

# HALIFAX REGIONAL MUNICIPALITY

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## HALIFAX REGIONAL COUNCIL COMMITTEE OF THE WHOLE MINUTES November 25, 1997

PRESENT:

Mayor Walter Fitzgerald  
Councillors: Bill Dooks  
Gordon R. Snow  
David Hendsbee  
Ron Cooper  
Jack Greenough  
Condo Sarto  
Bruce Hetherington  
Clint Schofield  
Jerry Blumenthal  
Graham L. Downey  
Larry Uteck  
Howard Epstein  
Russell Walker  
Bill Stone  
Ron Hanson  
Stephen Adams  
Barry Barnet  
Bob Harvey  
Peter Kelly  
Jack Mitchell

ABSENT:

Deputy Mayor Reg Rankin  
Councillor Harry McInroy  
Councillor John Cunningham

STAFF MEMBERS:

Mr. Ken Meech, Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Vi Carmichael, Municipal Clerk  
Ms. Patti Halliday, Assistant Municipal Clerk

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Mayor Fitzgerald called the meeting to order at 3:00 p.m.

**1. APPROVAL OF MINUTES - October 14, 1997**

**MOVED by Councillors Hetherington and Blumenthal that the minutes of October 14, 1997 be approved, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

**2. DRAINAGE - PRIVATE PROPERTY**

- A staff report prepared for George McLellan, Commissioner of Regional Operations, recommending that Council adopt the report, Drainage - Private Property, as policy, was before Council for consideration.

Mr. Kulvinder Dhillon, Director, Engineering and Transportation Services, presented the staff report explaining that the intent explaining that the intent was to harmonize policies of former the units.

In response to a question from Councillor Hetherington, Mr. Dhillon stated if municipal property is causing a drainage problem, it becomes the municipality's problem.

(Councillor Adams took his place at the meeting at 3:10 p.m.)

Responding to questions from Councillor Kelly, Mr. Dhillon stated if staff made an error in approving a particular development, that would be a different issue than what is covered by this proposed policy, and could be dealt with by staff and/or Council. Commissioner McLellan added it should not be assumed that every liability is based on the development plan as a lot of things could change and, therefore, be beyond the responsibility of staff. There are obligations for other people involved in the process.

Councillor Barnet expressed concern with Recommendation 6-1 *That the Municipality not construct stormwater systems on its property to resolve problems on neighbouring properties, unless it has a legal obligation to do so.* The Councillor stated he would like to see a policy that allows for flexibility. He suggested the property owners should not be required to get a legal opinion to show it is HRM's responsibility. Another concern expressed by Councillor Barnet was with respect to the policy not including anything that would allow for unique situations such as a previous situation regarding Stokil Drive. Mr. Dhillon replied this policy does not preclude Council from dealing with unique situations, such as Stokil Drive, in the manner they wish to do so.

Councillor Hendsbee expressed concern with Recommendations 5 to 7. He echoed the concerns expressed by Councillors Kelly, Barnet and Hetherington, with respect to drainage of municipal properties. The Councillor also expressed concern with this policy not addressing the long list of drainage problems already in existence. He suggested the policy should also address the responsibility of the Nova Scotia Department of Transportation and Public Works with respect to drainage.

Councillor Blumenthal congratulated staff on the report. He inquired about a drainage problem on Needham Street, to which Mr. Dhillon replied the former City of Halifax had determined this particular situation was not its responsibility.

Councillor Harvey expressed concern with the collection of drainage problems on private property that are a result of the lack of related by-laws in place in the former municipal units. With respect to the proposed policy, the Councillor raised concern with Recommendation 3-1, *The Municipality will accept ownership of stormwater systems on private property, if a number of conditions can be satisfied, as follows: (1) That the system is utilized to drain stormwater from a system of the Municipality's, and/or that it forms part of a trunk storm sewer system, (2) That it can be shown that the system is constructed to the Municipality's standards, (3) That an easement can be provided in a form acceptable to the Municipality, and, (4) That, by accepting the system, the Municipality is not unduly exposing itself to liability or to unreasonable costs associated with inspection, maintenance, repair or replacement.* Councillor Harvey stated this recommendation would eliminate the possibility of residents, such as those living on Erondale Drive, from getting relief of their problem. Councillor Harvey stated there should be a way to work together with the residents to solve the problem.

With respect to Recommendation 6-1, Councillor Harvey stated the municipality needs to show some leadership and moral obligation to help repair some of the drainage problems. Regarding Recommendation 5-1, *That the Municipality not contribute to the cost of resolving drainage problems on private property, but that the Municipality consider implementing controls to prevent such problems from occurring in the future,* the Councillor stated, in some cases, the municipality should be involved in the solution.

