

Ms. Norma Kennedy introduced the members of the Task Force to council. She made a presentation to council with regards to funding.

Ms. Patricia Stevens made a presentation to council on behalf of the parents and the school board.

Dr. Don Trider made a presentation with regards to the report of the task force which had been circulated to members of council.

Councillor Merrigan said he feels that the County and the School Board should work together to put pressure on the province to support primary classes but not to turn around and make the county look like the bad guys.

Councillor Reid said the flyer that had been circulated through the schools gave the impression that the blame should be placed on Halifax County.

Deputy Mayor Bates said the point council is trying to make is that no matter which way figures are presented they are presented in such a fashion as to make Halifax County look to be the villains.

Councillor Hendsbee gave a letter from Ms. P. Wills of Lake Echo to the clerk to be included for the record. He said he would like to know what it would cost to complete the school year.

Mr. Trider said it would be approximately \$337,000 for a total of \$674,00.

Councillor Giffin said the tax rate had been set and the tax bills sent so where was the school board expecting the county to come up with the money.

Councillor Barnet asked why wasn't the board here before this point in time.

Dr. Trider said their revenue indications from the province were later than the date the county had set its tax rate. The contract negotiations that contributed 1.9 million dollars were not concluded until May. He said it was not a conscious decision to do nothing. He said they were waiting for their final revenue figures before deciding what action to take.

Councillor Barnet asked if there has been any action by either the task force or the board with regards to approaching the province with the same concerns.

Ms. Kennedy said they are meeting with the MLA's with the same presentation tomorrow.

Councillor Harvey said the million dollars the board received, in addition, was sufficient to save the primary program.

Dr. Trider said if that is matched with costs associated with it, it would have covered that.

Councillor Harvey said it would have covered but the board chose to put that money somewhere else. He asked if there were fewer or more people working, this year, at the offices on Cobequid Road.

Dr. Trider said there are three fewer people.

Councillor Harvey asked if new positions have been created. Dr. Trider said not for that building.

Councillor Harvey said the flyer does not have the names and numbers for the school board members who made the actual cut, instead it has the names and numbers of the municipal councillors who provided the board with a million dollars more money.

Councillor Deveaux said he could not support additional funding because in his opinion it would only be taking the provincial government off the hook. He said the parents should be contacting their MLA's and the province.

Councillor Brill asked if the school board has an attendance management program for all staff and what results are being obtained.

Mr. Trider said there is a program that has been undertaken by the board. It achieved success last year with respect to the substitute budget and individual schools were allocated certain dollars for professional development activity and absenteeism was kept below a certain mark.

Councillor Boutilier said he feels parents should be made aware of what is happening because right now there may be hope that the primary program will be reinstated. He said he has had calls and parents are asking if it is going to affect the primary program. He said he feels there is a mixed message being received.

Councillor Randall said the he would urge council to do whatever is necessary to increase the funding to provide the full day. He said he believes that the province has the responsibility. He said he would hope that the shortfall could be made up for at least the balance of this year. He said he feels that the hours of instruction must be reinstated, in whatever way necessary, for the primary students of Halifax County.

Councillor Snow he hopes council gives serious thought to

helping.

Councillor Bayers said he would ask, for the record, if the school board members presented supported the decision to cut the funding for the primary. He said he does not support the decision to cut the primary.

Mrs. Kennedy said she did not support the resolution.

Mr. David said his decision was to go after more funding.

Councillor Harvey asked if the School Board had come to the county, last year, asking for supplementary funding. He said he would suggest that it be noted that there was no request made so how could there be any granted.

Dr. Trider said they found that council's were establishing their tax rates in the midst of their own budget deliberations and consequently they were left without their budget finalized and with the county budget finalized there was no place to go.

Councillor Harvey said he wanted to say for the record that he has, consistently since 1989, supported supplementary funding.

Deputy Mayor Bates thanked the representatives from the School Board for appearing before council.

STRATEGIC PLANNING FOR REGIONAL MUNICIPAL REFORM

It was moved by Councillor Rankin, seconded by Councillor Fralick:

"THAT THE REPORT BE TABLED UNTIL AFTER THE MUNICIPAL ELECTION AND AT THAT TIME BE REFERRED TO THE EXECUTIVE COMMITTEE"

MOTION CARRIED

MEMORANDUM RE: AMENDMENTS REQUIRED DUE TO PERSONNEL CHANGES

It was moved by Councillor Rankin, seconded by Councillor Deveaux:

"THAT THE RECORDED RESOLUTION RE: DESIGNATION OF ADMINISTRATOR RESPONSIBLE FOR THE PROVISIONS OF THE HALIFAX COUNTY CHARTER RESPECTING DANGEROUS AND UNSIGHTLY PREMISES BE APPROVED"

MOTION CARRIED

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

"THAT THE FOLLOWING RECORDED RESOLUTION BE APPROVED:

WHEREAS the Planning Act provides for the appointment by the Council of person to act in the stead of the development officer and;

WHEREAS Mr. Joseph Heffler currently holds such an appointment and;

WHEREAS it is proposed that Mr. Heffler's appointment be terminated and that Mr. Bill Butler be appointed in place of Mr. Heffler as a person to act in the stead of a development officer;

BE IT THEREFORE RESOLVED that Mr. Bill Butler be and he is hereby appointed as a person to act in the stead of a development officer and the appointment of Mr. Heffler as such a person is hereby rescinded"

MOTION CARRIED

FEDERAL INFRASTRUCTURE APPLICATION - CAPRI DRIVE, PORTER'S LAKE

It was moved by Councillor Randall, seconded by Councillor Hendsbee:

'THAT THE APPLICATION BE APPROVED TO BE INCLUDED WITH INFRASTRUCTURE PROJECTS LISTING"

Mayor Ball said it would be with the understanding that the funding would not impact on the municipality. It would be between the residents and the provincial and federal government.

MOTION CARRIED

METRO AUTHORITY - CAO REPORT

Mayor Ball said the memo circulated to council was circulated today and discussed by Metro Authority but he wanted it known for our record because it infers and implies a number of things. One of the things it implies is that Mr. Meech was actually not in attendance when in actual fact it was suggested that Mr. Meech leave the CAO's meeting because they felt that he was in a conflict of interest even though they are willing to go and negotiate their own draft agreement and present it back to the Authority. He said they did not determine the other three CAO's to be in a conflict of interest. He said they are meeting with Mr. Cooper and Mr. Meech along with the other three CAO's. He said that a meeting had been held on today's date with Metro Authority and a fax had been received notifying Halifax County of the fact that they wished to violate the noise by-law to do installation and construction of the new liner on a twenty four

hour, seven day per week basis for the next three months. He said he had taken the liberty of suggesting that they could construct as long as they fall within the guidelines of the noise by-law. He said the memo also inferred that Halifax County was holding up the solution to Metro's garbage because it offered a proposal even though Metro Authority doesn't have a proposal even dreamt up at this point. The only proposal and option they have to this point is none, it's the county's. He said if council wants him to extend the landfill on the 27th then they are to direct him to do so but he would suggest that the 27th is the deadline and a meeting will be scheduled as to what is to be done if they do not accept the county's proposal.

