expressing concern of a proposed change to the Town's Sewer Redevelopment Charge By-Law with respect to an increase in fees (\$250 per lot - residential; and \$ .05 per square foot - commercial). Mr. Hussein felt that builders should not have to pay this fee as they do not utilize the system. Further, he was concerned with the number and amount of fees required within the Town of Bedford, for contractors. He suggested that the amendment to the by-law not be given Third and Final Reading until amalgamation of the regional area is complete.

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At the request of Deputy Mayor Christie, Dan English provided background information on the matter to date noting that the original figure - \$250 - was set in 1987 and that this was strictly an arbitrary figure. Although staff at the time recommended a fee of \$500, Council adopted the concept but not the latter fee.

In response to an enquiry from Councillor Stephen Oickle as to what the total fees required for builders in Bedford amount to, Donna Davis-Lohnes advised between \$1,200 and \$1,400.

Deputy Mayor Peter Christie thanked Mr. Hussein for taking the time to address Council.

**8.3 CONSIDERATION - APPROVAL IN PRINCIPLE - RESOLUTION - LOCAL AIRPORT AUTHORITY - STEVE WALLACE**

Mr. Steve Wallace addressed Council noting that a Local Airport Authority is in the process of being established, to negotiate the possible takeover of the operations of Halifax International Airport from Transport Canada within the next couple of months. Although the Constitution for the Authority is not complete as yet, same will be forwarded to the Town once finalized. Mr. Wallace noted that the Authority may be approaching various levels of government for funding but that the Town would not be responsible if the organization went in the "red." Mr. Wallace advised that at this point in time, he was seeking support in principle of the Resolution to establish an Authority; further, that Council support a Town representative sitting on the Authority. The representatives would remain on the Authority for either two or four years, independent of amalgamation.

Councillor Len Goucher advised that local airport taxes would be put in place to provide necessary funding for the Authority.

**ON MOTION** of Councillors Joan Pryde and Len Goucher, it was moved to support, in principle, the establishment of a Local Airport Authority, subject to review of the Authority's Constitution, as approved by Transport Canada. Further, that Council support its representative on the Authority. **MOTION APPROVED UNANIMOUSLY.**

**8.4 UPDATE - BEDFORD DAYS CO-CHAIRS - THERESA CONWAY AND LUCIE GOUCHER**

Mrs. Lucie Goucher provided an update on plans for the 1995 Bedford Days events

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noting that \$15,000 in product had been donated to date, as well as \$35,000 in cash. The radio station C100 would be providing promotions with this year's motto being "Bedford, Our Town."

It was the unanimous opinion from Council that this year's Committee has done a tremendous job in planning the event and Deputy Mayor Peter Christie thanked both Ms. Conway and Mrs. Goucher for their presentation this evening.

In response to an enquiry from Deputy Mayor Peter Christie if item 7.1 could be discussed at this point in time, Council was unanimous in agreement.

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

7.1 **CONSIDERATION - DEVELOPMENT AGREEMENT - CLEARWATER ATLANTIC SEAFOODS INC. - CIVIC #757 BEDFORD HIGHWAY**

Councillor Stephen Oickle did not take part in discussions as he was not present at the Public Hearing on May 16, 1995.

Ms. Donna Davis-Lohnes noted that several of the issues raised during the Public Hearing for the proposed 4000 square foot addition to the Clearwater operation have been addressed by the proponent. To reflect this, staff recommend two new clauses be included in the draft Agreement:

- (a) in Part 4 - Special Provisions - the Development Officer shall not issue a Development Permit for the office addition until evidence is provided to the Town that parking for the Clearwater operation is permitted as a legal use on lands located within the City of Halifax;
- (b) in Schedule "C" under Parking - for any parking provided on lands within the City of Halifax, evidence of its legality under City of Halifax By-Laws shall be required.

In response to recommendation (b) contained in the May 15, 1995 staff report (i.e. "Council not enter into a development agreement unless clauses addressing improvements to the office parking lot and landscaping of the property are included in the agreement"), Planning staff now recommend that clause (a) and a new clause (c) in Schedule "C" PARKING read as follows:

- (a) A minimum of 65 parking spaces, not including any parking spaces currently

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located in the Bedford Highway street right-of-way, shall be provided in front of the existing building, on Lot CL or Lot A as shown in Schedule "B" or within 300 feet of the building, in accordance with Sections 34 and 35 of Part 5 General Provisions of the Town's Land Use By-Law.

