

COUNTY OF BRANT COUNCIL MINUTES

Council Chambers, Paris
 January 8, 2008
 7:00 p.m.

Present: Mayor Eddy, Councillors Wheat, Schmitt, Haggart, Atfield, Powell, Chambers, Hodge, Coleman and Gatward.

Regrets: Councillor Simons.

Staff: Fiebig, Glassford, Compeau, Johnston, Underwood, Bell, Dekker and Carman.

Mayor Eddy in the Chair.

MINUTE OF SILENCE

The Members of Council observed a minute's silence in memory of David Neill, a dedicated volunteer who was very involved in fundraising endeavours in the community, who recently passed away.

APPROVAL OF AGENDA

Moved by – Councillor Schmitt
 Seconded by – Councillor Wheat

That the Brant County Council agenda and addendum for the January 8, 2008 meeting be approved as distributed, with the following additions and changes:

- Councillor Wheat – information report on the Library
- it was agreed that Staff Report 9(b) on the Amendments to the Taxi Licensing By-law would be dealt with following "Delegations"

. Carried

DELEGATIONS/PRESENTATIONS/PETITIONS**Mayor Eddy – Remarks**

Mayor Eddy advised that arrangements are being made to present the new aerial fire truck to Council prior to an upcoming Council meeting in February. He noted that the County has received a flood advisory from the Grand River Conservation Authority due to the recent thaw. A copy of an article from the Tekawannake dated November 28, 2007 on the occupation of property on Powerline Road east of Mile Hill Road was distributed for the Council's information.

- Mayor Eddy highlighted the following accomplishments of Council during 2007:
- approval of a gravel pit license for the expansion of the Hunt Gravel Pit on Maple Avenue
 - construction of new library branch in Burford
 - approval of architectural consultants for the twin pad arena project
 - commencement of the Five-Year Review of the Official Plan, including public meetings
 - Council is still awaiting a decision from the Ministry of the Environment on the request from the Concerned Citizens of Mile Hill for a Part II bump-up request for the Mile Hill wastewater servicing project – the Concerned Citizens may be requesting an appeal through the Environmental Bill of Rights which will increase the costs for the project and further delay development of Southwest Paris, including industrial development

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Brant County Council will be undertaking the following important projects in 2008:

- continuation of the Five-Year Official Plan Review
- the proposed Cultural Centre in Paris
- location of the Family Health Team Centre needs to be finalized
- possible relocation of the Willett Hospital Urgent Care operation
- location of a Brant OPP headquarters
- completion of the substantive improvements to the Telfer and Gilbert Wellfields to supply additional water for Paris
- possible changes to downtown Paris as proposed by First Urban
- completion of the restoration and renovation of the former Penman's building on Grand River Street North with restaurants and shops that will be a tourist attraction for the area
- construction of a new elementary school for Paris
- hoping for renewed production in the former Wescast and Bluebird factories
- conversion of the former Penman's/Marco Building to residential apartments
- continuation of the City/County Boundary Negotiations, although meeting dates have not been established – the County is preparing a response to the City's final offer

Amendments to Taxi Licensing By-law

Dennis Touesnard, representing Grand River Cabs, requested that the proposed amendments to the Taxi Licensing By-law be tabled to allow the two taxi cab owners to make written submissions on the proposed changes and other issues. Mr. Touesnard outlined his client's objections to the proposed limousine definition and requested that Council consider "grandfathering" Grand River Cabs to allow an exception to the definition. He also questioned why the specialized transportation carrier does not have to provide written records to the By-law Enforcement Officers of these trips and suggested that work done under this contract should not be used towards the "continuous operation" requirement for taxi cab operations. He noted that Grand River Cabs has received positive feedback from its users, and that the complaints referred to in the staff report have been made by or on behalf of the other stakeholder, not customers. Grand River Cabs has not been in contravention of the taxi licensing by-law, because no enforcement steps have been taken by the County.

