

Council Minutes

Regular Meeting of Council at 7:00 pm

Roll Call

Council Members:

Mayor D. Henderson
Councillor J. Baker
Councillor G. Beach
Councillor J. Earle
Councillor J. Fullarton
Councillor L. Journal
Councillor M. Kalivas
Councillor H. Noble
Councillor L. Severson
Councillor S. Williams

Absent:

Staff:

Ms. J. Amini, Administrative Coordinator (Recording Secretary)
Mr. B. Casselman, City Manager
Ms. D. Cyr, Director of Finance
Mr. C. Cosgrove, Director of Operations
Mr. C. Dwyer, Deputy Fire Chief
Ms. V. Harvey, Director of Parks and Recreation
Ms. M. Pascoe Merkley, Director of Planning

Others:

Mr. Michael Jiggins, Recorder and Times

MAYOR'S REMARKS

Mayor Henderson noted that the annual Clean Up Day that took place last Saturday and congratulated Councillor Journal and Janet Murray who lead the event, along with the many students and citizens who helped clean up Brockville Parks and green spaces. He also noted the annual Mayors Walk that took place the same day and expressed dissatisfaction that the event was not as successful as in past years.

Mayor Henderson expressed sympathies to all Invista employees

respecting the upcoming downsizing of the plant and noted that many of its employees live in Brockville.

Lastly, Mayor Henderson noted that the annual Multi-Cultural Festival will take place this weekend at the Brockville Memorial Centre.

DISCLOSURE OF INTEREST

Nil.

ADOPTION OF COUNCIL MINUTES

(i)

Moved by: Councillor Journal

THAT the minutes of the Council Meeting of April 14, 2009 be adopted and circulated as read.

CARRIED

MOTION TO MOVE INTO COMMITTEE OF THE WHOLE COUNCIL

(i)

Moved by: Councillor Severson

THAT we adjourn and meet as Committee of the Whole Council, with the Mayor in the Chair.

CARRIED

CORRESPONDENCE, COMMUNICATIONS AND PETITIONS

(i) REQUEST FOR PROCLAMATIONS:

Moved by: Councillor Baker

THAT Council make the following proclamation[s]:

- Multiple Sclerosis Awareness Month - May 2009
- THAT in honour of Multiple Sclerosis Awareness Month, May, that the Multiple Sclerosis flag be flown at Tunnel Bay from May 1st to May 18th, 2009.

(Multiple Sclerosis Society of Canada - Leeds Grenville Chapter)

- National Missing Children's Day - May 25th, 2009
(Child Find Ontario)

- THAT in honour of the Red Cross Centennial year, 2009, that the Red Cross Centennial Flag be flown at Tunnel Bay from May 18th

to May 31st, 2009.
(Canadian Red Cross - Leeds Grenville)

- THAT in honour and celebration of the May Court Club of Brockville's 50th Anniversary, that May 21st be declared "May Court Day in Brockville"
(May Court Club of Brockville)

CARRIED

(ii) **APPOINTMENTS TO BOARDS AND COMMITTEES
BROCKVILLE PUBLIC LIBRARY**

Moved by: Councillor Noble

THAT Councillor Noble be removed from the Brockville Public Library Board whose terms was to expire December 31st, 2010;
and

THAT By-law 122-2006 be amended accordingly.

CARRIED

DELEGATIONS

- (i) Ms Mary Townshend, Chair, Leeds Grenville Chapter, addressed Council on behalf of the Multiple Sclerosis Society and provided Council with a brief description of what MS does to a person who is affected by this disease. She also informed Council of the Society's annual Carnation Sale while Ms. Elaine McClintock provided each member of Council with a carnation. Ms. Townshend noted that the annual M.S Walk will take place on Sunday, May 24th. Participants will congregate at Commonwealth Public School at 9:00 a.m. for warm up exercises and the Walk will begin at 10:00 a.m.