- (c) Section 32 of Part 5 General Provisions of the Town's Land Use By-Law is applicable to all lots associated with this development, except for the portion of the lot located within the Town of Bedford containing the existing retail operation.

**ON MOTION** of Councillors Marvin Silver and Anne Cosgrove, it was moved to defer further discussion on this matter pending clarification of outstanding issues as raised by staff.

Deputy Mayor Peter Christie enquired if Council required comments from the proponent, Mr. John Risely, who was in attendance.

**ON MOTION** of Councillors Len Goucher and Anne Cosgrove, it was moved to Suspend the Rules of Order to permit Mr. John Risely, Clearwater, to address Council. **MOTION CARRIED UNANIMOUSLY.**

Mr. Risely noted he has offered to landscape a section within the City of Halifax jurisdiction. Further, he had monitored traffic coming off and onto the Bedford Highway on a Saturday, in front of the Clearwater area, for a period of three hours determining that the area was extremely busy. His company will provide landscaping parallel to the deck or at the northern and southern extremities of the retail lot.

In response to an enquiry from Councillor Len Goucher if Mr. Risely was open to delineating the parking lot so as to create several exits from the parking lot to Bedford Highway, Mr. Risely advised he would be willing to discuss this further.

**ON MOTION** of Councillors Len Goucher and Anne Cosgrove, it was moved to authorize staff to meet with Mr. John Risely this evening, with the matter to be further discussed later on the agenda. **MOTION CARRIED UNANIMOUSLY.**

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

6.1 **PROPOSED ELIMINATION OF TRAIN WHISTLING**

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Mr. Wayne Legere made reference to a staff memorandum noting that CN Rail requires a release of liability from the Town of Bedford for elimination of the train whistling at Isleview Drive.

In speaking to the Town's Underwriters, they have advised they will not be seeking an increase in premiums resulting from the elimination of the train whistling.

**ON MOTION** of Councillors Marvin Silver and Anne Cosgrove, it was moved to not eliminate whistling at the Isleview Crossing and to not enter into an agreement with CN.

In response to an enquiry from Councillor Len Goucher if the length of the whistle could be shortened, Deputy Mayor Christie advised that same had been looked into in the past with C.N. however, it was determined that it was not legally possible to adjust the length of train whistles.

**MOTION CARRIED UNANIMOUSLY.**

## 6.2 SENIORS' HOUSING - IDENTIFICATION OF SITES

Ms. Donna Davis-Lohnes reviewed her memorandum dated May 29, 1995 providing an update on Senior Housing requirements within the Town of Bedford:

- (a) Mayor has corresponded with Minister of Housing and local MLAs respecting Town's desire for senior housing services, etc.
- (b) direction is required from Council as to who would make a presentation to the Metropolitan Regional Housing Authority in establishing facilities for special needs of seniors;
- (c) direction is required from Council on the proposed establishment of a task force to develop ways to obtain funding for additional facilities;
- (d) direction is required from Council relative to the Town identifying interim facilities to assist the private sector;
- (e) direction is required from Council as to further action being taken on this entire matter.

With respect to specific sites, there were sixteen sites identified, however, not all are

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appropriate for senior facilities. Accordingly, the number has been narrowed down to nine sites: 51 Bridge St. (proposed expansion of existing facility - need to determine the number of units which could be added; Bedford Waterfront - Caretenders site; NSPC lands - 7 Balsam St. - behind Sunnyside Mall - centrally located; Crestview CCDD; Sobeys Mill Cove; Union Street RCDD (Mort Kelly lands); Nelsons Landing - former hotel site - block 1F1; Paper Mill Lake RCDD - recent interest has been expressed; and Paper Mill Lake CCDD.

Councillor Joan Pryde advised she envisaged a care facility with rooms rather than apartments. She noted that a care facility is not quite the same as a seniors' home as those individuals living in a seniors' home do not require round the clock care.

**ON MOTION** of Councillors Joan Pryde and Anne Cosgrove, it was moved to investigate and identify areas within Bedford for a seniors care facility.

In speaking to the Motion, Councillor Len Goucher enquired if the motion could be amended to include the private sector becoming involved in this. Councillor Joan Pryde agreed.

