



City of Brockville Meeting of Council

Tuesday, June 23, 2009, 7:00 p.m.
City Hall, Council Chambers

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 H. Noble
Councillor L. Severson
Councillor S. Williams

Absent:

Councillor M. Kalivas

Staff:

Mr. B. Casselman, City Manager
Mr. C. Cosgrove, Director of Operations
Ms. D. Cyr, Director of Finance
Ms. V. Harvey, Acting Director of Parks and Recreation
Ms. M. Pascoe Merkley, Director of Planning
Ms. S. Seale, City Clerk (Recording Secretary)

Others:

Mr. C. Tyrell, MMM Group
Mr. G. Schrieber, Watson and Associates
Mr. Michael Jiggins, Recorder and Times

MOTION TO MOVE INTO CLOSED SESSION

Moved by: Councillor Severson

THAT pursuant to *Municipal Act*, 2001, Sections 239(2)(e), Council resolve itself into the Committee of the Whole, In Camera, closed to the public to consider:

1. litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 1. claims against the municipality
 2. sewage treatment plan tender

CARRIED

**REPORT OF THE COMMITTEE OF THE WHOLE IN
CAMERA**

Moved by: Councillor Williams

THAT Council rise from Committee of the Whole, In Camera and the Chairman report that all recommendations adopted in Committee of the Whole, In Camera, be adopted.

CARRIED

MAYOR'S REMARKS

Mayor Henderson spoke of the Island Breakfast being held later this week and reminded residents to attend the Canada Procession at Court House Green.

His Worship acknowledged Ms. Lynda Ferguson having won the AMCTO Award of Excellence.

DISCLOSURE OF INTEREST

Nil

ADOPTION OF COUNCIL MINUTES

Moved by: Councillor Fullarton

THAT the minutes of the Council Meeting of June 9th, 2009 be adopted and circulated as read.

CARRIED

**MOTION TO MOVE INTO COMMITTEE OF THE WHOLE
COUNCIL**

Moved by: Councillor Noble
Seconded 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) REQUESTS FOR PROCLAMATION[S]

Moved by: Councillor Earle

THAT Council make the following proclamation[s]:

- THAT in recognition of Switzerland's National Day, August 1st, that the Swiss flag be flown at Tunnel Bay from July 27th to August 4th, 2009.

(Brockville and District Multicultural Council Inc.)

- THAT in recognition of Caribana Independence Day, August 6th, that the Jamaican flag be flown at Tunnel Bay from August 4th to 10th, 2009

(Brockville and District Multicultural Council Inc.)

- THAT in recognition of Perus Independence Day, July 28th, that the Peruvian flag be flown at Tunnel Bay from July 27th to August 4th, 2009.

(Brockville and District Multicultural Council Inc.)

CARRIED

(ii) CORRESPONDENCE RECEIVED FROM GORD BROWN, M.P.
RE-NAMING ST. LAWRENCE ISLANDS NATIONAL PARK
TO THOUSAND ISLANDS NATIONAL PARK

Moved by: Councillor Journal

WHEREAS the St. Lawrence Islands National Park is a park that is contained almost exclusively in the Thousand Islands; and,

WHEREAS the St. Lawrence Islands National Park is confused with the St. Lawrence Parks Commission; and,

WHEREAS the region in which the park lies seeks to brand itself as the Thousand Islands region; and,

WHEREAS branding the region is seen as a strategic tourism and economic move:

NOW THEREFORE BE IT RESOLVED THAT

The Council of the Corporation of the City of Brockville petition Leeds-Grenville Member of Parliament Gord Brown and the federal government to re-name the St. Lawrence Islands National Park as the Thousand Islands National Park; and further,

THAT this petition be circulated to all municipalities that lie within the Thousand Islands region.

CARRIED

DELEGATIONS

Mr. Todd Gill, Brockville Braves Junior A Hockey Club, Owner addressed Council with respect to the Brockville Braves contract and Mr. Whit Prophet addressed Council with respect to the Fred Page Cup. Mr. Prophet announced that Mr. Randy Sexton and Mr. Ron McLean are the honorary Chairpersons for the Fred Page Cup. He further stated that the additional funds from the waiving of the fees will be used towards the tournament and not the Brockville Braves Hockey Club.

Jason MacDonald addressed Council with respect to financial support for the installation of electrical services at the Brockville Civitan Skatepark.

