
Council Minutes

Council Members Present:

Mayor D. Henderson
Councillor J. Baker
Councillor T. Blanchard
Councillor P. Deery
Councillor J. Earle
Councillor J. Fullarton
Councillor M. Kalivas
Councillor D. LeSueur

Regrets:

Councillor L. Bursey

Staff:

B. Casselman, City Manager
C. Cosgrove, Director of Operations
D. Dick, Director of Corporate Services
J. Faurschou, Planner I
S. Fraser, Chief of Police
S. MacDonald, City Clerk (Recording Secretary)
A. McGinnis, Planner II
R. Nolan, Director of Economic Development
P. Raabe, Director of Environmental Services

The meeting was called to order at 7:02 pm.

MOTION TO MOVE INTO CLOSED SESSION (6:30 PM)

Moved by: Councillor Blanchard

THAT pursuant to Municipal Act, 2001, Section 239 Sub. 2(c), Council resolve itself into the Committee of the Whole, In Camera, closed to the public to consider:

1. a proposed or pending acquisition or disposition of land by the municipality or local board;

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE IN CAMERA

Moved by: Councillor Earle
Seconded by: Councillor Kalivas

THAT Council rise from Closed Session without reporting.

CARRIED

MAYOR'S REMARKS

Nil.

DISCLOSURE OF INTEREST

Nil.

ADOPTION OF COUNCIL MINUTES

Moved by: Councillor Kalivas

THAT the minutes of the Council Meeting of August 22, 2017 be adopted and circulated as read.

CARRIED

CORRESPONDENCE, COMMUNICATIONS AND PETITIONS

1. **Appointments to Boards and Committees
(Various)**

Moved by: Councillor LeSueur

THAT Shannon Liscumb be removed from the Brockville Municipal Accessibility Advisory Committee; and

THAT John Francis be removed from the Twin Pad Committee; and

THAT Michael Libbos be appointed to the Island Breakfast Committee; and

THAT Nancy Gardner be appointed to the Brockville Municipal Accessibility Advisory Committee; and

THAT the necessary by-law be enacted.

CARRIED

2. **English as a Second Language Week
(Teachers of English as a Second Language Association of Ontario)**

Moved by: Councillor LeSueur

THAT Council do hereby proclaim October 29, 2017 to November 4, 2017 as "English as a Second Language Week", in the City of Brockville.

CARRIED

3. **17th Annual Child Care Worker and Early Childhood Educator
Appreciation Day
(Ontario Coalition for Better Child Care)**

Moved by: Councillor LeSueur

THAT Council do hereby proclaim that October 25, 2017 be designated the 17th annual "Child Care Worker & Early Childhood Educator Appreciation Day" in the City of Brockville.

CARRIED

DELEGATIONS

1. **Reticle Ventures Canada
(Steve Day, President)**

S. Day provided an update on their economic development efforts and contributions within the community and information regarding the proposed lease amendment.

2. **Shooting Range Expansion - Brockville Airport
(Len DeRyke)**

L. DeRyke addressed Council indicating that he was a resident of Elizabethtown-Kitley. He spoke on behalf of the Elizabethtown-Kitley Residents Association.

3. **CPH - Employment Lands Review
(Garth McGill)**

G. McGill addressed Council with respect to the Employment Lands.

A copy of G. McGills presentation is attached to the minutes.

PRESENTATIONS

1. G. Bender, WSP Canada Group Limited presented an overview of the Employment Lands Secondary Plan Report.

REPORTS BOARDS AND COMMITTEES

FINANCE, ADMINISTRATION AND OPERATIONS

Councillor L. Bursey, Chair
Councillors T. Blanchard, J. Fullarton, P. Deery
Meeting held on September 19, 2017

FAO - CONSENT AGENDA

Moved by: Councillor Deery

THAT the following items, as listed on the Finance, Administration and Operations Committee agenda are recommended by the Committee to be passed by Consent Agenda

CARRIED

1. **2017-091-09
License to Occupy Agreement - 48 King St West**

THAT Council authorize the Mayor and City Clerk to execute a licence agreement with Kemptville Suites Ltd., to permit the occupation of the building located at 48 King Street West onto Court House Avenue.