In response to questions, Mr. Touesnard advised that the taxi owner submissions are to be submitted to County staff by the end of January, at which time they will be reviewed by staff and Siskinds for preparation of a report to the February Corporate Development Committee meeting. He advised that Grand River Cabs has two taxis and other vehicles operating as part of the discount limousine service.

In Camera at 7:40 p.m. to discuss advice that is subject to solicitor-client privilege, on motion of Councillors Haggart and Coleman.

This portion of the minutes is recorded in the In Camera – Confidential Brant County Council minutes dated January 8, 2008.

Open Session at 7:55 p.m., on motion of Councillors Chambers and Powell.

PROPOSED AMENDMENTS TO TAXICAB LICENSING BY-LAW 104-03

Moved by – Councillor Haggart
Seconded by – Councillor Schmitt

That the following amendments to the Taxicab Licensing By-law Number 104-03 be approved:

1. That the following definition of limousine be added:
"Limousine" means a *Motor Vehicle* which is used for the conveyance of passengers for compensation, and which:
 - (i) is hired solely for the conveyance of passengers on an hourly-basis; and
 - (ii) is hired by any one person for a minimum duration of one continuous hour in any given day; and
 - (iii) is hired based on an hourly rate paid in full, in advance of commencement of the trip; and
 - (iv) for the duration of the prepaid trip, does not permit the hiring of the motor vehicle by any other party.
2. That Schedule A be amended by deleting references to livery vehicles and the section entitled Taxicabs (By the Hour) – Fare B.
3. That the offence sections indicated be amended to read as follows:
 - 45(1) No person shall operate a taxicab within the County, unless licensed as a driver under this by-law.
 - 45(2) No registered owner of a motor vehicle shall hold that motor vehicle out to be a taxicab, or operate or permit the operation of that vehicle as a taxicab, within the County of Brant, unless that vehicle is a licensed taxicab. For greater certainty, in this section licensed taxicab means that the registered owner of the motor vehicle has been issued an owner's license and an owner's plate for that vehicle.
 - 45(4) No person shall operate a taxicab, within the County of Brant, unless an owner's license and owner's plate have been issued for that taxicab.
 - 46(7) Except for a tip or gratuity, receive any fare that is greater or less than the approved fare as set out in Schedule A to this By-law.
4. That the following definition sections be added:
 - 1(45) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly.
 - 1(46) "operate" when used in reference to a Taxicab includes to drive the said motor vehicle or to make it available to the public in service as a taxicab and operated and operation have corresponding meanings.
5. That section 3 be amended to include the following exemption:
 - 3(4) The provisions of this by-law do not apply to conveyances to transport persons with physical, emotional or mental disabilities where the conveyance is made pursuant to a written contract. Nothing in this section restricts limits or prevents the owners and drivers of taxicabs from providing this service under contract.

. Carried

Mayor Eddy noted that as a result of submissions that are to be received from the taxicab owners by the end of January, the Corporate Development Committee would be considering a staff report on further amendments to the Taxicab Licensing By-law at their February meeting.

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MINUTES

Moved by – Councillor Gatward
Seconded by – Councillor Powell

That the minutes of the December 18, 2007 meeting of Brant County Council be adopted, copies having been forwarded to the members prior to the meeting.

.Carried

Moved by – Councillor Hodge
Seconded by – Councillor Chambers

That the In Camera minutes of the December 19, 2007 meeting of Brant County Council be adopted, copies having been forwarded to the members prior to the meeting.

.Carried

BUSINESS ARISING FROM THE MINUTES

1. Copy of letter sent by M.P.P. Dave Levac to Hon. James Bradley, Minister of Transportation, requesting funding for the Paris High Level Bridge.
2. Letter from Ministry of Public Infrastructure Renewal advising that information on County's infrastructure needs forwarded by M.P.P. Levac has been received and a response from the Minister will be forthcoming.

CONSENT ITEMS

Moved by – Councillor Coleman
Seconded by – Councillor Wheat

That the following Consent Information Report items be received:

1. Applications to be heard at the January 24 Committee of Adjustment meeting.
2. Police Services Board – minutes of December 19 meeting.
3. Notice of Public Information Centre for the River Road Class EA to be held on Wednesday, January 23 from 4:30 – 8:30 p.m. at the Mount Pleasant Community Centre.