Councillor McInroy said he feels Halifax County should proceed with looking at options.

Mayor Ball said that Mr. Crooks and Mr. Meech could explore some possibilities but in the meantime send the answer that basically that Halifax County is going to forge ahead. He said the message has to be sent on the 27th to let those who want to be pro active be pro active and get on with the job.

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

"THAT A SPECIAL COUNCIL SESSION BE SCHEDULED FOR
SEPTEMBER 27, 1994 AT NOON"

MOTION CARRIED

RECORDED RESOLUTION RE: WESTERN REGION COMMUNITY COMMITTEE

It was moved by Councillor Rankin, seconded by Councillor Meade:

"THAT THE RECORDED RESOLUTION BE APPROVED"

MOTION CARRIED

MEMORANDUM RE: ELIMINATION OF BOARDS OF HEALTH

Councillor Merrigan said as of April 1, 1995 the Province of Nova Scotia is planning to eliminate all Boards of Health throughout the province. He said this concerned the county board who wrote to the Minister of the Environment who is responsible for that aspect of the Health Act. He said they had met with representatives to make them aware of county concerns. He said the board of Halifax County would like the representatives to bring their concerns to the UNSM meeting.

It was moved by Councillor Barnet, seconded by Councillor Merrigan:

"THAT A LETTER BE WRITTEN TO THE MINISTER OF THE

ENVIRONMENT TO FIND OUT WHAT IS THE ACTUAL REASON FOR
THE ELIMINATION OF THE BOARDS"

Councillor Merrigan said another question is what is going to happen with regards to Section 39's.

MOTION CARRIED

METRO AUTHORITY BOARD MEMBERSHIP - COUNCILLOR BOUTILIER

Councillor Boutilier said he finds it necessary to withdraw as a member on the Metro Authority.

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

"THAT COUNCIL ACCEPT HIS RESIGNATION AS A MEMBER OF THE METROPOLITAN AUTHORITY EFFECTIVE AS OF SEPTEMBER 20, 1994"

MOTION CARRIED

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

"THAT COUNCILLOR HARVEY BE NOMINATED AS REPLACEMENT FOR COUNCILLOR BOUTILIER AS A MEMBER ON THE METROPOLITAN AUTHORITY FOR THE REMAINDER OF COUNCILLOR BOUTILIER'S TERM"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

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

"THAT THE FOLLOWING RECORDED RESOLUTION BE APPROVED BY COUNCIL:

WHEREAS by recorded resolution of the council dated May 17, 1994 Councillor Don Boutilier was appointed to be a member of the Board of the Metropolitan Authority and;

WHEREAS Councillor Boutilier has resigned as a member of the Metropolitan Authority, effective September 20, 1994;

THEREFORE BE IT RESOLVED that Councillor Robert Harvey be and he is hereby appointed by the council to be a

member of the Metropolitan Authority to fill the vacancy created by the resignation of Councillor Boutilier for the unexpired portion of Councillor Boutilier's term"

MOTION CARRIED

TIPPING FEES - COUNCILLOR HARVEY

Councillor Harvey said he became aware of the increased fees which come into effect November 1, 1994 and he wondered if council should be made aware of any financial implications to the budget.

Mr. Meech said it is his understanding that as a result of the increased tipping fees will not dictate any additional funding from the municipality. He said it is not going to influence any change in the budget figure that has already been identified. He said the tipping fee has had the impact of reducing the municipal contribution because the increased revenues were to be set aside for future capital expenditures. He said the fees were increased but rather than setting aside those monies in a reserve account for future capital expenditures, the money was applied to current expenditures which had the effect of either keeping the municipal contribution down and in some cases reducing them.

Councillor Harvey asked if he was saying that, as of November 1st, the cost to the municipality, for the facility, is not increasing.

Mr. Meech said no because what happens is, in practice, the tipping fee is only charged to the private operators and the balance of monies required to balance the budget for the authority is paid by assessment by the four municipalities.

CN RAIL - COUNCILLOR SNOW

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

'THAT A LETTER BE WRITTEN TO THE CANADIAN NATIONAL RAILWAY AND THE NOVA SCOTIA DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS REQUESTING THEM TO INVESTIGATE THE FEASIBILITY OF DECLARING THE FOLLOWING PUBLIC CROSSINGS AND WHISTLE ZONES AS PER THE TRANSPORT CANADA GUIDELINES:

- A) Bedford Subdivision, Crossing Cobequid 15.09
- B) McGuiries Crossing 16.02
- C) Windsor Junction Community Centre 16.31
- D) Kinsac Fall River Road 17.24
- E) Dartmouth Subdivision 0.50"

MOTION CARRIED

APPOINTMENT OF ALTERNATE FOR SEPTEMBER 27, 1994 METRO AUTHORITY MEETING - COUNCILLOR RANKIN

It was moved by Councillor Rankin, seconded by Councillor Mitchell:

'THAT COUNCILLOR GIFFIN BE DESIGNATED AS ALTERNATE FOR COUNCILLOR RANKIN FOR THE SEPTEMBER 27, 1994 METRO AUTHORITY MEETING"

It was moved by Councillor Boutilier, seconded by Councillor Sutherland:

"THAT NOMINATIONS CEASE"

The recorded resolution for the appointment of alternate would read as follows:

WHEREAS Councillor Rankin is a member of the Board of the Metropolitan Authority by appointment of the council and;

WHEREAS Councillor Rankin is unable to attend a meeting of the Metropolitan Authority to be held on September 27, 1994 and;

WHEREAS the council wishes to appoint a member to act as a member of the Board of the Authority in the place instead of Councillor Rankin for and during the September 27, 1994 meeting of the Metropolitan Authority;

BE IT THEREFORE RESOLVED that Councillor Giffin be and he is hereby appointed as a member of the Board of the Metropolitan Authority. Such appointment to be effective for and during the September 27, 1994 meeting of the Board of the Authority.

MOTION CARRIED

DOT - COUNCILLOR HENDSBEE

It was moved by Councillor Hendsbee, seconded by Councillor Deveaux:

"THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF TRANSPORTATION, WITH A COPY TO THE HONOURABLE WAYNE ADAMS AND TO JIM TALBOT, DEPARTMENT OF TRANSPORTATION, AND HIMSELF AS COUNCILLOR, REQUESTING THAT TERRY COURT IN LAKE ECHO BE CONSIDERED FOR SUPPLEMENTARY PAVING.

