
Council Minutes

Council Members Present:

Mayor D. Henderson (late 5:20 pm)
Councillor J. Baker (late 5:11 pm)
Councillor T. Blanchard
Councillor L. Bursey
Councillor P. Deery
Councillor J. Earle
Councillor J. Fullarton
Councillor M. Kalivas
Councillor D. LeSueur

Staff:

Mr. B. Casselman, City Manager
Mr. C. Cosgrove, Director of Operations
Mr. D. Dick, Director of Corporate Services
Mr. S. Fraser, Police Chief
Ms. S. MacDonald, City Clerk (Recording Secretary)
Ms. M. Pascoe Merkley, Director of Planning
Mr. D. Paul, Director of Economic Development
Mr. G. Pigeon, Fire Chief
Mr. P. Raabe, Director of Environmental Services
Mr. R. Rayner, Deputy Fire Chief

MOTION TO MOVE INTO CLOSED SESSION (5:05 PM)

Moved by: Councillor Bursey
Seconded by: Councillor Blanchard

THAT pursuant to *Municipal Act*, 2001, Section 239 Sub. 2 (c) & (f), 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;
2. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE IN CAMERA (7:02 PM)

Moved by: Councillor Deery
Seconded by: Councillor Blanchard

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

Nil.

DISCLOSURE OF INTEREST

Nil.

ADOPTION OF COUNCIL MINUTES

Moved by: Councillor Earle

THAT the minutes of the Council Meeting of April 26, 2016 be adopted and circulated as read.

CARRIED

DELEGATIONS

1. **Brockville and Area Community Foundation
Brockville Legacy Fund (Cheque Presentation)
Ms. Joyce Ferguson, Executive Director**

Ms. Ferguson noted that the Foundation has disbursed over \$1.1m since 2000 to area organization. She then presented cheques to the City in the amount of \$13,500 towards the Brock Trail (from the Tom Daily Foundation) and \$7,700 the proceeds from the City's Legacy Fund.

2. **Reticle Proposal for Brockville Airport**
Mr. Brant Burrow, Elizabethtown-Kitley Residents Association

Mr. Burrow addressed Council regarding EKRA's view that the zoning is incorrect on the lands.

(Attachment of material distributed)

3. **Reticle Leases**
Mr. Ray Linseman

Mr. Linseman spoke to Council regarding his opinion of the Reticle lease and the zoning on the lands.

(Attachment of material distributed)

CORRESPONDENCE, COMMUNICATIONS AND PETITIONS

1. **Senior's Month**
(Minister Responsible for Senior Affairs)

Moved by: Councillor Blanchard

WHEREAS Seniors' Month is an annual province-wide celebration;

WHEREAS seniors have contributed and continue to contribute immensely to the life and vibrancy of this community;

WHEREAS seniors continue to serve as leaders, mentors, volunteers and important and active members of this community;

WHEREAS their contributions past and present warrant appreciation and recognition and their stories deserve to be told;

WHEREAS the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community;

WHEREAS the knowledge and experience seniors pass on to us continues to benefit all;

THEREFORE the Council of the Corporation of the City of Brockville do hereby proclaim June 1-30, 2016 Seniors' Month in Brockville encourage all citizens to recognize and celebrate the accomplishments of our seniors.

CARRIED

2. **Appointments to Boards and Committees
(Waterfront Adhoc Committee)**

Moved by: Councillor Blanchard

THAT Sue Lounsbury be removed from the Waterfront Adhoc Committee;
and

THAT Peter Lammens be appointed to the Waterfront Adhoc Committee; and

THAT the necessary by-law be enacted.

CARRIED

REPORTS BOARDS AND COMMITTEES

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

Councillor P. Deery, Chair
Councillors L. Bursey, M. Kalivas, D. LeSueur
Meeting held May 3, 2016

EDP - CONSENT AGENDA

Councillor Kalivas asked that Staff Report No. 2016-055-05, Land Leases, Reticle Ventures Canada Incorporated be separated from the Consent Agenda.

