

Councillor Cooper asked what the situation would be if the company went out of business suddenly.

Mr. Pyle stated that there is bonding to cover the rehabilitation.

SPEAKER IN FAVOUR

Mr. Scott Hall, Management Consultant spoke in favour of the application. He stated that he would be providing the council with enough information so they can make an informed decision without fear, favour, or evasion. He stated that Mr. Kynock wants to drill rock for two weeks per year. He wants to blast the rock once per year and he wants to crush rock for three weeks per year. This will be in the summer months when the local school is out. The development is limited to nine acres of land in the middle of 160 acres of land. It is heavily forested. The department of Environment has included, under the parameters set forth in the development agreement, this project can co exist comfortably with the surrounding community. Eighty percent of the business and residents within a half mile radius of the site have given their permission to blast, including the school. He proceeded to show council slides of the site.

Mr. Gordon Dickie, speaking in favour of the application, directed the councils attention to a map. He stated that in 1988 he conducted a geological evaluation of the site to determine if there was a reserve of quartzite that would be able to manufacture quarry stone. He discovered that there appears to be a significant volume of quartz rock located on Mr. Kynock's property. There are three types of rock on the land which are; granite, quartzite and slate. In order to have a viable quarry Mr. Kynock informed him that he was interested in finding a source of rock that would provide him with a tonnage of material above the average elevation of the surrounding property. He stated they then looked at the area of higher ground on the western portion of the property. In order to determine that there was a tonnage in this area a series of pit was dug where there was no outcrop of exposure to determine what the rock was. Down on the lower ground some holes were dug, up to eleven feet, without seeing bedrock. The final conclusion was that this area had ample outcrop exposure. On the basis of the information and assuming quarryable rock to a depth of 150 feet, he concluded there was approximately two million tons of material available at this site. Mr. Kynock indicated that he intends to quarry 50 thousand tonnes a year so there are ample reserves of material to look after the needs for the time period indicated.

Councillor Ball asked if Mr. Dickie if he was part of the consultants report that was done for Mr. Kynock.

He stated that he produced an open file report while he was with the Department of mines. Any work the department does on private land and/or public lands must be published. He stated that the

first contact with Mr. Kynock regarding this was a week ago.

Councillor Ball asked if Mr. Dickie was receiving any compensation for being here tonight.

He stated he was not.

Mr. Hall stated that Mr. Kynock has some specific business objective with this project. The first one is to replace 25 thousand tons of rock per year. To vertically integrate the companies excavating and trucking operations by producing additional 25 thousand tons per year which is presently purchased from suppliers. To prepare the site for development of a subdivision or golf course. To preserve the companies present level of employment and to maintain environmental and residential integrity of the area. The access road is completed except for slight alterations at the entrance from Hammonds Plains road as requested by the DOT. The site has been grubbed and ditched plus burns and a settling pond have been constructed according to the company's permit for top soil removal and grade alternations. A drilling and blasting company was hired to do one test blast to construct the roads and settling pond. A portable crusher will be equipped with dust collectors for dust control which will be hired for approximately three weeks per year. The company will not further process the rock into asphalt or concrete. The company will deliver all finished product utilizing it's own weight.

He proceeded to show council further slides of the site.

Mr. Doug Murphy was introduced to explain the blasting procedure that was utilized. He stated that the type of procedure that would be utilized for this particular site would be a non electric type blasting which would be requested by the power corporation due to the power lines. Such a blast was done on August 22, 1991 at 2:56 p.m. and his firm monitored the vibration and air concussion coming from this particular blast which would be a typical blast in the quarry operation. The first monitor was located at Hammonds Plains School and this monitor picked up a vibration level of .05 inches per second. The decibel level was picked up at 117 decibels which is below the legal limits for this particular site which are .5 inches per second and 128 decibels. An additional monitor was set at the Beacon Electric building at the entry to the quarry. This monitor picked up .07 inches per second and 116 decibels. He stated they are within their guidelines. From this blast one complaint was received concerning cracks in a chimney. He stated this complaint has gone no further.

Councillor Harvey asked if they were using blasting caps.

Mr. Murphy stated they were using blasting caps but this was not a concern because they are using non electric initiation. Mr. Hall stated that by integrating the company's operation to include it's

own quarry at the proposed location only two kilometres from the existing head office, truck traffic will be reduced on the Hammonds Plains Road. In the instance where the company has business in the Hammonds Plains area instead of the trucks leaving the shop to pick up material at Gateway or Rock Lake and returning to Hammonds Plains Road, the trucks can deliver directly. If work is being conducted at the Maplewood, Haliburton Heights, Kingswood or Hyland Park Subdivisions key developments in the company's operation an average of twenty less kilometres per trip would be realized. There would be less truck traffic on the Hammonds Plains Road.

He introduced Mr. Steve Kent, solicitor for Vernon Kynock Trucking Limited. Mr. Kent stated that the municipal planning strategy contemplated at many points in the general discussion this type of operation in District 18. Generally this type of operation is permitted in this Mixed Use B Designation. Adjacent to that is a Rural Resource Designation which is at the back of this land. In that area that type of development would be encouraged. For information he stated that this type of operation is discussed on page 10, 14, 16 17 and 42 of the Municipal Planning strategy. He reminded council that on the Kynock land there is a limited amount of this resource to be developed. Nine acres is very small as these things go. Council has the control with the development contract. It can't grow at all without the people and the authority to grant that and to make a new agreement or expand the present one. He stated he would caution council not to proceed on the basis of the strategy and on the basis of the facts and information and not on the basis of questions or fears.

