
MEETING TYPE: Regular Council Meeting
MEETING DATE: June 6, 2023
AUTHOR: Reyna Seabrook, Director of Corporate Services
DEPARTMENT: Corporate Services
ITEM TITLE: Reconsideration of Resolution 2023-04-063 for DVP2021-018
DESCRIPTION: DVP2021-018 4111 Evans Road (Part 1) Subdivision and Development Servicing Bylaw variances for sewer, water and roads requirements.

QUESTION

Pursuant to section 131 of the *Community Charter* and section 20 of Council Procedures Bylaw 1105, 2019, the Mayor has initiated reconsideration of resolution 2023-04-063 which was carried at the Special Council Meeting of April 11, 2023. The Mayor believes that the approval of Development Variance Permit 2021-018 was intended to be conditional upon certain provisions which were not included within the original motion. The reconsideration is initiated by the Mayor to contemplate inclusion of such provisions within the motion.

The original motion reads as follows:

THAT DVP2021-018 for property located at 4111 Evans Road, Roll 1807002, be approved for variances to the following sections of the Subdivision and Development Servicing Bylaw 1121, 2020 (SDDS):

- *Section C.1.3 to allow an onsite sewerage system.*
- *Section I.4.1 to reduce the minimum fire flow requirement from 150 to 83 litres per second.*
- *Section G.6.1 to increase the minimum cul-de-sac length from 300 to 370 metres, and to waive the requirement for an emergency access.*

Carried.

OPPOSED: Councillors Brett and Reed

EXECUTIVE SUMMARY

Regarding reconsideration of a motion by the Mayor, section 20 of Council Procedures Bylaw 1105, 2019 sets out the following:

- Council must deal with the matter brought forward for reconsideration as soon as convenient, which does not necessarily mean at the meeting at which the reconsideration process is initiated.
- A motion may only be reconsidered if the matter has not had the assent of the electors, has not already been reconsidered and has not been acted upon.
- The Mayor may initiate reconsideration of a matter at the same meeting as the vote took place or within 30 days following that meeting. Reconsideration by the Mayor occurs by the Mayor having the matter placed on the agenda during the usual agenda setting process or by the Mayor bringing the matter forward during a meeting as an addition to the agenda.
- Where the Mayor brings forward a matter for reconsideration, no motion to reconsider takes place. The matter is placed before Council for reconsideration in its original condition as if no vote took place.
- Matters brought forward for reconsideration by the Mayor shall be placed under the heading Mayor's Report.
- Council may consider the motion to reconsider and then choose to table the matter to a subsequent meeting. The Mayor opens debate by stating their reasons for reconsideration.
- At the close of debate a vote is taken on the motion just as it was taken on the original motion.
- The Mayor or a member may propose an amendment to the motion that is being reconsidered.

- The decision on reconsideration stands as the decision of the Council notwithstanding its decision on the original motion, which remains in the minutes of the previous meeting but is superseded by the decision reached after reconsideration of the matter.
- A matter that has been reconsidered must not be reconsidered.

Regarding reconsideration of a motion by the Mayor, section 131 of the *Community Charter* sets out the following:

- (1) Without limiting the authority of a council to reconsider a matter, the mayor may require the council to reconsider and vote again on a matter that was the subject of a vote.
- (2) As restrictions on the authority under subsection (1),
 - (a) the mayor may only initiate a reconsideration under this section
 - (i) at the same council meeting as the vote took place, or
 - (ii) within the 30 days following that meeting, and
 - (b) a matter may not be reconsidered under this section if
 - (i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or
 - (ii) there has already been a reconsideration under this section in relation to the matter.
- (3) On a reconsideration under this section, the council
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- (4) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Respectfully Submitted,
Reyna Seabrook, Director of Corporate Services

Report Approval Details

Document Title:	Reconsideration of Resolution 2023-04-063 for DVP2021-018.docx
Attachments:	- Owl's Nest Proposed Sewerage Treatment and Dispersal Systems, 4111 Evans Road-2023-02-09.pdf - DVP2021-018-SDDS-2023-04-11.pdf
Final Approval Date:	May 16, 2023

This report and all of its attachments were approved and signed as outlined below:

No Signature found

Steven Gubbels, Manager of Development - May 16, 2023 - 1:45 PM

No Signature found

Matthew Salmon, Director of Engineering and Environmental Services - May 16, 2023 - 3:05 PM

Tanya Garost, Chief Administrative Officer - May 16, 2023 - 5:37 PM