**The amended Motion now reads:**

**ON MOTION** of Councillors Joan Pryde and Anne Cosgrove, it was moved to investigate and identify areas within Bedford for a seniors care facility; further, that the private sector be invited to take part. **MOTION CARRIED UNANIMOUSLY.**

Deputy Mayor Christie advised that a meeting would be arranged with the Housing Authority to review an inventory of sites. Should other sites be identified, they can be added to the original list.

#### **6.5 CONSIDERATION - ADMIRAL COVE PARKLAND - SPECIAL SITE**

Ms. Donna-Davis Lohnes advised there was confusion as to eight lots on Shore Drive which BRAC have recommended be consolidated into the Admiral Cove park parcel. As deeds were never prepared for the lots, the Town has been advised that same are not recognized as legal entities. They are simply part of the larger Admiral Cove park area. Accordingly, amendments to the planning map will be made.

**ON MOTION** of Councillors Len Goucher and Joan Pryde, it was moved to make application, under the Special Places Protection Act, to apply for the old forest area in

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Admiral Cove, as a "special place." **MOTION CARRIED UNANIMOUSLY.**

**6.6 PROPOSED AMENDMENTS TO HERITAGE BY-LAW AND HERITAGE ADVISORY COMMITTEE TERM OF REFERENCE**

Ms. Donna Davis-Lohnes advised that no changes had been made in the Terms of Reference wording, however, simply a change in the organizational chart, as per a request from Heritage '80.

**ON MOTION** of Councillors Len Goucher and Anne Cosgrove, it was moved to approve the proposed amendments to the Heritage By-Law and the Heritage Advisory Committee Terms of Reference as recommended by the By-Law/Policy Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

**6.7 CONSIDERATION - ADDITIONAL SCHOOL BOARD FUNDING**

Mr. Dan English made reference to Town Council minutes dated May 2, 1995 at which time the matter of Additional School Board Funding was discussed. A surplus to the Town, of \$70,000, came about as a result of the mandatory education rate for 1995/96 being set by the Province at \$ .39 per \$100 of assessment rather than \$ .40 as budgeted. This \$70,000 added to the 3% wage roll back, gave the Town a potential \$140,000 surplus.

Mr. English further noted that as of today, however, the Province has advised all School Boards they can retain the funding, therefore, the School Board retains the \$70,000 related to wage rollbacks.

**ON MOTION** of Councillors Len Goucher and Stephen Oickle, it was moved to reallocate \$70,000 from Education Funding to Capital from Revenue. **MOTION CARRIED UNANIMOUSLY.**

**6.8 DEFERRED MOTION - ELECTORAL DISTRICTS**

Deputy Mayor Christie advised there were two issues to be discussed i.e. the deferred Motion from April 25, 1995; and, whether Council wishes to appear before the Utility and Review Board.

Deputy Mayor Christie read the April 25, 1995 Motion as a procedure:

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"ON MOTION of Councillors Stephen Oickle and Len Goucher, it was moved that should amalgamation proceed, Town Council recommends that Bedford be split with approximately 7,000 residents in one district and 7,000 residents in the other."

ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to amend the original motion to now read:

"... it was moved that the Town of Bedford make representation to the Nova Scotia Utility and Review Board for the establishment of two electoral districts to be created within the existing Town of Bedford political boundaries."

**MOTION CARRIED UNANIMOUSLY.**

**AMENDED MOTION CARRIED UNANIMOUSLY.**

Mr. Dan R. English noted that Mayor Peter Kelly has requested Mr. Graham Walker represent the Town at the Utility and Review Board Hearings and that Mayor Kelly would like to represent the Town as well. Council agreed.

**6.9 CONSIDERATION - PROPOSED NOISE BY-LAW INFRACTION - BEDFORD PLACE MALL**

Deputy Mayor Christie advised that staff had prepared a report on the matter and enquired as to Council's wish at this point in time.

ON MOTION of Councillors Marvin Silver and Stephen Oickle, it was moved to receive the staff report for information. **MOTION CARRIED UNANIMOUSLY.**

Deputy Mayor Christie advised that the Police Department will be requested to continue monitoring complaints and forward a copy of the staff report to Mr. Fred Hall for his information.