2. **2017-092-09**
Water Treatment Plant - Backwash Wastewater Residual
Management System Engineering/Consulting Services

THAT Council approve the Engineering/Consulting Services of EVB Engineering in the amount of Sixty-Four Thousand, Four Hundred and Fifty-Four dollars (\$64,454.00) for the detailed design, preparation of construction tender documentation, MOECC approval submission, and provision of on-site project management for upgrades to the backwash wastewater residual management system at the City's Water Treatment Plant; and

THAT the funds be allocated from the 2017 Water Equipment/Construction Capital Account 9403010- 9940414.

3. **2017-093-09**
Services Repair on Schofield Ave

THAT Council accepts the tender from Knapp's Paving and Landscaping in the amount of One Hundred and Ninety Eight Thousand, Six-Hundred and Sixty-Five dollars and Fourteen Cents. (\$198,665.14) excluding HST for the installation of new water services on Schofield; and

THAT the funds be allocated from the 2017 Approved Capital Budget, Schofield Avenue, account 9403015-9403164.

4. **2017-094-09**
Renewal of Franchise Agreement – Enbridge Gas Distribution Inc

THAT this Council approves the form of draft By-law (including the Franchise Agreement forming part thereof) attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of the Municipal Franchises Act.

THAT this Council requests the Ontario Energy Board to make an order dispensing with the assent of the municipal electors of the attached draft By-law (including the franchise agreement forming part thereof) pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

5. **2017-095-09**
Reticle Lease Amendment

THAT the lease agreements between the City of Brockville and Reticle Ventures Inc. be amended to reclassify the 11.5 hectare area highlighted in Attachment 1 from "Training 'A' Lands" and "Training 'B' Lands" to "Range Lands" at the Brockville 1000 Islands Regional Tackaberry Airport, subject to confirmation from Elizabethtown-Kitley that the Site Plan Agreement permits the lands to be used as part of the range.

6. **2017-096-09**
Immigration Portal Funding

THAT Council authorize the Mayor and City Clerk to enter into a Transfer Payment Agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of Citizenship and Immigration for funding to redevelop the existing Leeds & Grenville Immigration Portal for a contribution of \$87,500 towards expenditures in 2017 and 2018.

STAFF REPORTS

1. **2017-097-09**
Employment Lands Review Secondary Plan
Official Plan Amendment and Zoning By-law Amendment
Brockville Employment Lands
(Parkedale Ave. West, Stewart Blvd., Victoria Road)

Moved by: Councillor Earle

1. THAT the City of Brockville Employment Lands Secondary Plan Report, Dated December 2016, amended September 2017, be adopted as prepared by WSP Canada Group (formerly MMM Group Limited) pertaining to the Employment Lands project.
2. THAT Official Plan Amendment No. 005, to redesignate the lands to amend Section 4.7 and Schedules "1", "3" and "6" to implement the Employment Lands Secondary Plan, be adopted.
3. THAT Amendment to Zoning By-law 050-2014 be amended, as proposed, be adopted.
4. THAT the following supporting documents be accepted.

- *"City of Brockville Employment Lands Review"*, prepared by MMM Group, dated June 2015 (Final);
- *"Brockville Employment Lands Environmental Impact Study, Brockville Ontario"*, prepared by Golder Associates, dated October 2016 (Final);
- *"City of Brockville Employment Lands Financial Impact Assessment"*, prepared by MMM Group, dated December 2016 (Final);
- *"Brockville Development Lands Traffic Impact Study"*, prepared by BT Engineering, dated September 2016;
 - BTE Technical Memorandum, dated 15 December 2016; and
 - BTE Letter dated 25 August 2017
- *"Stage 2 Archaeological Assessment of New Industrial Park"*, prepared by The Archaeologists Inc., dated November 2016 (Final); and
- *"Land Use Within 500 Metres of the City of Brockville Landfill Site, Brockville Ontario"*, prepared by Golder Associates, dated 30 June 2016.
- *"Technical Memorandum: Desktop Hydrogeological Assessment, Proposed New Employment Lands, North West Urban Reserve Area, Brockville, Ontario"*, prepared by Golder Associates, dated 15 September 2017.

CARRIED

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

Nil.