Ms. Ruth Kitson, Executive Director, Community and Primary Health Care (CPHC) addressed Council with respect to Report 2009-101-06, Proposed Official Plan and Zoning By-law Amendments, Parkedale Avenue.

Mr. Simon Fuller, speaking on behalf of Tall Ships Landing Development Inc., addressed Council with respect to its request for an extension to the Brownfields Agreement. [Report 2009-104-06, Amendment to Brownfields Redevelopment Funding Agreement with Tall Ships Landing Development Inc.]

Mr. Simon Fuller, speaking on behalf of Fuller Construction, addressed Council with respect to the Sewage Treatment Plant tender.

Mr. Colin Williams addressed Council regarding the MMM Foundation Document.

STAFF REPORTS

- (i) 2009-101-06
PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS
PARKEDALE AVENUE, PARK LOT 17, PLAN 9, PART 1,
REFERENCE PLAN 28R-11681,
CITY OF BROCKVILLE, COUNTY OF LEEDS

Moved by: Councillor Williams

1. THAT Official Plan Amendment No. 86 to redesignate lands described as Park Lot 17, Plan 9, Part 1, Reference Plan 28R-11781, City of Brockville, County of Leeds from Industrial to Commercial General and to add a new Site Specific policy to permit the development of a medical clinic with associated overnight care facility, senior citizens' dwelling, community health and resource centre, respite care facility and other commercial uses, be adopted.
2. THAT Zoning By-law 194-94 be amended to rezone lands described as Park Lot 17, Plan 9, Part 1, Reference Plan 28R-11781, City of Brockville, County of Leeds to C2-X9-1-General Commercial Site Specific Zone to allow a community health and resource centre, a senior citizens' dwelling and respite care as permitted uses in addition to the uses permitted in the C2 Zone and to add definitions of "Community Health and Resource Centre" and "Respite Care" to Part 2, and
3. THAT the H2 Special Design Features Holding Zone symbol and H5 Environmental Hazard Holding symbol be applied to the residential uses permitted within the C2-X9-1 Zone, with the H2 holding symbol to be removed by Council upon submission and approval of a site plan application which incorporates any noise control measures identified in a noise study, and with the H5 holding symbol to be removed by Council upon submission of a Record of Site Condition.

CARRIED

- (ii) 2009-103-06
FOUNDATION FOR THE OFFICIAL PLAN

Moved by: Councillor Williams

THAT the Foundation Report for the Official Plan, dated June 2009, as prepared by MMM Group Limited, and as submitted to Council, be adopted.

CARRIED

Mr. Chris Tyrell, MMM Group, made a presentation to Council with respect to the Foundation Report.

- (iii) 2009-104-06
AMENDMENT TO BROWNFIELDS REDEVELOPMENT FUNDING
ARGEEMENT WITH TALL SHIPS LANDING DEVELOPMENTS INC.

Moved by: Councillor Earle

THAT Council agrees to a request for amendment of the Brownfields Redevelopment Funding Agreement between Tall Ships Landing Developments Inc. and the City of Brockville for extension to the commencement date of June 30, 2009 and all other referenced dates by twelve (12) months, providing for a new commencement date of June 30, 2010; and,

THAT Council direct staff to confer with the developer to determine if a mutually agreeable amendment can be drafted that removes the present impediments to commencing remediation work this fall and bring the staff recommendation for Council consideration at the next regular meeting of Council

CARRIED

Motion to Amend

Moved by: Councillor Noble

THAT a new clause be added:

"THAT Council direct staff to confer with the developer to determine if a mutually agreeable amendment can be drafted that removes the present impediments to commencing remediation work this fall and bring the staff recommendation for Council consideration at the next regular meeting of Council."

CARRIED

Amended Motion

Moved by: Councillor Earle

THAT Council agrees to a request for amendment of the Brownfields Redevelopment Funding Agreement between Tall Ships Landing Developments Inc. and the City of Brockville for extension to the commencement date of June 30, 2009 and all other referenced dates by twelve (12) months, providing for a new commencement date of June 30, 2010; and,

THAT Council direct staff to confer with the developer to determine if a mutually agreeable amendment can be drafted that removes the present impediments to commencing remediation work this fall and bring the staff recommendation for Council consideration at the next regular meeting of Council
THAT Council direct staff to confer with the developer to determine if a mutually agreeable amendment can be drafted that removes the present impediments to commencing remediation work this fall and bring the staff recommendation for Council consideration at the next regular meeting of Council.