**8. PETITIONS AND DELEGATIONS CONT**

**8.5 DR. LAROCHE - PROPOSAL - BICYCLE SAFETY**

Dr. LaRoche addressed Council noting he had been working on a bicycle and head injury program with Mr. Mike Gillett of the Recreation Department. Further, he noted the program will enhance bicycle safety and the use of helmets. Part of the program entailed

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the distribution of "tokens" to children who are bicycle safety aware. Dr. LaRoche sought Council's permission to have the Town of Bedford crest imprinted on the back of the tokens.

**ON MOTION** of Councillors Len Goucher and Anne Cosgrove, it was moved to approve the placing of the Town of Bedford crest on the back of tokens to be utilized in the summer bicycle safety program. **MOTION CARRIED UNANIMOUSLY.**

## 9. MOTIONS

### 9.1 CONSIDERATION - THIRD AND FINAL READING - PROPOSED AMENDMENTS - SEWER REDEVELOPMENT CHARGE

**ON MOTION** of Councillors Len Goucher and Joan Pryde, it was moved to approve Third and Final Reading of amendments to the Sewer Redevelopment Charge By-Law by increasing the fees from \$250 per residential lot to \$500 and increase the square lot charge (commercial) from \$ .05 to \$ .10.

**MOTION CARRIED.** Councillor Anne Cosgrove voted in the negative.

## 10. NEW BUSINESS

### 10.1 THREE BWAC MOTIONS

Councillor Marvin Silver reviewed his memorandum respecting the following:

- (a) Environmental Check List - Crestview Phase II
- (b) Collect Background Data as a base for the Town of Bedford Surface Water Quality;
- (c) Request to the Minister of the Environment that BWAC continue after amalgamation as an advisory board for Bedford waters.

With respect to (a), Council recommended that same be deferred to Planning Staff for the next meeting of Council;

**ON MOTION** of Councillors Len Goucher and Marvin Silver, it was moved to allocate \$15,000 from the School Board over budget of \$70,000 to cover costs for a water sampling program, thereby reducing the \$70,000 transferred to Capital to \$55,000. **MOTION CARRIED UNANIMOUSLY.**

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ON MOTION of Councillors Marvin Silver and Joan Pryde, it was moved to request the Minister of the Environment to identify the Bedford Waters Advisory Committee as being qualified to advise on water management issues within the community, following Regional amalgamation. **MOTION CARRIED UNANIMOUSLY.**

**10.2 CONSIDERATION - AWARDING OF TENDER #95-04 - INFILTRATION REDUCTION PROGRAM - POINT REPAIRS**

ON MOTION of Councillors Stephen Oickle and Anne Cosgrove, it was moved to award Tender #95-04, Infiltration Reduction Program - Point Repairs to B & L Contracting Limited in the amount of \$122,617.72 inclusive of G.S.T. with the Town's net cost of \$40,872 being funded out of the Sewer Redevelopment Reserve Fund. Further, that a contingency amount of \$42,000 be set aside which may vary the Town's net cost up to a maximum of \$54,872. **MOTION CARRIED UNANIMOUSLY.**

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

**7.1 CONSIDERATION - DEVELOPMENT AGREEMENT - CLEARWATER ATLANTIC SEAFOODS INC. - CIVIC #757 BEDFORD HIGHWAY - CONT**

Ms. Donna Davis-Lohnes advised that following discussions with Mr. John Risely, he is concerned with the landscaping and the parking lot and how both will affect his business. Further, Ms. Davis-Lohnes noted that Mr. Risely is willing to meet with an independent traffic engineer to discuss this matter in greater detail. Accordingly, it is staff's recommendation that same be deferred to the next Regular Meeting of Council.

ON MOTION of Councillors Marvin Silver and Anne Cosgrove, it was moved to defer this matter to the next Regular Meeting of Council. **MOTION CARRIED UNANIMOUSLY.**

**10.3 CONSIDERATION - FIVE-YEAR EXTENSION OF LIBRARY LEASE FOR WARDOUR CENTRE**

ON MOTION of Councillors Stephen Oickle and Len Goucher, it was moved to authorize the Chief Administrative Officer and Mayor to execute an amended Agreement with A.J. Hustins to extend the Library Lease for an additional five year term. **MOTION CARRIED UNANIMOUSLY.**

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10.4 CONSIDERATION - RECOMMENDATION - PROPOSED SERGEANTS WORKING AGREEMENT