PUBLIC MEETING UNDER THE ONTARIO BUILDING CODE ACT

- (i) **MEMORANDUM FROM
MAUREEN PASCOE MERKLEY, DIRECTOR OF PLANNING
2009 BUILDING FEES**

Mayor Henderson announced the Public Meeting under the Ontario Building Code Act.

Ms. Pascoe Merkley, Director of Planning, announced that Notice of the Public Meeting concerning proposed Building Permit Fee Schedule Revisions was given in the Recorder and Times Newspaper on April 2nd, 2009, as well that a notice was sent to local builders.

Mayor Henderson called on the Director of Planning to explain the

purpose of the Public Meeting and the nature of the proposed Building Fee revisions.

Ms. Pascoe Merkley, Director of Planning reviewed the regulations under the Ontario Building Code respecting fees charged for building permits and the issuance thereof, and noted that fees charged can only reflect the cost recovery of what it costs to enforce the Building Code. Presently, the fees charged by the City of Brockville only represent partial recovery of costs. She noted that new fees are being proposed for the inspection of work carried out without a permit and for re-inspections. The date that the new by-law would take effect is May 1, 2009.

The following persons made oral representation with respect to the proposed Building Fee changes:

Mr. Mike Veenstra, Spring Valley Homes, P.O. Box 1543, Brockville, K6V 6E6, noted that last year, builders faced a 10% increase with respect to building fees and are facing another 10% increase this year. He further noted that the Building community is anticipating its worst year for construction and these proposed fee increases are not good for the economy. He noted that the proposed new re-inspection fees should be discussed with the Director of Planning.

Mayor Henderson asked the Director of Planning to explain the proposed new re-inspection fees. Ms. Pascoe Merkley noted that the construction of new homes would typically go through 5 to 6 different stages of construction and inspection and any one of those stages could note deficiencies. If on re-inspection any of those deficiencies noted were not rectified, the next time that a Building Inspector is called out would be an additional fee. The philosophy or essence behind this is that if deficiencies are noted, the next time around those deficiencies should be rectified. Failure to do this takes up our Building Inspectors time. We charge a flat rate for construction of new dwellings and there would be an additional charge if 3 or more inspections are required. The goal is not to charge more than our costs to enforce the Building Code. We have provided estimates of revenues and expenses however there is still a net expense to the taxpayer. When comparing Brockville to other municipalities, Brockville ranks among the lowest fees charged in Ontario. This meeting is to discuss if the proposed increases are substantiated with respect to our costs.

Mr. Veenstra stated that another concern is the fee with the re-inspection of grades and asked if this would be charged if the builder was waiting for an inspection and discovered a problem. Ms. Pascoe Merkley stated that when applications are submitted, along with that application is a Lot Grading Plan and this must be

reviewed with the City's Engineering Division so that we are aware of the grading as well as to ensure that there will be consistency with overall grading schemes. At the time of completion of construction, there is another steps to ensure that grading is finalized to a certain level of tolerance. There are times when there are issues with grading and what the lot grading fee is intended to do is to cut back on the number of times that staff are having to carry out inspections to insure that there are not drainage issues. There is no fee charged on the original inspection. If there is the requirement for additional field checks, then the fee applies.

Mr. Veenstra asked what would happen if the adjoining property owner alters the grading plan. Ms. Pascoe Merkley noted that in those cases, it is incumbent on the builder and the City's Engineering staff to work together. The proposed new fees are intended to correct the numerous times that staff are required to review and re-review the same issues. Mr. Veenstra asked, with respect to the submission of plans to the Engineering Department for approval on grading, is it acceptable to use a CET to review the drawings. Ms. Pascoe Merkley stated that the City accepts CETs, Ontario Land Surveyors or Professional Engineers. Mr. Veenstra asked if a builder could eliminate one of the 5 steps, would he receive a discount. Ms. Pascoe Merkley invited Mr. Veenstra to share more of this idea with the Planning Department. Mr. Veenstra questioned why City staff would require or insist on a soil inspection when his development is on bedrock. Ms. Pascoe Merkley noted that inspectors must determine the condition of the site prior to the issuance of a permit.