Moved by: Councillor Deery

THAT the following items, as listed on the Economic Development and Planning Committee agenda are recommended by the Economic Development and Planning Committee to be passed by Consent Agenda

CARRIED

2. **Saving the Girl Next Door Act, 2016 (Bill 158)
(Councillor Bursey)**

WHEREAS human trafficking is a heinous crime that has been referred to as modern day slavery; and

WHEREAS traffickers recruit, transport, harbour and control the girl next door for sexual exploitation or forced labour; and

WHEREAS it is one of the fastest growing crimes that starts and stays in Canada, targeting victims - 90 percent of which are Canadian-born and predominantly female, averaging the age of 14; and

WHEREAS Ontario is a major hub of human trafficking in Canada, and victims are lured, manipulated and coerced, often over the internet from every part of Ontario; and

WHEREAS human trafficking is in our neighbourhoods and our communities;

THEREFORE BE IT resolved that the Council of the Corporation of the City of Brockville support Bill158, *Saving the Girl Next Door Act, 2016*, support MPP Laurie Scott's motion for a multi-jurisdictional and coordinated task force of law enforcement agencies, Crown prosecutors, judges, victims' services and frontline agencies; and

That a copy of this resolution be forwarded to all Members of Provincial Parliament and municipalities.

EDP - REGULAR AGENDA

1. **2016-055-05
Land Leases
Reticle Ventures Canada Incorporated**

Moved by: Councillor Deery

THAT Council authorize the Mayor and City Clerk to sign the amended leases with Reticle Ventures Canada Incorporated for the construction and operation of a security training facility at Brockville-1000 Islands Regional Tackaberry Airport.

CARRIED, AS MENDED ON A LATER VOTE

Amendment to Motion

Moved by: Councillor Blanchard

THAT the minimum lease rate be set at \$17,795.

CARRIED

The vote on the original motion, as amended, was now taken and the motion, as amended, was carried.

Amended Motion

Moved by: Councillor Deery

THAT Council authorize the Mayor and City Clerk to sign the amended leases with Reticle Ventures Canada Incorporated for the construction and operation of a security training facility at Brockville-1000 Islands Regional Tackaberry Airport, as amended to set a minimum lease rate of \$17,795.

CARRIED

NEW BUSINESS - REPORT FROM MEMBERS OF COUNCIL

1. Trip to China

Moved by: Councillor Fullarton

THAT Council sanction Mayor Henderson's participation in the 2016 International Mayor's Forum on Tourism to be held in Zhengzhou, Henan Province (China) from May 24th to May 26th, 2016.

CARRIED

MEDIA QUESTION PERIOD

The meeting recessed at 8:30 pm.

The meeting reconvened at 9:48 pm.

REPORT OF THE COMMITTEE FROM CLOSED SESSION

Moved by: Councillor Deery
Seconded by: Councillor Blanchard

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

CARRIED

CONFIRMATORY BYLAW

Moved by: Councillor Kalivas
Seconded by: Councillor LeSueur

THAT By-law Number 032-2016 to confirm the Proceedings of Council at its meeting held on May 10, 2016 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.

ADJOURNMENT

Moved by: Councillor Kalivas
Seconded by: Councillor LeSueur

THAT Council adjourn its proceedings until the next regular meeting scheduled for May 24, 2016.

CARRIED

The meeting adjourned at 9:49 pm.

Mayor

City Clerk

May 10, 2016



Elizabethtown-Kitley Residents Association
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Brockville, ON
K6V 5T1

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416.229.4692

Zoning Opinion on Reticle Training Facility, Elizabethtown-Kitley

Dear Mr. Burrow:

As requested, Dillon Consulting Limited has completed a review of zoning applicable to tactical and military training facilities in Ontario to determine whether the proposed Reticle outdoor shooting range facility should have been subject to a re-zoning or not. The analysis is structured in two parts:

1. We have reviewed the zoning applicable to other similar facilities operating in Ontario; and,
2. We have reviewed the current zoning of the proposed Reticle facility, located at the Brockville-1000 Islands Regional Tackaberry Airport.