BY-LAWS

- 058-2017 A By-law to Authorize the Appointment of Municipal Law Enforcement Officers and Peace Officers as it applies to the private property of 70 Charles Street, Brockville (BGH)

- 059-2017 A By-law to authorize the Corporation of the City of Brockville to enter into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Citizenship and Immigration for funding under the Ontario Transfer Payment (Immigration Portal)
- 060-2017 A By-law to Adopt Amendment No. 005 to the 2012 Official Plan for the City of Brockville (Employment Lands)
- 061-2017 A By-law to amend Comprehensive Zoning By-law 050-2014, as amended, with respect to the Brockville Employment Lands Secondary Plan

READING OF THE BYLAWS

Moved by: Councillor Fullarton
Seconded by: Councillor LeSueur

THAT By-laws Numbered 058-2017 to 061-2017 be introduced and the same be now read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be recorded.

CARRIED

CONFIRMATORY BYLAW

Moved by: Councillor Fullarton
Seconded by: Councillor LeSueur

THAT By-law Number 062-2017 to confirm the Proceedings of Council at its meeting held on September 26, 2017 be read a first, second and third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be recorded.

CARRIED

MAYOR'S ANNOUNCEMENTS

Nil.

MEDIA QUESTION PERIOD

ADJOURNMENT

Moved by: Councillor Fullarton
Seconded by: Councillor LeSueur

THAT Council adjourn its proceedings until the next regular meeting scheduled for October 10, 2017.

CARRIED

The meeting adjourned at 8:30

Mayor

City Clerk

Our name “Citizens for progress without hardship” says it all, from the beginning and continuing to this day, wish to see progress whether in the form of industrial parks or tunnels –we live and work here too. But, we as you, will fight relentlessly to defend our basic rights and that is simply what this is all about. In the early stages we took heart in the mayors promise of buffers and noise barriers similar to those on 401 and in the end we would be satisfied. This commitment soon vaporized as the project started falling apart, expropriations, endangered species, wetlands, shrinking size and mushrooming costs, currently believed to be in 2.5 million dollar range. Our basic rights to use and enjoy our properties are threatened; we have been thrown under the bus! We are only doing what you would do in the same situation.

This unprecedented 84 mb of data dump on the elected officials of the city of Brockville illustrates the city staff in a frenzied rush to get this project towards the finish line. This is the largest agenda in terms of size in the past 8 year history, with more data in this one meeting than most years total. Think about that. How could any elected representatives possibly have enough hours to adequately digest the contents in three days and then be expected to be ready to vote? Never in the history of Brockville has so much information been dumped with so little time to properly assess. The democratic process deserves better and ought to be the product of open honest discussion and not semi transparent dialogue and smoke screens. One word keeps jumping off the pages “premature”!

Now - it seems you the council are being pressed for a favourable decision, that is to give a majority approval vote to adopt the staff recommendation to allow this industrial park to proceed. However, let me remind you of a similar situation when you approved the assembly of lands under similar panic conditions for a reported 300 jobs. That council decision made was based on information presented to you, but unfortunately some information was withheld that may have changed the outcome. I am referring to a report called “Constraints and Opportunities” done by a qualified ecologist, a number of months before warning of potential unevaluated wetlands and the existence of threatened and endangered species such as butternut trees and birds.

Now, let’s discuss some issues contained in this report 2017-097-09, proposed amendments presented to you for adoption.

What is the real size of the proposal?

According to documents obtained the sum total of the 5 properties purchased is 123.5 acres, at a total cost of 1.63 million for an average of \$13,222 per acre. The actual size is 6 acres smaller than announced by the economic development manager Mr. Paul. At the same time Mr. Casselman stated the 2015 budget of \$1.56 million would cover both the purchases of land and installation of services. Thus both the size of the development was overstated and the cost understated.

To assume there is another 14 acres potentially to add to the overall might be a miscalculation at this time as the former lagoon area has a watercourse running through the middle and to reroute this means losing about 4 acres and/or installing a bridge or culverts to gain access to the western portion. Either way the lagoon area may have limited value for development.

Lack of due diligence became apparent following the Environment Impact Study revealing that only 89 of the original 123.5 acres would be available for development. The balance 34 acres of the lands purchased are classed as unevaluated wetlands and significant woodland and currently classed as undevelopable and

will appear as open space and parks in the future. To state the effect another way would be to say 27% of the land purchases are lost or 27% of the land purchase cost, i.e. 44 million dollars of taxpayer investment is lost for development. The city has not made public the method of how this amount of money along with the others monies invested in the project will be handled as it presently sits in a "Land held for resale" asset account. Sooner or later it must be expensed or capitalized and should be dealt with during this years' budget deliberations.