Mayor Henderson asked what the process is if there is a disagreement between a builder and the City. Ms. Pascoe Merkley noted that there is always the opportunity for dialogue between the builder and staff and if there is a disagreement, the builder may go to the Code's Commission.

Mr. Veenstra noted that in the Downtown area, the City has a Community Improvement Plan (CIP) in place that exempts those properties of the requirement to pay the building permit fees and development charges, however all builders are exposed to these same economic issues. He stated that these fees should be eliminated in order for builders to survive. He noted that some municipalities have no development charges such as Cornwall who now has a one million dollar distribution centre being built there. Council now has the opportunity to make an improvement to the Brockville market.

Councillor Journal noted that Mr. Paul Veenstra of Coombe Custom Homes has contacted him and requested that his issues be expressed at this meeting since he was unable to attend. He

noted that the fees for a multi-residential unit are going up to \$950 per unit which, for a 50 unit building, would equate to \$47,500. There has not been a multi-residential unit built in Brockville since 1992 due to these building fees. Mayor Henderson noted that this could have also been due to the tax ratio for a multi-residential property being higher than that of a residential tax ratio, which Council addressed last year by considering a new tax class ratio called "new multi-residential" and its tax ratio is at 1 which is equivalent to the residential tax ratio.

Councillor Baker noted that typically, a Public Meeting would be to receive a report and review submissions. A report would then be brought back to Council with staff recommendations to those comments. He questioned where the time is for Council and staff to reflect on these public comments if Council is being asked to pass the by-law tonight. He feels discouraged that we would ask the public to come and provide submissions if our minds are already made up. For clarity, Ms. Pascoe Merkley noted that the fee by-law before Council implements the 2009 Budget.

Staff was requested to report on the issues raised to the Economic Development and Planning Committee Meeting scheduled for May 5th, 2009.

The Public Meeting under the Ontario Building Code adjourned at 7:35 p.m.

- (ii) CORRESPONDENCE RECEIVED FROM
PAUL VEENSTRA, COOMBE CUSTOM HOMES
- (iii) CORRESPONDENCE RECEIVED FROM
MICHAEL VEENSTRA, SPRING VALLEY HOMES LTD.

PRESENTATIONS

- (i) **THE WINTERFEST 2009 - FINAL REPORT**
Mr. Tony Barnes, Mr. Laurence Bishop, Mr. Mike McDonnell and Mr. Dave Dargie presented Council with a powerpoint presentation of Winterfest 2009 along with a preview of the upcoming 2010 Canada 55+ Games.
- (ii) **BROCKVILLE WPCC
SECONDARY TREATMENT UPGRADE
STATUS REPORT**
Mr. Cosgrove provided Council with a brief introduction of the project and introduced Mr. Lucas Smith of MHPM Project Management Inc. who provided Council with an update of the project.

STAFF REPORTS

- (i) 2009-058-04

CONSULTANT FOR 2009 DEVELOPMENT
CHARGES BACKGROUND STUDY
FILE: F21-02

Moved by: Councillor Kalivas

THAT Watson & Associates Economists Ltd. be awarded the consulting services contract for the Development Charges Background Study and development of corresponding by-law at a cost of \$25,000 excluding GST; and

THAT Council authorizes the transfer of an additional \$5,000 from the Growth Management Reserve Fund towards this project; and

THAT this expenditure be charged against Account C6110-DC09-3010.

REFERRED TO THE EDP MEETING IN NOVEMBER
Motion to Refer

Moved by: Councillor Journal

THAT the motion be referred to the EDP meeting in November.

CARRIED

Councillor Noble raised a point of order on the time limit of the discussion.