Councillor Greenough explained the policy of the former City of Dartmouth with respect to private property drainage. The Councillor stated he was in support of the proposed policy as long as it is understood that the municipality is prepared to assist and work with the residents where there is merit and the interests of the municipality are being served.

Councillor Hetherington stated the proposed policy will be good for the future, but there needs to be some flexibility. In addition, the Councillor stated there needs to be cooperation between the residents and staff. In response, Mr. Dhillon noted this policy states the municipality will provide general engineering advice to the residents.

Councillor Epstein also expressed concern with Recommendation 5-1. He inquired if the language could be changed to show it does not rule out dealing with situations on a case to case basis if Council is willing to do so. Commissioner McLellan suggested the policy could be amended to state this does not preclude Council from considering situations when any storm water problems are created where the municipality is the contributor. If that is deemed to be the case, the municipality will be participating in the remedy.

In situations where more than one homeowner is involved, Councillor Stone inquired whose responsibility will it be to get the homeowners together to decide how the problem should be solved. Mr. Dhillon replied this would have to be initiated by staff.

(Councillor Walker took his place at the meeting at 3:55 p.m.)

Councillor Stone stressed the importance of having a policy, and stated, for the most part, this is a good one.

Responding to questions from Councillor Cooper, Mr. Dhillon stated if HRM designs a sidewalk and the design creates drainage problems, then HRM will be responsible to deal with the problem. Councillor Cooper expressed concern with nothing in the policy to require middle men, such as previous owners of a property, to be involved in the solution. The Councillor stated the policy is not strong enough to get all parties involved in the process. Mr. Dhillon stated staff will attempt to address Councillor Cooper's concerns in the design standards and guideline documents.

With respect to school properties, Councillor Cooper inquired what would be HRM's responsibility. Mr. Dhillon replied if the drainage problem is a result of the design, the problem would go back to the contractor. However, if the problem is a result of maintenance, that would be a different situation.

Regarding assistance being provided to the residents, Councillor Cooper inquired if additional staff will be hired. Mr. Dhillon replied most problems can be addressed without a lot of research and, therefore, there will be no increase in staff if this policy is adopted.

In closing, Councillor Cooper stated the proposed policy is a good start, but there needs to be some flexibility. A lot of the drainage problems came into HRM with amalgamation and cannot be forgotten.

Regarding Recommendation 5-1, Councillor Adams stated he did not think it was appropriate to have a different set of rules for the municipality and private property owners.

Councillor Schofield spoke in favour of the policy.

In response to a question from Councillor Kelly, Mr. Dhillon explained the difference between Recommendations 6-1 and 1.5, noting community systems will be permitted to be built on HRM land.

As several Councillors had expressed concern with Recommendations 5.1 and 6.1, the following motion was put on the floor.

**MOVED by Councillors Blumenthal and Schofield that the “Report on Drainage - Private Property”, dated October 1997, be forwarded to Council without recommendation.**

As a result of Council’s concerns, Commissioner McLellan suggested the following changes could be made:

Recommendation 5-1: This could be amended to state there is nothing that would preclude further consideration by Council.

Recommendation 6-1: This could be amended to state that with respect to municipally owned land, if the municipality is part of the problem, then it should be part of the solution.

**MOTION PUT AND PASSED.**

**3. DISCUSSION - BY-LAW T-201 RESPECTING TAX EXEMPTIONS**

- A public hearing regarding By-Law T-201 was held on November 4, 1997 at which time the matter was referred to the a Committee of the Whole meeting, and the public hearing was adjourned until the first week in December.
- Copies of the presentation made by Barb Nehiley, Principal, Societal Issues and Initiatives, were circulated to Council.

**MOVED by Councillor Kelly that this item be deferred to the next Committee of the Whole meeting.**

**There was no seconder to this motion.**

Councillor Hendsbee stressed the importance of dealing with this matter in a timely fashion.

(Mayor Fitzgerald left the meeting at this point - 4:35 p.m., and Councillor Greenough assumed the Chair as Deputy Mayor Rankin was not present.)

Ms. Nehiley presented the Grants Committee Recommendations to Committee of the Whole, with regard to By-Law T-201 Respecting Tax Exemptions, which were as follows:

- Look at not reviewed groups and provide information that can help identify and contact organizations so they can be reviewed, and eliminate non active or not relevant groups.
- Discuss current recommendations.

- Approve list for Second Reading at December 9, 1997 Public Hearing.
- Refer non reviewed applications to Grants Committee for report back with an amended by-law within this year.

**MOVED by Councillors Hetherington and Schofield that the Grant Committee recommendations be forwarded to Council. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillors Hetherington and Blumenthal that the meeting adjourn at 4:50 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

Vi Carmichael  
Municipal Clerk