Mrs. Anna Eisenhower, a resident of Hyland Park, Hammonds Plains spoke in favour of the application. She stated that she has known Mr. Kynock for approximately 30 years. She stated that after purchasing his first truck in 1968 he operated from his home. In 1975 he took over the lease on the Irving station in Hammonds Plains and moved his trucking business to that location. In 1991 he built a facility in Hammonds Plains to house his fleet of trucks and related excavation equipment. This facility is clean, tidy and attractively landscaped and an asset to the community. Kynock Trucking and Hammonds Plains Irving are corporate citizens. Mr. Kynock employs up to 51 people depending on the season. Approximately 95% of his employees live in and pay taxes in the community. His service station has employed young people for part time work over the years. His employees who are volunteer fire men are encouraged to attend emergency calls during working hours. He is a consistent supporter of community groups. He has helped many needy families in the community. He has provided a float truck for the annual parade in Bedford. He has many employees who have been with him for more than 15 years. His company has a reputation for doing quality work and his equipment is always clean and in excellent condition. She stated that much of the opposition to this project is based on the lack of knowledge about the specifics of the project. Some of the opposition appears to be a personal

attack on Mr. Kynock. All communities need a commercial and residential mix for taxation so as not to place undue tax burdens on residential home owners. Mr. Kynock's company is the largest single company in the community thereby creating many jobs for local residents which contributes to the tax base. She supports the project and urges council to approve the project.

Mr. Leonard Silver, Sackville stated that he has been an employee with Mr. Kynock for eleven years and he is originally from the area. He stated that he is concerned with what is going on because it affects the employees and their pay checks. They are concerned because times are tough and they want their employment to continue. He named a number of construction companies that were no longer in business. He stated that Mr. Kynock is a good businessman and does things in the company to generate work. He stated that the employees want the quarry to go ahead because, with the loss of the shale pit, they have lost their competitive edge. This quarry will give them back that edge. It will help ensure their jobs. The quarry is about people and he strongly urges council to consider this when making their decision.

Ann Haughan stated that she has known Mr. Kynock all her life. She knows him to be a responsible individual and fully supports Mr. Kynock in his proposal for a quarry. Under the terms of the development agreement he will be permitted only one blast per year and to crush in July and August. She cannot see how this proposed project can be harmful to the community or to the environment. There are people in the community who are opposed to this project but all concerns have been addressed in the development agreement. She stated that she had been approached to sign a petition against this project and when she declined she was forced to defend herself eight times. She was told her signature was vital because her refusal to sign would mean Blue Mountain would win their appeal. She stated she could not understand the connection. She was also told that because Mr. Kynock had his business, service station and land development business he did not need to make any more income. She was then told her property value would depreciate so drastically that it would not be worth her while to sell if Mr. Kynock's project was approved. She then made it her business to find out more and she feels that it cannot harm the community or the environment. She stated that the employees will also benefit from this development. She asked council to approve the application for a quarry.

Mr. Kynock stated that he has lived all his life in Hammonds Plains. He stated that early in life he decided that Hammonds Plains would be where he would live and work. He stated that in June 1968 he bought a truck and started in the trucking industry. He stated that the subdivisions required crushed rock. He stated that he owes the success of his companies largely to the people of Hammonds Plains who have supported him over the last 25 years. In 1986 he started a development company who's objective was to

develop residential land which meant road building and lot excavating. This meant work for the trucking company which provided steadier and more employment. All of his businesses are related. Approximately 50% of the trucking company's revenue is generated through the sale of materials such as fill, topsoil, shale or slate, sand and crushed material. Recently they lost the source of shale and slate because of Department of the Environment closed it down. This necessitated the opening of the quarry. Hammonds Plains is going to continue to develop and the need for this small quarry is imperative to the company to keep up and maintain employment. He stated his staff is made up of local people and he supports all community projects by contributing to all events and sports teams when requested. He supports his community and has no intention of altering this practice. In the past five years he has invested heavily in Hammonds Plains by building a new home, and office complex and repair shop. He stated that he has proven that he is a good taxpayer who, in the long run, is looking out for his community. He stated that this project will not be detrimental to the community or its people. He asked council for their support for a project that is necessary in these tough economic times.

Councillor Harvey asked if there was an over abundant supply of quarry material in the metro area.

Mr. Kynock stated there is in some areas but not in his.

Councillor Harvey asked if the traffic would be going either East or West once it has left his site.

Mr. Kynock stated that all the development is West except for Kingswood Subdivision.

Councillor Harvey asked if he was sole owner of this piece of land.

Mr. Kynock stated that he is the sole owner.

Councillor Taylor asked if the intention of the quarry was to replace the shale pit.

Mr. Kynock stated that it was.

Councillor MacDonald asked how many trucks would be coming from the site per day.

Mr. Kynock stated that this would depend on how many orders they had that day.

Councillor MacDonald asked what the deepest hole would be.

Mr. Kynock stated that there was a fifty foot face. He stated they would not be making a hole but levelling the hill off.

Mr. Stanley Havill, North American Real Estate, stated that he has seen Mr. Kynock grow from a small business into a substantial one and he is impressed with how he has handled things. The property has been taken care of. He stated that he feels that people like Mr. Kynock should be encouraged. He feels that Mr. Kynock is giving a great deal more to the community than what the average person is.

Mr. Mel Earley, Highland Park, stated that he is in no way connected to Mr. Kynock. He stated that Hammonds Plains consists of both light and heavy industry. He stated that the character of the area is commercial. He stated that Mr. Kynock is a conscientious man. He stated that the proposed quarry is 800 metres from the nearest road behind a heavily forested area. He stated that he feels that this project does not pose a safety or environmental hazard. He stated he support the agreement. He stated that there are more people in his area who are not against this than those who are against it.

Mr. Tom Robertson representing the Halifax County Business Association stated that he felt the project should go ahead because it will provide from 4 - 6 permanent jobs. It is being proposed by a local small business and any profits generated from it will stay in the local area. He stated that small business employs most of the people and pay most of the tax. He believes that this operation should be approved so that the number of unemployed will be kept off the unemployment or welfare roll.

Isabelle Cassell, a resident of Hammonds Plains stated that she is a friend of Mr. Kynock and his family. She stated that Kynock has been a business name having integrity. She stated that Mr. Kynock is ready and willing to help with the needs of the community. He is willing to reach out and help people. She stated that Mr. Kynock deals only with facts and realizes the importance of community business working together for the benefit of all and strives to that end. She feels that Mr. Kynock should be encouraged to expand his business in the community. She stated she was in favour of the quarry.