REPORTS BOARDS AND COMMITTEES

FINANCE AND ADMINISTRATION COMMITTEE

- (i) Councillor J. Baker, Chair
Councillor J. Fullarton, Councillor L. Journal

Meeting held April 21, 2009

FIN. ADM. - CONSENT AGENDA

- (i) Councillor Beach requested that Report 2009-045-04, 2009 FINAL BUDGET, be removed from the Consent Agenda.

Moved by: Councillor Journal

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

CARRIED

- (ii) 2009-047-04
2009 DEBT CAPACITY LIMIT

Moved by: Councillor Journal

THAT the Debt Capacity Limit for 2009, as calculated and updated by the Treasurer be received.

CARRIED

- (iii) 2009-053-04
TANGIBLE CAPITAL ASSET POLICIES
FILE: F03-10

Moved by: Councillor Journal

THAT Council authorize the Tangible Capital Asset Policy - Transitional Provisions (Attachment #1 to Report 2009-053-04); and

THAT Council authorize the Tangible Capital Asset Policy (Attachment #2 to Report 2009-053-04).

CARRIED

FIN. ADM. - REGULAR AGENDA

- (i) 2009-057-04
SUBMISSION TO BUILD CANADA – INTAKE TWO
AND \$4 BILLION INFRASTRUCTURE STIMULS FUND

Moved by: Councillor Fullarton

THAT Council authorize the City Manager to make submission to the Build Canada Fund – Intake Two and \$4 Billion Infrastructure Stimulus Fund for the projects listed on Schedule 2.

CARRIED

- (ii) 2009-045-04
2009 FINAL BUDGET

Moved by: Councillor Baker

THAT Council authorize an amendment to the 2009 budget as it pertains to Joint Services costs based on the confirmed budget levy amount of \$5,395,514 which is an increase of \$184,090 from

the original proposed budget figure; and,

THAT Council authorizes the adoption of the 2009 budget at a levy of \$26,950,911, which includes the additional of lifeguards at St. Lawrence Park at a cost of \$18,643; and,

THAT Council authorizes the passing of the by-law to adopt the 2009 budgets.

CARRIED

OPERATIONS COMMITTEE

- (i) Councillor S. Williams, Chair
Councillor H. Noble, Councillor L. Severson

Meeting held April 22, 2009

OPERATIONS - CONSENT AGENDA

- (i)

Moved by: Councillor Williams

THAT the following items listed on the Operations agenda are recommended by the Operations Committee to be passed by Consent Agenda

CARRIED

- (ii) 2009-042-04
WATER & WASTEWATER TREATMENT
QUARTERLY REPORT (JAN. – MAR. 2009)

Moved by: Councillor Williams

THAT Report 2009-042-04 Water & Wastewater Treatment Quarterly Report (Jan. – Mar. 2009) be received for information purposes.

CARRIED

- (iii) 2009-051-04
REQUEST FOR REVISION OF LOADING ZONE
SHERIDAN COMSTOCK LANEWAY

Moved by: Councillor Williams

THAT the existing Loading Zone on the north side of Sheridan Comstock Laneway from 8 meters east of John Street to Kincaid Street be deleted; and,

THAT a Loading Zone on the north side of Sheridan Comstock Laneway from 15 meters east of John Street to Kincaid Street be created; and,

THAT By-law 119-89 be amended accordingly.

CARRIED

- (iv) 2009-054-04
PURCHASE OF 2640 LITRES OF TRAFFIC PAINT
QUOTATION 1-2009

Moved by: Councillor Williams

THAT Council accept the Quotation from Ennis Paint Inc. in the amount of Nine Thousand, Seven Hundred and Seventy-four Dollars and Forty-three Cents (\$9,774.43), excluding GST, for the supply of 2640 litres of traffic paint.

CARRIED

- (v) 2009-055-04
PAINTING OF CENTRE, LANE AND EDGE LINE
PAVEMENT MARKINGS CONTRACT #2009-04

Moved by: Councillor Williams

THAT Council accept the tender from Provincial Maintenance in the amount of Sixteen Thousand, Two Hundred and Fifty-six Dollars and Fifty Cents (\$16,256.50), excluding GST, for the painting of centre, lane and edge line pavement markings.