That the following Consent Communication items be received:

1. Association of Municipalities of Ontario:
 - a. OMPF Funding Guarantee for 2008
 - b. House of Commons motion calling for permanent Federal Gas Tax Funding for municipalities
 - c. Municipal Infrastructure Investment Initiatives. **Rick Fiebig advised that senior staff will be reviewing a number of construction-ready projects once more details on the program are available. A staff report outlining proposed projects will be presented to Council for consideration as soon as possible.**
2. Ministers of Finance and Municipal Affairs and Housing – Notification of the 2008 Ontario Municipal Partnership Fund (OMPF) allocations.
3. Ministry of Municipal Affairs and Housing – information on the 2007 Municipal Performance Measurement Program requirements.

4. December 2007 *Update* newsletter from the Ministry of Municipal Affairs and Housing.
5. Region of Waterloo – Copy of proposed Regional Reurbanization Community Improvement Plan and notice of public meeting to be held January 29, 2008.
6. Hydro One Inc. – *Directions 2007* Status Report.
7. *Brantford-Brant Economic Development Update* newsletter for Winter 2007/08.
8. Thank you from Don Cunningham for Employees' Christmas voucher.
9. *GRCA Minutes* newsletters for December 2007 and January 2008.
10. Minutes of Meetings:
 - a. Brant County Power Inc. – November 7, 2007.
 - b. Brant County Power Services Inc. – November 22, 2007.

.Carried

PLANNING ADVISORY

Councillor Chambers presented the following report from the December 19, 2007 meeting of the Planning Advisory Committee:

1. That Councillor Robert Chambers be appointed Chair of the Planning Advisory Committee.
2. That Councillor Kevin Hodge be appointed Vice-Chair of the Planning Advisory Committee.
3. That application ZBA 36/07/MP from Gowling Lafleur Henderson, agent for 1664531 Ontario Inc., applicant for Part Lot 9, Range 1, NHR, County of Brant in the geographic Township of Brantford, located at 89 Madden Road and 1642 Colborne Street East to rezone the lands from Agricultural (A) to Agricultural with an exception (A-9) to prohibit a dwelling be approved to facilitate the severing of one parcel as a surplus farm dwelling and one parcel as a lot addition.
4. That for lands designated as Block 155, Plan 2M-1893, located on Grandville Circle, County of Brant in the geographic Town of Paris, the removal of the holding 'h' provision be undertaken upon the signing of the associated development agreement;

And that Council approve the lifting of the holding 'h' provision from the zoning by-law and adopt the by-law permitting the institutional development of these lands.

5. That the County of Brant Heritage Committee recognize a total of six heritage properties in February, with a framed certificate of merit and a possible framed photo of the property, subject to budget restrictions.
6. That the report 'Proposed Final Built Boundary for the Growth Plan for the Greater Golden Horseshoe, 2006' be received as information, supporting staff's proposal to request the reallocation of the Burford settlement area from a delineated built boundary to an undelineated built-up area, as amended to include a request to reallocate the Cainsville settlement area from an undelineated built-up area to a delineated built boundary.

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 Moved by – Councillor Chambers
 Seconded by – Councillor Hodge

That the report of the Planning Advisory Committee from its December 19, 2007 meeting be adopted.

.Carried

PARKS AND RECREATION

Councillor Wheat presented the following report from the December 17, 2007 meeting of the Parks and Recreation Committee, noting that Recommendation 6 was being amended to correct the description portion of the trail that is included in the Maintenance Agreement. It was agreed that Recommendations 6 and 7 would be dealt with separately.