THE STREET IS ELIGIBLE UNDER THE FIFTEEN YEAR PLAN FOR 100% PROVINCIAL CONTRIBUTION. THERE IS LOCAL PAVING BEING DONE IN THE AREAS AND PERHAPS IT COULD BE ADDED ON TO AN EXISTING CONTRACT OR ONE TO BE AWARDED SHORTLY"

MOTION CARRIED

It was moved by Councillor Hendsbee, seconded by Councillor Sutherland:

"THAT A LETTER BE WRITTEN, INCLUDING A PETITION OF 250 NAMES OF THE RESIDENTS OF MYRA ROAD IN PORTERS LAKE THAT ARE AFFECTED BY THE INTERSECTION OF MYRA ROAD AND DAVISON ROAD WHICH HAS A VERY STRANGE AND DANGEROUS ALIGNMENT, TO THE MINISTER, DEPARTMENT OF TRANSPORTATION, REQUESTING THAT A REDUCTION IN SPEED BE LOOKED AT; THE POSTING OF THE PROPER CAUTION IN SPEED SIGNAGE; THE ELIMINATION OF THE PASSING ZONE THAT LEADS INTO THIS INTERSECTION AND ALSO LOOK AT THE REALIGNMENT OF THE INTERSECTION AS A FUTURE RESOLUTION TO THIS PROBLEM. FURTHER THAT A COPY OF THE LETTER BE SENT TO THE MLA, MR. TALBOT, THE RCMP, THE PORTERS LAKE RATEPAYERS ASSOCIATION AND HIMSELF AS COUNCILLOR"

MOTION CARRIED

CN RAIL, WELLINGTON - COUNCILLOR PETERS

Councillor Peters said that in 1989 the Federal government and CN passed legislation regarding private crossing. They said that insurance would have to be paid and whistles would have to blow etc. She said there is a particular crossing that the is the second access for the Grand Lake Village subdivision in Wellington. The residents said they are no longer going to pay the insurance and can go around the two farms that are there. All the people in Grand Lake Village and down Sunnylea Road and the one hundred residents that live in the Kings Road area are virtually landlocked if the Sunnylea crossing is blocked and one of the trains derail. She said there has been ongoing meetings with CN Rail and the local fire department. CN said they would let an emergency crossing be put over there, they would not pay anything and the residents would have to provide the manpower. She said what would be needed would be some 4x4's connected by chain that you are supposed to throw over the tracks and have in an easily accessible place so that you can get over the tracks. The fire department said they don't have the manpower or the machinery to do this nor the funding. She said she has suggested that a gate be put up on either side of the tracks and have it locked and give the key to the fire department. This has been refused because CN would then have to pay their money to do this.

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

"THAT A LETTER BE WRITTEN TO CN AND THE FEDERAL MINISTER THAT IS IN CHARGE OF THIS TO REQUEST THAT GATES BE INSTALLED ON EITHER SIDE OF THIS PRIVATE CROSSING AT THE END OF CHURCH STREET IN WELLINGTON AND THAT KEYS BE PROVIDED TO THE LOCAL FIRE DEPARTMENT AT THE EXPENSE OF CN RAIL WHO BY THE CHANGE OF THEIR OWN RULES AND REGULATIONS CREATED THE PROBLEM"

MOTION CARRIED

DOT, GRAND LAKE VILLAGE - COUNCILLOR PETERS

Councillor Peters said she would like to have both of her requested letters copied to the appropriate MLA's and the fire department at Wellington.

She said Grand Lake Village has been in existence for a number of years but for the past eight to ten years there has been no maintenance on the ditches or any of the easements for the drainage and it is a very wet area.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER TO ADVISE WHEN THIS SITUATION CAN BE CORRECTED. SHE SAID SHE NEEDS A SITE LINE PROFILE AND TO KNOW WHEN REMEDIAL ACTION WILL BE, IN PARTICULAR THE EASEMENTS"

MOTION CARRIED

DEPARTMENT OF NATURAL RESOURCES - COUNCILLOR BAYERS

It was moved by Councillor Bayers, seconded by Councillor Randall:

'THAT A LETTER BE WRITTEN TO THE MINISTER OF NATURAL RESOURCES, THE LOCAL MLA, KEITH COLWELL, AND THE DISTRICT OFFICE OF THE DEPARTMENT OF NATURAL RESOURCES IN MUSQUODOBOIT HARBOUR, REQUESTING THE STATUS OF THE ABANDONED RAILROAD FROM DISTRICT 10 LINE TO THE END OF THE BAYERS MILL ROAD AND ALSO IF THE MINISTER WOULD AGREE TO HAVE A COMMUNITY MEETING SOMETIME IN THE NEAR FUTURE IN MUSQUODOBOIT HARBOUR"

MOTION CARRIED

URGENT AGENDA ITEMS

DOT - Councillor Rankin

It was moved by Councillor Rankin, seconded by Councillor Meade:

'THAT A LETTER BE WRITTEN TO THE DEPARTMENT OF TRANSPORTATION REQUESTING THE INSTALLATION OF A SIDEWALK FROM MUNROE SUBDIVISION IN BEECHVILLE TO GLENGARRY ESTATES"

He said the Minister to be made aware that this is based primarily on considerations of safety. It is a very narrow road with considerable traffic.

MOTION CARRIED

Quarry - Councillor Peters

Councillor Peters said there is an interest in opening up three quarry pits behind the airport. She said she has found out that the Department of the Environment controls pits and quarries under the provincial legislation and that in actual fact the Department of the Environment has no requirement to consult with the county on the operation of pits and quarries. She said there is verbal contact made with the planners making reference as to where or where not it might be and asks them if there is going to be any problem. She said district 14 and 17 plan specifically prohibits new pits and quarries and only allows pits and quarries that were in existence at the time the plan was adopted. She said through MPS and Land Use By-laws there is applied zoning but the province does not consider the use of quarries as a land use and only if there is a structure applied to the site do they consider the county to have any jurisdiction over it. She said why is there an MPS put in specifically prohibiting pits and quarries and the province can walk in and say they do not have to consult with the county and they can operate pits and quarries as long as there is no structure. She said it has not even been defined whether or not it is a portable scale.

She said she would like to have a staff report put forward to clearly outline the jurisdiction between county staff, provincial land use zoning on pits and quarries - where they meet and what correlation there is. She said she would also like a letter to the Ministers of Municipal Affairs, Environment, and Natural Resources that would require them to direct senior staff to meet with the appropriate county officials to set in motion the practice to make it mandatory that they have a full consultive process with the county at its preliminary stages and to ensure that county planners have a full access to all copies of proposed pits and quarries rather than being expected to guess at what they might contain. She said she would like to make it mandatory so that the Department of the Environment has to consult with the county.