Mr. Allan Smith, Sackville, spoke in favour of the application. He stated that it is felt that small operations don't impact the environment to the extent that a large operation does and those small impacts can be more easily mitigated. Small operations are easily monitored. He stated that all facets of life have an environmental impact and it has been expressed that the environmental impact from this project will be minimal. He stated he does not know if there are eight jobs at stake or not but if someones job is at stake he does not see a single environmental concern which is grave enough to cause one person to lose either his job, home or car. He stated that dust should not be a problem because there is a tree barrier and the number of trucks going back and forth is not great. He stated that a project should not be

stopped because of the potential for problems.

Mr. Wayne Cassell, Hammonds Plains stated that he was in favour of the application by Mr. Kynock.

Mr. Ronald Cox, Lower Sackville, spoke in favour of the application. He stated that he did not feel that there would be a problem with the trucks passing the school.

Mr. Don Barringer, Hammonds Plains, spoke in favour of the application. He stated he has a daughter attending the elementary school in question. When he became aware of this project he visited the site and obtained details of the project. Having found it was only 50 thousand tons per year, he dismissed it as not being important. He found out there was community opposition to this project which is natural; however, he wrote a letter to his councillor as he felt this would not have a detrimental effect on the community. It is out of site of everything that goes on in Hammonds Plains.

Mr. David Barrett spoke in favour of the application. He stated that Mr. Kynock has helped people outside the Hammonds Plains area as well as in the area.

Mr. Archie Fader, Sackville, spoke in favour of the application. He stated that he has done business in Hammonds Plains and was a competitor of Mr. Kynock's father. He respects Mr. Kynock for what he has done in his community. He stated that there is a recession and he feels that it will be the small businessman who will turn things around.

Mr. Bill Fenton, Bedford, stated he is in favour of the project. He stated that he owns land in Hammonds Plains and when that land is developed rock is needed. He does not feel he should have rock trucked from Rocky Lake through the Hammonds Plains Road or from the edge of Halifax through the Kearney Lake Road. This ties up the highway with traffic. He stated it would be logical to have the quarry.

Mr. Barry Zwicker, Hammonds Plains Road, spoke in favour of the project. He stated that he has hired Mr. Kynock's services as well as having him as an employer. He stated that the spinoff income in the area is approximately two million dollars which is equivalent to 60 jobs.

SPEAKERS IN OPPOSITION

Mrs. Dorothy Bezanson spoke in opposition to the project. She stated that residents were told when other quarries were started that the dust problem would be only for a short period of time with very little inconvenience, but quarries grow. The short term concern such as cracks in basements or damage to wells are part of

her opposition but traffic concerns are paramount. She feels that a quarry in Hammonds Plains would be a very serious mistake.

Joyce Evans spoke in opposition to the project. She stated she lives very near the quarry site. Her home borders on the half mile limit and her family owns land within the half mile limit. Her home was built twenty years ago and they spend their summers at home. It worries her that a rock crushing quarry will damage the quality of life and the neighbourhood stability. Hammonds Plains Road has become a busy road which is narrow and hilly with potential for accidents. Through truck traffic was banned within the last couple of years because it created a dangerous safety hazard. From three o'clock until six o'clock is a hazardous time with commuters hurrying home from work. She stated she felt there was considerable coercion, last summer, by Mr. Kynock and his consultants to get that permission. Twelve landowners have not yet given permission. She feels that it must be concluded that the proposed quarry development has not met the separation requirements for the pit and quarry guidelines. In her opinion separation distances should be much greater than one half mile. She stated that she has learned that blasts vary depending upon the rock and how the holes are loaded and fired. Further research, on her part, conveyed that air and ground shocks exceed one mile. Proof that structural damage was done by a certain blast is almost impossible and insurance companies do not always stand by you. She feels that this proposal is not fair to the children of Hammonds Plains School because noisy trucks can be a nuisance. She stated that to ask the residents to accept the quarry as a neighbour is too much.

She said that the Supervisor of Grounds and Maintenance for the School Board has signed permission for the blasting even though the school was less than a third of a mile from the quarry site. She wondered if the children's right were taken into consideration. She stated she knew Mr. Kynock needed a supply of rock and that this would provide an excellent supply. She said she did not agree that the rock needed to be moved. She stated the residents had to have some quality of life. They presently put up with lots and traffic and light industry on a daily basis very patiently. She stated she understood that the Municipal quarry had a good supply of rock for the foreseeable future and it was her impression that the Nova Scotia Department of Mines and Resources had a list of appropriate sites where a development of this nature could be established. If there were no other sites where this particular aggregate was available or if the demand exceeded the present supply, she said perhaps there would be a really good reason to allow the development to go ahead.

She asked if any of the Council members would like to live a half mile from a quarry, especially if there was no choice, and the operation was allowed to establish where they had resided for a long time. She said she thought not. She stated the whole ordeal had been very hard on some of the senior citizens who owned large

parcels of land and treasured them. She stated she did volunteer work in the community as well but did not think that had a whole lot to do with a rock quarry.

Councillor Bates stated Ms. Evans had mentioned a concern about trucking on Hammonds Plains Road. He said it had been suggested that trucking would be cut down rather than increased.

Ms. Evans stated she could not see that reasoning. She said she guessed she was looking at her own selfish interests because there was bound to be a lot of trucking past her front door. Also, there would be opportunities open to Mr. Kynock that he does not now have and his business would probably go ahead by leaps and bounds. She said she had really tried to understand the "less trucks on the road" reasoning but she stated she needed to worry about herself.

Councillor Bates asked if Ms. Evans had been coerced by Mr. Kynock.

Ms. Evans stated she had been visited very frequently by Mr. Scott Hall who had said, during his last visit, that he hoped he was not harassing her. She said she had laughingly replied yes and that it was day after day for awhile.

Councillor Bates asked if that was more promoting that coercing.

Ms. Evans stated, in her opinion, he knew himself he was coercing.

Councillor Bates asked about the schools around the Rocky Lake quarry and why should it be any different in Hammonds Plains.

Ms. Evans replied that C. P. Allen High School was a little further away. She said she knew the school and desks shook and that the school had been evacuated on a couple of occasions. She said she knew it was very closely monitored every three months and asked why this was if there was not a potential for damage.

Councillor Bates noted there was an ad in the newspaper asking people to show up at this meeting to speak against the project. He asked if Ms. Evans was aware of who had put the newspaper ad in.