With respect to the proposed outdoor shooting range use at the Reticle facility, I understand that the proponent has indicated that the facility will only be open to specialized military, security, or police personnel for tactical training (i.e., RCMP, OPP and Department of National Defence) and is not a recreational outdoor shooting range for members of a shooting club. As such, we have drawn comparisons to like facilities that would provide similar training, including Connaught Range and Primary Training Centre, CFB Kingston, CFB Petewawa, and CFB Trenton.

Part 1: Analysis of Similar Military Training Facilities

We have conducted a zoning analysis of the aforementioned similar facilities that is detailed in **Appendix A**. Our observations are summarized below.

Connaught Range and Primary Training Centre, Ottawa

The Connaught Range and Primary Training Centre property located in Ottawa is zoned "RU[264r]" which is the Rural zone subject to site specific zoning exception 264 that explicitly addresses the use on the property, described in this case as a *military and police training facility*. The *military and police training facility* is defined as follows:

Military and police training facility includes outdoor facilities such as shooting ranges, driving circuits, obstacle courses and equipment testing areas and may



also include as an ancillary or accessory use indoor facilities such as a training centre, place of assembly or research and development centre.

Source: City of Ottawa Zoning By-law 2008-250

CFB Kingston

CFB Kingston is zoned "I" Institutional in the City of Kingston Zoning By-law 32-74 (former Township of Pittsburgh). For reference, the non-residential uses permitted within the Institutional zone include:

- an animal hospital;
- an auditorium;
- a cemetery;
- a church;
- a clinic;
- a hospital;
- a nursing home;
- a private club;
- a public use;
- a school.

As identified above, the list of permitted uses within the Institutional zone includes a *public use* which appears to be the use under which CFB Kingston is acknowledged. A *public use* is defined as follows:

Public use means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, any telephone or telegraph company or any railway company authorized under The Railway Act.

Source: City of Kingston Zoning By-law 32-74

CFB Trenton; CFB Petawawa

The City of Quinte West and the Town of Petawawa do not zone the federal lands that are occupied by CFB Trenton and CFB Petawawa, respectively. These facilities are treated as federal lands on which the municipality does not play a role in regulating land use.

Ottawa's Zoning of Connaught Rifle Range is the Most Instructive in This Case

Of the two zoning by-laws that provide practical guidance in this case, it should be noted that Ottawa's by-law is dated 2008 whereas Kingston's by-law is dated 1974. The Ottawa by-law represents the modern approach to zoning as compared to



Kingston's zoning, which is over 40 years old (i.e., the reliance on a public use exemption would not likely be supported or recommended in today's context). The Ottawa zoning by-law is the most instructive with regards to zoning a tactical outdoor shooting range and it represents the best practice of zoning it using a site-specific zoning exception.

By way of observation, it is also noteworthy that the Township of Elizabethtown-Kitley has permitted a recreational gun club in a site specific "OS-2" zone, demonstrating intent to regulate unique uses in site specific zones.

Part 2: Analysis of Current Zoning of the Reticle Facility at the Brockville Airport

The outdoor shooting range proposed by Reticle is located on the Brockville Airport lands. The airport is zoned "MAP" which is the Airport Industrial zone in the Township of Elizabethtown-Kitley's zoning by-law. The outdoor shooting range use was interpreted by the Township to be permitted as-of-right as an "instructional facility" which is a permitted use in the Airport Industrial zone. The zoning by-law defines an *instructional facility* as follows:

Instructional facility shall mean a business that provides instruction or training in an art, hobby, skill or trade and includes programs in exercise, dance, music, arts and crafts, computer operation, driving and other similar activities.

Source: Township of Elizabethtown-Kitley Zoning By-law 13-21

In examining the operative statements of the instructional facility definition, it is doubtful that Reticle's proposed outdoor shooting range is an "other similar" activity to "programs in exercise, dance, music, arts and crafts, computer operation, [or] driving", even though it is a business that provides instruction or training in a skill or trade.