CARRIED

OPERATIONS - REGULAR AGENDA

- (i) 2009-056-04
WINTERFEST 2009 - FINAL REPORT
2010 CANADA 55+ GAMES

Moved by: Councillor Severson

1. That council receive for information purposes, the "Statement of Direct Economic Impact" for the Ontario Senior Games Winterfest 2009.

2. That Council authorize the formation of an 2010 Canada 55+ Games Organizing Committee (GOC) as a sub-committee of the Economic Development and Planning Committee, and

3. That the 2010 GOC Executive Committee initially be comprised of the following members:

- i. Games Chair – David Dargie
- ii. Games Vice Chair – Mike O'Donnell
- iii. Games Treasurer – Tony Barnes
- iv. An appointed representative of the City of Brockville

4. That the 2010 Games Organizing Committee Executive Committee be tasked to:

- i. In conjunction with the City Clerk, conclude a contract for the delivery of the 2010 Canada 55+ Games with the Canada Senior Games Association – May 1st 2009 deadline.
- ii. Recruit additional Committee members as required
- iii. Confirm a Games General Manager
- iv. Report on progress quarterly, or as required, to the Economic Development and Planning Committee.

CARRIED

- (ii) 2009-048-04
FEES FOR FIRE DEPARTMENT RESPONSE TO FALSE
ALARMS

Moved by: Councillor Noble

THAT a bylaw to establish fees for Fire Department response to preventable false alarms be implemented; and,

THAT the fee be set at a maximum fine of \$350; and,

THAT the first two responses in the calendar year will be followed up with a letter of warning that the next and any subsequent responses will result in the charging of the prescribed fee; and,

THAT the charging of the fee for a false alarm response be laid on the third and any further responses to a specific address within the calendar year; and,

THAT the amount set at a maximum fine of \$350 that are a result of a failure to notify the Brockville Fire Department that an occupancy/agency is testing or conducting work on their alarm system.

DEFEATED

Motion to Amend

Moved by: Councillor Kalivas

THAT the words in paragraphs 2 and 5 "the current rate per vehicle per hour or any part thereof as paid by the Ministry of Transportation" be deleted and the words "a maximum fine of \$350; be added.

CARRIED

- (iii) 2009-049-04
PURCHASE OF AN ACCESSIBLE LIFT
BROCKVILLE ARTS CENTRE

Moved by: Councillor Severson

THAT Council enter into an agreement with Ascension Lifts for the purchase of an Ascension Virtuoso Accessible Lift, Model Number 5460P, in the amount of US \$20,655, plus freight of US \$1,900 and a brokerage fee of US \$500, to be funded from C1010-BMAAC; and;

THAT Council set aside the Purchasing By-law to allow the purchase of this lift from a single source without going out for quotes.

CARRIED

- (iv) 2009-050-04
HOUSEHOLD HAZARDOUS SPECIAL WASTE TENDER

Moved by: Councillor Noble

THAT Council enter into an agreement with Drain-All Ltd. in the amount of \$51,607.25, excluding GST, for the operation of a Household Hazardous Special Waste Event on June 27, 2009; and,

THAT the Rotary Off-Leash Dog Park be closed on Saturday, June 27, 2009.

CARRIED

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

- (i) Motion from Councillor Noble

Moved by: Councillor Noble

THAT in accordance with notice given at the last meeting, that Council rescind the resolution that authorized the elimination of

lifeguards at St. Lawrence Park, adopted at the March 10th, 2009.

CARRIED ON A VOTE OF 6 TO 4
Councillor Severson requested a recorded vote.

Recorded Vote: Yes Councillors Williams,
Beach, Earle, Fullarton,
Kalivas,
Severson,

No Councillors Baker,
Barnes,
Williams 4

CARRIED

ON A VOTE OF 6 TO 4

MOTION TO RETURN TO COUNCIL

(i)

Moved by: Councillor Severson

THAT we revert from Committee of the Whole Council, to Council.