Ms. Evans replied that it was not her.

Councillor Ball asked how close her property was to the proposed site.

Ms. Evans advised that her house bordered on the half mile; it was just barely outside but that was not terribly comforting.

Councillor Taylor asked about the transportation problem insofar as had Ms. Evans considered that it may be a provincial government problem and not Mr. Kynock's. He asked if any correspondence had been sent to Department of Transportation as they were clearly

responsible.

Ms. Evans replied that two years ago Department of Transportation had felt that through truck traffic was definitely a safety hazard. They took the through truck traffic off the road.

Councillor Taylor stated he considered the problem to be Department of Transportation's and pointed out that less than 5% of trucks nationally were involved in vehicle accidents.

Warden Lichter asked how many signatures on a petition against the project was she able to get.

She replied that she herself had gotten 60-70.

Warden Lichter asked if she had ever had to re-visit the people who had not been able to make up their minds the first time to sign the petition.

Ms. Evans replied yes but she did not push them.

Warden Lichter asked, then, did she harass them the same way she was harassed.

Ms. Evans explained that on the first visit a piece of paper was presented advising of the quarry meeting. Those who knew about the meeting signed right away. She said she went back to about three houses. She said she thought her neighbours knew her well enough that she did not push her weight around.

Mr. Doug Curren, Hammonds Plains, spoke in opposition. He asked how many people in the gallery were relatives or employees of Mr. Kynock. The show of hands, in his opinion, was impressive.

Mr. Curren stated he had heard a lot of talk about coercion and people being intimidated and pressured. He stated he had neither someone come to his door for him to sign a petition nor had a prominent businessman or his employer asked him to come. He cautioned Council that it was obvious one would have more impact than another. He stated that buying a house was an emotional event; if there is a quarry, property values will go down because buying a house was an emotional decision.

Mr. Walter Regan, Vice-President, Sackville Rivers Association stated his Association had concerns over the quarry. He said the Association would support the development as it benefitted local businesses but wanted to ensure the activity was not a detriment to the environment. The Association supported, and wished Council to support, a full environmental impact assessment before the development proceeded. He asked why the Nova Scotia Department of Environment closed the other pit and what safeguards would be in place to ensure that this does not happen in this development. He

asked if the developer had repaired all the damage and corrected all the reasons for which the Department of Environment closed the other operation. He asked what action the developer would take to completely rehabilitate the Lucasville site to a clean and pristine condition and perhaps turn it over to the County as a park for the benefit of the entire community - as a conscientious developer.

Mr. Regan said the Association felt the size of the quarry was chosen so that the developer would not have to undergo a full environmental impact study and this was wrong. A conscientious developer, thinking of the community and the environment, would voluntarily undergo a full assessment impact study. He asked what would happen when the nine acres had been fully used - would he apply for another one? Would the end result be a huge quarry of 153 acres or 17 small quarries. He asked if the new quarry had been tested for acid slate or other offending materials. He asked about permits, water rights, topsoil removal, environmental permits, etc. He stated he would personally have liked to have seen them attached to the Staff Report. He asked why the County did not take a progressive, environmentally sound stand of insisting that all quarries in the County undergo a full environmental impact study. He asked if the area needed another quarry site and answered he thought not. He asked who gave permission to remove the natural vegetation when the Development Agreement was only being considered now. He said he presumed the proper permits had been obtained. He asked if the Nova Scotia Power Corporation had been approached about a quarry so close to the power line and asked what effect blasting would have on the power transmission equipment. He asked if there had been a bird, fish, animal count done and what effect the blasting would have on them. He asked, where the road crosses the brook, why was it a culvert not a bridge and had the necessary permits been obtained from Department of Environment and Fisheries for this work.

Mr. Regan stated that surrounding the site were several wetlands, brooks and lakes and asked what effect the dust blown from the rock pit and crusher would have on them and had this been studied. He said the dividing line between the watershed of the proposed quarry was located next to the Sackville River watershed and stated the Association's concerns were what effect the blasting would have on this bedrock. He stated it should be determined what damage, if any, blasting would cause to the bedrock and septic tanks which may or may not rupture as a result. He stated that any sewage from ruptured septic tanks entering the Sackville River watershed, or any other watershed, would be detrimental and should not be allowed. Seepage from septic tanks would cause eutrophication at the headwaters of the Sackville River. Eutrophication was a process that occurred when extra nutrients were present and an abundance of moss and algae grow to the effect that oxygen was removed from the water; fish would then not be able to survive. The process would also be felt in other lakes and brooks and would possibly degrade the Sackville River.

Mr. Regan stated that a second concern was fracturing of the bedrock which would cause transportation of water between the Sackville River watershed and the quarry watershed. This would upset the flows in both systems with an unpredictable effect. He said the quarry may affect the Sackville River system which was now returning as a prime salmon river. It must be protected from any stress that would degrade it. It was simply too valuable as a natural recreational and quality of life resource.

Mr. Regan stated he was concerned as to why the County was trying to downgrade guidelines. The Pit and Quarry guidelines stated very emphatically that all signatures must be obtained and he asked if this should not be followed to the letter, if that was the intent. He referred to the fact that the agreement stated that no vegetation would be removed within 500' of the active quarry site but the plan showed only a 50' buffer zone next to the property line. He asked who and how often would the sediment pond be checked to ensure that the developer followed the rules. He asked if the developer would give a \$4 or \$5 surcharge to the County for site rehabilitation on closure of the project and did the developer have permission to use the Nova Scotia Power Commission right of way as a settling pond and what effect would it have on the transmission facilities. He asked what bathroom facilities would be used by the quarry employees and where would their drinking water come from. He asked what water would be used in the quarry operation.

Mr. Regan stated that the Association also preferred that all rock leaving the site be washed before allowed to leave the site so that no dust or dirt would be allowed to accumulate on the road or elsewhere. He asked that Council take note that Nova Scotia Department of Environment had already stopped two quarries in the general area. If this development went ahead, he proposed that an oversight committee be set up of independent people to monitor the site and report if it does not follow the guidelines. He asked what analysis would be done of the water leaving the site and noted that all settling pond material must be put back into the quarry. He asked if any analysis would be done to ensure it was not toxic. He asked about berm construction after blasting to ensure there would be no leakage to the ponds.