1. That Councillor John Wheat be appointed Chair of the Parks and Recreation Committee.
2. That Councillor Steve Schmitt be appointed Vice-Chair of the Parks and Recreation Committee.
3. That the Glen Morris Centennial Hall Committee be authorized to purchase new 8 foot tables (wooden or plastic) at a total price not to exceed \$500.00.
4. That the neighbouring property owner be approached for permission to tie into the existing water line with a separate meter for the Cobblestone Common Parkette.
5. That County of Brant By-law 19-99 to establish Community Recreation Centres be amended to:
 - i. Include Harley Community Centre, Northfield Community Centre and Oakland Community Centre under this by-law;
 - ii. Remove Newport Community Centre from this by-law as it has been closed as a community centre.
6. **(Amended)** That the County of Brant enter into a Maintenance Agreement with the Grand River Conservation Authority for maintenance responsibilities as outlined in the agreement for the section of the L.E.&N. Rail Trail that **begins in the south at the Optimist Nature Park in Mount Pleasant northerly to the City of Brantford boundary** ~~runs from the southerly boundary of the County of Brant, northerly to the City of Brantford boundary and bordering the Mount Pleasant Optimist Park,~~ to be in effect from January 1, 2008 until November 28, 2011.
7. That Parks and Recreation staff prepare the necessary documents to proceed with a request for proposals for professional services to direct and manage the fundraising campaign for the Twin Pad Arena;

And that the successful firm report directly to the Parks and Recreation Committee.

Moved by – Councillor Wheat
 Seconded by – Councillor Schmitt

That Recommendations 1 – 5 of the Parks and Recreation Committee report from its December 17, 2007 meeting be adopted.

.Carried

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Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That Recommendation 6 of the Parks and Recreation Committee report from its December 17, 2007 meeting be adopted.

. Carried

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That Recommendation 7 of the Parks and Recreation Committee report from its December 17, 2007 meeting be adopted.

. Carried

In response to a question, Mayor Eddy reported that asbestos must be removed from the Newport Community Centre before work can proceed on the demolition.

TREES CONSERVATION COMMITTEE

Councillor Schmitt presented the following report of the Trees Conservation Committee from its January 7, 2008 meeting:

1. That Minor Exception Application 1-08 from 833208 Ontario Inc. to remove approximately one acre of trees on property located at 58 8th Concession Road, Part of Lot 3, Concession 7, geographic Township of Burford, to allow construction of a house and driveway be approved.

Moved by – Councillor Schmitt

Seconded by – Mayor Eddy

That the report of the Trees Conservation Committee from its January 7, 2008 meeting be adopted.

. Carried

STAFF REPORTS

County Support for the 2008 St. George Apple Fest

Moved by – Councillor Schmitt

Seconded by – Councillor Wheat

That the County of Brant support the 2008 St. George Apple Fest by way of a contribution of goods and services with an estimated value of \$10,000.00.

. Carried

INFORMATION REPORTS

1. Councillor Wheat advised that he had received a reply from the City of Brantford Public Library Board in response to the reciprocal borrowing program. He could not provide details at this time, as the unfavourable reply will be discussed at the January Library Board meeting.

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CORRESPONDENCE

1. Proposal from Hon. Jim Watson, Minister of Municipal Affairs and Housing re: County's request for disaster area funding for the Newport Road and River Road area.

Moved by – Councillor Haggart
Seconded by – Councillor Coleman

That the letter from the Hon. Jim Watson, Minister of Municipal Affairs and Housing, regarding a proposal for disaster area funding for the Newport Road and River Road area be referred to Senior Administration to prepare a report for consideration at the February Corporate Development Committee meeting, including funding sources for the County's share of the funding, and input from Councillor Coleman with respect to the residents.

. Carried

2. Lynn and Jim Haig, 144 Oakland Road re: concerns about accidents at the corner of Oakland Road and King Street, Oakland

Moved by – Councillor Gatward
Seconded by – Councillor Coleman

That the letter from Lynn and Jim Haig, 144 Oakland Road, regarding concerns about accidents at the corner of Oakland Road and King Street, Oakland, be referred to the Public Works Committee for consideration.