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

"THAT A STAFF REPORT BE PREPARED THAT WOULD CLEARLY OUTLINE THE JURISDICTION OF COUNTY STAFF, PROVINCIAL LAND USE AND ZONING FOR PITS AND QUARRIES THAT WILL OPEN UP DISCUSSION AND PERHAPS MAKE SUGGESTIONS OUT OF THAT STAFF REPORT"

Mayor Ball said maybe it would be more advisable if the county Director of Planning, Mr. Crooks and himself meet with the Minister regarding this.

Councillor Peters said as long as there is something on paper that can come back to council that will give here something to go by. She said she would like something as soon as possible because they are saying two hundred thousand tons by the end of October.

Mayor Ball said it could be moved in the form of a letter but basically what the county should be doing is to try to set up a meeting as soon as possible with the Minister with regards to this.

Councillor Hendsbee said he would like to have any correspondence copied to himself and to the Porters Lake Wilderness Area Association because any disturbance to the soil near the airport would have a dramatic effect on the water habitats of that area.

Councillor Peters said she does not know what the scope of this is or what they plan to do.

MOTION CARRIED

ADDITION OF ITEMS TO OCTOBER 4, 1994 COUNCIL SESSION

Councillor Snow - DOT

Councillor Peters - DOT
- CN

Councillor Hendsbee - Staff report with regards to recreation facilities.

ADJOURNMENT

It was moved by Councillor Mitchell:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

COMMITTEE OF THE WHOLE

SEPTEMBER 6, 1994

THOSE PRESENT: Mayor Ball, Chairman
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. Meech, Chief Administrative Officer
N. Dempsey Crossman, Municipal Clerk
F. Crooks, Municipal Solicitor
S. Shute, Recording Secretary

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The meeting was called to order at 3:00 p.m. The purpose of the meeting was to discuss Halifax County Waste Management Options.

Mayor Ball provided information on the background leading up to the decision to be made today with regard to Halifax County taking over solid waste management. Council members would have received a copy of a Summary Report prepared by Vaughan Environmental and LURA Group prior to this meeting.

Mayor Ball went on to say that if Committee of the Whole endorses a proposal today, it would be recommended to Council tonight, there would be a vote and the offer would be relayed to Metropolitan Authority at a meeting tentatively scheduled for September 8, 1994.

Mr. Meech introduced Mr. Norm Gridley from Vaughan Environmental Consultants and Mr. Ken Donnelly from LURA Group and advised that they would be providing information on the report they had developed which essentially looked at two options in terms of the County becoming involved in the solid waste management issue.

Mr. Meech described Option 1 which would be the Comprehensive Option meaning that the County would take full jurisdiction for all solid waste. Option 2, which was a shared responsibility, focused primarily on the County taking full jurisdiction for the landfill. He said the decision to be made by Council would be to either go with Option 1, Option 2 or conclude that the County should leave jurisdiction for either all or a portion of the solid waste with Metropolitan Authority.

Mr. Norm Gridley, Vice-President, Vaughan Environmental Consultants Limited summarized the current situation, implications to the County with respect to contingencies, schedule regarding time lines, budgets in concept form and recommended next steps for the County to take.

Mr. Ken Donnelly, Vice-President, LURA Group, outlined the information gathered to date and presented the rationale and alternatives for the County in order to take over solid waste management responsibility for the region.

Mr. Gridley stated that provincial government support was critical with regard to appropriate legislation required to transfer the waste management responsibility from Metropolitan Authority. There was also a need to establish a statutory monopoly and an exemption of the landfill siting process itself from the planning area requirements.

During and following the presentation, Mr. Gridley, Mr. Donnelly and Mr. Meech answered questions posed by Councillors.

A number of Councillors spoke on which option they favoured.

Councillor Harvey clarified that the Resolution circulated to Councillors was for Option 1.

Mayor Ball agreed.

Councillor Harvey expressed concern regarding the 30-month extension contract for the Highway 101 Landfill. He said that when the decision was made to extend the life of the Highway 101 Landfill, there was another resolution passed along with it by Metropolitan Authority to have a contract for the 30 months. The draft contract from the Municipality's standpoint was presented to Metropolitan Authority in August and he said he was not sure where it stood at this time. He said if Option 1 or Option 2 was accepted by Metropolitan Authority, then all they would have to do would be let the clock run on the contract and it would never be signed and, therefore, there would be no protection for Halifax County or the people living in Sackville.

It was moved by Councillor Reid, seconded by Councillor Fralick:

"THAT COMMITTEE OF THE WHOLE RECOMMEND TO COUNCIL THE ADOPTION OF THE PROPOSED RESOLUTION".

It was moved by Councillor Harvey, seconded by Councillor Barnett:

"THAT THE MOTION ON THE FLOOR BE AMENDED BY ADDING THE FOLLOWING AS SECTION 1.(1) OF THE PROPOSED RESOLUTION:

'THE MUNICIPALITY WILL ONLY ENTER INTO THIS MANAGEMENT OF SOLID WASTE ARRANGEMENT AT SUCH TIME THAT A CONTRACT WHICH IS SATISFACTORY TO THE MUNICIPALITY FOR THE 30-MONTH EXTENSION OF THE HIGHWAY 101 LANDFILL IS AGREED UPON'".

AMENDMENT MOTION CARRIED.

ORIGINAL MOTION CARRIED.

Mayor Ball stated that the Committee of the Whole recommendation would be forwarded to Council tonight and was not debatable.

ADJOURNMENT

Meeting adjourned at 5:40 p.m.

PUBLIC HEARING

September 26, 1994

PRESENT WERE:

Mayor Ball
Councillor Meade
Councillor Mitchell
Councillor Deveaux
Deputy Mayor Bates
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Peters
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Sutherland
Councillor Turner
Councillor Cooper

ALSO PRESENT:

Fred Crooks, Municipal Solicitor
Nancy Dempsey Crossman, Municipal Clerk

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The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Ms. Dempsey Crossman called roll.

Mayor Ball outlined the procedure followed for a public hearing.