Mr. Regan stated the Association was not against the development but against the development without an environmental impact study. He asked that the guidelines be followed.

Councillor Bates stated it was his understanding that the provincial government was not fussy with having Council tell them whether or not an environmental assessment should be carried out. They would be the ones to make the decision. He asked if this was correct.

Warden Lichter responded that this was correct. The provincial

government was going to make the decision and were not prepared to negotiate with the County in getting opinions from them in advance of the County making a decision on Development Agreements, rezonings or Public Hearing outcomes such as being dealt with tonight.

Councillor Bates stated if an environmental assessment was requested, it would mean being against small business ever developing a quarry this size. It was his understanding that it would cost around \$100,000 and asked Mr. Regan if he was aware that was the cost.

Mr. Regan stated he believed the cost was in that range and he did not believe it was a detriment to small business. Small business usually was community minded and a community-minded conscious developer would volunteer to submit to a full environmental impact study to get his neighbours to support the project. He stated that if Council were to voice an opinion regarding an environmental impact study, it would have to be taken into account.

Councillor Ball asked if Mr. Regan was aware who put the ad in the newspaper. Mr. Regan replied no, his Association could not afford it.

Betsy Van Helvort spoke in opposition. She stated she was representing the Black Duck Committee, which was a committee of approximately 20 different groups from Halifax, Bedford and the County. The committee was an Ad Hoc committee and its original purpose was related to one particular quarry proposal; however, the mandate at this point was related to what they perceived as the need to provide sufficient legislation so that quarrying not only benefitted industry but also the residents.

She stated the Committee was not in opposition to an individual proposal nor Mr. Kynock but wanted to address the Municipality regarding the need for the Municipality and province to take responsibility together to ensure that the legislation and guidelines are strong enough to ensure protection.

She stated that in November they had spent six days at an Environmental Control Council hearing and there were literally thousands of pages of documentation available from Department of Environment and information relating to quarrying generally feared by residents. Where some people had fears that were unfounded, that particular documentation was important for municipalities to peruse so that they would be aware of documented cases where rock quarrying has affected the public in ways that have financially made it quite a burden as well as damaging waterways, drinking water and health. The recommendation from the Environmental Control Council was that the legislation surrounding pits and quarries must be resolved. She stated her Committee believed there was not sufficient inter-governmental working to resolve the

issues. They found that the ability of government to adequately monitor and control quarry operations was a clear concern and included a lack of sufficient government resources coupled with a weak regulatory mandate to monitor and control quarry operations.

She stated that everybody wanted to live together and that she lived right off Hammonds Plains Road and it was definitely a very mixed community. People were very supportive of one another.

She stated that the Pit and Quarry Regulations were minimum guidelines and it was not the fault of industry to have to follow a minimum guideline. There was damage to people in that they were not able to be compensated based on the minimum guidelines. This was a serious problem. She stated that people did not want to lose their well water or be told that their house was not good enough to withstand a blast. It was clearly documented that it was very difficult to get insurance claims met. She stated that people did have legitimate concerns. Often both levels of government turned a blind eye, under their current protection of their own legislation. The Planning Act must allow quarries; however, their ability to monitor was limited because it was the responsibility of the provincial government. Each level of government was bound by their own legislation and there was no inter-government legislation that solved the problem.

Councillor Bates stated he understood Ms. Van Helvort's concern was a general concern not specifically related to this quarry. She responded yes, any quarry within metro.

Councillor Bates noted that Councillors have a problem with people saying they are over governed and the experts on the environment were working for the province. People were saying they were paying too much taxes now. He advised that the provincial government had indicated to the County to leave the environmental issues to the province.

Ms. Van Helvort responded that the Environmental Control Council had indicated there was sufficient ability to monitor the problem. They do not have the staff to monitor, even though it was their responsibility.

Councillor Ball asked if the Committee or any member of the Committee had placed the advertisement in the newspaper. She replied no.

Ms. Eileen McCormick, St. Margarets Bay spoke in opposition. She stated she wondered what the reason was for wanting a quarry in the area, when she looked at the agreement, when there were so many quarries working under capacity in the metro area. She said she was not referring to the Municipal quarry. She said she called the operators of several of the metro quarries recently and was told that the picture had not changed in the last six months. She

stated she was quite interested in the fact that there would be less traffic on Hammonds Plains Road because Mr. Kynock would get the local bids. She said she found that strange because she assumed that all metro quarries would be applying for the same tenders and was not sure that Mr. Kynock would get them all. She said she understood that the aggregate from the Municipal quarry was considered one of the best in the area because it had been well washed before delivery.

She referred to the Staff Report dated April 27, 1992 regarding one blast per year but that all blasts would occur on weekdays during the summer months after the school year. She asked if it would occur on one day or not. She was told on one occasion.

She pointed out that the Staff Report did not state that trucking would be prohibited during the time children leave school for the day when they would be walking up and down Hammonds Plains Road.

She noted that the portable crusher would be working from July 1 to August 31 and pointed out that this was the time that more residents would be at home. She stated that section 6.7 of the Staff Report seemed to be redundant if the operator was only allowed to use the crusher between those dates and asked if that was a loophole.

She stated, in her opinion, the wording in the agreement needed to be tightened up because it could be taken advantage of. She asked that blasting could be stopped if a weak seam was hit if the process was begun. She made reference that the line denoting the half mile was drawn from the perimeter of the quarry site on the south. If the same distance were drawn on the north, it would include the school, gas station and homes but noted in the guidelines that inclusion was not recommended for these. She asked if the map was wrong. She asked who would be monitoring the blasting and where seismographs would be placed and how was the County going to enforce that only Mr. Kynock's trucks were used in the operation.

She stated she was sorry that the whole business seemed to have divided the community completely. She noted that because of the good things she had heard about Mr. Kynock being an extremely good citizen, she suggested he would possibly like to have an environmental assessment done so that everybody's concerns could be put to rest.

She stated that information regarding wildlife and flora and fauna appeared to be missing from the Staff Report. She stated that there were cycling clubs using the Hammonds Plains Road in the summer and this would create a dangerous situation with trucks passing. She stated the two months chosen were not the best.

