



**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES
April 26, 2016**

PRESENT: Mayor Mike Savage
Deputy Mayor Matt Whitman
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Lorelei Nicoll
Gloria McCluskey
Tony Mancini
Waye Mason
Jennifer Watts
Russell Walker
Stephen Adams
Reg Rankin
Brad Johns
Steve Craig
Tim Outhit

REGRETS: Councillor Linda Mosher

STAFF: Mr. John Traves, Acting Chief Administrative Officer
Ms. Karen Brown, Acting Municipal Solicitor
Ms. Sherryl Murphy, Deputy Municipal Clerk
Ms. Phoebe Rai, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

A video recording of this meeting is available:

http://www.halifax.ca/site/exit.php?url=http://archive.isiglobal.ca/vod/halifax/archive_2016-04-26_live.mp4.html

The agenda, supporting documents, and information items circulated to Council are available online:

<http://www.halifax.ca/council/agendasc/160426cow-agenda.php>

The meeting was called to order at 10:00 a.m. and adjourned at 10:54 a.m.

1. CALL TO ORDER

Mayor Savage called the meeting to order at 10:00 a.m.

2. APPROVAL OF THE MINUTES – Committee of the Whole March 8, 2016

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT the minutes of March 8, 2016 be approved as presented.

MOTION PUT AND PASSED.

3. Proposed By-law L-400, A By-law Respecting Lot Grading – Lot Grading and Stormwater Management By-laws (Supplementary Staff Report) – Deferred from October 6, 2015

The following was before Committee of the Whole:

- A supplementary staff recommendation report dated December 8, 2015, with attached staff report dated July 5, 2015
- A staff presentation dated April 26, 2016
- An extract of minutes from the Committee of the Whole meeting held on October 6, 2015

Mr. Peter Duncan, Infrastructure Policy & Standards Program Manager provided a staff presentation. Mr. Duncan outlined that the previous direction from Council was to develop a Lot Grading By-law for low density residential areas and a Stormwater By-law for the balance of development, which is in accordance with best practices. He noted that the matter before Council at this time was the Lot Grading By-law, and that a proposed Stormwater By-law will be brought forward at a later date. Mr. Duncan provided an overview of the proposed Lot Grading By-law with respect to deposit, remedy and increased effectiveness as well as the scope of application.

Mayor Savage thanked Mr. Duncan for the presentation. He noted that the following motion was placed on the floor at the October 6, 2015 meeting of Regional Council:

THAT Committee of the Whole recommend that Halifax Regional Council:

- 1. Move first reading and schedule a public hearing to consider the adoption of the proposed By-law L-400-A By-law Respecting Lot Grading, as contained in Attachment A of the staff report dated July 5, 2015, to repeal and replace By-law L-300 – A By-law Respecting Lot Grading and Drainage with the following amendment:**

That clause 4(b) is amended by replacing the word “and” at the end of the clause with the word “or” so it reads: “new building construction where lot grading is regulated by a Development Agreement; or”
- 2. Direct staff to begin consultations with the Development Liaison Group concerning the content of a Stormwater By-law as outlined in the staff report dated July 5, 2015**

Councillor Hendsbee joined the meeting at 10:18 a.m.

A brief discussion ensued, with Mr. Duncan responding to questions from Council. Highlights include:

- The on-site septic disposal system plan could also serve as a lot grading plan if the required grading information is added, though the process for certification may differ;

- The proposed Lot Grading By-law would be applied to low density residential new construction only;
- Under the proposed by-law, the property owner would have up to nine months after the lot grading certificate is issued to complete the lot grading requirements;
- The Development Liaison Group is a committee that was established by the Office of the Chief Administrative Officer with a mandate to review changes to legislation or business practices that might affect the development industry. Its membership includes municipal staff, the Urban Development Institute of Nova Scotia, the Nova Scotia Home Builders Association, Nova Scotia Environment, the Halifax Regional Water Commission, and Heritage Gas Limited;
- The main advantages of the proposed by-law are: early identification of drainage issues, which makes them easier to rectify; and more effective remedy provisions, which would make it easier for the municipality to intervene and rectify issues.

Mr. Duncan agreed to a suggestion to provide information on the municipality website regarding stormwater management, and he indicated that changes are being made to bring greater alignment with the Halifax Regional Water Commission on the matter.

Councillor Johns joined the meeting at 10:30 a.m.

In response to a question regarding possible expansion of the public consultation process, Mr. John Traves, Acting Chief Administrative Officer advised that staff would follow the provisions in the relevant Administrative Order and consider what can be done to expand on that to achieve broader consultation. The Mayor suggested that staff accommodate rural newspapers that are not distributed as frequently.

Responding to a question respecting the possibility of prosecution for an expert that has certified a plan under the proposed Lot Grading By-law, Ms. Donna Boutilier, Solicitor advised that there would be a mechanism to bring forward charges if there is sufficient evidence that the individual had done something contrary to the by-law that would warrant a charge.

The following amendment was MOVED by Councillor Craig, seconded by Councillor Nicoll

THAT the Committee of the Whole amend the motion of October 8, 2015 to provide that the reference to the report dated July 5, 2015 be to the supplementary staff report dated December 8, 2015, with the addition of parts 3 and 4 as follows and the replacement of the word 'and' at the end of clause 4(b) with the word 'or':

- 3. Repeal By-L-300 – A By-law respecting Lot Grading and Drainage, the existing by-law that regulates lot grading pending approval of the proposed By-law L-400.**
- 4. Amend Administrative Order 15 Respecting License, Permit and Processing Fees as contained in Attachment C of the supplementary staff report dated December 8, 2015 pending approval of the proposed By-Law L-400.**

MOTION TO AMEND PUT AND PASSED.

The question was called on the amended motion as follows:

THAT Committee of the Whole recommend that Halifax Regional Council:

- 1. Give First Reading and schedule a public hearing to consider the adoption of the proposed Bylaw L - 400 – A By-law Respecting Lot Grading, as contained in Attachment A of the supplementary staff report dated December 8, 2015, to replace By-law L-300 – A By-law Respecting Lot Grading and Drainage; and**

2. Direct staff to begin consultations with the Development Liaison Group concerning the content of a Stormwater By-Law in the supplementary staff report dated December 8, 2015.
3. Repeal By-L-300 – A By-law respecting Lot Grading and Drainage, the existing by-law that regulates lot grading pending approval of the proposed By-law L-400.
4. Amend Administrative Order 15 Respecting License, Permit and Processing Fees as contained in Attachment C of the supplementary staff report dated December 8, 2015 pending approval of the proposed By-Law L-400.

AMENDED MOTION PUT AND PASSED.

4. ADJOURNMENT

The meeting was adjourned at 10:54 a.m.

Kevin Arjoon
Municipal Clerk