FILE NO. RA-F&S-10-94-17 - APPLICATION BY DAVID WHYTE TO REZONE A PORTION OF THE LANDS OF PARKDALE DEVELOPMENTS LTD. IN LAKE FLETCHER ESTATES

Ms. Susan Corser made the staff presentation. She said this application has been made by David Whyte on behalf of Parkdale Developments to rezone a portion of the lands contained in the Phase III of Lake Fletcher Estates. The initial phases of this development are currently zoned R1-B which is a suburban residential zone. This zoning was approved in 1989 with the adoption of that municipal planning strategy. A portion of the Phase III lands are also within the R1-B zone with the remainder in the R7 zone. The zone splits the property in half. She outlined the area in question. She said the applicant has stated that a reduction in lot size is not required for this application, however, a reduction in the lot frontage requirement to create three lots around a proposed cul-de-sac would be required. She said the R7 zone currently permits mobile dwellings which the developer feels would not be compatible with

the type of development being produced in Lake Fletcher Estates that being single unit dwellings.

The requested R1-B suburban residential zone would not permit mobile dwellings. Phase III of Lake Fletcher Estates will include a total of 28 lots ranging in size from 2.3 to 8.6 acres. The subject lands are within the resource designation which supports resource development. The Municipal Planning Strategy also recognizes that areas within the resource designation may be needed to provide future growth and development. The R7 zone is the base zone within the resource designation and it permits resource uses (single, two units and mobile dwellings). The minimum lot size in the R7 zone is 80,000 square feet. She said in reviewing the rezoning application the proposed rezoning is consistent with the intent of the MPS to allow for new residential development within the resource designation where it would be in conformity with abutting residential uses. The proposed Phase III provides, in staff's view, for a logical extension of existing residential development. The proposed local road network would extend from the existing road system and well coordinated in terms of access through neighbouring lands. Positive comments have been received from the Department of Transportation on the road layout proposed as well as positive comments received from Health and Environment on the proposed lots. Staff would recommend approval on the rezoning application.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

Councillor Peters said she has been impressed with this developer throughout all of his phases. The lots are well in excess of what is normally required in the area. She said she has had discussion with Shubenacadie Pollution and Planning Control Study group and they are concerned to have the large lots and this developer is doing that.

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

"THAT THE APPLICATION BE APPROVED"

MOTION CARRIED

FILE NO. DA-EP/CB-06-93-06 - APPLICATION TO ENTER INTO A DEVELOPMENT AGREEMENT TO ALLOW FOR A FOUR UNIT DWELLING ON THE LANDS OF FRANK AND CATHERINE MAVROGIANNIS IN EASTERN PASSAGE

Tony O'Carroll made the staff presentation. He said the application is to enter into a development agreement to develop a four unit apartment dwelling on their property in Eastern Passage at civic no's 2009 and 2011 Shore Road. The application relative to the planning issues involved are that the plan does support, by development agreement, the development of a small apartment dwelling in this location and that the number of dwelling units proposed could eventually be through subdivision and redevelopment of the lots. He said they could be developed in their own right as two separate two unit dwellings. The two pieces of land can support four units. The applicants desire to have three units in the one original dwelling unit which is civic no. 2009 and one unit in the rear at civic no. 2011. He said in order to do this they are required to go through the development agreement process. He said they meet all the criteria that are in the plan for that purpose. The issues that need to be looked at are ones of compatibility with surrounding development. He showed slides indicating the proposal relative to the surrounding residential development.

He said the property is located facing the water so the applicants property faces to Eastern Passage and the other property which is proposed for the three units faces onto Shore Road. The applicants have stated their intention to allow tenants to use the whole of the property including the lawn and the beach portion of the property at 2011 Shore Road. The houses in the area are a mixture of older single unit dwellings and a lot of new two unit dwellings. He said to the right of this property are new semi detached dwellings and opposite are a number of single unit dwellings.

He stated staff contends that a four unit dwelling of this scale is not incompatible with the surrounding development which is a mixture of older homes with possible conversions in them and new two unit semi detached dwellings. The size of the property can support a small unit apartment dwelling and just as equally it could support two two unit dwellings for a total of four units. He said staff recommends that this application be approved.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked if the proponent was informed as to what the requirements would be before he proceeded to construct the rear building and the breezeway.

Mr. O'Carroll said the documentation that is available which goes back to 1989 indicates that he knew that he could not have a second dwelling on the lot. He said he knew that after he put in

the original footings because a letter went out from the development officer to that effect. He was told that if he wanted to have that building legal on one lot he would have to join it to the front one and to remove the second unit in the front dwelling.

Councillor Deveaux asked if it would be two single units. Mr. O'Carroll said it would be a two unit dwelling of unusual configuration. Not the norm but meeting the definition within the Land Use By-law.

Councillor Deveaux asked if the garage or breezeway were removed could the proponent have two families in each building. Mr. O'Carroll said yes he could. He said it is possible that by removing part of the breezeway and resubdividing there would be sufficient area and clearance to have two separate lots and two separate buildings in their own right both of which would be zoned R2 and; therefore, capable of having two units in each of the two separate dwellings.

Councillor Deveaux said he would like to bring council's attention to the letters in opposition to the application.

Mayor Ball said there was one from Margaret and Lawrence Horne, Allistar and Anna Simpson, Kevin and Barney Keel, Clinton and Beverley Horner.

Councillor Giffin asked if the lot in question is Lot L1-B. Mr. O'Carroll said at the present time it is two lots. It was one lot but subsequent to developing the dwelling unit on 2011 they subdivided as you would subdivide a semi detached dwelling into two.

Councillor Giffin referenced civic no. 2009. He asked if the rear of that was the boundary line. Mr. O'Carroll confirmed this. He said it is a semi detached dwelling subdivided along the common wall. He said this is just as if you had a regular semi detached dwelling on a lot in an urban area you can split that semi detached along the common wall so there is no need for a sideyard where that common wall is. Each lot can then stand in it's own right. He said this is not the normal way of doing a two unit dwelling but it was the choice of the proponent to do it this way. He said when the building permission was given to allow civic no. 2011 to be built it was on the condition that it was a two unit dwelling, the other half of which was civic no. 2009. He said the proponents, at that time, were required to remove one of the units from 2009.

Councillor Giffin asked if they had another illegal apartment in the basement in addition to that. Mr. O'Carroll said they subsequently rented out the second unit, upstairs, in 2009 and according to the report of the building inspector there is a

basement apartment with someone living in 2009. He said there are three units there presently.

Mayor Ball confirmed that what Mr. O'Carroll is saying is one lot plus another under the exemption would give two individual lots, two units per dwelling. Mr. O'Carroll confirmed this.

Mayor Ball said the report is not looking at two two unit dwellings but rather one residential dwelling and three units in another place. Mr. O'Carroll said this is looking at one apartment dwelling. He said civic 2009 and 2011 plus the parking garage would become one apartment dwelling, containing four units, under this development agreement.