Councillor Taylor asked if the speaker felt that Mr. Kynock should

be penalized because of the highway design.

Ms. McCormick stated no but to assume that the truck traffic would be reduced was wrong.

Councillor Ball asked what direct impact the quarry would have on Ms. McCormick's property as she was a resident of St. Margarets Bay.

Ms. McCormick replied it had no impact on her property but she used the Hammonds Plains Road quite a lot and it would have an direct impact on her car.

Councillor Ball asked if Ms. McCormick had put the ad in the newspaper. Ms. McCormick replied no.

Councillor Ball asked if she knew who did. Ms. McCormick replied she could not answer that.

Ms. Shirley Evong, Kearney Lake, stated that the residents of Kearney Lake, from 1967 to 1984, had to put up with blasting to their homes, drilling, constant noise from crushing, dust, smoke, runoff into Kearney Lake and heavy truck traffic from two quarries in her area. She said one quarry, Atlantic Sand and Gravel, left in 1984 but Gateway Materials was still there. In 1967, Standard Paving moved into their area within one half mile of all residents of Kearney Lake. She stated a meeting had been held with Standard Paving, the County of Halifax and the residents and it had been stated that the land would be cleared with a stone crusher just long enough to put their offices up, approximately two to four months. This was on the record of the Halifax County Planning Board and was verified by Ira S. Settle. She stated that Atlantic Sand and Gravel and the stone crusher stayed there for 17 long years. Because the land was zoned general, the residents believed they could not do anything about it and were never told by the County of Halifax regarding a half mile radius and that they had to have written permission. All the residents of Kearney Lake were in the half mile radius. She said if they had known, the two quarries would never have gotten in to destroy their lives.

She stated that the quarries were not permitted to work on weekends; therefore, that time was the only peace they had. When Atlantic Sand and Gravel lands were included with Halifax in 1969, they were put on restrictions not to blast on overcast days but they did just what they wanted. She stated that her home had received blasting damage to the amount of \$12,000 by 1976 from both quarries and some residents had their insurance policies cancelled or not renewed or were told that there would be no more insurance claims due to blasting. She referred to the MacLaren report which confirmed this. She stated the value of the homes in the area declined in value and her taxes were reduced because of the presence of the quarry. She stated that letters were sent to the

Minister of Environment in 1974 and a study was carried out in 1976 which resulted in the MacLaren Report which gave the companies two years to wind up their operation because they were having a detrimental effect on the environment of the Kearney Lake area if the intended use was to be residential.

She asked how one would expect the children in the school near Mr. Kynock's proposed operation to concentrate. Also, the heavy traffic needed to be taken into consideration for the safety of the children in the area. She stated that serious consideration should be given to the residents of Hammonds Plains and surrounding area. She hoped the residents of Hammonds Plains would not have to endure what the residents of Kearney Lake have had to put up with for 17 years.

Councillor Bates asked what the size of the quarry was that Standard Paving operated.

Ms. Evong replied there was a 20 acre site which was cleared off. She stated she had proof of her damage claims.

Councillor Bates asked if she had placed the ad in the newspaper. She replied no.

Mr. Ken Fisher, Hammonds Plains spoke in opposition. He stated that he did not have anything to do with the advertisement.

He stated the proposed quarry had already been blasted at least once and he had been unable to ascertain if a valid permit was in effect at the time. The quarry proposal limits the transfer of rock from the quarry until after 9:00 a.m. The limit was twofold - for the safety of school children and for traffic control. This would mean that a perceived danger existed. He asked why the restriction was not in place for lunch hour and after school. He said he did not believe the hour of day affected safety and submitted that the identical dangers existed during all three periods. He noted that the local morning traffic repeated itself in the evening; therefore, that time should also be considered. He stated that Hammonds Plains Road had been closed to trucks for a period of time now because of road conditions and community concern for noise level and traffic volume and safety. The increase of traffic around the school allowed by this proposal would defeat the purpose of the ban. He said the environment may be affected by the slate used for the road into the quarry; the slate to be used was high in acid and would allow acid runoff into the brook. He said this was an area that relied on wells for its water.

Mr. Fisher said that the distance of the proposed quarry to the established structures was close enough to require, by guidelines, permission from 100% of the neighbours. Although only a guideline, so were many items that Council was being asked to ignore. He stated if Council, as the representatives, allowed simple

guidelines to be pushed aside, where did the residents stand.

He asked if he could be assured that there would be no structural damage to the school or portable classrooms. He asked if blasting could destroy the school's water supply which, at best, was uncertain. He asked if damage caused by blasts would be repaired immediately with no lengthy battles. He asked if any damage that occurred from the first blast was responsibly dealt with. He asked for reassurance that the blasting would not affect the potential propane bomb situated 100' from the school classrooms at the Irving station. He asked if the dust level monitoring would be done by a completely unbiased department. He noted that some children attending the school suffered from respiratory problems and asked if medical insurance would or could be provided by the developer for the purchase of any special equipment required to ensure that young people affected with respiratory problems were able to remain in class. These children needed to be guaranteed the same educational opportunities as their peers. He stated that the fact that parts of the proposal needed to be renewed and were open to deviation as deemed fit by the Development Officer left one to wonder if, in fact, this meeting and the community division would be renewed annually for the next nine years.

He stated the proposal talked about the quarry as if it were outside the Hammonds Plains community when in reality it was to be situated in the heart of the community. He requested that Council consider the lives of the children going to Hammonds Plains School and the wishes of their parents and asked that Council not allow the quarry to proceed as presently planned.

Mrs. Kathy Smith spoke in opposition. She stated she had grown up in Hammonds Plains and knew the area as a family farming community. She had lived in her present home for 15 years and had seen real growth in the area. She stated she had canvassed the area and was surprised to find out that a large portion of the community did not know anything about the quarry and those who did had been under the wrong impression. She said that people came to Hammonds Plains because it was close to the cities but still a country atmosphere but the quarry would change that.