. Carried

3. W. J. Coppes, Glen Morris and District Lions Club re: Glen Morris Centennial Hall.

Moved by – Councillor Schmitt
Seconded by – Councillor Wheat

That the letter from W. J. Coppes, Glen Morris and District Lions Club regarding the Glen Morris Centennial Hall be referred to the Parks and Recreation Committee for consideration.

. Carried

It was agreed that the Glen Morris Lions Club should be advised in writing that there is no list of community centres that the County intends to close. This message should also be conveyed to all communities with community centres/halls to correct a misperception.

4. Hon. David Caplan, Minister of Public Infrastructure Renewal, re: County's request for Provincial infrastructure funding. It was noted that the County will be requesting a meeting with Minister Caplan at the OGRA/ROMA Conference in February, with MPP Dave Levac in attendance.
5. Press Release from the Concerned Citizens for Mile Hill re: M.P.P. Levac's comments on the Part II Order Request. Mayor Eddy pointed out that the County had requested that M.P.P. Levac lobby the Ministry of the Environment for a timely response, not approval or denial, on the Part II request.

QUESTIONS

1. In response to a question, the C.A.O. advised that the County has not received a written response to date from Indian and Northern Affairs Minister Strahl or M.P. St. Amand on the question regarding the tow path through Middleport.

ROAD CLOSING BY-LAW – EXTENSION OF MOLSON ROAD

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That Part of Lot 5, Range 1, geographic Township of Brantford, North of Ancaster Road, described as Parts 1 and 2 on the draft Reference Plan 07-091 of MacAulay, White and Muir Ltd. be declared surplus to the needs of the County of Brant;

And that in accordance with Sections 7 and 9 of the County of Brant Sale of Land By-law Number 201-02, this property be declared surplus to the needs of the County of Brant and notice is hereby given that a by-law to approve the proposed sale of this property will be presented at the January 22, 2008 meeting of Brant County Council.

. Carried

OTHER BUSINESS

1. Invitation from Brant County Health Unit to attend “Walkability Workshop” to be held on Monday, January 21 from 6 – 8:30 p.m. at the Fire Administration Building, Paris.
2. Councillor Schmitt advised that a delegation from the Brantford Municipal Airport Commission would be appearing before County Council to request funding.

APPOINTMENT TO THE SANDERSON CENTRE

Councillor Haggart read a copy of a letter he had forwarded to the Sanderson Centre submitting his resignation as the County of Brant representative. He advised that it is his opinion that the County should not have a representative on the Sanderson Centre Board unless it is willing to contribute to the financial costs of the Centre. He also referred to a letter from Susan Dingman, Chair of the Sanderson Centre Board, thanking him for his input at meetings and his participation on the Board and at events at the Centre, and noting that she was not surprised that the County would not be providing financial support in 2008.

Discussion ensued on the appointment of another member of Council to sit on the Sanderson Centre Board, it being noted that the appointment is not contingent on funding from the County of Brant.

Moved by – Councillor Chambers
Seconded by – Councillor Gatward

That Councillor Powell be appointed to serve on the Sanderson Centre Board of Management as the County of Brant representative for the term ending November 30, 2010.

. Carried

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Mayor Eddy thanked Councillor Haggart for his participation and representation on the Sanderson Centre.

In Camera at 8:50 p.m. to discuss property negotiations and a personal matter about an identifiable individual, on motion of Councillors Coleman and Hodge.

This portion of the meeting is recorded in the In Camera – Confidential Brant County Council minutes dated January 8, 2008.

Open Session at 9:15 p.m., on motion of Councillors Schmitt and Wheat.

OFFERS TO PURCHASE – BURTCH ROAD

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That the Agreement of Purchase and Sale from Graham Sayles for the purchase of 547 Burtch Road be accepted at the sale price of \$171,000.00.

. Carried

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That the Agreement of Purchase and Sale from George Walter Schmidt for the purchase of 545 Burtch Road be accepted at a sale price of \$82,900.00.