It is acknowledged that every land use cannot be predicted during the course of authoring a zoning by-law. When evaluating a unique use such as an outdoor shooting range for compliance to a permitted use, it is important to examine the distribution of that permitted use in the zoning by-law since that underlines how that land use could establish across the municipality, and the actual intent when the zoning was written. Furthermore, there is the risk of setting an undue precedent when interpreting the zoning to allow a use that is not specifically permitted or clearly defined and this risk must be avoided.

In addition to the Airport Industrial zone, it is noted that an *instructional facility* is also permitted in the Institutional, General Commercial, and Business Park Industrial zones,



and these zones are distributed widely throughout the municipality. This means that programs in exercise, dance, music, arts and crafts, computer operation, or driving can occur in wide distribution throughout the municipality due to their limited land use impacts; again, it is doubtful that the intent of the zoning is to allow an outdoor shooting range with remarkably different land use impacts to situate in these zones throughout the municipality, and it is clear that the Township has now set an inappropriate precedent for this type of use to locate in all these zones. This analysis indicates that an outdoor shooting range does not practically fit within the zoning by-law's definition of an "instructional facility." Further, Reticle's specialized use does not fit within the generic zoning provisions of the Institutional zone and would be more appropriately addressed through a tailored approach to zoning.

Conclusion and Opinion

Based on the preceding discussion and analysis, it is my independent opinion as a Registered Professional Planner in Ontario that the proposed outdoor shooting range proposed by Reticle at the Brockville Airport should have been placed into a site-specific zone (following the best practice from Ottawa) and should not have been interpreted as a permitted use under the definition of "instructional facility" (as this is not the zoning by-law's intention and sets an inappropriate precedent). **A more appropriate course of action would be to require a zoning by-law amendment to apply site-specific zoning to the proposed outdoor shooting range use at the Brockville-1000 Islands Regional Tackaberry Airport.**

I trust you will find this helpful in your on-going dialogue on the matter. Please let me know if you have any questions or would like to discuss.