She stated the Pit and Quarry Guidelines suggested one half mile from homes but the school was less than one third of a mile and several homes and businesses were less than one half mile. She said her home was one; she was short by 50'. She said there were 41 properties on the environmental list in the preblasting zone. Out of the 41 lots, there were 16 votes against the quarry and three of these votes belonged to the school, fire station and fire hall. She stated these votes should have had public input before a decision was put on a piece of paper. The ratepayers of the area were very annoyed to find out that the information from the Department of Environment said that the votes for the school, fire station and fire hall had been voted yes for the rock quarry.

Also, she pointed out that five votes were from Mr. Kynock's own properties. She stated her home would be unprotected from damage that may occur because her home was 50' short of the half mile preblast area and was built on a rock ledge that would be blasted. She said she also had a natural spring which was her well and she had been advised that she could lose her well if the blast hit the right part of the vein.

She stated she had known the Kynock Construction Company for approximately five years because it was across the road. Mr. Kynock was a businessman and, therefore, not always thinking of the residents of the area when they chose their working hours. The residents had to put up with early morning hours and there was no Noise By-law in Halifax County. She stated her children had asthma and she had been advised that the quarry would be environmentally unsafe for them because they would be exposed to the dust at school as well as at home. There were approximately 45 children with asthma at the school.

She stated she had helped take up a petition and wanted the people to know that the School Board and Fire Department had made the decision without letting the residents know and to give people facts on the quarry.

She stated her medical consultants had told them to move but they felt that after 15 years and a recession, why should they have to pick up and move. They were not in any condition to do so.

She presented the petition and stated that people had the opportunity to say no or yes to signing the petition.

Warden Lichter asked if Mrs. Smith had placed the ad.

Mrs. Smith stated no she did not and did not know who did.

Mrs. Jean Pender spoke in opposition. She said she listened very intently to those tonight who were in favour of Mr. Kynock's quarry, stated she was not against quarries but how the people in Hammonds Plains felt, especially those within one-half mile of the property. She said she could see the importance of an environmental assessment being carried out, although it was very expensive. She made reference to guidelines, which were only guidelines - not regulations - and there could be many exceptions until the law was changed. She wondered what people did before the Department of Environment came into being. She stated she did not place the ad in the newspaper.

Mr. Ambrose Smith stated he was representing the Fire Department and wanted the people to know that the Fire Department had not stated whether or not it was for or against the quarry; it was staying neutral and had to work with all the ratepayers of Hammonds Plains.

Mr. Kelly read Correspondence in opposition into the record as follows. He read a letter from Margaret Fraser, 2183 Hammonds Plains Road, a letter from Rick Collins, 20 Meadowview Drive, Bedford who stated he was a member of the Halifax County/Bedford District School Board and a letter from Raymond Smith, Hammonds Plains.

Mr. Kelly advised there were three other letters received prior to the meeting which had been circulated to members of Council.

Mr. Kelly read the petition submitted in opposition.

DECISION BY COUNCIL

Councillor Giffin stated that the situation was dividing and hurting what had heretofore been a peaceful and harmonious community. The matter was sensitive and people were concerned, and some afraid. He stated he did not place the ad in the newspaper nor did he see the petitions but, if he had seen them, he would have signed them. He said he, too, would not want a quarry 800 meters from his home.

Councillor Giffin stated that when the planning process was gone through, and he sat on Planning Advisory Committee, people felt they were protected by the Pits and Quarries Regulations. Unfortunately, Department of Environment did not always accept them as Regulations and says they are guidelines depending on when they want to use them.

Councillor Giffin referred to page 64 and 66 of the Planning Strategy and commented on same. He said he had been asked why extraction resources were not excluded from the plan. He explained that if they had tried to exclude it from the plan, Department of Municipal Affairs would have corrected that when the plan was going to be passed. He stated he had grave misgivings regarding the Pits and Quarries Regulations but stated, in his opinion, there was nothing that could be done about it unless the Minister had the backbone to stand up for us.

Councillor Giffin said he did not know if County staff was taking the tack that they must have 100% participation with the half mile or not. He referred to Blue Mountain Resources. He stated he had a list of the people who had and had not signed permission for Mr. Kynock to operate his quarry and said he would rather look at the question, not in light of 76% having signed, but 24% had not. He pointed out that if the businesses on the list were taken out and just the people who lived 24 hours in the area, it would be found that over one third had not signed.

Councillor Giffin stated that if the County was to be administered strictly by books and guidelines, there would be no need for Councillors; however, Councillors were elected by the people to put

the human element in. He referred to the Graham Commission and the MacLaren Report which both stated that pits and quarries did not mix with residents. He charged every member of Council to examine in their hearts and conscience what it would mean to the families who would have to live within 800 meters of the quarry if it was approved. He referred to the heavy increase in truck traffic which, in his opinion, would mean 5,000 more truckloads of stone. He pointed out that when school was out, children in the area used the playground so there was more danger during the summer months than during the school year.

Councillor Giffin referred to decision by the Appeal Division of the Supreme Court of Nova Scotia, outlined same and stated that County Council's Appeal had been upheld and that Council had certain rights. He asked for support from Council to defeat the Development Agreement and maintained that the quarry would pose significant and unacceptable risks to the natural and social environment of the community of Hammonds Plains and its adjacent subdivision.

It was moved by Councillor Giffin, seconded by Councillor Peters:

"THAT THE APPLICATION BY VERNON KYNOCK TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY TO PERMIT A GRAVEL PIT OPERATION ON THE HAMMONDS PLAINS ROAD NEAR ENGLISH CORNER BE REFUSED OR DENIED BY MUNICIPAL COUNCIL".

Councillor Taylor stated Council had heard an abundance of material and it had been suggested that there was a monopoly on some of the material as well. He stated he was unsure if it was true. He stated this was supposedly a democratic country. He stated the transportation system was clearly provincial government jurisdiction. He stated considering the employment factor, this would certainly sustain the number of people employed and perhaps even Mr. Kynock would be able to expand if this was allowed to go through. With respect to small business, he felt it was imperative upon Council to do all it could. He stated there was a provision in the Municipal Planning Strategy that allowed for a Development Agreement in that district. He stated he appreciated Councillor Giffin's comments and the position he was in but he considered the human element too and stated he would not support the motion.