ON MOTION of Councillors Anne Cosgrove and Marvin Silver, it was moved to accept the recommendation of the Bedford Board of Police Commissioners in approving the Sergeant's Working Agreement. **MOTION CARRIED UNANIMOUSLY.**

10.5 **CONSIDERATION - RESOLUTION - SINGLE ENTRY POINT ASSESSMENT PROCEDURES**

ON MOTION of Councillors Anne Cosgrove and Len Goucher, it was moved to forward correspondence to the Premier of Nova Scotia and the Minister of Health expressing the Town of Bedford's concern over the unfair treatment seniors will receive by being accessed through a single-entry point in a region and placed in a bed at any licensed Home in the Province.

Councillor Len Goucher noted that Bedford has been proactive when it comes to seniors and that he will support the Motion.

Councillor Joan Pryde suggested the wording "will receive" may not be entirely correct.

**MOTION CARRIED UNANIMOUSLY.**

11. REPORTS

11.1 **INFORMATION ITEM - UTILITY AND REVIEW BOARD APPEAL - BEDFORD BASIN ESTATES**

ON MOTION of Councillors Len Goucher and Anne Cosgrove, it was moved to receive the Bedford Basin Estates Ltd. Utility and Review Board Appeal decision, for information. **MOTION CARRIED UNANIMOUSLY.**

12. CORRESPONDENCE

12.1 **SUB-COMMITTEE - RACE AND COMMUNITY POLICY - ALDERMAN JERRY BLUMENTHAL**

ON MOTION of Councillors Marvin Silver and Stephen Oickle, it was moved to request staff to advertise for expressions of interest (two) from the community at large,

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to sit on a sub-committee preparing a Race and Community Policy, to be presented to the new Regional Government. **MOTION CARRIED UNANIMOUSLY.**

17. QUESTIONS

17.1 STATUS SHEET

The Status Sheet was received for information.

19. ADJOURNMENT

The meeting adjourned at approximately 10:00 p.m.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

MEETING # 17

TOWN OF BEDFORD  
REGULAR SESSION  
TUESDAY, JUNE 13, 1995 - 7:00 P.M.

A Public Meeting of the Town Council of the Town of Bedford took place on Tuesday, June 13, 1995 in the Town Council Chambers, Mezzanine Level, Sunnyside Mall, Bedford Highway, Bedford, Nova Scotia.

At the request of Mayor Peter Kelly, Mr. Dan English read a Proclamation regarding Seniors Week.

1. LORD'S PRAYER

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

2. ATTENDANCE

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

Staff members in attendance included Dan R. English; Chief Administrative Officer; Ron Singer, Director of Corporate Services; Bob Nauss, Director of Parks and Recreation; Ms. Donna Davis-Lohnes, Director of Planning and Development; Wayne Legere, Acting Director of Engineering and Works; and Jane Nauss, Recording Secretary.

3. APPROVAL OF MINUTES

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to approve the minutes of May 30, 1995 - Regular Session - #16. MOTION APPROVED UNANIMOUSLY.

4. ADDITIONS/DELETIONS TO ORDER OF BUSINESS

4.1 "Capital Budget Discussions - Signalization at Union St. - Fish Hatchery Lane" - Deputy Mayor Peter Christie" - will become item 10.8

4.2 "Update - Regional Electoral Districts - Deputy Mayor Peter Christie" - will become 10.9.

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5. APPROVAL OF ORDER OF BUSINESS

It was the unanimous consent of Council to move 8.1 - 8.3 to the beginning of the Agenda; and, move 6.3 to the end of Agenda.

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

8. PETITIONS AND DELEGATIONS

8.1 UNMB RESIDENTS ASSOCIATION - MS. JOYCE PITCHER, PRESIDENT

Ms. Pitcher presented a petition to Town Council on the deteriorating condition of Union Street. The residents were particularly concerned with the volume of constant traffic and dangerous traffic speeds.

Mayor Peter Kelly thanked Ms. Pitcher for her presentation and advised that this matter would be discussed during Capital Budget deliberations further along on the agenda.