. Carried

BY-LAWS

Moved by – Councillor Powell

Seconded by – Councillor Atfield

That the following by-laws be now read a first time:

- By-law Number 1-08 to renew a lease with Norma Isotamm for land located at 557 Paris Road.
- By-law Number 2-08 to amend Parking By-law Number 164-01 (various parking restrictions in Paris).
- By-law Number 3-08 to amend Traffic By-law Number 182-05 to implement stop signs on Highway 54 at Pauline Johnson Road/Chiefswood Road.
- By-law Number 4-08 to provide for an interim tax levy, the payment of taxes and penalty and interest of 1.25% per month.
- By-law Number 5-08 to authorize the borrowing of money to meet expenditures in 2008.
- By-law Number 6-08 to establish fees and charges to be collected by the Corporation of the County of Brant, and repeal By-laws 40-07, 148-07 and 186-07.
- By-law Number 7-08 to amend By-law Number 110-01 for property located at Part of Lot 9, Range 1, N.H.R., geographic Township of Brantford, to change the present Agricultural zone to prohibit the erection of a dwelling (Chisholm, 89 Madden Road).
- By-law Number 8-08 to authorize a Development Agreement with the Brant Haldimand Norfolk Catholic District School Board for property located at Block 155, Plan 2M-1893, geographic Township of Brantford (Elementary School, Grandville Circle).

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- By-law Number 9-08 to amend By-law Number 110-01 for property located at Part Lots 8 and 9, Concession 1, geographic Township of Brantford to remove the holding provision to permit the development of an elementary school (Brant Haldimand Norfolk Catholic District School Board, Grandville Circle).
- By-law Number 10-08 to amend County of Brant Taxicab Licensing By-law Number 104-03.
- By-law Number 11-08 to confirm the proceedings of Council.

. Carried

Moved by – Councillor Powell

Seconded by – Councillor Atfield

That the following by-laws be now read a second time and all clauses and preamble be adopted:

- By-law Number 1-08 to renew a lease with Norma Isotamm for land located at 557 Paris Road.
- By-law Number 2-08 to amend Parking By-law Number 164-01 (various parking restrictions in Paris).
- By-law Number 3-08 to amend Traffic By-law Number 182-05 to implement stop signs on Highway 54 at Pauline Johnson Road/Chiefswood Road.
- By-law Number 4-08 to provide for an interim tax levy, the payment of taxes and penalty and interest of 1.25% per month.
- By-law Number 5-08 to authorize the borrowing of money to meet expenditures in 2008.
- By-law Number 6-08 to establish fees and charges to be collected by the Corporation of the County of Brant, and repeal By-laws 40-07, 148-07 and 186-07.
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- By-law Number 10-08 to amend County of Brant Taxicab Licensing By-law Number 104-03.
- By-law Number 11-08 to confirm the proceedings of Council.

. Carried

Moved by – Councillor Powell

Seconded by – Councillor Atfield

That the following by-laws be now read a third time, passed, signed and sealed:

- By-law Number 1-08 to renew a lease with Norma Isotamm for land located at 557 Paris Road.
- By-law Number 2-08 to amend Parking By-law Number 164-01 (various parking restrictions in Paris).
- By-law Number 3-08 to amend Traffic By-law Number 182-05 to implement stop signs on Highway 54 at Pauline Johnson Road/Chiefswood Road.
- By-law Number 4-08 to provide for an interim tax levy, the payment of taxes and penalty and interest of 1.25% per month.

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- By-law Number 5-08 to authorize the borrowing of money to meet expenditures in 2008.
- By-law Number 6-08 to establish fees and charges to be collected by the Corporation of the County of Brant, and repeal By-laws 40-07, 148-07 and 186-07.
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- By-law Number 10-08 to amend County of Brant Taxicab Licensing By-law Number 104-03.
- By-law Number 11-08 to confirm the proceedings of Council.

. Carried

NEXT MEETING

The meeting adjourned at 9:20 p.m. to meet again on **Tuesday, January 22, 2008 at 7:00 p.m.** in the Council Chambers, Paris.

Mayor

Date Minutes Approved

Clerk