Councillor Cooper said it was mentioned that part of the agreement was amenity use for the property. He asked if this was written in the development agreement. Mr. O'Carroll said the map of the property refers which is the schedule of the agreement includes the rear portion as part of the amenity area for the apartment dwelling. Even though it is two properties it is one apartment dwelling and the amenity area which is on the front and back are part of that; therefore, can be used. He said there is a fence along the back of civic 2011 but it is not locked and the proponent has stated that it will not be locked and the tenants in the front can go through at any time they want.

Councillor Cooper said he has some difficulty in that if this was a part of an agreement that the proponent has brought to the municipality then he feels it should be written into the development agreement. He said it does mention amenities in the agreement but it comes under the definition of an amenity area. He said if this had been an agreement by the proponent then he feels it should be written into the agreement.

Councillor Hendsbee confirmed that there were presently duplexes on both sides of the residence. He asked if staff anticipated that if this was approved the owner would build a second floor on the structure in front to have it the same road appearance as the other two units.

Mr. O'Carroll said that the proponent was not intending and there was nothing in the agreement to require him to do too much more. He said there are some things that would need to be done to meet the building code. Under the present building code, if he wants to use the front one as a two unit dwelling and to put in a bedroom window in one of the units, he would have to do before he would receive an occupancy permit for this. He said there was never any discussion to change the facade.

SPEAKERS IN FAVOUR

Mrs. Cathy Mavrogiannis spoke in favour of the application. She

said this property is an old building dating prior to world war II. She said it is going to be staying the same. She said she does not believe that it can be altered to make a two story building. She said that is not something they have considered. The only changes to be made to that property is that the siding is going to be changed in the future so that the whole building matches so that it has a common look. She said when they originally went to the county to build their house there they wanted a separate structure of their own. They were told because of the zoning it had to be connected. They agreed to connect it. At the time when they did finish it they did convert the original house into a one unit. She said it was not carrying itself as a one unit so they approached the county to see what could be done. It was suggested to them that they subdivide. They hired a consultant and they did subdivide the property and were allowed to make it a legal two unit dwelling. She said they now had two R2 zones connected together. She said there were told this was fine and they could have two units on each side. She said towards the end of 1992 they did work on the basement and decided to make an in-law suite for use. She said they did not know it was illegal until the building inspector came and told them they could not do this. They were told they could have two families living in the first house but you can't have a third person in there. This was in 1993. They went to the office in Cole Harbour and asked what they should do to make this proper. They suggested that Tony O'Carroll be contacted. She said they applied for a development agreement to correct this problem.

She said they were told that if they had subdivided before they had built they would not have had any of these problems and would not have had to change anything. She said the way the situation is now because of it joining together for them to knock down the carport they are looking at a major expense involving the different utility companies. She said they were suggested to try the development agreement process to see if it could be accomplished that way. She said that would void the subdivision that was done and still maintain four units on property that is land used for four units. She said they don't want to add any structures or make any changes. She said only one person has a car which is not visible to the road.

Councillor Deveaux asked if the proponent was aware that they were not allowed to have three units in the front building.

Mrs. Mavrogiannis said they were not looking at it has having a third unit. They only had someone living there for awhile. She said they had remodelled as an in-law suite.

Councillor Deveaux asked if they were informed, prior to putting in the garage, that they would have to apply for a development agreement. She said no. She said they didn't really want the breezeway or carport. She said in their original plans they

wanted a two car garage but they were told they would have to have a certain distance between the two structures and they suggested a carport. When it came time to get the occupancy permit they were told they should not have a carport but rather that this has to be totally enclosed.

Councillor Deveaux said to his knowledge, if they wish, the carport can remain. Mrs. Mavrogiannis said that both properties are zoned R2.

Councillor Hendsbee said letters received make reference to the unsightliness of the property. He asked if there was a time frame for completion of the siding. Mrs. Mavrogiannis said it should be completed within the next year. She said the house has been insulated and new windows installed. She said the basement was finished in concrete because the previous owner had kept a horse in the basement portion of the house.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

It was moved by Councillor Deveaux, seconded by Councillor Mitchell:

"THAT THE APPLICATION TO ENTER INTO A DEVELOPMENT AGREEMENT TO ALLOW FOR A FOUR UNIT DWELLING ON THE LANDS OF FRANK AND CATHERINE MAVROGIANNIS IN EASTERN PASSAGE BE REJECTED"

Deputy Mayor Bates said he would like to speak against the rejection motion. He said there are numerous applications that have come before council of this nature. He said people get involved with a lot of red tape with regards to these zones, what you can and can't do, etc. He said it seems to him that the applicant has put a lot of effort in trying to conform to the requirements of the municipality. He said it would cost a substantial amount of money to try to undo what has been done. He said he feels the recommendation outlined in the staff report is a good one and council should endorse it.

Councillor Peters said she cannot support the motion. She said she feels this should be granted because it is her understanding that if they had understood exactly what the zoning and zoning requirements were they would have been more than willing to comply. She said it is her understanding is that if they had complied with the rules and regulations back in 1992 they would not be at council because they would be conforming.

Councillor Sutherland said he believes that the applicant

received some misinformation and were led into believing that there was only one way to comply at the time they applied.

Mayor Ball said the proponent had made reference to a formula to give the proposed breezeway. He asked if this was the way it is done. Mr. Morgan said when the initial application was made to put an addition onto the back what was found was a separate structure being put on the back of the same lot in violation of the Land Use By-law. Putting the breezeway was a way of making it one building again but there was an understanding that in that front building there would be two units.

Mayor Ball said did they not subdivide the property which therefore made it two separate properties which theoretically would mean that you should have two units on the front property and two units on the back property if you look at the R2 zone. Mr. Morgan said that would be incorrect. He said if you had a semi detached structure anywhere else you are allowed a two unit building. You are subsequently allowed to subdivide that building along the common wall. Once you do that you are not then allowed to put two units in each half of the building.

Councillor Giffin asked how many electrical meters are on the building. Mr. O'Carroll said there are two.

Councillor Sutherland asked if the lot was capable of supporting four units.

Mayor Ball said staff is saying that the property in total, according to the Development Agreement, would accommodate four units.

Mr. O'Carroll said it could presently be subdivided but it would be at great expense to the applicant because it there are two R2 lots.

Councillor Cooper said it is his understanding that there are two lots as of 1992 which would allow two units on the front and two units at the back.

Mayor Ball said the way it is subdivided is two units on the front joined by a common wall at the breezeway that allows the dwelling at the back. He said the problem is there is a basement apartment now which, in effect, it does not allow.

Councillor Cooper said there are two lots and each lot would permit two units. Mayor Ball confirmed this.

Councillor Cooper said the problem is that there are three in the front and one on the back contrary to the county by-laws. Mayor Ball confirmed this.