8.2 ECONOMIC INSTRUMENTS STUDY - ADI NOLAN DAVID LTD. AND BOYNE CLARKE

Mr. Peter McInroy from Boyne Clarke, Barristers and Solicitors; and Messrs. Allan Bell and Robert Grant from ADI Nolan Davis, provided a brief overview of their findings on a study of Economic Instruments pertaining to waste water management. The recommendations as noted in the report precipitated the implementation of user fees in the form of the Pollution Control Charge to be appended to the water bills which will be commencing July 1, 1995. The report has a number of other recommendations that the Town of Bedford may wish to pursue in the future. Further, the report is being circulated to numerous municipalities throughout Canada as a guideline in the application of economic instruments in the management of municipal wastewater systems.

Mayor Kelly thanked Messrs. McInroy, Bell and Grant for the presentation and congratulated them on producing an excellent study.

8.3 FORT SACKVILLE FOUNDATION- PROPOSED ACQUISITION BY TOWN OF ADDITIONAL LOTS - ALLAN DUFFUS

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Mr. Allan Duffus addressed Council on behalf of the Fort Sackville Foundation. Mr. Duffus advised that both the Foundation and the Heritage Advisory Committee were concerned with the impending amalgamation and the fact that seven lots which abut the Manor House may be developed by the developer. Further, Mr. Duffus felt the seven lots should be part of the entire historic area. Following discussions with the developer, he was advised that the developer would be willing to sell the lots to the Town over an extended period of time. Mr. Duffus suggested a Committee be established, of three members of the Foundation and the Heritage Advisory Committee plus three members from the Town, to identify a solution, prior to amalgamation, to the problem.

PRESENTATION TO DAN ENGLISH, CHIEF ADMINISTRATIVE OFFICER

Mayor Peter Kelly presented to Dan English, on behalf of Town Council, a plaque depicting fifteen years service to the Town. Mayor Kelly noted that Mr. English was the longest serving employee and that his commitment to the Town was appreciated.

Mr. English advised the recognition was appreciated.

6.1 REDDEN BROTHERS RCDD APPEAL - N.S. UTILITY & REVIEW BOARD DECISION

Councillor Joan Pryde declared a Conflict of Interest and excused herself from discussions on the above-noted matter.

Ms. Donna Davis-Lohnes noted the decision of the Utility and Review Board (UARB) regarding the Redden Brothers RCDD appeal had been received and that the Board ruled that the Union Street proposal was consistent with the intent of the Municipal Planning Strategy (MPS) and that the decision of Council could not reasonably be said to be consistent with the intent of the MPS.

Town Council is now offered two options at this point in time:

- a. approve the development agreement; or
- b. file an appeal with the Court of Appeals.

Should the Town not abide by the Order of the Board, the Town could face a penalty.

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It was noted that staff recommends Council approve entering into the draft development agreement with Redden Brothers Development Limited for the Union RCDD lands, including the minor amendments as outlined in a staff report dated October 14, 1994.

6.2 UPDATE - PROPOSED PETROGLYPH ADVISORY COMMISSION

Mayor Peter Kelly spoke to item 6.2 at this point in time noting he had met with Provincial and Federal officials on the matter of establishing a Petroglyph Advisory Commission. Further, the Committee was to meet again on July 21, 1995.

In response to an enquiry from Councillor Len Goucher as to whether the development agreement would work outside the parameters of the proposed Commission, Mayor Kelly advised that the Peggy's Cove Commission had control over development in that particular area, however, he was not sure if the same would occur in this matter.

6.1 REDDEN BROTHERS RCDD APPEAL - N.S. UTILITY & REVIEW BOARD DECISION CONT

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to enter into a development agreement with Redden Brothers Development Limited for the Union Street RCDD lands, including the minor amendments as outlined in a staff report dated October 14, 1994.

In response to an enquiry from Councillor Len Goucher if the Motion could be amended to reflect the Board's ruling, both Deputy Mayor Christie and Councillor Stephen Oickle agreed.

The amended Motion now reads:

ON MOTION of Deputy Mayor Peter Christie and Councillor Stephen Oickle, it was moved to enter into a development agreement with Redden Brothers Development Limited for the Union Street RCDD lands, including the minor amendments as outlined in a staff report dated October 14, 1994, and as directed by the N.S. Utility and Review Board.

A brief discussion ensued on whether this Motion should be deferred pending deliberations of the Petroglyph Commission Committee. It was decided that this matter has been ongoing for two years and that the matter must be dealt with this evening.