CARRIED

ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE COUNCIL

(i)

Moved by: Councillor Severson

Seconded by: Councillor Kalivas

THAT the report of the Committee of the Whole Council be adopted and that the necessary actions or by-laws be enacted.

CARRIED

UNFINISHED BUSINESS

Nil.

EMERGENCY BUSINESS

Nil.

BY-LAWS

- (i) 047-2009 Being A By-Law To Authorize the City Clerk and Director of Economic Development to Execute an Agreement Between the Corporation of the City of Brockville and Her Majesty the Queen in Right of Ontario as Represented by the Minister of Economic Development and Trade
- 048-2009 A By-law to Amend City of Brockville Parking By-law 119-89 as it relates to Time Limited Area on George Street, and Loading Zones, Sheridan Comstock Laneway.
- 049-2009 By-law to authorize the execution of a Sublease Agreement with Leeds Condo Corp. #18 for waterlot fronting on Part 1, Plan 28R5565, in the City of Brockville.
- 050-2009 By-Law to adopt the 2009 Operating, Capital, Water, and Wastewater Budgets
- 051-2009 A by-law to authorize the Corporation of the City of Brockville to enter into an agreement with the Province of Ontario for the allocation of GAS TAX FUNDS to Public Transportation.
- 052-2009 By-law to Amend By-law Number 122-2006, being a by-law to Appoint Members to Various Boards and Commissions of the City of Brockville (Schedule N, Council Appointments – Brockville Public Library)
- 047-2009 Being A By-Law To Authorize the City Clerk and Director of Economic Development to Execute an Agreement Between the Corporation of the City of Brockville and Her Majesty the Queen in Right of Ontario as Represented by the Minister of Economic Development and Trade
- 048-2009 A By-law to Amend City of Brockville Parking By-law 119-89 as it relates to Time Limited Area on George Street, and Loading Zones, Sheridan Comstock Laneway.
- 049-2009 By-law to authorize the execution of a Sublease Agreement with Leeds Condo Corp. #18 for waterlot fronting on Part 1, Plan 28R5565, in the City of Brockville.

- 050-2009 By-Law to adopt the 2009 Operating, Capital, Water, and Wastewater Budgets
- 051-2009 A by-law to authorize the Corporation of the City of Brockville to enter into an agreement with the Province of Ontario for the allocation of GAS TAX FUNDS to Public Transportation.
- 052-2009 By-law to Amend By-law Number 122-2006, being a by-law to Appoint Members to Various Boards and Commissions of the City of Brockville (Schedule N, Council Appointments – Brockville Public Library)

BYLAWS FIRST AND SECOND READING

(i)

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-laws Numbered 047-2009 to 052-2009 be introduced and the same be now read a first and second time.

CARRIED

BYLAWS THIRD READING

(i)

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-laws Numbered 047-2009 to 052-2009 be now read a third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be recorded.

CARRIED

CONFIRMATORY BYLAW FIRST AND SECOND READING

(i)

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-law Number 053-2009 to confirm the Proceedings of Council at its meeting held on April 28, 2009 be read a first and second time.

CARRIED

CONFIRMATORY BYLAW THIRD READING

(i)

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-law Number 053-2009 to confirm the Proceedings of Council at its meeting held on April 28, 2009 be now read a third time, signed by the Mayor and Clerk, sealed with the Seal of the Corporation and be recorded.

CARRIED

MAYOR'S ANNOUNCEMENTS

The next Regular Meeting will be held Tuesday, May 12th, 2009, at 7:00 p.m.

MEDIA QUESTION PERIOD

ADJOURNMENT

(i)

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT Council adjourn its proceedings until the next regular meeting scheduled for May 12th, 2009.

CARRIED

The meeting adjourned at 10:30 p.m.

Mayor

Clerk