Sincerely,

DILLON CONSULTING LIMITED

Michelle McCarthy, MCIP, RPP

Attachment


Our file: 16-3695

Appendix A - Elizabethtown Kitley – Zoning Review

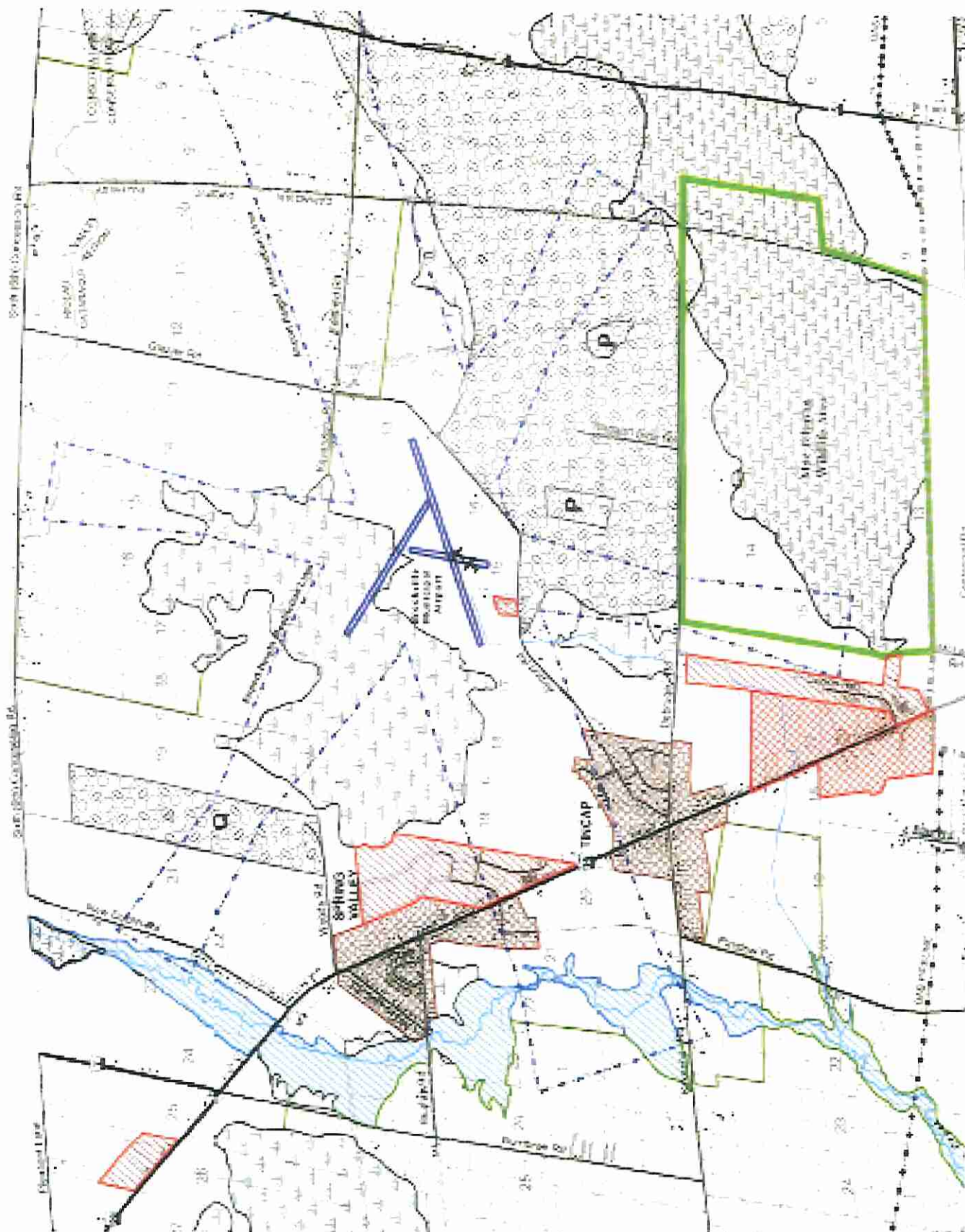
May 10, 2016

Facility, Address, & Municipality	Zoning Category & Zoning Map Reference	Permitted Uses	Applicable Definition(s)	Sources
Connaught Range and Primary Training Centre (CRPTC) 35 Shirley Blvd. Nepean, ON K2K 2W6 CITY OF OTTAWA	RU(264r) Map downloaded from online mapping software.	<p>Site specific exception to the Rural Countryside Zone RU(264r): "military and police training facility" is an additional permitted use.</p> <p>Rural Countryside (RU) Zone Permitted Uses:</p> <ul style="list-style-type: none"> • agricultural use • animal care establishment • animal hospital • artist studio • bed and breakfast • cemetery • detached dwelling • equestrian establishment • environmental preserve and educational area • forestry operation • group home • home-based business • home-based day care • kennel • retirement home, converted • secondary dwelling unit 	Military and police training facility includes outdoor facilities such as shooting ranges, driving circuits, obstacle courses and equipment testing areas and may also include as an ancillary or accessory use indoor facilities such as a training centre, place of assembly or research and development centre. (établissement de formation militaire et policière)	City of Ottawa Zoning By-law Website http://ottawa.ca/en/residents/law-s-licenses-and-permits/laws/city-ottawa-zoning-law
CFB Kingston CITY OF KINGSTON	Zone: Institutional Zones (I) Zoning Map 1	<p>Institutional Zone (I) Permitted Uses:</p> <p>(a) RESIDENTIAL USES:</p> <ul style="list-style-type: none"> • an accessory dwelling house. <p>(b) NON-RESIDENTIAL USES:</p> <ul style="list-style-type: none"> • an animal hospital; • an auditorium; • a cemetery; • a church; • a clinic; • a hospital; • a nursing home; • a private club; • a public use; • a school. 	"Public Use" means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, any telephone or telegraph company or any railway company authorized under The Railway Act.	City of Kingston Zoning By-law website for Pittsburgh Township https://www.cityofkingston.ca/business/planning-and-development/zoning/pittsburgh-township

