

BRIEFING NOTE

TO: Harbour East-Marine Drive Community Council

FROM: E. Roxanne MacLaurin
Senior Solicitor

DATE: January 24, 2013

RE: January 10, 2013 - Motion – Added Item – Councilor Nicoll – 782 Main Street
Dartmouth

Motion added item – January 10, 2013 East Community Council provided as follows:

Motion approved that East Community Council request that planning staff expedite the development approval process for rezoning 782 Main Street, Dartmouth, by waiving the requirement for a public information meeting due to the already commercial nature of the area.

Please note that East Community Council does not have authority to approve the above motion. Section 86 of Administrative Order Number 1 provides that no member of the council shall have power to direct or interfere with the performance of any work of the Municipality. There is also a delegation to staff under the Dartmouth LUB general provisions with respect to the administration of the By-Law.

The purpose of the PIM is to hear from members of the public. The feedback from the public can be of assistance to the developer. Knowing public concerns beforehand usually results in fewer surprises at the public hearing. The decision whether or not to hold a Public Information Meeting (PIM) is a process decision which is made by staff.

A Councilor could contact the staff member involved in the process to discuss the issue/express any concerns etc. However, the ultimate decision as to whether to waive the PIM would be within the discretion of staff as such, this is not something Council could direct by Motion.

Council should also be aware of section 48 of Administrative Order Number 1 which provides that council shall not vote on a motion arising out of an item added to the agenda by a member of council until a staff report and recommendation is received.

In this instance however, a request for a staff report would have been inappropriate given the limits of Council's authority with respect to the moved item.