The 27% land loss devastates the project overall, as the land loss cuts through the middle of the land assembly and carves it up into two major areas (phase 1&2, entrance off Laurie Blvd) and isolates or maroons some 9 acres (phase 3, entrance off Parkedale Av West) on the north side of Parkedale Ave. Due to infrastructure design of Parkedale West (buried dual leachate lines and utility pole placement), the possible cost (\$ 1 million +/-) to service the 9 acres is prohibitive at this time. Consequently it is classed as future employment land. So that means the size of phase 1 & 2 of the proposed industrial park is reduced to some 79 acres and it will only become smaller with storm water management system (+- 4 acres), road allowances, 30 metre pipeline right of way, 4 acres for an adjacent business and D-series separation distances between industrial uses and sensitive land uses such as residential area with wells and septic. e.g., Class II industrial use has a separation distance of 70 metres. The net size could end up being in the minus 70 acres range, a far cry from the initial advertised 130 acres.

The 100 acre total of phase 5&6 will have considerable undevelopable take out portions from the original dump, serious contamination portions of the Contamination Attenuation Zone, Grants Creek set backs and unsuitable terrain. The developable portion might be reduced to some 50-60 acres. To display 100 acres of future employment land is misleading.

As time progresses, the plan to put this industrial park in the backyards of residences without properly planned buffers is simply a reflection of bad planning.

The many unresolved Issues

1. One of our group's major worries with respect to this industrial park has from the beginning been the subject of impact to our well quantity and quality during construction and following years. The superficial desktop Hydrological Assessment done for the City does little to address the subject. The OP amendment –Schedule B, 4.7.4.4.2 I ***"Prior to development, hydrogeological study, including a well water survey in accordance with applicable legislation, may be prepared to determine groundwater sensitivity and vulnerability and ensure that there are no impacts to quality and quantity of groundwater"***. We note the "**may**" in the Secondary Plan proposed OP amendment has been changed from "**shall**" in the previous version. This can only be described as an intentional change to deflect responsibility away from the city. It is underhanded and ambiguous as to who is accountable for this amendment, the city or the land purchaser. The Golder Technical Memorandum, dated Sept 15, 2017 is a superficial desktop review of existing hydrogeology, and comes with a disclaimer, claiming much of the information origin is from other sources. For example the report features well locations which are derived from often incorrect Government well records, in some cases dating back to 1952. The report specifically shifts the responsibility away from the City of Brockville and places the responsibility of carrying out geotechnical investigations onto the developer who is making the application

The CPH requests the following before amendments are considered;

- A) That the word “may” change to “shall” and,
 - B) That the city provide funding for a third party Hydrogeologist to complete a thorough hydrogeological review of the Golder study and make recommendations for a comprehensive well protection policy for the residents with wells within 200 metres of the proposed industrial site.
2. Land use schedules have been changed at the last minute with little time for the public to absorb and understand
 3. Ambiguity exists wherein the applicant/proposed owner or future holder of the property will have to deal with matters that should be dealt with by the City. The proposed industrial park would be left in a strange sort of state, akin to selling a car with 4 worn out tires, check engine light on, no e-test and not certified - leaving a buyer with uncertain expenses. If the city wishes to be a developer then it might consider acting like a developer.
 4. Problematic issues facing a potential purchaser as the amendment now stands are;
 - a)- Dealing with some 33 butternut trees sprinkled throughout phase 1, 2 and 3 areas and making application to Ministries to harm or remove butternut trees and bear costs associated with following pre-determined formulas on planting replacement butternut seedlings and securing replacement locations and dealing with subsequent care. Reg 242/08
 - b)- Deferral of the 37 acre endangered species habitat to a future time, triggered by future planning applications as development proceeds. The current going rate for Golden Winged Warbler replacement habitat is about \$ 1,000 per acre. Alternatively, the closed landfill as a replacement habitat could take 2 or more years to reach the “Established” status. Another can be kicked down the road.
 - c)- A private dump exists on the site in the north east corner. MOECC has indicated the city will need to ensure preliminary soil tests in the area are conducted to ensure no residual petroleum contaminants are present. A potential purchaser might have to deal with this situation, the worst case scenario - a phase 1 Environmental Assessment.
 - d) Groundwater -the Golder desktop report seems to be shifting the responsibility away from the City of Brockville and places the responsibility of carrying out geotechnical investigations onto the developer who is making the application. Another deterrent for a potential purchaser to jump through hoop.
 5. The need or necessity is questionable when the 128 acre P&C property could become available, perhaps simultaneous to the north west industrial park and would present far more desirable features including rail siding, level deep ground, existing 300-400 foot buffers and potentially easier permits for LCD's off North Augusta Road and probably shovel ready & certified.
 6. Page 9 & 10 of the staff report to council displays a Secondary plan map and a table of land areas. It is a smoke and mirrors presentation as it presents the project to be larger than what it really is, i.e.,