CARRIED

REPORTS BOARDS AND COMMITTEES

FINANCE AND ADMINISTRATION COMMITTEE

Councillor J. Baker, Chair
Councillor J. Fullarton, Councillor L. Journal

Meeting held June 15th, 2009

FIN. ADM. - CONSENT AGENDA

Moved by: Councillor Fullarton

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

- (i) 2009-091-06
ENERGY AUDIT IMPLEMENTATION STRATEGY

Moved by: Councillor Fullarton

THAT the Energy Audit Implementation Strategy as outlined in report 2009-091-06 be approved.

THAT Council approve additional funding of \$350,000 from the Federal Gas Tax for energy retrofits.

CARRIED

- (ii) 2009-092-06
2009 CAPPING AND THRESHOLD OPTIONS

Moved by: Councillor Fullarton

THAT Council adopt the following measures for the 2009 tax year:

1. THAT the cost of mandatory capping for the multi-residential and commercial classes continue to be revenue-neutral; self-financing within the property class; and
2. THAT the cost of the mandatory capping for the industrial class that is above the self-financing limit be added to the 2009 levy;
3. THAT the capping percentage for the multi-residential and commercial classes remain at 5% of the previous years annualized taxes; and,
4. THAT the capping percentage for the industrial class be set at 10% of the previous

- years annualized taxes; and
5. THAT the threshold change option be continued at \$150 for multi-residential and commercial classes; and
 6. THAT the industrial class threshold be \$250; and
 7. THAT when a property reaches full current value assessment it is removed from the capping/clawback system; and
 - 8.

THAT Council authorize the By-law to adopt the 2009 Capping Options for the Protected Property Classes [Attachment #1 to Report 2009-092-06].

CARRIED

(iii) 2009-095-06
INFRASTRUCTURE STIMULUS FUND FINANCING STRATEGY

Moved by: Councillor Fullarton

THAT Council approve the financing strategy outlined in report 2009-092-06 in support of the municipal portion of the Build Canada Fund – Intake 2 (BCF-Intake 2) and Infrastructure Stimulus Fund.

CARRIED

(iv) 2009-097-06
2008 YEAR END FINANCIAL STATEMENTS

Moved by: Councillor Fullarton

THAT Audited Financial Statements and Treasurer's information pertaining to the 2008 Year-End Financial Position be received [Attachment 1 to Report 2009-097-06]; and

THAT expenses beyond the initial 2008 budget and mitigated within the surplus be ratified; and

THAT the Audited Financial Statements for the Board of Management, Downtown Business Improvement Area of the Corporation of the City of Brockville be received [Attachment 2 to Report 2009-097-06]; and

THAT the Audited Statements for Corporation of the City of Brockville Trust Funds be received [Attachment 3 to Report 2009-097-06];

CARRIED

(v) 2009-098-06
CAPITAL PROJECTS SURPLUS AND/OR DEFICIT BALANCE

Moved by: Councillor Fullarton

THAT Council receives and ratifies the expenditures and surplus balances of the Capital

projects that have been completed as at December 31, 2008, in the net surplus amount of \$129,577.02. [Attachment 1 to Report # 2009-098-06];

AND THAT the net surplus of \$129,577.02, after distribution to the closed projects with deficits, be allocated as follows:

Surplus back to the Fleet Replacement Reserve Fund	\$ 77,899.10
Surplus back to the Water Rate Fund	5,689.58
Deficit to be funded from the Water Rate Fund Surplus	12,770.15
Surplus back to the Wastewater Rate Fund	(2,682.93)
Surplus back to the Parkland Equipment Reserve Fund	33,954.00
Surplus to the Capital Fiscal Management Reserve (CFMR)	12,408.42
Deficits to be funded from Surplus transfer to CFMR:	
2008 Minor Capital projects:	
Repair/Replacement of Opticom	(1,296.36)
Interest on CRCA	(39.46)
Court House Green – 175 th Anniversary	(9,125.48)
	<u>\$129,577.02</u>

CARRIED

- (vi) 2009-099-06
AUDIT FINDINGS REPORT

Moved by: Councillor Fullarton

THAT the Finance & Administration Committee receive and review the Audit Findings Report and Independence Letter [Attachment 1 to Report # 2009-099-06].