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**MOTION CARRIED.** Councillor Marvin Silver voted in the negative. Mayor Peter Kelly and Councillor Len Goucher both abstained.

Councillor Joan Pryde resumed her place at the table.

6.5 CONSIDERATION - PROPOSED AMENDMENTS TO BWAC TERMS OF REFERENCE

Mr. Wayne Legere, Acting Director of Engineering and Works, reviewed a memorandum outlining a recommendation from the By-Law/Policy Advisory Committee, respecting proposed amendments to the Terms of Reference for the Waters Advisory Committee.

**ON MOTION** of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to approve the following amendments to the BWAC Terms of Reference:

- a. Adding a clause (1.4) - Develop and maintain a data base on 1.1 (a) and 1.1(b);
- b. In clause 4, replace "officers" with gender-neutral language ("Chair" and "vice-Chair");
3. Delete "Town" in clause 8 heading; insert "advise and/or" prior to "appoint" in clause 8.1;
4. Grammatical changes to clause 10.2 to read "and a staff member of the Town shall .."

**MOTION CARRIED UNANIMOUSLY.**

10. NEW BUSINESS

10.1 CONSIDERATION - AWARDING OF TENDER - LEBRUN CENTRE

**ON MOTION** of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to award Centaur Products Ltd. with a contract for Replacement Arena Dasher Boards for \$33,533.00; further, that McCarthy Roofing be awarded a contract for Roof Repair, for \$26,689.00. **MOTION CARRIED UNANIMOUSLY.**

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10.2 CONSIDERATION - AWARDING OF TENDER - MILLVIEW PARK

ON MOTION of Councillors Marvin Silver and Stephen Oickle, it was moved to awarded the contract for the purchase and installation of playground equipment for Millview Playground to Paris Playground Equipment at a cost of \$14,893.00. MOTION CARRIED UNANIMOUSLY.

10.3 CONSIDERATION - AWARDING OF TENDER - BEDFORD HILLS PLAYGROUND

ON MOTION of Councillor Len Goucher and Deputy Mayor Peter Christie, it was moved to award the contract for supply and installation of playground equipment to Paris Playground Equipment for \$6,045.00 at the Bedford Hills Playground. MOTION CARRIED UNANIMOUSLY.

10.4 CONSIDERATION - AWARDING OF TENDER - RIDGEVALE PLAYGROUND

ON MOTION of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to award the contract for the development of Ridgevale Playground to Dexter Constructuion for Playpad Paving, at a cost of \$5,000.00; further that Eastern Fence be awarded the contract for Playpad Fencing at a cost of \$6,795.00. MOTION CARRIED UNANIMOUSLY.

10.5 CONSIDERATION - AWARDING OF TENDER 95-06 - EAGLEWOOD DRIVE SIDEWALK

ON MOTION of Councillor Stephen Oickle and Deputy Mayor Peter Christie, it was moved to award Tender 95-06 for Eaglewood Drive Sidewalk Construction, Phase II, to Ocean Contractors in the amount of \$14,701.80, inclusive of G.S.T. MOTION APPROVED UNANIMOUSLY.

6.4 CONSIDERATION - DEVELOPMENT AGREEMENT - CLEARWATER ATLANTIC SEAFOODS INC. - CIVIC #757 BEDFORD HIGHWAY

Ms. Donna Davis-Lohnes made reference to a supplementary staff report dated June 13, 1995 respecting the above. On May 30, 1995 Council deferred consideration of the proposed Clearwater development agreement to permit staff and representatives from

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Clearwater to meet with a traffic engineer to obtain an objective assessment of the proposed landscaping and parking plan as prepared by staff.

Ms. David-Lohnes advised that although Clearwater had contacted four traffic engineers, none were prepared to provide an assessment of the situation. Therefore, only staff and Clearwater representatives were in attendance at a meeting held on June 7, 1995. During that meeting, Clearwater submitted a concept plan providing for two areas of landscaping within the street right-of-way in front of the retail operation (one area is approximately 500 square feet in size and the second area is approximately 400 square feet in size). Clearwater is prepared to discuss the matter of landscaping with the Town, however, they are not willing to discuss the Town's recommended landscaping plan.