Councillor Cooper said now the county is going to say it is all one lot and make an apartment building even though it is on two lots. Mayor Ball said, essentially, yes.

Councillor Cooper said the problem is that originally the owners had agreed, in 1989, to comply with the requirements and proceeded to put two separate buildings up and to accommodate the proponents it was connected together. He said the proponents have three units in the front and one in the back. He said the county has been trying to accommodate them but there are still contraventions.

Councillor Deveaux said to the best of his knowledge before they proceeded with the breezeway the proponents were given the option of resubdividing and having two units in each building. He said they were also given the option that if the garage was not removed then they could have one unit in each building. He said he would like to know if the proponents were made aware of this before they proceeded.

Mr. Morgan stated the breezeway was built to make one building on the lot because the Land Use By-laws do not allow for two buildings on a lot. The permit application was for an addition to a house and it was made clear that the addition would be another unit. One of the units in the front portion was going to go. He said that was signed as part of the permit application. He said one of the issues that is confusing here was that at that time he does not believe that subdivision into two lots with two separate buildings was possible. He said a lot frontage exemption was introduced later which allowed for that.

Mayor Ball said what Mr. Morgan is saying is that the proponents abided by the process but the county changed the law part way through.

Councillor Deveaux said in effect the owners did not comply with the By-laws so any extra cost incurred was not the fault of the municipality. They knew what they were doing and went ahead. He said now they are asking for approval for something that should not have been done in the first place.

Deputy Mayor Bates said he is not in agreement with the rejection motion. He said there may have been some confusion, along the way, with regards to what the applicant could do with the property. He said he feels council should go along with the development agreement. He said it saves the applicant money with not having to undo something. He said the development agreement will accommodate the municipality and the owner. He said he will not support the motion but rather the recommendation made by staff.

Councillor Turner said the applicant has put an in-law suite in

the front building when the building in the back could have accommodated one. She said even if the in-law suite is not being rented out at the present time it may be at a future time.

Councillor Brill said in the report staff are stating that the three units in the front are rented. He asked if they had determined that.

Mayor Ball said it probably should be worded to say occupied.

Councillor Brill asked if he could have clarification of what is contained in that basement apartment.

Mayor Ball said it has a separate entrance and is self contained.

Councillor Deveaux said it had been indicated that people aren't aware of the rules and regulations and he is in agreement with this. He said when it is proven to be the case council takes that into consideration and make decisions in accordance with those circumstances. He said he does not feel that was the case in this situation. He said the proponents were given the choice of subdividing and having two units in the back and two in the front which they did not choose to do. He said they were clearly aware of what the regulations were but chose to take some other route and in his opinion that does not warrant the support of coming to council and asking for the development agreement to be approved.

MOTION CARRIED

9 IN FAVOUR

8 AGAINST

FILE NO. DA-F&S-15-93-17 - DEVELOPMENT AGREEMENT APPLICATION TO PERMIT THE EXPANSION OF AN EXISTING CONSTRUCTION STORAGE YARD THROUGH THE CONSTRUCTION OF A NEW BUILDING ON THE PROPERTY LOCATED AT THE INTERSECTION OF THE OLD HIGHWAY NO. 2 AND SAWLOR ROAD IN WAVERLEY

Mr. Kurt Pyle made the staff presentation. He said Paddie Hilchie, owner of Paddy Excavation Ltd, has made application to expand his existing construction storage yard located at the intersection of old highway #2 and Sawlor Road in Waverley. The purpose of the proposal is to permit the construction of a new building which will have a floor area of approximately 2600 square feet on two floors in order to provide for administrative offices and additional equipment, maintenance facilities and storage space. He showed council slides of the location of the area and the existing building. He said the site is gravelled and completely fenced in.

He said the subject property is located within the Community

Centre designation. The designation recognizes and supports that there are a number of existing commercial and industrial uses which are not presently permitted within the designation. The Community Centre designation permits these uses to continue however, the definition requires any change in use or expansion of the existing use be subject to a Development Agreement under Policy P100. Before council can consider this development pursuant to the requirements of Policy P100 it must first be satisfied that Paddie Hilchie's construction excavation business was in existence when the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17 came into effect. If not, council cannot consider this application.

He said while there is some evidence to support this application, staff have not been able to positively confirm this fact and must therefore acknowledge that there is some uncertainty with the existence of use. Staff is; however, prepared to accept Mr. Hichie's affidavit as to the status of his business in 1989 when the Plan and By-law came into effect. In his affidavit Mr. Hilchie has stated that he was operating a construction storage yard on this site from 1985 to 1991 through an informal and formal lease agreement with Paul Hilchie the property owner. In 1991 Paddie Hilchie purchased a portion of Paul Hilchie's property that he had been using which included a storage yard that had been built in 1989. The new lot created is lot C-1 on the map 3 of the maps provided.

He said that it is staff's opinion that the proposal is consistent with the intent of the Strategy to allow existing commercial uses which would not otherwise be permitted within the designation (Community Centre) to expand as it would maintain an acceptable compatibility with surrounding uses and the expansion is accommodated on the existing site. The proposed building and the terms of the agreement address the evaluation criteria of Policy P100 as well as all other relevant planning policies. It is the recommendation of staff that the municipality approve the agreement between Paddie Excavation Limited and the Municipality as submitted.

QUESTIONS FROM COUNCIL

Councillor Snow asked if this is entitled to apply for a PUD.

Mr. Pyle said there is the signed affidavit stating that he was in existence since 1985 on the original site which is owned by Paul Hilchie who subdivided a portion off.

Councillor Sutherland asked what was the size of the lot.

Mr. Pyle said the lot is approximately 40,000 square feet.

Councillor Peters asked if the purpose of the new building was

for maintenance and storage as well as administrative. Mr. Pyle confirmed this.

Councillor Snow said the area had been used as a landfill. Mr. Pyle said pictures were provided by the applicant showing the property back in the early 1980's up to 1992.

Mayor Ball said a letters in opposition had been received from Brian and Joanna Acker, Mr. Bill Lockhart, Chairman Village Commission of Waverley, Mr. Harold Dillon, Waverley Village Commission, Vicki Hartland and Mrs. Blois.

SPEAKERS IN FAVOUR

Mr. Allan Offman spoke in favour of the application. He said Mr. Hilchie has been operating in this area since 1985. He said this property has taken on a better appearance since it's takeover in 1985. He said they are proposing a building to complete work to equipment and to store materials inside which presently cannot be done. The property usage stays the same as it has for the last nine years. The only difference is a building. Access to and from the site remains the same. He said the company employs nine people in the area and it is an asset to the community.

Councillor Peters said that it was mentioned that there has been considerable improvement to the property. She asked Mr. Offman if he could elaborate on this.