phase 4 & 5 are not owned. Part of phase 3 separation remains incomplete and the city owned undevelopable lands should illustrate the 2015 purchased lands.

7. LCV's will not have excess for the foreseeable future, but other truck traffic will in keeping with the target market of 10 acres or more. MTO issued scathing comments regarding Stewart Blvd intersection plan. It seems much of the concerns are swepted under the rug with promise to further study the problems. There are many unanswered questions for future use of Stewart Blvd and connections between the east and west industrial parks. Piecemeal planning remains evident as this topic is kicked down the road again.
8. The CPH have questioned the financial data presented in the Secondary Plan, as it uses many incorrect assumptions. The city however seems satisfied the data and interpretation is valid, but with a proviso – it was completed to meet the Provincial regulations and was valid at the time of preparation. Much has changed since then and council ought not to approve these amendments without current financial viability report(s) of the project.
9. As it appears, a potential buyer would be left to deal with butternut trees, endangered species and groundwater studies. It is unclear how the Investment certified Site Programme would apply.
10. The city states most of the Cataraqui Region Conservation Authority (CRCA) have been incorporated into the amendments, but no reporting on what was not incorporated. This requires further information sharing.
11. The target market for potential purchasers seems to be larger than 3 to 4 ha (7½ to 10 acres) but there is no rational for this or if it is a strict rule.
12. Our groups retained Planner has advised us of the Provincial Policy Statement Section (PPS) 1.2.6 which states the following:

**Major facilities* (industries) and *sensitive land uses* should be planned to ensure that they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

**Major facilities* means facilities which may require separation from *sensitive land uses*.....

**Sensitive land uses* means buildings, amenity area, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects... Examples may include residences....

**Adverse effects* means one or more of:

- impair the quality of the natural environment..
- injury to property or plant or animal life
- loss of enjoyment of normal use of property

These are fundamental to the PPS and to this proposal. Unless the city can demonstrate otherwise, the adoption of the amendments should be delayed so that staff can adequately address the fact that as stated they may not.

And finally, one of our CPH group filed a lack of notice complaint and notice of incomplete answering of questions with the City of Brockville's planning department the same afternoon (September 22, 2017) as receiving the notice of the September 26, 2017 council meeting to consider adoption of the Official Plan and Zoning By-law amendments.

The complainant was advised by Planning; the applications are proceeding through the process as required under the Planning Act. Also Planning Department stated there is not a requirement to hold an Economic Development meeting ahead of the council meeting on September 26, 2017 and the decision to proceed was made by Mr. Bob Casselman.

Our group's retained Planner Mr Michael Wright has advised of several items pursuant to;

The Planning Act Section 17(15); Consultation and public meeting

- (15) (d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan.
- (19.1) The information and material referred to in clause (15) (c), including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting required under clause (15) (d) is held.
- (19.2) Every person who attends a public meeting required under clause (15) (d) shall be given an opportunity to make representations in respect of the current proposed plan.

Therefore to-nights' council meeting does not conform to The Planning Act requirements and suitable remedies are in order. Any motions of adoptions made to-night with respect to the proposed industrial park could under scrutiny by the Ontario Ombudsman.

The CPH requests a public meeting with proper notice to address unanswered questions and to provide further clarification on the industrial park; and then each person attending the public meeting be given the opportunity to make representations to council after a completed plan is presented. CPH respectfully requests this council to withhold approval until all information is made available and the minimum 20 days before a planned meeting is implemented in the Planning Act.