The concept plan also indicated improvements to the parking area located on Lot A within the boundaries of the City of Halifax. Ms. Davis-Lohnes advised that further clarification is required on this, however. Staff are recommending that landscaping along the frontage of the retail property be included in the draft development agreement. Further, the meeting was advised that although the current proposal from Clearwater is an improvement over the existing situation, their plan does not meet the intent of Section 32.

The meeting was further advised that should parking be permitted within the right-of-way, same should be legitimized through a lease arrangement and the proponent has agreed. It was recommended that should Council approve entering into a Development Agreement with Clearwater Fine Foods Ltd., reference should be made to the draft agreement presented at the public hearing held May 16, 1995, the landscape plan which is being approved, and the amended clauses contained within the May 26, 1996 staff report. Further, the Town's solicitor suggests the following minor wording changes to the development agreement (same will not change the intent):

1. Section 4(2)

A Development Permit shall not be issued for the 4000 square foot addition until the Development Officer is satisfied that the parking as called for in Schedule "C" is a legally permitted use on whatever property it is proposed to be located.

2. eliminate (b) in Schedule "C" under PARKING

3. Insert the words "one or more plans of" before the words Schedule "B."

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ON MOTION of Councillors Joan Pryde and Anne Cosgrove, it was moved to enter into the proposed Development Agreement presented at the public hearing held on May 16, 1995, including amended clauses outlined in staff reports dated May 26, 1995 and June 13, 1995, and the concept plan presented to Council on June 13, 1995.

In response to an enquiry from Councillor Marvin Silver as to the recommendation of the Planning staff, Ms. Davis-Lohnes indicated the Department's position had not changed from the preceding Council meeting.

**MOTION CARRIED UNANIMOUSLY.**

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to enter into a ten year lease agreement with the proponent for use of the street right-of-way in front of the retail operation.

In speaking to the Motion, Mr. Dan English advised that the Town still needs to make a decision on the location of the Town sign.

Deputy Mayor Peter Christie agreed to amend his motion to read:

ON MOTION of Deputy Mayor Peter Christie and Councillor Len Goucher, it was moved to enter into a ten year lease agreement for use of the street right-of-way in front of the retail operation, with the proponent, subject to discussions on the Town's sign.  
**MOTION CARRIED UNANIMOUSLY.**

10. NEW BUSINESS CONT

10.6 BPAC (A) - MPS UPDATE/DENSITY CAP - COUNCILLOR LEN GOUCHER  
(B) - REPORT BY BPAC CHAIRMAN

Councillor Len Goucher addressed Council noting that BPAC requires direction from Council as to whether density should be revisited as part of the MPS review.

Deputy Mayor Peter Christie expressed a concern that this process may hinder the Town in reaching its goal of having the revised MPS document before the Minister of Municipal Affairs by January, 1996.

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**ON MOTION** of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved that Town Council convene a meeting with BPAC to discuss the Town's objective of revising the MPS document by January, 1996.

In speaking to the Motion, Deputy Mayor Christie advised that the matter of density can be discussed further at this meeting.

Councillor Len Goucher noted this meeting was a good idea but that the density issue was the only item left to discuss as some issues were almost ready to go to public hearing.

**ON MOTION** of Deputy Mayor Peter Christie and Councillor Joan Pryde, it was moved to meet with BPAC to discuss either maintaining or lowering the density cap. **MOTION CARRIED UNANIMOUSLY.**

Ms. Davis-Lohnes advised the next regular meeting of BPAC was July 10, 1995, however, BPAC members are prepared to hold a special meeting to discuss this issue.

#### 10.7 SUMMER MEETING DATES

Following a brief discussion, it was the consensus of Council to hold one regular Town Council Session on July 11, 1995 and one on August 8, 1995. Other meetings, if required, can be held on the 4th Tuesdays of each month.

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

##### 6.3(c)

#### CONSIDERATION OF APPROVAL "IN PRINCIPLE" - PEDESTRIAN BRIDGE - SACKVILLE RIVER

Mr. Don Ambler addressed Council reviewing his letter of June 9, 1995 making particular note that a consultant is recommending a 25 metre span bridge made of self weathering steel. Mr. Ambler advised that the cost involved was \$60,000 which included the engineering fees. Further, the meeting was advised that the consultant's report will be available for distribution within one and one half weeks.

A brief discussion took place on the fact that the bridge would be wheelchair and handicap accessible and that the river water flow would not be affected.