Appendix A - Elizabethtown Kitley – Zoning Review

Facility, Address, & Municipality	Zoning Category & Zoning Map Reference	Permitted Uses	Applicable Definition(s)	Sources
CFB Trenton 6 Northstar Dr Quinte West, ON K8V 5P8 CITY OF QUINTE WEST	There is no City Zoning for CFB Trenton. The entire base is labelled at CFB Trenton on the zoning maps and is not subject to a zoning by-law, as seen on Schedule G.	N/A		City of Quinte West Zoning By-law Website www.quintewest.ca/en/your-city-hall/zoningbylaws.asp
CFB Petawawa 101 Menin Road Petawawa, ON TOWN OF PETAWAWA	There is no Town Zoning for this area. The entire base is labelled as CFB Petawawa and is not subject to a zoning by-law as seen by the key-map and the list of available zoning maps on the Town's website.	N/A		Petawawa Zoning Department Website http://www.petawawa.ca/business/planning/the-zoning-by-law/
Brockville Municipal Airport (Elizabethtown-Kitley) 4620 Airport Road Brockville, Ontario TOWNSHIP OF ELIZABETHTOWN KITLEY	MAP – Airport Industrial Zone 	Permitted uses in MAP Zone: <ul style="list-style-type: none"> • airport, including directly-related accessory storage commercial uses airplane hanger [sic.] /aircraft • industrial facility, limited to aeronautics • instructional facility • retail store accessory to a use permitted in the MAP zone • service outlet • tradesperson's establishment • warehouse 	INSTRUCTIONAL FACILITY shall mean a business that provides instruction or training in an art, hobby, skill or trade and includes programs in exercise, dance, music, arts and crafts, computer operation, driving and other similar activities.	Township of Elizabethtown-Kitley Zoning by-law website http://www.elizabethtown-kitley.on.ca/content/zoning-law

ELIZABETHTOWN-KITLEY CENTRAL (See Schedule A2)



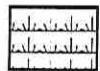
LAND USE



AGRICULTURE



RURAL



NATURAL HERITAGE - PSW



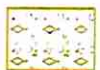
SETTLEMENT AREA



NATURAL HERITAGE



RESIDENTIAL



MINERAL RESOURCE - Mineral



COMMERCIAL



MINERAL RESOURCE - Mineral Aggregate



INDUSTRIAL/BUSINESS



NATURAL HAZARD

△ Closed Waste Disposal Site

▲ Open Waste Disposal Site

P Licensed Pit

Q Licensed Quarry

✕ Abandoned Mines & Mineral Resource Operations

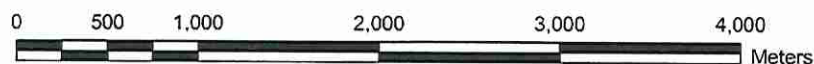
ROADS

———— Provincial Highway

———— County Road

———— Township Road

----- Private Road



1:25,000

ISSUE DATE: NOVEMBER, 2006
REVISED: OCTOBER, 2009

NOVATECH

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THIS PLAN IS BASED UPON INFORMATION
OBTAINED JANUARY, 2003 FROM THE
UNITED COUNTIES OF LEEDS AND
GRENVILLE.



BROCKVILLE

CITY OF THE 1000 ISLANDS

TRANSPORTATION SERVICES

North:



Legend:

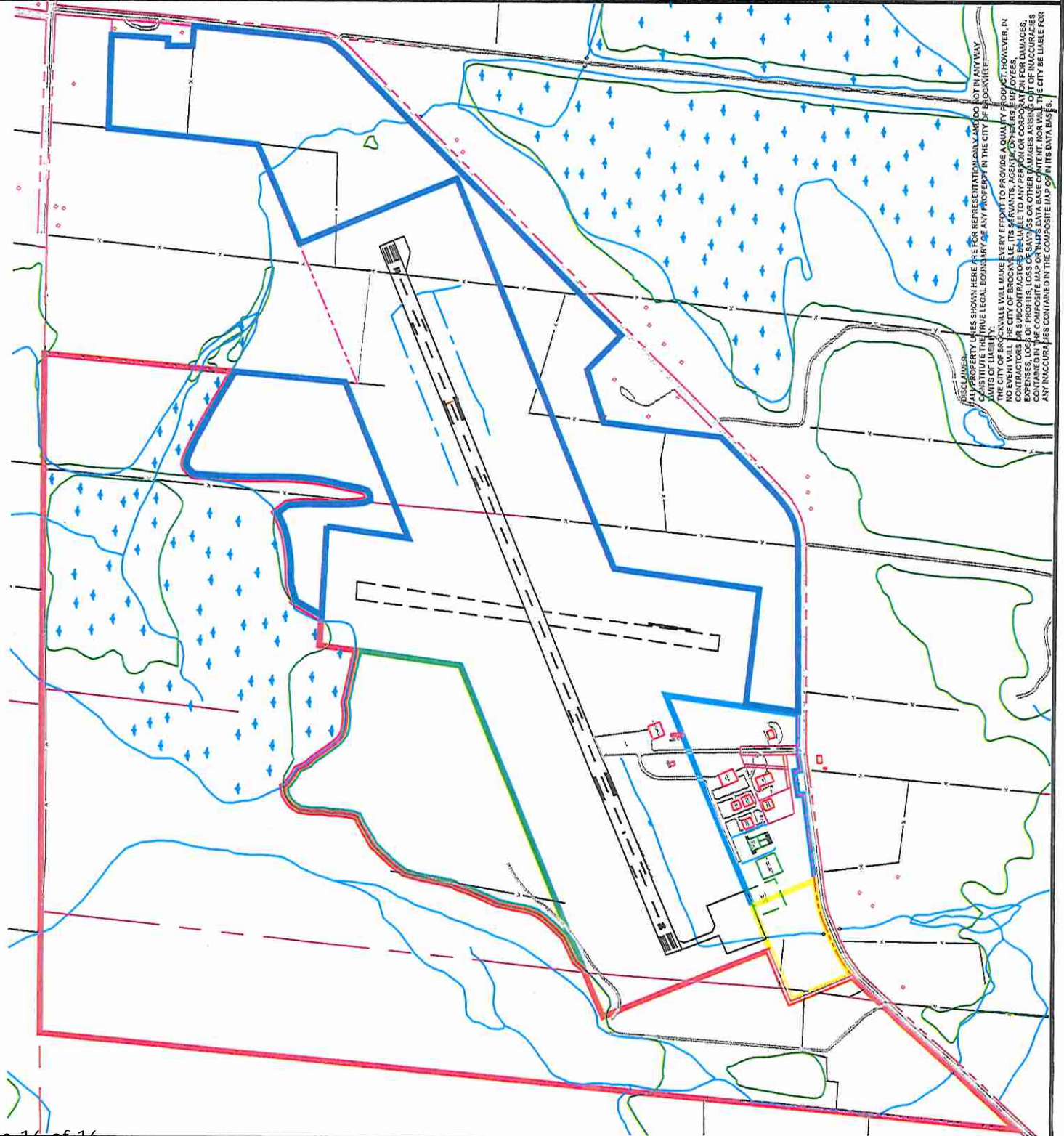
- Brockville Airport Property Line
- Property Line (Other)
- Lot Envelope
- Fence Line
- Watercourse
- Overhead Hydro Lines
- Wooded Area
- Welland

- TRAINING 'A' 35.92ha
- TRAINING 'B' 85.94ha
- RANGE 12.43ha
- CITY HANGAR
- CAMPUS 2.05ha

DRAWING NAME

1000 ISLANDS REGIONAL
TACKABERRY AIRPORT
LEASE AREAS

Drawn: JPB Date: APRIL 28, 2016
Scale: NTS Drawing No: 1



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