CARRIED

- (vii) 2009-100-06
BROCKVILLE ARTS CENTRE HVAC RETROFIT FUNDING

Moved by: Councillor Fullarton

THAT \$75,000 of the funds initially budgeted for roofing repairs in the Capital Budget be directed to the HVAC retrofit at the Brockville Arts Centre (BAC).

CARRIED

FIN. ADM. - REGULAR AGENDA

- (i) CORRESPONDENCE RECEIVED FROM JASON MACDONALD
REQUEST FOR FINANCIAL SUPPORT FOR THE

INSTALLATION OF ELECTRICAL SERVICES
BROCKVILLE CIVITAN SKATEPARK

Moved by: Councillor Baker

THAT Council endorse the Draft Agreement as presented by the Director of Parks and Recreation through a Letter of Understanding to Jason MacDonald for the provision of canteen services at the Brockville Civitan Skatepark.

CARRIED

(ii) 2009-083-06
2009 TAX RATIO OPTIONS

Moved by: Councillor Baker

That Council authorize the tax ratios for all classes as per the attached schedule for the 2009 tax year; and

That Council authorize the By-law to set the tax ratios for all classes for 2009. [Attachment #5 to Report 2009-083-06].

CARRIED

OPERATIONS COMMITTEE

Councillor S. Williams, Chair
Councillor H. Noble, Councillor L. Severson

Meeting held June 17th, 2009

OPERATIONS - CONSENT AGENDA

Moved by: Councillor Severson

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

CARRIED

(i) 2009-088-06
FRED PAGE CUP FACILITY USER FEE WAIVERS

Moved by: Councillor Severson

THAT Council authorize the 2010 Facility Use Fee Waivers for the 2010 Fred Page Cup in the amount of \$4,006.80 for ice rentals and \$3,649.98 for community hall rentals at the Brockville Memorial Centre; and

THAT funds be expensed from the 2010 Facility Use Fee Waiver account number G1550 9130 6140; and

THAT Council authorize the 2010 Fee Waiver Account number G1550 9130 6140 be increased by this amount during the 2010 budget process so this event does not deplete the Facility Use Fee Waiver Account.

CARRIED

(ii) 2009-090-06
BROCKVILLE BRAVES JUNIOR "A" HOCKEY CLUB RENEWAL CONTRACT

Moved by: Councillor Severson

THAT Council authorize the execution of an Ice Rental/Facility Agreement between the City of Brockville and the Brockville Braves Junior "A" Hockey Club; and

THAT the term of the agreement be for a three year term commencing September 1, 2009 through to April 15, 2012; and

THAT during the term of the agreement that the Brockville Memorial Centre hall rental fee for the Brockville Braves Junior "A" Hockey Club be waived to a maximum of three evenings per year; and

THAT during the term of the agreement the advertising revenue submitted by the Brockville Braves Junior "A" Hockey Club to the City of Brockville for wall advertising in the Memorial Centre be set at \$50 per sign per year with a minimum guaranteed revenue of \$800 per year; and

THAT during the term of the agreement that advertising revenue submitted by the Brockville Braves Junior "A" Hockey Club to the City of Brockville for board advertising in the Memorial Centre be set at \$100 per year per sign with a minimum guaranteed revenue of \$1,000 per year; and

THAT if additional advertising or promotional opportunities arise at the Memorial Centre that the City of Brockville will receive 25% of any additional revenues after supply and installation costs. The City also reserves the right to approve or deny any additional advertising; and

THAT during the term of this agreement that ice rental rates for the Brockville Braves Junior "A" Hockey Club will be established in the City of Brockville's annual User Fee By-law.

CARRIED

(iii) 2009-082-06
COLD MILLING OF ASPHALT PAVEMENT CONTRACT NO. 2009-07

Moved by: Councillor Severson

THAT Council accept the tender from Roto-Mill Services Limited in the amount of Thirty-Eight Thousand and Thirty-Five Dollars and Ninety Cents (\$38,035.90) excluding GST for Contract No. 2009-07 for cold milling of asphalt pavement on existing streets at various locations; and

THAT funding for this contract be allocated from the 2009 Capital Budget account C3011-ACPM-3013.