Councillor Bates stated he, as well, would not be supporting the motion and he had taken into consideration the human element. He stated he liked to listen to all the speakers who attended the Public Hearing and got more out of listening to them than he did from a petition. He expressed concern with the human element when it came to the small business that Vernon Kynock had operated. He stated many individuals had spoken with respect as to the number of years he had provided employment in the area. He did not know what County Council was going to do if they continued to turn away small business from the County of Halifax as was brought out by the

President of the Halifax County Business Association. He stated he knew that individuals had some concerns and there was always two sides to every issue. He said he found it difficult to understand some of the peoples' concerns, for instance increased traffic. It had been very clearly pointed out that the operation would travel a shorter distance to deliver to people who required rock from the quarry. He pointed out the restrictions in the development permit. He questioned how many businesses in Halifax County were restricted from carrying on their business, driving their trucks at a certain time in the day, etc. He stated the major points brought out by the speakers in favor, in his opinion, far exceeded any of the individuals that opposed the agreement. As far as the environmental aspect was concerned, Council had been told by the provincial government that Halifax County was not the experts. He stated the developer went through an awful lot to get to this point, the application was supported by a considerable amount of people in the area, and for that reason, he supported what Mr. Kynock was attempting to do. He stated he was opposed to the motion on the floor.

Councillor Cooper stated he wished to speak in favor of the process the Municipality had developed over the last few years with respect to Development Agreements. He stated a number of testimonials had been heard with respect to Mr. Kynock's community work, how his business was run, etc. The crux of the matter was the fact that Halifax County had reached a successful Development Agreement for a small business wishing to establish in the community. The Development Agreement, in the process, addressed many of the areas that have arisen in the past that had no solution. The process now provided solutions. He stated a general requirement for going with the regulations of the Province and the Federal Government, the permits required, the strict location of the facilities, the hours of operation of the crusher, the items that required the suppression of dust and noise, the amount of rock that could be taken, the blasting permits, the conditions under which those permits were issued and the type of blasting that could be done, the topsoil permit, the rehabilitation of the land, all of these items and many more had been addressed in the Development Agreement. He stated they were starting to arrive at the process in their plans to allow development by these agreement processes. Halifax County should continue to support these processes and have faith in them. He stated he did.

He stated one of the concerns he had was the faith that he had in the Province as they were going to address the environmental concerns under the Pit and Quarry Regulations and that was the one area he was concerned with. Council had to indicate to the Province, though they may say that Halifax County had no right with respect to the environmental area, that Halifax County did have human concerns that would keep themselves in the environmental area and call on them to apply their regulations strictly so that this type of process could go ahead and developers could feel confident.

As well, the residents would get the backing of this Council to have the development done properly. He pointed out one of the concerns discussed was trucking and the danger it imposed. He stated if Mr. Kynock was the community-minded kind of person that he showed to be, he was sure he would make it a prime responsibility to ensure the drivers working for him operate in a safe manner at all times within the community.

He stated the matter of the half mile was a concern to him. If this went back to Provincial Regulations, Halifax County must say to the Province apply them diligently and make sure the signatures are there. He stated in this day and age, he did not think a lot of people were prepared to trust heads of departments to make those decisions alone without the backup support. He stated most of the conditions of the development were met, the process was right, the Development Agreement was right. He stated he, therefore, could not support the motion on the floor.

Councillor Ball stated this was one occasion, in his opinion, when he was amazed at the very few number of speakers who spoke against the agreement and very few came from within the community of Hammonds Plains. He stated he believed Mr. Kynock had done his homework; it had been a lengthy process but he thought he had followed the rules. He stated he was not against business if the individuals balanced the community's needs along with their own needs but he was certainly against any business who would do anything or want to do anything regardless of the community's concern. He stated the Development Agreement was put there and he believed very strongly that it could be enforced. By it being enforced, it would regulate Mr. Kynock's operations. He stated he could not support the motion as it stood on the floor and, therefore, would be voting against it because he believed the agreement was balanced between the community and the development.

Councillor Brill stated he had listened to the pros and cons of the proposed quarry and had recently visited the proposed site which was approximately six tenths of a kilometre from existing homes. He indicated he also visited the Rocky Lake quarry which was located outside the Bedford town limits which was a large operation in comparison to the proposed quarry. Rocky Lake quarry was located one tenth of a kilometre off the Rocky Lake Road. He stated he checked with six of the nearest residential homes, approximately four tenths of a kilometre from the quarry. None of the families had any significant concerns with respect to the huge quarry. He stated he noted truck traffic was very heavy but that could not be attributed to the quarry alone. The plant created a great number of jobs. He stated if this quarry was not approved, they could see a loss of two new full time jobs and the potential loss of six more full time jobs with the potential of having their families on unemployment insurance and social assistance. He stated for a number of reasons, he could not support the motion.

Warden Lichter stated he wished to mention when Councillor Giffin made a comment concerning the apartment building in Sackville and the subsequent decision by the the Municipal Board and the eventual decision by the Supreme Court of Nova Scotia overturning the decision of the Municipal Board and upholding Halifax County Council's decision. The Supreme Court did not rule on whether Council was right or wrong, they simply ruled on the fact that the Municipal Board had made a technical legal error. He asked if that was correct.

Mr. Crooks responded the conclusion of the Supreme Court was that the Board had exceeded its jurisdiction by looking at matters that it was not entitled to look at in considering the appeal from Council's decision.

Warden Lichter called for a vote on the motion.

THOSE IN FAVOUR - 2
THOSE AGAINST - 14

MOTION DEFEATED.

Warden Lichter then called for a positive motion.

It was moved by Councillor Bates, seconded by Councillor Brill:

"THAT THE RECOMMENDATION INCLUDED IN THE STAFF REPORT BE APPROVED BY MUNICIPAL COUNCIL".

MOTION CARRIED.

THOSE IN FAVOUR - 14
THOSE AGAINST - 2

MOTION CARRIED.

ADJOURNMENT

Meeting adjourned at 12 midnight.

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

AUGUST COUNCIL SESSION
TUESDAY AUGUST 4 & 18, 1992

&

PUBLIC HEARING
AUGUST 10 & 17 & 31, 1992

&

COMMITTEE OF THE WHOLE

AUGUST 24, 1992

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