Mr. Offman said it was a dump site and it is now a well maintained fenced site. He said it is properly looked after.

Mr. Gary Hines spoke in favour of the application. He said in 1985 he started working for Mr. Hilchie and in 1985 part of his duties was to clean up the dump site. He said in 1986 Mr. Hilchie put up barricades and signage requesting the he be contacted for permission to dump. He said he would like to see council to realize that this is helping to establish a tax base in the community. He said Mr. Hilchie has over and above accepted the responsibility of becoming a good corporate citizen. He said people sometimes object to things that are good for a community but he feels that this is something that would be of benefit.

SPEAKERS IN OPPOSITION

Mr. Bill Lockart spoke in opposition to the application. He said he was there as Chairman of the Village Commission to extend the Commission's opposition to Mr. Hilchie's application. He said the Village's opposition is to not prevent a person from carrying out an act of business in the Village. He said they would like to see Mr. Hilchie stay in the business and in the Village but not in that particular location. He said the improvements made

by Mr. Hilchie does not improve the main access to the Village from Bedford. He said that fact that Mr. Hilchie has cleaned up the site since 1985 has been of benefit to the Village but it has also been a benefit to Mr. Hilchie. He said it is now a very usable piece of land. He said he does not question the Affidavit. He said parking trucks there or cleaning the place up does not constitute a contracting business nor is it a continuation of the Late Paul Hilchie's business because he did not run a contracting business. He had used the property for commercial storage.

The permit that was obtained to put the present building on the lot was obtained in error by Mr. Paul Hilchie. It was applied for on lot 1A. He said that is the lot that had the permit issued to construct a building on. He said that permit, to their knowledge, was issued on April 6, 1989 after the MPS came into effect. He said the permit, therefore, was non conforming after the MPS. He said they feel it was an illegal non conforming use. He said it was mentioned that the Village Core encourages development but the Plan discourages industrial use and Mr. Hilchie's lot is an industrial use.

He said they had met with staff earlier in the year and were advised at that time that on the strength of the information supplied the application would not be going forward. He said the letter that had come from Planning on August 15th to notify that the application was going to be discussed never reached their offices. He said the Commission opposes the application based on the principle that it does not fit the Village. He said they have tried to maintain the Village atmosphere in Waverley and this does not fit.

Councillor Peters asked Mr. Lockhart to confirm that he has no objections to Paddie Hilchie conducting his business but does not feel that he should be conducting it in the Village of Waverley.

Mr. Lockhart confirmed this.

Councillor Peters asked if the Village was willing to buy out Mr. Hilchie's business so he could go elsewhere if they did not want the business in the Village.

Mr. Lockhart said it is not possible to buy him out. He said they would like to see the proper designated use of the property.

Councillor Peters said if the building does not go there he can still continue to operate.

Mr. Lockhart said that he feels what Mr. Hilchie has at the present time is fine and they don't have a problem with that. He said they have a problem with expanding an illegal non conforming use.

Councillor Peters said he can continue what he is doing as long as he does not put up a building so that he can do it indoors.

Mr. Lockhart said he cannot say that. He said what Mr. Hilchie wants to store there is construction materials.

Councillor Giffin said the property looks like a very well maintained construction yard with some buildings and all Mr. Hilchie is asking for is the possibility of building a building to work on the equipment he has and to provide facilities for his workers. He said he does not find that inconsistent with what Mr. Hilchie is allowed to have.

Mr. Lockhart said he, personally, has no wish to prevent Mr. Hilchie from operating within the Village. He said he does not see a continuation of an illegal non conforming use. He said he is adamantly opposed to an expansion of an illegal non conforming use which is what is in place. He said he does not know if Mr. Hilchie is conforming to the Land Use By-law. His objections are to an increase to a non conforming.

Councillor Brill asked if the present use is deemed to be legal and is the proposed use deemed to be legal.

Mayor Ball said in the opinion of staff it is considered to be legal. Based on the Affidavit that was given on the use of the property that what is being proposed is legal. He said there is no evidence to substantiate anything different than what the Affidavit has said. He said nothing has been brought forward to the contrary of that.

Councillor Snow said he has asked that the organizations in District 14 be kept informed. He said according to the letter from Mr. Lockhart this has not been adhered to. He said the change to the property from when it was used as a dump is a remarkable transformation. He said he has received a letter stating that the Village Commission does not want this in Waverley. He said he has not received any official indication nor any information from the Village Commission with regards to this application. He said he has received calls from people who are in favour of this. He said he does not believe that everything on that property is illegal. He said he would recommend that council approve the application.

Councillor Mitchell asked Mr. Lockhart how far away from this property was his residence.

Mr. Lockhart said approximately 150 feet.

Councillor Mitchell asked if there was a noise problem.

Mr. Lockhart said he personally would not have any complaint but

he said it is his understanding that the people who about the property do.

SPEAKERS IN OPPOSITION

Mr. David Cochrane spoke in opposition. He said he is a resident of the Village of Waverley. He said he was on the PPC which established the By-laws. He said they are trying to develop a community or village atmosphere in Waverley. He said C2 zone does include commercial businesses but does not include general contracting businesses. He said Mr. Hilchie was in business in 1985 when the By-laws came in and therefore, it is a non conforming use. He said the opposition they have is not so much of him being in business there but the expansion of. He said they are trying to maintain a small community atmosphere there and not to have any more expansion.

Councillor Peters said if Mr. Hilchie was planning to buy more land and expand his business and then want a building she could see it as an expansion of use so that it would be in conflict but what Mr. Hilchie is proposing is to keep the same amount of square footage on his land with a building to keep his machinery in and space for administrative staff. She said she is having trouble understanding why Mr. Cochrane and Mr. Lockhart is calling it an expansion of use where she does not see it as an expansion of use.

Mr. Cochrane said he would consider anything to be above an existing level as an expansion. By bringing staff in to the site he is expanding. He said it may not be an addition to the business but when you start to amalgamate three or four different places into one you are expanding that central one place.

Mayor Ball asked if Mr. Cochrane would prefer to see all the equipment that Mr. Hilchie owns stored outdoors and look unsightly or stored indoors.

Mr. Cochrane said he had not thought about it.

Mayor Ball said Mr. Hilchie presently has the right to keep the equipment outdoors in plain view and what he is proposing here is to take that same equipment inside. He said the question the Village has to ask itself is if the gentleman has the business right to have all this equipment on property inside the fence to be visual versus whether or not he has the ability to take some of that equipment out of the line of view of the community and put it into a building he is wishing to construct. He said they should look at whether they would see the equipment out in the open or behind closed doors.

Mr. Cochrane said the newer building probably would be more presentable.