CARRIED

- (iv) 2009-085-06
TENDER FOR CONTRACT 2009-12 RECONSTRUCTION OF
KING STREET FROM BEECHER STREET TO CEDAR STREET AND MABEL STREET

Moved by: Councillor Severson

THAT Council accept the tender from Louis W. Bray Construction Limited in the amount of One Million, One Hundred and Forty-Seven Thousand and Forty-Three Dollars and Ninety Cents (\$1,147,043.90) excluding GST, plus a Fifty-seven Thousand, Three Hundred Dollar (\$57,300.00) contingency for Contract No. 2009-12 for the reconstruction of King Street from Beecher Street to Cedar Street and Mabel Street; and

THAT Genivar be retained to provide contract administration and inspection services in the amount of Fifty-Four Thousand and Six Hundred Dollars (\$54,600.00); and

THAT funding for this contract be allocated from the 2009 Capital Budget account C3011-KW08.

CARRIED

- (v) 2009-086-06
MINISTRY OF ENVIRONMENT BLEEDERS PROJECT

Moved by: Councillor Severson

THAT Council enter into an agreement with the Ministry of Environment to participate in a pilot project to determine the feasibility of using circulation pumps as an alternative to current "bleeding" practices of flushing dead-end water mains; and

THAT funding be allocated from account C4030-DEST.

CARRIED

- (vi) 2009-087-06
AIRPORT COMMISSION TERMS OF REFERENCE AMENDMENTS

Moved by: Councillor Severson

THAT Council adopts the amended Terms of Reference for the Airport Commission as per Report No. 2009-087-06, Airport Commission Terms of Reference Amendments; and

THAT By-law 281-89 be rescinded and a new by-law be passed as per Attachment A to this report.

CARRIED

- (vii) 2009-089-06
REMOVAL OF CITY OWNED TREE AT 262 PARK STREET

Moved by: Councillor Severson

THAT Council authorize, at the property owner's expense, the removal of a City-owned tree located at 262 Park Street.

CARRIED

OPERATIONS - REGULAR AGENDA

- (i) 2009-093-06
DRINKING WATER QUALITY MANAGEMENT SYSTEM

Moved by: Councillor Williams

THAT the Drinking Water Quality Management System for the City of Brockville Water System as documented in the Operational Plan, included as Attachment 2 of Report 2009-093-06, be endorsed.

CARRIED

- (ii) 2009-096-06
WPCC SECONDARY TREATMENT UPGRADES
TENDER FOR CONTRACT 2009-01

Moved by: Councillor

THAT Council accept the tender from J. C. Sulpher Construction Ltd. in the amount of Twenty-eight million, six hundred and eight thousand, two hundred and ninety eight dollars (\$28,608,298.00) excluding GST plus a One million, four hundred and thirty thousand dollar (1,430,000.00) contingency for Contract No. 2009-01 for the WPCC Secondary Treatment Upgrades, subject to the receipt of a Certificate of Approval for the work from the Ministry of the Environment; and

THAT funding for this contract be allocated from account C3011-WPCU.

DEFERRED TO THE COUNCIL MEETING OF JULY 28, 2009

Motion to Defer

Moved by: Councillor Earle

THAT the motion be deferred to the Council meeting of July 28th, 2009.

CARRIED

MOTION TO RETURN TO COUNCIL

Moved by: Councillor Noble

Seconded 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

Moved by: Councillor Noble

Seconded by: Councillor Severson

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

- | | |
|----------|--|
| 063-2009 | By-law to establish fees related to building activities |
| 064-2009 | By-law to Set Tax Ratios for the City of Brockville for the Year 2009 |
| 065-2009 | By-law to adopt the 2009 Capping option for the Protected Property Classes |

066-2009 By-law to Establish an Airport Commission of the Corporation of the City of Brockville and Rescind by-law 281-89.

BYLAWS FIRST AND SECOND READING

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-laws Numbered 063-2009 to 068-2009 be introduced and the same be now read a first and second time.

CARRIED

BYLAWS THIRD READING

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-laws Numbered 063-2009 to 068-2009 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

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-law Number 069-2009 to confirm the Proceedings of Council at its meeting held on June 23rd, 2009 be read a first and second time.

CARRIED

CONFIRMATORY BYLAW THIRD READING

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT By-law Number 069-2009 to confirm the Proceedings of Council at its meeting held on June 23rd, 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 Council meeting is scheduled for July 28th, 2009 at 7:00 p.m.

MEDIA QUESTION PERIOD

ADJOURNMENT

Moved by: Councillor Journal
Seconded by: Councillor Noble

THAT Council adjourn its proceedings until the next regular meeting scheduled for June 23rd, 2009.

CARRIED

Mayor

Clerk